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Washington, Wednesday, August 1, 1945

The President

EXECUTIVE ORDER 9594

DESIGNATING THE CHIEF OF ENGINEERS, UNITED STATES ARMY, AS A MEMBER OF THE FEDERAL FIRE COUNCIL IN LIEU OF THE QUARTERMASTER GENERAL

NOTE: Executive Order 9594, dated July 28, 1945, was filed with the Division of the Federal Register as Document No. 45-8860 (NP) on July 31, 1945, at 11:40 a. m.

Regulations

TITLE 6—AGRICULTURE CREDIT

Chapter I—Farm Credit Administration

PART 10—FEDERAL LAND BANKS GENERALLY

LOAN REQUIREMENTS

Section 10.33 of Part 10, Chapter I, Title 6, Code of Federal Regulations, is hereby revoked.

Sections 10.10, 10.183, and 10.198 of Part 10, Chapter I, Title 6, Code of Federal Regulations, are hereby amended, and §§ 10.182–50, 10.223–53, 10.223–55, 10.223–58, 10.223–59, 10.223–60, 10.223–61, 10.223–62, 10.223–63, and 10.223–64 are hereby added thereto to read as follows:

§ 10.10 *Farm unit; required area and yield of farm.* To constitute a proper unit for a loan, except as provided in § 10.24 on outside income Commissioner loans a farm should be of sufficient area to yield at the hands of an ordinarily capable farmer, putting it to the use to which it is generally adapted, using average methods, and receiving normal prices, an income sufficient to maintain the family of the applicant, pay operating expenses and taxes, maintain the property, and discharge the interest and amortization payments on his loan. Since the earning power of land varies because of difference in the quality of soils, climatic conditions, crop adaptation, and market facilities, no arbitrary acreage limit should be established as necessary for a farm unit. Any decision that a particular property does not constitute a proper farm unit should be reached only after careful consideration of standards of living, the factors of production, and the earning power of the individual farm.

(Sec. 6, 47 Stat. 14; sec. 12 "Fifth", 39 Stat. 370, as amended; 12 U.S.C. 665, 771 "Fifth", as amended)

§ 10.182–50 *Interest rate on Commissioner loans.* Under the provisions of the fourth sentence of section 32 of the Emergency Farm Mortgage Act of 1933 the contract rate of interest on Commissioner loans is required to be 1 percent per annum higher than the basic rate on loans made at the same time by the bank through associations, otherwise than pursuant to section 25 (b) of the Farm Credit Act of 1937. This is applicable to all Commissioner loans, including those closed jointly with section 25 (b), direct, or special risk bank loans bearing a higher rate than such basic rate on bank loans made through associations.

(Sec. 32, 48 Stat. 48, as amended; 12 U.S.C. 1016 (c), as amended)

§ 10.183 *Buildings on which insurance must be maintained by mortgagor; amount and type of insurance.* Insurance on buildings shall be required against such risks and in such amounts as the bank may determine to be necessary for adequate protection of the mortgagee's interest. In making the determination consideration should be given to the size of the loan in relation to the value of the security, the extent to which the buildings enter into such value, and the extent to which the borrower's ability to operate the property efficiently

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NOTICE

The 1943 Supplement to the Code of Federal Regulations, covering the period June 2, 1943, through December 31, 1943, may be obtained from the Superintendent of Documents, Government Printing Office, at $3.00 per book.

Book 1: Titles 1–31, including Presidential documents in full text.

Book 2: Titles 32–50, with 1943 General Index and 1944 Codification Guide.

The complete text of the Cumulative Supplement (June 1, 1938–June 1, 1943) is still available in ten units at $3.00 each.

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would be affected if a loss occurred and the buildings were not replaced.

(Sec. 12 "Ninth", 39 Stat. 370; 12 U.S.C. 771 "Ninth")

§ 10.198 *Nonapplicability of regulations.* The provisions of §§ 10.190 through 10.197 are not applicable in the case of settlements of losses on buildings not required by the bank to be insured.

(Sec. 12 "Ninth," 39 Stat. 370; 12 U.S.C. 771 "Ninth")

§ 10.223–53 *Reduction of interest rate.* The interest rate on any Commissioner loan, purchase money mortgage, or contract purchased or acquired by the bank must be reduced to the rate applicable to new land bank loans as of the date of the acquisition of the loan, purchase money mortgage, or contract by the bank, but upon acquisition the bank may make the reduced rate effective retroactively. This reduction in interest may be accomplished generally in the same manner and under the same procedure as was used to reduce the contract interest rate on land bank loans to 4 percent. The bank should notify each borrower of the interest reduction when effected. It may also wish to consider furnishing, or offering to furnish upon request of the borrower, an individual instrument in recordable form evidencing the reduction.

(Sec. 6, 47 Stat. 14; 12 U.S.C. 665; sec. 13 "Eighth," 39 Stat. 372)

§ 10.223–55 *Maximum and minimum loanable amounts.* The limitations with respect to the maximum and minimum amounts of loans as provided in section 12 "Seventh" of the Federal Farm Loan Act (12 U.S.C. 771 "Seventh"), shall be applied in connection with the purchase of a Commissioner loan, purchase money mortgage, or contract by the land bank. Accordingly, no such asset may be purchased from the Corporation if the amount thereof will increase the borrower's total indebtedness to the bank and any other banks of the system to an amount in excess of $50,000.

(Sec. 12 "Seventh", 39 Stat. 370; 12 U.S.C. 771 "Seventh"; sec 13 "Eighth", 39 Stat. 372, as amended; 12 U.S.C. 781 "Eighth", as amended)

§10.223–58 *Acquiring stock in addition to any available stock which borrower owns—retirement of stock owned by borrower.* "Any available stock" already owned by the borrower shall be stock in an unimpaired association which is owned by the borrower or in which the borrower owns the beneficial interest, and which, computed at its par value, is in excess of 5 percent of any outstanding bank loan or loans of the borrower through the same association. Also, where an association has been through conservatorship and is operating under section 25 (b) of the Farm Credit Act of 1937 with a completed compartment, any stock owned by the borrower in group 1, computed at its fair book value, which is in excess of 5 percent of any bank loan or loans of the borrower through group 1, may be retired and the proceeds thereof used to purchase stock in group 2 in connection with the asset being acquired. Under the foregoing definition, where a borrower has more than one loan through the association or owns stock in connection with a loan which is secured only in part by the property securing the asset being acquired, any excess stock in connection with such loan or loans is available stock.

(Sec. 6, 47 Stat. 14; 12 U.S.C. 665; sec. 13 "Eighth", 39 Stat. 372, as amended; 12 U.S.C. 781 "Eighth", as amended)

§ 10.223–59 *Farm Credit Administration approval of retirement of association or related bank stock.* The Administration approves the retirement, under section 7 of the Federal Farm Loan Act (12 U.S.C. 721), of related bank stock in an amount equal to such available association stock where such retirement is authorized by the board of directors of the bank and the proceeds are to be used for the purchase of stock needed in connection with the acquired asset.

(Sec. 7, 39 Stat. 465; 12 U.S.C. 721)

§ 10.223–60 *Classes of borrowers; borrowers' disposition of stock or purchase of additional stock; election to membership and purchase of stock by borrowers not members of an association.* It will be necessary to deal with three classes of persons in meeting the foregoing requirements; (a) those who are members of the association through which the paper is being acquired and who own sufficient available stock; (b) those who are members of the association but who do not own sufficient available stock in connection with any paid-down bank loan or loans; and (c) those who are not members of the association and who own no stock in it. As to the first class, the existing available stock or the stock purchased with the proceeds of retired available stock must be pledged as collateral security in accordance with the provisions of the Federal Farm Loan Act, as amended, for the indebtedness being acquired. Persons in the second class must purchase additional stock either in cash or under the methods hereinafter prescribed and pledge such stock, as well as the available stock or the stock purchased with the proceeds of the retired available stock, for the indebtedness being acquired. Persons in the third class must be elected to membership, purchase stock either for cash or under the methods hereinafter prescribed, and pledge such stock as collateral security for the indebtedness being acquired.

(Sec. 6, 47 Stat. 14; 12 U.S.C. 665; sec. 13 "Eighth", 39 Stat. 372, as amended; 12 U.S.C. 781 "Eighth", as amended)

§ 10.233–61 *Personal liability of borrower.* In each of the classes mentioned above the person owning the property subject to the loan, mortgage, or contract being acquired may or may not be personally liable on the indebtedness. If not personally liable, the person must become personally liable on the paper being acquired by the bank.

(Sec. 9, 39 Stat. 368; 12 U.S.C. 744)

§ 10.223–62 *Restrictions on eligibility of borrowers for association membership.* To be eligible for association membership, a person must meet the requirements for assumption of a bank mortgage under section 12, Sixth of the Federal Farm Loan Act, i. e., the person need not be a farmer, but must be a natural person or a livestock corporation eligible for membership.

(Sec. 12 "Sixth," 39 Stat. 370, as amended; 12 U.S.C. 771 "Sixth," as amended)

§ 10.223–63 *Payment in cash by borrower where amount of stock required is not substantial; additional loan to borrower to provide for payment of stock to be purchased; release by bank of conditional payments in amounts sufficient to cover the purchase of required stock; procedure for purchase of stock by borrower.* Where the amount of stock required is not substantial, it may be feasible to obtain payment therefor in cash. In other cases the borrower may desire, and it may be feasible, to provide for payment for the stock by means of an additional loan. It will also be appropriate for the bank to permit the release of conditional payments, under § 10.31, in amounts sufficient to cover the purchase of the required stock. However, where one of these procedures is not followed, the stock may be purchased under the following procedure:

(a) The borrower may apply to the association for credit in an amount sufficient to purchase such stock.

(b) In such application the borrower shall agree that his liability to the association for such stock shall be secured by a lien on the borrower's property which is security for the paper being acquired, junior to any lien held or to be acquired by the Federal land bank on such property. It is not necessary that the lien for the stock indebtedness be recorded.

(c) The association may charge the borrower interest at a rate not to exceed 4 per centum per annum on the unpaid balance of any indebtedness incurred for this purpose.

(d) The total of the amount of any such indebtedness for stock, the unpaid balance (unpaid principal, advances, and any other items properly chargeable to the borrower) of the loan, purchase money mortgage, or contract in connection with which such stock is issued, and any indebtedness to the Federal land bank secured by a prior lien on the property, shall not exceed 65 per centum of the normal value of the farm as deter-

mined upon appraisal made pursuant to the Federal Farm Loan Act.

(e) The association may in turn, pursuant to 12 U.S.C. 743, borrow from the Federal land bank the amount necessary to purchase stock in the bank where it has sold its stock on credit to its borrowers. Such borrowing may be evidenced by an assignment by the association to the bank of the borrower's agreement to pay for stock in the association.

(f) The applicant may request a deferment of principal payments in order to enable the association or the bank, as the case may be, to collect the amount for indebtedness for stock in the association, and the bank may grant such deferments under the provisions of section 13 "Nineteenth" of the Federal Farm Loan Act (12 U.S.C. 781 "Nineteenth").

(Sec. 6, 47 Stat. 14; 12 U.S.C. 665; Sec. 13 "Eighth", 39 Stat. 272, as amended; 12 U.S.C. 781 "Eighth", as amended; Sec. 9, 39 Stat. 368; 12 U.S.C. 743)

§ 10.223–64 *Issuance of new stock sufficient to cover existing loan; retirement of existing stock.* Where an applicant who does not own the outstanding stock in connection with the existing bank loan on the farm covered by the mortgage or contract being purchased by the bank from the Corporation desires or is required to acquire such stock or new stock in lieu thereof but cannot acquire the outstanding stock, the outstanding stock may be retired and paid off and new stock issued to the applicant and pledged in connection with the item being acquired. The Administration hereby approves the retirement of stock in such cases where it is authorized by the bank's board of directors. Where the applicant acquires no stock in connection with the bank loan, then, unless he procures from the owner of the association stock held in connection with the bank loan a power of attorney or other authorization to exercise the exclusive right to vote in connection with both loans, the applicant must agree with the association, in consideration of the bank's purchase of the Corporation asset, to forego the right to vote at any association meeting where he and the other stockholder are present, except when they agree as to which shall cast the one vote.

(Sec. 6, 47 Stat. 14; 12 U. S. C. 665; sec. 13 "Eighth", 39 Stat. 372, as amended; 12 U. S. C. 721; 12 U. S. C. 781 "Eighth", as amended; sec. 7, 39 Stat. 365)

[SEAL] J. R. ISLEIB,
Acting Land Bank Commissioner.

[F. R. Doc. 45-14031; Filed, July 31, 1945; 11:08 a. m.]

PART 11—NATIONAL FARM LOAN ASSOCIATIONS

RETIREMENT OF STOCK

Section 11.258–50 of Chapter I, Title 6, Code of Federal Regulations, is hereby amended to read as follows:

§ 11.258–50 *Retirement of stock in connection with division of loans.* The Administration approves the retirement under section 7 of the Federal Farm Loan Act (12 U.S.C. 721) of stock of the bank held as security for a loan resulting from the division of a loan in an amount which will reduce the amount of stock outstanding in connection with such loan to the amount which would be required to be purchased in connection with a new loan of like amount: *Provided*, That (a) such retirement is authorized by the board of directors of the bank, (b) a current appraisal shows that the loan is within the 65 percent of the normal agricultural value of the security, and (c) the capital stock of the association is not impaired.

(Sec. 6, 47 Stat. 14; Sec. 7, 39 Stat. 365; 12 U.S.C. 665, 721)

[SEAL] J. R. ISLEIB,
Acting Land Bank Commissioner.

[F. R. Doc. 45-14030; Filed, July 31, 1945; 11:08 a. m.]

Chapter II—Department of Agriculture, Commodity Credit Corporation

[1945 CCC Cottonseed Form A–1]

PART 269—OFFER TO COTTONSEED PROCESSORS

EXTENSION OF TIME FOR ACCEPTANCE OF COTTONSEED OFFER

The date on or before which processors may notify Commodity Credit Corporation of their acceptances of the Corporation's Offer to Cottonseed Processors (1945 CCC Cottonseed Form A) dated June 16, 1945, is hereby extended from August 1, 1945 to September 1, 1945.

[SEAL] COMMODITY CREDIT CORPORATION,
By C. C. FARRINGTON,
Vice President.

Attest:

SARA E. SWANICK,
Assistant Secretary.

[F. R. Doc. 45-14007; Filed, July 30, 1945; 3:11 p.m.]

TITLE 14—CIVIL AVIATION

Chapter II—Administrator of Civil Aeronautics

[Amdt. 114]

PART 601—DESIGNATION OF AIRWAY TRAFFIC CONTROL AREAS, AIRPORT APPROACH ZONES, AIRPORT TRAFFIC ZONES AND RADIO FIXES

DESIGNATION OF AIRPORT APPROACH ZONES

JULY 27, 1945.

Acting pursuant to the authority vested in me by section 308 of the Civil Aeronautics Act of 1938, as amended, and Special Regulation No. 197 of the Civil Aeronautics Board, I hereby amend Part 601 of the Regulations of the Administrator of Civil Aeronautics as follows:

1. By striking § 601.2 and substituting in lieu thereof a new § 601.2 to read as follows:

§ 601.2 *Airport approach zone designation.* The following described portions of the navigable airspace of the United States are hereby designated as airport approach zones:

§ 601.20 *Scope.* Each airport approach zone shall include the navigable airspace above all that area on the surface of the earth lying within the specified radius of the center point prescribed for such zone (except where otherwise described herein), but shall not include any of the airspace of an airspace reservation.

§ 601.200 *Airport approach zones:*

§ 601.2000 Within a ten mile radius of the following airports:

Abilene, Tex.	Abilene Air Terminal.
Acomita, N. Mex.	C. A. A. Int. Field.
Advance, Mo.	C. A. A. Int. Field.
Akron, Colo.	C. A. A. Int. Field.
Akron, Ohio.	Akron Airport.
Albany, N. Y.	Albany Airport.
Albuquerque, N. Mex.	Kirtland Field.
Alexandria, Minn.	Alexandria Airport.
Allentown, Pa.	Allentown - Bethlehem Airport.
Alma, Ga.	C. C. A. Int. Field.
Altoona, Pa.	Altoona - Blair County Airport.
Amarillo, Tex.	English Field (Amarillo A. A. F.).
Atlanta, Ga.	Atlanta Municipal Airport.
Augusta, Maine.	Augusta Airport.
Austin, Tex.	Robert Mueller Airport.
Baker, Oreg.	Baker Airport.
Bakersfield, Calif.	Bakersfield-Kern County Airport.
Baltimore, Md.	Baltimore Municipal Airport.
Bangor, Maine.	Dow Field.
Battle Mountain, Nev.	C. A. A. Int. Field.
Big Spring, Tex.	Big Spring A. A. F.
Billings, Mont.	Billings Airport.
Birmingham, Ala.	Birmingham A. A. F.
Bismarck, N. D.	Bismarck Airport.
Blackstone, Va.	Blackstone A. A. F.
Blythe, Calif.	Blythe A. A. F.
Boise, Idaho.	Gowen Field.
Bowling Green, Ky.	Bowling Green Airport.
Bozeman, Mont.	Gallatin Field.
Brownsville, Tex.	Brownsville Airport.
Buffalo, N. Y.	Buffalo Municipal Airport.
Burbank, Calif.	Lockheed Air Terminal.
Burley, Idaho.	Burley Airport.
Burlington, Iowa.	Burlington Airport.
Burlington, Vt.	Burlington Airport.
Casper, Wyo.	Wardwell Field.
Chanute, Kans.	Chanute Airport.
Charlotte, N. C.	Morris Field.
Chattanooga, Tenn.	Chattanooga Airport (Lovell Field).
Cheyenne, Wyo.	Cheyenne Airport.
Chicago, Ill.	Chicago Municipal Airport.
Cincinnati, Ohio.	Lunken Airport.
Clarendon, Tex.	C. A. A. Int. Field.
Cleveland, Ohio.	Cleveland Municipal Airport.
Cochise, Ariz.	C. A. A. Int. Field.
Couer D'Alene, Idaho.	Couer D'Alene Air Terminal Airport.
Colorado Springs, Colo.	Peterson Field.
Columbia, Mo.	Columbia Airport.
Columbus, N. Mex.	C. A. A. Int. Field.
Columbus, Ohio.	Port Columbus.
Concord, N. H.	Concord Airport.
Cross City, Fla.	Cross City A. A. F.
Custer, Mont.	C. A. A. Int. Field.
Cutbank, Mont.	Cutbank Airport.
Daggett, Calif.	Daggett Municipal Airport.
Dayton, Ohio.	Dayton Municipal Airport.

Delta, Utah.	Delta Airport
Denver, Colo.	Stapleton Air Field.
Des Moines, Iowa.	Des Moines Airport.
Detroit, Mich.	Detroit City Airport.
Dickinson, N. Dak.	Dickinson Airport.
Dillon, Mont.	C. A. A. Int. Field.
Dothan, Ala.	Dothan Airport.
Drummond, Mont.	C. A. A. Int. Field.
Dubois, Idaho.	C. A. A. Int. Field.
Duluth, Minn.	Williamson-Johnson Airport.
Effingham, Ill.	C. A. A. Int. Field.
Elkins, W. Va.	Elkins Airport.
Elko, Nev.	Elko Airport (Keddie Field).
Ellensburg, Wash.	Ellensburg A. A. F.
Elmira, N. Y.	Chemung County Airport.
El Morro, N. Mex.	C. A. A. Int. Field.
El Paso, Tex.	Ed Anderson Field (El Paso Municipal Airport).
Enterprise, Utah.	C. A. A. Int. Field.
Ephrata, Wash.	Ephrata A. A. B.
Erie, Pa.	Port Erie Airport.
Eugene, Oreg.	Mahlon-Sweet Airport.
Evansville, Ind.	Evansville Airport (old).
Everett, Wash.	Paine Field.
Fairfield, Calif.	Fairfield-Suisun A. A. F.
Fairfield, Utah.	C. A. A. Int. Field.
Fargo, N. D.	Fargo Airport (Hector Field.
Florence, S. C.	Florence A. A. F.
Fort Bridger, Wyo.	C. A. A. Int. Field.
Fort Meyers, Fla.	Page Field.
Fort Wayne, Ind.	Baer Field.
Fort Wayne, Ind.	Smith Field.
Fresno, Calif.	Fresno-Chandler Airport.
Gage, Okla.	Gage A. A. F.
Garden City, Kans.	Garden City Airport.
Gila Bend, Ariz.	Gila Bend A. A. F.
Gordonsville, Va.	C. A. A. Int. Field.
Goshen, Ind.	C. A. A. Int. Field.
Grand Forks, N. Dak.	Grand Forks Airport.
Grand Island, Nebr.	Grand Island Airport.
Grand Rapids, Mich.	Kent County Airport.
Great Falls, Mont.	Gore Field.
Greensboro, N. C.	Greensboro-High Point Airport (Lindley Field).
Greenville, S. C.	Greenville Airport.
Greenwood, Miss.	Greenwood Airport.
Hartford, Conn.	Brainard Field.
Harvey, Ill.	Rubinkam Airport.
Hayes Center, Nebr.	C. A. A. Int. Field.
Helena, Mont.	Helena Airport.
Houlton, Maine.	Houlton A. A. F.
Houston, Tex.	Houston Airport.
Huron, S. Dak.	W. W. Howes Airport.
Indianapolis, Ind.	Indianapolis Municipal Airport.
Jacks Creek, Tenn.	C. A. A. Int. Field.
Jackson, Miss.	Jackson Airport.
Joliet, Ill.	C. A. A. Int. Field.
Joplin, Mo.	Joplin Airport.
Kansas City, Mo.	Kansas City Municipal Airport.
Kirksville, Mo.	Kirksville Airport.
Knoxville, Tenn.	Knoxville McGhee-Tyson Airport.
LaCrosse, Wis.	C. A. A. Int. Field.
Lafayette, Ind.	Purdue University Airport.
La Junta, Colo.	La Junta A. A. F.
Lake Charles, La.	Lake Charles A. A. F.
Lansing, Mich.	Capital City Airport.
Laramie, Wyo.	General Brees Airport.
Las Vegas, Nev.	Las Vegas A. A. F.
Las Vegas, N. Mex.	Las Vegas Airport.
Lebo, Kans.	C. A. A. Int. Field.
Lewistown, Mont.	Lewistown Airport.
Little Rock, Ark.	Adams Field.
Lone Rock, Wis.	C. A. A. Int. Field.
Louisville, Ky.	Bowman Field.
Lucin, Utah.	C. A. A. Int. Field.
Lynchburg, Va.	Preston Glenn Airport.
Macon, Ga.	Herbert Smart Airport.
Madison, Wis.	Truax Airport.
Malad City, Idaho.	C. A. A. Int. Field.
Marianna, Fla.	Marianna A. A. F.
Martinsburg, W. Va.	Shepherd Airport.
Medford, Oreg.	Medford Airport.
Meridian, Miss.	Key Field.
Miles City, Mont.	Miles City Airport.
Milford, Utah.	C. A. A. Int. Field.
Millinocket, Maine.	Millinocket Airport.
Milwaukee, Wis.	General Mitchell Field.
Missoula, Mont.	Missoula County Airport.
Monroe, La.	Selman Field.
Montgomery, Ala.	Gunter Field.
Montpelier, Vt.	Barre-Montpelier Airport.
Muskegon, Mich.	Muskegon County Airport.
Nashville, Tenn.	Berry Field.
Navasota, Tex.	C. A. A. Int. Field.
Needles, Calif.	Needles Airport.
Newark, N. J.	Newark Airport.
Newburgh, N. Y.	Stewart Field.
Newhall, Calif.	Newhall Airport.
North Platte, Nebr.	Lee Bird Field.
Ogden, Utah.	Robert H. Hinckley Field
Omaha, Nebr.	Omaha Municipal Airport.
Otto, N. Mex.	C. A. A. Int. Field.
Palmdale, Calif.	Palmdale A. A. F.
Pembina, N. Dak.	C. A. A. Int. Field.
Philipsburg, Pa.	Black Moshannon Airport.
Phoenix, Ariz.	Sky Harbor Airport.
Pierre, S. Dak.	Pierre A. A. F.
Pittsburgh, Pa.	Pittsburgh-Allegheny County Airport.
Pocatello, Idaho.	Pocatello Airport.
Portland, Oreg.	Portland Municipal Airport.
Prescott, Ariz.	Ernest Love Airport.
Presque Isle, Maine.	Presque Isle A. A. F.
Pueblo, Colo.	Pueblo Airport.
Pulaski, Va.	C. A. A. Int. Field.
Raleigh, N. C.	Raleigh-Durham Airport.
Rapid City, S. Dak.	Rapid City A. A. F.
Red Bluff, Calif.	Bidwell Field.
Redmond, Oreg.	Redmond A. A. F.
Reno, Nev.	Hubbard Field.
Richmond, Va.	Richmond A. A. B.
Riverside, Calif.	March Field.
Roanoke, Va.	Woodrum Field.
Rodeo, N. Mex.	C. A. A. Int. Field.
Rochester, Minn.	Rochester Airport.
Rochester, N. Y.	Rochester Airport.
Rockford, Ill.	Machesney Airport.
Rock Springs, Wyo.	Rock Springs Airport (new)
Sacramento, Calif.	Sacramento Airport.
St. Joseph, Mo.	Rosecrans Field.
Salt Flat, Tex.	C. A. A. Int. Field.
Salt Lake City, Utah.	Salt Lake City Airport No. 1
San Antonio, Tex.	San Antonio Municipal Airport (Alamo Field).
Savannah, Ga.	Hunter Field.
Scottsbluff, Nebr.	Scottsbluff Airport.
Sheridan, Wyo.	Sheridan County Airport.
Shreveport, La.	Shreveport Airport.
Silver Lake, Calif.	C. A. A. Int. Field.
Sinclair, Wyo.	C. A. A. Int. Field.
Sioux City, Iowa.	Sioux City Municipal Airport.
Sioux Falls, S. Dak.	Sioux Falls Municipal Airport.
Smithville, Tenn.	C. A. A. Int. Field.
South Bend, Ind.	Bendix Field.
Spartanburg, S. C.	Memorial Airport.
Spokane, Wash.	Felts Field.
Springfield, Ill.	Springfield Airport.
Springfield, Mo.	Springfield Airport.
Superior, Mont.	C. A. A. Int. Field.
Syracuse, N. Y.	Syracuse Airport.
Tacoma, Wash.	McChord Field.
Tallahassee, Fla.	Dale Mabry Field.
Tampa, Fla.	Peter O. Knight Airport.
Terre Haute, Ind.	Paul Cox Airport.
Texarkana, Ark.	Texarkana Municipal Airport.
The Dalles, Oreg.	The Dalles Airport.
Toledo, Ohio.	Toledo Airport.
Toledo, Wash.	C. A. A. Int. Field.
Tri-City, Tenn.	Tri-City Airport.
Trinidad, Colo.	Trinidad Airport.
Tucson, Ariz.	Davis Monthan Field.
Tucumcari, N. Mex.	Tucumcari Airport.
Tulsa, Okla.	Tulsa Airport.
Utica, N. Y.	Utica Airport.
Vichy, Mo.	Vichy A. A. F.
Waco, Tex.	Blackland A. A. F.
Walla Walla, Wash.	Walla Walla A. A. F.
Washington, D. C.	Washington National Airport.
Watertown, S. Dak.	Watertown A. A. F.
Westfield, Mass.	Barnes Airport.
Whitehall, Mont.	C. A. A. Int. Field.
Wichita Falls, Tex.	Sheppard Field (Kell Field).
Wichita, Kans.	Wichita Municipal Airport.
Wilkes-Barre, Pa.	Wilkes-Barre Wyoming Valley Airport.
Williams, Calif.	C. A. A. Int. Field.
Williamsport, Pa.	Williamsport Airport.
Wink, Tex.	Wink Airport.
Winslow, Ariz.	Winslow Airport.
Winston-Salem, N. C.	Smith Reynolds Airport.
Yakima, Wash.	Yakima County Airport.
Youngstown, Ohio.	Youngstown Airport.

§ 601.2001 Within the specified radius of the following points:

§ 601.200100 (*Lubbock, Texas, airport approach zone*). Within a 40-mile radius of the Lubbock, Texas radio range station, up to and including the altitude of 7,000 feet above mean sea level.

§ 601.200101 (*Butte, Montana airport approach zone*). Within a 17-mile radius of Butte Airport, Butte, Montana.

§ 601.200102 (*Moline, Illinois airport approach zone*). Within a 13-mile radius of Moline Airport, Moline, Illinois.

§ 601.2002 Within a ten-mile radius of the following airports, excluding those portions of the zones lying outside the boundaries of civil airways:

Banana River, Fla.	Banana River N. A. B.
Beaumont, Tex.	Jefferson County Airport.
Biloxi, Miss.	Keesler Field.
Charleston, S. C.	Charleston A. A. F.
Daytona Beach, Fla.	Daytona Beach N. A. S.
El Centro, Calif.	El Centro M. C. A. S.
Harrisburg, Pa.	Harrisburg State Airport.
Humbolt, Nev.	C. A. A. Int. Field.
Hutchinson, Kans.	Hutchinson Airport.
Key West, Fla.	Key West N. A. S.
Klamath Falls, Oreg.	Klamath Falls N. A. B.
Memphis, Tenn.	Memphis Airport.
Minneapolis, Minn.	Minneapolis - St. Paul Metropolitan Airport.
Mobile, Ala.	Bates Field.
New York, N. Y.	LaGuardia Airport.

Pendleton, Oreg...	Pendleton Field.
Philadelphia, Pa...	Northeast Philadelphia Airport.
Philadelphia, Pa...	Philadelphia Municipal Airport.
Portland, Maine...	Portland Airport.
Providence, R. I...	Hillsgrove A. A. F.
Romulus, Mich...	Romulus A. A. F.
St. Louis, Mo....	Lambert-St. Louis Municipal Airport.
Santa Barbara, Calif.	Santa Barbara Municipal Airport.
Sunnydale, Calif...	Moffett Field.
West Palm Beach, Fla.	Morrison Field.

§601.2003 As described herein:

§ 601.200300 (*Alice, Texas airport approach zone*). Within a 10 mile radius of Alice Airport excluding those portions of the zone lying more than two miles on either side of the center lines of the on course signals of the Alice, Texas radio range.

§ 601.200301 (*Augusta, Georgia airport approach zone*). Within a 10 mile radius of Daniel Field, excluding those portions of the zone lying outside of the civil airways, and excluding those portions of the zone within Red Civil Airway No. 10 which lie more than two miles on either side of the center line of the on course signals of the northwest and southeast courses of the Augusta, Georgia radio range, but including that portion of the zone southeast of and within two miles of the center line of the on course signal of the southwest course of the Augusta, Georgia radio range.

§ 601.200302 (*Bellingham, Washington airport approach zone*). Within a 10 mile radius of Bellingham A. A. F. excluding those portions of the zone lying outside of the civil airways and excluding those portions of the zone lying within Amber Civil Airway No. 1 more than two miles northwest of the center lines of the on course signals of the southwest and northeast courses and more than two miles on either side of the center line of the on course signal of the northwest course of the Bellingham, Washington radio range.

§ 601.200303 (*Boston, Massachusetts airport approach zone*). Within a 10 mile radius of Logan Airport, excluding those portions of the zone lying outside of the civil airways, and excluding that portion of the zone lying more than two miles south of the center line of the on course signal of the east course and more than one mile southeast of the center line of the on course signal of the southwest course of the Boston, Massachusetts radio range.

§ 601.200304 (*Columbia, South Carolina airport approach zone*). Within a 10 mile radius of Owens Field excluding those portions of the zone lying outside of the civil airways and excluding those portions of the zone lying more than two miles on either side of the center lines of the on course signals of the east and southeast courses and more than one mile on either side of the southwest course of the Columbia, South Carolina radio range.

§ 601.200305 (*Corpus Christi, Texas airport approach zone*). Within a 10 mile radius of Cliff Maus Field, excluding those portions of the zone lying outside of the civil airways, and excluding those portions of the zone lying more than two miles on either side of the center lines of the west and northwest courses of the Corpus Christi, Texas radio range.

§ 601.200306 (*Crestview, Florida airport approach zone*). Within a 10 mile radius of C. A. A. Int. Field excluding those portions of the zone lying outside the civil airways, and excluding those portions of the zone lying more than two miles on either side of the center line of the on course signal of the west course of the Crestview, Florida radio range.

§ 601.200307 (*Dallas, Texas airport approach zone*). Within a 10 mile radius of Love Field excluding those portions of the zone lying outside the civil airways, and excluding those portions lying more than two miles on either side of the center lines of the on course signals of all courses of the Dallas, Texas radio range and more than two miles on either side of the center line of the on course signal of the east course of the Fort Worth, Texas radio range.

§ 601.200308 (*Fort Worth, Texas airport approach zone*). Within a 10 mile radius of Meacham Field, excluding those portions of the zone lying outside the civil airways, and excluding those portions lying more than two miles on either side of the center lines of the on course signals of all courses of the Fort Worth, Texas radio range and more than two miles on either side of the center line of the on course signal of the west course of the Dallas, Texas radio range east of the center line of the on course signal of the south course of the Fort Worth, Texas radio range.

§ 601.200309 (*Galveston, Texas airport approach zone*). Within a 10 mile radius of Galveston A. A. F. excluding that portion lying outside the civil airway, and excluding those portions lying more than two miles on either side of the center line of the on course signal of the northwest course of the Galveston, Texas radio range.

§ 601.200310 (*Jacksonville, Florida airport approach zone*). Within a 10 mile radius of Jacksonville Airport No. 1 excluding those portions lying outside of the civil airways, and excluding those portions more than two miles on either side of the center line of the on course signal of the south course; more than five miles south of the center line of the on course signal of the west course and more than two miles south of the center line of the on course signal of the east course of the Jacksonville, Florida radio range.

§ 601.200311 (*Long Beach, California airport approach zone*). Within a 10 mile radius of Long Beach Municipal Airport (Daugherty Field) excluding those portions lying outside of the civil airways, and excluding those portions lying more than two miles on either side of the center lines of the on course signals of all courses of the Long Beach, California radio range.

§ 601.200312 (*Los Angeles, California airport approach zone*). Within a 10 mile radius of Los Angeles Municipal Airport (Mines Field) excluding those portions of the zone lying outside of the civil airways, and excluding that portion lying more than two miles southwest of the center line of the on course signal of the northwest course of the Long Beach, California radio range and southeast of the Los Angeles, California radio range station, and also excluding that portion of the zone lying more than two miles west of the center line of the on course signal of the north course of the Los Angeles, California radio range.

§ 601.200313 (*Melbourne, Florida airport approach zone*). Within a 10 mile radius of Melbourne N. A. S. excluding those portions of the zone lying outside of the civil airways, and excluding that portion of the zone lying more than two miles northeast of the center lines of the on course signals of the northwest and southeast courses of the Melbourne, Florida radio range.

§ 601.200314 (*Miami, Florida airport approach zone*). Within a 10 mile radius of 36th St. Airport excluding those portions of the zone lying outside of the civil airways, and excluding those portions of the zone lying more than one mile on either side of the center line of the on course signal of the north course and more than two miles north of the center lines of the on course signals of the east and west courses of the Miami, Florida radio range.

§ 601.200315 (*New Orleans, Louisiana airport approach zone*). Within a 10 mile radius of New Orleans Airport excluding those portions of the zone lying outside the civil airways and excluding those portions of the zone lying more than two miles on either side of the center lines of the on course signals of all courses of the New Orleans, Louisiana, radio range.

§ 601.200316 (*Norfolk, Virginia airport approach zone*). Within a 10 mile radius of Norfolk Municipal Airport excluding those portions of the zone lying outside the civil airways, and excluding those portions of the zone lying more than two miles on either side of the center lines of the on course signals of the northwest and southwest courses of the Norfolk, Virginia radio range.

§ 601.200317 (*Oakland, California airport approach zone*). Within a 10 mile radius of Oakland Municipal Airport excluding those portions of the zone lying outside the civil airways, and excluding those portions of the zone lying more than two miles on either side of the center lines of the on course signals of the northeast and southeast courses and more than five miles on either side of the center lines of the on course signals of the northwest and southwest courses of the Oakland, California radio range.

§ 601.200318 (*Oklahoma City, Oklahoma airport approach zone*). Within a 10 mile radius of Will Rogers Field excluding those portions of the zone outside of the civil airways, and excluding those portions of the zone more than two miles on either side of the center line of the on course signal of the south course of the Oklahoma City, Oklahoma radio range extending southward from a point five miles south of the Oklahoma City, Oklahoma radio range station.

§ 601.200319 (*Orlando, Florida airport approach zone*). Within a 10 mile radius of Orlando Municipal Airport excluding those portions of the zone lying outside the civil airways, and excluding those portions of the zone lying more than two miles northwest of the center lines of the on course signals of the northeast and southwest courses and more than two miles southwest of the center line of the on course signal of the southeast course of the Orlando, Florida radio range.

§ 601.200320 (*San Diego, California airport approach zone*). Within a 10 mile radius of Lindbergh Field excluding those portions of the zone lying outside of the civil airways, and excluding those portions of the zone lying within Amber Civil Airway No. 1 which are more than two miles on either side of the center lines of the on course signals of the south and east courses; more than two miles south of the center line of the on course signal of the west course and more than two miles east of the center line of the on course signal of the north course of the San Diego, California radio range.

§ 601.200321 (*San Francisco, California airport approach zone*). Within a 10 mile radius of San Francisco Airport excluding those portions of the zone outside the civil airways, and excluding those portions of the zone more than two miles on either side of the center line of the on course signal of the southeast course of the San Francisco, California radio range southeastward from a point two miles southeast of the San Francisco, California radio range station.

§ 601.200322 (*Seattle, Washington airport approach zone*). Within a 10 mile radius of Boeing Field excluding those portions of the zone lying outside the civil airways, and excluding those portions of the zone more than two miles on either side of the center line of the on course signal of the southwest course of the Seattle, Washington radio range extending southwestward from a point five miles southwest of the Seattle, Washington radio range station.

This amendment shall become effective 0001 e. w. t., August 1, 1945.

C. I. STANTON,
Acting Administrator of Civil Aeronautics.

[F. R. Doc. 45-14012; Filed, July 31, 1945; 9:37 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket No. 3760]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

ALLIED PAPER MILLS, ET AL.

§ 3.27 (d) *Combining or conspiring—To enhance, maintain or unify prices.* In or in connection with the offering for sale, sale, and distribution in commerce, as "commerce" is defined in the Federal Trade Commission Act, of book paper (which term includes all papers within the jurisdiction of the Book Paper Manufacturers Association at the time of this proceeding), and on the part of respondent, Book Paper Manufacturers Association, its officers, etc.; two individuals, officers thereof; eleven individuals, members of its executive committee; and forty-two corporations, individually and as members of said association, and their respective officers, etc.; entering into, continuing, cooperating in, or carrying out any planned common course of action, understanding, agreement, combination, or conspiracy between and among any two or more of said respondents, or between any one or more of said respondents and others not parties hereto, to (1) fix, establish or maintain uniform prices, discounts, terms or conditions of sale for any kind or grade of book paper, or in any manner fix or establish any prices, discounts, terms or conditions of sale for book paper; (2) exchange or relay, directly or through the Book Paper Manufacturers Association or any other agency or clearing house, price lists or other information as to current prices, discounts, terms, or conditions of sale for book paper, for the purpose or with the effect of restraining price competition in the sale and distribution of book paper; or exchange or relay, directly or through the Book Paper Manufacturers Association or any other agency or clearing house, information as to future prices, discounts, terms, or conditions of sale quoted or to be quoted for book paper; (3) use in the quotation and sale of book papers the differentials in price for variations in color, weight, size, finish, trim, packing, type, or quantity of such paper heretofore fixed, as found in this proceeding; or fix, establish, or maintain any differentials in price for any variations in color, weight, size, finish, trim, packing, type, or quantity of book paper; (4) use in the quotation and sale of book paper the geographical zones, as the price differentials between such zones heretofore fixed for pricing purposes, as found in this proceeding; or fix, establish, or maintain any geographical areas for pricing purposes, or any differentials in price between any such areas for use in quoting and selling book papers; or (5) prepare, distribute, or use any uniform or standard form of contract in the sale of book paper, which contract contains provisions in aid or support of any of the things prohibited in other parts of this order; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., sec. 45b) [Cease and desist order, Allied Paper Mills, et al., Docket 3760, June 30, 1945]

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 30th day of June, A. D. 1945.

In the Matter of Allied Paper Mills, American Writing Paper Company, Appleton Coated Paper Company, The D. M. Bare Paper Company, The Beckett Paper Company, Bergstrom Paper Company, Martin Cantine Company, The Champion Paper and Fibre Company, Champion-International Company, The Chillicothe Paper Company, Columbian Paper Company, Consolidated Water Power & Paper Company, Dill & Collins, Inc., Everett Pulp & Paper Company, Fitchburg Paper Company, French Paper Company, P. H. Glatfelter Company, W. C. Hamilton & Sons, Inc., Hammermill Paper Company, Inland Empire Paper Company, International Paper Company, The Jessup & Moore Paper Company, Kimberly-Clark Corporation, McLaurin-Jones Company, The Mead Corporation, Miamisburg Paper Company, Miami Valley Coated Paper Company, The Michigan Paper Company, Mohawk Paper Mills, Inc., Newton Falls Paper Company, New York & Pennsylvania Company, The Northwest Paper Company, Oxford Miami Paper Company, Oxford Paper Company, Parker-Young Company, Rex Paper Company, Schmidt Lithograph Company, Sorg Paper Company, Standard Paper Manufacturing Company, Stecher-Traung Litho Corp., S. D. Warren Company, Watab Paper Company, West Virginia Pulp & Paper Company, Watervliet Paper Company, and Wheelwright Papers, Inc., Independently and as Members of Book Paper Manufacturers Association; Book Paper Manufacturers Association; P. H. Glatfelter, C. L. Barnum, and R. S. Berry, Individually and as Officers of Book Paper Manufacturers Association; and C. A. Clough, D. R. Curtenius, G. K. Ferguson, P. H. Glatfelter, C. A. Gordon, W. H. Kenety, J. R. Miller, F. H. Savage, J. S. Sensenbrenner, R. D. Smith, L. G. Thomson, and R. I. Worrell, Individually and as Members of the Executive Committee of Book Paper Manufacturers Association

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission, the answers of respondents, testimony and other evidence in support of and in opposition to the allegations of said complaint taken before examiners of the Commission theretofore duly designated by it, report of the trial examiner and exceptions thereto, briefs filed herein, and the oral arguments of counsel, and the Commission having made its findings as to the facts and its conclusions that said respondents have violated the provisions of the Federal Trade Commission Act:

It is ordered, That respondent Book Paper Manufacturers Association, an unincorporated association, its officers, agents, representatives, and employees; respondents P. H. Glatfelter and C. L. Barnum, individually and as officers of said association; respondents C. A. Clough, D. R. Curtenius, G. K. Ferguson, C. A. Gordon, W. H. Kenety, J. R. Miller, F. H. Savage, J. S. Sensenbrenner, R. D. Smith, L. G. Thomson, and R. I. Worrell, individually and as members of the executive committee of said association, their respective representatives, agents, and employees; and the corporate respondents Allied Paper Mills, American Writing Paper Corporation, The Appleton Coated Paper Company, The D. M. Bare Paper Company, The Beckett Paper Com-

pany, Bergstrom Paper Company, The Martin Cantine Company, The Champion Paper and Fibre Company, Champion-International Company, The Chillicothe Paper Company, Columbian Paper Company, Consolidated Water Power & Paper Company, Dill and Collins, Incorporated, Everett Pulp and Paper Company, Fitchburg Paper Company, French Paper Company, P. H. Glatfelter Company, W. C. Hamilton & Sons, Hammermill Paper Company, Inland Empire Paper Company, International Paper Company, The Jessup & Moore Paper Company, Kimberly-Clark Corporation, McLaurin-Jones Company, The Mead Corporation, The Michigan Paper Company of Plainwell, Mohawk Paper Mills, Inc., Newton Falls Paper Company, New York and Pennsylvania Company, Incorporated, The Northwest Paper Company, Oxford Miami Paper Company, Oxford Paper Company, The Parker-Young Company, Rex Paper Company, Schmidt Lithograph Company, The Sorg Paper Company, Standard Paper Manufacturing Company, S. D. Warren Company, Watab Paper Company, West Virginia Pulp and Paper Company, Watervliet Paper Company, and Wheelwright Papers, Inc., independently and as members of said association, their respective officers, agents, representatives, and employees, in or in connection with the offering for sale, sale, and distribution in commerce, as "commerce" is defined in the Federal Trade Commission Act, of book paper (which term includes all papers within the jurisdiction of the Book Paper Manufacturers Association at the time of this proceeding), do forthwith cease and desist from entering into, continuing, cooperating in, or carrying out any planned common course of action, understanding, agreement, combination, or conspiracy between and among any two or more of said respondents, or between any one or more of said respondents and others not parties hereto, to do or perform any of the following things:

1. Fixing, establishing, or maintaining uniform prices, discounts, terms, or conditions of sale for any kind or grade of book paper, or in any manner fixing or establishing any prices, discounts, terms, or conditions of sale for book paper.

2. Exchanging or relaying, directly or through the Book Paper Manufacturers Association or any other agency or clearing house, price lists or other information as to current prices, discounts, terms, or conditions of sale for book paper, for the purpose or with the effect of restraining price competition in the sale and distribution of book paper; or exchanging or relaying, directly or through the Book Paper Manufacturers Association or any other agency or clearing house, information as to future prices, discounts, terms, or conditions of sale quoted or to be quoted for book paper.

3. Using in the quotation and sale of book papers the differentials in price for variations in color, weight, size, finish, trim, packing, type, or quantity of such paper heretofore fixed, as found in this proceeding; or fixing, establishing, or maintaining any differentials in price for any variations in color, weight, size, finish, trim, packing, type, or quantity of book paper.

4. Using in the quotation and sale of book paper the geographical zones, or the price differentials between such zones heretofore fixed for pricing purposes, as found in this proceeding; or fixing, establishing, or maintaining any geographical areas for pricing purposes, or any differentials in price between any such areas for use in quoting and selling book papers.

5. Preparing, distributing, or using any uniform or standard form of contract in the sale of book paper, which contract contains provisions in aid or support of any of the things prohibited in other paragraphs of this order.

It is further ordered, That the reasons appearing in the findings as to the facts in this proceeding, that the complaint herein be, and the same hereby is, dismissed as to respondent Miamisburg Paper Company; and that this proceeding be, and the same hereby is, closed as to respondent Stecher-Traung Lithograph Corporation, respondent Miami Valley Coated Paper Company, and respondent R. S. Berry, without prejudice to the right of the Commission to institute further proceedings should facts so warrant.

It is further ordered, That respondents shall, within sixty (60) days after the service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 45-14061: Filed, July 31, 1945; 11:36 a. m.]

TITLE 22—FOREIGN RELATIONS

Chapter III—Proclaimed List of Certain Blocked Nationals

[Revision IX of Feb. 28, 1945, Cum. Supp. 5, July 27, 1945]

ADMINISTRATIVE ORDER

By virtue of the authority vested in the Secretary of State, acting in conjunction with the Secretary of the Treasury, the Attorney General, the Secretary of Commerce, the Administrator of the Foreign Economic Administration, and the Director, Office of Inter-American Affairs, by Proclamation 2497 of the President of July 17, 1941 (6 F. R. 3555), Cumulative Supplement 5 containing certain additions to, amendments to, and deletions from The Proclaimed List of Certain Blocked Nationals, Revision IX of February 28, 1945 (10 F. R. 2648), is hereby promulgated.[1]

By direction of the President.

JOSEPH C. GREW,
Acting Secretary of State.
HERBERT E. GASTON,
Acting Secretary of the Treasury.
TOM C. CLARK,
Attorney General.
H. A. WALLACE,
Secretary of Commerce.
HENRY W. RILEY,
Deputy Administrator, Foreign Economic Administration.
WALLACE K. HARRISON,
Director, Office of Inter-American Affairs.

JULY 27, 1945.

[F. R. Doc. 45-14006; Filed, July 30, 1945; 12:15 p. m.]

[1] Filed with the Division of the Federal Register. Requests for printed copies should be addressed to the Federal Reserve banks or the Department of State.

TITLE 29—LABOR

Chapter VII—War Manpower Commission

[Reg. 7, Amdt. 5]

PART 907—GOVERNING EMPLOYMENT STABILIZATION PROGRAMS

MISCELLANEOUS AMENDMENTS

Pursuant to the authority vested in me as chairman of the War Manpower Commission by Executive Orders Nos. 9139 and 9279 (7 F.R. 2919, 10177), §§ 907.2, 907.3, 907.4 (e) and (f), and 907.5 (a), (i), (j), and (l) of Part 907, entitled "War Manpower Commission Regulation No. 7—Governing Employment Stabilization Programs" (8 F.R. 11338), as amended, are hereby amended to read as follows:

§ 907.2 *Control of hiring and solicitation of workers.* All hiring and solicitation of workers in or for work in any locality for which a War Manpower Commission employment stabilization program has been established shall be conducted in accordance with such program.

§ 907.3 *Formulation and approval of programs*—(a) *General.* Employment stabilization programs may be formulated by Area or Regional Manpower Directors after consultation with their Management-Labor War Manpower Committees. No area program shall become operative until approved by the Regional Manpower Director. Regional Manpower Directors are authorized to formulate or approve an employment stabilization program which includes the provisions set forth in § 907.4, and otherwise conforms to the provisions of this part.

(b) *Suspension and termination of programs.* On and after July 1, 1945, any program the operation of which has been suspended for a period of ninety consecutive days shall, unless sooner terminated, be deemed terminated and revoked for all purposes on and after the last day of such ninety-day period.

§ 907.4 *Minimum standards in general.* Except as provided in § 907.5 (a) (5), every employment stabilization program approved after the effective date

of this part shall contain the following provisions: • • •

(e) *Workers who may be hired only upon referral by the United States Employment Service.* A new employee may not be hired solely upon presentation of a statement of availability, but may be hired only upon referral by, or in accordance with arrangements with, the United States Employment Service when:

(1) The new employee is to be hired for work in a critical occupation, or his statement of availability indicates that his last employment was in a critical occupation.

(f) *Exclusions.* No provision of the employment stabilization program shall be applicable to:

(1) The hiring of a new employee for agricultural employment;

(2) The hiring of an employee in any Territory or possession of the United States, except Alaska and Hawaii;

(3) The hiring by a foreign, State, county or municipal government, or their political subdivisions, or their agencies, and instrumentalities, or (for purposes of § 907.4 (a) only) to the hiring of any of their employees, unless such foreign, State, county, or municipal government, or political subdivision or agency or instrumentality has indicated its willingness to conform, to the maximum extent practicable under the Constitution and laws applicable to it, with the program;

(4) The hiring of a new employee for domestic services;

(5) The hiring of a school teacher for vacation employment or the rehiring of a school teacher for teaching at the termination of the vacation period;

(6) The hiring of a veteran of World War II; for the purposes of this paragraph, a veteran of World War II means a person who has served in the active service of the armed forces of the United States subsequent to September 16, 1940, and who has been discharged or released therefrom under conditions other than dishonorable.

• • • • •

§ 907.5 *Optional provisions.* Regional and Area Manpower Directors, after consultation with their Management-Labor War Manpower Committees, may include in employment stabilization programs provisions such as the following designed to meet special manpower needs in the localities affected, but except as specifically authorized herein, no such provision shall conflict with § 907.4 or with any State or Federal law.

(a) Subject to standards and instructions approved by the Chairman of the War Manpower Commission, provision for adding to § 907.4 (e) the following categories of individuals who must be hired only upon referral by, or in accordance with arrangements made with the United States Employment Service:

(1) Individuals for work in specified categories of occupations in activities in which manpower shortages threaten critically needed production, or

(2) Individuals for work in specified shortage occupations (in addition to critical occupations), or

(3) Individuals whose statements of availability indicate that they were most recently employed in such occupations, or

(4) Individuals who can be readily identified as able to meet specifications required for work in such occupations or activities, or

(5) All individuals. A program containing such a provision may apply only to a labor market area which, on the date of the approval of the program, was classified by the War Manpower Commission as a "Group I," or "Group II," area. Such a program may, notwithstanding anything to the contrary in this regulation, include necessary modifications of § 907.4, or

(6) Individuals who have not lived or worked in the locality of the new employment throughout the preceding thirty-day period, or

(7) Individuals whose last regular employment was in agriculture and who are to be hired for non-agricultural work; *Provided*, That no such individual shall be referred to non-agricultural work except after consultation with a designated representative of the War Food Administration; *And Provided*, That such an individual may be hired for non-agricultural work for a period not to exceed six weeks without referral or presentation of a statement of availability.

• • • • •

(i) Provisions designed (1) to permit the hiring of an individual by, or of an individual whose last regular employment was with, a small establishment without regard to the requirements of the program, except that no establishment regularly employing more than eight employees shall be treated as a small establishment for the purpose of this paragraph, or (2) to exclude from the requirements of the program the hiring of individuals last employed in domestic service or last employed by foreign, State or local governments or their instrumentalities, or (3) to exclude the hiring of individuals for supplemental or casual work, or for other types of short-time or intermittent employment, the coverage of any of which would involve undue administrative burdens and would not measurably contribute to the accomplishment of the objectives of this part, or (4) to exclude from the requirements of the program the hiring of readily identifiable types of individuals whose coverage is not required to meet the manpower problems of the locality to which the program applies.

(j) Subject to standards and instructions approved by the Chairman of the War Manpower Commission, provisions for regulating the hiring of new employees through the establishment of fair and reasonable employment ceilings which limit the number of workers or of specified types of workers which may be employed in an establishment or place of employment during specified periods.

(l) Provisions which while conflicting in substantive respects with this section or § 907.4, are approved by the Chairman of the War Manpower Commission after consultation with the Management-Labor Policy Committee and after a finding by him (1) that such provisions are necessary to meet manpower problems peculiar in the locality to which the program applies and are consistent with the fundamental objectives and policies upon which the provisions of this part are based, and (2) that such provisions have previously received the unanimous recommendation of the appropriate area or regional Management-Labor War Manpower Committee and manpower director.

PAUL V. MCNUTT,
Chairman.

JULY 30, 1945.

[F. R. Doc. 45-14011; Filed, July 30, 1945; 4:44 p. m.]

TITLE 30—MINERAL RESOURCES

Chapter VI—Solid Fuels Administration for War

[SFAW Reg. 26, Amdt. 9]

PART 602—GENERAL ORDERS AND DIRECTIVES

LIMITATION OF DELIVERIES TO AND RECEIPTS BY CONSUMERS

In order to exempt deliveries of those briquettes in which lignite is the only solid fuel used from the provisions of the regulation, paragraph (d) of § 602.652 *Definitions* is hereby amended to read as follows:

(d) "Uncontrolled solid fuel" means No. 3 buckwheat (barley) anthracite and smaller sizes of anthracite, lignite, and those briquettes in which the only solid fuel used is lignite. Uncontrolled solid fuel is not subject to any of the provisions of this regulation.

This amendment shall become effective immediately.

(E.O. 9332, 8 F.R. 5355; E.O. 9125, 7 F.R. 2719; sec. 2 (a), 54 Stat. 676, as amended by 55 Stat. 236, 56 Stat. 176 and 58 Stat. 827)

Issued this 30th day of July 1945.

C. J. POTTER,
Deputy Solid Fuels Administrator for War.

[F. R. Doc. 45-14029; Filed, July 31, 1945; 10:55 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter IX—War Production Board

AUTHORITY: Regulations in this chapter, unless otherwise noted at the end of documents affected, issued under sec. 2 (a), 54 Stat. 676, as amended by 55 Stat. 236, 56 Stat. 177, 58 Stat. 827; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; W.P.B. Reg. 1 as amended Dec. 31, 1943, 9 F.R. 64.

PART 1010—SUSPENSION ORDERS

[Suspension Order S-624, Reinstatement and Amdt.]

S. SAFIER, INC.

S. Safier, Incorporated, 93 Morgan Street, Jersey City, New Jersey, a corporation engaged in the business of dis-

tributing wrapping paper, paper bags, and kindred products and in the manufacture of paper plates, was suspended on December 30, 1944, by Suspension Order No. S-624. It appealed from the provisions of the suspension order and, pending determination of the appeal, the suspension order was stayed by the Chief Compliance Commissioner on January 30, 1945. The appeal has been considered by the Chief Compliance Commissioner who has denied the appeal, directed that the stay be terminated, and the suspension order be reinstated and amended.

In view of the foregoing: it is hereby ordered, that: § 1010.624, *Suspension Order No. S-624*, issued December 20, 1944, and effective December 30, 1944, be and hereby is reinstated as of July 31, 1945; the stay of execution directed by the Chief Compliance Commissioner on January 30, 1945, be and hereby is revoked as of July 30, 1945; and the suspension order be and hereby is amended by substituting the following paragraph (a) for the present paragraph (a):

(a) S. Safier, Incorporated, its successors or assigns, shall not consume pulp, paper and/or paperboard as defined in or governed by Order M-241-a, as amended October 16, 1944, in the manufacture of any article until the amount of pulp, paper and/or paperboard it would otherwise be permitted to use under Order M-241-a, as amended October 16, 1944, would have equaled 199 tons, or until the expiration of eleven months from the effective date of this reinstatement which is July 31, 1945, whichever occurs first, unless otherwise authorized in writing by the War Production Board.

Issued this 21st day of July 1945.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 45-14056; Filed, July 31, 1945; 11:20 a. m.]

PART 1010—SUSPENSION ORDERS

[Suspension Order S-823, Revocation]

GREAT NORTHERN CHAIR CO.

Suspension Order No. S-823 effective June 23, 1945 was issued against The Great Northern Chair Company, 2500 Ogden Avenue, Chicago, Illinois, for violations of Limitation Order L-260-a. In view of the revocation of Limitation Order L-260-a the Chief Compliance Commissioner has directed that Suspension Order No. S-823 be revoked. In view of the foregoing, *it is hereby ordered* that: § 1010.823, Suspension Order No. S-823 be revoked.

Issued this 31st day of July 1945.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 45-14057; Filed, July 31, 1945; 11:20 a. m.]

PART 1010—SUSPENSION ORDERS

[Suspension Order S-854]

CAR-MAX MANUFACTURING CO.

Car-Max Manufacturing Company is a sole proprietorship owned by M. M. Naftalin, with principal offices at 16-24 North Eighth Street, Minneapolis, Minnesota. It is engaged in the machine shop and manufacturing business at the above address and at a second plant at 1725 University Avenue, St. Paul, Minnesota. Its Minneapolis plant is for the most part engaged in war work and its St. Paul plant is engaged entirely in the manufacture of civilian products. During the Fourth Quarter of 1944, Car-Max Manufacturing Company unauthorizedly placed fifteen purchase orders for controlled materials using symbols which it had no right to apply. Further, in making three different applications for "spot" authorization under Priorities Regulation No. 25, said company wilfully furnished the War Production Board with false and misleading information. Said company also accepted delivery of new fibre shipping containers, during the fourth quarter of 1944, weighing 40,532 lbs. at a cost of $2,412.55, when it had no established quota and so no right to accept the same. Car-Max Manufacturing Company has thus violated War Production Board CMP Regulation No. 1, Priorities Regulation No. 1 and Order L-317. Its violations have diverted critical materials to uses not authorized by the War Production Board, and have hampered and impeded the war effort of the United States. In view of the foregoing, it is hereby ordered, that:

§ 1010.854 *Suspension Order No. S-854.* (a) Car-Max Manufacturing Company shall not, for a period of one hundred twenty (120) days following the effective date of this order, apply or extend any priority rating or CMP symbol or allotment whatsoever, regardless of delivery date of materials ordered, to purchase materials for use in its St. Paul plant or for use in any civilian work or production in which it is engaged at either its St. Paul or its Minneapolis plant.

(b) Said restriction above shall apply only to the procuration of materials for civilian production and shall not apply to the obtaining of materials for war contracts or war sub-contracts at the Minneapolis plant.

(c) Nothing contained in this order shall be deemed to relieve Car-Max Manufacturing Company from any restriction, prohibition, or provision contained in any other order or regulation of the War Production Board not herein mentioned, except insofar as the same may be inconsistent with the provisions hereof.

(d) The restrictions and prohibitions contained herein shall apply to Car-Max Manufacturing Company, its successors and assigns, or persons acting in its behalf.

(e) This order shall take effect on July 31, 1945.

Issued this 24th day of July 1945.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 45-14058; Filed, July 31, 1945; 11:20 a. m.]

PART 1010—SUSPENSION ORDERS

[Suspension Order S-856]

STEWART HARDWARE

H. R. Stewart, doing business as Stewart Hardware Company, at Cary, Illinois, is the owner and operator of a hardware store whose principal business is the sale and installation of plumbing and heating equipment. Between February 1, 1943, and October 1, 1944, H. R. Stewart sold, delivered and installed at least thirty items of new metal plumbing equipment and metal heating equipment on unrated orders and without other authority in violation of Limitation Order L-79. In installing such equipment he also engaged in construction, the cost of which was in excess of the amount permitted by Conservation Order L-41, and in violation thereof. These actions constituted grossly negligent violations of the Limitation Order L-79 and Conservation Order L-41.

These violations have diverted critical materials to uses not authorized by the War Production Board. In view of the foregoing, it is hereby ordered, that:

§ 1010.856 *Suspension Order No. S-856.* (a) H. R. Stewart shall not for a period of three months from the effective date of this order apply or extend any preference ratings, regardless of the delivery date named in any purchase order to which such ratings may be applied or extended, unless otherwise authorized in writing by the War Production Board.

(b) No allocation, including allotments, shall be made to H. R. Stewart of any material or product, the supply or distribution of which is governed by any order or regulation of the War Production Board, unless hereafter specifically authorized in writing by the War Production Board.

(c) Nothing contained in this order shall be deemed to relieve H. R. Stewart from any restriction, prohibition or provision contained in any other order or regulation of the War Production Board except insofar as the same may be inconsistent with the provisions hereof.

(d) The restrictions and prohibitions contained herein shall apply to H. R. Stewart, doing business as Stewart Hardware or under any other name, his successors and assigns or persons acting in his behalf. The provisions against the taking of any action include the taking indirectly as well as directly of any such action.

(e) This order shall take effect on July 31, 1945.

Issued this 24th day of July 1945.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 45-14059; Filed, July 31, 1945; 11:20 a. m.]

PART 3290—TEXTILE, CLOTHING AND LEATHER

[Conservation Order M-310, General Direction 13 as Amended July 31, 1945]

CUTTING OF MANUFACTURERS'-BENDS-FOR-REPAIR

The following direction is issued pursuant to Conservation Order M-310:

(a) Notwithstanding the provisions of Schedule B, no cutter shall cut any manufacturers'-bends-for-repair which are delivered to him during the period from February 12, 1945 through September 30, 1945 under individual Direction L-114 to Conservation Order M-310 (issued to tanners) except as follows: so as to produce from manufacturers'-bend-for-repairs leather for civilian shoe repair purposes after first producing an average for each calendar month of 3 pairs of military quality innersoles (as defined in Order M-310) from each bend. Only manufacturers'-bends-for-repair delivered under invoices bearing substantially the following notation shall be regarded as having been delivered under Direction L-114:

"Delivered under Direction L-114 to Order M-310."

(b) No cutter shall cut more than an average of 20% of these bends (excluding the strips from which the military quality innersoles have been removed) into strips (which shall not exceed eleven inches in width); the remainder shall be cut into taps. All of the manufacturers'-bends-for-repair, excluding the military quality innersoles which have been removed, shall be cut in a manner suitable for women's shoes.

Issued this 31st day of July 1945.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 45-14055; Filed, July 31, 1945; 11:20 a. m.]

Chapter XI—Office of Price Administration

PART 1305—ADMINISTRATION

[Gen. RO 17,[1] Amdt. 4]

EXPORT OF RATIONED FOODS

A rationale for this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.

General Ration Order 17 is amended in the following respects:

1. Section 4 (a) is amended by inserting the words "or an OPA Form No. R-1227" after the words "R-315" in the first sentence thereof and by adding items 5 and 6 to read as follows:

(5) That the value of the rationed foods contained in any package to be exported, other than one to be exported to a place designated in section 3 of this order, will be twenty-five dollars, or more;

(6) If the export is to be made to any place other than Canada or a possession of the United States, the number of the export license covering the export issued by the Foreign Economic Administration.

2. Section 4 (b) is amended to read as follows:

(b) The District Office shall issue ration evidences for the amount of the rationed foods to be exported, if it finds:

(1) That the rationed foods for which the application is made will be exported;

(2) If the export is to be made to any place, other than Canada or a territory or possession of the United States, that the applicant has a license covering the export issued by the Foreign Economic Administration; and

(3) That the value of the rationed foods to be exported in each package for which evidences are requested is twenty-five dollars or more; or, if less than twenty-five dollars, that the package is to be sent to one of the places designated in Section 3 of this order.

3. Section 6 is amended to read as follows:

SEC. 6. *How a person who has not received an advance obtains replacement.* (a) A registered retailer, wholesaler, primary distributor (under Revised Ration Order 16), or processor or country shipper (under Revised Ration Order 13) who exported foods covered by the order under which he is registered and who did not receive evidences for the food, either under Section 4, or in any other way, may apply to the District Office on OPA Form R-315 for evidences covering the rationed food exported. He must submit proof of export with his application. The application must state:

(1) If the export was made to any place, other than Canada or a territory or possession of the United States, the number of the license, covering the export, issued by the Foreign Economic Administration;

(2) That the value of the rationed food in each package exported was twenty-five dollars or more, if the package was not exported to a place designated in section 3 of this order.

NOTE: For the purposes of this order, the Philippines are not considered a territory or possession of the United States.

(b) The District Office shall issue to the applicant evidences for the rationed foods exported if it finds that:

(1) He exported rationed foods;

(2) The value of the rationed foods in each package exported is twenty-five dollars or more, or, if less than twenty-five dollars, that the package was sent to one of the places designated in section 3 of this order;

(3) He has not already received evidences for such foods; and

(4) If the export was made to any place, other than Canada or a territory or possession of the United States, that the applicant had an export license covering the export.

4. Section 8 is amended to read as follows:

SEC. 8. *District Offices may be authorized to grant evidences for exports not covered by this order.* The Washington Office may authorize District Offices to grant evidences for exports not covered by this order.

5. Section 9 is revoked.

This amendment shall become effective July 31, 1945.

NOTE: All reporting and record-keeping requirements of this amendment have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 31st day of July 1945.

JAMES G. ROGERS, Jr.,
Acting Administrator

[F. R. Doc. 45-14042; Filed, July 31, 1945; 11:15 a. m.]

PART 1305—ADMINISTRATION

[Gen. RO 17, Supp. 1]

EXPORT OF RATIONED FOODS

Form to be Used in Application Under Section 4 of General Ration Order 17:

UNITED STATES OF AMERICA
OFFICE OF PRICE ADMINISTRATION

OPA Form No. R-1227 Form Approved
Budget Bureau No. 08-R1096

Forms printed in the FEDERAL REGISTER are for information only, and do not follow the exact format prescribed by the issuing agency.

APPLICATION FOR RATION EVIDENCES FOR RATIONED FOODS TO BE EXPORTED

(This Form May be Reproduced Without Change)

Instructions: Fill out a separate application for each shipment of rationed foods. Each applicant must submit the following information for all rationed foods to be exported for which he desires an advance of ration evidences. Ration evidence will be issued on exports of food valued at $25.00 or more or for exports shipped through certain Army and Fleet Post Offices. On exports of $25.00 or more to places other than Canada or United States territories and possessions an export license (issued by the Foreign Economic Administration) is necessary. No ration evidence will be issued on exports valued at less than $25.00 except on shipments through certain Army and Fleet Post Offices. For the purpose of the order the Philippine Islands are not considered a possession of the United States.

1. Name of applicant: ----------
2. Address (if in course of business, give business address): ----------
3. Name of person, or firm, to whom food will be shipped: ----------
4. Address of person, or firm, to whom shipped: ----------
5. Check value ( ) unless food is to be sent to an Army, or Fleet Post Office
   ☐ over $25.00 ☐ under $25.00
6. The Port, or address of post office if by mail, from which the shipment will be made: ----------
7. Export license number issued by Foreign Economic Administration (unless to be sent to Canada or a territory or possession of the United States): ----------
8. Items of food to be exported. (List each item of food and the number of units exported):

Food exported — *Quantity* (*wt. in ounces or pounds*)

Signature of Applicant----------

This supplement shall become effective July 31, 1945.

Issued this 31st day of July 1945.

JAMES G. ROGERS, Jr.,
Acting Administrator.

[F. R. Doc. 45-14043; Filed, July 31, 1945; 11:15 a. m.]

PART 1309—COPPER

[RMPR 20,[1] Amdt. 4]

COPPER SCRAP AND COPPER ALLOY SCRAP

A statement of the considerations involved in the issuance of this Amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.

Revised Maximum Price Regulation No. 20 is amended in the following respects:

1. Section 16 (c) (2) is amended by the addition of a new subdivision (iii) to read as follows:

[1] 9 F.R. 3508.

[1] 9 F.R. 756, 4394, 5374; 10 F.R. 2512.

(iii) To the maximum base price for any grade of copper alloy scrap, a special use premium of 1.25 cents per pound may be added: *Provided*, That the scrap has been prepared to meet the consumer's specifications and is suitable for his direct use without further preparation. However, no special use premium may be added on the sale or delivery of any such copper alloy scrap to a copper refiner, a brass and bronze ingot manufacturer, a ferrous or nonferrous foundry, or a brass mill.

(*a*) Any consumer qualified to pay the special use premium provided by this subparagraph who is unable to obtain any grade of copper alloy scrap by payment of the stated premium of 1.25 cents per pound because of unusual specification requirements may apply to the Office of Price Administration for the establishment of a price that he may pay for such material. The price so established shall be a price in line with the general level of prices established by this Revised Maximum Price Regulation No. 20, taking into account the applicant's special requirements and the additional costs to the seller involved in preparing material to meet these requirements.

(*b*) Such application shall be in writing and filed with the Metals Price Branch of the Office of Price Administration at Washington, D. C., and shall state:

(1) The name and address of the applicant;

(2) The nature of applicant's business;

(3) The purpose for which the applicant will use the material which he desires to purchase;

(4) The name and address of the proposed seller or sellers;

(5) A detailed statement of applicant's specifications for the material;

(6) A description of the manner in which the material is to be prepared;

(7) To the extent possible, a statement by the applicant setting forth the reasons why he cannot obtain the required material by payment of the special use premium established by this Regulation, and

(8) The proposed price, f. o. b. point of shipment.

When a maximum price is submitted for approval in this manner, it shall be deemed to be approved unless the Administrator specifically disapproves such price within fifteen days from the date on which receipt of the request for approval is acknowledged. The maximum price for such scrap when once approved shall be the maximum price for all subsequent purchases of such scrap by the buyer to whom such approval is given, unless such approval is specifically withdrawn.

This Amendment shall become effective August 6, 1945.

NOTE: All reporting and record-keeping requirements of this amendment have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 31st day of July 1945.

JAMES G. ROGERS, Jr.,
Acting Administrator.

[F. R. Doc. 45-14033; Filed, July 31, 1945; 11:15 a. m.]

PART 1315—RUBBER AND PRODUCTS AND MATERIALS OF WHICH RUBBER IS A COMPONENT

[MPR 149, Amdt. 18]

MECHANICAL RUBBER GOODS

A statement of the considerations involved in the issuances of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.

Maximum Price Regulation 149 is amended in the following respects:

1. Paragraph (d) of § 1315.21b is amended to read as follows:

(d) *Maximum prices for sales at wholesale of strip rubber made of neoprene or buna-S (GR-S) and of bare cut rubber thread made in whole or in part of neoprene.* Notwithstanding any other provisions of this regulation or any order previously issued under this regulation, maximum prices for all sales at wholesale of strip rubber of 1 inch width or less, made in whole or in part of neoprene or buna-S (GR-S) and of bare cut rubber thread made in whole or in part of neoprene, shall be determined in accordance with § 1315.37 (i) and § 1315.37 (j) of this regulation, respectively.

2. A new paragraph, designated (j), is added to § 1315.37, to read as follows:

(j) *Maximum prices for all sales of bare cut rubber thread made in whole or in part of neoprene*—(1) *Applicability.* This paragraph (j) is applicable to all sales of bare cut rubber thread made in whole or in part of neoprene. The term "all sales" means all sales by producers, wholesalers, and other resellers.

(2) *Maximum prices.* Maximum prices for all sales of bare cut rubber thread made in whole or in part of neoprene, shall be the prices therefor set forth in Table IX-D:

TABLE IX-D—MAXIMUM PRICES FOR ALL SALES OF BARE CUT RUBBER THREAD MADE IN WHOLE OR IN PART OF NEOPRENE

Size:	*Maximum list price, per pound*
24	$1.15
30	1.25
36	1.30
42	1.35
50	1.45
58	1.60
70	1.70
85	1.95
112	2.30
120	2.50
140	3.50

The above maximum prices are subject to all discounts, allowances, and other deductions that the seller had in effect to each class of purchaser on October 1, 1941, for bare cut rubber thread made in whole or in part of natural rubber.

(3) *Notification of maximum prices.* With or prior to the first delivery by a seller of the commodity described in subparagraph (1) to a person who buys for resale purposes, such seller shall notify the reseller in writing of the maximum prices applicable to the reseller's sales as established by subparagraph (2). Such notification shall include a statement that such reseller is required to notify any other reseller to whom he sells of the maximum prices applicable to such reseller's resales as established by subparagraph (2) above.

This amendment shall become effective August 6, 1945.

Issued this 31st day of July 1945.

JAMES G. ROGERS, Jr.,
Acting Administrator.

[F. R. Doc. 45-14035; Filed, July 31, 1945; 11:16 a. m.]

PART 1315—RUBBER AND PRODUCTS AND MATERIALS OF WHICH RUBBER IS A COMPONENT

[RO 1A,[1] Amdt. 103]

TIRES, TUBES, RECAPPING AND CAMELBACK

A rationale for this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.

Ration Order No. 1A is amended in the following respects:

1. Section 1315.201 (a) (5) is amended to read as follows:

(5) "Certificate", unless the context requires otherwise, means OPA Form R-2, R-2A or R-2B, issued by a Board or other person or agency designated by the Office of Price Administration authorizing the acquisition of a tire.

2. Section 1315.610 is amended to read as follows:

§ 1315.610 *Action by certificate holders*—(a) *Use of certificates.* A person to whom a properly executed certificate was issued may use it to acquire the tires specified thereon, except that he may not use any certificate issued prior to December 1, 1944, and he may use a certificate on OPA Form R-2 issued on or after December 1, 1944, only through August 15, 1945.

(b) *Replaced tires to be turned in.* (1) If the certificate indicates that a tire being replaced must be turned in, the applicant shall, before acquiring from a dealer or manufacturer any tire in exchange for the certificate, turn in the tire to be replaced to such dealer or manufacturer, except in the case of purchase by mail or tires withdrawn from a public warehouse. In such cases, the applicant shall deliver the replaced tires to a dealer or manufacturer within five days after the acquisition of the replacement. The provisions of this subparagraph shall not apply to a state, local or foreign government, or the Federal Government, or any department or agency of any such government prohibited by law to make such disposition.

(2) A tire which is being held at a Central Truck Tire Inspection Station or at an Official Truck and Passenger Tire Inspection Station shall be turned in by transferring its legal title to the dealer or manufacturer to whom the certificate was surrendered.

(3) A consumer who acquires tires from the Office of Surplus Property of the Department of Commerce shall turn in the tires to be replaced to a dealer or manufacturer. If the replaced tires are still in the consumer's possession at the time of transfer on certificate, he shall turn them in within five days from the date he acquired the replacement tires from the Office of Surplus Property; or if they are being held at a Central

[1] 7 F.R. 9160, 9392, 9724.

Truck Tire Inspection Station or an Official Truck Tire Inspection Station, the consumer shall turn them in within five days from the date he acquired them from such station.

(c) *Signing of certificates.* The applicant or his agent shall sign all parts of the certificate in accordance with the instructions thereon, prior to acquiring the tires specified on the certificate. The same person shall sign all parts of the certificate where the signature of the certificate holder is required. No member or employee of the Board issuing the certificate, no tire inspector, dealer or manufacturer shall act as agent of the applicant in signing the certificate. However, in the case of purchase by mail, the dealer or manufacturer, on behalf of the certificate holder may sign the remaining parts of the certificate, if the certificate holder has signed part A.

3. Section 1315.613 is added to read as follows:

§ 1315.613 *Exchange of valid replenishment portions of certificates on OPA Form R-2.* A sectional warehouse or dealer who transferred tires to a consumer prior to August 16, 1945, in exchange for a certificate on OPA Form R-2 issued on or after December 1, 1944, or who transferred tires to another dealer or sectional warehouse prior to September 1, 1945, in exchange for a replenishment portion of a certificate on OPA Form R-2 issued on or after December 1, 1944, and who has not transferred the replenishment portion of such certificate to a factory or regional branch of a manufacturer by September 1, 1945, shall forward the replenishment portion, properly endorsed and dated, to his OPA District Office during the month of September 1945. The District Office shall issue to the dealer or sectional warehouse replenishment portions of certificates on OPA Form R-2A or R-2B calling for the number, size and type of tires represented by the valid replenishment portions which the dealer or sectional warehouse forwarded to the District Office.

If replenishment portion calls for—	Dealer or manufacturer may transfer—
A Grade I passenger tire	A Grade I passenger tire
A truck tire with a cross-section size 7.50 or smaller	A Grade I truck tire with a cross-section size 7.50 or smaller
A truck tire with a cross-section size 8.25 or larger	A Grade I truck tire with a cross-section size 8.25 or larger
A tractor-implement tire	A Grade I tractor-implement tire
A truck tire (no designated size—on OPA Form R-12 only)	A Grade I truck tire with a cross-section 7.50 or smaller

These transfers may only be made in exchange for the replenishment portion of a certificate on OPA Form R-2A or R-2B; or, through August 31, 1945, in exchange for the replenishment portion of a certificate on OPA Form R-2, issued on or after December 1, 1944; or in exchange for the replenishment portion of a receipt dated on or after December 1, 1944.

4. Section 1315.704 (a) (2) (iii) is amended to read as follows:

(iii) To a consumer who establishes that the tire transferred in exchange for the certificate was acquired from the Office of Surplus Property of the Department of Commerce.

5. Section 1315.803 (a) (1) is amended to read as follows:

(1) A dealer may transfer tires to a consumer in exchange for a certificate on OPA Form R-2A or R-2B. He may transfer tires to a consumer through August 15, 1945, in exchange for a certificate on OPA Form R-2 issued on or after December 1, 1944.

6. Section 1315.803 (b) (1) is amended to read as follows:

(1) A manufacturer may transfer tires to a consumer who acquired tires from a manufacturer between December 31, 1940, and August 6, 1943, in exchange for a certificate on OPA Form R-2A or R-2B; and through August 15, 1945, in exchange for a certificate on OPA Form R-2 issued on or after December 1, 1944.

7. Section 1315.803 (h) is amended to read as follows:

(h) *By Office of Surplus Property.* The Office of Surplus Property of the Department of Commerce may transfer tires to a consumer to whom it is authorized to transfer surplus property, in exchange for a certificate on OPA Form R-2A or R-2B, and through August 15, 1945, in exchange for a certificate on OPA Form R-2 issued on or after December 1, 1944.

8. Section 1315.804 (c) (3) is amended to read as follows:

(3) *Permitted replenishment of tires.* Subject to the provisions of subparagraph (1) of this paragraph, any dealer or manufacturer may, in exchange for a properly endorsed replenishment portion transfer to a dealer or sectional warehouse the number of tires authorized by the replenishment portion in accordance with the table below:

If replenishment portion calls for—	Dealer or manufacturer may transfer—
A Grade I passenger tire	A Grade I passenger tire
A truck tire with a cross-section size 7.50 or smaller	A Grade I truck tire with a cross-section size 7.50 or smaller
A truck tire with a cross-section size 8.25 or larger	A Grade I truck tire with a cross-section size 8.25 or larger
A tractor-implement tire	A Grade I tractor-implement tire
A truck tire (no designated size—on OPA Form R-12 only)	A Grade I truck tire with a cross-section 7.50 or smaller

9. The title of § 1315.806 (q) and the text preceding subparagraph (1) are amended to read as follows:

(q) *Transfers to and from the Office of Surplus Property.* The Office of Surplus Property of the Department of Commerce may, without certificate:

10. The last paragraph of § 1315.1003 (a) (2) is amended to read as follows:

The replenishment portions of certificates transferred to the Office of Surplus Property of the Department of Commerce by a consumer shall be forwarded by that office to the Tire Rationing Branch, Office of Price Administration, Washington, D. C. within fifteen days after the end of the month in which the transfer of the tires called for thereon occurred.

11. In § 1315.1005 (a) the words "Office of Surplus Property of the Department of Commerce" are substituted for the words "Procurement Division of the Treasury Department".

This amendment shall become effective August 3, 1945.

NOTE: All reporting and record-keeping requirements of this amendment have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(Pub. Law 671, 76th Cong. as amended by Pub. Laws 89, 421 and 507, 77th Cong.; E.O. 9125, 7 F.R. 2719, issued April 7, 1942, WPB Dir. No. 1, 7 F.R. 562, Supp. Dir. No. 1Q, 7 F.R. 9121)

Issued this 31st day of July 1945.

JAMES G. ROGERS, Jr.,
Acting Administrator.

[F. R Doc. 45-14039; Filed, July 31, 1945; 11:14 a. m.]

PART 1364—FRESH, CURED AND CANNED MEAT AND FISH PRODUCTS

[MPR 367,[1] Amdt. 6]

HORSEMEAT

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.

Maximum Price Regulation No. 367 is amended in the following respects:

1. Item 15 is added to the schedule of prices in section 6 (b) headed "Slaughterer and Independent Wholesaler:" to read as follows:

Slaughterer and independent wholesaler	Inspected		Noninspected	
	Zones 1 and 3	Zone 2	Zones 1 and 3	Zone 2
(15) Canned horsemeat for export (Product must consist of not less than 90 percent horsemeat):				
(i) Case of 48—12 oz. cans	$6.65	$6.15	------	------
(ii) Case of 24—20 oz. cans	5.25	4.75	------	------

2. Subparagraphs (4) and (5) of section 14 (a) are amended respectively to read as follows:

(4) "Ground horsemeat (bone in)" means carcass horsemeat which has been ground; which does not have a fat content in excess of 28 percent by chemical analysis; and to which no cereal has been added.

(5) "Ground horsemeat (boneless)" means boneless horsemeat which has been ground; which does not have a fat content in excess of 28 percent by chemical analysis; and to which other ingredients, not in excess of 8 percent of the total weight, have been added.

This amendment shall become effective August 6, 1945.

Issued this 31st day of July 1945.

JAMES G. ROGERS, Jr.,
Acting Administrator.

[F. R. Doc. 45-14036; Filed, July 31, 1945; 11:16 a. m.]

PART 1389—HOUSEHOLD AND SERVICE INDUSTRY MACHINES

[Rev. MPR 139,[1] Incl. Amdts. 1–3]

USED HOUSEHOLD MECHANICAL REFRIGERATORS

This compilation of Revised Maximum Price Regulation 139 includes Amendment 3 effective August 6, 1945. The text added or amended by Amendment 3 is underscored. Changes in tables are indicated by notes.

In the judgment of the Price Administrator, the maximum prices established by this revision of Maximum Price Regulation No. 139 are and will be generally fair and equitable and will effectuate the purposes of the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250. A statement of the considerations involved in the issuance of this regulation has been issued simultaneously herewith and has been filed with the Division of the Federal Register.[2] Such specifications and standards as are used in this regulation were, prior to such use, in general use in the trade or industry affected.

[Preamble amended by Supplementary Order 59, 8 F. R. 12552, effective 9–11–43.]

§ 1380.201 *Maximum prices for used household refrigerators.* Under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, the Stabilization Act of 1942, as amended, and Executive Orders Nos. 9250 and 9328, Revised Maximum Price Regulation No. 139 (Used Household Mechanical Refrigerators), which is annexed hereto and made a part hereof, is hereby issued.

Sec.

1. Sales and rentals of used household mechanical refrigerators at higher than maximum prices prohibited.
2. To what products, transactions and persons this regulation applies.
3. Maximum prices for sales of used household mechanical refrigerators by all persons.
4. Maximum rental rates.
5. Prohibited practices.
6. Tagging.
7. Sales slips, receipts and invoices.
8. Enforcement.
8a. Licensing.
9. Petitions for amendment.
10. Applicability of the General Maximum Price Regulation.
11. Geographical applicability.

AUTHORITY: § 1380.201 issued under 56 Stat. 23, 765; 57 Stat. 566; Pub. Law 383, 78th Cong.; Pub. Law 108, 79th Cong.; E.O. 9250, 7 F.R. 7871, E.O. 9328, 8 F.R. 4681.

SECTION 1. *Sales and rentals of used household mechanical refrigerators at higher than maximum prices prohibited.* (a) Regardless of any contract or other obligation, no person shall sell, rent, or deliver a used household mechanical refrigerator to any other person at prices or rates higher than the maximum prices or rates fixed by this regulation, and no person shall agree, offer or attempt to do any of these things.

(b) Prices or rates lower than the maximum prices or rates may be charged.

SEC. 2. *To what products, transactions and persons this regulation applies*—(a) *What products are covered by the regulation.* This regulation covers sales and rentals of all household mechanical refrigerators which have ever been used, or which have been in the possession of a consumer for more than five days or were manufactured for use in the year 1940 or earlier.

(b) *What transactions are covered by this regulation.* This regulation covers all sales and rentals of used household mechanical refrigerators by any person to any other person, including sales by an individual who is selling his own refrigerator, and sales by dealers or auctioneers, except (1) sales by a foreign seller to any domestic buyer (this exception includes domestic buyers who purchase through a bona fide agent); and (2) rentals by a landlord who supplies or rents the refrigerator in connection with the use or occupancy of housing accommodations.

(c) *What persons are covered by this regulation.* This regulation applies to any person who sells or rents a used household mechanical refrigerator except (1) foreign sellers and domestic buyers insofar as they purchase from the foreign sellers, and (2) landlords who supply or rent the refrigerators in connection with use or occupancy of housing accommodations, and tenants of such housing accommodations. The term "person" includes: An individual, corporation or any other organized group; their legal successors or representatives; the United States, or any government, or any of its political subdivisions; or any agency of the foregoing.

[Paragraphs (b) and (c) amended by Am. 3, effective 8–6–45]

SEC. 3. *Maximum prices for sales of used household mechanical refrigerators by all persons*—(a) *Reconditioned refrigerators.* As used in the table below a refrigerator is reconditioned if it meets the following standards:

(1) The refrigerator is capable of continuously maintaining, with normal cycling, an average interior cabinet temperature in the food storage space not exceeding 50° F., under no-load conditions, when placed in a room in which the temperature is 90° F.

(2) All cooling units, compressors, condensers, motors and controls, where such parts are exposed to the accumulation of dust, as well as all shelves, hardware and machine compartments, are thoroughly cleaned, and function properly. Belts on open-type units must be free from frays and splits.

(3) A defrosting tray large enough to catch all drip from the cooling unit, and a minimum of two corrosion-resistant ice cube trays with grids are provided.

(4) Cabinet exteriors, finished with either synthetic enamel or lacquer have all metal completely covered and free from chips, stains, scratches, blisters and other blemishes. Any such defects have been buffed, smoothed, filled, and either spot-sprayed, or the entire exterior resprayed, where one of these methods is necessary in order to obtain a finish similar to the original finish. Cabinet exteriors and interiors finished with porcelain are thoroughly cleaned, rust removed from any chips and patched with a suitable porcelain cement.

(b) *"As is" refrigerators.* An "as is" refrigerator is one which does not meet the standards of a reconditioned refrigerator but has all the parts essential for its operation as a refrigerator.

[Paragraph (b) amended by Am. 3, effective 8–6–45]

(c) *Guaranties.* Every refrigerator which is sold as a reconditioned refrigerator must carry a written guaranty for at least 90 days from the date of its installation which provides that any part which proves defective within the guaranty period will be replaced without charge for labor or materials or other services. If the guaranty is to last for one year or more the higher reconditioned price appearing in the table of prices may be charged. In the case of consumer-to-consumer sales this requirement may be satisfied by the seller's giving a written agreement to pay for all parts and repairs needed to fulfill the guaranty.

[Last sentence added by Am. 3, effective 8–6–45]

(d) *Table of maximum prices for certain used household mechanical refrigerators.* The maximum cash price for the following specified models of used household mechanical refrigerators (except those with factory rebuilt units) shall be:

APEX

If a one-year guaranty is furnished, $5 may be added to the prices in the second column for models of 1941 and 1942, and $10 for earlier models

Year	Model	Price "as is"	Price reconditioned with 90-day guaranty
1931	454	$10.50	$48.00
	504	10.50	48.00
	484-P	10.50	48.00
	504-P	10.50	48.00
1932-8	L-410	12.00	49.50
	L-600	12.00	49.50

[1] 8 F.R. 3706, 5484.

[2] Statements of considerations are also issued simultaneously with amendments. Copies may be obtained from the Office of Price Administration.

APEX—Continued

Year	Model	Price "as is"	Price reconditioned with 90-day guaranty
1932-3—Con.	L-610	$12.00	$49.50
	L-880	12.00	49.50
	P-600	12.00	49.50
	P-880	12.00	49.50
1934	SSL-4	15.00	52.50
	SSL-45	15.00	52.50
	SSL-6	16.50	54.00
	SSL-7	16.50	54.00
	DTL-8	19.50	57.00
1935	740	19.50	57.00
	745	21.00	58.50
	760	22.50	60.00
	SSL-6	16.50	54.00
	DTL-6	16.50	54.00
	SSL-7	16.50	54.00
	DTL-7	19.50	57.00
	DTL-8	19.50	57.00
1936	A-430	22.50	60.00
	A-440	24.00	61.50
	A-450	24.00	61.50
	A-785	27.00	64.50
1937	B-410	27.00	64.50
	B-625	30.00	67.50
	B-665	30.00	67.50
	B-880	33.00	70.50
1938	SC-300	31.50	69.00
	SC-400	34.50	72.00
	SC-600	37.50	75.00
	C-525	39.00	76.50
	C-625	42.00	79.50
	C-710	43.50	81.00
	C-880	48.00	85.50
	AC-600	43.50	87.00
	AC-710	54.00	91.50
	DC-1	55.50	93.00
	DC-2	61.50	99.00
	DC-3	69.00	106.50
1939	D-530	45.00	61.50
	D-620	49.50	66.00
1940	E-51	48.00	64.50
	E-52	52.50	69.00
	E-52-1	52.50	69.00
	E-65	60.00	76.50
	E-65-1	63.00	79.50
	E-66	66.00	82.50
	E-66-1	70.50	87.00
	E-66-2	75.00	91.50

COLDSPOT

If a 1-year guaranty is furnished, $5 may be added to the prices in the second column for models of 1941 and 1942, and $10 for earlier models

Year	Model	Price "as is"	Price reconditioned with 90-day guaranty
1931	240-C	$12.00	$49.50
	245-C	12.00	49.50
	255-C	12.00	49.50
	275-C	12.00	49.50
1932	440-C	12.00	49.50
	440-CP	12.00	49.50
	450-C	12.00	49.50
	450-CP	12.00	49.50
	460-C	13.50	51.00
	460-CP	13.50	51.00
	470-C	13.50	51.00
	470-CP	13.50	51.00
	480-C	15.00	52.50
	480-CP	15.00	52.50
1933	540-C	13.50	51.00
	640-C	13.50	51.00
	740-CP	13.50	51.00
	440-C	12.00	49.50
	440-CP	12.00	49.50
	450-C	12.00	49.50
	450-CP	12.00	49.50
	460-C	13.50	51.00
	460-CP	13.50	51.00
	470-C	13.50	51.00
	470-CP	13.50	51.00
1934	590-C	21.00	58.50
	650-C	22.50	60.00
	880-C	25.50	63.00
	660-CP	27.00	64.50
	670-CP	28.50	66.00
	990-C	27.00	64.50
1935	104	30.00	67.50
	216	36.00	73.50
	326	40.50	78.00
	328	48.00	85.50
	114	30.00	67.50
	105	31.50	69.00
	106	36.00	73.50
1936	604	37.50	69.65
	606	43.50	81.00
	616	46.50	84.00
	626	55.50	93.00
	618	55.50	93.00

COLDSPOT—Continued

Year	Model	Price "as is"	Price reconditioned with 90-day guaranty
1936—Con.	628	$63.00	$100.50
1937	774	40.50	62.65
	704	43.50	69.65
	1166	49.50	69.65
	709	55.50	93.00
	736	58.50	96.00
	716	60.00	97.50
	726	70.50	108.00
	718	67.50	105.00
	728	78.00	115.50
1938	3874	46.50	62.65
	3876	49.50	62.65
	3804	51.00	69.65
	3896	61.50	94.15
	3836	72.00	109.50
	3816	75.00	112.50
	3820	81.00	118.50
	3838	82.50	120.00
	3818	84.00	121.50
	3828	97.50	135.00
1939	3954	54.00	70.50
	3964	54.00	70.50
	3946	55.50	72.00
	3956	55.50	72.00
	3966	67.50	80.50
	39070	67.50	80.50
	3966	67.50	83.65
	3986	70.50	87.00
	39086	70.50	87.00
	3996	76.50	93.00
	3906	81.00	97.50
1940	4064	55.97	59.47
	4044	59.15	62.65
	4056	64.50	69.65
	4066	75.43	78.93
	40079	77.00	80.50
	4086	82.50	87.50
	4096	82.50	90.65
	4016	87.00	103.50
	4026	94.50	111.00
	4018	97.50	114.00
1941*	41124	77.00	80.50
	41126	80.50	84.00
	41326	112.00	115.50
	41426	119.00	122.50
	41428	133.00	136.50
	41338	136.50	140.00
1942*	41216	97.50	101.00
	42206	112.50	116.00
	41336	127.50	131.00
	41228	120.00	123.50
	41238	135.00	138.50

*Models and maximum prices added by Am. 3, effective 8–6–45.

COPELAND

If a 1-year guaranty is furnished, $5 may be added to the prices in the second column for models of 1941 and 1942; and $10 for earlier models.

Year	Model	Price "as is"	Price reconditioned with 90-day guaranty
1931	A-411	$10.50	$48.00
	A-441	10.50	48.00
	A-521	10.50	48.00
	A-551	10.50	48.00
	A-701	10.50	48.00
	D-961	10.50	48.00
	D-901	10.50	48.00
	E-661	10.50	48.00
	E-901	10.50	48.00
	E-152	15.00	52.50
	P-551	10.50	48.00
	P-701	10.50	48.00
1932	A-402	12.00	49.50
	A-442	12.00	49.50
	A-522	12.00	49.50
	A-562	12.00	49.50
	A-612	12.00	49.50
	A-772	12.00	49.50
	P-402	12.00	49.50
	P-442	12.00	49.50
	P-522	12.00	49.50
	P-562	12.00	49.50
	P-612	12.00	49.50
	P-772	12.00	49.50
1933	W-42	13.50	51.00
	W-52	15.00	52.50
	W-6	15.00	52.50
	W-7	15.00	55.50
	P-6	18.00	55.50
	P-7	18.00	55.50
	P-11	19.50	57.00
1934	454	15.00	52.50
	604	16.50	54.00
	704	16.50	54.00
	854	18.00	55.50

COPELAND—Continued

Year	Model	Price "as is"	Price reconditioned with 90-day guaranty
1934—Con.	P-604	$18.00	$55.50
	P-704	19.50	57.00
	P-854	19.50	57.00
1935	505	19.50	57.00
	635	22.50	60.00
	755	22.50	60.00
	955	27.00	64.50
1936	T-436	22.50	60.00
	T-736	30.00	67.50
	T-936	34.50	72.00
1937	437	30.00	67.50
	537	33.00	70.50
	637	36.00	73.50
	737	40.50	78.00
	937	48.00	85.50
1938	54	36.00	73.50
	S-5	39.00	76.50
	S-6	43.50	81.00
	T-7-F	51.00	88.50
	T-9-F	60.00	97.50
1939	43-J	46.50	63.00
	55-J	51.00	67.50
	63-J	52.50	69.00
	76-J	61.50	78.00
	55-J1)	57.00	73.50
	63-J1)	54.00	70.50
	76-J1)	67.50	84.00
	T-7-F	51.00	67.50
	T-9-F	60.00	76.50
	S-5	39.00	55.50
	S-5-F	39.00	55.50
	S-6	43.50	60.00
	S-6-F	43.50	60.00
1940	M-45	55.50	72.00
	M-47	60.00	76.50
	54-KF	66.00	82.50
	66-KF	70.50	87.00
1941*	A-45	69.50	73.00
	A-66	83.50	87.00
	A-120	227.50	231.00
	AD-66	115.50	119.00
	AD-87	132.25	135.00
	AD-120	245.00	248.50
1942*	BD-65	134.50	138.00
	A-120	268.50	282.00

*Models and maximum prices added by Am. 3, effective 8–6–45.

CROSLEY

If a 1-year guaranty is furnished, $5 may be added to the prices in the second column for models of 1941 and 1942; and $10 for earlier models

Year	Model	Price "as is"	Price reconditioned with 90-day guaranty
1932	C-35	$10.50	$48.00
	C-45	10.50	48.00
	C-55	10.50	48.00
1933	D-35	10.50	48.00
	D-45	10.50	48.00
	D-60	10.50	48.00
1934	EA-35	19.50	57.00
	EA-43	21.00	58.50
	EA-55	21.00	58.50
	E-43	21.00	58.50
	E-55	21.00	58.50
	E-70	24.00	61.50
1935	FR-30	24.00	61.50
	FR-35	25.50	63.00
	FR-40	25.50	63.00
	FA-35	25.50	63.00
	FA-40	25.50	63.00
	FA-50	28.50	66.00
	FA-60	31.50	69.00
	FA-70	36.00	73.50
	F-43	25.50	63.00
	F-55	28.50	66.00
	F-70	36.00	73.50
	PFA-50	28.50	66.00
	PFA-60	31.50	69.00
	PFA-70	36.00	73.50
	PF-43	25.50	63.00
	PF-55	28.50	66.00
	PF-70	36.00	73.50
1936	GAQ-30	33.00	69.65
	GAQ-35	34.50	72.00
	GAQ-43	34.50	72.00
	GAQ-50	36.00	73.50
	GAQ-60	37.50	75.00
	GAQ-70	40.50	78.00
	PGKQ-50	36.00	73.50
	PGKQ-60	37.50	75.00
	PGKQ-70	40.50	78.00
	PGKT-50	36.00	73.50
	PGKT-60	37.50	75.00
	PGKT-70	40.50	78.00

CROSLEY—Continued

Year	Model	Price "as is"	Price reconditioned with 60-day guaranty
1937	HB-1-30	$39.00	$69.65
	HB-1-31	39.00	69.65
	HB-1-36	40.50	78.00
	HB-1-41	40.50	78.66
	HB-1-50	43.50	81.00
	HB-1-60	45.00	82.50
	HB-5-36	40.50	78.00
	HB-5-71	48.00	85.50
	HL-5-43	42.00	79.50
	HL-5-50	45.00	82.50
	HL-5-61	52.50	90.00
	HL-5-71	57.00	94.50
1938	KB-5-30	48.00	69.65
	KB-5-31	49.50	83.97
	KB-5-36	51.00	88.50
	KB-5-43	52.50	90.00
	KB-5-50	54.00	91.50
	KB-5-60	55.50	93.00
	KB-5-71	58.50	96.00
	KL-5-43	54.00	91.50
	KL-5-50	55.50	93.00
	KL-5-61	57.00	94.50
	KL-5-71	61.50	99.00
1939	LA-9-30	54.00	70.50
	LA-9-40	55.50	72.00
	LA-9-50	60.00	76.50
	LA-9-60	63.00	79.50
	LB-5-45	58.50	75.00
	LB-5-55	66.00	82.50
	LB-5-65	73.50	90.00
	LB-5-80	88.50	105.00
	LL-5-45	61.50	78.00
	LL-5-55	73.50	90.00
	LL-5-65	82.50	99.00
	LL-5-80	97.50	114.00
	KWH-608	52.50	69.00
	LSH-5-60	82.50	99.00
	LSB-5-80	97.50	114.00
	LSL-5-60	79.50	96.00
	LSL-5-80	105.00	121.50
1940	MW-9-60	58.50	69.97
	MW-9-60-A	63.00	76.97
	MLA-9-60	70.50	83.97
	MA-9-60-S	72.00	88.50
	MA-9-50	67.50	83.97
	MA-8-80	81.00	97.50
	MA-8-80-S	78.00	94.50
	MB-9-45	67.50	84.60
	MB-9-55	73.50	90.00
	MB-9-60	78.00	94.50
	MB-8-70	87.00	103.50
	MB-8-80	97.50	114.00
	ML-9-45	75.00	91.50
	ML-9-55	82.50	99.00
	ML-8-70	94.50	111.00
	ML-8-80	103.50	120.00
	MSL-8-75	109.50	126.00
1941*	A-641	81.00	87.50
	SS-641	89.50	93.00
	S-641	96.50	100.00
	SE-641	107.00	110.50
	DM-641	131.00	134.50
	SF-841	131.00	134.50
	DM-841	159.00	162.50
1942*	A-642	107.50	111.00
	SS-742	115.00	118.50
	S-742	122.50	126.00
	SE-742	141.00	144.50
	DM-742	167.50	171.00
	SF-942	167.50	171.00
	DM-942	200.50	204.00

*Models and maximum prices added by Am. 3, effective 8-6-45.

DAYTON

If a 1-year guaranty is furnished, $5 may be added to the prices in the second column for models of 1941 and 1942; and $10 for earlier models

Year	Model	Price "as is"	Price reconditioned with 60-day guaranty
1931	4-A-2	$10.50	$48.00
	5-A-2	10.50	48.00
	6-A-2	10.50	48.00
	8-A-2	10.50	48.00
1932-33	4-A-2	10.50	48.00
	5-A-2	10.50	48.00
	6-A-2	10.50	48.00
	8-A-2	10.50	48.00
	2-N-4	10.50	48.00
	2-N-5	10.50	48.00
	2-N-6	10.50	48.00
	3-N-6	10.50	48.00
	3-N-8	10.50	48.00
	6301-WP	10.50	48.00

DAYTON—Continued

Year	Model	Price "as is"	Price reconditioned with 60-day guaranty
1934	4-B-2	$12.00	$49.50
	5-B-2	13.50	51.00
	6-B-3	16.50	54.00
	7-B-4	18.00	55.50
	8-B-4	18.00	55.50
	2-8B-P	18.00	55.50
1935	4-C-2	13.50	51.00
	5-C-2	13.50	51.00
	6-C-3	15.00	52.50
	7-C-4	16.50	54.00
	8-C-4	18.00	55.50
1936	4-S-2	16.50	54.00
	5-S-2	18.00	55.50
	6-S-4	21.00	58.50
	6-D-3	21.00	58.50
	7-D-4	21.00	58.50
	8-D-4	22.50	60.00
1937	4-E-2-U	22.50	60.00
	6-E-4-U	25.50	63.00
	7-E-6-U	28.50	66.00
	9-E-8	33.00	70.50
	6-E-4-D	28.50	66.00
	7-E-6-D	30.00	67.50
1938	4-H-2	27.00	64.50
	5-H-3	30.00	67.50
	6-H-4	31.50	69.00
	6-H-5	31.50	69.00
	8-H-7	34.50	72.00
	10-H-8	45.00	82.50
1939	4-J	37.50	54.00
	5-J	45.00	61.50
	6-J	46.50	63.00
	5-JD	49.50	66.00
	6-JD	52.50	69.00
	8-JD	58.50	75.00
	10-JD	67.50	84.00
	5-JDA	51.00	67.50
	6-JDA	54.00	70.50
	8-JDA	60.00	76.50
	5-JDB	51.00	67.50
	6-JDB	54.00	70.50
	8-JDB	60.00	76.50
	10-JDC	70.50	87.00
1940	4-MP	49.50	66.00
	6-MA	55.50	72.00
	6-MAD	57.00	73.50
	6-MSD	57.00	78.00
	8-MD	67.50	84.00
	8-MSD	70.50	87.00
	8-MCS	72.00	88.50
	10-MSD	97.50	114.00
	15-KD	112.50	129.00
	20-KD	127.50	144.00

FAIRBANKS-MORSE

If a 1-year guaranty is furnished, $5 may be added to the prices in the second column for models of 1941 and 1942; and $10 for earlier models

Year	Model	Price "as is"	Price reconditioned with 60-day guaranty
1934	A1-4	$10.50	$48.00
	A1-5	10.50	48.00
	A1-6	12.00	49.50
	AP-5	12.00	49.50
	AP-6	13.50	51.00
1935	B-4	13.50	51.00
	B-5	13.50	51.00
	B-6	15.00	52.50
	B-6S	15.00	52.50
	B-8	16.50	54.00
1936	C-4A	12.00	49.50
	C-4	15.00	52.50
	C-5	15.00	52.50
	C-6	16.50	54.00
	C-6S	16.50	54.00
	C-7	13.50	51.00
1937	DX-4	16.50	54.00
	DX-5	16.50	54.00
	DX-6	16.50	54.00
	D-4	19.50	57.00
	D-5	21.00	58.50
	D-6	22.50	60.00
	D-6S	22.50	60.00
	D-7	22.50	60.00
1938	EX-4	22.50	60.00
	EX-6	25.50	63.00
	EL-5	30.00	67.50
	EL-6	30.00	67.50
	EL-7	33.00	70.50
	E-4	28.50	66.00
	E-5	30.00	67.50
	E-6	30.00	67.50
	E-7	33.00	70.50

FRIGIDAIRE

If a 1-year guaranty is furnished, $5 may be added to the prices in the second column for models of 1941 and 1942; and $10 for earlier models

Year	Model	Price "as is"	Price reconditioned with 60-day guaranty
1927-28	M-52	$13.50	$51.00
	M-5	13.50	51.00
	M-7	15.00	52.50
	M-9	15.00	52.50
1929	M-12	24.00	61.50
	M-15	37.50	75.00
	V-4E	13.50	51.00
	V-4P	13.50	51.00
	V-5E	13.50	51.00
	V-5P	13.50	51.00
	D-4	16.50	54.00
	D-5	19.50	57.00
	D-6	19.50	57.00
	D-7-2	19.50	57.00
	D-9	27.00	64.50
	D-12	37.50	75.00
	AP-4	16.50	54.00
	AP-5	19.50	57.00
	AP-6	19.50	57.00
	AP-7-1	22.50	60.00
	AP-7-2	22.50	60.00
	AP-9	27.00	64.50
	AP-12	37.50	75.00
	AP-18	61.50	99.00
1930	G-3	15.00	52.50
	G-4	15.00	52.50
	G-5	18.00	55.50
	G-6	21.00	58.50
	MC-9	22.50	60.00
	MC-12	37.50	75.00
1931-32	ML-4	22.50	60.00
	ML-5	24.00	61.50
	ML-6	38.50	66.00
	S-4	22.50	60.00
	S-5	24.00	61.50
	S-6	28.50	66.00
	W-3	22.50	60.00
	W-4	24.00	61.50
	W-5	25.50	63.00
	W-6	28.50	66.00
	W-8	33.00	70.50
	W-10	42.00	79.50
	W-12	60.00	97.50
	W-18	82.50	120.00
	WP-4	24.00	61.50
	WP-5	25.50	63.00
	WP-6	28.50	66.00
	WP-7	30.00	67.50
	WP-8	33.00	70.50
	WP-10	42.00	79.50
	WP-13	60.00	97.50
	WP-18	82.50	120.00
1933	Std-431	13.50	51.00
	Std-433	15.00	52.50
	S1-43	31.50	69.00
	S1-63	36.00	73.50
	S1-73	37.50	75.00
	Sup-43	33.00	70.50
	Sup-63	39.00	76.50
	Sup-73	42.00	79.50
	Sup-93	52.50	90.00
	Sup-121	67.50	105.00
	Sup-153	82.50	120.00
	WP-18	82.50	120.00
1934	Std-434	13.50	51.00
	Std-534	15.00	52.50
	Std-634	16.50	54.00
	M-434	36.00	73.50
	M-634	40.50	78.00
	M-834	48.00	85.50
	Sup-434	40.50	78.00
	Sup-634	48.00	85.50
	Sup-734	52.50	90.00
	Sup-934	61.50	99.00
	Sup-1234	76.50	114.00
	Sup-1584	99.00	136.50
	Del-1234	82.50	120.00
	Del-1534	105.00	142.50
	WP-1834	112.50	150.00
1935	Std-435	19.50	57.00
	Std-535	22.50	60.00
	Std-635	25.50	63.00
	M-435	40.50	78.00
	M-535	46.50	84.00
	M-635	49.50	87.00
	M-835	58.50	96.00
	Sup-535	54.00	91.50
	Sup-635	58.50	96.00
	Sup-735	64.50	102.00
	Sup-935	72.00	109.50
	Sup-1235	87.00	124.50
	Sup-1535	109.50	147.00
	WP-1835	130.00	167.50
	Del-1235	93.00	130.00
	Del-1535	115.50	153.00
1936	D-3-36	30.00	67.50
	DR8-5-36	51.00	88.50
	DR8-6-36	54.00	91.50
	M-4-36	51.00	88.50
	M-5-36	57.00	94.50
	M-6-36	61.50	99.00

FRIGIDAIRE—Continued

Year	Model	Price "as is"	Price reconditioned with 60-day guaranty
1936—Con.	M-7-36	$67.50	$105.00
	Sup-4-36	60.00	97.50
	Sup-5-36	67.50	105.00
	Sup-6-36	73.50	111.00
	Sup-7-36	79.50	117.00
	Sup-9-36	91.50	129.00
	WP-12-36	111.00	148.50
	WP-17-36	132.00	169.50
	Premier	112.50	150.00
	Imperial	132.00	169.50
1937	D-3-37	52.50	80.15
	DRs-5-37	64.50	102.00
	DRS-6-37	67.50	105.00
	DRS-7-37	75.00	112.50
	M-4-37	61.50	97.65
	M-5-37	69.00	106.50
	M-6-37	73.50	111.00
	M-7-37	79.50	117.00
	M-8-37	90.00	127.50
	Del-5-37	78.50	117.00
	Del-6-37	93.50	129.00
	Del-7-37	99.00	136.50
	Del-8-37	105.00	142.50
	Imp-37	150.00	187.50
1938	D-3	61.50	85.55
	Sp-5-38	70.50	108.00
	Sp-6-38	73.50	111.00
	Sp-7-38	79.80	117.00
	M-4-38	70.50	101.15
	M-5-38	79.50	117.00
	M-6-38	85.50	123.00
	M-7-38	93.00	130.50
	M-8-38	103.50	141.00
	Del-5-38	93.00	130.50
	Del-6-38	103.50	141.00
	Del-7-38	112.50	150.00
	Del-8-38	118.50	156.00
	Imp	172.50	210.00
1939	TDA-3	67.50	84.00
	SupV-6-39	79.50	96.00
	DA-3	67.50	83.65
	DA-4	73.50	90.00
	Sp-5-39	79.50	96.00
	Sp-6-39	84.00	100.50
	M-4-39	79.50	96.00
	M-5-39	91.50	108.00
	M-6-39	97.50	114.00
	M-8-39	117.00	133.50
	CW-5-39	115.50	132.00
	CW-6-39	124.50	141.00
	CW-8-39	145.50	162.00
	CW1-6-39	130.50	147.00
	CW1-8-39	150.00	166.50
	CWI	202.50	219.00
	WP-19	277.50	294.00
1940	TDH-3	73.50	90.00
	SV-3	73.50	82.60
	SV-4	79.10	82.60
	SV-86	75.43	78.93
	SV-6-40	85.75	89.25
	SVE-6-40	89.25	92.75
	SVD-6-40	103.50	110.25
	SV-8-40	106.50	116.73
	SVE-8-40	108.00	120.23
	M-5-40	99.75	103.25
	M-6-40	106.75	110.25
	M-8-40	132.00	137.55
	D-5-40	105.00	120.40
	D-6-40	112.50	129.00
	CWM-5-40	113.40	116.90
	CWM-6-40	123.60	127.40
	CWD-6-40	141.00	148.40
	CWD-8-40	153.00	160.50
	CWI-6-40	154.50	165.55
	CWI-8-40	165.00	181.50
	CWI-13	247.50	264.00
1941*	S-3	84.00	87.50
	SV-3	84.00	87.50
	S-4	84.00	87.50
	R-6-41	86.60	89.50
	S-6-41	89.50	93.00
	LS-6-41	89.50	93.00
	L-6-41	98.50	102.00
	LP-6-41	112.50	116.00
	L-8-41	117.50	121.00
	M-6-41	109.00	112.50
	MP-6-41	123.00	126.50
	C-6-41	126.50	130.00
	CP-6-41	145.50	149.00
	C-9-41	147.50	151.00
	CD-6-41	152.50	156.00
	CPD-6-41	166.50	170.00
	CPD-9-41	187.50	191.00
	CPD-13	284.50	298.00
1942*	All-4	92.00	95.50
	All-6	94.50	98.00
	S-7-42	98.50	102.00
	M-7-42	108.00	111.50
	MP-7-42	123.50	127.00
	D-7-42	119.50	123.00
	DP-7-42	135.00	138.50
	D-9-42	150.00	153.50
	DP-9-42	165.50	169.00

FRIGIDAIRE—Continued

Year	Model	Price "as is" NXN	Price reconditioned with 90-day guaranty
1942*—Con.	CD-7-42	$167.00	$170.50
	CPD-7-42	182.00	185.50
	CD-9-42	189.50	193.00
	CPD-9-42	205.00	208.50
	CPD-13	322.00	325.50

*Models and maximum prices added by Am. 3, effective 8-6-45.

GENERAL ELECTRIC

If a 1-year guaranty is furnished, $5 may be added to the prices in the second column for models of 1941 and 1942; and $10 for earlier models

Year	Model	Price "as is"	Price reconditioned with 60-day guaranty
1928	S-3	$12.00	$49.50
	S-5	12.00	49.50
	P-4	12.00	49.50
	P-5	13.50	51.00
	P-7	13.50	51.00
	R-5	13.50	51.00
	RT-5	13.50	51.00
	RT-7	13.50	51.00
	RS-5	13.50	51.00
	RL-95	13.50	51.00
	PL-95	13.50	51.00
	PL-13	19.50	57.00
	PL-17	25.50	63.00
	DX-75	13.50	51.00
	DX-10	13.50	51.00
	DX-14	19.50	57.00
	DX-18	27.00	64.50
1929	P-4	12.00	49.50
	P-5	13.50	51.00
	P-7	13.50	51.00
	G-35	16.50	54.00
	G-40	16.50	54.00
	G-55	19.50	57.00
	G-75	19.50	57.00
	G-100	27.00	64.50
	G-135	30.00	67.50
	G-175	40.50	78.00
	PL-95	13.50	51.00
	PL-13	19.50	57.00
	PL-17	25.50	63.00
	RT-5	13.50	51.00
	RT-7	13.50	51.00
	R-5	13.50	51.00
	RL-95	13.50	51.00
	DX-75	13.50	51.00
	DX-10	13.70	51.00
	DX-14	19.50	57.00
	DX-18	27.00	64.50
1930	G-35	16.50	54.00
	G-40	16.50	54.00
	G-55	19.50	57.00
	G-75	19.50	57.00
	G-100	27.00	64.50
	G-135	30.00	67.50
	S-42	16.50	54.00
	S-62	21.00	58.50
	S-100	27.00	64.50
	S-140	33.00	70.50
	S-180	45.00	82.50
	P-4	12.00	49.50
	P-5	13.50	51.00
	P-7	13.50	51.00
	PS-95	13.50	51.00
	PS-13	30.00	67.50
1931	S-42	16.50	54.00
	S-62	21.00	58.50
	S-82	24.00	61.50
	S-100	27.00	64.50
	S-140	33.00	70.50
	S-180	45.00	82.50
	SS-42	18.00	55.50
	SS-62	22.50	60.00
	SS-82	27.00	64.50
	SS-100	31.50	69.00
	SS-140	37.50	75.00
	SS-180	52.50	90.00
	PS-5	25.50	63.00
	PS-6	27.00	64.50
	PS-7	28.50	66.00
	PS-9	31.50	69.00
	PS-13	30.00	67.50
	PS-17	52.50	90.00
1932	SS-42	18.00	55.50
	SS-44	18.00	55.50
	SS-62	22.50	60.00
	SS-67	24.00	61.50
	SS-85	28.50	66.00
	SS-107	34.50	72.00

GENERAL ELECTRIC—Continued

Year	Model	Price "as is"	Price reconditioned with 60-day guaranty
1932—Con.	SS-140	$37.50	$75.00
	SS-182	55.50	93.00
	E-4	12.00	49.50
	E-5	12.00	49.50
	PS-45	22.50	60.00
	PS-5	25.50	63.00
	PS-7	27.00	64.50
	PS-63	30.00	67.50
	PS-95	13.50	51.00
	PS-85	15.50	54.00
	PS-13	30.00	67.50
	PS-17	52.50	90.00
1933	HE-1-A	19.50	57.00
	HE-5	21.00	58.50
	HE-7	22.50	60.00
	SS-44	18.00	55.50
	SS-63	22.50	60.00
	SS-67	24.00	61.50
	SS-85	28.50	66.00
	SS-107	34.50	72.00
	SS-146	49.50	87.00
	SS-182	55.50	93.00
	P-41	18.00	55.50
	P-55	19.50	57.00
	P-62	22.50	60.00
	P-67	24.00	61.50
	P-85	28.50	66.00
	P-110	36.00	73.50
	P-134	48.00	85.50
	P-170	58.50	96.00
	P-4-180	82.50	120.00
	PS-45	22.50	60.00
	PS-5	28.50	63.00
	PS-55	27.00	64.50
	PS-63	30.00	67.50
	PS-95	13.50	51.00
1934	HE-4-B	19.50	57.00
	HE-5	21.00	58.50
	HE-7	22.50	60.00
	F-4	36.00	73.50
	F-5	39.00	76.50
	F-7	34.50	72.00
	SS-107	34.50	72.00
	SS-146	49.50	87.00
	SS-182	55.50	93.00
	HX-47	22.50	60.00
	HT-47	22.50	60.00
	HT-70	25.50	63.00
	T-9	58.50	96.00
	T-14	82.50	120.00
	T-110	36.00	73.50
	T-7	49.50	87.00
	T-9	58.50	96.00
	P-134	48.00	85.50
	P-170	58.50	96.00
	P-4-180	82.50	120.00
	PS-45	22.50	60.00
	PS-5	25.50	63.00
	PS-55	27.00	64.50
	PS-63	30.00	67.50
	PS-95	13.50	51.00
1935	X-4	22.50	60.00
	X-5	37.50	75.00
	X-6	42.00	79.50
	X-7	46.50	84.00
	K-4	37.50	75.00
	K-5	42.00	79.50
	K-7	46.50	84.00
	KF-12	87.00	124.50
	KF-15	109.50	147.00
	T-5	43.50	81.00
	T-7	49.50	87.00
	T-9	58.50	96.00
	P-134	48.00	85.50
	P-170	58.50	96.00
	P-4-180	82.50	120.00
	PS-45	22.50	60.00
	PS-5	25.50	63.00
	PS-55	27.00	64.50
	PS-63	30.00	67.50
	PS-95	13.50	51.00
1936	M-4	25.50	63.00
	M-5	57.00	94.50
	M-6	61.50	99.00
	M-7	67.50	105.00
	SM-66	58.50	96.00
	SMP-66	73.50	111.00
	NP-6	73.50	111.00
	V-4	48.00	87.50
	V-5	51.00	88.50
	V-7	58.50	96.00
	TM-7	79.50	117.00
	TM-9	91.50	129.00
	K-12	111.00	148.50
	K-15	132.00	169.50
1937	JB-5-37	64.50	102.00
	JB-6-37	67.50	105.00
	JB-7-37	76.50	114.00
	B-3-37	54.00	82.25
	B-4-37	64.50	99.00
	B-5-37	69.00	106.50
	B-6-37	73.50	111.00
	B-7-37	81.00	118.50
	B-8-37	91.50	129.00
	M-6-37	73.50	112.50
	M-8-37	93.00	130.50
	PB-6-37	91.50	129.00
	PB-8-37	108.00	145.50
	K-12	111.00	148.50
	K-15	132.00	169.50

GENERAL ELECTRIC—Continued

Year	Model	Price "as is"	Price reconditioned with 90-day guaranty
1938	JH-5-38	$70.50	$108.00
	JH-6-38	73.50	111.00
	JH-7-38	79.50	117.00
	H-3-38	60.00	85.75
	H-4-38	70.50	101.15
	H-5-38	79.50	117.00
	H-6-38	85.50	123.00
	H-7-38	93.00	130.50
	H-8-38	100.50	144.00
	PH-5-38	91.50	129.00
	PH-6-38	103.50	141.00
	PH-8-38	118.50	156.00
	PH-12-38	195.00	292.50
	PH-16-38	195.00	292.50
1939	LH-6-39	79.50	95.00
	HY-4-39	73.50	90.00
	JH-5-39	67.50	84.00
	H-4-39	73.50	90.00
	JH-6-39	79.50	96.00
	H-5-39	82.50	99.00
	H-3-39	67.50	84.00
	H-5-39	94.50	108.00
	H-6-39	100.50	117.00
	H-8-39	120.00	136.50
	PH-5-39	111.00	130.50
	PH-6-39	124.50	141.00
	PH-8-39	147.00	163.50
	PH-12-39	187.50	204.00
	PH-16-39	217.50	234.00
1940	H-3	73.50	85.75
	HY-4	94.20	100.45
	JH-5-40	91.70	95.20
	JH-6-40	109.50	114.80
	LH-6-40	76.83	80.33
	LH-3-40	75.00	85.75
	LH-4-40	82.50	87.15
	LH-6-40	90.83	94.33
	LH-8-40	105.50	125.65
	LHH-6-40	101.15	104.65
	LHH-8-40	121.50	129.15
	H-5-40	120.00	132.83
	HH-6-40	123.00	132.83
	H-6-40	132.00	146.83
	H-8-40	145.50	162.00
	PLH-6-40	114.63	118.13
	PH-5-40	142.50	150.33
	PH-6-40	154.50	164.33
	PH-8-40	165.00	181.50
	PH-12-40	292.50	249.00
	PH-16-40	307.50	324.00
1941*	H-3	91.50	95.00
	LH-3	86.50	90.00
	LH-4	86.50	90.00
	HY-4	100.50	104.00
	LH-6-41	91.50	95.00
	LHX-6-41	96.50	100.00
	JH-6-41 B	107.00	110.50
	PJH-6-41	121.00	124.50
	H-6-41	143.50	147.00
	PH-6-41	161.50	165.00
	HH-7-41	134.50	138.00
	H-7-41	152.00	155.50
	PH-7-41	166.50	170.00
	JH-8-41	128.00	131.50
	H-8-41	166.00	169.50
	PH-8-41	180.00	183.50
	PH-12-B	308.00	311.50
	PH-16-B	350.00	353.50
1942*	LH-4-42	93.50	96.00
	LH-6-42	95.00	98.50
	LH-7-42	114.50	118.00
	LHX-7-42	125.50	129.00
	JH-7-42	137.00	140.50
	PJH-7-42	152.00	155.50
	H-7-42	167.50	171.00
	H-8-42	182.50	186.00
	PH-8-42	197.50	201.00
	PH-12-42	338.00	341.50
	PH-16-42	384.00	387.50

*Models and maximum prices added by Am. 3, effective 8-6-45.

GIBSON

If a 1-year guaranty is furnished, $5 may be added to the prices in the second column for models of 1941 and 1942; and $10 for earlier models

Year	Model	Price "as is"	Price reconditioned with 90-day guaranty
1931	All models	$10.50	$48.00
1932	All models	15.50	53.00
1933	All models	21.50	59.00
1934	All models	26.50	64.00
1935	B-4	30.50	68.00
	L-575	30.50	68.00
	L-705	30.50	68.00
	L-835	30.50	68.00

GIBSON—Continued

Year	Model	Price "as is"	Price reconditioned with 90-day guaranty
1935—Con.	P-575	$30.50	$68.00
	P-705	30.50	68.00
	P-835	30.50	68.00
1936	S-46	36.50	74.00
	S-66	42.50	80.00
	S-86	46.50	84.00
	GA-726	42.50	80.00
	CB-586	46.50	84.00
	CB-696	48.50	86.00
	CB-796	50.50	88.00
	SD-646	46.50	84.00
	PCB-696	48.50	86.00
	PCB-796	52.50	90.00
1937	S-47	45.50	83.00
	S-57	51.50	89.00
	S-67	53.50	91.00
	S-77	55.50	93.00
	CB-587	55.50	93.00
	CB-697	60.00	97.50
	CB-797	64.00	101.50
	CB-887	66.00	103.50
	PCB-587	60.00	97.50
	PCB-697	57.50	95.00
	PCB-797	66.00	103.50
	PCB-887	66.00	103.50
1938	S-48	57.50	95.00
	S-58	59.50	97.00
	S-68	62.00	99.50
	S-78	64.00	101.50
	S-638	62.00	99.50
	CB-588	66.00	103.50
	CB-698	70.50	108.00
	CB-798	75.00	112.50
	CB-888	77.00	114.50
	PCB-588	75.00	112.50
	PCB-698	81.50	119.00
	PCB-798	85.50	123.00
	PCB-888	90.00	127.50
1939	C-69	70.97	73.47
	CU-69	73.00	87.47
	CF-69	75.00	91.50
	D-39	66.00	80.47
	D-49	68.50	85.00
	D-59	73.00	89.50
	D-69	75.00	91.50
	D-79	77.50	94.00
	E-589	77.50	94.00
	E-699	79.50	96.00
	E-799	86.50	103.00
	PF-699	91.00	107.50
1940	C-630	59.47	62.97
	CU-630	66.47	69.97
	CF-630	95.00	111.50
	A-330	73.47	76.97
	A-470	87.47	90.97
	E-550	97.50	111.97
	E-640	106.50	123.00
	E-760	123.00	139.50
	F-680	144.50	158.00
1941*	A-331	77.00	80.50
	A-471	91.00	94.50
	C-631	68.50	72.00
	CU-631	84.00	87.50
	CUB-631	98.00	101.50
	F-671	93.00	101.50
	F-6721	105.00	108.50
	F-681	155.50	159.00
	SF-691	147.00	150.50
	SF-791	161.00	164.50
1942*	CU-623 stripped)	105.00	108.50
	CU-632 (extras)	112.50	116.00
	F-662	131.50	135.00
	F-682	150.50	154.00
	F-782	165.50	169.00
	SF-792	195.00	198.50

*Models and maximum prices added by Am. 3, effective 8-6-45.

HOT POINT

If a 1-year guaranty is furnished, $5 may be added to the prices in the second column for models of 1941 and 1942; and $10 for earlier models

Year	Model	Price "as is"	Price reconditioned with 90-day guaranty
1933	HP4A	$12.00	$49.50
	HP4B	12.00	49.50
	HP4C	12.00	49.50
	HP5A	12.00	49.50
	HP7A	12.00	49.50
1934	PF4	27.00	64.50
	PF5	31.50	69.00
	PF6	33.00	70.50
1935	A4	37.50	75.00

HOT POINT—Continued

Year	Model	Price "as is"	Price reconditioned with 90-day guaranty
1935—Con.	A5	$42.00	$79.50
	A7	46.50	84.00
	AP5	42.00	79.50
	AP7	46.50	84.00
	AP12	82.50	120.00
	AP15	102.00	139.50
1936	AV43	43.50	88.00
	AV52	46.50	84.00
	AV70	52.50	90.00
	A1	37.50	75.00
	A3	42.00	79.50
	A7	46.50	84.00
	AP5	42.00	79.50
	AP7	46.50	84.00
	AP12	82.50	120.00
	AP15	102.00	139.50
1937	120EB51	48.00	71.20
	120EB61	61.50	99.00
	120EB61	64.50	102.00
	120EB71	70.50	108.00
	120EC41	57.00	89.95
	120EC51	66.00	103.50
	120EC61	69.00	106.50
	120EC71	76.50	114.00
	120EC81	87.00	124.50
1938	120EB32	55.50	82.25
	120EB52	67.50	105.00
	120EB62	70.50	108.00
	120EB72	76.50	114.00
1937	120EC42	67.50	97.45
	120EC52	75.00	112.50
	120EC62	82.50	120.00
	120EC72	88.50	126.00
	120EC82	102.00	139.50
	110ED52	87.00	124.50
	110ED62	100.50	138.00
	110ED82	115.50	153.00
	110ED122	157.50	195.00
	110ED162	195.00	232.50
1939	120EA63	76.50	93.00
	120EB33	63.00	79.50
	120EB43	73.50	90.00
	120EB53	82.50	99.00
	120EB63	88.50	105.00
	120EC53	91.50	108.00
	120EC63	100.50	117.00
	120EC83	124.50	141.00
	110ED63	121.50	138.00
	110ED83	142.50	159.00
	110ED122	157.50	174.00
	110ED162	195.00	211.50
1940	120EA3-40	69.83	85.50
	120EA4-40	78.70	87.15
	320EA63	76.83	80.33
	220EA6-40	90.83	94.33
	220EA8-40	111.00	125.65
	120EB3-40	69.00	85.50
	120EB5-40	94.50	108.33
	220EB6-40	109.50	115.33
	120EC5-40	115.50	132.00
	320EC6-40	118.50	132.83
	220EC6-40	127.50	144.00
	220EC8-40	142.50	159.00
	110ED6-40	141.00	157.50
	110ED8-40	165.00	181.50
	110ED140	232.50	249.00
	110ED240	307.50	324.00
1941*	EA-3	86.50	90.00
	EA-4	86.50	90.00
	EA-6	86.00	89.50
	EAS-6	96.50	100.00
	EB-3	91.50	95.00
	EB-6	107.00	110.50
	EB-7	134.50	138.00
	EB-8	127.50	131.00
	EBP-6	121.00	124.50
	EC-6	121.00	124.50
	EC-7	132.00	135.50
	EC-8	166.00	169.50
	ED-6	174.50	178.00
	ED-7	196.00	199.50
	ED-8	180.00	183.50
	ED-12	308.00	311.50
	ED-16	350.00	353.50
1942*	EA 63-42	95.00	98.50
	EA-7-42	114.50	118.00
	EAS-7-42	125.50	129.00
	EB-7-42	137.00	140.50
	EBP-7-42	152.00	155.50
	EC-7-42	167.00	170.50
	EC-8-42	182.00	185.50
	ED-8-42	197.50	201.00
	ED-12-42	336.00	341.50
	ED-16-42	384.50	388.00

*Models and maximum prices added by Am. 3, effective 8-6-45.

ICE-O-MATIC

If a 1-year guaranty is furnished, $5 may be added to the prices in the second column for models of 1941 and 1942; and $10 for earlier models

Year	Model	Price "as is"	Price reconditioned with 90-day guaranty
1933	Y-5	$10.50	$48.00
	Y-6	10.50	48.00
	L-53	10.50	48.00
	L-64	10.50	48.00
	L-53-P	10.50	48.00
	P-53	10.50	48.00
	P-64	10.50	48.00
	D-72	10.50	48.00
1934	D-44	10.50	48.00
	D-55	10.50	48.00
	D-66	10.50	48.00
	D-80	10.50	48.00
	P-66	10.50	48.00
	P-80	10.50	48.00
1935	S-354-1	12.00	49.50
	S-355-1	12.00	49.50
	S-356-2	12.00	49.50
	D-3566-2	12.00	49.50
	P-358-2	12.00	49.50
1936	D-3641	13.50	51.00
	D-3651	13.50	51.00
	D-3662	15.00	52.50
	D-3682	15.00	52.50
	P-3662	15.00	52.50
	P-3682	15.00	52.50
	P-36122	16.50	54.00
	P-36152	16.50	54.00
	P-36192	16.50	54.00
1937	D-3741	13.50	51.00
	D-3751	13.50	51.00
	D-3762	15.00	52.50
	D-3782	15.00	52.50
	D-3782	16.50	54.00
	P-3782	16.50	54.00
	P-37122	16.50	54.00
	P-37152	18.00	55.50
	P-37192	18.00	55.50
1938-39	D-3941	22.50	60.00
	D-3951	25.50	63.00
	D-3961	27.00	64.50
	D-3962	27.00	64.50
	D-3982	30.00	67.50

KELVINATOR

If a 1-year guaranty is furnished, $5 may be added to the prices in the second column for models of 1941 and 1942; and $10 for earlier models

Year	Model	Price "as is"	Price reconditioned with 90-day guaranty
1927-28	L-5-E	$10.50	$48.00
	L-5-P	10.50	48.00
	310	10.50	48.00
	273	10.50	48.00
	298	10.50	48.00
1929	M-4-E	10.50	48.00
	M-4-P	10.50	48.00
	M-5-P	10.50	48.00
	M-6-P	10.50	48.00
1930	U-4-P	10.50	48.00
	U-5-P	10.50	48.00
	U-7-P	10.50	48.00
	S-4	12.00	49.50
	S-5	12.00	49.50
	S-7	13.50	51.00
	S-9	13.50	51.00
1931	Y-524	12.00	49.50
	Y-5	12.00	49.50
	Y-7	13.50	51.00
	S-4	12.00	49.50
	S-5	12.00	49.50
	S-7	13.50	51.00
	S-9	13.50	51.00
	D-6	12.00	49.50
	D-8	12.00	49.50
	D-11	16.50	54.00
	D-14	28.50	66.00
1932	K-4	19.50	57.00
	K-24	19.50	57.00
	K-5	21.00	58.50
	K-6	28.50	66.00
	K-7	27.00	64.50
	PK-5	22.50	60.00
	PK-6	27.00	64.50
	PK-7	28.50	66.00
	S-4	12.00	49.50
	S-5	12.00	49.50
	S-7	13.50	51.00
	S-9	13.50	51.00
	D-6	12.00	49.50
	D-11	16.50	54.00
	D-14	28.50	66.00

KELVINATOR—Continued

Year	Model	Price "as is"	Price reconditioned with 90-day guaranty
1933	R-42-N	$27.00	$64.50
	R-42	27.00	64.50
	R-53	30.00	67.50
	R-64	31.50	69.00
	R-75	34.50	72.00
	K-40-N	28.50	66.00
	K-40	28.50	66.00
	K-50	31.50	69.00
	K-60	33.00	70.50
	K-80	37.50	75.00
	PK-40	30.00	67.50
	PK-50	33.00	70.50
	PK-60	34.50	72.00
	PK-70	37.50	75.00
	PK-80	40.50	78.00
	D-55	37.50	75.00
	D-65	42.00	79.50
	D-75	46.50	84.00
	D-90	51.00	88.50
	D-120	67.50	105.00
	D-150	82.50	120.00
1934	V	33.00	70.50
	N	33.00	70.50
	A-5	33.00	70.50
	NA	36.00	73.50
	NB	39.00	76.50
	SA	39.00	76.50
	SB	42.00	79.50
	SC	45.00	82.50
	PA	43.50	81.00
	PB	48.00	85.50
	PC	52.50	90.00
	PD	60.00	97.50
	D-2	51.00	88.50
	D-3	57.00	94.50
	D-4	63.00	100.50
	D-5	85.50	123.00
1935	KX-300	36.00	73.50
	K-425	39.00	76.50
	K-485	40.50	78.00
	K-541	43.50	81.00
	K-650	49.50	87.00
	K-740	55.50	93.00
	P-541	45.00	82.50
	P-650	51.00	88.50
	P-760	58.50	96.00
	D-513	55.50	93.00
	D-617	58.50	96.00
	D-736	64.50	102.00
	D-873	72.00	109.50
	SD-658	61.50	99.00
	SD-782	67.50	105.00
	SD-903	75.00	112.50
	SD-1268	94.50	132.00
1936	KR-3-36	30.00	67.50
	KR-4-36	40.50	78.00
	KR-5-36	51.00	88.50
	KS-5-36	51.00	88.50
	KS-6-36	54.00	91.50
	K-3-36	30.00	67.50
	K-4-36	51.00	88.50
	K-5-36	57.00	94.50
	K-6-36	61.50	99.00
	K-7-36	67.50	105.00
	PK-5-36	67.50	105.00
	PK-6-36	73.50	111.00
	PK-7-36	81.00	118.50
	SD-7-36	84.00	121.50
	SD-9-36	91.50	132.00
	SD-13-36	132.00	169.50
	SD-17-36	157.50	195.00
1937	KS-50	64.50	102.00
	KS-60	67.50	105.00
	KS-70	75.00	112.50
	K-3-37	52.50	80.15
	K-4-37	61.50	97.97
	K-5-37	69.00	106.50
	K-6-37	73.50	111.00
	K-7-37	81.00	118.50
	PK-5-37	79.50	117.00
	PK-6-37	91.50	129.00
	PK-7-37	99.00	136.50
	PK-9-37	115.50	153.00
	SD-7-37	105.00	142.50
	SD-9-37	120.00	157.50
	SD-13-37	150.00	187.50
	SD-17-37	187.50	225.00
1938	KS-5-38	70.50	108.00
	KS-6-38	75.00	112.50
	KS-7-38	81.00	118.50
	K-3-38	61.50	83.65
	K-4-38	70.50	101.15
	K-5-38	79.50	117.00
	K-6-38	85.50	123.00
	K-7-38	93.00	130.50
	PK-5-38	93.00	130.50
	PK-6-38	103.50	141.00
	PK-7-38	112.50	150.00
	SD-7-38	115.50	153.00
	SD-9-38	127.50	165.00
	SD-13-38	172.50	210.00
	SD-17-38	210.00	247.50
1939	KS-3-39	67.50	84.00
	KS-4-39	73.50	90.00
	KS-5-39	79.50	96.00

KELVINATOR—Continued

Year	Model	Price "as is"	Price reconditioned with 90-day guaranty
1939—Con.	KS-6-39	$84.00	$100.50
	KT-6-39	79.50	96.00
	K-4-39	79.50	96.00
	K-5-39	91.50	108.00
	K-6-39	97.50	114.00
	K-8-39	118.50	135.00
	PK-5-39	115.50	132.00
	PK-6-39	124.50	141.00
	PK-8-39	145.50	162.00
	SD-7	135.00	153.50
	SD-9	150.00	168.50
	SD-17	240.00	256.50
1940	A-3-40	66.47	69.97
	A-4-40	80.47	83.97
	GSX-6-40	76.83	80.33
	SS-6-40	83.97	87.47
	S-6-40	94.47	97.97
	HS-6-40	103.50	118.97
	HD-6-40	141.00	146.97
	HD-8-40	154.50	167.97
	S-8-40	122.47	125.97
	R-6-40	109.50	120.00
	R-8-40	135.00	146.97
	PR-6-40	145.50	150.47
1941*	A-3-41	73.50	77.00
	AXT-3-41	74.00	87.50
	A-4-41	84.00	87.50
	B-6-41	77.00	80.50
	SS-6-A	91.00	94.50
	DA-6-41	98.00	101.50
	S-6-41	105.00	108.50
	R-6-41	123.00	127.00
	PS-6-41	119.00	122.50
	M-6-41	133.00	136.50
	S-8-41	133.00	136.50
	M-8-41	161.00	164.50
1942*	A-4-42	165.00	168.50
	B-6-42	97.50	101.00
	SS-7-42	112.50	116.00
	DA-7-42	120.50	124.00
	S-7-42	131.50	135.00
	R-7-42	142.50	146.00
	M-7-42	165.50	169.00
	S-9-42	165.50	169.00
	M-9-42	195.00	198.50

*Models and maximum prices added by Am. 3, effective 8-6-45.

LEONARD

If a 1-year guaranty is furnished, $5 may be added to the prices in the second column for models of 1941 and 1942; and $10 for earlier models

Year	Model	Price "as is"	Price reconditioned with 90-day guaranty
1931	L5	$15.00	$52.50
	L58	15.00	52.50
	L7	16.50	54.00
	L78	16.50	54.00
1932	L400	22.50	60.00
	A450	24.00	61.50
	L450	24.00	61.50
	L550	24.00	61.50
	L650	27.00	64.50
	L780	28.50	66.00
	PA450	24.00	61.50
	PA550	24.00	61.50
	PA750	28.50	66.00
1933	L425	25.50	63.00
	L451	25.50	63.00
	L531	27.00	64.50
	L551	27.00	64.50
	L641	30.00	67.50
	L651	31.50	69.00
	L752	33.00	70.50
	PL451	27.00	64.50
	PL551	30.00	67.50
	PL751	37.50	75.00
	PL952	37.50	75.00
1934	SL1	33.00	70.50
	SL15	34.50	72.00
	SL2	36.00	73.50
	SL3	37.50	75.00
	LD2	37.50	75.00
	LD3	40.50	78.00
	SP2	43.50	81.00
	PD2	43.50	81.00
	PD3	48.00	85.50
	PD4	52.50	90.00
	PD5	60.00	97.50
1935	L300	36.00	73.50
	LA	36.00	73.50
	LD553	39.00	76.50
	SL435	36.00	73.50
	SL-525	40.50	78.00
	SL600	43.50	81.00

LEONARD—Continued

Year	Model	Price "as is"	Price reconditioned with 90-day guaranty
1935—Con.	SL721	$48.00	$85.50
	PD588	51.00	88.50
	PD704	55.50	93.00
	PD806	64.50	102.00
	PD1050	73.50	111.00
	SP525	52.50	90.00
	SP800	55.50	93.00
1936	LS5-36	48.00	85.50
	LS6-36	52.50	90.00
	L3-36	34.50	72.00
	L4-36	45.00	82.50
	L5-36	52.50	90.00
	L6-36	55.50	93.00
	L7-36	60.00	97.50
	L8-36	60.00	97.50
	P6-36	60.00	103.50
	P7-36	72.00	109.50
	P10-36	91.50	129.00
1937	LS5-37	55.50	93.00
	LS6-37	58.50	96.00
	L3-37	42.00	79.50
	L4-37	55.50	93.00
	L5-37	64.50	102.00
	L6-37	67.50	105.00
	L7-37	73.50	111.00
	P5-37	73.50	111.00
	P6-37	82.50	120.00
	P7-37	88.50	126.00
1938	LS5-38	67.50	105.00
	LS6-38	69.00	106.50
	L87-38	73.50	111.00
	L3-38	55.50	93.00
	L4-38	67.50	105.00
	L5-38	76.50	104.00
	L6-38	82.50	120.00
	L7-38	90.00	127.50
	P5-38	90.00	127.50
	P6-38	99.00	136.50
	P7-38	109.50	147.00
1939	LX803-39	60.00	76.50
	LC6-39	76.50	93.00
	LS4-39	69.00	85.50
	LS5-39	75.00	91.50
	LS6-39	79.50	96.00
	L5-39	85.50	102.00
	L6-39	91.50	108.00
	L7-39	100.50	117.00
	P5-39	100.50	117.00
	P6-39	111.00	127.50
1940	LCS-X6-40	67.50	80.33
	LS86-40	76.50	87.47
	LS6-40	84.00	97.97
	LS8-40	94.50	111.00
	LR6-40	97.50	114.00
	LR8-40	117.00	133.50
	LH86-40	93.00	109.50
	LHD6-40	112.50	129.50
	LHD8-40	136.50	153.00
1941*	LE-6-41	77.00	80.50
	LSS-6-A	91.00	94.50
	LDA-6-41	98.00	101.50
	LS-6-41	105.00	108.50
	LR-6-41	115.50	119.00
	LDS-6-41	119.00	122.50
	LH-6-41	133.00	136.50
	LS-8-41	133.00	136.50
	LH-8-41	161.00	164.50
1942*	LH-6-42	97.50	101.00
	LSS-7-42	112.50	116.00
	LDA-7-42	120.50	124.00
	LS-7-42	131.50	135.00
	LR-7-42	142.50	146.00
	LH-7-42	165.50	169.00
	LS-9-42	165.50	169.00
	LH-9-42	195.00	198.50

*Models and maximum prices added by Am. 3, effective 8-6-45.

MAYFLOWER

If a 1-year guaranty is furnished, $5 may be added to the prices in the second column for models of 1941 and 1942; and $10 for earlier models.

Year	Model	Price "as is"	Price reconditioned with 90-day guaranty
1932	F-34	$12.00	$49.50
	F-35	13.50	51.00
	F-36	15.00	52.50
	F-78	15.00	52.50
	F-86	16.50	54.00
	F-96	18.00	55.50
1933	G-45	13.50	51.00
	G-5	13.00	52.50
	G-6	16.50	54.00
	G-7	16.50	54.00
	GP-5	15.00	52.50
	GP-6	16.50	54.00

MAYFLOWER—Continued

Year	Model	Price "as is"	Price reconditioned with 90-day guaranty
1933—Con.	GP-7	$16.50	$54.00
	GP-11	19.50	57.00
1934	HS-45	15.00	52.50
	HS-6	19.50	57.00
	H-7	21.00	58.50
	HP-6	22.50	60.00
	HP-7	22.50	60.00
1935	M-505	22.50	60.00
	M-635	24.00	61.50
	M-755	27.00	64.50
	M-955	30.00	67.50
1936	G-46	25.50	63.00
	G-56	28.50	66.00
	G-66	30.00	67.50
	G-86	34.50	72.00
	GP-66	34.50	72.00
	GP-86	40.50	78.00
1937	H-47	27.00	64.50
	H-57	30.00	67.50
	H-67	36.00	73.50
	H-87	42.00	79.50
1938	K-48	43.50	81.00
	K-58	48.00	85.50
	K-68	51.00	88.50
	K-88	58.50	96.00
	KD-58	52.50	90.00
	KD-68	60.00	97.50
	KD-88	67.50	105.00

MONTGOMERY WARD

If a 1-year guaranty is furnished, $5 may be added to the prices in the second column for models of 1941 and 1942; and $10 for earlier models

Year	Model	Price "as is"	Price reconditioned with 90-day guaranty
1934	425	$21.00	$58.50
	650	25.50	63.00
	750	28.50	66.00
1935	S-400	28.50	66.00
	S-550	33.00	70.50
	L-6500	36.00	73.50
	L-7500	39.00	76.50
1936	S-400	34.50	69.47
	S-550	37.50	69.65
	S-6510	42.00	76.97
	E-6020	46.50	84.00
	E-6820	55.50	93.00
	E-6120	82.50	120.00
	P-6025	43.50	81.00
1937	54	45.00	69.97
	66	49.50	69.97
	86	52.50	80.47
	652	52.50	80.47
	656	63.00	100.50
	856	67.50	105.00
	116	85.50	123.00
	654	60.00	97.50
1938	Std-58	57.00	94.50
	Std-68	61.50	99.00
	Std-88	58.50	96.00
	Del-658	73.50	111.00
	Del-668	76.50	114.00
	Sup-758	78.00	115.50
	Sup-958	85.50	124.00
	Sup-118	103.00	142.50
1939	Std-48	57.00	69.97
	Std-62	60.00	69.97
	620	66.00	76.97
	622	70.50	87.00
	Del-50	73.50	90.00
	Del-60	79.50	96.00
	Del-668	82.50	99.00
	Del-940	102.00	111.97
	Sup-760	88.50	105.00
	Sup-960	106.50	123.00
	Sup-118	105.00	121.50
1940	444	62.65	66.15
	64	58.77	62.27
	604	65.80	69.30
	624	73.15	76.65
	624	82.50	87.15
	644	76.97	80.47
	6224	76.30	79.80
	634	82.50	89.00
	644	87.00	101.47
	646	94.50	111.00
	744	94.50	111.00
	924	97.50	108.47
	944	105.00	121.50
	124	120.00	136.50
1941*	651	77.00	80.50
	661	87.50	91.00
	671	94.50	98.00
	691	105.00	108.50
	781	119.00	122.50
	881	119.00	122.50

MONTGOMERY WARD—Continued

Year	Model	Price "as is"	Price reconditioned with 90-day guaranty
1941*—Con.	981	$129.50	$133.00
1942*	642 Std	94.00	97.50
	671-B-Del. Sp.	99.50	103.00
	622-Std	105.00	108.50
	672-Deluxe	112.50	116.00
	692-Deluxe	124.00	127.50
	882-Deluxe	139.00	142.50
	782-Supreme	135.50	139.00
	982-Supreme	150.50	154.00

*Models and maximum prices added by Am. 3, effective 8-7-45.

NORGE

If a 1-year guaranty is furnished $5 may be added to the prices in the second column for models of 1941 and 1942; and $10 for earlier models.

Year	Model	Price "as is"	Price reconditioned with 90-day guaranty
1931	51	$16.50	$54.00
	51S	22.50	60.00
	61	19.50	57.00
	61P	19.50	57.00
	61P	21.00	58.50
	71P	24.00	61.50
1932	A	24.00	61.50
	B	24.00	61.50
	D	25.50	63.00
	BP	24.00	61.50
	DP	25.50	63.00
	F	30.00	67.50
1933	A44	25.50	63.00
	D5	28.50	66.00
	D66	33.00	70.50
	K	33.00	70.50
	J	28.50	66.00
	AP44	25.50	63.00
	DP66	33.00	70.50
	JP	28.50	66.00
	KP	33.00	70.50
	M	39.00	70.50
	R	48.00	85.50
1934	A45	34.50	72.00
	A55	37.50	75.00
	A71	45.00	82.50
	L54	39.00	79.50
	L67	42.00	79.50
	S47	36.00	73.50
	SP47	36.00	73.50
	SP55	39.00	76.50
	SP71	46.50	84.00
	P54	43.50	81.00
	P67	45.00	82.50
	P78	51.00	88.50
	P91	58.50	96.00
	P110	73.50	111.00
	E310	36.00	73.50
	E425	40.50	78.00
	L425	40.50	78.00
	L519	46.50	84.00
	L621	49.50	87.00
	L721	54.00	91.50
	L810	58.50	96.00
	P425	42.00	79.50
	P519	52.50	89.00
	P621	58.50	96.00
	P720	64.50	102.00
	P804	67.50	105.00
	P953	72.00	109.50
	P1117	82.50	120.00
1936	E32-6	37.50	73.15
	E42-6	51.00	88.50
	E52-6	72.50	90.00
	E62-6	55.50	93.00
	L42-6	54.00	91.50
	L52-6	57.00	94.50
	L62-6	63.00	100.50
	L72-6	70.50	108.00
	L82-6	75.00	112.50
	P42-6	61.50	99.00
	P52-6	69.00	106.50
	P62-6	73.50	111.00
	P72-6	79.50	117.00
	P82-6	82.50	123.00
	P95-6	91.50	132.00
	P112-6	111.00	148.50
1937	S32-37	52.50	83.47
	S42-37	61.50	97.97
	S62-37	64.50	102.00
	S62-37	67.50	105.00
	S72-37	70.50	108.00
	N52-37	69.00	106.50
	N61-37	73.50	111.00
	N72-37	79.50	117.00
	N81-37	90.00	127.50
	P42-37	70.50	117.00
	P52-37	79.50	117.00

NORGE—Continued

Year	Model	Price "as is"	Price reconditioned with 90-day guaranty
1937—Con.	P61-37	$91.50	$129.00
	P72-37	99.00	136.50
	P81-37	105.00	142.50
	LTP81-37	120.00	157.50
	LTP122-37	150.00	187.50
1938	A31-8	61.50	83.97
	S52-8	70.50	108.00
	S62-8	73.50	111.00
	S71-8	79.50	117.00
	R32-8	61.50	83.97
	R41-8	67.50	101.47
	R51-8	78.00	115.50
	R61-8	85.50	123.00
	R71-8	93.00	130.50
	R81-8	103.50	141.00
	R130-8	172.50	210.00
	P42-8	79.50	117.00
	P52-8	93.00	130.50
	P61-8	103.50	141.00
	P71-8	112.50	150.00
	P81-8	118.50	156.00
	LTP81-8	135.00	172.50
	LTP123-8	180.00	217.50
1939	G43	67.50	84.00
	G44	73.50	90.00
	G5	79.50	96.00
	G6	84.00	100.50
	GO4	73.50	90.00
	GO5	79.50	96.00
	GO6	84.00	100.50
	MH5	91.50	108.00
	MH6	97.50	114.00
	M5	91.50	108.00
	M6	97.50	114.00
	M8	117.00	133.50
	SN5	94.50	111.00
	SN6	100.50	117.00
	SN8	118.50	135.00
	MHP5	115.50	132.00
	MHP6	130.50	147.00
	S5	115.50	132.00
	S6	130.50	147.00
	S8	150.00	166.50
	P6	76.50	93.00
	PO6	79.50	96.00
1940	AR6	76.97	80.47
	AR116	76.97	80.47
	AR6A	76.97	80.47
	VR3S	73.50	83.97
	VR3	73.50	83.97
	VR4	82.50	87.47
	VR6	94.47	97.97
	VR6A	97.47	97.97
	VRS6	100.50	104.97
	VR6P	105.00	118.97
	VR6AP	112.50	125.97
	VRS6P	112.50	125.97
	MRS8	114.00	125.97
	MR5	102.00	111.65
	MR5A	102.00	111.65
	MR6	112.50	125.97
	MR6A	112.50	125.97
	DR5	123.00	132.97
	DR6	141.00	146.97
	DRS	153.00	169.50
	SR5	135.00	150.47
	SR6	154.50	167.97
	SRS	165.00	181.50
1941*	D-621	91.00	94.50
	D-622	98.00	101.50
	D-901	126.00	129.50
	DF-501	126.00	129.50
	M-621	105.00	108.50
	M-661	122.50	126.00
	M-662	133.00	136.50
	M-902	143.50	147.00
	S-663	143.50	147.00
	S-903	164.50	168.00
	M-624-P	119.00	122.50
	M-664-P	136.50	140.00
	S-664-P	157.50	161.00
	S-884-P	189.00	192.50
1942*	M-642	113.00	116.50
	M-742	150.00	153.50
	M-942	150.00	153.50
	S-642	128.00	131.50
	S-942	180.00	183.50
	S-742	169.00	172.50
	S-742-P	184.00	187.50

*Models and maximum prices added by Am. 3, effective 8-6-45.

PHILCO

If a 1-year guaranty is furnished, $5 may be added to the prices in the second column for models of 1941 and 1942; and $10 for earlier models

Year	Model	Price "as is"	Price reconditioned with 90-day guaranty
1939	KX-4	$52.50	$99.00
	KX-6	57.00	73.50
	KC-5	63.00	79.50
	KC-6	66.00	82.50
	KC-7	67.50	84.00
	K-5	63.00	79.50
	K-6	66.00	82.50
	K-7	67.50	84.00
1940	LS-4	61.50	78.00
	LX-6	58.50	75.00
	LS-6	72.00	88.50
	LC-5	76.50	93.00
	LT-6	82.50	99.00
	LC-6	84.00	100.50
	LT-8	99.00	115.50
	LF-6	97.50	114.00
	L-6	100.50	117.00
	LF-8	105.00	121.50
	LH-6	102.00	118.50
	LH-8	105.00	121.50
1941*	MU-6	86.00	89.50
	MR-6	93.00	96.50
	MS-6	103.50	107.00
	M-6	114.00	117.50
	MH-6	121.00	124.50
	MA-7	138.50	142.00
	MAH-7	150.50	163.00
	MA-9	131.50	135.00
	MAH-9	187.50	191.00
1942*	SMR-6	108.50	112.00
	RR-7	122.50	126.00
	R-7	133.50	137.00
	RH-7	148.00	151.50
	RCH-7	169.00	172.50
	RAH-7	186.50	190.00
	RR-9	153.50	157.00
	RAH-9	216.50	220.00

*Models and maximum prices added by Am. 3, effective 8-6-45.

SERVEL ELECTROLUX

If a 1-year guaranty is furnished, $5 may be added to the prices in the second column for models of 1941 and 1942; and $10 for earlier models

Year	Model	Price "as is"	Price reconditioned with 90-day guaranty
1933	ED-30	$34.50	$72.00
	ED-40	37.50	75.00
	ED-50	40.50	78.00
	ED-60	43.50	81.00
	ED-70	48.00	85.50
	ED-90	58.50	96.00
	ED-110	78.00	115.50
	EDP-50	45.00	82.50
	EDP-60	49.50	87.00
	EDP-70	52.50	90.00
	EDP-90	64.50	102.00
	EDP-110	82.50	120.00
1934	EE-30A	30.00	76.50
	EE-40	43.50	81.00
	EE-50	46.50	84.00
	EE-60	52.50	90.00
	EE-70	57.00	94.50
	EEL-90	69.00	106.50
	EEL-110	88.50	126.00
	EEP-50	51.00	88.50
	EEP-60	57.00	94.50
	EEP-70	63.00	100.50
	EELP-90	75.00	112.50
	EELP-110	93.00	130.50
1935	APTF-35	46.50	84.00
	APTF-45	49.50	87.00
	SF-45	54.00	91.50
	F-50	57.00	94.50
	F-70	72.00	109.50
	F-100	97.50	135.00
	PF-50	66.00	103.50
	PF-70	79.50	117.00
	PF-100	105.00	142.50

SERVEL ELECTROLUX—Continued

Year	Model	Price "as is"	Price reconditioned with 90-day guaranty
1936	G-410	$60.00	$97.50
	G-500A	67.50	105.00
	G-500	76.50	108.00
	G-700	82.50	120.00
	G-1000	112.50	150.00
	PG-500	76.50	114.00
	PG-700	90.00	127.50
	PG-1000	118.50	156.00
1937	H-300A	64.50	102.00
	H-410	73.50	97.30
	H-500A	82.50	120.00
	H-500	85.50	124.00
	H-600	91.50	129.00
	H-800	112.50	150.00
	H-1000	136.50	174.00
1938	J-300A	72.00	109.50
	J-410	82.50	104.65
	J-500A	91.50	125.65
	J-500	94.50	132.00
	J-600	102.00	139.50
	J-800	127.50	165.00
	J-1100	165.00	202.50
1939	K-300A	76.50	93.00
	K-410	80.15	80.65
	K-500A	97.65	101.15
	K-500	105.00	121.50
	K-600A	112.50	129.00
	K-600	115.50	132.00
	K-800A	136.50	153.00
	K-800	142.50	159.00
	K-1100	187.50	204.00
1940	L-300	82.50	99.00
	L-400	94.50	111.00
	L-500A	111.00	127.50
	L-500	115.50	132.00
	L-600A	121.50	138.00
	L-600	124.50	141.00
	L-800A	144.00	160.50
	L-800	148.50	165.00
	L-1100	247.50	264.00
1941*	M-300	103.50	107.00
	M-400	109.00	112.50
	M-500-A	125.50	129.00
	M-500-B	107.50	111.00
	M-800	148.00	151.50
	M-600-A	138.00	141.50
	M-650-A	132.50	136.00
	M-600	170.00	173.50
	M-800-A	165.00	168.50
	M-800	200.00	203.50
	M-1100	284.50	288.00
1942*	N-400	111.00	114.50
	N-500-A	127.00	130.50
	N-500-B	132.50	136.00
	N-600-A	141.50	145.00
	N-600-B	178.00	181.50
	N-800	209.50	213.00
	N-800-A	205.50	207.00
	N-800	246.50	250.00
	N-1100	350.50	354.00

*Models and maximum prices added by Am. 3, effective 8-6-45.

SPARTON

If a 1-year guaranty is furnished, $5 may be added to the prices in the second column for models of 1941 and 1942; and $10 for earlier models

Year	Model	Price "as is"	Price reconditioned with 90-day guaranty
1934	464	$10.50	$48.00
	574	10.50	48.00
	724	10.50	48.00
	884	10.50	48.00
1935	S-465	21.00	58.50
	D-465	21.00	58.50
	D-525	22.50	60.00
	D-615	22.50	60.00
	D-745	27.00	64.50
	D-906	30.00	67.50
1936	S-466	25.50	63.00
	S-616	30.00	67.50
	S-746	33.00	70.50
	D-466	27.00	64.50
	D-616	34.50	72.00

SPARTON—Continued

Year	Model	Price "as is"	Price reconditioned with 90-day guaranty
1936—Con.	D-746	$37.50	$75.00
	D-906	40.50	78.00
	CD-466	28.50	66.00
	CS-616	33.00	70.50
1937	S-617	36.00	73.50
	S-747	40.50	78.00
	D-467	27.00	64.50
	D-617	40.50	78.00
	D-747	43.50	81.00
	D-947	48.00	85.50
1938	S-468	43.50	81.00
	S-38	49.50	87.00
	D-618	55.50	93.00
	D-748	58.50	96.00
	DA-618	55.50	93.00
	DA-748	58.50	96.00
	DA-948	66.00	103.50
1939	S-39 Spec	63.00	79.50
	S-469	55.50	72.00
	D-619	73.50	90.00
	D-799	81.00	97.50
	DA-619	75.00	91.50
	DA-719	84.00	100.50
	DA-949	102.00	118.50

STEWART-WARNER

If a 1-year guaranty is furnished, $5 may be added to the prices in the second column for models of 1941 and 1942; and $10 for earlier models

Year	Model	Price "as is"	Price reconditioned with 90-day guaranty
1933	40	$16.50	$54.00
	45	19.50	57.00
	55	21.00	58.50
	65	24.00	61.50
	77	25.50	63.00
1934	434S	19.50	57.00
	554	22.50	60.00
	564	22.50	60.00
	574	22.50	60.00
	704	27.00	64.50
	714	27.00	64.50
	724	27.00	64.50
	834	28.50	66.00
	764P	28.50	66.00
	774P	28.50	66.00
	744P	31.50	69.00
	724P	31.50	69.00
	834P	37.50	75.00
1935	435	27.00	64.50
	445	27.00	64.50
	555	30.00	67.50
	505	30.00	67.50
	603	33.00	70.50
	705	36.00	73.50
	574P	33.00	70.50
	724P	39.00	76.50
1936	456	37.50	75.00
	556	43.50	81.00
	656	46.50	84.00
	566	46.50	84.00
	666	49.50	87.00
	706	55.50	93.00
	806	66.00	103.50
	696P	52.50	90.00
	766P	61.50	99.00
	866P	72.00	109.50
1937	700	70.50	108.00
	437	58.50	94.15
	587	63.00	100.50
	637	72.00	109.50
	767	66.00	103.50
	667	73.50	111.00
	767	81.00	118.50
	887	90.00	127.50
	767P	81.00	118.50
	967P	87.00	124.50
	767P	100.50	138.00
	867P	105.00	142.50
1938	358	55.50	93.00
	458	67.50	109.45
	558	72.00	109.50
	658	75.00	112.50
	568	75.00	112.50
	668	79.50	117.00
	768	94.50	132.00
	568P	79.50	117.00
	668P	85.50	123.00
	768P	102.00	139.50
	593	67.50	97.65
	770	69.00	106.50
1939	469	69.00	85.50
	459	70.50	87.00
	559	75.00	91.50
	659	79.50	96.00
	769	112.50	129.00

STEWART-WARNER—Continued

Year	Model	Price "as is"	Price reconditioned with 90-day guaranty
1939—Con.	358	55.50	72.00
	458	61.50	78.00
	550	72.00	88.50
	720	76.50	93.00
	558	70.50	87.00
	658	76.50	93.00
	568	81.00	97.50
	668	93.00	106.50
	768	99.00	115.50
	568P	99.00	115.50
	668P	106.50	123.00
	768P	114.00	130.50
1940	D-420	76.50	90.65
	620	84.00	100.50
	540	90.00	106.50
	690	97.50	114.00
	570	105.00	121.50
	670	112.50	129.00
	660	121.50	138.00
	860	136.50	153.00
1941*	601	84.00	87.50
	611	98.00	101.50
	801	119.00	122.50
	661	139.50	143.00
	671	160.50	164.00
	861	167.50	171.00
	871	188.50	192.00
1942*	602	111.00	114.50
	612	121.50	128.00
	802	145.00	148.50
	662	180.00	183.50
	672	194.00	197.50
	862	265.50	269.00
	872	218.50	222.00

*Models and maximum prices added by Am. 3 effective 8-6-45.

UNIVERSAL COOLER

If a 1-year guaranty is furnished, $5 may be added to the prices in the second column for models of 1941 and 1942; and $10 for earlier models

Year	Model	Price "as is"	Price reconditioned with 90-day guaranty
1930	LES-40	$10.50	$48.00
	LPS-40	10.50	48.00
	LEM-40	10.50	48.00
	LPM-40	10.50	48.00
	LEH-40	10.50	48.00
	LPH-40	10.50	48.00
	LE-500	10.50	48.00
	LP-500	10.50	48.00
	LEJ-550	10.50	48.00
	LPJ-550	10.50	48.00
	LPJ-70	10.50	48.00
	P-500	10.50	48.00
	PJ-70	10.50	48.00
	P-550	10.50	48.00
	P-70	10.50	48.00
1931	LP-4	12.00	49.50
	LP-5	12.00	49.50
	LP-6	12.00	49.50
	LP-7	12.00	49.50
	P-5	12.00	49.50
	P-6	12.00	49.50
	P-7	12.00	49.50
1932	L-452	13.50	51.00
	L-552	13.50	51.00
	L-652	13.50	51.00
	L-82	13.50	51.00
	P-552	13.50	51.00
	P-652	13.50	51.00
	P-82	13.50	51.00
	P-55	13.50	51.00
	P-65	13.50	51.00
1933-34	400	18.00	55.50
	155	19.50	57.00
	X-402	19.50	57.00
	X-503	22.50	60.00
	X-604	24.00	61.50
	X-705	25.50	63.00
	X-503-P	25.50	63.00
	X-604-P	28.50	66.00
	X-705-P	30.00	67.50
1935	435	28.50	66.00
	535	31.50	69.00
	635	33.00	70.50
	835	36.00	73.50
1936	4-Plus	34.50	72.00
	5-Plus	37.50	75.00
	6-Plus	40.50	78.00
	S-Plus	45.00	82.50
	PB-4	36.00	73.50
	PB-6	42.00	79.50
	PB-8	48.00	85.50
	UNXP-6	55.50	93.00
1937	M-427	39.00	76.50

UNIVERSAL COOLER—Continued

Year	Model	Price "as is"	Price reconditioned with 90-day guaranty
1937—Con.	M-547	$43.50	$81.00
	M-647	45.00	82.50
	5527	43.50	81.00
	5627	45.00	82.50
	D-537	45.00	82.50
	D-657	46.50	84.00
	D-757	49.50	87.00
	PD-65	51.00	88.50
1938	CL-408	49.50	87.00
	CL-528	52.50	90.00
	CL-628	55.50	93.00
	AD-538	54.00	91.50
	AD-658	57.00	94.50
	AD-758	60.00	97.50
	BD-538	55.50	93.00
	BD-658	58.50	96.00
	BD-758	61.50	99.00
	ADP-658	67.50	105.00
	BDP-658	67.50	105.00
1939	M-439	55.50	72.00
	M-539	60.00	76.50
	M-639	63.00	79.50
	D-539	69.00	85.50
	D-639	73.50	90.00
	D-759	79.50	96.00
1940	M-6-40	67.50	84.00

UNIVERSAL (LANDERS, FRARY & CLARK)

If a 1-year guaranty is furnished, $5 may be added to the prices in the second column for models of 1941 and 1942; and $10 for earlier models

Year	Model	Price "as is"	Price reconditioned with 90-day guaranty
1934-35	445	$15.00	$52.50
	450	15.00	52.50
	467	15.00	52.50
	478	15.00	52.50
	869	15.00	52.50
	867	15.00	52.50
	878	15.00	52.50
1936	1444	18.00	55.50
	1455	18.00	55.50
	1466	18.00	55.50
	1477	18.00	55.50
	1488	18.00	55.50
	1866	18.00	55.50
	1877	18.00	55.50
	1888	18.00	55.50
1937	S-4	22.50	60.00
	D-5	24.00	61.50
1937	D-6	25.50	63.00
	D-8	27.00	64.50
1938	84	28.50	66.00
	85	30.00	67.50
	86	33.00	70.50
	88	39.00	76.50

WESTINGHOUSE

If a 1-year guaranty is furnished, $5 may be added to the prices in the second column for models of 1941 and 1942; and $10 for earlier models

Year	Model	Price "as is"	Price reconditioned with 90-day guaranty
1931	WL-45	$19.50	$57.00
	WL-73	25.50	63.00
	WL-90	25.50	63.00
	DWL-55	12.00	49.50
	DWL-75	12.00	49.50
	DWL-100	15.00	52.50
	DWL-130	18.00	55.50
	DWL-180	45.00	82.50
	DWP-55	12.00	49.50
	DWP-75	12.00	49.50
	DWP-100	15.00	52.50
	DWP-130	18.00	55.50
	DWP-180	45.00	82.50
1932	AL-45	22.50	60.00
	AL-60	28.50	66.00
	AL-73	31.50	69.00
	AL-90	36.00	73.50
	AD-45	22.50	60.00
	AP-60	28.50	66.00
	AP-73	31.50	69.00
	AP-90	36.00	73.50
	AP-130	60.00	97.50
	AP-200	82.50	120.00

WESTINGHOUSE—Continued

Year	Model	Price "as is"	Price reconditioned with 90-day guaranty
1933	BL-43	$31.50	$69.00
	BL-45	31.50	69.00
	BL-53	33.00	70.50
	BL-55	33.00	70.50
	BL-63	37.50	75.00
	BL-65	37.50	75.00
	BL-75	42.00	79.50
	BP-45	31.50	69.00
	BP-55	33.00	70.50
	BP-65	37.50	75.00
	BP-75	42.00	79.50
1934	CL-43	36.00	73.50
	CL-45	36.00	73.50
	CL-53	39.00	76.50
	CL-55	39.00	76.50
	CL-63	42.00	79.50
	CL-65	42.00	79.50
	CL-75	46.50	84.00
	CL-93	51.00	91.50
	CP-45	36.00	73.50
	CP-55	39.00	76.50
	CP-65	42.00	79.50
	CP-75	46.50	84.00
	CP-95	54.00	91.50
1935	D-42	40.50	78.00
	D-54	45.00	82.50
	D-60	49.50	87.00
	DL-41	45.00	82.50
	DL-51	48.00	85.50
	DL-67	52.50	90.00
	DL-78	57.00	94.50
	DLX-67	52.50	90.00
	DLX-78	57.00	94.50
	DLX-95	69.00	106.50
	DP-44	40.50	87.00
	DP-54	54.00	91.50
	DP-67	61.50	99.00
	DP-78	67.50	105.00
	DPX-67	61.50	99.00
	DPX-78	67.50	105.00
	DPX-95	79.50	117.00
1936	ED-39	40.50	76.65
	ED-40	51.00	88.50
	ED-50	57.00	94.50
	ED-60	63.00	100.50
	ED-70	69.00	106.50
	EDX-44	52.50	90.00
	EDX-54	60.00	97.50
	EDX-67	70.50	108.00
	EDX-78	76.50	114.00
	EDX-95	82.50	120.00
	EPX-44	55.50	93.00
	EPX-54	63.00	100.50
	EPX-67	75.00	112.50
	EPX-78	82.50	120.00
	EPX-95	90.00	127.50
	EPX-135	117.00	154.50
	EPX-200	157.50	195.00
1937	FS-50	69.00	109.50
	FS-60	75.00	112.50
	FS-70	81.00	118.50
	FDS-30	52.50	80.15
	FDS-40	58.50	96.00
	FDS-50	64.50	102.00
	FDS-60	72.00	109.50
	FDS-70	76.50	114.00
	FD-50	73.50	111.00
	FD-60	79.50	117.00
	FD-70	85.50	123.00
	FD-92	102.00	139.50
	FDS-30	79.50	117.00
	FDS-40	90.00	127.50
	FDS-70	97.50	135.00
	FD-92	115.50	153.00
	EPX-135	117.00	154.50
	EPX-200	157.50	195.00
1938	HS-52	70.50	108.00
	HS-62	78.00	115.50
	HS-72	81.00	121.50
	HC-30	61.50	99.00
	HDS-32	61.50	83.65
	HDS-42	70.50	101.15
	HDS-52	78.00	113.50
	HDS-62	84.00	121.50
	HDS-72	90.00	127.50
	HD-52	79.50	117.00
	HD-62	87.00	124.50
	HD-72	93.00	130.50
	HP-95	117.00	154.50
	HPS-52	93.00	130.50
	HFS-62	103.50	141.00
	HPS-72	112.50	150.00
	HP-62	108.00	145.50
	HP-72	118.50	156.00
	HP-95	135.00	172.50
	FP-135	172.50	210.00
	FP-200	217.50	255.00
1939	HU-50	61.50	78.00
	S-6-39	79.50	96.00
	H-3-39	67.50	84.00
	H-4-39	73.50	90.00
	H-5-39	79.50	96.00
	H-6-39	84.00	100.50
	A-5-39	91.50	108.00
	A-6-39	97.50	114.00

WESTINGHOUSE—Continued

Year	Model	Price "as is"	Price reconditioned with 90-day guaranty
1939—Con.	A-8-39	$120.00	$136.50
	E-5-39	115.50	132.00
	E-6-39	130.50	147.00
	E-8-39	145.50	162.00
	HP-135	202.50	219.00
	HP-200	277.50	294.00
1940	LS-6-40	76.83	80.33
	U-3-40	73.50	83.83
	S-3-40	75.00	87.33
	S-4-40	83.83	87.33
	S-6-40	94.33	97.83
	S-8-40	108.00	124.50
	H-5-40	102.00	118.50
	H-6-40	109.50	122.33
	A-5-40	105.00	121.50
	A-6-40	112.50	126.00
	A-8-40	123.00	139.50
	D-6-40	141.00	153.83
	D-8-40	153.00	169.50
	E-6-40	154.50	169.83
	E-8-40	165.00	181.50
	A-135-40	247.50	294.00
	A-200-40	307.50	324.00
	E-135-40	255.00	271.50
	E-200-40	315.00	331.50
1941*	U-3-41	80.50	84.00
	AS-4-41	84.50	88.00
	AS-6-41	86.00	89.50
	S-6-41	98.00	101.50
	B-6-41	107.00	110.50
	BP-6-41	121.00	124.50
	D-7-41	128.00	131.50
	R-9-41	127.50	131.00
	M-7-41	145.50	149.00
	DP-7-41	152.50	156.00
	M-9-41	166.00	169.50
	MP-9-41	186.50	190.00
1942*	A-4-42	98.50	102.00
	A-6-42	105.00	108.50
	E-7-42	111.00	114.50
	AS-7-42	122.50	126.00
	B-7-42	133.50	137.00
	D-7-42	152.50	156.00
	B-9-42	152.50	156.00
	D-9-42	185.50	189.00

*Models and maximum prices added by Am. 3, effective 8-6-45.

MISCELLANEOUS MAKES

If a 1-year guaranty is furnished, $5 may be added to the prices in the second column for models of 1941 and 1942; and $10 for earlier models

Makes	Price "as is"	Price reconditioned with 90-day guaranty
Atwater Kent	$10.50	$48.00
Belleville	10.50	48.00
Bohn	10.50	48.00
Briggs	15.00	52.50
Buckeye	10.50	48.00
Cavalier	10.50	48.00
Chilrite	10.50	48.00
Commerce	10.50	48.00
Graybar-Ilg-Kold	10.50	48.00
Grinnell	10.50	48.00
Grunow	12.00	49.50
King Kold	9.00	46.50
Lectric-Ice and Challenger	10.50	48.00
Liberty	10.50	48.00
Majestic (Sealed)	9.00	46.50
Majestic (Open)	10.50	48.00
Merchant and Evans	10.50	48.00
Mohawk	12.00	49.50
Rice	9.00	46.50
Servel-Electric (Open)	10.50	48.00
Servel-Electric (Hermetic)	9.00	46.50
Starr Freeze	12.00	49.50
Trukold	9.00	46.50
U. S. Hermetic	9.00	46.50
Weisbach	10.50	48.00
White Mountain	9.00	46.50
Wurlitzer	12.00	49.50
Zerozone	12.00	49.50

[The note following each model name and the heading "Miscellaneous Makes" in the above tables amended by Am. 3, effective 8-6-45]

(e) *Maximum prices for chest type or lift-top model refrigerators.* The maximum price for any chest type or lift-top model refrigerator shall be $9.00 if it is sold "as is" and $46.50 if it is sold as "reconditioned." For purposes of this section a chest type or lift-top household mechanical refrigerator is one having a net food storage capacity of less than three cubic feet and having the door giving access to its food storage compartment opening upwards from the top.

[Paragraph (e) added by Am. 3, effective 8-6-45. Former (e) deleted by Am. 3]

(f) *Maximum prices for models for which maximum prices are not fixed in the preceding paragraphs.* If the maximum price for any used household mechanical refrigerator is not specified in the preceding paragraphs, the maximum cash price shall be determined by the maximum price of the refrigerator listed in the foregoing table which corresponds most closely to the refrigerator being priced, with regard to age, finish, capacity, type of model and mechanical and cabinet equipment. The maximum price selected from the table shall correspond to the conditions under which the refrigerator is to be sold, i. e., "as is", or reconditioned with a 90-day or a one-year guaranty.

(g) *Maximum prices for refrigerators with new or factory rebuilt units.* (1) This paragraph shall apply only in cases in which:

[Above sentence amended by Am. 3, effective 8-6-45]

(i) The refrigerator meets the standards of a reconditioned refrigerator and is sold with a one-year guaranty.

(ii) The refrigerator contains a new unit or one rebuilt by the original manufacturer, or by a reconditioner who offered such a service in February, 1942, or earlier, and furnished with it at least a one-year guaranty.

(iii) The new or rebuilt unit has been purchased by the person offering the refrigerator for sale.

(2) The maximum cash price for a refrigerator with a new or rebuilt unit meeting the qualifications of the foregoing section shall be the sum of:

(i) The "as is" maximum price for that refrigerator, and

(ii) The manufacturer's net suggested resale maximum price in effect in March, 1942, or subsequently specifically approved by the Office of Price Administration, for the replacement unit contained in the refrigerator, or if no manufacturer's suggested resale price was in existence in March 1942, or later subsequently approved by the Office of Price Administration, the net cost to the dealer for the replacement unit, plus the dollar markup taken for the sale of the most comparable item in March 1942.

(h) *Sales in Western states.* If the sale of the refrigerator is made to a person in the States of Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington, or Wyoming, $5.00 may be added to the maximum price.

(i) *Taxes.* Any tax upon or incident to the sale of a used household mechanical refrigerator may be added to the maximum prices established by this Regulation. Thus, if the seller has paid a Federal excise tax upon the rebuilding

of the refrigerator, that tax may be added.

(j) *Sales for export.* The maximum price at which a person may export any used household mechanical refrigerator is established by the provisions of the Maximum Export Price Regulation.[3]

(k) *Credit, delivery and other charges.* Any charge which is not quoted and billed separately shall for the purposes of this Regulation be considered to be part of the selling price of the refrigerator. Charges for the extension of credit or for delivery, packing or installation, may be added to the maximum retail price set forth in this section, provided: (1) the seller during the two-month period ending February 16, 1942, made a separate charge for the extension of credit, delivery, packing or installation services the amount of which was separately stated to the purchaser, (2) the amount charged for the extension of credit or for delivery, installation or packing, is not in excess of the charge in effect during the two-month period ending February 16, 1942 upon sales of used household mechanical refrigerators, and (3) such charges are quoted and billed separately. No seller may require as a condition of sale that the purchaser accept any of the services mentioned.

SEC. 4. *Maximum rental rates.* (a) The maximum rate which may be charged for the rental of a refrigerator shall be determined in accordance with the maximum sale price as set forth in the table below:

Maximum sale price, reconditioned with a 90-day guaranty		Maximum monthly rental rate
From	But below	
$46.50	$55.00	$2.50
55.00	65.00	3.00
65.00	75.00	3.50
75.00	85.00	4.00
85.00	95.00	4.50
95.00	105.00	5.00
105.00	115.00	5.50
115.00	125.00	6.00

Refrigerators whose maximum sale price (reconditioned with a 90-day guaranty) is $125.00 or more may be rented at a maximum monthly rate not to exceed 5 percent of the maximum sale price, calculated to the nearest half dollar.

(b) *Delivery of rental refrigerators.* An additional amount may be added to the rental rate to cover delivery and pick-up of rented refrigerators where such service is rendered, which may not exceed $5.50.

(c) *Maintenance of rented refrigerators.* A rented refrigerator must meet the standards set forth for reconditioned refrigerators in Sec. 3 (a) and during the period of the rental must carry the guaranty provided for in Sec. 3 (c).

(d) *Rental payments in advance.* A person who supplies a rented refrigerator may not ask for or receive rental payments for more than three months in advance.

(e) *Seasonal rentals.* Persons who rented refrigerators prior to April 1, 1942 for a period less than four months for use during that period in a resort community in households occupied by vacationers, shall compute their maximum prices in the manner provided by section 6 of Revised Maximum Price Regulation No. 165.[4] The ceiling price for rentals on a seasonal basis by persons who did not rent refrigerators on a seasonal basis prior to April 1, 1942, is the price in line with level of seasonal rental prices, fixed by the Office of Price Administration after application to it for the fixing of such a price. No such persons may rent refrigerators on a seasonal basis until such an order has been issued.

[Paragraph (e) added by Am. 1, 8 F.R. 9779, effective 7-20-43]

SEC. 5. *Prohibited practices.* (a) Any practice which is devised to get the effect of a higher than ceiling price without actually raising the dollar and cents price, is as much a violation of this regulation as an outright over-ceiling price. This applies to devices making use of commissions, services, transportation arrangements, tying agreements, tying requirements, trade understandings and the like.

(b) The following practice is specifically prohibited:

(1) Offering to sell or rent a refrigerator only on condition that the buyer agree to pay for repairs, parts, and services.

SEC. 6. *Tagging.* No person shall sell or offer to sell, or rent, a used household mechanical refrigerator unless a tag is attached to the refrigerator which states whether the refrigerator is offered for sale "as is" or "reconditioned," the length of the guarantee to be supplied, the make, model and year of the refrigerator, the maximum selling price; and if the refrigerator is offered for rent, the tag also shall state the maximum monthly rental rate. A tag in the following form is satisfactory:

Make
Model
Year
Condition (Reconditioned)
("as is")
Guaranteed for (90 days)
(one year)
Maximum selling price: $_____
(Maximum monthly rental rate: $_____)

This tag must not be removed except by the ultimate consumer. If the maximum price for the refrigerator was determined under paragraph (f) or (g) of Sec. 3, the tag shall so state, and if the refrigerator has a replacement unit, shall carry the name of the supplier of the unit.

SEC. 7. *Sales slips, receipts and invoices.* Regardless of his former practice, every person selling a used household mechanical refrigerator in the course of trade or business shall furnish the purchaser with a sales slip, receipt, invoice or other writing, stating that the refrigerator sold is either "as is" or "reconditioned", the length of the guarantee supplied, the date of the sale, the make, model, number and year, the price charged, the nature and amount of any additional charges, and the name and address of the purchaser. If the maximum price was determined under paragraphs (f) or (g) of Sec. 3, this shall also be stated. A copy of such sales slip, receipt, invoice, or other writing shall be retained by the seller for inspection by the Office of Price Administration.

SEC. 8. *Enforcement.* (a) Persons violating any provisions of this Revised Maximum Price Regulation No. 139 are subject to the criminal penalties, civil enforcement actions, and suits for treble damages provided for by the Emergency Price Control Act of 1942.

(b) Persons who have evidence of any violation of this Revised Maximum Price Regulation No. 139 or any price schedule, regulation or order issued by the Office of Price Administration or of any acts or practices which constitute such a violation are urged to communicate with the nearest field or regional office of the Office of Price Administration or its principal office in Washington, D. C.

(c) The registration and licensing provisions of §§ 1499.15 and 1499.16 of the General Maximum Price Regulation continue to be applicable to every person selling the commodities for which a maximum price is established by this regulation.

SEC. 8a. *Licensing.* The provisions of Licensing Order No. 1,[5] licensing all persons who make sales under price control, are applicable to all sellers subject to this regulation or schedule. A seller's license may be suspended for violations of the license or of one or more applicable price schedules or regulations. A person whose license is suspended may not, during the period of suspension, make any sale for which his license has been suspended.

[Section 8a added by Supplementary Order 72, 8 F.R. 13244, effective 10-1-43]

SEC. 9. *Petitions for Amendment.* Persons seeking any modification of this Revised Maximum Price Regulation No. 139 or exception not provided for therein may file petitions for amendment in accordance with the provisions of Revised Procedural Regulation No. 1,[6] issued by the Office of Price Administration.

SEC. 10. *Applicability of the General Maximum Price Regulation.* The provisions of this Revised Maximum Price Regulation No. 139 supersede the provisions of the General Maximum Price Regulation with respect to sales and deliveries for which maximum prices are established by this Revised Maximum Price Regulation No. 139.

SEC. 11. *Geographical applicability.* The provisions of this Revised Maximum Price Regulation apply to the forty-eight states, the District of Columbia and the territories and possessions of the United States, except that in the cases of sales and deliveries in the Territory of Hawaii, the maximum prices set forth in this regulation may be increased by an amount determined in accordance with the provisions of Section 29 of Revised Maximum Price Regulation No. 373.[7]

[Section 11 amended by Am. 3, effective 8-6-45]

This Regulation shall become effective April 15, 1943. [Revised Maximum Price Regulation 139 originally issued March 24, 1943.]

[Effective dates of amendments are shown in notes following the parts affected.]

Issued this 31st day of July 1945.

JAMES G. ROGERS, Jr.,
Acting Administrator.

[F. R. Doc. 45-14032; Filed, July 31, 1945; 11:14 a. m.]

[3] 2d Revised: 8 F.R. 4132, 5087, 7682, 9998, 15193; 9 F.R. 1036, 5435, 5923, 7201, 9835, 11273, 12919, 14436; 10 F.R. 863, 923, 2432.

[4] 10 F.R. 2097, 2250, 3925, 6231, 7854

[5] 8 F.R. 13240.

[6] 9 F.R. 10476, 13715.

PART 1340—FUEL

[MPR 120, Amdt. 144]

BITUMINOUS COAL DELIVERED FROM MINE OR PREPARATION PLANT

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Federal Register.

Maximum Price Regulation No. 120 is hereby amended in the following respects:

In the table of subdistrict designations and maximum prices by size group numbers in § 1340.233 (b) (1) the maximum prices for Subdistrict F, Renton Field, Washington, are amended to read as follows:

Subdistrict	Identification	Maximum prices by size group numbers								
		1, 2, 3, 4, 5	6, 7, 8, 9, 10	11, 12	13, 14	15, 16, 17, 18	19, 20	21	22, 23	24, 25
F	Renton Field, Washington	635	595	545	520	495	505	450	420	320

This amendment shall become effective August 6, 1945.

Issued this 31st day of July 1945.

JAMES G. ROGERS, Jr.,
Acting Administrator.

[F. R. Doc. 45-14034; Filed, July 31, 1945; 11:15 a. m.]

PART 1404—RATIONING OF FOOTWEAR

[RO 17,[1] Amdt. 105]

SHOES

A rationale accompanying this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.

Ration Order 17 is amended in the following respects:

1. Section 1.4 (d) is amended to read as follows:

(d) *Stamps issued to imported laborers.* Any person who is brought into the United States by a federal government agency for the sole purpose of performing agricultural or other labor after July 31, 1945 shall be eligible for one special shoe stamp at the time he enters the country. The stamp shall be isssued by the federal government agency or employer contracting for such services, or by a local Board or other office of the Office of Price Administration, upon the authorization and instruction of the National Office of the Office of Price Administration. The person authorized to issue a stamp under this paragraph shall write on it the words "No Book".

2. The first sentence of section 1.5 (b) is amended to read as follows: "Except for some special reason, everyone will be given the right to buy all the shoes he needs for ordinary wear by using the stamps issued to him as a basic ration under General Ration Order No. 12."

3. The last sentence of section 1.5 (b) is amended to read as follows: "However, an applicant applying for safety shoes required to protect his health or safety because of the conditions under which he works may be found to have 'need' for them even though a member of his family has a basic shoe ration stamp which the applicant could use."

4. Section 1.5 (e) is amended to read as follows:

(e) No applicant may receive a stamp under this section if he is entitled to but has not received a stamp under section 1.4 or a basic ration under General Ration Order No. 12. A stamp may not be issued under this section to a person entitled to apply for shoe ration currency under Procedural Regulation No. 12 because he has lost his War Ration Book Three, unless the applicant will suffer undue hardship if he is forced to wait for shoes until his application under Procedural Regulation No. 12 has been approved or unless the application has been denied by the Board. When the Board subsequently issues shoe ration currency under Procedural Regulation No. 12 to a person who has received a stamp under this paragraph, it shall deduct from the number of stamps to be issued, one stamp for each stamp issued under this paragraph.

5. The following definitions are added to section 3.13:

"Basic ration" is a ration, the issuance of which is not based upon special proof of need by the person receiving it.

"Basic shoe ration stamp" is a war ration shoe stamp, or a special shoe stamp issued in lieu of a war ration shoe stamp.

This amendment shall become effective July 31, 1945.

Issued this 31st day of July 1945.

JAMES G. ROGERS, Jr.,
Acting Administrator.

[F. R. Doc. 45-14040; Filed, July 31, 1945; 11:14 a. m.]

[1] 10 F.R. 6960, 7537, 8576.

[2] 10 F.R. 6646, 7407, 7794, 7799, 8020, 8069, 8371.

PART 1404—RATIONING OF FOOTWEAR

[RO 17,[1] Amdt. 106]

SHOES

A rationale accompanying this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.

Ration Order 17 is amended in the following respects:

1. Sections 3.5 (a) (1), (2) and (3) are amended to read as follows:

(1) Shoes having a declared value of $25 or more may be shipped to a territory, possession or dependency of the United States (other than the District of Columbia and the Philippine Islands) and shoes of any value may be transferred to Ship's Service Stores Afloat, or to any person as slop chest supplies or ships' stores for use of crew members aboard any ocean-going vessel operating in foreign, coastwise, or intercoastal trade, without prior consent from any person or agency.

(2) Shoes having a declared value of $25 or more may be exported to any foreign country, other than Canada, and to the Philippine Islands under an individual, special program or special project license, issued by the Foreign Economic Administration.

(3) Shoes having a declared value of $25 or more may be exported to Canada under a purchase order approved by the Canadian Administrator of Wholesale Trade.

2. Section 3.5 (b) is amended to read as follows:

(b) Shoes having a declared value of less than $25 for which ration currency has been obtained and surrendered by an individual consumer or by an agent for him in a manner authorized by this order may be exported as follows: without further approval, to Canada and to a territory, possession or dependency of the United States (other than the Philippine Islands); or to any other foreign country or the Philippine Islands, under an individual license issued by the Foreign Economic Administration. Any shoes acquired by an exempt person or agency in a way permitted by section 3.6 may be exported without further approval.

3. Section 3.5 (c) is amended to read as follows: "Nothing in this section shall be deemed to authorize any export of shoes to be made in violation of any other applicable law or regulation. No export of shoes may be made except in accordance with the above provisions."

This amendment shall become effective July 31, 1945.

Issued this 31st day of July 1945.

JAMES G. ROGERS, Jr.,
Acting Administrator.

[F. R. Doc. 45-14041; Filed, July 31, 1945; 11:15 a. m.]

[1] 10 F.R. 6960, 7537, 8576.

PART 1418—TERRITORIES AND POSSESSIONS

[RMPR 373,[1] Amdt. 12]

GROCERY ITEMS IN HAWAII

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.

Section 21 is amended in the following respects:

1. The table following paragraph (c) (1) is amended by changing the wholesale maximum price of "Garlic" from $0.41 per lb. to $0.38 per lb. and the retail maximum price from $0.52 per lb. to $0.53 per lb., and by adding a new item "Onions, dry, red and yellow (new crop)", wholesale maximum price $4.10 per 50 lb. bag and retail maximum price $0.11½ per lb.

2. The table following paragraph (d) (1) is amended by adding the item "Apples", wholesale maximum price $5.00 per box and retail maximum price $0.19 per lb.

This amendment shall become effective as of July 7, 1945, except as to the provision for "Onions, dry, red and yellow (new crop)" which shall become effective as of July 2, 1945.

Issued this 31st day of July 1945.

JAMES G. ROGERS, Jr.,
Acting Administrator.

[F. R. Doc. 45-14037; Filed, July 31, 1945; 11:16 a. m.]

PART 1499—COMMODITIES AND SERVICES

[SR 14E,[2] Amdt. 7]

SALES AT WHOLESALE OF CERTAIN COTTON PRODUCTS

A statement of the consideration involved in the issuance of this amendment issued simultaneously herewith has been filed with the Division of the Federal Register.

Section 2.7 of Supplementary Regulation 14E is amended in the following respects:

1. Paragraph (e) is amended by deleting the phrase "(l) and (m)" and inserting in its place the phrase "(l), (m) and (o)."

2. Paragraph (o) is added to section 2.7 to read as follows:

(o) *Sales of specified 5% wool blankets.* (1) This paragraph applies to sales at wholesale of 5% wool blankets manufactured by Arnco Mills, Newnan, Georgia, Style Dover, Type J, Class II, Size 70" x 80", finished weight 3 pounds per pair, binding 3 inch sateen, not bagged, for which the producer's maximum price is established under Maximum Price Regulation No. 118.[3]

(2) The maximum price for sales at wholesale of these blankets, per pair, shall be the sum of the seller's maximum price determined in accordance with the General Maximum Price Regulation and 7.7 cents.

This amendment shall become effective August 6, 1945.

Issued this 31st day of July 1945.

JAMES G. ROGERS, Jr.,
Acting Administrator.

[F. R. Doc. 45-14038; Filed, July 31, 1945; 11:16 a. m.]

[1] 10 F.R. 6646, 7407, 7794, 7799, 8020, 8069, 8371, 8979.

[2] 10 F.R. 1183, 2014, 4156, 7117, 7497.

[3] 8 F.R. 12186, 12934; 9 F.R. 401, 10088, 10925, 14211, 14383, 14676; 10 F.R. 705, 857, 1492, 2025, 3875, 8134.

Chapter XXIII—Surplus Property Board

[SPB Rev. Reg. 8]

PART 8308—FOREIGN DISPOSAL

Surplus Property Board Regulation No. 8, June 7, 1945, entitled "Foreign Disposal" (10 F.R. 7118) is hereby revised and amended as set forth below. New sections and sections in which changes have been made are indicated by underscoring. Nothing in this revision shall impair or amend Orders 1 and 2 under Regulation 8, June 7, 1945 (10 F.R. 7119), which shall continue in full force and effect.

Sec.

8308.1 Definitions.
8308.2 Scope.
8308.3 Designation of disposal agencies.
8308.4 Delegation of authority.
8308.5 Active theaters of military operations.
8308.6 Declarations of surplus property.
8308.7 Exemptions from Surplus Property Act.
8308.8 Utilization of surplus property by Federal agencies.
8308.9 Donations.
8308.10 Destruction or abandonment.
8308.11 Disposal of certain plants, facilities and equipment under section 19 (c) of the act.
8308.12 Aircraft and property peculiar thereto.
8308.13 Plants, pipe lines or other installations costing $1,000,000 or more.
8308.14 Food and agricultural commodities.
8308.15 Importations into the United States.
8308.16 Disposal policies.
8308.17 Reference of policy matters to the Board.
8308.18 Records.
8308.19 Reports.
8308.20 Regulations by disposal agencies and others to be reported to the Board.
8308.21 Coordination of disposals.
8308.22 Surplus War Property Administration disposal procedure rescinded.
8308.23 Persons acting under delegated authority.
8308.24 Other parts effective in foreign areas.
8308.25 Amendment or repeal.

AUTHORITY: §§ 8308.1 to 8308.25, inclusive, issued under Surplus Property Act of 1944 (58 Stat. 765; 50 U. S. C. App., Sup. 1611).

§ 8308.1 *Definitions.* (a) "Act" means the Surplus Property Act of 1944 (58 Stat. 765; 50 U.S.C. App., Sup., 1611).

(b) "Board" means the Surplus Property Board.

(c) "Disposal agency" means any Government agency designated pursuant to the act to dispose of one or more classes of surplus property.

(d) "Foreign area" means any area outside of the continental United States, its territories and possessions.

(e) "Government agency" means any executive department, independent establishment, board, bureau, commission or other agency of the Federal Government, or any corporation wholly owned (either directly or through one or more corporations) by the United States.

(f) "Nonprofit institution" means any nonprofit scientific, literary, educational, public health, public welfare, charitable, or eleemosynary institution, any hospital or similar institution, organization or association (1) which is organized under the laws of the United States or of any State, territory or possession thereof, and (2) which is directly supported in whole or in part through use of funds derived from taxation by the United States, its territories or possessions or by a State or political subdivision thereof, or which is exempt from taxation under section 101 (6) of the Internal Revenue Code.

(g) "Owning agency" means the executive department, the independent agency in the executive branch of the Federal Government, or the corporation (if a Government agency), having control of property, otherwise than solely as a disposal agency.

(h) "Person" means any individual, corporation, partnership, firm, association, trust, estate, or other entity.

(i) "Property" means any interest, owned by the United States or any Government agency, in real or personal property, of any kind, wherever located, but does not include naval vessels of the following categories: Battleships, cruisers, aircraft carriers, destroyers, and submarines.

(j) "Surplus property" means any property which has been determined to be surplus to the needs and responsibilities of the owning agency in accordance with the act.

§ 8308.2 *Scope.* This part governs the disposal of surplus property, both real and personal, located outside of the continental United States, its territories and possessions.

§ 8308.3 *Designation of disposal agencies.* (a) Disposal agencies are hereby designated under the act for surplus property (except vessels as defined in section 10 (b) of the act) located in foreign areas as follows:

(1) Navy Department for surplus property within its control as an owning agency.

(2) War Department for surplus property within its control as an owning agency.

(3) War Department for surplus property within the control of all other Government agencies as owning agencies.

(b) The United States Maritime Commission is hereby designated as the disposal agency for vessels located in foreign areas which it determines to be merchant vessels or capable of conversion to merchant use.

§ 8308.4 *Delegation of authority.* Any delegation by a disposal agency of its authority or responsibility as a disposal agency for the disposition of surplus property located in foreign areas may be made only upon approval by the Board granted by order hereunder.

§ 8308.5 *Active theaters of military operations.* Nothing herein limits or affects the authority of commanders in active theaters of military operations with respect to property in their control.

§ 8308.6 *Declarations of surplus property*—(a) *Where filed.* Declarations of surplus real and personal property located in foreign areas shall be filed, on such forms as shall be prescribed by the Board by order hereunder, with the Surplus Property Board, Washington 25, D. C. and with the appropriate disposal agency as follows:

(1) Declarations of surplus property made by the War and Navy Departments shall be filed as directed by the War and Navy Departments. Declarations of surplus property made to the War Department by any owning agency other than the War Department shall be filed as directed by the War Department.

(2) Declarations of surplus property to the Maritime Commission shall be made at the office of the United States Maritime Commission, Washington 25, D. C., or at such other office as the Maritime Commission shall designate.

(b) *Limitations on power of disposal.* Declarations of surplus property shall fully set forth any legal or contractual restrictions, known to the owning agency, upon the authority of the Government to dispose of the property covered by the declaration. To the extent that such information is furnished directly by owning agencies to disposal agencies, it may be omitted from the declarations of surplus. It shall be the duty of owning agencies to keep their field representatives fully informed as to all such information which is to be included in declarations of surplus. It shall similarly be the duty of the disposal agencies and of any person acting under delegated authority to keep their field representatives and any person to whom they have delegated disposal authority fully informed as to all such information received directly from the owning agencies.

(c) *Red Cross property.* Declarations of surplus personal property shall designate any such property known to have been processed, produced or donated by the American Red Cross.

§ 8308.7 *Exemptions from Surplus Property Act.* In accordance with section 32 (b) of the act, and pending further determinations and regulations or orders of the Board, the Board hereby exempts disposition of property located in foreign areas from the following provisions of the act:

(a) The last sentence in section 11 (g), insofar as it requires disposal agencies to make information in its records available to foreign nationals or foreign governments.

(b) Section 12, "Utilization of Surplus Property by Federal Agencies."

(c) Section 13, subsections (a), (c), (d), (e) and (f), "Disposal to Local Governments and Nonprofit Institutions."

(d) Section 16, "Dispositions to Veterans."

(e) Section 17, "Dispositions in Rural Areas."

(f) Section 18, "Small Business."

(g) Section 20, "Applicability of Antitrust Laws," insofar as it requires disposal agencies to notify the Attorney General: *Provided, however,* That this exemption shall not apply with respect to plants, pipe lines, and other installations which cost the Government $1,000,000 or more, and patents, processes, techniques or inventions, irrespective of cost.

(h) Section 22, "Stock Piling."

(i) Section 23, "Disposal of Surplus Real Property."

(j) Section 36, "Termination Inventories."

§ 8308.8 *Utilization of surplus property by Federal agencies.* It shall be the responsibility of all Government agencies having any requirements in foreign areas to consult the records of surplus property established by the disposal agencies to determine whether their requirements can be satisfied out of surplus property.

§ 8308.9 *Donations.* A disposal agency may make donations pursuant to section 13 (b) of the act whenever it finds that surplus property has no commercial value or that the cost of its care and handling and disposition would exceed the estimated proceeds: *Provided,* That the disposal agency makes and retains a record of its findings justifying the donation, together with any supporting data. Such donations may be made to foreign nonprofit educational or charitable organizations but preference shall be given to nonprofit institutions as defined in § 8308.1 (f). In making donations of surplus property which was processed, produced or donated by the American Red Cross, the provisions of section 11 (f) of the act shall be observed.

§ 8308.10 *Destruction or abandonment.* Any surplus property and any waste, salvage or scrap located in foreign areas may be destroyed or abandoned by an owning or disposal agency without any notice of the proposed destruction: (a) when the destruction or abandonment is required by military necessity, safety, or considerations of health or security; or (b) whenever it is determined by the disposal agency that the property has no commercial value, or that the cost of its care, handling and disposition would exceed the estimated proceeds. Any agency authorizing destruction or abandonment under paragraph (a) of this section shall make and retain a record of the surplus property destroyed and the reasons therefor. A disposal agency should not authorize or consent to the abandonment or destruction of surplus property under paragraph (b) of this section without exploring the possibilities of making a donation under § 8308.9. Any agency authorizing destruction or abandonment under paragraph (b) of this section shall make and retain a record of its findings justifying such action.

§ 8308.11 *Disposal of certain plants, facilities and equipment under section 19 (c) of the act.* Surplus aircraft plants and facilities, aircraft and aircraft parts, shipyards and facilities, transportation facilities, and radio and electrical equipment, located in foreign areas, may, in accordance with section 19 (c) of the act, be disposed of without prior submission to the Congress.

§ 8308.12 *Aircraft and property peculiar thereto.* Pending further regulations or orders of the Board, surplus aircraft and property peculiar to aircraft located in foreign areas shall be disposed of only in accordance with existing procedures.

§ 8308.13 *Plants, pipe lines or other installations costing $1,000,000 or more.* Whenever any disposal agency shall begin negotiations for the disposition of any plants, pipe lines, or other installations, located in foreign areas, which cost the Government $1,000,000 or more, the disposal agency shall promptly notify the Board and the Attorney General.

§ 8308.14 *Food and agricultural commodities.* Disposals of surplus agricultural commodities, surplus foods processed from agricultural commodities, and surplus cotton or woolen goods remain subject to the provisions of section 21 (a) and (b) of the act, and subject to such policies as may be formulated and issued pursuant thereto.

§ 8308.15 *Importations into the United States.* Pending further regulations or orders by the Board under section 33 (a) of the act, surplus property which has been sold in foreign areas shall not be imported into the United States in the same or substantially the same form if such property was originally produced in the United States and is readily identifiable as such, and disposal agencies shall include a condition to that effect in the terms of disposition, unless the purchase is made for one of the purposes in the following proviso and the purchaser so certifies to the disposal agency; *Provided, however,* That such property may be so imported (a) on consignment to a person or firm in the United States for the purpose of reconditioning for re-export or (b) by a member of the armed forces abroad for his personal use, if the importer certifies to the Treasury Department that the importation is being made for one of such purposes. Nothing in this section shall prevent surplus property which is owned by a Government agency from being transported to the continental United States, its territories or possessions.

§ 8308.16 *Disposal policies*—(a) *Contact with foreign missions and price policy.* In order that foreign disposal operations shall be consistent with foreign policies of the United States, the disposal agencies shall maintain close contact

and cooperation in Washington with the State Department and abroad with United States diplomatic missions and appropriate consular offices and shall keep them fully and currently informed as to all disposal programs which are being initiated or carried out. The governing price policy shall be to obtain for the Government, as nearly as possible, the fair value of surplus property on its disposition.

(b) *Purchasers*—(1) *Government agencies.* Transfer of surplus property to Government agencies for their use in foreign areas shall be given priority over all other disposals. This priority shall extend to transfers to Foreign Economic Administration, not only for its own administrative purposes in foreign areas but also when the Administration is acquiring surplus property for Lend-Lease or to be used by it for the contribution of the United States to the United Nations Relief and Rehabilitation Administration.

(2) *Other than Government agencies.* Disposal agencies may establish such order of priorities among persons other than Government agencies as they may deem appropriate in the respective foreign areas, but shall, to such extent and in such order of priority as they may deem feasible, afford the following persons appropriate opportunity to purchase surplus property:

(i) The following institutions, for use in foreign areas: (*a*) Nonprofit institutions as defined in § 8308.1 (f), and (*b*) nonprofit educational and charitable institutions organized under the laws of a foreign country which are directly supported in whole or in part through use of funds derived from taxation by the United States, its territories or possessions or which are certified by the appropriate diplomatic mission as being supported in whole or in part from funds derived from the United States;

(ii) American manufacturers or distributors, with regard to surplus property bearing their name or trade-mark, for use or disposal in foreign areas or for importation into the United States for the purpose of reconditioning for reexport;

(iii) Foreign governments for relief, rehabilitation and reconstruction purposes.

Although disposal agencies should make reasonable efforts to apprise such persons of any opportunity afforded them to purchase surplus property, it shall be the primary responsibility of such persons to make their requirements known to the disposal agencies.

(c) *Payment*—(1) *Government agencies.* Transfers to Government agencies shall be made at the fair value of the property as fixed by the disposal agency and payment shall be made by transfer of United States dollar funds or by reduction of appropriation unless transfer without reimbursement or transfer of funds is otherwise authorized by law.

(2) *Other than Government agencies.* The determination as to whether disposal agencies shall accept United States dollars or foreign currencies in payment for surplus property located in foreign areas shall be made by the United States Treasury Department in consultation with the State Department. Where foreign currencies are accepted, the Treasury Department, in consultation with the State Department, shall determine the conditions with respect to the over-all acceptable amount of any such currency, the applicable rate of exchange, any provisions for conversion and any guarantee against loss through fluctuations of exchange. Any advice or approval heretofore given by the Treasury Department with regard to the acceptance of United States dollars or of foreign currencies shall continue in effect until changed by the Treasury Department.

(d) *Customs duties and taxes.* When making any agreements with foreign governments relating to the disposal of surplus property, disposal agencies shall, where necessary, seek appropriate arrangements with foreign governments to assure that no customs duties, taxes or other similar charges are levied upon sales of surplus property which are discriminatory or prevent the sale of surpluses at fair prices to the United States Government; and that no duties, taxes or similar charges will be levied upon surplus property prior to its sale by the disposal agencies or upon sales for export from country of sale. Where surplus property is to be disposed of without any agreement between the disposal agency and a foreign government, the disposal agency shall request the State Department or its foreign diplomatic or consular missions to negotiate, where necessary, such arrangements with the foreign government.

§ 8308.17 *Reference of policy matters to the Board.* Disposal agencies and all persons acting under delegated authority shall keep the Board currently informed as to their disposal policies and programs. They shall submit to the Board in writing any matter involving disposal policy of general application and shall not make such policy effective until at least five (5) days after such submittal to the Board unless the Board shall waive such requirement.

§ 8308.18 *Records.* Disposal agencies shall prepare and maintain such records as will show full compliance with this part and with the applicable provisions of the act as to each disposal transaction.

§ 8308.19 *Reports.* Reports shall be made to the Board of property declared surplus, held, and disposed of hereunder in foreign areas at such times and in such form as may be prescribed by the Board.

§ 8308.20 *Regulations by disposal agencies and others to be reported to the Board.* Each disposal agency and each person or Government agency acting under delegated authority for the disposition of surplus property shall file with the Board copies of all regulations, orders, and instructions of general applicability which they may issue in furtherance of the provisions, or any of them, of this part.

§ 8308.21 *Coordination of disposals.* Disposal agencies shall consult with the State Department and its foreign missions and the Foreign Economic Administration and its foreign representatives with a view to enlisting their advice and assistance regarding the coordination of disposals of surplus property throughout areas to which the property can feasibly be transported consistent with the policies set forth in this part.

§ 8308.22 *Surplus War Property Administration disposal procedure rescinded.* All regulations, orders, instructions and arrangements made by and with the Surplus War Property Administration relating to disposal of surplus property in foreign areas are hereby superseded and rescinded.

§ 8308.23 *Persons acting under delegated authority.* Except as to § 8308.3, any reference in this part to a disposal agency shall also be applicable to any person acting under authority delegated by a disposal agency or under any redelegation of such authority.

§ 8308.24 *Other parts effective in foreign areas.* Part 8304 by its terms is effective in foreign areas.

§ 8308.25 *Amendment or repeal.* This part and any order issued under it shall be subject to amendment or repeal by the Board by any regulation or order of the Board duly published in the FEDERAL REGISTER.

This revision of this part shall become effective on August 1, 1945.

NOTE 1.—All reporting requirements of this part as revised have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

NOTE 2.—This part as revised has been approved in writing by the Secretary of Agriculture as successor to the War Food Administrator, as required by the Surplus Property Act of 1944.

SURPLUS PROPERTY BOARD,
By A. E. HOWSE,
Administrator.

JULY 25, 1945.

[F. R. Doc. 45-14069; Filed, July 31, 1945; 11:58 a. m.]

TITLE 38—PENSIONS, BONUSES AND VETERANS' RELIEF

Chapter I—Veterans' Administration

PART 36—REGULATIONS UNDER SERVICEMEN'S READJUSTMENT ACT OF 1944

MISCELLANEOUS AMENDMENTS

§ 36.4000 *Definitions.*

(a) to (j) No change.

(k) (1) "Reasonable normal value" is the price the property would ordinarily bring or the transaction would ordinarily cost in a contract between a willing and well informed buyer and a willing and well informed seller, both acting free from necessity and under circumstances not affected by economic or other conditions of an impermanent character.

(2) to (4) No change.

(l) to (v) No change.

§ 36.4004 *Repairs, etc.*

(a) No change.

(b) (1) to (4) No change.

(5) "Delinquent indebtedness" means past due amounts of principal or interest (without giving effect to any acceleration provisions) on an obligation secured in whole or in part by a lien or liens on property of an eligible veteran and occupied as his home. Each application to guarantee a loan purposed to pay delinquent indebtedness in excess of $500 shall be supported by an appraisal of the reasonable normal value of the residential property which secures the delinquent loan. The reasonable normal value of any property on account of which a loan for delinquent indebtedness is to be guaranteed may not be exceeded by the aggregate amount outstanding on the obligations which it secures, and in the case of property acquired within six months of the date of the filing of the application, by the cost of such property to the applicant.

(6) No change.

§ 36.4030 *Loan procedure after approval of Guaranty.* Upon receipt of the papers from the Administrator, the lender shall:

(a) Satisfy himself by title certificate, as defined in these regulations, as to the title to the property to be encumbered, *Provided*, That in the case of applications pursuant to section 501 (b) of the act an affidavit by the veteran may be accepted in lieu of such certificate if the amount of the loan does not exceed $500.

(b) to (d) No change.

§ 36.4033 *Losses which are not guaranteed.*

(a) to (f) No change.

(g) The exercise of a right of reverter for breach of restrictive covenants.

§ 36.4036 *Legal action.* (a) The creditor shall not begin action in court or give notice of sale under power of sale, or repossess the property, real or personal, or otherwise take steps to terminate the debtor's rights in the property until the expiration of thirty (30) days after delivery to the Administrator of the notice of intention to foreclose, repossess or otherwise to so terminate the debtor's rights. Notwithstanding paragraph (a) of § 36.4034 such notice may be given at any time after a default.

(b) No change.

§ 36.4042 *Refinancing and extension of guaranty.* (a) (1) In addition to the options available under §§ 36.4038 or 36.4041, the Administrator, upon receiving (i) notice of intention to foreclose by judicial proceedings or otherwise or to repossess the property, real or personal, or otherwise to terminate the debtor's rights therein, or (ii) a claim for a guaranty, shall be entitled to obtain a refinancing of the indebtedness by delivering notice of intention so to do to the creditor prior to the date upon which otherwise it would be proper for the creditor to proceed. Upon receipt from the Administrator of such notice of intention to obtain a refinancing the creditor's right to proceed shall be suspended for sixty (60) days from the date stated by the Administrator in such notice as the date on which the Administrator received the creditor's notice or claim.

(2) If within the sixty day period prescribed in subparagraph (1) of this paragraph, an offer is received by the creditor to pay, or to purchase the indebtedness at par and interest to date of closing, it shall be the duty of the creditor to forthwith accept such offer, to execute and deliver appropriate instruments without recourse, and to refrain from further proceedings, or repossession, or termination of the debtor's rights.

(3) When (i) a claim for guaranty is filed, or (ii) when a refinancing occurs and an offer is made as contemplated by subparagraphs (1) and (2) of this paragraph, the creditor shall not be entitled to treat payments theretofore made by the debtor, or another, as liquidated damages, or rentals, or otherwise than as payments on the indebtedness, notwithstanding any provision in the note, or mortgage, or otherwise, to the contrary.

(4) Nothing herein shall be construed to require a creditor to lend money for such refinancing, nor to affect guarantees issued prior to the effective date of this amendment.

(b) and (c) No change.

§ 36.4043 *Subrogation.*

(a) and (b) No change.

(c) The Administrator shall cause the instrument required by paragraph (b) of this section to be filed for record in the office of the recorder of deeds, or other appropriate office of the proper county, town, or state, in accordance with the applicable State law. The filing or failure to file such instrument for record shall have the legal results prescribed by the applicable law of the state where the real or personal property is situated, with respect to filing or failure to so file mortgages and other lien instruments and assignments thereof.

The references herein to "filing for record" include "registration" or any similar transaction, by whatever name designated when title to the encumbered property has been "registered" pursuant to a Torrens or other similar title registration system provided by law.

§ 36.4100 *Definitions.* (a) to (j) No change.

(k) "Reasonable normal value" is the price the property would ordinarily bring or the transaction would ordinarily cost in a contract between a willing and well informed buyer and a willing and well informed seller, both acting free from necessity and under circumstances not affected by economic or other conditions of an impermanent character.

(l) to (w) No change.

§ 36.4104 *Repairs, improvements, taxes, delinquent indebtedness, etc.*

(a) to (e) No change.

(f) "Delinquent indebtedness" means past due amounts of principal or interest (and without giving effect to any acceleration provisions) on an obligation secured in whole or in part by lien or liens on property of an eligible veteran and occupied as his home. (See § 36.4105 (a).) Each application to guarantee a loan purposed to pay delinquent indebtedness in excess of $500 shall be supported by an appraisal of the reasonable normal value of the residential property which secures the delinquent loan. The reasonable normal value of any property on account of which a loan for delinquent indebtedness is to be guaranteed may not be exceeded by the aggregate amount outstanding on the obligations which it secures, and in the case of property acquired within six months of the date of the filing of the application, by the cost of such property to the applicant.

(g) No change.

§ 36.4108 *Mortgages required.*

(a) (1) to (4) No change.

(5) Increase derived from live-stock which is held as collateral is not required to be included in the lien ,and when so included may be disposed of by agreement between creditor and debtor without advising the Administrator of such disposition.

(b) and (c) No change.

§ 36.4132 *Construction loans.*

(a) to (i) No change.

(j) On an application made pursuant to section 501 for the guaranty of a loan for the construction on farm property of a unit to be occupied by the veteran as a home, in addition to the requirements prescribed in the foregoing paragraphs the appraisal report shall include appropriate data sufficient to afford a basis for estimating the effect such new building would have on the value of the farm, as is required in the case of repairs, alterations or improvements by paragraph (c) of § 36.4124.

§ 36.4133 *When guaranty does not apply.*

(a) to (f) No change.

(g) The exercise of a right of reverter for breach of restrictive covenants.

§ 36.4136 *Legal action.* (a) The creditor shall not begin action in court or give notice of sale under power of sale, or repossess the property, real or personal, or otherwise take steps to terminate the debtor's rights in the property until the expiration of thirty (30) days after delivery to the Administrator of the notice of intention to foreclose, repossess

or otherwise to so terminate the debtor's rights. Notwithstanding paragraph (a) of § 36.4134 such notice may be given at any time after default.

(b) No change.

§ 36.4142 *Refinancing and extension of guaranty.* (a) (1) In addition to the options available under § 36.4138 or § 36.4141, the Administrator, upon receiving (i) notice of intention to foreclose by judicial proceedings or otherwise or to repossess the property, real or personal, or otherwise to terminate the debtor's rights therein, or (ii) a claim for a guaranty, shall be entitled to obtain a refinancing of the indebtedness by delivering notice of intention so to do to the creditor prior to the date upon which otherwise it would be proper for the creditor to proceed. Upon receipt from the Administrator of such notice of intention to obtain a refinancing the creditor's right to proceed shall be suspended for sixty (60) days from the date stated by the Administrator in such notice as the date on which the Administrator received the creditor's notice or claim.

(2) If within the sixty-day period prescribed in subparagraph (1) of this paragraph, an offer is received by the creditor to pay, or to purchase the indebtedness at par and interest to date of closing, it shall be the duty of the creditor to forthwith accept such offer, to execute and deliver appropriate instruments without recourse, and to refrain from further proceedings, or repossession, or termination of the debtor's rights.

(3) When (i) a claim for guaranty is filed, or (ii) when a refinancing occurs and an offer is made as contemplated by subparagraphs (1) and (2) of this paragraph, the creditor shall not be entitled to treat payments theretofore made by the debtor, or another, as liquidated damages, or rentals, or otherwise than as payments on the indebtedness, notwithstanding any provision in the note, or mortgage, or otherwise, to the contrary.

(4) Nothing herein shall be construed to require a creditor to lend money for such refinancing, nor to affect guarantees issued prior to the effective date of this amendment.

(b) and (c) No change.

§ 36.4143 *Subrogation.*

(a) and (b) No change.

(c) The Administrator shall cause the instrument required by paragraph (b) of this section to be filed for record in the office of the recorder of deeds, or other appropriate office of the proper county, town, or state, in accordance with the applicable State law. The filing or failure to file such instrument for record shall have the legal results prescribed by the applicable law of the state where the real or personal property is situated, with respect to filing or failure to so file mortgages and other lien instruments and assignments thereof.

The references herein to "filing for record" include "registration" or any similar transaction, by whatever name designated when title to the encumbered property has been "registered" pursuant to a Torrens or other similar title registration system provided by law.

§ 36.4200 *Definitions.* (a) to (j) No change.

(k) (1) "Reasonable normal value" is the price the property would ordinarily bring or the transaction would ordinarily cost in a contract between a willing and well informed buyer and a willing and well informed seller, both acting free from necessity and under circumstances not affected by economic or other conditions of an impermanent character.

(2) No change.

(l) to (w) No change.

§ 36.4208 (a) *Loans for the purchase of business realty (land, building).* No change.

(b) *Mortgages required on business realty.* (1) to (4) No change.

(5) Increase derived from live-stock which is held as collateral is not required to be included in the lien, and when so included may be disposed of by agreement between creditor and debtor without advising the Administrator of such disposition.

§ 36.4232 *New building.* (a) When an application submitted pursuant to the procedure set forth in the foregoing §§ 36.4224 and 36.4225 relates to the guaranty of a loan covering the cost of new building for business purposes, the lender will also furnish the following:

(1) Complete plans and specifications for the proposed new building.

(2) An estimate, prepared by a qualified appraiser, of the fair market value of the property on which the improvements will be situated together with a separate estimate of the increased value of the property which will result from the improvements according to the plans and specifications. Such estimates of value are in addition to the appraiser's report of the "reasonable normal value".

(3) A copy of the agreement or agreements (which may be unsigned) on which the proceeds of the proposed loan will be disbursed.

(b) Upon the receipt of such papers the agency will follow the procedure prescribed in § 36.4226 and submit same to the Administrator for action under §§ 36.4227 and 36.4228.

(c) The borrower and lender may contract for the payment to the lender of a reasonable sum for the advance of funds during the construction and for the supervision or inspection of the new building.

(d) During the course of building the Administrator shall be entitled, at his expense, to cause such inspection of the construction work at such time or times as he may determine.

(e) The closing report required under § 36.4231 shall be forwarded within two months after completion of the new building and shall be accompanied with a statement by an appraiser on Finance Form 1803a stating that:

(1) He has inspected the building.

(2) The same has been built and completed in substantial conformity with the contract, plans and specifications, if any, and any authorized changes therein, permitted by these regulations.

(3) The increased value of the property as completed and which will be encumbered is substantially in accord with his estimate.

(f) Minor changes may be made in the plans and specifications or substitution of material of substantially equal quality or value, as the creditor, the debtor, and the builder (contractor) may agree if same are not of a major character and in the aggregate do not increase or decrease the cost more than five per centum of the contract price. This does not modify the provisions of § 36.4231. Changes or substitutions other than as herein stated must have the approval of the Administrator.

(g) Upon compliance with the requirements of this section and of §§ 36.4230 and 36.4231 relating to the guaranty becoming effective in other than new building cases, the loan guaranty certificate shall become effective as originally executed (and subject to § 36.4231), or as amended pursuant to approval of application therefor on Form 1862, Application to Amend Loan Guaranty Certificate.

(h) Compliance with paragraph (a) (2) and paragraph (e) of this section is not required in the case of loans not in excess of $500.

§ 36.4233 *When guaranty does not apply.*

(a) to (f) No change.

(g) The exercise of a right of reverter for breach of restrictive covenants.

§ 36.4242 *Refinancing and extension of guaranty.* (a) (1) In addition to the options available under § 36.4238 or § 36.4241, the Administrator, upon receiving (i) notice of intention to foreclose by judicial proceedings or otherwise or to repossess the property, real or personal, or otherwise to terminate the debtor's rights therein, or (ii) a claim for a guaranty, shall be entitled to obtain a refinancing of the indebtedness by delivering notice of intention so to do to the creditor prior to the date upon which otherwise it would be proper for the creditor to proceed. Upon receipt from the Administrator of such notice of intention to obtain a refinancing the creditor's right to proceed shall be suspended for sixty (60) days from the date stated by the Administrator in such notice as the date on which the Administrator received the creditor's notice of claim.

(2) If within the sixty day period prescribed in subparagraph (1) of this paragraph, an offer is received by the creditor to pay, or to purchase the indebtedness at par and interest to date of closing, it shall be the duty of the creditor to forthwith accept such offer, to execute and deliver appropriate instruments without recourse, and to refrain from further proceedings, or repossession, or termination of the debtor's rights.

(3) When (i) a claim for guaranty is filed, or (ii) when a refinancing occurs and an offer is made as contemplated by subparagraphs (1) and (2) of this paragraph, the creditor shall not be entitled to treat payments theretofore made by the debtor, or another, as liquidated damages, or rentals, or otherwise than as payments on the indebtedness, notwithstanding any provision in the note, or mortgage, or otherwise, to the contrary.

(4) Nothing herein shall be construed to require a creditor to lend money for such refinancing, nor to affect guarantees issued prior to the effective date of this amendment.

(b) and (c) No change.

§ 36.4243 *Subrogation.* (a) and (b) No change.

(c) The Administrator shall cause the instrument required by paragraph (b) of this section to be filed for record in the office of the recorder of deeds, or other appropriate office of the proper county, town, or state, in accordance with the applicable State law. The filing or failure to file such instrument for record shall have the legal results prescribed by the applicable law of the state where the real or personal property is situated, with respect to filing or failure to so file mortgages and other lien instruments and assignments thereof.

The references herein to "filing for record" include "registration" or any similar transaction, by whatever name designated when title to the encumbered property has been "registered" pursuant to a Torrens or other similar title registration system provided by law.

(58 Stat. 284)

[SEAL] FRANK T. HINES,
Administrator.

JULY 26, 1945.

[F. R. Doc. 45-14013; Filed, July 31, 1945; 9:56 a. m.]

TITLE 46—SHIPPING

Chapter I—Coast Guard: Inspection and Navigation

MISCELLANEOUS AMENDMENTS

By virtue of the authority vested in me by section 2 of the act of March 2, 1929, and by section 2 of the Coastwise Load Line Act, 1935, as amended (45 Stat. 1493, 49 Stat. 888, 1543, 55 Stat. 578; 46 U.S.C. 85a, 88a), and Executive Order 9083, dated February 28, 1942 (3 CFR, Cum. Supp), the following amendments to the regulations are prescribed:

Subchapter E—Load Lines

PART 43—FOREIGN OR COASTWISE VOYAGE

LOAD LINES FOR SAILING VESSELS

Section 43.68 *Lines to be used on sailing vessels in connection with the disk* is amended in the second sentence by changing the phrase "In the center of the disk" to "is the center of the disk."

PART 45—MERCHANT VESSELS WHEN ENGAGED IN A VOYAGE ON THE GREAT LAKES

LOAD LINES FOR STEAMERS

Section 45.40 is amended to read as follows:

§ 45.40 *Length of superstructure (S).* The length of a superstructure is the mean covered length of the parts of the superstructure which extend to the sides of the vessel and lie within lines drawn perpendicular to the extremities of the summer load water line, as defined in § 45.32.

PART 46—SUBDIVISION LOAD LINES FOR PASSENGER VESSELS

ADMINISTRATION

Section 46.024 *Plans and inspections of new and converted vessels* is amended in the second undesignated paragraph by changing the title "Supervising Merchant Marine Inspector" to "District Coast Guard Officer."

Dated: July 30, 1945.

L. T. CHALKER,
Rear Admiral, U. S. C. G.,
Acting Commandant.

[F. R. Doc. 45-14063; Filed, July 31, 1945; 11:45 a. m.]

TITLE 49—TRANSPORTATION AND RAILROADS

Chapter II—Office of Defense Transportation

[General Permit ODT 1-6]

PART 520—CONSERVATION OF RAIL EQUIPMENT EXCEPTIONS AND PERMITS

MERCHANDISE TRAFFIC

In accordance with the provisions of paragraph (g), § 500.2 of General Order O. D. T. No. 1, as amended, it is hereby authorized, that:

§ 520.8 *Loading of not less than five net tons of merchandise freight in refrigerator cars permitted under stated circumstances.* Notwithstanding the provisions of § 500.2 of General Order O. D. T. No. 1, as amended, any carrier by railroad may accept for shipment or forwarding, load or forward, from the city or town at which such car is originated, any RS type refrigerator car containing not less than five net tons of merchandise freight, when such car is forwarded westward to any destination in the States of Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington or Wyoming, or to El Paso, Texas, and moves in the direction of the normal flow of empty refrigerator cars: *Provided, however*, That any such car shall move from point of origin direct to point of destination, by-passing all transfer stations and not stopping for transfer of the freight en route.

This General Permit ODT 1-6 shall become effective August 1, 1945.

(E.O. 8989, as amended, 6 F.R. 6725, 8 F.R. 14183; Gen. Order O. D. T. No. 1, as amended, 7 F.R. 3046, 3213, 3763, 9744)

Issued at Washington, D. C., this 31st day of July 1945.

J. M. JOHNSON,
Director,
Office of Defense Transportation.

[F. R. Doc. 45-14053; Filed, July 31, 1945; 11:18 a. m.]

Notices

DEPARTMENT OF THE INTERIOR.

Office of the Secretary.

CLAIMS OF NATIVES OF HYDABURG, KLAWOCK AND KAKE, ALASKA

JULY 27, 1945.

Statement of Facts

Hearings upon the petitions of the Indians of Hydaburg (filed June 28, 1944), Klawock (filed April 7, 1942, amended July 6, 1944), and Kake (filed July 5, 1944), Alaska, pursuant to the provisons of § 201.21b of the Regulations for Protection of the Commercial Fisheries of Alaska, 1944, were scheduled to be held, respectively, on September 15, 20, and 25, 1944. Notice of the hearings appeared in three southeastern Alaska papers and in the FEDERAL REGISTER (9 F.R. 9171, July 26, 1944).

The Indians of Hydaburg asserted a claim to the exclusive use and occupancy of the following lands and waters:

The western shore of Prince of Wales Island from Waterfall to Cape Chacon; the eastern shore of Dall Island from Cape Muzon to the northern end of said island; the western shore thereof from the northernmost point thereof to Cape Lookout; the shores of Forrester Island and of all the islands lying between Prince of Wales Island and Dall Island; the waters and submerged land for a distance of three thousand (3,000) feet from said shores; the lakes and the streams emptying into said waters; and the unpatented lands drained thereby.

The Klawock petition claimed:

The western shore of Prince of Wales Island from Point Baker on the north to Waterfall on the south; the shores of all islands to the seaward including Baker Island, Suemez Island, and Kulu Island south of Point Ellis on the west shore and south of Three Mile Arm on the east shore; and the names of the larger islands in this area are Baker Island, Suemez Island, San Fernando Island, Lulu Island, Noyes Island, St. Joseph Island group, Anguella Island group, Timbered Island, Coronation Island, Spanish Island, Warren Island, Hazy Island, and Kosciusko Island; the waters and submerged lands for a distance of three thousand (3,000) feet from said shores; the lakes and streams emptying into said waters; and the unpatented lands drained thereby.

The natives of Kake asserted exclusive claim to:

The northern shore of Kupreanof Island from Boulder Point to Cape Bendel, and the western shore from Cape Bendel to Sumner Strait including Hound Island and other adjacent islands, Turnabout Island off the northern shore of Kupreanof Island; the eastern shore of Kuiu Island from the southern end of Alvin Bay to Cornwallis Point including Keku Islets, Pup Island, Monte Carlo Island, Conclusion Island, Sumner Island, Strait Island and other adjacent islands; and the western shore from Cornwallis Point to the northern end of Port Malmesbury including Windfall Island and other adjacent islands; the southeastern shore of Admiralty Island from Point Brightman to Gambier Island including Elliott Island and other adjacent islands; the eastern shore of Baranof Island from (and including) Red Bluff Bay to (and including) Cape Ommaney; and the shores of Farragut Bay on the mainland of Alaska; the waters and submerged lands for a distance of three thousand (3,000) feet from said shores; the lakes and the streams emptying into said waters; and the unpatented lands drained thereby to a distance of three miles upland from the high-water mark;

The natives of Kake also asserted a claim to the use in common with other Tlingit bands of the following areas:

The shores of Kuiu Island south of Alvin Bay on the east and Port Malmesbury on the west; the shores of Seymore Canal on Admiralty Island, the mainland shore from Point Coke, on the north side of Holkham Bay, to Grant Point, on the south side of Farragut Bay, including the adjacent islands,

the shores of Red Bay on Prince of Wales Island; the waters and submerged lands for a distance of three thousand (3,000) feet from said shores; the lakes and the streams emptying into said waters; and the unpatented lands drained thereby to a distance of three miles upland from the mean high-water mark.

Rules of practice for the conduct of the hearings were published in 9 F.R. 10928 (September 6, 1944). All interested parties who desired to oppose the claims were afforded an opportunity to appear at the hearings. The Department of Agriculture was asked to be represented if it so desired.[1]

The presiding officer permitted the Hydaburg petition to be amended to include the entire western shore of Dall Island. In addition to the hearings which were held in each of the villages, supplementary hearings were conducted on September 27–29, 1944, at Ketchikan, Alaska, and on November 15–21 at Seattle, Washington, at which testimony concerning all of the claims was taken. Upon order of the presiding officer, briefs were filed by all interested parties. The final report of the presiding officer was submitted to the Secretary on March 1, 1945, with copies to each of the parties. The petitioners filed exceptions thereto. A statement was submitted on April 6 by the Alaska Canned Salmon Industry in answer to the exceptions, and the presiding officer on April 12, 1945, transmitted to the Secretary his recommendations thereon.

Findings of Fact

The findings of the presiding officer are modified in the respects hereinafter noted and as so modified are hereby affirmed:

1. Findings Nos. 1 [1a] and 2 [2] of the presiding officer, as qualified by Finding No. 7 [3] of the presiding officer, are affirmed.

2. Finding No. 3 [4] of the presiding officer is affirmed.

3. Finding No. 4 of the presiding officer [5] is modified by deleting the words "which are not upon evidence taken, capable of accurate or definite definement as to either the extent of the areas or boundaries thereof" and, as so modified, is affirmed.

4. Finding No. 5 of the presiding officer is modified, in the light of his recommendation of April 12, 1945, to read as follows, and, as so modified, is affirmed:

5. Towns and villages occupied as of the present time, may be said to have origin in aboriginal right, though in the case of *Hydaburg and Klawock* a change of situs has been had in recent times; some streams (Salmon), gardens, trapping grounds, forest areas for timber products, and other uses have continued to be made with claims to exclusive right of use.

With a change in Indian economic position and a reduction in population these uses have in part been abandoned.

5. Finding No. 6 [6] is modified by deleting the words "not accurately defined" and, as so modified, is affirmed.

On the basis of the evidence adduced and available public records, the foregoing findings are further supplemented by the following additional findings:

6. The natives of Hydaburg, Klawock and Kake constitute, respectively, Indian communities organized along tribal lines and have been traditionally recognized as such by the Indians, by scientific observers, and by administrative authorities.

7. On May 17, 1884, and for decades prior thereto, the natives of Hydaburg exclusively occupied and exclusively claimed as their own the lands and waters set forth in the amended petition, totaling approximately 905,000 acres; the natives of Klawock similarly occupied and claimed the area set forth in their petition, except for Kuiu Island, totaling approximately 1,234,000 acres; and the natives of Kake similarly occupied and claimed the area set forth in their petition, except for Kuiu Island, totaling approximately 1,200,000 acres.

The native population of Hydaburg between 1836 and 1884 ranged from approximately 1,735 to approximately 647 at different times; the per capita acreage utilized and claimed thus ranged from approximately 525 to approximately 1,400 acres. In the same period the natives of Klawock numbered between 1,800 and 500. The population of Kake during this period ranged from approximately 800 to approximately 568. Thus, their per capita acreage amounted to between approximately 685 and 2,468 acres for Klawock; and between 1,500 acres and 2,112 acres for the natives of Kake. This compares with recognized aboriginal landholdings in the State of Washington averaging approximately 3,136 acres per capita (at the time such recognition was first accorded), and in the United States as a whole averaging approximately 6,400 acres per capita. The natives of southeastern Alaska were able to maintain a relatively high standard of aboriginal subsistence in a relatively small area by reason of their advanced technology and trade, which included intensive use of fisheries, the preservation of large quantities of fish through drying and smoking, the building and navigation of the largest boats made in aboriginal North America, and the carrying on of extensive trade in dried fish, furs, copper, blankets, and other articles of handicraft along the coast from Oregon to the Aleutian Islands.

8. Since 1884 the natives of Hydaburg, Klawock and Kake have ceased to maintain exclusive occupancy of approximately 92 per cent of the foregoing described areas, either by reason of voluntary abandonment of lands once claimed or by acquiescence in the superior power and authority of the Federal Government in patenting or otherwise disposing of or controlling certain lands which effectively interfered with Indian use not only of the lands so disposed of but of other lands thereby separated from convenient access.

9. Decision on the areas, totaling approximately 2,008,000 acres, claimed by the natives of Kake in common with other bands of the Tlingit Tribe, and including all of Kuiu Island, exclusively claimed in part by the natives of Kake and in part by the natives of Klawock, is reserved in order to allow other bands to be heard.

10. From May 17, 1884, to the present day the natives of Hydaburg have continuously and exclusively occupied and used, and claimed as their property, an area in the immediate vicinity of the village of Hydaburg amounting to approximately 101,000 acres and described as follows:

Beginning at a point at the head of Soda Bay, approximate latitude 55° 17′ N., longitude 132°55′ W.; from the initial point at lowest low tide, westerly along the line of lowest low tide on the south shore of Soda Bay to a point opposite Hallbut Nose; southeasterly along the line of lowest low tide on the north shore of North Pass and the east shore of Sukkwan Strait to Elk Point; northerly along the line of lowest low tide on the west shore of Hetta Inlet to a point one mile above Deer Bay; northerly and westerly along the divide at the head of the drainage into Sukkwan Strait and North Pass to the point of beginning; and Sukkwan Island; and including the rocks and islets within 3,000 feet from such shores; and further including all lakes within the foregoing areas, all inlets where the distance from shore to shore is less than 1,000 feet, all streams, and the waters within 500 yards of the mouth of each such stream as defined pursuant to the act of April 16, 1934 (48 Stat. 594, 48 U.S.C. secs. 232, 233); excepting from the foregoing any patented lands.

The natives of Klawock have, since May 17, 1884, continuously and exclusively occupied and used, and claimed as their property, the following area in the vicinity of the town of Klawock:

Beginning at a point one mile north of the mouth of the creek emptying into Tuxekan Passage, north of the town of Tuxekan on Prince of Wales Island, on the east shore of Tuxekan Passage, in approximate latitude 55 55′ N., longitude 133°15′ W.; thence easterly and southwesterly along the line of lowest low tide on the east shores of Tuxekan Passage, Tonowek Narrows, and Tonowek Bay to a point of shore east of St. Phillip Island; westerly to east shore of St. Phillip Island; northwesterly, southwesterly and southeasterly along the shore of said island to point on east shore; easterly to point on Prince of Wales Island; easterly along the north shores of San Christoval Channel, San Alberto Bay, and Shinaku Inlet to a point on shore north of Wadleigh Island; southerly through the waters of Shinaku and Klawock Inlets east of Wadleigh Island and west of Klawock Island to a point on shore of Prince of Wales Island south of Klawock Island; southwesterly along the line of lowest low tide on the east shore of Klawock Inlet to a point approximately midway between the towns of Craig and Klawock, in approximate latitude 55°31′ N., longitude 133 08′ W.; southeasterly along the divide between Klawock Lake and Port St. Nicholas to a point on the divide between Klawock Lake and Twelvemile Arm; northerly along the divide to the divide east of Black Bear Lake; northwesterly along divide east of Black Bear Lake to a point one mile east of Big Salt Lake; westerly at a distance of one mile from shore along the north shores of Big Salt Lake, Shinaku Inlet, San Alberto Bay, and San Christoval Channel; northeasterly and westerly at a distance of one mile inland from shore, along the east shores of Tonowek Bay, Tonowek Narrows and Tuxekan Passage to a point one mile from shore north of the town of Tuxekan, westerly to point on shore one mile north of the mouth of creek north of town of Tuxekan and the place of beginning, together with the rocks and islets within 3,000 feet of said shores; and further including all lakes within the foregoing areas, all inlets where the distance from shore to shore is less than 1,000 feet, all streams, and the waters within 500 yards of the mouth of each such stream as defined pursuant to the act of April 16, 1934 (48 Stat. 594, 48 U.S.C. secs. 232, 233); excepting from the foregoing any patented lands; containing approximately 95,000 acres.

The natives of Kake have, since May 17, 1884, continuously and exclusively occupied and used, and claimed as their property, the following area in the vicinity of the town of Kake:

Beginning at a point on the north shore of Keku Strait, at the town of Kake, on the north end of Kupreanof Island, in approximate latitude 56°58′ N., longitude 133°56′ W.; thence southeasterly along line of lowest low tide on the north shores of Keku Strait and Hamilton Bay; westerly on south shore of Hamilton Bay to Hamilton Point; southeasterly and southerly along the north and east shores of Keku Strait to the south end of island on north shore of Sumner Strait; easterly one mile to a point on north shore of said strait; northerly at a distance of one mile from shore along the east shores of Keku Strait and Big John Bay to a point one mile east of north end of bay; northerly to a point one mile east of east end of Hamilton Bay; westerly to a point one mile from shore and five miles southeast of the town of Kake; northeasterly for a distance of two miles, to a point; northwesterly for a distance of ten miles, to a point; southwesterly for a distance of two miles, to a point one mile distant from shore; northerly and southeasterly at a distance of one mile from shore to a point near West Point; northerly one mile to a point at West Point on the south shore of Frederick Sound; westerly and southeasterly along line of lowest low tide on the south shore of Frederick Sound and north shore of Keku Strait to the town of Kake and the place of beginning, including the rocks and islets within 3,000 feet of said shores; and further including all lakes within the foregoing areas, all inlets where the distance from shore to shore is less than 1,000 feet, all streams, and the waters within 500 yards of the mouth of each such stream as defined pursuant to the act of April 16, 1934 (48 Stat. 594, 48 U.S.C. secs. 232, 233); excepting from the foregoing any patented lands; containing approximately 77,000 acres.

11. The "natives of Hydaburg" number today approximately 575;[1] and the per capita share of these natives in the area which has remained within their exclusive possession and use is approximately 180 acres. The per capita share of the natives of Klawock, numbering approximately 500,[2] amounts to approximately 190 acres, and that of the natives of Kake, who number approximately 380, amounts to approximately 200 acres. These areas compare with contemporary landholdings of Indians in the State of Washington averaging approximately 180 acres per capita, and of Indians in the continental United States as a whole averaging approximately 244 acres per capita.

12. The following areas have been effectually removed from Indian occupancy and possession by reason of extensive mineral entries, homestead patenting and other disposition of lands:

HYDABURG

Beginning at a point at the town of Sulzer on Hetta Inlet, approximate latitude 55°17′ N., longitude 132°38′ W., thence southeasterly along trail to a point on the divide between Hetta Inlet and West Arm of Cholmondeley Sound; southeasterly along divide between Hetta Inlet and South Arm to the divide between Nutkwa Lagoon and Klakas Inlet; southwesterly along said divide to Keete Inlet; thence along ordinary high water on north shore of Keete Inlet and along shores of Nutkwa Inlet and Nutkwa Lagoon to Lime Point; thence northerly along ordinary high water on east shore of Hetta Inlet to Sulzer and the place of beginning; containing approximately 59,900 acres.

KLAWOCK

Beginning at a point at the town of Shakan on the north end of Kosciusko Island in approximate latitude 56°08′ N., longitude 133° 28′ W.; thence northeasterly along ordinary high water on the east shore of Shakan Strait and easterly and southerly along the south and west shores of El Capitan Passage to Devilfish Bay; southwesterly along the north shore of Devilfish Bay to a point at the west end of said bay; westerly to the east shore of Shipley Bay; thence along ordinary high water on the north shore of Shipley Bay, east shore of Sumner Strait, and south shores of Shakan Bay and Shakan Strait to the town of Shakan and the place of beginning, containing approximately 27,600 acres.

Beginning at a point on the north shore of Shakan Bay west of Calder Bay on the north end of Prince of Wales Island, in approximate latitude 56°11′ N., longitude 133° 32′ W.; thence northerly to the divide between Sumner Strait drainage on the north and the drainage of Calder Bay, Shakan Bay, Shakan Strait, and El Capitan Passage on the south; southeasterly along said divide to a point in approximate latitude 55°56′ N., longitude 133°03′ W.; southwesterly on the divide between Sarkan Lake and Tuxekan passage to a point one mile north of the mouth of creek emptying into Tuxekan Passage north of the town of Tuxekan; northwesterly along ordinary high water on east shore of Tuxekan Passage, east and north shores of El Capitan Passage, and the north shore of Shakan Bay to Calder Bay; thence along shore around Calder Bay and to the place of beginning, containing approximately 75,600 acres;

Marble Island, containing approximately 6,500 acres;

Baker Island, containing approximately 30,000 acres.

KAKE

Beginning at a point at Cape Ommaney on the southern end of Baranof Island, thence northerly along ordinary high water on the east shore of said island to Red Bluff Bay; northwesterly along the south shore of Red Bluff Bay to a stream near end of bay; southwesterly to the divide between Chatham Strait and the Pacific Ocean; southerly along said divide to Cape Ommaney and the place of beginning, containing approximately 131,800 acres.

13. As to all areas within the scope of the three petitions which are not covered by Findings 9, 10, and 12, totaling approximately 2,735,000 acres, the petitioners have ceased to maintain exclusive occupancy. Within this area, however, so far as claimed by the respective petitioners, each of the three native groups has continued to use existing trails and waterways, and to hunt, fish, gather natural resources, and trap, subject to applicable conservation regulations, except in relatively small areas disposed of by the Federal Government and thereafter closed to hunting, fishing, trapping, or trespass.

14. Such hunting, trapping, and fishing have been carried on by petitioners in common with all other citizens, except in those areas closed to commercial fishing where natives are legally entitled to take fish for subsistence purposes.

Petitioners have appealed from all the findings of fact of the presiding officer. Their appeal is rejected.

Conclusions of Law [1]

I hereby affirm the following conclusions of law adopted by the presiding officer:

1. Occupancy necessary to establish aboriginal possession of land by an Indian tribe, band or individual Indian is a question of fact.

2. Lands included in the ancestral home of Indians in the sense that they constituted definable territory occupied exclusively by them are lands to which they have "Indian Title" until same is extinguished by the Congress.

3. The policy of the Government to respect the aboriginal possession of land by Indians applies to lands ceded by Russia, under the treaty of 1867, with the United States.

4. An Indian aboriginal claim to land will be recognized although it has no

[1] Letter from Assistant Secretary Chapman, dated August 23, 1944, to the Secretary of Agriculture.

[1a] 1. Petitioners or claimants have not established with respect to claimed right of exclusive use of tidal waters (for fishing), involved in the areas described in the petition, the exclusive possession of definable territory, in such areas, that is necessary to the recognition of such exclusive use claimed by them not being shown.

[2] 2. There has been an abandonment by claimants of an exclusive fishing right in tidal waters, claimed by petitioners, by acquiescence in the use of such waters for fishing by non-Indians.

[3] 7. Since aboriginal times the only fishing waters in the areas included within claimants' petitions, where claimants have asserted exclusive fishing rights are an unknown number of small streams and nearby bays and harbors.

[4] 3. Such evidence of aboriginal rights in tidal waters, produced at the hearings largely dealt with fishing uses to meet domestic food requirements, now not so essential, through a change in the Indian economic conditions, and this use is not shown to be substantially impaired under present conditions.

[5] 4. Within land areas described, in the three petitions, the claimants established a prima facie case of aboriginal right to possession and occupancy of some portions of the areas claimed which are not upon evidence taken, capable of accurate or definite definement as to either the extent of the areas or boundaries thereof.

[6] 6. Some areas, not accurately defined, are shown to be subject to occasional use as camps when the Indians are engaged in seasonal fishing and curing their catch; smokehouses are more or less scattered through the areas in question, all of which uses appear based upon aboriginal possession with present, and past, basis in an exclusive use.

[1] The population of the "natives of Hydaburg" consists of the total number of Haidas in southeastern Alaska, minus the Haidas of Kasaan, as compiled in the 1940 census.

[2] This figure, based on a survey made by the Bureau of Indian Affairs for the year ending June 30, 1935, is used instead of the latest statistics of the population so as to include members of the village who are temporarily absent.

[1] Opinion in this matter filed with the Division of the Federal Register.

basis in any treaty, statute, or other formal Government action.

5. Intent of Congress to extinguish Indian title through statutory enactment is not to be lightly implied, all doubts in the construction of the statute being resolved in favor of the Indians.

6. The policy of the United States in dealing with the Indians has been to accept the subdivisions of the Indians into such tribes or bands as the Indians themselves adopted, and to treat with them accordingly.

The presiding officer's conclusion concerning the abandonment of aboriginal rights is modified to read as follows:

7. Abandonment of an exclusive aboriginal right occurs when the aboriginal claimants have indicated a general consent to the participation by others in those rights. A right to hunt or fish in common with others, or any other nonexclusive aboriginal right, is not abandoned by the consent of the aboriginal claimants to participation by others in the exercise of such right.

The presiding officer's conclusions of law are supplemented by adding the following conclusions:

8. Those lands referred to in Findings 12 and 13 (3,066,000 acres) are legally open to disposition under applicable public land laws without encumbrance of Indian title.

9. The petitioners' possession of those lands referred to in Finding 4, and more precisely defined in Finding 10 (273,000 acres), is protected not only by the policy referred to in Conclusion 3 but also by the following statutes: Section 8 of the act of May 17, 1884 (23 Stat. 24); section 14 of the act of March 3, 1891 (26 Stat. 1101); act of May 14, 1898 (30 Stat. 409, 413); act of June 6, 1900 (31 Stat. 321, 330), and act of May 25, 1926 (44 Stat. 629).

10. All rights of petitioners in tidelands and inland waters and bays are subject to the public right of navigation.

HAROLD L. ICKES,
Secretary of the Interior.

[F. R. Doc. 45-14060; Filed, July 31, 1945; 11:28 a. m.]

FEDERAL POWER COMMISSION.

[Docket No. G-649]

CITIES SERVICE GAS CO.

ORDER POSTPONING HEARING

JULY 27, 1945

It appears to the Commission that:

(a) By order of July 17, 1945, the Commission directed that a public hearing in the above-entitled matter be held at Kansas City, Missouri, commencing August 7, 1945.

(b) The time of the parties involved and travel by such persons will be conserved by postponing the public hearing in this proceeding as hereinafter ordered.

The Commission orders that:

The hearing heretofore ordered to be held in this matter commencing August 7, 1945, at 2:00 p. m. (c. w. t.) in Room 525, Federal Courts Building, Kansas City, Missouri, be and it is hereby postponed to commence on August 22, 1945, at 10:00 a. m. (c. w. t.) at the same place.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F.R. Doc. 45-14049; Filed July 31, 1945; 11:17 a. m.]

[Docket No. G-626]

INDEPENDENT INDUSTRIAL GAS CO. AND CITIES SERVICE GAS CO.

ORDER CHANGING DATE AND PLACE OF HEARING

JULY 27, 1945.

It appears to the Commission that:

(a) By order of May 18, 1945, the Commission directed that a public hearing in the above-entitled matter be held at Washington, D. C., commencing September 6, 1945.

(b) The time of the parties involved and travel by such persons will be conserved by changing the date and place of the public hearing in this proceeding as hereinafter ordered.

The Commission orders that:

The hearing heretofore ordered to be held in this matter commencing September 6, 1945, at Washington, D. C., be held, instead, commencing on August 20, 1945, at 10 a. m. (c. w. t.), in Room 525, Federal Courts Building, Kansas City, Missouri.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 45-14050; Filed, July 31, 1945; 11:17 a. m.]

[Docket No. G-639]

KANSAS-NEBRASKA NATURAL GAS CO., INC.

ORDER CHANGING DATE AND PLACE OF HEARING

JULY 27, 1945.

It appears to the Commission that:

(a) By order of July 10, 1945, the Commission directed that a public hearing in the above-entitled matter be held at Washington, D. C., commencing August 15, 1945.

(b) The time of the parties involved and travel by such persons will be conserved by changing the date and place of the public hearing in this proceeding as hereinafter ordered.

The Commission orders that:

The hearing heretofore ordered to be held in this matter commencing August 15, 1945, at Washington, D. C., be held, instead, commencing on August 16, 1945, at 10:00 a. m. (c. w. t.) in Room 525 Federal Courts Building, Kansas City, Missouri.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 45-14051; Filed, July 31, 1945; 11:18 a. m.]

INTERSTATE COMMERCE COMMISSION.

[2d Rev. S. O. 300, Special Permit 18]

ICING OF POTATOES FROM HIGHTSTOWN, N. J., AND GREENPORT, LONG ISLAND, N. Y.

Pursuant to the authority vested in me by paragraph (e) of the first ordering paragraph of Second Revised Service Order No. 300 (10 F.R. 6802), permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard the provisions of Second Revised Service Order No. 300 insofar as it applies to the furnishing of initial icing and one reicing in transit only, on cars of potatoes, PFE 97395, shipped from Hightstown, N. J. (P. R. R.–D. L. & W.–Wab.); PFE 16158 and NRC 5608, shipped from Hightstown, N. J. (P. R. R.–Mich. Central); and PFE 27746, shipped from Greenport, Lond Island, N. Y. (L. I.–D. L. & W.–Wab.), by F. H. Vahlsing, Inc., July 27, 1945, all consigned to Market Dealers Service, Detroit, Michigan.

The waybills shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 27th day of July 1945.

V. C. CLINGER,
Director,
Bureau of Service.

[F. R. Doc. 45-14044; Filed, July 31, 1945; 11:17 a. m.]

[2d Rev. S. O. 300, Special Permit 19]

REFRIGERATION OF POTATOES FROM GREENPORT, LONG ISLAND, N. Y.

Pursuant to the authority vested in me by paragraph (e) of the first ordering paragraph of Second Revised Service Order No. 300 (10 F.R. 6802), permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard the provisions of Second Revised Service Order No. 300 insofar as it applies to the furnishing of standard refrigeration on cars FGE 37051, FGE 35304 and ART 21569, potatoes, shipped by F. H. Vahlsing, Inc., July 27 or 28, 1945, from Greenport, Long Island, New York, to N. Geraci & Company, Inc., Tampa, Florida. (L. I. RR–P. R. R.–R. F. & P.–A. C. L.)

The waybills shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 27th day of July 1945.

V. C. CLINGER,
Director,
Bureau of Service.

[F. R. Doc. 45-14045; Filed, July 31, 1945; 11:17 a. m.]

[2d Rev. S. O. 300, Special Permit 20]

REFRIGERATION OF POTATOES FROM GREENPORT, LONG ISLAND, N. Y., AND FREEHOLD, N. J.

Pursuant to the authority vested in me by paragraph (e) of the first ordering paragraph of Second Revised Service Order No. 300 (10 F.R. 6802), permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard the provisions of Second Revised Service Order No. 300 insofar as it applies to the furnishing of standard refrigeration on cars of potatoes, ART 21569, shipped from Greenport, L. I. (L. I.–P. R. R.–Sou.–F. E. C.) and WFE 65267 shipped from Freehold, N. J. (P. R. R.–Sou.–F. E. C.), both shipped July 27, 1945, by F. H. Vahlsing, Inc., consigned to Sidney Alterman, Port Everglades, Florida; ART 15869 and NWX 3089, both shipped July 27, 1945, by F. H. Vahlsing, Inc., from Greenport, L. I., consigned to N. Geraci & Company, Inc., Tampa, Florida. (L. I.–P. R. R.–R. F. & P.–A. C. L.).

The waybills shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 27th day of July 1945.

V. C. CLINGER,
Director,
Bureau of Service.

[F. R. Doc. 45-14046; Filed, July 31, 1945; 11:17 a. m.]

[2d Rev. S. O. 300, Special Permit 21]

ICING OF POTATOES FROM GREENPORT, LONG ISLAND, N. Y.

Pursuant to the authority vested in me by paragraph (e) of the first ordering paragraph of Second Revised Service Order No. 300 (10 F.R. 6802), permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard the provisions of Second Revised Service Order No. 300 insofar as it applies to the icing one time only of PFE 93788, potatoes, shipped July 26 by F. H. Vahlsing, from Greenport, Long Island, routed L. I.-D. L. & W.-Wab. to Market Dealers Service, Detroit, Michigan.

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 28th day of July 1945.

V. C. CLINGER,
Director,
Bureau of Service.

[F. R. Doc. 45-14047; Filed, July 31, 1945; 11:17 a. m.]

[S. O. 332, Special Permit No. 5]

LOADING AND BILLING OF GARBAGE FROM LOS ANGELES, CALIF.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph of Service Order No. 332 (10 F.R. 8603), permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard the provisions of Service Order No. 332 insofar as it applies to the loading and billing of not to exceed eleven (11) cars of garbage by or for the City of Los Angeles, California, and the movement of such cars when so loaded to Fontana Farms Company, Fontana, Calif., on Sunday, July 29.

The waybills shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 28th day of July 1945.

V. C. CLINGER,
Director,
Bureau of Service.

[F. R. Doc. 45-14048; Filed, July 31, 1945; 11:17 a. m.]

OFFICE OF ALIEN PROPERTY CUSTODIAN.

[Vesting Order 5144]

MICHAEL ALBERT

In re: Estate of Michael Albert, deceased; file D-28-8335; E. T. sec. 9650.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding;

That the property described as follows: All right, title, interest and claim of any kind or character whatsoever of Babette Hartmann, Hubert Hartmann, Sebastian Hartmann, widow and surviving child or children (names unknown) of Hubert Hartmann, and widow and surviving child or children (names unknown) of Sebastian Hartmann, and each of them, in and to the estate of Michael Albert, deceased,

is property payable or deliverable to, or claimed by, nationals of a designated enemy country (Germany), namely,

Nationals and Last Known Address

Babette Hartmann, Germany.
Hubert Hartmann, Germany.
Sebastian Hartmann, Germany.
Widow and surviving child or children (names unknown) of Hubert Hartmann, Germany.
Widow and surviving child or children (names unknown) of Sebastian Hartmann, Germany.

That such property is in the process of administration by Geo. Dickinson, Jr., Minnewaukan, North Dakota, as Administrator with Will Annexed of the estate of Michael Albert, deceased, acting under the judicial supervision of the County Court of Benson County, North Dakota;

And determining that to the extent that such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, (Germany);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC-1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on July 23, 1945.

[SEAL] JAMES E. MARKHAM,
Alien Property Custodian.

[F. R. Doc. 45-14014; Filed, July 31, 1945; 10:32 a. m.]

[Vesting Order 5145]

HATTIE ELIZABETH ANDREAS

In re: Estate of Hattie Elizabeth Andreas, deceased; File D-28-9799; E. T. sec. 13801.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding;

That the property described as follows: All right, title, interest and claim of any kind or character whatsoever of Martha Baumann, Erna Singer, and Manfred Singer, and each of them, in and to the Estate of Hattie Elizabeth Andreas, deceased,

is property payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

Nationals and Last Known Address

Martha Baumann, Germany.
Erna Singer, Germany.
Manfred Singer, Germany.

That such property is in the process of administration by Russell Allen, as Executor, acting under the judicial supervision of the Court of Ordinary of Spalding County, Griffin, Georgia;

And determining that to the extent that such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, (Germany);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC-1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on July 23, 1945.

[SEAL] JAMES E. MARKHAM,
Alien Property Custodian.

[F. R. Doc. 45-14015; Filed, July 31, 1945; 10:32 a. m.]

[Vesting Order 5146]

FREDERICK BRUGGEMANN

In re: Estate of Frederick Bruggemann, deceased; File No. D-28-8275; E. T. sec. 9452.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding;

That the property described as follows: All right, title, interest and claim of any kind or character whatsoever of Marie Bruggemann in and to the estate of Frederick Bruggemann, deceased,

is property payable or deliverable to, or claimed by, a national of a designated enemy country, Germany, namely,

National and Last Known Address

Marie Bruggemann, Germany.

That such property is in the process of administration by Herman Bruggemann, as Executor, acting under the judicial supervision of the Surrogate's Court of Westchester County, New York;

And determining that to the extent that such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC-1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on July 23, 1945.

[SEAL] JAMES E. MARKHAM,
Alien Property Custodian.

[F. R. Doc. 45-14016; Filed, July 31, 1945; 10:32 a. m.]

[Vesting Order 5147]

OTTO H. GROSS

In re: Estate of Otto H. Gross, deceased; File D-28-9480; E. T. sec. 12789.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding;

That the property described as follows: All right, title, interest and claim of any kind or character whatsoever of Otto Gross in and to the Estate of Otto H. Gross, deceased,

is property payable or deliverable to, or claimed by, a national of a designated enemy country, Germany, namely,

National and Last Known Address

Otto Gross, Germany.

That such property is in the process of administration by the Fidelity Trust Company, as Executor, acting under the judicial supervision of the Orphans' Court of Allegheny County, Pittsburgh, Pennsylvania;

And determining that to the extent that such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC-1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on July 23, 1945.

[SEAL] JAMES E. MARKHAM,
Alien Property Custodian.

[F. R. Doc. 45-14017; Filed, July 31, 1945; 10:32 a. m.]

[Vesting Order 5148]

WILLIAM HOEGEMANN

In re: Estate of William Hoegemann, deceased; D-28-9646; E. T. sec. 13377.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding;

That the property described as follows: All right, title, interest and claim of any kind or character whatsoever of Anna Hoegemann in and to the Estate of William Hoegemann, deceased,

is property payable or deliverable to, or claimed by, a national of a designated enemy country, Germany, namely,

National and Last Known Address

Anna Hoegemann, Germany.

That such property is in the process of administration by Dr. Hildegard Bureschenke, as Executrix, acting under the judicial supervision of the Probate Court of Montgomery County, Alabama;

And determining that to the extent that such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC-1, a notice of claim, together with a request for a hearing thereof. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on July 23, 1945.

[SEAL] JAMES E. MARKHAM,
Alien Property Custodian.

[F. R. Doc. 45-14018; Filed, July 31, 1945; 10:32 a. m.]

[Vesting Order 5149]

MAX KLEIN

In re: Estate of Max Klein, deceased; File D-6-1129; ET sec. 10414.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding;

That the property described as follows: All right, title, interest and claim of any kind or character whatsoever of "Mary" Klein in and to the Estate of Max Klein, deceased,

is property payable or deliverable to, or claimed by, a national of a designated enemy country, Germany, namely,

National and Last Known Address

"Mary" Klein, the name "Mary" being fictitious, Germany (Austria).

That such property is in the process of administration by James Egan, Public Administrator of New York County, as Administrator of the Estate of Max Klein, acting under the judicial supervision of the Surrogate's Court of New York County, New York;

And determining that to the extent that such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country, (Germany);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC-1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on July 23, 1945.

[SEAL] JAMES E. MARKHAM,
Alien Property Custodian.

[F. R. Doc. 45-14019; Filed, July 31, 1945; 10:32 a. m.]

[Vesting Order 5150]

HEDWIG KNOLLMULLER

In re: Estate of Hedwig Knollmuller, deceased; File D-66-1971; E. T. sec. 11254.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding;

That the property described as follows: All property of John Gubisch and Rosalia Gubisch Klessinger in the possession of Rosa Roberts, executrix of the will of Hedwig Knollmuller, deceased, including but not by way of limitation, the following:

1. One First Mortgage Bond on Bennett Building No. 51 for $100.00.

2. One First Mortgage Bond on Randall Building Property No. 139 for $100.00, also No. 230 for $500.00.

3. One First Mortgage Bond on the Hampden Apartments No. 155 for $100.00.

4. One General Mortgage Bond on the Lake Shore Properties No. 605 for $100.00.

5. Certificate of Deposit No. 117 for one Helen Kay Building Property Bond No. 232 for $100.00.

6. Certificate of Deposit No. 276 for two Clark Berwyn Building Property Bonds Nos. 138 and 139 for $100.00 each.

7. Certificate of Deposit No. 2676 for one, 836 Montrose Avenue Building Property Bond No. 161 for $500.00.

8. Certificate of Deposit No. 13526 for one Leona Property Bond No. 164 for $100.00.

9. Certificate of Deposit No. 4892 for two Irving Apartment Property Bonds Nos. 132 and 133 each for $500.00.

10. Certificate of Deposit No. 12743 for one Briar Property Bond No. A721 for $500.00.

11. Certificate of Deposit No. 1606 for one Crenell Apartment Property Bond No. 213 for $500.00.

12. Certificate of Deposit No. 1605 for two Kendale Apartment Property Bonds Nos. 374 and 375 for $500.00 each.

13. Certificate of Deposit No. 1603 for one Dearborn Building Property Bond No. 678 for $100.00.

14. Certificate of Deposit No. 1607 for one Hazelton Apartment Property Bond No. 128 for $100.00.

15. Certificate of Deposit No. 1608 for one Roscoe Apartment Property Bond No. 204 for $500.00.

16. Certificate of Deposit No. 1604 for one Frances Building Property Bond No. 74 for $100.00.

also

1. Certificate No. 204, of American National Bank and Trust Company for five shares Pine Terrace Building Corporation, an Illinois Corporation. No par value.

2. Trust Certificate No. 870, for 103 shares Common Stock 14 West Elm Building Corporation, an Illinois Corporation. No par value.

3. Trust Certificate No. 1363, 18 East Elm Hotel Building for 99 shares Common Stock, an Illinois Corporation. No par value.

4. Trust Certificate No. 213 for 33 shares Common Stock Hinman Manor Corporation, an Illinois Corporation. No par value.

5. Trust Certificate No. 150 for 20 shares Common Capital Stock 1147 Maple Corporation, an Illinois Corporation. No par value.

6. Check of the American National Bank and Trust Company to the order of Hedwig Knollmuller, as attorney-in-fact for Johan Gubisch and Rosalia Klessinger, for the sum of $7.50 on account of the Pine Terrace Building Corporation.

7. Check of the Clar-Wyn Building Corporation to the order of Hedwig Knollmuller as said Attorney-in-fact for the sum of $3.00—Dividend Account.

8. Check of December 7, 1939 of the American National Bank and Trust Company on 1147 Maple Building Corporation. $4.00.

9. Check of June 27, 1939 of the American National Bank and Trust Company on 1147 Maple Building Corporation. $4.00.

10. Check of July 10, 1939 of L. H. Krieter and W. J. Madden on 14 West Elm Building Corporation. $36.05.

11. Check of December 22, 1939 of L. H. Krieter and W. J. Madden on 14 West Elm Building Corporation. $15.45.

also

1. File of Jantha Plantation Company—Mexico.

2. Savings Deposit Book No. 1954 L. Kaufman & Company State Bank; with interest coupon No. 605 for $3.50 Lake Shore Properties, and interest coupon No. 51 Bennett Building for $3.25; with inventory in the Estate of Michael Peter, alias Michael Peter Gubisch, deceased, and photostat copy of Will.

3. Certain letters and miscellaneous correspondence addressed to Hedwig Knollmuller (unopened) as Attorney-in-Fact for Michael Peter Gubisch, deceased,

together with all rights in and to the property, debts or claims represented thereby and all rights incident to the ownership thereof, and any and all accretions thereon.

is property payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

Nationals and Last Known Address

John Gubisch, Germany.
Rosalia Gubisch Klessinger, Germany.

That such property is in the process of administration by Rosa Roberts, 1617 McDaniels Street, Evanston, Illinois, as Executrix of the estate of Hedwig Knollmuller, deceased, acting under the judicial supervision of the Probate Court, County of Cook, State of Illinois;

And determining that to the extent that such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC–1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on July 23, 1945.

[SEAL] JAMES E. MARKHAM,
Alien Property Custodian.

[F. R. Doc. 45–14020; Filed, July 31, 1945; 10:32 a. m.]

[Vesting Order 5151]

WALTER H. LINGENBERG

In re: Estate of Walter H. Lingenberg, deceased; File D–28–4053; E. T. sec. 11362.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

That the property described as follows: All right, title, interest and claim of any kind or character whatsoever of Cornelia Lingenberg, Doris Lingenberg, and Margaret Lingenberg, and each of them, in and to the Estate of Walter H. Lingenberg, deceased,

is property payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

Nationals and Last Known Address

Cornelia Lingenberg, Germany.
Doris Lingenberg, Germany.
Margaret Lingenberg, Germany.

That such property is in the process of administration by Mrs. Huberta M. Kretzschmar, Administratrix of the Estate of Walter H. Lingenberg, acting under the judicial supervision of the Bergen County Orphan's Court, Hackensack, New Jersey;

And determining that to the extent that such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC–1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on July 23, 1945.

[SEAL] JAMES E. MARKHAM,
Alien Property Custodian.

[F. R. Doc. 45–14021; Filed, July 31, 1945; 10:33 a. m.]

[Vesting Order 5152]

FRANCIS X. ORTHEN

In re: Estate of Francis X. Orthen, deceased, and trust under the will of Francis X Orthen, deceased; File D–28–7752; E. T. sec. 8352.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding;

That the property described as follows: All right, title, interest and claim of any kind or character whatsoever of Minnie Orthen, Marion Greb, William Orthen, children, names unknown, of Marion Greb, children, names unknown, of William Orthen, children, names unknown, of Minnie Orthen, and each of them, in and to the estate of Francis X. Orthen, deceased, and the Trust created under the Will of Francis X. Orthen, deceased,

is property payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

National and Last Known Address

Minnie Orthen, Germany.
Marion Greb, Germany.
William Orthen, Germany.
Children, names unknown, of Marion Greb, Germany.
Children, names unknown, of William Orthen, Germany.
Children, names unknown, of Minnie Orthen, Germany.

That such property is in the process of administration by Peter Schlosser, 318 Gibson Street, Eau Claire, Wisconsin, as Executor, and Peter Schlosser and William H Frawley, Jr., Frawley Building, Eau Claire, Wisconsin, as Trustees under the Will of Francis X. Orthen, deceased, acting under the judicial supervision of the County Court of Eau Claire County, Wisconsin;

And determining that to the extent that such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, (Germany);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC–1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on July 23, 1945.

[SEAL] JAMES E. MARKHAM,
Alien Property Custodian.

[F. R. Doc. 45–14022; Filed July 31, 1945; 10:33 a. m.]

[Vesting Order 5153]

PETER JACOB PETERS

In re: Trust under the will of Peter Jacob Peters, deceased; file D–28–2343; E. T. sec. 3392.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding;

That the property described as follows: All right, title, interest and claim of any kind or character whatsoever of Herman Peters, Wiebke Peters, Emma Peters, Christina Peters, Heinrich Peters, Heinrich Hencke, Johannes Hencke, Otto Hencke, Maria Thomsen, Emma Thomsen, Augusta Thomsen, Christina Thomsen, Alfrieda Thomsen, Heinrich Thomsen, and Minnie Thomsen, and each of them, and the issue of each of them, in and to the trust under the will of Peter Jacob Peters, deceased,

is property payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

Nationals and Last Known Address

Herman Peters, or his issue, Germany.
Wiebke Peters, or his issue, Germany.
Emma Peters, or her issue, Germany.
Christina Peters, or her issue, Germany.
Hejnrich Peters, or his issue, Germany.
Heinrich Hencke, or his issue, Germany.
Johannes Hencke, or his issue, Germany.
Otto Hencke, or his issue, Germany.
Maria Thomsen, or her issue, Germany.
Emma Thomsen, or her issue, Germany.
Augusta Thomsen, or her issue, Germany.
Christina Thomsen, or her issue, Germany.
Alfrieda Thomsen, or her issue, Germany.
Heinrich Thomsen, or his issue, Germany.
Minnie Thomsen, or her issue, Germany.

That such property is in the process of administration by W. G. Sievers, Remsen, Iowa, as Trustee of the trust under the Will of Peter Jacob Peters, deceased, acting under the judicial supervision of the District Court of Iowa in and for Plymouth County;

And determining that to the extent that such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, (Germany);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC–1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on July 23, 1945.

[SEAL] JAMES E. MARKHAM,
Alien Property Custodian.

[F. R. Doc. 45–14023; Filed, July 31, 1945; 10:33 a. m.]

[Vesting Order 5154]

OTTO PFEFFER

In re: Estate of Otto Pfeffer, deceased; file D–28–9323; E. T. sec. 12316).

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding;

That the property described as follows: All right, title, interest and claim of any kind or character whatsoever of Erna Pfeffer Schmidt, Alwiene Bruckner and Klara Brunsbach (Brumsbach), and each of them, in and to the estate of Otto Pfeffer, deceased,

is property payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

Nationals and Last Known Address

Erna Pfeffer Schmidt, Germany.
Alwiene Bruckner, Germany.
Klara Brunsbach (Brumsbach), Germany.

That such property is in the process of administration by Alma Hueppelsheuser, Covington, Oklahoma, as Administratrix with Will Annexed of the estate of Otto Pfeffer, deceased, acting under the judicial supervision of the County Court of Garfield County, Oklahoma;

And determining that to the extent that such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, (Germany);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC–1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on July 23, 1945.

[SEAL] JAMES E. MARKHAM,
Alien Property Custodian.

[F. R. Doc. 45–14024; Filed, July 31, 1945; 10:33 a. m.]

[Vesting Order 5155]

YEIKICHI SHIMIZU

In re Estate of Yeikichi Shimizu, also known as Henry Shimizu, deceased; File No. D–39–17335; E. T. sec. 9129.

Under the authority of the Trading with the Enemy Act, as amended, and

Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding;

That the property described as follows: All right, title, interest and claim of any kind or character whatsoever of Shinzo Shimizu in and to the Estate of Yeikichi Shimizu, also known as Henry Shimizu, deceased,

is property payable or deliverable to, or claimed by a national of a designated enemy country, Japan, namely,

National and Last Known Address

Shinzo Shimizu, Japan.

That such property is in the process of administration by Kinzo Ohashi, as Domiciliary and Ancillary Executor of the Estate of Yeikichi Shimizu, also known as Henry Shimizu, acting under the judicial supervision of the Surrogate's Court of New York County, New York and the Probate Court for the District of Norwalk, Connecticut;

And determining that to the extent that such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country, (Japan);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC–1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on July 23, 1945.

[SEAL] JAMES E. MARKHAM,
Alien Property Custodian.

[F. R. Doc. 45-14025; Filed, July 31, 1945; 10:33 a. m.]

[Vesting Order 5156]

KARL STOLL

In re: Trust under the will of Karl Stoll, deceased; File D–28–6605; E. T. sec. 4516.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding;

That the property described as follows: All right, title, interest and claim of any kind of character whatsoever of George Stoll, Ernst August Stoll, Lilli Peters, Minchen Peters, Anna Schulz, Rieckschen Luetzel, Gredel Mueller and Lisa Peters, and each of them, in and to the Trust established under the Will of Karl Stoll, deceased,

is property payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

Nationals and Last Known Address

George Stoll, Germany.
Ernst August Stoll, Germany.
Lilli Peters, Germany.
Minchen Peters, Germany.
Anna Schulz, Germany.
Rieckschen Leutzel, Germany.
Gredel Mueller, Germany.
Lisa Peters, Germany.

That such property is in the process of administration by Abraham Karmel, Harry C. Adams, Gladys Stoll and Marjorie Stoll Manchon, surviving Trustees, acting under the judicial supervision of the Surrogate's Court, Westchester County, State of New York;

And determining that to the extent that such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC–1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on July 23, 1945.

[SEAL] JAMES E. MARKHAM,
Alien Property Custodian.

[F. R. Doc. 45-14026; Filed, July 31, 1945; 10:33 a. m.]

[Vesting Order 5157]

ANNA ZETERBERG

In re: Estate of Anna Zeterberg, deceased; File D–28–9747; E. T. sec. 13660.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding;

That the property described as follows: All right, title, interest and claim of any kind or character whatsoever of Fritz Peters in and to the Estate of Anna Zeterberg, deceased,

is property payable or deliverable to, or claimed by, a national of a designated enemy country, Germany, namely,

National and Last Known Address

Fritz Peters, Germany.

That such property is in the process of administration by Rupert P. Nills, as trustee, acting under the judicial supervision of the Orphans' Court of Pike County, Milford, Pennsylvania;

And determining that to the extent that such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC–1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on July 23, 1945.

[SEAL] JAMES E. MARKHAM,
Alien Property Custodian.

[F. R. Doc. 45-14021; Filed, July 31, 1945; 10:33 a. m.]

OFFICE OF PRICE ADMINISTRATION.

[Supp. Reg. 15, Order 48]

W. L. SMITH AND CO.

AUTHORIZATION OF MAXIMUM PRICES

Order No. 48 under section 1499.75 (a) (10) of Supplementary Regulation 15 to the General Maximum Price Regulation. W. L. Smith and Company Docket No. 6064–SR 15.75 (a) (10)–49.

For the reasons set forth in an opinion issued simultaneously herewith and pursuant to § 1499.75 (a) (10) of Supplementary Regulation 15 to the General Maximum Price Regulation, It is ordered:

(a) *Maximum prices for sales at wholesale of certain footwear by W. L. Smith and Company*—(1) *Maximum prices.* On and after July 31, 1945, the maximum prices at which W. L. Smith and Company, 915 Virginia Street, Charleston, West Virginia, may sell and deliver at wholesale the footwear, specified below, made by Howard S. Rue and Sons, Inc., 835 North Nineteenth Street, Philadelphia, Pennsylvania, for which the manufacturer's maximum prices were adjusted by Order No. 11 issued under § 1499.75 (a) (10), shall be the maximum prices heretofore established for such footwear under the General Maximum Price Regulation increased by the following "OPA adjustment charges":

HOWARD S. RUE AND SONS, INC.

Style No.:	"OPA adjustment Charge" (per pair)
101	$0.06
104	.06
111	.06

(2) *Invoicing of "OPA adjustment charges."* Any "OPA adjustment charge" listed in subparagraph (1), above, may be made and collected only if separately stated on the invoice accompanying each sale and delivery.

(b) *Maximum prices for sales at retail*—(1) *Sales subject to the General Maximum Price Regulation.* The maximum price for a sale or delivery at retail of any shoe listed in paragraph (a), above, shall be the retailer's maximum price previously established under the General Maximum Price Regulation and may not be increased by reason of the adjustment granted to W. L. Smith and Company under this Order. If a retailer has not previously established a maximum price under the General Maximum Price Regulation, he may not, in determining his maximum price, consider the "OPA adjustment charge" specified in subparagraph (a) (1), above, as part of his net unit replacement cost for such shoe.

(2) *Sales subject to Maximum Price Regulation 580.* The maximum price for a sale or delivery at retail of any shoe listed in paragraph (a), above, shall be the retailer's maximum price determined by applying to his invoice net cost, exclusive of the "OPA adjustment charge" specified in paragraph (a), above, the applicable pricing rule of section 7 of Maximum Price Regulation 580. Such maximum price may not be increased by reason of the adjustment granted to W. L. Smith and Company under this Order.

(c) *Notification.* At the time of (or prior to) the first delivery of each shoe to a purchaser for resale on and after the effective date of this order, at a price adjusted in accordance with the terms of this order, the seller shall notify the purchaser in writing of the applicable method established by paragraph (b), above, for determining maximum prices for resale of the footwear. This notice may be given in any convenient form.

(d) All requests contained in the application not specifically granted by this order are hereby denied.

(e) The provisions of § 1499.2 of the General Maximum Price Regulation with respect to customary allowances, discounts, and other price differentials and payment of transportation costs apply to the maximum prices established by this order.

(f) This order may be amended, modified, revised or revoked by the Administrator at any time.

This order shall become effective July 31, 1945.

Issued this 30th day of July 1945.

JAMES F. BROWNLEE,
Acting Administrator.

[F. R. Doc. 45-13990; Filed, July 30, 1945; 11:42 a. m.]

[MPR 120, Order 1438]

ALDER COAL CO. ET AL.

ESTABLISHMENT OF MAXIMUM PRICES AND PRICE CLASSIFICATIONS

For the reasons set forth in an accompanying opinion, and in accordance with § 1340.210 (a) (6) of Maximum Price Regulation No. 120; *It is ordered:*

Producers identified herein operate named mines assigned the mine index numbers, the price classifications and the maximum prices in cents per net ton, for the indicated uses and shipments as set forth herein. All are in District No. 8. The mine index numbers and the price classifications assigned are permanent but the maximum prices may be changed by an amendment issued after the effective date of this order. Where such an amendment is issued for the district in which the mines involved herein are located and where the amendment makes no particular reference to a mine or mines involved herein, the prices shall be the prices set forth in such amendment for the price classifications of the respective size groups. The location of each mine is given by county and state. The maximum prices stated to be for truck shipment are in cents per net ton f. o. b. the mine or preparation plant and when stated to be for rail shipment or for railroad fuel are in cents per net ton f. o. b. rail shipping point. In cases where mines ship coals by river the prices for such shipments are those established for rail shipment and are in cents per net ton f. o. b. river shipping point. However, producer is subject to the provisions of § 1340.219 and all other provisions of Maximum Price Regulation No. 120.

ALDER COAL CO., EMLYN, KY., ALDER MINE, RIVER GEM SEAM, MINE INDEX NO. 7423, WHITLEY COUNTY, KY., SUBDISTRICT 6, RAIL SHIPPING POINT, PLEASANT VIEW, KY., F. O. G. 111, STRIP MINE, MAXIMUM TRUCK PRICE GROUP NO. 5

	Size group Nos.													
	1	2	3	4	5	6	7	8	9	10	15,16,17	18	19	20,21
Price classification	K	K	K	K	H	H	G	E	C	E	D	M	M	M
Rail shipments and railroad fuel	395	390	380	380	375	365	345	345	345	400	330	295	290	285
Truck shipment	395	375	350	350	335	310	275	270	----	----	----	----	----	----

GEORGE W. COMBS, DORTON, KY., COMBS COAL CO. MINE, ELKHORN NO. 2 SEAM, MINE INDEX NO. 7414, PIKE COUNTY, KY., SUBDISTRICT 1, RAIL SHIPPING POINT: SHELBY GAP, KY., F. O. G. 61, DEEP MINE, MAXIMUM TRUCK PRICE GROUP NO. 5

Price classification	K	K	K	K	H	H	G	E	C	C	D	G	G	G
Rail shipments and railroad fuel	380	375	365	365	360	350	330	330	330	385	315	310	300	295
Truck shipment	395	375	350	350	335	310	275	270	----	----	----	----	----	----

CECIL HARDWICK, C/O W. C. BLACK, SPANN, KY., CECIL HARDWICK MINE, NO. 2 SEAM, MINE INDEX NO. 7413, WAYNE COUNTY, KY., SUBDISTRICT 6, DEEP MINE, MAXIMUM TRUCK PRICE GROUP NO. 5

Truck shipment	395	375	350	350	335	310	275	270	----	----	----	----	----	----

J. P. HORNE, RAVEN, VA., HORNE MINE, JAWBONE SEAM, MINE INDEX NO. 7412, BUCHANAN COUNTY, VA., SUBDISTRICT 8, RAIL SHIPPING POINT: OAKWOOD, VA., F. O. G. 190, DEEP MINE, MAXIMUM TRUCK PRICE GROUP NO. 5

Price classification	M	M	M	M	K	K	J	F	C	E	D	K	K	K
Rail shipments and railroad fuel	365	365	360	360	360	350	330	330	330	385	315	300	295	295
Truck shipment	395	375	350	350	335	310	275	270	----	----	----	----	----	----

MARTIN MCCOY, SALYERSVILLE, KY., MCCOY MINE, HAZARD NO. 4 SEAM, MINE INDEX NO. 1195, MAGOFFIN COUNTY, KY., SUBDISTRICT 1, RAIL SHIPPING POINT: ROYALTON, KY., F. O. G. 61, DEEP MINE

Price classification	M	M	M	M	M	M	L	J	G	J	D	L	L	L
Rail shipment	365	365	360	360	335	330	325	315	315	355	315	300	295	295
Railroad fuel	365	365	360	360	335	330	325	325	325	355	315	300	295	295
Truck shipment*	395	375	350	350	335	310	275	270	----	----	----	----	----	----

*Previously established.

PORTER ELKHORN COAL CO., C/O HENRY PORTER, ALLEN, KY., PORTER NO. 11 MINE, ELKHORN NO. 1 SEAM, MINE INDEX NO. 7420, FLOYD COUNTY, KY., SUBDISTRICT 1, RAIL SHIPPING POINT: SAILSBURY, KY., F. O. G. 61, DEEP MINE, MAXIMUM TRUCK PRICE GROUP NO. 3

	Size group Nos.													
	1	2	3	4	5	6	7	8	9	10	15,16,17	18	19	20, 21
Price classification	H	H	H	H	H	H	G	E	C	E	C	G	G	G
Rail shipments and railroad fuel	395	390	375	375	360	350	330	330	330	385	315	310	300	295
Truck shipment	420	400	365	365	335	315	275	270	----	----	----	----	----	----

PORTER ELKHORN COAL CO., C/O HENRY PORTER, ALLEN, KY., GOLDIA NO. 3 MINE, ELKHORN NO. 2 SEAM, MINE INDEX NO. 7421, FLOYD COUNTY, KY., SUBDISTRICT 1, RAIL SHIPPING POINT, MCDOWELL, KY., F. O. G. 61, DEEP MINE, MAXIMUM TRUCK PRICE GROUP NO. 3

Price classification	H	H	H	H	H	H	G	E	C	E	C	G	G	G
Rail shipments and railroad fuel	395	390	375	375	360	350	330	330	330	385	315	310	300	295
Truck shipment	420	400	365	365	335	315	275	270	----	----	----	----	----	----

This order shall become effective July 31, 1945.

(56 Stat. 23, 765; 57 Stat. 566; Pub. Law 383, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 30th day of July 1945.

JAMES F. BROWNLEE,
Acting Administrator.

[F. R. Doc. 45-13992; Filed, July 30, 1945; 11:42 a. m.]

[MPR 136, Corr. to Amdt. 1 to Order 346]

DIAMOND T MOTOR CAR CO.

AUTHORIZATION OF MAXIMUM PRICES

The amendment to Order 346 under Revised Maximum Price Regulation 136, issued July 25, 1945, was erroneously designated as Amendment 1. It is hereby corrected to read Amendment 2.

Issued this 30th day of July 1945.

JAMES F. BROWNLEE,
Acting Administrator.

[F. R. Doc. 45-13993; Filed, July 30, 1945; 11:43 a. m.]

[RMPR 136, Order 475]

NATHAN MFG. CO.

AUTHORIZATION OF MAXIMUM PRICES

Order No. 475 under Revised Maximum Price Regulation 136. Machines, parts, and industrial equipment. Nathan Manufacturing Company; Docket No. 6083-136.25a-134.

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to section 21 of Revised Maximum Price Regulation 136, *It is ordered:*

(a) The maximum prices for sales by Nathan Manufacturing Company, New York, New York, of the brass goods described below shall be determined by multiplying the maximum net price which the Nathan Manufacturing Company had in effect to purchasers of the same class just prior to February 23, 1945, by 120%.

Class No.:	*Description*
6	Injector Repair Parts.
11	B. E. Lubricator Repair Parts.
1	Lifting Injectors.
4	Non-Lifting Injectors.
9	B. E. Lubricators Complete.
27	Valves and Parts.
20	Balanced Valves and Parts.
21-23-24	Water Gauges and Fittings.
17-18	Boiler Checks.
25	Gauge Cocks.
34	Brass Oil Cups.
8-A	Atomizers.
	Miscellaneous.

(b) The maximum price for the sale by a reseller of the brass goods described in paragraph (b) hereof to any of his classes of purchasers shall be determined by adding to the maximum price which he had in effect to such class of purchaser just prior to February 23, 1945, the dollar-and-cents amount by which such reseller's net invoice cost of that commodity has been increased pursuant to paragraph (b) of this order.

(c) Nathan Manufacturing Company shall give notice in writing to its customers who purchase for resale the commodities described in paragraph (b) of this order of the dollar-and-cents amount by which its prices to such purchasers are increased pursuant to this order, and by which such purchasers' maximum prices for resale are increased. A copy of each such notice shall be filed with the Office of Price Administration, Washington 25, D. C.

(d) This order shall supersede Order No. L-62 under Maximum Price Regulation 136, as amended, issued to Nathan Manufacturing Company and effective February 23, 1945.

(e) All requests not granted herein are denied.

(f) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective as of February 23, 1945.

Issued this 30th day of July 1945.

JAMES F. BROWNLEE,
Acting Administrator.

[F. R. Doc. 45-13994; Filed, July 30, 1945; 11:43 a. m.]

[RMPR 136, Order 476]

CHERRY-BURRELL CORP.

AUTHORIZATION OF MAXIMUM PRICES

Order No. 476 under Revised Maximum Price Regulation 136. Machines, parts, and industrial equipment. Cherry-Burrell Corporation. Docket No. 6083-136.21-381.

For the reasons set forth in an opinion, issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to section 21 of Revised Maximum Price Regulation 136; *It is ordered:*

(a) The maximum prices for sales by all persons of dairy equipment manufactured by Cherry-Burrell Corporation, Chicago, Illinois, shall be determined as follows: The seller (manufacturer or reseller) shall increase by 4.1% the maximum net price he had in effect to a purchaser of the same class on October 1, 1941.

(b) Cherry-Burrell Corporation shall notify each purchaser to whom it sells dairy equipment for resale of the percentage by which this order permits the reseller to increase his maximum net price. A copy of each such notice shall be filed with the Machinery Branch, Office of Price Administration, Washington 25, D. C.

(c) All requests not granted herein are denied.

(d) This order may be revoked or amended by the Price Administration at any time.

This order shall become effective July 31, 1945.

Issued this 30th day of July 1945.

JAMES F. BROWNLEE,
Acting Administrator.

[F. R. Doc. 45-13995; Filed, July 30, 1945; 11:43 a. m.]

[RMPR 136, Order 477]

BUD BOYCE

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion, issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to and under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, the Stabilization Act of 1942, as amended, Executive Orders Nos. 9250 and 9328, and sections 9, 10 and 11 (c) of Revised Maximum Price Regulation 136, *It is ordered:*

(a) Bud Boyce, R. F. D. No. 1, Box No. 104, Windsor, California, may sell, f. o. b. plant, each Boyce trailer, described in subparagraph (1) below, at a price not to exceed $59.50 plus federal excise tax, and state and local taxes on his sale or delivery of the trailer and the cost of transporting the trailer to the purchaser, if any.

(1) *Description.* One-wheel automotive trailer; overall dimensions 69" long x 42" wide x 32" high; equipped with 4.00 x 8 4-ply synthetic tire.

(b) Bud Boyce is authorized to suggest to resellers a resale price for the trailer described in paragraph (a) (1) consisting of the following:

(1) *Suggested resale price:* $89.20.

(2) *Charges.* (i) A charge for transportation, if any, not to exceed the actual rail freight charge from the factory at Windsor, California, to the railroad freight receiving station nearest to the place of business of the reseller.

(ii) A charge equal to the charge made by Bud Boyce to cover federal excise taxes.

(iii) A charge equal to reseller's expense for payment of state and local taxes on the purchase, sale or delivery of the trailers.

(c) All requests not granted herein are denied.

(d) This order may be amended or revoked by the Administrator at any time.

NOTE: Where the manufacturer's invoice charge to the reseller is increased or decreased from the previous invoice charge because the manufacturer has a newly established price under section 6 of Revised Maximum Price Regulation 136, due to substantial changes in design, specifications or equipment of the trailer, the reseller may add to its price under paragraph (b) the increase in price, plus its customary markup on such a cost increase, but in case of a decrease in the price, the reseller must reduce its price under paragraph (b) by the amount of the decrease and its customary markup on such an amount.

This order shall become effective July 31, 1945.

Issued this 30th day of July 1945.

JAMES F. BROWNLEE,
Acting Administrator.

[F. R. Doc. 45-13996; Filed, July 30, 1945; 11:43 a. m.]

[MPR 188, Order 3 Under Rev. Order 2525]

LESTER PIANO CO.

ADJUSTMENT OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith, and filed with the Division of the Federal Register, and pursuant to paragraph (d) (2) of Revised Order 2525 under § 1499.159b of Maximum Price Regulation No. 188, It is ordered:

(a) *Manufacturer's maximum prices for all sales except at retail.* The Lester Piano Manufacturing Co., Inc., 1553 Chestnut Street, Philadelphia 2, Pa., herein called the manufacturer may increase its maximum prices for sales of new pianos of its manufacture, in effect prior to October 7, 1944, to each class of purchaser, for all sales except sales at retail as follows:

(1) Subtract the Federal excise tax and any amount for freight which is included in the price.

(2) To this figure add 62.4% thereof.

(3) The result is the new maximum price to each class of purchaser. The Federal excise tax payable on that maximum price and any freight deducted may be added.

(b) *Maximum prices for sales at retail.* The maximum price for a sale or delivery by the manufacturer on or after the effective date of this order or by a retailer of a piano which he receives on or after the effective date of this order (except for a sale by mail order) is the total of the following, adjusted upward or downward to the nearest dollar.

(1) The manufacturer's highest maximum price to retailers as established under paragraph (a) of this order (exclusive of freight and Federal excise tax).

(2) 58% of that price (exclusive of freight and Federal excise tax).

(3) The amount of Federal excise tax payable by the manufacturer.

(4) The freight allowances indicated in paragraphs (e) (2) (i) and (e) (2) (ii) (a) of Revised Order 2525 under Maximum Price Regulation No. 188.

The maximum retail prices so computed include the Federal excise tax and the permissible charges for freight. No additional amounts may be added thereto on account of these terms. Each seller at retail shall continue to furnish the services he customarily furnished in March 1942 on the sale of a new piano, as, for example, free delivery, tuning, etc. In addition, a seller at retail shall continue in effect, terms, discounts, trade in and other allowances no less favorable to the purchaser than he allowed in March 1942. Local and state taxes and credit charges (in accordance with paragraph (i) of Revised Order 2525) may be added, together with other price differentials for which the seller at retail customarily made a separately stated charge during March 1942.

(c) Applicability of provisions of Revised Order 2525. The following paragraphs of Revised Order 2525 are specifically applicable to the pianos for which adjusted maximum prices are established by this order:

(c) Malufacturers' maximum prices for new or changed models.
(f) Tagging.
(k) Adjustment, correction, and revocation of maximum prices.
(l) Credit charges.
(j) Definitions.
(k) Relationship between this order, the General Maximum Price Regulation and Maximum Price Regulation No. 188.

(f) The revised maximum prices for sales by the manufacturer established by this order apply only to sales and deliveries made within the ninety days following the effective date of the order. The revised maximum retail prices established by this order apply to all pianos shipped by the manufacturer from his manufacturing plant within the ninety days following the effective date of this order.

This order shall become effective on the 30th day of July 1945.

Issued this 30th day of July 1945.

JAMES F. BROWNLEE,
Acting Administrator.

[F. R. Doc. 45-13997; Filed, July 30, 1945; 11:45 a. m.]

[MPR 188, Order 104 Under Order A-2]

QUALITY BROOM FACTORY

ADJUSTMENT OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to paragraph (a) (16) of Order No. A-2 under Section 1499.159b of Maximum Price Regulation No. 188; It is ordered:

(a) *Manufacturer's maximum prices.* Quality Broom Factory, of San Antonio, Texas, may add the following adjustment charges to its maximum prices in effect immediately before this order was issued for sales and deliveries to retailers, of the article listed below, which it manufactures, resulting in the following adjusted maximum prices:

Article	Weight	Maximum price	Adjustment permitted by Order No. 27 under MPR 188	Additional adjustment charge permitted by this order	Total adjusted maximum price to retailers
Household Victory Broom	*Lb.* 28	*Doz.* $4.91	*Doz.* $1.33	*Doz.* $0.96	*Doz.* $7.20

The additional adjustment charge listed above may be made and collected only when it is separately stated on each invoice. The adjusted maximum prices are subject to the manufacturer's customary terms, discounts, allowances and other price differentials in effect during March 1942 on sales to each class of purchaser.

(b) *Maximum prices of purchasers for resale.* A person who hereafter buys an article covered by this order and resells it in substantially the same form may collect from his customer, in addition to his properly established maximum price in effect immediately before this order was issued, an adjustment charge in the same amount as the additional adjustment charge herein authorized for and which he pays to his supplier. If he does not have a maximum price in effect for the article at the time this order was issued, he may add the same adjustment charge to the maximum price which he hereafter establishes for his sales under the applicable regulation. If the applicable regulation requires the maximum price to be computed on the basis of cost, the reseller must find his maximum resale price (not including the permitted adjustment charge) by using as cost his invoice cost less any adjustment charge stated on the invoice as a separate amount. On all sales other than sales to ultimate consumers this additional adjustment charge may be made and collected only if it is separately stated on each invoice.

The adjusted maximum prices are subject to each seller's customary terms, discounts, and allowances on sales of the same or similar articles.

(c) *Notification.* At the time of, or prior to, the first invoice to a purchaser for resale on and after the effective date of this order, showing a price adjusted in accordance with the terms of this order, the seller shall notify the purchaser in writing of the method established by paragraph (b) of this order for determining adjusted maximum prices for resales of the article. This notice may be given in any convenient form.

(d) This order may be revoked or amended by the Price Administrator at any time.

(e) This order shall become effective on the 31st day of July 1945.

Issued this 30th day of July 1945.

JAMES F. BROWNLEE,
Acting Administrator.

[F. R. Doc. 45-13998; Filed, July 30, 1945; 11:44 a. m.]

[MPR 188, Order 105 Under Order A–2]

ALAMO BROOM FACTORY

ADJUSTMENT OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to paragraph (a) (16) of Order No. A–2 under Section 1499.159b of Maximum Price Regulation No. 188; it is ordered:

(a) *Manufacturer's maximum prices.* Alamo Broom Factory of 510 Elmendorf Street, San Antonio, Texas, may add the following adjustment charges to its maximum prices in effect immediately before this order was issued, for sales and deliveries to retailers, of the article listed below, which it manufactures, resulting in the following adjusted maximum prices:

Article	Weight	Maximum price	Adjustment permitted by Order No. 246 and Order No. 777 under MPR 188	Additional adjustment charge permitted by this order	Total adjusted maximum price to retailers
	Lb.	*Doz.*	*Doz.*	*Doz.*	*Doz.*
Household broom	28	$5.00	$1.28	$1.04	$7.32

The additional adjustment charge listed above may be made and collected only when it is separately stated on each invoice. The adjusted maximum prices are subject to the manufacturer's customary terms, discounts, allowances, and other price differentials in effect during March 1942 on sales to each class of purchaser.

(b) *Maximum prices of purchasers for resale.* A person who hereafter buys an article covered by this order and resells it in substantially the same form may collect from his customer, in addition to his properly established maximum price in effect immediately before this order was issued, an adjustment charge in the same amount as the additional adjustment charge herein authorized for and which he pays to his supplier. If he does not have a maximum price in effect for the article at the time this order was issued, he may add the same adjustment charge to the maximum price which he hereafter establishes for his sales under the applicable regulation. If the applicable regulation requires the maximum price to be computed on the basis of cost, the reseller must find his maximum resale price (not including the permitted adjustment charge) by using as cost his invoice cost less any adjusted charge stated on the invoice as a separate amount. On all sales other than sales to ultimate consumers this additional adjustment charge may be made and collected only if it is separately stated on each invoice.

The adjusted maximum prices are subject to each seller's customary terms, discounts, and allowances on sales of the same or similar articles.

(c) *Notification.* At the time of, or prior to, the first invoice to a purchaser for resale on and after the effective date of this order, showing a price adjusted in accordance with the terms of this order, the seller shall notify the purchaser in writing of the method established by paragraph (b) of this order for determining adjusted maximum prices for resales of the article. This notice may be given in any convenient form.

(d) This order may be revoked or amended by the Price Administrator at any time.

(e) This order shall become effective on the 31st day of July 1945.

Issued this 30th day of July 1945.

JAMES F. BROWNLEE,
Acting Administrator.

[F. R. Doc. 45–13990; Filed, July 30, 1945; 11:44 a. m.]

[MPR 188, Order 111 Under 2d Rev. Order A–3]

ALAMO BROOM FACTORY

ADJUSTMENT OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to Second Revised Order No. A–3, under § 1499.159b of Maximum Price Regulation No. 188; it is ordered:

(a) *Manufacturer's maximum prices.* The Alamo Broom Factory of 510 Elmendorf Street, San Antonio, Texas, may add the following adjustment charges to its maximum prices in effect immediately before this order was issued, for sales and deliveries to retailers, of the articles listed below, which it manufactures, resulting the following adjusted maximum prices:

Article	Weight	Maximum price	Adjustment permitted by Order No. 246 and Order No. 777 under MPR 188	Additional adjustment charge permitted by this order	Total adjusted maximum price to retailers
	Lb.	*Doz.*	*Doz.*	*Doz.*	*Doz.*
Warehouse broom	36	$7.00	$1.78	$1.72	$10.50
	38	7.00	1.84	1.66	10.50

The additional adjustment charge listed above may be made and collected only when it is separately stated on each invoice. The adjusted maximum prices are subject to the manufacturer's customary terms, discounts, allowances, and other price differentials in effect during March 1942 on sales to each class of purchaser.

(b) *Maximum prices of purchasers for resale.* A person who hereafter buys an article covered by this order and resells it in substantially the same form may collect from his customer, in addition to his properly established maximum price in effect immediately before this order was issued, an adjustment charge in the same amount as the additional adjustment charge herein authorized for and which he pays to his supplier. If he does not have a maximum price in effect for the article at the time this order was issued, he may add the same adjustment charge to the maximum price which he hereafter establishes for his sales under the applicable regulation. If the applicable regulation requires the maximum price to be computed on the basis of cost, the reseller must find his maximum resale price (not including the permitted adjustment charge) by using as cost his invoice cost less any adjustment charge stated on the invoice as a separate amount. On all sales other than sales to ultimate consumers this additional adjustment charge may be made and collected only if it is separately stated on each invoice.

The adjusted maximum prices are subject to each seller's customary terms, discounts, allowances, and other price differentials in effect during March 1942 on sales to each class of purchaser.

(c) *Notification.* At the time of, or prior to, the first invoice to a purchaser for resale on and after the effective date of this order, showing a price adjusted in accordance with the terms of this order, the seller shall notify the purchaser in writing of the method established by paragraph (b) of this order for determining adjusted maximum prices for resales of the article. This notice may be given in any convenient form.

(d) This order may be revoked or amended by the Price Administrator at any time.

(e) This order shall become effective on the 31st day of July 1945.

Issued this 30th day of July 1945.

JAMES F. BROWNLEE,
Acting Administrator.

[F. R. Doc. 45–14003; Filed, July 30, 1945; 11:44 a. m.]

[MPR 188, Order 112 Under 2d Rev. Order A–3]

QUALITY BROOM FACTORY

ADJUSTMENT OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to Second Revised Order No. A–3 under § 1499.159b of Maximum Price Regulation No. 188, it is ordered:

(a) *Manufacturer's maximum prices.* Quality Broom Factory of San Antonio, Texas, may add the following adjustment charges to its maximum prices in effect immediately before this order was issued, for sales and deliveries to jobbers of the article listed below, which it manufactures, resulting in the following adjusted maximum prices:

Article	Weight	Maximum price	Adjustment permitted by Order No. 246 and Order No. 777 under MPR 188	Additional adjustment charge permitted by this order	Total adjusted maximum price to retailers
	Lb.	*Doz.*	*Doz.*	*Doz.*	*Doz.*
Warehouse broom	36	$9.30	$1.72	$0.68	$9.10

The additional adjustment charge listed above may be made and collected only when it is separately stated on each invoice. The adjusted maximum prices are subject to the manufacturer's customary terms, discounts, and allowances, and other price differentials in effect during March 1942 on sales to each class of purchaser.

(b) *Maximum prices of purchasers for resale.* A person who hereafter buys an article covered by this order and resells it in substantially the same form may collect from his customer, in addition to his properly established maximum price in effect immediately before this order was issued, an adjustment charge in the same amount as the additional adjustment charge herein authorized for and which he pays to his supplier. If he does not have a maximum price in effect for the article at the time this order was issued, he may add the same adjustment charge to the maximum price which he hereafter establishes for his sales under the applicable regulation. If the applicable regulation requires the maximum price to be computed on the basis of cost, the reseller must find his maximum resale price (not including the permitted adjustment charge) by using as cost his invoice cost less any adjustment charge stated on the invoice as a separate amount. On all sales other than sales to ultimate consumers this additional adjustment charge may be made and collected only if it is separately stated on each invoice.

The adjusted maximum prices are subject to each seller's customary terms, discounts, and allowances on sales of the same or similar articles.

(c) *Notification.* At the time of, or prior to, the first invoice to a purchaser for resale on and after the effective date of this order, showing a price adjusted in accordance with the terms of this order, the seller shall notify the purchaser in writing of the method established by paragraph (b) of this order for determining adjusted maximum prices for resales of the article. This notice may be given in any convenient form.

(d) This order may be revoked or amended by the Price Administrator at any time.

(e) This order shall become effective on the 31st day of July 1945.

Issued this 30th day of July 1945.

JAMES F. BROWNLEE,
Acting Administrator.

[F. R. Doc. 45–14001; Filed, July 30, 1945; 11:45 a. m.]

[Order 86 Under Order 375 Under 3 (b)]

RUSSELL-TAYLOR, INC.

ESTABLISHMENT OF MAXIMUM PRICES

On January 11, 1945, Russell-Taylor, Inc., Detroit, Michigan, filed an application under paragraph (d) of Order 375 under § 1499.3 (b) of the General Maximum Price Regulation for the determination of a maximum price on "Devonshire Topping Vegetable Only", a vegetable fat product. A temporary Order No. L 17 was issued on February 23, 1945, establishing a maximum price for this product in ½ pints or gallons for a period of 60 days from the issuance day thereof, which order was revised, effective March 10, 1945, after additional information was filed on February 27, 1945 and was further extended on June 10, 1945 for another period of 60 days from that date.

Due consideration has been given to the application, the additional data and the accounting survey made by the Office of Price Administration subsequent to the issuance of Order No. L 17, effective March 10, 1945, and an opinion in support of this order has been issued simultaneously herewith and has been filed with the Division of the Federal Register.

For the reasons set forth in the opinion, under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Orders Nos. 9250 and 9328 and in accordance with paragraph (d) of Order No. 375 under § 1499.3 (b) of the General Maximum Price Regulation; *It is hereby ordered:*

That the maximum prices for "Devonshire Topping Vegetable Only" and/or "Delsoy Topping" are as follows:

1. Delivered in the Metropolitan area of Detroit:

½ pint at wholesale to retailers	$2.40 per gallon.
Quarts	$0.58 per quart.
Bulk	$2.20 per gallon.

2. Russell-Taylor, Inc., and other sellers at retail of "Devonshire Topping Vegetable Only", and/or "Delsoy Topping" in the Metropolitan Detroit area are permitted to sell this item at 18 cents a half pint in glass or paper containers.

3. Russell-Taylor, Inc., of Detroit, Michigan, is permitted to sell "Devonshire Topping Vegetable Only," and/or "Delsoy Topping" outside of the Metropolitan Detroit area at the following f. o. b. prices:

½ pint at wholesale	$2.40 per gallon.
Quarts	$0.58 per quart.
Bulk	$2.20 per gallon.

No additional charge may be added to the above prices for delivery or otherwise.

4. Sellers at retail of "Devonshire Topping Vegetable Only," and/or "Delsoy Topping" outside of the Metropolitan Detroit area are permitted to sell this item at the price paid their supplier not to exceed 15 cents per ½ pint plus transportation charges from Detroit but not including local hauling and unloading charges less all discounts except the discount for prompt payment plus 3 cents per ½ pint.

5. Russell-Taylor, Inc., of Detroit, Michigan, is required to give notice in writing to each person who has not made purchases prior to the issuance date of this order of the maximum prices herein fixed for its "Devonshire Topping Vegetable Only" and/or "Delsoy Topping" which notice shall be in the following form:

The Office of Price Administration has fixed the following maximum prices for "Devonshire Topping Vegetable Only" and/or "Delsoy Topping":

	Per gallon
½ pint at wholesale to retailers within the Metropolitan Detroit area	$2.40
Bulk quantities within the Metropolitan Detroit area	2.20

If you are selling this product at retail within the Metropolitan Detroit area you are authorized to sell this item at 18 cents per ½ pint.

If you are selling this product at retail outside of the Metropolitan Detroit area you are permitted to sell this item at the price paid your supplier not to exceed 15 cents per ½ pint plus all transportation charges from Detroit except local hauling and unloading charges less all discounts except the discount for prompt payment plus 3 cents per ½ pint.

All prayers of the application not herein granted are denied.

This order may be revoked or amended at any time.

NOTE: This action has the prior written approval of the Secretary of Agriculture (10 F.R. 8419).

This order shall become effective July 31, 1945.

Issued this 30th day of July 1945.

JAMES F. BROWNLEE,
Acting Administrator.

[F. R. Doc. 45–13991; Filed, July 30, 1945; 11:42 a. m.]

[MPR 580, Order 99]

BANCROFT CAP CO. AND WORCESTER CAP CO.

ESTABLISHMENT OF MAXIMUM PRICES

Order 99 to Maximum Price Regulation 580. Establishing ceiling prices at retail for branded articles. Docket No. 6063–580–13–93.

For the reasons set forth in an opinion issued simultaneously herewith and pursuant to Section 13 of Maximum Price Regulation No. 580; *It is ordered:*

(a) The following ceiling prices are established for sales by any seller at retail of the following branded articles manufactured by Bancroft Cap Company also known as Worcester Cap Company, 641 Atlantic Avenue, Boston, Massachusetts, and described in the manufacturer's application dated May 31, 1945,

Article	Brand name	Style name	Manufacturer's price line	Ceiling price at retail
Military caps	Bancroft	Flighter T	$4.00	$7.50
		Flighter E	4.50	7.50
		Pak-Cap (Army)	9.00	15.00
		Pak-Cap (Navy)	4.25	7.50

(b) The retail ceiling prices contained in paragraph (a) shall apply in place of the ceiling prices which would otherwise be established under the pricing rules of Maximum Price Regulation No. 580.

(c) On and after August 30, 1945, Bancroft Cap Company also known as Worcester Cap Company, must mark each article listed in paragraph (a) with the retail ceiling price under this order, or attach to the article a label, tag or ticket stating the retail ceiling price. This mark or statement must be in the following form:

(Section 13, MPR 580)
OPA Retail Ceiling Price— $------

On and after September 20, 1945, no retailer may offer or sell the article unless it is marked or tagged in the form stated above. Prior to September 20, 1945, unless the article is marked or tagged in this form, the retailer shall comply with the marking, tagging and posting provisions of Maximum Price Regulation No. 580.

(d) On or before the first delivery to any purchaser for resale of each article listed in paragraph (a), the seller shall send the purchaser a copy of this order.

(e) Unless the context otherwise requires, the provisions of Maximum Price Regulation No. 580 shall apply to sales for which retail ceiling prices are established by this order.

(f) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective July 31, 1945.

Issued this 30th day of July 1945.

JAMES F. BROWNLEE,
Acting Administrator.

[F. R. Doc. 45-14003; Filed, July 30, 1945; 11:45 a. m.]

[MPR 188, Order 4197]

MILLS BROTHERS

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.158 of Maximum Price Regulation No. 188; *It is ordered:*

(a) This order establishes maximum prices for sales and deliveries of certain articles manufactured by Mills Brothers, 4100 West Fullerton Avenue, Chicago 39, Ill.

(1) For all sales and deliveries to the following classes of purchasers by the sellers indicated below, the maximum prices are those set forth below:

Article	No.	Maximum prices for sales by all persons to—		
		Wholesalers	Retailers	Consumers
Cigarette lighter	Van Windproof Lighter No. 101.	*Each* $0.90	*Each* $1.20	*Each* $2.00

These maximum prices are for the articles described in the manufacturer's application dated July 5, 1945.

(2) For sales by the manufacturer, the maximum prices apply to all sales and deliveries since Maximum Price Regulation No. 188 became applicable to those sales and deliveries. For sales to persons other than consumers they are f. o. b. factory, 2% 10 days, net 30. The maximum price to consumers is net, delivered.

(3) For sales by persons other than the manufacturer, the maximum prices apply to all sales and deliveries after the effective date of this order. Those prices are subject to each seller's customary terms and conditions of sale on sales of similar articles.

(4) If the manufacturer wishes to make sales and deliveries to any other class of purchaser or on other terms and conditions of sale, he must apply to the Office of Price Administration, Washington, D. C., under the Fourth Pricing Method, § 1499.158 of Maximum Price Regulation No. 188, for the establishment of maximum prices for those sales, and no sales or deliveries may be made until maximum prices have been authorized by the Office of Price Administration.

(b) The manufacturer shall attach a tag or label to every article for which a maximum price for sales to consumers is established by this order. That tag or label shall contain the following statement:

OPA Retail Ceiling Price, $2 Each
Do Not Detach

(c) At the time of, or prior to, the first invoice to each purchaser for resale, the seller shall notify the purchaser in writing of the maximum prices and conditions established by this order for sales by the purchaser. This notice may be given in any convenient form.

(d) This order may be revoked or amended by the Price Administrator at any time.

(e) This order shall become effective on the 30th day of July 1945.

Issued this 30th day of July 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-14009; Filed, July 30, 1945; 3:57 p. m.]

[Rev. RO 13, Admin. Excep. Order 13; Rev. RO 16, Admin. Excep. Order 11; 2d Rev. RO 3, Admin. Excep. Order 6; Gen. RO 14, Admin. Excep. Order 5]

PHILIPPINE ISLAND INTERNEES IN U. S.

ISSUANCE OF WAR RATION BOOK 4

The provisions of these administrative exception orders shall be applicable only to local boards located within Region VIII.

Persons who have been interned in the Philippine Islands or who were prisoners of war in that area are currently being released from this internment or imprisonment and being returned to this country. On their arrival in this country some of these persons will be entitled to a War Ration Book 4 containing the last stamps to become valid under the various food rationing orders plus all stamps to become valid in the future. All other stamps, previously validated, some of which have not expired for consumer use, would be removed from the War Ration Book 4. However, these persons are suffering from serious dietary deficiencies and malnutrition and would be entitled under the several food rationing orders to apply for supplementary allowances of rationed foods due to their illness. In order to temporarily eliminate the immediate need for applications for supplementary allowances, and in order to facilitate the immediate granting of supplementary points to such persons, the following procedure is adopted:

It is hereby ordered, That all persons arriving in this country from the Philippine Islands from July 27 to July 31, 1945 who are entitled to a War Ration Book 4 may obtain a War Ration Book 4 containing the following stamps in addition to any other stamps to which they may be entitled.

1. Red Stamps Q-2 through Z-2, plus all red stamps not yet valid.
2. Blue Stamps Y-2 through Z-2, and A-1 through H-1, plus all blue stamps not yet valid.
3. Sugar Stamp 36.

This order shall become effective July 26, 1945, and shall expire July 31, 1945.

(Pub. Law 671, 76th Cong.; as amended by Pub. Laws 89, 421, 507 and 729, 77th Cong.; E.O. 9125, 7 F.R. 2719; E.O. 9334, 8 F.R. 5423, WPB Dir. No. 1, 7 F.R. 562; WPB Supp. Dir. 1-M, 7 F.R. 7234; WPB Supp. Dir. 1-T, 8 F.R. 1727, 8 F.R. 7440; Sec. of Agri. Food Dir. 3, 8 F.R. 2005, Food Dir. 5, 8 F.R. 2251, Food Dir. 6, 8 F.R. 3471, Food Dir. 7, 8 F.R. 3471, Food Dir. 8, 8 F.R. 7093)

Issued this 30th day of July 1945.

MAX MCCULLOUGH,
Deputy Administrator for Rationing.

[F. R. Doc. 45-14008; Filed, July 30, 1945; 3:57 p. m.]

[RMPR 136, Order 478]

WILLYS-OVERLAND MOTORS, INC.

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion, issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to and under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, the Stabilization Act of 1942, as amended, Executive Orders Nos. 9250 and 9328, and sections 9, 10 and 11 (c) of Revised Maximum Price Regulation 136; *It is ordered:*

(a) The Willys-Overland Motors, Inc., may sell f. o. b. Toledo, Ohio, its Model CJ-2A Civilian Jeep including a four wheel drive at a price not to exceed the total of the wholesale price of $817.50 plus the federal excise tax on the vehicle of $46.53 and the applicable charges in subparagraph (1):

(1) *Charges*—(i) *Equipment.* A charge for extra, special and optional equipment not to exceed the following applicable charges including federal excise taxes:

Description	Net wholesale price	Federal excise tax	Total including Federal tax
Body top—front	$38.27	$1.91	$40.18
Body top—rear	21.35	1.07	22.42
Draw bar	5.18	.26	5.44
Governor	20.41	1.02	21.43
Heater	13.06	.65	13.71
Pintle hook	3.01	.15	3.16
Power take-off	68.00	3.40	71.40
Power take-off attachment—front	17.83	.89	18.72
Power take-off shield—front	1.45	.07	1.52
Pulley and pulley drive—rear	42.41	2.11	44.52
Radiator brush guard	3.08	.15	3.23
Seat—passenger	7.88	.39	8.27
Seat—rear	9.72	.49	10.21
Spare tire and tube	10.32	1.48	11.80

(ii) A charge equal to the manufacturer's cost for state and local taxes on its sale or delivery of the jeep.

(b) A distributor may sell, delivered at place of business, to dealers the Willys-Overland Model CJ-2A Civilian Jeep including a four wheel drive at a price not to exceed the total of the wholesale price of $850.20 plus cost for federal excise tax on the vehicle of $46.53 and the applicable charges in subparagraph (1) below.

(1) *Charges*—(i) *Equipment.* A charge for extra, special and optional equipment not to exceed the following applicable charges including federal excise taxes:

Description	Net wholesale price	Federal excise tax	Total including Federal tax
Body top—front	$39.82	$1.91	$41.73
Body top—rear	22.18	1.07	23.25
Draw bar	5.39	.26	5.65
Governor	21.22	1.02	22.24
Heater	13.58	.65	14.23
Pintle hook	3.13	.15	3.28
Power take-off	70.72	3.40	74.12
Power take-off attachment—front	19.06	.89	19.95
Power take-off shield—front	1.51	.07	1.58
Pulley and pulley drive—rear	43.90	2.11	46.01
Radiator brush guard	3.21	.15	3.36
Seat—Passenger	8.20	.39	8.59
Seat—rear	10.11	.49	10.60
Spare tire and tube	10.73	1.48	12.21

(ii) A charge for transportation not to exceed the actual rail freight charge at carload rate, by the most direct route, for the transportation of the jeep from the factory at Toledo, Ohio, to the railroad freight receiving station nearest to the place of business of the distributor;

(iii) A charge equal to cost for preparing and conditioning the jeep for delivery but not to exceed $20.00;

(iv) A charge equal to the cost of state or local taxes on the purchase, sale or delivery of the jeep.

(c) A distributor or dealer may sell at retail the Willys-Overland Model CJ-2A Civilian Jeep including a four wheel drive at a price not to exceed the total of the retail list price of $1,090.00 plus federal excise tax of $46.53 on the vehicle and the applicable charges in subparagraph (1).

(1) *Charges*—(i) *Equipment.* A charge for extra, special and optional equipment not to exceed the following applicable charges including federal excise taxes:

Description	Retail list price	Federal excise tax	Total including Federal tax
Body top—front	$51.05	$1.91	$52.96
Body top—rear	28.44	1.07	29.51
Draw bar	6.91	.26	7.17
Governor	27.21	1.02	28.23
Heater	17.41	.65	18.06
Pintle hook	4.01	.15	4.16
Power take-off	90.67	3.40	94.07
Power take-off attachment—front	24.44	.89	25.33
Power take-off shield—front	1.93	.07	2.00
Pulley and pulley drive—rear	56.28	2.11	58.39
Radiator brush guard	4.11	.15	4.26
Seat—passenger	10.51	.39	10.90
Seat—rear	12.96	.49	13.45
Spare tire and tube	13.76	1.48	15.24

(ii) A charge for transportation not to exceed the actual rail freight charge at carload rate, by the most direct route, for the transportation of the jeep from the factory at Toledo, Ohio, to the railroad freight receiving station nearest to the place of business of the seller;

(iii) A charge equal to cost for preparing and conditioning the jeep for delivery but not to exceed $20.00;

(iv) A charge equal to the cost of state or local taxes on the purchase, sale or delivery of the jeep.

(d) A distributor or dealer in any territory or possession of the United States is authorized to sell the Willys-Overland Model CJ-2A Civilian Jeep including a four wheel drive at a price not to exceed the price in paragraph (b) or (c), whichever is applicable, to which it may add a sum equal to the expense incurred by or charged to it for payment of territorial and insular taxes on the purchase, sale or introduction of the jeep; export premiums; boxing and crating for export purposes; marine and war risk insurance; and landing, wharfage and terminal operations.

(e) *Sale at retail.* For the purpose of this order, a sale at retail means a sale by a distributor to a consumer and a sale by a dealer to a consumer and to another dealer.

(f) *Report.* The Willys-Overland Motors, Inc., shall furnish to the Automotive Branch, Office of Price Administration, Washington, D. C., not later than October 31, 1945, detailed total unit costs based on actual production during July, August and September 1945.

(g) All requests not granted herein are denied.

(h) This order may be amended or revoked by the Administrator at any time.

NOTE: Where the manufacturer's invoice charge to the reseller is increased or decreased from the previous invoice charge because the manufacturer has a newly established price under section 8 of Revised Maximum Price Regulation 136, due to substantial changes in design, specifications or equipment of the jeep, the reseller may add to its price under paragraph (b), (c) or (d) the increase in price, plus its customary markup on such a cost increase, but in case of a decrease in the price, the reseller must reduce its price under paragraph (b), (c) or (d) by the amount of the decrease and its customary markup on such an amount.

This order shall become effective July 30, 1945.

Issued this 30th day of July 1945.

JAMES F. BROWNLEE,
Acting Administrator.

[F. R. Doc. 45-14010; Filed, July 30, 1945; 3:57 p. m.]

SECURITIES AND EXCHANGE COMMISSION.

[File No. 70-1114]

CONSUMERS POWER CO.

NOTICE OF FILING AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa., on the 30th day of July, A. D., 1945.

Notice is hereby given that Consumers Power Company, a public utility company and subsidiary of The Commonwealth & Southern Corporation, a registered holding company, has filed a declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935.

All interested persons are referred to said document which is on file in the office of the Commission for a statement of the transactions therein proposed, which are summarized below:

Consumers Power Company proposes to issue and sell, at competitive bidding pursuant to Rule U-50 promulgated under the act, $113,825,000 principal amount of First Mortgage Bonds, of a series bearing interest at a rate not to exceed 2⅞% per annum and maturing thirty years after date; and to borrow $15,000,000 from banks on installment notes bearing interest at not to exceed 2¼% per annum and payable in 20 equal semi-annual installments. The proceeds of such sale of bonds and of such bank loans, together with approximately $12,000,000 of funds on deposit with the Trustee and treasury funds are to be used to redeem and retire outstanding bonds and preferred stock of Consumers Power Company as follows:

Issue	Principal amount outstanding	Redemption price	Funds required, exclusive of accrued interest or dividends
First Mortgage Bonds:			
3½% Series of 1935 due (May 1) 1965	$18,925,000	*Percent* 103½	$19,587,375
3½% Series of 1936 due (November 1) 1970	55,153,000	106½	58,737,945
3¼% Series of 1936 due (November 1) 1966	21,832,000	105¾	22,978,180
3¼% Series of 1939 due (November 1) 1969	17,915,000	108	19,348,200
Total	113,825,000		120,651,700
	Shares		
Preferred Stock, no par value $5 Preferred	191,924	$105	20,152,020
Total			140,803,720

In connection with the proposed financing, Consumers Power Company proposes, if so ordered by the Michigan Public Service Commission, to provide for the disposition of an amount of $10,011,051, classified by the company as "Miscellaneous Intangible Capital", by applying $2,383,830 in "Special Reserve" account at December 31, 1944, by amortizing $5,059,035 of the balance of $7,627,221 over a period of five years by monthly charges to operating expenses, and by amortizing the remaining balance of $2,568,186 by charges to operating expenses at the rate of not less than $180,000 per annum.

The filing has designated sections 6, 7 and 12 (c) of the act and Rules U-42 and U-50 as being applicable to the proposed transactions. It is stated in the filing that the installment notes proposed to be issued by Consumers Power Company are exempt from the competitive bidding requirements of Rule U-50.

It appearing to the Commission that it is appropriate in the public interest and in the interest of investors and consumers that a hearing be held with respect to said matter and that said filing should not be granted or permitted to become effective except pursuant to further order of this Commission:

It is ordered, That a hearing on said matter under the applicable provisions of said act and the rules of the Commission promulgated thereunder be held at 11:00 a. m., e. w. t., on the 16th day of August 1945, at the offices of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia 3, Pennsylvania. On such date, the hearing room clerk in Room 318 will advise as to the room in which such hearing will be held. Any person desiring to be heard or otherwise wishing to participate in these proceedings shall file with the Secretary of the Commission on or before August 14, 1945 his request or application therefor as provided by Rule XVII of the Commission's rules of practice.

It is further ordered, That Henry C. Lank or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearing in such matter. The officer so designated to preside at any such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of the act and to a Trial Examiner under the Commission's rules of practice.

It is further ordered, That, without limiting the scope of the issues presented by such filing, particular attention will be directed at such hearing to the following matters and questions:

1. Whether the proposed securities are reasonably adapted to the earning power and the security structure of Consumers Power Company and are necessary and appropriate to the economical and efficient operation of the business or businesses in which Consumers Power Company is presently engaged;

2. Whether the terms and conditions of the issue and sale of the securities are detrimental to the public interest or the interest of investors or consumers;

3. Whether the fees, commissions or other remunerations to be paid in connection with the proposed transactions are for necessary services and are reasonable in amount;

4. Whether it is necessary or appropriate to impose terms or conditions in the public interest or for the protection of investors or consumers in connection with the proposed transactions;

5. Whether the proposed accounting entries are appropriate and in conformity with the requirements of the act;

6. Generally, whether, in any respect, the proposed transactions are detrimental to the public interest or to the interest of investors or consumers or will tend to circumvent any provisions of the act or the rules, regulations or orders promulgated thereunder.

It is further ordered, That the Secretary of the Commission shall serve notice of the aforesaid hearing by mailing a copy of this order by registered mail to the declarant herein, The Commonwealth & Southern Corporation, the Federal Power Commission and the Michigan Public Service Commission; and that notice of said hearing shall be given to all other persons by general release of this Commission which shall be distributed to the press and mailed to the mailing list for releases issued under the Public Utility Holding Company Act of 1935; and that further notice be given to all persons by publication of this order in the FEDERAL REGISTER.

By the Commission.

ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 45-13653; Filed, July 31, 1945; 11:52 a. m.]

OFFICE OF DEFENSE TRANSPORTATION.

[Notice and order of termination]

CHICAGO, ILL.

POSSESSION AND OPERATION OF PROPERTY OF MOTOR CARRIERS

Pursuant to the provisions of Executive Order 9554 (10 F.R. 5981), Notice and Order of Termination (10 F.R. 9482), issued on July 27, 1945, providing for the termination of possession and control by the United States of the motor carrier transportation systems of certain motor carriers in and about the city of Chicago, Illinois, effective at 12:01 o'clock a. m. on August 1, 1945, is hereby amended by changing the effective date thereof from 12:01 o'clock a. m. on August 1, 1945, to 12:01 o'clock a. m. on August 16, 1945. All other provisions of said notice and order of termination shall remain in full force and effect.

Issued at Washington, D. C., this 31st day of July 1945.

J. M. JOHNSON,
Director, Office of Defense Transportation.

[F. R. Doc. 45-14052; Filed July 31, 1945; 11:18 a. m.]

SURPLUS PROPERTY BOARD.

[SPB Reg. 3, Order 20]

VIRGINIA AND WEST VIRGINIA

ALLOCATION OF TRUCKS FOR DISPOSAL TO FARMERS AND FARMERS' COOPERATIVES IN CERTAIN COUNTIES

Pursuant to § 8303.4 of Surplus Property Board Regulation No. 3, entitled "Dispositions of Surplus Property in Rural Areas and to Farmers" (10 F.R. 5325) and in reliance upon the certificate of the Secretary of Agriculture to the Surplus Property Board that farm production is impaired or threatened to be impaired in the area named below by a shortage of trucks; *It is hereby ordered*, That:

The Department of Commerce, as disposal agency, shall allocate for disposal to farmers and farmers' cooperative associations holding certificates of the Agricultural Adjustment Agency and located in Albemarle, Augusta, Clarke, Culpeper, Fairfax, Fauquier, Frederick, Greene, King George, Loudoun, Madison, Orange, Page, Prince William, Rappahannock, Rockingham, Shenandoah, Spotsylvania, Stafford, and Warren Counties, Virginia, and Berkeley, Grant, Hampshire, Hardy, Jefferson, Mineral, Morgan, and Pendleton Counties, West Virginia, 150 one-and-one-half-ton cargo trucks and 7 one-and-one-half-ton stake-body trucks, and shall without regard to the requirements of Surplus Property Board Regulation No. 2 (10 F.R. 5104, 8911) take immediate steps so to dispose of such property by the methods provided in § 8303.4 (c).

This order shall become effective immediately.

SURPLUS PROPERTY BOARD,
By A. E. HOWSE,
Administrator.

JULY 27, 1945.

[F. R. Doc. 45-14064; Filed, July 31, 1945; 11:57 a. m.]

[SPB Reg. 3, Order 21]

PENNSYLVANIA

ALLOCATION OF TRUCKS FOR DISPOSAL TO FARMERS AND FARMERS' COOPERATIVES IN CERTAIN COUNTIES

Pursuant to § 8303.4 of Surplus Property Board Regulation No. 3, entitled "Dispositions of Surplus Property in Rural Areas and to Farmers" (10 F.R. 5325) and in reliance upon the certificate of the Secretary of Agriculture to the Surplus Property Board that farm production is impaired or threatened to be impaired in the area named below by a shortage of trucks; *It is hereby ordered*, That:

The Department of Commerce, as disposal agency, shall allocate for disposal to farmers and farmers' cooperative associations holding certificates of the Agricultural Adjustment Agency and located in Franklin, Adams, York, Lancaster, Mifflin, Juniata, Union, Snyder, Northumberland, Montour, Columbia, Cumberland, and Lebanon Counties, Pennsylvania, 56 one-and-one-half-ton cargo trucks, 15 one-and-one-half-ton stake trucks, and 2 one-half-ton pickup trucks, and shall without regard to the requirements of Surplus Property Board Regulation No. 2 (10 F.R. 5104, 8911) take immediate steps so to dispose of such property by the methods provided in § 8303.4 (c).

This order shall become effective immediately.

SURPLUS PROPERTY BOARD.
By A. E. HOWSE,
Administrator.

JULY 27, 1945.

[F. R. Doc. 45-14065; Filed, July 31, 1945; 11:58 a. m.]

[SPB Reg. 3, Order 22]

IOWA

ALLOCATION OF TRUCKS FOR DISPOSAL TO FARMERS AND FARMERS' COOPERATIVES IN CERTAIN COUNTIES

Pursuant to § 8303.4 of Surplus Property Board Regulation No. 3, entitled "Dispositions of Surplus Property in Rural Areas and to Farmers" (10 F.R. 5325) and in reliance upon the certificate of the Secretary of Agriculture to the Surplus Property Board that farm production is impaired or threatened to be impaired in the area named below by a shortage of trucks; *It is hereby ordered*, That:

The Department of Commerce, as disposal agency, shall allocate for disposal to farmers and farmers' cooperative associations holding certificates of the Agricultural Adjustment Agency and located in Sac, Carroll, Greene, Hamilton, Boone, Dallas, Polk, Jasper, Poweshiek, Iowa, Benton, Tama, Marshall, Story, Hardin, Grundy, Black Hawk, Bremer, Butler, and Franklin Counties, Iowa, 24 one-half-ton weapon carrier trucks, 70 one-and-one-half-ton cargo trucks, 5 one-and-one-half-ton dump trucks, 5 one-and-one-half-ton cargo-stake-and-platform trucks, and 10 one-half-ton command radio trucks, and shall without regard to the requirements of Surplus Property Board Regulation No. 2 (10 F.R. 5104, 8911) take immediate steps so to dispose of such property by the methods provided in § 8303.4 (c).

This order shall become effective immediately.

SURPLUS PROPERTY BOARD,
By A. E. HOWSE,
Administrator.

JULY 27, 1945.

[F. R. Doc. 45-14066; Filed, July 31, 1945; 11:58 a. m.]

[SPB Reg. 3, Order 23]

NEBRASKA

ALLOCATION OF TRUCKS FOR DISPOSAL TO FARMERS AND FARMERS' COOPERATIVES IN CERTAIN COUNTIES

Pursuant to § 8303.4 of Surplus Property Board Regulation No. 3, entitled "Dispositions of Surplus Property in Rural Areas and to Farmers" (10 F.R. 5325) and in reliance upon the certificate of the Secretary of Agriculture to the Surplus Property Board that farm production is impaired or threatened to be impaired in the area named below by a shortage of trucks; *It is hereby ordered*, That:

The Department of Commerce, as disposal agency, shall allocate for disposal to farmers and farmers' cooperative associations holding certificates of the Agricultural Adjustment Agency and located in Colfax, Dodge, Washington, Douglas, Sarpy, Polk, Butler, Saunders, Hamilton, Clay, Nuckolls, York, Fillmore, Thayer, Seward, Saline, Jefferson, Lancaster, Gage, Cass, Otoe, Johnson, Nemaha, Pawnee, and Richardson Counties, Nebraska, 10 one-half-ton command reconnaissance trucks, 16 one-half-ton weapon carrier trucks, 68 one-and-one-half-ton cargo trucks, 18 one-and-one-half-ton dump trucks, and 5 one-and-one-half-ton cargo-stake-and-platform trucks, and shall without regard to the requirements of Surplus Property Board Regulation No. 2 (10 F.R. 5104, 8911) take immediate steps so to dispose of such property by the methods provided in § 8303.4 (c).

This order shall become effective immediately.

SURPLUS PROPERTY BOARD.
By A. E. HOWSE,
Administrator.

JULY 27, 1945.

[F. R. Doc. 45-14067; Filed, July 31, 1945; 11:58 a. m.]

[SPB Reg. 3, Order 24]

MISSOURI

ALLOCATION OF TRUCKS FOR DISPOSAL TO FARMERS AND FARMERS' COOPERATIVES IN CERTAIN COUNTIES

Pursuant to § 8303.4 of Surplus Property Board Regulation No. 3, entitled "Dispositions of Surplus Property in Rural Areas and to Farmers" (10 F.R. 5325) and in reliance upon the certificate of the Secretary of Agriculture to the Surplus Property Board that farm production is impaired or threatened to be impaired in the area named below by a shortage of trucks; *It is hereby ordered*, That:

1. The Department of Commerce, as disposal agency, shall allocate for disposal to farmers and farmers' cooperative associations holding certificates of the Agricultural Adjustment Agency and located in Newton, McDonald, Lawrence, Barry, Polk, Greene, Christian, Stone, Taney, Dallas, Webster, Douglas, Jasper, Ozark, Laclede, Wright, Texas, and Howell Counties, Missouri, 18 one-half-ton command radio trucks, 8 one-half-ton weapon carrier trucks, 45 one-and-one-half-ton cargo trucks, 3 one-and-one-half-ton cargo-stake-and-platform trucks, and 2 one-and-one-half-ton dump trucks, and shall without regard to the requirements of Surplus Property Board Regulation No. 2 (10 F.R. 5104, 8911) take immediate steps so to dispose of such property by the methods provided in § 8303.4 (c).

2. The Department of Commerce, as disposal agency, shall allocate for disposal to farmers and farmers' cooperative associations holding certificates of the Agricultural Adjustment Agency and located in Scotland, Clark, Adair, Knox, Lewis, Linn, Macon, Shelby, Marion, Chariton, Randolph, Monroe, Ralls, Audrain, Pike, Boone, Callaway, Montgomery and Lincoln Counties, Missouri, 12 one-half-ton command reconnaissance trucks, 27 one-half-ton weapon carrier trucks, 42 one-and-one-half-ton cargo trucks, 6 one-and-one-half-ton dump trucks, and 2 one-and-one-half-ton cargo-stake-and-platform trucks, and shall without regard to the requirements of Surplus Property Board Regulation No. 2 (10 F.R. 5104, 8911) take immediate steps so to dispose of such property by the methods provided in § 8303.4 (c).

This order shall become effective immediately.

SURPLUS PROPERTY BOARD,
By A. E. HOWSE,
Administrator.

JULY 27, 1945.

[F. R. Doc. 45-14068; Filed, July 31, 1945; 11:58 a. m.]

UNITED STATES COAST GUARD.

APPROVAL AND WITHDRAWAL OF APPROVAL OF EQUIPMENT

By virtue of the authority vested in me by R. S. 4405, 4417a, 4426, 4433, 4470, 4479, 4481, 4488, and 4491, as amended, 49 Stat. 1544, 54 Stat. 1028 (46 U. S. C. 367, 375, 391a, 404, 411, 463, 472, 474, 481, 489, 463a), and Executive Order 9083, dated February 28, 1942 (3 CFR, Cum. Supp.), the following approval and withdrawal of approval of equipment are prescribed:

BILGE PUMP FOR LIFEBOATS

No. 1 wing bilge pump for lifeboats, not exceeding 330 cubic feet capacity (U. S. C. G. Size No. 1) (Dwg. No. 270, dated 7 June, 1945), manufactured by the Allied Marine Equipment Division, Tap-Rite Products Corp., Hackensack, N. J.

DAVIT

Stewart Mechanical Davit, Size 2X–7–0–L (General Arrangement Dwg. No. 220–D, dated 1 May, 1943) (Working load of 7,500 pounds per arm, 15,000 pounds per set), submitted by the Landley Company Inc., 15 Park Row, New York, N. Y. (Supersedes approval 5 July, 1945, 10 F. R. 8331)

FEEDWATER REGULATOR

"Pepco-Campbell" Marine Feedwater Regulating and Signalling System (Dwg. No. 300–1, rev. 1, Series 30, 300 pounds working pressure, and Dwg. No. 600–1, rev. 1, Series 60, 600 pounds working pressure), submitted by Proctor Engineering Co., 106 Key Highway, Baltimore, Maryland.

FIRE EXTINGUISHERS

Hydrogarde 2½ gallon, liquid; carbon dioxide cartridge type fire extinguisher (Assembly Dwg. No. C–8612, dated 28 June, 1937, rev. 3, dated 8 June, 1945), manufactured by Pyrene Manufacturing Co., Newark, New Jersey.

Wintergarde 2½ gallon, anti-freeze liquid, carbon dioxide cartridge type fire extinguisher (Assembly Dwg. No. C–8380, dated 5 January, 1937, rev. 4, dated 8 June, 1945), manufactured by Pyrene Manufacturing Co., Newark, New Jersey.

GAS MASK

Acme Type FD all-purpose Gas Mask (Bureau of Mines approval No. 1436; consisting of EM–1436 canister, BM–1435 times, BM–1435 canister harness, and BM–1418 facepiece with BM–1418 head harness or BM–1418A facepiece with BM–1418A head harness), manufactured by Acme Protection Equipment Company, Inc., 3616 Liberty Avenue, Pittsburgh 1, Pa.

LUMINOUS MARKING FOR INTERIOR ACCOMMODATIONS

Luminous marking, designated Type C, without adhesive, submitted by Century Lighting Company, 419 West 55th Street, New York 19, N. Y., attached with Slomon's Adhesive No. 60–10, manufactured by Slomons Laboratories, 31–27 Thompson Avenue, Long Island City 1, New York.

SIGNALING MIRROR

Scotchlite type, size 20, emergency signaling mirror, manufactured by General Electric Co., Trumbull Lamp Works, 1313 West Market Street, Warren, Ohio.

WITHDRAWAL OF APPROVAL

Coast Guard approval of the following items of equipment is withdrawn:

SAFETY VALVES

Crane pop safety valve, manufactured by Crane Company, 836 So. Michigan Ave., Chicago, Ill. (Original approval 1895)

Crane pop safety valve (improvement), manufactured by Crane Company, 836 So. Michigan Ave., Chicago, Ill. (Original approval 1915)

Safety valves, Nos. 1117-DR, 1171½-H, 1119, and 1119½, manufactured by Crane Company, 836 So. Michigan Ave., Chicago, Ill. (Original approval 1928)

Spring safety valve, manufactured by Scott Safety Valve Mfg. Co., Detroit, Michigan. (Original approval 1892, 1919)

Safety valves, catalogue Nos. 147, 238, and 330, manufactured by Scott Safety Valve Mfg. Co., Detroit, Michigan. (Original approval 1929)

(Notwithstanding the withdrawal of approvals, any of the foregoing safety valves now in use may be continued in service, provided such valves are in good and serviceable condition.)

Dated: July 30, 1945.

L. T. CHALKER,
Rear Admiral, U. S. C. G.,
Acting Commandant.

[F. R. Doc. 45-14062; Filed, July 31, 1945; 11:45 a. m.]

WAR MANPOWER COMMISSION.

SYRACUSE, N. Y., AREA

EMPLOYMENT STABILIZATION PROGRAM

The following employment stabilization program for Syracuse Area is hereby prescribed, pursuant to § 907.3 (g) of War Manpower Commission Regulation No. 7, "Governing Employment Stabilization Program," effective August 16, 1943 (8 F.R. 11338).

Sec.

1. Purpose.
2. Definitions.
3. Control of hiring and solicitation of workers.
4. Responsibilities of Management-Labor Committee.
5. Encouragement of local initiative and use of existing hiring channels.
6. General.
7. Issuance of statements of availability by employers.
8. Issuance of statement of availability by United States Employment Service.
9. Surrender, filing and inspection of statements of availability or referral card.
10. Referral in case of under-utilization.
11. Workers who may be hired only upon referral by the United States Employment Service.
12. Standards governing referral of male workers subject to priority referral.
13. Assignment of priority ratings.
14. Employment ceilings.
15. General referral policies.
16. Soliciting and advertising.
17. Control of in-migration.
18. Railroad employment.
19. Federal employment.
20. Exclusions from plan.
21. Hiring or leaving contrary to plan.
22. Prohibition against discriminatory hiring or referral practices.
23. Employment practices.
24. Collective bargaining agreements.
25. Representation.
26. Appeals.
27. Enforcement of plan.
28. Effective date, amendment and termination.

Appendix A

SECTION 1. *Purpose.* The purpose of the employment stabilization plan for the Syracuse Area, formulated by the War Manpower Commission and representatives of management, labor and agriculture in said area, constituting the Syracuse Area War Manpower Committee, is to assist the War Manpower Commission in bringing about, by measures equitable to labor, management and agriculture, and necessary for the effective prosecution of the war:

(a) The elimination of wasteful labor turnover;

(b) The reduction of unnecessary labor migration;

(c) The orderly transfer and movement of workers;

(d) The direction of the flow of scarce labor where most needed in the war program;

(e) The maximum utilization of manpower resources.

SEC. 2. *Definitions.* (a) The "Syracuse Area" means the area comprising all of the counties of Cayuga, Cortland, Jefferson, Onondaga, Oswego and St. Lawrence, all of Franklin county except the townships of Altamount, Brighton, Duane, Franklin, Harrietstown and Santa Clara, and all of Lewis county except the townships of High Market, Lewis, Leyden, Lyonsdale, Osceola and West Turin. The Area Director, however, may with the approval of the Regional Director and after consultation with the Area War Manpower Committee, alter the territory of the Syracuse Area.

(b) "Essential activity" means any activity included in the War Manpower Commission "List of Essential Activities."

(c) "Locally needed activity" means any activity approved by the Regional Director as a locally needed activity.

(d) "Essential employee" means any individual employed in an essential activity or in a locally needed activity, and he shall continue to be an essential employee during a 60-day period after he ceases to be employed in such essential or locally needed activity. For the purpose of this definition, the said 60-day period shall be extended to include any period of time during which such individual has obtained or continued in other employment without having first obtained a statement of availability.

(e) "New employee" means any individual who has not been in the employ of the hiring employer at any time during the preceding 30-day period. For the purpose of this definition, employment of less than seven days' duration and employment which is supplemental to the employee's principal work, shall be disregarded.

(f) The terms "employment" and "work" as applied to an individual engaged in principal and supplementary employment, means his principal employment.

(g) "Statement of availability" means a written statement given to an essential employee by his employer or by the United State Employment Service, evidencing that such employee is available for other essential employment. Such statement shall contain only the individual's name, his address, his social security account number, if any, the name and address of the issuing employer, or United States Employment Service officer or office, the date of issuance, a statement that the individual may be hired by another employer, engaged in an essential or locally needed activity, and such other information not prejudicial to the employee in seeking new employment as may be authorized or required by the War Manpower Commission. Statements of availability shall conform to the form attached hereto as Appendix A.

(h) "Solicit" or "solicitation" (for the purpose of hiring) means any act or activity including any written or oral communication or publication by an employer or his agent, designed or intended to induce any individual to accept employment.

(i) "In-migrant worker" means any individual who has not been employed or lived within the Syracuse area, throughout the preceding 30-day period.

(j) "Referral" means a statement issued by the United States Employment Service sending a worker with his consent to a specific job with a specific employer, for consideration of hiring by such employer.

(k) "Agriculture" means those farm activities carried on by farm owners or tenants on farms in connection with the cultivation of the soil, the harvesting of crops, or the raising, feeding, or management of livestock, bees, and poultry, and shall not included any packing, canning, processing, transportation or marketing of articles produced on farms unless performed or carried on as an incident to ordinary farming operations as distinguished from manufacturing or commercial operations.

(l) "Area Appeals Board" means the Area Management-Labor War Manpower Committee or an Appeals Committee composed of an equal number of representatives of management and labor, selected by the Area Manpower Director from a panel chosen by the Area Management-Labor War Manpower Committee. The Area Manpower Director or his designated representative shall serve as the non-voting chairman of the Appeals Board. A quorum of an Appeals Board shall consist of an equal number of persons representing management and labor and the Area Director or his designated representative. However, should an Appeals Board be called upon to consider matters affecting agriculture, the Area Management-Labor War Manpower Committee representative for agriculture or an alternate and a representative of farm labor shall sit as a member of the Appeals Board and must be present to constitute a quorum. Similarly, when the Appeals Board considers matters affecting railroads, a representative of railroad management and a representative of railroad labor shall sit as members of the Appeals Board and must be present to constitute a quorum.

The Area War Manpower Committee may supersede any appeals committee at any time prior to the expiration of the appeals period and prior to the filing of further appeals at the regional level.

(m) "Employment ceiling" means the highest level of total employment or of specified types of employees which an establishment is not permitted to exceed, based on an approved and necessary production schedule. Ceilings may be established so as to: permit employment expansion; maintain employment at present levels; or reduce the employment level. The employment ceiling is subject to changes as production schedules change.

(n) "Manpower allowance" means the number of employees or specified types of employees within the ceiling which an establishment is permitted to hire during a designated period.

(o) "Priority rating" means a determination establishing the order of preference to be accorded in the referral of workers against job orders.

(p) "Priority referral" provides that employers in any area may hire workers only from among those referred by the United States Employment Service of the War Manpower Commission or in accordance with arrangements approved by the War Manpower Commission, so that workers may be referred to jobs in the order of the relative importance of those jobs to the war effort.

(q) "Manpower Priorities Committee" means a group of representatives of Federal agencies concerned with war production and allocation of manpower and responsible for providing the Area Director with information and advising on ceilings, allowances, and priority ratings.

(r) "Clearance order" means an order for workers placed with a local office of the United States Employment Service for employment outside the jurisdiction of that local office.

SEC. 3. *Control of hiring and solicitation of workers.* All hiring and solicitation of workers in, or for work in, the Syracuse Area shall be conducted in accordance with this employment stabilization plan.

SEC. 4. *Responsibilities of Management-Labor Committee.* The Management-Labor War Manpower Committee for the Area shall consider questions of policy, standards, and safeguards in connection with the administration of this employment stabilization plan, and make recommendations to the Area Manpower Director.

SEC. 5. *Encouragement of local initiative and use of existing hiring channels.* To the maximum degree consistent with this employment stabilization plan and with its objectives, local initiative and cooperative efforts shall be encouraged and utilized.

SEC. 6. *General.* A new employee, who during the preceding 60-day period was engaged in an essential or locally needed activity, may be hired only if such hiring would aid in the effective prosecution of the war. Such hiring shall be deemed to aid in the effective prosecution of the war only if:

(a) Such individual is hired for work in an essential or locally needed activity or for work to which he has been referred by the United States Employment Service, and

(b) Such individual presents a statement of availability from his last employment in an essential or locally needed activity, or is referred by the United States Employment Service of the War Manpower Commission, or is hired with its consent, as provided herein.

SEC. 7. *Issuance of statements of availability by employers.* An individual whose last employment is or was in an essential or locally needed activity shall receive a statement of availability from his employer if:

(a) He has been discharged, or his employment has been otherwise terminated by his employer. A worker shall be deemed to have been discharged for all purposes of this plan, if, after leaving his employment and failing to qualify for a statement of availability he is directed by the United States Employment Service, and agrees to return to his former employment, and the employer thereupon refuses to reemploy him in his former or in a comparable position without prejudice to his seniority and other rights, or

(b) He has been laid off for an indefinite period, or for a period of seven days or more, or

(c) Continuance of his employment would involve undue personal hardship, or

(d) Such employment is or was at a wage or salary or under working conditions below standards established by State or Federal law or regulation, or

(e) Such employment is or was at a wage or salary below a level established or approved by the National War Labor Board (or other agency authorized to adjust wages or approve adjustments thereof).

(f) Male workers receiving Statement of Availability from their employers may not be hired upon presentation of the Statement of Availability by the new male employee. A male worker shall present the Statement of Availability to the United States Employment Service of the War Manpower Commission for referral by it to a new job.

SEC. 8. *Issuance of statement of availability by United States Employment Service.* (a) A statement of availability shall be issued promptly to an individual when any of the circumstances set forth in section 8 is found to exist in his case. If the employer fails or refuses to issue a statement, the United States Employment Service of the War Manpower Commission, upon finding that the individual is entitled thereto, shall issue a statement of availability to the individual. Either the employer or employee may within 3 days after receipt of notice of action taken by the United States Employment Service on a request for a statement of availability, take an appeal therefrom as provided in section 27 of this plan.

(b) A statement of availability shall be issued by the United States Employment Service to any individual in the employ of an employer who the War Manpower Commission finds, after notice, hearing and final decision, has not complied with any War Manpower Commission employment stabilization plan, regulation or policy, and for so long as such employer continues his non-compliance after such finding.

(c) The worker should remain on the job until such time as a statement of availability is granted or denied.

SEC. 9. *Surrender, filing and inspection of statements of availability or referral card.* The original statement of availability issued to an employee or referral card must be surrendered by him at the time of hiring, to the new employer who shall file and retain such statement and make his file available for inspection upon request by the United States Employment Service of the War Manpower Commission.

SEC. 10. *Referral in case of under-utilization.* If an individual is employed at less than full time or at a job which does not utilize his highest recognized skill for which there is a need in the war effort, the United States Employment Service may, upon his request, refer him to other available employment in which it finds that the individual will be more fully utilized in the war effort.

SEC. 11. *Workers who may be hired only upon referral by the United States Employment Service.* A new employee may not be hired solely upon presentation of a statement of availability, but he may be hired only upon referral by, or with the consent of, the United States Employment Service when:

(a) The new employee has not lived or worked in the locality of the new employment throughout the preceding 30-day period.

(b) The new employee's last regular employment was in agriculture and he is to be hired for non-agricultural work except after consultation with a designated representative of the War Food Administration, and provided that such an individual may be hired for non-agricultural work for a period not to exceed six weeks without referral or presentation of a statement of availability.

(c) The new employee's last regular employment was in an essential or locally needed activity and he is to be hired for work in a less essential activity.

(d) The new employee is a male.

SEC. 12. *Standards governing referral of male workers subject to priority referral.* (a) To the greatest degree consistent with war needs, workers subject to priority referral shall be given the maximum possible freedom of choice as to the jobs they wish to accept, and employers shall be given the maximum freedom of choice as to the workers they wish to employ, except that workers shall seek jobs and employers shall recruit workers only through the United States Employment Service or other referral agencies with which arrangements have been made with the War Manpower Commission.

(b) To achieve this objective, the United States Employment Service and other authorized referral agencies shall offer each worker subject to priority referral successive job opportunities in the order of their relative urgency in the war program. Referral shall be made in the following order:

(1) To jobs which utilize the applicant's highest skill in establishments with orders on the manpower priority list, in the order of their relative priority. This includes clearance openings which have an established priority;

(2) To jobs which utilize the applicant's highest skill in establishments which are essential or locally needed, but not on the priority list;

(3) To other jobs for which the applicant is qualified in establishments with orders on the priority list, in the order of their relative priority. This includes clearance openings which have an established priority rating;

(4) To other jobs for which he is qualified in establishments which are essential or locally needed, but not on the priority list;

(5) To job openings on clearance orders which do not have an established priority rating;

(6) To jobs in less essential activity, but only if there is no local or clearance job opening in essential or locally needed activity for which the applicant is qualified and which he may not decline under the provisions of the program.

(c) Good cause for refusing referral to a job without prejudice to further job offers shall include:

(1) Any case in which the worker, if he accepted the job, would be entitled to a statement of availability or to referral under the employment stabilization plan;

(2) A case in which wages or working conditions in the offered employment are not reasonably comparable to those in similar employment in similar establishments in the community;

(3) Any case in which acceptance of the job offered would require the worker to join or resign from or refrain from joining a bona fide labor organization.

SEC. 13. *Assignment of priority ratings.* The Area Director, in assigning a priority rating to a job order, shall consider the following factors:

(a) The urgency of production in relation to the war effort.

(b) The extent to which manpower requirements are the cause of present or threatened production lags.

(c) The extent to which sound utilization practices have been employed to reduce manpower requirements.

SEC. 14. *Employment ceilings.* (a) The Area Manpower Director with the consent of the committee, may modify the ceilings of June 4, 1944, setting fair and reasonable employment ceilings and allowances, limiting the number of employees or specified types of employees which such establishments may employ during specified periods.

(b) Such ceilings and allowances will be determined on the basis of the establishment's labor needs required under an approved and necessary production schedule, the available labor supply, and/or the relative urgency of the establishment's products or service to the war effort.

(c) Except as authorized by the Area Manpower Director, no employer shall hire any new employee for work in such establishment if the hiring of such employee would result in such establishment's exceeding the employment ceiling or allowance currently applicable to it.

SEC. 15. *General referral policies.* No provision of this plan shall limit the authority of the United States Employment Service to make referrals in accordance with approved policies and instructions of the War Manpower Commission.

SEC. 16. *Soliciting and advertising.* No employer shall advertise or otherwise solicit for the purpose of hiring any individual, if the hiring of such an individual would be subject to restrictions under this employment stabilization plan, except in a manner consistent with such restrictions.

(a) No employer in the Syracuse Area except as provided herein may:

(1) Conduct initial interviews with male workers except those excluded by section 20.

(2) Advertise for male workers without clearance and approval by the United States Employment Service except that:

An advertisement for male workers for work within the Area shall be deemed cleared and approved for publication within the Area if it contains the statement:

> Men seeking employment must first report to the nearest local office of the United States Employment Service—not to the employer.

and the further statement:

> Do not apply if now engaged in war production or activities declared locally needed.

(3) The first quoted statement above is to be modified to substitute Railroad Retirement Board Employment Service or U. S. Civil Service Commission where appropriate.

(b) An advertisement for female workers for work within the Area shall be deemed cleared and approved for publication within the Area if it contains the statement:

> Do not apply if now engaged in war production or activities declared locally needed.

SEC. 17. *Control of in-migration.* No employer, or labor union, or any other organization within the Syracuse area shall hire, re-hire, solicit or recruit within or without the Syracuse area, for work to be performed wholly or principally within the Syracuse area, any individual who did not live within or was not employed in work wholly or principally within the area throughout the 30-day period, preceding any solicitation, hiring or application for employment except after prior clearance, approval and referral of the United States Employment Service.

SEC. 18. *Railroad employment.* (a) Employers and employees in the railroad industry are subject in all respects to the provisions of this plan. The duties and obligations imposed upon employers and employees by this plan are applicable to employers and employees in the railroad industry in the same manner and to the same extent as to all other employers and employees subject thereto.

(b) The Railroad Retirement Board will, subject to War Manpower Commission policies and instructions, perform the functions of the United States Employment Service in the administration of this employment stabilization plan to the extent of its applicability to railroad employers and railroad workers.

SEC. 19. *Federal employment.* (a) For the purposes of this plan the War Manpower Commission considers the Federal Government a single essential employer.

(b) The duties and obligations imposed upon employers and workers of the executive departments and agencies of the Federal Government, by this stabilization plan, are applicable to such employers and employees in the same manner and to the same extent as to all other subject employers and workers.

(c) In accordance with the Civil Service Act all hiring by departments and agencies of the Federal Government which are subject to the Civil Service Act, rules, and regulations is subject to approval by the Civil Service Commission which shall conduct its recruiting in accordance with the provisions of this plan.

(d) The functions, duties and powers of the Civil Service Commission under this program with respect to Federal employment subject to the Civil Service Act, rules and regulations shall be governed by War Manpower Commission policies and instructions.

SEC. 20. *Exclusions from plan.* No provision of this employment stabilization plan shall be applicable to:

(a) The hiring of a new employee for agricultural employment;

(b) The hiring of a new employee for work of less than seven days' duration or for work which is supplementary to the employee's principal work; but such work shall not constitute the individual's "last employment" for the purpose of this plan, unless the employee is customarily engaged in work of less than seven days' duration.

(c) The hiring of an employee in any territory or possession of the United States, except Alaska and Hawaii;

(d) The hiring by a foreign, State, county or municipal government, or their political subdivisions, or their agencies and instrumentalities, or to the hiring of any of their employees, unless such foreign, State, county or municipal government, or political subdivision or agency, or instrumentality has indicated its willingness to conform to the maximum extent practicable under the Constitution and laws applicable to it, with the plan;

(e) The hiring of a new employee for domestic service, or to the hiring of a new employee whose last regular employment was in domestic service;

(f) The hiring of a school teacher for vacation employment or the rehiring of a school teacher for teaching at the termination of the vacation period.

SEC. 21. *Hiring or leaving contrary to plan.* Any employer shall, upon written request of the United States Employment Service, promptly release:

(a) Any worker whom it has hired contrary to the provisions of this plan; or

(b) Any worker whom it has hired upon referral of such worker by the United States Employment Service, if such referral was made as a result of misrepresentation, and if such referral would not have been made except for such misrepresentation.

(c) Any worker whom it has hired upon referral of such worker by the United States Employment Service if it is determined upon appeal that such referral should not have been made.

(d) Any worker released pursuant to the foregoing provision of this Section shall be re-transferred by the United States Employment Service in accordance with the best interests of the war effort and in such manner as to do justice to the worker and the employer. Appeals from such decision involving re-transfer may be had in the same manner as in the case of original transfers.

SEC. 22. *Prohibition against discriminatory hiring or referral practices.* The decision to hire or refer a worker shall be based on the qualifications essential for performance of or suitability for the job, and shall be made without discrimination as to race, color, creed, sex, national origin, or except as required by law, citizenship.

SEC. 23. *Employment practices.* All employers, unions, employees, and other persons or groups affected by this plan are to cooperate with the Area War Manpower Committee in an agressive program for:

(a) Reduction of absenteeism.

(b) Full utilization of both in-plant and preemployment training.

(c) Full utilization of women, minority groups, handicapped workers and other groups.

(d) Up-grading and job simplification.

(e) The utilization of manpower at maximum skills.

SEC. 24. *Collective bargaining agreements.* Nothing in this regulation shall be construed to prejudice existing rights of an employee or an employer under a collective bargaining agreement.

SEC. 25. *Representation.* Nothing contained in this plan shall be considered to restrict any individual from seeking the advice and aid of, or from being represented by, the labor or management organization of which he is a member, or any other representative freely chosen by him, at any step in the operation of the plan.

SEC. 26. *Appeals.* Any worker or employer may appeal from any act or failure to act by the War Manpower Commission, under this plan, in accordance with regulations and procedure of the War Manpower Commission.

SEC. 27. *Enforcement of plan.* If the Area Director determines, after notice and opportunity to be heard, that an employer is not conforming to this plan, he shall in writing, notify the employer of such determination and of the employer's opportunity to appeal this determination under appeal procedure of the War Manpower Commission as provided in Regulation No. 5. In the absence of an appeal, or upon decision after appeal, affirming the Area Director's determination, the Area Director shall make such reports and recommendations to the Regional Director as may be appropriate to secure the employer's conformance with the plan.

(a) The Regional Director may thereafter authorize the United States Employment Service to issue statements of availability to any of his employees who may request the same, whether or not such employees would be otherwise entitled thereto, so long as the employer fails to conform to the plan, and/or,

(b) The Regional Director may request the chairman of the War Manpower Commission to call upon any of the executive departments or agencies to take such action as will promote compliance with the plan.

(c) In instances of violation of Regulation No. 4 (Acceptance by a new employee of employment, and hiring by an employer of a new employee for employment in violation of a provision of the employment stabilization plan, and at a wage or salary rate higher than that received by the employee in his last place of employment), the Regional Director may authorize that action be taken to invoke the penalties enumerated in paragraph (1) hereof against employees and penalties enumerated in paragraph (2) hereof against employers.

(1) Penalties against employees:

(i) Fine not to exceed $1,000, or,

(ii) Imprisonment not to exceed one year, or,

(2) Penalties against employers:

(i) Fine not to exceed $1,000, or,

(ii) Imprisonment not to exceed one year, or,

(iii) Both fine and imprisonment, and

(iv) Disregard by executive departments and other agencies of the government of the entire amount of wages or salaries paid to persons improperly hired:

(*a*) In determining costs or expenses of any employer for the purpose of any law or regulation, including the Emergency Price Control Act of 1942, or any maximum price regulation thereof, or,

(*b*) For the purpose of calculating deductions under the revenue laws of the United States, or,

(c) For the purpose of determining costs or expenses of any contract made by, or on the behalf of the United States.

SEC. 28. *Effective date, amendment and termination.* (a) This amended plan shall take effect on July 1, 1944.

(b) This plan may be amended from time to time by the Area War Manpower Committee with the approval of the Regional Director.

(c) This plan will terminate automatically ninety days after the cessation of hostilities by the United States of America or at such earlier time as may be determined by the Regional Director.

APPENDIX A

SUGGESTED FORM OF STATEMENT OF AVAILABILITY

This certifies that _____
Social Security Number _____
Whose address is _____
Is available for work in an essential or locally needed activity _____
Occupation _____
Issuing Office (name of establishment or United States Employment Service Office) _____
Address _____
Date _____
Signed by _____
Title _____

NOTICE TO EMPLOYER WHO HIRES THIS WORKER

This statement of availability issued in accordance with the Employment Stabilization Plan for the Syracuse War Manpower Commission Area shall be retained and filed by the employer hiring this individual and shall be made available for inspection upon request of authorized representatives of the War Manpower Commission.

If the employee is a male, this statement of availability must be accompanied by a referral card from the United States Employment Service.

Signature of worker: _____

Dated: July 1, 1944.

THOMAS J. CORCORAN,
Area Director.

Approved: July 1, 1944.

ANNA M. ROSENBERG,
Regional Director.

[F. R. Doc. 45-13899; Filed, July 28, 1945; 11:11 a. m.]

ALTOONA, PA., AREA

EMPLOYMENT STABILIZATION PLAN

In furtherance of the war effort and for the purpose of achieving the most effective utilization of the services of labor in essential and locally needed activities, the Area Director of the War Manpower Commission for Area VII, which includes all of the following counties: Bedford, Blair, Cambria, Cameron, Centre, Clearfield, Elk, Fulton, Huntingdon, Indiana, Jefferson, Juniata, Mifflin, and Somerset and part of Westmoreland County including St. Clair Township and New Florence and Seward Boroughs, with the concurrence of the Local Management-Labor Committees, and pursuant to the authority granted by WMC Regulation 7, with the approval of the Regional Director of Region III of the War Manpower Commission, hereby establishes the following plan for Area VII with respect to the stabilization of employment throughout the area.

Sec.

1. Control of hiring and solicitation of workers.
2. Establishment, approval, and adaptation of area plan.
3. Minimum standards.
4. Existing contracts.
5. Advertising.
6. Advance notice of lay-offs.
7. Request to remain on or return to a job.
8. Optional provisions.
9. Definitions.

SECTION 1. *Control of hiring and solicitation of workers.* All hiring and solicitation of workers in, or for work in Area VII, shall be conducted in accordance with the provisions of this employment stabilization plan.

SEC. 2. *Establishment, approval, and adaptation of area plans*—(a) *General.* This employment stabilization plan is effective August 1, 1945, and all other existing area stabilization plans, including all amendments and adjuncts thereto, cease to have operating effect on and after that date.

(b) *Adaptation to meet area or local conditions.* This plan may be adapted as the need arises to meet changing area or local conditions by the Area Manpower Director after consultation with the appropriate Local Management-Labor Manpower Committees, *Provided*, That such adaptations are not in conflict

with minimum national standards as set forth in Regulation 7, and with area standards set forth in this plan, *And provided further*, That such adaptations are approved by the Regional Director.

(c) *Management-Labor Manpower Committee.* Local Management-Labor Manpower Committees within Area VII are hereby authorized to consider questions of policy, standards and safeguards in connection with the establishment and administration of this plan, and to make recommendations on these subjects to the Area Director.

SEC. 3. *Minimum standards*—(a) *General.* A new employee, who during the preceding 60-day period was engaged in an essential or locally needed activity, may be hired only if such hiring would aid in the effective prosecution of the war. Such hiring shall be deemed to aid in the effective prosecution of the war only if:

(1) Such individual is hired for work in an essential or locally needed activity or for work to which he has been referred by the United States Employment Service, and

(2) Such individual presents a statement of availability from his last employment in an essential or locally needed activity, or is referred by the United States Employment Service of the War Manpower Commission, or is hired with its consent, as provided herein.

(b) *Issuance of statements of availability by employers.* An individual whose last employment is or was in an essential or locally needed activity shall receive a statement of availability from his employer if:

(1) He has been discharged, or his employment has been otherwise terminated by his employer, or

(2) He has been laid off for an indefinite period, or for a period of seven or more days, or

(3) Continuance of his employment would involve undue personal hardship, or

(4) Such employment is or was at a wage or salary or under working conditions below standards established by State or Federal law or regulation, or

(5) Such employment is or was at a wage or salary below a level established or approved by the National War Labor Board (or other agency authorized to adjust wages or approve adjustments thereof) as warranting adjustment, and the employer has failed to adjust the wage in accordance with such level or to apply to the appropriate agency for such adjustment or approval thereof.

(c) *Issuance of statements of availability by United States Employment Service.* (1) A statement of availability shall be issued promptly to an individual when any of the circumstances set forth in section 3 (b) is found to exist in his case. If the employer fails or refuses to issue a statement, the United States Employment Service of the War Manpower Commission, upon finding that the individual is entitled thereto, shall issue a statement of availability to the individual.

(2) A statement of availability shall be issued by the United States Employment Service to any individual in the employ of an employer who, the War Manpower Commission finds, after notice, hearing and final decision, has not complied with any War Manpower Commission employment stabilization plan, regulation or policy, and for so long as such employer continues his noncompliance after such finding.

(d) *Referral in case of under-utilization.* If an individual is employed at less than full time or at a job which does not utilize his highest recognized skill for which there is a need in the war effort, the United States Employment Service, may, upon his request, refer him to other available employment in which it finds that the individual will be more fully utilized in the war effort.

(e) *Workers who may be hired only upon referral by the United States Employment Service.* A new employee may not be hired solely upon presentation of a statement of availability, but may be hired only upon referral by, or with the consent of, the United States Employment Service when:

(1) The new employee has not lived or worked in the locality of the new employment throughout the preceding 30-day period.

(2) The new employee's last regular employment was in agriculture and he is to be hired for non-agricultural work: *Provided*, That no such individual shall be referred to non-agricultural work except after consultation with a designated representative of the War Food Administration: *And provided*, That such an individual may be hired for non-agricultural work for a period not to exceed six weeks without referral or presentation of a statement of availability.

(f) *Exclusions.* No provision of the employment stabilization plan shall be applicable to:

(1) The hiring of a new employee for agricultural employment;

(2) The hiring of a new employee for work of less than seven days' duration, or for work which is supplementary to the employee's principal work; but such work shall not constitute the individual's "last employment" for the purpose of the program, unless the employee is customarily engaged in work of less than seven days' duration;

(3) The hiring of an employee in any Territory or possession of the United States, except Alaska and Hawaii;

(4) The hiring by a foreign, State, county or municipal government, or their political subdivisions, or their agencies and instrumentalities, or the hiring of any of their employees, unless such foreign, State, county, or municipal government, or political subdivision or agency or instrumentality has indicated its willingness to conform, to the maximum extent practicable under the Constitution and laws applicable to it, with the program;

(5) The hiring of a new employee for domestic service, or to the hiring of a new employee whose last regular employment was in domestic service;

(6) The hiring of school teacher for vacation employment or the rehiring of a school teacher for teaching at the termination of the vacation period.

(7) The hiring of a veteran of World War II.

(g) *Appeals.* Any worker or employer may appeal from any act or failure to act by the War Manpower Commission under this employment stabilization plan, in accordance with regulations and procedures of the War Manpower Commission.

(h) *Content of statements of availability.* A statement of availability issued to an individual pursuant to this plan shall contain only the individual's name, address, social security account number, if any, the name and address of the issuing employer, or War Manpower Commission Officer and office, the date of issuance, a statement as to whether or not the individual's last employment was in a critical occupation, and such other information not prejudicial to the employee in seeking new employment as may be authorized or required by the War Manpower Commission.

(i) *Solicitation of workers.* No employer shall advertise or otherwise solicit for the purpose of hiring any individual if the hiring of such an individual would be subject to restrictions under this employment stabilization plan, except in a manner consistent with such restrictions.

(j) *Hiring.* The decision to hire or refer a worker shall be based on qualifications essential for performance of or suitability for the job, and shall be made without discrimination as to race, color, creed, sex, national origin, or except as required by law, citizenship.

(k) *Representation.* Nothing contained in this plan shall be construed to restrict any individual from seeking the advice and aid of, or from being represented by, the labor organization of which he is a member or any other representative freely chosen by him, at any step in the operation of this plan.

(l) *General referral policies.* No provision in the program shall limit the authority of the United States Employment Service to make referrals in accordance with approved policies and instructions of the War Manpower Commission.

SEC. 4. *Existing contracts.* Nothing in this plan shall be construed to prejudice existing seniority rights of an employee under any agreement with his employer.

SEC. 5. *Advertising.* Employer's advertisements for employees are required to meet the following conditions:

(a) Indicate clearly that employees now employed in essential activity cannot be considered without a statement of availability.

(b) When the advertisement for employees does not include reference to the use of the facilities of the United States Employment Service of the War Manpower Commission by the employer, the employer's name must appear.

SEC. 6. *Advance notice of lay-offs.* Employers are required when possible to provide at least three days advance notice to the United States Employment Service whenever a lay-off of ten or more employees will occur and such notice shall contain a statement as to the number of employees to be laid off by occupation.

SEC. 7. *Request to remain on or return to a job.* The United States Employment Service of the War Manpower Commission shall request any employee to return to or remain on his job and shall request any employer to retain such employee in his employ:

(a) Pending any determination on the employee's request for a statement of availability.

(b) Pending decision on the employee's appeal from a determination denying him a statement of availability.

(c) Upon a final determination that the employee is not entitled to a statement of availability.

SEC. 8. *Optional provisions.* Area Manpower Directors after consultation with their Management-Labor Manpower Committees and approval by the Regional Director may include in area employment stabilization plans optional provisions such as those outlined in § 907.5 of Regulation 7, which are designed to meet special manpower needs in the localities affected, but, except as authorized in § 907.5 (a) (5) of Regulation 7, no such provision shall conflict with section 3 of this plan or with any State or Federal Law.

SEC. 9. *Definitions.* As used in this plan:

(a) "Agriculture" means those farm activities carried on by farm owners or tenants on farms in connection with the cultivation of the soil, the harvesting of crops, or the raising, feeding, or management of livestock, bees, and poultry, and shall not include any packing, canning, processing, transportation or marketing of articles produced on farms unless performed or carried on as an incident to ordinary farming operations as distinguished from manufacturing or commercial operations.

(b) "New employee" means any individual who has not been in the employment of the hiring employer at any time during the preceding 30 day period. For the purpose of this definition, employment of less than seven days' duration and employment which is supplemental to the employee's principal work shall be disregarded.

(c) "Essential activity" means any activity included in the War Manpower Commission list of essential activities.

(d) "Locally needed activity" means any activity approved by the Regional Manpower Director as a locally needed activity.

(e) The terms "employment" and "work" as applied to an individual engaged in principal and supplementary employments means his principal employment.

(f) "Employment stabilization plan" includes any arrangement involving restrictions on separation or hiring of workers, whether through issuance of statements of availability, referral by the United States Employment Service or otherwise.

Dated: July 10, 1945.

PAUL F. MURPHY,
Area Director.

Approved: July 23, 1945.

PAUL C. LEWIS,
Regional Director.

[F. R. Doc. 45-13993; Filed, July 28, 1945; 11:12 a. m.]

SCRANTON-WILKES-BARRE, PA., AREA

EMPLOYMENT STABILIZATION PLAN

The following revised employment stabilization program for Scranton Area IV is hereby prescribed, pursuant to § 907.3 (g) of War Manpower Commission Regulation No. 7, "Governing Employment Stabilization Programs," effective August 16, 1943 (8 F.R. 11338).

Sec.
1. Purpose.
2. Definitions.
3. Control of hiring and solicitation of workers.
4. Adaptation of area plan.
5. Minimum standards.
6. Existing contracts.
7. Advertising.
8. Advance notice of lay-offs.
9. Limited statements of availability.
10. Request to remain on or return to a job.

SECTION 1. *Purpose.* In furtherance of the war effort and for the purpose of achieving the most effective utilization of the services of labor in essential and locally needed activities, the Area Director of the War Manpower Commission for the Scranton-Wilkes-Barre Area, with the concurrence of the Area War Manpower Committee, and with the approval of the Regional Director, hereby establishes the following plan for the Scranton-Wilkes-Barre Area with respect to the stabilization of employment throughout the Area.

SEC. 2. *Definitions.* (a) "Scranton-Wilkes-Barre Area" is comprised of the counties of Luzerne, Lackawanna, Wyoming, Schuylkill, Columbia, Wayne, Susquehanna, and the Southeastern section of Northumberland County wherein anthracite coal is mined. This section includes the cities of Mount Carmel and Shamokin.

(b) "Agriculture" means those farm activities carried on by farm owners or tenants on farms in connection with the cultivation of the soil, the harvesting of crops, or the raising, feeding, or management of livestock, bees, and poultry, and shall not include any packing, canning, processing, transportation or marketing of articles produced on farms unless performed or carried on as an incident to ordinary farming operations as distinguished from manufacturing or commercial operations.

(c) "New employee" means any individual who has not been in the employment of the hiring employer at any time during the preceding 30-day period. For the purpose of this definition, employment of less than seven days' duration and employment which is supplemental to the employee's principal work shall be disregarded.

(d) "Critical occupation" means any occupation designated as a critical occupation by the Chairman of the War Manpower Commission.

(e) "Essential activity" means any activity included in the War Manpower Commission list of essential activities.

(f) "Locally needed activity" means any activity approved by the Regional Manpower Director as a locally needed activity.

(g) The terms "employment" and "work" as applied to an individual engaged in principal and supplementary employments mean his principal employment.

(h) "Employment stabilization plan" includes any arrangement involving restrictions on separations or hiring of workers, whether through issuance of statements of availability, referral by the United States Employment Service or otherwise.

(i) "Manpower director" means a director of the War Manpower Commission, or his authorized representative.

SEC. 3. *Control of hiring and solicitation of workers.* All hiring and solicitation of workers in, or for work in, the Scranton-Wilkes-Barre Area shall be conducted in accordance with the provisions of this employment stabilization plan.

SEC. 4. *Adaptation of area plan*—(a) *Adaptation to meet area conditions.* This plan may be adapted as the need arises to meet changing area conditions by the Area Manpower Director after consultation with the appropriate Management-Labor Manpower Committee: *Provided*, That such adaptations are not in conflict with minimum national standards as set forth in Regulation 7 and with regional standards: *And provided further*, That such adaptations are approved by the Regional Director.

(b) *Area Labor-Management Manpower Committee.* The Area Labor-Management Manpower Committee is hereby authorized to consider questions of policy standards and safeguards in connection with the establishment and administration of this plan and to make recommendations on these subjects to the Area Director.

SEC. 5. *Minimum standards*—(a) *General.* A new employee, who during the preceding 60-day period was engaged in an essential or locally needed activity, may be hired only if such hiring would aid in the effective prosecution of the war. Such hiring shall be deemed to aid in the effective prosecution of the war only if:

(1) Such individual is hired for work in an essential or locally needed activity or for work to which he has been referred by the United States Employment Service, and

(2) Such individual presents a statement of availability from his last employment in an essential or locally needed activity, or is referred by the United States Employment Service of the War Manpower Commission, or is hired with its consent, as provided herein.

(b) *Issuance of statements of availability by employers.* An individual whose last employment is or was in an essential or locally needed activity shall receive a statement of availability from his employer if:

(1) He has been discharged, or his employment has been otherwise terminated by his employer, or

(2) He has been laid off for an indefinite period, or for a period of seven or more days, or

(3) Continuance of his employment would involve undue personal hardship, or

(4) Such employment is or was at a wage or salary or under working condi-

tions below standards established by State or Federal law or regulations, or

(5) Such employment is or was at a wage or salary below a level established or approved by the National War Labor Board (or other agency authorized to adjust wages or approve adjustments thereof) as warranting adjustment, and the employer has failed to adjust the wage in accordance with such level or to apply to the appropriate agency for such adjustment or approval thereof.

(c) *Issuance of statements of availability by United States Employment Service.* (1) A statement of availability shall be issued promptly to an individual when any of the circumstances set forth in paragraph (b) of this section is found to exist in his case. If the employer fails or refuses to issue a statement, the United States Employment Service of the War Manpower Commission upon finding that the individual is entitled thereto, shall issue a statement of availability to the individual.

(2) A statement of availability shall be issued by the United States Employment Service to any individual in the employ of an employer who, the War Manpower Commission finds, after notice, hearing, and final decision, has not complied with any War Manpower Commission employment stabilization plan, regulation or policy, and for so long as such employer continues his non-compliance after such finding.

(d) *Referral in case of under-utilization.* If an individual is employed at less than full time or at a job which does not utilize his highest recognized skill for which there is a need in the war effort, the United States Employment Service may, upon his request, refer him to other available employment in which it finds that the individual will be more fully utilized in the war effort.

(e) *Workers who may be hired only upon referral by the United States Employment Service.* A new employee may not be hired solely upon presentation of a statement of availability, but may be hired only upon referral by, or with the consent of, the United States Employment Service when:

(1) The new employee is to be hired for work in a critical occupation, or his statement of availability indicates that his last employment was in a critical occupation.

(2) The new employee has not lived or worked in the locality of the new employment throughout the preceding 30-day period.

(3) The new employee's last regular employment was in agriculture and he is to be hired for non-agricultural work: *Provided*, That no such individual shall be referred to non-agricultural work except after consultation with a designated representative of the War Food Administration: *And provided*, That such an individual may be hired for non-agricultural work for a period not to exceed six weeks without referral or presentation of a statement of availability.

(f) *Exclusions.* No provision of the employment stabilization plan shall be applicable to:

(1) The hiring of a new employee for agricultural employment.

(2) The hiring of a new employee for work of less than seven days' duration, or for work which is supplementary to the employee's principal work; but such work shall not constitute the individual's "last" employment for the purpose of this program, unless the employee is customarily engaged in work of less than seven days' duration.

(3) The hiring by a foreign, State, county, or municipal government, or their political subdivisions, or their agencies and instrumentalities, or the hiring of any of their employees, unless such foreign, State, county, or municipal government, or political subdivision or agency or instrumentality has indicated its willingness to conform, to the maximum extent practicable under the Constitution and laws applicable to it, with the program.

(4) The hiring of a new employee for domestic service, or to the hiring of a new employee whose last regular employment was in domestic service.

(5) The hiring of a school teacher for vacation employment or the rehiring of a school teacher for teaching at the termination of the vacation period.

(g) *Appeals.* Any worker or employer may appeal from any act or failure to act by the War Manpower Commission under this employment stabilization plan, in accordance with regulations and procedures of the War Manpower Commission.

(h) *Content of statements of availability.* A statement of availability issued to an individual pursuant to this plan shall contain only the individual's name, address, social security account number, if any, the name and address of the issuing employer, or War Manpower Commission Officer and office, the date of issuance, a statement as to whether or not the individual's last employment was in a critical occupation, and such other information not prejudicial to the employee in seeking new employment as may be authorized or required by the War Manpower Commission.

(i) *Solicitation of workers.* No employer shall advertise or otherwise solicit for the purpose of hiring any individual if the hiring of such an individual would be subject to restrictions under this employment stabilization plan, except in a manner consistent with such restrictions.

(j) *Hiring.* The decision to hire or refer a worker shall be based on qualifications essential for performance of or suitability for the job, and shall be made without discrimination as to race, color, creed, sex, national origin, or except as required by law, citizenship.

(k) *Representation.* Nothing contained in this plan shall be construed to restrict any individual from seeking the advice and aid of, or from being represented by, the labor organization of which he is a member, or any other representative freely chosen by him, at any step in the operation of this plan.

(l) *General referral policies.* No provision in the program shall limit the authority of the United States Employment Service to make referrals in accordance with approved policies and instructions of the War Manpower Commission.

SEC. 6. *Existing contracts.* Nothing in this plan shall be construed to prejudice existing seniority rights of an employee under any agreement with his employer.

SEC. 7. *Advertising.* Advertising for employees:

(a) Shall not be of a nature which will have a disruptive effect upon the labor market in a particular area, including either the publication of wage rates which induce turnover and piracy or the solicitation of workers by employers outside an area except through arrangements with the United States Employment Service of the War Manpower Commission.

(b) Should state clearly that employees now employed in essential activity cannot be considered without a statement of availability.

(c) Should state clearly that before employers hire employees possessing skills which appear on the list of critical occupations, clearance must be obtained from the United States Employment Service.

SEC. 8. *Advance notice of lay-offs.* Employers are required when possible to provide at least three days advance notice to the United States Employment Service whenever a lay-off of ten or more employees will occur and such notice shall contain a statement as to the number of employees to be laid off by occupations.

SEC. 9. *Limited statements of availability.* Limited statements of availability specifying a particular date on which employees shall be returned to their previous employer shall be issued by the United States Employment Service of the War Manpower Commission, whenever, in the judgment of the appropriate Area Manpower Director, the best interests of the war effort will be served by such action: *Provided*, That such action is agreeable to both the employer and employees involved: *And provided further*, That such limited statements of availability shall not be issued for a period longer than 3 months.

SEC. 10. *Request to remain on or return to a job.* The United States Employment Service of the War Manpower Commission shall request any employee to return to or remain on his job and shall request any employer to retain such employee in his employ:

(a) Pending any determination on the employee's request for a statement of availability.

(b) Pending decision on the employee's appeal from a determination denying him a statement of availability.

(c) Upon a final determination that the employee is not entitled to a statement of availability.

Dated: June 28, 1945.

P. J. CONNOLLY,
Area Director.

Approved: July 19, 1945.

PAUL C. LEWIS,
Regional Director.

[F. R. Doc. 45-13904; Filed, July 28, 1945; 11:12 a. m.]

AUG 6 45

FEDERAL REGISTER

VOLUME 10 NUMBER 153

Washington, Thursday, August 2, 1945

The President

EXECUTIVE ORDER 9595

AUTHORIZING THE SECRETARY OF WAR TO TAKE POSSESSION OF AND OPERATE THE PLANTS AND FACILITIES OF THE UNITED STATES RUBBER COMPANY, LOCATED IN OR AROUND DETROIT, MICHIGAN

WHEREAS after an investigation I find and proclaim that the plants and facilities of the United States Rubber Company, located in or around Detroit, Michigan, are equipped for the manufacture and production of articles and materials that are required for the war effort, or that are useful in connection therewith; that there are existing interruptions of the operation of said plants and facilities as a result of a labor disturbance; that the war effort will be unduly impeded or delayed by these interruptions; and that the exercise, as hereinafter specified, of the powers vested in me is necessary to insure, in the interests of the war effort, the operation of these plants and facilities;

NOW, THEREFORE, by virtue of the power and authority vested in me by the Constitution and laws of the United States, including Section 9 of the Selective Training and Service Act of 1940 (54 Stat. 892) as amended by the War Labor Disputes Act (57 Stat. 163), as President of the United States and Commander in Chief of the Army and Navy of the United States, it is hereby ordered as follows:

1. The Secretary of War is hereby authorized and directed, through and with the aid of any persons or instrumentalities that he may designate, to take possession of the plants and facilities of the United States Rubber Company, located in or around Detroit, Michigan, and, to the extent that he may deem necessary, of any real or personal property, and other assets wherever situated, used in connection with the operations thereof; to operate or to arrange for the operation of the plants and facilities in any manner that he deems necessary for the successful prosecution of the war; to exercise any contractual or other rights of the United States Rubber Company, and to continue the employment of, or to employ, any persons, and to do any other thing that he may deem necessary for, or incidental to, the operation of the said plants and facilities and the production, sale and distribution of the products thereof; and to take any other steps that he deems necessary to carry out the provisions and purposes of this order.

2. The Secretary of War shall operate the said plants and facilities in accordance with the terms and conditions of employment which are in effect at the time possession thereof is taken, subject to the provisions of Section 5 of the War Labor Disputes Act.

3. The Secretary of War shall permit the management of the plants and facilities taken under the provisions of this order to continue with its managerial functions to the maximum degree possible, consistent with the aims of this order.

4. The Secretary of War is authorized to take such action, if any, as he may deem necessary or desirable to provide protection for the plants and all persons employed or seeking employment therein, and their families and homes. All Federal agencies, including but not limited to the War Manpower Commission, the National Selective Service System, and the Department of Justice, are directed to cooperate with the Secretary of War to the fullest extent possible in carrying out the purposes of this order. Upon request of the Secretary of War, the Department of Justice, through the Federal Bureau of Investigation, shall immediately undertake an investigation of any matter affecting the operation of said plants, facilities, and property.

5. Possession, control, and operation of any plant or facility, or part thereof, taken under this order shall be terminated by the Secretary of War within 60 days after he determines that the productive efficiency of the plant, facility, or part thereof prevailing prior to the existing interruptions of production, referred to in the recitals of this order, has been restored.

HARRY S. TRUMAN

THE WHITE HOUSE,
July 30, 1945.

[F. R. Doc. 45-14114; Filed, Aug. 1, 1945; 10:48 a. m.]

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NOTICE

The 1943 Supplement to the Code of Federal Regulations, covering the period June 2, 1943, through December 31, 1943, may be obtained from the Superintendent of Documents, Government Printing Office, at $3.00 per book.

Book 1: Titles 1–31, including Presidential documents in full text.
Book 2: Titles 32–50, with 1943 General Index and 1944 Codification Guide.

The complete text of the Cumulative Supplement (June 1, 1938–June 1, 1943) is still available in ten units at $3.00 each.

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PART 300—GENERAL

DELEGATION OF AUTHORITY TO ASSISTANT ADMINISTRATOR WITH RESPECT TO REAL ESTATE AND REAL ESTATE LENDING AND SERVICING, RURAL REHABILITATION LENDING AND SERVICING, COOPERATIVE AND MEDICAL AND HEALTH PROGRAMS

Correction

In the second paragraph of Federal Register Document 45–13511, appearing at page 9206 of the issue of Wednesday, July 25, 1945, the name "Nobel" should read "Noble."

TITLE 7—AGRICULTURE

Chapter I—Office of Marketing Services

Subchapter C—Regulations Under the Farm Products Inspection Act

PART 51—FRUITS, VEGETABLES, AND OTHER PRODUCTS (INSPECTION AND CERTIFICATION)

BASIS FOR CHARGES

Pursuant to the provisions of the Perishable Agricultural Commodities Act, 1930 (46 Stat. 531, as amended; 7 U.S.C. 499a et seq.), and the provisions of the Department of Agriculture Appropriation Act, 1946, approved May 5, 1945 (59 Stat. 136), the provisions in § 51.36 of the regulations issued thereunder relating to inspection and certification of fruits, vegetables, and other products (7 CFR, Cum. Supp., 51.36; 10 F.R. 1691), are hereby amended to read as follows:

§ 51.36 *Basis for charges.* The fee for each lot of products inspected by a salaried inspector acting exclusively for the Department of Agriculture, except for peanuts, pecans, and other nuts, and except under the provisions of § 51.19, shall be on the following basis: For an inspection covering quality or condition, $5.00 when the quantity involved is more than ½ a carload of the customary size for such products in the area from which shipped but not more than a full carload, and $3.00 when the quantity involved is not more than ½ of such carload, but the maximum fee for any carload not exceeding the customary size shall be $9.00. For each lot of peanuts, pecans, or other nuts inspected, except under § 51.19 the fee shall be $8.75 when the quantity involved is not more than a full carload, provided that different grades and varieties of peanuts shall be considered separate lots. When the lot involved is in excess of a carload the quantity shall be calculated in terms of carloads and fractions thereof of the customary size for such carloads and the carload rates aforesaid applied provided that said fractions shall be calculated in terms of fourths or next higher fourths. When inspections are made on which formal certificates are not issued, as provided in § 51.19, or when the products inspected cannot readily be calculated in terms of carloads, or when the services rendered are such that a charge on the carload basis would be inadequate or inequitable, charges for inspection may be based on the time consumed by the inspector in connection with such inspections computed at the rate of not to exceed $2.50 per hour, or the charges may be based upon the number of pounds or number of containers in the lot inspected, provided such charges are in substantial conformity with the hourly or carload rate.

This amendment shall become effective on August 1, 1945.

(46 Stat. 531, as amended, 7 U.S.C. 499a et seq.; 59 Stat. 136; E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423; E.O. 9392, 8 F.R. 14783; E.O. 9577, 10 F.R. 8087)

Issued this 31st day of July 1945.

[SEAL] J. B. HUTSON,
Acting Secretary of Agriculture.

[F. R. Doc. 45–14121; Filed, Aug. 1, 1945; 11:08 a. m.]

PART 53—MEATS, PREPARED MEATS, MEAT PRODUCTS (GRADING AND CERTIFICATION)

BASIS FOR CHARGES

Pursuant to the provisions of the Department of Agriculture Appropriation Act, 1946, approved May 5, 1945 (Public Law 52—79th Congress; 59 Stat. 136), the provisions in § 53.41 (a) of the regulations issued thereunder relating to grading and certification of meats, prepared meats, and meat products (7 CFR and Cum. Supp., § 53.41 (a)) are hereby amended to read as follows:

§ 53.41 *Fees and costs.* • • •

(a) *Basis for charges.* Fees and charges for grading services at designated markets shall be based on the actual time required to render the services, including the time required for travel of the official grader in connection therewith, at the rate of two dollars and seventy cents ($2.70) per hour for each official grader assigned unless otherwise provided by special agreement approved by the Director, Office of Marketing Services: *Provided*, That no grading services shall be rendered for less than a minimum charge of one dollar and thirty-five cents ($1.35).

Provided further, That the Director, Office of Marketing Services, may, in lieu of the fixed charge of $2.70 per hour, fix other reasonable charges for the grading and certification of products at rates that in his judgment, will cover the costs of the services.

This amendment shall become effective August 1, 1945.

(Public Law 52, 79th Cong., 59 Stat. 136; E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423; E.O. 9392, 8 F.R. 14783; E.O. 9577, 10 F.R. 8087).

Issued this 31st day of July 1945.

[SEAL] J. B. HUTSON,
Acting Secretary of Agriculture.

[F. R. Doc. 45–14122; Filed, Aug. 1, 1945; 11:08 a. m.]

Chapter X—War Food Production Order

[WFO 41, Amdt. 4]

PART 1206—FERTILIZER

CHEMICAL FERTILIZER IN PUERTO RICO

War Food Order No. 41 (formerly Food Production Order No. 10) (9 F.R. 1073, 4319, 5033, 7919, 11047) is hereby amended by adding the following new paragraph:

(v) The Farm Rationing Committee is hereby authorized, in its discretion, to suspend, in whole or in part, the provisions of paragraphs (f) (g), (h), (i), (j), (k), (l), (m) and (p) for such time as the Committee deems appropriate: *Provided, however*, That, with respect to violations of the provisions of any of such paragraphs, or rights accrued, or liabilities incurred thereunder, prior to any suspension made pursuant to this paragraph, such provisions shall be deemed to be in full force and effect for the purpose of sustaining any proper suit, action, or proceeding with respect to any such violation, right, or liability. In suspending any of such provisions the Committee shall take into account the supply of fertilizer materials available or expected to be available in Puerto Rico, and the need for the production of sugarcane, tobacco and food crops.

(54 Stat. 676, 55 Stat. 236, 56 Stat. 176; E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423; E.O. 9392, 8 F.R. 14783; E.O. 9577, 10 F.R. 8087)

Issued this 31st day of July 1945.

[SEAL] J. B. HUTSON,
Acting Secretary of Agriculture.

[F. R. Doc. 45–14120; Filed, August 1, 1945; 11:08 a. m.]

TITLE 10—ARMY: WAR DEPARTMENT

Chapter I—Aid of Civil Authorities and Public Relations

PART 109—SECRECY SURROUNDING TROOP MOVEMENTS

MISCELLANEOUS AMENDMENTS

The following amendments and additions to the regulations contained in Part 109 are hereby prescribed:

1. Amend § 109.1 (c) as follows:

§ 109.1 *General.* • • •

(c) Officers and enlisted personnel will avoid talk or discussion of classified military movements with any unauthorized persons and will view with suspicion any person asking questions about such movements or discussing topics pertaining thereto.

2. In § 109.2 amend paragraph (a) and rescind paragraph (c).

§ 109.2 *Rail and motor movements.* (a) Reports concerning arrivals and departure of rail or motor movements within the United States which for any reason are classified may be transmitted to persons authorized to receive such reports, unclassified, provided unit designations are not included therein.

• • • • • •

(c) [Rescinded]

3. Amend the first sentence of paragraph (c) of § 109.3 as follows:

§ 109.3 *Embarkation.* • • •

(c) Members of families, relatives, or friends of personnel destined for an active operational theater will not be allowed at the piers or thereabouts on the day of sailing. • • •

4. Rescind § 109.4.

§ 109.4 *Movements of vessels in harbors.* [Rescinded]

5. Amend § 109.5 as follows:

§ 109.5 *Overseas.* After arrival in an active operational theater no information will be given concerning names or destinations or organizations, names of vessels, data concerning convoys, routes pursued, measures taken to avoid attack, dates of arrival, debarkation, or departure, or number of troops, or kind of cargoes carried. (R. S. 161; 5 U.S.C. 22) [AR 380-5, 15 March 1944 as amended by C4, 14 July 1945]

[SEAL] EDWARD F. WITSELL,
Major General,
Acting The Adjutant General.

[F. R. Doc. 45-14108; Filed, Aug. 1, 1945; 9:34 a. m.]

TITLE 24—HOUSING CREDIT

Chapter V—Federal Housing Administration

Subchapter D—Multifamily Rental Housing Insurance

PART 532—ADMINISTRATIVE RULES UNDER SECTION 207, NATIONAL HOUSING ACT

APPLICATION AND COMMITMENT

Sec.
532.1 Information for preliminary examination.
532.2 Issuance of commitment.

ELIGIBLE MORTGAGES

532.3 Mortgage forms.
532.4 Eligibility for insurance.
532.5 Maturity.
532.6 Payment requirements.
532.7 Interest rate.
532.8 Release provisions.
532.9 Covenant against liens.
532.10 Covenants for fire insurance.
532.11 Soundness of project.
532.12 Accumulation of next premium.
532.13 Application of payments.

CLASSIFICATION OF ELIGIBLE MORTGAGORS

532.14 Private mortgagors.
532.15 Public mortgagors.

SUPERVISION OF MORTGAGORS

532.16 In general.
532.17 Required supervision of private mortgagors.

ELIGIBLE MORTGAGEES

532.18 Classifications.
532.19 Required inspections.

ELIGIBLE PROPERTIES

532.20 Eligibility of property.
532.21 Development of property.

TITLE

532.22 Eligibility of title.
532.23 Title evidence.
532.24 Effective date.

AUTHORITY: §§ 532.1 to 532.24, inclusive, issued under sec. 211, National Housing Act, 48 Stat. 1246, as amended by acts approved Feb. 3, 1938 (52 Stat. 8); June 3, 1939 (53 Stat. 804), and Mar. 28, 1941, 55 Stat. 55).

APPLICATION AND COMMITMENT

§ 532.1 *Information for preliminary examination.* (a) Information required for the examination of a Rental Housing Project under section 207 shall be submitted in the form of an application for mortgage insurance by an approved mortgagee and by the sponsors of such project through the local Federal Housing Administration office, on approved FHA Application Form (executed in triplicate). No application will be considered unless the exhibits called for by such form are furnished and a fee of one dollar and fifty cents ($1.50) per thousand of the face amount of the mortgage loan applied for (referred to as "Application Fee") is paid.

(b) A further sum (referred to as "commitment fee") which when added to the "application fee" will aggregate three dollars ($3.00) per thousand of the face amount of the mortgage loan set forth in the commitment shall be paid within fifteen days from delivery of the commitment, otherwise the commitment will be null and void unless extended in writing by the Commissioner.

(c) Upon application for an increase in the amount of an existing commitment, an additional application fee of one dollar and fifty cents ($1.50) per thousand dollars shall be paid based upon the amount of the increase requested. Any increase in the amount of a commitment shall be subject to the payment of an additional commitment fee which, when added to the additional application fee will aggregate three dollars ($3.00) per thousand of the amount of the increase. If the amount of the insured mortgage is increased after insurance either by amendment or by the substitution of a new insured mortgage, the fees herein provided for shall be based upon the amount of such increase.

(d) If the application is rejected prior to an estimate of cost by the Commissioner, the application fee will be returned to the applicant. Subsequent to such estimate of cost the fee paid will not be returned.

§ 532.2 *Issuance of commitment.* (a) Upon approval of an application a commitment will be issued setting forth the terms and conditions upon which the mortgage will be insured, including special requirements applicable to the project and requiring the submission in final form within a time specified of all appropriate documents, drawings, plans, specifications, estimates, and other instruments evidencing full compliance satisfactory to the Commissioner with this part and with such terms and conditions.

(b) Such commitment may be on a form providing for advances of mortgage money during construction and the insurance of such advances as made, or it may be on a form providing for the insurance of the mortgage after completion of the improvements.

(c) No commitment shall be valid unless signed by the Commissioner or his agent authorized for that purpose, and shall be effective for a stated period, not in excess of 120 days, but may be renewed in such manner as the Commissioner may from time to time specify.

(d) In the case of a Public Housing Project, the fee to be paid under § 532.1 shall be fixed by the Commissioner, but shall not exceed $3.00 per thousand of the original face amount of the mortgage.

ELIGIBLE MORTGAGES

§ 532.3 *Mortgage forms.* The mortgage must be executed upon a printed form approved by the Commissioner for use in the jurisdiction in which the property covered by the mortgage is situated, by a mortgagor with the qualifications hereinafter set forth in §§ 532.14 and 532.15, must be a first lien upon property that conforms with the property standards prescribed by the Commissioner, and the mortgagee must be obligated, as a part of the mortgage transaction, to disburse the entire principal amount of the mortgage to, or for the account of, the mortgagor in conformity with the terms of the commitment. Any changes in the printed form desired by the mortgagor and mortgagee must receive prior written approval of the Commissioner.

§ 532.4 *Eligibility for insurance.* In order to be eligible for insurance under this part, a mortgage shall create a first lien securing a principal obligation not in excess of $5,000,000, and such part thereof as may be attributable to dwelling use shall not exceed $1,350 per room, depending upon the location of the project and local building costs and rental conditions. The principal obligation of such mortgage shall not exceed eighty per centum (80%) of the amount which the Commissioner estimates will be the value of the property or project when the proposed improvements are completed; *Provided*, That such mortgage shall not in any event exceed the amount which the Commissioner estimates will be the cost of the completed physical improvements on the property or project, exclusive of the following: Public utilities except lead-ins from abutting streets to the project; public streets except approaches from abutting streets to private streets in the project; abutting sidewalks and curbing outside the project site; real estate taxes, interest on the mortgage, hazard insurance, owner's liability insurance, and other insurance customarily payable by the mortgagor; organization and legal expenses; financing charges; and miscellaneous charges during or incidental to construction and customarily payable by the mortgagor, including but not limited to Federal Housing Administration appraisal and inspection fees and mortgage insurance premium, title and recording expenses, and cost of surveys and contour maps.

§ 532.5 *Maturity.* The mortgage shall have a maturity satisfactory to the Commissioner, depending upon the risk involved and the general character of the project, and shall contain complete amortization or sinking fund provisions satisfactory to the Commissioner.

§ 532.6 *Payment requirements.* The mortgage shall provide for monthly payments on the first day of each month by the mortgagor to the mortgagee on account of interest and principal. Such monthly payments may be on a level annuity or declining annuity basis as agreed upon by the mortgagor and mortgagee. Where the insured mortgage does not exceed $200,000, payments on account of principal shall begin not later than the first day of the twelfth month following execution of the mortgage. Where the mortgage does exceed $200,000, such principal payments shall begin not later than the first day of the twenty-fourth month following execution of the mortgage. In cases where a commitment to insure upon completion has been issued, the respective dates for commencement of amortization will be figured on the same basis from the date the commitment is issued.

§ 532.7 *Interest rate.* The mortgage shall bear interest, not exceeding four per centum (4%) per annum, as may be agreed upon between the mortgagor and mortgagee. All charges made in connection with the mortgage transaction shall be subject to the approval of the Commissioner.

§ 532.8 *Release provisions.* The mortgage shall cover the entire property included in the housing project. The mortgage may include provisions for the release from the lien thereof of any of the improvements and the land upon which they are located upon conditions to be determined by the Commissioner at the time of the release. Where the mortgage does not contain such release provisions no property shall, except with the consent of the mortgagee and the Commissioner, be released from the lien thereof so long as the mortgage insurance is in force.

§ 532.9 *Covenant against liens.* The mortgage shall, except in the case of a Public Housing Project, contain a covenant against the creation by the mortgagor of liens against the property inferior to the lien of the mortgage.

§ 532.10 *Covenants for fire insurance.* The mortgage shall contain a covenant binding the mortgagor to keep the property insured by a standard policy or policies against fire and such other hazards as the Commissioner, upon the insurance of the mortgage, may stipulate, in an amount which will comply with the coinsurance clause applicable to the location and character of the property, but not less than eighty percent (80%) of the actual cash value of the insurable improvements and equipment of the project. The initial coverage shall be in an amount estimated by the Commissioner at the time of completion of the entire project or units thereof. The policies evidencing such insurance shall have attached thereto a standard mortgagee clause making loss payable to the mortgagee and the Commissioner, as interests may appear.

§ 532.11 *Soundness of project.* No mortgage shall be accepted for insurance unless the Commissioner finds that the property or project with respect to which the mortgage is executed is economically sound.

§ 532.12 *Accumulation of next premium.* The mortgage shall provide for payments by the mortgagor to the mortgagee on each interest payment date of an amount sufficient to accumulate in the hands of the mortgagee one payment period prior to its due date, the next annual mortgage insurance premium payable by the mortgagee to the Commissioner. Such payments shall continue only so long as the contract of insurance shall remain in effect. The mortgage shall provide that upon the payment of the mortgage before maturity, the mortgagor shall pay the adjusted premium charge referred to in § 533.3 of this chapter.

The mortgage shall also provide for such equal monthly payments by the mortgagor to the mortgagee as will amortize the ground rents, if any, and the estimated amount of all taxes, water rates and special assessments, if any, and fire and other hazard insurance premiums, within a period ending one month prior to the dates on which the same become delinquent. The mortgage shall further provide that such payments shall be held by the mortgagee, for the purpose of paying such ground rents, taxes, water rates and assessments, and insurance premiums, before the same become delinquent. The mortgage must also make provision for adjustments in case the estimated amount of such taxes, water rates and assessments, and insurance premiums shall prove to be more, or less, than the actual amount thereof so paid by the mortgagor.

§ 532.13 *Application of payments.* (a) All monthly payments to be made by the mortgagor to the mortgagee shall be added together and the aggregate amount thereof shall be paid by the mortgagor upon each monthly payment date in a single payment. The mortgagee shall apply the same to the following items in the order set forth:

(1) Premium charges under the contract of insurance;

(2) Ground rents, taxes, special assessments and fire and other hazard insurance premiums;

(3) Interest on the mortgage;

(4) Amortization of the principal of the mortgage.

Any deficiency in the amount of any such aggregate monthly payment shall constitute an event of default under the mortgage unless paid within thirty days from the date due.

(b) The mortgagee may include in the mortgage a provision for such additional charge in the event of prepayment of principal as may be agreed upon between the mortgagor and mortgagee: *Provided, however*, That the mortgagor must be permitted to prepay up to fifteen per centum (15%) of the original principal amount of the mortgage in any one calendar year without any such additional charge.

(c) In the event that bonds are to be issued as a part of the insured mortgage transaction, all arrangements with respect to the issuance and sale of such bonds shall be subject to approval by the Commissioner.

CLASSIFICATION OF ELIGIBLE MORTGAGORS

§ 532.14 *Private mortgagors.* In order to be eligible for insurance as a mortgagor of a Rental Housing Project under section 207 such mortgagor must be a private corporation, association, cooperative society which is a legal agent of the owner-occupants, or trust (referred to in this part and in Part 533 of this chapter as "mortgagor", "corporation", or "mortgagor corporation"), formed or created, with the approval of the Commissioner, for the purpose of providing housing for rent or sale, and possessing powers necessary therefor and incidental thereto, which corporation, association, cooperative society, or trust, is regulated or restricted by the Commissioner as to rents or sales, charges, capital structure, rate of return, and methods of operation. Such regulation or restriction shall remain in effect until such time as the mortgage insurance contract terminates without obligation upon the Commissioner to issue debentures as a result of such termination. So long as such contract of insurance is in effect, the corporation, association, cooperative society, or trust shall engage in no business other than the construction and operation of a Rental Housing Project; or

§ 532.15 *Public Mortgagors.* A Federal or State instrumentality, a municipal corporate instrumentality of one or more States, or a limited dividend corporation formed under and restricted by Federal or State housing laws as to rents, charges, capital structure, rate of return, or methods of operation (projects of such mortgagors are herein referred to as "Public Housing Projects").

SUPERVISION OF MORTGAGORS

§ 532.16 *In general.* (a) In the case of an eligible mortgagor described in § 532.15, the Commissioner is not required under the act to regulate or restrict the mortgagor. Such mortgagor, however, must have initial funds which may be considered in lieu of the equity required of other mortgagors. Such funds (which may be in the form of Government loans, grants, or subsidies, or in other form) if sufficient in amount will be considered satisfactory provided they do not create a lien against the property prior to that of the insured mortgage. Liens inferior to the lien of the insured mortgage may be allowed against properties of such mortgagors.

(b) In all other cases a mortgagor must establish that after final disbursement of the loan the property covered by the mortgage is free and clear of all liens other than such mortgage, and that there will not be outstanding any other unpaid obligation contracted in connection with the mortgage transaction or the purchase of the mortgaged property, except obligations which are secured by property or collateral owned by the mortgagor independently of the mortgaged property.

(c) Supervision of such other mortgagors is required by the provision of section 207 of the act that such mortgagors shall be regulated or restricted by the Commissioner. Such regulation or restriction will be set forth in the certificate of incorporation or other instrument under which the mortgagor is created (hereinafter referred to as the "charter") and will be made effective through the issuance of certain shares of special stock (or other evidence of a beneficial interest in the mortgagor) which stock or interest will acquire majority voting rights in the event of default under the mortgage or violation of

a provision of the charter, but only for a period coexistent with the duration of such default or violation. Such special stock or interest issued to the Commissioner, his nominee or nominees and/or Federal Housing Administration shall be in sufficient amount to constitute under the laws of the particular State a valid special class of stock or interest and shall be issued in consideration of the payment by the Commissioner of not exceeding in the aggregate $100. Such stock shall be represented by certificates issued in the name of the Commissioner, and/or in the name of his nominee or nominees, and/or in the name of the Federal Housing Administration, as the Commissioner shall require. Upon the termination of all obligations of the Commissioner under his contract of mortgage insurance or any succeeding contract or agreement covering the mortgage obligation, including the obligation upon the Commissioner to issue debentures as a result of such termination, all regulation and restriction of the mortgagor shall cease. When the right of the Commissioner to regulate or restrict the mortgagor shall so terminate, the shares of special stock or other evidence of beneficial interest shall be surrendered by the Commissioner upon reimbursement of his payments therefor plus accrued dividends, if any, thereon.

§ 532.17 *Required supervision of private mortgagors.* The following are the items which will be regulated or restricted in the charter to the extent indicated, except in the case of mortgagors of public housing projects:

(a) *Capital structure.* (1) The sponsor's equity in a project, for dividend purposes, shall mean, (i) the Commissioner's estimate of the value of the project upon completion less the face amount of the mortgage plus (ii) required cash working capital. Such equity when contributed shall be in the form of unencumbered property, and such cash and services as the Commissioner shall require.

(2) Such number of shares of capital stock, either with or without par value, in the case of a corporation, or such appropriate evidences of interest, in the case of an association, a cooperative society, or a trust, may be issued as sponsors may deem appropriate. Such stock or interest, together with paid in surplus, if any, shall represent such equity. Additional stock or evidences of interest may be authorized but the charter shall provide that it shall not be issued except with the approval of the Commissioner. No stock or interest shall be redeemed, purchased, or paid off by the mortgagor during the period in which the mortgage insurance is in force, except with the approval of the Commissioner.

(3) The shares of stock or interest issued to the Commissioner shall be in sufficient amount to constitute, under the laws of the particular jurisdiction, a valid special class of stock or interest and shall be issued in consideration of the payment by the Commissioner of not exceeding $100.

(b) *Rate of return.* Regular dividends or distribution of income may be declared or paid only as of the end of a semiannual or annual fiscal period. Dividends or distribution of income may be declared and paid only from earned income legally available for dividends or distribution of income in excess of all operating expenses, taxes, assessments, fixed charges, mortgage insurance premiums, required allocations to the Fund for Replacements, and interest and principal on the insured mortgage including principal payments permitted to be passed by reason of prepayments theretofore made. No regular dividends or distribution of income may be declared or paid for any fiscal year in excess of six per centum (6%) per annum of the equity as valued by the Commissioner but may be cumulative from year to year, and the dollar amount of such dividends or distribution of income shall be stated in the charter: *Provided*, That one-half of such earned income in excess of regular dividends or distribution of income may be declared or paid as extra dividends or distribution of income for a fiscal year as of the end of such year. The charter will make provision for dividends or distribution of income as provided herein and will also provide that in any event one-half of earned income in excess of regular dividends or distribution of income shall be applied annually in reduction of principal of the insured mortgage.

(c) *Control of funds during construction.* (1) From its capital funds the mortgagor shall deposit with the mortgagee or, in a depositary satisfactory to the mortgagee and under control of the mortgagee, an amount equivalent to not less than three per centum (3%) of the original principal amount of the mortgage, for the purpose of meeting the cost of equipping and renting the project subsequent to completion of construction of the entire project or units thereof and, during the course of construction, for allocation by the mortgagee to the accruals for taxes, mortgage insurance premium, hazard insurance premiums and assessments required by the terms of the mortgage as outlined in § 532.13. Any balance of said fund not used or allocated for the above purposes shall be returned to the mortgagor upon completion of construction of the entire project to the satisfaction of the Commissioner.

(2) The mortgagor must establish in a manner satisfactory to the Commissioner that, in addition to the proceeds of the insured mortgage, the mortgagor has funds sufficient to assure completion of construction of the project and to pay all carrying charges, financing and organization expenses incidental to the construction of the project which funds shall be deposited with and held by the mortgagee in a special account or by an acceptable depository designated by the mortgagee under an appropriate agreement approved by the Commissioner which will require all such construction funds to be expended for work and material on the physical improvements prior to the advance of any mortgage money and for other charges and expenses to be paid when due.

(3) The Commissioner may require the deposit with the mortgagee or with an acceptable trustee or escrow agent designated by the mortgagee under an appropriate agreement of such cash as may be required for the completion of off-site public utilities and streets.

(4) The Commissioner, the mortgagor and the mortgagee shall, prior to the insurance of the mortgage, agree with respect to the manner and conditions under which advances (if any) during construction are to be made by the mortgagee and approved for insurance by the Commissioner.

(5) Such agreement shall require the mortgagee to notify the Commissioner, through the insuring office having jurisdiction over the territory in which the property is situated, in writing, on an application form prescribed by Commissioner, of the proposed date and the amount of the advance to be made, and the Commissioner shall deliver to the mortgagee within a reasonable time from the date of such notice a certificate executed on behalf of the Commissioner on a form prescribed by him setting forth the amount approved for insurance or advising the mortgagee of the Commissioner's nonapproval and setting forth the reasons therefor.

(6) Such agreement shall be set forth on a form prescribed by the Commissioner, shall contain such additional terms, conditions, and provisions as the Commissioner shall in the particular case prescribe or approve, and when properly executed by the Commissioner and the mortgagee, shall constitute a part of the mortgage insurance contract. When all advances of mortgage money approved for insurance by the Commissioner have been made, the original credit instrument will be finally endorsed for insurance for the total of such advances as provided for in the Administrative Regulations.

(7) No advance under any mortgage shall be eligible for insurance unless there is filed with the application for such advance a certificate or certificates in the form required by the Commissioner, certifying that the laborers and mechanics employed in the construction of the dwelling or dwellings or housing project involved have been paid not less than the wages prevailing in the locality in which the work was performed for the corresponding classes of laborers and mechanics employed on construction of a similar character, as determined by the Secretary of Labor prior to the beginning of construction and after the date of filing of the application for insurance.

(8) Assurance for the completion of a project shall be either (i) the bond of a surety company satisfactory to the Commissioner on the standard form prescribed by the Commissioner in the penal sum of at least ten per centum (10%) of the cost of construction of the project, (ii) a bond, in at least the same amount, of a surety satisfactory to the Commissioner written in the standard A. I. A. form of performance bond with the mortgagor and the mortgagee as joint-obligees, or (iii) a deposit with the mortgagee, or with a depository satisfactory to the mortgagee and the Commissioner, of cash or securities of, or fully guaranteed as to principal and interest by, the United States of America, under a Completion Assurance Agreement prescribed by the Commissioner, of an amount at least equal to ten per centum (10%) of the cost of construction of the project, or (iv) may be in such other form as may be recommended by the mortgagee and approved in writing by the Commissioner.

(d) *Rents and charges.* Except as hereinafter provided:

(1) No charge shall be made by the mortgagor corporation for the accommodations offered by the project in excess of a rental schedule to be filed with the Commissioner and approved by him or his duly constituted representative prior to the opening of the project for rental, which schedule shall not exceed, except with the consent of the Commissioner, a maximum average rental fixed prior to the insurance of the mortgage. In establishing such maximum and in passing upon applications for changes, consideration will be given the following and similar factors:

(i) Rental income necessary to maintain the economic soundness of the project;

(ii) Relation of the proposed rentals to those currently being paid in the given community for similar accommodations.

(2) The established maximum rental shall be the maximum authorized charge against any tenant for the accommodations offered exclusive of telephone, gas, electric, and refrigeration facilities. Charges in addition to such maximum rental may be made against a tenant for telephone, gas, electric, refrigeration, and other facilities and privileges furnished by the mortgagor, but only with the approval of the Commissioner.

(3) So long as the maximum rents are fixed and regulated by another agency of the United States Government, the rental established by such agency of the United States will be accepted by the Commissioner as an approved rent schedule under the provisions of subparagraphs (1) and (2) of this paragraph. Upon the expiration of the authority of any such agency to fix maximum rentals, the established maximum rental schedule then in force with respect to the project shall be the established maximum rental schedule within the provisions of subparagraphs (1) and (2) of this paragraph, and shall not thereafter be changed except upon approval of the Commissioner.

(e) *Methods of operation.* (1) No compensation shall be paid by the corporation except for necessary services and except at such rate as is fair and reasonable in the locality for similar services, nor, except with the prior written approval of the Commissioner, shall any compensation be paid by the corporation to its officers, directors, or stockholders, or to any person, or corporation for supervisory or managerial services, nor shall any compensation be paid by the corporation to any employee in excess of two thousand dollars ($2,000) per annum, except with such prior written approval. No officer, director, stockholder, agent, or employee of the corporation shall in any manner become indebted to the corporation.

(2) The corporation shall maintain its project, the grounds, buildings, and equipment appurtenant thereto, in good repair and in such condition as will preserve the health and safety of its tenants.

(3) A fund for replacements shall be accumulated and maintained with the mortgagee so long as the mortgage insurance is in force, and the amount and type of such fund and the conditions under which it shall be accumulated, replenished and used, shall be specified in the charter. Failure to comply with the terms of this requirement may be considered by the Commissioner as a default under the terms of the charter.

(4) The corporation, its property, equipment, buildings, plans, offices, apparatus, devices, books, contracts, records, documents, and papers shall be subject to inspection and examination by the Commissioner or his duly authorized agent at all reasonable times.

(5) The books and accounts of the corporation shall be kept in accordance with the uniform system of accounting prescribed by the Commissioner. The corporation shall file with the Commissioner the following reports verified by the signature of such officers of the corporation as the Commissioner may designate and in such form as prescribed by the Commissioner:

(i) Monthly occupancy reports, when required by the Commissioner;

(ii) A semiannual financial statement within sixty (60) days after the declaration of any semiannual dividends;

(iii) Annual reports prepared by a certified public accountant, to be filed within sixty (60) days after the end of each fiscal year; and

(iv) Specific answers to questions upon which information is desired from time to time relative to the operation and condition of the property and the status of the insured mortgage;

(v) Copies of minutes of stockholders' meetings certified to by the Secretary of the Corporation.

ELIGIBLE MORTGAGEES

§ 532.18 *Classification.* (a) The following may become the mortgagee of a mortgage insured under section 207 of the National Housing Act:

(1) Any institution or organization which is approved as a mortgagee under the National Housing Act; and

(2) Any other chartered institution or permanent organization having succession, upon its approval by the Commissioner for a particular transaction.

(b) The mortgagee must demonstrate to the satisfaction of the Commissioner its ability to make the mortgage and service the same. The Commissioner reserves the right to refuse to approve any institution or organization as the mortgagee of a particular mortgage or to withhold any such approval pending compliance by such institution or organization, with additional conditions which in the discretion of the Commissioner are required in the particular case.

(c) Approval of a mortgagee may be withdrawn by notice from the Commissioner for cause sufficient to the Commissioner, but no withdrawal will in any way affect the insurance on mortgages theretofore accepted for insurance.

§ 532.19 *Required inspections.* As a condition precedent to insurance, the mortgagee must agree that so long as the mortgage is an insured mortgage, it will ascertain the general physical condition of the mortgaged property in each calendar year commencing with the calendar year following completion of the project and will furnish the Commissioner with a copy of its inspection report. If at any time it be determined by the mortgagee that, in addition to ordinary wear and tear, the mortgaged property is being subjected to permanent or substantial injury, through unreasonable use, abuse or neglect, the mortgagee will, unless adequate provision satisfactory to a prudent lender is made for the prompt restoration of the mortgaged property, forthwith take such action as may be available to it under the mortgage and appropriate to the particular case, for the protection and preservation of the mortgaged property and the income therefrom, and the submission of an application for insurance shall be evidence of such agreement.

ELIGIBLE PROPERTIES

§ 532.20 *Eligibility of property.* (a) In order for property to be eligible as the subject of an insured mortgage, such property must be held in fee simple, or consist of the interest held under a leasehold for not less than ninety-nine (99) years which is renewable, or under a lease having not less than fifty (50) years to run from the date the mortgage is executed. Such mortgage may also cover additional property approved by the Commissioner.

(b) The property constituting security for the mortgage must be held by an eligible mortgagor as herein defined and must at the time the mortgage is insured be free and clear of all liens other than that of such mortgage except as provided in § 532.16 (a) in connection with public housing projects.

§ 532.21 *Development of property.* At the time the mortgage is insured:

(a) The mortgagor shall be obligated to construct and complete new housing accommodations on the mortgaged property designed principally for residential use, conforming to standards satisfactory to the Commissioner, and consisting of not less than twelve (12) rentable dwelling units on one site and may be detached, semidetached, or row houses, or multifamily structures.

(b) There shall be located on the mortgaged property a building or buildings, which, upon completion of proposed improvements, shall provide housing accommodations designed principally for residential use, conforming to standards satisfactory to the Commissioner, and containing at least twelve (12) rentable dwelling units preferably but not necessarily contiguous and so located in relation to one another as to effect a substantial improvement of housing standards and conditions in the neighborhood.

(c) Such dwelling and other improvements, if any, must not violate any zoning or deed restrictions applicable to the project site and must comply with all

applicable building and other governmental regulations.

TITLE

§ 532.22 *Eligibility of title.* In order for the mortgaged property to be eligible for insurance, the Commissioner must determine that marketable title thereto is vested in the mortgagor as of the date the mortgage is filed for record. The title evidence will be examined by the Commissioner and the original endorsement of the credit instrument for insurance will be evidence of its acceptability.

§ 532.23 *Title evidence.* Upon insurance of the mortgage, the mortgagee, without expense to the Commissioner, shall furnish to the Commissioner a survey satisfactory to him and a policy of title insurance as provided in paragraph (a) of this section, or, if the mortgagee is unable to furnish such policy for reasons satisfactory to the Commissioner, the mortgagee, without expense to the Commissioner, shall furnish such evidence of title as provided in paragraphs (b), (c), or (d) of this section, as the Commissioner may require.

(a) A policy of title insurance with respect to such mortgage, issued by a company satisfactory to the Commissioner. Such policy shall comply with the "L. I. C. Standard Mortgagee Form", or the "A. T. A. Standard Mortgagee Form", or such other form as may be approved by the Commissioner; shall be payable to the mortgagee and the Commissioner as their respective interests may appear; and shall become an owner's policy, running to the mortgagee as owner upon the acquisition of the property by the mortgagee in extinguishment of the debt through foreclosure or by other means as provided in § 533.5 (b) of this chapter, and to the Commissioner as owner upon the acquisition of the property by him pursuant to the mortgage insurance contract.

(b) An abstract of title satisfactory to the Commissioner, prepared by an abstract company or individual engaged in the business of preparing abstracts of title, accompanied by a legal opinion satisfactory to the Commissioner, as to the quality of such title, signed by an attorney at law experienced in the examination of title.

(c) A Torrens or similar title certificate.

(d) Evidence of title conforming to the standards of a supervising branch of the Government of the United States of America, or of any State or Territory thereof.

§ 532.24 *Effective date.* This part shall be effective as to all mortgages with respect to which a commitment to insure shall be issued on or after the date hereof.

PART 533—ADMINISTRATIVE REGULATIONS UNDER SECTION 207, NATIONAL HOUSING ACT

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AUTHORITY: §§ 533.0 to 533.16 inclusive, issued under sec. 211, National Housing Act, 48 Stat. 1246, as amended by acts approved February 3, 1938 (52 Stat. 8); June 3, 1939 (53 Stat. 804), and March 28, 1941 (55 Stat. 55).

§ 533.0 *Citations.* This part may be cited and referred to as "Regulations of the Federal Housing Commissioner under section 207 of the National Housing Act for Multifamily Rental Housing Projects, issued August 1, 1945."

§ 533.1 *Definitions.* As used in this part:

(a) The term "Commissioner" means the Federal Housing Commissioner.

(b) The term "act" means the National Housing Act, as amended.

(c) The term "mortgage" means such a first lien upon real estate and other property as is commonly given to secure advances (including but not being limited to advances during construction) on, or the unpaid purchase price of, real estate under the laws of the State, district or territory in which the real estate is located, together with the credit instrument or instruments, if any, secured thereby.

(d) The term "insured mortgage" means a mortgage which has been insured by the endorsement of the credit instrument by the Commissioner, or his duly authorized representative.

(e) The term "contract of insurance" means the agreement evidenced by such endorsement and includes the terms, conditions and provisions of these Regulations and of the National Housing Act.

(f) The term "mortgagor" means the original borrower under a mortgage and its successors and such of its assigns as are approved by the Commissioner.

(g) The term "mortgagee" means the original lender under a mortgage, its successors and such of its assigns as are approved by the Commissioner, and includes the holders of the credit instruments issued under a trust mortgage or deed of trust pursuant to which said holders act by and through a trustee therein named.

(h) The term "claim under the contract of insurance" means the assignment, transfer and delivery to the Commissioner of the mortgage or the conveyance to him of the property, as provided in § 533.5.

PREMIUMS

§ 533.2 *First, second and third premiums.* The mortgagee, upon the initial endorsement, of the mortgage for insurance, shall pay to the Commissioner a first mortgage insurance premium equal to one-half of one per centum (½ of 1%) of the original face amount of the mortgage.

(a) If the date of the first principal payment is more than one year following the date of such initial insurance endorsement the mortgages, upon the anniversary of such insurance date, shall pay a second premium equal to one-half of one per centum (½ of 1%) of the original face amount of the mortgage. On the date of the first principal payment the mortgagee shall pay a third premium equal to one-half of one per centum (½ of 1%) of the average outstanding principal obligation of the mortgage for the following year which shall be adjusted so as to accord with such date and so that the aggregate of the said three premiums shall equal the sum of (1) one per centum (1%) of the average outstanding principal obligation of the mortgage for the year following the date of initial insurance endorsement and (2) one-half of one per centum (½ of 1%) per annum of the average outstanding principal obligation of the mortgage for the period from the first anniversary of the date of initial insurance endorsement to one year following the date of the first principal payment.

(b) If the date of the first principal payment is one year or less than one year following the date of such initial insurance endorsement the mortgages, upon such first principal payment date, shall pay a second premium equal to one-half of one per centum (½ of 1%) of the average outstanding principal obligation of the mortgage for the following year which shall be adjusted so as to accord with such date and so that the aggregate of the said two premiums shall equal the sum of (1) one per centum (1%) per annum of the average outstanding principal obligation of the mortgage for the period from the date of initial insurance endorsement to the date of first principal payment and (2) one-half of one per centum (½ of 1%) of the average outstanding principal obligation of the mortgage for the year following the date of the first principal payment.

(c) Where the credit instrument is initially and finally endorsed for insurance pursuant to a Commitment to Insure Upon Completion, the mortgagee on the date of the first principal payment shall pay a second premium equal to one-half of one per centum (½ of 1%) of the average outstanding principal obligation of the mortgage for the year following such first principal payment date which shall be adjusted so as to accord with such date and so that the aggregate of the said two premiums shall equal the sum of one-half of one per centum (½ of 1%) per annum of the average outstanding principal obligation of the mortgage for the period from the date of the insurance endorsement to one year following the date of the first principal payment.

(d) Until the mortgage is paid in full or until claim under the contract of insurance is made or until the contract of insurance shall terminate the mortgage, on each anniversary of the date of the first principal payment, shall pay an annual mortgage insurance premium equal to one-half of one per centum (½ of 1%) of the average outstanding principal obligation of the mortgage for the year following the date on which such premium becomes payable.

(e) The premiums payable on and after the date of the first principal payment shall be calculated in accordance with the amortization provisions without taking into account delinquent payments or prepayments.

(f) Premiums shall be payable in cash or in debentures issued by the Commissioner under Title II of the act at par plus accrued interest. All premiums are payable in advance and no refund can be made of any portion thereof except as hereinafter provided in § 533.3 (f).

§ 533.3 *Adjusted premium charge.* In the event that the principal obligation of any mortgage accepted for insurance is paid in full prior to maturity, the mortgagee shall within thirty (30) days thereafter notify the Commissioner of the date of prepayment and shall collect from the mortgagor and pay to the Commissioner in the case of a mortgage prepaid within five years from the date of the initial endorsement for insurance, an adjusted premium charge, in the nature of a prepayment premium, of two per centum (2%) of the original face amount of the prepaid mortgage, and in the event the mortgage is prepaid after five years from the date of initial endorsement for insurance, an adjusted premium charge of one per centum (1%) of the original face amount of the prepaid mortgage, except that if at the time of any such prepayment there is placed on the mortgaged property a new insured mortgage in an amount less than the original principal amount of the mortgage, the adjusted premium charge provided above shall be based upon the difference between such amounts.

In no event shall the adjusted premium charge exceed the aggregate amount of premium charges which would have been payable if the mortgage had continued to be insured until maturity.

No adjusted premium charge shall be due the Commissioner in the following cases:

(a) Where at the time of such prepayment there is placed on the mortgaged property a new insured mortgage for an amount equal to or greater than the original principal amount of the prepaid mortgage; or

(b) Where the final maturity specified in the mortgage is accelerated solely by reason of partial prepayments made by the mortgagor which do not exceed in any one calendar year fifteen per centum (15%) of the original face amount of the mortgage; or

(c) Where the final maturity specified in the mortgage is accelerated solely by reason of payments to principal to compensate for (1) damage to the mortgaged property, or (2) a release of a part of such property; if approved by the Commissioner; or

(d) Where payment in full is made of a delinquent mortgage on which foreclosure proceedings have been commenced, or for the purpose of avoiding foreclosure, if the Commissioner, in his discretion, agrees in writing to waive the payment thereof; or

(e) Where, at the time of such prepayment, there is placed on the property a new insured mortgage less than the original principal amount of the prepaid mortgage: *Provided,* That the Commissioner finds that the collection of such charge would be inequitable under the particular circumstances of the transaction.

Upon such prepayment the contract of insurance shall terminate.

(f) If at the time of prepayment a new insured mortgage is placed on the same property, the Commissioner will refund to the mortgagee for the account of the mortgagor an amount equal to the prorata portion of the current annual mortgage insurance premium theretofore paid, which is applicable to the portion of the year subsequent to such prepayment.

INSURANCE ENDORSEMENT

§ 533.4 *Form of endorsement.* (a) Upon compliance satisfactory to the Commissioner with the terms and conditions of his commitment to insure, the Commissioner shall endorse the original credit instrument in form as follows:

No. ------

Insured under section 207 of the National Housing Act and regulations thereunder of the Federal Housing Commissioner in effect on ---------- to the extent of advances approved by the Commissioner.

FEDERAL HOUSING COMMISSIONER,
By ----------,
Authorized Agent

Date ----------

(b) The mortgage shall be an insured mortgage from the date of such endorsement. The Commissioner and the mortgagee shall thereafter be bound by this part with the same force and to the same extent as if a separate contract had been executed relating to the insured mortgage, including the provisions of this part and of the National Housing Act.

(c) After all advances under the mortgage have been made with the approval of the Commissioner, the Commissioner shall, upon presentation of the original credit instrument, make a notation below the insurance endorsement in form as follows:

A total sum of $-------- has been approved for insurance hereunder by the Commissioner.

FEDERAL HOUSING COMMISSIONER,
By ----------
Authorized Agent

Date ----------

RIGHTS AND DUTIES OF A MORTGAGEE UNDER THE CONTRACT OF INSURANCE

§ 533.5 *Benefits of Insurance.* The mortgagee shall be entitled to receive the benefits of the insurance, at its option, either as provided in paragraph (a) or paragraph (b) of this section.

(a) *By assignment.* If the mortgagor fails to make any payment due under or provided to be paid by the terms of the mortgage and such failure continues for a period of thirty (30) days, the mortgage shall be considered in default, and the mortgagee shall, within thirty (30) days thereafter, give notice in writing to the Commissioner of such default.

At any time within thirty (30) days after the date of such notice, or within such further period as may be agreed upon by the Commissioner in writing, the mortgagee shall, in such manner as the Commissioner may require, assign, transfer, and deliver to the Commissioner the original credit instrument and the mortgage securing the same, without recourse or warranty, except that the mortgagee must warrant that no act or omission of the mortgagee has impaired the validity and priority of the mortgage, that the mortgage is prior to all mechanic's and materialmen's liens filed of record subsequent to the recording of such mortgage regardless of whether such liens attached prior to such recording date, and prior to all liens and encumbrances which may have attached or defects which may have arisen subsequent to the recording of such mortgage except such liens or other matters as may be approved by the Commissioner, that the amount stated in the instrument of assignment is actually due and owing under the mortgage, that there are no offsets or counterclaims thereto, and that the mortgagee has a good right to assign the mortgage and other items enumerated below:

(1) All rights and interest arising under the mortgage so in default;

(2) All claims of the mortgagee against the mortgagor or others, arising out of the mortgage transaction;

(3) All policies of title or other insurance or surety bonds or other guaranties, and any and all claims thereunder;

(4) Any balance of the mortgage loan not advanced to the mortgagor;

(5) Any cash or property held by the mortgagee or its agents or to which it is entitled, including deposits made for the account of the mortgagor and which have not been applied in reduction of the principal of the mortgage indebtedness; and

(6) All records, documents, books, papers, and accounts relating to the mortgage transaction.

Nothing contained in this paragraph shall be so construed as to prevent the mortgagee from taking action at a later date than herein specified, provided the Commissioner agrees thereto in writing. The mortgagee, prior to the assignment of the mortgage to the Commissioner, shall offer evidence satisfactory to him that the original title coverage has been extended to include all advances of mortgage money made up to the date of assignment showing title satisfactory to the Commissioner as defined in § 533.8.

(b) *By conveyance of property.* If the mortgagor fails to make any payment to the mortgagee required by the mortgage, or fails to perform any other covenant or obligation under the mortgage, and such failure continues for the period of grace, if any, set forth in the mortgage, the mortgage shall be considered in default, and the mortgagee, within a period of thirty (30) days after the occurrence of a default arising on account of such failure to make any such payment or within thirty (30) days after the mortgagee shall have knowledge of the occurrence of a default arising on account of such failure to perform any other covenant or obligation under the mortgage, shall give notice in writing to the Com-

missioner of such default. At any time within a period of thirty (30) days after the date of such notice or within such latter time as may be agreed upon by the Commissioner in writing, the mortgagee, at its election, shall either:

(1) With, and subject to, the consent of the Commissioner, acquire by means other than foreclosure of the mortgage, possession of, and title to, the mortgaged property;

(2) Institute proceedings for the foreclosure of the mortgage and either obtain possession of the mortgaged property and the income therefrom through the voluntary surrender thereof by the mortgagor or institute, and prosecute with reasonable diligence, proceedings for the appointment of a receiver of the mortgaged property and the income therefrom or proceed to exercise such other rights and remedies as may be available to it for the protection and preservation of the mortgaged property and to obtain the income therefrom under the mortgage and the law of the particular jurisdiction: *Provided*, That if the laws of the State in which the mortgaged property is situated do not permit the institution of such proceedings within such period of time, the mortgagee shall institute such proceedings within thirty (30) days after the expiration of the time during which the institution of such proceedings is prohibited by such laws. Nothing contained in this paragraph shall be so construed as to require the mortgagee to take any action when the necessity therefor has been waived in writing by the Commissioner nor to prevent the mortgagee from taking action at a later date than herein specified provided the Commissioner so agrees in writing. The mortgagee shall promptly give notice in writing to the Commissioner of the institution of foreclosure proceedings under this subsection and shall exercise reasonable diligence in prosecuting such proceedings to completion. If after default and prior to the completion of foreclosure proceedings the mortgagor shall pay to the mortgagee all payments in default and such expenses as the mortgagee shall have incurred in connection with the foreclosure proceedings, notice thereof shall be given to the Commissioner by the mortgagee, and the insurance shall continue as if such default had not occurred.

§ 533.6 *Computation of benefits received by assignment.* If the mortgagee elects to proceed under, and does proceed under and in accordance with, the provisions of § 533.5 (a), and furnishes evidence satisfactory to the Commissioner that there are no past due and unpaid ground rents, general taxes, or special assessments, and furnishes the warranties described in said paragraph, the Commissioner shall deliver to the mortgagee:

(a) Debentures of the Housing Insurance Fund as set forth in section 207 of the act having a total face value equal to the value of the mortgage as defined in section 207 (g) of the act, which value shall be determined by adding to the original principal of the mortgage which was unpaid on the date of default the amount the mortgagee may have paid for (1) taxes, special assessments, and water rates which are liens prior to the mortgage; (2) insurance on the property; and (3) reasonable expenses for the completion and preservation of the property; less the sum of (i) an amount equivalent to two per centum (2%) of the amount of the mortgage advanced to the mortgagor and unpaid; (ii) any amount received on account of the mortgage after such date; and (iii) any net income received by the mortgagee from the property after such date. Such debentures shall be issued as of the date of such assignment transfer and delivery, bearing interest from such date at the rate of two and three-quarters (2¾%) per centum per annum, payable semi-annually on the first day of January and the first day of July of each year, shall be registered as to principal and interest and all or any such debentures may be redeemed at the option of the Commissioner with the approval of the Secretary of the Treasury at par and accrued interest on any interest payment date on three months' notice of redemption given in such manner as the Commissioner shall prescribe. Such debentures shall be issued in multiples of $50.00 and any difference not in excess of $50.00 between the amount of debentures to which the mortgagee is otherwise entitled hereunder and the aggregate face value of the debentures issued shall be paid in cash by the Commissioner to the mortgagee.

(b) A certificate of claim in accordance with section 207 (h) of the act which shall become payable, if at all, upon the sale and final liquidation of the interest of the Commissioner in such mortgage or such property, in accordance with section 207 (h) of the act. This certificate shall be for an amount which the Commissioner determines to be sufficient, when added to the face value of the debentures issued and the cash adjustment paid to the mortgagee, to equal the amount which the mortgagee would have received if, on the date of the assignment, transfer and delivery to the Commissioner provided for in § 533.5 (a), the mortgagor had extinguished the mortgage indebtedness by payment in full of all obligations under the mortgage. Such certificate of claim shall provide that there shall accrue to the holder of such certificate, with respect to the face amount of such certificate, an increment at the rate of three per centum (3%) per annum, which shall not be compounded. If any excess is realized from the mortgage, and all claims in connection therewith so assigned, transferred and delivered, and from the property covered by such mortgage and all claims in connection with such property, after deducting all expenses incurred by the Commissioner in handling, dealing with, acquiring title to, and disposing of such mortgage and property and in collecting such claims, such excess shall be applied in payment of the certificate of claim and any balance thereafter shall be paid to the mortgagor, as provided in section 207 (h) (1) of the act.

§ 533.7 *Computation of benefits received by conveyance.* If the mortgagee elects to proceed under, and does proceed under and in accordance with, the provisions of § 533.5 (b) and at any time within thirty (30) days (or such further time as may be allowed by the Commissioner in writing) after acquiring title to and possession of the mortgaged property in accordance with such paragraph (b), tenders to the Commissioner possession thereof and a deed thereto containing a covenant which warrants against acts of the mortgagee and of all parties claiming by, through, or under the mortgagee, together with a bill of sale covering all personal property to which the mortgagee is entitled by reason of the mortgage transaction, conveying title to such property satisfactory to the Commissioner, as provided in § 533.8, and assigns (without recourse or warranty) any and all claims which it has acquired in connection with the mortgage transaction and as a result of the foreclosure proceedings or other means by which it acquired such property, including but not limited to any claims on account of title insurance and fire or other hazard insurance, except such claims as may have been released with the prior approval of the Commissioner, the Commissioner shall promptly accept conveyance of such property and such assignments, notwithstanding that the buildings or improvements thereon shall be incomplete or may have been destroyed, damaged, or injured in whole or in part, and shall deliver to the mortgagee:

(a) Debentures of the housing insurance fund as set forth in section 204 of the act and dated as of the date foreclosure proceedings were instituted, or the property was otherwise acquired by the mortgagee after default in a principal amount equal to the principal of the mortgage advanced with the approval of the Commissioner and unpaid on either of such dates, plus the amount of all payments made by the mortgagee for (1) taxes, ground rents and water rates, which are liens prior to the mortgage; (2) special assessments which are noted on the application for insurance or become liens after the insurance of the mortgage; (3) insurance on the mortgaged property; and (4) any mortgage insurance premiums paid after either of such dates; less (i) any amount received on account of the mortgage after such date; and (ii) any amount received as rent or other income from the property, after deducting therefrom reasonable expenses incurred in handling the property, after either of such dates.

(b) A certificate of claim as defined in § 533.6 (b) except that it may include a reasonable sum for necessary expenses incurred by the mortgagee in connection with the foreclosure proceedings or the acquisition of the mortgaged property otherwise and the conveyance thereof to the Commissioner.

§ 533.8 *Title in case of conveyance.* Title satisfactory to the Commissioner within the meaning of § 533.7 will be such title as was vested in the mortgagor as of the date the mortgage was filed for record, but must be free and clear of all mechanics' and materialmen's liens filed of record subsequent to the recording of such mortgage, regardless of whether such liens attached prior to such recording date, and free and clear of all liens and encumbrances which may have attached, or defects which may have arisen subsequent to the recording of such mortgage, except such liens or other matters as may be approved by the Commissioner.

§ 533.9 *Evidence of title.* The mortgagee, at the time a deed is tendered in accordance with § 533.7, shall furnish to the Commissioner, without expense to him, satisfactory evidence of title. Such title evidence shall be executed as of a date to include the recordation of the deed to the Commissioner and shall consist of the same type of title evidence accepted by the Commissioner at the time the mortgage was insured.

§ 533.10 *Fire and hazard insurance.* The mortgaged premises shall at all times be insured against fire and other hazards as provided in the mortgage. The duty shall be upon the mortgagee to provide such coverage in the event the mortgagor fails to do so. If the mortgagee fails to pay any premiums necessary to keep the mortgaged premises so insured, the contract of insurance may be terminated at the election of the Commissioner. If at the time claim is filed for debentures, the property has been damaged by fire or other hazards and loss has been sustained by reason of failure to keep the property insured as provided in the mortgage, the amount of such loss may be deducted from the amount of the debentures. In the event a loss has occurred to the mortgaged property under any policy of fire or other hazard insurance and the amount of any funds received by the mortgagee in payment of such loss shall be sufficient to pay in full the entire mortgage indebtedness, the mortgage shall, upon receipt of such funds by the mortgagee, be deemed paid and the contract of mortgage insurance made with the Commissioner shall thereupon terminate. If, however, any funds so received shall be insufficient to pay such mortgage indebtedness in full, the mortgagee shall not exercise its option under the mortgage to use the proceeds of such insurance for the repairing, replacing or rebuilding of such premises or to apply such proceeds to the mortgage indebtedness without prior written approval of the Commissioner. If the Commissioner shall fail to give his approval to the use or application of such funds for either of said purposes within thirty (30) days after written request by the mortgagee, the mortgagee may use or apply such funds for any of the purposes specified in the mortgage without the approval of the Commissioner.

§ 533.11 *Mortgage default and termination.* If after the mortgage becomes in default, as provided in § 533.5, the mortgagee does not make the assignment provided in § 533.6, or does not foreclose or otherwise acquire the mortgaged property and make the conveyance provided in § 533.7, and written notice thereof is given to the Commissioner, or in the event that the mortgagor pays the obligation under the mortgage in full prior to the maturity thereof and the mortgagee pays the adjusted premium charge required under the provisions of § 533.3 and written notice thereof is given to the Commissioner, the obligation to pay the annual premium charge shall cease, and all rights of the mortgagee and the mortgagor under §§ 533.6 and 533.7 shall terminate as of the date of such notice.

ASSIGNMENTS

§ 533.12 *In general.* (a) Bonds or other obligations issued in connection with an insured mortgage executed in the form of an indenture of trust providing for the issue and sale of such bonds or other obligations and appointing a trustee to act on behalf of the holders of such bonds or other obligations may be transferred as provided in the indenture of trust.

(b) An insured mortgage, other than those described in § 533.12 (a), may not be transferred or pledged prior to the full disbursement of the mortgage loan, except with the prior written approval of the Commissioner which approval may be subject to such conditions and qualifications as the Commissioner may prescribe. Subsequent to full disbursement such mortgage may be transferred only to a transferee who is a mortgagee approved by the Commissioner. Upon such transfer and the assumption by the transferee of all obligations under the contract of insurance the transferor shall be released from its obligations under the contract of insurance.

§ 533.13 *Termination of mortgage insurance by assignment.* The contract of insurance shall terminate with respect to mortgages described in § 533.12 (b) upon the happening of either of the following events:

(a) The transfer or pledge of the insured mortgage to any person, firm, or corporation, public or private, other than an approved mortgagee.

(b) The disposal by a mortgagee of any partial interest in the insured mortgage by means of a declaration of trust or by a participation or trust certificate or by any other device, unless with the prior written approval of the Commissioner, which approval may be subject to such conditions and qualifications as the Commissioner in his discretion may prescribe: *Provided*, That this paragraph shall not be applicable to any mortgage so long as it is held in a common trust fund maintained by a bank or trust company (1) exclusively for the collective investment and reinvestment of moneys contributed thereto by the bank or trust company in its capacity as a trustee, executor or administrator; and (2) in conformity with the rules and regulations prevailing from time to time of the Board of Governors of the Federal Reserve System, pertaining to the collective investment of trust funds: *Provided further*, That this paragraph shall not be applicable to any mortgage so long as it is held in a common trust estate administered by a bank or trust company which is subject to the inspection and supervision of a governmental agency, exclusively for the benefit of other banking institutions which are subject to the inspection and supervision of a governmental agency, and which are authorized by law to acquire beneficial interests in such common trust estate, nor to any mortgage transferred to such a bank or trust company as trustee exclusively for the benefit of outstanding owners of undivided interests in the trust estate, under the terms of certificates issued and sold more than three years prior to said transfer, by a corporation which is subject to the inspection and supervision of a governmental agency.

§ 533.14 *No vested right.* Neither the mortgagee nor the mortgagor shall have any vested or other right in the Housing Insurance Fund.

§ 533.15 *Amendments of regulations.* This part may be amended by the Commissioner at any time and from time to time, in whole or in part, but such amendments shall not affect the contract of insurance on any mortgage already insured or to be insured on which the Commissioner has made a commitment to insure.

Effective date. This part shall be effective as to all mortgages with respect to which a commitment to insure is issued on or after the date hereof. The Commissioner with the consent of the mortgagor and the mortgagee may, subject to such conditions as he may impose, amend to conform to this part any contract of insurance or any commitment to insure, issued prior to February 3, 1938. Any mortgagee entitled to receive debentures upon default of a mortgage insured prior to February 3, 1938, may elect to receive, in lieu of such debentures, a cash adjustment and debentures issued as provided in § 533.7 and bearing interest at the rate current at the time of such election.

Issued at Washington, D. C., this first day of August 1945.

[SEAL] RAYMOND M. FOLEY,
Federal Housing Commissioner.

[F. R. Doc. 45-14109; Filed, Aug. 1, 1945; 9:42 a. m.]

TITLE 29—LABOR

Chapter IX—Department of Agriculture (Agricultural Labor)

PART 1100—REGULATIONS RELATIVE TO SALARIES AND WAGES OF AGRICULTURAL LABOR

MISCELLANEOUS AMENDMENTS

The revised regulations relative to salaries and wages of agricultural labor issued by the War Food Administrator on June 23, 1945 (10 F.R. 7609) are hereby amended as follows:

1. The term "Secretary" is substituted for the term "Administrator" wherever it appears.

2. The term "Secretary of Agriculture" is substituted for the term "War Food Administrator" wherever it appears.

3. The term "Department of Agriculture" is substituted for the term "War Food Administration" wherever it appears.

4. The term "State USDA Wage Board" is substituted for the term "State WFA Wage Board" wherever it appears.

5. The following subparagraph 6 is added to § 1100.5 (g):

(6) Workers engaged in hauling agricultural products from the farm to the first point of destination where the work-

ers are hired directly by the farmer are agricultural labor.

6. The following new matter is added at the end of § 1100.10 (e):

Wage or salary adjustments may be made by a State or any political subdivision thereof, the District of Columbia or any agency or instrumentality of any of the foregoing, in all cases where such adjustment is of the type referred to in this section. Any such adjustment will be deemed to have received the approval of the Secretary.

7. Section 1100.8 is amended and revised as follows:

§ 1100.8 *Procedure for recommending establishment of wage ceilings.* (a) Whenever it is directed by the Secretary or the Director a wage board shall, and upon its initiative may, hold a public hearing for the purpose of aiding the Secretary in establishing a supplement to the specific wage ceiling regulations as described in § 1100.7 hereof.

For the purpose of such a hearing a member of the staff of the Office of Labor may be appointed to sit as a non-voting member of the board. The board shall give public notice of such hearing at least three days prior to the hearing. Such notice shall contain the time and place of the hearing, the crop or crops to be affected, the area and type of work involved. Such public notice shall be given by posting in prominent places in the area to be affected, and in new stories by paid advertisements in local newspapers of general circulation. The hearing shall be conducted by two or more members of the Board as the Board shall direct. The hearing shall be informal. Testimony shall be taken concerning the type of work to be controlled, the exact area to be subject to control, the crop or crops to be affected, the wage rates paid, and all related matters relative to the establishment of a wage ceiling. All interested persons may appear and testify. A transcript of the record shall be made. The presiding officer shall open the hearing with a statement of its purpose and the rules which will govern. As soon as possible after the hearing is concluded the Board shall prepare its recommendations (which must be approved by at least a majority of the Board) as to the types of employment, wage rates to be paid, crop or crops to be affected, the extent of the area to be subject to control, and other related matters, and forward to the Secretary the report, together with the transcript of the hearing.

Neither the testimony received nor the recommendations of the Board are binding upon the Secretary in establishing a supplement to the specific wage ceiling regulations. Any interested person may file a petition for reconsideration of a supplement to the specific wage ceiling regulations with the wage board administering the regulations or with the Secretary. If such petition is filed with the wage board, such board shall forward the petition, together with its recommendations to the Secretary.

(b) A wage board will not recommend to the Secretary a particular supplement to the specific wage ceiling regulations unless a majority of the producers of the commodity covered thereby within the area affected participating in a referendum or meeting held for that purpose request the intervention of the Secretary. Such referendum or meeting may be conducted prior to or subsequent to the public hearing referred to in paragraph (a) of this section, or the wage board may take a vote at such public hearing on the matter of intervention of the Secretary. The wage board shall give public notice of any meeting held for the purpose of determining the matter of intervention of the Secretary in the manner provided in paragraph (a) above at least three days prior to the meeting. Such notice shall contain the time and place of the hearing, the crop or crops to be affected, and the area and type of work involved and the fact that a vote will be taken. (Issued January 17, 1944, amended June 1, 1944, July 1, 1944, August 8, 1944, October 3, 1944, June 23, 1945, and as currently amended).

Effective date. This amendment shall be effective on the 2d day of August 1945 at 12:01 a. m., e. w. t.

Issued this 31st day of July 1945.

[SEAL] J. B. HUTSON,
Acting Secretary of Agriculture.

[F. R. Doc. 45-14118; Filed, Aug. 1, 1945; 11:08 a. m.]

[Supp. 57]

PART 1102—SALARIES AND WAGES OF AGRICULTURAL LABOR IN THE STATE OF CALIFORNIA

WORKERS ENGAGED IN THE PRODUCTION AND HARVESTING OF APPLES IN CERTAIN COUNTIES IN CALIFORNIA

§ 1102.26 *Workers engaged in the production and harvesting of apples in Santa Cruz County and that northern part of Monterey County which lies in the Pajaro Valley, State of California.* Pursuant to § 4001.7 of the regulations of the Economic Stabilization Director relating to wages and salaries issued August 28, 1943, as amended (8 F. R. 11960, 12139, 16702; 9 F. R. 6035, 14547) and to the regulations of the War Food Administrator issued March 23, 1945 (10 F. R. 3177) entitled "Specific Wage Ceiling Regulations" and based upon a certification of the California USDA Wage Board that a majority of the producers of apples in the area affected participating in hearings conducted for such purpose have requested the intervention of the Secretary of Agriculture and based upon relevant facts submitted by the California USDA Wage Board and obtained from other sources, it is hereby determined that:

(a) *Areas, crops and classes of workers.* Persons engaged in the production and harvesting of apples in Santa Cruz County and that northern part of Monterey County which lies in the Pajaro Valley, State of California, are agricultural labor as defined in § 4001.1 (i) of the regulations of the Economic Stabilization Director issued on August 28, 1943, as amended (8 F. R. 11960, 12139, 16702; 9 F. R. 6035, 14547).

(b) *Wage rates; maximum wage rates for the production and harvesting of apples*—(1) *Hourly rates:*

(i) For common, inexperienced farm labor at hand work in the production and harvesting of apples—Maximum rate per hour—85c

(ii) For skilled, experienced workers with one season or more of experience at the following operations: Pruning, thinning, irrigating, cultivating, spraying and picking—Maximum rate per hour—$1.00

(2) *Piece work rates:*

(i) Tree picking where all fruit is taken at a single picking—12¢ per bushel box

(ii) Tree picking where more than one picking is made—15¢ per bushel box.

(iii) Pruning and thinning rates per tree may be determined on an individual basis but may not exceed an amount equal to the cost for those particular trees if work was done by experienced workers on an hourly basis at $1 per hour.

(c) *Administration.* The California USDA Wage Board, located at 2181 Bancroft Way, Berkeley, California, will have charge of the administration of this section in accordance with the provisions of the specific wage ceiling regulations issued by the War Food Administrator on March 23, 1945 (10 F. R. 3177).

(d) *Applicability of specific wage ceiling regulations.* This section shall be deemed to be a part of the specific wage ceiling regulations issued by the War Food Administrator on March 23, 1945 (10 F.R. 3177) and the provisions of such regulations shall be applicable to this section and any violation of this section shall constitute a violation of such specific wage ceiling regulations.

(e) *Effective date.* This Supplement No. 57 shall become effective at 12:01 a. m., Pacific war time, August 1, 1945.

(56 Stat. 765 (1942), 50 U.S.C. App. 961 et seq., (Supp. III); 57 Stat. 63 (1943), 50 U.S.C. 964 (Supp. III); 58 Stat. 632 (1944); Pub. Law 108, 79th Cong., E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681; E.O. 9577, 10 F.R. 8087; regulations of the Economic Stabilization Director, 8 F.R. 11960, 12139, 16702, 9 F.R. 6035, 14547; regulations of the War Food Administrator, 9 F.R. 655, 12117, 12661, 10 F. R. 7609; 9 F.R. 831, 12807, 14206, 10 F.R. 3177)

Issued this 31st day of July 1945.

[SEAL] K. A. BUTLER,
Acting Director of Labor,
U. S. Department of Agriculture.

[F. R. Doc. 45-14119; Filed, Aug. 1, 1945; 11:08 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter IX—War Production Board

AUTHORITY: Regulations in this chapter unless otherwise noted at the end of documents affected, issued under sec. 2 (a), 54 Stat. 676, as amended by 55 Stat. 236, 56 Stat. 177, 58 Stat. 827; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; W.P.B. Reg. 1 as amended Dec. 31, 1943, 9 F.R. 64.

PART 949—CHROMIUM

[General Preference Order M-18-a, Revocation]

Section 949.2 *General Preference Order M-18-a* and *Directions 1 and 2* are revoked. This revocation does not affect any liabilities incurred for violation of the order or directions or of actions taken by the War Production Board under the order or directions. Transactions relating to chromium remain subject to Direction 7 to General Preference Order M-21 and all other applicable orders and regulations of the War Production Board.

Issued this 1st day of August 1945.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 45-14125; Filed, Aug. 1, 1945; 11:11 a. m.]

PART 3175—REGULATIONS APPLICABLE TO THE CONTROLLED MATERIALS PLAN

[CMP Reg. 1, as Amended June 13, 1945, Amdt. 2]

Paragraph (t) (2) (iii) is amended by inserting ", 'Z-3' orders" between the parenthesis and "and unrated" in the 27th line.

Issued this 1st day of August 1945.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 45-14123; Filed, Aug. 1, 1945; 11:11 a. m.]

PART 3287—GOVERNMENT SERVICES [1]

[Limitation Order L-60, as amended August 1, 1945]

REVOLVERS AND SHOTGUNS

Section 3287.11 [1] *General Limitation Order L-60* is amended to read as follows:

The fulfillment of requirements for the defense of the United States has created a shortage of revolvers and shotguns for use in police work, plant patrol and other local guard duties; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 3287.11 [1] *General Limitation Order L-60*—(a) *Definitions.* For the purposes of this order:

(1) "Defense revolver" means any revolver chambered for the .38 caliber special cartridge.

(2) "Defense shotgun" means any 12 gauge shotgun.

(3) "Manufacturer" means any person engaged in the manufacture of revolvers or shotguns.

(4) "Dealer" means any person engaged in the business of selling revolvers or shotguns at retail to the public.

(5) "Distributor" means any person other than a manufacturer or dealer engaged in the business of selling revolvers or shotguns.

(6) "Farmer or rancher" means any person who as owner or tenant of owner operates a farm or ranch on which livestock, poultry, fowl, crops or other agricultural products are grown or produced for the purpose of sale. The term "farm or ranch" does not include a "Victory Garden".

(b) *Restrictions on sales of new defense revolvers.* No person other than a manufacturer or distributor shall sell, lease, trade, lend, deliver, ship, transfer or otherwise dispose of any new defense revolver except:

(1) For government's use only to any agency, department, office, or officer of the Federal Government or of any state or local government; or pursuant to orders placed by the government of the United Kingdom, Canada, and other Dominions; Crown Colonies and Protectorates of the British Empire, Belgium, China, Greece, the Kingdom of the Netherlands, Norway, Poland, Russia and Yugoslavia; or for the account of any foreign country pursuant to the Act of March 11, 1941, "An Act to Promote the Defense of the United States" (Lend-Lease Act);

(2) That the limitations of this paragraph do not apply to any sales to or deliveries by the Defense Supplies Corporation.

(c) *Restrictions on sales of new defense shotguns.* (1) No person other than a manufacturer or distributor shall sell, lease, trade, lend, deliver, ship, transfer or otherwise dispose of any new defense shotgun, the net cost of which to him was $45 or less, except:

(i) For government's use only to any agency, department, office, or officer of the Federal Government or of any state or local government; or pursuant to orders placed by the government of the United Kingdom, Canada, and other Dominions; Crown Colonies and Protectorates of the British Empire, Belgium, China, Greece, the Kingdom of the Netherlands, Norway, Poland, Russia and Yugoslavia; or for the account of any foreign country pursuant to the Act of March 11, 1941, "An Act to Promote the Defense of the United States" (Lend-Lease Act);

(ii) To a farmer or rancher;

(iii) That the limitations of this paragraph do not apply to any sales to or deliveries by the Defense Supplies Corporation.

(2) The War Production Board may at any time issue individual written directives to manufacturers or to distributors requiring delivery of defense shotguns for emergency use. These directives will be issued only upon a showing that the shotguns are needed to meet the requirements of farmers and ranchers who live in an area where there is an unseasonal or exceptional need for such shotguns for the protection of crops and live-stock. Application for such directives shall be made by the manufacturer, distributor or dealer in writing on his own letterhead and shall state the facts showing that the shotguns applied for are needed to meet the requirements of farmers and ranchers who live in an area where there is an unseasonal or exceptional need for such shotguns for the protection of crops and live-stock. These applications shall be filed with the Government Bureau, War Production Board, Washington 25, D. C., Ref.: L-60. In emergency, applications may be made by telephone or telegraph.

(d) *Applicability of regulations.* This order and all transactions affected by it are subject to all applicable regulations of the War Production Board as amended from time to time.

(e) *Records.* All persons affected by this order shall keep and preserve for not less than 2 years accurate and complete records concerning inventories, purchases, production and sales.

(f) *Audit and inspection.* All records required to be kept by this order shall, upon request, be submitted to audit and inspection by duly authorized representatives of the War Production Board.

(g) *Reports.* All persons affected by this order shall execute and file with the War Production Board such reports and questionnaires as it shall from time to time require, subject to the approval of the Bureau of the Budget pursuant to the Federal Reports Act of 1942. Sales of revolvers and shotguns made by dealers in accordance with the provisions of paragraphs (b) (1), (c) (1) (i) and (c) (1) (ii) shall be reported to the War Production Board by letter. A report covering sales for the period from the effective date of this order through August 31, 1945, shall be made not later than September 15, 1945 and a report covering sales for each two-month period following August 31, 1945 shall be made not later than the 15th day of the month following each period. For example, the report covering the period September–October, 1945, must be made not later than November 15, 1945. Each report must state the quantity of new defense revolvers or defense shotguns sold.

(h) *Violations.* Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

(i) *Appeals.* Any appeal from the provisions of this order shall be made by filing a letter in triplicate, referring to the particular provision appealed from and stating fully the grounds for the appeal.

(j) *Communications.* All communications concerning this order shall be addressed to War Production Board, Washington 25, D. C., Ref.: L-60.

Issued this 1st day of August 1945.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 45-14124; Filed, Aug. 1, 1945; 11:11 a. m.]

PART 3294—IRON AND STEEL PRODUCTION

[Supplementary Order M-18-a-1, Revocation]

CHROMIUM

Section 3294.17 *Supplementary Order M18-a-1* is revoked. This revocation does not affect any liabilities incurred for violation of the order or of actions taken by the War Production Board under the order. Transactions relating to chromium remain subject to Direction 7 to General Preference Order M-21 and all

[1] Formerly Part 1121, § 1121.1.

other applicable orders and regulations of the War Production Board.

Issued this 1st day of August 1945.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 45-14126; Filed, Aug. 1, 1945; 11:11 a. m.]

PART 3294—IRON AND STEEL PRODUCTION

[General Preference Order M-21, Direction 7]

CHROMIUM AND CHROME METAL

The following direction is issued pursuant to General Preference Order M-21:

(a) *Definitions.* (1) "Chromium" means low-carbon ferrochrome in the .06% maximum and .10% maximum carbon grades, low carbon chrome-x, and any other ferrochrome alloy containing .10% carbon or less.

(2) "Chrome metal" means the element chromium in pure form.

(b) *Restrictions on the use of chromium and chrome metal.* No person shall melt or otherwise process chromium or chrome metal except as specifically authorized by the War Production Board.

(c) *Restrictions on deliveries of chrome metal.* No person shall place orders for, deliver, or accept delivery of chrome metal without specific authorization of the War Production Board.

(d) *Restrictions on deliveries of chromium.* Chromium may be ordered and delivered on rated orders or on unrated orders. However, suppliers of chromium must fill any order supported by an allocation in any one month before they may fill any unrated order for chromium calling for delivery in that month.

(e) *Basis of allocations.* The War Production Board will allocate chromium and chrome metal only to meet the requirements of rated orders. These allocations will include the specific quantities allocated and the particular persons authorized to receive delivery.

(f) *Applications for specific authorization.* Applications for specific authorization to melt or otherwise process chromium on rated or unrated orders and to melt or otherwise process chrome metal on rated orders shall be made on Form WPB-2933 or Form WPB-1770 or on such other form as may be prescribed for the purpose by the War Production Board.

Application for an allocation of chromium or chrome metal shall be made on Form WPB-689 or on such other form as may be prescribed for the purpose by the War Production Board. Applications shall be filed at such time and in such manner as may be required by the instructions accompanying the appropriate form prescribed by the War Production Board.

(g) *Small order exemptions.* (1) Any supplier may melt quantities of chromium as defined in paragraph (a) (1) not to exceed a total in any calendar month of 15,000 pounds of contained chromium, and not in excess of 250 pounds of chrome metal, as defined in paragraph (a) (2), without authorization under paragraph (b).

(2) Suppliers may deliver on rated orders chromium melted under the provisions of paragraph (g) (1) without regard to the instructions in paragraph (d) requiring preference to orders supported by allocations.

(3) Suppliers may deliver chrome metal melted under the provisions of paragraph (g) (1), and any consumer may accept delivery of such chrome metal, on rated orders without specific authorization as required by paragraph (c).

Issued this 1st day of August 1945.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 45-14128; Filed, Aug. 1, 1945; 11:11 a. m.]

PART 3293—CHEMICALS

[General Allocation Order M-300, Interpretation 1]

SHIPMENT ON CONSIGNMENT

The following interpretation is issued with respect to General Allocation Order M-300:

Where Order M-300 requires a person to get authorization to make or accept a delivery, the requirement applies, in the absence of a contrary provision in the applicable schedule, to the making and acceptance of a shipment on consignment where the shipper retains ownership of the material after delivery. The War Production Board may, however, pursuant to paragraph (w) of Order M-300, authorize persons to make and accept shipments on consignment without getting specific authorization for each shipment but subject to their getting further authorization before transferring ownership or making any further delivery. This might be done to enable persons to carry on a usual course of business, as for example, where a person ships to a distributor for storage as property of the shipper pending sale by the distributor.

Material which has been shipped to another person on consignment is a part of the shipper's inventory under Order M-300 as long as he retains title, and in reporting inventory under Order M-300 he must report the material accordingly.

Issued this 1st day of August 1945.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 45-14127; Filed, Aug. 1, 1945; 11:11 a. m.]

Chapter XI—Office of Price Administration

PART 1305—ADMINISTRATION

[Supp. Order 45, Amdt. 22]

EXEMPTION FROM PRICE CONTROL OF SHIP AND BOAT REPAIRS

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.

Section 1305.59 (c) (2) is added to read as follows:

(2) Repairs to ships and boats when undertaken for a war procurement agency. The term "war procurement agency" includes the War Department, the Department of the Navy, the United States Maritime Commission, the War Shipping Administration, the Lend-Lease Section of the Procurement Division of the Treasury Department, or any agency of any of the foregoing.

This amendment shall become effective August 6, 1945.

Issued this 1st day of August 1945.

JAMES G. ROGERS, Jr.,
Acting Administrator.

[F. R. Doc. 45-14137; Filed, Aug. 1, 1945; 11:17 a. m.]

PART 1305—ADMINISTRATION

[Supp. Order 107, Amdt. 1]

EXEMPTION OF CERTAIN SALES OF TEXTILES AND APPAREL TO WAR DEPARTMENT

A statement of the considerations involved in the issuance of this Amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.

Supplementary Order 107 is amended in the following respect:

1. Subdivision (iv) of section 1 (a) (1) is revoked.

This amendment shall become effective August 6, 1945.

Issued this 1st day of August 1945.

JAMES G. ROGERS, Jr.,
Acting Administrator.

[F. R. Doc. 45-14138; Filed, Aug. 1, 1945; 11:17 a. m.]

PART 1306—IRON AND STEEL

[RPS 6,[1] Amdt. 14]

IRON AND STEEL PRODUCTS

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.

Revised Price Schedule No. 6 is amended in the following respects:

1. Section 1306.8 (h) (3) (i) (*b*) is amended to read as follows:

(*b*) The extra of $0.15 per hundred pounds for United States Government specifications requiring physical inspection or physical testing is restated to read for "U. S. Government specifications requiring physical testing," and this extra may be charged only when the steel is produced to definite physical specifications requiring tensile, impact, fracture, or similar tests.

2. Section 1306.8 (h) (3) (i) (*f*) is amended to read as follows:

(*f*) When strain and stress relieving or stabilizing by baking is specified or required to meet physical requirements of the U. S. Army and Navy specifications for 20 mm, 1.1", 37 mm and 40 mm shells and other ammunition components covered by U. S. Army specifications 57-107-29, AXS-485, and AXS-605 and U. S. Navy specifications OS-1231, OS-829, Grade C, and OS-829, Grade D (Class 2) and similar Army, Navy, Lend-Lease, British or other specifications, the extra of $0.45 per hundred pounds for annealing or normalizing may be charged, but such charge shall include all charges for physical testing, including magnetic testing and use of extensometer, and no other extras for physical testing may be charged.

3. Section 1306.10, Appendix A, is amended by adding a new paragraph (k) to read as follows:

(k) *Cold finished carbon steel bars*—(1) *Base price.* Notwithstanding the provisions of any other section of this Revised Price Schedule No. 6 there may be added to the basing point base price otherwise established by this Schedule for cold finished carbon steel bars of all types and qualities, the sum of 10¢ per 100 pounds.

(2) *Filing requirements.* Every producer of cold finished carbon steel bars shall file with the Metals Price Branch, Office of Price Administration, Washington 25, D. C., Annual Financial Statements on OPA Form A within the time limits specified thereon; he shall also file within 30 days following the close of each calendar quarter, commencing with the third calendar quarter of 1945, quarterly profit and loss statements on OPA Form B—Interim Financial Report, together with a quarterly tonnage report showing separately:

(i) The number of tons of cold finished carbon steel bars shipped during said quarter;

(ii) The number of tons of cold finished carbon steel bars shipped during said quarter for which the extra for physical inspection or physical testing was charged pursuant to § 1306.8 (h) (3) (i) (*b*);

(iii) The number of tons of cold finished carbon steel bars shipped during said quarter for which the Strain and Stress Relieving extra was charged pursuant to § 1306.8 (h) (3) (i) (*f*);

(iv) Recapitulation of the amounts received for the items listed under (i), (ii), and (iii) of this subparagraph (2) setting forth the increased revenues derived by virtue of the increase granted in subparagraph (1) of this paragraph (k) and the decrease in revenue resulting from the revisions of the extras in § 1306.8 (h) (3) (i) (*b*) and (*f*).

(3) *Further adjustments.* All further adjustments of the base price as adjusted in subparagraph (1) of this paragraph (k) or of the extras set forth in § 1306.8 (h) (3) (i) (*b*) and (*f*) may be hereafter established by the issuance of orders pursuant to this section.

This amendment shall become effective August 6, 1945.

NOTE: All reporting and record-keeping requirements of this amendment have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942. Approval expires May 31, 1946.

Issued this 1st day of August 1945.

JAMES F. BROWNLEE,
Acting Administrator.

[F. R. Doc. 45-14131; Filed, Aug. 1, 1945; 11:16 a. m.]

[1] 7 F.R. 1215, 2132, 2153, 2299, 2997, 3115, 3941, 4780, 7240, 8948; 8 F.R. 6042, 7257, 6440; 9 F.R. 7601; 10 F.R. 529.

PART 1306—IRON AND STEEL

[RPS 49,[1] Amdt. 33]

RESALE OF IRON AND STEEL PRODUCTS

A statement of the considerations involved in the issuance of this Amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.

In § 1306.165 (a) (3) the definition of "mill carload base prices" is amended to read as follows:

"Mill carload base price" means the mill carload base price established by Revised Price Schedule No. 6 prior to January 11, 1945, the effective date of Amendment No. 11 to Revised Price Schedule No. 6. The mill carload base prices referred to in this § 1306.165 do not include any increases granted by that or any subsequent amendments to that schedule except the following: In the case of cold finished carbon steel bars, the mill carload base prices include the additions granted by Amendment No. 14 to Revised Price Schedule No. 6, issued August 1, 1945 and effective August 6, 1945, or any adjustments therein made by order issued pursuant to § 1306.10 (k) (3), of that Schedule.

This amendment shall become effective August 6, 1945.

Issued this 1st day of August 1945.

JAMES F. BROWNLEE,
Acting Administrator.

[F. R. Doc. 45-14132; Filed, Aug. 1, 1945; 11:16 a. m.]

PART 1340—FUEL

[MPR 88, Amdt. 30]

FUEL OIL, GASOLINE AND LIQUEFIED PETROLEUM GAS

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.

Maximum Price Regulation No. 88 is amended in the following respects:

1. Section 3.4 (b) is amended as follows:

a. Price Area N description shall be amended to read as follows:

N comprises Wilmington, North Carolina, and Charleston, South Carolina.

b. Between the Price Area designated N and the Price Area designated O in the table of prices, the following is inserted:

	Dollars per 42-gallon barrel
N-1	$1.57

c. The following is inserted between the description of Price Area N and the description of Price Area O:

N-1 comprises Savannah, Georgia; Jacksonville and Miami, Florida.

d. The price set forth for Price Area O in the table of prices is amended as follows:

	Dollars per 42-gallon barrel
O	$1.47

2. In section 5.1 (a) a new unnumbered paragraph is inserted between the fifth and sixth unnumbered paragraphs to read as follows:

The quotations in the above-named periodical for motor fuels as set forth on page 44 of such publication under the sub-heading "Humble Oil and Refining Company" shall not be used for determining a sellers' maximum price.

3. Section 6.4 (a) (1) (i) is amended by inserting a footnote reference numbered 13 after "Florida (east of the Apalachicola River)," and after "Georgia." Footnote 13 is amended to read:

[13] In Schedule D area, Georgia and Florida (east of the Apalachicola River), add $.15 instead of $.30.

4. Section 6.4 (a) (1) (ii) is amended by adding the following paragraph:

In Georgia and Florida (east of the Apalachicola River) maximum prices established prior to August 1, 1945 for any of the products listed in (i) above shall be reduced $.15 per barrel.

5. Section 7.6 is amended to read as follows:

SEC. 7.6. *In States other than those covered by section 7.4 and 7.5. Use of Reference Seller's Maximum Prices Optional.* A seller's maximum tank wagon price in States other than those named in sections 7.4 and 7.5 for a particular grade of automotive gasoline, stove and lamp naphtha, kerosene, range or stove oil, distillate fuel oils, tractor and Diesel fuel, shall be his maximum price as determined or established under other provisions of the Regulation, or the reference tank wagon seller's maximum price for the same grade at the same point, whichever is higher.

This amendment shall become effective on the 1st day of August 1945.

Issued this 1st day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-14134; Filed, Aug. 1, 1945; 11:15 a. m.]

PART 1340—FUEL

[MPR 120, Amdt. 145]

BITUMINOUS COAL DELIVERED FROM MINE OR PREPARATION PLANT

A statement of considerations involved in the issuance of this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.

Maximum Price Regulation No. 120 is amended in the following respects:

1. In § 1340.210 (a) a new subparagraph (18) is added to read as follows:

(18) A producer who in October 1941 was selling his coals for shipment by any

[1] 8 F.R. 4608, 4542, 7257, 7595, 7769, 7909, 9630, 9750, 13553, 13669; 9 F.R. 604, 1054, 3649, 4390, 4944, 5987, 6505, 8242, 11106.

means other than rail, river, truck or wagon, such as by conveyor belt and pricing them by either his truck price schedule or rail schedule may continue to price his coals for such a shipment according to either the price schedule for all methods of transportation except truck or wagon or according to the schedule for shipment by truck or wagon whichever prices he used at that time. In the event he was not selling his coals for shipment by the same method of transportation in October 1941 or cannot determine a price for any reason he may request the establishment of prices for a sale by other means of transportation.

2. In § 1340.212 a new paragraph (c) is added to read as follows:

(c) Under the provisions of this regulation a differential of 18 cents per net ton is established between coals produced at a strip mine and coals produced at a deep mine. A producer of coals from a strip mine or a producer who buys coal from strip mines for preparation and resale may apply for a removal of this differential and the differential will be removed by order upon a showing, First, That his coals are such that they can be prepared so as to be generally acceptable in coal consuming markets. Second, that his preparation plant or tipple is equipped with screens, picking tables and, in general, with adequate facilities for preparing coal by removing refuse before loading into transportation facilities; Third, That his coal as loaded into transportation facilities is adequately prepared by use of such facilities.

If such preparation is not maintained, the Administrator may at any time reestablish the price differential.

3. In § 1340.213 paragraph (e) is amended by deleting the words "In paragraph (b) (2) of this section a differential of 25" before the words "cents per ton" and inserting in lieu thereof the words "Under the provisions of this regulation a differential of 30."

4. In § 1340.215 a new paragraph (c) is added to read as follows:

(c) Under the provisions of this regulation a differential of 26 cents per net ton is established between coals produced at a strip mine and coals produced at a deep mine. A producer of coals from a strip mine blending coals with deep mine coals or a producer who buys coal from strip mines for preparation and resale and blends them with deep mine coals may apply for a removal of this differential and the differential will be removed by order upon a showing; first, that his coals are such that they can be prepared so as to be generally acceptable in coal consuming markets, second, that his preparation plant or tipple is equipped with screens, picking tables and, in general, with adequate facilities for preparing coal by removing refuse before loading into transportation facilities; third, that his coal as loaded into transportation facilities is adequately prepared by use of such facilities. Fourth, that his coal contains not less than approximately 25% of coals produced at a deep mine or mines.

If such preparation is not maintained, the Administrator may at any time reestablish the price differential.

This Amendment No. 145 shall become effective August 1, 1945.

Issued this 31st day of July 1945.

CHESTER BOWLES,
Administrator.

For the reasons set forth in the accompanying statement of considerations, and by virtue of the authority vested in me by the Price Control Act of 1942 as amended, and Executive Orders Nos. 9250 and 9328, I find that the issuance of this amendment to Maximum Price Regulation No. 120 is necessary to aid in the effective prosecution of the war.

WILLIAM H. DAVIS,
Economic Stabilization Director.

[F. R. Doc. 45-14078; Filed, July 31, 1945; 4:02 p. m.]

PART 1360—MOTOR VEHICLES AND MOTOR VEHICLE EQUIPMENT

[MPR 452,[1] Amdt. 10]

MANUFACTURERS' MAXIMUM PRICES FOR AUTOMOTIVE PARTS

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.

Maximum Price Regulation 452 is amended in the following respects:

1. The provision of Amendment 7 to Maximum Price Regulation 452 which amends section 7 (a) of that regulation is revoked, and the text of section 7 (a) as it appeared prior to the issuance of Amendment 7 is reinstated.

2. The effective date provision of Amendment 7 to Maximum Price Regulation 452 is amended to read as follows: "Amendment 7 shall become effective June 2, 1945."

This amendment shall become effective August 1, 1945.

Issued this 1st day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-14136; Filed, Aug. 1, 1945; 11:15 a. m.]

PART 1375—EXPORT PRICES

[2d Rev. Max. Export Price Reg., Amdt. 19]

ADJUSTMENT OF MAXIMUM PRICES FOR SUBSIDIZED COMMODITIES

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.

The Second Revised Maximum Export Price Regulation is amended by adding to section 2 a new paragraph (c) to read as follows:

(c) Such maximum domestic price may be increased by any amount which the seller—

(1) Would be entitled to receive in the nature of a Government subsidy or similar benefit if he sold the commodity for civilian consumption within continental United States but is not entitled to receive on sale thereof for shipment outside continental United States, or

(2) Is required to and does pay to any Government agency by way of reimbursement for any such subsidy or similar benefit received or to be received by him or by any other person from the Government with respect to such commodity.

This Amendment No. 19 shall become effective August 1, 1945.

Issued this 1st day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-14130; Filed, Aug. 1, 1945; 11:15 a. m.]

PART 1377—WOODEN CONTAINERS

[2d Rev. MPR 117]

USED EGG CASES AND USED COMPONENT PARTS

Revised Maximum Price Regulation 117 is redesignated Second Revised Maximum Price Regulation 117 and is revised and amended to read as follows:

A statement of the considerations involved in the issuance of this regulation, issued simultaneously herewith, has been filed with the Division of the Federal Register.

ARTICLE I—PROHIBITIONS AND SCOPE OF REGULATION

Sec.

1. Prohibition against dealing in used egg cases and used component parts at prices higher than maximum prices.
2. Less than maximum prices.
3. Transactions and products covered by the regulation.
4. Definitions.

ARTICLE II—MAXIMUM PRICES AND TERMS OF SALE

5. Maximum prices.
6. Additions for delivery.
7. Prohibited practices.

ARTICLE III—MISCELLANEOUS

8. Adjustable pricing.
9. Applications for adjustment or petitions for amendment.
10. Records.
11. Licenses.
12. Registration.
13. Enforcement.
14. Relation to other regulations.

AUTHORITY: § 1377.11 issued under 56 Stat. 23, 765; Pub. Law 151, 78th Cong.; Pub. Law 108, 79th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681.

ARTICLE I—PROHIBITION AND SCOPE OF REGULATION

SEC. 1. *Prohibition against dealing in used egg cases and used component parts at prices higher than maximum prices.* Regardless of any contract, agreement, or other obligation, no person may sell or deliver, and no person may buy or receive used egg cases or used component parts at prices higher than the maximum prices established in this regulation; and no person shall agree, offer, or attempt to do any of these things.

[1] 9 F.R. 3301, 8814, 12038; 10 F.R. 6238, 6796, 7496.

The provisions of this regulation shall not be applicable to sales or purchases, if, prior to the effective date of the regulation, used egg cases or parts have been received by a carrier, other than one owned or controlled by the seller, for delivery to the purchaser.

SEC. 2. *Less than maximum prices.* Nothing in this regulation shall prevent the sale or purchase of used egg cases or used component parts at less than maximum prices.

SEC. 3. *Transactions and products covered by the regulation*—(a) *Transactions covered.* This regulation covers all sales and all purchases of used egg cases or component parts within the continental limits of the United States.

(b) *Products covered.* This regulation covers all used standard egg cases of 30 dozen capacity, whether made of wood or fiber, and used standard fiber egg cases of 15 dozen capacity and all used component parts thereof.

SEC. 4. *Definitions*—(a) "Used egg case." As used in this regulation, "used egg case" is a used standard container, either wood or fiber, with a capacity of 30 dozen eggs, with new or used cover, new or used flats and new or used fillers, or a standard fiber container with a capacity of 15 dozen eggs with a new or used cover, new or used flats and new or used fillers.

(b) *An "egg producer."* An egg producer is anyone engaged in raising poultry for the production of eggs for sale. The prices provided for sales of egg cases to egg producers are intended to cover only sales of cases used in marketing the egg producer's output and do not cover sales to dealers in egg cases who incidentally market some eggs.

(c) *Poultrymen's cooperative association.* A "poultrymen's cooperative association" as used in this regulation is any association of poultry producers which satisfies the standards for a cooperative association as established in the Capper-Volstead Act (42 Stat. at Large 388, (1922), 7 U. S. C., sections 291–2) and which is recognized as a cooperative association by the Farm Credit Administration of the Federal Government.

ARTICLE II—MAXIMUM PRICES AND TERMS OF SALE

SEC. 5. (a) *Maximum prices.* Sales by governmental agencies (including military and naval installations) and sale and purchases by poultrymen's cooperatives are provided for separately. The maximum prices for all other sales of used egg cases and used component parts are set forth below:

Egg producers may pay a maximum delivered price of 40¢ each for a complete used 30-dozen egg case (20¢ for a fifteen-dozen case) with utility equal to that of a new case measured in terms of one time carrying of eggs from producer to market provided there is affixed an easily noticeable paper label stating that the case is warranted by a registered seller to have the utility of a new case and setting forth the name and address of the guarantor and his registration number.

Used egg cases having the utility of new cases measured in terms of one time carrying ability from egg producer to market to which there is affixed an easily noticeable paper label stating that the case is warranted by a registered seller to have the utility of a new case and setting forth the name and address of the guarantor and his registration number may be sold to persons other than egg producers at 32 cents each for a 30-dozen case or 16 cents each for a 15-dozen case f. o. b. seller's loading point or cars.

The maximum price on all other sales of used egg cases, except by governmental agencies (including military and naval installations), shall be 17 cents for a 30-dozen case and 9 cents for a 15-dozen case f. o. b. seller's loading point or cars.

TABLE I

Prices for complete cases and parts there of shall be as follows:

	Complete cases	Shells	Sets of flats	Sets of fillers	Covers
30-dozen cases					
Warranted cases sold to egg producers (delivered), each	$0.40	$0.21	$0.07	$0.07	$0.05
Warranted cases sold to other than egg producers (f. o. b. seller's loading point or cars), each	.32	.16	.06	.06	.04
All other cases (f. o. b. seller's loading point or cars), each	.17	.08	.04	.04	.01
15-dozen cases					
Warranted cases, sold to egg producers (delivered), each	.20	.10	.04	.01	.02
Warranted cases, or parts, sold to other than egg producers (f. o. b. seller's loading point or cars), each	.16	.08	.03	.03	.02
All other cases (f. o. b. seller's loading point or cars), each	.09	.04	.02	.02	.01

TABLE II

Maximum prices: Sales by government agencies including military and naval installations. (F. o. b. seller's loading point or cars.)

30-dozen cases, each:	
Shells	$0.11
Flats (sets)	.04
Fillers (sets)	.04
Covers	.01
Complete	.20
15-dozen cases, each:	
Shell	.05
Flats (sets)	.02
Fillers (sets)	.02
Covers	.01
Complete	.10

Poultrymen's cooperatives shall, for the purposes of this regulation, be considered egg producers, but they shall be permitted to sell used egg cases to their members at purchase cost plus handling and delivery cost.

All sellers desiring to become registered sellers with the privilege of warranting cases to have new case utility must fill out a form provided by the Regional Office of Price Administration or a duly authorized District Office and receive a certificate of registration. Registered sellers must affix an easily noticeable paper label to all cases or parts which they sell stating that the cases or parts are warranted to be in new case condition, giving the name and address of the seller and giving the registration number provided him by the appropriate Regional Office or a duly authorized District Office of the Office of Price Administration. All other labels must be effaced. Registered sellers shall be required to sell all cases handled by them under warranty that they are in new case condition.

SEC. 6. *Additions for delivery* except on sales to egg producers (in which case the price listed is a delivered price). On shipments by common or contract carriers the actual cost of transportation paid or incurred by the seller may be added to the maximum price, f. o. b. seller's loading plant. If shipment is by private truck owned or controlled by the seller, actual transportation costs may be added; except that in no case shall the addition exceed 80 percent of the common carrier truck charges for the same shipment.

SEC. 7. *Prohibited practices.* Any practice which is a device to get the effect of a higher-than-ceiling price without actually raising the dollars-and-cents price is as much a violation of this regulation as an outright over-ceiling price. This applies to devices making use of commissions, services, transportation arrangements, premiums, special privileges, tying-agreements, trade understandings, changes in discount practices, dealing in eggs on a "cases returned" basis and the like.

ARTICLE III—MISCELLANEOUS

SEC. 8. *Adjustable pricing.* Any person may agree to sell at a price which can be increased up to the maximum price in effect at the time of delivery; but no person may, unless authorized by the Office of Price Administration, deliver or agree to deliver at prices to be adjusted upward in accordance with action taken by the Office of Price Administration after delivery. Such authorization may be given when a request for a change in the applicable maximum price is pending, but only if the authorization is necessary to promote distribution or production and if it will not interfere with the purposes of the Emergency Price Control Act of 1942, as amended. The authorization may be given by the Administrator or by any official of the Office of Price Administration to whom the authority to grant such authorization has been delegated. The authorization will be given by order, except that it may be given by letter or telegram when the contemplated revision will be the granting of an individual application for adjustment.

SEC. 9. *Applications for adjustment and petitions for amendment*—(a) *Government contracts.* (1) The term "Government contracts" is here used to include any contract with the United States or any of its agencies, or with the Government or any governmental agency of any country whose defense the President deems vital to the defense of the United States under the terms of the Act of March 11, 1941, entitled "An Act to pro-

mote the defense of the United States." It also includes any subcontract under this kind of contract.

(2) Any person who has made or intends to make a "Government contract" and who thinks that a maximum price established in this regulation is impeding or threatens to impede distribution of used egg cases and used component parts which are essential to the war program and which are or will be the subject of the contract, may file an application for adjustment in accordance with Procedural Regulation No. 6,[1] issued by the Office of Price Administration.

(b) *Petitions for amendment.* Any person seeking an amendment of any provision of this regulation may file a petition for amendment in accordance with the provisions of Revised Procedural Regulation No. 1,[2] issued by the Office of Price Administration.

SEC. 10. *Records and reports.* (a) All persons making sales covered by this regulation which amount to $50.00 or more in any one month must keep records which will show a complete description of the containers sold, the quantity, price, date of sale and the name and address of the buyers. Buyers whose purchases covered by this regulation amount to $50.00 or more in any one month must keep similar records including the name and address of the seller.

These records must be kept for two years, or for the duration of the Emergency Price Control Act of 1942, as amended, whichever period is the shorter, for inspection by the Office of Price Administration.

SEC. 11. *Licenses.* A license is necessary to make sales of the commodities covered by this regulation. A license is automatically granted to all persons now or hereafter making these sales. The license may be suspended for violations in connection with sales of any commodity which the seller is licensed to sell, and no person whose license is suspended may sell any such commodity during the period of suspension.

SEC. 12. *Registration.* All persons desiring to become registered sellers with the privilege of warranting used egg cases to have new case utility must file their qualifications on a form provided by the Regional Office of Price Administration or a duly authorized District Office within 30 days from the issuance of the regulation or within 30 days from entering business and receive a certificate of registration. Certificates of registration will be granted by letter to persons who qualify. Registration of all sellers may later be required. All outstanding registrations are cancelled as of the effective date of this regulation.

SEC. 13. *Enforcement.* (a) Persons violating any provision of this regulation are subject to the criminal penalties, civil enforcement actions, suits for treble damages, and proceedings for revocation of licenses provided for by the Emergency Price Control Act of 1942, as amended.

(b) War procurement agencies and their contracting or paying finance officers are not subject to any liability, civil or criminal, imposed by this regulation. "War procurement agencies" include the War Department, the Navy Department, the United States Maritime Commission and the Lend-Lease Section in the Procurement Division of the Treasury Department, or any of their agencies. Sales and purchases by such agencies are nevertheless subject to the terms of the regulation.

SEC. 14. *Relation to other regulations.* (a) *General Maximum Price Regulation.* Any sale or delivery covered by this regulation is not subject to the General Maximum Price Regulation,[3] except that sales, purchases and deliveries of commodities covered by this regulation which originate outside of and are imported into the continental United States are governed by the Maximum Import Price Regulation.[4]

(b) *Second Revised Maximum Export Regulation.* The maximum price for export sales of used egg cases is governed by the Second Revised Maximum Export Regulation.[4]

This regulation shall become effective August 31, 1945.

NOTE: All reporting and record-keeping requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 1st day of August 1945.

JAMES F. BROWNLEE,
Acting Administrator.

[F. R. Doc. 45-14135; Filed, Aug. 1, 1945; 11:16 a. m.]

PART 1388—DEFENSE-RENTAL AREAS

[Housing,[5] Corr.]

HOUSING

In Schedule A of the Rent Regulation for Housing, items 662 and 320 are corrected to read as follows:

Name of defense-rental area	State	County or counties in defense-rental area under rent regulation for housing	Maximum rent date	Effective date of regulation	Date by which registration statement to be filed (inclusive)
(662) Daytona Beach	Florida	Volusia	Jan. 1, 1944	Feb. 1, 1945	Mar. 15, 1945
(320) Killeen-Temple	Texas	Bell	Mar. 1, 1942	Nov. 1, 1942	Dec. 16, 1942
	Texas	Lampasas	Mar. 1, 1942	Jan. 1, 1943	Feb. 15, 1943

Issued and effective August 1, 1945.

JAMES F. BROWNLEE,
Acting Administrator.

[F. R. Doc. 45-14139; Filed, Aug. 1, 1945; 11:18 a. m.]

PART 1388—DEFENSE-RENTAL AREAS

[Housing, New York City,[6] Corr.]

HOUSING IN NEW YORK CITY

Section 4 (c) of the Rent Regulation for Housing in the New York City Defense-Rental Area is corrected to omit the parenthetical remark in the first sentence of the second paragraph: "(except where a registration statement was filed prior to October 1, 1945)", and the date in the same sentence is corrected to read "November 1, 1943."

Issued and effective this 1st day of August 1944.

JAMES F. BROWNLEE,
Acting Administrator

[F. R. Doc. 45-14140; Filed, Aug. 1, 1945; 11:18 a. m.]

PART 1394—RATIONING OF FUEL AND FUEL PRODUCTS

[Rev. RO 11,[7] Amdt. 63]

FUEL OIL

A rationale for this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.

Revised Ration Order 11 is amended in the following respects:

Section 1394.5159 (b) is amended to read as follows:

(b) *PAW exceptions and authorizations.* The restrictions contained in paragraphs (a) (2), (a) (4) or (a) (11) shall not apply if the Petroleum Administration for War has granted the applicant a currently valid exception under Petroleum Distribution Order No. 13, as amended, with respect to the specific restriction. The restriction in paragraph (a) (12) shall not apply if the Petroleum Administration for War has granted the applicant a currently valid waiver of the provisions of Petroleum Directive No. 72, as amended, with respect to the restriction. In such cases the ration shall be issued (pursuant to the applicable provisions of this order) only for the period and in the amount specified in the exception or waiver granted by the Petroleum Administration for War. If the exception or waiver limits the applicant to the use of a specified grade of fuel oil, the ration issued may not be used to acquire or consume any grade of fuel oil other than that specified.

This amendment shall become effective August 1, 1945.

Issued this 1st day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-14133; Filed, Aug. 1, 1945; 11:15 a. m.]

[1] 7 F.R. 5087, 5664; 8 F.R. 6175, 6174, 12024.
[2] 7 F.R. 8961; 8 F.R. 3313, 3533, 6173, 11806.
[3] 8 F.R. 3096, 3849, 4347, 4486, 4724, 4848, 4978, 6047, 6962, 8511, 991, 11955.
[4] 8 F.R. 4132, 5987, 7662, 9998.
[5] 10 F.R. 3436, 3555, 3951, 4714, 4713, 5089, 5577, 5603, 6074, 6409.
[6] 9 F.R. 14937; 10 F.R. 331, 1452, 1974, 2406, 3014.
[7] 9 F.R. 2357.

PART 1499—COMMODITIES AND SERVICES

[MPR 586, Supp. Storage Reg. 3]

MODIFICATIONS OF MAXIMUM PRICES ESTABLISHED BY MAXIMUM PRICE REGULATION 586 FOR COTTON WAREHOUSING IN THE SOUTHEAST

A statement of the considerations involved in the issuance of this regulation, issued simultaneously herewith, has been filed with the Division of the Federal Register.

Sec.
1. General statement.
2. Definitions.
3. Producer loan cotton.
4. Government purchase cotton (not reconcentrated).
5. Government pooled cotton and reconcentrated Government purchase cotton.
6. Government owned cotton of crops prior to 1944.
7. Shipper cotton.
8. Transferring cotton from one program to another.
9. Reweighing and resampling.
10. Incidental services.
11. Determination of storage period—8-day rule.

AUTHORITY: § 1499.692 issued under 56 Stat. 23, 765; 57 Stat. 566; Pub. Law 383, 78th Cong.; Pub. Law 108, 79th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681.

SECTION 1. *General statement.* (a) This regulation covers all modifications of maximum prices established by Maximum Price Regulation 586[1] for the storage and handling of cotton by "non-compress" warehouses in the Southeast. To this extent it supersedes Supplementary Storage Regulation 2[2] under Maximum Price Regulation 586.

(b) The provisions of this regulation supersede the general pricing provisions (sections 5, 6, and 7) of Maximum Price Regulation 586. Storage and terminal services affected by this regulation are, however, subject to all other provisions of Maximum Price Regulation 586 unless provided to the contrary in particular sections herein.

(c) This regulation covers "non-compress" cotton warehousing services within the states of Alabama, Florida, Georgia, North Carolina, South Carolina, and Virginia. It does not cover gin yard storage subject to Maximum Price Regulation 211. (See section 3 (c) (6) of Maximum Price Regulation 586.)

(d) Maximum prices established by this regulation apply only to services performed on or after August 1, 1945. Increased storage rates may be applied to cotton in storage as of the beginning of the next storage month (as customarily computed) following July 31, 1945. The increased charges for handling-in-and-out apply *only* to cotton received on or after August 1, 1945.

SEC. 2. *Definitions.* (a) The term "producer loan cotton" means cotton which is subject to a loan made by the United States Government or any agency thereof and which is still subject to redemption of individual notes by individual producers. It also includes cotton harvested after August 1, 1945, which is eligible for government loan or purchase but which is actually subject to similar loans made by banks, and cotton being accumulated by producers for tender under government loan, bank loan, or government purchase programs. The producer may signify his intention of placing the cotton under such programs by paying or offering to pay the 60¢ handling charge provided in Section 3 at the time the cotton is received by the warehouse.

(b) The term "government pooled cotton" means cotton which is subject to a loan made by the United States Government or any agency thereof, but which by the terms of the loan may no longer be released by redemption of individual notes, although the original producers may still have an equity in the final proceeds of the sale of such cotton.

(c) The term "government owned cotton" means cotton harvested prior to August 1, 1944, which is owned by the United States Government or any agency thereof.

(d) The term "government purchase cotton" means cotton purchased by the United States Government or any agency thereof, out of crops harvested since August 1, 1944.

(e) The term "shipper cotton" means all cotton not included under the above definitions of "producer loan cotton", "government pooled cotton", "government owned cotton", or "government purchase cotton".

(f) The term "handling in and out of warehouse" includes receiving, tagging, weighing on arrival, taking one set of samples on arrival, incidental storage of such samples and transmitting the samples to designated classing offices, filling out schedules of warehouse receipts, picking out by tag numbers, and loading according to custom into cars or trucks.

(g) The term "non-compress" refers to cotton storage and handling services of a warehouse which does not have compress facilities, or a warehouse which does not customarily make a charge for compressing cotton or make a penalty charge for delivery of uncompressed cotton even though such warehouse does operate compress facilities.

SEC. 3. *Producer loan cotton.* Maximum charges for storage and handling of "producer loan cotton" shall be:

(a) For "handling in and out of warehouse", 35¢ per bale plus surcharge 25¢ per bale, total 60¢ per bale.

(b) For storage per bale per month or fraction thereof, including fire insurance:

(1) First 6 months, 20¢ plus surcharge 5¢, total 25¢.

(2) After the first 6 months, 17½¢ plus surcharge 5½¢, total 23¢.

SEC. 4. *Government purchase cotton (not reconcentrated).* Maximum charges for storage and handling of "government purchase cotton" in the same warehouse as when purchased shall be:

(a) For "handling in and out of warehouse," 35¢ per bale plus surcharge 25¢ per bale, total 60¢ per bale.

(b) For storage per bale per month or fraction thereof, 17½¢ plus surcharge 5½¢, total 23¢.

(c) Warehousemen are not required to provide fire insurance but from the foregoing storage rate shall be deducted one-half of the average fire-insurance rate per $100 per month paid under the warehouseman's insurance policy covering cotton on which the warehouseman has insured warehouse receipts outstanding, or under the standard form of fire insurance policy approved by the State in which the cotton is stored.

In computing insurance deductions average rates applying to a particular warehouseman and other means of facilitating computations mutually agreed upon by the warehouseman and government may be used.

SEC. 5. *Government pooled cotton and reconcentrated Government purchase cotton.* Maximum charges for storage and handling of "government pooled cotton" and reconcentrated government purchase cotton shall be:

(a) For services of receiving, weighing, tagging, sampling, issuing warehouse receipts, and placing the cotton in storage, 25¢ per bale plus surcharge 4¢ per bale, total 29¢ per bale.

(b) For storage per bale per month or fraction thereof:

(1) Not compressed, 17½¢ plus surcharge 5½¢, total 23¢.

(2) Compressed, 15¢ plus surcharge 3¢, total 18¢.

(c) Warehousemen are not required to provide fire insurance but from the foregoing storage rates shall be deducted one-half of the average fire insurance rate per $100 per month paid under the warehouseman's insurance policy covering cotton on which the warehouseman has insured warehouse receipts outstanding, or under the standard form of fire insurance policy approved by the State in which the cotton is stored.

In computing insurance deductions average rates applying to a particular warehouseman and other means of facilitating computations mutually agreed upon by the warehouseman and government may be used.

SEC. 6. *Government owned cotton.* Maximum charges for storage and handling of "government owned cotton" shall be:

(a) For services of receiving, weighing, tagging, sampling, issuing warehouse receipts and placing the cotton storage, 25¢ per bale plus surcharge 4¢ per bale, total 29¢ per bale.

(b) For storage per bale per month or fraction thereof:

(1) Not compressed, 15¢ plus surcharge 5¢, total 20¢.

(2) Compressed, 12½¢ plus surcharge 2½¢, total 15¢.

(c) Warehousemen are not required to provide fire insurance but from the foregoing storage rates shall be deducted one-half of the average fire insurance rate per $100 per month paid under the warehouseman's insurance policy covering cotton on which the warehouseman has insured warehouse receipts outstanding, or under the standard form of

[1] 10 F.R. 5797.
[2] 10 F.R. 5804.

fire insurance policy approved by the State in which the cotton is stored.

In computing insurance deductions average rates applying to a particular warehouseman and other means of facilitating computations mutually agreed upon by the warehouseman and government may be used.

SEC. 7. *Shipper cotton.* Maximum charges for storage and handling in and out of warehouse of "shipper cotton" shall be either the charges determined under paragraph (a) below or the charge set forth in paragraph (b) below, depending upon the election made by each warehouseman on or before November 8, 1942 (and then required to be filed in District Offices):

(a) Maximum charges for storage and handling in and out of warehouse computed under section 5 of Maximum Price Regulation 586, plus 17 per cent thereof.

(b) Specific maximum charges:

(1) For "handling in and out of warehouse", 35¢ per bale plus surcharge 25¢ per bale, total 60¢ per bale.

(2) For storage per bale per month or fraction thereof, including fire insurance if the seller included fire insurance in the storage charges made to purchaser of the same class during the month of March 1942:

(i) For the first 6 months, 20¢ plus surcharge 5¢, total 25¢.

(ii) After 6 months, 17½¢ plus surcharge 5½¢, total 23¢.

SEC. 8. *Transferring cotton from one program to another.* The following rules must be observed when cotton is transferred from one program or category to another:

(a) If cotton is transferred between loan, purchase, or shipper categories without physical handling (other than reweighing or resampling for which separate charges are provided), no charge may be made for the transfer nor may the total charges for handling in and out exceed the highest charges applicable under any one of the programs.

(b) In computing these charges the extent to which the storage charge on shipper cotton for the first month exceeds storage charges for subsequent months shall be considered a handling-in charge. For example, if a warehouseman's shipper tariff provides 41¢ for the first month and 29¢ for subsequent months and cotton tendered originally under this tariff is transferred to the loan or purchase program, the warehouseman may collect the difference between 60¢ and 12¢ or 48¢ at that time. If the cotton is subsequently sold to a shipper, the storage charges will thereafter begin to accrue at 29¢ rather than at 41¢.

(c) No charges for turnout or delivery services included in the definition of "handling in and out" may be assessed unless such turnout charge applicable on shipper cotton is sufficient when combined with the handling-in charge to exceed 60¢. In the example given above, the warehouseman could collect from the shipper 11¢ out of a 59¢ turnout charge.

SEC. 9. *Reweighing and resampling.* Maximum charges for reweighing, (including furnishing weight sheets) or resampling (including furnishing one set of samples and delivering samples locally), per bale, shall be:

(a) Reweighing at time of shipment, 10¢, no surcharge, total 10¢.

(b) Resampling at time of shipment, 10¢, no surcharge, total 10¢.

(c) Reweighing, except at time of unloading or shipment, 20¢ plus 5¢ surcharge, total 25¢.

(d) Resampling, except at time of unloading or shipment, 20¢ plus 5¢ surcharge, total 25¢.

(e) Reweighing and resampling, except at time of unloading or shipment, 30¢ plus 5¢ surcharge, total 35¢.

(f) Drawing an extra or double sample at time of any sampling, 10¢, no surcharge, total 10¢.

SEC. 10. *Incidental services.* Maximum charges for incidental services, including classing, reconditioning, drayage and the service of compression when performed by warehousemen who do not ordinarily compress cotton and are therefore subject to this Supplementary Storage Regulation 3, shall be the maximum charges established by Maximum Price Regulation 586, plus 17 per cent thereof.

SEC. 11. *Determination of storage period—8-day rule.* (a) Maximum storage charges shall be computed at the applicable maximum rates through the eighth day after the first valid shipping date regardless of when the cotton actually is shipped.

(b) The first valid shipping date for a given lot shall be the latest of the following:

(1) The date on which shipping instructions accompanied by warehouse receipts are received by the warehouseman.

(2) A date specified in the shipping instructions as a shipping date.

(3) The first valid shipping date authorized in a permit from the Office of Defense Transportation or other government agency if such a permit is required.

(4) The date on which cotton ordered from other plants for consolidation is actually received.

(c) This section shall not be construed as authorizing increased charges against transit cotton when the shipper has complied with the free-time requirements of the transit rules.

(d) Notwithstanding provisions of this section, the United States Government or any agency thereof may pay for additional storage to the extent determined by it to be reasonable in view of extraordinary circumstances such as the furnishing of shipping instructions covering large numbers of bales.

This amendment shall become effective August 1, 1945.

Issued this 31st day of July 1945.

JAMES F. BROWNLEE,
Acting Administrator.

[F. R. Doc. 45-14080; Filed, July 31, 1945; 4:03 p. m.]

PART 1499—COMMODITIES AND SERVICES

[MPR 586, Amdt. 1 to Supp. Storage Reg. 2[1]]

MODIFICATIONS OF MAXIMUM PRICES ESTABLISHED BY MAXIMUM PRICE REGULATION 586 FOR COTTON WAREHOUSING AND COTTON COMPRESSING

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.

Supplementary Storage Regulation 2 is amended in the following respects:

1. In section 1 the last undesignated paragraph is amended to read as follows:

This regulation covers all cotton warehousing and cotton compressing performed within the cotton belt except cotton warehousing performed in "non-compress" facilities in the "Southeast", which services are covered by Supplementary Storage Regulation 3. It does not cover gin-yard storage subject to Maximum Price Regulation 211. (See section 3 (c) (6) of MPR 586.)

2. In section 2, paragraphs (b) and (h) are amended and paragraph (i) is added, to read as follows:

(b) The term "government loan cotton" means cotton which is subject to a loan made by the United States Government or any agency thereof and which is still subject to redemption of individual notes by individual producers. It also includes cotton harvested after August 1, 1945 which is eligible for government loan or purchase but which is actually subject to similar loans made by banks, and cotton being accumulated for tender under government loan, bank loan, or government purchase program.

(h) The term "non-compress facilities" refers to cotton storage and handling services of a warehouse which does not have compress facilities, or which does not customarily make a charge for compressing cotton or assess a penalty charge for delivery of uncompressed cotton even though it does operate compress facilities.

(i) The "Southeast" means the states of Alabama, Florida, Georgia, North Carolina, South Carolina, and Virginia.

3. Section 3 (b) (2) is amended to read as follows:

(2) Storage of cotton in "non-compress" facilities, 21½¢ per bale per month, or fraction thereof, for first 6 months of storage and 20¢ per bale per month, or fraction thereof, thereafter.

4. Section 4 (b) (2) is amended to read as follows:

(2) Storage of uncompressed cotton in "non-compress" facilities, 20¢ per bale per month or fraction thereof.

5. Section 5 (b) (2) (ii) is amended to read as follows:

(ii) Storage of uncompressed cotton in "non-compress" facilities, 17½¢ per bale per month, or fraction thereof.

[1] 10 F.R. 5804.

6. In section 6 the section heading and the textual matter preceding paragraph (a) is amended to read as follows:

SEC. 6. *Government owned cotton of the 1944-45 and later crops.* Maximum prices for storage and handling services performed on government owned cotton harvested since August 1, 1944 shall be:

7. Section 6 (b) is amended to read as follows:

(b) For storage:

(1) Cotton, compressed or uncompressed, stored in warehouses operating compress facilities, 18¢ per bale per month or fraction thereof.

(2) Compressed cotton stored in "non-compress" facilities, 18¢ per bale per month or fraction thereof.

(3) Uncompressed cotton stored in "non-compress" facilities, 23¢ per bale per month or fraction thereof.

8. Section 7 (b) (2) (ii) is amended to read as follows:

(ii) Cotton stored in "non-compress" facilities, 21½¢ per bale per month or fraction thereof, for the first 6 months of storage and 20¢ per bale per month, or fraction thereof, thereafter.

9. Section 9 is amended to read as follows:

SEC. 9. *Recompression from standard density to high density.* Any compress operator whose maximum charges for recompressing cotton from standard density to high density are less than his maximum charges for compressing uncompressed cotton to high density may increase his charges for recompressing cotton from standard density to high density to the same as his charges for compressing uncompressed cotton to high density.

10. In section 10, the section heading and paragraph (a) are amended, to read as follows:

SEC. 10. *Surcharge.* (a) Cotton warehousemen may charge, for the services of storing, receiving, handling, and compressing cotton and for miscellaneous services in connection with the warehousing of cotton, their maximum charges established by this Supplementary Storage Regulation (or by Maximum Price Regulation 586 if this regulation does not establish a specific maximum charge), plus a surcharge of 17 per cent, unless the application of such surcharge is expressly barred or limited by particular provisions herein (See section 6 (d)).

11. A new section 11 is added, to read as follows:

SEC. 11. *Determination of storage period—8-day rule.* (a) Maximum storage charges shall be computed at the applicable maximum rates through the eighth day after the first valid shipping date regardless of when the cotton actually is shipped.

(b) The first valid shipping date for a given lot shall be the latest of the following:

(1) The date on which shipping instructions accompanied by warehouse receipts are received by the warehouseman.

(2) A date specified in the shipping instructions as a shipping date.

(3) The first valid shipping date authorized in a permit from the Office of Defense Transportation or other government agency if such a permit is required.

(4) The date on which cotton ordered from other plants for consolidation is actually received.

(c) This section shall not be construed as authorizing increased charges against transit cotton when the shipper has complied with the free-time requirements of the transit rules.

(d) Notwithstanding provisions of this section, the United States Government or any agency thereof may pay for additional storage to the extent determined by it to be reasonable in view of extraordinary circumstances such as the furnishing of shipping instructions covering large numbers of bales.

This amendment shall become effective August 1, 1945.

Issued this 31st day of July 1945.

JAMES F. BROWNLEE,
Acting Administrator.

[F. R. Doc. 45-14079; Filed, July 31, 1945; 4:03 p. m.]

TITLE 49—TRANSPORTATION AND RAILROADS

Chapter I—Interstate Commerce Commission

[Rev. S. O. 104, Amdt. 1]

PART 95—CAR SERVICE

SUBSTITUTION OF REFRIGERATOR FOR BOX CARS

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 30th day of July, A. D. 1945.

Upon further consideration of Revised Service Order No. 104 (10 F.R. 9338) and good cause appearing therefor: *It is ordered*, That:

Revised Service Order No. 104 (10 F.R. 9338) be, and it is hereby, amended by substituting the following paragraph (a) (1) in lieu of paragraph (a) (1) thereof:

Substitution of refrigerator cars for box cars. (a) (1) Except as provided in paragraph (a) (2) any common carrier by railroad subject to the Interstate Commerce Act transporting:

(i) Westbound shipments in carloads originating at points shown as origin points in Agent L. E. Kipp's tariffs, I. C. C. Nos. 1492 and 1493, supplements thereto or reissues thereof, destined to points in the States of Montana, Wyoming, Colorado, New Mexico, and States west thereof, also El Paso, Texas, or

(ii) Westbound shipments in carloads originating at points in the State of Utah and destined to points in the States of California or Nevada, or

(iii) Southbound shipments in carloads originating at points in the State of Washington and destined to points in the State of California,

shall, when freight to be transported is suitable, and facilities are suitable, for loading in RS type refrigerator cars and when such refrigerator cars are reasonably available, furnish and transport not more than three (3) of those refrigerator cars in lieu of each box car ordered, subject to the carload minimum weight which would have applied if the shipment had been loaded in a box car. (40 Stat. 101, sec. 402, 41 Stat. 476, sec. 4, 54 Stat. 901; 49 U.S.C. 1 (10)-(17))

It is further ordered, That this order shall become effective at 12:01 a. m., August 6, 1945; that copies of this order and direction shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

By the Commission, Division 3.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 45-14115; Filed, Aug. 1, 1945; 10:58 a. m.]

[S. O. 293, Amdt. 1]

PART 95—CAR SERVICE

RECONSIGNMENT OF HAY RESTRICTED

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 30th day of July, A. D. 1945.

Upon further consideration of Service Order No. 293 (10 F. R. 2838), and good cause appearing therefor: *It is ordered*, That:

Service Order No. 293 (10 F.R. 2838) be, and it is hereby, amended by substituting the following paragraph (g) for paragraph (g) thereof:

(g) *Expiration date.* This order shall expire at 11:59 p. m., October 15, 1945, unless otherwise modified, changed, suspended, or annulled by order of this Commission. (40 Stat. 101, sec. 402, 41 Stat. 476, sec. 4, 54 Stat. 901; 49 U.S.C. 1 (10)-(17))

It is further ordered, That this order shall become effective at 12:01 a. m., August 1, 1945; that copies of this order and direction shall be served upon the State railroad regulatory bodies of all States; and upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

By the Commission, Division 3.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 45-14116; Filed, Aug. 1, 1945; 10:58 a. m.]

Chapter II—Office of Defense Transportation

[Administrative Order ODT 6B, Amdt. 9]

PART 503—ADMINISTRATION

ESTABLISHMENT OF REGIONS, DISTRICTS, AND FIELD OFFICES OF HIGHWAY TRANSPORT DEPARTMENT

Pursuant to Executive Orders 8989, as amended, and 9156, *It is hereby ordered*, That Appendix 2 of Administrative Order ODT 6B, as amended (9 F.R. 12289, 13069; 10 F.R. 525, 1940, 3139, 5119, 7197, 8561, 8912), be, and it hereby is, further amended in the following particulars:

(1) Under the subtitle "Region 1" thereof the matter opposite Massachusetts is amended to read as follows:

Massachusetts: District Office: Boston.

(2) Under the subtitle "Region 1" thereof the matter opposite New York is amended to read as follows:

New York: District Offices: Albany, Binghamton, Buffalo, New York, and Syracuse.

(3) Under the subtitle "Region 3" thereof the matter opposite Ohio is amended to read as follows:

Ohio: District Offices: Cincinnati, Cleveland, Columbus, and Toledo. Field Offices: Canton, Dayton, and Youngstown.

(4) Under the subtitle "Region 4" thereof the matter opposite Florida is amended to read as follows:

Florida: District Office: Jacksonville.

(5) Under the subtitle "Region 5" thereof the matter opposite Missouri is amended to read as follows:

Missouri: District Offices: Kansas City and St. Louis. Field Office: Springfield.

(6) Under the subtitle "Region 6" thereof the matter opposite Iowa is amended to read as follows:

Iowa: District Offices: Davenport, Des Moines, and Sioux City.

(7) Under the subtitle "Region 7" thereof the matter opposite Montana is amended to read as follows:

Montana: District Office: Butte.

Paragraph (1) of this Amendment 9 to Administrative Order ODT 6B shall become effective August 31, 1945. Paragraph (2) of this Amendment 9 to Administrative Order ODT 6B shall become effective August 4, 1945. Paragraphs (3), (4), (5), and (6) of this Amendment 9 to Administrative Order ODT 6B shall become effective July 31, 1945. Paragraph (7) of this Amendment 9 to Administrative Order ODT 6B shall become effective August 15, 1945.

(E.O. 8989, as amended, 6 F.R. 6725, 8 F.R. 14183; E.O. 9156, 7 F.R. 3349)

Issued at Washington, D. C., this 31st day of July 1945.

J. M. JOHNSON,
Director,
Office of Defense Transportation.

[F. R. Doc. 45-14073; Filed, July 31, 1945; 3:26 p. m.]

Notices

DEPARTMENT OF AGRICULTURE.

Rural Electrification Administration.

[Administrative Order 927]

ALLOCATION OF FUNDS FOR LOANS

JUNE 30, 1945.

By virtue of the authority vested in me by the provisions of section 4 of the Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said act, funds for loans for the projects and in the amounts as set forth in the following schedule:

Project designation:	Amount
Arkansas 5-46031B1 Ashley	$225,000
Florida 5-46023A4 Levy	50,000
Georgia 5-46065C3 Irwin	50,000
Georgia 5-46069D1 Washington	140,000
Illinois 5-46026H1 Iroquois	200,000
Indiana 5-46015D1 Fayette	50,000
Iowa 5-46053D1 Linn	75,000
Kansas 5-46032E1 Reno	125,000
Louisiana 5-46069F1 Lafayette	160,000
Michigan 5-46040D1 Allegan	400,000
Missouri 5-46037C1 Bates	135,000
Montana 5-46015D1 Fergus	105,000
Nebraska 5-46044F1 Eastern Nebraska District Public	300,000
Nebraska 5-46066B2 Nebraska District Public	100,000
North Carolina 5-46037D1 Davie	331,000
North Carolina 5-46053B1 Burke	118,000
Oklahoma 5-46018F1 Beckham	120,000
Oregon 5-46016C1 Malheur	97,000
South Carolina 5-46033B1 Cherokee	90,000
Tennessee 5-46001K1 Meigs	181,000
Texas 5-46038F1 Hill	100,000
Texas 5-46076F1 Blanco	524,000
Texas 5-46088B4 Nueces	100,000
Texas 5-46114B1 Tom Green	100,000
Washington 5-46008H1 Benton	137,000

[SEAL] WILLIAM J. NEAL,
Acting Administrator.

[F. R. Doc. 45-14076; Filed, July 31, 1945; 3:13 p. m.]

[Administrative Order 928]

ALLOCATION OF FUNDS FOR LOANS

JUNE 30, 1945.

By virtue of the authority vested in me by the provisions of section 4 of the Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said act, funds for loans for the projects and in the amounts as set forth in the following schedule:

Project designation:	Amount
Indiana 5-46011C2 Warren	$140,000
Indiana 5-46099C1 Spencer	265,000
Indiana 5-46100C1 Newton	85,000
Iowa 5-46034F1 Jones	230,000
Iowa 5-46073C1 Adair	150,000
Kansas 5-46030B2 Nemaha	100,000
Kansas 5-46034D1 Barton	220,000
Kansas 5-46039A4 Pottawatomie	100,000
Kansas 5-46048A1 Ford	150,000
Louisiana 5-46017L1 Claiborne	490,000
Minnesota 5-46066H1 Scott	130,000
Minnesota 5-46070G4 Hennepin	180,000
Missouri 5-46020D1 Marion	130,000
Missouri 5-46047D1 Cooper	168,000
Nebraska 5-46065B2 Wayne District Public	120,000
Oklahoma 5-46019D1 Craig	145,000
South Carolina 5-46022B3 Fairfield	50,000
South Carolina 5-46022C1 Fairfield	108,000
South Carolina 5-46035C1 Abbeville	96,470
Texas 5-46083E1 Fisher	138,000
Texas 5-46107D1 Martin	133,000
Texas 5-46124A2 Schleicher	90,000
Virginia 5-46022K1 Caroline	136,000
Virginia 5-46035D3 Madison	66,000

[SEAL] WILLIAM J. NEAL,
Acting Administrator.

[F. R. Doc. 45-14077; Filed, July 31, 1945; 3:13 p. m.]

INTERSTATE COMMERCE COMMISSION.

[2d Rev. S. O. 300, Special Permit 22]

REFRIGERATION OF POTATOES FROM GREENPORT, LONG ISLAND, N. Y. AND FREEHOLD, N. J.

Pursuant to the authority vested in me by paragraph (e) of the first ordering paragraph of Second Revised Service Order No. 300 (10 F.R. 6802), permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard the provisions of Second Revised Service Order No. 300 insofar as it applies to the furnishing of standard refrigeration on cars of potatoes, PFE 45343 and FGE 52698, shipped from Greenport, Long Island (L. I.-P. R. R.-Sou.-F. E. C.) and WFE 65955, shipped from Freehold, New Jersey (P. R. R.-Sou.-F. E. C.), all shipped July 30, 1945, by F. H. Vahlsing, Inc., consigned to Sidney Alterman, Port Everglades, Florida.

The waybills shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 30th day of July 1945.

V. C. CLINGER,
Director,
Bureau of Service.

[F. R. Doc. 45-14117; Filed, Aug. 1, 1945; 10:58 a. m.]

OFFICE OF ALIEN PROPERTY CUSTODIAN.

[Vesting Order 500A-170]

COPYRIGHTS OF CERTAIN GERMAN NATIONALS

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation:

1. Finding that each and all of the identified persons to whom reference is made in Column 5 of Exhibit A attached hereto and made a part hereof [the names of which persons are listed (a) in Column 3 of said Exhibit A as the authors of the works, the titles of which are listed in Column 2, and the copyright numbers, if any, of which are listed in Column 1, respectively, of said Exhibit A, and/or (b) in Column 4 of said Exhibit A as the owners of the copyrights, the numbers, if any, of which are listed in Column 1, and the titles of the works covered by which are listed in Column 2, respectively, of said Exhibit A, and/or (c) in Column 5 of said Exhibit A as others owning or claiming interests in such copyrights] are nationals of one or more foreign countries;

2. Determining, therefore, that the property described as follows: All right, title, interest and claim of whatsoever kind or nature, under the statutory and common law of the United States and of the several States thereof, of each and all of the identified persons to whom reference is made in Column 5 of said Exhibit A, and also of each and all other unidentified individuals who, as of the date of this order, are residents of, and of each and all other unidentified corporations, partnerships, associations or business organizations of any kind or nature which, as of the date of this order, are organized under the laws of, or have their principal places of business in, Germany, Italy, Japan, Bulgaria, Hungary, Rumania and/or any territory occupied by one or more of such six named countries, whether or not such unidentified persons are named elsewhere in this order or in said Exhibit A, in, to and under the following:

a. Each and all of the copyrights, if any, described in said Exhibit A;

b. Every copyright, claim of copyright and right to copyright in each and all of the works described in said Exhibit A and in every issue, edition, publication, republication, translation, arrangement dramatization and revision thereof, in whole or in part, of whatsoever kind or nature, and of each and all other works designated by the titles therein set forth, whether or not filed with the Register of Copyrights or otherwise asserted, and whether or not specifically designated by copyright number;

c. Every license, agreement, privilege, power and right of whatsoever nature arising under or with respect to any or all of the foregoing;

d. All monies and amounts, and all right to receive monies and amounts, by way of royalty, share of profits or other emolument, accrued or to accrue, whether arising pursuant to law, contract or otherwise, with respect to any or all of the foregoing;

e. All rights of renewal, reversion or revesting, if any, in any or all of the foregoing;

f. All causes of action accrued or to accrue at law or in equity with respect to any or all of the foregoing, including but not limited to the right to sue for and recover all damages and profits and to ask and receive any and all remedies provided by common law or statute for the infringement of any copyright or the violation of any right or the breach of any obligation described in or affecting any or all of the foregoing;

is property payable or held with respect to copyrights, or rights related thereto, in which interests are held by, and such property constitutes interests held therein by, nationals of one or more foreign countries;

3. Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise; and

4. Deeming it necessary in the national interest;

hereby vests in the Alien Property Custodian the property hereinbefore described in subparagraph 2, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in a special account pending further determinapowers of the Alien Property Custodian This shall not be deemed to limit the powers of the Alien Property Custodian, to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Executed at Washington, D. C., on July 12, 1945.

[SEAL] FRANCIS J. MCNAMARA,
Deputy Alien Property Custodian.

Column 1 Copyright numbers	Column 2 Titles of works	Column 3 Names and last known nationalities of authors	Column 4 Names and last known addresses of owners of copyrights	Column 5 Identified persons whose interests are being vested
A for 12911	Das Antlitz der Kindes, 1931	Karin Michaelis (nationality not established).	Nenfeld and Henius Verlag, Berlin, Germany (nationality German).	Owner.
Unknown	Die Rausch- Und Genussgifte, 1938	Erich Hesse (nationality not established).	Ferdinand Enke, Stuttgart, Germany (nationality German).	Owner.
Unknown	Die Naphthensäuren, 1922	Dr. I. Budowski (nationality not established).	Julius Springer, Berlin, Germany (nationality German).	Owner.
Unknown	Handbuch der gesamten Parfümerie und Kosmetik. 3, völlig neubearb. Aufl., 1942.	Fred Winter (nationality not established).	Julius Springer, Wien, Germany (nationality German).	Owner.
Unknown	Rabenhorsts Kryptogamen-Flora. 2. vollständig neu bearb. Aufl. 1925-1941.	Ludwig Rabenhorst (nationality not established).	Akademische Verlagsgesellschaft, Leipzig, Germany (nationality German).	Owner.
Unknown	Die Methode der Festpunkte zur Berechnung der statisch unbestimmten Konstruktionen mit zahlreichen Beispielen aus der Praxis insbesondere ausgeführten Eisenbetontragwerken. 2. verb. und erweit. Aufl. 2 vols. in one. 1932.	Ernst Suter (nationality not established)	Julius Springer, Berlin, Germany (nationality German).	Owner.

[F. R. Doc. 45-14028; Filed, July 31, 1945; 10:33 a. m.]

[Vesting Order 5157]

ANNA ZETERBERG

Correction

In the document appearing on page 9554 of the issue for Wednesday, August 1, 1945, the FEDERAL REGISTER serial number should read "45-14027".

[Vesting Order 5081]

NIKLAUS L. VACANO

In re: Thirteen diamonds owned by Niklaus L. Vacano.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

1. That the last known address of Niklaus L. Vacano is 77 Sakura Gacka, Tokyo, Japan, and that he is a resident of Japan and a national of a designated enemy country (Japan);

2. That Niklaus L. Vacano is the owner of the property described in subparagraph 3 hereof;

3. That the property described as follows: Thirteen loose, cut diamonds presently located in blocked safe deposit Box No. 4403 leased by Benno Sternberg & Co., Inc., from the Guaranty Safe Deposit Company, 524 Fifth Avenue, New York, New York, believed to be particularly described in Exhibit A, attached hereto and by reference made a part hereof,

is property within the United States owned or controlled by a national of a designated enemy country (Japan);

And determining that to the extent that such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described in subparagraph 3 hereof, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such prop-

erty or the proceeds thereof in whole or in part, nor shall this order be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC–1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national," and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on July 10, 1945.

[SEAL] FRANCIS J. MCNAMARA,
Deputy Alien Property Custodian.

EXHIBIT A

No.:	*Weight (carats)*
0	9.35
1	1.58
1	4.65
1	3.70
1	4.72
13	24.00

[F. R. Doc. 45–14110; Filed, Aug. 1, 1945; 10:22 a. m.]

[Vesting Order 5158]

HEDWIG SARAH BECK

In re: Trust under the will of Hedwig Sarah Beck, also known as Hedwig S. Beck, deceased; File No. D–28–8274; E. T. sec. 9436.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding;

That the property described as follows: All right, title, interest and claim of any kind or character whatsoever of Erich Carl Beck, the issue, names unknown of Erich Carl Beck, Inge Beck Mousson, Ellen Beck, Klauss Beck, Mia Beck, and the heirs, distributees and next of kin, names unknown, of the issue of Erich Carl Beck, and each of them, in and to the Trust established under the Will of Hedwig Sarah Beck, also known as Hedwig S. Beck, deceased,

is property payable or deliverable to, or claimed by nationals of a designated enemy country, Germany, namely,

Nationals and Last Known Address

Erich Carl Beck, Germany.
The issue, names unknown of Erich Carl Beck, Germany.
Inge Beck Mousson, Germany.
Ellen Beck, Germany.
Klauss Beck, Germany.
Mia Beck, Germany.
The heirs, distributees and next of kin, names unknown, of the issue of Erich Carl Beck, Germany.

That such property is in the process of administration by Ellen Gertrude Lindenmeyr, Edward Frederick William Beck and Carl Edward Lindenmeyr, as Co-executors and Trustees of the Trust under the will of Hedwig Sarah Beck, also known as Hedwig S. Beck, acting under the judicial supervision of the Surrogate's Court of Westchester County, New York;

And determining that to the extent that such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, (Germany);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC–1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on July 24, 1945.

[SEAL] FRANCIS J. MCNAMARA,
Deputy Alien Property Custodian.

[F. R. Doc. 45–14111; Filed, Aug. 1, 1945; 10:22 a. m.]

[Vesting Order 5159]

KARL H. FISCHER

In re: Estate of Karl H. Fischer, deceased; File D–28–4291; E. T. sec. 7311.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding;

That the property described as follows: All right, title, interest and claim of any kind or character whatsoever of Gertrude Fischer, Lotte (Lottie) Fischer and Ilse Fischer, and each of them, in and to the estate of Karl H. Fischer, deceased,

is property payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

Nationals and Last Known Address

Gertrude Fischer, Germany.
Lotte (Lottie) Fischer, Germany.
Ilse Fischer, Germany.

That such property is in the process of administration by the Bank of Sheboygan, 622 North 8th Street, Sheboygan, Wisconsin, as Administrator of the estate of Karl H. Fischer, deceased, acting under the judicial supervision of the County Court of Sheboygan County, Wisconsin;

And determining that to the extent that such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC–1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on July 24, 1945.

[SEAL] FRANCIS J. MCNAMARA,
Deputy Alien Property Custodian.

[F. R. Doc. 45–14112; Filed, Aug. 1, 1945; 10:22 a. m.]

[Vesting Order 5160]

MONICA MONARSKI, ET AL.

In re: Monica Monarski vs. Marion Greb, et al.; File D–28–7752; E. T. sec. 8352.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding;

That the property described as follows: All right, title, interest and claim of any kind or character whatsoever of Marion Greb, William Orthen, children, names unknown, of Marion Greb, children, names unknown, of William Orthen, and each of them, in and to that certain parcel of real property, and the proceeds thereof, which is the subject matter of the partition suit entitled "Monica Monarski vs. Marion Greb, et al." in the Superior Court of Cook County, Illinois, and which is particularly described as follows:

"Lot Ten (10) in Block Twenty-seven (27) in Rogers Park, a Subdivision of Sections Thirty (30), Thirty-one (31) and Thirty-two (32), Township Forty-one (41) North, Range Fourteen (14), East of the Third Principal Meridian in Cook County, Illinois, commonly known as Nos. 1626 to 1630 Lunt Avenue, Chicago, Illinois,"

together with all hereditaments, fixtures, improvements and appurtenances thereto, and any and all claims for rents, refunds, benefits or other payments arising from the ownership of such property, subject to recorded liens, encumbrances and other rights of record held by or for persons who are not nationals of designated enemy countries,

is property payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

Nationals and Last Known Address

Marion Greb, Germany.
William Orthen, Germany.
Children, names unknown, of Marion Greb, Germany.
Children, names unknown, of William Orthen, Germany.

That such property is the subject of a judicial action or proceeding entitled Monica Monarski vs. Marion Greb, et al. now pending in the Superior Court of Cook County, Chicago, Illinois;

And determining that to the extent that such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC–1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on July 24, 1945.

[SEAL] FRANCIS J. MCNAMARA,
Deputy Alien Property Custodian.

[F. R. Doc. 45–14113; Filed, Aug. 1, 1945; 10:22 a. m.]

OFFICE OF DEFENSE TRANSPORTATION.

[Supp. Administrative Order ODT 1–7A]

CHIEF OF ALLOCATION SECTION, HIGHWAY TRANSPORT DEPARTMENT

DELEGATION OF AUTHORITY

Pursuant to § 503.11 (b) of Administrative Order ODT 1, as amended (9 F.R. 7506), and § 503.495 of Administrative Order ODT 29 (9 F.R. 14073):

1. Authority to sign, issue, and execute certificates of transfer pursuant to §§ 501.422 and 501.426 of General Order ODT 44A and § 503.473 (a) of Administrative Order ODT 27A, is hereby delegated to the Chief of the Allocation Section, Division of Equipment and Research, Highway Transport Department, Office of Defense Transportation.

2. The exercise of the powers and authority conferred hereby shall be subject to the general control and supervision of the Director of the Office of Defense Transportation, the Director, Highway Transport Department, and the Division Director, Division of Equipment and Research.

Supplementary Administrative Order ODT 1–7 (9 F.R. 7508) is hereby revoked.

Issued at Washington, D. C., this 1st day of August 1945.

GUY A. RICHARDSON,
Director,
Highway Transport Department,
Office of Defense Transportation.

[F. R. Doc. 45–14074; Filed, July 31, 1945; 3:28 p. m.]

[Supp. Administrative Order ODT 1–8A]

REGIONAL DIRECTORS, HIGHWAY TRANSPORT DEPARTMENT

DELEGATION OF AUTHORITY

Pursuant to § 503.11 of Administrative Order ODT 1, as amended (9 F.R. 7506, 12422), and § 503.495 of Administrative Order ODT 29 (9 F.R. 14073):

1. Authority to establish local appeal boards as provided in Administrative Order ODT 27A and to fix the territory in which each such board shall function; to change the territorial jurisdiction of, or to disestablish, any local appeal board; to appoint members of local appeal boards and revoke any such appointments from time to time, is hereby delegated to the regional directors, Highway Transportation Department, Office of Defense Transportation, to be exercised by them within their respective regions.

2. The exercise of the powers and authority conferred hereby shall be subject to the control and supervision of the Director of the Office of Defense Transportation and the Director, Highway Transport Department.

Supplementary Administrative Order ODT 1–8 (9 F.R. 12554) is hereby revoked.

Issued at Washington, D. C., this 1st day of August 1945.

GUY A. RICHARDSON,
Director,
Highway Transport Department,
Office of Defense Transportation.

[F. R. Doc. 45–14075; Filed, July 31, 1945; 3:28 p. m.]

OFFICE OF PRICE ADMINISTRATION.

[MPR 161[1], Amdt. 4 to Order 53]

WEST COAST LOGS

APPROVED GRADERS AND SCALERS

For the reasons set forth in the accompanying opinion and under the authority vested in the Administrator by § 1381.158 of Revised Maximum Price Regulation 161, Order No. 53 is hereby amended as follows:

1. To the list of names of approved employees in paragraph (a) (3), add the name "James E. Garland."

This amendment shall become effective August 1, 1945.

Signed this 31st day of July 1945.

JAMES F. BROWLEE,
Acting Administrator.

[F. R. Doc. 45–14083; Filed, July 31, 1945; 4:04 p. m.]

[RMPR 357, Order 4]

INDIA TANNED GOATSKINS

MAXIMUM PRICES FOR IMPORTATION AND RESALE AFTER ARRIVAL IN UNITED STATES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register and pursuant to section 6 of Revised Maximum Price Regulation 357, *It is ordered:*

(a) The maximum prices at which any person may purchase, sell or deliver M in a circle mark East India tanned goatskins shall be the applicable maximum prices for corresponding grades, weights and selections of S. P. A. K. mark East India tanned goatskins established by sections 4 and 5 of Revised Maximum Price Regulation 357.

(b) This order may be amended or revoked at any time by the Office of Price Administration.

This Order No. 4 shall become effective August 2, 1945.

Issued this 1st day of August 1945.

JAMES F. BROWNLEE,
Acting Administrator.

[F. R. Doc. 45–14152; Filed, Aug. 1, 1945; 11:18 a. m.]

[1] 9 F.R. 9668, 13846, 14059; 10 F.R. 924, 2973, 4712.

[SR 15, Order 49]

BADORF SHOE CO., INC.

ESTABLISHMENT OF MAXIMUM PRICES

Order No. 49 under § 1499.75 (a) (10) of Supplementary Regulation 15 to the General Maximum Price Regulation. Badorf Shoe Company, Inc; Docket No. 6064–SR 15.75 (a) (10)–44.

For the reasons set forth in an opinion issued simultaneously herewith and pursuant to § 1499.75 (a) (10) of Supplementary Regulation 15 to the General Maximum Price Regulation, it is ordered:

(a) *Maximum prices for sales of footwear by Badorf Shoe Company, Inc.*—(1) *Maximum prices.* On and after August 1, 1945, the maximum prices at which Badorf Shoe Company, Inc., Lititz, Pennsylvania, may sell and deliver the footwear described below to wholesalers and to chain stores and all other retailers shall be as follows:

GRADE A FOOTWEAR

Description	Size run	"OPA Adjustment Charge" (Per Pair)	Adjusted maximum prices (per pair) (net)		
			Sales to wholesalers	Sales to chain stores	Sales to all other retailers
White kid boot	2-6	$0.01	$1.01	$1.01	$1.06
	6½-9	.05	1.22	1.22	1.27
White elk boot	2-6	.06	1.01	1.01	1.06
	6½-9	.10	1.20	1.20	1.25
Tan boot	2-6	.05	1.00	1.00	1.05
	6½-9	.10	1.20	1.20	1.25
	9½-12	.15	1.40	1.40	1.45
Black kid boot	2-6	.04	.99	.99	1.04
	6½-9	.08	1.18	1.18	1.23
	9½-12	.07	1.39	1.39	1.44
Patent boot	2-6	.03	.98	.98	1.03
	6½-9	.08	1.18	1.18	1.23
	9½-12	.05	1.38	1.38	1.43
White kid oxford	2-6	.02	.97	.97	1.02
	6½-9	.05	1.15	1.15	1.20
White elk oxford	2-6	.05	.90	.95	1.00
	6½-9	.10	1.15	1.15	1.20
	9½-12	.09	1.36	1.36	1.41
Tan elk oxford	2-6	.05	.90	.95	1.00
	6½-9	.09	1.11	1.14	1.19
	9½-12	.08	1.35	1.35	1.40
Patent oxford	2-6	.03	.91	.93	.98
	6½-9	.07	1.12	1.12	1.17
	9½-12	.06	1.33	1.33	1.38
Dull oxford	2-6	.04	.93	.94	.99
	6½-9	.08	1.13	1.13	1.18
	9½-12	.07	1.34	1.34	1.39
Patent cross buckle	9½-12	.03	1.30	1.30	1.35
White cross buckle	2-6	.01	.92	.91	.96
	6½-9	.05	1.10	1.10	1.15
	9½-12	.06	1.33	1.33	1.38
Patent sandal	9½-12	.04	1.31	1.31	1.36
White sandal	2-6	.02	.93	.92	.97
	6½-9	.06	1.11	1.11	1.16
	9½-12	.07	1.34	1.34	1.39

GRADE B FOOTWEAR

White sheep boot	1-4	$0.01	$0.79	$0.81	$0.86
	2-6	.05	.87	.89	.95
Tan boot	6½-9	.08	1.04	1.06	1.14
	2-6	.06	.88	.86	.96
Black elk boot	6½-9	.11	1.07	1.05	1.16
	9½-12	.10	1.32	1.30	1.42
Patent boot	2-6	.06	.88	.86	.96
	6½-9	.11	1.07	1.05	1.16
	9½-12	.10	1.32	1.30	1.42
White sheep oxford	2-6	.07	.89	.87	.97
	6½-9	.12	1.08	1.06	1.17
	9½-12	.11	1.33	1.31	1.43
Tan elk oxford	2-6	.02	.80	.82	.87
	6½-9	.05	.96	.99	1.05
Black elk oxford	2-6	.02	.80	.82	.87
	6½-9	.06	.97	1.00	1.06
	9½-12	.05	1.22	1.25	1.32
Patent oxford	2-6	.02	.80	.82	.87
	6½-9	.06	.97	1.00	1.06
	9½-12	.05	1.22	1.25	1.32
	2-6	.03	.81	.83	.88
	6½-9	.07	.98	1.01	1.07
	9½-12	.06	1.23	1.26	1.33

GRADE B FOOTWEAR—Continued

Description	Size run	"OPA Adjustment Charge" (Per Pair)	Adjusted maximum prices (per pair) (net)		
			Sales to wholesalers	Sales to chain stores	Sales to all other retailers
White sheep cross buckle	2-6	$0.01	$0.79	$0.86	$0.81
	6½-9	.04	.93	1.04	.98
Patent cross buckle	2-6	.03	.81	.80	.88
	6½-9	.08	.97	1.00	1.06
	9½-12	.10	1.27	1.30	1.37
White sheep sandal	6½-9	.01	.92	1.01	.95
Patent sandal	2-6	.01	.79	.81	.86
	6½-9	.03	.94	.97	1.03
	9½-12	.09	1.20	1.29	1.36

(b) *Maximum prices for sales at wholesale.* The maximum price for a sale at wholesale of any shoe listed in paragraph (a), above, shall be the wholesaler's maximum price previously established under the General Maximum Price Regulation to which may be added the amount specified below. A wholesaler who has not previously established a maximum price for such shoe under the General Maximum Price Regulation may not in determining his maximum price, consider the "OPA adjustment charge" specified in subparagraph (a) (1) as a part of his net unit replacement cost for the shoe. To his maximum price otherwise determined he may add the amount specified below:

GRADE A FOOTWEAR

Description	Size run	Amount of adjustment (per pair)
		Cents
White kid boot	2-6	1
	6½-9	3
White elk boot	2-6	1
	6½-9	7
Tan boot	2-6	3
	6½-9	7
	9½-12	6
Black kid boot	2-6	3
	6½-9	6
	9½-12	5
Patent boot	2-6	2
	6½-9	6
	9½-12	4
White kid oxford	2-6	1
	6½-9	4
White elk oxford	2-6	4
	6½-9	7
	9½-12	6
Tan elk oxford	2-6	3
	6½-9	6
	9½-12	6
Patent oxford	2-6	2
	6½-9	5
	9½-12	4
Dull oxford	2-6	3
	6½-9	6
	9½-12	5
Patent cross buckle	9½-12	2
White cross buckle	2-6	1
	6½-9	4
	9½-12	4
Patent sandal	9½-12	3
White sandal	2-6	1
	6½-9	4
	9½-12	5

GRADE B FOOTWEAR

White sheep boot	1-4	0
	2-6	3
Tan boot	6½-9	5
	2-6	4
Black elk boot	6½-9	8
	9½-12	7
Patent boot	2-6	4
	6½-9	8
	9½-12	7
White sheep oxford	2-6	3
Tan elk oxford	6½-9	5
	2-6	2
Black elk oxford	6½-9	6
	9½-12	5
Patent oxford	2-6	3
	6½-9	6
	9½-12	5

GRADE B FOOTWEAR—Continued

Description	Size run	Amount of adjustment (per pair)
		Cents
White sheep oxford	2-6	2
	6½-9	5
Tan elk oxford	2-6	2
	6½-9	4
	9½-12	4
Black elk oxford	2-6	2
	6½-9	4
	9½-12	4
Patent oxford	2-6	2
	6½-9	5
	9½-12	4
White sheep cross buckle	2-6	1
	6½-9	4
Patent cross buckle	2-6	2
	6½-9	5
	9½-12	4
White sheep sandal	6½-9	4
Patent sandal	2-6	2
	6½-9	5
	9½-12	4

(2) *Invoicing of amounts of adjustment.* An amount of adjustment listed in subparagraph (b) (1), above, may be made and collected only if separately stated in the invoice accompanying each sale and delivery.

(c) *Maximum prices for sales at retail*—(1) *Sales subject to the General Maximum Price Regulation.* The maximum price for a sale or delivery at retail of any shoe listed in paragraph (a), above, shall be the retailer's maximum price previously established under the General Maximum Price Regulation and may not be increased by reason of the adjustment granted to Badorf Shoe Company, Inc., or to a wholesaler under this order. A retailer who has not previously established a maximum price therefor under the General Maximum Price Regulation may not, in determining his maximum price, consider either the "OPA adjustment charge" specified in paragraph (a), above, or the amount of adjustment specified in paragraph (b), above, as a part of his net unit replacement cost for the shoe.

(2) *Sales subject to Maximum Price Regulation 580.* The maximum price for a sale or delivery at retail of any shoe listed in paragraph (a), above, shall be the retailer's maximum price determined by applying to his invoice net cost, exclusive of both the "OPA adjustment charge" specified in paragraph (a), above, and the amount of adjustment specified in paragraph (b), above, the applicable pricing rule of section 7 of Maximum Price Regulation 580 and may not be increased by reason of the adjustment granted to Badorf Shoe Company, Inc. or to a wholesaler under this order.

(d) *Notification.* At the time of (or prior to) the first delivery of each shoe listed in paragraph (a), above, to a purchaser for resale on and after the date of this order at a price adjusted in accordance with the terms of this order, the seller shall notify the purchaser in writing of the applicable method established by paragraph (b) or (c), above, for determining maximum prices for resale of the footwear. This notice may be given in any convenient form.

(e) All requests not specifically granted by this order are hereby denied.

(f) This order may be amended, modified, revised or revoked by the Administrator at any time.

This order shall become effective August 1, 1945.

Issued this 31st day of July 1945.

JAMES F. BROWNLEE,
Acting Administrator.

[F. R. Doc. 45–14081; Filed, July 31, 1945; 4:03 p. m.]

[MPR 188, Order 113 Under 2d Rev. Order A–3]

GLOBE-WERNICKE CO.

ADJUSTMENT OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith, and filed with the Division of the Federal Register; and pursuant to Second Revised Order No. A–3 under § 1499.159b of Maximum Price Regulation No. 188; It is ordered:

(a) *Manufacturer's maximum prices.* The Globe-Wernicke Co., of Carthage Avenue, Cincinnati, Ohio may sell and deliver the articles, listed below, which it manufactures, and which are described in the manufacturer's application dated March 21, 1945, at prices no higher than its maximum prices in effect immediately prior to the issuance of this order plus the appropriate one of the following adjustment charges:

Article	Adjustment charge
Group I 400 line wood filing cabinets:	
441—VI—green & Imt. Wal	$5 51
442—VC—green & Imt. Wal	2 37
431—VL—green & Imt. Wal	1 45
421—VL—green & Imt. Wal	.66
Group II wood stationer's items:	
#5 Wood Desk Stationery Cabinet Oak	1 83
Imt. Wal	1 79
7310 Peerless Tray Oak	.30
Imt. Wal	.14
7410 Peerless Tray Oak	.34
Imt. Wal	.27
7510 Peerless Tray Oak	.34
Imt. Wal	.25
35 CI Cabinet Oak	1 04
Imt. Wal	.89
46 CI Cabinet Oak	1.24
Imt. Wal	1 02
58 CI Cabinet Oak	1.29
Imt. Wal	1 07
Group III wood book cases:	
741—Top—plain oak	.25
Quartered oak	.36
Imt. Wal	.28
Imt. Mahogany	.12
709—section—plain oak	.39
Quartered Oak	.51
Imt. Wal	.20
Imt. Mahogany	.08
711—section—plain oak	.29
Quartered oak	.36
Imt. wal	.05
713—section—plain oak	.43
Quartered oak	.68
Imt. wal	.30
Imt. mahogany	.12
7411—section—plain oak	.95
Quartered oak	1.32
Imt. wal	.88
Imt. mahogany	.68
841—quartered oak	.85
Imt. wal	.89
Genuine wal	.19
Genuine mahogany	.54
809—section—quartered oak	.91
Imt. wal	1.04
Genuine wal	.06
Genuine mahogany	.19

Article	Adjustment charge
Group III wood book cases—Continued.	
811—Quartered oak	$0.97
Imt. wal	1.11
Genuine wal	.19
Genuine mahogany	.25
813—Quartered oak	1.36
Imt. wal	1.36
Genuine wal	.41
Genuine mahogany	.54

On all sales other than sales to ultimate consumers, the adjustment charge provided herein may be made and collected only if stated separately on each invoice.

The maximum prices of the manufacturer, as adjusted, are subject to its customary terms, discounts, allowances and other price differentials in effect during March, 1942 on sales to each class of purchaser.

(b) *Maximum prices of purchasers for resale.* A person who hereafter buys an article covered by this order and resells it in substantially the same form, may collect from his customer, in addition to his properly established maximum price in effect immediately before this order was issued, an adjustment charge in the same amount as the adjustment charge herein authorized and which he pays to his supplier. If he did not have a maximum price in effect for the article at the time this order was issued, he may add the same adjustment charge to the maximum price which he hereafter establishes for his sales under the applicable regulation. If the applicable regulation requires the maximum resale price to be computed on the basis of cost, the reseller must find his maximum resale price (not including the permitted adjustment charge) by using as cost his invoice cost less any adjustment charge stated on the invoice as a separate amount.

On all sales other than sales to the ultimate consumer this adjustment charge may be made and collected only if it is separately stated on each invoice. The adjusted price is subject to each seller's customary terms, discounts, and allowances on sales of the same or similar articles.

(c) *Notification.* At the time of, or prior to, the first invoice to a purchaser for resale, showing a price adjusted in accordance with the terms of this order, the seller shall notify the purchaser in writing of the method established in paragraph (b) of this order for determining adjusted maximum prices for sales of the article covered by this order. This notice may be given in any convenient form.

(d) *Statements to be submitted to the Office of Price Administration.* After the effective date of this order, The Globe-Wernicke Co. shall submit to the Office of Price Administration, Washington, D. C., a detailed quarterly profit and loss statement, within thirty days after the close of each quarter.

(e) This order may be revoked or amended by the Price Administrator at any time.

(f) This order shall become effective on August 1, 1945.

Issued this 31st day of July 1945.

JAMES F. BROWNLEE,
Acting Administrator.

[F. R. Doc. 45–14086; Filed, July 31, 1945; 4:05 p. m.]

[MPR 120, Order 1437]

SLOAN COAL CO.

ESTABLISHMENT OF MAXIMUM PRICES AND PRICE CLASSIFICATIONS

For the reasons set forth in an opinion issued simultaneously herewith and in accordance with § 1340.210 (a) (6) of Maximum Price Regulation No. 120, *It is ordered:*

(a) The District No. 1 designation and former mine index numbers are hereby cancelled, and the District No. 2 designation, mine index numbers, maximum truck price group number, and railroad fuel price group letter are assigned the below listed mines as follows:

Mine name	Former index No.	Former district No.	Owner	New district No.	New index No.	Truck price group No.	Railroad fuel price group letter	Type of mine
Sloan #1	2198	1	Sloan Coal Co	2	4344	10	B	Deep.
Sloan #2	1696	1	do	2	4345	10	B	Deep.

(b) Coals produced by Sloan Coal Company from the Sloan #1 and Sloan #2 Mines, Mine Index Nos. 4344 and 4345, in Armstrong County, Pennsylvania, in Subdistrict No. 2 of District No. 2 may be purchased and sold for the indicated uses and movements at cents per net ton prices not exceeding the following:

	Size group Nos.										
	1	2	3	4	5	6	7	8	9	10	11
Price classification	F	F	E	E	E	E	F	F	F	.....	.....
Rail shipment	324	324	319	319	319	309	289	289	274	.....	.....
Truck shipment	409	409	409	379	374	374	374	309	289	289	269
Railroad fuel	329	329	329	329	329	314	289	289	274	274	.....

(c) The prices established herein are f. o. b. the mine or preparation plant for truck or wagon shipments, f. o. b. the rail or river shipping point for rail or river shipments, and f. o. b. the rail shipping point for railroad fuel for all uses.

(d) All prayers of the applicant not granted herein are hereby denied.

(e) This order may be revoked or amended by the Price Administrator at any time.

(f) Except as specifically provided in this order the provisions of Maximum

Price Regulation No. 120 governing the sale of bituminous coal shall remain in effect.

(g) The price classifications and mine index numbers assigned herein are permanent, but the maximum prices may be changed by order or amendment.

This order shall become effective August 1, 1945.

Issued this 31st day of July 1945.

JAMES F. BROWNLEE,
Acting Administrator.

[F. R. Doc. 45-14082; Filed, July 31, 1945; 4:04 p. m.]

[MPR 188, Amdt. 1 to Rev. Order 2645]

DIXIE CHAIR CO. AND CAROLINA CHAIR CO.

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.158 of MPR 188; *It is ordered*, That Revised Order No. 2545 be amended in the following respect:

The first paragraph of paragraph (a) is amended to read as follows:

(a) This order establishes maximum prices for sales and deliveries of 18 upholstered chairs manufactured by Dixie Chair Company and Carolina Chair Company, both of Newton, North Carolina hereinafter called the manufacturer.

This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective August 1, 1945.

Issued this 31st day of July 1945.

JAMES F. BROWNLEE,
Acting Administrator.

[F. R. Doc. 45-14084; Filed, July 31, 1945; 4:04 p. m.]

[MPR 188, Rev. Order 3307]

DI CLEMENTE—VOLKE

APPROVAL OF MAXIMUM PRICES

Order No. 3307 under § 1499.158 of MPR 188 is revised and amended to read as follows:

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.158 of MPR 188; *It is ordered:*

(a) This revised order establishes maximum prices for sales and deliveries of certain articles of furniture manufactured by Di Clemente—Volke, 4 Elton Street, Rochester, New York.

(1) For all sales and deliveries to the following classes of purchasers by the sellers indicated below, the maximum prices are those set forth below:

Article	Model No.	Manufacturer's maximum price to persons, other than retailers, who sell from their own stock	Manufacturer's maximum price to persons, other than retailers, who sell from the manufacturer's stock	Maximum price for sales to retailers by the manufacturer, and by persons, other than retailers, who sell from the manufacturer's stock
Play pen	40" x 40"	*Each* $4.56	*Each* $4.84	*Each* $5.70

These prices are f. o. b. factory, are subject to a cash discount of two percent for payment within ten days, net thirty days, and are for the article described in the manufacturer's application dated November 15, 1944.

(2) For sales by the manufacturer the maximum prices apply to all sales and deliveries since the effective date of MPR 188. For sales by persons, other than retailers, who sell from the manufacturer's stock, the maximum prices apply to all sales and deliveries after the effective date of this revised order.

(3) If the manufacturer wishes to make sales and deliveries to any other class of purchaser or on other terms and conditions of sale, he must apply to the Office of Price Administration, Washington, D. C., under the Fourth Pricing Method § 1499.158; of MPR 188, for the establishment of maximum prices for those sales, and no sales or deliveries may be made until maximum prices have been authorized by the Office of Price Administration.

(b) At the time of, or prior to, the first invoice to each purchaser, other than a retailer, who sells from the manufacturer's stock, the manufacturer shall notify the purchaser of the maximum prices and conditions established by this revised order for sales by the purchaser. This notice may be given in any convenient form.

(c) This revised order may be revoked or amended by the Price Administrator at any time.

This revised order shall become effective on the 1st day of August 1945.

Issued this 31st day of July 1945.

JAMES F. BROWNLEE,
Acting Administrator.

[F. R. Doc. 45-14085; Filed, July 31, 1945; 4:05 p. m.]

[RMPR 194, Order A-1]

WOMEN'S, GIRLS', CHILDREN'S AND INFANTS' OUTERWEAR GARMENTS

RETAILERS' MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to section 18 (a) of RMPR 194, it is ordered:

SECTION 1. *Scope of this order*—(a) *What garments are covered.* The garments covered by this order are the women's, girls', children's and infants' outerwear garments which are listed and described in section 9, Appendix A. Hereafter these outerwear garments are referred to as "garment" or "garments".

(b) *What kind of sales are covered.* This order applies to all sales at retail. All sales to individual ultimate consumers by persons who sell imported garments in substantially the same form in which they purchase them are "sales at retail". Sales to industrial, commercial or institutional users are also "sales at retail" if made by persons who sell principally to individual ultimate consumers.

(c) *What geographical areas are covered.* This order applies to the 2d and 4th Judicial Divisions, to the coastal towns on Bristol Bay and to the City of Anchorage. "Judicial Divisions" refers to the four district court and recording divisions of the Territory of Alaska and their boundaries established by Chapter XII, Article I, Section 1091, Compiled Laws of Alaska, 1933.

(d) Relationship of this order to Revised Maximum Price Regulation 194. This order replaces the pricing provisions of sections 5 and 6 and modifies other provisions of Revised Maximum Price Regulation 194. All other provisions of Revised Maximum Price Regulation 194 not inconsistent with the provisions of this order remain in effect. All letters, letter-orders and general orders previously issued under MPR 194 or RMPR 194, approving or establishing your maximum price for any garment listed in Appendix A, are superseded by this Order A-1.

SEC. 2. *How to figure your ceiling prices under this order.* Your ceiling price for a garment shall be your net invoice cost thereof plus a markup of 85% on such cost. (This calculation can be easily made by multiplying the net invoice cost by 1.85).

(a) "Net invoice cost" means the price you paid to your supplier after deducting all discounts except the discount for prompt payment up to and including 8%. "The price you paid to your supplier" must not exceed your supplier's ceiling price.

(b) "Supplier" means a manufacturer or wholesaler. Your ceiling prices for garments purchased from another retailer are established under this order by Section 3.

(c) Do not include as part of your "net invoice cost" any commission (including but not limited to a resident buyer's commission), service, premium, transportation or any other charge not specifically provided for in this order.

SEC. 3. *Maximum prices for garments which have been bought from another retailer.* If the garment you sell was purchased from another retailer in Alaska, your ceiling price shall be your supplier's retail ceiling price for that garment as established by this order. If the garment you sell was purchased from another retailer in the continental United States, your ceiling price shall be your supplier's retail ceiling price for that garment as established by the applicable regulation in the continental United States. Transportation or other similar charges may not be added.

SEC. 4. *Marking of garments.* Each garment sold must be marked in accordance with the requirements of either paragraph (a) or (b) below.

(a) *What marking is required.* On and after September 1, 1945, you may not sell, offer for sale or deliver any garment unless it is marked with a label or ticket containing all of the following information:

(1) The name of your supplier as it appears on your purchase invoice.

(2) Your purchase invoice number.

(3) Your supplier's lot number. This must be a different number for each group of garments having a different ceiling price. Style number may be substituted for lot number if each group of garments having a different ceiling price carries a different style number.

(4) Your ceiling price in one of the following ways: "Our ceiling $_____"; or, "Ceiling price $_____".

EXAMPLE OF MARKING

John Smith Company
Invoice No. 164
Lot No. 111
Ceiling price $16.50

(b) You may substitute for the information specified in subparagraphs (1), (2) and (3) of paragraph (a) above, any other method of marking which will be easiest for you, *Provided*, That the garment so marked can be readily traced to the garment on the invoice covering your purchase of that garment. (For example, you may arrange your purchase invoices in alphabetical or chronological order and mark each invoice with a code symbol of your own such as a number or letter or a combination of the two, and then mark the label or ticket itself with a corresponding identification.)

EXAMPLE OF MARKING

Invoice Code No. 45
Garment Code No. D
Ceiling price $34.75

(c) *Manner of marking.* The required marking must be attached to each garment by stitching, adhesive, pins or staples, or by some other method which attaches the label or ticket securely to the garment. All the words and figures on the label or ticket must be clearly visible to the purchaser. The label or ticket shall not be removed but must remain attached to the garment when delivered to the purchaser.

SEC. 5. *Sales slips, receipts and invoices.* Regardless of whether the buyer requests it, you must give the buyer a sales slip, receipt or invoice showing (a) the date, (b) your name and address, (c) a description of each garment sold, and (d) the price received for each garment. You must make a duplicate copy of such sales slip, receipt or invoice and mark thereon the same information that is marked on the label or ticket attached to the garment pursuant to section 4. All duplicate sales slips, receipts or invoices must be kept at your place of business and preserved for inspection by the OPA so long as the Emergency Price Control Act of 1942, as amended, remains in effect.

SEC. 6. *Preserving purchase invoices.* Section 10 (b) (2) of Revised Maximum Price Regulation 194 requires you to preserve all purchase invoices. You must continue to preserve the purchase invoices which you heretofore received and hereafter receive for all garments covered by this order. You must keep these invoices in alphabetical, numerical or chronological order, or according to some other recognized filing system. All such invoices must be kept at your place of business and preserved for inspection by the OPA for so long as the Emergency Price Control Act of 1942, as amended, remains in effect.

SEC. 7. *Service charges.* If prior to April 1, 1942, you customarily supplied repair, alteration or remodeling services in connection with the sale of any garment subject to this order without extra charge, you may not curtail, change or discontinue such services without reducing your ceiling price by an amount which will compensate the customer for such curtailment, change or discontinuance. If you customarily made an extra charge for a service and such charge was in effect during March 1942, or if you were not in business prior to April 1, 1942, the charge for a service must be determined under Revised Maximum Price Regulation 165—Services. Any extra charge for a service must be stated separately on the sales slip furnished pursuant to section 5 of this order.

SEC. 8. *Adjustment of maximum prices in special cases*—(a) *Nationally advertised garments.* You may apply for adjustment to the Territorial Director if you can show all of the following:

(1) That your maximum price for a garment established under this order is less than the maximum retail price fixed by the manufacturer of the garment;

(2) That the garment and the price so fixed are nationally advertised by the manufacturer;

(3) That you are required by the manufacturer to observe such nationally advertised price;

(4) That such garment, or similar garments produced by such manufacturer, was generally sold at retail at prices no lower than the nationally advertised prices within the locality of your selling establishment.

In such case the Territorial Director is authorized to increase the retailers maximum price to the nationally advertised price.

SEC. 9. *Appendix A—Garments which must be priced under this order.* The garments listed below, if made from yard goods (including knitted fabrics and laces), must be priced under this order. Uniforms, work clothing, sportswear and utility wear are included within the classifications of garments given below. Garments made of artificial leather are, however, excepted. "Boys'" are included within the term "children's" as used in this order, except such garments as are generally known in the trade as "boys'" rather than "children's" garments.

(a) *Coats.* "Coats" include all outerwear garments commonly known as coats, untrimmed, trimmed, fur-trimmed and fur-lined, including capes and wraps, but not including rainwear garments. "Rainwear garments" are those which are commonly regarded as having their chief use as protection against rain.

(b) *Suits.* "Suits" include all outerwear garments of two or more pieces commonly known as suits, untrimmed, trimmed and fur-trimmed.

(c) *Jackets.* "Jackets" include all outerwear garments commonly known as jackets, including boleros, jerkins, weskits and other garments of the same type.

(d) *Skirts.* "Skirts" include all outerwear garments commonly known as skirts, including culottes.

(e) *Dresses.* "Dresses" include all outerwear garments of one or more pieces commonly known as dresses, including dresses used for street, evening, house or utility wear. Bridal gowns, jumpers, pinafores, brunch coats, smocks and similar garments are considered to be dresses.

(f) *Blouses.* "Blouses" include all outerwear garments, commonly known as blouses or shirtwaists.

(g) *Snowsuits.* "Snowsuits" include all outerwear garments commonly known as snowsuits or ski suits.

(h) *Leggings and Legging Sets.* "Leggings" and "legging sets" include all outerwear garments commonly known as leggings and legging sets.

(i) *Ski pants.* "Ski pants" include all outerwear garments commonly known as ski pants.

(j) *Slacks.* "Slacks" include all outerwear garments commonly known as slacks, including slacks with any attached sleeveless bodice commonly known as "overalls" or "jumperalls".

(k) *Slack suits.* "Slack suits" include all outerwear garments commonly known as slack suits or slack sets. Garments commonly known as "coveralls" are included.

SEC. 10. *Revocation, amendment.* This Order No. A-1 may be revoked or amended by the Price Administrator at any time.

This order shall become effective August 15, 1945.

NOTE: The record-keeping provisions in this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 31st day of July 1945.

JAMES F. BROWNLEE,
Acting Administrator.

[F. R. Doc. 45-14106; Filed, July 31, 1945; 4:06 p. m.]

[MPR 260, Order 205, Amdt. 1]

NATHAN ELSON & CO. INC.

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion accompanying this amendment and pursuant to § 1358.102 (b) of Maximum Price Regulation No. 260; *It is ordered*, That:

The maximum prices for "Ben Bey Cadets" in Paragraph (a) of Order No. 205 under Maximum Price Regulation 260, are amended to read as follows:

Brand	Size or trademark	Packing	Maximum list price	Maximum retail price
Ben Bey	Cadets	50	*Per M* $75	*Cents* 10

This amendment shall become effective August 1, 1945.

Issued this 31st day of July 1945.

JAMES F. BROWNLEE,
Acting Administrator.

[F. R. Doc. 45-14087; Filed, July 31, 1945; 4:06 p. m.]

[MPR 260, Order 1670]

JESUS DIAZ

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion accompanying this order, and pur-

suant to § 1358.102 (b) of Maximum Price Regulation No. 260; *It is ordered*, That:

(a) Jesus Diaz, Juan R. Quinones #15, Gurabo, P. R. (hereinafter called "manufacturer") and wholesalers and retailers may sell, offer to sell or deliver and any person may buy, offer to buy or receive each brand and size or frontmark, and packing of the following domestic cigars at the appropriate maximum list price and maximum retail price set forth below:

Brand	Size or frontmark	Packing	Maximum list price	Maximum retail price
Tubanitos	4½"	50	*Per M* $32	*Cents* 4

(b) The manufacturer and wholesalers shall grant, with respect to their sales of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the discounts they customarily granted in March 1942 on their sales of domestic cigars of the same price class to purchasers of the same class, unless a change therein results in a lower price. Packing differentials charged by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class may be charged on corresponding sales of each brand and size or frontmark of cigars priced by this order, but shall not be increased. Packing differentials allowed by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class shall be allowed on corresponding sales of each brand and size or frontmark of cigars priced by this order and shall not be reduced. If a brand and size or frontmark of domestic cigars for which maximum prices are established by this order is of a price class not sold by the manufacturer or the particular wholesaler in March 1942, he shall, with respect to his sales thereof, grant the discounts and may charge and shall allow the packing differentials customarily granted, charged or allowed (as the case may be) in March 1942 by his most closely competitive seller of the same class on sales of domestic cigars of the same March 1942 price class to purchasers of the same class.

(c) On or before the first delivery to any purchaser of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the manufacturer and every other seller (except a retailer) shall notify the purchaser of the maximum list price and the maximum retail price established by this order for such brand and size or frontmark of domestic cigars. The notice shall conform to and be given in the manner prescribed by § 1358.113 of Maximum Price Regulation No. 260.

(d) Unless the context otherwise requires, appropriate provisions of Maximum Price Regulation No. 260, shall apply to sales for which maximum prices are established by this order.

(e) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective August 1, 1945.

Issued this 31st day of July 1945.

JAMES F. BROWNLEE,
Acting Administrator.

[F. R. Doc. 45-14088; Filed, July 31, 1945; 4:06 p. m.]

[MPR 260, Order 1671]

LOUIS ALEXANDER

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion accompanying this order, and pursuant to § 1358.102 (b) of Maximum Price Regulation No. 260; *It is ordered*, That:

(a) Louis Alexander, 3404 Kensington Avenue, Philadelphia 34, Pa. (hereinafter called "manufacturer"), and wholesalers and retailers may sell, offer to sell or deliver and any person may buy, offer to buy or receive each brand and size or frontmark, and packing of the following domestic cigars at the appropriate maximum list price and maximum retail price set forth below:

Brand	Size or frontmark	Packing	Maximum list price	Maximum retail price
The Alexander Cigar.	Finos	50	*Per M* $72.00	*Cents* 9
	Perfectos	50	82.50	11
	Corona	50	82.50	11

(b) The manufacturer and wholesalers shall grant, with respect to their sales of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the discounts they customarily granted in March 1942 on their sales of domestic cigars of the same price class to purchasers of the same class, unless a change therein results in a lower price. Packing differentials charged by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class may be charged on corresponding sales of each brand and size or frontmark of cigars priced by this order; but shall not be increased. Packing differentials allowed by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class shall be allowed on corresponding sales of each brand and size or frontmark of cigars priced by this order and shall not be reduced. If a brand and size or frontmark of domestic cigars for which maximum prices are established by this order is of a price class not sold by the manufacturer or the particular wholesaler in March 1942, he shall, with respect to his sales thereof, grant the discounts and may charge and shall allow the packing differentials customarily granted, charged or allowed (as the case may be) in March 1942 by his most closely competitive seller of the same class on sales of domestic cigars of the same March 1942 price class to purchasers of the same class.

(c) On or before the first delivery to any purchaser of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the manufacturer and every other seller (except a retailer) shall notify the purchaser of the maximum list price and the maximum retail price established by this order for such brand and size or frontmark of domestic cigars. The notice shall conform to and be given in the manner prescribed by § 1358.113 of Maximum Price Regulation No. 260.

(d) Unless the context otherwise requires, appropriate provisions of Maximum Price Regulation No. 260, shall apply to sales for which maximum prices are established by this order.

(e) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective August 1, 1945.

Issued this 31st day of July 1945.

JAMES F. BROWNLEE,
Acting Administrator.

[F. R. Doc. 45-14089; Filed, July 31, 1945; 4:07 p. m.]

[MPR 260, Order 1672]

FRED WILDMAN

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion accompanying this order, and pursuant to § 1358.102 (b) of Maximum Price Regulation No. 260; *It is ordered*, That:

(a) Fred Wildman, 1328 Union Ave., Sheboygan, Wis. (hereinafter called "manufacturer") and wholesalers and retailers may sell, offer to sell or deliver and any person may buy, offer to buy or receive each brand and size or frontmark, and packing of the following domestic cigars at the appropriate maximum list price and maximum retail price set forth below:

Brand	Size or frontmark	Packing	Maximum list price	Maximum retail price
Banker	4⅞	50	*Per M* $60	*Cents* 5

(b) The manufacturer and wholesalers shall grant, with respect to their sales of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the discounts they customarily granted in March 1942 on their sales of domestic cigars of the same price class to purchasers of the same class, unless a change therein results in a lower price. Packing differentials charged by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class may be charged on corresponding sales of each brand and size or

frontmark of cigars priced by this order, but shall not be increased. Packing differentials allowed by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class shall be allowed on corresponding sales of each brand and size or frontmark of cigars priced by this order and shall not be reduced. If a brand and size or frontmark of domestic cigars for which maximum prices are established by this order is of a price class not sold by the manufacturer or the particular wholesaler in March 1942, he shall, with respect to his sales thereof, grant the discounts and may charge and shall allow the packing differentials customarily granted, charged or allowed (as the case may be) in March 1942 by his most closely competitive seller of the same class on sales of domestic cigars of the same March 1942 price class to purchasers of the same class.

(c) On or before the first delivery to any purchaser of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the manufacturer and every other seller (except a retailer) shall notify the purchaser of the maximum list price and the maximum retail price established by this order for such brand and size or frontmark of domestic cigars. The notice shall conform to and be given in the manner prescribed by § 1358.113 of Maximum Price Regulation No. 260.

(d) Unless the context otherwise requires, appropriate provisions of Maximum Price Regulation No. 260, shall apply to sales for which maximum prices are established by this order.

(e) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective August 1, 1945.

Issued this 31st day of July 1945.

JAMES F. BROWNLEE,
Acting Administrator.

[F. R. Doc. 45-14090; Filed, July 31, 1945; 4:07 p. m.]

[MPR 260, Order 1673]

I. ROMANO

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion accompanying this order, and pursuant to § 1358.102 (b) of Maximum Price Regulation No. 260; *It is ordered*, That:

(a) I. Romano, 1901 Lexington Ave., New York, N. Y. (hereinafter called "manufacturer") and wholesalers and retailers may sell, offer to sell or deliver and any person may buy, offer to buy or receive each brand and size or frontmark, and packing of the following domestic cigars at the appropriate maximum list price and maximum retail price set forth below:

Brand	Size or frontmark	Packing	Maximum list price	Maximum retail price
Traymore	Ideals	50	*Per M* $138	*Cents* 18

(b) The manufacturer and wholesalers shall grant, with respect to their sales of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the discounts they customarily granted in March 1942 on their sales of domestic cigars of the same price class to purchasers of the same class, unless a change therein results in a lower price. Packing differentials charged by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class may be charged on corresponding sales of each brand and size or frontmark of cigars priced by this order, but shall not be increased. Packing differentials allowed by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class shall be allowed on corresponding sales of each brand and size or frontmark of cigars priced by this order and shall not be reduced. If a brand and size or frontmark of domestic cigars for which maximum prices are established by this order is of a price class not sold by the manufacturer or the particular wholesaler in March 1942, he shall, with respect to his sales thereof, grant the discounts and may charge and shall allow the packing differentials customarily granted, charged or allowed (as the case may be) in March 1942 by his most closely competitive seller of the same class on sales of domestic cigars of the same March 1942 price class to purchasers of the same class.

(c) On or before the first delivery to any purchaser of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the manufacturer and every other seller (except a retailer) shall notify the purchaser of the maximum list price and the maximum retail price established by this order for such brand and size or frontmark of domestic cigars. The notice shall conform to and be given in the manner prescribed by § 1358.113 of Maximum Price Regulation No. 260.

(d) Unless the context otherwise requires, appropriate provisions of Maximum Price Regulation No. 260, shall apply to sales for which maximum prices are established by this order.

(e) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective August 1, 1945.

Issued this 31st day of July 1945.

JAMES F. BROWNLEE,
Acting Administrator.

[F. R. Doc. 45-14091; Filed, July 31, 1945; 3:59 p. m.]

[MPR 260, Order 1674]

SABAT ENCARNACION

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion accompanying this order, and pursuant to § 1358.102 (b) of Maximum Price Regulation No. 260, *It is ordered*, That:

(a) Sabat Encarnacion, Calle Tapia-Callyon Vara #5, Santurce, P. R. (hereinafter called "manufacturer") and wholesalers and retailers may sell, offer to sell or deliver and any person may buy, offer to buy or receive each brand and size or frontmark, and packing of the following domestic cigars at the appropriate maximum list price and maximum retail price set forth below:

Brand	Size or frontmark	Packing	Maximum list price	Maximum retail price
S. Encarnacion	Breva Corriente.	50	*Per M* $40	*Cents* 5

(b) The manufacturer and wholesalers shall grant, with respect to their sales of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the discounts they customarily granted in March 1942 on their sales of domestic cigars of the same price class to purchasers of the same class, unless a change therein results in a lower price. Packing differentials charged by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class may be charged on corresponding sales of each brand and size or frontmark of cigars priced by this order, but shall not be increased. Packing differentials allowed by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class shall be allowed on corresponding sales of each brand and size or frontmark of cigars priced by this order and shall not be reduced. If a brand and size or frontmark of domestic cigars for which maximum prices are established by this order is of a price class not sold by the manufacturer or the particular wholesaler in March 1942, he shall, with respect to his sales thereof, grant the discounts and may charge and shall allow the packing differentials customarily granted, charged or allowed (as the case may be) in March 1942 by his most closely competitive seller of the same class on sales of domestic cigars of the same March 1942 price class to purchasers of the same class.

(c) On or before the first delivery to any purchaser of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the manufacturer and every other seller (except a retailer) shall notify the purchaser of the maximum list price and the maximum retail price established by this order for such brand and size or frontmark of domestic cigars. The notice shall conform to and be given in the manner prescribed by § 1358.113 of Maximum Price Regulation No. 260.

(d) Unless the context otherwise requires, appropriate provisions of Maximum Price Regulation No. 260, shall apply to sales for which maximum prices are established by this order.

(e) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective August 1, 1945.

Issued this 31st day of July 1945.

JAMES F. BROWNLEE,
Acting Administrator.

[F. R. Doc. 45-14092; Filed, July 31, 1945; 3:59 p. m.]

[MPR 260, Order 1675]

JOSE P. RAMIREZ

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion accompanying this order, and pursuant to § 1358.102 (b) of Maximum Price Regulation No. 260; *It is ordered*, That:

(a) Jose P. Ramirez, Ponce, P. R. (hereinafter called "manufacturer") and wholesalers and retailers may sell, offer to sell or deliver and any person may buy, offer to buy or receive each brand and size or frontmark, and packing of the following domestic cigars at the appropriate maximum list price and maximum retail price set forth below:

Brand	Size or frontmark	Packing	Maximum list price	Maximum retail price
Jose P. Ramirez	Cortado 4½"...	50	*Per M* $40	*Cents* 5

(b) The manufacturer and wholesalers shall grant, with respect to their sales of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the discounts they customarily granted in March 1942 on their sales of domestic cigars of the same price class to purchasers of the same class, unless a change therein results in a lower price. Packing differentials charged by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class may be charged on corresponding sales of each brand and size or frontmark of cigars priced by this order, but shall not be increased. Packing differentials allowed by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class shall be allowed on corresponding sales of each brand and size or frontmark of cigars priced by this order and shall not be reduced. If a brand and size or frontmark of domestic cigars for which maximum prices are established by this order is of a price class not sold by the manufacturer or the particular wholesaler in March 1942, he shall, with respect to his sales thereof, grant the discounts and may charge and shall allow the packing differentials customarily granted, charged or allowed (as the case may be) in March 1942 by his most closely competitive seller of the same class on sales of domestic cigars of the same March 1942 price class to purchasers of the same class.

(c) On or before the first delivery to any purchaser of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the manufacturer and every other seller (except a retailer) shall notify the purchaser of the maximum list price and the maximum retail price established by this order for such brand and size or frontmark of domestic cigars. The notice shall conform to and be given in the manner prescribed by § 1358.113 of Maximum Price Regulation No. 260.

(d) Unless the context otherwise requires, appropriate provisions of Maximum Price Regulation No. 260, shall apply to sales for which maximum prices are established by this order.

(e) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective August 1, 1945.

Issued this 31st day of July 1945.

JAMES F. BROWNLEE,
Acting Administrator.

[F. R. Doc. 45-14093; Filed, July 31, 1945; 3:59 p. m.]

[MPR 260, Order 1676]

CARLOTA LOZANO

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion accompanying this order, and pursuant to § 1358.102 (b) of Maximum Price Regulation No. 260; *It is ordered*, That:

(a) Carlota Lozano, Ave. del Rio, No. 45 Lioza St., Santurce, P. R. (hereinafter called "manufacturer") and wholesalers and retailers may sell, offer to sell or deliver and any person may buy, offer to buy or receive each brand and size or frontmark, and packing of the following domestic cigars at the appropriate maximum list price and maximum retail price set forth below:

Brand	Size or frontmark	Packing	Maximum list price	Maximum retail price
Carlota Lozano..	Breva Pequena	50	*Per M* $24	*Cents* 3

(b) The manufacturer and wholesalers shall grant, with respect to their sales of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the discounts they customarily granted in March 1942 on their sales of domestic cigars of the same price class to purchasers of the same class, unless a change therein results in a lower price. Packing differentials charged by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class may be charged on corresponding sales of each brand and size or frontmark of cigars priced by this order, but shall not be increased. Packing differentials allowed by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class shall be allowed on corresponding sales of each brand and size or frontmark of cigars priced by this order and shall not be reduced. If a brand and size or frontmark of domestic cigars for which maximum prices are established by this order is of a price class not sold by the manufacturer or the particular wholesaler in March 1942, he shall, with respect to his sales thereof, grant the discounts and may charge and shall allow the packing differentials customarily granted, charged or allowed (as the case may be) in March 1942 by his most closely competitive seller of the same class on sales of domestic cigars of the same March 1942 price class to purchasers of the same class.

(c) On or before the first delivery to any purchaser of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the manufacturer and every other seller (except a retailer) shall notify the purchaser of the maximum list price and the maximum retail price established by this order for such brand and size or frontmark of domestic cigars. The notice shall conform to and be given in the manner prescribed by § 1358.113 of Maximum Price Regulation No. 260.

(d) Unless the context otherwise requires, appropriate provisions of Maximum Price Regulation No. 260, shall apply to sales for which maximum prices are established by this order.

(e) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective August 1, 1945.

Issued this 31st day of July 1945.

JAMES F. BROWNLEE,
Acting Administrator.

[F. R. Doc. 45-14094; Filed, July 31, 1945; 4:00 p. m.]

[MPR 260, Order 1677]

MANUEL FRANCESCHI

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion accompanying this order, and pursuant to § 1358.102 (b) of Maximum Price Regulation No. 260; *It is ordered*, That:

(a) Manuel Franceschi, Guayabal, Juana Diaz, P. R. (hereinafter called "manufacturer") and wholesalers and retailers may sell, offer to sell or deliver and any person may buy, offer to buy or receive each brand and size or frontmark, and packing of the following domestic cigars at the appropriate maximum list price and maximum retail price set forth below:

Brand	Size or frontmark	Packing	Maximum list price	Maximum retail price
Manuel Franceschi.	Brevas 4¾"...	50	*Per M* $16	*Cents* 5
	Corona 4¾"...	50	48	5
	Brevas 5".....	50	56	7

(b) The manufacturer and wholesalers shall grant, with respect to their sales of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the discounts they customarily granted in March 1942 on their sales of domestic cigars of the same price class to purchasers of the same class, unless a change therein results in a lower price. Packing differentials charged by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class may be charged on corresponding sales of each brand and size or frontmark of cigars priced by this order, but shall not be increased. Packing differentials allowed by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class shall be allowed on corresponding sales of each brand and size or frontmark of cigars priced by this order and shall not be reduced. If a brand and size or frontmark of domestic cigars for which maximum prices are established by this order is of a price class not sold by the manufacturer or the particular wholesaler in March 1942, he shall, with respect to his sales thereof, grant the discounts and may charge and shall allow the packing differentials customarily granted, charged or allowed (as the case may be) in March 1942 by his most closely competitive seller of the same class on sales of domestic cigars of the same March 1942 price class to purchasers of the same class.

(c) On or before the first delivery to any purchaser of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the manufacturer and every other seller (except a retailer) shall notify the purchaser of the maximum list price and the maximum retail price established by this order for such brand and size or frontmark of domestic cigars. The notice shall conform to and be given in the manner prescribed by § 1358.113 of Maximum Price Regulation No. 260.

(d) Unless the context otherwise requires, appropriate provisions of Maximum Price Regulation No. 260, shall apply to sales for which maximum prices are established by this order.

(e) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective August 1, 1945.

Issued this 31st day of July 1945.

JAMES F. BROWNLEE,
Acting Administrator.

[F. R. Doc. 45-14095; Filed, July 31, 1945; 4:00 p. m.]

[MPR 260, Order 1678]

JOSE V. LOPEZ

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion accompanying this order, and pursuant to § 1358.102 (b) of Maximum Price Regulation No. 260; *It is ordered*, That:

(a) Jose V. Lopez, Bo. Brooklyn, Cayuas, P. R. (hereinafter called "manufacturer") and wholesalers and retailers may sell, offer to sell or deliver and any person may buy, offer to buy or receive each brand and size or frontmark, and packing of the following domestic cigars at the appropriate maximum list price and maximum retail price set forth below:

Brand	Size or frontmark	Packing	Maximum list price	Maximum retail price
Jose V. Lopez...	Breva Corona 4¾".	50	*Per M* $48	*Cents* 6
	Breva Corriente.	50	32	4

(b) The manufacturer and wholesalers shall grant, with respect to their sales of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the discounts they customarily granted in March 1942 on their sales of domestic cigars of the same price class to purchasers of the same class, unless a change therein results in a lower price. Packing differentials charged by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class may be charged on corresponding sales of each brand and size or frontmark of cigars priced by this order, but shall not be increased. Packing differentials allowed by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class shall be allowed on corresponding sales of each brand and size or frontmark of cigars priced by this order and shall not be reduced. If a brand and size or frontmark of domestic cigars for which maximum prices are established by this order is of a price class not sold by the manufacturer or the particular wholesaler in March 1942, he shall, with respect to his sales thereof, grant the discounts and may charge and shall allow the packing differentials customarily granted, charged or allowed (as the case may be) in March 1942 by his most closely competitive seller of the same class on sales of domestic cigars of the same March 1942 price class to purchasers of the same class.

(c) On or before the first delivery to any purchaser of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the manufacturer and every other seller (except a retailer) shall notify the purchaser of the maximum list price and the maximum retail price established by this order for such brand and size or frontmark of domestic cigars. The notice shall conform to and be given in the manner prescribed by § 1358.113 of Maximum Price Regulation No. 260.

(d) Unless the context otherwise requires, appropriate provisions of Maximum Price Regulation No. 260, shall apply to sales for which maximum prices are established by this order.

(e) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective August 1, 1945.

Issued this 31st day of July 1945.

JAMES F. BROWNLEE,
Acting Administrator.

[F. R. Doc. 45-14096; Filed, July 31, 1945; 4:00 p. m.]

[MPR 260, Order 1679]

JUAN DELGADO

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion accompanying this order, and pursuant to § 1358.102 (b) of Maximum Price Regulation No. 260; *It is ordered*, That:

(a) Juan Delgado, Eugenio Maria de Hostos #27, Caguas, P. R. (hereinafter called "manufacturer") and wholesalers and retailers may sell, offer to sell or deliver and any person may buy, offer to buy or receive each brand and size or frontmark, and packing of the following domestic cigars at the appropriate maximum list price and maximum retail price set forth below:

Brand	Size or frontmark	Packing	Maximum list price	Maximum retail price
Juan Delgado....	Sublimes.....	50	*Per M* $101.25	*Cents* 2 for 27
	Queens.....	50	78.75	2 for 21

(b) The manufacturer and wholesalers shall grant, with respect to their sales of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the discounts they customarily granted in March 1942 on their sales of domestic cigars of the same price class to purchasers of the same class, unless a change therein results in a lower price. Packing differentials charged by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class may be charged on corresponding sales of each brand and size or frontmark of cigars priced by this order, but shall not be increased. Packing differentials allowed by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class shall be allowed on corresponding sales of each brand and size or frontmark of cigars priced by this order and shall not be reduced. If a brand and size or frontmark of domestic cigars for which maximum prices are established by this order is of a price class not sold by the manufacturer or the particular wholesaler in March 1942, he shall, with respect to his sales thereof, grant the discounts and may charge and shall allow the packing differentials customarily granted, charged or allowed (as the case may be) in March 1942 by his most closely competitive seller of the same class on sales of domestic cigars of the same March 1942 price class to purchasers of the same class.

(c) On or before the first delivery to any purchaser of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the manufacturer and every other seller (except a retailer) shall notify the purchaser of the maximum list price and the maximum retail price established by this order for such brand and size or frontmark of domestic cigars. The notice shall conform to and be given in the manner prescribed by § 1358.113 of Maximum Price Regulation No. 260.

(d) Unless the context otherwise requires, appropriate provisions of Maximum Price Regulation No. 260, shall apply to sales for which maximum prices are established by this order.

(e) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective August 1, 1945.

Issued this 31st day of July 1945.

JAMES F. BROWNLEE,
Acting Administrator.

[F. R. Doc. 45-14097; Filed, July 31, 1945; 4:00 p. m.]

[MPR 260, Order 1680]

JOSE M. FRERRIA, JR.

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion accompanying this order, and pursuant to § 1358.102 (b) of Maximum Price Regulation No. 260; *It is ordered*, That:

(a) Jose M. Frerria, Jr., P. O. Box 3685, Santurce, P. R. (hereinafter called "manufacturer") and wholesalers and retailers may sell, offer to sell or deliver and any person may buy, offer to buy or receive each brand and size or frontmark, and packing of the following domestic cigars at the appropriate maximum list price and maximum retail price set forth below:

Brand	Size or frontmark	Packing	Maximum list price	Maximum retail price
			Per M	*Cents*
A C E	A C E	50	$48	6
Queen	Queen 5"	50	56	7
Boston Blum	Boston Blum	50	56	7

(b) The manufacturer and wholesalers shall grant, with respect to their sales of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the discounts they customarily granted in March 1942 on their sales of domestic cigars of the same price class to purchasers of the same class, unless a change therein results in a lower price. Packing differentials charged by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class may be charged on corresponding sales of each brand and size or frontmark of cigars priced by this order, but shall not be increased. Packing differentials allowed by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class shall be allowed on corresponding sales of each brand and size or frontmark of cigars priced by this order and shall not be reduced. If a brand and size or frontmark of domestic cigars for which maximum prices are established by this order is of a price class not sold by the manufacturer or the particular wholesaler in March 1942, he shall, with respect to his sales thereof, grant the discounts and may charge and shall allow the packing differentials customarily granted, charged or allowed (as the case may be) in March 1942 by his most closely competitive seller of the same class on sales of domestic cigars of the same March 1942 price class to purchasers of the same class.

(c) On or before the first delivery to any purchaser of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the manufacturer and every other seller (except a retailer) shall notify the purchaser of the maximum list price and the maximum retail price established by this order for such brand and size or frontmark of domestic cigars. The notice shall conform to and be given in the manner prescribed by § 1358.113 of Maximum Price Regulation No. 260.

(d) Unless the context otherwise requires, appropriate provisions of Maximum Price Regulation No. 260, shall apply to sales for which maximum prices are established by this order.

(e) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective August 1, 1945.

Issued this 31st day of July 1945.

JAMES F. BROWNLEE,
Acting Administrator.

[F. R. Doc. 45-14098; Filed, July 31, 1945; 4:01 p. m.]

[MPR 260, Order 1682]

SEBASTIAN MARTINEZ

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion accompanying this order, and pursuant to § 1358.102 (b) of Maximum Price Regulation No. 260; *It is ordered*, That:

(a) Sebastian Martinez, Calle Ermita, Coamo, P. R. (hereinafter called "manufacturer") and wholesalers and retailers may sell, offer to sell or deliver and any person may buy, offer to buy or receive each brand and size or frontmark, and packing of the following domestic cigars at the appropriate maximum list price and maximum retail price set forth below:

Brand	Size or frontmark	Packing	Maximum list price	Maximum retail price
			Per M	*Cents*
Sebastian Martinez	Corona 4½"...	50	$40	5

(b) The manufacturer and wholesalers shall grant, with respect to their sales of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the discounts they customarily granted in March 1942 on their sales of domestic cigars of the same price class to purchasers of the same class, unless a change therein results in a lower price. Packing differentials charged by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class may be charged on corresponding sales of each brand and size or frontmark of cigars priced by this order, but shall not be increased. Packing differentials allowed by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class shall be allowed on corresponding sales of each brand and size or frontmark of cigars priced by this order and shall not be reduced. If a brand and size or frontmark of domestic cigars for which maximum prices are established by this order is of a price class not sold by the manufacturer or the particular wholesaler in March 1942, he shall, with respect to his sales thereof, grant the discounts and may charge and shall allow the packing differentials customarily granted, charged or allowed (as the case may be) in March 1942 by his most closely competitive seller of the same class on sales of domestic cigars of the same March 1942 price class to purchasers of the same class.

(c) On or before the first delivery to any purchaser of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the manufacturer and every other seller (except a retailer) shall notify the purchaser of the maximum list price and the maximum retail price established by this order for such brand and size or frontmark of domestic cigars. The notice shall conform to and be given in the manner prescribed by § 1358.113 of Maximum Price Regulation No. 260.

(d) Unless the context otherwise requires, appropriate provisions of Maximum Price Regulation No. 260, shall apply to sales for which maximum prices are established by this order.

(e) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective August 1, 1945.

Issued this 31st day of July 1945.

JAMES F. BROWNLEE,
Acting Administrator.

[F. R. Doc. 45-14100; Filed, July 31, 1945; 4:01 p. m.]

[MPR 260, Order 1684]

HARRY G. FISHEL

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion accompanying this order, and pursuant to § 1358.102 (b) of Maximum Price Regulation No. 260; *It is ordered*, That:

(a) Harry G. Fishel, 73 East High St. (Rear), Red Lion, Pa. (hereinafter called "manufacturer") and wholesalers and retailers may sell, offer to sell or deliver and any person may buy, offer to buy or receive each brand and size or frontmark, and packing of the following domestic cigars at the appropriate maximum list price and maximum retail price set forth below:

Brand	Size or frontmark	Packing	Maximum list price	Maximum retail price
			Per M	*Cents*
Black Arrow	Perfecto	50	$75	10

(b) The manufacturer and wholesalers shall grant, with respect to their sales of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the discounts they customarily granted in March 1942 on their sales of domestic cigars of the same price class to purchasers of the same class, unless a change therein results in a lower price. Packing differentials charged by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class may be charged on corresponding sales of each brand and size or frontmark of cigars priced by this order, but shall not be increased. Packing differentials allowed by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class shall be allowed on corresponding sales of each brand and size or frontmark of cigars priced by this order and shall not be reduced. If a brand and size or frontmark of domestic cigars for which maximum prices are established by this order is of a price class not sold by the manufacturer or the particular wholesaler in March 1942, he shall, with respect to his sales thereof, grant the discounts and may charge and shall allow the packing differentials customarily granted, charged or allowed (as the case may be) in March 1942 by his most closely competitive seller of the same class on sales of domestic cigars of the same March 1942 price class to purchasers of the same class.

(c) On or before the first delivery to any purchaser of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the manufacturer and every other seller (except a retailer) shall notify the purchaser of the maximum list price and the maximum retail price established by this order for such brand and size or frontmark of domestic cigars. The notice shall conform to and be given in the manner prescribed by § 1358.113 of Maximum Price Regulation No. 260.

(d) Unless the context otherwise requires, appropriate provisions of Maximum Price Regulation No. 260, shall apply to sales for which maximum prices are established by this order.

(e) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective August 1, 1945.

Issued this 31st day of July 1945.

JAMES F. BROWNLEE,
Acting Administrator.

[F. R. Doc. 45-14102; Filed, July 31, 1945; 4:07 p. m.]

[MPR 260, Order 1685]

PABLO HERNANDEZ

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion accompanying this order, and pursuant to § 1358.102 (b) of Maximum Price Regulation No. 260; *It is ordered*, That:

(a) Pablo Hernandez, De Diego St., Carolina, P. R. (hereinafter called "manufacturer") and wholesalers and retailers may sell, offer to sell or deliver and any person may buy, offer to buy or receive each brand and size or frontmark, and packing of the following domestic cigars at the appropriate maximum list price and maximum retail price set forth below:

Brand	Size or frontmark	Packing	Maximum list price	Maximum retail price
			Per M	*Cents*
Pablo Hernandez	Corona	50	$40	5

(b) The manufacturer and wholesalers shall grant, with respect to their sales of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the discounts they customarily granted in March 1942 on their sales of domestic cigars of the same price class to purchasers of the same class, unless a change therein results in a lower price. Packing differentials charged by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class may be charged on corresponding sales of each brand and size or frontmark of cigars priced by this order and shall not be reduced. If a brand and size or frontmark of domestic cigars for which maximum prices are established by this order is of a price class not sold by the manufacturer or the particular wholesaler in March 1942, he shall, with respect to his sales thereof, grant the discounts and may charge and shall allow the packing differentials customarily granted, charged or allowed (as the case may be) in March 1942 by his most closely competitive seller of the same class on sales of domestic cigars of the same March 1942 price class to purchasers of the same class.

(c) On or before the first delivery to any purchaser of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the manufacturer and every other seller (except a retailer) shall notify the purchaser of the maximum list price and the maximum retail price established by this order for such brand and size or frontmark of domestic cigars. The notice shall conform to and be given in the manner prescribed by § 1358.113 of Maximum Price Regulation No. 260.

(d) Unless the context otherwise requires, appropriate provisions of Maximum Price Regulation No. 260, shall apply to sales for which maximum prices are established by this order.

(e) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective August 1, 1945.

Issued this 31st day of July 1945.

JAMES F. BROWNLEE,
Acting Administrator.

[F. R. Doc. 45-14103; Filed, July 31, 1945; 4:07 p. m.]

[MPR 260, Order 1686]

METROPOLITAN CIGAR CO.

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion accompanying this order, and pursuant to § 1358.102 (b) of Maximum Price Regulation No. 260; *It is ordered*, That:

(a) Metropolitan Cigar Company, Main Street, Yoe, Pa. (hereinafter called "manufacturer") and wholesalers and retailers may sell, offer to sell or deliver and any person may buy, offer to buy or receive each brand and size or frontmark, and packing of the following domestic cigars at the appropriate maximum list price and maximum retail price set forth below:

Brand	Size or frontmark	Packing	Maximum list price	Maximum retail price
			Per M	*Cents*
Union League Club	Invincibles	50	$64	8

(b) The manufacturer and wholesalers shall grant, with respect to their sales of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the discounts they customarily granted in March 1942 on their sales of domestic cigars of the same price class to purchasers of the same class, unless a change therein results in a lower price. Packing differentials charged by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class may be charged on corresponding sales of each brand and size or frontmark of cigars priced by this order, but shall not be increased. Packing differentials al-

lowed by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class shall be allowed on corresponding sales of each brand and size or frontmark of cigars priced by this order and shall not be reduced. If a brand and size or frontmark of domestic cigars for which maximum prices are established by this order is of a price class not sold by the manufacturer or the particular wholesaler in March 1942, he shall, with respect to his sales thereof, grant the discounts and may charge and allow the packing differentials customarily granted, charged or allowed (as the case may be) in March 1942 by his most closely competitive seller of the same class on sales of domestic cigars of the same March 1942 price class to purchasers of the same class.

(c) On or before the first delivery to any purchaser of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the manufacturer and every other seller (except a retailer) shall notify the purchaser of the maximum list price and the maximum retail price established by this order for such brand and size or frontmark of domestic cigars. The notice shall conform to and be given in the manner prescribed by § 1358.113 of Maximum Price Regulation No. 260.

(d) Unless the context otherwise requires, appropriate provisions of Maximum Price Regulation No. 260, shall apply to sales for which maximum prices are established by this order.

(e) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective August 1, 1945.

Issued this 31st day of July 1945.

JAMES F. BROWNLEE,
Acting Administrator.

[F. R. Doc. 45-14104; Filed, July 31, 1945; 4:08 p. m.]

[MPR 260, Order 1687]

G. & S. CIGAR CO.

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion accompanying this order, and pursuant to § 1358.102 (b) of Maximum Price Regulation No. 260; *It is ordered*, That:

(a) Lloyd G. Graham & N. M. Shellenberger, d/b/a G. & S. Cigar Co., Red Lion, Pa. (hereinafter called "manufacturer") and wholesalers and retailers may sell, offer to sell or deliver and any person may buy, offer to buy or receive each brand and size or frontmark, and packing of the following domestic cigars at the appropriate maximum list price and maximum retail price set forth below:

Brand	Size or frontmark	Packing	Maximum list price	Maximum retail price
			Per M	*Cents*
El-Marina	Kings	50	$72	9

(b) The manufacturer and wholesalers shall grant, with respect to their sales of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the discounts they customarily granted in March 1942 on their sales of domestic cigars of the same price class to purchasers of the same class, unless a change therein results in a lower price. Packing differentials charged by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class may be charged on corresponding sales of each brand and size or frontmark of cigars priced by this order, but shall not be increased. Packing differentials allowed by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class shall be allowed on corresponding sales of each brand and size or frontmark of cigars priced by this order and shall not be reduced. If a brand and size or frontmark of domestic cigars for which maximum prices are established by this order is of a price class not sold by the manufacturer or the particular wholesaler in March 1942, he shall, with respect to his sales thereof, grant the discounts and may charge and shall allow the packing differentials customarily granted, charged or allowed (as the case may be) in March 1942 by his most closely competitive seller of the same class on sales of domestic cigars of the same March 1942 price class to purchasers of the same class.

(c) On or before the first delivery to any purchaser of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the manufacturer and every other seller (except a retailer) shall notify the purchaser of the maximum list price and the maximum retail price established by this order for such brand and size or frontmark of domestic cigars. The notice shall conform to and be given in the manner prescribed by § 1358.113 of Maximum Price Regulation No. 260.

(d) Unless the context otherwise requires, appropriate provisions of Maximum Price Regulation No. 260, shall apply to sales for which maximum prices are established by this order.

(e) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective August 1, 1945.

Issued this 31st day of July 1945.

JAMES F. BROWNLEE,
Acting Administrator.

[F. R. Doc. 45-14105; Filed, July 31, 1945; 4:08 p. m.]

[MPR 571, Order 1]

RENTAL OF CERTAIN TYPES OF COMMERCIAL MOTOR VEHICLES

BARE TRUCK RENTALS ON CONSTRUCTION PROJECTS IN REGION 5

For the reasons set forth in the accompanying opinion and under the authority vested in the Office of Price Administration by section 5 (a) and 14 of Maximum Price Regulation 571, it is hereby ordered:

(a) *Applicability.* (1) The maximum rates which may be charged for "bare" rentals of automotive equipment of the described types on construction projects in Region 5 (Texas, Oklahoma, Kansas, Missouri, Arkansas, and Louisiana) are set forth in Appendix "A" hereto. On and after August 1, 1945, the rates herein specified shall govern on all such rentals regardless of any other provisions of Maximum Price Regulation 571. (2) Rentals on a partially maintained or fully maintained basis are not subject to this order, but remain subject to the general provisions of Maximum Price Regulation 571.

(b) *Modification of rates.* The Administrator may by order authorize rentals other than those provided in this order, either lower or higher, applicable to particular construction projects, where it is demonstrated that due to conditions peculiar to the project, the rates herein established are either higher or lower than would be generally fair and equitable, to either lessee or lessor.

(c) *Effective date of order.* As to any person who performed the same type of rental services on construction projects in March, 1942 and has a maximum rate under section 4 of the regulation properly reported under section 15 (b), or any person whose maximum rate was previously adjusted or established as provided in sections 5 or 8 of Maximum Price Regulation 571, this order applies to all rentals on and after the effective date of this order. As to any person who has not so established rental rates for the same or similar rental services, the rates prescribed herein constitute a price determination under section 5 (a) of the regulation and apply to all rentals made on and after February 3, 1945, the effective date of Maximum Price Regulation 571.

(d) *Effect on applications under section 5 (a).* Any person subject to this order is exempt from the requirement of section 5 (a) as to the filing of a price determining application.

This order may be revoked or amended at any time.

This order shall become effective August 1, 1945.

Issued this 1st day of August 1945.

CHESTER BOWLES,
Administrator.

APPENDIX A

RENTALS OF MOTOR VEHICLES, TRAILERS AND ACCESSORIAL EQUIPMENT ON BARE BASIS

DESCRIPTION	*Maximum rate per month of 240 hours*
Part I	
Pickup truck, to and including ¾-ton	$85.00
Pickup truck, 1-ton	95.00
Pickup truck, 1½-ton	100.00
Station wagons or passenger cars	100.00
1-ton flat bed, stake truck, or tractor	95.00
1½-ton flat bed, stake truck, or tractor	150.00
2-ton flat bed, stake truck, or tractor	200.00
2½-ton flat bed, stake truck, or tractor	225.00
3-ton flat bed, stake truck, or tractor	250.00
3½-ton flat bed, stake truck, or tractor	275.00
4-ton flat bed, stake truck, or tractor	300.00
4½-ton flat bed, stake truck, or tractor	350.00
5-ton flat bed, stake truck, or tractor	400.00
6-9-ton flat bed, stake truck, or tractor	450.00
10-14-ton flat bed, stake truck, or tractor	500.00
15-18-ton flat bed, stake truck, or tractor	600.00
Add the following rates per month for:	
(1) Power-operated winch	50.00
(2) Oil field bed, gin pole, boomers, and chains	50.00
(3) Tandem-drive axle	50.00
(4) Water tank (minimum of 500 gallons)	25.00
Part II. Trailers	
Pole type	50.00
Float or semi (12½-ton pay load)	75.00
Full four wheel (12½-ton pay load)	85.00
Tandem float (30-ton pay load)	250.00
Low boy carry-all 10-15-ton capacity	125.00
Low boy carry-all 20-25-ton capacity	200.00
Low boy carry-all 30-35-ton capacity	250.00
Low boy carry-all 40-60-ton capacity	300.00

Part III. Application of Rates

(a) The monthly rates established herein are based upon a usage of 240 hours per month. For actual use for more than 240 hours during one monthly period, the maximum additional rental price for each additional hour, or part of an hour, for such actual use shall be calculated upon the basis of $\frac{1}{240}$ of the applicable rate per month shown in the foregoing schedule.

(2) If used for a part of a monthly period, the maximum rental rate for such part of the monthly period shall be calculated upon the basis of the higher of: (1) $\frac{1}{30}$ of the applicable monthly rate for each daily period, or part thereof, of possession or (2) $\frac{1}{240}$ of the applicable monthly rate for each hour, or part thereof, of actual use.

(c) All fuel and lubricants used in the operation of motor vehicles shall be furnished (or paid for) by the Lessee.

(d) Drivers' wages are excluded from all rates indicated hereon.

Part IV. Definition and General Provisions

"Bare" basis refers to any lease, contract, or understanding, regardless of whether the same is denominated a rental agreement, or forms a part of another agreement, whereby one party undertakes to furnish another party with any of this equipment, without supplying any operating and maintenance services required therewith.

Rental rates set forth in this table are for "bare" motor vehicles or trailers, and do not include charges for drivers, mechanics, greases, gasoline, fuel oil, lubricants, repairs, or maintenance (except that due to normal wear and tear), or any other charge which is properly a part of operating and maintenance service. The rental rates set forth in this table include an allowance for the cost of all repairs and overhauling required as a result of normal wear and tear of vehicles. This means that:

(a) When vehicles are on bare rental and break down as a result of normal wear and tear, lessor cannot charge lessee with the cost of repairs, or any rental for the time lost while repairs are being made.

(b) Where vehicles on bare rental break down as a result of any cause other than normal wear and tear, lessor can charge lessee with the cost of repairs and with rental for possession of vehicles during the time while repairs are being made.

(c) However, where vehicles are on bare rental, the lessee may at his own expense always make minor repairs, regardless of the cause of breakdown, where such repairs are necessary to keep the job going, but he may not charge the cost of such repairs to the lessor or deduct the time lost for making repairs from the rental period, without the lessor's consent.

(d) In any instance where there is a breakdown of vehicles on bare rental, the cause of such breakdown is a question of fact that must be determined between the lessor and the lessee.

(e) A bare rental contract may provide for the assumption by the lessee of the duty to make all repairs and replacements at his own cost and expense, including those resulting from normal wear and tear and including tire repair or replacement, provided that in such event the rental shall not exceed 85% of the applicable maximum rental rate set forth in this table. By way of illustration but not limitation, such a lessee may be required to pay the entire cost of a repair or replacement necessitated by climatic conditions, fire, flood, tornado, etc., while the vehicle is or was in his possession, and the normal wear and tear resulting from his use and may be required to pay rental during the repair period. He may be required to pay a proportion of the cost of tires; for example, based upon his mileage use as compared with the normal mileage life of the tires. However, he shall not be required to pay for repair or replacement due to pre-existing or hidden defects, or to defective material, nor would he be required to pay rental during the repair period.

[F. R. Doc. 45-14153; Filed, Aug. 1, 1945; 11:16 a. m.]

SECURITIES AND EXCHANGE COMMISSION.

[File No. 70-1035]

CENTRAL VERMONT PUBLIC SERVICE CORP. AND VERMONT UTILITIES, INC.

MEMORANDUM OPINION AND ORDER

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa., on the 31st day of July 1945.

We have before us applications and declarations filed by Central Vermont Public Service Corporation (Central Vermont) and Vermont Utilities, Inc. (Utilities) relating to the merger of the latter company into the former and transactions incidental thereto. Utilities is presently a subsidiary of Central Vermont. Both companies are subsidiaries of New England Public Service Company and Northern New England Company, both registered holding companies.

In our findings, opinion and order of April 2, 1945, entered in these proceedings, we granted exemption from the provisions of section 6 (a) of the Public Utility Holding Company Act of 1935, pursuant to the third sentence of section 6 (b), of the issue and sale by Central Vermont of 40,000 shares of its common stock, no par value, and the issue and sale of $6,967,000 principal amount of its First Mortgage Bonds, Series D, due 1975. The applications and declarations now under consideration were included in the same filing, but inasmuch as requisite stockholder approvals and State Commission authorizations with respect to the proposed merger and transactions incidental thereto had not been obtained, we reserved jurisdiction as to such matters.[1] Our findings and opinion of April 2, 1945 gave a description of the property being merged and of the effect of the merger, and reference to such opinion is hereby expressly made.

The transactions now under consideration include the following:

(1) Amendment of the Articles of Association of Central Vermont to add to the purposes stated therein the express purpose of the carrying on of the telephone business now conducted by Utilities.

(2) Acquisition by Central Vermont and disposition by Utilities, under and pursuant to the agreement of merger, of all of the assets of Utilities.

(3) Cancellation of the promissory note of Utilities in the principal amount of $50,000 now owned by Central Vermont.

(4) Cancellation of 14,000 shares of capital stock of Utilities now owned by Central Vermont.

(5) Assumption by Central Vermont of liability upon the $138,000 principal amount of First Mortgage Bonds, Series A, 4%, due January 1, 1967, of Utilities.

The filing also states that the $138,000 principal amount of First Mortgage Bonds, Series A, of Utilities are to be redeemed at the current call price of 106% of the principal amount, plus accrued interest.

[1] Central Vermont Public Service Corporation, et al., — S. E. C. — (1945), Holding Company Act Release No. 5700.

These transactions have now received requisite stockholder approvals and the authorizations of the Public Service Commission of the State of Vermont, the State Commission of the state in which the applicants and declarants are organized and doing business, and of the Public Service Commission of New Hampshire, the State Commission of the state in which Central Vermont also does business.

Insofar as the amendment to the Articles of Association of Central Vermont may be subject to sections 6 (a) (2) and 7 of the Act, we find that the requirements of these sections are satisfied.

The acquisition by Central Vermont of the electric utility assets, having been expressly authorized by the State Commissions having jurisdiction, is exempt from the requirements of sections 9 (a) and 10 by virtue of the exemptive provisions of section 9 (b) (1), and the Federal Power Commission has passed on this phase of the transaction. On the other hand, the disposition by Utilities of its electric utility assets is subject to the provisions of sections 12 (d) and 12 (f) and Rules U-43 and U-44. We observe no basis for making adverse findings under these sections and rules.

The cancellation of the promissory note of Utilities in the principal amount of $50,000 now owned by Central Vermont is subject to the requirements of section 12 (c) and Rule U-42, as is also the cancellation of 14,000 shares of capital stock of Utilities. We make no adverse finding with respect thereto. The assumption by Central Vermont of liability upon the $138,000 principal amount of First Mortgage Bonds, Series A, 4%, due January 1, 1967, of Utilities may be considered as exempt from the provisions of section 6 (a), having been approved by the two State Commissions. The acquisition of the telephone assets of Utilities is to be considered as the acquisition of an interest in the business and is therefore subject to the provisions of section 10. We observe no basis for making adverse findings under section 10 (b) and find that the requirements of section 10 (c) (1) are satisfied.[1]

It is therefore ordered, That the aforesaid applications and declarations filed by Central Vermont Public Service Corporation and Vermont Utilities, Inc. be, and hereby are, granted, and be, and hereby are, permitted to become effective, subject to the terms and provisions of Rule U-24 and to Conditions 3 and 4 of our order of April 2, 1945.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 45-14156; Filed, Aug. 1, 1945; 11:35 a. m.]

[1] This finding is made solely on the basis of Condition 3 of our order of December 29, 1944 in Central Vermont Public Service Corporation, — S. E. C. — (1944), Holding Company Act Release No. 5532, in which we required Central Vermont to dispose of its interest in the telephone assets within one year from the date of such order. This requirement, of course, remains in full force and effect.

[File No. 68-41]

NORTHERN STATES POWER CO.

NOTICE OF FILING AND NOTICE OF AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 30th day of July 1945.

In the matter of H. M. Foster, Chairman, V. E. Mikkelson, Secretary-Treasurer, of preferred stockholders' committee, 6% and 7% preferred stock, Northern States Power Company, a Delaware Corporation.

Notice is hereby given that H. M. Foster, Chairman, V. E. Mikkelson, Secretary-Treasurer, of a committee representing the 6% and 7% Preferred Stock of Northern States Power Compny, a Delaware Corporation (Northern), have filed with the Commission a document entitled a post amended declaration, petition and application (Amendment No. 3) regarding a proposed solicitation of authorizations from holders of the 6% and 7% preferred stock of Northern.

All interested persons are referred to said document which is on file in the office of this Commission, the substance of which is summarized as follows:

Said amended declaration, petition and application (declaration) states that an executive committee is made up of the following committee members holding the amount of stock indicated:

H. M. Foster:
228 shares of 6% preferred stock.
55 shares of 7% preferred stock.
H. F. Neuman:
55 shares of 6% preferred stock.
185 shares of 7% preferred stock.
V. E. Mikkelson: Owns no preferred stock.
T. W. Larson: 60 shares of 7% preferred stock.
W. A. Conley: 40 shares of 7% preferred stock.

The committee states that it represents approximately 383 individual stockholders, holding 11,366 shares of 6% and 7% preferred stock of Northern.

The committee proposes, subject to certain stated restrictions, to make a solicitation for (1) a further representation of the 6% and 7% preferred stockholders of Northern in all actions, proceedings and elections relating to such preferred stock in any court or before any agency or body and (2) voting proxies to attend and vote at any meeting of stockholders of Northern for the election of a board of directors.

It appearing to the Commission that it is appropriate in the public interest and in the interest of investors and consumers that a hearing be held with respect to said declaration, and that said declaration shall not become effective except pursuant to further order of the Commission.

It is ordered, That a hearing on such matters under the applicable provisions of the Public Utility Holding Company Act of 1935 and the rules thereunder be held on August 31, 1945, at 10:00 a. m., e. w. t., at the office of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia, Pennsylvania, in such room as may be designated at such time by the hearing room clerk in Room 318. All persons desiring to be heard or otherwise wishing to participate in the proceedings shall notify the Commission in the manner provided by Rule XVII of the Commission's rules of practice, on or before August 27, 1945.

It is further ordered, That Henry C. Lank or any other officer or officers of the Commission designated by it for that purpose, shall preside at the hearing above ordered. That officer so designated to preside at such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of the act and to a trial examiner under the Commission's rules of practice.

It is further ordered, That, without limiting the scope of the issues presented by said petition or declaration, particular attention will be directed at the hearing to the following matters and questions:

1. Whether said declaration, as amended, should be permitted to become effective as being consistent with the standards of sections 11 (g) and 12 (e) of the act.

2. Whether it is necessary to impose any terms or conditions to insure compliance with the standards of the act.

It is further ordered, That the Secretary of the Commission shall serve notice of the entry of this order by mailing a copy thereof by registered mail to the declarants and to Northern States Power Company, a Delaware corporation, and that notice shall be given to all other persons by publication thereof in the FEDERAL REGISTER.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 45-14155; Filed, Aug. 1, 1945; 11:35 a. m.]

[File Nos. 54-45, 59-48]

SOUTHERN UNION GAS COMPANY, ET AL.

ORDER GRANTING APPLICATIONS

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 31st day of July, A. D. 1945.

Southern Union Gas Company ("Southern Union"), formerly a registered holding company and presently an operating gas utility company, having filed applications, in the form of amendments (designated as Amendment Nos. 17 and 18) to the application originally filed herein by Southern Union and other companies of the Southern Union holding company system for approval of a plan of system reorganization submitted pursuant to section 11 (e) of the Public Utility Holding Company Act of 1935, requesting in the present applications Commission approval of a proposed sale of its Oklahoma gas properties to Kingfisher Gas Company for a cash consideration of $237,000 (of which $5,000 is for warehouse stocks), of a proposed sale of its Oklahoma water properties to Kingfisher Water Company for a cash consideration of $70,000, and of a proposed sale of both its Oklahoma gas and water properties to either of said purchasers, in the event that the other of said purchasers fails to consummate acquisition of the properties proposed to be sold to it; and

E. R. Bahan, Walter J. Bahan, and Merle A. Bahan having filed an application pursuant to sections 9 (a) (2) and 10 of the act regarding the proposed acquisition of 20%, 30%, and 30%, respectively, of the voting securities of Kingfisher Gas Company; and

Public hearings having been held in connection with such applications, after appropriate notice, and the Commission having considered the record and having made and filed its finding herein;

It is ordered, That the aforesaid applications regarding the proposed sale by Southern Union of its Oklahoma gas properties to Kingfisher Gas Company and of its Oklahoma water properties to Kingfisher Water Company, and regarding the proposed acquisition by E. R. Bahan, Walter J. Bahan, and Merle A. Bahan of 20%, 30%, and 30%, respectively, of the voting securities of Kingfisher Gas Company be, and hereby are, granted subject to the terms and conditions prescribed in Rule U-24.

It is further ordered, That jurisdiction be, and hereby is, reserved over the application of Southern Union requesting Commission approval of a proposed sale of both its Oklahoma gas and water properties either to Kingfisher Gas Company or to Kingfisher Water Company.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 45-14154; Filed, Aug. 1, 1945; 11:35 a. m.]

WAR MANPOWER COMMISSION.

[Amdt. 1]

SYRACUSE, N. Y., AREA

EMPLOYMENT STABILIZATION PROGRAM

Section 20 of the employment stabilization program for the Syracuse Area, dated July 1, 1944, is hereby amended to read as follows:

SEC. 20. *Exclusions from plan.* No provision of this employment stabilization plan shall be applicable to:

(a) The hiring of a new employee for agricultural employment;

(b) The hiring of an employee in any territory or possession of the United States, except Alaska and Hawaii;

(c) The hiring by a foreign, State, County or municipal government, or their political subdivisions, or their agencies and instrumentalities, or to the hiring of any of their employees, unless such foreign, State, County or municipal government, or political subdivision or agency, or instrumentality has indicated its willingness to conform to the maximum extent practicable under the Constitution and laws applicable to it, with the plan;

(d) The hiring of a new employee for domestic service;

(e) The hiring of a school teacher for vacation employment or the rehiring of a school teacher for teaching at the termination of the vacation period.

Dated: February 24, 1945.

THOMAS J. CORCORAN,
Area Director.

Approved: February 24, 1945.

ANNA M. ROSENBERG,
Regional Director.

[F. R. Doc. 45-13900; Filed, July 28, 1945; 11:11 a. m.]

[Amdt. 2]

SYRACUSE, N. Y., AREA

EMPLOYMENT STABILIZATION PROGRAM

Section 2 (e) of the employment stabilization program for the Syracuse Area, dated July 1, 1944, is hereby amended to read as follows:

(e) "New employee" means any individual who has not been in the employ of the hiring employer at any time during the preceding 30-day period.

Dated: March 28, 1945.

THOMAS J. CORCORAN,
Area Director.

Approved: March 28, 1945.

ANNA M. ROSENBERG,
Regional Director.

[F. R. Doc. 45-13901; Filed, July 28, 1945; 11:11 a. m.]

[Amdt. 3]

SYRACUSE, N. Y., AREA

EMPLOYMENT STABILIZATION PROGRAM

Section 2 (d) and (i), section 7 (a) and (f), section 9, section 11 (c), section 14 (a), section 16 (a), section 21, section 27 and 27 (c) (1), and section 28 (b) of the employment stabilization program for the Syracuse Area, dated July 1, 1944, is hereby amended to read as follows:

SEC. 2. *Definitions.* * * *

(d) "Essential employee" means any individual employed in an essential activity or in a locally needed activity, and he shall continue to be an essential employee during a 60-day period after he ceases to be employed in such essential or locally needed activity. For the purpose of this definition, the said 60-day period shall be extended to include any period of time during which such individual has obtained or continued in other employment without having first obtained a statement of availability or referral by the USES or other authorized referral channel.

* * * * * *

(i) "New employee" means any individual who has not lived or worked in the locality of the new employment throughout the preceding 30-day period.

SEC. 7. *Issuance of statements of availability by employers.* * * *

(a) He has been discharged, or his employment has been otherwise terminated by his employer. A worker shall be deemed to have been discharged for all purposes of this plan, if, after leaving his employment and failing to qualify for a statement of availability he is directed by the United States Employment Service, and agrees to return to his former employment, and the employer thereupon refuses to reemploy him in his former or in a comparable position without prejudice to his seniority and other rights, unless the employer is prevented from so doing by the terms of an existing collective bargaining agreement or an established seniority rule, provided that under such circumstances, the employer offers to re-employ the individual in the same or an equivalent job without prejudice to his then existing rights, or

(b) He has been laid off for an indefinite period, or for a period of seven days or more, or

(c) Continuance of his employment would involve undue personal hardship, or

(d) Such employment is or was at a wage or salary or under working conditions below standards established by State or Federal law or regulation, or

(e) Such employment is or was at a wage or salary below a level established or approved by the National War Labor Board (or other agency authorized to adjust wages or approve adjustments thereof.)

NOTE: Male workers receiving statements of availability from their employers may not be hired upon presentation of the statement of availability by the new male employee. A male worker shall present the statement of availability to the United States Employment Service of the War Manpower Commission for referral by it to a new job.

SEC. 9. *Surrender, filing and inspection of statements of availability or referral card.* The original statement of availability issued to an employee or referral card must be surrendered by him at the time of hiring, to the new employer who shall file and retain such statement or referral card and make his file available for inspection upon request by the United States Employment Service of the War Manpower Commission.

SEC. 11. *Workers who may be hired only upon referral by the United States Employment Service.* * * *

(c) The new employee was engaged in an essential or locally needed activity within the preceding 60-day period and he is to be hired for work in a less essential activity.

SEC. 14. *Employment ceilings.* (a) The Area Manpower Director, in consultation with the Area Manpower Priorities Committee, may establish fair and reasonable employment ceilings and allowances which limit or reduce the number of workers or of specified types of workers to be employed in an establishment or place of employment.

SEC. 16. *Soliciting and advertising.* No employer shall advertise or otherwise solicit for the purpose of hiring any individual, if the hiring of such an individual would be subject to restrictions under this employment stabilization plan, except in a manner consistent with such restrictions.

(a) No employer in the Syracuse Area except as provided herein may:

(1) Conduct initial interviews with male workers except those excluded by section 20.

(2) Advertise for male workers without clearance and approval by the United States Employment Service except that: * * *

NOTE: The first quoted statement above is to be modified to substitute Railroad Retirement Board Employment Service or U. S. Civil Service Commission, where appropriate.

SEC. 21. *Hiring or leaving contrary to plan.* Any employer shall, upon written request of the United States Employment Service, promptly release:

(a) Any worker whom it has hired contrary to the provisions of this plan; or

(b) Any worker whom it has hired upon referral of such worker by the United States Employment Service, if such referral was made as a result of misrepresentation, and if such referral would not have been made except for such misrepresentation.

(c) Any worker released pursuant to the foregoing provision of this section shall be re-transferred by the United States Employment Service in accordance with the best interests of the war effort and in such manner as to do justice to the worker and the employer. Appeals from such decision involving retransfer may be had in the same manner as in the case of original transfers.

SEC. 27. *Enforcement of plan.* If the Area Director determines, after notice and opportunity to be heard, that an employer is not conforming to this plan, he shall in writing, notify the employer of such determination and of the employer's opportunity to appeal this determination under appeal procedure of the War Manpower Commission as provided in Regulation No. 5. In the absence of an appeal, or upon final decision after appeal, affirming the Area Director's determination, the Area Director shall make such reports and recommendations to the Regional Director as may be appropriate to secure the employer's conformance with the plan.

(c) * * *.

(1) *Penalties against employees.*

(i) Fine not to exceed $1,000, or,

(ii) Imprisonment not to exceed one year, or

(iii) Both such fine and imprisonment.

SEC. 28. *Effective date, amendment and termination.* * * *

(b) This plan may be amended from time to time by the Area Director, after consultation with the Area Management Labor War Manpower Committee and with the approval of the Regional Director.

Dated: June 22, 1945.

THOMAS J. CORCORAN,
Area Director.

Approved: June 22, 1945.

ANNA M. ROSENBERG,
Regional Director.

[F. R. Doc. 45-13902; Filed, July 28, 1945; 11:12 a. m.]

WAR PRODUCTION BOARD.

[C-400]

F. C. THOROLD

CONSENT ORDERS

F. C. Thorold, 400 Sherman Building, Flint, Michigan, is charged by the War Production Board with having done construction in October 1944 and thereafter of a residence on Route 2, Eight Miles South of Tawas City, Michigan, the estimated cost of which was in excess of the amount permitted by Limitation Order L-41; to wit, $2,700.00. F. C. Thorold admits the violation as charged, does not desire to contest the charge and has consented to the issuance of this order.

Wherefore, upon the agreement and consent of F. C. Thorold, the Regional Compliance Chief and the Regional Attorney, and upon the approval of the Compliance Commissioner, *It is hereby ordered*, That:

(a) F. C. Thorold shall do no construction on the premises on Route 2, Eight Miles South of Tawas City, Michigan including putting up, altering, or finishing the structure unless hereafter specifically authorized in writing by the War Production Board or Federal Housing Administration.

(b) Nothing contained in this order shall be deemed to relieve F. C. Thorold from any restriction, prohibition or provision contained in any other order or regulation of the War Production Board except in so far as the same may be inconsistent with the provisions hereof.

(c) The restrictions and prohibitions contained herein shall apply to F. C. Thorold, his successors and assigns, or persons acting on his behalf. Prohibitions against the taking of any action include the taking indirectly as well as directly of any such action.

Issued this 30th day of July 1945.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 45-13975; Filed, July 30, 1945; 11:14 a. m.]

[C-402]

BIRCHWOOD BUILDERS, INC.

CONSENT ORDER

Birchwood Builders, Inc., a corporation of the State of New Jersey, and Charles Costanzo its President, with principal place of business at 591 North Forest Drive, Teaneck, New Jersey, engaged in the business of building and constructing, is charged with having violated War Production Board Order P-55 in that during the period from April, 1942 to and including June 1, 1945, the corporation sold 15 units of defense housing at a price, to wit, $4,990 which was in excess of the price authorized by the War Production Board for such sale, to wit, the sum of $4,500.

Wherefore, upon the agreement and consent of Birchwood Builders, Inc., and Charles Costanzo, its President, the Regional Compliance Chief and the Regional Attorney, and upon the approval of the Compliance Commissioner: *It is hereby ordered*, That:

(a) For a period of three months from effective date of this order, deliveries of materials to Birchwood Builders, Inc. and Charles Costanzo, its President, their successors and assigns, shall not directly or indirectly be accorded priority over deliveries under any other contract or order and no preference rating shall be assigned, applied or extended to such deliveries by means of preference rating certificates, preference rating orders, general preference orders or any other orders or regulations of the War Production Board.

(b) Nothing contained in this order shall be deemed to relieve Birchwood Builders, Inc. and Charles Costanzo, their successors and assigns, from any restrictions, prohibition, or provision contained in any other order or regulation of the War Production Board except insofar as the same may be inconsistent with the provisions hereof.

(c) This order shall take effect on August 7, 1945.

Issued this 31st day of July 1945.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 45-14054; Filed, July 31, 1945; 11:20 a. m.]

AUG G '45

FEDERAL REGISTER

VOLUME 10 NUMBER 154

Washington, Friday, August 3, 1945

Regulations

TITLE 7—AGRICULTURE

Chapter XI—War Food Distribution Orders

[WFO 125, as Amended, and WFO 125-1, Partial Suspension]

PART 1414—POULTRY

POULTRY

War Food Order No. 125 (10 F.R. 1662), as amended (10 F.R. 1854, 2953, 3175, 4972), and War Food Order No. 125-1 (10 F.R. 2955), are hereby partially suspended as follows:

1. With respect to War Food Order No. 125, as amended, the provisions contained in § 1414.8 (b) (1) to (b) (13), both inclusive, (c), and (f) (2) are hereby suspended until 12:01 a. m., e. w. t., October 1, 1945.

2. The remaining provisions in said War Food Order No. 125, as amended, are to remain in full force and effect.

3. With respect to War Food Order No. 125-1, the provisions contained in § 1414.9 (b) are hereby suspended until 12:01 a. m., e. w. t., October 1, 1945.

This order shall become effective at 12:01 a. m., e. w. t., August 1, 1945. With respect to violations, rights accrued, liabilities incurred, or appeals taken under said War Food Order No. 125, as amended, or War Food Order No. 125-1, prior to the effective time of the provisions hereof, the provisions of said War Food Order No. 125, as amended, and War Food Order No. 125-1, in effect prior to the effective time hereof shall be deemed to continue in full force and effect for the purpose of sustaining any proper suit, action, or other proceeding with regard to any such violation, right, liability, or appeal.

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423; E.O. 9392, 8 F.R. 14783; E.O. 9577, 10 F.R. 8087)

Issued this 30th day of July 1945.

[SEAL] CLINTON P. ANDERSON,
Secretary of Agriculture.

[F. R. Doc. 45-14070; Filed, July 31, 1945; 1:06 p. m.]

[WFO 10, Amdt. 10]

PART 1432—RICE

RICE SET ASIDE

War Food Order No. 10, as amended (10 F.R. 2705), is hereby amended to read as follows:

§ 1432.1 *Restrictions on sale and distribution of rice*—(a) *Definitions.* (1) "Miller" means any person who mills more than 250 barrels of rough rice in any one month.

(2) "Rough rice" means the commodity defined as such by the "United States Standards for Rough Rice", as amended May 15, 1942.

(3) "Brown rice" means the commodity defined as such by the "United States Standards for Brown Rice", as amended May 15, 1942.

(4) "Milled rice" means the commodity defined as such by the "United States Standards for Milled Rice", as amended April 1, 1944.

(5) "Mill" means to convert rough rice into brown or milled rice.

(6) "Barrel" means 162 pounds.

(7) "Governmental agency" means the Army, Navy, Marine Corps, or Coast Guard of the United States (excluding, for the purposes of this order, United States Army Post Exchanges, United States Navy Ships' Service Departments, United States Marine Corps Post Exchanges, and similar organizations), the United States Department of Agriculture (including any corporate agency thereof), the War Shipping Administration, the Veterans' Administration, and any other instrumentality or agency designated by the Secretary of Agriculture.

(8) "Person" means any individual, partnership, association, business trust, corporation, or any organized group of persons whether incorporated or not.

(9) "Director" means the Director of Marketing Services, United States Department of Agriculture.

(10) "Secretary of Agriculture" means the Secretary of Agriculture, United States Department of Agriculture.

(b) *Restrictions.* Beginning August 1, 1945, every miller shall set aside each calendar month and shall hold for sale to a government agency, a quantity of

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FEDERAL REGISTER

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NOTICE

1944 Supplement

Book 1 of the 1944 Supplement to the Code of Federal Regulations, containing Titles 1–10, including Presidential documents in full text, is now available from the Superintendent of Documents, Government Printing Office, at $3.00 per copy.

A limited sales stock of the Cumulative Supplement and the 1943 Supplement is still available as previously announced.

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milled rice in an amount equal to 55 percent of the total combined quantity of the brown and milled rice milled by him during the month. Milled rice so set aside shall be of grade No. 5 or better, of one of the Classes I to X, inclusive. Beginning August 1, 1945, no miller shall deliver or otherwise dispose of, except to a governmental agency, rice milled by him during any calendar month, in an amount exceeding 45 percent of the total combined quantity of brown and milled rice milled by him during such calendar month. Deliveries to a government agency of grades or classes of brown or milled rice other than those specified in this paragraph may be credited against the amount of rice required to be set aside. All rice set aside may be offered for sale, at not more than ceiling prices established by the Office of Price Administration, to a governmental agency in response to announcements or notices by such agency that offers for the sale of

such rice will be received on specified dates.

(c) *Exemptions from restrictions of paragraph (b).* (1) The Director may, upon application of any miller, authorize such miller to deliver brown or milled rice to persons other than governmental agencies and to credit such deliveries against the quantity of milled rice required to be set aside under (b) hereof, when satisfactory evidence is submitted to the Director that the brown or milled rice so delivered is to be subsequently delivered to a governmental agency in the form of rice or a product thereof.

(2) The restrictions contained in this order shall not apply to rice owned by any individual for use in his own household.

(d) *Records and reports.* (1) Every miller shall file with the Administrator of War Food Order No. 10, United States Department of Agriculture, Washington 25, D. C., prior to the 15th day of each month (on a form furnished by the said Order Administrator) a report for the preceding calendar month showing:

(i) The quantity of rough rice milled by him;

(ii) The quantities of brown rice and of milled rice produced by him;

(iii) The quantity of brown and milled rice shipped by him, first, to governmental agencies; second, to the export trade; and third, to domestic civilian trade;

(iv) The quantities of milled rice shipped by him to each of the governmental agencies specified in the report form;

(v) The quantity of milled rice sold to governmental agencies since August 1, 1945, which remains unshipped at the end of the month for which the report is made.

(2) Every person subject to this order shall, for at least two years (or for such period of time as the Director may designate), maintain an accurate record of his production of and transactions in rice.

(3) The Director shall be entitled to obtain such other information from and require such other reports and the keeping of such other records by, any person, as may be necessary or appropriate, in his discretion, to the enforcement or administration of the provisions of this order subject to the approval of the Bureau of the Budget.

(e) *Audits and inspections.* The Director shall be entitled to make such audit or inspection of the books, records, and other writings, premises, or stocks of rice of any person and to make such investigations as may be necessary or appropriate, in his discretion, to the enforcement or administration of the provisions of this order.

(f) *Contracts.* The provisions of this order and all orders or regulations issued pursuant thereto shall be observed without regard to contracts heretofore or hereafter made or any rights accrued or payments made thereunder.

(g) *Petition for relief from hardship.* Any person affected by this order who considers that compliance herewith would work an exceptional or unreasonable hardship on him may file a petition for relief with the Order Administrator. Petitions shall be in writing and shall set forth all pertinent facts and the nature of the relief sought. The Order Administrator may take any action with reference to such petition which is consistent with the authority delegated to him by the Director. If the petitioner is dissatisfied with the action taken by the Order Administrator, he may, by request addressed to the Order Administrator, obtain a review of such action by the Director. After said review, the Director may take such action as he deems appropriate, which action shall be final.

(h) *Violations.* Any person who violates any provision of this order may, in accordance with the applicable procedure, be prohibited from receiving, making any deliveries of, or using rice. Any person who wilfully violates any provision of this order is guilty of a crime and may be prosecuted under any and all applicable laws. Civil action may also be instituted to enforce any liability or duty created by, or to enjoin any violation of, any provisions of this order.

(i) *Delegation of authority.* The administration of this order and the powers vested in the Secretary of Agriculture, insofar as such powers relate to the administration of this order, are hereby delegated to the Director. The Director is authorized to redelegate to any employee of the United States Department of Agriculture any or all of the authority vested in him by this order.

(j) *Communications.* All reports required to be filed hereunder and all communications concerning this order shall, unless otherwise provided, be addressed to the Director, Office of Marketing Services, United States Department of Agriculture, Washington 25, D. C.

(k) *Territorial scope.* This order shall apply within the 48 States and the District of Columbia.

(l) *Effective date.* This order shall become effective at 12:01 a. m., e. w. t., August 1, 1945. With respect to violations, rights accrued, liabilities incurred, or appeals taken, prior to said date, under War Food Order No. 10, as amended, all provisions of said order shall be deemed to remain in full force for the purpose of sustaining any proper suit, action, or other proceeding with respect to any such violation, right, liability, or appeal.

NOTE: All reporting and record-keeping requirements of this order have been approved by, and all subsequent reporting and record-keeping requirments will be subject to the approval of, the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423; E.O. 9392, 8 F.R. 14783; E.O. 9577, 10 F.R. 8087)

Issued this 31st day of July 1945.

[SEAL] CLINTON P. ANDERSON,
Secretary of Agriculture.

[F. R. Doc. 45–14072; Filed, July 31, 1945; 3:13 p. m.]

[WFO 10–1, Revocation]

PART 1432—RICE

REVOCATION OF REQUIREMENT OF REPORTS

Pursuant to the authority vested in me by the provisions of War Food Order No. 10, as amended (10 F.R. 2705), and inasmuch as the reporting requirements heretofore made by War Food Order No. 10–1 are incorporated in said War Food Order No. 10, as amended, said War Food Order No. 10–1, § 1432.2 (9 F.R. 9775) is hereby revoked effective at 12:01 a. m., e. w. t., August 1, 1945. With respect to violations, rights, accrued, liabilities incurred, or appeals taken, prior to said date, under War Food Order No. 10–1, all provisions of said order shall be deemed to remain in full force for the purpose of sustaining any proper suit, action, or other proceeding with respect to any such violation, right, liability, or appeal.

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423; E.O. 9392, 8 F.R. 14783; E.O. 9577, 10 F.R. 8087; WFO 10, as amended, 10 F.R. 2705)

Issued this 31st day of July 1945.

[SEAL] C. W. KITCHEN,
Director of Marketing Services.

[F. R. Doc. 45–14071; Filed, July 31, 1945; 3:13 p. m.]

[WFO 79–95, Amdt. 4]

PART 1401—DAIRY PRODUCTS

FLUID MILK AND CREAM IN THE LINCOLN, NEBR., SALES AREA

Pursuant to War Food Order No. 79, as amended (8 F.R. 12426, 13283, 9 F.R. 4321, 4319, 6982, 9459, 10035, 11990, 10 F.R. 103, 5347), dated September 7, 1943, and to effectuate the purposes thereof, War Food Order No. 79–95, as amended (8 F.R. 15479, 9 F.R. 4321, 4319, 6983, 7360, 12508, 10 F.R. 103), relative to the conservation and distribution of fluid milk, milk byproducts, and cream in the Lincoln, Nebraska, milk sales area, is hereby further amended by deleting § 1401.124 (c) and substituting therefor the following:

(c) *Base period.* The calendar month of June 1943 is hereby designated as the base period for the sales area: *Provided, however,* That if it appears to the market agent that a handler who made deliveries in June 1943 of the items for which quotas are fixed under (e) hereof is unable to furnish reports to the market agent showing the volumes of such deliveries in June 1943, as required by (l) (1) hereof, the market agent may designate as the base period for such handler the calendar month next succeeding June 1943 for which, in the judgment of the market agent, the handler is able to furnish such reports.

The provisions of this amendment shall become effective at 12:01 a. m., e. w. t., August 1, 1945. With respect to violations, rights accrued, liabilities incurred, or appeals taken under said War Food Order No. 79–95, as amended, prior to the effective time of this amendment, the provisions of said War Food Order

No. 79–95, as amended, in effect prior to the effective time hereof, shall continue in full force and effect for the purpose of sustaining any proper suit, action, or other proceeding with respect to any such violation, right, liability, or appeal.

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423; E.O. 9392, 8 F.R. 14783; E.O. 9577, 10 F.R. 8087; WFO 79, 8 F.R. 12426, 13283, 9 F.R. 4321, 4319, 6982, 9459, 10035, 11990, 10 F.R. 103, 5347)

Issued this 1st day of August 1945.

[SEAL] C. W. KITCHEN,
Director of Marketing Services.

[F. R. Doc. 45-14173; Filed, Aug. 1, 1945; 3:14 p. m.]

[WFO 4-8, as Amended, Termination]

PART 1450—TOBACCO

1944 CROP BURLEY TOBACCO

War Food Order No. 4-8 (9 F.R. 14272), as amended (10 F.R. 7, 1956), is hereby terminated.

This order shall become effective at 12:01 a. m., e. w. t., August 3, 1945. With respect to violations, rights accrued, liabilities incurred, or appeals taken under said War Food Order No. 4-8, as amended, prior to the effective time hereof, all provisions of such order, as amended, in effect prior to the effective time hereof shall continue in full force and effect for the purpose of sustaining any action, suit, or other proceeding, with respect to any such violation, right, liability, or appeal.

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423; E.O. 9392, 8 F.R. 14783; E.O. 9577, 10 F.R. 8087, WFO 4, as amended, 8 F.R. 335, 11331, 9 F.R. 4321, 4319, 9584; 10 F.R. 103)

Issued this 31st day of July 1945.

[SEAL] H. E. REED,
Acting Director of Marketing Services.

[F. R. Doc. 45-14172; Filed, Aug. 1, 1945; 3:14 p. m.]

TITLE 32—NATIONAL DEFENSE

Chapter IX—War Production Board

AUTHORITY: Regulations in this chapter, unless otherwise noted at the end of documents affected, issued under sec. 2 (a), 54 Stat. 676, as amended by 55 Stat. 236, 56 Stat. 177, 58 Stat. 827; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; W.P.B. Reg. 1 as amended Dec. 31, 1943, 9 F.R. 64.

PART 944—REGULATIONS APPLICABLE TO THE OPERATIONS OF THE PRIORITIES SYSTEM

[Priorities Reg. 1, Direction 10]

RAILROAD BRAKE SHOES

The following direction is issued pursuant to Priorities Regulation 1:

(a) Notwithstanding the provisions of § 944.7 of Priorities Regulation 1, a producer of railroad brake shoes in making shipments to his customers on orders rated AA-1 may distribute his available supply among his customers regardless of the sequence in which such rated orders were received, so as to obtain a fair and equitable distribution of his product.

(b) All orders rated AA-1 must be accorded preference, as required by § 944.7 of Priorities Regulation 1, over lower rated and unrated orders.

(c) This direction expires December 31, 1945.

Issued this 2d day of August 1945.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 45-14222; Filed, Aug 2, 1945; 11:23 a. m.]

PART 1010—SUSPENSION ORDERS

[Suspension Order S-769, Revocation]

MASON MANUFACTURING CO.

Suspension Order No. S-769 was issued April 24, 1945 against the Mason Manufacturing Company, 906 East 60th Street, Los Angeles, California for violations of Limitation Order L-260-a. In view of the revocation of Limitation Order L-260-a the Chief Compliance Commissioner has directed that Suspension Order No. S-769 be revoked. In view of the foregoing:

It is hereby ordered, that: § 1010.769, *Suspension Order No. S-769* be revoked.

Issued this 1st day of August 1945.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R Doc. 45-14204; Filed, Aug. 1, 1945; 4:32 p. m.]

PART 1010—SUSPENSION ORDERS

[Suspension Order S-769, Revocation]

DIXFIELD QUALITY MARKET

Suspension Order No. S-789 effective May 23, 1945 was issued against Jack Eder, David Levitsky, and Samuel P. Leavitt, co-partners, doing business as Dixfield Quality Market, with offices at 1962 Southfield Road, Lincoln Park, Michigan for violations of Conservation Order L-41. This construction has now been determined to be essential and the Chief Compliance Commissioner has therefor directed that the suspension order be revoked. In view of the foregoing,

It is hereby ordered, that: § 1010.789, *Suspension Order No. S-789* be revoked.

Issued this 1st day of August 1945.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 45-14129; Filed, Aug. 1, 1945; 11:11 a. m.]

PART 3175—REGULATIONS APPLICABLE TO THE CONTROLLED MATERIALS PLAN

[CMP Reg. 1, Direction 71, as Amended Aug. 2, 1945]

OPERATIONS OF STEEL PRODUCERS AFTER JULY 1, 1945

The following amended direction is issued pursuant to CMP Regulation 1:

(a) *General.* The amendment to CMP Regulation 1, dated May 10, 1945, defines unrated orders and authorizes their acceptance by producers for delivery of steel July 1 and later. Priorities Regulation No. 27, also dated May 10, 1945, tells how a small manufacturer may purchase steel by the use of the Z-3 allotment symbol. Orders placed with the Z-3 allotment symbol are authorized controlled material orders and are handled in accordance with Direction 54 to CMP Regulation 1. These changes in War Production Board regulations necessitate certain changes in the rules applicable to operations of producers, which are outlined below.

(b) *Steel for further conversion.* (1) Effective July 1, 1945, a producer may use the symbol FC-1 only to replace steel of the same product group listed in Schedule 1 that was used as conversion material to fill authorized controlled material orders, excluding orders bearing the Z-3 allotment symbol. A producer may use the allotment symbol FCZ to obtain conversion material of the same product group listed in Schedule 1 needed to fill orders bearing the Z-3 allotment symbol. Orders placed with the allotment symbol FCZ are deferrable authorized controlled material orders and must be handled in accordance with Direction 54 to CMP Regulation No. 1. A producer must use the allotment symbol FCN to order steel on an unrated basis as conversion material to fill unrated orders.

(2) *Cancellation of FC allotments.* The War Production Board will no longer issue FC allotments to steel producers not operating under production directives for steel for further conversion as the result of applications received on Form CMP-4B under CMP Regulation 8 and all such allotments for the third calendar quarter of 1945 and thereafter are hereby cancelled. Orders placed against such previously granted allotments and accepted for delivery in July, August and September, 1945, shall be considered as bearing the symbol FC-1. Orders placed against such previously granted allotments and accepted for delivery after September 30, 1945 (but not beyond December 1945) must be maintained in the producer's CMP order acceptance up to 45 days prior to the first of the month for which delivery is specified, at which time they shall be cancelled unless they have been revalidated with an FC-1 or FC-Z symbol in accordance with paragraph (b) (3) of this direction.

(3) *Producers not under production directives.* A producer not operating under production directives may use the FC-1 allotment symbol to replace conversion material used in filling authorized controlled material orders as follows:

For delivery during the month of July, 1945, a producer may use the FC-1 allotment symbol to place orders for carbon and alloy steel interchangeably for further conversion equal to the tonnage procured from other producers by extension of the FC symbol and used by him in filling authorized controlled material orders shipped by him in April. Similarly, August purchase authorizations may be equal to the tonnage used in filling authorized controlled material orders shipped in May. The same sequence shall be followed for future months; that is, conversion material used for filling authorized controlled material orders for the third Prior month constitute purchase authority to place "FC-1" orders in any one month. In determining the tonnage to be replaced by the use of the FC-1 allotment, orders bearing allotment symbol Z-3 shall not be considered as authorized controlled material orders. Conversion steel needed to fill orders bearing the allotment symbol Z-3 may be obtained through the use of the allotment symbol FCZ.

(4) *Producers under production directives.* The production directives under which certain producers operate will be adjusted to reflect only the order load of authorized controlled material orders. To the extent required to meet their order book pattern of

authorized controlled material orders (excluding orders bearing the Z-3 allotment symbol) producers will be given specific allocations of steel for further conversion on Series B allocations, Form GA-193, which authorizes the use of symbol FC-1. Since Z-3 allotments are deferrable, FC-1 allocations will not include tonnage to fill such orders. However, in the case of allocations of steel for conversion to carbon and electrical sheet and strip, FC-1 allocations may be made where necessary against total order book pattern of the producer. Producers will receive instructions how to show in report form WPB-2848 the extent to which Z-3 orders are included in their order acceptance records. (FC-1 allocations will accordingly be adjusted by that amount.) A producer may use the allotment symbol FCZ to obtain conversion material needed to fill an order bearing a Z-3 allotment symbol. All orders now placed against effective Series B allocations for delivery after June 30, 1945, bearing the symbol FC plus a Series B allocation number shall be considered as bearing the symbol FC-1. Orders placed hereafter against all Series B allocations must be identified with the symbol FC-1 and the allocation number.

When the supply-demand situation indicates production directives on a specific product may be eliminated, FC-1 Allocations for conversion material for that product will be cancelled and a producer now obtaining conversion steel through allocations will thereafter operate in the same manner as other producers under paragraph (b) (3) above. However, in the case of FC-1 allocations which are cancelled because the production directive for the product into which the allocated material would be converted has been cancelled, orders previously placed against such FC-1 allocations and accepted for delivery in the first and second months succeeding the cancellation of such production directive, shall be considered as bearing the symbol FC-1. Space reservations established by such FC-1 allocations for the third and later months (not beyond December 1945) succeeding the cancellation of the Production Direction, must be maintained in the producer's CMP orders acceptance up to 45 days prior to the first of the month for which delivery is specified, at which time the space reservations will be cancelled unless orders have been applied against them in accordance with paragraph (b) (3) above.

(5) An order with the FC-1 symbol is an authorized controlled material order and must be accepted as required by CMP Regulation 1. A producer receiving any "Further conversion" order must report it under the appropriate FC symbol on his WPB-2633 report of shipments. When resold by the purchasing producer, the material must be recorded on his WPB-2633 reports of shipments under the appropriate allotment symbol furnished by his customer. The material will be considered as part of the production of both producers. An order placed pursuant to an allocation on Form GA-193 must be endorsed in accordance with instructions on that form.

(c) *Warehouse load directives.* Most warehouses load directives will continue in effect at least until September 30, and producers may, pursuant to Direction 3 to Order M-21, accept unrated orders as well as authorized stock replacement orders within the load directive. However, the producer must remove unrated orders to make space available for authorized stock replacement orders as received. After the expiration date of the space reservation, unrated orders accepted from distributors within the load directive have the same status as unrated orders accepted from users of steel and must be set back when it is necessary to accept authorized controlled material orders either from warehouses or from users of steel.

(d) *Acceptance of orders.* (1) All steel producers may accept unrated orders without limit, but authorized controlled material orders, including Z-3 and FCZ orders, must be accepted in accordance with CMP Regulation 1. A producer will continue to accept orders by month of delivery and fill them in accordance with CMP Regulations.

(2) Production directives will be related to the available capacity in the case of tight items. Should a producer desire to accept additional authorized controlled material orders which can be filled in the month required, he may request the War Production Board to increase his production directive.

(3) It is not permissible for a producer to fill unrated orders at the expense of authorized controlled material orders. When the demand is heavy for a specific steel product a producer must fill authorized controlled material orders to the extent of his available capacity and in the case of a producer who has a production directive the excess demand must be handled on the basis of increases in production directives rather than by over-acceptance of orders.

(e) *Orders superseded.* This direction supersedes paragraph (a) (2) of Direction 6 to CMP Regulation 1.

Issued this 2d day of August 1945.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 45-14218; Filed, Aug. 2, 1945; 11:23 a. m.]

PART 3290—TEXTILE, CLOTHING AND LEATHER

[General Conservation Order M-317, Direction 19]

PRIORITIES ASSISTANCE FOR SHEETS AND PILLOW CASES; TURKISH AND TERRY WOVEN TOWELS; HUCK, DAMASK AND JACQUARD WOVEN TOWELS; DISH TOWELS AND OTHER PLAIN WOVEN TOWELS FOR HOTELS AND RESTAURANTS

The following direction is issued pursuant to General Conservation Order M317:

(a) (1) Hotels may apply on Form WPB-1319 for priorities assistance to obtain fabric to be made into the following: sheets and pillow cases; turkish and terry woven towels; huck, damask and jacquard woven towels; dish towels and other plain woven towels for their own use only and not for resale.

(2) Restaurants may apply on Form WPB-1319 for priorities assistance to obtain fabric to be made into dish towels and other plain woven towels for their own use only and not for resale.

(b) Applications must be filed on Form WPB-1319 with the Service Trades Division, War Production Board, Washington 25, D. C. Applications should be filed only when the material is required to meet emergency needs and when it cannot be obtained otherwise. The total amount of material for which priorities assistance can be granted under this direction is extremely limited, and to the extent of the amount available, applications can be allowed only where they demonstrate an emergency need which cannot otherwise be met.

(c) The preference rating assigned under this direction may be used by the applicant only to buy the fabrics rated. The applicant may, however, make arrangements with manufacturers of the finished items for the incorporation of the fabrics into sheets, pillow cases or towels to be delivered to the applicant.

(d) Preference ratings assigned under this direction shall be applied and extended in the manner provided in Priorities Regulation 3. The following certification shall be placed on all orders on which rating is used:

The undersigned purchaser hereby represents to the seller and to the War Production Board that he is entitled to apply or extend the preference rating indicated opposite the items shown on this order, and that such application or extension is in accordance with Priorities Regulation 3 as amended, with the terms of which the undersigned is familiar.

This rating has been assigned under Form WPB-1319, Serial No. _____. (Insert the serial number.)

_____
Name of purchaser

_____
Address

By _____
(Signature and title of duly authorized officer)

_____
Date

When the above is complied with, the requirements of M-317 and M-328 are met, and it is unnecessary to use any other notation.

Issued this 2d day of August 1945.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

INSTRUCTIONS FOR FILLING IN FORM WPB-1319

This form should be used only by hotels and restaurants, in cases where an emergency need exists in spite of repeated efforts to secure delivery from textile suppliers.

Send 4 copies to the War Production Board, Washington, 25, D. C.

In block 6, enter M-317, Direction

In block 7, enter Service Trades Division, OCR

In block 8 (a) enter the fabrics, using the appropriate terms from the following list:

Sheeting, bed, muslin carded (including sheets and pillow cases).

Toweling, turkish and terry.

Toweling, huck, damask or jacquard woven.

Toweling, dish or other twill or plain woven.

In block 8 (b), enter the end products.

In block 8 (d), enter the minimum number of linear yards for which priority assistance is required to enable applicant to conduct his business during the calendar quarter following application date.

Do not fill in blocks 8 (c), 8 (e), 11, 12, 13, 14, 16, 17.

In block 18—disregard words "used, idle or reconditioned" and enter names and addresses of firms which have refused delivery without priority assistance.

In block 19, describe any hardship which is due to inadequate supply of textiles.

In block 20, answer the following questions:

(a) Show current inventory of each product for which application is made including both new and used items in useable condition.

(b) Which products for which application is made are normally supplied in part by a linen rental company? What percent of the amount you use is so supplied?

(c) How long a period elapses between pick-up of soiled textiles and their return?

Hotels only _____

(d) Enter number of beds in hotel.

(e) State whether the hotel is transient, residential, or resort.

Restaurants only _____ (all types, including hotel restaurants):

(f) State total number of customers served during most recent calendar month.

(g) State percentage of total business which is food sales _____, liquor sales _____

[F. R. Doc. 45-14220; Filed, Aug. 2, 1945; 11:23 a. m.]

PART 3293—CHEMICALS

[General Allocation Order M-300, Schedule 115]

DIHYDROXY-DICHLORO-DIPHENYL METHANE

§ 3293.1115 *Schedule 115 to General Allocation Order M-300*—(a) *Definition.* "Dihydroxy-dichloro-diphenyl methane" means this chemical from whatever source or by whatever means derived, and shall include the above material when sold or distributed under various trade names, and in solution or emulsion form. These trade names include, but are not limited to, such terms as G-4, DDD, Preventol-G, Fungicide-G, or Dihydroxy powder.

(b) *General provisions.* Dihydroxy-dichloro-diphenyl methane is subject to the provisions of General Allocation Order M-300 as an Appendix B material. The initial allocation date is August 1, 1945. The allocation period is the calendar month. The small order exemption without use certificate is 20 pounds per person per month.

(c) *Suppliers' applications on WPB-2947.* Each supplier seeking authorization to use or deliver shall file application on Form WPB-2947 (formerly PD-602). Filing date is the 20th day of the month before the proposed delivery month. File separate sets of forms for each plant or distributing point. Send three copies (one certified) to the War Production Board, Chemicals Bureau, Washington 25, D. C., Ref: M-300-115. The unit of measure is pounds. An aggregate quantity may be requested, without specifying cutomers' names, for delivery on uncertified exempt small orders. Fill in Table II.

(d) *Certified statements of use.* Each person placing orders for delivery of more than 20 pounds of dihydroxy-dichloro-diphenyl methane per month in the aggregate from all suppliers, shall furnish each supplier with a certified statement of proposed use, in the form prescribed in Appendix D of Order M-300. End use may be specified as mildew proofing of canvas, duck netting or felt, or in terms of any other specified product showing military contract numbers whenever possible. Proposed use may also be specified as "for resale on further authorization", "for resale on exempt small orders", or "for export" (specify destination and export license number).

(e) *Budget Bureau approval.* The above reporting requirements have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(f) *Communications to War Production Board.* Reports and communications concerning this schedule shall be addressed to: War Production Board, Chemicals Bureau, Washington 25, D. C., Ref: M-300-115.

Issued this 2d day of August 1945.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 45-14219; Filed, Aug. 2, 1945; 11:23 a. m.]

PART 3293—CHEMICALS

[Conservation Order M-384, as Amended Aug. 2, 1945]

LEAD CHEMICALS

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of lead chemicals for defense, for private account and for export, and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 3293.641 *Conservation Order M-384*—(a) *Definitions.* For the purpose of this order:

(1) "Lead" means metallic lead or the lead content of the lead chemicals defined below in paragraphs (a) (2) through (a) (22) of this order.

(2) "Metallic lead" means the metal having the symbol Pb.

(3) "Lead acetate" means that lead chemical or compound having the approximate chemical formula.

$Pb(C_2H_3O_2)_2.2Pb(OH)_2$
(Basic acetate) or
$Pb(C_2H_3O_2)_2.3H_2O$
(Normal acetate).

(4) "Lead antimonate" means that lead chemical or compound having the approximate chemical formula $Pb_2(SbO_4)_2$.

(5) "Lead arsenate" means that lead chemical or compound produced for use as an agricultural insecticide and includes all arsenical lead salts.

(6) "Lead arsenite" means that lead chemical or compound having the approximate chemical formula $Pb(AsO_2)_2$.

(7) "Lead dioxide" means that lead chemical or compound having the approximate chemical formula PbO_2.

(8) "Lead chloride" means that lead chemical or compound having the approximate chemical formula $PbCl_2$.

(9) "Lead nitrate" means that lead chemical or compound having the approximate chemical formula $Pb(NO_3)_2$.

(10) "Lead silicate (mono)" means that lead chemical or compound having the approximate chemical formula $PbO.SiO_2$.

(11) "Lead silicate (di)" means that lead chemical or compound having the approximate chemical formula $PbO.2SiO_2$.

(12) "Litharge" means that lead chemical or compound having the approximate chemical formula PbO.

(13) "Red lead" means that lead chemical or compound having the approximate chemical formula Pb_3O_4.

(14) "White lead" means either basic carbonate of white lead or basic sulphate of white lead as defined in this order.

(15) "Basic carbonate of white lead" means that lead chemical or compound having the approximate chemical formula $2PbCO_3.Pb(OH)_2$.

(16) "Basic sulphate of white lead" means that lead chemical or compound having the approximate chemical formula $2PbSo_4.PbO$.

(17) "Lead chrome pigments" means chrome yellow, chrome orange, chrome green and molybdate chrome orange as defined below.

(18) "Chrome yellow" and "chrome orange" mean the pigments which are reaction precipitates consisting of normal or basic lead chromates or mixtures of these with or without other insoluble compounds of lead.—Color Index 1270.[1]

(19) "Chrome green" means the pigment consisting of a precipitated mixture of chrome yellow.—Color Index 1270[1]—and iron blue.—Color Index 1288.[1]

(20) "Molybdate chrome orange" means a mixed crystal containing lead chromate, lead molybdate, and lead sulphate with or without other insoluble compounds of lead.

(21) "Frit" means the fused or semi-fused mass used in the glazing of ceramicware.

(22) "Sodium plumbite" means that lead chemical or compound having the approximate chemical formula Na_2PbO_2.

(23) "Preferred use" means any end use of lead chemicals (as defined in paragraphs (a) (2) through (a) (16) of this order) or products containing lead chemicals (i) where either the chemicals or the products are obtained by a purchase order rated under Preference Rating Order P-65, or (ii) where either the chemicals or the products are to be delivered to, or used on, or incorporated in material to be delivered to the United States Army, Navy, Veterans Administration, Marine Corps, Coast Guard, Maritime Commission, War Shipping Administration, Bureau of Engraving and Printing, United States Government Printing Office, or the Government of any country whose defense the President deems vital to the defense of the United States, pursuant to the Act of March 11, 1941, entitled "An Act to Promote the Defense of the United States" (Lend-Lease Act).

(24) "Civilian use" means any use other than a preferred use as defined herein.

(25) "Put into process" means the first change made by a person in the form of lead or a lead chemical (as defined herein) from that form in which it is received or produced by him.

(b) *Restrictions on production of basic carbonate of white lead.* No person shall put into process in any calendar quarter for the production of basic carbonate of white lead, more than 20 percent of the lead he put into process for the same purpose during the first six months of 1944.

(c) *Restrictions on production of leaded zinc oxide.* No person shall put into process in any calendar quarter for the production of leaded zinc oxide more than 25 percent of the quantity of white lead (not the lead content) he put into process for the same purpose during the year 1944.

(d) *Restrictions on lead content of certain products.* No person shall put into process in any calendar quarter in the manufacture of any of the products listed below for the uses appearing opposite those products, a greater quantity of lead than is indicated opposite those products. With respect to the remainder of the first quarter of 1945, each person shall take into account the quantity of lead already used during that quarter in determining whether he has already used his quota for the first quarter of 1945. If he has already used his quota, he shall not use any additional lead during the quarter for the manufacture of any of the products listed below for the uses indicated.

NOTE: Table amended in its entirety Aug. 2, 1945.

Commodity	Uses	Percentage of quantity of lead put into process for the manu. of same product for same use during first six months of 1944
Insecticides	All	45% or 1000 lbs. of lead per calendar quarter, whichever is greater.
Glass—all	Preferred	Unlimited.
Glass—optical, chemical, electrical (including radio, radar and X-ray), industrial equipment, scientific and signal.	Civilian	50% or 1000 lbs. of lead per calendar quarter, whichever is greater.
Glass—all other	Civilian	25% or 1000 pounds of lead per calendar quarter, whichever is the greater.
Vitrified china tableware designed for institutional or mass feeding	All	50% or 1000 lbs. of lead per calendar quarter, whichever is greater.
Ceramics—chemical, electrical and industrial.	All	50% or 1000 lbs. of lead per calendar quarter, whichever is greater
Ceramics—all other	All	25% or 1000 lbs. of lead per calendar quarter, whichever is greater.

(e) *Restrictions on use of red lead for paints, etc.* No person shall put into process in any calendar quarter in the production of paints, varnishes and lacquers (including paste red lead) for civilian uses, more than 40 percent of the quantity of red lead (not the lead content) which he put into process for those products for civilian uses in the first six months of 1944, or 1,000 pounds per quarter, whichever is the greater. This paragraph is not applicable to red lead consumed for preferred uses.

(f) *Restrictions on use of white lead for paints, etc.* No person shall put into process in any calendar quarter in the production of paints, varnishes and lacquers (including paste white lead) for civilian uses, more than 12½ percent of the quantity of white lead (not the lead content) which he put into process for those products for civilian uses in the first six months of 1944, or 1,000 pounds per quarter, whichever is greater. This paragraph is not applicable to white lead consumed for preferred uses.

(g) [Deleted Aug. 2, 1945]

(h) [Deleted Aug. 2, 1945]

(i) *No restrictions on lead content of lead chrome pigments.* There are no restrictions on the lead content of lead chrome pigments for the reason that the use of all chrome pigments (including lead chrome pigments) is controlled by Order M-370, and the distribution and use of bichromate for all chrome pigments is allocated under Order M-300, Schedule 62.

(j) *Toll arrangements.* For the purpose of this order a toll arrangement is an arrangement under which lead owned by one person (referred to as "the owner") is put into process by another person (referred to as the "processor"), for the production of certain products affected by this order, for the owner of the lead. Toll arrangements are subject to the following restrictions:

(1) Any quantity of lead put into process under toll arrangement in any calendar quarter for the production of any product for the particular use described in paragraphs (d), (e) and (f) shall be charged against the owner's lead quota instead of the processor's, if the owner manufactured the product himself for that use or had it manufactured for him for that use in the corresponding calendar quarter of 1944.

(2) Any quantity of lead put into process under toll arrangement during any calendar quarter for the production of any such product for any such use, must be charged against the lead quota of the processor, and not against the lead quota of the owner, if the owner did not manufacture that product for that use or have it manufactured for him for that use during the corresponding quarter of 1944.

(3) Any processor who is offered lead for processing on toll arrangement, shall assume that he is required to charge the lead against his own lead quota, unless he is advised in writing by the owner that the owner manufactured the same product or had it manufactured for him for the same use during the calendar quarter of 1944 corresponding to the calendar quarter in which the lead is to be put into process, and that the quantity offered can and will be charged against the owner's lead quota.

(4) Quantities charged against a lead quota pursuant to this paragraph (j) shall be considered as having been put into process by the holder of that quota.

(k) *Method of computing lead content of lead chemicals.* This order limits the amount of lead which a person may put into process in any calendar quarter for the production of certain products to a percentage of the lead which he put into process during the first six months of 1944. In order to determine this percentage in lead chemicals, the following table should be used:

Lead Chemicals:	*Pounds of lead per 100 pounds of lead chemicals*
Lead acetate (basic)	60
Lead acetate (normal)	55
Lead antimonate	63
Lead arsenate	60
Lead arsenite	50
Lead chloride	75
Lead dioxide	87
Lead nitrate	63
Lead silicate (mono)	80
Lead silicate (di)	61
Litharge	93
Red lead	91
Basic carbonate of white lead	80
Basic sulphate of white lead	75
Sodium plumbite	73

(l) *Inventory restrictions on white lead.* No person whose use of white lead is restricted by this order, shall accept any delivery of white lead which shall result in his having an inventory at the time of such delivery in excess of the amount of lead he is entitled to put into process under the provisions of this order in that calendar quarter, for the production of paint, varnish, lacquers (including paste white lead) and ceramics. For the purposes of this paragraph, the term "inventory" includes inventory at factory, as well as in transit to factory.

(m) *Special directives.* The War Production Board may from time to time issue special directives with respect to the use, production or processing of lead chemicals, notwithstanding the other provisions of this order.

(n) *Reports.* On or before the 20th day of each month following a calendar quarter, each person who put into process more than 1,000 pounds of lead for the production of any of the products or uses described in paragraphs (b) to (h), inclusive, of the order, during the preceding quarter shall file two copies (one certified) of Form WPB-4138, with the Chemicals Bureau, War Production Board, Washington 25, D. C.

(o) *Appeals.* Any appeal from this order must be filed by letter in duplicate addressed to the Chemicals Bureau, War Production Board, Washington 25, D. C., Ref: M-384, setting forth the reasons for the appeal and the necessary supporting information. Such information should include:

(1) The product for which the lead will be used. If the appeal is taken from the provisions of paragraphs (d), (e), (f), (i) or (j), indicate proposed use of the product, i. e., preferred, civilian, or both.

(2) Period of time, not exceeding one calendar quarter, for which relief is requested.

(3) Monthly schedule of amount of lead appellant would like to use for the particular product and the portion of this which is in excess of the quota permitted by the order.

(4) If the appeal is for an increase in quota to fill orders for preferred uses, state the name of the procuring agency, the end use description, prime contract numbers and dates when the orders were received.

(5) If the appeal is filed because the restrictions of the order will prevent the filling of civilian orders of extreme urgency, give exact information as to the use of the product in which the lead would be used, names of the customers and preference ratings, if any, covering the orders.

(6) Any other information pertinent to the appeal.

Ordinarily, consideration will be given only to those appeals showing that the quota limits on the consumption of lead will prevent the filling of orders for "preferred uses' or most essential "civilian uses". The War Production Board will not consider favorably appeals based on the fact that the appellant would be unable to fill orders for civilian uses in amounts as large as he had previously delivered, or that he will be unable to fill orders for civilian uses to the same extent as other persons. Attention is called to the provisions of Priorities Regulation 16 with respect to the statement of manpower requirements which must be submitted with the appeal.

[1] Society of Dyers, and Colourists "Colour Index," Bradford, Yorkshire, January 1924.

(p) *Violations.* Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States, is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

(q) *Communications to War Production Board.* All communications concerning this order shall, unless otherwise directed, be addressed to the War Production Board, Chemicals Bureau, Washington 25, D. C., Ref: M-384.

Issued this 2d day of August 1945.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc 45-14221; Filed, Aug. 2, 1945; 11:23 a. m.]

Chapter XI—Office of Price Administration

PART 1418—TERRITORIES AND POSSESSIONS

[RMPR 373,[1] Amdt. 14]

GARBAGE AND SWILL IN HAWAII

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.

Section 65 (a) is amended to read as follows:

(a) The maximum price for the sale of garbage and swill throughout the Territory of Hawaii shall be $2.00 per ton.

In addition, the sellers of garbage may add to this amount any cost of hauling or cartage actually incurred by such seller.

This amendment shall become effective as of July 16, 1945.

Issued this 1st day of August 1945.

JAMES G. ROGERS, Jr.,
Acting Administrator.

[F. R. Doc. 45-14176; Filed, Aug. 1, 1945; 4:02 p. m.]

[1] 10 F.R. 6646, 7407, 7794, 7799, 8020, 8069, 8371, 8979.

PART 1377—WOODEN CONTAINERS

[MPR 593]

USED SLACK COOPERAGE

A statement of the considerations involved in the issuance of this regulation, issued simultaneously herewith, has been filed with the Division of the Federal Register.

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AUTHORITY: § 1377.307 issued under 56 Stat. 23, 765; 57 Stat. 566, Pub. Law 383, 78th Cong.; Pub. Law 108, 79th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681.

ARTICLE I—PROHIBITIONS AND SCOPE OF REGULATION

SECTION 1. *Prohibition against dealing in used slack cooperage at prices above the maximum.* Regardless of any contract or other obligation, no person may sell or deliver and no person may buy or receive used slack cooperage at prices higher than those contained in this regulation. No person shall agree, offer or attempt to do these things.

Prices less than the maximum prices established by this regulation may, of course, be charged and paid.

SEC. 2. *Products and transactions covered by the regulation—*(a) *Products covered.* This regulation under the term "used slack cooperage," covers all used slack wooden barrels or kegs.

(b) *Transactions covered.* This regulation covers all sales and purchases of used slack cooperage within the continental limits of the United States.

ARTICLE II—MAXIMUM PRICES AND TERMS OF SALE

SEC. 3. *Maximum prices.* The maximum prices for used slack cooperage are shown in the following table:

USED SLACK COOPERAGE

MAXIMUM PRICES

Barrel size		As they run, sales by—		Dealers' sales,[1] recoopered and/or reconditioned		
					Double head	
Head diameter	Stave length	Dumper or emptier[1]	Peddler[2]	Single head	Used head supplied	New head supplied
		Cents	*Cents*	*Cents*		
Large, 18⅛" and over	28½" and over	30	55	*95	*$1.00	$1.10
Medium 17⅛" to 18" incl.	28½" and over	25	45	*85	.90	1.00
Small, 12⅝" to 17" incl.	21" to 28" incl.	20	35	*70	.75	.85
Kegs, under 12⅝"	Under 23"	6	10	*22	.24	.27

[1] Prices, f. o. b. conveyance.

[2] Prices include free delivery within a radius of 20 miles of the seller's place of business. For the purposes of this section loading on a freight car constitutes delivery. On deliveries to points in excess of 20 miles distant from the seller's place of business these prices are f. o. b. conveyance. Where such deliveries are made by common carrier, the actual charges paid or incurred by the seller in making delivery may be added to the f. o. b. conveyance price. However, if delivery is by truck owned or controlled by the seller, the addition may not exceed 80 percent of the common carrier truck charge for a similar delivery.

*Except that the following prices may be charged by dealers for recoopered and/or reconditioned barrels where the buyer receives physical delivery in seaport towns or cities in Maine, New Hampshire, Massachusetts, Rhode Island or Connecticut: Large barrels—single head, $1.10, double head, used head supplied $1.10; medium barrels, single head—90¢, small barrels, single head—75¢.

NOTE 1: Dumpers or emptiers may charge peddlers' prices on transactions of 350 or more barrels on which free delivery is made and barrels are unloaded by the seller at the dealer's plant. Delivery in full on such transactions shall be made within a period of 48 hours after the first delivery subject to that transaction. If delivery in full is not completed in 48 hours after the first delivery no more than the dumper's price may be charged.

NOTE 2: On sales by dealers to dealers out of the selling dealer's plant or warehouse prices not in excess of the indicated prices for recoopered and/or reconditioned barrels may be charged provided the price to the consumer does not exceed the maximum price established by this regulation.

On sales by a dealer to other dealers of as they run barrels on which delivery starts from a point other than his plant or warehouse, no more than the peddler's prices may be charged.

NOTE 3: For any barrel other than those meeting specifications listed in the above table the maximum price shall be the price for the barrel listed in the tables with the nearest gallonage content. The gallonage for large barrels is 31 or over, for medium barrels 31 and under 35, for small barrels, 12 and under 31 and for kegs under 12 gallons.

SEC. 4. *Definitions—*(a) *Dumper or emptier.* One who purchases commodities in barrels and empties the contents.

(b) "Peddler". One who obtains used barrels from emptiers for the purpose of resale and makes local delivery to purchasers or, in cases of shipment by rail, makes delivery to freight car, without storing, selecting or reconditioning them.

(c) "Dealer". One who buys and sells used slack barrels, maintains storage space and has facilities for repairing, recoopering, reconditioning and washing such barrels.

(d) "As they run". Used slack barrels which have not been selected and reconditioned in any way.

(e) "Recoopered and/or reconditioned". Barrels repaired to such condition that they can without further servicing be used for the packaging and shipment by rail or otherwise, of the purchaser's commodities; broken staves replaced or reinforced; cleaned or washed; protruding nails, except those necessary to hold head hoop in place, removed; with complete set of hoops, and with extra hoops or head liners supplied, if required by purchaser.

(f) "Single-head barrels". Barrels which have one sound head in place.

(g) "Double-head barrels". Barrels with two heads, one of which must be sound and the other either sound or reinforced. One head may be dropped.

(h) "Used head". A head which has been a part of a barrel which was used for storing, packaging or shipping of commodities.

(i) "New head". A head which has been purchased new and has never been used in a barrel.

SEC. 5. *What the invoice must contain.* All invoices must contain a sufficiently complete description of the items sold to show whether or not the price is proper. They must also show the name and address of the seller, the name and address of the purchaser, the origin and destination of the shipment, the quantity and price and any items, including delivery charges, affecting the price.

SEC. 6. *Prohibited practices.* Any practice which is a device to get the effect of a higher-than-ceiling price without actually raising the dollars-and-cents price is as much a violation of this regulation as an outright over-ceiling price. This applies to devices making use of commissions, services, transportation arrangements, premiums, special privileges, tying-agreements, trade understandings, and the like.

ARTICLE III—MISCELLANEOUS

SEC. 7. *Adjustable pricing.* Any person may agree to sell at a price which can be increased up to the maximum price in effect at the time of delivery; but no person may, unless authorized by the Office of Price Administration, deliver or agree to deliver at prices to be adjusted upward in accordance with action taken by the Office of Price Administration after delivery. Such authorization may be given when a request for a change in the applicable maximum price is pending, but only if the authorization is necessary to promote distribution or production and if it will not interfere with the purposes of the Emergency Price Control Act of 1942, as amended. The authorization may be given by the Administrator or by any official of the Office of Price Administration to whom the authority to grant such authorization has been delegated. The authorization will be given by order, except that it may be given by letter or telegram when the contemplated revision will be the granting of an individual application for adjustment.

SEC. 8. *Applications for adjustment and petitions for amendment—*(a) *Government contracts.* See Procedural Regulation No. 6[1] for adjustments on certain government contracts and subcontracts.

(b) *Petitions for amendment.* Any person seeking an amendment of any provision of this regulation may file a petition for amendment in accordance with the provisions of Revised Procedural Regulation No. 1,[2] issued by the Office of Price Administration.

SEC. 9. *Records.* Sellers must maintain records of all transactions in used slack cooperage showing the name and address of the seller, name and address of the purchaser, quantity sold, price, description of the barrels or kegs sold as to condition (as they run, recoopered and/or reconditioned), size, number of heads (new or used), origin and destination of shipment, manner of delivery and delivery charges.

Purchasers should maintain records showing name and address of seller, quantity, description of barrels or kegs and the price.

All records must be kept for a period of two years or for the duration of the Emergency Price Control Act of 1942, as amended, whichever period is shorter.

SEC. 10. *Registration.* On and after 30 days after the issuance of this regulation the dealers prices may be charged only by those dealers who have received from the appropriate regional office, or duly authorized district office, of the Office of Price Administration a certificate of registration as a dealer in used slack barrels.

All persons desiring to sell at dealers' prices must register their qualifications with the Regional Office, or duly authorized District Office, of the Office of Price Administration having jurisdiction over the area in which their places of business are located within 30 days after the issuance of this regulation, or upon entering business as a dealer, and receive a certificate of registration. Certificates of registration from the Regional Administrator or his designee will be granted by letter to persons who can show that they qualify as dealers under section 4 and whose applications contain (a) the number of reconditioned slack barrels sold during the first six months of 1945 and the dollar value of such sales, (b) the names of at least four of their customers for reconditioned slack barrels, and (c) a complete description of their facilities for repairing, recoopering, reconditioning, and washing used slack barrels.

Sellers entering business as used slack barrel dealers for the first time need only describe their facilities as outlined in (c) above.

The Regional Administrator or duly authorized District Director may deny applications of those who fail to qualify.

SEC. 11. *Labelling.* On and after 45 days after the issuance of this regulation, no used slack barrel may be sold at the dealer's price unless it has been marked with a gum label or rubber stamp, indicating that it is a recoopered and/or reconditional barrel, the dealer's name, address and Office of Price Administration registration number.

SEC. 12. *Licenses.* The provisions of Licensing Order No. 1,[3] licensing all persons who make sales under price control, are applicable to all sellers subject to this regulation. A seller's license may be suspended for violations of the license or of one or more maximum price regulations. A person whose license is suspended, may not, during the period of suspension, make any sale for which his license has been suspended.

SEC. 13. *Enforcement.* Persons violating any provisions of this regulation are subject to the criminal penalties, civil enforcement actions, and suits for treble damages provided by the Emergency Price Control Act of 1942, as amended.

SEC. 14. *Relation to other regulations—*(a) *General Maximum Price Regulation.*[4] Any sale or delivery covered by this Maximum Price Regulation 593 is not subject to the General Maximum Price Regulation.

(b) *Second Revised Maximum Export Price Regulation.*[5] The maximum prices for export sales of used slack cooperage are governed by the Second Revised Maximum Export Price Regulation.

The effective date of this regulation shall be August 7, 1945.

NOTE: All reporting and record keeping requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 2d day of August 1945.

JAMES F. BROWNLEE,
Acting Administrator.

[F. R. Doc. 45-14226; Filed, Aug. 2, 1945; 11:31 a. m.]

[1] 7 F.R. 5087, 5664; 8 F.R. 6173, 6174, 12024.

[2] 7 F.R. 8961; 8 F.R. 3313, 3533, 6173, 11806; 9 F.R. 1594, 3075.

[3] 8 F.R. 13240.

[4] 9 F.R. 1295, 5109, 6100, 8150, 10193.

PART 1499—COMMODITIES AND SERVICES

[SR 14H, Amdt. 3]

TRANSPORTATION OF PAVING AND ASPHALT MATERIALS AND SUPPLIES FOR DETROIT, MICH.

A statement of the considerations involved in the issuance of this Amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.

Section 7 of Supplementary Regulation No. 14–H is amended to read as follows:

SEC. 7. *Transportation of paving and asphalt materials and supplies, etc., for the City of Detroit.* (a) Persons furnishing services as carriers other than common carriers by motor vehicle for the Department of Public Works in Detroit, Michigan, may sell and deliver such carrier services at prices not to exceed the following maximum rates:

Transportation of material and equipment for paving, sewer and sidewalk repair work.

	Per hour
1½-ton trucks	$1.90
3½-ton trucks	2.35
5 ton trucks	2.75

This amendment shall become effective August 7, 1945.

Issued this 2d day of August 1945.

JAMES F. BROWNLEE,
Acting Administrator.

[F. R. Doc. 45-14227; Filed, Aug. 2, 1945; 11:30 a. m.]

PART 1499—COMMODITIES AND SERVICES

[SR 14H,[1] Amdt. 4]

TRANSPORTATION OF MILK BY MOTOR VEHICLE IN COLORADO

A statement of the considerations involved in the issuance of this Amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.

Section 13 is added to read as follows:

SEC. 13. *Transportation of milk by motor vehicle in Colorado.* The maxi-

[1] 10 F.R. 1205, 2834.

[2] 8 F.R. 4132, 5987, 7662, 9998, 15193; 9 F.R. 1036, 5435.

mum rates for the transportation of milk between points within the State of Colorado by private motor carriers are the rates and charges set forth in an order issued by The Public Utilities Commission of the State of Colorado on June 28, 1945 in Case No. 1585, Decision No. 24643, effective July 15, 1945, or the maximum rates established by the General Maximum Price Regulation or any supplementary regulation or order issued by the Office of Price Administration, whichever rates are higher.

This amendment shall become effective as of July 16, 1945.

Issued this 2d day of August 1945.

JAMES F. BROWNLEE,
Acting Administrator.

[F. R. Doc. 45-14228; Filed, Aug. 2, 1945; 11:30 a. m.]

PART 1418—TERRITORIES AND POSSESSIONS

[RMPR 373,[1] Amdt. 13]

GROCERY ITEMS IN HAWAII

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.

Revised Maximum Price Regulation 373 is amended in the following respects:

1. Section 39 (c) (3) (iii) is amended to read as follows:

(iii) "Net cost" in Zones 2 and 3 on the Island of Maui shall be determined in the manner set forth in subparagraph (2) above, except that no transportation costs to Zones 2 and 3 from any point within the Island of Maui shall be included, whether incurred by you or by your supplier.

2. Section 39 (d) (2) is amended to read as follows:

(2) Prepare and keep a "Price Book" and enter therein, in the case of items for which you must compute your ceiling prices under Table B (not the items for which dollars-and-cents ceiling prices are specified), the following information with respect to each such item:

(i) The date of your supplier's invoice,

(ii) The name of your supplier,

(iii) Your "net cost".

(iv) The number of retail units in the customary wholesale unit (e. g., 48 cans to a case),

(v) The division factor used, and

(vi) The resulting ceiling price per case (or other wholesale unit) and the ceiling price per retail unit.

In addition, multiple outlet retail stores must enter in the "Price Book" the quantity purchased in case their ceiling price for a particular item is computed on weighted average net cost basis.

You may, with the prior approval of the Office of Price Administration, omit the entries in your "Price Book" required by items (i) and (ii) listed above. Such approval will be granted if you can demonstrate to the satisfaction of the Office of Price Administration that your invoice filing system is such that the invoice supporting any entry in your "Price Book" can be readily produced for examination by any Office of Price Administration representative.

You must show your records and your "Price Book" to any Office of Price Administration representative on request.

3. Table A of section 39 is amended to read as follows:

TABLE A—DOLLARS-AND-CENTS MAXIMUM PRICES FOR CERTAIN GROCERY ITEMS IN THE TERRITORY OF HAWAII

(a) This Table A applies to all retailers of grocery items covered by this section located in the Territory of Hawaii. If the item being priced is not listed in this Table A, then the retailer shall compute his maximum prices in accordance with the provisions set forth in Table B of this section.

(b) "Commodity Classification Number", as used in this table, means the number assigned to the particular subdivision contained in paragraph (f) of this section, in which the grocery items listed are classified and defined.

(c) The following maximum prices are established for sales by retailers in the Territory of Hawaii. To these prices may be added the transportation differentials of 2% in Zone 2 and 3% in Zone 3 set forth in paragraph (e) of this section.

NOTE: Unless otherwise specified in the following table, the prices listed shall apply throughout the Territory of Hawaii.

No.	Grocery item	Ceiling price
1.	Baby foods:	
	Cerevim, 16 oz. pkg	$0.39
	Cerevim, 8 oz. pkg	.23
	Heinz Baby Food, strained:	
	Applesauce, 4½ oz. can	.10
	*Apricot and Prune Pudding, 4½ oz. can	.10
	*Orange Pudding, 4½ oz. can	.10
	*All others not specified above, 4½ oz. can	.09
	Libby Baby Foods:	
	*Mixed Fruit, 4½ oz. can	.10
	All others not specified above, 4½ oz can	.08
	Pabena, 8 oz. pkg	.22
	Pablum, 18 oz. pkg	.44
	Pablum, 8 oz. pkg	.22
	Stokeley Baby Foods:	
	Applesauce, 4½ oz. can	.09
	Fruits, all, 4½ oz. can	.09
	Prunes, 4½ oz. can	.07
	Liver Soup, 4½ oz. can	.07
	Beets, 4½ oz. can	.08
	Carrots, 4½ oz. can	.08
	Green Beans, 4½ oz. can	.08
	Peas, 4½ oz. can	.08
	*Vegetable Soup, 4½ oz. can	.09
	*Taro Lactin, 12 oz. can	.86
3.	Beverage bases and concentrates:	
	Cocomalt, 1 lb. gl	.60
	*Cocomalt, 12 oz. gl	.45
	Cocomalt, ½ lb. gl	.33
	G. Washington Instant Coffee, 1¼ oz. gl	.49
	Kool-Aid, assorted, pkg	.05
	Malted Milk:	
	Horlick, plain or chocolate, 1 lb. gl	.69
	Horlick, plain or chocolate, ½ lb. gl	.38
	Carnation, plain or chocolate, 1 lb.	.48
	Thompson's Chocolate, 16 oz. gl	.43
	Wom, 1 lb. gl	.39
	Malted Milk Tablets:	
	*Horlick, large bottle	.43
	*Horlick, medium bottle	.23
	*Horlick, small bottle	.10
	*Ovaltine, plain or chocolate, 14 oz. gl	.87
	*Ovaltine, plain or chocolate, 6 oz. gl	.46
	Postum, Instant, 8 oz	.57
	Postum, Instant, 4 oz	.33
4.	Bakers' supplies:	
	Arm and Hammer Baking Soda, 1 lb.	$0.11
	Arm and Hammer Baking Soda, ½ lb.	.06
	Calumet Baking Powder, 1 lb	.22
	*Calumet Baking Powder, ½ lb	.11
	K. C. Baking Powder, 25 oz	.25
	K. C. Baking Powder, 10 oz	.10
	Royal Baking Powder, 12 oz	.55
	Royal Baking Powder, 6 oz	.28
	Fleishmann's Yeast, ¾ oz. cake	.05
5.	Cereals:	
	I. Prepared, ready to eat breakfast cereals	
	All Bran, Kellogg, 16 oz	.23
	All Bran, Kellogg, 10 oz	.16
	Bran Flakes, Kellogg, 8 oz	.14
	Bran Flakes, Post, 8 oz	.14
	Cheerioats, 7 oz	.16
	Corn Flakes, Alber's, 6 oz	.09
	Corn Flakes, Kellogg, 6 oz	.10
	*Kix, Gold Medal, 7 oz	.17
	*Krumbles, Kellogg, 9 oz	.16
	Pep, Kellogg, 8 oz	.15
	*Rice Krispies, Kellogg, 5½ oz	.17
	*Toasties, Post, 11 oz	.16
	Toasties, Post, 6 oz	.09
	*Wheaties, Gold Medal, 8 oz	.16
	II. Cooking cereals	
	*Rolled Oats, Alber's Quick, w Prem., 40 oz	.47
	*Rolled Oats, Alber's Quick, 48 oz	.44
	Rolled Oats, Alber's Quick, 20 oz	.20
	*Rolled Oats, Alber's Oldfashioned, 48 oz	.44
	Rolled Oats, Alber's Oldfashioned, 20 oz	.20
	*Wheat Flakes, Alber's Carnation, 40 oz	.38
	*Wheat Flakes, Alber's Carnation, 16 oz	.18
	Wheat Hearts, Sperry, 28 oz	.28
	Wheat Hearts, Sperry, 14 oz	.16
6.	Cocoa and chocolate:	
	Baker's Breakfast Cocoa, ½ lb	.13
	Baker's Premium Unswt. Chocolate, ½ lb	.20
	Ghirardelli Ground Chocolate, 1 lb	.34
	Hershey Cocoa, ½ lb	.13
7.	Condiments and sauces:	
	I. Catsup, mustard, soya sauce, tomato sauce, and vinegar	
	Catsup:	
	*CHB, 14 oz	.20
	Del Monte, 14 oz	.20
	*Del Monte, 8 oz	.14
	Exquisite, 14 oz	.21
	Heinz Ketchup, 14 oz	.25
	Helmet Ketchup, 14 oz	.18
	*Libby, 14 oz	.23
	*S. & W., 14 oz	.23
	*Snider's, 14 oz	.24
	Stokeley, 14 oz	.21
	Yolo, 14 oz	.18
	Mustard, Prepared:	
	*Best Foods Horseradish Mustard, 9 oz	.09
	French's, 9 oz	.14
	Gulden's, 8½ oz	.15
	Heinz yellow or brown, 6 oz	.11
	Libby, 9 oz	.13
	*Schilling's Mustard Sauce, 6 oz	.11
	Soya Sauce:	
	Diamond, 1 gal	2.63
	Hawaii, Maui, Kauai	2.72
	Fuji, 1 gal	2.47
	Hawaii, Maui, Kauai	2.56
	Fukushima, 1 gal	2.38
	Hawaii, Maui, Kauai	2.47
	Kikkoki, 1 gal	2.06
	Hawaii, Maui, Kauai	2.15
	King, 1 gal	1.78
	Hawaii, Maui, Kauai	1.87
	King, 22 oz	.36
	Hawaii, Maui, Kauai	.40
	King, 11 oz	.37
	Hawaii, Maui, Kauai	.38

*Indicates price changes and new items not previously listed.

[1] 10 F.R. 6646, 7407, 7794, 7799, 8020, 8069, 8371.

No.	Grocery item	Ceiling price
7.	Condiments and sauces—Con.	
	Tomato Paste, *Flotill, 6 oz	$0.09
	Tomato Sauce (not Hot Sauce):	
	*All-Good, Fancy, 7½-8 oz	.06
	*Nation's Pride, 7½-8 oz	.06
	All others not specified above, 7½-8 oz	.07
	Vinegar:	
	CHB, Cider, qt	.21
	CHB, White, qt	.18
	CHB, Cider, pt	.12
	CHB, White, pt	.11
	Heinz, Cider, qt	.25
	Heinz, White, qt	.24
	*Heinz, Cider, pt	.14
	*Heinz, White, pt	.13
	Lady's Choice, qt	.20
	Lady's Choice, white, distilled pt	.13
	II. Other condiments and sauces	
	A-1 Sauce, 6 oz	.37
	Bouquet, Kitchen, 4 oz	.49
	*Del Monte Chili Sauce, 12 oz	.27
	Durkee Famous Dressing Meat Sauce, 10 oz	.36
	Heinz Beefsteak Sauce, 8 oz	.31
	*Heinz Chili Sauce, 12 oz	.38
	Heinz Horseradish, 2½ oz. gl	.23
	Heinz India Relish, 7½ oz	.22
	Heinz Worcestershire Sauce, 6 oz	.30
	*Kern's Chili Sauce, 12 oz	.25
	Lea & Perrins Worcestershire Sauce, 10 oz	.73
	Lea & Perrins Worcestershire Sauce, 5 oz	.40
	*Libby Chili Sauce, 12 oz	.33
	McIlhenny's Tabasco Sauce, 2 oz	.42
	*Riviera Spaghetti Sauce, 10½ oz	.18
	*Snider's Chili Sauce, 11 oz	.29
	*Snider's Cocktail Sauce, 11½ oz	.32
	Trappey's Tabasco Peppers, red or green, 3 oz	.11
	Trappey's Torrido Peppers, 12 oz. gl	.19
	*Zucca Spaghetti Sauce, w/mushrooms, 10 oz	.26
9.	Corn starch:	
	Kingsford, 1 lb	.11
	Staley's, 1 lb	.10
10.	Crackers, cookies and specified cakes:	
	Cookies, Diamond, var. types, No. 15 cel. pkg	.15
	Hawaii, Maui, Kauai	.16
	Cookies, Diamond, var. types, No. 20 cel. pkg	.20
	Hawaii, Maui, Kauai	.21
	Cookies, Diamond, var. types, No. 25 cel. pkg	.25
	Hawaii, Maui, Kauai	.27
	*Cookies, Lou Ellen Assorted, 16 oz. pkg	.42
	Hawaii, Maui, Kauai	.44
	Cookies, Love's, var. types, No. 15 cel. pkg	.15
	Hawaii, Maui, Kauai	.16
	Cookies, Love's, var. types, No. 20 cel. pkg	.20
	Hawaii, Maui, Kauai	.21
	Cookies, Love's, var. types, No. 25 cel. pkg	.25
	Hawaii, Maui, Kauai	.27
	*Cookies, Mrs. Bentzen's De Luxe Danish, 14 oz. pkg	.67
	Hawaii, Maui, Kauai	.70
	Crackers, Home Run, Diamond, and Love's:	
	Oyster, Soda, Salty Wafers, Cream and Saloon Pilots, 5 lbs	1.00
	Hawaii, Maui, Kauai	1.09
	Oyster, Soda, Salty Wafers, Cream and Saloon Pilots, 4 lbs	.80
	Hawaii, Maui, Kauai	.86
	Oyster, Soda, Salty Wafers, Cream and Saloon Pilots, 2 lbs	.40
	Hawaii, Maui, Kauai	.45

*Indicates price changes and new items not previously listed.

No.	Grocery item	Ceiling price
10.	Crackers, cookies and specified cakes—Continued.	
	Crackers, Home Run, Diamond, and Love's—Continued.	
	Oyster, Soda, Salty Wafers, Cream and Saloon Pilots, 16 oz	$0.20
	Hawaii, Maui, Kauai	.23
	Oyster, Soda, Salty Wafers, Cream and Saloon Pilots, 12 oz	.16
	Hawaii, Maui, Kauai	.18
	Oyster, Soda, Salty Wafers, Cream and Saloon Pilots, 8½ oz	.11
	Hawaii, Maui, Kauai	.12
	Animal, 11 oz	.25
	Hawaii, Maui, Kauai	.27
	Animal, 6 oz	.15
	Hawaii, Maui, Kauai	.16
	Cream, Jersey and Royal, 5 lbs	1.12
	Hawaii, Maui, Kauai	1.21
	Cream, Jersey and Royal, 2½ lbs	.56
	Hawaii, Maui, Kauai	.60
	Graham Crackers, 6 lbs	1.35
	Hawaii, Maui, Kauai	1.45
	Graham Crackers, 5 lbs	1.12
	Hawaii, Maui, Kauai	1.21
	Graham Crackers, 3¼ lbs	.74
	Hawaii, Maui, Kauai	.79
	Graham Crackers, 1 lb	.23
	Hawaii, Maui, Kauai	.25
	Graham Crackers, 12 oz	.19
	Hawaii, Maui, Kauai	.20
	Graham Crackers, 7½ oz	.10
	Hawaii, Maui, Kauai	.11
	*Crackers, Ritz, 16 oz pkg	.28
	Hawaii, Maui, Kauai	.20
11.	Dessert powders:	
	Jello, all flavors, 3 oz	.08
	Knox Gelatine, carton of 4¼-oz. env	.23
	*Minute Gelatin, 1 oz	.15
	Royal, all flavors, 3¼ oz	.08
12.	Dessert preparations:	
	Hershey Chocolate Syrup, 16 oz. tin	.12
13.	Flour, family:	
	Flour, family, 4.9 or 5 lbs.:	
	Zone 1 on Islands of Oahu, Hawaii, Maui, Kauai	.33
	All Other Areas on Islands of Oahu, Hawaii, Maui, Kauai	.32
	Zone 1 on Island of Molokai	.32
	All Other Areas on Island of Molokai	.31
	Lanai	.31
	Flour, family, 49 or 50 lbs.:	
	Zone 1 on Islands of Oahu, Hawaii, Maui, Kauai	2.80
	All Other Areas on Islands of Oahu, Hawaii, Maui, Kauai	2.70
	Zone 1 on Island of Molokai	2.72
	All Other Areas on Island of Molokai	2.62
	Lanai	2.65
14.	Flour, prepared packaged:	
	Bisquick, Gold Medal, 40 oz	.40
	Bisquick, Gold Medal, 20 oz	.22
	*Biskit Mix, Fisher's, 40 oz	.41
	Buckwheat Flour, Aunt Jemima, 20 oz	.22
	Buckwheat Flour, Alber's, 20 oz	.19
	*Cornmeal, Alber's White or Yellow, 20 oz	.14
	Cornmeal, Sperry's White or Yellow, 16 oz	.12
	Flapjack Flour, Alber's, 20 oz	.15
	Hot Cake Mix, Cinch, 16 oz	.25
	Pancake and Waffle Flour, Aunt Jemima, 20 oz	.17
	Pancake and Waffle Flour, Sperry, 28 oz	.25
	Pancake and Waffle Flour, Sperry, 14 oz	.14
	Waffle Mix, Cinch, 16 oz	.30
15.	Flour, prepared packaged cake:	
	Cinch, Golden Cake Flour, 17 oz	.35
	Cinch, Corn Bread Mix, 16 oz	.23
	Cinch Deviled Fudge Mix, 16 oz	.35
	Duff's Gingerbread Mix, 14 oz	.32
	Duff's Hot Muffin Mix, 14 oz	.32
	Gold Medal, Softasilk Flour, 44 oz	.34
	*Swansdown Flour, 44 oz	.39

No.	Grocery item	Ceiling price
17.	Fruits and berries, canned:	
	Applesauce:	
	*Bowman's, Fancy, No. 2 can	$0.19
	*Libby, No. 303 gl	.25
	*Libby, No. 2 can	.23
	*Snider's, No. 2 can	.21
	*V. B., No. 2 can	.21
	Apricots:	
	*Dainty Mix, Whole Peeled, No. 2½ can	.31
	*Libby, Whole Peeled, No. 2½ gl	.37
	*Libby, Whole Unpeeled, No. 2½ can	.33
	Cherries:	
	*Del Monte, Dark Sweet, No. 303 gl	.34
	*Del Monte, Light Sweet, No. 303 gl	.33
	*Libby, Royal Anne, No. 2½ gl	.47
	*Libby, Royal Anne, No. 2½ can	.45
	*S. & W., Royal Anne, No. 2½ can	.56
	Figs:	
	*Libby, Kadota, No. 2½ gl	.40
	*Libby, Kadota, No. 2½ can	.37
	*S. & W., Delphia, No. 2½ can	.46
	Fruit cocktail:	
	*Dainty Mix, No. 2½ can	.37
	*Dainty Mix, No. 1 can	.22
	*Del Monte, No. 2½ gl	.39
	*Del Monte, No. 2½ can	.35
	*Del Monte, No. 1 can	.20
	Exquisite, No. 2½ can	.36
	*Exquisite, No. 1 can	.22
	*Libby, No. 2½ gl	.40
	*Libby, No. 2½ can	.36
	*S. & W., No. 2½ can	.44
	Stokeley, No. 2½ can	.36
	*Stokeley, No. 1 can	.22
	Peaches, Halves, all brands, No. 2½ can	.30
	Molokai	.29
	Peaches, Sliced, all brands, No. 2½ can	.30
	Molokai	.29
	Pears:	
	*Del Monte, Sliced, No. 303 gl	.25
	*Del Monte, Halves, No. 2½ can	.37
	*Libby, No. 2½ gl	.42
	*S. & W., No. 2½ can	.46
	V. B., No. 2½ can	.32
	Pineapples:	
	Libby, Del Monte and Dole, Sliced No. 2½ can	.24
	Kauai and Hawaii	.25
	Libby, Del Monte & Dole, Sliced, No. 2 can	.20
	Kauai and Hawaii	.21
	Libby, Del Monte & Dole, Crushed, No. 2 can	.19
	Kauai and Hawaii	.20
	Vitagold & King of Hawaii, Sliced, No. 2 can	.19
	Vitagold & King of Hawaii, Crushed, No. 2 can	.18
	Plums:	
	Del Monte De Luxe, No. 2½ gl	.28
	*Del Monte De Luxe, No. 2½ can	.23
	*Del Monte De Luxe, No. 303 gl	.18
	*Libby De Luxe, No. 2½ gl	.29
	*Libby De Luxe, No. 2½ can	.23
	*Prunes, Prepared, Del Monte, No. 2½ gl	.32
18.	Fruits, dried:	
	Prunes, 30/40, per lb	.27
	Molokai	.26
	Prunes, 40/50, per lb	.26
	Molokai	.25
	Prunes, 50/60 and 60/70, per lb	.25
	Molokai	.24
	Raisins, 15 oz. box	.20
	*Raisins, 1½ oz. box	.05
19.	Juices, canned:	
	Apple Cider:	
	*Martinelli, 1 gal	1.15
	Martinelli, ½ gal	.63
	*Martinelli, 1 qt	.33

No.	Grocery item	Ceiling price
19.	Juices, canned—Continued.	
	Apple Juice:	
	Hartmann, 12 oz	$0.18
	*Martinelli, 1 qt	.31
	Miller, 6 oz	.12
	*S. & W., 12 oz	.21
	*Apricot Juice, Libby, 12 oz	.13
	Grape juice:	
	*Church's, 16 oz	.23
	*Welch, 1 qt	.59
	Welch, 1 pt	.31
	Grapefruit juice:	
	*Adams, unswt., 46 oz. can	.41
	Exquisite, all types, No. 2 can	.18
	Florida Gold, unswt., 46 oz. can	.42
	Florida Gold, unswt., 18 oz. can	.18
	Floriland, No. 2 can	.18
	Silver Nip, swt., 46 oz. can	.43
	*Silver Nip, unswt., 46 oz. can	.42
	Silver Nip, all types, No. 2 can	.18
	Stokeley, all types, No. 2 can	.18
	*Loganberry juice, Libby, 12 oz. can	.33
	Orange juice:	
	*Florida Gold, unswt., No. 2 can	.25
	Golden Nip, unswt., No. 2 can	.25
	*Libby, No. 2 can	.27
	*Sunfilled, unswt., No. 2 can	.25
	Sunshine, No. 2 can	.25
	Orange and Grapefruit juice blended:	
	*Florida Gold, unswt., No. 2 can	.23
	*Peach Nectar, Heart's Delight, 12 oz. can	.12
	*Pear Nectar, Heart's Delight, 12 oz. can	.14
	Pineapple juice:	
	*Del Monte, Dole & Libby, 46 oz. can	.30
	Kauai and Hawaii	.31
	Del Monte, Dole & Libby, No. 2 can	.13
	Kauai and Hawaii	.14
	Vitagold & King of Hawaii, 46 oz. can	.30
	Vitagold & King of Hawaii, No. 2 can	.13
	Sauerkraut juice:	
	*Libby, 17 oz. can	.15
	*Libby, 12 oz. can	.12
	Tomato juice:	
	*All Good, 46 oz. can	.27
	*All Good, Fancy, No. 2 can	.12
	*Chevy Chase, Fancy, No. 2 can	.13
	*CHB, 18 oz., can	.12
	*Del Monte, 47 oz. can	.28
	*Del Monte, No. 2 can	.13
	*Exquisite, 46 oz. can	.27
	*Exquisite, No. 2 can	.13
	*Libby, 47 oz. can	.30
	*Libby, No. 2 can	.13
	*Nation's Pride, Fancy, No. 2 can	.13
	*Nugget, Fancy, No. 2 can	.13
	*S. & W., No. 2 can	.13
	*S. & W., No. 1 can	.12
	*Stokeley, 46 oz. can	.27
	*Stokeley, No. 2 can	.13
	*Swift's, 47 oz. can	.29
	*Swift's, No. 2 can	.13
	Vegetable juice:	
	Here's Health, No. 1 can	.14
	V–8, 46 oz. can	.37
	V–8, No. 2 can	.19
	*Vivato, 12 oz. gl	.17
20.	Mayonnaise, salad dressings, and sandwich spreads:	
	Mayonnaise:	
	Best Foods, 1 pt	.35
	Best Foods, 8 oz	.20
	Durkee, 1 pt	.36
	Durkee, 8 oz	.21
	Kraft, 16 oz	.38
	Kraft, 8 oz	.22
	Salad dressings:	
	Best Foods French Dressing, 8 oz	.17
	Durkee Salad Aid, 16 oz	.30
	Kraft French Dressing, 8 oz	.19

*Indicates price changes and new items not previously listed.

No.	Grocery item	Ceiling price
20.	Mayonnaise, salad dressings, and sandwich spreads—Continued.	
	Salad dressings—Continued.	
	Kraft Miracle Whip Salad Dressing, 16 oz	$0.32
	Kraft Miracle Whip Salad Dressing, 8 oz	.19
	Kraft Miracle Whip French Dressing, 8 oz	.19
	Sandwich spreads:	
	Best Foods Relish Spread, 16 oz	.35
	Best Foods Relish Spread, 8 oz	.20
	*Diplomat Rarebit Cheese Spread, 10½ oz	.51
	Kraft cheese spreads:	
	*American, 2 lb	1.13
	*American, ½ lb	.29
	*Velveeta, 2 lb	.90
	*Velveeta, ½ lb	.26
	Kraft cream spreads:	
	Old English and Roka, 5 oz	.24
	*Olive Pimento, Pimento, Relish, Pineapple, 5 oz	.23
	*Pimento American and American, 5 oz	.22
	*Limburger, 5 oz	.20
	Kraft Miracle Whip Sandwich Spread, 16 oz	.33
	Kraft Miracle Whip Sandwich Spread, 8 oz	.19
	Pabstette Cream Spreads, 6½ oz	.22
	Pabst, Blue Label, Olive Pimento, 5 oz	.19
	Pabst, Blue Label, Relish Spred, 5 oz	.19
	Pabst, Blue Label, Pimento Spred, 5 oz	.19
	Pabst, Blue Label, American Spred, 5 oz	.22
	Pabst, Blue Label, American Pimento Spred, 5 oz	.22
21.	Chicken, turkey, and other poultry preparations:	
	*Diplomat Chicken a la King, 10½ oz	.72
	Lynden Egg Noodles and Chicken, 16 oz. gl	.36
	Lynden Egg Noodles and Turkey, 16 oz. gl	.36
	Lynden Twistee Noodle Dinner, 16 oz. gl	.17
	*Lynden Ravioli with Chicken, 16 oz. gl	.24
	Lynden Boned Chicken, 3½ oz. gl	.54
	Lynden Sliced Chicken, 5½ oz. gl	.83
	Lynden Minced Chicken, 4 oz. gl	.45
	Lynden Diced Chicken, 4 oz. gl	.51
	Lynden Boned Turkey, 8 oz. gl	1.02
	Lynden Chunk Turkey, 16 oz. tin	1.74
	Lynden Chunk Chicken, 5½ oz. gl	.83
	Lynden Chicken a la King, 16 oz. gl	.49
	*R. & R. Boned Chicken, 12 oz	2.03
	R. & R. Boned Chicken, 4½ oz	.80
	*Riviera Chicken Ravioli, 16 oz. gl	.21
	*Stidd's Chicken Tamales	.32
22.	Meats, canned:	
	Chile con carne IXL, 15¼ oz. gl	.50
	Corned Beef Hash, Libby, No. 2 can	.28
	Devilled Ham, Libby No. ¼ tin	.19
	Devilled Ham, Cudahy, No. ¼ tin	.19
	Devilled Ham, Underwood, No. ¼ tin	.22
	Devilled or Potted Meat, all brands, No. ½ tin	.12
	*Devilled or Potted Meat, all brands, No. ¼ tin	.07
	Ham Spread, Libby, No. ¼ tin	.19
	Lunch Tongue, Star, No. 1 tin	.51
	Lunch Tongue, Libby, No. ½ tin	.27
	Lunch Tongue, Cudahy, No. ½ tin	.29
	Pork Feet Cutlets, Star, 9 oz	.26
	Pork Sausage, Hy-Grade Bulk, 24 oz. tin	.70
	Pork Link Sausage, Hygrade, 2 lbs	1.22
	Pork Link Sausage, Cudahy, 8 oz	.37
	Sheep Tongue, Star, No. 1 tin	.39
	Sheep Tongue, Star, No. ½ tin	.21
	Tamales, Star, 10¼ oz	.21

No.	Grocery item	Ceiling price
22.	Meats, canned—Continued.	
	Tongue Spread, Libby, No. ¼ tin	$0.13
	*Veal Loaf, Libby, 7 oz	.21
	Vienna Sausage, Libby, No. ½ tin	.14
	Vienna Sausage, Star, No. ½ tin	.15
	Vienna Sausage, Cudahy, No. ½ tin	.17
23.	Milk products:	
	Avoset, Whipping Cream, ½ pt	.37
	Avoset Light Cream, ½ pt	.27
	Eagle Condensed Milk, 14 oz. can	.25
	Evaporated Milk, all brands, 48/14½ oz. can	5.90
	Molokai	5.72
	Evaporated Milk, all brands, 2/14½ oz. can	.25
	Molokai	.24
	Evaporated Milk, all brands, 1/14½ oz. can	.13
	Molokai	.13
	*Evaporated Milk, all brands, 48/6 oz. can	2.84
	Molokai	2.78
	*Evaporated Milk, all brands, 2/6 oz. can	.13
	Molokai	.13
	*Evaporated Milk, all brands, 1/6 oz. can	.07
	Molokai	.07
	*Klim Powdered Milk, 1 lb. can	.80
24.	Nuts:	
	*Aristocrat Shelled Walnuts, 3¼ oz. gl	.57
	*Honokaa Salted Macadamia Nuts, 1½ oz	.25
	*Honokaa Salted Macadamia Nuts, 7 oz	1.08
	*Honokaa Salted Macadamia Nuts, 12 oz	1.81
	Planters' Peanuts, 5 oz	.17
	West Star Almonds, 4 oz. pkg	.50
	West Star Mixed Nuts, 4 oz. pkg	.35
25.	Olives:	
	*La Mirada Super Colossal Ripe, 15 oz	1.09
	*Libby Chopped Ripe, 4½ oz	.15
	Libby Jumbo Ripe, No. 303 gl	.41
26.	Paper products:	
	Embassy Toilet Tissue, roll	.08
		2/.15
	Gem Toilet Tissue, roll	.08
		2 .15
	Scott Toilet Tissue, roll	.13
		2/.25
	Waldorf Toilet Tissue, roll	.09
		2 .17
	Wax Paper, Waxtex, 125 ft	.21
	Wax Paper, Waxtex, 125 ft	.27
	Wax Paper, Waxtex, 40 ft	.11
	Kitchen Towels, Milady, roll	.16
	Kauai, Hawaii, Maui	.18
	Paper Napkins, Palm Tea, pkg. of 50	.11
	Kauai, Hawaii, Maui	.12
27.	Paste products:	
	Eagle Brand, Plain Noodle (Udon), 12 oz	.15
	Kauai, Hawaii, Maui	.16
	Eagle Brand, China Salmin Noodle & Hibiscus Salmin Noodle, 14 oz	.15
	Kauai, Hawaii, Maui	.16
	Eagle Brand, Fancy Noodles (Somen), 14 oz	.15
	Kauai, Hawaii, Maui	.16
	Eagle Brand, Round Noodle (Maruba), straight cut, 10 oz	.13
	Kauai, Hawaii, Maui	.14
	Eagle Brand, Round Noodle (Maruba), fancy curled, 8 oz. cel. pkg	.15
	Kauai, Hawaii, Maui	.16
	Eagle Brand, Saimin & Chow Fun, 8 oz	.14
	Kauai, Hawaii, Maui	.16
	Eagle Brand, Macaroni, Spaghetti, Ditalini and Shells, 8 oz	.10
	Kauai, Hawaii, Maui	.11
	Fontana Egg Noodles, 4 oz	.21
		2 .21
	Fontana, other paste products, 8 oz	.10

No.	Grocery item	Ceiling price
27.	Paste products—Continued.	
	Gold Medal, elbow, cut and salad macaroni, 1 lb	$0.18
		2/.35
	Gold Medal Macaroni and Spaghetti, 1 lb	.18
		2/.35
	Gold Medal Shells, 1 lb	.18
	Gold Medal Egg Noodles, 1 lb	.30
		2/.59
	Gold Medal Egg Noodles, 8 oz	.16
		2/.31
	Kraft's Italian Dinner, 7½ oz	.12
	Royal Egg Noodles, 6 oz	.10
	Royal, other paste products, 8 oz	.10
	Van Camp's Tenderoni, 6 oz	.11
	Paste products, all brands, in bulk:	
	Semolina macaroni, spaghetti and all semolina paste products, all brands in bulk, lb	.14
	Flour macaroni, spaghetti, and all flour paste products, all brands in bulk, lb	.12
28.	Pet foods and supplies:	
	Dog food:	
	Friskies, Albers, Meal or Cubed, 4½ lb	.59
	Friskies, Albers, Meal or Cubed, 2 lb	.28
	*Friskies, Albers, Meal or Cubed, 12 oz	.12
	*Gaines Dog Meal, 2 lb	.23
	Husky Concentrated, 8 oz	.09
	*Ideal Dog Food, 8 oz	.13
	Pard Dog Food, 8 oz	.13
	Swift's Dog Meal, 50 lb. bag	5.55
	Swift's Dog Meal, 25 lb. bag	2.58
	Swift's Dog Meal, 5 lb. bag	.61
	Bird supplies:	
	French's Bird Gravel, 1½ lb	.12
	*Robinson Blue Label Bird Seed, 12 oz	.15
	*S. & W. Bird Seed, 12 oz	.22
29.	Pickles and certain fruits and vegetables:	
	CHB Sweet Whole, 24 oz	.52
	CHB Sweet Whole, 12 oz	.31
	CHB Dill, 24 oz	.36
	CHB Dill, 12 oz	.23
	CHB Sweet Mixed, 12 oz	.31
	CHB Sweet Mixed, 8 oz	.22
	CHB Preserved Tiny Sweet Midgets, 12 oz	.38
	*Del Monte, Dill, 21 oz	.34
	*Del Monte, Green Spiced Tomatoes, sliced, No. 2½ gl	.33
	*Del Monte, Sweet Mixed, 12 oz	.31
	*Del Monte, Sweet Pickle Chips, 12 oz	.31
	*Del Monte, Sweet Relish, 12 oz	.32
	*Heinz, Sweet Gherkins, 10 oz	.33
	*Heinz, Mixed, 10 oz	.33
	*Libby, Green Spiced Tomato Slices, No. 2½ gl	.35
	*Libby, Homemade Style Pickles, No. 2½ gl	.36
	*Stenzel, Chili Peppers, 24 oz	.45
	*Stenzel, Italian Style Peppers, 24 oz	.46
	*Trappey's Dulcito Peppers, 12 oz	.29
30.	Popcorn, potato chips, and shoestring potatoes:	
	*Popcorn, Popped, all brands, per oz	.05
	*Popping Corn, Georgie Porgie, 10 oz	.20
	Potato Chips, all brands, 4 oz. pkg	.20
	Potato Chips, all brands, 3 oz. pkg	.15
	Potato Chips, all brands, 2 oz. pkg	.10
	Potato Chips, all brands, 1 oz. pkg	.05
	*Shoestring Potatoes, Pic-Nik, 3½ oz	.16
31	Preserves, jams, jellies, and peanut butters:	
	Berryland assorted preserves, 2 lbs	.56
	*Dude Ranch, Loganberry Jam, 2 lbs	.59

*Indicates price changes and new items not previously listed.

No.	Grocery item	Ceiling price
31.	Preserves, jams, jellies, and peanut butters—Continued.	
	*Dude Ranch, Boysenberry Jam, 2 lbs	$0.57
	King Kelly Orange Marmalade, 1 lb	.21
	*Libby Apple Butter, No. 303	.26
	*Libby Plum Preserves, No. 303	.38
	Mary Ellen Grape Jam, 2 lbs	.51
	Mary Ellen Cherry Preserves, 1 lb	.43
	*S. & W. Apricot Jam, 16 oz	.30
	Tru-Hawaiian Guava Jelly, 20 oz	.38
	Tru-Hawaiian Youngberry Jelly, 9 oz	.19
	Tru-Hawaiian Boysenberry Jelly, 9 oz	.19
	Tru-Hawaiian Quince and Lemon Jelly, 9 oz	.16
	Tru-Hawaiian Blackberry Jelly, 9 oz	.21
	Valamont Raspberry Preserves, 2 lbs	.70
	Valamont Raspberry Preserves, 1 lb	.37
	Valamont Blackberry Preserves, 2 lbs	.75
	Valamont Blackberry Preserves, 1 lb	.39
	Valamont Pineapple Preserves, 2 lbs	.57
	Valamont Cherry Preserves, 2 lbs	.70
	Valamont Grape Preserves, 1 lb	.28
	Valamont Peach Preserves, 1 lb	.36
	Valamont Plum Preserves, 1 lb	.30
	Welch's Grapelade, 2 lbs	.51
	Welch's Grapelade, 1 lb	.27
	Wellman's Orange Marmalade, 2 lbs	.46
	Wellman's Orange Marmalade, 1 lb	.25
	Peanut Butter:	
	*Armour's Star, 2 lbs	.68
	*Armour's Star, 1 lb	.37
	Jane Goode, 32 oz	.69
	Jane Goode, 24 oz	.54
	Jane Goode, 16 oz	.36
	Jane Goode, 8 oz	.20
	Skippy Chunk, 16 oz	.46
	*Skippy Creamy, 1½ lb	.68
	Skippy Creamy, 16 oz	.46
	Smile-Boy, 24 oz	.54
32.	Rice:	

U. S. No. 1

	Zone 1 on Islands of Oahu, Hawaii, Maui, Kauai	All Other Areas on Islands of Oahu, Hawaii, Maui, Kauai	Zone 1 on Island of Molokai	All Other Areas on Island of Molokai	Lanai
100 lbs	$9.17	$8.97	*$8.90	*$8.70	*$8.79
50 lbs	4.64	4.54	*4.50	*4.40	*4.44
25 lbs	*2.34	2.29	2.27	2.22	*2.24
10 lbs	*.94	.93	*.92	.90	.91
2 lbs	*.19	*.19	*.19	*.19	*.19
1 lb	*.10	*.10	*.10	*.10	*.10

U. S. No. 2

100 lbs	$9.07	$8.87	*$8.80	*$8.60	*$8.69
50 lbs	4.59	4.49	*4.45	*4.35	4.40
25 lbs	2.32	2.27	2.25	2.20	*2.22
10 lbs	*.94	.92	*.91	.89	.90
2 lbs	*.19	*.19	*.19	*.19	*.19
1 lb	*.10	*.10	*.10	*.10	*.10

U. S. No. 3 & Brown

100 lbs	$8.97	$8.77	*$8.70	*$8.50	*$8.59
50 lbs	4.54	4.44	*4.40	*4.30	*4.35
25 lbs	2.29	2.24	2.22	*2.17	*2.19
10 lbs	*.93	.91	*.90	.88	.89
2 lbs	*.19	*.19	*.19	*.19	*.19
1 lb	*.10	*.10	*.10	*.10	*.10

U. S. No. 4

100 lbs	$8.87	$8.67	*$8.60	*$8.40	*$8.50
50 lbs	4.49	4.39	*4.35	*4.25	*4.30
25 lbs	*2.25	2.22	2.20	*2.15	*2.17
10 lbs	*.90	.89	.88	*.86	*.87
1 lb	*.09	*.09	*.09	*.09	*.09

U. S. No. 5

100 lbs	$8.77	$8.57	*$8.51	*$8.31	*$8.40
50 lbs	4.44	4.34	*4.30	*4.20	*4.25
25 lbs	2.24	2.19	2.17	*2.12	*2.14
10 lbs	.90	.89	*.88	.86	.87
1 lb	*.09	*.09	*.09	*.09	*.09

No.	Grocery item	Ceiling price
33.	Salt:	
	Arden Shaker, 2 lbs	$0.08
	Arden Shaker, 1½ lbs	.05
	Leslie Shaker, 2 lbs	.09
	*Maximum, plain, 2 lbs	.07
	Morton, plain and iodized shaker, 26 oz	.09
	Snowflake Shaker, 2 lbs	.11
	*Bulk Hawaiian Red Salt, per lb	.03
34.	Seafood, canned:	
	*Clams, Sea Breeze, Minced, No. ½ tin	.31
	Crabmeat, Tokeland, fancy, 6½ oz	.55
	Mackerel, Sea Ace, No. 1 tall tin	.19
	Mackerel, Fillets, Sea Ace, No. 1 tall tin	.57
	Oysters, American Beauty, 7½ oz	.43
	Oysters, Biloxi, 7½ oz	.50
	Oysters, C. C., 7½ oz	.45
	Oysters, Clipper, 7 oz	.42
	Oysters, Green Wave, 7½ oz	.43
	Oysters, High Seas, 7 oz	.42
	Oysters, Marinelo, 5 oz	.33
	Oysters, Sea Coast, 7½ oz	.50
	Oysters, Treasure Bay, 7½ oz	.50
	Sardines, FSCC (in cottonseed oil), No. ¼ tin	.07
	Sardines, FSCC (in tomato sauce), No. ¼ tin	.07
	*Shrimp, Blue Plate, Jumbo, No. 1 tin	.57
	*Shrimp, Gulf Stream, No. 1 tin	.57
	Squid, Cresta Blanca, No. 1 tall	.18
	Squid, Prefet, No. 1 tall	.17
35.	Soap laundry:	
	*Borene, Granulated, giant package	.93
	*Borene, Granulated, large package	.33
	Fels Naphtha, bar	.06
	Ivory Soap Flakes, large pkg	.30
	Ivory Soap Flakes, small pkg	.12
	Ivory Snow, large pkg	.30
	Ivory Snow, small pkg	.12
	Lux Flakes, large package	.29
	Lux Flakes, small package	.12
	Nu Bora Granulated, giant package	.66
	Nu Bora Granulated, large package	.25
	Oxydol, large package	.30
	Oxydol, small package	.12
	Peets Granulated, giant package	.66
	Peets Granulated, 33 oz. package	.33
	Peets Granulated, 24 oz. package	.25
	Rinso, large package	.29
	Supersuds, giant package	.81
	Supersuds, large package	.28
	White King (W. K.) Gran., giant package	.63
	White King (W. K.) Gran., family 29 oz. pkg	.29
	White King (W. K.) Gran., large, 23 oz. pkg	.30
	White King (W. K.) Gran., small, 8 oz. pkg	.14
	White King (W. K.) Laundry Soap, cake	.06
		3/.16
36.	Soap, toilet:	
	Camay, regular cake	.09
	Cashmere Bouquet, regular cake	.10
	Cashmere Bouquet, small cake	.06
		2/.11
	Ivory, large cake	.13
	Ivory, medium cake	.08
		3/.23
	Ivory, guest cake	.06
	Lava, large bar	.12
	Lava, small bar	.08
	Lifebuoy, regular cake	.09
		2/.17
	Lifebuoy, guest or small cake	.05
	Lux, cake	.09
		3/.25

No.	Grocery item	Ceiling price
36.	Soap, toilet—Continued.	
	Palmolive, large or bath cake	$0.12
		3/.35
	Palmolive, regular cake	.09
		3/.25
	Peets Mechanics Soap, cake	.08
	Swan Soap, large cake	.13
	Swan Soap, regular cake	.03
		3/.23
37.	Soups, canned:	
	Campbell's:	
	Asparagus, 10½ oz. can	.15
		2/.29
	Chicken, 10½ oz. can	.20
	Mushroom, 10½ oz. can	.20
	Beef Noodle, 10½ oz. can	.18
	Beef, 10½ oz. can	.18
	Bouillon, 10½ oz. can	.18
	Chicken Gumbo, 10½ oz. can	.18
	Chicken Noodle, 10½ oz. can	.18
	Consomme, 10½ oz. can	.18
	Consomme Madrilene, 10½ oz. can	.18
	Vegetable, 10½ oz. to 11½ oz. can	.16
		2/.31
	Vegetarian—Veg., 10½ oz. to 11½ oz. can	.16
		2/.31
	Vegetable-Beef, 10½ oz. to 11½ oz. can	.18
	Bean with Bacon, 10½ oz. can	.15
		2/.29
	Black Bean, 10½ oz. can	.15
		2/.29
	Green Pea, 10½ oz. can	.15
		2/.29
	Mock Turtle, 10½ oz. can	.15
		2/.29
	Pepper Pot, 10½ oz. can	.15
		2/.29
	Scotch Broth, 10½ oz. can	.15
		2/.29
	Tomato, 10½ oz. can	.11
	Heinz:	
	Asparagus, 11 oz. can	.18
	Bean, 11 oz. can	.18
	*Beef-Noodle, 11 oz. can	.18
	Chicken Noodle, 11 oz. can	.18
	Green Pea, 11 oz. can	.17
	Gumbo Creole, 11 oz. can	.17
		2/.33
	Scotch Broth, 11 oz. can	.17
		2/.33
	Vegetable, 11 oz. can	.17
		2/.33
	*Vegetable—With Beef, 11 oz. can	.18
	Vegetarian, 11 oz. can	.17
		2/.33
	Tomato, 11 oz. can	.13
	Lynden's Chicken Noodle Soup, 10½ oz. can	.11
	Morton House Turkey Consomme with noodles, 10½ oz. can	.12
	Richardson & Robbins Chicken Broth (R & R) 12½ oz. can	.26
	Snow's Clam Chowder, 15 oz. can	.36
	Snow's Fish Chowder, 15 oz. can	.36
38.	Soups, dehydrated:	
	Lipton, 2½ oz. pkg	.10
		2/.19
	Rhapsody, 2½ oz. pkg	.10
39.	Spices and extracts:	
	Burnett's:	
	Vanilla Extract, 4 oz.	.85
	Vanilla Extract, 2 oz.	.44
	Vanilla Extract, 1 oz.	.24
	Colman's:	
	Mustard (Dry), 4 oz.	.31
	*Mustard (Dry), 8 oz.	.62
	*Mustard (Dry), 16 oz.	1.18
	Schilling's:	
	Lemon Extract, 8 oz.	1.71
	Lemon Extract, 4 oz.	.87
	Lemon Extract, 2 oz.	.44
	Lemon Extract, 1 oz.	.26
	Vanilla Extract, 8 oz.	1.61
	Vanilla Extract, 4 oz.	.82

*Indicates price changes and new items not previously listed.

No.	Grocery item	Ceiling price
39.	Spices and extracts—Continued.	
	Schilling's—Continued.	
	Vanilla Extract, 2 oz.	$0.43
	Vanilla Extract, 1 oz.	.24
	Pepper, Black, 8 oz. tin	.23
	Pepper, Black, 2 oz. gl	.10
	Pepper, Black, 2 oz. tin	.07
	Pepper, Cayenne, 2 oz. gl	.15
	Pepper, White, 2 oz. gl	.13
	Pepper, White, 2 oz. tin	.10
	Allspice, 2 oz. gl	.15
	Celery Salt, 3 oz. gl	.16
	Chili Powder, 2 oz. gl	.20
	Cinnamon, 2 oz. gl	.20
	Cloves, 2 oz. gl	.15
	Curry Powder, 2 oz. gl	.14
	Garlic Salt, 3 oz. gl	.16
	Ginger, 2 oz. gl	.20
	Mace, 2 oz. gl	.27
	Mustard Powder, 2 oz. gl	.16
	Nutmeg, 2 oz. gl	.15
	Onion Salt, 3 oz. gl	.16
	Paprika, 2 oz. gl	.24
	Sage, 2½ oz. gl	.24
	Savor Salt, 3 oz. gl	.16
	Tartar, Cream of, 2½ oz. gl	.28
	Thyme, 2 oz. tin	.12
	Thyme, 1½ oz. gl	.15
40.	Cleansers and certain home supplies:	
	Bluing:	
	Bear Brand, 32 oz.	.20
	Bear Brand, 22 oz.	.17
	Bear Brand, 16 oz.	.12
	Bear Brand, 10 oz.	.11
	Blue, Magic or Robin, Square	.01
	Park, quart	.24
	Park, 12 oz.	.10
	Mrs. Stewart's, 10 oz.	.17
	Sunnyscene Liquid, 1 pt.	.18
	Cleansers:	
	*Bab-O, 14 oz.	.15
	Babbitt's, 13 oz.	.06
	Bon Ami, cake	.11
	Bon Ami, powder, 12 oz. tin	.14
	Crystal White, 13 oz.	.05
	Lighthouse, 13 oz.	.08
	Old Dutch, can	.11
	*Sapollo, cake	.10
	SOS, box of 4	.15
	Sunbrite, 9 oz. can	.07
	Starch, gloss:	
	Argo, 1 lb	.13
		2/.25
	Calumet, 1 lb	.11
		2/.21
	Elastic, 12 oz.	.10
	Kingsford, 1 lb.	.13
	*Staley's, 1 lb.	.10
	Miscellaneous:	
	Clorox, ½ gal.	.30
	Clorox, 1 qt.	.17
	Purex, 1 gal.	.54
	Purex, ½ gal.	.31
	Purex, 1 qt.	.17
	Locally manufactured chemical bleach, 5% or more chlorine, bulk, 1 gal.	.45
	½ gal.	.25
	1 qt.	.15
	1 pt.	.08
41.	Sugar:	

GRANULATED SUGAR, WHITE

	Zone 1 on islands of Oahu, Maui, Molokai	All other areas on islands of Oahu, Maui, Molokai, Lanai	Zone 1 on island of Maui	All other areas on island of Maui	Zone 1 on the lands of Kauai, Hawaii	All other areas on islands of Kauai, Hawaii
100 lbs.	$6.98	$6.78	$6.80	$6.60	$7.24	$7.04
25 lbs.	1.80	1.75	1.75	1.70	1.87	1.82
10 lbs.	.73	.71	.70	.69	.76	.74
5 lbs.	.37	.36	.35	.35	.38	.37
2 lbs.	.15	.15	.14	.14	.15	.15
1 lb.	.08	.08	.07	.07	.08	.08

(These prices for less than 100 lb. sizes apply whether tagged by producer or by retailer.)

C. & H. BROWN SUGAR

1 lb.	$0.10	.10	.10	.10	.10	.10

C. & H. POWDERED SUGAR

1 lb.	$0.11	.11	.11	.11	.11	.11

No.	Grocery item	Ceiling price
42.	Syrup, molasses, and honey:	
	Comb Honey, 4¼" Sq.	$0.27
	Ewa Cane Syrup, 24 oz. gl.	.35
	Oahu	.34
	Brer Rabbit Molasses, gold label, 16 oz. gl.	.30
	Brer Rabbit Molasses, green label, 16 oz. gl.	.25
	Karo Syrup, blue label, 24 oz. gl.	.21
	Karo Syrup, red label, 24 oz. gl.	.28
	Log Cabin Syrup, 24 oz. gl.	.47
	Log Cabin Syrup, 16 oz. gl.	.35
	Log Cabin Syrup, 12 oz. gl.	.25
	Staley's Golden Syrup, 24 oz.	.20
43.	Tea:	
	*Lipton's, Yellow Label, ½ lb.	.61
	*Liptor.'s, Yellow Label, ¼ lb.	.31
	Maxwell House, ¼ lb.	.33
	*S. & W., ¼ lb.	.27
	Schilling's, ¼ lb.	.28
	Tenderleaf, ½ lb.	.26
	Tenderleaf, 20 tea balls	.25
	Tenderleaf, 16 tea balls	.20
	Tenderleaf, 8 tea balls	.10
44.	Vegetables, canned:	
	Asparagus:	
	*Del Monte, Early Garden, No. 1 square can	.46
	*Del Monte, Early Garden, No. 2 can	.38
	*Rialto Mammoth Green Tip White, No. 2 can	.36
	Beans, green:	
	*Del Monte, Early Garden, Whole No. 303 gl.	.23
	*Del Monte, Early Garden, Whole No. 2 can	.21
	*Del Monte, Early Garden, Fancy Cut, No. 2 can	.19
	Golden Isle, No. 2 can	.24
	Green Pearl, No. 2 can	.23
	Whatcom, No. 2 can	.18
	Beans, Lima: Del Monte, Early Garden, No. 303 gl.	.24
	Beans, Soy: Sailor Man, No. 2 can	.14
	Beets:	
	Del Monte, Sliced, No. 303 gl.	.19
	Del Monte, Diced, No. 303 gl.	.16
	Del Monte, Medium whole, No. 2 can	.18
	Del Monte, Medium whole, No. 303 gl.	.21
	Del Monte, Midget whole, No. 2 can	.20
	Exquisite, Diced, No. 2 can	.16
	Exquisite, Sliced, No. 2 can	.16
	Jory, Diced, No. 2 can	.14
	Krasdale, Cut, 16 oz. gl.	.21
	Stokeley, Diced, No. 2 can	.16
	Stokeley, Sliced, No. 2 can	.16
	Carrots:	
	All Gold, Diced, No. 303 gl.	.17
	Del Monte, Diced, No. 303 gl.	.17
	Exquisite, Diced, No. 2 can	.14
	Stokeley, Diced, No. 2 can	.14
	Corn:	
	*Del Maiz, Cream Style, Golden, No. 2 can	.17
	*Del Monte, Cream Style, Tiny Kernel, No. 2 can	.18
	*Del Monte, Cream Style, Golden, No. 2 can	.18
	*Del Monte, Whole Kernel, Golden, 12 oz. can	.18
	*Diamond A, Whole Kernel, Fancy, No. 2 can	.18
	Exquisite, Cream Style, Golden, No. 2 can	.13
	*Old Grimes, Cream Style, Golden, No. 2 can	.16

No.	Grocery item	Ceiling price
44.	Vegetables, canned—Continued.	
	Corn—Continued.	
	*Old Grimes, Cream Style, White, No. 2 can	$0.17
	Kockos, Cream Style, White, No. 2 can	.19
	*Libby, Cream Style, Country Gentleman, No. 2 can	.18
	*Libby, Homemade, Whole Kernel, No. 2 can	.19
	*Libby, Whole Kernel, Golden Sweet, No. 2 can	.19
	*Libby, Cream Style, Golden Sweet, No. 2 can	.18
	*Niblets, 12 oz. can	.17
	*Niblets, Mexicorn, with peppers, 12 oz. can	.19
	Nile Valley, Cream Style, Golden, No. 2 can	.21
	Queenia, Cream Style, Golden, No. 2 can	.15
	Rosebowl, Cream Style, White, No. 2 can	.20
	S. & W., Baby Kernel, No. 2 can	.20
	S. & W., Deloro, Cream Style, Bantam, No. 2 can	.21
	*Snider's, Cream Style, Golden, No. 2 can	.19
	*Snider's, Whole Kernel, Golden, 12 oz. can	.18
	Stokeley, Cream Style, Golden, No. 2 can	.18
	Hominy, Burbank, 29 oz. gl.	.21
	Peas:	
	*Del Monte, Early Garden, No. 2 can	.19
	Del Monte, Small, No. 2 can	.18
	Del Monte, Very Small, No. 2 can	.20
	Exquisite, Fancy Ungraded, No. 2 can	.18
	*Green Giant, No. 2 can	.23
	*Happyvale, No. 2 can	.14
	*Libby, Fancy Garden, No. 2 can	.19
	Rolling Green, sub-standard, No. 2 can	.11
	*S. & W., Medium, No. 2 can	.18
	Sea Rock, Std., No. 2 can	.15
	Stokeley, Ungraded, No. 2 can	.18
	V.B., No. 2 can	.14
	Pumpkin:	
	*Libby, No. 2½ gl.	.19
	Libby, No. 2½ can	.16
	Salad vegetables, *Dinette, No. 2 can	.19
	Spinach:	
	*Libby, No. 2½ gl.	.23
	*Libby, No. 2½ can	.20
	Tomatoes:	
	Cal-Fine, No. 2½ can	.17
	Exquisite, Solid Pack, No. 2½ can	.22
	Fowler, No. 2½ can	.17
	Great Value, No. 2½ can	.16
	Likewell, No. 2½ can	.17
	*Nations Treat, Std., No. 2½ can	.17
	*Rosedale, Extra Std., No. 2½ can	.21
	*Rosedale, No. 2½ can	.21
	Sea Rock, No. 2½ can	.17
	Silverdale, No. 2½ can	.17
	*Snider's, No. 2 can	.18
	Stokeley, Solid Pack, No. 2½ can	.22
	Town Talk, Solid Pack, No. 2½ can	.20
	V.B., Solid Pack, No. 2½ can	.22
46.	Wooden products:	
	*Book Matches, colored, no advertisement, 50 books	.26
	Book Matches, colored, with advertisement, 50 books	.18
	Matches, all brands, cartons of 10 boxes	.10
	Toothpicks, all brands, pkg. of 750	.05
47.	Coffee:	
	Chase and Sanborn, 2 lbs.	.73
	Chase and Sanborn, 1 lb.	.38
	Folgers, 2 lbs.	.76
	Folgers, 1 lb.	.38
	Hills Bros., 2 lbs.	.81
	Hills Bros., 1 lb.	.42

*Indicates price changes and new items not previously listed.

No.	Grocery item	Ceiling price
47.	Coffee—Continued.	
	Kona:	
	Ka Moi, 1 lb.	$0.35
	Maui, Hawaii, Kauai	.86
	Mayflower, 1 lb.	.36
	Maui, Hawaii, Kauai	.37
	Splendid, 1 lb.	.31
	Maui, Hawaii, Kauai	.32
	Wing, 1 lb.	.35
	Maui, Hawaii, Kauai	.36
	Maxwell House, 1 lb.	.42
	MJB, 2 lbs.	.75
	MJB, 1 lb.	.39
	S. & W., 1 lb.	.36
	Sanka, 1 lb.	.47
	Schilling, 1 lb.	.41
48.	Oils, cooking and salad:	
	*Golden Eagle Olive Oil, 8 oz.	.67
	*Medaglia D'Oro Peanut Oil, qt.	.64
	Challenge, qt.	.58
	Durkee Cottonseed Oil, 1 gal.	2.05
	Durkee Cottonseed Oil, ½ gal.	1.10
	*Durkee Cottonseed Oil, qt.	.62
	*Durkee Cottonseed Oil, pt.	.32
	Durkee Supreme (Soy Oil), gal.	1.99
	Durkee Supreme (Soy Oil), ½ gal.	1.07
	Durkee Supreme (Soy Oil), qt.	.59
	Fluffo, qt.	.60
	Fluffo, pt.	.32
	Jewel, gal.	2.00
	Jewel, ½ gal.	1.07
	Jewel, qt.	.65
	Jewel, pt.	.32
	Mazola, qt., gl.	.75
	Mazola, pt., gl.	.39
	Primrose, ½ gal.	1.09
	Primrose, qt.	.61
	Sayola, gal.	1.88
	Sayola, qt.	.59
	*Wesson, gal., gl. or tin	2.07
	*Wesson, ½ gal., gl.	1.11
	*Wesson, qt. gl.	.64
	*Wesson, pt., gl.	.34
49.	Oleomargarine:	
	Nucoa, 1 lb.	.31
	Troco, 1 lb.	.31
50.	Shortening and lard:	
	Crisco, 3 lbs.	.88
	Crisco, 1 lb.	.31
	*Snowdrift, 3 lbs.	.88
	*Snowdrift, 1 lb.	.32
	Spry, 3 lbs.	.88
	Spry, 1 lb.	.31

4. Table B of section 39 is amended to read as follows:

TABLE B—CALCULATED MAXIMUM PRICES FOR CERTAIN GROCERY ITEMS IN THE TERRITORY OF HAWAII

(a) This Table B applies to all retailers of grocery items covered by this section located in the Territory of Hawaii. However, if a specific dollars-and-cents maximum price for any item is set forth in Table A of this section, the retailer may not compute his maximum price for that item under this Table B.

(b) "Commodity Classification Number", as used in this table, means the number assigned to the particular subdivision, contained in paragraph (f) of this section, in which the grocery items listed are classified and defined.

(c) You shall compute your maximum price, under this table, by dividing your "net cost", as defined by paragraph (c) of this section, by the appropriate division factor set forth in this table. You may add to the prices so computed the transportation differentials, of 2% in Zone 2 and 3% in Zone 3, set forth in paragraph (e) of this section.

(d) *Division factors.* (1) If you are a retailer whose store is located in the Island of Molokai, you shall use the division factors set forth in column numbered (2).

(2) If you are a retailer located elsewhere in the Territory of Hawaii, you shall use the division factors set forth in the column numbered (1).

Commodity classification No.	Grocery item	Division factors: Column 1	Division factors: Column 2
1	Baby foods:		
	(i) Packaged	.80	.83
	(ii) Tinned	.82	.85
2	Beans and peas, dried edible		
	(i) Bulk	.77	.80
	(ii) Packaged	.79	.82
3	Beverage bases and concentrates	.75	.78
4	Bakers' Supplies		
	(i) Baking soda	.82	.85
	(ii) All others	.80	.83
5	Cereals:		
	(i) Ready-to-eat	.82	.85
	(ii) Cooking	.80	.83
6	Cocoa and chocolate	.80	.83
7	Condiments and sauces		
	(i) Mustard, vinegar, soy, catsup, tomato sauce or paste, and miso sauce	.80	.83
	(ii) All others	.75	.78
8	Charcoal	.82	.85
9	Corn starch and other edible starches	.80	.83
10	Crackers, cookies and specified cakes		
	(i) Crackers	.80	.83
	(ii) Cookies	.78	.81
	(iii) Plum puddings, mincemeat, fruit cakes and fillits	.77	.75
11	Dessert powders	.80	.83
12	Dessert preparations	.77	.80
13	Flour, bakers and family	.81	.87
14	Flour, prepared packaged other than cake	.80	.83
15	Flour, prepared packaged, cake	.77	.80
16	Fruits and vegetables, quick-frozen	.75	.78
17	Fruits and Berries, Canned		
	(i) Peaches, pears, pineapples, fruit cocktails, in tin	.83	.86
	(ii) Peaches, pears, pineapples, fruit cocktails, in glass	.82	.85
	(iii) Apples, applesauce, apricots, Royal Anne (dark and light) cherries, citrus, and combinations, in tin	.82	.85
	(iv) Apples, applesauce, apricots, Royal Anne (dark and light) cherries, citrus, and combinations, in glass	.81	.84
	(v) All others, in tin	.79	.82
	(vi) All others, in glass	.77	.80
18	Fruits, dried:		
	(i) Bulk	.80	.83
	(ii) Packaged	.82	.85
19	Juices, canned		
	(i) Tomato and pineapple	.82	.85
	(ii) Citrus	.80	.83
	(iii) All others	.78	.81
20	Mayonnaise, salad dressings and sandwich spreads	.80	.83
21	Chicken, turkey, and other poultry preparations	.77	.80
22	Meats, canned:		
	(i) FSCC Meats, Luncheon Meat Corned Beef and Corned Beef Hash Vienna Sausage, Deviled and Potted Meat, and all meats packed in containers of over 2 lbs., if unopened, in tin	.84	.87
	(ii) FSCC Meats, Luncheon Meat, Corned Beef and Corned Beef Hash, Vienna Sausage, Deviled and Potted Meat, and all meats packed in containers of over 2 lbs., if unopened, in glass	.82	.85
	(iii) All others, in tin	.82	.85
	(iv) All others, in glass	.80	.83
23	Milk products	.80	.83
24	Nuts:		
	(i) Salted shelled packaged peanuts	.80	.83
	(ii) Salted shelled packaged nuts (not peanuts)	.70	.73
	(iii) Unsalted shelled packaged nuts	.75	.78
	(iv) All others	.77	.80
25	Olives	.75	.78
26	Paper products		
	(i) Toilet tissue	.82	.85

Commodity classification No.	Grocery item	Division factors: Column 1	Division factors: Column 2
26	Paper products—Con.		
	(ii) Paper towels	.80	.83
	(iii) Paper napkins and picnic supplies	.77	.80
	(iv) Waxed paper	.80	.83
27	Paste Products:		
	(i) Bulk	.78	.81
	(ii) Packaged	.80	.83
28	Pet foods and supplies	.80	.83
29	Pickles and certain fruits and vegetables	.78	.81
30	Popcorn, potato chips, and shoestring potatoes	.77	.80
31	Preserves, jams, jellies, and peanut butters	.78	.81
		.84	.87
32	Rice		
33	Salt:		
	(i) Bulk	.80	.83
	(ii) Packaged	.82	.85
34	Seafood, canned:		
	(i) Salmon, sardines (not in olive oil), pilchards, herring (not pickled), tuna and mackerel	.84	.87
	(ii) Oysters, barracuda, codfish, codfish cakes, fish flakes, squid and all others not elsewhere specified	.80	.83
	(iii) Lobster, crab, shrimp, clam, shadroe, abalone, anchovies, caviar, pickled herring, and sardines in olive oil	.75	.78
35	Soap, Laundry:		
	(i) Bulk	.80	.83
	(ii) Packaged	.82	.85
36	Soap, toilet	.80	.83
37	Soups, canned	.80	.83
38	Soups, dehydrated	.80	.83
39	Spices and extracts:		
	(i) Pepper and Vanilla Extract	.75	.78
	(ii) All others	.73	.76
40	Cleansers and certain home supplies	.82	.85
41	Sugar		
	(i) Local refined, white	.84	.87
	(ii) All others	.82	.85
42	Syrups, molasses and honey	.80	.83
43	Tea:		
	(i) Bulk	.78	.81
	(ii) Packaged	.80	.83
44	Vegetables, canned:		
	(i) Peas, corn, tomatoes and FSCC beans, in tin	.83	.86
	(ii) Peas, corn, tomatoes and FSCC beans, in glass	.82	.85
	(iii) Asparagus, other beans, beets, carrots, potato, pumpkin, stew, spinach, and combinations, in tin	.82	.85
	(iv) Asparagus, other beans, beets, carrots, potato, pumpkin, stew, spinach, and combinations, in glass	.81	.84
	(v) All others, in tin	.79	.82
	(vi) All others, in glass	.77	.80
45	Vegetables, dehydrated	.80	.83
46	Wooden products:		
	(i) Toothpicks and matches	.75	.78
	(ii) Brooms, clothespins	.80	.83
47	Coffee	.84	.87
48	Oils, cooking and salad:		
	(i) Olive oil	.80	.83
	(ii) All others	.84	.87
49	Oleomargarine	.80	.83
50	Shortening and lard	.84	.87
51	Seafood, dried and shredded:		
	(i) Bulk	.78	.81
	(ii) Packaged	.80	.83
52	Candy, imported	.70	.73
53	Miscellaneous grocery items	.80	.83

This amendment shall become effective as of July 9, 1945.

NOTE: The reporting and record keeping provisions of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 1st day of August 1945.

JAMES G. ROGERS, Jr.,
Acting Administrator.

[F. R. Doc. 45-14224; Filed, Aug. 2, 1945; 11:29 a. m.]

PART 1420—BREWERY, DISTILLERY, AND WINERY PRODUCTS

[MPR 445,[1] Amdt. 28]

DISTILLED SPIRITS AND WINES

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.

Maximum Price Regulation 445 is amended in the following respects:

1. Section 2.4 (a) is amended by deleting the figure "$2.48" and substituting in place thereof the figure "$1.70".

2. Section 2.4 (b) (2) (i) is amended by deleting the figure "$2.48" and substituting in place thereof the figure "$1.70".

3. Paragraph (a) (2) of Appendix G to Article III is amended by deleting the figure "$1.92" and substituting in place thereof the figure "$1.14".

4. Table II of Appendix I to Article III is amended by deleting the following figures shown opposite Class 9—"$29.88, 29.88, 30.63, 23.73, 24.33, 0.3969, 0.3969, 0.3969, 0.3176 and 0.3176", respectively, and substituting in place thereof the following figures "$27.66, 28.26, 29.01, 22.43, 23.03, 0.3737, 0.3737, 0.3737, 0.2990, and 0.2990", respectively.

5. Subparagraph (vi) is added to section 4.2 (a) (3) to read as follows:

(vi) For sales of bulk or packaged American grape wines which are blends containing at least 25% Eastern regional grape wine.

6. The last sentence of section 4.2 (e) (1) is amended by inserting the word "discounts" between the words "that" and "allowances".

7. Paragraph (b) of Appendix AA to Article IV is redesignated (b) (1) and the headnote is amended to read as follows:

(1) *Procedure for establishing March 1942 maximum prices for packaged domestic wine other than California and American grape wine.*

8. Redesignated paragraph (b) (1) of Appendix AA is amended by inserting the phrase "except California and American grape wine" between the words "packaged domestic wine" and "to a customer of a particular class".

9. A new subparagraph (2) is added to paragraph (b) of Appendix AA to Article IV to read as follows:

(2) *Procedure for establishing adjusted March 1942 maximum prices for packaged California and American grape wine.* The processor's adjusted March 1942 maximum price per case for sales of an item of packaged California and American grape wine to a customer of a particular class is the highest price per case at which the processor sold or offered to sell the same item during March 1942 to a customer of the same class, in accordance with the processor's March 1942 customer classifications, adjusted in the following manner:

(i) Revise the price determined as above to include the applicable amount of Federal excise tax at rates in effect on November 2, 1942:

(ii) Deduct from the resulting figure at (i) the amount of any state or local excise tax included in the March 1942 price:

(iii) Multiply the resulting figure at (ii) by .75; and

(iv) Add to the resulting figure at (iii) the applicable amount of any state or local excise taxes effective prior to November 3, 1942;

(v) The resulting figure at (iv) is the processor's adjusted March 1942 maximum price per case for an item of packaged California or American grape wine; *Provided*, That the amount of any Federal, state or local excise taxes imposed is actually paid or has accrued and become payable by the processor to the proper taxing authorities or to any prior vendor.

NOTE: For addition of applicable Federal, state, or local excise taxes which became effective after November 2, 1942, see section 7.3 of Article VII.

10. The last sentence of paragraph (c) (2) of Appendix BB to Article IV is amended to read as follows: "Except as otherwise expressly provided in this regulation no amount shall be added for license fees, income taxes, franchise taxes, sales taxes, import taxes, export taxes, state processing taxes, and fees for affixing state stamps."

11. The last sentence of subparagraph (f) (5) (i) (b) of Appendix BB is amended to read as follows: "Transportation charges per case shall be determined by using an average weight of 37 pounds per case for cases containing 3 gallons or less and 48 pounds per case for cases containing over 3 gallons."

12. The explanation following the note at the end of subparagraph (f) (5) (i) (b) is amended to read as follows:

Explanation. Transportation charges under (b) above are calculated on the "base point system" and will result in any purchaser of a given class in a locality being able to buy any item of packaged California grape wine covered by this appendix at a generally uniform delivered price regardless of the location of his supplier. For example, the lowest regular published carload rate exclusive of Federal transportation tax from Bakersfield, California to Baltimore, Maryland, is 99¢ per cwt.. This is for a minimum weight load of 50,000 lbs.; other carload rates are published for lower minimum weight loads, but since these rates are higher than 99¢ per cwt., they may not be used in the calculation. $0.0099 per pound plus 3% Federal transportation tax equals $0.0102, which, at 37 lbs. per case for cases containing 3 gallons or less, equals $0.3774, or $0.38, per case. Thus, a purchaser in Baltimore is entitled to a delivered price in which transportation charges do not exceed $0.38 per case containing 3 gallons or less, regardless of whether his supplier is a New York bottler, a Baltimore bottler, or a California winery. If his supplier sells on an f. o. b. basis, the supplier must make such deductions from his prescribed uniform maximum price as will compensate the purchaser for actual transportation charges paid or payable by the purchaser (other than any amount paid for hauling, drayage, or handling within the metropolitan area of the purchaser's receiving point).

13. Tables I, II, III, IV, and V of Appendix BB to Article IV are redesignated tables II, III, IV, V, and VI, respectively, and a new Table I is added to read as follows:

TABLE I—CALIFORNIA AND AMERICAN GRAPE WINE

Case container	2 4 gallons		3 gallons			4 gallons	Other	
	12 4/5-quarts	24 4/5-pints	6 3/5-gallons	12-quarts	24 pints	4 1-gallon	12 30-ounce	12 24-ounce
KIND OF WINE								
Red table wine	$3.49	$4.09	$3.64	$3.69	$4.59	$4.32	$3.83	$3.37
White table wine	3.70	4.30	3.60	4.25	4.85	4.67	4.08	3.56
Light sweet wine	4.14	4.74	4.45	4.80	5.40	5.41	4.59	3.98
Dessert wine	4.86	5.46	5.35	5.70	6.30	6.61	5.44	4.65
Vermouth and other flavored dessert wines	6.68	7.28*	7.63	7.98	8.58	9.65	7.58	6.36

Domestic packaged grape wines to which this table is applicable are wines of the kind named which bear on their labels, in conjunction with the class or type designation, either no appellation of origin or else the appellations of origin "California", or subdivisions thereof, or the appellation of origin "American". Prices are f. o. b. processor's premises including Federal taxes at rates in effect on November 2, 1942. To determine delivered prices, apply Freight Method A for "California" wine, and Freight Method C for other wines. (See paragraph (f) (5) of this appendix.)

14. The heading of redesignated Table II is amended to read as follows:

TABLE II—WASHINGTON AND OREGON GRAPE WINE

15. The note following redesignated Table II is amended to read as follows:

NOTE: Domestic packaged grape wines to which this table is applicable are wines of the kind named which bear on their labels in conjunction with the class or type designation the appellation of origin "Washington," "Oregon," or sub-divisions thereof. Prices are f. o. b. processor's premises including Federal taxes at rates in effect on November 2, 1942. To determine delivered prices apply Freight Method B (see paragraph (f) (5) of this appendix).

TABLE I—DOMESTIC GRAPE WINE

Origin	Kind	Price per gallon
California and American.	Red table wine	$0.68
	White table wine	.77
	Light sweet wine	1.03
	Dessert wine	1.04
	Vermouth and other flavored dessert wines.	1.63
Washington and Oregon.	Red table wine	.88
	White table wine	1.01
	Light sweet wine	1.42
	Dessert wine	1.42
	Vermouth and other flavored dessert wines.	2.02
Eastern Regional	Table wine	1.21
	Dessert wine	1.65

Prices are named, f. o. b. processor's premises in bond in carload quantity, and do not include Federal, state or local excise taxes, or California marketing order assessment. Domestic wines bearing no appellation of origin on the labeling are classified as "American" wines.

16. Paragraph (a) of Appendix CC to Article IV is amended in the following respects:

(a) *Establishment of maximum prices under this appendix.* The provisions of this appendix are applicable to sales or deliveries of bulk domestic wine by any seller to retailers and consumers only. Sales or deliveries of bulk domestic wine by any seller to any class of customer except retailers and consumers are exempt from the provisions of this regulation and the General Maximum Price Regulation. Any seller of bulk domestic wine for his sales to retailers and consumers must establish a prescribed uniform maximum price under this appendix for his sales of any type of such wine for which a pricing table is contained in this appendix. A special maximum price may be established under Appendix DD for sales of bulk varietal or vintage wines to retailers and consumers and must be so established for sales of bulk varietal and vintage wines to retailers and consumers for which no pricing tables or pricing method is otherwise provided.

17. Paragraph (g) of Appendix CC to Article IV is revoked, and paragraphs (h) through (k) are redesignated (g) through (j), respectively.

18. Table I of Appendix CC to Article IV is amended to read as follows:

19. Redesignated subparagraph (i) of Appendix CC to Article IV is amended to read as follows:

(i) *Sales by wholesalers to retailers and consumers.* A wholesaler's maximum price per gallon for sales of bulk domestic wine to retailers and consumers shall be his net cost per gallon (instead of per case) for the wine, determined under section 5.3 of Article V (using as "supplier's price" the amount actually paid to the supplier but not in excess of the appropriate amount per gallon set forth in Table I) multiplied by 1.20 for sales to retailers or by 1.45 for sales to consumers.

20. The following sentence is added to paragraph (a) (1) (i) of Appendix EE to Article IV: "In making adjustments under this appendix for California or American grape wine the processor must first adjust his March 1942 maximum price in accordance with the provisions of paragraph (b) (2) of Appendix AA to Article IV."

21. Appendix FF to Article IV is revoked and sales or deliveries of Spanish type blending sherry, lees wine, and California grape concentrates by any seller to any class of customer are exempt from the provisions of this regulation and the General Maximum Price Regulation.

22. Section 5.4 (c) (2) is amended by adding at the end thereof the following:

Anything to the contrary herein contained notwithstanding, between December 31, 1945 and February 28, 1946, inclusive, a wholesaler shall not be required to refigure his maximum prices for items of California and American grape wine which he purchases during that period. However, on March 1, 1946 he shall refigure his maximum prices for each item of California and American grape wine, using as the basis for refiguring, his net cost for his most recent purchase of the item prior to March 1, 1946, and such refigured maximum prices shall become applicable in accordance with the provisions of section 5.4 (c) (4).

23. Section 5.5 (c) (2) is amended by adding at the end thereof the following:

Anything to the contrary herein contained notwithstanding, between January 31, 1946 and March 31, 1946, inclusive, a retailer shall not be required to refigure his maximum prices for items of California and American grape wine which he purchases during that period. However, on April 1, 1946 he shall refigure his maximum prices for each item of California and American grape wine, using as the basis for refiguring, his net cost for his most recent purchase of the item prior to April 1, 1946, and such refigured maximum prices shall become applicable in accordance with the provisions of section 5.5 (c) (4).

24. Section 5.6 (c) (2) is amended by adding at the end thereof the following: Anything to the contrary herein contained notwithstanding, between December 31, 1945 and March 31, 1946, inclusive, a monopoly state shall not be required to refigure its maximum prices for items of California and American grape wine which it purchases during that period. However, on April 1, 1946 it shall refigure its maximum prices for each item of California and American grape wine, using as the basis for refiguring, its net cost for its most recent purchase of the item prior to April 1, 1946, and such refigured maximum prices shall become applicable in accordance with the provisions of section 5.6 (c) (4).

25. Section 5.7 (c) (2) is amended by adding at the end thereof the following: Anything to the contrary herein contained notwithstanding, between December 31, 1945 and February 28, 1946, inclusive, a primary distributing agent shall not be required to refigure his maximum prices for items of California and American grape wine which he purchases during that period. However, on March 1, 1946 he shall refigure his maximum prices for each item of California and American grape wine, using as the basis for refiguring, his net cost for his most recent purchase of the item prior to March 1, 1946, and such refigured maximum prices shall become applicable in accordance with the provisions of section 5.7 (c) (4).

26. The last two sentences of section 7.8 (b) are revoked.

This amendment shall become effective on December 31, 1945, except that

[1] 10 F.R. 7444, 8241.

the following provisions shall become effective on August 2, 1945.

(1) Paragraphs (a) through (f), inclusive, and redesignated paragraphs (g) through (j), inclusive, of Appendix CC. However, Table I, as amended, of Appendix CC shall become effective on December 31, 1945.

(2) The last sentence of subparagraph (f) (5) (i) (b) of Appendix BB and the explanation following that subparagraph.

(3) The revocation of Appendix FF.

(4) The amendment to section 4.2 (e) (1).

(5) The amendment to section 7.8 (b).

NOTE: Special maximum prices authorized by order or otherwise under Appendix DD are not superseded by this amendment.

Issued this 2d day of August 1945.

JAMES G. ROGERS, Jr.
Acting Administrator.

Approved: July 28, 1945.

CLINTON P. ANDERSON,
Secretary of Agriculture.

[F. R. Doc. 45-14225; Filed, Aug. 2, 1945; 11:30 a. m.]

PART 1439—UNPROCESSED AGRICULTURAL COMMODITIES

[MPR 426,[1] Amdt. 134]

FRESH FRUITS AND VEGETABLES FOR TABLE USE, SALES EXCEPT AT RETAIL

A statement of the considerations involved in the issuance of this amendment has been issued and filed with the Division of the Federal Register.

In Appendix E, Table 1 (Maximum Prices for Peaches), footnote reference 6 is added to items 19, 21, 23 and 25 in Column 5 and footnote 6 is added to read as follows:

[6] During the period beginning August 1 and ending August 20, 1945, for peaches grown in Delaware, Maryland, New Jersey, New York, North Carolina, Pennsylvania, South Carolina, Virginia and West Virginia, the Column 5 price shall be for item 19—$4.25, for item 21—$2.33, for item 23—8.8 cents and for item 25—7.9 cents.

This amendment shall become effective at 12:01 a. m., August 1, 1945.

Issued this 1st day of August 1945.

CHESTER BOWLES,
Administrator.

Approved: August 1, 1945.

J. B. HUTSON,
Acting Secretary of Agriculture.

[F. R. Doc. 45-14205; Filed, Aug. 1, 1945; 5:00 p. m.]

Chapter XVIII—Office of Economic Stabilization

PART 4001—WAGES AND SALARIES

AUTHORITY OF NATIONAL WAR LABOR BOARD

Section 4001.2 of the regulations of the Economic Stabilization Director of October 27, 1942 (8 F.R. 11960) as amended, is hereby amended to read as follows:

NOTE: § 4001.2 amended by adding the proviso in paragraph (b) and the last two undesignated paragraphs.

§ 4001.2 *Authority of National War Labor Board.* The Board shall, subject to the provisions of sections 1, 2, 3, 4, and 8 of Title II of Executive Order No. 9250 of October 3, 1942, and except as otherwise provided in Executive Order No. 9299, of February 4, 1943, prescribing regulations and procedure with respect to wage and salary adjustments for employees subject to the Railway Labor Act, have authority to determine whether any:

(a) Wage payments, or

(b) Salary payments to any employees where the rate at which the salary, exclusive of bonuses and additional compensation and without regard to the contemplated adjustment, computed on an annual basis, is not in excess of $5,000 per annum and where such employee:

(1) In his relations with his employer is represented by a duly recognized or certified labor organization, or

(2) Is not employed in a bona fide executive, administrative, or professional capacity

are made in contravention of the act, or any rulings, orders or regulations, promulgated thereunder; *Provided*, That, on and after July 31, 1945, the National War Labor Board shall have exclusive authority, without regard to the limitations heretofore prescribed in paragraph (b) of this section, to make such determinations with respect to all wage or salary payments hereafter made to all personnel, both relief and regular crews, employed on all ships including dry cargo, tankers, barges and tow-boats engaged in off shore, coast-wire, harbor and inland waterways activities (outside of the Great Lakes area). Any such determination by the Board, made under rulings and orders issued by it, that a payment is in contravention of the Act, or any rulings, orders, or regulations promulgated thereunder, shall be conclusive upon all Executive Departments and agencies of the Government in determining the costs or expenses of any employer for the purpose of any law or regulation, either heretofore, or hereafter enacted or promulgated, including the Emergency Price Control Act of 1942 or any maximum price regulation thereof, or for the purpose of calculating deductions under the revenue laws of the United States or for the purpose of determining costs or expenses under any contract made by or on behalf of the United States. Any determination of the Board made pursuant to the authority conferred on it shall be final and shall not be subject to review by The Tax Court of the United States or by any court in any civil proceedings.

On and after July 31, 1945 no increase or decrease in any salary rate of employees employed on all ships in the shipping industry (excluding the Great Lakes area), as defined above, shall be made without the prior approval of the National War Labor Board.

No final determination or ruling made by the Commissioner of Internal Revenue prior to the date of adoption of this amendment shall be deemed to be invalidated thereby.

Issued and effective this 31st day of July 1945.

(56 Stat. 765; 50 U.S.C. App., Sup., 961 et seq.; 57 Stat. 63; 50 U.S.C. App., Sup., 964; E.O. 9328, 8 F.R. 4681)

THOMAS I. EMERSON,
Acting Director.

[F. R. Doc. 45-14206; Filed, Aug. 2, 1945, 9:35 a. m.]

[Directive 63]

PART 4003—SUBSIDIES; SUPPORT PRICES

ASSISTANCE TO PROCESSORS IN CONNECTION WITH 1945-CROP SUGARCANE IN LOUISIANA AND FLORIDA, 1946-CROP SUGARCANE IN PUERTO RICO, VIRGIN ISLANDS AND HAWAII, AND 1945 CROP SUGAR BEETS, AND SUGARS PRODUCED THEREFROM

The War Food Administrator, by letter and enclosures dated June 14, 1945, recommended that certain measures be authorized for the assistance of processors of 1945-crop sugarcane in Louisiana and Florida; of 1946-crop sugarcane in Puerto Rico, the Virgin Islands and the Territory of Hawaii; and of 1945-crop sugar beets. These measures would include, among other things: (a) the payment by Commodity Credit Corporation to processors of 1945-crop sugarcane in Louisiana and Florida and of 1946-crop sugarcane in Puerto Rico, the Virgin Islands and the Territory of Hawaii of a maximum amount of 15 cents per 100 pounds of raw sugar (96 degrees equivalent) derived from those crops; (b) the payment by Commodity Credit Corporation to processors of 1945-crop sugar beets of a maximum amount of 18 cents per 100 pounds of refined sugar derived from that crop, such payment to be in lieu of the previously-authorized payment of 12½ cents per 100 pounds of refined sugar, with respect to increased production costs, as authorized by Directive No. 36; and (c) the payment by Commodity Credit Corporation of certain excess freight costs for the movement of Louisiana and Florida raw sugar to other than the nearest refinery whenever such movement is considered necessary and directed by the Department of Agriculture.

I hereby find that the measures proposed to me by the War Food Administrator are necessary to effectuate the policy established by Executive Orders 9250 and 9328 and specifically to insure the maximum necessary production and distribution of raw and refined sugar to meet military, lend-lease and civilian requirements.

Accordingly, the Department of Agriculture is hereby authorized and directed to carry out, through the Commodity Credit Corporation, the measures described in the War Food Administrator's letter and the memorandum enclosed therewith.

(E.O. 9250 and E.O. 9328, 3 CFR, CUM. Supp.)

Issued and effective this 31st day of July 1945.

THOMAS I. EMERSON,
Acting Director.

[F. R. Doc. 45-14174; Filed, Aug. 1, 1945; 3:44 p. m.]

[Directive 71]

PART 4003—SUBSIDIES; SUPPORT PRICES

ASSISTANCE TO GROWERS IN CONNECTION WITH 1946-CROP SUGAR BEETS AND 1946-CROP CONTINENTAL AND DOMESTIC OFFSHORE SUGARCANE

The Secretary of Agriculture has, by letter dated July 25, 1945, recommended certain measures for the assistance of growers of sugar beets and growers of sugarcane in Louisiana, Florida, Puerto Rico, Virgin Islands and Hawaii. These measures include: (1) the assurance to growers of a national average return of not less than $13.50 per ton of sugar beets of the average quality of recent years, including payments under the Sugar Act of 1937 as amended. Assuming a continuation of present market conditions, this assurance will require a payment of approximately $4 per ton of beets of average quality; (2) the payment to the above-mentioned growers of sugarcane of $2.10 per ton of average sugarcane, equal in Louisiana to a payment in terms of "standard" sugarcane of $2.04 per ton. These programs, by providing growers a return substantially above that afforded by present sugar prices, are designed to increase domestic sugar production.

I hereby find that the measures proposed by the Secretary of Agriculture are necessary to effectuate the policy established by Executive Orders 9250 and 9328 and specifically to assure the maximum necessary production of sugar to meet military, civilian and lend-lease requirements.

Accordingly, the Department of Agriculture is hereby authorized and directed, subject to appropriate legislative authorization, to carry out, through the Commodity Credit Corporation, the measures described in the Secretary's letter and the memorandum enclosed therewith.

(E.O. 9250 and E.O. 9328, 3 CFR, Cum. Supp.)

Issued and effective this 30th day of July 1945.

THOMAS I. EMERSON,
Acting Director.

[F. R. Doc. 45-14175; Filed, Aug. 1, 1945; 3:44 p. m.]

Notices

DEPARTMENT OF AGRICULTURE.

Rural Electrification Administration.

[Administrative Order 929]

ALLOCATION OF FUNDS FOR LOANS

JULY 4, 1945.

By virtue of the authority vested in me by the provisions of section 4 of the Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said act, funds for loans for the projects and in the amounts as set forth in the following schedule:

Project designation:	*Amount*
Alabama 46030C1 Autauga	$150,000
Colorado 46017H1 Prowers	120,000
Georgia 46070D2 Mitchell	50,000
Georgia 46091C1 Laurens	175,000
Indiana 46088C1 Kosciusko	70,000
Iowa 46007D1 Marshall	75,000
Iowa 46031D1 Grundy	75,000
North Carolina 46010D1 Haywood	88,000
South Carolina 46034B1 Newberry	50,000
South Dakota 46018B1 Clark	249,000
Texas 46007H1 Bell	97,000
Texas 46087D2 Karnes	50,000

[SEAL] CLAUDE R. WICKARD,
Administrator.

[F. R. Doc. 45-14216; Filed, Aug. 2, 1945; 11:18 a. m.]

[Administrative Order 930]

ALLOCATION OF FUNDS FOR LOANS

JULY 7, 1945.

By virtue of the authority vested in me by the provisions of section 4 of the Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said act, funds for a loan for the project and in the amount as set forth in the following schedule:

Project designation:	*Amount*
Texas 46100F1 Washington	$100,000

[SEAL] CLAUDE R. WICKARD,
Administrator.

[F. R. Doc. 45-14217; Filed, Aug. 2, 1945; 11:18 a. m.]

DEPARTMENT OF LABOR.

Wage and Hour Division.

LEARNER EMPLOYMENT CERTIFICATES

ISSUANCE TO VARIOUS INDUSTRIES

Notice of issuance of special certificates for the employment of learners under the Fair Labor Standards Act of 1938.

Notice is hereby given that special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rate applicable under section 6 of the act have been issued to the firms hereinafter mentioned under section 14 of the act, Part 522 of the regulations issued thereunder (August 16, 1940, 5 F.R. 2862, and as amended June 25, 1942, 7 F.R. 4725), and the determinations, orders and/or regulations hereinafter mentioned. The names and addresses of the firms to which certificates were issued, industry, products, number of learners, and effective and expiration dates of the certificates are as follows:

Single Pants, Shirts and Allied Garments, Women's Apparel, Sportswear, Rainwear, Robes and Leather and Sheep-Lined Garments Divisions of the Apparel Industry, Learner Regulations, July 20, 1942 (7 F.R. 4724), as amended by Administrative Order March 13, 1943 (8 F.R. 3079), and Administrative Order, June 7, 1943 (8 F.R. 7890):

Cornbleet Brothers, Shawneetown, Illinois; ladies wash dresses; 10 learners (T); effective July 25, 1945, expiring July 24, 1946.

Klein Dress Company, 210 N. Valley Avenue, Olyphant, Pennsylvania; children's dresses; 10 percent (T); effective July 23, 1945, expiring July 22, 1946.

R. W. Manufacturing Company, Winchester, Illinois; ladies' washable outer clothing; 10 learners (T); effective July 23, 1945, expiring July 22, 1946.

R. W. Manufacturing Company, Roodhouse, Illinois; ladies' wash dresses and sportswear; 10 learners (T); effective July 23, 1945, expiring July 22, 1946.

Glove Findings and Determination of February 20, 1940, as amended by Administrative Order, September 20, 1940, (5 F.R. 3748) and as further amended by Administrative Order, March 13, 1943, (8 F.R. 3079):

Morris Manufacturing Company, Newberg, Tennessee; work gloves; 10 learners (AT); effective July 27, 1945, expiring November 21, 1945.

Hosiery Learner Regulations, September 4, 1940 (5 F.R. 3530), as amended by Administrative Order March 13, 1943 (8 F.R. 3079):

Acme Hosiery Dye Works, Inc., Pulaski, Virginia; full-fashioned hosiery; 10 learners (AT); effective July 26, 1945, expiring January 25, 1946.

C. & D. Yarn & Hosiery Company, Maiden, North Carolina; seamless hosiery; 5 learners (T); effective July 19, 1945, expiring July 18, 1946.

Harriman Hosiery Mills, Harriman, Tennessee; seamless hosiery; 200 learners (AT); effective July 27, 1945, expiring January 26, 1946.

Hill Hosiery Mill, 210 W. Main Street, Thomasville, North Carolina; seamless hosiery; 5 learners (T); effective July 20, 1945, expiring July 19, 1946.

Paul Knitting Mills, Pulaski, Virginia; seamless hosiery; 10 percent (AT); effective July 22, 1945, expiring July 21, 1946.

Virginia Maid Hosiery Mills, Inc., Pulaski, Virginia; full-fashioned hosiery; 10 learners (AT); effective July 26, 1945, expiring January 26, 1946.

Wallner Silk Hosiery Mills, Inc., Pulaski, Virginia, full-fashioned hosiery; 20 learners (AT); effective July 26, 1945, expiring January 25, 1946.

Independent Telephone Learner Regulations, July 17, 1944 (9 F.R. 7125):

The Harrison Telephone Company, Harrison, Ohio; to employ learners as commercial switchboard operators at its 114 South Walnut Street exchange, located at Harrison, Ohio; effective July 22, 1945, expiring July 21, 1946.

Mason City Telephone and Telegraph Company, Mason City, Illinois; to employ learners as commercial switchboard operators at its Mason City exchange, located at Mason City, Illinois; effective July 26, 1945, expiring July 27, 1946.

Textile Learner Regulations, May 16, 1941 (6 F.R. 2446) as amended by Administrative Order March 13, 1943 (8 F.R. 3079):

Algodon Manufacturing Company, Bessemer City, North Carolina; yarn; 8 percent (T); effective July 23, 1945, expiring July 22, 1946.

Copland Fabrics, Inc., Burlington, North Carolina, rayon marquisettes; 3 percent (T); effective July 26, 1945, expiring July 25, 1946.

Stevdan Textile Mills Company, Bessemer City, North Carolina; cotton staple; 3 learners (T); effective July 23, 1945 expiring July 22, 1946.

Regulations, Part 522—Regulations Applicable to the Employment of Learners (29 CFR, Cum. Supp., Part 522):

The Decorah Journal, 224 W. Water St., Decorah, Iowa; printing and publishing; 1 learner; printer for a learning period of 1,000 hours at 30 cents per hour for first 500 hours and 35 cents per hour for second 500 hours; effective July 18, 1945, expiring July 18, 1946.

Farmers State Bank of Ormsby, Minnesota; banking; 1 learner; posting machine operator

[1] 10 F.R. 7403, 7500, 7539, 7578, 7668, 7683, 7799, 8021, 8069, 8239, 8238, 8467, 8611, 8657, 8905, 8936, 9028, 9023, 9118, 9119.

and bookkeeper for a learning period of 240 hours at 35 cents per hour; effective July 23, 1945, expiring October 29, 1945.

Judy's Ceramics, 2514 N. 32d St., Philadelphia, Pa.; jewelry; 2 learners; ceramic painting for a learning period of 160 hours at 30 cents per hour for the first 80 hours and 35 cents per hour for the next 80 hours; effective July 18, 1945, expiring September 26, 1945.

The employment of learners under these certificates is limited to the terms and conditions therein contained and is subject to the provisions of the applicable determinations, orders and/or regulations cited above. These certificates have been issued upon the employers' representations that experienced workers for the learner occupations are not available for employment and that they are actually in need of learners at subminimum rates in order to prevent curtailment of opportunities for employment. The certificates may be cancelled in the manner provided in the regulations and as indicated in the certificates. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of regulations, Part 522.

Signed at New York, N. Y., this 26th day of July 1945.

PAULINE C. GILBERT,
Authorized Representative of the Administrator.

[F. R. Doc. 45-14213; Filed, Aug. 2, 1945; 10:51 a. m.]

CIVIL AERONAUTICS BOARD.

[Docket No. 1928]

NORTHERN AIRWAYS-GILLAM TRANSFER

NOTICE OF HEARING

In the matter of the application of Northern Airways for approval of the transfer of a certificate of public convenience and necessity pursuant to section 401 (i) of the Civil Aeronautics Act of 1938, as amended.

Notice is hereby given pursuant to the Civil Aeronautics Act of 1938, as amended, particularly sections 401 and 1001 of said act, that a hearing in the above-entitled proceeding is assigned to be held on August 22, 1945, at 10:00 a. m., in Fairbanks, Alaska, before examiners Raymond W. Stough and Joseph L. Fitzmaurice.

Dated: Anchorage, Alaska, July 27, 1945.

By the Civil Aeronautics Board.

[SEAL] RAYMOND W. STOUGH,
Director, Alaska Office.

[F. R. Doc. 45-14211; Filed, Aug. 2, 1945; 10:35 a. m.]

[Docket No. 1972]

PAN AMERICAN AIRWAYS, INC., JUNEAU-KETCHIKAN LOCAL SERVICE

NOTICE OF HEARING

In the matter of the application of Pan American Airways, Inc., for amendment of its certificate of public convenience and necessity under section 401 of the Civil Aeronautics Act of 1938, as amended,

Notice is hereby given pursuant to the Civil Aeronautics Act of 1938, as amended, particularly sections 401 and 1001 of said act, that a hearing in the above-entitled proceeding is assigned to be held on August 18, 1945, at 10:00 a. m., in Juneau, Alaska, before examiners Raymony W. Stough and Joseph L. Fitzmaurice.

Dated: Anchorage, Alaska, July 27, 1945.

By the Civil Aeronautics Board.

RAYMOND W. STOUGH,
Director, Alaska Office.

[F. R. Doc. 45-14210; Filed, Aug. 2, 1945; 10:35 a. m.]

FEDERAL POWER COMMISSION.

[Docket Nos. G-440, G-591]

UNITED FUEL GAS CO. ET AL.

ORDER POSTPONING ORAL ARGUMENT

AUGUST 1, 1945.

In the matters of United Fuel Gas Company, Warfield Natural Gas Company, Cincinnati Gas Transportation Company, and Huntington Development and Gas Company, Docket No. G-440; and United Fuel Gas Company, Warfield Natural Gas Company, and Cincinnati Gas Transportation Company, Docket No. G-591.

It appearing to the Commission that:

(a) By order of June 12, 1945, the Commission directed that oral argument on the issues raised in the above-docketed proceedings be had before the Commission sitting en banc on September 12, 1945, at 10 a. m., in the hearing room of the Commission, 1800 Pennsylvania Avenue NW., Washington, D. C.;

(b) On July 27, 1945, the above-named respondents filed a petition requesting the Commission to vacate its order of June 12, 1945, and to reassign these proceedings for oral argument at a date not less than 60 days subsequent to September 12, 1945;

(c) On July 31, 1945, Chester Bowles, Administrator of the Office of Price Administration, for himself and on behalf of William H. Davis, Economic Stabilization Director, intervener, filed an answer to such petition for continuance, objecting to the proposed postponement of the oral argument;

The Commission finds that:

Good cause has not been shown for postponing the oral argument for a period of 60 days. Good cause exists, however, for postponing the oral argument to September 14 and 15, 1945, as hereinafter ordered;

The Commission orders that:

(a) Respondents' petition for a postponement of oral argument in these proceedings for a period of not less than 60 days be and it is hereby denied;

(b) The oral argument heretofore set for September 12, 1945, be and it is hereby postponed to commence September 14, 1945, at 10 a. m., such oral argument to be concluded not later than September 15, 1945, at 12 noon, and to be held in the hearing room of the Commission, 1800 Pennsylvania Ave. NW., Washington, D. C.;

(c) The chief trial examiner is hereby authorized and directed to apportion the available time for oral argument among counsel for the parties and participants.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 45-14233; Filed, Aug. 2, 1945; 11:38 a. m.]

[Docket Nos. IT-5962, IT-5963]

PUGET SOUND POWER & LIGHT CO.

ORDER SETTING MATTER FOR HEARING

AUGUST 1, 1945.

It appears that:

(a) Puget Sound Power & Light Company (hereinafter referred to as the Applicant) having its principal business office in Seattle, Washington, on July 31, 1945, filed an application (Docket No. IT-5962), pursuant to section 203 of the Federal Power Act, for an order authorizing the Applicant to sell or otherwise dispose of all of its electric properties; an application (Docket No. IT-5963), pursuant to section 204 of the act, for an order authorizing the issuance of certain notes in the principal amount of $15,125,000, or in the alternative, to dismiss both applications for lack of jurisdiction inasmuch as Applicant is not a "public utility," as defined in section 201 of the act.

(b) There is now pending before the Commission a proceeding entitled In the Matter of Nelson J. Ambrose, et al., Docket No. ID-127, Puget Sound Power & Light Company, Intervenor, in which hearings have been held involving the issue of whether or not the Applicant is a "public utility" pursuant to section 201 of the act. This issue is also involved in the matter of Puget Sound Power & Light Company, Docket No. IT-5649, now pending before the Commission.

(c) Applicant requests that the Commission first determine whether or not it has jurisdiction over the Applicant as a "public utility" as defined in section 201 of the act before considering the merits of the applications referred to above, and further requests that the records in the proceedings mentioned in paragraph (b) above, and all sworn reports filed with the Commission by the Applicant and by The Washington Water Power Company be considered as a part of the record in this proceeding.

The Commission finds that: It is appropriate and in the public interest, in view of the circumstances related above, to consider first the public utility status of the Applicant pursuant to section 201 of the act before considering the merits of the applications described in paragraph (a), above.

The Commission orders that:

(a) A hearing be held commencing August 21, 1945, at 10:00 a. m. (e. w. t.) in the hearing room at the Federal Power Commission, Hurley Wright Building, 1800 Pennsylvania Avenue, N. W., Washington, D. C., with respect only to the question of whether the Applicant is or is not a "public utility" as defined in section 201 of the Federal Power Act, and accordingly whether the requirements of sections 203 and 204 apply for authorization and approval by this Commission to the proposed transactions, respectively.

(b) If the Applicant, or any person, desires to introduce evidence with respect to the question of whether the Applicant is or is not a "public utility," as defined in section 201, it shall on or before August 17, 1945, file with the Commission a notification of its desire to present such evidence. In the event no such request is received on or before that date, the question may be considered and disposed of by the Commission without holding the hearing.

By the Commission.

LEON M. FUQUAY,
Secretary.

[F. R. Doc. 45-14234; Filed, Aug. 2, 1945; 11:39 a. m.]

[Docket Nos. IT-5962, IT-5963]

PUGET SOUND POWER & LIGHT CO.

NOTICE OF APPLICATIONS

AUGUST 2, 1945.

Notice is hereby given that on July 31, 1945, an application was filed with the Federal Power Commission (Docket No. IT-5962), pursuant to section 203 of the Federal Power Act, by Puget Sound Power & Light Company, a corporation organized under the laws of the Commonwealth of Massachusetts and doing business in the State of Washington, with its principal business office at Seattle, Washington, seeking an order authorizing the transfer of all of its electric properties to a public agency or agencies (the names of which are to be supplied by amendment), or, in the alternative, an order dismissing the application for want of jurisdiction; all as more fully appears in the application on file with the Commission.

Notice also is given hereby that on July 31, 1945, an application was filed by Puget Sound Power & Light Company (Docket No. IT-5963), pursuant to section 204 of the Federal Power Act, seeking an order authorizing the issuance of certain notes to two or more banks in the principal amount of $15,125,000 in order to procure the funds necessary to pay on call for redemption all of the outstanding 137,500 shares of Prior Preference Stock of the Applicant at $110 per share, plus accumulated unpaid dividends to the date of payment, such notes to bear the date on which the electric properties of the Applicant are transferred to a public agency or agencies and to be paid on that day without interest, premium, or penalty, or in the alternative, an order dismissing the application for want of jurisdiction; all as more fully appears in the application on file with the Commission.

Applicant further requests in the above applications that the Commission first determine whether or not it has jurisdiction over the Applicant as a "public utility" as defined in section 201 of the Federal Power Act.

Any persons desiring to be heard or to make any protests with reference to said applications should, on or before the 17th day of August 1945, file with the Federal Power Commission, Washington 25, D. C., a petition or protest in accordance with the Commission's rules of practice and regulations.

LEON M. FUQUAY,
Secretary.

[F. R. Doc. 45-14235; Filed, Aug. 2, 1945; 11:39 a. m.]

INTERSTATE COMMERCE COMMISSION.

[S O. 70-A, Special Permit 1025]

RECONSIGNMENT OF ORANGES AT FORT WORTH, TEX.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph (§ 95.35, 8 F.R. 14624) of Service Order No. 70-A of October 22, 1943, permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard entirely the provisions of Service Order No. 70-A insofar as it applies to the reconsignment at Fort Worth, Texas, July 31 or August 1, 1945, by Mutual Orange Distributors, of car URTX 5051, oranges, now on the A. T. & S. F. Railroad, to New Orleans, Louisiana (AT&SF-T&NO).

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 31st day of July, 1945.

V. C. CLINGER,
Director, Bureau of Service.

[F. R. Doc. 45-14214; Filed, Aug. 2, 1945; 11:05 a. m.]

[2d Rev. S. O. 300, Special Permit 23]

ICING OF POTATOES FROM GREENPORT, LONG ISLAND, N.Y., AND HIGHTSTOWN, N. J.

Pursuant to the authority vested in me by paragraph (e) of the first ordering paragraph of Second Revised Service Order No. 300 (10 F.R. 6802), permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard the provisions of Second Revised Service Order No. 300 insofar as it applies to the furnishing of initial icing only on cars of potatoes, MDT 5620 shipped from Greenport, Long Island, consigned to Dan Storey, Pittsburgh, Pennsylvania, (L. I.-P. R. R.), MDT 45797 shipped from Greenport, Long Island (L. I.-N. Y. C.-M. C.), and PGE 33226 shipped from Hightstown, New Jersey (P. R. R.-M. C.), both consigned to C. F. Schmidt, Detroit, Michigan, also PGE 38040 shipped from Hightstown, New Jersey (P. R. R.-Wab.) consigned to Market Dealers Service, Detroit, Michigan; and to the furnishing of initial icing and one reicing in transit only, on three (3) cars of potatoes shipped from Greenport, Long Island, consigned to Pearce Young Angel, WFE 61391 destined Spartanburg, South Carolina (L. I.-P. R. R.-R. F. & P.-S. A. L.), WFE 60502 destined Augusta, Ga. (L. I.-P. R. R.-Sou.) and NYDX 15101 destined Columbia, South Carolina (L. I.-P. R. R.-Sou.), all seven cars shipped by F. H. Vahlsing, Inc., July 30, 1945.

The waybills shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 31st day of July 1945.

V. C. CLINGER,
Director, Bureau of Service.

[F. R. Doc. 45-14215; Filed, Aug. 2, 1945; 11:05 a. m.]

SECURITIES AND EXCHANGE COMMISSION.

[File No. 1-2155]

MINNEAPOLIS AND ST. LOUIS RAILROAD CO.

ORDER SETTING HEARING ON APPLICATION TO STRIKE FROM LISTING AND REGISTRATION

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 1st day of August A. D. 1945.

In the matter of the Minneapolis and St. Louis Railroad Company, 4% First & Refunding Gold Bonds, due 1949; 5% Refunding & Extension Mortgage Bonds, Series A, due 1962; Iowa Central Railway Company 4% 50-Year First & Refunding Mortgage Bonds, due 1951.

The New York Stock Exchange, pursuant to section 12 (d) of the Securities Exchange Act of 1934 and Rule X-12D2-1 (b) promulgated thereunder, having made application to strike from listing and registration the above-mentioned securities;

The Commission deeming it necessary for the protection of investors that a hearing be held in this matter at which all interested persons be given an opportunity to be heard;

It is ordered, That the matter be set down for hearing at 10:00 a. m. on Monday, August 13, 1945, at the office of the Securities and Exchange Commission, 120 Broadway, New York, New York, and continue thereafter at such times and places as the Commission or its officer herein designated shall determine, and that general notice thereof be given; and

It is further ordered, That William J. Cogan, or any other officer or officers of the Commission named by it for that

purpose, shall preside at the hearing on such matter. The officer so designated to preside at such hearing is hereby empowered to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 45-14212; Filed Aug. 2, 1945; 10:49 a. m.]

SURPLUS PROPERTY BOARD.

[SPB Reg. 3, Order 25]

KANSAS

ALLOCATION OF TRUCKS FOR DISPOSAL TO FARMERS AND FARMERS' COOPERATIVES IN CERTAIN COUNTIES

Pursuant to § 8303.4 of Surplus Property Board Regulation No. 3, entitled "Dispositions of Surplus Property in Rural Areas and to Farmers" (10 F. R. 5325) and in reliance upon the certificate of the Secretary of Agriculture to the Surplus Property Board that farm production is impaired or threatened to be impaired in the area named below by a shortage of trucks; *It is hereby ordered*, That:

The Department of Commerce, as disposal agency, shall allocate for disposal to farmers and farmers' cooperative associations holding certificates of the Agricultural Adjustment Agency and located in Allen, Anderson, Bourbon, Butler, Chase, Chautauqua, Cherokee, Coffee, Cowley, Crawford, Elk, Franklin, Greenwood, Labette, Linn, Lyon, Miami, Montgomery, Neosho, Osage, Wilson, and Woodson Counties, Kansas, 61 one-half-ton commander reconnaissance trucks and 100 one-and-one-half-ton cargo trucks, and shall without regard to the requirements of Surplus Property Board Regulation No. 2 (10 F.R. 5104, 8911) take immediate steps so to dispose of such property by the methods provided in § 8303.4 (c).

This order shall become effective immediately.

SURPLUS PROPERTY BOARD,
By A. E. HOWSE,
Administrator.

JULY 30, 1945.

[F. R. Doc. 45-14236; Filed, Aug. 2, 1945; 11:54 a. m.]

[SPB Reg. 3, Order 26]

NEW MEXICO

ALLOCATION OF TRUCKS FOR DISPOSAL TO FARMERS AND FARMERS' COOPERATIVES IN CERTAIN COUNTIES

Pursuant to § 8303.4 of Surplus Property Board Regulation No. 3, entitled "Dispositions of Surplus Property in Rural Areas and to Farmers" (10 F.R. 5325) and in reliance upon the certificate of the Secretary of Agriculture to the Surplus Property Board that farm production is impaired or threatened to be impaired in the area named below by a shortage of trucks; *It is hereby ordered*, That:

The Department of Commerce, as disposal agency, shall allocate for disposal to farmers and farmers' cooperative associations holding certificates of the Agricultural Adjustment Agency and located in San Juan, Rio Arriba, Taos, Colfax, Union, McKinley, Sandoval, Santa Fe, Mora, Harding, San Miguel, Valencia, Bernalillo, Torrance, Guadalupe, Quay, De Baca, Curry, and Roosevelt Counties, New Mexico, 69 one-half-ton weapon carrier trucks, 27 one-half-ton command reconnaissance trucks, 13 one-and-one-half-ton cargo trucks, and 9 one-and-one-half-ton dump trucks, and shall without regard to the requirements of Surplus Property Board Regulation No. 2 (10 F.R. 5104, 8911) take immediate steps so to dispose of such property by the methods provided in § 8303.4 (c).

This order shall become effective immediately.

SURPLUS PROPERTY BOARD,
By A. E. HOWSE,
Administrator.

JULY 30, 1945.

[F. R. Doc. 45-14237; Filed, Aug. 2, 1945; 11:54 a. m.]

[SPB Reg. 3, Order 27]

NEW YORK

ALLOCATION OF TRUCKS FOR DISPOSAL TO FARMERS AND FARMERS' COOPERATIVES IN CERTAIN COUNTIES

Pursuant to § 8303.4 of Surplus Property Board Regulation No. 3, entitled "Dispositions of Surplus Property in Rural Areas and to Farmers" (10 F.R. 5325) and in reliance upon the certificate of the Secretary of Agriculture to the Surplus Property Board that farm production is impaired or threatened to be impaired in the area named below by a shortage of trucks; *It is hereby ordered*, That:

The Department of Commerce, as disposal agency, shall allocate for disposal to farmers and farmers' cooperative associations holding certificates of the Agricultural Adjustment Agency and located in Chautauqua, Erie, Niagara, Orleans, Genesee, Wyoming, Monroe, Livingston, Wayne, Ontario, Yates, Seneca, Cayuga, Onondaga, Madison, Oneida, Chenango, and Cortland Counties, New York, 103 one-and-one-half-ton trucks (including 2 dump trucks), 62 one-half-ton carryall trucks, and 27 one-half-ton pick-up trucks, and shall without regard to the requirements of Surplus Property Board Regulation No. 2 (10 F.R. 5104, 8911) take immediate steps so to dispose of such property by the methods provided in § 8303.4 (c).

This order shall become effective immediately.

SURPLUS PROPERTY BOARD,
By A. E. HOWSE,
Administrator.

JULY 30, 1945.

[F. R. Doc. 45-14238; Filed, Aug. 2, 1945; 11:54 a. m.]

WAR PRODUCTION BOARD.

[Certificate 100, Revocation]

OSWEGO MILK COUNCIL, INC.

APPROVAL OF JOINT ACTION PLAN

The ATTORNEY GENERAL.

Pursuant to section 12 of Public Law No. 603, 77th Congress (56 Stat. 357), I hereby withdraw the certificate and finding dated July 21, 1943, (8 F.R. 10475) concerning a plan for joint action by members of Oswego Milk Council, Inc., with respect to the transportation and delivery of milk and related articles by a motor vehicle in the Oswego area of New York State.

Dated: July 28, 1945.

J. A. KRUG,
Chairman.

[F. R. Doc. 45-14207; Filed, Aug. 2, 1945; 10:10 a. m.]

[Certificate 215]

SMALLER WAR PLANTS CORP.

APPROVAL OF PLAN OF ORGANIZATION PROCEDURE AND OBJECTIVES

The ATTORNEY GENERAL.

I submit herewith the recommendation of the Chairman of the Smaller War Plants Corporation concerning the plan of organization, procedure, and objectives of the Small Manufacturers Cooperative, 749 Myrtle Avenue, Bridgeport, Connecticut,[1] organized for the purpose of undertaking prime Government contracts or contracts from suppliers of the Government for manufacturing articles, equipment, supplies, and materials for war and essential civilian requirements.

For the purposes of section 12 of Public Law 603, 77th Congress (56 Stat. 357), I approve the plan referred to in the recommendation, and after consultation with you, I hereby find and so certify to you that the doing of any act or thing, or the omission to do any act or thing, by any person in compliance with such plan is requisite to the prosecution of the war.

Dated July 28, 1945.

J. A. KRUG,
Chairman.

[F. R. Doc. 45-14208; Filed, Aug. 2, 1945; 10:10 a. m.]

[1] Filed as part of the original document.

OFFICE OF PRICE ADMINISTRATION.

[MPR 260, Order 1661]

DESIDERIO ARNAZ, THE HOME OF HAVANA CIGARS

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion accompanying this order, and pursuant to § 1358.102a of Maximum Price Regulation No. 260, as amended, *It is ordered*, That:

(a) Desiderio Arnaz, The Home of Havana Cigars, 338 E. Flagler St., Miami 32, Fla., (hereinafter called "importer") and wholesalers and retailers may sell, offer to sell or deliver and any person may buy, offer to buy or receive each brand, frontmark and packing of the following imported cigars at the appropriate maximum list price and maximum retail price set forth below:

Brand	Frontmark	Packing	Maximum list price	Maximum retail price
			Per M	*Cents*
La Riqueza	Ideales	25	$410.00	55
	Coronas Imperiales.	25	368.50	50
	Coronas Standards.	25	308.00	39
	Coronas	25	262.50	35
	Nacionales	25	250.00	3 for $1
	Perfectos	25	240.00	33
	Medias Coronas.	25	190.00	25
	Miramar Yacht Club.	25	212.50	28
	Club	25	240.00	33
	Petit Coronas	50	190.00	25
	Petit Cetros	25	176.00	22
	Tipo Comandos.	25	176.00	22
	Perlas	50	135.00	17
	Petit Perfectos.	50	176.00	22
	Conchas	50	135.00	17
	Panetelas	50	135.00	17
	Petit	50	114.00	15
	Brevas Especiales.	50	161.50	20
	Fumitas Especiales.	50	135.00	17
	Fumitas Selectas.	50	135.00	17
	Palmitas	50	115.00	15
	Miami Especial.	25	195.75	28
La Alinza	Coronas Extras.	25	385.00	55
	Coronas Finas	25	330.00	44
	Petit Coronas	25	249.75	35
	Coronas Chicas.	50	135.00	17
	Panetelas Finas.	50	135.00	17
	Fancy Tales	25	368.50	50
	Perfectos	25	246.50	33
	Petit Bouquet	25	161.50	20
	Belvederes	25	203.50	28
	Americans	25	212.50	28
La Prueba	Petit Habanos	50	123.75	3 for 50
	Conchas Finas	50	150.00	20
	Coronas Extras.	25	385.00	55
	Coronas Finas	25	330.00	44
	Petit Coronas	25	249.75	35
	Coronas Chicas.	25	135.00	17
	Panetelas Finas.	50	135.00	17
	Fancy Tales	25	368.50	50
	Perfectos	25	246.50	33
	Petit Bouquet	25	161.50	20
	Belvederes	25	203.50	28
	Americans	25	212.50	28
	Petit Habanos	50	123.75	3 for 50
El Canon Rayado	Ideales	25	410.00	55
	Coronas Imperiales.	25	368.50	50
	Corona Standard.	25	308.00	39
	Coronas	25	262.50	35
	Nacionales	25	250.00	3 for $1
	Perfectos	25	240.00	33
	Medias Coronas.	50	190.00	25
	Miramar Yacht Club.	25	212.50	28
	Club	25	240.00	33
	Petit Coronas	50	190.00	25
	Petit Cetros	25	176.00	22
	Tipo Comandos.	25	176.00	22
	Perlas	50	135.00	17
	Petit Perfectos.	50	176.00	22
	Conchas	50	135.00	17
	Panetelas	50	135.00	17
	Petit	50	114.00	15
	Brevas Especiales.	50	161.50	20
	Fumitas Especiales.	50	135.00	17
	Fumitas Selectas.	50	135.00	17
	Palmitas	50	115.00	15
	Miami Especial.	25	195.75	28
Flor de R. Barcia	Coronas Extras.	25	385.00	55
	Coronas Finas	25	330.00	44
	Petit Coronas	25	249.75	35
	Coronas Chicas.	25	161.50	20
	Panetelas	50	135.00	17
	Fancy Tales	25	368.50	50
	Perfectos	25	246.50	33
	Petit Bouquet	25	161.50	20
	Belvederes	25	203.50	28
	Americans	25	212.50	28
	Petit Habano	50	123.75	3 for 50
Potosi	Ideales	25	410.00	55
	Coronas Standard.	25	308.00	39
	Coronas	25	262.50	35
	Nacionales	25	250.00	3 for $1
	Perfectos	25	240.00	33
	Medias Coronas.	25	190.00	25
	Miramar Yacht Club.	25	212.50	28
	Petit Coronas	50	190.00	25
	Petit Perfectos.	50	176.00	22
	Petit	25	114.00	15
	Brevas Especiales.	50	161.50	20
	Fumitas Especialos.	50	135.00	17
	Fumitas Selectas.	50	135.00	17
	Palmitas	50	115.00	15
	Miami Especial.	25	195.75	28
Quintero	Petit Perfectos.	50	176.00	22
	Ideles	25	410.00	55
	Coronas Imperiales.	25	368.50	50
	Coronas Standard.	25	308.00	39
	Nacionales	25	250.00	3 for $1
	Miramar Yacht Club.	25	212.50	28
	Club	25	240.00	33
	Petit Coronas	50	190.00	25
	Panetelas	25	135.00	17
	Fumitas Especiales.	50	135.00	17
	Fumitas Selectas.	50	135.00	17
	Palmitas	50	115.00	15
La Rica Hoja	Coronas Sublimes.	25	368.50	50
	Coronas	25	330.00	44
	Coronas Finas	25	250.00	3 for $1
	Fancy Tales	25	368.50	50
	Petit Coronas	25	225.00	30
	Perfectos	25	246.50	33
	Belvederes	25	203.50	28
	Presidentes	25	212.50	28
	Cano Special	25	195.00	25
	Camelia	50	176.00	22
Caracol	Fancy Tales	25	368.50	50
	Petit Coronas	25	225.00	30
	Caracol Special.	50	190.00	25
	Camelia	50	150.00	20
Potosi	Perlas	50	135.00	17

(b) The importer and wholesalers shall grant, with respect to their sales of each brand and frontmark of imported cigars for which maximum prices are established by this order, the discounts they customarily granted during March 1942 on their sales of imported cigars of the same price class to purchasers of the same class, unless a change therein results in a lower price. Packing differentials charged by the importer or a wholesaler during March 1942 on sales of imported cigars of the same price class to purchasers of the same class may be charged on corresponding sales of each brand and frontmark of cigars priced by this order, but shall not be increased. Packing differentials allowed by the importer or a wholesaler during March 1942 on sales of imported cigars of the same price class to purchasers of the same class shall be allowed on corresponding sales of each brand and frontmark of cigars priced by this order and shall not be reduced. If a brand or frontmark of imported cigars for which maximum prices are established by this order is of a price class not sold by the importer or the particular wholesaler during March 1942, he shall, with respect to his sales thereof, grant the discounts and may charge and shall allow the packing differentials customarily granted, charged or allowed (as the case may be) during March 1942 by his most closely competitive seller of the same class on sales of imported cigars of the same price class to purchasers of the same class.

(c) On or before the first delivery to any purchaser of each brand and frontmark of imported cigars for which maximum prices are established by this order, the importer and every other seller (except a retailer) shall notify the purchaser of the maximum list price and the maximum retail price established by this order for such brand and frontmark of imported cigars. The notice shall conform to and be given in the manner prescribed by § 1358.113 of Maximum Price Regulation No. 260, as amended.

(d) Unless the context otherwise requires, the provisions of Maximum Price Regulation No. 260, as amended, shall apply to sales for which maximum prices are established by this order.

(e) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective August 1, 1945.

Issued this 31st day of July 1945.

JAMES F. BROWNLEE,
Acting Administrator.

[F. R. Doc. 45-14099; Filed, July 31, 1945; 4:01 p. m.]

[MPR 260, Order 1663]

DEL VALLE CIGAR FACTORY

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion accompanying this order, and pursuant to § 1358.102 (b) of Maximum Price Regulation No. 260; *It is ordered*, That:

(a) Del Valle Cigar Factory, 2119 Main Street, Tampa, Fla., (hereinafter called "manufacturer") and wholesalers and retailers may sell, offer to sell or deliver and any person may buy, offer to buy or receive each brand and size or frontmark, and packing of the following domestic cigars at the appropriate maximum list price and maximum retail price set forth below:

Brand	Size or frontmark	Packing	Maximum list price	Maximum retail price
			Per M	*Cents*
Coronas Medias	5"	50	$146.00	19
Londres	4¾"	50	154.00	20
Londres Segundos	4¾"	50	101.25	2 for 27
Cadets	5"	50	93.75	2 for 25
Panetela Charta	5¼"	50	146.00	19
Panetela B	4⅞"	50	134.00	2 for 35
Panetela Segundas	5¼"	50	169.00	22
Pee Wee	Pee Wee	50	72.00	9
Queens Tercero	5"	50	154.00	20
Plna Grande	McKays	50	138.00	18
Panetelas	Del Valle Specials.	50	169.00	22
Brevas	5¼"	50	169.00	22
Epicures	5¼"	50	134.50	2 for 35
Coronas	Coronas	50	169.00	22

(b) The manufacturer and wholesalers shall grant, with respect to their sales of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the discounts they customarily granted in March 1942 on their sales of domestic cigars of the same price class to purchasers of the same class, unless a change therein results in a lower price. Packing differentials charged by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class may be charged on corresponding sales of each brand and size or frontmark of cigars priced by this order, but shall not be increased. Packing differentials allowed by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class shall be allowed on corresponding sales of each brand and size or frontmark of cigars priced by this order and shall not be reduced. If a brand and size or frontmark of domestic cigars for which maximum prices are established by this order is of a price class not sold by the manufacturer or the particular wholesaler in March 1942, he shall, with respect to his sales thereof, grant the discounts and may charge and shall allow the packing differentials customarily granted, charged or allowed (as the case may be) in March 1942 by his most closely competitive seller of the same class on sales of domestic cigars of the same March 1942 price class to purchasers of the same class.

(c) On or before the first delivery to any purchaser of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the manufacturer and every other seller (except a retailer) shall notify the purchaser of the maximum list price and the maximum retail price established by this order for such brand and size or frontmark of domestic cigars. The notice shall conform to and be given in the manner prescribed by § 1358.113 of Maximum Price Regulation No. 260.

(d) Unless the context otherwise requires, appropriate provisions of Maximum Price Regulation No. 260, shall apply to sales for which maximum prices are established by this order.

(e) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective August 1, 1945.

Issued this 31st day of July 1945.

JAMES F. BROWNLEE,
Acting Administrator.

[F. R. Doc. 45-14101; Filed, July 31, 1945; 4:02 p. m.]

[MPR 580, Amdt. 1 to Order 61]

PORTIS BROTHERS HAT CO.

ESTABLISHMENT OF MAXIMUM PRICES

Maximum Price Regulation 580, Order No. 61, Amendment 1. Establishing ceiling prices at retail for branded articles. Docket No. 6063-580-13-89.

For the reasons set forth in an opinion issued simultaneously herewith, Order No. 61 under section 13 of Maximum Price Regulation 580 is amended as follows:

Paragraph (a) is amended by adding the following ceiling price at retail for the article described below:

Article	Brand name	Manufacturer's price line	Ceiling price at retail
		Per dozen	*Per unit*
Caps	Hugger	$8.50	$1.25

This amendment shall become effective August 1, 1945.

Issued this 31st day of July 1945.

JAMES F. BROWNLEE,
Acting Administrator.

[F. R. Doc. 45-14107; Filed, July 31, 1945; 4:08 p. m.]

[MPR 188, Order 106 Under Order A-2]

STODDARD MFG. CO.

ADJUSTMENT OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register and pursuant to paragraph (a) (16) of Order A-2 under § 1499.159b of Maximum Price Regulation No. 188, it is ordered:

(a) *Manufacturer's maximum prices.* Stoddard Manufacturing Co., 617 4th Street, Southwest, Mason City, Iowa, may add an adjustment charge of $3.26 per unit to its maximum price in effect prior to the issuance of this order for sales and deliveries to wholesale distributors of the Model 6B Lockerator Ice Refrigerator which it manufactures. This adjustment may be made and collected only if it is separately stated on each invoice. The adjusted maximum price is subject to the manufacturer's customary terms, discounts, allowances, and other price differentials in effect during March 1942.

(b) *Maximum prices for sales at wholesale.* The ceiling price for sales at wholesale of the icebox identified above is 65% of the retail base price shown in Column I of Table C of Maximum Price Regulation No. 399 plus the difference between the base price and the retail ceiling price, for the state in which the wholesaler's warehouse is located.

(c) *Maximum prices for sales at retail.* The ceiling prices for sales at retail of the ice box identified above are the prices set forth in Amendment No. 21 to Revised Maximum Price Regulation No. 399 effective July 25, 1945.

(d) *Notification.* At the time of or prior to the first invoice to a purchaser for resale on and after the effective date of this order showing a price determined in accordance with the terms of this order, the seller shall give his purchaser the following notice:

NOTICE OF OPA ADJUSTMENT

Our ceiling price for the Lockerator ice box was determined under Order No. 106 under MPR 188.

(e) All requests for adjustment of maximum prices not specifically granted by this order are hereby denied.

(f) This order may be revoked or amended by the Price Administrator at any time.

(g) This order shall become effective on the 1st day of August 1945.

Issued this 1st day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-14142; Filed, Aug. 1, 1945; 11:18 a. m.]

[MPR 260, Order 1688]

BURG CIGAR CO.

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion accompanying this order, and pursuant to § 1358.102 (b) of Maximum Price Regulation No. 260; *It is ordered*, That:

(a) Burg Cigar Co., East Prospect, Pa. (hereinafter called "manufacturer") and wholesalers and retailers may sell, offer to sell or deliver and any person may buy, offer to buy or receive each brand and size or frontmark, and packing of the following domestic cigars at the appropriate maximum list price and maximum retail price set forth below:

Brand	Size or frontmark	Packing	Maximum list price	Maximum retail price
			Per M	*Cents*
Ideal Garcia	Invincible	50	$64	

(b) The manufacturer and wholesalers shall grant, with respect to their sales of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the discounts they customarily granted in March 1942 on their sales of domestic cigars of the same price class to purchasers of the same class, unless a change therein results in a lower price. Packing differentials charged by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class may be charged on corresponding sales of each brand and size or frontmark of cigars priced by this order, but shall not be increased. Packing differentials allowed by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class shall be allowed on corresponding sales of each brand and size or frontmark of cigars priced by this order and shall not be reduced. If a brand and size or frontmark of domestic cigars for which maximum prices are established by this order is of a price class not sold by the manufacturer or the particular wholesaler in March 1942, he shall, with respect to his sales thereof, grant the discounts and may charge and shall allow the packing differentials customarily granted, charged or allowed (as the case may be) in March 1942 by his most closely competitive seller of the same class on sales of domestic cigars of the same March 1942 price class to purchasers of the same class.

(c) On or before the first delivery to any purchaser of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the manufacturer and every other seller (except a retailer) shall notify the purchaser of the maximum list price and the maximum retail price established by this order for such brand and size or frontmark of domestic cigars. The notice shall conform to and be given in the manner prescribed by § 1358.113 of Maximum Price Regulation No. 260.

(d) Unless the context otherwise requires, appropriate provisions of Maximum Price Regulation No. 260, shall apply to sales for which maximum prices are established by this order.

(e) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective August 2, 1945.

Issued this 1st day of August 1945.

JAMES F. BROWNLEE,
Acting Administrator.

[F. R. Doc. 45-14143; Filed, Aug. 1, 1945; 11:18 a. m.]

[MPR 260, Order 1689]

FRANCISCO FIGUEROA CALLABO

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion accompanying this order, and pursuant to § 1358.102 (b) of Maximum Price Regulation No. 260; *It is ordered*, That:

(a) Francisco Figueroa Callabo, Juana Diaz, P. R. (hereinafter called "manufacturer") and wholesalers and retailers may sell, offer to sell or deliver and any person may buy, offer to buy or receive each brand and size or frontmark, and packing of the following domestic cigars at the appropriate maximum list price and maximum retail price set forth below:

Brand	Size or frontmark	Packing	Maximum list price	Maximum retail price
			Per M	*Cents*
Francisco Figueroa	Brevas 4½"...	50	$40	5
	Brevas 4"...	50	32	4

be increased. Packing differentials allowed by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class shall be allowed on corresponding sales of each brand and size or frontmark of cigars priced by this order and shall not be reduced. If a brand and size or frontmark of domestic cigars for which maximum prices are established by this order is of a price class not sold by the manufacturer or the particular wholesaler in March 1942, he shall, with respect to his sales thereof, grant the discounts and may charge and shall allow the packing differentials customarily granted, charged or allowed (as the case may be) in March 1942 by his most closely competitive seller of the same class on sales of domestic cigars of the same March 1942 price class to purchasers of the same class.

(c) On or before the first delivery to any purchaser of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the manufacturer and every other seller (except a retailer) shall notify the purchaser of the maximum list price and the maximum retail price established by this order for such brand and size or frontmark of domestic cigars. The notice shall conform to and be given in the manner prescribed by § 1358.113 of Maximum Price Regulation No. 260.

(d) Unless the context otherwise requires, appropriate provisions of Maximum Price Regulation No. 260, shall apply to sales for which maximum prices are established by this order.

(e) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective August 2, 1945.

Issued this 1st day of August 1945.

JAMES F. BROWNLEE,
Acting Administrator.

[F. R. Doc. 45-14144; Filed, Aug. 1, 1945; 11:18 a. m.]

[MPR 260, Order 1690]

DIAZ & BORREGO CIGAR CO.

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion accompanying this order, and pursuant to § 1358.102 (b) of Maximum Price Regulation No. 260; *It is ordered*, That:

(a) Diaz & Borrego Cigar Co., 2705-12th St. Tampa, Fla. (hereinafter called "manufacturer") and wholesalers and retailers may sell, offer to sell or deliver and any person may buy, offer to buy or receive each brand and size or frontmark, and packing of the following domestic cigars at the appropriate maximum list price and maximum retail price set forth below:

Brand	Size or frontmark	Packing	Maximum list price	Maximum retail price
			Per M	*Cents*
Vuelta Blend	Corona Chica	50	$93.75	2 for 25
	Kings	50	105.00	14

(b) The manufacturer and wholesalers shall grant, with respect to their sales of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the discounts they customarily granted in March 1942 on their sales of domestic cigars of the same price class to purchasers of the same class, unless a change therein results in a lower price. Packing differentials charged by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class may be charged on corresponding sales of each brand and size or frontmark of cigars priced by this order, but shall not be increased. Packing differentials allowed by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class shall be allowed on corresponding sales of each brand and size or frontmark of cigars priced by this order and shall not be reduced. If a brand and size or frontmark of domestic cigars for which maximum prices are established by this order is of a price class not sold by the manufacturer or the particular wholesaler in March 1942, he shall, with respect to his sales thereof, grant the discounts and may charge and shall allow the packing differentials customarily granted, charged or allowed (as the case may be) in March 1942 by his most closely competitive seller of the same class on sales of domestic cigars of the same March 1942 price class to purchasers of the same class.

(c) On or before the first delivery to any purchaser of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the manufacturer and every other seller (except a retailer) shall notify the purchaser of the maximum list price and the maximum retail price established by this order for such brand and size or frontmark of domestic cigars. The notice shall conform to and be given in the manner prescribed by § 1358.113 of Maximum Price Regulation No. 260.

(d) Unless the context otherwise requires, appropriate provisions of Maximum Price Regulation No. 260, shall apply to sales for which maximum prices are established by this order.

(e) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective August 2, 1945.

Issued this 1st day of August 1945.

JAMES F. BROWNLEE,
Acting Administrator.

[F. R. Doc. 45-14145; Filed, Aug. 1, 1945; 11:19 a. m.]

[MPR 260, Order 1691]

GENOVEVA HERNANDEZ

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion accompanying this order, and pursuant to § 1358.102 (b) of Maximum Price Regulation No. 260; *It is ordered*, That:

(a) Genoveva Hernandez, Jose de Diego St., Cayey, P. R. (hereinafter called "manufacturer") and wholesalers and retailers may sell, offer to sell or deliver and any person may buy, offer to buy or receive each brand and size or frontmark, and packing of the following domestic cigars at the appropriate maximum list price and maximum retail price set forth below:

Brand	Size or frontmark	Packing	Maximum list price	Maximum retail price
			Per M	*Cents*
Genoveva Hernandez.	Perfecto	50	$67.50	13
	Media Corona	50	93.75	2 for 25
	Corona	50	134.00	17

(b) The manufacturer and wholesalers shall grant, with respect to their sales of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the discounts they customarily granted in March 1942 on their sales of domestic cigars of the same price class to purchasers of the same class, unless a change therein results in a lower price. Packing differentials charged by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class may be charged on corresponding sales of each brand and size or frontmark of cigars priced by this order, but shall not be increased. Packing differentials allowed by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class shall be allowed on corresponding sales of each brand and size or frontmark of cigars priced by this order and shall not be reduced. If a brand and size or frontmark of domestic cigars for which maximum prices are established by this order is of a price class not sold by the manufacturer or the particular wholesaler in March 1942, he shall, with respect to his sales thereof, grant the discounts and may charge and shall allow the packing differentials customarily granted, charged or allowed (as the case may be) in March 1942 by his most closely competitive seller of the same class on sales of domestic cigars of the same March 1942 price class to purchasers of the same class.

(c) On or before the first delivery to any purchaser of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the manufacturer and every other seller (except a retailer) shall notify the purchaser of the maximum list price and the maximum retail price established by this order for such brand and size or frontmark of domestic cigars. The notice shall conform to and be given in the manner prescribed by § 1358.113 of Maximum Price Regulation No. 260.

(d) Unless the context otherwise requires, appropriate provisions of Maximum Price Regulation No. 260, shall apply to sales for which maximum prices are established by this order.

(e) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective August 2, 1945.

Issued this 1st day of August 1945.

JAMES F. BROWNLEE,
Acting Administrator.

[F. R. Doc. 45-14146; Filed, Aug. 1, 1945; 11:19 a. m.]

[MPR 260, Order 1692]

JUSTINO BETANCOURT

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion accompanying this order, and pursuant to § 1358.102 (b) of Maximum Price Regulation No. 260; *It is ordered*, That:

(a) Justino Betancourt, Bo Llanas, Coamo, P. R. (hereinafter called "manufacturer") and wholesalers and retailers may sell, offer to sell or deliver and any person may buy, offer to buy or receive each brand and size or frontmark, and packing of the following domestic cigars at the appropriate maximum list price and maximum retail price set forth below:

Brand	Size or frontmark	Packing	Maximum list price	Maximum retail price
			Per M	*Cents*
Justino Betancourt.	Corona 5"	50	$64	8
	Tiburon	50	40	5
	Corona 4¾"	50	56	7

(b) The manufacturer and wholesalers shall grant, with respect to their sales of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the discounts they customarily granted in March 1942 on their sales of domestic cigars of the same price class to purchasers of the same class, unless a change therein results in a lower price. Packing differentials charged by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class may be charged on corresponding sales of each brand and size or frontmark of cigars priced by this order, but shall not be increased. Packing differentials allowed by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class shall be allowed on corresponding sales of each brand and size or frontmark of cigars priced by this order and shall not be reduced. If a brand and size or frontmark of domestic cigars for which maximum prices are established by this order is of a price class not sold by the manufacturer or the particular wholesaler in March 1942, he shall, with respect to his sales thereof, grant the discounts and may charge and shall allow the packing differentials customarily granted, charged or allowed (as the case may be) in March 1942 by his most closely competitive seller of the same class on sales of domestic cigars of the same March 1942 price class to purchasers of the same class.

(c) On or before the first delivery to any purchaser of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the manufacturer and every other seller (except a retailer) shall notify the purchaser of the maximum list price and the maximum retail price established by this order for such brand and size or frontmark of domestic cigars. The notice shall conform to and be given in the manner prescribed by § 1358.113 of Maximum Price Regulation No. 260.

(d) Unless the context otherwise requires, appropriate provisions of Maximum Price Regulation No. 260, shall apply to sales for which maximum prices are established by this order.

(e) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective August 2, 1945.

Issued this 1st day of August 1945.

JAMES F. BROWNLEE,
Acting Administrator.

[F. R. Doc. 45-14147; Filed, Aug. 1, 1945; 11:19 a. m.]

[MPR 260, Order 1693]

LA GARANTIA CIGAR FACTORY

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion accompanying this order, and pursuant to § 1358.102 (b) of Maximum Price Regulation No. 260, *It is ordered*, That:

(a) La Garantia Cigar Factory, 1907 N. Howard Avenue, Tampa 7, Fla. (hereinafter called "manufacturer") and wholesalers and retailers may sell, offer to sell or deliver and any person may buy, offer to buy or receive each brand and size or frontmark, and packing of the following domestic cigars at the appropriate maximum list price and maximum retail price set forth below:

Brand	Size or frontmark	Packing	Maximum list price	Maximum retail price
			Per M	*Cents*
Garantia	Sargentos	50	$90	12
	Coronas	50	115	15
	Ravitos	50	90	12
	Bankers	50	105	14

(b) The manufacturer and wholesalers shall grant, with respect to their sales of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the discounts they customarily granted in March 1942 on their sales of domestic cigars of the same price class to purchasers of the same class, unless a change therein results in a lower price. Packing differentials charged by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class may be charged on corresponding sales of each brand and size or frontmark of cigars priced by this order, but shall not be increased. Packing differentials allowed by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class shall be allowed on corresponding sales of each brand and size or frontmark of cigars priced by this order and shall not be reduced. If a brand and size or frontmark of domestic cigars for which maximum prices are established by this order is of a price class not sold by the manufacturer or the particular wholesaler in March 1942, he shall, with respect to his sales thereof, grant the discounts and may charge and shall allow the packing differentials customarily granted, charged or allowed (as the case may be) in March 1942 by his most closely competitive seller of the same class on sales of domestic cigars of the same March 1942 price class to purchasers of the same class.

(c) On or before the first delivery to any purchaser of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the manufacturer and every other seller (except a retailer) shall notify the purchaser of the maximum list price and the maximum retail price established by this order for such brand and size or frontmark of domestic cigars. The notice shall conform to and be given in the manner prescribed by § 1358.113 of Maximum Price Regulation No. 260.

(d) Unless the context otherwise requires, appropriate provisions of Maximum Price Regulation No. 260, shall apply to sales for which maximum prices are established by this order.

(e) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective August 2, 1945.

Issued this 1st day of August 1945.

JAMES F. BROWNLEE,
Acting Administrator.

[F. R. Doc. 45-14148; Filed, Aug. 1, 1945; 11:20 a. m.]

RITA RAMIREZ

[MPR 260, Order 1694]

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion accompanying this order, and pursuant to § 1358.102 (b) of Maximum Price Regulation No. 260; *It is ordered*, That:

(a) Rita Ramirez, 83 Mayor Cantera St., Ponce, P. R. (hereinafter called "manufacturer") and wholesalers and retailers may sell, offer to sell or deliver and any person may buy, offer to buy or receive each brand and size of frontmark, and packing of the following domestic cigars at the appropriate maximum list price and maximum retail price set forth below:

Brand	Size or frontmark	Packing	Maximum list price	Maximum retail price
			Per M	*Cents*
Rita Ramirez	Corona 4¾"	50	$44	2 for 11

(b) The manufacturer and wholesalers shall grant, with respect to their sales of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the discounts they customarily granted in March 1942 on their sales of domestic cigars of the same price class to purchasers of the same class, unless a change therein results in a lower price. Packing differentials charged by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class may be charged on corresponding sales of each brand and size or frontmark of cigars priced by this order, but shall not be increased. Packing differentials allowed by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class shall be allowed on corresponding sales of each brand and size or frontmark of cigars priced by this order and shall not be reduced. If a brand and size or frontmark of domestic cigars for which maximum prices are established by this order is of a price class not sold by the manufacturer or the particular wholesaler in March 1942, he shall, with respect to his sales thereof, grant the discounts and may charge and shall allow the packing differentials customarily granted, charged or allowed (as the case may be) in March 1942 by his most closely competitive seller of the same class on sales of domestic cigars of the same March 1942 price class to purchasers of the same class.

(c) On or before the first delivery to any purchaser of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the manufacturer and every other seller (except a retailer) shall notify the purchaser of the maximum list price and the maximum retail price established by this order for such brand and size or frontmark of domestic cigars. The notice shall conform to and be given in the manner prescribed by § 1358.113 of Maximum Price Regulation No. 260.

(d) Unless the context otherwise requires, appropriate provisions of Maximum Price Regulation No. 260, shall apply to sales for which maximum prices are established by this order.

(e) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective August 2, 1945.

Issued this 1st day of August 1945.

JAMES F. BROWNLEE,
Acting Administrator.

[F. R. Doc. 45-14149; Filed, Aug. 1, 1945; 11:20 a. m.]

[MPR 260, Order 1695]

GREGORIO BERMUDEZ FLORES

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion accompanying this order, and pursuant to § 1358.102 (b) of Maximum Price Regulation No. 260; *It is ordered*, That:

(a) Gregorio Bermudez Flores, Bo. Coqui, Cayey, P. R. (hereinafter called "manufacturer") and wholesalers and retailers may sell, offer to sell or deliver and any person may buy, offer to buy or receive each brand and size or frontmark, and packing of the following domestic cigars at the appropriate maximum list price and maximum retail price set forth below:

Brand	Size or frontmark	Packing	Maximum list price	Maximum retail price
			Per M	*Cents*
Gregorio Bermudez Flores.	Breva Chica	50	$50	4 for 25
	Corona	50	60	2 for 15

(b) The manufacturer and wholesalers shall grant, with respect to their sales of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the discounts they customarily granted in March 1942 on their sales of domestic cigars of the same price class to purchasers of the same class, unless a change therein results in a lower price. Packing differentials charged by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class may be charged on corresponding sales of each brand and size or frontmark of cigars priced by this order, but shall not be increased. Packing differentials allowed by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class shall be allowed on corresponding sales of each brand and size or frontmark of cigars priced by this order and shall not be reduced. If a brand and size or frontmark of domestic cigars for which maximum prices are established by this order is of a price class not sold by the manufacturer or the particular wholesaler in March 1942, he shall, with respect to his sales thereof, grant the discounts and may charge and shall allow the packing differentials customarily granted, charged or allowed (as the case may be) in March 1942 by his most closely competitive seller of the same class on sales of domestic cigars of the same March 1942 price class to purchasers of the same class.

(c) On or before the first delivery to any purchaser of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the manufacturer and every other seller (except a retailer) shall notify the purchaser of the maximum list price and the maximum retail price established by this order for such brand and size or frontmark of domestic cigars. The notice shall conform to and be given in the manner prescribed by § 1358.113 of Maximum Price Regulation No. 260.

(d) Unless the context otherwise requires, appropriate provisions of Maximum Price Regulation No. 260, shall apply to sales for which maximum prices are established by this order.

(e) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective August 2, 1945.

Issued this 1st day of August 1945.

JAMES F. BROWNLEE,
Acting Administrator.

[F. R. Doc. 45-14150; Filed, Aug. 1, 1945; 11:20 a. m.]

[MPR 260, Order 1696]

NICOLAS ORTIZ

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion accompanying this order, and pursuant to § 1358.102 (b) of Maximum Price Regulation No. 260; *It is ordered*, That:

(a) Nicolas Ortiz, Calles Octavio Rivera #4, Patillas, P. R. (hereinafter called "manufacturer") and wholesalers and retailers may sell, offer to sell or deliver and any person may buy, offer to buy or receive each brand and size or frontmark, and packing of the following domestic cigars at the appropriate maximum list price and maximum retail price set forth below:

Brand	Size or frontmark	Packing	Maximum list price	Maximum retail price
			Per M	*Cents*
Nicolas Ortiz	Tocas	50	$48	6

(b) The manufacturer and wholesalers shall grant, with respect to their sales of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the discounts they customarily granted in March 1942 on their sales of domestic cigars of the same price class to purchasers of the same class, unless a change therein results in a lower price. Packing differentials charged by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class shall be allowed on corresponding sales of each brand and size or frontmark of cigars priced by this order and shall not be reduced. If a brand and size or frontmark of domestic cigars for which maximum prices are established by this order is of a price class not sold by the manufacturer or the particular wholesaler in March 1942, he shall, with respect to his sales thereof, grant the discounts and may charge and shall allow the packing differentials customarily granted, charged or allowed (as the case may be) in March 1942 by his most closely competitive seller of the same class on sales of domestic cigars of the same March 1942 price class to purchasers of the same class.

(c) On or before the first delivery to any purchaser of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the manufacturer and every other seller (except a retailer) shall notify the purchaser of the maximum list price and the maximum retail price established by this order for such brand and size or frontmark of domestic cigars. The notice shall conform to and be given in the manner prescribed by § 1358.113 of Maximum Price Regulation No. 260.

(d) Unless the context otherwise requires, appropriate provisions of Maximum Price Regulation No. 260 shall apply to sales for which maximum prices are established by this order.

(e) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective August 2, 1945.

Issued this 1st day of August 1945.

JAMES F. BROWNLEE,
Acting Administrator.

[F. R. Doc. 45-14151; Filed, Aug. 1, 1945; 11:20 a. m.]

[MPR 120, Order 1438]

ALLEGHENY RIVER MINING CO., ET AL.

ESTABLISHMENT OF MAXIMUM PRICES AND PRICE CLASSIFICATIONS

For the reasons set forth in the opinion issued simultaneously herewith, and in accordance with § 1340.212 (c) of Maximum Price Regulation No. 120; *It is ordered:*

(1) Coals produced by strip mining in District No. 1 which are processed in preparation plants of the following producers operated as adjuncts of the mines identified by the following index numbers may be sold at prices determined as if the coal were produced at a deep mine of the same classification:

Name	Index Nos.
Allegheny River Mining Co., 1614 Eye St. NW., Washington, D. C.	329, 433, 3521, 76, 5390, 5319.
Freebrook Corp., 1614 Eye St. NW., Washington, D. C.	368.
Hallet Coal Co., 1614 Eye St. NW., Washington, D. C.	433, 3521.
Boron Bros. Coal Co., c/o Maust Coal & Coke Co., 60 Wall Tower, New York, N. Y.	341.
Brookwood Shaft, Inc., Houtzdale, Pa	67.
W. O. Gulbranson, Inc., Houtzdale, Pa	224, 225.
Central Moshannon Coal Co., Houtzdale, Pa	86.
Carrolltown Coal Co., c/o Peale Peacock & Kerr, 420 Lexington Ave., New York, N. Y.	522.
Cherrytree Coal Co., c/o Peale Peacock & Kerr, 420 Lexington Ave., New York, N. Y.	525.
Dahlin Bros., Houtzdale, Pa	490, 339.
Bradford Coal Co., Bigler, Pa	589.
Marion Coal Co., Beaverdale, Pa	5160, 5161, 5435, 5436.
Dugan Coal Mining Co., Osceola Mills, Pa	654.
Fall Brook Coal Co., Antrim, Pa	1539, 841, 572.
F. R. & H. L. Harrington, Adams, Mass	198.
Hawkrun Coal Mining Co., Philipsburg, Pa	98.
Juliette C. Margiotti, President, Juliette Coal Co., 830 Grant Bldg., Pittsburgh, Pa.	4007, 5110.
Lamkie Coal Co., Glen Campbell, Pa	2753, 3674, 2701, 3673, 1888, 2719, 1833.
Lee Hollow Coal Co., 34 North Second St., Clearfield, Pa.	5136, 5137.
The Morrisdale Coal Mining Co., Real Estate Trust Bldg., Philadelphia, Pa.	125, 722.
Morris Run Coal Mining Co., Miners Bank Bldg., Wilkes-Barre, Pa.	335, 455.
Peale Peacock & Kerr, Inc., 420 Lexington Ave., New York, N. Y.	526, 590.
Rochester & Pittsburgh Coal Co., c/o Heath S. Clark, 420 Lexington Ave., New York, N. Y.	247, 5013.
Superior Smokeless Coal Co., Brush Valley, Indiana County, Pa.	596, 5021.
J. William Wetter, President, Rockhill Coal Co., 1421 Chestnut St., Philadelphia, Pa.	436, 437, 441, 612.
Springfield Coal Corp., c/o Rembrandt Peale, Jr., 420 Lexington Ave., New York, N. Y.	479, 281, 153.
The Arcadia Co., Indiana, Pa	5429, 719, 750, 5190, 5403.
Zacherl Coal Co., Titusville, Pa	3976.

(2) Prices established by this order for the strip mined coals of the above mines shall be the maximum prices for these coals for so long as present quality and preparation standards are maintained.

(3) All invoices in connection with the coals priced under this order shall state that the price charged was established by Order No. 1438 under Maximum Price Regulation No. 120.

(4) This order may be revoked or amended by the Price Administrator at any time.

(5) Except as specifically provided in this order, the provisions of Maximum Price Regulation No. 120 shall remain in effect.

This order shall become effective August 1, 1945.

Issued this 1st day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-14178; Filed, Aug. 1, 1945; 4:02 p. m.]

[MPR 120, Order 1439]

TASA COAL CO., ET AL.

ESTABLISHMENT OF MAXIMUM PRICES AND PRICE CLASSIFICATIONS

For the reasons set forth in the opinion issued simultaneously herewith, and in accordance with § 1340.215 (c) of Maximum Price Regulation No. 120, *It is ordered:*

(1) Coals produced by strip mining in District No. 4 which are processed in preparation plants of the following producers operated as adjuncts of the mines identified by the following index numbers may be sold at prices determined as if the coal were produced at a deep mine of the same classifications:

Name	Index Nos.
Tasa Coal Co., Zellenople, Pa.	122.
M. L. French Coal Co., Pomeroy, Ohio.	113, 2577.
Hanna Coal Co., Leader Bldg., Cleveland, Ohio.	43, 163.
The Jefferson Coal Co., c/o Hanna Coal Co., Leader Bldg., Cleveland, Ohio.	107, 176, 3132, 4091.
The Lorain Coal & Dock Co., 1343 Terminal Tower, Cleveland, Ohio.	21, 128.

(2) Prices established by this order for the strip mined coals of the above mines shall be the maximum prices for these coals for so long as present quality and preparation standards are maintained.

(3) All invoices in connection with the coals priced under this order shall state that the price charged was established by Order No. 1439 under Maximum Price Regulation No. 120.

(4) This order may be revoked or amended by the Price Administrator at any time.

(5) Except as specifically provided in this order, the provisions of Maximum Price Regulation No. 120 shall remain in effect.

This order shall become effective August 1, 1945.

Issued this 1st day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-14179; Filed, Aug. 1, 1945; 4:03 p. m.]

[MPR 188, Order 4184]

IRVING SCHNEIDER

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.158 of Maximum Price Regulation No. 188, *It is ordered:*

(a) This order establishes maximum prices for sales and deliveries of certain articles manufactured by Irving Schneider, 135 East 12th Street, New York 2, New York.

(1) For all sales and deliveries to the following classes of purchasers by the sellers indicated below, the maximum prices are those set forth below:

Article	Model No.	For sales by the manufacturer		For sales by any person to consumers
		To jobbers	To retailers	
		Each	*Each*	*Each*
Crystal table lamp with swirl column, hobnail ball break and marble base	203	$4.00	$4.78	$8.60
Crystal table lamp with fluted opal column and marble base	202	4.09	4.81	8.65
Crystal table lamp with Rogers gold metal breaks, fluted crystal column and marble base	201	4.80	5.75	10.35
Crystal table lamp with crystal base	207	2.60	3.13	5.60
Crystal Vanity Lamps with fluted tubes and hobnail bases and breaks.	201 205 206	1.00	1.25	2.25

These maximum prices are for the articles described in the manufacturer's application dated April 23, 1945.

(2) For sales by the manufacturer, the maximum prices apply to all sales and deliveries since Maximum Price Regulation No. 188 became applicable to those sales and deliveries. For sales to persons other than consumers they are f. o. b. factory, 2% 10 days, net 30. The maximum price to consumers is net, delivered.

(3) For sales by persons other than the manufacurer, the maximum prices apply to all sales and deliveries after the effecti vedate o fthis order. Those prices are subject to each seller's customary terms and conditions of sale on sales of similar articles.

(4) If the manufacturer wishes to make sales and deliveries to any other class of purchaser or on other terms and conditions of sale, he must apply to the Office of Price Administration, Washington, D. C., under the Fourth Pricing Method, § 1499.158 of Maximum Price Regulation No. 188, for the establishment of maximum prices for those sales, and no sales or deliveries may be made until maximum prices have been authorized by the Office of Price Administration.

(b) The manufacturer shall attach a tag or label to every article for which a maximum price for sales to consumers is established by this order. That tag or label shall contain the following statement, with the proper model number and the ceiling price inserted in the blank spaces:

Model No. ------
OPA Retail Ceiling Price—$------
Do Not Detach

(c) At the time of, or prior to, the first invoice to each purchaser for resale, the seller shall notify the purchaser in writing of the maximum prices and conditions established by this order for sales by the purchaser. This notice may be given in any convenient form.

(d) Jobber's maximum prices for sales of the articles covered by this order shall be established under the provisions of Section 4.5 of SR 14J.

(e) This order may be revoked or amended by the Price Administrator at any time.

(f) This order shall become effective on the 2d day of August 1945.

Issued this 1st day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-14181; Filed, Aug. 1, 1945; 4:03 p. m.]

[MPR 188, Order 4185]

UNIVERSAL SHEET METAL CO.

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.158 of Maximum Price Regulation No. 188; *It is ordered:*

(a) This order establishes maximum prices for sales and deliveries of certain articles manufactured by Universal Sheet Metal Company, 501–2–3 Sinclair Building, Fort Worth 2, Tex.

(1) For all sales and deliveries to the following classes of purchasers by the sellers indicated below, the maximum prices are those set forth below:

Article	Number	Maximum prices for sales by all persons to—		
		Wholesalers	Retailers	Consumers
		Each	*Each*	*Each*
Cigarette lighter	"Texlifter" No. 1.	$0.75	$1.00	$1.70

These maximum prices are for the articles described in the manufacturer's application dated June 16, 1945.

(2) For sales by the manufacturer, the maximum prices apply to all sales and deliveries since Maximum Price Regulation No. 188 became applicable to those sales and deliveries. For sales to persons other than consumers they are f. o. b. factory, 2% 10 days, net 30. The maximum price to consumers is net, delivered.

(3) For sales by persons other than the manufacturer, the maximum prices apply to all sales and deliveries after the effective date of this order. Those prices are subject to each seller's customary terms and conditions of sale on sales of similar articles.

(4) If the manufacturer wishes to make sales and deliveries to any other class of purchaser or on other terms and conditions of sale, he must apply to the Office of Price Administration, Washington, D. C., under the Fourth Pricing Method, § 1499.158 of Maximum Price Regulation No. 188, for the establishment of maximum prices for those sales, and no sales or deliveries may be made until maximum prices have been authorized by the Office of Price Administration.

(b) The manufacturer shall attach a tag or label to every article for which a maximum price for sales to consumers is established by this order. That tag or label shall contain the following statement:

OPA Retail Ceiling Price—$1.70 Each
Do Not Detach

(c) At the time of, or prior to, the first invoice to each purchaser for resale, the seller shall notify the purchaser in writing of the maximum prices and conditions established by this order for sales by the purchaser. This notice may be given in any convenient form.

(d) This order may be revoked or amended by the Price Administrator at any time.

(e) This order shall become effective on the 2d day of August 1945.

Issued this 1st day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-14182; Filed, Aug. 1, 1945; 4:04 p. m.]

[MPR 188, Order 4187]

DORSEY WALKER CORP.

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.158 of Maximum Price Regulation No. 188; *It is ordered:*

(a) This order establishes maximum prices for sales and deliveries of certain articles manufactured by Dorsey Walker Corporation, 155 West 29th Street, New York 1, N. Y.

(1) For all sales and deliveries to the following classes of purchasers by the sellers indicated below, the maximum prices are those set forth below:

Article	Number	Maximum prices for sales by all persons to—		
		Wholesalers	Retailers	Consumers
Cigarette lighter	"Dorsey" No. 1.	*Each* $2.02	*Each* $2.70	*Each* $4.50

These maximum prices are for the articles described in the manufacturer's application dated July 10, 1945.

(2) For sales by the manufacturer, the maximum prices apply to all sales and deliveries since Maximum Price Regulation No. 188 became applicable to those sales and deliveries. For sales to persons other than consumers they are f. o. b. factory, 2% 10 days, net 30. The maximum price to consumers is net, delivered.

(3) For sales by persons other than the manufacturer, the maximum prices apply to all sales and deliveries after the effective date of this order. Those prices are subject to each seller's customary terms and conditions of sale on sales of similar articles.

(4) If the manufacturer wishes to make sales and deliveries to any other class of purchaser or on other terms and conditions of sale, he must apply to the Office of Price Administration, Washington, D. C., under the Fourth Pricing Method, § 1499.158 of Maximum Price Regulation No. 188, for the establishment of maximum prices for those sales, and no sales or deliveries may be made until maximum prices have been authorized by the Office of Price Administration.

(b) The manufacturer shall attach a tag or label to every article for which a maximum price for sales to consumers is established by this order. That tag or label shall contain the following statement:

OPA Retail Ceiling Price—$4.50 Each
Do Not Detach

(c) At the time of, or prior to, the first invoice to each purchaser for resale, the seller shall notify the purchaser in writing of the maximum prices and conditions established by this order for sales by the purchaser. This notice may be given in any convenient form.

(d) This order may be revoked or amended by the Price Administrator at any time.

(e) This order shall become effective on the 2d day of August 1945.

Issued this 1st day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-14183; Filed, Aug. 1, 1945; 4:04 p. m.]

[MPR 188, Order 4188]

E. O. KRAUSE

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.158 of Maximum Price Regulation No. 188; *It is ordered:*

(a) This order establishes maximum prices for sales and deliveries of certain articles manufactured by E. O. Krause, P. O. Box 64, New Braunfels, Tex.

(1) For all sales and deliveries to the following classes of purchasers by the sellers indicated below, the maximum prices are those set forth below:

Article	Model No.	Maximum sale by any	prices for seller to—		
		Jobber	Chain and dept. store	Other retailers	Consumers
Plastic hot plate holder	6" x 3½" x ¾"	*Each* $0.75	*Each* $0.90	*Each* $1.00	*Each* $1.50

These maximum prices are for the articles described in the manufacturer's application dated April 19, 1945.

(2) For sales by the manufacturer, the maximum prices apply to all sales and deliveries since Maximum Price Regulation No. 188 became applicable to those sales and deliveries. They are f. o. b. factory and subject to a cash discount of 2% for payment within 10 days, net 30 days.

(3) For sales by persons other than the manufacturer, the maximum prices apply to all sales and deliveries after the effective date of this order. Those prices are subject to each seller's customary terms and conditions of sale on sales of similar articles.

(4) If the manufacturer wishes to make sales and deliveries to any other class of purchaser or on other terms and conditions of sale, he must apply to the Office of Price Administration, Washington, D. C., under the Fourth Pricing Method, § 1499.158 of Maximum Price Regulation No. 188, for the establishment of maximum prices for those sales, and no sales or deliveries may be made until maximum prices have been authorized by the Office of Price Administration.

(b) The manufacturer shall attach a tag or label to every article for which a maximum price for sales to consumers is established by this order. That tag or label shall contain the following statement:

OPA Retail Ceiling Price—$1.50 Each
Do Not Detach

(c) At the time of, or prior to, the first invoice to each purchaser for resale, the seller shall notify the purchaser in writing of the maximum prices and conditions established by this order for sales by the purchaser. This notice may be given in any convenient form.

(d) This order may be revoked or amended by the Price Administrator at any time.

(e) This order shall become effective on the 2d day of August 1945.

Issued this 1st day of August 1945.

CHESTER BOWLES
Administrator.

[F. R. Doc. 45-14184; Filed, Aug. 1, 1945; 4:04 p. m.]

[MPR 188, Order 4191]

HARRY FRISCHLING

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.158 of Maximum Price Regulation No. 188; *It is ordered:*

(a) This order establishes maximum prices for sales and deliveries of certain articles manufactured by Harry Frischling, 61 Canal Street, Ellenville, N. Y.

(1) For all sales and deliveries to the following classes of purchasers by the sellers indicated below, the maximum prices are those set forth below:

Article	Number	Maximum prices for sales by all persons to—		
		Wholesalers	Retailers	Consumers
Cigarette lighter	1	*Each* $2.02	*Each* $2.70	*Each* $4.50

These maximum prices are for the articles described in the manufacturer's application dated July 11, 1945.

(2) For sales by the manufacturer, the maximum prices apply to all sales and deliveries since Maximum Price Regulation No. 188 became applicable to those sales and deliveries. For sales to persons other than consumers they are f. o. b. factory, 2% 10 days, net 30. The maximum price to consumers is net, delivered.

(3) For sales by persons other than the manufacturer, the maximum prices apply to all sales and deliveries after the effective date of this order. Those prices are subject to each seller's customary terms and conditions of sale on sales of similar articles.

(4) If the manufacturer wishes to make sales and deliveries to any other class of purchaser or on other terms and conditions of sale, he must apply to the Office of Price Administration, Washington, D. C., under the Fourth Pricing Method, § 1499.158 of Maximum Price Regulation No. 188, for the establishment of maximum prices for those sales, and no sales or deliveries may be made until maximum prices have been authorized by the Office of Price Administration.

(b) The manufacturer shall attach a tag or label to every article for which a maximum price for sales to consumers is established by this order. That tag or label shall contain the following statement:

OPA Retail Ceiling Price—$4.50 each
Do Not Detach

(c) At the time of, or prior to, the first invoice to each purchaser for resale, the seller shall notify the purchaser in writing of the maximum prices and conditions established by this order for sales by the purchaser. This notice may be given in any convenient form.

(d) This order may be revoked or amended by the Price Administrator at any time.

(e) This order shall become effective on the 2d day of August 1945.

Issued this 1st day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-14185; Filed, Aug. 1, 1945; 4:05 p. m.]

[MPR 188, Order 4192]

NATIONAL PRESSURE COOKER CO.

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.158 of Maximum Price Regulation No. 188; *It is ordered:*

(a) This order establishes maximum prices for sales and deliveries of certain articles manufactured by the National Pressure Cooker Company of Eau Claire, Wis.

(1) For all sales and deliveries to the following classes of purchasers by the sellers indicated below, the maximum prices are those set forth below:

Article	Model No.	Maximum prices for sales by any seller to—			
		Wholesalers (jobbers)	Chain and department stores	Other retailers	Consumers
Indicator weight	PC-4	*Each* $1.00	*Each* $1.20	*Each* $1.33	*Each* $2.00
Vent pipe	PC-5	*Mailorder houses* .38	.45	.50	.75

These maximum prices are for the articles described in the manufacturer's application dated June 6, 1945.

(2) For sales by the manufacturer, the maximum prices apply to all sales and deliveries since Maximum Price Regulation No. 188 became applicable to those sales and deliveries. These prices are for the articles described in your application. They are f. o. b. factory and subject to a cash discount of 2% for payment within 10 days, net 30 days.

(3) For sales by persons other than the manufacturer, the maximum prices apply to all sales and deliveries after the effective date of this order. Those prices are subject to each seller's customary terms and conditions of sale on sales of similar articles.

(4) If the manufacturer wishes to make sales and deliveries to any other class of purchaser or on other terms and conditions of sale, he must apply to the Office of Price Administration, Washington, D. C., under the Fourth Pricing Method, § 1499.158 of Maximum Price Regulation No. 188, for the establishment of maximum prices for those sales, and no sales or deliveries may be made until maximum prices have been authorized by the Office of Price Administration.

(b) The manufacturer shall attach a tag or label to every article for which a maximum price for sales to consumers is established by this order. That tag or label shall contain the following statement with the retail prices properly filled in.

OPA Retail Ceiling Price—$------
Do Not Detach

(c) At the time of, or prior to, the first invoice to each purchaser for resale, the seller shall notify the purchaser in writing of the maximum prices and conditions established by this order for sales by the purchaser. This notice may be given in any convenient form.

(d) This order may be revoked or amended by the Price Administrator at any time.

(e) This order shall become effective on the 2d day of August 1945.

Issued this 1st day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-14186; Filed, August 1, 1945; 4:05 p. m.]

[MPR 188, Order 4193]

FRANK BROTHERS

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.158 of Maximum Price Regulation No. 188; *It is ordered:*

(a) This order establishes maximum prices for sales and deliveries of certain articles manufactured by Frank Brothers, 7214 Compton Avenue, Los Angeles 1, Calif.

(1) For all sales and deliveries to the following classes of purchasers by the sellers indicated below, the maximum prices are those set forth below:

Article	Number	Maximum prices for sales by all persons to—		
		Wholesalers	Retailers	Consumers
Cigarette lighter	#5	*Each* $2.02	*Each* $2.70	*Each* $4.50

These maximum prices are for the articles described in the manufacturer's application dated May 31, 1945.

(2) For sales by the manufacturer, the maximum prices apply to all sales and deliveries since Maximum Price Regulation No. 188 became applicable to those sales and deliveries. For sales to persons other than consumers they are f. o. b. factory, 2% 10 days, net 30. The maximum price to consumers is net, delivered.

(3) For sales by persons other than the manufacturer, the maximum prices apply to all sales and deliveries after the effective date of this order. Those prices are subject to each seller's customary terms and conditions of sale on sales of similar articles.

(4) If the manufacturer wishes to make sales and deliveries to any other class of purchaser or on other terms and conditions of sale, he must apply to the Office of Price Administration, Washington, D. C., under the Fourth Pricing Method, § 1499.158 of Maximum Price Regulation No. 188, for the establishment of maximum prices for those sales, and no sales or deliveries may be made until maximum prices have been authorized by the Office of Price Administration.

(b) The manufacturer shall attach a tag or label to every article for which a maximum price for sales to consumers is established by this order. That tag or

label shall contain the following statement:

OPA Retail Ceiling Price—$4.50 Each
Do Not Detach

(c) At the time of, or prior to, the first invoice to each purchaser for resale, the seller shall notify the purchaser in writing of the maximum prices and conditions established by this order for sales by the purchaser. This notice may be given in any convenient form.

(d) This order may be revoked or amended by the Price Administrator at any time.

(e) This order shall become effective on the 2d day of August 1945.

Issued this 1st day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-14187; Filed, Aug. 1, 1945; 4:05 p. m.]

[MPR 188, Order 4194]

SYNCRO DEVICES, INC.

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.158 of Maximum Price Regulation No. 188, *It is ordered:*

(a) This order establishes maximum prices for sales and deliveries of certain articles manufactured by Synero Devices, Incorporated of 3265 Bermuda Avenue, Ferndale 20, Mich.

(1) For all sales and deliveries to the following classes of purchasers by the sellers indicated below, the maximum prices are those set forth below:

Article	Model No.	Maximum prices for sales by any seller to—			
		Wholesalers (stocking jobbers)	Dropship jobbers	Retailers	Consumers
Lawn sprinkler	527	*Each* $1.08	*Each* $1.22	*Each* $1.41	*Each* $2.16

These maximum prices are for the articles described in the manufacturer's application dated July 1, 1945.

(2) For sales by the manufacturer, the maximum prices apply to all sales and deliveries since Maximum Price Regulation No. 188 became applicable to those sales and deliveries. These prices are f. o. b. factory with $0.50 per hundredweight allowed on shipment of 100 pounds or more, and subject to a cash discount of 2% for payment within 10 days, net 30 days.

(3) For sales by persons other than the manufacturer, the maximum prices apply to all sales and deliveries after the effective date of this order. Those prices are subject to each seller's customary terms and conditions of sale on sales of similar articles.

(4) If the manufacturer wishes to make sales and deliveries to any other class of purchaser or on other terms and conditions of sale, he must apply to the Office of Price Administration, Washington, D. C., under the Fourth Pricing Method, § 1499.158 of Maximum Price Regulation No. 188, for the establishment of maximum prices for those sales, and no sales or deliveries may be made until maximum prices have been authorized by the Office of Price Administration.

(b) The manufacturer shall attach a tag or label to every article for which a maximum price for sales to consumers is established by this order. That tag or label shall contain the following statement:

OPA Retail Ceiling Price—$2.16 Each
Do Not Detach or Obliterate

(c) At the time of, or prior to, the first invoice to each purchaser for resale, the seller shall notify the purchaser in writing of the maximum prices and conditions established by this order for sales by the purchaser. This notice may be given in any convenient form.

(d) This order may be revoked or amended by the Price Administrator at any time.

(e) This order shall become effective on the 2d day of August 1945.

Issued this 1st day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-14188; Filed, Aug. 1, 1945; 4:06 p. m.]

[MPR 188, Order 4195]

FARADAY ELECTRIC CORP.

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.156 of Maximum Price Regulation No. 188 and section 6.4 of Second Revised Supplementary Regulation No. 14; *It is ordered:*

(a) This order establishes maximum prices for sales and deliveries of certain articles manufactured by the Faraday Electric Corporation, 107-109 North Juniper Street, Philadelphia 7, Pa.

(1) For all sales and deliveries to the following classes of purchasers by the sellers indicated below, the maximum prices are those set forth below:

Article	Model	Maximum prices for sales by any seller to—			
		Wholesalers (jobbers)	Retailers (12 units or more)	Retailers (less than 12 units)	Consumers
Broilmaster broiler	800	*Each* $2.09	*Each* $2.47	*Each* $2.66	*Each* $3.98

These maximum prices are for the article described in the manufacturer's application dated July 17, 1945, and include the Federal Excise Tax.

(2) For sales by the manufacturer, the maximum prices apply to all sales and deliveries since Maximum Price Regulation No. 188 became applicable to those sales and deliveries. They are f. o. b. factory and subject to a cash discount of 2% for payment within 10 days, net 30 days.

(3) For sales by persons other than the manufacturer, the maximum prices apply to all sales and deliveries after the effective date of this order. Those prices are subject to each seller's customary terms and conditions of sale on sales of similar articles.

(4) If the manufacturer wishes to make sales and deliveries to any other class of purchaser or on other terms and conditions of sale, he must apply to the Office of Price Administration, Washington, D. C., under the Fourth Pricing Method, § 1499.158 of Maximum Price Regulation No. 188, for the establishment of maximum prices for those sales, and no sales or deliveries may be made until maximum prices have been authorized by the Office of Price Administration.

(b) The manufacturer shall attach a tag or label to every article for which a maximum price for sales to consumers is established by this order. That tag or label shall contain either of the following statements with the correct order number filled in:

Order No. 4195
Model No. 800
OPA Retail Ceiling Price, $3.98
Federal Excise Tax Included
Do Not Detach or Obliterate

Faraday Electric Corporation
107-109 North Juniper Street
Philadelphia 7, Pa.
Model No. 800
OPA Retail Ceiling Price, $3.98
Do Not Detach or Obliterate
Federal Excise Tax Included

(c) At the time of, or prior to, the first invoice to each purchaser for resale, the seller shall notify the purchaser in writing of the maximum prices and conditions established by this order for sales by the purchaser. This notice may be given in any convenient form.

(d) This order may be revoked or amended by the Price Administrator at any time.

(e) This order shall become effective on the 2d day of August 1945.

Issued this 1st day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-14189; Filed, Aug. 1, 1945; 4:06 p. m.]

[MPR 188, Order 4196]

DAREL MFG. CO.

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.158 of Maximum Price Regulation No. 188; *It is ordered:*

(a) This order establishes maximum prices for sales and deliveries of certain articles manufactured by Darel Manufacturing Co., Central Tower, San Francisco 3, Calif.

(1) For all sales and deliveries to the following classes of purchasers by the sellers indicated below, the maximum prices are those set forth below:

Article	Number	Maximum prices for sales by all persons to—		
		Wholesalers	Retailers	Consumers
Cigarette lighter	1	*Each* $1.50	*Each* $2.00	*Each* $3.25

These maximum prices are for the articles described in the manufacturer's application dated July 13, 1945.

(2) For sales by the manufacturer, the maximum prices apply to all sales and deliveries since Maximum Price Regulation No. 188 became applicable to those sales and deliveries. For sales to persons other than consumers they are f. o. b. factory, 2% 10 days, net 30. The maximum price to consumers is net, delivered.

(3) For sales by persons other than the manufacturer, the maximum prices apply to all sales and deliveries after the effective date of this order. Those prices are subject to each seller's customary terms and conditions of sale on sales of similar articles.

(4) If the manufacturer wishes to make sales and deliveries to any other class of purchaser or on other terms and conditions of sale, he must apply to the Office of Price Administration, Washington, D. C., under the Fourth Pricing Method, § 1499.158 of Maximum Price Regulation No. 188, for the establishment of maximum prices for those sales, and no sales or deliveries may be made until maximum prices have been authorized by the Office of Price Administration.

(b) The manufacturer shall attach a tag or label to every article for which a maximum price for sales to consumers is established by this order. That tag or label shall contain the following statement:

OPA Retail Ceiling Price—$3.25 each
Do Not Detach

(c) At the time of, or prior to, the first invoice to each purchaser for resale, the seller shall notify the purchaser in writing of the maximum prices and conditions established by this order for sales by the purchaser. This notice may be given in any convenient form.

(d) This order may be revoked or amended by the Price Administrator at any time.

(e) This order shall become effective on the 2d day of August 1945.

Issued this 1st day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-14190; Filed, Aug. 1, 1945; 4:07 p. m.]

[MPR 260, Order 1697]

W. S. STIFFLER

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion accompanying this order, and pursuant to § 1358.102 (b) of Maximum Price Regulation No. 260; *It is ordered*, That:

(a) W. S. Stiffler, R. D. 2, Red Lion, Pa., (hereinafter called "manufacturer") and wholesalers and retailers may sell, offer to sell or deliver and any person may buy, offer to buy or receive each brand and size or frontmark, and packing of the following domestic cigars at the appropriate maximum list price and maximum retail price set forth below:

Brand	Size or frontmark	Packing	Maximum list price	Maximum retail price
W. S. S.	De Luxe	50	*Per M* $50	*Cents* 7

(b) The manufacturer and wholesalers shall grant, with respect to their sales of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the discounts they customarily granted in March 1942 on their sales of domestic cigars of the same price class to purchasers of the same class, unless a change therein results in a lower price. Packing differentials charged by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class may be charged on corresponding sales of each brand and size or frontmark of cigars priced by this order, but shall not be increased. Packing differentials allowed by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class shall be allowed on corresponding sales of each brand and size or frontmark of cigars priced by this order and shall not be reduced. If a brand and size or frontmark of domestic cigars for which maximum prices are established by this order is of a price class not sold by the manufacturer or the particular wholesaler in March 1942, he shall, with respect to his sales thereof, grant the discounts and may charge and shall allow the packing differentials customarily granted, charged or allowed (as the case may be) in March 1942 by his most closely competitive seller of the same class on sales of domestic cigars of the same March 1942 price class to purchasers of the same class.

(c) On or before the first delivery to any purchaser of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the manufacturer and every other seller (except a retailer) shall notify the purchaser of the maximum list price and the maximum retail price established by this order for such brand and size or frontmark of domestic cigars. The notice shall conform to and be given in the manner prescribed by § 1358.113 of Maximum Price Regulation No. 260.

(d) Unless the context otherwise requires, appropriate provisions of Maximum Price Regulation No. 260, shall apply to sales for which maximum prices are established by this order.

(e) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective August 2, 1945.

Issued this 1st day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-14191; Filed, Aug. 1, 1945; 4:07 p. m.]

[MPR 260, Order 1698]

FREDERICO GONZALEZ

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion accompanying this order, and pursuant to § 1358.102 (b) of Maximum Price Regulation No. 260; *It is ordered*, That:

(a) Frederico Gonzalez, Louis Barreras St., Cayey, P. R. (hereinafter called "manufacturer") and wholesalers and retailers may sell, offer to sell or deliver and any person may buy, offer to buy or receive each brand and size or frontmark, and packing of the following domestic cigars at the appropriate maximum list price and maximum retail price set forth below:

Brand	Size or frontmark	Packing	Maximum list price	Maximum retail price
Frederico Gonzalez	Bricha	50	*Per M* $50	*Cents* 4 for 25

(b) The manufacturer and wholesalers shall grant, with respect to their sales of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the discounts they customarily granted in March 1942 on their sales of domestic cigars of the same price class to purchasers of the same class, unless a change therein results in a lower price. Packing differentials charged by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class may be charged on corresponding sales of each brand and size or frontmark of cigars priced by this order, but shall not be increased. Packing differentials allowed by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class shall be allowed on corresponding sales of each brand and size or frontmark of cigars priced by this order and shall not be reduced. If a brand and size or frontmark of domestic cigars for which maximum prices are established by this order is of a price class not sold by the manufacturer or the particular wholesaler in March 1942, he shall, with respect to his sales thereof, grant the discounts and may charge and shall allow the packing differentials customarily granted, charged or allowed (as the case may be) in March 1942 by his most closely competitive seller of the same class on sales of domestic cigars of the same March 1942 price class to purchasers of the same class.

(c) On or before the first delivery to any purchaser of each brand and size or frontmark of domestic cigars for which

maximum prices are established by this order, the manufacturer and every other seller (except a retailer) shall notify the purchaser of the maximum list price and the maximum retail price established by this order for such brand and size or frontmark of domestic cigars. The notice shall conform to and be given in the manner prescribed by § 1358.113 of Maximum Price Regulation No. 260.

(d) Unless the context otherwise requires, appropriate provisions of Maximum Price Regulation No. 260, shall apply to sales for which maximum prices are established by this order.

(e) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective August 2, 1945.

Issued this 1st day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-14192; Filed, Aug. 1, 1945; 4:07 p. m.]

[MPR 260, Order 1699]

ALVAREZ BROS.

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion accompanying this order, and pursuant to § 1358.102 (b) of Maximum Price Regulation No. 260; *It is ordered*, That:

(a) Alvarez Bros., 1902 Pine Street, Tampa 7, Fla. (hereinafter called "manufacturer") and wholesalers and retailers may sell, offer to sell or deliver and any person may buy, offer to buy or receive each brand and size or frontmark, and packing of the following domestic cigars at the appropriate maximum list price and maximum retail price set forth below:

Brand	Size or frontmark	Packing	Maximum list price	Maximum retail price
			Per M	*Cents*
Al's Best Sorosis	Brevas	50	$131.00	17
	Austins	50	97.50	13
	Pats	50	78.75	2 for 21
	Rositas	50	78.75	2 for 21

(b) The manufacturer and wholesalers shall grant, with respect to their sales of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the discounts they customarily granted in March 1942 on their sales of domestic cigars of the same price class to purchasers of the same class, unless a change therein results in a lower price. Packing differentials charged by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class may be charged on corresponding sales of each brand and size or frontmark of cigars priced by this order, but shall not be increased. Packing differentials allowed by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class shall be allowed on corresponding sales of each brand and size or frontmark of cigars priced by this order and shall not be reduced. If a brand and size or frontmark of domestic cigars for which maximum prices are established by this order is of a price class not sold by the manufacturer or the particular wholesaler in March 1942, he shall, with respect to his sales thereof, grant the discounts and may charge and shall allow the packing differentials customarily granted, charged or allowed (as the case may be) in March 1942 by his most closely competitive seller of the same class on sales of domestic cigars of the same March 1942 price class to purchasers of the same class.

(c) On or before the first delivery to any purchaser of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the manufacturer and every other seller (except a retailer) shall notify the purchaser of the maximum list price and the maximum retail price established by this order for such brand and size or frontmark of domestic cigars. The notice shall conform to and be given in the manner prescribed by § 1358.113 of Maximum Price Regulation No. 260.

(d) Unless the context otherwise requires, appropriate provisions of Maximum Price Regulation No. 260, shall apply to sales for which maximum prices are established by this order.

(e) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective August 2, 1945.

Issued this 1st day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-14193; Filed, Aug. 1, 1945; 4:07 p. m.]

[MPR 260, Order 1700]

RAFAEL C. FELICIANO

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion accompanying this order, and pursuant to § 1358.102 (b) of Maximum Price Regulation No. 260; *It is ordered*, That:

(a) Rafael C. Feliciano, Rivas No. 3, Ponce, P. R. (hereinafter called "manufacturer") and wholesalers and retailers may sell, offer to sell or deliver and any person may buy, offer to buy or receive each brand and size or frontmark, and packing of the following domestic cigars at the appropriate maximum list price and maximum retail price set forth below:

Brand	Size or frontmark	Packing	Maximum list price	Maximum retail price
			Per M	*Cents*
Rafael C. Feliciano.	Perfectos	50	$48	6
	Brevas	50	40	5

(b) The manufacturer and wholesalers shall grant, with respect to their sales of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the discounts they customarily granted in March 1942 on their sales of domestic cigars of the same price class to purchasers of the same class, unless a change therein results in a lower price. Packing differentials charged by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class may be charged on corresponding sales of each brand and size or frontmark of cigars priced by this order, but shall not be increased. Packing differentials allowed by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class shall be allowed on corresponding sales of each brand and size or frontmark of cigars priced by this order and shall not be reduced. If a brand and size or frontmark of domestic cigars for which maximum prices are established by this order is of a price class not sold by the manufacturer or the particular wholesaler in March 1942, he shall, with respect to his sales thereof, grant the discounts and may charge and shall allow the packing differentials customarily granted, charged or allowed (as the case may be) in March 1942 by his most closely competitive seller of the same class on sales of domestic cigars of the same March 1942 price class to purchasers of the same class.

(c) On or before the first delivery to any purchaser of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the manufacturer and every other seller (except a retailer) shall notify the purchaser of the maximum list price and the maximum retail price established by this order for such brand and size or frontmark of domestic cigars. The notice shall conform to and be given in the manner prescribed by § 1358.113 of Maximum Price Regulation No. 260.

(d) Unless the context otherwise requires, appropriate provisions of Maximum Price Regulation No. 260 shall apply to sales for which maximum prices are established by this order.

(e) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective August 2, 1945.

Issued this 1st day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-14194; Filed, Aug. 1, 1945; 4:08 p. m.]

[MPR 188, Corr. to Rev. Order 3037]

MICHAEL M. GORDON

APPROVAL OF MAXIMUM PRICES

Revised Order 3037 under Maximum Price Regulation 188, issued June 26, 1945, effective June 27, 1945, was incorrectly designated. It is hereby corrected as follows:

1. The caption is corrected to read "MPR 188, Revised Order No. 3837."

2. The opening sentence is corrected to read: "Order No. 3837 under § 1499.153 of Maximum Price Regulation 188 is redesignated Revised Order No. 3837 and is revised to read as follows:"

This correction shall become effective as of June 27, 1945.

Issued this 1st day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-14180; Filed, Aug. 1, 1945; 4:03 p. m.]

Regional and District Office Orders.

[Region I Rev. Order G-3 Under RMPR 122, Amdt. 1]

BAGGED ANTHRACITE COAL IN METROPOLITAN BOSTON AREA

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of Region I of the Office of Price Administration by §§ 1340.259 (a) (1) and 1340.260 of Revised Maximum Price Regulation No. 122, Region I Revised Order No. G-3 under Revised Maximum Price Regulation No. 122 is hereby amended in the following respects:

1. In subparagraph (1) of paragraph (b), the prices set forth in "Price Schedule I—Unmixed Coal" are hereby amended to read as follows:

(1) *Price Schedule I: Unmixed Coal:*

	Chestnut	Stove	Pea
Sales to dealers (including retail stores), f. o. b. buyer's trucks at dealer's yard	22	22	19.5
Sales to ultimate consumers at dealer's yard	24	24	21.5
Sales to dealers (including retail stores), f. o. b. buyer's trucks at a dealer's auxiliary station	23.5	23.5	21
Sales to ultimate consumers at a dealer's auxiliary station	26	26	23.5
Delivered to retail stores	24.5	24.5	22
Sales to ultimate consumers from dealer's truck, delivered	28	28	25.5
Sales at retail stores:			
Chain stores	28	28	25.5
Independent outlet	29	29	26.5

2. In subparagraph (2) of paragraph (b), the prices set forth in "Price Schedule II—Mixtures" are hereby amended to read as follows:

(2) *Price Schedule II: Mixtures (50% of each by weight).*

	Chestnut and stove	Chestnut and pea	Stove and pea
Sales to dealers (including retail stores), f.o.b. buyer's trucks at dealer's yard	22	20.5	20.5
Sales to ultimate consumers at dealer's yard	24	22.5	22.5
Sales to dealers (including retail stores), f.o.b. buyer's trucks at a dealer's auxiliary station	23.5	22	22
Sales to ultimate consumers at a dealer's auxiliary station	26	24.5	24.5
Delivered to retail stores	24.5	23	23
Sales to ultimate consumers from dealer's truck, delivered	28	26.5	26.5
Sales at retail stores:			
Chain stores	28	26.5	26.5
Independent outlet	29	27.5	27.5

This Amendment No. 1 to Revised Order No. G-3 shall become effective July 16, 1945.

Issued this 16th day of July 1945.

ELDON C. SHOUP,
Regional Administrator.

[F. R. Doc. 45-14170; Filed, Aug. 1, 1945; 12:31 p. m.]

[Region I Order G-11 Under RMPR 122, Amdt. 6]

SOLID FUELS IN LAWRENCE, MASS. AREA

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of Region I of the Office of Price Administration by §§ 1340.259 (a) (1) and 1340.260 of Revised Maximum Price Regulation No. 122 and the Emergency Price Control Act of 1942, as amended, Region I Order No. G-11 under Revised Maximum Price Regulation No. 122 is hereby amended in the following respects:

1. In subparagraph (1) (*a*) of paragraph (m), the prices set forth in Price Schedule IV for unmixed coal are amended to read as follows:

(*a*) *Unmixed coal.*

	Chestnut	Stove	Pea
Sales to dealers and stores, f. o. b. buyer's trucks, at bagger's yard	21.5	21.5	19
Sales to ultimate consumers at bagger's yard	23.5	23.5	21
Delivered to retail stores	24	24	21.5
Sales to ultimate consumers from dealer's truck	26.5	26.5	24
Sales at retail stores:			
Chain stores	27.5	27.5	25
Independent outlet	28.5	28.5	26

2. In subparagraph (1) (*b*) of paragraph (m), the prices set forth in Price Schedule IV for mixtures are amended to read as follows:

(*b*) *Mixtures (50% of each by weight).*

	Stove and chestnut	Chestnut and pea	Stove and pea
Sales to dealers and stores, f. o. b. buyer's trucks, at bagger's yard	21.5	20	20
Sales to ultimate consumers at bagger's yard	23.5	22	22
Delivered to retail stores	24	22.5	22.5
Sales to ultimate consumers from dealer's truck	26.5	25	25
Sales at retail stores:			
Chain stores	27.5	26	26
Independent outlet	28.5	27	27

This Amendment No. 6 to Order No. G-11 shall become effective July 21, 1945.

Issued this 21st day of July 1945.

ELDON C. SHOUP,
Regional Administrator.

[F. R. Doc. 45-14169; Filed, Aug. 1, 1945; 12:31 p. m.]

[Region I Order G-12 Under RMPR 122, Amdt. 4]

SOLID FUELS IN HAVERHILL, MASS., AREA

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of Region I of the Office of Price Administration by §§ 1340.259 (a) (1) and 1340.260 of Revised Maximum Price Regulation No. 122, Region I Order No. G-12 under Revised Maximum Price Regulation No. 122 is hereby amended in the following respects:

1. In subparagraph (1) (*a*) of paragraph (d), the prices set forth in "Price Schedule III—Bagged Anthracite" for unmixed coal are amended to read as follows:

(*a*) *Unmixed coal.*

	Chestnut	Stove	Pea
Sales to dealers, peddlers and stores, f. o. b. buyer's trucks at bagger's yard	21½	21½	19
Sales to ultimate consumers at bagger's yard	23½	23½	21
Delivered to Retail Stores	24	24	21½
Sales to ultimate consumers from bagger's or peddler's truck	26½	26½	24
Sales at retail stores:			
Chain stores	27½	27½	25
Independent outlets	28½	28½	26

2. In subparagraph (1) (*b*) of paragraph (d), the prices set forth in "Price Schedule III—Bagged Anthracite" for mixtures are amended to read as follows:

(*b*) *Mixtures (50% of each by weight).*

	Stove and chestnut	Chestnut and pea	Stove and pea
Sales to dealers, peddlers and stores, f. o. b. buyer's trucks at bagger's yard	21½	20	20
Sales to ultimate consumers at bagger's yard	23½	22	22
Delivered to retail stores	24	22½	22½
Sales to ultimate consumers from bagger's or peddler's truck	26½	25	25
Sales at retail stores:			
Chain stores	27½	26	26
Independent outlets	28½	27	27

This Amendment No. 4 to Order No. G-12 shall become effective July 16, 1945.

Issued this 16th day of July 1945.

ELDON C. SHOUP,
Regional Administrator.

[F. R. Doc. 45-14168; Filed, Aug. 1, 1945; 12:30 p. m.]

[Region I Order G-14 Under RMPR 122, Amdt. 6]

SOLID FUELS IN LOWELL, MASS. AREA

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of Region I of the Office of Price Administration by §§ 1340.259 (a) (1) and 1340.260 of Revised Maximum Price Regulation No. 122 and the Emergency Price Control Act of 1942, as amended, Region I Order No. G-14 under Revised Maximum Price Regulation No. 122 is hereby amended in the following respects:

1. In subparagraph (1) (*a*) of paragraph (m), the prices set forth in Price Schedule IV for unmixed coal are

(a) Unmixed coal.

	Chestnut	Stove	Pea
Sales to dealers and stores, f. o. b. buyer's trucks, at bagger's yard	21.5	21.5	19
Sales to ultimate consumers at bagger's yard	23.5	23.5	21
Delivered to retail stores	24	24	21.5
Sales to ultimate consumers from dealer's truck	26.5	26.5	24
Sales at retail stores:			
Chain stores	27.5	27.5	25
Independent outlet	28.5	28.5	26

2. In subparagraph (1) (b) of paragraph (m), the prices set forth in Price Schedule IV for mixtures are amended to read as follows:

(b) Mixtures (50 percent of each by weight).

	Chestnut and stove	Chestnut and pea	Stove and pea
Sales to dealers and stores, f. o. b. buyer's trucks, at bagger's yard	21.5	20	20
Sales to ultimate consumers at bagger's yard	23.5	22	22
Delivered to retail stores	24	22.5	22.5
Sales to ultimate consumers from dealer's truck	26.5	25	25
Sales at retail stores:			
Chain stores	27.5	26	26
Independent outlet	28.5	27	27

This Amendment No. 6 to Order No. G-14 shall become effective July 19, 1945.

Issued this 19th day of July 1945.

ELDON C. SHOUP,
Regional Administrator.

[F. R. Doc. 45-14167; Filed, Aug. 1, 1945; 12:30 p. m.]

[Region II Order G-2 Under RMPR 251]

INSTALLED RE-SIDING AND RE-ROOFING AND RELATED AND INCIDENTAL CONSTRUCTION WORK IN SYRACUSE, N. Y. AREA

An opinion accompanying this order issued simultaneously herewith, has been filed with the Division of Federal Register.

In the judgment of the Regional Administrator of Region II of the Office of Price Administration, the maximum prices established and the Regulations prescribed by this order are generally fair and equitable, are necessary to effectuate the purposes of the Emergency Price Control Act of 1942, as amended, and Executive Orders Nos. 9250 and 9328, and do not exceed the general level of prices fixed by Revised Maximum Price Regulation No. 251.

Therefore, under the authority vested in the Regional Administrator of Region II of the Office of Price Administration by the Emergency Price Control Act of 1942, as amended, and by section 9 of Revised Maximum Price Regulation No. 251, this order is hereby issued.

SECTION 1. *Transactions covered by this order.* This order covers all sales of composition re-siding and re-roofing on an installed basis, together with accessories on residential structures in the area hereinafter described. It also includes related and incidental construction work when sold by installers of re-siding and re-roofing, whether such sale is made as a part of a general contract or not.

The term "composition re-siding" includes asphalt shingle re-siding, asbestos cement re-siding, insulated brick or stone re-siding and roll brick re-siding but shall not include wood shingles or wood re-siding.

The term "re-roofing" includes composition re-roofing such as asphalt shingles and mineral surface roll re-roofing and smooth surface roll re-roofing but does not include wood, metal or slate re-roofing.

The term "related" and "incidental" construction work means any installation of building materials or construction work other than installed re-roofing and re-siding, when sold by installers of re-roofing and re-siding.

SEC. 2. *Relationship of this order to Revised Maximum Price Regulation No. 251.*—(a) The provisions of this order supersede sections 6, 7 and 8 of Revised Maximum Price Regulation No. 251 with respect to sales of re-roofing and composition re-siding on an installed basis on residential structures and with respect to related and incidental construction work sold by installers of composition re-siding and re-roofing on an installed basis. All other provisions of Revised Maximum Price Regulation No. 251 are applicable to transactions subject to this order unless otherwise provided in this order.

(b) On and after the effective date of this order, regardless of any contract or other obligation, no person shall sell, offer to sell or deliver composition re-siding and re-roofing on residential structures on an installed basis or related and incidental construction work as herein defined at prices higher than the maximum prices established by this order; *Provided*, That deliveries made not more than thirty days after the effective date of this order on bona fide contracts executed prior to the effective date of this order shall not be considered to be violations of this order.

(c) An employer paying or about to pay labor rates higher than those in effect for him on the effective date of this order by reason of the predetermination of wage rates by the Secretary of Labor under the Davis-Bacon Act or any order or authorization of the Wage Adjustment Board, National War Labor Board or Economic Stabilization Director, may file an application for an amendment of this order to reflect such increased labor rates. Such a petition for amendment shall conform in all respects to the provisions of Revised Procedural Regulation No. 1, except that it shall be filed with the New York Regional Office of the Office of Price Administration.

SEC. 3. *Applicability.* This order shall apply in the Syracuse, N. Y. area which includes the counties of St. Lawrence, Jefferson, Oswego, Wayne, Seneca, Cayuga, Onondaga, Madison, Herkimer, Oneida, Ontario and Lewis, all in the States of New York.

SEC. 4. *Maximum prices for sales of composition re-siding and re-roofing on an installed basis.* The maximum prices for sales of composition re-siding and re-roofing on an installed basis on residential structures shall be as shown in the following Tables, known as Tables I and II, and shall be upon a price per square basis. Table I covers prices for composition re-siding and accessories, and Table II covers prices for re-roofing and accessories.

TABLE I—COMPOSITION RE-SIDING PRICES

	Per square
Asbestos cement re-siding, standard surface hardness—12 x 24" or 12 x 27"	$24.00
Asbestos cement re-siding of extra hard surface—12 x 24" or 12 x 27"	27.00
Insulated brick or stone re-siding—14⅜ x 43⅞", 13⅞ x 43 1/16" and 14 x 43"	30.00
Asphalt strip type re-siding—167 lbs.	15.00
Giant individual shingle re-siding, laid wide space method, 7½" exposure	16.00
(When this shingle is laid in wide space other than 7½" exposure, American method, Dutch lap method or other methods, the price varies from the above in proportion to the quantity of material used.)	
Roll brick re-siding	16.00

The above prices include nails, caulking, joint strips and one bundle of lath.

Re-siding accessories for which extra charges may be made as stated below

	Per ft.
Corner pieces for asphalt brick re-siding	$0.40
Rolled corners on roll brick re-siding	.25
Soldier course on insulated brick	.15
Soldier course on roll brick	.10
Zinc corner bead	.15
	Per bundle
Lath (400 ft. per bundle) after first bundle	$4.00
	Per square
15 lb. felt	$1.50
30 lb. felt and smooth surface rolls	2.50
35 lb. felt smooth surface rolls in 12" widths	3.00
Building paper	1.00
	Per ft.
Moulding (quarter round to ¾" and band up to 1½")	.05
Rabitted moulding	.14
	Per square
Backer board	$4.00
Removing stucco	5.00
All shingles above the second floor ceiling, extra charge	3.00
Applying shingles to the second floor when the first floor is not covered, extra charge	2.00

TABLE II—RE-ROOFING PRICES

	Per square
12" (3 in line) strip shingle—210 lbs	$16.00
11½ hexagon strip shingle—167 lbs.	14.00
Re-roofer type shingle, standard weight—135 to 140 lbs	14.00
Re-roofer type heavy weight—160 to 162 lbs	15.00
Giant individual Dutch lap method—160 to 162 lbs. (with clips when this shingle is laid in American method of other methods, the price varies from above in proportion to the quantity of material used)	15.00
Diamond point roll re-roofing 18" width (apply to roofs having a pitch of 1–5")	11.00
Diamond point roll re-roofing 18" width (apply to roofs having a pitch greater than 1–5")	13.00

TABLE II—RE-ROOFING PRICES—Cont.

	Per square
Slate surface roll re-roofing—90 lbs. (apply to roofs having a pitch of 1–5")	$8.00
Slate surface roll re-roofing—90 lbs. (apply to roofs having a pitch greater than 1–5")	10.00
Smooth surface roll re-roofing—55 lbs	7.00
Smooth surface roll re-roofing—65 lbs	8.00
Smooth surface roll re-roofing in plastic slate—55 lbs	11.00
Smooth surface roll re-roofing in plastic slate—65 lbs	12.00
Double coverage smooth surface roll re-roofing in plastic slate or other cold adhesive—55 lbs	20.00
Double coverage smooth surface roll re-roofing in plastic slate or other cold adhesive—65 lbs	21.00
Double coverage smooth surface roll re-roofing in plastic slate or other cold adhesive—45 lbs	19.00
Cap sheet double coverage smooth surface roll re-roofing in plastic slate or other cold adhesive—34 lbs	16.50

The above prices include nails, mastic and flashing around chimneys and vents.

Re-roofing accessories for which extra charges may be made as stated below

	Per ft.
Hip and ridge shingles	$0.15
	Per square
Slate surface rolls—90 lbs. (used on valleys, ridges or other sections of roofs)	$8.00
15 lb. felt	1.50
30 lb. felt	2.50
35 lb. smooth surface rolls (when cut in 12" widths)	3.00
	Per bundle
Lath (400 ft. per bundle) after first bundle	$4.00
	Per 100 lineal ft.
Bevel boards	$1.70
	Per square
Backer board	$4.00
	Per ft.
Single drip course of wood shingles	$0.25
Double drip course of wood shingles	.45
Rake strip for drip course of wood 5/4 x 3" (wider boards price proportionately)	.25
Yankee gutters relined	.25
Box gutters relined	.35
Replaced boards on Yankee gutters	.30
	Per tube
Galvanized tubes without flange	$1.50
Galvanized tubes with flange	2.00
	Per ft.
Galvanized eave strip or rake strip	$0.15
	Per square
To remove wooden, asphalt, asbestos, or slate shingles	$5.00

On all sales of composition re-siding and re-roofing on an installed basis covered by this order, where the maximum price of the entire job figured in accordance with Tables I and II of this order is less than $50.00, the seller may make a minimum charge of $50.00.

On all sales of composition re-siding and re-roofing on an installed basis covered by this Order, an additional charge of 50% of the maximum price per square may be made for the actual areas only which consist of the following on re-siding jobs: bay windows, towers, eyebrows, dormer gables and dormer cheeks, porch columns, bulkheads and arches; on re-roofing jobs—towers, eyebrows, bay windows, overhangs and shelves.

On all sales of re-roofing on silos, an additional charge of $50.00 may be added to the maxium price as computed under the provisions of this order.

SEC. 5. *Guaranteed price.* A seller may sell a composition re-siding or re-roofing job covered by this order on the basis of a guaranteed price, but such guaranteed price must not be higher than the maximum price figured in accordance with the pricing methods and requirements of this order.

SEC. 6. *Related and incidental construction work.* If on any job, any installed building materials are furnished or any construction service performed by the seller, other than composition re-siding and re-roofing, the cost of such work shall not be included in the cost of installed composition re-siding and re-roofing, but shall be separately priced and billed on all invoices. The maximum price of any such related and incidental work shall be determined under Revised Maximum Price Regulation No. 251.

SEC. 7. *Measurements.* It shall be the seller's responsibility to measure with reasonable accuracy the area or footage to be covered. A "measurement with reasonable accuracy" shall be considered to have been made if the price based on such estimate does not vary by more than 10% from the maximum price computed under the terms of this order.

SEC. 8. *Notification.* Every person making sales subject to this order shall, if requested by the purchaser, make available to the purchaser a copy of this order and a copy of Revised Maximum Price Regultion No. 251. Upon completion of any contract for installed re-siding and/or re-roofing, and/or related and incidental construction work, the seller, if requested by the purchaser, must furnish to him an itemized statement showing the number of squares, the maximum price per square of re-siding and re-roofing installed, a list of all extras and the quantities and price of each and a separate statement of any related and incidental construction work other than installed re-siding and re-roofing giving a description of such work and an itemized statement of the prices thereof. The seller shall also include in such statement the date on which the installation was completed, the names and addresses of the sellers and buyers and the terms of sale.

SEC. 9. *Evasion.* Any practice or device which results in a higher price to the purchaser of composition re-siding and re-roofing on an installed basis and/or related and incidental construction work than is permitted by this order is as much a violation as an outright over ceiling charge and subjects the seller to all the penalties provided by Revised Maximum Price Regulation No. 251.

SEC. 10. *Records.* All sellers of installed composition re-siding and re-roofing and/or related and incidental construction work covered by the terms of this order must keep records concerning each sale subject to this order, including the name and address of the purchaser, the location of the job, the date of the transaction, a description of the materials and services involved, the number of squares and price per square of re-siding and re-roofing, a list of all extras permitted under Tables I and II of this order with the quantity and price of each, and a separate statement of any related and incidental construction work. All such records shall be made available for inspection by representatives of the Office of Price Administration so long as the Emergency Price Control Act of 1942, as amended, remains in effect.

SEC. 11. *Revocation or amendment.* This order may be revised, amended, revoked or modified at any time by the Office of Price Administration.

This order shall become effective July 31, 1945.

Issued this 23d day of July 1945.

CHARLES T. ABERNETHY,
Acting Regional Administrator.

[F. R. Doc. 45-14166; Filed, Aug. 1, 1945; 12:30 p. m.]

[Region II Order G-52 Under RMPR 122, Amdt. 2]

PENNSYLVANIA ANTHRACITE IN NEW YORK

For the reasons set forth in an opinion issued simultaneously herewith, and under the authority vested in the Regional Administrator of the Office of Price Administration by §§ 1340.260 and 1340.259 (a) (1) of Revised Maximum Price Regulation No. 122, Order No. G-52 is amended in the following respect:

1. Paragraph (d) is amended by adding a new sub-paragraph (5) immediately after sub-paragraph (4) to read as follows:

(5) Additions for sales and deliveries within Zone 1 of anthracite produced by Jeddo Highland Coal Company and prepared at its Jeddo #7 and Highland No. 5 breakers and sold under the trade name of "Jeddo Coal", "Highland Coal" or "Hazel Brook Coal".

There may be added to direct delivery and yard sales prices specified in subparagraphs 1, 2, and 3, above, 50¢ per net ton, 25¢ per net ½ ton and 15¢ per net ¼ ton for sales and deliveries of such anthracite in Zone 1: *Provided*, That such coal is kept separate in storage and delivery and sold under the name of "Jeddo Coal", "Highland Coal", or "Hazel Brook Coal".

This Amendment No. 2 to Order No. G-52 shall become effective June 28, 1945.

(56 Stat. 23, 765; 57 Stat. 566; Pub. Law 383, 79th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 28 day of June 1945.

CHARLES T. ABERNETHY,
Acting Regional Administrator.

[F. R. Doc. 45-14165; Filed, Aug. 1, 1945; 12:29 p. m.]

[Region II Order G-52 Under RMPR 122, Corr. to Amdt. 2]

PENNSYLVANIA ANTHRACITE IN NEW YORK

1. Paragraph (d) (5) is corrected to read as follows:

(5) Additions for sales and deliveries within Zone I of anthracite produced by Jeddo Highland Coal Company and prepared at its Jeddo #7 and Highland No. 5 Breakers and sold under the trade name of "Jeddo Coal", "Highland Coal" or Hazle Brook Coal".

You may add to the "direct delivery" and "yard" sales prices specified in subparagraphs (1), (2), and (3), above, 50¢ per net ton, 25¢ per net ½ ton and 15¢ per net ¼ ton for sales and deliveries of such anthracite in Zone I, *Provided*, That you keep such coal separate in storage and delivery and sell it under the name of "Jeddo Coal", "Highland Coal", or "Hazle Brook Coal", *And further provided*, That you do not price such coal under Order No. G-53, under Revised Maximum Price Regulation No. 122.

This correction shall become effective as of June 28th, 1945.

(56 Stat. 23,765, 57 Stat. 566, Pub. Law 383, 79th Cong.; E.O. 9250, 7 F.R. 7871, E.O. 9328, 8 F.R. 4681)

Issued this 12th day of July 1945.

CHARLES T. ABERNETHY,
Acting Regional Administrator.

[F. R. Doc. 45-14164; Filed, Aug. 1, 1945; 12:59 p. m.]

[Region V Order G-5 Under RMPR 251]

ROOFING ON AN INSTALLED BASIS IN KANSAS CITY, KANS., KANSAS CITY, NORTH KANSAS CITY, AND INDEPENDENCE, MO.

For the reasons set forth in the opinion issued simultaneously herewith and pursuant to the authority vested in the Regional Administrator of Region V of the Office of Price Administration by section 9 of Revised Maximum Price Regulation No. 251, it is ordered:

(a) *What this order does.* This order establishes maximum prices for the sale of certain specified roofing when sold on an installed basis in Kansas City, Missouri, and Kansas City, Kansas, North Kansas City, Missouri and Independence, Missouri.

(b) *Relationship of this order to Revised Maximum Price Regulation No. 251.* Sellers subject to this order may not use the pricing provisions set forth in sections 6, 7, and 8 of Revised Maximum Price Regulation No. 251. Except where the provisions of this order are inconsistent therewith, the other provisions of Revised Maximum Price Regulation No. 251 shall remain in full force and effect with respect to the sales of installed roofing covered by this order.

(c) *Maximum prices.* The maximum prices which any seller subject to this order may charge for the following materials when sold on an installed basis are established, as follows:

Item	Maximum price per square 100 sq. ft. material used
210–219 lb. 12" (3 tab) asphalt strip shingles	$11.50
167 lb. 11⅓" hexagon asphalt strip shingles	9.50
167 lb. reroofer type lock shingles	10.00
138–140 lb. reroofing type shingles	9.00
105 lb. roll roofing, diamond point, mineral surface	8.00
105 lb. roll roofing, mineral surface, staggered edge	8.00
90 lb. roll roofing mineral surface	6.00

The above prices cover installed sales of these materials applied according to the manufacturer's specifications and include weather strip along eaves and gables, flashing around chimneys and vents, and Boston type hips and ridges.

(d) *Permitted additions.* There may be added to the maximum prices set forth in paragraph (c) above, the following:

(i) An amount not to exceed 75¢ per square if the pitch of the roof is as much as or more than a rise measured vertically of two feet in each three feet of horizontal dimension.

(ii) An amount not to exceed 75¢ per square for any job requiring less than five squares of roofing material.

(iii) For any job installed at a job site located more than ten miles by the most direct route from the applicator's place of business, the above prices may be increased by an amount not to exceed $0.10 per square for each mile in excess of ten between the two locations, with a ceiling of $1.00 per square on such increases.

(iv) An additional charge may be made for any construction work performed in connection with the sale of installed roofing such as the removal of old wooden shingles, the installation of new sheathing, metal or composition valleys, gable ends, dormer sides, and other operations which are not a part of the installation of the materials subject to this order. The maximum price for such additional construction work must be priced in accordance with the provisions of Revised Maximum Price Regulation No. 251 and the charge so computed shall be shown separately on the customer's invoice.

(e) *Quoting a guaranteed price.* A seller may offer to sell a roofing job covered by this order on the basis of a guaranteed price, the seller agreeing to charge a fixed amount: *Provided, however*, That such guaranteed price must not be higher than the maximum price figured in accordance with the pricing methods and requirements of this order. Upon completion of the contract and before final payment, if requested by the purchaser, the seller must furnish the purchaser with an itemized statement showing the number of square feet and the weight, type, and unit price of each category of roofing and an explanation of the amount for incidental work.

(f) *Notification to purchaser.* Every person making sales subject to this order shall certify on his invoice or sales tag that the price charged does not exceed the price permitted by this Order No. G-5 under Revised Maximum Price Regulation No. 251.

(g) *Application by sellers for unit prices on certain combination sales.* For any combination or types of installed roofing materials which cannot be priced according to the above schedule of specific prices and permitted increases, a price may be determined in accordance with the provisions of section 6 (a) of Revised Maximum Price Regulation No. 251, if possible, or an application for determination of a price may be made in writing to the Office of Price Administration, Dallas District Office. The Regional Administrator will authorize a pricing method either by letter or by amendment to this order.

(h) *Evasion.* Any practice or device which results in a higher price to the purchaser than is permitted by this Order No. G-5 is as much a violation as an outright over-ceiling charge and subjects the seller to the penalties provided by section 16 of Revised Maximum Price Regulation No. 251.

This order may be revised, amended, or revoked, either by the Regional Administrator or the Price Administrator at any time.

This Order No. G-5 shall become effective this 21st day of July 1945.

(56 Stat. 23, 765; 57 Stat. 566; Pub. Law 383, 78th Cong.; E.O. 9250, 7 F.R. 7871, and E.O. 9328, 8 F.R. 4681)

Issued at Dallas, Texas, this 21st day of July 1945.

W. W. ORTH,
Regional Administrator.

[F. R. Doc. 45-14163; Filed, Aug. 1, 1945; 12:24 p. m.]

[Des Moines Order G-1 Under 259]

MALT BEVERAGES IN DES MOINES, IOWA, DISTRICT

Pursuant to the Emergency Price Control Act of 1942, as amended, and section 4.1 (c) of Revised Maximum Price Regulation No. 259, and for the reasons set forth in an opinion issued simultaneously herewith, it is hereby ordered:

SECTION 1. *What this order does.* This order extends the base delivery zone for certain wholesale distributors of domestic malt beverages, whose licensed premises are located within the borders of the Des Moines District. This order supersedes the provisions in section 4.1 (c) of Revised Maximum Price Regulation No. 259 defining base delivery zones and the delivery charges specified in Table 5, section 4.2 (b) (4) of RMPR 259 are no longer permitted except as allowed in section 2 of this order.

SEC. 2. *Where this order applies.* This order applies to all wholesale distributors of domestic malt beverages, whose licensed premises are located within the borders of the Des Moines District, except those who make sales of domestic malt beverages delivered from licensed platforms located in the cities of Des Moines, Iowa, and Mason City, Iowa.

The Des Moines District consists of the following counties in the State of Iowa:

Adair, Adams, Appanoose, Benton, Black Hawk, Boone, Bremer, Buchanan, Butler, Calhoun, Carroll, Cerro, Gordo, Chickasaw, Clarke, Clay, Clayton, Dallas, Davis, Decatur, Delaware, Dickinson, Emmet, Fayette, Floyd, Franklin, Greene, Grundy, Guthrie, Hamilton, Hancock, Hardin, Howard, Humboldt, Iowa, Jasper, Jefferson, Johnson, Keokuk, Kossuth, Linn, Lucas, Madison, Mahaska, Marion, Marshall, Mitchell, Monroe, Palo Alto, Pocahontas, Polk, Poweshiek, Ringgold, Story, Tama, Union, Van Buren, Wapello, Warren, Washington, Wayne, Webster, Winnebago, Worth and Wright.

SEC. 3. *Applicability.* No wholesaler located in the area where this order is applicable (except those in Des Moines, Iowa and Mason City, Iowa) may make delivery charges in their base delivery zone as defined by this order.

SEC. 4. *Base delivery zone.* The base delivery zone for all wholesale distributors of domestic malt beverages whose licensed premises are located within the borders of the Des Moines District, except in the cities of Des Moines, Iowa, or Mason City, Iowa, shall be that area in which domestic malt beverages are sold and delivered by them.

SEC. 5. *Definitions.* Unless the context otherwise requires, the definitions set forth in section 302 of the Emergency Price Control Act of 1942, as amended, and in Revised Maximum Price Regulation No. 259, as amended, shall apply to the terms used herein.

This order may be revised, revoked or amended at any time.

This order shall become effective on the 1st day of August 1945.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871 and E.O. 9328, 8 F.R. 4681)

Issued this 20th day of July 1945.

ALVIN L. MATTHES,
Acting District Director.

[F. R. Doc. 45-14162; Filed, Aug. 1, 1945; 12:24 p. m.]

[Des Moines Order G-2 Under RMPR 259]

MALT BEVERAGES IN DES MOINES, IOWA, DISTRICT

For the reasons set forth in the accompanying opinion, it is hereby ordered:

SECTION 1. *What this order does.* In accordance with the provisions of section 5.2 (c) of Revised Maximum Price Regulation No. 259, this order establishes uniform maximum deposit charges which may be imposed by wholesalers and retailers for cases and containers in connection with sales of domestic malt beverages in bottles and bottle cases.

SEC. 2. *Where this order applies.* The provisions of this order apply to all wholesalers and retailers whose licensed premises are located within the Des Moines District. The Des Moines District consists of the following counties in the State of Iowa:

Adair, Adams, Appanoose, Benton, Black Hawk, Boone, Bremer, Buchanan, Butler, Calhoun, Carroll, Cerro Gordo, Chickasaw, Clarke, Clay, Clayton, Dallas, Davis, Decatur, Delaware, Dickinson, Emmet, Fayette, Floyd, Franklin, Greene, Grundy, Guthrie, Hamilton, Hancock, Hardin, Howard, Humboldt, Iowa, Jasper, Jefferson, Johnson, Keokuk, Kossuth, Linn, Lucas, Madison, Mahaska, Marion, Marshall, Mitchell, Monroe, Palo Alto, Pocahontas, Polk, Poweshiek, Ringgold, Story, Tama, Union, Van Buren, Wapello, Warren, Washington, Wayne, Webster, Winnebago, Worth, and Wright.

SEC. 3. *Applicability.* No wholesaler or retailer located within the area where this order is applicable may require a deposit from purchasers in excess of the sum permitted by this order.

SEC. 4. *Deposit charges established by this order.* The maximum deposit charges for all sellers to which this order is applicable are as follows:

Bottle cases:	Cents
Wooden cases	52
Fibre cases	32
Paper cases	12
Bottles:	
12 oz. bottles and smaller	2
32 oz. bottles	4

SEC. 5. *Definitions.* Unless the context otherwise requires, the definitions set forth in section 302 of the Emergency Price Control Act of 1942, as amended, and in Revised Maximum Price Regulation No. 259, as amended, shall apply to the terms used herein.

This order shall become effective on the 1st day of August 1945.

(56 Stat. 23,765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871 and E.O. 9328, 8 F.R. 4681)

Issued this 20th day of July 1945.

ALVIN L. MATTHES,
Acting District Director.

[F. R. Doc. 45-14161; Filed, Aug. 1, 1945; 12:23 p. m.]

[Region VII Order G-34 Under MPR 188]

A. & A. ART WOOD PRODUCTS CO. ET AL.

AUTHORIZATION OF MAXIMUM PRICES

Pursuant to the Emergency Price Control Act of 1942, as amended, the Stabilization Act of 1942, as amended, and §§ 1499.158 and 1499.158a of Maximum Price Regulation No. 188, and for the reasons set forth in the accompanying opinion, this Order No. G-34 is issued.

(a) *What this order does.* This Order No. G-34 establishes maximum prices for a clothes rack manufactured by A. & A. Art Woods Products Co., of 1111 Vine Street, Denver, Colorado, and by it designated "E. Z. Folding Clothes Rack", when sold at the specified levels.

(b) *Authorized maximum prices.* Upon and after the effective date of this Order No. G-34, the maximum prices for the clothes rack designated "E. Z. Folding Clothes Rack", manufactured by A. & A. Art Wood Products Co., of 1111 Vine Street, Denver, Colorado, in accordance with the specifications set forth in the application of said manufacturer now on file in this Regional Office as a part of the record in this case, shall be as follows:

	Per dozen
(1) When sold by the manufacturer, f. o. b. shipping point, to a jobber or a wholesaler	$9.25
(2) When sold by the manufacturer, a jobber or a wholesaler, f. o. b. shipping point, to a retailer	12.25
(3) When sold by any seller to an ultimate consumer or user	$1.69

NOTE: (i) The maximum prices authorized by the above paragraphs (1) and (2) are subject to a discount of 2% for payment within 10 days from date of invoice.

(ii) The prices above specified for sales f. o. b. shipping point include all costs incident to wrapping, packing, boxing and carting.

(c) *Notice to be given purchasers for resale.* When the manufacturer or any other seller makes a first sale under this Order No. G-34 to a person who purchases for resale, he must show upon the invoice or on a separate slip or rider attached thereto the applicable portions of the following provisions:

By virtue of Order No. G-34 under Maximum Price Regulation No. 188, the OPA authorized maximum resale prices for this E. Z. folding clothes rack are:

	Per dozen
(1) When sold by the manufacturer, a jobber or a wholesaler, f. o. b. shipping point, to a retailer	$12.25
	Each
(2) When sold by any seller to an ultimate consumer or user	$1.69

(d) *Applicability of other regulations.* The pricing provisions of the General Maximum Price Regulation have no application to the prices established by this Order No. G-34 for sales by the manufacturer or any other seller.

(e) *Geographical applicability.* The maximum prices authorized by this Order No. G-34 for resellers are applicable only to sales made within this Region VII, which includes the States of New Mexico, Colorado, Wyoming, Montana, and Utah, and all that part of the State of Idaho lying south of the southern boundary of Idaho County, the County of Malheur in the State of Oregon, and all that part of the Counties of Mohave and Coconino in the State of Arizona lying north of the Colorado River.

(f) *Licensing.* The provisions of Licensing Order No. 1, licensing all persons who make sales under price control, are applicable to all sellers subject to this regulation or order. A seller's license may be suspended for violation of the license or of one or more applicable price schedules or regulations. A person whose license is suspended may not, during the period of suspension, make any sale for which his license has been suspended.

(g) *Right to revoke or amend.* This order may be revoked, modified, or amended at any time by the Price Administrator or the Regional Administrator.

Effective date. This Order No. G-34 shall become effective on the 10th day of July 1945.

Issued this 10th day of July 1945.

RICHARD Y. BATTERTON,
Regional Administrator.

[F. R. Doc. 45-14160; Filed, Aug. 1, 1945; 12:23 p. m.]

[Region VII Order G-35 Under MPR 188]

TREASURE STATE TOYS ET AL.

AUTHORIZATION OF MAXIMUM PRICES

Pursuant to the Emergency Price Control Act of 1942, as amended, the Stabilization Act of 1942, as amended, and §§ 1499.158 and 1499.158a of Maximum Price Regulation No. 188, and for the reasons set forth in the accompanying opinion, this Order No. G-35 is issued.

(a) *What this order does.* This Order No. G-35 establishes maximum prices for two toy items, namely, a doll bed and a toy steam shovel, manufactured by G. D. Weed, doing business as Treasure State Toys, of Kalispell, Montana, when sold at the specified levels.

(b) *Authorized maximum prices.* Upon and after the effective date of this Order No. G-35, the maximum prices for the two toy items designated "Doll Bed, Model No. 87" and "Toy Steam Shovel, Model No. 40", manufactured by G. D. Weed, doing business as Treasure State Toys, of Kalispell, Montana, in accordance with the specifications set forth in the application of said manufacturer now on file in this Regional Office as a part of the record in this case, shall be as follows:

	Doll bed, model No. 87	Toy steam shovel, model No. 40
(1) When sold by the manufacturer, f. o. b. shipping point, to a jobber or a wholesaler	*Per dozen* $9.20	*Per dozen* $18.00
(2) When sold by the manufacturer, a jobber or a wholesaler, f. o. b. shipping point, to a retailer	11.50	22.50
(3) When sold by any seller to an ultimate consumer or user	*Each* $1.59	*Each* $2.98

NOTE: (i) The maximum prices authorized by the above paragraphs (1) and (2) are subject to a discount of 2% for payment within 10 days from date of invoice.

(ii) The prices above specified for sales f. o. b. shipping point include all costs incident to wrapping, packing, boxing and carting.

(c) *Notice to be given purchasers for resale.* When the manufacturer or any other seller makes a first sale under this Order No. G-35 to a person who purchases for resale, he must show upon the invoice or on a separate slip or rider attached thereto the applicable portions of the following provisions:

By virtue of Order No. G-35 under Maximum Price Regulation No. 188, the OPA authorized maximum resale prices for this Doll Bed, Model No. 87, and this Toy Steam Shovel, Model No. 40, are:

	Doll bed, model No. 87	Toy steam shovel, model No. 40
(1) When sold by the manufacturer, a jobber, or a wholesaler, f. o. b. shipping point, to a retailer	*Per dozen* $11.50	*Per dozen* $22.50
(2) When sold by any seller to an ultimate consumer or user	*Each* $1.59	*Each* $2.98

(d) *Applicability of other regulations.* The pricing provisions of the General Maximum Price Regulation have no application to the prices established by this Order No. G-35 for sales by the manufacturer or any other seller.

(e) *Geographical applicability.* The maximum prices authorized by this Order No. G-35 for resellers are applicable only to sales made within this Region VII, which includes the States of New Mexico, Colorado, Wyoming, Montana, and Utah, and all that part of the State of Idaho lying south of the southern boundary of Idaho County, the County of Malheur in the State of Oregon, and all that part of the Counties of Mohave and Coconino in the State of Arizona lying north of the Colorado River.

(f) *Licensing.* The provisions of Licensing Order No. 1, licensing all persons who make sales under price control, are applicable to all sellers subject to this regulation or order. A seller's license may be suspended for violation of the license or of one or more applicable price schedules or regulations. A person whose license is suspended may not, during the period of suspension, make any sale for which his license has been suspended.

(g) *Right to revoke or amend.* This order may be revoked, modified, or amended at any time by the Price Administrator or the Regional Administrator.

Effective date. This Order No. G-35 shall become effective on the 11th day of July 1945.

Issued this 11th day of July 1945.

RICHARD Y. BATTERTON,
Regional Administrator.

[F. R. Doc. 45-14159; Filed, Aug. 1, 1945; 12:22 p. m.]

[Portland Order G-21, Under 18 (c), Amdt. 1]

FIREWOOD IN KLAMATH FALLS, OREG., AREA

For the reasons set forth in the opinion issued simultaneously herewith, and under the authority vested in the Portland District Director of the Office of Price Administration by § 1499.18 (c) of the General Maximum Price Regulation and Revised General Order No. 32, and Order of Delegation No. 75 issued by the Regional Administrator of Region VIII, it is hereby ordered that Order No. G-21, under § 1499.18 (c) as amended, of the General Maximum Price Regulation is amended in the following respects:

1. The first sentence of paragraph (a) is amended by deleting "in Klamath Falls County, Oregon" and substituting "by fuel dealers whose place of business is located in the 'Klamath Falls Area' as herein defined."

2. Paragraphs (b) (2), (c) (2), and (c) (4) and the heading of the second column of Table I in paragraph (c) (1) are amended by substituting "Klamath Falls Area" for "City of Klamath Falls Area".

3. Paragraph (c) (1) is amended in the following respects: (a) The first sentence is amended by deleting "in Klamath County, Oregon" and substituting "within 20 miles of the city limits of the City of Klamath Falls, Oregon."

4. Paragraph (c) (2) is amended by deleting "outside Klamath County, Oregon" and substituting "more than 20 miles from the city limits of the City of Klamath Falls, Oregon.

5. Paragraph (f) is deleted and paragraph (g) is redesignated paragraph (f).

This amendment to Order No. G-21 shall become effective July 5, 1945.

(56 Stat. 566, Pub. Law 383, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 5th day of July 1945.

MCDONNELL BROWN,
District Director.

[F. R. Doc. 45-14158; Filed, Aug. 1, 1945; 12:22 p. m.]

[Seattle Rev. Order G-25 Under 18 (c)]

MILLWOOD IN THE SNOHOMISH-SKAGIT-WHATCOM-ISLAND COUNTY, WASH., AREA

For the reasons set forth in the opinion issued simultaneously herewith and under the authority vested in the Seattle District Director of the Office of Price Administration by § 1499.18 (c) of the General Maximum Price Regulation and Revised General Order No. 32, Order of Delegation No. 75 issued by the Regional Administrator of the Eighth Region, and under the authority to revise reserved in Order No. G-25, *It is hereby ordered:*

(a) The maximum prices for all sales and deliveries at wholesale in the Snohomish-Skagit-Whatcom-Island County area of the types and kinds of firewood specified in this Revised Order No. G-25 as established by §§ 1499.2 and 1499.3 of the General Maximum Price Regulation as amended or by any previous order issued pursuant to such regulation or any supplementary regulation issued thereto are hereby adjusted to the maximum prices provided in Revised Order No. G-25.

(b) *Definitions.* (1) "Snohomish-Skagit-Whatcom-Island County area" means the area within the boundaries of Snohomish, Skagit, Whatcom, and Island counties all in the state of Washington.

(2) "Sale at wholesale" means a sale or selling by producing mills, wholesalers and wholesaler-processors to retail fuel dealers who purchase for resale at retail.

(3) "Sale at retail" means a sale or selling to an ultimate user.

(4) "Producing mill" means a mill engaged in producing any of the type or kinds of wood fuel described in Revised Order No. G-25.

(5) "Wholesaler" means a dealer in the types and kinds of wood fuel described in Table I of Revised Order No. G-25 who purchases such wood fuel from producing mills for purposes of resale to retail fuel dealers.

(6) "Wholesaler-processor" means a dealer in wood fuel in the types and kinds described in Revised Order No. G-25 who purchases such wood fuel in lengths of 4', or longer, from a producing mill and who processes it to the lengths provided by Table I of Revised Order No. G-25 or who segregates such wood into the types and kinds provided by Revised Order No. G-25 for sale to retail fuel dealers.

(7) "Cord" means 128 cubic feet of stacked wood or 192 cubic feet loose measure.

(8) "Wood fuel" means all wood fuels of the types and kinds described in Revised Order No. G-25 produced by mills located within the United States.

(c) *Maximum prices.* (1) The maximum prices for sales at wholesale of the kinds and types of wood fuel described in Table I set forth below in the bunker, f. o. b. rail car, or loaded on the purchaser's truck within the Snohomish-Skagit-Whatcom-Island County area by any seller shall be the prices set forth in the appropriate column and line of the table stated below:

TABLE I

	Per cord
Green light millrun, (including wood from Weyerhaeuser Mill C) 24 inches or less in length	$2.75
Green heavy or regular millrun, mill slab, mixed mill, (including wood from Weyerhaeuser Mill B) 24 inches or less	3.00
Green edgings, 24 inches or less	2.50
Planer ends, green or dry	3.50

(2) The maximum prices for sales of the types and kinds of wood fuel described in Table I set forth above by producing mills to wholesalers or wholesaler-processors shall be the prices set forth in the appropriate column and line of Table I set forth above less the producing mills discounts and differentials in effect in March, 1942 for sales to wholesalers or wholesaler-processors.

(3) The maximum prices for sales by the producing mill of the kinds and types of wood fuel described in Table II set forth below f. o. b. mill conveyor within the Snohomish-Skagit-Whatcom-Island County area shall be the prices set forth in the appropriate column and line of Table II stated below:

TABLE II

	Per cord
Green millrun or slabwood, in 4' or 8' lengths	$1.00
Green millrun or slabwood, in lengths in excess of 8'	.50

(4) The maximum prices provided by this order are subject to the sellers discounts and differentials in effect in March 1942, including the discount for prompt payment and the discount for multiple cords or units.

(d) *Invoices and records.* Every person making a sale of firewood for which a maximum price is set by this order shall give the purchaser or his agent at the time of the sale an invoice or other memorandum of sale which shall show:

(1) The date of sale.
(2) The name and address of the buyer and seller.
(3) The quantity of firewood sold.
(4) Description of firewood sold in the same manner as it is described in this order.
(5) Place of sale.
(6) The total price of the wood.

The seller shall keep an exact copy of such invoice or memorandum of sale for so long as the Emergency Price Control Act of 1942 as amended remains in effect. Such copy shall be made available for inspection by the Office of Price Administration.

(e) This order may be revoked, amended or corrected at any time.

NOTE: The record-keeping provision of this order has been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

This order shall become effective July 14, 1945.

Issued this 11th day of July 1945.

R. E. MORGAN,
Acting District Director.

[F. R. Doc. 45-14157; Filed, Aug. 1, 1945; 12:22 p. m.]

LIST OF COMMUNITY CEILING PRICE ORDERS

The following orders under Rev. General Order 51 were filed with the Division of the Federal Register July 17, 1945.

REGION I

Augusta Order 1-W, Amendment 11, covering dry groceries. Filed 10:27 a. m.

Maine Order 3-F, Amendment 2, covering fresh fruits and vegetables in South Portland, Portland and Westbrook, Maine. Filed 10:26 a. m.

Maine Order 3-F, Amendment 3, covering fresh fruits and vegetables in South Portland, Portland and Westbrook, Maine. Filed 10:27 a. m.

Maine Order 5-F, Amendment 2, covering fresh fruits and vegetables in Bangor and Brewer, Maine. Filed 10:27 a. m.

Maine Order 5-F, Amendment 3, covering fresh fruits and vegetables in Bangor and Brewer, Maine. Filed 10:27 a. m.

Montpelier Order 3-F, Amendment 2, covering fresh fruits and vegetables in certain areas in Vermont. Filed 10:27 a. m.

New Hampshire Order 9-F, Amendment 9, covering fresh fruits and vegetables in certain areas in New Hampshire. Filed 10:18 a. m.

Vermont Order 2-F, Amendment 7, covering fresh fruits and vegetables in certain areas in Vermont. Filed 10:27 a. m.

Vermont Order 1-C, Amendment 1, covering poultry in the entire state of Vermont. Filed 10:28 a. m.

REGION II

Buffalo Order 3-F, Amendment 15, covering fresh fruits and vegetables in certain areas in New York. Filed 10:28 a. m.

Buffalo Order 4-F, Amendment 15, covering fresh fruits and vegetables in certain areas in New York. Filed 10:28 a. m.

Buffalo Order 4-F, Amendment 16, covering fresh fruits and vegetables in certain areas in New York. Filed 10:01 a. m.

Camden Order 5-O, covering eggs in certain counties in New Jersey. Filed 10:01 a. m.

Camden Order 6-O, covering eggs in certain counties in New Jersey. Filed 10:01 a. m.

New York Order 9-F, Amendment 19, covering fresh fruits and vegetables in the five boroughs of New York. Filed 9:26 a. m.

New York Order 10-F, Amendment 19, covering fresh fruits and vegetables in Nassau and Westchester Counties, New York. Filed 9:25 a. m.

New York Order 12-F, Amendment 12, covering fresh fruits and vegetables in certain counties in New York. Filed 9:25 a. m.

Pittsburgh Order 2-F, Amendment 21, covering fresh fruits and vegetables in certain counties in Pennsylvania. Filed 10:01 a. m.

Pittsburgh Order 3-F, Amendment 16, covering fresh fruits and vegetables in certain areas in Pennsylvania. Filed 10:02 a. m.

Pittsburgh Order 4-F, Amendment 2, covering fresh fruits and vegetables in certain areas in Pennsylvania. Filed 10:02 a. m.

Pittsburgh Order 4-F, Amendment 3, covering fresh fruits and vegetables in certain areas in Pennsylvania. Filed 10:02 a. m.

Pittsburgh Order 6-F, Amendment 2, covering fresh fruits and vegetables in certain areas in Pennsylvania. Filed 10:02 a. m.

Pittsburgh Order 6-F, Amendment 3, covering fresh fruits and vegetables in certain counties in Pennsylvania. Filed 10:02 a. m.

Syracuse Order 1-O, Amendment 1, covering eggs in certain counties in New York. Filed 10:04 a. m.

Syracuse Order 2-O, Amendment 1, covering eggs in certain counties in New York. Filed 10:04 a. m.

Syracuse Order 3-O, Amendment 1, covering eggs in Herkimer and St. Lawrence, New York. Filed 10:04 a. m.

Syracuse Order 4-O, Amendment 1, covering eggs in Herkimer and St. Lawrence, New York. Filed 10:05 a. m.

Syracuse Order 3-F, Amendment 37, covering fresh fruit and vegetables in certain areas in New York. Filed 10:03 a. m.

Syracuse Order 4-F, Amendment 25, covering fresh fruits and vegetables in certain counties in New York. Filed 10:03 a. m.

Syracuse Order 34, Amendment 7, covering poultry in certain counties in New York. Filed 10:03 a. m.

Syracuse Order 35, Amendment 7, covering poultry in certain counties in New York. Filed 10:04 a. m.

REGION III

Cincinnati Order 1-C, Amendment 5, covering poultry in certain counties in Ohio. Filed 10:29 a. m.

Cincinnati Order 4-F, Amendment 26, covering fresh fruits and vegetables in Hamilton County, Ohio. Filed 10:28 a. m.

Cincinnati Order 5-F, Amendment 26, covering fresh fruits and vegetables in certain counties in Ohio. Filed 10:29 a. m.

Cincinnati Order 7-F, Amendment 15, covering fresh fruits and vegetables in certain counties in Ohio. Filed 10:29 a. m.

Cleveland Order F-1, Amendment 46, covering fresh fruits and vegetables in Cuyahoga, Ohio. Filed 10:29 a. m.

Cleveland Order 3-F, Amendment 46, covering fresh fruits and vegetables in Cuyahoga, Ohio. Filed 10:29 a. m.

Cleveland Order 3-F, Amendment 46, covering fresh fruits and vegetables in Stark and Summit Counties, Ohio. Filed 10:29 a. m.

REGION IV

Jacksonville Order 9-F, Amendment 29, covering fresh fruits and vegetables in the city of Jacksonville, Florida. Filed 10:29 a. m.

Columbia Order 19-C, covering poultry in the South Carolina Area. Filed 10:22 a. m.

Columbia Order 19-O, Amendment 5, covering eggs in the South Carolina Area. Filed 10:21 a. m.

Columbia Order 20-C, covering poultry in the South Carolina Area. Filed 10:22 a. m.

Columbia Order 21-C, covering poultry in the South Carolina Area. Filed 10:21 a. m.

Columbia Order 21-O, Amendment 5, covering eggs in the South Carolina Area. Filed 10:20 a. m.

Columbia Order 22-C, covering poultry in the South Carolina Area. Filed 10:20 a. m.

Columbia Order 22-O, Amendment 5, covering eggs in the South Carolina Area. Filed 10:19 a. m.

REGION V

Dallas District Order 1-C, Amendment 7, covering poultry. Filed 10:19 a. m.

Dallas Order 1-F, Amendment 72, covering fresh fruits and vegetables in Dallas County, Texas. Filed 10:10 a. m.

Fort Worth Order 2-C, Amendment 3, covering poultry in certain counties in Texas. Filed 10:11 a. m.

Fort Worth Order 7–F, Amendment 15, covering fresh fruits and vegetables in Tarrant County, Texas. Filed 10:10 a. m.

Forth Worth Order 8–F, Amendment 15, covering fresh fruits and vegetables in Taylor County, Texas. Filed 10:10 a. m.

Fort Worth Order 9–F, Amendment 15, covering fresh fruits and vegetables in Tom Green County, Texas. Filed 10:10 a. m.

Fort Worth Order 10–F, Amendment 15, covering fresh fruits and vegetables in McLennan County, Texas. Filed 10:10 a. m.

Fort Worth Order 11–F, Amendment 15, covering fresh fruits and vegetables in Wichita County, Texas. Filed 10:10 a. m.

Houston Order 1–C, Amendment 8, covering poultry in all counties in the Houston District. Filed 10:17 a. m.

Houston Order 1–F, Amendment 62, covering fresh fruits and vegetables in the certain cities and towns in Texas. Filed 10:11 a. m.

Houston Order 3–F, Amendment 50, covering fresh fruits and vegetables in Orange and Jefferson Counties, Texas. Filed 10:11 a. m.

Little Rock District Order 2–F, Amendment 63, covering fresh fruits and vegetables in Pulaski County, Arkansas. Filed 10:23 a. m.

Little Rock District Order 4–F, Amendment 53, covering fresh fruits and vegetables in Miller County, Arkansas. Filed 10:23 a. m.

Little Rock Order 5–F, Amendment 54, covering fresh fruits and vegetables in Garland County, Arkansas. Filed 10:24 a. m.

Little Rock District Order 6–F, Amendment 53, covering fresh fruits and vegetables in Sebastian and Crawford Counties, Arkansas. Filed 10:24 a. m.

Lubbock Order 3–F, Amendment 61, covering fresh fruits and vegetables in certain counties in Texas. Filed 10:25 a. m.

New Orleans Order 25, Amendment 4, covering eggs in certain areas in Louisiana. Filed 10:05 a. m.

New Orleans Order 26, Amendment 7, covering eggs in certain areas in Louisiana. Filed 10:05 a. m.

Oklahoma City Order 2–F, Amendment 17, covering fresh fruits and vegetables in certain areas in Oklahoma. Filed 10:25 a. m.

Oklahoma City Order 3–F, Amendment 58, covering fresh fruits and vegetables in certain areas in Oklahoma. Filed 10:25 a. m.

Oklahoma City Order 3–F, Amendment 60, covering fresh fruits and vegetables in certain areas in Oklahoma. Filed 10: 25 a. m.

Oklahoma City Order 3–F, Amendment 61, covering fresh fruits and vegetables in certain areas in Oklahoma. Filed 10:26 a. m.

Oklahoma City Order 3–F, Amendment 62, covering fresh fruits and vegetables in certain areas in Oklahoma. Filed 10:26 a. m.

Oklahoma City Order 3–F, Amendment 63, covering fresh fruits and vegetables in certain areas in Oklahoma. Filed 10:26 a. m.

Oklahoma City Order 3–F, Amendment 64, covering fresh fruits and vegetables in certain areas in Oklahoma. Filed 10:26 a. m.

Shreveport District Order G–17, Amendment 6, covering poultry in certain areas in Louisiana. Filed 10:06 a. m.

REGION VI

Chicago Order 2–F, Amendment 68, covering fresh fruits and vegetables in certain areas in Illinois and Indiana. Filed 10:23 a. m.

Duluth-Superior Order 1–F, Amendment 76, covering fresh fruits and vegetables in certain areas in Minnesota. Filed 10:22 a. m.

Duluth-Superior Order 13, covering dry groceries in certain areas in Minnesota. Filed 9:26 a. m.

Green Bay Order 4–F, Amendment 21, covering fresh fruits and vegetables in certain counties in Wisconsin. Filed 10:06 a. m.

Green Bay Order 5–F, Amendment 21, covering fresh fruits and vegetables in certain counties in Wisconsin. Filed 10:06 a. m.

Green Bay Order 6–F, Amendment 21, covering fresh fruits and vegetables in Florence, Forest, and Marinette. Filed 10:06 a. m.

North Platte Order 1–F, Amendment 2, covering fresh fruits and vegetables in certain areas in Nebraska. Filed 10:07 a. m.

North Platte Order 41, Amendment 2, covering dry groceries in certain areas in Nebraska. Filed 10:07 a. m.

North Platte Order 42, Amendment 2, covering dry groceries in certain areas in Nebraska. Filed 10:07 a. m.

North Platte Order 44, Amendment 4, covering dry groceries in certain areas in Nebraska. Filed 10:08 a. m.

Springfield Order 13–F, Amendment 16, covering fresh fruits and vegetables in Springfield, Sangamon County, Illinois. Filed 10:08 a. m.

Springfield Order 13–F, Amendment 17, covering fresh fruits and vegetables in Springfield, Sangamon County, Illinois. Filed 10:08 a. m.

Springfield Order 14–F, Amendment 18, covering fresh fruits and vegetables in certain areas in Illinois. Filed 10:08 a. m.

Springfield Order 14–F, Amendment 19, covering fresh fruits and vegetables in certain areas in Illinois. Filed 10:09 a. m.

REGION VIII

Los Angeles Order 1–F, Amendment 70, covering fresh fruits and vegetables. Filed 10:19 a. m.

Los Angeles Order 1–F, Amendment 71, covering fresh fruits and vegetables in the Santa Barbara-San Luis Obispo Area. Filed 10:19 a. m.

Los Angeles Order 1–P, Amendment 6, covering fresh fish. Filed 9:58 a. m.

Los Angeles Order 3–F, covering fresh fruits and vegetables in the Los Angeles Area. Filed 10:18 a. m.

Los Angeles Order 3–F, Amendment 1, covering fresh fruits and vegetables in the Los Angeles Area. Filed 10:18 a. m.

Los Angeles Order 3–F, Amendment 2, covering fresh fruits and vegetables in the Los Angeles Area. Filed 10:18 a. m.

Los Angeles Order 4–F, covering fresh fruits and vegetables in the Los Angeles Area. Filed 10:00 a. m.

Los Angeles Order 4–F, Amendment 1, covering fresh fruits and vegetables in the Long Beach-San Bernardino Area. Filed 10:00 a. m.

Los Angeles Order 4–F, Amendment 2, covering fresh fruits and vegetables in the Long Beach-San Bernardino Area. Filed 10:00 a. m.

Los Angeles Order 5–F, covering fresh fruits and vegetables in the Santa Barbara-Ventura Area. Filed 9:56 a. m.

Los Angeles Order 5–F, Amendment 1, covering fresh fruits and vegetables in the Santa Barbara-Ventura and San Luis Obispo Area. Filed 9:59 a. m.

Los Angeles Order 5–F, Amendment 2, covering fresh fruits and vegetables in the Santa Barbara-Ventura and San Luis Obispo Area. Filed 9:59 a. m.

Los Angeles Order 6–F, covering fresh fruits and vegetables in the San Luis Obispo Area. Filed 9:59 a. m.

Los Angeles Order 6–F, Amendment 1, covering fresh fruits and vegetables in the Santa Barbara-Ventura and San Luis Obispo Area. Filed 9:59 a. m.

Los Angeles Order 6–F, Amendment 2, covering fresh fruits and vegetables in the Santa Barbara-Ventura and San Luis Obispo Area. Filed 9:58 a. m.

Los Angeles Order 12, Amendment 4, covering dry groceries in the Los Angeles Area. Filed 9:57 a. m.

Los Angeles Order 12, Amendment 6, covering dry groceries in the Los Angeles Area. Filed 9:57 a. m.

Los Angeles Order 13, Amendment 3, covering dry groceries in the San Bernardino-Riverside Area. Filed 9:57 a. m.

Los Angeles Order 13, Amendment 4, covering dry groceries in the San Bernardino-Riverside Area. Filed 9:27 a. m.

Los Angeles Order 14, Amendment 3, covering dry groceries in the Santa Barbara-Ventura Area. Filed 9:27 a. m.

Los Angeles Order 14, Amendment 4, covering dry groceries in the Santa Barbara-Ventura Area. Filed 9:26 a. m.

Los Angeles Order 15, Amendment 3, covering dry groceries in the San Luis Obispo Area. Filed 9:26 a. m.

Copies of any of these orders may be obtained from the OPA Office in the designated city.

ERVIN H. POLLACK,
Secretary.

[F. R. Doc. 45–14141; Filed, Aug. 1, 1945; 11:15 a. m.]

[Savannah Order Rev. Order G–1 Under Gen Order 50, Amdt. 1]

MALT AND CEREAL BEVERAGES IN SAVANNAH, GA., DISTRICT

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the District Director of the Savannah (Georgia) District Office of Region IV of the Office of Price Administration by General Order No. 50, and Region IV Revised Delegation Order No. 17, *It is hereby ordered*, That Order G–1 be amended as follows:

1. That section 2 be amended by adding to the list of named counties in said section the Counties of Columbia and McIntosh.

2. That section 3 (a) be amended by adding to the appendices of said section a new paragraph to read as follows:

The above prices include all Federal and State Taxes with the exception of the Federal Excise Tax on cabarets. Sellers who are required to pay the Federal Excise Tax on cabarets may add the same to the above prices if such tax is separately stated and collected.

This amendment shall become effective June 26, 1945.

(56 Stat. 23, 765; 57 Stat. 566, Pub. Law 383, 78th Cong., E.O. 9250, 7 F.R. 7871, E.O. 9328, 8 F.R. 4681; G.O. 50, 8 F.R. 4808)

Issued this 26th day of June 1945.

R. L. SCHLEY,
Acting District Director.

[F. R. Doc. 45–14171; Filed, Aug. 1, 1945; 12:31 p. m.]

LIST OF COMMUNITY CEILING PRICE ORDERS

The following orders under Rev. General Order 51 were filed with the Division of the Federal Register July 23, 1945.

REGION I

Augusta Order 4–F, Amendment 1, covering fresh fruits and vegetables. Filed 9:58 a. m.

Concord Order 21–C, covering poultry in the state of New Hampshire. Filed 10:08 a. m.

Concord Order 22–C, covering poultry in the state of New Hampshire. Filed 10:08 a. m.

Connecticut Order 5–F, Amendment 8 covering fresh fruits and vegetables in Waterbury and Watertown, Connecticut. Filed 9:53 a. m.

Connecticut Order 5–F, Amendment 9, covering fresh fruits and vegetables in Waterbury and Watertown, Connecticut. Filed 10:06 a. m.

Connecticut Order 6–F, Amendment 8, covering fresh fruits and vegetables in the Hartford Area. Filed 9:53 a. m.

Connecticut Order 6–F, Amendment 9, covering fresh fruits and vegetables in the Hartford Area. Filed 10:06 a. m.

Connecticut Order 7–F, Amendment 7, covering fresh fruits and vegetables in the New Haven Area. Filed 9:53 a. m.

Connecticut Order 7–F, Amendment 8, covering fresh fruits and vegetables in the New Haven Area. Filed 10:06 a. m.

Connecticut Order 8–F, Amendment 8, covering fresh fruits and vegetables in the Bridgeport Area. Filed 9:53 a. m.

Connecticut Order 8–F, Amendment 9, covering fresh fruits and vegetables in the Bridgeport Area. Filed 10:06 a. m.

Maine Order 3–F, Amendment 4, covering fresh fruits and vegetables in South Portland, Portland and Westbrook, Maine. Filed 10:07 a. m.

Maine Order 5–F, Amendment 4, covering fresh fruits and vegetables in the Bangor and Brewer Area. Filed 10:07 a. m.

New Hampshire Order 9–F, Amendment 10, covering fresh fruits and vegetables in certain areas in New Hampshire. Filed 10:07 a. m.

New Hampshire Order 10–F, Amendment 2, covering fresh fruits and vegetables in certain areas in New Hampshire. Filed 10:07 a. m.

New Hampshire Order 11–F, Amendment 2, covering fresh fruits and vegetables in certain areas in New Hampshire. Filed 10:07 a. m.

New Hampshire Order 12–F, Amendment 2, covering fresh fruits and vegetables in all of Coos County. Filed 10:07 a. m.

Rhode Island Order 1–C, covering poultry in certain areas in the state of Rhode Island. Filed 10:08 a. m.

Rhode Island Order 2–O, Amendment 1, covering poultry in the state of Rhode Island, except New Shoreham. Filed 10:09 a. m.

Rhode Island Order 2–W, Amendment 8, covering poultry in certain cities and towns in Rhode Island, except New Shoreham. Filed 10:09 a. m.

Rhode Island Order 3–F, Amendment 9, covering fresh fruits and vegetables in certain areas in Rhode Island. Filed 10:08 a. m.

REGION II

Baltimore Order 3–O, covering eggs in certain areas in Maryland. Filed 9:52 a. m.

Baltimore Order 4–O, covering eggs in certain counties in Maryland. Filed 9:52 a. m.

Baltimore Order 5–O, covering eggs in certain counties in Maryland. Filed 9:46 a. m.

Baltimore Order 6–O, covering eggs in certain counties in Maryland. Filed 9:45 a. m.

Binghamton Order 2–F, Amendment 39, covering fresh fruits and vegetables in certain counties in New York. Filed 9:52 a. m.

Binghamton Order 2–F, Amendment 40, covering fresh fruits and vegetables in certain counties in New York. Filed 10:09 a. m.

Buffalo Order A–2, Amendment 2, covering poultry in Buffalo, Lackawanna and the village of Kenmore, New York. Filed 10:09 a. m.

Buffalo Order A–4, covering poultry in certain areas in New York. Filed 10:10 a. m.

Buffalo Order A–5, covering poultry in Monroe County, New York. Filed 10:11 a. m.

Philadelphia Order 6–F, Amendment 34, covering fresh fruits and vegetables in Philadelphia, Pa. Filed 9:45 a. m.

Philadelphia Order 11–F, Amendment 9, covering fresh fruits and vegetables in certain counties in Pennsylvania. Filed 9:45 a. m.

Philadelphia Order 12–F, Amendment 9, covering fresh fruits and vegetables in certain counties in Pennsylvania. Filed 9:44 a. m.

Scranton Order 3–O, covering eggs in certain counties in Pennsylvania. Filed 9:54 a. m.

Scranton Order 4–O, covering eggs in certain counties in Pennsylvania. Filed 9:54 a. m.

Scranton Order 17–C, Amendment 8, covering poultry in certain counties in Pennsylvania. Filed 9:53 a. m.

REGION III

Cleveland Order F–1, Amendment 44, covering fresh fruits and vegetables in Cuyahoga, Ohio. Filed 9:54 a. m.

Cleveland Order 3–F, Amendment 44, covering fresh fruits and vegetables in Mahoning and Trumbull, Ohio. Filed 9:55 a. m.

Cleveland Order 4–F, Amendment 44, covering fresh fruits and vegetables in Stark and Summit Counties, Ohio. Filed 9:55 a. m.

Detroit Order 5–F, Amendment 22, covering fresh fruits and vegetables in Wayne and Macomb Counties, Michigan. Filed 9:44 a. m.

Louisville Order 12–F, Amendment 27, covering fresh fruits and vegetables in Jefferson County, Ky., and Clark and Floyd, Indiana. Filed 9:27 a. m.

Louisville Order 13–F, Amendment 27, covering fresh fruits and vegetables in McCracken County, Kentucky. Filed 9:27 a. m.

Louisville Order 14–F, Amendment 27, covering fresh fruits and vegetables in Daviess and Henderson Counties, Kentucky. Filed 9:27 a. m.

Louisville Order 15–F, Amendment 5, covering fresh fruits and vegetables in certain counties in Kentucky. Filed 9:27 a. m.

REGION IV

Atlanta Order 6–F, Amendment 41, covering fresh fruits and vegetables in the Atlanta-Decatur Area. Filed 9:41 a. m.

Atlanta Order 7–F, Amendment 10, covering fresh fruits and vegetables in certain areas in Georgia. Filed 9:42 a. m.

Atlanta Order 8–F, Amendment 10, covering fresh fruits and vegetables in certain counties in Georgia. Filed 9:42 a. m.

Atlanta Order 9–F, Amendment 13, covering fresh fruits and vegetables in Bibb and Muscogee Counties, Georgia and Phenix City, Alabama. Filed 9:42 a. m.

Atlanta Order 10–F, Amendment 5, covering fresh fruits and vegetables in certain areas in Georgia. Filed 9:43 a. m.

Birmingham Order 1–C, Amendment 7, covering poultry in the Birmingham Area. Filed 9:34 a. m.

Birmingham Order 2–C, Amendment 7, covering poultry in the Birmingham Area. Filed 9:34 a. m.

Birmingham Order 4–F, Amendment 13, covering fresh fruits and vegetables in certain counties in Alabama. Filed 9:55 a. m.

Jackson Order 4–F, Amendment 38, covering fresh fruits and vegetables in certain counties in Mississippi. Filed 9:55 a. m.

Jackson Order 5–F, Amendment 9, covering fresh fruits and vegetables in certain counties in Mississippi. Filed 9:55 a. m.

Jacksonville Order 1–C, covering poultry in certain counties in Florida. Filed 9:35 a. m.

Jacksonville Order 2–C, covering poultry in certain counties in Florida. Filed 9:35 a. m.

Jacksonville Order 3–C, covering poultry in certain counties in Florida. Filed 9:35 a. m.

Jacksonville Order 4–C, covering poultry in certain counties in Florida. Filed 9:36 a. m.

Jacksonville Order 5–C, covering poultry in certain counties in Florida. Filed 9:36 a. m.

Jacksonville Order 6–C, covering poultry in certain counties in Florida. Filed 9:36 a. m.

Jacksonville Order 7–C, covering poultry in certain counties in Florida. Filed 9:36 a. m.

Jacksonville Order 8–C, covering poultry in certain counties in Florida. Filed 9:37 a. m.

Jacksonville Order 11–F, Amendment 13, covering fresh fruits and vegetables in certain counties in Florida. Filed 9:44 a. m.

Memphis Order 1–O, Amendment 3, covering eggs in Memphis and the county of Shelby, Tennessee. Filed 9:58 a. m.

Memphis Order 5–C, covering poultry in certain counties in Tennessee. Filed 9:55 a. m.

Memphis Order 6–C, covering poultry in certain counties in Tennessee. Filed 9:56 a. m.

Memphis Order 6–F, Amendment 38, covering fresh fruits and vegetables in the county of Shelby and city of Memphis, Tennessee. Filed 9:44 a. m.

Memphis Order 7–C, covering poultry in certain counties in Tennessee. Filed 9:56 a. m.

Memphis Order 7–F, Amendment 13, covering fresh fruits and vegetables in certain counties in Tennessee. Filed 9:44 a. m.

Memphis Order 8–C, covering poultry in certain counties in Tennessee. Filed 9:56 a. m.

Memphis Order 9–C, covering poultry in certain counties in Tennessee. Filed 9:57 a. m.

Memphis Order 10–C, covering poultry in certain counties in Tennessee. Filed 9:57 a. m.

Memphis Order 11–C covering poultry in certain counties in Tennessee. Filed 9:57 a. m.

Memphis Order 12–C, covering poultry in certain counties in Tennessee. Filed 9:58 a. m.

Miami Order 1–W, Amendment 2, covering dry groceries in certain counties in Florida. Filed 9:41 a. m.

Miami Order 2–W, Amendment 2, covering dry groceries in certain counties in Florida. Filed 9:41 a. m.

Miami Order 2–W, Amendment 3, covering dry groceries in certain counties in Florida. Filed 9:26 a. m.

Miami Order 1, Amendment 5, covering dry groceries in certain counties in Florida. Filed 9:39 a. m.

Miami Order 1, Amendment 6, covering dry groceries in certain counties in Florida. Filed 9:39 a. m.

Miami Order 2, Amendment 4, covering dry groceries in certain counties in Florida. Filed 9:39 a. m.

Miami Order 2, Amendment 5, covering dry groceries in certain counties in Florida. Filed 9:40 a. m.

Miami Order 2, Amendment 6, covering dry groceries in certain counties in Florida. Filed 9:40 a. m.

Miami Order 3, Amendment 4, covering dry groceries in certain counties in Florida. Filed 9:40 a. m.

Miami Order 4, Amendment 4, covering dry groceries in certain counties in Florida. Filed 9:40 a. m.

Miami Order 1–F, Amendment 22, covering fresh fruits and vegetables in certain areas in Florida. Filed 9:37 a. m.

Miami Order 2–F, Amendment 20, covering fresh fruits and vegetables in Tampa, Florida. Filed 9:38 a. m.

Miami Order 3–F, Amendment 8, covering fresh fruits and vegetables in certain areas in Florida. Filed 9:38 a. m.

Miami Order 3–F, Amendment 9, covering fresh fruits and vegetables in certain areas in Florida. Filed 9:38 a. m.

Miami Order 4–F, Amendment 9, covering fresh fruits and vegetables in Monroe County, Florida. Filed 9:39 a. m.

Roanoke District Order 1–C, Amendment 7, covering poultry in the Roanoke Area. Filed 9:26 a. m.

Roanoke District Order 2–C, Amendment 7, covering poultry in the Roanoke Area. Filed 9:26 a. m.

Roanoke Order 11–F, Amendment 21, covering fresh fruits and vegetables in certain cities and counties in Virginia. Filed 9:43 a. m.

Roanoke Order 12–F, Amendment 14, covering fresh fruits and vegetables in certain areas in Virginia. Filed 9:26 a. m.

REGION VII

Albuquerque District Order 28–C, Amendment 1, covering poultry in certain counties in New Mexico. Filed 10:03 a. m.

Albuquerque Order District 29–C, Amendment 1, covering poultry in certain counties in New Mexico. Filed 10:04 a. m.

Albuquerque District Order 30–C, Amendment 1, covering poultry in certain counties in New Mexico. Filed 10.04 a. m.

Albuquerque District Order 31–C, Amendment 1, covering poultry in certain counties in New Mexico. Filed 10:05 a. m.

Albuquerque District Order 32–C, Amendment 1, covering poultry in certain counties in New Mexico. Filed 10:06 a. m.

Albuquerque District Order 33–C, Amendment 1, covering poultry in certain counties in New Mexico. Filed 10:04 a. m.

Boise Community Pricing Order 3–B, (Revocation), covering fresh fruits and vegetables in the Boise, Idaho Area. Filed 10:02 a. m.

Boise Order 19–W, Amendment 1, covering dry groceries in the Boise City Area. Filed 10:01 a. m.

Boise Order 20–W, Amendment 1, covering dry groceries in Idaho Falls, Twin Falls and Pocatello, Idaho. Filed 10:01 a. m.

Boise Order 42, Amendment 1, covering dry groceries in certain areas in Idaho and Oregon. Filed 9:58 a. m.

Denver Order 4–F, Amendment 5, covering fresh fruits and vegetables in the Denver Area. Filed 10:02 a. m.

Denver Order 5–F, Amendment 5, covering fresh fruits and vegetables in the Pueblo Area. Filed 10:03 a. m.

Denver Order 6–F, Amendment 5, covering fresh fruits and vegetables in the Colorado Springs-Manitou Area. Filed 10:03 a. m.

Denver Order 7–F, Amendment 5, covering fresh fruits and vegetables in the Boulder-Fort Collins-Greeley Area. Filed 10:03 a. m.

Copies of any of these orders may be obtained from the OPA Office in the designated city.

ERVIN H. POLLACK,
Secretary.

[F. R. Doc. 45–14223; Filed, Aug. 2, 1945; 11:29 a. m.]

[Region II Order G–3 Under RMPR 285]

IMPORTED FRESH BANANAS IN PHILADELPHIA, PA.

For the reasons stated in the accompanying opinion, this order is issued.

SECTION 1. *What this order does.* This order adjusts upward the maximum prices for "processor's" sales of bananas provided that the bananas have been (a) produced in, and imported from Costa Rica, Guatemala, Honduras and Panama, (b) unloaded from a rail car at a rail terminal, loaded on to a motor vehicle and transported to the processor's warehouse or ripening room, and (c) "processed." No adjustment is provided for bananas which do not meet all of these conditions.

SEC. 2. *Where this order applies.* This order applies to all "processors" of bananas whose warehouses or ripening rooms are located in Philadelphia, Pennsylvania.

SEC. 3. *Adjustment.* The maximum price for sales by "processors" of bananas shall, if sections 1 and 2 above have been satisfied, be increased by 12¢ per cwt. The maximum prices otherwise applicable to all subsequent sales of such bananas shall be increased in each case by the same amount.

SEC. 4. *Definitions.* The terms "processed bananas" and "processor" are to be understood as defined in section 2 of Revised Maximum Price Regulation No. 285.

SEC. 5. *Effective date.* This order shall become effective on July 20, 1945.

(56 Stat. 23, 765; 57 Stat. 566; Pub. Law 383, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681; RMPR 285, 10 F.R. 1493)

Issued July 18, 1945.

CHARLES T. ABERNETHY,
Acting Regional Administrator.

[F. R. Doc. 45–14232; Filed, Aug. 2, 1945; 11:29 a. m.]

WAR MANPOWER COMMISSION.

HAMILTON, OHIO, AREA

MINIMUM WARTIME WORKWEEK

Designation of the Hamilton, Ohio, Area as subject to Executive Order No. 9301.

By virtue of the authority vested in me as Regional Manpower Director of Region No. V by § 903.2 of War Manpower Commission Regulation No. 3, "Minimum Wartime Workweek of 48 Hours" (8 F.R. 7225), and having found that such action will aid in alleviating labor shortages which are impeding the war effort, I hereby designate the Hamilton, Ohio, Area as subject to the provisions of Executive Order No. 9301.

1. For the purposes of this designation, the Hamilton Area shall include:

All of Butler County (except Lemon and Madison Townships).

All of Warren County (except Franklin Township).

2. The effective date of this designation is August 1, 1945.

3. Not later than the effective date, each employer in the Hamilton Area shall, in accordance with War Manpower Commission Regulation No. 3:

(a) Extend to a minimum wartime workweek of 48 hours, the workweek of any of his workers whose workweek can be so extended without involving the release of any worker;

(b) If extension of the workweek of any of his workers to a minimum wartime workweek of 48 hours would involve the release of any workers, submit to the Area Manpower Director the number and occupational classification of the workers whose release would be involved, together with proposed schedules for their release, and thereafter extend such workweek when and as directed in schedules authorized by the War Manpower Commission;

(c) File an application for a minimum wartime workweek of less than 48 hours for those workers engaged in employment in which the employer claims that a workweek of 48 hours would be impracticable in view of the nature of the operations, would not contribute to the reduction of labor requirements, or would conflict with any Federal, State or local law or regulation limiting hours of work. Such applications must be filed before July 30, 1945.

Date of issuance: July 9, 1945.

E. L. KEENAN,
Regional Director.

[F. R. Doc. 45–14209; Filed, Aug. 2, 1945; 10:08 a. m.]

AUG 6 '45

FEDERAL REGISTER

VOLUME 10 NUMBER 155

Washington, Saturday, August 4, 1945

Regulations

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

[Civil Air Regs., Amdt. 41–1]

PART 41—CERTIFICATION AND OPERATION RULES FOR SCHEDULED AIR CARRIER OPERATIONS OUTSIDE THE CONTINENTAL LIMITS OF THE UNITED STATES

POSTPONEMENT OF EFFECTIVE DATE

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 31st day of July 1945.

Effective July 31, 1945, Part 41 of the Civil Air Regulations is amended by postponing the effective date from August 1, 1945, to September 1, 1945.

(52 Stat. 984, 1007; 49 U.S.C. 425, 551)

By the Civil Aeronautics Board.

FRED A. TOOMBS,
Secretary.

[F. R. Doc. 45–14267; Filed, Aug. 3, 1945; 10:47 a. m.]

[Civil Air Regs., Amdt. 43–1]

PART 43—GENERAL OPERATION RULES

WAR EMERGENCY REGULATIONS

At a session of the Civil Aeronautics Board held at its office in Washington, D. C., on the 31st day of July, 1945.

Effective August 1, 1945, Part 43 of the Civil Air Regulations is amended by adding a new § 43.8 to read as follows:

§ 43.8 *War emergency regulations.*

§ 43.80 *Designation of airports.*

§ 43.800 *Definitions.* (As used in this § 43.8). (a) The term "aircraft" means all aircraft other than those operated by scheduled air carriers, the United States Army or Navy, the Civil Aeronautics Administration, or the Civil Aeronautics Board.

(b) A "designated landing area" is an area designated by the Administrator as a regular base of operation for aircraft during the period of national emergency.

(c) A "local flying area" is an area in the vicinity of a designated landing area, including any channel leading thereto, recorded by the Administrator after coordination with all local interests, and with the defense commander if within a vital defense area, for nonexclusive use of local aircraft operations emanating from that designated area.

(d) A "vital defense area" is in area set aside by competent military authority within which the operation of aircraft is prohibited or is authorized only subject to prescribed conditions.

§ 43.801 *Flight rules.* (a) Aircraft shall be based only at designated landing areas.

NOTE: An aircraft is not prohibited from making an occasional take-off and landing from areas other than designated landing areas outside vital defense areas. This does not apply to military airfields, use of which by civil aircraft requires specific authorization by appropriate military authorities.

(b) No person shall pilot an aircraft within a vital defense area unless the flight has been approved by the responsible defense command or by the agency to which authority has been delegated for such approval: *Provided*, That approval is not required for flights from designated landing areas confined to the local flying area.

§ 43.802 *Cancellation of designation.* The Administrator may, at any time, cancel the designation of a landing area if it is determined such action is necessary to public safety or to prevent conflict with military operations.

§ 43.81 *Military insignia.* No aircraft, other than aircraft of the national defense forces of the United States, shall be operated with emblems, insignia, or markings of the national defense forces unless written authorization for such use is obtained from the War or Navy Departments.

§ 43.82 *Search of passengers' baggage.* The pilot in command of an aircraft, or any person designated by him, shall search passengers' baggage or cargo whenever and to the extent that the pilot believes national security so requires. If such baggage or cargo includes a camera,

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NOTICE

1944 Supplement

Book 1 of the 1944 Supplement to the Code of Federal Regulations, containing Titles 1–10, including Presidential documents in full text, is now available from the Superintendent of Documents, Government Printing Office, at $3.00 per copy.

A limited sales stock of the Cumulative Supplement and the 1943 Supplement is still available as previously announced.

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such camera shall be placed in the aircraft so as to be completely inaccessible to all passengers during the flight.

(52 Stat. 984, 1007; 49 U.S.C. 425, 551)

By the Civil Aeronautics Board.

FRED A. TOOMBS,
Secretary.

[F. R. Doc. 45-14268; Filed, Aug. 3, 1945; 10:47 a. m.]

[Civil Air Regs., Amdt. 60-3]

PART 60—AIR TRAFFIC RULES

DIRECTIONS FOR CRUISING ALTITUDES UNDER IFR TO BE DESIGNATED IN MAGNETIC INSTEAD OF TRUE COURSE

At a session of the Civil Aeronautics Board held at its office in Washington, D. C., on the 31st day of July 1945.

Effective August 1, 1945, § 60.24 (b) of the Civil Air Regulations is amended by striking the word "True" from the table heading and substituting in lieu thereof the word "Magnetic."

(52 Stat. 984, 1007; 49 U.S.C. 425, 551)

By the Civil Aeronautics Board.

FRED A. TOOMBS,
Secretary.

[F. R. Doc. 45-14269; Filed, Aug. 3, 1945; 10:47 a. m.]

TITLE 29—LABOR

Chapter VI—National War Labor Board

PART 802—RULES OF PROCEDURE

MISCELLANEOUS AMENDMENTS

The National War Labor Board has added the following paragraphs to §§ 802.25 (b) and 802.57 (b) (1) of its rules of procedure as follows:

§ 802.25 *Panel report and comments.* • • •

(b) *Procedure in cases involving price relief or increases in production cost.* • • •

(4) For procedure to be followed where the panel recommends denial of an increase and the Board or its agent reverses such recommendation, or modifies the panel's recommendation upward or hears the case on its merits, see § 802.57 (b) (1) of the rules of procedure as amended.

§ 802.57 *Authority of Regional War Labor Boards.* • • •

(b) *Directive orders in dispute cases.* (1) • • •

If the panel recommends denial of an increase and the Regional Board overrules such a recommendation, or where the Regional Board modifies upward the panel's recommendation or where the Regional Board itself hears the case on its merits, the Regional Board shall notify the employer at the time of the issuance of its directive order, that if he intends to seek price relief from the Office of Price Administration, he must within 15 days after the receipt of the directive order file with the nearest office of the OPA an appropriate application for such relief. All other information as required in § 802.25 (b) shall be submitted to the Board in the same manner as therein described. If application for price relief is made within the time allowed, then the directive order shall become effective only when the Office of Price Administration has determined that the wage increase ordered will not require any change in price ceilings, or, if no such determination is made, then upon approval by the Director of Economic Stabilization.

(E.O. 9017, 7 F.R. 7871)

Approved: July 4, 1945.

FRED E. DESMOND,
Acting Executive Director.

[F. R. Doc. 45-14249; Filed, Aug. 2, 1945; 4:37 p. m.]

PART 803—GENERAL ORDERS

APPROVAL OF INCREASES IN WAGES AND SALARIES

The National War Labor Board has amended its General Order No. 7 to read as follows:

§ 803.7 *Approval of increases in compliance with Fair Labor Standards Act.* Since Title VI, section 1 of Executive Order No. 9250, dated October 3, 1942, states that "nothing in this order shall be construed as affecting the present operation of the Fair Labor Standards Act", and since statutes and orders of the duly constituted authorities of the several states fixing minimum rates for certain types of workers carry out the true purposes and intent of the Fair Labor Standards Act, and are designed and intended to eliminate substandards of living within the meaning of section 2 of Title II of Executive Order No. 9250, the National War Labor Board hereby approves increases in wage and salary rates made in compliance with such statutes and orders: *Provided however,* That if any changes in such statutes or orders are made or promulgated after April 8, 1943, increases directed thereby which would result in a wage or salary rate in excess of the rate which the War Labor Board establishes as a minimum wage rate by General Order No. 30, may not be made without the approval of the Board.

(E.O. 9250, Oct. 2, 1942, 7 F.R. 7871, as amended by E.O. 9381, Sept. 25, 1943, 8 F.R. 13083; E.O. 9328, April 8, 1943, 8 F.R. 4681; Act of Oct. 2, 1942, C 578, 56 Stat. 765, Pub. Law 729, 77th Cong.)

Approved: July 19, 1945.

THEODORE W. KHEEL,
Executive Director.

[F. R. Doc. 45-14250; Filed, Aug. 2, 1945; 4:37 p. m.]

TITLE 32—NATIONAL DEFENSE

Chapter II—National Guard and State Guard, War Department

PART 211—STATE GUARD

CORRESPONDENCE AND REPORTS; CHANNELS OF COMMUNICATION

In § 211.9 paragraph (b) is rescinded and the following substituted in lieu thereof:

§ 211.9 *Correspondence and reports.* • • •

(b) *Channels of communication.* Communication between State authorities and the War Department relating to State Guard matters will be conducted as follows:

(1) *Between State authorities and the Chief, National Guard Bureau.* Direct correspondence where action within the purview of a service command or Army Service Forces is not required.

(2) *Between State authorities and service commands.* Communication will be direct if reference to the War Department or the Chief of the National Guard Bureau is not required.

(3) *Between service commands and the War Department or the Chief, National Guard Bureau.* Communication will be submitted through the Commanding General, Army Service Forces.

(Sec. 61, Act of 3 June 1916 (39 Stat. 198, 32 U.S.C. 194) as amended by Act of 21 Oct. 1940, (54 Stat. 1206), Act Aug. 18,

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Appears under War Manpower Commission in Notices section.

1941 (55 Stat. 628); and Act Oct. 1, 1942 (56 Stat. 762) [AR 850-250, Aug. 9, 1943 as amended by C1, July 26, 1945]

[SEAL] EDWARD F. WITSELL,
Major General,
Acting The Adjutant General.

[F. R. Doc. 45-14258; Filed, Aug. 3, 1945; 9:38 a. m.]

Chapter IX—War Production Board

AUTHORITY: Regulations in this chapter, unless otherwise noted at the end of documents affected, issued under sec. 2 (a), 54 Stat. 676, as amended by 55 Stat. 236, 56 Stat. 177, 58 Stat. 827; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; W.P.B. Reg. 1 as amended Dec. 31, 1943, 9 F.R. 64.

PART 903—DELEGATIONS OF AUTHORITY

[Supplementary Directive 1-X, as Amended Aug. 3, 1945]

RATIONING OF PASSENGER AUTOMOBILES

§ 903.50 *Supplementary Directive No. 1-X; delegation of authority to the Office of Price Administration with reference to the rationing of passenger automobiles*—(a) *Supplementary Directive 1-A revoked.* Supplementary Directive 1-A is hereby revoked.

(b) *Rationing authority over passenger automobiles transferred to Office of Price Administration.* In order to permit the efficient rationing of passenger automobiles, the authority delegated to the Office of Price Administration by Directive 1 (§ 903.1) is hereby extended to the exercise of control over the sale, transfer or other disposition of passenger automobiles by any person to any other person, and the use or alteration of passenger automobiles by any person, including without limitation (1) the Army and Navy of the United States, the United States Maritime Commission, the Panama Canal, the Coast and Geodetic Survey, the Coast Guard, the Civil Aeronautics Administration, the National Advisory Committee for Aeronautics, the Office of Scientific Research and Development and (2) Government agencies or other persons acquiring such products for export to or for use in any foreign country.

(c) *Limitations on the authority delegated.* The power, authority and discretion hereby delegated to the Office of Price Administration in respect to the rationing of passenger automobiles shall be subject to the terms and conditions specified in said Directive 1, insofar as they are not inconsistent with this Supplementary Directive 1-X, and shall be exercised under the following conditions:

(1) Quotas have been or may be established by the War Production Board from time to time, fixing the number of passenger automobiles to be made available from the existing stockpile of such vehicles and from new production to various Government agencies. The quota established for any agency may not be altered except by the War Production Board. Within the limits of its own quota each such agency shall determine the use to which its passenger automobiles are to be put and the Office of Price Administration shall not refuse to authorize the transfer of a passenger automobile to such agency on any ground other than that its particular quota has been exhausted.

(2) Quotas have been or may be established by the War Production Board from time to time, fixing the number of passenger automobiles to be made available from the existing stockpile of such vehicles and from new production to the Office of Defense Transportation for meeting essential civilian needs. Subject only to whatever quota may be established, the Office of Price Administration shall authorize the transfer, sale, delivery, use, alteration or other disposition of passenger automobiles pursuant to such orders and regulations and pursuant to such standards of eligibility and need as it may deem necessary in the public interest and to promote the national defense.

(3) The Office of Price Administration shall exercise no authority over the production of passenger automobiles produced after the effective date of this Directive 1-X or their distribution by manufacturers to distributors and dealers. Nor shall it require from manufacturers any reports concerning such production and distribution.

(4) The authority of the Office of Price Administration shall include the power to regulate or prohibit the sale, transfer, delivery or other disposition of passenger automobiles to, or the acquisition, use, alteration or other disposition of passenger automobiles by, any person who has acted in violation of any rationing regulation or Order prescribed by the Office of Price Administration.

(d) *Reports to War Production Board.* The Office of Price Administration shall furnish reports at monthly intervals to the War Production Board covering the number of passenger automobiles transferred from each of the established quotas, and shall furnish such other reports as may be required by the Board.

(e) *Definition.* "Passenger automobile" means any automobile, built upon a standard or lengthened passenger car chassis having a seating capacity of not more than ten (10) persons, including station wagons, taxicabs, and coupes with or without pickup boxes, but not including ambulances, hearses, or sedan deliveries.

(f) *Modification of this Directive 1-X.* The War Production Board may from time to time amend this Directive 1-X in such manner and to such extent as it may determine to be necessary. This directive modifies Directive 1 (§ 903.1) to the extent applicable and supersedes the delegation of authority to the Office of Price Administration made by Supplementary Directive No. 1A (§ 903.2), as amended: *Provided, however,* That all action heretofore taken (including without limitation, regulations or orders heretofore issued) by the Office of Price Administration pursuant to Supplementary Directive No. 1A as originally issued and amended, is hereby ratified, approved and confirmed, and the authority so delegated shall continue to remain in full force and effect with respect to all such action which is not inconsistent with the terms of this directive, for all purposes including the purpose of allowing or sustaining any suit, action, prosecution or administrative or other proceeding heretofore or hereafter commenced with respect to any violation heretofore committed or right or liability heretofore incurred under or pursuant to the terms thereof.

Issued this 3d day of August 1945.

LINCOLN GORDON,
Program Vice Chairman.

[F. R. Doc. 45-14275; Filed, Aug. 3, 1945; 11:23 a. m.]

PART 903—DELEGATIONS OF AUTHORITY

[Directive 36, as Amended Aug. 3, 1945]

RATIONING OF NEW AND USED COMMERCIAL MOTOR VEHICLES

§ 903.75 *Directive No. 36*—(a) *Rationing authority transferred to Director of Office of Defense Transportation.* The Director of the Office of Defense Transportation (hereafter referred to as the Director) is hereby authorized to perform the functions and exercise the power, authority and discretion conferred upon the President by section 2 (a) of the act of June 28, 1940 (Pub. Law 671, 76th Cong.) as amended by the act of May 31, 1941 (Pub. Law 89, 77th Cong.) and by Title III of the Second War Powers Act, 1942 (Pub. Law 507, 77th Cong.) with respect to the exercise of rationing control over the transfer, sale, delivery, use or other disposition of new and used commercial motor vehicles as defined herein. Nothing in this directive shall be deemed in any way to limit the functions and authority of the Director under the act of December 1, 1942 (Pub. Law 779, 77th Cong.) Executive Order No. 9294, dated January 4, 1943, and Directive 21 dated May 1, 1943 with respect to allocation of the use of rubberborne transportation equipment and facilities by carriers or operators thereof.

(b) *Information, reports and records.* In connection with the exercise of rationing control, the Director is further authorized to exercise the power, authority and discretion conferred upon the President by the Second War Powers Act, 1942 (Pub. Law 507, 77th Cong.), except with respect to vehicle production and distribution by manufacturers, to obtain information, to require reports and keeping of records; to make inspection of books, records and other writings; to make investigations; to administer oaths and affirmations and to require the attendance and testimony of witnesses and the production of books, records or other documentary or physical evidence pursuant to said statute.

(c) *Limitations on the authority delegated.* The power, authority and discretion hereby delegated to the Director in respect to the rationing of new commercial motor vehicles shall be exercised under the following conditions:

(1) Quotas have been and will be established by the War Production Board from time to time fixing the number of new commercial motor vehicles to be made available from the existing stockpile of vehicles and from new production to the Office of Defense Transportation and to any other agency which the War Production Board determines is entitled to a quota. These quotas shall not be altered or modified in total amount over the period for which they are established except when approved by the War Production Board.

(2) Within the limits of its own quota each such agency shall determine the use to which the particular vehicle is to be put and the Director shall not refuse to authorize the transfer on any ground other than that the particular quota has been exhausted.

(d) *Director to establish standards, orders and regulations for rationing vehicles.* In the rationing of new commercial motor vehicles from the quota established for the Office of Defense Transportation and in the rationing of used commercial motor vehicles, the Director shall authorize the transfer, sale, delivery, use or other disposition of such commercial motor vehicles pursuant to such standards, orders and regulations as he may deem necessary in the public interest and to promote the national defense.

(e) *Delegation of authority by the Director.* The Director may exercise the power, authority and discretion conferred upon him by this directive through such officials and employees of the Office of Defense Transportation, or other officials of the Government of the United States, as he may determine and pursuant to such orders and regulations as he may deem requisite in the public interest.

(f) *Reports to War Production Board.* The Director shall furnish such reports to the War Production Board as may be required by the Board.

(g) *Definitions.* (1) "New commercial motor vehicle" means any light, medium or heavy motor truck, truck-tractor or trailer, or the chassis therefor, or any chassis on which a bus body is to be mounted, and which (i) was manufactured subsequently to July 31, 1941; (ii) was designed to be propelled or drawn by mechanical power; (iii) was designed for use on or off the highway for transportation of property or persons; (iv) was manufactured otherwise than under specification of the United States Army or Navy; (v) has not been transferred to any person other than a sales agency for the purpose of resale; including vehicles of the following types: trucks, truck chassis, truck-tractors, off-the-highway motor vehicles, full-trailers, semi-trailers having a load carrying capacity of 10,000 pounds or more, bus chassis, carry-all suburbans, sedan deliveries and cab pickups, but not including station wagons, coupes fitted with pickup boxes, ambulances, hearses, taxicabs and integral type busses.

(2) "Used commercial motor vehicle" means any light, medium, or heavy motor truck, truck-tractor or trailer or the chassis therefor, or any chassis on which a bus body is to be mounted and which (i) was designed to be propelled or drawn by mechanical power; (ii) was designed for use on or off-the-highways, for transportation of property or persons; (iii) irrespective of mileage has been used at any time for any purpose other than for the purpose of selling it. This definition includes vehicles of the following types: trucks, truck chassis, truck-tractors, off-the-highway motor vehicles, full-trailers, semi-trailers having a load carrying capacity of 10,000 pounds or more, bus-chassis, carry-all suburbans, sedan deliveries and cab pickups, but not including station wagons, coupes fitted with pickup boxes, ambulances, hearses, taxicabs and integral type busses.

(h) *Modification of this directive.* The War Production Board may from time to time amend this directive in such manner and to such extent as it may determine to be necessary. This directive modifies Supplementary Directive 1C, issued February 28, 1942, to the extent applicable.

(i) *Executive orders not affected.* Nothing in this directive affects the respective obligations and authorities of the Director and the Chairman of the War Production Board with respect to determining the relative importance of deliveries required for defense, by such instructions, certifications and directives as may be issued by the Chairman, as stated in paragraph 4 of Executive Order 8989, dated December 18, 1941, and any other applicable executive orders.

Issued this 3d day of August 1945.

LINCOLN GORDON,
Program Vice Chairman.

[F. R. Doc. 45-14276; Filed, Aug. 3, 1945; 11:23 a. m.]

PART 1010—SUSPENSION ORDERS

[Suspension Order S-708, Amendment and Modification]

HINGECO VANITIES, INC.

Hingeco Vanities, Inc., 12 Addison Place, Providence, Rhode Island, engaged in the manufacture of jewelry and other silver products, was suspended on February 13, 1945, by Suspension Order No. S-708. It appealed from the provisions of the order. Deputy Chief Compliance Commissioner Eok has reviewed the case and, as a result of his study, has directed that the order be modified.

It is hereby ordered, that: § 1010.708, *Suspension Order No. S-708*, issued February 6, 1945, and effective February 13, 1945, be and hereby is amended by the substitution of the following paragraph (a) for the present paragraphs (a) and (b) and by substituting the present paragraph (e) by the following:

(a) Hingeco Vanities, Inc., shall for four months after the effective date hereof, be denied priorities assistance, excepting only military contracts actually on hand and being filled by them on the date of this modification.

(e) This order shall take effect on August 3, 1945, and shall remain in effect until December 3, 1945.

Issued this 25th day of July 1945.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 45-14280; Filed, Aug. 3, 1945; 11:23 a. m.]

PART 1010—SUSPENSION ORDERS

[Suspension Order S-799, Revocation]

WESTERN TOOL & DIE CO.

Suspension Order No. S-799 was issued May 25, 1945 against the Western Tool & Die Co. of Farmington, Michigan, for violations of Conservation Order L-41. In view of the amendment to Conservation Order L-41, the Chief Compliance Commissioner has directed that Suspension Order No. S-799 be revoked forthwith. In view of the foregoing,

It is hereby ordered, that: *Suspension Order No. S-799* be revoked.

Issued this 2d day of August 1945.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 45-14248; Filed, Aug. 2, 1945; 4:35 p. m.]

PART 1010—SUSPENSION ORDERS

[Suspension Order S-855]

KIRKENDALL BOOT CO.

Kirkendall Boot Company, a Nebraska corporation with its principal place of business at 1101 Harney Street, Omaha, Nebraska, is engaged in the manufacture and sale of boots and shoes. During the period from July 3, 1943, to September 1, 1944, it manufactured 9,712 pairs of shoes known as bomber shoes having a strap passing over, under or through the vamp in violation of Conservation Order M-217. The responsible officers of the corporation were familiar with the provisions of Conservation Order M-217 and their actions constituted a wilful violation thereof. The manufacture of such shoes has diverted scarce materials to uses not authorized by the War Production Board. In view of the foregoing, it is hereby ordered that:

§ 1010.855 *Suspension Order No. S-855.* (a) In the production period from March 1, 1945, to August 31, 1945, the quota of Kirkendall Boot Company for the manufacture of men's dress shoes in the $8.25 to $9.07 price range shall be 458 pairs less than it otherwise would be under the provisions of Conservation Order M-217.

(b) In the production period from March 1, 1945, to August 31, 1945, the quota of Kirkendall Boot Company for the manufacture of men's dress shoes in the $7.20 to $7.92 price range shall be 513 pairs less than it otherwise would be under the provisions of Conservation Order M-217.

(c) The restrictions and prohibitions contained herein shall apply to Kirken-

dall Boot Company, its successors and assigns, or persons acting in its behalf. Prohibitions against the taking of any action include the taking indirectly as well as directly of any such action.

(d) Nothing contained in this order shall be deemed to relieve Kirkendall Boot Company from any restriction, prohibition or provision contained in any other order or regulation of the War Production Board, except in so far as the same may be inconsistent with the provisions hereof.

(e) This order shall take effect on August 3, 1945.

Issued this 24th day of July 1945.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 45-14281; Filed, Aug. 3, 1945; 11:23 a. m.]

PART 1010—SUSPENSION ORDERS

[Suspension Order S-859]

GILBOARD REFRIGERATION CO.

Morris Gilboard, doing business as Gilboard Refrigeration Company, engaged in the manufacture, sale and repair of commercial refrigeration units in Lawrence, Massachusetts, was charged by the War Production Board with having, between January 1, 1944 and April 4, 1945, purchased new refrigeration equipment in the amount of $13,000 by means of the improper extension of ratings in violation of Priorities Regulation No. 3 and War Production Board Order P-126, thereby enabling him to assemble this equipment with other items and to sell the same in violation of War Production Board Limitation Order L-38; with having made misrepresentations to the War Production Board in connection with his operations; with having, on June 24, 1944, extended a preference rating in purchasing 13 blowers valued at $600 in violation of Priorities Regulation No. 3; and with having failed to keep accurate and complete records as required by Priorities Regulation No. 1. These violations were grossly negligent.

These violations have diverted critical materials to uses not authorized by the War Production Board. In view of the foregoing, it is hereby ordered, that:

§ 1010.859 *Suspension Order No. S-859.* (a) Morris Gilboard, doing business as Gilboard Refrigeration Company or otherwise, shall not for one year from effective date of this order, apply or extend any preference rating or use any CMP allotment symbols to obtain delivery of any refrigerating system, equipment or parts regardless of the delivery date named in any purchase order to which such ratings may be applied or extended or on which CMP allotment symbols are used unless otherwise authorized in writing by the War Production Board: *Provided, however,* That said Morris Gilboard, doing business as Gilboard Refrigeration Company, may apply or extend any preference rating for the purpose of obtaining necessary items for the maintenance and repair of compressors, fans or coils for refrigeration equipment actually in operation but not for the purpose of enlarging the size or capacity of such compressors, fans or coils.

(b) Nothing contained in this order shall be deemed to relieve Morris Gilboard from any restriction, prohibition, or provision contained in any other order or regulation of the War Production Board except insofar as the same may be inconsistent with the provisions hereof.

(c) The restrictions and prohibitions contained herein shall apply to Morris Gilboard, doing business as Gilboard Refrigeration Company, his successors or assigns, or persons acting in his behalf. Prohibitions against the taking of any action include the taking indirectly as well as directly of any such action.

(d) This order shall take effect on August 3, 1945.

Issued this 27th day of July 1945.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 45-14282; Filed, Aug. 3, 1945; 11:24 a. m.]

PART 1010—SUSPENSION ORDERS

[Suspension Order S-860]

CONNELL SALES CO.

Connell Sales Company is a partnership composed of Owen W. Connell and Miriam E. Connell engaged, since January 1943, as jobbers and manufacturers' agents in selling merchandise of various kinds to Ship's Service Stores, Army and Marine Post Exchanges. The principal place of business of the partnership is located at 420 Market Street, San Francisco, California. Between May 16, 1944 and June 19, 1944, the company improperly extended preference ratings on four of its purchase orders for the acquisition of approximately 616 leather utility kits, and between May 11, 1944 and July 13, 1944, the company improperly certified 25 of its purchase orders as "Navy Contract" for acquiring 3,683 leather utility kits in violation of Priorities Regulation No. 3 and Priorities Regulation No. 1, respectively. These violations were the result of gross negligence on the part of O. W. Connell, amounting to wilfulness, tending to cause and probably causing diversion of essential materials to uses unauthorized by the War Production Board and have interfered with the controls established by the War Production Board for the distribution of critical materials. In view of the foregoing, it is hereby ordered, that:

§ 1010.860 *Suspension Order No. S-860.* (a) Owen W. Connell and Miriam E. Connell shall not for sixty days from the effective date of this order apply or extend any preference ratings, regardless of the delivery date named in any purchase order to which such ratings may be applied or extended.

(b) Owen W. Connell and Miriam E. Connell shall cancel immediately all preference ratings which they have applied or extended to orders which have not yet been filled, except that if they have extended a customer's rating to get an item for delivery without change in form to that customer (as distinct from replacing it in inventory), they need not cancel the rating; *Provided,* The item, when received, is promptly delivered to the customer whose rating was extended.

(c) All preference ratings presently outstanding in connection with orders for delivery of materials to Owen W. Connell and Miriam E. Connell or placed prior to September 24, 1945 are void and shall not be given any effect by their suppliers or by any other person. This does not apply to material already delivered or in transit for delivery on the effective date of this order.

(d) The restrictions and prohibitions contained herein shall apply to Owen W. Connell and Miriam E. Connell whether doing business as Connell Sales Company or under any other name, their successors or assigns or persons acting in their behalf. Prohibitions against taking of any action include the taking indirectly as well as directly of any such action.

(e) Nothing contained in this order shall be deemed to relieve Connell Sales Company, its successors or assigns, from any restriction, prohibition or provision contained in any other order or regulation of the War Production Board except insofar as the same may be inconsistent with the provisions hereof.

(f) This order shall take effect on August 3, 1945.

Issued this 24th day of July 1945.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 45-14283; Filed, Aug. 3, 1945; 11:24 a. m.]

PART 1010—SUSPENSION ORDERS

[Suspension Order S-863]

ST. ANNE FREEZING AND PROCESSING CO.

Mary Lucido Harder is an individual doing business as St. Anne Freezing and Processing Company and in that capacity she owns a fish processing plant located at Pier #92 in the City and County of San Francisco, California. Mary Lucido Harder applied to the War Production Board for authorization to construct a wharf, decking and piling, a one-story frame building and an electric power line at a cost not to exceed $23,250 to be used for drying, salting, pickling, smoking and freezing of fish as well as for the reduction of fish. The application was approved and authorization granted for the project with the elimination of the fish reduction plant. Notwithstanding, the respondent proceeded on or about July 15, 1944 and thereafter to construct the project with the fish reduction plant. Certain of the materials used therein were obtained by extending priorities ratings in violation of Priorities Regulation No. 1, Section 944.11. Mary Lucido Harder was aware of War Production Board restrictions on construction, and the construction of the project and the installation of machinery for a fish reduction plant, and the unauthorized extension of priorities ratings, constituted wilful violation of L-41 and Priorities Regulation No. 1.

This violation has diverted critical material to uses not authorized by the War Production Board and has hampered and impeded the war effort of the United States. In view of the foregoing, it is hereby ordered, that:

§ 1010.863 *Suspension Order No. S-863.* (a) For a period of one year, Mary Lucido Harder, doing business as St. Anne Freezing and Processing Company, or otherwise, her heirs, assigns, agents and employees, shall not use the facilities located at Pier 92, San Francisco, California, that is, the construction and equipment built and installed by Respondent in that location as a fish reduction plant, or use said facilities to reduce offal or whole fish: *Provided, however,* That said facilities may be used to reduce offal produced from salting and fish freezing operations conducted on said premises;

(b) Nothing contained in this order shall be deemed to relieve Mary Lucido Harder from any restriction, prohibition or provision contained in any other order or regulation of the War Production Board, except insofar as the same may be inconsistent with the provision hereof;

(c) Prohibition against taking any action includes the taking indirectly as well as directly of any such actions;

(d) This order shall take effect on the 3d day of August 1945.

Issued the 24th day of July 1945.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 45-14284; Filed, Aug. 3, 1945; 11:24 a. m.]

PART 1010—SUSPENSION ORDERS

[Suspension Order S-867]

THE HOUSH CO., INC.

The Housh Company, Inc., engaged in the business of making photograph albums and photomounts in Boston, was charged by the War Production Board with having consumed, in the period from August 1, 1943 to December 31, 1944, paper and paperboard in converting albums in the amount of 22,455 pounds in excess of its quota in violation of War Production Board Conservation Order M-241-a, and with having consumed, in the period from January 1, 1943 to December 31, 1944, paper and paperboard in converting photomounts in the amount of 63,594 pounds in excess of its quota in violation of War Production Board Conservation Order M-241-a. The violations with respect to the photomounts were wilful and the violations with respect to the albums were grossly negligent.

This excessive use of paper has diverted scarce materials to uses not authorized by the War Production Board. In view of the foregoing, it is hereby ordered, that:

§ 1010.867 *Suspension Order No. S-867.* (a) The Housh Company, Inc., during each of the third and fourth quarters of 1945 and the first and second quarters of 1946, shall reduce its consumption of paper and paperboard to 20,000 pounds per quarter: *Provided,* That it may use any of said 20,000 pounds up to 17,442 pounds per quarter for conversion into albums and any part of said 20,000 pounds up to 18,021 pounds per quarter for conversion into photomounts: *And provided further,* That if by amendment to Conservation Order M-241-a or by any other order of the War Production Board, the Housh Company, Inc.'s quota for albums is reduced below 17,442 pounds per quarter or its quota for photomounts is reduced below 18,021 pounds per quarter such more restrictive quota shall prevail.

(b) Nothing contained in this order shall be deemed to relieve The Housh Company, Inc., its successors or assigns, or persons acting on its behalf, from any restriction, prohibition, or provision contained in any other order or regulation of the War Production Board except insofar as the same may be inconsistent with the provisions hereof.

(c) The restrictions and prohibitions contained herein shall apply to The Housh Company, Inc., its successors or assigns, or persons acting on its behalf. Prohibitions against the taking of any action include the taking indirectly as well as directly of any such action.

(d) This order shall take effect on August 3, 1945.

Issued this 27th day of July 1945.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R Doc. 45 14285; Filed, Aug. 3, 1945; 11:23 a. m.]

PART 1010—SUSPENSION ORDERS

[Suspension Order S-868]

MARSHALL SPINNING MILL, INC.

Marshall Spinning Mills, Inc., located in Marshall, North Carolina is a corporation engaged in the manufacture of carded cotton sale yarns. During the first, second, third and fourth quarters of 1944, Marshall Spinning Mills, Inc., failed to meet the Distribution Schedules of General Conservation Orders M-317 and M-317B and diverted 252,255 pounds of such yarns to unrated orders in violation of said conservation orders.

The responsible officials of the Company were aware of the provisions of General Conservation Orders M-317 and M-317B and these diversions constituted wilful violations of these Orders.

These violations have diverted critical material to uses unauthorized by the War Production Board and in view of the foregoing, it is hereby ordered that:

§ 1010.868 *Suspension Order S-868.* (a) During the balance of the third quarter of 1945 Marshall Spinning Mills, Inc., its successors or assigns, shall deliver or set aside for later delivery on preference rated orders its entire production of yarn, and shall not deliver any yarn on unrated orders, unless specifically authorized in writing to do so by the War Production Board.

(b) Nothing contained in this order shall be deemed to relieve Marshall Spinning Mills, Inc., its successors or assigns, from any restriction, prohibition or provision contained in any other order or regulation of the War Production Board, except insofar as the same may be inconsistent with the provisions hereof.

(c) This order shall take effect on August 3, 1945.

Issued this 27th day of July 1945.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 45-14286; Filed, Aug. 3, 1945; 11:23 a. m.]

PART 1010—SUSPENSION ORDERS

[Suspension Order S-869]

FOOD STORE ENGINEERING & FIXTURE CO.

William Sutherlan, an individual, does business as Food Store Engineering & Fixture Company at 940 Market Street, Tacoma, Washington. He is engaged in designing, manufacturing and selling store fixtures for retail food stores such as groceries, meat markets, etc. Between April 12, and August 24, 1944 he applied preference ratings of AA-2 MRO for 104,376 feet of plywood without authority in violation of Priorities Regulation No. 3, and CMP Regulation No. 5. About September 7, 1944 he sold 27,064 square feet of softwood plywood to a person other than a producer on an unrated order, in violation of Priorities Regulation No. 13. Between July 31 and September 23, 1944 he accepted delivery of four refrigerators and a set of two refrigerator self-service doors on orders which were not approved orders, in violation of Limitation Order L-38, and sold two of these refrigerators on orders other than approved orders, also in violation of Limitation Order L-38. He failed to maintain records of his inventories of materials to which the rules, regulations and orders of the War Production Board relate and of the details of his transactions therein, particularly of preference ratings received and extended. He knew that War Production Board rules, regulations and orders affected his business, but negligently failed to acquaint himself therewith. These violations were wilful and have diverted critical materials to uses not authorized by the War Production Board. In view of the foregoing, it is hereby ordered, that:

§ 1010.869 *Suspension Order No. S-869.* (a) For a period of three months from the effective date of this order William Sutherlan shall not apply or extend any preference ratings or use any CMP allotment symbols, regardless of the delivery date, named in any purchase order to which such ratings may be applied or extended, or on which CMP allotment symbols are used.

(b) William Sutherlan shall not thereafter apply or extend any such preference ratings or use any such allotment symbols until he has submitted to the War Production Board satisfactory proof that he has installed accurate and complete records, as required by Priorities

Regulation #1, and that he is in full compliance with the rules, orders and regulations of the War Production Board.

(c) The restrictions and prohibitions contained herein shall apply to William Sutherlan, doing business as Food Store Engineering & Fixture Company or under any other name, his successors and assigns or persons acting on his behalf. Prohibitions against the taking of any action include the taking indirectly as well as directly of any such action.

(d) Nothing contained in this order shall be deemed to relieve William Sutherlan, his successors or assigns, from any restriction, prohibition or provision contained in any other order or regulation of the War Production Board, except insofar as the same may be inconsistent with the provisions hereof.

(e) This order shall take effect on August 3, 1945.

Issued this 27th day of July 1945.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 45-14287; Filed, Aug. 3, 1945; 11:24 a. m.]

PART 1010—SUSPENSION ORDERS

[Suspension Order S-874]

THE WASHINGTON TIMES-HERALD

Eleanor Patterson, doing business as The Washington Times-Herald, is engaged in the publication of a newspaper in Washington, D. C. During the first, second and third calendar quarters of 1944 and the first calendar quarter of 1945, her responsible agents used or caused to be used 865.62 tons of print paper in excess of the quota of print paper which The Washington Times-Herald was permitted to consume under Limitation Order L-240, in violation of that order.

These violations of Limitation Order L-240 diverted critical materials to uses not authorized by the War Production Board. In view of the foregoing, it is hereby ordered that:

§ 1010.874 *Suspension Order No. S-874.* (a) During the fourth calendar quarter of 1945 and the first three calendar quarters of 1946, unless otherwise specifically authorized in writing by the War Production Board, Eleanor Patterson shall reduce her consumption of print paper in the amount of 215 tons per quarter below her permissible consumption under Limitation Order L-240 as amended from time to time.

(b) The restrictions and prohibitions contained herein shall apply to Eleanor Patterson, doing business as The Washington Times-Herald or otherwise, her successors and assigns, and persons acting on her behalf. Prohibitions against the taking of any action include the taking indirectly as well as directly of any such action.

(c) Nothing contained in this order shall be deemed to relieve Eleanor Patterson from any restriction, prohibition or provision contained in any other order or regulation of the War Production Board, except insofar as the same may be inconsistent with the provisions hereof.

Issued this 3d day of August 1945.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 45-14268; Filed, Aug. 3, 1945; 11:23 a. m.]

PART 1010—SUSPENSION ORDERS

[Suspension Order S-875]

LEONARD TISSUE CO.

The Leonard Tissue Company, 535 Windsor Street, Cambridge, Massachusetts, is a partnership composed of Samuel, Manuel, and Joseph Sugarman. It is engaged in the business of manufacturing domestic and industrial paper towels, napkins, etc., from pulp, paper, and paperboard. During the calendar year 1944 it consumed in the manufacture of towels for home use 71.1 tons of paper in excess of the amount authorized by General Conservation Order M-241-a and in violation of that order. The responsible partners had knowledge of General Conservation Order M-241-a and this violation was at least grossly negligent.

This violation has diverted critical material into uses not authorized by the War Production Board, and in view of the foregoing, it is hereby ordered that:

§ 1010.875 *Suspension Order No. S-875.* (a) Samuel, Manuel, and Joseph Sugarman, doing business as Leonard Tissue Company, shall not for a period of one year from the effective date of this order, consume any pulp, paper or paperboard in the manufacture or assembly of towels for home use except that any paper actually on the premises at 535 Windsor Street, Cambridge, Massachusetts, on the effective date of this order may be consumed in the manufacture or assembly of towels for home use.

(b) The restrictions and prohibitions contained herein shall apply to Samuel, Manuel and Joseph Sugarman, doing business as Leonard Tissue Company or otherwise, their successors or assigns, or persons acting on their behalf. Prohibitions against the taking of any action include the taking indirectly as well as directly of any such action.

(c) Nothing contained in this order shall be deemed to relieve Samuel, Manuel, and Joseph Sugarman, doing business as Leonard Tissue Company, from any restriction, prohibition or provision contained in any other order or regulation of the War Production Board except insofar as the same may be inconsistent with the provisions hereof.

(d) This order shall take effect on August 3, 1945.

Issued this 27th day of July 1945.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 45-14289; Filed, Aug. 3, 1945; 11:23 a. m.]

PART 3133—PRINTING AND PUBLISHING

[Limitation Order L-240, as Amended Aug. 3, 1945]

NEWSPAPERS

The fulfillment of requirements for the defense of the United States has created a shortage of the supply of print paper for defense, for private account and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

Scope

(a) The purpose of this order.

Definitions and Explanations

(b) Newspaper.
(c) Camp papers and free distribution publications.
(d) Publisher.
(e) Print paper.
(f) Use.
(g) Net paid circulation.
(h) Inventory.
(i) Transfer of quotas.

Consumption Quota

(j) Allowable consumption.
(k) Computation of consumption quota.
(l) Carry-over.
(m) Consumption quotas for certain types of newspapers.
(n) Allotment to Army and Navy.

Delivery Quota

(o) Computation of delivery quota.
(p) Exceptions.
(q) Certification.
(r) Inventory reports and copies of orders.
(s) Inter-company transfers.

Miscellaneous Provisions

(t) Loans of print paper.
(u) Applicability of regulations.
(v) Appeals.
(w) Communications to the War Production Board.
(x) Violations.

Scope

§ 3133.6 *Limitation Order L-240*—(a) *The purpose of this order.* This order does two things: First, it limits the tonnage of print paper which may be used by a publisher in printing a newspaper. This is called his "consumption quota". Second, it limits the tonnage of print paper which may be ordered or accepted by a newspaper publisher. This is called his "delivery quota". A publisher's consumption quota is on a quarterly basis and his delivery quota is on a monthly basis.

Definitions and Explanations

(b) *Newspaper.* "Newspaper" means any publication generally recognized as a newspaper in the newspaper industry, regardless of the frequency of issuance. The term includes all supplements, inserts and other printed matter physically incorporated into a newspaper or delivered together with it.

Where two or more newspapers are published by the same publisher, whether in the same city or in different cities, each newspaper shall operate under a separate consumption quota and a separate delivery quota. In computing his consumption quota a publisher must make separate calculations for morning, evening and Sunday editions, but these figures must be consolidated into a single consumption quota for each newspaper, in accordance with the instructions contained in paragraph (k).

However, morning, evening, Sunday and other editions of the same newspaper shall operate under a single consumption quota and a single delivery quota.

In determining whether a publisher issues separate newspapers or separate editions of the same newspaper, the number and form of the reports filed by the publisher with the Audit Bureau of Circulations in 1941 will be controlling, in the absence of special circumstances. Thus, if a publisher in 1941 filed consolidated statements with the Audit Bureau of Circulations covering morning, evening and Sunday issues, even if these issues had different names, different formats and different staffs, they will ordinarily be considered as a single newspaper for the purposes of this order. If a publisher in 1941 filed separate statements with the Audit Bureau of Circulations covering his morning, evening, Sunday and other publications, they will ordinarily be considered as separate newspapers for the purposes of this order.

If a publisher is uncertain as to whether or not his publication is a newspaper as defined in this order, he may ask the War Production Board for an official determination. The War Production Board may also make this determination upon its own motion. Such a determination, issued to the publisher in the name of the Recording Secretary of the War Production Board, shall be conclusive for the purposes of this order, unless revoked or modified by the same authority.

(c) *Camp papers and free distribution publications.* Army or Navy camp, post, station or unit "newspapers" or news sheets generally are not recognized as newspapers in the newspaper industry. They are covered by Order L-241 (commercial printing). Shopping guides, want ad periodicals and publications in newspaper format distributed free or at nominal cost also are not recognized as newspapers within the meaning of this order and are governed by Order L-241, Schedule II. If a publisher issued a free distribution newspaper in 1941, his consumption quota shall be determined in accordance with Schedule II to Order L-241 and that order shall govern even if the circulation of the publication has subsequently been changed in whole or in part to a net paid basis.

(d) *Publisher.* "Publisher" means a person who publishes a newspaper, including an individual, partnership, association, business trust, corporation, governmental corporation or agency, or any organized group of persons whether incorporated or not.

(e) *Print paper.* "Print paper" means any grade, quality, type or basis weight of paper used in publishing a newspaper. The term includes paper reclaimed wholly or partly from printed or unprinted waste, as well as paper made entirely from virgin fiber. It also includes roll wrappers, newsprint used as wrappers, identification sheets and labels for newspapers, and production waste, whether or not this waste is subsequently salvaged for other uses.

(f) *Use.* All production waste shall be included in the tonnage of print paper "used" in printing a newspaper. Transit damage shall not be included in a publisher's "use" of print paper. A publisher may determine the dates on which paper is "used" under this order either on the basis of the dates when the paper is actually printed or the dates appearing on the respective issues of the newspaper, provided he continues to use the same method which he used in computing his 1941 base tonnages.

(g) *Net paid circulation.* "Net paid circulation" means the number of copies of a newspaper which have been sold (exclusive of bulk sales), as audited by the Audit Bureau of Circulations or (in the case of newspapers which are not members of the Audit Bureau of Circulations) as verified in accordance with the standards of the Audit Bureau of Circulations of January 1, 1942.

(h) *Inventory.* "Inventory" means all the print paper which is owned by a publisher or is available for his use. It includes the print paper which he has on hand, in storage, and in transit and paper held for his use by a paper merchant, warehouseman or other person, regardless of its physical location. However, it does not include print paper shipped by water and held in warehouse by a paper manufacturer or merchant as part of the inventory of the manufacturer or merchant; such paper does not become part of a publisher's inventory until it is delivered to him.

(i) *Transfer of quotas*—(1) *Quotas established by different orders.* Quotas provided by one War Production Board order may not be used for the purposes set forth in any other order. Thus, for example, a publisher may not use for the printing of a newspaper any part of a consumption quota established under Orders L-241 (commercial printing), L-244 (magazines) or L-245 (books) and he may not permit any part of his consumption quota established under this order to be used for commercial printing, magazines or books. If a newspaper publisher also conducts a job printing business, he must keep these two operations separate for quota purposes. The amount of print paper which he is permitted to consume and the amount which he is permitted to order or accept for the publication of his newspaper is limited by this order. The amount of print paper which he is permitted to consume and the amount which he is permitted to accept for his commercial printing business is limited by Order L-241.

(2) *Transfer of quotas to different persons.* The rules governing the assignability of quotas are set forth in Priorities Regulation 7a.

Consumption Quota

(j) *Allowable consumption.* In the third quarter of 1945 and in each calendar quarter after that, no publisher may use or cause to be used, in the publication of a newspaper, print paper in excess of:

(1) His quarterly consumption quota, which shall be computed in accordance with the instructions set forth in paragraph (k) or (m) plus

(2) Any less-than-quota savings carried over from previous calendar quarters, as provided in paragraph (l), plus

(3) Ex-quota tonnage, if any, which may have been granted on appeal for consumption in that quarter.

(k) *Computation of consumption quota*—(1) *Base tonnages.* Ascertain, separately, the tonnage of print paper comprising the net paid circulation of morning, evening, Sunday or other issues of the newspaper in the corresponding quarter of 1941. Add 3 per cent to each figure. (This 3 per cent is an arbitrary allowance to compensate for production waste and should be added whether the actual production waste in 1941 was greater or less than 3 per cent). These are the "base tonnages" for morning, evening, Sunday or other issues of the newspaper, which shall be adjusted in accordance with instructions 2, 3, and 4.

(2) *Circulation increase.* Ascertain, separately, the percentage increase or decrease in average net paid circulation of morning, evening, Sunday or other issues of the newspaper in the calendar year 1942 as compared with the calendar year 1941. (The average net paid circulation for each year shall be determined by adding together the average net paid circulation for each of the four quarters of the year and dividing by four).

(3) *Tonnage equivalent of circulation increase.* Apply, separately, the respective percentages of circulation increase or decrease determined under instruction number 2 to the respective base tonnages determined under instruction number 1 for morning, evening, Sunday or other issues of the newspaper.

(4) *Adjustment of base tonnages.* Adjust the respective base tonnages determined under instruction number 1 by adding or subtracting the number of tons represented by the percentage circulation gain or loss determined under instruction number 3.

(5) *Total adjusted base tonnage.* Total the respective base tonnages for morning, evening, Sunday or other issues of the newspaper determined under instruction number 1. Total the respective adjusted base tonnages for morning, evening, Sunday, or other issues of the newspaper determined under instruction number 4. The larger of these two totals is the publisher's "total adjusted base tonnage" from which the required reductions shall be applied.

(6) *Sliding scale of reductions.* Reduce the total adjusted base tonnage by the following sliding scale of percentage cuts:

(i) Deduct 3% of the amount over 25 tons but not over 125 tons.
(ii) Deduct 6% of the amount over 125 tons but not over 250 tons.
(iii) Deduct 9% of the amount over 250 tons but not over 500 tons.
(iv) Deduct 15% of the amount over 500 tons but not over 1000 tons.
(v) Deduct 18% of the amount over 1000 tons.

(7) *Consumption quota.* The balance remaining after subtraction of the above reductions from the total adjusted base tonnage determined under instruction

number 5 is the publisher's consumption quota for the quarter.

(8) *Adjustment for print paper lighter than 32-pound basis weight.* If a publisher orders print paper lighter than 32-pound basis weight, his consumption quota for the current calendar quarter shall be reduced proportionately as follows: First, determine the percentage by which 32-pound paper exceeds such lighter paper in weight. Second, multiply the tonnage of lighter paper so ordered by this percentage. Third, subtract the result from the publisher's consumption quota. For example, if a publisher has a consumption quota of 200 tons and orders 100 tons of 30-pound basis weight paper, his consumption quota shall be reduced by 6⅔ tons, since 32-pound paper is 6⅔% heavier than 30-pound paper.

(9) *Fourteenth Sunday in third quarter of 1945.* Inasmuch as there are 14 Sundays and 78 weekdays in the third quarter of 1945, compared with 13 Sundays and 79 weekdays in the third quarter of 1941 and 1944, the publisher of a daily and Sunday newspaper may increase his consumption quota in the third quarter of 1945 by the excess of his average Sunday use of print paper in the third quarter of 1944 over his average weekday use of print paper in the third quarter of 1944. The publisher of a newspaper issued only on Sundays may increase his consumption quota in the third quarter of 1945 by one-thirteenth of his allowable use of print paper in the third quarter of 1944. No publisher may increase his delivery quota because of any additional tonnage he may use for the fourteenth Sunday in the third quarter of 1945.

(l) *Carry-over.* If a publisher uses less print paper than he is permitted to use in the fourth quarter of 1943, or in any calendar quarter after that, he may add this tonnage to his consumption quota but not to his delivery quota, in any succeeding quarter. This paragraph does not apply to the print paper which a publisher is permitted to use under paragraph (m) (2).

(m) *Consumption quotas for certain types of newspapers.* Excepted from the provisions of paragraph (k) are certain types of newspapers described in this paragraph (m), whose consumption quotas shall be computed as follows:

(1) *Special types of newspapers.* Any newspaper containing the equivalent of 8 standard-size pages or less which is authorized to be admitted to the mails as second-class matter under the provisions of section 521 of the Postal Laws and Regulations of 1940 (Title 39, U. S. C., sec. 229) pertaining to the publications of benevolent, fraternal, trades-union, professional, literary, historical, and scientific organizations and societies shall have a consumption quota of print paper in any calendar quarter equal to either:

(i) Its quarterly consumption of print paper in any one of the first three calendar quarters of 1944; or

(ii) Its consumption of print paper in the corresponding calendar quarter of 1943. If the publisher selects this latter method in any calendar quarter, he may increase his consumption quota in that quarter by that percentage by which the average number of copies per issue in the third quarter of 1944 exceeds the average number of copies per issue in the corresponding calendar quarter of 1943. For example, if a newspaper's consumption of print paper in the first quarter of 1943 was 5 tons with an average press-run in that quarter of 5,000 copies per issue, and its average press-run in the third quarter of 1944 was 6,250 copies per issue, his consumption quota for the first calendar quarter of 1945 is 6¼ tons.

(2) *Small newspapers.* During the third calendar quarter of 1945 and in each calendar quarter after that, any person may use or cause to be used 5 tons of print paper for a newspaper published weekly or less frequently, 6¼ tons of print paper for a newspaper published semi-weekly, 7½ tons of print paper for a newspaper published tri-weekly, 8¾ tons of print paper for a newspaper published four times a week, 10 tons of print paper for a newspaper published 5 times a week, 11¼ tons of print paper for a newspaper published 6 times a week, or 12½ tons of print paper for a newspaper published 7 times a week. It makes no difference whether he used that much print paper or any print paper in the publication of a newspaper during any previous period.

(3) *Other newspapers using less than 25 tons per quarter.* If, prior to October 1, 1944, a publisher used less than 25 tons of print paper per calendar quarter for civilian readers (whether or not he used additional paper for military readers), his total quarterly consumption quota for all types of readers shall be computed as follows:

(i) Ascertain the total number of copies of all issues printed in each of the seven calendar quarters between January 1, 1943 and September 30, 1944.

(ii) Ascertain the average number of pages per issue printed in each of the seven calendar quarters between January 1, 1943 and September 30, 1944.

(iii) Multiply the highest quarterly figure determined under subdivision (i) by the highest quarterly figure determined under subdivision (ii). The weight of paper required to produce this number of pages is the publisher's quarterly consumption quota; *Provided, however*, That if this figure is in excess of 25 tons, the publisher shall be limited to 25 tons per quarter plus the tonnage in excess of 25 tons which he used for military circulation in the third quarter of 1944.

(n) *Allotment to Army and Navy.* (1) The War Production Board may from time to time allot to the Army and the Navy a specified tonnage of paper to be consumed in printing (i) newspapers acquired in bulk for free distribution by the Army or the Navy which will be furnished to United States Armed Forces personnel in the continental United States and (ii) "servicemen's" "overseas", "pony", or other condensed editions of newspapers acquired in bulk by the Army or the Navy which will be furnished to United States Armed Forces personnel overseas.

(2) From this allotment the Army and the Navy, under a delegation of authority from the War Production Board, may grant to individual publishers the right to add to their consumption quotas the tonnage of paper consumed in printing such newspapers acquired by the Army and the Navy for distribution as described under paragraph (n) (1). This allotment does not cover purchases of newspapers by military exchanges or service departments as defined in Priorities Regulation 17 for distribution within the continental limits of the United States. All newspapers sold to the military shall be charged against the publisher's consumption quota unless the publisher has received a specific grant from the Army or the Navy pursuant to this paragraph.

Delivery Quota

(o) *Computation of delivery quota.* In July 1945, and in each calendar month after that, no publisher may order or accept delivery of print paper in excess of his monthly delivery quota, which shall be computed in accordance with the following instructions:

(1) *Monthly base.* Total the publisher's consumption quotas for the third and fourth quarters of 1945 and add the ex-quota tonnage, if any, which may have been granted for the third quarter of 1945. Divide by 6. (Do not add any carry-over from preceding quarters.)

(2) *Inventory ceiling.* The above amount shall be reduced accordingly if a publisher's inventory is, or by virtue of such order or acceptance will become, on December 31, 1945, greater than: (i) 30 days' supply for publishers in the states named in List A, (ii) 50 days' supply for publishers in the States named in List B, or (iii) 60 tons for publishers who would be limited to a smaller amount by subdivision (i) or (ii) above.

List A

Connecticut.	Nebraska.
District of Columbia.	New Hampshire
Delaware.	New Jersey
Illinois.	New York.
Indiana.	North Dakota
Iowa.	Ohio.
Kansas.	Pennsylvania.
Kentucky.	Rhode Island.
Maine.	South Dakota.
Maryland.	Vermont.
Massachusetts	Virginia.
Michigan.	West Virginia
Minnesota.	Wisconsin.
Missouri.	

List B

Alabama.	Nevada.
Arizona.	New Mexico.
Arkansas.	North Carolina
California	Oklahoma.
Colorado.	Oregon.
Florida.	South Carolina
Georgia.	Tennessee.
Idaho	Texas
Louisiana.	Utah.
Montana.	Washington
Mississippi.	Wyoming.

3. *Exclusions.* In computing his monthly base under paragraph (o) (1), and in computing the maximum tonnage which he may have in his inventory on December 31, 1945 in accordance with paragraph (o) (2), a publisher shall exclude any less-than-quota savings under his consumption quota carried over from previous quarters. He shall also exclude print paper which he has received by Great Lakes or coastal water-borne shipments; provided on May 1 of any calendar year he shall have on hand or available for use not more than (i) a 30 days' supply if he is located in one of the States named on List A above, or (ii) a 50 days' supply if he is located in one of the States named in List B above and provided further that no publisher may order or accept delivery of a total amount of print paper by water, rail or otherwise in any calendar year (including both the open and closed navigation seasons) in excess of his permitted consumption for that calendar year.

(4) *Computation of rate of consumption.* The number of days' supply shall be computed at the average daily rate of allowable consumption for the last six months of 1945.

(5) *Fractional carloads.* If a publisher's delivery quota for any month is less than one carload, he may nevertheless order and accept, in that month, up to one full carload. If a publisher's delivery quota for any month is a whole number of carloads plus a fraction of another carload, the fraction may be added to his delivery quota for any succeeding month.

(6) *Transit damage.* If print paper in inventory is destroyed or damaged to such an extent that it becomes unusable in publishing his newspaper, whether this occurs while the paper is in transit or after it has reached its destination, the publisher may increase his delivery quota (but not his consumption quota) in the same or any subsequent month by an amount sufficient to replace such paper. It is immaterial whether or not the publisher is reimbursed for the destroyed or damaged paper by the shipper, the carrier, or an insurance company. It is also immaterial whether or not the publisher salvages all or part of the damaged paper for use other than in publishing his newspaper.

(7) *Report on transit damage.* Any publisher who increases his delivery quota to replace destroyed or damaged print paper in accordance with subparagraph 6 above shall, within 15 days after placing the order for such replacement, file a letter with the War Production Board stating the number of tons comprising the publisher's delivery quota for that month, the number of tons destroyed or damaged, the manner in which such print paper was rendered unfit for use in publishing his newspaper, and the number of tons ordered in excess of his delivery quota. This reporting requirement has been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(p) *Exceptions.* Permission to order or accept delivery of print paper in excess of the tonnage allowed under paragraph (o) may be granted by the War Production Board upon a written request for specific authorization stating the number of tons and the number of days' supply of print paper which the publisher has in inventory, the number of tons comprising his delivery quota, the number of additional tons he desires to order and accept, and the reasons why the denial of the request would create undue hardship.

(q) *Certification.* No mill or other supplier may sell or deliver to any person, and no person may accept, any print paper for use under Order L-240 except on a delivery order bearing or accompanied by a certification substantially in the form set forth below. This certification must be signed manually or as provided in Priorities Regulation No. 7 by the purchaser or by an official duly authorized for such purpose:

The undersigned certifies, subject to the penalties of section 35 (a) of the U. S. Criminal Code, to the seller and to the War Production Board: (a) that he is permitted to place this delivery order and to accept the print paper ordered; (b) that the print paper will be used or delivered, or that it is required to replace in-inventory print paper previously used or delivered, under War Production Board Order L-240.

The above certification must be placed on, or must accompany, each delivery order placed by any person for print paper to be used under Order L-240, and the certification provided for in Priorities Regulation No. 7 may not be used in its place.

(r) *Inventory reports and copies of orders.* On and after July 1, 1945, the publisher of every newspaper which consumes 25 tons of print paper or more in any calendar quarter shall file with the War Production Board:

(1) A monthly statement of his inventory of print paper on Form WPB 4292 within three days after the close of each month, beginning with June 1945.

(2) Copies of all orders for the delivery of print paper placed by him or for his account. Such copies of orders must be mailed within three days after the orders are placed.

These reporting requirements have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(s) *Intra-company transfers.* The foregoing restrictions apply not only to deliveries from one person to another, including affiliates and subsidiaries, but also to deliveries from one branch, division, or section of a single enterprise to another branch, division, or section of the same or any other enterprise under common ownership or control.

Miscellaneous Provisions

(t) *Loans of print paper.* Any loan of print paper made by a publisher shall be reported to the War Production Board by letter within 15 days after the date of the loan. This reporting requirement has been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(u) *Applicability of regulations.* This order and all transactions affected by it are subject to all present and future regulations of the War Production Board.

(v) *Appeals.* Any appeal from the provisions of this order shall be made in accordance with Supplement 1 to the order. Regardless of the provisions of Priorities Regulation 16 no statement with respect to manpower information on Form WPB-3820 (or letter explaining why that form is not filed) need accompany any appeal.

(w) *Communications to the War Production Board.* All reports required to be filed hereunder, requests for specific authorization, appeals and other communications concerning this order shall be addressed to: War Production Board, Printing and Publishing Division, Washington 25, D. C. Ref: L-240.

(x) *Violations.* Any person who willfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

Issued this 3d day of August 1945.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

INTERPRETATION 1: Revoked Dec. 24, 1943.
INTERPRETATION 2: Revoked Dec. 24, 1943.
INTERPRETATION 3: Revoked Dec. 24, 1943.

INTERPRETATION 4

TRANSIT DAMAGE

Paragraph (f) of Order L-240 states in part: "Transit damage shall not be included in a publisher's 'use' of print paper." This provision which was inserted in the order on December 24, 1943, merely explained, and did not change, the existing rule.

At all times since the issuance of Order L-240 on December 31, 1942, a publisher has been obliged to charge against his consumption quota only the print paper which was actually "used" in publishing his newspaper; print paper which was destroyed or damaged in transit need not be charged against the publisher's consumption quota to the extent that such print paper was rendered unusable in the publication of his newspaper. However, at all times since the issuance of Order L-240 on December 31, 1942, production waste has been included in the tonnage of print paper which is "used" in publishing a newspaper. (Issued Oct. 30, 1944.)

[F. R. Doc. 45-14277; Filed, Aug. 3, 1945; 11:25 a. m.]

PART 3133—PRINTING AND PUBLISHING

[Limitation Order L-244, Supp. 1, as Amended Aug. 3, 1945]

MAGAZINES AND PERIODICALS

§ 3133.15a *General Limitation Order L-244, Supplement No. 1*—(a) *Purpose of appeal clause.* The serious shortage in the supply of print paper available for magazines makes it necessary for publishers to reduce their consumption substantially, as provided in Order L-244. Such reductions may create serious hardships—which, however, are unavoidable in time of war. Appeals are not granted to ameliorate, in individual cases, hardships applicable to an entire industry. They are granted only to provide relief, subject to the provisions of paragraphs (b) to (g), from certain undue and excessive hardships which would be created if the order were applied without modification to an exceptional set of circumstances. Appeals which do

not establish such hardships shall be denied.

(b) *No automatic adjustments.* Paragraph (f) of this supplement describes the types of hardship for which quota adjustments shall be made by the War Production Board on appeal. These adjustments, however, are not automatic. A publisher who believes that his case is covered by one of the subparagraphs of paragraph (f) may not make his own adjustment of his consumption quota. No publisher may use any paper in excess of his consumption quota, computed in accordance with paragraphs (j) and (k) of Order L–244, unless he files an appeal for such relief and a grant is made in writing, signed by the Recording Secretary of the War Production Board.

(c) *Adjustment of base tonnages.* Wherever appropriate, grants on appeal shall be made in the form of adjustments of a publisher's base tonnage which shall continue to be effective in future quarters, subject to re-examination and modification at any time by the War Production Board.

(d) *Effective date of base tonnage adjustments.* Adjustments of base tonnages are not retroactive. A publisher whose base tonnage is adjusted on appeal does not receive, by virtue of such adjustment, a "carry-over of unused tonnage" from any quarter before the issuance of the appeal grant.

(e) *Application of curtailments.* Constructive base tonnages granted on appeal are subject to the curtailments required by paragraph (j) of Order L–244 as amended from time to time.

(f) *Types of hardship for which relief shall be granted.* In passing upon appeals under Order L–244 the following standards shall govern:

(1) *New magazines issued by new publishers in 1942.* If a new publisher first caused paper to be used in printing a new magazine in 1942 (and did not publish any other magazine throughout that entire year) he shall be granted a constructive base tonnage: *Provided*, The magazine was published continuously until the issuance of Order L–244 on December 31, 1942. This shall be determined by averaging the tonnage of paper consumed in each issue printed in 1942 and multiplying this average tonnage by a factor representing the magazine's established frequency of issuance.

(2) *Publishers who used 25 tons or less in the first quarter of 1943.* If a publisher used 25 tons of paper or less in the first quarter of 1943 under that provision of Order L–244 (eliminated as of April 1, 1943) which exempted users of 25 tons per quarter or less, he shall be granted a constructive base tonnage, not to exceed 25 tons per quarter. This shall be determined by averaging the tonnage of paper used in the issues of each magazine printed during the first quarter of 1943 and multiplying this average tonnage by a factor representing the magazine's established frequency of issuance in that period.

(3) *Reduction in basis weight and trim size.* Publishers who reduced the basis weight or trim size of their magazines in 1942 shall be granted compensatory increases in their base tonnages.

(4) *Heavy weight paper, wide rolls and large sheets held in inventory because of reduction in basis weights and trim size.* (i) A publisher who, prior to October 1, 1944, reduced the basis weight of the paper regularly used in his magazine, and who, since the time of such reduction, has held in "frozen inventory" a quantity of the heavier paper regularly used prior to such reduction, shall, on appeal, be granted permission to consume that quantity of heavier paper and charge it against his quota as if it were paper of the basis weight he was using on October 1, 1944 for the same kind of printing. Such permission shall be granted only subject to the following conditions:

That the heavier weight paper shall be consumed before September 30, 1945, and

That the tonnage of paper which he is permitted to accept during the third quarter of 1945 shall be reduced by the net tonnage to be charged against his consumption quota pursuant to the appeal granted under this paragraph.

(ii) A publisher who reduced the trim size of his magazine prior to October 1, 1944, and who, since the time of such reduction, has held in "frozen inventory" a quantity of wider rolls or larger sheets of paper which were required to print his magazine prior to such reduction in trim size, shall, on appeal, be granted permission to consume that quantity of over-size rolls or sheets as if it were paper of the size he was using on October 1, 1944 for the same kind of printing without charging against his consumption quota the trim waste caused by such reduction in roll size or sheet size. Such permission shall be granted only subject to the following conditions:

That such over-size rolls or sheets shall be consumed before September 30, 1945, and

That the tonnage of paper which he is permitted to accept during the third quarter of 1945 shall be reduced by the net tonnage to be charged against his consumption quota pursuant to the appeal granted under this paragraph.

(5) *Unusual seasonal variations.* Publishers whose schedules have unusual seasonal variations shall be granted permission to redistribute their quarterly consumption quotas within a calendar year.

(6) *Inter-company transfers.* Transfers of quotas under Order L–244 shall be permitted between corporations which have occupied the relationship of parent and wholly-owned subsidiary, or affiliates wholly owned by the same person prior to December 31, 1942, and continuously thereafter.

(7) *Temporary suspension.* Publishers who suspended publication temporarily before the issuance of Order L–244 on December 31, 1942 because of strikes, fires, entrance into the armed forces, or similar conditions shall be granted compensatory increases in their base tonnage to the extent that it was impracticable to continue operations.

(8) *Extraordinary hardships.* Appeal tonnage shall not be recommended by either the administrator or the Division Appeals Committee or granted by the Appeals Board for causes other than those enumerated in subparagraphs (1) to (7) of this paragraph (f) except where unforeseen, unusual, extraordinary or emergency conditions constituting undue and excessive hardship are proved. Certain factors which shall not be recognized as grounds for the granting of appeal tonnage are described in paragraph (g).

(g) *Factors which shall not be considered as grounds for granting of tonnage on appeals.* The following is a list of some of the factors which shall not be considered as grounds for the granting of appeals. This list is not exclusive.

(1) The nature of a magazine's contents.

(2) Diminished base period consumption because of financial conditions.

(3) Suspension of publication before the issuance of Order L–244 on December 31, 1942, except as provided in paragraph (f) (7).

(4) Consumption of more paper in any quarter of 1942 than in other quarters.

(5) Consumption of less paper in 1942 than in other years except as provided in paragraph (f) (3).

(6) Decrease in circulation, number of advertising pages, or number of editorial pages in 1942.

(7) Increase in trim size, basis weights, circulation, cover or subscription price, number of advertising pages, number of editorial pages, frequency of issuance, or other expansion measures in 1942 or thereafter.

(8) Publication of a new magazine in 1942 by a publisher who was in the magazine publishing business throughout that year.

(9) Special events such as war bond drives, recruiting drives, war news, political news, etc.

(10) Inability to maintain or increase advertising pages, editorial pages, or circulation under existing quotas.

(11) Increased demand for a magazine, even though it is published by a membership organization whose constitution requires that a copy be sent to every member.

(12) Request to use in a new magazine publishing business more than the tonnage provided in paragraph (j) (5) of Order L–244.

(13) The fact that additional tonnage was granted on appeal to a competitor.

(14) Consumption of paper in violation of Order L–244, whether or not such violation was wilful.

Procedure

(h) *How appeals are submitted.* Appeals from Order L–244 may be filed by addressing a letter to the War Production Board, Printing and Publishing Division, Washington 25, D. C. Ref: L–244.

(i) *Form of appeals.* The letter of appeal need not follow any particular form. It should state informally, but completely, the particular provision appealed from, the precise relief desired, the subparagraph of paragraph (f) upon which the appellant relies, and the reasons why denial of the appeal would result in undue and excessive hardship.

(j) *Denial by administrator.* Appeals may be denied in the first instance by the administrator of the order.

(k) *Re-appeal from denial by administrator.* When an appeal has been denied by the administrator of the order, the appellant may re-appeal, within 15 days after the letter of denial is mailed, by addressing a letter to the War Production Board, Printing and Publishing Division, Washington 25, D. C. Ref: L–244. This letter may contain simply a request that the case be forwarded to the Appeals Board of the War Production Board. Any additional information which the appellant cares to submit at this time will also be forwarded to the Appeals Board.

(l) *Grant of appeals.* Although the administrator of the order may deny an appeal in the first instance, only the Appeals Board has the power to grant relief in individual cases from the provisions of the order.

(m) *Recommendation of grant by the administrator.* The administrator of the order may recommend that an appeal be granted in whole or in part. In that event the case shall be forwarded to the Appeals Board with the written recommendation of the administrator and the written concurrence or non-concurrence of each member of the Division Appeals Committee, consisting of himself, the administrators of Orders L–240, L–241 and L–245, the Assistant Director of the Printing and Publishing Division for Labor, and representatives of the Office of Civilian Requirements and the Conservation Division.

(n) *Optional reference to Appeals Board by administrator.* The administrator of the order may, if he desires, refer a case to the Appeals Board with a recommendation of denial or with no recommendation at all.

(o) *Hearings by Appeals Board.* If the Appeals Board desires to obtain additional facts not contained in the file, it may, in its discretion, hold a public hearing on any appeal. To the extent consistent with the necessity for emergency relief, a schedule of hearings shall be made up in advance. Information concerning the time and place of any scheduled hearing shall be available at the office of the Appeals Board at any time during business hours.

(p) *Conduct of hearing.* Hearings by the Appeals Board are open to the public. All interested parties may attend and, in the discretion of the Board, may be heard. The hearings are informal and the Board is not bound by legal rules of evidence. It is not necessary for an appellant to be represented by counsel, although he may do so if he wishes.

(q) *Decision by Appeals Board.* The Appeals Board may grant or deny an appeal in whole or in part. It may also attach conditions to a grant.

(r) *Finality of decision.* The decisions of the Appeals Board shall be final, unless that Board elects to reopen the case.

(s) *Publication of grants.* Grants on appeal shall be announced publicly at least every two weeks.

(t) *Announcement of grounds of decision.* Whenever a grant is made for "unforeseen, unusual, extraordinary or emergency conditions" under paragraph (f) (8), a brief memorandum of the basis of the decision shall be made public by the Appeals Board within two weeks, and the decision shall be treated as a precedent in future situations of an identical character.

(u) *Amendment of supplement.* Whenever a new standard is developed, the supplement shall be amended to set forth that standard.

(v) *Public files.* Public files shall be set up in all cases, including those filed before as well as after October 7, 1943 whether or not they resulted in a grant. They shall be available for public inspection at any time during the business hours of the War Production Board. The public files shall include:

(1) All papers filed by the appellant in support of the appeal except those portions which contain confidential data.

(2) All memoranda by War Production Board officials containing recommendations for or against the allowance of the appeal.

(3) Copies of all letters of grant or denial.

(4) A transcript of the record of any public hearing (or if the stenographic notes of the hearing have not been transcribed, a memorandum referring to the notes and stating how a transcript may be obtained).

(w) *False representations.* All grants on appeal are conditional upon the validity of the statements submitted in support thereof. Any person who wilfully conceals a material fact or furnishes false information in connection with an appeal, whether orally or in writing, is guilty of a crime and upon conviction may be punished by fine or imprisonment or both, as provided in section 35A of the United States Criminal Code.

Issued this 3d day of August 1945.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 45–14278; Filed, Aug. 3, 1945; 11:24 a. m.]

PART 3290—TEXTILE, CLOTHING AND LEATHER

[Conservation Order M–328B, Amdt. 3 to Schedule B]

SPECIAL PROGRAM FOR COTTON AND WOOL MACHINE KNITTED ITEMS

Section 3290.120b, *Schedule B to Conservation Order M–328B* is hereby amended in the following respect:

In the tenth line of paragraph (c) (4), change the figure "33⅓%" to "66⅔%."

Issued this 3d day of August 1945.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 45–14279; Filed, Aug. 3, 1945; 11:24 a. m.]

Chapter XI—Office of Price Administration

PART 1315—RUBBER AND PRODUCTS AND MATERIALS OF WHICH RUBBER IS A COMPONENT

[Rev. R. O. 1B,[1] Amdt. 1]

MILEAGE RATIONING: TIRE REGULATIONS FOR PUERTO RICO

A rationale accompanying this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.

Revised Ration Order 1B is amended in the following respects:

1. Section 1.1 (a) (11) is amended to read as follows:

(11) Grade I, as applied to tires means a new passenger-type tire.

[1] 7 F.R. 72.

2. Sections 1.3 (a) (12), 2.1 (a) (iv), 2.2 (d) (2), 2.4 (b), 2.15 (a) (1) (i), 2.23, 2.29 (c), 2.29 (d), 2.32 (i) and 2.32 (j) are hereby revoked.

3. Section 2.1 (a) is amended by inserting the word "new" after the phrase "to asquire a".

4. Section 2.1 (a) (6) is amended to read as follows:

(6) *Tire Inspection.* That the applicant has declared all his tires upon a Tire Inspection Record as required by Revision Ration Order 1B, and that either the serial number of the tire to be replaced has been entered upon such Record or the applicant has Part D of a certificate authorizing the acquisition of such tire.

5. Sections 2.2 (a) (1), 2.3 (a) (3), 2.5 (a), 2.8 (a), 2.8 (b), 2.9 (a), 2.15 (b) (2), 2.17 (b), 2.18, 2.28 (b), 2.30 (b), 2.30 (c) (3), 2.30 (e), 2.30 (f), 2.31 (a) (3), 2.31 (a) (5), 2.31 (b), 2.32 (a), 2.32 (b), 2.32 (c), 2.32 (e), 2.32 (g), 2.32 (k), 2.32 (l), 2.32 (m), 232 (m) (4) (ii), 2.32 (m) (4) (iii), 2.32 (n), 2.32 (o), 2.32 (p), 2.33, 3.2 (a), and 3.2 (a) (3) are amended by inserting the word "new" before the word "tires", wherever it appears.

6. Sections 2.2 (a) (3), 2.3 (a), 2.3 (a) (2), 2.4 (a) (11), 2.5 (a), 2.20, 2.27 (a) (1), 2.27 (a) (2), 2.27 (a) (3), 2.31 (a) (1), 2.31 (a) (2), and 2.31 (a) (4) are amended by inserting the word "new" before the word "tire".

7. Section 2.2 (b) is amended by deleting the phrase "or a Grade III tire".

8. Section 2.2 (c) is amended to read as follows:

(c) *Eligibility determined on basis of adjusted gasoline ration.* When the board has adjusted an applicant's mileage requirements pursuant to paragraph (a) and (b) of this section it shall determine the applicant's eligibilty for a new tire on the basis of such adjusted mileage, and as follows:

(1) Applicants with only an "A" ration are not eligible to new tires.

(2) Applicants with a "B" or better ration are eligible to Grade I tires.

9. Section 2.2 (d) (1) is amended to read as follows:

(d) *Exceptions to eligibility.* (1) An applicant may establish eligibility for a Grade I tire to replace a recappable carcass only if the vehicle on which the tire is mounted is used exclusively for maintaining fire-fighting services, or investigation or patrolling necessary to the maintenance of public services, or used for making professional calls by a physician or surgeon duly licensed by the appropriate governmental authorities and regularly rendering necessary professional services of an emergency nature outside his office.

10. Section 2.2 (d) (3) is redesignated section 2.2 (d) (2), and amended to read as follows:

(2) An applicant for a new tire to equip a passenger automobile which is not driven by gasoline or which has been issued a currently valid non-highway ration shall not be eligible to a Grade I tire unless the mileage driven in such ve-

hicle constitutes occupational or preferred mileage under Revised Ration Order 5E.

11. Section 2.3 (a) (4) is amended to read as follows:

(4) *Recapping if possible.* That if the applicant is seeking to replace a tire, it is not capable of being recapped; *Provided, however,* That if the tire sought to be replaced is to be mounted on an ambulance or on a vehicle exclusively used for maintaining fire-fighting services or investigation or patrolling necessary to the maintenance of public police service, applicant may obtain a new tire to replace a recappable carcass; and

12. Section 2.4 (a) (12) (iv) is amended to read as follows:

(iv) Such raw materials and semi-manufactured goods, and finished products, including foods and farm products, as are essential to the war effort or to the public health and safety.

13. Section 2.5 (a) (1) is amended by deleting the phrase "for a Grade III tire or" after the phrase "the Board may issue a certificate" and by inserting the word "new" before the phrase "truck-type."

14. Section 2.5 (b) is amended by deleting the word "used" before the word "tires," and inserting in lieu thereof the word "new".

15. Section 2.10 (a) is amended by inserting the word "new" after the phrase "to acquire a" and before the word "tire".

16. Section 2.11 (b) is amended by inserting the word "new" after the phrase "is applying for", and before the word "tires".

17. Section 2.15 (a) (1) is amended by deleting the phrase "which the applicant must turn in" after the phrase "including scrap tires".

18. Section 2.15 (b) (3) is amended to read as follows:

(3) *By the Director.* If the Director issues OPA Form R-2 Revised for an allotment of tires under section 2.6, he shall tear off and destroy parts A and C of such certificate. On parts B and D thereof the type of tires authorized shall be specified.

19. Section 2.16 (b) is hereby revoked and paragraph (c) is redesignated (b).

20. Section 2.17 (a) is hereby revoked and paragraphs (b) and (c) are redesignated (a) and (b) respectively.

21. Section 2.22 is amended to read as follows:

SEC. 2.22 *Inspection record*—(a) *Vehicles subject to inspection.* Every person acquiring a vehicle equipped with tires which has not been previously registered with any board shall, within ten (10) days have the tires of such vehicle inspected, and shall be issued a tire inspection record (OPA Form PR-R 534) executed in accordance with the instructions thereon, the Part "B" of which shall be dully certified and filed with the Local Board. The tires mounted on such vehicle shall be inspected by a tire inspector appointed by the Director upon recommendation of the Board. The record must be kept with the vehicle when in operation, unless its removal is permitted by Office of Price Administration order or authorization and must be presented for inspection at any time to, and at the request of, an inspector of the Office of Price Administration or any person whom the Director may designate for that purpose. Upon transfer of any motor vehicle to which the provisions of this section apply, the record pertaining to the vehicle, and Parts D for tires mounted on the vehicle must be transferred with it.

(b) *Report on mileage and condition of tires.* The inspector shall indicate on the Tire Inspection Record as of the time of the inspection:

(1) The odometer reading of the vehicle.

(2) Whether the tires inspected should be replaced or recapped, and

(3) Any repairs and adjustments necessary to keep the tires in proper running order; If the inspector indicates that repairs and adjustments, other than recapping or replacements, are necessary, he shall not sign the Tire Inspection Record until such repairs or adjustments have been made.

(c) Every person controlling the use of a vehicle equipped with tires shall keep the tire inspection record already issued to the same. The record must be kept with the vehicle when in operation, unless its removal is permitted by Office of Price Administration order or authorization, and must be presented to the Board whenever any of the tires therein declared are replaced by a tire. The Board shall then issue a new tire inspection record.

(d) Every person who acquires a vehicle equipped with tires, shall turn in the tire inspection record of the prior owner to the Board at which application for a gasoline ration is made and thereupon a new tire inspection record shall be issued by the Board to such transferee: *Provided,* That if no tire inspection record has been issued, the transferee shall submit to the Board a sworn statement from the transferor, specifying the serial numbers of the tires mounted on the vehicle, and the reasons for not having obtained a tire inspection record; *Provided further,* That the owner of a vehicle equipped with tires for which no tire inspection record has been issued shall submit to the Board at which application for a gasoline ration is made, a sworn statement specifying the serial numbers of the tires mounted on the vehicle, and the reasons for not having obtained a tire inspection record. If the Board is satisfied that there is good cause for not having obtained the tire inspection record, the Board may thereupon issue a new tire inspection record to such transferee or owner. The provisions of this section shall not apply to:

(1) Vehicles operated solely on special gasoline rations.

(2) Vehicles not registered for use on the highway.

(3) Farm tractor, farm implements, road-graders, earth-movers, or other industrial, mining or construction equipment not designed primarily for use on the highway.

(4) Vehicles operated by the armed forces of the United States.

(5) Tires reported on OPA Form PR-R 17 by any person required to file such form.

(6) Tires obtained pursuant to section 2.6.

22. Section 2.30 (a) is amended by deleting the phrase "recapping tires or", after the phrase "in the business of", and by inserting the word "new" before the word "tires" wherever it appears.

23. Section 2.32 (d) is amended to read as follows:

(d) *Transfers on vehicles.* Unless prohibited by an order or regulation issued by the Office of Price Administration, or by the War Production Board, a person may, without a certificate transfer a new tire as part of the equipment of a vehicle in conjunction with the transfer of such vehicle.

24. Section 2.32 (h) is amended by inserting the word "new" before the word "tire," wherever it appears.

25. Subparagraph (g) is added to section 2.32 and reads as follows:

(g) The Director may authorize the change of original equipment tires if in his discretion such tires are not serviceable for the use to which the vehicle is to be put.

26. Section 3.1 (a) is amended by inserting the word "new" before the words "passenger" and "truck."

27. Section 3.3 is amended to read as follows:

SEC. 3.3 *Records and reports of transfers*—(a) *Records of transfers to and from dealers, manufacturers, and warehousemen.* Every dealer, manufacturer and warehouseman shall keep true, accurate and complete records of all transfers of new tire to or by him. *Provided,* That no records need be kept of transfers permitted by section 2.32 (e) relating to transfers for mounting or inspection. Such records shall show the serial number of the certificate or the receipt (if the transfer involved the use of a certificate or receipt), sales price, date of transfer, number, size, type and grade of new tires, and if new tires are transferred for repair, information sufficient to identify the ownership of new tires.

This amendment shall become effective as of July 23, 1945.

NOTE: The record keeping and reporting requirements of this amendment have been approved by the Bureau of the Budget in accordance with the Federal Reports Acts of 1942.

Issued this 3d day of August 1945.

SAM GILSTRAP,
Territorial Director, Puerto Rico.

Approved:

JAMES P. DAVIS,
Regional Administrator, Region IX.

[F. R. Doc. 45-14304; Filed, Aug. 3, 1945; 11:34 a. m.]

PART 1316—COTTON TEXTILES

[RPS 35,[1] Amdt. 27]

CORDED GREY AND COLORED-YARN COTTON GOODS

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.

The following proviso is added to the first paragraph of § 1316.61 (c) (5):

Provided further, That, regardless of the use to which they may be put, the premium may be charged and the certification as to use shall not be required for Class A drills sold and delivered between August 1 and November 15, 1945, if they are of a quality suitable for use in making finished goods to meet United States Army Specification No. 6-261, as amended.

This amendment shall become effective as of August 1, 1945.

Issued this 2d day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-14240; Filed, Aug. 2, 1945; 3:50 p. m.]

PART 1340—FUEL

[RMPR 436, Amdt. 17]

CRUDE PETROLEUM, AND NATURAL AND PETROLEUM GAS

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.

Revised Maximum Price Regulation No. 436 is amended in the following respect:

Section 10 is amended by striking out the following words at the beginning of the second sentence "Except for specific maximum prices established for the Lance Creek field under section 10 (c) (2)."

This amendment shall become effective August 8, 1945.

Issued this 3d day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-14311; Filed, Aug. 3, 1945; 11:36 a. m.]

PART 1394—RATIONING OF FUEL AND FUEL PRODUCTS

[Rev. RO 5C, Amdt. 13]

MILEAGE RATIONING: GASOLINE REGULATIONS

A rationale accompanying this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.

Revised Ration Order 5C is amended in the following respects:

1. In § 1394.7851 (b) (8) the text preceding subdivision (i) is amended to read as follows:

For use with a passenger automobile or motorcycle to provide mileage for non-occupational purposes if, in the discretion of the Board, a denial of the ration would cause undue hardship. However, no ration shall be issued under this subparagraph for a purpose for which other special rations are provided under the provisions of this order except the purposes provided for by a veteran's separation ration pursuant to § 1394.7851 (b) (10), a furlough ration pursuant to §§ 1394.7853 or 1394.7854, or a special ration for a Canadian registered vehicle pursuant to § 1394.7855. The allowance and issuance of any ration under this subparagraph shall be subject to the following additional provisions:

2. Section 1394.7851 (b) (10) is added to read as follows:

(10) For use with a passenger automobile or motorcycle for travel by a person who has been in active service as a member of the armed forces of the United States and who has been separated from such active service, or by an officer of such armed services on terminal leave, for the purpose of attending to his personal affairs and of making adjustments to civilian life, including travel to find employment. However, no ration shall be issued under this paragraph for the use of a person whose separation from such service occurred more than thirty days before the date the application is filed.

The total rations issued under this subparagraph for the use of any one veteran shall not exceed thirty gallons of gasoline. (In the case of an officer who has obtained a furlough ration during the period of his terminal leave pursuant to the former provisions of § 1394.7853, the amount of gasoline provided by such ration plus the amount of gasoline provided by any ration issued under this subparagraph shall not exceed a total amount of thirty gallons.)

The application shall be accompanied by one of the following records showing that the person for whose use the ration is sought is on terminal leave or that his separation from active service in the armed forces of the United States occurred not more than thirty days before the date of filing the application:

(i) In the case of an officer of the Army or of an enlisted man of the armed forces, the applicant shall present one of the following records:

- Army WD AGO. Form 100—Army Separation Qualification Record.
- Navy NAVPERS Form 553—Notice of separation from the United States Naval Service.
- Coast Guard NAVCG Form 553—Notice of separation from the United States Naval Service—Coast Guard.
- Marines NAVMC Form 78 PD—United States Marine Corps Report of separation.

(ii) In the case of a commissioned or warrant officer of the Navy, Coast Guard or Marine Corps, the applicant shall present the original signed official order releasing the officer from active duty.

The Board shall note on the back of such record the issuance of the ration and the amount of gasoline allowed.

3. Section 1394.7853 (a) is amended by adding the following sentence: "However, no ration may be issued under this section for use by an officer on terminal leave."

4. Section 1394.7853 (c) (2) (ii) is revoked.

This amendment shall become effective August 3, 1945.

NOTE: The reporting and record-keeping requirements of this amendment have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(Pub. Law 671, 76th Cong.; as amended by Pub. Laws 89, 421 and 507, 77th Cong.; Pub. Law 509, 78th Cong.; WPB Dir. No. 1, Supp. Dir. No. 1Q. 7 F.R. 562, 9121, 8 F.R. 9492, 9868, 9 F.R. 8775, 12338, 13039; E.O. 9125, 7 F.R. 2719)

Issued this 3d day of August 1945.

JAMES G. ROGERS, JR.,
Acting Administrator.

[F. R. Doc. 45-14307; Filed, Aug. 3, 1945; 11:35 a. m.]

PART 1394—RATIONING OF FUEL AND FUEL PRODUCTS

[Rev. RO 11,[1] Amdt. 62]

FUEL OIL

A rationale accompanying this amendment issued simultaneously herewith has been filed with the Division of the Federal Register.

Revised Ration Order 11 is amended in the following respects:

1. Section 1394.5001 (a) (22) is amended to read as follows:

(22) "Primary supplier" means any person who is currently registered as a primary supplier pursuant to this Order. A person is currently registered if he has a currently valid primary supplier registration number, temporary or permanent. A person who has more than one primary supplier registration is as to each registration a separate primary supplier. (Section 1394.5700 specifies the persons who must register as primary suppliers.)

2. Section 1394.5001 (a) (22a) is added as follows:

(22a) "Primary supplier establishment" means any premise included in a current primary supplier registration.

3. Section 1394.5001 (a) (29) is amended by adding before the parenthetical sentence at the end of the paragraph the following: "Similarly, any delivery of fuel oil from one establishment to or for the account of another establishment not included in the same registration shall be deemed a transfer, and the rules which apply to transfers from one person to another apply to transfers

[1] 8 F.R. 1963, 5306, 15906, 16744; 9 F.R. 2020, 2237, 2477, 2790, 3339, 7700, 9278, 9838, 10088, 10921; 10 F.R. 3876, 8129.

[1] 9 F.R. 2357.

between separately registered establishments of the same person."

4. Section 1394.5652 (a) is amended by adding, immediately before the parenthetical sentence, the following sentence: "However, this paragraph (a) shall not apply to a transfer of fuel oil between primary supplier establishments or to a transfer of fuel oil for which the consumer is required, pursuant to § 1394.5669, to surrender ration evidences to the Office of Price Administration."

5. The text of § 1394.5653 is amended to read as follows: "Fuel oil transfers (other than those which must be reported pursuant to § 1394.5669) may be made to, and accepted by, a consumer in exchange for currently valid coupons attached to coupon sheets upon complying with the following conditions:"

6. The text of § 1394.5653 (b) is amended by adding before the parenthetical sentence at the end of the paragraph the following sentence: "No dealer or primary supplier shall detach a coupon from a consumer's coupon sheet before the date on which the coupon becomes valid for a transfer of fuel oil."

7. The text of § 1394.5654 (a) is amended by adding at the end of the paragraph the following sentence: "No dealer or primary supplier shall detach a coupon from a consumer's coupon sheet before the date on which the coupon becomes valid for a transfer of fuel oil."

8. Section 1394.5669 is added as follows:

§ 1394.5669 *Consumers receiving fuel oil directly from without the limitation area must report.* (a) Beginning August 7, 1945 a consumer (other than an agency specified in § 1394.5696 (a)) who (1) within the limitation area, receives fuel oil on direct shipment from without the limitation area by pipe line, barge, tank ship or railroad tank car, whether or not the carrier is selected by him, or by any other common or contract carrier selected by him or (2) brings fuel oil from without the limitation area to a place within the limitation area by his own transportation facility, must comply with paragraph (b) of this section unless he is currently registered as a primary supplier as to the establishment at or for the account of which the fuel oil was received. (However, if the person from whom the consumer purchased the fuel oil maintains within the limitation area a regular place of business at which the order for the fuel oil was placed, he must, instead of complying with paragraph (b), surrender evidences to his seller in the manner specified in this Order.)

(b) (1) The consumer must within fifteen (15) days after each such receipt of fuel oil, if he is a depositor, submit to the Control and Audit Section, Fuel Oil Rationing Branch, Office of Price Administration, Washington 25, D. C., his ration check, payable to the Office of Price Administration, in an amount equal to the gallonage value of the fuel oil so received; if he is not a depositor, he must submit his coupon sheet to the Board which will detach therefrom valid coupons for the gallonage value of the fuel oil reported by him to have been so received. After detaching such coupons the Board will return the coupon sheet to the consumer.

(2) He must submit with his check or coupon sheet, as the case may be, a statement on OPA Form R–1119C giving the required information, or in place of the form a written report certified by him to be true and complete containing all of the following information:

(i) His name and address and the location of his storage facilities within the limitation area where the fuel oil was received;

(ii) The transferor's name and address without the limitation area where the consumer placed the order for the fuel oil;

(iii) The total amount of the fuel oil so received and the date received.

(c) The consumer may include in the report all fuel oil so received by him during the fifteen (15) day period preceding the date of the report.

(d) Section 1394.5714 explains when such a consumer may be required to register as a primary supplier. However, he shall comply with the requirements of this section as to all fuel oil which, prior to the date of his application for registration as a primary supplier, he received in, or brought into, the limitation area in the manner specified.

(e) *Records.* If the consumer is a depositor, he must keep until further notice by amendment of this Order all records on the basis of which the report required by paragraph (b) (2) is prepared.

9. Section 1394.5700 is added following the undesignated center headnote as follows:

§ 1394.5700 *Who must register as a primary supplier.* (a) A person who has a place or conducts an operation as to which he is not currently registered as a primary supplier must apply for such registration with respect to the place or operation if:

(1) The place is one within the limitation area at which he refines fuel oil; or

(2) The place is an oil well within the limitation area from which he obtains petroleum which is fuel oil as defined in § 1394.5001 (a) (15); or

(3) The place is one which he maintains as a regular place of business (without registered fuel oil storage capacity) within the limitation area at which he receives an order for the purchase from him of fuel oil which he in turn orders at a place of business without the limitation area and the fuel oil so ordered is delivered to a person (other than himself) within the limitation area directly from without the limitation area; or

(4) The operation is one in which he, for his own account, delivers or causes to be delivered fuel oil directly from without the limitation area to a consumer within the limitation area, in a manner other than by pipeline, barge, tank ship or railroad tank car and he does not within the limitation area maintain a regular place of business at which the order for the fuel oil was placed (he is deemed not to have made the delivery if the fuel oil is carried in the consumer's transportation facility or by a common or contract carrier selected by the consumer); or

(5) He is notified by the Fuel Oil Rationing Branch, Washington Office, to register as a primary supplier pursuant to § 1394.5714.

(b) (1) If he meets the conditions in paragraph (a) (1) or (a) (2), he must apply for registration as a primary supplier, in the manner set forth in § 1394.5701 (a), with respect to the place specified, within fifteen (15) days after he begins to refine fuel oil or obtain such petroleum at that place, as the case may be.

(2) If he meets the conditions in paragraph (a) (3), he must apply for registration as a primary supplier, in the manner set forth in §1394.5701 (a), with respect to the place within the limitation area at which he received the order, within fifteen (15) days after the fuel oil ordered at that place is delivered.

(3) If he meets the conditions in paragraph (a) (4), he must apply for registration as a primary supplier, in the manner set forth in § 1394.5701 (a), within fifteen (15) days after such delivery is made.

(4) If he is notified to register as a primary supplier by the Fuel Oil Rationing Branch, Washington Office, he must apply for such registration, in the manner set forth in § 1394.5701 (a) within the time stated in the notice.

(c) A person required to register as a primary supplier with respect to a place of business with respect to which he is not currently registered as a dealer may not acquire or transfer fuel oil at or from (or for the account of) that place of business until he is currently registered as a primary supplier as to that place of business. However, he may acquire fuel oil at that place of business as a consumer (in exchange for valid ration evidences).

10. Section 1394.5701 (a) is amended to read as follows:

(a) *Primary suppliers.* Beginning August 7, 1945 application for registration as a primary supplier must be made on OPA Form R–1116 (Revised) to any Board within the limitation area.

(1) The applicant (other than one applying for registration pursuant to § 1394.5700 (a) (4)) must submit to the Board, in addition to the information required by the form and the copy of the notice specified in paragraph (a) (6) of this section, if applicable, a statement containing the following:

(i) His name, firm name and business address; if he has no business address, the address of his residence;

(ii) The address or location of each place required to be registered according to § 1394.5700 or § 1394.5714, whichever is applicable;

(iii) The address or location of each of his establishments within the limitation area which he chooses to include in his primary supplier registration;

(iv) The location and the fuel oil storage capacity of all stationary storage facilities within the limitation area included in the application;

(v) The fuel oil he has on hand, at the time of the application, at or for the account of each of the places within the limitation area to be included in the registration;

(vi) If he does not maintain stationary storage facilities within the limitation area, the number of tank trucks or other mobile delivery units to be used by him for fuel oil deliveries within the limitation area, and the fuel oil storage capacity and vehicle license number of each of such trucks and delivery units;

(vii) A description of the facts which require him to register as a primary supplier; and

(viii) A certification that he has included in the statement all places which he is required to include in his registration as a primary supplier and that the information set forth in the statement is true and complete.

(2) A person applying for registration pursuant to § 1394.5700 (a) (4) must submit a statement showing the number of tank trucks or other mobile delivery units to be used by him for fuel oil deliveries within the limitation area and the fuel oil storage capacity and vehicle license number of each of such trucks and delivery units, together with the information specified in paragraph (a) (1) (i), (vii) and (viii) of this section.

(3) The applicant (other than one required to register as a primary supplier pursuant to § 1394.5700 (a) (4)) must include in the application for registration all the places of business within the limitation area at or from which he conducts operations which require him to register as a primary supplier. If he is applying for registration as a primary supplier pursuant to notice from the Washington Office, he must include the establishments and facilities referred to in § 1394.5714. If he has other places within the limitation area where he engages in the fuel oil business or consumes fuel oil, he may include some or all of them if he chooses to do so. However, he shall apply for registration as a dealer, in the manner provided in this order, as to each of his places (with respect to which he is not currently registered as a dealer) within the limitation area at which he engages in the business of buying and selling fuel oil and which he does not include in his application for registration as a primary supplier. Similarly, a person applying for registration as a primary supplier pursuant to § 1394.5700 (a) (4) must apply for registration as a dealer as to each of his places (with respect to which he is not currently registered as a dealer or primary supplier) within the limitation area at which he engages in the business of buying and selling fuel oil.

(4) Separate application for registration as a primary supplier must be made with respect to the operations specified in § 1394.5700 (a) (4).

(5) If he is registered as a dealer with respect to the place of business or operation as to which he is applying for registration as a primary supplier, he must comply with § 1394.5742.

(6) An applicant (other than one required to register as a primary supplier pursuant to § 1394.5700 (a) (4)) may include in his application the fuel oil storage facilities of any person who receives fuel oil on consignment from him, title to the fuel oil remaining in the consignor until the time of transfer by the consignee. The applicant must, in advance of his application, notify the consignee, in writing, of his intention to include such facilities in his application. A copy of such notice must be attached to the application. If such facilities are included in the application, the consignee shall for all purposes of this order be deemed to be an agent of the consignor with respect to all fuel oil acquired at or transferred from such facilities and with respect to all ration evidences received or transferred for such fuel oil by the consignee. If the consignee's facilities are not included in the application, the consignee shall apply for registration with respect to such facilities, and, notwithstanding the retention of title by the consignor to the fuel oil consigned, the receipt of such fuel oil by the consignee shall be deemed a transfer of the fuel oil to him and he shall include the fuel oil in his inventory.

11. Section 1394.5707 (a) is amended by inserting between the phrase "shall transfer fuel oil" and the phrase "to a dealer within the limitation area" the following parenthetical phrase: "(unless the transfer is one for which the transferee is required by § 1394.5713 to surrender ration evidences to the Office of Price Administration)".

12. Section 1394.5713 is added to read as follows:

§ 1394.5713. *Dealers acquiring fuel oil directly from without the limitation area must report*—(a) *Dealers who receive the fuel oil directly.* (1) Beginning August 7, 1945, a person who, within the limitation area, maintains a place with respect to which he is currently registered as a dealer (with) or without registered fuel oil storage capacity) at or for the account of which he receives delivery of fuel oil directly from without the limitation area in any manner (irrespective of the kind of transportation facility used for the purpose or who selected it) must comply with paragraph (a) (2) of this section. (However, if the person from whom he purchased the fuel oil maintains within the limitation area a regular place of business at which the order for the fuel oil was placed, he must, instead of complying with paragraph (a) (2), surrender evidences to his seller in the manner specified in this Order.)

(2) He must within fifteen (15) days after each such receipt of fuel oil forward to the Control and Audit Section, Fuel Oil Rationing Branch, Office of Price Administration, Washington 25, D. C.

(i) A statement on OPA Form R–1119C giving the required information; and

(ii) If he is a depositor, his ration check, payable to the Office of Price Administration, equal in gallonage value to the amount of fuel oil so received from without the limitation area. If he is not a depositor, he must obtain from his Board a ration check in exchange for coupons equal in gallonage value to the amount of fuel oil so received and must endorse and forward that check with his statement.

(3) The dealer may include in the statement all fuel oil so received by him during the fifteen (15) day period preceding the date of the statement.

(4) No dealer may accept a delivery of fuel oil directly from without the limitation area unless at the time of delivery he has on hand ration evidences or ration credits (as explained in § 1394.5707 (a) (6)) equal in gallonage value to the fuel oil to be so delivered.

(b) *Dealers who cause the fuel oil to be delivered to another person.* (1) Beginning August 7, 1945, a person (here referred to as the seller) who, within the limitation area, maintains a place as to which he is currently registered as a dealer (with registered fuel oil storage capacity) at which he receives an order for the purchase from him of fuel oil, which he in turn orders at a place of business without the limitation area, and which fuel oil so ordered is delivered to another person (here referred to as the buyer) within the limitation area directly from without the limitation area, must comply with paragraph (b) (2) of this section.

(2) He must within fifteen (15) days after the fuel oil so ordered is delivered forward to the Control and Audit Section, Fuel Oil Rationing Branch, Office of Price Administration, Washington 25, D. C.:

(i) A statement on OPA Form R–1119C, giving the required information; and

(ii) If he is a depositor, his ration check, payable to the Office of Price Administration, equal in gallonage value to the amount of fuel oil so delivered from without the limitation area whether or not evidences were surrendered to him by the buyer. If he is not a depositor, he must obtain from his Board a ration check in exchange for coupons equal in gallonage value to the amount of fuel oil so delivered and must endorse and forward that check with his statement.

(3) The seller may include in the statement all fuel oil delivered in the manner specified in paragraph (b) (1) of this section during the fifteen (15) day period preceding the date of the statement.

(c) All records on the basis of which the statement required by paragraph (a) (2) (i) or (b) (2) (i) of this section is prepared shall be retained at the office of the dealer reporting until further notice by amendment of this order.

13. Section 1394.5714 is added as follows:

§ 1394.5714 *When the Washington Office may require a person to register as a primary supplier.* (a) A consumer specified in § 1394.5669, or a dealer specified in Section 1394.5713, may be required by written notice from the Fuel Oil Rationing Branch, Washington Office, to register as a primary supplier if, based upon the frequency and quantity of his acquisitions of the fuel oil which he must report pursuant to either of these sections, it deems such registration necessary for more effective rationing control of the fuel oil so acquired.

(b) A person who is directed to apply for registration pursuant to paragraph (a) of this section must, within the time stated in the notice, apply for registration in the manner specified in § 1394.-

5701 (a) and must include in his application the location of all facilities where he receives fuel oil as to which he is required to report pursuant to § 1394.5669 or § 1394.5713.

14. Section 1394.5715 is added as follows:

§ 1394.5715 *Cancellation of registration as a primary supplier by the Washington Office.* (a) If the infrequency and quantity of the fuel oil acquisitions directly from without the limitation area of any person currently registered as a primary supplier (other than a person specified in § 1394.5700 (a) (1), (2), (3) or (4)) are such that the Fuel Oil Rationing Branch, Washington Office, deems a continuation of such registration unnecessary for effective rationing control of the fuel oil so acquired, it may notify him that effective on a date specified in that notice his registration as a primary supplier will be cancelled.

(b) A person whose registration has been cancelled pursuant to the provisions of paragraph (a) of this section must apply for registration as a dealer pursuant to § 1394.5701 (b) as to each of the establishments included in the cancelled registration at or from which he engages in the business of buying and selling fuel oil before making or accepting a transfer of fuel oil at or from such establishments on or after the date specified in the notice.

15. Section 1394.5716 is added to read as follows:

§ 1394.5716 *Certain persons who received fuel oil directly from without the limitation area before August 7, 1945 may be required to report.* (a) The Control and Audit Section, Fuel Oil Rationing Branch, Washington Office, may, by written notice, direct any person (other than one referred to in paragraph (b)) who, within the limitation area, received one or more deliveries of fuel oil directly from without the limitation area during the period October 1, 1942 (in Area A, February 1, 1943; in Area B, March 14, 1943) through August 7, 1945, to submit, and each person so notified must submit, to the Control and Audit Section, Fuel Oil Rationing Branch, Office of Price Administration, Washington 25, D. C., by the date specified in the notice, the following:

(1) A statement on OPA Form R–1119C, giving the required information.

(2) His ration check, for each of his places included in the statement on OPA Form R–1119C, in an amount equal to the total gallonage of all the fuel oil delivered to such place, or for its account, directly from without the limitation area from October 1, 1942 (in Area A, from February 1, 1943; in Area B, from March 14, 1943) until (but not including) August 7, 1945. If he is not a depositor, he must obtain from his Board a ration check for the required amount, in exchange for valid coupons or other valid ration evidences equal in gallonage value to the amount of the check, and must endorse and submit the check with his statement.

(i) If he is a registered dealer, and claims that as to any place he is unable to submit a certified ration check for the required amount because prior to August 7, 1945 he surrendered to the District Office with his semi-annual reports on OPA Form R–1198, as excess evidence, valid ration evidences for the fuel oil received by him directly from without the limitation area, he must submit with the statement specified in paragraph (a) (1) of this section a copy of each of his OPA Form R–1198 reports showing, for that establishment, excess evidences which he attributed to the receipt of fuel oil directly from without the limitation area and of the explanations accompanying the reports. To the extent that any of the excess evidences surrendered with those reports were stated in the explanations to be (and were) attributable to the acquisition or transfer of the fuel oil received by him directly from without the limitation area, he shall be entitled for that place to a deduction from the amount of the ration check required to be surrendered with his statement pursuant to paragraph (a) (2) of this section.

(ii) If he is unable to submit a check for the required amount because of any reason, other than that specified in paragraph (a) (2) of this section, he must submit with the statement specified in paragraph (a) (1) a written explanation giving such reason. To the extent that the explanation is not accepted, he must submit a ration check within the time specified by the Control and Audit Section.

(b) The provisions of paragraph (a) do not apply to a person who has included all his receipts of fuel oil directly from without the limitation area, during the period specified in that paragraph, in one or more reports submitted by him pursuant to § 1394.5731.

(c) The Control and Audit Section may deem the requirements of § 1394.5731 to have been met by any person referred to in paragraph (a) for the period specified in that paragraph if he complies with the requirements of this section.

(d) All records on the basis of which the statement specified in paragraph (a) (1) is prepared shall be retained by the person submitting the statement until further notice by amendment of this order.

(e) Nothing contained in this section and no act performed in accordance therewith shall constitute a waiver of any of the other provisions or requirements of this order.

16. The undesignated center headnote preceding § 1394.5731 is relocated to precede § 1394.5730 and is amended to read as follows: "Same; Accountability; Records, Audits and Inspections."

17. Section 1394.5730 is added as follows:

§ 1394.5730 *Accountability of primary suppliers.* A primary supplier shall be accountable as a primary supplier for all fuel oil and ration evidences acquired at or transferred from all establishments within the limitation area included in his primary supplier registration and shall explain such acquisitions and transfers upon request of a duly authorized employee, agent or representative of a district or regional office or the Washington Office of the Office of Price Administration. However, a primary supplier whose primary supplier registration includes no regular place of business maintained by him within the limitation area shall, with respect to that registration, be accountable as a primary supplier for all fuel oil transferred to consumers within the limitation area, for all fuel oil acquired by him within the limitation area, and for all ration evidences received or transferred by him for such fuel oil and shall explain such acquisitions, receipts and transfers upon request of a duly authorized employee, agent or representative of a district or regional office or the Washington Office of the Office of Price Administration.

18. Section 1394.5732 (e) is amended to read as follows:

(e) *Other records.* Further record keeping requirements to be observed by dealers, primary suppliers and other persons required to report pursuant to §§ 1394.5669 and 1394.5736 are set forth in §§ 1394.5654 (a) (1) (notice to consumers of value of unexpired coupons), 1394.5654 (d) (6) (i) (receipts for deposited coupon sheets), 1394.5669 (e) (consumers receiving fuel oil from without the limitation area), 1394.5687 (d) (entries on check stub), 1394.5701 (d) (5) (additional records to be kept by dealers who commingle fuel oil), 1394.5704 (c) (certificate of registration), 1394.5713 (c) (dealers acquiring fuel oil, or causing fuel oil to be delivered, from without the limitation area), 1394.5716 (d) (reports required of certain persons who received fuel oil from without the limitation area), 1394.5721 (use of gummed sheet), 1394.5722 (summary of coupons), 1394.5736 (records to be kept by persons shipping fuel oil into the limitation area), 1394.5742 (b) (3) (records to be kept by dealers applying for registration as primary suppliers) and section 6.4 of Revised Gen. Ration Order 3A (retention of checks, stubs, deposit slips and statements of account-ration banking).

19. Section 1394.5737 (a) is amended by adding before the last sentence of the paragraph the following parenthetical sentences: "(If pursuant to § 1394.5713, he is required to forward evidences to the Control and Audit Section, Fuel Oil Rationing Branch, Washington Office, he shall not include those evidences in his statement on OPA Form R–1198 (Revised). However, he must forward those evidences within the time and in the manner specified in § 1394.5713.)"

20. Section 1394.5742 is amended to read as follows:

§ 1394.5742 *Additional requirements where dealer applies for primary supplier registration.* (a) A dealer who pursuant to § 1394.5701 (a) applies for registration as a primary supplier must, with his application, submit to the Board his certificate of registration for each dealer establishment included in his application for registration as a primary supplier. Within fifteen (15) days after making such application he shall forward to the Control and Audit Section, Fuel Oil Rationing Branch, Office of Price Administration, Washington 25, D. C. a statement on OPA Form R–1198 (Revised) giving all the information (except Item 6) required by the form as of the date of the application. If more than one place of business with respect to which he is separately registered as a dealer is included in the application, he must submit a separate statement for each such place of business. If, pursuant to Section 1394.5713 he is required to forward evidences to the Control and Audit Section, he shall not include those evidences in his statement, on OPA Form R–1198 (Revised). However, even though he has registered as a primary supplier he must comply with Section 1394.5713 with respect to all deliveries of fuel oil made to him or for his account, in the manner specified in that section, prior to the date he registered as a primary supplier.

(b) (1) On his first monthly primary supplier report (on OPA Form R–1119 (Revised)) required by § 1394.5731, he must show on Line 1 the inventory on hand as reported on Line 2 of his OPA Form R–1198 (Revised) submitted pursuant to paragraph (a) of this section. If more than one place of business was included in the application, the gallonage to be entered on Line 1 will be the aggregate of the amount shown on Line 2 of the OPA Form R–1198 (Revised) submitted for each establishment.

(2) He must, in addition, enter on that first monthly report as Line 14A (immediately above Line 15 in Section II) the following: "14A Unfilled storage capacity plus excess evidences from R–1198" and the gallonage as follows:

(i) If not more than one place of business was included in the application, the amount of the unfilled storage capacity shown on the OPA Form R–1198 (Revised) submitted with the application, plus the full amount of excess evidences (if any) shown on Line 5 of that statement;

(ii) If more than one place of business was included in the application, the aggregate of the amount of the unfilled storage capacity as shown on each OPA Form R–1198 (Revised) submitted with the application, plus the total amount of the excess evidences, if any, (without deducting from such total any shortage) shown on Line 5 of each such statement.

(3) The applicant must retain at the place of business until further notice by amendment of this order the work sheets used in the preparation of the statement on OPA Form R–1198 (Revised) submitted pursuant to paragraph (a) of this section.

This amendment shall become effective on August 7, 1945.

NOTE: All reporting and record keeping requirements of this amendment to Revised Ration Order 11 have been approved by the Bureau of the Budget in accordance with the provisions of the Federal Reports Act of 1942.

Issued this 3d day of August 1945.

JAMES G. ROGERS, Jr.,
Acting Administrator.

[F. R. Doc. 45-14308; Filed, Aug. 3, 1945; 11:35 a. m.]

PART 1407—RATIONING OF FOOD AND FOOD PRODUCTS

[Control Order 1, Amdt. 2 to Supp. 1]

LIVESTOCK SLAUGHTER AND MEAT DISTRIBUTION

Table I in Supplement No. 1 to Control Order 1 is amended by adding thereto the following:

(c) For quota periods beginning on or after August 1, 1945:

	Percent
Cattle	100
Calves	75
Sheep and lambs	110
Swine	50

This amendment shall become effective as of August 1, 1945.

Issued this 3d day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-14300; Filed, Aug. 3, 1945; 11:34 a. m.]

PART 1407—RATIONING OF FOOD AND FOOD PRODUCTS

[Control Order 1, Amdt. 2 to Supp. 2]

LIVESTOCK SLAUGHTER AND MEAT DISTRIBUTION

Section 1407.309 (a) (1) (iii) in Supplement No. 2 to Control Order 1 is added to read as follows:

(iii) For quota periods beginning on or after August 1, 1945:

	Per cent
Cattle	100
Calves	75
Sheep and lambs	110
Swine	50

This amendment shall become effective as of August 1, 1945.

Issued this 3d day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-14301; Filed, Aug. 3, 1945; 11:34 a. m.]

PART 1407—RATIONING OF FOOD AND FOOD PRODUCTS

[Gen. RO 5,[1] Amdt. 112]

FOOD RATIONING FOR INSTITUTIONAL USERS

A rationale accompanying this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.

Section 15.7 (a) is amended by deleting the first sentence and inserting the following in place thereof: "An institutional user, other than a group I, V, VI, user, beginning June 10, 1945, may not acquire "canned milk" as defined in section 27.2 of Revised Ration Order 16, except as provided for in section 10.11, unless he is an institutional user entitled to allotments under sections 7.9 or 31.1, or he is applying for a special allotment under section 27.2."

This amendment shall become effective August 7, 1945.

[1] 10 F.R. 2521, 2875, 3223, 3549, 3556.

Issued this 3d day of August 1945.

JAMES G. ROGERS, Jr.,
Acting Administrator.

[F. R. Doc. 45-14303; Filed, Aug. 3, 1945; 11:36 a. m.]

PART 1407—RATIONING OF FOOD AND FOOD PRODUCTS

[2d Rev. RO 3,[1] Amdt. 60]

SUGAR

A rationale accompanying this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.

Section 16.2 (c) is amended to read as follows:

(c) A registering unit may exchange such statement for a check at its board. It must attach to the statement a signed receipt, invoice, bill of lading, or such other evidence as substantiates the delivery of the sugar. If the board is satisfied that the sugar was delivered for ships' or planes' stores it shall issue a check to the registering unit equal in weight value to the amount so delivered. However, if the sugar was delivered to a ship operating under the control, direction, or designation of the War Shipping Administration, the registering unit may not exchange such statement for a check at the board; but may instead, exchange such statement for a check at an appropriate office of the War Shipping Administration.

This amendment shall become effective August 3, 1945.

Issued this 3d day of August 1945.

JAMES G. ROGERS, Jr.,
Acting Administrator.

[F. R. Doc. 45-14305; Filed, Aug. 3, 1945; 11:34 a. m.]

PART 1407—RATIONING OF FOOD AND FOOD PRODUCTS

[2d Rev. RO 3,[1] Amdt. 31]

SUGAR

A rationale accompanying this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.

Section 5.16 is amended to read as follows:

SEC. 5.16 *Certain registering units must make a semi-annual report of inventory.* (a) The owner of a registering unit which includes or is composed of one or more wholesale establishments, or four or more retail establishments, must file, semi-annually, with the Board with which he is registered, a signed report on OPA Form R–346, in duplicate, as of the close of business on June 30 and December 31, respectively, and give the infor-

[1] 9 F.R. 1433, 1534, 2233, 2826, 2828, 3031, 3513, 3579, 3847, 3944, 4099, 4350, 4474, 4880, 5220, 5254, 5220, 5166, 5426, 5846.

mation required by the form. However, the first report must be as of the close of business on August 31, 1945. The report of inventory required under this section must be filed within 30 days after the date of inventory.

This amendment shall become effective August 7, 1945.

NOTE: All reporting and record-keeping requirements of this amendment have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 3d day of August 1945.

JAMES G. ROGERS, Jr.,
Acting Administrator.

[F. R. Doc. 45-14306; Filed, Aug. 3, 1945; 11:35 a. m.]

PART 1407—RATIONING OF FOOD AND FOOD PRODUCTS

[Rev. RO 13,[1] Amdt. 66 to 2d Rev. Supp. 1]

PROCESSED FOODS

§ 1407.1102 (c) (22) is added to read as follows:

(22) For the reporting period beginning September 2, 1945 and ending September 29, 1945—4.5

This amendment shall become effective August 7, 1945.

Issued this 3d day of August 1945.

JAMES G. ROGERS, Jr.,
Acting Administrator.

[F. R. Doc. 45-14309; Filed, Aug. 3, 1945; 11:36 a. m.]

PART 1407—RATIONING OF FOOD AND FOOD PRODUCTS

[Rev. RO 16,[2] Amdt. 60]

MEATS, FATS, FISH AND CHEESES

A rationale accompanying this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.

Section 7.19 (a) is amended by deleting the first sentence and inserting the following sentence in place thereof: "An industrial user beginning June 10, 1945 may not acquire 'canned milk' as defined in section 27.1 except as provided for in section 10.11."

This amendment shall become effective August 7, 1945.

Issued this 3d day of August 1945.

JAMES G. ROGERS, Jr.,
Acting Administrator.

[F. R. Doc. 45-14310; Filed, Aug. 3, 1945; 11:36 a. m.]

PART 1423—GUMS AND NATURAL RESINS

[MPR 297, Corr. to Amdt. 4]

NATURAL RESINS

The introductory sentence in item 1 of Amendment No. 4 to Maximum Price Regulation No. 297 is corrected to read as follows:

1. Table I of Appendix A (a) (1), § 1423.14, is amended by changing the prices under the heading "Congo", and adding a new heading "Momboyo", as follows:

This correction shall be effective as of August 2, 1945.

Issued this 2d day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-14241; Filed, Aug. 2, 1945; 3:50 p. m.]

PART 1425—LUMBER DISTRIBUTION

[RMPR 467,[1] Amdt. 2]

DISTRIBUTION YARD SALES OF HARDWOOD LUMBER IN KENTUCKY

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.

Revised Maximum Price Regulation 467 is amended in the following respects:

Section 4 (c), Table 1, is amended to read as follows on sales of lumber from yards in Kentucky.

Species	MPR	Basing point
1. Beech	146	Kenova, W. Va.
2. Hickory	155-SC	Bowling Green, Ky.
3. Hard maple	155-NC	Louisville, Ky.
4. Soft maple	155-NC	Do.
5. Red and white oak and mixed hardwood No. 1 and No. 2 dimension.	155-NC	Do.
6. Yellow poplar	155-NC	Do.

This amendment shall become effective August 8, 1945.

Issued this 3d day of August 1945.

JAMES F. BROWNLEE.
Acting Administrator.

[F. R. Doc. 45-14312; Filed, Aug. 3, 1945; 11:37 a. m.]

Chapter XVIII—Office of Economic Stabilization

[Directive 72]

PART 4003—SUPPORT PRICES, SUBSIDIES

CALIFORNIA RAISIN AND GRAPE PROGRAM 1945-46 MARKETING SEASON

The War Food Administrator in a letter dated May 12, 1945, and the Price Administrator in a letter dated May 18, 1945, submitted certain information and their recommendations to me relative to a California raisin and grape program for the 1945-46 marketing season. In approving a program along the general lines recommended, I find it necessary to issue this directive to effectuate the purposes of the Emergency Price Control Act of 1942, as amended, the Stabilization Act of 1942, as amended, and Executive Orders Nos. 9250 and 9328.

A. I hereby find that:

(1) The following producer prices for natural condition raisins are above the legal minimum amounts required to be reflected in maximum prices for processed commodities by section 3 of the Stabilization Act of 1942, as amended, and are necessary to insure the maximum necessary production of raisins in 1945 to meet essential requirements:

Types	Producer prices for 1945
Sultana, Natural	$130.00
Thompson Seedless:	
Natural	190.00
Golden Bleached:	
Choice	230.00
Extra Choice	240.00
Fancy	250.00
Soda Bleached (choice)	210.00
Sulphur Bleached (fancy)	240.00
Natural	205.00
Valencia	257.00
Cluster	220.00
Zante Currants	250.00

(2) Maximum prices on sales of natural condition raisins by producers to processors are not now necessary to promote the national defense.

(3) Maximum prices on sales of California grapes for table use and for home crushing at levels based upon $57.10 per ton packing house door basis with a cushion not exceeding $18.00 per ton are necessary to promote the national defense.

(4) Maximum prices on sales of wine, brandy, and other alcoholic products produced from California grapes should be revised to the extent necessary to reflect a return to producers of the 1945 crop of such grapes, in line, as nearly as practicable, with the return to be realized by raisin producers under the prices specified in paragraph A (1) hereof but in no event in excess of $60.00 per ton, and that such revision will promote the national defense.

(5) The maintenance of approximately the present average level of maximum prices on sales of processed raisins to purchasers other than government procurement agencies, and other than for export, through the use of funds of Commodity Credit Corporation will effectuate the purposes of the hold-the-line policy; and

(6) Maximum prices on sales of processed raisins by processors for shipment to destinations or ports within Territories and Possessions of the United States at the same level as that applicable to sales by processors to purchasers other than government procurement agencies and other than for export to destinations and ports outside Territories and Possessions of the United States, through the use of funds of Commodity Credit Corporation will promote the national defense.

B. The Office of Price Administration is authorized and directed to:

(1) Revoke present maximum prices governing sales of natural condition raisins by producers to processors.

(2) Establish maximum prices governing sales of California grapes for table use and for home crushing at levels based upon $57.10 per ton packing house door basis with a cushion not exceeding $18.00 per ton.

(3) Revise present maximum prices on sales of wine, brandy, and other alcoholic products produced from California grapes to the extent necessary to reflect a return to producers of the 1945 crop of such grapes, in line, as nearly as practicable, with the return to be realized by raisin producers under the prices specified in paragraph A (1) hereof, but in no event to exceed $60.00 per ton.

(4) Revise present maximum prices governing processors' sales of processed raisins to:

(a) Government procurement agencies, and to purchasers for export to destinations or ports outside Territories and Possessions of the United States, on the basis of the cost and profit study relative to processors' margins now being made by Office of Price Administration so as to reflect the producer prices specified in paragraph A (1) hereof; and

(b) Purchasers other than government procurement agencies, and other than for export to destinations or ports outside Territories and Possessions of the United States, on the basis of appropriate compensation for any increase in the legal minimum producer prices for 1945 above the respective legal minimum prices for 1944 and subject to such adjustments which the cost and profit study relative to processors' margins, now being made by the Office of Price Administration, may indicate.

(5) Furnish to the Secretary of Agriculture the revised maximum price, specified in paragraph B (4) hereof, for use by the Secretary of Agriculture in determining the appropriate rate of subsidy payment.

C. The Department of Agriculture is authorized and directed to subsidize processors' sales of processed raisins (other than Cluster Muscats and Zante Currants) to purchasers other than government procurement agencies and other than for export to destinations or ports outside Territories and Possessions of the United States, through use of funds of Commodity Credit Corporation, so as to enable such processors to pay the producer prices specified in paragraph A (1) hereof and to sell such processed raisins at applicable maximum prices to be established by the Office of Price Administration pursuant to paragraph B (4) hereof. The appropriate rate of subsidy shall be determined by the Department of Agriculture after completion of the cost and profit study relative to processors' margins which is now being made by the Office of Price Administration and the maximum prices based upon such study have been issued by the Office of Price Administration.

(E.O. 9250 and E.O. 9328, 3 CFR Cum. Supp. pp. 1213, 1267)

Issued and effective this first day of August, 1945.

THOMAS I. EMERSON,
Acting Economic Stabilization Director.

[F. R. Doc. 45-14355; Filed, Aug. 3, 1945; 11:50 a. m.]

[1] 10 F.R. 48, 776, 924.

[2] 10 F.R. 2521, 2875, 3223, 3549, 3556.

[1] 9 F.R. 14827.

Chapter XX—Office of Contract Settlement

[Reg. 14, Amdt. 2]

PART 8004—TERMINATION COST MEMORANDUMS

FIXED-PRICE SUPPLY CONTRACTS

Part 8014 (10 F.R. 2312 and 3925) is redesignated as Part 8004 and §§ 8014.1 through 8014.9 are redesignated as §§ 8004.1 through 8004.9.

Pursuant to section 2 of Regulation No. 14 of this Office, Regulation No. 14 is hereby amended to incorporate Termination Cost Memorandums Nos. 10 through 15 which are hereby issued as a part of such regulation.

§ 8004.10 *Engineering and development, special tooling, and preparatory expenses*—(a) *Reference to Statement of Cost Principles.* (1) The statement provides for the inclusion of the costs of engineering and development and of special tooling as follows (subpar. 1 (e)):

Engineering and development and special tooling. Costs of engineering and development and of special tooling; *Provided*, That the contractor protects any interests of the Government by transfer of title or by other means deemed appropriate by the Government.

(2) Engineering and development and special tooling are included among the costs subject to limitation under subparagraph 1 (i) of the Statement of Cost Principles (see § 8004.5).

(3) Although the statement does not refer in specific terms to preparatory expenses, their recognition is inherent in the general statement of costs included therein.

(b) *Definitions.* (1) The term "engineering and development", as used herein, refers to the design of the product, the detailed engineering specifications, the design of special tooling, the planning of production processes and layout, and related functions performed specially for the contract, or the contract and other war production contracts.

(2) The term "special tooling" includes jigs, dies, fixtures, moulds, gauges, and other similar equipment acquired or produced by the war contractor specially for the war contract or for the contract and other war production contracts. The term does not relate to buildings, building, equipment, and machine tools; nor to tools such as cutting tools and hand tools which usually lose their utility through wear and tear rather than through obsolescence.

(3) The term "preparatory expenses" refers to expenses incurred in preparing to operate specially under the contract, or the contract and other war production contracts. It includes the reasonable costs of plant rearrangement and alterations, organization, planning, and similar activities carried on specially for the contract, or the contract and other war production contracts. It does not include special facilities or initial costs, which are the subjects of other cost memorandums (see §§ 8004.7 and 8004.9).

(4) The phrase "other war production contracts", as used in subparagraphs (1), (2), and (3) of this paragraph, refers only to such war production contracts as were in existence at the time the special tooling was acquired or the costs of engineering and development or preparatory work were incurred; or such contracts as were at that time so certain to be entered into that the costs of this character could reasonably have been incurred for them, as well as for the terminated contract. For purposes of this section, time of acquisition means the date an order was placed or the date of authorization of work or construction by the contractor.

(c) *Interpretations.* (1) The basis for the inclusion of costs of engineering and development, special tooling, and preparatory work is the amount of such costs which, if the contract had not been terminated, would have been properly chargeable to the terminated portion of the contract (see subparagraph (3) of this paragraph. In this respect the accounting treatment used by the contractor in his books and records is not necessarily controlling. However, when costs of the nature discussed in this section are included, additional depreciation or amortization of the same items will be excluded.

(2) Special tooling and similar items covered by this section will ordinarily become obsolete at the termination of the contract and, consequently, their only residual value will usually be as scrap. If the tooling or other items are retained by the contractor or sold to a third party, their retention value or the proceeds of any sale should be treated as a disposal credit in the contractor's settlement proposal and not as a reduction of the cost of the special items subject to amortization. Where the rate of amortization takes into account the continuing war production contracts for which the costs were incurred, the disposal credit should not include the value of the tooling or other items to the contractor for use on such other work but only their ultimate disposal value. However, where the disposal value consists only of scrap and it has been the contractor's consistent practice to credit all tool scrap to overhead, such practice will be acceptable without applying the scrap value as a disposal credit.

(3) Ordinarily, the unit quantities of deliveries will be an acceptable basis for the allocation of the costs of engineering and development, special tooling, and preparatory work (i) to the terminated contract where more than one contract is involved and (ii) between the completed and terminated portions of the contract. However, if the contract or contracts include products of a diverse nature, some other equitable basis may be used, such as machine or labor hours.

(4) Particular care should be taken to determine that tooling and other costs are special as defined herein. The bid proposal or other records relating to the negotiation or performance of the contract, which may indicate whether the

costs were contempleted by the parties, are important, but not necessarily controlling, evidence that the tooling or other property was acquired or the work done specially for the contract or for the contract and other war production contracts. In the absence of such specific evidence, other satisfactory evidence will be required. In no case will the contractor's unsupported assertion on this point be considered sufficient, and a representation by the contractor at the time the contract was negotiated that it did not need special tooling or other items for its performance will indicate that such acquisition or cost was not contemplated.

(5) In most cases it will not be desirable for the Government to take title to special tooling and similar items covered by this memorandum. Generally, the contractor should be permitted to retain the items, and the contracting agency should protect the Government's interests:

(i) By taking into consideration, in determining the rate of amortization, the use of the special tooling or other items on other war production contracts of the contractor; and

(ii) By obtaining a proper disposal credit in the settlement agreement, as provided by paragraph (c) (2) above; and

(iii) Where there is a possibility that the tooling or other items may be needed for Government purposes within a reasonable period, by appropriate arrangements for the use of such items.

§ 8004.11 *Settlement expenses and costs of protection and disposition of property*—(a) *Reference to Statement of Cost Principles.* The statement provides for the inclusion of settlement expenses and costs of protection and disposition of property as follows (subpars. 1 (k) and (l)):

Settlement expenses. Reasonable accounting, legal, clerical, and other expenses necessary in connection with the termination and settlement of the contract and subcontracts and purchase orders thereunder, including expenses incurred for the purpose of obtaining payment from the Government only to the extent reasonably necessary for the preparation and presentation of settlement proposals and cost evidence in connection therewith.

Protection and disposition of property. Storage, transportation and other costs incurred for the protection of property acquired or produced for the contract or in connection with the disposition of such property.

(b) *Definitions.* (1) The costs and expenses covered by subparagraphs 1 (k) and (l) of the Statement of Cost Principles include such items as are incident to effecting terminations, termination settlements, and the protection and disposition of property acquired or produced for the contract and on hand at the date of termination. They do not include: (i) the costs of idle equipment, facilities, and personnel and (ii) accounting, legal, clerical, and other costs and expenses incurred in any appeal, either within a contracting agency or to the Appeal Board of the Office of Contract Settlement, or in any arbitration, mediation or suit in court, where such proceeding is instituted for the purpose of obtaining payment in excess of the amount the Government has determined to be due. Nothing herein shall be deemed to preclude recovery of the reasonable costs and expenses of settling termination claims of subcontractors related to the terminated portion of any war contract.

(2) The costs of preservation and protection of termination inventory include the necessary greasing, packing, and any other special treatment accorded termination inventory to insure the maintenance of its condition as well as the cost of special precautions necessary to insure its safety. Such costs should be distinguished from storage of termination inventory, the cost of which may include (i) amounts actually paid or payable to outside parties and (ii) a reasonable allocation of the contractor's own costs.

(c) *Interpretations.* (1) To the extent practicable, the costs and expenses covered by this section should be segregated and charged directly to particular terminated contracts. However, where direct charging is not practicable, any method of allocating these expenses may be used which produces results consistent with the principles set forth in subparagraph (3) of this paragraph. The method used may be based on estimates in the light of past experience and reasonably anticipated future terminations. In the absence of a more appropriate basis of allocation, expenses not charged directly may be allocated to particular terminated contracts by the application of a properly computed rate to the amount of the contractor's own costs included in the settlement proposals.

(2) Settlement expenses and costs of protection and disposition of property may include a properly allocable portion of the costs, including overhead, of special termination units or departments and regularly established organizational units. In such cases, it is not necessary that the expenses of such units or departments be identified with specific contracts, but the services performed must be directly related to termination activities. Factory and administrative overhead may be included as a settlement expense only to the extent that the elements of such overhead are properly allocable to such termination units or departments.

(3) Whatever method is used to allocate settlement and property expenses, the cumulative amount included for these expenses in all termination settlements to date should not exceed the cumulative total of such expenses actually incurred, and the total amount included in any single termination settlement proposal should not exceed an amount reasonably necessary to settle the contract in question.

(4) The cost of microfilming or preserving records of a war contractor will ordinarily be classified as general and administrative expense and should not be included as a direct settlement expense in a termination settlement.

(5) Regulation No. 10 of this Office relates to the clearance of termination inventory from plants of war contractors. Section 4 of that regulation provides for reimbursement of the costs thereof as follows:

Contractor's right to store at his own risk. A war contractor may at any time remove from his plant and store on his own premises or elsewhere any of the above materials at his own risk. The war contractor will use reasonable care in the transportation and preservation of material so removed and stored, and will comply with any directions or specifications covering removal, preservation, transportation and storage which may be issued by the contracting agency. The war contractor is entitled to be reimbursed for the reasonable cost of (i) necessary or appropriate transportation, preservation, protection and storage, and (ii) compliance with any directions or specifications in connection therewith issued by the contracting agency. Ordinarily, charges for storage of termination inventory prior to the expiration of the plant clearance period will not be deemed a reasonable settlement expense.

(6) Section 5 of Regulation 10 provides for the removal and storage of termination inventory after the 60-day plant clearance period as follows:

Contractor's right to remove or store at Government expense and risk. If the contracting agency fails to arrange for storage by the war contractor or to remove any termination inventory within 60 days after its receipt of a satisfactory inventory schedule (or within such longer period as the contractor may agree), the contractor may remove and store at the Government's expense and risk, any or all those materials remaining, using reasonable care in the transportation and preservation of materials so removed and stored. The words "at the Government's expense and risk" mean, among other things, that the contractor is not required to insure such materials.

(7) In accordance with the foregoing references, the contractor may include in its settlement proposal the reasonable and necessary costs of transportation, preservation, and protection of termination inventory, regardless of whether such costs are incurred prior or subsequent to the expiration of the 60-day plant clearance period.

(8) Charges for storage of termination inventory may ordinarily be included only for the time following the 60-day plant clearance period. However, if the 60-day period is unreasonable in a particular case, the cost of storage of termination inventory prior to the expiration of such period may be included.

§ 8004.12 *Depreciation*—(a) *Reference to Statement of Cost Principles.* The statement provides for the inclusion of depreciation as follows (subpar. 1 (c)):

Depreciation. An allowance for depreciation at appropriate rates on buildings, machinery, and equipment, and other facilities including such amounts for obsolescence due to progress in the arts and other factors as are ordinarily given consideration in determining depreciation rates. Depreciation as defined herein shall not include loss of useful value of the type covered by subparagraph (f).

(b) *Definition.* The term "depreciation" is used herein in the usual commercial accounting sense to denote that part of the cost of a fixed asset which is charged to a particular period on the basis of distributing its cost over its estimated useful life. It should be distinguished from amortization of special tooling and loss of useful value of special facilities, which are separately provided for in subparagraphs 1 (e) and (f) of the Statement of Cost Principles (see §§ 8004.9 and 8004.10), as well as from amortization of emergency facilities under section 124 of the Internal Revenue Code.

(c) *Interpretations.* (1) To be includible as a cost of a terminated contract, depreciation must have accrued during the performance of the contract and be chargeable to the work done thereunder in accordance with accepted methods of accounting allocation. Any recognized method of computing depreciation may be used and where the contractor has consistently employed a recognized method, it will be expected to continue to use such method. Depreciation shall be includible only in respect of facilities owned by the contractor.

(2) Depreciation should ordinarily be computed at the rates customarily used by the contractor, which may reflect accelerated depreciation if the contractor can demonstrate the reasonableness of such accelerated rates in the light of unusually intensive or abnormal use of the related assets. The depreciation rates used by the contractor for Federal income tax purposes will ordinarily be acceptable, although they are not controlling.

(3) The fact that a facility is amortized at a rate of 20 percent per annum pursuant to section 124 of the Internal Revenue Code is not significant in determining the rate of depreciation to be used for purposes of contract termination. However, buildings, facilities, and tooling not qualifying for the special treatment accorded under subparagraphs 1 (e) and (f) of the Statement of Cost Principles may in some cases be amortized at higher rates than ordinary depreciation where such assets have a high rate of obsolescence due to their special nature or utility primarily for war production.

(4) Consistency from year to year in the method and rates of depreciation used is a significant factor in determining the appropriateness of the charge for depreciation in a particular accounting period. Therefore, any deviation from book depreciation, such as to reflect current depreciation on assets fully depreciated on the books, will raise a question as to the propriety of the depreciation charges as a whole.

§ 8004.13 *Advertising expense*—(a) *Reference to Statement of Cost Principles.* (1) The statement provides for the inclusion of advertising expense as follows (subpar. 1 (h)):

Advertising. Advertising expense to the extent consistent with a prewar program or to the extent reasonable under the circumstances.

(2) Advertising expense is included among the costs subject to limitation under subparagraph 1 (i) of the Statement of Cost Principles (see § 8004.5).

(b) *Definition.* The term "advertising expense," as used herein, includes the expense of operating an advertising department within the contractor's organization as well as expense incurred in the use of advertising media.

(c) *Interpretations.* (1) Where advertising expense represents a nominal amount in relation to the operations and other expenses of the contractor, the entire amount may be classified with general, administrative, and distribution expenses and allocated to the terminated contract in accordance with § 8004.2. Otherwise, it should be treated in accordance with the principles set forth below.

(2) The amount of advertising expense properly allocable to Government sales should be measured by its consistency with the contractor's prewar program unless such program does not provide an adequate basis for comparison, as in the case of newly organized companies. Where the consistency basis is not applicable, the reasonableness of the amount of advertising expense to be included in the settlement proposal will be determined in the light of the circumstances of each case.

(3) Where the allowable advertising expense is determined by reference to a prewar program, consideration may be given to the following factors:

(i) The period used to measure the prewar program may represent the four calendar years 1936 to 1939, inclusive, or the most nearly equivalent fiscal years. If the contractor was not in business during this entire period any representative period during which it was in business during such years may be used.

(ii) Advertising chargeable to the period of operation under the contract in excess of the average dollar amount for the prewar period should not be included in the amount to be allocated between Government contracts and other business.

(iii) The contractor's non-war business for the period of the contract should first be charged with advertising up to the prewar percentage of sales. In other words, to the extent that the contractor's prewar business has been maintained, no advertising should be charged to Government contracts.

(iv) Advertising should not be charged to Government contracts at a rate higher than the prewar percentage of sales.

(v) The amount of advertising expense allocated to Government sales in accordance with the principles set forth herein may be allocated to the terminated contract on the basis of sales (the amount of the termination settlement to be treated as a sale), cost of sales, or on any other reasonable basis.

§ 8004.14 *General experimental and research expense*—(a) *Reference to Statement of Cost Principles.* (1) The statement provides for the inclusion of general experimental and research expense as follows (subpar. 1 (d)):

Experimental and research expense. General experimental and research expense to the extent consistent with an established prewar program, or to the extent related to war purposes.

(2) Experimental and research expense is included among the costs subject to limitation under subparagraph 1 (i) of the Statement of Cost Principles (see § 8004.5).

(b) *Definition.* The term "general experimental and research expense", as used herein, refers to expenses incurred on projects of a basic and general nature and in the development of new products and processes, as distinguished from process engineering, tool development and similar activities related to particular contracts. The term does not refer to routine shop experiments in production methods and similar activities which are usually classified with factory overhead.

(c) *Interpretations.* (1) If income from royalties or from the sale of patents or rights is derived from general experimental and research programs carried on currently or in the past, such income should be deducted from the amount of general experimental and research expense to be allocated to the terminated contract.

(2) Where general experimental and research expense represents a nominal amount in relation to the operations and other expenses of the contractor, the entire amount may be classified with general, administrative and distribution expenses and allocated to the terminated contract in accordance with § 8004.2. Otherwise, it should be treated in accordance with the principles set forth below.

(3) The amount of general experimental and research expense properly allocable to Government sales should be measured by its consistency with the contractor's prewar program unless such program does not provide an adequate basis for comparison, as in the case of newly organized companies. Where the consistency basis is not applicable, the amount of general experimental and research expense to be considered for apportionment between Government sales and other work will be limited to such expense as is related to war purposes.

(4) Where the allowable general experimental and research expense is determined by reference to a prewar program, consideration may be given to the following factors:

(i) The period used to measure the prewar program may represent the four calendar years 1936 to 1939, inclusive, or the most nearly equivalent fiscal years. If the contractor was not in business during this entire period, any representative period during which it was in business during such years may be used.

(ii) General experimental and reserch expense chargeable to the period of operation under the contract in excess of the average dollar amount for the prewar period should not be included in the amount to be allocated between Government contracts and other business.

(iii) The contractor's non-war business for the period of the contract should first be charged with the amount of general experimental and research expense up to the prewar percentage of sales. In other words, to the extent that the contractor's prewar business has been maintained, no amount of this expense should be charged to Government contracts.

(iv) General experimental and research expense should not be charged to Government contracts at a rate higher than the prewar percentage of sales.

(v) The amount of the expense allocated to Government sales in accordance with the principles set forth herein may be allocated to the terminated contract

on the basis of sales (the amount of the termination settlement to be treated as a sale), cost of sales, or on any other reasonable basis.

§ 8004.15 *Cash discounts on purchases*—(a) *Reference to Statement of Cost Principles.* The statement does not refer in specific terms to cash discounts on purchases.

(b) *Definition.* The term "cash discount on purchases", as used herein, refers to a reduction in the amount paid to a vendor for the purchase of any items included in a termination settlement, solely by reason of the payment therefor within a specified period. It should be differentiated from trade discounts, rebates, and other allowances, which are usually treated as a direct deduction from the purchase price of the items to which they relate.

(c) *Interpretations.* (1) Cash discounts on purchases realized by the contractor in respect of items included in the termination settlement should be reflected as deductions from the contractor's costs included therein. Where it is not the contractor's usual accounting practice to deduct cash discounts from the individual purchases to which they apply, such as where the discounts are credited to income, the amount of cash discounts (estimated, if necessary) may be deducted in a single amount from the entire inventory or other cost.

(2) Where it is the contractor's usual practice to credit cash discounts to factory overhead or to general and administrative expenses, such treatment will ordinarily be acceptable.

J. HAROLD STEWART,
Acting Director.

JULY 26, 1945.

[F. R. Doc. 45-14239; Filed, Aug. 2, 1945; 3:33 p. m.]

Chapter XXIII—Surplus Property Board

[SPB Reg. 1, Amdt. 1 to Order 3]

PART 8301—DESIGNATION OF DISPOSAL AGENCIES AND PROCEDURES FOR REPORTING SURPLUS PROPERTY LOCATED WITHIN THE CONTINENTAL UNITED STATES, ITS TERRITORIES AND POSSESSIONS

FORMS FOR DECLARATION OF SURPLUS

Order No. 3 (10 F.R. 3771, 4356), issued April 2, 1945, effective May 1, 1945, entitled "Forms for Declaration of Surplus", under Surplus Property Board Regulation No. 1 (10 F.R. 3764, 4356), entitled "Designation of Disposal Agencies and Procedures for Reporting Surplus Property Located Within the Continental United States, its Territories and Possessions", is hereby amended as follows:

1. Section 4 is amended by inserting after the words "Forms SPB–1, SPB–1.1," the following: "SPB–1.2, SPB–1.3,".

2. After section 5 there are added the following new sections 6 and 7:

SEC. 6. Form SPB–1.2, *Declaration of Surplus Property to Disposal Agency*, as attached hereto, may be used by the War Department as a substitute for Form SPB–1 in declaring to the Reconstruction Finance Corporation surplus property located within the continental United States, its territories and possessions, resulting from contractor inventory. Form SPB–1.3, *Listing Sheet*, as attached hereto, may be used as the detailed listing sheet in support of Form SPB–1.2, as a substitute for Form SPB–1, "Continuation Sheet". Forms SPB–1.2 and SPB–1.3 will be prepared in accordance with the instructions attached thereto.

SEC. 7. The Reconstruction Finance Corporation is authorized to correct or adjust a declaration previously made on SPB–1.2 and SPB–1.3 by the War Department to conform to the property thereafter delivered to or upon the order of the Reconstruction Finance Corporation. When the Reconstruction Finance Corporation makes such correction or adjustment without the submission by the owning agency of a Form SPB–1.1 covering such correction or adjustment, the submission of such Form SPB–1.1 may be omitted.

This amendment shall become effective August 1, 1945.

NOTE: All reporting requirements of this part have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Forms printed in the FEDERAL REGISTER are for information only and do not follow the exact format prescribed by the issuing agency.

SURPLUS PROPERTY BOARD,
By A. E. HOWSE,
Administrator.

JULY 31, 1945.

Form SPB-1.2

UNITED STATES OF AMERICA
SURPLUS PROPERTY BOARD

Budget Bureau No. 16-R015
Approval expires February 1, 1946

DECLARATION OF SURPLUS PERSONAL PROPERTY TO DISPOSAL AGENCY
(In the Continental United States, Its Territories and Possessions)

1. To: Name and address of disposal agency	7. Standard commodity classification group code. / 8. Date of report
	9. Reporting agency No. / 10. Total cost—this report $
2. From: Name and address of reporting agency	DO NOT FILL IN
	Disposal agency No.
3. Custodian: Name and address	Department and bureau
	State
	District
4. Location of property	City
	Site
	Transaction code

5. Proceeds—If proceeds are "reimbursable," give symbol and title of appropriation of Government corporation

6. Authorized by

(Name and title of authorized reporting official) (Please type)

By (Signature of authorized official)

11. The above declaration covers the Surplus Personal Property on attached list pages to , inclusive. Authority is granted to the disposal agency to amend this declaration to conform to the quantities listed on shipping documents at time of receipt of final shipment. Shipping authorization numbers are requested covering the following car or truck shipments:

12. Documentary requirements	13. Originating carrier	14. Estimated weight	15. Type storage	16. Number of cars	17. Date ready for shipment	18. Date to be shipped	19. Shipping authorization No.
A. Send warehouse receiving report to:							
B. Send the report of over, short, and damage to:							

20. The above shipments, are to be consigned as follows:

21. Delivering carrier:

22. Shipping instructions issued by:

23. Date issued:

24. ☐ Declaration ☐ Request for shipping instructions

INSTRUCTIONS FOR USE OF FORM SPB–1.2

GENERAL INSTRUCTIONS

Form SPB–1.2 is a combined form for declaration of surplus personal property, located in the continental United States, its territories and possessions, for requesting shipping instructions and for issuing shipping instructions. Form SPB–1.2 (supported by detailed listings of property on Form SPB–1.3, or other detailed listings of property meeting the requirements set forth in the third paragraph of General Instructions to Form SPB–1) may be used as a substitute for Form SPB–1 as provided in SPB Reg. 1, Order 3 and amendments thereto. Form SPB–1.2 and supporting detailed listings will be filed in such number of copies as may be agreed between the owning agency and the disposal agency.

Form SPB–1.2 may be reproduced by the owning agency provided that the size and format are identical with the format prescribed by the Board. This form may be reproduced in fanfold and carry the name of the owning agency imprinted on the form.

The items of property covered by any one declaration shall be confined to property at a single location.

If any legal restrictions exist (including patent restrictions) as to the power of owning agencies to dispose of property reported to a disposal agency as surplus, the report shall include a statement clearly indicating such restrictions.

INSTRUCTIONS FOR PREPARATION

Blocks 1 through 10—Follow instructions set forth in General Instructions to Form SPB–1 for blocks 1 through 10 of that Form.

Block 11—Enter page number of supporting detailed listings.

Block 12—Owning agency will designate offices to which disposal agency will transmit Warehouse Receiving Report and Over, Short & Damage Report.

Blocks 13 through 17—Owning agency will complete in accordance with instructions issued by disposal agency.

Blocks 18 through 23—Disposal agency will complete.

Block 24—Owning agency will indicate whether the document constitutes a Declaration or a Request for Shipping Instructions by entering an "X" in the appropriate box; or, if the document is a combined Declaration and Request for Shipping Instructions, by entering an "X" in both boxes.

1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31 32 33 34 35 36 37 38 39 40 41 42 43 44 45 46 47 48 49 50

Form SPB 1.3 — LISTING SHEET — United States of America, Surplus Property Board
Budget Bureau No. 16-R017. Approval expires February 1, 1946.

Property Classification	Reporting Agency No.	Shipping Authorization	Page of Pages

Item No. (1)	Description and type of storage (2)	Std. Comm. Class (3)	Cond. (4)	Unit of Meas. (5)	No. of Pkgs. (6)	Type of Pkg. (7)	Pkg. No. (8)	Quantity Declared (9)	Quantity Shipped (10)	Unit Cost (11)	Total Cost (12)	Quantity Received (13)

51 52 53 54 55 56 57 58 59 60 61 62 63 64 65 66 67 68 69 70 71 72 73 74 75 76 77 78 79 80 81 82 83 84 85 86 87 88 89 90 91 92 93 94 95 96 97 98 99 100

INSTRUCTIONS FOR USE OF FORM SPB–1.3

Form SPB–1.3 is a detailed listing sheet to be used in conjunction with Form SPB–1 or Form SPB–1.2 in the declaration of surplus personal property, located in the continental United States, its territories and possessions. Form SPB–1.3 may be used as the detailed listing sheet in support of Form SPB–1.2 as provided in SPB Reg. 1, Order 3, and amendments thereto. Form SPB–1.3 includes certain columns for use by the owning agency and the disposal agency in connection with shipment and receipt and may be used as a detailed listing in support of shipping and receiving documents.

Form SPB–1.3 may be reproduced by the owning agency provided that the size and format are identical with the format prescribed by the Board.

The instructions applicable to columns "a" through "h" of Form SPB–1 (as set forth in General Instructions to Form SPB–1) will be followed in preparing columns 1, 2, 3, 4, 5, 9, 11 and 12, respectively of Form SPB–1.3. The owning agency will issue instructions for the preparation of columns 6, 7 and 8 (which are provided for use in connection with shipment by the owning agency); and the disposal agency will issue instructions for the preparation of column 13 (which is provided for use in connection with receipt by the disposal agency).

[F. R. Doc. 45-14273; Filed, Aug. 3, 1945; 11:07 a. m.]

TITLE 37—PATENTS AND COPYRIGHTS

Chapter I—Patent Office, Department of Commerce

[Order 379]

PART 3—LICENSES TO FILE APPLICATIONS FOR PATENTS IN FOREIGN COUNTRIES

EXTENSION OF LICENSES

A new section is added reading as follows:

§ 3.17 *Extension of licenses.* Whenever a license to file an application in a foreign country has heretofore been granted or is hereafter granted by the Commissioner of Patents, under the provisions of Public Law 239, 77th Congress, Approved August 21, 1941 (55 Stat. 657; 35 U.S.C. 42a), the license is, in each case, hereby revived, renewed and extended to additionally empower the licensee under authority of said license, to forward all duplicate and formal papers to the foreign country and to make all amendments necessary for the prosecution of such application, excluding supplements and continuances originating in this country which disclose inventions, modifications or variations not disclosed in the application authorized under the license. Licensee should apply to the envelope in which material is forwarded to the foreign country under this additional authority, the legend "License No. ——— Commissioner of Patents", inserting the number of the license.

(Pub. Law 239, 77th Cong., approved Aug. 21, 1941, 55 Stat. 657, 35 U.S.C. 42a)

[SEAL] CASPER W. OOMS,
Commissioner of Patents.

Approved: August 2, 1945.

H. A. WALLACE,
Secretary of Commerce.

[F. R. Doc. 45-14257; Filed, Aug. 3, 1945; 9:34 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—General Land Office

Appendix—Public Land Orders

[Public Land Order 290]

ALASKA

WITHDRAWING PUBLIC LANDS FOR USE OF THE WAR DEPARTMENT

By virtue of the authority vested in the President and pursuant to Executive Order No. 9337 of April 24, 1943, it is ordered as follows:

Subject to valid existing rights, the following-described public lands are hereby withdrawn from all forms of appropriation under the public-land laws, including the mining and mineral-leas-

ing laws, and reserved for the use of the War Department:

Beginning at a point on the west boundary of the area withdrawn for the use of the War Department by Executive Order No. 8577, October 29, 1940, from which the south corner of said tract on line 7–8 U. S. Survey No. 2082, Alaska, bears S. 45°55' E. 100 feet in approximate latitude 66°53' N., longitude 162°38'30" W.

From the point of beginning,
N. 45°55' W., 164 feet, along southwest boundary of the previously withdrawn area;
N. 44°05' E., 198 feet, along northwest boundary of said area;
N. 45°55' W., 111 feet;
S. 44°05' W., 182 feet;
N. 45°55' W., 40 feet;
S. 44°05' W., 80 feet;
S. 45°55' E., 40 feet;
S. 44°05' W., 193.92 feet;
S. 45°55' E., 275 feet;
N. 44°05' E., 257.92 feet, to the place of beginning.

The tract as described contains 2.20 acres.

The jurisdiction granted by this order shall cease at the expiration of the six months' period following the termination of the unlimited national emergency declared by Proclamation No. 2487 of May 27, 1941 (55 Stat. 1647). Thereupon, jurisdiction over the lands hereby reserved shall be vested in the Department of the Interior, and any other Department or agency of the Federal Government according to their respective interests then of record. The lands, however, shall remain withdrawn from appropriation as herein provided until otherwise ordered.

ABE FORTAS,
Acting Secretary of the Interior.

JULY 25, 1945.

[F. R. Doc. 45–14251; Filed, Aug. 2, 1945; 4:37 p. m.]

[Public Land Order 291]

WYOMING AND COLORADO

POWER SITE RESTORATION; PARTIAL REVOCATION OF EXECUTIVE ORDERS

Power Site Restoration No. 499. Revoking in part Executive Orders creating Power Site Reserves Nos. 128, 137, 233, 348, 413, 417, 435, and 445.

By virtue of the authority contained in the act of June 25, 1910 (36 Stat. 847), as amended by the act of August 24, 1912 (37 Stat. 497, 43 U.S.C. secs. 141–143), and pursuant to Executive Order No. 9337 of April 24, 1943; *It is ordered*, as follows:

1. The Executive order of July 2, 1910, creating Power Site Reserve No. 128, is hereby revoked as to the following described land:

SIXTH PRINCIPAL MERIDIAN, WYOMING

T. 18 N., R. 120 W., sec. 32, W½NW¼.

2. The Executive order of July 2, 1910, creating Power Site Reserve No. 137, is hereby revoked as to the following described lands:

WIND RIVER MERIDIAN, WYOMING

T. 4 N., R. 6 E.,
Sec. 3, lot 2, SW¼NW¼, and W½SW¼;
Sec. 4, lot 2;
Sec. 9, lots 2, 4, and 5, and SW¼NW¼;
Sec. 16, lots 7 and 8.

3. The Executive order of November 23, 1911, creating Power Site Reserve No. 233, is hereby revoked as to the following described lands:

SIXTH PRINCIPAL MERIDIAN, WYOMING

T. 48 N., R. 101 W.,
Sec. 26, SW¼SW¼;
Sec. 27, SE¼NE¼ and NE¼SE¼;
Sec. 35, NW¼NW¼.

4. The Executive order of March 27, 1913, creating Power Site Reserve No. 348, is hereby revoked as to the following described lands:

SIXTH PRINCIPAL MERIDIAN, WYOMING

T. 51 N., R. 104 W.,
Sec. 13, lot 26;
Sec. 24, lots 10 and 13.

5. The Executive order of January 24, 1914, creating Power Site Reserve No. 413, is hereby revoked as to the following described land:

SIXTH PRINCIPAL MERIDIAN, WYOMING

T. 27 N., R. 69 W., sec. 27, NW¼NW¼.

6. The Executive order of January 21, 1914, creating Power Site Reserve No. 417, is hereby revoked as to the following described lands:

SIXTH PRINCIPAL MERIDIAN, WYOMING

T. 24 N., R. 83 W., sec. 26, SW¼ and W½SE¼.

7. The Executive order of April 21, 1914, creating Power Site Reserve No. 435, is hereby revoked as to the following described lands:

SIXTH PRINCIPAL MERIDIAN, COLORADO

T. 10 N., R. 79 W., sec. 7, lot 4.
T. 11 N., R. 79 W., sec. 31, lot 3 and NE¼SW¼.
T. 10 N., R. 80 W.,
Sec. 11, W½SE¼;
Sec. 14, W½NE¼;
Sec. 34, SE¼NE¼.

8. The Executive order of September 9, 1914, creating Power Site Reserve No. 445, is hereby revoked as to the following described lands:

SIXTH PRINCIPAL MERIDIAN, WYOMING

T. 40 N., R. 106 W., sec. 14, lots 4 and 5.
T. 41 N., R. 106 W.,
Sec. 22, SW¼SW¼ and NW¼SE¼;
Sec. 27, W½NW¼;
Sec. 28, E½SE¼;
Sec. 34, SW¼NE¼, SE¼NW¼, NE¼SW¼, and NW¼SE¼.

The areas described aggregate 1,765.21 acres.

ABE FORTAS,
Acting Secretary of the Interior.

JULY 25, 1945.

[F. R. Doc. 45–14252; Filed, Aug. 2, 1945; 4:37 p. m.]

[Public Land Order 292]

CALIFORNIA

REDUCING THE WITHDRAWAL MADE BY EXECUTIVE ORDER NO. 6361 OF OCTOBER 25, 1933

By virtue of the authority vested in the President by section 1 of the act of June 25, 1910, c. 421, 36 Stat. 847 (U.S.C., title 43, sec. 141), and pursuant to Executive Order No. 9337 of April 24, 1943, it is ordered as follows:

Executive Order No. 6361 of October 25, 1933, withdrawing certain public lands in California for classification and pending determination as to the advisability of including such lands in a national monument, is hereby revoked so far as it affects the following-described lands:

SAN BERNARDINO MERIDIAN

T. 1 S., R. 4 E.,
Secs. 21, 22, and 27;
Sec. 31, lots 1, 2, 3, and 4, SE¼NE¼, W½NE¼, E½NW¼, and E½SE¼;
Sec. 32.
T. 3 S., R. 6 E.,
Sec. 6, lots 6 and 7, E½SW¼, and SE¼.

The areas described aggregate 3,330.55 acres, including 2,930.55 acres of public land and 400 acres of non-public land.

This order shall not otherwise become effective to change the status of these lands until 10:00 a. m. on the 63d day from the date on which it is signed. At that time the lands shall, subject to valid existing rights and the provisions of existing withdrawals, become subject to application, petition, location, or selection as follows:

(a) For a period of 90 days, commencing on the day and at the hour named above, the public lands affected by this order shall be subject to (1) application under the homestead or the desert land laws, or the small tract act of June 1, 1938 (52 Stat. 609, 43 U.S.C. sec. 682a), by qualified veterans of World War II, for whose service recognition is granted by the act of September 27, 1944 (58 Stat. 747, 43 U.S.C. sec. 282), subject to the requirements of applicable law, and (2) application under any applicable public land law, based on prior existing valid settlement rights and preference rights conferred by existing laws or equitable claims subject to allowance and confirmation. Applications by such veterans shall be subject to claims of the classes described in subdivision (2).

(b) For a period of 20 days immediately prior to the beginning of such 90-day period, such veterans and persons claiming preference rights superior to those of such veterans, may present their applications, and all such applications, together with those presented at 10:00 a. m. on the first day of the 90-day period, shall be treated as simultaneously filed.

(c) Commencing at 10:00 a. m. on the 91st day after the lands become subject to application, as hereinabove provided, any of the lands remaining unappropriated shall become subject to such application, petition, location, or selection by the public generally as may be authorized by the public land laws.

(d) Application by the general public may be presented during the 20-day period immediately preceding such 91st day, and all such applications, together with those presented at 10:00 a. m. on that day, shall be treated as simultaneously filed.

Veterans shall accompany their applications with certified copies of their certificates of discharge, or other satisfactory evidence of their military or naval service. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their applications by duly corroborated affidavits in support thereof, setting forth in detail all facts relevant to their claims.

Applications for these lands, which shall be filed in the District Land Office at Los Angeles, California, shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations (Circular 324, May 22, 1914, 43 L. D. 254), and Part 296 of that title, to the extent that such regulations are applicable. Applications under the homestead laws shall be governed by the regulations contained in Subchapter I of Title 43 of the Code of Federal Regulations and applications under the desert land laws and the small tract act of June 1, 1938 shall be governed by the regulations contained in parts 232 and 257, respectively, of that title.

ABE FORTAS,
Acting Secretary of the Interior.

JULY 25, 1945.

[F. R. Doc. 45–14253; Filed, Aug. 2, 1945; 4:37 p. m.]

TITLE 46—SHIPPING

Chapter III—War Shipping Administration

[Gen. Order 6, Rev., Supp. 11]

PART 305—INSURANCE

CARGO INSURANCE

Effective as of the date of the publication of this Supplement in the Federal Register, Subpart A—Cargo Insurance, of General Order 6, Revised, is amended as follows:

1. By striking out paragraph (e) from § 305.2 *Submission of Risks.*

2. By striking out the following words from § 305.16 *Form of Cargo War Risk Binder:*

Standard Optional Endorsement No. I (amended) is desired;
Insert ("yes" or "no") in space ☐

3. By amending Clauses 1, 3 (c), 4, 5, and 8 of § 305.22 *Form of Facultative Policy* to read respectively as follows:

1. (a) This insurance is only against the risks of capture, seizure, destruction or damage by men of war, piracy, takings at sea, arrests, restraints and detainments and other warlike operations and acts of kings, princes and peoples in prosecution of hostilities or in the application of sanctions under international agreements, whether before or after declaration of war and whether by a belligerent or otherwise, including factions engaged in civil war, revolution, rebellion or insurrection, or civil strife arising therefrom, and including the risks of aerial bombardment, floating or stationary mines and stray or derelict torpedoes; but excluding claims for delay, deterioration and/or loss of market, and warranted not to abandon (on any ground other than physical damage to ship or cargo) until after condemnation of the property insured. Also warranted not to abandon in case of blockade, and free from any claims for loss or expense in consequence of blockade or of any attempt to evade blockade; but in the event of blockade, to be at liberty to proceed to an open port and there end the voyage.

(b) No claim shall be payable hereunder which arises from collision, contact with any fixed or floating object (other than a mine or torpedo), stranding, heavy weather or fire unless caused directly (and independently of the nature of the voyage or service which the vessel concerned or, in the case of a collision, any other vessel involved therein, is performing) by a hostile act by or against a belligerent power; and for the purpose of this paragraph "power" includes any authority maintaining naval, military or air forces in association with a power.

3. (c) Capture, seizure, arrest, restraint, detainment or condemnation by the Government of the United States or by any of its Allies.

4. This insurance attaches only as the goods are first loaded on lighter, craft or vessel after leaving the warehouse at point of shipment in transit for the destination named in the Policy, and ceases to attach as the goods are finally landed from the vessel, craft or lighter at the final port or place of discharge.

This insurance includes transshipment and intermediate overland transit, if any. If the voyage is terminated and the interest insured is discharged at a port or place other than the intended port of discharge, through circumstances beyond the control of the Assured, this insurance shall continue until the interest insured is sold and delivered at such port or place; or if the interest be not sold but forwarded by water to the port of destination or to a substituted destination, this insurance shall continue until the interest is landed at the original or substituted destination.

It is a condition of this insurance that the Assured shall act with reasonable dispatch in all circumstances within their control.

5. Subject to any conditions or warranties which may be endorsed hereon, it is agreed that this insurance shall not be vitiated by deviation, over-carriage, change of voyage, or by any error or unintentional omission in the description of interest, vessel or voyage, provided the same be communicated to the War Shipping Administration as soon as known to the Assured and an additional premium paid if required.

8. Notwithstanding anything to the contrary contained in this Policy, it is understood and agreed that no claim for freight, storage, or other expense due to the requisition or commandeering of the title or use of any vessel by or with the consent of the country whose flag she flies shall be payable under this insurance, provided that if as a result of such requisition or commandeering the insured cargo is discharged at a port or place other than the port or place of destination, the port or place of discharged shall be deemed a "port or place other than the intended port of discharge" within the meaning of Clause 4 of this Policy.

4. Section 305.24 *Standard Optional Endorsement No. XVI* is hereby revoked.

(E.O. 9054, 3 CFR Cum. Supp.; 54 Stat. 689, as amended)

E. S. LAND,
Administrator.

AUGUST 2, 1945.

[F. R. Doc. 45–14358; Filed, Aug. 3, 1945; 11:55 a. m.]

TITLE 49—TRANSPORTATION AND RAILROADS

Chapter I—Interstate Commerce Commission

[Rev. S. O. 337]

PART 95—CAR SERVICE

PERMIT REQUIRED FOR SHIPMENTS OF ORANGES AND LEMONS FROM ARIZONA OR CALIFORNIA

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 1st day of August, A. D. 1945.

It appearing, that the Secretary of Agriculture on October 3, 1942, issued Marketing Order No. 66 (7 F.R. 8576), regulating the handling and shipment of oranges grown in the States of California or Arizona, and on April 10, 1941, issued Marketing Order No. 53 (6 F.R. 1833) regulating the handling and shipment of lemons grown in the States of California or Arizona, pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et. seq.);

And it further appearing, that the movement of such oranges and lemons under permits is necessary to prevent congestion of traffic and a shortage of equipment; the Commission is of opinion an emergency requiring immediate action exists in Arizona and California, in order to best promote the service in the interest of the public and the commerce of the people: It is ordered, that:

(a) *Oranges and lemons from Arizona and California not to be trasported without a permit.* No common carrier by railroad subject to the Interstate Commerce Act shall furnish a car for loading with, or accept for transportation or move a car loaded with, oranges or lemons, in carload or less-than-carload quantities, from any origin in the States of Arizona or California destined to interstate or Canadian points, except upon presentation by the shipper to the carrier of a permit issued by the Director of Marketing Services, U. S. Department of Agriculture, or his authorized agent, as provided for in Marketing Order No. 66 (7 F. R. 8576) or Marketing Order No. 53 (6 F.R. 1833).

(b) *Effective date.* This order shall become effective at 12:01 a. m., August 6, 1945.

(c) *Expiration date.* This order shall expire at 11:59 p. m., October 14, 1945, unless otherwise modified, changed, suspended, or annulled by order of the Commission (40 Stat. 101, sec. 402, 41 Stat. 476, sec. 4, 54 Stat. 901; 49 U.S.C. 1 (10)–(17))

It is further ordered, that a copy of this order and direction shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with

the Director, Division of the Federal Register.

By the Commission, Division 3.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 45-14353; Filed, Aug. 3, 1945; 11:49 a. m.]

Notices

DEPARTMENT OF THE INTERIOR.

Solid Fuels Administration for War.

[SFAW Suspension Order 4, Revocation]

PHILIPS-THOMPSON CO.

SUSPENSION OF OPERATIONS WITH RESPECT TO ANTHRACITE

On June 9, 1945, SFAW Suspension Order 4 was issued to prohibit Clayton M. Liddell, a retail dealer in Wilmington, Delaware, doing business as The Philips-Thompson Co., from distributing the regulated sizes of anthracite. Subsequently, Mr. Liddell requested and was given permission to demonstrate that, although he had violated SFAW Regulation No. 17, as amended, by delivering regulated sizes of anthracite to consumers during the 1944-45 coal year without first obtaining Consumer Declarations from them, he had not delivered anthracite during the year in amounts in excess of those permitted to be delivered by Regulation No. 17. On July 31, 1945, Liddell submitted information indicating that during the 1944-1945 coal year he had distributed anthracite equitably among his customers in accordance with those provisions of SFWA Regulation No. 17, as amended, which prescribed the maximum amounts of anthracite to be delivered. Liddell has stated in an affidavit that he will comply during the balance of this coal year with the provisions of SFAW Regulation No. 26, as amended.

In light of the foregoing, *It is ordered*, That SFAW Suspension Order 4 be, and it hereby is, revoked.

This order shall become effective immediately.

(E.O. 9332, 8 F.R. 5355; E.O. 9125, 7 F.R. 2719; sec. 2 (a), 54 Stat. 676, as amended by 55 Stat. 236, 56 Stat. 176 and 58 Stat. 827)

Issued this 2d day of August 1945.

C. J. POTTER,
Deputy Solid Fuels Administrator for War.

[F. R. Doc. 45-14299; Filed, Aug. 3, 1945; 11:33 a. m.]

CIVIL AERONAUTICS BOARD.

[Docket No. 1967]

TRANS-MARINE AIRLINES, INC.

NOTICE OF FURTHER HEARING

In the matter of the investigation of certain activities of Trans-Marine Airlines, Inc.

The hearing in the above-entitled proceeding having been adjourned July 27, 1945, is now assigned for resumption on August 13, 1945, at 10:00 a. m. (Eastern war time) in the Hotel New Yorker, New York City, New York.

Dated: Washington, D. C., August 1, 1945.

By the Civil Aeronautics Board.

FRED A. TOOMES, *Secretary.*

[F. R. Doc. 45-14270; Filed, Aug. 3, 1945; 10:47 a. m.]

FEDERAL COMMUNICATIONS COMMISSION.

[Docket No. 6772]

K I D BROADCASTING CO.

NOTICE OF HEARING

In re application of KID Broadcasting Company (KID) (assignor), Idaho Radio Corporation (assignee), Idaho Falls, Idaho; date filed, April 19, 1945; for, voluntary assignment of license; class of service, broadcast; class of station, broadcast; location, Idaho Falls, Idaho; operating assignment specified: frequency, 1350 kc; power, 500 w night, 5 kw day; hours of operation, unlimited.

You are hereby notified that the Commission has examined the application in the above entitled case and has designated the matter for hearing for the following reasons:

1. To obtain full information with reference to the qualifications of the proposed assignee.

2. To obtain full information with reference to the identity, citizenship, interests and qualifications of the officials and stockholders of the proposed assignee.

3. To obtain full information with respect to the arrangements for the purchase of KID by Idaho Radio Corporation, including the consideration therefor, the facilities and properties both tangible and intangible being sold.

4. To determine whether in the light of the evidence adduced on the foregoing issues, public interest would be served by granting the instant application.

The application involved herein will not be granted by the Commission unless the issues listed above are determined in favor of the applicant on the basis of a record duly and properly made by means of a formal hearing.

The applicant is hereby given the opportunity to obtain a hearing on such issues by filing a written appearance in accordance with the provisions of § 1.382 (b) of the Commission's rules of practice and procedure. Persons other than the applicant herein who desire to be heard must file a petition to intervene in accordance with the provisions of §§ 1.102, 1.141 and 1.142 of the Commission's rules of practice and procedure.

The applicants' addresses are as follows:

KID Broadcasting Co., Radio Station KID, P. O. Box 219, Idaho Falls, Idaho.

Idaho Radio Corporation, Park Avenue & C Street, Idaho Falls, Idaho.

Dated at Washington, D. C., July 31, 1945.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 45-14357; Filed, Aug. 3, 1945; 11:53 a. m.]

INTERSTATE COMMERCE COMMISSION.

[S. O. 342]

UNLOADING OF HAY AT PORTLAND, OREG.

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 2d day of August, A. D. 1945.

It appearing, that car GN 7534, containing hay at Portland, Oregon, on the Spokane, Portland and Seattle Railway Company, has been on hand for an unreasonable length of time and that the delay in unloading said car is impeding its use; in the opinion of the Commission an emergency exists requiring immediate action. It is ordered, that:

Hay at Portland, Oregon, be unloaded. (a) The Spokane, Portland and Seattle Railway Company, its agents or employees, shall unload forthwith car GN 7534, containing hay on hand at Portland, Oregon, consigned to Boehl Seed Company, Portland, Oregon.

(b) Said carrier shall notify the Director of the Bureau of Service, Interstate Commerce Commission, Washington, D. C., when such carload has been completely unloaded in compliance with the requirements of paragraph (a). Upon receipt of such notice this order shall expire. (40 Stat. 101, sec. 402, 41 Stat. 476, sec. 4, 54 Stat. 901, 911; 49 U.S.C. 1 (10)-(17), 15 (2))

It is further ordered, that this order shall become effective immediately, and that a copy of this order and direction shall be served upon the Spokane, Portland and Seattle Railway Company, and upon the Association of American Railroads, Car Service Division, as agent of the Railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission, at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

By the Commission, Division 3.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 45-14354; Filed, Aug. 3, 1945; 11:49 a. m.]

OFFICE OF ALIEN PROPERTY CUSTODIAN.

[Vesting Order 5070]

COPYRIGHT INTERESTS OF M. P. BELAIEFF

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation;

1. Finding that M. P. Belaieff, a resident of Leipzig, Germany, is a national of a foreign country (Germany);

2. Determining, therefore, that the property described as follows: All right, title, interest and claim of whatsoever kind or nature, under the statutory and common law of the United States and the several States thereof, of the aforesaid M. P. Belaieff of Leipzig, Germany, in, to and under the following:

(a) Every copyright, claim of copyright and right to copyright, in each and all of the works designated in Exhibit A,[1] which exhibit is attached hereto and hereby made a part hereof;

(b) Every copyright, claim of copyright and right to copyright in each and all of the works subject to copyright, in which such rights and claims are held by the aforesaid M. P. Belaieff whether or not such works are specifically designated in this order;

(c) Every license, agreement, privilege, power and right of whatsoever nature arising under or with respect to any or all of the foregoing; excepting the rights of any person to renew any or all of the copyrights arising in, from or under any or all of the foregoing;

(d) All monies and amounts, and all right to receive monies and amounts, by way of royalty, share of profits or other emolument, accrued or to accrue, whether arising pursuant to law, contract or otherwise, with respect to any or all of the foregoing;

(e) All rights of reversion or revesting, if any, in any or all of the foregoing;

(f) All causes of action accrued or to accrue at law or in equity with respect to any or all of the foregoing, including but not limited to the right to sue for and recover all damages and profits and to ask and receive any and all remedies provided by common law or statute for the infringement of any copyright or the violation of any right or the breach of any obligation described in or affecting any or all of the foregoing;

(g) All right, title or interest in any paper or other copies of the works described in the foregoing;

is property payable or held with respect to copyrights, or rights related thereto, in which interests are held by, and such property constitutes interests held therein by, a national of a foreign country;

3. Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive order or act or otherwise;

4. Deeming it necessary in the national interest;

hereby vests in the Alien Property Custodian the property hereinbefore described in subparagraph 2, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States: *Provided, however*, That this order shall not vest any right of any person to renew any copyright in any or all of the works above described.

Such property and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive order.

Executed at Washington, D. C., on July 3, 1945.

[SEAL] FRANCIS J. MCNAMARA, *Deputy Alien Property Custodian.*

[F. R. Doc. 45-14260; Filed Aug. 3, 1945; 10:58 a. m.]

[1] Filed as part of the original document.

COPYRIGHTS INTERESTS OF M. P. BELAIEFF

Vesting Order No. 5070, executed by the Alien Property Custodian July 3, 1945, was filed with the Copyright Office on July 12, 1945 and with the Division of the Federal Register. The vesting order vests in the Alien Property Custodian certain copyrights, copyright applications and rights relating thereto or interests attached hereto, all as more particularly set forth in the said vesting order which is available for public inspection at the Copyright Office, Library of Congress, at the Division of the Federal Register, and at the Office of the Secretary, Office of Alien Property Custodian. The German national whose interests are vested and the names of the works involved (together with the author of the work or other appropriate identification in certain cases), are listed below:

M. P. Belaieff: Deuxieme Trio, Op. 128 (Gretchaninoff, composer; Associated Music Publishers, Inc., registered copyright owner).

——; Twelf Russian Fairy Tales (Hartmann, composer; Associated Music Publishers, Inc., registered copyright owner).

——; Mlada, Blasorchester (Steves) (Rimsky-Korssakow, composer; Associated Music Publishers, Inc., registered copyright owner).

——; Morceaux Favoris (Tcherepnine, composer; Associated Music Publishers, Inc., registered copyright owner).

——; Sept. Etudes pour Piano (Tcherepnine, composer; Associated Music Publishers, Inc., registered copyright owner).

——; Suite for Horn Quartett (Philipp) (Tcherepnine, composer; Associated Music Publishers, Inc., registered copyright owner).

It is hereby certified that the foregoing list is a true summary of the contents of the exhibit attached to and forming a part of Vesting Order No. 5070, filed with the FEDERAL REGISTER.

[SEAL] JOHN W. WATSON, *Assistant Secretary for Records.*

[F. R. Doc. 45-14259; Filed, Aug. 3, 1945; 10:58 a. m.]

[Vesting Order 5082]

COPYRIGHT INTERESTS OF CERTAIN GERMAN AND AUSTRIAN NATIONALS

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation:

1. Finding that each person whose name, nationality, and last known address where established, is listed at the top of each page of Exhibit A attached hereto and by reference made a part hereof, if an individual is a resident or citizen of, or if a business organization is organized under the laws of, and holds the nationality designated after the name of such person;

2. Finding that the persons listed in said Exhibit A[1] jointly or severally own or control the property hereinafter described in subparagraph 3;

3. Determining that the property described as follows:

a. All right, title, interest and claim of whatsoever kind or nature, under the statutory and common law of the United States and of the several States thereof, of each person whose name, nationality, and last known address, where established, is designated at the top of each page of said Exhibit A in, to and under the following:

1. Every copyright, claim of copyright and right to copyright, or rights related thereto, in each and all of the works described in each page of said Exhibit A under the name of such person;

2. Every license, agreement, privilege, power and right of whatsoever nature arising under or with respect to any or all of the foregoing; excepting the rights of any person to renew any or all of the copyrights arising in, from or under any or all of the foregoing;

3. All monies and amounts, and all right to receive monies and amounts, by way of royalty, share of profits or other emolument, accrued or to accrue, whether arising pursuant to law, contract or otherwise, with respect to any or all of the foregoing;

4. All rights of reversion on revesting, if any, in any or all of the foregoing;

5. All causes of action accrued or to accrue at law or in equity with respect to any or all of the foregoing, including but not limited to the right to sue for and recover all damages and profits and to ask and receive any and all remedies provided by common law or statute for the infringement of any copyright or the violation of any right or the breach of any obligation described in or affecting any or all of the foregoing;

is property of, or is property payable or held with respect to copyrights or rights related thereto, in which interests are held by and such property itself constitutes interests held therein by, nationals of one or more foreign countries.

4. Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive order or act or otherwise; and

5. Deeming it necessary in the national interest;

hereby vests in the Alien Property Custodian the property hereinbefore described in subparagraph 3, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien

Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC–1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on July 10, 1945.

[SEAL] FRANCIS J. MCNAMARA,
Deputy Alien Property Custodian.

[F. R. Doc. 45–14262; Filed, Aug. 3, 1945; 10:38 a. m.]

COPYRIGHT INTERESTS OF CERTAIN GERMAN AND AUSTRIAN NATIONALS

Vesting Order No. 5082, executed by the Alien Property Custodian July 10, 1945, was filed with the Copyright Office on July 13, 1945 and with the Division of the Federal Register. The vesting order vests in the Alien Property Custodian certain copyrights, copyright applications and rights relating thereto or interests attached hereto, all as more particularly set forth in the said vesting order which is available for public inspection at the Copyright Office, Library of Congress, at the Division of the Federal Register, and at the Office of the Secretary, Office of Alien Property Custodian. The German and Austrian nationals whose interests are vested and the names of the works involved (together with the authors of the works or other appropriate identification in certain cases), are listed below:

E. Wolf-Ferrari; The Jewels of the Madonna (E. Wolf-Ferrari, composer; G. Schirmer, Inc., registered copyright owner)

——; The Inquisitive Women (Wolf-Ferrari, composer; Luigi Sugana, author; G. Schirmer, Inc., registered copyright owner)

——; The Secret of Suzanne (Wolf-Ferrari, composer; Max Kalbeck, author; G. Schirmer, Inc., registered copyright owner)

——; The Love Cure (Edmund Eysler, composer; Oliver Herford, translator; G. Schirmer, Inc., registered copyright owner)

Felix Bloch Erben; Karl und Anna (Leonard Frank, author; Felix Bloch Erben, registered copyright owner) (play)

Ullstein; Karl and Anna (book) (Leonhard Frank, author; Ullstein, registered copyright owner)

Richard Strauss; Ariadne Auf Naxos (Richard Strauss, composer; Hugo von Hofmannsthal, author; Boosey & Hawkes, Ltd., registered copyright owner)

——; Frau Ohne Schatten (Richard Strauss, composer; Boosey & Hawkes, registered copyright owner)

——; Intermezzo (Richard Strauss, composer; Boosey & Hawkes, Ltd., registered copyright owner)

Felizian Rauch; Summa Theologiae Moralis (A. Schmitt, S. J., author; not copyrighted in the United States)

It is hereby certified that the foregoing list is a true summary of the contents of the exhibit attached to and forming a part of Vesting Order No. 5082, filed with the FEDERAL REGISTER.

[SEAL] JOHN W. WATSON,
Assistant Secretary for Records.

[F. R. Doc. 45–14261; Filed, Aug. 3, 1945; 10:58 a. m.]

OFFICE OF ECONOMIC STABILIZATION.

WENTWORTH BUS LINES, INC., AND AMALGAMATED ASSOC. OF STREET, ELECTRIC RAILWAY AND MOTOR COACH EMPLOYEES OF AMERICA

DIRECTIVE TO OFFICE OF DEFENSE TRANSPORTATION AND OFFICE OF PRICE ADMINISTRATION

In the matter of: Wentworth Bus Lines, Inc. Dover, New Hampshire and Amalgamated Association of Street, Electric Railway and Motor Coach Employees of America, Local 1340, AFL. WLB Case No. 111–4667–D.

It appearing that the Company has filed a petition with the National Labor Relations Board seeking withdrawal and cancellation of the order of the National Labor Relations Board designating Division 1340, Amalgamated Association of Street, Electric Railway and Motor Coach Employees of America as the exclusive bargaining representative of the bus drivers and mechanics of the company, and it further appearing that the National Labor Relations Board, by order of August 1, 1945 has directed that a hearing should be held with respect to the matters raised by the petition;

Therefore, by virtue of and pursuant to the authority vested in me by Executive Order 9370, I hereby direct:

1. That the effective date of the cancellation order issued by the Office of Defense Transportation in this case under date of June 26, 1945 (10 F. R. 7945), be postponed to October 1, 1945.

2. That the effective date of Cancellation Order No. 1, under General Ration Order No. 8, issued by the Office of Price Administration in this case under date of June 30, 1945 (10 F.R. 8163), be postponed to October 1, 1945.

(E.O. 9370, Aug. 16, 1943, 8 F.R. 11463)

Issued this 3d day of August 1945.

THOMAS I. EMERSON,
Acting Economic Stabilization Director.

[F. R. Doc. 45–14356; Filed, Aug. 3, 1945; 11:50 a. m.]

WAR MANPOWER COMMISSION.

RUSH, FAYETTE AND FRANKLIN COUNTIES, IND.

MINIMUM WARTIME WORKWEEK

The designation of the counties of Rush, Fayette and Franklin in the State of Indiana (9 F.R. 2066) as subject to the provisions of Executive Order No. 9301 is hereby revoked, effective July 2, 1945.

Dated: June 30, 1945.

W. H. SPENCER,
Regional Director.

[F. R. Doc. 45–14293; Filed, Aug. 3, 1945; 11:21 a. m.]

DOOR COUNTY, AHNAPEE, LINCOLN AND RED RIVER, WIS.

MINIMUM WARTIME WORKWEEK

The designation of Door county and the towns of Ahnapee, Lincoln and Red River in Kewaunee County in the State of Wisconsin (9 F.R. 4522), as subject to the provisions of Executive Order No. 9301 is hereby revoked, effective July 16, 1945.

Dated: July 14, 1945.

W. H. SPENCER,
Regional Director.

[F. R. Doc. 45–14294; Filed, Aug. 3, 1945; 11:21 a. m.]

CALUMET AND MANITOWOC, WIS., AREA

MINIMUM WARTIME WORKWEEK

The designation of the Manitowoc, Wisconsin, labor market area, including the counties of Calumet and Manitowoc, (10 F.R. 6635) as subject to the provisions of Executive Order No. 9301 is hereby revoked, effective July 16, 1945.

Dated: July 14, 1945.

W. H. SPENCER,
Regional Director.

[F. R. Doc. 45–14295; Filed, Aug. 3, 1945; 11:21 a. m.]

ELKHART COUNTY, IND.

MINIMUM WARTIME WORKWEEK

The designation of Elkhart county in the State of Indiana (9 F.R. 2064) as subject to the provisions of Executive Order No. 9301 is hereby revoked, effective July 1, 1945.

Dated: June 30, 1945.

W. H. SPENCER,
Regional Director.

[F. R. Doc. 45–14296; Filed, Aug. 3, 1945; 11:21 a. m.]

MARSHALL AND ST. JOSEPH COUNTIES, IND.

MINIMUM WARTIME WORKWEEK

The designation of the counties of Marshall and St. Joseph in the State of Indiana (9 F.R. 4522) as subject to the provisions of Executive Order No. 9301 is hereby revoked, effective July 1, 1945.

Dated: June 30, 1945.

W. H. SPENCER,
Regional Director.

[F. R. Doc. 45–14297; Filed, Aug. 3, 1945; 11:21 a. m.]

WAYNE COUNTY, IND.

MINIMUM WARTIME WORKWEEK

The designation of Wayne county in the State of Indiana (9 F.R. 2065) as subject to the provisions of Executive Order No. 9301 is hereby revoked, effective July 2, 1945.

Dated: June 30, 1945.

W. H. SPENCER,
Regional Director.

[F. R. Doc. 45–14298; Filed, Aug. 3, 1945; 11:21 a. m.]

OFFICE OF PRICE ADMINISTRATION.

[Gen. Order 65]

DISTRIBUTION YARD SALES OF SOFTWOOD LUMBER

AUTHORITY TO FIX COMMUNITY DOLLARS-AND-CENTS CEILING PRICES

An opinion accompanying this order has been issued herewith.

Pursuant to the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Orders Nos. 9250 and 9328, It is hereby ordered:

1. *Authority to fix dollars-and-cents ceiling prices for the Chicago Area.* (a) The Regional Administrator of the Office of Price Administration for Region VI may, by order, fix area dollars-and-cents ceiling prices for sales and deliveries of lumber out of the stock of any lumber distribution yard located in the Chicago area for which maximum prices are presently established under 2d Revised Maximum Price Regulation 215. No person may sell or deliver and no person may buy or receive lumber out of the stock of any lumber distribution yard located in that area at prices higher than the dollars-and-cents ceiling prices fixed by any order issued pursuant to the authority contained in this section.

Any order issued or action taken by the Regional Administrator in accordance with this order shall have the same force and effect as if issued or taken by the Administrator.

(b) The dollars-and-cents prices established by the Regional Administrator's order shall be generally in line with the levels of prices in effect under 2d Revised Maximum Price Regulation 215.

(c) The Regional Administrator may include in any order issued hereunder provisions for posting price lists, for keeping of records and for making reports.

(d) The Regional Administrator of the Office of Price Administration for Region VI is authorized to modify or revoke at any time any order issued pursuant to this section. Within thirty days from the date of the issuance of any regulation, order, or amendment of a regulation, which results in a significant change in the prices established under 2d Revised Maximum Price Regulation 215 the Regional Administrator shall amend or modify any order issued pursuant to this section to the extent necessary to provide that the prices established by such order shall continue to conform to the provisions of paragraph (b) of this section.

2. *Provisions of 2d Revised Maximum Price Regulation 215 apply to all sales except where dollars-and-cents ceilings are established.* (a) The maximum prices for any sale of lumber as presently established under 2d Revised Maximum Price Regulation 215 shall continue in full force and effect except on sales of lumber for which dollars-and-cents maximum prices may be established by the Regional Administrator's order.

(b) Except as expressly modified by any order of the Regional Administrator all provisions of 2d Revised Maximum Price Regulation 215 shall continue to apply to all sales covered by such order.

3. *Sales covered by this order.* The dollars-and-cents prices established by the Regional Administrator's order shall govern the maximum prices which may be charged by any distribution yard for sales or deliveries of lumber out of distribution yard stock located in the Chicago area for delivery anywhere.

4. *Enforcement.* On and after the effective date of this Order and of any order issued hereunder, any person who sells or offers to sell lumber out of distribution yard stock at a price higher than the ceiling price fixed by such orders, or who otherwise violates any provisions of such orders shall be subject to the criminal penalties, suits for treble damages, license suspension proceedings and any other civil enforcement actions provided for by the Emergency Price Control Act of 1942, as amended. Any person who, in the course of trade or business, buys at a price higher than the ceiling prices fixed by such orders is also subject to the criminal penalties and civil enforcement actions provided for by that Act.

5. *Definitions.* (a) Unless the context requires otherwise, the terms used in this order shall have the same meaning given them in 2d Revised Maximum Price Regulation 215.

(b) As used in this order the phrase, "Chicago area", shall mean such area immediately surrounding and including the City of Chicago, Illinois, as shall be designated in the Regional Administrator's order.

This order shall become effective August 4, 1945.

Issued this 3d day of August 1945.

JAMES F. BROWNLEE,
Acting Administrator.

[F. R. Doc. 45–14302; Filed, Aug. 3, 1945; 11:37 a. m.]

[MPR 260, Order 1705]

ISIDRO CORDERO

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion accompanying this order, and pursuant to § 1358.102 (b) of Maximum Price Regulation No. 260; *It is ordered*, That:

(a) Isidro Cordero, Ave. H ostos Stop 11½ Ponce, P. R. (hereinafter called "manufacturer"), and wholesalers and retailers may sell, offer to sell or deliver and any person may buy, offer to buy or receive each brand and size or frontmark, and packing of the following domestic cigars at the appropriate maximum list price and maximum retail price set forth below:

Brand	Size or frontmark	Packing	Maximum list price	Maximum retail price
Isidro Cordero...	Perfecto	50	*Per M* $56	*Cents* 7

(b) The manufacturer and wholesalers shall grant, with respect to their sales of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the discounts they customarily granted in March 1942 on their sales of domestic cigars of the same price class to purchasers of the same class, unless a change therein results in a lower price. Packing differentials charged by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class may be charged on corresponding sales of each brand and size or frontmark of cigars priced by this order, but shall not be increased. Packing differentials allowed by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class shall be allowed on corresponding sales of each brand and size or frontmark of cigars priced by this order and shall not be reduced. If a brand and size or frontmark of domestic cigars for which maximum prices are established by this order is of a price class not sold by the manufacturer or the particular wholesaler in March 1942, he shall, with respect to his sales thereof, grant the discounts and may charge and shall allow the packing differentials customarily granted, charged or allowed (as the case may be) in March 1942 by his most closely competitive seller of the same class on sales of domestic cigars of the same March 1942 price class to purchasers of the same class.

(c) On or before the first delivery to any purchaser of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the manufacturer and every other seller (except a retailer) shall notify the purchaser of the maximum list price and the maximum retail price established by this order for such brand and size or frontmark of domestic cigars. The notice shall conform to and be given in the manner prescribed by § 1358.113 of Maximum Price Regulation No. 260.

(d) Unless the context otherwise requires, appropriate provisions of Maximum Price Regulation No. 260, shall apply to sales for which maximum prices are established by this order.

(e) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective August 2, 1945.

Issued this 1st day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-14199; Filed, Aug. 1, 1945; 4:09 p. m.]

[MPR 260, Order 1706]

BALTAZAR FONSECA

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion accompanying this order, and pursuant to § 1358.102 (b) of Maximum Price Regulation No. 260; *It is ordered*, That:

(a) Baltazar Fonseca, Luis Barreras, Cayey, P. R. (hereinafter called "manufacturer") and wholesalers and retailers may sell, offer to sell or deliver and any person may buy, offer to buy or receive each brand and size or frontmark, and packing of the following domestic cigars at the appropriate maximum list price and maximum retail price set forth below:

Brand	Size or frontmark	Packing	Maximum list price	Maximum retail price
			Per M	*Cents*
Baltazar Fonseca	Perfecto	50	$93.75	2 for 25
	Media Corona	50	75.00	10
	Brebita	50	44.00	2 for 11

(b) The manufacturer and wholesalers shall grant, with respect to their sales of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the discounts they customarily granted in March 1942 on their sales of domestic cigars of the same price class to purchasers of the same class, unless a change therein results in a lower price. Packing differentials charged by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class may be charged on corresponding sales of each brand and size or frontmark of cigars priced by this order, but shall not be increased. Packing differentials allowed by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class shall be allowed on corresponding sales of each brand and size or frontmark of cigars priced by this order and shall not be reduced. If a brand and size or frontmark of domestic cigars for which maximum prices are established by this order is of a price class not sold by the manufacturer or the particular wholesaler in March 1942, he shall, with respect to his sales thereof, grant the discounts and may charge and shall allow the packing differentials customarily granted, charged or allowed (as the case may be) in March 1942 by his most closely competitive seller of the same class on sales of domestic cigars of the same March 1942 price class to purchasers of the same class.

(c) On or before the first delivery to any purchaser of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the manufacturer and every other seller (except a retailer) shall notify the purchaser of the maximum list price and the maximum retail price established by this order for such brand and size or frontmark of domestic cigars. The notice shall conform to and be given in the manner prescribed by § 1358.113 of Maximum Price Regulation No. 260.

(d) Unless the context otherwise requires, appropriate provisions of Maximum Price Regulation No. 260, shall apply to sales for which maximum prices are established by this order.

(e) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective August 2, 1945.

Issued this 1st day of August 1945.

JAMES F. BROWNLEE,
Acting Administrator.

[F. R. Doc. 45-14200; Filed, Aug. 1, 1945; 4:10 p. m.]

[MPR 260, Order 1707]

WILLIAM R. REICHARD

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion accompanying this order, and pursuant to § 1358.102 (b) of Maximum Price Regulation No. 260; *It is ordered*, That:

(a) William R. Reichard, 33 Boundary Ave., Red Lion, Pa. (hereinafter called "manufacturer"), and wholesalers and retailers may sell, offer to sell or deliver and any person may buy, offer to buy or receive each brand and size or frontmark, and packing of the following domestic cigars at the appropriate maximum list price and maximum retail price set forth below:

Brand	Size or frontmark	Packing	Maximum list price	Maximum retail price
			Per M	*Cents*
Reichard's Hand Made	Diplomats	60	$72	9

(b) The manufacturer and wholesalers shall grant, with respect to their sales of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the discounts they customarily granted in March 1942 on their sales of domestic cigars of the same price class to purchasers of the same class, unless a change therein results in a lower price. Packing differentials charged by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class may be charged on corresponding sales of each brand and size or frontmark of cigars priced by this order, but shall not be increased. Packing differentials allowed by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class shall be allowed on corresponding sales of each brand and size or frontmark of cigars priced by this order and shall not be reduced. If a brand and size or frontmark of domestic cigars for which maximum prices are established by this order is of a price class not sold by the manufacturer or the particular wholesaler in March 1942, he shall, with respect to his sales thereof, grant the discounts and may charge and shall allow the packing differentials customarily granted, charged or allowed (as the case may be) in March 1942 by his most closely competitive seller of the same class on sales of domestic cigars of the same March 1942 price class to purchasers of the same class.

(c) On or before the first delivery to any purchaser of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the manufacturer and every other seller (except a retailer) shall notify the purchaser of the maximum list price and the maximum retail price established by this order for such brand and size or frontmark of domestic cigars. The notice shall conform to and be given in the manner prescribed by § 1358.113 of Maximum Price Regulation No. 260.

(d) Unless the context otherwise requires, appropriate provisions of Maximum Price Regulation No. 260, shall apply to sales for which maximum prices are established by this order.

(e) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective August 2, 1945.

Issued this 1st day of August 1945.

JAMES F. BROWNLEE,
Acting Administrator.

[F. R. Doc. 45-14201; Filed, Aug. 1, 1945; 4:10 p. m.]

[MPR 260, Order 1708]

MARIA ISABEL COLON

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion accompanying this order, and pursuant to § 1358.102 (b) of Maximum Price Regulation No. 260; *It is ordered*, That:

(a) Maria Isabel Colon, Calle Emula, Coamo, P. R. (hereinafter called "manufacturer") and wholesalers and retailers may sell, offer to sell or deliver and any person may buy, offer to buy or receive each brand and size or frontmark, and packing of the following domestic cigars at the appropriate maximum list price and maximum retail price set forth below:

Brand	Size or frontmark	Packing	Maximum list price	Maximum retail price
			Per M	*Cents*
Maria Isabel Colon	Corona	50	$48	6
	Tubano	50	32	4

(b) The manufacturer and wholesalers shall grant, with respect to their sales of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the discounts they customarily granted in March 1942 on their sales of domestic cigars of the same price class to purchasers of the same class, unless a change therein results in a lower price. Packing differentials charged by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class may be charged on corresponding sales of each brand and size or frontmark of cigars priced by this order, but shall not be increased. Packing differentials allowed by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class shall be allowed on corresponding sales of each brand and size or frontmark of cigars priced by this order and shall not be reduced. If a brand and size or frontmark of domestic cigars for which maximum prices are established by this order is of a price class not sold by the manufacturer or the particular wholesaler in March 1942, he shall, with respect to his sales thereof, grant the discounts and may charge and shall allow the packing differentials customarily granted, charged or allowed (as the case may be) in March 1942 by his most closely competitive seller of the same class on sales of domestic cigars of the same March 1942 price class to purchasers of the same class.

(c) On or before the first delivery to any purchaser of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the manufacturer and every other seller (except a retailer) shall notify the purchaser of the maximum list price and the maximum retail price established by this order for such brand and size or frontmark of domestic cigars. The notice shall conform to and be given in the manner prescribed by § 1358.113 of Maximum Price Regulation No. 260.

(d) Unless the context otherwise requires, appropriate provisions of Maximum Price Regulation No. 260, shall apply to sales for which maximum prices are established by this order.

(e) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective August 2, 1945.

Issued this 1st day of August 1945.

JAMES F. BROWNLEE,
Acting Administrator.

[F. R. Doc. 45-14202; Filed, Aug. 1, 1945; 4:10 p. m.]

[MPR 260, Order 1709]

LEOPOLDO PEREZ

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion accompanying this order, and pursuant to § 1358.102 (b) of Maximum Price Regulation No. 260; *It is ordered*, That:

(a) Leopoldo Perez, Concordia 66 Oeste, Guayama, P. R. (hereinafter called "manufacturer"), and wholesalers and retailers may sell, offer to sell or deliver and any person may buy, offer to buy or receive each brand and size or frontmark, and packing of the following domestic cigars at the appropriate maximum list price and maximum retail price set forth below:

Brand	Size or frontmark	Packing	Maximum list price	Maximum retail price
			Per M	*Cents*
Leopoldo Perez	Panetelas	50	$44	2 for 11

(b) The manufacturer and wholesalers shall grant, with respect to their sales of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the discounts they customarily granted in March 1942 on their sales of domestic cigars of the same price class to purchasers of the same class, unless a change therein results in a lower price. Packing differentials charged by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class may be charged on corresponding sales of each brand and size or frontmark of cigars priced by this order, but shall not be increased. Packing differentials allowed by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class shall be allowed on corresponding sales of each brand and size or frontmark of cigars priced by this order and shall not be reduced. If a brand and size or frontmark of domestic cigars for which maximum prices are established by this order is of a price class not sold by the manufacturer or the particular wholesaler in March 1942, he shall, with respect to his sales thereof, grant the discounts and may charge and shall allow the packing differentials customarily granted, charged or allowed (as the case may be) in March 1942 by his most closely competitive seller of the same class on sales of domestic cigars of the same March 1942 price class to purchasers of the same class.

(c) On or before the first delivery to any purchaser of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the manufacturer and every other seller (except a retailer) shall notify the purchaser of the maximum list price and the maximum retail price established by this order for such brand and size or frontmark of domestic cigars. The notice shall conform to and be given in the manner prescribed by § 1358.113 of Maximum Price Regulation No. 260.

(d) Unless the context otherwise requires, appropriate provisions of Maximum Price Regulation No. 260, shall apply to sales for which maximum prices are established by this order.

(e) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective August 2, 1945.

Issued this 1st day of August 1945.

JAMES F. BROWNLEE,
Acting Administrator.

[F. R. Doc. 45-14203; Filed, Aug. 1, 1945; 4:10 p. m.]

[Rev. S. O. 99,[1] Order 9]

RUSSELL MFG. CO.

ADJUSTMENT OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and pursuant to Revised Supplementary Order 99 and § 1372.101 (c) of Maximum Price Regulation 210, it is ordered:

(a) *Ceiling prices for sales by The Russell Manufacturing Company.* (1) On and after August 1, 1945, The Russell Manufacturing Company, Alexander City, Alabama, may sell and deliver, and any person may buy and receive from it, the following designated fall and winter knitted underwear manufactured by The Russell Manufacturing Company, at prices not in excess of the following adjusted ceiling prices:

Style and description	*Adjusted ceiling price (per dozen)*
178P, Boy's union suit, made of 14/1 carded yarn, net weight 8 pounds per dozen (based on size 34), sizes 24-34, 1 x 1 ribbed knit, peeler, closed shoulder, cuffs	$6.23
175EW, Boy's union suit, made of 16/1 carded yarn, net weight W. 7¼, E. 7½ pounds per dozen (based on size 34), sizes 24-34, 1 x 1 ribbed, ecru, closed cuffs	6.60
178EW, Boy's union suit, made of 14/1 carded yarn, net weight W. 7.7, E. 8 pounds per dozen (based on size 34), sizes 24-34, 1 x 1 ribbed ecru, dyed, closed shoulder, cuffs	6.65
194EW, Boy's union suit, made of 13/1 carded yarn, net weight W. 8.6, E. 9 pounds per dozen (based on size 34), sizes 24-34, 1 x 1 ribbed ecru, dyed, closed shoulder, cuffs	7.13
109EW, Boy's union suit, made of 13/1 carded yarn, net weight W. 9.6, E. 10 pounds per dozen (based on size 34), sizes 24-34, 1 x 1 ribbed knit, ecru—military shoulders, cuffs	7.53
175P, Boy's union suit, made of 16/1 carded yarn, net weight 7½ pounds per dozen (based on size 34), sizes 24-34, 1 x 1 ribbed knit, peeler, closed shoulder, cuffs	6.23
194P, Boys' union suit, made of 13/1 carded yarn, net weight 9 pounds per dozen (based on size 34), sizes 24-34, 1 x 1 ribbed knit, peeler, closed shoulder, cuffs	6.76
109P, Boys' union suit, made of 13/1 carded yarn, net weight 10 pounds per dozen (based on size 34), sizes 24-34, 1 x 1 ribbed stitch, peeler, military shoulder	7.07

[1] 10 F.R. 6796.

(d) Unless the context otherwise requires, appropriate provisions of Maximum Price Regulation No. 260, shall apply to sales for which maximum prices are established by this order.

(e) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective August 2, 1945.

Issued this 1st day of August 1945.

JAMES F. BROWNLEE,
Acting Administrator.

[F. R. Doc. 45-14203; Filed, Aug. 1, 1945; 4:10 p. m.]

Style and description	Adjusted ceiling price (per dozen)
1613P, Men's fleeced lined union suits, made of 26/1, 9/1, 13/1 carded yarn, net weight 14 pounds per dozen (based on size 42), 34–46, military shoulder, cuffs, natural color	$11.49
1615 (Random), Men's fleeced lined union suit, made of 26/1, 7/1, 13/1 carded yarn, net weight 16 pounds per dozen (based on size 42), sizes 34–46, military shoulder, cuffs, random dyed	12 81
160P, Boys' Peeler union suit, made of 18/1 carded yarn, net weight 6½ pounds per dozen (based on size 34), sizes 24–34, not military shoulder, 1 x 1 ribbed stitch	5.57
145P, Men's Peeler union suit, made of 13/1 carded yarn, net weight 14 pounds per dozen (based on size 42), sizes 36–46, 1 x 1 ribbed cotton	10.03½
1615 (Peeler), Men's fleeced lined union suits, made of 26/1, 7/1, 13/1 carded yarn, net weight 16 pounds per dozen, (based on size 42), sizes 36–46, military shoulder, cuffs, natural color	12.60½
145EW, Men's 1 x 1 ribbed cotton, union suit, made of 12/1 carded yarn, net weight W. 13½, E 14 pounds per dozen (based on size 42), sizes 36–46	10.67
105P, Men's 1 x 1 ribbed, peeler union suit, made of 17/1 carded yarn, net weight 10 pounds per dozen (based on size 42), sizes 36–46	8.29
165EW, Men's union suit, made of 10/1 carded yarn, net weight W. 15 4, E. 16 pounds per dozen (based on size 42), sizes 36–46, ecru 1 x 1 ribbed stitch	11.53
165PR, Men's peeler, random union suit, made of 11/1 carded yarn, net weight 16 pounds per dozen (based on size 42), sizes 36–46, 1 x 1 ribbed stitch	11.17
145PR, Men's 1 x 1 ribbed, union suit, peeler random, made of 13/1 carded yarn, net weight 14 pounds per dozen (based on size 42), sizes 36–46	10.33
165P, Men's peeler union suit, made of 11/1 carded yarn, net weight 16 pounds per dozen (based on size 42), sizes 36–46, 1 x 1 ribbed stitch	10.81
105EW, Men's 1 x 1 cotton ribbed union suit, made of 16/1 carded yarn, net weight, W. 9.6, E. 10 pounds per dozen (based on size 42), sizes 36–46	8.73
105PR, Men's heavy weight union suit, made of 17/1 carded yarn, net weight 10 pounds per dozen (based on size 42), sizes 36–46, dyed, 1 x 1 ribbed stitch	8.48
125EW, Men's union suit, made of 13/1 carded yarn, net weight, W. 11.6, E. 12 pounds per dozen (based on size 42), sizes 36–46, 1 x 1 ribbed stitch	9.65
125PR, Men's peeler random union suit, made of 14/1 carded yarn, gross weight 13 pounds per dozen (based on size 42), sizes 36–46, 1 x 1 ribbed stitch	9.40
125P, Men's peeler union suit, made of 14/1 carded yarn, net weight 12 pounds per dozen (based on size 42), sizes 36–46, 1 x 1 ribbed stitch	9.13

Style and description	Adjusted ceiling price (per dozen)
1612P, Men's fleeced lined union suit, made of 30/1, 9/1, 13/1 carded yarn, net weight 12 pounds per dozen (based on size 42), sizes 36–46, military shoulder, cuffs, natural color	$10.44
1613 (Random), Men's fleeced lined union suit, made of 26/1, 9/1, 13/1 carded yarn, net weight 14 pounds per dozen (based on size 42), sizes 36–46, military shoulder, cuffs, random	11.70
1612R, Men's fleeced lined union suit, made of 30/1, 9/1, 13/1 carded yarn, net weight 12 pounds per dozen (based on size 42), sizes 36–46, military shoulder, cuffs, random	10 62

(2) The adjusted ceiling prices set forth in paragraph (a) above are subject to all trade practices, including practices relating to credit terms, shipping and the payment of shipping charges and premiums for extra sizes, customarily used by The Russell Manufacturing Company during the period from July 15, 1941 to February 10, 1942, both inclusive, on deliveries of comparable types of fall and winter knitted underwear.

(b) *Ceiling prices for sales at wholesale.* (1) On and after August 1, 1945, the ceiling price for a sale at wholesale of any of the garments enumerated in paragraph (a) of this order, shipped to the seller by The Russell Manufacturing Company on or after that date shall be determined in the following manner:

(i) The wholesaler shall first find his "cost base" for the garment being priced from the following table:

Style No.	Cost base (per dozen)
178P	$5.75
175EW	5.75
178EW	6.00
194EW	6.50
109EW	6.87½
175P	5.50
194P	6.25
109P	6.62½
1613P	10.25
1615 (Random)	11.62½
160P	5.12½
145P	8.87½
1615 (Peeler)	11.50
145EW	9.25
165EW	7.62½
165PR	10.00
125PR	9.75
145PR	9.00
165P	9.62½
105EW	8.00
105PR	7.75
125EW	8.50
125PR	8.25
125P	8.12½
1612P	9.37½
1613 (Random)	10.37½
1612R	9.50

(ii) The wholesaler will then apply to the "cost base" for the garment being priced his "initial percentage markup" determined in accordance with the appropriate rule set forth in subparagraph (3) of § 1372.102 (b) of Maximum Price Regulation 210 (Retail and Wholesale Prices for Fall and Winter Seasonal Commodities).

(iii) The wholesaler will then add to the amount found in (ii), immediately above, the sum specified below for the style of garment being priced. The resulting figure is the wholesaler's new ceiling price for the garment being priced.

Style No.	Amount of adjustment (per dozen)
178P	$0.50
175EW	.64
178EW	.89
194EW	.51
109EW	.58
175P	.49
194P	.40
109P	.43
1613P	.93
1615 (Random)	.86
160P	.34
145P	.67
1615 (Peeler)	.84
145EW	1.06½
105P	.59
165EW	1.15
165PR	1.06½
145PR	1.01
165P	.80
105EW	.55
105PR	.55
125EW	.65
125PR	.95
125P	.70
1612P	.80
1613 (Random)	1.00
1612R	.84

(2) The ceiling prices established for sales at wholesale in this paragraph are subject to all discounts, allowances, price differentials and other trade practices, including premiums for extra sizes, which the wholesaler used during 1942 on deliveries of comparable types of fall and winter knitted underwear.

(c) *Statement which The Russell Manufacturing Company must send to wholesalers.* (1) On and after August 1, 1945, The Russell Manufacturing Company shall transmit to each wholesaler to whom it makes delivery, on and after that date, of any of the garments listed in paragraph (a) of this order, the following statement:

Statement to wholesalers of adjusted ceiling prices. The OPA has adjusted our ceiling prices on certain knitted underwear garments pursuant to the provisions of Order No. 9, issued under Revised Supplementary Order 99. In Column A below you will find our adjusted ceiling prices for these garments.

Under this order the OPA has established the method by which you, as a wholesaler, are to determine your ceiling prices for these garments.

You are required by the OPA to determine your ceiling prices for the specified styles by the following method: You first find the "cost base" for the garment being priced from Column B of the following table. You then apply to this "cost base" your "initial percentage markup" (determined in accordance with the appropriate rule set forth in subparagraph (3) of § 1372.102 (b) of Maximum Price Regulation 210). You then find your new ceiling price by adding to the amount thus determined the amount specified in Column C below for the particular style of garment being priced.

Style No.	Column A: Russell's adjusted ceiling price	Column B: "Cost base" to which wholesaler applies "initial percentage markup"	Column C: Amount of adjustment which wholesaler may add
178P	$6.25	$5.75	$0.40
175EW	6.63	5.75	.64
178EW	7.13	6.00	.89
194EW	7.33	6.50	.51
109EW	7.76	6.87½	.58
175P	7.07	6.25	.49
194P	11.49	10.25	.93
109P	12.81	11.62½	.86
1613P	10.93	10.00	.93
1615 (Random)	12.50	11.62½	.86
160P	8.87	8.87½	.34
145P	10.03½	9.37½	.67
1615 (Peeler)	12.60½	11.50	.84
145EW	10.67	9.25	1.06½
105P	8.29	7.62½	.59
165EW	11.53	10.00	1.15
165PR	11.17	9.75	1.06½
145PR	10.33	9.00	1.01
165P	10.81	9.62½	.80
105EW	8.73	8.00	.55
105PR	8.48	7.75	.55
125EW	9.65	8.50	.65
125PR	9.40	8.25	.95
125P	9.13	8.12½	.70
1612P	10.17	9.37½	.80
1613 (Random)	11.37	10.37½	1.00
1612R	10.02	9.50	.84

Please note that, as a wholesaler, you are required by the OPA to transmit to each retailer to whom you deliver any of the garments listed above on or after August 1, 1945, a "Wholesaler's Statement to Retailers of OPA Adjustment Charge" in the following form, properly filled in by you with the information applicable to the particular garments being delivered by you to the retailer. You are required to complete this statement as follows. In Column A you shall list the ceiling prices of the particular styles being shipped which were in effect for you under the Maximum Price Regulation 210 prior to the date of this order. In Column B you shall list the new ceiling prices which you determine in accordance with the method indicated in this statement to you. In Column C you shall list the differences between the amounts in Column A and Column B below for the respective styles. This notice, when properly completed by you, is to be transmitted with or annexed to, the invoice, billing or other statement of price accompanying every shipment made by you to your retailer customers of the styles shipped to you by us.

Wholesaler's statement to retailers of OPA adjustment charge. The Office of Price Administration, pursuant to Order No. 9, issued under Revised Supplementary Order 99, has permitted us to adjust our ceiling prices on the following garments, sold and delivered by us to you on or after August 1, 1945.

Style No.	Column A: Our old ceiling price (per dozen)	Column B: Our new ceiling price (per dozen)	Column C: Our OPA adjustment charge (Difference between old and new ceiling price)
178P			
175EW			
178EW			
194EW			
109EW			
175P			
194P			
109P			
1613P			
1615 (Random)			
160P			
145P			
1615 (Peeler)			
145EW			
105P			
165EW			
165PR			
145PR			
165P			
105EW			
105PR			
125EW			
125PR			
125P			
1612P			
1613 (Random)			
1612R			

Please note that the OPA has ruled that you must price these garments in accordance with Maximum Price Regulation 560 or Maximum Price Regulation 210 (whichever regulation governs your sales of the garments listed at the beginning of these regulations). In determining your ceiling prices for these garments OPA has ruled that you must use as your "net cost" under Maximum Price Regulation 560, or your "cost base" under Maximum Price Regulation 210, the amount set forth in the above table as the "old ceiling price" for the garment being priced and you may not include the above-stated adjustment charge in computing your ceiling price for these garments under either of these regulations.

(2) The statement required to be sent by The Russell Manufacturing Company to its wholesalers, as provided in this paragraph (c), and containing the information applicable to the styles of garments included in the particular shipment, will be transmitted with, or annexed to the invoice, billing or other statement of price accompanying every shipment made by The Russell Manufacturing Company of any of the garments listed in paragraph (a) of this order. This statement, with respect to any garment for which The Russell Manufacturing Company is permitted an adjustment of its ceiling price under this order shall be sent by The Russell Manufacturing Company in lieu of the statement required under § 1389.304 (as amended) of Maximum Price Regulation 221.

(d) *Statement which wholesalers must send to their retailers.* Any seller at wholesale, purchasing any of the garments listed in paragraph (a) of this order from The Russell Manufacturing Company, after August 1, 1945, shall transmit to each of its own customers, at the time of the delivery by it of any of these garments after August 1, 1945, the statement to Retailers of OPA Adjustment Charge" contained in the form of "Statement to Wholesalers of OPA Adjustment Charge" required to be sent to wholesalers by The Russell Manufacturing Company under paragraph (c) above. This "Wholesaler's Statement to Retailers of OPA Adjustment Charge" shall contain the information applicable to the styles of garments included in the particular shipment, or annexed to, the invoice, billing or other statement of price accompanying every shipment made by the wholesaler after August 1, 1945 of any of the garments covered by this order. Each seller at wholesale shall complete this "Wholesaler's Statement to Retailers of OPA Adjustment Charge" as follows: In Column A he shall list the ceiling prices in effect for sales by him under Maximum Price Regulation 210 prior to this order. In Column B he shall list his new ceiling prices for the garments, determined in accordance with paragraph (b) of this order. In Column C he shall list the difference between the amounts in Column A and Column B for the respective styles.

(e) Garments to which the provisions of this order shall apply. This order shall apply only to those garments of the styles enumerated in paragraph (a) which are shipped by The Russell Manufacturing Company on or after August 1, 1945 and before November 1, 1945.

Company in lieu of the statement required under § 1389.304 (as amended) of Maximum Price Regulation 221.

(d) *Statement which The Russell Manufacturing Company must send to retailers.* (1) On and after August 1, 1945, The Russell Manufacturing Company shall transmit to each retailer to whom it makes delivery of any of the garments listed in paragraph (a) of this order, the following statement:

Statement to Retailers of OPA Adjustment Charges

The Office of Price Administration has permitted us to adjust our ceiling prices on the following garments listed below.

Style No.	Old ceiling price	OPA adjustment charge under MPR 210 and RSO 99
	Per dozen	Per dozen
178P	$6.75	$0.53
175EW	6.75	.85
178EW	6.00	.85
194EW	6.50	.51
109EW	6.87½	.58
175P	6.50	.53
194P	6.25	.51
109P	6.62½	.54
1613P	10.25	.93
1615 (Random)	11.62½	.86
160P	5.12½	.34
145P	8.87½	.67
1615 (Peeler)	11.50	.84
145EW	9.25	1.06½
105P	7.62½	.59
165EW	10.00	1.15
165PR	9.75	1.06½
145PR	9.00	1.01
165P	9.62½	.80
105EW	8.00	.55
105PR	7.75	.55
125EW	8.50	.65
125PR	8.25	.95
125P	8.12½	.70
1612P	9.37½	.80
1613 (Random)	10.37½	1.00
1612R	9.50	.84

Please note that the OPA requires you to price these garments in accordance with Maximum Price Regulation 560 or Maximum Price Regulation 210 (whichever regulation governs your sales of the garments listed at the beginning of these regulations). In determining your ceiling prices for these garments, OPA has ruled that you must use as your "net cost" under Maximum Price Regulation 560, or your "cost base" under Maximum Price Regulation 210, the amount set forth in the above table as the "old ceiling price" for the garment being priced and you may not include the above-stated adjustment charge in computing your ceiling price for these garments under either of these regulations.

(2) The statement to be sent to its retailers by The Russell Manufacturing Company, as provided in this paragraph (d), and containing the information applicable to the styles of garments included in the particular shipment, will be transmitted with, or annexed to the invoice, billing or other statement of price accompanying every shipment made by The Russell Manufacturing Company of any of the garments listed in paragraph (a) of this order. This statement, with respect to any garment for which The Russell Manufacturing Company is permitted an adjustment of its ceiling price under this order shall be sent by The Russell Manufacturing Company in lieu of the statement required under § 1389.304 (as amended) of Maximum Price Regulation 221.

(e) *Statement which wholesalers must send to their retailers.* Any seller at wholesale, purchasing any of the garments listed in paragraph (a) of this order from The Russell Manufacturing Company, after August 1, 1945, shall transmit to each of its own customers, at the time of the delivery by it of any of these garments after August 1, 1945, the statement to Retailers of OPA Adjustment Charge" contained in the form of "Statement to Wholesalers of OPA Adjustment Charge" required to be sent to wholesalers by The Russell Manufacturing Company under paragraph (c) above. This "Wholesaler's Statement to Retailers of OPA Adjustment Charge" shall contain the information applicable to the styles of garments included in the particular shipment, or annexed to, the invoice, billing or other statement of price accompanying every shipment made by the wholesaler after August 1, 1945 of any of the garments covered by this order. Each seller at wholesale shall complete this "Wholesaler's Statement to Retailers of OPA Adjustment Charge" as follows: In Column A he shall list the ceiling prices in effect for sales by him under Maximum Price Regulation 210 prior to this order. In Column B he shall list his new ceiling prices for the garments, determined in accordance with paragraph (b) of this order. In Column C he shall list the difference between the amounts in Column A and Column B for the respective styles.

(f) Garments to which the provisions of this order shall apply. This order shall apply only to those garments of the styles enumerated in paragraph (a) which are shipped by The Russell Manufacturing Company on or after August 1, 1945 and before November 1, 1945.

(g) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective August 1, 1945.

Issued this 1st day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc 45-14177; Filed, Aug. 1, 1945; 4:02 p. m.]

[MPR 188, Rev. Order 2879]

ASSOCIATED PRODUCTS CO.

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.158 of Maximum Price Regulation No. 188, *It is ordered:* Order No. 2879 under Maximum Price Regulation No. 188 is revised and amended to read as set forth herein.

(a) This revised order establishes maximum prices for sales and deliveries of certain articles manufactured by Associated Products Company, 1702 West Van Buren Street, Chicago, Ill.

(1) For all sales and deliveries to the following classes of purchasers by the sellers indicated below, the maximum prices are those set forth below:

Article	Model No.	For sales by the manufacturer to—		For sales by any person to consumers
		Jobbers	Retailers	
13" stretched bell lamp shade with braid trim top and bottom	110	*Each* $1.49	*Each* $1.75	*Each* $3.15
15" drum shape lamp shade with 3" ruching at top	450	2.42	2.85	5.13
15" stretched bell lamp shade with 2" ruching at top	350	2.42	2.85	5.13
19" jumbo stretched shade with drape	575	3.10	3.50	6.30

These maximum prices are for the articles described in the manufacturer's application dated May 14, 1945.

(2) For sales by all persons the maximum prices apply to all sales and deliveries after the effective date of this order. Those prices are subject to each seller's customary terms and conditions of sale on sales of similar articles.

(3) If the manufacturer wishes to make sales and deliveries to any other class of purchaser or on other terms and conditions of sale, he must apply to the Office of Price Administration, Washington, D. C., under the Fourth Pricing Method, § 1499.158 of Maximum Price Regulation No. 188, for the establishment of maximum prices for those sales, and no sales or deliveries may be made until maximum prices have been authorized by the Office of Price Administration.

(b) The manufacturer shall attach a tag or label to every article for which a maximum price for sales to consumers is established by this revised order. That tag or label shall contain the following statement, with the proper model number and the ceiling price inserted in the blank spaces:

Model No. ------
OPA Retail Ceiling Price—$------
Do Not Detach

(c) At the time of, or prior to, the first invoice to each purchaser for resale, the seller shall notify the purchaser in writing of the maximum prices and conditions established by this revised order for sales by the purchaser. This notice may be given in any convenient form.

(d) Jobber's maximum prices for sales of the articles covered by this revised order shall be established under the provisions of section 4.5 of SR 14J.

(e) This revised order may be revoked or amended by the Price Administrator at any time.

(f) This revised order shall become effective on the 3d day of August 1945.

Issued this 2d day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-14229; Filed, Aug. 2, 1945; 11:31 a. m.]

[MPR 254, Order 6]

HARRINGTON AND RICHARDSON ARMS CO.

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith, and filed with the Division of the Federal Register, and pursuant to § 1379.4 of Maximum Price Regulation No. 254, *It is ordered:*

(a) This order establishes maximum prices for sales and deliveries of several .22 caliber rifles manufactured by Harrington and Richardson Arms Company, 320 Park Avenue, Worcester 2, Mass.

(1) For all sales and deliveries to the following classes of purchasers by any person, the maximum prices are those set forth below:

Article	Model No.	Maximum price to—		
		Jobber (excl. tax)	Retailer (incl. tax)	Consumer (incl. tax)
Rifle .22 caliber	165	$35.80	$46.60	$57.41
	265	20.35	28.60	34.19
	365	17.20	23.64	27.24
	465	32.90	44.74	52.95

The above maximum prices are subject to a cash discount of 2% 10 days and are f. o. b. factory. These maximum prices are for the articles described in the manufacturer's application dated May 24, 1945.

(2) For sales by the manufacturer, the maximum prices apply to all sales and deliveries since Maximum Price Regulation No. 254 became applicable to those sales and deliveries.

(3) For sales by persons other than the manufacturer, the maximum prices apply to all sales and deliveries on and after the effective date of this order.

(4) The prices established by this order are subject to each seller's customary terms and conditions of sale on sales of similar articles to each class of purchaser. They include the adjustment of maximum prices permitted by § 1379.4a of Maximum Price Regulation No. 254.

(b) At the time of or prior to the first invoice to a purchaser for resale, each seller shall notify the purchaser in writing of the maximum price and conditions established by this order for resales by the purchaser. This notice may be given in any convenient form.

(c) All provisions of Maximum Price Regulation No. 254 not inconsistent with the provisions of this order are applicable to the sales of the articles for which maximum prices are established by this order.

(d) This order may be revoked or amended by the Price Administrator at any time.

(e) This order shall become effective on the 3d day of August 1945.

Issued this 2d day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-14230; Filed, Aug. 2, 1945; 11:31 a. m.]

[RMPR 499, Amdt. 1 to Order 14]

GORDON ARTHUR SMITH, INC.

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to sections 8 and 14 of Revised Maximum Price Regulation No. 499, it is ordered that Order No. 14 under RMPR 499 be amended in the following respect:

The following items and their maximum prices are added to the list of items and maximum prices in paragraph (b):

Description	Maximum price to retailer	Maximum retail price including Federal excise tax
15 jewel 10½ ligne Sultana, chrome steel back waterproof, incabloc, sweepsecond, strap	$19.25	$47.50
15 jewel 10½ ligne Kinsmere, chrome steel back waterproof, incabloc, strap	18.25	45.00
15 jewel 10½ ligne Winston, all steel waterproof, strap	21.00	47.50
15 jewel 8¾ ligne Winston, all steel waterproof, automatic, strap	25.50	62.50
15 jewel 8¾ ligne Winston, 18K waterproof automatic	50.00	125.00
#120, 15 jewel 8¾ ligne Universal #28333 all steel waterproof, automatic, strapped	40.00	97.50
#120, 15 jewel 8¾ ligne Universal #28333 all steel waterproof, automatic, but with metal bracelet	42.00	100.00
#121, 15 jewel 10½ ligne Universal #31013 chrome steel back waterproof, strapped	27.00	62.50
#121, 15 jewel 10½ ligne Universal #31013 chrome steel back waterproof, but with metal bracelet	29.00	67.50
15 Jewel 12 ligne Universal #21143 all steel waterproof, strapped	32.50	75.50
17 jewel 10½ ligne Universal #20503 all steel waterproof, sweepsecond, strapped	36.00	85.00
17 jewel 10½ ligne Universal #21803 all steel waterproof, but without sweepsecond strapped	35.00	85.00
15 jewel Universal #11301 18K Calendar strapped	85.00	200.00
15 jewel, 12 ligne Universal #21301 and 21302 all steel calendar, strapped	47.00	110.00

The maximum prices to retailers are f. o. b. Omaha, Nebraska, and are net. The maximum retail prices above are inclusive of the Federal excise tax of 10% (20% in the case of watches selling at retail for more than $65).

This amendment shall become effective August 3, 1945.

Issued this 2d day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-14231; Filed, Aug. 2, 1945; 11:32 a. m.]

[Rev. Supp. Order 99,[1] Order 10]

CHALMERS KNITTING CO.

ADJUSTMENT OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and pursuant to Revised Supplementary Order 99 and § 1372.101 (c) of Maximum Price Regulation 210, it is ordered:

(a) *Ceiling prices for sales by Chalmers Knitting Company.* (1) On and after August 2, 1945, Chalmers Knitting Company, Amsterdam, New York, may sell and deliver to any wholesaler and any wholesaler may buy and receive from it, the following designated fall and winter knitted underwear manufactured by Chalmers Knitting Company, at prices not in excess of the following adjusted ceiling prices:

Style and description	*Adjusted ceiling price (per dozen)*
2371 (shirt), men's long sleeve shirt made of 11.60 single ply combed yarn, random dyed, net weight 7½ pounds per dozen (based on size 42), sizes 34 to 46	$8.30
2371 (drawer), men's lace back, ankle length drawers, made of 11.60 single ply combed yarn, random dyed, net weight 6¼ pounds per dozen (based on size 40), sizes 30 to 46	8.58
6261, men's cotton union suit, made of 14.60 single ply carded yarn, random dyed, net weight 12⅓ pounds per dozen (based on size 42), sizes 34 to 46	11.66
6262, men's cotton union suit, made of 14.60 single ply carded yarn, random dyed, net weight 11¼ pounds (based on size 42), sizes 34 to 46, short sleeves, ankle length	10.88
7471, men's cotton union suit, made of 11.60 single ply carded yarn, random dyed, net weight 15 pounds per dozen (based on size 42), sizes 34 to 46, long sleeves, ankle length	13.20
7472, men's cotton union suit, made of 11.60 single ply carded yarn, random dyed, net weight 13½ pounds per dozen (based on size 42), sizes 34 to 46, short sleeve, ankle length	12.26
8661 (shirt), men's long sleeve shirt, made of 11.15 single ply carded yarn, random dyed, net weight 10½ pounds per dozen, based on size 42), sizes 34 to 46	8.99
8661 (drawer), men's ankle length drawer, made of 11.15 single ply carded yarn, random dyed, net weight 8¼ pounds (based on size 40), sizes 30 to 46	8.15
9362 boy's union suit, made of 11.15 single ply carded yarn, random dyed, net weight 9 pounds per dozen (based on size 32), sizes 24 to 34, short sleeve, ankle length, in case-lot assortments	8.76
9364 boy's union suit, made of 11.15 single ply carded yarn, random dyed, net weight 8¼ pounds per dozen (based on size 32), sizes 24 to 34, short sleeve, knee length, in case-lot assortments	$8.22

(2) The adjusted ceiling prices set forth in paragraph (a) above are subject to terms of 2/10 EOM and to all allowances, price differentials and other trade practices, including practices relating to shipping and the payment of shipping charges and premiums for extra sizes, customarily used by Chalmers Knitting Company during the period from July 15, 1941 to February 10, 1942, both inclusive, on deliveries of comparable types of fall and winter knitted underwear.

(b) *Ceiling prices for sales at wholesale.* (1) On and after August 2, 1945, the ceiling price for a sale at wholesale of the garments enumerated in paragraph (a) of this order, shipped to the seller by Chalmers Knitting Company on or after that date shall be determined in the following manner:

(i) The wholesaler shall first find his "cost base" for the garment being priced from the following table:

Style No.:	*Cost base (per dozen)*
2371 (shirt)	$7.50
2371 (drawer)	7.50
6261	10.00
6262	10.00
7471	11.25
7472	11.25
8661 (shirt)	7.50
8661 (drawer)	7.50
9362	7.75
9364	7.75

(ii) The wholesaler will then apply to the "cost base" for the garment being priced his "initial percentage markup" determined in accordance with the appropriate rule set forth in subparagraph (3) of § 1372.102 (b) of Maximum Price Regulation 210 (Retail and Wholesale Prices for Fall and Winter Seasonal Commodities).

(iii) The wholesaler will then add to the amount found in (ii), immediately above, the sum specified below for the style of garment being priced. The resulting figure is the wholesaler's new ceiling price for the garment being priced.

Style No.:	*Amount of adjustment (per dozen)*
2371 (shirt)	$0.60
2371 (drawer)	.81
6261	1.25
6262	.66
7471	1.46
7472	.76
8661 (shirt)	1.12
8661 (drawer)	.49
9362	.76
9364	.35

(2) The ceiling prices established for sales at wholesale in this paragraph are subject to all discounts, allowances, price differentials and other trade practices, including premiums for extra sizes, which the wholesaler used during 1942 on deliveries of comparable types of fall and winter knitted underwear.

(c) *Statement which Chalmers Knitting Company must send to wholesalers.* (1) On and after August 2, 1945, Chalmers Knitting Company shall transmit to each wholesaler to whom it makes delivery, on and after that date, of any of the garments listed in paragraph (a) of this order, the following statement:

Statement to Wholesalers of Adjusted Ceiling Prices

The OPA has adjusted our ceiling prices on certain knitted underwear garments pursuant to the provisions of Order No. 10, issued under Revised Supplementary Order 99. In Column A below you will find our adjusted ceiling prices for these garments.

Under this order the OPA has established the method by which you, as a wholesaler, are to determine your ceiling prices for these garments.

You are required by the OPA to determine your ceiling prices for the specified styles by the following method: You first find the "cost base" for the garment being priced from Column B of the following table. You then apply to this "cost base" your "initial percentage markup" (determined in accordance with the appropriate rule set forth in subparagraph (3) of § 1372.102 (b) of Maximum Price Regulation 210). You then find your new ceiling price by adding to the amount thus determined the amount specified in Column C below for the particular style of garment being priced.

Style No.	Column A: Chalmers' adjusted ceiling price	Column B: "Cost base" to which wholesaler applies "initial percentage markup"	Column C: Amount of adjustment which wholesaler may add
2371 (shirt)	$8.30	$7.50	$0.60
2371 (drawer)	8.58	7.50	.81
6261	11.66	10.00	1.25
6262	10.88	10.00	.66
7471	13.20	11.25	1.46
7472	12.26	11.25	.75
8661 (shirt)	8.99	7.50	1.12
8661 (drawer)	8.15	7.50	.49
9362	8.76	7.75	.76
9364	8.22	7.75	.35

Please note that, as a wholesaler, you are required by the OPA to transmit to each retailer to whom you deliver any of the garments listed above on or after August 2, 1945, a "Wholesaler's Statement to Retailers of OPA Adjustment Charge" in the following form, properly filled in by you with the information applicable to the particular garments being delivered by you to the retailer. You are required to complete this statement as follows: In Column A you shall list the ceiling prices of the particular styles being shipped which were in effect for you under Maximum Price Regulation 210 prior to the date of this order. In Column B you shall list the new ceiling prices which you determine in accordance with the method indicated in this statement to you. In Column C you shall list the difference between the amounts in Column A and Column B below for the respective styles. This notice, when properly completed by you, is to be transmitted with, or annexed to, the invoice, billing or other statement of price accompanying every shipment made by you to your retailer customers of the styles shipped to you by us.

Wholesaler's Statement to Retailers of OPA Adjustment Charge

The Office of Price Administration, pursuant to Order No. 10, issued under Revised Supplementary Order 99, has permitted us to adjust our ceiling prices on the following garments, sold and delivered by us to you on or after August 2, 1945.

[1] 10 F.R. 6796.

Style No.	Column A Our old ceiling price	Column B Our new ceiling price	Column C Our OPA adjustment charge (difference between old and new ceiling price)
	Per dozen	*Per dozen*	
2371 (shirt)			
2371 (drawer)			
6291			
6292			
7471			
7472			
8661 (shirt)			
8661 (drawer)			
9662			
9664			

Please note that the OPA has ruled that you must price these garments in accordance with Maximum Price Regulation 580 or Maximum Price Regulation 210 (whichever regulation governs your sales of the garments listed above). In determining your ceiling prices for these garments the OPA has ruled that you must use as your "net cost" under MPR 580 or your "cost base" under MPR 210 the amount set forth in Column A above. You may not, in any case, include the amount of the OPA adjustment charge set forth in Column C above in determining your ceiling price for these garments under either of these regulations.

(2) The statement required to be sent by Chalmers Knitting Company to its wholesalers, as provided in this paragraph (c), and containing the information applicable to the styles of garments included in the particular shipment shall be transmitted with or be annexed to the invoice, billing or other statement of price, accompanying every shipment made by Chalmers Knitting Company of the garments listed in paragraph (a) of this order. This statement, with respect to any garment for which the Chalmers Knitting Company is permitted an adjustment of its ceiling price under this order, shall be sent by Chalmers Knitting Company in lieu of the statement required under § 1389.304 (as amended) of Maximum Price Regulation 221.

(d) *Statement which wholesalers must send to their retailers.* Any seller at wholesale, purchasing any of the garments listed in paragraph (a) of this order from Chalmers Knitting Company, after August 2, 1945, shall transmit to each of its own customers, at the time of the delivery by it of any of these garments on or after August 2, 1945, the form of "Wholesaler's Statement to Retailers of OPA Adjustment Charge" contained in the form of "Statement to Wholesalers of OPA Adjustment Charge" required to be sent to wholesalers by Chalmers Knitting Company under paragraph (c) above. This "Wholesaler's Statement to Retailers of OPA Adjustment Charge" shall contain the information applicable to the styles of garments included in the particular shipment and shall be transmitted with, or annexed to, the invoice, billing or other statement of price accompanying every shipment made by the wholesaler after August 2, 1945, of any of the garments covered by this order. Each seller at wholesale shall complete this "Wholesaler's Statement to Retailers of OPA Adjustment Charge" as follows: In Column A he shall list the ceiling prices in effect for sales by him under Maximum Price Regulation 210 prior to this order. In Column B he shall list his new ceiling prices for garments, determined in accordance with paragraph (c) of this order. In Column C he shall list the difference between the amounts in Column A and Column B for the respective styles.

(e) *Garments to which the provisions of this order shall apply.* This order shall apply only to those garments of the styles enumerated in paragraph (a) which are shipped by Chalmers Knitting Company on or after August 2, 1945, and before November 1, 1945.

(f) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective August 2, 1945.

Issued this 2d day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-14242; Filed, Aug. 2, 1945; 3:51 p. m.]

[RMPR 122, Amdt. 29 to Rev. Order 47]

GILBERTON COAL CO.

ADJUSTMENT OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith, and in accordance with § 1340.260 of Revised Maximum Price Regulation No. 122, *It is ordered*, That Revised Order No. 47 under Revised Maximum Price Regulation No. 122 be amended in the following respects:

New paragraph (f15) is added to read as follows:

(f15) The prices set forth in paragraphs (c) (1), (d) and (f) for the respective areas and for "direct delivery" and "yard sales" may be increased for the sales of The Gilberton Coal Company's anthracite, by no more than 40 cents per net ton for the egg, stove, nut, pea, buckwheat and rice sizes; if:

(1) The dealer keeps The Gilberton Coal Company's anthracite separate in storage and delivery from any other kind of solid fuels;

(2) The dealer keeps complete and accurate records of the Gilberton Coal Company's anthracite for such time as this paragraph (f15) is in effect. The records shall show the date he received the coal; the name and address of the producer; the quantity in net tons of each delivery to him of such anthracite and all invoices sent to him by the producer; and,

(3) The Gilberton Coal Company's anthracite is produced by The Gilberton Coal Company, Gilberton, Pennsylvania.

This amendment shall become effective August 2, 1945.

Issued this 2d day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-14244; Filed, Aug. 2, 1945; 3:51 p. m.]

[MPR 188, Order 4186]

M. S. KENWORTHY CO.

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.158 of Maximum Price Regulation No. 188; *It is ordered:*

(a) This order establishes maximum prices for sales and deliveries of certain articles manufactured by M. S. Kenworthy Company of 9135 S. W. 43rd Avenue, Portland 1, Oreg.

(1) For all sales and deliveries to the following classes of purchasers by the sellers indicated below, the maximum prices are those set forth below:

Article	Model No.	Maximum prices for sales by any seller to— Wholesalers (jobbers)	Chain and dept. stores	Other retailers	Consumers
Aluminum griddle	13¾	*Each* $2.00	*Each* $2.40	*Each* $2.67	*Each* $4.00

These maximum prices are for the articles described in the manufacturer's application dated May 24, 1945.

(2) For sales by the manufacturer, the maximum prices apply to all sales and deliveries since Maximum Price Regulation No. 188 became applicable to those sales and deliveries. These prices are for the article described in your application. They are f. o. b. factory and subject to a cash discount of 2% for payment in 10 days, net 30 days.

(3) For sales by persons other than the manufacturer, the maximum prices apply to all sales and deliveries after the effective date of this order. Those prices are subject to each seller's customary terms and conditions of sale on sales of similar articles.

(4) If the manufacturer wishes to make sales and deliveries to any other class of purchaser or on other terms and conditions of sale, he must apply to the Office of Price Administration, Washington, D. C., under the Fourth Pricing Method, § 1499.158 of Maximum Price Regulation No. 188, for the establishment of maximum prices for those sales, and no sales or deliveries may be made until maximum prices have been authorized by the Office of Price Administration.

(b) The manufacturer shall attach a tag or label to every article for which a maximum price for sales to consumers is established by this order. That tag or label shall contain the following statement:

OPA Retail Ceiling Price—$4.00
Do Not Detach or Obliterate

(c) At the time of, or prior to, the first invoice to each purchaser for resale, the seller shall notify the purchaser in writing of the maximum prices and conditions established by this order for sales by the purchaser. This notice may be given in any convenient form.

(d) This order may be revoked or amended by the Price Administrator at any time.

(e) This order shall become effective on the 2d day of August 1945.

Issued this 1st day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-14245; Filed, Aug. 2, 1945; 3:50 p. m.]

[MPR 188, Order 4189]

U. S. ALADDIN CO.

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.158 of Maximum Price Regulation No. 188; *It is ordered:*

(a) This order establishes maximum prices for sales and deliveries of certain articles manufactured by U. S. Aladdin Company, 4500 Brazil Street, Los Angeles 26, California.

(1) For all sales and deliveries to the following classes of purchasers by the sellers indicated below, the maximum prices are those set forth below:

Article	Model No.	Maximum prices for sales by any seller to— Jobber	Chain and Dept stores	Other retailers	Consumer
Aluminum sauce pan	7	*Each* $0.45	*Each* $0.54	*Each* $0.60	*Each* $0.90
Aluminum ladle	2¾	*Dozen* $0.90	*Dozen* $1.08	*Dozen* $1.20	*Dozen* $0.15

These maximum prices are for the articles described in the manufacturer's application dated June 6, 1945.

(2) For sales by the manufacturer, the maximum prices apply to all sales and deliveries since Maximum Price Regulation No. 188 became applicable to those sales and deliveries. They are f. o. b. factory and subject to a cash discount of 2% for payment within 10 days, net 30 days.

(3) For sales by persons other than the manufacturer, the maximum prices apply to all sales and deliveries after the effective date of this order. Those prices are subject to each seller's customary terms and conditions of sale on sales of similar articles.

(4) If the manufacturer wishes to make sales and deliveries to any other class of purchaser or on other terms and conditions of sale, he must apply to the Office of Price Administration, Washington, D. C., under the Fourth Pricing Method, § 1499.158 of Maximum Price Regulation No. 188, for the establishment of maximum prices for those sales, and no sales or deliveries may be made until maximum prices have been authorized by the Office of Price Administration.

(b) The manufacturer shall attach a tag or label to every article for which a maximum price for sales to consumers is established by this order. That tag or label shall contain the following statement with the retail prices properly filled in:

OPA Retail Ceiling Price—$_____
Do Not Detach or Obliterate

(c) At the time of, or prior to, the first invoice to each purchaser for resale, the seller shall notify the purchaser in writing of the maximum prices and conditions established by this order for sales by the purchaser. This notice may be given in any convenient form.

(d) This order may be revoked or amended by the Price Administrator at any time.

(e) This order shall become effective on the 2d day of August 1945.

Issued this 1st day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-14246; Filed, Aug. 2, 1945; 3:50 p. m.]

[MPR 188, Order 4190]

KNUDSON MFG. CO.

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.158 of Maximum Price Regulation No. 188; *It is ordered:*

(a) This order establishes maximum prices for sales and deliveries of certain articles manufactured by Knudson Manufacturing Company of 109 East Pico, Los Angeles 15, Calif.

(1) For all sales and deliveries to the following classes of purchasers by the sellers indicated below, the maximum prices are those set forth below:

Article	Model No.	Maximum prices for sales by any seller to— Wholesalers (jobbers)	Chain and dept. stores	Other retailers	Consumers
Aluminum griddle	10"	*Each* $1.54	*Each* $1.86	*Each* $2.07	*Each* $3.10

These maximum prices are for the articles described in the manufacturer's application dated June 25, 1945.

(2) For sales by the manufacturer, the maximum prices apply to all sales and deliveries since Maximum Price Regulation No. 188 became applicable to those sales and deliveries. These prices are for the article described in your application. They are f. o. b. factory and subject to a cash discount of 2% for payment in 10 days, net 30 days.

(3) For sales by persons other than the manufacturer, the maximum prices apply to all sales and deliveries after the effective date of this order. Those prices are subject to each seller's customary terms and conditions of sale on sales of similar articles.

(4) If the manufacturer wishes to make sales and deliveries to any other class of purchaser or on other terms and conditions of sale, he must apply to the Office of Price Administration, Washington, D. C., under the Fourth Pricing Method, § 1499.158 of Maximum Price Regulation No. 188, for the establishment of maximum prices for those sales, and no sales or deliveries may be made

OPA Retail Ceiling Price—$_____
Do Not Detach or Obliterate

(c) At the time of, or prior to, the first invoice to each purchaser for resale, the seller shall notify the purchaser in writing of the maximum prices and conditions established by this order for sales by the purchaser. This notice may be given in any convenient form.

(d) This order may be revoked or amended by the Price Administrator at any time.

(e) This order shall become effective on the 2d day of August 1945.

Issued this 1st day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-14247; Filed, Aug. 2, 1945; 3:50 p. m.]

[MPR 61, Amdt. 2 to Order 4]

LIMED, PICKLED AND BLUE CHROME SPLITS

MAXIMUM PRICES FOR SALES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register and pursuant to section 11 of Maximum Price Regulation 61, *It is ordered:*

Order No. 4 is revised and amended to read as follows:

(a) On and after August 1, 1945, the maximum price which may be charged by any producer thereof for a sale or delivery of limed, pickled or blue splits (other than gelatine or glue stock) shall be the highest price charged by him during March 1942 for splits of the same type, weight, potential cutting value and quality and grade. In the event that such seller did not deliver or offer to deliver, during March 1942, splits of the same type, weight, potential cutting value and quality and grade, the maximum price which he may charge shall be a price in line with the highest price charged by him during March 1942 for splits of the nearest related type, weight, potential cutting value and quality and grade. The term "in line with" as used in this paragraph (a) means having a justifiable relation to the highest price charged by the seller during March 1942 with commensurate increases or decreases to give effect to actual differences in type, weight, potential cutting value and quality and grade of the leathers involved and to take into account differences, if any, in the classes of purchasers.

When used in this order the term "the highest price charged by the seller during March 1942" shall have the definition given to it by § 1499.2 of the General Maximum Price Regulation.

(b) Every person selling under the provisions of paragraph (a) of this order shall file a report of his March 1942 high-

est price, or in-line price where an in-line price is used, with the Office of Price Administration in conformity with section 14 of Maximum Price Regulation 61, not later than one week after the date of the first sale made after the effective date of this order.

(c) The maximum price which may be charged by any producer thereof for a sale or delivery of limed, pickled or blue splits which cannot be priced under paragraph (a) above, shall be a price determined by the Office of Price Administration to be in line with the general level of prices during March 1942 for splits of the same and related types, weights, potential cutting values and qualities and grades sold to a purchaser of the same class. No such seller may sell or deliver splits under the provisions of this paragraph unless he has filed an application, in conformity with section 14 of Maximum Price Regulation 61, for establishment of his maximum price and has obtained from the Office of Price Administration an order establishing his maximum price for such splits.

(d) For the purposes of this order the term "base period" as used in section 14 of Maximum Price Regulation 61 shall mean the month of March 1942.

(e) *Sales by a person other than the producer thereof.* On and after August 1, 1945, the maximum price which may be charged for limed, pickled or blue splits by any person other than the producer thereof shall be as follows:

(1) In the case of limed splits and all head and shoulder splits whether limed, pickled or blue the maximum price shall be the producer's maximum price therefor plus a markup of ¼ cent per pound.

(2) In the case of pickled or blue splits other than head and shoulder splits the maximum price shall be the producer's maximum price therefor plus a markup of ½ cent per pound for sales of untrimmed splits and ½ cent per foot for sales of trimmed splits.

(3) Terms of sale shall be net cash for payment within 30 days from the date of invoice, f. o. b. the shipping point of the producer thereof. Transportation charges actually paid or incurred in transporting the splits from the producer's shipping point may be added. However, in the event that the splits are transported in the seller's own conveyance the amount added may not exceed the lowest available common carrier rate for an identical shipment from the same shipping point to the same receiving point.

(f) As used in this order the term:

(1) "Split" means one of the layers, other than the grain or hair portion, into which a horse hide, cattle hide, kip or calfskin has been separated and which is suitable for further tanning purposes.

(2) "Limed splits" means splits which are chemically treated through the dehairing process. They shall be free of excess sulphide, lime or water.

(3) "Pickled splits" means splits which are chemically treated through the pickling process. They shall be drained at least 48 hours before determination of their invoiced weight.

(4) "Blue splits" means splits which are chemically treated through the chrome tanning process.

(5) A "producer" of splits is one who separates splits from horse hides, cattle hides, kips or calfskins and partially tans, processes or trims such splits, or who buys such splits and resells them other than exactly as purchased at the producer's net invoiced weight.

(6) A "person other than a producer" of splits is one who buys and resells splits exactly as purchased at the producer's net invoiced weight.

(g) The maximum prices established by this amendment shall supersede and replace any and all maximum prices previously established for sales of such splits.

This amendment shall become effective August 1, 1945.

Issued this 2d day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-14243; Filed, Aug. 2, 1945; 3:51 p. m.]

[Supp. Order 94, Order 74]

RECONSTRUCTION FINANCE CORPORATION

SPECIAL MAXIMUM PRICES FOR CERTAIN PLYWOOD AND VENEERS

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and in accordance with section 11 of Supplementary Order 94, it is ordered:

(a) *What this order does.* This order establishes maximum prices for resellers of surplus hardwood plywood and veneers hereinafter defined, which have been or may be purchased from the Reconstruction Finance Corporation; or any other Government agency:

(1) *Hardwood plywood* is any flat or bandsawn assembly of veneer or veneer and lumber core, also any assembly of fiberboard, paper, pulpwood, or any other material, in which at least one ply is of any hardwood species of veneer.

(2) *Aircraft veneer* manufactured to Army-Navy specifications AN-NN-P-511b and AN-P-69 or British Standard specifications 5-V-3 and 6-V-3.

(3) *Commercial and technical veneer other than aircraft veneer* of any species, whether rotary cut, sawn or sliced.

NOTE: "Commercial veneer" does not include box grade veneer.

(b) *Maximum prices.* The maximum prices for the aforesaid hardwood plywood and veneers shall be:

(1) For distribution plant sales, f. o. b. plant the sum of the following:

(i) The purchase price from the Government, not to exceed the established ceiling price for such a sale.

(ii) Actual freight paid from the Government's warehouse to buyer's warehouse.

(iii) A mark-up of 25% on the sum of items (i) and (ii) if the sale, including this mark-up, involves at least $200, or a mark-up of 35% if the sale, figured with the 25% mark-up would involve less than $200.

(2) For retail sales, f. o. b. yard, the sum of the items (i) and (ii) under paragraph (b) (1) plus a mark-up of 75%.

(3) For all other sales, f. o. b. plant or yard, which are not "distribution plant sales" or "retail sales", the prices for a "distribution plant sale" as determined in accordance with paragraph (b) (1).

(c) *Delivery charges.* On all sales if the buyer requests delivery within a free delivery zone which the seller recognized during March 1942, the seller cannot charge for making the delivery. If the seller did not offer free delivery in March 1942, or if the buyer requests delivery outside the recognized free delivery zone, the following rules apply:

(1) When delivery is by truck owned or controlled by the seller, the actual cost of delivery may be added, except that in no case may this addition exceed 80% of the common carrier truck charges for the same shipment.

(2) When delivery is by common or contract carrier, the actual cost of delivery may be added.

(d) *Definitions.*—(1) *Distribution plant sale.* A "distribution plant sale" is any sale by a plywood or veneer distribution plant of hardwood plywood or veneer in its regular stock at the time of sale.

A "distribution plant" is a wholesale or retail warehouse or yard which does not process plywood or veneer and which (a) during any one of the three immediately preceding calendar years received from sales of plywood or veneer more than 20% of its total dollar income from all sales or, (b) which in the immediately preceding calendar year received a majority by volume of its hardwood plywood and veneer on direct-mill shipments.

(2) *Retail sales.* A "retail sale" is any sale of less than 1000 square feet of hardwood plywood or veneer to the ultimate consumer which is not a "distribution plant sale."

(3) *All other sales.* "All other sales" includes every sale of hardwood plywood or veneer which is not a "distribution plant sale" or a "retail sale."

(e) *Relation to other regulations and orders.* This order with respect to the commodities it covers supersedes any other regulation or order previously issued by the Office of Price Administration.

(f) *Revocation and amendment.* This order may be revoked or amended at any time.

This order shall become effective August 4, 1945.

Issued this 3d day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-14314; Filed, Aug. 3, 1945; 11:37 a. m.]

[MPR. 188, Amdt. 90 to Order A-1, Corr.]

NARROW MOUTH GLASS CONTAINERS

ADJUSTMENT OF MAXIMUM PRICES

The reference to paragraph (a) (58) (iv) in Amendment 90 to Order A-1 is corrected to read "Paragraph (a) (4) (iv)."

This correction shall be effective as of July 30, 1945.

Issued this 3d day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-14340; Filed, Aug. 3, 1945; 11:37 a. m.]

[MPR 260, Order 1701]

BONIFACIO REYES

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion accompanying this order, and pursuant to § 1358.102 (b) of Maximum Price Regulation No. 260, *It is ordered*, That:

(a) Bonifacio Reyes, Garco 41, Caguas, P. R. (hereinafter called "manufacturer") and wholesalers and retailers may sell, offer to sell or deliver and any person may buy, offer to buy or receive each brand and size or frontmark, and packing of the following domestic cigars at the appropriate maximum list price and maximum retail price set forth below:

Brand	Size or frontmark	Packing	Maximum list price	Maximum retail price
Bonifacio Reyes	Media Corona	50	*Per M* $40	*Cents* 5

(b) The manufacturer and wholesalers shall grant, with respect to their sales of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the discounts they customarily granted in March 1942 on their sales of domestic cigars of the same price class to purchasers of the same class, unless a change therein results in a lower price. Packing differentials charged by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class may be charged on corresponding sales of each brand and size or frontmark of cigars priced by this order, but shall not be increased. Packing differentials allowed by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class shall be allowed on corresponding sales of each brand and size or frontmark of cigars priced by this order and shall not be reduced. If a brand and size or frontmark of domestic cigars for which maximum prices are established by this order is of a price class not sold by the manufacturer or the particular wholesaler in March 1942, he shall, with respect to his sales thereof, grant the discounts and may charge and shall allow the packing differentials customarily granted, charged or allowed (as the case may be), in March 1942 by his most closely competitive seller of the same class on sales of domestic cigars of the same March 1942 price class to purchasers of the same class.

(c) On or before the first delivery to any purchaser of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the manufacturer and every other seller (except a retailer) shall notify the purchaser of the maximum list price and the maximum retail price established by this order for such brand and size or frontmark of domestic cigars. The notice shall conform to and be given in the manner prescribed by § 1358.113 of Maximum Price Regulation No. 260.

(d) Unless the context otherwise requires, appropriate provisions of Maximum Price Regulation No. 260, shall apply to sales for which maximum prices are established by this order.

(e) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective August 2, 1945.

Issued this 1st day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-14195; Filed, Aug. 1, 1945; 4:08 p. m.]

SECURITIES AND EXCHANGE COMMISSION.

[File No. 70-936]

GEORGIA POWER AND LIGHT CO.

ORDER RELEASING JURISDICTION OVER LEGAL FEES

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 31st day of July 1945.

Georgia Power and Light Company, an indirect subsidiary of General Gas & Electric Corporation, a registered holding company, having filed an application, and amendments thereto, pursuant to section 6 (b) of the Public Utility Holding Company Act of 1935, for exemption from the provisions of section 6 (a) of the act of the issue and sale, in accordance with the competitive bidding requirements of Rule U-50, of $2,500,000 principal amount of First Mortgage Bonds to mature March 1, 1975; and

The Commission having, by order dated April 26, 1945, granted said application, as amended, and said order having, among other things, reserved jurisdiction with respect to the payment of all legal fees and expenses of all counsel; and

Winthrop, Stimson, Putnam & Roberts, counsel for Georgia Power and Light Company, having submitted information regarding the nature and extent of the services rendered by it for such company for which fees aggregating $5,000 are requested; T. Guy Connell, also counsel for Georgia Power and Light Company, having submitted information regarding the nature and extent of the services rendered by him to such company for which fees aggregating $2,500 are requested; and Shearman & Sterling & Wright, counsel for the bidders for said Bonds, having submitted information regarding the nature and extent of the services rendered by it for which fees aggregating $5,000 and reimbursement of expenses not to exceed $100 are requested; and

It appearing to the Commission that such fees are not unreasonable:

It is ordered, That the jurisdiction heretofore reserved with respect to the payment of fees to Winthrop, Stimson, Putnam & Roberts, T. Guy Connell, and Shearman & Sterling & Wright, and reimbursement to the latter of expenses not to exceed $100, be, and hereby is, released; and

It is further ordered, That the jurisdiction heretofore reserved over the payment of miscellaneous expenses in connection with the proposed transactions be continued.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 45-14291; Filed, Aug. 3, 1945; 11:25 a. m.]

[File No. 70-1052]

ELECTRIC BOND AND SHARE CO. ET AL.

ORDER GRANTING APPLICATION AND PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 31st day of July 1945.

In the matter of Electric Bond and Share Company, Ebasco Services Incorporated, Two Rector Street Corporation; File No. 70-1052.

Two Rector Street Corporation, a wholly-owned non-utility subsidiary of Ebasco Services, Incorporated, which is a wholly-owned service company subsidiary of Electric Bond and Share Company, a registered holding company, having filed an application pursuant to section 6 (b) of the Public Utility Holding Company Act of 1935 requesting exemptions from the provisions of sections 6 (a) and 7 of the act with respect to the renewal of certain indebtedness of Two Rector Street Corporation to The Prudential Insurance Company of America, which indebtedness is secured by a mortgage on an office building owned by the former corporation; and

Two Rector Street Corporation, Ebasco Services, Incorporated and Electric Bond and Share Company having also filed joint declarations and amendments pursuant to section 12 (b) of the act regarding renewal of a lease of space in the said office building by Ebasco Services, Incorporated, from Two Rector Street Corporation under which lease Ebasco Services, Incorporated, agrees to pay a minimum rental such that Two Rector Street Corporation will be able to meet the annual payments of interest and amortization of principal required under the terms of the mortgage indebtedness of Two Rector Street Corporation to the Prudential Insurance Company of America; Electric Bond and Share Company being contingently liable to Two Rector Street Corporation in the event

Ebasco Services, Incorporated defaults on its obligation; and

A public hearing having been held on the application and declaration, as amended; the Commission having considered the record and having made and filed its findings and opinion based thereon;

It is ordered, That said application and declarations, as amended, be and the same hereby are granted and permitted to become effective forthwith, subject to the terms and conditions contained in Rule U-24.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 45-14292; Filed, Aug. 3, 1945; 11:26 a. m.]

[File Nos. 59-35, 59-61, 54-66]

NEW YORK WATER SERVICE CORP. ET AL.

NOTICE OF FILING OF AMENDED PLAN, ORDER RECONVENING HEARING AND NOTICE OF RECONVENED HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 1st day of August, A. D. 1945.

In the matters of New York Water Service Corporation, Federal Water and Gas Corporation, File No. 59-35; Federal Water and Gas Corporation and Subsidiary Companies, (Respondents), File No. 59-61; Federal Water and Gas Corporation and Subsidiary Companies, File No. 54-66.

I. Notice is hereby given that New York Water Service Corporation, ("New York"), a subsidiary of Federal Water and Gas Corporation ("Federal"), a registered holding company, has filed an amended plan pursuant to section 11 (e) of the Public Utility Holding Company Act of 1935 for the purpose of enabling New York to comply with the provisions of section 11 (b) of the act.

All interested persons are referred to said amended plan, which is on file in the office of this Commission, for a statement of the transactions therein proposed, which may be summarized as follows:

1. New York has presently outstanding $13,606,000 principal amount of long term debt, 46,532 shares of $100 par value 6% Cumulative Preferred Stock, and 26,015 shares of $100 par value Common Stock. Federal owns all the Common Stock and no other securities of New York. At March 31, 1945, cumulative dividend arrears on the preferred stock aggregated $3,780,725, equivalent to $81.25 per share.

2. Under the amended plan, each share of New York's 6% Cumulative Preferred Stock would be changed into and reclassified as one share of no par value common stock, with a temporary stated value of $10 per share, pending final adjudication of the original cost of New York's properties. All rights of holders of the preferred stock to accumulated and unpaid dividends would be cancelled. The presently outstanding Common Stock of New York would be surrendered to New York and accorded no recognition in the recapitalization.

3. This Commission is requested to approve the amended plan, to order Federal to surrender to New York the certificates for all New York's presently outstanding Common Stock, and to apply to a District Court of the United States to enforce and carry out the terms and provisions of the amended plan.

4. The amended plan states that the order of the District Court enforcing and carrying out the provisions of the amended plan may provide, if this Commission shall so require and the Court approve, for the transfer of all the issued and outstanding preferred stock of the corporation by the transfer agent, without the written or other consent of the holders thereof, to an officer of the Court to be designated in such order to act as trustee or nominee for the holders of said preferred stock and to be authorized and directed, among other things, to vote said stock in favor of the amended plan and the amendment of the Certificate of Incorporation as provided therein.

5. The amended plan provides for an application by New York to the Public Service Commission of the State of New York for an order approving the issuance of the proposed common stock, and further provides that the proposed amendment to the Certificate of Incorporation of New York will be presented to the Public Service Commission of the State of New York for endorsement of consent to the reduction in capital effected thereby and thereafter to the Secretary of State of New York for filing.

6. Expenses of carrying out the amended plan are estimated at $19,772.

II. Proceedings instituted by the Commission pursuant to sections 11 (b), 15 (f), and 20 (a) of the act directed to Federal and New York (File Nos. 59-61 and 59-35) and proceedings in respect of a plan under section 11 (e) of the act filed by Federal and its subsidiaries (File No. 54-66) have heretofore been consolidated.

By order dated February 10, 1943, the Commission, in said consolidated proceedings under section 11 of the act, among other things, (1) ordered that New York shall take such steps as may be necessary to recapitalize so as to fairly and equitably distribute voting power among its security holders; *Provided*, That the common stock of New York owned by Federal shall be accorded no recognition in such recapitalization; (2) ordered that Federal shall take such action as may be necessary to divest itself of all interests held by it, directly or indirectly, in the business conducted and properties owned by New York; *Provided*, That such divestment shall not be effected through the sales of securities of New York owned by Federal prior to the recapitalization of New York in such manner as to provide for a fair and equitable distribution of voting power among security holders thereof; and (3) approved a plan filed by Federal and subsidiaries under section 11 (e) of the act, in which plan Federal consented to the provisions of the order described above relating to New York and to Federal's interest in New York.

New York has heretofore filed a plan of recapitalization pursuant to section 11 (e) of the act (File No. 54-66); a hearing was held in these consolidated proceedings in respect of said plan and was continued indefinitely.

III. It appearing to the Commission that notice should be given and that the hearing herein previously continued should be reconvened for the purpose of taking testimony in respect of said amended plan;

It is ordered, That the hearing herein be reconvened under the applicable provisions of the act and the rules of the Commission thereunder on August 24, 1945, at 10:00 a. m., e. w. t., at the office of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia 3, Pennsylvania. On that date, the hearing room clerk in Room 318 will advise as to the room in which the hearing will be held.

It is further ordered, That Robert P. Reeder, or any other officer or officers of the Commission designated by it for that purpose, shall preside at the reconvened hearing. The officer so designated to preside at the hearing is hereby authorized to exercise all the powers granted to the Commission under section 18 (c) of the act and to a trial examiner under the Commission's rules of practice.

It is further ordered, That, without limiting the scope of the issues presented by these proceedings, attention will be directed at the hearing to the following matters and questions:

1. Whether the amended plan, as proposed or as hereafter modified, is necessary to effectuate the provisions of section 11 (b) of the act, is fair and equitable to the persons affected thereby, and would effect compliance with the Commission's order herein dated February 10, 1943;

2. What terms and conditions, if any, should be imposed in the public interest or for the protection of investors or consumers in connection with the proposed issuance of 46,532 shares of new common stock;

3. Whether the proposed reduction in the capital of New York is detrimental to the interests of New York's security holders;

4. Whether the proposed accounting entries in connection with the plan are in accordance with the standards of the Act and the Rules promulgated thereunder;

5. Whether the amended plan as filed or as modified makes appropriate provision for the payment of expenses, fees and remuneration in connection with the recapitalization, and in what amounts such expenses, fees, and remuneration should be paid;

6. Generally, whether the amended plan and all proposed transactions incidental thereto are, in all respects, in the public interest and in the interests of investors and consumers and consistent with all applicable requirements of the act and the rules thereunder, and if not, what modifications and what terms and conditions should be required or imposed to satisfy the statutory standards;

7. Whether, in the event that the Commission shall approved the amended plan as filed or as modified, the Commission shall approve said plan for purposes of section 11 (d) of the act (as well as section 11 (e)) so as to permit the Commission, of its own motion and irrespective of any request therefor on the part of New York, to apply to a court for the enforcement of the amended plan pursuant to section 11 (d) of the act;

8. Whether, in the event that the Commission shall not approve the amended plan as filed or as modified, a plan proposed by the Commission or by any person having a bona fide interest in the recapitalization of New York should be approved by the Commission for purposes of section 11 (d) of the act, and, if proposed by the Commission, what the terms and provisions of such plan should be.

It is further ordered, That notice of this hearing is hereby given to New York, to Federal, to the Public Service Commission of the State of New York, and to all interested persons, said notice to be given to New York, to Federal, and to the Public Service Commission of the State of New York by registered mail, and to all other persons by a general release of this Commission which shall be distributed to the press and mailed to all persons on the mailing list for the release issued under the Public Utility Holding Company Act of 1935 and by publication in the FEDERAL REGISTER.

It is further ordered, That New York shall give additional notice of this hearing to the holders of its 6% Cumulative Preferred Stock (insofar as the identity of such security holders is known or is available to it) by mailing to each of said persons a copy of this notice and order at his last-known address at least fifteen days prior to the date of this hearing.

It is required that any person desiring to be heard in these proceedings shall file with the Secretary of the Commission on or before August 21, 1945 an appropriate request or application to be heard, as provided by Rule XVII of the Commission's rules of practice.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 45-14290; Filed, Aug. 3, 1945; 11:25 a. m.]

SURPLUS PROPERTY BOARD.

[SPB Reg. 3, Order 28]

UTAH

ALLOCATION OF TRUCKS FOR DISPOSAL TO FARMERS AND FARMERS' COOPERATIVES IN CERTAIN COUNTIES

Pursuant to § 8303.4 of Surplus Property Board Regulation No. 3, entitled "Dispositions of Surplus Property in Rural Areas and to Farmers" (10 F.R. 5325) and in reliance upon the certificate of the Secretary of Agriculture to the Surplus Property Board that farm production is impaired or threatened to be impaired in the area named below by a shortage of trucks; *It is hereby ordered*, That:

The Department of Commerce, as disposal agency, shall allocate for disposal to farmers and farmers' cooperative associations holding certificates of the Agricultural Adjustment Agency and located in Beaver, Box Elder, Cache, Carbon, Daggett, Davis, Duchesne, Emery, Garfield, Grand, Iron, Juab, Kane, Millard, Morgan, Piute, Rich, Salt Lake, San Juan, San Pete, Sevier, Summit, Tooele, Uintah, Utah, Wasatch, Washington, Wayne, and Weber Counties, Utah, 7 one-half-ton weapon carrier trucks, 23 one-half-ton pickup trucks, 1 one-half-ton reconnaissance truck, 33 one-and-one-half-ton cargo trucks, 11 one-half-ton commander trucks, and 9 one-half-ton radio trucks, and shall without regard to the requirements of Surplus Property Board Regulation No. 2 (10 F.R. 5104, 8911) take immediate steps so to dispose of such property by the methods provided in § 8303.4 (c).

This order shall become effective immediately.

SURPLUS PROPERTY BOARD,
By A. E. HOWSE,
Administrator.

JULY 30, 1945.

[F. R. Doc. 45-14256; Filed, Aug. 2, 1945; 4:39 p. m.]

[SPB Reg. 3, Order 29]

OKLAHOMA

ALLOCATION OF TRUCKS FOR DISPOSAL TO FARMERS AND FARMERS' COOPERATIVES IN CERTAIN COUNTIES

Pursuant to § 8303.4 of Surplus Property Board Regulation No. 3, entitled "Dispositions of Surplus Property in Rural Areas and to Farmers" (10 F.R. 5325) and in reliance upon the certificate of the Secretary of Agriculture to the Surplus Property Board that farm production is impaired or threatened to be impaired in the area named below by a shortage of trucks; *It is hereby ordered*, That:

The Department of Commerce, as disposal agency, shall allocate for disposal to farmers and farmers' cooperative associations holding certificates of the Agricultural Adjustment Agency and located in Beckham, Caddo, Canadian, Carter, Cleveland, Comanche, Cotton, Custer, Dewey, Garvin, Grady, Greer, Harmon, Jackson, Jefferson, Kiowa, Love, McClain, Murray, Pottawatomie, Roger Mills, Stephens, Tillman, and Washita Counties, Oklahoma, 51 trucks, two-and-one-half-ton and one-and-one-half-ton hydraulic dump, four-ton cab-and-chassis, one-and-one-half-ton cargo, one-and-one-half-ton cargo-stake-and-platform, one-and-one-half-ton panel, one-and-one-half-ton platform, one-half-ton pickup, one-half-ton panel, one-half-ton carryall, and one-half-ton bus, and shall without regard to the requirements of Surplus Property Board Regulation No. 2 (10 F.R. 5104, 8911) take immediate steps so to dispose of such property by the methods provided in § 8303.4 (c).

This order shall become effective immediately.

SURPLUS PROPERTY BOARD,
By A. E. HOWSE,
Administrator.

JULY 30, 1945.

[F. R. Doc. 45-14255; Filed, Aug. 2, 1945; 4:39 p. m.]

[Rev. Special Order 13]

SPECIAL ACCOUNTS FOR REFUNDS TO PURCHASERS

Surplus Property Board Special Order 13, July 10, 1945 (10 F.R. 8598) is hereby revised and amended as set forth below.[1]

Pursuant to the authority of section 30 (c) of the Surplus Property Act of 1944 (50 Stat. 765; 59 U.S.C. App. Sup. IV, 1611), it is hereby ordered, that:

1. *Department of Commerce.* The Department of Commerce, as successor disposal agency to the Treasury Department, is hereby authorized to deposit in a special account with the Treasurer of the United States amounts from proceeds of dispositions of surplus property and to withdraw from such account the amounts necessary to make appropriate refunds to purchasers of such property when any disposition is rescinded or does not become final, or payments for breach of any warranty: *Provided, however*, That the amounts on deposit in such account shall at no time exceed $750,000.

2. *Maritime Commission.* The Maritime Commission, as a disposal agency is hereby authorized to deposit in a special account with the Treasurer of the United States amounts from proceeds of dispositions of surplus property and to withdraw from such account the amounts necessary to make appropriate refunds to purchasers of such property when any disposition is rescinded or does not become final, or payments for breach of any warranty: *Provided, however*, That the amounts on deposit in such account shall at no time exceed $500,000.

3. *Department of the Interior.* The Department of the Interior, as a disposal agency designated to act in the territories and possessions of the United States, is hereby authorized to deposit in a special account with the Treasurer of the United States amounts from the proceeds of disposition of surplus property, and to withdraw from such account the amounts necessary to make appropriate refunds to purchasers of such property when any disposition is rescinded or does not become final, or payments for breach of any warranty: *Provided, however*, That the amounts on deposit in such account shall at no time exceed $75,000.

This revised special order shall become effective on July 31, 1945.

SURPLUS PROPERTY BOARD,
By A. E. HOWSE,
Administrator.

JULY 31, 1945.

[F. R. Doc. 45-14271; Filed, Aug. 3, 1945; 11:07 a. m.]

[Special Order 16]

FINANCIAL REPORTS BY DISPOSAL AGENCIES

The reports required by this order will furnish essential information relating to the financial status of the surplus property disposal program. The forms and instructions contained in this order apply to the disposition of property declared surplus to any Government agency designated a disposal agency by the Surplus Property Board pursuant to the pro-

[1] Special Order 13, July 10, 1945 (10 F.R. 8593) superseded and rescinded Surplus Property Board Temporary Order No. 2 (10 F.R. 1581).

visions of the Surplus Property Act of 1944, or by its predecessor agency, the Surplus War Property Administration, established pursuant to Executive Order No. 9425 dated February 19, 1944. Section 30 of the Surplus Property Act of 1944 (58 Stat. 765, 50 U.S.C. App. Sup. 1611) provides that "all proceeds from any transfer or disposition of property under this act shall be covered into the Treasury as miscellaneous receipts", except as specifically provided therein.

In furtherance of the foregoing provision of the act and pursuant to the authority thereof, *It is hereby ordered*, That:

1. Each disposal agency designated by the Surplus Property Board or its predecessor, the Surplus War Property Administration, shall file with the Board the information called for on the following forms:

(a) Quarterly reports on the receipt and disposition of proceeds on Form SPB–17, "Report of Receipt and Disposition of U. S. Dollar Proceeds from the Disposal of U. S. Government Surplus Property";

(b) Quarterly reports of accounts receivable on Form SPB–18, "Summary of Accounts and Other Receivables from the Disposal of U. S. Government Surplus Property";

(c) Quarterly reports covering the various currencies in which outstanding accounts are payable on Form SPB–19, "Analysis of Outstanding Accounts and Other Receivables Due from Other Than U. S. Government Agencies, from the Disposal of U. S. Government Surplus Property";

(d) Quarterly reports on proceeds from surplus property in foreign areas, stated in terms of United States dollars and in terms of foreign currencies, on Form SPB–20, "Report of Receipt and Disposition of Proceeds from U. S. Government Surplus Property in Foreign Areas."

2. Forms SPB–17, SPB–18, SPB–19, and SPB–20, may be reproduced by the disposal agencies: *Provided*, That the formats and sizes are identical with those of such forms on file with the Division of the Federal Register, sample copies of which may be obtained from the Board.

3. The first reports on Forms SPB–17 through SPB–20 shall be filed by each disposal agency with the Board not later than September 1, 1945, and shall cover cumulative data from inception of each disposal program to June 30, 1945. All subsequent reports shall be filed quarterly by each agency, as prescribed by the instructions on these forms, not later than twenty (20) days after the close of the period for which each report is being furnished.

This order shall become effective July 31, 1945.

NOTE: All reporting requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Forms printed in the FEDERAL REGISTER are for information only and do not follow the exact format prescribed by the issuing agency.

SURPLUS PROPERTY BOARD,
By A. E. HOWSE,
Administrator.

JULY 31, 1945.

Form SPB–17 (7–18–45)

UNITED STATES OF AMERICA
SURPLUS PROPERTY BOARD

REPORT OF RECEIPT AND DISPOSITION OF U. S. DOLLAR PROCEEDS FROM THE DISPOSAL OF U. S. GOVERNMENT SURPLUS PROPERTY

Important—See Instructions for Completing This Form on Reverse Side

Budget Bureau No. 16–R034
Approval expires June 30, 1946

1. Reporting agency

2. For the period ended ..... 19..

3. ..... (Name and title of authorized official—*Please type*) ..... (Signature)

4. Date

Item No. (a)	Description (b)	Prior period(s) adjustments (c)	Quarter ended ..... 19.. (d)	Cumulative ..... 19.. to ..... 19.. (e)
1	Undistributed receipts at beginning of period			
2	Receipts:			
3	Cash sales			
4	Rentals			
5	Collections on accounts and other receivables			
6	Collections from U. S. appropriations or funds			
7	Proceeds from conversion of foreign currency			
8				
9				
10				
11	Total receipts			
12	Total to be accounted for			
13	Credits to miscellaneous receipts:			
14	5511.1 Sale of surplus personal property			
15	5511.2 Sale of surplus real property			
16	5530 Proceeds from surplus property in foreign areas			
17	0375.1 Rental of surplus personal property			
18	0375.2 Rental of surplus real property			
19				
20				
21	Total credits to miscellaneous receipts			
22	Reimbursements to appropriation accounts[1]			
23				
24				
25				
26				
27	Total reimbursements to appropriation accounts			
28	Reimbursements to Government corporations[1]			
29				
30				
31				
32				
33	Total reimbursements to Government corporations			
34	Other disposition of receipts[1]			
35				
36				
37				
28	Total other			
39	Undistributed receipts at end of period:			
40	Cash on hand			
41	Cash in special deposit accounts			
42	Balance in special account			
43				
44	Total undistributed receipts at end of period			
45	Total receipts accounted for			

[1] If space is insufficient, show total on the form and attach a separate sheet with details.

INSTRUCTIONS FOR FORM SPB–17

GENERAL INSTRUCTIONS

This report covers the receipt and disposition of the U. S. dollar proceeds received from the sale and rental of U. S. Government surplus property in the Continental U. S. and its territories and possessions and in foreign areas.

The report shall be compiled quarterly for the periods ending September 30, December 31, March 31, and June 30. An original and two (2) copies shall be submitted to the Surplus Property Board not later than twenty days after the end of the period.

These forms may be reproduced locally provided that the size and format are identical to that prescribed by the Board.

INSTRUCTIONS FOR FILLING I FORM SPB–17

Block 1.—Reporting Agency. Enter the name of the U. S. Government agency submitting the report.

Block 2.—Period Ended. Enter the ending date of the period covered by the report.

Block 3.—The name and title of the reporting official should be typed in this block in addition to his signature.

Block 4.—Enter the date filed.

Column (a).—Item number. Lines are numbered consecutively for reference.

Column (b).—Description.

Item 1. Undistributed Receipts at Beginning of Period. Report under this item the amount of U. S. dollar receipts for which disposition had not been made as of the beginning of the quarter. This amount should agree with the amount reported under Item 44 in the report for the preceding quarter.

Item 2. Receipts. Report under this group the U. S. dollar receipts from the sale and rental of U. S. Government surplus property.

Item 3. Cash Sales. Report under this item the proceeds from cash sales consummated for U. S. dollars.

Item 4. Rentals. Report under this item the proceeds from rentals consummated for U. S. dollars.

Item 5. Collections on Accounts and Other Receivables. Report under this item the collection of U. S. dollars on accounts and other receivables acquired from sale and rental of U. S. Government surplus property.

Item 6. Collections from U. S. Appropriations or Funds. Report under this item the amounts received from the sale and rental of U. S. Government surplus property to U. S. Government agencies and corporations.

Item 7. Proceeds from Conversion of Foreign Currency. Report under this item the amounts of U. S. dollar proceeds from the conversion of foreign currency received from cash sales and rentals and from collections on accounts and other receivables.

Items 8, 9, and 10. Report on these blank lines, with an appropriate descriptive title, any other U. S. dollar receipts from the sale and rental of U. S. Government surplus property.

Item 11. Total Receipts. Report under this item the sum of Items 3 through 10.

Item 12. Total to be Accounted For. Report under this item the sum of Items 1 and 11.

Item 13. Credits to Miscellaneous Receipts. Report under this group the receipts from the sale and rental of U. S. Government surplus property credited to miscellaneous receipts.

Item 14. 5511.1 Sale of Surplus Personal Property. Report under this item those receipts from the sale of U. S. Government surplus personal property located in the United States and its territories and possessions which are credited to this miscellaneous receipt account.

Item 15. 5511.2 Sale of Surplus Real Property. Report under this item those receipts from the sale of U. S. Government surplus real property located in the United States and its territories and possessions which are credited to this miscellaneous receipt account.

Item 16. 5530 Proceeds from Surplus Property in Foreign Areas. Report under this item the U. S. dollars received from the sale and rental of U. S. Government surplus personal and real property located in foreign areas (outside the Continental United States and its territories and possessions) credited to this miscellaneous receipt account, including U. S. dollar proceeds from the conversion of foreign currency.

Item 17. 0375.1 Rental of Surplus Personal Property. Report under this item those receipts from the rental of U. S. Government surplus personal property located in the United States and its territories and possessions which are credited to this miscellaneous receipt account.

Item 18. 0375.2 Rental of Surplus Real Property. Report under this item those receipts from the rental of U. S. Government surplus real property located in the United States and its territories and possessions which are credited to this miscellaneous receipt account.

Items 19 and 20. Report on these blank lines, with an appropriate descriptive title, any credits to miscellaneous receipts not otherwise provided for.

Item 21. Total Credits to Miscellaneous Receipts. Report under this item the sum of Items 14 through 20.

Items 22–27. Reimbursements to Appropriation Accounts. Report under this group the reimbursements to appropriations of the U. S. Government agencies from the proceeds of U. S. Government surplus property transactions. The appropriation symbol and title and the amount of reimbursements to each appropriation account should be shown on the blank lines provided.

Items 28–33. Reimbursements to U. S. Government Corporations. Report under this group the reimbursements to U. S. Government corporations from the proceeds of U. S. Government surplus property transactions. The name of the corporation and the amount of the reimbursements to each U. S. Government corporation should be shown on the blank lines provided.

Items 34–38. Other Disposition of Receipts. Report under this group any other disposition of U. S. dollar receipts from U. S. Government surplus property transactions. Items such as "refunds to purchasers" and other authorized charges will be reported under this group. Blank lines are provided for itemizing the types of dispositions of receipts reported under this group.

Item 39. Undistributed Receipts at End of Period. Report under this group the amount of receipts for which disposition had not been made as of the end of the period.

Item 40. Cash on Hand. Report under this item the amount of undeposited cash in the hands of the reporting agency.

Item 41. Cash in Special Deposit Accounts. Report under this item the amount of undistributed cash in special deposit accounts.

Item 42. Balance in Special Account. Report under this item the undistributed balance of any special account.

Item 43. Report on this blank line, with an appropriate descriptive title, any other undistributed receipts not otherwise itemized.

Item 44. Total Undistributed Receipts at End of Period. Report under this item the sum of Items 40 through 43.

Item 45. Total Receipts Accounted For. Report under this item the sum of Items 21, 27, 33, 38, and 44.

Column (c).—Prior period(s) adjustments. Enter in this column all adjustments made in the current quarter affecting receipts and dispositions of proceeds reported for prior fiscal years and for previous quarters of the current fiscal years. A supplemental schedule shall be submitted in explanation of these adjustments.

Column (d).—Quarter ended. Enter the ending date of the quarter covered by the report. The U. S. dollar receipts and the disposition thereof during the quarter will be reported in this column.

Column (e).—Cumulative ------ 19-- to ------ 19--. Enter the date on which the disposal program began and the ending date of the period covered by the report. The cumulative U. S. dollar receipts and the disposition thereof from the beginning of the program will be reported in this column. The entries in the cumulative column should equal the sum of: (1) the amounts shown in the cumulative column of the report of the previous quarter; (2) plus or minus the adjustments shown in the adjustment columns; and (3) plus the amounts in the "Current Quarter" column.

Form SPB–18 (7–18–45)

UNITED STATES OF AMERICA
SURPLUS PROPERTY BOARD

SUMMARY OF ACCOUNTS AND OTHER RECEIVABLES FROM THE DISPOSAL OF U. S. GOVERNMENT SURPLUS PROPERTY

Important—See Instructions for Completing This Form on Reverse Side

Budget Bureau No. 16–R034
Approval expires June 30, 1946

1. Reporting agency

2. For the quarter ended 194

3. ..... (Name and title of authorized official—*Please type*) ..... (Signature)

4. Date

Item No. (a)	Description (b)	Amount (c)
	ACCOUNTS AND OTHER RECEIVABLES—DUE FROM OTHER THAN U. S. GOVERNMENT AGENCIES	
1	Balance at beginning of quarter	
2	Additions:	
3	Credit sales	
4	Rentals	
5		
6		
7	Total additions	
8	Reductions:	
9	Cash collections:	
10	U. S. dollars	
11	Foreign currency (stated in U. S. dollar equivalents)	
12		
13		
14	Total reductions	
15	Balance at end of quarter	
16	ACCOUNTS AND OTHER RECEIVABLES—DUE FROM U. S. GOVERNMENT AGENCIES AND CORPORATIONS	
17	Balance at beginning of quarter	
18	Additions:	
19	Sales to U. S. Government agencies and corporations	
20	Rentals to U. S. Government agencies and corporations	
21		
22		
23	Total additions	
24	Reductions:	
25	Collections from U. S. appropriations or funds	
26		
27		
28	Total reductions	
29	Balance at end of quarter	
30		

INSTRUCTIONS FOR FORM SPB–18

GENERAL INSTRUCTIONS

This report is to furnish summary information on transactions in accounts and other receivables from the sale and rental of U. S. Government surplus property in the Continental U. S. and its territories and possessions and in foreign areas. Accounts and other receivables include installment sales

contracts, purchase money mortgages and other evidences of indebtedness.

The accounts and other receivables payable in foreign currency will be stated in U. S. dollar equivalents.

The report shall be compiled quarterly for each quarter ending September 30, December 31, March 31, and June 30. An original and two (2) copies shall be submitted to the Surplus Property Board not later than twenty days after the end of the quarter.

These forms may be reproduced locally provided that the size and format are identical to that prescribed by the Board.

INSTRUCTIONS FOR FILLING IN FORM SPB–18

Block 1.—Reporting Agency. Report the name of the U. S. Government agency submitting the report.

Block 2.—For the Quarter Ended. Report the ending date of the quarter covered by the report.

Block 3.—The name and title of the reporting official should be typed in this block in addition to his signature.

Block 4.—Enter the date filed.

Column (a).—Item number. Lines are numbered consecutively for reference.

Column (b).—Description.

Item 1. Accounts and Other Receivables—due from other than U. S. Government Agencies. Report under this section the transactions in accounts and other receivables from the sale and rental of U. S. Government surplus property to private individuals and entities, and to State and municipal governments, and to foreign governments.

Item 2. Balance at Beginning of Quarter. Report under this item the amount of outstanding accounts and other receivables as of the beginning of the quarter. This amount should agree with the amount reported under Item 16 in the report for the preceding quarter.

Item 3. Additions. Report under this group additions to accounts and other receivables during the quarter.

Item 4. Credit Sales. Report under this item the amount of credit sales.

Item 5. Rentals. Report under this item the rentals billed.

Items 6 and 7. Report on these blank lines any other additions, with appropriate descriptive titles.

Item 8. Total Additions. Report under this item the sum of Items 4 through 7.

Item 9. Reductions. Report under this group reductions to accounts and other receivables during the quarter.

Item 10. Cash Collections. Report cash collections received from accounts and other receivables under this item.

Item 11. U. S. Dollars. Report under this item cash collections in U. S. dollars.

Item 12. Foreign Currency. Report under this item cash collections in foreign currency (stated in U. S. dollar equivalents).

Items 13 and 14. Report on these blank lines any other reductions, with appropriate descriptive titles.

Item 15. Total Reductions. Report under this item the total of Items 11 through 14.

Item 16. Balance at End of Quarter. Report under this item the total of Items 2 and 8 minus Item 15. An analysis of this balance will be reported on Form SPB–19.

Item 17. Accounts and Other Receivables—due from U. S. Government Agencies and Corporations. Report under this section the transactions in accounts and other receivables from the sale and rental of U. S. Government surplus property to U. S. Government agencies and corporations.

Item 18. Balance at Beginning of Quarter. Report under this item the amount of outstanding accounts and other receivables as of the beginning of the quarter. This amount should agree with the amount reported under Item 30 in the report for the preceding quarter.

Item 19. Additions. Report under this group additions to accounts and other receivables during the quarter.

Item 20. Report under this item sales to U. S. Government agencies and corporations.

Item 21. Report under this item rentals to U. S. Government agencies and corporations.

Items 22 and 23. Report on these blank lines any other additions, with appropriate descriptive titles.

Item 24. Total Additions. Report under this item the total of Items 20 through 23.

Item 25. Reductions. Report under this group reductions to accounts and other receivables during the quarter.

Item 26. Report under this item collections from United States appropriations or funds by check or transfers of appropriations or funds.

Items 27 and 28. Report on these blank lines any other reductions, with appropriate descriptive titles.

Item 29. Total Reductions. Report under this item the total of Items 26 through 28.

Item 30. Balance at End of Quarter. Report under this item the sum of Items 18 and 24 minus Item 29.

Column (c).—Amount. In this column report the appropriate amounts opposite the respective items.

Form SPB-19 (7-18-45)

UNITED STATES OF AMERICA
SURPLUS PROPERTY BOARD

ANALYSIS OF OUTSTANDING ACCOUNTS AND OTHER RECEIVABLES DUE FROM OTHER THAN U. S. GOVERNMENT AGENCIES, FROM THE DISPOSAL OF U. S. GOVERNMENT SURPLUS PROPERTY

Important—See Instructions for Completing This Form on Reverse Side

Budget Bureau No. [illegible]
Approval expires June [illegible], 194[illegible]

1. Reporting agency

2. As of

3. (Name and title of authorized official—*Please type*) (Signature)

4. Date

Item No. (a)	Description (b)	Rate (c)	Amount: In terms of foreign currency (d)	Amount: In terms of U. S. dollars (e)
1	Payable in U. S. dollars			
2	Payable in Foreign Currency			
3				
4				
5				
6				
7				
8				
9				
10				
11				
12				
13				
14				
15				
16				
17				
18				
19				
20				
21				
22				
23				
24				
25				
26				
27				
28				
29				
30				
31				
32				
33				
34				
35	*Total Payable in Foreign Currency*			
36	*Total*			

INSTRUCTIONS FOR FORM SPB–19

GENERAL INSTRUCTIONS

This report supplements SPB–18 summary of accounts and other receivables from the disposal of U. S. Government Surplus Property and represents an analysis by type of currency of the outstanding balance at the end of the quarter of accounts and other receivables—due from other than U. S. Government agencies (Form SPB–18, line 16) from sales and rentals of U. S. Government surplus property in the Continental U. S. and its territories and possessions and in foreign areas.

The report shall be compiled quarterly as of September 30, December 31, March 31, and June 30. An original and two (2) copies shall be submitted to the Surplus Property Board not later than twenty days after the end of the quarter.

These forms may be reproduced locally provided that the size and format are identical to that prescribed by the Board.

INSTRUCTIONS FOR FILLING IN FORM SPB–19

Block 1.—Reporting Agency. Enter the name of the U. S. Government agency submitting the report.

Block 2.—Period. Enter the ending date of the quarter covered by the report.

Block 3.—The name and title of the reporting official should be typed in this block in addition to his signature.

Block 4.—Enter the date filed.

Column (a).—Item number. Lines are numbered consecutively for reference.

Column (b).—Description.

Item 1. Payable in U. S. Dollars. Report under this item the amount of the outstanding accounts and other receivables payable in U. S. dollars.

Items 2 through 34. Payable in Foreign Currency. Report on a separate blank line for each foreign currency the name of the foreign currency, the rate of exchange, and the amount (expressed in terms of the foreign currency, and in U. S. dollar equivalents) of the outstanding accounts and other receivables payable in foreign currency.

Item 35. Total Payable in Foreign Currency. Report under this item the total of accounts and other receivables payable in foreign currency, expressed in U. S. dollar equivalents. (Sum of Items 3 through 34, Column (e).)

Item 36. Total. Report under this item the sum of Items 1 and 35 in Column (e). This amount represents the unpaid balance of accounts and other receivables—due from other than U. S. Government agencies, and should be in agreement with Form SPB–18, Item 16.

Column (c).—Rate. Report in this column the rate of exchange used by the reporting agency to state each type of foreign currency in U. S. dollar equivalents.

Column (d).—In Terms of Foreign Currency. Report in this column the outstanding accounts and other receivables payable in foreign currency expressed in units of the foreign currencies.

Column (e).—In Terms of U. S. Dollars. Report in this column the U. S. dollar equivalent of outstanding accounts and other receivables payable in foreign currency. The amounts reported should equal the product of the rate of exchange (Column (c)) and the units of foreign currency (Column (d)). Report opposite Item 1 the outstanding accounts and other receivables payable in U. S. dollars.

Form SPB-20 (7-18-45)

UNITED STATES OF AMERICA
SURPLUS PROPERTY BOARD

REPORT OF RECEIPT AND DISPOSITION OF PROCEEDS FROM U. S. GOVERNMENT SURPLUS PROPERTY IN FOREIGN AREAS

☐ In terms of U. S. dollars ☐ In terms of foreign currencies

Important—See Instructions for Completing This Form on Reverse Side

Budget Bureau No. 16-R026
Approval expires June 30, 1946

1. Reporting agency

2. For the quarter ended

194

3. (Name and title of reporting official—*Please type*) (Signature)

4. Date

Currency (a)	Rate (b)	Balance at beginning of quarter (c)	Receipts (d)	Disposition of receipts: Deposits to treasurer, U. S. (e)	Disposition of receipts: Credits to miscellaneous receipts (f)	Disposition of receipts: Other dispositions (g)	Balance at end of quarter (h)

INSTRUCTIONS FOR FORM SPB–20

GENERAL INSTRUCTIONS

This report covers the receipt and the disposition of the proceeds derived from the sale and rental of U. S. Government surplus property in foreign areas (outside the Continental United States and its territories and possessions). Separate report Form SPB–20 shall be prepared to reflect such receipts and dispositions in the terms of U. S. dollars and in the terms of foreign currencies. Blocks are provided on the form for the proper designation of the contents of the report.

The report shall be compiled quarterly for each quarter ending September 30, December 31, March 31, and June 30. An original and two (2) copies shall be submitted to the Surplus Property Board not later than twenty days following the end of the quarter.

Form SPB–20—In Terms of U. S. Dollars. Report on this form, under this designation, the receipt and disposition of the proceeds from the sale and rental of U. S. Government surplus property in foreign areas stated in terms of U. S. dollars. Separate entries should be made for each currency reported. The U. S. dollar equivalent reported for each foreign currency should equal the product of the units and the rate of exchange of each foreign currency reported on Form SPB–20—In Terms of Foreign Currencies, and further should be in agreement with the U. S. dollar amounts reflected in the records of the reporting agency. Transactions representing sales or rentals in foreign areas which are consummated for U. S. dollars should be reflected on this report in the same manner as a foreign currency transaction and should be listed as the first item on the reporting form, itemized in Column (a) as "U. S. Dollars."

Form SPB–20—In Terms of Foreign Currencies. This report supplements Form SPB–20—In terms of U. S. dollars, and provides for the reporting of the receipt and disposition of foreign currencies acquired from sales and rentals of U. S. Government surplus property in foreign areas. The receipts and dispositions will be stated in terms of each foreign currency and separate entries should be made for each type of currency reported. Transactions representing sales and rentals of surplus property in foreign areas which are consummated for U. S. dollars should not be reported on this form.

These forms may be reproduced locally provided that the size and format are identical to that prescribed by the Board.

INSTRUCTIONS FOR FILLING IN FORM SPB–20

Block 1.—Reporting Agency. Enter the name of the U. S. Government agency submitting the report.

Block 2.—Quarter Ended. Enter the ending date of the quarter covered by the report.

Block 3.—The name and title of the reporting official should be typed in this block in addition to his signature.

Block 4.—Enter the date filed.

Column (a).—Currency. Enter in this column the name of each currency.

Column (b).—Rate. Report in this column the rate of exchange used by the reporting agency to state each type of foreign currency in U. S. dollar equivalents.

Column (c).—Balance at Beginning of Quarter. Report in this column the balances of each currency at the beginning of the quarter. This balance should agree with the amounts reported in Column (h) of the report for the preceding quarter.

Column (d).—Receipts. Report in this column the receipts for the quarter.

Column (e).—Deposits to Treasurer, U. S. Report in this column the amount of each foreign currency deposited in foreign depositary banks for the account of the Treasurer of the United States.

Column (f).—Credits to Miscellaneous Receipts. Report in this column credits to miscellaneous receipt account 5530 "Proceeds from Surplus Property in Foreign Areas." The credits to be reported will include dispositions of foreign currencies by the reporting agency for which U. S. dollars are realized. The total amount reported in this column on Form SPB–20 should agree with the amount reported on Form SPB–17, line 16, Column (d).

Column (g).—Other Dispositions. Report in this column all other dispositions of receipts such as "refunds to purchasers," "reimbursements to appropriation accounts," and "reimbursements to Government corporations".

Column (h).—Balance at End of Quarter. Report in this column the undistributed receipts on hand at the end of quarter.

[F. R. Doc. 45–14272; Filed, Aug. 3, 1945; 11:07 a. m.]

[Special Order 15]

DESTRUCTION OF BITUMINOUS EMULSION CAMOUFLAGE PAINT

The War Department has declared surplus to the Reconstruction Finance Corporation as a disposal agency approximately one million gallons of bituminous emulsion camouflage paint, and the War Department has further quantities of this paint which it will or may

declare surplus in the future. The Reconstruction Finance Corporation, after endeavoring to find a commercial use for this paint and after exhaustive study, has submitted its findings to the Surplus Property Board.

The Reconstruction Finance Corporation has found "that such paint has no commercial value and that the cost of care and handling will in all cases far exceed any proceeds which might be realized from its disposition, for the following reasons: (1) This type of paint has no commercial value in its present form; (2) its conversion into a commercially usable product would necessitate a material increase in gallonage and be too expensive to be practical; (3) the paint's pronounced tendency to 'bleed through' any oil-base paint applied subsequently to its application renders it hazardous and useless as a commercial paint; and (4) the estimated cost of removing such paint from the drums would far exceed the sales price of the drums."

The Reconstruction Finance Corporation has further reported that "the immediate destruction of bituminous emulsion camouflage paint determined to be surplus will in all cases be necessary and desirable because of the nature of the property and the expense and difficulty of its care and handling. It requires large and valuable storage space and entails various charges for its care and handling, and it is subject to evaporation, freezing and thawing, and consequent leakage of the drums."

Because of the fact that this paint has no civilian utility it is not deemed feasible to donate surplus supplies of it to any institution or agency supported by the Federal Government or any State or local government or to any nonprofit educational or charitable organization.

In reliance upon the findings of the Reconstruction Finance Corporation recited above, and pursuant to section 13 (b) of the Surplus Property Act of 1944 (58 Stat. 765; 50 U.S.C. App. Sup. 1611); *It is hereby ordered*, That:

1. The Reconstruction Finance Corporation and all owning agencies are hereby authorized to destroy any and all surplus bituminous emulsion camouflage paint now or hereafter in their possession.

2. In view of the fact that the nature of this property and the expense and difficulty of its care and handling are such as to render its immediate destruction necessary and desirable, neither the Reconstruction Finance Corporation nor any owning agency shall be required to give public notice of any proposed destruction of such property or to attempt to dispose of such property otherwise than by destruction.

3. The Reconstruction Finance Corporation and any owning agency shall, within twenty (20) days after any destruction carried out under the authority of this order, report in writing to the Surplus Property Board the amount of property destroyed.

This order shall become effective August 1, 1945.

NOTE: The reporting requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

SURPLUS PROPERTY BOARD,
By A. E. HOWSE,
Administrator.

JULY 31, 1945.

[F. R. Doc. 45-14359; Filed, Aug. 3, 1945; 12:06 p. m.]

[SPB Reg. 3, Order 30]

CONNECTICUT, MASSACHUSETTS, MAINE, AND NEW HAMPSHIRE

ALLOCATION OF TRUCKS FOR DISPOSAL TO FARMERS AND FARMERS' COOPERATIVES IN CERTAIN COUNTIES

Pursuant to § 8303.4 of Surplus Property Board Regulation No. 3, entitled "Dispositions of Surplus Property in Rural Areas and to Farmers" (10 F.R. 5325) and in reliance upon the certificate of the Secretary of Agriculture to the Surplus Property Board that farm production is impaired or threatened to be impaired in the areas named below by a shortage of trucks; *It is hereby ordered*, That:

1. The Department of Commerce, as disposal agency, shall allocate for disposal to farmers and farmers' cooperative associations holding certificates of the Agricultural Adjustment Agency and located in Hartford, Tolland, New Haven, and Middlesex Counties, Connecticut, and Berkshire, Hampden, Hampshire, and Franklin Counties, Massachusetts, 57 one-and-one-half-ton trucks, 2 two-and-one-half-ton trucks, and 1 three-ton truck, and shall without regard to the requirements of Surplus Property Board Regulation No. 2 (10 F.R. 5104, 8911) take immediate steps so to dispose of such property by the methods provided in § 8303.4 (c).

2. The Department of Commerce, as disposal agency, shall allocate for disposal to farmers and farmers' cooperative associations holding certificates of the Agricultural Adjustment Agency and located in Aroostook, Penobscot, Piscataquis, Somerset, and Waldo Counties, Maine, 18 two-and-one-half-ton cargo trucks and 20 one-and-one-half-ton cargo trucks, and shall without regard to the requirements of Surplus Property Board Regulation No. 2 (10 F.R. 5104, 8911) take immediate steps so to dispose of such property by the methods provided in § 8303.4 (c).

3. The Department of Commerce, as disposal agency, shall allocate for disposal to farmers and farmers' cooperative associations holding certificates of the Agricultural Adjustment Agency and located in Cheshire, Hillsboro, Merrimack, and Rockingham Counties, New Hampshire, 13 one-and-one-half-ton cargo trucks and 1 one-and-one-half-ton truck, and shall without regard to the requirements of Surplus Property Board Regulation No. 2 (10 F.R. 5104, 8911) take immediate steps so to dispose of such property by the methods provided in § 8303.4 (c).

This order shall become effective immediately.

SURPLUS PROPERTY BOARD,
By A. E. HOWSE,
Administrator.

JULY 30, 1945.

[F. R. Doc. 45-14254; Filed, Aug. 2, 1945, 4:39 p. m.]

WAR PRODUCTION BOARD.

[C-403]

WALTER S. MILNE

CONSENT ORDER

Walter S. Milne, engaged in business as a general carpenter in Marshfield, Massachusetts, is charged by the War Production Board with having carried on construction on a residential building owned by Chester L. Field of Marshfield, Massachusetts, at an estimated cost of $5,000 between the dates of November 1, 1944 and June 1, 1945 without authorization from the War Production Board and in violation of War Production Board Conservation Order L-41. Walter S. Milne admits the violation as charged, does not desire to contest the charge as made, and has consented to the issuance of this order.

Wherefore, upon the agreement and consent of Walter S. Milne, the Regional Compliance Manager and the Regional Attorney, and upon the approval of the Compliance Commissioner,

It is hereby ordered, That: (a) Walter S. Milne shall do no construction on the premises at Ocean Avenue, Brant Rock Section, Marshfield, Massachusetts including putting up, altering, or finishing the structure, unless hereafter specifically authorized in writing by the War Production Board.

(b) Nothing contained in this order shall be deemed to relieve Walter S. Milne, his successors or assigns, from any restriction, prohibition, or provision contained in any other order or regulation of the War Production Board, except insofar as the same may be inconsistent with the provisions hereof.

(c) The restrictions and prohibitions contained herein shall apply to Walter S. Milne, his successors or assigns, or persons acting on his behalf. Prohibitions against the taking of any action include the taking indirectly as well as directly of any such action.

Issued this 3d day of August 1945.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 45-14274; Filed, Aug. 3, 1945; 11:24 a. m.]

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FEDERAL REGISTER

VOLUME 10 NUMBER 156

Washington, Tuesday, August 7, 1945

The President

EXECUTIVE ORDER 9592A

AMENDMENT OF EXECUTIVE ORDER NO. 9400 OF DECEMBER 3, 1943, AUTHORIZING THE SECRETARY OF THE NAVY TO TAKE POSSESSION OF AND OPERATE THE SHIPYARD OF THE LOS ANGELES SHIPBUILDING AND DRYDOCK CORPORATION AT LOS ANGELES, CALIFORNIA

By virtue of the authority vested in me by the Constitution and laws of the United States, including section 9 of the Selective Training and Service Act of 1940, as amended, as President of the United States and Commander in Chief of the Army and Navy of the United States, it is ordered that the last paragraph of Executive Order No. 9400 of December 3, 1943, authorizing the Secretary of the Navy to take possession of and operate the shipyard of the Los Angeles Shipbuilding and Drydock Corporation at Los Angeles, California, be, and it is hereby, amended to read as follows:

"Possession and operation of the said shipyard under this order shall be terminated by the Secretary of the Navy when he determines that the shipyard will be operated privately in an efficient manner consistent with the requirements of the war effort."

HARRY S. TRUMAN

THE WHITE HOUSE,
July 23, 1945.

[F. R. Doc. 45-14373; Filed, Aug. 4, 1945; 10:18 a. m.]

Regulations

TITLE 6—AGRICULTURAL CREDIT

Chapter I—Farm Credit Administration

PART 23—THE FEDERAL LAND BANK OF COLUMBIA

LOAN APPLICATION FEES

Section 23.1 of Title 6, Code of Federal Regulations, is amended to read as follows:

§ 23.1 *Loan application fees.* The following fees shall be charged in connection with loan applications:

Appraisal fee. An appraisal fee of $10 is payable at the time the application is filed.

Non-resident applicants. If the applicant does not reside within the Third Farm Credit District a fee of $7.50 in addition to the regular appraisal fee will be charged to cover the cost of securing a separate appraisal report from the district of his residence.

Reappraisal fee. If a reappraisal is required because of delay for which the Bank is not responsible, or is made at the applicant's request, the regular appraisal fee will be charged for the reappraisal.

Return of fee. If the application is withdrawn or cancelled before appraisal by the Bank, the appraisal fee will be refunded to the applicant. If the application is withdrawn or cancelled after appraisal by the Bank, the appraisal fee will not be refunded to the applicant.

Loans on naval stores farms. The regular appraisal fee will apply to this type of application. If preliminary appraisal and review are made, none of the fee will be refunded. If it is determined by the Bank and the applicant, after preliminary appraisal and contact with the applicant, that the application is to be handled to a definite conclusion, a fee of 5¢ per acre for timber cruise will be charged, to be paid prior to the making of the cruise. If the cost of the cruise is less than the timber cruise fee previously collected, the difference will be refunded to the applicant.

(Sec. 13 "Ninth," 39 Stat. 372, sec. 26, 48 Stat. 44, sec. 32, 48 Stat. 48, as amended; 12 U.S.C. 781 "Ninth," 723 (e), 1016 (e) and Sup.; 6 CFR 19.322 and 19.326) [Res. Bd. Dir. July 19, 1945].

[SEAL] THE FEDERAL LAND BANK OF COLUMBIA,
JULIAN H. SCARBOROUGH,
President.

Confirmed:

C. M. EARLE, Jr.,
Secretary.

[F. R. Doc. 45-14424; Filed, Aug. 6, 1945; 9:44 a. m.]

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NOTICE

1944 Supplement

Book 1 of the 1944 Supplement to the Code of Federal Regulations, containing Titles 1-10, including Presidential documents in full text, is now available from the Superintendent of Documents, Government Printing Office, at $3.00 per copy.

A limited sales stock of the Cumulative Supplement and the 1943 Supplement is still available as previously announced.

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[T. D. 51288]

PART 4—VESSELS IN FOREIGN AND DOMESTIC TRADES

CORRECTION OF MANIFEST

Section 4.12 (a), Customs Regulations of 1943 (19 CFR, Cum. Supp., 4.12 (a)), is amended by adding the following:

§ 4.12 *Correction of manifest.* (a) • • • Collectors of customs shall, by such means as they may deem appropriate, notify masters or agents of vessels of shortages or overages in cargoes which require the filing of shortage affidavits or post entries.

(R.S. 161, secs. 440, 584, 624, 46 Stat. 712, 748, 759, sec. 204, 49 Stat. 523; 5 U.S.C. 22, 19 U.S.C. 1440, 1584, 1624. E.O. 9083; 7 F.R. 1609)

[SEAL] W. R. JOHNSON,
Commissioner of Customs.

Approved: August 1, 1945.

HERBERT E. GASTON,
Acting Secretary of the Treasury.

[F. R. Doc. 45-14374; Filed, Aug. 4, 1945; 10:26 a. m.]

TITLE 7—AGRICULTURE

Subtitle A—Office of the Secretary of Agriculture

PART 1—ADMINISTRATIVE REGULATIONS

DELEGATION OF AUTHORITY WITH RESPECT TO LAND EXCHANGES AND ADJUSTMENT OF TITLES TO LANDS

By virtue of the authority vested in me by the acts of Congress approved March 3, 1925 (43 Stat. 1215, 16 U.S.C. 516), and July 8, 1943 (57 Stat. 388, 5 U.S.C. 1940 ed., Sup. IV, 567), it is hereby ordered as follows:

Delegation of authority with respect to land exchanges and the adjustment of titles to lands. (a) The Chief or Acting Chief of the Service is hereby authorized and directed, in connection with lands acquired by the United States which are subject to his administration, custody or control, to perform the following functions:

(1) Exercise all functions under Public Law No. 591, 68th Congress, 2d Session, approved March 3, 1925, incident to land exchanges under said act. The title to the land accepted in exchange shall be approved by the Solicitor prior to the completion of the exchange.

(2) Exercise all functions under Public Law 120, 78th Congress, 1st Session, approved July 8, 1943, incident to the adjustment of titles to lands under said act. All title adjustments shall be approved by the Solicitor prior to the execution of quitclaim deeds on behalf of the United States.

(43 Stat. 1215, 16 U.S.C. 516; 57 Stat. 388, 5 U.S.C. Sup. IV, 567)

Done at Washington, D. C., this 3d day of August, 1945.

[SEAL] J. B. HUTSON,
Acting Secretary of Agriculture.

[F. R. Doc. 45-14362; Filed, Aug. 3, 1945; 3:19 p. m.]

Chapter XI—War Food Distribution Orders

[WFO 22-8, Amdt. 4]

PART 1425—CANNED AND PROCESSED FOODS

CANNED FRUITS, AND CANNED FRUIT JUICES, REQUIRED TO BE SET ASIDE DURING 1945

War Food Order No. 22-8, as amended (10 F.R. 1257, 7522, 7608, 8198), is hereby further amended by deleting Table 1 attached thereto and inserting, in lieu thereof, Table 1 attached hereto.

The provisions of this amendment shall become effective at 12:01 a. m., e. w. t., August 5, 1945. With respect to violations, rights accrued, liabilities incurred, or appeals taken under said War Food Order No. 22-8, as amended, prior to the effective time of the provisions hereof, the provisions of the said War Food Order No. 22-8, as amended, in effect prior to the effective time of the provisions hereof shall be deemed to continue in full force

and effect for the purpose of sustaining any proper suit, action, or other proceeding with respect to any such violation, right, liability, or appeal.

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423; E.O. 9392, 8 F.R. 14783; E.O. 9577, 10 F.R. 8087; WFO No. 22, as amended, 8 F.R. 2243, 6397; 9 F.R. 4321, 4319, 9584; 10 F.R. 103)

Issued this 3d day of August 1945.

[SEAL] C. W. KITCHEN,
Director of Marketing Services.

TABLE I—CANNED FRUITS AND CANNED FRUIT JUICES

A	B	C	D	E	F	G	H	I
Product	Percentage of base pack			Type style variety (sequence does not denote preference)	Grade preference			Can size
	Specific reserve	Contingency reserve	Total (cols. B and C)		First	Second	Third	
Apples	72	*8	80	Heavy Pack	Standard	Fancy		10.
Applesauce	42	*6	48		Fancy	Standard		No. 2.
Apricots	58	*3	61	Halved, unpeeled	Choice	Standard (fancy not desired)	Fancy water pack	10-2½.
						(2)		10.
Berries [1]	140	*10	100		Water Pack	Water Pack		No.
Blueberries	130	*10	140		Choice	Fancy	Standard	10-2½; 2.
Cherries, sweet	22	*3	25		Choice	Fancy	Standard	10-2½.
Figs	75	*5	80	Kadota	Choice	Fancy		10-2½.
Fruit cocktail	42	*10	52		Top choice [3]	Top Std.		10-2½.
Peaches	50	*10	60	Yellow cling stone halved or sliced.	Choice	Fancy		10-2½.
				Yellow freestone halved or sliced.	Choice	Fancy		10-2½.
				Bartlett, halved	Choice	Top Std. [4]	Fancy	10-2½.
Pears	70	*10	80	Sliced, crushed, chunks, tidbits (except cocktail tidbits).	Fancy	Choice	Standard	10-2½; 2.
Pineapple	56	*10	66					
Pineapple juice	26	*10	36		Fancy			10-3 cyl. 2.

*Indicates that Government intends to purchase all of contingency reserve in addition to the specific reserve.
[1] Blackberries, boysenberries, loganberries, youngberries only. Percentage applies to combined pack of the four varieties.
[2] Syrup pack not desired.
[3] Not below 15 points for absence of defects. Not below 15 points for character, with a total minimum not below 80 points, as defined in terms of U. S. grades.
[4] Top Standard means 70-74 inclusive as defined in terms of U. S. grades.

[F. R. Doc. 45-14382; Filed, Aug. 4, 1945; 11:10 a. m.]

[WFO 22-9, Amdt. 4]

PART 1425—CANNED AND PROCESSED FOODS

CANNED VEGETABLES, AND CANNED VEGETABLE JUICES, REQUIRED TO BE SET ASIDE DURING 1945

War Food Order No. 22-9, as amended (10 F.R. 1260, 5761, 7155, 8199), is hereby further amended by deleting Table 1 attached thereto and inserting, in lieu thereof, Table 1 attached hereto.

The provisions of this amendment shall become effective at 12:01 a. m., e. w. t., August 5, 1945. With respect to violations, rights accrued, liabilities incurred, or appeals taken under said War Food Order No. 22-9, as amended, prior to the effective time of the provisions hereof, the provisions of the said War Food Order No. 22-9, as amended, in effect prior to the effective time of the provisions hereof shall be deemed to continue in full force and effect for the purpose of sustaining any proper suit, action, or other proceeding with respect to any such violation, right, liability, or appeal.

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423; E.O. 9392, 8 F.R. 14783; E.O. 9577, 10 F.R. 8087; WFO No. 22, as amended, 8 F.R. 2243, 6397; 9 F.R. 4321, 4319, 9584; 10 F.R. 103)

Issued this 3d day of August 1945.

[SEAL] C. W. KITCHEN,
Director of Marketing Services.

TABLE I—CANNED VEGETABLES AND CANNED VEGETABLE JUICES

A	B	C	D	E	F	H	H	I
Product	Percentage of base pack			Type style variety (sequence does not denote preference)	Grade preference			Can size
	Specific reserve	Contingency reserve	Total (cols. B and C)		First	Second	Third	
Asparagus	61	*4	65	All green or culturally blanched.	Fancy cut	Fancy spear		10-2½; 2.
Beans, lima	31	*3	34	Fresh	Extra Std	Top Std [1]	Fancy	10-2
Beans, snap	18	*2	20	Green cut, wax cut	Extra Std	Top Std [1]	Fancy	10-2½; 2.
Beets	40	*6	46	Cut, quartered, diced, sliced.	Fancy	Top Std [1]		10-2½; 2.
				Diced		Top Std [4]		10-2½; 2.
Carrots	85	*10	95	White, yellow, cream style, whole kernel	Fancy	Extra Std	Top Std.	10-2 12 oz.
Corn, sweet	36	*6	42					
Peas	33	*5	38	Alaska 3, 4 Sieve. Sweet Jessve and larger, ungraded.	Extra Std	Top Std	Fancy	10-2.
				Whole pieces and unmashed	Std			2½; 2.
Potatoes, sweet	41	*6	47		Fancy	Top Std [1]		2½
Pumpkin or squash	35	*6	41		Fancy	Top Std [1]		10-2½
Sauerkraut	33	*7	40		Fancy	Top Std [1]		10-2½; 2.
Spinach	69	*7	76		Fancy	Top Std [1]	Fancy	10-2½; 2.
Tomatoes	75	*8	83		Extra Std	Top Std [1]		10-3 cyl. 2.
Tomato catsup	51	*6	57		Fancy 20-24% solids	Fancy 25% solids or over.	Fancy 27-29% solids	10-3 cyl. 2; 12 oz. glass 12
					Fancy			10-3 cyl. 2.
Tomato juice	10	*6	16					
Tomato puree	0	0	0		Fancy			10-2½; 2-6 c.
Tomato paste	25	*3	28					

[1] Top standard means 70-74 inclusive as defined in terms of U. S. grades.
[4] Top standard means 80-84 inclusive as defined in terms of U. S. grades.
[5] Full inside enlisted cans re pured. Number 10 cans to be used for whole kernel only.
* Indicates that Government intends to purchase all of contingency reserve in addition to the specific reserve.

[F. R. Doc. 45-14383; Filed, Aug. 4, 1945; 11:10 a. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

[Regs. Serial No. 331-A]

PART 15—AIRCRAFT EQUIPMENT AIRWORTHINESS

NONCOMPLIANCE WITH REQUIREMENTS WITH RESPECT TO AIR CARRIER AIRPLANE REAR POSITION LIGHTS

Extending the effective period of Special Civil Air Regulation Serial Number 331, Noncompliance with the requirements of § 15.2015 of the Civil Air Regulations with respect to air carrier airplane rear position lights.

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 31st day of July 1945.

Effective July 31, 1945, Special Civil Air Regulation Serial Number 331 is amended by striking the words "July 31, 1945" and inserting in lieu thereof the words "January 1, 1946."

(52 Stat. 984, 1007; 49 U.S.C. 425, 551)

By the Civil Aeronautics Board.

[SEAL] FRED A. TOOMBS,
Secretary.

[F. R. Doc. 45-14377; Filed, Aug. 4, 1945; 11:01 a. m.]

[Civil Air Regs., Amdt. 60-1 [1]]

PART 60—AIR TRAFFIC RULES

DIRECTIONS FOR CRUISING ALTITUDES UNDER IFR TO BE DESIGNATED IN MAGNETIC INSTEAD OF TRUE COURSE

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 31st day of July, 1945.

Effective August 1, 1945, § 60.24 (b) of the Civil Air Regulations is amended by striking the words "True Course" from the table heading and substituting in lieu thereof "Magnetic Heading."

(52 Stat. 984, 1007; 49 U.S.C. 425, 551)

By the Civil Aeronautics Board.

FRED A. TOOMBS,
Secretary.

[F. R. Doc. 45-14425; Filed, Aug. 6, 1945; 10:52 a. m.]

TITLE 17—COMMODITY AND SECURITIES EXCHANGES

Chapter I—Commodity Exchange Authority (Including Commodity Exchange Commission), Department of Agriculture [2]

PART O—RULES OF PRACTICE

REVISION OF DEFINITIONS

By virtue of the authority vested in the Commodity Exchange Commission by the Commodity Exchange Act (42 Stat. 998, as amended; 7 U.S.C. 1 et seq.), the rules appearing in Title 17, Chapter 1, Part O, Subpart B, Cumulative Supplement to the Code of Federal Regulations, are amended:

1. By striking § 0.52 (e) and (r) and substituting in lieu thereof the following paragraphs, respectively:

§ 0.52 *Definitions.* • • •

(e) The term "Commodity Exchange Authority" means the Act Administrator and the officers and employees designated by him to perform duties in connection with the administration of the Commodity Exchange Act.

• • • • •

(r) The term "Act Administrator" means the Director of Investigatory Services of the Department, in his capacity as Administrator of the Commodity Exchange Act.

2. By striking the word "Administration" wherever it appears in Subpart B and inserting in lieu thereof the words "Commodity Exchange Authority."

3. By striking the word "Administrator" wherever it appears in Subpart B and substituting in lieu thereof the words "Act Administrator."

Issued this 4th day of August 1945.

[SEAL] COMMODITY EXCHANGE COMMISSION,
CLINTON P. ANDERSON,
Secretary of Agriculture, Chairman.
ALFRED SCHINDLER,
Acting Secretary of Commerce.
TOM C. CLARK,
Attorney General.

[F. R. Doc. 45-14434; Filed, Aug. 6, 1945; 11:06 a. m.]

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[1] Amendment 60-1 is a correction of the amendment appearing on page 9657 of the issue of Saturday, August 4, 1945, designated Amendment 60-3.

[2] Formerly "War Food Administration Commodity Exchanges)".

TITLE 24—HOUSING CREDIT

Chapter V—Federal Housing Administration

Subchapter C—Mutual Mortage Insurance

PART 521—ADMINISTRATIVE RULES FOR MUTUAL MORTGAGE INSURANCE UNDER SECTION 203 OF THE NATIONAL HOUSING ACT

FEE TO ACCOMPANY APPLICATION

Section 521.11 is hereby amended to read as follows:

§ 521.11 *Fee to accompany application.* If the application is for a firm commitment, with respect to new or existing construction or for a conditional commitment with respect to new construction, it must be accompanied by the mortgagee's check for a sum computed at a rate of three dollars ($3) per thousand dollars ($1,000) of the original principal amount of the mortgage loan applied for, to cover the costs of appraisal by the Administrator, but in no case shall such sum be less than ten dollars ($10). If an application is refused without an appraisal being made by the Administrator, the fee will be returned to the applicant but no portion of the fee will be returned after appraisal or an account of any difference between the amount applied for and the amount approved for insurance.

If the application is for a conditional commitment, with respect to existing construction, it must be accompanied by the mortgagee's check for ten dollars ($10) regardless of the amount of the mortgage. The balance, if any, of the fee as stipulated herein shall be payable upon and shall accompany the application for the firm commitment, if any, subsequently submitted pursuant thereto.

Issued at Washington, D. C., this 3d day of August 1945.

RAYMOND M. FOLEY,
Federal Housing Commissioner.

[F. R. Doc. 45-14365; Filed, Aug. 3, 1945; 3:28 p. m.]

Subchapter H—War Housing Insurance

PART 576—ADMINISTRATIVE RULES FOR WAR HOUSING INSURANCE UNDER SECTION 603 OF THE NATIONAL HOUSING ACT

FEE TO ACCOMPANY APPLICATION

Section 576.14 is hereby amended to read as follows:

§ 576.14 *Fee to accompany application.* If the application is for a firm commitment, with respect to new or existing construction or for a conditional commitment with respect to new construction, it must be accompanied by the mortgagee's check for a sum computed at a rate of three dollars ($3) per thousand dollars ($1,000) of the original principal amount of the mortgage loan applied for, to cover the costs of appraisal by the Administrator, but in no case shall such sum be less than ten dollars ($10). If an application is refused without an appraisal being made by the Administrator, the fee will be returned to the applicant but no portion of the fee will be returned after appraisal or on account of any difference between the amount applied for and the amount approved for insurance.

If the application is for a conditional commitment, with respect to existing construction, it must be accompanied by the mortgagee's check for ten dollars ($10) regardless of the amount of the mortgage. The balance, if any, of the fee as stipulated herein shall be payable upon and shall accompany the application for the firm commitment, if any, subsequently submitted pursuant thereto.

Issued at Washington, D. C. this 3d day of August 1945.

RAYMOND M. FOLEY,
Federal Housing Commissioner.

[F. R. Doc. 45-14364; Filed, Aug. 3, 1945; 3:28 p. m.]

TITLE 29—LABOR

Chapter VI—National War Labor Board

PART 803—GENERAL ORDERS

WELDING WORK IN OIL WELL SERVICING INDUSTRY IN LEA COUNTY, N. MEX.

The National War Labor Board, under paragraph (d) of § 803.4 *General Order No. 4*, has approved the following exception to the exemption provided for in paragraph (a) of this order:

(63) All shops engaged in welding work in the oil well servicing industry in the County

of Lea, State of New Mexico. (Approved May 24, 1945.)

(E.O. 9250, Oct. 2, 1942, 7 F.R. 7871; as amended by E.O. 9381, Sept. 25, 1943, 8 F.R. 13083; E.O. 9328, Apr. 8, 1943, 8 F.R. 4681; Act of Oct. 2, 1942, C 578, 56 Stat. 765, Pub. Law 729, 77th Cong.)

THEORDORE W. KHEEL,
Executive Director.

[F. R. Doc. 45-14372; Filed, Aug. 4, 1945; 9:58 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter IX—War Production Board

AUTHORITY: Regulations in this chapter, unless otherwise noted at the end of documents affected, issued under sec. 2 (a), 54 Stat. 676, as amended by 55 Stat. 236, 56 Stat. 177, 58 Stat. 827; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; W.P.B. Reg. 1 as amended Dec. 31, 1943, 9 F.R. 64.

PART 1010—SUSPENSION ORDERS

[Suspension Order S-872]

TESSENDORF FURNITURE CO.

Roy Tessendorf, doing business as Tessendorf Furniture Company, Onaga, Kansas, is engaged in the furniture and undertaking business and in the operation of a liquefied petroleum gas bulk loading station. During April, 1944, he received delivery of liquefied petroleum gas equipment for installation purposes without authorization from the War Production Board in violation of Limitation Order L-86. Roy Tessendorf continued using this equipment after his application for authorization for doing so was denied by the War Production Board, which constituted a wilful violation of Limitation Order L-86.

This violation of Limitation Order L-86 has diverted critical materials to uses not authorized by the War Production Board. In view of the foregoing, it is hereby ordered, that:

§ 1010.872 *Suspension Order No. S-872.* (a) Unless otherwise specifically authorized in writing by the War Production Board, Roy Tessendorf shall not complete the installation of or put into operation the liquefied petroleum gas equipment delivered to him during April, 1944 at Onaga, Kansas.

(b) The restrictions and prohibitions contained herein shall apply to Roy Tessendorf, doing business as Tessendorf Furniture Company or otherwise, his successors or assigns, and persons acting on his behalf. Prohibitions against taking of any action include the taking indirectly or directly of any such action.

(c) Nothing contained in this order shall be deemed to relieve Roy Tessendorf from any restriction, prohibition or provision contained in any other order or regulation of the War Production Board, except insofar as the same may be inconsistent with the provisions hereof.

Issued this 4th day of August 1945.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc 45-14413; Filed, Aug. 4, 1945; 11:51 a. m.]

PART 1010—SUSPENSION ORDERS

[Suspension Order S-873]

ELECTRO GAS CO.

R. H. Frans, doing business as Electro Gas Company, Syracuse, Nebraska, is engaged in the sale of liquefied petroleum gas. During February, 1944 he purchased liquefied petroleum gas equipment for installation purposes without authorization from the War Production Board in violation of Limitation Order L-86. R. H. Frans continued using this equipment after specific warning to cease in wilful violation of Limitation Order L-86.

This violation of Limitation Order L-86 has diverted critical materials to uses not authorized by the War Production Board. In view of the foregoing, it is hereby ordered, that:

§ 1010.873 *Suspension Order No. S-873.* (a) Unless otherwise specifically authorized in writing by the War Production Board, R. H. Frans shall not complete the installation of or put into operation the liquefied petroleum gas equipment purchased by him during February, 1944 and located at Syracuse, Nebraska.

(b) The restrictions and prohibitions contained herein shall apply to R. H. Frans, doing business as Electro Gas Company or otherwise, his successors or assigns, and persons acting on his behalf. Prohibitions against the taking of any action include the taking indirectly as well as directly of any such action.

(c) Nothing contained in this order shall be deemed to relieve R. H. Frans from any restriction, prohibition or provision contained in any other order or regulation of the War Production Board, except insofar as the same may be inconsistent with the provisions hereof.

Issued this 4th day of August 1945.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 45-14414; Filed, Aug. 4, 1945; 11:51 a. m.]

PART 3290—TEXTILES, CLOTHING AND LEATHER

[Conservation Order M-328, Direction 20]

PRIORITIES ASSISTANCE FOR CARDED COTTON AND RAYON YARN FOR SHOE LACE MANUFACTURERS

The following direction is issued pursuant to Conservation Order M-328:

(a) *Who may obtain priorities assistance.* Manufacturers of shoe laces who need cotton or rayon yarn before October 1, 1945 for the production of shoe laces and who are unable to obtain it without a preference rating may apply for priorities assistance with which to obtain carded cotton yarn or spun rayon yarn or bright continuous filament acetate yarn for such purposes. If, before the issuance of this direction, a manufacturer has already applied for priorities assistance to fill his yarn needs for the period covered by this direction, he does not need to apply again.

(b) *Applications for carded cotton yarn.* If a manufacturer wants priorities assistance to get carded cotton yarn for the purpose of making shoe laces, he must apply on Form WPB-2842 to the War Production Board, Textile, Clothing and Leather Bureau, Washington 25, D. C., Ref: Direction 20 to M-328 not later than August 11, 1945.

(c) *Applications for rayon yarns.* If a manufacturer wants priorities assistance to get rayon yarn for the purpose of making shoe laces he must write a letter to the War Production Board, Textile, Clothing and Leather Bureau, Washington 25, D. C., Ref: Direction 20 to M-328 not later than August 11, 1945, stating:

(1) The quantity of spun rayon yarn and the quantity of bright continuous filament acetate rayon yarn for which a preference rating is desired.

(2) How much cotton yarn, how much spun rayon yarn and how much continuous filament rayon yarn he consumed in the manufacture of shoe laces during the second quarter of 1945.

(3) That all the rayon yarn purchased by using a preference rating obtained under this direction will be used by him to make shoe laces.

(d) *Allocations of materials.* The War Production Board, in proper cases, and in accordance with the policy stated below, will, on Form WPB-2842 assign a preference rating and specify the amount and type of carded cotton yarn authorized, and, in a letter to the applicant, assign a preference rating and specify the amount and type of rayon yarn authorized. The total amount of carded cotton yarn and rayon yarn for which priorities assistance will be granted under this direction is limited. Within the available supply, applications will generally be granted pro rata, based on the amount of yarn used by the applicant in the manufacture of shoe laces in the second quarter of 1945. Persons who did not use yarn in the manufacture of shoe laces in the second calendar quarter of 1945 and persons whose use of yarn for such purposes during that period was below their usual quarterly consumption may, nevertheless, apply for their needs and their applications will be processed on an equitable basis.

(e) *Applications and extensions of preference ratings.* Orders for carded cotton and rayon yarn may be placed and preference ratings assigned under this direction must be applied and extended in the manner provided in Priorities Regulations 1 and 3. In the case of rated orders for carded cotton yarn, the purchaser must add the following certification properly filled in to the certification described in Priorities Regulation 3 or 7:

This rating has been assigned on Form WPB-2842. WPB Case Number ------

No person may apply a preference rating assigned under this direction to an order calling for delivery of carded cotton or rayon yarn after September 20, 1945.

(f) *Bureau of the Budget approval.* The provisions of paragraph (b) and (c) have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 4th day of August 1945.

WAR PRODUCTION BOARD.
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 45-14411; Filed, Aug. 4, 1945; 11:51 a. m.]

PART 3285—LUMBER AND LUMBER PRODUCTS

[Limitation Order L-350]

SOFTWOOD VENEER

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of softwood veneer for defense, for private account and for export; and the following order is deemed necessary and appropriate in the public interest and to promote national defense.

§ 3285.146 *Order L-350*—(a) *What this order does.* This order forbids the delivery of softwood veneer produced in the states of Washington, Oregon, and California except to softwood plywood manufacturers and box manufacturers and prohibits the use of softwood veneer except for the manufacture of softwood plywood or wooden shipping containers.

(b) *Definitions.* For the purpose of this order:

(1) "Softwood veneer" means single thickness lumber produced in the states of Washington, Oregon, or California by rotary cutting or peeling of any species of softwood logs.

(2) "Softwood plywood" means a built-up board of laminated veneers of any species of softwood united with a bonding agent, produced in the States of Washington, Oregon, or California.

(3) "Box-veneer" means veneer made for use, in single thickness, in the manufacture of wooden shipping containers.

(4) "Box-manufacturer" means a person who manufactures wooden shipping containers made in whole or in part from box-veneer.

(5) "Softwood plywood manufacturer" means a person who manufactures softwood plywood to the extent that he does so in the states of Washington, Oregon, or California.

(6) "Softwood veneer producer" means any person who operates in the states of Washington, Oregon, or California a plant in which softwood veneer is produced.

(c) *Deliveries by softwood veneer producers.* No softwood veneer producer may sell, ship or deliver any softwood veneer except to softwood plywood manufacturers and box manufacturers on orders bearing the certification provided in paragraph (e) below. (Note: A producer of box veneer must sell box veneer only to box manufacturers to the extent of his quota under Order M-343.)

(d) *Restrictions on receipt and use of softwood veneer.* No softwood plywood manufacturer or box manufacturer may receive or use softwood veneer for any purpose other than to manufacture softwood plywood or wooden shipping containers.

(e) *Certificate required to purchase softwood veneer.* Whenever a softwood plywood manufacturer or box manufacturer places an order with a softwood veneer producer for delivery of softwood veneer, he must accompany his order with a certificate in substantially the following form signed manually or as explained in Priorities Regulation No. 7.

The undersigned certifies to the producer and the War Production Board that he is a softwood plywood manufacturer or a box manufacturer as defined in Order L-350 and that the softwood veneer covered by his purchase order is to be used in the manufacture of softwood plywood or wooden shipping containers.

By ----------
Duly authorized official

Date

This certification is to be used in place of the standard form of certification described in Priorities Regulations 3 and 7 and may not be waived.

(f) *Veneer producers that are also softwood plywood or box manufacturers.* If a person is engaged in producing softwood veneer and is also engaged in the manufacture of softwood plywood or wooden shipping containers, he may transfer all or part of the softwood veneer he produces to his softwood plywood or wooden shipping container operation for use therein. The transfers may be treated as deliveries on certified orders and he must keep a record of the transfers in his softwood veneer production files and endorse the certificate provided in paragraph (e) above on the record.

(g) *Appeals.* Any appeal from the provisions of this order shall be made by filing a letter in triplicate, referring to the particular provisions appealed from stating fully why the particular provision imposes exceptional and unreasonable hardship which is not suffered generally by others in the same industry or activity or why improper discrimination is claimed.

(h) *Communications.* All communications, unless otherwise directed, must be addressed as follows: Lumber and Lumber Products Division, War Production Board, Washington 25, D. C., Ref: L-350.

Issued this 4th day of August 1945.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 45-14419; Filed, Aug. 6, 1945; 9:26 a. m.]

PART 3290—TEXTILE, CLOTHING AND LEATHER

[Conservation Order M-310, as Amended Aug. 4, 1945]

HIDES, SKINS AND LEATHER

The fulfillment of requirements for the defense of the United States has created shortages in hides, skins and leather for defense, for private account, and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

(a) General definitions.
(b) Provisions applying to all hides, skins and leather.
(c) Untanned cattlehides, calfskins and kips.
(d) Cattlehides, calfskins and kips, and leather therefrom.
(e) Sole leather and sole leather cut stock.
(f) Horsehides.
(g) Pickled sheepskins.
(h) Goatskins and cabrettas.
(i) Deerskins.
(j) Effect on prior orders.
(k) Reports.
(l) Appeals.
(m) Communications to the War Production Board.
(n) Violations. Schedule A. Schedule B.

§ 3290.196 *Conservation Order M-310*—(a) *General definitions.* (1) "Tanner" means a person in the business of tanning, dressing, or similarly processing hides or skins, who in any calendar month after April 1, 1940, processed or processes more than 100 hides or skins.

(2) "Contractor" or "converter" means a person in the business of causing hides or skins to be tanned or dressed for his account in any tannery not owned or controlled by him.

(3) "Collector" means a person, including a dealer or importer, engaged in the business of acquiring from others untanned hides or skins for resale, or removing hides or skins from animals not slaughtered by him.

(4) "Producer" means a person in the business of slaughtering animals.

(5) "Military order" means an order for hides, skins or leather for delivery against a specific contract placed by any of the following, or for incorporation in any product to be delivered against such a contract:

The Army or Navy of the United States, the United States Maritime Commission, the War Shipping Administration, or any foreign government pursuant to the Act of March 11, 1941, entitled "An Act to Promote the Defense of the United States" (Lend-Lease Act) or any extension or renewal thereof. Regardless of the provisions of Priorities Regulation 17, no orders for military exchanges and service departments shall be regarded as military orders except rated orders of United States Navy Ship's Service Departments and War Shipping Administration Training Organization Ship's Service activities for cut sole leather for repair purposes which are endorsed as follows:

The within order has been approved in accordance with instructions of the Army and Navy Munitions Board.

By----------
Authorized Official.

(6) "Military specifications" or "military quality" means, except as herein otherwise specifically provided, the specifications applicable to military orders or the quality of material meeting such specifications.

(7) "Sole leather" means vegetable tanned sole leather unless otherwise specified.

(8) "Scrap leather" means small leather pieces which are unavoidably produced from processing or cutting operations, but in no case shall include bellies or shoulders.

(9) "Rawhide" means a hide or skin which after the hair has been removed is used in that state or fabricated without further tanning.

(10) All trade terms shall have their usual trade significance unless otherwise specified.

(b) *Provisions applying to all hides, skins and leather.* (1) No person shall process any hides, skins or leather contrary to any specific direction issued from time to time by the War Production Board relating to the processing or production of specific types of leather to meet military or designated civilian requirements.

(2) No producer, collector, tanner, contractor, converter or cutter shall sell, deliver, accept delivery of, cut, use or incorporate in any product any hides skins or leather contrary to any specific direction issued from time to time by the War Production Board deemed necessary in order to fill military or designated civilian requirements.

(3) No person shall commercially incorporate any leather or rawhide into any product except as permitted by

Schedule A at the end of this order, and no person shall sell any leather or rawhide unless the same is to be incorporated into a product permitted by Schedule A. This restriction shall not, however, apply to:

(i) The filling of military orders;

(ii) The delivery or use of vegetable tanned cattlehide leather available after accepting and filling all military orders and all orders for items permitted under Schedule A, and after complying with all specific directions. However, the restrictions of paragraph (b) (3) do apply to calfskins and kipskins and to sole leather, innersole leather, side upper leather, lining leather, belting leather, mechanical leather and welting leather.

(iii) The delivery or use of scrap leather, *Provided*, That any tanner selling any such scrap leather shall report his sales on his monthly form prescribed in paragraph (k).

(iv) [Deleted Aug. 25, 1944.]

(v) [Deleted Aug. 25, 1944.]

(4) The War Production Board may authorize the reprocessing, sale and use of rejected leather, or leather which can be made available consistently with program requirements, for purposes not otherwise permitted by this order or § 944.11 of Priorities Regulation 1. Any person may request such authorization by letter on his own behalf to use leather he owns or his supplier may request authorization to sell, and on behalf of his customer to use, stating the proposed uses of the leather and the quantity, quality, weight and type involved, and in the case of rejected leather, facts substantiating its qualification as such.

"Rejected leather" as used in this paragraph means any leather made to fill a military order or for production of items listed on Schedule A which (i) is so defective that it will be refused if tendered, (ii) the purchaser has refused, or (iii) the purchaser has notified the seller will be refused because of defects.

No person shall process or order any leather which he knows will be rejected. This paragraph does not prohibit the production of rejects to the extent that they are unavoidable in the manufacturers' or tanners' operations.

(5) The War Production Board may authorize the reprocessing or use of leather not used for the purposes for which it was purchased because of termination of procurement by the United States Government or any of its agencies for which the production was ordered. Any person may request such authorization on his own behalf, or on behalf of his customer, stating the proposed use of the leather, the quantity, quality, weight, type involved, the number of the cancelled contract, branch of service, date of purchase, intended end use and why it cannot be used for the purpose for which it was intended.

Any leather held by a person who does not in the regular course of his business sell leather in that form may only be sold in accordance with Priorities Regulation 13.

(6) Notwithstanding the provisions of any priorities or other regulations of the War Production Board, no preference ratings shall be applied or extended for the delivery of hides, skins or leather, except:

(i) Leather for military orders (excluding sole leather whole stock as defined in paragraph (e) (1) (vii) and cattlehide splits in the blue, pickled, or lime state); or

(ii) When specifically authorized in writing by the War Production Board pursuant to this subparagraph (b) (6) (ii).

(7) In making sales or deliveries of hides, skins or leather (including sole leather cut stock) not required to fill military orders, no person shall make discriminatory cuts in quality or quantity between customers who meet such person's established prices, terms and credit requirements, or between customers and his own consumption of said materials.

(8) No tanner, contractor, converter, finisher, jobber or cutter shall deliver any leather (except shearlings) for footwear purposes, unless he has received the footwear manufacturers' quota number of the purchaser. This paragraph shall not prevent deliveries to persons regularly in business as leather contractors, leather converters, leather finishers, leather jobbers, leather cutters, finders or shoe repairers or to persons outside the continental United States.

(c) *Untanned cattlehides, calfskins and kips*—(1) *Definition.* "Cattlehide", "calfskin" and "kip" mean the hide or skin of a bull, steer, cow or buffalo, foreign or domestic (excluding slunks).

(2) No tanner shall put into process, and no contractor shall cause to be put into process, any cattlehide, calfskin or kip in excess of such amounts for specified periods as may be fixed by the War Production Board from time to time.

(3) No person shall sell, deliver, purchase or accept delivery of any untanned cattlehide, calfskin or kip, or portion thereof, other than splits and glue stock, except to the extent that the purchaser is specifically authorized by the War Production Board on Form WPB–1323 or Form WPB–3507. Applications may be made on Form WPB–1325 (formerly PD–569) for the purchase of domestic cattlehides, and on Form WPB–1322 (formerly PD–569–a) for the purchase of domestic calfskins and kips: *Provided*, That the following may be made without such authorization:

(i) Transactions between collectors and between producers and collectors for purposes of resale or delivery within the continental United States.

(ii) The sale and delivery to and the purchase and acceptance of delivery by any person other than a tanner of less than 100 hides or skins in any calendar month.

(4) In acting under paragraph (c) (3), it will be the policy of the War Production Board, so far as is practicable, to grant authorizations so that:

(i) The contractor or tanner may obtain cattlehides, calfskins, or kips in the proportions that the wettings in 1942 of the contractor or tanner, respectively, of cattlehides, calfskins, or kips, computed separately, bore to all wettings thereof in that year by all contractors and tanners producing the same type of leather, except that authorizations to tanners or contractors having more than a practicable minimum working inventory may be reduced or omitted; and

(ii) [Deleted Aug. 25, 1944.]

(5) No producer or collector shall cut off bellies or shoulders of untanned cattlehides, except for a purchaser specifically authorized in writing by the War Production Board to purchase hides with portions cut off.

(6) [Deleted Jan. 24, 1944.]

(d) *Cattlehides, calfskins and kips, and leather therefrom*—(1) *Definition.* (i) "Cattlehide, calfskin or kip leather" means leather produced from such hides or skins whether grain or split, including leather (whether tanned with or without the hair) produced from slunks, and rawhide.

(ii) "Rough sole leather" means vegetable-tanned sides, crops, backs, bends, shoulders, and bellies which have not been rolled.

(iii) "Rough belting butts and butt bends" means vegetable, chrome, or combination tanned belting butts and butt bends which have not been curried.

(iv) "Rough shoulders" means vegetable-tanned sole leather shoulders or shoulders cut from vegetable, chrome or combination tanned belting butts, which have not been either curried or rolled.

(2) [Deleted May 25, 1944.]

(3) No tanner shall produce any harness leather in any color other than russet, except to fill military orders.

(4) Unless otherwise specifically ordered in writing by the War Production Board, no person shall curry or finish the following leathers and no manufacturer shall use the same, either before or after such currying or finishing, except in accordance with the following requirements:

(i) Rough sole leather shall be finished as sole leather (which thereupon becomes subject to paragraph (e) hereof) except that rough sole leather 12 iron and up may be curried and used for round belting or V belting;

(ii) Rough belting butts or butt bends shall be curried and thereafter used only for transmission belts, hydraulic, packing, mechanical and textile leathers, or fillet leather: *Provided*, That this restriction shall not apply to straightenings cut from the portion of the belting butt or butt bend beginning at the edge from which the belly was removed, if the straightening is less than two inches in width at the widest point;

(iii) Rough shoulders cut from sole leather hides if not finished for sole leather, and rough shoulders cut from any belting butts, shall be curried and used only for welting, hydraulic, packing, mechanical and textile leathers, except that double rough shoulders 11 iron and up may be curried and used for round belting.

The War Production Board may on written application authorize the substitution of any of the types of leather mentioned in subparagraphs (i), (ii), and (iii) of this paragraph (d) (4) for any of the end uses therein specified, and when consistent with meeting requirements for approved programs, the War Production Board may authorize the finishing and use of any of these types of leather for any products listed on Schedule A.

(5) Vegetable tanned sole leather shall be processed so as to meet the requirements of Federal Specification KK-L-261B, including any emergency alternate specifications or amendments thereto.

(6) Bellies cut from cattlehides processed for sole leather (excluding stags and bulls) shall be cut in accordance with standard practice, but bellies weighing 3 pounds or more when finished shall not be cut to measure less than 6 inches across the navel when finished.

(7) Shoulders cut from cattlehides processed for sole leather (excluding stags and bulls) shall be cut in a line running perpendicular to line of backbone at a point within the limits of the break in the foreflank.

(8) No tanner, currier, finisher, jobber or dealer shall accept any order for cattlehide leather in the form of harness, skirting, collar, latigo, lace, rigging, rawhide, bag, case, strap or upholstery leather, rated or otherwise, or transfer any such leather to his own fabricating plant, unless such order or the request for such transfer states the specific end use of such leather.

(9) No tanner shall process any cattlehide to make grain garment leather.

(10) [Deleted Jan. 24, 1944.]

(11) [Deleted Jan. 24, 1944.]

(e) *Sole leather and sole leather cut stock*—(1) *Definitions.* (i) "Military quality outersole" means a bend sole 9½ to 11 iron inclusive of good fiber and of a grade not lower than imperfect fine.

(ii) "Military quality midsole" means any bend sole of good fiber within one of the following two classifications:

7 to 9 iron, inclusive, all grades down to No. 1 scratch, inclusive;
9½ iron, No. 1 scratch grade only.

(iii) "Military quality innersole" means a sole of 5½ to 7½ iron inclusive after being properly fleshed, first quality full grain leather of a quality and fiber adapted to the purpose.

(iv) "Military quality strip" means a strip 8½ iron to 13 iron, inclusive, and "military quality tap" means a tap of 9 iron to 14 iron, inclusive, both cut from sole leather bends, commercially described as finders' leather, and a good fiber of a grade not lower than No. 1 scratch.

(v) "Butt piece" means a piece cut from the butt portion of a sole leather bend by a straight cut perpendicular to line of backbone not more than three inches from root of tail.

(vi) "Cutter for the repair trade" means a sole leather cutter who is equipped to cut repair taps, and who during the year ending July 31, 1942, cut repair taps as a regular part of his business.

(vii) "Whole stock" means sides, crops, backs, bends, shoulders with heads on, shoulders with heads off, bellies, and belly centers.

(2) Every tanner and contractor shall set aside each month for cutting as required by paragraph (e) (4) the percentage of the manufacturers' bends produced by him for his own account, or produced for his account by others, fixed by the War Production Board by directions issued under this order. Such bends are hereinafter referred to as "manufacturers' bends-for-repair," and the weight and the quality of the bends set aside shall be equal, as nearly as possible, to those of the manufacturers' bends not so set aside, unless other directions in writing are issued by the War Production Board. No manufacturers' bends-for-repair shall be sold to any finder or shoe repairer as a whole bend.

(3) No person shall cut military quality outersoles, midsoles or innersoles, except on patterns to fit the United States Munson last in sizes and widths to fit the sizes of shoes specified in military orders, or on other patterns approved or in sizes prescribed by the War Production Board from time to time.

(4) Sole leather whole-stock shall be cut and the resulting cut stock disposed of only in accordance with the provisions of Schedule B hereof, and military quality cut stock produced in accordance with such schedule may be sold, delivered or used only to fill military orders unless otherwise permitted by General Direction 12 to this order. Upon written application, however, the War Production Board may authorize the cutting and use of sole leather and sole leather cut stock to meet military orders or orders for products on Schedule A, but not mentioned in Schedule B, when sole leather can be diverted to these uses consistent with meeting programmed military and civilian footwear requirements.

No soles cut before January 30, 1945 and meeting the requirements for military quality outersoles as defined in this order before the amendment of January 30, 1945 shall be sold or used except to meet military orders. This does not apply to soles cut pursuant to General Direction 8 to this order or to soles released, sold or delivered pursuant to General Direction 9 to this order.

(5) No person except a shoe-repairer repairing shoes for the general public or any person repairing his own shoes shall hereafter use any non-military quality repair stock (except as provided in Block IIIB of Schedule B hereof) cut from finders' bends, from manufacturers' bends-for-repair or from parts of such bends.

(f) *Horsehides*—(1) *Definitions.* (i) "Horsehide" means the hide or skin of a horse, colt, mule, ass, or pony, except dry pony hides to be processed for furs.

(ii) "Horsehide front", "horsehide butt" and "horsehide shank" means those horsehide parts commercially so known whether or not attached to other parts of the horsehide.

(2) No tanner shall put into process, and no converter shall cause to be put into process, any horsehide fronts, butts or shanks in excess of such amounts for specified periods as may be fixed by the War Production Board from time to time.

(3) No tanner shall put into process, or continue to process, any horsehide front, except into leather meeting military specifications in force at the time, unless such horsehide is not capable of being so processed.

(4) No person shall sell, deliver, accept delivery of or commercially incorporate into any product any horsehide front leather meeting any military specification, except for unfilled military orders.

(g) *Pickled sheepskins*—(1) *Definitions.* "Pickled sheepskin" means the de-wooled, unsplit skin of a sheep or a lamb (other than a cabretta or hair-sheep) or the flesh split of such a skin which has been immersed in a chemical solution to preserve and condition it for tanning.

(2) No person shall sell, deliver, purchase or accept delivery of any pickled sheepskins of the following commercial designations except for resale in the pickled state or for processing into chamois leather meeting military specifications:

(i) New Zealand North Island pickled sheep pelts, (usual grades averaging 45 pounds per dozen or heavier);

(ii) Argentine pickled heavy sheepskins (usual grades averaging 45 pounds per dozen or heavier);

(iii) All imported pickled fleshers.

(h) *Goatskins and cabrettas*—(1) *Definitions.* (i) "Goatskin" means the skin of a goat or leather made from such skin, including kidskin, but excluding India tanned goatskin, and domestic angora goatskin.

(ii) "Cabretta" means the skin of a hair sheep or leather made from such skin.

(iii) "India tanned goatskin" means an imported goatskin tanned in Asia.

(2) No tanner shall put into process in the respective three months' period, commencing May 1, 1943, and on the first days of each August, November, February and May thereafter, more than 220% of his average monthly wettings of raw goatskins and cabrettas in 1941 (which average shall be known as "basic monthly wettings"), or more than such other percentages for such periods as may be fixed in writing by the War Production Board from time to time, with respect to any or all skins referred to in subparagraph (1) (i) and (ii) above: *Provided*, That kidskins and Calcutta Smalls purchased separately and described as such in Government purchase contracts dated later than August 1, 1943, may be put into process in addition to the percentages specified in this paragraph.

(3) [Deleted Jan. 24, 1944]

(4) The restrictions of paragraph (h) (2) shall not apply to persons who put into process less than 200 domestic goatskins in any calendar month and who process no foreign goatskins.

(5) No tanner shall sell or deliver goatskin garment leather for other than military purposes, except leather failing to meet military specifications: *Provided*, That such failure has resulted unavoidably in the course of producing military leather; *Provided further*, That such leather permitted hereby to be sold or delivered for other than military purposes may not exceed 12½% of his production of military goatskin garment leather subsequent to the date of this order.

(6) [Deleted Jan 24, 1944]

(i) *Deerskins*—(1) *Definition.* "Deerskin" means the skin of any North American, New Zealand or French Oceanian deer, except elk, moose, caribou skins and Alaska deerskins.

(2) No person shall process any deerskin or deerskin grain leather except:

(i) To produce suitable leather meeting Army Service Forces specifications as revised from time to time; or

(ii) To fill a specific military order.

(3) No person shall sell or deliver any deerskin grain leather, or incorporate or

manufacture any deerskin grain leather into any product, except to fill a specific military order.

(4) *Exceptions.* The restrictions of the preceding paragraphs (2) and (3) shall not apply to:

(i) Any deerskin or deerskin grain leather which does not meet and cannot be made to meet military specifications referred to in paragraph (1) (2) (i).

(ii) Deerskin grain leather rejected in writing by the U. S. Army Quartermaster Depot, Chicago, Illinois.

(iii) [Deleted Jan. 24, 1944]

(iv) Any person who at no time puts into process, splits, shaves, skives, sells, delivers or uses more than 25 deerskins during any calendar month beginning with March 1943 or causes more than 25 deerskins to be processed, split, shaved, skived, sold, delivered or used for his account during any such month.

(v) A skin taken off a deer after September 20, 1943 and owned by the person causing it to be processed or incorporated into a product for his personal use or for a gift.

(j) *Effect on prior orders.* Authorizations to buy hides issued prior to June 23, 1943, under Conservation Order M-194, shall continue in effect until the expiration date therein provided or until expressly revoked.

Authorizations and directions issued and appeals granted prior to June 23, 1943, under the following orders, shall continue in effect until the expiration date therein provided or until expressly revoked:

General Preference Order M-80
General Conservation Order M-94
Conservation Order M-114
General Conservation Order M-141
Conservation Order M-273
General Preference Order M-301

(k) *Reports.* Every person described below shall, on or before the 10th day of each month execute and file reports with the War Production Board, as directed on the respective forms mentioned below:

Tanners and converters of cattlehides---------- WPB-1325 formerly PD-569
Tanners and converters of calfskins and kips---------- WPB-1322 formerly PD-569A and WPB-3822
Tanners and converters of cattlehide side upper leather---------- WPB-3822
Tanners, converters, curriers, finishers, jobbers and dealers of harness, skirting, collar, latigo, lace, rigging, rawhide, bag, case, strap and upholstery leather--- WPB-3822
Tanners and converters of sole leather---------- WPB-3622
Tanners and converters of horsehides---------- WPB-1001 formerly PD-475
Tanners and converters of goatskins, kidskins, cabretta or rough tanned goatskins and sheepskins---------- WPB-1437 formerly PD-373
Sole cutters---------- WPB-1303 formerly PD-598A
Non-sole cutting shoe manufacturers---------- WPB-2209 formerly PD-598C
Finishers and converters of cattlehide splits---------- WPB-2351
Tanners and converters of glove and garment cattlehide grain leather---------- WPB-3823

Failure to file any of the reports mentioned above or any other reports requested pursuant to approval by the Bureau of the Budget shall constitute a violation of this order.

(l) *Appeals.* Any appeal from the provisions of this order shall be made by filing a letter in triplicate referring to the particular provision appealed from and stating fully the grounds of the appeal.

No direction issued under this order shall be deemed to require the furnishing of materials or facilities to the War Production Board. If a direction requires the furnishing of materials or facilities to a contracting agency or to a war contractor, or the production of a specified amount of a material or product, or restricts all or a part of a person's production or inventory to specified purposes, and if the person affected cannot get firm orders to cover the materials, facilities, production or inventory involved, he may appeal and the War Production Board will grant appropriate relief.

(m) *Communications to the War Production Board.* All reports, applications, forms, or communications required under or referred to in this order, and all communications concerning this order, shall, unless otherwise directed, be addressed to the War Production Board, Textile, Clothing and Leather Bureau, Washington 25, D. C., Ref. M-310.

(n) *Violations.* Any person who willfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact or who furnishes false information to any department or agency of the United States is guilty of a crime, and, upon conviction, may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using material under priority control and may be deprived of priorities assistance.

NOTE: The reporting requirements of this order have been approved by the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

Issued this 4th day of August 1945.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

SCHEDULE A

Items	Column II: Cattlehide, calfskin and kip leather not restricted to military orders or specifically restricted elsewhere in this order may be incorporated in any product marked "Permitted" in this column	Column III: Horsehide shank or non-military quality horsehide front leather may be incorporated in any product marked "Permitted" in this column	Column IV: Goatskin leather not restricted to military orders or specifically restricted elsewhere in this order may be incorporated in any product marked "Permitted" in this column	Column V: All other leather may be incorporated in any product marked "Permitted" in this column
1. Footwear, except as prohibited by Conservation Order M-217.	Permitted except harness leather.	Permitted	Permitted	Permitted
2. Transmission belts	Permitted	Not permitted.	Not permitted	Permitted.
3. Hydraulic, packing, and mechanical leather products.	Permitted	Not permitted.	Not permitted	Permitted.
4. Leather products for textile equipment.	Permitted	Not permitted.	Not permitted	Permitted
5. Harness, horse collars, and saddlery for police, farm and industrial use.	Permitted	Not permitted.	Not permitted	Permitted
6. Trusses	Permitted	Permitted	Permitted	Permitted
7. Surgical supports	Permitted	Permitted	Permitted	Permitted
8. Artificial limbs	Permitted	Permitted	Permitted	Permitted
9. Orthopedic products including arch supports.	Permitted	Permitted	Permitted	Permitted
10. [Deleted July 11, 1945].				
11. Laces and thongs	Permitted	Not permitted.	Not permitted	Permitted
12. Cap visors for military personnel.	Permitted	Not permitted	Not permitted	Permitted
13. Divers' equipment	Permitted	Not permitted	Not permitted	Permitted
14. Motorcycle and bicycle saddles	Permitted	Not permitted.	Not permitted	Permitted
15. Work chaps	Permitted	Permitted	Permitted	Permitted
16. Work gloves	Permitted	Permitted	Permitted	Permitted
17. Work aprons	Permitted	Permitted	Permitted	Permitted
18. Garments for heavy duty workers.	Not permitted	Permitted	Permitted	Permitted
19. Industrial safety clothing and equipment (exclusive of linesmen's belts) only to the extent essential for safety and protection in the performance of the workers' duties.	Permitted	Permitted	Permitted	Permitted
20. [Deleted July 11, 1945].				
21. Athletic goods (except footballs)	Permitted	Permitted	Not permitted	Permitted
22. [Deleted July 11, 1945].				
23. [Deleted July 11, 1945].				
24. [Deleted July 11, 1945].				
25. Rawhide tanners and hammer faces.	Permitted	Not permitted	Not permitted	Permitted
26. Functional parts of musical instruments (excluding straps, cases or containers).	Permitted	Not permitted	Permitted	Permitted
27. Craft work products—certified to be for occupational therapy and rehabilitative purposes by any of the following: hospitals, institutions for the Blind, the Red Cross, the Veterans Administration and by individuals invalided and incapable of doing any other type of manual work.	Permitted	Not permitted.	Permitted for lacing only.	Permitted
28. Other products	Not permitted	Not permitted	Not permitted	Permitted

SCHEDULE B

NOTE. Schedule B amended Aug. 4, 1945.

Column I	Column II	Column III	Column IV	Column V	Column VI
	Type of sole leather whole stock				
	Finders' bends	Manufacturers-bends-for-repair	Manufacturers' crops, backs and bends	Shoulders, bellies, and shanks	Manufacturers' leather or manufacturers'-bends-for-repair butt pieces
Who May Cut					
Block I. Persons permitted to cut each type subject to the provisions of Block II and III below.	Cutters for the repair trade only, except that any sole cutter may cut to obtain outersoles, midsoles and toplifts only in accordance with block IIB below.	Cutter for the repair trade only.	Any sole leather cutter.	Any sole leather cutter.	Any sole leather cutter
Method of Cutting					
Block IIA. Each type shall be cut to yield maximum quantity of military quality cut stock shown in this block (notwithstanding the additional requirements in General Direction 12 to this order), except as otherwise permitted in Block IIB.	Must be cut as shown in Block IIB.	Outersoles	Outersoles	Innersoles	Outersoles, midsoles and innersoles.
Block IIB. Each type may be cut to produce the military quality cut stock shown in this block but only— 1. So as to yield the maximum quantity of such military quality cut stock, and 2. To the extent required to meet unfilled military orders of the kinds indicated.	Strips and taps to meet any unfilled military order. Toplifts cut from bends or other bend portions to meet any unfilled military orders. Outersoles and midsoles to meet military orders under Lend-Lease Act only.	May not be cut except under Block II A	Counters and toplifts to meet any unfilled military order. Outersoles and midsoles to meet military orders under Lend - Lease Act only.	Counters, box toes and midsoles to meet any unfilled military order.	Counters and box toes to meet any unfilled military order.
Cutting and disposition of remainder of each type after military quality cut stock has been obtained as provided in Block II.					
Block IIIA. Except as provided in Block IIIB below, remainder of each type shall be cut and disposed of only as shown in this block	To produce repair cut stock, other than outer soles and midsoles, for sale only to finders for ultimate use by shoe-repairers or persons repairing their own shoes.	To produce repair cut stock, other than outer soles, midsoles and innersoles, for sale only to finders for ultimate use by shoe repairers or persons repairing their own shoes.	To produce cut stock for use by shoe manufacturers only.	To produce cut stock or use by shoe manufacturers only.	To produce cut stock for use by shoe manufacturers only.
Block IIIB. Exceptions shall be only as shown in this block.	Finders toplifts and finders pieces from which no tap can be obtained—unrestricted. Non-military outer soles and midsoles produced unavoidably in the course of cutting military outersoles and midsoles—for sale only to shoe manufacturers.	Butt pieces, finders toplifts and finders pieces from which no tap can be obtained—unrestricted. Non-military outersoles, midsoles and innersoles, produced unavoidably in the course of cutting military outersoles, midsoles, and innersoles.—for sale only to shoe manufacturers.	No exceptions	No exceptions	No exceptions.

INTERPRETATION 1

EFFECT OF RATINGS ON EQUITABLE DISTRIBUTION

Paragraph (b) (7) of this order, the so-called equitable distribution clause, does not excuse filling of rated orders. This clause prohibits discrimination between customers who meet established prices, terms and credit requirements but it does not override Priorities Regulation No. 1, which requires, subject to the conditions set forth, that all rated orders be accepted and that preference be given to orders carrying higher ratings over those with lower ratings.

The particular types of leather specified by preference rated orders must be delivered unless the leather cannot be produced from the hides or skins available to the tanner or the tanner is excused or prevented from filling the order by a regulation, order or direction of the War Production Board. If a rated order is placed for military quality leather, this order may not be filled with civilian quality leather. (Issued Apr. 11, 1944.)

INTERPRETATION 2

OFFA AND UNRRA ORDERS NOT WITHIN DEFINITION OF "MILITARY ORDER"

"Military order" as defined in paragraph (a) (5) does not include orders for delivery against contracts placed by the Office of Foreign Relief Administration or the United Nations Rehabilitation and Relief Administration, or orders for hides, skins or leather for incorporation in products to be delivered against such contracts. (Issued April 15, 1944.)

[P. R. Doc. 45-14418; Filed, Aug. 6, 1945; 9:26 a. m.]

PART 1010—SUSPENSION ORDERS

[Suspension Order S-179, Revocation]

AMERICAN DEVELOPING CORP. AND BETHLEHEM BLDG. CORP.

Suspension Order No. S-179 effective December 28, 1942, was issued against the American Developing Corporation and the Bethlehem Building Corporation located at 2900 West Belvedere Avenue, Baltimore, Maryland for violations of Conservation Order L-41. This construction has now been determined to be essential, and the Chief Compliance Commissioner has therefor directed that Suspension Order No. S-179 be revoked. In view of the foregoing, it is hereby ordered, that: § 1010.179, *Suspension Order No. S-179* be revoked.

Issued this 4th day of August 1945.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 45-14412; Filed, Aug. 4, 1945; 11:51 a. m.]

PART 3208—SCHEDULED PRODUCTS

[General Scheduling Order M-293, Table 8, as Amended August 6, 1945]

POWER DIVISION OFFICE OF WAR UTILITIES

§ 3208.9 *Table for Power Division.* (a) The following amended table is issued pursuant to the provisions of General Scheduling Order M-293:

NOTE: This table amended August 6, 1945.

Type of M-293 product	Designation	Applicable forms columns 1 Operations report	2 Shipping schedule[1]	3 Application and authorization	4 Calendar months frozen[4]
1. Steam turbines unless designed for ship propulsion or aircraft use			3003		8
2. Hydraulic turbines			3003		12
3. [Revoked Jan. 2, 1945]					
4. Steam turbine-generator sets for land use unless designed for locomotive headlight service			3003		12
5. Steam turbine generator sets for shipboard use unless designed for ship propulsion			3003		10
6. [Revoked July 5, 1945]					
7. [Revoked July 5, 1945]					
8. [Revoked July 5, 1945]					
9. Diesel and natural gas engines, 750 r. p. m. and less, excluding equipment for marine use			3003		10
10. Boilers and boiler units, exclusive of those for marine shipboard or locomotive use:					
a. Boilers and boiler units (including such auxiliaries as superheaters, desuperheaters and water walls or water-cooled furnaces, when such auxiliaries are fabricated by the manufacturer who reports and fabricates the related boiler) of any type listed below if such boilers and boiler units are (i) designed for a steam pressure of more than 15 pounds per square inch, and (ii) have a boiler heating surface of 760 square feet or more:					
(i) Water tube			1790		10
(ii) Scotch marine					
(iii) Horizontal return tubular					
(iv) Refractory lined firebox					
(v) Oil country					
(vi) Waste heat					
b. Boiler auxiliaries, such as superheaters, desuperheaters, economizers, air heaters and water walls or water-cooled furnaces, (i) for a new boiler installation if fabricated by a manufacturer other than the manufacturer reporting and fabricating the related new boiler, or (ii) for a boiler unit already in use			1790		12
11. Pulverizers and related combustion equipment installed for the primary purpose of pulverizing solid fuel for firing any type of furnace, excluding those for marine shipboard and locomotive use			1790		12
12. Automatic stokers designed for burning solid fuel, with an active projected grate surface in excess of 36 square feet, excluding stokers for locomotive use. The term active projected grate surface means grate surface through which air is supplied to the fuel bed, either continuously or intermittently			1710		12
13. [Revoked July 5, 1945]					
14. Steam condensers (surface, jet and barometric), inter and after condensers, and air ejectors, or any combination thereof, including marine condensers and air ejectors other than those produced for the United States Navy for use on ships			3003		8
15. [Revoked Jan. 2, 1945]					
16. [Revoked Jan. 2, 1945]					
17. Oil circuit breakers of 2,200 volts or higher	X		[2] 1790		5
18. Air circuit breakers except types AB, ET, or similar	X		[2] 1790		5
19. Metal clad switchgear containing oil or air circuit breakers listed in 17 and 18 above and power switchboards	X		[2] 1790		6
20. Liquid-filled and dry-type power or distribution transformers, 250 KVA and larger; unit substations and unit load centers containing such transformers			3003		6
21. Liquid-filled and dry-type power or distribution transformers, smaller than 250 KVA, having special features, design characteristics or accessories as defined in "NEMA 'Transformer Standards" Publication No. 42-73, Eighth Edition, May 1942			3003		6
22. [Revoked]					
23. [Revoked Jan. 2, 1945]					
24. Hydraulic governors except for aircraft application			3003		3
25. [Revoked July 5, 1945]					
26. [Revoked July 5, 1945]					

[1] See Table II of this order for listings of land boilers not included in this Table 8.
[2] A manufacturer of these products may file on Form WPB-3003 at his option.
[3] Form WPB-3401 may be used instead of Form WPB-3003.
[4] For explanation of time during which shipping schedule is frozen see paragraph (m) of M-293.

Issued this 6th day of August 1945.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 45-14445; Filed, Aug. 6, 1945; 11:19 a. m.]

Chapter XI—Office of Price Administration

PART 1407—RATIONING OF FOOD AND FOOD PRODUCTS

[2d Rev. RO 3,[1] Amdt. 32]

SUGAR

A rationale accompanying this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.

Second Revised Ration Order 3 is amended in the following respects:

1. Section 3.23 is amended to read as follows:

SEC. 3.23 *Limitation on the amount of sugar an industrial user may acquire during July and August 1945.* (a) The total amount of sugar an industrial user may acquire during the months of July and August 1945 may not exceed two-thirds the amount of his allotment for the third allotment period of 1945. He may, however, during August 1945, acquire additional sugar, in an amount less than one of his customary shipping units, if that additional amount is necessary to permit him to acquire sugar in his customary shipping units.

(b) The prohibitions against the acquisition of sugar contained in paragraph (a) shall not apply to:

(1) Any sugar obtained by an industrial user for a provisional allowance use under this order; or

(2) Any unused advances of sugar or evidences received before July 1, 1945, under General Ration Order 11 or any advances of sugar evidences obtained after that date; or

(3) Any sugar or evidences obtained for the processing of fresh fruits and vegetables.

(c) An industrial user may acquire sugar during July and August 1945 in the way permitted by section 9.8 of this order but only to the extent that his transferor could acquire such sugar under this section. (All sugar on hand or acquired by a transferee under section 9.8 of this order is considered sugar which the transferor has on hand or acquired.)

2. A new section 3.24 is added to read as follows:

SEC. 3.24 *General limitation on acquisition of sugar.* (a) Notwithstanding any other provisions of this order, an industrial user may not acquire sugar whenever he has on hand an amount of sugar equal to or more than one-third of his allotment.

This amendment shall become effective August 3, 1945.

Issued this 3d day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-14366; Filed, Aug. 3, 1945; 4:32 p. m.]

PART 1407—RATIONING OF FOOD AND FOOD PRODUCTS

[Rev. RO 16,[1] Amdt. 63]

MEAT, FATS, FISH AND CHEESES

A rationale for this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.

Revised Ration Order 16 is amended in the following respects:

1. Section 7.16 is amended to read as follows:

SEC. 7.16 *Limitation on the amount of fats and oils an industrial user may acquire during July and August 1945.* (a) The total amount of butter, margarine, lard, shortening and cooking and salad oils an industrial user may acquire during the months of July and August 1945 may not exceed two-thirds the amount of his allotment allocable to those foods for the third allotment period of 1945. He may, however, during August 1945 acquire an additional quantity of those foods, in an amount less than one of his customary shipping units, if that additional amount is necessary to permit him to acquire those foods in his customary shipping units.

(b) The prohibitions against the acquisition of fats and oils contained in paragraph (a) shall not apply to:

(1) Any such foods obtained by an industrial user for a provisional allowance use under this order; or

(2) Any unused advances of those foods or evidences received before July 1, 1945 under General Ration Order 11 or any advances of evidences for those foods obtained after that date.

(c) An industrial user may acquire fats and oils during July and August 1945 in the way permitted by section 7.15 of this order, but only to the extent that his transferor could acquire such foods under this section. (All such foods on hand or acquired by a transferee under section 7.15 of this order are considered foods which the transferor has on hand or acquired.)

2. Section 7.17 is amended to read as follows:

SEC. 7.17 *General limitation on acquisition of fats and oils.* (a) Notwithstanding the provisions of section 7.16, an industrial user may not acquire any butter, margarine, lard, shortening and cooking and salad oils whenever he has on hand an amount of those foods equal to more than one-third of his allotment allocable to those foods.

This amendment shall become effective August 3, 1945.

Issued this 3d day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-14367; Filed, Aug. 3, 1945; 4:32 p. m.]

[1] 9 F.R. 13992, 14642, 15048; 10 F.R. 201, 412, 1143, 1537, 2144, 2581, 2874, 3223, 4105, 4715.

[1] 9 F.R. 6731, 7060, 7031, 7082, 7187, 7203, 7253, 7367, 7344, 7428, 7878, 7774, 8182, 8789, 9034, 9955, 10049, 10087, 10590, 10876, 11450, 12036, 12849, 12971.

PART 1340—FUEL

[MPR 120, Amdt. 146]

BITUMINOUS COAL DELIVERED FROM MINE OR PREPARATION PLANT

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.

Maximum Price Regulation No. 120 is hereby amended in the following respects:

Section 1340.210 (a) (16) is amended to read as follows:

(16) Notwithstanding anything to the contrary contained in this regulation there may be added to the maximum prices established by §§ 1340.212 through 1340.233, inclusive, or by order issued on or before April 30, 1945 under this regulation for bituminous coal produced in districts 1 through 23 the amounts set opposite the respective districts and types of mines:

District No.		Cents per net ton
1	Strip mines	0
	Deep	28
2	Strip	9
	Deep	20
3	Size Group No. 3	28
	All other size groups	33
4	Strip	0
	Deep	26
5	All	40
6	All	28
7	All	30
8	All	15
9	Hand	20
	Other	6
10	Hand	20
	Machine:	
	Size Groups 1 through 8	10
	Size Groups 9 through 29	15
	Strip:	
	Size Groups 1 through 8	5
	Size Groups 9 through 29	10
11	Hand	24
	Other	13
12	Strip	0
	Deep	27
13	All	40
14	All	0
15	Strip	7
	Deep	45
16	All	0
17	All	30
18	All	43
19	All	0
20	All	25
22	All	42
23	All	65

In districts No. 1, 2 and 4 strip mines which have by order been granted permission to charge the deep mine price may add the amount applicable for deep mines.

This amendment shall become effective August 3, 1945.

Issued this 3d day of August 1945.

CHESTER BOWLES,
Administrator.

For the reasons set forth in the accompanying statement of considerations, and by virtue of the authority vested in me by the Price Control Act of 1942, as amended, and Executive Orders Nos. 9250 and 9328, I find that the issuance of this amendment to Maximum Price Regulation No. 120 is necessary to aid in the effective prosecution of the war.

THOMAS I. EMERSON,
Acting Economic Stabilization Director.

[F. R. Doc. 45-14368; Filed, Aug. 3, 1945; 4:32 p. m.]

PART 1340—FUEL

[MPR 120, Amdt. 147]

BITUMINOUS COAL DELIVERED FROM MINE OR PREPARATION PLANT

A statement of considerations involved in the issuance of this amendment issued simultaneously herewith has been filed with the Division of the Federal Register.

Section 1340.227 is amended to read as follows:

§ 1340.227 *Appendix P: Maximum prices for bituminous coal produced in District No. 16.* (a) The maximum prices set forth in paragraph (b) of this section are subject to the maximum price instructions provided in § 1340.210.

(b) The following maximum prices are established in cents per ton of 2,000 pounds. In the case of a rail or river shipment (which includes coal delivered by truck or wagon to a rail or river loading point) the maximum price is f. o. b. transportation facilities at the rail or river loading point. In the case of a truck or wagon shipment (i. e. delivery made entirely by truck or wagon without intervening rail shipment) the maximum price is f. o. b. the mine or preparation plant.

(1) Maximum prices in cents per net ton for shipment to all destinations for all uses and by all methods of transportation except as otherwise specifically provided in this appendix.

Subdistrict	Maximum prices by size group numbers 1	4	2,3,5	6	7,8,9	10	11	12	13
1	558	508	508	458	363	273	263	243	413
2	548	518	498	468	368	273	263	243	388
3	533	508	483	468	373	273	263	243	388
4	488	463	438	418	358	273	263	243	373
5	478	453	428	408	358	273	263	243	363
9	488	453	428	408	348	273	263	243	363
10	458	433	408	388	348	273	263	243	308
11	353	318	303	283	208	183	173	163	208

(2) Maximum prices in cents per net ton for shipment by truck or wagon to all destinations for all uses.

Subdistrict	Maximum prices by size group numbers 1, 4	2, 3, 5	6	7, 8, 9	10	11	12	13
1	608	565	503	418	303	293	273	483
2	563	543	488	418	303	293	273	478
3	548	538	478	418	303	293	273	473
4	553	503	478	418	303	293	273	448
5	543	493	473	418	303	293	273	443
6	543	493	473	393	303	293	273	443
7	533	483	463	393	303	293	273	448
8	533	483	463	393	303	293	273	433
9	543	483	463	368	303	293	273	433
10	498	448	428	368	303	293	273	408
11 Mine index Nos. 102, 111	498	453	378	333	188	178	168	363
11 Mine index Nos. 14, 150	398	353	318	273	188	178	168	313
12	448	398	378	333	248	228	228	328

[1] Size Group 7 in Subdistrict No. 9—428.

(3) Maximum prices in cents per net ton for railroad fuel.

Subdistrict	Prices and size group numbers 1	4	2,3,5	6	7,8,9	10	11	12	13
11	343	553	293			193			293
All other subdistricts	318	318	318	318					318

(4) Specific description of size group numbers referred to in subparagraphs (1), (2) and (3) above.

Size group Nos.	Description
1	All single-screened lump coals bottom size larger than 8".
2	All single-screened lump coals bottom size larger than 2½" but not exceeding 8".
8	All single-screened lump coals bottom size 2½" or smaller.
4	All double-screened egg coals top size larger than 4" and bottom size larger than 2½" but not exceeding 6".
5	All double-screened egg coals top size larger than 4" and bottom size less than 1½" and not exceeding 2½".
6	All double-screened nut coals top size larger than 3" but not exceeding 4" and bottom sizes not less than 1½" and not exceeding 2½".
7	All double-screened nut coals, top size larger than 2½" but not exceeding 3" and bottom size larger than ¾" but not exceeding 1½".

Size group Nos.	Description
8	All double-screened pea coals top size larger than 1½" but not exceeding 2½" and bottom size larger than ¾" but not exceeding 1½".
9	All double-screened pea coals top size not exceeding 1½".
10	All slack coals top size larger than 1½" x 0 but not exceeding 2½" x 0.
11	All slack coals top size larger than ¾" x 0 but not exceeding 1½" x 0.
12	All slack coals top size not exceeding ¾" x 0.
13	Straight mine run and all resultant coals larger than 2½" x 0.

(5) Identification and description of subdistricts.

Subdistrict	Description
No. 1	Louisville: That part of Boulder County, Colorado, lying on and west of the main line of the C. & S. Railroad extending from Broomfield to Boulder, and extending west to the western outcrop of the coal field near the town of Gorham, Colorado.
No. 2	Lafayette: That part of Adams and Boulder Counties, Colorado, lying northwest and southwest of Irvington Station on the C. B. & Q. Railroad near the southwest corner of Weld County, including the station of Eversman, the town of Lafayette and extending west and southwest to the eastern boundary of the Subdistrict #1—Louisville.
No. 3	Marshall #1: Part of Boulder County, and lies wholly in that area more particularly described above as Subdistrict #2—Lafayette.
No. 4	Marshall #2: Part of Boulder County, and lies wholly in that area more particularly described above as Subdistrict #1—Louisville.
No. 5	Marshall #3: Part of Boulder County, and lies partly in that area described above as Subdistrict No. 1—Louisville, and partly in the area described above as Subdistrict No. 2—Lafayette.
No. 6	Erie: That part of Weld and Boulder Counties, Colorado, lying in township 1-N., range 68 and 69-W., 6 p. m., lying south and west of the Imperial Mine and extending in a northwest-southeast direction through St. Vrains station on the U. P. Railroad and the town of Erie. All points inclusive, and extending in a southwesterly direction to the eastern boundary of Subdistrict #2—Lafayette, and extending in a northwesterly direction to the outcrop of the coal field.
No. 7	Marshall #4: Part of Boulder County and lies wholly in that area described above as Subdistrict #1—Louisville.
No. 8	Frederick: That part of Weld County, Colorado, lying in Township 1 and 2-n., Range 67 and 68-w., extending in a northeasterly direction from the northeast boundary of Subdistrict #6—Erie, and including all mines from the Morrison Mine on the southwest to the Coal Ridge Mine in Section 16—Township 2-n., Range 67-w., on the northeast side of the field, both inclusive; also extending in a northwest direction to the outcrop to the coal field.
No. 9	El Paso: All bituminous coal mines in El Paso County, Colorado.
No. 10	Jefferson: All bituminous coal mines in Jefferson County, Colorado.
No. 11	Jackson: All bituminous coal mines in Jackson County, Colorado.
No. 12	La Salle: All bituminous coal mines in Weld County, Colorado, not included in Subdistrict #6—Erie, and Subdistrict #8—Frederick.

This amendment shall become effective August 3, 1945.

Issued this 3d day of August 1945.

CHESTER BOWLES,
Administrator.

For the reasons set forth in the accompanying statement of considerations, and by virtue of the authority vested in me by the Price Control Act of 1942 as amended, and Executive Orders 9250 and 9328, I find that the issuance of this amendment to Maximum Price Regulation No. 120 is necessary to aid in the effective prosecution of the war.

THOMAS I. EMERSON,
Acting Economic Stabilization Director.

[F. R. Doc. 45-14369; Filed, Aug. 3, 1945; 4:32 p. m.]

PART 1362—CERAMIC PRODUCTS

[MPR 416, Amdt. 6]

BASIC REFRACTORY PRODUCTS

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.

Section 6.6 of Maximum Price Regulation 416 is amended to read as follows:

SEC. 6.6. *Maximum prices for magnesite hearth ramming mix.* The maximum prices for shipments of magnesite hearth ramming mix per net ton in sacks shall be:

Brand	Producers	Price per net ton
H-W Magnamix	Harbison-Walker Refractories Co	$54.00
Magnehearth	General Refractories Co	54.00
Ramix	Basic Refractories, Inc	56.00
Basimix	do	66.50
Basiplast	do	66.50
Standard cold patch	Standard Lime & Stone Co.	56.00

[1] Packed in 100-lb. bags. Applicable only to sales by Basic Refractories, Incorporated, to its dealers and distributors.

The maximum prices set forth above for Ramix, Basimix, and Basiplast produced by Basic Refractories, Inc., shall be f. o. b. Narlo, Ohio. The maximum prices for H-W Magnamix, produced by Harbison-Walker Refractories Company, and Magnehearth, produced by General Refractories Company, shall be f. o. b. Chester, Pennsylvania, and Baltimore, Maryland, respectively, with freight equalized from either Chester or Baltimore, whichever has the lowest transportation charge to the point of destination.

The maximum prices for Standard Cold Patch produced by Standard Lime & Stone Company shall be f. o. b. Manistee, Michigan. Such maximum prices for Standard Cold Patch shall not, however, exceed the lowest combination of f. o. b. plant price plus freight to destination as set forth above for H-W Magnamix, Magnehearth and Ramix.

This Amendment No. 6 shall become effective August 9, 1945.

Issued this 4th day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-14395; Filed, Aug. 4, 1945; 11:24 a. m.]

PART 1390—MACHINERY AND TRANSPORTATION EQUIPMENT

[RMPR 136,[1] Amdt. 7]

MACHINES, PARTS, AND INDUSTRIAL EQUIPMENT

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.

Section 2 (e) of Revised Maximum Price Regulation 136 is amended to read as follows:

(e) *Certain sales to the War Department.* The following sales are excluded from this regulation (and are exempted from price control by Revised Supplementary Regulation 1 to the General Maximum Price Regulation):

(1) Any sale of used snow plows to the War Department.

(2) Sales by Caterpillar Tractor Company, Peoria, Illinois, pursuant to contract W11-032-eng(MST)-57, and sales by Caterpillar Military Engine Company, Decatur, Illinois, pursuant to subcontract thereunder.

This amendment shall become effective August 9, 1945.

Issued this 4th day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-14394; Filed, Aug. 4, 1945; 11:24 a. m.]

PART 1405—FERRO ALLOYS

[MPR 489,[2] Amdt. 1]

TUNGSTEN, MOLYBDENUM, VANADIUM, COBALT, AND CERTAIN OTHER ALLOYS AND METALS

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.

Maximum Price Regulation No. 489 is amended in the following respects:

1. Section 1 (a) (2) is amended by inserting the words "of contained tungsten" after the quantities listed in the table so that the table shall read as follows:

10,000 lbs. or more of contained tungsten	$1.90
2,000 to 10,000 lbs. of contained tungsten	2.00
100 to 2,000 lbs. of contained tungsten	2.10
Less than 100 lbs. of contained tungsten	2.15

[1] 10 F.R. 3197, 5377, 6591, 7536, 7340, 7662.
[2] 8 F.R. 15182.

This amendment shall become effective August 9, 1945.

Issued this 4th day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-14396; Filed, Aug. 4, 1945; 11:24 a. m.]

PART 1499—COMMODITIES AND SERVICES

[Rev. SR 1, Amdt. 105]

EXCEPTIONS OF COMMODITY TRANSACTIONS FROM THE GENERAL MAXIMUM PRICE REGULATION

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.

Section 2.8 (a) of Revised Supplementary Regulation 1 is amended to read as follows:

Canned or bottled juices—fruit and vegetable	Over 0 incl. 7 oz.	Over 7 oz. incl. 10 oz.	Over 10 oz. incl. 14 oz.	Over 14 oz. incl. 1 lb. 2 oz.	Over 1 lb. 2 oz. incl. 1 lb. 6 oz.	Over 1 lb. 6 oz. incl. 2 lb.	Over 2 lb. incl. 3 lb.	No. 10 size container	Sizes not listed per pound
Grapefruit juice	0	0	0	0	0	0	0	0	0
Orange-grapefruit juice blended	0	0	0	0	0	0	0	0	0
Tomato juice	0	0	0	0	0	0	0	0	0
Vegetable juice combinations (at least 70% tomato juice)	0	0	0	0	0	0	0	0	0

This amendment shall become effective 12:01 a. m. August 5, 1945.

Issued this 4th day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-14392; Filed, Aug. 4, 1945; 11:24 a. m.]

PART 1407—RATIONING OF FOOD AND FOOD PRODUCTS

[Rev. RO 16,[1] Amdt. 61]

MEAT, FATS, FISH AND CHEESES

A rationale for this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.

Revised Ration Order 16 is amended in the following respects:

1. Section 1.3 (b) is amended to read as follows:

(b) The basic forms of ration currency are the red and spare stamps in War Ration Book Four and "tokens" which are designated by the Office of Price Administration to be used for the acquisition of all foods covered by this order. They are the forms in which points are generally given up by "consumers".

2. Section 3.2 (b) is amended to read as follows:

(b) However, for the purposes of this section, a consumer may use, and a transferor may accept, only the eighteen stamps in War Ration Book Four which will become valid after the stamps which are valid for use by consumers generally at the time of the transfer. Stamps in War Ration Book Four will become valid in the following order: A8 to Z8; A5 to Z5; A2 to Z2; A1 to Z1; Spare Stamps 5 to 10.

3. Section 27.1 (a) is amended by changing the definition of "Stamp" to read as follows:

"Stamp" means a red, or a spare stamp designated by the Office of Price Administration for use in the acquisition of foods covered by this order, in, or taken from, a War Ration Book Four.

This amendment shall become effective August 10, 1945.

Issued this 6th day of August 1945.

JAMES F. BROWNLEE,
Acting Administrator.

[F. R. Doc. 45-14438; Filed, Aug. 6, 1945; 11:18 a. m.]

[1] 10 F.R. 48, 776, 924.
[2] 10 F.R. 2521, 2675, 3223, 3549, 3556.

PART 1407—RATIONING OF FOOD AND FOOD PRODUCTS

[Rev. RO 13,[1] Amdt. 68 to 2d Rev. Supp. 1]

PROCESSED FOODS

The Official Table of Point Values (No. 29), referred to in § 1407.1102 (a), is amended by assigning the following point values to the following processed foods:

Canned or bottled juices—fruit and vegetable	Over 0 incl. 7 oz.	Over 7 oz. incl. 10 oz.	Over 10 oz. incl. 14 oz.	Over 14 oz. incl. 1 lb. 2 oz.	Over 1 lb. 2 oz. incl. 1 lb. 6 oz.	Over 1 lb. 6 oz. incl. 2 lb.	Over 2 lb. incl. 3 lb.	No. 10 size container	Sizes not listed per pound
Grapefruit juice	0	0	0	0	0	0	0	0	0
Orange-grapefruit juice blended	0	0	0	0	0	0	0	0	0
Tomato juice	0	0	0	0	0	0	0	0	0
Vegetable juice combinations (at least 70% tomato juice)	0	0	0	0	0	0	0	0	0

This amendment shall become effective August 9, 1945.

Issued this 4th day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-14393; Filed, Aug. 4, 1945; 11:24 a. m.]

[Reg. 7, Amdt. 1]

PART 7007—STRIPPER WELL COMPENSATORY ADJUSTMENTS

Stripper Well Compensatory Adjustments Regulation No. 7 of Defense Supplies Corporation (10 F.R. 6773), together with Schedule A thereof, as revised and amended, is amended by substituting for the words "Defense Supplies Corporation" in every place where such words occur the words "Reconstruction Finance Corporation".

This amendment shall become effective as of July 1, 1945.

Issued this 23d day of July, 1945.

RECONSTRUCTION FINANCE CORPORATION,
GEORGE STONER,
Associate Director,
Office of Defense Supplies.

[F. R. Doc. 45-14391; Filed, Aug. 4, 1945; 11:23 a. m.]

[Reg. 7, Schedule A (Rev. Mar. 1, 1945)]

PART 7007—STRIPPER WELL COMPENSATORY ADJUSTMENTS

Schedule A (Revised October 1, 1944) (10 F.R. 6780) of Stripper Well Compensatory Adjustments Regulation No. 7 of Defense Supplies Corporation, as amended, was further amended by Defense Supplies Corporation by the issuance of Schedule A (Revised March 1, 1945), copy of which is attached hereto.[1]

RECONSTRUCTION FINANCE CORPORATION,
GEORGE STONER,
Associate Director,
Office of Defense Supplies.

[F. R. Doc. 45-14385; Filed, Aug. 4, 1945; 11:22 a. m.]

[Reg. 7, Amdt. 1 to Schedule A (Rev. Mar. 1, 1945)]

PART 7007—STRIPPER WELL COMPENSATORY ADJUSTMENTS

Schedule A (Revised March 1, 1945) of Stripper Well Compensatory Adjustments Regulation No. 7 of Defense Supplies Corporation was amended by Defense Supplies Corporation by the issuance on May 15, 1945, of Amendment No. 1 to Schedule A (Revised March 1, 1945), copy of which is attached hereto.[1]

RECONSTRUCTION FINANCE CORPORATION,
GEORGE STONER,
Associate Director,
Office of Defense Supplies.

[F. R. Doc. 45-14386; Filed, Aug. 4, 1945; 11:22 a. m.]

[Reg. 7, Amdt. 2 to Schedule A (Rev. Mar. 1, 1945)]

PART 7007—STRIPPER WELL COMPENSATORY ADJUSTMENTS

Schedule A (Revised March 1, 1945) of Stripper Well Compensatory Adjustments Regulation No. 7 of Defense Supplies Corporation, as amended, was further amended by Defense Supplies Corporation by the issuance on May 25, 1945, of Amendment No. 2 to Schedule A (Revised March 1, 1945), copy of which is attached hereto.[1]

RECONSTRUCTION FINANCE CORPORATION,
GEORGE STONER,
Associate Director,
Office of Defense Supplies.

[F. R. Doc. 45-14387; Filed, Aug. 4, 1945; 11:22 a. m.]

[Reg. 7, Amdt. 3 to Schedule A (Revised Mar. 1, 1945)]

PART 7007—STRIPPER WELL COMPENSATORY ADJUSTMENTS

Schedule A (Revised March 1, 1945) of Stripper Well Compensatory Adjustments Regulation No. 7 of Defense Supplies Corporation, as amended, was further amended by Defense Supplies Corporation by the issuance on June 28, 1945, of Amendment No. 3 to Schedule A (Revised March 1, 1945), copy of which is attached hereto.[1]

RECONSTRUCTION FINANCE CORPORATION,
GEORGE STONER,
Associate Director,
Office of Defense Supplies.

[F. R. Doc. 45-14388; Filed, Aug. 4, 1945; 11:22 a. m.]

Chapter XXIII—Surplus Property Board

[SPB Reg. 1,[1] Order 5]

PART 8301—DESIGNATION OF DISPOSAL AGENCIES AND PROCEDURES FOR REPORTING SURPLUS PROPERTY LOCATED WITHIN THE CONTINENTAL UNITED STATES, ITS TERRITORIES AND POSSESSIONS

APPROVAL OF DELEGATION OF AUTHORITY BY DEPARTMENT OF COMMERCE TO DEPARTMENT OF TREASURY, BUREAU OF NARCOTICS

Pursuant to section 8 of the Surplus Property Act (58 Stat. 765; 50 U.S.C. App. Sup. IV, 1611), it is hereby ordered, that:

1. *Approval of delegation.* The Surplus Property Board hereby approves of the delegation by the Department of Commerce to the Department of the Treasury, Bureau of Narcotics, of authority to act for and on behalf of the Department of Commerce in the continental United States as disposal agency for surplus opium, coca leaves, marihuana and synthetic narcotics, such as isonipecaine and all compounds, manufactures, salts, derivatives and preparations thereof. The delegation hereby approved shall include, but is not limited to, the commodities represented in the Standard Commodity Classification by the following code numbers: 65-212 to 65-2129 inclusive; 65-215 to 65-2159 inclusive; 65-2222 to 65-22229 inclusive; 65-3203 to 65-32039 inclusive; 65-71411; 65-71612; 65-7271601; and 65-78606.

2. *Declarations of surplus.* Declarations of surplus commodities referred to in the preceding paragraph shall be filed by owning agencies at the office of the Bureau of Narcotics, Treasury Department, Washington 25, D. C. If the Department of Commerce receives any declarations of surplus which include the surplus commodities referred to in the preceding paragraph, it shall separate the items and forward a copy of the declaration containing the appropriate items to the Treasury Department, Bureau of Narcotics, Washington 25, D. C.

This order shall become effective on July 31, 1945.

SURPLUS PROPERTY BOARD,
By A. E. HOWSE,
Administrator.

JULY 31, 1945.

[F. R. Doc. 45-14415; Filed, Aug. 4, 1945; 11:58 a. m.]

TITLE 36—PARKS AND FORESTS

Chapter II—Forest Service, Department of Agriculture

CROSS REFERENCE: For delegation of authority with respect to land exchanges and adjustments of titles to lands, see Subtitle A of Title 7, *supra*.

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

PART 1—RULES OF PRACTICE AND PROCEDURE

FINANCIAL, OWNERSHIP AND OTHER REPORTS OF BROADCAST LICENSEES

1. The Commission on August 2, 1945, effective immediately, deleted § 1.361 *Financial statements* and § 43.1 *Information as to ownership, operation, interests therein, contracts, etc.* and adopted new § 1.301 *Financial report*, § 1.302 *Filing of contracts*, § 1.303 *Ownership reports*, and § 1.304 *Definitions*, which read:

§ 1.301 *Financial report.* Each licensee of a broadcast station (standard, FM, television, and international) shall file with the Commission on or before April 1 of each year (on Form 324 or such other form as the Commission may prescribe, together with supporting schedules) a balance sheet showing its financial condition as of December 31 of the preceding calendar year and an income statement for said calendar year. Each such form shall be subscribed as provided in § 1.121.

§ 1.302 *Filing of contracts.* Each licensee of a broadcast station (standard, FM, television, and international) shall file with the Commission within 30 days of execution thereof verified copies of all documents, instruments, contracts (the substance of oral contracts or understandings shall be reported in writing for submission) together with amendments, supplements, and changes therein and cancellations thereof relating to ownership, management or control of licensee of station, or of any of licensee's stock, rights or interests therein; the use, management, or operation of licensed facilities; and agreements relating to network service, transcription service or bulk time sales (amounting to two hours or more per day); including but not limited to: (a) Articles of partnership, association, or incorporation; (b) by-laws affecting character or organization, control, number or powers of its officers or directors, the classification or voting rights of any stock; (c) any document, instrument, or contract relating to or affecting ownership of licensee, rights or interests therein, its stock, or voting rights thereto; (d) management contracts, network contracts, transcription network contracts, and time sales to brokers.

§ 1.303 *Ownership reports*—(a) *Annual ownership reports.* The licensee of each broadcast station (standard, FM, television, and international) shall file on or before April 1 of each year on FCC Form 323[2] an annual ownership report and shall show the following information as of December 31 of the preceding calendar year:[3]

(1) In the case of an individual, the name of such individual.

(2) In the case of a partnership; the names of the partners and the interests of each partner.[3]

(3) In the case of a corporation or association: (i) Capitalization, with a description of the classes and voting power of stock authorized and the shares of each class issued and outstanding; (ii) the name, residence, citizenship, and stockholdings of officers and directors, and stockholders; (iii) full information with respect to the interest and identity of any person whether or not a stockholder of record, having any interest, direct or indirect, in the licensee or any of its stock;

For example:

(a) Where A is the beneficial owner or votes stock held by B, the same information should be furnished for A as is required for B.

(b) Where X corporation controls the licensee, or holds 25% or more of the stock of the licensee, the same information should be furnished with respect to X corporation (its capitalization, officers, directors, and stockholders and the amount of stock in X held by each) as is required in the case of the licensee, together with full information as to the identity and citizenship of the person authorized to vote licensee's stock.

(c) The same information should be furnished as to Y corporation if it controls X corporation or holds 25% or more of the stock of X, and as to Z corporation if it controls Y corporation or holds 25% or more of the stock of Y and so on back to natural persons.

(iv) full information as to family relationship or business association between two or more officials and/or stockholders.

(4) In the case of all licensees: (i) The name, residence, position and date of appointment of operating personnel determining program policy such as general manager, program director, etc.); (ii) a list of all contracts still in effect required to be filed with the Commission by § 1.302 showing the date of execution and expiration of each contract; (iii) any interest which the licensee may have in any other broadcast station.

(b) *Interim ownership reports.* An interim ownership report shall be filed by each licensee on FCC Form 323A describing any change in information required in the annual ownership report from that previously reported within 30 days after any such change occurs, including without limitation:

(1) Any change in capitalization or organization.

(2) Any change in officers and directors or in operating personnel determining program policy.

(3) Any transaction affecting the ownership, direct or indirect, or voting rights of licensee's stock, such as (i) a transfer of stock, (ii) issuance of new stock or disposition of treasury stock, (iii) acquisition of licensee's stock by the issuing corporation.

(4) Any change in the officers, directors or stockholders of a corporation other than the licensee such as X, Y or Z corporation described in the example above.

Provided, however, That in the case of a change in the officers, directors or stockholders of a corporation other than the licensee (such as X, Y or Z corporation described in the example above), such change need not be reported in the interim report unless that corporation directly or indirectly owns 25% or more of the voting stock in the licensee.[4]

(c) *Exceptions.* Where information is required under paragraphs (a) or (b) of this section with respect to a corporation having more than 50 stockholders, such information need be filed only with respect to stockholders having 1% or more of the stock of the corporation.

§ 1.304 *Definitions.* As used in §§ 1.301–1.303:

(a) "Stock" shall include any interest, legal or beneficial in, or right or privilege in connection with stock.

(b) "Officer" and "director" shall include the comparable officials in unincorporated associations.

(c) "Contract" shall include any agreement (including, without limitation, an option, trust, or pledge) or any modification thereof, express or implied, oral or written.

2. Amended § 1.5 *Inspection of records*, effective 30 days from August 2, 1945, to read:

§ 1.5 *Inspection of records.* Subject to the provisions of section 4 (j), 213 (f), 412 and 606 of the act, the files of the Commission shall be open to public inspection as follows:

(a) Tariff schedules required to be filed under section 203 of the act; valuation reports, including exhibits filed in connection therewith, unless otherwise ordered by the Commission, with reasons therefor, pursuant to section 213 of the act; and annual and monthly reports required to be filed under Section 219 of the act.

(b) Contracts, agreements, or arrangements between carriers, filed pursuant to section 211 (a) of the act, except such contracts relating to foreign wire or radio communications which are marked confidential by the Commission: *Provided, however,* The Commission will give appropriate consideration to a petition filed by any party showing that any such contract, agreement, or arrangement relates to foreign wire or radio communication; that its publication would place American communication companies at a disadvantage in meeting the competition of foreign communication companies; and that public interest would be served by keeping its terms confidential.

(c) All applications and amendments thereto filed under Title II and Title III of the act, including all documents and exhibits filed with and made a part thereof, and all communications protesting or endorsing any such applications; authorizations and certifications issued upon such applications; all pleadings, depositions, exhibits, transcripts of testimony, reports of examiners or presiding officers, exceptions, briefs, proposed reports, or findings of fact and conclusions; all minutes and orders of the Commission. The information filed under § 1.301 and network and transcription contracts filed pursuant to § 1.302 shall not be open to public inspection. The Commission may, however, either on its own motion, or on motion of an applicant, permittee or licensee, for good cause shown, designate any of the material in this subsection as confidential.

(d) In the discretion of the Commission, other files, including those excepted in paragraphs (a), (b) and (c) hereof, upon written request describing in detail the documents to be inspected and the reasons therefor.

(Sec. 4 (i), 48 Stat. 1066; sec. 4 (j), 48 Stat. 1066; 47 U.S.C. 154 (i), 154 (j); in addition to the foregoing which applies to all of the sections adopted and amended herein, statutory authority for § 1.5 is also derived from the following: Sec. 213 (f), 48 Stat. 1074; sec. 412, 48 Stat. 1099; sec. 606, 48 Stat. 1104; 47 U.S.C. 213 (f), 412, 606)

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 45-14435; Filed, Aug. 6, 1945; 11:16 a. m.]

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[1] Filed as part of the original document.

[1] 10 F.R. 3764, 4356.

[1] Filed with the Division of the Federal Register.

[2] For the year 1945, an Annual Ownership Report shall be filed with the Commission on FCC Form 323 on or before November 1, 1945, showing the information required by § 1.303 as of June 30, 1945.

[3] Any change in partners or in their rights will require prior consent of the Commission upon an application for consent to assignment of license.

[4] Before any change is made in the organization, capitalization, officers, directors or stockholders of a corporation other than licensee, which results in a change in the control of the licensee, prior Commission consent must be received under section 310 (b) of the Communications Act.

PART 43—REPORTS (RULES GOVERNING THE FILING OF INFORMATION, CONTRACTS, PERIODIC REPORTS, ETC.)

INFORMATION AS TO OWNERSHIP, OPERATION, ETC.

The Commission, on August 2, 1945, deleted § 43.1 *Information as to ownership, operation, interests therein, contracts, etc.* and § 1.361 *Financial statements*, and in lieu thereof, effective immediately, adopted new § 1.301 *Financial report*, § 1.302 *Filing of contracts*, § 1.303 *Ownership reports*, and § 1.304 *Definitions*. (For text of above rules refer to rules published under Part 1—Rules of Practice and Procedure.)

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 45-14436; Filed, Aug. 6, 1945; 11:16 a. m.]

TITLE 49—TRANSPORTATION AND RAILROADS

Chapter I—Interstate Commerce Commission

[S. O. 68, Amdt. 9]

PART 95—CAR SERVICE

FREIGHT CHARGES

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 3d day of August, A. D. 1945.

Upon further consideration of the provisions of Service Order No. 68, (codified as § 95.15 of Title 49 C.F.R.) as amended (8 F.R. 8513, 14224, 16265; 9 F.R. 7206, 14306; 10 F.R. 6040, 8142), and good cause appearing therefor; *It is ordered*, That:

Service Order No. 68, as amended, is hereby further amended by adding paragraph (a) (3) thereto and continuing the other provisions previously provided in Amendment No. 8:

(a) *Overloaded cars.* When part of the contents (hereinafter termed the excess) of an overloaded car of carload freight is transferred to another car and both cars forwarded without other freight therein the following shall govern:

Freight charges. All common carriers by railroad subject to the Interstate Commerce Act shall:

(1) On the original car assess and collect freight charges, origin to final destination in effect at time of shipment, based upon the actual weight of freight left in that car after the excess has been removed, but not less than the tariff minimum weight for such car;

(2) On the car loaded with the excess freight assess and collect freight charges at the carload rate, applicable on the commodity as originally shipped, from transfer point to final destination in effect at time of original shipment, based on the actual weight of such excess freight subject to the following minima:

(i) When the tariff minimum weight depends on the length of the car, 50 percent of the minimum weight applicable to a car 40 feet 6 inches in length; or

(ii) When the tariff minimum weight depends on capacity of the car, 50 percent of 80,000 pounds; or

(iii) When the tariff minimum weight does not depend on the length or capacity of a car, 50 percent of the minimum weight applicable to the shipment as originally billed.

(3) But in no instance shall the charges be less than the charges which would have applied on the same shipment transported without transfer of the excess freight to another car.

(b) *Exemption of freight transshipped from ocean vessels.* (1) This order shall not apply to a single consignment consisting of two or more freight cars loaded with freight transshipped directly from ocean-going vessels to railroad cars at ports, or to freight transshipped directly from barges to railroad cars at ports on inland waterways which freight has been previously transshipped directly from ocean-going vessels to barges at ocean ports, provided all such cars are loaded to not less than the tariff minimum weight or to cubical or visible capacity, except one car for each consignment loaded with a remnant lot as defined in the following paragraph, and provided charges are assessed on the remnant lot on a weight of 10,000 pounds or more.

(2) *Remnant lot defined.* The term "remnant lot" as used herein, is that part of a consignment, insufficient to fill the last car to cubical or visible capacity, remaining after the other car or cars used for the consignment has or have been loaded to not less than the tariff minimum weight or to full cubical or visible capacity.

(3) *Loading transshipped freight.* Common carriers by railroad shall load carload freight (except a remnant lot), transshipped from vessels, to the carload minimum weight or to cubical or visible capacity of the car or cars used.

(c) *Exemption of livestock.* This order shall not apply to shipments of livestock.

(d) *Application.* The provisions of this order shall apply to intrastate, interstate and foreign commerce.

(e) *Expiration date.* This order as amended shall expire at 12:01 a. m., January 31, 1946, unless otherwise modified, changed, suspended or annulled by order of this Commission.

It is further ordered, That:

Tariff provisions suspended. The operation of all tariff rules, regulations or charges insofar as they conflict with the provisions of this amendment is hereby suspended.

Announcement of suspension. Each railroad, or its agent, shall file and post a supplement to each of its tariffs affected hereby announcing the suspension and publishing the provisions required by this amendment. (40 Stat. 101, sec. 402, 41 Stat. 476, sec. 4, 54 Stat. 901; 49 U.S.C. 1 (10)–(17))

Effective date. This amendment shall become effective at 12:01 a. m., August 18, 1945.

It is further ordered, That this amendment shall vacate and supersede Amendment No. 8 on the effective date hereof; that a copy of this order and direction shall be served upon each State railroad regulatory body and upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

By the Commission, Division 3.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 45-14375; Filed, Aug. 4, 1945; 10:29 a. m.]

[2d Rev. S.O. 243, Amdt. 1]

PART 95—CAR SERVICE

LIGHT-WEIGHING OF TANK CARS

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 3d day of August, A. D. 1945.

Upon further consideration of Second Revised Service Order No. 243 (9 F. R. 14072) and good cause appearing therefor: *It is ordered*, That:

Second Revised Service Order No. 243 (9 F. R. 14072) be, and it is hereby amended by adding the following paragraph (3) to the exceptions under paragraph (a) therefor:

(3) In the territory east of the Mississippi River this order shall not apply to tank cars designated "TP" or "TPI" in the official Railway Equipment Register, only when such "TP" or "TPI" cars are used to transport the following acid or compressed gases: Chlorine, sulphur dioxide, anhydrous ammonia, methyl chloride, anhydrous hydrofluoric acid.

It is further ordered, That this order shall become effective 12:01 a. m., August 8, 1945; that copies of this order and direction shall be served upon the State railroad regulatory bodies of all States and upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director of the Federal Register.

By the Commission, Division 3.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 45-14376; Filed, Aug. 4, 1945; 10:29 a. m.]

[S. O. 80, Amdt. 33]

PART 95—CAR SERVICE

APPOINTMENT OF GENERAL GRAIN AGENT

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 4th day of August, A. D. 1945.

Upon further consideration of the provisions of Service Order No. 80, as amended (codified as § 95.19 of Title 49 CFR), and good cause appearing therefor: *It is ordered*,

That Service Order No. 80, as amended, be, and it is hereby, further amended by adding the following paragraph:

10 *Appointment of General Grain Agent.* F. S. Keiser, Room 1955, 209 So. Wells St., Chicago, Ill., is hereby appointed General Grain Agent of the Interstate Commerce Commission in charge of grain transportation for the purpose of this order and such other duties as the Commission may hereinafter assign pursuant to this order. Permit Agents appointed by this order will be under the direction and supervision of Mr. Keiser and he shall at all times keep the Commission informed through its Bureau of Service. (49 Stat. 101, sec. 402, 41 Stat. 476, sec. 4, 54 Stat. 901; 49 U. S. C. 1 (10)–(17))

And it is further ordered, That this amendment shall become effective 12:01 p. m. August 4, 1945; that copies of this amendment be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this amendment be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

By the Commission, Division 3.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 45-14427; Filed, Aug. 6, 1945; 11:04 a. m.]

Chapter II—Office of Defense Transportation

[Gen. Order ODT L-3, Amdt. 3]

PART 504—DIRECTION OF MOTOR TRAFFIC MOVEMENT

MOTOR TRANSPORTATION OF POULTRY FROM OR WITHIN DESIGNATED AREAS

Pursuant to Title III of the Second War Powers Act, 1942, as amended, Executive Orders 8989, as amended, and 9156, War Production Board Directives 21 and 36, as amended, and authorizations and requests contained in certificates of the War Food Administration dated December 1, 1944, December 29, 1944, May 14, 1945, and certificate of the United States Department of Agriculture dated July 31, 1945, respectively,

It is hereby ordered, That Appendix A to General Order ODT L-3, as amended (9 F.R. 14307, 10 F.R. 161, 5603), be, and it hereby is, further amended by amending the paragraph therein captioned "Area No. 5" to read as follows:

Area No. 5: The Counties of Randolph, Moore, Lee, Chatham, Stanly, Montgomery, Anson, Richmond, and Union in the State of North Carolina.

This Amendment 3 to General Order ODT L-3 shall be retroactive to become effective August 1, 1945.

(Title III of the Second War Powers Act, 1942, as amended, 56 Stat. 177, 50 U.S.C. App. 633, 58 Stat. 827; E.O. 8989, as amended, 6 F.R. 6725, 8 F.R. 14183; E.O. 9156, 7 F.R. 3349; WPB Directives 21 and 36, as amended, 8 F.R. 5834, 10 F.R. 3009; Certificates of War Food Administration dated Dec. 1, 1944, Dec. 29, 1944, May 14, 1945, and certificate of U. S. Department of Agriculture dated July 31, 1945, respectively)

Issued at Washington, D. C., this 4th day of August 1945.

J. M. JOHNSON, *Director, Office of Defense Transportation.*

[F. R. Doc. 45-14433; Filed, Aug. 6, 1945; 11:05 a. m.]

[General Order ODT L-6]

PART 504—DIRECTION OF MOTOR TRAFFIC MOVEMENT

MOTOR TRANSPORTATION OF POULTRY WITHIN OR FROM DESIGNATED AREA

General outline. This order relates to the transportation by commercial motor vehicle of live chickens within or from an area comprised of the States of Illinois, Indiana, Iowa, Kansas, Minnesota, Missouri, Nebraska, North Dakota, Oklahoma, South Dakota, Texas and Wisconsin by common, contract, and private carriers by motor vehicle. Live chickens may not be transported by such media to any point or place situated more than 100 air miles from the farm or other place where such chickens were produced when the farm or other place is situated within the above described area unless there is outstanding a letter of authority issued pursuant to War Food Order No. 142 issued by the Secretary of Agriculture authorizing the transporter, or the person for whom the chickens are being transported, or the person to whom such chickens are to be delivered, to purchase, procure, receive, or accept delivery thereof, and unless a copy of such letter of authority is carried in the transporting motor vehicle. Issuance of letters of authority will be by a representative of the United States Department of Agriculture to whom applications for letters of authority may be made, if desired.

Any inquiry regarding the requirements or effect of War Food Order No. 142 should be addressed to the Order Administrator, WFO No. 142, United States Department of Agriculture, Dairy and Poultry Branch, Office of Marketing Services, Washington 25, D. C.

Any letter of authority issued pursuant to War Food Order No. 142 shall not be construed as permitting any common, contract, or private carrier, to violate any order or written direction of the Office of Defense Transportation.

This general outline shall not be construed to alter the meaning of any provision contained in the order. The text of General Order ODT L-6 follows:

Pursuant to Title III of the Second War Powers Act, 1942, as amended, Executive Orders 8989, as amended, and 9156, War Production Board Directive 21, and an authorization and request contained in a certificate of the Secretary of Agriculture dated August 3, 1943, *It is hereby ordered*, That:

Sec.

504.24 Definitions
504.25 Restriction upon transportation by commercial motor vehicle of poultry within or from designated area.
504.26 Submission of records and property for examination and inspection by authorized representative.
504.27 Special or general permits.
504.28 Communications.

AUTHORITY: §§ 504.24 through 504.28, inclusive, issued under Title III of the Second War Powers Act, as amended, 56 Stat. 177, 50 U.S.C. App. 633, 58 Stat. 827; E.O. 8989, as amended, 6 F.R. 6725, 8 F.R. 14183; E.O. 9156, 7 F.R. 3349; WPB Directive 21, 8 F.R. 5834; Certificate of Secretary of Agriculture, dated Aug. 3, 1945.

§ 504.24 *Definitions.* As used in this order, and unless otherwise indicated by the context, the term: (a) "Person" means any individual, partnership, corporation, association, joint-stock company, business trust, or any other organized group of persons, or any trustee, receiver, assignee, or personal representative, and includes any department or agency of the United States, any State, the District of Columbia, or any other political, governmental, or legal entity.

(b) "Poultry" means live chickens, other than baby chicks not over 3 weeks old, without regard to the age, weight, or sex of the chickens.

(c) "Poultry area" means the States of Illinois, Indiana, Iowa, Kansas, Minnesota, Missouri, Nebraska, North Dakota, Oklahoma, South Dakota, Texas, and Wisconsin.

(d) "Commercial motor vehicle" means (1) a straight truck, (2) a combination truck-tractor and semi-trailer, (3) a full trailer, (4) any combination thereof, or (5) any other rubber-tired vehicle, excluding a motorcycle, propelled or drawn by mechanical power and built or rebuilt primarily for the purpose of transporting property.

(e) "Common carrier" means any person that holds itself out to the general public to engage in transportation of property by commercial motor vehicle for compensation.

(f) "Contract carrier" means any person that, under individual contracts or agreements, engages in the transportation of property by commercial motor vehicle for compensation.

(g) "Private carrier" means any person not included in the term "common carrier" or "contract carrier" that transports by commercial motor vehicle property of which such person is the owner, lessee, or bailee, when such transportation is for the purpose of sale, lease, rent, or bailment, or in furtherance of any commercial enterprise.

§ 504.25 *Restriction upon transportation by commercial motor vehicle of poultry within or from designated area.* (a) No person shall transport poultry

by commercial motor vehicle, as a common carrier, contract carrier, or private carrier to a point or place more distant than 100 air miles from the farm or other place situated within the poultry area where such poultry were produced, unless there is outstanding respecting such transportation a letter of authority issued by the Secretary of Agriculture, or his designated representative, authorizing such person, or the person for whom the poultry is being transported, or the person to whom the poultry is to be delivered, to purchase, procure, receive, or accept delivery of such poultry, pursuant to the provisions of War Food Order No. 142 issued by the Secretary of Agriculture, or of any supplement thereto or amendment or reissue thereof, and unless a copy of such letter of authority is carried in the transporting motor vehicle.

(b) Nothing contained in this order, or in any letter of authority issued pursuant to the provisions of War Food Order No. 142, shall be construed as permitting or requiring any common carrier, contract carrier, or private carrier, to perform any transportation service which is in violation of any order or written direction which has been or may hereafter be issued by the Office of Defense Transportation, and which is in effect at the time of such transportation.

§ 504.26 *Submission of records and property for examination and inspection by authorized representative.* Any person transporting poultry within or from the poultry area by commercial motor vehicle, as a common carrier, contract carrier, or private carrier, shall submit his books, records, and other writings, including a copy of any authorization issued pursuant to War Food Order No. 142 pertaining to such transportation, and premises and property used in connection therewith, to any accredited representative of the Office of Defense Transportation or the United States Department of Agriculture upon demand and the display of proper credentials, for such examination and inspection as may be necessary or appropriate to the enforcement or administration of this order.

§ 504.27 *Special or general permits.* The provisions of this order shall be subject to any special or general permit issued by this Office to meet specific needs or exceptional circumstances, or to prevent undue public hardship.

§ 504.28 *Communications.* Communications concerning this order should refer to General Order ODT L–6 and, unless otherwise directed, should be addressed to the Director, Highway Transport Department, Office of Defense Transportation, Washington 25, D. C.

This General Order ODT L–6 shall become effective August 13, 1945.

Issued at Washington, D. C., this 4th day of August 1945.

J. M. JOHNSON,
Director of the Office of Defense Transportation.

[F. R. Doc. 45-14449; Filed, Aug. 6, 1945; 11:47 a. m.]

Notices

INTERIOR DEPARTMENT.

Office of the Secretary.

INVENTION REPORTS BY W. A. E. EMPLOYEES

EXEMPTION FROM REPORTING REQUIREMENT

Order No. 1871 of September 7, 1943 (8 F.R. 12523), relating to the procedure for reporting inventions by employees of the Interior Department is hereby amended by the addition of section 6, as follows:

6. *Exemption from reporting requirement.* Scientific and professional employees of the Department receiving compensation on a w. a. e. basis in the performance of duties or services for the convenience and benefit of the Government are exempted from so much of this order and Order No. 1763 of November 17, 1942 (7 F.R. 10161), as requires them to report to the Department all inventions which they consider to be patentable. Instead, they are required to report only those inventions arising out of their duties to the Department or substantially made or developed through the use of Government facilities or financing, or on Government time, or through the aid of Government information not available to the public. This requirement shall be part of the terms of employment of such employees, who shall be notified thereof on or before their entrance upon their employment.

HAROLD L. ICKES,
Secretary of the Interior.

AUGUST 2, 1945.

[F. R. Doc. 45-14422; Filed, Aug. 6, 1945; 9:44 a. m.]

DEPARTMENT OF AGRICULTURE.

Rural Electrification Administration.

[Administrative Order 931]

ALLOCATION OF FUNDS FOR LOANS

JULY 14, 1945.

By virtue of the authority vested in me by the provisions of section 4 of the Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said act, funds for loans for the projects and in the amounts as set forth in the following schedule:

Project designation	*Amount*
Alabama 46022D1 Butler	$175,000
Arkansas 46027C2 Ouachita	70,000
Illinois 46012C1 Bureau	75,000
Kentucky 46033H2 Daviess	50,000
Minnesota 46092B1 South Itasca	163,000
Mississippi 46023F1 Copiah	135,000
New Mexico 46009D2 Curry	50,000
North Carolina 46033B2 Martin	30,000
Oklahoma 46006K1 Caddo	150,000
Texas 46021A5 Milam	50,000
Texas 46115B1 Grimes	100,000

[SEAL] CLAUDE R. WICKARD,
Administrator.

[F. R. Doc. 45-14378; Filed, Aug. 4, 1945; 11:07 a. m.]

[Administrative Order 932]

ALLOCATION OF FUNDS FOR LOANS

JULY 14, 1945.

By virtue of the authority vested in me by the provisions of section 4 of the Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said act, funds for loans for the projects and in the amounts as set forth in the following schedule:

Project designation	*Amount*
Georgia 46042D2 Toombs	$50,000
Illinois 46007D5 Henry	25,000
Illinois 46029E1 Shelby	192,000
Illinois 46039C1 Fulton	65,000
Louisiana 46013E1 East Baton Rouge	132,000
Louisiana 46015B3 Pointe Coupee	50,000
Mississippi 46039B5 Jackson	50,000
Montana 46028A1 McCone	550,000
North Carolina 46034C2 Anson	93,000
North Carolina 46058B1 Lee	438,000
South Carolina 46029B1 Sumter	125,000
Texas 46047D2 Deaf Smith	50,000
Virginia 46039A4 Northampton	50,000
Wisconsin 46058B2 Price	128,000
Wisconsin 46063B2 Bayfield	127,000

[SEAL] CLAUDE R. WICKARD,
Administrator.

[F. R. Doc. 45-14379; Filed, Aug. 4, 1945; 11:07 a. m.]

[Administrative Order 933]

ALLOCATION OF FUNDS FOR LOANS

JULY 14, 1945.

By virtue of the authority vested in me by the provisions of section 4 of the Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said act, funds for loans for the projects and in the amounts as set forth in the following schedule:

Project designation	*Amount*
Florida 46014G6 Clay	$432,000
Florida 46016C3 Sumter	50,000
Georgia 46008D1 Wilkes	130,000
Georgia 46037E1 Douglas	175,000
Georgia 46075B2 Lamar	50,000
Georgia 46081D1 Towns	115,000
Illinois 46003C2 Coles	114,000
Kentucky 46026F1 Todd	65,000
Mississippi 46021H1 Coahoma	50,000
Mississippi 46041D1 Pike	200,000
Montana 46010E1 Madison	300,000
Nebraska 46059C1 Butler District Public	150,000
Nebraska 46076B2 Red Willow District Public	50,000
North Dakota 46021A3 Sargent	164,000
North Dakota 46030A1 Steele	557,000
Ohio 46055F1 Coshocton	80,000
Texas 46091C3 San Patricio	50,000
Texas 46097B1 Childress	195,000
Texas 46104C1 Mitchell	59,000

[SEAL] CLAUDE R. WICKARD,
Administrator.

[F. R. Doc. 45-14380; Filed, Aug. 4, 1945; 11:06 a. m.]

[Administrative Order 934]

ALLOCATION OF FUNDS FOR LOANS

JULY 18, 1945.

By virtue of the authority vested in me by the provisions of section 4 of the Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said act, funds for loans for the projects and in the amounts as set forth in the following schedule:

Project designation	*Amount*
Colorado 46016F1 Jefferson	$225,650
Georgia 46066E2 Taylor	50,000
Illinois 46028D1 Champaign	116,000
Kansas 46025C1 Lyon	185,000
Michigan 46037A2 Huron	50,000
Mississippi 46038D1 Warren	175,000
Missouri 46035D1 Adair	165,000
Missouri 46051C1 Nodaway	170,000
Nebraska 46056D1 Cedar-Knox District Public	60,000
New Hampshire 46004D2 Merrimack	120,000
Oklahoma 46021C3 Washita	50,000
Pennsylvania 46004F1 Crawford	158,000
Pennsylvania 46006L1 Indiana	115,000
Pennsylvania 46012D1 Sullivan	70,000
Pennsylvania 46013E3 Tioga	50,000
Pennsylvania 46019B3 Warren	45,000
South Carolina 46024B4 Marion	50,000
South Carolina 46024C1 Marion	85,000
Texas 46086C3 Comanche	50,000
Virginia 46036B2 Prince George	50,000

[SEAL] CLAUDE R. WICKARD,
Administrator.

[F. R. Doc. 45-14381; Filed, Aug. 4, 1945; 11:06 a. m.]

DEPARTMENT OF LABOR.

Office of the Secretary.

[WLD 97]

ZANES FREIGHT AGENCY

FINDINGS AS TO CONTRACTS IN PROSECUTION OF WAR

In the matter of Zanes Freight Agency, Dallas, Texas; Case No. S–2437.

Pursuant to section 2 (b) (3) of the War Labor Disputes Act (Pub. No. 89, 78th Cong., 1st sess.) and the directive of the President dated August 10, 1943, published in the FEDERAL REGISTER, August 14, 1943, and

Having been advised of the existence of a labor dispute involving Zanes Freight Agency, Dallas, Texas.

I find that the local pick-up and delivery activities of Zanes Freight Agency, Dallas, Texas, pursuant to contract, oral or written, for the transportation of goods, articles and commodities for railroad and long distance trucking companies, are contracted for in the prosecution of the war within the meaning of section 2 (b) (3) of the War Labor Disputes Act.

Signed at Washington, D. C., this 2d day of August 1945.

L. B. SCHWELLENBACH,
Secretary.

[F. R. Doc. 45-14360; Filed, Aug. 3, 1945; 2:53 p. m.]

Wage and Hour Division.

WILD RICE IN MINNESOTA

APPLICATION FOR EXEMPTION FROM MAXIMUM HOUR REGULATIONS

In the matter of the application for exemption of the processing of wild rice in the State of Minnesota from the maximum hours provisions of the Fair Labor Standards Act of 1938 pursuant to section 7 (b) (3) of the act and Part 526 of the regulations, as amended, issued thereunder.

Whereas, an application has been filed by the Wild Rice Producers' Association of Minnesota for a determination that the processing of wild rice constitutes an industry of a seasonal nature within the meaning of section 7 (b) (3) of the Fair Labor Standards Act of 1938 and Part 526, as amended, of the regulations issued thereunder; and

Whereas, it appears from the application that:

(1) Wild rice matures and is harvested in Minnesota during a regularly recurring season each year beginning about the middle of August and ending about the middle of October;

(2) Wild rice is perishable and must be processed as quickly as possible after harvesting to prevent deterioration and spoilage;

(3) Practically all of the establishments processing wild rice commercially are located in Minnesota. Wild rice is processed in these establishments during a regularly recurring season each year which begins at the same time as the harvesting season and lasts for about 90 days, after which the processing plants cease production for the remainder of the year except for such work as maintenance, repair, clerical and sales work, because wild rice is no longer available for processing as a result of natural conditions.

Now, Therefore, upon consideration of the facts stated in the application, the Administrator hereby determines pursuant to § 526.5 (b) (ii) of the regulations that a prima facie case has been shown for the granting of an exemption for the processing of wild rice in Minnesota as an industry of a seasonal nature pursuant to section 7 (b) (3) of the Fair Labor Standards Act of 1938 and Part 526, as amended, of the regulations issued thereunder.

As used in this determination, the term "processing of wild rice" means the curing, drying, parching, hulling and cleaning of wild rice; and the following operations when performed by employees of wild rice processors on or near the premises of wild rice processing plants during the wild rice processing season: the packaging and bagging of wild rice; the storing of wild rice and the removal of the wild rice from storage and placing it in transportation facilities; and any operations or services necessary or incident to the foregoing.

If no objection or request for hearing is received within 15 days following the publication of this determination, the Administrator, pursuant to § 526.5 (b) (ii) of the regulations, will make a finding upon the prima facie case. Objections and requests for hearing from any interested person should be submitted in writing to the National Office of the Wage and Hour Division, 165 West 46th Street, New York 19, New York. The application for exemption may be examined at this office.

Signed at New York, New York this 1st day of August 1945.

L. METCALFE WALLING,
Administrator.

[F. R. Doc. 45-14448; Filed, Aug. 6, 1945; 11:20 a. m.]

FEDERAL POWER COMMISSION

[Docket No. IT-5519]

BONNEVILLE PROJECT, COLUMBIA RIVER, OREG.-WASH.

ORDER POSTPONING HEARING

AUGUST 1, 1945.

It appears to the Commission that:

(a) On July 20, 1945, the Commission ordered that a public hearing be held in the above-entitled matter commencing at 10 a. m. (Pwt) on August 14, 1945, in Room 338, Federal Post Office Building, Spokane, Washington.

(b) Good cause exists for postponing the date of hearing as hereinafter provided.

The Commission orders that:

The public hearing in the above-entitled proceeding is hereby postponed to August 27, 1945, commencing at 10 a. m. (Pwt) in Room 338, Federal Post Office Building, Spokane, Washington.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 45-14426; Filed, Aug. 6, 1945; 11:08 a. m.]

INTERSTATE COMMERCE COMMISSION.

[S. O. 70-A, Special Permit 1026]

RECONSIGNMENT OF POTATOES AT ST. LOUIS, MO.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph (§ 95.35, 8 F.R. 14624) of Service Order No. 70–A of October 22, 1943, permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard entirely the provisions of Service Order No. 70–A insofar as it applies to the reconsignment at St. Louis, Missouri, August 2, 1945, by Atlantic Commission Company, of car PFE 51801, potatoes, now on the Wabash Railroad, to E. H. Anderson, Chicago, Illinois (Alton), account railroad error.

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 2d day of August 1945.

V. C. CLINGER,
Director,
Bureau of Service.

[F. R. Doc. 45-14428; Filed, Aug. 6, 1945; 11:04 a. m.]

[2d Rev. S.O. 300, Amended Special Permit 16]

ICING OF POTATOES AT JERSEY CITY, N. J.

Pursuant to the authority vested in me by paragraph (e) of the first ordering paragraph of Second Revised Service Order No. 300 (10 F.R. 6802), permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard the provisions of Second Revised Service Order No. 300 insofar as it applies to the furnishing of initial icing at Jersey City, N. J. (on B. & O.), on not to exceed twenty-eight (28) refrigerator cars, loaded with potatoes, to be shipped not later than August 6, 1945, from points on the Long Island Railroad, consigned to Quarter Master Market Center, New Orleans, Louisiana, for export, and to accord one reicing in transit only at Cincinnati, Ohio. (Brighton—by B. & O.) on the said twenty-eight (28) cars.

The waybills shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 2d day of August, 1945.

V. C. CLINGER,
Director,
Bureau of Service.

[F. R. Doc. 45-14429; Filed, Aug. 6, 1945; 11:04 a. m.]

[2d Rev. S. O. 300, Special Permit 24]

ICING OF POTATOES FROM POINTS ON THE LONG ISLAND RAILROAD

Pursuant to the authority vested in me by paragraph (e) of the first ordering paragraph of Second Revised Service Order No. 300 (10 F.R. 6802), permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard the provisions of Second Revised Service Order No. 300 insofar as it applies to the furnishing of initial icing on not to exceed thirteen (13) refrigerator cars, loaded with potatoes, to be shipped August 6, 7 and 8, 1945, from points on the Long Island Railroad, consigned to Quarter Master Market Center, New Orleans, Louisiana, for export, and to accord one reicing in transit only, at Columbus, Ohio (by P. R. R.), on the said thirteen (13) cars (L. I.-P. R. R. to Cincinnati, Ohio—L. & N.).

The waybills shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 1st day of August, 1945.

V. C. CLINGER,
Director,
Bureau of Service.

[F. R. Doc. 45-14430; Filed, Aug. 6, 1945; 11:04 a. m.]

[2d Rev. S. O. 300, Special Permit 25]

ICING OF POTATOES FROM HIGHTSTOWN, FREEHOLD, AND HOWELL, N. J., AND GREENPORT, LONG ISLAND, N. Y.

Pursuant to the authority vested in me by paragraph (e) of the first ordering paragraph of Second Revised Service Order No. 300 (10 F.R. 6802), permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard the provisions of Second Revised Service Order No. 300 insofar as it applies to the furnishing of initial icing only, at the first regular icing station enroute, on cars of potatoes, shipped by F. H. Vahlsing, Inc., July 31 or August 1, 1945, as follows:

WFE 60464 from Hightstown, N. J., to The Riggs Company, East Liverpool, Ohio. (P. R. R.),

FGE 18113 from Hightstown, N. J., to Leedom Worrell, Butler, Pennsylvania. (P. R. R.),

WFE 63570 from Freehold, N. J., to W. E. Osborn Company, New Brighton, Pa. (P. R. R.),

FGE 52721 from Howell, N. J., to Akron Terminal Produce Co., Akron, Ohio. (P. R. R.),

IC 50088 from Greenport, L. I., to Dan Storey, Pittsburgh, Pa. (L. I.-P. R. R.),

WFE 65918 from Greenport, L. I., to Market Dealers Service, Detroit, Mich. (L. I.-DL&W-Wab.),

FGE 14678 from Greenport, L. I., to C. F. Smith, Detroit, Michigan. (LI-NYC-MC);

and to the furnishing of standard refrigeration on the following cars:

WFE 62773 from Hightstown, N. J., to Sidney Alterman, Port Everglades, Fla. (PRR-Sou.-FEC),

FGE 50094 from Howell, N. J., to Sidney Alterman, Port Everglades, Fla. (PRR-Sou.-FEC),

BRE 75743 from Freehold, N. J., to N. Geraci & Company, Inc., Tampa, Fla. (PRR-RF&P-ACL).

The waybills shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 1st day of August 1945.

V. C. CLINGER,
Director,
Bureau of Service.

[F. R. Doc. 45-14431; Filed, Aug. 6, 1945; 11:05 a. m.]

[2d Rev. S. O. 300, Special Permit 26]

ICING OF POTATOES FROM GREENPORT, LONG ISLAND, N. Y.

Pursuant to the authority vested in me by paragraph (e) of the first ordering paragraph of Second Revised Service Order No. 300 (10 F.R. 6802), permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard the provisions of Second Revised Service Order No. 300 insofar as it applies to the furnishing of initial icing only on car FGE 50056, potatoes, consigned to Dan Storey, Pittsburgh, Pennsylvania, (L. I.-B. & O.), and to the furnishing of initial icing and one reicing in transit only on car WFE 49606, potatoes, consigned to Green and Milan, Atlanta, Georgia, (L. I.-P. R. R. R.-R. F. & P.-A. C. L.-Ga. Railroad), both cars shipped by F. H. Vahlsing, Inc., August 1 or 2, 1945, from Greenport, Long Island, New York.

The waybills shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 2d day of August 1945.

V. C. CLINGER,
Director,
Bureau of Service.

[F. R. Doc. 45-14432; Filed, Aug. 6, 1945; 11:05 a. m.]

SECURITIES AND EXCHANGE COMMISSION.

[File No. 59-15]

NORTHERN NEW ENGLAND CO. AND NEW ENGLAND PUBLIC SERVICE CO.

NOTICE OF HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 2d day of August, A. D. 1945.

The Commission having on July 27, 1945 issued its notice of filing and order reconvening hearing in proceedings pursuant to section 11 of The Public Utility Holding Company Act of 1935, which order directed, among other things, that the hearings in the above matter be reconvened on August 9, 1945 at the Philadelphia offices of the Commission; and

It appearing to the Commission that it is appropriate in the public interest, because of the number of witnesses resident in Boston, Massachusetts, and the availability of books and records there, that the hearings herein should be transferred, temporarily at least, to Boston:

It is therefore ordered, That the hearing herein be reconvened at the Boston Regional Office of the Commission, Room 426 Shawmut Bank Building, 82 Devonshire Street, Boston 9, Massachusetts, at 10:00 a. m., e. w. t., August 9, 1945 before the trial examiner heretofore designated, without prejudice, however, to the right of the Commission or the trial examiner to reconvene the hearing in Philadelphia or elsewhere at any time after August 9, 1945.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 45-14371; Filed, Aug. 4, 1945; 9:58 a. m.]

[File No. 70-315]

ELECTRIC BOND AND SHARE CO.

NOTICE AND ORDER FOR HEARING ON ISSUE OF APPROPRIATENESS OF MODIFYING OR RESCINDING AUTHORIZATION TO PURCHASE PREFERRED STOCK AND ORDER SUSPENDING AUTHORIZATION PENDING SUCH HEARING

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa., on the 2d day of August, A. D. 1945.

The Commission having on September 7, 1944, approved, subject to terms and conditions, a declaration of Electric Bond and Share Company ("Bond and Share") respecting the use of $44,000,000 received from United Gas Corporation in settlement of its obligation to Bond and Share in the acquisition of a portion of its outstanding $5 and $6 preferred stocks; and

The Commission having reserved jurisdiction to rescind or modify its order, in its discretion, as to the use of any portion of such funds which have not, at the time of such rescission or modification, been employed for such purpose; and

Bond and Share having reserved the right to file substitute or additional programs with respect to the use of all or any portion of the funds which are the subject of the declaration and the Commission having reserved jurisdiction to require the making of such filings or to take such other action as may be necessary or appropriate under the provisions of the act; and

Bond and Share having expended a total of only approximately $1,000,000 of the said $44,000,000 authorized for acquisitions of its preferred stock up to June 30, 1945 and no purchases of such preferred stock having been effected thereafter; and

Bond and Share having filed certain plans under section 11 (e) of the act which propose, among other things, that, as an initial step in the retirement of all of its $5 and $6 preferred stock, approximately $31,000,000 of cash be used to make a payment of $30 per share as a capital distribution on its preferred stocks, such capital distribution to be accompanied by a modification of the rights of the preferred stockholders, including a reduction, subject to any adjustment found to be subsequently necessary by the Commission or an appropriate Federal Court, of 30% in the annual dividend rates; and

The Commission deeming it appropriate, in the light of the filing of such plans, that consideration be given to the issue of whether the Commission's approval of the use, by Bond and Share in the acquisition of its $5 and $6 preferred stocks, of any portion of the $44,000,000 not previously employed for such purpose, should be rescinded or modified.

It is ordered, That a hearing be held with respect to this matter at 10:30 a. m., e. w. t., on the 20th day of August 1945, at the offices of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia, Pennsylvania, in such room as may be designated at that time by the Hearing Room Clerk in Room 318. All persons desiring to be heard or otherwise wishing to participate in the proceedings shall notify the Commission in the manner provided by its rules of practice, Rule XVII, on or before August 18, 1945.

It is further ordered, That William W. Swift or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearings in such matter. The officer so designated to preside at any such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said act and to a trial examiner under the Commission's rules of practice.

It is further ordered, That at such hearing consideration be given to the issue of whether the Commission's approval of the use, by Bond and Share in the acquisition of its $5 and $6 preferred stocks, of any portion of the $44,000,000 not previously employed for such purpose, should be rescinded or modified.

It is further ordered, That, pending determination of the issue hereinabove stated, the approval of the Commission with respect to the use by Bond and Share in the acquisition of the Company's $5 and $6 preferred stocks, of any portion of said $44,000,000 not heretofore employed for such purpose, be, and hereby is, suspended.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 45-14370; Filed, Aug. 4, 1945; 9:58 a. m.]

[File No. 7-809]

UNITED LIGHT AND RAILWAYS CO.

ORDER SETTING HEARING ON APPLICATION TO EXTEND UNLISTED TRADING PRIVILEGES

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 4th day of August, A. D. 1945.

In the matter of application by the New York Curb Exchange to extend unlisted trading privileges to The United Light and Railways Company, Common Stock, $7.00 Par Value, File No. 7-809.

The New York Curb Exchange, pursuant to section 12 (f) (3) of the Securities Exchange Act of 1934, and Rule X-12F-1 promulgated thereunder, having made application to the Commission to extend unlisted trading privileges to the above-mentioned security;

The Commission deeming it necessary for the protection of investors that a hearing be held in this matter at which all interested persons be given an opportunity to be heard;

It is ordered, That the matter be set down for hearing at 10:00 a. m. on Tuesday, September 4, 1945, at the office of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia, Pennsylvania, and continue thereafter at such times and places as the Commission or its officer herein designated shall determine, and that general notice thereof be given; and

It is further ordered, That William W. Swift, or any other officer or officers of the Commission named by it for that purpose, shall preside at the hearing on such matter. The officer so designated to preside at such hearing is hereby empowered to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 45-14420; Filed, Aug. 6, 1945; 9:44 a. m.]

[File Nos. 54-127, 59-3, 59-12]

ELECTRIC BOND AND SHARE CO. ET AL.

NOTICE OF FILING OF PLANS AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pennsylvania, on the 3d day of August A. D. 1945.

In the matters of Electric Bond and Share Company, File No. 54-127; Electric Bond and Share Company, and its subsidiary companies, respondents, File No. 59-3; Electric Bond and Share Company, American Power & Light Company, National Power & Light Company, Electric Power & Light Corporation, et al., respondents, File No. 59-12.

The Commission having previously instituted proceedings pursuant to section 11 (b) (1) of the Public Utility Holding Company Act of 1935 (File No. 59-3) and proceedings pursuant to section 11 (b) (2) (File No. 59-12) with respect to Electric Bond and Share Company ("Bond and Share"), a registered holding company, and certain of its subsidiaries, such proceedings being directed, among other things, to a determination of whether it is necessary to discontinue the existence of, or to modify the corporate structure of, or to redistribute the voting power among security holders of Bond and Share and certain of its subsidiaries, particularly National Power & Light Company ("National"), American Power & Light Company ("American"), and Electric Power & Light Company ("Electric"), all registered holding companies, and to a determination of what action, if any, is necessary and shall be required to be taken

by Bond and Share and certain of its subsidiaries, or any of them, to limit the operations of Bond and Share and any of its subsidiaries which are registered holding companies to single integrated public-utility systems, and to such other businesses as are reasonably incidental, or economically necessary or appropriate to the operations of such integrated public-utility systems, and the extent to which Bond and Share or any of its subsidiaries which are registered holding companies shall be permitted to retain any interest in any business other than that of a public utility; and

The Commission having entered orders, pursuant to section 11 (b) (2) of the act, requiring that the existence of National, American, and Electric, be terminated, that said companies be dissolved, and that Bond and Share and said companies proceed with due deligence to submit to the Commission plans for their prompt dissolution:

Notice is hereby given that Bond and Share has filed an application for approval of certain plans under section 11 (e) of the act designated as Plans I, II, and III and described as being for the purpose of enabling Bond and Share to comply with the provisions of section 11 (b) of the act. Among other things, the plans propose the retirement of all of the outstanding $5 and $6 preferred stock of Bond and Share, Plan I proposing, as an initial step in such retirement, a pro rata payment of $30 per share as a capital distribution and a 30% reduction in the respective dividend rates, and Plan II proposing the satisfaction of the balance of the claims of said preferred stocks through the distribution of certain securities and/or cash. The plans also have for their purpose the settlement of all claims against Bond and Share and its wholly-owned subsidiaries by and on behalf of National, American, and Electric, their subsidiaries, certain former subsidiaries, and their respective security holders. As part of the plans Bond and Share proposes to dispose of all securities of domestic public utility operating companies and of public utility holding companies whose subsidiaries operate in the United States, and proposes to retain only securities of American & Foreign Power Company ("Foreign Power"), whose subsidiaries operate outside the United States, and securities of Ebasco Services Incorporated ("Ebasco"), a subsidiary company rendering services to public utility and industrial clients.

All interested persons are referred to said plans, which are on file in the office of the Commission, for a full statement of the transactions therein proposed which may be summarized as follows:

Plan I: As the initial step in the retirement of all of the outstanding shares of $5 and $6 Preferred Stocks of Bond and Share it is proposed that an immediate cash payment (through a designated agent) of $30 per share be made on such preferred stocks, as a capital distribution, accompanied by a modification of the rights of the preferred stockholders. The more important rights of the holders of the preferred stock which are proposed to be modified are: (1) A reduction of $30 per share in the amounts which such holders shall be entitled to receive, either in the event of liquidation or redemption of all or any portion of such preferred stocks, or in the event of a capital distribution thereon; and (2) a reduction of 30% in the annual dividend rates of $5 and $6 respectively, subject to any adjustment which, subsequent to orders of the Commission and any Court approving Plan I, may be found by the Commission to be fair and equitable and approved by such Court. The voting rights of the preferred stock will not be altered by the said $30 payment.

Bond and Share requests that the Commission, in the event Plan I is approved, apply to an appropriate Federal Court for approval and enforcement of such plan. It is proposed that the effective date of Plan I shall be determined by the said Court and that such effective date shall be not less than fifteen days after the mailing of notice to the holders of record of the preferred stocks. Upon the expiration of six years subsequent to the effective date of Plan II (subject to certain exceptions necessitated by the war) it is proposed that any cash in the hands of the designated agent not then claimed by holders of preferred stock will be returned to the company free and clear of claims of such holders.

Plan II: It is proposed to complete the retirement of the $5 and $6 preferred stocks through the distribution of certain securities and/or cash. Such securities will consist of the major portion of Bond and Share's holdings of the common stock of American Gas and Electric Company ("American Gas"), a registered holding company and a subsidiary of Bond and Share, and the major portion of the common stocks of the three principal subsidiaries of National which Bond and Share expects to receive in connection with the dissolution of National. In such dissolution Bond and Share, which owns 46.56% of National's common stock, will receive a portion of the common stock of Birmingham Electric Company, Carolina Power & Light Company and Pennsylvania Power & Light Company ("Pennsylvania"). In addition it will acquire by subscription in connection with a plan of recapitalization for Pennsylvania an as yet unspecified number of shares of the common stock of Pennsylvania, the number of such shares to be distributed pursuant to this Plan II to be definitely specified by amendment. Bond and Share states that National, in plans to be filed, proposes the settlement of all claims against Bond and Share and its wholly-owned subsidiaries by or on behalf of National, its subsidiaries, certain of its former subsidiaries, and their respective security holders. The distribution of assets proposed in Plan II is as follows:

For each share of $6 preferred stock—
- 4/5 of a share of American Gas and Electric Company Common Stock;
- 1/4 of a share of Birmingham Electric Company Common Stock;
- 2/5 of a share of Carolina Power & Light Company Common Stock;
- a number of shares of Pennsylvania Power & Light Company Common Stock and/or other securities and/or cash which will be specified by amendment.

For each share of $5 preferred stock
- 4/5 of a share of American Gas and Electric Company Common Stock;
- 1/3 of a share of Birmingham Electric Company Common Stock;
- 1/3 of a share of Carolina Power & Light Company Common Stock;
- a number of shares of Pennsylvania Power & Light Company Common stock and or other securities and/or cash which will be specified by amendment.

Bond and Share will distribute, through a designated agent, the foregoing common stocks and or such amount of other securities and/or cash as will result in the receipt by the holders of its preferred stocks of the equitable equivalent of their rights including any adjustment which may be found by the Commission and the enforcing Court to be necessary to render the reduction of 30% in the dividend rate fair and equitable. The applicants request that the Commission, in the event Plan II is approved, apply to an appropriate Federal Court for approval and enforcement of such plan.

It is likewise proposed with respect to Plan II that the effectuation date be fixed by the enforcing Court which date shall be not less than fifteen days after the mailing of a notice to the holders of record of the preferred stocks. The holders will be advised in such notice that upon such effective date all rights and claims represented by such stock will cease except that upon surrender of shares of $5 and $6 preferred stock the holder shall be entitled to receive, within a period of one year, the securities and/or cash provided for in the plan. After the expiration of one year the securities so held will be sold and the proceeds held for the holders of such $5 and $6 preferred stock. Upon the expiration of six years subsequent to the effective date of the plan (subject to certain exceptions necessitated by the war) it is proposed that any proceeds of such sales then unclaimed will be returned by the designated paying agent to the company, such funds to be free and clear of any claims by the preferred stockholders.

Plan III: Bond and Share proposes to settle all claims against Bond and Share and its wholly-owned subsidiaries by and on behalf of the subholding company subsidiaries, American and Electric, their subsidiaries, and certain of their former subsidiaries, such settlements to be actually effectuated as part of this Plan III, however, only to the extent that such settlements are not effectuated in plans filed or to be filed with the Commission by American and Electric and joined in by Bond and Share. The plan as filed specifies neither the amounts involved nor the methods to be used in affectuating such settlements. It is then proposed to sell or otherwise dispose of all securities which Bond and Share may then own of public-utility holding companies whose subsidiaries operate in the United States, including any securities it may have or hereafter acquire of American and Electric, and of all securities which it may then own of public-utility companies operating in the United States. The plan as filed contains no description of the specific methods to be used in effectuating the disposition of such securities. The applicants request that the Commission, in the event Plan III is approved, apply to an appropriate Federal Court for approval and enforcement of such plan.

Upon consummation of the three plans, Bond and Share proposes to retain as its remaining assets: (1) the securities which it may then own of Foreign Power, a holding company, the public-utility subsidiaries of which operate wholly in foreign countries; (2) the stock and debt of Ebasco Services Incorporated, a company furnishing advisory, consulting, and other services to public-utility and industrial companies; (3) cash and miscellaneous current assets. Upon consummation of the three plans Bond and Share proposes to apply to the Commission, pursuant to the appropriate sections of the act, to exempt it and its subsidiary companies from the act and each and every provision thereof.

It appearing to the Commission that the proceedings with respect to the said plans are related to and involve common questions of law and fact with the issues in the proceedings instituted by the Commission pursuant to section 11 (b) of the act (File Nos. 59-3 and 59-12) and should be consolidated therewith for consideration by the Commission:

It is ordered, That the proceedings instituted by the Commission pursuant to section 11 (b) of the act (File Nos. 59-3 and 59-12) and the proceedings with respect to the said plans filed pursuant to section 11 (e) of the act (File No. 54-127) be, and hereby are, consolidated and that any relevant evidence adduced in the said proceedings instituted by the Commission pursuant to section 11 (b) of the act shall be incorporated in and be deemed to be a part of the record in the proceedings on the said plans filed pursuant to section 11 (e) of the act, without prejudice, however, to the Commission's right, upon its own motion or the motion of any interested party, to strike such portions of the record in the proceedings pursuant to section 11 (b) as may be deemed irrelevant to the issues raised with respect to the proposed plans.

It is further ordered, That a hearing be held at 10:00 a. m., e. w. t., on the 27th day of August 1945, at the offices of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia, Pennsylvania, in such room as may be designated at that time by the hearing Room Clerk in Room 318. All persons desiring to be heard or otherwise wishing to participate in the proceedings shall notify the Commission in the manner provided by its rules of practice, Rule XVII, on or before August 25, 1945.

It is further ordered, That William W. Swift or any other officer o. officers of the Commission designated by it for that purpose shall preside at the hearings in such matter. The officer so designated to preside at any such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said act and to a trial examiner under the Commission's rules of practice.

It is further ordered, That the hearing to be convened on August 27 shall be confined to a consideration of Plan I. At such times as amendments are filed with respect to Plans II and III setting forth in complete detail the steps therein contemplated, hearings will be reconvened and appropriate notice thereof will be duly given.

It is further ordered, That, without limiting the scope of the issues presented in the consolidated proceedings, particular attention will be directed at the hearing to be held on Plan I on August 27, 1945 to the following matters and questions:

1. Whether the proposed retirement of the preferred stock is necessary to effectuate the provisions of section 11 (b) and whether an order should be entered by the Commission, pursuant to section 11 (b), directing such retirement.

2. Whether the pro rata payment of $30 per share on the $5 and $6 preferred stock proposed in Plan I is necessary to effectuate the provisions of section 11 (b) and fair and equitable to the persons affected thereby.

3. Whether the proposed limitation on the period of time for which the designated paying agent will hold funds to make the pro rata payment to preferred stockholders meets the standards of section 11 (c).

4. Whether in general Plan I as submitted or as hereafter modified is necessary to effectuate the provisions of section 11 (b) of the act and is fair and equitable to the persons affected thereby.

5. Whether, if the transactions proposed are authorized by the Commission, it is appropriate in the public interest and in the interest of investors and consumers that any terms and conditions be imposed in connection with such authorization and, if so, what such terms and conditions should be.

6. Whether the fees and expenses proposed to be paid in connection with the consummation of Plan I and all transactions incidental thereto are for necessary services and are reasonable in amount and whether the plan should be modified to include further provision for the payment of any fees and expenses in connection with said plan or the proceedings with respect thereto which the Commission may determine, award, allow, or allocate.

7. Whether the accounting entries in connection with the proposed transactions are in conformity with the standards of the act and the rules promulgated thereunder.

8. Generally, whether the proposed transactions are in all respects in the public interest and in the interest of investors and consumers and consistent with all applicable requirements of the act and rules thereunder.

It is further ordered, That jurisdiction be reserved to separate, either for hearing, in whole or in part, or for disposition, in whole or in part, any of the issues, questions or matters herein set forth or which may arise in these proceedings or to consolidate with these proceedings other filings or matters pertaining to the subject matter of these proceedings, and to take such other action as may appear conducive to an orderly, prompt, and economical disposition of the matters involved; and

It is further ordered, That notice of this hearing be given to Bond and Share, National, American, Electric, and to all other persons, said notice to be given by registered mail to Bond and Share, National, American, Electric, and to all persons previously granted intervention or participation in any of the proceedings consolidated herein, and to all other persons by publication in the FEDERAL REGISTER; and

It is further ordered, That Bond and Share shall give notice of this hearing to all its security holders (insofar as the identity of such security holders is known or available to it) by mailing to each of said persons a copy of this notice and order for hearing at his last known address at least 10 days prior to the date of this hearing.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 45-14421; Filed, Aug. 6, 1945; 9:44 a. m.]

SURPLUS PROPERTY BOARD.

[SPB Reg. 3, Order 31]

NEW JERSEY

ALLOCATION OF TRUCKS FOR DISPOSAL TO FARMERS AND FARMERS' COOPERATIVES IN CERTAIN COUNTIES

Pursuant to § 8303.4 of Surplus Property Board Regulation No. 3, entitled "Dispositions of Surplus Property in Rural Areas and to Farmers" (10 F.R. 5325) and in reliance upon the certificate of the Secretary of Agriculture to the Surplus Property Board that farm production is impaired or threatened to be impaired in the areas named below by a shortage of trucks; *It is hereby ordered*, That:

1. The Department of Commerce, as disposal agency, shall allocate for disposal to farmers and farmers' cooperative associations holding certificates of the Agricultural Adjustment Agency and located in Bergen, Essex, Hunterdon, Passaic, Union, and Warren Counties, New Jersey, 102 one-and-one-half-ton trucks and 1 one-half-ton pickup truck, and shall without regard to the requirements of Surplus Property Board Regulation No. 2 (10 F.R. 5104, 8911, 9478) take immediate steps so to dispose of such property by the methods provided in § 8303.4 (c).

2. The Department of Commerce, as disposal agency, shall allocate for disposal to farmers and farmers' cooperative associations holding certificates of the Agricultural Adjustment Agency and located in Atlantic, Burlington, Camden, Cape May, Cumberland, Gloucester, Monmouth, Ocean, and Salem Counties, New Jersey, 40 one-and-one-half-ton trucks, and shall without regard to the requirements of Surplus Property Board Regulation No. 2 (10 F.R. 5104, 8911, 9478) take immediate steps so to dispose of such property by the methods provided in § 8303.4 (c).

This order shall become effective immediately.

SURPLUS PROPERTY BOARD,
By A. E. HOWSE,
Administrator.

JULY 31, 1945.

[F. R. Doc. 45-14446; Filed, Aug. 6, 1945; 11:25 a. m.]

[SPB Reg. 3, Order 28]

UTAH

ALLOCATION OF TRUCKS FOR DISPOSAL TO FARMERS AND FARMERS' COOPERATIVES IN CERTAIN COUNTIES

Correction

In the document appearing on page 9697 of the issue for Saturday, August 4, 1945, the Federal Register Serial number should read "45-14254".

[SPB Reg. 3, Order 32]

NEBRASKA

ALLOCATION OF TRUCKS FOR DISPOSAL TO FARMERS AND FARMERS' COOPERATIVES IN CERTAIN COUNTIES

Pursuant to § 8303.4 of Surplus Property Board Regulation No. 3, entitled "Dispositions of Surplus Property in Rural Areas and to Farmers" (10 F.R. 5325) and in reliance upon the certificate of the Secretary of Agriculture to the Surplus Property Board that farm production is impaired or threatened to be impaired in the area named below by a shortage of trucks; *It is hereby ordered*, That:

The Department of Commerce, as disposal agency, shall allocate for disposal to farmers and farmers' cooperative associations holding certificates of the Agricultural Adjustment Agency and located in Burt, Cuming, Dakota, Dixon, and Thurston Counties, Nebraska, 20 one-and-one-half-ton cargo trucks, dump trucks, and cargo-stake-and-platform trucks, and shall without regard to the requirements of Surplus Property Board Regulation No. 2 (10 F.R. 5104, 8911, 9478) take immediate steps so to dispose of such property by the methods provided in § 8303.4 (c).

This order shall become effective immediately.

SURPLUS PROPERTY BOARD,
By A. E. HOWSE,
Administrator.

JULY 31, 1945.

[F. R. Doc. 45-14447; Filed, Aug. 6, 1945; 11:25 a. m.]

[SPB Reg. 3, Order 30]

CONNECTICUT, MASSACHUSETTS, MAINE, AND NEW HAMPSHIRE

ALLOCATION OF TRUCKS FOR DISPOSAL TO FARMERS AND FARMERS' COOPERATIVES IN CERTAIN COUNTIES

Correction

In the document appearing on page 9702 of the issue for Saturday, August 4, 1945, the Federal Register Serial number should read "45-14256".

WAR PRODUCTION BOARD.

[C-404]

LEE RUG CO.

CONSENT ORDER

Morris Typlin and Joseph Levy, co-partners, doing business as Lee Rug Company, 1410 South Michigan Avenue, Chicago, Illinois, are engaged in the retail sale of floor coverings. The partners are charged by the War Production Board that during the year 1944 they extended preference ratings to their suppliers to acquire approximately 45,000 square feet of linoleum in excess of the amount of linoleum which they delivered on customers' orders, placed with them, bearing preference ratings. This constituted a violation of Priorities Regulation No. 3. The partners admit the violation as charged, do not desire to contest the charge, and have consented to the issuance of this order.

Wherefore, upon the agreement and consent of Morris Typlin and Joseph Levy, co-partners, doing business as Lee Rug Company; of J. C. Baker, Regional Manager, Compliance Division; of James R. Bryant, Regional Counsel; and upon the approval of Palmer Edmunds, Esq., Compliance Commissioner; *It is hereby ordered*, That:

(a) Morris Typlin and Joseph Levy shall deduct rated orders covering 11,250 square feet of linoleum, each calendar quarter, during the third and fourth calendar quarters of the year 1945 and the first and second calendar quarters of the year 1946, from their available rated orders given them by their customers, and the preference ratings on total rated orders covering 45,000 square feet of linoleum, computed as aforesaid, shall not be extended by them at any time hereafter. In the event that Morris Typlin and Joseph Levy do not have available rated orders in an amount of at least 11,250 square feet of linoleum during each of aforesaid calendar quarters, then the remaining portion of said 11,250 square feet of linoleum not deducted in any of said calendar quarters shall be carried forward to the succeeding calendar quarter, and such remaining portion, as aforesaid, shall be deducted from available rated orders in such succeeding calendar quarter. In addition to the 11,250 square feet of linoleum already required to be deducted in such succeeding calendar quarter from their available rated orders.

(b) Nothing contained in this order shall be deemed to relieve Morris Typlin and Joseph Levy from any restriction, prohibition or provision contained in any other order or regulation of the War Production Board except insofar as the same may be inconsistent with the provisions hereof.

(c) The restrictions and prohibitions contained herein shall apply to Morris Typlin and Joseph Levy as individuals and as co-partners doing business as Lee Rug Company, their successors and assigns, or persons acting on their behalf. Prohibitions against the taking of any action include the taking indirectly as well as directly of any such action.

Issued this 4th day of August 1945.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 45-14410; Filed, Aug. 4, 1945; 11:51 a. m.]

OFFICE OF ALIEN PROPERTY CUSTODIAN

[Vesting Order CE 30]

COSTS AND EXPENSES INCURRED IN CERTAIN ACTIONS OR PROCEEDINGS IN CERTAIN ILLINOIS, IOWA, MINNESOTA, NORTH DAKOTA, WASHINGTON, AND WISCONSIN COURTS

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the Alien Property Custodian:

Having found that each of the persons named in Column 1 of Exhibit A, attached hereto and by reference made a part hereof, was a person within the designated enemy country or enemy-occupied territory appearing opposite such person's respective name in Column 2 of said Exhibit A;

Having determined that it was in the interest of the United States to take measures in connection with representing each of said persons in the court or administrative action or proceeding identified in Column 3 of said Exhibit A, and having taken such measures;

Finding that as a result of such action or proceeding each of said persons obtained or was determined to have an interest in property, which interest is particularly described in Column 4 of said Exhibit A;

Finding that such property is in the possession, custody or control of the person described in Column 5 of said Exhibit A, and

Finding that the Alien Property Custodian has incurred, in each of such court or administrative actions or proceedings, costs and expenses in the amount stated in Column 6 of said Exhibit A,

hereby vests in the Alien Property Custodian, to be used or otherwise dealt with in the interest, and for the benefit, of the United States, from the property in the possession, custody, or control of the persons described in said Column 5 of said Exhibit A, the sums stated in said Column 6 of said Exhibit A, such sums being the amounts of such property equal to the costs and expenses incurred by the Alien Property Custodian in such actions or proceedings.

This order shall not be deemed to limit the powers of the Alien Property Custodian to return such property if and when it should be determined that such return should be made.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form AFC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on August 1, 1945.

[SEAL] JAMES E. MARKHAM,
Alien Property Custodian.

EXHIBIT A

Column 1 Name	Column 2 Country or territory	Column 3 Action or proceeding	Column 4 Interest	Column 5 Depositary	Column 6 Sum vested
		Item 1			
Olemma Sofie Angedal	Norway	Estate of Bert I. Johnson, deceased, Probate Court of Cook County, Ill., Docket 394, Page 40, File 40-P-1885.	$5,563.81	National City Bank of New York, New York, N. Y., account in the name of the Royal Norwegian Government Special Account "H", Washington, D. C.	$15.35
		Item 2			
Mathias Nikolai Angedal	Norway	Same	5,347.95	Same	14.68
		Item 3			
Ivar Olaf Angedal	Norway	Same	5,593.81	Same	15.43
		Item 4			
Anna Nikoline Henrikke Hauge	Norway	Same	5,593.81	Same	15.39
		Item 5			
Ina Skadberg	Norway	Estate of Gustav Martin Skadberg, deceased, Probate Court of Cook County, Ill., Docket 418, Page 228, File 43-P-249.	629.32	Same	56.95
		Item 6			
Rachel Schjerven	Norway	Same	314.66	Same	28.47
		Item 7			
Fru Marit Lome	Norway	Estate of Torah E. Halverson, deceased, District Court of Winneshiek County, Iowa.	960.76	Same	6.01
		Item 8			
Ole Lome	Norway	Same	960.76	Same	6.01
		Item 9			
Ole Lome	Norway	Same	960.76	Same	6.01
		Item 10			
Even Lome	Norway	Same	960.76	Same	6.01
		Item 11			
Knut Brend	Norway	Same	960.76	Same	6.01
		Item 12			
Randi Brend	Norway	Same	960.76	Same	6.03
		Item 13			
Ole Sjurhear	Norway	Same	3,843.11	Same	24.15
		Item 14			
Gerda Sundheim	Norway	Same	960.76	Same	6.03
		Item 15			
Barbara Neisheim	Norway	Estate of Iver Johnson, deceased, District Court of Iowa, in and for the County of Story, Probate No. 6630.	15.95	Same	1.37
		Item 16			
Nils J. Neisheim	Norway	Same	7.97	Same	1.00
		Item 17			
Sigvet J. Neisheim	Norway	Same	7.97	Same	1.00
		Item 18			
Lars Neisheim	Norway	Same	15.95	Same	1.37
		Item 19			
Lars J. Sakvitne	Norway	Same	5.32	Same	1.00
		Item 20			
Sigrid J. Sakvitne	Norway	Same	5.32	Same	1.00
		Item 21			
Nils J. Sakvitne	Norway	Same	5.32	Same	1.00
		Item 22			
Sigrid Neisheim	Norway	Same	15.95	Same	1.37
		Item 23			
Sara Neisheim	Norway	Same	15.95	Same	1.37
		Item 24			
Hans Neisheim	Norway	Same	15.95	Same	1.37
		Item 25			
Johannes N. Neisheim	Norway	Same	384.12	Same	34.76
		Item 26			
Lars J. Helvin	Norway	Same	192.07	Same	17.19
		Item 27			
Olav Kjerland	Norway	Same	99.03	Same	8.39
		Item 28			
Lars Kjerland	Norway	Same	99.03	Same	8.39
		Item 29			
Inga of Aaberg Vang, deceased, names unknown.	Norway	Estate of Thea Berg, deceased, Probate Court of Roseau County, Minn.	367.83	Same	39.24
		Item 30			
Mary Jacobson, Enga Johnson and two daughters and a son, names unknown, of Karen Vestby, deceased.	Norway	Same	220.68	Same	23.55

EXHIBIT A—Continued

Column 1 Name	Column 2 Country or territory	Column 3 Action or proceeding	Column 4 Interest	Column 5 Depositary	Column 6 Sum vested
		Item 31			
Christen Reiersgaard	Norway	Estate of Even H. Reiersgaard, deceased, Probate Court, Norman County, Minn.	$12,714.58	National City Bank of New York, N. Y. Account in the name of the Royal Norwegian Government Special Account "H", Washington, D. C.	$1[illegible]
		Item 32			
Annie Haukerlooken	Norway	Estate of Mary C. Knudtsen, deceased, Probate Court of Clay County, Minn.	200.00	Same	2[illegible]
		Item 33			
Ingeborg Gurie Hannestad	Norway	Amund Slethei versus Guri Hannestad et al, District Court for 7th Judicial District, Clay County, Minn.	1,057.40	Same	2[illegible]
		Item 34			
Gjertrud R. Myklebust	Norway	Same	1,057.40	Same	2[illegible]
		Item 35			
Inga Teresia Nevland	Norway	Same	1,057.40	Same	2[illegible]
		Item 36			
Ingeborg Thelora Egestad	Norway	Same	1,057.40	Same	2[illegible]
		Item 37			
Rudolph Stolen	Norway	Same	1,057.40	Same	2[illegible]
		Item 38			
Peter K. Diseth	Norway	Estate of Ole K. Diset, deceased, County Court of Benson County, N. Dak.	219.59	Same	11[illegible]
		Item 39			
Hvakon K. Diseth	Norway	Same	219.59	Same	11[illegible]
		Item 40			
Ingeborg Knutsmoen	Norway	Same	219.59	Same	11[illegible]
		Item 41			
Soneva Skjelbred	Norway	Estate of Severin J. Styve, deceased, County Court, Nelson County, N. Dak.	780.73	Same	71.71
		Item 42			
Anders O. Risen	Norway	Estate of Gertrude S. Wien, deceased, County Court of Divide County, N. Dak.	549.48	Same	8.28
		Item 43			
Anna P. Haukefer	Norway	Same	91.08	Same	1.37
		Item 44			
Sofine Jesperson Sortland	Norway	Same	91.08	Same	1.37
		Item 45			
Inger B. Selle	Norway	Same	91.08	Same	1.37
		Item 46			
Ole N. Rolfsnes	Norway	Same	109.89	Same	1.65
		Item 47			
Inger Haugland Sunde	Norway	Same	109.90	Same	1.65
		Item 48			
Mrs. Lars G. Erslund	Norway	Same	109.90	Same	1.65
		Item 49			
Kristine Bertilson Haukefer	Norway	Same	91.08	Same	1.37
		Item 50			
Marie Iverson	Norway	Same	91.08	Same	1.37
		Item 51			
Johan J. Sather	Norway	Estate of Ole Johnson Sather, deceased, Superior Court of the State of Washington, In and for the County of King, No. 8842.	729.90	Same	27.37
		Item 52			
Reynald J. Sather	Norway	Same	729.90	Same	27.37
		Item 53			
Sophia Hansen Skaare	Norway	Estate of Thomas Hansen, deceased, County Court of Walworth County, Wis.	332.73	Same	27.37
		Item 54			
Torsty Christensen	Norway	Same	332.73	Same	27.37
		Item 55			
Christian Christensen	Norway	Same	332.73	Same	27.37

[F. R. Doc. 45-14263; Filed, Aug. 3, 1945; 10:58 a. m.]

[Vesting Order CE 31]

COSTS AND EXPENSES INCURRED IN CERTAIN ACTIONS OR PROCEEDINGS IN CERTAIN CALIFORNIA COURTS

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the Alien Property Custodian:

Having found that each of the persons named in Column 1 of Exhibit A, attached hereto and by reference made a part hereof, was a person within the designated enemy country or enemy-occupied territory appearing opposite such person's respective name in Column 2 of said Exhibit A;

Having determined that it was in the interest of the United States to take measures in connection with representing each of said persons in the court or administrative action or proceeding identified in Column 3 of said Exhibit A, and having taken such measures;

Finding that as a result of such action or proceeding each of said persons obtained or was determined to have an interest in property, which interest is particularly described in Column 4 of said Exhibit A;

Finding that such property is in the possession, custody or control of the person described in Column 5 of said Exhibit A; and

Finding that the Alien Property Custodian has incurred, in each of such court or administrative actions or proceedings, costs and expenses in the amount stated in Column 6 of said Exhibit A,

hereby vests in the Alien Property Custodian, to be used or otherwise dealt with in the interest, and for the benefit, of the United States, from the property in the possession, custody, or control of the persons described in said Column 5 of said Exhibit A, the sums stated in said Column 6 of said Exhibit A, such sums being the amounts of such property equal to the costs and expenses incurred by the Alien Property Custodian in such actions or proceedings.

This order shall not be deemed to limit the powers of the Alien Property Custodian to return such property if and when it should be determined that such return should be made.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on August 1, 1945.

[SEAL] JAMES E. MARKHAM.
Alien Property Custodian.

EXHIBIT A

Column 1 Name	Column 2 Country or territory	Column 3 Action or proceeding	Column 4 Interest	Column 5 Depositary	Column 6 Sum vested
		Item 1			
Lim Shee	China	Estate of Gar Ngeung Louie, deceased, in the Superior Court of the State of California, in and for the City and County of San Francisco, No. 90084.	$418.77	Bank of America, National Trust and Savings Association, Humboldt Branch, San Francisco, Calif., Account No. 31432.	$33.92
		Item 2			
Lee Shee	China	Estate of Jung Jook Keung, deceased, in the Superior Court of the State of California, in and for the City and County of San Francisco, No. 93385, Department No. 9.	464.24	Phil C. Katz, Public Administrator, as Administrator of the Estate of Jung Jook Keung, deceased, 463 City Hall, San Francisco, Calif.	41.21
		Item 3			
Angelo Uboldi	Italy	Estate of Francesco Uboldi, deceased, in the Superior Court of the State of California, in and for the County of Marin, No. 5754.	263.67	Bank of America, National Trust and Savings Association, Sacramento, Calif., Account No. 25107.	17.15
		Item 4			
Ugo Uboldi	Italy	Same	263.67	Bank of America, National Trust and Savings Association, Sacramento, Calif., Account No. 25109.	17.45
		Item 5			
Natale Uboldi	Italy	Same	263.67	Bank of America, National Trust and Savings Association, Sacramento, Calif., Account No. 25110.	17.44
		Item 6			
Adalgisa Uboldi	Italy	Estate of Francesco Uboldi, deceased, in the Superior Court of the State of California, in and for the County of Marin, No. 5754.	131.81	Bank of America, National Trust and Savings Association, Sacramento, Calif., Account No. 25117.	17.44
		Item 7			
Mary Denton	Japan	Estate of Isabella W. Blaney, deceased, in the Superior Court of the State of California, in and for the County of Santa Clara, No. 39035.	612.05	The Bank of California, National Association, 400 California Street, San Francisco, Calif., Account No. 23350.	72.50
		Item 8			
Filomena Fuentes	Italy	Estate of Rose Alvaro, also known as Rosa Alvaro, deceased, in the Superior Court of the State of California, in and for the County of San Joaquin, No. 16355, Department 1.	500.00	Rose Perino, Executrix of the Will of Rose Alvaro, deceased, 2196 E. Washington St., Stockton, Calif.	56.76
		Item 9			
Maria Teresa Salimine Di Cosimo	Italy	Estate of Angelo A. Solimine, also known as Angel Antonio Solimine, also known as Angelo A. Solimini, also known as A. A. Solimine, deceased, in the Superior Court of the State of California, in and for the County of San Diego.	15,000.00	Chester D. Gunn, Administratrix of the Estate of Angelo A. Solimine, deceased, San Diego County, San Diego, Calif.	56.02
		Item 10			
Rosina Solimine D'Ascoli Carallinglie	Italy	Same	15,000.00	Same	86.01
		Item 11			
Paul F. Kleeman	France	Estate of Paul F. Kleeman, deceased, in the Superior Court of the State of California, in and for the County of Los Angeles, No. LB P-13763.	4,177.36	Security First National Bank of Los Angeles, Long Beach, California, Executor of the Will of Paul F. Kleeman, deceased.	53.92

EXHIBIT A—Continued

Column 1 Name	Column 2 Country or territory	Column 3 Action or proceeding	Column 4 Interest	Column 5 Depositary	Column 6 Sum vested
		Item 12			
Adele Loutre	France	Estate of Celestine Loutre, deceased, in the Superior Court of the State of California, in and for the County of Santa Clara, No. 28107.	$2,000.00	Rosalie Geoffry, Trustee, 333 N. San Pedro Street, San Jose, Calif.	$2,[illegible]
		Item 13			
Helene Nicolay Tindiliere also known as Helene Nicolay Cindiliere.	France	Estate of A. Nicolay Wolvert, also known as Alice Nicolay, deceased, in the Superior Court of the State of California, in and for the County of Los Angeles, No. 188745.	2,331.20	Security First National Bank of Los Angeles, Los Angeles, Calif., Account No. 388128	[illegible]
		Item 14			
Armand Potier also known as Armand Portier.	France	Same	2,331.20	Security First National Bank of Los Angeles, Los Angeles, Calif., Account No. 388929.	[illegible]
		Item 15			
Rasmine Christensen	Denmark	Estate of Walter Hansen, deceased, in the Superior Court of the State of California, in and for the City and County of San Francisco, No. 94589.	1,234.99	San Francisco Bank, 926 California St., San Francisco, Calif., Account No. 771485.	[illegible]
		Item 16			
Spyridoula Nomikos	Greece	Estate of George Alexander, also known as George Alexander Pampas, deceased, in the Superior Court of the State of California, in and for the County of Los Angeles, No. 274285.	3,693.60	Bank of America National Trust and Savings Association, Executor of the Estate of George Alexander, deceased, 650 S. Spring St., Los Angeles, Calif.	[illegible]
		Item 17			
Eva Kelson	Poland	Estate of Marcuse Levinson, deceased, in the Superior Court of the State of California, in and for the County of Los Angeles, No. 153710.	1,867.37	Sam Levinson, Belle Levinson, and Henry O. Wiskerkorth, Trustees, 944 E. 1st, Los Angeles, Calif.	[illegible]
		Item 18			
Esther Bessie L. Brzezinski	Poland	Same	4,750.76	Same	[illegible]
		Item 19			
Rene Jacques Marie de Coatparquet	France	Louis Le Mesnager versus Grace E. Murnane, in the Superior Court of the State of California, in and for the City and County of Los Angeles, No. 48-223	3,560.00	California Bank, Main Office, 625 South Spring St., Los Angeles 54, Calif., Account No. 10659.	[illegible]
		Item 20			
Michel Marie Joseph de Coatparquet	France	Same	3,560.00	Same	[illegible]
		Item 21			
Alain Fravalo de Coatparquet	France	Same	3,560.00	California Bank, Main Office, 625 South Spring St., Los Angeles 54, Calif. Account No. 10688.	[illegible]
		Item 22			
Maunis de Levie	Netherlands	Estate of Louis Van Gelder, deceased, in the Superior Court of the State of California, in and for the County of Los Angeles, No. 230893.	$3,000.00	Security First National Bank of Los Angeles, Executor of the Estate of Louis Van Gelder, deceased, Sixth and Spring Sts., Los Angeles, 54, Calif.	[illegible]
		Item 23			
Armbestuur der Nederlandsche Israelities.	Netherlands	Same	1,000.00	Same	[illegible]
		Item 24			
Abraham de Levie	Netherlands	Same	3,000.00	Same	[illegible]
		Item 25			
Rika de Swaan Van Gelder	Netherlands	Same	1,000.00	Same	[illegible]
		Item 26			
Sarah Katan de Swaan	Netherlands	Same	500.00	Same	[illegible]
		Item 27			
Todor Balich	Yugoslavia	Estate of Elia T. Balich, deceased, in the Superior Court of the State of California, in and for the County of San Mateo, No. 8139.	57.81	Vladimir Vucinich, Executor of the Estate of Elia T. Balich, deceased, c/o Jerome L. Schiller, 1219 Hearst Bldg., 5 Third St., San Francisco, Calif.	[illegible]
		Item 28			
Spaso Balich	Yugoslavia	Same	57.80	Same	[illegible]
		Item 29			
Stojan Balich	Yugoslavia	Same	57.80	Same	[illegible]
		Item 30			
Rajko Balich	Yugoslavia	Same	57.80	Same	[illegible]
		Item 31			
Mrs. W. Pitt	Netherlands	Estate of Sadie Bras, deceased, in the Superior Court of the State of California, in and for the County of Los Angeles, No. 228607.	921.63	Ben H. Brown, Public Administrator, as Administrator of the Estate of Sadie Bras, deceased, 224 N. Spring St., Los Angeles, Calif.	[illegible]
		Item 32			
Ignacio Cidro	Philippine Islands	Estate of Gonzalo Carpeso Cidro, deceased, in the Superior Court of the State of California, in and for the County of San Francisco, No. 87371.	155.42	Bank of America National Trust & Savings Association, Humboldt Branch, San Francisco, Calif., Account No. 4[illegible]28.	[illegible]

EXHIBIT A—Continued

Column 1 Name	Column 2 Country or territory	Column 3 Action or proceeding	Column 4 Interest	Column 5 Depositary	Column 6 Sum vested
		Item 33			
Vaska Kristoff	Macedonia	Estate of Eli Atzeff, deceased, in the Superior Court of the State of California, in and for the County of Los Angeles, No. 217590.	$78.62	Security First National Bank of Los Angeles, Los Angeles, Calif., Account No. 397696.	$6.60
		Item 34			
Ranjo Triako	Macedonia	Same	78.62	Security First National Bank of Los Angeles, Los Angeles, Calif., Account No. 397697.	6.60
		Item 35			
Krsto Triako	Macedonia	Same	78.62	Security First National Bank of Los Angeles, Los Angeles, Calif., Account No. 397698.	6.60
		Item 36			
Anna Kohn	Czechoslovakia	Estate of Max Kohn, deceased, in the Superior Court of the State of California, in and for the County of Los Angeles, No. 223-327.	(1)	Rebecca M. Kohn, Executrix of the Will of Max Kohn, deceased, 801 South Gramercy Drive, Los Angeles, Calif.	132.77
		Item 37			
Sophie Reinisch	Czechoslovakia	Same	(1)	Same	132.77
		Item 38			
Marcelle Peres	France	Estate of Basile Durand, deceased, in the Superior Court of the State of California, in and for the County of San Francisco, No. 92321.	(2)	Elie Bernard, Trustee under the Will of Basile Durand, deceased, 221 Masonic St., San Francisco, Calif.	74.87
		Item 39			
Iseppa Paolinelli	Italy	Estate of Carlo Paolinelli, also known as Carlo Paolinelli, also known as Carl Paolinelli, deceased, in the Superior Court of the State of California, in and for the County of Alameda, No. 77683.	(3)	Italo Paolinelli, R. F. D. 314, Niles, Calif.	98.07

[1] Life estate in $20,000
[2] Income for 10 years from Trust Fund of $5,000 at end of 10 years to receive principal.
[3] Real property $1,000, cash $645.66, monthly rental $14.

[F. R. Doc. 45 14264; Filed, Aug. 3, 1945; 10:58 a. m.]

[Vesting Order CE 32]

COSTS AND EXPENSES INCURRED IN CERTAIN ACTIONS OR PROCEEDINGS IN CERTAIN PENNSYLVANIA COURTS

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the Alien Property Custodian:

Having found that each of the persons named in Column 1 of Exhibit A, attached hereto and by reference made a part hereof, was a person within the designated enemy country or enemy-occupied territory appearing opposite such person's respective name in Column 2 of said Exhibit A;

Having determined that it was in the interest of the United States to take measures in connection with representing each of said persons in the court or administrative action or proceeding identified in Column 3 of said Exhibit A, and having taken such measures;

Finding that as a result of such action or proceeding each of said persons obtained or was determined to have an interest in property, which interest is particularly described in Column 4 of said Exhibit A;

Finding that such property is in the possession, custody or control of the person described in Column 5 of said Exhibit A; and

Finding that the Alien Property Custodian has incurred, in each of such court or administrative actions or proceedings, costs and expenses in the amount stated in Column 6 of said Exhibit A,

hereby vests in the Alien Property Custodian, to be used or otherwise dealt with in the interest, and for the benefit, of the United States, from the property in the possession, custody, or control of the persons described in said Column 5 of said Exhibit A, the sums stated in said Column 6 of said Exhibit A, such sums being the amounts of such property equal to the costs and expenses incurred by the Alien Property Custodian in such actions or proceedings.

This order shall not be deemed to limit the powers of the Alien Property Custodian to return such property if and when it should be determined that such return should be made.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on August 1, 1945.

[SEAL] JAMES E. MARKHAM,
Alien Property Custodian.

EXHIBIT A

Column 1 Name	Column 2 Country or territory	Column 3 Action or proceeding	Column 4 Interest	Column 5 Depositary	Column 6 Sum vested
		Item 1			
Anders Nylin	Denmark	Estate of Frances Nylin, deceased, in the Orphans' Court of Philadelphia County, Pa., No. 2391 of 1943.	$900.00	William Koerwer, Executor, 6513 N. Broad St., Philadelphia, Pa.	$76.51

EXHIBIT A—Continued

Column 1 Name	Column 2 Country or territory	Column 3 Action or proceeding	Column 4 Interest	Column 5 Depositary	Column 6 Sum vested
		Item 2			
Maryjanna Zabielski	Poland	Estate of Eleonora Jesukaitis, also known as Elenora Klain, also known as Leonora Jasukaites, deceased, in the Orphans' Court of Philadelphia County, Pa., No. 3196 of 1942.	$386.70	Sophia Urbaczewski, Administratrix of the Estate of Elenora Jesukaitis, deceased, 23 East Zane Ave., Collingswood, N. J.	$13.01
		Item 3			
Aleksander Zabielski	Poland	Same	386.71	Same	[illegible]
		Item 4			
Helena Jozwik	Poland	Same	386.71	Same	13.[illegible]
		Item 5			
Bronislawa Popielarska	Poland	Same	386.71	Same	[illegible]
		Item 6			
Wladyslawa Iwanowska	Poland	Same	386.71	Same	13.[illegible]
		Item 7			
Felika Zabielski	Poland	Same	386.71	Same	13.01
		Item 8			
Teofil Zabielski	Poland	Same	386.71	Same	13.01
		Item 9			
John Belej	Czechoslovakia	Estate of Joseph Belej, deceased, in the Orphans' Court of Luzerne County, Pa., No. 859 of 1940.	919.53	Clerk of the Orphans' Court of Luzerne County, Wilkes-Barre, Pa.	8.41
		Item 10			
Michael Belej	Czechoslovakia	Same	919.53	Same	8.41
		Item 11			
Mary Belej	Czechoslovakia	Same	919.53	Same	8.41
		Item 12			
Stojan Ajdinovich	Yugoslavia	Estate of Miland Ajdinovich, deceased, in the Orphans' Court of Luzerne County, Pa., No. 1109 of 1943.	827.65	Same	4.77
		Item 13			
Gjuro Ajdinovich	Yugoslavia	Same	827.65	Same	4.77
		Item 14			
Nephews and nieces of Antonio Catalano, deceased, they being the children of Antonio's deceased brothers and sisters, Joseph Catalano, John Catalano and Pasqualina Catalano, of the Province of Reggio, Calabria, Italy.	Italy	Estate of Antonio Catalano, deceased, in the Orphans' Court of Elk County, Pa., No. 4264.	2,250.00	Ridgway National Bank, Ridgway, Pa., Interest Bearing Account No. 10041.	21.59
		Item 15			
Nives Surian	Italy	Estate of Frank Surian, also known as Francesco Surian, deceased, in the Orphans' Court of Delaware County, Pa., No. 350 of 1944.	3,068.24	Clerk of the Orphans' Court of Delaware County, Media, Pa.	29.[illegible]
		Item 16			
Anna Margretta Nielson	Denmark	Estate of Charles Hansen, deceased, in the Orphans' Court of Philadelphia County, Pa.	6,430.13	Marine Midland Trust Company, New York, N. Y., account in the name of the Danish Consulate General for Mrs. Anna Nielson.	61.[illegible]

[F. R. Doc. 45-14265; Filed, Aug. 3, 1945; 10:59 a. m.]

[Vesting Order CE 33]

COSTS AND EXPENSES INCURRED IN CERTAIN ACTIONS OR PROCEEDINGS IN IOWA, ILLINOIS, INDIANA, MINNESOTA, AND NEBRASKA COURTS

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the Alien Property Custodian:

Having found that each of the persons named in Column 1 of Exhibit A, attached hereto and by reference made a part hereof, was a person within the designated enemy country or enemy-occupied territory appearing opposite such person's respective name in Column 2 of said Exhibit A;

Having determined that it was in the interest of the United States to take measures in connection with representing each of said persons in the court or administrative action or proceeding identified in Column 3 of said Exhibit A, and having taken such measures;

Finding that as a result of such action or proceeding each of said persons obtained or was determined to have an interest in property, which interest is particularly described in Column 4 of said Exhibit A;

Finding that such property is in the possession, custody or control of the person described in Column 5 of said Exhibit A; and

Finding that the Alien Property Custodian has incurred, in each of such court or administrative actions or proceedings, costs and expenses in the amount stated in Column 6 of said Exhibit A,

hereby vests in the Alien Property Custodian, to be used or otherwise dealt with in the interest, and for the benefit, of the United States, from the property in the possession, custody, or control of the persons described in said Column 5 of said Exhibit A, the sums stated in said Column 6 of said Exhibit A, such sums being the amounts of such property equal to the costs and expenses incurred by the Alien Property Custodian in such actions or proceedings.

This order shall not be deemed to limit the powers of the Alien Property Custodian to return such property if and when it should be determined that such return should be made.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on August 1, 1945.

[SEAL] JAMES E. MARKHAM,
Alien Property Custodian.

EXHIBIT A

Column 1 Name	Column 2 Country or territory	Column 3 Action or proceeding	Column 4 Interest	Column 5 Depositary	Column 6 Sum vested
		Item 1			
Ferdinand Pommier	France	Estate of Florentine Pommier, deceased, Probate Court of LaSalle County, Ill.	$799.63	The County Treasurer of LaSalle County, Ottawa, Ill.	$13.37
		Item 2			
Dalphe Cotty	France	Same	799.63	Same	13.37
		Item 3			
Germaine Pommier Bayle	France	Same	399.81	Same	6.69
		Item 4			
Marie Pommier Estrayer	France	Same	399.81	Same	6.69
		Item 5			
Joseph Legarde	France	Same	199.90	Same	3.34
		Item 6			
Denise Legarde	France	Same	199.91	Same	3.34
		Item 7			
Albert Legarde	France	Same	199.91	Same	3.34
		Item 8			
Lise Pedersen	Norway	Estate of William Westerum, deceased, Probate Court of Marion County, Iowa.	911.26	Community National Bank & Trust Co., Knoxville, Iowa, account in the name of Lise Pedersen.	62.25
		Item 9			
Gudrun Nicolaysen	Norway	Same	227.82	Community National Bank & Trust Co., Knoxville, Iowa, account in the name of Gudrun Nicolaysen.	15.81
		Item 10			
Einer Nicolaysen	Norway	Same	227.81	Community National Bank & Trust Co., Knoxville, Iowa, account in the name of Einer Nicolaysen.	15.81
		Item 11			
Johan Stangjordet	Norway	Estate of William Westerum, deceased, Probate Court of Marion County, Iowa.	319.00	Community National Bank & Trust Co., Knoxville, Iowa, account in the name of Johan Stangjordet.	22.15
		Item 12			
Zanobie Van Damme	Belgium	Estate of Philip De Leu, deceased, Probate Court of Rock Island County, Ill.	111.00	Moline State Trust & Savings Bank, 501 15th St., Moline, Ill., account in the name of Zanobie Van Damme.	12.97
		Item 13			
Richard De Leu	France	Same	111.00	Moline State Trust & Savings Bank, 501 15th St., Moline, Ill., account in the name of Richard De Leu.	12.97
		Item 14			
John Czabrowski	Poland	Estate of Charles S. Czabrowski, deceased, County Court of Tazewell County, Ill.	359.98	The County Treasurer of Tazewell County, Pekin, Ill.	25.33
		Item 15			
Unknown children of Holeswal Evansky	Poland	Same	705.14	Same	45.81
		Item 16			
Hans Henriksen	Denmark	Estate of Jens Martin Henriksen, deceased, District Court of the State of Iowa, in and for the County of Black Hawk, Estate No. 13129.	471.47	First National Bank of Chicago, 38 South Dearborn, Chicago, Ill., account in the name of Hans Henriksen.	15.57
		Item 17			
Hansine Henriksen	Denmark	Estate of Jens Martin Henriksen, deceased, District Court of the State of Iowa, in and for the County of Black Hawk, Estate No. 13129.	471.47	First National Bank of Chicago, 38 South Dearborn, Chicago, Illinois, account in the name of Hansine Henriksen.	15.57
		Item 18			
Mary Lange	Norway	Estate of Olaf Bretna, deceased, Probate Court of Goodhue County, Minn.	4,790.85	The County Treasurer of Goodhue County, Red Wing, Minnesota.	25.31
		Item 19			
Anna Bjordal	Norway	Same	4,790.85	Same	25.30
		Item 20			
Christine Lund	Denmark	Estate of John Christian Lund, deceased, County Court of Macon County, Ill., Case No. 11477.	3,109.06	The County Treasurer of Macon County, Decatur, Illinois.	76.65
		Item 21			
Evagia Nicholas	Greece	Estate of Argie Nicholas, deceased, in Superior Court No. 2 of Allen County, Fort Wayne, Ind., Cause No. 6902.	3,765.22	Lincoln National Bank and Trust Company, Fort Wayne, Indiana, Savings Account No. 100155 in the name of G. Christopoulos, Acting Consul General of Greece at Chicago or his Successor or Legal representative.	105.63
		Item 22			
Amanda Marks	France	Estate of Louis Frank, deceased, Probate Court of Cook County, Ill.	1000.00	Irving Grass, executor of the Estate of Louis Frank, deceased, 6859 Euclid Ave., Chicago, Ill.	43.32
		Item 23			
Nicolai Nessa	Norway	Estate of John T. Nessa, deceased, Probate Court of Lake County, Ill.	53.46	The County Treasurer of Lake County, Waukegan, Ill.	9.39

EXHIBIT A—Continued

Column 1 Name	Column 2 Country or territory	Column 3 Action or proceeding	Column 4 Interest	Column 5 Depositary	Column 6 Sum vested
		Item 24			
John N. Birbilis et al.	Greece	Herman Ginsburg, plaintiff, versus John N. Birbilis, defendant, in the District Court of the Third Judicial District, in and for Lancaster County, Neb.	(1)	Sweeney & Co., agents, Birbilis Bldg., Lincoln, Neb.	$167.98

[1] Real property located in Nebraska with $80 per month income.

[F. R. Doc. 45-14266; Filed, Aug. 3, 1945; 10:59 a. m.]

OFFICE OF PRICE ADMINISTRATION.

[RMPR 136, Order 479]

HERSEY MFG. CO.

AUTHORIZATION OF MAXIMUM PRICES

Order No. 479 under Revised Maximum Price Regulation 136, Machines, parts and industrial equipment. Hersey Manufacturing Company; Docket No. 6083-136.21-367.

For the reasons set forth in an opinion, issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to section 21 of Revised Maximum Price Regulation 136; *It is ordered:*

(a) The maximum prices for sales of Liquid Meters by Hersey Manufacturing Company, South Boston, Massachusetts shall be determined as follows:

The manufacturer shall multiply by 107% the maximum prices he had in effect to a purchaser of the same class just prior to the issuance of this order.

(b) The maximum prices for sales of Liquid Meters by resellers shall be determined as follows: The reseller shall add to the maximum net price he had in effect to a purchaser of the same class, just prior to the issuance of this order, the amount, in dollars-and-cents, by which his net invoiced cost has been increased due to the adjustment granted the manufacturer by this order.

(c) Hersey Manufacturing Company shall notify each person who buys Liquid Meters for resale of the dollars-and-cents amounts by which this order permits the reseller to increase his maximum net prices. A copy of each such notice shall be filed with the Machinery Branch, Office of Price Administration, Washington 25, D. C.

(d) On or before March 15, 1946, the Hersey Manufacturing Company shall file a balance sheet and a profit and loss statement for the year ending December 31, 1945, the profit and loss statement to be segregated into statements for meter business, dryer business, and war business and to include a detailed breakdown of manufacturing overhead, selling expenses, and administrative expenses.

(e) All requests not granted herein are denied.

(f) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective August 6, 1945.

Issued this 4th day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-14400; Filed, Aug. 4, 1945; 11:26 a. m.]

[RMPR 136, Order 480]

PFAUDLER CO.

AUTHORIZATION OF MAXIMUM PRICES

Order No. 480 under Revised Maximum Price Regulation 136, machines, parts and industrial equipment. The Pfaudler Company; Docket No. 6083-136.21-380.

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to section 21 of Revised Maximum Price Regulation; *It is ordered:*

(a) Order No. 288, under Maximum Price Regulation 136, as amended, issued by this Office on August 30, 1944, adjusting the maximum prices of the Pfaudler Company, Rochester, New York is revoked.

(b) The maximum prices for sales of "Dairy Equipment" (described below) and "Other Equipment", as listed, shall be determined by multiplying the maximum prices prevailing October 1, 1941 by the percentages applicable:

Item:	*Percentage*
"Dairy Equipment"	106.3
Intermediate series tanks	115.0
Jacketed industrial hemispherical kettles	105.0
Crystallizing dishes	118.0
Junior series tanks	112.5

"Dairy Equipment" consists of the following:
Storage Tanks, glass and stainless steel.
Pasteurettes, glass and stainless steel.
Lo-Vat Pasteurizers, glass and stainless steel.
Truck Tanks, super mixers, rotor coils, DX coils and bottle fillers.

(c) The maximum prices for sales of Dairy and Miscellaneous Equipment (as described in paragraph (b) by resellers shall be determined by adding to the maximum prices prevailing on October 1, 1941 the same percentage increase granted to their supplier, The Pfaudler Company.

(d) The Pfaudler Company shall notify each person who buys the Dairy and Miscellaneous Equipment described above for resale, of the percentage increase by which this order permits the reseller to increase his maximum net prices. A copy of each such notice shall be filed with the Machinery Branch, Office of Price Administration, Washington 25, D. C.

(e) All requests not granted herein are denied.

(f) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective August 6, 1945.

Issued this 4th day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-14401; Filed, Aug. 4, 1945; 11:26 a. m.]

[RMPR 136, Order 481]

MODERN BOND CORP.

AUTHORIZATION OF MAXIMUM PRICES

Order No. 481 under Revised Maximum Price Regulation 136. Machines, parts and industrial equipment. Modern-Bond Corporation; Docket No. 2-2136-6.

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to Revised Procedural Regulation 1 and section 21 of Revised Maximum Price Regulation 136, *It is ordered:*

(a) Order No. G-68 under Maximum Price Regulation 126, as amended, issued by the Regional Administrator of Region 2 of the Office of Price Administration on March 6, 1945, adjusting the maximum prices of Modern-Bond Corporation, Wilmington, Delaware, is revoked.

(b) The maximum prices of Modern-Bond Corporation, Wilmington, Delaware, for its sales of certain bottling machines shall be the following, subject to all discounts, allowances, and price differentials in effect just prior to the issuance of this order:

Item	*Maximum price*
Power soda machine, motor drive	$ 00
Type "N-1", "N-2", or "N-4", power-crowner, motor drive	675
Type "P" crowner, motor drive	705
Type "G" foot power soda machine	00
Type "M-1" foot crowner	280

(c) The maximum net prices of Modern-Bond Corporation for its sales to any of its classes of purchasers of any repair parts for the machines listed in paragraph (b) hereof shall be determined by multiplying the maximum net prices which it had in effect to such class of purchaser for such parts by 113%.

(d) The maximum prices of Modern-Bond Corporation for its sales of the following machines and tools shall be the following, subject to all discounts, allowances and price differentials in effect just prior to the issuance of this order:

Item	*Maximum price*
Type "M-1" foot crowner	$75.00
Type "Z"-48 spout revolving rinser with plain tubes	75.00
Bullet molds	8.50
Model "C" hand reladingtool	13.00

(e) The maximum price of any reseller of a machine or part set forth in paragraph (b), (c) or (d) of this order to any class of purchaser shall be determined by adding the dollar and cents amount by which his net invoiced cost has been increased pursuant to this order to the maximum price he had in effect to such class of purchaser just prior to March 6, 1945.

(f) The Modern-Bond Corporation shall give notice in writing to its customers, who purchase the subject machines, parts and tools for resale, of the dollars and cents amount by which this order authorizes such resellers to increase their maximum prices in effect on March 6, 1945.

(g) All requests not granted herein are denied.

(h) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective August 6, 1945.

Issued this 4th day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-14402; Filed, Aug. 4, 1945; 11:26 a. m.]

[MPR 188, Order 4198]

LANDERS, FRARY & CLARK

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.158 of Maximum Price Regulation No. 188; *It is ordered:*

(a) This order establishes maximum prices for sales and deliveries of certain articles manufactured by Landers, Frary and Clark, New Britain, Conn.

(1) For all sales and deliveries to the following classes of purchasers by the sellers indicated below, the maximum prices are those set forth below:

Article	Model No.	Maximum prices for sales by any seller to— Jobber	Chain and Department store	Other retailers	Consumer
Pressure cooker	PC 2340	Eastern zone $5.97 each. Western zone,[1] $6.25 each.	Eastern zone, $7.17 each. Western zone,[1] $7.50 each.	Eastern zone, $7.97 each. Western zone,[1] $8.33 each.	Eastern zone, $11.95 each. Western zone,[1] $12.50 each.

[1] The Western zone comprises all territories west of and including Montana, Wyoming, Colorado, New Mexico, and El Paso, Texas.

These maximum prices are for the articles described in the manufacturer's application dated June 9, 1945.

(2) For sales by the manufacturer, the maximum prices apply to all sales and deliveries since Maximum Price Regulation No. 188 became applicable to those sales and deliveries. They are f. o. b. destination and subject to a cash discount of 2% for payment within 10 days, net 30 days.

(3) For sales by persons other than the manufacturer, the maximum prices apply to all sales and deliveries after the effective date of this order. These prices are subject to each seller's customary terms and conditions of sale on sales of similar articles.

(4) If the manufacturer wishes to make sales and deliveries to any other class of purchaser or on other terms and conditions of sale, he must apply to the Office of Price Administration, Washington, D. C., under the Fourth Pricing Method, § 1499.158 of Maximum Price Regulation No. 188, for the establishment of maximum prices for those sales, and no sales or deliveries may be made until maximum prices have been established by the Office of Price Administration.

(b) The manufacturer shall attach a tag or label to every article for which a maximum price for sales to consumers is established by this order. That tag or label shall contain the following statement with the proper model number and price filled in.

LANDERS, FRARY & CLARK
New Britain, Connecticut
Model No. PC 2340
Eastern Zone OPA, Ceiling Price $11.95 Each
Western Zone OPA Ceiling Price $12.50 Each
Do Not Detach or Obliterate

(c) At the time of, or prior to, the first invoice to each purchaser for resale, the seller shall notify the purchaser in writing of the maximum prices and conditions established by this order for sales by the purchaser. This notice may be given in any convenient form.

(d) This order may be revoked or amended by the Price Administrator at any time.

(e) This order shall become effective on the 3d day of August 1945.

Issued this 2d day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-14397; Filed, Aug. 4, 1945; 11:25 a. m.]

[MPR 188, Order No. 4199]

CERAM-I-CAST CORP.

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.158 of Maximum Price Regulation No. 188; *It is ordered:*

(a) This order establishes maximum prices for sales and deliveries of certain artices manufactured by the Ceram-I-Cast Corporation, 709 Berckman Street, Plainfield, N. J.

(1) For all sales and deliveries to the following classes of purchasers by the sellers indicated below, the maximum prices are those set forth below:

Article	Model No.	Maximum prices for sales by any seller to— Distributor	Wholesalers (jobbers)	Retailers (6 units or more)	Retailers (less than 6 units)	Consumers
Convection heater 15" x 5" x 10"	36	$10.95	$12.05	$14.26	$15.36	$23.10

These maximum prices are for the articles described in the manufacturer's application dated June 13, 1945. These prices include Federal Excise Tax.

(2) For sales by the manufacturer, the maximum prices apply to all sales and deliveries since Maximum Price Regulation No. 188 became applicable to those sales and deliveries. They are f. o. b. factory and subject to a cash discount of 2% for payment within 10 days, net 30 days.

(3) For sales by persons other than the manufacturer, the maximum prices apply to all sales and deliveries after the effective date of this order. Those prices are subject to each seller's customary terms and conditions of sale on sales of similar articles.

(4) If the manufacturer wishes to make sales and deliveries to any other class of purchaser or on other terms and conditions of sale, he must apply to the Office of Price Administration, Washington, D. C., under the Fourth Pricing Method, § 1499.158 of Maximum Price Regulation No. 188, for the establishment of maximum prices for those sales, and no sales or deliveries may be made until maximum prices have been authorized by the Office of Price Administration.

(b) The manufacturer shall attach a tag or label to every article for which a maximum price for sales to consumers is established by this order. That tag or label shall contain either of the following statements with the correct order number properly filled in:

Order No. 4199 under M. P. R. 188
Model No. 36
OPA Retail Ceiling Price—$23.10
Federal Excise Tax Included
Do Not Detach or Obliterate

or

Ceram-I-Cast Corporation
709 Berckman Street
Plainfield, New Jersey
Model No. ±36
OPA Retail Ceiling Price—$23.10
Federal Excise Tax Included
Do Not Detach or Obliterate

(c) At the time of, or prior to, the first invoice to each purchaser for resale, the seller shall notify the purchaser in writing of the maximum prices and conditions established by this order for sales by the purchaser. This notice may be given in any convenient forms.

(d) This order may be revoked or amended by the Price Administrator at any time.

(e) This order shall become effective on the 3d day of August 1945.

Issued this 2d day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-14398; Filed, Aug. 4, 1945; 11:24 a. m.]

[MPR 246 and RMPR 136, Order 85]

FRIEND MFG. CO.

AUTHORIZATION OF MAXIMUM PRICES

Order No. 85 under Maximum Price Regulation 246. Manufacturers' and wholesale prices for farm equipment and Revised Maximum Price Regulation 136. Machines, parts and industrial equipment Friend Manufacturing Company; Docket Nos. 6083-246-64a-58 and 6083-136-21-431.

For the reasons set forth in an opinion issued simultaneously herewith, and filed with the Division of the Federal Register, and pursuant to section 64a of Maximum Price Regulation 246, and section 21 of Revised Maximum Price Regulation 136, *It is ordered:*

(a) The maximum prices for sales by all persons of farm equipment, parts and accessories, which include sprayers, pumps, dusters, farm fruit sizers and graders, and also of commercial fruit sizers and graders and lobee pumps shall be determined as follows: The seller (manufacturer or reseller) shall increase by 8.2% the maximum net price he had in effect to a purchaser of the same class just prior to the issuance of this order.

(b) Friend Manufacturing Company shall notify each person who purchases the equipment listed in paragraph (a) for resale of the percentage amount by which this order permits the reseller to increase his maximum net price. A copy of each such notice shall be filed with the Machinery Branch, Office of Price Administration, Washington 25, D. C.

(c) All requests not granted herein are denied.

(d) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective August 6, 1945.

Issued this 4th day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-14408; Filed, Aug. 4, 1945; 11:28 a. m.]

[MPR 260, Order 1721]

GARCIA AND VEGA

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion accompanying this order, and pursuant to § 1358.102 (b) of Maximum Price Regulation No. 260; *It is ordered,* That:

(a) Garcia & Vega, 570 7th Avenue, New York, N. Y. (hereinafter called "manufacturer") and wholesalers and retailers may sell, offer to sell or deliver and any person may buy, offer to buy or receive each brand and size or frontmark, and packing of the following domestic cigars at the appropriate maximum list price and maximum retail price set forth below:

Brand	Size or frontmark	Packing	Maximum list price	Maximum retail price
			Per M	*Cents*
Garcia & Vega...	Demi-Tasse...	50	$40	

(b) The manufacturer and wholesalers shall grant, with respect to their sales of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the discounts they customarily granted in March 1942 on their sales of domestic cigars of the same price class to purchasers of the same class, unless a change therein results in a lower price. Packing differentials charged by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class may be charged on corresponding sales of each brand and size or frontmark of cigars priced by this order, but shall not be increased. Packing differentials allowed by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class shall be allowed on corresponding sales of each brand and size or frontmark of cigars priced by this order and shall not be reduced. If a brand and size or frontmark of domestic cigars for which maximum prices are established by this order is of a price class not sold by the manufacturer or the particular wholesaler in March 1942, he shall, with respect to his sales thereof, grant the discounts and may charge and shall allow the packing differentials customarily granted, charged or allowed (as the case may be) in March 1942 by his most closely competitive seller of the same class on sales of domestic cigars of the same March 1942 price class to purchasers of the same class.

(c) On or before the first delivery to any purchaser of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the manufacturer and every other seller (except a retailer) shall notify the purchaser of the maximum list price and the maximum retail price established by this order for such brand and size or frontmark of domestic cigars. The notice shall conform to and be given in the manner prescribed by § 1358.113 of Maximum Price Regulation No. 260.

(d) Unless the context otherwise requires, appropriate provisions of Maximum Price Regulation No. 260, shall apply to sales for which maximum prices are established by this order.

(e) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective August 6, 1945.

Issued this 4th day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-14403; Filed, Aug. 4, 1945; 11:27 a. m.]

[MPR 260, Order 1722]

MARTINEZ AND CUETO

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion accompanying this order, and pursuant to § 1358.102 (b) of Maximum Price Regulation No. 260; *It is ordered,* That:

(a) Martinez & Cueto, 1406 21st Street, Tampa 5, Fla. (hereinafter called "manufacturer") and wholesalers and retailers may sell, offer to sell or deliver and any person may buy, offer to buy or receive each brand and size or frontmark, and packing of the following domestic cigars at the appropriate maximum list price and maximum retail price set forth below:

Brand	Size or frontmark	Packing	Maximum list price	Maximum retail price
			Per M	*Cents*
Juniors	4¼6"	50	$40.00	5
El Masengni	Blunts	50	105.00	11
La Masengni	Little Kings	50	82.50	11
	Wilburs	50	93.75	2.50 25
	Sublimes	50	97.50	11
Martinez & Cueto.	Panatalns	50	108.75	2.50 25
La Masengni	Londres Grande.	50	108.75	2.50 25

(b) The manufacturer and wholesalers shall grant, with respect to their sales of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the discounts they customarily granted in March 1942 on their sales of domestic cigars of the same price class to purchasers of the same class, unless a change therein results in a lower price. Packing differentials charged by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class may be charged on corresponding sales of each brand and size or frontmark of cigars priced by this order, but shall not be increased. Packing differentials allowed by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class shall be allowed on corresponding sales of each brand and size or frontmark of cigars priced by this order and shall not be reduced. If a brand and size or frontmark of domestic cigars for which maximum prices are established by this order is of a price class not sold by the manufacturer or the particular wholesaler in March 1942, he shall, with respect to his sales thereof, grant the discounts and may charge and shall allow the packing differentials customarily granted, charged or allowed (as the case may be) in March 1942 by his most closely competitive seller of the same class on sales of domestic cigars of the same March 1942 price class to purchasers of the same class.

(c) On or before the first delivery to any purchaser of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the manufacturer and every other seller (except a retailer) shall notify the purchaser of the maximum list price and the maximum retail price established by this order for such brand and size or frontmark of domestic cigars. The notice shall conform to and be given in the manner prescribed by § 1358.113 of Maximum Price Regulation No. 260.

(d) Unless the context otherwise requires, appropriate provisions of Maximum Price Regulation No. 260, shall apply to sales for which maximum prices are established by this order.

(e) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective August 6, 1945.

Issued this 4th day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-14404; Filed, Aug. 4, 1945; 11:27 a. m.]

[MPR 260, Order 1723]

TREBOW CIGAR CO.

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion accompanying this order, and pursuant to § 1358.102 (b) of Maximum Price Regulation No. 260; *It is ordered,* That:

(a) Trebow Cigar Company, 147 S. 4th Street, Philadelphia 6, Pa. (hereinafter called "manufacturer") and wholesalers and retailers may sell, offer to sell or deliver and any person may buy, offer to buy or receive each brand and size or frontmark, and packing of the following domestic cigars at the appropriate maximum list price and maximum retail price set forth below:

Brand	Size or frontmark	Packing	Maximum list price	Maximum retail price
			Per M	*Cents*
Imperial	Perfecto	50	$75	10

(b) The manufacturer and wholesalers shall grant, with respect to their sales of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the discounts they customarily granted in March 1942 on their sales of domestic cigars of the same price class to purchasers of the same class, unless a change therein results in a lower price. Packing differentials charged by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class may be charged on corresponding sales of each brand and size or frontmark of cigars priced by this order, but shall not be increased. Packing differentials allowed by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class shall be allowed on corresponding sales of each brand and size or frontmark of cigars priced by this order and shall not be reduced. If a brand and size or frontmark of domestic cigars for which maximum prices are established by this order is of a price class not sold by the manufacturer or the particular wholesaler in March 1942, he shall, with respect to his sales thereof, grant the discounts and may charge and shall allow the packing differentials customarily granted, charged or allowed (as the case may be) in March 1942 by his most closely competitive seller of the same class on sales of domestic cigars of the same March 1942 price class to purchasers of the same class.

(c) On or before the first delivery to any purchaser of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the manufacturer and every other seller (except a retailer) shall notify the purchaser of the maximum list price and the maximum retail price established by this order for such brand and size or frontmark of domestic cigars. The notice shall conform to and be given in the manner prescribed by § 1358.113 of Maximum Price Regulation No. 260.

(d) Unless the context otherwise requires, appropriate provisions of Maximum Price Regulation No. 260, shall apply to sales for which maximum prices are established by this order.

(e) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective August 6, 1945.

Issued this 4th day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-14405; Filed, Aug. 4, 1945; 11:28 a. m.]

[MPR 260, Order 1725]

CENTROSA CIGAR CO.

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion accompanying this order, and pursuant to § 1358.102 (b) of Maximum Price Regulation No. 260; *It is ordered,* That:

(a) Centrosa Cigar Co., 10 Betances Street, Caguas, P. R. (hereinafter called "manufacturer") and wholesalers and retailers may sell, offer to sell or deliver and any person may buy, offer to buy or receive each brand and size or frontmark, and packing of the following domestic cigars at the appropriate maximum list price and maximum retail price set forth below:

Brand	Size or frontmark	Packing	Maximum list price	Maximum retail price
			Per M	*Cents*
St. Rosa	Juniors	50	$40	5
Centrosa	Commander	50	$72	9

(b) The manufacturer and wholesalers shall grant, with respect to their sales of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the discounts they customarily granted in March 1942 on their sales of domestic cigars of the same price class to purchasers of the same class, unless a change therein results in a lower price. Packing differentials charged by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class may be charged on corresponding sales of each brand and size or frontmark of cigars priced by this order, but shall not be increased. Packing differentials allowed by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class shall be allowed on corresponding sales of each brand and size or frontmark of cigars priced by this order and shall not be reduced. If a brand and size or frontmark of domestic cigars for which maximum prices are established by this order is of a price class not sold by the manufacturer or the particular wholesaler in March 1942, he shall, with respect to his sales thereof, grant the discounts and may charge and shall allow the packing differentials customarily granted, charged or allowed (as the case may be) in March 1942 by his most closely competitive seller of the same class on sales of domestic cigars of the same March 1942 price class to purchasers of the same class.

(c) On or before the first delivery to any purchaser of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the manufacturer and every other seller (except a retailer) shall notify the purchaser of the maximum list price and the maximum retail price established by this order for such brand and size or frontmark of domestic cigars. The notice shall conform to and be given in the manner prescribed by § 1358.113 of Maximum Price Regulation No. 260.

(d) Unless the context otherwise requires, appropriate provisions of Maximum Price Regulation No. 260, shall apply to sales for which maximum prices are established by this order.

(e) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective August 6, 1945.

Issued this 4th day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-14407; Filed, Aug. 4, 1945; 11:28 a. m.]

[MPR 188, Order 4217]

R & L RADIO MFG. CO.

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register,

and pursuant to § 1499.158 of Maximum Price Regulation No. 188: *It is ordered:*

(a) This order establishes maximum prices for sales and deliveries of certain articles manufactured by the R&L Radio Manufacturing Company of 6 West Indiana Street, Evansville, Ind.

(1) For all sales and deliveries to the following classes of purchasers by the sellers indicated below, the maximum prices are those set forth below:

Article	Model No.	Maximum prices for sales by any seller to—			
		Wholesalers (jobbers)	Retailers (6 units or more)	Retailers (less than 6 units)	Consumers
Hot plate single burner w/cord and plug 660 watt	A1	*Each* $0.77	*Each* $0.87	*Each* $0.94	*Each* $1.45

These maximum prices are for the articles described in the manufacturer's application dated March 9, 1945. These prices include the Federal Excise Tax.

(2) For sales by the manufacturer, the maximum prices apply to all sales and deliveries since Maximum Price Regulation No. 188 became applicable to those sales and deliveries. These prices are for the article described in your application. They are f. o. b. factory and subject to a cash discount of 2% for payment within 10 days, net 30 days.

(3) For sales by persons other than the manufacturer, the maximum prices apply to all sales and deliveries after the effective date of this order. Those prices are subject to each seller's customary terms and conditions of sale on sales of similar articles.

(4) If the manufacturer wishes to make sales and deliveries to any other class of purchaser or on other terms and conditions of sale, he must apply to the Office of Price Administration, Washington, D. C., under the Fourth Pricing Method, § 1499.158 of Maximum Price Regulation No. 188, for the establishment of maximum prices for those sales, and no sales or deliveries may be made until maximum prices have been authorized by the Office of Price Administration.

(b) The manufacturer shall attach a tag or label to every article for which a maximum price for sales to consumers is established by this order. That tag or label shall contain either of the following statements with the correct order number properly filled in:

Order Number 4217 under M. P. R. 188
Model Number ------
OPA Retail Ceiling Price $------
Federal Excise Tax Included
Do Not Detach or Obliterate

or

R&L Radio Manufacturing Company
6 West Indiana Street
Evansville, Indiana
Model Number ——— under M. P. R. 188
OPA Retail Ceiling Price $------
Federal Excise Tax Included
Do Not Detach or Obliterate

(c) At the time of, or prior to, the first invoice to each purchaser for resale, the seller shall notify the purchaser in writing of the maximum prices and conditions established by this order for sales by the purchaser. This notice may be given in any convenient form.

(d) This order may be revoked or amended by the Price Administrator at any time.

(e) This order shall become effective on the 4th day of August 1945.

Issued this 3d day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-14335; Filed, Aug. 3, 1945; 11:44 a. m.]

[MPR 188, Order 4218]

RANDOLPH METAL WORKS

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.158 of Maximum Price Regulation No. 188; *It is ordered:*

(a) This order establishes maximum prices for sales and deliveries of certain articles manufactured by Randolph Metal Works, 865 North Randolph Street, Philadelphia, Pa.

(1) For all sales and deliveries to the following classes of purchasers by the sellers indicated below, the maximum prices are those set forth below:

Article	Model No.	For sales by the manufacturer to—		For sales by any person to consumers
		Jobbers	Retailers	
Metal desk lamp	700	*Each* $1.53	*Each* $1.80	*Each* $3.25
Metal desk lamp with mushroom shade	702	2.13	2.50	4.50
Metal bed lamp	BL	1.00	1.20	2.15

These maximum prices are for the articles described in the manufacturer's application dated April 26, 1945.

(2) For sales by the manufacturer, the maximum prices apply to all sales and deliveries since Maximum Price Regulation No. 188 became applicable to those sales and deliveries. For sales to persons other than consumers they are f. o. b. factory, 2% 10 days, net 30. The maximum price to consumers is net, delivered.

(3) For sales by persons other than the manufacturer, the maximum prices apply to all sales and deliveries after the effective date of this order. Those prices are subject to each seller's customary terms and conditions of sale on sales of similar articles.

(4) If the manufacturer wishes to make sales and deliveries to any other class of purchaser or on other terms and conditions of sale, he must apply to the Office of Price Administration, Washington, D. C., under the Fourth Pricing Method, § 1499.158 of Maximum Price Regulation No. 188, for the establishment of maximum prices for those sales, and no sales or deliveries may be made until maximum prices have been authorized by the Office of Price Administration.

(b) The manufacturer shall attach a tag or label to every article for which a maximum price for sales to consumers is established by this order. That tag or label shall contain the following statement, with the proper model number and the ceiling price inserted in the blank spaces:

Model No. ------
OPA Retail Ceiling Price—$------
Do Not Detach

(c) At the time of, or prior to, the first invoice to each purchaser for resale, the seller shall notify the purchaser in writing of the maximum prices and conditions established by this order for sales by the purchaser. This notice may be given in any convenient form.

(d) Jobber's maximum prices for sales of the articles covered by this order shall be established under the provisions of section 4.5 of SR 14J.

(e) This order may be revoked or amended by the Price Administrator at any time.

(f) This order shall become effective on the 4th day of August 1945.

Issued this 3d day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-14336; Filed, Aug. 3, 1945; 11:44 a. m.]

[MPR 168, Order 4219]

STABLY, INC.

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.156 of Maximum Price Regulation No. 188 and section 6.4 of Second Revised Supplementary Regulation No. 14, *It is ordered:*

(a) This order establishes maximum prices for sales and deliveries of Stably live blade razors manufactured by Stably, Incorporated, 406 South Columbia Street, South Bend 4, Ind.

(1) For all sales and deliveries to the following classes of purchasers by the sellers indicated below, the maximum prices are those set forth below:

Article	Model No.	Maximum prices for sales by any seller to—			
		Wholesalers (jobbers)	Retailers (12 units or more)	Retailers (less than 12 units)	Consumers
Stably live blade razor, gold	A	*Each* $12.13	*Each* $14.55	*Each* $16.97	*Each* $24.25
Stably live blade razor, gold and black	B	11.25	13.50	15.75	22.50
Stably live blade razor, silver	C	10.67	12.75	14	21.25

These maximum prices are for the articles described in the manufacturer's application dated May 22, 1945.

(2) For sales by the manufacturer, these maximum prices apply to all sales and deliveries after the effective date of this order. The manufacturer's prices are f. o. b. factory and subject to a cash discount of 2% for payment within 10 days, net 30 days. The prices for sales by persons other than the manufacturer are subject to each seller's customary terms and conditions of sale of similar articles.

(b) The manufacturer shall attach a tag or label to every article for which a maximum price for sales to consumers is established by this order. That tag or label shall contain the following statement with the model number and retail prices properly filled in:

Model No. ------
OPA Retail Ceiling Price—$------
Do Not Detach or Obliterate

(c) At the time of, or prior to, the first invoice to each purchaser for resale, the seller shall notify the purchaser in writing of the maximum prices and conditions established by this order for sales by the purchaser. This notice may be given in any convenient form.

(d) This order may be revoked or amended by the Price Administrator at any time.

(e) This order shall become effective on the 4th day of August 1945.

Issued this 3d day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-14337; Filed, Aug. 3, 1945; 11:44 a. m.]

[MPR 183, Order 4220]

WELL MADE PRODUCT CO.

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.158 of Maximum Price Regulation No. 188, *It is ordered:*

(a) This order establishes maximum prices for sales and deliveries of certain articles manufactured by Well Made Product Company, 145 Jamaica Avenue, Jamaica, New York.

(1) For all sales and deliveries to the following classes of purchasers by the sellers indicated below, the maximum prices are those set forth below:

Article and model No.	For sales by the manufacturer to—		For sales by any person to consumers
	Jobbers	Retailers	
No. 99			
Lay-over silk lampshade with ribbon trim top & bottom:			
10 inch	*Each* $1.40	*Each* $1.75	*Each* $3.15
11 inch	1.40	1.65	3.00
12 inch	1.05	1.25	2.25
14 inch	.81	.95	1.70
7 inch	.34	.40	.75
No. 60			
Lay-over silk lamp bodies with two tone ruched trim top & bottom:			
13 inch	1.70	2.00	3.60
11 inch	1.40	1.75	3.15
9 inch	1.27	1.50	2.70
12 inch	.90	1.10	2.00
7 inch	.42	.50	.90

These maximum prices are for the articles described in the manufacturer's application dated April 16, 1945.

(2) For sales by the manufacturer, the maximum prices apply to all sales and deliveries since Maximum Price Regulation No. 188 became applicable to those sales and deliveries. For sales to persons other than consumers they are f. o. b. factory, 2% 10 days, net 30. The maximum price to consumers is net, delivered.

(3) For sales by persons other than the manufacturer, the maximum prices apply to all sales and deliveries after the effective date of this order. Those prices are subject to each seller's customary terms and conditions of sale on sales of similar articles.

(4) If the manufacturer wishes to make sales and deliveries to any other class of purchaser or on other terms and conditions of sale, he must apply to the Office of Price Administration, Washington, D. C., under the Fourth Pricing Method, § 1499.158 of Maximum Price Regulation No. 188, for the establishment of maximum prices for those sales, and no sales or deliveries may be made until maximum prices have been authorized by the Office of Price Administration.

(b) The manufacturer shall attach a tag or label to every article for which a maximum price for sales to consumers is established by this order. That tag or label shall contain the following statement, with the proper model number and the ceiling price inserted in the blank spaces:

Model No. ------
OPA Retail Ceiling Price—$------
Do Not Detach

(c) At the time of, or prior to, the first invoice to each purchaser for resale, the seller shall notify the purchaser in writing of the maximum prices and conditions established by this order for sales by the purchaser. This notice may be given in any convenient form.

(d) Jobber's maximum prices for sales of the articles covered by this order shall be established under the provisions of section 4.5 of SR 14J.

(e) This order may be revoked or amended by the Price Administrator at any time.

(f) This order shall become effective on the 4th day of August 1945.

Issued this 3d day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-14338; Filed, Aug. 3, 1945; 11:45 a. m.]

[MPR 188, Order 4221]

PAL CUTLERY CO.

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.157 of Maximum Price Regulation No. 188 and section 6.4 of Second Revised Supplementary Regulation No. 14, *It is ordered:*

(a) This order establishes maximum prices for sales and deliveries of carving knives and carving sets manufactured by the Pal Cutlery Company of Holyoke, Mass.

(1) For all sales and deliveries to the following classes of purchasers by the sellers indicated below, the maximum prices are those set forth below:

Article	Model No.	Maximum prices for sales by any seller to—			
		Wholesalers (jobbers)	Chain, department and syndicate stores	Other retailers	Consumers
Carving set	TA-264	*Each* $3.98	*Each* $4.77	*Each* $5.16	*Each* $7.95
Carving knife	T-16	2.48	2.97	3.22	4.95

These maximum prices are for the articles described in the manufacturer's application dated July 30, 1945.

(2) For sales by the manufacturer, these maximum prices apply to all sales and deliveries after the effective date of this order. The manufacturer's prices are f. o. b. factory and subject to a cash discount of 2% for payment within 10 days, net 30 days. These prices for sales by persons other than the manufacturer are subject to each seller's customary terms and conditions of sale of similar articles.

(b) The manufacturer shall attach a tag or label to every article for which a maximum price for sales to consumers is established by this order. That tag or label shall contain the following statement with the retail price and model number properly filled in:

Model No. ------
OPA Retail Ceiling Price—$------
Do Not Detach or Obliterate

(c) At the time of, or prior to, the first invoice to each purchaser for resale, the seller shall notify the purchaser in writing of the maximum prices and conditions established by this order for sales by the purchaser. This notice may be given in any convenient form.

(d) This order may be revoked or amended by the Price Administrator at any time.

(e) This order shall become effective on the 4th day of August 1945.

Issued this 3d day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-14339; Filed, Aug. 3, 1945; 11:45 a. m.]

[RMPR 208, Order 41]

N. & W. OVERALL CO., ET AL.

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and pursuant to section 2.6 of Revised Maximum Price Regulation 208, it is ordered:

(a) *Scope of this order.* This order establishes ceiling prices for sales by certain manufacturers and by wholesalers and retailers of thirty-three yard minimum boys' bib overalls. Any boys' bib overall which consumes an average of at least thirty-three yards of eight ounce shrunk denim per dozen when cut in a

range of sizes from 10–16 may be designated by these manufacturers as a "thirty-three yard minimum boys' bib overall" and may be priced under paragraph (b) of this order: *Provided*, That such purchaser is offered a range of sizes from 10–16 and is notified according to the requirements of paragraph (d) that the overalls are being priced under this order. Wholesalers and retailers receiving such notice must then price thirty-three yard minimum boys' bib overalls under paragraph (c).

(b) *Ceiling prices for sales by N. & W. Overall Co. (Virginia), N. & W. Overall Co. (Mississippi), High Point Overall Company, and Pollock's Key Work Clothes.* (1) On and after August 4, 1945, N. & W. Overall Co., Lynchburg, Virginia, N. & W. Overall Co., Jackson, Mississippi, High Point Overall Co., High Point, North Carolina, and Pollock's Key Work Clothes, Ft. Scott, Kansas, may sell and deliver and any person may buy and receive from them, thirty-three yard minimum boys' bib overalls at or below the following maximum prices:

	Per dozen
To group II retail sellers	$15.42½
To all other purchasers including wholesalers and group I retail sellers	13.20

(2) The prices set forth in subparagraph (1) are f. o. b. seller's place of business, net 30 days.

(c) *Ceiling prices for sales at retail and sales at wholesale.* (1) On and after August 4, 1945, the maximum price for sales at retail and regular sales at wholesale of "thirty-three yard minimum boys' bib overalls" shall be determined as follows:

(i) Take the highest price at which the seller delivered a boys' bib overall during March 1942 and divide that price by the net invoice cost of that garment. (If the seller did not deliver any boys' bib overalls during March 1942, he shall take the highest price at which he delivered a men's bib overall during March 1942 and divide that price by the net invoice cost of that garment. If the seller did not deliver any bib overalls during March 1942, his maximum price is determined under (iii) below.)

(ii) Multiply the percentage obtained in (i) above by the net invoice cost (not to exceed the supplier's ceiling price) of the garment being priced under this paragraph. The resultant figure shall be the maximum price of the boys' overall being priced, but in no event shall the maximum price for a retailer be higher than $1.64 a garment in the East and Central region; and $1.67 a garment in the Mountain and Pacific region. The maximum price for a wholesaler shall be in no case higher than $15.70 per dozen where the seller's place of business is in the East and Central region; and $16.05 per dozen where the seller's place of business is in the Mountain and Pacific region.

(iii) If the seller did not deliver any boys' or men's bib overalls during March 1942, the maximum price for sales at retail shall be $1.64 a garment in the East and Central region and $1.67 a garment in the Mountain and Pacific region; for sales at wholesale the maximum price shall be $15.70 per dozen in the East and Central region, and $16.05 per dozen in the Mountain and Pacific region.

(iv) "Net invoice cost" means the price on the face of the invoice less all discounts available, but adding transportation or delivery charges.

(2) Ceiling prices for "special sales" (this term is defined in Section 3.3 of Revised Maximum Price Regulation 208) are found under section 3.3. Moreover, if the retailer buys a garment at a "special sale", it should be priced under section 4.5 of the regulation, instead of under (1) above.

(3) "East and Central" and "Mountain and Pacific" regions are defined in Instruction 4 of Appendix C of Revised Maximum Price Regulation 208.

(d) *Notice which manufacturer must send to wholesalers and retailers.* On and after August 4, 1945, the manufacturer shall transmit to each retailer to whom it makes delivery of a thirty-three yard minimum boys' bib overall, at the time of delivery of such garment to the purchaser thereof, a statement in the following form:

> This notice is sent to you as required by Order No. 41 under Revised Maximum Price Regulation 208, which establishes maximum prices for our sales to you of certain boys' bib overalls. We have been allowed to price these overalls, Lot No. —— under that order since they conform to the prescribed yardage requirements. Whether you are a wholesaler or retailer, this notice tells you how to find your maximum prices. You must be certain to follow the method set forth below in order to comply with the law.
>
> *How to compute your maximum prices.* Take the highest price you charged for a boys' bib overall, which you delivered in March 1942 and divide that price by the net invoice cost of that garment to you. If you did not deliver any boys' overalls during March 1942 take the highest price you charged for a man's bib overall which you delivered during March 1942 and divide that price by the net invoice cost of that garment.
>
> Multiply the percentage so obtained by the net invoice cost of the garment being priced. The resultant figure shall be the maximum price of the boys' overall being priced, but in no event shall the maximum price for a retailer be higher than $1.64 a garment in the East and Central region (refers to sales in which the seller's place of business is in a state east of New Mexico, Colorado, Wyoming, Montana, and the following counties of Texas: Loving, Ward, Reeves, Pecos, Brewster, Presidio, Jeff Davis, Culberson, Hudspeth and El Paso) and $1.67 a garment in the Mountain and Pacific (refers to sales in which the seller's place of business is in the states or counties previously enumerated, or farther west). The maximum price for a wholesaler shall in no case be higher than $15.70 per dozen for sales in the East and Central region, and $16.05 per dozen for sales in the Mountain and Pacific region.
>
> "Net invoice cost" means the price on the face of the invoice less all discounts available, but adding transportation or delivery charges.
>
> If you did not deliver any bib overalls during March 1942, your maximum price shall be:
>
> Sales at wholesale:
> $15.70 per dozen in the East and Central region.
> $16.05 per dozen in the Mountain and Pacific region.
> Sales at retail:
> $1.64 per garment in the East and Central region.
> $1.67 per garment in the Mountain and Pacific region.
>
> The pricing method outlined above does not apply to "special sales". Sections 3.3 and 4.5 of Revised Maximum Price Regulation 208 tell you how to determine ceiling prices when there is a "special sale."

(e) *Notice which wholesalers must send to retailers.* Any seller at wholesale purchasing a thirty-three yard minimum boys' bib overall must furnish his retailers with the applicable portion of the notice set forth in paragraph (d) either by forwarding separate printed, typewritten or mimeographed copies attached to the invoice to accompany each shipment of overalls priced under this order, or have the notice stamped on the invoice if that is more convenient.

(f) The definitions in Revised Maximum Price Regulation 208 shall apply to this order.

(g) The maximum prices established in paragraph (b) of this order are subject to the special quota rule on deliveries set forth in section 2.7 of Revised Maximum Price Regulation 208, and to the disclosure, record keeping and marking provisions of the regulation.

(h) All prayers of the applications not granted herein are hereby denied.

This order shall become effective August 4, 1945.

(56 Stat. 23, 765; 57 Stat. 566, Pub. Law 383, 78th Cong.; Pub. Law 108, 79th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 3d day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-14341; Filed, Aug. 3, 1945; 11:45 a. m.]

[MPR 260, Order 1710]

FLOR AROMA CIGAR CO.

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion accompanying this order, and pursuant to § 1358.102 (b) of Maximum Price Regulation No. 260; *It is ordered*, That:

(a) Flor Aroma Cigar Co., 2916 20 St., Tampa 5, Fla. (hereinafter called "manufacturer") and wholesalers and retailers may sell, offer to sell or deliver and any person may buy, offer to buy or receive each brand and size or frontmark, and packing of the following domestic cigars at the appropriate maximum list price and maximum retail price set forth below:

Brand	Size or frontmark	Packing	Maximum list price	Maximum retail price
Flor Aroma	Brevas	50	*Per M* $105	*Cents* 14

(b) The manufacturer and wholesalers shall grant, with respect to their sales of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the discounts they customarily granted in March 1942 on their sales of domestic cigars of the same price class to purchasers of the same class, unless a change therein results in a lower price. Packing differentials charged by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class may be charged on corresponding sales of each brand and size or frontmark of cigars priced by this order, but shall not be increased. Packing differentials allowed by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class shall be allowed on corresponding sales of each brand and size or frontmark of cigars priced by this order and shall not be reduced. If a brand and size or frontmark of domestic cigars for which maximum prices are established by this order is of a price class not sold by the manufacturer or the particular wholesaler in March 1942, he shall, with respect to his sales thereof, grant the discounts and may charge and shall allow the packing differentials customarily granted, charged or allowed (as the case may be) in March 1942 by his most closely competitive seller of the same class on sales of domestic cigars of the same March 1942 price class to purchasers of the same class.

(c) On or before the first delivery to any purchaser of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the manufacturer and every other seller (except a retailer) shall notify the purchaser of the maximum list price and the maximum retail price established by this order for such brand and size or frontmark of domestic cigars. The notice shall conform to and be given in the manner prescribed by § 1358.113 of Maximum Price Regulation No. 260.

(d) Unless the context otherwise requires, appropriate provisions of Maximum Price Regulation No. 260, shall apply to sales for which maximum prices are established by this order.

(e) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective August 4, 1945.

Issued this 3d day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-14342; Filed, Aug. 3, 1945; 11:45 a. m.]

[MPR 260, Order 1711]

DOMINGO LLERAS

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion accompanying this order, and pursuant to § 1358.102 (b) of Maximum Price Regulation No. 260; *It is ordered*, That:

(a) Domingo Lleras, 888 Westchester Ave., Bronx 59, N. Y., (hereinafter called "manufacturer") and wholesalers and retailers may sell, offer to sell or deliver and any person may buy, offer to buy or receive each brand and size or frontmark, and packing of the following domestic cigars at the appropriate maximum list price and maximum retail price set forth below:

Brand	Size or frontmark	Packing	Maximum list price	Maximum retail price
La Rivera	Queens	50	*Per M* $80	*Cents* 12

(b) The manufacturer and wholesalers shall grant, with respect to their sales of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the discounts they customarily granted in March 1942 on their sales of domestic cigars of the same price class to purchasers of the same class, unless a change therein results in a lower price. Packing differentials charged by the manufacturer or a wholesaler in Mareh 1942 on sales of domestic cigars of the same price class to purchasers of the same class may be charged on corresponding sales of each brand and size or frontmark of cigars priced by this order, but shall not be increased. Packing differentials allowed by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class shall be allowed on corresponding sales of each brand and size or frontmark of cigars priced by this order and shall not be reduced. If a brand and size or frontmark of domestic cigars for which maximum prices are established by this order is of a price class not sold by the manufacturer or the particular wholesaler in March 1942, he shall, with respect to his sales thereof, grant the discounts and may charge and shall allow the packing differentials customarily granted, charged or allowed (as the case may be) in March 1942 by his most closely competitive seller of the same class on sales of domestic cigars of the same March 1942 price class to purchasers of the same class.

(c) On or before the first delivery to any purchaser of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the manufacturer and every other seller (except a retailer) shall notify the purchaser of the maximum list price and the maximum retail price established by this order for such brand and size or frontmark of domestic cigars. The notice shall conform to and be given in the manner prescribed by § 1358.113 of Maximum Price Regulation No. 260.

(d) Unless the context otherwise requires, appropriate provisions of Maximum Price Regulation No. 260, shall apply to sales for which maximum prices are established by this order.

(e) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective August 4, 1945.

Issued this 3d day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-14343; Filed, Aug. 3, 1945; 11:46 a. m.]

[MPR 260, Order 1712]

JULIO BURGOS

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion accompanying this order, and pursuant to § 1358.102 (b) of Maximum Price Regulation No. 260; *It is ordered*, That:

(a) Julio Burgos, Calle Baldorioty, Yabucca, P. R. (hereinafter called "manufacturer") and wholesalers and retailers may sell, offer to sell or deliver and any person may buy, offer to buy or receive each brand and size or frontmark, and packing of the following domestic cigars at the appropriate maximum list price and maximum retail price set forth below:

Brand	Size or frontmark	Packing	Maximum list price	Maximum retail price
Julio Burgos	Corona	50	*Per M* $82	*Cents* 4

(b) The manufacturer and wholesalers shall grant, with respect to their sales of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the discounts they customarily granted in March 1942 on their sales of domestic cigars of the same price class to purchasers of the same class, unless a change therein results in a lower price. Packing differentials charged by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class may be charged on corresponding sales of each brand and size or frontmark of cigars priced by this order, but shall not be increased. Packing differentials allowed by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class shall be allowed on corresponding sales of each brand and size or frontmark of cigars priced by this order and shall not be reduced. If a brand and size or frontmark of domestic cigars for which maximum prices are established by this order is of a price class not sold by the manufacturer or the particular wholesaler in March 1942, he shall, with respect to his sales thereof,

grant the discounts and may charge and shall allow the packing differentials customarily granted, charged or allowed (as the case may be) in March 1942 by his most closely competitive seller of the same class on sales of domestic cigars of the same March 1942 price class to purchasers of the same class.

(c) On or before the first delivery to any purchaser of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the manufacturer and every other seller (except a retailer) shall notify the purchaser of the maximum list price and the maximum retail price established by this order for such brand and size or frontmark of domestic cigars. The notice shall conform to and be given in the manner prescribed by § 1358.113 of Maximum Price Regulation No. 260.

(d) Unless the context otherwise requires, appropriate provisions of Maximum Price Regulation No. 260, shall apply to sales for which maximum prices are established by this order.

(e) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective August 4, 1945.

Issued this 3d day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-14344; Filed, Aug. 3, 1945; 11:46 a. m.]

[MPR 260, Order 1713]

CARLOTA LOZANO

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion accompanying this order, and pursuant to § 1358.102 (b) of Maximum Price Regulation No. 260; *It is ordered*, That:

(a) Carlota Lozano, Ave del Rio #45 Loiza St., Sant. Santurce, P. R. (hereinafter called "manufacturer"), and wholesalers and retailers may sell, offer to sell or deliver and any person may buy, offer to buy or receive each brand and size or frontmark, and packing of the following domestic cigars at the appropriate maximum list price and maximum retail price set forth below:

Brand	Size or frontmark	Packing	Maximum list price	Maximum retail price
Breva Grande	4¼".....	50	*Per M* $48	*Cents* 6

(b) The manufacturer and wholesalers shall grant, with respect to their sales of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the discounts they customarily granted in March 1942 on their sales of domestic cigars of the same price class to purchasers of the same class, unless a change therein results in a lower price. Packing differentials charged by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class may be charged on corresponding sales of each brand and size or frontmark of cigars priced by this order, but shall not be increased. Packing differentials allowed by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class shall be allowed on corresponding sales of each brand and size or frontmark of cigars priced by this order and shall not be reduced. If a brand and size or frontmark of domestic cigars for which maximum prices are established by this order is of a price class not sold by the manufacturer or the particular wholesaler in March 1942, he shall, with respect to his sales thereof, grant the discounts and may charge and shall allow the packing differentials customarily granted, charged or allowed (as the case may be) in March 1942 by his most closely competitive seller of the same class on sales of domestic cigars of the same March 1942 price class to purchasers of the same class.

(c) On or before the first delivery to any purchaser of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the manufacturer and every other seller (except a retailer) shall notify the purchaser of the maximum list price and the maximum retail price established by this order for such brand and size or frontmark of domestic cigars. The notice shall conform to and be given in the manner prescribed by § 1358.113 of Maximum Price Regulation No. 260.

(d) Unless the context otherwise requires, appropriate provisions of Maximum Price Regulation No. 260, shall apply to sales for which maximum prices are established by this order.

(e) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective August 4, 1945.

Issued this 3d day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-14345; Filed, Aug. 3, 1945; 11:46 a. m.]

[MPR 260, Order 1714]

NISSIM J. ADATTO

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion accompanying this order, and pursuant to § 1358.102 (b) of Maximum Price Regulation No. 260; *It is ordered*, That:

(a) Nissim J. Adatto, 343 17th Avenue, Seattle, Wash. (hereinafter called "manufacturer") and wholesalers and retailers may sell, offer to sell or deliver and any person may buy, offer to buy or receive each brand and size or frontmark, and packing of the following domestic cigars at the appropriate maximum list price and maximum retail price set forth below:

Brand	Size or frontmark	Packing	Maximum list price	Maximum retail price
Commercial Del Mundo	5".....	50	*Per M* $48	*Cents* 6
Olympic	5".....	50	48	6

(b) The manufacturer and wholesalers shall grant, with respect to their sales of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the discounts they customarily granted in March 1942 on their sales of domestic cigars of the same price class to purchasers of the same class, unless a change therein results in a lower price. Packing differentials charged by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class may be charged on corresponding sales of each brand and size or frontmark of cigars priced by this order, but shall not be increased. Packing differentials allowed by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class shall be allowed on corresponding sales of each brand and size or frontmark of cigars priced by this order and shall not be reduced. If a brand and size or frontmark of domestic cigars for which maximum prices are established by this order is of a price class not sold by the manufacturer or the particular wholesaler in March 1942, he shall, with respect to his sales thereof, grant the discounts and may charge and shall allow the packing differentials customarily granted, charged or allowed (as the case may be) in March 1942 by his most closely competitive seller of the same class on sales of domestic cigars of the same March 1942 price class to purchasers of the same class.

(c) On or before the first delivery to any purchaser of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the manufacturer and every other seller (except a retailer) shall notify the purchaser of the maximum list price and the maximum retail price established by this order for such brand and size or frontmark of domestic cigars. The notice shall conform to and be given in the manner prescribed by § 1358.113 of Maximum Price Regulation No. 260.

(d) Unless the context otherwise requires, appropriate provisions of Maximum Price Regulation No. 260, shall apply to sales for which maximum prices are established by this order.

(e) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective August 4, 1945.

Issued this 3d day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-14346; Filed, Aug. 3, 1945; 11:47 a. m.]

[MPR 260, Order 1716]

JOSE FLORIDO GONZALEZ

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion accompanying this order, and pursuant to § 1358.102 (b) of Maximum Price Regulation No. 260; *It is ordered*, That:

(a) Jose Florido Gonzalez, Baldorioty St., Manati, P. R. (hereinafter called "manufacturer") and wholesalers and retailers may sell, offer to sell or deliver and any person may buy, offer to buy or receive each brand and size or frontmark, and packing of the following domestic cigars at the appropriate maximum list price and maximum retail price set forth below:

Brand	Size or frontmark	Packing	Maximum list price	Maximum retail price
Comas Especiales	5¼".....	50	*Per M* $90	*Cents* 12

(b) The manufacturer and wholesalers shall grant, with respect to their sales of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the discounts they customarily granted in March 1942 on their sales of domestic cigars of the same price class to purchasers of the same class, unless a change therein results in a lower price. Packing differentials charged by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class may be charged on corresponding sales of each brand and size or frontmark of cigars priced by this order, but shall not be increased. Packing differentials allowed by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class shall be allowed on corresponding sales of each brand and size or frontmark of cigars priced by this order and shall not be reduced. If a brand and size or frontmark of domestic cigars for which maximum prices are established by this order is of a price class not sold by the manufacturer or the particular wholesaler in March 1942, he shall, with respect to his sales thereof, grant the discounts and may charge and shall allow the packing differentials customarily granted, charged or allowed (as the case may be) in March 1942 by his most closely competitive seller of the same class on sales of domestic cigars of the same March 1942 price class to purchasers of the same class.

(c) On or before the first delivery to any purchaser of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the manufacturer and every other seller (except a retailer) shall notify the purchaser of the maximum list price and the maximum retail price established by this order for such brand and size or frontmark of domestic cigars. The notice shall conform to and be given in the manner prescribed by § 1358.113 of Maximum Price Regulation No. 260.

(d) Unless the context otherwise requires, appropriate provisions of Maximum Price Regulation No. 260, shall apply to sales for which maximum prices are established by this order.

(e) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective August 4, 1945.

Issued this 3d day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-14347; Filed, Aug. 3, 1945; 11:47 a. m.]

[MPR 260, Order 1716]

TOMAS RIVERA

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion accompanying this order, and pursuant to § 1358.102 (b) of Maximum Price Regulation No. 260; *It is ordered*, That:

(a) Tomas Rivera, 29 Jobos St., Ponce, P. R. (hereinafter called "manufacturer") and wholesalers and retailers may sell, offer to sell or deliver and any person may buy, offer to buy or receive each brand and size or frontmark, and packing of the following domestic cigars at the appropriate maximum list price and maximum retail price set forth below:

Brand	Size or frontmark	Packing	Maximum list price	Maximum retail price
Corona.....	Corona.....	50	*Per M* $56	*Cents* 7

(b) The manufacturer and wholesalers shall grant, with respect to their sales of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the discounts they customarily granted in March 1942 on their sales of domestic cigars of the same price class to purchasers of the same class, unless a change therein results in a lower price. Packing differentials charged by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class may be charged on corresponding sales of each brand and size or frontmark of cigars priced by this order, but shall not be increased. Packing differentials allowed by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class shall be allowed on corresponding sales of each brand and size or frontmark of cigars priced by this order and shall not be reduced. If a brand and size or frontmark of domestic cigars for which maximum prices are established by this order is of a price class not sold by the manufacturer or the particular wholesaler in March 1942, he shall, with respect to his sales thereof, grant the discounts and may charge and shall allow the packing differentials customarily granted, charged or allowed (as the case may be) in March 1942 by his most closely competitive seller of the same class on sales of domestic cigars of the same March 1942 price class to purchasers of the same class.

(c) On or before the first delivery to any purchaser of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the manufacturer and every other seller (except a retailer) shall notify the purchaser of the maximum list price and the maximum retail price established by this order for such brand and size or frontmark of domestic cigars. The notice shall conform to and be given in the manner prescribed by § 1358.113 of Maximum Price Regulation No. 260.

(d) Unless the context otherwise requires, appropriate provisions of Maximum Price Regulation No. 260, shall apply to sales for which maximum prices are established by this order.

(e) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective August 4, 1945.

Issued this 3d day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-14348; Filed, Aug. 3, 1945; 11:47 a. m.]

[MPR 260, Order 1717]

FRANCISCO TORRES MENDEZ

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion accompanying this order, and pursuant to § 1358.102 (b) of Maximum Price Regulation No. 260; *It is ordered*, That:

(a) Francisco Torres Mendez, 76 Eugenio Ma. de Hostos St. Caguas, P. R. (hereinafter called "manufacturer") and wholesalers and retailers may sell, offer to sell or deliver and any person may buy, offer to buy or receive each brand and size or frontmark, and packing of the following domestic cigars at the appropriate maximum list price and maximum retail price set forth below:

Brand	Size or frontmark	Packing	Maximum list price	Maximum retail price
Corona (Tropicale)	4⅞".....	50	*Per M* $56	*Cents* 7

(b) The manufacturer and wholesalers shall grant, with respect to their sales of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the discounts they customarily granted in March 1942 on their sales of domestic cigars of the same price class to purchasers of the same class, unless a change therein results in a lower price. Packing differentials charged by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class may be charged on corresponding sales of each brand and size or

frontmark of cigars priced by this order, but shall not be increased. Packing differentials allowed by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class shall be allowed on corresponding sales of each brand and size or frontmark of cigars priced by this order and shall not be reduced. If a brand and size or frontmark of domestic cigars for which maximum prices are established by this order is of a price class not sold by the manufacturer or the particular wholesaler in March 1942, he shall, with respect to his sales thereof, grant the discounts and may charge and shall allow the packing differentials customarily granted, charged or allowed (as the case may be) in March 1942 by his most closely competitive seller of the same class on sales of domestic cigars of the same March 1942 price class to purchasers of the same class.

(c) On or before the first delivery to any purchaser of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the manufacturer and every other seller (except a retailer) shall notify the purchaser of the maximum list price and the maximum retail price established by this order for such brand and size or frontmark of domestic cigars. The notice shall conform to and be given in the manner prescribed by § 1358.113 of Maximum Price Regulation No. 260.

(d) Unless the context otherwise requires, appropriate provisions of Maximum Price Regulation No. 260, shall apply to sales for which maximum prices are established by this order.

(e) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective August 4, 1945.

Issued this 3d day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-14349; Filed, Aug. 3, 1945; 11:47 a. m.]

[MPR 260, Order 1718]

TONY V. COSTA

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion accompanying this order, and pursuant to § 1358.102 (b) of Maximum Price Regulation No. 260; *It is ordered*, That:

(a) Tony V. Costa, 1511 11th Avenue, Tampa 5, Fla. (hereinafter called "manufacturer") and wholesalers and retailers may sell, offer to sell or deliver and any person may buy, offer to buy or receive each brand and size or frontmark, and packing of the following domestic cigars at the appropriate maximum list price and maximum retail price set forth below:

Brand	Size or frontmark	Packing	Maximum list price	Maximum retail price
			Per M	*Cents*
Silvertone	Breva Extra	50	$169.00	22
	Breva	50	97.50	13

(b) The manufacturer and wholesalers shall grant, with respect to their sales of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the discounts they customarily granted in March 1942 on their sales of domestic cigars of the same price class to purchasers of the same class, unless a change therein results in a lower price. Packing differentials charged by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class may be charged on corresponding sales of each brand and size or frontmark of cigars priced by this order, but shall not be increased. Packing differentials allowed by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class shall be allowed on corresponding sales of each brand and size or frontmark of cigars priced by this order and shall not be reduced. If a brand and size or frontmark of domestic cigars for which maximum prices are established by this order is of a price class not sold by the manufacturer or the particular wholesaler in March 1942, he shall, with respect to his sales thereof, grant the discounts and may charge and shall allow the packing differentials customarily granted, charged or allowed (as the case may be) in March 1942 by his most closely competitive seller of the same class on sales of domestic cigars of the same March 1942 price class to purchasers of the same class.

(c) On or before the first delivery to any purchaser of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the manufacturer and every other seller (except a retailer) shall notify the purchaser of the maximum list price and the maximum retail price established by this order for such brand and size or frontmark of domestic cigars. The notice shall conform to and be given in the manner prescribed by § 1358.113 of Maximum Price Regulation No. 260.

(d) Unless the context otherwise requires, appropriate provisions of Maximum Price Regulation No. 260, shall apply to sales for which maximum prices are established by this order.

(e) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective August 4, 1945.

Issued this 3d day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-14350; Filed, Aug. 3, 1945; 11:48 a. m.]

[MPR 260, Order 1719]

JOSE ALONSO

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion accompanying this order, and pursuant to § 1358.102 (b) of Maximum Price Regulation No. 260; *It is ordered*, That:

(a) Jose Alonso, 1719 Boston Road, The Bronx, N. Y. (hereinafter called "manufacturer") and wholesalers and retailers may sell, offer to sell or deliver and any person may buy, offer to buy or receive each brand and size or frontmark, and packing of the following domestic cigars at the appropriate maximum list price and maximum retail price set forth below:

Brand	Size or frontmark	Packing	Maximum list price	Maximum retail price
Sabilla	Queens	50	*Per M* $141	*Cents* 17

(b) The manufacturer and wholesalers shall grant, with respect to their sales of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the discounts they customarily granted in March 1942 on their sales of domestic cigars of the same price class to purchasers of the same class, unless a change therein results in a lower price. Packing differentials charged by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class may be charged on corresponding sales of each brand and size or frontmark of cigars priced by this order, but shall not be increased. Packing differentials allowed by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class shall be allowed on corresponding sales of each brand and size or frontmark of cigars priced by this order and shall not be reduced. If a brand and size or frontmark of domestic cigars for which maximum prices are established by this order is of a price class not sold by the manufacturer or the particular wholesaler in March 1942, he shall, with respect to his sales thereof, grant the discounts and may charge and shall allow the packing differentials customarily granted, charged or allowed (as the case may be) in March 1942 by his most closely competitive seller of the same class on sales of domestic cigars of the same March 1942 price class to purchasers of the same class.

(c) On or before the first delivery to any purchaser of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the manufacturer and every other seller (except a retailer) shall notify the purchaser of the maximum list price and the maximum retail price established by this order for such brand and size or frontmark of domestic cigars. The notice shall conform to and be given in the manner prescribed by § 1358.113 of Maximum Price Regulation No. 260.

(d) Unless the context otherwise requires, appropriate provisions of Maximum Price Regulation No. 260, shall apply to sales for which maximum prices are established by this order.

(e) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective August 4, 1945.

Issued this 3d day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-14351; Filed, Aug. 3, 1945; 11:48 a. m.]

[MPR 260, Order 1720]

EARL E. TATE

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion accompanying this order, and pursuant to § 1358.102 (b) of Maximum Price Regulation No. 260; *It is ordered*, That:

(a) Earl E. Tate, 1014 Mt. Rose Ave., York, Pa. (hereinafter called "manufacturer") and wholesalers and retailers may sell, offer to sell or deliver and any person may buy, offer to buy or receive each brand and size or frontmark, and packing of the following domestic cigars at the appropriate maximum list price and maximum retail price set forth below:

Brand	Size or frontmark	Packing	Maximum list price	Maximum retail price
			Per M	*Cents*
Daily Habit	Daily Habit	50	$72	9

(b) The manufacturer and wholesalers shall grant, with respect to their sales of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the discounts they customarily granted in March 1942 on their sales of domestic cigars of the same price class to purchasers of the same class, unless a change therein results in a lower price. Packing differentials charged by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class may be charged on corresponding sales of each brand and size or frontmark of cigars priced by this order, but shall not be increased. Packing differentials allowed by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class shall be allowed on corresponding sales of each brand and size or frontmark of cigars priced by this order and shall not be reduced. If a brand and size or frontmark of domestic cigars for which maximum prices are established by this order is of a price class not sold by the manufacturer or the particular wholesaler in March 1942, he shall, with respect to his sales thereof, grant the discounts and may charge and shall allow the packing differentials customarily granted, charged or allowed (as the case may be) in March 1942 by his most closely competitive seller of the same class on sales of domestic cigars of the same March 1942 price class to purchasers of the same class.

(c) On or before the first delivery to any purchaser of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the manufacturer and every other seller (except a retailer) shall notify the purchaser of the maximum list price and the maximum retail price established by this order for such brand and size or frontmark of domestic cigars. The notice shall conform to and be given in the manner prescribed by § 1358.113 of Maximum Price Regulation No. 260.

(d) Unless the context otherwise requires, appropriate provisions of Maximum Price Regulation No. 260 shall apply to sales for which maximum prices are established by this order.

(e) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective August 4, 1945.

Issued this 3d day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-14352; Filed, Aug. 3, 1945; 11:48 a. m.]

[Order 69 Under 3 (c)]

BOWSER, INC.

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith, *It is ordered:*

(a) The maximum prices for sales of a pipe joint cement marketed by Bowser, Inc., 1302 E. Creighton, Fort Wayne 2, Indiana, under the trade name "Black Magic" shall be:

Size package	To consumers	To dealers		To wholesalers f. o. b. Fort Wayne, Ind., case and carton
		Broken carton	Standard carton	
4-ounce tube	$0.50	$0.35	$0.30	$0.225
1-pint can	1.50	1.05	.90	.675
1-quart can	2.50	1.75	1.50	1.125
1-gallon can	8.00	5.60	4.80	3.60
5-gallon pail	35.00	.....	21.00	15.75
50-gallon drum	300.00	.....	180.00	135.00

On sales to consumers and dealers, the above prices are either f. o. b. dealer's store and wholesaler's warehouse, respectively, or delivered to consumer's place of business and dealer's store, respectively, in accordance with practice in effect during March 1942.

(b) No extra charge may be made for containers.

(c) With or prior to the first delivery of Black Magic to a wholesaler or dealer, Bowser, Inc. shall furnish such wholesaler or dealer with a written notice containing the schedule of maximum prices set out in paragraph (a) above, a statement that they have been approved by the Office of Price Administration, and in the case of a delivery to a wholesaler, also a statement that with or prior to the wholesaler's first delivery to a dealer, such wholesaler is required by the Office of Price Administration to furnish such dealer with a written notice containing the schedule of maximum prices set out in paragraph (a) above and a statement that they have been approved by the Office of Price Administration.

(d) Prior to making any delivery of Black Magic after the effective date of this order, Bowser, Inc. shall mark or cause to be marked on each package, whichever of the following legends is applicable:

4-ounce tube "Ceiling price to consumer 50 cents"
1-pint can "Ceiling price to consumer $1.50"
1-quart can "Ceiling price to consumer $2.50"
1-gallon can "Ceiling price to consumer $8.00"
5-gallon pail "Ceiling price to consumer $35.00"
50-gallon drum "Ceiling price to consumer $300.00"

(e) This order may be revoked or amended by the Administrator at any time.

This order shall become effective August 4, 1945.

Issued this 3d day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-14317; Filed, Aug. 3, 1945; 11:39 a. m.]

[Order 87 Under 3 (b)]

SKYLINE, INC.

AUTHORIZATION OF MAXIMUM PRICES

Order No. 87 under Order 375 of § 1499.3 (b) of the General Maximum Price Regulation. Skyline, Inc.; Docket No. 6035.2-375 (d) 172.

For the reasons set forth in an opinion issued simultaneously herewith; *It is ordered:*

(a) The maximum prices for the hereinafter indicated sales of "Chalmonds", an almond-shaped candy confection manufactured by Skyline, Inc., Stewart and Union Avenues, Landsdowne, Pennsylvania, in accordance with the information contained in its price application dated May 14, 1945, shall be as follows:

(1) From Skyline, Inc., and all other sellers to retailers per case of 24 11-ounce jars, delivered..... $8.55
(2) From retailers to consumers per one 11-ounce jar..... .54

(b) The maximum prices established in this order are the highest prices for which the "Chalmonds" may be sold by the respective sellers. All sellers, on sales of this item, shall reduce the above appropriate maximum prices by applying their customary discounts, allowances and price differentials which have been applied to sales of other comparable confectionary items. In the application of any customary differential, the specific maximum prices established by this order must not be exceeded.

(c) Skyline, Inc., shall mail or otherwise supply to its purchasers, at the time of, or prior to, the first delivery to such purchasers, the written notice following:

The Office of Price Administration has authorized us to sell our "Chalmonds" packed in cases of 24 11-ounce jars, direct to retailers at the maximum price of $8.55 per case, delivered. You are authorized to sell this item to consumers at a maximum price not in excess of $0.54 per one 11-ounce jar.

(d) This order may be revoked or amended by the Price Administrator at any time.

(e) This order shall become effective August 4, 1945.

NOTE: This action has the prior written approval of the Secretary of Agriculture (10 F.R. 8419).

Issued this 3d day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-14315; Filed, Aug. 3, 1945; 11:38 a. m.]

[Order 88 Under 3 (b)]

CHARMS CO.

AUTHORIZATION OF MAXIMUM PRICES

Order No. 88 under Order No. 375 of § 1499.3 (b) of the General Maximum Price Regulation. Charms Company. Docket No. 6035:2-GMPR-ORD 375-198.

For the reasons set forth in an opinion issued simultaneously herewith: *It is ordered*, That:

(a) The maximum prices for the indicated sales below of "Charms 10¢ Malted Milk Tablets," a 1.4 ounce package confectionery item manufactured by the Charms Company, Bloomfield, New Jersey, in accordance with its formula contained in its price application of July 11, 1945 shall be:

(1) From Charms Company to wholesalers, per 12 count box, f. o. b. Bloomfield, New Jersey	$0.64
(2) From wholesalers to retailers, per 12 count box delivered	.80
(3) From retailers to consumers, per item	.10

(b) The maximum prices established in this order are the highest prices for which "Charms 10¢ Malted Milk Tablets" may be sold by the respective sellers. All sellers, on sales of this item, shall reduce the above appropriate maximum prices by applying their customary discounts, allowances and price differential reductions which have been applied to sales of "Charms 5¢ Fruit Tablets" or other comparable candy items.

(c) Charms Company shall mail or otherwise supply to its purchasers, at the time of or prior to the first delivery to such purchaser, a written notice as follows:

The Office of Price Administration has authorized us to sell to wholesalers our "Charms 10¢ Malted Milk Tablets" packed 12 to a box at a maximum price of 64 cents f. o. b. Bloomfield, New Jersey. Wholesalers are authorized to sell this item to retailers at a maximum price of 80 cents per 12 count box, delivered. On sales of this item, all sellers are required to reduce their maximum prices by applying their customary discounts, allowances and price differential reductions which have been applied to sales of comparable candy items.

(d) Charms Company, for a period of at least 90 days, shall place in or on each 12 count box distributed through a wholesaler a notice as follows:

The Office of Price Administration has authorized wholesalers to sell this 12 count box to retailers at a maximum delivered price of 80 cents. Retailers are authorized to sell these items to consumers at a maximum price of 10 cents per item.

(e) This order may be revoked or amended at any time by the Price Administrator.

(f) This Order No. 88 shall become effective August 4, 1945.

NOTE: This action has the prior written approval of the Secretary of Agriculture (10 F.R. 8419).

Issued this 3d day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-14316; Filed, Aug. 3, 1945; 11:38 a. m.]

[MPR 131, Order 29]

OREGON TIRE PATCH MFG. CO.

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to section 5a (c) of Revised Maximum Price Regulation 131 for sales at wholesale and Revised Maximum Price Regulation 528 for sales at retail, it is ordered:

(a) *Applicability.* This order applies to the manufacturers', wholesalers' and retailers' sales of tractor tire reliners made from scrap tires by the Oregon Tire Patch Manufacturing Company of Portland, Oregon.

(b) *Maximum prices.* The maximum price for sales of the following tractor tire reliner made from scrap tires, and having the specifications noted below, shall be:

Size	Ply	Weight	Length	Net maximum price: Sales to jobbers, retailers and vulcanizers	Net maximum price: Sales at retail
		Pounds			
6.50-36	4, 5, 6	21	153"	$6.60	$9.00

(c) *Notification of maximum prices.* With or prior to the first delivery of any repair material covered by this order to any retailer or jobber, the seller shall furnish such buyer a notification in writing setting forth the maximum prices established for sales to jobbers, retailers, and vulcanizers and the applicable maximum price for sales at retail; if the purchaser is a jobber, the notification shall include a statement that the jobber is required to furnish his buyer a notification in writing setting forth the maximum price of the commodity for sales at retail.

(d) All provisions of Revised Maximum Price Regulation 131 not inconsistent with this order shall apply to wholesale sales of the commodities covered by this order.

(e) All provisions of Revised Maximum Price Regulation 528 not inconsistent with this order shall apply to all retail sales covered by this order.

(f) This order may be revoked or amended by the Office of Price Administration at any time.

This order shall become effective August 4, 1945.

Issued this 3d day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-14318; Filed, Aug. 3, 1945; 11:39 a. m.]

[MPR 188, Order 4200]

OZARK PRODUCTS

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.158 of Maximum Price Regulation No. 188, *It is ordered:*

(a) This order establishes maximum prices for sales and deliveries of certain articles manufactured by Ozark Products of 3425 Osage Street, Saint Louis 18, Mo.

(1) For all sales and deliveries to the following classes of purchasers by the sellers indicated below, the maximum prices are those set forth below:

Article	Model No.	Maximum prices for sales by any seller to—: Wholesalers (jobbers)	Dropship jobbers	Chain and department stores	Other retailers	Consumers
		Each	*Each*	*Each*	*Each*	*Each*
Aluminum dutch oven	8	$2.60	$2.70	$3.00	$3.30	$5.00

These maximum prices are for the articles described in the manufacturer's application dated June 28, 1945.

(2) For sales by the manufacturer, the maximum prices apply to all sales and deliveries since Maximum Price Regulation No. 188 became applicable to those sales and deliveries. These prices are for the article described in your application. They are f. o. b. factory and subject to a cash discount of 2% for payment within 10 days, net 30 days.

(3) For sales by persons other than the manufacturer, the maximum prices apply to all sales and deliveries after the effective date of this order. Those prices are subject to each seller's customary terms and conditions of sale on sales of similar articles.

(4) If the manufacturer wishes to make sales and deliveries to any other class of purchaser or on other terms and conditions of sale, he must apply to the Office of Price Administration, Washington, D. C., under the Fourth Pricing Method, § 1499.158 of Maximum Price Regulation No. 188, for the establishment of maximum prices for those sales, and no sales or deliveries may be made until maximum prices have been authorized by the Office of Price Administration.

(b) The manufacturer shall attach a tag or label to every article for which a maximum price for sales to consumers is established by this order. That tag or label shall contain the following statement:

OPA Retail Ceiling Price—$5.00 each
Do Not Detach or Obliterate

(c) At the time of, or prior to, the first invoice to each purchaser for resale, the seller shall notify the purchaser in writing of the maximum prices and conditions established by this order for sales by the purchaser. This notice may be given in any convenient form.

(d) This order may be revoked or amended by the Price Administrator at any time.

(e) This order shall become effective on the 4th day of August 1945.

Issued this 3d day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-14319; Filed, Aug. 3, 1945; 11:39 a. m.]

[MPR 188, Order 4201]

IDEAL METAL CRAFTERS

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.158 of Maximum Price Regulation No. 188; *It is ordered:*

(a) This order establishes maximum prices for sales and deliveries of certain articles manufactured by Ideal Metal Crafters of 2704 North Front Street, Philadelphia 33, Pa.

(1) For all sales and deliveries to the following classes of purchasers by the sellers indicated below, the maximum prices are those set forth below:

Article	Model No.	Maximum prices for sales by any seller to—: Wholesalers (jobbers)	Dropship jobbers	Chain and department stores	Other retailers	Consumers
		Each	*Each*	*Each*	*Each*	*Each*
Treated cold pack container	R1	$0.77	$0.83	$0.90	$1.00	$1.50
Galvanized cold pack container	R2	.83	.91	.99	1.10	1.65

These maximum prices are for the articles described in the manufacturer's application dated June 12, 1945.

(2) For sales by the manufacturer, the maximum prices apply to all sales and deliveries since Maximum Price Regulation No. 188 became applicable to those sales and deliveries. These prices are for the article described in your application. They are f. o. b. factory and subject to a cash discount of 2% for payment within 10 days, net 30 days.

(3) For sales by persons other than the manufacturer, the maximum prices apply to all sales and deliveries after the effective date of this order. Those prices are subject to each seller's customary terms and conditions of sale on sales of similar articles.

(4) If the manufacturer wishes to make sales and deliveries to any other class of purchaser or on other terms and conditions of sale, he must apply to the Office of Price Administration, Washington, D. C., under the Fourth Pricing Method, § 1499.158 of Maximum Price Regulation No. 188, for the establishment of maximum prices for those sales, and no sales or deliveries may be made until maximum prices have been authorized by the Office of Price Administration.

(b) The manufacturer shall attach a tag or label to every article for which a maximum price for sales to consumers is established by this order. That tag or label shall contain the following statements with the retail prices properly filled in:

OPA Retail Ceiling Price—$_____
Do Not Detach or Obliterate

(c) At the time of, or prior to, the first invoice to each purchaser for resale, the seller shall notify the purchaser in writing of the maximum prices and conditions established by this order for sales by the purchaser. This notice may be given in any convenient form.

(d) This order may be revoked or amended by the Price Administrator at any time.

(e) This order shall become effective on the 4th day of August 1945.

Issued this 3d day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-14320; Filed, Aug. 3, 1945; 11:39 a. m.]

[MPR 188, Order 4202]

C. C. GALBRAITH & SONS

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.158 of Maximum Price Regulation No. 188; *It is ordered:*

(a) This order establishes maximum prices for sales and deliveries of certain articles manufactured by C. C. Galbraith & Sons of 450 Sixth Avenue, New York 11, N. Y.

(1) For all sales and deliveries to the following classes of purchasers by the sellers indicated below, the maximum prices are those set forth below:

Article	Model No.	Maximum prices for sales by any seller to—: Wholesalers (jobbers)	Retailers (6 units or more)	Retailers (less than 6 units)	Consumers
		Each	*Each*	*Each*	*Each*
Space heater	1 C	$1.93	$5.82	$6.27	$9.40
	2 C	6.58	6.77	7.37	12.55

These maximum prices are for the articles described in the manufacturer's application dated June 20, 1945. These prices include the Federal Excise Tax.

(2) For sales by the manufacturer, the maximum prices apply to all sales and deliveries since Maximum Price Regulation No. 188 became applicable to those sales and deliveries. These prices are for the articles described in your application. They are f. o. b. factory and subject to a cash discount of 2% for payment in 10 days, net 30 days.

(3) For sales by persons other than the manufacturer, the maximum prices apply to all sales and deliveries after the effective date of this order. Those prices are subject to each seller's customary terms and conditions of sale on sales of similar articles.

(4) If the manufacturer wishes to make sales and deliveries to any other class of purchaser or on other terms and conditions of sale, he must apply to the Office of Price Administration, Washington, D. C., under the Fourth Pricing Method, § 1499.158 of Maximum Price Regulation No. 188, for the establishment of maximum prices for those sales, and no sales or deliveries may be made until maximum prices have been authorized by the Office of Price Administration.

(b) The manufacturer shall attach a tag or label to every article for which a maximum price for sales to consumers is established by this order. That tag or label shall contain the following statements with the Order Number properly filled in:

Order Number 4202
Model Number _____
OPA Retail Ceiling Price—$_____
Federal Excise Tax Included
Do Not Detach or Obliterate

or

C. C. Galbraith & Sons
450 Sixth Avenue
New York 11, New York
Model Number _____
OPA Retail Ceiling Price—$_____
Federal Excise Tax Included
Do Not Detach or Obliterate

(c) At the time of, or prior to, the first invoice to each purchaser for resale, the seller shall notify the purchaser in writing of the maximum prices and conditions established by this order for sales by the purchaser. This notice may be given in any convenient form.

(d) This order may be revoked or amended by the Price Administrator at any time.

(e) This order shall become effective on the 4th day of August 1945.

Issued this 3d day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-14321; Filed, Aug. 3, 1945; 11:40 a. m.]

[MPR 188, Order 4203]

NOVELTY MFG. CO.

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.158 of Maximum Price Regulation No. 188; *It is ordered:*

(a) This order establishes maximum prices for sales and deliveries of certain articles manufactured by Novelty Manufacturing Company, 5151 West 140th Street, Hawthorn, Calif.

(1) For all sales and deliveries to the following classes of purchasers by the sellers indicated below, the maximum prices are those set forth below:

Article	Model No.	For sales by the manufacturer to—		For sales by any person to consumers
		Jobbers	Retailers	
Plexiglas table lamp	1	*Each* $2.01	*Each* $2.40	*Each* $4.50

These maximum prices are for the articles described in the manufacturer's application dated December 29, 1944.

(2) For sales by the manufacturer, the maximum prices apply to all sales and deliveries since Maximum Price Regulation No. 188 became applicable to those sales and deliveries. For sales to persons other than consumers they are f. o. b. factory, 2% 10 days, net 30. The maximum price to consumers is net, delivered.

(3) For sales by persons other than the manufacturer, the maximum prices apply to all sales and deliveries after the effective date of this order. Those prices are subject to each seller's customary terms and conditions of sale on sales of similar articles.

(4) If the manufacturer wishes to make sales and deliveries to any other class of purchaser or on other terms and conditions of sale, he must apply to the Office of Price Administration, Washington, D. C., under the Fourth Pricing Method, § 1499.158 of Maximum Price Regulation No. 188, for the establishment of maximum prices for those sales, and no sales or deliveries may be made until maximum prices have been authorized by the Office of Price Administration.

(b) The manufacturer shall attach a tag or label to every article for which a maximum price for sales to consumers is established by this order. That tag or label shall contain the following statement, with the proper model number and the ceiling price inserted in the blank spaces:

Model No. ------
OPA Retail Ceiling Price—$------
Do Not Detach

(c) At the time of, or prior to, the first invoice to each purchaser for resale, the seller shall notify the purchaser in writing of the maximum prices and conditions established by this order for sales by the purchaser. This notice may be given in any convenient form.

(d) This order may be revoked or amended by the Price Administrator at any time.

(e) This order shall become effective on the 4th day of August 1945.

Issued this 3d day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-14323; Filed, Aug. 3, 1945; 11:40 a. m.]

[MPR 188, Order 4206]

DORMEYER CORP.

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.158 of Maximum Price Regulation No. 188; *It is ordered:*

(a) This order establishes maximum prices for sales and deliveries of certain articles manufactured by Blazon Manufacturing Company, 7577 McNichols Road, West (Rear) Box #1, College Park Station, Detroit 21, Mich.

(1) For all sales and deliveries to the following classes of purchasers by the sellers indicated below, the maximum prices are those set forth below:

Article	Model No.	For sales by the manufacturer to—		For sales by any person to consumers
		Jobbers	Retailers	
Table cigarette lighter	A-1 "Hexa Lite"	*Each* $2.75	*Each* $3.00	*Each* $4.95
Pocket cigarette lighter	B-1	1.32	1.40	1.95

These maximum prices are for the articles described in the manufacturer's application dated June 20, 1945.

(2) For sales by the manufacturer, the maximum prices apply to all sales and deliveries since Maximum Price Regulation No. 188 became applicable to those sales and deliveries. For sales to persons other than consumers they are f. o. b. factory, 2% 10 days, net 30. The maximum price to consumers is net, delivered.

(3) For sales by persons other than the manufacturer, the maximum prices apply to all sales and deliveries after the effective date of this order. Those prices are subject to each seller's customary terms and conditions of sale on sales of similar articles.

(4) If the manufacturer wishes to make sales and deliveries to any other class of purchaser or on other terms and conditions of sale, he must apply to the Office of Price Administration, Washington, D. C., under the Fourth Pricing Method, § 1499.158 of Maximum Price Regulation No. 188, for the establishment of maximum prices for those sales, and no sales or deliveries may be made until maximum prices have been authorized by the Office of Price Administration.

(b) The manufacturer shall attach a tag or label to every article for which a maximum price for sales to consumers is established by this order. That tag or label shall contain the following statement, with the proper model number and the ceiling price inserted in the blank spaces:

Model No. ------
OPA Retail Ceiling Price—$------
Do Not Detach

(c) At the time of, or prior to, the first invoice to each purchaser for resale, the seller shall notify the purchaser in writing of the maximum prices and conditions established by this order for sales by the purchaser. This notice may be given in any convenient form.

(d) This order may be revoked or amended by the Price Administrator at any time.

(e) This order shall become effective on the 4th day of August 1945.

Issued this 3d day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-14323; Filed, Aug. 3, 1945; 11:40 a. m.]

[MPR 188, Order 4207]

MAJESTIC LIGHTER CO.

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.158 of Maximum Price Regulation No. 188; *It is ordered:*

(a) This order establishes maximum prices for sales and deliveries of certain articles manufactured by the Majestic Lighter Company, 10 East 16th Street, New York 3, N. Y.

(1) For all sales and deliveries to the following classes of purchasers by the sellers indicated below, the maximum prices are those set forth below:

Article	Model No.	For sales by the manufacturer to—		For sales by any person to consumers
		Jobbers	Retailers	
Table cigarette lighter	1	*Each* $2.01	*Each* $2.40	*Each* $4.50

These maximum prices are for the articles described in the manufacturer's application dated December 29, 1944.

(2) For sales by the manufacturer, the maximum prices apply to all sales and deliveries since Maximum Price Regulation No. 188 became applicable to those sales and deliveries. For sales to persons other than consumers they are f. o. b. factory, 2% 10 days, net 30. The maximum price to consumers is net, delivered.

(3) For sales by persons other than the manufacturer, the maximum prices apply to all sales and deliveries after the effective date of this order. Those prices are subject to each seller's customary terms and conditions of sale on sales of similar articles.

(4) If the manufacturer wishes to make sales and deliveries to any other class of purchaser or on other terms and conditions of sale, he must apply to the Office of Price Administration, Washington, D. C., under the Fourth Pricing Method, § 1499.158 of Maximum Price Regulation No. 188, for the establishment of maximum prices for those sales, and no sales or deliveries may be made until maximum prices have been authorized by the Office of Price Administration.

(b) The manufacturer shall attach a tag or label to every article for which a maximum price for sales to consumers is established by this order. That tag or label shall contain the following statement, with the proper model number and the ceiling price inserted in the blank spaces:

Model No. ------
OPA Retail Ceiling Price—$------
Do Not Detach

(c) At the time of, or prior to, the first invoice to each purchaser for resale, the seller shall notify the purchaser in writing of the maximum prices and conditions established by this order for sales by the purchaser. This notice may be given in any convenient form.

(d) This order may be revoked or amended by the Price Administrator at any time.

(e) This order shall become effective on the 4th day of August 1945.

Issued this 3d day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-14324; Filed, Aug. 3, 1945; 11:40 a. m.]

[MPR 188, Order 4207]

MAJESTIC LIGHTER CO.

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.158 of Maximum Price Regulation No. 188; *It is ordered:*

(a) This order establishes maximum prices for sales and deliveries of certain articles manufactured by the Majestic Lighter Company, 10 East 16th Street, New York 3, N. Y.

(1) For all sales and deliveries to the following classes of purchasers by the sellers indicated below, the maximum prices are those set forth below:

Article	Model No.	For sales by the manufacturer to—		For sales by any person to consumers
		Jobbers	Retailers	
Table cigarette lighter	A-1 "Hexa Lite"	*Each* $2.75	*Each* $3.00	*Each* $4.95
Pocket cigarette lighter	B-1	1.32	1.40	1.95

These maximum prices are for the articles described in the manufacturer's application dated June 20, 1945.

(2) For sales by the manufacturer, the maximum prices apply to all sales and deliveries since Maximum Price Regulation No. 188 became applicable to those sales and deliveries. For sales to persons other than consumers they are f. o. b. factory, 2% 10 days, net 30. The maximum price to consumers is net, delivered.

(3) For sales by persons other than the manufacturer, the maximum prices apply to all sales and deliveries after the effective date of this order. Those prices are subject to each seller's customary terms and conditions of sale on sales of similar articles.

(4) If the manufacturer wishes to make sales and deliveries to any other class of purchaser or on other terms and conditions of sale, he must apply to the Office of Price Administration, Washington, D. C., under the Fourth Pricing Method, § 1499.158 of Maximum Price Regulation No. 188, for the establishment of maximum prices for those sales, and no sales or deliveries may be made until maximum prices have been authorized by the Office of Price Administration.

(b) The manufacturer shall attach a tag or label to every article for which a maximum price for sales to consumers is established by this order. That tag or label shall contain the following statement:

OPA Retail Ceiling Price—$12.00
Do Not Detach

(c) At the time of, or prior to, the first invoice to each purchaser for resale, the seller shall notify the purchaser in writing of the maximum prices and conditions established by this order for sales by the purchaser. This notice may be given in any convenient form.

(d) This order may be revoked or amended by the Price Administrator at any time.

(e) This order shall become effective on the 4th day of August 1945.

Issued this 3d day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-14325; Filed, Aug. 3, 1945; 11:41 a. m.]

[MPR 188, Order 4208]

PLEXIGLAS LAMP CO.

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.158 of Maximum Price Regulation No. 188; *It is ordered:*

(a) This order establishes maximum prices for sales and deliveries of certain articles manufactured by Dormeyer Corporation, 4316 North Kilpatrick Avenue, Chicago 41, Illinois.

(1) For all sales and deliveries to the following classes of purchasers by the sellers indicated below, the maximum prices are those set forth below:

Article	Model No.	For sales by the manufacturer to—		For sales by any person to consumers
		Jobbers	Retailers	
Table cigarette lighter	1	*Each* $2.01	*Each* $2.40	*Each* $4.50

These maximum prices are for the articles described in the manufacturer's application dated December 29, 1944.

(2) For sales by the manufacturer, the maximum prices apply to all sales and deliveries since Maximum Price Regulation No. 188 became applicable to those sales and deliveries. For sales to persons other than consumers they are f. o. b. factory, 2% 10 days, net 30. The maximum price to consumers is net, delivered.

(3) For sales by persons other than the manufacturer, the maximum prices apply to all sales and deliveries after the effective date of this order. Those prices are subject to each seller's customary terms and conditions of sale on sales of similar articles.

(4) If the manufacturer wishes to make sales and deliveries to any other class of purchaser or on other terms and conditions of sale, he must apply to the Office of Price Administration, Washington, D. C., under the Fourth Pricing Method, § 1499.158 of Maximum Price Regulation No. 188, for the establishment of maximum prices for those sales, and no sales or deliveries may be made until maximum prices have been authorized by the Office of Price Administration.

(b) The manufacturer shall attach a tag or label to every article for which a maximum price for sales to consumers is established by this order. That tag or label shall contain the following statement, with the proper model number and the ceiling price inserted in the blank spaces:

Model No. ------
OPA Retail Ceiling Price—$------
Do Not Detach

(c) At the time of, or prior to, the first invoice to each purchaser for resale, the seller shall notify the purchaser in writing of the maximum prices and conditions established by this order for sales by the purchaser. This notice may be given in any convenient form.

(d) This order may be revoked or amended by the Price Administrator at any time.

(e) This order shall become effective on the 4th day of August 1945.

Issued this 3d day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-14326; Filed, Aug. 3, 1945; 11:41 a. m.]

[MPR 188, Order 4209]

MAGIC INVENTIONS, INC.

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.158 of Maximum Price Regulation No. 188; *It is ordered:*

(a) This order establishes maximum prices for sales and deliveries of certain articles manufactured by Magic Inventions, Inc., 1476 Broadway, New York 18, N. Y.

(1) For all sales and deliveries to the following classes of purchasers by the sellers indicated below, the maximum prices are those set forth below:

Article	Model No.	For sales by the manufacturer to—		For sales by any person to consumers
		Jobbers	Retailers	
Table cigarette lighter	A-1 "Hexa Lite"	*Each* $2.75	*Each* $3.00	*Each* $4.95
Pocket cigarette lighter	B-1	1.32	1.40	1.95

These maximum prices are for the articles described in the manufacturer's application dated June 20, 1945.

(2) For sales by the manufacturer, the maximum prices apply to all sales and deliveries since Maximum Price Regulation No. 188 became applicable to those sales and deliveries. For sales to persons other than consumers they are f. o. b. factory, 2% 10 days, net 30. The maximum price to consumers is net, delivered.

(3) For sales by persons other than the manufacturer, the maximum prices apply to all sales and deliveries after the effective date of this order. Those prices are subject to each seller's customary terms and conditions of sale on sales of similar articles.

(4) If the manufacturer wishes to make sales and deliveries to any other class of purchaser or on other terms and conditions of sale, he must apply to the Office of Price Administration, Washington, D. C., under the Fourth Pricing Method, § 1499.158 of Maximum Price Regulation No. 188, for the establishment of maximum prices for those sales, and no sales or deliveries may be made until maximum prices have been authorized by the Office of Price Administration.

(b) The manufacturer shall attach a tag or label to every article for which a maximum price for sales to consumers is established by this order. That tag or label shall contain the following statement:

OPA Retail Ceiling Price—$12.00
Do Not Detach

(c) At the time of, or prior to, the first invoice to each purchaser for resale, the seller shall notify the purchaser in writing of the maximum prices and conditions established by this order for sales by the purchaser. This notice may be given in any convenient form.

(d) This order may be revoked or amended by the Price Administrator at any time.

(e) This order shall become effective on the 4th day of August 1945.

Issued this 3d day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-14327; Filed, Aug. 3, 1945; 11:41 a. m.]

[MPR 188, Order 4210]

PLEXIGLAS LAMP CO.

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.158 of Maximum Price Regulation No. 188; *It is ordered:*

(a) This order establishes maximum prices for sales and deliveries of certain articles manufactured by Plexiglas Lamp Co.

(d) This order may be revoked or amended by the Price Administrator at any time.

(e) This order shall become effective August 4, 1945.

NOTE: This action has the prior written approval of the Secretary of Agriculture (10 F.R. 8419).

Issued this 3d day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-14315; Filed, Aug. 3, 1945; 11:38 a. m.]

[Order 88 Under 3 (b)]

CHARMS CO.

AUTHORIZATION OF MAXIMUM PRICES

Order No. 88 under Order No. 375 of § 1499.3 (b) of the General Maximum Price Regulation. Charms Company, Docket No. 6035:2-GMPR-ORD 375-198.

For the reasons set forth in an opinion issued simultaneously herewith; *It is ordered*, That:

(a) The maximum prices for the indicated sales below of "Charms 10¢ Malted Milk Tablets," a 1.4 ounce package confectionery item manufactured by the Charms Company, Bloomfield, New Jersey, in accordance with its formula contained in its price application of July 11, 1945 shall be:

(1) From Charms Company to wholesalers, per 12 count box, f. o. b. Bloomfield, New Jersey	$0.64
(2) From wholesalers to retailers, per 12 count box delivered	.80
(3) From retailers to consumers, per item	.10

(b) The maximum prices established in this order are the highest prices for which "Charms 10¢ Malted Milk Tablets" may be sold by the respective sellers. All sellers, on sales of this item, shall reduce the above appropriate maximum prices by applying their customary discounts, allowances and price differential reductions which have been applied to sales of "Charms 5¢ Fruit Tablets" or other comparable candy items.

(c) Charms Company shall mail or otherwise supply to its purchasers, at the time of or prior to the first delivery to such purchaser, a written notice as follows:

The Office of Price Administration has authorized us to sell to wholesalers our "Charms 10¢ Malted Milk Tablets" packed 12 to a box at a maximum price of 64 cents f. o. b. Bloomfield, New Jersey. Wholesalers are authorized to sell this item to retailers at a maximum price of 80 cents per 12 count box, delivered. On sales of this item, all sellers are required to reduce their maximum prices by applying their customary discounts, allowances and price differential reductions which have been applied to sales of comparable candy items.

(d) Charms Company, for a period of at least 90 days, shall place in or on each 12 count box distributed through a wholesaler a notice as follows:

The Office of Price Administration has authorized wholesalers to sell this 12 count box to retailers at a maximum delivered price of 80 cents. Retailers are authorized to sell these items to consumers at a maximum price of 10 cents per item.

(e) This order may be revoked or amended at any time by the Price Administrator.

(f) This Order No. 88 shall become effective August 4, 1945.

NOTE: This action has the prior written approval of the Secretary of Agriculture (10 F.R. 8419).

Issued this 3d day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-14316; Filed, Aug. 3, 1945; 11:38 a. m.]

[MPR 131, Order 29]

OREGON TIRE PATCH MFG. CO.

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to section 5a (c) of Revised Maximum Price Regulation 131 for sales at wholesale and Revised Maximum Price Regulation 528 for sales at retail, it is ordered:

(a) *Applicability.* This order applies to the manufacturers', wholesalers' and retailers' sales of tractor tire reliners made from scrap tires by the Oregon Tire Patch Manufacturing Company of Portland, Oregon.

(b) *Maximum prices.* The maximum price for sales of the following tractor tire reliner made from scrap tires, and having the specifications noted below, shall be:

Size	Ply	Weight	Length	Net maximum price: Sales to jobbers, retailers and vulcanizers	Net maximum price: Sales at retail
6.50-36	4, 5, 6	*Pounds* 21	153"	$6.60	$9.00

(c) *Notification of maximum prices.* With or prior to the first delivery of any repair material covered by this order to any retailer or jobber, the seller shall furnish such buyer a notification in writing setting forth the maximum prices established for sales to jobbers, retailers, and vulcanizers and the applicable maximum price for sales at retail; if the purchaser is a jobber, the notification shall include a statement that the jobber is required to furnish his buyer a notification in writing setting forth the maximum price of the commodity for sales at retail.

(d) All provisions of Revised Maximum Price Regulation 131 not inconsistent with this order shall apply to wholesale sales of the commodities covered by this order.

(e) All provisions of Revised Maximum Price Regulation 528 not inconsistent with this order shall apply to all retail sales covered by this order.

(f) This order may be revoked or amended by the Office of Price Administration at any time.

This order shall become effective August 4, 1945.

Issued this 3d day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-14318; Filed, Aug. 3, 1945; 11:39 a. m.]

[MPR 188, Order 4200]

OZARK PRODUCTS

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.158 of Maximum Price Regulation No. 188, *It is ordered:*

(a) This order establishes maximum prices for sales and deliveries of certain articles manufactured by Ozark Products of 3425 Osage Street, Saint Louis 18, Mo.

(1) For all sales and deliveries to the following classes of purchasers by the sellers indicated below, the maximum prices are those set forth below:

Article	Model No.	Maximum prices for sales by any seller to—: Wholesalers (jobbers)	Dropship jobbers	Chain and department stores	Other retailers	Consumer
Aluminum dutch oven	8	*Each* $2.50	*Each* $2.70	*Each* $3.00	*Each* $3.33	[illegible]

These maximum prices are for the articles described in the manufacturer's application dated June 28, 1945.

(2) For sales by the manufacturer, the maximum prices apply to all sales and deliveries since Maximum Price Regulation No. 188 became applicable to those sales and deliveries. These prices are for the article described in your application. They are f. o. b. factory and subject to a cash discount of 2% for payment within 10 days, net 30 days.

(3) For sales by persons other than the manufacturer, the maximum prices apply to all sales and deliveries after the effective date of this order. Those prices are subject to each seller's customary terms and conditions of sale on sales of similar articles.

(4) If the manufacturer wishes to make sales and deliveries to any other class of purchaser or on other terms and conditions of sale, he must apply to the Office of Price Administration, Washington, D. C., under the Fourth Pricing Method, § 1499.158 of Maximum Price Regulation No. 188, for the establishment of maximum prices for those sales, and no sales or deliveries may be made until maximum prices have been authorized by the Office of Price Administration.

(b) The manufacturer shall attach a tag or label to every article for which a maximum price for sales to consumers is established by this order. That tag or label shall contain the following statement:

OPA Retail Ceiling Price—$5.00 each
Do Not Detach or Obliterate

(c) At the time of, or prior to, the first invoice to each purchaser for resale, the seller shall notify the purchaser in writing of the maximum prices and conditions established by this order for sales by the purchaser. This notice may be given in any convenient form.

(d) This order may be revoked or amended by the Price Administrator at any time.

(e) This order shall become effective on the 4th day of August 1945.

Issued this 3d day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-14319; Filed, Aug. 3, 1945; 11:39 a. m.]

[MPR 188, Order 4201]

IDEAL METAL CRAFTERS

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.158 of Maximum Price Regulation No. 188; *It is ordered:*

(a) This order establishes maximum prices for sales and deliveries of certain articles manufactured by Ideal Metal Crafters of 2704 North Front Street, Philadelphia 33, Pa.

(1) For all sales and deliveries to the following classes of purchasers by the sellers indicated below, the maximum prices are those set forth below:

Article	Model No.	Maximum prices for sales by any seller to—: Wholesalers (Jobbers)	Dropship jobbers	Chain and department stores	Other retailers	Consumers
Tin plated cold pack canner.	R1	*Each* $0.75	*Each* $0.83	*Each* $0.90	*Each* $1.00	*Each* $1.50
Galvanized cold pack canner.	R2	.83	.91	.99	1.10	1.65

These maximum prices are for the articles described in the manufacturer's application dated June 12, 1945.

(2) For sales by the manufacturer, the maximum prices apply to all sales and deliveries since Maximum Price Regulation No. 188 became applicable to those sales and deliveries. These prices are for the article described in your application. They are f. o. b. factory and subject to a cash discount of 2% for payment within 10 days, net 30 days.

(3) For sales by persons other than the manufacturer, the maximum prices apply to all sales and deliveries after the effective date of this order. Those prices are subject to each seller's customary terms and conditions of sale on sales of similar articles.

(4) If the manufacturer wishes to make sales and deliveries to any other class of purchaser or on other terms and conditions of sale, he must apply to the Office of Price Administration, Washington, D. C., under the Fourth Pricing Method, § 1499.158 of Maximum Price Regulation No. 188, for the establishment of maximum prices for those sales, and no sales or deliveries may be made until maximum prices have been authorized by the Office of Price Administration.

(b) The manufacturer shall attach a tag or label to every article for which a maximum price for sales to consumers is established by this order. That tag or label shall contain the following statements with the retail prices properly filled in:

OPA Retail Ceiling Price—$------
Do Not Detach or Obliterate

(c) At the time of, or prior to, the first invoice to each purchaser for resale, the seller shall notify the purchaser in writing of the maximum prices and conditions established by this order for sales by the purchaser. This notice may be given in any convenient form.

(d) This order may be revoked or amended by the Price Administrator at any time.

(e) This order shall become effective on the 4th day of August 1945.

Issued this 3d day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-14320; Filed, Aug. 3, 1945; 11:39 a. m.]

[MPR 188, Order 4202]

C. C. GALBRAITH & SONS

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.158 of Maximum Price Regulation No. 188; *It is ordered:*

(a) This order establishes maximum prices for sales and deliveries of certain articles manufactured by C. C. Galbraith & Sons of 450 Sixth Avenue, New York 11, N. Y.

(1) For all sales and deliveries to the following classes of purchasers by the sellers indicated below, the maximum prices are those set forth below:

Article	Model No.	Maximum prices for sales by any seller to—: Wholesalers (jobbers)	Retailers (6 units or more	Retailers (less than 6 units)	Consumers
Space heater	1 C	*Each* $4.93	*Each* $5.82	*Each* $6.27	*Each* $9.40
	2 C	6.58	6.77	7.37	12.55

These maximum prices are for the articles described in the manufacturer's application dated June 20, 1945. These prices include the Federal Excise Tax.

(2) For sales by the manufacturer, the maximum prices apply to all sales and deliveries since Maximum Price Regulation No. 188 became applicable to those sales and deliveries. These prices are for the articles described in your application. They are f. o. b. factory and subject to a cash discount of 2% for payment in 10 days, net 30 days.

(3) For sales by persons other than the manufacturer, the maximum prices apply to all sales and deliveries after the effective date of this order. Those prices are subject to each seller's customary terms and conditions of sale on sales of similar articles.

(4) If the manufacturer wishes to make sales and deliveries to any other class of purchaser or on other terms and conditions of sale, he must apply to the Office of Price Administration, Washington, D. C., under the Fourth Pricing Method, § 1499.158 of Maximum Price Regulation No. 188, for the establishment of maximum prices for those sales, and no sales or deliveries may be made until maximum prices have been authorized by the Office of Price Administration.

(b) The manufacturer shall attach a tag or label to every article for which a maximum price for sales to consumers is established by this order. That tag or label shall contain the following statements with the Order Number properly filled in:

Order Number 4202
Model Number ------
OPA Retail Ceiling Price—$------
Federal Excise Tax Included
Do Not Detach or Obliterate

or

C. C. Galbraith & Sons
450 Sixth Avenue
New York 11, New York
Model Number ------
OPA Retail Ceiling Price—$------
Federal Excise Tax Included
Do Not Detach or Obliterate

(c) At the time of, or prior to, the first invoice to each purchaser for resale, the seller shall notify the purchaser in writing of the maximum prices and conditions established by this order for sales by the purchaser. This notice may be given in any convenient form.

(d) This order may be revoked or amended by the Price Administrator at any time.

(e) This order shall become effective on the 4th day of August 1945.

Issued this 3d day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-14321; Filed, Aug. 3, 1945; 11:40 a. m.]

[MPR 188, Order 4203]

NOVELTY MFG. CO.

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.158 of Maximum Price Regulation No. 188; *It is ordered:*

(a) This order establishes maximum prices for sales and deliveries of certain articles manufactured by Novelty Manufacturing Company, 5151 West 140th Street, Hawthorn, Calif.

(1) For all sales and deliveries to the following classes of purchasers by the sellers indicated below, the maximum prices are those set forth below:

Article	Model No.	For sales by the manufacturer to—		For sales by any person to consumers
		Jobbers	Retailers	
Plexiglas table lamp	1	*Each* $2.04	*Each* $2.40	*Each* $4.30

These maximum prices are for the articles described in the manufacturer's application dated December 29, 1944.

(2) For sales by the manufacturer, the maximum prices apply to all sales and deliveries since Maximum Price Regulation No. 188 became applicable to those sales and deliveries. For sales to persons other than consumers they are f. o. b. factory, 2% 10 days, net 30. The maximum price to consumers is net, delivered.

(3) For sales by persons other than the manufacturer, the maximum prices apply to all sales and deliveries after the effective date of this order. Those prices are subject to each seller's customary terms and conditions of sale on sales of similar articles.

(4) If the manufacturer wishes to make sales and deliveries to any other class of purchaser or on other terms and conditions of sale, he must apply to the Office of Price Administration, Washington, D. C., under the Fourth Pricing Method, § 1499.158 of Maximum Price Regulation No. 188, for the establishment of maximum prices for those sales, and no sales or deliveries may be made until maximum prices have been authorized by the Office of Price Administration.

(b) The manufacturer shall attach a tag or label to every article for which a maximum price for sales to consumers is established by this order. That tag or label shall contain the following statement, with the proper model number and the ceiling price inserted in the blank spaces:

Model No. ----------
OPA Retail Ceiling Price—$------
Do Not Detach

(c) At the time of, or prior to, the first invoice to each purchaser for resale, the seller shall notify the purchaser in writing of the maximum prices and conditions established by this order for sales by the purchaser. This notice may be given in any convenient form.

(d) Jobber's maximum prices for sales of the articles covered by this order shall be established under the provisions of section 4.5 of SR 14J.

(e) This order may be revoked or amended by the Price Administrator at any time.

(f) This order shall become effective on the 4th day of August 1945.

Issued this 3d day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-14322; Filed, Aug. 3, 1945; 11:40 a. m.]

[MPR 188, Order 4205]

BLAZON MFG. CO.

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.158 of Maximum Price Regulation No. 188; *It is ordered:*

(a) This order establishes maximum prices for sales and deliveries of certain articles manufactured by Blazon Manufacturing Company, 7577 McNichols Road, West (Rear) Box #1, College Park Station, Detroit 21, Mich.

(1) For all sales and deliveries to the following classes of purchasers by the sellers indicated below, the maximum prices are those set forth below:

Article	Model No.	For sales by the manufacturer to—		For sales by any person to consumers
		Jobbers	Retailers	
Table cigarette lighter	A-1 "Hex-o-Lite"	*Each* $2.25	*Each* $3.00	*Each* $5.00
Pocket cigarette lighter	B-1	1.12	1.40	1.95

These maximum prices are for the articles described in the manufacturer's application dated June 20, 1945.

(2) For sales by the manufacturer, the maximum prices apply to all sales and deliveries since Maximum Price Regulation No. 188 became applicable to those sales and deliveries. For sales to persons other than consumers they are f. o. b. factory, 2% 10 days, net 30. The maximum price to consumers is net, delivered.

(3) For sales by persons other than the manufacturer, the maximum prices apply to all sales and deliveries after the effective date of this order. Those prices are subject to each seller's customary terms and conditions of sale on sales of similar articles.

(4) If the manufacturer wishes to make sales and deliveries to any other class of purchaser or on other terms and conditions of sale, he must apply to the Office of Price Administration, Washington, D. C., under the Fourth Pricing Method, § 1499.158 of Maximum Price Regulation No. 188, for the establishment of maximum prices for those sales, and no sales or deliveries may be made until maximum prices have been authorized by the Office of Price Administration.

(b) The manufacturer shall attach a tag or label to every article for which a maximum price for sales to consumers is established by this order. That tag or label shall contain the following statement, with the proper model number and the ceiling price inserted in the blank spaces:

Model No. ------
OPA Retail Ceiling Price—$------
Do Not Detach

(c) At the time of, or prior to, the first invoice to each purchaser for resale, the seller shall notify the purchaser in writing of the maximum prices and conditions established by this order for sales by the purchaser. This notice may be given in any convenient form.

(d) This order may be revoked or amended by the Price Administrator at any time.

(e) This order shall become effective on the 4th day of August 1945.

Issued this 3d day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-14323; Filed, Aug. 3, 1945; 11:40 a. m.]

[MPR 188, Order 4206]

DORMEYER CORP.

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.157 of Maximum Price Regulation No. 188 and section 6.4 of Second Revised Supplementary Regulation No. 14; *It is ordered:*

(a) This order establishes maximum prices for sales and deliveries of electric food mixers and electric juicers manufactured by Dormeyer Corporation, 4316 North Kilpatrick Avenue, Chicago 41, Illinois:

(1) For all sales and deliveries to the following classes of purchasers by the sellers indicated below, the maximum prices are those set forth below:

Article	Model	Maximum prices for sales by any seller to—					
		Distributor	Wholesaler (jobber)	Retailer (6 units or more)	Retailer (less than 6 units)	Consumer	
						East Coast	West Coast
Electric food mixer, horizontal style	3200	*Each* $11.27	*Each* $12.48	*Each* $14.77	*Each* $15.86	*Each* $23.75	*Each* $24.75
Electric juicer, 8" x 6¼" x 7½" polished aluminum finish	3100	6.41	7.13	8.42	9.07	13.60	14.60

These maximum prices are for the articles described in the manufacturer's application dated July 2, 1945. They include the Federal Excise Tax.

(2) For sales by the manufacturer, these maximum prices apply to all sales and deliveries after the effective date of this order. They are f. o. b. factory and subject to a cash discount of 2% for payment within 10 days, net 30 days. The prices for sales by persons other than the manufacturer are subject to each seller's customary terms and conditions of sale of similar articles.

(b) The manufacturer shall attach a tag or label to every article for which a maximum price for sales to consumers is established by this order. That tag or label shall contain either of the following statements with the correct order number, model number and retail ceiling prices filled in:

Order No. 4206
Model No. ------
Western Zone OPA Ceiling Price—$------
Eastern Zone OPA Ceiling Price—$------
Federal excise tax included
Do not detach or obliterate

or

Dormeyer Corporation
4316 North Kilpatrick Avenue
Chicago 41, Illinois
Model No. ------
Western Zone OPA Ceiling Price—$------
Eastern Zone OPA Ceiling Price—$------
Federal excise tax included
Do not detach or obliterate

(c) At the time of, or prior to, the first invoice to each purchaser for resale, the seller shall notify the purchaser in writing of the maximum prices and conditions established by this order for sales by the purchaser. This notice may be given in any convenient form.

(d) This order may be revoked or amended by the Price Administrator at any time.

(e) This order shall become effective on the 4th day of August 1945.

Issued this 3d day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-14324; Filed, Aug. 3, 1945; 11:40 a. m.]

[MPR 188, Order 4207]

MAJESTIC LIGHTER CO.

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.158 of Maximum Price Regulation No. 188; *It is ordered:*

(a) This order establishes maximum prices for sales and deliveries of certain articles manufactured by the Majestic Lighter Company, 13 East 16th Street, New York 3, N. Y.

(1) For all sales and deliveries to the following classes of purchasers by the sellers indicated below, the maximum prices are those set forth below:

Article	Number	Maximum prices for sales by all persons to—		
		Wholesalers	Retailers	Consumers
Cigarette lighter	"Majestic" 1-Plain, "Majestic" 2-E. T.	*Each* $2.02 2.48	*Each* $2.70 3.30	*Each* $4.50 5.50

These maximum prices are for the articles described in the manufacturer's application dated June 21, 1945.

(2) For sales by the manufacturer, the maximum prices apply to all sales and deliveries since Maximum Price Regulation No. 188 became applicable to those sales and deliveries. For sales to persons other than consumers they are f. o. b. factory, 2% 10 days, net 30. The maximum price to consumers is net, delivered.

(3) For sales by persons other than the manufacturer, the maximum prices apply to all sales and deliveries after the effective date of this order. Those prices are subject to each seller's customary terms and conditions of sale on sales of similar articles.

(4) If the manufacturer wishes to make sales and deliveries to any other class of purchaser or on other terms and conditions of sale, he must apply to the Office of Price Administration, Washington, D. C., under the Fourth Pricing Method, § 1499.158 of Maximum Price Regulation No. 188, for the establishment of maximum prices for those sales, and no sales or deliveries may be made until maximum prices have been authorized by the Office of Price Administration.

(b) The manufacturer shall attach a tag or label to every article for which a maximum price for sales to consumers is established by this order. That tag or label shall contain the following statement, with the proper model number and the ceiling price inserted in the blank spaces:

Model No. ------
OPA Retail Ceiling Price—$------
Do Not Detach

(c) At the time of, or prior to, the first invoice to each purchaser for resale, the seller shall notify the purchaser in writing of the maximum prices and conditions established by this order for sales by the purchaser. This notice may be given in any convenient form.

(d) This order may be revoked or amended by the Price Administrator at any time.

(e) This order shall become effective on the 4th day of August 1945.

Issued this 3d day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-14325; Filed, Aug. 3, 1945; 11:41 a. m.]

[MPR 188, Order 4208]

METAL INDUSTRIES, INC.

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.158 of Maximum Price Regulation No. 188; *It is ordered:*

(a) This order establishes maximum prices for sales and deliveries of certain articles manufactured by Metal Industries, Incorporated, 1420 East Twentieth Street, Indianapolis, Ind.

(1) For all sales and deliveries to the following classes of purchasers by the sellers indicated below, the maximum prices are those set forth below:

Article	Model No.	Maximum prices for sales by any seller to—			
		Government	Wholesalers (jobbers)	Retailers	Consumers
One gallon thermic jug with spigot, stainless steel liner	7	*Each* $5.60	*Each* $6.33	*Each* $7.92	*Each* $12

These maximum prices are for the articles described in the manufacturer's application dated June 15, 1945.

(2) For sales by the manufacturer, the maximum prices apply to all sales and deliveries since Maximum Price Regulation No. 188 became applicable to those sales and deliveries. These prices are f. o. b. factory and subject to a cash discount of 1% for payment within 10 days, net 30 days.

(3) For sales by persons other than the manufacturer, the maximum prices apply to all sales and deliveries after the effective date of this order. Those prices are subject to each seller's customary terms and conditions of sale on sales of similar articles.

(4) If the manufacturer wishes to make sales and deliveries to any other class of purchaser or on other terms and conditions of sale, he must apply to the Office of Price Administration, Washington, D. C., under the Fourth Pricing Method, § 1499.158 of Maximum Price Regulation No. 188, for the establishment of maximum prices for those sales, and no sales or deliveries may be made until maximum prices have been authorized by the Office of Price Administration.

(b) The manufacturer shall attach a tag or label to every article for which a maximum price for sales to consumers is established by this order. That tag or label shall contain the following statement:

OPA Retail Ceiling Price—$12.00
Do Not Detach

(c) At the time of, or prior to, the first invoice to each purchaser for resale, the seller shall notify the purchaser in writing of the maximum prices and conditions established by this order for sales by the purchaser. This notice may be given in any convenient form.

(d) This order may be revoked or amended by the Price Administrator at any time.

(e) This order shall become effective on the 4th day of August 1945.

Issued this 3d day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-14326; Filed, Aug. 3, 1945; 11:41 a. m.]

[MPR 188, Order 4209]

PALMER LAMP CO.

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.158 of Maximum Price Regulation No. 188; *It is ordered:*

(a) This order establishes maximum prices for sales and deliveries of certain articles manufactured by Palmer Lamp Company, 60 Bleecker Street, Brooklyn, New York.

(1) For all sales and deliveries to the following classes of purchasers by the sellers indicated below, the maximum prices are those set forth below:

Article	Model No.	For sales by the manufacturer to—		For sales by any person to consumers
		Jobbers	Retailers	
Crystal table lamp and shade with marble base and metal trim	420	*Each* $7.23	*Each* $8.50	*Each* $15.30
Crystal table lamp and shade with crystal base	440	6.80	8.00	14.40
Crystal table lamp and shade with ruby fount, marble base and metal trim	470	9.51	11.19	20.15
Ruby glass table lamp and shade with metal base	55	7.10	8.35	15.00

For the reasons set forth in an opinion issued simultaneously herewith and filed

manufacturer are subject to each seller's customary terms and conditions of sale of similar articles.

Eastern Zone OPA Ceiling Price—$------
Federal excise tax included
Do not detach or obliterate

base..... | .55 | 7.10 | 8.35 | 15.00

These maximum prices are for the articles described in the manufacturer's application dated May 9, 1945.

(2) For sales by the manufacturer, the maximum prices apply to all sales and deliveries since Maximum Price Regulation No. 188 became applicable to those sales and deliveries. For sales to persons other than consumers they are f. o. b. factory, 2% 10 days, net 30. The maximum price to consumers is net, delivered.

(3) For sales by persons other than the manufacturer, the maximum prices apply to all sales and deliveries after the effective date of this order. Those prices are subject to each seller's customary terms and conditions of sale on sales of similar articles.

(4) If the manufacturer wishes to make sales and deliveries to any other class of purchaser or on other terms and conditions of sale, he must apply to the Office of Price Administration, Washington, D. C., under the Fourth Pricing Method, § 1499.158 of Maximum Price Regulation No. 188, for the establishment of maximum prices for those sales, and no sales or deliveries may be made until maximum prices have been authorized by the Office of Price Administration.

(b) The manufacturer shall attach a tag or label to every article for which a maximum price for sales to consumers is established by this order. That tag or label shall contain the following statement, with the proper model number and the ceiling price inserted in the blank spaces:

Model No. ------
OPA Retail Ceiling Price—$------
Do Not Detach

(c) At the time of, or prior to, the first invoice to each purchaser for resale, the seller shall notify the purchaser in writing of the maximum prices and conditions established by this order for sales by the purchaser. This notice may be given in any convenient form.

(d) Jobber's maximum prices for sales of the articles covered by this order shall be established under the provisions of section 4.5 of SR 14J.

(e) This order may be revoked or amended by the Price Administrator at any time.

(f) This order shall become effective on the 4th day of August 1945.

Issued this 3d day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-14327; Filed, Aug. 3, 1945; 11:41 a. m.]

[MPR 198, Order 4210]

JACKSON MFG. CO.

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.158 of Maximum Price Regulation No. 188; *It is ordered:*

(a) This order establishes maximum prices for sales and deliveries of certain articles manufactured by Jackson Manufacturing Company, 622 East Third Street, Kansas City 6, Mo.

(1) For all sales and deliveries to the following classes of purchasers by the sellers indicated below, the maximum prices are those set forth below:

Article	Number	Maximum prices for sales by all persons to—		
		Wholesalers	Retailers	Consumers
Cigarette lighter.....	X-1	*Each* $2.02	*Each* $2.70	*Each* $4.50

These maximum prices are for the articles described in the manufacturer's application dated July 6, 1945.

(2) For sales by the manufacturer, the maximum prices apply to all sales and deliveries since Maximum Price Regulation No. 188 became applicable to those sales and deliveries. For sales to persons other than consumers they are f. o. b. factory, 2% 10 days, net 30. The maximum price to consumers is net, delivered.

(3) For sales by persons other than the manufacturer, the maximum prices apply to all sales and deliveries after the effective date of this order. Those prices are subject to each seller's customary terms and conditions of sale on sales of similar articles.

(4) If the manufacturer wishes to make sales and deliveries to any other class of purchaser or on other terms and conditions of sale, he must apply to the Office of Price Administration, Washington, D. C., under the Fourth Pricing Method, § 1499.158 of Maximum Price Regulation No. 188, for the establishment of maximum prices for those sales, and no sales or deliveries may be made until maximum prices have been authorized by the Office of Price Administration.

(b) The manufacturer shall attach a tag or label to every article for which a maximum price for sales to consumers is established by this order. That tag or label shall contain the following statement:

OPA Retail Ceiling Price—$4.50 Each
Do Not Detach

(c) At the time of, or prior to, the first invoice to each purchaser for resale, the seller shall notify the purchaser in writing of the maximum prices and conditions established by this order for sales by the purchaser. This notice may be given in any convenient form.

(d) This order may be revoked or amended by the Price Administrator at any time.

(e) This order shall become effective on the 4th day of August 1945.

Issued this 3d day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-14328; Filed, Aug. 3, 1945; 11:41 a. m.]

[MPR 188, Order 4211]

MUTUAL ENTERPRISE ASSOCIATION, INC.

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.158 of Maximum Price Regulation No. 188; *It is ordered:*

(a) This order establishes maximum prices for sales and deliveries of certain articles manufactured by Mutual Enterprise Association, Inc., 3612 East Tremont Avenue, Bronx 61, New York, N. Y.

(1) For all sales and deliveries to the following classes of purchasers by the sellers indicated below, the maximum prices are those set forth below:

Article	Number	Maximum prices for sales by all persons to—		
		Wholesalers	Retailers	Consumers
Cigarette lighter.....	1	*Each* $2.02	*Each* $2.70	*Each* $4.50

These maximum prices are for the articles described in the manufacturer's application dated June 29, 1945.

(2) For sales by the manufacturer, the maximum prices apply to all sales and deliveries since Maximum Price Regulation No. 188 became applicable to those sales and deliveries. For sales to persons other than consumers they are f. o. b. factory, 2% 10 days, net 30. The maximum price to consumers is net, delivered.

(3) For sales by persons other than the manufacturer, the maximum prices apply to all sales and deliveries after the effective date of this order. Those prices are subject to each seller's customary terms and conditions of sale on sales of similar articles.

(4) If the manufacturer wishes to make sales and deliveries to any other class of purchaser or on other terms and conditions of sale, he must apply to the Office of Price Administration, Washington, D. C., under the Fourth Pricing Method, § 1499.158 of Maximum Price Regulation No. 188, for the establishment of maximum prices for those sales, and no sales or deliveries may be made until maximum prices have been authorized by the Office of Price Administration.

(b) The manufacturer shall attach a tag or label to every article for which a maximum price for sales to consumers is established by this order. That tag or label shall contain the following statement:

OPA Retail Ceiling Price—$4.50 Each
Do Not Detach

(c) At the time of, or prior to, the first invoice to each purchaser for resale, the seller shall notify the purchaser in writing of the maximum prices and conditions established by this order for sales by the purchaser. This notice may be given in any convenient form.

(d) This order may be revoked or amended by the Price Administrator at any time.

(e) This order shall become effective on the 4th day of August 1945.

Issued this 3d day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-14329; Filed, Aug. 3, 1945; 11:42 a. m.]

[MPR 188, Order 4212]

X-ACTO CRESCENT PRODUCTS CO., INC.

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.157 of Maximum Price Regulation No. 188, and section 6.4 of Second Revised Supplementary Regulation No. 14 to the General Maximum Price Regulation, *It is ordered:*

(a) This order establishes maximum prices for sales and deliveries of certain articles manufactured by X-Acto Crescent Products Co., Inc., of 440 Fourth Avenue, New York City, N. Y.

(1) For all sales and deliveries to the following classes of purchasers by the sellers indicated below, the maximum prices are those set forth below:

Article	Model No.	Maximum prices for sales by any seller to—		
		Wholesalers (jobbers)	Retailers	Consumers
X-Acto junior modeling knife.....	7	*Each* $0.1125	*Each* $0.15	*Each* $0.25

These maximum prices are for the articles described in the manufacturer's report dated October 12, 1944.

(2) For sales by the manufacturer, the maximum prices apply to all sales and deliveries since Maximum Price Regulation No. 188 became applicable to those sales and deliveries. They are f. o. b. factory and they are subject to a cash discount of two percent for payment within ten days, net thirty days; except that sales to consumers are net.

(3) For sales by persons other than the manufacturer, the maximum prices apply to all sales and deliveries after the effective date of this order. Those prices are subject to each seller's customary terms, and conditions of sale on sales of similar articles.

(4) If the manufacturer wishes to make sales and deliveries to any other class of purchaser or on other terms and conditions of sale for which its maximum prices have not been properly established. It must apply to the Office of Price Administration, under the Fourth Pricing Method, § 1499.158 of Maximum Price Regulation No. 188, for the establishment of maximum prices for those sales, and no sales or deliveries may be made until maximum prices have been authorized by the Office of Price Administration.

(b) At the time of, or prior to, the first invoice to each purchaser for resale, the seller shall notify the purchaser in writing of the maximum prices and conditions established by this order for sales by the purchaser. This notice may be given in any convenient form.

(c) This order may be revoked or amended by the Price Administrator at any time.

(d) This order shall become effective on the 4th day of August 1945.

Issued this 3d day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-14330; Filed, Aug. 3, 1945; 11:42 a. m.]

[MPR 188, Order 4213]

ART-DUO LAMP MFG. CO.

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.158 of Maximum Price Regulation No. 188; *It is ordered:*

(a) This order establishes maximum prices for sales and deliveries of certain articles manufactured by Art-Duo Lamp Mfg. Company, 22 East Broadway, Gardner, Mass.

(1) For all sales and deliveries to the following classes of purchasers by the sellers indicated below, the maximum prices are those set forth below:

Article	Model No.	For sales by the manufacturer to—		For sales by any person to consumers
		Jobbers	Retailers	
Maple finish table lamp with parchment shade.	101	*Each* $1.21	*Each* $1.95	*Each* $9.00

These maximum prices are for the articles described in the manufacturer's application dated April 3, 1945.

(2) For sales by the manufacturer, the maximum prices apply to all sales and deliveries since Maximum Price Regulation No. 188 became applicable to those sales and deliveries. For sales to persons other than consumers they are f. o. b. factory, 2% 10 days, net 30. The maximum price to consumers is net, delivered.

(3) For sales by persons other than the manufacturer, the maximum prices apply to all sales and deliveries after the effective date of this order. Those prices are subject to each seller's customary terms and conditions of sale on sales of similar articles.

(4) If the manufacturer wishes to make sales and deliveries to any other class of purchaser or on other terms and conditions of sale, he must apply to the Office of Price Administration, Washington, D. C., under the Fourth Pricing Method, § 1499.158 of Maximum Price Regulation No. 188, for the establishment of maximum prices for those sales, and no sales or deliveries may be made until maximum prices have been authorized by the Office of Price Administration.

(b) The manufacturer shall attach a tag or label to every article for which a maximum price for sales to consumers is established by this order. That tag or label shall contain the following statement, with the proper model number and the ceiling price inserted in the blank spaces:

Model No. ------
OPA Retail Ceiling Price—$------
Do Not Detach

(c) At the time of, or prior to, the first invoice to each purchaser for resale, the seller shall notify the purchaser in writing of the maximum prices and conditions established by this order for sales by the purchaser. This notice may be given in any convenient form.

(d) Jobber's maximum prices for sales of the articles covered by this order shall be established under the provisions of section 4.5 of SR 14J.

(e) This order may be revoked or amended by the Price Administrator at any time.

(f) This order shall become effective on the 4th day of August 1945.

Issued this 3d day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-14331; Filed, Aug. 3, 1945; 11:43 a. m.]

[MPR 188, Order 4214]

SUZANNE LAMP SHADE CO.

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.158 of Maximum Price Regulation No. 188, *It is ordered:*

(a) This order establishes maximum prices for sales and deliveries of certain articles manufactured by Suzanne Lamp Shade Company, 3940 Park Heights Avenue, Baltimore 15, Maryland.

(1) For all sales and deliveries to the following classes of purchasers by the sellers indicated below, the maximum prices are those set forth below:

Article	Model No.	For sales by the manufacturer to—		For sales by any person to consumers
		Jobbers	Retailers	
19" Taffeta and multi-film lamp shade with glued ruching trim top and bottom.....	1	*Each* $2.12	*Each* $2.50	*Each* $4.50

These maximum prices are for the articles described in the manufacturer's applicated dated March 12, 1945.

(2) For sales by the manufacturer, the maximum prices apply to all sales and deliveries since Maximum Price Regulation No. 188 became applicable to those sales and deliveries. For sales to persons other than consumers they are f. o. b. factory, 2% 10 days, net 30. The maximum price to consumers is net, delivered.

(3) For sales by persons other than the manufacturer, the maximum prices apply to all sales and deliveries after the effective date of this order. Those prices

are subject to each seller's customary terms and conditions of sale on sales of similar articles.

(4) If the manufacturer wishes to make sales and deliveries to any other class of purchaser or on other terms and conditions of sale, he must apply to the Office of Price Administration, Washington, D. C., under the Fourth Pricing Method, § 1499.158 of Maximum Price Regulation No. 188, for the establishment of maximum prices for those sales, and no sales or deliveries may be made until maximum prices have been authorized by the Office of Price Administration.

(b) The manufacturer shall attach a tag or label to every article for which a maximum price for sales to consumers is established by this order. That tag or label shall contain the following statement, with the proper model number and the ceiling price inserted in the blank spaces:

Model No. ------
OPA Retail Ceiling Price—$------
Do Not Detach

(c) At the time of, or prior to, the first invoice to each purchaser for resale, the seller shall notify the purchaser in writing of the maximum prices and conditions established by this order for sales by the purchaser. This notice may be given in any convenient form.

(d) Jobber's maximum prices for sales of the articles covered by this order shall be established under the provisions of section 4.5 of Supplementary Regulation 14J.

(e) This order may be revoked or amended by the Price Administrator at any time.

(f) This order shall become effective on the 4th day of August 1945.

Issued this 3d day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-14332; Filed, Aug. 3, 1945; 11:43 a. m.]

[MPR 188, Order 4215]

NEW YORK LAMP CORP.

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.158 of Maximum Price Regulation No. 188; *It is ordered:*

(a) This order establishes maximum prices for sales and deliveries of certain articles manufactured by New York Lamp Corporation, 499 Rockaway Avenue, Brooklyn, N. Y.

(1) For all sales and deliveries to the following classes of purchasers by the sellers indicated below, the maximum prices are those set forth below:

Article	Model No.	For sales by the manufacturer to—		For sales by any person to consumers
		Jobbers	Retailers	
Lamp shade: 16" multi-filament lamp shade with double ruching trim top and bottom	1602	*Each* $3.40	*Each* $4.00	*Each* $7.20

These maximum prices are for the articles described in the manufacturer's application dated May 14, 1945.

(2) For sales by the manufacturer, the maximum prices apply to all sales and deliveries since Maximum Price Regulation No. 188 became applicable to those sales and deliveries. For sales to persons other than consumers they are f. o. b. factory, 2% 10 days, net 30. The maximum price to consumers is net, delivered.

(3) For sales by persons other than the manufacturer, the maximum prices apply to all sales and deliveries after the effective date of this order. Those prices are subject to each seller's customary terms and conditions of sale on sales of similar articles.

(4) If the manufacturer wishes to make sales and deliveries to any other class of purchaser or on other terms and conditions of sale, he must apply to the Office of Price Administration, Washington, D. C., under the Fourth Pricing Method, § 1499.158 of Maximum Price Regulation No. 188, for the establishment of maximum prices for those sales, and no sales or deliveries may be made until maximum prices have been authorized by the Office of Price Administration.

(b) The manufacturer shall attach a tag or label to every article for which a maximum price for sales to consumers is established by this order. That tag or label shall contain the following statement, with the proper model number and the ceiling price inserted in the blank spaces:

Model No. ------
OPA Retail Ceiling Price—$------
Do Not Detach

(c) At the time of, or prior to, the first invoice to each purchaser for resale, the seller shall notify the purchaser in writing of the maximum prices and conditions established by this order for sales by the purchaser. This notice may be given in any convenient form.

(d) Jobber's maximum prices for sales of the articles covered by this order shall be established under the provisions of section 4.5 of Supplementary Regulation 14J.

(e) This order may be revoked or amended by the Price Administrator at any time.

(f) This order shall become effective on the 4th day of August 1945.

Issued this 3d day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-14333; Filed, Aug. 4, 1945; 11:43 a. m.]

[MPR 188, Order 4216]

C. RICHMAN & SONS

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.158 of Maximum Price Regulation No. 188; *It is ordered:*

(a) This order establishes maximum prices for sales and deliveries of certain articles manufactured by C. Richman & Sons, 925 Filbert Street, Philadelphia, Pa.

(1) For all sales and deliveries to the following classes of purchasers by the sellers indicated below, the maximum prices are those set forth below:

Article	Model Nos.	For sales by the manufacturer to—		For sales by any person to consumers
		Jobbers	Retailers	
Rayon hand sewn braid trimmed lamp shades.	200-J	*Each* $2.15	*Each* $2.50	*Each* $4.50
	100-J	2.15	2.50	4.50
	200-T	1.70	2.00	3.60
	100-T	1.70	2.00	3.60
	200-B	1.55	1.80	3.25
	100-B	1.55	1.80	3.25

These maximum prices are for the articles described in the manufacturer's application dated April 26, 1945.

(2) For sales by the manufacturer, the maximum prices apply to all sales and deliveries since Maximum Price Regulation No. 188 became applicable to those sales and deliveries. For sales to persons other than consumers they are f. o. b. factory, 2% 10 days, net 30. The maximum price to consumers is net, delivered.

(3) For sales by persons other than the manufacturer, the maximum prices apply to all sales and deliveries after the effective date of this order. Those prices are subject to each seller's customary terms and conditions of sale on sales of similar articles.

(4) If the manufacturer wishes to make sales and deliveries to any other class of purchaser or on other terms and conditions of sale, he must apply to the Office of Price Administration, Washington, D. C., under the Fourth Pricing Method, § 1499.158 of Maximum Price Regulation No. 188, for the establishment of maximum prices for those sales, and no sales or deliveries may be made until maximum prices have been authorized by the Office of Price Administration.

(b) The manufacturer shall attach a tag or label to every article for which a maximum price for sales to consumers is established by this order. That tag or label shall contain the following statement, with the proper model number and the ceiling price inserted in the blank spaces:

Model No. ----
OPA Retail Ceiling Price—$------
Do Not Detach

(c) At the time of, or prior to, the first invoice to each purchaser for resale, the seller shall notify the purchaser in writing of the maximum prices and conditions established by this order for sales by the purchaser. This notice may be given in any convenient form.

(d) Jobber's maximum prices for sales of the articles covered by this order shall be established under the provisions of section 4.5 of SR 14J.

(e) This order may be revoked or amended by the Price Administrator at any time.

(f) This order shall become effective on the 4th day of August 1945.

Issued this 3d day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-14334; Filed, Aug. 3, 1945; 11:43 a. m.]

[Supp. Order 94, Amdt. 2 to Order 50]

TWO-WHEELED HAND PUSH CARTS

SPECIAL MAXIMUM PRICES

An opinion accompanying this amendment has been issued simultaneously herewith.

Order No. 50 under Supplementary Order 94 is amended in the following respects:

1. Paragraph (b) is amended by adding at the end thereof the following sub-paragraph (4):

(4) For all sales of an unassembled push cart the maximum prices shall be $1.00 less than the prices hereinbefore set forth, plus any amount in excess of $11.00 actually paid by either the wholesaler or retailer to Treasury and/or the Department of Commerce.

2. The last sentence in paragraph (d) is amended to read as follows: "In the case of wholesalers such invoice shall state separately the amount in excess of $12.00 or $11.00, whichever is applicable, actually paid the Treasury and/or the Department of Commerce."

This amendment shall become effective August 3, 1945.

Issued this 3d day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-14313; Filed, Aug. 3, 1945; 11:37 a. m.]

[MPR 260, Order 1702]

CRISTINA CRUZ

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion accompanying this order, and pursuant to § 1358.102 (b) of Maximum Price Regulation No. 260; *It is ordered,* That:

(a) Cristina Cruz, Claussell, Calle 5 Casa 44, Ponce, P. R. (hereinafter called "manufacturer"), and wholesalers and retailers may sell, offer to sell or deliver and any person may buy, offer to buy or receive each brand and size or frontmark, and packing of the following domestic cigars at the appropriate maximum list price and maximum retail price set forth below:

Brand	Size or frontmark	Packing	Maximum list price	Maximum retail price
			Per M	*Cents*
Cristina Cruz....	Breva 4½"....	50	$40	5
	Breva 4⅝"....	50	48	6
	Perfecto.....	50	56	7

(b) The manufacturer and wholesalers shall grant, with respect to their sales of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the discounts they customarily granted in March 1942 on their sales of domestic cigars of the same price class to purchasers of the same class, unless a change therein results in a lower price. Packing differentials charged by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class may be charged on corresponding sales of each brand and size or frontmark of cigars priced by this order, but shall not be increased. Packing differentials allowed by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class shall be allowed on corresponding sales of each brand and size or frontmark of cigars priced by this order and shall not be reduced. If a brand and size or frontmark of domestic cigars for which maximum prices are established by this order is of a price class not sold by the manufacturer or the particular wholesaler in March 1942, he shall, with respect to his sales thereof, grant the discounts and may charge and shall allow the packing differentials customarily granted, charged or allowed (as the case may be) in March 1942 by his most closely competitive seller of the same class on sales of domestic cigars of the same March 1942 price class to purchasers of the same class.

(c) On or before the first delivery to any purchaser of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the manufacturer and every other seller (except a retailer) shall notify the purchaser of the maximum list price and the maximum retail price established by this order for such brand and size or frontmark of domestic cigars. The notice shall conform to and be given in the manner prescribed by § 1358.113 of Maximum Price Regulation No. 260.

(d) Unless the context otherwise requires, appropriate provisions of Maximum Price Regulation No. 260, shall apply to sales for which maximum prices are established by this order.

(e) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective August 2, 1945.

Issued this 1st day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-14196; Filed, Aug. 1, 1945; 4:09 p. m.]

[MPR 260, Order 1703]

EDUARDO RODRIGUEZ

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion accompanying this order, and pursuant to § 1358.102 (b) of Maximum Price Regulation No. 260; *It is ordered,* That:

(a) Eduardo Rodriguez, Dr. Barbosa St., Adjuntas, P. R. (hereinafter called "manufacturer") and wholesalers and retailers may sell, offer to sell or deliver and any person may buy, offer to buy or receive each brand and size or frontmark, and packing of the following domestic cigars at the appropriate maximum list price and maximum retail price set forth below:

Brand	Size or frontmark	Packing	Maximum list price	Maximum retail price
			Per M	*Cents*
Eduardo Rodriguez.	Calilla 4½"....	50	$22	4 for 11
	Breva Especial 5".	50	75	10
	Tacos 4⅜"....	50	40	5
	Panetela 5"...	50	56	7

(b) The manufacturer and wholesalers shall grant, with respect to their sales of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the discounts they customarily granted in March 1942 on their sales of domestic cigars of the same price class to purchasers of the same class, unless a change therein results in a lower price. Packing differentials charged by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class may be charged on corresponding sales of each brand and size or frontmark of cigars priced by this order and shall not be reduced. If a brand and size or frontmark of domestic cigars for which maximum prices are established by this order is of a price class not sold by the manufacturer or the particular wholesaler in March 1942, he shall, with respect to his sales thereof, grant the discounts and may charge and shall allow the packing differentials customarily granted, charged or allowed (as the case may be) in March 1942 by his most closely competitive seller of the same class on sales of domestic cigars of the same March 1942 price class to purchasers of the same class.

(c) On or before the first delivery to any purchaser of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the manufacturer and every other seller (except a retailer) shall notify the purchaser of the maximum list price and the maximum retail price established by this order for such brand and size or frontmark of domestic cigars. The notice shall conform to and be given in the manner prescribed by § 1358.113 of Maximum Price Regulation No. 260.

(d) Unless the context otherwise requires, appropriate provisions of Maximum Price Regulation No. 260, shall apply to sales for which maximum prices are established by this order.

(e) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective August 2, 1945.

Issued this 1st day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-14197; Filed, Aug. 1, 1945; 4:09 p. m.]

trim top and bottom	1602	$3.40	$1.00	$7.20

[F. R. Doc. 45-14384; Filed, Aug. 3, 1945; 11:43 a. m.]

[MPR 260, Order 1704]

JUAN ELIAS VALLES

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion accompanying this order, and pursuant to § 1358.102 (b) of Maximum Price Regulation No. 260; *It is ordered*, That:

(a) Juan Elias Valles, Calle Aurora Esq. Oct. Rivera, Patillas, P. R. (hereinafter called "manufacturer") and wholesalers and retailers may sell, offer to sell or deliver and any person may buy, offer to buy or receive each brand and size or frontmark, and packing of the following domestic cigars at the appropriate maximum list price and maximum retail price set forth below:

Brand	Size or frontmark	Packing	Maximum list price	Maximum retail price
			Per M	*Cents*
Juan Elias Valles	Tocas	50	$48	6

(b) The manufacturer and wholesalers shall grant, with respect to their sales of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the discounts they customarily granted in March 1942 on their sales of domestic cigars of the same price class to purchasers of the same class, unless a change therein results in a lower price. Packing differentials charged by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class may be charged on corresponding sales of each brand and size or frontmark of cigars priced by this order, but shall not be increased. Packing differentials allowed by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class shall be allowed on corresponding sales of each brand and size or frontmark of cigars priced by this order and shall not be reduced. If a brand and size or frontmark of domestic cigars for which maximum prices are established by this order is of a price class not sold by the manufacturer or the particular wholesaler in March 1942, he shall, with respect to his sales thereof, grant the discounts and may charge and shall allow the packing differentials customarily granted, charged or allowed (as the case may be) in March 1942 by his most closely competitive seller of the same class on sales of domestic cigars of the same March 1942 price class to purchasers of the same class.

(c) On or before the first delivery to any purchaser of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the manufacturer and every other seller (except a retailer) shall notify the purchaser of the maximum list price and the maximum retail price established by this order for such brand and size or frontmark of domestic cigars. The notice shall conform to and be given in the manner prescribed by § 1358.113 of Maximum Price Regulation No. 260.

(d) Unless the context otherwise requires, appropriate provisions of Maximum Price Regulation No. 260, shall apply to sales for which maximum prices are established by this order.

(e) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective August 2, 1945.

Issued this 1st day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-14198; Filed, Aug. 1, 1945; 4:09 p. m.]

[MPR 122, Amdt. 30 to Order 47]

SOLID FUELS IN WASHINGTON, D. C. AND ALEXANDRIA, VA.

ADJUSTMENT OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith, and in accordance with § 1340.260 of Revised Maximum Price Regulation No. 122, *It is ordered*, That Revised Order No. 47 under Revised Maximum Price Regulation No. 122 be amended in the following respects:

1. Paragraph (c) is amended to read as follows:

(c) *Price Schedule I: Sales on a "direct delivery" basis.* (1) Price Schedule I sets forth maximum prices for retail sales of specified sizes, kinds and quantities of solid fuels delivered to consumers at any point in the Washington, D. C. metropolitan area. Deliveries of the fuels for which maximum prices for yard sales to consumers in 50 to 500 pound quantities are specified in paragraph (d) may be made at the maximum price specified for such quantities of the fuel plus 5 cents for each bag or basket containing not less than 50 pounds.

Kind and size	Per ton net 2,000 pounds	Per ½ ton net 1,000 pounds
Pennsylvania anthracite:		
Egg, stove, nut	$13.32	$7.11
Pea	11.62	6.26
Buckwheat #1	9.78	5.34
Rice (buckwheat No. 2)	8.97	4.93
Barley (buckwheat No. 2)	7.84	4.42
Virginia anthracite:		
Egg, stove, nut	11.07	6.04
Pea	9.41	5.21
Buckwheat No. 1	7.83	4.42
High volatile bituminous coal from Districts Nos. 1, 2, 3, 7 and 8:		
Egg, stove and nut	8.83	4.92
Domestic run-of-mine	7.94	4.47
Low volatile bituminous coal from District No. 8:		
Domestic run-of-mine	8.48	4.74
Domestic run of mine in quantities of 2 tons or less	9.01	4.74
Low volatile bituminous coal from District No. 7:		
Egg	11.26	6.13
Stove	11.09	6.05
Nut	10.15	5.58
Specially prepared mixture of pea, stove and nut coal, sold for hot water heating	9.66	5.33
Pea	8.57	4.79
Domestic run-of-mine	8.68	4.84
Domestic run-of-mine in quantities of 2 tons or less	9.21	4.84
Nut and slack	8.14	4.57
Low and medium volatile bituminous coal from District No. 1 or District No. 3 in price classification A:		
Egg	9.90	5.45
Stove	9.64	5.32
1¼" to 2¼" lump	8.74	4.87
Domestic run-of-mine	8.20	4.60
Domestic run-of-mine in quantities of 2 tons or less	8.58	4.60
Nut and slack	8.12	4.56

2. Paragraph (d) is amended to read as follows:

(d) *Price Schedule II: "Yard sales".* Price Schedule II set forth maximum prices for sales of specified sizes, kinds and quantities of solid fuels delivered at the yard of any dealer in the Washington, D. C. metropolitan area. The first column of prices applies to yard sales to consumers and the last column of prices applies to yard sales to dealers in fuels who resold them. The second column of consumer prices applies to yard sales of fuels measured in bags or baskets containing not less than 50 pounds; but this column of prices shall not apply to sales of more than 500 lbs.

Kind and size	Consumer prices		Dealer prices
	Net ton 2,000 lbs.	Per 100 lbs.	Net ton 2,000 lbs.
Pennsylvania anthracite:			
Egg, stove, nut	$12.43	$0.90	$11.01
Pea	10.73	.82	9.60
Buckwheat No. 1	8.89	.....	7.91
Rice (buckwheat No. 2)	8.08	.....	6.78
Barley (buckwheat No. 3)	.....	.....	6.61
Virginia anthracite:			
Egg, stove, nut	10.17	.76	8.83
Pea	8.52	.68	7.31
Buckwheat No. 1	6.94	.....	5.91
High volatile bituminous coal from Districts Nos. 1, 2, 3, 7 or 8:			
Egg, stove, nut	7.94	.68	6.61
Domestic run-of-mine	7.18	.67	6.60
Low volatile bituminous coal from District No. 8: Domestic run-of-mine	7.68	.72	7.31
Low volatile bituminous coal from District No. 7:			
Egg	10.37	.80	8.69
Stove	10.10	.80	8.87
Nut	9.25	.75	7.99
Specially prepared mixture of pea, stove and nut coal, sold for hot water heating	8.76	.....	8.10
Pea	7.68	.70	7.46
Domestic run-of-mine	7.78	.72	7.31
Nut and slack	7.25	.....	6.96
Low and medium volatile bituminous coal from District No. 1 or from District No. 3 in price classification A:			
Egg	9.03	.74	8.87
Stove	8.76	.74	7.64
1¼" to 2¼" lump	7.87	.....	7.15
Domestic run-of-mine	7.33	.69	6.88
Nut and slack	.....	.....	6.61
Briquettes:			
Glen Rogers Briquettes	9.73	.....	.....
Berwind Briquettes	9.53	.....	.....
Ambricoal	10.36	.....	.....
Cannel coal from District No. 8 lump	14.64	.....	.....
Splint coal from District No. 8 lump	11.96	.....	.....
Coke	12.50	.....	11.60
Reclaimed coke:			
Nut	11.20	.....	10.20
Pea	9.45	.80	8.55

3. In paragraph (f) *Price Schedule IV—Alexandria, Virginia*, the maximum prices for "Low volatile bituminous coal from District No. 7 (or Pocahontas or New River)", "Low volatile bituminous coal from District No. 8," "Cannel coal from District No. 8," "Coke" and "Reclaimed Coke" are deleted, and the following are inserted as follows:

Kind and size	Per ton	Per ½ ton
Low volatile bituminous coal from District No. 7 (or Pocahontas or New River):		
Egg	$11.75	$6.38
Stove	11.60	6.30
Nut	10.40	5.70
Pea	9.50	5.15
Domestic run-of-mine	9.20	5.10
¾" slack	8.80	4.90
Low volatile bituminous coal from District No. 8: Egg, stove	11.40	6.20
High volatile bituminous coal from District No. 8:		
Block	11.50	6.25
Egg (larger than 5" x 2")	9.40	5.20
Stove	9.35	5.18
Nut	9.60	5.30
Screenings (larger than ⅝" x 0")	8.15	4.58
Cannel coal from District No. 8	16.05	8.53

This amendment to Revised Order No. 47 shall become effective August 4, 1945.

Issued this 4th day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-14399; Filed, Aug. 4, 1945; 11:26 a. m.]

[MPR 260, Order 1724]

BAYUK CIGARS, INC.

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion accompanying this order, and pursuant to § 1358.102 (b) of Maximum Price Regulation No. 260, *It is ordered*, That:

(a) Bayuk Cigars, Inc., 9th St. and Columbia Ave., Philadelphia 22, Pa. (hereinafter called "manufacturer") and wholesalers and retailers may sell, offer to sell or deliver and any person may buy, offer to buy or receive each brand and size or frontmark, and packing of the following domestic cigars at the appropriate maximum list price and maximum retail price set forth below:

Brand	Size or frontmark	Packing	Maximum list price	Maximum retail price
			Per M	*Cents*
Charles Thomson	4¹⁵⁄₁₆"	50	$72	9
B. B. Blunt	4¹⁵⁄₁₆"	50	72	9
Maguecuba	Perfecto	50	72	9
Triadelphia	do	50	72	9
Rex Roy	do	50	72	9
Philadelphia Club	do	50	72	9
Philadelphia Perfecto	do	50	72	9
Tiat Philadelphia Five	do	50	72	9
Hav-A-Ribbon	do	50	72	9
Bellevue Stratford	do	50	72	9
Don John	do	50	72	9
The Colonnade	do	50	72	9
Coiner	do	50	72	9
Bayuk Philadelphia Made	do	50	72	9
Bayuk Philadelphia Hand Made Perfecto	do	10	72	9
B. B. Bond	do	50	72	9

(b) The manufacturer and wholesalers shall grant, with respect to their sales of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the discounts they customarily granted in March 1942 on their sales of domestic cigars of the same price class to purchasers of the same class, unless a change therein results in a lower price. Packing differentials charged by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class may be charged on corresponding sales of each brand and size or frontmark of cigars priced by this order, but shall not be increased. Packing differentials allowed by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class shall be allowed on corresponding sales of each brand and size or frontmark of cigars priced by this order and shall not be reduced. If a brand and size or frontmark of domestic cigars for which maximum prices are established by this order is of a price class not sold by the manufacturer or the particular wholesaler in March 1942, he shall, with respect to his sales thereof, grant the discounts and may charge and shall allow the packing differentials customarily granted, charged or allowed (as the case may be) in March 1942 by his most closely competitive seller of the same class on sales of domestic cigars of the same March 1942 price class to purchasers of the same class.

(c) On or before the first delivery to any purchaser of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the manufacturer and every other seller (except a retailer) shall notify the purchaser of the maximum list price and the maximum retail price established by this order for such brand and size or frontmark of domestic cigars. The notice shall conform to and be given in the manner prescribed by § 1358.113 of Maximum Price Regulation No. 260.

(d) Unless the context otherwise requires, appropriate provisions of Maximum Price Regulation No. 260, shall apply to sales for which maximum prices are established by this order.

(e) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective August 6, 1945.

Issued this 4th day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-14406; Filed, Aug. 4, 1945; 11:28 a. m.]

[RMPR 506, Order 77]

RAIDT MFG. CO. ET AL.

AUTHORIZATION OF MAXIMUM PRICES

Order No. 77 under section 4 (b) of Revised Maximum Price Regulation 506. Maximum prices for staple work gloves; granting maximum prices to the Raidt Manufacturing Company and other sellers. Docket Nos. 6062-506-4b-23, 6062-506-4b-26.

For the reasons set forth in an opinion issued simultaneously herewith, *It is ordered:*

(a) On and after August 6, 1945, the Raidt Mfg. Company, Shenandoah, Iowa, may sell and deliver to any purchaser, and such purchaser may buy from it, the staple work glove numbers enumerated in the following table at or below the prices set forth in Column A of this table. Wholesalers who purchase these numbers from the Raidt Mfg. Company may make "regular sales" at wholesale of such gloves, at or below the prices set forth in Column B of the table. Ceiling prices for "special sales" at wholesale shall be determined in accordance with section 3 (b) of Revised Maximum Price Regulation 506.

Style No.	Glove description	Column A Manufacturer's prices		Column B Wholesalers' prices
		Group I ceiling	Group II ceiling	
		Dozen	*Dozen*	*Dozen*
F 721	Men's fourchette cut, 12-ounce white nap out cotton flannel single thickness back and palm, 2-thumb husking glove, 14-ounce duck thumb patch, knit wrist.	$2.45	$2.62½	$2.92½
F 821	Men's 12-ounce white nap out cotton flannel single thickness back and palm, 2-thumb husking mitten, 14-ounce duck thumb patch, knit wrist.	2.37½	2.57½	2.82½
F 520	Men's fourchette cut, 12-ounce single thickness nap in canton flannel back and palm, leather thumb patch, leather knuckle strap, knit wrist.	2.37½	2.55	2.82½
F 521	Men's fourchette cut, 12-ounce single thickness nap in canton flannel back and palm, leather thumb patch, leather knuckle strap, 14-ounce duck band top.	2.24½	2.60	2.87½

(b) The maximum prices authorized in paragraph (a) are subject to the following:

(1) The instructions for manufacturers and wholesalers which preface the tables in Appendix A of RMPR 506, including those relating to the pricing of "seconds."

(2) The provisions in section 4 (a) of RMPR 506 with respect to a manufacturers' "wholesale percentage", and the quota of deliveries which must be made at Group I prices;

(3) The marking and informational requirements of section 6 of RMPR 506. In addition to these requirements, the Raidt Mfg. Company, on all deliveries of the style numbers listed in paragraph (a), made pursuant to this order, on and after August 6, 1945, must place the letter "g" following the lot number or brand name stated on the label, ticket, or other device used to mark the gloves.

(c) The definitions in RMPR 506 shall apply to this order.

(d) The Raidt Mfg. Company must furnish each of its customers, who, on or after August 6, 1945, purchases the style numbers listed in paragraph (a) for purposes of resale, a notice in the

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form set forth below. The Raidt Mfg. Company must also notify each such customer (other than a seller at retail) that he is required in turn to transmit to his customers a copy of the notice set forth below. The notice may be attached to the invoice or may be stamped or printed on the invoice.

This notice is sent to you as required by Order No. 77 under section 4 (b) of Revised Maximum Price Regulation 506 issued by the Office of Price Administration. It lists ceiling prices fixed by OPA for the work glove numbers enumerated in the table below, manufactured by the Raidt Manufacturing Company.

OPA has ruled that the Raidt Mfg. Company may sell these numbers at or below the prices listed in Column A below, subject to the provisions of section 4 (a) of RMPR 506 with respect to the quota of deliveries which he made at Group I prices. Wholesalers in turn are authorized to make regular sales at wholesale of these numbers at or below the prices listed in Column B. Retailers will determine their ceiling prices on these numbers in accordance with section 2 of RMPR 506.

Style No.	Column A Manufacturer's prices		Column B
	Group I ceiling	Group II ceiling	Wholesalers' prices
F 721–S	$2.45	$2.62½	$2.92½
F 821–S	2.37½	2.57½	2.82½
F 520–S	2.37½	2.55	2.82½
F 521–S	2.42½	2.60	2.87½

You will note that the letter "S" follows the manufacturers' lot number or brand name. This letter indicates that these gloves have been specially priced by OPA under section 4 (b).

(e) This Order No. 77 under Revised Maximum Price Regulation 506 may be revoked or amended by the Price Administrator at any time.

This order shall become effective August 6, 1945.

(56 Stat. 23, 765; 57 Stat. 566; Pub. Law 383, 78th Cong.; Pub. Law 108, 79th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 4th day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45–14409; Filed, Aug. 4, 1945; 11:29 a. m.]

[SR 15, Order 50]

MARGOLIN SHOE CO.

AUTHORIZATION OF MAXIMUM PRICES

Order No. 50 Under § 1499.75 (a) (10) of Supplementary Regulation 15 to the General Maximum Price Regulation. Margolin Shoe Company, Docket No. 6064–SR 15.75 (a) (10)–38.

For the reasons set forth in an opinion issued simultaneously herewith and pursuant to § 1499.75 (a) (10) of Supplementary Regulation 15 to the General Maximum Price Regulation, it is ordered:

(a) *Maximum prices for sales of footwear by Margolin Shoe Company*—(1) *Maximum prices.* On and after August 7, 1945, the maximum price at which Margolin Shoe Company, 227 West Huron Street, Chicago, Illinois, may sell and deliver each style of footwear described below to chain stores, department stores and all other retailers shall be $3.44 per pair, 2%–10–E. O. M. The "OPA adjustment charge" on each style shall be $0.09 per pair.

Style No.:	*Description*
4619	Brown calf pump.
4719	Brown kid pump.
4730	Brown kid pump.
4763	Brown kid oxford.
41600	Brown calf blucher oxford.
41619	Brown calf pump.
43625	Brown nuroco oxford.
8600	Black kid oxford
8619	Black kid pump.
8719	Black kid pump.
8730	Black kid pump.
8745	Black kid oxford.
8753	Black kid oxford.
81600	Black calf oxford.
81619	Black calf pump.
84730	Black gabardine pump.
84763	Black gabardine oxford.
87560	Black kid oxford.
87745	Black kid oxford.
87772	Black kid oxford.
87775	Black kid gypsy oxford.
8764	Black kid U-throat oxford.
8795	Black kid cut-out pump.
84764	Black garbardine oxford patent trim.
85619	Patent pump.
85719	Patent pump.
85763	Patent oxford.

(2) *Invoicing of "OPA adjustment charge."* The "OPA adjustment charge" specified in subparagraph (1), above, may be collected only if separately stated on the invoice accompanying each sale and delivery.

(b) *Maximum prices for sales at retail*—(1) *Sales subject to the General Maximum Price Regulation.* The maximum price for a sale or delivery at retail of any shoe listed in paragraph (a), above, shall be the retailer's maximum price previously established under the General Maximum Price Regulation and may not be increased by reason of the adjustment granted to Margolin Shoe Company under this order. A retailer who has not previously established a maximum price for such shoe under the General Maximum Price Regulation may not, in determining his maximum price, consider the "OPA adjustment charge" specified in paragraph (a) as a part of his net unit replacement cost for the shoe.

(2) *Sales subject to Maximum Price Regulation 580.* The maximum price for a sale or delivery at retail of any shoe listed in paragraph (a), above, shall be the retailer's maximum price determined by applying to his invoice net cost exclusive of the "OPA adjustment charge" specified in paragraph (a), above, the applicable pricing rule of section 7 of Maximum Price Regulation 580 and may not be increased by reason of the adjustment granted to Margolin Shoe Company under this order.

(c) *Notification.* At the time of (or prior to) the first delivery of each shoe to a retailer on and after the effective date of this order at a price adjusted in accordance with the terms of this order, Margolin Shoe Company shall notify the retailers in writing of the provisions of paragraph (b), above. This notice may be given in any convenient form.

(d) All requests not specifically granted by this order are hereby denied.

(e) This order may be amended, modified, revised or revoked by the Administrator at any time.

This order shall become effective August 7, 1945.

Issued this 6th day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45–14444; Filed, Aug. 6, 1945; 11:18 a. m.]

[RMPR 136, Amdt. 1 to Order 473]

CHESTER DAIRY SUPPLY CO.

ESTABLISHMENT OF MAXIMUM PRICES

Amendment No. 1 to Order 473 under Revised Maximum Price Regulation 136, Machines, parts and industrial equipment. Chester Dairy Supply Company, Docket No. 6083–136.21–364.

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to section 21 of Revised Maximum Price Regulation 136; *It is ordered:*

Order No. 473, under Revised Maximum Price Regulation 136, is amended in the following respects:

1. In paragraph (a) the text preceeding the table is amended to read as follows: "The maximum prices for sales by all persons of the following milk handling equipment manufactured by Chester Dairy Supply Company, 9th and Hyatt Streets, Chester, Pennsylvania, shall be determined as follows: The seller (manufacturer or reseller) shall increase the maximum net price he had in effect to a purchaser of the same class just prior to the issuance of this order by the applicable percentage set forth below."

2. Paragraph (b) is revoked.

3. Paragraph (c) (d) (e) and (f) are redesignated (b) (c) (d) and (e) respectively.

4. Redesignated Paragraph (b) is amended to read as follows:

(b) Chester Dairy Supply Company shall notify each person who buys the milk handling equipment listed in paragraph (a) for resale of the percentage by which this order permits the reseller to increase his maximum net price. A copy of each such notice shall be filed with the Machinery Branch, Office of Price Administration, Washington 25, D. C.

This amendment shall become effective August 7, 1945.

Issued this 6th day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45–14442; Filed, Aug. 6, 1945; 11:18 a. m.]

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FEDERAL REGISTER

VOLUME 10 NUMBER 157

Washington, Wednesday, August 8, 1945

The President

PROCLAMATION 2658

REGULATIONS RELATING TO MIGRATORY BIRDS AND CERTAIN GAME MAMMALS

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS the Secretary of the Interior has adopted and submitted to me the following amendments of the regulations approved by Proclamation No. 2616 of July 27, 1944, as last amended by Proclamation No. 2625 of September 26, 1944, permitting and governing the hunting, taking, capture, killing, possession, sale, purchase, shipment, transportation, carriage, exportation, and importation of migratory birds and parts, nests and eggs thereof, included in the terms of the Convention between the United States and Great Britain for the protection of migratory birds concluded August 16, 1916, and the Convention between the United States and the United Mexican States for the protection of migratory birds and game mammals concluded February 7, 1936:

AMENDMENTS OF MIGRATORY BIRD TREATY ACT REGULATIONS ADOPTED BY THE SECRETARY OF THE INTERIOR

Under authority and direction of section 3 of the Migratory Bird Treaty Act of July 3, 1918 (40 Stat. 755), as amended by the act of June 20, 1936 (49 Stat. 1555), the administration of which said act as amended was transferred to the Secretary of the Interior on July 1, 1939 by Reorganization Plan II (53 Stat. 1431), I, Harold L. Ickes, Secretary of the Interior, having due regard to the zones of temperature and to the distribution, abundance, economic value, breeding habits, and times and lines of migratory flight of migratory birds included in the terms of the Convention between the United States and Great Britain for the protection of migratory birds, concluded August 16, 1916, and the Convention between the United States and the United Mexican States for the protection of migratory birds and game mammals, concluded February 7, 1936, have determined when, to what extent, and by what means it is compatible with the terms of said conventions and act to allow the hunting, taking, capture, killing, possession, sale, purchase, shipment, transportation, carriage, exportation, and importation of such birds and parts thereof and their nests and eggs, and in accordance with such determinations, do hereby amend, as specified, the regulations approved by Proclamation No. 2616 of July 27, 1944, as last amended by Proclamation No. 2625 of September 26, 1944, and as so amended do hereby adopt such regulations as suitable regulations, permitting and governing the hunting, taking, capture, killing, possession, sale, purchase, shipment, transportation, carriage, exportation, and importation of such migratory birds and parts, nests, and eggs thereof:

Regulation 4, "Open Seasons On and Possession of Certain Migratory Game Birds," is amended to read as follows:

Regulation 4—Open Seasons on and Possession of Certain Migratory Game Birds

Waterfowl (except wood ducks in Massachusetts and North Dakota; snow geese in Beaverhead, Gallatin, and Madison Counties in Montana, in Idaho, and in States bordering on the Atlantic Ocean; Ross' geese; and swans), coots, rails and gallinules, woodcocks, mourning or turtle doves, white-winged doves, and band-tailed pigeons may be taken each day from one-half hour before sunrise to sunset, except as otherwise provided in this regulation, during the open seasons prescribed herein; and may be taken by the means and in the number permitted by regulations 3 and 5 hereof, and when so taken may be possessed in the numbers permitted by regulation 5 during the period constituting the open season where taken and for an additional period of 90 days next succeeding said open season, except as prohibited by State law.

Nothing herein shall be deemed to permit the taking of migratory birds on any reservation or sanctuary established under the Migratory Bird Conservation Act

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NOTICE

1944 Supplement

Book 1 of the 1944 Supplement to the Code of Federal Regulations, containing Titles 1-10, including Presidential documents in full text, is now available from the Superintendent of Documents, Government Printing Office, at $3.00 per copy.

A limited sales stock of the Cumulative Supplement and the 1943 Supplement is still available as previously announced.

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of February 18, 1929 (45 Stat. 1222), nor on any area of the United States set aside under any other law, proclamation, or Executive order for use as a bird, game, or other wildlife reservation, breeding ground, or refuge except insofar as may be permitted by the Secretary of the Interior under existing law, nor on any area adjacent to any such refuge when such area is designated as a closed area under the Migratory Bird Treaty Act.

Waterfowl and coot. The open seasons on waterfowl and coot (except wood ducks in Massachusetts and North Dakota, and coot in Lake and McHenry Counties in Illinois; geese in Alexander County, Illinois, and in Mississippi, Scott, and Cape Girardeau Counties in Missouri; snow geese in Beaverhead, Gallatin, and Madison Counties in Montana, in Idaho, and in States bordering on the Atlantic Ocean; Ross' geese; and swans) in the several States, Alaska, and Puerto Rico shall be as follows, both dates inclusive:

Iowa, Maine, Michigan, Minnesota, Montana, New Hampshire, North Dakota, Ohio (except Pymatuning Reservoir and one quarter of a mile distant in any direction from said reservoir), South Dakota, Vermont, and Wisconsin, September 20 to December 8.

Ohio, on the Pymatuning Reservoir in Ashtabula County and one quarter of a mile distant in any direction from said reservoir, October 13 to December 31.

California, in Modoc, Lassen, and Siskiyou Counties, October 13 to December 31; in remainder of State, November 2 to January 20.

Colorado, Connecticut, Delaware, Idaho, Illinois, Indiana, Kansas, Kentucky, Massachusetts, Missouri, Nebraska, Nevada, New Jersey, New York (except certain hereinafter designated portions of Essex, Clinton, and Washington Counties) including Long Island, Oklahoma, Oregon, Pennsylvania, Rhode Island, Utah, Washington, West Virginia, and Wyoming, October 13 to December 31.

New York, in Essex and Clinton Counties east of the tracks of the main line of the Delaware and Hudson Railroad and that part of Washington County east of the aforesaid tracks to and including the village of South Bay and all the waters of South Bay and one mile distant from such water in any direction, September 20 to December 8.

Alabama, Arizona, Arkansas, Florida, Georgia, Louisiana, Maryland, Mississippi, New Mexico, North Carolina, South Carolina, Tennessee, and Virginia, November 2 to January 20.

Texas, on those portions of Lake Texhoma in Cooke and Grayson Counties, October 13 to December 31; in remainder of State, November 2 to January 20.

Puerto Rico, December 15 to February 12.

Alaska, in Fur Districts 1 and 3 as defined in the regulations governing the taking of game in Alaska adopted May 15, 1944 (9 F.R. 5270), September 21 to December 9; in the remainder of Alaska, September 1 to November 19.

Provided, That scoters, locally known as sea coots, may be taken in open coastal waters only, beyond outer harbor lines, in Maine and New Hampshire from September 15 to September 19; and in Connecticut, Massachusetts, New York including Long Island, and Rhode Island, from September 15 to October 12, and thereafter from land or water during the open seasons for other waterfowl in these States.

Geese, in Alexander County, Illinois, and in the counties of Mississippi, Scott, and Cape Girardeau in Missouri, November 24 to December 31 from 12 o'clock noon to 4:30 P. M.

Coot, in Lake and McHenry Counties, Illinois, October 1 to December 31.

Rails and gallinules (except coot). The open season on rails and gallinules (except coot) shall be from September 1 to November 30, both dates inclusive, except as follows:

Alabama, November 20 to January 31.

Louisiana, September 15 to December 15.

Maine and Wisconsin, September 20 to December 8.

Maryland, September 1 to October 31.

Massachusetts and New York, including Long Island, October 13 to December 31.

Minnesota, September 16 to November 30.

Mississippi, October 15 to December 30.

Puerto Rico, December 15 to February 12.

California, District of Columbia, Hawaii, Idaho, Iowa, Montana, Nevada, Oregon, Tennessee, and Washington, no open season.

Woodcock. The open seasons on woodcock shall be as follows, both dates inclusive:

Arkansas and Oklahoma, December 1 to December 15.

Connecticut, Massachusetts, and New Jersey, October 20 to November 3.

Delaware and Maryland, November 15 to November 29.

Georgia, Louisiana, and Mississippi, December 15 to December 29.

Indiana and West Virginia, October 16 to October 30.

Maine, in Aroostook, Penobscot, Piscataquis, Somerset, Franklin, and Oxford Counties, October 1 to October 15; in remainder of State, October 16 to October 30.

Michigan, in Upper Peninsula, October 1 to October 15; in remainder of State, October 15 to October 29.

Minnesota, Ohio, Pennsylvania, and Wisconsin, October 10 to October 24.

Missouri, November 10 to November 24.

New Hampshire, in Coos, Carroll, and Grafton Counties, October 1 to October 15; remainder of State, October 16 to October 30.

New York, north and east of the tracks of the branch line of the New York Central Railroad from Oswego to Syracuse, the main line of the New York Central Railroad from Syracuse to Albany, and the main line of the Boston & Albany Railroad from Albany to the Massachusetts State line, October 10 to October 24; west and south of the line above described, October 15 to October 29; and that part of New York known as Long Island, November 1 to November 15, from 1 P. M. until sunset on the opening day in each of these zones, and thereafter in all of the aforesaid zones from 8 A. M. until sunset.

Rhode Island, November 1 to November 15.

Vermont, in Bennington and Windham Counties and those portions of Rutland and Windsor Counties south of U. S. Highway Route 4 from West Haven to White River Junction, October 16 to October 30; in remainder of State, October 1 to October 15.

Virginia, November 20 to December 4.

Mourning, or turtle, dove. The open seasons on mourning, or turtle, dove shall be as follows, both dates inclusive:

Arizona, California, Kansas, Missouri, and Oklahoma, September 1 to October 30.

Alabama, Georgia, and Louisiana, October 1 to October 15 and December 18 to January 31.

Arkansas and Mississippi, September 16 to September 30 and December 18 to January 31.

Colorado, Nevada, and New Mexico, September 1 to October 12.

Delaware and Tennessee, September 16 to November 14.

Florida, in Dade and Monroe Counties, October 1 to October 31; in remainder of State, November 20 to January 18.

Idaho and Oregon, September 1 to September 15.

Illinois, September 1 to September 30.

Kentucky, September 1 to October 25.

Maryland, September 1 to October 15.

Minnesota, September 16 to September 30.

North Carolina and South Carolina, September 16 to October 15 and January 2 to January 31.

Pennsylvania, November 1 to November 30.

Texas, in Val Verde, Edwards, Real, Bandera, Kendall, Blanco, Burnet, Williamson, Milam, Robertson, Leon, Houston, Cherokee, Nacogdoches, and Shelby Counties and all counties north and west thereof, September 1 to October 30; in remainder of State, but not including Cameron, Hidalgo, Starr, Zapata, Webb, Maverick, Kinney, Dimmit, La Salle, Jim Hogg, Brooks, Kenedy, and Willacy Counties, October 20 to December 18; in these latter counties, September 13, 16, 18, 20, and 23 from 12 o'clock noon until sunset, and thereafter October 20 to December 13 from one-half hour before sunrise to sunset.

Virginia, September 16 to October 31.

White-winged dove. The open seasons on white-winged dove shall be as follows, both dates inclusive:

Arizona, September 1 to September 15.

Texas, in Cameron, Hidalgo, Starr, Zapata, Webb, Maverick, Kinney, Dimmit, La Salle, Jim Hogg, Brooks, Kenedy, Willacy, Val Verde, Terrell, Brewster, Presidio, Jeff Davis, Culberson, Hudspeth, and El Paso Counties, September 13, 16, 18, 20, and 23 from 12 o'clock noon until sunset.

Band-tailed pigeon. The open seasons on band-tailed pigeon shall be as follows, both dates inclusive:

Arizona, Colorado, in the drainage of the North Fork of the Gunnison River in Gunnison and Delta Counties and in La Plata, Montezuma, Dolores, San Miguel, Montrose, Ouray, San Juan, Archuleta, Huerfano, and Las Animas Counties, and in New Mexico and Washington, September 16 to October 15.

California, December 1 to December 30.

Oregon, September 1 to September 30.

The second paragraph of Regulation 5, "Daily Bag and Possession Limits on Certain Migratory Game Birds" is amended to read as follows:

Ducks (except the American and Redbreasted Mergansers). Ten, including in such limit not more than one wood duck. Any person may possess not more than twenty ducks including not more than one wood duck.

Regulation 6, "Shipment, Transportation, and Possession of Certain Migratory Game Birds" is amended by striking out the numerals "45" wherever they occur in the said regulation and by inserting in lieu thereof the numbers "90".

IN WITNESS WHEREOF, I have hereunto subscribed my name and caused the seal of the Department of the Interior to be affixed, this 26th day of July, 1945.

[SEAL] HAROLD L. ICKES,
Secretary of the Interior.

AND WHEREAS upon consideration it appears that approval of the foregoing amendments will effectuate the purposes of the aforesaid Migratory Bird Treaty Act:

NOW, THEREFORE, I, HARRY S. TRUMAN, President of the United States of America, do hereby approve and proclaim the foregoing amendments.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the United States of America to be affixed.

DONE at the City of Washington this 31st day of July in the year of our Lord nineteen hundred and forty-five, and of the Independence of the United States of America the one hundred and seventieth.

[SEAL] HARRY S. TRUMAN

By the President:

JOSEPH C. GREW,
Acting Secretary of State.

[F. R. Doc. 45-14499; Filed, Aug. 6, 1945; 3:24 p. m.]

Regulations

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 24—RESTORATION OF ELIGIBILITY FOR PROBATIONAL CERTIFICATION OF PERSONS WHO LOST OPPORTUNITY FOR PROBATIONAL APPOINTMENT BECAUSE OF ENTRY INTO ARMED FORCES

Sec.
24.1 Purpose of Executive Order 9538.
24.2 Restoration of eligibility for probational certification; prerequisites.
24.3 Period of eligibility for probational certification.
24.4 Eligibility to be restored for both probational certification and war service certification.
24.5 Certification.
24.6 Selections from certificates.
24.7 Conversions of war service appointments to probational.

AUTHORITY: §§ 24.1 to 24.7 inclusive, issued under R.S. 1753; sec. 2, 22 Stat. 403; 5 U.S.C. 631, 633; E.O. 9063 as amended by E.O. 9378 (8 F.R. 13037) and E.O. 9538 (10 F.R. 4057).

§ 24.1 *Purpose of Executive Order 9538.* This Executive order is intended to restore opportunity for probational appointment to those who actually lost opportunity for probational appointment between May 1, 1940 and the effective date of the war service regulations, because of draft status or entry into the armed forces.

§ 24.2 *Restoration of eligibility for probational certification. Prerequisites.* (a) The applicant must have had eligibility on a list of eligibles sometime between May 1, 1940 and March 15, 1942 inclusive (or May 1, 1940 and October 22, 1943 inclusive for the Post Office field service); and

(b) He must have entered the armed forces between May 1, 1940 and March 15, 1942 inclusive, (or May 1, 1940 and October 22, 1943 inclusive) insofar as eligibility for the Post Office field service is concerned; and

(c) He must have applied to the Commission for the benefits of the order within 90 days after honorable discharge, or of hospitalization continuing after honorable discharge for a period of not more than one year, or within 90 days after the date of Executive Order 9538 (April 13, 1945) whichever is latest; and

(d) He must have stood higher on such list of eligibles than another applicant who received probational appointment therefrom; and

(e) During the lifetime of the register he must have entered the armed forces, or objections to his appointment must have been sustained because of his draft status.

§ 24.3 *Period of eligibility for probational certification.* (a) The period of eligibility as restored under this order for certification for probational appointment shall be equivalent to (1) the period of eligibility lost between the date of the applicant's entrance into the military service and the date when probational certification from the list was discontinued (because of expiration of register or adoption of war service regulations), or (2) for the remainder of the life of the register from which certification was lost if such register is still in existence, or (3) one year, whichever is longest.

(b) Eligibility for probational certification on all registers to which restored under Executive Order 9538 is terminated by probational appointment of the eligible.

§ 24.4 *Eligibility to be restored for both probational certification and war service certification.* (a) Because a veteran restored under Executive Order 9538 may be certified for either probational or war service appointment, and because his relative standing on the probational register will probably be different from his standing on the war service register, certifying offices will establish separate probational lists under the title of the examination on which eligibility for probational appointment was initially acquired.

Although the applicant's request for restoration may indicate present nonavailability for appointment to positions for which eligibility would be considered appropriate, eligibility will be restored and suspended.

(b) Points for preference are added when eligibility for restoration is established. Eligibles are entered on the probational register according to the present order of certification.

(c) While the apportionment restrictions are not observed in certifying preference eligibles, veterans certified for probational appointment in an apportioned position must have established proof of legal residence as of the closing date for acceptance of applications (in the case of an examination with a specified closing date) or as of any date between the date of filing for the examination and the closing date (in the case of an open continuous examination).

§ 24.5 *Certification.* (a) Certification for probational appointment of an eligible under Executive Order 9538 will be made only to fill positions for which the eligibility on which he lost opportunity for probational appointment would have been considered appropriate.

(b) Where a probational register established in accordance with the order is appropriate for filling any request for eligibles from any agency to fill a position lasting more than one year, a certificate will be issued from it regardless of whether the agency has specifically requested probational certification. No certificate will be issued for war service appointment unless the probational certificate is incomplete, and the agency asks for additional names. Where an incomplete certificate lists fewer than one name for each vacancy, a war service certificate containing enough names to complete the certification will be issued with it.

§ 24.6 *Selections from certificates.* (a) Where a probational certificate is incomplete and the Commission has furnished additional names for war service appointment, no selections may be made from the war service certificate until fewer than three eligibles remain for consideration on the probational certificate. When fewer than three eligibles remain on the probational certificate, the agency may proceed to consider the first three names on a war service certificate, the two certificates being independent of each other in this connection. On each certificate there must be full compliance with "the rule of 3" as to eligibles on that certificate, if selections are made therefrom. In connection with appointments from probational certificates, appointing officers will secure and act upon appointment forms (medical certificate, declaration of appointee and fingerprint chart), under the procedures which apply to war service appointments.

(b) No appointee with a classified civil service status or serving under war service appointment, will be required to be separated or demoted in order to create a vacancy for the probational appointment of an applicant under the terms of this Executive order; nor will an employee with a status be required to be "demoted" to a war service appointment for this purpose.

§ 24.7 *Conversions of war service appointments to probational.* (a) An agency may request conversion of an employee's war service appointment to probational on the basis of the employee's eligibility having been restored under Executive Order 9538. Request for conversion may be made at any time during the period of the veteran's eligibility on the probational register. Such requests should be submitted to the appropriate office of the Commission on the standard form for requesting certification of eligibles and should be noted to show that the veteran's eligibility has been restored under the provisions of Executive Order 9538. The Commission may approve the agency's request, provided the veteran's restored eligibility is appropriate for certification to the position in which he is serving and his name is within reach on the probational register.

(b) The Commission will also accept an agency's request on its employee's behalf for restoration of the employee's eligibility to the register, restoration being a prerequisite for probational certification. Initiation of a request to secure the benefits of the order is primarily the responsibility of the veteran and he may not benefit under the order unless application is made to the Commission by the veteran or his agency within 90 days after his discharge from the armed forces, or of hospitalization continuing for no more than one year after honorable discharge, or within 90 days after the date of the Executive order, whichever is latest.

By the United States Civil Service Commission.

[SEAL] H. B. MITCHELL,
President.

JULY 19, 1945.

[F. R. Doc. 45-14506; Filed, Aug. 7, 1945; 10:36 a. m.]

TITLE 6—AGRICULTURAL CREDIT

Chapter II—Department of Agriculture, Commodity Credit Corporation

[1945 C. C. C. Wheat Bulletin 1, as Amended]

PART 251—WHEAT LOANS

SUBPART—1945

Commodity Credit Corporation has authorized the making of loans on wheat stored on farms or in approved public grain warehouses in accordance with this bulletin.

Sec.
251.28 Definitions.
251.29 Areas in which loans are available.
251.30 Loan rates.
251.31 Protein premium.
251.32 Variations for grades.
251.33 Determination of dockage, smut, and garlic.
251.34 Determination of quantity of wheat.
251.35 Farm storage.
251.36 Storage allowance.
251.37 Public warehouses.
251.38 Warehouse receipts.
251.39 Liens.
251.40 Insurance.
251.41 Maturity and interest rate.
251.42 Purchase of loan.
251.43 Offices of the regional directors of Commodity Credit Corporation.
251.44 County agricultural conservation committees.
251.45 Release of collateral.

AUTHORITY: §§ 251.28 to 251.45, inclusive, are issued under the authority contained in section 302 of the Agricultural Adjustment Act of 1938, as amended (52 Stat. 43; 7 U.S.C., 1302).

§ 251.28 *Definitions.* For the purpose of this subpart and the notes and loan agreements or mortgages relating thereto, the following terms shall be construed, respectively, to mean:

(a) *Eligible producer.* An eligible producer shall be any person, partnership, association, corporation, or other legal entity, who produced wheat in 1945 as landowner, landlord, tenant, or sharecropper.

(b) *Eligible wheat.* Eligible wheat shall be wheat which meets the following requirements:

(1) Such wheat must be produced in 1945 by the producer tendering the wheat for a loan.

(2) Such wheat must be free and clear of all liens and encumbrances, including landlord's liens, except in favor of the lienholders who are listed in the List of Lienholders, and who have signed lien waivers.

(3) Such wheat must be tendered for a loan by a person who is the owner of the wheat and who has the legal right to pledge or mortgage it as security for the loan.

(4) The beneficial interest in the wheat must be in the person tendering

the wheat for a loan and must always have been in him, or must have been in him and a former producer whom he succeedd before the wheat was harvested.

(5) Such wheat must be in eligible storage.

(6) Such wheat must be (i) wheat of any class grading No. 3 or better, or (ii) wheat of any class grading No. 4 or 5 solely on the factor of test weight, but otherwise grading No. 3 or better. (If the wheat is warehouse-stored, the quality of the wheat must be evidenced by a statement of the warehouseman on the warehouse receipt, the inspection certificate, or the warehouseman's supplemental certificate, substantially as follows: "This wheat grades No. _____ solely because of test weight."); or (iii) wheat of the class mixed wheat, consisting only of mixtures of grades of wheat which are eligible for loans as stated in (i) and (ii) hereof, provided such mixtures are the natural products of the field.

(7) If such wheat is of the class hard red spring or durum, it shall contain not more than 14½ percent moisture, and if it is of any other class it shall contain not more than 14 percent moisture, except that:

(i) When stored in warehouses wheat containing over 14½ percent moisture but not more than 15½ percent moisture in States west of the Mississippi River, and over 14 percent moisture but not over 17 percent moisture in States east of the Mississippi River, and/or containing weevils or other insects injurious to stored grain but otherwise eligible, may be processed at the producer's expense, and such wheat will thereafter be considered eligible for loan purposes provided the original warehouse receipt and warehouseman's supplemental certificate, in addition to other original documents, are accompanied by a certificate of the approved warehouseman issuing said receipts reading as follows:

The wheat represented by attached warehouse receipt No. _____, dated _____, covering loan wheat, has been processed at the request of the eligible producer and redelivery will be made of the same country-run quality, quantity, grade, and protein as shown on the said warehouse receipt and accompanying original inbound inspection, weight, and other required documents free of "tough" and "weevily" notation. Lien for processing charges will not be claimed by the warehouseman from Commodity Credit Corporation or any subsequent holder of said warehouse receipt.

(Signed) _____
(Warehouseman)

_____
(Address)

Date _____ 194_

(ii) When stored on farms in all counties in the States of Delaware, Maryland, Michigan, New Jersey, New York, Pennsylvania, and Virginia, and in all counties in the States of Indiana and Ohio north of or intersected by the fortieth parallel meridian, wheat of the classes hard red winter, soft red winter, white, and mixed wheat of such classes grading tough but containing not more than 14½ percent moisture, if otherwise meeting the requirements of Commodity Credit Corporation and in good sound condition, will be eligible for a loan at a discount of 2 cents per bushel from the rate for such wheat testing 14 percent or less in moisture content.

(c) *Eligible storage.* Eligible storage shall include public grain warehouses and farm storage meeting the following respective requirements:

(1) Public grain warehouses must meet the requirements of Commodity Credit Corporation and must have executed the Uniform Grain Storage Agreement. Such warehouses may be situated either at terminal, subterminal, or country points.

(2) Farm storage shall consist of farm bins and granaries which are of such substantial and permanent construction, as determined by the county agricultural conservation committee, as to afford safe storage of the wheat for a period of 2 years, permit effective fumigation for the destruction of insects, and afford protection against rodents, other animals, thieves, and weather.

(d) *Lending agency.* A lending agency is any bank, cooperative marketing association, or other corporation, partnership, or person, making loans in accordance with these instructions, who has executed the Contract to Purchase on 1940 C.C.C. Form E.

(e) *Eligible paper.* Eligible paper shall consist of notes of producers on C.C.C. Grain Form A (Revised) secured by chattel mortgages on C.C.C. Grain Form AA (Revised), or of notes of producers on C.C.C. Commodity Form A secured by chattel mortgages on C.C.C. Commodity Form AA, covering wheat stored on the farm, or of notes and loan agreements on C.C.C. Grain Form B (Revised) or C.C.C. Commodity Form B, secured by warehouse receipts representing wheat stored in approved warehouses. Notes must be dated on or subsequent to June 1, 1945, and prior to January 1, 1946, and must be executed in accordance with these instructions, with State and documentary revenue stamps affixed thereto where required by law. Notes executed by an administrator, executor, or trustee, will be acceptable only where legally valid.

§ 251.29 *Areas in which loans are available.* (a) Loans are available on eligible wheat stored in approved public grain warehouses in all areas.

(b) Loans are available on eligible wheat stored on farms in the following areas:

All counties in Arizona, California, Colorado, Delaware, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Maryland, Michigan, Minnesota, Missouri, Montana, Nebraska, Nevada, New Jersey, New Mexico, New York, North Carolina, North Dakota, Ohio, Oregon, Pennsylvania, South Dakota, Tennessee, Utah, Virginia, Washington, West Virginia, Wisconsin, and Wyoming, and in the following counties of Oklahoma and Texas:

Oklahoma: Alfalfa, Beaver, Beckham, Blaine, Caddo, Canadian, Cimarron, Cleveland, Comanche, Cotton, Craig, Creek, Custer, Dewey, Ellis, Garfield, Grady, Grant, Greer, Harmon, Harper, Jackson, Kay, Kingfisher, Kiowa, Lincoln, Logan, McClain, Major, Mayes, Noble, Nowata, Okfuskee, Oklahoma, Okmulgee, Osage, Ottawa, Pawnee, Payne, Pottawatomie, Roger Mills, Rogers, Texas, Tillman, Tulsa, Wagoner, Washington, Washita, Woods, and Woodward.

Texas: Andrews, Archer, Armstrong, Bailey, Baylor, Borden, Briscoe, Callahan, Carson, Castro, Childress, Clay, Cochran, Coleman, Collingsworth, Cottle, Crosby, Dallam, Dawson, Deaf Smith, Dickens, Donley, Fisher, Floyd, Foard, Gaines, Garza, Gray, Hale, Hall, Hansford, Hartley, Hardeman, Haskell, Hemphill, Hockley, Howard, Hutchinson, Jones, Kent, King, Knox, Lamb, Lipscomb, Lubbock, Lynn, Martin, Mitchell, Moore, Motley, Nolan, Ochiltree, Oldham, Parmer, Potter, Randall, Roberts, Runnels, Scurry, Shackelford, Sherman, Stonewall, Swisher, Taylor, Terry, Throckmorton, Wheeler, Wichita, Wilbarger, Yoakum, and Young.

§ 251.30 *Loan rates.* The loan rates on wheat of the designated grades and subclasses stored in approved public grain warehouses or stored on farms in counties where farm storage is permitted are set out below and in State supplements (1945 C. C. C. Wheat Bulletin 1—Supplement 2—Kansas, et cetera), which State supplements are available at the Washington, State and county offices of the Agricultural Adjustment Agency, the Washington office of Commodity Credit Corporation, and the regional offices of the Corporation located at Chicago, Illinois, Kansas City, Missouri, Minneapolis, Minnesota, and Portland, Oregon.

(a) *Amount of loans at terminal markets.* 1945 wheat loan rates on No. 1 dark hard winter, No. 1 hard winter, No. 1 yellow hard winter, No. 1 red winter, No. 1 western red, No. 1 soft white, No. 1 white club, No. 1 western white, No. 1 hard white, No. 1 heavy dark northern spring, No. 1 heavy northern spring, No. 1 heavy red spring, No. 1 hard amber durum, No. 1 amber durum, and No. 1 durum, stored in approved public grain warehouses at the following terminal markets shall be as follows:

Market	Loan rate per bushel
Kansas City, St. Joseph, Mo.; Kansas City, Kans.; Omaha, Nebr.; Council Bluffs, Iowa	$1.54
Chicago, Ill.; Milwaukee, Wis.; St. Louis, Mo.; East St. Louis, Ill.	1.59
Minneapolis, St. Paul, Duluth, Minn.; Superior, Wis.	1.56
Portland, Oreg.; Seattle, Vancouver, Tacoma, Longview, Wash.	1.49
San Francisco, Los Angeles, Stockton, Oakland, Calif.	1.59
Galveston, Houston, Tex.; New Orleans, La.	1.62
Cairo, Ill.	1.60
Evansville, Ind.; Louisville, Ky.; Cincinnati, Ohio	1.61
Philadelphia, Pa.; Baltimore, Md.; Norfolk, Va.	1.70
Albany, N. Y.	1.71

NOTE: The terminal loan rate for other No. 1 wheat shall be determined by subtracting the following discounts from the applicable terminal loan rates:

(a) For No. 1 wheat of the class "red durum wheat"—discount 15 cents per bushel,

(b) For No. 1 "mixed wheat" (containing less than 10 percent of wheat of the classes "durum" and/or "red durum wheat")—discount 2 cents per bushel,

(c) For No. 1 "mixed wheat" (containing in excess of 10 percent of wheat of the classes "durum" and/or "red durum wheat")—discount 15 cents per bushel,

(d) For No. 1 "mixed wheat" grading "amber mixed durum"—discount 5 cents per bushel, and

(e) For No. 1 "mixed wheat" grading "mixed durum"—discount 10 cents per bushel.

All wheat eligible for loan at the foregoing loan rates must have been shipped on a domestic freight rate basis. The loan rate at the designated terminal market will be reduced by the difference between the freight paid and the domestic rate on any wheat shipped at other than the domestic rate.

The foregoing schedule of loan rates aplies to wheat delivered to any designated terminal market in carload lots which has been shipped by rail from a country shipping point to one of the designated terminal markets, as evidenced by paid freight bills duly registered for transit privileges and other documents as required under these instructions; *Provided*, In the event the amount of paid-in freight is insufficient to guarantee minimum proportional rate from the terminal market, there shall be deducted from the applicable terminal loan rate the difference between the amount of freight actually paid in and the amount rquired to be paid in to guarantee minimum proportional basis on the outbound movement: *Provided further*, That Commodity Credit Corporation will accept in lieu of such bills, warehouse receipts for which a legend, signed by the warehouseman, has been typewritten in the following form, or certificate of such warehouseman containing such an undertaking, or such forms as may hereafter be approved by Commodity Credit Corporation.

FREIGHT CERTIFICATE FOR TERMINALS

The wheat represented by attached warehouse receipt No. _____ was received by rail freight from _____ _____
(town) (county)
_____ point of origin, as evidenced
(State)
by freight bill described as follows:
Way bill, date _____ No. _____ Car. No. _____
Init. _____ Freight bill, date _____
No. _____ Carrier _____ Transit
weight _____ Freight rate in _____
Amount collected _____ Number
unused transit stops _____

The above-described paid freight bill has been officially registered for transit and will be held in accordance with the provisions of paragraph 22 of the Uniform Grain Storage Agreement.

_____
Date of Signature

_____
Warehouseman's Signature

_____
Address

In the event such documents are not furnished, a deduction of 6 cents per bushel shall be made from the foregoing schedule of rates.

Wheat trucked to a designated terminal market and stored in a warehouse shall have a loan rate equal to the higher of (1) the terminal loan rate minus 6 cents per bushel, or, (2) the county loan rate for the county in which the wheat is stored.

(b) *Amount of loan at country points.* (1) Except for the States and counties hereinafter set forth, Commodity Credit Corporation will determine the loan rate on wheat in storage on the farm or in country warehouses by deducting from the designated terminal market loan value an amount equal to 4 cents more than the all-rail interstate freight rate from the country warehouse points, plus freight tax, or the shipping point designated by the producer, to such terminal market; except that, in the appropriate counties of Arkansas, Illinois, Indiana, Iowa, Michigan, Minnesota, Missouri, Nebraska, Ohio, Oklahoma, Pennsylvania, South Dakota, Texas, and Wisconsin, such rates shall be computed on the basis of the average freight rate from all shipping points other than subterminal markets in each county to the appropriate terminal market.

Each approved warehouse will be advised as to the loan rate applicable to wheat stored in such warehouse. Producers may obtain from the county committee the loan rates applicable to wheat stored on each farm and in the public warehouses. Loan rates will be published in C.C.C. Wheat Bulletin 1, Supplement 2, for each State.

The loan rate of eligible wheat stored in approved warehouses (other than those situated in the designated terminal markets) which was shipped by rail may be determined by deducting from the appropriate designated terminal market loan value an amount equal to the transit balance of the through freight rate from point of origin for such wheat to such terminal market, plus freight tax on such transit balance: *Provided*, In the case of wheat stored at any railroad transit point, taking a penalty by reason of out-of-line movement, or for any other reason, to the appropriate designated market, there shall be added to such transit balance an amount equal to any out-of-line or other costs incurred in storing loan wheat in such destinations as determined by Commodity Credit Corporation. Arrangements have been made for the railroads to indicate transit balance of the through rate on the inbound paid freight bills on a basis of 100 pounds. To obtain the loan rate, as determined above, the warehouse receipts, in addition to other required documents, must be accompanied by the original paid freight bills duly registered for transit privileges: *Provided*, That Commodity Credit Corporation will accept, in lieu of such bills, warehouse receipts for which a legend, signed by the warehouseman, has been typewritten in the following form or a warehouseman's supplemental certificate containing such information:

FREIGHT CERTIFICATE FOR OTHER THAN TERMINAL POINTS

The wheat represented by attached warehouse receipt No. _____ was received by rail freight from _____ _____
(town) (county)
_____ point of origin, as evidenced
(State)
by freight bill described as follows:
Way bill, date _____ No. _____
Car No. _____ Init. _____
Freight bill, date _____ No. _____
Carrier _____ Transit weight _____
Freight rate in ____ Amount collected _____
Transit balance, if any, of through freight rate to _____
of _____ cents per 100 pounds.
Number unused transit stops _____

The above-described paid freight bill has been officially registered for transit and will be held in accordance with the provisions of paragraph 22 of the Uniform Grain Storage Agreement.

_____
Date of Signature

_____
Warehouseman's Signature

_____
Address

(2) Separate schedules of loan rates will be issued for the States and counties hereinafter set forth:

All counties in Arizona, Delaware, Kentucky, Maryland, New Jersey, New York, North Carolina, Tennessee, Virginia, and West Virginia;

In New Mexico, the counties of Bernalillo, Catron, Colfax, Dona Ana, Grant, Harding, Hidalgo, Luna, McKinley, Mora, Rio Arriba, Sandoval, San Juan, San Miguel, Santa Fe, Sierra, Socorro, Taos, Torrence, Union, and Valencia;

In Colorado, the counties of Alamosa, Archuleta, Chaffee, Conejos, Costilla, Delta, Dolores, Eagle, Garfield, Grand, Gunnison, Hinsdale, Jackson, Lake, LaPlata, Mesa, Mineral, Moffat, Montezuma, Montrose, Ouray, Pitkin, Rio Blanco, Rio Grande, Routt, Saguache, San Juan, San Miguel, and Summit.

The loan rate of eligible wheat stored in approved warehouses in the foregoing area which was shipped by rail in the movement of natural market direction, as approved by Commodity Credit Corporation, shall be determined by adding 4 cents per bushel to the county loan rate for the county from which the wheat is shipped and an amount equal to the transit value of the freight paid from point of origin to markets designated by Commodity Credit Corporation, plus freight tax on the transit value from point of origin to the warehouse, except that eligible wheat originating in Delaware, Kentucky, Maryland, North Carolina, Tennessee, Virginia, or West Virginia, and stored in Baltimore, Maryland; Cairo, Illinois; Cincinnati, Ohio; Evansville, Indiana; Louisville, Kentucky; or Philadelphia, Pennsylvania, shall receive the loan rate shown in these instructions: *Provided, however*, That the loan rate on wheat originating in the counties of Carolina, Cecil, Dorchester, Kent, Queen Annes, Somerset, Talbot, Wicomico, and Worcester in Maryland; all counties in Delaware; and Accomac and Northampton counties in Virginia; which is shipped to Norfolk, Virginia, and stored in the Norfolk terminal elevator of the Norfolk and Western Railroad, shall be the loan rate for the county from which the wheat is shipped, plus the amount of freight per bushel paid, plus 4 cents per bushel. In each instance such transit value must be verified by the regional director of Commodity Credit Corporation serving that area. In such cases, the loan documents must be accompanied by the original paid freight bills or certificates of the warehouseman and other required documents as set forth in paragraph (b) (1) of this section. If eligible loan wheat is stored in approved warehouses located at transit points, taking a penalty by reason of back haul, or out-of-line of natural market movement, such penalty or other costs by reason of such movement, as determined by Commodity Credit Corporation, shall be deducted from loan rates as determined above.

In such cases the warehouse receipts, in addition to the required documents as set forth in this subpart, must be accompanied by the original or duplicate original paid freight bills, or certificates of the warehouseman as to such paid freight bills as indicated above.

§ 251.31 *Protein premium.* A protein premium shall be added to the loan rate

shall be added to, and made a part of, the grade designation.

The garlic condition of wheat shall be determined in accordance with the Official Grain Standards of the United States, and such condition shall be made a part of the grade designation by addition of the words "light garlicky" or the word "garlicky" as determined under such standards.

§ 251.34 *Determination of quantity of wheat.* Loans shall be made at values expressed in cents per bushel. A bushel will be 60 pounds of wheat free of dockage, when determined by weight, or 1.25 cubic feet of wheat testing 60 pounds per bushel when determined by measurement. A deduction of three-quarters of a pound for each sack will be made in determining the net quantity of the collateral when stored as sacked grain. In determining the quantity of wheat in farm storage by measurement, fractional pounds of the test weight per bushel will be disregarded and the quantity, determined as above, will be the following percentages of the quantity determined for 60-pound wheat:

For wheat testing	Percent
65 pounds or over	108
64 pounds or over, but less than 65 pounds	107
63 pounds or over, but less than 64 pounds	105
62 pounds or over, but less than 63 pounds	103
61 pounds or over, but less than 62 pounds	102
60 pounds or over, but less than 61 pounds	100
59 pounds or over, but less than 60 pounds	98
58 pounds or over, but less than 59 pounds	97
57 pounds or over, but less than 58 pounds	95
56 pounds or over, but less than 57 pounds	93
55 pounds or over, but less than 56 pounds	92
54 pounds or over, but less than 55 pounds	90
53 pounds or over, but less than 54 pounds	88
52 pounds or over, but less than 53 pounds	87
51 pounds or over, but less than 52 pounds	85
50 pounds or over, but less than 51 pounds	83

§ 251.35 *Farm storage.* Wheat stored on the farm must have been stored in the granary at least 30 days prior to its inspection for measurement, sampling, and sealing, unless otherwise approved by State committees and regional directors of the Agricultural Adjustment Agency. Chattel mortgages covering farm-stored wheat must be executed and filed in accordance with the applicable State law.

Where the borrower is a tenant, the expiration date of the lease shall be given in section 1 (e) of the chattel mortgage. If the expiration date of the lease is prior to June 30, 1946, the borrower must secure from the owner and other interested parties consent that the collateral may remain in the described storage structures until June 30, 1946, without any charge to Commodity Credit Corporation other than that agreed to be paid to the borrower for storing the collateral. The consent agreement is set forth in the chattel mortgage. Each producer must designate in section 1 (b) of the chattel mortgage a shipping point reasonably convenient for the delivery of the wheat, as determined by the county agricultural conservation committee. A separate note and chattel mortgage must be submitted for wheat stored on each quarter section of land.

Commodity Credit Corporation will accept delivery of all the producer's wheat in the bin or bins in which all or a portion of the grain therein is under loan. The producer will be given credit for the number of bushels so delivered at the loan rate applicable to the grade and class of wheat delivered. If no loan rate has been established for the grade of wheat delivered, the actual delivery value will be furnished by the regional director of Commodity Credit Corporation serving the area.

§ 251.36 *Storage allowance.* No storage allowance shall be advanced at the time any farm-stored loan is made, but a storage payment of 7 cents per bushel shall be made to the producer (a) if the wheat is delivered to Commodity Credit Corporation on or after April 30, 1946, or (b) if, pursuant to demand by the Corporation for the repayment of the loan, the wheat is delivered to Commodity Credit Corporation prior to April 30, 1946; *Provided*, Such demand for repayment was not due to any fraudulent representation on the part of the producer or the fact that the wheat was damaged, threatened with damage, abandoned, or otherwise impaired. If delivery is made prior to April 30, 1946, with the consent or approval of Commodity Credit Corporation, a storage payment will be made in accordance with the terms of the mortgage supplement. Earned storage shall be computed after delivery has been completed. Any deficiencies due the Corporation will be deducted from any credits which may be due the producer from the corporation.

§ 251.37 *Public warehouses.* Commodity Credit Corporation will accept only insured negotiable warehouse receipts representing eligible wheat issued by public grain warehouses which have executed the Uniform Grain Storage Agreement and have been approved by Commodity Credit Corporation. Warehousemen desiring approval are advised to communicate with the regional director of Commodity Credit Corporation serving the area in which the warehouse is located. A list of approved warehouses will be furnished State or county agricultural conservation committees by regional directors. Uniform storage and handling charges and terms of the storage agreement are outlined in the Uniform Grain Storage Agreement. Warehousemen shall not have outstanding at any time warehouse receipts in excess of the normal working or licensed capacity of the warehouse. All wheat pledged as security for a loan on C. C. C. Grain Form B or C. C. C. Commodity Form B must be stored in the same warehouse.

§ 251.38 *Warehouse receipts.* Warehouse receipts must be issued in the name of the producer, dated on or prior to the date of the related note, properly endorsed in blank so as to vest title in the holder, issued by approved warehousemen, and must comply with the following provisions:

(a) Each warehouse receipt should set forth in its written terms that the wheat is insured for not less than market value against the hazards of fire, lightning, inherent explosion, windstorm, cyclone, and tornado, or, in lieu of this statement, it must have stamped or printed thereon the word "Insured."

(b) The wheat represented by each warehouse receipt must be free of all liens for charges prior to unloading in or delivery to the warehouse. Liens for storage charges will be recognized by Commodity Credit Corporation only from May 15, 1945, or the dates of the warehouse receipts, whichever is later.

(c) The warehouse receipt must set forth in the written or printed terms the gross weight or bushels, grade, and subclass, and such other information as is required by the Uniform Warehouse Receipts Act.

(d) Each warehouse receipt, or the warehouseman's supplemental certificate in duplicate properly identified with the warehouse receipt, must show the test weight, protein content (if determined by protein analysis), degree or percentage of smut or garlic and dockage, and must also show the moisture content of the subclasses of hard red spring and hard red winter, and of the subclass hard white wheat. Mixed wheat, regardless of the classes of wheat contained in the mixture, will not be eligible for protein premium. Protein premium will be added to the loan rate of farm-stored wheat only where the producer presents a protein certificate issued by a laboratory satisfactory to Commodity Credit Corporation. If the wheat is stored in approved warehouses, the producer must present a protein certificate, issued by an approved laboratory, attached to the warehouse receipt, or present a warehouseman's supplemental certificate with protein content indicated thereon.

Schedule of protein premiums follows:

SCHEDULE OF PROTEIN PREMIUMS

Protein content (percent)	Duluth, Minneapolis, St. Paul, Minn.; Milwaukee, Wis.; Kansas City, St. Joseph, St. Louis, Mo.; Kansas City, Omaha, Kans.; Omaha, Nebr.; Council Bluffs, Iowa; Chicago, Ill.; St. Louis, Mo.; Peoria, Ill.; Indianapolis, Ind.; Baltimore, Md.; Albany, N. Y.		Portland, Oreg.; Seattle, Tacoma, Vancouver, Wash.; Los Angeles, Oakland, San Francisco, Stockton, Calif.	
	Hard red spring	Hard red winter, hard white wheat	Hard red spring	Hard red winter, hard white wheat
	Cents per bushel	*Cents per bushel*	*Cents per bushel*	*Cents per bushel*
10.0–10.9	0	0	1	1
11.0–11.9	0	0	2	2
12.0–12.9	0	0	3	3
13.0–13.9	1	1	4	4
14.0–14.4	2	1½	5	5
14.5–14.9	3	2	6	5½
15.0–15.4	4	2½	7	5½
15.5–15.9	5	3	8	6
16.0–16.4	6	3½	9	6½
16.5–16.9	7	4	10	7
17.0–17.4	8	4½	11	7½
Over 17.4	(1)	(2)	(1)	(2)

(1) for each ½% of protein over 17.4%.
(2) for each ½% of protein over 17.4%.

§ 251.39 *Discounts for grades.* Loan rates for eligible grades and subclasses shall be at the following schedule of discounts:

Discounts	No. 1 dark hard winter, No. 1 hard amber durum, No. 1 yellow hard winter, No. 1 red winter, No. 1 soft white, No. 1 white club, No. 1 western white, No. 1 hard amber durum, No. 1 durum, No. 1 mixed durum, No. 1 mixed durum, No. 1 red durum, No. 1 mixed wheat	No. 1 heavy dark northern spring, No. 1 heavy northern spring, No. 1 heavy red spring	No. 1 dark hard winter, No. 1 hard amber durum, No. 1 durum, No. 1 mixed durum, No. 1 mixed durum, No. 1 red durum, No. 1 mixed wheat
	Cents per bushel		*Cents per bushel*
No. 1 (not heavy)	1		1
No. 2	2		2
No. 3	4		3
No. 4	6		6
No. 5	9		9
Smut-degree basis			
Light smutty	2½		2½
Smutty	5		5
Smut-percentage basis			
½ of 1 percent	2½		2½
1 percent or over	5		5
Light garlicky	2½		2½
Garlicky	5		5

§ 251.33 *Determination of dockage, smut, and garlic.* The percentage of dockage shall be determined in accordance with the Official Grain Standards of the United States, and the weight of said dockage shall be deducted from the gross weight of the wheat in determining the net quantity available for loan.

In the States of California, Idaho, Nevada, New Mexico, Oregon, Utah, and Washington, the quantity of smut shall be stated in accordance with the method set out in paragraph (a) under "smutty wheat" in the current handbook of Official Grain Standards of the United States, and shall be stated in terms of half percent, whole percent, or whole and half percent, and the quantity of smut so determined in pounds shall be deducted from the weight of the wheat after deduction of dockage. Elsewhere the smut condition of the wheat shall be determined on a degree basis in accordance with paragraph (b) under "smutty wheat," Official Grain Standards of the United States. Where applicable, the words "light smutty" or "smutty" will be assumed by the Corporation, however, if it is determined that there has been a fraudulent representation on the part of the producer in connection with the loan.

(b) *Wheat stored in approved warehouses.* Warehousemen shall provide insurance against the perils of fire, lightning, inherent explosion, windstorm, cyclone, and tornado, for the full market value of wheat stored in their warehouses, as long as receipts are outstanding.

§ 251.41 *Maturity and interest rate.* All notes shall mature on demand but not later than April 30, 1946, and will bear interest at the rate of 3 percent per annum.

§ 251.42 *Purchase of loan.* Commodity Credit Corporation will purchase, without recourse, eligible paper from approved lending agencies in accordance with the terms of the Contract to Purchase (1940 C. C. C. Form E) executed by them. Paper held by lending agencies must be submitted to the regional director serving the area in which the wheat is stored. Lending agencies should report weekly, on C. C. C. Form F, all payments or collections on producers' notes. An amount equivalent to 1½ percent interest per annum on the principal amount collected must be submitted with such weekly reports.

§ 251.43 *Offices of the regional directors of Commodity Credit Corporation.* The offices of the regional directors previously referred to herein and the areas served by them under these instructions are shown below:

Address and Area

208 South LaSalle Street, Chicago 4, Ill.: Connecticut, Delaware, Illinois, Indiana, Iowa, Kentucky, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, Tennessee, Vermont, Virginia, West Virginia.

Dwight Building, 1004 Baltimore Avenue, Kansas City 13, Mo.: Alabama, Arkansas, Colorado, Florida, Georgia, Kansas, Louisiana, Mississippi, Missouri, Nebraska, New Mexico, Oklahoma, South Carolina, Texas, Wyoming.

McKnight Building, Minneapolis 1, Minn.: Minnesota, Montana, North Dakota, South Dakota, Wisconsin.

304 Artisans Building, Portland 5, Oreg.: Arizona, California, Idaho, Nevada, Oregon, Utah, Washington.

§ 251.44 *County agricultural conservation committees.* Forms may be obtained from county agricultural conservation committees in the areas where farm storage is available, or from the office of the regional director of Commodity Credit Corporation serving the area. State and county agricultural conservation committees will determine or cause to be determined the quantity and grade of the wheat collateral and the amount of the loan. All loan documents will be completed and approved by the county committee, which will retain copies of all documents: *Provided, however*, That the county committee may formally designate certain employees of the county association to execute such forms on behalf of the committee. County agricultural conservation asso-

grading No. 3 or better [illegible] No. 4 or [illegible] solely on the factor of test weight [illegible] otherwise grading No. 3 or better. If the wheat is warehouse-stored the quality of the wheat must be evidenced by a statement of the warehouseman on the warehouse receipt, the inspection certificate, or the warehouseman's supplemental certificate, substantially as follows: [illegible] solely because of test weight [illegible] of the wheat of the class named above covering only wheat of grades of wheat which are eligible for loans at the rate and [illegible] provided [illegible] for the district.

(2) [illegible] not coming within the provisions of paragraph (1) of this section [illegible] more than 14 percent moisture and [illegible] not more than 14 percent moisture.

When stored on farms in all counties in the States of Delaware, Maryland, Michigan, New Jersey, New York, Pennsylvania, and Virginia, and in all counties in the States of Indiana and Ohio north of or intersected by the fortieth parallel meridian, wheat of the classes hard red winter, soft red winter, white, and mixed wheat of such classes grading tough but containing not more than 14½ percent moisture, if otherwise meeting the requirements of Commodity Credit Corporation and in good sound condition, will be eligible for a loan at a discount of 2 cents per bushel from the [illegible] Commodity Credit Corporation and must have exceeded the Uniform Grain Storage Agreement. Such warehouses may be situated either at terminal, subterminal, or country points.

(2) Farm storage shall consist of farm buildings and granaries which are of good substantial and permanent construction as determined by the county agricultural conservation committee, as to afford safe storage of the wheat for a period [illegible] destruction of insects and adapted [illegible] against rodents, thieves and weather.

Loans. A [illegible] Kansas City, Minneapolis, Omaha, Portland, Oreg., Seattle, Tacoma, Wash., and Wichita, Kans. [illegible] 1946 CCC Form B [illegible] Form A [illegible] CCC Grain Form A [illegible] CCC Grain Form A executed by [illegible] CCC Commodity Form A executed by [illegible] CCC Commodity Form B executed by [illegible] CCC Grain Form B. Receipt [illegible] CCC Commodity Form B accepted by warehouse operator representing wheat stored in approved warehouses. Notes must be dated on or subsequent to June 1, 1945 and prior to January 1, 1946 and must be executed in accordance with these instructions, with State and documentary revenue stamps affixed thereto where required by law. Notes executed by an administrator, executor, or trustee will be acceptable only where legally valid.

§ 251.29 *Areas in which loans are available.* (a) Loans are available on eligible wheat stored in approved public grain warehouses in all areas.

(b) Loans are available on eligible wheat stored on farms in the following areas:

All counties in Arizona, California, Colorado, Delaware, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Maryland, Michigan, Minnesota, Missouri, Montana, Nebraska, Nevada, New Jersey, New Mexico, New York, North Carolina, North Dakota, Ohio, Oregon, Pennsylvania, South Dakota, Tennessee, Utah, Virginia, Washington, West Virginia, Wisconsin, and Wyoming, and in the following counties of Oklahoma and Texas:

Oklahoma. Alfalfa, Beaver, Beckham, Blaine, Caddo, Canadian, Cimarron, Cleveland, Comanche, Cotton, Craig, Creek, Custer, Dewey, Ellis, Garfield, Grady, Grant, Greer, Harmon, Harper, Jackson, Kay, Kingfisher, Kiowa, Lincoln, Logan, McClain, Major, Mayes, Noble, Nowata, Okfuskee, Oklahoma, Okmulgee, Osage, Ottawa, Pawnee, Payne, Pottawatomie, Roger Mills, Rogers, Texas, Tillman, Tulsa, Wagoner, Washington, Washita, Woods, and Woodward.

Texas. Andrews, Archer, Armstrong, Bailey, Baylor, Borden, Briscoe, Callahan, Carson, Castro, Childress, Clay, Cochran, Coleman, Collingsworth, Cottle, Crosby, Dallam, Dawson, Deaf Smith, Dickens, Donley, Floyd, Gaines, Garza, Hale, Hall, Hansford, Hardeman, Hartley, Haskell, Hockley, Hutchinson, Jones, Kent, King, Knox, Lamb, Lipscomb, Lubbock, Lynn, Motley, Ochiltree, Oldham, Parmer, Potter, Randall, Roberts, Shackelford, Stonewall, Swisher, Terry, Throckmorton, Wheeler, Wilbarger, Yoakum, and Young.

§ 251.30 *Loan rates.* The loan on wheat of the designated kind, subclass, stored in approved grain warehouses or stored on farms in counties where farm storage is permitted, are set out below and in Supplement 2—Kansas of Wheat Bulletin 1—Supplements 1945 C C C Wheat Bulletin 1—Supplement 2—Kansas of Wheat Bulletin 1—

Washington State and county [illegible] the Agricultural Adjustment Agency [illegible] Washington office of Commodity Credit Corporation and the county [illegible] C [illegible] operation bearing to Commodity Credit Corporation [illegible] Kansas City, Minneapolis, Omaha, Portland, Oreg., Seattle, Tacoma, Wash., and Wichita, Kans. [illegible]

1945 wheat [illegible] hard winter No. 1 [illegible] hard winter No. 2 [illegible] hard winter No. 3 [illegible] hard winter No. 4 [illegible] hard winter No. 5 [illegible] hard winter sample grade [illegible] hard winter sample grade [illegible] hard winter sample grade [illegible] soft red winter No. 1 [illegible] soft red winter No. 2 [illegible] soft red winter No. 3 [illegible] soft red winter No. 4 [illegible] soft red winter No. 5 [illegible] soft red winter sample grade [illegible] hard white No. 1 [illegible] hard white No. 2 [illegible] hard white No. 3 [illegible] hard white No. 4 [illegible] hard white No. 5 [illegible] hard white sample grade [illegible] white No. 1 [illegible] white No. 2 [illegible] white No. 3 [illegible] white No. 4 [illegible] white No. 5 [illegible] white sample grade [illegible] mixed No. 1 [illegible] mixed No. 2 [illegible] mixed No. 3 [illegible] mixed No. 4 [illegible] mixed No. 5 [illegible] mixed sample grade [illegible]

Kansas City, St. Joseph, Mo., Kansas City, Kans., Omaha, Nebr., Buffalo, Iowa	[illegible]
Chicago, Ill., Milwaukee, Wis., Louisville, Ky., East St. Louis, Ill.	[illegible]
Minneapolis, St. Paul, Duluth, Minn., Superior, Wis.	[illegible]
Portland, Oreg., Seattle, Wash., Tacoma, Longview, Wash.	[illegible]
San Francisco, Los Angeles, Stockton, Oakland, Calif.	[illegible]
Galveston, Houston, Tex., New Orleans, La.	[illegible]
Cairo, Ill.	[illegible]
Evansville, Ind., Louisville, Ky., Cincinnati, Ohio	[illegible]
Philadelphia, Pa., Baltimore, Md., Norfolk, Va.	[illegible]
Albany, N. Y.	[illegible]

NOTE: The terminal loan rate for other No. 1 wheat shall be determined by applying the following discounts from the applicable terminal loan rates:

(a) For No. 1 wheat of the class [illegible] wheat—discount 15 cents per bushel.

(b) For No. 1 "mixed wheat" containing less than 10 percent of wheat of the classes "durum" and or "red durum wheat"—discount 2 cents per bushel.

(c) For No. 1 "mixed wheat" containing in excess of 10 percent of wheat of the classes "durum" and or "red durum wheat")—discount 15 cents per bushel.

(d) For No. 1 "mixed wheat" grading "amber mixed durum"—discount 5 cents per bushel, and

(e) For No. 1 "mixed wheat" grading "mixed durum"—discount 10 cents per bushel.

All wheat eligible for loan at the foregoing loan rates must have been shipped on a domestic freight rate basis. The loan rate at the designated terminal [illegible] been shipped by rail from a shipping point to one of the designated terminal markets, as evidenced by freight bills duly [illegible] In the event the amount of the freight is insufficient to guarantee minimum proportional rate from the [illegible] market, there shall be deducted [illegible] applicable terminal loan rate [illegible] the amount of [illegible] actually paid in and the amount [illegible] to be paid in to guarantee minimum [illegible] basis on the outbound [illegible] *Provided further*, That Commodity Credit Corporation will accept in lieu of such bills, warehouse receipts for which a legend, signed by the warehouseman, has been typewritten in the following form or a warehouseman's supplemental certificate containing such information:

[illegible]

[illegible] described as follows:

[illegible] No. [illegible] Car No. [illegible]
Freight bill, date [illegible] No. [illegible]
Carrier [illegible] Transit [illegible]
Freight rate in [illegible] Number [illegible]
[illegible] stops [illegible]

The above-described paid freight bill has been officially registered for transit and will be held in accordance with the provisions of paragraph 22 of the Uniform Grain Storage Agreement.

[illegible]
Date of Signature
[illegible]
Warehouseman's Signature
[illegible]
Address

In the event such documents are not furnished, a deduction of 6 cents per bushel shall be made from the foregoing schedule of rates.

Wheat trucked to a designated terminal market and stored in a warehouse shall have a loan rate equal to the higher of (1) the terminal loan rate minus 6 cents per bushel, or, (2) the county loan rate for the county in which the wheat is stored.

(b) *Amount of loan at country points.* (1) Except for the States and counties hereinafter set forth, Commodity Credit Corporation will determine the loan rate on wheat in storage on the farm or in country warehouses by deducting from the designated terminal market loan value an amount equal to 4 cents more than the all-rail interstate freight rate from the country warehouse points, plus freight tax, or the shipping point designated by the producer, to such terminal market; except that, in the appropriate counties of Arkansas, Illinois, Indiana, Kentucky, Missouri, Ohio, Tennessee, and West Virginia, the loan rate shall be determined by deducting from the designated terminal market loan value an amount equal to the transit charges of the through freight rate from point of origin through wheat to such terminal market, [illegible] tax on such rate, [illegible] In the case of wheat stored at any railroad transit point [illegible] a penalty by reason of [illegible] movement or for any other reason, to the appropriate designated market there shall be added to such transit balance an amount equal to any out-of-line or other costs incurred in storing loan wheat in such position as determined by Commodity Credit Corporation. Arrangements have been made for the railroads to indicate transit balance of the through rate on the inbound paid freight bills on a basis of 100 pounds. To obtain the loan rate, as determined above, the warehouse receipts, in addition to other required documents, must be accompanied by the original paid freight bills duly registered for transit privileges: *Provided*, That Commodity Credit Corporation will accept, in lieu of such bills, warehouse receipts for which a legend, signed by the warehouseman, has been typewritten in the following form or a warehouseman's supplemental certificate containing such information:

FREIGHT CERTIFICATE FOR OTHER THAN TERMINAL POINTS

The wheat represented by attached warehouse receipt No. ——— was received by rail freight from ——— ———
(town) (county)
——— point of origin, as evidenced
(State)
by freight bill described as follows:

Way bill, date ——— No. ———
Car No. ——— Init. ———
Freight bill, date ——— No. ———
Carrier ——— Transit weight ———
Freight rate in ——— Amount collected ———
Transit balance, if any, of through freight rate to ———
of ——— cents per 100 pounds.
Number unused transit stops———

The above-described paid freight bill has been officially registered for transit and will be held in accordance with the provisions of paragraph 22 of the Uniform Grain Storage Agreement.

———
Date of Signature
———
Warehouseman's Signature
———
Address

Each approved warehouse will be advised as to the loan rate applicable to wheat stored in such warehouse. Producers may obtain from the county committee the loan rates applicable to wheat stored on each farm and in the public warehouses. Loan rates will be published in C C C Wheat Bulletin 1, Supplement 2, for each State.

The loan rate of eligible wheat stored in approved warehouses other than those situated in the designated terminal market, which is shipped by rail may be determined by deducting from the applicable designated terminal market loan value an amount equal to the transit charges of the through freight rate from point of origin through wheat to such terminal market, [illegible] tax on such rate, [illegible] In the case of wheat stored at any railroad transit point [illegible] a penalty by reason of [illegible] movement or for any other reason, to the appropriate designated market there shall be added to such transit balance an amount equal to any out-of-line or other costs incurred in storing loan wheat in such position as determined by Commodity Credit Corporation. Arrangements have been made for the railroads to indicate transit balance of the through rate on the inbound paid freight bills on a basis of 100 pounds. To obtain the loan rate, as determined above, the warehouse receipts, in addition to other required documents, must be accompanied by the original paid freight bills duly registered for transit privileges: *Provided*, That Commodity Credit Corporation will accept, in lieu of such bills, warehouse receipts for which a legend, signed by the warehouseman, has been typewritten in the following form or a warehouseman's supplemental certificate containing such information:

FREIGHT CERTIFICATE FOR OTHER THAN TERMINAL POINTS

The wheat represented by attached warehouse receipt No. ——— was received by rail freight from ——— ———
(town) (county)
——— point of origin, as evidenced
(State)
by freight bill described as follows:

Way bill, date ——— No. ———
Car No. ——— Init. ———
Freight bill, date ——— No. ———
Carrier ——— Transit weight ———
Freight rate in ——— Amount collected ———
Transit balance, if any, of through freight rate to ———
of ——— cents per 100 pounds.
Number unused transit stops———

The above-described paid freight bill has been officially registered for transit and will be held in accordance with the provisions of paragraph 22 of the Uniform Grain Storage Agreement.

———
Date of Signature
———
Warehouseman's Signature
———
Address

In New Mex[illegible] Catron, Colfax, Dona A[illegible] Hidalgo, Luna, McKinley, M[illegible] Sandoval, San Juan, San Miguel, Sierra, Socorro, Taos, Torrance, Union, Valencia.

In Colorado: [illegible] Arapahoe, Chaffee, Cheyenne, Clear Creek, Douglas, Eagle, Garfield, Gilpin, Grand, Hinsdale, Jackson, Lake, Larimer, Mesa, Moffat, Montezuma, Montrose, Ouray, Park, Pitkin, Rio Blanco, Rio Grande, Routt, Saguache.

In case of [illegible] in approved warehouses located at transit points, the loan rate for the county from which the wheat is shipped and an amount equal to the transit value of the freight paid from point of origin to markets designated by Commodity Credit Corporation, plus freight tax on the transit value from point of origin to the warehouse, except that eligible wheat originating in Delaware, Kentucky, Maryland, North Carolina, Tennessee, Virginia, or West Virginia and stored in Baltimore, Maryland; Cairo, Illinois; Cincinnati, Ohio; Evansville, Indiana; Louisville, Kentucky; or Philadelphia, Pennsylvania, shall receive the loan rate shown in these instructions: *Provided, however*, That the loan rate on wheat originating in the counties of Carolina, Cecil, Dorchester, Kent, Queen Annes, Somerset, Talbot, Wicomico, and Worcester in Maryland; all counties in Delaware; and Accomac and Northampton counties in Virginia; which is shipped to Norfolk, Virginia, and stored in the Norfolk terminal elevator of the Norfolk and Western Railroad, shall be the loan rate for the county from which the wheat is shipped, plus the amount of freight per bushel paid, plus 4 cents per bushel. In each instance such transit value must be verified by the regional director of Commodity Credit Corporation serving that area. In such cases, the loan documents must be accompanied by the original paid freight bills or certificates of the warehouseman and other required documents as set forth in paragraph (b) (1) of this section. If eligible loan wheat is stored in approved warehouses located at transit points, taking a penalty by reason of back haul, or out-of-line or natural market movement, such penalty or other costs by reason of such movement, as determined by Commodity Credit Corporation, shall be deducted from loan rates as determined above.

In such cases the warehouse receipts, in addition to the required documents as set forth in this subpart, must be accompanied by the original or duplicate original paid freight bills, or certificates of the warehouseman as to such paid freight bills as indicated above.

§ 251.31 *Protein premium.* A protein premium shall be added to the loan rate

[illegible] prior to its [illegible] sampling, [illegible] approved [illegible] directions [illegible] adjustment [illegible] covering [illegible] executed and [illegible] applicable [illegible] given [illegible] mortgage, [illegible] must [illegible] case is prior [illegible] interested [illegible] may [illegible] storage struck [illegible] without any [illegible] corporation [illegible] paid to the [illegible] The [illegible] with in the [illegible] producer must [illegible] the chattel [illegible] reasonably [illegible] the wheat, [illegible] by agricultural [illegible] A separate [illegible] must be [illegible] on each [illegible] on will accept [illegible] producer's wheat [illegible] for a portion [illegible] loan. The [illegible] at for the [illegible] ced at the [illegible] grade and [illegible] loan rate [illegible] grade of [illegible] delivery value [illegible] nal direct[illegible] corporation [illegible] No storage [illegible] ced at the [illegible] made, but [illegible] per bushel [illegible] (a) if the [illegible] dity Credit [illegible] 30, 1946, [illegible] by the [illegible] nt of the [illegible] Commodity [illegible] April 30, [illegible] for repayment [illegible]

representation on the part of the producer or the fact that the wheat was damaged, threatened with damage, abandoned, or otherwise impaired. If delivery is made [illegible] to April 30, 1946, with the consent [illegible] except in the States of California, Idaho, Montana, Nevada, North Dakota, Oregon, South Dakota, Utah, Washington, and Wyoming. (In those areas where moisture content is required, but it is not [illegible] will be assumed by the Corporation, however, if it is determined that there has been a fraudulent representation on the part of the producer in connection with the loan.

shall be added to, and made a part of, the grade designation.

The garlic condition of wheat shall be determined in accordance with the Official Grain Standards of the United States, and such condition shall be made a part of the grade designation by addition of the words "light garlicky" or the word "garlicky" as determined under such standards.

§ 251.34 *Determination of quantity of wheat.* Loans shall be made at values expressed in cents per bushel. A bushel will be 60 pounds of wheat free of dockage, when determined by weight, or 1.25 cubic feet of wheat testing 60 pounds per bushel when determined by measurement. A deduction of three-quarters of a pound for each sack will be made in determining the net quantity of the collateral when stored as sacked grain. In determining the quantity of wheat in farm storage by measurement, fractional pounds of the test weight per bushel will be disregarded and the quantity, determined as above, will be the following percentages of the quantity determined for 60-pound wheat:

Percent	
For wheat testing 65 pounds or over	108
For wheat testing 64 pounds or over, but less than 65 pounds	107
For wheat testing 63 pounds or over, but less than 64 pounds	105
For wheat testing 62 pounds or over, but less than 63 pounds	103
For wheat testing 61 pounds or over, but less than 62 pounds	102
For wheat testing 60 pounds or over, but less than 61 pounds	100
For wheat testing 59 pounds or over, but less than 60 pounds	98
For wheat testing 58 pounds or over, but less than 59 pounds	97
For wheat testing 57 pounds or over, but less than 58 pounds	95
For wheat testing 56 pounds or over, but less than 57 pounds	93
For wheat testing 55 pounds or over, but less than 56 pounds	92
For wheat testing 54 pounds or over, but less than 55 pounds	90
For wheat testing 53 pounds or over, but less than 54 pounds	88
For wheat testing 52 pounds or over, but less than 53 pounds	87
For wheat testing 51 pounds or over, but less than 52 pounds	85
For wheat testing 50 pounds or over, but less than 51 pounds	83

§ 251.35 *Farm storage.* Wheat stored on the farm must have been stored in the granary at least 30 days prior to its inspection for measurement, sampling, and sealing, unless otherwise approved by State committees and regional directors of the Agricultural Adjustment Agency. Chattel mortgages covering farm-stored wheat must be executed and filed in accordance with the applicable State law.

Where the borrower is a tenant, the expiration date of the lease shall be given in section 1 (e) of the chattel mortgage. If the expiration date of the lease is prior to June 30, 1946, the borrower must secure from the owner and other interested parties consent that the collateral may remain in the described storage structures until June 30, 1946, without any charge to Commodity Credit Corporation other than that agreed to be paid to the borrower for storing the collateral. The consent agreement is set forth in the chattel mortgage. Each producer must designate in section 1 (b) of the chattel mortgage a shipping point reasonably convenient for the delivery of the wheat, as determined by the county agricultural conservation committee. A separate note and chattel mortgage must be submitted for wheat stored on each quarter section of land.

Commodity Credit Corporation will accept delivery of all the producer's wheat in the bin or bins in which all or a portion of the grain therein is under loan. The producer will be given credit for the number of bushels so delivered at the loan rate applicable to the grade and class of wheat delivered. If no loan rate has been established for the grade of wheat delivered, the actual delivery value will be furnished by the regional director of Commodity Credit Corporation serving the area.

§ 251.36 *Storage allowance.* No storage allowance shall be advanced at the time any farm-stored loan is made, but a storage payment of 7 cents per bushel shall be made to the producer (a) if the wheat is delivered to Commodity Credit Corporation on or after April 30, 1946, or (b) if, pursuant to demand by the Corporation for the repayment of the loan, the wheat is delivered to Commodity Credit Corporation prior to April 30, 1946: *Provided*, Such demand for repayment was not due to any fraudulent representation on the part of the producer or the fact that the wheat was damaged, threatened with damage, abandoned, or otherwise impaired. If delivery is made prior to April 30, 1946, with the consent or approval of Commodity Credit Corporation, a storage payment will be made in accordance with the terms of the mortgage supplement. Earned storage shall be computed after delivery has been completed. Any deficiencies due the Corporation will be deducted from any credits which may be due the producer from the corporation.

§ 251.37 *Public warehouses.* Commodity Credit Corporation will accept only insured negotiable warehouse receipts representing eligible wheat issued by public grain warehouses which have executed the Uniform Grain Storage Agreement and have been approved by Commodity Credit Corporation. Warehousemen desiring approval are advised to communicate with the regional director of Commodity Credit Corporation serving the area in which the warehouse is located. A list of approved warehouses will be furnished State or county agricultural conservation committees by regional directors. Uniform storage and handling charges and terms of the storage agreement are outlined in the Uniform Grain Storage Agreement. Warehousemen shall not have outstanding at any time warehouse receipts in excess of the normal working or licensed capacity of the warehouse. All wheat pledged as security for a loan on C. C. C. Grain Form B or C. C. C. Commodity Form B must be stored in the same warehouse.

§ 251.38 *Warehouse receipts.* Warehouse receipts must be issued in the name of the producer, dated on or prior to the date of the related note, properly endorsed in blank so as to vest title in the holder, issued by approved warehousemen, and must comply with the following provisions:

(a) Each warehouse receipt should set forth in its written terms that the wheat is insured for not less than market value against the hazards of fire, lightning, inherent explosion, windstorm, cyclone, and tornado, or, in lieu of this statement, it must have stamped or printed thereon the word "Insured."

(b) The wheat represented by each warehouse receipt must be free of all liens for charges prior to unloading in or delivery to the warehouse. Liens for storage charges will be recognized by Commodity Credit Corporation only from May 15, 1945, or the dates of the warehouse receipts, whichever is later.

(c) The warehouse receipt must set forth in the written or printed terms the gross weight or bushels, grade, and subclass, and such other information as is required by the Uniform Warehouse Receipts Act.

(d) Each warehouse receipt, or the warehouseman's supplemental certificate in duplicate properly identified with the warehouse receipt, must show the test weight, protein content (if determined by protein analysis), degree or percentage of smut or garlic and dockage, and must also show the moisture content except in the States of California, Idaho, Montana, Nevada, North Dakota, Oregon, South Dakota, Utah, Washington, and Wyoming. (In those areas where moisture content is required, but it is not customary for country warehousemen to determine the exact moisture percentage, a warehouse receipt representing wheat stored in a country warehouse will be accepted if the moisture content is not shown provided the grade of wheat does not show the word "tough." In such cases, the warehouseman will be responsible for delivering wheat which does not grade "tough" or "sample" due to moisture content.)

(e) In the case of warehouse receipts issued for wheat delivered by rail or barge, Commodity Credit Corporation will accept inbound weight and inspection certificates and protein certificates properly identified with the wheat covered thereby in lieu of the information required by paragraph (d) of this section. In the States of California, Idaho, Nevada, Oregon, Utah, Washington, and in other areas where licensed inspectors are not available at terminal and subterminal warehouses, Commodity Credit Corporation will accept inspection certificates based on representatives samples which have been forwarded to and graded by licensed grain inspectors. The official inbound weight and inspection certificates must represent wheat unloaded in the warehouse issuing said receipt.

(f) In the case of warehouse receipts issued for wheat delivered by rail or barge, the protein content, as determined by a recognized protein testing laboratory, must be shown on each warehouse receipt (or supplemental certificate accompanying the warehouse receipt) representing wheat of the subclasses of hard red spring and hard red winter and of the subclass hard white wheat, except that protein content need not be shown for the subclasses hard winter and yellow hard winter produced in States or areas tributary to markets where a showing of protein content is not customarily required.

§ 251.39 *Liens.* The wheat collateral must be free and clear of all liens or, if liens exist on the collateral, a proper waiver must be secured from each lienholder.

§ 251.40 *Insurance*—(a) *Wheat stored on farms.* Commodity Credit Corporation will not require producers to insure their 1945 farm-stored wheat placed under loan. In case of a total loss of the wheat resulting from an external cause, with the exception of a loss caused by conversion by the producer, or his negligence, or caused by vermin, the producer will not be held personally liable on the note, and Commodity Credit Corporation will pay the producer the full storage payment of 7 cents per bushel. In case of a partial loss of the wheat resulting from an external cause, with the exceptions aforesaid, the producer will not be held personally liable for that part of the indebtedness secured by the wheat lost, and the producer's loan will be credited with the full storage payment of 7 cents per bushel on the wheat lost. No loss will be assumed by the Corporation, however, if it is determined that there has been a fraudulent representation on the part of the producer in connection with the loan.

(b) *Wheat stored in approved warehouses.* Warehousemen shall provide insurance against the perils of fire, lightning, inherent explosion, windstorm, cyclone, and tornado, for the full market value of wheat stored in their warehouses, as long as receipts are outstanding.

§ 251.41 *Maturity and interest rate.* All notes shall mature on demand but not later than April 30, 1946, and will bear interest at the rate of 3 percent per annum.

§ 251.42 *Purchase of loan.* Commodity Credit Corporation will purchase, without recourse, eligible paper from approved lending agencies in accordance with the terms of the Contract to Purchase (1940 C. C. C. Form E) executed by them. Paper held by lending agencies must be submitted to the regional director serving the area in which the wheat is stored. Lending agencies should report weekly, on C. C. C. Form F, all payments or collections on producers' notes. An amount equivalent to 1½ percent interest per annum on the principal amount collected must be submitted with such weekly reports.

§ 251.43 *Offices of the regional directors of Commodity Credit Corporation.* The offices of the regional directors previously referred to herein and the areas served by them under these instructions are shown below:

Address and Area

208 South LaSalle Street, Chicago 4, Ill.: Connecticut, Delaware, Illinois, Indiana, Iowa, Kentucky, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, Tennessee, Vermont, Virginia, West Virginia.

Dwight Building, 1004 Baltimore Avenue, Kansas City 13, Mo.: Alabama, Arkansas, Colorado, Florida, Georgia, Kansas, Louisiana, Mississippi, Missouri, Nebraska, New Mexico, Oklahoma, South Carolina, Texas, Wyoming.

McKnight Building, Minneapolis 1, Minn.: Minnesota, Montana, North Dakota, South Dakota, Wisconsin.

304 Artisans Building, Portland 5, Oreg.: Arizona, California, Idaho, Nevada, Oregon, Utah, Washington.

§ 251.44 *County agricultural conservation committees.* Forms may be obtained from county agricultural conservation committees in the areas where farm storage is available, or from the office of the regional director of Commodity Credit Corporation serving the area. State and county agricultural conservation committees will determine or cause to be determined the quantity and grade of the wheat collateral and the amount of the loan. All loan documents will be completed and approved by the county committee, which will retain copies of all documents: *Provided, however*, That the county committee may formally designate certain employees of the county association to execute such forms on behalf of the committee. County agricultural conservation asso-

§ 251.33 *Determination of dockage, smut, and garlic.* The percentage of dockage shall be determined in accordance with the Official Grain Standards of the United States, and the weight of said dockage shall be deducted from the gross weight of the wheat in determining the net quantity available for loan.

In the States of California, Idaho, Nevada, New Mexico, Oregon, Utah, and Washington, the quantity of smut shall be stated in percentage in accordance with the method set out in paragraph (a) under "smutty wheat" in the current handbook of Official Grain Standards of the United States, and shall be stated in terms of half percent, whole percent, or whole and half percent, and the quantity of smut so determined in pounds shall be deducted from the weight of the wheat after deduction of dockage. Elsewhere the smut condition of the wheat shall be determined on a degree basis in accordance with paragraph (b) under "Smutty wheat," Official Grain Standards of the United States. Where applicable, the words "light smutty" or "smutty"

Discounts	Cents per bushel	Smut-degree basis	Cents per bushel
No. 1 (not heavy)	0		
No. 2	2		
No. 3	4		
No. 4	6		
No. 5	9		
Smut-degree basis			
Light smutty	2½		
Smutty	5		
Smut-percentage basis			
½ of 1 percent	2½		
1 percent or over	5		
Light garlicky	2½		
Garlicky	5		

No. 1 dark hard winter, No. 1 hard winter, No. 1 yellow hard winter, No. 1 red winter, No. 1 western red, No. 1 hard white, No. 1 western white, No. 1 hard amber durum, No. 1 red durum, No. 1 mixed durum, No. 1 mixed wheat	No. 1 heavy dark hard winter, No. 1 heavy yellow hard winter, No. 1 heavy northern spring, No. 1 heavy red spring	No. 1 dark hard winter, No. 1 hard winter, No. 1 yellow hard winter, No. 1 red winter, No. 1 hard amber durum, No. 1 red durum, No. 1 mixed durum, No. 1 mixed wheat
Cents per bushel	Cents per bushel	Cents per bushel
0	1	1
2	3	3
4	5	5
6	7	7
9	10	10
2½	3½	4½
5	6½	7½
2½	3½	4½
5	6½	7½

Protein content (percent)	Duluth, Minneapolis, St. Paul, Minn.; Milwaukee, Superior, Wis.; Kansas City, Kans.; St. Joseph, Kans.; Omaha, Nebr.; Council Bluffs, Iowa; Chicago, Ill.; St. Louis, Ill.; Galveston, Houston, Fort Worth, Tex.; New Orleans, La.; Philadelphia, Pa.; Baltimore, Md.; Albany, N. Y.	Portland, Oreg.; Longview, Seattle, Tacoma, Aberdeen, Vancouver, Wash.; Superior, Nebr.; Oakland, San Francisco, Stockton, Calif.	
	Hard red winter, hard white wheat	Hard red spring	Hard red winter, hard white wheat
	Cents per bushel	Cents per bushel	Cents per bushel
10.0-10.9	0	0	1
11.0-11.9	0	0	1
12.0-12.9	0	1	2
13.0-13.9	1	2	3
14.0-14.4	2½	3½	4½
14.5-14.9	3½	4½	5½
15.0-15.4	4½	5½	6½
15.5-15.9	5½	6½	7½
16.0-16.4	6½	7½	8½
16.5-16.9	7½	8½	9½
17.0-17.4	8½	9½	10½
Over 17.4	(1)	(1)	(1)

1 ½ for each ½% of protein over 17.4%.
2 ½ for each ½% of protein over 17.4%.

§ 251.32 *Variations for grades.* Loan rates for eligible grades and subclasses shall be at the following schedule of discounts:

ciations will collect a service fee for all loans.

§ 251.45 *Release of collateral.* A producer may obtain release of the collateral by paying to the lending agency or Commodity Credit Corporation, whichever holds the note, the principal amount of the note, plus interest. If the note is held by an out-of-town lending agency or Commodity Credit Corporation, the producer may request that the note be forwarded to a local bank for collection. In such case, the local bank will be instructed to return the note to the sender if payment is not effected within 15 days. All charges in connection with the collection of the note shall be paid by the producer. Upon payment of a farm storage wheat loan, the county agricultural conservation committee should be requested to release the mortgage by filing an instrument of release or by a marginal release on the county records. Partial releases of collateral may be arranged with the county agricultural conservation commitee by paying to the holder of the note the amount of the loan, plus charges, storage advances (if the wheat is farm-stored), and accrued interest on the wheat released. In the case of warehouse-stored wheat, each partial release must cover all the wheat under one warehouse receipt number.

NOTE: The foregoing document covers 1945 C.C.C. Wheat Bulletin 1 and 1945 C.C.C. Wheat Bulletin 1—Supplement 1, issued by Commodity Credit Corporation on June 1, 1945, and Amendment 1 to 1945 C. C. C. Wheat Bulletin 1—Supplement 1, issued on June 18, 1945.

Dated: June 1, 1945.

[SEAL] C. C. FARRINGTON,
Vice President.

[F. R. Doc. 45-14502; Filed, Aug. 6, 1945; 3:28 p. m.]

TITLE 7—AGRICULTURE

Chapter IV—Federal Crop Insurance Corporation

[Amdt. 1]

PART 418—WHEAT CROP INSURANCE REGULATIONS FOR INSURANCE CONTRACTS COVERING THE 1946, 1947, AND 1948 CROP YEARS

CLOSING DATE

Section 418.45 of the wheat crop insurance regulations for insurance contracts covering the 1946, 1947 and 1948 crop years is hereby amended to read as follows:

§ 418.45 *Closing dates.* (a) For winter wheat: The closing dates for submission of applications to cover the winter wheat crop shall be the earlier of (1) the date of the beginning of seeding of the wheat crop, or (2) the applicable calendar date below:

September 1, 1945, for Arizona, Arkansas, Colorado, Iowa, Kansas, Minnesota, Missouri, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, South Dakota, Texas, Utah and Wyoming;

September 15, 1945, for Illinois, Indiana, Michigan, New Jersey, New York, Ohio, Pennsylvania, and Wisconsin;

September 29, 1945, for Modoc, Lassen, Plumas, Shasta, Sierra and Siskiyou Counties in California and the States of Delaware, Idaho, Kentucky, Maryland, North Carolina, Oregon, Tennessee, Virginia, Washington and West Virginia; and

December 1, 1945, for all remaining counties in California.

(b) For spring wheat: The closing dates for submission of applications to cover the spring wheat crop shall be the earlier of (1) the date of the beginning of seeding of the wheat crop, or (2) the applicable calendar date below:

April 13, 1946, for Montana, North Dakota, and all counties in Minnesota lying north of Traverse, Grant, Douglas, Todd, Mille Lacs, Kanabec, and Pine counties;

March 30 1946, for all remaining counties in Minnesota, and for South Dakota and Wisconsin;

March 16, 1946, for all other States except California;

March 2, 1946, for Modoc, Lassen, Plumas, Shasta, Sierra and Siskiyou Counties in California;

December 1, 1945, for all remaining counties in California.

Adopted by the Board of Directors on August 4, 1945.

[SEAL] E. R. DUKE,
Chairman.

Approved: August 4, 1945.

J. B. HUTSON,
Undersecretary of Agriculture.

[F. R. Doc. 45-14500; Filed, Aug. 6, 1945; 3:28 p. m.]

Chapter XI—War Food Distribution Orders

[WFO 101, Amdt. 5]

PART 1405—FRUITS AND VEGETABLES

CUCUMBER PICKLES AND PICKLE PRODUCTS

War Food Order No. 101 (9 F.R. 6053) issued on June 2, 1944, as amended (9 F.R. 9584, 10035, 10 F.R. 103, 1644), with respect to cucumber pickles and pickle products, is further amended by deleting therefrom the provisions in § 1405.42 (b) (2) and (3) and inserting, in lieu thereof, the following:

(2) No packer shall sell, contract to sell, or deliver, except to the Army, any cucumber pickles acquired by him subsequent to August 17, 1944, or any pickle products produced therefrom unless such packer first sells, contracts to sell, or delivers to the Army a quantity of pickle products, produced from such cucumber pickles, equal at least to 40 percent of the total number of bushels of the cucumber pickles acquired by such packer subsequent to August 17, 1944, and prior to May 1, 1945.

(3) The provisions in (b) (1) and (b) (2) hereof shall not apply to any packer who sells, contracts to sell, or delivers to the Army a quantity of pickle products equal at least to 40 percent of the total number of bushels (i) of all cucumber pickles and pickle products owned by such packer on August 17, 1944, and (ii) of all cucumber pickles acquired by such packer subsequent to August 17, 1944, and prior to May 1, 1945.

This amendment shall become effective at 12:01 a. m., e. w. t., August 7, 1945. With respect to violations, rights accrued, liabilities incurred, or appeals taken under said War Food Order No. 101, as amended, prior to the effective time of the provisions hereof, the provisions of said War Food Order No. 101, as amended, in effect prior to the effective time hereof shall be deemed to continue in full force and effect for the purpose of sustaining any proper suit, action, or other proceeding with regard to any such violation, right, liability, or appeal.

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423; E.O. 9392, 8 F.R. 14783; E.O. 9577, 10 F.R. 8087)

Issued this 4th day of August 1945.

[SEAL] J. B. HUTSON,
Acting Secretary of Agriculture.

[F. R. Doc. 45-14503; Filed, Aug. 6, 1945; 3:29 p. m.]

[WFO 142]

PART 1414—POULTRY

POULTRY AND PROCESSED POULTRY

The fulfillment of requirements for the defense of the United States will result in a shortage in the supply of poultry and processed poultry for defense, for private account, and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 1414.11 *Restrictions with respect to poultry and processed poultry*—(a) *Definitions.* (1) "Poultry" means live chickens, other than baby chicks not over three weeks old, without regard to the age, weight, or sex of the chickens.

(2) "Poultry area" means (i) the States of North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, Texas, Minnesota, Iowa, Missouri, Wisconsin, Illinois, and Indiana, or (ii) any other area which the Director may, from time to time, designate.

(3) "Processed poultry" means poultry killed and bled, dressed, quartered or otherwise cut up, or frozen, but such term "processed poultry" shall, unles otherwise stated, be applicable only to processed poultry produced within a poultry area.

(4) "Process" means to kill, bled, pluck, or dress, or any combination of such processes.

(5) "Person" means any individual, partnership, association, business trust, corporation, or any organized group of persons, whether incorporated or not.

(6) "Wholesale receiver" means any person who accepts delivery of processed poultry from one or more authorized processors for the account of such processors or who purchased processed poultry from one or more authorized processors.

(7) "Authorized processor" means any person holding a letter of authority in force and effect issued to him pursuant to the provisions hereof to process poultry in accordance with the provisions of this order.

(8) "Cold storage" means space equipped to be artificially cooled to a temperature of 10 degrees above zero "Fahrenheit," or below, and in which food commodities are customarily stored (but not operated as a part of any established retail food business, hotel, or other establishment where persons are housed or fed, and not including a refrigerator storage compartment, usually called a locker, having a capacity of not more than 15 cubic feet).

(9) "Director" means the Director of Marketing Services, United States Department of Agriculture.

(10) "Order Administrator" means the person designated by the Director to serve as Order Administrator pursuant to the provisions hereof.

(11) "Deputy Order Administrator" means the person designated by the Director to serve as Deputy Order Administrator pursuant to the provisions hereof.

(12) "U. S. Army Quartermaster Market Center" means Field Headquarters, Office of Quartermaster General, 222 West Adams Street, Chicago 6, Illinois, or any U. S. Army Quartermaster Market Center.

(b) *Restrictions.* (1) No person shall:

(i) Process poultry located within a poultry area;

(ii) Sell, contract to sell, give, or deliver processed poultry to any other person; or

(iii) Use processed poultry

except as specified herein or as authorized by the Director. Any such authorization shall be issued by the Director only if he determines that such authorization is necessary or appropriate in the public interest and to promote the national defense.

(2) No person shall produce, during the effective time hereof, more than 1000 pounds, in the aggregate, of processed poultry: *Provided,* That the foregoing restriction shall not be applicable to (i) a person who produced more than 1000 pounds of processed poultry during the calendar year 1944, or (ii) an authorized processor.

(3) No person, other than an authorized processor, shall, during any calendar week, produce a total quantity of processed poultry in excess of the number of pounds of processed poultry specified for such calendar week by the Director; and each such person, as aforesaid, who produces, in the aggregate, no more processed poultry during such calendar week than such number of pounds may process such poultry and dispose of and use such processed poultry free from the restrictions hereof.

(4) Each authorized processor shall process poultry located within a poultry area only in accordance with the specifications approved by the U. S. Army Veterinary Corps; and each such authorized processor shall pack such processed poultry which he sells, contracts to sell, or delivers to the U. S. Army Quartermaster Market Center, only in accordance with the specifications of such Quartermaster Market Center. Specifications with reference to the processing of poultry and the grading and packing of processed poultry, and instructions relative to any of the foregoing shall, upon request, be provided by the U. S. Quartermaster Market Center.

(5) Before any authorized processor sells, contracts to sell, gives, delivers, uses, or otherwise disposes of processed poultry, the respective processor shall sell, contract to sell, or deliver to the U. S. Army Quartermaster Market Center a quantity of processed poultry, irrespective of where produced, equal at least to such percentage, by net weight, of the total quantity of processed poultry produced after the effective time hereof by such processor, as the Director may specify. Processed poultry used or disposed of pursuant to the provisions of this paragraph (b) (5) and each person acquiring or using such processed poultry shall thereafter be free from the provisions in (b) hereof with respect to such processed poultry.

(6) Notwithstanding the provisions of (b) (5) hereof, any authorized processor may deliver processed poultry, produced by such authorized processor, either to cold storage or to a wholesale receiver before such authorized processor sells, contracts to sell, or delivers any quantity of such processed poultry to the U. S. Army Quartermaster Market Center.

(7) Notwithstanding the provisions of (b) (5) and (b) (6) hereof, any authorized processor may sell and deliver processed poultry, produced by such authorized processor, to a wholesale receiver. Each such sale and delivery of processed poultry shall be accompanied by a signed certificate, in triplicate, with the appropriate information in the blank spaces in substantially the following language:

This is to certify that _____ pounds of processed poultry sold to _____ (Name of _____, and delivered to wholesale receiver) _____, are subject (Address) to the provisions of War Food Order No. 142. You are required, pursuant to said war food order, to set aside and hold such processed poultry until the U. S. Army Quartermaster Market Center has purchased at least _____ pounds of processed poultry selected from the aforesaid processed poultry or from other processed poultry, irrespective of where produced, owned by you.

_____
(Date)

_____
(Signature of authorized processor)

This will acknowledge receipt, on_____ _____, 194__, and subject to the provisions of War Food Order No. 142, of the above _____ pounds of processed poultry. I agree to set aside and hold such processed poultry until the U. S. Army Quartermaster Market Center purchases from me the aforesaid requisite quantity of processed poultry.

_____
(Signature of wholesale receiver)

Each such certification made shall be deemed to be a representation to an agency of the United States. Each such authorized processor who sells and delivers processed poultry, as aforesaid, to a wholesale receiver, shall specify in such certificate the minimum number of pounds of processed poultry, irrespective of where produced, for purchase by the U. S. Army Quartermaster Market Center pursuant to (b) (8) hereof, and such minimum quantity shall be the number of pounds of processed poultry equal to (i) that contained in such sale and delivery, or (ii) the minimum quantity of processed poultry which such authorized processor is required, pursuant to (b) (5) hereof, to sell, contract to sell, or deliver to the U. S. Army Quartermaster Market Center, whichever is the lesser. The aforesaid certificate, in triplicate, shall also be signed by the wholesale receiver purchasing such processed poultry; and such person shall return one copy to the authorized processor, shall mail one copy to Chief, Poultry Section, Field Headquarters, Office of Quartermaster General, 222 West Adams Street, Chicago 6, Illinois, and shall retain one copy for two years. Upon receipt by the aforesaid authorized processor of the aforesaid required certificate signed by the parties described therein, such authorized processor shall be deemed to have sold to the U. S. Army Quartermaster Market Center, pursuant to (b) (5) hereof, a quantity of processed poultry equal to the minimum quantity of processed poultry specified, in such certificate, for purchase by the U. S. Army Quartermaster Market Center.

(8) Each wholesale receiver who purchases processed poultry, sold and delivered pursuant to (b) (7) hereof, shall set aside and hold such processed poultry until the U. S. Army Quartermaster Market Center has purchased a quantity of processed poultry, selected from such processed poultry or from other processed poultry, irrespective of where produced, owned by such wholesaler receiver, equal at least to that specified, in the certificate accompanying such processed poultry, for purchase by the U. S. Army Quartermaster Market Center.

(9) Each owner or operator of cold storage shall, upon the request of the U. S. Army Quartermaster Market Center or the U. S. Army Veterinary Corps, make any processed poultry in such cold storage available for inspection.

(10) In the event of the suspension or termination of the provisions of (b) (1) to (b) (9) hereof, all processed poultry required to be sold, contracted for sale, or delivered to the U. S. Army Quartermaster Market Center or required to be set aside and held pursuant to such provisions at the time of any suspension or termination hereof shall thereafter be held as set-aside processed poultry, and may be sold or otherwise disposed of or used only in accordance with the provisions of (b) (4), (5), (6), (7), and (8) hereof, and shall continue to be subject to the provisions in (b) (9) hereof.

(11) No person shall ship or deliver poultry to a point more than 100 miles from the farm on which such poultry was produced within the poultry area, unless the person making the delivery or shipment of such poultry holds a letter of authority from the Deputy Order Administrator permitting such shipment or delivery in excess of 100 miles. A permit to deliver or ship poultry more than 100 miles from the farm on which such poultry is produced within the poultry area may be issued by the Deputy Order Administrator in the event the applicant

(i) is an authorized processor or (ii) represents that the poultry has been or will be sold to an authorized processor, and will be delivered only to such authorized processor. Any poultry shipped or delivered pursuant to a letter of authority, issued under (b) (11) hereof by the Deputy Order Administrator, may be shipped or delivered only to an authorized processor. .

(c) *Authorizations.* Any person who desires to process poultry as an authorized processor may file with the Deputy Order Administrator, 5 South Wabash Avenue, Chicago 3, Illinois, a separate application, by letter or by telegram followed by a letter of confirmation, for each plant in which the applicant desires to process poultry pursuant hereto. The application shall contain (1) a statement that the applicant has read War Food Order No. 142, (2) a statement of the location of each plant where the applicant is to process poultry pursuant to the provisions hereof, (3) a representation that all poultry will be processed, and all processed poultry will be sold, otherwise handled or disposed of, or used only in accordance with the provisions of War Food Order No. 142, (4) a statement that the plant in which poultry is to be processed pursuant hereto is approved by the U. S. Army Veterinary Corps, and (5) a statement of the number of buying stations and the number of trucks which will be used in the procurement of poultry for processing in the plant for which authorization is sought. Thereupon the Director may issue a letter of authorization, for such period of time as may be specified therein, to process poultry in the plant specified in said letter if the Director determines that the issuance of such authorization is appropriate to effectuate the provisions hereof.

(d) *Contracts.* The restrictions of this order shall be observed without regard to contracts, oral or written, heretofore or hereafter entered into, or any rights accrued or payments made thereunder.

(e) *Records and reports.* (1) Each authorized poultry processor shall keep accurate records with respect to the production and disposition of processed poultry produced by him.

(2) Each authorized processor shall, for each calendar week, and for each plant in which such processor produces processed poultry, mail to the Deputy Order Administrator, WFO 142, 5 South Wabash Avenue, Chicago 3, Illinois, a correctly completed report on Form FDO 142–1. Each such report shall be mailed within three calendar days following each such calendar week.

(3) The Director shall be entitled to obtain such additional information from and require such additional reports and the keeping of such records by, any person, as may be necessary or appropriate, in the Director's discretion, to the enforcement or administration of this order, subject to the approval of the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(4) Every person subject to this order shall, for at least two years (or for such period of time as the Director may designate), maintain an accurate record of his transactions in poultry and processed poultry, respectively.

(f) *Audits and inspections.* The Director shall be entitled to make such audit or inspection of the books, records, and other writings, premises or stocks of poultry and processed poultry, and to make such investigations as may be necessary or appropriate, in the Director's discretion, to the enforcement or administration of this order.

(g) *Petition for relief from hardship.* Any person affected by this order who considers that compliance herewith would work an exceptional or unreasonable hardship on him may file a petition for relief with the Order Administrator. Such petition shall be addressed to Order Administrator, WFO 142, United States Department of Agriculture, Dairy and Poultry Branch, Office of Marketing Services, Washington 25, D. C. Petitions for such relief shall be in writing and shall set forth all pertinent facts and the nature of the relief sought. The Order Administrator may take any action with reference to such petition which is consistent with the authority delegated to him by the Director. If the petitioner is dissatisfied with the action taken by the Order Administrator on the petition, he shall obtain, by requesting the Order Administrator therefor, a review of such action by the Director. The Director may, after said review, take such action as he deems appropriate, and such action shall be final. The provisions of this paragraph (g) shall not be construed to deprive the Director of authority to consider originally any petition for relief from hardship submitted in accordance herewith. The Director may consider any such petition and take such action with reference thereto that he deems appropriate, and such action shall be final.

(h) *Violations.* Any person who violates any provision of this order may, in accordance with the applicable procedure, be prohibited from receiving, making any deliveries of, or using poultry or processed poultry. In addition, any person who wilfully violates any provision of this order is guilty of a crime and may be prosecuted under any and all applicable laws. Further, civil action may be instituted to enforce any liability or duty created by, or to enjoin any violation of, any provision of this order.

(i) *Delegation of authority.* (1) Whenever the Director determines that it is necessary or appropriate in the public interest and to promote the national defense, he may (i) increase the poultry area by designating new and additional areas to be included in the poultry area, (ii) decrease the poultry area by deleting therefrom any State or States, or portions thereof, and (iii) designate new poultry areas.

(2) The administration of this order and the powers vested in the Secretary of Agriculture, insofar as such powers relate to the administration of this order, are hereby delegated to the Director. The Director is authorized to redelegate to any employee of the United States Department of Agriculture any or all of the authority vested in him by this order; and one such employee shall be designated by the Director to serve as Order Administrator, and such other employees as may be necessary shall be designated to serve as Deputy Order Administrators.

(j) *Communications.* All reports required to be filed hereunder and all communications concerning this order shall, unless otherwise provided herein or in instructions issued by the Director, be addressed to the Order Administrator, War Food Order No. 142, Dairy and Poultry Branch, Office of Marketing Services, United States Department of Agriculture, Washington 25, D. C.

(k) *Provisions of certain orders not applicable.* The provisions hereof shall not be construed or interpreted as a modification or termination of War Food Order No. 119 (9 F.R. 14269), as amended (10 F.R. 6, 103), or War Food Order No. 125 (10 F.R. 1662), as amended (10 F.R. 1854, 2953, 3175, 4972). All persons shall comply with the provisions of War Food Order No. 119, as amended, and War Food Order No. 125, as amended, the effective provisions of which shall prevail over the provisions hereof.

(l) *Effective date.* This order shall become effective at 12:01 a. m., e. w. t., August 13, 1945.

NOTE: All reporting and record-keeping requirements of this order have been approved by, and subsequent reporting and record-keeping requirements will be subject to the approval of, Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423; E.O. 9392, 8 F.R. 14783; E.O. 9577, 10 F.R. 8087)

Issued this 31st day of July 1945.

CLINTON P. ANDERSON,
Secretary of Agriculture.

[F. R. Doc. 45–14417; Filed, Aug. 6, 1945; 9:13 a. m.]

[WFO 142–1]

PART 1414—POULTRY

PROCESSED POULTRY

Pursuant to the authority vested in me by War Food Order No. 142, *supra*, and to effectuate the purposes thereof, it is hereby ordered:

§ 1414.12 *Maximum amount of processed poultry which may be produced; and minimum percentage of processed poultry for sale and delivery to the U. S. Army Quartermaster Market Center*—(a) *Definitions.* (1) "WFO 142" means War Food Order No. 142, *supra*, issued by the Secretary of Agriculture on July 31, 1945.

(2) Each term defined in WFO 142–1 shall, when used herein, have the same meaning as set forth for the respective term in WFO 142.

(b) *Specification relative to the maximum amount of processed poultry which may be produced during any calendar week.* No person, other than an authorized processor, may, during any calendar week, produce a total quantity of processed poultry in excess of 20,000 pounds.

(c) *Specification relative to the minimum percentage of processed poultry for sale and delivery to the U. S. Army Quartermaster Market Center.* Before any authorized processor sells, contracts to sell, gives, delivers, uses, or otherwise disposes of processed poultry, the respective processor shall sell, contract to sell, or deliver to the U. S. Army Quartermaster Market Center a quantity of processed poultry equal at least to 50 percent, by net weight, of the total quantity of processed poultry produced by such authorized processor after the effective time hereof.

(d) *Effective date.* This order shall become effective at 12:01 a. m., e. w. t., August 13, 1945.

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423; E.O. 9392, 8 F.R. 14783; E.O. 9577, 10 F.R. 8087; WFO 142, *supra*)

Issued this 31st day of July 1945.

C. W. KITCHEN,
Director of Marketing Services.

[F. R. Doc. 45–14416; Filed, Aug. 6, 1945; 9:13 a. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

[Regs., Serial No. 345]

PART 40—AIR CARRIER OPERATING CERTIFICATION

AMERICAN AIRLINES, INC.

Special civil air regulation: Noncompliance with the requirements of § 40.2611 (b) of the Civil Air Regulations with respect to American Airlines, Inc. operations between Detroit, Michigan, and New York, N. Y.

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 3d day of August 1945.

Effective August 3, 1945, any pilot who is listed as first pilot in the American Airlines, Inc. operating certificate on July 31, 1945, as qualified over the approved route between Detroit and New York via Cleveland and Buffalo will be deemed qualified over the route between Detroit and New York via Cleveland, Youngstown, Phillipsburg, and Allentown upon the completion of 2 one-way trips as first pilot without passengers or as second pilot with or without passengers over that portion of the route lying between Cleveland and New York via Youngstown, Phillipsburg, and Allentown, if he complies in all other respects with the prescribed route requirement qualifications set forth in the Civil Air Regulations.

This regulation shall terminate November 1, 1945.

(52 Stat. 984, 1007; 49 U.S.C. 425, 551)

By the Civil Aeronautics Board.

FRED A. TOOMBS,
Secretary.

[F. R. Doc. 45–14520; Filed, Aug. 7, 1945; 11:12 a. m.]

[Civil Air Regs., Amdt. 61–4]

PART 61—SCHEDULED AIR CARRIER RULES

NEW RECORD FOR REBUILT PROPELLERS

At a session of the Civil Aeronautics Board held at its office in Washington, D. C., on the 3d day of August 1945.

Effective August 3, 1945, § 61.3516 of the Civil Air Regulations is amended by adding a new paragraph to read as follows:

§ 61.3516 *Records.* * * *

A new record may be used in the case of propellers for which there is no previous operating history, if the propeller hub is rebuilt by a certificated repair station having the proper rating or by the manufacturer, and new propeller blades or propeller blades with complete operating history are installed therein. The new record must be signed by the manufacturer or by the repair agency, giving the date the propeller was rebuilt and such other information as the Administrator may require.

(52 Stat. 984, 1007; 49 U.S.C. 425, 551)

By the Civil Aeronautics Board.

FRED A. TOOMBS,
Secretary.

[F. R. Doc. 45–14521; Filed, Aug. 7, 1945; 11:12 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket No. 4912]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

STANDARD CHEMICAL MFG. CO.

§ 3.6 (c) *Advertising falsely or misleadingly—Composition of goods:* § 3.6 (j) *Advertising falsely or misleadingly—Government approval, connection or standards — Government indorsement:* § 3.6 (l) *Advertising falsely or misleadingly—Indorsements, approval and testimonials:* § 3.6 (t) *Advertising falsely or misleadingly—Qualities or properties of product or service:* § 3.6 (y10) *Advertising falsely or misleadingly—Scientific or other relevant facts:* § 3.18 *Claiming indorsements or testimonials falsely or misleadingly:* § 3.96 (a) *Using misleading name—Goods—Qualities or properties.* I. In connection with the offer, etc. of respondent's preparations "Standard P–O," "Standard Poultry Pills," "Standard Hog Regulator," etc. as below set forth, or any preparations of substantially similar composition or possessing substantially similar properties, whether sold under the same names or any other names, disseminating, etc., any advertisements by means of the United States mails; or in commerce, or by any means to induce, etc., directly or indirectly purchase in commerce, etc., of said preparations, which advertisements represent, directly or through inference, (a) that the preparation "Standard P–O" constitutes a competent and effective remedy for the eradication of tapeworms in swine or poultry, or that swine are subject to or may be afflicted with tapeworm infestation; that said preparation will be effective in preventing or treating necro, scours, indigestion, thumps, or gastroenteritis in swine, that it will purify the blood or aid digestion; that it will aid in worming poultry or conditioning or improving the health thereof; that its use will prevent the development of worms, or that it will attack and expel roundworms or assist in reducing worm trouble generally; that it will relieve coughing or help to clear up bronchitis in poultry, swine, or other animals; that its use, either administered alone or in combination with "Standard Hog Regulator," constitutes an effective treatment for rheumatism in swine; that its use, either alone or in connection with "Standard Poultry Pills" and "Standard Sulpho-Carb Tablets," will eliminate worms and infections from poultry; (b) that the preparation "Standard Poultry Pills" constitutes a competent and effective remedy for tapeworm infestation of fowls, or that the use thereof will be effective in killing or removing tapeworms from fowls; (c) that the use of the preparation "Standard Hog Regulator" will eliminate the need or advisability of worming pigs or swine generally, or will prevent necro or gastroenteritis in pigs or swine; or that its use constitutes an effective treatment for necro, scours, digestive troubles, or paralysis of the hindquarters; that it will prevent fermentation, purify the blood, or serve as an intestinal antiseptic, nerve food, or tonic; that it will build or promote vigor, expel pinworms, or eliminate intestinal worms; or that its use will reduce fever or strengthen the nerve centers; that its use, either alone or combined with "Standard P–O," constitutes an effective remedy for rheumatism or thumps in hogs; (d) that the use of the preparation "Standard Sheep Regulator" will help to eliminate stomach worms from sheep, or will prevent stomach and digestive ailments, or will aid in reducing bloat; or that it constitutes an effective remedy for indigestion or will serve to increase or improve digestion; that it will successfully attack roundworms or other worms, prevent breeding troubles, or act as blood purifier; (e) that the use of the preparation "Standard Dairy Cow Regulator," either alone or in connection or combination with "Standard Stock Tonic," will steady the nerves, correct digestion faults, or strengthen cows for milk production or reproduction; that its use or the use of some other similar preparation will serve to prevent or avoid Bang's disease, abortion, tuberculosis, or mastitis; that its use will expel worms, help prevent or overcome bleeding troubles, aid in preventing scours in calves, or help prevent weakness in calves; that it will save feed, aid digestion, or serve as an intestinal antiseptic, or tonic laxative; (f) that the preparation "Standard Swine Capsules" constitutes an effective treatment for removing thornheaded worms or pinworms from hogs; (g) that the preparation "Hog Worm Oil" constitutes an effective treatment for the removal

of thornheaded worms or pinworms from hogs, or that its use will expel worms generally from hogs; (h) that the preparation "Stan-O-Septic," used in any manner whatever, either alone or in combination with respondent's preparation "In-Ha-Lo," constitutes a competent treatment for roup, fowl pox, or diphtheria in fowls, or will prevent fowl pox or diphtheria; that the use of "Stan-O-Septic" will rebuild, revitalize, tone up, or stimulate the system, or serve to reduce fevers in poultry; that its use, either alone or with "In-Ha-Lo," constitutes an effective remedy or treatment for flu, infectious bronchitis, pneumonia, or pleurisy in hogs, or that it will reduce fever, afford relief for feverish conditions, or build hogs back to a normal condition; (i) that the use of the preparation "Standard Scour Remedy" constitutes an effective treatment for scours, or will prevent scours in pigs, calves, or colts; that when administered alone or in connection with respondent's "P–O," the said preparation constitutes a competent and effective treatment for severe cases of scours; (j) that the preparation "Standard Sulpho-Carb Tablets" constitutes an effective treatment for infections or infestations of the digestive tract in poultry or for conditions arising from said ailments; that the use of said preparation, alone or combined with "Standard P–O" and "Standard Poultry Pills," will serve to rid poultry of worms and infections; that said preparation, either administered alone or in combination with "Standard P–O," will be effective in preventing coccidiosis or worms in poultry; that said preparation, used either alone or combined with respondent's "Standard Stock Dip," constitutes an effective treatment for coccidiosis, blackhead, fowl typhoid, bacillary white diarrhea, limberneck, botulism, or fowl cholera, or will effectively prevent any of these troubles in poultry; (k) that the use of the preparation "Standard Hog Tabs," either alone or combined with "Standard P–O," will be effective in the treatment of or in drying up ulcerated conditions in swine, or constitutes a competent treatment for necro; that the use of said preparation will prevent necro, or that its use, either alone or in combination with "Standard P–O" and "Standard Hog Regulator," constitutes an effective remedy for bloody scours; that the use of said preparation is, or has been, endorsed or approved by Government veterinarians as a treatment for necro; (l) that the preparation "Farmers' Reliable Worm Treatment" will serve to eliminate thornheaded worms, pinworms, whipworms, or tapeworms from swine, or that it constitutes an effective treatment generally for worms in swine, or that it constitutes an effective treatment generally for worms in swine or that it constitutes an effective antiseptic for internal use, or will purify the blood of swine, (m) that the preparation "Standard Stock Tonic" constitutes an effective treatment for nervousness, worms, or as a conditioner of livestock, or that it will act on the liver, invigorate the functions of many bodily organs, purify the blood, help to prevent breeding troubles, expel worms, stimulate the glands, or improve, increase, or build up the strength of livestock; that it is necessary for the well-being of steers to feed them respondent's said product, or any similar preparation; that "Standard Stock Tonic," when used either alone or in combination with "Standard Feeding Oil," constitutes a competent remedy or treatment for garget in cows; (n) that the preparation "Standard In-Ha-Lo" will effectively attack flu germs or eliminate choking phlegm from the lungs or throats of hogs; that it constitutes, when used alone or in combination with "Stan-O-Septic," a competent treatment for flu, pneumonia, or pleurisy in hogs; that its use, either alone or combined with respondent's "Sulpho-Carb Tablets," constitutes an effective treatment for roup, fowl pox, or mycosis, or will serve to clear mucous from the throats and lungs of poultry; (o) that the preparation "Standard Feeding Oil" contains a substance or element designated as Vitamin F; that ordinary animal feeds do not contain sufficient vitamins, or that it is necessary for the maintenance of the health of animals to administer respondent's said preparation or any similar preparation to them; that the use of said preparation will be effective in preventing or treating scours in calves, pigs, or cattle generally, or in combatting breeding troubles, overcoming stubborn conception, or producing healthy calves; that through its use cattle will be enabled to successfully resist disease; that it will aid sterile cows to become normal breeders, will increase milk production, or will lengthen the productive life of the cow; or (p) that the administration of the preparation "Standard Dairy Mineral" will build up the system or help to conquer noncontagious breeding troubles in a cow or will produce stronger calves; that said preparation constitutes an effective intestinal antiseptic, tonic, or laxative, or will aid in preventing scours, breeding troubles, or weak calves; that its use will help to overcome breeding troubles or will aid digestion, or that it will be the means of saving feed; and, II. in connection with the offer, etc., in commerce of respondent's preparation for chickens now or heretofore designated as "Egg-O-Day," or any preparation of substantially similar composition or possessing substantially similar properties, using the term or name "Egg-O-Day," or any similar name or other designation or identifying or descriptive phrase for its said preparation, which name, designation, or phrase indicates, intimates, implies, or infers that the use of said preparation will result in or assure the production of an egg a day by each hen to which it is administered; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., sec. 45b) [Cease and desist order, Standard Chemical Manufacturing Company, Docket 4912, July 11, 1945]

At a regular session of the Federal Trade Commission held at its office in the city of Washington, D. C., on the 11th day of July A. D. 1945.

This proceeding having been heard by the Federal Trade Commission upon the amended complaint of the Commission, the answer of the respondent, and a stipulation as to the facts entered into between the respondent herein and Richard P. Whiteley, Assistant Chief Counsel for the Commission, which provides, among other things, that without further evidence or other intervening procedure, the Commission may issue and serve upon the respondent herein findings as to the facts and conclusion based thereon and an order disposing of the proceeding, and the Commission having made its findings as to the facts and its conclusion that said respondent has violated the provisions of the Federal Trade Commission Act.

It is ordered, That the respondent, Standard Chemical Manufacturing Company, a corporation, its officers, representatives, agents, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale, or distribution of its preparations "Standard P-O," "Standard Poultry Pills," "Standard Hog Regulator," "Standard Sheep Regulator," "Standard Dairy Cow Regulator," "Standard Swine Capsules," "Hog Worm Oil," "Stan-O-Septic," "Standard Scour Remedy," "Standard Sulpho-Carb Tablets," "Standard Hog Tabs," "Farmers' Reliable Worm Treatment," "Standard Stock Tonic," "Standard In-Ha-Lo," "Standard Feeding Oil," and "Standard Dairy Mineral," or any preparations of substantially similar composition or possessing substantially similar properties, whether sold under the same names or any other names, do forthwith cease and desist from directly or indirectly:

1. Disseminating or causing to be disseminated, by means of the United States mails or by any means in commerce, as "commerce" is defined in the Federal Trade Commission Act, any advertisement which represents, directly or through inference:

(a) That the preparation "Standard P–O" constitutes a competent and effective remedy for the eradication of tapeworms in swine or poultry, or that swine are subject to or may be afflicted with tapeworm infestation; that said preparation will be effective in preventing or treating necro, scours, indigestion, thumps, or gastroenteritis in swine; that it will purify the blood or aid digestion; that it will aid in worming poultry or conditioning or improving the health thereof; that its use will prevent the development of worms, or that it will attack and expel roundworms or assist in reducing worm trouble generally; that it will relieve coughing or help to clear up bronchitis in poultry, swine, or other animals; that its use, either administered alone or in combination with "Standard Hog Regulator," constitutes an effective treatment for rheumatism in swine; that its use, either alone or in connection with "Standard Poultry Pills" and "Standard Sulpho-Carb Tablets," will eliminate worms and infections from poultry.

(b) That the preparation "Standard Poultry Pills" constitutes a competent and effective remedy for tapeworm infestation of fowls, or that the use thereof will be effective in killing or removing tapeworms from fowls.

(c) That the use of the preparation "Standard Hog Regulator" will eliminate the need or advisability of worming pigs or swine generally, or will prevent necro or gastroenteritis in pigs or swine; or that its use constitutes an effective treatment for necro, scours, digestive troubles, or paralysis of the hindquarters; that it will prevent fermentation, purify the blood or serve as an intestinal antiseptic, nerve food, or tonic; that it will build or promote vigor, expel pinworms, or eliminate intestinal worms; or that its use will reduce fever or strengthen the nerve centers; that its use, either alone or combined with "Standard P–O", constitutes an effective remedy for rheumatism or thumps in hogs.

(d) That the use of the preparation "Standard Sheep Regulator" will help to eliminate stomach worms from sheep, or will prevent stomach and digestive ailments, or will aid in reducing bloat; or that it constitutes an effective remedy for indigestion, or will serve to increase or improve digestion; that it will successfully attack roundworms or other worms, prevent breeding troubles, or act as blood purifier.

(e) That the use of the preparation "Standard Dairy Cow Regulator," either alone or in connection or combination with "Standard Stock Tonic," will steady the nerves, correct digestive faults, or strengthen cows for milk production or reproduction; that its use or the use of some other similar preparation will serve to prevent or avoid Bang's disease, abortion, tuberculosis, or mastitis; that its use will expel worms, help prevent or overcome breeding troubles, aid in preventing scours in calves, or help prevent weakness in calves; that it will save feed, aid digestion, or serve as an intestinal antiseptic, or tonic laxative.

(f) That the preparation "Standard Swine Capsules" constitutes an effective treatment for removing thornheaded worms or pinworms from hogs.

(g) That the preparation "Hog Worm Oil" constitutes an effective treatment for the removal of thornheaded worms or pinworms from hogs, or that its use will expel worms generally from hogs.

(h) That the preparation "Stan-O-Septic," used in any manner whatever, either alone or in combination with respondent's preparation "In-Ha-Lo," constitutes a competent treatment for roup, fowl pox, or diphtheria in fowls, or will prevent fowl pox or diphtheria; that the use of "Stan-O-Septic" will rebuild, revitalize, tone up, or stimulate the system, or serve to reduce fevers in poultry; that its use, either alone or with "In-Ha-Lo," constitutes an effective remedy or treatment for flu, infectious bronchitis, pneumonia, or pleurisy in hogs, or that it will reduce fever, afford relief for feverish conditions, or build hogs back to a normal condition.

(i) That the use of the preparation "Standard Scour Remedy" constitutes an effective treatment for scours, or will prevent scours in pigs, calves, or colts; that when administered alone or in connection with respondent's "P-O," the said preparation constitutes a competent and effective treatment for severe cases of scours.

(j) That the preparation "Standard Sulpho-Carb Tablets" constitutes an effective treatment for infections or infestations of the digestive tract in poultry or for conditions arising from said ailments; that the use of said preparation, alone or combined with "Standard P-O" and "Standard Poultry Pills," will serve to rid poultry of worms and infections; that said preparation either administered alone or in combination with "Standard P-O," will be effective in preventing coccidiosis or worms in poultry; that said preparation, used either alone or combined with respondent's "Standard Stock Dip," constitutes an effective treatment for coccidiosis, blackhead, fowl typhoid, bacillary white diarrhea, limberneck, botulism, or fowl cholera, or will effectively prevent any of these troubles in poultry.

(k) That the use of the preparation "Standard Hog Tabs," either alone or combined with "Standard P–O," will be effective in the treatment of or in drying up ulcerated conditions in swine, or constitutes a competent treatment for necro; that the use of said preparation will prevent necro, or that its use, either alone or in combination with "Standard P–O" and "Standard Hog Regulator," constitutes an effective remedy for bloody scours; that the use of said preparation is, or has been, endorsed or approved by Government veterinarians as a treatment for necro.

(l) That the preparation "Farmers' Reliable Worm Treatment" will serve to eliminate thornheaded worms, pinworms, whipworms, or tapeworms from swine, or that it constitutes an effective treatment generally for worms in swine, or that it constitutes an effective antiseptic for internal use, or will purify the blood of swine.

(m) That the preparation "Standard Stock Tonic" constitutes an effective treatment for nervousness, worms, or as a conditioner of livestock, or that it will act on the liver, invigorate the functions of many bodily organs, purify the blood, help to prevent breeding troubles, expel worms, stimulate the glands, or improve, increase, or build up the strength of livestock; that it is necessary for the well-being of steers to feed them respondent's said product, or any similar preparation; that "Standard Stock Tonic," when used either alone or in combination with "Standard Feeding Oil," constitutes a competent remedy or treatment for garget in cows.

(n) That the preparation "Standard In-Ha-Lo" will effectively attack flu germs or eliminate choking phlegm from the lungs or throat of hogs; that it constitutes, when used alone or in combination with "Stan-O-Septic," a competent treatment for flu, pneumonia, or pleurisy in hogs; that its use, either alone or combined with respondent's "Sulpho-Carb Tablets," constitutes an effective treatment for roup, fowl pox, or mycosis, or will serve to clear mucus from the throats and lungs of poultry.

(o) That the preparation "Standard Feeding Oil" contains a substance or element designated as Vitamin F; that ordinary animal feeds do not contain sufficient vitamins, or that it is necessary for the maintenance of the health of animals to administer respondent's said preparation or any similar preparation to them; that the use of said preparation will be effective in preventing or treating scours in calves, pigs, or cattle generally, or in combatting breeding troubles, overcoming stubborn conception, or producing healthy calves; that through its use cattle will be enabled to successfully resist disease; that it will aid sterile cows to become normal breeders, will increase milk production, or will lengthen the productive life of the cow.

(p) That the administration of the preparation "Standard Dairy Mineral" will build up the system or help to conquer noncontagious breeding troubles in a cow or will produce stronger calves; that said preparation constitutes an effective intestinal antiseptic, tonic, or laxative, or will aid in preventing scours, breeding troubles, or weak calves; that its use will help to overcome breeding troubles or will aid digestion, or that it will be the means of saving feed.

2. Disseminating or causing to be disseminated, by any means, any advertisement for the purpose of inducing, or which is likely to induce directly or indirectly, the purchase in commerce, as "commerce" is defined in the Federal Trade Commission Act, of said preparations: "Standard P-O," "Standard Poultry Pills," "Standard Hog Regulator," "Standard Sheep Regulator," "Standard Dairy Cow Regulator," "Standard Swine Capsules," "Hog Worm Oil," "Stan-O-Septic," "Standard Scour Remedy," "Standard Sulpho-Carb Tablets," "Standard Hog Tabs," "Farmers' Reliable Worm Treatment," "Standard Stock Tonic," "Standard In-Ha-Lo," "Standard Feeding Oil," and "Standard Dairy Mineral," which advertisement contains any of the representations prohibited in paragraph one hereof.

It is further ordered, That the respondent, its officers, representatives, agents, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale, and distribution in commerce, as "commerce" is defined in the Federal Trade Commission Act, of its preparation for chickens now or heretofore designated as "Egg-O-Day," or any preparation of substantially similar composition or possessing substantially similar properties, do forthwith cease and desist from the use of the term or name "Egg-O-Day," or any similar name or other designation or identifying or descriptive phrase for its said preparation, which name, designation, or phrase indicates, intimates, implies, or infers that the use of said preparation will result in or assure the production of an egg a day by each hen to which it is administered.

It is further ordered, That the respondent shall, within sixty (60) days after service upon it of this order, file with the Commission a report in writing setting forth in detail the manner and form in which it has complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 45-14543; Filed, Aug. 7, 1945; 11:19 a. m.]

[Docket No. 5095]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

GRAND RAPIDS FURNITURE HOUSE

§ 3.6 (cc) *Advertising falsely or misleadingly—Source or origin—Place:* § 3.96 (a) *Using misleading name—Goods—Source or origin—Place:* § 3.96 (b) *Using misleading name—Vendor—Products.* In connection with offer, etc., in commerce, of furniture, (1) using the words "Grand Rapids", or any simulation thereof, in any manner as a part of respondent's trade name; (2) using the words "Grand Rapids", or any simulation thereof, to designate, describe, or refer to any article of furniture not in fact manufactured in Grand Rapids, Michigan; or (3) misrepresenting in any manner the place of origin or manufacture of respodent's furniture; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., sec. 45b) [Cease and desist order, Grand Rapids Furniture House, Docket 5095, July 19, 1945]

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 19th day of July, A. D. 1945.

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission and a stipulation as to the facts between the respondent and counsel for the Commission duly entered upon the record at a hearing regularly held in this matter, which stipulation provides, among other things, that the Commission may make its findings as to the facts and enter its order disposing of the proceeding, and the Commission having made its findings as to the facts and its conclusion that said respondent has violated the provisions of the Federal Trade Commission Act:

It is ordered, That respondent Joseph Fried, an individual, his representatives, agents, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale, and distribution of furniture in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Using the words "Grand Rapids," or any simulation thereof, in any manner as a part of respondent's trade name.

2. Using the words "Grand Rapids," or any simulation thereof, to designate, describe, or refer to any article of furniture not in fact manufactured in Grand Rapids, Michigan.

3. Misrepresenting in any manner the place of origin or manufacture of respondent's furniture.

It is further ordered, That the respondent shall, within sixty (60) days after service upon him of this order, file with the Commission a report in writing setting forth in detail the manner and form in which he has complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 45-14514; Filed, Aug. 7, 1945; 11:19 a. m.]

TITLE 24—HOUSING CREDIT

Chapter VII—National Housing Agency

[NHA Reg. 60-13A]

PART 703—PUBLIC WAR HOUSING

DISPOSITION OF FEDERALLY OWNED WAR HOUSING PROJECTS

Disposition of Federally owned war housing projects developed under Public Laws 849 (Lanham Act) and 781 (76th Congress) and Public Laws 9, 73, and 353 (77th Congress).

Sec.
703.20 Purpose.
703.21 Responsibility for disposition.
703.22 Consultation with local governments.
703.23 General policies regarding disposition.
703.24 General policies regarding permanent projects.
703.25 Terms and conditions of sale of permanent projects.
703.26 General policies regarding temporary projects.
703.27 Separate disposition of community or commercial facilities.
703.28 Preferential purchases.
703.29 Disposition of housing and land under the surplus property law.

AUTHORITY: §§ 703.20 to 703.29, inclusive, issued under 55 Stat. 838; E.O. 9070, 3 CFR Cum. Supp.; 54 Stat. 1125 as amended; 54 Stat. 872, 883 as amended; 55 Stat. 14; 55 Stat. 197, 198; and 55 Stat. 810, 818.

§ 703.20 *Purpose.* (a) Sections 703.20 to 703.29, inclusive provide for the disposition of war housing developed under Public Laws 849 (Lanham Act), 781 (Naval Appropriation Act, 1941) and 9, 73, 353 (Temporary Shelter Acts), and other war housing transferred to the National Housing Agency under the Lanham Act.

(b) This regulation supersedes Regulation 60–13.

§ 703.21 *Responsibility for disposition.* (a) The Office of the Administrator will determine when projects, or parts thereof, are no longer needed for war purposes or for orderly demobilization and will assign projects to the Federal Public Housing Authority for disposition.

(b) The Federal Public Housing Authority shall be responsible for the disposition of war housing projects or parts thereof upon their assignment by the Administrator for disposition. The FPHA shall establish policies and procedures for disposition, obtain the recommedations of local governments and execute the disposition program, all in accordance with applicable laws and §§ 703.20 to 703.29, inclusive.

§ 703.22 *Consultation with local governments.* (a) Formal discussions with representatives of local governments regarding disposition problems will be authorized by the Office of the Administrator in advance of the end of war needs in order that local agencies may have adequate opportunity to study disposition problems, reach agreements within the community, and prepare recommendations regarding disposition programs.

(1) Where the disposition of public war housing involves problems that are acute or materially affect other housing in the community, the Office of the Administrator, with the Federal Public Housing Authority, will initiate discussions with representatives designated by the elected head of the local government having jurisdiction over the area in which the housing is located.

(2) In other cases the Federal Public Housing Authority will be responsible for such discussions and will consult with representatives of local governments. In all cases the FPHA shall make available all necessary data regarding the projects available for disposition.

(3) Where more than one unit of local government is affected by the disposition, joint consultation shall be sought.

(b) The Federal Public Housing Authority shall receive the recommendations of the representatives of the local government and shall review them for legality, financial return to the government, and conformity with National Housing Agency policies regarding disposition.

(c) When war housing projects, or parts thereof, are no longer needed for war purposes or for orderly demobilization, the Office of the Administrator will assign projects to the Federal Public Housing Authority for disposition.

§ 703.23 *General policies regarding disposition.* (a) The FPHA will follow, insofar as practicable, the recommendations of representatives of the local governments in the disposition of public war housing subject only to the provisions of applicable law, the policies stated in this regulation, and considerations of an equitable return to the Federal Government.

(b) In the disposition of public war housing projects consideration shall be given to the improvement of the local housing supply, to minimizing adverse effects upon existing private housing, and to encouraging future private construction. Recommendations and judgments of local governments on these factors will be accepted insofar as practicable upon satisfactory showing that they have been analyzed and considered.

§ 703.24 *General policies regarding permanent projects.* (a) The term "permanent" includes all housing developed under the above laws except projects determined "to be of a temporary character" pursuant to section 313 of the Lanham Act.

(b) Permanent public war housing projects, or parts thereof, shall be disposed of as expeditiously as is consistent with the furtherance of the war effort and orderly demobilization.

(c) In accordance with the Lanham Act permanent war housing projects shall be sold for private residential purposes unless transferred or sold for use by other Federal agencies or for nonresidential or institutional use by State or local governments or unless other uses as hereinafter provided are specifically authorized by the Congress.

(d) Where a local authority and the governing body of the community propose that a project be utilized for public low-rent housing purposes, and the FPHA concurs, the FPHA will submit the proposal to the Administrator for his consideration, and for submission to the Congress.

§ 703.25 *Terms and conditions of sale of permanent projects.* (a) In all cases where permanent projects are to be sold for private residential purposes, preference shall be given to consumers (first to occupants, and then prospective occupants); among prospective occupants, veterans shall have preference. Consumers include mutual ownership corporations comprised of occupants or prospective occupants. Where not feasible to sell to consumers, sale may be to private investors.

(b) Prior to sales to consumers, prices equal to reasonable market values based on competent appraisal shall be publicly announced: *Provided*, That advantage shall not be taken of scarcity in the market to obtain inflated prices.

Prior to sales to private investors, public notice shall be given and proposals solicited. Sales shall be consummated at prices conforming, so far as practicable, to appraised value, and the highest and best offer obtainable shall be accepted unless it shall be found in the public interest to accept a lower offer.

(c) Insofar as possible, sales should be made for cash and such financing as is necessary obtained in the private financial markets. Where such financing is not available, FPHA shall be guided by local financing practice in establishing sale terms.

§ 703.26 *General policies regarding temporary projects.* (a) The term "temporary housing" includes all housing developed under the above laws and determined "to be of a temporary character" pursuant to section 313 of the Lanham Act.

(b) During the war emergency, temporary housing which it is feasible to move, including demountable housing, and which is no longer needed on the original site for war or demobilization purposes, may become part of a war housing reserve in accordance with the policies of the Administrator, and where feasible will be moved to other locations for war workers or for temporary housing for the distressed families of veterans and servicemen in accordance with Title V of the Lanham Act.

(c) After the war, temporary housing will be removed as promptly as may be practicable and in the public interest in accordance with section 313 of the Lanham Act, which requires that temporary housing be removed within two years after the end of the war emergency. Deferments in the removal of temporary war housing may be authorized when the Administrator, after consultation with local communities, finds that temporary housing is still needed in the interest of the orderly demobilization of the war effort for either residential or non-residential purposes.

(d) Temporary housing may be transferred to other Federal agencies subject to the understanding that the transferee Federal agency will carry out the provisions of the Lanham Act and NHA regulations concerning the removal of temporary housing. In exceptional cases, temporary housing may also be sold for nonresidential use on the present site, provided (1) the local government approves such sale and certifies that the proposed non-residential use is not deemed detrimental to the neighborhood; and (2) the temporary housing is to be physically converted from residential to the proposed non-residential use.

(e) Where temporary projects are to be removed, they shall not be removed in an intact or substantially intact condition, but shall be demolished or reduced to flat panels, unless they are to be removed for non-residential use by a public, quasi-public, or charitable institution; in which case they may be removed in an intact condition.

(f) In the disposition of temporary war housing projects for non-residential use, as provided herein, Federal agencies shall have first preference, state and local governments shall have preference over other buyers, and quasi-public institutions, such as charitable organizations and schools, shall have preference over private buyers. Among private buyers, veterans shall have preference where the property is to be used for owner-operated small business or commercial purposes.

§ 703.27 *Separate disposition of community or commercial facilities.* (a) Where community and commercial facilities are to be disposed of separately from the war housing to which they are appurtenant, the following order of preference shall be observed; first; to Federal agencies; second, to state or local governments; third, to quasi-public, charitable or nonprofit institutions; fourth, to veterans for owner-operated small business or commercial purposes; fifth, to private investors.

§ 703.28 *Preferential purchases.* (a) The preference provided for in §§ 703.20 to 703.29, inclusive, for the acquisition of war housing property may only be exercised if the party having such preferences offers the fair value, as determined by FPHA, of the property to be disposed of.

§ 703.29 *Disposition of housing and land under the surplus property law.* (a) The National Housing Agency will be responsible for the disposal of additional properties, including both housing projects and land, assigned to it as a disposal agency of the Surplus Property Board and subject to its regulations and the Surplus Property Act. The National Housing Agency will follow the above procedures in the disposition of such property, insofar as is consistent with Surplus Property Board regulations.

This regulation shall be effective August 13, 1945.

JOHN B. BLANDFORD, Jr.,
Administrator.

[F. R. Doc. 45-14423; Filed, Aug. 6, 1945; 9:43 a. m.]

TITLE 26—INTERNAL REVENUE

Chapter I—Bureau of Internal Revenue

Subchapter C—Miscellaneous Excise Taxes

[T. D. 5467]

PART 197—DRAWBACK OF TAX ON DISTILLED SPIRITS USED IN THE MANUFACTURE OF NONBEVERAGE PRODUCTS

SUPPORTING DATA

Pursuant to sections 3250 (1) (3) and 4041 (a), Internal Revenue Code, § 197.24 (c) of Regulations 29 (26 CFR, Part 197) is hereby amended by adding at the end thereof two new subparagraphs numbered (3) and (4) reading as follows:

§ 197.24 *Supporting data.* * * *

(c) *Data with respect to payment of special tax.* * * *

(3) The procedure prescribed in subparagraph (2) will govern the filing of quantitative formulas for nonbeverage products to be manufactured prior to 1 April 1946. Manufacturers intending to file drawback claims covering distilled spirits used in the manufacture of nonbeverage products produced on and after 1 April 1946 shall submit new quantitative formulas covering all such preparations direct to the Deputy Commissioner, Alcohol Tax Unit, Washington 25, D. C., on or before 1 January 1946 on Form No. 1678, in triplicate; except that quantitative formulas need not be submitted if the products are medicinal preparations, tinctures, or fluid extracts produced under formulas prescribed by the United States Pharmacopeia, the National Formulary, or the American Institute of Homeopathy, and such products are identified in the supporting data by name and followed by the letters "U. S. P.," "N. F.," or "A. I. H.," as the case may be. In the case of food products, such as preserved fruits, cakes, buns, soups, etc., it will be sufficient if the formulas therefor show the quantity of proof gallons of distilled spirits used in the production of a given quantity of finished product. A new series of numbers will be given the new formulas commencing with number 1 and continuing thereafter in numerical sequence. Amended or revised formulas will be considered as new formulas and serially numbered accordingly. Manufacturers claiming drawback on distilled spirits used in nonbeverage products produced during the period from 1 January 1946 to 31 March 1946, inclusive, for which quantitative formulas have not been filed under these regulations, will observe the procedure prescribed in subparagraph (2), and if such products are to be manufactured on or after 1 April 1946, new formulas therefor shall be submitted on Form No. 1678 in accordance with this subparagraph.

(4) On and after 1 April 1946, formulas for nonbeverage products shall be submitted to the Deputy Commissioner, Alcohol Tax Unit, Washington 25, D. C., before or at the time of manufacture of the products. Upon receipt by the Deputy Commissioner, the formulas will be examined and if found to be medicines, medicinal preparations, food products, flavors or flavoring extracts which are unfit for beverage purposes, they will be approved. If the formulas do not meet the requirements of the law for drawback products, they will be disapproved. No drawback will be allowed on distilled spirits used in a disapproved product, unless such product is later used in the manufacture of an approved nonbeverage product. One copy of each formula will be retained by the Deputy Commissioner; one copy returned to the manufacturer, and one copy will be sent to the District Supervisor for filing. The formulas returned to manufacturers shall be filed in serial order by the manu-

facturer and made available for examination by internal revenue officers in the investigation of drawback claims. The copies sent to District Supervisors shall likewise be filed in serial order, available for examination by drawback audit clerks and laboratory chemists.

[SEAL] WM. T. SHERWOOD,
Acting Commissioner of Internal Revenue.

Approved: August 6, 1945.

JOSEPH J. O'CONNELL, Jr.,
Acting Secretary of the Treasury.

[F. R. Doc. 45-14542; Filed, Aug. 7, 1945; 11:17 a. m.]

TITLE 29—LABOR

Chapter IX—Agriculture (Agricultural Labor)

[Supp. 63]

PART 1110—SALARIES AND WAGES OF AGRICULTURAL LABOR IN THE STATE OF OREGON

WORKERS ENGAGED IN HARVESTING PRUNES, APPLES, PEACHES, PEARS, FILBERTS, WALNUTS, MELONS, TOMATOES, AND OTHER TRUCK CROPS IN DOUGLAS COUNTY, OREG.

§ 1110.8 *Workers engaged in harvesting prunes, apples, peaches, pears, filberts, walnuts, melons, tomatoes, and other truck crops in Douglas County, Oregon.* Pursuant to § 4001.7 of the regulations of the Economic Stabilization Director relating to wages and salaries issued August 28, 1943, as amended (8 F.R. 11960, 12139, 16702; 9 F.R. 6035, 14547) and to the regulations of the War Food Administrator issued March 23, 1945 (10 F.R. 3177) entitled "Specific Wage Ceiling Regulations" and based upon a certification of the Oregon USDA Wage Board that a majority of the producers of prunes, a majority of the producers of apples, a majority of the producers of peaches, a majority of the producers of pears, a majority of the producers of filberts, a majority of the producers of walnuts, a majority of the producers of melons, a majority of the producers of tomatoes, and a majority of the producers of each of the truck crops grown in the area affected participating in hearings conducted for such purpose have requested the intervention of the Secretary of Agriculture and based upon relevant facts submitted by the Oregon USDA Wage Board and obtained from other sources, it is hereby determined that:

(a) *Areas, crops and classes of workers.* Persons engaged in harvesting of prunes, apples, peaches, pears, filberts, walnuts, melons, tomatoes and each of the other truck crops in Douglas County, State of Oregon, are agricultural labor as defined in § 4001.1 (1) of the regulations of the Economic Stabilization Director issued on August 28, 1943, as amended (8 F.R. 11960, 12139, 16702; 9 F.R. 6035, 14547).

(b) *Definitions.* When used in this section:

(1) The term "picking labor" means laborers engaged in picking of fruit or vegetables from the tree, plant or ground.

(2) The term "head dryerman" means a laborer in charge of drying operations.

(3) The term "other harvest labor" means all laborers engaged in harvesting, including but not limited to shaking, bucking, tractor driving, and truck driving, of prunes, apples, peaches, pears, filberts, walnuts, melons, tomatoes and other truck crops, and laborers engaged in the drying of prunes but shall not include pickers or head dryermen.

(c) *Maximum wage rates for harvesting of prunes, apples, peaches, pears, filberts, walnuts, melons, tomatoes and other truck crops.* (1) Maximum wage rates for picking prunes:

(i) Piece rate:
A. French prunes—25¢ per standard lug box of 56 pounds.
B. Italian prunes—20¢ per standard lug box of 56 pounds, or
(ii) Hourly rate for French and Italian prunes—$1 per hour.

(2) Maximum rates for picking apples:

(i) Piece rate—12¢ per standard apple box of 40 pounds, or
(ii) Hourly rate—$1 per hour.

(3) Maximum wage rates for picking peaches $1 per hour.

(4) Maximum wage rates for picking pears:

(i) Piece rate:
(a) Single picking—11¢ per Star lug of 33 pounds, or 12¢ per Monarch lug of 40 pounds, or 13¢ per E. F. G. A. lug of 44 pounds
(b) Size picking—13¢ per Star lug of 33 pounds, or 14¢ per Monarch lug of 40 pounds, or 15¢ per E. F. G. A. lug of 44 pounds, or
(ii) Hourly wage rate—$1 per hour.

(5) Maximum wage rates for picking filberts:

(i) Piece rate—4½¢ per pound, or
(ii) Hourly rate—$1 per hour.

(6) Maximum wage rates for picking walnuts:

(i) Piece rate—50¢ per lug box of 35 pounds, or
(ii) Hourly rate—$1 per hour.

(7) Maximum wage rates for picking melons—$1 per hour.

(8) Maximum wage rates for picking tomatoes—$1 per hour.

(9) Maximum wage rates for picking truck crops other than melons and tomatoes—$1 per hour.

(10) Maximum wages for all other harvest labor—$1 per hour.

(11) Maximum wage rates for a head dryerman—$1.25 per hour.

No perquisities shall be paid in addition to the maximum wage rates specified above except the furnishing of cabins, tents, fuel, lights and water.

(d) *Administration.* The Oregon USDA Wage Board, located at 701 Pittock Block, Portland 5, Oregon, will have charge of the administration of this section in accordance with the provisions of the specific wage ceiling regulations issued by the War Food Administrator on March 23, 1945 (10 F.R. 3177).

(e) *Applicability of specific wage ceiling regulations.* This section shall be deemed to be a part of the specific wage ceiling regulations issued by the War Food Administrator on March 23, 1945 (10 F.R. 3177) and the provisions of such regulations shall be applicable to this section and any violation of this section shall constitute a violation of such specific wage ceiling regulations.

Effective date. This Supplement No. 63 shall become effective at 12:01 a. m., Pacific war time, August 6, 1945.

(56 Stat. 765 (1942), 50 U.S.C. App. 961 et seq., (Supp. III); 57 Stat. 63 (1943); 50 U.S.C. 964 (Supp. III); 58 Stat. 632 (1944); Pub. Law 108, 79th Cong., E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681; E.O. 9577, 10 F.R. 8087; regulations of the Economic Stabilization Director, 8 F.R. 11960, 12139, 16702, 9 F.R. 6035, 14547; regulations of the War Food Administrator, 9 F.R. 655, 12117, 12611, 10 F.R. 7609; 9 F.R. 831, 12807, 14206, 10 F.R. 3177)

Issued this 3d day of August 1945.

[SEAL] WILSON R. BUIE,
Director of Labor,
U. S. Department of Agriculture.

[F. R. Doc. 45-14591; Filed, Aug. 6, 1945; 3:28 p. m.]

TITLE 31—MONEY AND FINANCE: TREASURY

Chapter I—Monetary Offices, Department of the Treasury

[Philippine General License 1]

PART 142—GENERAL LICENSES UNDER EXECUTIVE ORDER NO. 8389, APRIL 10, 1940, AS AMENDED, AND REGULATIONS ISSUED PURSUANT THERETO, BY THE UNITED STATES TREASURY REPRESENTATIVE IN THE PHILIPPINE OFFICE, FOREIGN FUNDS CONTROL

FOREIGN FUNDS CONTROL IN THE PHILIPPINE ISLANDS

JULY 16, 1945.

§ 142.1 *Philippine General License No. 1.* (a) *Normal business operations of certain types of blocked enterprises authorized.* A general license is hereby granted authorizing all transactions which are ordinarily incident to the normal business operations in the Philippine Islands of the following types of enterprises which are owned or controlled by nationals of blocked countries:

(1) Retail stores of any character;
(2) Restaurants and bakeries;
(3) Laundries, tailor shops, barber shops, repair shops and other enterprises furnishing services to the public;
(4) Clubs and other places of entertainment;
(5) Vegetable, poultry and produce growers and dealers;

Provided, That no transaction may be effected under this general license by any enterprise which is owned or controlled by, or a substantial interest in which is owned or controlled by (1) any national of Germany or Japan, wherever located, or (2) any national of any other blocked country who is not within the Philippine Islands.

(b) *Transactions not authorized.* This general license shall not be deemed to authorize any of the following transactions:

(1) Any purchase, sale, or transfer of any real property or securities;
(2) Any payment, transfer, or withdrawal from any account not within the Philippine Islands;
(3) Any transaction which could not be effected without a special license by an enterprise which is not a national of a blocked country.

(c) *Report required from certain enterprises.* Any enterprise operating pursuant to this general license whose gross receipts during the month of June, 1945 were P15,000 or more shall file in duplicate with the Philippine Office of Foreign Funds Control, Manila, P. I., within sixty days after the date hereof, a statement in affidavit from setting forth the data called for in Form TFRE–P–1. Any enterprise which fails to comply with this requirement is not authorized to engage in any transactions under this general license. Copies of Form TFRE–P–1 may be obtained at any bank in the Philippine Islands.

Issued by direction and on behalf of the Secretary of the Treasury.

(E.O. 8389, as amended; E.O. 9193; General Ruling No. 18, sec. 5 (b) of the Trading with the Enemy Act, as amended by the First War Powers Act, 1941)

[SEAL] I. G. ALK,
United States Treasury Representative.

[F. R. Doc. 45-14485; Filed, Aug. 6, 1945; 3:16 p. m.]

TITLE 32—NATIONAL DEFENSE

Chapter IX—War Production Board

AUTHORITY: Regulations in this chapter, unless otherwise noted at the end of documents affected, issued under sec. 2 (a), 54 Stat. 676, as amended by 55 Stat. 236, 56 Stat. 177, 58 Stat. 827; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; W.P.B. Reg. 1 as amended Dec. 31, 1943, 9 F.R. 64.

PART 1001—TIN

[General Preference Order M–43, Direction 2]

LIMITATION ON ACCEPTING AND FILLING ORDERS BY PRODUCERS OF SOLDER, BABBITT, COPPER BASE ALLOY CONTROLLED MATERIALS, COPPER BASE ALLOY INGOT AND OTHER ALLOYS CONTAINING TIN AND ON INVENTORIES OF USERS OF SOLDER, BABBITT AND ALLOYS CONTAINING TIN OTHER THAN COPPER BASE ALLOY CONTROLLED MATERIALS

The following direction is issued pursuant to General Preference Order M–43:

(a) No producer of solder, babbitt, copper base alloy controlled materials, copper base alloy ingot and other alloys containing tin shall fill any orders for delivery of any of said materials in any calendar quarter in an amount which will require him to use in production in that quarter a total quantity of tin greater than the quota permitted him by the provisions of General Preference Order M–43. Within the limitations of his quota, a producer of solder, babbitt and alloys containing tin other than copper base alloy controlled materials must accept and fill rated orders as provided in Priorities Regulation No. 1. He must reject any rated orders which he does not expect to be able to fill within his quota because of equal or higher rated orders already received. Acceptance of orders for copper base alloy controlled materials containing tin is controlled by the provisions of CMP Regulation 1.

(b) No person who uses solder, babbitt or alloys containing tin other than copper base alloy controlled materials shall accept delivery of any quantity of any of said materials if his total inventory of such material is, or by virtue of such acceptance will become, greater than the quantity of said materials which he will be required by his current practices to put into use during the succeeding 30 days in order to carry out his current operations for permitted uses. The inventory of a person who uses copper base alloy controlled materials containing tin is controlled by the provisions of CMP Regulation No. 2.

(c) Users must immediately cancel, reduce, or defer any order for solder, babbitt or alloys containing tin other than copper base alloy controlled materials which has been placed when the scheduled delivery would result in an inventory in excess of that permitted by this Direction.

(d) No user may place any order for solder, babbitt, or alloys containing tin other than copper base alloy controlled materials requesting delivery which would result in an inventory in excess of that permitted by this Direction.

(e) The effective date of this direction is August 12, 1945.

Issued this 7th day of August 1945.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 45-14528; Filed, Aug. 7, 1945; 11:10 a. m.]

PART 1010—SUSPENSION ORDERS

[Suspension Order S–870]

GENERAL BOX DISTRIBUTORS

General Box Distributors is a California corporation maintaining its head office in San Francisco, California as well as a number of manufacturing plants and yards in various communities, including one at 540 San Augustine Street, San Jose, California. The business of the corporation is the manufacture and distribution of wooden boxes for agricultural products, ammunition, milk cases, dried fruit and rations. Under dates of April 24, 1944 and August 26, 1944, the company filed Form WPB–3640 for authorization to receive lumber for the second and third quarters of 1944, specifying on each of said forms an inventory figure, as of March 31, 1944, of 2,367,000 board feet at its San Jose plant. Under date of July 24, 1944, the company filed Form WPB–3640 for authorization to receive lumber for the fourth quarter of 1944, specifying an inventory figure, as of June 30, 1944, of 2,900,000 board feet of lumber at its San Jose plant. A similar application, dated October 13, 1944, to receive lumber in the first quarter of 1945 specified an inventory figure, as of September 30, 1944, of 5,500,000 board feet of lumber at its San Jose plant. The true inventory of the San Jose plant as of of March 31, 1944, as reported to the head office of the company, was 3,857,516 board feet; as of June 30, 1944 it was 3,442,619 board feet; and as of September 30, 1944 it was 6,299,370 board feet. The company was on notice of the inventory figures reported by its San Jose plant on Forms WPB–3640 and of the actual inventory figures in the files of the company, and the company wilfully furnished false information to the War Production Board as to its inventories of lumber at its San Jose plant as of March 31, 1944, June 30, 1944 and September 30, 1944. This conduct on the part of the company diverted critical materials to uses unauthorized by the War Production Board and subjected it to administrative action as provided by Lumber Control Order L–335. In view of the foregoing, it is hereby ordered, that:

§ 1010.870 *Suspension Order No. S–870.* (a) During each of the third and fourth calendar quarters of 1945, General Box Distributors, shall receive at its San Jose plant 500,000 board feet of lumber less than it has been or may be authorized to receive under Lumber Control Order L–335 for these quarters, unless otherwise specifically authorized in writing by the War Production Board.

(b) The restrictions and prohibitions contained herein shall apply to General Box Distributors, its successors and assigns, and persons acting on its behalf. Prohibitions against the taking of any action include the taking indirectly as well as directly of any such action.

(c) Nothing contained in this order shall be deemed to relieve General Box Distributors, from any restriction, prohibition or provision contained in any other order or regulation of the War Production Board except insofar as the same may be inconsistent with the provisions hereof.

Issued this 7th day of August 1945.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 45-14532; Filed, Aug. 7, 1945; 11:09 a. m.]

PART 1010—SUSPENSION ORDERS

[Suspension Order S–877]

MARCO IMPORTING CO., INC.

Marco Importing Company, Inc., is an Illinois corporation with principal place of business at 70 East Randolph Street, Chicago, Illinois, where it operates a wholesale liquor establishment and bottles and packages wines. On June 14, 1944, Marco Importing Company, Inc., purchased a going business, known as Carter Distilling Company, from Maurice and Vera Frank, partners. The latter partnership, doing business as Carter Distilling Company, were rectifiers, bottlers and shippers of distilled spirits and were located at 17 North Pulaski Road, Chicago, Illinois. During the fourth calendar quarter of 1943 and the first and second calendar quarters of 1944, Carter Distilling Company at 17 North Pulaski Road, Chicago, Illinois, used a total containerboard content of 584,924 square feet and 96,623 pounds of new fibre shipping containers in excess of its allowable quota permitted under the provisions of Limitation Order L–317. Marco Importing Company, as successors to the business located at 17 North Pulaski Road, Chicago, Illinois, acquired the quota privileges previously enjoyed by Carter Distilling Company, together with any obligations relating to that quota. The overconsumption of new fibre shipping containers is a violation of Limitation Order L–317.

This violation of Limitation Order L–317 has diverted critical materials to uses not authorized by the War Production Board. In view of the foregoing, it is hereby ordered, that:

§ 1010.877 *Suspension Order No. S–877.* (a) Marco Importing Company,

Inc., shall reduce its use of containerboard content of new fibre shipping containers during each of the third and fourth calendar quarters of 1945 and the first and second calendar quarters of 1946, so that its total usage for each of said quarters shall be 146,231 square feet and 24,156 pounds less than it would otherwise be permitted to use during each of those quarters under the provisions of Limitation Order L–317 as amended from time to time, unless otherwise specifically authorized in writing by the War Production Board.

(b) The restrictions and prohibitions contained herein shall apply to Marco Importing Company, Inc., its successors and assigns, and persons acting in its behalf. Prohibitions against the taking of any action include the taking indirectly as well as directly of any such action.

(c) Nothing contained in this order shall be deemed to relieve Marco Importing Company, Inc., from any restriction, prohibition or provision contained in any other order or regulation of the War Production Board, except insofar as the same may be inconsistent with the provisions hereof.

Issued this 7th day of August 1945.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 45–14533; Filed, Aug. 7, 1945; 11:09 a. m.]

PART 3133—PRINTING AND PUBLISHING

[General Limitation Order L–177 as Amended August 7, 1945]

WALL PAPER

The fulfillment of requirements for the defense of the United States has created a shortage in the supply for defense, for private account and for export, of paper, inks, chemicals and other material and facilities used in the manufacture and distribution of wall paper and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 3133.35 *General Limitation Order L–177*—(a) *Definitions.* For the purposes of this order:

(1) "Person" means any individual, partnership, association, business trust, corporation, or organized group of persons, whether incorporated or not.

(2) "Manufacturer" means any person who manufactures or processes wall paper.

(3) "Wall paper" shall include all paper designed for use as a covering for the ceiling or walls of rooms, which is manufactured or produced by printing on paper or fabric with oil, water, or other coloring materials, and/or by the embossing or pressing of designs on paper.

(4) "Distributor" shall include any person who sells wall paper to any person for resale; and shall further include any person who offers wall paper for sale by means of the distribution of sample books to the ultimate consumer by mail, or otherwise.

(b) *Schedule for the simplification and standardization of wall paper.* (1) No person shall sell, deliver, purchase or otherwise acquire any base paper stock for the manufacture of wall paper unless the same shall conform to the specifications set forth in Schedule 1 which is made a part of this order.

(2) No person shall process or manufacture any base paper stock into wall paper except in conformity with the specifications set forth in said Schedule 1.

(c) *Amendments to schedule.* The War Production Board from time to time may issue such amendment or amendments to Schedule 1 of this order as it deems necessary.

(d) *Certification to paper dealer or mill.* No manufacturer of wall paper may order or accept delivery of paper, and no person may deliver paper to a manufacturer of wall paper, unless the manufacturer of wall paper furnishes, or has previously furnished, to the person making the delivery, a certification in substantially the following form, signed manually or as provided in Priorities Regulation 7 (§ 944.27) by an official duly authorized for such purpose:

> The undersigned manufacturer of wall paper certifies, subject to the penalties of section 35 (A) of the United States Criminal Code, to the seller and to the War Production Board that he is familiar with Order L–177 and that all purchases by him of items regulated by that order, as amended from time to time, will be in compliance therewith.

This is a one-time certification and need not accompany each individual order for paper.

(e) *Appeals.* Any appeal from the provisions of this order shall be made by filing a letter in duplicate, referring to the particular provision appealed from and stating fully the grounds of the appeal. Regardless of the provisions of Priorities Regulation 16, no statement with respect to manpower information on Form WPB–3820 (or letter explaining why that form is not filed) need accompany any appeal.

(f) *Communications to War Production Board.* All reports required to be filed hereunder, and all communications concerning this order, shall unless otherwise directed, be addressed to: War Production Board, Printing and Publishing Division, Washington, D. C., Ref.: L–177.

(g) *Violations.* Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction, may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries, or from process or use, of material under priority control and may be deprived of priorities assistance.

(h) *Applicability of regulations.* This order and all transactions affected thereby are subject to all applicable regulations of the War Production Board, as amended from time to time.

Issued this 7th day of August 1945.

WAR PRODUCTION BOARD
By J. JOSEPH WHELAN,
Recording Secretary.

SCHEDULE 1 TO GENERAL LIMITATION ORDER L–177

NOTE: Paragraphs (d) and (e) deleted August 7, 1945.

SPECIFICATIONS AND PRACTICES FOR MANUFACTURE OF WALL PAPER

(a) *Definitions.* For the purposes of this schedule:

(1) All trade words, phrases and terms used herein shall be construed as commonly understood in the wall paper trade.

(b) *General limitations on wall paper manufacture*—(1) *Patterns.* Prior to November 1, 1945, no manufacturer may use any pattern rolls containing designs other than those used by him in the manufacture of wall paper during the period of July 1, 1942, to June 30, 1943 (the 1942–43 season). This limitation does not apply to any manufacturer whose consumption quota for the 1945–46 season under paragraph (b) (2) (i) or (b) (3), whichever applies to him, is 20 tons or less.

(2) *Paper limitations.* In the manufacture of wall paper for the 1945–46 season (July 1, 1945 to June 30, 1946) and each season thereafter, no manufacturer shall:

(i) Acquire base paper stock for processing or manufacturing into wall paper or process or manufacture base paper stock into wall paper at any rate of production which will result in a consumption of base paper stock in excess of 80% of the total tonnage of such stock consumed by him in the production of wall paper during the period July 1, 1941, to June 30, 1942 (the 1941–42 season) or 20 tons, whichever is greater.

NOTE: Paragraphs (b) (2) (ii) and (b) (2) (iii), formerly paragraphs (b) (2) (iii) and (b) (2) (iv), redesignated Aug. 7, 1945.

(ii) Use paper stock which will exceed 19¼" in width to produce wall paper to trim to a nominal width of 18".

(iii) Use paper stock in excess of the base weight (or weights) of paper stock (or stocks) theretofore employed by him in the manufacture of his line or lines.

NOTE: Subparagraph (3), formerly subparagraph (3) (iii), redesignated, subparagraphs (3) (i) and (3) (iii) deleted Aug. 7, 1945.

(3) *Exceptions.* Any manufacturer of wall paper by the silk screen printing process is specifically excepted from the provisions of subparagraph (1) of paragraph (b) (2) hereof and may, during the 1945–46 season (July 1, 1945 to June 30, 1946) and during any succeeding 12-month season, acquire base paper stock for processing or manufacturing into such custom wall paper, or process or manufacture base paper stock into such custom wall paper at such rate of production as shall not result in a consumption of base paper stock by him in excess of 100% of the tonnage put into process by him for the manufacture of such custom wall paper during the 1941–42 season or 20 tons, whichever is greater.

(c) *Styles sampled.* Prior to November 1, 1945, no manufacturer shall sample or otherwise introduce any sidewall and ceiling patterns or styles of wall paper (including specials) which are not shown in his 1942–43 line or lines; and no distributor, mail order house, or any other person shall sample or otherwise introduce any sidewall and ceiling patterns or styles of wall paper (including specials) which are not shown in his 1943 distributing line or lines. This limitation does not apply to the wall paper of any manufacturer whose consumption quota for the 1945–46 season under paragraph (b) (2) (i) or (b) (3), whichever applies to him, is 20 tons or less.

[F. R. Doc. 45–14531; Filed, Aug. 7, 1945; 11:10 a. m.]

PART 3270—CONTAINERS

[Limitation Order L–317, as Amended Aug. 7, 1945]

FIBRE SHIPPING CONTAINERS: MANUFACTURE, DELIVERY AND USE

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of materials entering into the production of fibre shipping containers for defense, for private account and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense.

§ 3270.6 *Limitation Order L–317*—(a) *What this order does.* This order places various restrictions on the manufacture, delivery, acceptance and use of new fibre shipping containers. (Note that "reshippers", as defined in paragraph (b) (1) (ii), and sheets, rolls, and interior fittings are included within the restrictions). Paragraph (d) prohibits the manufacture of the types of containers listed in Schedule I. Paragraph (e) requires a certificate with each purchase order for containers. Paragraph (f) prohibits the packing in containers of the products listed in Schedule II. Paragraph (g) places quotas on a packer's use of containers for products listed in Schedule III, excluding his wholesale and retail deliveries. Paragraph (h) places quotas on a packer's use of containers for his wholesale and retail deliveries of all products. (Whether or not listed on the schedules). Paragraph (i) lists certain meat products that may only be packed in containers which conform to the specifications set forth in Schedule IV. Paragraph (m) restricts a person's inventory of containers. Paragraph (r) provides that all appeals granted under this order prior to February 6, 1945, are cancelled. Various exemptions to each of the above restrictions and other restrictions are also contained in the order.

(b) *Definitions.* Whenever used in this order: (1) "Fibre shipping container" means all of the following items:

(i) Any empty new box, crate, case, basket, inner carton, hamper or sleeve in set-up or knock-down form which is made in whole or in part from solid fibre (.045 or heavier) or corrugated fibre and which is used for the storage, delivery or shipment of material. It includes any such container which has not been used before, such as containers which may have been rejected during the course of manufacture, containers which may be considered obsolete by the owner, and containers which may be in idle inventory and not usable by the owner. It does not include trunks, luggage or military locker boxes, fibre cans, tubes or drums or any combination wood and fibre shipping containers consisting of 50 per cent or more wood (by area);

(ii) Any new container made in whole or in part from solid fibre (.045 or heavier) or corrugated fibre which is known in commerce or used as a "reshipper", and which contains empty inner containers (such as glass jars, cans, etc.) that are received by the packer and then used by him for shipping or delivering inner containers packed by him with some product;

(iii) Any new solid fibre (.045 or heavier) or corrugated fibre sheet or any corrugated fibre roll to be used for wrapping, packaging, or otherwise protecting a product or material for shipment. This does not include corrugated or solid fibre sheets produced for delivery to plants of the type commonly referred to in the container manufacturing industry as "sheet plants" for their use in manufacturing fibre shipping containers. It also does not include corrugated or solid fibre sheets produced for delivery to cleated box manufacturers for use in manufacturing shipping containers made of corrugated or solid fibre sheets attached to wooden cleats;

(iv) Any new solid fibre (.045 or heavier) or corrugated fibre interior fitting which is cut to size for use in any type of container to provide content protection, structural strength or both. This includes, but is not limited to, the following: partitions; pads; liners; sun bursts; currugated wrappers (single-faced, double-faced, double-walled).

However, a container (except a "V box" or a "W box") shall not be regarded as a fibre shipping container as defined above where it is acquired from a disposal agency of the United States Government.

(2) "Packer" means any person who uses fibre shipping containers for commercially packing, storing or shipping any product. Wherever used in this order, the term "packer" shall not include the Army or Navy of the United States.

(3) "Total containerboard content" means the total amount of solid fibre (.045 or heavier) and corrugated fibre containerboard in all fibre shipping containers used by a packer in any calendar quarter. This amount is required to be computed in later provisions of this order both in terms of weight and in terms of square feet.

(4) "Wholesale and retail delivery" means a delivery by a packer of a product which has not been produced by him and on which he has done no processing or fabricating other than minor finishing or decorative operations usually performed by wholesalers and retailers (such as assembly of knock-down furniture, monogramming of linen and jewelry, alteration of clothing).

(5) "V-boxes and W-boxes" means fibre shipping containers of the types designated as V–1, 2, 3 and W–5 and 6, in joint Army and Navy Specifications JAN–P–108 dated June 30, 1944, and parallel specifications; and in War Food Administration Export Packing Specification FSC No. 1742–E.

(6) "Dunnage" means material used in railroad cars, trucks, ships or planes (including but not limited to material used for wall, floor, or car lining or for layering or blocking purposes) for the protection of bulk or packaged shipments.

Restrictions on Manufacture, Sale and Delivery

(c) *General restriction.* No person shall manufacture, sell, or deliver any fibre shipping container which he knows, or has reason to believe, will be accepted or used in violation of any provisions of this order.

(d) *Prohibition on manufacture of certain types.* No person shall manufacture from solid fibre (.045 or heavier) or corrugated fibre, any container of the types listed in Schedule I of this order.

(e) *Certificate for every delivery.* (1) No person shall sell or deliver any fibre shipping containers (including reshippers) to a packer unless he receives from such packer with each purchase order (including each shipment order based on a long term requirements contract), a certificate in substantially the following form, signed manually or as provided in Priorities Regulation 7:

> The undersigned purchaser certifies, subject to criminal penalties for misrepresentation, that he is familiar with Order L–317 of the War Production Board and that the fibre shipping containers (or reshippers) covered by this purchase order will not be accepted or used in violation of the terms of that order.

(2) If a packer's purchase order bears a preference rating accompanied by a certificate as provided in paragraph (v) of Order P–146, the packer may add the following sentence to his rating certificate as a substitute for the above certificate:

> The undersigned also certifies that the fibre shipping containers (or reshippers) covered by this purchase order will not be accepted or used in violation of the terms of Order L–317.

(3) The standard certificate provided for in paragraph (d) of Priorities Regulation 7 cannot be used in place of either of the above certificates; nor may either of the certificates be waived in accordance with paragraph (f) of that regulation.

Prohibited Uses

(f) *Use prohibitions*—(1) *Schedule II Products.* Except for his wholesale and retail deliveries and his deliveries to persons listed in paragraph (i) below, no packer shall use fibre shipping containers for packing any of the products listed in Schedule II.

(2) *Dunnage.* No packer shall use in the shipping of any product, any new solid fibre (.045 or heavier) or corrugated fibre sheet or roll for dunnage except where used for door-blocking. When such sheet or roll is used for door-blocking, only the necessary practicable minimum quantity shall be used.

(3) *V-boxes and W-boxes.* No packer shall use any new V-boxes and W-boxes for packing any product, except where such boxes are specified for delivery against (i) Army, Navy, or Lend-Lease orders, or (ii) orders received from ship suppliers licensed under WFO–74 for fabricated meats (not packed in inner containers) for use on ships under War Shipping Administration jurisdiction. No packer shall accept delivery of any V-boxes or W-boxes unless he has reason to believe that he will need them for the uses permitted in this paragraph.

Quota Restrictions

(g) *Quota restrictions for other than wholesale and retail deliveries.* The total containerboard content of the fibre shipping containers used by a packer during any calendar quarter for any class of products listed in Schedule III (excluding his wholesale and retail deliveries, and his quota exempt deliveries under paragraph (i) below) must be limited to one or the other of the following quotas. One of these quotas must be chosen for each class of product and may not be changed during any calendar year:

(1) Such total containerboard content shall exceed neither ninety-five per cent of the total square feet of containerboard content nor ninety-five per cent of the total weight of containerboard content of all fibre shipping containers lawfully used by that packer for packing that class of products during the corresponding calendar quarter of 1944, excluding those containers he used during that quarter of 1944 for his deliveries to the persons listed in paragraph (i) below (quota exempt deliveries), his wholesale and retail deliveries, and his deliveries of Schedule II products.

(2) Such containerboard content shall exceed neither 23¾ per cent of the total square feet of containerboard content nor 23¾ per cent of the total weight of containerboard content of all fibre shipping containers lawfully used by that packer for packing that class of products during the calendar year 1944, excluding those containers he used during that year 1944 for his deliveries to the persons listed in paragraph (i) below (quota exempt deliveries), his wholesale and retail deliveries, and his deliveries of Schedule II products.

(h) *Quota restrictions for wholesale and retail deliveries.* The total containerboard content of the fibre shipping containers used by a packer during any calendar quarter for all products (whether or not listed in the schedules) for his wholesale and retail deliveries, excluding his quota exempt deliveries under paragraph (i) below, must be limited to one or the other of the following quotas, and whichever one of those quotas is chosen may not be changed during any calendar year:

(1) Such total containerboard content shall exceed neither ninety-five per cent of the total square feet of containerboard content nor ninety-five per cent of the total weight of containerboard content of all fibre shipping containers lawfully used by that packer during the corresponding calendar quarter of 1944 for his wholesale and retail deliveries, excluding his deliveries during that quarter of 1944 to persons listed in paragraph (i) below (quota exempt deliveries).

(2) Such total containerboard content shall exceed neither 23¾ per cent of the total square feet of containerboard nor 23¾ percent of the total weight of containerboard content of all fibre shipping containers lawfully used by that packer during the calendar year 1944 for his wholesale and retail deliveries, excluding his deliveries during that year of 1944 to persons listed in paragraph (i) below (quota exempt deliveries).

(i) *Quota exempt deliveries.* The quota restrictions of paragraphs (g) and (h) shall not apply to fibre shipping containers used by a packer for deliveries of any product to any of the following persons, or to another person to be redelivered by such person (without further processing, fabrication, or incorporation into any other product, exclusive of wholesalers' and retailers' minor finishing or decorative operations) to any of the following persons: Army or Navy (including Officers' Messes ashore, but excluding post exchanges or ship's service departments located within the 48 states and the District of Columbia), any agency procuring for delivery pursuant to the Act of Congress of March 11, 1941, entitled "An Act to Promote the Defense of the United States" (Lend-Lease Act), Veterans Administration, and Maritime Commission or War Shipping Administration (including persons operating vessels for such Commission or Administration for use thereon, and other persons whose purchase orders bear a preference rating assigned by the Maritime Commission under Form WPB–646 (formerly PD–300)).

(j) *Small user exemption from quota restrictions.* The quota restrictions of paragraphs (g) and (h) do not apply to any packer during any calendar year in which he accepts no more than a total of $1,500.00 worth (cost price to him) of fibre shipping containers for all products (whether or not on the Schedules). A person who accepts fibre shipping containers under the provisions of this paragraph must use them in his own plant and may not deliver them for packing by anyone else. All persons owned or controlled directly or indirectly by the same person shall be deemed to be a single packer for the purpose of this paragraph.

(k) *Rules applicable to quota restrictions.* (1) Where in paragraphs (g) and (h) above, containers are referred to as having been "used" by a packer, that shall mean with respect to such packer that, both for purposes of computing his quota base and for charging his current quota, only the fibre shipping containers which such packer directly filled or used himself for storing, packing or shipping (whether for his own account or for another person) shall be included in his computation. Such packer shall exclude from his computation containers which have been directly filled or used by another for such packer's account.

(2) A packer who has not used, at the end of any calendar quarter, any part of his quota for a class of products in Schedule III or for his wholesale and retail deliveries may not use it for that class of products or those deliveries in the succeeding calendar quarters. Neither may a packer use in advance any part of his quota for a succeeding calendar quarter for any purpose.

(3) With respect to the quotas for the classes of products listed in Schedule III, any such quotas shall not be interchangeable. However, with respect to the quota for each class, a packer may distribute his quota among the several products included in that class as he sees

(4) With respect to a packer's options if he is a multiple-unit organization, see paragraph (n) below.

Packing Specifications for Meat Products

(l) *Packing specifications.* (1) A packer shall neither use fibre shipping containers to pack the products listed in Schedule IV except in accordance with the specifications set forth in that schedule, nor use for packing any Schedule IV product, any fibre shipping container of a style or design requiring the use of more footage or weight of containerboard (per unit packed) in its manufacture than those he most commonly used for that product during the season when he last packed it.

(2) The restrictions of paragraph (l) (1) above shall not apply to the use of fibre shipping containers in the following cases, and such uses shall not be included in the percentage computations in Schedule IV:

(i) Deliveries to the Army, Navy, Maritime Commission, War Shipping Administration, or any United States agency making Lend-Lease purchases, when the packing specifications received in connection with such deliveries require deviations from the standards set forth in Schedule IV.

(ii) Use of fibre shipping containers by a "small user" as defined in paragraph (j).

(iii) Use of fibre shipping containers which were in process of manufacture on or before February 6, 1945, by any packer who on that date was operating under the alternative (now eliminated from the order) of 85 per cent of his 1943 usage.

(iv) Use of fibre shipping containers which were in process of manufacture on or before August 4, 1944.

(v) Use of specific fibre shipping containers by any person who is granted an exception from the above restrictions in writing by the War Production Board. Such exceptions will only be granted on written application and only when the packaging methods which the applicant will substitute for the specifications set forth in Schedule IV will result in his using no greater footage or weight of containerboard content than if he had followed the above restrictions.

Inventory Restrictions

(m) *Inventory restrictions.* (1) No person (except the Army or Navy) shall accept delivery of, or have set aside for his account, any fibre shipping containers (including "V-boxes and W-boxes") which will increase his inventory of fibre shipping containers (including those held by others for his account as well as those he has on hand) to more than his "maximum permitted inventory" described in paragraph (m) (2) below. Furthermore, no person shall place orders for more of these containers than he would be entitled to receive within the inventory restrictions set forth in this paragraph at the time delivery is called for by his purchase orders.

This paragraph (m) does not generally limit inventories of filled fibre shipping containers. The only exception to this rule is where a packer has "reshippers", as defined in paragraph (b) (1) (ii) on hand or held for his account which he will use for delivery of packed inner containers. Such "reshippers" must be charged to his "maximum permitted inventory" and are subject to all the provisions of this paragraph until they have been filled with packed inner containers.

(2) A person may select either of the following quantities as his "maximum permitted inventory" but may not change his selection during any calendar year:

(i) 1½ carloads of fibre shipping containers, of all types and for all purposes, or

(ii) His 30 days' requirements (in aggregate number) of those classes of fibre shipping containers that he reasonably expects to use in the next 30 days. (A "class" of containers means those containers of substantially the same size and type. A variation in the size or type of a container which does not make the container unsuitable for shipping the same amount of a product in substantially the same shape and form shall not be considered as constituting a different "class".) To compute his "maximum permitted inventory" under this subparagraph, he shall first figure the amount representing his 30 days' requirements for each "class" that he reasonably expects to use in the next 30 days. (Where the amount for any such class is less than 1200 fibre shipping containers, he may consider 1200 containers as the 30 days' requirements for that particular class.) He shall then add together the totals for all of these "classes". This combined total figure will be his "maximum permitted inventory", which quantity he may then distribute as he sees fit among the various types of containers that he will have in inventory, even though this distribution may result in his having a quantity of containers in inventory for any one particular class in excess of his 30 days' requirements for that class. However, the total quantity of fibre shipping containers in his inventory (including those held by others for his account as well as those he had on hand, and also including those in inventory that do not fall within any of the above specially defined "classes") must not at any time exceed the total over-all quantity that is his "maximum permitted inventory".

In computing his "maximum permitted inventory" as described above, a person must exclude any fibre shipping containers in his inventory which he expects to use for packing drugs, medicinals, pharmaceuticals, biologicals or seasonal foods. Such containers are exempt from the inventory restrictions of this paragraph and the "practical minimum working inventory" provision in § 944.14 of Priorities Regulation 1 (and Interpretation 1A of that regulation) shall apply to them.

General Provisions

(n) *Multiple-unit organizations.* Any packer who uses fibre shipping containers at more than one place may choose to apply the quota and inventory restrictions and the percentage specifications of Schedule IV of this order either to the operations of each place separately or to the collective operations of all his places. He must make the same choice with respect to all the restrictions. The same choice as to the inventory restrictions is also available to any container distributor who deals in fibre shipping containers at more than one place. After making his choice, no person shall thereafter change it unless authorized by the War Production Board. Any packer or container distributor organization which consists of a parent corporation and one or more wholly owned subsidiary corporations may consider itself as a single packer or distributor for the purposes of this paragraph.

(o) *Exemption in certain cases for containers ordered and in process.* On or before February 20, 1945, any packer may accept and use fibre shipping containers which on or before February 6, 1945, had been ordered by him and were in process, and which he would have been permitted to accept and use, during the first quarter of 1945, under this order as amended September 9, 1944, or under any appeal granted prior to February 6, 1945. He may do this even if the acceptance or use of such containers would cause him to exceed his permitted inventory or quota under the present terms of this order. However, if such acceptance or use would do this, he may accept or use during the first quarter of 1945, no fibre shipping containers in addition to those described in the first sentence of this paragraph, unless he obtains an exception from this order under paragraph (q) below. If such acceptance or use of the additional containers would not cause him to equal or exceed his permitted inventory or quota under this order, he must charge the containers so accepted or used to that inventory or quota.

(p) *Exemption of certain containers from prohibited uses.* Any packer may use for the purpose for which he acquired them, any fibre shipping containers which were in his possession or which were in transit to him on or before October 11, 1943. In the case of any product added to Schedule II after that date he may use for that product the containers which he had acquired or which were in transit to him for that product on or before the date on which the item was added to the schedule. These exceptions are subject to the quota restrictions of paragraphs (g) and (h).

(q) *Appeals.* (1) Appeals from this order seeking relief, other than for the establishment of a quota (when the applicant has no quota at all), shall be filed by addressing a letter to the Containers Division, War Production Board, Washington 25, D. C., Ref.: L–317. The letter of appeal need not follow any particular form. It should state informally but completely, the particular provision appealed from, the precise relief desired, the reasons why denial of the appeal would result in undue and excessive hardship, and such other statistical and narrative information as may be pertinent. (See Priorities Regulation 16 with respect to procedure for filing appeal and the requirement for filing manpower information.)

(2) Appeals from this order seeking relief for the establishment of a quota (when the applicant has no quota at all) shall be filed as indicated above and in addition shall state: (i) a description of the product for which the containers will be used; time when production started and the number of units produced during each quarterly period; (ii) whether the appellant has received an authorization, a grant of an appeal or other War Production Board approval to manufacture the product. If so, give details; (iii) a description of the type, size, and other specifications of the containers to be used; a quarterly requirement of containers in terms of square footage and tonnage; the appellant's ability and opportunity to reuse containers.

(r) *Cancellation of all appeals granted prior to February 6, 1945.* All appeals granted prior to February 6, 1945, are hereby cancelled. Thereafter, no person shall accept delivery of or use, or shall manufacture, sell or deliver any fibre shipping containers except in accordance with the provisions of this order unless he receives a new grant of an appeal on or after February 6, 1945.

(s) *Communications.* All communications concerning this order shall, unless otherwise directed, be addressed to: War Production Board, Containers Division, Washington 25, D. C., Ref: L–317.

(t) *Applicability of regulations.* This order and all transactions affected thereby are subject to all applicable revisions of the regulations of the War Production Board, as amended from time to time.

(u) *Violations.* Any person who wilfully violates any provisions of this order or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States, is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or accepting further deliveries of or from processing or using material under priority control and may be deprived of priorities assistance.

Issued this 7th day of August 1945.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

SCHEDULE I—PROHIBITED TYPES OF CONTAINERS

(See Paragraph (d))

a. Bottle and can carry-outs.
b. Counter boxes.
c. Display-shippers.
d. Laundry boxes and laundry shells.
e. Retail gift boxes (except certain "overseas shippers" meeting the specifications shown in item (f) below.)
f. "Overseas shippers" (fibre shipping containers produced for use in shipping articles to individual members of the Armed Forces overseas) excepting "overseas shippers" produced in conformity with the following specifications:

SPECIFICATIONS

Size.—Inside Dimensions: 10" long, 6" wide, 4" deep. Outside Dimensions: The longest dimension plus the girth must not exceed 36".

Style.—Long flaps to overlap as they may. Short flaps to meet in center. Taped or stitched manufacturer's joint.

Stock.—Minimum test 200# per square inch corrugated board A, B or C flute, according to Consolidated Freight Classification No. 16, Rule 41.

Printing.—(A) Print the words "Overseas Shipper" in not less than ¾" type on the large panels (Nos. 1 and 3).

(B) Print the words "This box to be used only for sending merchandise to the armed forces outside of the United States" in not less than ⅜" type on the large panels (Nos. 1 and 3). (Size of die approximately 7" x 3".)

(C) Print the following words on the top long flap of No. 1 panel (First line of copy not less than ½" type—other lines not less than ⅜" type. Approximate size of die 8" x 4"):

1. Place long flaps inside—Fold short flaps outside.
2. Pack securely—Fill up all loose space with cushioning material so articles will not shift around.
3. Make list of contents and place inside the box with complete names and addresses of sender and addressee.
4. Tape seams on top & bottom where outer flaps meet—if available.
5. Print names and addresses on lines "FROM" and "TO".
6. Tie box securely with four separate pieces of heavy twine as shown by sketch. Knot twine at crossings.
7. If box is wrapped—tie as per sketch before wrapping.

(D) Print the following words on the top and bottom flaps (Nos. 1 and 3 panels) in not less than ⅜" type:

Fold this flap inside.

(E) Print the following design in the center of the top short flap No. 2 panel in not less than ½" type with not less than ½" spaces located at least 1" from the outer edges of the flap, reading from outer edge of flap toward the horizontal score line (Approximate size of die 4" x 3"):

To

(F) Print on the small panel No. 2 the boxmaker's classification stamp showing month and year box manufactured. Underneath the stamp, print the following (Approximate size of due 4½" x 3½"):

W. P. B. 2408 Case No.------

(G) Print the following words on the top long flap of No. 3 panel in not less than ½" type:

Gross weight not to exceed 5 pounds.

(H) Print the following sketch on top long flap of No. 3 panel showing how the box looks when set up, sealed and tied indicating how twine is to be applied. (Approximate size of die 6" x 4".)

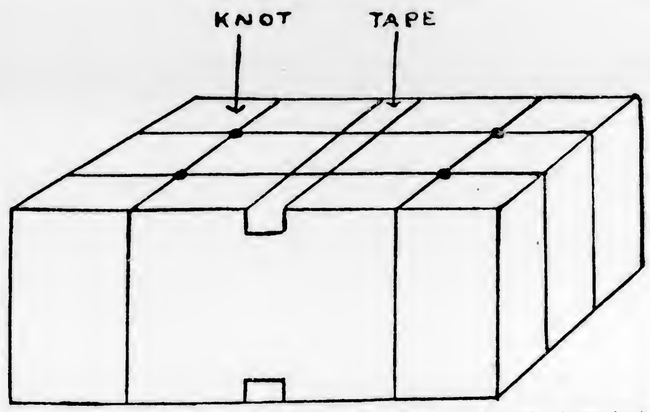
(I) Print the following words on the lower right hand corner of top flap No. 4 panel in not less than ⅛" type:

Contents—Merchandise

Postmaster. This parcel may be opened for postal inspection if necessary.

(J) Print the following design under the above words in not less than ½" type with not less than ⅜" spaces located at least 1" from outer edge of flap reading from horizontal score

SCHEDULE I—PROHIBITED TYPES OF CONTAINERS
SPECIFICATIONS—continued



line toward outer edge, opposite direction to No. 2 panel top short flap design (Approximate size of die 3½" x 3"):

From

(K) No other printing to appear on the outside of the box.

SCHEDULE II—PROHIBITED USES

(See Paragraph (f) (1))

a. Paper products:
- Catalogues.
- Magazines, including house organs.
- Posters.
- Punch boards.

b. Building materials:
- Building brick (except glass brick).
- Cement—except household.
- Corks—except pipe coverings and insulation board.
- Flooring, wood, molding, mopboards, trim and wainscoting.
- Insulation board, rigid (except insulating tile and panel and cork insulation board).
- Insulation, non-rigid (except blocks, formed or metal encased insulation, blankets, batts).
- Plaster—cement, lime, gypsum.
- Sash and doors, except glazed, not finished further than primed.
- Shingles (except asbestos siding shingles and asphalt shingles).
- Tile—except acoustical, asphalt, floor (including asphalt tile), wall or facing tile.

c. Textiles (except clothing):
- Awnings.
- Blankets and comforters—less than 6 per package.
- Carpets and carpeting, size 12 square feet or over.
- Mattresses—less than 4" thick.
- Rugs.
- Tents.
- Waste wiping rags.

SCHEDULE II—PROHIBITED USES—Continued

d. Hardware:
- Buckets and pails—wood or metal (except metal pails manufactured solely for use as dairy and milk pails and except porcelain-enameled pails).
- Cans—refuse, garbage.
- Garden and farm tools, 18" or more in length—including but not limited to: Hoes, rakes, shovels.
- Wash tubs—wood or metal.

e. Class products:
- 1-pt. home canning jars—less than 24 per case.

f. Horticultural items:
- Bulbs.
- Ornamental shrubs.
- Seeds (flower).

g. Miscellaneous:
- Advertising displays of all kinds, (except when the display is a piece of furniture) including but not limited to floor, window and counter displays, dispenser type displays and sign boards.
- Athletic uniforms.
- Ball bats.
- Baskets: wicker, splint.
- Brooms, if packed with handles that are 18" long or longer.
- Charcoal—except activated carbon.
- Coal.
- Cones—fir or pine.
- Fertilizers.
- Furniture—lawn and porch (except glass parts).
- Furniture—unfinished, set-up (except glass parts).
- Handles, 18" or more in length, including but not limited to handles for shovels, picks, axes, brooms, mops.
- Hose, garden (rubber or fabric).
- Ironing boards.
- Ladders.
- Linoleum and printed floor coverings—rugs and rolls.
- Mops (except oil mops packed without handles 18" or longer).
- Nuts: unshelled, except soft shelled English Walnuts (of Mayette, Willson Wonder, Klondike, Bijou, Monmouth Mayette, Ne plus and IXL varieties), Schley Pecan and Non-pareil Almonds.
- Peanuts, unshelled.
- Peat moss.
- Playground equipment—wood, metal.
- Rope, string and twine.
- Trunks (in carload lots).
- Whips and crops.

SCHEDULE III—QUOTAS

(See Paragraph (g))

Most of the classes below are designated by a code number (e. g. CDGS-648 Cutlery) which may be found in the latest official WPB monthly publication entitled "Products and Priorities". (The latest copy may always be seen at any WPB office.) All of the products (regardless of whether they are made of steel, copper, aluminium or some other material) listed in that publication under the same code number shall be treated as falling within a single "Class" of products for the purpose of computing the packing quota for that "class". The description in "Products and Priorities" of the various classes of products is controlling as to what are the specific items under each class of products, and the class descriptions in Schedule III do not control (e. g. see page 85 of the January 1945 edition of the publication for the items under CDGS-648 Cutlery). Those classes of products in Schedule III which have no code numbers, have asterisks placed in front of them. The description of those products, as found in Schedule III, is controlling with respect to these classes.

The products listed in Schedule III (as described under the applicable code number in "Products and Priorities" or as described below) are all subject to the quota restrictions set forth in paragraph (g), even when they are sold as repair parts or as component parts for other products. However, a repair part or component part of a product listed in Schedule III

SCHEDULE III—QUOTAS—Continued

is not subject to such quota unless such part is specifically included in the description of that product or in another listed class of products. A component part that is not specifically included within the description of a product listed in Schedule III is subject to the quota restrictions of paragraph (g) when it is merely packed separately by a packer who also packs, as part of the same transaction, substantially the balance of the component parts that make up the product listed in Schedule III.

Code	*Product*
(*)----------	Adhesives, household: including but not limited to glue, paste, etc.
FARM-453---------	Agriculture equipment: barnyard, dairy, farm, poultry; including but not limited to feeders, beekeeper supplies, stools, waterers, coops, churns (except those listed in Schedule II).
PLUM-586---------	Air (warm) distribution equipment: registers, smoke pipe, ducts.
SAFE-555---------	Alarm and signal system, protective.
(*)----------	Albums, scrap books, diaries, drawing books, cutouts.
(*)----------	Amusement equipment: automatic phonographs and gaming machines as defined in L-21, pool and billiards.
(*)----------	Animal proprietary drug remedies (excluding biologicals).
(*)----------	Anti-freeze liquids, if packed in inner-containers size five-gallons or less.
CDGS-424---------	Appliances, cooking or heating; commercial electric.
CDGS-425---------	Appliances, cooking or heating; domestic electric.
CDGS-426---------	Appliances, not cooking or heating; commercial electric.
CDGS-427---------	Appliances not cooking or heating; domestic electric (except flat irons).
(*)----------	Art Supplies.
(*)----------	Artificial fruit, flowers and plants.
(*)----------	Athletic equipment and sporting goods not otherwise listed on Schedule II or III.
AUTO-251---------	Auto maintenance equipment.
(*)----------	Automotive polish, waxes and cleaners.
CDGS-675---------	Baby Carriages and other baby conveyances.
(*)----------	Bags: school, shopping.
TEX-907---------	Baskets, hampers; canvas.
AUTO-480---------	Batteries: storage.
CDGS-694---------	Beds, couches: dual sleeping and seating equipment.
CDGS-543---------	Bed springs and inner-spring mattresses.
CDGS-657---------	Bells and gongs: not electric.
(*)----------	Beverages: distilled spirits.
(*)----------	Beverages: malt.
(*)----------	Beverages: wines.
(*)----------	Beverages: non-alcoholic.
CDGS-109---------	Bicycles.
(*)----------	Blankets.
(*)----------	Books.
TEXT-679---------	Brushes, floor sweeps, brooms: wire, bristle (synthetic and natural), fibre, broomcorn, hair, fabric (except those listed in Schedule II).
CORK-721---------	Building material accessories, asbestos (except as otherwise listed).
BLDG-723---------	Building products: non-metallic; metal reinforced (except insulation and items on Schedule II).
BLDG-705---------	Building products: sheet metal.
BLDG-700---------	Building products: wire fabricated.
LUMB-743---------	Buildings: prefabricated wooden.
(*)----------	Building products and materials not otherwise listed in Schedule II and III except cork insulation board, and flat glass.
PLUM-591---------	Burners: gas conversion: domestic.
PLUM-592---------	Burners: oil: domestic.
(*)----------	Calendars, blotters.
(*)----------	Candles.
(*)----------	Cases: for personal use: for holding such articles as combs, files, knives, toilet sets, manicuring sets, and spectacles (not shipping containers or luggage).
CDGS-685---------	Castiron ware.
(*)----------	Chewing gum.

SCHEDULE III—QUOTAS—Continued

Code	Product
(*)	China, glass, porcelain, wooden, plastic, clay and potteryware: (not for food preparation and serving); including but not limited to vases, pots, statues, decorative products, and art products (but not including scientific, laboratory, hospital and industrial ware, or shades and reflectors, lantern globes and lamp chimneys).
CDGS-678	Church goods.
(*)	Cleaning preparations—household, including but not limited to: polishes, waxes, bleaches, bluing, laundry starch, water softening compounds, cleaning compounds, wall paper cleaner, glass cleaner, deororants, toilet bowl cleaner and drain pipe solvents.
CDGS-654	Clocks, watches, chronometers (except alarm clocks).
(*)	Closures and crowns, for glass containers: metal: except for products for human consumption.
(*)	Clothing and clothing accessories (not otherwise listed), including but not limited to suits, overcoats, topcoats, raincoats, shirts, ties, gloves (except rubber), overshoes (except rubber), underwear, socks, stockings, dresses, blouses, bedroom slippers, belts, garters, veils, hats, hose, mufflers, scarfs, aprons, slips, brassieres, work clothes, but excluding industrial safety clothes and shoes.
(*)	Combs.
PLUM-609	Controls: combustion, heat generation and distribution: not industrial.
PLUM-579	Convectors: heating: steel, copper or aluminum.
PLUM-582	Cooking equipment: commercial; not electric.
CDGS-544	Cots, bunks, berths: metal: not shipboard.
(*)	Cushions, pillows, stuffed stools, hassocks and ottomans.
CDGS-648	Cutlery.
CDGS-110	Cycles: power: not motorcycles.
(*)	Decalcomanias and transfers: except industrial.
(*)	Dentifrices.
PLUM-474	Dishwashing and glass washing machinery: commercial.
BLDG-701	Doors, windows, metal, metal clad: not shipboard, transportation vehicle.
CDGS-660	Emblems, pin tickets, tags: not military.
CDGS-684	Enamelware as defined in Order L-30-b (except hospital enamelware).
(*)	Feathers and cotton batting: packed for domestic use.
TOOLS-664	Files and rasps.
CDGS-676	Fishing equipment, commercial.
CDGS-533	Flashlight cases and portable electric lanterns: incandescent.
(*)	Floor covering (size less than 12 sq. ft.): mats, pads and rugs.
(*)	Flowers and plants: cut or potted.
CDGS-583	Food preparation and serving fixtures, equipment, appliances: commercial: not cooking.
(*)	Food products of every description, including, as one Class of Products, all foods (whether or not they were specifically listed as separate Classes of Products in the April 30, 1945 edition of Order L-317), excluding only meat and meat products (which are controlled by Schedule IV), fishery products, dairy products, poultry, eggs, unprocessed fresh fruits and vegetables and processed fresh fruits and vegetables (that is, fruits and vegetables not previously preserved which are packed in a container and are preserved by the medium of heat or freezing)."
PLUM-587	Furnaces: warm air.
CDGS-545	Furniture: wooden, except as listed in Schedule II.
(*)	Furniture: not otherwise listed in Schedules II or III.
CDGS-683	Galvanized ware and non-metal coated metal articles: buckets, tubs, wash boilers, fire shovels, funnels, storage cans, pails, not garbage pails (except those listed in Schedule II).
CDGS-682	Galvanized ware and non-metal coated metal articles: garbage pails, garbage cans, ash cans, except those listed in Schedule II.

SCHEDULE III—QUOTAS—Continued

Code	Product
(*)	Games and toys, including masquerade accessories, playing cards, dice, sleds, children's vehicles, children's playing equipment, dolls, toy furniture and all other articles and devices defined as games and toys in Limitation Order L-81.
(*)	Greeting cards and illustrated post cards, as defined in Order L-289
(*)	Hair tonics, shampoos and hair dressing preparations.
BLDG-706	Hardware: builders.
BLDG-708	Hardware: furniture, ladder, locker, luggage, refrigerator, hose fittings, not fire hose or flexible metal hose, screw eyes, and other bright wire goods.
PLUM-594	Heating facilities: low pressure steam and hot water.
PLUM-585	Heaters (Unit) and unit heating ventilators: not direct fired.
PLUM-595	Heaters: water: not electric.
TEXT-662	Hooks, eyes, slide and snap fasteners, buckles, buttons, miscellaneous apparel and shoe findings.
(*)	Ink, all types.
(*)	Incense, odor neutralizers: except industrial.
RARA-611	Instruments: commercial, including compasses, hydrometers, thermometers, barometers.
(*)	Insecticides, fungicides, disinfectants and other pest control compounds when packed in inner-container sizes, 5 pounds, 1 gallon or smaller. This does not include preparations for pest control on crops, fowl or animals (except pet), nor compounds specifically prepared for use in governmental projects.
(*)	Insulation building: tile, panels, blocks, bats, blankets, formed insulation, metal encased insulation (except as otherwise listed in Schedule II).
CDGS-651	Jewelry, toilet sets, cigaret holders, etc.
(*)	Lace and ribbon.
CDGS-537	Lamps and lanterns; liquid fuel.
CDGS-538	Lamps, shades, reflectors and portable electric lamps; except for industrial bench machinery or physiotherapy.
CDGS-476	Laundry machinery: domestic.
(*)	Leather: goat, kid, cabretta, kangaroo.
(*)	Leather: all other.
BLDG-536	Lighting fixtures: incandescent: industrial, commercial residential.
BLDG-542	Lighting fixtures: street, highway, blackout, dimout, traffic control signals and controllers.
PRIN-212	Looseleaf binders and parts.
(*)	Luggage as defined in Limitation Order L-284.
CDGS-665	Marking devices.
(*)	Matches.
(*)	Mattresses: (except as listed in Schedule II).
BLDG-741	Millwork: woodwork (except as listed in Schedule II).
CDGS-666	Mirrors.
CDGS-670	Morticians' goods.
SERV-547	Motion picture projection equipment: 35 mm.
CDGS-484	Mowers: lawn, hand or power driven.
CDGS-671	Musical instruments (as defined in L-37-a).
TEXT-715	Nails and tacks: cut nails made from tack plate, wire shoe nails, nonferrous nails, tacks.
CDGS-663	Needles: domestic.
SERV-472	Office machinery.
CDGS-672	Office supplies.
(*)	Oil or grease (lubricating), packed in inner containers, sizes, five-gallon or less.
(*)	Ornaments—made of glass, plastic, pottery, china, metal, wood, paper, or leather (except those listed in Schedules II or III).
(*)	Paper or paper products not otherwise listed in Schedules I, II or III, except condenser tissues, closures, inner-containers, V-mail blanks, forks, spoons, cups, dishes and component parts of industrial products.

SCHEDULE III—QUOTAS—Continued

Code	Product
(*)	Paint, varnishes, roof coatings and cements. This item includes but is not limited to pigmented oil or oleoresinous: Ready mixed, semi-paste or paste, white lead in oil, colors in oil, pigmented or clear lacquers, resin emulsion paste, casein paste, vegetable protein paste; casein and calcimine paints in dry form or other paints and paint materials in dry form.
(*)	Party and festivities materials; including but not limited to: favors, tallies, horns, masquerade supplies, party napkins, score pads, place cards, decorative paper dishes and holders, crepe paper, crepe paper products, banners, flags, streamers, decorations, festivity costume supplies.
CDGS-673	Pens and pencils.
(*)	Pet food: (except proprietary drug remedies).
(*)	Pet furnishings: including but not limited to dog collars, muzzles, blankets, food serving utensils, treated bones and beds, except those listed in Schedule II.
PRIN-229	Photo-engravings.
CDGS-548	Photographic equipment, accessories: not 35 mm motion picture projection equipment.
(*)	Pictures, plaques, tapestries, mountings, folders.
CDGS-664	Pins: common, safety.
CDGS-661	Pins: Hairpins, bobbie pins, and hair curlers.
BLDG-703	Plastering bases and plastering accessories.
PLUM-571	Plumbing fixture fittings and plumbing fixture trim.
PLUM-570	Plumbing: sanitary ware.
(*)	Pocketbooks and all types of purses, billfolds, handbags (not luggage), pocket notebooks, keyholders, identification holders, and other personal flat goods not otherwise listed in Schedule III.
(*)	Printing and publishing products except products otherwise listed in Schedules II and III.
PRIN-226	Printing trades machinery and equipment.
PLUM-610	Pumps: low pressure heating.
(*)	Putty and caulking compound.
PLUM-580	Radiators: cast iron
CDGS-650	Razor blades.
CDGS-649	Razors: not electric.
(*)	Records: phonograph.
CDGS-530	Refrigerators: ice: domestic.
CDGS-112	Refrigerators: mechanical: domestic.
(*)	Saddles, bridles and horse collars.
(*)	Sanitary tissue products: toilet tissue, towels, napkins (plain), facial tissue, sanitary napkins and medicinal tissue.
BLDG-704	Screen cloth: insect: metal.
CDGS-113	Sewing machines: domestic.
(*)	Shades (cloth or paper) and shade rollers: window and door.
(*)	Shaving creams and soap.
(*)	Shingles and siding, asbestos and asphalt.
(*)	Shoes (except rubber).
(*)	Shoe Polish, cleaners, creams, dressings, dyes and preservatives.
CDGS-652	Silverware: plated.
CDGS-653	Silverware: Sterling.
(*)	Smoking accessories, not otherwise listed in Schedule III.
(*)	Soap, except industrial and shaving.
RARA-625	Sound systems: industrial.
(*)	Souvenirs, novelties and pennants (not otherwise listed in Schedule II or III).
(*)	Sponges: natural or artificial, except industrial.
CDGS-677	Sporting goods: except those listed in Schedule II: not mechanical rubber goods.
CDGS-688	Staples and staplers: colored staples and rolls of wire for hand operated stitchers; staple driving tackers; hand or foot operated stapling devices; hand operated stitchers.

SCHEDULE III—QUOTAS—Continued

Code	Product
PLUM-581	Stoves and ranges, cooking: domestic: not electric.
PLUM-584	Stoves, heating: domestic: not electric.
PLUM-593	Stokers: grate area 36 feet or less.
CONT-716	Strapping and seals: metal: round, flat.
PLUM-695	Tanks, hot water storage.
(*)	Tape, gummed; gummed-cloth, paper or sesal; over 500 ft. rolls.
(*)	Textile, household: covers, draperies, curtains, mats, doilies, pads, ironing board covers.
(*)	Textiles, household: sheets, pillow cases, towels, wash cloths, napkins, table cloths, dish cloths, quilts, comforts.
(*)	Tile, building: acoustical, floor (including asphalt tile), wall facing tile.
RUBR-643	Tires, tubes, valves, flaps.
(*)	Tobacco and tobacco products.
(*)	Toilet articles and equipment (other than toiletries and cosmetics), including, but not limited to, manicuring, hair fixing, massage and bathing, except articles, otherwise listed in Schedule III.
(*)	Toiletries and cosmetics: including but not limited to perfume, make-up, lotions, skin food, hair remover, manicuring preparations, astringents, deodorants, hair bleach and dye, face and body powder except products otherwise listed in Schedules II or III.
BLDG-645	Tools: edge.
(*)	Tools, hand: garden or farm, except those otherwise listed on Schedules II or III.
BLDG-646	Tools: hand: not mechanics hand service: Except those listed in Schedule II.
TOOLS-647	Tools: mechanical: hand.
CDGS-656	Traps and cages: animal, bird, and insect except as listed in Schedule II and except mouse and rat traps.
CDGS-674	Umbrellas and parasols.
CDGS-691	Utensils: aluminum ware: household, kitchen.
CDGS-659	Utensils: kitchen and household: miscellaneous.
(*)	Wall paper.

SCHEDULE IV—PACKING SPECIFICATIONS

(See Paragraph (1) (1))

Subject to the exceptions listed in paragraph (1) (2) of this order, the products listed below may only be packed in fibre shipping containers in accordance with the provisions of this schedule. The provisions listed under "Class A" apply to all shipments from processing or manufacturing units to units other than retail stores, and the provisions listed under "Class B" apply to all shipments to retailers from processing or manufacturing units. Except where otherwise specified, listed percentages and other provisions of this table are applicable to each class separately.

Unless an exception is provided in Column 7, the products listed in this table may not be shipped in fibre shipping containers in any amounts except those listed for the product in Columns 1 and 4. Likewise they may not be packed in fibre shipping containers exceeding the maximum specifications in Columns 2 and 5. However, solid fibre containers may be substituted for corrugated wherever the former have an equivalent or lower Mullen test than those of the specified corrugated containers. (In this connection, attention is called to Direction 2 to Order M-290 which restricts the manufacture of solid fibre containers).

No containerboard interior packing or fittings may be used except as specifically indicated in Column 7. Percentage figures appearing in Columns 3 and 6 mean that no more than the indicated percentage of the amount of the affected product which a packer packs in new fibre shipping containers during each calendar quarter may be packed in new fibre shipping containers of the capacity and specifications to which the percentage applies. Percentages should be computed without regard to any shipments made in accordance with the exceptions stated in paragraph (1) (2). "Specifications" indicate the Mullen test and type of containerboard which may be used. "COR" means corrugated fibre. "F" means solid fibre.

For an example of how to use this schedule, a packer of spareribs for Class A shipments knows that fifty per cent of all spareribs that he packs in fibre shipping containers for such shipments may be packed in corrugated containers having a minimum of 30 pounds

SCHEDULE IV—PACKING SPECIFICATIONS—Continued

of spareribs in each container and a maximum Mullen test of 175 pound. In computing his percentage of spareribs packed in any calendar quarter, the deliveries to persons listed in paragraph (1) (2) must be excluded. He may possibly be able to use solid fibre shipping containers under the exception stated above. However, he may pack an unlimited amount of spareribs for Class A shipments in corrugated or solid fibre shipping containers having a minimum of 50 pounds of spareribs in each container and a maximum of Mullen test of 275 pound for the corrugated container or 200 pound for the solid fibre container.

FRESH AND FROZEN PORK

Product	Class A—Branch house, wholesale, and jobbers shipments			Class B—Direct shipments to retailers			
	(1) Minimum weight of contents	(2) Maximum specifications	(3) Percent of production	(4) Minimum weight of contents	(5) Maximum specifications	(6) Percent of production	(7) Exceptions
Pork loins	50 pounds	275-pound cor. or 200-pound F.	Unlimited				
Butts	50 pounds	do	do				
Shoulders	50 pounds	do	do				
Hams	50 pounds	do	do				
B.C.I. hams	50 pounds	do	do				
Picnics	50 pounds	do	do				
Fresh bellies	50 pounds	do	do	15 pounds	175-pound cor	Unlimited	None.
Spareribs	90 pounds	175-pound cor	50 percent	50 pounds	175-pound cor. or 200-pound F.		
Spareribs	50 pounds	275-pound cor. or 200-pound F	Unlimited				
Pork feet	50 pounds	175-pound cor	50 percent	50 pounds	350-pound cor. or 275-pound F.		
Pork feet	50 pounds	275-pound cor. or 200-pound F.	Unlimited	110 pounds	350-pound F		
Pork tails	50 pounds	175-pound cor	50 percent				
Pork tails	50 pounds	275-pound cor. or 200-pound F.	Unlimited				
Pork hocks	50 pounds	175-pound cor	50 percent				
Pork hocks	50 pounds	275-pound cor. or 200-pound F.	Unlimited				
Pork knuckles	50 pounds	175-pound cor	50 percent				
Pork knuckles	50 pounds	275-pound cor. or 200-pound F.	Unlimited				
Neck bones	50 pounds	275-pound cor. or 200-pound F.	do				
Trimmings and boneless shoulders	110 pounds	350-pound F	do				
Tenderloins	10 pounds	200-pound cor	do	10 pounds	200-pound cor		

SMOKED MEATS

Smoked hams, boneless	50 pounds	200-pound cor	Unlimited	15 pounds	175-pound cor	Unlimited	None
Precooked hams	50 pounds	200-pound cor	do	30	175-pound cor		
Hams in casings	50 pounds	200-pound cor	do	50	200-pound cor		
Dry salt bellies	50 pounds	200-pound cor	do	90	350-lb. cor or 275-lb F.		
Bacon squares	50 pounds	200-pound cor	do				
Smoked briskets	50 pounds	200-pound cor	do				
Smoked jowl butts	50 pounds	200-pound cor	do				
Smoked picnics	50 pounds	200-pound cor	do				
Smoked Canadian bacon (except cooked Canadian bacon)	50 pounds	200-pound cor	do				
Smoked bucks and miscellaneous smoked meats	50 pounds	200-pound cor	do				
Slab bacon	50 pounds	200-pound cor	do				
Smoked boneless butts	18 pounds	175-pound cor	do				
Sliced bacon	12 pounds	175-pound cor	60 percent	12	175-pound cor	60 percent	Percentage may be applied to combined total of Class A and Class B shipments.
Sliced bacon	18 pounds	175-pound cor	Unlimited	18	175-pound cor	Unlimited	

BEEF AND SMALL STOCK CUTS

Bone-in beef cuts	50 pounds	275-pound cor. or 200-pound F.	Unlimited	13 pounds	175-lb. cor	Unlimited	*Sliced dried beef may be permitted in 5-pound net container on direct shipments to retailers. 175-pound corrugated. Sliced dried beef in 4-ounce cello. permitted in 3-pound net containers on direct shipments to retailers. 175-pound corrugated.
Bone-in veal and mutton cuts	50 pounds	275-pound cor. or 200-pound F.		30 pounds	175-lb. cor		
Boneless veal and mutton cuts	50 pounds	275-pound cor. or 200-pound F		50 pounds	275-lb. cor. or 200-lb. F		
Smo. dried beef	50 pounds	275-pound cor. or 200-pound F.		90 pounds	350-lb. cor. or 275-lb. F.		
Bulk hamburger	50 pounds	275-pound tel. cor. or 200-pound tel. F.		110 pounds	350-lb. F.		
Boneless beef cuts	110 pounds	350-pound tel. F.					
Saus. matl. (bull & cow meat, trimgs, and boneless veal)	110 pounds	350-pound tel. F.					
Fresh tongues to freezer	110 pounds	350-pound tel. F.					
Hamburger patties	18 pounds	200-pound dbl. dbl. cor.					
Smo. tongues	30 pounds	175-pound cor					
*Sliced dried beef (bulk)	30 pounds	175-pound cor					
Sliced dried beef (4 oz. cello. pkd.)	30 pounds	175-pound cor					

VARIETY MEATS

Product	Class A—Branch house, wholesale, and jobbers shipments			Class B—Direct shipments to retailers			
	(1) Minimum weight of contents	(2) Maximum specifications	(3) Percent of production	(4) Minimum weight of contents	(5) Maximum specifications	(6) Percent of production	(7) Exceptions
*Brains	10 pounds	175-pound cor	Unlimited				
*Gullets	10 pounds	175-pound cor	do				
*Veal and lamb sweetbreads	10 pounds	175-pound cor	do				
Veal and lamb livers	10 pounds	175-pound cor	do				
Chitterlings	10 pounds	175-pound cor	do				
*Hearts	25 pounds	175-pound cor	10 percent				
*Snouts	25 pounds	175-pound cor	10 percent				
*Hog stomachs	25 pounds	175-pound cor	10 percent				
*Livers, all kinds	25 pounds	175-pound cor	10 percent				
*Beef cheek meat	25 pounds	175-pound cor	10 percent				
*Pork tongues	25 pounds	175-pound cor	10 percent				
*Pork ears	25 pounds	175-pound cor	25 percent				
*Livers	25 pounds	175-pound cor	25 percent				
Oxtails	25 pounds	175-pound cor	Unlimited	Same as branch house wholesale, and jobber shipments. Percentages to apply to entire company's operations.	Same as branch house wholesale, and jobber shipments. Percentages to apply to entire company's operations.	Same as branch house wholesale, and jobber shipments. Percentages to apply to entire company's operations.	*Balance not packed in 25-pound boxes to be packed in 110-pound net 150-pound gross weight boxes to the visible capacity of the box 350-pound fibre. **75-pound net capacity box, 125-pound test corrugated permitted for direct shipments to retailers. ***May be packed in 110-pound net, 150-pound gross weight boxes to the visible capacity of the fibre shipping containers.
Veal tails	25 pounds	175-pound cor	do				
Kidneys	25 pounds	175-pound cor	do				
Tripe	25 pounds	175-pound cor	do				
Honeycomb tripe	25 pounds	175-pound cor	do				
**Beef heart sweetbreads	25 pounds	175-pound cor	do				
**Sweetbreads, prs	25 pounds	175-pound cor	do				
Pickled brains	40 pounds	200-pound cor	do				
Pickled gullets	40 pounds	200-pound cor	do				
Pickled veal and lamb sweetbreads	40 pounds	200-pound cor	do				
Pickled chitterlings	40 pounds	200-pound cor	do				
Pickled veal and lamb livers	40 pounds	200-pound cor	do				
***Packages of variety meat items listed in OPA Order 336	110 pounds	350-pound F	do	do	do	do	Pharmaceutical glands may be shipped in any type or size container.

DRY SAUSAGE

Thuringer and cervelat-type pieces	15 pounds	175-pound cor	Unlimited	10 pounds	175-pound cor	Unlimited	Single pieces of thuringer and cooked salami may be packed in individual boxes, 125-pound test corrugated, on direct shipments to retailers.
All other dry and semi-dry sausage	50 pounds	275-pound cor or 200-pound F.	do	30 pounds	175-pound cor		
				50 pounds	275-pound cor or 200-pound F.		

FRESH SAUSAGE

Bologna	12 pounds	175-pound cor	50-percent	10 pounds	175-pound cor	Unlimited	Liver loaf, liver sausage, cooked loin roll, cooked Canadian bacon, cooked hams may be shipped in individual boxes, 125-pound test corrugated, on direct shipments to retailers. *To include ten 6-pound cartons, even though gross weight exceeds 65 pounds provided Classification Committee approves exception.
Do	50 pounds	200-pound cor	Unlimited	30 pounds	175-pound cor		
Smoked pork sausage	50 pounds	200-pound cor	Unlimited	50 pounds	200-pound cor		
Do	12 pounds	175-pound cor	50-percent				
Italian sausage	50 pounds	200-pound cor	Unlimited				
Do	12 pounds	175-pound cor	do				
Liver loaf	1 piece	175-pound cor	do				
Liver sausage	50 pounds	200-pound cor	do				
Head cheese	18 pounds	175-pound cor	50-percent				
Do	50 pounds	200-pound cor	Unlimited				
Blood sausage	18 pounds	175-pound cor	50-percent				
Do	50 pounds	200-pound cor	Unlimited				
Souse	18 pounds	175-pound cor	50-percent				
Do	50 pounds	200-pound cor	Unlimited				
Luncheon meat products	18 pounds	175-pound cor	50-percent				
Luncheon products	50 pounds	200-pound cor	Unlimited				
*Frankfurters	50 pounds	200-pound cor	do				
*Bologna	50 pounds	200-pound cor	do				
*Luncheon meats	50 pounds	200-pound cor	do				
Cooked loin rolls	50 pounds	200-pound cor	do				
Cooked loin rolls	18 pounds	175-pound cor	25-percent				
Cooked Canadian bacon	18 pounds	175-pound cor	25-percent				
Cooked Canadian bacon	50 pounds	200-pound cor	Unlimited				
Cooked hams	50 pounds	200-pound cor	do				

CANNED MEATS

Picnic cans	24 pieces	175-pound cor	Unlimited				*175-pound test cor recommended provided exception is authorized under Rule 41, Consolidated Frt. Classifications; otherwise, 200-pound test required. **1 piece and 2 piece units, 6-pound oblong and 8-10-pound Pullman in 125-pound test cor permitted on direct shipments to retailers.
Picnic cans	48 pieces	175-pound cor					
6-ounce cans	48 pieces	175-pound cor					
6-ounce cans	24 pieces	175-pound cor					
Deep 12-ounce cans	36 pieces	175-pound cor					
12-ounce cans	24 pieces	175-pound cor					
16-ounce cans	21 pieces	175-pound cor					
32-ounce cans	12 pieces	175-pound cor					
24-ounce cans	24 pieces	175-pound cor					
32-ounce cans	12 pieces	175-pound cor					
**6-pound oblong cans	9 pieces	275-pound cor or 200-pound F.					

CANNED MEATS—Continued

Product	Class A—Branch house, wholesale, and jobbers shipments			Class B—Direct shipments to retailers			
	(1) Minimum weight of contents	(2) Maximum specifications	(3) Percent of production	(4) Minimum weight of contents	(5) Maximum specifications	(6) Percent of production	(7) Exceptions
6-pound round cans	6 pieces	200-pound cor	Unlimited	Same as branch house wholesale and jobber shipments.	Same as branch house wholesale and jobber shipments.	Unlimited	**1 piece pear-shape ham permitted in 175-pound cor. on direct shipments to retailers. **175-pound test dividers permitted in 4- and 6-can packs. **125-pound test dividers permitted on 9 piece 6-pound oblong and 2 piece 6-pound oblong.
**10-pound Pullman cans	6 pieces	200-pound cor	do				
Do	6 pieces	275-pound cor. or 200-pound F.	do				
Individual hams: **Pear-shape cans	4 pieces	275-pound cor. or 200-pound F.	25 percent				
Do	6 pieces	275-pound cor. or 200-pound F.	Unlimited				
Do	6 pieces	350-pound cor. or 275-pound F.	do				

LARD

1-pound cartons	36 pounds	175-pound cor	Unlimited	Same as branch house wholesale and jobber shipments.	Same as branch house wholesale and jobber shipments.	Unlimited	None.
1-pound cartons and larger	48 pounds	200-pound cor	do				
Bulk lard	50 pounds	275-pound cor. or 500-pound F. with liner 200 pound cor. liners.	do				

INTERPRETATION 1: Revoked Feb. 6, 1945.
INTERPRETATION 2: Revoked Feb. 6, 1945.
INTERPRETATION 3: Revoked Feb. 6, 1945.

INTERPRETATION 4

LAUNDRY BOXES AND LAUNDRY SHELLS

The words "Laundry boxes and laundry shells" in Item d of Schedule I of Order L-317 mean those boxes and shells designed for use by commercial laundries. Paragraph (d) of that order prohibits a person from using solid fibre (.045 or heavier) or corrugated fibre to manufacture any container of the types listed in Schedule I of the order. The prohibited type of container listed as Item d of that schedule does not include those containers designed for use by individuals as "over-night bags" or for other personal uses such as shipping soiled clothes and similar articles. (Issued March 2, 1945.)

INTERPRETATION 5

REPAIRED OR RECONDITIONED CONTAINERS

A question has arisen as to whether the acceptance or use of certain types of containers made from solid fibre (.045 or heavier) or corrugated fibre is subject to the provisions of Order L-317. The containers in question are those which a packer obtains that have been used previously either by him or by someone else for packing, storing or shipping a product and that are not suitable for immediate reuse. These used containers are either repaired or reconditioned in his establishment or are sent to other persons for such work to be performed and then returned to him. In either case, the used containers are repaired by taping the damaged parts or are cut into different sizes and the sides and ends taped together. Used liners that were part of the previously used containers are sometimes separated from the containers and are reformed and reshaped to make containers of various sizes.

In all cases covered by this interpretation, the newly shaped containers consist of no containerboard except used sides and tops and bottoms of the original containers or liners that have been previously used. No unused containerboard is added. The containerboard in such containers or liners is not reprocessed or ground into pulp as is the case when used containerboard is received by a containerboard manufacturer.

The reformed and reshaped containers described above are not subject to the restrictions of Order L-317. Such containers are not "fibre shipping containers" as defined in paragraph (b) (1) of Order L-317, because they are not regarded as being "new". (Issued April 24, 1945.)

[F. R. Doc. 45-14526; Filed, Aug. 7, 1945; 11:09 a. m.]

PART 3270—CONTAINERS

[Preference Rating Order P-140, Direction 3 as Amended Aug. 7, 1945]

RATINGS FOR CONTAINERS FOR MILK POWDER

The following amended direction is issued pursuant to Preference Rating Order P-140:

Order P-140 assigns a rating of AA-2X for wooden shipping containers for the shipment of foods. However, any person who has received an order from War Food Administration for milk powder bearing an endorsement that it is for Lend-Lease purposes or who is required by a War Food Administration Order to set aside any part of his milk powder production for purchase by the War Food Administration, may use a rating of AA-2 to get the slack barrels that he will need to fill or comply with such orders. However, the AA-2 rating may only be used on orders calling for delivery of the slack barrels on or before December 31, 1945. The certification accompanying the order for the barrels shall refer to "Direction 3" instead of "Paragraph------".

Issued this 7th day of August 1945.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 45-14522; Filed, Aug. 7, 1945; 11:09 a. m.]

PART 3270—CONTAINERS

[Order M-290, Revocation of Direction 2]

USE OF SOLID FIBRE CONTAINER PRODUCTION EQUIPMENT

Direction 2 to Order M-290 is revoked. This revocation does not affect any liabilities incurred for violations of the direction or of actions taken by the War Production Board under the direction. The use of solid fibre container production equipment remains subject to all other applicable orders and regulations of the War Production Board.

Issued this 7th day of August 1945.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 45-14525; Filed, Aug. 7, 1945; 11:09 a. m.]

PART 3290—TEXTILE, CLOTHING AND LEATHER

[Conservation Order M-217, as Amended Aug. 7, 1945]

FOOTWEAR

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of shoe manufacturing material for defense for private account and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 3290.191 *Conservation Order M-217*—(a) *Applicability of priorities regulations.* This order and all transactions affected thereby are subject to all applicable regulations of the War Production Board and Conservation Order M-328, as amended from time to time, except as follows:

(1) Priorities Regulation 17 shall be inapplicable to footwear.

(2) Military footwear which has been rejected by Government inspectors and stamped to indicate its rejection may be sold without regard to Paragraph 944.11 of Priorities Regulation 1 or paragraph (e) (3) of Conservation Order M-328.

(b) *Definitions.* For the purposes of this order:

(1) "Put into process" means the first cutting of leather or fabric in the manufacture of footwear.

(2) "Footwear" includes house slippers, but does not include (i) rubber footwear or (ii) foot covering designed to be worn over shoes and utilizing no leather.

(3) "Work shoes" means any shoes or boots with unlined quarters which are designed to be worn at any form of work requiring specially heavy or substantially made footwear.

(4) [Deleted June 14, 1945.]

(5) [Deleted June 14, 1945.]

(6) "Cattle hide leather" means any leather (including splits) made from cattle hides, including hides of bulls, cows, and steers, and calf and kip skins (but excluding slunks) and shall also include buffalo hides.

(7) [Deleted Nov. 9, 1944.]

(8) "House slippers" means any footwear designed exclusively for indoor or house wear.

(9) [Deleted Mar. 9, 1944.]

(10) "Line" means footwear of any one of the following types:

Men's dress
Men's work
Youths' and boys'
Women's and growing girls'
Misses' and children's
Infants'
House slippers
Athletic
Men's safety shoes, and
Women's safety shoes

to the extent that such type of footwear is manufactured for sale by the manufacturer in a price range where the highest list price does not exceed the lowest by more than 10% or 25¢ a pair (whichever is greater): *Provided*, That:

(i) Footwear of identical kind and quality sold at different prices to different types of purchasers may be included in one line if the highest price in the range is an actual price at which this footwear was sold during the base period, and the concession price for the same footwear is not more than 15% below the highest price in the range.

(ii) In case the sale by the manufacturer is at retail or to a purchaser which controls, is controlled by, or is subject to common control with, the manufacturer, then the applicable price range shall be the retail price range.

(iii) Up to the net wholesale price shown on the following schedule, each type of footwear listed may be deemed one line:

Type:	*Maximum net wholesale price per pair*
Misses' and children's	$1.75
Youths' and boys' (without leather)	1.90
Youths' and boys' (utilizing leather)	2.50
Women's and growing girls' (including safety) (without leather)	1.90
Women's and growing girls' (including safety) (utilizing leather)	2.50
Men's work, dress and safety (without leather)	1.90
Men's work, dress and safety (utilizing leather)	3.00
House slippers (with or without leather)	1.60
Infants', sizes 0-4 (utilizing leather)	.90
Type—Continued.	
Infants', sizes 0-4 (made without leather)	$0.75
Infants', sizes 4½ to 8 (with or without leather)	1.35

NOTE: For the purposes of this schedule, footwear utilizing no leather except for heel top lifts shall be considered as having been made without leather.

(iv) Nothing in this order shall be deemed to permit overlapping price lines.

(11) [Deleted May 1, 1945.]

(12) "Military footwear" means military type footwear purchased by the Army or Navy of the United States (excluding post exchanges and ship's service stores, wherever situated), the United States Naval Academy at Annapolis, Maryland, the United States Military Academy at West Point, New York, the United States Maritime Commission, the Panama Canal, the Coast and Geodetic Survey, the Coast Guard, the Civil Aeronautics Authority, the National Advisory Committee for Aeronautics, the Office of Scientific Research and Development, the War Shipping Administration, the Government of any of the following countries: Belgium, China, Czechoslovakia, Free France, Greece, Iceland, the Netherlands, Norway, Poland, Russia, Turkey, the United Kingdom (including its Dominions, Crown Colonies and Protectorates) and Yugoslavia; military type footwear purchased by any agency of the United States for delivery to or for the account of the Government of any country listed above, or any other country, including those in the Western Hemisphere, pursuant to the Act of March 11, 1941, entitled "An Act to Promote the Defense of the United States" (Lend-Lease Act); and custom-made footwear delivered for personnel of the Army or Navy of the United States.

(13) "Civilian footwear" as used in paragraph (i) includes all footwear except military footwear and rubber footwear.

(14) "Six months' base period" means any consecutive six calendar months within the period from July 1, 1942 through April 30, 1943 selected by a manufacturer as his base period for the purposes of this order.

(15) "Civilian line quota" means the number of pairs of civilian footwear within a single line manufactured by a person during his six months' base period, as set forth on his base period report.

(16) "Safety shoes" means protective occupational footwear incorporating or purporting to incorporate one or more of the following safety features: steel box toe; electrical conductivity; electrical resistance; non-sparking and moulders' (Congress type) protection (shoes which can be quickly removed, worn to protect against splashing metals).

(17) "Long shield tip" means a shield tip having a horizontal measurement from the bottom of the curve to the upper end of the tip of more than 1 inch (using size 4B as a standard).

(18) [Deleted Nov. 9, 1944.]

(19) [Deleted Nov. 9, 1944.]

(c) *Curtailment in the use of materials and colors in the manufacture of footwear.* (1) No person shall manufacture, or put into process any leather or fabric for the manufacture of, any footwear with:

(i) [Deleted June 14, 1945.]

(ii) [Deleted June 14, 1945.]

(iii) Wing or shield tips on men's shoes and boys' shoes over size 6, or wing tips or long shield tips on women's, girls', misses', youths', little gents' and children's shoes and boys' shoes of sizes 6 and under.

(iv) Full overlay tips or full overlay foxings, except on work shoes and footwear with fabric uppers.

(v) [Deleted June 14, 1945.]

(vi) [Deleted June 14, 1945.]

(vii) Bows or other ornaments, if made in whole or in part of leather (excluding scrap).

(viii) Outside leather taps, on footwear other than men's high shoes, unless the middle sole is of synthetic composition material.

(ix) Leather slip soles other than those cut from bellies or offal.

(x) More than one full leather sole, in Goodyear welt footwear other than work shoes and safety shoes.

(xi) Full breasted heels, except on hand-turned footwear.

(xii) [Deleted Aug. 26, 1944.]

(xiii) [Deleted Aug. 26, 1944.]

(xiv) Men's one-piece leather uppers (i. e., vamp and quarter cut in one piece and seamed up the back).

(xv) [Deleted Aug. 26, 1944.]

(xvi) [Deleted Aug. 26, 1944.]

(xvii) [Deleted Aug. 26, 1944.]

(xviii) [Deleted June 14, 1945.]

(xix) [Deleted June 14, 1945.]

(xx) [Deleted June 14, 1945.]

(xxi) [Deleted Aug. 26, 1944.]

(xxii) [Deleted June 14, 1945.]

(xxiii) Kiltie or other ornamental tongues, if made of leather in whole or in part.

(xxiv) [Deleted Aug. 26, 1944.]

(xxv) Leather covered platforms or leather platform effects, on any footwear.

(xxvi) [Deleted Aug. 26, 1944.]

(xxvii) [Deleted Aug. 26, 1944.]

(xxviii) [Deleted Aug. 26, 1944.]

(xxix) Rawhide or other leather laces, except on work shoes.

(xxx) [Deleted June 14, 1945.]

(2) [Deleted Aug. 26, 1944.]

(3) No person shall put into process any leather for the manufacture of any boots (including jodhpurs and jodhpur types) except men's blucher high cut laced boots ten inches or under in height (measured from heel seat, using size 7 as the standard) and men's and women's utility work cowboy boots: except that any person who has an established quota under paragraph (i) for men's work shoes may produce genuine logger boots with calks or linemen's boots above 10 inches in height; *Provided*, That within ten days after the end of each calendar month he sends to the War Production Board, Leather and Shoe Division, Washington 25, D. C., Ref: M-217, a letter showing the number and kinds of boots made, and, in the case of line-

men's boots, the names of the individuals for whom they were made.

(4) [Deleted June 14, 1945.]

(5) [Deleted Aug. 26, 1944.]

(6) [Deleted June 14, 1945.]

(7) No person shall, in the manufacture of house slippers or romeos, put into process for uppers any cattle hide leather (including splits) or goatskin or kidskin leather (including India-tanned goatskin or kidskin) or put into process for outsoles any cattle hide grain leather other than heads, bellies, shins, and shanks of 5 iron or less. No person shall utilize any leather in the manufacture of infants' house slippers in sizes 0 to 4, inclusive.

(8) [Deleted July 19,1945.]

(9) [Deleted Aug. 26, 1944.]

(10) [Deleted Aug. 26, 1944.]

(11) No person shall manufacture any leather or part leather bows for use on footwear, except out of scrap.

(12) No person shall attach any soles heavier than 4 iron cut from chrome, chrome retan, or any combination chrome tanned cattlehide or horse butt leather, (excluding splits, to any footwear except infants', misses' and children's shoes (excluding all sizes over size 3), youths' and boys' shoes (excluding all sizes over size 6), men's work shoes, and men's and women's safety shoes manufactured in accordance with paragraph (e–1) below. This provision does not apply to repair.

(13) With respect to:

(i) Foot wear especially designed for the physically maimed and deformed;

(ii) Misses' and children's shoes (up to and including size 3);

(iii) Infants' shoes; and

(iv) Youths' and boys' shoes (up to and including size 6); no person shall utilize any upper leather or lining leather set aside by tanners for such footwear pursuant to Conservation Order M–310 or directions issued thereunder except in the manufacture of one of those types of footwear.

(d) *Restrictions on styling and types manufactured.* (1) [Deleted June 14, 1945.]

(2) [Deleted Aug. 26, 1944.]

(3) [Deleted Aug. 26, 1944.]

(4) No person shall attach to any footwear (except infants' footwear, house slippers or women's gold or silver evening slippers) outsoles, other than wooden soles, not conforming to the specifications contained in Schedule I annexed to this order.

(e) *Exceptions to paragraphs* (c) *and* (d) *above.* The foregoing prohibitions and restrictions of this order shall not apply to:

(1) Footwear made wholly without leather except for leather top lifts if used. This exemption shall extend only to paragraph (c).

(2) Special types of footwear made for the physically deformed or maimed.

(3) Football, baseball, hockey, skating, bowling, track, and ski shoes and other similar footwear designed for use in active participation in sports which require specially constructed footwear for such use. This does not include golf shoes.

(4) Footwear forming part of historical or other costumes for theatrical productions.

(5) Infants' footwear up to and including size 4, except that this exemption shall not extend to paragraph (c) (7).

(6) Footwear made wholly or primarily of shearlings provided no other leather is used in their manufacture.

(e–1) *Restrictions on the manufacture of safety shoes.* No person shall manufacture any safety shoes which have leather uppers with leather or rubber (including synthetic rubber) compound bottoms, except those which comply with the safety features as to safety toe box, electric conductivity, electrical properties, non-sparking and moulders protection in the American War Standards Specifications for protective occupational footwear, men's safety shoes and women's safety shoes, Z41.1 to Z41.9 inclusive, 1944. Only those parts of the specifications relating specifically and solely to the safety features listed above and to the test requirements shall be applicable.

Upon letter application the War Production Board may authorize deviations from the above-mentioned standards when necessary to meet minimum civilian requirements for safety shoes.

(f) [Deleted Aug. 26, 1944.]

(g) *General exceptions.* None of the restrictions of this order shall apply to military footwear, or to footwear made as trials or pullovers but not sold.

(h) *Restrictions relating to sales and deliveries.* (1) No person shall sell or deliver any new footwear manufactured in the United States of America in violation of this order.

(2) No tanner or sole cutter shall deliver any leather to any shoe manufacturer if he knows or has reason to believe said leather is to be used in violation of the terms of this order.

(3) The prohibitions and restrictions of this paragraph shall not apply to:

(i) Deliveries of footwear or leather by or to, any person having temporary custody thereof for the sole purpose of transportation or public warehousing.

(ii) Any bank, banker, or trust company affecting or participating in a sale or delivery of footwear or leather solely by reason of the presentation, collection, or redemption of an instrument, whether negotiable or otherwise.

(4) In making sales or delivery of any footwear, no person shall make discriminatory cuts in quantity or quality between customers who meet such person's regularly established prices, terms and credit requirements, or between customers and his own consumption of said footwear. Reduction in sales or deliveries proportionate with any curtailment in supply available for nonmilitary use shall not constitute a discriminatory cut.

(5) With respect to:

(i) Footwear especially designed for the physically maimed and deformed;

(ii) Misses' and children's shoes (up to and including size 3);

(iii) Infants' shoes; and

(iv) Youths' and boys' shoes (up to and including size 6); no manufacturer shall accept delivery of any upper leather or lining leather reserved by tanners for such footwear pursuant to Conservation Order M–310 or directions issued thereunder if his supply of leather suitable for such footwear and obtained on certificate pursuant to such direction shall thereby become larger than a 30-days' inventory. A 30-days' inventory shall be deemed to be the quantity of leather actually used for the production of shoes of these types during the preceding calendar month, unless no such footwear was produced in that month, in which case a 30-days' inventory shall be deemed to be the leather required to manufacture his scheduled production of such shoes for the following thirty days.

(i) *Restrictions on production of lines of footwear.* (1) No person shall in any six months' period beginning with March 1 or September 1 in any year complete the manufacture of more civilian footwear within any line than the percentage of his civilian line quota for such line shown on the following schedule:

Each line of youths' and boys' shoes	125
Each line of men's safety shoes	125
Each line of men's work shoes	125
Each line of men's dress shoes	100
Each line of women's and growing girls' shoes	100
Each line of house slippers	100
Each line of athletic shoes	100
Each line of women's safety shoes	100

With respect to (i) infants' footwear and (ii) misses' and children's footwear, no manufacturer may exceed 125% of his aggregate civilian line quotas for all lines of infants' footwear, and no manufacturer may exceed 125% of his aggregate civilian line quotas for all lines of misses' and children's footwear, but his production within each of these two types of footwear may be distributed among his established lines in any manner desired, except that the production in any line consisting of less than 50 pairs or 2% of the total production of that type of footwear (whichever is greater) during the base period may not be increased by more than 25%:

Provided, however, That to the extent that a manufacturer's production of military footwear shows a decrease below that during his six months' base period, his production within any line of civilian footwear may exceed the civilian line quota for such line by its proportionate part of such decrease; and to the extent that such manufacturer's production of military footwear shows an increase over that during the six months' base period, each civilian line quota of such manufacturer shall be diminished by its proportionate part of such increase; *and provided further,* That to the extent that a manufacturer's production of military footwear during the six months' period ending September 1, 1945 increases over his military production during the six months' period ending March 1, 1945, he may deduct the increased pairage of military footwear from any civilian line or lines of men's dress or work shoes, or, in the event that he does not have sufficient quota in men's dress or work shoes, he may deduct the remaining pairage from his quota on any civilian line or lines of youths' and boys' shoes.

(2) No person shall manufacture any line of footwear (except military footwear) not manufactured by him in his six months' base period.

(3) *Exceptions to paragraphs* (i) (1) *and* (i) (2). (i) A lower priced line of the same type of civilian footwear may be substituted in whole or in part for a higher priced line.

(ii) The unused quota of any higher priced line may be added to the quota of a lower priced line of the same type of civilian footwear.

Any person may add 125% of the unused portion of his civilian line quota or quotas of men's dress and women's and growing girls' shoes to his quotas of the types shown below up to a maximum of six times the amount actually transferred pursuant to this paragraph (i) (3) (ii) during the month of March, 1945:

Type:
Men's work shoes
Youths' and boys' shoes
Misses' and children's shoes
Infants' shoes

In no event shall any unused quota be added to a higher priced line.

(iii) A person may exceed his civilian line quota for any line of women's safety shoes if a pairage equal to such excess is deducted from some other line or lines of footwear.

(iv) During any six months' period, beginning March 1 or September 1 in any year, a manufacturer whose total production for the period will be less than $250,000 (based on wholesale value) is not subject to paragraph (i) (1), provided that no new higher priced lines are added and provided the manufacturer does not exceed his aggregate production in pairs during his six months' base period by more than 50%. The exemption in this paragraph shall not apply to a manufacturer affiliated, as a subsidiary or otherwise with another or others. This paragraph shall not authorize any manufacturer to increase his production by more than 50% in any line consisting of less than 50 pairs or 2% of his total production of that type of footwear (whichever is greater) during the base period.

(v) Paragraphs (i) (1) and (i) (2) shall not apply to footwear for the physically maimed or deformed on a custom-made basis and not for stock, to wood sole clogs utilizing no leather, to shearling house slippers utilizing no other leather, or to footwear shown on the following schedule if manufactured for sale at or below the net wholesale prices shown opposite the respective types:

Type:	*Maximum net wholesale price per pair*
Misses' and children's	$1.75
Youths' and boys' (without leather)	1.90
Youths' and boys' (utilizing leather)	2.50
Women's and growing girls' (including safety) (without leather)	1.90
Women's and growing girls' (including safety) (utilizing leather)	2.50
Men's work, dress and safety (without leather)	$1.90
Men's work, dress and safety (utilizing leather)	3.00
House slippers (with or without leather)	1.60
Infants', sizes 0–4 (utilizing leather)	.90
Infants', sizes 0–4 (made without leather)	.75
Infants', sizes 4½ to 8 (with or without leather)	1.35

NOTE: For the purposes of this schedule, footwear utilizing no leather except for heel top lifts shall be considered as having been made without leather.

However, any person who wishes to produce shoes under the foregoing exemption must so notify the War Production Board by letter, stating the types of shoes to be made, the materials to be used, the price ranges and his estimated six months' production. Persons who have not previously produced shoes in such price ranges must at the same time apply for specific price approval to the Office of Price Administration. In no case, may a person commence the production of shoes under this exemption until he has received acknowledgment from the War Production Board of the receipt of the letter of intention to produce and, where pertinent, of evidence of price approval from the Office of Price Administration.

(vi) The War Production Board may authorize transfers of quotas of footwear from one line or type to any other line or type and new or additional production in each line or type. It will in general be the policy of the War Production Board to authorize new or additional production in lines of which there is a critical civilian shortage or lines of reasonably durable footwear where such production will not require materials, components, facilities or labor needed for war purposes, and will not otherwise adversely affect or interfere with production for war or essential civilian purposes. Authorization will not be dependent upon the applicant's having been engaged in the production of shoes during the base period.

Application for such authorization shall be made by letter, describing fully the footwear manufactured or proposed to be manufactured, listing in detail all the materials to be used, and stating the pairs desired to be made in each price range, the source of the manpower that will be required, whether production will be reduced in any other line or lines, and all other facts pertaining to the application. All applications shall be accompanied by an original and three copies of Form WPB–3820. Authorization of production of new lines under this paragraph will be made only with the condition that production may not begin until evidence is furnished of conformity with applicable Office of Price Administration regulations.

The War Production Board will issue footwear manufacturers' quota numbers for quotas authorized by the War Production Board or established because of base period production.

Production in new price lines, or increased production in established lines, may be granted by the War Production Board to cover production of civilian footwear purchased by or on behalf of United Nations Relief and Rehabilitation Administration or any other agency for foreign relief purposes.

(vii) Manufacturers qualifying for an increase in price on footwear with non-marking synthetic rubber soles, or soles and heels, under Order No. 13 under § 1499.3 (e) (3) of General Maximum Price Regulations, issued by the Office of Price Administration, may disregard such increase for the purposes of this paragraph (i). However, where the increase results in production of shoes in a higher price line, the number of pairs so produced shall be reported separately on the manufacturer's production report at the actual price, as indicated in the revised directions to said form.

(viii) Where a manufacturer produced in his base period a line of misses' and children's footwear of less than 50 pair or 2% of his total production of that type, he may increase his production of this line in any six months' period to not more than six times his lawful production of the line in January, 1945, *Provided*, That, he deducts the production in excess of 125% of his base period production in this line from his other lines of misses' and children's shoes.

(ix) Any person with an established quota or quotas for the production of women's and growing girls' shoes may produce up to 10% of his aggregate quota or quotas in women's all-over genuine reptile (including frog) shoes in any line or lines at a net wholesale price of $4.50 per pair or less, provided that the number of pairs of shoes produced under this paragraph (i) (3) (ix) is counted as production against the quota for that line or those lines, if any. In the event that there is no quota in a line in which such shoes are being produced, or that the number of pairs in the quota for that line does not equal the number of all-over genuine reptile (including frog) shoes produced, the number of such shoes produced must be counted as production against the quota for that line, if any, and for the next lower lines in descending order as to price as far as is necessary, and exhausting the quota of each line before proceeding to the next lower line. Records must be kept of the number of all-over genuine reptile shoes produced in each line.

(4) The period selected by any person as his six months' base period shall apply to all lines and may not be subsequently changed. After July 11, 1944, lines manufactured by any person in his six months' base period as previously filed with the War Production Board

may not be revised, except to bring them into conformity with this order.

(j) *Appeals.* Any appeal from the provisions of this order shall be made by filing a letter in triplicate, referring to the particular provision appealed from and stating fully the grounds of the appeal.

(k) *Records.* All persons affected by this order shall keep and preserve records concerning their operations in accordance with § 944.15 of Priorities Regulation 1.

(l) *Reports.* All persons affected by this order shall file such reports and questionnaires as may be requested by the War Production Board subject to the approval of the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(m) *Communications.* All reports required to be filed hereunder, and all communications concerning this order, shall, unless otherwise directed, be addressed to: War Production Board, Textile, Clothing and Leather Bureau, Washington 25, D. C., Ref.: M-217.

(n) *Violations.* Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

Issued this 7th day of August 1945.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

APPENDIX A: Superseded Nov. 9, 1944.

SCHEDULE I—SPECIFICATIONS FOR SOLES

Abrasion. The material shall have a resistance to abrasion of not less than 4000 revolutions to abrade 50% of the thickness of the material, when tested on the type of machine used by and following the procedure of the National Bureau of Standards. The material may be tested on any other abrasive testing machine, using an appropriate number of abrasive strokes of revolutions to give abrasive action equivalent to the above.

Crackiness. The material shall not crack, after conditioning for 4 hours, at 32° F. and testing at that temperature, when bent 180° over a 3-inch mandrel. The material shall not crack, after aging for 48 hours at 120° F. ± 2° F. and reconditioning at 65 per cent ± 2 per cent relative humidity and 120° F. ± 2° F. when bent 180° over a 3-inch mandrel.

Tackiness. The material shall not become tacky or flow when subjected to a temperature of 120° F. ± 2° F. for 4 hours.

Stitch tear. Material which is used for stitched soles shall have a stitch tear strength of not less than 30 pounds when tested dry, and not less than 25 pounds when tested immediately after soaking in water for 4 hours. When the outsole is cemented securely to a backer or midsole, the test shall be made of the combined assembly.

Effect of water. After submerging in water at 75° F. ± 2° F. for 4 hours, the material shall not show visual evidence of delamination or separation and shall not show an increase in thickness of more than 20 per cent.

INTERPRETATION 1

The word "manufacture" in line two of paragraph (c) (1) of § 3290.191 (Conservation Order M-217), refers to the operation whereby the features mentioned in subdivisions (i) to (xvii), inclusive, of said paragraph became a part of the footwear.

Illustration: Subdivision (iv) refers to full overlaid tips or full overlaid foxings except on work shoes. The order prohibits the placing of full overlay tips or full overlay foxings on dress shoes after October 31, 1942. But it does not prohibit the completion of the shoe if an overlaid tip or an overlaid foxing has been affixed prior to said date (Issued October 6, 1942.)

INTERPRETATION 3: Revoked August 26, 1944.

INTERPRETATION 4: Revoked May 1, 1945.

INTERPRETATION 5: Revoked June 14, 1945.

INTERPRETATION 6: Superseded Nov. 9, 1944.

INTERPRETATION 7: Superseded Nov. 9, 1944.

[F. R. Doc. 45-14529; Filed, Aug. 7, 1945; 11:10 a. m.]

PART 3290—TEXTILE, CLOTHING AND LEATHER

[Conservation Order M-217, as Amended Aug. 7, 1945, Revocation of Interpretation 2]

FOOTWEAR

Interpretation 2 to Conservation Order M-217 is hereby revoked.

Issued this 7th day of August 1945.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 45-14527; Filed, Aug. 7, 1945; 11:10 a. m.]

PART 3290—TEXTILE, CLOTHING AND LEATHER

[Conservation Order M-328, Direction 21]

PRODUCTION AND DISTRIBUTION OF COTTON AND SYNTHETIC FIBER TIRE AND FUEL CELL CORD

The following direction is issued pursuant to Conservation Order M-328:

(a) *What this direction does.* This direction requires producers of cotton and synthetic fiber tire and fuel cell cord to produce only such cord on twister spindles which, on March 31, 1944 or thereafter, were on either single or double twisting operations for tire or fuel cell cord. It also prohibits transactions in tire or fuel cell cord except on purchase orders which carry the required certifications.

The requirements of this direction apply to all production and distribution of tire and fuel cell cord, whether for delivery to the armed forces, other government agencies, for export, or for civilian purposes.

(b) *Production requirements*—(1) *Required use of twister spindles for cotton and synthetic fiber tire and fuel cell cord.* Effective August 27, 1945 regardless of any other regulations, orders or directions issued by the War Production Board, or of any rated orders received, no person shall operate or permit to be operated any twister spindles which, on March 31, 1944 or thereafter, were on, or assigned to, either single or double twisting operations in the production of cotton or synthetic fiber tire or fuel cell cord, except to produce such cord. Such twister spindles may operate interchangeably to produce tire or fuel cell cord made out of either cotton or synthetic fiber unless the War Production Board otherwise directs. The issuance of such directions will depend upon the need for particular kinds of tire or fuel cell cord, and the availability of facilities and the needed yarn.

(2) *Exceptions.* Any person who is unable to obtain the yarn which his facilities can use to make tire or fuel cell cord may apply for an authorization to use such facilities for other purposes. Such authorizations will be granted in cases where the required yarn cannot be obtained and the person applying proposes to use the facilities for other essential purposes. Authorizations under this paragraph will be for limited periods of time.

(c) *Deliveries of tire and fuel cell cord.* Effective October 1, 1945, no person shall sell or deliver and no person shall purchase or accept delivery of any cotton tire or fuel cell cord, except:

(1) On a purchase order bearing a rating assigned on Form WPB-2842, and containing in addition to the Priorities Regulation 3 certification, substantially the following certification:

This rating was assigned on Form WPB-2842, Serial No.------, for tire or fuel cell cord.

(2) Nylon tire cord may only be delivered or used pursuant to authorizations made under General Conservation Order M-336. Rayon tire cord may only be delivered or used pursuant to authorizations made under General Conservation Order M-37-d.

(The requirements of these paragraphs shall apply to all sales and deliveries including sales and deliveries to affiliates and subsidiaries and from one branch, division or section of a single enterprise to another branch, division or section of the same or any other enterprise under common ownership or control.)

(d) *Applications for ratings on Form WPB-2842.* Applications for ratings on Form WPB-2842 for tire or fuel cell cord will generally be considered only for production of tires, fuel cells, fuel hose, V-belts, flat belts, tire repair materials, and for export of tire and fuel cell cord, or to fill orders specifying the use of tire or fuel cell cord, from the United States Army, Navy, Maritime Commission or War Shipping Administration, and the Procurement Division of the Treasury Department. Applications must be filed on a calendar quarter basis at least 60 days before the beginning of the quarter. Applications for the 4th quarter of 1945 may be filed on or before August 15, 1945. Supplementary applications may be filed in case of extreme hardship or emergencies.

The total amount of materials for which priorities assistance will be granted under this direction is limited. Within the available supply, applications will generally be granted on a pro rata basis based on the actual consumption of the materials by the applicant during the calendar year 1944. Establishments which did not use these materials during the year 1944 (including persons who were not in business at that time) may nevertheless apply for materials and their applications will be processed on an equitable basis.

Issued this 7th day of August 1945.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 45-14530; Filed, Aug. 7, 1945; 11:10 a. m.]

PART 3290—TEXTILE, CLOTHING AND LEATHER

[Conservation Order M-328, Direction 22]

PRIORITIES ASSISTANCE FOR CARDED COTTON YARN FOR MANUFACTURERS OF BROAD WOVEN RAYON FAILLE FOR SHOE LININGS

The following direction is issued pursuant to Conservation Order M-328:

(a) *Who may obtain priorities assistance.* Manufacturers of broad woven rayon faille for shoe linings who need carded cotton yarn before October 1, 1945 for the production of broad woven rayon faille for shoe linings and who are unable to obtain it without a preference rating may apply for priorities assistance with which to obtain carded cotton yarn for such purposes. If, before the issuance of this direction, a manufacturer has already applied for priorities assistance to fill his carded cotton yarn needs for the period covered by this direction, he does not need to apply again.

(b) *Applications for carded cotton yarn.* If a manufacturer wants priorities assistance to get carded cotton yarn for the purpose of making broad woven rayon faille for shoe linings he must apply on Form WPB-2842 to the War Production Board, Textile, Clothing and Leather Bureau, Washington 25, D. C., Ref: Direction 22 to M-328 not later than August 17, 1945. Form WPB-2842 must be accompanied by a letter containing substantially the following certificate:

The undersigned hereby represents to the War Production Board that he will use the materials obtained on this application only for the production of broad woven rayon faille for shoe linings; that the quantity of yarn which he estimates will be incorporated into rationed shoes is --------; that the quantity of yarn which he estimates will be incorporated in non-rationed shoes is -------

---
(Name of manufacturer)

(Address)
By ---
(Signature and title of duly authorized officer)

(Date)

(c) *Allocations of materials.* The War Production Board, in proper cases, and in accordance with the policy stated below, will, on Form WPB-2842 assign a preference rating and specify the amount and type of carded cotton yarn authorized. The total amount of carded cotton yarn for which priorities assistance will be granted under this direction is limited. Within the available supply, applications will generally be granted pro-rata, based on the amount of carded cotton yarn used by the applicant in the manufacture of broad woven rayon faille for shoe linings in the second quarter of 1945. Persons who did not use cotton yarns in the manufacture of broad woven rayon faille for shoe linings in the second quarter of 1945 and persons whose use of cotton yarn for such purposes during that period was below their usual quarterly consumption may, nevertheless, apply for their needs and their applications will be processed on an equitable basis.

(d) *Applications and extensions of preference ratings.* Orders for carded cotton yarn may be placed and preference ratings assigned under this direction must be applied and extended in the manner provided in Priorities Regulations 1 and 3. The purchaser must add the following certification properly filled in to the certification described in Priorities Regulation 3 or 7:

This rating has been assigned on Form WPB-2842. WPB Case Number ---------

No person may apply a preference rating assigned under this direction to an order calling for delivery of carded cotton yarn after September 30, 1945.

(e) *Certifications for shoe manufacturers.* Shoe manufacturers who purchase broad woven rayon faille for shoe linings produced with priorities assistance given under this direction, must attach to their orders for broad woven rayon faille for shoe linings substantially the following certification:

The undersigned hereby represents to the seller and to the War Production Board that he will use the materials purchased hereunder only in the production of shoes; that ------ yards of the broad woven rayon faille purchased will be used in the production of rationed shoes; and that ------ yards of the broad woven rayon faille purchased will be used in the production of unrationed shoes.

(Name of purchaser)

(Address)
By ---
(Signature and title of duly authorized officer)

(Date)

(f) *Restrictions on use.* No manufacturer may use any carded cotton yarn he obtained with priorities assistance under this direction except in accordance with the terms of the certificate he gave under paragraph (b).

(g) *Bureau of the Budget approval.* The provisions of paragraph (b) have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 7th day of August 1945.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 45-14524; Filed, Aug. 7, 1945; 11:09 a. m.]

PART 3290—TEXTILES, CLOTHING AND LEATHER

[Conservation Order M-328, Direction 23]

PRIORITIES ASSISTANCE FOR COMBED COTTON YARN FOR MANUFACTURERS OF NARROW BINDINGS AND TAPES FOR FOOTWEAR

The following direction is issued pursuant to Conservation Order M-328:

(a) *Who may obtain priorities assistance.* Manufacturers of narrow bindings and tapes for footwear who need combed cotton yarn before October 1, 1945 for the production of narrow bindings and tapes for footwear and who are unable to obtain it without a preference rating may apply for priorities assistance with which to obtain combed cotton yarn for such purposes. If, before the issuance of this direction, a manufacturer has already applied for priorities assistance to fill his combed cotton yarn needs for the period covered by this direction, he does not need to apply again.

(b) *Applications for combed cotton yarn.* If a manufacturer wants priorities assistance to get combed cotton yarn for the purpose of making narrow bindings and tapes for footwear, he must apply on Form WPB-2842 to the War Production Board, Textile, Clothing and Leather Bureau, Washington 25, D. C., Ref: Direction 23 to M-328 not later than August 17, 1945. Form WPB-2842 must be accompanied by a letter containing substantially the following certificate:

The undersigned hereby represents to the War Production Board that he will use the materials obtained on this application only for the production of bindings and tapes for footwear; that the quantity of combed cotton yarn which he estimates will be incorporated into rationed footwear is --------; that the quantity of combed cotton yarn which he estimates will be incorporated in non-rationed footwear is ---------

---
(Name of manufacturer)

(Address)
By ---
(Signature and title of duly authorized officer)

(Date)

(c) *Allocations of materials.* The War Production Board, in proper cases, and in accordance with the policy stated below, will, on Form WPB-2842 assign a preference rating and specify the amount and type of combed cotton yarn authorized. The total amount of combed cotton yarn for which priorities assistance will be granted under this direction is limited. Within the available supply, applications will generally be granted pro rata, based on the amount of combed cotton yarn used by the applicant in the manufacture of narrow bindings and tapes for footwear in the second quarter of 1945. Persons who did not use combed cotton yarns in the manufacture of narrow bindings and tapes for footwear in the second quarter of 1945 and persons whose use of combed cotton yarn for such purposes during that period was below their usual quarterly consumption may, nevertheless, apply for their needs and their applications will be processed on an equitable basis.

(d) *Applications and extensions of preference ratings.* Orders for combed cotton yarn may be placed and preference ratings assigned under this direction must be applied and extended in the manner provided in Priorities Regulations 1 and 3. The purchaser must add the following certification properly filled in to the certification described in Priorities Regulation 3 or 7:

This rating has been assigned on Form WPB-2842. WPB Case Number ----------

No person may apply a preference rating assigned under this direction to an order calling for delivery of combed cotton yarn after September 30, 1945.

(e) *Certification for footwear manufacturers.* Footwear manufacturers who purchase narrow bindings and tapes produced with priorities assistance given under this direction, must attach to their orders for narrow bindings and tapes substantially the following certification:

The undersigned hereby represents to the seller and to the War Production Board that he will use the materials purchased hereunder only in the production of footwear; that ------ yards of the narrow bindings purchased and ------ yards of the tapes purchased will be used in the production of rationed footwear; and that ------ yards of the narrow bindings purchased and ------ yards of the tapes purchased will be used in the production of unrationed footwear.

(Name of purchaser)

(Address)
By ---
(Signature and title of duly authorized officer)

(Date)

(f) *Restrictions on use.* No manufacturer may use any combed cotton yarn he obtained with priorities assistance under this direction except in accordance with the terms of the certificate he gave under paragraph (b).

(g) *Bureau of the Budget approval.* The provisions of paragraph (b) have been approved by the Bureau of the Budget in ac-

cordance with the Federal Reports Act of 1942.

Issued this 7th day of August 1945.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 45-14523; Filed, Aug. 7, 1945; 11:09 a. m.]

Chapter XI—Office of Price Administration

PART 1305—ADMINISTRATION

[Gen. RO 5,[1] Amdt. 113]

FOOD RATIONING FOR INSTITUTIONAL USERS

A rationale accompanying this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.

Section 31.1 (d) is amended to read as follows:

(d) Any Group IV institutional user establishment for which such a special allotment is granted will be required to register separately so that the allotment can be used only for feeding the persons for whose benefit it is granted. Furthermore, any special allotment granted, except in the case of Group IV users feeding coal and ore miners, will be in place of all other allotments to which the user might otherwise be entitled, since the purpose of the special allotment will be to cover nutritional needs to the extent that food supplies and other conditions permit.

This amendment shall become effective August 10, 1945.

Issued this 7th day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-14534; Filed, Aug. 7, 1945; 11:15 a. m.]

PART 1315—RUBBER AND PRODUCTS AND MATERIALS OF WHICH RUBBER IS A COMPONENT

[RMPR 131, Amdt. 3]

CAMELBACK AND TIRE AND TUBE REPAIR MATERIALS

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith has been filed with the Division of the Federal Register.

Revised Maximum Price Regulation 131 is amended in the following respects:

1. Section 5a (a) is amended to read as follows:

(a) *Applicability.* This section applies to sales of all reliners, patches, and boots made from scrap materials and sold to jobbers, vulcanizers, recappers, retailers, mail order houses, and chain store systems. "Jobber" as used in this section, means any person whose sales to resellers constitute the major part of his total sales of commodities covered by this section. "Mail order houses" as used in this section, means a person whose sales through the mail constitute the major part of his total sales of commodities covered by this section. "Chain store systems" means two or more units, centrally owned or operated, handling substantially similar lines of merchandise at retail. As used in this section, chain store systems shall be divided into those with more than 25 units and those with 25 units or less. "Retailer" as used in this section, means a person other than a mail order house or chain store system whose sales to purchasers for use constitute the major part of his total sales of commodities covered by this section.

2. The headnote of paragraph (c) in section 5a is amended to read as follows:

(c) *Maximum prices of reliners, patches, and boots meeting minimum quality specifications on sales to vulcanizers, recappers, and certain retailers (not including mail order houses or chain store systems of more than 25 units).*

3. Subparagraph (5) of section 5a (c) is amended to read as follows:

(5) *Reliners, patches, and boots made from scrap materials which are not priced under (1), (2), (3), (4).* The maximum price of any size or type reliner, patch, or boot, made from scrap material, meeting the minimum quality specifications of paragraph (b) but not shown in subparagraphs (1), (2), (3), or (4) above, shall be a price in line with the level of maximum prices established by this section, specifically authorized by the Office of Price Administration. Notwithstanding any other provision in this section, gum covered patches made from fuel cells, double cushion tire patches made from scrap materials and criss-cross patches (which are made of scrap material, cushion covered, and skived ply by ply to give the effect of a built-up patch) shall also be priced under this subparagraph. A manufacturer must determine his maximum price under this paragraph before he is permitted to sell or offer for sale any such commodity. A manufacturer who seeks an authorization under this paragraph shall file with the Office of Price Administration, Washington, D. C. an application setting forth the data specified in paragraph (b) of section 5 of this regulation. The authorization will be in writing and will establish a specific maximum price or prices. The authorization may at the same time establish maximum prices or pricing methods for resale. Any manufacturer who establishes maximum prices under this section for reliners, patches, or boots, shall notify in writing all jobbers to whom he sells such commodities of the maximum prices established for sales to jobbers and retailers at the time he first sells or offers to sell any such materials to the jobber or retailer or at any time prior thereto, and at the same time, the manufacturers shall notify in writing all buyers of such commodities of the maximum prices or pricing methods, if any, established for resale. The jobber may not sell or offer for sale any commodity covered by this section until he has received a written notification of the maximum price. If the jobber does not in fact receive such written notification from the manufacturer, he shall apply to the Office of Price Administration, Washington, D. C., for such notification.

4. Paragraph (d) of section 5a is redesignated (e) and is amended to read as follows:

(e) *Maximum prices of reliners, patches, and boots not meeting minimum quality specifications.* The maximum prices of reliners, patches, and boots when sold as such by any seller but which do not meet the minimum quality specifications set forth in (b), shall be determined under section 6a.

5. A new paragraph designated (d) is added to section 5a, to read as follows:

(d) *Maximum prices of reliners, patches, and boots meeting minimum quality specifications on sales to jobbers, mail order houses, and chain store systems of more than 25 units.* The maximum prices of reliners, patches, and boots meeting minimum quality specifications, when sold to jobbers, and mail order houses, or chain store systems with more than 25 units, shall be the maximum prices determined under (c) above, less a minimum discount of 20 percent.

6. Paragraph (e) of section 5a is redesignated paragraph (f).

7. A new paragraph, designated (g), is added to 5a, to read as follows:

(g) *Applications for adjustment.* The Office of Price Administration may adjust the maximum prices of any manufacturer of reliners, patches, or boots, made from scrap material, if the maximum prices established by this section subject the manufacturer to such financial hardship as will, in the opinion of the Administrator, impede or threaten to impede his production of such commodities. Relief granted under this paragraph shall be limited to the amount necessary to permit the manufacturer to supply commodities covered by this section without substantial hardship, taking into consideration the costs of production, the profit position of the manufacturer, and the nature of his business. The Office of Price Administration may, at the same time, adjust the maximum prices of any wholesale seller of such commodity. Applications for adjustment under this paragraph shall be filed with the Office of Price Administration, Washington, D. C., in the manner provided by Revised Procedural Regulation No. 1 and shall contain the following information:

(1) Profit and loss statements for the years 1936–1939 as well as the most recent complete fiscal year, on a total company basis. Applicant may submit his customary statement. Filing of these data is optional provided reports are available from the Bureau of Internal Revenue. Should the applicant prefer, this information will be requested by the Office of Price Administration directly from the Bureau of Internal Revenue.

(2) Profit and loss statements for the most recent complete fiscal year, on a departmental basis, for the production of reliners, patches, and boots, made from scrap material. If the departmental statement is not available, applicant shall submit his manufacturing costs and total unit costs on the pertinent commodities. If the applicant has submitted any of this information on OPA Financial Report Forms A and B for certain periods or has reported the exact information required herein on a previous application for adjustment of a maximum price, these periods may be omitted in this report.

(3) The proportion of applicant's sales of reliners, patches, and boots, made from scrap material, to his total sales during most recent complete fiscal period.

8. A new section, designated 6a, is added, to read as follows:

SEC. 6a. *Maximum prices for scrap commodities.*—(a) *Commodities covered by this section.* This section covers all camelback and tire and tube repair materials, including reliners, patches, and boots made from scrap materials, (1) which do not meet minimum quality specifications set forth in this regulation, or (2) for which no minimum quality specifications are listed in this regulation but which, according to generally accepted industry standards for finished products, are so imperfect, damaged, or defective at time of sale as to render them not suitable for the purposes for which they are intended, produced, and sold.

(b) *Exclusions.* Commodities which are covered by (a) above but can be used for any purpose other than as scrap or waste and are sold for such other use are not covered by this section but shall be priced in accordance with the applicable regulation governing the sale of such other commodities.

(c) *Maximum prices*—(1) *To industrial consumers.* The maximum price for any sale of scrap commodities to a person consuming scrap rubber in the production of reclaimed rubber or in the manufacture of any product, or splitting scrap rubber tires into their component parts shall be determined in accordance with the provisions of Revised Price Schedule 87.

(2) *To persons other than industrial consumers.* The maximum price for any sale of scrap commodities to any person other than those in (1) above, shall be one cent per pound.

9. Section 6 (b) (1) is amended by adding thereto the following:

Tire reliners made from new materials which are the same as the items dealt in by the manufacturer during March 1942, shall be priced under paragraph (d) or (e) of this section, whichever is applicable.

10. The following item is deleted from the table in paragraph (b) (2) (ii) of section 6:

Reliners	1. Size. 2. Number of plies.

11. Paragraph (c) of section 6 is amended by adding thereto the following: "Notwithstanding the provisions of this paragraph, the maximum price of tire reliners made from new materials shall be determined under paragraph (d) or (e) of this section, whichever is applicable."

This amendment shall become effective August 13, 1945.

(NOTE: Approval of the reporting requirements in this amendment has been waived by the Budget Bureau.)

Issued this 7th day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-14539; Filed, Aug. 7, 1945; 11:16 a. m.]

PART 1330—CONTAINERS

[MPR 151, Order 1]

NEW BAGS

For the reasons set forth in an opinion issued simultaneously herewith and pursuant to § 1330.165 of Maximum Price Regulation 151, it is ordered:

(a) *Adjustable pricing of certain new cotton bags sold by the manufacturer.* (1) Any manufacturer of new bags made from cotton textile material purchased from a producer thereof on or after June 21, 1945, may sell and deliver such bags at the maximum price in effect on June 1, 1945, with an agreement with the purchaser to charge the difference, if any, between that maximum price and any higher maximum price which may thereafter be established for such sales and deliveries by the Office of Price Administration.

(2) The permission granted in subparagraph (1), above, shall remain in effect only until the date revised maximum prices of general applicability are first hereafter established for manufacturer's sales of new bags made from cotton textile material or this paragraph is revoked, whichever is earlier.

(3) No person is authorized to collect an amount in excess of the maximum price in effect on June 1, 1945, for any new bag made from cotton textile material unless, prior to the revocation of this paragraph, revised maximum prices of general applicability have been established for such bags.

This order shall become effective August 6, 1945.

Issued this 6th day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45 14488; Filed, Aug. 6, 1945; 3:17 a. m.]

PART 1351—FOOD AND FOOD PRODUCTS

[RMPR 502]

POPCORN

Maximum Price Regulation No. 502 is redesignated Revised Maximum Price Regulation No. 502 and is revised and amended to read as set forth herein.

A statement of the considerations involved in the issuance of this revised regulation, issued simultaneously herewith, has been filed with the Division of the Federal Register.

Sec.
1. Applicability.
2. Sales at other than maximum prices.
3. Evasion.
4. Documents, records and reports.
5. Licensing.
6. Enforcement.
7. Protests, interpretations and petitions for amendment.
8. Definitions.
9. Maximum prices for sales of unshelled popcorn.
10. Maximum prices for sales of shelled popcorn.
11. Maximum prices for sales of processed popcorn.
12. Maximum prices for sales of commercially processed popcorn.
13. Sales in packages.
14. Maximum prices for sales by a wagon wholesaler.
15. Maximum prices for sales by a trucker merchant.
16. Maximum prices for sales by other sellers.
17. Units of sale and fractions of a cent.
18. Notification to wholesalers and retailers of authorized change in maximum prices.

AUTHORITY: § 1351.1805 issued under 56 Stat. 23, 765; 57 Stat. 566; Pub. Law 383, 78th Cong.; Pub. Law 108, 79th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681.

SECTION 1. *Applicability.* (a) Except for those sales exempted by paragraph (b) of this section, this regulation shall apply to all sales of imported and domestic popcorn and to all deliveries of such popcorn, whether immediate or future, in the United States.

(b) *Exempt sales*—(1) *Sales by wholesalers or retailers.* This regulation shall not apply to sales by wholesalers or retailers which are covered by Maximum Price Regulations Nos. 421, 422, or 423.

(2) *Emergency purchases by the United States Government or any of its agencies.* Whenever circumstances of emergency make a purchase by the United States Government or any of its agencies imperative and it is impossible to secure or unfair to require immediate delivery at the maximum price which would otherwise be applicable, such purchases and deliveries may be made pursuant to the provisions of section 4.3 (f) of Revised Supplementary Regulation No. 1 to the General Maximum Price Regulation, as amended: *Provided, however,* That the Administrator may by order waive the reporting of any part of the information required by section 4.3 (f) in connection with a particular purchase or group of purchases upon determining that such information may not reasonably be required under all the circumstances and he may in lieu thereof require the reporting of other information more suited to the circumstances.

(3) *Seed popcorn.* Sales and deliveries of popcorn which the buyer intends to use for seed for planting or to resell for ultimate use as seed for planting are exempt from the provisions of this regulation: *Provided,* That

(i) Each buyer shall certify in writing to his supplier at the time he contracts for its purchase, both that such popcorn is being purchased for use by the buyer as seed or for resale as seed, and that the popcorn will not be used by him or by any person affiliated with him for any other

[1] 8 F.R. 10002, 11676, 11480, 11479, 12483, 12557, 12403, 12744, 14472, 15488, 16787, 17486; 9 F.R. 401, 455, 692, 1810, 2212, 2287, 2252, 2476, 2789, 3030, 3075, 3340, 3704, 3577, 4196, 4393, 4647, 4873, 5041, 5232 5684, 5826, 5915, 6108, 6504, 6628, 7167, 7260, 7703, 7770, 8242, 8813.

purpose. The purchase of any lot of popcorn above the maximum prices established herein for the same popcorn when not sold or used for seed, followed by its use by the buyer or by any affiliated person for any other purpose will be a purchase above the maximum price and a violation of the regulation: Except, that a producer who finds he has purchased more seed popcorn than he needs for planting, may use the excess up to a reasonable amount, for feeding to his livestock on his farm: and except, that if a part of the popcorn is separated as unfit for seed, such part may be used by the person for other normal uses; and, except, that this subparagraph shall not apply to (a) sales in any quantity of State certified seed popcorn, or (b) to sales in quantities of less than 100 pounds of seed popcorn if properly tagged or labeled to comply with the requirements or any applicable Federal or State seed law or when tagged or labeled to show the percentages of germination and foreign material in cases where there is no such Federal or State requirement.

(ii) If seed popcorn is resold for use other than as seed, or if part is used for any other purpose, consistently with paragraph (b) (3) (i) of this section, the maximum price for such popcorn shall be calculated in accordance with the provisions governing sales and deliveries of popcorn other than seed popcorn as elsewhere set forth in this regulation.

(iii) No popcorn purchased for seed shall be commingled with popcorn not purchased for seed, unless and until the owner has determined to sell for a different use as provided in paragraph (b) (3) (ii).

(4) *Prior contracts.* This regulation shall not apply to deliveries made pursuant to contracts for the sale of popcorn entered into before the effective date of this revised regulation. Such deliveries shall remain subject to the provisions of Maximum Price Regulation No. 502, as amended.

(5) *Export sales.* The maximum prices for export sales shall be determined in accordance with the provisions of the Second Revised Maximum Export Price Regulation, as amended.

SEC. 2. *Sales at other than maximum prices.* (a) Regardless of any contract or obligation, no person shall sell or deliver and no person shall in the course of trade or business buy or receive any popcorn at a price above the maximum price established by this regulation nor shall any person agree, solicit, or attempt to do any of the foregoing: *Provided, however,* That certain agreements to raise prices are permissible, as provided for in paragraph (b) of this section.

(b) *Adjustable pricing.* Any person may agree to sell at a price which can be increased up to the maximum price in effect at the time of delivery; but no person may, unless authorized by the Office of Price Administration, deliver or agree to deliver at prices to be adjusted upward in accordance with action taken by the Office of Price Administration after delivery. Such authorization may be given when a request for a change in the applicable maximum price is pending, but only if the authorization is necessary to promote distribution or production and if it will not interfere with the purposes of the Emergency Price Control Act of 1942, as amended. The authorization may be given by an order of the Administrator or of any official of the Office of Price Administration having authority to act upon the pending request for a change in price or to give the authorization.

(c) *Prices lower than maximum prices.* Prices lower than the maximum prices established by this regulation may, of course, be charged or paid.

SEC. 3. *Evasion.* The price limitations set forth in this regulation shall not be evaded whether by direct or indirect methods in connection with any offer, solicitation, agreement, sale, delivery, purchase, or receipt of or relating to popcorn, alone or in conjunction with any other commodity, or by way of commission, service, transportation or other charge, or discount, premium or other privilege, or by tying agreement, or other trade understanding, or by any other means. Nothing in this section prohibits any person from having popcorn shelled or processed on a custom service basis and selling the shelled or processed popcorn to any person as such, provided the seller has paid the regular charge for the custom service performed.

SEC. 4. *Documents, records and reports.* Every seller and every purchaser in the course of trade or business, shall keep for inspection by the Office of Price Administration for so long as the Emergency Price Control Act of 1942, as amended, remains in effect, records of all sales and purchases of popcorn covered by this regulation, including the date thereof, the name of the seller and purchaser, the kind of popcorn sold, the class of sales upon which the maximum price was based, the price paid or received, buyer's receiving point, and the quantity sold.

SEC. 5. *Licensing.* The provisions of Licensing Order No. 1, licensing all persons who make sales under price control, apply to all sellers subject to this regulation, but no such license is required of, or granted to, a producer as a condition of selling an agricultural commodity produced by him. A seller's license may be suspended for violation of the license or of maximum prices provided in this regulation. A person whose license is suspended may not, during the period of suspension, make any sale for which his license has been suspended.

SEC. 6. *Enforcement.* Persons violating any provisions of this regulation are subject to the license revocation and suspension provisions, civil enforcement actions, suits for damages and criminal penalties as provided in the Emergency Price Control Act of 1942, as amended.

SEC. 7. *Protests, interpretations and petitions for amendment.* Any person desiring to file a protest against or seeking an interpretation or an amendment of any provision of this regulation may do so in accordance with Revised Procedural Regulation No. 1, as amended, issued by the Office of Price Administration.

SEC. 8. *Definitions.* When used in this regulation the following terms shall have the following meanings:

(a) "Person" means an individual, corporation, partnership, association or other organized group of persons or the legal successor or representative of any of the foregoing and includes the United States or any other government or any political subdivision or agency of any of the foregoing.

(b) "United States", when it refers to an area, means the 48 states and the District of Columbia.

(c) "Unshelled popcorn" means any kind of popcorn on the cob and includes snapped popcorn.

(d) "Shelled popcorn" means any popcorn as it comes from the sheller without curing, cleaning, aspirating or drying. It includes hand shelled popcorn.

(e) "Processed shelled popcorn" means any shelled popcorn that has been sacked or packaged, containing not more than 14 percent of moisture when packaged, that has been cured and cleaned, that has a popping expansion volume of at least 21 times when packed (except that the popping expansion volume of Spanish and eight row popcorn shall be at least 16 times) and must be clean, free from dirt and other foreign material and fit for human consumption to permit compliance with the provisions of the Food, Drug and Cosmetic Act of 1938. Processed popcorn must be tagged or labeled to show the following:

(1) Name and address of the first seller of the processed popcorn,

(2) Net weight of package or sack,

(3) Moisture content when packed,

(4) Kind of popcorn,

(5) Popping expansion volume when packed,

(6) That the contents of the package comply with the provisions of the Food, Drug and Cosmetic Act of 1938.

Any popcorn which otherwise meets the definition of "processed shelled popcorn" but which is not packaged or sacked shall be considered "shelled popcorn" for the purposes of this regulation.

(f) "Commercially processed popcorn" means shelled popcorn that has been sacked or packaged, fully cured, cleaned, screened, graded and tested by a commercial processor, that contains not more than 14 percent of moisture when packed, that has a popping expansion volume of at least 21 times when packed (except that the popping expansion volume on Spanish or eight row popcorn shall be at least 16 times) and that complies with the provisions of the Food, Drug and Cosmetic Act of 1938. Commercially processed popcorn must be tagged or labeled to show the following:

(1) Name and address of the commercial processor,

(2) Net weight of the package or sack,

(3) Moisture content when packed,

(4) Kind of popcorn,

(5) Popping expansion volume when packed,

(6) That the contents of the package have been processed by a commercial processor and comply with the provisions of the Food, Drug and Cosmetic Act of 1938.

Any popcorn which otherwise meets the definition of "commercially processed popcorn" but which is not packaged or sacked shall be considered "shelled popcorn" for the purposes of this regulation.

(g) "Commercial processor" means any person who registers with the Cereals, Feeds and Agricultural Chemicals Branch of the Office of Price Administration, Washington, D. C., as such. Such registration must show, in addition to the name and address of the commercial processor, that he has the following processing facilities:

(1) A permanent place of business where the processing is done with the location of such place,

(2) Popcorn cribs and storage facilities,

(3) A power fanning mill with a complete set of screens,

(4) A gravity separator,

(5) Hulling bins to insure uniformity,

(6) A moisture tester, and

(7) A popcorn tester to determine the volumn of expansion.

After 30 days from the effective date of this revised regulation, no person may sell any popcorn processed by him as commercially processed popcorn unless and until he has been duly registered with the Office of Price Administration as above set forth. Any such registration, which has not been disapproved within 20 days of the filing of such registration, shall be deemed to be approved.

(h) "Wagon wholesaler" means, with respect to any lot of popcorn, anyone who purchases popcorn for resale, stores it in his warehouse and distributes it from an inventory stocked in a truck or other conveyance under the supervision of a driver salesman who sells and makes delivery at the time and place of sales to retailers or to commercial, industrial or institutional users. Such wholesaler is a wagon wholesaler only for sales made in the above manner.

(i) "Delivered to the purchaser's customary receiving point" means delivered to the place where the particular buyer has customarily received the goods. Any amount the processor pays to move the goods beyond that point may be added to the maximum price named. In cases where the processor is dealing with the buyer for the first time "delivered to the purchaser's customary receiving point" means delivered to the buyer's place of business. "Delivery to the purchaser's customary receiving point" shall be construed in the same manner.

(j) "Trucker-merchant" means, with respect to any lot of popcorn, any person who purchases popcorn for resale and without loading it into a barge or railroad car or unloading it into an elevator or warehouse for his own account and use, transports and delivers the popcorn to his customer in a truck or wagon, wholly-owned or leased and operated by him.

(k) "Your transportation cost" means (1) If you employ a common carrier, contract carrier, or other carrier for hire or compensation, the charge which you actually incur for the transportation service; or

(2) If you do your own hauling by truck or other vehicle, the hauling allowance at the scale set forth in definition (1); or

(3) When any movement involves a combination of more than one of the types of transportation included in (1), or (2), the transportation cost for the movement of each type shall be computed separately and the results added.

(l) "Hauling allowance" means the following scale of charges:

(1) For shelled popcorn, if the total haul does not exceed 100 miles—3 cents per 100 pounds for the first five miles or fraction thereof, plus 1 cent per 100 pounds for each additional five miles or fraction thereof;

If the haul exceeds 100 miles, the lowest local carload popcorn rail rate from the rail point nearest the point of origin to the rail point nearest point of destination plus 8 cents per 100 pounds, but not to exceed 22 cents per 100 pounds, plus ¼ cent per 100 pounds for each five miles or fraction thereof over 100 miles.

(2) For unshelled popcorn, 6 cents per 100 pounds for the first five miles or fraction thereof, plus 2 cents per 100 pounds for each additional five miles or fraction thereof.

(3) In applying the above mileage scale, all distances for truck movement shall be determined via the shortest route between point of origin and point of destination reasonably suitable for truck movement.

(m) "Bulk" means (i) with respect to unshelled or shelled popcorn either packaged or unpackaged, or (ii) with respect to processed or commercial processed popcorn, packaged in containers of over three pounds.

(n) "Packaged" means processed or commercially processed popcorn in packages of three pounds or less.

SEC. 9. *Maximum price for sales of unshelled popcorn.* The maximum price for any lot of unshelled popcorn at the first sale shall be $3.68 per hundred pounds, net weight, delivered to the buyer at the farm where grown: *Provided,* That, if the lot of popcorn is delivered off the farm where grown, your transportation cost from such farm to the buyer's receiving point may be added.

SEC. 10. *Maximum prices for sales of shelled popcorn.* The maximum price for any lot of shelled popcorn on the first sale shall be $5.00 per hundred pounds, net weight, delivered to the buyer at the farm where grown: *Provided,* That if the lot is delivered to the buyer off the farm where grown, your transportation cost from such farm to the buyer's receiving point may be added.

SEC. 11. *Maximum prices for sales of processed popcorn.* The maximum price for sales of processed popcorn, bulk, shall be $7.60 per hundred pounds for white hull-less popcorn and $7.00 per hundred pounds for any other popcorn, net weight, f. o. b. the point where processed: *Provided,* That, if the lot of popcorn is deliverer to the buyer's receiving point, your transportation cost may be added.

SEC. 12. *Maximum prices for sales of commercially processed popcorn.* (a) The maximum prices for sales of commercially processed popcorn, bulk, per hundred pounds, net weight, shall be as follows:

(1) $9.35 for white hull-less popcorn.

(2) $8.75 for other than white hull-less popcorn, f. o. b. the commercial processor's plant, plus your transportation cost to the buyer's receiving point, if any.

(b) When sales are made from a warehouse, the sum of the following: The maximum price set forth in (1) or (2) above, 15 cents per 100 pounds, net weight, and your transportation cost from the processing plant to the warehouse and from the warehouse to the buyer's receiving point, if any.

SEC. 13. *Sales in packages.* When sales are made in waterproof fibre cartons or canisters, the maximum price per case of twelve 10 ounce packages, delivered to the buyer's place of business, shall be as follows:

(1) $1.50 for white hull-less popcorn and $1.45 for other than white hull-less popcorn if commercially processed or $1.37 for white hull-less popcorn and $1.32 for other than white hull-less popcorn if processed.

(2) If more or less than 10 ounces of popcorn is packed in the carton or canister, the above maximum prices shall be increased at the rate of 6½ cents for commercially processed or 5¼ cents for processed per case of 12 packages for each ounce in excess of 10 ounces and decreased at the same rate for each ounce or fraction thereof less than 10 ounces of popcorn packed in the carton or canister.

(3) If the container is other than fibre carton or canister, the maximum price shall be computed by deducting 30 cents per case from the maximum price set forth in (1) or (2) above and adding the cost of the containers used not to exceed their maximum price.

(4) If the packaged popcorn is sold f. o. b. the processor's plant or warehouse the maximum prices set forth in (1), (2) and (3) shall be reduced 1 cent for each pound or fraction thereof of the gross weight of the case.

SEC. 14. *Maximum prices for sales by a wagon wholesaler.* The maximum price for sales of popcorn by a wagon wholesaler shall be 125% of the maximum price his supplier could have lawfully charged him for the lot being priced.

SEC. 15. *Maximum prices for sales by a trucker-merchant.* The maximum price for the sale of popcorn by a trucker-merchant is his supplier's maximum price for the lot being priced on the sale and delivery to the trucker-merchant plus a hauling allowance from the point where the trucker-merchant received delivery from his supplier to the point of delivery to his customer.

Every trucker-merchant, shall, with respect to every lot of popcorn transported by him as such, procure and prepare a statement of information which shall accompany the popcorn while in transit. Such statement shall set forth the name and address of the trucker-merchant and his supplier, the date of purchase, the variety and whether unshelled, shelled processed, or commercially processed shelled popcorn, and the purchase price of the popcorn. Upon

delivery of the popcorn by the trucker-merchant to his customer, a copy of the statement of information, signed by the trucker-merchant, shall be given to his customer showing also the transportation charge being made. Copies of this statement shall be retained by the trucker-merchant and by his customer as a part of their records for such time as the Emergency Price Control Act of 1942, as amended, remains in effect.

SEC. 16. *Maximum prices for sales by other sellers.* The maximum price for any seller for any lot of popcorn, the sale of which is governed by this regulation but for which no maximum price is specifically provided herein, shall be his supplier's maximum price on the delivery to him plus his transportation cost, if any.

SEC. 17. *Units of sale and fraction of a cent.* Maximum prices shall be stated in terms of the same general units (like pounds, dozens, etc.) in which the seller has customarily quoted prices for the product. If any figured maximum price includes a fraction of a cent, the seller shall adjust the price to the nearest fractional unit (like 1¢, ½¢, ¼¢, etc.) in which he had customarily quoted prices for the product.

SEC. 18. *Notification to wholesalers and retailers of authorized change in maximum prices.* With the first delivery after the effective date of this regulation or of any amendment changing the seller's maximum price, of any popcorn, in any case where a seller determines his maximum price pursuant to this regulation, he shall supply each wholesaler and retailer who purchases from him with a written notice reading as follows:

(Insert date)

NOTICE TO WHOLESALERS AND RETAILERS

Our OPA ceiling price for (describe item by variety, container, type and size) has been established by the Office of Price Administration. We are authorized to inform you that if you are a wholesaler or retailer pricing this item under Maximum Price Regulations Nos. 421 or 423, you must refigure your ceiling price for this item on the first delivery of it to you containing this notification on or after (Insert effective date of this regulation or of amendment changing maximum price). You must refigure your ceiling price following the rules in section 6 of Maximum Price Regulations 421, 422 or 423, whichever is applicable to you.

For a period of 60 days after determining such maximum price and with the first shipment after the 60-day period to each person who has not made a purchase within that time, each seller shall supply with each bag or include in each case or carton containing the popcorn the written notice set forth above or securely attach it to the bag, case or carton. However, for sales directly to any retailer, the seller may supply the notice by attaching it to or stating it on, the invoice covering the shipment instead of supplying it with each bag, case or carton.

This regulation shall become effective August 13, 1945.

NOTE: All record keeping requirements of this regulation have been approved by the Bureau of the Budget, in accordance with the Federal Reports Act of 1942.

Issued this 7th day of August 1945.

JAMES G. ROGERS, Jr.,
Acting Administrator.

Approved: July 28, 1945.

CLINTON P. ANDERSON,
Secretary of Agriculture.

[F. R. Doc. 45-14541; Filed, Aug. 7, 1945; 11:17 a. m.]

PART 1381—SOFTWOOD LUMBER

[RMPR 26,[1] Amdt. 16]

DOUGLAS FIR AND OTHER WEST COAST LUMBER

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.

In section 5, paragraph (e) is amended to read as follows:

(e) *Pallet stock sold by mills on Government contracts and subcontracts.* Under this paragraph, and regardless of maximum prices established in the tables of this regulation for short lengths, the Office of Price Administration may authorize maximum prices for pallet stock, based on cost of remanufacture from longer stock, only on Government contracts and subcontracts, and only when produced by a "mill", as defined in section 3, or by any establishment owned, controlled, or operated by a mill, or under common control with it. No person may charge for pallet stock prices higher than the regular f. o. b. mill prices established in this regulation for short lengths, unless he has received authority from the Office of Price Administration, Washington, D. C., to charge different maximum prices.

This amendment shall become effective August 13, 1945.

Issued this 7th day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-14538: Filed, Aug. 7, 1945; 11:15 a. m.]

PART 1396—FINE CHEMICALS, DRUGS AND COSMETICS

[MPR 203, Amdt. 5]

VITAMIN A NATURAL OILS AND CONCENTRATES

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.

The preamble to the regulation is amended by substituting for the sentence "Such specifications and standards as are used in this regulation were, prior to such use, in general use in the trade or industry affected" the following: "Insofar as this regulation uses specifications and standards which were not, prior to such use, in general use in the trade or industry affected, or insofar as their use was not lawfully required by another Government agency, the Administrator has determined, with respect to such standardization, that no practicable alternative exists for securing effective price control with respect to the commodities subject to this regulation."

This amendment shall become effective August 6, 1945.

Issued this 6th day of August 1945

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-14487; Filed, Aug. 6, 1945; 3:16 p. m.]

PART 1404—RATIONING OF FOOTWEAR

[RO 17,[1] Amdt. 107]

SHOES

A rationale accompanying this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.

Ration Order 17 is amended in the following respects:

1. Section 2.22 (f) is added to read as follows:

(f) *Low-priced shoe release*—(1) *Application.* Any establishment which has men's and women's shoes which were manufactured before March 1, 1944 and which cannot reasonably be sold for ration currency may be authorized by the District Office to transfer them without ration currency in accordance with the provisions of this paragraph. Application may be made to the District Office on or after August 10, 1945 and no application may be filed after September 8, 1945. The application need not be made on any prescribed form but shall contain or be accompanied by the following: two copies of a list of the shoes proposed to be transferred without ration currency with detailed information concerning the type of shoe, its current selling price, and a certification by the establishment that all shoes included in the list were manufactured before March 1, 1944, together with a statement explaining the basis of this certification. If the District Office so desires, it may examine the shoes proposed to be sold ration-free before it approves an application.

(2) *Ration-free period.* During the period from August 27 to October 13, 1945, inclusive, any establishment may transfer without ration currency any shoes which are authorized by the District Office to be sold without ration currency.

(3) *Price restriction.* The sale price of each pair of shoes transferred under this paragraph to consumers may not exceed $3.50.

(4) *Invoice requirement.* Each establishment shall, when transferring shoes without ration currency under this paragraph, state on each invoice issued pursuant to section 2.13 the price per pair and in total of all shoes included in the invoice. Where shoes are transferred between establishments owned by the same person, the invoice shall state the price at which such shoes will be sold to consumers.

(5) *Marking requirement.* Shoes transferred to consumers in accordance with this paragraph shall be marked with the words "Release No. 107" after the sale to the consumer but before they are removed from the establishment. The mark shall be written or stamped on one shoe of each pair with ink, indelible stamp or indelible pencil.

(6) *Advertising.* When such shoes are offered for sale to consumers in any advertisement or notice, they shall be referred to as "OPA Release No. 107. Ration-free from August 27 to October 13, 1945, inclusive."

(7) *Definition of "price".* When used in relation to the amount which may be charged to a consumer the term "price" means the amount actually charged less any local sales tax. "Current selling price" means the lowest price at which shoes are offered for sale at the time of application.

(8) *Records and reports.* Each establishment shall keep a record in the manner required by section 2.13 (b) (9) showing the number of pairs of shoes transferred without ration currency under this paragraph and the number of pairs of shoes acquired by the establishment without ration currency under this paragraph.

(9) *Surrender of ration currency.* If shoes acquired without ration currency under this paragraph are sold to a consumer at a price in excess of $3.50, it shall collect ration currency and surrender it to the District Office within five days after the transfer.

This amendment shall become effective August 10, 1945.

NOTE: The record-keeping and reporting provisions of this amendment have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 7th day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-14537; Filed, Aug. 7, 1945; 11:15 a. m.]

PART 1407—RATIONING OF FOOD AND FOOD PRODUCTS

[Rev. RO 16,[1] Amdt. 55 to 2d Rev. Supp. 1]

MEAT, FATS, FISH AND CHEESES

A new section 1407.3027 (k) is added to read as follows:

(k) OPA Forms R-1228-A and R-1228-B (referred to in section 2.8 of Revised Ration Order 16) for applying for supplemental rations for coal and ore miners are as follows:

OPA Form R-1228-A

Form Approved
Budget Bureau No. 08-R-1470

UNITED STATES OF AMERICA

Office of Price Administration

Certification of Supplemental Rations for Coal and Ore Miners

Instructions:

This form must be prepared in duplicate. The Certifying Committee must sign the following statement and attach this form to Form R-1228-B.

Date_____

Name of mine_____Number_____

Location _____

Type of Committee (Check one)

- ☐ Transportation Committee which certifies mileage rations
- ☐ Joint Management-Labor Production Committee
- ☐ Local Union Mine Committee
- ☐ Superintendent of mine and two labor representatives

We certify that the statements made on this form and on Form R-1228-B are true. Attached to this form are _____ pages of Form R-1228-B.

We further certify that none of the men included in this application is fed in a Group IV institutional user establishment and that no such feeding establishment is available to him.

All members of the Committee must sign this application.

Name_____ Title_____
Name_____ Title_____
Name_____ Title_____
Name_____ Title_____

Who Is Eligible To Receive Supplemental Rations

Coal and ore miners are defined as those employees of a coal and ore mining company employed at the site of mining operations, who are engaged in heavy work that requires continuous exertion of muscular strength. Generally, those employees who do a substantial part of their work under ground are included except supervisory personnel who themselves do not engage in strenuous labor. Most mine employees who work above ground are excluded. Examples of these excluded are weightmasters, check weighmen, store and warehouse employees, clerical and other office employees, foremen and superintendents, watchmen and policemen, service employees such as porters, and men employed in the upkeep of housing units. Examples of surface workers employed at the mine site who are included and who may be certified for supplemental rations are blacksmiths, tipple employees, those engaged in foundry or metal casting operations, and those engaged in heavy construction labor such as excavating, roadway construction, railway construction and similar construction work.

OPA Form R-1228-B

Form Approved
Budget Bureau No. 08-R-1469

UNITED STATES OF AMERICA
Office of Price Administration
APPLICATION FOR SUPPLEMENTAL RATIONS
For coal and ore miners

Page No._____
Date_____

Name of Mine_____Location_____
Period of Application: From_____To_____

Instructions.—This form must be prepared in duplicate and attached to Form R-1228-A. This application may cover a period of 60 days from the date of application. In Column (A) enter the name of each miner certified. In Column (B) enter the specific occupation of the miner certified. Example: Faceman, pick miner, hand cutter, etc. Do not use general terms such as "laborer" without a qualifying description. In Column (C) enter "U" if the miner certified works underground. Enter "S" if the miner certified works on the surface. In Column (D) enter the number of days to be worked during the period of application.

(A) Name	(B) Specific occupation	(C) Underground or surface work	(D) Number of days to be worked during period covered by application	Not to be filled in by certifying committee: Amounts granted	
				Meat-fats	Sugar
				Points	*Pounds*
Total					

Local Board No. _____
City _____ County _____ State _____

This amendment shall become effective August 10, 1945.

NOTE: All reporting and record-keeping requirements of this amendment have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Forms printed in the FEDERAL REGISTER are for information only and do not follow the exact format prescribed by the issuing agency.

[1] 10 F.R. 6960, 7537, 8576.

[1] 9 F.R. 6731, 7060, 7031, 7082, 7187, 7203, 7253, 7367, 7344, 7428, 7878, 7774, 8182, 8793, 9934, 9955, 10049, 10087, 10590, 10876, 11543, 12036, 12649, 12971.

Issued this 7th day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-14536; Filed, Aug. 7, 1945; 11:15 a. m.]

PART 1407—RATIONING OF FOOD AND FOOD PRODUCTS

[Rev. RO 16,[1] Amdt. 62]

MEAT, FATS, FISH AND CHEESES

A rationale for this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.

Section 2.8 (b) is amended by deleting "R–315" and by substituting in place thereof "R–1228–A and R–1228–B" in the first sentence of that section.

This amendment shall become effective August 10, 1945.

Issued this 7th day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-14535; Filed, Aug. 7, 1945; 11:15 a. m.]

PART 1439—UNPROCESSED AGRICULTURAL COMMODITIES

[RMPR 471,[2] Amdt. 8]

LEGUME AND GRASS SEEDS

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.

Revised Maximum Price Regulation 471 is amended in the following respects:

1. Paragraphs (6), (12), and (18) of section 8 (a) are amended to read as follows:

(6) "Rough cleaned seeds" means legume and grass seeds which have been cleaned by a cleaning machine separate from and not attached to a thresher or harvesting machine, and which do not contain in excess of 5 percent of weed seeds or inert matter.

(12) "Dockage" means inert matter, weed seeds, other crop seeds and, also, all thin, green, immature, shrivelled and broken seeds of the kind being tested for dockage which are found in the pan underneath the bottom screen, after a screen test for determination of dockage has been made from a representative sample of thresher-run or rough cleaned legume and grass seeds.

(i) The percentage of dockage shall be determined by taking a representative sample of at least either two ounces or 50 grams (such representative sample being a composite of samples drawn from each bag or container of the lot of seed in question) and removing as much dockage as possible therefrom by the use of one of the following combinations of hand screens:

Kind of seed	Combination of screen sizes		
	Top	Middle	Bottom
Alfalfa	5/64" or 3/64" x 3/16"	11/64"	4 x 21
Medium and Mammoth red clover.	5/64" or 3/64" x 3/16"	3/16"	6 x 21
Alsike clover	4/64"		6 x 32
White blossom sweetclover.	4/64" or 3/64" x 3/16"	3/16"	6 x 21
Yellow blossom sweetclover.	5/64" or 3/64" x 3/16"	3/16"	4 x 26
Timothy	1/16"		6 x 34

(ii) And, in the case of the presence of sweetclover seed as other crop seed in a lot of thresher-run or rough cleaned alfalfa, red clover or alsike clover seeds, discount the actual percentage of such sweetclover seed that passes through the top screen but remains on the middle and bottom screens in addition to the discount made for other dockage per 100 pounds of the thresher-run or rough cleaned seed in question as follows:

Sweetclover seed content	Amount to be deducted per 100 pounds					
	Alfalfa				Red Clover	Alsike Clover
	Northern	Central	Arizona and California	Southern		
Less than 0.5%	None	None	None	None	None	None
0.5% to and including 1.00%	$1.05	$0.95	$0.95	$0.85	$0.75	$0.75
1.01% to and including 2.00%	2.10	1.90	1.90	1.70	1.50	1.50
2.01% to and including 3.00%	3.15	2.85	2.85	2.55	2.25	2.25
3.01% to and including 4.00%	4.20	3.80	3.80	3.40	3.00	3.00
4.01% to 5.00% and over	5.25	4.75	4.75	4.25	3.75	3.75

(iv) And, in the case of the presence of alsike clover seed as other crop seed in a lot of thresher-run or rough cleaned red clover seed, determine, by the use of the hand screens given for alsike clover in sub-paragraph (i) above, the actual percentage of such alsike clover seed which has passed through the screens and is in the dockage in the pan underneath the bottom screen. The percentage of alsike clover seed may then be added at its value as alsike clover to the value determined for the percentage of red clover seed of the lot in question.

(18) "Wholesaler" means, with respect to a particular lot of legume and grass seeds, a person who buys such lot of legume and grass seeds as quality cleaned or processed legume and grass seeds, unloads such lot into a warehouse and resells such lot to retailers.

2. Section 9 is amended to read as follows:

SEC. 9. *Certain maximum service charges.* The maximum service charges which may be made per 100 pounds for the services of assembling and rough cleaning legume and grass seeds are set forth below. These are maximum service charges regardless of whether the legume and grass seeds are sold at their maximum price.

(a) *Assembling.* Anything in this regulation to the contrary notwithstanding, if you are any person other than a producer and you assemble thresher-run or rough cleaned legume and grass seeds for the account of any other person, you may make the following maximum service charges per 100 pounds of seeds:

Kind of seed	Maximum service charge (to be reduced by the percentage of dockage in the lot)
Alfalfa: Northern, Central, and Southern	$1.05
Clover:	
Medium Red, Mammoth Red, and Alsike	1.05
Sweet	.75
Timothy	.35

(b) *Rough cleaning.* If you are any person including a producer and you rough cleaned thresher-run legume and grass seeds in accordance with the definition for rough cleaned seeds under section 8 (a) paragraph (6), you may make the following maximum service charges per 100 pounds of seeds:

Kind of seed	Maximum service charge (to be reduced by the percentage of dockage in the lot)
Alfalfa: Northern, Central, and Southern	$1.05
Clover:	
Medium Red, Mammoth Red and Alsike	1.05
Sweet	.75
Timothy	.35

3. Sections 10 and 11 are amended to read as follows:

SEC. 10. *Maximum prices for sales of thresher-run and rough cleaned seeds on a dockage basis.* (a) If you are a producer your maximum price per 100 pounds for the sale or delivery of thresher-run seeds on a dockage basis shall be as follows:

(i) And, thereafter, separating the seeds of the kind being tested riding the screens from the remaining dockage riding said screens by the hand separation method as prescribed by the regulations issued under and for the enforcement of the Federal Seed Act;

(iii) And, in the case of the presence of sweetclover seed as other crop seed in a lot of thresher-run or rough cleaned alfalfa, red clover or alsike clover seeds, discount the actual percentage of such sweetclover seed that passes through the top screen but remains on the middle and bottom screens in addition to the discount made for other dockage per 100 pounds of the thresher-run or rough cleaned seed in question as follows:

Kind of seed	Maximum price (to be reduced by the percentage of dockage in the lot)
Alfalfa	
Northern	$35.00
Central	32.00
Southern (except when grown, sold and delivered for planting in the State of Arizona or in the State of California south of the 40th parallel)	28.00
Southern (when grown, sold and delivered for planting in the State of Arizona or in the State of California south of the 40th parallel)	32.00
Clover	
Medium Red and Mammoth Red	30.00
Alsike	27.00
Sweet	10.00
Ribbon (annual white blossom sweet clover variety)	15.00
Timothy	7.50

plus transportation cost from your farm to your customer's receiving point.

(b) If you are any person other than a producer, and purchased from a producer for your own account, your maximum price per 100 pounds for the sale or delivery of thresher-run seeds shall be the maximum price of the producer who grew the lot of seed in question plus your transportation cost from your place of business to your customer's receiving point, and plus the applicable markup shown below:

Kind of seed	Maximum mark-up to be reduced by the percentage of dockage in the lot)
Alfalfa: Northern, Central and Southern	$1.50
Clover:	
Medium Red, Mammoth Red and Alsike	1.50
Sweet	.75
Timothy	.35

(c) If you purchased thresher-run seeds from a person other than a producer, your maximum price per 100 pounds shall be your supplier's maximum price, plus your transportation cost.

(d) If you are a seller of rough cleaned seeds on a dockage basis, your maximum price per 100 pounds for the sale or delivery of such seeds shall be the maximum price at which you could have sold or delivered such seeds as thresher-run seeds, plus your transportation cost, and plus the applicable mark-up shown below:

Kind of seed	Maximum mark-up to be reduced by the percentage of dockage in the lot)
Alfalfa: Northern, Central and Southern	$1.00
Clover:	
Medium Red, Mammoth Red and Alsike	1.00
Sweet	.50
Timothy	.40

(e) (i) If you are a seller under paragraph (a), (b), (c), or (d) you may increase your maximum price by the reasonable value (not exceeding any maximum price thereof) of the sacks actually furnished by you.

(ii) If you are a seller under paragraph (a), (b), (c) or (d) located in the State of Idaho or Malheur County in the State of Oregon, you may sell your thresher-run or rough cleaned seed either under provision (e) (i) above or on a gross weight basis provided you furnish the sacks included.

SEC. 11. *Maximum prices for sales of thresher-run or rough cleaned seed on a quality cleaned basis.* (a) If you are a producer, you may sell your thresher-run or rough cleaned seeds to a country dealer or a commercial processor at the maximum prices established by Section 12 (a) (1) of this regulation for the kind and quality of seed sold as determined after such seed has been quality cleaned, tested and labeled: *Provided*, That the following deductions for certain cleaning services performed must be made from such maximum prices.

(i) For quality cleaning over screen and air separation mills only.

Kind of seed	Per 100 pounds of seed	
	On quality cleaned basis	On in-weight basis
Alfalfa, red clover and alsike clover	$1.00	$0.75
Sweetclover	.70	.50
Timothy	.50	.40

(ii) For additional quality cleaning over specialized seed cleaning machinery such as dodder, buckhorn, or gravity mills.

Kind of seed	Per 100 pounds of seed	
	On quality cleaned basis	On in-weight basis
Alfalfa, red clover and alsike clover	$1.00	$0.75
Sweetclover	.65	.50
Timothy	.50	.40

(b) If your thresher-run or rough cleaned seeds are commingled with thresher-run or rough cleaned seeds owned by others in the process of quality cleaning, the kind and quality of seeds sold by you shall be deemed to be the kind and quality of the commingled seeds as finally determined.

This amendment shall become effective August 13, 1945.

Issued this 7th day of August 1945.

CHESTER BOWLES,
Administrator.

Approved: July 24, 1945.

CLINTON P. ANDERSON,
Secretary of Agriculture.

[F. R. Doc. 45-14540; Filed, Aug. 7, 1945; 11:16 a. m.]

Chapter XIII—Petroleum Administration for War

[Petroleum Distribution Order 21, Amdt. 4]

PART 1543—PETROLEUM PROCESSING, REFINING, AND MARKETING

LIMITATION ON MANUFACTURE OF PREMIUM MOTOR FUEL

Section 1543.1 (Petroleum Distribution Order No. 21) is hereby amended by changing paragraph (b) to read as follows:

(b) *Limitation on manufacture of premium motor fuel.* After August 1, 1945 the percentage of premium motor fuel manufactured by any person:

(1) In the States of Washington, Oregon, California, Nevada, and Arizona, and in the Territories of Alaska and Hawaii, based on his total manufacture of gasoline, shall not exceed twenty-seven/fortieths ($^{27}/_{40}$) of the percentage of premium motor fuel, based upon total gasoline, which he manufactured during the base period; and

(2) In all other States of the United States, based upon his total manufacture of gasoline, shall not exceed three/quarters ($^{3}/_{4}$) of the percentage of premium motor fuel, based upon total gasoline, which he manufactured during the base period.

Computation to determine that the amount of premium motor fuel manufactured by any person is within this limitation shall be made on the basis of successive periods one calendar month long, the first of which shall commence on August 1, 1945.

Premium motor fuel delivered for direct military uses in equipment owned and operated by the Army or Navy may be manufactured in addition to the quantity permitted to be manufactured under paragraphs (b) (1) or (b) (2). When submitting monthly figures on premium motor fuel manufacture (PAW Form 48), separate figures shall be reported for any premium motor fuel manufactured and delivered for direct military uses in equipment owned and operated by the Army or Navy.

This amendment shall become effective on August 1, 1945.

(E.O. 9276, 7 F.R. 10091; E.O. 9125, 7 F.R. 2719; E.O. 9319, 8 F.R. 3687; WPB Directive No. 30, 8 F.R. 11559; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong., Pub. Law 509, 78th Cong.)

Issued this 8th day of August 1945.

RALPH K. DAVIES,
Deputy Petroleum Administrator.

[F. R. Doc. 45-14555; Filed, Aug. 7, 1945; 11:40 a. m.]

[P. A. O. 1, as Amended Feb. 1, 1943, Amdt. 8]

PART 1545—PETROLEUM SUPPLY

INVENTORY RESTRICTIONS

Section 1545.1 (Petroleum Administrative Order No. 1, as amended February 1, 1943) is hereby amended by adding paragraph (g) to read as follows:

[1] 9 F.R. 6731, 7060, 7031, 7082, 7187, 7203, 7253, 7367, 7344, 7428, 7878, 7774, 8182, 8793, 9934, 9955, 10049, 10087, 10590, 10876, 11543, 12036, 12649, 12971.

[2] 9 F.R. 8340, 10427, 12812, 13138, 13264, 14053; 10 F.R. 1259, 4268.

(g) *Inventory restrictions.* No person may deliver or otherwise supply fuel oil to any storage location owned, operated or controlled by such person or by any other person (other than a storage location at which fuel oil is stored for resale), and no person may accept delivery of fuel oil at such storage location, unless:

(1) The amount of fuel oil at such storage location is less than the amount which would normally be withdrawn during the 30 days next following the date upon which the delivery is made; and

(2) The amount of fuel oil to be delivered will not cause the amount of fuel oil at such storage location to exceed that which would normally be withdrawn during the 60 days next following the date upon which the delivery is made.

Provided, That nothing in this paragraph shall be deemed to apply to the delivery of fuel oil to any agency referred to in paragraph (h) (1), or to the delivery of fuel oil to any private dwelling (as defined in Ration Order No. 11, as amended, issued by the Office of Price Administration).

(E.O. 9276, 7 F.R. 10091; E.O. 9319, 8 F.R. 3687; WPB Directive No. 30, 8 F.R. 11559; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong.; Pub. Laws 89 and 507, 77th Cong.; Pub. Law 509, 78th Cong.)

Issued: August 8, 1945.

RALPH K. DAVIES,
Deputy Petroleum Administrator for War.

[F. R. Doc. 45-14554; Filed, Aug. 7, 1945; 11:40 a. m.]

TITLE 49—TRANSPORTATION AND RAILROADS

Chapter I—Interstate Commerce Commission

[S. O. 80, Amdt. 34]

PART 95—CAR SERVICE

APPOINTMENT OF AGENT TO ISSUE GRAIN PERMITS

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 6th day of August, A. D. 1945.

Upon further consideration of the provisions of Service Order No. 80 (8 F.R. 8514), as amended (codified as § 95.19 of Title 49 C. F. R.):

It is ordered, That W. R. Phillips, 1398 West Wood Street, Decatur, Illinois, is hereby designated and appointed as Agent of the Commission to issue permits for the movement of grain under the terms of this order at the Decatur, Illinois, market in lieu of Elmer Messman. The appointment of Elmer Messman is hereby vacated. (40 Stat. 101, sec. 402, 41 Stat. 476, sec. 4, 54 Stat. 901; 49 U.S.C. 1 (10)–(17))

And it is further ordered, That this amendment shall become effective at 12:01 a. m., August 12, 1945; that copies of this amendment be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this amendment be given to the general public by depositing a copy thereof in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

By the Commission, Division 3.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 45-14546; Filed, Aug. 7, 1945; 11:20 a. m.]

[Rev. S. O. 308-A]

PART 95—CAR SERVICE

REFRIGERATION OF POTATOES IN ARIZONA AND CALIFORNIA

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 4th day of August, A. D. 1945.

Upon further consideration of the provisions of Revised Service Order No. 308 (10 F.R. 7417), as amended (10 F.R. 7540, 9395), and good cause appearing therefor: *It is ordered,* That:

Revised Service Order No. 308 (10 F.R. 7417), as amended (10 F.R. 7540, 9395), establishing restrictions on refrigeration of potatoes originating in Arizona and California, be and it is hereby, vacated and set aside.

It is further ordered, That this order shall become effective at 12:01 a. m., August 6, 1945; that a copy of this order and direction shall be served upon the State railroad regulatory bodies of the States of Arizona and California; and upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

By the Commission, Division 3.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 45-14547; Filed, Aug. 7, 1945; 11:20 a. m.]

[Rev. S. O. 330]

PART 95—CAR SERVICE

PREICING AND PRECOOLING POTATOES PROHIBITED

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 4th day of August, A. D. 1945.

It appearing, that refrigerator cars, to be loaded with shipments of potatoes originating in certain western States are being preiced or precooled, and that such cars when so loaded are being precooled, thus causing additional switching and delay to such cars and thereby diminishing the supply and control of refrigerator cars; the Commission is of opinion an emergency requiring immediate action exists in the States named herein. It is ordered, that:

(a) *Preicing potatoes prohibited in certain States.* No common carrier by railroad subject to the Interstate Commerce Act shall ice a refrigerator car, intended to be loaded with potatoes at any point in the States of Arizona, California, Colorado, Idaho, Kansas, Missouri, Montana, Nebraska, Nevada, New Mexico, Oregon, Texas, Utah, Washington or Wyoming, prior to the actual complete loading of the refrigerator car with such potatoes. In the event such cars are preiced and loaded, in violation of this provision, those preiced cars shall not be transported.

(b) *Precooling potatoes originating in certain States prohibited.* Subject to the exception shown below, no common carrier by railroad subject to the Interstate Commerce Act shall accord, allow or permit, the precooling of a refrigerator car intended to be loaded with potatoes at, or loaded with potatoes shipped from any point in the States of Arizona, California, Colorado, Idaho, Kansas, Missouri, Montana, Nebraska, Nevada, New Mexico, Oregon, Texas, Utah, Washington, or Wyoming. In the event such cars are precooled in violation of this provision those precooled cars shall not be transported.

Exception. This order shall not apply to the precooling of potatoes at loading points by shippers with their own equipment, providing no additional switching by the railroads is required for the refrigerator cars so precooled by shippers.

(c) *Application.* The provisions of this order shall apply to intrastate traffic as well as interstate traffic, and shall apply only to cars billed on and after the effective date hereof.

(d) *Tariff provisions suspended; announcement required.* The operation of all tariff rules or regulations insofar as they conflict with the provisions of this order is hereby suspended, and each railroad subject to this order, or its agent, shall publish, file, and post a supplement to each of its tariffs affected hereby, in substantial accordance with the provisions of Rule 9 (k) of the Commission's Tariff Circular No. 20 (§ 141.9 (k) of this chapter) announcing such suspension.

(e) *Special and general permits.* The provisions of this order shall be subject to any special or general permits issued by the Director of the Bureau of Service, Interstate Commerce Commission, Washington, D. C., to meet specific needs or exceptional circumstances.

(f) *Effective date.* This order shall become effective at 12:01 a. m., August 6, 1945.

(g) *Expiration date.* This order shall expire at 11:59 p. m. October 20, 1945, unless otherwise modified, changed, suspended, or annulled by order of the Commission. (40 Stat. 101, sec. 402, 41 Stat. 476, sec. 4, 54 Stat. 901; 49 U.S.C. 1 (10)–(17))

It is further ordered, That a copy of this order and direction shall be served upon the State railroad regulatory bodies of the States named in paragraph (a) hereof; and upon the Association of American Railroads, Car Service Division as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

By the Commission, Division 3.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 45-14548; Filed, Aug. 7, 1945; 11:20 a. m.]

[S. O. 343]

PART 95—CAR SERVICE

ICING RESTRICTIONS ON WATERMELONS AND DRIED FRUIT

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 4th day of August, A. D. 1945.

It appearing, that the icing of watermelons and dried or evaporated fruit originating at points in certain States, impedes unduly the use, control, supply, movement, and distribution of railroad freight cars and contributes to the shortage of equipment and congestion of traffic; the Commission is of opinion an emergency requiring immediate action exists in the western section of the country: It is ordered, that:

Icing restrictions on watermelons and dried fruit. (a) No common carrier by railroad subject to the Interstate Commerce Act shall initially ice, or reice in transit a railroad freight car or cars loaded with watermelons or dried or evaporated fruit originating at any point or points in the States of Montana, Wyoming, Colorado or New Mexico, or west thereof.

(b) *Application.* The provisions of this order shall apply only to such shipments billed on or after the effective date of this order.

(c) *Tariff provisions suspended; announcement required.* The operation of all tariff rules or regulations insofar as they conflict with the provisions of this order is hereby suspended, and each railroad subject to this order, or its agent, shall publish, file, and post a supplement to each of its tariffs affected hereby, in substantial accordance with the provisions of Rule 9 (k) of the Commission's Tariff Circular No. 20 (§ 141.9 (k) of this chapter) announcing such suspension.

(d) *Special and general permits.* The provisions of this order shall be subject to any special or general permits issued by the Director of the Bureau of Service, Interstate Commerce Commission, Washington, D. C., to meet specific needs or exceptional circumstances.

(e) *Effective date.* This order shall become effective at 12:01 a. m., August 6, 1945.

(f) *Expiration date.* This order shall expire at 11:59 p. m., September 20, 1945, unless otherwise modified, changed, suspended or annulled by order of this Commission. (40 Stat. 101, sec. 402, 41 Stat. 476, sec. 4, 54 Stat. 901; 49 U.S.C. 1, (10)–(17))

It is further ordered, That a copy of this order and direction shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

By the Commission, Division 3.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 45-14549; Filed, Aug. 7, 1945; 11:20 a. m.]

[S. O. 344]

PART 95—CAR SERVICE

ICING RESTRICTIONS ON GRAPES AND POTATOES

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 4th day of August, A. D. 1945.

It appearing, that the icing of wine or juice grapes and potatoes moving intrastate in certain states, shipped in refrigerator cars, impedes unduly the use, control, supply, movement, and distribution of railroad freight cars and contributes to the shortage of equipment and congestion of traffic; the Commission is of opinion an emergency requiring immediate action exists in the western section of the country. It is ordered, that:

Icing restrictions on wine or juice grapes and potatoes moving intrastate. (a) No common carrier by railroad subject to the Interstate Commerce Act shall initially ice, or reice in transit, a refrigerator car or cars loaded with wine or juice grapes or potatoes originating at and moving wholly intrastate between points in the States of Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington or Wyoming.

(b) *Application.* The provisions of this order shall apply to all such intrastate shipments billed on or after the effective date of this order.

(c) *Special and general permits.* The provisions of this order shall be subject to any special or general permits issued by the Director of the Bureau of Service, Interstate Commerce Commission, Washington, D. C., to meet specific needs or exceptional circumstances.

(d) *Effective date.* This order shall become effective at 12:01 a. m., August 6, 1945.

(e) *Expiration date.* This order shall expire at 11:59 p. m., September 25, 1945, unless otherwise modified, changed, suspended or annulled by order of this Commission. (40 Stat. 101, sec. 402, 41 Stat. 476, sec. 4, 54 Stat. 901; 49 U. S. C. 1, (10)–(17))

It is further ordered, That a copy of this order and direction shall be served upon the State railroad regulatory bodies of all states named in paragraph (a) hereof; and upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement, and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

By the Commission, Division 3.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 45-14550; Filed, Aug. 7, 1945; 11:20 a. m.]

[S. O. 345]

PART 95—CAR SERVICE

REFRIGERATION RESTRICTIONS ON POTATOES

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 4th day of August A. D. 1945.

It appearing, that there is an acute shortage of ice in the territory located west of the Mississippi River for the icing of cars of potatoes by certain carriers which is adversely affecting the movement of potatoes originating at points in certain States, shipped in refrigerator

cars thereby impeding unduly the use, control, supply, movement, and distribution of such cars and contributing to the shortage of equipment and congestion of traffic; the Commission is of opinion an emergency exists in the western section of the country requiring immediate action in order to best promote the service in the interest of the public and the commerce of the people: It is ordered, that:

(a) *Refrigeration restrictions on potatoes.* (1) Except as shown below, no common carrier by railroad subject to the Interstate Commerce Act, on any refrigerator car loaded with potatoes originating at any point or points located in the States of Montana, Wyoming, Colorado or New Mexico, or west thereof, or in the counties of Cochran, Hockley, Lubbock, Crosby, Dickens or King, or in any county directly north thereof in the State of Texas, after the first or initial icing shall reice more than one time in the territory located west of the Mississippi River (See subparagraph (2) hereof).

Exception: Such shipments destined to any point located west of the Mississippi River in the States of Louisiana or Texas, after the first or initial icing, may be accorded two reicings in transit.

Exception: The provisions of this order shall not apply to refrigerator cars loaded with potatoes, originating at points on the Chicago, Burlington & Quincy Railroad Company in the States of Colorado or Wyoming as to the reicing of such cars by that carrier; on such cars originating at points on the Chicago, Milwaukee, St. Paul and Pacific Railroad Company (Henry A. Scandrett, Walter J. Cummings and George I. Haight, Trustees in the State of Washington as to the reicing of such cars by that carrier; or on any refrigerator car loaded with potatoes as to the reicing thereof by the Northern Pacific Railway Company.

(2) (i) When such reicing in transit is ordered on the Union Pacific Railroad Company, that carrier at its option may accord the reicing at Laramie, Wyoming, at Denver, Colorado, at North Platte, Nebraska, at Council Bluffs, Iowa, or at Kansas City, Kansas.

(ii) When such reicing in transit is ordered on the Chicago, Burlington & Quincy Railroad Company, that carrier at its option may accord the reicing at Galesburg, Illinois.

(b) *Application.* The provisions of this order shall apply only to carload shipments of potatoes billed on or after the effective date hereof.

(c) *Tariff provisions suspended; announcement required.* The operation of all tariff rules and regulations insofar as they conflict with the provisions of this order is hereby suspended, and each railroad subject to this order, or its agent, shall publish, file, and post a supplement to each of its tariffs affected hereby, in substantial accordance with the provisions of Rule 9 (k) of the Commission's Tariff Circular No. 20 (§ 141.9 (k) of this chapter) announcing such suspension.

(d) *Special and general permits.* The provisions of this order shall be subject to any special or general permits issued by the Director of the Bureau of Service, Interstate Commerce Commission, Washington, D. C., to meet specific needs or exceptional circumstances.

(e) *Effective date.* This order shall become effective at 12:01 a. m., August 6, 1945.

(f) *Expiration date.* This order shall expire at 11:59 p. m. October 20, 1945, unless otherwise modified, changed, suspended or annulled by order of this Commission. (40 Stat. 101, sec. 402, 41 Stat. 476, sec. 4, 54 Stat. 901; 49 U.S.C. 1 (10)–(17))

It is further ordered, That a copy of this order and direction shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

By the Commission, Division 3.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 45-14551; Filed, Aug. 7, 1945; 11:20 a. m.]

[S. O. 346]

PART 95—CAR SERVICE

RESTRICTIONS ON REFRIGERATION OF VEGETABLES

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 4th day of August, A. D. 1945.

It appearing, that there is an acute shortage office in the territory located west of the Mississippi for the icing of cars of vegetables by certain carriers which is adversely affecting the movement thereof in railroad freight cars accorded retop icing, resulting in congestion of traffic; the Commission is of opinion an emergency exists in the territory west of the Mississippi River requiring immediate action in order to best promote the service in the interest of the public and the commerce of the people: It is ordered, that:

(a) *Definition of the term vegetables.* The term "vegetables" as used herein means all fresh or green vegetables as described in Item 1132, Agent J. J. Quinn's tariff I. C. C. No. 22, supplements thereto, or reissues thereof, under the heading "vegetables".

(b) *Bunker icing restricted on vegetables.* Except as shown below, no common carrier by railroad subject to the Interstate Commerce Act shall initially bunker ice or reice in transit in bunkers, any railroad freight car loaded with vegetables originating at any point or points located in the States of Montana, Wyoming, Colorado, or New Mexico, or west thereof, when such car has been top iced or retop iced.

Exception: The provisions of this paragraph shall not apply to refrigerator cars loaded with vegetables originating at points on the Chicago, Burlington & Quincy Railroad Company in the States of Colorado and Wyoming.

(c) *Retop icing restricted on vegetables.* (1) No common carrier by railroad subject to the Interstate Commerce Act, on any railroad freight car loaded with vegetables originating at any point or points located in the States of Montana, Wyoming, Colorado or New Mexico, or west thereof, shall retop ice (See subparagraph (2) hereof) such a car in transit more than once at any point (See paragraph (3) hereof) located east of the States of Idaho, Utah or Arizona and west of the Mississippi River, or at Memphis, Tennesee.

(2) The amount of such retop ice supplied or furnished in transit or any such car shall not exceed eight thousand (8,000) pounds.

(3) When such retop icing in transit is ordered on the Union Pacific Railroad Company, that carrier may at its option accord the retop icing at Laramie, Wyoming, at Kansas City, Kansas, or at Council Bluffs, Iowa.

(d) *Application.* The provisions of this order shall apply only to carload shipments of vegetables billed on or after the effective date hereof.

(e) *Tariff provisions suspended; announcement required.* The operation of all tariff rules and regulations insofar as they conflict with the provisions of this order is hereby suspended and each railroad subject to this order, or its agent, shall publish, file, and post a supplement to each of its tariffs affected hereby, in substantial accordance with the provisions of Rule 9 (k) of the Commission's Tariff Circular No. 20 (§ 141.9 (k) of this chapter) announcing such suspension.

(f) *Special and general permits.* The provisions of this order shall be subject to any special or general permits issued by the Director of the Bureau of Service, Interstate Commerce Commission, Washington, D. C., to meet specific needs or exceptional circumstances.

(g) *Effective date.* This order shall become effective at 12:01 a. m., August 6, 1945.

(h) *Expiration date.* This order shall expire at 11:59 p. m., October 20, 1945, unless otherwise modified, changed, suspended or annulled by order of this Commission. (40 Stat. 101, sec. 402, 41 Stat. 476, sec. 4, 54 Stat. 901; 49 U.S.C. 1 (10)–(17))

It is further ordered, That a copy of this order and direction shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

By the Commission, Division 3.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 45-14552; Filed, Aug. 7, 1945; 11:21 a. m.]

Chapter II—Office of Defense Transportation

PART 502—DIRECTION OF TRAFFIC MOVEMENT

TRANSPORTATION OF COAL BETWEEN UNITED STATES PORTS ON ATLANTIC OCEAN

CROSS REFERENCE: For suspension of provisions of § 502.31 (a), see Part 522, *infra*.

PART 502—DIRECTION OF TRAFFIC MOVEMENT

PASSENGER RESERVATIONS

CROSS REFERENCE: For an exception to the provisions of § 502.245, see Part 522, *infra*.

[Suspension Order ODT 15, Rev. 5]

PART 522—DIRECTION OF TRAFFIC MOVEMENT—EXCEPTIONS, SUSPENSIONS, AND PERMITS

TRANSPORTATION OF COAL BETWEEN UNITED STATES PORTS ON ATLANTIC OCEAN

Pursuant to § 502.37 of General Order ODT 15, Revised, it is hereby ordered, that:

§ 522.629 *Suspension of provisions of paragraph (a) § 502.31 of General Order ODT 15, Revised.* All provisions of paragraph (a), § 502.31 of General Order ODT 15, Revised, shall be and the same are hereby suspended until further order.

(E.O. 8989, 6 F.R. 6725, 8 F.R. 14183; Gen. Order ODT 15, Revised, 7 F.R. 10487)

Issued at Washington, D. C., this 7th day of August 1945.

J. M. JOHNSON, *Director, Office of Defense Transportation.*

[F. R. Doc. 45-14484; Filed, Aug. 6, 1945; 2:34 p. m.]

[General Permit ODT 57-1]

PART 522—DIRECTION OF TRAFFIC MOVEMENT EXCEPTIONS, EXEMPTIONS AND PERMITS

PASSENGER RESERVATIONS

Pursuant to Title III of the Second War Powers Act, 1942, as amended, and Executive Order 8989, as amended, it is hereby authorized, that:

§ 522.7200 *Making tickets available to, and securing tickets by, travel agencies permitted under stated circumstances.* Notwithstanding the provisions of § 502.245 of General Order ODT 57, any carrier may reserve for, sell to, or make available to, any travel agency, and any travel agency may reserve, or cause to be purchased, acquire, or cause the issuance of, any ticket for use on any passenger train, when such ticket is for use by any person who at the request or order of an agency or department of the United States is in or is to be in the United States temporarily and will travel or is traveling within the United States under the general supervision of an agency or department of the United States: *Provided,* That such tickets are purchased or reserved under a contractual arrangement in effect between such travel agency and an agency or department of the United States or a person performing training services on behalf of an agency or department of the United States, and at the time any such ticket is purchased or reserved a copy of such contract is on file with the agent or employee of the carrier who sells or reserves such ticket.

§ 522.7201 *Organized group travel on passenger trains permitted under stated circumstances.* Notwithstanding the provisions of § 502.246 of General Order ODT 57, any carrier may permit any persons engaged in organized group travel to board or travel on any passenger train and any person engaged in organized group travel may board or travel on any passenger train when the persons engaged in such group travel (a) are holding tickets which have been purchased or reserved pursuant to the provisions of § 522.7200 of this General Permit ODT 57-1, or (b) are children and their supervisors returning to their homes from summer camps where they were located on the effective date of General Order ODT 57 or where they are now located.

§ 522.7202 *Reports.* Each travel agency which, under authority of § 522.7200 of this General Permit ODT 57-1, purchases or reserves any tickets for use on any passenger train shall furnish monthly reports to the Office of Defense Transportation showing the name of each person for whom a ticket was purchased or reserved, the number of tickets which it purchased or reserved for use by each such person, and the name of the government agency or department for whose account each such ticket was purchased or reserved. Such reports shall be made on or before the tenth of the month following the month such tickets were purchased or reserved.

§ 522.7203 *Definitions.* Any term used in this General Permit ODT 57-1 which is defined in General Order ODT 57 (10 F.R. 9124) shall have the meaning specified therefor in § 502.244 of General Order ODT 57.

This General Permit ODT 57-1 shall become effective August 3, 1945.

(Title III of the Second War Powers Act, 1942, as amended, 56 Stat. 177, 50 U.S.C. App. 633, 58 Stat. 827; E.O. 8989, as amended, 6 F.R. 6725, 8 F.R. 14183)

Issued at Washington, D. C., this 3d day of August 1945.

J. M. JOHNSON, *Director, Office of Defense Transportation.*

[F. R. Doc. 45-14361; Filed, Aug. 3, 1945; 3:07 p. m.]

TITLE 50—WILDLIFE

Chapter I—Fish and Wildlife Service

PART 1—REGULATIONS AND ORDERS RELATING TO MIGRATORY BIRDS AND CERTAIN GAME MAMMALS

OPEN SEASON, DAILY BAG AND POSSESSION LIMITS

CROSS REFERENCE: For amendments to §§ 1.4 and 1.5 see amendments to Regulations 4 and 5 appearing in Proclamation 2658, *supra*.

PART 2—IMPORTATION AND SHIPMENT OF MIGRATORY AND OTHER SPECIES OF WILDLIFE

SHIPMENT, TRANSPORTATION AND POSSESSION

CROSS REFERENCE: For an amendment to § 2.1 see amendment to Regulation 6 appearing in Proclamation 2658, *supra*.

Chapter IV—Office of the Coordinator of Fisheries

[Order 2046, Amdt. 1]

PART 401—PRODUCTION OF FISHERY COMMODITIES OR PRODUCTS

SALMON CANNING INDUSTRY IN ALASKA

Pursuant to the authority conferred by Executive Order No. 9204, dated July 21, 1942 (7 F.R. 5657), Executive Order No. 9280, dated December 5, 1942 (7 F.R. 10179), and War Food Order No. 52, dated February 8, 1943 (8 F.R. 1777), as amended March 16, 1943 (8 F.R. 3280) (formerly known as Food Directive No. 2), Order No. 2046 of the Secretary of the Interior, dated April 19, 1945 (10 F.R. 4506), as amended July 5, 1945 (10 F.R. 8561), being Schedule A in paragraph (c) of § 401.1 of this Part 401, is hereby amended by the Alaska Area Coordinator as follows:

In the Company column, the entry "Nikishka Bay Pkg. Co." is amended to read "Seater Packing Company."

In the Company column, the entry "Parks Canning Company" (plant location Cordova), is amended to read "H. H. Parks Company."

Issued this 31st day of July 1945.

S. J. HUTCHINSON, *Alaska Area Coordinator.*

[F. R. Doc. 45-14505; Filed, Aug. 7, 1945; 9:40 a. m.]

Notices

DEPARTMENT OF THE INTERIOR.

General Land Office.

[Misc. 1730296]

UTAH

NOTICE OF FILING OF PLAT OF RESURVEY AND EXTENSION SURVEY

JULY 28, 1945.

Notice is given that the plat of resurvey, and extension survey embracing part or all of secs. 2, 3, 10, and 11, T. 8 S., R. 5 W., Salt Lake Meridian, Utah, will be officially filed in the district land office at Salt Lake City, Utah, effective at 10:00 a. m. on the 63d day from the date on which this notice is signed. At the time the lands shall, subject to valid existing rights and the provisions of existing withdrawals, become subject to application, petition, location, or selection as follows:

(a) For a period of 90 days, commencing on the day and at the hour named above, the public lands affected by this notice shall be subject to (1) application under the homestead or the desert land

laws, or the small tract act of June 1, 1938, 52 Stat. 609 (43 U.S.C. sec. 682a), by qualified veterans of World War II, for whose service recognition is granted by the act of September 27, 1944 (Public Law 434—78th Congress), subject to the requirements of applicable law, and (2) application under any applicable public land law, based on prior existing valid settlement rights and preference rights conferred by existing laws or equitable claims subject to allowance and confirmation. Applications by such veterans shall be subject to claims of the classes described in subdivision (2).

(b) For a period of 20 days immediately prior to the beginning of the 90-day period, such veterans and persons claiming preference rights superior to those of such veterans, may present their applications, and all such applications, together with those presented at 10:00 a. m. on the first day of the 90-day period, shall be treated as simultaneously filed.

(c) Commencing at 10:00 a. m. on the 91st day after the lands become subject to application, as herein above provided, any of the lands remaining unappropriated shall become subject to such application, petition, location, or selection by the public generally as may be authorized by the public land laws.

(d) Applications by the general public may be presented during the 20-day period immediately preceding such 91st day, and all such applications, together with those presented at 10:00 a. m. on that day, shall be treated as simultaneously filed.

Veterans shall accompany their applications with certified copies of their certificates of discharge, or other satisfactory evidence of their military or naval service. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their applications by duly corroborated affidavits in support thereof, setting forth in detail all facts relevant to their claims.

Applications for these lands, which shall be filed in the district land office at Salt Lake City, Utah, shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations (Circ. 324, May 22, 1914, 43 L.D. 254), and Part 296 of that title, to the extent that such regulations are applicable. Applications under the homestead laws shall be governed by the regulations contained in Subchapter I of Title 43 of the Code of Federal Regulations and applications under the desert land laws and the small tract act of June 1, 1938 shall be governed by the regulations contained in parts 232 and 257, respectively, of that title.

All inquiries relating to these lands should be addressed to the Register, District Land Office.

FRED W. JOHNSON,
Commissioner.

[F. R. Doc. 45-14504; Filed, Aug. 7, 1945; 9:40 a. m.]

INTERSTATE COMMERCE COMMISSION.

[S. O. 347]

UNLOADING OF ROCK WOOL AT LEBANON, PA.

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 6th day of August, A. D. 1945.

It appearing, that cars LV 78171 and IC 36721, containing rock wool at Lebanon, Penna., on the Reading Company, have been on hand for an unreasonable length of time and that the delay in unloading said cars is impeding their use; in the opinion of the Commission an emergency exists requiring immediate action. *It is ordered*, That:

Rock Wool at Lebanon, Penna., be unloaded. (a) The Reading Company, its agents or employees, shall unload forthwith cars LV 78171 and IC 36721, containing rock wool on hand at Lebanon, Penna., consigned to Jarcho Brothers, Inc.

(b) Said carrier shall notify the Director of the Bureau of Service, Interstate Commerce Commission, Washington, D. C., when such carloads have been completely unloaded in compliance with the requirements of paragraph (a). Upon receipt of such notice this order shall expire. (40 Stat. 101, sec. 402, 41 Stat. 476, sec. 4, 54 Stat. 901, 911; 49 U.S.C. 1 (10)-(17), 15 (2))

It is further ordered, That this order shall become effective immediately, and that a copy of this order and direction shall be served upon the Reading Company, and upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission, at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

By the Commission, Division 3.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 45-14553; Filed, Aug. 7, 1945; 11:21 a. m.]

OFFICE OF ALIEN PROPERTY CUSTODIAN.

[Supp. Vesting Order 5085]

RINICHI AKINAKA

In re: Real property owned by Rinichi Akinaka.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the Alien Property Custodian, after investigation:

1. Having found and determined in Vesting Order Number 4501, dated January 3, 1945, that Rinichi Akinaka is a national of a designated enemy country (Japan);

2. Finding that Rinichi Akinaka is the owner of the property described in subparagraph 3 hereof;

3. Finding that the property described as follows: Real property situated in the City and County of Honolulu, Territory of Hawaii, particularly described in Exhibit A, attached hereto and by reference made a part hereof, together with all hereditaments, fixtures, improvements and appurtenances thereto, and any and all claims for rents, refunds, benefits or other payments arising from the ownership of such property,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, a designated enemy country (Japan) or national thereof;

And determining that to the extent that such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described in subparagraph 3 hereof, subject to recorded liens, encumbrances and other rights of record held by or for persons who are not nationals of designated enemy countries, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States, and hereby ratifies all acts of any of his employees, agents or representatives by which any of such property was taken into the possession of the Alien Property Custodian.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall this order be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC-1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended

Executed at Wasington, D. C., on July 12, 1945.

[SEAL] FRANCIS J. MCNAMARA,
Deputy Alien Property Custodian.

EXHIBIT A

All of that certain parcel of land, (portion of the land described in Royal Patent 2816, Land Commission Award 2266, Apana 5 to Kuhiana) situate on the Southwest Side of School Street, at Kalaepohaku, Kapalama, Honolulu aforesaid, and thus bounded and described:

Beginning at a pipe at the North corner of this piece of land, being also the East corner of Lot A-11 of Land Court Application 187 (Amended), on the Southwest side of School Street, the true azimuth and distance from the South corner of School Street and Houghtailing Road being 323° 20'40" 178.00 feet, and the coordinates of said South corner of School Street and Houghtailing Road referred to Government Survey Triangulation Station "Kalaepohaku" being 766.60 feet North and 1526.20 feet West, and thence running by azimuths measured clockwise from true South from the above described initial point:

1. 323° 20'40" 47.35 feet along the Southwest side of School Street;
2. 32° 30' 119.00 feet along the Northwest side of Kapalama Drainage Canal;
3. Thence still along the Northwest side of Kapalama Drainage Canal on a curve to the left with a radius of 440.41 feet, the direct azimuth and distance being 32° 00'31" 7.48 feet;
4. 155° 22' 14.00 feet to a pipe;
5. 260° 40' 7.90 feet along Lot B of Land Court Application 187 to a pipe;
6. 196° 05' 136.00 feet along Lots B and A-11 of Land Court Application 187 to the point of beginning.

Containing an Area of 2,984 Square Feet, or thereabouts.

[F. R. Doc. 45-14507; Filed, Aug. 7, 1945; 11:00 a. m.]

[Supp. Vesting Order 5087]

DENGO NAKAYAMA

In re: Property insurance policies owned by Dengo Nakayama.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the Alien Property Custodian, after investigation:

1. Having found and determined in Vesting Order Number 4509, dated January 15, 1945, that Dengo Nakayama is a national of a designated enemy country (Japan);

2. Finding that Dengo Nakayama is the owner of the property described in subparagraph 3 hereof;

3. Finding that the property described as follows: a. All right, title and interest of Dengo Nakayama in and to Fire Insurance Policy No. 5091 issued October 16, 1943, by American Home Fire Assurance Company, New York, N. Y., which policy insures the improvements on the property known as 1048 (now No. 1104) Gulick Avenue, City of Honolulu, Territory of Hawaii, and

b. All right, title and interest of Dengo Nakayama in and to Fire Insurance Policy No. 5299 issued August 1, 1944, by American Home Fire Assurance Company, New York, N. Y., which policy insures the improvements on the property known as 1841 Akina Street, City of Honolulu, Territory of Hawaii,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, a designated enemy country (Japan) or national thereof;

And determining that to the extent that such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described in subparagraph 3 hereof, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or acounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall this order be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC-1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on July 12, 1945.

[SEAL] FRANCIS J. MCNAMARA,
Deputy Alien Property Custodian.

[F. R. Doc. 45-14508; Filed, Aug. 7, 1945; 11:00 a. m.]

[Vesting Order 5162]

ANTONIO CASERIO

In re: Estate of Antonio Caserio, deceased; File D-38-3650; E. T. sec. 13628.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

That the property described as follows: All right, title, interest and claim of any kind or character whatsoever of Omobono Caserio in and to the Estate of Antonio Caserio, deceased,

is property payable or deliverable to, or claimed by, a national of a designated enemy country, Italy, namely,

National and Last Known Address

Omobono Caserio, Italy.

That such property is in the process of administration by Sam Garamendi, as Administrator, acting under the judicial supervision of the Seventh Judicial District Court of the State of Nevada, in and for the County of White Pine;

And determining that to the extent that such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country, (Italy);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or acounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC-1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on July 30, 1945.

[SEAL] JAMES E. MARKHAM,
Alien Property Custodian.

[F. R. Doc. 45-14509; Filed, Aug. 7, 1945; 11:00 a. m.]

[Vesting Order 5163]

ROSE CASSIDY

In re: Estate of Rose Cassidy, deceased; File D-28-9138; E. T. sec. 11797.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding;

That the property described as follows: All right, title, interest and claim of any kind or character whatsoever of Maria Kolber in and to the estate of Rose Cassidy, deceased,

is property payable or deliverable to, or claimed by, a national of a designated enemy country, Germany, namely,

National and Last Known Address

Maria Kolber, Germany.

That such property is in the process of administration by Rudolph A. Navaratt, as Administrator of the Estate of Rose Cassidy, deceased, acting under the judicial supervision of the Orphans' Court of Essex County, New Jersey;

And determining that to the extent that such national is a person not within a designated enemy country, the national interest of the United States requires that such per-

son be treated as a national of a designated enemy country, Germany);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC–1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on July 30, 1945.

[SEAL] JAMES E. MARKHAM,
Alien Property Custodian.

[F. R. Doc. 45; 14510; Filed, Aug. 7, 1945; 11:00 a. m.]

[Vesting Order 5164]

ANNA M. DITZENBERGER

In re: Estate of Anna M. Ditzenberger, also known as Anna Johanna Ditzenberger, deceased; File No. D–28–9532; E. T. sec. 12975.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

That the property described as follows: All right, title, interest and claim of any kind or character whatsoever of Elsie Muhlbach, Werner Muhlbach and Martin Lohse, and each of them, in and to the estate of Anna M. Ditzenberger, also known as Anna Johanna Ditzenberger, deceased,

is property payable or deliverable to, or claimed by, nationals of a designated enemy county, Germany, namely.

Nationals and Last Known Address

Elsie Muhlbach, Germany.
Werner Muhlbach, Germany.
Martin Lohse, Germany.

That such property is in the process of administration by William L. Halfman, and Mrs. Beatrice Browne, as Executors of the Estate of Anna M. Ditzenberger, also known as Anna Johanna Ditzenberger, deceased, acting under the judicial supervision of the Orphans' Court of Bergen County, New Jersey;

And determining that to the extent that such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC–1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on July 30, 1945.

[SEAL] JAMES E. MARKHAM,
Alien Property Custodian.

[F. R. Doc. 45–14511; Filed, Aug. 7, 1945; 11:00 a. m.]

[Vesting Order 5165]

FRANK DOBNER

In re: Estate of Frank Dobner, deceased; File D–6–112; E. T. sec. 200.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

That the property described as follows: Twenty (20) shares of 7% cumulative preferred stock of the Mountain States Power Company, as represented by stock certificate No. C. P. O. 244 issued in the name of Frank Dobner, together with any declared and unpaid dividends,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, nationals of a designated enemy country, Germany, namely,

Nationals and Last Known Address

Johanna Dobner, Germany (Austria).
Marie Dobner, Germany (Austria).

And determining that to the extent that such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, (Germany);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC–1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on July 30, 1945.

[SEAL] JAMES E. MARKHAM,
Alien Property Custodian.

[F. R. Doc. 45–14512; Filed, Aug. 7, 1945; 11:00 a. m.]

[Vesting Order 5166]

EUGENE FRIED

In re: Estate of Eugene Fried, deceased; File D–34–808; E.T. sec. 12488

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

That the property described as follows: All right, title, interest and claim of any kind or character whatsoever of Sandor Fried or surviving children, Simon Fried, or surviving children, Rossi Fried, or surviving children, Anna Fried, or surviving children, Mary Fried, or surviving children, Sandor Lindenfeld, or surviving children, Lajos Lindenfeld, or surviving children, Rossi Lindenfeld, or surviving children, Manczi Lindenfeld, or surviving children, Mary Balazs, or surviving children, Rossi Balazs, or surviving children, Anna Balazs, or surviving children, Manczi Schwartz, or surviving children, and Menyhert Balazs, or surviving children, and each of them, in and to the Estate of Eugene Fried, deceased, and in and to the trust created under the will of Eugene Fried, deceased,

is property payable or deliverable to, or claimed by, nationals of a designated enemy country, Hungary, namely.

Nationals and Last Known Address

Sandor Fried, or surviving children, Hungary.
Simon Fried, or surviving children, Hungary.
Rossi Fried, or surviving children, Hungary.
Anna Fried, or surviving children, Hungary.
Mary Fried, or surviving children, Hungary.
Sander Lindenfeld, or surviving children, Hungary.
Lajos Lindenfeld, or surviving children, Hungary.
Rossi Lindenfeld, or surviving children, Hungary.
Manczi Lindenfeld, or surviving children, Hungary.
Mary Balazs, or surviving children, Hungary.
Rossi Balazs, or surviving children, Hungary.
Anna Balazs, or surviving children, Hungary.
Maritzi Schwartz, or surviving children, Hungary.
Menyhert Balazs, or surviving children, Hungary.

That such property is in the process of administration by Mary Fried, Bertha Fried Kleiner and Sally Fried, also known as Sally Fried Kaufmann, as Executrices of the Estate of Eugene Fried, acting under the judicial supervision of the County Court of the City and County of Denver, Colorado;

And determining that to the extent that such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Hungary);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC–1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on July 30, 1945.

[SEAL] JAMES E. MARKHAM,
Alien Property Custodian.

[F. R. Doc. 45–14513; Filed, Aug. 7, 1945; 11:00 a. m.]

[Vesting Order 5167]

UBALDO GIORGIONI

In re: Estate of Ubaldo Giorgioni, deceased; File D–38–3638; E. T. sec. 13496.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding;

That the property described as follows: All right, title, interest and claim of any kind or character whatsoever of Maria Giorgioni and Esterina Sebastiani, or her heirs, next of kin, distributees, legatees, and personal representatives, names unknown, and each of them, in and to the Estate of Ubaldo Giorgioni, deceased,

is property payable or deliverable to, or claimed by, nationals of a designated enemy country, Italy, namely,

Nationals and Last Known Address

Maria Giorgioni, Italy.
Esterina Sebastiani, or her heirs, next of kin, distributees, legatees, and personal representatives, names unknown, Italy.

That such property is in the process of administration by John Magolo, as Administrator, acting under the judicial supervision of the Circuit Court of the State of Oregon for Multnomah County;

And determining that to the extent that such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Italy;

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC–1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on July 30, 1945.

[SEAL] JAMES E. MARKHAM,
Alien Property Custodian.

[F. R. Doc. 45–14514; Filed, Aug. 7, 1945; 11:01 a. m.]

[Vesting Order 5168]

CHARLOTTE HOEHLER

In re: Trust under the will of Charlotte Hoehler, deceased; file No. D–28–2604; E. T. sec. 4682.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding;

That the property described as follows: All right, title, interest and claim of any kind or character whatsoever of Louise Gutmann and her issue, and her brothers: Anna Schmidt and her issue; Luise Becker and her issue; and Philip Hohler and his issue and his wife Diana Hohler, and each of them, in and to the Trust created under the will of Charlotte Hoehler, deceased,

is property payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

Nationals and Last Known Address

Louise Gutmann and her issue and her brothers, Germany.
Anna Schmidt and her issue, Germany.
Luise Becker and her issue, Germany.
Philip Hohler and his issue and his wife Diana Hohler, Germany.

That such property is in the process of administration by Lena Kleibor, as Executrix of the Estate of Charlotte Hoehler, deceased, and as Trustee of the Trust created under the Will of Charlotte Hoehler, deceased, acting under the judicial supervision of the Surrogate's Court of Westchester County, New York;

And determining that to the extent that such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, (Germany);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order

may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC–1, a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on July 30, 1945.

[SEAL] JAMES E. MARKHAM,
Alien Property Custodian.

[F. R. Doc. 45–14515; Filed, Aug. 7, 1945; 11:01 a. m.]

[Vesting Order 5170]

RICHARD NOBIS

In re: Estate of Richard Nobis, also known as John Richard Michael Nobis, deceased; File D–28–9412; E.T. sec. 12543.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

That the property described as follows: All right, title, interest and claim of any kind or character whatsoever of Katharine Aumuller, also known as Katharine Aummuller, Julie Schuckenbuch, and the heirs-at-law, next of kin and personal representatives of Richard Nobis, also known as John Richard Michael Nobis, deceased, names unknown, and each of them, in and to the Estate of Richard Nobis, also known as John Richard Michael Nobis, deceased,

is property payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely:

Nationals and Last Known Address

Katharine Aumuller, also known as Katharine Aummuller, Germany.
Julie Schuckenbuch, Germany.
The heirs-at-law, next of kin and personal representatives of Richard Nobis, also known as John Richard Michael Nobis, deceased, names unknown, Germany.

That such property is in the process of administration by William N. Applegate, as Administrator, acting under the judicial supervision of the Orphans' Court of Hudson County, New Jersey;

And determining that to the extent that such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC–1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on July 30, 1945.

[SEAL] JAMES E. MARKHAM,
Alien Property Custodian.

[F. R. Doc. 45–14516; Filed, Aug. 7, 1945; 11:01 a. m.]

[Vesting Order 5171]

GEORGE BROWNE POST

In re: Trust under the will of George Browne Post, deceased; File No. D–66–1002; E. T. sec. 5312.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

That the property described as follows: All right, title, interest and claim of any kind or character whatsoever of Harriette Post von Jeszenszky in and to the trust created under the Will of George Browne Post, deceased,

is property payable or deliverable to, or claimed by, a national of a designated enemy country, Hungary, namely:

National and Last Known Address

Harriette Post von Jeszenszky, Hungary.

That such property is in the process of administration by Clarence B. Mitchell and W. Alliston Flagg, as Co-trustees, acting under the judicial supervision of the Surrogate's Court of New York County, New York;

And determining that to the extent that such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country, (Hungary);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC–1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on July 30, 1945.

[SEAL] JAMES E. MARKHAM,
Alien Property Custodian.

[F. R Doc. 45–14517; Filed, Aug. 7 1945; 11:01 a. m.]

[Vesting Order 5172]

SOPHIE SEYFERTH

In re: Estate of Sophie Seyferth, deceased, and trust u w of Sophie Seyferth; File D–28–9587; E. T. Sec. 13216.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

That the property described as follows: All right, title, interest and claim of any kind or character whatsoever of Elisabeth Diebert, Irene Marcks, Ingeborg Kuck, Barbara Marcks, Else Van Waveren, Gertrud Bruggemann, Julie Leipziger, Hasso Von Ditfurth, Kurt Wrede and Herbert Wrede and each of them, in and to the Estate of Sophie Seyferth, deceased, and in and to the trust created under the will of Sophie Seyferth,

is property payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

Nationals and Last Known Address

Elisabeth Diebert, Germany.
Irene Marcks, Germany.
Ingeborg Kuck, Germany.
Barbara Marcks, Germany.
Else Van Waveren, Germany.
Gertrud Bruggemann, Germany.
Julie Leipziger, Germany.
Hasso Von Ditfurth, Germany.
Kurt Wrede, Germany.
Herbert Wrede, Germany.

That such property is in the process of administration by Hector J. Ciotti, as Executor and Trustee, acting under the judicial supervision of the Orphans' Court of Baltimore City and the Circuit Court of Baltimore City, Maryland;

And determining that to the extent that such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, (Germany);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC–1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on July 30, 1945

[SEAL] JAMES E. MARKHAM,
Alien Property Custodian.

[F R Doc. 45–14518; Filed, Aug. 7, 1945; 11:01 a. m.]

[Vesting Order 5173]

MARTHA VORWERCK

In re: Estate of Martha Vorwerck, deceased: File D–28–9814; E.T. sec. 13829.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

That the property described as follows: All right, title, interest and claim of any kind or character whatsoever of Louise Miller-Ehestaedt, son of Louise Miller-Ehestaedt, name unknown, Martha Adrian Rost, Mrs. Frida Berlineke, Marianna Miller, and Fritz Berger, III, and each of them, in and to the Estate of Martha Vorwerck, deceased, and in and to the trust created under the will of Martha Vorwerck, deceased,

is property payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

Nationals and Last Known Address

Louise Miller-Ehestaedt, Germany.
Son of Louise Miller-Ehestaedt, name unknown, Germany.
Martha Adrian Rost, Germany.
Mrs. Frida Berlineke, Germany.
Marianna Miller, Germany.
Fritz Berger, III, Germany.

That such property is in the process of administration by The Union Trust Company of Pittsburgh, as executor and trustee, and by Mark W. McGaffey, as co-executor, acting under the judicial supervision of the Orphans' Court of Allegheny County, Pittsburgh, Pennsylvania;

And determining that to the extent that such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, (Germany);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC–1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on July 30, 1945.

[SEAL] JAMES E. MARKHAM,
Alien Property Custodian.

[F. R. Doc. 45–14519; Filed, Aug. 7, 1945; 11:01 a. m]

OFFICE OF DEFENSE TRANSPORTATION.

[Supp. Order ODT 3, Rev. 35, Revocation]

OHIO

COORDINATED OPERATIONS OF CERTAIN CARRIERS

Upon consideration of a petition for the revocation of Supplementary Order ODT 3, Revised–35 (8 F.R. 9257), filed with the Office of Defense Transportation by Charles M. Burnside, doing business as Burnside Motor Freight Line, Urbana, Ohio, successor in interest to Haeckl's Express, Incorporated, one of the parties thereto, and good cause appearing therefor,

It is hereby ordered, That Supplementary Order ODT 3, Revised–35, be, and it hereby is, revoked, effective August 10, 1945.

Issued at Washington, D. C., this 6th day of August, 1945.

GUY A. RICHARDSON,
Director,
Highway Transport Department,
Office of Defense Transportation.

[F. R. Doc. 45–14450; Filed, Aug. 6, 1945; 11:47 a. m.]

[Supp. Order ODT 3, Rev. 102, Revocation]

KANSAS AND MISSOURI

COORDINATED OPERATIONS OF CERTAIN CARRIERS

Upon consideration of an application for revocation of Supplementary Order ODT 3, Revised–102 (8 F.R. 15676), filed with the Office of Defense Transportation by carriers subject thereto, and good cause appearing therefor,

It is hereby ordered, That Supplementary Order ODT 3, Revised–102, be, and it hereby is, revoked, effective August 10, 1945.

Issued at Washington, D. C., this 6th day of August 1945.

GUY A. RICHARDSON,
Director,
Highway Transport Department,
Office of Defense Transportation.

[F. R. Doc. 45–14452; Filed, Aug. 6, 1945; 11:47 a. m.]

[Supp. Order ODT 3, Rev. 709, Amdt. 1]

ILLINOIS, IOWA AND SOUTH DAKOTA

COORDINATED OPERATIONS OF CERTAIN CARRIERS

Upon consideration of a petition for the amendment of Supplementary Order ODT 3, Revised–709 (10 F.R. 5861), filed with the Office of Defense Transportation by carriers subject thereto, and good cause appearing therefor,

It is hereby ordered, That Supplementary Order ODT 3, Revised–709, be, and it hereby is, amended by deleting from Appendix 2 thereof, paragraphs (A) 2, and (B) 6, of section II, and paragraph (B) of section X; and by amending paragraphs (B), (BB), and (C), of section VII, and paragraph (A) (1), of section IX, of Appendix 2 thereof to read, respectively, as follows:

VII. *Contemplated action.* • • •

(B) Wilson will suspend the transportation of all LTL shipments moving in interstate commerce, originating at Chicago, Illinois, or moving through that Gateway, when such shipments are destined to intermediate points between Chicago, Illinois, and Sioux City, Iowa, including Sioux City, as indicated under II (A) 1, and to points beyond the Sioux City Gateway. Wilson will cause all such shipments moving through the Chicago, Illinois Gateway to be diverted to Holdcroft at Chicago, Illinois, for transportation to destinations or interchange points, Holdcroft to make delivery to the consignees or interchange carriers, as the case may be, on the bills of lading of the originating carriers and on the freight bills of Holdcroft.

1. Holdcroft shall accept at Chicago, Illinois, all LTL shipments moving in interstate commerce, originating at Chicago, and tendered by shippers formerly served by Wilson,

when such shipments are destined to intermediate points located between Chicago, Illinois, and Sioux City, Iowa, including Sioux City, as indicated under II (A) 1, and points beyond the Sioux City Gateway: Holdcroft to perform pick-up service on its own bills of lading, to transport such shipments to destinations or interchange points, making delivery to consignees or interchange carriers, as the case may be, on the freight bills of Holdcroft.

(BB) Wilson will suspend the transportation of all LTL interstate shipments originating at intermediate points located between Chicago, Illinois, and Sioux City, Iowa, including Sioux City, as indicated under paragraph II (A) 1.

(C) All LTL shipments moving in interstate commerce, originating at intermediate points located between Chicago, Illinois, and Sioux City, Iowa, including Sioux City, as indicated under II (A) 1, shall be accepted by Holdcroft, who shall perform pick-up service on its own bills of lading, transport such shipments to destinations or interchange points, making delivery to consignees or interchange carriers, as the case may be, on the freight bills of Holdcroft; and Holdcroft shall accept at Sioux City, Iowa, all interchange traffic tendered to them at that point, which, except for this plan, would have been accepted by Wilson.

IX. *Schedules eliminated and routes affected.* (A) Schedules eliminated.

1. Wilson will eliminate all schedules appertaining to the transportation of LTL interstate traffic, over its routes as indicated under II (A) 1.

This amendment shall become effective on August 10, 1945.

Issued at Washington, D. C., this 6th day of August 1945.

GUY A. RICHARDSON,
Director,
Highway Transport Department,
Office of Defense Transportation.

[F. R. Doc. 45-14451; Filed, Aug. 6, 1945; 11:47 a. m.]

[Supp. Order ODT 3, Rev. 766]

LITTLE ROCK AND RUSSELLVILLE, ARK.

COORDINATED OPERATIONS OF CERTAIN CARRIERS

Upon consideration of a plan for joint action filed with the Office of Defense Transportation by the persons named in Appendix 1 hereof to facilitate compliance with the requirements and purposes of General Order ODT 3, Revised, as amended (7 F.R. 5445, 6689, 7694; 8 F.R. 4660, 14582; 9 F.R. 2793, 3264, 3357, 6778), a copy of which plan is attached hereto as Appendix 2,[1] and

It appearing that the proposed coordination of operations is necessary in order to assure maximum utilization of the facilities, services, and equipment, and to conserve and providently utilize vital equipment, materials, and supplies, of the carriers, and to provide for the prompt and continuous movement of necessary traffic, the attainment of which purposes is essential to the successful prosecution of the war; *It is hereby ordered*, That:

1. The plan for joint action above referred to is hereby approved and the carriers are directed to put the plan in operation forthwith, subject to the following provisions, which shall supersede any provisions of such plan that are in conflict therewith.

2. Each of the carriers forthwith shall file a copy of this order with the appropriate regulatory body or bodies having jurisdiction over any operations affected by this order, and likewise shall file, and publish in accordance with law, and continue in effect until further order, tariffs or supplements to filed tariffs, setting forth any changes in rates, charges, operations, rules, regulations, and practices of the carrier which may be necessary to accord with the provisions of this order and of such plan; and forthwith shall apply to such regulatory body or bodies for special permission for such tariffs or supplements to become effective on the shortest notice lawfully permissible, but not prior to the effective date of this order.

3. Whenever transportation service is performed by one carrier in lieu of service by another carrier, by reason of a diversion, exchange, pooling, or similar act made or performed pursuant to the plan for joint action hereby approved, the rates, charges, rules, and regulations governing such service shall be those that would have applied except for such diversion, exchange, pooling, or other act.

4. The provisions of this order shall not be so construed or applied as to require any carrier subject hereto to perform any service beyond its transportation capacity, or to authorize or require any act or omission which is in violation of any law or regulation, or to permit any carrier to alter its legal liability to any shipper. In the event that compliance with any term of this order, or effectuation of any provision of such plan, would conflict with, or would not be authorized under, the existing interstate or intrastate operating authority of any carrier subject hereto, such carrier forthwith shall apply to the appropriate regulatory body or bodies for the granting of such operating authority as may be requisite to compliance with the terms of this order, and shall prosecute such application with all possible diligence. The coordination of operations directed by this order shall be subject to the carriers' possessing or obtaining the requisite operating authority.

5. All records of the carriers pertaining to any transportation performed pursuant to this order and to the provisions of such plan shall be kept available for examination and inspection at all reasonable times by accredited representatives of the Office of Defense Transportation.

6. Withdrawal of a carrier fro mparticipation in the plan for joint action hereby approved shall not be made without prior approval of the Office of Defense Transportation.

7. The provisions of this order shall be binding upon any successor in interest to any carrier named in this order. Upon a transfer of any operation involved in this order, the successor in interest and the other carriers named in this order forthwith shall notify, in writing, the Office of Defense Transportation of the transfer and, unless and until otherwise ordered, the successor in interest shall perform the functions of his predecessor in accordance with the provisions of this order.

8. The plan for joint action hereby approved and all contractual arrangements made by the carriers to effectuate the plan shall not continue in operation beyond the effective period of this order.

9. Communications concerning this order should refer to it by the supplementary order number which appears in the caption hereof, and, unless otherwise directed, should be addressed to the Highway Transport Department, Office of Defense Transportation, Washington 25, D. C.

This order shall become effective August 10, 1945, and shall remain in full force and effect until the termination of the present war shall have been duly proclaimed, or until such earlier time as the Office of Defense Transportation by further order may designate.

Issued at Washington, D. C., this 6th day of August 1945.

GUY A. RICHARDSON,
Director,
Highway Transport Department,
Office of Defense Transportation.

APPENDIX 1

H. Q. Hamilton, Neil Sims and Ivy C. Martin, copartners, doing business as Motor Express, Fort Smith Ark.

Harvey Jones, doing business as Jones Truck Line, Springdale, Ark.

[F. R. Doc. 45-14453; Filed, Aug. 6 1945; 11:47 a. m.]

[Supp. Order ODT 3, Rev. 767]

CHICAGO, ILL., AND SOUTH BEND IND.

COORDINATED OPERATIONS OF CERTAIN CARRIERS

Upon consideration of a plan for joint action filed with the Office of Defense Transportation by the persons named in Appendix 1 hereof to facilitate compliance with the requirements and purposes of General Order ODT 3, Revised, as amended (7 F.R. 5445, 6689, 7694; 8 F.R. 4660, 14582; 9 F.R. 2793, 3264, 3357, 6778), a copy of which plan is attached hereto as Appendix 2,[1] and

It appearing that the proposed coordination of operations is necessary in order to assure maximum utilization of the facilities, services, and equipment, and to conserve and providently utilize vital equipment, materials, and supplies, of the carriers, and to provide for the prompt and continuous movement of necessary traffic, the attainment of which purposes is essential to the successful prosecution of the war, *It is hereby ordered*, That:

1. The plan for joint action above referred to is hereby approved and the carriers are directed to put the plan in operation forthwith, subject to the following provisions, which shall supersede any provisions of such plan that are in conflict therewith.

2. Each of the carriers forthwith shall file a copy of this order with the appropriate regulatory body or bodies having jurisdiction over any operations affected by this order, and likewise shall file, and publish in accordance with law, and continue in effect until further order, tariffs or supplements to filed tariffs, setting forth any changes in rates, charges, operations, rules, regulations, and practices of the carrier which may be necessary to accord with the provisions of this order and of such plan; and forthwith shall apply to such regulatory body or bodies for special permission for such tariffs or supplements to become effective on the shortest notice lawfully permissible, but not prior to the effective date of this order.

3. Whenever transportation service is performed by one carrier in lieu of service by another carrier, by reason of a diversion, exchange, pooling, or similar act made or performed pursuant to the plan for joint action hereby approved, the rates, charges, rules, and regulations governing such service shall be those that would have applied except for such diversion, exchange, pooling, or other act.

4. The provisions of this order shall not be so construed or applied as to require any carrier subject hereto to perform any service beyond its transportation capacity, or to authorize or require any act or omission which is in violation of any law or regulation, or to permit any carrier to alter its legal liability to any shipper. In the event that compliance with any term of this order, or effectuation of any provision of such plan, would conflict with, or would not be authorized under, the existing interstate or intrastate operating authority of any carrier subject hereto, such carrier forthwith shall apply to the appropriate regulatory body or bodies for the granting of such operating authority as may be requisite to compliance with the terms of this order, and shall prosecute such application with all possible diligence. The coordination of operations directed by this order shall be subject to the carriers' possessing or obtaining the requisite operating authority.

5. All records of the carriers pertaining to any transportation performed pursuant to this order and to the provisions of such plan shall be kept available for examination and inspection at all reasonable times by accredited representatives of the Office of Defense Transportation.

6. Withdrawal of a carrier from participation in the plan for joint action hereby approved shall not be made without prior approval of the Office of Defense Transportation.

7. The provisions of this order shall be binding upon any successor in interest to any carrier named in this order. Upon a transfer of any operation involved in this order, the successor in interest and the other carriers named in this order forthwith shall notify, in writing, the Office of Defense Transportation of the transfer and, unless and until otherwise ordered, the successor in interest shall perform the functions of his predecessor in accordance with the provisions of this order.

8. The plan for joint action hereby approved and all contractual arrangements made by the carriers to effectuate the plan shall not continue in operation beyond the effective period of this order.

9. Communications concerning this order should refer to it by the supplementary order number which appears in the caption hereof, and, unless otherwise directed, should be addressed to the Highway Transport Department, Office of Defense Transportation, Washington 25, D. C.

This order shall become effective August 10, 1945, and shall remain in full force and effect until the termination of the present war shall have been duly proclaimed, or until such earlier time as the Office of Defense Transportation by further order may designate.

Issued at Washington, D. C., this 6th day of August 1945.

GUY A. RICHARDSON,
Director,
Highway Transport Department,
Office of Defense Transportation.

APPENDIX 1

Decatur Cartage Company, Inc. of Indiana, Indianapolis, Ind.

Motor Express, Inc. of Indiana, Indianapolis, Ind.

Hayes Freight Lines, Inc., Mattoon, Ill.

[F. R. Doc. 45-14454; Filed, Aug. 6, 1945; 11:48 a. m.]

[Supp. Order ODT 3, Rev. 768]

NEW YORK AND WESTCHESTER COUNTY, N. Y.

COORDINATED OPERATIONS OF CERTAIN CARRIERS

Upon consideration of a plan for joint action filed with the Office of Defense Transportation by the persons named in Appendix 1 hereof to facilitate compliance with the requirements and purposes of General Order ODT 3, Revised, as amended (7 F.R. 5445, 6689, 7694; 8 F.R. 4660, 14582; 9 F.R. 2793, 3264, 3357, 6778), a copy of which plan is attached hereto as Appendix 2,[1] and

It appearing that the proposed coordination of operations is necessary in order to assure maximum utilization of the facilities, services, and equipment, and to conserve and providently utilize vital equipment, materials, and supplies, of the carriers, and to provide for the prompt and continuous movement of necessary traffic, the attainment of which purposes is essential to the successful prosecution of the war, *It is hereby ordered*, That:

1. The plan for joint action above referred to is hereby approved and the carriers are directed to put the plan in operation forthwith, subject to the following provisions, which shall supersede any provisions of such plan that are in conflict therewith.

2. Each of the carriers forthwith shall file a copy of this order with the appropriate regulatory body or bodies having jurisdiction over any operations affected by this order, and likewise shall file, and publish in accordance with law, and continue in effect until further order, tariffs or supplements to filed tariffs, setting forth any changes in rates, charges, operations, rules, regulations, and practices of the carrier which may be necessary to accord with the provisions of this order and of such plan; and forthwith shall apply to such regulatory body or bodies for special permission for such tariffs or supplements to become effective on the shortest notice lawfully permissible, but not prior to the effective date of this order.

3. Whenever transportation service is performed by one carrier in lieu of service by another carrier, by reason of a diversion, exchange, pooling, or similar act made or performed pursuant to the plan for joint action hereby approved, the rates, charges, rules, and regulations governing such service shall be those that would have applied except for such diversion, exchange, pooling, or other act.

4. The provisions of this order shall not be so construed or applied as to require any carrier subject hereto to perform any service beyond its transportation capacity, or to authorize or require any act or omission which is in violation of any law or regulation, or to permit any carrier to alter its legal liability to any shipper. In the event that compliance with any term of this order, or effectuation of any provision of such plan, would conflict with, or would not be authorized under, the existing interstate or intrastate operating authority of any carrier subject hereto, such carrier forthwith shall apply to the appropriate regulatory body or bodies for the granting of such operating authority as may be requisite to compliance with the terms of this order, and shall prosecute such application with all possible diligence. The coordination of operations directed by this order shall be subject to the carriers' possessing or obtaining the requisite operating authority.

5. All records of the carriers pertaining to any transportation performed pursuant to this order and to the provisions of such plan shall be kept available for examination and inspection at all reasonable times by accredited representatives of the Office of Defense Transportation.

6. Withdrawal of a carrier from participation in the plan for joint action hereby approved shall not be made without prior approval of the Office of Defense Transportation.

7. The provisions of this order shall be binding upon any successor in interest to any carrier named in this order. Upon a transfer of any operation involved in this order, the successor in interest and the other carriers named in this order forthwith shall notify, in writing, the Office of Defense Transportation of the transfer and, unless and until otherwise ordered, the successor in interest shall perform the functions of his predecessor in accordance with the provisions of this order.

8. The plan for joint action hereby approved and all contractual arrangements made by the carriers to effectuate the plan shall not continue in operation beyond the effective period of this order.

[1] Filed as part of the original document.

9. Communications concerning this order should refer to it by the supplementary order number which appears in the caption hereof, and, unless otherwise directed, should be addressed to the Highway Transport Department, Office of Defense Transportation, Washington 25, D. C.

This order shall become effective August 10, 1945, and shall remain in full force and effect until the termination of the present war shall have been duly proclaimed, or until such earlier time as the Office of Defense Transportation by further order may designate.

Issued at Washington, D. C., this 6th day of August 1945.

GUY A. RICHARDSON,
Director,
Highway Transport Department,
Office of Defense Transportation.

APPENDIX 1

H. J. Korten, Inc., Pelham Manor, N. Y.
North River Transportation Co., Inc., Yonkers, N. Y.
Feuer Transportation, Inc., Yonkers, N. Y.
Dominick J. Valentine, doing business as Valentine's Express Company, Mt. Vernon, N. Y.

[F. R. Doc. 45-14455; Filed, Aug. 6, 1945; 11:48 a. m.]

[Supp. Order ODT 20A-81, Amdt. 1]

JOPLIN, MO., AREA

COORDINATED OPERATIONS OF CERTAIN CARRIERS

Upon consideration of a petition for the amendment of Supplementary Order ODT 20A-81 (9 F.R. 2930), filed with the Office of Defense Transportation by the carriers subject thereto, and good cause appearing therefor,

It is hereby ordered, That Supplementary Order ODT 20A-81, be, and it hereby is, amended by striking from Appendix 2 thereto subparagraph (9) of section 4 (d).

This Amendment 1 to Supplementary Order ODT 20A-81 shall become effective August 14, 1945.

Issued at Washington, D. C., this 7th day of August 1945.

GUY A. RICHARDSON,
Director,
Highway Transport Department,
Office of Defense Transportation.

[F. R. Doc. 45-14483; Filed, Aug. 6, 1945; 2:34 p. m.]

OFFICE OF PRICE ADMINISTRATION.

[RMPR 506, Order 78]

STOTT & SON CORP. ET AL.

AUTHORIZATION OF MAXIMUM PRICES

Order No. 78 under section 4 (b) of Revised Maximum Price Regulation 506. Maximum prices for staple work gloves. Granting maximum prices to Stott & Son Corporation and other sellers; Docket Nos. 6062-506-3a2-14, 6062-506-3a2-15.

For the reasons set forth in an opinion issued simultaneously herewith; *It is ordered:*

(a) On and after August 7, 1945, Stott & Son Corporation, Winona, Minnesota, may sell and deliver to any purchaser, and such purchaser may buy from it, the staple work glove numbers enumerated in the following table at or below the prices set forth in Column A of this table. Wholesalers who purchase these numbers from Stott & Son Corporation may make "regular sales" at wholesale of such gloves, at or below the prices set forth in Column B of the table. Ceiling prices for "special sales" at wholesale shall be determined in accordance with Section 3 (b) of Revised Maximum Price Regulation 506.

Style No.	Glove description	Column A — Manufacturer's prices		Column B
		Group I ceiling	Group II ceiling	Wholesalers' [illegible]
237 X	Women's two thumb, white nap out single thickness can ton flannel welt seam mitten, 10-ounce palm and thumb, with 7-ounce thumb reinforcement, knit wrist.	*Dozen* $1.92½	*Dozen* $2.10	*Dozen* [illegible]
Fancy	Men's 13-ounce single thickness cut presser fancy jersey glove, knit wrist.	2.17½	2.35	[illegible]

(b) The maximum prices authorized in paragraph (a) are subject to the following:

(1) The instructions for manufacturers and wholesalers which preface the tables in Appendix A of RMPR 506, including those relating to the pricing of "seconds;"

(2) The provisions in section 4 (a) of RMPR 506 with respect to a manufacturers' "wholesale percentage", and the quota of deliveries which must be made at Group I prices;

(3) The marking and informational requirements of section 6 of RMPR 506. In addition to these requirements, Stott & Son Corporation on all deliveries of the style numbers listed in paragraph (a), made pursuant to this order, on and after August 7, 1945, must place the letter "S" following the lot number or brand name stated on the label, ticket, or other device used to mark the gloves.

(c) The definitions in RMPR 506 shall apply to this order.

(d) Stott & Son Corporation must furnish each of its customers who, on or after August 7, 1945, purchases the style numbers listed in paragraph (a) for purposes of resale, a notice in the form set forth below. Stott & Son Corporation must also notify each such customer (other than a seller at retail) that he is required in turn to transmit to his customers a copy of the notice set forth below. The notice may be attached to the invoice or may be stamped or printed on the invoice.

This notice is sent to you as required by Order No. ____ under section 4 (b) of Revised Maximum Price Regulation 506 issued by the Office of Price Administration. It lists ceiling prices fixed by OPA for the work glove numbers enumerated in the table below, manufactured by Stott & Son Corporation.

OPA has ruled that Stott & Son Corporation may sell these numbers at or below the prices listed in Column A below, subject to the provisions of section 4 (a) of RMPR 506 with respect to the quota of deliveries which must be made at Group I prices. Wholesalers in turn are authorized to make regular sales at wholesale of these numbers at or below the prices listed in Column B. Retailers will determine their ceiling prices on these numbers in accordance with section 3 of RMPR 506.

Style No.	Column A — Manufacturer's prices		Column B
	Group I—Ceiling	Group II Ceiling	Wholesalers' [illegible]
237x-S	$1.92½	$2.10	$2.[illegible]
Fancy-S	2.17½	2.35	[illegible]

You will note that the letter "S" follows the manufacturers' lot number or brand name. This letter indicates that these gloves have been specially priced by OPA under section 4 (b).

(e) This Order No. 78 under Revised Maximum Price Regulation 506 may be revoked or amended by the Price Administrator at any time.

This order shall become effective August 7, 1945.

Issued this 6th day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-14441; Filed, Aug. 6, 1945; 11:17 a. m.]

[MPR 580, Order 100]

ECUADORIAN PANAMA HAT CO.

AUTHORIZATION OF MAXIMUM PRICES

Order 100 to Maximum Price Regulation 580. Establishing ceiling prices at retail for branded articles; Docket No. 6063-580-13-214.

For the reasons set forth in an opinion issued simultaneously herewith and pursuant to section 13 of Maximum Price Regulation No. 580; *It is ordered:*

(a) The following ceiling prices are established for sales by any seller at retail of the following branded articles manufactured by Ecuadorian Panama Hat Co., Inc., 297-303 Mercer Street, New York, New York, and described in the manufacturer's application dated May 17, 1945,

Article	Brand name	Manufacturer's price line	Ceiling price at retail
		Per dozen	*Per unit*
Ecuadorian Panama Hats	Supernatural	$31.50; $34.50	$5.00
		$39.00; $40.50; $42.00	6.50
		$45.00; $48.00; $51.00	7.50
		$54.00	8.50
		$60.00; $63.00; $66.00	10.00
		$72.00; $84.00	12.50
		$96.00	15.00
		$120.00	20.00
		$144.00; $160.00	25.00
		$210.00	35.00
		$240.00	40.00
		$300.00	50.00
		$420.00	65.00
		$480.00	75.00
		$600.00	100.00

(b) The retail ceiling prices contained in paragraph (a) shall apply in place of the ceiling prices which would otherwise be established under the pricing rules of Maximum Price Regulation No. 580.

(c) On and after September 1, 1945, Ecuadorian Panama Hat Co., Inc., must mark each article listed in paragraph (a) with the retail ceiling price under this order, or attach to the article a label, tag or ticket stating the retail ceiling price. This mark or statement must be in the following form:

(Section 13, MPR 580)
OPA Retail Ceiling Price—$_____

On and after October 1, 1945, no retailer may offer or sell the article unless it is marked or tagged in the form stated above. Prior to October 1, 1945, unless the article is marked or tagged in this form, the retailer shall comply with the marking, tagging and posting provisions of Maximum Price Regulation No. 580.

(d) On or before the first delivery to any purchaser for resale of each article listed in paragraph (a), the seller shall send the purchaser a copy of this order.

(e) Unless the context otherwise requires, the provisions of Maximum Price Regulation No. 580 shall apply to sales for which retail ceiling prices are established by this order.

(f) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective August 7, 1945.

Issued this 6th day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-14440; Filed, Aug. 6, 1945; 11:17 a. m.]

[MPR 149, Order 52]

SPOKANE RUBBER MAT CO.

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion, issued simultaneously herewith, and filed with the Division of the Federal Register, and pursuant to § 1315.21b (c) of Maximum Price Regulation 149 and section 6.4 of the Second Revised Supplementary Regulation 14 to the General Maximum Price Regulation, it is ordered:

(a) *Applicability.* This order applies to all sales to retailers and at retail of 18" x 24" link type rubber mats and 16" x 22" plain flat rubber mats assembled by the Spokane Rubber Mat Company, Spokane, Washington.

(b) *Sales to retailers.* The maximum net prices for sales to retailers of the commodities described in paragraph (a) of this order shall be:

	Per mat
Link type rubber mat 18" x 24"	$1.46
Plain flat rubber mat 16" x 22"	.715

(c) *Sales at retail.* The maximum net prices for all sales at retail of the commodities described in paragraph (a) of this order shall be:

	Per mat
Link type rubber mat 18" x 24"	$1.95
Plain flat rubber mat 16" x 22"	.95

(d) *Notification of maximum prices.* With or prior to the first sale to a retailer of the commodities priced by this order, the seller shall notify the retailer in writing of the maximum prices applicable to sales at retail as established by paragraph (c) of this order.

(e) All provisions of Maximum Price Regulation 149 not inconsistent with this order shall apply to the assemblers' sales of the commodities priced by this order. All provisions of the General Maximum Price Regulation that are not inconsistent with this order shall apply to sales at retail of the commodities priced by this order.

(f) This order may be amended or revoked at any time by the Office of Price Administration.

This order shall become effective August 4, 1945.

Issued this 3d day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-14439; Filed, Aug. 6, 1945; 11:17 a. m.]

[RMPR 528, Order 54]

FIRESTONE TIRE AND RUBBER CO.

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith, and filed with the Division of the Federal Register, and pursuant to section 16 (d) of Revised Maximum Price Regulation 528, *It is ordered:*

(a) The maximum retail price for a new 8-32 solid tire (affixed to customer's rim) manufactured by the Firestone Tire & Rubber Company, Akron, Ohio, shall be $80.00.

(b) All provisions of Revised Maximum Price Regulation 528 not inconsistent with this order shall apply to sales covered by this order.

(c) This order may be revoked or amended by the Office of Price Administration at any time.

This order shall become effective August 7, 1945.

Issued this 6th day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-14442; Filed, Aug. 6 1945; 11:18 a. m.]

[MPR 61, Amdt. 2 to Order 2]

MEN'S MILITARY OUTSOLES, MIDSOLES, INSOLES AND CIVILIAN OUTSOLES

ADJUSTMENT OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register and pursuant to section 4 of Maximum Price Regulation 61, *It is ordered:*

Subparagraph (1) of paragraph (a) is deleted and the following subparagraph substituted therefor:

(1) *Outsoles and midsoles cut from bends,* (8/12 sizes, Standard Casing).

Men's military outsoles. 9½ to 11 Iron inclusive, Fine, Semi-Fine and Imperfect Fine Grades.

Price per pair: Same as seller's established price for Group I Military Outsoles.

Men's military midsoles. 8½ to 9 Iron inclusive, Fine, Semi-Fine, Imperfect Fine and ±1 Scratch Grades; and 9½ Iron ±1 Scratch Grade.

Price per pair: Same as seller's established price for Group II Military Outsoles.

7 to 8 Iron inclusive, Fine, Semi-Fine, Imperfect Fine and ±1 Scratch Grades.

Price per pair: 40¢.

Men's civilian outsoles. 11½ Iron and up, Fine, Semi-Fine and Imperfect Fine Grades.

Price per pair: Same as seller's established price for Group I Military Outsoles.

10 Iron and up ±1 Scratch Grade.

Price per pair: Same as seller's established price for Group II Military Outsoles.

This amendment shall become effective August 6, 1945.

Issued this 6th day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-14489; Filed, Aug. 6, 1945; 3:17 p. m.]

Regional and District Office Orders.

[Region I Order G-5 Under Supp. Order 94]

NEW THERMOS JUGS IN BOSTON AREA

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and under the authority vested in the Regional Administrator of Region I of the Office of Price Administration by the Emergency Price Control Act, as amended, Executive Orders No. 9250 and 9328, and sections 11 and 13 of Supplementary Order No. 94, as amended, it is ordered:

(a) *What this order does.* This order establishes maximum prices for sales by the U. S. Department of Commerce, other U. S. Government Agencies, and at wholesale and retail of new thermos jugs hereinafter described.

(b) *Maximum prices.* The maximm prices for new thermos jugs described herein shall be:

Article and description	Maximum prices for sales to wholesalers f. o. b. shipping point	Maximum prices for sales at wholesale f. o. b. shipping point	Maximum prices for sales at retail
New thermos jugs, capacity 5-6 quarts, olive drab exterior painted "U. S. Army" in 2" white letters, porcelain lined, plastic top, 3" opening	*Each* $1.30	*Each* $1.75	*Each* $2.69

(c) *Discounts and allowances.* Every seller shall continue to maintain his customary allowances and discounts.

(d) *Notification.* Any person who sells the new thermos jugs described in paragraph (b) to a retailer shall notify the retailer of the retailer's maximum reselling price under paragraph (b). This notice may be given in any convenient form.

(e) *Tagging.* Each retailer shall before sale attach a tag or label or display a suitable sign at the place where the thermos jugs are offered for sale which plainly states the maximum price at retail as follows: "OPA Ceiling Price, $2.69."

(f) *Geographical applicability.* This order shall apply to all sales where the commodities are located in the following states at the time of sale: Maine, New Hampshire, Vermont, Connecticut, Rhode Island and Massachusetts.

(g) *Definitions.* (1) "Sales at wholesale" means sales to any person other than an ultimate consumer.

(2) "Sales at retail" means sales to ultimate consumers.

(h) *Revocations and amendments.* This order may be revoked, amended or modified at any time by the Office of Price Administration.

This order shall become effective immediately.

Issued this 26th day of July 1945.

ELDON C. SHOUP,
Regional Administrator.

[F. R. Doc. 45-14456; Filed, Aug. 6, 1945; 1:09 p. m.]

[Region I Order G-6 Under MPR 154, Amtd. 2]

ICE IN BARNSTABLE COUNTY AND WAREHAM, MASS.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of Region I of the Office of Price Administration by § 1393.8 (a) of Maximum Price Regulation No. 154, *It is ordered:*

Region I Order No. G-6 is hereby amended in the following respects:

1. Paragraph numbered (a) is amended to read as follows:

(a) The maximum prices established by §§ 1393.1 and 1393.12 of Maximum Price Regulation No. 154, as amended, for ice sold or delivered anywhere in the County of Barnstable and in the Town of Wareham in the Commonwealth of Massachusetts are modified so that the maximum prices therefor shall be as follows:

Type of sale	Maximum price per cwt.	Maximum price per ton
Retail delivered sale	$0.90	$18.00
Retail platform sale	.70	14.00
Quantity delivered sale: a. Sale of 100 lbs. to and inc. 300 lbs. at one delivery	.80	16.00

In the case of quantity platform sales, or quantity delivered sales of over 300 lbs. at one delivery, the seller's maximum prices shall be either:

(1) His maximum prices as established by §§ 1393.1 and 1393.12 of Maximum Price Regulation No. 154, as amended, or

(2) 20¢ per cwt., $4.00 per ton for quantity platform sales, and 40¢ per cwt., $8.00 per ton, for quantity delivered sales: *Provided, however,* That these prices do not exceed the maximum prices as established by §§ 1393.1 and 1393.12 of Maximum Price Regulation No. 154, as amended, by more than 10¢ per 300 lbs. (66⅔¢ per ton) for quantity platform sales, or by more than 5¢ per 100 lbs. ($1.00 per ton) for quantity delivered sales."

2. Paragraph numbered (b) is amended to read as follows:

(b) The maximum prices for sales and deliveries of ice anywhere in Barnstable County and in the Town of Wareham in the Commonwealth of Massachusetts other than those specified in the above schedule in paragraph (a) of this order shall be those established under Order G-I—Ice in New England.

This Amendment No. 2 is effective as of July 12, 1945.

Issued this 11th day of July 1945.

H. RUSSELL CORT,
Acting Regional Administrator.

[F. R. Doc. 45-14457; Filed, Aug. 6, 1945, 1:09 p. m.]

[Region II Rev. Order G-12 Under RMPR 122, Amdt. 2]

PENNSYLVANIA ANTHRACITE IN ESSEX COUNTY, HUDSON COUNTY WEST OF HACKENSACK RIVER, AND UNION, HILLSIDE, AND SPRINGFIELD, N. J.

For the reasons set forth in an opinion issued simultaneously herewith, and under the authority vested in the Regional Administrator of the Office of Price Administration by §§ 1340.259 (a) (1) and 1340.260 of Revised Maximum Price Regulation No. 122. Revised Order No. G-12 is amended in the following respects.

1. Paragraph (d) (1) and (d) (3) is amended to read as follows:

(d) *Schedule I: Sales on a "direct-delivery" basis.* * * *

(1) *For sales of anthracite of the sizes and in the quantities specified.*

Size	Per net ton	Per net ½ ton	Per 100 lbs (for sales of 100 lbs. or more but less than ½ ton)
Broken, egg, stove, nut	$14.55	$7.55	$0.90
Pea	12.85	6.70	.80
Buckwheat	10.40	5.45	.75
Rice	9.60	5.05	.....
Barley	8.20	4.35	.....
Screenings	5.05	2.55	.....

* * * * * *

(3) *Maximum authorized service charges.*

Special Service Rendered at the Request of the Purchaser

	Cents per net ton
"Carry" or "wheel" (except for sales in 100 lb. lots, amounting to less than one-half ton)	75
Carrying upstairs, for each floor above the ground floor (except for sales in 100 lb. lots, amounting to less than one-half ton). This charge shall be in addition to any charge for "carry" or "wheel"	75
"Trimming" coal in bin	25

2. Paragraph (e) (1) and (2) [illegible] amended to read as follows:

(e) *Schedule II: "Yard sales."* * * *

(1) *Sales by dealers except those who normally sold exclusively to other dealers for resale.*

Size	Sales to dealers: Per net ton for sales of ½ ton or more	Sales to dealers: Per 100 lbs. for 100 lbs. or more but less than ½ ton	Sales to consumers: Per net ton for sales of ½ ton or more	Sales to consumers: Per 100 lbs. for sales of 100 lbs. or more but less than ½ ton
Broken, egg, stove, nut	$11.60	$0.65	$13.05	$0.75
Pea	9.75	.55	11.05	.65
Buckwheat	7.80	.50	8.80	.60
Rice	6.90	.....	8.10	.....
Barley	5.60	.....	.....	.....
Screenings	3.25	.....	.....	.....

(2) *Wholesale yard sale (sales from yards of dealers who have normally sold exclusively to other dealers for resale)*

Size:	Per net ton
Broken, egg, stove, nut	$11.60
Pea	9.70
Buckwheat	7.80
Rice	6.90
Barley	5.65
Screenings	3.25

3. Paragraph (f) is amended to read as follows:

(f) *Maximum price per 50-pound paper bag.*

Size	Delivered at dealer's yard	Delivered to retail store	Sales to ultimate consumer at dealer's store	Sales to ultimate consumer at consumer's home
Nut	$0.395	$0.447	$0.50	$0.56
Pea	.34	.39	.45	.51

Maximum prices per 25 lb. paper bag.

Size	Delivered at dealer's yard	Delivered to retail store	Sales to ultimate consumer at dealer's store	Sales to ultimate consumer at consumer's home
Nut	$0.20	$0.22	$0.25	$0.27

Maximum prices per 12 lb. paper bag.

Size	Delivered at dealer's yard	Delivered to retail store	Sales to ultimate consumer at dealer's store	Sales to ultimate consumer at consumer's home
Nut	$0.10	$0.11	$0.13	$0.14

This Amendment No. 2 to Revised Order No. G-12, shall become effective July 6th, 1945.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871, and E.O. 9328, 8 F.R. 4681)

Issued this 6th day of July 1945.

CHARLES T. ABERNETHY,
Acting Regional Administrator.

[F. R. Doc. 45-14458, Filed, Aug. 6, 1945; 1:10 p. m.]

[Region II Order G-6 Under MPR 426]

FRESH FRUITS AND VEGETABLES FOR TABLE USE IN NEW YORK REGION

SECTION 1. *What this order does.* This order provides that the maximum price in each case for sales by "secondary jobbers," who have purchased at "terminal auction," ex-car, dock, truck or "terminal sales platform," shall be the same whether such sales are made on a "delivered" or a non-delivered basis.

SEC. 2. *Area covered.* This order applies in the States of Delaware, Maryland, New Jersey and New York, the Commonwealth of Pennsylvania and the District of Columbia.

SEC. 3. *Adjustment.* The deductions required by Appendix I (f) (4) (ii), Appendix J (g) (4) (ii) and Appendix K (m) (4) (ii) all contained in section 15 of Maximum Price Regulation No. 426, shall be eliminated so that the maximum price in each case for sales by "secondary jobbers," who have purchased at "terminal auction," ex-car, dock, truck, or "terminal sales platform" shall be the same whether such sales are made on a delivered or a non-delivered basis.

SEC. 4. *Meaning of terms.* The terms "secondary jobber," "terminal auction" and "terminal sales platform" are to be understood as defined in Maximum Price Regulation No. 426.

SEC. 5. *Effective date.* This order shall be effective on July 12, 1945.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681; MPR 426, 8 F.R. 16409)

Issued July 10, 1945.

CHARLES T. ABERNETHY,
Acting Regional Administrator.

[F. R. Doc. 45-14461; Filed, Aug. 6, 1945; 1:20 p. m.]

[Region II Order G-20 Under RMPR 165, Amdt. 2]

LAUNDRY SERVICES IN NEW YORK METROPOLITAN AREA

The applications of a group of power laundry establishments in the New York Metropolitan Area for adjustment of their maximum prices for their family laundry services were considered by this office and these applications were granted in Order No. G-20 dated June 7, 1945 of the New York Regional Office issued under section 16 (a) of Revised Maximum Price Regulation No. 165, as amended—Services.

For the reasons set forth in the opinion issued simultaneously herewith, it has been decided that said Order No. G-20 be modified and amended in certain respects as hereinafter appears. Accordingly, pursuant to the Emergency Price Control Act of 1942, as amended, and section 16 (a) of Revised Maximum Price Regulation No. 165, as amended—Services, New York Regional Order No. G-20 under that section is hereby modified and amended and *It is hereby ordered,* That:

(1) Order No. G-20 and more particularly paragraph (1) thereof is amended by adding thereto the names of the following power laundry establishments and percentage of increase:

Name:	Permitted increase (per cent)
Blue Moon Wet Wash Ldry. Co., Inc.	2
Blue Sky Wet Wash Ldry., Inc.	2
Correct Laundry	1
Dyckman Laundry	1
Price Laundry Corp	7

(2) Order No. G-20 and more particularly paragraph (1) thereof is further amended as to New American Laundry, 1626 Bronxdale Ave., Bronx, N. Y., by changing the percentage figure set opposite said name from 2% and increasing said percentage figure to 5%.

(3) All of the above mentioned applicants shall be subject in all respects to all of the provisions of said Order No. G-20 which are applicable to its circumstances and, except as therein or herein provided, shall remain in all respects subject to the provisions of Revised Maximum Price Regulation No. 165, as amended—Services.

(4) This amendment may be revoked by the Regional Administrator of Region II, or the Price Administrator through the issuance at any time thereafter of any Order or price regulation or amendment or supplement thereto.

(5) All of the provisions of Order No. G-20 shall remain in full force and effect except as herein modified.

This order shall become effective immediately.

Issued the 24th day of July 1945.

CHARLES T. ABERNETHY,
Acting Regional Administrator.

[F. R. Doc. 45-14459; Filed, Aug. 6, 1945; 1:12 p. m.]

[Region II Order G-21 Under RMPR 165, Amdt. 1]

LAUNDRY SERVICES IN NEW YORK METROPOLITAN AREA

The application of a group of power laundry establishments in the New York Metropolitan Area for adjustment of their maximum prices for their family laundry services were considered by this office and these applications were denied as to the laundries therein named in Order No. G-21 of the New York Regional Office issued under section 16 (a) of Revised Maximum Price Regulation No. 165, as amended—Services, on June 12, 1945.

For the reasons set forth in the opinion issued simultaneously herewith, it has been decided that said Order G-21 be modified and amended in certain respects as hereinafter appears. Accordingly, pursuant to the Emergency Price Control Act of 1942, as amended, and section 16 (a) of Revised Maximum Price Regulation No. 165, as amended—Services, New York Regional Order No. G-21 under that Section is hereby modified and amended and; *It is hereby ordered:*

(1) Order No. G-21, and more particularly paragraph (1) thereof, is amended by deleting and removing therefrom the names of the following power laundry establishments:

Blue Moon Wet Wash Ldry. Co., Inc., 1883 Strauss St., Bklyn., N. Y.

Blue Sky Wet Wash Ldry. Inc., 498 Ralph Ave., Bklyn., N. Y.

Correct Laundry, 1801 Ave. Z, Bklyn., N. Y.

Dyckman Laundry, 66 Herb Hill Rd., Glencove, Long Island, N. Y.

Prime Laundry Corp., 74-03 71st Ave., Middle Village, Queens, N. Y.

(2) All of the provisions of Order No. G-21 shall remain in full force and effect except as herein modified.

(3) This amendment may be revoked by the Regional Administrator of Region II or the Price Administrator through the issuance at any time thereafter of any order or price regulation or amendment or supplement thereto.

This order shall become effective immediately.

Issued this 24th day of July 1945.

CHARLES T. ABERNETHY,
Acting Regional Administrator.

[F. R. Doc. 45-14460; Filed, Aug. 6, 1945; 1:12 p. m.]

[Region IV Order G-17 Under RMPR 122, Revocation]

SOLID FUELS IN ATLANTA REGION

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator, Region IV, Office of Price Administration, § 1340.260 of Revised Maximum Price Regulation No. 122; *It is hereby ordered:*

(a) Order No. G-17 under Revised Maximum Price Regulation No. 122—Maximum Prices for Solid Fuels Within Certain Specified Areas in Region IV—is hereby revoked.

This revocation shall become effective immediately.

Issued: June 16, 1945.

ALEXANDER HARRIS,
Regional Administrator.

[F. R. Doc. 45-14462; Filed, Aug. 6, 1945; 1:20 p. m.]

[Region IV Order G-42 Under RMPR 122, Amdt. 1]

SOLID FUELS IN COLUMBUS, GEORGIA AND PHENIX CITY, ALA.

For the reasons set forth in an opinion issued simultaneously herewith, and under the authority vested in the Regional Administrator, Region IV, Office of Price Administration, by § 1340.260 of Revised Maximum Price Regulation No. 122, paragraph (e) of Order No. G-42 under Revised Maximum Price Regulation No. 122 issued by this office on May 8, 1945 is amended to read as follows:

(e) *Maximum prices.* Maximum prices established by this order are as follows for sales on a "direct delivery or domestic" basis:

(1) HIGH VOLATILE BITUMINOUS COALS FROM DISTRICT NO. 8

Size	Per ton (2,000 lbs.)	Per ½ ton (1,000 lbs.)	Per ¼ ton (500 lbs.)
Lump or block	$11.05	$5.78	$3.01
Egg	10.09	5.25	2.75
Blue gem egg	10.35	5.43	2.81
Stoker	9.85	5.18	2.71
Slack	7.15	3.83	2.04
Blue gem, red clover, and bi-clover lump, and regal lump from mine index No. 119	11.45	5.98	3.11

(2) HIGH VOLATILE BITUMINOUS COALS FROM DISTRICT NO. 13

Size	Per ton (2,000 lbs.)	Per ½ ton (1,000 lbs.)	Per ¼ ton (500 lbs.)
Lump	$11.30	$5.90	$3.08
Piper lump, and empire lump from mine index No. 22 (DeBardeleben Coal Corp.)	12.09	6.55	3.40
Montevallo lump from mine index 6, Little Gem Coal Co., size groups 1 through 5, inclusive	12.95	6.73	3.49
Montevallo nut from mine index 6, Little Gem Coal Co., size groups 6, 8, and 10	12.05	6.28	3.26
Stoker	9.55	5.03	2.64

Effective date. This amendment shall become effective June 21, 1945.

Issued: June 16, 1945.

ALEXANDER HARRIS,
Regional Administrator.

[F. R. Doc. 45-14463; Filed, Aug. 6, 1945; 1:20 p. m.]

[Region IV Order G-44 Under RMPR 122, Amdt. 1]

SOLID FUELS IN STAUNTON, VA.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator, Region IV, Office of Price Administration, by § 1340.260 of Revised Maximum Price Regulation No. 122, Order No. G-44 under Revised Maximum Price Regulation No. 122 issued by this office on May 26, 1945, is hereby amended in the following respects:

1. Paragraph (d) is amended to read as follows:

(d) *Maximum prices.* Maximum prices established by this order are as follows for sales on a "direct delivery or domestic" basis:

(1) LOW VOLATILE BITUMINOUS COAL FROM DISTRICT NO. 7

Size	Per ton, (2,000 lbs.)	Per ½ ton, (1,000 lbs.)	Per ¼ ton, (500 lbs.)
Double screened egg and lump	$9.31	$4.90	$2.58
Double screened stove	8.91	4.70	2.48
Run of mine	8.86	4.43	2.34
Pea	8.31	4.40	2.33
Nut	8.41	4.46	2.35

(2) HIGH VOLATILE BITUMINOUS COAL FROM DISTRICT NO. 8

Size	Per ton	Per ½ ton	Per ¼ ton
	2000 lbs.	1000 lbs.	500 lbs.
Double screened stove	$8.65	$4.58	$2.41

(3) BITUMINOUS COALS FROM DISTRICTS NO. 7 AND 8

Yard slack	$6.80	$3.65	$1.93

2. A new subparagraph (e) (6) is inserted as follows:

(6) *Treated coals.* If the dealer's supplier has subjected the coal to oil or calcium chloride treatment to allay dust or to prevent freezing, and makes a charge therefor, the dealer selling such coal may add to the applicable maximum price set by this order the amount of such charge, not to exceed 10¢ per net ton. The invoice, sales slip, or receipt shall clearly show that the coal has been so treated but it is not necessary that this charge be separately stated thereon.

Effective date. This Amendment No. 1 shall become effective as of May 31, 1945.

Issued: June 16, 1945.

ALEXANDER HARRIS,
Regional Administrator.

[F. R. Doc. 45-14464; Filed, Aug. 6, 1945; 1:20 p. m.]

[Richmond Order G-1 Under RMPR 259]

MALT BEVERAGES IN RICHMOND, VA.

For the reasons set forth in the accompanying opinion, it is hereby ordered:

SECTION 1. *What this order does.* In accordance with the provisions of section 5.2 (c) of Revised Maximum Price Regulation 259, this order establishes uniform maximum deposit charges which may be imposed by wholesalers and retailers for cases and containers in connection with sales of domestic malt beverages in bottles or cases.

SEC. 2. *Where this order applies.* The provisions of this order apply to all wholesalers and retailers located within Richmond District.

SEC. 3. *Applicability.* No wholesaler or retailer located within the area where this order is applicable may require a deposit from purchasers in excess of the sum permitted by this order.

SEC. 4. *Deposit charges established by this order.* The maximum deposit charge for all sellers to which this order is applicable are as follows:

Cases:	*Cents*
Of any material	27
Containers:	*Each*
Bottles of 12 ounces or less	2¢
Bottles larger than 12 ounces	4¢

SEC. 5. *Definitions.* Unless the context otherwise requires, the definitions set forth in section 302 of the Emergency Price Control Act of 1942, as amended, and in Revised Maximum Price Regulation 259, as amended, shall apply to the terms used herein.

This order shall become effective on the 1st day of July 1945.

Issued this 22d day of June 1945.

J. FULMER BRIGHT,
District Director.

[F. R. Doc. 45-14465; Filed, Aug. 6, 1945; 1:20 p. m.]

[Region VI Order G-58 Under MPR 329]

PRODUCERS' MILK PRICES IN VALLEY CITY, N. DAK.

For the reasons set forth in the accompanying opinion and under the authority vested in the Regional Administrator of the Office of Price Administration by § 1351.408 (a) of Maximum Price Regulation No. 329, it is hereby ordered:

(a) *Maximum producer prices.* The maximum price which distributors in Valley City, North Dakota may pay to producers for milk sold for human consumption in fluid form shall be 74¢ per pound butterfat in whole milk.

(b) *Applicability of producer prices.* Paragraph (a) of this order shall apply to all purchases of milk from producers for resale for human consumption in fluid form by distributors whose bottling plants are located within Valley City, North Dakota, or who sell within that city 50% or more of the milk sold by them.

(c) *Addition of transportation charges.* (1) The maximum price established in paragraph (a) is the maximum price for milk f. o. b. purchaser's plant. Where the transportation charge or any part thereof is paid by the purchaser, the total amount paid for transportation plus the amount received by the producer shall not be in excess of the maximum price set forth in paragraph (a).

(2) Where the purchaser hauls the milk to his plant in a conveyance owned, leased or operated by him, he shall deduct from the maximum price set forth in paragraph (a) of this order the cost of such transportation. The "cost of such transportation" shall be the lowest maximum price which may be charged by milk haulers or other transportation companies for the hauling of milk to the purchaser's plant.

(d) *Relation of this order to Office of Price Administration Regulation.* Except as modified by this order, the provisions of the Maximum Price Regulation No. 329 shall remain in full force and effect and shall not be evaded by any change in business or trade practices.

(e) *Definitions.* Unless the context otherwise requires, the definitions set forth in Maximum Price Regulation No. 329, and the Emergency Price Control Act of 1942, as amended, shall be applicable to the terms used herein.

(f) *Revocability.* This order may be revoked, amended or corrected at any time.

This order shall be effective the 26th day of July 1945.

Issued this 23d day of July 1945.

RAE E. WALTERS,
Regional Administrator.

[F. R. Doc. 45-14466; Filed, Aug. 6, 1945; 1:21 p. m.]

[Region VIII Order G-2 Under RMPR 165, Amdt. 1]

REPAIR OF HOUSEHOLD APPLIANCES IN SAN FRANCISCO COUNTY, CALIF.

For the reasons set forth in the accompanying opinion and under authority vested in the Regional Administrator by § 1499.681 (a) of Supplementary Service Regulation No. 48 to Revised Maximum Price Regulation No. 165, as amended, and pursuant to authority reserved in order No. G-2, it is hereby ordered that said order G-2 be amended so that paragraph (e) thereof shall read as follows:

(e) This order shall become effective July 21, 1945.

Issued this 11th day of July 1945.

CHAS. R. BAIRD,
Regional Administrator.

[F. R. Doc. 45-14467; Filed, Aug. 6, 1945; 1:12 p. m.]

[Spokane Order 91-B Under MPR 426]

SNAP BEANS IN SPOKANE, WASH.

For the reasons set forth in an opinion issued simultaneously herewith, and under authority vested in the District Director of the Spokane District Office by section 8 (a) (7) of Maximum Price Regulation No. 426, as amended, and by Order of Delegation No. 35 issued under said section by the San Francisco Regional Office, Region VIII, of the Office of Price Administration, *It is hereby ordered:*

With respect to the commodity described in line (a) of Table X, there is set forth in said table in line (b), the basing point; in line (c), the wholesale receiving point; in line (d), the method of transportation which is hereby determined to be the cheapest method of transportation which is customary and generally available from said basing point to said wholesale receiving point; and in line (e), the freight rate per cwt. by said method (d) between points. With respect to the units of sale of said commodity set forth in the respective vertical columns of said Table X, there is also set forth in said table in line (f), the freight charge by said Method (d) from said basing point to said wholesale receiving point; in line (g), the basing point cost; in line (h), the charge, if any, allowable for protective services in connection with such transportation; and in line (i), the maximum price chargeable for said commodity in said wholesale receiving point.

TABLE X

(a) Commodity: Snap Beans (green or wax).
(b) Basing point: San Jose, Calif.
(c) Wholesale receiving point: Spokane, Wash.
(d) Method of transportation: Carlot to Portland, l. c. l. Portland to Spokane.
(e) Freight rate by Method (d) from basing point to wholesale receiving point: $1.53.

	Per unit of sale	
	Per bushel of 28 lbs.	Per lb.
(f) Freight charge by Method (d)	$0.72	.....
(g) Basing point cost	2.40	.....
(h) Protective services	.10	.....
(i) Maximum price in wholesale receiving point (sum of "f", "g" and "h")	3.02	$0.0108

This order shall become effective July 9, 1945, and may be revoked, amended or corrected at any time.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 9th day of July 1945.

DAVE S. COHN,
District Director.

[F. R. Doc. 45-14468; Filed, Aug. 6, 1945; 1:21 p. m.]

[Spokane Order 92-B Under MPR 426]

CUCUMBERS IN SPOKANE, WASH.

For the reasons set forth in an opinion issued simultaneously herewith, and under authority vested in the District Director of the Spokane District Office by section 8 (a) (7) of Maximum Price Regulation No. 426, as amended, and by Order of Delegation No. 35 issued under said section by the San Francisco Regional Office, Region VIII, of the Office of Price Administration, *It is hereby ordered:*

With respect to the commodity described in line (a) of Table X, there is set forth in said table in line (b), the basing point; in line (c), the wholesale receiving point; in line (d), the method of transportation which is hereby determined to be the cheapest method of transportation which is customary and generally available from said basing point to said wholesale receiving point; and in line (e), the freight rate per cwt. by said Method (d) between points. With respect to the units of sale of said commodity set forth in the respective vertical columns of said Table X, there is also set forth in said table in line (f), the freight charge by said Method (d) from said basing point to said wholesale receiving point; in line (g), the basing point cost; in line (h), the charge, if any, allowable for protective services in connection with such transportation; and in line (i), the maximum price chargeable for said commodity in said wholesale receiving point.

TABLE X

(a) Commodity: Cucumbers (except hothouse).
(b) Basing Point: Chulite Vista, Calif.
(c) Wholesale receiving point: Spokane, Wash.
(d) Method of transportation: Carlot to Portland, l. c. l. Spokane.
(e) Freight rate by Method (d) from basing point to wholesale receiving point: $1.98.

	Per unit of sale	
	Per bu. of 28 lbs.	Per lb.
(f) Freight charge by Method (d)	$0.63	.....
(g) Basing point cost	1.17	.....
(h) Protective services	.08	.....
(i) Maximum price in wholesale receiving point (sum of "f," "g" and "h"):	1.88	$0.0671

This order shall become effective July 9, 1945, and may be revoked, amended or corrected at any time.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871, E.O. 9328, 8 F.R. 4681)

Issued this 9th day of July 1945.

DAVE S. COHN,
District Director.

[F. R. Doc. 45-14469; Filed, Aug. 6, 1945; 1:22 p. m.]

[Spokane Order 93-B Under MPR 426]

CANTALOUPES IN LEWISTON, IDAHO

For the reasons set forth in an opinion issued simultaneously herewith, and under authority vested in the District Director of the Spokane District Office by section 8 (a) (7) of Maximum Price Regulation No. 426, as amended, and by Order of Delegation No. 35 issued under said section by the San Francisco Regional Office, Region VIII, of the Office of Price Administration; *It is hereby ordered:*

With respect to the commodity described in line (a) of Table X, there is set forth in said table in line (b), the basing point; in line (c), the wholesale receiving point; in line (d), the method of transportation which is hereby determined to be the cheapest method of transportation which is customary and generally available from said basing point to said wholesale receiving point; and in line (e), the freight rate per cwt. by said Method (d) between points. With respect to the units of sale of said commodity set forth in the respective vertical columns of said Table X, there is also set forth in said table in line (f), the freight charge by said Method (d) from said basing point to said wholesale receiving point; in line (g), the basing point cost; in line (h), the charge, if any, allowable for protective services in connection with such transportation; and in line (i), the maximum price chargeable for said commodity in said wholesale receiving point.

TABLE X

(a) Commodity: Cantaloupes
(b) Basing Point: El Centro, Calif.
(c) Wholesale receiving point: Lewiston, Idaho.
(d) Method of transportation: Carlot to Portland, I. c. l. Lewiston.
(e) Freight rate by Method (d) from basing point to wholesale receiving point: $1.51 per cwt.

	Per unit of sale	
	Standard crate of 68 lbs	Per lb.
(f) Freight charge by Method (d)	$1.02	
(g) Basing point cost	2.70	
(h) Protective services	.34	
(i) Maximum price in wholesale receiving point (sum of "f," "g" and "h")	4.06	$0.0597

This order shall become effective July 9, 1945, and may be revoked, amended or corrected at any time.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871, E.O. 9328, 8 F.R. 4681)

Issued this 9th day of July 1945.

DAVE S. COHN,
District Director.

[F. R. Doc. 45-14470; Filed, Aug. 6, 1945; 1:22 p. m.]

[Spokane Order 94-B Under MPR 426]

CANTALOUPES IN WALLA WALLA, WASH.

For the reasons set forth in an opinion issued simultaneously herewith, and under authority vested in the District Director of the Spokane District Office by section 8 (a) (7) of Maximum Price Regulation No. 426, as amended, and by Order of Delegation No. 35 issued under said section by the San Francisco Regional Office, Region VIII, of the Office of Price Administration; *It is hereby ordered:*

With respect to the commodity described in line (a) of Table X, there is set forth in said table in line (b), the basing point; in line (c), the wholesale receiving point; in line (d), the method of transportation which is hereby determined to be the cheapest method of transportation which is customary and generally available from said basing point to said wholesale receiving point; and in line (e), the freight rate per cwt. by said Method (d) between points. With respect to the units of sale of said commodity set forth in the respective vertical columns of said Table X, there is also set forth in said table in line (f), the freight charge by said Method (d) from said basing point to said wholesale receiving point; in line (g), the basing point cost; in line (h), the charge, if any, allowable for protective services in connection with such transportation; and in line (i), the maximum price chargeable for said commodity in said wholesale receiving point.

TABLE X

(a) Commodity: Cantaloupes.
(b) Basing point: El Centro, California.
(c) Wholesale receiving point: Walla Walla, Wash.
(d) Method of transportation: Carlot.
(e) Freight rate by Method (d) from basing point to wholesale receiving point: $1.08 per cwt.

	Per unit of sale	
	Standard crate of 68 lbs.	Per lb.
(f) Freight charge by Method (d)	$0.73	
(g) Basing point cost	2.70	
(h) Protective services	.34	
(i) Maximum price in wholesale receiving point (sum of "f", "g" and "h")	3.77	$0.0554

This order shall become effective July 9, 1945, and may be revoked, amended or corrected at any time.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 9th day of July 1945.

DAVE S. COHN,
District Director.

[F. R. Doc. 45-14471; Filed, Aug. 6, 1945; 1:22 p. m.]

[Spokane Order 95-B Under MPR 426]

CANTALOUPES IN KENNEWICK, WASH.

For the reasons set forth in an opinion issued simultaneously herewith, and under authority vested in the District Director of the Spokane District Office by section 8 (a) (7) of Maximum Price Regulation No. 426, as amended, and by Order of Delegation No. 35 issued under said section by the San Francisco Regional Office, Region VIII, of the Office of Price Administration; *It is hereby ordered:*

With respect to the commodity described in line (a) of Table X, there is set forth in said table in line (b), the basing point; in line (c), the wholesale receiving point; in line (d), the method of transportation which is hereby determined to be the cheapest method of transportation which is customary and generally available from said basing point to said wholesale receiving point; and in line (e), the freight rate per cwt. by said Method (d) between points. With respect to the units of sale of said commodity set forth in the respective vertical columns of said Table X, there is also set forth in said table in line (f), the freight charge by said Method (d) from said basing point to said wholesale receiving point; in line (g), the basing point cost; in line (h), the charge, if any, allowable for protective services in connection with such transportation; and in line (i), the maximum price chargeable for said commodity in said wholesale receiving point.

TABLE X

(a) Commodity: Cantaloupes.
(b) Basing Point: El Centro, Calif.
(c) Wholesale receiving point: Kennewick, W[illegible]
(d) Method of transportation: Carlot to W[illegible] l. c. l. Kennewick.
(e) Freight rate by Method (d) from basing [illegible] to wholesale receiving point: $1.08 plus .32.

	Per unit of sale	
	Standard crate of 68 lbs.	Per lb.
(f) Freight charge by Method (d)	$0.73	
(g) Basing point cost	2.70	
(h) Protective services	.34	
(i) Maximum price in wholesale receiving point (sum of "f", "g" and "h")	3.77	$0.0554

This order shall become effective July 9, 1945, and may be revoked, amended or corrected at any time.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871, E.O. 9328, 8 F.R. 4681)

Issued this 9th day of July 1945.

DAVE S. COHN,
District Director.

[F. R. Doc. 45-14472; Filed, Aug. 6 1945, 1:22 p. m.]

[Spokane Order 105-B Under MPR 426]

CANTALOUPES IN LEWISTON, IDAHO

For the reasons set forth in an opinion issued simultaneously herewith, and under authority vested in the District Director of the Spokane District Office by section 8 (a) (7) of Maximum Price Regulation No. 426, as amended, and by Order of Delegation No. 35 issued under said section by the San Francisco Regional Office, Region VIII, of the Office of Price Administration, *It is hereby ordered:*

With respect to the commodity described in line (a) of Table X, there is set forth in said table in line (b), the basing point; in line (c), the wholesale receiving point; in line (d), the method of transportation which is hereby determined to be the cheapest method of transportation which is customary and generally available from said basing point to said wholesale receiving point; and in line (e), the freight rate per cwt. by said Method (d) between points. With respect to the units of sale of said commodity set forth in the respective vertical columns of said Table X, there is also set forth in said table in line (f), the freight charge by said Method (d) from said basing point to said wholesale receiving point; in line (g), the basing point cost; in line (h), the charge, if any, allowable for protective services in connection with such transportation; and in line (i), the maximum price chargeable for said commodity in said wholesale receiving point.

TABLE X

(a) Commodity: Cantaloupes.
(b) Basing point: El Centro, Calif.
(c) Wholesale receiving point: Lewiston, Idaho.
(d) Method of transportation: Carlot to Spokane l. c. l. Lewiston.
(e) Freight rate by Method (d) from basing point to wholesale receiving point: $1.94.

	Per unit of sale	
	Standard crate of 68 lbs.	Per lb.
(f) Freight charge by Method (d)	$1.12	
(g) Basing point cost	2.70	
(h) Protective services	.34	
(i) Maximum price in wholesale receiving point (sum of "f," "g" and "h")	4.16	$0.0611

This order shall become effective July 13, 1945, and may be revoked, amended, or corrected at any time.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871, E.O. 9328, 8 F.R. 4681)

Issued this 13th day of July 1945.

DAVE S. COHN,
District Director.

[F. R. Doc. 45-14482; Filed, Aug. 6, 1945; 1:10 p. m.]

LIST OF COMMUNITY CEILING PRICE ORDERS

The following orders under Rev. General Order 51 were filed with the Division of the Federal Register July 31, 1945.

REGION I

Augusta Order 3-F, Amendment 6, covering fresh fruits and vegetables in South Portland, Portland and Westbrook, Maine. Filed 10:03 a. m.

Augusta Order 5-F, Amendment 6, covering fresh fruits and vegetables in Bangor and Brewer, Maine. Filed 10:03 a. m.

Concord Order 9-F, Amendment 11, covering fresh fruits and vegetables in certain areas in New Hampshire. Filed 9:40 a. m.

Hartford Order 5-F, Amendment 11, covering fresh fruits and vegetables in Waterbury and Watertown, Connecticut. Filed 10:03 a. m.

Hartford Order 6-F, Amendment 11, covering fresh fruits and vegetables in the Hartford Area. Filed 10:04 a. m.

Hartford Order 7-F, Amendment 10, covering fresh fruits and vegetables in the New Haven Area. Filed 10:04 a. m.

Hartford Order 8-F, Amendment 11, covering fresh fruits and vegetables in the Bridgeport Area. Filed 10:04 a. m.

Providence Order 3-F, Amendment 11, covering fresh fruits and vegetables in the certain areas in Rhode Island. Filed 10:04 a. m.

REGION II

Altoona Order 2-F, Amendment 26, covering fresh fruits and vegetables in the entire Altoona Area. Filed 10:04 a. m.

Altoona Order 2-F, Amendment 27, covering fresh fruits and vegetables in the entire Altoona Area. Filed 10:05 a. m.

Baltimore Order 13-W, Amendment 1, covering dry groceries in certain counties in Maryland. Filed 10:05 a. m.

Baltimore Order 41, Amendment 1, covering dry groceries in certain counties in Maryland. Filed 10:05 a. m.

Newark Order 7-F, Amendment 13, covering fresh fruits and vegetables in certain counties in New Jersey. Filed 10:05 a. m.

Scranton Order 4-F, Amendment 32, covering fresh fruits and vegetables in certain counties in Pennsylvania. Filed 9:34 a. m.

Williamsport Order 2-F, Amendment 46, covering fresh fruits and vegetables in certain counties in Pennsylvania. Filed 9:34 a. m.

REGION III

Charleston Order 7-F, Amendment 22, covering fresh fruits and vegetables in certain counties in West Virginia. Filed 9:49 a. m.

Charleston Order 9-F, Amendment 22, covering fresh fruits and vegetables in certain counties in West Virginia. Filed 9:50 a. m.

Charleston Order 10-F, Amendment 22, covering fresh fruits and vegetables in certain counties in West Virginia. Filed 9:50 a. m.

Charleston Order 10-W, Amendment 5, covering dry groceries in the entire state of West Virginia. Filed 9:53 a. m.

Charleston Order 11-F, Amendment 22, covering fresh fruits and vegetables in certain counties in West Virginia. Filed 9:51 a. m.

Charleston Order, 13, Amendment 5, covering dry groceries in the entire state of West Virginia. Filed 9:52 a. m.

Charleston Order 14, Amendment 4, covering dry groceries in the entire state of West Virginia. Filed 9:53 a. m.

Charleston Order 14-F, Amendment 6, covering fresh fruits and vegetables in certain counties in West Virginia. Filed 9:51 a. m.

Charleston Order 15-F, Amendment 19, covering fresh fruits and vegetables in certain counties in West Virginia. Filed 9:51 a. m.

Charleston Order 16-F, Amendment 18, covering fresh fruits and vegetables in certain counties in West Virginia. Filed 9:51 a. m.

Charleston Order 17-F, Amendment 18, covering fresh fruits and vegetables in certain counties in West Virginia. Filed 9:51 a. m.

Cleveland Order F-1, Amendment 49, covering fresh fruits and vegetables in Cuyahoga County, Ohio. Filed 9:54 a. m.

Cleveland Order 3-F, Amendment 49, covering fresh fruits and vegetables in Mahoning and Trumbull Counties, Ohio. Filed 9:54 a. m.

Cleveland Order 4-F, Amendment 49, covering fresh fruits and vegetables in Stark and Summit Counties, Ohio. Filed 9:54 a. m.

Columbus Order 10-F, Amendment 1, covering fresh fruits and vegetables in certain counties in Ohio. Filed 9:54 a. m.

Columbus Order 10-F, Amendment 2, covering fresh fruits and vegetables in certain counties in Ohio. Filed 9:54 a. m.

Columbus Order 11-F, Amendment 2, covering fresh fruits and vegetables in certain counties in Ohio. Filed 9:55 a. m.

Detroit Order 5-F, (Appendix A), Amendment 24, covering fresh fruits and vegetables in Wayne and Macomb, Michigan. Filed 9:34 a. m.

Lexington Order 5-F, Amendment 17, covering fresh fruits and vegetables in Fayette County, Kentucky. Filed 9:35 a. m.

Lexington Order 6-F, Amendment 17, covering fresh fruits and vegetables in Campbell and Kenton Counties, Kentucky. Filed 9:35 a. m.

Lexington Order 7-F, Amendment 17, covering fresh fruits and vegetables in Boyd County, Kentucky. Filed 9:43 a. m.

Louisville Order 12-F, Amendment 28, covering fresh fruits and vegetables in Jefferson County, Ky. and Clark and Floyd Counties, Indiana. Filed 9:43 a. m.

Louisville Order 13-F, Amendment 28, covin fresh fruits and vegetables in McCracken County, Kentucky. Filed 9:44 a. m.

Louisville Order 14-F, Amendment 28, covering fresh fruits and vegetables in Henderson and Daviess Counties, Kentucky. Filed 9:44 a. m.

Louisville Order 15-F, Amendment 6, covering fresh fruits and vegetables in certain counties in Kentucky. Filed 9:44 a. m.

REGION IV

Atlanta Order 16, Amendment 6, covering eggs in certain counties in Georgia. Filed 9:45 a. m.

Atlanta Order 17, Amendment 6, covering eggs in certain counties in Georgia. Filed 9:46 a. m.

Atlanta Order 18, Amendment 6, covering eggs in certain counties in Georgia. Filed 9:33 a. m.

Atlanta Order 19, Amendment 6, covering eggs in certain counties in Georgia. Filed 9:46 a. m.

Atlanta Order 20, Amendment 6, covering eggs in certain counties in Georgia. Filed 9:47 a. m.

Atlanta Order 21, Amendment 6, covering eggs in certain counties in Georgia. Filed 9:47 a. m.

Charlotte Order 3-F, Amendment 27, covering fresh fruits and vegetables in certain counties in North Carolina. Filed 9:33 a. m.

Jackson Order 4-F, Amendment 40, covering fresh fruits and vegetables in certain counties in Mississippi. Filed 9:33 a. m.

Jacksonville Order 9-F, Amendment 32, covering fresh fruits and vegetables in Jacksonville, Florida. Filed 9:33 a. m.

Jacksonville Order 11-F, Amendment 14-A, covering fresh fruits and vegetables in certain counties in Florida. Filed 9:47 a. m.

Memphis Order 6-F, Amendment 40, covering fresh fruits and vegetables in Memphis and the county of Shelby, Tennessee. Filed 9:45 a. m.

Memphis Order 7-F, Amendment 14, covering fresh fruits and vegetables in certain counties in Tennessee. Filed 9:45 a. m.

Montgomery Order 20-F, Amendment 34, covering fresh fruits an vegetables in Mobile County, Alabama. Filed 9:32 a. m.

Montgomery Order 21-F, Amendment 39, covering fresh fruits and vegetables in Montgomery County, Alabama. Filed 9:48 a. m.

Montgomery Order 22-F, Amendment 40, covering fresh fruits and vegetables in Houston County, Alabama. Filed 9:48 a. m.

Montgomery Order 23-F, Amendment 12, covering fresh fruits and vegetables in certain counties in Alabama. Filed 9:48 a. m.

Montgomery Order 24-F, Amendment 37, covering fresh fruits and vegetables in Dallas County, Alabama. Filed 9:49 a. m.

Savannah Order 7-F, Amendment 40, covering fresh fruits and vegetables in certain counties in Georgia. Filed 9:59 a. m.

Savannah Order 9-F, Amendment 40, covering fresh fruits and vegetables in certain counties in Georgia. Filed 9:59 a. m.

Savannah Order 10-F, Amendment 40, covering fresh fruits and vegetables in certain counties in Georgia. Filed 9:59 a. m.

REGION VI

Green Bay Order 5-F, Amendment 23, covering fresh fruits and vegetables in certain counties in Wisconsin. Filed 9:32 a. m.

Green Bay Order 6-F, Amendment 23, covering fresh fruits and vegetables in Florence, Forest, and Marinette, Wisconsin. Filed 9:31 a. m.

North Platte Order 1-F, Amendment 4, covering fresh fruits and vegetables in certain areas in Nebraska. Filed 9:31 a. m.

North Platte Order 1-F, Amendment 4, Supplementary Order 1, covering fresh fruits and vegetables in certain cities in Nebraska. Filed 9:31 a. m.

North Platte Order 2-F, Amendment 2, covering fresh fruits and vegetables in certain counties in Nebraska. Filed 9:31 a. m.

Quad-Cities Order 3-F, Amendment 28, covering fresh fruits and vegetables in certain counties in Illinois, Iowa. Filed 9:32 a. m.

REGION VII

Salt Lake City Order 20, Amendment 2, covering dry groceries in the Salt Lake City, Ogden and Provo Area. Filed 9:32 a. m.

REGION VIII

Fresno Order 1–F, Amendment 77, covering fresh fruits and vegetables in Fresno, California. Filed 9:59 a. m.

Fresno Order 1–F, Amendment 78, covering fresh fruits and vegetables in Fresno, California. Filed 9:59 a. m.

Fresno Order 2–F, Amendment 65, covering fresh fruits and vegetables in Modesto, California. Filed 10:00 a. m.

Fresno Order 2–F, Amendment 66, covering fresh fruits and vegetables in Modesto, California. Filed 10:00 a. m.

Fresno Order 3–F, Amendment 62, covering fresh fruits and vegetables in certain areas in California. Filed 10:01 a. m.

Fresno Order 3–F, Amendment 63, covering fresh fruits and vegetables in certain areas in California. Filed 10:01 a. m.

Fresno Order 4–F (Revised), Amendment 37, covering fresh fruits and vegetables in certain areas in the Fresno, California Area. Filed 10:01 a. m.

Fresno Order 4–F (Revised), Amendment 38, covering fresh fruits and vegetables in certain areas in the Fresno, California Area. Filed 10:01 a. m.

Fresno Order 6–F, Amendment 48, covering fresh fruits and vegetables in certain areas in the Fresno, California Area. Filed 10:02 a. m.

Fresno Order 6–F, Amendment 49, covering fresh fruits and vegetables in the Fresno, California Area. Filed 10:02 a. m.

Fresno Order 7–F, Amendment 27, covering fresh fruits and vegetables in certain areas in the Fresno, California Area. Filed 10:02 a. m.

Fresno Order 7–F, Amendment 28, covering fresh fruits and vegetables in certain areas in the Fresno, California Area. Filed 10:03 a. m.

Portland Order 16–F, Amendment 19, covering fresh fruits and vegetables in Bend, Oregon. Filed 9:34 a. m.

Portland Order 16–F, Amendment 20, covering fresh fruits and vegetables in Bend, Oregon. Filed 9:35 a. m.

Sacramento Adopting Order 29–F, Amendment 25, covering fresh fruits and vegetables in certain areas in California. Filed 9:31 a. m.

Copies of any of these orders may be obtained from the OPA Office in the designated city.

ERVIN H. POLLACK,
Secretary.

[F. R. Doc. 45–14437; Filed, Aug. 6, 1945; 11:17 a. m.]

LIST OF COMMUNITY CEILING PRICE ORDERS

The following orders under Rev. General Order 51 were filed with the Division of the Federal Register August 4, 1945.

REGION II

Baltimore Order 4–F, Amendment 48, covering fresh fruits and vegetables in certain areas in Maryland. Filed 9:47 a. m.

Baltimore Order 10–F, Amendment 4, covering fresh fruits and vegetables in certain areas in Maryland. Filed 9:47 a. m.

Buffalo Order 3–F, Amendment 20, covering fresh fruits and vegetables in certain areas in New York. Filed 9:47 a. m.

Buffalo Order 4–F, Amendment 20, covering fresh fruits and vegetables in East Rochester, Rochester and Pittsford and Fairport. Filed 9:47 a. m.

Philadelphia Order 12–F, Amendment 13, covering fresh fruits and vegetables in certain counties in Pennsylvania. Filed 9:48 a. m.

Scranton Order 4–F, Amendment 34, covering fresh fruits and vegetables in certain counties in Pennsylvania. Filed 9:47 a. m.

Syracuse Order 3–F, Amendment 40, covering fresh fruits and vegetables in certain areas in New York. Filed 9:48 a. m.

Wilmington Order 4–F, Amendment 45, covering fresh fruits and vegetables in the entire State of Delaware. Filed 9:48 a. m.

REGION III

Grand Rapids Order 1–O (Appendix A), covering eggs in certain counties in Michigan. Filed 9:48 a. m.

Grand Rapids Order 1–O (Appendix B), covering eggs in certain counties in Michigan. Filed 9:48 a. m.

Grand Rapids Order 1–O (Appendix C), covering eggs in certain counties in Michigan. Filed 9:46 a. m.

REGION IV

Jackson Order 5–F, Amendment 11, covering fresh fruits and vegetables in certain areas in Mississippi. Filed 9:46 a. m.

Montgomery Order 1–O, Amendment 4, covering eggs in certain counties in Alabama. Filed 9:49 a. m.

Montgomery Order 2–O, Amendment 4, covering eggs in certain counties in Alabama. Filed 9:49 a. m.

Montgomery Order 3–O, Amendment 4, covering eggs in certain counties in Alabama. Filed 9:49 a. m.

Montgomery Order 4–O, Amendment 4, covering eggs in certain counties in Alabama. Filed 9:49 a. m.

REGION VI

Omaha Order 21, Amendment 10, (Correction), covering dry groceries. Filed 9:49 a. m.

Peoria Order 7–F, Amendment 12, covering fresh fruits and vegetables in certain areas in Illinois. Filed 9:50 a. m.

Peoria Order 8–F, Amendment 17, covering fresh fruits and vegetables in certain areas in Illinois. Filed 9:50 a. m.

Peoria Order 9–F, Amendment 17, covering fresh fruits and vegetables in certain areas in Illinois. Filed 9:50 a. m.

Peoria Order 10–F, Amendment 17, covering fresh fruits and vegetables in certain areas in Illinois. Filed 9:51 a. m.

Quad-Cities Order 2–F, Amendment 46, covering fresh fruits and vegetables in certain areas in Illinois and Iowa. Filed 9:46 a. m.

Quad-Cities Order 2–F, Amendment 47, covering fresh fruits and vegetables in certain areas in Illinois and Iowa. Filed 9:46 a. m.

Quad-Cities Order 2–F, Amendment 48, covering fresh fruits and vegetables in certain areas in Illinois and Iowa. Filed 9:46 a. m.

Quad-Cities Order 3–F, Amendment 29, covering fresh fruits and vegetables in certain counties in Illinois and Iowa. Filed 9:46 a. m.

Sioux City Order 2–F, Amendment 43, covering fresh fruits and vegetables in Sioux City, Iowa and South Sioux City, Nebraska. Filed 9:50 a. m.

Copies of any of these orders may be obtained from the OPA Office in the designated city.

ERVIN H. POLLACK,
Secretary.

[F. R. Doc. 45–14486; Filed, Aug. 6, 1945; 3:16 p. m.]

UNITED STATES COAST GUARD

APPROVAL OF EQUIPMENT

By virtue of the authority vested in me by R. S. 4405, 4417a, 4426, 4481, 4488 and 4491, as amended, 49 Stat. 1544, 54 Stat. 1028 (46 U.S.C. 375, 391a, 404, 474, 481, 489, 367 463a), and Executive Order 9083, dated February 28, 1942 (3 CFR, Cum. Supp.), the following approval of equipment is prescribed:

FIRE EXTINGUISHING APPARATUS

Waterproof, pressure operated switches for use in connection with carbon dioxide fire extinguishing systems (Dwg. No. 81338, Rev. B–2–Pole, 30 Amperes, 250 Volts, 2 H.P., Model B–4458; Dwg. No. 81359, Rev. B–3–Pole, 30 Amperes, 250 Volts, 2 H.P., Model B–4459), manufactured by Walter Kidde & Company Inc., Bloomfield, N. J.

LIFEBOATS

26′ x 9′ x 3.6′ metallic oar-propelled lifeboat (50-person peacetime capacity, 36-person wartime capacity) (General Arrangement and Construction Dwg. No. 2655 dated 10 January, 1944), submitted by Lane Lifeboat and Davit Corp., Foot of 40th Road, Flushing, New York. (Supersedes approval 11 February, 1944, 9 F.R. 1639.)

16′ x 5.71′ x 2.30′ metallic oar-propelled lifeboat (12-person peacetime capacity, 9-person wartime capacity) (General Arrangement Dwg. No. 2043, dated 8 June 1945), submitted by Imperial Lifeboat and Davit Company, Inc., 136 Liberty Street, Bronx, New York. (Supersedes approval 18 July 1945, 10 F.R. 8922.)

Dated: August 7, 1945.

L. T. CHALKER,
Rear Admiral, U. S. C. G.,
Acting Commandant.

[F. R. Doc. 45–14556; Filed, Aug. 7, 1945; 11:41 a. m.]

AUG 8 1 '45

FEDERAL REGISTER

VOLUME 10 NUMBER 158

Washington, Thursday, August 9, 1945

Regulations

TITLE 6—AGRICULTURAL CREDIT

Chapter II—Commodity Credit Corporation

PART 260—FLUID MILK PAYMENT PROGRAM

OFFER TO MAKE PAYMENTS IN NEW YORK METROPOLITAN AREA DURING JULY 1945 THROUGH JUNE 1946

Whereas, the Director of Economic Stabilization and the War Food Administrator of the United States approved on June 16, 1945 and May 12, 1945, respectively, a Fluid Milk Payment Program for the purpose of insuring, in accordance with Executive Order 9250 of October 3, 1942, and Executive Order 9328 of April 8, 1943, the maximum necessary production and distribution of fluid milk and the maintenance of price ceilings with respect to such milk.

Now, therefore, Commodity Credit Corporation (hereinafter referred to as "Commodity"), a corporate agency of the United States, hereby offers, subject to the terms and conditions hereinafter specified, to make payments on milk to any handler.

§ 260.20 *New York metropolitan area.* (a) Commodity will make payments to any handler at the rate of 20 cents per hundredweight on all Class I milk which is priced pursuant to § 927.4 (a) (1) of Order No. 27 and for which the handler is determined by the market administrator to be accountable under Order No. 27 during each calendar month from July 1, 1945, to June 30, 1946, inclusive.

(b) Settlement hereunder shall be made on a monthly basis, upon the presentation of such documents and supporting proofs as Commodity may require, by the payment from Commodity to the market administrator of 20 cents per hundredweight and by the market administrator's payment of such amount either (1) into the Producer-Settlement Fund established under Order No. 27 as a credit against the handler's obligation to make payments to the Producer-Settlement Fund, or (2) to the handler as a credit, increasing the market administrator's obligation to make payments to the handler out of the Producer-Settlement Fund: *Provided*, That no settlement will be made hereunder with any handler if (i) he has been determined by Commodity to have charged for milk for fluid consumption resale prices higher than the maximum prices applicable to such sales pursuant to the maximum price regulations of the Office of Price Administration during the month for which payments would otherwise be made, or (ii) he has been determined by the market administrator not to be fully in compliance with Order No. 27 insofar as it relates to prices payable to producers.

(c) Any handler with whom settlement is made hereunder shall, by accepting such settlement, be deemed to have ratified and confirmed the action of the market administrator in accepting this offer on his behalf and to have authorized and instructed the market administrator to deduct from any payments thereafter due to such handler under Order No. 27 and pay to Commodity any amount which may be due to Commodity by reason of the payment to the market administrator hereunder or under any other similar offer of any amount determined by Commodity to have been erroneously or improperly credited or paid to the handler.

(d) Every handler with whom settlement is made hereunder shall keep accurate and complete books, records, and accounts with respect to his production, receipts, utilization, and sales of milk and with respect to his sales receipts, cost of products, and operating costs, and shall keep such other books, records, and accounts and submit such information and reports as Commodity may require. Such books, records, and accounts shall be available for inspection by Commodity or its designated agents at any reasonable time.

(e) This offer may be partially or wholly revoked or modified by publication of a notice thereof in the FEDERAL REGISTER by Commodity at any time, but notwithstanding any such revocation or

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FEDERAL REGISTER

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NOTICE

1944 Supplement

Book 1 of the 1944 Supplement to the Code of Federal Regulations, containing Titles 1-10, including Presidential documents in full text, is now available from the Superintendent of Documents, Government Printing Office, at $3.00 per copy.

A limited sales stock of the Cumulative Supplement and the 1943 Supplement is still available as previously announced.

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modification, settlement shall be made as provided in section 2 hereof with respect to any milk disposed of pursuant to the terms and conditions hereof prior to such revocation or modification.

(f) *Definitions.* (1) The term "Order No. 27," as used herein, shall mean the order, as amended, issued by the Secretary of Agriculture of the United States, regulating the handling of milk in the New York metropolitan milk marketing area.

(2) The terms "New York metropolitan milk marketing area," "market administrator," "producer," "handler" and "Class I milk" shall have the same meaning herein as is given such terms by Order No. 27.

(g) This offer may be accepted only by the market administrator acting on behalf of the handler.

Dated: August 8, 1945.

[SEAL] R. W. MAYCOCK,
Vice President.

[F. R. Doc. 45-14619; Filed, Aug. 8, 1945; 11:21 a. m.]

PART 260—FLUID MILK PAYMENT PROGRAM

OFFER TO MAKE PAYMENTS IN PHILADELPHIA, PA., AREA DURING JULY 1945 THROUGH JUNE 1946

Whereas, the Director of Economic Stabilization and the War Food Administrator of the United States approved on June 16, 1945 and May 12, 1945, respectively, a Fluid Milk Payment Program for the purpose of insuring, in accordance with Executive Order No. 9250 of October 3, 1942, and Executive Order No. 9328 of April 8, 1943, the maximum necessary production and distribution of fluid milk and the maintenance of price ceilings with respect to such milk.

Now, therefore, Commodity Credit Corporation (hereinafter referred to as "Commodity"), a corporate agency of the United States, hereby offers, subject to the terms and conditions herein specified, to make payments to handlers on fluid milk disposed of by such handlers in the Philadelphia, Pennsylvania, area.

§ 260.30 *Philadelphia, Pennsylvania, area.* (a) Commodity will make a payment to each handler, regardless of whether or not such handler purchases milk from producers, of 35 cents per hundredweight on Class I milk containing not more than 6.0 percent butterfat disposed of in the Philadelphia, Pennsylvania, area by such handler, as determined by Commodity or its designated agent, from July 1, 1945, through June 30, 1946, except (1) any such milk sold by such handler to another handler, and (2) any such milk disposed of by such handler for use by the armed forces of the United States: *Provided,* That the rate of payment on the quantity of milk which was not received from producers, either directly or from other handlers, shall be reduced by the difference between the prices paid, beginning with the lowest, for such nonproducer milk, and the price prescribed by Order No. 61 for Class I milk of the same test and place of receipt. Payment will be made to each handler on nonproducer milk only to the extent that receipts from producers, including receipts of producer milk from other handlers, are less than the total Class I milk otherwise eligible for payment, and if satisfactory showing is made as to the prices paid for nonproducer milk.

(b) Settlement hereunder shall be made on a monthly basis upon the presentation, within 90 days after the end of the calendar month for which payments are claimed, to, and approval by, Commodity, or such agent as it may designate, of a claim for payments, supported by a written statement by such handler, made under oath before a notary public or other official authorized by law to administer oaths, that (1) resale prices charged by him for milk for fluid consumption sold during the month for which payments are claimed did not exceed the resale price applicable to such sales pursuant to maximum price regulations of the Office of Price Administration, and (2) he has paid producers for all milk which he received from such producers during such month as required by Order No. 61. The documents presented pursuant to this paragraph shall be in such form and contain such certification as Commodity may prescribe.

(c) The performance by the handler of the terms and conditions set forth in this offer together with the submission to Commodity of a claim for payments by the handler, pursuant to this offer, shall constitute an acceptance of this offer for the month for which payments are claimed.

(d) Each handler who files a claim for payments shall have accurate and complete books, records, and accounts with respect to his production, receipts, utilization, and sales of milk, and with respect to his sales receipts, costs of products, and operating costs, and shall keep such other books, records and accounts and submit such reports as Commodity may require. Such books, records, and accounts shall be available for inspection by Commodity or its designated agent at any reasonable time.

(e) This offer may be partially or wholly revoked or modified by publication of a notice thereof in the FEDERAL REGISTER by Commodity at any time but, notwithstanding any such revocation or modification, settlement shall be made as provided in paragraph (b) hereof with respect to any milk disposed of pursuant to the terms and conditions hereof prior to such revocation or modification.

(f) *Definition.* (1) The term "Order No. 61," as used herein, means the order, as amended, issued by the Secretary of Agriculture of the United States, regulating the handling of milk in the Philadelphia, Pennsylvania, milk marketing area.

(2) The term "Philadelphia, Pennsylvania, area," as used herein, means the "Philadelphia, Pennsylvania, milk marketing area," as defined in Order No. 61; and the terms "Class I Milk," "handler" and "producer," as used herein, shall have the same meaning as is given such terms by Order No. 61.

Dated: August 8, 1945.

[SEAL] R. W. MAYCOCK,
Vice President.

[F. R. Doc. 45-14618; Filed, Aug. 8, 1945; 11:21 a. m.]

PART 260—FLUID MILK PAYMENT PROGRAM

OFFER TO MAKE PAYMENTS IN PHILADELPHIA, PA., SUBURBAN AREA AND IN PENNSYLVANIA AREAS NOS. 4, 6, 8, AND 12, DURING JULY 1945 THROUGH JUNE 1946

Whereas, the Director of Economic Stabilization and the War Food Administrator of the United States approved on June 16, 1945 and May 12, 1945, respectively, a Fluid Milk Payment Program for the purpose of insuring, in accordance with Executive Order No. 9250 of October 3, 1942, and Executive Order No. 9328 of April 8, 1943, the maximum necessary production and distribution of fluid milk and the maintenance of price ceilings with respect to such milk.

Now, therefore, Commodity Credit Corporation (hereinafter referred to as "Commodity"), a corporate agency of the United States, hereby offers, subject to the terms and conditions herein specified, to make payments to handlers on fluid milk disposed of by such handlers in the Philadelphia, Pennsylvania, suburban area and in the Pennsylvania areas Nos. 4, 6, 8, and 12, as defined herein.

§ 260.40 *Philadelphia suburban and other designated Pennsylvania areas.* (a) Commodity will make a payment to each handler, regardless of whether or not such handler purchases milk from producers, on Class I milk containing not more than 6.0 percent butterfat disposed of in the Philadelphia, Pennsylvania, suburban area and in the Pennsylvania Areas Nos. 4, 6, 8, and 12, by such handler, as determined by Commodity or its designated agent, from July 1, 1945 through June 30, 1946, except (1) any such milk sold by such handler to another handler, and (2) any such milk disposed of by such handler for use by the armed forces of the United States, as follows:

Area:	*Cents per hundredweight*
Philadelphia Suburban	40
Pennsylvania Area No. 4	40
Pennsylvania Area No. 6	33
Pennsylvania Area No. 8	33
Pennsylvania Area No. 12	33

Provided, That the rate on the quantity of milk which was not received from producers, either directly or from other handlers, shall be reduced by the difference between the prices paid, beginning with the lowest, for such nonproducer milk and the price specified for producer milk under applicable orders of the Pennsylvania Milk Control Commission for Class I milk of the same test in the area of sale. Payment will be made to each handler on nonproducer milk only to the extent that receipts from producers, including receipts of producer milk from other handlers, are less than the total Class I milk otherwise eligible for payment, and if satisfactory showing is made as to price paid for nonproducer milk.

(b) Settlement hereunder shall be made on a monthly basis upon the presentation, within 90 days after the end of the calendar month for which payments are claimed, to, and approval by, Commodity, or such agent as it may designate, of a claim for payments, supported by a written statement by such handler, made under oath before a notary public or other official authorized by law to administer oaths, that (1) resale prices charged by him for milk for fluid consumption sold during the month for which payments are claimed did not exceed the resale price applicable to such sales pursuant to maximum price regulations of the Office of Price Administration, and (2) he has paid producers for all milk which he received from such producers during such months not less than the prices specified by applicable orders of the Pennsylvania Milk Control Commission. The documents presented pursuant to this paragraph shall be in such form and contain such certification as Commodity may prescribe.

(c) The performance by the handler of the terms and conditions set forth in this offer together with the submission to Commodity of a claim for payments by the handler, pursuant to this offer, shall constitute an acceptance of this offer for the month for which payments are claimed.

(d) Each handler who files a claim for payments shall have accurate and complete books, records, and accounts with respect to his production, receipts, utilization, and sales of milk, and with respect to his sales receipts, costs of products, and operating costs, and shall keep such other books, records, and accounts and submit such reports as Commodity may require. Such books, records, and accounts shall be available for inspection by Commodity or its designated agent at any reasonable time.

(e) This offer may be partially or wholly revoked or modified by publication of a notice thereof in the FEDERAL REGISTER by Commodity at any time but, notwithstanding any such revocation or modification, settlement shall be made as provided in section 2 hereof with respect to any milk disposed of pursuant to the terms and conditions hereof prior to such revocation or modification.

(f) *Definitions.* (1) The term "Philadelphia, Pennsylvania, suburban area," as used herein, means the territory described as Philadelphia, Pennsylvania, Suburban Area, Area 1-A, by the Pennsylvania Milk Control Commission in Order A-119, except any part of Delaware County, Pennsylvania. The terms "Pennsylvania Areas Nos. 4, 6, 8 and 12," as used herein, means the territories described respectively as the Schuylkill, Lehigh, Harrisburg, and York milk marketing areas by the Pennsylvania Milk Control Commission in Official Orders Nos. A-130, A-116, A-132, and A-131.

(2) The term "Class 1 milk," as used herein, means all milk disposed of in the form of fluid milk, buttermilk, flavored milk drinks, or skim milk for fluid consumption.

(3) The term "producer," as used herein, means any person who is a producer as defined in Order No. 61, as amended, issued by the Secretary of Agriculture, regulating the handling of milk in the Philadelphia, Pennsylvania, milk marketing area, and any other person who produces milk on a farm from which milk is (i) distributed for fluid consumption in the Philadelphia, Pennsylvania, suburban area, and in the Pennsylvania areas Nos. 4, 6, 8, and 12, or (ii) delivered direct to a plant from which milk is distributed directly for fluid consumption in the respective areas.

(4) The term "handler," as used herein, means any person who distributes from a milk plant during the month for which payment is claimed pursuant to this offer more than 20 quarts of Class I milk per day within the areas defined in (1) above.

Dated: August 8, 1945.

[SEAL] R. W. MAYCOCK,
Vice President.

[F. R. Doc. 45-14623; Filed, Aug. 8, 1945; 11:23 a. m.]

PART 260—FLUID MILK PAYMENT PROGRAM

OFFER TO MAKE PAYMENTS IN WILMINGTON, DEL., AREA DURING JULY 1945 THROUGH JUNE 1946

Whereas, the Director of Economic Stabilization and the War Food Administrator of the United States approved on June 16, 1945 and May 12, 1945, respectively, a Fluid Milk Payment Program for the purpose of insuring, in accordance with Executive Order No. 9250 of October 3, 1942, and Executive Order No. 9328 of April 8, 1943, the maximum necessary production and distribution of fluid milk and the maintenance of price ceiling with respect to such milk.

Now, therefore, Commodity Credit Corporation (hereinafter referred to as "Commodity"), a corporate agency of the United States, hereby offers, subject to the terms and conditions herein specified, to make payments to handlers on fluid milk disposed of by such handlers in the Wilmington, Delaware, Area.

§ 260.50 *Wilmington, Delaware, area.* (a) Commodity will make a payment to each handler, regardless of whether or not such handler purchases milk from producers, of 35 cents per hundredweight on Class I milk disposed of in the Wilmington, Delaware, area by such handler, as determined by Commodity or its designated agent, from July 1, 1945, through June 30, 1946, except (1) any such milk sold by such handler to another handler, and (2) any such milk disposed of by such handler for use by the armed forces of the United States: *Provided*, That the quantity of Class I milk shall be determined from the volume weight of Class I products except that a handler who makes payment to producers only on an amount of Class I milk determined on the basis of the butterfat disposed of in Class I milk may claim payments under this section only on an amount computed on the same basis: *And provided*, That the rate of payment on the quantity of milk which is emergency milk, shall be reduced by the difference between the prices paid, beginning with the lowest, for such emergency milk, and the price applicable to producer milk under the conditions set forth in paragraph (e) for Class I milk of the same test. Payment will be made to each handler on emergency milk only to the extent that receipts from producers, including receipts of producer milk from other handlers, by such handler are less than the total Class I milk otherwise eligible for payment, and if satisfactory showing is made as to the prices paid for emergency milk.

(b) Settlement hereunder shall be made on a monthly basis upon the presentation, within 90 days after the end of the calendar month for which payments are claimed, to, and approval by, Commodity or such agent as it may designate, of a claim for payments, supported by a written statement by such handler, made under oath before a notary public or other official authorized by law to administer oaths, that (1) resale prices charged by him for milk for fluid consumption sold during the month for which payments are claimed did not exceed the resale price applicable to such sales pursuant to maximum price regulations of the Office of Price Administration, and (2) he has paid producers for all milk which he received from such producers during such month not less than the applicable price or prices prescribed by paragraph (e) of this offer. The documents presented pursuant to this section shall be in such form and contain such certification as Commodity may prescribe.

(c) The performance by the handler of the terms and conditions set forth in this offer together with the submission to Commodity of a claim for payments by the handler, pursuant to this offer, shall constitute an acceptance of this offer for the month for which payments are claimed.

(d) Each handler who files a claim for payments shall have accurate and complete books, records, and accounts with respect to his production, receipts, utilization, and sales of milk, and with respect to his sales receipts, costs of products, and operating costs, and shall keep such other books, records, and accounts and submit such reports as Commodity may require. Such books, records, and accounts shall be available for inspection by Commodity or its designated agent at any reasonable time.

(e) Each handler who, pursuant to paragraph (c) hereof, accepts this offer for any month shall (1) pay producers not less than $3.93 per hundredweight for all milk received from them that is not in excess of the total quantity of Class I milk disposed of by such handler, and all milk in excess of 2 percent of receipts which is not accounted for in Class I and Class II disposition, and (2) pay producers for all other milk received from them during such period not less than the Class II price per hundredweight, as announced by the market administrator pursuant to Order No. 61, less 12 cents: *Provided*, That if the milk received from any producer has a butterfat content other than 4 percent, the minimum prices specified in this section shall be increased by 4 cents for each one-tenth of 1 percent of average butterfat content of such milk above 4 percent and shall be decreased by 4 cents for each one-tenth of 1 percent of average butterfat content of such milk below 4 percent.

(f) This offer may be partially or wholly revoked or modified by publication of a notice thereof in the FEDERAL REGISTER by Commodity at any time but, notwithstanding any such revocation or modification, settlement shall be made as provided in section 2 hereof with respect to any milk disposed of pursuant to the terms and conditions hereof prior to such revocation or modification.

(g) When used herein (1) the term "Wilmington, Delaware, Area," means the county of New Castle, in the State of Delaware.

(2) The term "Class I milk," means all milk disposed of in the form of fluid milk, buttermilk, flavored milk drinks, and skim milk for fluid consumption.

(3) The term "Class II milk," means all milk other than Class I milk including not more than 2 percent of receipts which are not accounted for by the handler.

(4) The term "producer," means any person, irrespective of whether such person is also a handler, who produces milk on a farm which milk is (i) distributed by him in the Wilmington, Delaware, area for fluid consumption, or (ii) delivered direct to a plant from which milk is distributed for fluid consumption in the Wilmington, Delaware, area.

(5) The term "handler," means any person, irrespective of whether such person is also a producer, who distributes from a milk plant during the month for which payments are claimed pursuant to this offer more than 20 quarts of Class I milk per day within the Wilmington, Delaware, area.

(f) The term "Order No. 51," means the order, as amended, issued by the Secretary of Agriculture of the United States, regulating the handling of milk in the Philadelphia, Pennsylvania, milk marketing area.

(g) The term "emergency milk" as used herein, means any milk other than that received from producers either directly or from other handlers.

Dated: August 8, 1945.

[SEAL] R. W. MAYCOCK,
Vice President.

[F. R. Doc. 45-14624; Filed, Aug. 8, 1945; 11:23 a. m.]

PART 260—FLUID MILK PAYMENT PROGRAM

OFFER TO MAKE PAYMENTS IN FORT WAYNE, IND., MARKETING AREA DURING JULY 1945 THROUGH JUNE 1946

Whereas, the Director of Economic Stabilization and the War Food Administrator of the United States approved on June 16, 1945 and May 12, 1945, respectively, a Fluid Milk Payment Program for the purpose of insuring, in accordance with Executive Order No. 9250 of October 3, 1942, and Executive Order No. 9328 of April 8, 1943, the maximum necessary production and distribution of fluid milk and the maintenance of price ceilings with respect to such milk.

Now, therefore, Commodity Credit Corporation (hereinafter referred to as "Commodity"), a corporate agency of the United States, hereby offers, subject to the terms and conditions herein specified, to make payments to handlers on fluid milk disposed of by such handlers in the Fort Wayne, Indiana, marketing area.

§ 260.60 *Fort Wayne, Indiana, area.* Commodity will make a payment to each handler in the Fort Wayne, Indiana, marketing area, regardless of whether or not such handler purchases milk from producers, on Class I milk disposed of by such handler, as determined by Commodity or its designated agent, from July 1, 1945, through June 30, 1946, except, (1) any such milk sold by such handler to another handler, (2) any such milk disposed of by such handler for use by the armed forces of the United States, (3) any such milk of such handler's own production, and (4) any such milk which is emergency milk. The rate of payment per hundredweight of milk shall be, in any calendar month, computed as follows: From the Class I price determined for such month pursuant to Order No. 32 subtract $3.53.

(b) Settlement hereunder shall be made on a monthly basis upon the presentation, within 90 days after the end of the calendar month for which payments are claimed, to, and approval by, Commodity, or such agent as it may designate, of a claim for payments, supported by a written statement by such handler, made under oath before a notary public or other official authorized by law to administer oaths, that (1) resale prices charged by him for milk for fluid consumption sold during the month for which payments are claimed did not exceed the resale price applicable to such sales pursuant to maximum price regulations of the Office of Price Administration, and (2) he has paid producers for all milk which he received from such producers during such month as required by Order No. 32. The documents presented pursuant to this paragraph shall be in such form and contain such certification as Commodity may prescribe.

(c) The performance by the handler of the terms and conditions set forth in this offer together with the submission to Commodity of a claim for payments by the handler, pursuant to this offer, shall constitute an acceptance of this offer for the month for which payments are claimed.

(d) Each handler who files a claim for payments shall have accurate and complete books, records, and accounts with respect to his production, receipts, utilization, and sales of milk, and with respect to his sales receipts, costs of products, and operating costs, and shall keep such other books, records, and accounts and submit such reports as Commodity may require. Such books, records, and accounts shall be available for inspection by Commodity or its designated agent at any reasonable time.

(e) This offer may be partially or wholly revoked or modified by publication of a notice thereof in the FEDERAL REGISTER by Commodity at any time, but, notwithstanding any such revocation or modification, settlement shall be made as provided in paragraph (b) hereof with respect to any milk disposed of pursuant to the terms and conditions hereof prior to such revocation or modification.

(f) Any handler with whom settlement is made pursuant to section 2 of this offer shall, by accepting such settlement, be deemed to have authorized the market administrator of Order No. 32 to deduct from any payments thereafter due to such handler under Order No. 32, and to pay to Commodity, any amount which may be due Commodity by reason of the payment hereunder to the handler of any amount determined by Commodity to have erroneously or improperly been paid to the handler.

(g) *Definitions.* (1) The term "Order No. 32", as used herein, shall mean the order, as amended, issued by the War Food Administrator, regulating the handling of milk in the Fort Wayne, Indiana, marketing area.

(2) The terms "Fort Wayne, Indiana, marketing area," "Class I price," "delivery period," "Class I milk", "handler," and "emergency milk," as used herein, shall have the same meaning as is given such terms by Order No. 32.

Dated: August 8, 1945.

[SEAL] R. W. MAYCOCK,
Vice President.

[F. R. Doc. 45-14620; Filed, Aug. 8, 1945; 11:21 a. m.]

PART 260—FLUID MILK PAYMENT PROGRAM

OFFER TO MAKE PAYMENTS IN OMAHA-COUNCIL BLUFFS MARKETING AREA DURING JULY 1945 THROUGH JUNE 1946

Whereas, the Director of Economic Stabilization and the War Food Administrator of the United States approved on June 16, 1945 and May 12, 1945, respectively, a Fluid Milk Payment Program for the purpose of insuring, in accordance with Executive Order No. 9250 of October 3, 1942, and Executive Order No. 9328 of April 8, 1943, the maximum necessary production and distribution of fluid milk and the maintenance of price ceilings with respect to such milk.

Now, therefore, Commodity Credit Corporation (hereinafter referred to as "Commodity"), a corporate agency of the United States, hereby offers, subject to the terms and conditions herein specified, to make payments to handlers on fluid milk disposed of by such handlers

in the Omaha-Council Bluffs marketing area.

§ 260.70 *Omaha-Council Bluffs marketing area.* (a) Commodity will make a payment to each handler, regardless of whether or not such handler purchases milk from producers, of 25 cents per hundredweight on Class I milk disposed of in the Omaha-Council Bluffs marketing area by such handler, as determined by Commodity or its designated agent, from July 1, 1945, through June 30, 1946, except (1) any such milk sold by such handler to another handler, (2) any such milk disposed of by such handler for use by the armed forces of the United States, (3) any such milk of such handler's own production, and (4) any such milk which is emergency milk.

(b) Settlement hereunder shall be made on a monthly basis upon the presentation, within 90 days after the end of the calendar month for which payments are claimed, to, and approved by, Commodity, or such agent as it may designate, of a claim for payments, supported by a written statement by such handler, made under oath before a notary public or other official authorized by law to administer oaths, that (1) resale prices charged by him for milk for fluid consumption sold during the month for which payments are claimed did not exceed the resale price applicable to such sales pursuant to maximum price regulations of the Office of Price Administration, and (2) he has paid producers for all milk which he received from such producers during such month as required by Order No. 35. The documents presented pursuant to this paragraph shall be in such form and contain such certification as Commodity may prescribe.

(c) The performance by the handler of the terms and conditions set forth in this offer together with the submission to Commodity of a claim for payments by the handler, pursuant to this offer, shall constitute an acceptance of this offer for the month for which payments are claimed.

(d) Each handler who files a claim for payments shall have accurate and complete books, records, and accounts with respect to his production, receipts, utilization, and sales of milk, and with respect to his sales receipts, costs of products, and operating costs, and shall keep such other books, records, and accounts and submit such reports as Commodity may require. Such books, records, and accounts shall be available for inspection by Commodity or its designated agent at any reasonable time.

(e) This offer may be partially or wholly revoked or modified by publication of a notice thereof in the FEDERAL REGISTER by Commodity at any time but, notwithstanding any such revocation or modification, settlement shall be made as provided in paragraph (b) hereof with respect to any milk disposed of pursuant to the terms and conditions hereof prior to such revocation or modification.

(f) *Definitions.* (1) The term "Order No. 35" as used herein, shall mean the order, as amended, issued by the Secretary of Agriculture of the United States, regulating the handling of milk in the Omaha-Council Bluffs marketing area.

(2) The terms "Omaha-Council Bluffs marketing area," "Class I milk," "handler," and "emergency milk," as used herein, shall have the same meaning as is given such terms by Order No. 35.

Dated: August 8, 1945.

[SEAL] R. W. MAYCOCK,
Vice President.

[F. R. Doc. 45-14622; Filed, Aug. 8, 1945; 11:23 a. m.]

PART 260—FLUID MILK PAYMENT PROGRAM

OFFER TO MAKE PAYMENTS IN BALTIMORE, MARYLAND, AREA DURING JULY 1945 THROUGH JUNE 1946

Whereas, the Director of Economic Stabilization and the War Food Administrator of the United States approved on June 16, 1945 and May 12, 1945, respectively, a Fluid Milk Payment Program for the purpose of insuring, in accordance with Executive Order No. 9250 of October 3, 1942, and Executive Order No. 9328 of April 8, 1943, the maximum necessary production and distribution of fluid milk and the maintenance of price ceilings with respect to such milk.

Now, therefore, Commodity Credit Corporation (hereinafter referred to as "Commodity"), a corporate agency of the United States, hereby offers, subject to the terms and conditions herein specified, to make payments to handlers on fluid milk disposed of by such handlers.

§ 260.80 *Baltimore, Md., area.* (a) Commodity will make a payment to each handler, regardless of whether or not such handler purchases milk from producers, of 35 cents per hundredweight on Class I milk disposed of by such handler from a milk plant supplying milk to the Baltimore, Maryland, area, as determined by Commodity or its designated agent, from July 1, 1945 through June 30, 1946, except (1) any such milk sold by such handler to another handler, (2) any such milk disposed of by such handler for use by the armed forces of the United States, and (3) any such milk which has been sold by a handler to any person and repurchased by the handler at a lower price: *Provided*, That the rate on the quantity of milk which is emergency milk shall be reduced by the difference between the prices paid, beginning with the lowest, for such emergency milk and the price applicable to producer milk under the conditions set forth in paragraph (e) for Class I milk of the same test and place of receipt. Payment will be made to each handler on emergency milk only to the extent that receipts from producers, including receipts of producer milk from other handlers, are less than the total Class I milk otherwise eligible for payment and if satisfactory showing is made as to price paid for emergency milk.

(b) Settlement hereunder shall be made on a monthly basis upon the presentation, within 90 days after the end of the calendar month for which payments are claimed, to, and approval by, Commodity, or such agent as it may designate, of a claim for payments, supported by a written statement by such handler, made under oath before a notary public or other official authorized by law to administer oaths, that (1) resale prices charged by him for milk for fluid consumption sold during the month for which payments are claimed did not exceed the resale price applicable to such sales pursuant to maximum price regulations of the Office of Price Administration, and (2) he has paid producers for all milk which he received from such producers during such month not less than the applicable price or prices prescribed by paragraph (e) of this offer. The documents presented pursuant to this section shall be in such form and contain such certification as Commodity may prescribe.

(c) The performance by the handler of the terms and conditions set forth in this offer together with the submission to Commodity of a claim for payments by the handler, pursuant to this offer, shall constitute an acceptance of this offer for the month for which payments are claimed.

(d) Each handler who files a claim for payment shall have accurate and complete books, records, and accounts with respect to his production, receipts, utilization, and sales of milk, and with respect to his sales receipts, costs of products, and operating costs, and shall keep such other books, records and accounts and submit such reports as Commodity may require. Such books, records, and accounts shall be available for inspection by Commodity or its designated agent at any reasonable time.

(e) Each handler who, pursuant to paragraph (c) hereof, accepts this offer for any month shall (1) pay producers for all milk received from them that is not in excess of the quantity of Class I milk disposed of by such handler in the Baltimore, Maryland, area (i) $4.10 per hundredweight for milk received at plants in such area and (ii) $3.79 per hundredweight for milk received at plants outside such area; and (2) pay producers for all other milk received from them not less than the applicable Class II price per hundredweight as announced by the market administrator pursuant to Order No. 61, as amended, issued by the Secretary of Agriculture of the United States, regulating the handling of milk in the Philadelphia, Pennsylvania, milk marketing area: *Provided*, That if the milk received from any producer has a butterfat content other than 4 percent, the minimum prices specified in this section shall be increased by 5 cents for each 1/10 of 1 percent of average butterfat content of such milk above 4 percent and shall be decreased by 5 cents for each 1/10 of 1 percent of average butterfat content of such milk below 4 percent.

(f) This offer may be partially or wholly revoked or modified by publication of a notice thereof in the FEDERAL REGISTER by Commodity at any time but, notwithstanding any such revocation or modification, settlement shall be made as provided in paragraph (b) hereof with respect to any milk disposed of pursuant to the terms and conditions hereof prior to such revocation or modification.

(g) *Definitions.* (1) The term "Baltimore, Maryland, area," as used herein, includes the city of Baltimore, that portion of the county of Baltimore lying south of latitude 39°30', and Calvert and Anne Arundel Counties, all in the State of Maryland.

(2) The term "Class I milk," as used herein, means all milk disposed of for fluid consumption in the form of fluid milk, buttermilk, flavored milk drinks, or skim milk.

(3) The term "Class II milk," as used herein, means all milk other than Class I milk.

(4) The term "producer," as used herein, means any person, irrespective of whether such person is also a handler, who produces milk on a farm from which milk is delivered to a plant disposing of milk for fluid consumption in the Baltimore, Maryland area: *Provided*, That such farm is approved by the applicable health department, under its permanent program of farm inspections and other health department regulations, as a qualified source of milk for consumption as fluid milk within the Baltimore, Maryland area.

(5) The term "emergency milk" as used herein, means milk other than that received from producers.

(6) The term "handler," as used herein, means any person who distributed, from a milk plant, during the month for which payment is claimed pursuant to this offer, more than 20 quarts of Class I milk per day within the Baltimore, Maryland, area.

Dated: August 8, 1945.

[SEAL] R. W. MAYCOCK,
Vice President.

[F. R. Doc. 45-14621; Filed, Aug. 8, 1945; 11:22 a. m.]

PART 260—FLUID MILK PAYMENT PROGRAM

OFFER TO MAKE PAYMENTS IN WASHINGTON, D. C., AREA DURING JULY 1945 THROUGH JUNE 1946

Whereas, the Director of Economic Stabilization and the War Food Administrator of the United States approved on June 16, 1945 and May 12, 1945, respectively, a Fluid Milk Payment Program for the purpose of insuring, in accordance with Executive Order No. 9250 of October 3, 1942, and Executive Order No. 9328 of April 8, 1943, the maximum necessary production and distribution of fluid milk and the maintenance of price ceilings with respect to such milk.

Now, therefore, Commodity Credit Corporation (hereinafter referred to as "Commodity"), a corporate agency of the United States, hereby offers, subject to the terms and conditions herein specified, to make payments to handlers on fluid milk disposed of by such handlers.

§ 260.90 *Washington, D. C., area.* (a) Commodity will make a payment to each handler, regardless of whether or not such handler purchases milk from producers, of 28 cents per hundredweight of fluid milk disposed of for fluid consumption by the handler from a milk plant supplying the Washington marketing area, as determined by Commodity or its designated agent, from July 1, 1945, through June 30, 1946, except, (1) any such milk sold by such handler to another handler, and (2) any such milk disposed of by such handler for use by the armed forces of the United States: *Provided*, That the rate of payment on the quantity of such milk which is emergency milk, shall be reduced by the difference between the prices paid, beginning with the lowest, for such emergency milk, and the price prescribed by Order No. 45 for fluid milk disposed of for fluid consumption of the same test and place of receipt. Payment will be made to each handler on emergency milk only to the extent that receipts from producers, including receipts of producer milk from other handlers, are less than the total fluid milk disposed of for fluid consumption otherwise eligible for payment, and if satisfactory showing is made as to the prices paid for emergency milk.

(b) Settlement hereunder shall be made on a monthly basis upon the presentation, within 90 days after the end of the calendar month for which payments are claimed, to, and approval by, Commodity, or such agent as it may designate, of a claim for payments, supported by a written statement by such handler, made under oath before a notary public or other official authorized by law to administer oaths, that (1) resale prices charged by him for fluid milk disposed of for fluid consumption sold during the month for which payments are claimed did not exceed the resale price applicable to such sales pursuant to maximum price regulations of the Office of Price Administration, and (2) he has paid producers for all milk which he received from such producers during such month as required by Order No. 45. The documents presented pursuant to this section shall be in such form and contain such certification as Commodity may prescribe.

(c) The performance by the handler of the terms and conditions set forth in this offer together with the submission to Commodity of a claim for payments by the handler, pursuant to this offer, shall constitute an acceptance of this offer for the month for which payments are claimed.

(d) Each handler who files a claim for payments shall have accurate and complete books, records, and accounts with respect to his production, receipts, utilization, and sales of milk, and with respect to his sales receipts, costs of products, and operating costs, and shall keep such other books, records, and accounts and submit such reports as Commodity may require. Such books, records, and accounts shall be available for inspection by Commodity or its designated agent at any reasonable time.

(e) This offer may be partially or wholly revoked or modified by publication of a notice thereof in the FEDERAL REGISTER by Commodity at any time but, notwithstanding any such revocation or modification, settlement shall be made as provided in paragraph (b) hereof with respect to any milk disposed of pursuant to the terms and conditions hereof prior to such revocation or modification.

(f) *Definitions.* (1) The term "Order No. 45," as used herein shall mean the order, as amended, issued by the Secretary of Agriculture of the United States, regulating the handling of milk in the Washington, D. C., marketing area.

(2) The terms "Washington marketing area," "emergency milk," "handler," and "producer," as used herein, shall have the same meaning as are given such terms by Order No. 45.

(3) The term "fluid milk disposed of for fluid consumption," as used herein, shall include milk, buttermilk, skim milk, and flavored milk or milk drink disposed of for fluid consumption.

Dated: August 8, 1945.

[SEAL] R. W. MAYCOCK,
Vice President.

[F. R. Doc. 45-14626; Filed, Aug. 8, 1945; 11:23 a. m.]

PART 260—FLUID MILK PAYMENT PROGRAM

OFFER TO MAKE PAYMENTS IN ARLINGTON-ALEXANDRIA, AREA DURING JULY 1945 THROUGH JUNE 1946

Whereas, the Director of Economic Stabilization and the War Food Administrator of the United States approved on June 16, 1945 and May 12, 1945, respectively, a Fluid Milk Payment Program for the purpose of insuring, in accordance with Executive Order No. 9250 of October 3, 1942, and Executive Order No. 9328 of April 8, 1943, the maximum necessary production and distribution of fluid milk and the maintenance of price ceilings with respect to such milk.

Now, therefore, Commodity Credit Corporation (hereinafter referred to as "Commodity"), a corporate agency of the United States, hereby offers, subject to the terms and conditions herein specified, to make payments to handlers on fluid milk disposed of by such handlers.

§ 260.100 *Arlington-Alexandria, Va., area.* (a) Commodity will make a payment to each handler, regardless of whether or not such handler purchases milk from producers, of 28 cents per hundredweight of fluid milk disposed of for fluid consumption by the handler from a milk plant supplying the Arlington-Alexandria area, as determined by Commodity or its designated agent, from July 1, 1945, through June 30, 1946, except, (1) any such milk sold by such handler to another handler, and (2) any such milk disposed of by such handler for use by the armed forces of the United States: *Provided*, That the rate of payment on the quantity of such milk which is emergency milk, shall be reduced by the difference between the prices paid, beginning with the lowest, for such emergency milk, and the price prescribed by the Virginia Milk Commisison for the Arlington–Alexandria milk market for fluid milk disposed of for fluid consumption of the same test and place of receipt. Payment will be made to each handler on emergency milk only to the extent that receipts from producers, including receipts of producer milk from other handlers, are less than the total fluid milk disposed of for fluid consumption other-

wise eligible for payment, and if satisfactory showing is made as to the prices paid for emergency milk.

(b) Settlement hereunder shall be made on a monthly basis upon the presentation, within 90 days after the end of the calendar month for which payments are claimed, to, and approval by, Commodity, or such agent as it may designate, of a claim for payments, supported by a written statement by such handler, made under oath before a notary public or other official authorized by law to administer oaths, that (1) resale prices charged by him for fluid milk disposed of for fluid consumption sold during the month for which payments are claimed did not exceed the resale price applicable to such sales pursuant to maximum price regulations of the Office of Price Administration, and (2) he has paid producers for all milk which he received from such producers during the respective month in accordance with the rules and regulations for the supervision and control of the Arlington-Alexandria milk market, as amended, issued by the Commonwealth of Virginia Milk Control Commission. The documents presented pursuant to this section shall be in such form and contain such certification as Commodity may prescribe.

(c) The performance by the handler of the terms and conditions set forth in this offer together with the submission to Commodity of a claim for payments by the handler, pursuant to this offer, shall constitute an acceptance of this offer for the month for which payments are claimed.

(d) Each handler who files a claim for payments shall have accurate and complete books, records, and accounts with respect to his production, receipts, utilization, and sales of milk, and with respect to his sales receipts, costs of products, and operating costs, and shall keep such other books, records, and accounts and submit such reports as Commodity may require. Such books, records and accounts shall be available for inspection by Commodity or its designated agent at any reasonable time.

(e) This offer may be partially or wholly revoked or modified by publication of a notice thereof in the FEDERAL REGISTER by Commodity at any time but, notwithstanding any such revocation or modification, settlement shall be made as provided in section 2 hereof with respect to any milk disposed of pursuant to the terms and conditions hereof prior to such revocation or modification.

(f) *Definitions.* (1) The term "Arlington-Alexandria sales area," as used herein, shall have the same meaning as is given such term in the rules and regulations for the supervision and control of the Arlington-Alexandria milk market, as amended, issued by the Commonwealth of Virginia Milk Control Commission.

(2) The term "fluid milk disposed of for fluid consumption," as used herein, shall include milk, buttermilk, skim milk, and flavored milk or milk drinks disposed of for fluid consumption.

(3) The term "handler," as used herein, shall mean any person, other than a person who is a handler as defined in Order No. 45, as amended, issued by the Secretary of Agriculture of the United States, regulating the handling of milk in the Washington, D. C., Marketing Area, who engages in the distribution from a milk plant of fluid milk disposed of for fluid consumption in the Arlington-Alexandria sales area.

(4) The term "producer," as used herein, means any person, irrespective of whether such person is also a handler, who produces milk on a farm from which milk is (i) distributed by him directly in the Arlington-Alexandria sales area as fluid milk disposed of for fluid consumption, or (ii) delivered direct to a plant located in the Arlington-Alexandria sales area which is approved or licensed for the sale of fluid milk disposed of for fluid consumption in the Arlington-Alexandria sales area.

(5) The term "emergency milk," as used herein, means any milk other than that received from producers either directly or from other handlers.

Dated: August 8, 1945.

[SEAL] R. W. MAYCOCK,
Vice President.

[F. R. Doc. 45-14325; Filed, Aug. 8, 1945; 11:23 a. m.]

TITLE 7—AGRICULTURE

Chapter IX—Marketing Agreements and Orders

PART 927—ORDER REGULATING THE HANDLING OF MILK IN THE NEW YORK METROPOLITAN MARKETING AREA

PART 945—ORDER REGULATING THE HANDLING OF MILK IN THE WASHINGTON, D. C., MARKETING AREA

PART 961—ORDER REGULATING THE HANDLING OF MILK IN THE PHILADELPHIA, PENNSYLVANIA, MARKETING AREA

DETERMINATION AS TO EQUIVALENT PRICES FOR SWEET CREAM

Pursuant to the provisions (8 F.R. 8294) of the marketing order, as amended, regulating the handling of milk in the New York metropolitan marketing area, and the order, as amended, regulating the handling of milk in the Washington, D. C., marketing area, and the order, as amended, regulating the handling of milk in the Philadelphia, Pennsylvania, marketing area, it is hereby determined that:

1. Market quotations for a 40-quart can of sweet cream (or a 40-quart can of 40 percent sweet cream) approved for "Pennsylvania only" are not being reported or published by the United States Department of Agriculture, and there is no applicable maximum uniform price; and

2. The prices reported by the United States Department of Agriculture for a 40-quart can of sweet cream (or a 40-quart can of 40 percent sweet cream) approved for "Pennsylvania only and New Jersey" or approved for "Pennsylvania" are equivalent to the prices of a 40-quart can of sweet cream (or a 40-quart can of 40 percent sweet cream) approved for "Pennsylvania only."

The prices under each of the said orders, as amended, shall be computed in accordance with this determination.

(48 Stat. 31, 670, 675; 49 Stat. 750; 50 Stat. 246; 52 Stat. 215; 53 Stat. 793; 56 Stat. 65; 7 U.S.C. 601 et seq.; E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423; E.O. 9392, 8 F.R. 14783; E.O. 9577, 10 F.R. 8087)

Issued this 4th day of August 1945.

[SEAL] J. B. HUTSON,
Acting Secretary of Agriculture.

[F. R. Doc. 45-14617; Filed, Aug. 8, 1945; 11:21 a. m.]

Chapter XI—War Food Distribution Orders

[WFO 62, as Amended, Termination]

PART 1405—FRUITS AND VEGETABLES

FIGS

War Food Order No. 62, as amended (8 F.R. 9177; 9 F.R. 4321, 4319, 9187; 10 F.R. 103), is terminated as of 12:01 a. m., e. w. t., August 1, 1945.

With respect to violations, rights accrued, liabilities incurred, or appeals taken under said War Food Order No. 62, as amended, prior to the effective time of the provisions hereof, the provisions of the said War Food Order No. 62, as amended, in effect prior to the effective time hereof shall be deemed to continue in full force and effect for the purpose of sustaining any proper suit, action, or other proceeding with regard to any such violation, right, liability, or appeal.

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423; E.O. 9392, 8 F.R. 14783; E.O. 9577, 10 F.R. 8087)

Issued this 3d day of August 1945.

[SEAL] J. B. HUTSON,
Acting Secretary of Agriculture.

[F. R. Doc. 45-14363; Filed, Aug. 3, 1945; 3:20 p. m.]

TITLE 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Federal Security Agency

[Docket No. FDC-26]

PART 14—CACAO PRODUCTS

REQUIREMENTS AS TO CERTAIN INGREDIENTS

In the matter of definition and standard of identity for milk chocolate, sweet milk chocolate, milk chocolate coating, sweet milk chocolate coating.

Order postponing effective date of requirements of § 14.7 as to certain ingredients.

Upon application by the Association of Cocoa and Chocolate Manufacturers and upon the basis of showing made that under existing conditions it is difficult and at times impossible to obtain sufficient milk fat to comply with certain requirements of § 14.7, *It is ordered*, That the effective date of § 14.7 insofar as it requires that milk chocolate contain not less than 3.66 percent by weight of milk fat and that in the dairy ingredients used the weight of the nonfat milk solids is not more than 2.43 times the milk fat therein, be postponed until April 1, 1946.

Dated: August 4, 1945.

[SEAL] WATSON B. MILLER,
Acting Administrator.

[F. R. Doc. 45-14616; Filed, Aug. 8, 1945; 10:40 a. m.]

TITLE 24—HOUSING CREDIT

Chapter IV—Home Owners' Loan Corporation

[Bulletin 376]

PART 403—COMPTROLLER

AUTHORITY TO SIGN CHECKS

Amending Part 403, Chapter IV, Title 24 of the Code of Federal Regulations.

Section 403.01-7 (10 F.R. 8450) is amended by deleting the first sentence of the first paragraph, and inserting the following sentence in lieu thereof:

§ 403.01-7 *Authority to sign checks.* The Regional Comptroller, the Regional Cashier, and the Assistant Regional Treasurer in each Regional Office, except the New York Region, are authorized individually to sign checks drawn on the Regional Working Fund maintained with the Treasurer of the United States for their respective Regions. * * *

(Secs. 4 (a) and 4 (k), 48 Stat. 129, 132, 643, 647; 12 U.S.C. and Sup. 1463; E.O. 9070, 3 C.F.R. Cum. Supp.)

Effective August 6, 1945.

[SEAL] J. FRANCIS MOORE,
Secretary.

[F. R. Doc. 45-14584; Filed, Aug. 7, 1945; 2:21 p. m.]

TITLE 32—NATIONAL DEFENSE

Chapter VIII—Foreign Economic Administration

Subchapter B—Export Control

[Amdt. 74]

PART 804—INDIVIDUAL LICENSES

APPLICATIONS FILED BY VETERANS

Part 804 *Individual licenses* is hereby amended by adding thereto § 804.16 as follows:

§ 804.16 *Special provisions relating to applications filed by veterans*—(a) *General statement.* A special procedure is hereby established for the purpose of giving preferential consideration to export license applications submitted by veterans of the present war. The new procedure is designed to aid veterans who were engaged in the export business prior to entering the military service as well as veterans who are newcomers in the export trade. For the purpose of this special procedure, a veteran is defined as any person who shall have served in the active military or naval service of the United States at any time on or after September 16, 1940, and who shall have been discharged or released therefrom under conditions other than dishonorable after active service of 90 days or more, or by reason of an injury or disability incurred in service in line of duty.

(b) *Veterans preference plan.* (1) Any person who qualifies as a veteran may receive preferential consideration of his applications for export licenses, to the extent outlined below, by submitting such applications in accordance with the procedure set forth in paragraph (c) of this section.

(2) The Foreign Economic Administration will set aside out of current quotas or allocations limited quantities of commodities against which export license applications submitted by veterans will be approved. The quantities set aside for this purpose will be established for individual commodities and may be changed or eliminated entirely depending on the current supply condition of the particular commodity. To the extent of the quantities thus set aside for particular commodities, applications submitted by veterans will be given preferential consideration over applications submitted by other persons.

(3) Veterans who are required under any regulations or procedures of the Foreign Economic Administration to submit records of past exports of particular commodities during a specified base period, and are unable to do so because of absence in the military service during the whole or any part of the specified base period, may comply with such regulations or procedures by submitting records of past exports of the particular commodity or commodities for other years prior to entering the military service. Such records of past exports submitted by veterans will be accepted by the Foreign Economic Administration as the basis for the veteran's participation in export quotas with other exporters even though a procedure or regulation requires other exporters to submit information as to past exports during a specified base period in order to qualify for such participation.

(4) All regulations and procedures of the Foreign Economic Administration relating to exports, except as otherwise provided in this section, shall apply to applications for export licenses submitted by veterans and export licenses issued to veterans under this procedure.

(c) *Procedure for filing applications under the Veterans Preference Plan*—(1) *How to qualify.* To establish his status as a veteran, the veteran will prepare and submit a letter in duplicate addressed to the Foreign Economic Administration, Washington 25, D. C., Attention: Veterans Preference Officer, containing the following information:

(i) Name and address.

(ii) If applications are to be submitted by a firm or corporation, state name and address of such firm or corporation.

(iii) A statement showing (*a*) date of entry into active military or naval service, (*b*) the type and date of discharge or release, including the title of the document, (*c*) the branch of the Service, and (*d*) the serial number. Instead of such statement the veteran may, if he wishes, furnish a photostatic copy or a copy of his discharge or release certified by a commissioned officer of the armed forces or a notary public.

(iv) A statement that all export license applications submitted for special consideration under this procedure will be filed by the applicant for his own account or, if to be filed in the name of a firm or corporation, indicate the extent of the applicant's ownership interest in such firm or corporation and the extent of applicant's active participation in the business.

(2) *How to file applications.* All applications for export licenses submitted under this procedure shall be filed on the form or forms and in the manner prescribed for the filing of export license applications by the Foreign Economic Administration, except that each application filed under this procedure shall contain the statement "Veterans Preference" conspicuously placed on the face of the application.

(3) *Limitations.* In general, license applications filed by veterans under this procedure will not receive the benefits of the Veterans Preference Plan unless such applications are filed by the veteran for his own account or for the account of a firm or corporation in which he has at least a 50% ownership interest. No export license issued to a veteran under this procedure may be transferred except by written authorization of the Foreign Economic Administration.

This amendment shall become effective immediately upon publication.

(Sec. 6, 54 Stat. 714; Pub. Law 75, 77th Cong.; Pub. Law 633, 77th Cong.; Pub. Law 397, 78th Cong.; Pub. Law 99, 79th Cong.; E.O. 8900, 6 F.R. 4795; E.O. 9361, 8 F.R. 9861; Order No. 1, 8 F.R. 9938; E.O. 9380, 8 F.R. 13081; Delegation of Authority No. 20, 8 F.R. 16235; Delegation of Authority No. 21, 8 F.R. 16320).

Dated: August 6, 1945.

S. H. LEBENSBURGER,
Director,
Requirements and Supply Branch,
Bureau of Supplies.

[F. R. Doc. 45-14586; Filed, Aug. 7, 1945; 3:22 p. m.]

Chapter XI—Office of Price Administration

PART 1386—SOAP AND GLYCERINE

[MPR 391, Amdt. 6]

HOUSEHOLD SOAPS AND CLEANSERS SOLD BY MANUFACTURERS AND CERTAIN WHOLESALERS

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.

Maximum Price Regulation No. 391 is amended by adding section 14 to read as follows:

SEC. 14. *Package soaps modified in accordance with War Food Order 42b.* Until September 7, 1945 any manufacturer of a package soap who has replaced the anhydrous soap content thereof by builder to the minimum extent required by Amendment 6 to War Food Order 42b, as issued on July 23, 1945, may sell and deliver the package soap in the same mar-

ket areas as he was permitted to sell and deliver it before the change in anhydrous soap content, and the maximum prices for each seller of such package soap shall remain the same as before the change in anhydrous soap content.

This section 14 shall not apply to any package soap in which the replacement of anhydrous soap content exceeds the minimum required by said Amendment 6.

This amendment shall become effective August 7, 1945.

Issued this 7th day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-14590; Filed, Aug. 7, 1945; 4:18 p. m.]

PART 1407—RATIONING OF FOOD AND FOOD PRODUCTS

[Rev. RO 13,[1] Incl. Amdts. 1-85]

PROCESSED FOODS

PREAMBLE

This compilation of Revised Ration Order 13 includes Amendment 85, effective August 13, 1945. The text added by Amendment 85 is underscored.

Why processed foods must be rationed. Our soldiers and sailors in combat areas must be fed—they must be well fed. The armed forces of our allies must be fed. War is fought, and won, as much by food as by munitions. Food is a weapon which we must forge and send wherever needed—to the millions of our fighting men—to our allies and their fighting men—to their fighters on the home front, in factories, in shipyards, in munitions plants.

Processed foods—canned and frozen fruits and vegetables, and dried fruits—have been aptly called "fighting foods." Because they are compact, easily shipped and easily prepared—because they can be kept for long periods without spoiling—they fill a vital need of our armed forces and those of our allies.

Thus, the war has brought a tremendous increase in the demand for processed foods. A large part of our supply of these fighting foods must be shipped to our armed forces and to our allies.

At the same time, the war has limited our ability to increase production indefinitely. Shortages of tin, rubber and steel—of manpower and of plant facilities—place definite limits on the possibilities of expansion.

The result is that our supplies are not sufficient to meet normal civilian demands. The supplies of processed foods which are available must therefore be rationed so that everyone can get his fair share.

The use of canned baby foods has increased tremendously during the past few years. Here, too, however, the war limits our ability to expand production indefinitely. Baby foods are therefore included in the program in order to help avoid depriving any mother of the convenience of using these foods because of uneven distribution of supplies. Babies have war ration books, and their books can be used for those foods.

[1] 9 F.R. 3.

The point rationing system. Processed foods are rationed by what is called a "point" system. A particular "price", in points, is fixed for each item of processed foods. That "price" is called its "point value". Every consumer is then given a certain number of "points" which he can "spend" for processed foods, just as he has a certain amount of money which he can spend. He can get less of a higher priced item, or more of a lower priced item.

The reason for adopting this system is that there are a great number of different items of processed foods. If the supply of each item were divided evenly, there would not be enough to go around. Thus, if everyone were given stamps for canned asparagus, the amount which each consumer could get would be too small to be useful.

However, many of those items can be substituted for each other. To a considerable extent, the use of one item, rather than another, depends upon personal preference. For example, one person may prefer canned peaches, while another prefers canned pears.

The point system provides a method for letting everyone choose the kinds he prefers. It gives the same type of flexibility that a person has when he spends his money. He can get canned peas or, if he prefers, canned asparagus. He can get a small can of peas and a small can of asparagus, instead of a large can of peas.

Furthermore, the point system provides a method for adjusting demand to the available supply. For example, if canned tomatoes are relatively plentiful, a low point value could be fixed. More people would then buy canned tomatoes, just as when the money price is low. If canned tomatoes become scarce, their point value is increased. Fewer consumers will then buy them, since consumers who do not want canned tomatoes badly will not wish to spend too many of their points on canned tomatoes, when they could get other processed foods at a lower point price.

The point rationing system has been in use in England for a long time. It works simply and easily—and it is the most satisfactory method yet devised for fair and flexible distribution of a group of commodities which should be rationed together.

How consumers get processed foods. Consumers are given "points" for processed foods in the form of the blue stamps in War Ration Book Two. Each stamp has a number which shows the number of points for which it is good.

Consumers register for and get War Ration Book Two during the week before processed foods rationing actually begins. When they apply for the book, they declare their stocks of processed foods and give up stamps for any excessive amounts they have.

During the week of registration for War Ration Book Two consumers are not permitted to buy processed foods. The reason for this is to give retailers a chance to stock up and to prepare to meet demands under rationing. At the same time, it helps make sure that all consumers start evenly. If purchases were permitted, a hoarder could get his War Ration Book Two, and then go out and buy processed foods during the rest of the week without giving up points. This would give him an unfair advantage which would be inconsistent with the purposes of rationing.

When rationing begins, a consumer gives up stamps when he buys processed foods in much the same way as he gives up sugar stamps when he gets sugar. If he buys an item with a point value of 11 points, he gives up stamps worth 11 points. Retailers are required to post point values plainly, so that consumers will know just how many points each item costs.

Just as in the case of sugar, only certain stamps are good at a particular time. In this way, supplies are spread out evenly among consumers, over the year. At the outset of the program, 48 points worth of stamps will be good each month.

While no consumer starts with more points than the number in his War Ration Book Two, the order makes provision for cases of special need. A consumer who needs processed foods because of special dietary requirements due to illness can go to his local Board and get a certificate for more points, so that he can get the additional foods he needs. A consumer who lives in remote areas and who buys supplies for a long period at one time can exchange his stamps for a certificate, so that he can make his purchases all at once.

The order permits housewives to lend processed foods to each other. It also permits any person who has more processed foods of a particular kind than he needs, to exchange them for other types of processed foods of equal point value.

All of these provisions for special cases give the system necessary flexibility and permit it to operate in a way which will cause as little hardship as possible.

How other users get processed foods. Many consumers eat in restaurants or other eating establishments. The problem of rationing the food supply of those establishments (called "institutional users") is not confined to processed foods. Institutional users need other rationed foods. Therefore, the method by which institutional users get rationed foods—sugar and coffee, as well as processed foods—is covered by a general order, called General Ration Order 5.

There is another purpose for which processed foods are used. Processed foods are used in making other items which are not rationed under this order. That use is called an "industrial use." For example, bakeries may use canned or dried fruits in making pies. Pies are not rationed. Therefore, a bakery which uses canned peaches to make peach pie is an "industrial user."

It is obvious that if consumers are cut, these uses should also be cut. Therefore, the allotments given to industrial users are calculated in such a way that they will take a cut which is fair as compared with the cut borne by the average home consumer.

How the trade operates under the order. In order to make sure that all processed foods are accounted for, points must be given up for all sales of processed foods. When a retailer buys from a wholesaler, he gives up to the wholesaler points he got from consumers or from other people to whom he made sales. Similarly, when a wholesaler buys from a producer or importer (called a "processor"), the wholesaler gives up points. Processors then turn over their points to the Office of Price Administration—and the points they turn over must match the point value of processed foods they transferred.

It is also important to make sure that supplies of processed foods are evenly distributed and that every person who deals in processed foods has his proper share to sell. This is done by making provision for retailer and wholesaler inventories. No one, however, can get a supply of processed foods for sale unless he is engaged or is about to engage in the business of dealing in them. He must show that he is part of the channel of distribution. Therefore, retailers, wholesalers and processors are required to register under this order and to give information showing the volume of their business.

Retailers register and report only once—at the end of the first month of rationing. They report their sales during that month. Their volume shows how large a supply they need under rationing. A retailer is therefore given an "allowable inventory" which is based on his sales during the first month of rationing. However, to make sure that he has a large enough stock to work with flexibly, his sales are multiplied by a "factor" fixed by the Office of Price Administration, to get his allowable inventory.

Wholesalers also get allowable inventories, based on their sales under rationing. However, in some respects they are treated differently from retailers.

Wholesalers occupy a strategic position in the distribution of processed foods. Many of them have large warehouse space. During the packing seasons, supplies must flow to them freely, since the limited storage space of most processors would otherwise overflow. During those seasons, the problems of storage and warehousing make it important to let wholesalers get large quantities, even if they do not need them all for immediate sale. In other seasons, when supplies are scarce, the amount going to each wholesaler should be reduced, since no storage problem exists and even distribution is important.

Wholesalers are therefore required to report their sales each month. The Office of Price Administration fixes a factor, for each month, to reflect available supplies and proper distribution of them. Each wholesaler then gets a maximum allowable inventory for each month, equal to his sales during the last month, multiplied by that factor.

Any retailer or wholesaler who does not have large enough stocks when rationing begins, can come in during the first month for an emergency adjustment. He will be given a certificate for enough points to get adequate working stocks.

Processors have no allowable inventory problems, since they sell stocks which they themselves produce or import. However, all processed foods must be accounted for. Furthermore, rationing can be effective only if the available supply is known. Processors are therefore required to make monthly reports of their sales, inventories and production or imports. In this way, the necessary information is obtained. Processors are, of course, required to register at the start of rationing, so that supplies at that time, and the sources of future supplies, can be known.

Adjustments at trade levels. The order makes provision for various adjustments at trade levels, to get maximum flexibility. For example, retailers and wholesalers may apply for adjustments of their allowable inventories, to cover changed conditions or unusual situations. They can also apply for "loans" of points, if their own points are tied up in shipments which have not arrived. Provision is made for new business—for persons who wish to engage in processing, wholesaling or retailing processed foods.

Provisions of this type, coupled with the provisions made for special cases at the consumer level, should permit the order to operate on the smoothest and most flexible basis consistent with effective rationing.

§ 1407.1101 *Rationing of processed foods.* Under the authority vested in the Administrator by Executive Order No. 9125, issued by the President on April 7, 1942; Directive No. 1 and Supplementary Directive No. 1-M of the War Production Board, issued on January 24, 1942 and September 12, 1942, respectively; Executive Order No. 9280, issued by the President on December 5, 1942; and Food Directive No. 5, issued by the Secretary of Agriculture on February 20, 1943, Revised Ration Order 13 (Processed Foods), which is annexed hereto and made a part hereof, is hereby issued.

ARTICLE I—INTRODUCTION

Sec.
1.1 This order covers processed foods.
1.2 Processed foods are rationed by the point system.
1.3 Points come in the form of stamps, certificates, tokens, or ration coupons and ration checks.

ARTICLE II—CONSUMERS

2.1 When a person is a consumer.
2.2 Consumers and industrial and institutional users may not purchase processed foods between certain dates.
2.3 Consumers may purchase after February 28, 1943 only for points.
2.4 How points are given up by consumers.
2.5 Consumers who need more processed foods because of illness may apply for more points.
2.6 Consumers who must purchase in quantity may apply for certificates.
2.7 Servicemen may get certificates to acquire processed foods.
2.8 [Revoked]
2.9 Consumers who must have more processed foods for their subsistence may apply for more points.

ARTICLE III—PROCESSORS

3.1 Explanation of the terms processor and processor establishment.
3.2 Processors must register and file reports.
3.3 Processor is given a registration number.
3.4 Processor may not do business if he does not register and file reports.
3.5 Processors must report their inventories.
3.6 A processor must turn over the points he receives to the Washington office.
3.7 [Revoked]
3.8 Processors must keep records.
3.9 Processors must account for differences between their transfers and the number of points given up to the Office of Price Administration.
3.10 Industrial users who become processors because of the addition of items to the list of processed foods.

ARTICLE IV—WHOLESALERS

4.1 Explanation of the terms wholesaler and wholesale establishment.
4.2 Wholesalers must register and file reports.
4.3 Wholesaler may not do business if he does not register and file reports.
4.4 Wholesalers must report their inventories.
4.5 Wholesalers must report their sales and points on hand.
4.6 A wholesaler is allowed a maximum inventory.
4.7 Wholesaler may not acquire processed foods if actual inventory is greater than maximum allowable inventory.
4.8 Washington Office may grant working point capital to wholesalers.
4.9 Wholesaler must keep records.
4.10 Inventory adjustments because of additions to the list of processed foods.

ARTICLE V—RETAILERS

5.1 Explanation of the terms retailer and retail establishment.
5.2 Retailers must get statement of purchases during March 1943.
5.3 Retailers must register.
5.4 Retailer may not do business unless he has registered.
5.5 Retailers must report their inventories.
5.6 Retailers must report their sales and points on hand.
5.7 Certain retailers need not report inventory and other information.
5.8 A retailer is given an allowable inventory.
5.9 [Revoked]
5.10 Retailers must keep records.
5.11 Retailers must post point prices.

ARTICLE VI—INDUSTRIAL USERS

6.1 Explanation of the terms industrial user and industrial user establishment.
6.2 Industrial users must register.
6.3 Industrial user may not do business unless he has registered.
6.4 Industrial users must report their inventories.
6.5 Industrial users must report their base-period use.
6.6 Industrial users' allotments.
6.7 Registration after March 10, 1943.
6.8 Restrictions on use of processed foods by industrial users.
6.9 Industrial users must keep records.
6.10 [Revoked]
6.11 Industrial users must report their ration bank balances, inventories, and points on hand as of January 1, 1945.
6.12 An industrial user may transfer foods or points for industrial use.
6.13 Restrictions on acquisition and use of processed foods by industrial users during the first allotment period of 1945.
6.14 Recapture of surplus ration bank balances, inventories, and points.

ARTICLE VII—COMBINED OPERATIONS AND COMBINED ESTABLISHMENTS

7.1 A person who operates different types of establishments is treated as if he were different persons.
7.2 The same person may be both a wholesaler or retailer and industrial user at the same place.

Sec.
7.3 The same person may be both a wholesaler or retailer and an institutional user at the same place.
7.4 The same person may be both a processor and a wholesaler or a retailer at the same place.
7.5 The same place may be more than one establishment.

ARTICLE VIII—RATION BANK ACCOUNTS

8.1 A ration bank account is an account in which points are deposited.
8.2 Who must open a ration bank account.
8.3 Use of ration bank accounts.
8.4 When points must be deposited.
8.5 Ration bank accounts shall be opened by boards, mailing centers, district offices and the Washington Office.
8.6 Withdrawal of ration banking privileges because of overdrafts on ration bank accounts.

ARTICLE IX—SALES AND TRANSFERS OF PROCESSED FOODS

9.1 No transfers may be made to certain persons between certain dates.
9.2 Only certain persons may transfer processed foods.
9.3 Transfers after February 28, 1943, may be made only for points.
9.4 How processed foods are transferred to consumers.
9.5 How processed foods are transferred to persons other than consumers.
9.6 Transfers between establishments of different types or between separately registered establishments of the same type operated by the same person.
9.7 Transferor may not use points he receives in advance until processed foods are transferred.
9.8 Points may be returned for underdeliveries of processed foods.
9.9 Points must be given up for imports of foods.
9.10 [Revoked.]
9.11 Sale at lower point values of foods in danger of spoilage.

ARTICLE X—POINT FREE TRANSFERS

10.1 Processed foods in transit prior to effective date of rationing, may be acquired point-free.
10.2 Processed foods may be exchanged for other processed foods.
10.3 Lost or stolen processed foods may be returned, point-free.
10.4 Stocks of processed foods may be moved point-free between establishments of the same person which are registered together.
10.5 Processed foods may be stored and returned from storage, point-free.
10.6 Security interests in processed foods may be created and released, point-free.
10.7 Processed foods may be transferred, point-free, for liquidation, by operation of law, or in judicial proceedings.
10.8 Processed foods may be acquired, point-free, by insurers or for salvage.
10.9 Processed foods may be transferred to prospective buyers for sampling, point-free and may be used for sampling and demonstration.
10.10 Processed foods may be delivered point-free to certain persons.
10.11 Processed foods may be transferred, point-free, in connection with transfer of a business.
10.12 Processors may transfer point free to allow for spoilage.
10.13 [Revoked]
10.14 [Revoked]
10.15 [Revoked]
10.16 [Revoked]
10.17 [Revoked]
10.18 Title to foods may be transferred point-free where the one who has title does not have possession.
10.19 [Revoked]
10.20 Government agencies may transfer processed foods point free to the Procurement Division of the Treasury Department.

ARTICLE XI—SALE OF BUSINESS

11.1 Sale or transfer of retail, wholesale, or processor establishment.
11.2 Sale or transfer of industrial user establishments.
11.2a Where and how the transferee registers industrial user establishments acquired by him.
11.3 Moving establishment to another place.

ARTICLE XII—NEW BUSINESSES

12.1 New retail establishments may be opened.
12.2 New wholesale establishments may be opened.
12.3 New processor establishments may be opened.
12.4 In special cases, allotments may be granted for new industrial user establishments.

ARTICLE XIII—CLOSING OF BUSINESS

13.1 What a person who closes his establishment must do.

ARTICLE XIV—MISCELLANEOUS ADJUSTMENTS

14.1 Retailer may apply for inventory adjustments after March 1943.
14.2 Wholesaler may apply for inventory adjustments after March 1943.
14.3 Wholesalers and retailers may apply for point loans.
14.4 Adjustments for lost, destroyed, stolen or spoiled processed foods.
14.5 Applications may be made for other adjustments.
14.6 [Revoked]
14.7 [Revoked]
14.8 Replacement of lost, destroyed, stolen or mutilated certificates, coupons, stamps, or tokens.
14.9 Retailers may apply for adjustment if net point inventory is or would be reduced to less than 75 percent of allowable inventory.

ARTICLE XV—ISSUANCE AND USE OF CERTIFICATES, RATION COUPONS AND TOKENS

15.1 How certificates are issued.
15.2 Certificates may be used for limited time.
15.3 A certificate must be endorsed.
15.4 [Revoked]
15.5 Names of persons who have been given certificates may be posted.
15.6 Certificates are the property of the Office of Price Administration and may be revoked.
15.7 Sugar purchase certificates may be corrected and used as processed foods purchase certificates.
15.8 How ration coupons are issued.
15.9 How ration tokens may be obtained by persons other than consumers.
15.10 How tokens are used.
15.11 Tokens which may not be used must be surrendered.
15.12 Tokens may not be used after certain dates.
15.13 Special provisions for exchanging and depositing tokens between September 27, and October 9, 1944.

ARTICLE XVI—RECORDS, REPORTS AND INSPECTIONS

16.1 Records must be kept for two years.
16.2 Records may be inspected by Office of Price Administration.
16.3 Places where processed foods are kept may be inspected.
16.4 Records and reports are confidential.
16.5 Office of Price Administration may extend time for registration and reports.
16.6 Office of Price Administration may require applicants to give information.
16.7 Persons who produce or deal in certain items similar to processed foods must file reports.
16.8 Records, reports, and registrations required by this order.

ARTICLE XVII—ADDITIONAL RECORDS TO BE KEPT BY CHAINS

17.1 Chains must keep records of transfers of stocks and points between establishments.

ARTICLE XVIII—APPEALS

18.1 Persons directly affected by action taken under this order can appeal.

ARTICLE XIX—MISCELLANEOUS RULES AND PROHIBITIONS

19.1 Additional prohibitions.
19.2 Stamps, tokens and certificates may not be taken by legal process or acquired by will.
19.3 Office of Price Administration must be notified of legal proceedings.
19.4 General Ration Order 5 governs whenever inconsistent with this order.
19.5 References to Ration Order 13 deemed references to Revised Ration Order 13.
19.6 Saving clause.

ARTICLE XX—SUSPENSION ORDERS

20.1 Office of Price Administration may issue suspension orders.

ARTICLE XXII—EXPORTS

22.1 Processed foods may be exported under General Ration Order 17.
22.2 [Revoked]
22.3 [Revoked]

ARTICLE XXIII—EXEMPT AGENCIES; SHIPS' STORES; GOVERNMENTAL INVESTIGATORY AGENCIES

23.1 Exempt agencies may acquire processed foods.
23.2 How exempt agencies acquire processed foods.
23.3 Post exchanges and ships' service departments ashore may acquire processed foods for points.
23.4 Sales commissaries, post exchanges and ships' service departments ashore may transfer processed foods for points.
23.5 Veterans' Administration and Coast and Geodetic Survey may apply for allotments under General Ration Order 5.
23.6 Industrial users may replenish foods used in products transferred to agencies designated in General Ration Order 11.
23.7 Ships' and planes' stores.
23.8 Governmental investigatory agencies may acquire processed foods needed in their investigations.
23.9 Issuance and use of checks by Extension Service of Department of Agriculture.

ARTICLE XXIV—[REVOKED]

24.1 [Revoked]
24.2 [Revoked]
24.3 [Revoked]
24.4 [Revoked]
24.5 [Revoked]
24.6 [Revoked]
24.7 [Revoked]
24.8 [Revoked]
24.9 [Revoked]

ARTICLE XXV—ACQUISITION OF PROCESSED FOODS BY RESIDENTS OF MEXICO

Sec.
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25.2 Issuance of ration cards.
25.3 Issuance of ration cards to certain applicants by the district office.
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26.9 [Revoked]
26.10 Applicability.

ARTICLE XXVII—DEFINITIONS

27.1 Definitions.

APPENDICES

Appendix A
Appendix B

AUTHORITY: § 1407.1101 issued under Pub. Law 671, 76th Cong., as amended by Pub. Laws 89, 421, 507 and 729, 77th Cong.; Executive Order 9125, 7 F.R. 2719; Executive Order 9280, 7 F.R. 10179; W. P. B. Directive 1, 7 F.R. 562, and Supplementary Directive 1-M, 7 F.R. 7234; and Food Directive 5, 8 F.R. 2251, 3469, War Food Order No. 56, 8 F.R. 2005, 9 F.R. 4319; War Food Order No. 56, 8 F.R. 2251, 9 F.R. 4319.

ARTICLE I—INTRODUCTION[1]

SECTION 1.1 *This order covers processed foods.* (a) The foods which are covered by this order are called "processed foods" and are listed in section 27.1 (a) (10).

(b) Puncturing or opening the container in which processed foods are packed, or merely removing them from the container, does not cause them to cease to be processed foods.

[Paragraph (b) amended by Am. 60, 9 F.R. 12971, effective 11-3-44]

[1] Words which are specially defined in this order are shown in quotation marks the first time they appear in each article. All definitions are given in section 27.1 of the order.

(c) When any processed food is prepared for service and served, it is no longer considered a processed food. Thus, a "person" who is served canned peaches in a restaurant, as part of a meal, is not getting processed food. Furthermore, when a processed food has been used in making a product which is not rationed under this order, it ceases to be a processed food. For example, canned peaches may be used in baking peach pie—that pie, and the peaches in it, are not processed foods.

SEC. 1.2 *Processed foods are rationed by the point system.* (a) All types of processed foods are rationed together, as a group, through the use of the point system of rationing. Each item of processed foods is given a particular point value for each size in which it is sold. The point value of a processed food is the number of points that must be given up by any person who wants to get it, just as the money price of an article is the amount of money it costs. The point values will be fixed by the Office of Price Administration in a supplement to this order, containing the official table of point values. These point values may be changed from time to time, as conditions require.

(b) Any item included in the definition of processed foods but having no point value assigned to it on the Official Table of Point Values, is deemed to have a point value of zero.

[Paragraph (b) added by Am. 23, 9 F.R. 3947, effective 4-17-44]

SEC. 1.3 *Points come in the form of stamps, certificates, tokens, ration coupons and ration checks.* (a) There are several forms of ration currency which represent points.

(b) The basic forms of ration currency are green and blue stamps in War Ration Book Four, and tokens which are designated by the Office of Price Administration to be used for the acquisition of processed foods. They are the form in which points are generally given up by "consumers".

(c) Other forms of ration currency authorized by the Office of Price Administration are "certificates" (OPA Form R-1201) tokens or ration coupons and ration checks drawn on ration bank accounts. A certificate or ration coupon is issued by the Office of Price Administration (or a person authorized by that office to issue it) and is worth the number of points stated on it. Ration checks are very much like ordinary checks. They are drawn on a bank account in which a person has deposited his points, just as an ordinary check is drawn on a bank account in which he has deposited his money. (The cases in which ration checks are used are covered in Articles VIII and IX.)

[Sec. 1.3 amended by Am. 9, 9 F.R. 1908, effective 2-17-44]

ARTICLE II—CONSUMERS

SEC. 2.1 *When a person is a consumer.* (a) Any "person" who buys or "acquires" "processed foods" for his personal use or for use at a table at which he eats, is a "consumer". (When a person gets processed foods in order to resell them or in order to use them in making other products for sale, he is not a consumer, since those are not personal uses. He is a consumer only so far as he does get processed foods for personal uses.)

SEC. 2.2 *Consumers and industrial and institutional users may not purchase processed foods between certain dates.* (a) From February 21, to February 28, 1943, inclusive, no consumer may buy or acquire processed foods from any other person. (However, a consumer may borrow processed foods from, and return borrowed processed foods to, another consumer and may acquire processed foods from another consumer for consumption at a common table.)

(b) [Revoked]

[Paragraph (b) revoked by Am. 60, 9 F.R. 12971, effective 11-3-44]

SEC. 2.3 *Consumers may purchase after February 28, 1943, only for points.* (a) Beginning March 1, 1943, a consumer may buy or acquire processed foods only by giving up points equal to the point value of the processed foods acquired. However, a consumer may exchange processed foods with any other person for other processed foods of equal point value, without giving up points and may transfer and acquire processed foods as provided in Article XXVI of this order. Moreover, consumers may acquire, transfer, or use, without limitation or restriction, processed foods which have a zero point value at the time of the acquisition, transfer, or use, respectively.

[Paragraph (a) amended by Am. 33, 9 F.R. 5074, effective 5-12-44]

(b) Consumers may lend processed foods to, or borrow them from, other consumers, and they may return borrowed processed foods. They may also acquire processed foods from other consumers for consumption at a common table. No points are to be given up for such transactions. (A transaction is not a loan of processed foods if any charge is made.)

(c) A consumer who has acquired processed foods for points may give them to another consumer point-free. He may also give them point-free to a religious, charitable, civic, or municipal organization, as his agent, to give them point-free to another consumer. (A transaction is not a gift if any charge is made.)

SEC. 2.4 *How points are given up by consumers—(a) A consumer uses stamps.* A consumer gives up points, when he acquires processed foods, by surrendering blue "stamps" from his War Ration Book Four.

[Paragraph (a) amended by Am. 9, 9 F.R. 1908, effective 2-17-44; and Am. 21, 9 F.R. 8708, effective 8-2-44]

(b) *Stamps may be used only during certain periods.* Each stamp in War Ration Book Four is good only during a certain period, and a consumer may use it only during that period. The combination of letter and number printed on the stamps serves to indicate the time when the stamp may be used by consumers. The periods during which stamps in War Ration Book Four may be used

will be fixed in a supplement to this order.

[Paragraph (b) amended by Am. 9, 9 F.R. 1908, effective 2-17-44; Am. 21, 9 F.R. 3708, effective 5-2-44; and Am. 70, 9 F.R. 15052, effective 12-26-44]

(c) *General rules for the use of stamps by consumers.* A consumer must give up stamps worth exactly the point value of the processed foods he acquires. The number of points a green stamp is worth is shown by the figure printed on it. Blue stamps are worth 10 points each, regardless of the number printed on them. Stamps must be given up at the time the foods are acquired. The stamps may be used by a consumer only if torn out of the war ration book in the presence of the person who is selling or transferring the foods. A stamp may be used only to get processed foods for the consumer from whose book it is taken or for use at a table at which he eats.

[Paragraph (c) amended by Am. 9, 9 F.R. 1908, effective 2-17-44; and Am. 36, 9 F.R. 5829, effective 6-2-44]

(d) *A consumer also uses certificates and ration coupons.* Any consumer to whom a "board" issues a "certificate" or ration coupon may use it to acquire processed foods just as stamps are used. However, a consumer may give up the certificate or ration coupon at or before the time the processed foods are acquired. The number of points a certificate or ration coupon is worth is shown on that certificate or ration coupon. A consumer to whom a certificate has been issued must sign his name on the back before he may use it.

[Paragraph (d) amended by Am. 24, 9 F.R. 3944, effective 4-15-44; and Am. 36, 9 F.R. 5829, effective 6-2-44]

(e) *How mail order purchases are made.* A consumer who orders processed foods for delivery by mail may detach stamps from his war ration book and send them or tokens with his order. The stamps are good if the envelope in which they are enclosed is postmarked on or before the last day on which they may be used by a consumer, even if the seller does not receive them until after that date. If the seller cannot fill all or any part of the order, he will return a ration check for the difference. The consumer may endorse that check and use it to get processed foods.

[Paragraph (e) amended by Am. 9, 9 F.R. 1908, effective 2-17-44; Am. 21, 9 F.R. 3708, effective 5-2-44; and Am. 70, 9 F.R. 15052, effective 12-26-44]

(f) *How consumers acquire and use tokens.* If the consumer is unable to give up points exactly equal to the point value of the processed foods acquired by him because he does not have stamps, certificates, ration coupons, or ration checks of sufficiently small value to make up the proper amount, he may give up, and the transferor may accept, stamps, certificates, ration coupons, or ration checks of the nearest higher value, and the transferor must return the excess number of points to the consumer in the form of tokens. Tokens may be used by a consumer to acquire processed foods only if he has received the tokens in this way from his transferor. A transferor may accept tokens from a consumer, unless he knows or has reason to believe that they were not acquired by the consumer in this way.

[Paragraph (f) added by Am. 36, 9 F.R. 5829, effective 6-2-44]

SEC. 2.5 *Consumers who need more processed foods because of illness may apply for more points.* (a) Any consumer whose health requires that he have more processed foods than he can get with his war ration book, may apply for additional points. The application must be made, on OPA Form R-315, by the consumer himself or by someone acting for him, and may be made in person or by mail. The application can be made only to the board for the place where the consumer lives. The application (on OPA Form R-315) must be accompanied by a written statement signed by a licensed practitioner, who is authorized by the laws of the state in which he practices to diagnose and treat the illness as to which the certification is made. The statement must contain a specific diagnosis of the applicant's illness or condition, must show, if possible, the probable duration of the illness, must show why the applicant must have more processed foods, and the amounts and types he needs during the next ten weeks (or a shorter period if the illness is of shorter duration).

[Paragraph (a) amended by Am. 20, 9 F.R. 3579, effective 4-6-44; Am. 51, 9 F.R. 10087, effective 8-21-44 and Am. 84, 10 F.R. 8904, effective 7-20-45]

(b) If the diagnosis is diabetes mellitus or active tuberculosis, and if the board finds that the applicant's health depends upon his getting more processed foods, it shall issue to him one or more certificates for the number of points necessary to get the additional processed foods which he needs during the next ten weeks. If the applitant requests more processed foods during this period than the board is authorized by the Washington Office to grant to him, the board shall issue to him a certificate for the number of points it is authorized to grant to him, and, if the applicant still requests the additional amount, send the application for the additional points to the district office for decision. If the diagnosis is any illness other than diabetes mellitus or active tuberculosis, the board shall send the application to the district office for decision. However, in emergency cases, if the board finds that the applicant needs additional processed foods, it may issue to him one or more certificates to enable him to get those additional foods during the next two weeks. If during that period, no decision has been made on the application, the board may issue to him one or more certificates, if the emergency continues, to enable him to get those additional foods for another two weeks. The board may continue to issue certificates for succeeding two-week periods as long as the emergency continues and until a decision has been made. If the district office is unable to pass on the application, it shall send it to the regional office for decision, or take such other action as the regional office may authorize or direct. A district office may authorize a board which has a medical advisory panel to act on all applications under this section.

[Paragraph (b) amended by Am. 20, 9 F.R. 3579, effective 4-6-44; and Am. 51, 9 F.R. 10087, effective 8-21-44]

(c) An applicant who requires additional processed foods for a period longer than the ten weeks for which points are granted to him, may apply for additional points (in person or by mail) to the board at the end of the ten-week period. However, the statement certifying the diagnosis of his illness need not be renewed more often than once a year, in cases of diabetes mellitus and active tuberculosis. In cases where the statement certifying the diagnosis of the applicant's condition need not be renewed with each application for additional rations, his application for such additional rations shall be deemed to be a certification that he knows, or has reason to believe, the diagnosis of his condition remains the same as set forth in the written statement attached to his original application. If the applicant changes his residence before the time when he would have to renew the statement certifying the diagnosis of his illness, he may obtain the statement from the board where it is filed and file it with the board for the place where he will live.

[Paragraph (c) added by Am. 20, 9 F.R. 3579, effective 4-6-44]

(d) Regional Offices may, upon advice of Regional Medical Committees, authorize Boards to issue points for illnesses other than those listed on the chart. They may also authorize Boards to issue points, in addition to those specified for illnesses listed on the chart. In addition, District Offices, if authorized by the Regional Administrator, may, upon advice of District Medical Committees, authorize Boards to issue points for illnesses other than those listed on the chart and to issue points, in addition to those specified, for illnesses listed on the chart.

[Paragraph (d) added by Am. 84, 10 F.R. 8904, effective 7-20-45]

SEC. 2.6 *Consumers who must purchase in quantity may apply for certificates.* (a) Some consumers may not be able to get processed foods during the period when their stamps are good, either because of transportation difficulties, or because they live an unusually long distance from their market. Such a consumer may apply for a certificate in exchange for some or all of the stamps in his war ration book, so that he can get the amount of processed foods to which he is entitled at a time when he is able to get them. The application must be made on OPA Form R-315, in person or by mail, to the board for the place where he lives. It must be made by the consumer himself or by someone acting for him.

(b) If the board finds that the consumer will suffer hardship because he cannot get the processed foods to which he is entitled during the periods when his stamps are good (for the reasons set forth above), it may issue to him a certificate. The certificate may be for any number of points up to the value of his remaining stamps which may be used to acquire processed foods. The board must remove from each war ration book, and cancel such stamps worth the amount of the certificate.

SEC. 2.7 *Service men may get certificates to acquire processed foods.* (a) Members of the Armed Forces of the United States and Allied Nations who do not have a war ration book which can be used to acquire processed foods, and are not entitled to have it, may obtain certificates to get processed foods under the circumstances and in accordance with the procedure set forth in General Ration Order 9.[1]

SEC. 2.8 [Revoked]

SEC. 2.9 *Consumers who must have more processed foods for their subsistence may apply for more points.* (a) Consumers (including those who eat in group one institutional establishments, as defined in General Ration Order 5) may apply for additional points if they cannot get enough fruits or vegetables to meet minimum nutritional needs for such foods, because (1) supplies of such foods are not reasonably accessible to them, except at infrequent intervals, and (2) they have no facilities for storing such foods long enough and in the quantities required to supply their needs.

[Paragraph (a) amended by Am. 40, 9 F.R. 6951, effective 6-26-44; and Am. 50, 9 F.R. 9954, effective 8-18-44]

(b) Any consumer who needs more processed foods for the reasons set forth in paragraph (a) of this section, may apply to his board, in person or by mail, on OPA Form R-315. A single application may be made covering more than one consumer, but the name of each shall be listed on the application, and the war ration book currently used to acquire processed foods of each person covered by the application must be submitted with it. The application must state in detail:

[Above paragraph amended by Am. 8, 9 F.R. 1817, effective 2-19-44]

(1) Why the persons included therein cannot obtain enough fruits or vegetables to meet minimum nutritional standards;

(2) How many pounds of processed foods they will need;

(3) For how long a period;

(4) How many pounds of processed foods (including home canned) they have, at the time of application; and

(5) How many pounds of fresh fruits or vegetables (excluding potatoes) will be available to them during the period covered by the application.

[Subparagraphs (1) and (5) amended by Am. 40, 9 F.R. 6951, effective 6-26-44; and Am. 50, 9 F.R. 9954, effective 8-18-44]

(c) All regional offices are authorized to rule on applications under this section, and to authorize boards or district offices to rule on them. A board or district office may rule on such an application only if the regional office for the area where it is located has given it such authority. If the board has not been given such authority, it shall forward the application with its recommendation to the district office. If the district office has been given such authority, it shall indicate what action is to be taken, and return the file to the board. If the district office has not been given such authority, it shall forward the file to the regional office. The regional office shall then indicate what action is to be taken, and return the file to the board. All certificates to be issued under this section shall be issued by boards.

(d) The regional office, or board or district office which is authorized to rule on such applications, may issue or authorize the issuance of one or more certificates for the number of points that it finds should be allowed. No board or district or regional office shall issue or authorize the issuance of a certificate unless it finds that the applicants will be unable to get enough fruits or vegetables, during the period covered by the application, to meet minimum nutritional needs for such foods because (1) supplies of such foods are not reasonably accessible to them, except at infrequent intervals, and (2) they have no facilities for storing such foods long enough and in the quantities required to supply their needs. In determining how many points to allow, consideration shall be given to the amount of processed foods, and fresh fruits or vegetables (excluding potatoes) which will be available to the applicants during the period covered by the application. In addition, the board or district office shall be governed by any further conditions established by the regional or Washington office.

[Paragraph (d) amended by Am. 40, 9 F.R. 6951, effective 6-26-44; and Am. 50, 9 F.R. 9954, effective 8-18-44]

(e) Any board which issues certificates under this section shall enter a notation on the front cover of the books submitted with the application showing:

(1) Its address;

(2) The date it issued certificates under this section;

(3) The foods authorized to be acquired by such certificates;

(4) The point value of such certificates; and

(5) The period for which the supplemental ration was given.

[Paragraph (e) amended by Am. 8, 9 F.R. 1817, effective 2-19-44]

ARTICLE III—PROCESSORS

SEC. 3.1 *Explanation of terms processor and processor establishment—*

(a) *A place where processed foods are produced is a processor establishment.* Any place at which a "person" produces "processed foods" for sale or other "transfer" or for "industrial use", is a "processor establishment".

(1) A person produces processed foods:

(i) If he bottles, cans, or packs any of the products, which are included within the definition of processed foods in Section 27.1 (a) (10), in hermetically sealed containers and sterilizes them by the use of heat; or

(ii) If he packs fruit or vegetable juices (which are included within the definition of processed foods in section 27.1 (a) (10)) from containers over one gallon into hermetically sealed containers of one gallon or less and sterilizes them by the use of heat; or

(iii) If he uses processed foods to produce other processed foods (as, if he uses canned peaches to make canned fruit salad).

[Paragraph (a) amended by Am. 54, 9 F.R. 11538, effective 9-17-44; Am. 60, 9 F.R. 12971, effective 11-3-44; and Am. 70, 9 F.R. 15052, effective 12-26-44]

(b) *A place to which processed foods are imported is a processor establishment.* Any place (including space in a public warehouse) to which a person imports processed foods into the United States, from any place outside the United States, for sale or transfer, or for industrial use, is also a processor establishment.

(c) *Place where person keeps only processed foods he produced is a processor establishment.* The term processor establishment also includes any place (including space in a public warehouse) at which a person does not produce or import processed foods, if he regularly keeps there, for sale or transfer, only stocks of processed foods which he himself produced or imported. (If he also regularly keeps there, for sale or transfer, processed foods produced or imported by someone else it is a processor establishment only if it meets the requirements of paragraph (d); otherwise it is a wholesale or retail establishment, depending upon the nature of his operations there.)

(d) *A place where a person keeps processed foods produced by someone else may be a processor establishment.* There are two cases in which a place where a person keeps processed foods produced or imported by someone else is a processor establishment:

(1) A place where a person keeps, for sale or transfer, processed foods, produced or imported by someone else, is a processor establishment as to those stocks if the person keeping such processed foods, also produces processed foods, whether at that place or elsewhere, and if he does not, in any one calendar year, acquire (at all his establishments together, of whatever type) for sale or transfer more processed foods produced or imported by someone else than 10% by weight of the processed foods he himself produced or imported in the previous calendar year. As soon as his acquisition for sale or transfer, of processed foods produced or imported by someone else exceed that 10%, within the calendar year, that place shall cease to be a processor establishment as to those stocks, and becomes a wholesale or retail establishment depending upon the nature of his operations there. He must then follow the procedure set forth in Article XII with respect to new businesses.

(2) There is one other case in which a place where a person keeps processed foods produced or imported by someone else is a processor establishment. A person may get processed foods from someone else to use them in producing other processed foods for sale or transfer. If he keeps the processed foods obtained from someone else only to pro-

[1] 8 F.R. 7109, 10079, 1279, 15378, 16115; 9 F.R. 4348, 48874, 12087, 15047.

duce other processed foods, the place where he keeps them is a processor establishment.

(e) *Certain places where processed foods are produced only for own use are not processor establishments.* A place at which a person produces or imports processed foods only for his own use (other than industrial use) and not for sale or transfer is not a processor establishment. (Thus, if he produces processed foods, at a particular place, only for the purpose of using them in serving meals, that place is not a processor establishment.) Also, a place does not become a processor establishment because a person produces home processed foods there, even if he produces them for sale or transfer.

(f) *Person who has processor establishment is a processor.* Any person who has a processor establishment is called a processor.

SEC. 3.2 *Processors must register and file reports*—(a) *Registration.* Every processor must register with the Office of Price Administration by filing OPA Form R–1305, at any time from March 1, 1943 to March 10, 1943, inclusive. The form must be completed and signed by the processor or his authorized agent. If he has more than one processor establishment, he must show, for each, its name and address, the type of business done there, and the name of the person authorized to report for it on OPA Form R–1305.

(b) *Reports.* Every processor must file periodic reports, also on OPA Form R–1305, covering the operations of his processor establishment during each reporting period set forth in Appendix B. The report must be signed by him or by his authorized agent. If he has more than one processor establishment, he must file a separate report for each, except that he may combine in a single report all his processor establishments in a single state. The first report which must be filed is for February 1943, and is part of his registration. Reports for subsequent reporting periods must be filed within eight days after the end of the reporting period.

A processor who has reported on OPA Form R–1305 that he does not have processed foods on hand and that none were produced, acquired, sold, or transferred during his last reporting period, need not file a report for any subsequent period in which he does not operate. However, he must show on his last report on OPA Form R–1305 the month in which he will resume his operations and he must again file reports beginning with the month in which he resumes his operations.

[Paragraph (b) amended by Am. 34, 9 F.R. 5426, effective 5–26–44]

(c) *Some processors need not file reports for reporting periods after February, 1943.* A processor who produced and imported less than 10,000 pounds of processed foods during 1942, must register but need not file a report for any reporting period after that covered in his registration. However, if his total production and imports in 1943 or 1944 reach 10,000 pounds, he must file reports beginning for the reporting period in which that figure was reached.

[Paragraph (c) amended by Am. 4, 9 F.R. 848, effective 1–26–44]

(d) *Processors must give information called for by form.* The processor must give all information called for by OPA Form R–1305.

(e) *Registration and reports must be filed in Washington.* The processor's registration and periodic reports must be filed by mailing OPA Form R–1305 to the Office of Price Administration, care of the Bureau of the Census, Washington, D. C. The form is considered filed on time if the envelope is postmarked on or before the last day it is due.

(f) *Registration of persons who become processors because of additions to the list of processed foods, or because of changes in the definition of processor and processor establishment.* A person who becomes a processor because the foods he produces are added to the list of processed foods or because of changes in the definition of processor or processor establishment must, within eight days after such addition or change, file a report on OPA Form R–1305 covering his operations during the preceding reporting period. The report must be mailed to the Office of Price Administration, care of the Bureau of the Census, Washington, D. C., and is treated as his registration.

SEC. 3.3 *Processor is given a registration number.* (a) After a processor has registered, the "Washington Office" will send him a card giving him his registration number. After he gets the registration number, he must use it on each invoice or similar document prepared in connection with any sale or transfer of processed foods from any of his processor establishments.

SEC. 3.4 *Processor may not do business if he does not register and file reports.* (a) No processor may transfer or acquire processed foods after March 10, 1943, unless he has registered in the manner required.

(b) No processor may transfer or acquire processed foods after any date on which a report is due from him, unless he has filed that report.

SEC. 3.5 *Processors must report their inventories.* (a) As part of his registration, a processor must report, on OPA Form R–1305, the point value of his inventory of processed foods (by items and sizes) at the close of business on February 28, 1943. His inventory at the beginning and end of each reporting period must then be reported in his report for that period.

(b) A processor's inventory at his processor establishment consists of all processed foods physically located at that establishment or in transit to it. However, the following items are not part of that inventory:

(1) Processed foods stored at the establishment for a person other than his customer or transferee, or held there as security for a loan to someone else (or similar transaction), or in transit to it for either of those purposes;

(2) Processed foods included in the inventory of one of his other establishments.

SEC. 3.6 *A processor must turn over the points he receives to the Washington office.* (a) A processor is required to turn over to the Washington Office points he receives for sale or transfers of processed foods. However, a processor other than a processor of dried prunes or raisins, may use some of them for the following purposes:

(1) To get back processed foods he transferred; or

(2) To acquire processed foods with which to produce other processed foods; or

(3) To acquire for sale or transfer processed foods produced or imported by someone else, if the place at which he acquires them is a processor establishment as to those stocks, under section 3.1 (d) (1).

A processor of dried prunes or raisins is permitted to use points he receives for sales or transfers of those fruits only to acquire dried prunes or raisins.

(b) A processor must give up to the Office of Price Administration for cancellation, all points he receives for sales or transfers of processed foods. Not later than the eighth day of every reporting period he must issue and mail to the Office of Price Administration, care of the Bureau of the Census, Washington, D. C., his certified ration check (payable to the Office of Price Administration) for all those points he received during the preceding reporting period. A processor who is required to file periodic reports on OPA Form R–1305, must attach his check to the report. A processor who does not have to file reports must send his check in a sealed envelope, enclosing a statement showing his name, principal business address and registration number.

(c) A processor who used some of those points to acquire processed foods, as permitted in paragraph (a) of this section, must issue and send his check for the rest. He must enclose with his check a statement giving the names and addresses of the persons from whom he acquired the processed foods, the items he acquired, and their point values. If he used the points to acquire processed foods, as permitted in paragraph (a) (3) of this section, he must state, in pounds, the total amount of processed foods he produced or imported during the preceding calendar year and his total acquisitions during the current calendar year, for sale or transfer, of processed foods produced or imported by someone else.

SEC. 3.7 [Revoked]

SEC. 3.8 *Processors must keep records.* (a) Beginning March 1, 1943, every processor must keep, at each of his processor establishments, a record showing, by items and sizes:

(1) All processed foods produced or imported there;

(2) All processed foods sold or transferred to (or reserved for) exempt agencies;

(3) All processed foods used in producing other processed foods; and

(4) All processed foods, produced or imported by someone else, acquired for sale or transfer.

(b) He must also keep, at his principal business office, a copy of his registration and of his periodic reports on OPA Form R–1305 (if any are required). If he has more than one processor establishment, he must keep at each establishment a copy of the report filed for it. (However, if he has filed a combined report for several processor establishments, he must keep copies of the reports at one of them.)

(c) In addition, at the time of any change in the point value of any item of processed foods every processor must make a record of the amount and sizes of that item which he has in his inventory. The record must show the point value of the item before and after the change, and the amount by which the point value of his inventory was increased or decreased as a result. In addition, at the time any item is added to or removed from the list of processed foods, every processor must keep a record of the amount, sizes, and point value of that item which he has in his inventory. If he has more than one processor establishment, he must make and keep such a record at each establishment.

SEC. 3.9 *Processors must account for differences between their transfers and the number of points given up to the Office of Price Administration.* (a) Every processor must attach to his periodic report on OPA Form R–1305, beginning with the report for March 1943, a statement accounting for all differences between the point value of the processed foods sold or transferred by him during that reporting period, and the number of points given up by him to the Office of Price Administration. Also, if he used any processed foods in grading the processed foods which he produced or imported, he must attach a statement showing how much he used. The statements must be signed by the same person who signed the periodic report.

SEC. 3.10 *Industrial users who become processors because of the addition of items to the list of processed foods.* (a) An industrial user who, because of the addition of items to the list of processed foods, becomes a processor with respect to items he produced as an industrial user, must, if he is not already registered as a processor, register as such in accordance with section 3.2 (f), and open a ration bank account for his processor operations. He must deposit all points he has as an industrial user in his processor ration bank account. If he has an industrial user ration bank account, he may draw a check for the balance therein and deposit it in his processor account. All processed foods he has in his industrial user inventory shall be deemed to be part of his processor inventory.

(1) An industrial user who ceases to be such because all the items he produced as an industrial user are added to the list of processed foods must, within eight days after he ceases to be an industrial user, give to the board with which he is registered the notice required in section 13.1 that he will cease to operate as an industrial user, and he must close out his industrial user bank account, if any.

(2) An industrial user who becomes a processor with respect to some, but not all, the items he produced as an industrial user must, within eight days after the items produced by him as an industrial user are added to the list of processed foods, amend his industrial user registration by eliminating from his base period use of processed foods his use of those foods for the production of the items added to the list of processed foods. The board shall cancel his current allotment, and any excess inventory with which he may be charged, and shall grant for the remainder of the current allotment period, an allotment based on his use of processed foods in the corresponding base period to produce items as to which he remains an industrial user. However, this allotment is to be reduced in proportion to the part of the allotment period which had elapsed at the time he amended his industrial user registration. (Any such industrial user who, by the operation of this subparagraph, is unable to use any unused portion of his past allotments allocable to the products as to which he continues to be an industrial user, may petition for an adjustment under section 14.5.)

ARTICLE IV—WHOLESALERS

SEC. 4.1 *Explanation of the terms wholesaler and wholesale establishment.* (a) Any place, including a public warehouse, where a "person" who deals in "processed foods" keeps stocks of those foods for sale or other "transfer" is a "wholesale establishments," if fifty percent or more of those stocks are transferred from there directly to persons other than "consumers." However, if he keeps the stocks which are not transferred to consumers, just to supply his own establishments, it is a wholesale establishment only if it supplies:

(1) At least one of his wholesale establishments; or

(2) At least four of his "retail establishments."

(A place where a person regularly keeps for sale or transfer only stocks of processed foods which he himself produced or imported is a "processor establishment" and not a wholesale establishment. Also, a place which is a processor establishment under section 3.1 (d) (1) is not a wholesale establishment. Article XXIV sets forth the definitions and rules controlling growers and country shippers with respect to dry beans, peas, and lentils. However, any person who is a grower or country shipper of dry beans, peas, or lentils as well as a "wholesaler" of other processed foods, is controlled by both Article XXIV and Article IV of this order.)

[Above paragraph amended by Am. 54, 9 F.R. 11538, effective 9–17–44]

(b) Any person dealing in processed foods who has a wholesale establishment is called a wholesaler.

SEC. 4.2 *Wholesalers must register and file reports*—(a) *Registration.* Every wholesaler must register with the Office of Price Administration by filing OPA Form R–1310, at any time from April 1, 1943 to April 10, 1943, inclusive. The form must be completed and signed by the wholesaler or his authorized agent. If he has more than one wholesale establishment, he must file a combined registration for all of them on a single form.

(b) *Reports.* Every wholesaler must file periodic reports, also on OPA Form R–1310, covering the operations of his wholesale establishment during each reporting period set forth in Appendix B. The report must be filed by him or by his authorized agent. If he has more than one wholesale establishment he must file a separate inventory report for each on Schedule B of that form, except that he may combine on a single inventory report all his wholesale establishments in a single county (or in an area larger than a single county if he applies to, and receives authorization from, the "Washington Office" to do so. The Washington Office will authorize a wholesaler to combine on a single inventory report all his establishments in an area larger than a single county if it finds that those establishments are located in a single marketing area.) He must also file a combined Schedule A of that form covering all of his wholesale establishments. The Washington Office may authorize a person required to report on OPA Form R–1310 to omit from his report the information called for on Schedule B of that form. The first report which must be filed is for March 1943 and is part of his registration. Reports for reporting periods must be filed within eight days after the end of the reporting period.

[Paragraph (b) amended by Am. 30, 9 F.R. 4876, effective 5–10–44, and Am. 62, 9 F.R. 12972, effective 10–28–44]

(c) *Wholesaler must give information called for by form.* Except to the extent permitted by the Washington Office under paragraph (b) of this section, the wholesaler must give all information called for by OPA Form R–1310.

[Paragraph (c) amended by Am. 62, 9 F.R. 12972, effective 10–28–44]

(d) *Registration and reports must be filed in Washington.* The wholesaler's registration and periodic reports must be filed by mailing OPA Form R–1310 to the Office of Price Administration, care of the Bureau of the Census, Washington, D. C. The form is considered filed on time if the envelope is postmarked on or before the last day it is due.

(e) *Registration of persons who become wholesalers because of additions to the list of processed foods.* (1) A person who becomes a wholesaler because foods he keeps for sale or transfer are added to the list of processed foods, must, within eight days after such addition, file a statement on OPA Form R–315. The statement must show:

(i) The name and address of each of his wholesale establishments;

(ii) His inventory of each such item of food, in pounds and point value, as of the date on which it was added; and

(iii) His registration number, if he was previously registered as a wholesaler, or, if he was not registered, his

sales or transfers of each such item during the preceding reporting period (exclusive of exchanges, returns and transfers from one to another of his wholesale establishments) multiplied by the point value assigned to that item when it was added.

The statement must be mailed to the Office of Price Administration, Food Rationing Division, Processed Foods Branch, Washington 25, D. C., and is treated as his registration.

(2) A fixed base, for the purpose of computing his maximum allowable inventory will be assigned to him by the Washington Office. A check will be issued to him by the Washington Office to enable him to operate.

[Paragraph (e) amended by Am. 70, 9 F.R. 15052, effective 12-26-44]

SEC. 4.3 *Wholesaler may not do business if he does not register and file reports.* (a) No wholesaler may transfer or "acquire" processed foods after April 10, 1943, unless he has registered in the manner required.

(b) No wholesaler may transfer or acquire processed foods after any date on which a report is due from him unless he has filed that report.

SEC. 4.4 *Wholesalers must report their inventories.* (a) As part of his registration, a wholesaler must report, on OPA Form R–1310, his inventory of processed foods (by items and sizes) at the opening of business on March 1, 1943, and the point value of his inventory of processed foods (by items and sizes) at the close of business on March 31, 1943. If he has more than one wholesale establishment, his registration must include a report of the total point value of his inventory at all those establishments. His inventory at the beginning of the next reporting period must then be reported in his report for that period.

(b) A wholesaler's inventory at his wholesale establishment consists of processed foods physically located at that establishment or in transit to it. It includes processed foods which he holds there on consignment. However, the following items are not part of that inventory:

(1) Processed foods stored at the establishment for a person other than his customer or transferee, or held there as security for a loan to someone else (or similar transaction), or in transit to it for either of those purposes;

(2) Processed foods included in the inventory of one of his other establishments.

SEC. 4.5 *Wholesalers must report their sales and points on hand.* (a) A wholesaler must also report, as part of his registration:

(1) The point value of all processed foods transferred by him during March 1943, not including exchanges of merchandise or transfers from one to another of his wholesale establishments; and

(2) The total number of points which he has available for acquiring processed foods, at the close of business on March 31, 1943. He must include all points which he has on hand, all in his ration bank account and all which he has already given up for processed foods not yet shipped to him. However, he is not to include points he has received for processed foods which he has not yet shipped.

(b) The point value of his transfers during each subsequent reporting period and the total number of points he has at the end of that period for which he can get processed foods must then be reported in his report for that period.

SEC. 4.6 *A wholesaler is allowed a maximum inventory.*—(a) *General.* For each reporting period every wholesaler is entitled to an operating inventory, called a maximum allowable inventory. This maximum allowable inventory is stated in terms of points, and is based on the point value of his transfers of processed foods during preceding reporting periods.

(b) *Amount of maximum allowable inventory.* (1) A wholesaler's maximum allowable inventory for each reporting period before September 3, 1944 is computed in the following way:

(i) The point value of his transfers of processed foods during the first three of the four preceding reporting periods is determined. (Exchanges and returns of processed foods, and transfers from one to another of his wholesale establishments, must not be included in this computation.);

(ii) That figure is divided by three to arrive at an average for the three periods;

(iii) The result is multiplied by a factor which the Office of Price Administration will fix for the reporting period in question in a supplement to this order.

(2) A wholesaler's maximum allowable inventory for each reporting period beginning on or after September 3, 1944 is computed in the following way:

(i) The point value of his transfers of processed foods during the first four reporting periods of 1944 (listed in Appendix B to this order) is determined. (Exchanges and returns of processed foods, and transfers from one to another of his wholesale establishments, must not be included in this computation.);

(ii) That figure is divided by four to arrive at an average for the four periods;

(iii) The result is multiplied by a factor which the Office of Price Administration will fix for the reporting period in question in a supplement to this order.

[Paragraph (b) amended by Am. 49, 9 F.R. 9169, effective 8-1-44]

(c) *Point inventory.* (1) In order to determine how large a stock of processed foods, measured in points, a wholesaler has and is in a position to get, it is necessary to find out two things:

(i) The point value of his inventory; and

(ii) The number of points he has available for acquiring processed foods, since he can use those points to get additional stocks. These points include all which he has on hand, all in his ration bank account (except those for which ration checks are outstanding), all which he already has given up for processed foods not yet shipped to him, and all which he has not yet received for processed foods he has already shipped. However, points he has received for processed foods which he has not shipped, or points he owes for processed foods already shipped to him, are not included.

(2) The sum of the above two figures, at a particular time, shows the amount of processed foods he has and can get at that time. That sum is called his point inventory. The wholesaler must make this computation at the time of filing his periodic report on OPA Form R–1310.

(d) *When a wholesaler is entitled to receive a certificate.* If a wholesaler's maximum allowable inventory for any reporting period is greater, by at least 10%, than his point inventory at the beginning of the preceding reporting period, he will be issued a "certificate" for the number of points needed to make up the difference. However, during November 1943 a wholesaler who is entitled to receive a certificate under this paragraph will receive one for the number of points which represents the difference between his maximum allowable inventory for the November reporting period and his point inventory on October 30, 1943; or the difference between his maximum allowable inventory for the December reporting period and his point inventory on October 31, 1943, whichever is greater. The certificate will be issued by the "Washington Office" after his report has been checked.

(e) *Excess inventory for December 1944.* If a wholesaler's point inventory at the beginning of the December 3, 1944 reporting period is greater than 110 percent of his maximum allowable inventory for that reporting period, the difference is excess inventory. He must in that case, give up to the Office of Price Administration, for cancellation, points equal to his excess inventory. The points are to be given up in the form of a check drawn on his ration bank account, payable to the Office of Price Administration. That check must be attached to and forwarded with his report on OPA Form R–1310 for the reporting period ending December 2, 1944. A wholesaler who does not have enough points at the time he files his report, may accumulate points and must forward them with his next report. If he has not given up points equal to his excess inventory when he files his next report, he may accumulate points and must forward them with his succeeding reports until he has liquidated his excess inventory. He may, however, during each reporting period, retain enough points for the purpose of keeping his stocks balanced as permitted by section 4.7 of this order.

[Paragraph (e) added by Am. 65, 9 F.R. 14062, effective 11-29-44]

SEC. 4.7 *Wholesaler may not acquire processed foods if actual inventory exceeds his maximum allowable inventory by more than five percent.* (a) A wholesaler may not acquire processed foods at any time if his actual inventory exceeds his maximum allowable inventory by more than five percent or if the acquisition of processed foods would cause his actual inventory to exceed his maximum allowable inventory by more than five percent. Even if he has points available, he may not use them to get more stock if that will cause his actual inventory to exceed his maximum allowable inventory by more than five percent. However, if he has already given up points for a transfer of processed foods at a time when he was entitled to acquire them, he may take delivery of those foods.

[Paragraph (a) amended by Am. 39, 9 F.R. 6647, effective 7-2-44; and Am. 77, 10 F.R. 5103, effective 5-11-45]

SEC. 4.8 *Washington Office may grant working point capital to wholesalers.* (a) For the purpose of providing a wholesaler with enough points with which to acquire processed foods up to the amount of his maximum allowable inventory when that maximum is raised during the height of the packing season, the Washington Office of the Office of Price Administration may issue points to him in anticipation of such an increase. The number of points to be issued for this purpose will be calculated in the following manner:

(1) The point value of the wholesaler's transfers of processed foods during the reporting period covering April 1 to May 1, 1943, inclusive, is determined;

(2) That figure is multiplied by 7 (a number which it is believed will give each wholesaler a working point capital sufficient to provide the points he will need to acquire processed foods up to the amount of his greatest maximum allowable inventory);

(3) From that figure is deducted the wholesaler's point inventory at the close of business on May 1, 1943, (including the number of points the wholesaler owes the Office of Price Administration on account of his March excess inventory) and the point value of any certificates issued to him by the Office of Price Administration to increase his point inventory since May 1, 1943;

(4) To the resulting figure is added the number of points given up to the Office of Price Administration by such wholesaler since May 1, 1943, on account of his March excess inventory.

SEC. 4.9 *Wholesaler must keep records.* (a) Every wholesaler must keep, at each of his wholesale establishments, a record of the point value of all transfers of processed foods from that establishment during each reporting period. He must also keep, at his principal business office, a copy of his registration and of the reports on OPA Form R–1310 which he filed with it. If he has more than one wholesale establishment, he must keep at each establishment a copy of the reports filed for it. (However, if he has filed a combined report for several wholesale establishments he must keep copies of the reports at one of them, and must also keep a record of the inventory of each at the close of business on March 31, 1943.) In addition, a wholesaler who has been authorized by the Washington Office to omit from his report the information called for on Schedule B of OPA Form R–1310, must keep an itemized record of the inventory (of processed foods having a point value other than zero) of each establishment at the end of each reporting period.

[Paragraph (a) amended by Am. 62, 9 F.R. 12972, effective 10-28-44]

(b) In addition, at the time of any change in the point value of any item of processed foods, every wholesaler must make a record of the amount and sizes of that item which he has in his inventory. The record must show the point value of the item before and after the change, and the amount by which the point value of his inventory was increased or decreased as a result. In addition, at the time any item is added to or removed from the list of processed foods, every wholesaler must keep a record of the amount, sizes, and point value of that item which he has in his inventory. If he has more than one wholesale establishment, he must make and keep such a record at each establishment.

SEC. 4.10 *Inventory adjustments because of additions to the list of processed foods.* (a) Whenever an item is added to the list of processed foods at the beginning of a reporting period, a wholesaler's maximum allowable inventory for the next four reporting periods (beginning with the period in which the item was added) is adjusted by adding to his maximum allowable inventory of processed foods the figure determined in the following way:

(1) The amount of that item which he sold or transferred during the reporting period preceding the period in which the item was added (less returns of that item during such period) is multiplied by the point value assigned to that item when it was added;

(2) The resulting figure is multiplied by the wholesale factor fixed for the reporting period in which the adjustment is made.

(b) Whenever a wholesaler adjusts his maximum allowable inventory as described in paragraph (a) of this section, he must attach to each report in which the adjustment is made, a statement that the adjustment is made because of the addition of the item to the list of processed foods. Moreover, he must attach to his report for the period in which the item was added a statement showing:

[Above paragraph and paragraph (a) amended by Am. 14, 9 F.R. 2567, effective 3-10-44]

(1) His inventory of that item at the beginning of the preceding reporting period;

(2) The amount of that item acquired by him during the preceding reporting period; and

(3) His inventory of that item at the end of the preceding reporting period.

ARTICLE V—RETAILERS

SEC. 5.1 *Explanation of the terms retailer and retail establishment.* (a) Any place, including a public warehouse, where a "person" who deals in "processed foods" keeps stocks of those foods for sale or other "transfer" is a "retail establishment" if more than fifty per cent of those stocks are sold or transferred from there directly to "consumers". It is also a retail establishment, even if the amount sold or transferred to consumers is fifty per cent or less, in the following case:

(1) If some of those stocks are transferred directly to consumers; and

(2) If the rest of those stocks are kept there just to supply his own establishments of any type; and

(3) If no "wholesale establishments", and not more than three retail establishments, are supplied from there.

(A place where a person regularly keeps for sale or transfer only stocks of processed foods which he himself produced or imported is a "processor establishment" and not a retail establishment. Also, a place which is a processor establishment under section 3.1 (d) (1) is not a retail establishment.)

[Above paragraph amended by Am. 54, 9 F.R. 11538, effective 9-17-44]

(b) Any person dealing in processed foods who has a retail establishment is called a "retailer".

SEC. 5.2 *Retailers must get statement of purchases during March 1943.* (a) When a retailer buys or "acquires" processed foods during March 1943, he must get from his seller or transferor a statement showing the name of the seller or transferor, the date of the purchase or acquisition, and the number of points given up for the processed foods.

SEC. 5.3 *Retailers must register.*—(a) *General.* Every retailer must register his retail establishments with the Office of Price Administration, at any time from April 1, 1943 to April 10, 1943, inclusive, on OPA Form R–1302. The registration form must be completed and signed by the retailer or his authorized agent. He must give all information called for by OPA Form R–1302.

(b) *Place where registration must be filed.* A retailer who has only one retail establishment must file his registration, in person or by mail, with the "board" for the place where that establishment is located. If he has more than one retail establishment, he must file a combined registration for all those establishments, in person or by mail, with the board for the place where his principal business office is located. A person who has a wholesale or a processor establishment, as well as a retail establishment, must file his retailer registration, by mail, with the Office of Price Administration, care of the Bureau of the Census, Washington, D. C.

(c) *Filing by mail.* Where a registration form is filed by mail, it is considered filed on time if the envelope is postmarked on or before April 10, 1943.

(d) *Registration of persons who become retailers because of additions to the list of processed foods.* (1) A person becomes a retailer because foods he keeps for sale or transfer at his establishment are added to the list of processed foods, must, within 10 days after his first full calendar month of operation following such addition, register that establishment, on OPA Form R–1302, in the same way that retailers registered between April 1 and April 10, 1943. He must give all the information called for by the form. However, he must show his sales and transfers of those foods from that establishment during the preceding calendar month, instead of during March 1943,

and must report his point inventory at the end of the preceding calendar month, instead of at the end of March, 1943. When he registers, he may get a "certificate" or, if he has excess inventory, he must give up points to the Office of Price Administration in the same way as retailers who register between April 1 and April 10, 1943.

(2) If he needs points to acquire stocks before the end of his first full month of operation following such addition to the list of processed foods, he may apply for a certificate to get processed foods. The application shall be made on OPA Form R–315, to the board or the "Washington Office," depending upon where he is required to register. A certificate may be issued to him any time before the end of that month. The number of points which it provides are part of his point inventory at the end of that month.

SEC. 5.4 *Retailer may not do business unless he has registered.* (a) No retailer may transfer or acquire processed foods after April 10, 1943, unless he has registered in the manner required.

SEC. 5.5 *Retailers must report their inventories.* (a) As part of his registration, every retailer (except those covered in section 5.7) must report the point value of his inventory of processed foods at the close of business on March 31, 1943. If he has more than one retail establishment, a separate inventory report for each establishment must be filed with his registration.

(b) A retailer's inventory at his retail establishment consists of processed foods physically located at that establishment or in transit to it, and also of processed foods stored, or in transit for storage, for that establishment at any other place (including a public warehouse). It includes processed foods held on consignment. However, the following items are not part of that inventory:

(1) Processed foods stored at the establishment for a person other than his customer or transferee, or held there as security for a loan to someone else (or similar transaction), or in transit to it for either of those purposes;

(2) Processed foods still in the possession of his seller or transferor;

(3) Processed foods included in the inventory of one of his other establishments.

SEC. 5.6 *Retailers must report their sales and points on hand.* (a) Every retailer (except those covered by section 5.7) must also report, as part of his registration:

(1) The point value of all processed foods transferred by him during March 1943, not including exchanges of merchandise or transfers from one to another of his retail establishments; and

(2) The total number of points which he has available for acquiring processed foods, at the close of business on March 31, 1943. He must include all points which he has on hand, all in his ration bank account (if any) and all which he has already given up for processed foods not yet shipped to him. However, he is not to include points he has received for processed foods which he has not yet shipped.

(b) He must attach to and file with his registration, a statement showing each of his purchases or other acquisitions of processed foods during March 1943, the name and address of his seller or transferor, and the points he gave up for each purchase or other acquisition.

SEC. 5.7 *Certain retailers need not report inventory and other information.* (a) A retailer whose gross sales of all commodities during March 1943 were $200 or less must register on OPA Form R–1302, but need not report his inventory, sales or transfers, and points on hand. However, if he elects not to report this information, he will have to operate on the basis of turnover of the stocks he has, and he will not be eligible, when he registers, to receive a certificate enabling him to increase his working stocks.

SEC. 5.8 *A retailer is given an allowable inventory*—(a) *General.* Every retailer (except those who elect not to report, as permitted by section 5.7) is entitled to an operating inventory, called an allowable inventory, which is based on his transfers of processed foods during March 1943. This allowable inventory is stated in terms of points.

(b) *Amount of allowable inventory.* To get a retailer's allowable inventory the point value of all processed foods transferred from his retail establishments during March 1943, is multipled by a factor fixed by the Office of Price Administration in a supplement to this order. The result is his allowable inventory. Exchanges of processed foods and transfers from one to another of his retail establishments, must not be included in this computation.

(c) *Point inventory.* (1) In order to determine how large a stock of processed foods, measured in points, a retailer has and is in a position to get, it is necessary to find out two things:

(i) The point value of his inventory; and

(ii) The number of points which he has available for acquiring processed foods, since he can use those points to get additional stocks. These points include all which he has on hand, all in his ration bank account, if any (except those for which ration checks are outstanding), all which he has already given up for processed foods not yet shipped to him, and all which he has not yet received for processed foods he has already shipped. However, points he has received for processed foods which he has not yet shipped, or points he owes for processed foods already shipped to him, are not included.

(2) The sum of the above two figures, at the close of business on March 31, 1943, shows the amount of processed foods he has and can get at that time. That sum is called his point inventory. The retailer makes this computation at the time of filing his registration on OPA Form R–1302.

(d) *When a retailer is entitled to a certificate.* If a retailer's point inventory at the close of business on March 31, 1943, is less than his allowable inventory, he is entitled to receive a certificate for the number of points needed to make up the difference. The certificate will be issued by the board with which he registers, or by the Washington Office, if he is required to register with that office.

(e) *What a retailer must do if he has excess inventory.* If a retailer's point inventory at the close of business on March 31, 1943, is greater than his allowable inventory, the difference is excess inventory. He must, in that case, give up to the Office of Price Administration, for cancellation, points equal to his excess inventory. Points for that amount must be forwarded with his registration If he does not have a ration bank account, he may give up the points in any form. If he has a ration bank account, he must give up the points in the form of a check drawn on that account, made payable to the Office of Price Administration. A retailer who does not have enough points at the time of registration must, within one week after the last day of each calendar month (beginning with the month of December 1943), give up to the board with which he is registered (or to the Washington Office, if he is registered there) the points which he has on hand and in his ration bank account at the end of that month, until he has, in this way, given up points equal to his excess inventory. He may, however, keep points equal to 25% of the number of points he received for his sales or transfers of processed foods during March 1943, or, if March 1943 is not the period used for establishing his allowable inventory, then during the month which has been used as such base. (Points for which ration checks are outstanding, points owed for acquisitions of processed foods during such month, and points owed for under-deliveries of such foods are not considered points which he has "on hand".) However, until he has given up points equal to his excess inventory, he may not acquire during any one calendar month processed foods having a point value of more than 25 percent of the number of points he received for his sales or transfers of processed foods during March 1943.

[Paragraph (e) amended by Am. 47, 9 F.R. 7773, effective 7–15–44]

SEC. 5.9 [Revoked]

SEC. 5.10 *Retailers must keep records.* (a) Every retailer must keep a copy of his registration, at his principal business office. If he has more than one retail establishment, he must keep at each establishment a copy of the inventory report filed for it.

(b) He must also keep, at his principal business office, the statements from his suppliers showing their sales or transfers to him during March 1943.

(c) In addition, at the time of any change in the point value of any item of processed foods, after March 31, 1943, every retailer must make a record of the amount and sizes of that item which he has in his inventory. The record must show the point value of the item before and after the change, and the amount by which the point value of his inventory was increased or decreased as a result. In addition, at the time any item is added to or removed from the list of processed foods, every retailer must keep a record of the amounts, sizes, and point value of that item which he has in his inventory. If he has more than one retail establishment, he must make and keep such a record at each establishment.

SEC. 5.11 *Retailers must post point prices.* (a) Beginning March 1, 1943, every retailer must post the current Official Table of Point Values (OPA Form R–1313) in his retail establishment in such manner that it can be plainly seen and read by purchasers.

[Paragraph (b) amended by Am. 34, 9 F.R. 5436, effective 5–26–44]

(b) Every retailer who has an establishment at which the processed foods he carries are displayed to consumers must post there the point value of every item of processed foods he carries. The point value must be posted, in such manner that it can be plainly seen and read by consumers in one or more of the following ways:

(1) On the commodity itself; or

(2) On the shelf or other place where the commodity is kept; or

(3) On a list attached to, or posted next, to the shelf or other place where the commodity is kept.

(c) When a change is made in the point value of any processed food, a retailer is allowed one full business day after the change becomes effective in which to correct the point values which he has posted in compliance with paragraph (b) of this section.

[Paragraph (c) revoked by Am. 60, 9 F.R. 12971, effective 11–3–44]

ARTICLE VI—INDUSTRIAL USERS

SEC. 6.1 *Explanation of the terms industrial user and industrial user establishment.* (a) An "industrial user establishment" is any place at which "processed foods" are used in producing or manufacturing for sale or "transfer" any product which is not a processed food. (For example, a bakery at which canned peaches are used in baking peach pies, for sale or transfer, is an industrial user establishment. Canned peaches are processed foods, but peach pie is not.) A place at which processed foods are used in producing other processed foods is a "processor establishment" and not an industrial user establishment. (An example of this would be the use of canned peaches for making canned fruit salad since both canned peaches and canned fruit salad are processed foods.) Moreover, a place, such as a restaurant, at which processed foods are used in the preparation for service and the service of meals, would be an "institutional user establishment," and not an industrial user establishment. (An "institutional user" may obtain processed foods allotments, and may use processed foods, only in accordance with the provisions of General Ration Order 5.) It also includes any place (except a place where processed foods are used for sampling or demonstration in accordance with section 10.9 or a place where processed foods are used only for educational purposes under the direction of the Department of Agriculture or the Extension Service of the Department of Agriculture) at which processed foods are used for experimental, educational, testing, or demonstration purposes. (The term "demonstration" means showing a prospective purchaser how an item of processed foods looks, how it is prepared, or how it tastes.)

[Paragraph (a) amended by Am. 43, 9 F.R. 7202, effective 7–3–44]

(b) Any "person" who operates an industrial user establishment is called an "industrial user". An industrial user who ceases to make an industrial use of processed foods (other than temporarily) is not regarded as an industrial user after he ceases.

(c) [Revoked].

SEC. 6.2 *Industrial users must register*—(a) *General.* Every industrial user must register his industrial user establishment with the Office of Price Administration, at any time from March 1, 1943 to March 10, 1943, inclusive, on OPA Form R–1308, in duplicate. The registration form must be completed and signed by the industrial user or his authorized agent.

(b) *Re-registration between December 15, 1943 and January 5, 1944.* Every industrial user who is registered under this order on December 14, 1943, must re-register his industrial user establishment by filing OPA Form R–1200 at any time from December 15, 1943 to January 5, 1944, inclusive, in accordance with General Ration Order 16.[4]

(c) *Industrial user must register all his establishments separately or as a unit.* An industrial user who has more than one industrial user establishment, must either register each establishment separately or all of them together. If he has more than one industrial user establishment, and registers them separately, each of those establishments must be treated and operated separately for all purposes of this order just as though the establishments were owned by different persons. If he registers them together, they must be treated as a unit for all purposes of this order. An industrial user who has more than one establishment which he registered together on OPA Form R–1308 may register all his establishments together or each separately when he re-registers them on OPA Form R–1200.

(d) *Industrial users must register with the board.* Each industrial user must register with the "board" for the place where his industrial user establishment is located. If he has more than one industrial user establishment and registers them together, the registration form must be filed with the board for the place where his principal business office is located. If he has more than one such industrial user establishment and registers them separately, the registration form for each must be filed with the board for the place where it is located.

(e) *Allocation of inventory and unused allotments.* An industrial user who has more than one industrial user establishment which he registers separately on OPA Form R–1200, may allocate any unused part of his prior allotments and the inventory of processed foods which he has on the date of his re-registration among his various industrial user establishments as he wishes.

[4] 8 F.R. 16840.

(f) *Industrial users' place of registration may be changed by district office.* (1) Any district office, with the consent of the regional office, may require that any board located in its district transfer the registration of industrial users registered with it to another board or to the district office. The transfer shall be made by forwarding the registration file and all other records of the industrial users to the designated board or to the district office.

(2) Where an industrial user's registration is transferred under this section to a district office, the word "board", wherever used in this order to refer to the board with which an industrial user is registered, shall be deemed to refer to the district office where that industrial user is registered.

[Paragraph (f) added by Am. 31, 9 F.R. 4881, effective 5–7–44]

SEC. 6.3 *Industrial user may not do business unless he has registered.* (a) No industrial user may "acquire" or use processed foods at his industrial user establishment, after March 10, 1943, unless he has registered as required.

(b) No industrial user may acquire or use processed foods at his industrial user establishment after January 5, 1944 until he has re-registered as required by General Ration Order 16.

(c) However, any person may make an industrial use of processed foods which have a zero point value without registering as an industrial user. However, he must register his use of those foods in the way described in Section 6.7 within 20 days after a point value higher than zero is assigned to those foods. He must attach to his registration on OPA Form R–1200 a statement showing the point value of his inventory of those foods as of the time when a point value higher than zero was assigned to them.

[Paragraph (c) added by Am. 22, 9 F.R. 3710, effective 4–6–44; amended by Am. 70, 9 F.R. 15052, effective 12–26–44]

SEC. 6.4 *Industrial users must report their inventories.* (a) As part of his registration, on OPA Form R–1308, an industrial user must report the point value of his inventory of processed foods (by items) at the close of business on February 28, 1943. If he has more than one industrial user establishment, a separate inventory report for each establishment must be filed with his registration on OPA Form R–1308.

(b) His industrial user inventory consists of all processed foods included in the inventory of his industrial user establishments. The inventory of an industrial user establishment consists of all processed foods physically located at the establishment or in transit to it. However, the following items are not part of that inventory:

(1) Processed foods stored at the establishment for another person, or held there as security for a loan to someone else (or similar transaction), or in transit to it for either of those purposes;

(2) Processed foods included in the inventory or any of his other establishments of any type.

(c) His industrial user inventory also includes all processed foods which he holds at, or which are in transit to, any other place for his "industrial use." However, processed foods included in the inventory of any establishment which is not an industrial user establishment must not be reported as part of his industrial user inventory.

(d) In addition, within 20 days of the date on which any item is added to the list of processed foods, every industrial user must report to the board with which he is registered, his inventory of that item, in pounds and point value, as of the date on which it becomes a processed food. His inventory of that item shall be treated as excess inventory. He may at the same time apply for an increase in his allotment (for the allotment period in which such item is added to the list of processed foods) by reason of that addition, in accordance with section 6.7 of this order.

(e) Within 20 days after the date on which a point value higher than zero is assigned to a processed food, every person already registered as an industrial user under this order must report to the board or district office with which he is registered, his inventory of that food, in pounds and point value, as of the date on which a point value higher than zero was assigned to it. His inventory of that food shall be treated as excess inventory.

[Paragraph (e) added by Am. 70, 9 F.R. 15052, effective 12-26-44]

SEC. 6.5 *Industrial users must report their base-period use.* (a) As part of his registration on OPA Form R-1200, an industrial user must report the number of pounds of processed foods he used in his industrial user establishment during 1942. The report must show the amount he used during each of the following quarters in 1942, called base periods:

(1) January to March, inclusive;
(2) April to June, inclusive;
(3) July to September, inclusive;
(4) October to December, inclusive.

(b) The report must show his use during those periods, of each of the following classes of processed foods:

(1) Fruits:
(i) Canned and bottled,
(ii) Frozen,
(iii) Dried and dehydrated.
(2) Vegetables:
(i) Canned and bottled,
(ii) Frozen,
(3) Miscellaneous:
(i) Dry beans,
(ii) "Jams", "jellies", "marmalade", "preserves" and "fruit butters".

In addition, the report must show his use, during those periods, of fruit and vegetable juices in containers over one gallon.

(c) He must include, in his report of his base-period use, any adjustments in that use authorized by the Office of Price Administration.

(d) If an industrial user establishment was not in operation for a full quarter, his industrial use of processed foods during that quarter is fixed, for all the purposes of this order, in the following way:

(1) If the establishment was in operation during a part of the quarter:

(i) The amount of such foods used by him at his industrial user establishment during that part of the quarter is determined;

(ii) That amount is divided by the number of days the establishment was in operation during the quarter;

(iii) The result is multiplied by the number of days the establishment would have been operated during the quarter, if it had been a normal period of operations;

(iv) The resulting figure is treated as the amount so used during the quarter.

(2) If the establishment was not in operation at all during the quarter but was in operation in any other part of 1942:

(i) The amount of such foods used by him at his industrial user establishment during all of 1942 is determined;

(ii) That amount is divided by the number of days the establishment was in operation during 1942;

(iii) The result is multiplied by the number of days the establishment would have been operated during the quarter, if it had been a normal period of operations;

(iv) The resulting figure is treated as the amount so used during the quarter.

(3) If the establishment was not in operation at all during 1942, but was in operation at some time between January 1, 1943 and February 28, 1943, inclusive:

(i) The amount of processed foods used by him at his industrial user establishment between January 1, 1943 and February 28, 1943, inclusive, is determined;

(ii) That amount is divided by the number of days the establishment was in operation between January 1, 1943 and February 28, 1943, inclusive;

(iii) The result is multiplied by the number of days the establishment would have been operated during the quarter, if it had been a normal period of operations;

(iv) The resulting figure is treated as the amount used during the quarter. (If the establishment of an industrial user was not in operation at any time from January 1, 1942 to February 28, 1943, inclusive, he is treated as a new industrial user as to that establishment and must apply for permission to register as a new industrial user under the provisions of this order.)

(e) The rules set forth under (1) and (2) of paragraph (d) of this section do not apply where an industrial user's establishment was not in operation during all or part of a quarter because of a normal seasonal shutdown or for any similar reason. Where that is so, it is assumed that conditions will be the same during the corresponding period in 1944.

(f) An industrial user must exclude the following from his base-period use reported on OPA Form R-1200:

(1) His use of processed foods for educational purposes, when such use was under the direction of the Department of Agriculture or the Extension Service of the Department of Agriculture;

[Subparagraph (1) amended by Am. 43, 9 F.R. 7202, effective 7-3-44]

(2) His use of any item of processed foods having a zero point value at the time he applies for his allotment.

(g) An industrial user must exclude from his base-period use reported on OPA Form R-1200 his use of any item of food which is not included within the definition of processed foods. When he applies for his next allotment, he must notify the board or district office with which his industrial user establishment is registered, in writing, of any changes required to be made, under this section, in his base-period use as reported on Schedule II of that form. (If the change is as to part of a class of processed foods, he may, if he does not have records, give his best estimate, and indicate that the figures given are estimates.) The board (or district office) shall amend his registration on OPA Form R-1200 by excluding from his base-period use of foods as shown on Schedule II of that form, his use of any item of food which is not included within the definition of processed foods when he applies for that allotment.

[Paragraph (g) added by Am. 67, 9 F.R. 14643, effective 12-16-44]

SEC. 6.6 *Industrial users' allotments.* (a) *General.* An industrial user is given an allotment to enable him to get and use processed foods at his industrial user establishment. Allotments are given for fixed periods called allotment periods. The first allotment period for 1944, is from January 1 through March 31, 1944. The second period is from April 1 through June 30, 1944. The third period is from July 1 through September 30, 1944. The fourth period is from October 1 through December 31, 1944.

(b) *Application for allotments.* After December 14, 1943, no industrial user may apply for or receive any allotment for any 1943 allotment period. An industrial user's re-registration on OPA Form R-1200 is treated as an application for an allotment for the first allotment period of 1944. His application for an allotment for any other allotment period must be made, in person or by mail, to the board with which he is registered. No particular form need be used for such an application. The application must be made not more than fifteen days before, nor more than five days after, the beginning of the period. The board may permit the application to be made at any time during the month preceding an allotment period under such circumstances as the "Washington Office" may direct. The board, in its discretion, may also permit an application to be made at any time within the allotment period. However, if it is made more than five days after the beginning of the period, the industrial user's allotment shall be reduced in proportion to the part of the allotment period which has elapsed at the time he applies for the allotment.

NOTE: An industrial user is permitted to use processed foods only up to the amount of his allotment. He may therefore, need an allotment even if his stocks are sufficient, since his allotment establishes his right to use processed foods—it is not just a method by which he gets them.

(c) *Amount of allotment.* An industrial user's allotment is determined on the basis of his total use of processed foods at his industrial user establishment during the quarterly period in 1942 corresponding to the allotment period. The amount of each class of processed foods (set forth in section 6.5 (b)) used by him during the corresponding quarter of 1942 for the classes of products or uses listed by him on Schedule I of OPA Form R-1200, is multiplied by a factor fixed in a supplement to this order for that class of processed foods and for that class of product or use. The numbers which result are added, and the total is his allotment, stated in points. (The factor is fixed in such a way that it gives an allotment which fairly represents both the average point value of the processed foods used and the reduction in use required as a result of the scarcity of processed foods.)

(d) *Right to a certificate; excess inventory.* (1) An industrial user is entitled to get and use processed foods up to the amount of his allotment. He is, therefore, given a "certificate" for the number of points he needs in order to get that amount. However, if he had stocks on hand, on February 28, 1943, when rationing of processed foods began, he could use them for his allotment and therefore needed fewer points. For that reason, the point value of his inventory at the close of business on February 28, 1943, was deducted from his allotments. (The method of determining his inventory at the close of business on February 28, 1943, is covered by section 6.4.) If the point value of an industrial user's inventory on February 28, 1943, was less than his first allotment, he was entitled to get, from the board with which he registered, a certificate for the number of points needed to make up the difference. If the point value of his inventory was greater than his first allotment, the difference was excess inventory. In that case, he was not entitled to receive a certificate for the first allotment period, nor for any subsequent allotment period until the total of his subsequent allotments exceeded his excess inventory.

(2) If an industrial user has or is chargeable with any excess inventory at the time he re-registers on OPA Form R-1200, that excess must be entered on the form at the time he re-registers his industrial user establishment. If he has more than one such establishment and registers them separately, he may allocate such excess inventory among them in any way he wishes. However, if an industrial user has more than one establishment which he re-registers separately, he must file with the board for the place where his principal business office is located, a statement of his total excess inventory of processed foods and the amount allocated to each of his establishments. The statement must be signed by the industrial user or his authorized agent.

(3) If the point value of an industrial user's excess inventory is less than his allotment for the first allotment period of 1944, he is entitled to get, from the board with which he re-registers, a certificate for the number of points needed to make up the difference. If the point value of such excess inventory is greater than his allotment for the first allotment period of 1944, he is not entitled to get a certificate for that allotment period. He is not entitled to get a certificate until the total of his subsequent allotments exceeds his excess inventory.

(e) *Issuance of certificates.* Only one certificate will be issued by the board, for the full number of points to which an industrial user is entitled during any allotment period, except that if he has more than one industrial user establishment and has registered them separately, he is to get a separate certificate for each, since separately registered establishments are treated separately.

(f) *Report of processed foods acquired point-free or at reduced point values.* An industrial user who, between March 1 and October 4, 1943, inclusive, produced processed foods, or, at any time after February 28, 1943, acquired processed foods (other than those having a zero point value at the time he acquired them) without giving up points, and who is not required by any other provision of this order to account for or turn over to the Office of Price Administration points for the point value of the processed foods so produced or acquired, must report such production and acquisition and the amount produced or acquired when applying for his next allotment. The processed foods so produced or acquired shall be treated as excess inventory. An industrial user must also report, when applying for his allotment, the amount and point value of processed foods acquired by him during the preceding allotment period at a reduced point value under the provisions of section 9.11. However, an industrial user who acquires foods under section 6.12 is not required to report that acquisition under this paragraph.

[Paragraph (f) amended by Am. 38, 9 F.R. 6235, effective 6-10-44; and Am. 58, 9 F.R. 12639, effective 10-23-44]

(g) *Accounting for errors.* If an industrial user receives an allotment larger than he is entitled to receive, as a result of an error, omission, or mistake made in his application or by his board, or by any other office of the Office of Price Administration, the amount of the excess shall be treated as excess inventory.

(h) *Industrial users who have unbalanced stocks.* If an industrial user is not entitled to receive a certificate because he has excess inventory, but finds that he does not have an adequate stock of a particular kind of processed foods, he may apply, on OPA Form R-315, to the board with which he is registered for a certificate to enable him to get that kind. The application must show the kind and amount of food which he needs and the reasons he needs it. If the board finds that he does not have an adequate stock of the particular food, it may issue to him a certificate for the number of points needed, up to one third of his allotment for that period. The points so issued must be treated as excess inventory. The granting of the application shall not be treated as an increase in his allotment. The board may grant only one such application for an industrial user.

(i) *Reduction of allotment and adjustment of excess inventory based on frozen processed foods.* (1) The allotment for the second allotment period of 1944 of any industrial user who used frozen processed foods during the second quarter of his base period, shall be reduced by the amount which represents that use. The amount of the reduction shall be treated as excess inventory. He may not, after April 6, 1944, use processed foods having a point value, if, before that date, he used processed foods up to the amount of that reduced allotment plus any unused parts of his prior allotments or if such use of processed foods would cause his total use, in points, during the second allotment period to exceed that reduced allotment plus any unused parts of his prior allotments.

(2) An industrial user who acquired frozen processed foods for points after March 15, 1944, from points issued to him for the second allotment period, may apply for an adjustment of his excess inventory. (An industrial user who, on March 15, 1944, had points on hand or in his ration bank account is considered to have acquired frozen processed foods from points issued to him for his second allotment period only to the extent that the point value of frozen processed foods he acquired after March 15, 1944, exceeds the points he had on hand or in his ration bank account on that date.) Application shall be made on OPA Form R-315 to the board with which he is registered and must state, with respect to each such acquisition:

(i) The point value of frozen processed foods acquired for points after March 15, 1944, from points issued to him for the second allotment period;

(ii) The types and quantities of frozen processed foods acquired with those points;

(iii) The dates on which such foods were acquired; and

(iv) The names and addresses of the persons from whom such foods were acquired.

(3) If the board finds the statements made in the application are true, it shall grant the application and reduce his excess inventory by the number of such points which he used between March 16 and April 1, 1944, inclusive, to acquire frozen processed foods.

[Paragraph (i) amended by Am. 22, 9 F.R. 3710, effective 4-6-44]

(j) *Allotments for industrial user of canned or bottled vegetables or vegetable juices having a point value.* An industrial user who, during the second quarter of his base period, used canned or bottled vegetables or vegetable juices, which on March 4, 1945 have a point value (other than zero) may apply for an allotment covering such vegetables or juices. The application shall be made on OPA Form R-315, to the Board or District Office with which he is registered, and must estimate the number of pounds of such vegetables or juices separately for each item (as listed on the Official Table of Point Values—effective March 4, 1945) which he used during the second quarter of his base period. The Board or District Office may grant the application if it finds that the industrial user, during the second

quarter of his base period, used canned or bottled vegetables or vegetable juices which had a point value (other than zero) on March 4, 1945. The amount of his allotment shall be computed in the following way:

(1) The number of pounds of each such item of canned or bottled vegetables or vegetable juices which he used during the second quarter of his base period is multiplied by the point value in effect for that item on March 4, 1945 (as shown on the Official Table of Point Values—effective March 4, 1945);

(2) The resulting figures are added together and multiplied by 0.33. The result represents his allotment for the second allotment period of 1945 for canned or bottled vegetables or vegetable juices which had a point value on March 4, 1945. (Section 6.6 (d) applies in determining whether an industrial user who receives an allotment under this paragraph is entitled to a check, and in determining the amount of the check.)

[Paragraph (j) added by Am. 6, 9 F.R. 1397, effective 2-7-44; amended by Am. 54, 9 F.R. 11538, effective 9-17-44; Am. 66, 9 F.R. 14043, effective 12-16-44; and Am. 74, 10 F.R. 2875, effective 3-16-45]

(k) *Allotments for the third quarterly period for industrial users of canned or bottled vegetables or vegetable juices having a point value.* An industrial user who during the third quarter of his base period used canned or bottled vegetables or vegetable juices which on June 3, 1945, had a point value (other than zero) may apply for an allotment covering such vegetables or vegetable juices. The application shall be made on OPA Form R–315 to the Board or District Office with which he is registered and must give his best estimate of the number of pounds of such vegetables or juices, separately for each item (as listed on the Official Table of Point Values, effective June 3, 1945) which he used during the third quarter of his base period. The Board or District Office may grant the application if it finds that the industrial user during the third quarter of his base period used canned or bottled vegetables or vegetable juices which had a point value (other than zero) on June 3, 1945. The amount of his allotment shall be computed in the following way:

(1) The number of pounds of each such item of canned or bottled vegetables or vegetable juices which he used during the third quarter of his base period is multiplied by the point value in effect for that item on June 3, 1945 (As shown on the Official Table of Point Values, effective June 3, 1945);

(2) The resulting figures are added together and multiplied by 0.38.

The result represents his allotment for the third allotment period of 1945 for canned or bottled vegetables or vegetable juices which had a point value (other than zero) on June 3, 1945. (Paragraph (d) of this section applies in determining whether an industrial user who receives an allotment under this paragraph is entitled to a check and in determining the amount of the check.)

[Paragraph (k) added by Am. 32, 9 F.R. 5254, effective 5-20-44; amended by Am. 82, 10 F.R. 7342, effective 6-15-45]

(l) *Substitution of 1944 base-period use for 1942 base-period use of certain industrial users.* (1) A person who, as a processor, used processed foods to produce other processed foods before September 17, 1944 and whose use of processed foods became an industrial use on September 17, 1944 shall have his base-period use of processed foods adjusted as described in this paragraph. (For example, a person who produced jams, jellies, or preserves between October 31, 1943 and September 16, 1944 was, with respect to that operation, a processor. Beginning September 17, 1944, jams, jellies, and preserves were removed from the list of processed foods and, therefore, producers of those foods became industrial users of processed foods with respect to their use of canned or bottled fruits or other processed foods to make any of those items for sale or transfer.) He must file a statement on OPA Form R–315 with the board or district office with which his industrial user establishment is registered. The statement must be filed when he applies for his allotment for the first allotment period of 1945, but in no event later than January 5, 1945, and must show:

(i) The products or uses as to which his use of processed foods became an industrial use on September 17, 1944; and

(ii) The number of pounds of processed foods, by groups (as shown on Schedule II of OPA Form R–1200), which he used at his establishment during each quarter of 1944 to make those products. His use of such foods must be stated separately for each class of products or uses (as shown on Schedule I of OPA Form R–1200) in which those products are included. He must show his use of processed foods to make jams, jellies, preserves, marmalades or fruit butters as a separate class to be designated as "Class 18". (However, in reporting his use of processed foods to make the products as to which his use became an industrial use on September 17, 1944, he must exclude his use of processed foods to make those products for the agencies listed in sections 1.2 and 2.1 of General Ration Order 11.[5]) If he does not have the information for the fourth quarter of 1944 at the time he files the statement, he may include his use only during the first three quarters of 1944. However, he must give that information with respect to the fourth quarter of 1944 on OPA Form R–315 when he applies for his next allotment.

If his use of processed foods to make jams, jellies, preserves, fruit butters or marmalades is included in any class of products or uses other than "Class 18" (as shown on Schedule I of OPA Form R–1200) he must also notify the board or district office of the number of such pounds of processed foods, by groups (as shown on Schedule II of that form) which he included, and the class in which they were included.

(2) The board or district office with which he is registered shall substitute the applicant's use of processed foods during each quarter of 1944 to make the products as to which he became an industrial user on September 17, 1944 for his base-period use of processed foods, to make those products (as reported on Schedule II of his OPA Form R–1200 for the corresponding quarters of 1942). If the applicant shows that he used processed foods, to make jams, jellies, preserves, marmalades or fruit butters, the board (or district office) shall indicate on Schedule I of his OPA Form R–1200 that he uses such foods to make that class of products and shall eliminate from his base-period use for any other class of products or uses his use for that purpose. (These products shall be designated as "Class 18" of the various classes of products or uses listed on Schedule I of OPA Form R–1200.)

[Paragraph (l) added by Am. 68, 9 F.R. 14043, effective 12-16-44]

(m) *Adjustment in allotment of industrial users of processed foods assigned a point value (other than zero) after September 17, 1944.* Any person already registered as an industrial user who, during the first quarter of his base period, used a food which was removed from the definition of processed foods on September 17, 1944, but which becomes a processed food with a point value (other than zero) after September 17, 1944, may apply for an adjustment in his allotment. The application shall be made, after the processed food is assigned a point value (other than zero), on OPA Form R–315 to the board or district office with which he is registered, and must estimate the number of pounds of such food (separately for each item as listed on the Official Table of Point Values which first assigned the point value other than zero to those items after September 17, 1944) which he used during the first quarter of his base period. The Board or district office may grant the application if it finds that the industrial user, during the first quarter of his base period, used a food which was removed from the definition of processed foods on September 17, 1944, but which became a processed food with a point value (other than zero) after September 17, 1944. The amount of the adjustment shall be computed in the following way:

(1) The number of pounds of each such item which he estimated that he used during the first quarter of his base period is multiplied by the point value first assigned to that item after September 17, 1944, as shown on the Official Table of Point Values;

(2) The figures are added together and multiplied by 0.5;

(3) The resulting figure is reduced in proportion to the part of the allotment period which has elapsed since January 5, 1945.

(Section 6.6 (d) applies in determining whether an industrial user who receives an allotment under this paragraph is entitled to a check and determining the amount of the check.)

[Paragraph (m) added by Am. 70, 9 F.R. 15052, effective 12-26-44]

SEC. 6.7 *Registration after March 10, 1943—(a) Registration of persons whose use of processed foods becomes an industrial use because of changes in the list of processed foods.* (1) Any person who becomes an industrial user, or whose use of certain foods becomes an industrial use, because the foods he uses in his operations are added to the list of processed foods (or because he uses processed foods in making products which were removed from the list of processed foods) must register his use of those foods with the Office of Price Administration within 20 days after his use of the foods in question becomes an industrial use of processed foods.

(i) If he is not already registered as an industrial user under this or any other food ration order of the Office of Price Administration, he must register his industrial user establishment by filing OPA Form R–1200, in duplicate, with the board for the place where his establishment is located. If he has more than one such industrial user establishment he must either register each establishment separately on a separate form or he must register all of them together on a single form. If he has more than one such establishment and registers them together, the registration form must be filed in person or by mail with the board for the place where his principal business office is located. If he has more than one such industrial user establishment and registers them separately, the registration form for each must be filed with the board for the place where it is located.

(ii) If he is already registered under any other food ration order he may register as an industrial user under this order by amending his registration on OPA Form R–1200 to show his use of processed foods.

(iii) If he is already registered as an industrial user under this order he must amend his registration, on OPA Form R–1200, to show his use of the foods in question.

(2) He must give all the information called for by the form with respect to his use of the foods in question. In addition, he must attach to the form a statement showing the point value of his inventory of those foods as of the time his use of them became an industrial use.

(i) An industrial user who used the foods in question in his operations before March 1, 1943, must show on his registration his base-period use of those foods. If he did not use those foods in his operations during all of 1942, he may compute his use of those foods during each quarter in the way described in section 6.5 (d) and (e). If the board finds that he used those foods in his operations before March 1, 1943, it shall grant him an allotment for the allotment period in which he registers (or amends his registration) reduced in proportion to the portion of the allotment period which has elapsed at the time he registers (or amends his registration).

(ii) An industrial user who is unable to establish a base-period use because he did not use the foods in question in his operations before March 1, 1943, must apply on OPA Form R–315 to the board with which he is registering for the assignment of a base-period use. His application must show:

(a) The product the applicant makes;

(b) The size of the establishment;

(c) The amount invested in it;

(d) The market supplied;

(e) The date on which he started to use the foods in question;

(f) His inventory of those foods;

(g) The amount and kinds of foods used since he began operations;

(h) The amount of base-period use requested; and

(i) That he became an industrial user because the foods he uses in his operations were added to the list of processed foods (or because he uses processed foods in making a product which was removed from the list of processed foods).

The board may not pass on the application for the assignment of a base-period use but must forward it, together with all information received, to the district office. The board may attach its recommendation, if any, as to the action to be taken. If the district office finds that the applicant became an industrial user, or that his use of the foods in question became an industrial use, because the foods he uses in his operations were added to the list of processed foods (or because he uses processed foods in making a product which was removed from the list of processed foods) it shall assign to him a base-period use of those foods. The board shall grant the applicant an allotment on the basis of such assigned base-period use reduced in proportion to the portion of the allotment period which has elapsed at the time of his application.

(b) *Late registration.* (1) The board may permit an industrial user who failed to register at the time required, to register and apply for an allotment at a later date. In his registration, he must report his inventory of processed foods as of the first day of the period in which he was required to register.

(2) His allotment is computed in the same way as that of an industrial user who registered on time. However, he must not acquire or use processed foods at his industrial user establishment until he registers, and the amount of his allotment shall be reduced in proportion to the part of the allotment period which has elapsed at the time he registers. In addition, he may not receive any allotment for expired allotment period.

SEC. 6.8 *Restrictions on use of processed foods by industrial users.* (a) No industrial user may use for any purpose except an industrial use, processed foods which are included in his inventory or which he acquired with points he received as an industrial user.

(b) No industrial user may use, during an allotment period, more processed foods than his allotment for that period plus any unused part of his allotments for earlier periods. He may also use processed foods up to the amount of an allotment for any future period, at any time after he has been granted that allotment. However, if he uses any part of that allotment prior to the beginning of the period for which it was granted, he shall, for purposes of this paragraph, be considered to have used it in the period for which it was granted.

(c) After December 31, 1943, no industrial user may use processed foods to make a product or use not included in a class of products or uses checked by him on Schedule I of OPA Form R–1200. Furthermore, after December 31, 1943, no industrial user may use, to make any class of product or use, more processed foods than the part of his allotment representing his base-period use of processed foods for that class, as shown on OPA Form R–1200.

(d) Processed foods acquired by an industrial user at less than their full point value under section 9.11 shall, for all the purposes of this article, be considered to have the point value at which he acquired them.

(e) The restrictions imposed by this section on an industrial user's use of processed foods do not apply to items of processed food having a zero point value.

SEC. 6.9 *Industrial users must keep records.* (a) Every industrial user must keep a copy of his registration on OPA Form R–1308 and on OPA Form R–1200. He must also keep a record of his inventory at the close of business on February 28, 1943. If he has more than one industrial user establishment which he registers together, these records must be kept at his principal business office; otherwise, they must be kept at the establishment covered by them. He must also preserve his records showing his use of processed foods during the period for which he reported in his registration.

(b) In addition, each industrial user must keep, at the same place, a record of the amount of processed foods he acquires and the date of acquisition, and the amount of processed foods used at his industrial user establishment during each allotment period. He must also keep there a record of the amount of the following items used by him:

(1) Fruit and vegetable juices in containers over 1 gallon.

SEC. 6.10 [Revoked]

[Sec. 6.10 revoked by Am. 54, 9 F.R. 11538, effective 9-17-44]

SEC. 6.11 *Industrial users must report their ration bank balances, inventories, and points on hand as of January 1, 1945.* (a) Each industrial user must file with the board (or district office) with which he is registered, a signed report showing separately, as of the close of business on December 31, 1944:

(1) His name and address;

(2) The point value of his inventory of processed foods;

(3) The balance, less outstanding checks, in his ration bank account;

(4) The number of points he has on hand;

(5) The number of points he has sent to his suppliers and for which he has not yet received processed foods;

(6) The point value of any processed foods reported in (2) for which he has not yet given up points to his suppliers;

(7) Any advance of processed foods or points he has which he obtained under General Ration Order 11;

(8) Points received under his allotment for the first allotment period of 1945 or any processed foods acquired with such points;

(9) The point value of any processed foods reported in (2) which were ac-

[5] 8 F.R. 9008, 9625, 10419, 11671, 12558, 12711, 13171, 13920, 16840, 17511; 9 F.R. 848, 1053, 3076, 4010, 5374, 6628, 8986, 9512, 13845.

quired by him in the way permitted by section 6.12 of this order;

(10) The number of points reported in (3), (4), or (5) which were acquired by him in the way permitted by section 6.12 of this order;

(11) The point value of any unused balance of processed foods in the hands of another person which the industrial user transferred to that person or which that person acquired with points transferred by the industrial user in the way permitted by section 6.12 of this order; and

(12) The balance of points in the hands of another person which the industrial user transferred to that person in the way permitted by section 6.12 of this order.

[Subparagraphs (7) and (8) amended and (9), (10), (11) and (12) added by Am. 71, 10 F.R. 201, effective 1-3-45]

(b) If he has only one industrial user establishment, or more than one such establishment registered separately, the report must be filed not later than January 14, 1945. If he has more than one establishment registered together, the report must be filed not later than January 21, 1945.

(c) No industrial user may get an allotment after January 14, 1945, or January 21, 1945, as the case may be, unless he has made the report required by this section to the board (or district office) with which he is registered.

[Paragraphs (b) and (c) amended by Am. 72, 10 F.R. 413, effective 1-7-45]

[Sec 6.11 added by Am. 70, 9 F.R. 15052, effective 12-26-44]

SEC. 6.12 *An industrial user may transfer foods or points for industrial use*—(a) *General.* A registered industrial user may transfer processed foods without getting points (or he may transfer points without getting processed foods) to any person for making an industrial use of those foods (or points) which the transferor is entitled to make under section 6.8 (c), and, unless otherwise authorized by the Office of Price Administration, only if:

(1) Prior to the transfer, the transferor and transferee give the notice required under paragraph (b) of this section; and

(2) The product made will be distributed in the same area and to the same general class of customers served by the transferor before the transfer.

(b) *Notice.* Before any transfer may be made under this section, both the transferor and transferee must notify, in writing, the board (or district office) with which the transferor is registered. The notice must state:

(1) The amount and point value of the processed foods or the number of points involved;

(2) The names and addresses of both parties;

(3) The use to be made of the processed foods transferred (or of the processed foods acquired with the points transferred);

(4) The class of customers and the area served by the transferor; and

(5) That the product made will be distributed to that class of customers in that area.

(c) *The transferee may use foods or points acquired under this section whether or not he is registered.* The transferee may use processed foods or points transferred in accordance with this section even if he is not a registered industrial user. If he is a registered industrial user he may use the processed foods or points in addition to any use permitted him under section 6.8 of this order.

(d) *Use of foods or points and distribution of products.* The transferee may use processed foods transferred (or processed foods obtained with points transferred) to him under this section only for the purpose stated in the notice (or for other uses or products in the same class) and only to the extent that the transferor might use the processed foods or points for that purpose. Furthermore, whichever of them distributes products which the transferee makes with such processed foods to anyone else, must distribute those products in the same area and to the same general class of customers as the transferor served prior to the transfer. If the transferee distributed products of the same class to the same area and general class of customers before receiving the processed foods or points under this section, he must continue to distribute to that area and class of customers at least the same proportion of the product made with the points allotted to him for that class of products as he distributed before he acquired the processed foods or points under this section. Any processed foods used by the transferee under this section are considered to have been used by the transferor as well as the transferee.

(e) *Records.* The transferee must make and keep for two years at his principal business office, records showing by months the amounts and point value of any processed foods acquired by him under this section and the amount of such processed foods used for each product or use made with such processed foods.

(f) *Transferee may open a ration bank account.* The transferee may open a ration bank account in the same way as a registered industrial user may open an account.

[Sec. 6.12 added by Am. 58, 9 F.R. 12639, effective 10-23-44]

SEC. 6.13 *Restrictions on acquisition and use of processed foods by industrial users during the first allotment period of 1945.* (a) An industrial user may not acquire or use more processed foods during the first allotment period of 1945 than the total of the following:

(1) The amount of his allotment for the first allotment period of 1945; and

(2) Any unused advance of points or processed foods obtained before January 1, 1945 under General Ration Order 11.

(b) An industrial user may not acquire any processed foods during the first allotment period of 1945 if he had on hand on January 1, 1945, an amount equal to or greater than the total amount described in paragraph (a). An industrial user also may not acquire processed foods during that period if such acquisition would bring the total of the processed foods he had on hand on January 1, 1945, plus the amount of processed foods he has acquired during the first allotment period, above the total amount described in paragraph (a). (For the purposes of this section, the amount of foods he had on hand on January 1, 1945, includes the amount of any foods in the hands of another person which he transferred to that person or which that person acquired with points transferred by the industrial user in the way permitted by section 6.12 of this order. It does not include the amount of any foods which he acquired in the way permitted by section 6.12 of this order.)

(c) The prohibitions against the acquisition of foods covered by this order contained in paragraphs (a) and (b) shall not apply after March 15, 1945. The prohibitions against the use of foods covered by this order contained in paragraph (a) shall not apply after March 25, 1945.

[Paragraph (c) amended by Am. 76, 10 F.R. 3286, effective 3-26-45]

(d) In addition, an industrial user may acquire and use any processed foods in the way permitted by section 6.12 of this order, but only to the extent that his transferor could acquire and use such foods under this section.

[Paragraph (b) amended and (d) added by Am. 71, 10 F.R., 201, effective 1-3-45]

[Sec. 6.13 added by Am. 70, 9 F.R. 15052 effective 12-26-44]

SEC. 6.14 *Recapture of surplus ration bank balances, inventories, and points.* (a) The Board (or District Office) with which each industrial user is registered shall, beginning March 16, 1945, for each such user, take the following action:

[Above paragraph amended by Am 83, 10 F.R. 7928, effective 6-27-45]

(1) Add items (2), (3), (4), (5), (11), and (12) reported under section 6.11 and deduct from the result the total of items (6), (7), (9), and (10) reported under that section, and if he obtained his allotment for the first quarterly period of 1945 between December 15, 1944 and January 1, 1945, the amount of that allotment.

(2) Add the following:

(i) The result obtained by multiplying his total annual base for canned and bottled fruit by 2.7;

(ii) The result obtained by multiplying his total annual base for canned and bottled vegetables appearing on Chart 21 by 5.7;

(iii) The amount of excess inventory if any, charged against him as of January 1, 1945.

(3) If the result in (1) exceeds the result in (2), the difference shall be charged as excess inventory, in addition to any excess inventory already charged against him.

[Sec. 6.14 added by Am. 75, 10 F.R. 2875 effective 3-16-45]

ARTICLE VII—COMBINED OPERATIONS AND COMBINED ESTABLISHMENTS

SEC. 7.1 *A person who operates different types of establishments is treated as if he were different persons.* (a) (1) The same "person" may operate different kinds of establishments. He may have, for example, both a "wholesale establishment" and a "retail establishment." For the purposes of this order, he is both a "wholesaler" and a "retailer", since he has establishments of both kinds. The provisions of this order dealing with retailers apply to him as far as the operation of his retail establishment is concerned. The operation of his wholesale establishment is regarded as separate and is governed by the provisions dealing with wholesalers. Thus, he is treated as if he were two persons.

(2) This rule also applies to the way in which a person who is both a wholesaler and a retailer must handle the points he gets in connection with his wholesale and his retail establishment. The only points he may use as a retailer are those he gets in connection with his retail establishment. If he "transfers" "processed foods" from his wholesale establishment to his retail establishment, points he has as a retailer must be given up. When those points are given up to his wholesale establishment, they become points he has as a wholesaler. Points he has as a retailer must be kept and handled separately from the points he has as a wholesaler.

(3) The same rules apply to a person who has other types of establishments, such as "processor" or "industrial user establishments".

(b) Where a person has establishments of more than one kind, he must operate them as if each separate kind belonged to a separate person, as far as the provisions of this order are concerned. All dealings between establishments of different kinds operated by the same person are treated just as if those establishments were operated by different persons.

SEC. 7.2 *The same person may be both a wholesaler or retailer and industrial user at the same place.* (a) A person may keep stocks of processed foods at a place for sale or other transfer and may also use processed foods at that place for the production of some commodity other than processed foods. (For example, he may sell canned peaches at a particular place and may also operate a bakery there and use canned peaches in baking pies.) In a case of this type, the place is treated as two establishments. If processed foods are sold or transferred from there it may be a retail or a wholesale establishment, depending upon the facts. It would also be an industrial user establishment, since processed foods are used there in baking pies for sale.

(b) A place of the type described in the last paragraph must be registered as a retail or wholesale establishment, depending upon which it is. Its sales or transfers of processed foods and its stocks held for sale or transfer must be included in that registration. It must also be registered as an industrial user establishment and its stocks held for such use must be included in the industrial user registration.

SEC. 7.3 *The same person may be both a wholesaler or retailer and an institutional user at the same place.* (a) If, in the case described in the last section, the person operated a restaurant at that place as well as (or instead of) a bakery, it would also be an "institutional user establishment". (Restaurants are covered by General Ration Order 5 and are called "institutional users" in that order.) A place of that type must be registered under General Ration Order 5. Its restaurant activities and its stocks of processed foods held for restaurant use must be included in that registration.

SEC. 7.4 *The same person may be both a processor and a wholesaler or retailer at the same place.* (a) A person may produce or import processed foods at a particular place, for sale or transfer. He may also regularly keep at that place, for sale or transfer, processed foods which he did not produce or import, but which he acquired from someone else. In such a case, that place is a processor establishment, since he produced or imported processed foods there. It may also be a retail or wholesale establishment, depending upon the facts, since he regularly keeps there, for sale or transfer, processed foods which someone else produced or imported. (This does not apply if the place where he keeps, for sale or transfer, processed foods produced or imported by someone else is a processor establishment as to those stocks, under section 3.1 (d) (1). In such a case, the place is not a wholesale or retail establishment.)

(b) A place of the type described in the last paragraph must be registered as a processor establishment. It must also be registered as a wholesale or retail establishment, depending upon which it is. Its production and imports, and its stocks and shipments of processed foods produced or imported there, must be included in the processor report. Stocks which were produced or imported by someone else, and the sales or transfers of those stocks, must be included in the wholesaler or retailer report. (However, stocks of processed foods kept there for producing other processed foods must be included in the processor report.)

SEC. 7.5 *The same place may be more than one establishment.* (a) The situations described in the last three sections are examples of the rule that the same place may be more than one establishment, depending upon the type of business or operations carried on there. Wherever the operations at a place are such that it is more than one establishment, it is treated just as if each of those establishments were located at a different place.

(b) No place can, however, be both a retail and a wholesale establishment of the same person. Under the definitions of retail and wholesale establishments, the place may be one or the other, but not both.

(c) The word establishment, as it is used in this order, covers the operation at a place, as well as the place itself. Where a person such as a wholesaler or a retailer does not operate from any fixed place, his wholesale or retail operations as a whole are regarded as an establishment. Similarly, if a person who deals in processed foods and makes sales or transfers of them does not actually keep processed foods at any particular place, his operations as a whole, are regarded as his establishment, and he may register as a wholesaler or a retailer, depending on the class of persons to whom he makes transfers.

ARTICLE VIII—RATION BANK ACCOUNTS

SEC. 8.1 *A ration bank account is an account in which points are deposited.* (a) A ration bank account is a bank account very much like an ordinary checking account. A "person" who opens a ration bank account deposits in it points he receives, and issues checks drawn on it for points he uses. These checks are called ration checks. (The general rules for the opening, closing and use of ration bank accounts are covered by General Ration Order 3A.*)

SEC. 8.2 *Who must open a ration bank account.* (a) *Processors.* Every "processor" must open at least one ration bank account for all his "processor establishments". If he has more than one processor establishment he may open a separate account for each or for any group of them, and he may, if he wishes, open one more account than he has processor establishments.

(b) *Wholesalers.* Every "wholesaler" must open at least one ration bank account for all his "wholesale establishments." If he has more than one wholesale establishment he may open a separate account for each or for any group of them, and he may, if he wishes, open one more account than he has wholesale establishments.

(c) *Retailers.* Every "retailer" whose gross sales of all foods during the month of December 1942, or during any single calendar month since December 1942, were more than $2,500.00, and every retailer who has more than one "retail establishment", must open at least one ration bank account for all his retail establishments. If he has more than one retail establishment he may open a separate account for each or for any group of them, and he may, if he wishes, open one more account than he has retail establishments. Also, any retailer who receives points ("stamps," "certificates", or endorsed ration checks) from, and makes transfers to, "consumers" by mail must have a ration bank account. Any other retailer may open an account for his retail establishment if he had a processed foods ration bank account on April 16, 1943, or has a ration bank account for any other rationed food. (A bank is not required to open or maintain such accounts; but if it does so, it must open or maintain them for any such retailer who applies.) No other retailer may open an account.

(d) *Industrial users.* (1) Every industrial user who has, or has assigned to him, a quarterly-period use of 2,000 pounds or more of processed foods during any quarterly period from January 1, 1942 on, may open an account. If he has more than one industrial user establishment and they are registered together, he may open an account if the combined use at all those establishments is 2,000 pounds or more during any

* Revised: 8 F.R. 11069, 13738; 10 F.R. 619.

quarterly period. If he opens an account, he may either open one account for all, or a separate account for any establishment or for any group of them which used 2,000 pounds or more during any quarterly period, but all must have an account. If they are registered separately, he may open accounts only for those establishments which have a quarterly period use of 2,000 pounds or more. He may open separate accounts for any one or more of those establishments without opening accounts for the others. However, he may not use the same account for more than one establishment. Any industrial user who has opened a ration bank account and who is not entitled to have it under this section, as amended, must close that account on or before January 15, 1944. Such an industrial user who has not reduced his account to zero on or before such date, may draw a check to the Office of Price Administration for the balance in his account, less outstanding checks, and have it certified on or before January 15, 1944. He may exchange such certified check, at his board, for a certificate equal in point value to the amount of the check.

(2) Any industrial user who has more than one establishment and registers those establishments on OPA Form R–1200 in a way different from that in which they were previously registered on OPA Form R–1308 (by registering two or more establishments separately when they were previously registered together) must make the appropriate changes in the designation of the establishments served by any ration bank accounts which he has opened. He shall also close any account that is no longer needed. Where an industrial user changes the establishments which are served by an account and it is necessary that he use some or all of the points in that account for an establishment that will no longer be served by the account, he may issue, on or before January 15, 1944, the necessary checks to withdraw such points from the account, and may deposit them in the account which will serve the establishment for which he wishes to use the points, or if he has no account for such establishment, he may use the checks to obtain processed foods for such establishment. Any industrial user who closes an account under this section may (after notifying the district office in the way provided in General Ration Order 3A) on or before January 15, 1944, draw a check to the Office of Price Administration for the balance in his account, less outstanding checks, and have it certified on or before January 15, 1944. He may exchange such certified check at his board for a certificate equal in point value to the amount of the check.

(e) *Institutional users.* The opening of ration bank accounts by "institutional users" is covered by General Ration Order 5.

(f) *Application for additional accounts.* Any processor, wholesaler, or retailer who wishes to open more ration bank accounts than the number permitted by this section, may apply on OPA Form R–315 to the "Washington Office" for authority to open further ration bank accounts. He must state in his application all the facts which he claims show his need for additional ration bank accounts.

(g) *Washington Office may open accounts.* The Washington Office of the Office of Price Administration may open one or more ration bank accounts and it may issue ration checks instead of certificates to persons entitled to receive points under the provisions of this order. Wherever this order provides that the Washington Office shall issue a certificate, it may, in its discretion, issue a ration check instead.

(h) *Certain airplane operators.* An airplane operator who has been allowed an operating inventory under section 21.4 of General Ration Order 5 may open one ration bank account for each of his offices at which he regularly purchases processed foods for use as planes' stores.

SEC. 8.3 *Use of ration bank accounts.* (a) Every processor, wholesaler, retailer, or industrial user, who has a ration bank account, must deposit in his account all points he receives, whether in the form of stamps,[1] certificates or ration checks.

[Paragraph (a) amended by Am. 9, 9 F.R. 1908, effective 2–17–44; Amr. 18, 9 F.R. 3073, effective 3–20–44; and Am. 64, 9 F.R. 13993, effective 11–27–44]

(b) If an industrial user who has more than one establishment registered together and who has more than one ration bank account for those establishments, overdraws any one of those accounts, he may not draw checks on any of those other accounts except for deposit in the overdrawn account, until he repays the amount of that overdraft.

[Paragraph (b) added and section heading amended by Am. 73, 10 F.R. 1539, effective 2–7–45]

SEC. 8.4 *When points must be deposited*—(a) *Stamps.* A person who has a ration bank account may not deposit stamps later than one month and ten days after the last date on which they were good for use by a consumer. (The periods during which particular stamps are good for use by consumers are fixed in the supplement to this order.) If the last day on which the stamps were good for use by a consumer is not the last day of a calendar month, and the next calendar month has a day which corresponds thereto, then a "month", as used in this paragraph, is the period from the last day on which the stamps were good for use by a consumer to and including the corresponding day of the next calendar month; otherwise it is the period from the last day on which the stamps were good for use by a consumer to and including the last day of the next calendar month.

[Paragraph (a) amended by Am. 21, 9 F.R. 3708, effective 5–2–44; and Am. 70, 9 F.R. 15052, effective 12–26–44]

[1] For the purposes of General Ration Order 3A, green and blue stamps in War Ration Book Four, tokens, certificates (Form OPA R–1201) or ration coupons and ration checks are to be regarded as "evidences". That term is not, however, actually used in this order.

[Footnote amended by Am. 9, 9 F.R. 1908, effective 2–17–44]

(b) *Certificates and ration coupons.* Any certificate issued on or after October 13, 1943, may be deposited at any time. Ration coupons may be deposited at any time before February 1, 1945.

[Paragraph (b) amended by Am. 24, 9 F.R. 3944, effective 4–15–44; and Am. 64, 9 F.R. 13993, effective 11–27–44]

(c) *Effect of failure to deposit stamps.* A stamp which was not deposited on time is not good, and may not be used or accepted for any purpose.

[Paragraph (c) amended by Am. 24, 9 F.R. 3944, effective 4–15–44]

(d) *Ration checks.* Ration checks may be deposited at any time.

(e) *Tokens.* Tokens may be deposited at any time in quantities of 250 or multiples thereof in containers provided for that purpose by the Office of Price Administration.

[Paragraph (e) added by Am. 9, 9 F.R. 1908, effective 2–17–44]

SEC. 8.5 *Ration bank accounts shall be opened by boards, mailing centers, district offices and the Washington Office.* (a) Each board and mailing center which issues certificates under this order and the Washington Office and each district office will on or before December 1, 1944, open a ration bank account. After it has opened a ration bank account, it will, on and after December 1, 1944, issue a ration check instead of a certificate whenever this order permits the issuance of a certificate. In cases where this order permits a board, mailing center, district office or the Washington Office to issue more than one certificate on one application, it may issue as many checks to the applicant as it is permitted to issue certificates.

(b) (1) The ration bank account opened by the Washington Office shall receive periodic credits through credit memoranda issued by the Washington Office as authorized by General Ration Order 3A.

(2) At the time a ration bank account is opened by a board or mailing center and on the first day of each month thereafter the board or mailing center shall draw a ration credit draft on the ration bank account of the district office in the amount of the credits which it estimates will be needed for the monthly period. Such ration credit drafts and all uncertified ration checks received by the board or mailing center shall be endorsed by it and deposited in its ration bank account. When the credit in the ration bank account of a board or mailing center will not be sufficient to cover its needs for the monthly period, it may draw a supplemental ration credit draft for the additional amount needed and deposit it to its account.

(3) At the time a ration bank account is opened by a district office and on the first day of each month thereafter, the district office shall draw a ration credit draft on the ration bank account of the Washington office in the amount of the credits which it estimates will be needed for the monthly period. Such ration credit drafts and all uncertified ration checks received by a district office shall be endorsed by the district office and deposited in its ration bank account. When the credit in the ration bank account of a district office will not be sufficient to cover its needs for the monthly period, it may draw a supplemental ration credit draft for the additional amount needed and deposit it to its account.

[Sec. 8.5 added by Am. 64, 9 F.R. 13993, effective 11–27–44]

SEC. 8.6 *Withdrawal of ration banking privileges because of overdrafts on ration bank accounts.* (a) Where a district office is notified by a ration bank that an industrial user has overdrawn his ration bank account, it shall send him a notice in writing. The notice shall be delivered personally or sent by registered mail. The notice shall state:

(1) The amount of the overdraft on the industrial user's ration bank account, as shown by the records of the bank;

(2) That if the account is not overdrawn, the user must satisfy the district office of that fact within five days after receipt of the notice; otherwise, the overdraft will be deemed to be admitted by the user;

(3) That if the account is overdrawn, the user may not draw any checks against the account until he repays the amount of the overdraft in accordance with (4);

(4) That his account will be closed and his ration banking privileges withdrawn unless he repays the amount of all overdrafts on that account before the sixteenth day after the beginning of the allotment period after the one in which he received the notice of the overdraft;

(5) That he must give to the district office, as proof of payment of the overdraft, a duplicate deposit slip showing receipt by the bank of a deposit of points at least equal to the amount of the overdraft.

(b) If an industrial user fails to repay all overdrafts on the account in question within the time specified in the notice, the district office shall instruct the bank to close the user's account. If the user has more than one establishment registered together and has more than one account for those establishments, the district office shall instruct each of the banks where such an account is kept to close it. The district office shall notify the user and his board (if he is registered with a board) of the closing of the account or accounts. The industrial user shall also be notified that he must thereafter give up points for his acquisitions of processed foods at or before the time they are transferred to him, notwithstanding the provisions of section 9.5 (c) (2) and (3) of this order. The board (if he is registered with a board) shall also be notified of the amount of the remaining overdraft on the account at the time it was closed. Upon receipt of such instructions and notices:

(1) The bank shall close the industrial user's account and shall notify the district office of the balance in the account as of the time it was closed;

(2) The user must give up to the district office all ration checks and check books he has;

(3) The district office or board with which the industrial user is registered shall charge the amount of the remaining overdraft to the industrial user as excess inventory.

(c) If an industrial user whose account is overdrawn, after receiving a notice of that fact, draws another check before he satisfies the conditions in paragraph (a) (4), his account shall be closed by the district office in the way described in paragraph (b). If an industrial user who has repaid the amount of an overdraft, after receiving the notice described in paragraph (a), again overdraws the account the district office shall send him a notice in writing (to be delivered personally or by registered mail) of the amount of the overdraft. (If he has more than one establishment registered together and has more than one account for those establishments, the same rule applies whether or not his latter overdraft is on the same account.) If he does not satisfy the district office within five days after receipt of this notice that his account is not overdrawn, the district office shall close the account, and if he has more than one account for a group of establishments registered together, all those accounts, in the way described in paragraph (b).

(d) An industrial user whose ration bank account has been closed pursuant to paragraph (b) or (c) must thereafter give up points for acquisitions of processed foods at or before the time they are transferred to him, notwithstanding the provisions of section 9.5 (c) (2) and (3) of this order. (Nothing in this section shall be construed to prohibit the surrender of points for a transfer of processed foods subsequent to the time at which they are required to be surrendered. However, such late surrender shall not relieve the transferor or the transferee of the consequences of the failure to receive or surrender points at the time required.)

(e) When an industrial user's ration bank account has been closed under this section, the district office may take any steps which it deems reasonably necessary to inform the user's present and prospective suppliers that the account has been closed, so that they will know that his right to use ration checks, and to surrender points after he acquires processed foods, is restricted in the way provided in this section.

(f) Nothing in this section shall be considered to waive or exclude any other action which may be taken by the Office of Price Administration with respect to any violations by any industrial user of this order or Revised General Ration Order 3A.

[Sec. 8.6 added by Am. 73, 10 F.R. 1539, effective 2–7–45]

ARTICLE IX—SALES AND TRANSFERS OF PROCESSED FOODS

SEC. 9.1 *No transfers may be made to certain persons between certain dates.* (a) From February 21, 1943 to February 28, 1943, inclusive, no "person" may sell or "transfer" "processed foods" to a "consumer" regardless of any contract or other agreement. (Certain transactions between consumers, covered in section 2.2 are excepted from this rule.)

(b) [Revoked]

[Paragraph (b) revoked by Am. 60, 9 F.R. 12971, effective 11–3–44]

SEC. 9.2 *Only certain persons may transfer processed foods.* (a) Beginning November 3, 1944, only "retailers", "wholesalers", or "processors" may sell or transfer processed foods. (Certain transactions between consumers, covered in section 2.3, and certain other transactions, covered in Articles X and XXVI, are excepted from this rule.)

[Paragraph (a) amended by Am. 60, 9 F.R. 12971, effective 11–3–44]

(b) An industrial user who has an excess inventory of processed foods may apply for permission to sell or transfer any part of that excess. The application shall be made on OPA Form R–315 to the board with which he is registered. He must state in his application the kinds, quantities and point value of the processed foods he wishes to sell or transfer, the reason he wishes to sell or transfer them, the way in which they are to be sold or transferred, and any other information that the board requests. The board shall grant the application if good cause is shown. If the application is granted, the processed foods must be sold or transferred for points in the same way that a retailer is permitted to sell or transfer processed foods. However, an industrial user who has been charged with excess inventory pursuant to section 6.6 (f) because he produced processed foods before October 5, 1943, for his own industrial use, and who is also registered as a processor, may transfer to his processor establishment processed foods which he produced before October 5, 1943, and which are still included in his industrial user inventory, at the point value at which those foods were charged against him as industrial user excess inventory, instead of at their current point value. Within five days after the sale or transfer, the transferor must give up to the board all points which he received for the processed foods sold or transferred. The board shall reduce his excess inventory by an amount equal to the number of points given up. An industrial user may also sell or transfer processed foods which are in imminent danger of spoilage, as provided in section 9.11.

[Paragraph (b) amended by Am. 16, 9 F.R. 2791, effective 3–17–44]

(c) Institutional users may sell or transfer processed foods only as permitted in General Ration Order 5, and in section 9.11.

(d) Any person not covered by paragraphs (a), (b) or (c) may apply for permission to sell or transfer processed foods. The application shall be made on OPA Form R–315 to the board for the place where he lives or where he has his principal business office. He must state in his application the kinds, quantities and point value of the processed foods he wishes to sell or transfer, the reason he wishes to sell or transfer them, the way in which they are to be sold or transferred, and any other in-

formation that the board requests. Only one such application may be made by a person on his own behalf or on behalf of the members of his family unit. The board shall grant the application if good cause is shown. If the application is granted, the processed foods must be sold or transferred for points in the same way that a retailer is permitted to sell or transfer processed foods, and within five days after the sale or transfer, the transferor must give up to the board all points which he received for the processed foods sold or transferred.

(e) The limitations or restrictions on acquisitions, transfers, or use of processed foods do not apply to processed foods which have a zero point value at the time of the acquisition, transfer, or use, respectively, except where the provisions of the limitation or restriction are stated to apply to processed foods which have a zero point value.

[Paragraph (e) added by Am. 33, 9 F.R. 5074, effective 5-12-44. Former paragraph (e) revoked by Am. 4, 9 F.R. 848, effective 1-26-44]

SEC. 9.3. *Transfers after February 28, 1943 may be made only for points.* (a) Beginning March 1, 1943, no person may sell or transfer, and no person may buy or "acquire" processed foods, regardless of any contract or other agreement, unless points are given up in the way this order requires. (The word "transfer", as it is defined means to sell, as well as to transfer in other ways. The word "acquire", means to buy as well as to get in other ways. Therefore, the only words which will generally be used, in later sections, are "transfer" and "acquire".)

The rules covering various kinds of transactions are set forth in the sections which follow.

SEC. 9.4 *How processed foods are transferred to consumers.* (a) *General.* Processed foods may be transferred to a consumer, and may be acquired by him, only if he gives up to the seller, or transferor, points equal to the point value of the processed foods transferred. (Certain transactions between consumers covered in section 2.3, are excepted from this rule. Certain other exceptions are covered in Article X.)

If the consumer is unable to give up points exactly equal to the point value of the processed foods acquired by him because he does not have stamps, certificates, ration coupons, or ration checks of sufficiently small value to make up the proper amount, he may give up, and the transferor may accept stamps, certificates, ration coupons, or ration checks of the nearest higher value and the transferor must return the excess points to the consumer in the form of tokens.

[Above paragraph added by Am. 9, 9 F.R. 1908, effective 2-17-44; and amended by Am. 86, 9 F.R. 5829, effective 6-2-44]

(b) *How points are given up.* Points may be given up by, and taken from, a consumer only in the form of stamps from his war ration book, a certificate issued for him, and a ration check issued to him and endorsed by him. Points may also be given up in the form of loose one point stamps from February 27, 1944 to March 20, 1944, inclusive, and in the form of tokens, beginning February 27, 1944.

[Paragraph (b) amended by Am. 9, 9 F.R. 1908, effective 2-17-44]

(c) *When points must be given up.* The seller or transferor must take the points from the consumer at the time when the processed foods are transferred. (Exceptions to this rule are covered in paragraphs (f) and (g) of this section.)

Nothing in this section shall be construed to prohibit the surrender of points for a transfer of processed foods subsequent to the time at which they are required to be surrendered. However, such late surrender shall not relieve the transferor or the transferee of the consequences of the failure to receive or surrender points at the time required.

[Paragraph (c) amended by Am. 48, 9 F.R. 8793, effective 7-25-44]

(d) *When stamps must be detached.* The seller or transferor may accept a stamp only if it is torn out of a war ration book in his presence. Loose stamps may not be used by a consumer and they must not be accepted by the seller or transferor.

However, a transferor may accept loose one point stamps from a consumer from February 27, 1944 to March 20, 1944, inclusive, unless he knows or has reason to believe those stamps were not acquired by the consumer in the way permitted by paragraph (a) of this section. Beginning February 27, 1944, a transferor may also accept tokens from a consumer unless he knows or has reason to believe those tokens were not acquired by the consumer in the way permitted by paragraph (a) of this section.

[Paragraph (d) amended by Am. 9, 9 F.R. 1908, effective 2-17-44]

(e) *When stamps are good.* Each stamp is good only during a certain period, and may be accepted for a transfer to a consumer only during that period. The combination of letter and number printed on the stamps serves to indicate the time when the stamps may be used by consumers. The periods during which stamps in War Ration Book Four may be accepted from a consumer are fixed by the Office of Price Administration in a supplement to this order.

[Paragraph (e) amended by Am. 9, 9 F.R. 1908, effective 2-17-44; Am. 21, 9 F.R. 3708, effective 5-2-44; and Am. 70, 9 F.R. 15052, effective 12-26-44]

(f) *Use of certificates.* A certificate may be accepted from a consumer only if it has been signed on the back by the person for whom it was issued (or by someone authorized to act for him, if he cannot write.) A certificate may be accepted from a consumer at or before the time when the processed foods are transferred.

[Paragraph (f) amended by Am. 24, 9 F.R. 3944, effective 4-15-44]

(g) *Mail order sales.* (1) Processed foods may be transferred to consumers by mail if a certificate, detached stamps, tokens, or a ration check payable to, and endorsed by the consumer, are received with the order. Stamps which are received after the last day on which they are good in the hands of the person who sends them may be accepted if the envelope in which they are enclosed is postmarked on or before that date. Stamps which are received after the last day on which they are good in the hands of the person who sends them may be accepted if the envelope in which they are enclosed is postmarked on or before that date.

[Subparagraph (1) amended by Am 9, 9 F.R. 1908, effective 2-17-44; Am. 24, 9 F.R. 3944 effective 4-15-44; and Am. 70, 9 F.R. 15052, effective 12-26-44]

(2) If the transferor fails to deliver processed foods equal in point value to the points received, he shall issue and send to the consumer a ration check for the balance.

(3) Before accepting stamps or tokens from and making transfers to consumers by mail, any retailer, wholesaler, or processor who wishes to do so must notify, in writing, the district office for the place where his principal business office is located. The notice must give his name and principal business address, the name and address of each establishment from which he will make transfers to consumers by mail, and must contain an estimate of the dollar volume of his mail order deliveries of processed foods to consumers during 1942. He may not make any such transfers until he has given this notice. Beginning March 1, 1943, he must keep a record of the dollar volume or the point value of his transfers of processed foods to consumers by mail.

[Subparagraph (3) amended by Am 9, 9 F.R 1908, effective 2-17-44]

(4) No retailer may receive points from and make transfers to consumers by mail unless he has a ration bank account.

(h) *Ration checks.* A ration check may be accepted from a consumer only if it is payable to him and has been endorsed by him (or by someone authorized to act for him, if he cannot write).

(i) *Ration coupons.* A ration coupon may be accepted from a consumer at any time.

(j) *Tokens.* Tokens may be accepted from a consumer at any time beginning February 27, 1944.

[Paragraph (j) added by Am. 9, 9 F.R. 1908, effective 2-17-44]

SEC. 9.5. *How processed foods are transferred to persons other than consumers*—(a) *General.* Processed foods may be transferred to and acquired by a retailer, wholesaler, or a processor, or an industrial user or institutional user only if he gives up to the seller, or transferor) points equal to the point value of the processed foods transferred.[8] (Certain exceptions to this rule are covered in Article X.)

(b) *Point value.* The number of points which must be given up for a transfer of processed foods is determined

[8] For convenience, the retailer, wholesaler, processor, or industrial or institutional user to whom the transfer is made, will sometimes be called "the transferee", in the paragraphs which follow.

by their point value at the time of the transfer except as provided in section 9.2 (b). Where foods ordered by a transferee are delivered by the transferor to a common or contract carrier for shipment and delivery by the carrier or a connecting common carrier to the transferee (whether or not actually consigned to the transferee), and no transfer of the foods to the transferee has previously occurred, their point value at the time when they are delivered to the carrier determines the number of points which must be given up.

[Paragraph (b) amended by Am. 16, 9 F.R. 2791, effective 3-17-44; and Am. 45, 9 F.R. 7344, effective 7-1-44]

(c) *When points must be given up.* (1) The transferor must get the points from the transferee, and the transferee must give them up, at or before the time when the transfer is made. Where foods ordered by a transferee are delivered by the transferor to a common or contract carrier for shipment and delivery by the carrier or a connecting common carrier to the transferee (whether or not actually consigned to the transferee), and no transfer of the foods to the transferee has previously occurred, the foods are considered to be transferred at the time when they are delivered to the carrier. Exceptions to the rule, that points must be given up at or before the transfer is made, are stated in the next two subparagraphs.

[Subparagraph (1) amended by Am. 45, 9 F.R. 7344, effective 7-1-44]

(2) If the transfer is made through shipment by railroad or any other public carrier, the transferor may arrange to have the carrier get the points for him from the transferee at the time of actual delivery, or to have the points obtained for him by anyone in exchange for the bill of lading or other document entitling its holder to take possession of the processed foods.

(3) The points may be given up later, but not more than ten days after the time when the transfer is made, if the conditions of this subparagraph are satisfied. (However, if money payment for the foods transferred is made less than 10 days after the transfer, points must be given up at the time the money payment is made.) A transferee may not accept the transfer in this case unless he has points on hand (excluding points not yet surrendered for processed foods bought or acquired) or in his ration bank account (excluding the amounts of ration checks issued which have not yet been cleared) equal to the point value of the processed foods transferred. The transferor must, at or before the time he transfers the processed foods to the transferee, prepare and keep a memorandum showing the name of the transferee, the date of transfer of the processed foods, a description of the items, and their point value. If the transferor does not get the points within the time required by this subparagraph, he must notify the district office for the place where his establishment is located of the default, not later than the Friday following the calendar week in which the default occurred.

As long as the transferee is in default, he must not acquire any processed foods and no transferor who has knowledge of the default may transfer such foods to him. (However, he may continue to acquire processed foods and transferors may continue to transfer such foods to him, pursuant to Article X.) If the District Director is satisfied that the transferee is in default, he may take any steps which he deems reasonably necessary to inform the transferee's present and prospective suppliers of the default so that they will know that his right to acquire processed foods is restricted as provided in this subparagraph. When the transferee is no longer in default, the District Director shall so inform all persons whom he informed of the default.

[Subparagraph (3) amended by Am. 7, 9 F.R. 1727, effective 2-18-44]

(4) Points which are mailed are considered given up when the envelope containing them is postmarked.

(5) Nothing in this section shall be construed to prohibit the surrender of points for a transfer of processed foods subsequent to the time at which they are required to be surrendered. However, such late surrender shall not relieve the transferor or the transferee of the consequences of the failure to receive or surrender points at the time required.

[Subparagraph (5) added by Am. 48, 9 F.R. 8793, effective 7-25-44]

(d) *Form in which transferor must get points.* The transferor may take points from the transferee only in the form of stamps, tokens, certificates, or a ration check drawn on the transferee's ration bank account or endorsed by him.

[Above paragraph amended by Am. 9, 9 F.R. 1908, effective 2-17-44]

(1) *Stamps.* No stamp may be accepted from the transferee more than one month after the last day on which the stamps were good for use by a consumer. If the last day on which the stamps were good for use by a consumer is not the last day of a calendar month and the next calendar month has a day which corresponds thereto, then a "month", as used in this subparagraph, is the period from the last day on which the stamps were good for use by a consumer to and including the corresponding day of the next calendar month; otherwise it is the period from the last day on which the stamps were good for use by a consumer to and including the last day of the next calendar month. The stamps must either be pasted on gummed sheets (OPA Form R-140 or OPA Form R-120A) or enclosed in sealed envelopes. If the stamps are pasted on gummed sheets, the name and address of the transferee must be written on each sheet, and only stamps of the same point value, and valid for a transfer to the transferee at the time they are given up, may be pasted on the same sheet. If the stamps are enclosed in sealed envelopes, they must be handled in all respects in accordance with the procedure described in General Ration Order 7 for the use of such envelope.

[Subparagraph (1) amended by Am. 9, 9 F.R. 1908, effective 2-17-44; Am. 21, 9 F.R. 3708, effective 5-2-44; and Am. 70, 9 F.R. 15052, effective 12-26-44]

(2) *Certificates.* A certificate may not be accepted from the transferee unless the name of the person to whom it was issued has been written on the back. The back of the certificate must also carry the signature of the transferee.

[Subparagraph (2) amended by Am. 24, 9 F.R. 3944, effective 4-15-44]

(3) *Ration checks.* A ration check may be accepted by a transferor only if it is made payable to him and if it is drawn by his transferee, or if it is endorsed by his transferee and by the person to whom the check was issued, if the check was not issued to the transferee. (The rules for handling ration checks are set forth in General Ration Order 3A.)

(4) *Ration coupons.* A ration coupon may be accepted at any time. A person who has a ration bank account must enclose any ration coupons he has, for deposit, in sealed envelopes which are to be handled in all respects in accordance with the procedure described in General Ration Order 7[9] for the use of such envelopes. A person who does not have a ration bank account may use ration coupons without enclosing them in a sealed envelope.

(5) *Tokens.* Tokens may be accepted at any time, but a transferor need not accept more than 9 tokens from his transferee in any one transaction.

[Subparagraph (5) added by Am. 9, 9 F.R. 1908, effective 2-17-44]

(e) *Form in which transferee must give up points*—(1) *Wholesalers and processors.* A wholesaler or a processor must give up points only in the form of a ration check drawn on his ration bank account.

(2) *Retailers.* A retailer who is required to have a ration bank account must give up points only in the form of a ration check drawn on that account. Other retailers may give up points only in the form of stamps, tokens, certificates, or ration checks endorsed by them.

[Subparagraph (2) amended by Am. 9, 9 F.R. 1908, effective 2-17-44]

(3) *Industrial and institutional users.* An industrial or institutional user who has a ration bank account must give up points only in the form of a ration check drawn on that account. Any other industrial or institutional user may give up points only in the form of certificates or ration checks endorsed by him.

(4) *General.* Points may be transferred freely between establishments of the same type operated by the same person, which are or may be registered together, and points of one of those establishments may be used to get processed foods for another of them. However this rules does not apply to the movement

[9] F.R. 2858, 2997, 4846, 6965, 11738, 16279, 16838; 9 F.R. 2287, 5216, 7704, 9163, 10578, 15047; 10 F.R. 318.

of points between institutional user establishments, which is covered by the provisions of General Ration Order 5.

(f) *Transfers to retailers during March 1943.* A retailer, wholesaler or processor who transfers processed foods to a retailer during March 1943, must prepare and give to the retailer a written statement (in any convenient form) showing the name and address of both the transferor and transferee, the date of the transfer, and the number of points given up by the transferee. The transferor must keep a copy of the statement at his principal business office.

SEC. 9.6 *Transfers between establishments of different types or between separately registered establishments of the same type operated by the same person.* (a) All of the rules set forth above which apply to transfers from one person to another, also apply to transfers between establishments of different types operated by the same person. (For example, a person may have both a wholesale and a retail establishment. He is, therefore, both a wholesaler and a retailer. He is permitted to transfer processed foods from his wholesale to his retail establishment. However, when he does so, he must give up points from the retail to the wholesale establishment just as if those establishments were operated by two different persons.)

(b) The rules set forth above which apply to transfers from one person to another also apply to transfers between establishments of the same type which are operated by the same person but which are registered separately under this order.

SEC. 9.7 *Transferor may not use points he receives in advance until processed foods are transferred.* (a) A transferor may receive points from his transferee before he actually transfers the processed foods. In that case, he may not use points so received, to get other processed foods, until he has actually transferred to the transferee processed foods worth that number of points.

SEC. 9.8 *Points may be returned for underdeliveries of processed foods.* (a) If a retailer, wholesaler, processor, country shipper, or grower receives points in advance for a transfer of processed foods, and is unable to transfer all or any part of the amount ordered, he may return the points in excess. He must return the points in the same form he would use to give up points for a purchase or other acquisition of processed foods. (For example, a wholesaler can give up points only in the form of a ration check. He would, therefore, deposit all the points received by him, and draw a check for any amount to be returned. However, this section does not apply to consumers, except in connection with mail order transactions.)

SEC. 9.9 *Points must be given up for imports of foods.* (a) Any person (other than persons importing processed foods in accordance with section 10.10) who imports processed foods must give up points to the Collector of Customs (or his deputy) at or before the time the foods are released or delivered to him by the Collector.

(b) The Collector of Customs shall turn over each month, to the district office for the area in which the point of entry is located, all points received by him in his way during the preceding month. However, he may retain enough tokens for use in returning excess points to consumers pursuant to section 2.4 (c). He may also retain enough stamps and certificates to acquire tokens for such use.

[Paragraph (b) amended by Am. 18, 9 F.R. 3073, effective 3-20-44]

SEC. 9.10 [Revoked]

[Sec. 9.10 amended by Am. 25, 9 F.R. 4026, effective 4-18-44; revoked by Am. 54, 9 F.R. 11538, effective 9-17-44]

SEC. 9.11 *Sale at lower point values of foods in danger of spoilage*—(a) *Permitted sales and transfers.* Processed foods which cannot be sold at their full point value because they are in imminent danger of spoilage may be sold or transferred at less than their full point value in the way described in this paragraph, if and to the extent authorized under paragraphs (b) and (c). Such sales or transfers may be made only to consumers, industrial or institutional users, and persons principally engaged in the business of reconditioning or selling damaged articles, and only if the money price is reduced in the following way:

(1) No reduction in point value may be made unless the money price of the food has been reduced at least twenty-five per cent below its ceiling price established by applicable orders of the Office of Price Administration;

(2) If the money price has been reduced by at least twenty-five per cent below such ceiling price, it may be sold or transferred at twenty-five per cent below its full point value;

(3) If the money price has been reduced more than twenty-five per cent and less than fifty per cent below such ceiling price, it may be sold or transferred at a point value reduced in the same proportion that the money price has been reduced; and

(4) If the money price has been reduced by fifty per cent or more below such ceiling price, it may be sold or transferred point-free.

However, if the point value of any item of processed foods sold or transferred under this section (or any group of such items sold or transferred under this section at the same time) comes out to a number other than zero, ten, or a multiple of ten, the point value (other than zero) at which it may be sold or transferred is the next higher number which is ten or a multiple of ten. For the purposes of this paragraph, the ceiling price of a person principally engaged in the business of reconditioning or selling damaged articles, is deemed to be the average ceiling price of the same food in good condition applicable to the three wholesalers whose establishments are nearest to the place where such foods are located, as determined by the District Office in accordance with the provisions of paragraph (b). The ceiling price of the United States Government or any of its agencies will be fixed by the Washington Office in accordance with the provisions of paragraph (b).

[Above paragraph amended by Am. 63, 9 F.R. 13849, effective 11-22-44]

(b) *Application for authorization to sell or transfer.* A person who wishes to sell or transfer processed foods in the way set forth in paragraph (a), may apply for authorization. However, no application may be made by a consumer. Application must be made on OPA Form R-315 to the District Office (or, if made by a retailer, to the board) for the area where the processed foods are located. However, application by the United States Government or any of its agencies shall be made to the Washington Office. The application must show:

(1) The applicant's name and address;

(2) The items and amounts of processed foods which the applicant desires to transfer at less than their full point value;

(3) The point value of each item;

(4) The ceiling price established for each item by applicable orders of the Office of Price Administration. However, if the applicant is a person principally engaged in the business of reconditioning or selling damaged articles, the applicant shall, instead of stating a ceiling price, give the names and addresses of the three wholesalers whose establishments are nearest to the place where such foods are located;

(5) A description of the condition of the food, to show why it cannot be disposed of at its full point value and, if known, the cause of such condition.

The board or District Office to which the application is made or the Washington Office, if the application is made by the United States government or any of its agencies, may inspect such processed foods and conduct such other investigation as it finds necessary to pass upon the application. If it finds that the foods described in the application are in such condition that they should be used immediately in order to avoid spoilage, it may grant the application and authorize the applicant to sell or transfer the foods at less than their full point value, in the way described in paragraph (a). (If the Washington Office grants an application made by the United States government or any of its agencies, it will fix a ceiling price for the purposes of paragraph (a). If the board or District Office grants the application of a person principally engaged in the business of reconditioning or selling damaged articles, it shall determine the average ceiling price of the same food in good condition applicable to the three wholesalers whose establishments are nearest to the place where such foods are located. In either case, the applicant shall be notified of the ceiling price which has been fixed or determined.) The applicant must make and keep a record of each item of processed foods transferred by him pursuant to the authorization, showing the point value and price at which each transfer was made and the date of each transfer.

(c) *Sales or transfers for which no prior authorization is needed.* Any processor, wholesaler, retailer, industrial user or institutional user may, without prior authorization, sell or transfer processed foods which are in imminent danger of spoilage under the conditions set forth in paragraph (a), but not more than the total quantities set forth in the following subparagraphs during the periods referred to in those subparagraphs:

[Above paragraph amended by Am. 60, 9 F.R. 12971, effective 11-3-44]

(1) In the case of a processor, during any successive twelve month period beginning March 1, 1943, one tenth of one per cent of all processed foods produced or imported by him during that period.

(2) [Revoked.]

[Subparagraph (2) revoked by Am. 60, 9 F.R. 12971, effective 11-3-44]

(3) In the case of a wholesaler, in any one reporting period, one twentieth of one per cent of the amount of processed foods which he sold or transferred during the preceding reporting period;

(4) In the case of a retailer, in any one month, one fortieth of one percent of his allowable inventory;

(5) In the case of an industrial user or an institutional user, in any one allotment period, one fortieth of one per cent of his allotment for that allotment period.

(d) *Resale of foods acquired under this section.* Any person who acquires processed foods under the provisions of this section and who is permitted to transfer processed foods under the provisions of section 9.2 may not transfer them at a point value greater than that at which they were acquired by him. He may transfer them at a lower point value only if authorized under paragraphs (b) or (c). If he transfers them at the same point value at which he acquires them, the provisions of paragraph (a) covering price reductions do not apply to the transfer of those foods by him. However, he may transfer any such foods only to a consumer, industrial or institutional user, or a person principally engaged in the business of reconditioning or selling damaged articles.

(e) *Records and reports.* (1) Any person who transfers processed foods under the provisions of paragraph (c) of this section shall maintain and keep records showing, with respect to each such transfer, the following:

(i) His name and address;

(ii) The name and address of any person, other than a consumer, to whom the transfer was made;

(iii) The date of the transfer;

(iv) The items and amounts of processed foods transferred and the price and point value for which each item was transferred;

(v) A description of the condition of the foods, to show why they could not be sold or transferred at their full point value and, if known, the cause of such condition.

(2) Any person who transfers processed foods under the provisions of paragraph (d) at the same point value at which he acquired them and any person who transfers frozen processed foods under the provisions of paragraph (c) must, within three days after the transfer, give a statement to the District Office for the area where his principal place of business is located. However, if the transfer was made by the United States Government or any of its agencies, the statement shall be given to the Washington Office. The statement shall show the name and address of the transferor, the items and amounts of processed foods transferred, the point value and price at which they were transferred and the date of transfer.

(3) Any person principally engaged in the business of reconditioning or selling damaged articles, who acquires processed foods under this section at less than their full point value, must, within five days after the end of each calendar month during which he acquired those foods in this way, give to the District Office for the area where his principal place of business is located a statement showing his name and address, the name and address of the person from whom he acquired them, the items and amounts of processed foods acquired, the point value at which they were acquired and the date of the acquisition.

(f) *Miscellaneous requirements.* Any person who transfers processed foods at a reduced point value under this section must also comply with the following requirements:

(1) Whenever he sells or transfers an item of processed food at less than its full point value and at a reduced price, he must sell or transfer that item, so long as he has it on hand, to any person who is willing to buy or acquire it at that reduced point value and price.

(2) If he is a retailer, wholesaler, or processor who has an establishment at which processed foods which he carries are displayed to consumers he must post a notice where it may be clearly seen and read by such consumers showing:

[Subparagraph (2) amended by Am. 60, 9 F.R. 12971, effective 11-3-44]

(i) The items he is selling at the lower point value and the point value at which he is selling them;

(ii) That he is selling that item at less than regular point value in order to prevent spoilage;

(iii) The reduced money price at which he is selling the item and, unless he is principally engaged in the business of reconditioning or selling damaged articles, its ceiling price. If he is a person engaged in the business of reconditioning or selling damaged articles, he must post as his ceiling price the average ceiling price of the same food in good condition applicable to the three wholesalers whose establishments are nearest to the place where such foods are located, as determined by the board or District Office to which application is made under paragraph (b).

(3) He must clearly mark on the container of each item sold the point value at which he transfers it, preceded by the words "reduced point value to avoid spoilage," unless it has previously been marked in that manner pursuant to this paragraph and is not being transferred at a further reduction in point value. However, he need not so mark the container if he sells it to a consumer from an establishment at which he posts a notice as required by subparagraph (2). Furthermore, the container need not be so marked if it is sold or transferred by the United States Government or any of its agencies.

(g) *Replacement of points.* A wholesaler, retailer or industrial or institutional user who sold or transferred processed foods at less than their regular point value under paragraph (b) may apply on OPA Form R-315, for a certificate to replace his point losses resulting from such transfers. The application must be made to the District Office, or the board, to which he applied for authorization to transfer the foods at a reduced point value. The application must be signed by the applicant or his authorized agent. It must show the name and address of the applicant, the items and amounts of foods so transferred, the point value and price at which they were transferred, the date of transfer, and the name and address of each transferee other than a consumer. It must contain a statement that he reduced the money price of the food sold or transferred at the lower point value, in the way required by this section. The application must also specify the date on which the authorization to sell such foods at less than full point value was granted. If the District Office or board finds that the applicant suffered a point loss because of such transfer, it shall issue a certificate for the number of points he lost. No application to replace point losses may be made more than 30 days after the close of the month in which the transfers at reduced point value occurred.

(h) *Statements by processors.* A processor who during any reporting period sells or transfers processed foods at less than their full point value, under paragraphs (b) or (c), must file with his periodic report, required by section 3.2 (b), or section 24.2 (b), for that period a statement showing the items and amounts of foods so transferred, the point value and price at which they were transferred, the date of transfer and the name and address of each transferee other than a consumer. If the sale or transfer was made pursuant to an authorization granted by a District Office, the statement must specify the date on which the authorization was granted and the District Office which granted it.

[Paragraph (h) amended by Am. 60, 9 F.R. 12971, effective 11-3-44]

(i) *Sales by certain activities of Army, Navy, Marine Corps or Coast Guard.* The Army, Navy, Marine Corps or Coast Guard may, in accordance with arrangements made with the Washington Office, authorize army exchanges, post exchanges, ships' service departments ashore, sales commissaries and commissary stores to sell, at less than their full point value, processed foods which cannot be sold at their full point value because they are in imminent danger of spoilage.

[Paragraph (i) added by Am. 29, 9 F.R. 4818, effective 5-9-44]

ARTICLE X—POINT FREE TRANSFERS

NOTE: The limitations, restrictions, conditions, record-keeping and reporting requirements set forth in this Article X do not apply to processed foods while they have a zero point value. For the purposes of this article, such foods are treated, and may be transferred or acquired, just as if they were not rationed at all.

[Article title amended by Am. 38, 9 F.R. 6235, effective 6-10-44]

SEC. 10.1 *Processed foods in transit prior to effective date of rationing, may be acquired point-free.* (a) No points need be given up for a delivery of "processed foods" to a "person" other than a "consumer", if those processed foods were in transit to him on February 28, 1943.

(NOTE: Processed foods which were in transit to a "processor", or an "industrial" or "institutional user" at the close of business on February 28, 1943, must be included in the inventory which he reports in his registration.)

(b) No points need be given up for a delivery to any person other than a consumer, of an item which is added to the list of processed foods, if the item was in transit to him on the day preceding such addition.

(c) No points need be given up for a "transfer" of processed foods having a zero point value at the time of the transfer.

SEC. 10.2 *Processed foods may be exchanged for other processed foods.* (a) Any person may exchange processed foods with any other person for processed foods of equal point value, without giving up or taking points. (This rule applies even if there is a money payment to make up any difference in the money value of the processed foods exchanged.)

[Paragraph (a) amended by Am. 54, 9 F.R. 11538, effective 9-17-44]

SEC. 10.3 *Lost or stolen processed foods may be returned, point-free.* (a) No points need be given up for a return of lost or stolen processed foods to the person who lost them or from whom they were stolen.

SEC. 10.4 *Stocks of processed foods may be moved point-free between establishments of the same person which are registered together.* (a) No points need be given up when a person moves stocks of processed foods from one of his establishments to another of his establishments of the same kind, if those establishments are registered together. For example, a person who has two "retail establishments" may move processed foods from one to the other, without exchanging points between them. (However, a record must be kept of the amount of stocks involved in each such movement.) When a person transfers processed foods between establishments of different kinds—for example, from his "wholesale establishment" to his retail establishment—points must be given up just as if those establishments were operated by different persons.

[Paragraph (a) amended by Am. 12, 9 F.R. 2240, effective 3-1-44]

(b) This rule does not apply to the movement of stocks between "institutional user establishments", which is covered by the provisions of General Ration Order 5.

SEC. 10.5 *Processed foods may be stored and returned from storage, point-free.* (a) No points need be given up for a delivery of processed foods for storage purposes only.

(b) No points need be given up for a delivery of processed foods from the place of storage to the person who stored them, or to a person to whom he has sold or transferred them. (However, that sale or transfer must be made in a way permitted by this order.)

SEC. 10.6 *Security interests in processed foods may be created and released, point-free.* (a) No points need be given up for a transfer of processed foods, or of any interest in them, for security purposes only. (For example, if processed foods are pledged or mortgaged the person with whom they are pledged or mortgaged need not give up points.)

(b) No points need be given up for a release of a security interest in processed foods, or for a return of those foods to the person who originally transferred them for security purposes. (For example, a person who pledged processed foods may get them back without giving up points. Similarly, a person who gave a chattel mortgage on his processed foods need not give up points when the mortgage is ended.)

SEC. 10.7 *Processed foods may be transferred, point-free, for liquidation, by operation of law, or in judicial proceedings*—(a) *General.* No points need be given up for a transfer of processed foods to a person who gets them for liquidation only. Also, no points need be given up for a transfer of processed foods as part of a judicial proceeding, or by operation of law, or for a transfer made under the direction of or pursuant to an order of a court, or by judicial process.[10] (For example, processed foods may be taken over by a creditor, under a court order, without any surrender of points. If processed foods are assigned for the benefit of creditors, the person to whom they are assigned need not give up points to the person making the assignment. Also, a person need not give up points when he inherits processed foods or "acquires" them by will.)

(b) *How transferee may dispose of the processed foods.* A person who acquires processed foods in this way must within five days after acquiring them, report to the district office for the place where his principal business office is located:

(1) The kinds and the point value of the processed foods acquired;

(2) The name and address of the person from whom they were acquired;

(3) The way in which and the date when they were acquired. He may not use the processed foods unless he gives up to the district office, for cancellation, points equal to their point value. He may, however, sell or transfer them in the same way that a "retailer" is permitted to sell or transfer processed foods. He must immediately after selling or transferring them, account to the district office for points equal to their point value. (If he transfers the foods to any other person who is also entitled under this or any other section of this order to acquire them point-free he need not, of course, get points from the transferee, and he need not give up any to the district office.)

(c) *Consumer inheritance.* A consumer who gets processed foods from another consumer, by inheritance or by will, may use them without giving up points.

SEC. 10.8 *Processed foods may be acquired, point-free, by insurers or for salvage*—(a) *Acquisition of damaged processed foods.* Damaged processed foods, and undamaged processed foods mingled with them, may be transferred to, and acquired by, the following persons, without any surrender of points:

(1) A person who has paid or is liable for a claim for the damage done to the foods, and who is entitled to reimburse himself by taking them over;

(2) A person engaged principally and primarily in the business of adjusting losses or of reconditioning or selling damaged articles.

[Subparagraph (2) amended by Am. 39, 9 F.R. 6647, effective 7-2-44]

(b) *Disposal of the processed foods.* (1) The person transferring the processed foods, point-free, must within five days after transferring them, report to the district office for the place where his principal business office is located:

(i) A description of the kinds and amounts of processed foods transferred. (If the condition of the foods makes it impossible for the transferor to describe them accurately, he may give an approximate description and state that the description is an approximation);

(ii) The name and address of the person to whom they were transferred; and

(iii) The date of transfer.

(2) The person acquiring the processed foods must, within five days after acquiring them, report to the district office for the place where his principal business office is located.

(i) The kinds and point value of the processed foods acquired;

(ii) The name and address of the person from whom he acquired them;

(iii) The way in which and the date when they were acquired. If he cannot ascertain the kinds and point value immediately, he must describe the approximate amount he received and must give the detailed information as soon as he can. He may dispose of those processed foods only by a sale or transfer in the same way that a retailer is permitted to sell or transfer processed foods. He must immediately after selling or transferring them, account to the district office for points equal to their point value. If he cannot dispose of them all, he must report to the district office the amount which was not salable.

[Subparagraph (1) added; undesignated paragraph of (b) preceding (1) and subparagraphs (1), (2) and (3) redesignated (2), (1), (ii) and (iii) respectively by Am. 15, 9 F.R. 2567, effective 3-10-44]

[10] A "wholesaler" may acquire processed foods in this way even if his actual inventory is or would become larger than his maximum allowable inventory.

SEC. 10.9 *Processed foods may be transferred to prospective buyers for sampling, point-free and may be used for sampling and demonstration.* (a) A processor may deliver processed foods to prospective buyers (other than consumers) for sampling, without getting points. However, he may not deliver in this way more than one-fortieth of one percent of the total amount of processed foods produced or imported by him.

(b) A retailer or wholesaler, who acquires processed foods from a processor may sample some of them in order to check grades and quality, and may use some of them to demonstrate them to prospective purchasers other than consumers. However, he may not use for this purpose more than one-tenth of one percent of the total amount of processed foods acquired by him. A wholesaler shall attach to his periodic report to the Washington Office on OPA Form R-1310 a statement accounting for the amount of processed foods used by him for sampling or demonstration to prospective purchasers.

[Paragraphs (a) and (b) amended by Am. 60, 9 F.R. 12971, effective 11-3-44]

SEC. 10.10 *Processed foods may be delivered point-free to certain persons*—(a) *Point-free delivery to processors.* No points need be given up for a transfer of processed foods by an authorized customs official to a processor if the processor gives his signed statement to the official showing:

(1) His name;

(2) His principal business address;

(3) His processor registration number;

(4) The address of the establishment at which the foods are to be kept for sale or transfer or for his own use in making other processed foods; and

(5) The amount and kind of processed foods imported at the time.

(b) [Revoked.]

[Paragraph (b) revoked by Am. 54, 9 F.R. 11538, effective 9-17-44]

(c) *Collector of Customs to send statements to Washington Office.* After the close of each month the Collector of Customs shall deliver all processors' statements received during that month to the Office of Price Administration, care of the Bureau of the Census, Washington, D. C.

[Paragraph (c) amended by Am. 60, 9 F.R. 12971, effective 11-3-44]

(d) *Point-free delivery to representatives of foreign governments, prisoners of war, internees and others.* No points need be given up for a transfer of processed foods by an authorized customs official:

(1) Upon request by the Department of State, to representatives of foreign governments who are within the classes of persons specified in Article 432 (a) or Article 433 (c), Customs Regulations of 1937;

(2) To members of the armed forces of the United Nations, other than those of the United States, who are on duty within the United States, where the processed foods are consigned or addressed to them and are intended for their personal or official use;

(3) To enemy prisoners of war and enemy civilian internees and detainees in the United States, where the processed foods are consigned or addressed to them.

(e) *Point-free delivery to home processors.* No points need be given up for a transfer of home processed foods by an authorized customs official to the person who produced them in a way described in Article XXVI, if the person gives his signed statement to the official showing:

(1) His name and address;

(2) The place where the home processed foods were produced;

(3) The amount and kinds of home processed foods being imported;

(4) A statement showing that he produced the home processed foods in a way described in Article XXVI.

The Collector of Customs shall turn over, each month, to the district office for the area in which the point of entry is located, all statements received by him in this way during the preceding month.

SEC. 10.11 *Processed foods may be transferred, point-free, in connection with transfer of a business.* (a) No points need be given up for a sale or transfer of processed foods in the inventory of an establishment, as part of a sale or other transfer of the establishment itself for continued operation. A person who so buys or acquires processed foods may not use them, but may hold them only for sale or transfer. However, a person who acquires an industrial user establishment may use its stocks up to the amount of any allotment he gets. (The procedure which the transferor and transferee must follow, where an establishment is transferred for continued operation, is covered in Article XI.)

SEC. 10.12 *Processors may transfer point-free to allow for spoilage.* (a) In any case in which a processor makes a money allowance to his transferee to cover spoilage of the processed foods transferred, he may, in order to allow for spoilage, transfer to his transferee, without receiving points, processed foods in an amount not exceeding the same percentage of the total amount transferred that the money allowance made is of the total price paid. However, such transfer may not, in any event, exceed one-fourth of one percent of the total amount transferred.

(b) If the actual spoilage of processed foods transferred by a processor exceeds one-fourth of one percent, the transferee may return the spoiled foods to the processor and receive points for the difference between the amount spoiled and any allowance already made. However, if he does not return the spoiled processed foods, he may receive points for that difference only if and to the extent that the processor makes a money adjustment for the spoiled processed foods.

(c) The processor must keep a record of the name and address of each person to whom such point-free transfers and point returns are made, the dates thereof, and the amounts of such transfers and returns.

SEC. 10.13 [Revoked.]

SEC. 10.14 [Revoked.]

SEC. 10.15 [Revoked.]

SEC. 10.16 [Revoked.]

SEC. 10.17 [Revoked.]

[Secs. 10.13–10.17 revoked by Am. 54, 9 F.R. 11538, effective 9-17-44]

SEC. 10.18 *Title to foods may be transferred point-free where the one who has title does not have possession.* (a) A person who has title to processed foods but who does not have possession of them and who may not get possession of them without giving up points, may transfer his title to such foods point-free. (However, a person who acquires title to processed foods in a way permitted by this section must give up points to obtain possession of such foods.)

SEC. 10.19 [Revoked]

[Sec. 10.19 revoked by Am. 54, 9 F.R. 11538, effective 9-17-44]

SEC. 10.20 *Government agencies may transfer processed foods point-free to the Procurement Division of the Treasury Department.* (a) No points need be given up for a transfer of processed foods by a government agency to the Procurement Division of the Treasury Department when the processed foods are acquired by the Procurement Division for sale or transfer.

(b) The Procurement Division of the Treasury Department may dispose of those processed foods only by a sale or transfer in the same way that a retailer is permitted to sell or transfer processed foods. (However, for that purpose, the Procurement Division need not register as a retailer.) Not later than the twentieth day following the month in which any transfer is made, the Procurement Division shall account to the Office of Price Administration for points equal to the point value of the processed foods sold or transferred under this paragraph.

[Sec. 10.20 added by Am. 11, 9 F.R. 2234, effective 2-29-44]

ARTICLE XI—SALE OF BUSINESS

SEC. 11.1 *Sale or transfer of retail, wholesale, or processor establishment*—(a) *General.* (1) When any "person" sells or "transfers" to any other person the business and inventory of his "retail", "wholesale" or "processor establishment", for continued operation, they must both notify the "board" at which the establishment is registered or the "Washington Office", if it is registered there. The notice must be given in writing, within five (5) days after the sale or transfer, and must show:

(i) The name and business address of the establishment and of the persons transferring and "acquiring" it;

(ii) The point value of the inventory transferred; and

(iii) The number of points in the establishment's ration bank account, if any, and the number of points on hand, including points sent to a supplier for "processed foods" not yet shipped.

This notice will be treated as the transferee's registration and as a cancellation of the transferor's registration.

(2) If the transferor has a ration bank account, he must notify the district office, in the way required by General Ra-

tion Order 3A (the ration banking order).

(b) *Purchaser of retail or wholesale establishments may get its points.* The purchaser or transferee of a retail or wholesale establishment may get and use all of the establishment's points in the same way that the seller or transferor was entitled to use them. (If it is a wholesale establishment, however, he may not use those points to exceed its maximum allowable inventory, except as permitted by section 4.7 (a).) If the establishment has a ration bank account, the transferor is to give all the establishment's points to the transferee by issuing a ration check. If the establishment does not have a ration bank account, the transferor is to give to the transferee the "stamps", "tokens" and "certificates" he has and to endorse and give to the transferee any ration checks he has. (If the transferee is required to have a ration bank account he must deposit all the points in that account. If the transferee is not required to have a ration bank account, he may endorse the checks and use them to get processed foods.)

[Paragraph (b) amended by Am. 9, 9 F.R. 1908, effective 2-17-44]

(c) *Seller of processor establishment must give up all points to the Office of Price Administration.* A person who sells or transfers a processor establishment must, within five (5) days after the transfer, turn over to the Washington Office, all points on hand at that establishment and all in its ration bank account. He does so by issuing and sending his certified ration check, payable to the Office of Price Administration, along with his notice of the transfer. (If any of the points represent processed foods not yet shipped, he must attach to his notice a statement showing the amount and the person from whom he got them.)

(d) *Same rules apply to sale of an entire chain.* The rules set forth above also apply to a person who has more than one establishment of a particular kind and who sells or transfers all of them for continued operation. He must give the information, and give up or transfer the points for all the establishments.

(e) *Sale of part of a chain.* Where the seller or transferor also has other establishments of the same kind which are not sold or transferred, the procedure described in paragraph (a) of this section must be followed. However, while the purchaser or transferee may acquire the processed foods inventory of the transferred establishment, he may not acquire its points. In this case, the seller or transferor keeps the points. If he is a "retailer," or "wholesaler," he may use the points with his other establishment of the same kind as the transferred establishment. If he is a "processor," he must give up to the Washington Office the points received for sales and transfers of processed foods from that establishment at the time that he is required to give up points received by his other processor establishments.

SEC. 11.2 *Sale or transfer of industrial user establishments*—(a) *General.* When an "industrial user" sells or transfers to any other person all or part of the business of his "industrial user establishment", for continued operation, both the transferor and transferee must notify the board (or district office) at which the establishment is registered. The notice must be given, in writing, before the sale or transfer if possible or, if not possible, within five days thereafter, and must show:

(1) The name and business address of the establishment and of the persons transferring and acquiring it;

(2) Whether all or part of the business is being transferred, and if the entire business is not being transferred, then the part of the business which is being transferred;

(3) The point value of the inventory, if any, transferred; and

(4) The point balance, if any, in the establishment's ration bank account and the number of points on hand, including points sent to a supplier for processed foods not yet shipped.

(b) *When the entire industrial user establishment is transferred.* (1) When the entire industrial user establishment is transferred for continued operation, the seller or transferor must give up to the board (or district office) all unused points he has for the establishment. If the establishment has a ration bank account, he must give up the points in the form of his ration check payable to the Office of Price Administration and he must notify the district office in the way required by General Ration Order 3A. The notice described in paragraph (a) of this section, and the surrender of unused points, will be treated as a cancellation of the transferor's registration and allotment.

(2) The transferee may not use the stocks of processed foods transferred with the establishment unless he receives an allotment. The application for an allotment must be made, on OPA Form R-315, to the board (or district office) for the place where the establishment is registered and must state whether:

(i) The entire establishment, as well as the processed foods inventory, has been transferred;

(ii) The transferee will continue to serve, from that establishment, the same general class of customers in the same area served by it before the transfer; and

(iii) The transferee will continue to produce, at the establishment, the same classes of products, though not necessarily under the same trade name.

The board shall send the application, the notices sent to it by both parties and the transferor's registration to the district office.

(3) If the district office finds that the establishment will continue to be operated in substantially the same manner as before the transfer and that the tests described in subparagraph (2) are satisfied, it shall assign to the transferee the transferor's allotment and base-period use, for that establishment. It shall also give the transferee a certificate for the number of points that the transferor surrendered to the board (or district office). However, if the amount of processed foods transferred to the transferee with the establishment is larger than the unused part of the allotment for the current period, plus any unused part of the transferor's earlier allotments, the difference shall be treated as excess inventory. The transferee may not use any part of the allotment already used by the transferor, but he may use any unused part of any prior allotment the transferor received for that establishment.

(c) *Same rules apply to sale of entire chain.* The same rules apply where a person who has more than one industrial user establishment sells or transfers all of them for continued operation, whether or not they were registered separately.

(d) *Sale of part of a chain.* (1) When the seller or transferor has more than one industrial user establishment which he registered separately, and sells or transfers one or more, but not all of them, the procedure described in paragraphs (a) and (b) of this section must be followed separately, as to each of the establishments transferred.

(2) When the seller or transferor has more than one industrial user establishment, which he registered together, and sells or transfers one or more, but not all, of them, the transferor must also apply to the board (or district office) with which he is registered for a redetermination of his allotment and base-period use. (In that case, the transferor is not required to surrender points except as provided in this subparagraph, and he is not required to close his ration bank account unless, after the transfer, he is not permitted to have an account under the provisions of section 8.2 (d) of this order.) The board shall send the applications and notices of both parties, and the transferor's registration, to the district office.

(i) If the district office finds that the establishment will continue to be operated in substantially the same manner as before the transfer and that the tests described in paragraph (b) (2) are satisfied, it shall grant an allotment to the transferee and assign to him a base-period use. It shall first determine the amount of the transferor's allotment and base-period use allocable to the transferred establishment. That base-period use shall be assigned to the transferee. The transferee's allotment shall be the part of the transferor's allotment for that establishment corresponding to the unexpired part of the allotment period. The base-period use and the allotment assigned to the transferee shall be deducted from the base-period use and current allotment of the transferor. The district office shall issue a certificate to the transferee (or determine his excess inventory) on the basis of the allotment granted to him and the amount of the inventory he acquired from the transferor. If the amount of processed foods which is transferred with the establishment is less than the allotment assigned to the transferee, the transferor must give up points to the Office of Price Administration for the difference. If he does not give up points, that difference shall be treated as excess inventory.

(ii) If the district office finds that the establishment will not be operated in substantially the same manner as before the transfer or that the tests described in paragraph (b) (2) are not satisfied, it shall refuse to grant an allotment to the transferee or assign a base-period use to him. However, it shall determine the amount of the transferor's allotment and base-period use allocable to the transferred establishment and the amount of that allotment and base-period use shall be deducted from the current allotment and the base-period use of the transferor. If the amount of the reduction in his current allotment exceeds the point value of the inventory transferred with the establishment, the difference shall be treated as excess inventory.

(e) *Sale of part of the business of an establishment.* (1) When part, but not all, of the business of an industrial user establishment is transferred, the transferee must apply for an allotment and assignment of a base-period use. The application must be made, on OPA Form R-315, to the board (or district office) with which the transferee will register his establishment, and must state:

(i) What part of the business has been transferred;

(ii) The point value of the inventory transferred;

(iii) Whether the transferee will continue to produce the same class of products which the transferor was permitted to produce (though not necessarily under the same trade name);

(iv) The class of products made by, and the class of customers and area served by the part of the business transferred; and

(v) Whether the transferee will continue to serve the same general class of customers and the same area with the same class of products as were served by the part of the business transferred.

(2) The transferor must also apply to the board (or district office) with which he is registered for a redetermination of his allotment and base-period use. (In that case, the transferor is not required to surrender points except as provided in this paragraph, and he is not required to close his ration bank account unless, after the transfer, he is not permitted to have an account under the provisions of section 8.2 (d) of this order.)

(3) The board shall send the applications and notices of both parties, and the transferor's registration to the district office.

(4) If the district office finds that there was a bona fide sale or transfer of part of the business, that the transferee will produce the same class of products which the transferor was permitted to produce (though not necessarily under the same trade name), and that the transferee will continue to serve the same general class of customers and the same area previously served by the part of the business transferred, the district office shall grant an allotment to the transferee and assign to him a base-period use. It shall first determine the amount of the transferor's allotment and the base-period use allocable to the part of the business transferred. That base-period use shall be assigned to the transferee. The transferee's allotment shall be the part of the transferor's allotment (for that part of his business) corresponding to the unexpired part of the allotment period. The base-period use and the allotment assigned to the transferee shall be deducted from the base-period use and current allotment of the transferor. The district office shall issue a certificate to the transferee (or determine his excess inventory) on the basis of the allotment granted to him and the amount of the inventory he acquired from the transferor. If the amount of processed foods which is transferred with the establishment is less than the allotment assigned to the transferee, the transferor must give up points to the office of Price Administration for the difference. If he does not give up points, that difference shall be treated as excess inventory.

(5) If the district office finds that there was not a bona fide sale or transfer of part of the business or that the tests described in subparagraph (4) of this paragraph are not satisfied, it shall refuse to grant an allotment to the transferee or assign a base-period use to him. However, it shall determine the amount of the transferor's allotment and base-period use allocable to the part of the business transferred and the amount of that allotment and base-period use shall be deducted from the current allotment and the base-period use and current allotment of the transferor. The district office shall issue a certificate to the transferee (or determine his excess inventory) on the basis of the allotment granted to him and the amount of the inventory he acquired from the transferor. If the amount of processed foods which is transferred with the establishment is less than the allotment assigned to the transferee, the transferor must give up points to the office of Price Administration for the difference. If he does not give up points, that difference shall be treated as excess inventory.

(f) *Transferee's registration.* A transferee is regarded as registered as soon as the district office assigns an allotment and base-period use to him and an OPA Form R-1200 is filed by him.

(g) *Use of allotment by transferee.* A transferee may not use any allotment assigned to him under this section if his operation of the transferred establishment ceases to meet the tests described in paragraph (b) or (e), as the case may be.

(h) *The district office shall notify the transferor and transferee of the decision.* The district office shall notify, in writing, both the transferor and transferee of its decision on any application made under this section.

(i) *If the transferee is not assigned a base, the transferor may apply for the reassignment of the base to him.* If, under this section, a district office refuses to assign an allotment or base-period use to a transferee, the transferor may, within 30 days after the district office notifies him of such refusal, notify the district office, in writing, that he wishes to resume making the same class of products and serving them to the same general class of customers in the same area to substantially the same extent as before the transfer. In that event, if the district office finds that the transferor intends to and will be able to do so promptly, it may reassign to him his base-period use and allotments just as though there had been no transfer.

[Sec. 11.2 amended by Am. 47, 9 F.R. 7773, effective 7-15-44; and Am. 58, 9 F.R. 12639, effective 10-23-44]

SEC. 11.2a *Where and how the transferee registers industrial user establishments acquired by him.* (a) A person who buys or otherwise acquires an industrial user establishment of any type and who already has two or more industrial user establishments which are registered together must register the new establishment together with his other establishments at the same Board or District Office. If he already has other industrial user establishments registered separately, the new establishment must be registered separately with the Board or District Office for the place where it is located. If he has only one other industrial user establishment he may elect whether his industrial user establishments will be registered together or separately. If he registers them together, registration shall be at the Board or District Office for the place where his principal office is located. If he registers them separately, registration shall be at the Board or District Office for the place where the industrial user establishment is located.

(b) If a person who acquires more than one industrial user estalishment is entitled to or is required to, register them separately, the District Office must compute separately the portion of the transferor's allotment and quarterly use allocable to each of the establishments acquired, in the way described in section 11.2.

[Sec. 11.2a added by Am. 81, 10 F.R. 6839, effective 6-11-45]

SEC. 11.3 *Moving establishment to another place.* (a) A person may move his retail, wholesale or processor establishment to another place after notifying the board at which the establishment is registered, or the Washington Office if it is registered there, of his new address.

(b) (1) If an industrial user has several establishments which are registered separately, and he wishes to move all or part of the business of one or more of them to another place, the moving is to be treated as a transfer to a different person under section 11.2 of this order. For this purpose, the place from which the establishment is to be moved is considered the transferor and the place to which it is to be moved is considered the transferee. The same rule applies if he has one establishment and wishes to move all or part of its business to another place which is to be registered separately.

(2) If an industrial user has several establishments which are registered together, and he wishes to move all or part of the business of one or more of them to a new place, he must apply for permission to do so. The application must be made on OPA Form R-315, to the board (or district office) with which he is registered and must show:

(i) The new address at which the applicant wishes to operate;

(ii) Whether all or part of the business will be moved, and, if only part is to be moved, he must describe the part which will be moved;

(iii) The point value of the inventory, if any, which will be moved to the new place;

(iv) The class of products made by, and the class of customers and area

served by the business (or part of the business) which will be moved; and

(v) Whether he will continue to serve, from the new place, the same general class of customers and the same area served by him from his old place.

The board shall send the application, with its recommendation, if any, to the district office. If the district office finds that the establishment will continue to be operated at the new place in substantially the same manner as at the old place, and that the applicant will continue to serve from the new place the same general class of customers in the same area as he served from the old place, it shall grant the application. (If the district office finds that the new establishment will not be operated in such manner as to satisfy the tests described in this subparagraph, it shall deny the application.)

(3) An industrial user who has several establishments which are registered together may use his allotments or inventory at any of them interchangeably and need not apply for permission to do so.

(c) An industrial user who moves all or part of the business of an establishment to a new place and is granted permission to continue his operations at that place, may not use his allotment there if his operation of the establishment ceases to meet the tests prescribed for moving that establishment. In that case, his establishment at the new place shall be considered closed and subject to the provisions of section 13.1.

[Paragraph (b) amended and (c) added by Am. 58, 9 F.R. 12639, effective 10-23-44]

ARTICLE XII—NEW BUSINESSES

SEC. 12.1 *New retail establishments may be opened—(a) How stocks are obtained.* A "person" who wishes to open a "retail establishment" after February 1943 may apply for a "certificate" to get stocks of "processed foods." The application must be made on OPA Form R-315 to the "board" for the place where the establishment will be located. (If he also has a "wholesale" or "processor establishment" he must apply to the "Washington Office", and not to the board.) The application must show:

(1) The proposed name and address of the establishment;

(2) The amount he has invested or expects to invest in it;

(3) The size of the establishment;

(4) The number of points he needs in order to get adequate stocks;

(5) The point value of any stocks of processed foods he may have for that establishment.

(b) *Issuance of certificate.* The board (or the Washington Office) will issue to him a certificate for the number of points he needs to get an adequate working inventory.

(c) *Registration.* At the end of his first full month of operation, he must register that establishment, on OPA Form R-1302 in the same way that "retailers" register between April 1 and April 10, 1943. He must give all information called for by the form. However, he must show his sales and "transfers" of processed foods from that establishment during his first full month of operation instead of during March 1943, and must report his point inventory at the end of that month, instead of at the end of March 1943. When he registers, he may get a certificate or, if he has excess inventory ,he must give up points to the Office of Price Administration in the same way as retailers who register between April 1 and April 10, 1943. He may not, however, be given a certificate for more than the amount by which his allowable inventory exceeds the amount of the certificate given to him when he applied on OPA Form R-315.

(d) *Procedure where no additional stocks are needed.* Where the person who wishes to open the retail establishment has enough stocks, he need not apply on OPA Form R-315. He may begin operation with the stocks he has. However, before making any sales or transfers of processed foods from the establishment after April 10, 1943, he must notify the board for the place where the establishment is located. If he also has a wholesale or a processor establishment, he must notify the Washington Office, instead of the board. The notice must be in writing and must give the name and address of the establishment and the point value of its inventory. At the end of his first full month of operation, he must register the establishment and follow the procedure described in the last paragraph.

(e) *Persons dealing only in zero point value foods need not register.* A person who opens a retail establishment need not register that establishment while all the processed foods in which he deals there have a zero point value.

[Paragraph (e) added by Am. 44, 9 F.R. 7257, effective 7-3-44]

SEC. 12.2 *New wholesale establishments may be opened—(a) How stocks are obtained.* A person who wishes to open a wholesale establishment after February 1943, may apply for a certificate to get stocks of processed foods. The application must be made to the Washington Office on OPA Form R-315. The application must show:

(1) The proposed name and address of the establishment;

(2) The amount he has invested or expects to invest in it;

(3) The size of the establishment;

(4) The number of points he needs in order to get adequate stocks;

(5) The point value of any stocks of processed foods he may have for that establishment.

(b) *Issuance of a certificate.* The Washington Office will issue to him a certificate for the number of points he needs to get an adequate working inventory.

(c) *Reports.* Beginning for his first full reporting period of operation, he must file reports for that establishment, on OPA Form R-1310, and follow the same procedure as a "wholesaler" who registered between April 1 and April 10, 1943.

(d) *Procedure where no additional stocks are needed.* Where the person who wishes to open the wholesale establishment has enough stocks, he need not apply on OPA Form R-315. He may begin operations with the stocks he has. However, before making any sales or transfers of processed foods from that establishment after April 10, 1943, he must notify the Washington Office. The notice must be in writing and must give the name and address of the establishment and the point value of its inventory.

(e) *Maximum allowable inventory.* His maximum allowable inventory is then determined in the following way:

(1) For the first five reporting periods, his maximum allowable inventory is the point value of any ration check issued to him by the Washington Office, plus the point value of any inventory of processed foods which he had at the time he notified the Washington Office of his intention to begin operations as a wholesaler;

(2) For his sixth reporting period and thereafter, his maximum allowable inventory is determined in the following way:

(i) The point value of his transfers of processed foods during his first four full reporting periods is determined. (Exchanges and returns of processed foods, and transfers from one to another of his wholesale establishments, must not be included in this computation);

(ii) That figure is divided by four to arrive at the average of his sales and transfers during each of the four periods;

(iii) The result becomes the wholesaler's fixed base and it is multiplied by a factor which the Office of Price Administration will fix for the reporting period in question and for subsequent periods in a supplement to this order.

[Paragraph (e) amended by Am. 79, 10 F.R. 5796, effective 5-25-45]

SEC. 12.3 *New processor establishments may be opened.* (a) A person who opens a processor establishment which was not in operation during February 1943 must notify the Washington Office before making sales or transfers of processed foods from that establishment. The notice must be in writing and must show:

(1) The name and address of the establishment;

(2) The type of processed foods he produces or imports there;

(3) The inventory of that establishment on the date of the notice.

He must file reports for that establishment, on OPA Form R-1305, beginning for the reporting period in which he started operations there.

SEC. 12.4 *In special cases, allotments may be granted for new industrial user establishments.* (a) A person who has or wishes to open an "industrial user establishment" which he did not operate at any time between January 1, 1942 and February 28, 1943, may apply for an allotment. Generally no such application may be granted unless it is found that:

[Above paragraph amended by Am. 2, 9 F.R. 695, effective 1-21-44]

(1) The operation of the establishment will make a direct contribution to the war effort or is essential to meet civilian needs in the area it will serve; and

(2) The product it will produce cannot be obtained from any other source in the area to be supplied.

(b) The application must be made on OPA Form R-315 and must be filed as follows:

(1) With the board (or district office) authorized to keep the files of industrial users for the place where the applicant's industrial user establishment is or will be located, if:

(i) He does not have a registered industrial user establishment and the application covers only one establishment; or

(ii) He has more than one industrial user establishment which are already registered separately; or

(iii) He has one industrial user establishment which is already registered and he wishes to register the new establishment separately.

(If the applicant wishes to open more than one industrial user establishment which are to be registered separately, a separate application must be filed for each such establishment.)

(2) With the board (or district office) authorized to keep the files of industrial users for the place where the applicant's principal business office is or will be located, if:

(i) The application covers more than one industrial user establishment and the applicant wishes to register such establishments together; or

(ii) He has more than one industrial user establishment which are already registered together; or

(iii) He has one industrial user establishment which is already registered and he wishes to register the new establishment with it.

(c) The application must show:

(1) The product the applicant will make;

(2) The size of the establishment;

(3) The amount he has invested or intends to invest in it;

(4) The market to be supplied;

(5) The kinds and point value of any processed foods he may have for that establishment;

(6) The amount of the allotment requested.

[Paragraph (b) amended; (c) added; and former (c) and (d) redesignated (d) and (e) by Am. 31, 9 F.R. 4681, effective 5-7-44]

(d) The board may call for any additional information it finds necessary. It may not pass on the application, but must forward it, together with all information received, to the district office. It may attach its recommendation, if any, as to the action to be taken. In cases in which the applicant wishes to make an industrial use of processed foods for experimental, educational, or testing purposes, the district office may permit the applicant to register (on OPA Form R-1200) and grant him an allotment if it finds it in the public interest to do so. In all other cases, the district office must forward the entire file to the Washington Office, for decision, or take such other action as the Washington Office may authorize or direct.

[Paragraph (d), formerly (c) amended by Am. 27, 9 F.R. 4475, effective 4-29-44]

(e) An industrial user who already has an allotment, may not open another industrial user establishment and use his allotment there, unless he applies under this section and is given permission to do so.

ARTICLE XIII—CLOSING OF BUSINESS

SEC. 13.1. *What a person who closes his establishment must do—(a) General.* (1) Any "retailer", "wholesaler", "processor", "country shipper", or "industrial user" who goes out of the business of dealing in or using "processed foods" at his establishment must notify the "board" at which it is registered, or the "Washington Office", if it is registered there. (A "person" is considered as going out of the business of dealing in or using processed foods if the foods he deals in or uses at his establishments are removed from the list of processed foods.) The notice must be given in writing within five (5) days after he goes out of business. It must show:

(i) The name and address of the establishment;

(ii) The point value of its inventory at the time that he ceases doing business in processed foods at that establishment; and

(iii) The number of points in the establishment's ration bank account, if any, and the number of points on hand, including points in the hands of his suppliers for processed foods not yet shipped. If he has a ration bank account he must also notify the district office in the way required by General Ration Order 3A (the Ration Banking Order).

(2) He must account to the Office of Price Administration for all points he has for the establishment at which he ceased doing business. If all his stocks of processed foods have not been disposed of at the time of the notice, he must account for the rest of the points as soon as the stocks have been liquidated. An industrial user who has given the notice called for above, may sell or "transfer" his unused stocks of processed foods in the same way that a retailer is permitted to make sales or transfers.

(b) *Closing of entire chain.* The rules set forth in paragraph (a) of this section, also apply to a person who has more than one establishment of a particular kind and who goes out of business at all of them. He must give the information required, and must give up the points, for all the establishments.

(c) *Closing of part of a chain.* (1) A person who has several retail, wholesale or processor establishments may go out of business at one or more, but may continue to operate the others. In that case, he need not give up points to the Office of Price Administration at that time but may use them for the operation of the establishments which he continues.

(i) If the establishment closed was a "retail establishment", he must notify the board at which it is registered within five (5) days after he closes it. If it is registered at the Washington Office, he must notify that office instead. The notice must be in writing and must give the name and address of the establishment closed.

(ii) If the establishment closed was a "wholesale" or "processor establishment", he must indicate that fact in his next periodic report.

(2) A person who has several "industrial user establishments", which are registered separately, may go out of business at one or more, but may continue to operate the others. In that case, he must follow the procedure set forth in paragraph (a) of this section as to each of the establishments at which he goes out of business.

(3) A person who has several industrial user establishments which are registered together may go out of business at one or more, but may continue to operate the others. In that case he must notify the board with which he is registered. The notification must be in writing and must state whether and to what extent he will continue to serve, from his other establishments, the same area and the same general class of customers. The board must send the notification and his registration to the district office. The district office shall determine the extent to which he remains entitled to use his entire allotment. He may keep his entire allotment only if his remaining establishments will continue to serve the same general class of customers and the same area as the establishment closed. His allotment and his base-period use must be reduced to the extent that he will cease to serve the same class of customers and the same area. If his allotment is reduced, he must give up to the Office of Price Administration points equal to the reduction. If he does not have points to give up, the amount of the reduction shall be treated as excess inventory.

ARTICLE XIV—MISCELLANEOUS ADJUSTMENTS

SEC. 14.1 *Retailer may apply for inventory adjustments after March 1943—(a) How to apply.* A "retailer" who finds that his allowable inventory is inadequate may apply for an adjustment. The application must be made, on OPA Form R-315, to the "board" with which he registered, or to the "Washington Office" if he registered there. The application must give the following information:

(1) The amount of his allowable inventory;

(2) The reasons why he claims that it is inadequate;

(3) The point value of his sales and "transfers" of "processed foods" during the thirty days before his application, not including exchanges, and transfers from one of his "retail establishments" to another;

(4) The amount of the adjustment which he needs.

He must also give any other information that the board (or the Washington Office) may request.

(b) *Application based on increase of business.* If he asks for a larger inventory because of an increase in business which is not due to regular seasonal variations, his application is to be acted upon in the following way:

(1) The point value of his sales or transfers upon which his allowable inventory was based is determined;

(2) The point value of his sales and transfers of processed foods, during the

thirty days before the application is determined;

(3) If the second figure is more than ten percent larger than the first figure, he is to get a "certificate" for the difference between them multiplied by the factor fixed in the supplement to this order for determining retailer allowable inventories;

(4) If the second figure is not more than ten percent larger than the first, his application is to be denied.

(c) *Other applications.* If he asks for a larger inventory for any other reason, a board may not act on the application but must send it, and any other information received, to the district office. The board may attach its recommendation, when it transmits the application. The district office shall send the file to the Washington Office, for decision, or take such other action as the Washington Office may authorize or direct.

SEC. 14.2 *Wholesaler may apply for inventory adjustments after March 1943*—(a) *How to apply.* A "wholesaler" who finds that his maximum allowable inventory is inadequate may apply for an adjustment. The application must be made to the Washington Office, on OPA Form R–315, and must give the following information:

(1) The amount of his maximum allowable inventory for the reporting period in which he applies;

(2) The reasons why he claims that it is inadequate;

(3) The amount of the adjustment which he needs.

He must also give any other information that the Washington Office may request.

(b) *Action on application.* The Washington Office will act on the application according to the circumstances of the case.

SEC. 14.3 *Wholesalers and retailers may apply for point loans*—(a) *General.* A retailer or a wholesaler may have large seasonal variations in the amount of business that he does. He may therefore need an unusually large inventory at certain times. In other cases due to difficulties of transportation a retailer or a wholesaler may have a large number of points tied up in the hands of his supplier, for processed foods which he has not yet received. In these situations the retailer or wholesaler may wish to borrow points in order to get enough processed foods to tide himself over. He does not need a permanent adjustment, but simply a loan of points which he can pay back later.

(b) *Application for a point loan.* A retailer or wholesaler may apply for a point loan when he needs more points to get processed foods for a limited period of time because of uncertainties or delays in transportation or because of seasonal variations in his business. He must apply on OPA Form R–315 to the board with which he is registered (or to the Washington Office, if he is registered there). The application must show:

(1) His allowable inventory;

(2) The reasons he needs a point loan;

(3) The number of points he needs to borrow;

(4) The length of time for which he needs the loan.

He must give any other information that the board (or the Washington Office) requests.

(c) *Action on application.* If he needs a point loan for any of the reasons set forth in the last paragraph, he may be given a certificate for the number of points needed. The loan can be for any period up to two months. He must give back that number of points to the Office of Price Administration, for cancellation, not later than the date set at the time the certificate is issued.

(d) *When Board may not act upon application.* A board may not grant a point loan of more than fifty percent of the applicant's allowable inventory. If more than that is needed, it must send the application, together with all information it received, to the district office. It may attach its recommendation as to the action to be taken. The district office shall send the file to the Washington Office for decision, or take such other action as the Washington Office may authorize or direct.

SEC. 14.4 *Adjustments for lost, destroyed, stolen or spoiled processed foods*—(a) *Lost, destroyed, or stolen processed foods*—(1) *How to apply.* Any "person" whose processed foods were lost, destroyed, or stolen, or taken away by legal process or order of a court, may apply for a certificate for the number of points needed to replace them. However, a consumer may apply for a certificate with which to replace processed foods only if he has given up points to acquire the foods which are lost, destroyed, stolen, or taken away. (Processed foods reported by a consumer at the time he registered for War Ration Book Two, and for which eight point stamps were removed from his war ration book, are deemed to be processed foods for which he has "given up" points.) The application must be made on OPA Form R–315. A "consumer" who wants a certificate must apply to the board for the place where he lives. Any other person must apply to the board with which he is registered (or to the Washington Office, if he is registered there). The application must give:

[Above paragraph amended by Am. 12, 9 F.R. 2240, effective 3–1–44]

(i) A description of the processed food he wishes to replace, showing their point value;

(ii) A description of the way in which they were lost, destroyed, stolen, or taken away;

(iii) A statement, if the applicant is a consumer, that he gave up points for the processed foods which were lost, destroyed, stolen, or taken away, or that stamps were removed from his War Ration Book Two for such foods.

[Subparagraph (iii) added by Am. 12, 9 F.R. 2240, effective 3–1–44]

He must also give any other information that the board (or the Washington Office) may request.

(2) *Action on application.* If the board (or the Washington Office) finds the statements made in the application to be true, it will issue to him a certificate for the number of points needed to replace the foods.

(3) *Recovery of lost or stolen foods.* If the applicant gets back any of the processed foods covered by his application, he must give back to the Office of Price Administration, for cancellation, points equal to the point value of the foods he recovered.

(b) *Spoiled processed foods.* Application for replacement of processed foods which spoiled in the applicant's hands before they could be used or transferred may be made under the provisions of section 14.5. Spoiled processed foods not covered by section 10.12 may be replaced by exchanging them for other processed foods of equal point value. However, a "processor" must account in his periodic report (and a country shipper must account in his monthly report) to the Washington Office, for processed foods which spoiled in his hands, or which he took back in an exchange.

SEC. 14.5 *Applications may be made for other adjustments*—(a) *How to apply.* Any retailer, wholesaler, processor, or "industrial user" who needs an adjustment in his inventory or allotments, or other relief, may apply, on OPA Form R–315, to the board with which he is registered, or to the Washington Office, if he is registered there. He must state in his application all facts which he claims show his need for the adjustment, and the nature and amount of the adjustment he requests. He must also give any other information that the board (or the Washington Office) requests.

[Paragraph (a) amended by Am. 60, 9 F.R. 12971, effective 11–3–44]

(b) *Action on application.* A board may not act upon an application under this section. It must send the application, together with all other information received, to the district office. It may attach its recommendation as to the action to be taken. The district office shall send the file to the Washington Office, for decision, or take such other action as the Washington Office may authorize or direct.

(c) *Applications by industrial users for adjustments in base-period use or allotments will not be granted if filed after certain dates.* The Office of Price Administration has granted and will grant, in a proper case, adjustments in the base-period use or allotments of an industrial user where it is shown that:

(1) Fire, floods, strikes, or other similar catastrophes affecting his operations during the base period caused his base-period use to be less than it otherwise would have been; or

(2) He invested in productive equipment or facilities before February 21, 1943, which he did not begin using until after the beginning of his base period with the result that the additional capacity to use processed foods, so obtained, was not adequately reflected in his base-period use.

However, no application by an industrial user for an adjustment in his base-period use or allotments based on any of these reasons or on any other condition, occurrence or fact existing before February 21, 1943, will be granted unless the application, in writing, is filed before December 15, 1944. Furthermore, any person who becomes an industrial user, or whose use of certain foods becomes an industrial use, because the foods he uses in his operations are added to the list of processed foods (or because he uses processed foods in making products which were removed from the list of processed foods) may file an application within 90 days after his use of the foods in question becomes an industrial use of processed foods.

[Paragraph (c) added by Am. 59, 9 F.R. 12971, effective 11–3–44]

SEC. 14.6 [Revoked.]

SEC. 14.7 [Revoked.]

[Sec. 14.6 and 14.7 revoked by Am. 54, 9 F.R. 11538, effective 9–17–44]

SEC. 14.8 *Replacement of lost, destroyed, stolen or mutilated certificates, coupons, stamps, or tokens*—(a) *Torn or mutilated certificates, coupons, stamps, or tokens.* A certificate that is torn or mutilated shall be valid only if more than one-half thereof remains legible and the remaining portion clearly shows the date of the certificate, its point value and the name of the person to whom it was issued. A coupon that is torn or mutilated shall be valid only if more than one-half thereof remains legible and the remaining portion clearly shows its point value. A stamp that has been torn or mutilated is valid only if more than one-half thereof remains legible and clearly shows its identifying letter and number. Such a stamp is valid in the hands of a consumer only if it remains undetached in his War Ration Book. A token that has been broken or mutilated is valid only if more than one-half remains thereof and that portion retains sufficient lettering to identify it as having been a ration token.

(b) *Lost, destroyed or stolen certificates, coupons, stamps, or tokens.* (1) If a certificate, coupon, stamp, or token held by a person other than a consumer is lost, destroyed or stolen, the person entitled to such token, stamp, coupon, or certificate may apply for a new coupon or certificate to replace it. The application shall be made by such person or his authorized agent upon OPA Form R–315 to the board with which he is registered (or to the district or Washington Office, if he is registered there). If the board or the Washington Office finds that the certificate, stamp, token, or coupon was lost, destroyed or stolen, it shall issue a coupon or certificate equal in point value to the stamp, certificate, token, or coupon which was lost, destroyed or stolen.

(2) If a certificate or coupon held by a consumer is lost, destroyed or stolen, the consumer may apply for a certificate or coupon to replace it. (A consumer may not apply to replace stamps or tokens which have been lost, destroyed or stolen. However, a consumer may apply in accordance with Procedural Regulation No. 12 to replace a War Ration Book which has been mutilated, destroyed, lost or stolen.) The application shall be made to the board for the place where he lives upon OPA Form R–315 by the consumer personally or by an adult member of his family unit, or by an authorized agent. If the board finds that the certificate or coupon was lost, destroyed or stolen, it shall issue a coupon or certificate equal in point value to the certificate or coupon which was lost, destroyed or stolen.

(3) If any person who has received a replacement for lost or stolen certificates, coupons, tokens, or stamps recovers any or all of the lost or stolen certificates, coupons, tokens, or stamps, he must return them to the board or district office from which he received the replacement, or to the Washington Office if he received the replacement from there.

[Sec. 14.8 added by Am. 41, 9 F.R. 7080, effective 6–30–44]

SEC. 14.9 *Retailers may apply for adjustment if net point inventory is or would be reduced to less than 75 percent of allowable inventory.* (a) *How to apply.* A retailer whose net point inventory has been reduced to less than 75 percent of his allowable inventory (or would be so reduced if he were required to give up points for his remaining excess inventory) and who finds that it will be a hardship for him to operate with the points he has may apply for an adjustment. The application must be made between December 31, 1944 and February 10, 1945, inclusive, on OPA Form R–315, to the board with which he is registered, or to the Washington Office, if he is registered there. The application must give the following information, stated separately:

(1) The point value of his inventory of processed foods and the date on which it was taken. The inventory must be taken at some time from December 31, 1944 to January 27, 1945, inclusive, and the applicant must keep a record, by items, of such inventory. (Section 5.5 (b) of this order describes what must be included in his inventory). In addition, it must show, as of the date on which he took his inventory of foods:

(2) The number of points which he has on hand;

(3) The number of points in his ration bank account, if any, (except those for which ration checks are outstanding);

(4) The number of points which he has already given up for processed foods not yet shipped to him;

(5) The number of points which he has not yet received for processed foods he has already shipped;

(6) The number of points he has received for processed foods which he has not yet shipped;

(7) The number of points he owes for processed foods already shipped to him;

(8) Points owed to the Office of Price Administration for outstanding loans; and

(9) That this adjustment is necessary because it will be a hardship for him to operate with the points he has.

(b) *Action on application.* The board or the Washington Office may grant him an adjustment if it finds that it will be a hardship for the retailer to operate with the points he has and that his net point inventory (the total of subparagraphs (1) through (5) of paragraph (a), less the total of subparagraph (6) through (8) of paragraph (a)) has been reduced to less than 75 percent of his allowable inventory (or that his net point inventory would be so reduced if he were required to give up points for his remaining excess inventory). The board or Washington Office will issue to him a check equal to the amount by which 75 percent of his allowable inventory exceeds his net point inventory, and will also cancel any remaining excess inventory. If his net point inventory is greater than 75 percent of his allowable inventory, it will cancel that part of his excess inventory, which, if he were required to give up points therefor, would reduce his net point inventory below 75 percent of his allowable inventory.

(c) *General.* Only one application under this section may be made by any retailer. Nothing in this section shall be construed to forgive or excuse any violations by the applicant of this or any other order of the Office of Price Administration, or to affect any action which may be taken by the Office of Price Administration with respect to any such violations.

[Sec. 14.9 added by Am. 70, 9 F.R. 15052, effective 12–26–44]

ARTICLE XV—ISSUANCE AND USE OF CERTIFICATES, RATION COUPONS AND TOKENS

SEC. 15.1 *How certificates are issued*—(a) *By whom issued.* "Certificates" (OPA Form R–1201) may be issued by the "Washington Office", by a "board", by any authorized officer or representative of the Office of Price Administration, or by any "person" authorized by the Office of Price Administration to issue them. Certificates may be issued only in the cases and for the purposes permitted by this or any other order of the Office of Price Administration.

[Article title amended by Am. 9, F.R. 1908, effective 2–17–44]

(b) *How certificates are issued.* The person who issues a certificate must insert, in ink, the words "Processed Foods" in the appropriate space and must sign it and fill in:

(1) The number of points for which it is issued;

(2) The name of the person for whom it is issued; and

(3) The word "after" in the upper right corner shall be changed to "before" and the date inserted there shall be the date of issue.

[Subparagraph (3) amended by Am. 24, 9 F.R. 3944, effective 4–15–44]

A certificate which is not filled out in this way is not good for the acquisition of processed foods and may not be used or accepted for that purpose.

SEC. 15.2 *Certificates may be used for limited time.* (a) A certificate issued on or after November 2, 1943 may be used at any time prior to January 21, 1945 by the person to whom it is issued for the acquisition of processed foods if he does not have and is not required to have a ration bank account. A "retailer" who "transferred" processed foods for a certificate may use it at any time prior to January 21, 1945, to acquire such foods if he does not have and is not required to have a ration bank account. A certificate

issued or duly transferred to a person who has a ration bank account is valid for deposit in his account at any time prior to February 1, 1945. No certificate may be transferred by endorsement after January 21, 1945 or deposited after January 31, 1945. However, a certificate which expired before January 1, 1944 may not be transferred or deposited and may not be used to acquire processed foods.

(b) Any person who has and is entitled to use a certificate issued on or after November 2, 1943, may, at any time from January 1, 1945 to January 31, 1945, inclusive, exchange that certificate at the board for a ration check.

[Sec. 15.2 amended by Am. 24, 9 F.R. 3944, effective 4-15-44; and Am. 64, 9 F.R. 13993, effective 11-27-44]

SEC. 15.3 *A certificate must be endorsed.* (a) Before it can be used, a certificate must be signed on the back by the person for whom it was issued, or by a person authorized to sign for him, if he cannot write.

(b) Any retailer, "wholesaler" or "processor" who has transferred processed foods for a certificate must sign his name on the back of the certificate before he can deposit or use it.

SEC. 15.4 [Revoked]

SEC. 15.5 *Names of persons who have been given certificates may be posted.* (a) A board may post at its office the name of any person to whom it has issued a certificate under this order. However, it shall not do so if it would reveal information of a military character, or information which any public law enforcement or investigating agency wishes to keep confidential.

SEC. 15.6 *Certificates are the property of the Office of Price Administration and may be revoked.* (a) All certificates are the property of the Office of Price Administration, whether or not they have been issued.

(b) The Office of Price Administration may suspend, cancel or revoke any certificate issued if it finds it in the public interest to do so.

SEC. 15.7 *Sugar purchase certificates may be corrected and used as processed foods purchase certificates.* (a) Where no food ration certificates (OPA Form R-1201) are available, sugar purchase certificates (OPA Form R-306) may be used instead, if the word "sugar" in the title is changed to "processed foods", and the rest of the sentence following the applicant's name and address and ending with "Administration" is changed to read "is issued [amount in words] ([amount in numerals]) points of processed foods". The date inserted in the upper right corner shall be the date of issue. The date in the lower right corner shall be left blank.

[Paragraph (a) amended by Am. 24, 9 F.R. 3944, effective 4-15-44]

SEC. 15.8 *How ration coupons are issued* (a) *General.* Whenever a board, district office, or the Washington Office of the Office of Price Administration, or any other person, is authorized to issue one or more certificates or checks to any person, it shall, unless otherwise directed by the Office of Price Administration, issue ration coupons instead, if he is not entitled to have a ration bank account, or whose ration bank account has been closed under section 8.6 of this order. However, ration coupons may be issued to a retailer who does not have, and is not required to have, a ration bank account.

[Paragraph (a) amended by Am. 64, 9 F.R. 13993, effective 11-27-44; and Am. 73, 10 F.R. 1539, effective 2-7-45]

(b) *How ration coupons are issued and used.* Ration coupons are coupons designated "ration coupons" which are issued in denominations of 1, 5, 20, 100 and 1,000 points by the Office of Price Administration. Blue ration coupons may be used for the acquisition of all processed foods. They need not be endorsed, and are good at any time. In all other respects they may be used in the same way as "stamps," certificates and ration checks. However, a person who does not have and is not required to have a ration bank account may use ration coupons to give change to any person other than a consumer, but he may use for this purpose only ration coupons having denominations of 1, 5, or 20 points. (This does not affect the rule that a person who has or is required to have a ration bank account may give up or return points only in the form of a check. The only exception to that rule is in the use of one point stamps or tokens to give change to consumers.)

[Paragraph (b) amended by Am. 9, 9 F.R. 1908, effective 2-17-44]

(c) *Ration coupons are the property of the Office of Price Administration and may be revoked.* (1) All ration coupons are the property of the Office of Price Administration, whether or not they have been issued.

(2) The Office of Price Administration may suspend, cancel, or revoke any ration coupon if it finds it in the public interest to do so.

SEC. 15.9 *How ration tokens may be obtained by persons other than consumers.* (a) On and after February 17, 1944, any person other than a consumer who sells or transfers processed foods may acquire tokens in quantities of 250 or multiples thereof at any ration bank in exchange for the following types of ration currency:

(1) *Stamps.* From February 17, 1944 to February 26, 1944, inclusive, he may use green stamps in sealed envelopes. From February 27, 1944 to May 1, 1944, inclusive, he may use green stamps in sealed envelopes or blue stamps pasted on gummed sheets, OPA Form R-140. Beginning May 2, 1944 he may use stamps only if they are pasted on such gummed sheets notwithstanding the provisions of General Ration Order 7. If he uses stamps in sealed envelopes, the envelopes must be handled in all respects in accordance with the procedure described in General Ration Order 7 for the use of such envelopes. If he uses stamps pasted on gummed sheets he may use only stamps valid for transfer or deposit by him at the time he acquires tokens, and each sheet must contain 25 stamps. He must write his name and address on each sheet.

[Subparagraph (1) amended by Am 21, 9 F.R. 3708, effective 5-2-44]

(2) *Certificates.* He may use a certificate only if it is made out to him. He must write his name and address on the back of the certificate before using it to acquire tokens.

(3) *Checks.* If he has a ration bank account he may use a ration check to obtain tokens only at the bank where he has his account and only if such check is drawn by him against his account either to his own order or the order of "tokens".

(4) *Ration coupons.* Between February 17, 1944 and May 1, 1944, inclusive, he may use ration coupons to obtain tokens. They must be enclosed in sealed envelopes which must be handled in accordance with the procedure described in General Ration Order 7 for the use of such envelopes. After May 1, 1944 he may not use ration coupons to acquire tokens.

(b) Beginning February 27, 1944 any person who sells or transfers processed foods may obtain tokens in exchange for any valid ration currency from any other person who sells or transfers such foods.

(c) Before February 17, 1944 any retailer who has more than one retail establishment may apply to the Washington Office for permission to obtain tokens from that office. Such a retailer must give up points on or before February 17, 1944 to the Washington Office for tokens he receives in this way.

SEC. 15.10 *How tokens are used.* (a) Beginning February 27, 1944 tokens may be used to buy or acquire foods and to give change to consumers when they buy or acquire such foods. They have a point value of one point each and are good at any time. However, a transferor of processed foods need not accept more than 9 tokens from any transferee other than a consumer in any single transaction.

(b) Any person who has a ration bank account may deposit tokens in his account only in quantities of 250 or multiples thereof and only if they are in the containers provided for them by the Office of Price Administration. Any person who does not have and is not required to have a ration bank account may exchange tokens in quantities of 250 or multiples thereof for a ration check at any ration bank but only if the tokens are in the containers provided for them. Any person who deposits or exchanges tokens in this way must write his name and address in the space provided for that purpose on the cover of the container.

[Secs. 15.9 and 15.10 added by Am. 9, 9 F.R. 1908, effective 2-17-44]

SEC. 15.11 *Tokens which may not be used must be surrendered.* (a) A person who has any tokens which he acquired in a way not provided for by this or any other order of the Office of Price Administration must not use them for any purpose but must surrender them to a board.

[Sec. 15.11 added by Am. 42, 9 F.R. 7081, effective 6-30-44]

SEC. 15.12 *Tokens may not be used after certain dates.* Notwithstanding the provisions of any other section of this order:

(a) On or after September 17, 1944, no retailer, wholesaler, country shipper, or processor may use tokens to give change to consumers or to industrial or institutional users.

(b) On or after September 17, 1944, no retailer, wholesaler, country shipper, or processor may acquire tokens from any ration bank.

(c) Between September 17 and September 30, 1944, inclusive, consumers may give (but not sell) tokens to other consumers without acquiring processed foods therefor, for the purpose of making up quantities of ten, or multiples of ten, for the acquisition of processed foods.

(d) On or after October 1, 1944, no consumer may use tokens to buy or acquire processed foods.

(e) On or after October 10, 1944, no person at all may use tokens to buy or acquire processed foods.

(f) On or after October 10, 1944, no person may deposit tokens in any ration bank account or exchange tokens for stamps, certificates, ration coupons or ration checks.

[Sec. 15.12 added by Am. 53, 9 F.R. 11113, effective 9-8-44]

SEC. 15.13. *Special provisions for exchanging and depositing tokens between September 27, and October 16, 1944.* Notwithstanding the provisions of any other section of this order:

(a) Between September 27 and October 16, 1944, inclusive, any retailer, wholesaler, country shipper, or processor who has a ration bank account may deposit tokens in that account:

(1) In quantities of less than 250 in sealed envelopes (OPA Form R-132);

(2) In quantities of 250 in sealed envelopes (OPA Form R-132) if containers provided for such tokens by the Office of Price Administration are not available; and

(3) In quantities of more than 250 but not over 1,000 in bulk envelopes (described in section 1.2 (a) (2) and (3) of General Ration Order 7).

(b) Between September 27 and October 16, 1944, inclusive, any person, other than a consumer, who does not have and is not required to have a ration bank account may exchange tokens for a ration check at any ration bank or he may exchange tokens for certificates or ration coupons at his board;

(1) In quantities of less than 250 in sealed envelopes (OPA Form R-132);

(2) In quantities of 250 in the containers provided for them by the Office of Price Administration, or in sealed envelopes (OPA Form R-132) if such containers are not available; and

(3) In quantities of more than 250 but not over 1000 in bulk envelopes (described in section 1.2 (a) (2) and (3) of General Ration Order 7).

(c) Any person who uses sealed envelopes or bulk envelopes in the way permitted by this section, must write on the face of the envelope his business name and address, that the tokens are deposited (or exchanged, as the case may be) under the processed foods rationing program, and the number of tokens enclosed. He must also sign his name on the face of the envelope. His signature shall constitute a certification as to the truth of the statements written on the envelope.

(d) Any retailer who has more than one retail establishment may apply to the Washington Office for permission to surrender tokens at a place to be designated by the Washington Office and receive checks or certificates in exchange. If permission is granted, the retailer must surrender the tokens on or before October 16, 1944, in accordance with instructions given by the Washington Office.

[Sec. 15.13 added by Am. 53, 9 F.R. 11113, effective 9-8-44; Am. 55, 9 F.R. 11798, effective 9-25-44; Am. 56, 9 F.R. 11902, effective 9-27-44; and Am. 57, 9 F.R. 12269, effective 10-9-44]

SEC. 15.14 *Ration evidences to be issued in multiples of ten points.* (a) All ration evidences issued for processed food points under the provisions of this order shall be issued in multiples of ten points. If the computation of the amount of the points to be issued under this order to any person results in less than five points over a multiple of 10, the ration evidences shall be issued in that multiple of 10. If the computation results in five points or more over a multiple of 10, the ration evidences shall be issued in the next higher multiple of 10 points. (For example, if a consumer is entitled to obtain evidences for 23 points from a Board, the Board shall issue to him 20 points; if entitled to 25 or 26 points, the Board shall issue 30 points.)

[Sec. 15.14 added by Am. 85, effective 8-13-45]

ARTICLE XVI—RECORDS, REPORTS AND INSPECTIONS

SEC. 16.1 *Records must be kept for two years.* (a) Every "person" must hold, for at least two years, all records which this order requires him to keep. He must retain such records in his possession notwithstanding any amendment or revocation of any part of this order.

[Paragraph (a) amended by Am. 54, 9 F.R. 11538, effective 9-17-44]

SEC. 16.2 *Records may be inspected by Office of Price Administration.* (a) All records kept under this order may be inspected by the Office of Price Administration, through any authorized representative. The inspection may be made at a person's place of business during regular business hours. In the case of records kept on forms prepared by the Office of Price Administration, the inspection of those records may be made at any time or place fixed by the Office of Price Administration. Every person required to keep records under this order must keep them available for such inspection.

SEC. 16.3 *Places where processed foods are kept may be inspected.* (a) The Office of Price Administration, through any authorized representative, may at any reasonable time inspect any place where "processed foods" are produced, imported or kept. Any person who produces, imports, or has processed foods, must permit such inspection of the place where he produces, imports or keeps them.

SEC. 16.4 *Records and reports are confidential.* (a) Information and documents obtained from any person under this order will not be disclosed, whether in response to a subpoena or in any other way, except to that person, unless the Administrator (or a representative of the Office of Price Administration designated by him) finds that the requested disclosure is not contrary to law and consents to it.

SEC. 16.5 *Office of Price Administration may extend time by registration and reports.* (a) The "Washington Office" may, for good cause, give any person additional time to file any registration or report which this order requires him to file. Any person who needs more time for filing a registration or report may apply, in writing, to the Washington Office. He must explain, in his application, why he needs more time. The Washington Office may impose any conditions it finds proper, when it grants such an extension of time.

SEC. 16.6 *Office of Price Administration may require applicants to give information.* (a) The Washington Office, a "board", or a district director or regional administrator may require any person who files an application or an appeal under this order to appear in person, to bring witnesses and to supply any information needed for passing on his case.

SEC. 16.7 *Persons who produce or deal in certain items similar to processed foods must file reports.* (a) Every person, who, for sale or "transfer" (1) produces fountain fruits, or (2) cans or bottles fruit or vegetable juices in hermetically sealed containers over one gallon and sterilizes them by the use of heat, or (3) cans fish or shellfish in hermetically sealed containers sterilized by the use of heat, or (4) packages dried or dehydrated vegetables or meat stocks whether or not in combination with noodles or other similar paste products, for use as a dried soup or soup base, or (5) cans or bottles soups, baby foods, vegetables, or vegetable purees, or (6) manufactures pure or imitation jams, jellies, fruit butters, marmalades, or preserves, or (7) subjects fruits, vegetables, or fruit or vegetable juices to a freezing operation as a result of which they become frozen foods, must file periodic reports on OPA Form R-1305. Such periodic reports must also be filed by the first person, other than a dehydrator or grower of fruit, who "acquires" dried or dehydrated fruit from a dehydrator or grower of fruit if he is regularly engaged in the distribution of dried or dehydrated fruit and if more than 50 per cent of such fruits sold or transferred by him are sold or transferred to persons other than "consumers." He must give all information as to those items called for by the form.

[Paragraph (a) amended by Am. 61, 9 F.R. 12972, effective 10-28-44]

(b) A person who deals in vegetables or vegetable purees, soups, or baby foods, in hermetically sealed containers of any type and sterilized by the use of heat, or in dried fruits or dry beans, peas, or lentils, and who would be a wholesaler under this order if any of those foods were included in the list of processed foods, must (except to the extent permitted by the Washington Office under section 4.2 (b) of this order) file periodic reports on OPA Form R–1310. He must give all information as to those items called for by Schedule B of that form.

[Section heading amended, paragraph (b) added, and former (b) redesignated (c) by Am. 62, 9 F.R. 12972, effective 10–28–44]

(c) The first report is for February 1943 and must be filed, by mail, with the Office of Price Administration, care of the Bureau of the Census, Washington, D. C., not later than March 10, 1943. Reports for subsequent reporting periods must be filed not later than eight days after the end of the period.

SEC. 16.8 *Records, reports, and registrations required by this order.* (a) The following records are required by this order:

(1) Processors must keep records of production, imports, acquisitions, certain transfers, and changes in point values. (Section 3.8)

(2) Processors must keep records of point-free transfers made to allow for spoilage. (Section 10.12 (c))

(3) Wholesalers must keep records of transfers, and of changes in point values. (Section 4.9)

(4) Retailers must keep records of changes in point values and of their suppliers' statements showing March 1943 transfers (Section 5.10)

(5) Processors, wholesalers, and retailers must keep records of transfers to retailers during March 1943. (Section 9.5 (f))

(6) Processors, wholesalers and retailers must keep a record of mail order sales made to consumers. (Section 9.4 (g))

(7) Wholesalers and retailers must keep a record of point-free transfers of seed beans, peas or lentils which were in their inventories March 1, 1943 or acquired thereafter for points. (Section 10.15 (a))

(8) Persons who transfer processed foods in advance of receiving points must keep a record of each such transfer. (Section 9.5 (c))

(9) Persons who transfer processed foods in imminent danger of spoilage at less than full point value must keep records. (Section 9.11 (c))

(10) Industrial users must keep a record of inventories, allotments, and use of processed food. (Section 6.9)

(11) Chains must keep records of transfers of stocks and points between establishments. (Section 10.4, 17.1)

(12) Suppliers must keep records of food transferred to certain Mexican residents. (Sections 25.3, 25.4)

(13) Consumers who sell part of their "home processed foods" must keep a record of such sales. (Sections 26.3 (b), 26.4a (a))

(14) Consumers must keep records of their sales or transfers of processed foods custom processed for household consumption. (Section 26.5)

(15) Records must be kept for two years. (Section 16.1)

(16) Retailers who apply for adjustment because net point inventory is reduced to less than 75 percent of allowable inventory must keep a record of inventory. (Section 14.9)

[Subparagraph (16) added by Am. 70, 9 F.R. 15052, effective 12–26–44]

(b) The following reports and registrations are required by the order:

(1) Processors must register. (Sections 3.2 (a), (f), 3.10, 12.3 (a))

(2) Processors must file periodic reports of their operations. (Sections 3.2 (b), 3.6 (c), 3.9, 14.4 (b))

(3) Processors must report their inventories. (Section 3.5)

(4) Persons who produce certain items similar to processed foods must file reports. (Section 16.7 (a))

(5) Wholesalers must register. (Section 4.2 (a), (e))

(6) Wholesalers must file periodic reports of their operations. (Sections 4.2 (b), 4.10, 10.9 (b), 12.2 (c))

(7) Wholesalers must report their inventories. (Section 4.4)

(8) Wholesalers must report their sales and points on hand. (Section 4.5)

(9) New wholesalers must register and file reports. (Section 12.2)

(10) Retailers must register. (Section 5.3 (a), (d))

(11) Retailers must report their inventories. (Section 5.5)

(12) Retailers must report their sales and points on hand. (Section 5.6)

(13) New retailers must register. (Section 12.1)

(14) Processors, wholesalers, and retailers who wish to accept points from, and make transfers of processed foods to consumers by mail must notify the district office. (Section 9.4 (g))

(15) Processors, wholesalers and retailers must report to the district office defaults in surrender of points more than ten days after transfer. (Section 9.5 (c))

[Subparagraph (15) amended by Am. 60, 9 F.R. 12971, effective 11–3–44]

(16) Industrial users must register. (Sections 6.2, 6.10)

(17) Industrial users must report their inventories. (Section 6.4)

(18) Industrial users must report their base-period use. (Section 6.5).

(19) Persons who became industrial users because of changes in the list of processed foods must register. (Section 6.7)

(20) Industrial users who register late must report their inventories. (Section 6.7 (b))

(21) [Revoked]

(22) [Revoked]

(23) [Revoked]

(24) [Revoked]

[Subparagraphs (21) through (24) revoked by Am. 60, 9 F.R. 12971, effective 11–3–44]

(25) Any person who goes out of the business of dealing in or using processed foods must give notice and account for points. (Section 13.1)

(26) Reports upon sale of business. (Sections 11.1, 11.2)

(27) Persons who transfer or acquire processed foods in imminent danger of spoilage at less than full point value, must report the transfers or acquisitions. (Section 9.11 (c))

(28) Processors who transfer processed foods in imminent danger of spoilage at less than full point value must file statement with periodic reports. (Section 9.11 (h))

[Subparagraph (28) amended by Am. 60, 9 F.R. 12971, effective 11–3–44]

(29) Persons who acquire processed foods point-free for liquidation by operation of law, or in judicial proceedings must report such acquisitions. (Section 10.7 (b))

(30) Persons who transfer processed foods point-free to insurers or for salvage, must report such transfers. (Section 10.8)

(31) Insurers or salvagers who acquire processed foods point-free must report the acquisitions. (Section 10.8)

(32) Federal, state, or local institutions which receive processed foods point-free from governmental investigatory agencies, must report such acquisition. (Section 23.8 (c))

(33) Any person who has a ration check, stamp or certificate involved in a legal proceeding must notify the district office. (Section 19.3)

(34) Exporters must account for all processed foods exported and points received in advance for such exports. (Section 22.3)

(35) Suppliers who transfer processed foods to certain Mexican residents must make reports. (Sections 25.3, 25.4)

(36) Members of a consumer group using commercial scale processing facilities must register and file a report if they wish to sell part of their share of processed foods produced there. (Section 26.6. (d))

[Sec. 16.8 added by Am. 10, 9 F.R. 2233 effective 2–29–44]

ARTICLE XVII—ADDITIONAL RECORDS TO BE KEPT BY CHAINS

SEC. 17.1 *Chains must keep records of transfers of stocks and points between establishments.* (a) Every "person" who has more than one "retail", "wholesale" or "processor establishment" must keep at each establishment (or at the place exercising immediate supervision over that establishment) a record in any convenient form, which shows:

(1) The amount of "processed foods" "transferred" from and "acquired" by that establishment, the date of each transfer or acquisition, and the name and address of the establishment to which the processed foods were transferred, or from which they were acquired. The record must show the amount of processed foods which were transferred and acquired, either by items and sizes, or by point value. (However, no such records need be kept for transfers of processed foods to "consumers"); and

(2) The number of points received for transfers of processed foods from that establishment, the disposition of those points, and the dates of their disposition. If the records are kept at the place exercising immediate supervision over one or more establishments, a list must also be kept at that place, showing the address of each establishment whose records are kept there.

(b) In addition, he must keep for each ration bank account used by him for more than one establishment, a record showing the number of points deposited in that account by and for each such establishment, and the dates of the deposits.

ARTICLE XVIII—APPEALS

SEC. 18.1 *Persons directly affected by action taken under this order can appeal.* (a) Any "person" directly affected by the action of a "board", district director or regional administrator, on any application or other matter, may appeal from that action in the way permitted by Procedural Regulation No. 9 [11] of the Office of Price Administration.

(b) This section shall not apply to action taken on any application made under sections 12.4 or 14.5, except action taken by a board, district, or regional office which has been authorized by the Office of Price Administration to grant or deny such application.

ARTICLE XIX—MISCELLANEOUS RULES AND PROHIBITIONS

SEC. 19.1 *Additional prohibitions.* (a) No "person" shall use points unless he has received them in a way permitted by this or any other order of the Office of Price Administration.

(b) No person shall "transfer", "acquire" use or possess "processed foods" except in a way permitted by this or any other order of the Office of Price Administration.

(c) No person shall give or transfer points, a "stamp", "token" or a "certificate" to any other person, except in a way permitted by this or any other order of the Office of Price Administration.

(d) No person may transfer processed foods for a stamp, token, certificate or ration check if he knows or has reason to believe that it is not valid or that the person tendering it is not entitled to use it.

(e) No person shall have a stamp, token, certificate or ration check in his possession except the person (or agent of the person) to whom it was issued or by whom it was acquired in a way permitted by this or any other order of the Office of Price Administration.

(f) No person shall deface, mutilate, or destroy any stamp, token, certificate or ration check, except where permitted by this or any other order of the Office of Price Administration. A defaced or mutilated stamp, tokens, certificate or ration check is not valid for any purpose.

(g) No person shall counterfeit, forge, or alter a stamp, token, certificate or ration check, and no person shall transfer, acquire, possess or use a counterfeited, forged or altered stamp, token, certificate or ration check.

(h) No person shall offer, solicit, attempt or agree to do, or assist in doing, any act in violation of this order.

[11] 7 F.R. 8796; 8 F.R. 856, 1838, 2030, 2595, 2941, 4350, 4929, 7381, 11480, 11806, 12482, 14211, 9 F.R. 1594, 4539, 10491.

(i) Paragraphs (b), (c), (e), (f) and (g) of this section do not apply to public officials who do any of those acts in the performance of their public duties.

(j) No person shall, in any registration, report, application, or other statement or record made pursuant to or required by this order, make any untrue statement of fact, or omit to state any fact which is required to be stated or which is necessary to make a statement not misleading.

(k) No person shall, after demand, withhold a stamp, token, certificate, or ration check from the person who is entitled to have it.

[Paragraphs (c), (d), (e), (f), (g) and (k) amended by Am. 9, 9 F.R. 1908, effective 2–17–44]

(l) No person shall sell or transfer any item of processed foods at a price in excess of the applicable maximum price established for that item by the Office of Price Administration.

(m) [Revoked]

[Paragraph (m) revoked by Am. 54, 9 F.R. 11538, effective 9–17–44]

SEC. 19.2 *Stamps, tokens and certificates may not be taken by legal process or acquired by will.* (a) No stamp, token, certificate or ration check, or any interest in it, may be taken or seized by judicial process or by any court order. However, a person to whom a war ration book or a certificate has been issued may bring a legal proceeding to recover it from any person who is wrongfully in possession of it. He may, as part of that proceeding, take or seize it by judicial process or court order.

(b) No stamp, token, or certificate, or any interest in it, may be transferred or acquired by inheritance or by will.

[Sec. 19.2 amended by Am. 9, 9 F.R. 1908, effective 2–17–44]

SEC. 19.3 *Office of Price Administration must be notified of legal proceedings.* (a) Any person who has a stamp, token, certificate or ration check must notify the district office of the Office of Price Administration immediately after the beginning of any legal proceeding involving that stamp, token, certificate or check.

[Paragraph (a) amended by Am. 9, 9 F.R. 1908, effective 2–17–44]

SEC. 19.4 *General Ration Order 5 governs whenever inconsistent with this order.* (a) If any provision of this order is inconsistent with the provisions of General Ration Order 5, the provisions of General Ration Order 5 shall govern, and shall supersede the provisions of this order to the extent that they are inconsistent.

SEC. 19.5 *References to Ration Order 13 deemed references to Revised Ration Order 13.* (a) References to Ration Order 13 in any order, amendment, rationale, form, or other document shall be deemed references to Revised Ration Order 13.

SEC. 19.6 *Saving clause.* The amendment or revocation of any part of this order shall not excuse the performance of any duty imposed or affect any obligation incurred under this order (including the duty or obligation to collect points, to give up points, to keep records and to make reports) up to the effective date of such amendment or revocation, unless the amendment or revocation shall so expressly provide. A person who, but for such amendment or revocation, would have been required to make any report after the effective date of such amendment or revocation because of any act, transaction or operation prior to that date, shall make such report with respect to those acts, transactions, or operations at the time when it would have been due but for such amendment or revocation. The part of the ration order which was amended or revoked shall be considered to remain in force for the purpose of requiring the performance of any such duty imposed or obligation incurred.

[Sec. 19.6 added by Am. 54, 9 F.R. 11538, effective 9–17–44]

ARTICLE XX—SUSPENSION ORDERS

SEC. 20.1 *Office of Price Administration may issue suspension orders.* (a) Any "person" who violates this order may, by administrative suspension order, be prohibited from receiving any "transfer" or delivery of, or from selling or using or otherwise disposing of, any "processed food" or other rationed product or facility. Such suspension order shall be issued for such period as in the judgment of the Administrator, or such person as he may designate for such purpose, is necessary or appropriate in the public interest and to promote the national security.

ARTICLE XXII—EXPORTS

SEC. 22.1 *Processed foods may be exported under General Ration Order 17.* (a) Any "person" may export "processed foods" to any foreign country or to any territory or possession of the United States (other than the District of Columbia) in accordance with the provision of General Ration Order 17.[12]

(b) A "processor" who does not apply for points to replace the processed foods exported, and a "wholesaler" who has not applied for an advance of points to "acquire" the processed foods exported or who does not apply for points to replace them, must attach his proof of export to his periodic report on OPA Form R–1305 (processors), or OPA Form R–1310 (wholesalers) covering the reporting period in which the export was made.

[Paragraph (b) amended by Am. 60, 9 F.R. 12971, effective 11–3–44]

[Sec. 22.1 amended by Am. 19, 9 F.R. 3513, effective 4–5–44; and as otherwise noted]

SEC. 22.2 [Revoked]

SEC. 22.3 [Revoked]

[Secs. 22.2 and 22.3 revoked by Am. 19, 9 F.R. 3513, effective 4–5–44]

ARTICLE XXIII—EXEMPT AGENCIES; SHIPS' STORES; GOVERNMENTAL INVESTIGATORY AGENCIES

SEC. 23.1 *Exempt agencies may acquire processed foods.* (a) Nothing in this order restricts the amounts of "processed foods" which may be "ac-

[12] 9 F.R. 3508, 8986.

quired" by the Army, Navy, Marine Corps or Coast Guard of the United States or by the Maritime Commission, War Shipping Administration, Office of Lend-Lease Administration or Office of Distribution of War Food Administration. These agencies are referred to in this order as "exempt agencies" and are exempt agencies for the purpose of General Ration Order 3B.) In addition, the Army Exchange Service, to the extent it acquires processed foods for export to a foreign country or a territory or possession of the United States (except the District of Columbia), and ships' service departments afloat, are exempt agencies under this order and General Ration Order 3B, and may acquire processed foods without restriction as to quantity.

[Paragraph (a) amended by Am. 28, 9 F.R. 4604, effective 4-30-44]

SEC. 23.2 *How exempt agencies acquire processed foods.* (a) Each of the agencies listed in section 23.1 is authorized to open one or more exempt ration bank accounts of the type described in General Ration Order 3B. Processed foods may be "transferred" to and acquired by these agencies only in exchange for points in the form of ration checks equal to the point value of the processed foods transferred. However, processed foods may be transferred between or within these agencies without the surrender of points.

(b) Any "person" who transfers processed foods to any of these agencies must, at or before the time of delivery, submit to it an invoice or other statement for the points payable on account of the transfer. The ration check must be sent to the transferor by the time of delivery or as soon as practicable thereafter.

(c) If for any reason a ration check cannot be used when one of these agencies acquires processed foods, an emergency acknowledgment shall be given to the transferor, instead of a check. This acknowledgment may be in any form, but must show the name of the agency, the name and address of the activity within the agency for which the processed foods are acquired, the name and address of the activity to which the emergency acknowledgment must be sent for replacement by a ration check, the point value of the processed foods acquired, and the date of acquisition. The acknowledgment must be signed by an authorized officer or employee of the agency, and must show his official title or rank. A person to whom such an acknowledgment is given may not exchange it at a "board" or use it to acquire processed foods but must send it to the agency activity designated thereon, and a ration check for the amount of processed foods transferred shall be given to him in exchange for the acknowledgment.

SEC. 23.3 *Post exchanges and ships' service departments ashore may acquire processed foods for points.* (a) Processed foods may be transferred to and acquired by Army exchanges, post exchanges of the Marine Corps, ships' service departments ashore of the Navy and Coast Guard, commissary stores and ships' service departments of the Training Organization of the War Shipping Administration, and other similar activities designated by the respective exempt agencies, only in exchange for points in the form of ration checks equal to the point value of the processed foods transferred, without regard to who transfers them. However, these activities may not open ration bank accounts with unlimited drawing privileges of the type described in General Ration Order 3B. Points needed by these activities for the acquisition of processed foods will be issued to them in accordance with arrangements between the Office of Price Administration and the Army Exchange Service of the United States War Department, the Bureau of Naval Personnel of the Navy Department, the Coast Guard and the Marine Corps, and the Training Organization of the War Shipping Administration. (The issuance of points for use by Army exchanges, post exchanges and ships' service departments ashore for the acquisition of processed foods for institutional use is covered by General Ration Order 5.)

(b) Any person who transfers processed foods to any of the activities enumerated in paragraph (a) must, at or before the time of delivery, submit to it an invoice or other statement for the points payable on account of the transfer. The ration check must be sent to the transferor by the time of delivery or as soon as practicable thereafter.

(c) Points may be transferred freely without a transfer of processed foods among ration bank accounts maintained for Army exchanges, among accounts maintained for post exchanges, among accounts maintained for ships' service departments ashore of the Navy, among accounts maintained for commissary stores and ships' service departments of the Training Organization of the War Shipping Administration, and among accounts maintained for ships' service departments ashore of the Coast Guard.

(d) During March 1943, Army exchanges, post exchanges, ships' service departments ashore, and similar designated activities, may, if ration checks are unavailable, use emergency acknowledgments to acquire processed foods, in the way described in section 23.2 (c). An emergency acknowledgment issued under this section may not be used by the person to whom it was issued to acquire processed foods, but must be exchanged for a ration check at the activity designated thereon.

SEC. 23.4 *Sales commissaries, post exchanges and ships' service departments ashore may transfer processed foods for points.* (a) Army exchanges, post exchanges, ships' service departments ashore, sales commissaries, commissary stores, and any other activity of the Army, Navy, Training Organization of the War Shipping Administration, Marine Corps or Coast Guard and the Office of Distribution of War Food Administration may transfer processed foods only in exchange for points in the same way as "retailers" are permitted to make transfers under this order. However, they are not required to register as retailers, "wholesalers", or "processors".

(b) All points so received by Army exchanges, post exchanges, ships' service departments ashore, sales commissaries, commissary stores, or any other activity of the Army, Navy, Training Organization of the War Shipping Administration, Marine Corps or Coast Guard or by the Office of Distribution of War Food Administration must be deposited in the ration bank accounts maintained for them. These points may then be used to acquire other processed foods.

[Paragraphs (a) and (b) amended by Am. 28, 9 F.R. 4604, effective 4-30-44]

SEC. 23.5 *Veterans' Administration and Coast and Geodetic Survey may apply for allotments under General Ration Order 5.* (a) Allotments of processed foods for the Veterans' Administration and the Coast and Geodetic Survey will be granted in accordance with the provisions of General Ration Order 5.

SEC. 23.6 *Industrial users may replenish foods used in products transferred to agencies designated in General Ration Order 11.* (a) Any "industrial user" who, before July 1, 1943, transfers to any exempt agency any products which he manufactured after February 28, 1943, in the manufacture of which he used processed foods may apply to and obtain from his board a "certificate" equal in point value to the processed foods used by him in such products. The application shall be made on OPA Form R-315, on or before August 1, 1943, and shall set forth the nature and amount of the products, the time when the products were manufactured, the date when such products were transferred and the amount of processed foods he used in such products. The application shall be accompanied by such evidence of transfer to the exempt agency as the board may require. If a certificate is issued under this section, the industrial user's allotment for the allotment period in which it is issued shall be considered increased by the amount of the certificate.

(b) Any industrial user who used a processed food in products which are acquired on or after July 1, 1943, by any of the designated agencies covered by General Ration Order 11, may appl. for replacement or advance of such processed foods under the conditions and in accordance with the procedure set forth in General Ration Order 11.

SEC. 23.7 *Ships' and planes' stores.* (a) Processed foods may be acquired for use as ships' and planes' stores under the provisions of General Ration Order 5.

(b) Any operator of a vessel or plane to whom a statement has been issued by a Collector of Customs (or Military Officer) under section 21.2 or 21.3 of General Ration Order 5 may acquire processed foods up to the amount authorized thereon without surrendering points. Any retailer, wholesaler or processor may, in exchange for the statement, transfer to the operator of the vessel or plane, without getting points, processed foods up to the amount specified on the statement.

(c) A retailer or wholesaler may exchange such statement for a certificate, at his board. He must attach to the statement a signed receipt, invoice, or other evidence to prove the transfer of the processed foods. If the board is satisfied that the processed foods were transferred as ships' or planes' stores, it shall issue a certificate to the retailer or wholesaler for the number of points needed to replace the processed foods transferred. A processor must send the Customs Collector's (or Military Officer's) statement and the attached receipt or other evidence with his periodic report (on OPA Form R-1305) to the Office of Price Administration, care of the Bureau of Census, Washington, D. C.

(d) An airplane operator who has been allowed an operating inventory under section 21.4 of General Ration Order 5 may exchange for a certificate a statement issued by a Collector of Customs (or Military Officer) under section 21.3 of that order at a board covering any area where the operator maintains an office.

SEC. 23.8 *Governmental investigatory agencies may acquire processed foods needed in their investigations.* (a) An investigatory agency of the United States or of any State or local government which needs processed foods in order to perform its inspections or investigations may apply for points to acquire them. The application must be in writing, on an official letterhead of the agency (if any is available), and must state the name of the agency, the purpose for which points are needed, the period during which they are needed, and the number of points required. An agency of the United States may make its application to the "Washington Office," or to any district office. An agency of a State or local government shall apply to the district office. If the district or Washington Office finds that points are needed in order to carry on the investigatory activities of the agency, it shall issue one or more certificates for the number of points required.

(b) The Food and Drug Administration of the Federal Security Agency (which is hereby designated an exempt agency for this purpose) may open one or more exempt ration book accounts of the type described in General Ration Order 3B. However, it may issue ration checks against those accounts only to acquire processed foods which are needed for inspection or investigation.

(c) Any government agency which acquires processed foods for purposes of inspection or investigation may, after they have served the purpose for which they were acquired, dispose of them to any federal, state or local institution without receiving points for them. The institution which receives the processed foods shall report in writing the amount received and the date on which it was received to the district office for the area in which it is located. Its allotment shall not be regarded as increased by such acquisition.

SEC. 23.9 *Issuance and use of checks by Extension Service of Department of Agriculture.* (a) The Extension Service of the Department of Agriculture may open a ration bank account. It may deposit in that account ration checks issued to it by the Office of Price Administration for the use of foods for educational purposes and may issue checks on that account to any State Director of a State agricultural Extension Service.

(b) A State Director of a State agricultural Extension Service may open a ration bank account. He may deposit in that account ration checks issued to him by the Extension Service of the Department of Agriculture for the use of foods for educational purposes and may issue checks on that account to persons who may use the points to acquire processed foods. Such foods may be used only for the educational purposes sponsored by the State agricultural Extension Service.

[Paragraphs (a) and (b) amended by Am. 43, 9 F.R. 7202, effective 7-3-44]

(c) A person who receives a check from a State Director of a State agricultural Extension Service may exchange that check for one or more certificates or ration coupons at any board.

ARTICLE XXIV—[REVOKED]

SEC. 24.1 [Revoked]

SEC. 24.2 [Revoked]

[Sec. 24.2 amended by Am. 4, 9 F.R. 848, effective 1-26-44]

SEC. 24.3 [Revoked]

SEC. 24.4 [Revoked]

SEC. 24.5 [Revoked]

SEC. 24.6 [Revoked]

SEC. 24.7 [Revoked]

SEC. 24.8 [Revoked]

SEC. 24.9 [Revoked]

[Sec. 24.9, amended by Am. 25, 9 F.R. 4026, effective 4-18-44]

[Article XXIV, including sections 24.1 through 24.9 revoked by Am. 54, 9 F.R. 11538, effective 9-17-44]

ARTICLE XXV—ACQUISITION OF PROCESSED FOODS BY RESIDENTS OF MEXICO

SEC. 25.1 *Residents of Mexico may acquire processed foods in the United States.* (a) Any "consumer" who resides in Baja California, Mexico, within ninety kilometers of the border between Mexico and the United States, or in any other part of Mexico within twenty kilometers of that border, may apply for points to "acquire" "processed foods" in the United States. The application must be made in person on OPA Form R-183 (Revised), to the "board" whose office is nearest his customary point of entry into the United States. A single application must be made by the applicant for himself and for all members of his family unit (that is, for all persons living in his household who are related to him by blood, marriage, or adoption) who wish to acquire processed foods. An application may be made by a person under eighteen years of age only if he is the head of a household or is not a member of a family unit. However, if an applicant is unable to complete and sign the application or is unable to appear in person before the board, anyone may act for him if the board is satisfied that such person has been given authority to act as agent for the applicant in completing, signing, and presenting the application.

(b) The application must be completed and signed by the applicant or his agent and must show:

(1) The applicant's name, address and age;

(2) The names and ages of all consumers living in his household who are related to him by blood, marriage or adoption and who wish to acquire processed foods in the United States;

(3) The serial number of the applicant's "immigration document" and any immigration documents issued for use by the consumers named in the application. The applicant, or his agent must present all such immigration documents to the board at the time the application is made and shall also give any other information that the board may request. The immigration documents shall be returned by the board to the applicant or his agent as soon as the board has examined them.

(c) If the applicant complies with the requirements of paragraphs (a) and (b), the board shall grant the application and shall issue ration cards (OPA Form R-184, Revised) for processed foods as provided in this article.

(d) A consumer who has previously applied on OPA Form R-183 for points to acquire processed foods in the United States is not required to make a new application on OPA Form R-183 (Revised) unless, since the date of his last application, there has been a change in the number or identity of the members of his household related to him by blood, marriage, or adoption who wish to acquire processed foods in the United States. The board will issue ration cards (OPA Form R-184, Revised) for processed foods to such a consumer at any time after July 1, 1944, without requiring a new registration, if the applicant or his agent appears in person at the board and surrenders the expired punch card (OPA Form R-184) issued to him under this article as it read before July 1, 1944, and presents any immigration document issued for use by the consumers named in the card. The immigration documents shall be returned by the board to the applicant or his agent as soon as the board has examined them. If any such punch card has been lost, destroyed or stolen, and the applicant has not received a duplicate card, the board may waive the requirement that such card must be surrendered.

(e) The monthly ration of processed foods for each consumer for whom the application is granted shall not exceed the number of points fixed by the district director for the area in which the applicant's board is located, as provided in paragraph (f) of this section.

(f) Each district director whose area includes a point of entry between Mexico and the United States, shall, on or before July 1, 1944, fix the number of points per month (in multiples of ten) which the respective boards may issue for each consumer for whom rations are granted for the acquisition of processed foods in the United States. The amount of such monthly ration may be changed at any time thereafter by such district director. However, in no event may the monthly

ration exceed the total number of points validated during that month for use by consumers who have War Ration Books. In determining the amount of the monthly ration, the district director shall take into consideration the available supply of processed foods in the parts of Mexico adjacent to the customary points of entry in his district

[Paragraph (f) amended by Am. 70, 9 F.R. 15052, effective 12-26-44]

SEC. 25.2 *Issuance of ration cards.* (a) Ration cards (OPA Form R-184, Revised) for processed foods shall be issued for periods of three calendar months or less. All ration cards (OPA Form R-184, Revised) shall have an earliest renewal date, which shall be the first day after the expiration of the period for which the card is issued. A board may, in its discretion, issue ration cards for any period of time less than three months.

(b) The board shall issue one ration card (OPA Form R-184, Revised) for each consumer or group of consumers for whom an application has been granted. However, if the application is granted for more than four consumers, one additional ration card shall be issued for each additional four consumers or less. The board shall write in the place provided on such cards, the date on which the card is issued, the earliest renewal date and the name and serial number of the immigration documents of the applicant and all other consumers for whom the application is granted. Before issuing a ration card for processed foods, the board shall remove in horizontal strips, starting at the bottom of the card, the requisite number of coupons, so that the card, when issued, will contain coupons only for the number of points for which the application is granted, for the consumers whose names appear on the ration card. The board shall also write upon the immigration document of each consumer for whom rations are granted the letters "P. F." and the serial number of the ration card issued for him.

(c) If any consumer for whom a ration card has been issued under this article secures a new immigration document, such ration card may not be used to acquire processed foods in the United States until the applicant or his agent appears in person at the board and presents such ration card and the new immigration document. The board shall delete the serial number of the old immigration document and record in its place the serial number of the new immigration document. The person who records the serial number of the new immigration document must initial the change. He must at the same time record the serial number of the new immigration document on the application (OPA Form R-183 or OPA Form R-183, Revised) for that consumer. The board shall also write upon the new immigration document the letters "P. F." and the serial number of the ration card.

(d) A ration card for processed foods shall have no expiration date and may be used at any time by the consumer for whom it is issued or any member of his family unit for the acquisition of processed foods from any "processor", "wholesaler", "retailer", "country shipper" or "grower" in the United States.

(e) On or after the earliest renewal date of a ration card for processed foods, the applicant's board shall issue a new ration card (OPA Form R-184, Revised) if the applicant, or his agent appears in person at the board and returns the cards of the consumers for whom rations were previously issued. (However, if a previously issued card has been lost, destroyed, or stolen, the board may waive the requirement that such card must be returned.) He must also present the immigration document of each consumer for whom rations are requested. No new application (on OPA Form R-183, Revised) is needed for the issuance of ration cards to replace previously issued ration cards unless, since the date of the last application, there has been a change in the number or identity of the members of applicant's household related to him by blood, marriage, or adoption who wish to acquire processed foods in the United States. Acceptance by the applicant of ration cards for succeeding periods shall constitute a representation by the applicant that the consumers for whom rations are requested are the same as those covered on the card or cards previously issued by the board and that the number of such consumers has not been reduced. New ration cards will be issued for periods of three calendar months or less and no rations may be granted for any period of time which has elapsed since the earliest renewal date of any previously issued ration card.

SEC. 25.3. *Issuance of ration cards to certain applicants by the district office.* (a) Any consumer who resides in Mexico, within the area described in section 25.1 (a) who desires to acquire processed foods in the United States and who is not eligible for rations under any other provisions of this article, or who needs more processed foods than he can get with his ration card (OPA Form R-184, Revised) may apply on OPA Forms R-183 (Revised) to the board nearest his customary point of entry into the United States for additional rations. The application must show why the applicant cannot receive a ration card under the other provisions of this article or why he needs more processed foods. A board may not act upon an application under this section, but shall send it, together with all other information received and its recommendations to the district office. If the district office finds that the applicant resides within the area described in section 25.1 (a) and that he does not have and cannot get an immigration document or that his health depends upon his getting more processed foods or that he needs more processed foods than the monthly ration fixed by the district director, it may approve the application and return it to the board with instructions for the issuance of such rations as may be directed by the district office. If the district office finds that the applicant does not have an immigration document it shall instruct the board to insert the word "waived" in the space provided for the serial number of the applicant's immigration document.

SEC. 25.4 *Value and use of coupons by residents of Mexico.* (a) Each coupon on a ration card (OPA Form R-184, Revised) is worth ten points and is good for use as provided in this article for an unlimited time by the consumer or consumers for whom it is issued. A resident of Mexico gives up points when he acquires processed foods in the United States by surrendering coupons from his ration card or tokens. Coupons must be given up at the time the processed foods are acquired and must be detached from the ration card (OPA Form R-184, Revised) in the presence of the person who is selling or transferring the processed foods. Loose coupons may not be used by a resident of Mexico or any other person and they must not be accepted by the seller or transferor. If it is impossible to detach coupons exactly equal to the point value of the processed foods transferred because their point value is not an exact multiple of ten, coupons of the nearest higher point value must be detached and the transferor must return the excess number of points to the consumer in the form of tokens.

SEC. 25.5 *How suppliers may replace inventory of processed foods transferred to residents of Mexico.* (a) A processor, wholesaler, retailer, country shipper, or grower who gets coupons from a resident of Mexico in the way permitted by this article, may not deposit those coupons in his ration bank account or use them to acquire processed foods. He may only surrender such coupons, at any time, to the board for the area in which his establishment is located in exchange for a certificate equal to the point value of the surrendered coupons.

SEC. 25.6 *Surrender of points by suppliers from whom processed foods were acquired before July 1, 1944.* (a) Any retailer, wholesaler, processor, country shipper or grower who was designated as a supplier on punch cards issued before July 1, 1944, to residents of Mexico, must surrender the total number of points he owes, if any, on or before July 10, 1944, to the board for the area in which he is located. (The total number of points which he owes is the total number of points given him by all certificates previously issued to him under this article as it read before July 1, 1944, less the point value of all processed foods transferred by him to residents of Mexico up to July 1, 1944.) He shall, at the same time, give to the board a written statement showing:

(1) The total point value of all such cards issued for the months of May and June 1944;

(2) The total number of unused points left on such cards; and

(3) The total number of points given to him by certificates issued under this article for the months of May and June 1944.

SEC. 25.7 *Records of suppliers from whom processed foods were acquired before July 1, 1944.* (a) Any retailer, wholesaler, processor, country shipper or grower who was designated by an applicant as the supplier from whom processed foods were to be acquired before July 1, 1944, shall maintain and keep at his place of business the cards which he was required to make out for each such applicant before July 1, 1944.

SEC. 25.8 *Records and reports by suppliers who transferred processed foods to residents of Mexico before July 1, 1943.* (a) Any retailer, wholesaler, processor, country shipper or grower to whom a certificate has been issued under this article prior to July 1, 1943, shall maintain and keep at his place of business a record showing the name of each applicant for whom he has received such certificate, the point value of each certificate and of all processed foods transferred against it and the dates of such transfers. Before the 10th day of July 1943, he must give to his board a written statement showing the total point value of all certificates received by him for June 1943 and the total point value of all transfers of processed foods made under such certificates during that month.

[Article XXV amended by Am. 1, 9 F.R. 104, effective 1-1-44; Am. 13, 9 F.R. 2440, effective 3-1-44; and Am. 37, 9 F.R. 6234, effective 7-1-44]

ARTICLE XXVI—HOME PROCESSED FOODS

NOTE: The limitations (including limitations on amounts of foods which may be transferred), restrictions, conditions, record-keeping and reporting requirements set forth in this Article XXVI do not apply to processed foods while they have a zero point value. For the purposes of this article, such foods are treated, and may be transferred or acquired, just as if they were not rationed at all.

[Title of Article XXVI amended by Am. 38, 9 F.R. 6235, effective 6-10-44]

SEC. 26.1 *Explanation of terms home processor and home processed foods—*(a) *Processed foods produced in kitchen are home processed foods.* "Processed foods" produced in a "kitchen" are "home processed foods".

(1) A "person" is considered to "produce" home processed foods, for the purposes of this Article, if he or a member of his "family unit":

[Above paragraph amended by Am. 17, 9 F.R. 3032, effective 3-23-44]

(i) Takes an active part in the processing of such foods; or

(ii) Contributes the fruits or vegetables for processing by others; or

(iii) Contributes facilities, such as steamers, pressure cookers, or the kitchen, to be used by others to produce such foods.

(2) The term "kitchen" means a place used principally for the preparation of meals. It includes a place used principally to teach consumers how to prepare food.

SEC. 26.2 *Person may consume or use home processed foods he produces and may give away limited amounts—*(a) *Points need not be given up for use.* A consumer may consume home processed foods he produces, and may let members of his "family unit", and others who eat at his table or on a farm he operates, consume them, without giving up points.

[Section heading and above paragraph amended by Am. 25, 9 F.R. 4026, effective 4-18-44]

(1) A "family unit" consists of all persons related by blood, marriage, or adoption, who regularly reside in the same household.

(b) *Gifts.* He and the members of his family unit may give (but not sell) such foods to any other person without receiving points, but no more than one hundred (100) quarts (or two hundred (200) pounds) of such foods per member may be given away point-free by the family unit in any calendar year. (One quart of processed foods is considered the equivalent of two pounds.)

[Paragraph (b) amended by Am. 17, 9 F.R. 3032, effective 3-23-44]

(c) *Industrial user may use home processed foods produced by him.* An industrial user may, without giving up points, use, at his industrial user establishment, home processed foods produced by him. (However, he must report his use of such home processed foods in the way required by section 6.6 (f) of this order.)

[Paragraph (c) added by Am. 25, 9 F.R. 4026, effective 4-18-44]

SEC. 26.3 *A person may sell home processed foods he produces—*(a) *He may sell only for points.* A person may not sell or "transfer" home processed foods produced by him (except for those he is permitted to give away point-free under section 26.2 (b)) unless he gets points equal to the point value of the foods so transferred. He must also get points for any gifts made in excess of the amount permitted by section 26.2 (b). (The point value of home processed foods is fixed in a supplement.)

[Paragraph (a) amended by Am. 4, 9 F.R. 848, effective 1-26-44]

(b) *He must keep records and surrender points to board.* For this purpose he need not register or make reports as a "processor" but must keep a record of any transfer he makes, showing the amount and date of the transfer, and the name and address of the person to whom the transfer is made. If he transfers home processed foods produced with sugar obtained under section 2.3 of Second Revised Ration Order 3, he must at the same time, report in writing to his board the kinds and amounts of such foods transferred by him for points during the preceding month. If he makes any transfers of home processed foods for points during any month, he must give up the points to his "board," on or before the tenth day of the next month.

[Paragraph (b) amended by Am. 17, 9 F.R. 3032, effective 3-23-44; and Am. 70, 9 F.R. 15052, effective 12-26-44]

SEC. 26.4 *Person producing processed foods in place other than a "kitchen" may get permission to treat them as home processed foods—*(a) A person may produce processed foods in a place not used principally either for the preparation of meals or for teaching consumers how to prepare food (and hence not a "kitchen" as defined in section 26.1 (a) (2)). Yet the facilities he uses may not differ substantially from those ordinarily found in a "kitchen" and may clearly not be commercial-scale processing facilities. For example, a farmer may have a kitchen in his home, where the meals for his household are prepared, and separate facilities elsewhere on his premises, perhaps in a shed, consisting of a stove, and a steamer or pressure cooker. A person who has such a place and facilities may apply to his board in writing for permission to treat the processed foods produced there as "home processed foods". He shall describe the facilities he intends to use, the purposes for which those facilities are ordinarily used, the total amount of processed foods he expects to produce there, and the disposition to be made of such processed foods.

(b) If the board finds that the facilities to be used are clearly not commercial-scale processing facilities and do not differ substantially from those ordinarily found in a kitchen, it shall notify the applicant that the foods so produced may be treated as home-processed foods. The applicant may then use and transfer them as permitted by sections 26.2 and 26.3 of this order.

SEC. 26.4a [Revoked]

[Sec. 26.4a amended by Am. 4, 9 F.R. 848, effective 1-26-44; Am. 17, 9 F.R. 3032, effective 3-23-44; revoked by Am. 54, 9 F.R. 11538, effective 9-17-44]

SEC. 26.5 *Person may have foods grown by members of his family unit processed by a processor for household consumption—*(a) *He may acquire such foods point-free.* A person may "acquire" from a processor, point-free, processed foods produced for him from foods which he or members of his family unit have grown, if he supplies all the ingredients in an amount necessary to produce such foods but only if that processor regularly produced processed foods in the past for consumers from ingredients wholly supplied by them. Not more than one hundred (100) quarts of such processed foods per member may be acquired by or for any family unit under this section in any calendar year. He may acquire such processed foods point-free only if he gives to the processor a signed statement that the foods to be processed were grown by a member of his family unit, together with the names of each member of his family unit. The processor shall retain this statement for one year.

[Paragraph (a) amended by Am. 17, 9 F.R. 3032, effective 3-23-44; and Am. 60, 9 F.R. 12971, effective 11-3-44]

(b) *He may consume such foods or give them away.* He may consume such foods, and let the members of his family unit, and others who eat at his table or on a farm he operates, consume them, without giving up points. He and the members of his family unit may give (but not sell) such foods to any other person without receiving points.

[Paragraph (b) amended by Am. 17, 9 F.R. 3032, effective 3-23-44; and Am. 60, 9 F.R.

(c) *He may sell only for points, and must surrender points he gets to the board.* He may not sell any of such foods unless he gets points equal to the point value of the foods sold. Such foods are not home processed foods and they may be sold only at their regular point value, as fixed in a supplement to this order,

rather than at the point value of home processed foods. For this purpose, he need not register or make reports but must keep a record of any sale he makes, showing the amount and date of the sale, and the name and address of the person to whom the sale is made. If he makes any sales during any month, he must give up the points received for that sale to his board on or before the tenth day of the next month.

[Paragraph (c) amended by Am. 4, 9 F.R. 848, effective 1-26-44; and Am. 17, 9 F.R. 3032, effective 3-23-44]

SEC. 26.6. *Consumers may acquire and use processed foods they produce in commercial scale processing facilities.* (a) A member of a group of persons which produces processed foods in commercial scale processing facilities primarily for consumption in their households or on farms they operate, may acquire his share of the processed foods so produced point free only if:

(1) The facilities used have not been operated commercially since January 1, 1943, or are not customarily operated commercially during the periods when the processing will be done by the group; and

(2) He, or a member of his family unit, takes an active part in the processing of such foods, or grew the fruits or vegetables being processed.

(b) Any member of a group which wishes so to produce processed foods may make application to his board in writing, on behalf of the group, stating:

(1) The name and address of each member of the group;

(2) The facts which bring the group under paragraph (a);

(3) The total amount of processed foods to be produced; and

(4) The disposition to be made of the foods produced.

(c) If the board finds that the group and its members meet all the requirements of paragraph (a) of this section, it shall approve the application. If the facilities to be used were operated commercially after January 1, 1943, but are no longer so operated, the board may still approve the application if it finds that commercial operations, were not ended solely or partly for the purpose of enabling the members of the group to produce processed foods there for their own use.

(d) If the board approves the application, each member of the group covered by the application may acquire his share of the processed foods so produced point free, and may consume it and let the members of his family unit and others who eat at his table or on a farm he operates consume it without giving up points.

(e) Not more than one hundred (100) quarts of such processed foods per member may be acquired point free by or for any family unit under this section in any calendar year unless the board finds:

(1) That the use of the facilities is supervised or sponsored by a federal, state or local government or government agency; or

(2) That the facilities are part of a bona fide community processing project which is open for use by all members of the community.

(f) Any person who acquires processed foods under this section without giving up points may give (but not sell), his share to any other person, but not more than one hundred (100) quarts of such foods per member may be given away point free by a family unit in any calendar year.

(g) Processed foods produced pursuant to this section are not home processed foods. A person who sells or transfers any such foods except for the amount he is permitted to give away point free by paragraph (f), is considered a processor as to that part. He must register and file the reports required by section 3.2 of this order. He may make such transfers only in exchange for points equal to the regular point value of the processed foods transferred, as fixed in a supplement to this order, rather than at the point value of home processed foods.

[Sec. 26.6 amended by Am. 4, 9 F.R. 848, effective 1-26-44; and Am. 17, 9 F.R. 3032, effective 3-23-44]

SEC. 26.7 *Certain community groups may apply to Washington Office for an exception.*—(a) In certain instances, as in the case of some religious groups or sects, communities carry on their activities and produce and distribute foods among their members on a cooperative basis. In such cases, certain members of the community may produce processed foods from fruits and vegetables grown by members, while others produce other types of foods. The various types of foods produced may then be interchanged, but many members of the community who get the processed foods may not have been members of the group which produced them and so may not meet the requirements of this Article. If, in such case, the processed foods are produced exclusively for consumption by members of the community, the group may apply to the Director of the Food Rationing Division, Office of Price Administration, Washington, D. C., for an exception permitting distribution of such processed foods to any members of the community. The application must be in writing, in any form, and must show the manner in which the community operates, the type of facilities used for processing, the source of the foods processed, the amount of processed foods produced, and the class of persons by whom they are produced and to whom they are to be distributed.

(b) The Director of the Food Rationing Division will act on the application according to the circumstances of the case and may, in his discretion, permit distribution of the foods among the members of the community in such manner and under such conditions as he establishes.

SEC. 26.8 *Institutional users (other than Group I institutional users) may use and transfer processed foods they produce as provided in General Ration Order 5.* (a) This article does not apply to the production of processed foods for use in, or to the use of processed foods in, "institutional user establishments" other than Group I institutional user establishments. The production, use, and transfer by such "institutional users" of home processed foods and of other processed foods they produce, are governed by General Ration Order 5.

[Sec. 26.8 amended by Am. 17, 9 F.R. 3032, effective 3-23-44]

SEC. 26.9 [Revoked]

[Sec. 26.9 added by Am. 25, 9 F.R. 4026, effective 4-18-44; revoked by Am. 54, 9 F.R. 11538, effective 9-17-44]

SEC. 26.10 *Applicability.* The provisions of this Article apply whether or not the home processed foods are produced within the forty-eight states of the United States and the District of Columbia.

[Sec. 26.10, formerly 26.9, redesignated by Am. 25, 9 F.R. 4026, effective 4-18-44]

ARTICLE XXVII—DEFINITIONS

SEC. 27.1 *Definitions.* (a) When used in this order:

(1) "Acquire" means to accept a "transfer" or to get possession or title in any other way.

(2) "Board" means a war price and rationing board established by the Office of Price Administration.

(3) "Certificate" means a certificate on OPA Form R-1201, or on OPA Form R-306 revise in accordance with section 15.7.

(4) "Consumer" means any "person" who "acquires" "processed food" for personal use, or for use at a table at which he eats.

(5) "Industrial user" means any "person" who has an "industrial user establishment".

(6) "Industrial user establishment" means any place where a "person" uses "processed foods" in producing or manufacturing, for sale or "transfer", any product which is not a processed food. It also includes any place (except places where processed foods are used for sampling or demonstration in accordance with section 10.9 or a place where processed foods are used only for educational purposes under the direction of the Department of Agriculture or the Extension Service of the Department of Agriculture) at which processed foods are used for experimental, educational, testing or demonstration purposes.

[Subparagraph (6) amended by Am. 4, 9 F.R. 848, effective 1-26-44]

(7) "Institutional user" means any "person" who has an "institutional user establishment".

(8) "Institutional user establishment" means an institutional user establishment as defined in General Ration Order 5. (With certain exceptions, it means any place where a "person" uses a rationed food in the preparation of food which he serves to "consumers", or in the service of food to consumers.)

(9) "Person" means not only an individual, but also a partnership, corporation, association, or business trust. It includes a government, government agency and any other organized group or enterprise.

(10) "Processed foods" means the following fruits and purees, fruit juices, vegetables and purees, and vegetable juices in hermetically sealed containers of any type and sterilized by the use of heat:

[Above paragraph amended by Am. 70, 9 F.R. 15052, effective 12-26-44]

(i) *Fruits and purees (including fruits which contain added thickening agents other than pectin).*

Apples (excluding crabapples).
Applesauce.
Apricots.
Berries.
Cherries.
Cranberries or sauce (whole, strained, or jellied).
Figs.
Fruit cocktail, fruits for salad, or mixed fruits.
Peaches.
Pears.
Pineapple.
Plums.
Prunes.

[Subparagraph (i) amended by Am. 78, 10 F.R. 5526, effective 5-18-45 and Am. 80, 10 F.R. 6308, effective 6-2-45]

(ii) *Fruit juices.*

Grape juice.
Grapefruit juice.
Orange juice.
Orange-grapefruit juice blended.
Pineapple juice.

(iii) *Vegetables and purees (excluding purees in No. 10 or larger size containers).*

Asparagus.
Beans, fresh lima.
Beans, green or wax.
Beets.
Carrots.
Corn.
Greens (including only beet, collard, dandelion, kale, mustard, poke, or turnip greens).
Peas, except soaked dry peas.
Pumpkin.
Spinach.
Squash.
Tomatoes (except tomato puree).
Tomato catsup or chili sauce.
Mixed vegetables (include only succotash, carrots and peas, or other mixed vegetables containing over twenty percent by weight of vegetables listed under this subdivision).

[Subparagraph (iii) amended by Am. 70, 9 F.R. 15052, effective 12-26-44 and Am. 80, 10 F.R. 6308, effective 6-2-45]

NOTE: Foods in the above group which are not covered by this order are listed in Appendix A. The foods listed in Appendix A are not "processed foods" as that term is used.

[Subparagraph (10) amended by Am. 3, 9 F.R. 574, effective 1-2-44; Am. 28, 9 F.R. 4604, effective 4-30-44; Am. 35, 9 F.R. 5695, effective 5-29-44; Am. 54, 9 F.R. 11538, effective 9-17-44; and as otherwise noted]

(11) "Processor" means any "person" who has a "processor establishment".

(12) "Processor establishment" means any place where a "person" produces "processed foods" for sale or "transfer."

[Above paragraph amended by Am. 70, 9 F.R. 15052, effective 12-26-44]

(i) A person is considered to "produce" processed foods if he:

(a) Bottles, cans, or packs any of the products, which are included within the definition of processed foods in Section 27.1 (a) (10), in hermetically sealed containers and sterilizes them by the use of heat; or

(b) Packs fruit or vegetable juices (which are included within the definition of processed foods in section 27.1 (a) (10) from containers over one gallon into hermetically sealed containers of one gallon or less and sterilizes them by the use of heat; or

(c) Uses processed foods to produce other processed foods.

[Subparagraph (i) amended by Am. 54, 9 F.R. 11538, effective 9-17-44; Am. 60, 9 F.R. 12971, effective 11-3-44; and Am. 70, 9 F.R. 15052, effective 12-26-44]

(ii) The term "processor establishment" also means any place to which a person imports processed foods into the United States, from any place outside the United States, for sale or transfer. It also includes a place at which a person does not produce or import processed foods, if he regularly keeps there, for sale or transfer, only processed foods which he himself produced or imported.

The term "processor establishment" also means a place where a person keeps, for sale or transfer, processed foods produced or imported by someone else, if the person keeping such processed foods also produces processed foods, whether at that place or elsewhere, and if he does not, in any one calendar year, "acquire" (at all his establishments together, of whatever type) for sale or transfer more processed foods produced or imported by someone else than 10 percent by weight of the processed foods he himself produced or imported in the previous calendar year.

Finally, there is one other case in which a place where a person keeps stocks of processed foods produced or imported by someone else is a processor establishment. If he keeps those stocks at that place just to use them to produce other processed foods, that place is a processor establishment.

[Subparagraph (ii) amended by Am. 25, 9 F.R. 4026, effective 4-18-44; and Am. 54, 9 F.R. 11538, effective 9-17-44]

(13) "Retail establishment" means any place, (other than a "processor establishment") where a "person" who deals in "processed foods" keeps stocks of those foods for sale or transfer, if more than fifty per cent of those stocks are sold or transferred from there directly to "consumers". Even if the amount sold or transferred from there directly to consumers is fifty per cent or less, it is still a retail establishment in the following case:

(i) If some of those stocks are transferred directly to consumers; and

(ii) If he keeps the rest of the stocks just to supply his own establishments; and

(iii) If no "wholesale establishment" and not more than three retail establishments are supplied from there.

(14) "Retailer" means any "person" who has a "retail establishment."

(15) "Stamp" means a blue or green stamp in, or taken from, War Ration Book Four.

[Subparagraph (15) amended by Am. 9, 9 F.R. 1908, effective 2-17-44]

(16) "Transfer" means to sell, give, exchange, lend, deliver, or consign. It includes any transfer of possession or title, however accomplished, and any movement of goods from one establishment to another. The use by any "person" of "processed foods" which he produced or holds for sale or transfer is considered a transfer of those foods to himself. Also, a transfer takes place when an industrial user uses processed foods which he produced or imported after October 4, 1943. Where foods ordered by a transferee are delivered by the transferor to a common or contract carrier for shipment and delivery by the carrier or a connecting common carrier to the transferee (whether or not actually consigned to the transferee), and no transfer of the foods to the transferee has previously occurred, the foods are considered to be transferred at the time when they are delivered to the carrier. However, delivery to a common or contract carrier for shipment is not regarded as a transfer to the carrier; and delivery by the carrier to the consignee is not regarded as a transfer by the carrier.

[Subparagraph (16) amended by Am. 25, 9 F.R. 4026, effective 4-18-44; and Am. 45, 9 F.R. 7344, effective 7-1-44]

(17) "Washington Office" means the national headquarters of the Office of Price Administration, in Washington, D. C.

(18) "Wholesale establishment" means any place (other than a "processor establishment" or a place at which dry beans, peas, or lentils are kept by a "grower" or "country shipper") where a "person" who deals in "processed foods" keeps stocks of those foods for sale or transfer, if fifty percent or more of those stocks are transferred from there directly to persons other than "consumers". However, if he keeps the stocks which are not transferred to consumers, just to supply his own establishments, it is a wholesale establishment only if it supplies;

(i) At least one of his wholesale establishments; or

(ii) At least four of his "retail establishments".

(19) "Wholesaler" means any "person" who has a "wholesale establishment".

(20) [Revoked]

(21) [Revoked]

(22) "Industrial use" means any use of "processed foods" in producing or manufacturing, for sale or "transfer", any product which is not a processed food.

(23) [Revoked]
(24) [Revoked]
(25) [Revoked]
(26) [Revoked]
(27) [Revoked]
(28) [Revoked]
(29) [Revoked]

[Subparagraphs (20), (21) and (23) through (29) revoked by Am. 54, 9 F.R. 11538, effective 9-17-44]

(30) "Token" means a blue token designated for the acquisition of processed foods.

[Subparagraph (30) added by Am. 9, 9 F.R. 1908, effective 2-17-44]

(31) "Immigration document", as used in Article XXV of this order, means a border crossing identification card or

passport issued to a non-resident alien, bearing either a visa for entry into the United States or a notification showing that such a visa has been issued. It also includes a U. S. Citizen's Identification Card, passport, or other immigration papers issued to non-resident citizens of the United States for entry into Mexico.

[Subparagraph (31) added by Am. 37, 9 F.R. 6234, effective 7-1-44]

APPENDICES

Appendix A. The following foods are not "processed foods" as that term is used in this order:

Apple cider.
Apple juice.
Artichoke paste.
Baby foods (packed in hermetically sealed containers and sterilized by the use of heat).
Bean flour.
Beans, lentils, or peas held for sale or transfer exclusively as seed for sowing or planting (and not for human consumption) and marked or labeled in accordance with any applicable federal or state seed laws, or, if none is applicable, in accordance with the standards stated in the federal seed law.
Beans, lentils, or peas which contain not more than 10% sound beans, lentils, or peas; and beans, lentils, or peas infested with insects or otherwise unfit for human consumption.
The by-product, if sold exclusively as animal feed or fertilizer, of milling and sorting or otherwise processing for marketing as seed, and consisting of a mixture of dry beans, peas, or lentils which is not a recognized trade variety (for human consumption) of dry beans, peas, or lentils.
Bitters.
Bouillon cubes and powders.
Bread or cake with raisins including brown bread.
Candied fruits.
Cane syrups.
Capers.
Cereals.
Chili con carne.
Chocolate syrup.
Citrus fruit juices concentrated to more than single strength.
Clam broth.
Clam juice.
Clam juice cocktail.
Condiment sauces (other than those containing a base of tomato products).
Corn-on-the-cob (hermetically packed).
Corn syrup.
Crabapples.
Date and nut bread.
Dates (unless packed in hermetically sealed containers and sterilized by the use of heat).
Dehydrated vegetables (hermetically packed).
Dried mushrooms (hermetically packed).
Dry cowpeas (other than black-eye peas).
Figs (unless packed in hermetically sealed containers and sterilized by the use of heat).
Flaked or dehydrated prunes or raisins containing less than 6% of moisture by weight.
Fountain fruits. Fountain fruits means a product made of fruits (either whole, cut or crushed), added sugar solids constituting at least 40% of the product by weight, and color, flavoring, acidulent or preservative, and which is ordinarily used as an ice-cream topping or dressing, or in the manufacture of ice-cream.
Fruit and vegetable dyes and flavoring extracts, fruit syrups and similar products (other than full strength or concentrated fruit or vegetable juices).
Fruit and vegetable juices in containers over one (1) gallon.
Fruit cakes.
Fruit flavoring bases prepared for use in the further manufacture of products for human consumption and consisting of a combination of fruit juice with one or more of the following added ingredients: acidulent, citrus oil, fruit extract or other flavoring material.
Fruit puddings.
Gravy mixes.
Green turtle soup.
Guava paste—a product made of guava pulp, sugar, and usually an acid (such as citric or tartaric) and cooked to a pasty consistency with a soluble solids content (expressed as sucrose and determined by a refractometer) of not less than 75 per cent, the finished product being packed in brick or slab form.
Health foods with wheat, gluten or other cereal or flour base.
Hearts of palm and hearts of artichokes.
Horseradish.
Jams, jellies, marmalades, fruit butters and other similar preserves.
Maraschino cherries.
Marrons and nesselrode.
Meat stews even though containing some vegetables.
Milk.
Mincemeat.
Molasses and bead molasses.
Mustard.
Nectarines and nectar juice and nectar.
Nuts, nut meats and nut milks.
Olives.
Onion soup (hermetically packed).
Oyster soup.
Papaya nectar.
Peanut butter.
Peppers and pimentos.
Pickles; relishes; pickled or spiced green tomatoes; cocktail mushrooms.
Pie or pastry cream fillings, with or without fruit flavoring, containing corn starch, flour, gelatin, or other similar thickening agent other than pectin.
Popcorn.
Potato salad.
Raisin blows and sweepings. Raisin blows and sweepings means the by-product of the sorting, packaging, or otherwise processing of raisins, and consists of a mixture of cap stems, stalks, over-ripe, under-ripe and damaged raisins, which is not a recognized trade variety of raisins (for human consumption), and which is customarily sold as animal feed or for use in making alcohol.
Raisins dried for sale or transfer in clusters on the original stems.
Raisins packaged in machine made cardboard cartons and weighing less than two ounces.
Root and ginger beer extracts.
Soft drinks containing less than 25% by weight of natural fruit juices.
Soya bean milk and soya bean oil.
Soy sauce.
Spaghetti, macaroni, noodles or similar paste products packed in hermetically sealed containers, even though mixed or combined with added vegetable sauces.
Spices.
Terrapin soup.
Tropical fruit paste—a product made of the pulp of mangoe, papaya, kumquat, calamondem, satsuma, tangerine, tangelo, roselle, antidesma, carimbola or aberia, with sugar and usually an acid (such as citric or tartaric) and cooked to a pasty consistency with a soluble solids content (expressed as sucrose and determined by a refractometer) of not less than 75 per cent, the finished product being packed in brick or slab form.
Vegetable purees in No. 10 or larger size containers.
Vegetable seasonings including liquid and salts.

[Appendix A amended by Am. 5, 9 F.R. 765, effective 1-19-44; Am. 23, 9 F.R. 3947, effective 4-17-44; Am. 26, 9 F.R. 4351, effective 4-24-44; Am. 46; 9 F.R. 7437, effective 7-2-44; Am. 52, 9 F.R. 10636, effective 8-29-44; Am. 54, 9 F.R. 11538, effective 9-17-44; Am. 78, 10 F.R. 5526, effective 5-18-45 and Am. 80, 10 F.R. 6308, effective 6-2-45]

Appendix B. The reporting periods for which "processors" and "wholesalers" must prepare and file reports, are as follows:

1. February 1 to February 28, 1943, inclusive (processors only).
2. March 1 to March 31, 1943, inclusive.
3. April 1 to May 1, 1943, inclusive.
4. May 2 to June 5, 1943, inclusive.
5. June 6 to July 3, 1943, inclusive.
6. July 4 to July 31, 1943, inclusive.
7. August 1 to September 4, 1943, inclusive.
8. September 5 to October 2, 1943, inclusive.
9. October 3 to October 30, 1943, inclusive.
10. October 31 to December 4, 1943, inclusive.
11. December 5, 1943 to January 1, 1944, inclusive.
12. January 2 to January 29, 1944, inclusive.
13. January 30 to March 4, 1944, inclusive.
14. March 5 to April 1, 1944, inclusive.
15. April 2 to April 29, 1944, inclusive.
16. April 30 to June 3, 1944, inclusive.
17. June 4 to July 1, 1944, inclusive.
18. July 2 to July 29, 1944, inclusive.
19. July 30 to September 2, 1944, inclusive.
20. September 3 to September 30, 1944, inclusive.
21. October 1 to October 28, 1944, inclusive.
22. October 29 to December 2, 1944, inclusive.
23. December 3 to December 30, 1944, inclusive.
24. December 31, 1944, to January 27, 1945, inclusive.
25. January 28, 1945 to March 3, 1945 inclusive.
26. March 4, 1945, to March 31, 1945, inclusive.
27. April 1, 1945, to April 28, 1945, inclusive.
28. April 29, 1945, to June 2, 1945, inclusive.
29. June 3, 1945, to June 30, 1945, inclusive.
30. July 1, 1945, to July 28, 1945, inclusive.
31. July 29, 1915, to September 1, 1945, inclusive.
32. September 2, 1945, to September 29 1945, inclusive.
33. September 30, 1945, to October 27 1945, inclusive.
34. October 28, 1945 to December 1 1945, inclusive.
35. December 2, 1945, to December 29 1945, inclusive.

[Items 24 through 34 added by Am. 69, 9 F.R. 15002, effective 12-30-44]

Effective date. This revised ration order shall become effective December 30, 1943. [Revised Ration Order 13 originally issued December 30, 1943]

[Effective dates of amendments are shown in notes following the parts affected]

NOTE: All reporting and record-keeping requirements of this ration order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 8th day of August 1945

JAMES F. BROWNLEE,
Acting Administrator.

[F. R. Doc. 45-14637; Filed, Aug. 8, 1945; 11:40 a. m.]

PART 1305—ADMINISTRATION

[Rev. Supp. Order 123]

SUSPENSION FROM PRICE CONTROL OF CERTAIN COMMODITIES

Supplementary Order 123 is redesignated Revised Supplementary Order 123 and is revised and amended to read as follows:

A statement to accompany this Revised Supplementary Order 123 has been issued simultaneously herewith and filed with the Division of the Federal Register. For the reasons set forth in that statement, and under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Orders 9250 and 9328, it is ordered:

§ 1305.151 *Suspension from price control of certain commodities.* (a) Notwithstanding the provisions of any regulation or order issued by the Office of Price Administration, price control is suspended with respect to all sales and deliveries by any person of the following listed commodities:

(1) *Aircraft and certain parts.* New or used aircraft, and parts specifically designed and sold for the production and repair of aircraft. The term "aircraft" includes heavier and lighter than air craft. This suspension does not apply to parts whose end use cannot be determined by the seller.

As used in this supplementary order, the term "part" means any product upon which further fabrication need not be performed in order to complete its identification as a part specially designed for the production or repair of aircraft. Accordingly, the suspension granted by this order does not apply to lumber requiring further fabrication.

This suspension also does not apply to the following:

(i) Airplane tires and tubes.

(ii) Die castings covered by Maximum Price Regulation 377 (Die Castings).

(iii) Iron and steel castings covered by Revised Price Schedule 48 (Steel Castings and Railroad Specialties), Maximum Price Regulation 214 (High Alloy Castings), Maximum Price Regulation 235 (Manganese Steel Castings and Manganese Steel Castings Products), Maximum Price Regulation 241 (Malleable Iron Castings), or Maximum Price Regulation 244 (Gray Iron Castings).

(iv) Nonferrous castings covered by Revised Maximum Price Regulation 125 (Nonferrous Castings).

(v) Plywood (except that molded specially for airplanes).

(2) *Certain ships and boats.* New or used ships and boats over 25 feet in length, except stock boats built to the manufacturer's specifications and selling at a price of not more than $3,000 to the user. This suspension does not apply to parts, subassemblies or fittings for such ships and boats when sold separately.

This Revised Supplementary Order 123 shall become effective August 7, 1945.

Issued this 7th day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-14595; Filed, Aug. 7, 1945; 4:20 p. m.]

PART 1305—ADMINISTRATION

[Rev. Supp. Order 114]

ADJUSTABLE PRICING OF CERTAIN COTTON TEXTILES

Supplementary Order 114 is redesignated Revised Supplementary Order 114 and is revised and amended to read as follows:

A statement of the reasons involved in the issuance of this revised supplementary order, issued simultaneously herewith, has been filed with the Division of the Federal Register.

AUTHORITY: § 1305.142 issued under 56 Stat. 23, 765; 57 Stat. 566; Pub. Law 383, 78th Cong.; Pub. Law 108, 79th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681.

SECTION 1. *What this order does.* This revised supplementary order permits producers of yarn and of fabric, converters of woven fabrics, processors of yarns, wholesalers, and jobbers to sell on an adjustable pricing basis the cotton textiles listed in section 5. Other sellers, whether of these items or of commodities made from them, are not granted adjustable pricing permission even though their ceilings are determined by a formula of the cost-plus type. This order provides, moreover, that ceilings of all sellers shall remain unchanged unless and until an increase is authorized by the Office of Price Administration. Thus, this revised supplementary order supplements the regulations establishing ceilings for the items listed in section 5, as well as all regulations establishing ceilings for commodities made from them.

SEC. 2. *Adjustable pricing permission for producers—*(a) *Terms of permission.* In connection with contracts (and deliveries pursuant thereto) made on or after August 7, 1945 for the sale of any cotton textiles listed in section 5 (including processed or finished goods there listed), a producer may sell and deliver at his maximum price and at the same time may reserve the right to charge the difference, not to exceed the applicable percentage limit indicated in section 5, between that maximum price in effect on June 1, 1945 and any higher maximum price which may hereafter be established prior to revocation of the permission.

(b) *Percentage limit.* (1) The percentage limits, which appear in the table in section 5, represent the maximum additional percentage which the producer may reserve the right to charge over the applicable ceiling price. Producers who have received individual adjustments may reserve the right to charge no more than the stated percentage over their unadjusted ceilings.

(2) The percentages in Column I of the Table may be used by any producer. The percentages in Column II may be used only by a producer who certifies or has certified to the Office of Price Administration, Washington 25, D. C., that he is paying the 1945 textile wage increase, or has applied to the National War Labor Board for permission to pay that increase, or is a party to a dispute case before the War Labor Board involving the issue of whether he will pay that increase.

The "1945 textile wage increase" means a flat increase of 5¢ per hour to all workers in occupations whose wage rates prior to March 1, 1945 exceeded 50¢ per hour and, in addition, any one of the following:

(i) A minimum wage of 55¢ per hour for all workers except learners and handicapped,

(ii) A premium of 5¢ per hour for all hours worked on the third shift, or

(iii) A minimum of one week's paid vacation per year.

SEC. 3. *Adjustable pricing permission for processors who purchase fabrics or yarn and for wholesalers and jobbers—*(a) *To what sales and deliveries permission applies.* Adjustable pricing permission is granted to converters and processors (other than the producer) and to wholesalers and jobbers only in connection with contracts (and deliveries pursuant thereto) made on or after August 7, 1945, for the sale of any cotton textiles listed in section 5 which have been purchased (or are made from fabrics or yarns which have been purchased) under a reservation of right by their suppliers as permitted by this order.

(b) *Terms of permission.* In connection with any contract or delivery described in paragraph (a), a converter, processor, wholesaler, or jobber may sell and deliver at his current maximum price and at the same time reserve the right to charge the difference, not to exceed the limit specified in paragraph (c), between that maximum price and any higher maximum price which may hereafter be established prior to revocation of the permission.

(c) *Limit on amount reserved.* The amount which the seller reserves the right to charge shall be limited to the same percentage (to be applied in this case to the seller's maximum prices), as the percentage which, under this order, is specified in a supplier's contract with him as the limit on the additional charge which he may have to pay.

(d) *Cases in which limit is not applicable.* Notwithstanding paragraph (c), no limit to the amount which the seller reserves the right to charge need be specified in connection with sales to which section 2.7 of Supplementary Regulation No. 14E applies and which are made to a commercial user for non-manufacturing use or to an institutional user by a wholesaler or jobber.

(e) *Adjustable pricing permission restricted to products listed in section 5.* Processors, converters, manufacturers, and distributors should especially note that the adjustable pricing permission granted by this order does not apply to any processed or converted goods which are not included in the Table in section 5. Thus, for example, the permission does not apply to dyed yarns, to coated fabrics, or to garments, even if they are made or processed from goods to which the permission does apply.

SEC. 4. *Requirements and restriction—*(a) *Seller required to give notices to purchaser.* Any seller who seeks to exercise the adjustable pricing permission provided for in this revised supplementary order must, in connection with each contract of sale, deliver to the purchaser the following statement in writing, appropriately completed.[1]

For as long as permitted by OPA ---------- (name of the seller) reserves the right to

[1] If the sale is covered by section 3 (d), the proviso may be omitted.

charge the buyer for any goods delivered pursuant to this contract the difference between the ceiling price in effect on June 1, 1945 and any higher ceiling price which may thereafter be established: *Provided*, That the additional charge will in no event exceed —— per cent of the ceiling price in effect on June 1, 1945. The seller is required by OPA to inform the buyer that the buyer must disregard the foregoing adjustable pricing clause and any additional charge made pursuant to it in determining his ceiling price for the resale of the goods purchased under the present contract or for any commodities processed or manufactured from these goods, unless and until specifically authorized otherwise by OPA.

(b) *Restrictions.* (1) A purchaser who buys goods under a contract containing an adjustable pricing clause authorized by this order shall disregard that clause, and any additional charge made pursuant to it, in determining his ceiling price for resale of the goods so purchased or for the sale of any commodities processed or manufactured from those goods, unless and until specifically authorized otherwise by the Office of Price Administration either in this revised supplementary order or otherwise.

(2) No person is authorized to collect an amount in excess of the ceiling in effect on June 1, 1945 for any of the goods listed in section 5 unless prior to the revocation of the adjustable pricing permission with respect to such goods a higher ceiling price for them has been established.

SEC. 5. *List of cotton textiles and producers' limits.* Following are the cotton textiles as to which adjustable pricing permission is granted, with the applicable percentage limits.

Schedule or Regulation to which goods are subject when sold by producer or converter	Reference No.	Description of goods	Applicable percentage limit	
			I[1]	II[1]
			Percent	*Percent*
MPR 11	1	All goods covered by MPR 11	2	5
MPR 34	5	All goods covered by MPR 34	2	5
RPS 35	10	Print cloth yarn fabrics	2	5
	11	Denims	2	5
	12	Chambrays and coverts	2	5
	13	Woven tickings	2	5
	14	Osnaburgs	5	8
	15	Sheeting yarn fabrics	2	5
RPS 89	20	All goods covered by RPS 89	5	8
MPR 118	25	Ducks (in the grey)	2	5
	26	Paper-makers dryer felts	2	5
	27	Flannels	2	5
	28	Flannelette diapers	2	5
	29	Gauze diapers	2	5
	30	Bleached cheesecloth, bleached sanitary napkin gauze, and bunting	2	5
	31	Wide print cloths	2	5
	32	Terry products	2	5
	33	Huck and crash towels, toweling and corded napkins	2	5
	34	Ginghams, seersuckers and related fabrics for which ceilings are established in or by reference to section 1400.118 (d) (10).		
	35	Play cloth	2	5
	36	Cotton seamless bags	5	8
	37	Birdseye nursery products	2	5
	38	Grey cardel gabardines	2	5
	39	Warp sateens under 42" in width	2	5
	40	Woven tickings	2	5
	41	Wide sheetings, wide drills, wide 4-leaf twills, wide broken twills, wide warp sateens	2	5
	42	All-American cotton bed blankets	2	5
	43	Tobacco seed bed covers	2	5
	44	Grey corduroy	2	5
	45	Grey birdseye diaper cloth	2	5
	46	Blanket linings	5	8
	47	Woven table and laundry felts	5	8
MPR 127	55	Finished piece goods subject to MPR 127 which are made from any grey fabrics listed above.	Same percentage as is applicable to grey goods used	
MPR 358	60	Finished fabrics subject to MPR 358 which are made from any grey fabrics listed above.	Same percentage as is applicable to grey goods used.	
GMPR or MPR 187	65	Woven and braided fabrics and braided tubing consisting (50% or more by weight) of cotton and less than 12 inches wide as woven.	2	5
	66	Cotton tire cord and cotton tire cord fabric	2	5
GMPR	70	Fishing nets and fishing lines	2	5
Supplementary Regulation 14E	75	Braided or twisted cotton rope and twine	2	5
	76	Industrial cotton stitching thread	2	5

[1] See section 2 (b) (2).

This Revised Supplementary Order No. 114 shall become effective August 7, 1945.

NOTE: The reporting requirements of this revised supplementary order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 7th day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-14614; Filed, Aug. 7, 1945; 4:30 p. m.]

PART 1340—FUEL

[RMPR 122, correction to Amdt. 34]

SOLID FUELS SOLD AND DELIVERED BY DEALERS

Amendment No. 34 to Revised Maximum Price Regulation No. 122 is hereby corrected in the following respect:

Item 3 of Amendment No. 34 is hereby corrected by inserting in the first paragraph, after the words "similar sale of solid fuel" and before the words "for which a maximum price" the words "most nearly like the sale of solid fuel",

This correction to Amendment No. 34 shall be effective as of July 11, 1945.

Issued this 8th day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-14632; Filed, Aug. 8, 1945; 11:39 a. m.]

PART 1345—COKE

[MPR 29, Amdt. 4]

BY-PRODUCT AND RETORT GAS COKE

A statement of the considerations involved in the issuance of this Amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.

Maximum Price Regulation No. 29 is amended in the following respects:

1. Section 7 is amended to read as follows:

SEC. 7. *Maximum prices for by-product coke sold for use in a foundry cupola*—(a) *General provisions.* The maximum delivered price for by-product coke sold for use in a foundry cupola shall be the price per net ton f. o. b. cars at the governing oven plant, as set forth below, plus the lowest established rail transportation charges from that oven plant to the place of delivery. The term "governing oven plant" means that oven plant, the price at which, together with the lowest established rail transportation charge, results in the lowest price at the place of delivery.

Location of oven plant:	*F. o. b. oven plant in cars (per net ton)*
Alabama	$10.00
Chicago, Ill	13.00
Ashland, Ky	11.50
Detroit, Mich	13.25
Kearney, N. J	13.05
Buffalo, N. Y	12.65
Ironton, Ohio	11.50
Painesville, Ohio	12.15
Portsmouth, Ohio	11.50
Erie, Pa	12.65
Philadelphia, Pa	12.65
Chattanooga, Tenn	10.50
Fairmont, W. Va	10.90
Milwaukee, Wis	13.75

(b) *Exceptions*—(1) *Place of delivery within New England and part of New York.* (i) The maximum delivered price in the States of Connecticut, Rhode Island, Massachusetts and New Hampshire and in that portion of the States of New York, Maine and Vermont wherein the lowest established rail transportation charge from Everett, Massachusetts, is $3.10 per net ton or less, shall be $14.65 per net ton less $0.15 per net ton discount for cash within ten days from date of shipment.

(ii) The maximum delivered price within that portion of the States of Maine and Vermont wherein the lowest established rail transportation charge from Everett, Massachusetts, exceeds $3.10 per net ton shall be $11.55 plus the lowest established rail transportation charge from Everett, Massachusetts, to the place of delivery less $0.15 per net ton discount for cash within ten days from date of shipment.

(2) *Place of delivery within certain switching districts.* Except as set forth in subparagraph (3) of this paragraph, the maximum delivered prices within the following switching districts shall be:

Switching district:	*Delivered price per net ton*
Chicago, Ill	$13.75
Birmingham and Tarrant, Ala	10.90
St. Louis, Mo. & E. St. Louis, Ill	13.75
Indianapolis, Ind	13.50
Terre Haute, Ind	13.50
Detroit, Mich	13.75
Buffalo, N. Y	13.40
Cincinnati, Ohio	13.25
Cleveland, Ohio	13.20
Erie, Pa	13.15
Philadelphia, Pa	13.28
St. Paul and Minneapolis, Minn	15.50

(i) Except that the maximum delivered price to consumers in the Birmingham and Tarrant, Alabama, switching district who qualify under the provisions of the Louisville and Nashville Railroad Company Tariff O. F. P. No. 220-C establishing a furnace raw material freight rate of $0.60 per ton shall be $10.60.

(ii) Except that producers situated in states other than Missouri, Alabama or Tennessee may charge a maximum delivered price of $14.25 to consumers in the St. Louis, Missouri, and E. St. Louis, Illinois, switching district.

(3) *Place of delivery within certain switching districts when shipments thereto are from Alabama ovens.* The maximum delivered prices within the following switching districts for by-product coke sold for use in a foundry cupola and shipped from the State of Alabama shall be:

Switching district:	*Delivered price per net ton*
Chicago, Ill	$14.35
Detroit, Mich	13.95
Indianapolis, Ind	13.95
Cleveland, Ohio	13.90
Chattanooga, Tenn	11.42
Bayonne, N. J	18.46
Williamsburg, Ohio	13.45

(4) *Place of delivery north and west of the Ohio River or certain parts of New York.* When the place of delivery is located north and west of the Ohio River (but not including the State of Pennsylvania) or in the State of New York (other than that part of New York for which a maximum delivered price is established in subparagraph (1) of this paragraph) the Fairmont, West Virginia, oven plant shall be considered in determining the "governing oven plant" only when the shipment is made from the Fairmont, West Virginia, oven plant.

(5) *Place of delivery within Kentucky, Indiana, Michigan, Illinois, Iowa, Missouri, Kansas, Nebraska, Minnesota, South Dakota, Montana, Colorado, Utah or Virginia.* When the place of delivery is located (excepting the switching districts set forth in subparagraph (2) of this paragraph) within the States of Kentucky, Indiana, Michigan, Illinois, Iowa, Missouri, Kansas, Nebraska, Minnesota, South Dakota, Montana, Colorado, Utah, or Virginia, the Alabama and Chattanooga, Tennessee, oven plants shall be considered in determining the "governing oven plant," only when the shipment is made from the oven plants at Alabama, Chattanooga, Tennessee, or St. Louis, Missouri: *Provided, however*, That the maximum delivered price in those areas shall not exceed the Alabama f. o. b. oven plant price plus the lowest established rail transportation charge from the Alabama oven to the place of delivery, plus $0.75 per net ton.

(6) *Place of delivery within Oklahoma, Nevada, Texas, Arizona, New Mexico or Idaho.* When the place of delivery is located within the States of Oklahoma, Texas, Nevada, Arizona, New Mexico or Idaho, the Alabama and Chattanooga, Tennessee, oven plants shall be considered in determining the "governing oven plant," only when the shipment is made from such oven plants: *Provided, however*, That when the shipment is made from any other oven plant, the maximum price shall not exceed $11.50 per net ton, f. o. b. cars oven plant.

(7) *Place of delivery within Eastern Pennsylvania, Southern New Jersey, Delaware and Maryland.* When the place of delivery is located in Eastern Pennsylvania (that part of the State east of a line running approximately north and south through Lawrenceville, Tioga County, and Kingsdale, Adams County), Southern New Jersey (that part of the State south of a line running from a point immediately north of Phillipsburg to a point immediately north of Asbury Park), Maryland (except Washington County), or Delaware the maximum delivered price shall be as follows:

When the lowest established rail transportation charge per net ton from Swedeland, Pennsylvania, to the place of delivery is:	*The maximum delivered price per net ton shall be*
$0.63 and less	$13.28
$0.69 to $0.96, inclusive	13.30
$0.97 to $1.66, inclusive	13.35
$1.67 to $2.24, inclusive	13.60
$2.25 to $2.50, inclusive	13.70
$2.51 to $2.85, inclusive	13.85

And when the lowest established rail transportation charge per net ton from Swedeland, Pa., to place of delivery is $2.86 or more, the maximum price f. o. b. oven plant shall be $11.25.

(8) *Place of delivery within Western Pennsylvania or Washington County, Maryland.* (i) When the place of delivery is located in the counties of Erie (excepting the city of Erie switching district), Crawford, Warren, McKean, Elk Forest, Venango and Mercer, the Fairmont, West Virginia, oven plant shall be considered in determining the "governing oven plant," only when the shipment is made from such oven plant: *Provided, however*, That the maximum delivered price shall not exceed the Fairmont, West Virginia, oven plant price plus the lowest established rail transportation charge from Fairmont, West Virginia, to the place of delivery, plus $0.25 per net ton.

(ii) When the place of delivery is located in the remaining counties of Western Pennsylvania (that part of the State west of a line running approximately north and south through Lawrenceville, Tioga County and Kingsdale, Adams County) or Washington County, Maryland, the Fairmont, West Virginia, oven plant shall be considered in determining the "governing oven plant," only when the shipment is made from such oven plant:

(*a*) That the maximum delivered price shall not exceed the Faimount, West Virginia, oven plant price plus the lowest established rail transportation charge to the place of delivery, plus $0.75 per net ton and

(*b*) when shipment is from the ovens at Painesville, Ohio, or Swedeland, Pennsylvania, the maximum delivered price shall not exceed $10.50 per net ton ovens, plus the lowest established rail transportation charge from such ovens to the place of delivery.

(9) *Place of delivery within California, Oregon and Washington.* When the place of delivery is located within the States of California, Oregon or Washington, the "governing oven plant" may be Chicago, Illinois: *Provided*, That when shipment is from an oven plant listed in paragraph (a) of this section, the maximum delivered price shall not exceed the f. o. b. oven plant price at such oven plant, plus the lowest established rail transportation charge from such oven plant to the place of delivery.

(10) *Place of delivery within Holt, Alabama, switching district.* When shipment is made from an oven plant located within the Holt, Alabama, switching district to a place of delivery within the same switching district, the maximum delivered price shall be $10.50 per net ton.

(11) *Delivery other than by railroad.* When delivery is by means other than railroad, the maximum delivered price shall be the price as computed in this paragraph but adjusted to provide the customary differential or charge in effect on September 18, 1941, for such means of delivery.

2. Section 8 is amended to read as follows:

SEC. 8 *Maximum prices for by-product coke sold for use in a blast furnace*—(a) *Coke shipped from certain points.* The maximum price, f. o. b. oven plant, for by-product coke sold for use in a blast furnace and shipped from the following points shall be:

Point of shipment:	*Maximum price*
Birmingham, Ala	$7.50
Holt, Ala	7.80
New Haven, Conn	9.50
Chicago, Ill	9.65
Waukegan, Ill	9.65
Indianapolis, Ind	9.00
Ashland, Ky	7.50
Boston, Mass	9.50
Detroit, Mich	8.85
St. Paul, Minn	11.25
Duluth, Minn	9.55
St. Louis, Mo	9.63
Kearny, N. J	9.10
Brooklyn, N. Y	9.10
Buffalo, N. Y	8.90
New York, N. Y	9.10
Rochester, N. Y	8.95
Utica, N. Y	8.95
Hamilton, Ohio	8.50
Ironton, Ohio	8.50
Painesville, Ohio	8.50
Conshohocken, Pa	8.65
Monessen, Pa	6.90
Pittsburgh, Pa	6.90
Fairmont, W. Va	7.05
Milwaukee, Wis	9.55

(b) *Coke shipped from all other points.* The maximum price, f. o. b. oven plant,

for by-product coke sold for use in a blast furnace and shipped from points other than those listed in paragraph (a) of this section shall be

(1) The weighted average price f. o. b. oven plant charged by the seller for such coke delivered during the first quarter of 1941, plus $2.25 per net ton if the plant is located in the Midwest or $1.65 per net ton if the plant is located in the East; or,

(2) If the seller delivered no such coke during the first quarter of 1941, the price established by the Office of Price Administration after application by such person upon OPA Form 129:2. In establishing any such price, the Office of Price Administration shall give consideration to the weighted average prices charged by the applicant, its competitors, or persons situated in substantially similar circumstances for comparable grades of coke during the first quarter of 1941 and other relevant factors: *Provided, however*, That this paragraph (b) shall not apply to sales or shipments made after October 1, 1941, from oven plants located in the Mid-West at a price less than $7.50 per net ton or to sales or shipments made after October 1, 1941, from plants located in the East at a price less than $6.90 per net ton.

3. Section 9 (b) is amended to read as follows:

(b) *Additions to maximum prices for certain coke.* (1) In the case of a sale of by-product or retort gas coke produced in the Mid-West, a producer or distributor may add to the maximum prices determined in accordance with subparagraph (1), (2) or (3) of paragraph (a) of this section a sum not to exceed $1.50 per net ton.

(2) In the case of a sale of by-product or retort gas coke produced in the East, a producer or distributor may add to the maximum prices determined in accordance with subparagraph (1), (2) or (3) of paragraph (a) of this section a sum not to exceed $0.90 per net ton.

This amendment shall become effective August 7, 1945.

Issued this 7th day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-14589: Filed, Aug. 7, 1945; 4:18 p. m.]

PART 1364—FRESH, CURED AND CANNED MEAT AND FISH PRODUCTS

[RMPR 169, Amdt. 57]

BEEF AND VEAL CARCASSES AND WHOLESALE CUTS

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.

Revised Maximum Price Regulation No. 169 is amended in the following respects:

1. Section 1364.401 (c) is amended to read as follows:

(c) *Maximum prices for custom slaughtering of cattle or calves.* (1) On and after June 15, 1945, regardless of any contract, agreement, or other obligation, no person shall custom slaughter cattle or calves as a service for the owner of such cattle or calves and no person in the course of trade or business shall cause cattle or calves to be custom slaughtered at a price higher than the maximum price permitted by paragraph (c) (2) hereof, and no person shall agree, offer, solicit or attempt to do any of the foregoing. The rental, leasing, subleasing, assignment or otherwise transferring of a packing or slaughtering plant or slaughtering facilities to the owner of cattle or calves killed in such plant or facilities shall be deemed an evasion of this paragraph (c) and is prohibited, unless such rental, lease, sublease, assignment or transfer is made to such owner as an individual corporation, partnership or agency of the United States government and (i) covers a definite, full-time and continuous period of not less than six months without the privilege of interim cancellation, (ii) is for a specified consideration notwithstanding the number or volume of cattle or calves slaughtered in such plant or facilities by the owner thereof, and (iii) grants full, complete and exclusive use and control of such plant or facilities to the owner of the cattle or calves other than the usual rights of inspection by the lessor.

(2) The maximum amount which may be charged or received by any person for the custom slaughtering of cattle or calves shall be determined as follows:

(i) Except as provided in footnotes[1] and[2] of the table below and subparagraphs (c) (3) and (c) (4) hereof, if the packing or slaughtering plant at which the slaughtering service is performed is equipped with facilities for the commercial rendering of waste fats into tallows and greases, the custom slaughterer shall assume ownership of all edible and inedible by-products, including the hide (except in the case of calves, dressed, hide-on) derived from the cattle or calves custom slaughtered by him and shall remit to the owner thereof an amount not less than the appropriate of the following amounts:

(All amounts are on dollars per cwt., dressed carcass, hot weight basis.)[1][2]

Cattle	Grades	Weight classifications		
		Under 451 lbs.	451 to 650 lbs.	651 lbs. up
(a) Steers, heifers, cows and stags.	Choice or AA, Good or A, Commercial or B and Utility or C (except Utility or C grade cows).	$1.50	$1.90	$2.10
(b) Steers, heifers and stags.	Cutter and Canner or D	1.25	1.65	1.85
(c) Cows	Utility or C or Cutter and Canner or D	1.25	1.65	1.85
(d) Bulls	All grades	1.00	1.40	1.60
Calves		153 lbs. and under	154 to 275 lbs.	
(e) Calves (hide off)	All grades	$3.60	$3.10	
(f) Calves (hide on)	All grades	1.00	1.00	

	Per cwt.
(a) For quartering beef	$0.05
(b) For wrapping beef or veal (Army specifications)	.15
(c) For freezing (Army specifications)	.35
(d) For loading	.05

(ii) Except as provided in footnotes[1] and[2] of the table below and subparagraph (c) (3) and (c) (4) hereof, if the custom slaughterer is not subject to the provisions of subdivision (i) hereof, he shall assume ownership of all edible and inedible by-products, including the hide (except in the case of calves, dressed, hide-on) derived from the cattle or calves custom slaughtered by him and shall remit to the owner thereof, an amount not less than the appropriate of the following amounts:

(All amounts are on dollars per cwt., dressed carcass, hot weight basis.)[1][2]

Cattle	Grades	Weight classifications		
		Under 451 lbs.	451 to 650 lbs.	651 lbs. up
(a) Steers, heifers, cows, and stags.	Choice or AA, Good or A, Commercial or B and Utility or C (except Utility or C grade cows).	$0.85	$1.25	$1.45
(b) Steers, heifers, and stags.	Cutter and Canner or D	.65	1.05	1.25
(c) Cows	Utility or C or Cutter and Canner or D	.65	1.05	1.25
(d) Bulls	All grades	.50	.80	.95
Calves		153 lbs. and under	154 to 275 lbs.	
(e) Calves (hide off)	All grades	$3.05	$2.55	
(f) Calves (hide on)	All grades	.50	.50	

[1] For beef or veal derived from cattle or calves custom slaughtered, approved and stamped as kosher under rabbinical supervision, the custom slaughterer may deduct not more than 35 cents per hundredweight (dressed carcass hot weight basis) from the appropriate amount required to be remitted as set forth in the table above.

[2] If, pursuant to a set-aside order issued by the War Food Administration or its successor in authority or if pursuant to the request of a state or municipal institution the slaughterer is required to quarter, wrap, freeze or load into rail cars or trucks beef or veal derived from cattle or calves custom slaughtered by him, he may deduct from the appropriate amount required to be remitted as set forth in the table above not more than whichever may be applicable of the following amounts: *Provided*, That the service was actually performed or the expense actually incurred by the custom slaughterer:

	Per cwt.
(a) For quartering beef	$0.05
(b) For wrapping beef or veal (Army specifications)	.15
(c) For freezing (Army specifications)	.35
(d) For loading	.05

(3) Notwithstanding the provisions of subparagraphs (c) (2) hereof, a custom slaughterer may, at his option, regardless of the condition or quality of the edible or inedible by-products derived from cattle or calves custom slaughtered by him, return to the owner of the cattle or calves slaughtered, without assuming ownership thereof or assess against such owner in the event of a condemned by-product, any of the following by-products: *Provided*, That the appropriate amount to be remitted to the owner of the cattle or calves in accordance with the provisions of subparagraph (c) (2) hereof, shall be reduced by an amount not more than the appropriate amount specified in subdivisions (i) through (vii) below (if the amount to be deducted from the remittance exceeds the amount of the remittance, the custom slaughterer may require the owner to pay him not more than the difference), and *Provided further*, That the owner of the cattle or calves slaughtered does not sell such by-products to the custom slaughterer in any form:

	Per cwt.
(i) Hides (green) derived from the slaughter of all grades of cattle other than bulls	$11.60
(ii) Hides (green) derived from the slaughter of bulls of any grade	9.30
(iii) Skins (green) derived from the slaughter of all grades of calves producing veal carcasses (hide off) weighing 153 pounds and under (hot weight)	18.75
(iv) Skins (green) from the slaughter of all grades of calves producing veal carcasses (hide off) weighing 154 to 275 pounds (hot weight)	15.25
(v) Livers (beef)—applicable maximum price for unblemished beef livers as determined under Maximum Price Regulation No. 398;	
(vi) Livers (veal)—applicable maximum price for unblemished veal livers as determined under Maximum Price Regulation No. 398;	
(vii) Any other edible by-product derived from the slaughter of cattle or calves—applicable maximum price for such item as determined under Maximum Price Regulation No. 398.	

(4) Notwithstanding the provisions of subparagraph (c) (2) hereof, a custom slaughterer shall not be required to make the remittances required thereunder, in any case in which a beef or veal carcass derived from an animal custom slaughtered by him has been condemned by an inspector of the United States Department of Agriculture or of any state or local government agency.

(5) Wherever used in this paragraph (c), the term "custom slaughterer" or "custom slaughtering" shall mean the rendering by a slaughterer, otherwise than as an employee, of such services as are described herein, in connection with the killing of cattle or calves for the owner thereof, provided that a person who slaughters livestock owned by a Class 3 slaughterer (defined in section 1 (f) of Control Order No. 1, issued by the Office of Price Administration), at the livestock owner's Class 3 slaughtering establishment, shall not be deemed to be a custom slaughterer with respect to such slaughter. Beef or veal which is derived from the custom slaughtering of cattle or calves shall be dressed by the custom slaughterer in accordance with the requirements set forth in the definition of "beef carcass" and "veal carcass' in §§ 1364.455 (a) (8) and 1364.470 (a) (8) respectively of this regulation. Custom slaughtering shall commence when the cattle or calves are driven into the killing pen. The service shall be complete when the beef or veal carcasses are hung in the chilling room, where they may remain at the request of the owner for at least 48 hours. Custom slaughtering shall also include weighing of dressed carcasses, the proper handling of hides and the chilling of such byproducts as the owner may be required to accept pursuant to the provisions of subparagraph (c) (3) hereof. Custom slaughtering shall not include buying expense, transportation or yardage expense, breaking of carcasses, or loading into trucks or rail cars or delivery. No charge may be made or received by the custom slaughterer for the performance of any service for or in connection with beef or veal derived from the custom slaughtering of cattle or calves unless a specific charge for such service has been provided in this regulation, except that nothing contained in this regulation shall be deemed to prohibit a charge by a custom slaughterer for the storage of such beef or veal in excess of 48 hours or a charge for delivery of such beef or veal from the slaughtering plant to the owner's place of business in an amount not in excess of the amount permitted for local delivery in § 1364.454 (a) and § 1364.469 (a), respectively.

(6) On or after June 15, 1945, each person performing custom slaughtering of cattle and/or calves pursuant to this paragraph (c) shall keep for inspection by representatives of the Office of Price Administration, for so long as the Emergency Price Control Act of 1942, as amended, remains in effect, complete and accurate records for each transaction showing the name and address of the person for whom the custom slaughtering is performed, the date the service was performed, the total number and dressed (hot) weights of carcasses by grades, separately itemized for each class of cattle or calves and each carcass weight classification specified herein, and the amount remitted to the owner thereof pursuant to this paragraph (c).

2. Section 1364.406 (c) is amended to read as follows:

(c) Any transaction, device or arrangement whereby a person who sells, transfers or delivers beef or veal to a retail establishment not wholly owned and operated by such person, receives for the beef or veal a greater realization than he would be entitled to receive under this regulation for the sale of such beef or veal to a retailer is a violation of this regulation and is prohibited.

(1) For purposes of this paragraph (c), a person shall not be deemed to wholly own and operate a retail establishment unless such person (i) operates an entire and undivided selling establishment composed of all the food selling units or departments within the physical premises of the selling establishment, including but not limited to those units or departments from which meats, groceries, fruits and vegetables, fish, etc. are sold, and (ii) wholly owns the assets of such entire and undivided selling establishment including those fixtures and equipment which are generally and customarily used in the business of selling meat in addition to other foods.

(2) However, notwithstanding the provisions of subparagraph (c) (1) hereof, a person shall be deemed to wholly own and operate a retail establishment if such person (i) operates an entire meat selling unit or department in a selling establishment in which there is located more than one retailer engaging in the sale of the same general class of food, and (ii) wholly owns the assets of such unit or department, including those fixtures and equipment which are generally and customarily used in the business of selling meats. He shall also be deemed to wholly own and operate a retail establishment if he currently operates and prior to August 16, 1943, operated, as lessee or owner, the entire meat selling unit or department in such retail selling establishment.

This amendment shall become effective August 9, 1945.

NOTE: The record-keeping provisions of this amendment have been approved by the Bureau of the Budget in accordance with the requirements of the Federal Reports Act of 1942.

Issued this 8th day of August 1945.

JAMES G. ROGERS, Jr.,
Acting Administrator.

Approved August 3, 1945.

J. B. HUTSON,
Acting Secretary of Agriculture.

[F. R. Doc. 45-14636; Filed, Aug. 8, 1945; 11:40 a. m.]

PART 1364—FRESH, CURED AND CANNED MEAT AND FISH PRODUCTS

[MPR 364, Amdt. 32]

FROZEN FISH AND SEAFOOD

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.

Maximum Price Regulation No. 364 is amended by changing the effective date of Amendment 31 from August 7 to August 15, 1945.

This amendment shall become effective August 7, 1945.

Issued this 7th day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-14591; Filed, Aug. 7, 1945; 4:18 p. m.]

PART 1364—FRESH, CURED AND CANNED MEAT AND FISH PRODUCTS

[MPR 418, Amdt. 48]

FRESH FISH AND SEAFOOD

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.

Maximum Price Regulation No. 418 is amended by changing the effective date of Amendment 46 from August 7, 1945, to August 15, 1945.

This amendment shall become effective August 7, 1945.

Issued this 7th day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-14592; Filed, Aug. 7, 1945; 4:18 p. m.]

PART 1364—FRESH, CURED AND CANNED MEAT AND FISH PRODUCTS

[MPR 579, Amdt. 9]

CERTAIN SPECIES OF FRESH AND FROZEN FISH AND SEA FOOD

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.

Maximum Price Regulation No. 579 is amended in the following respects:

1. In section 5.5 (c) in the last sentence commencing, "No person shall sell or distribute in Canada . . .", the word "from" is substituted for "in", immediately preceding the word "Canada."

2. In section 5.5 (d) in the last line the words "imported sale" are changed to "importer sale."

3. Section 5.7 (b) (1) (i) is amended, by changing the reference in the parenthesis, to read as follows:

(i) If the seller is a retailer-owned cooperative wholesaler (defined in section 4.4 (d)) selling to an affiliated retail store—the price listed in Column V of Table IIB (section 10.1) minus one cent.

4. In section 10.1, Table IIA, Footnote 1, is added to the name of Schedule No. 7, (Chinook and Silver, troll caught).

5. The effective date of Amendment 8 is changed from August 7 to August 15, 1945.

This amendment shall become effective August 7, 1945.

Issued this 7th day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-14593; Filed, Aug. 7, 1945; 4:19 p. m.]

PART 1361—FARM EQUIPMENT

[MPR 133, Amdt. 11]

RETAIL PRICES FOR FARM EQUIPMENT

A statement of the considerations involved in the issuance of this Amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.

Maximum Price Regulation 133 is amended in the following respects:

1. Section 1361.3 (a) (2) is amended to read as follows:

(2) Actual transportation costs paid by the dealer for shipment of the item of farm equipment from the factory to the dealer, less any allowances or rebates on transportation costs received by the dealer. If the dealer wishes, he may use average instead of actual transportation costs. If average transportation costs are used, they must be applied to all sales. Also, such costs must be the average of transportation costs, less any allowances or rebates, for complete items of farm equipment during the completed calendar year (January 1 to December 31) immediately preceding the date of the sale.

2. Section 1361.8 (a) is added to read as follows:

(a) *Geographical applicability.* This regulation applies in the forty-eight states of the United States, the District of Columbia and in the territories and possessions of the United States, including Alaska, notwithstanding Revised Maximum Price Regulation 194.

This amendment shall become effective August 13, 1945.

Issued this 8th day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-14634; Filed, Aug. 8, 1945; 11:40 a. m.]

PART 1385—NAVAL STORES

[RMPR 561, Amdt. 1]

GUM NAVAL STORES

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.

Revised Maximum Price Regulation 561 is amended by changing the table of prices in section 12 (a) to read as follows:

Grade:	*Per 100 pounds net f. o. b. cars at shipping point or on official or Savannah, Ga., yard*
X	$7.50
WW	7.50
WG	7.23
N	6.98
M	6.82
K	6.80
I	6.76
H	6.76
G	6.74
F	6.70
E	6.60
D	6.07
B	6.00

This amendment shall become effective August 13, 1945.

Issued this 7th day of August 1945.

CHESTER BOWLES,
Administrator.

Approved: August 6, 1945.

CLINTON P. ANDERSON,
Secretary of Agriculture.

[F. R. Doc. 45-14564; Filed, Aug. 7, 1945; 4:19 p. m.]

PART 1400—TEXTILE FABRICS: COTTON, WOOL, SILK, SYNTHETIC AND ADMIXTURES

[MPR 478, Amdt. 5]

COATED AND COMBINED FABRICS

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.

Maximum Price Regulation 478 is amended in the following respects:

1. The introductory paragraph of section 1 (c) is amended to read as follows:

(c) *Persons.* This regulation applies to any manufacturer, converter, or wholesaler of coated or combined fabrics. A person may be a manufacturer as to certain fabrics and a converter or wholesaler as to others, depending upon the functions that he performs with respect to the fabric in question. When used in this regulation, the term:

2. Subparagraphs (1) and (6) of section 1 (c) are amended to read as follows:

(1) "Manufacturer" means any producer, job coater, or job combiner.

(6) "Wholesaler" means a person, other than a manufacturer or a converter, who sells coated or combined fabrics to resellers of such fabrics or to an industrial or commercial user, the United States, any other government, or any of its political subdivisions, or any agency of any of the foregoing.

3. A new subparagraph (7) is added to section 1 (c) to read as follows:

(7) "Supply jobber" means a person whose purchases of coated or combined fabrics for resale constitute a part of a large number of materials which he supplies to a given trade.

4. Section 8 (d) is amended to read as follows:

(d) *Computation of factory costs.* The factory costs of a fabric or service for manufacturers shall be the sum total of direct labor costs, direct materials costs including waste, and factory overhead costs. The direct labor costs shall be determined by multiplying the estimated number of hours of each type of labor required in the manufacture or supply of the fabric or service by the wage rates determined in accordance with subparagraph (1) of this paragraph. The direct materials costs shall be determined by multiplying the estimated quantity of each type of material required in the manufacture or supply of the fabric or service by the materials prices determined in accordance with subparagraph (2) of this paragraph. Waste shall be determined by applying the same methods as were used or would have been used by the manufacturer in similar production during the base period, adjusted to reflect the actual quantity of waste in the production or supply of the fabric or service being priced. Factory overhead costs shall be determined in the manner set forth in subparagraph (3) of this paragraph.

5. Section 9 is amended to read as follows:

SEC. 9. *Maximum wholesale prices—*(a) *How the wholesaler determines the maximum price.* The maximum price per yard for a sale at wholesale of any fabric covered by this regulation which the wholesaler buys from a manufacturer, except for sales by a supply jobber, shall be determined by dividing the purchase price per yard determined in accordance with paragraph (b) by the applicable division factor listed in paragraph (c) of this section. (Maximum prices for supply jobbers are covered by paragraph (d) of this section.)

(b) *How the wholesaler determines his purchase price.* The purchase price which the wholesaler must use in determining the maximum price shall be determined as follows:

(1) The wholesaler shall first determine the net invoiced cost before cash discounts of the fabric, if available, not to exceed the applicable maximum price; or

(2) If the actual net invoiced cost is not available, the net invoiced cost before cash discounts of the fabrics as estimated by the wholesaler's supplier: *Provided*, That the wholesaler has no reason to believe that the price so estimated exceeds the maximum price which may be established; or

(3) If the cost determined under subparagraph (1) or (2) above is not on a delivered basis, the wholesaler shall add the actual cost of transportation to his place of business.

(c) *How the wholesaler determines the division factor which must be used in determining the maximum price.* The division factor which the wholesaler must use in determining the maximum price shall be as set forth in Table I and is determined by reference to the type of trade in which the sale is made and the type of purchaser. Division factors are provided only where it is normal for a sale to be made by wholesalers to the type of purchaser indicated. Maximum prices for sales to the types of purchasers for which no division factor is provided must be established under section 10. In such cases, maximum prices will be established for all sellers at such levels that the maximum price to the ultimate purchaser of the coated or combined fabric will be the same as though the sale were made through the normal distributive channel indicated in Table I.

TABLE I

DIVISION FACTORS FOR SALES OF COATED OR COMBINED FABRICS AT WHOLESALE

[In full roll yardages [1]]

Type of trade	Division factor for sales to—		
	Cutters [2]	Supply jobbers [3]	Retailers
Automobile repair [4]	0.80	0.85	0.75
Upholstery	.80	.85	.75
All other	.85	.85	.75

[1] The minimum price for sales in cut yardages shall be 110 percent of the prices established by this table for full roll yardages. This price differential applies only where the sale consists of a single cut length of a given fabric.

[2] "Automobile repair trade" means the business of repairing coated and combined fabrics used in the repair and replacement of automobile tops and upholstery, etc.

[3] "Upholstery trade" means the business of selling coated and combined fabrics used in the repair or covering of furniture.

[4] "Cutter" means a person who purchases coated or combined fabrics for use in the manufacture of a finished article.

[5] See definition in section 1 (c).

(d) *How the supply jobber determines his maximum price.* The maximum price per yard for sales of coated or combined fabrics by automobile repair, upholstery, and bookbinding supply jobbers, shall be determined by multiplying the purchase price per yard, determined in accordance with paragraph (b) of this section, by the following percentages:

	Percentage
Where the supply jobber sells in the original length purchased	125
Where the supply jobber purchases in full rolls and resells in cut lengths	137.5

(e) *Notification of maximum prices.* (1) With or prior to the first delivery by a wholesaler of a coated or combined fabric to a purchaser other than a cutter, supply jobber, or retailer, the wholesaler shall notify such purchaser in writing of the specific maximum price applicable for his resales of the coated fabric. The maximum price for such resales shall be the maximum prices applicable for sales by the wholesaler to each class of purchaser as determined by paragraphs (a), (b), and (c) of this section.

(2) With or prior to the first delivery by a wholesaler of a coated or combined fabric to a supply jobber, the wholesaler shall notify such supply jobber in writing of the gross margins applicable for his resales, which shall be the gross margins set forth in paragraph (d) of this section.

(f) *Reports of maximum prices*—(1) *Reports.* The wholesaler, excluding a supply jobber, shall file a report with the Office of Price Administration, Washington, D. C., within ten days after he has sold or delivered for the first time after August 13, 1945 any fabric covered by this section. This report shall contain the following information:

(i) The name of the manufacturer, a complete description of the coated or combined fabric being priced (including the manufacturer's code number, if any, and a sample), and the net invoiced cost (as defined in paragraph (b) of this section).

(ii) The class of purchaser (cutter, supply jobber, retailer) and the principal business of the type of purchaser (manufacturer of handbags, etc.) to whom the fabric is sold.

(iii) The computed maximum price.

(g) *Application for adjustment.* Prior to September 13, 1945, any wholesaler, including a supply jobber, may apply to the Office of Price Administration, Washington, D. C., for an adjustment of his maximum price established by this section. Such application shall set forth the following:

(1) The nature of the wholesaler's business.

(2) The manner in which the wholesaler's business customarily differs from that of the ordinary wholesaler.

(3) The wholesaler's detailed profit and loss statement for the years 1939 through 1944.

(4) The effect of the maximum prices set forth in this section upon the wholesaler's business; showing inability to operate under these prices.

(5) The wholesaler's proposed divisional factor. If, in the opinion of the Price Administrator the divisional factors provided in this section are inapplicable to the applicant's customary and established type of business and subject him to undue hardship, the Administrator may by order authorize a modification of the maximum price and may also adjust maximum prices for resellers of the commodity involved.

6. A new section designated section 9a is added, to read as follows:

SEC. 9a *Maximum converters' prices—*(a) *How the converter determines his maximum price.* The maximum price per yard for a sale by a converter of any coated or combined fabric covered by this regulation shall be determined by dividing the direct costs per yard determined in accordance with paragraph (b) by the applicable division factor listed in paragraph (c) of this section.

(b) *Direct costs.* The direct costs of a coated or combined fabric covered by this section shall consist of the sum of the cost of the cloth or base material, any finish necessary for the end use for which the fabric is sold, waste, the coating or combining service, and transportation costs. These costs shall be determined as follows:

(1) *Base material and finishing costs.* The cost for cloth or base material and of any necessary finish which the converter shall use in his calculations shall be determined as follows: If the cloth or base material is used in the unfinished state, the converter shall use in his calculations the highest maximum mill price in effect to him or to a purchaser of the same class on May 4, 1942, under applicable Office of Price Administration regulations or the current maximum mill price, whichever is lower. If the cloth or base material is used in the finished state, the converter shall use in his calculations the May 4, 1942, mill price to a purchaser of his class for the unfinished cloth, plus the finishing charges as established by Maximum Price Regulation 128—Processing Piece Goods. No allowance shall be made for finishes which are unnecessary for the end use for which the coated or combined fabric is sold. If finishes, such as leather finishes, are applied to a base coated fabric, the converter shall use in his calculations the price charged him by the finisher, not to exceed the applicable maximum prices authorized by Revised Maximum Price Regulation 165—Services.

(2) *Coating or combining cost.* The cost for the coating or combining service which the converter shall use in his calculations shall be the price charged the converter by the job coater or combiner, not to exceed the applicable maximum price authorized by this regulation.

(3) *Waste.* Waste shall be determined by applying the same methods as were used or would have been used by the converter in similar production during March 1942, but shall not exceed the following:

For spread coated fabrics—3 percent of the cost of the base material.

For calendar coated fabrics—5 percent of the cost of the base material.

For combined fabrics—3 percent of the cost of the base material.

For finishes, such as embossing, stenciling, and topping, to simulate leather finishes—2 percent of the cost of the base coated fabric.

(4) *Transportation.* The transportation costs which the converter shall use in his calculations shall be the actual cost at current rail or truck rates.

(c) *How the converter determines the division factor which must be used in determining the maximum price.* The division factor which the converter must use in determining the maximum price shall be as set forth in Table II and is determined by reference to the type of trade in which the sale is made and the type of purchaser. Division factors are provided only where it is normal for a sale to be made by converters to the type of purchaser indicated. Maximum prices for sales of the types for which no division factor is provided must be established under section 10. In such cases, maximum prices will be established for all sellers at such levels that the maximum price to the ultimate purchaser of the coated or combined fabric will be the same as though the sale were made through the distributive channel indicated in Table II.

TABLE II

DIVISION FACTORS FOR SALES OF COATED OR COMBINED FABRICS BY CONVERTERS

[In full roll yardages [1]]

Type of trade	Division factor for sales to—		
	Cutters [1]	Supply jobbers [1]	Retailers
Automobile repair [1]	0.75	0.825	0.70
Upholstery [1]	.75	.825	.70
All other	.80	.825	.70

[1] See definitions in footnotes of table I.

(d) *Notification of maximum prices.* (1) With or prior to the first delivery by a converter of a coated or combined fabric to a purchaser other than a cutter, supply jobber, or retailer, the converter shall notify such purchaser in writing of the specific maximum price applicable for his resales of the coated fabric. The maximum price for such resales shall be the maximum prices applicable for sales by the converter to each class of purchaser as determined by paragraphs (a), (b), and (c) of this section.

(2) With or prior to the first delivery by a converter of a coated or combined fabric to a supply jobber, the converter shall notify such supply jobber in writing of the gross margins applicable for his resales, which shall be the gross margins set forth in paragraph (d) of section 9.

(e) *Reports of proposed maximum prices.* (1) The converter shall file a report with the Office of Price Administration, Washington, D. C., within ten days after he has first sold or delivered any fabric priced under this section. The form in which the report must be filed is set forth in Appendix C.

(2) *Quotations, invoices, and payments pending approval of maximum prices.* Provisions of section 8b (d) shall apply to sales covered by this section.

(3) *Approval of maximum prices.* The provisions of section 8b (e) shall apply to sales covered by this section.

(f) *Application for adjustment.* The maximum prices for any converter may be adjusted in accordance with section 9 (g) substituting the word "converter" for "wholesaler" wherever the latter word appears.

7. A new Appendix, designated Appendix C, is added to read as follows:

APPENDIX C—FORM FOR REPORTS OF MAXIMUM PRICES DETERMINED UNDER SECTION 9a

Form OPA 6401 — Form Approved Budget Bureau No. 08—R1421

United States of America
Office of Price Administration
Washington, D. C.

MPR 478

Coated and Combined Fabrics

Report to be filed under paragraph (e) of section 9a

Converter_____ Date_____

Address_____
Street City State

(NOTE: There are no printed copies of this form. You may reproduce it in a manner convenient to you.)

1. *Description of fabric being priced:*
   (a) If base material is a textile—
   Type of fabric; e. g., sateen, twill_____
   Type of thread (cotton, rayon) and thread count_____
   Width and weight_____
   (b) If base material is a fibre (paper, etc.) give a full and complete description.
   (c) Finishes applied to the cloth (dyeing, bleaching)_____
   (d) Coating—
   Type (buna-S, pyroxylin, synthetic resin, etc.)_____
   Dry weight of coating_____
   Number of coats, if known_____
   Process by which applied_____
   (e) Finishes applied to simulate leather finishes_____
   (f) Finished width_____
   (g) Anticipated end use_____
   (h) Submit a sample.
2. *Names and addresses of suppliers:*
   Base material_____
   _____
   _____
   Textile finishes_____
   _____
   _____
   Coating_____
   _____
   _____
   Other finishes_____
   _____
3. *Direct costs.* Unit used in this calculation (linear yard, square foot, etc)._____

Item of cost:	*Amount*
Fabric or base material_____	$_____
Textile finishing charges_____	_____
Coating or combining charge_____	_____
Other finishes_____	_____
Waste_____	_____
Transportation_____	_____
Total direct cost_____	_____

4. *Maximum prices:*

Class of purchaser	*Division factor*	*Minimum price*

This amendment shall become effective August 13, 1945.

NOTE: All reporting provisions of this amendment have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Forms printed in the FEDERAL REGISTER are for information only, and do not follow the exact forms prescribed by the issuing agency.

Issued this 8th day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45 14633; Filed, Aug 8 1945; 11:39 a m.]

PART 1418—TERRITORIES AND POSSESSIONS

[RMPR 373,[1] Amdt. 15]

GROCERY ITEMS IN HAWAII

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.

The Table under section 21 (c) (1) is amended by deleting two items, "Onions, dry Australian brown" and "Onions, white pickling"; and by changing the prices of three items, to read as follows:

Items	Wholesale maximum prices	Retail maximum prices
		Per lb.
Garlic	$0.25½ per lb	$0.30
Onions, dry, red and yellow (new crop)	$4.05 per 50 lb. bag	.11
Potatoes, white, size A, large	$5.10 per 100 lb. bag	.07

This amendment shall become effective as of July 18, 1945.

Issued this 8th day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45 14632; Filed, Aug 8 1945; 11:40 a m.]

PART 1499—COMMODITIES AND SERVICES

[SR 14C, Correction to Amdt. 7]

MODIFICATION OF MAXIMUM PRICES ESTABLISHED BY GENERAL MAXIMUM PRICE REGULATION FOR CERTAIN FOODS AND BEVERAGES

In section 6.1 (a) (4) the heading appearing in the last column of the schedule is corrected to read "Maximum adjusted prices for bottlers and wholesalers to retailers only."

Issued this 8th day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45 14631; Filed, Aug 8 1945; 11:39 a m.]

Chapter XVI—Office of Censorship

PART 1801—U. S. CENSORSHIP REGULATIONS

The U. S. Censorship Regulations, approved by the President on January 30, 1943, are hereby revised to read as follows:

GENERAL REGULATIONS

Sec.
1801.1 Scope of regulations.
1801.2 Definitions.
1801.3 Submitting communications to Censorship.

[1] 10 F.R. 6646, 7407, 7794, 7799, 8[illegible] 8069, 8371, 8979.

Sec.
1801.4 Discretion of censor.
1801.5 Communication with enemy territory or enemy nationals.
1801.6 Communications to members of the armed forces.
1801.7 Subjects prohibited.
1801.8 Instructions to communication companies.

POSTAL CENSORSHIP REGULATIONS

1801.21 Mail requirements.
1801.22 Codes and secret inks.
1801.23 Mail to enemy nationals.

CABLE AND RADIO REGULATIONS

1801.41 Wire and radio traffic.
1801.42 Information regarding messages.
1801.43 Proper address.
1801.44 Registered addresses.
1801.45 Signature.
1801.46 Supplementary information.
1801.47 Text.
1801.48 Languages permitted.
1801.49 Commercial codes.
1801.50 Test words.
1801.51 Information from sender.
1801.52 Numbers in text.
1801.53 Market reports.
1801.54 Press messages.
1801.55 Personal messages in commercial cables.

TELEPHONE CENSORSHIP REGULATIONS

1801.71 Call requirements.
1801.72 Calls from hotels.
1801.73 Calls from public pay stations.
1801.74 Languages permitted.
1801.75 Exemptions.
1801.76 Application to incoming calls.

AUTHORITY: §§ 1801.1 to 1801.76, inclusive, issued under the authority vested in the Director of Censorship pursuant to sec. 3 (c) of the Trading with the Enemy Act of 1917 (40 Stat. 412), sec. 303 of the First War Powers Act, 1941, (55 Stat. 840), Executive Order 8985 (6 F.R. 6625), and Treasury Decision 5[illegible]36 (6 F.R. 6807).

§ 1801.1 *Scope of regulations.* These regulations pertain to all communications passing between the United States, its territories or possessions, and any foreign country, or which may be carried by any vessel or other means of transportation touching at any port, place, possession, or territory of the United States and bound to or from any foreign country.

§ 1801.2 *Definitions.* As used in these regulations,

(a) The term "communication" shall include any letter or other writing, book, map, plan, or other paper, picture, sound recording or other reproduction, telegram, cablegram, wireless message, telephone conversation either by landlines or radiotelephone circuits, or any message transmitted by any signaling device, carrier pigeon, by word of mouth, or by any other means.

(b) The term "enemy territory" shall include the territory of and the territory occupied or controlled by any nation with which the United States is or may hereafter be at war.

(c) The term "enemy national" shall mean:

(1) The government of any country with which the United States is or may hereafter be at war, and any agent, instrumentality, or representative of such government, or other person acting therefor, wherever situated;

(2) The government of any other country having its seat within enemy territory and any agent, instrumentality, or representative thereof, or other person acting therefor, actually situated within enemy teritory;

(3) Any individual within enemy territory, except any individual serving in or officially accompanying the Armed Forces of the United Nations; or any partnership, association, corporation, or other organization, to the extent that it is actually situated within enemy territory;

(4) Any person whose name appears on the Proclaimed List of Certain Blocked Nationals, as revised and supplemented, promulgated pursuant to the President's Proclamation of July 11, 1941, and any other person acting therefor unless the latter is duly authorized to so act.

§ 1801.3 *Submitting communications to Censorship.* (a) Whoever takes or sends out of, or brings into, or attempts to take or send out of, or bring into the United States any communication, except in the regular course of the mail or through a communications company whose traffic normally passes through censorship or a communication examined and passed by the Bureau of Customs, shall submit such communication to the Director of Censorship, Washington, D. C., prior to transmission, or prior to the disclosure of the contents of such communication or any part thereof.

(b) Whoever either for himself or on behalf of another receives a communication, except an unaddressed regularly scheduled radio broadcast communication intended for reception by the general public or through a communications company whose traffic normally passes through censorship or a communication examined and passed by the Bureau of Customs or a communication received in the regular course of the mail, shall immediately submit such communication and all information relative thereto to the Director of Censorship, Washington, D. C., and shall not disclose the contents or any part thereof until authorized by him.

(c) The master of any vessel entering the territorial waters of, or any port, place, possession, or territory of, the United States and having on board, carrying, conveying, or otherwise transporting upon such vessel any communication, whether in a foreign postal service or otherwise, except communications in International Postal Service destined to enter United States Postal Service or communications examined and passed by the United States Bureau of Customs, shall immediately submit such communication to Censorship by delivering the same to the nearest United States Postmaster or to the Censorship officer boarding such vessel.

(d) Any person upon any vessel entering the territorial waters of, or any port, place, possession, or territory, of the United States and having in his possession or custody any communication, except a communication examined and passed by United States Bureau of Customs, shall immediately submit such communication to Censorship by delivering the same to the nearest United States Postmaster, or to the Censorship officer boarding said vessel.

§ 1801.4 *Discretion of censor.* All communications shall be sent, filed or transmitted at the sender's risk and may be condemned, suppressed, delayed, or otherwise dealt with at the discretion of the censor without notice.

§ 1801.5 *Communication with enemy territory or enemy nationals.* No communication shall be sent or transmitted to enemy territory or to any enemy national except as specifically provided in these regulations, or as otherwise authorized by the Office of Censorship.

§ 1801.6 *Communications to members of the Armed Forces.* Communications to members of the United States Armed Forces located outside the United States, in addition to complying with these regulations, must bear the address officially designated by the Military or Naval authorities.

§ 1801.7 *Subjects prohibited.* No reference, either open or hidden, shall be made to any of the following subjects in any communication unless officially disclosed or authorized by appropriate governmental authority:

(a) *Troops.* Exact composition, character and equipment of Allied troops which are in, or preparing for, service in the Pacific-Asiatic area.[1] Identity, movement, or prospective movement of Allied Army, Navy, or Marine Corps units which are in, have been alerted for, or are on their way to, the Pacific-Asiatic area from American territory anywhere; those moving, or about to move directly from Europe to the Pacific-Asiatic area.

(b) *Ships and shipping.* (1) Naval vessels: Identity, character, description, location, assembly, movement and prospective movement of warships, transports, auxiliaries and convoys in any waters; information as to the date of launching or commissioning of naval vessels:

(2) Merchant vessels of more than 1,000 tons (gross register tonnage) of the United States, other United Nations, or of neutral registry operating under Allied control, when they are within or proceeding to or from the combat shipping area, which area will be defined by the Director of Censorship as military conditions permit.

(i) Identity, location, assembly, movement, or time of departure or arrival more specific than one week's time, but approximate dates, such as "next week," "soon," etc., are permissible;

(ii) Except in necessary shipping documents or operating instructions sent by other than electrical means

[1] As used throughout this regulation the term "Pacific-Asiatic area" means the Far Eastern combat zone, including the southwestern Alaskan peninsula, and the land and water areas of the entire Pacific Ocean except the coastal waters of South America, and extending westward on land and sea to and including Aden, Capetown, and the east coast of Africa. The area will be redefined by the Director of Censorship as military conditions permit.

association of the name of the vessel with the name of its port of arrival or departure.

(3) Identity or location of enemy naval or merchant vessels in any waters.

(4) Existence of mine fields or other harbor defenses, including secret guides to navigators.

(5) Information about the sinking or damaging from war causes of war or merchant vessels in any waters.

(c) *Planes.* Disposition, composition, movements, missions or strength of Allied military air units within or proceeding to or from the Pacific-Asiatic area; military activities of commercial airlines in the Pacific-Asiatic area. Information concerning new and current military aircraft and related items of equipment.

(d) *Fortifications and installations.* Location and description of fortifications, coast defense emplacements, anti-aircraft guns and other air defense installations, including defense installation details of public airports used for military purposes; location or description of camouflaged objects.

(e) *Production.* New or secret weapons, identity and location of plants making them; secret designs, formulas, processes or experiments connected with the war; rate of production of matériel used in or for specialized military operations; movements or transportation of war matériel.

(f) *Military intelligence.* Information concerning the war intelligence or counter-intelligence, operations, methods, or equipment of the United States, its Allies or the enemy; secret detection devices; secret United States or Allied means or systems of military communications.

(g) *General.* (1) Information as to arrival, movements, confinement or identity of military prisoners from the Pacific-Asiatic area.

(2) Details concerning escape from, or evasion of capture in, enemy or enemy-occupied territory; and details concerning interment or release from internment in neutral territory.

(3) Photographs or maps conveying any of the information prohibited by this section: aerial photographs of harbors, war plants, military or vital defense installations;

(4) Secret war plans, or diplomatic negotiations or conversations which concern military operations;

(5) Advance information on routes, times and methods of travel by the President. Movements of ranking Army, Navy, and Marine officers to, from or within the Pacific-Asiatic area;

(6) Information about actual or impending enemy attacks on continental United States;

(7) Any other matter whose dissemination might directly or indirectly aid the enemy.

§ 1801.8 *Instructions to communication companies.* The Rules for Communication Companies approved by the President on January 30, 1943, are hereby revoked, and the Director of Censorship is hereby authorized to issue such instructions to communication companies as he may from time to time deem necessary to implement these regulations.

POSTAL CENSORSHIP REGULATIONS

In addition to the foregoing general regulations, the following regulations apply in particular to those communications carried in the mails.

§ 1801.21 *Mail requirements.* All mail directed to foreign countries shall comply with the following requirements:

(a) The full name and complete address of the sender must be shown both on the outside of the envelope and in the letter itself;

(b) Communications will be written in English, if possible. If English is not used, the name of the language used should be written in English on the face of the envelope.

§ 1801.22 *Codes and secret inks.* The use of codes or ciphers, unless authorized, secret inks, and other secret writings is prohibited.

§ 1801.23 *Mail to enemy nationals.* The sending of any communication by mail to any enemy national, directly or indirectly, requires an individual license from the Office of Censorship, except as provided in (a), (b), and (c) below:

(a) The American Red Cross has been authorized to transmit, after censorship, short messages of a personal nature to residents in enemy territory. Letters, documents, and messages of a business nature cannot be sent by this means. Application should be made to any Red Cross chapter.

(b) If not otherwise objectionable to Censorship, and if authorized by a Treasury Department License communications which relate to, or are a part of a commercial or financial transaction may be sent to persons or firms on The Proclaimed List of Certain Blocked Nationals without further authority from the Office of Censorship, *Provided*, That the communication is in compliance with the terms and conditions of the Treasury license. In such case the original Treasury Department license, a duplicate original, or photostatic copy should be enclosed with each communication and the communication posted in the usual manner. In cases where a communication relating to a transaction with anyone in enemy territory has been authorized by a Treasury Department license, such communication must be submitted, properly addressed and bearing the required postage, to the Chief Postal Censor, Washington, D. C., for censorship action, together with the Treasury license, a duplicate original or photostatic copy.[1]

(c) Mail may be sent to prisoners of war, internees, and detainees confined in the United States, in enemy countries, and in other foreign countries. Such communications should be addressed to the person concerned at the address furnished by such person or by the agency authorized to furnish the information. No postage is required.

NOTE: The detaining power prescribes the restrictions governing all mail written by or to prisoners of war or internees. In the United States, prisoners of war are under the jurisdiction of the Provost Marshal General of the War Department; civilian internees and detainees are under the Immigration and Naturalization Service of the Department of Justice.

[1] Application for a license to communicate as provided in § 1801.23 (b) above, may be made at the Federal Reserve Bank in the applicant's district, or in Washington, D. C.

CABLE AND RADIO REGULATIONS

In addition to the general regulations, the following regulations apply in particular to all wire and radio traffic.

§ 1801.41 *Wire and radio traffic.* Wire and radio traffic includes (a) all radio traffic, (b) wire traffic originating in the United States and destined outside the United States, or originating outside the United States and destined to a point in the United States, or originating and terminating outside the United States, but handled in transit within the United States, and (c) that wire traffic purporting to be confined to a domestic address but in fact intended for destination beyond the United States. These regulations govern telephone communications only insofar as applicable thereto. For the purpose of these regulations the word "message" shall mean only communications by wire or radio, and the word "patron" shall include both the sender and the addressee of a message.

§ 1801.42 *Information regarding messages.* Reports of delivery, sender's corrections and all other services by a communication company at the request of a patron and the giving of any information to a patron concerning censorship's action on any message are prohibited unless permission is obtained from the Office of Censorship. This regulation does not apply to money orders, cancellations, or press dispatches.

Patrons filing "reply prepaid" messages do so at their own risk.

§ 1801.43 *Proper address.* Every message must be so addressed that it will clearly identify the addressee for whom the message is intended.

Except where a registered address is permitted under these regulations, the address must be in plain language. The use of an abbreviation of the entire address, provided such abbreviation is sufficient in itself to insure the identification of the addressee by the censor, is not prohibited, but all such abbreviations are used at the risk of the sender.

The names of large or well-known buildings, banks, and hotels may be sufficient without street addresses.

§ 1801.44 *Registered addresses.* Registered addresses may be used only when authorized by the Director of Censorship.

§ 1801.45 *Signature.* All messages except Government messages of the United States and the United Nations must be signed.

The signature transmitted should when considered in connection with the text and addressee, be such as to identify the sender clearly, and distinguish him from any other individual firm, or organization with a similar name. A surname is rarely considered sufficient identification.

The transmitted signature of a firm or organization must be sufficiently complete to identify it clearly. The name of a responsible member of the firm or officer of the organization may be used, provided satisfactory information regarding him is made available to the censor.

§ 1801.46 *Supplementary Information.* The following supplementary information need not be transmitted as a part of the message, but may, by direction of the sender and on payment by him of the landline toll, be transmitted as far as the station of the Cable Censor having jurisdiction:

(a) *Addresses.* When any registered address or any abbreviation of a plain language address is used in a message, the full name and full address of the addressee must also be recorded on the form on which such message is filed with the communication company.

If the message is addressed to an individual acting on behalf of a firm, organization or individual, the name and address of such firm, organization or individual, and the addressee's connection with it, must appear on the form as well as the name and address of the addressee.

(b) *Sender.* In addition to the signature required on the message, the full name and full address of the sender must be recorded, as supplementary information, on the form on which each message is filed with the communication company.

If the message is signed by an individual acting in behalf of a firm, organization or individual, or by an abbreviated form of the name of that organization, or is charged to an individual or organization other than the signer, the full name and full address of that individual or organization must also be given on the form.

(c) The name of the commodity, if any, involved in the message, must be stated on the form, and should, except as provided in the general regulations, be stated in the text of the message.

§ 1801.47 *Text.* Messages will not be passed unless the meaning of the text is clear to the censor. Messages consisting of address and signature only, with no text, are not permitted.

§ 1801.48 *Languages permitted.* All language messages must be in English, French, Portuguese or Spanish, unless otherwise authorized by the Director of Censorship.

Any word, term, phraseology or language having a double meaning as used is prohibited. Terms or words common in any profession or trade may be used if intelligible to the Censor and not susceptible to double meaning as used.

§ 1801.49 *Commercial codes.* Use of only the following commercial codes is permitted:

Name of code	Indicating symbol
ABC Sixth Edition	ABC
ACME Code and Supplement	ACME
Bentley's Complete Phrase Code	BENCOM
Bentley's Second Phrase Code	BENSEC
Lombard General Code	LOMGEN
Lombard Shipping Code and Appendix	LOMSHIP
New Standard Half Word Code	STANHAF
New Standard Three Letter Code	STANTER
Peterson's Third Edition	PET

The code used must be indicated by placing the appropriate indicating symbol in the preamble of the message.

Patrons should ascertain from the communication companies whether the code used is acceptable by the Censorship authorities, if any, in the country of destination of the message.

The use of private codes is not permitted except by special license granted by the Director of Censorship. Such licenses will not be granted unless the applicant furnishes 15 copies of the code book for the use of censors.

The use of code words to express prices is forbidden. Code words from catalogues or price lists may be used to designate commodities when accompanied in each case by an identifying word, if the meaning is clear to the censor.

§ 1801.50 *Test words.* Banks and business institutions which have previously used test words in the conduct of their business are privileged to continue to use test words in transmitting messages.

Any other bank or other business institution desiring to use test words in transmitting its messages may apply to the Office of Censorship for permission, but before the privilege is granted, and at any time thereafter, must furnish such information as may be required.

A test word must normally be the first or last word in the text of a message. If several transactions are combined in any one message, a test word for each transaction is permitted.

The test word privilege may be withdrawn at any time.

§ 1801.51 *Information from sender.* Information required by the censor from the sender in the United States in regard to a specific message may be requested by a collect telegram from the censor to the sender.

In connection with any message relating to a financial or commercial transaction, the censor may require complete information relative to the identity of all parties involved, the ultimate purpose of the transaction, and all facts deemed necessary by the censor.

Any information which the sender may consider necessary to make the meaning of his message clear to the censor may be imparted in a prepaid domestic telegram addressed to the censor having jurisdiction. This telegram (Memorandum Message) should be filed with the message to which it refers.

§ 1801.52 *Numbers in text.* Numbers that are unrelated to the text and not readily understandable to the censor are not permitted.

Serial numbers in messages are subject to deletion, but may, at the sender's risk, be included as the first word in the message when they can be readily understood by the censor and plainly do not convey a hidden meaning.

§ 1801.53 *Market reports.* Routine daily market reports will be expedited by the censor when received from recognized news agencies.

§ 1801.54 *Press messages.* No person engaged in transmitting press material shall accept or transmit as press messages any message intended for personal use unless such message is designated as personal and relates only to the personnel employed by such person. The word "person" as used in this regulation means an individual, corporation, partnership, society, or association.

§ 1801.55 *Personal messages in commercial cables.* The sending of personal messages, in behalf of others, either in the text of financial cables, or as separate messages, by banks, brokers, corporations, or any individual who transfers funds or handles financial transactions on behalf of others, is hereby prohibited. This regulation shall not apply to communication companies.

For the purpose of this regulation, a personal message is a message which is personal in nature and is not essential to the transfer of funds or the commercial transaction involved in the message.

TELEPHONE CENSORSHIP REGULATIONS

In addition to the general regulations, the following regulations apply in particular to all telephone calls.

§ 1801.71 *Call requirements.* Before an outgoing telephone call will be completed, the patron must furnish the telephone operator with his full name, the number and address of the telephone from which the call is put through, his occupation and business address (if he does not have a business address, his home address), his proposed topic of conversation, namely, (a) Government, (b) business (exact business subject, e. g., oil, coffee, etc.) or (c) social, and the full name and address of the person called. This information must be furnished on both person-to-person and station-to-station calls.

If other than immediate service is desired, the patron may state the time at which he desires his call completed. Patrons will not be permited to "hold the 'phone' " while calls are being completed. It is permissible, if the censor is notified beforehand of the names and addresses of all persons participating, for personal conversations to be shared by various persons at either end of the line.

§ 1807.72 *Calls from hotels.* Patrons calling from hotels must be identified by the hotel management or other known authority. They may call from any instrument in the hotel.

§ 1801.73 *Calls from public pay stations.* Calls will not be completed from public pay stations or from other telephone stations where the person calling cannot subsequently be identified.

§ 1801.74 *Language permitted.* Unless otherwise authorized by the Director of Censorship, the English and Spanish languages will be permitted on calls between the United States and Mexico, and the English and French languages on calls between the United States and Canada. On radiotelephone circuits, in addition to English, the French, Spanish, and Portuguese languages will be permitted except in the event that translators are not available at the censorship point.

§ 1801.75 *Exemptions.* The Office of Censorship may in its discretion allow

exemptions to Telephone Censorship, §§ 1801.71 to 1801.74, inclusive, on certain specially designated landline telephone traffic by informing the telephone company of exemptions to be permitted.

§1801.76 *Application to incoming calls.* Where any of the foregoing regulations apply specifically to outgoing calls, the general principles apply as well to incoming calls.

BYRON PRICE,
Director.

MAY 5, 1945.

Approved: August 8, 1945.

HARRY S. TRUMAN,
The White House.

[F. R. Doc. 45-14627; Filed, Aug. 8, 1945; 11:27 a. m.]

Chapter XXIII—Surplus Property Board

[SPB Reg. 2, Amdt. 3]

PART 8302—PRIORITIES OF GOVERNMENT AGENCIES AND STATE OR LOCAL GOVERNMENTS

Surplus Property Board Regulation No. 2, April 24, 1945, entitled "Priorities of Government Agencies and State or Local Governments" (10 F.R. 5104, 8911, 9478) is hereby amended by changing the last sentence of § 8302.2 to read as follows: "It shall not apply to any disposals of real property, nor to any classes of property designated in section 19 of the Surplus Property Act of 1944, except that the Smaller War Plants Corporation may exercise its priority under § 8302.6 to make purchases of aircraft and parts peculiar to aircraft for resale to veterans under Part 8307."

This amendment shall become effective August 3, 1945.

SURPLUS PROPERTY BOARD,
W. STUART SYMINGTON,
Chairman.
EDWARD H. HELLER,
Member.
ROBERT A. HURLEY,
Member.

AUGUST 3, 1945.

[F. R. Doc. 45-14647; Filed, Aug. 8, 1945; 11:51 a. m.]

[SPB Reg. 7, Amdt. 2]

PART 8307—PREFERENCES FOR VETERANS

Surplus Property Board Regulation No. 7, May 29, 1945, entitled "Preferences for Veterans" (10 F.R. 6519, 9119) is amended in the following respects:

1. The second sentence of § 8307.2 is amended to read as follows: "It shall not apply to real property, nor to any classes of property designated in section 19 of the Surplus Property Act of 1944 except aircraft and parts peculiar to aircraft."

2. Section 8307.10 is amended to read as follows:

§ 8307.10 *Limit on purchases for resale to veterans.* The Smaller War Plants Corporation shall not purchase for resale to any one veteran hereunder more than one airplane. Apart from airplanes, the Smaller War Plants Corporation shall not purchase for resale to any one veteran hereunder surplus property in excess of $2,500 as determined by the disposal agencies' sales prices.

This amendment shall become effective August 3, 1945.

SURPLUS PROPERTY BOARD,
W. STUART SYMINGTON,
Chairman.
EDWARD H. HELLER,
Member.
ROBERT A. HURLEY,
Member.

AUGUST 3, 1945.

[F. R. Doc. 45-14649; Filed, Aug. 8, 1945; 11:51 a. m.]

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

PART 1—RULES OF PRACTICE AND PROCEDURE

FINANCIAL OWNERSHIP AND OTHER REPORTS OF BROADCAST LICENSES

Correction

In Federal Register Document 45-14435, appearing at page 9718 of the issue for Tuesday, August 7, 1945, paragraph (b) of § 1.302 should read: "(b) by-laws affecting character of organization, control, number or powers of its officers or directors, the classification or voting rights of any stock;"

Notices

DEPARTMENT OF LABOR.

Wage and Hour Division.

LEARNER EMPLOYMENT CERTIFICATES

ISSUANCE TO VARIOUS INDUSTRIES

Notice of issuance of special certificates for the employment of learners under the Fair Labor Standards Act of 1938.

Notice is hereby given that special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rate applicable under section 6 of the act have been issued to the firms hereinafter mentioned under section 14 of the act, Part 522 of the regulations issued thereunder (August 16, 1940, 5 F.R. 2862, and as amended June 25, 1942, 7 F.R. 4725), and the determinations, orders and/or regulations hereinafter mentioned. The names and addresses of the firms to which certificates were issued, industry, products, number of learners, and effective and expiration dates of the certificates are as follows:

Single Pants, Shirts and Allied Garments, Women's Apparel, Sportswear, Rainwear, Robes and Leather and Sheep-Lined Garments Divisions of the Apparel Industry, Learner Regulations, July 20, 1942 (7 F.R. 4724), as amended by Administrative Order March 13, 1943 (8 F.R. 3079), and Administrative Order, June 7, 1943 (8 F.R. 7890):

Circle Sportswear Company, Scranton, Pennsylvania; dresses; 10 percent (T); effective July 30, 1945, expiring July 29, 1946.

Forest City Manufacturing Company, St. Louis, Missouri; house dresses; 10 percent (T); effective August 1, 1945, expiring July 31, 1946.

Fox Knapp Manufacturing Company, Tremont, Pennsylvania; men's and boys' jackets and sports; 10 percent (T); effective August 5, 1945, expiring August 4, 1946.

Southern Garment Manufacturing Company, Inc., Culpeper, Virginia; work pants; work breeches; 10 percent (T); effective August 1, 1945, expiring July 31, 1946.

Hosiery Learner Regulations, September 4, 1940 (5 F.R. 3530), as amended by Administrative Order March 13, 1943 (8 F.R. 3079):

Crystal Hosiery Mill, Denton, North Carolina; seamless; 5 learners (T); effective August 3, 1945, expiring August 2, 1946.

Hewitt Hosiery Mills, Marion, North Carolina; seamless; 10 learners (AT); effective August 1, 1945, expiring January 31, 1946.

Morristown Knitting Mills, Inc., Rogersville, Tennessee; seamless; 45 learners (E); effective August 1, 1945, expiring January 31, 1946.

Union Manufacturing Company, Union Point, Georgia; seamless; 10 percent (AT); effective August 2, 1945, expiring February 1, 1946.

Independent Telephone Learner Regulations, July 17, 1944 (9 F.R. 7125):

Eastern Illinois Telephone Company, Rantoul, Illinois; to employ learners as commercial switchboard operators at its Rantoul exchange, located at Rantoul, Illinois; effective August 2, 1945, expiring August 1, 1946.

Farmers New Era Telephone Co., Hebron, Illinois; to employ learners as commercial switchboard operators at its Hebron, Illinois, exchange, located at Hebron, Illinois; effective August 4, 1945, expiring August 3, 1946.

Mid-West States Telephone Company, Oakfield, Wisconsin; to employ learners as commercial switchboard operators at its Oakfield exchange, located at Oakfield, Wisconsin; effective August 4, 1945, expiring August 3, 1946.

Polk County Telephone Company, Tryon, North Carolina; to employ learners as commercial switchboard operators at its Tryon exchange, located at Tryon, North Carolina; effective August 10, 1945, expiring August 9, 1946.

Telephone Exchange, Prescott, Arkansas; to employ learners as commercial switchboard operators at its Prescott exchange, located at Prescott, Arkansas; effective August 4, 1945, expiring August 3, 1946.

Winnebago County Telephone Company, Rockton, Illinois; to employ learners as commercial switchboard operators at its Rockton, Illinois, exchange, located at Rockton, Illinois; effective August 4, 1945, expiring August 3, 1946.

Regulations, Part 522—Regulations Applicable to the Employment of Learners (29 CFR, Part 522):

The Worth Company, 145 Main St., Stevens Point, Wisconsin; fly, leader and snelled hook tieing; 15 learners; fly tieing for a learning period of 480 hours at 35 cents per hour, effective July 30, 1945, expiring October 26, 1945.

Colette Manufacturing Company, Santurce, Puerto Rico; Hairnet; 40 learners; Covering elastics, machine knotting, machine clipping at 16½ cents an hour for the first 160 hours, 25 cents an hour for the second 160 hours, 27½ cents an hour for every hour thereafter; examining, knitting at 16½ cents an hour for the first 240 hours, 25 cents an hour for the second 240 hours, 27½ cents an hour for every hour thereafter, knotting, spooling at 16½ cents an hour for the first 320 hours, 25 cents an hour for the second 320 hours, 27½ cents an hour for every hour thereafter; warping at 16½ cents an hour for the first 400 hours, 25 cents an hour for the second 400 hours, 25 cents an hour for the third 400 hours, 27½ cents an hour for every hour thereafter; effective May 7, 1945, expiring one year from May 7, 1945.

Puerto Rico Mills, Inc., Puerta de Tierra, Puerto Rico; Full-fashioned hosiery; 25 learners; legging, seaming, looping, topping, footing at 15¢ an hour for the first 480 hours, 18¾¢ for the second 480 hours, 22½¢ an hour for the third 480 hours, and for every hour thereafter not less than the minimum established by any applicable wage order that may be in effect at the time of the termination of the learning period; winding, final inspection, foot inspection, leg inspection, mending at 15¢ an hour for the first 360 hours, 22½¢ an hour for the second 360 hours, and for every hour thereafter not less than the minimum established by any applicable wage order that may be in effect at the time of the termination of the learning period, effective July 1, 1945, expiring one year from July 1, 1945.

Puerto Rico Fiber Corporation, Barrio Miradero, Mayaguez, Puerto Rico; Rope, bag, fabric and ship fender; 192 learners; defibering, carding, loom operator, drawing frames, forming, laying, machine operations, spinning frame at 20 cents an hour for the first 230 hours, 22½ cents an hour for the second 230 hours, 25 cents an hour for the third 230 hours and for every hour thereafter not less than the minimum established by any applicable wage order that may be in effect at the time of the termination of the learning period; effective May 21, 1945, expiring four months from May 21, 1945.

U. S. Textile Importing Company, Rio Piedras, Puerto Rico; machine embroidering of cord on lace; 100 learners; machine embroidering at 18 cents an hour for the first 240 hours and not less than 24 cents an hour for every hour thereafter; effective June 28, 1945, expiring one year from June 28, 1945.

The employment of learners under these certificates is limited to the terms and conditions therein contained and is subject to the provisions of the applicable determinations, orders and/or regulations cited above. These certificates have been issued upon the employers' representations that experienced workers for the learner occupations are not available for employment and that they are actually in need of learners at subminimum rates in order to prevent curtailment of opportunities for employment. The certificates may be cancelled in the manner provided in the regulations and as indicated in the certificates. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of regulations, Part 522.

Signed at New York, New York, this 2nd day of August 1945.

PAULINE C. GILBERT,
Authorized Representative of the Administrator.

[F. R. Doc. 45-14615; Filed, Aug. 7, 1945; 4:48 p. m.]

FEDERAL POWER COMMISSION.

[Docket No. IT-5961]

JOSE BARRERA GONZALEZ AND CENTRAL POWER AND LIGHT CO.

NOTICE OF APPLICATION

AUGUST 4, 1945.

Notice is hereby given that Jose Barrera Gonzalez of San Pedro Roma, Mexico, and Central Power and Light Company of Corpus Christi, Texas, have filed joint application pursuant to the provisions of section 202 (e) of the Federal Power Act (16 U. S. C. 824a (e)) for authority to transmit electric energy from the electric generating plant of Central Power and Light Company at San Benito, Texas, across the international boundary between the United States and Mexico near Roma, Texas, to San Pedro Roma, Tamaulipas, Mexico, in an amount not to exceed 30,000 kilowatt-hours per year and at a rate of supply not in excess of 50 kilowatts.

Any person desiring to be heard or to make any protest with reference to said application should, on or before August 20, 1945, file with the Federal Power Commission, Washington 25, D. C., a petition or protest in accordance with the Commission's rules of practice and regulations under the Federal Power Act.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 45-14585; Filed, Aug. 7, 1945; 3:03 p. m.]

INTERSTATE COMMERCE COMMISSION.

[2d Rev. S. O. 300, Amended Special Permit 24]

ICING OF POTATOES FROM POINTS ON LONG ISLAND RAILROAD

Pursuant to the authority vested in me by paragraph (e) of the first ordering paragraph of Second Revised Service Order No. 300 (10 F.R. 6802), permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard the provisions of Second Revised Service Order No. 300 insofar as it applies to the furnishing of initial icing on not to exceed thirteen (13) refrigerator cars, loaded with potatoes, to be shipped August 10 to 15, inclusive, 1945, at a rate not to exceed five (5) cars per day, from points on the Long Island Railroad, consigned to Quarter Master Market Center, New Orleans, Louisiana, for export, and to accord one reicing in transit only, at Columbus, Ohio (by P. R. R.), on the said thirteen (13) cars. (L. I.-P. R. R. to Cincinnati, Ohio, L. & N.).

The waybills shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 3d day of August 1945.

V. C. CLINGER,
Director,
Bureau of Service.

[F. R. Doc. 45-14628; Filed, Aug. 8, 1945; 11:31 a. m.]

[2d Rev. S. O. 300, Special Permit 27]

ICING OF POTATOES FROM GREENPORT, LONG ISLAND, N. Y. AND HIGHTSTOWN, N. J.

Pursuant to the authority vested in me by paragraph (e) of the first ordering paragraph of Second Revised Service Order No. 300 (10 F.R. 6802), permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard the provisions of Second Revised Service Order No. 300 insofar as it applies to the furnishing of initial icing only on cars of potatoes as follows:

MRC 7019 from Greenport, L. I., to Dan Storey, Pittsburgh, Pa. (LI-B&O).

BRE 78667 from Hightstown, N. J., to F. W. Albrecht Grocery Co., Akron, Ohio (PRR-B&O).

WFE 69412 from Hightstown, N. J., to Weaver & Co., Akron, Ohio (PRR), and

PGE 50330 from Hightstown, N. J., to Iron City Produce Co., Pittsburgh, Pa. (PRR).

and to the furnishing of standard refrigeration on car WFE 65317 from Greenport, L. I. to Sidney Alterman, Port Everglades, Florida. (LI-PRR-Scu-FEC). All five cars shipped August 2, 1945, by F. H. Vahlsing, Inc.

The waybills shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 3d day of August 1945.

V. C. CLINGER,
Director,
Bureau of Service.

[F. R. Doc. 45-14629; Filed, Aug. 8, 1945; 11:31 a. m.]

[2d Rev. S. O. 300, Special Permit 28]

ICING OF POTATOES FROM CRANBURY, N. J.

Pursuant to the authority vested in me by paragraph (e) of the first ordering paragraph of Second Revised Service Order No. 300 (10 F.R. 6802), permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard the provisions of Second Revised Service Order No. 300 insofar as it applies to the initial icing at Potomac Yards and one reice at Florence on WFE 49727 shipped August 3 or 4 by Chamberlin & Barclay from Cranbury, N. J., to Savannah, Georgia, with stop-off at Charleston, S. C., routed PRR-PF&P-ACL.

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by

filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 3d day of August 1945.

V. C. CLINGER,
Director,
Bureau of Service.

[F. R. Doc. 45-14630; Filed, Aug. 8, 1945; 11:32 a. m.]

OFFICE OF PRICE ADMINISTRATION.

[MPR 188, Order 46 Under Order 1052]

THE PACIFIC CHAIR CO.

ADJUSTMENT OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to paragraph (h) of Order No. 1052 under § 1499.159b of Maximum Price Regulation No. 188, it is ordered:

(a) *Manufacturer's maximum prices.* The Pacific Chair Co., 1121 Ballard Way, Seattle, Washington, may add the following additional adjustment charges to its maximum prices for sales to retailers of the articles listed below which it manufactures, resulting in the following adjusted maximum prices:

Article	Model No.	Maximum price	Adjustment permitted by paragraph (d) of order No. 1052	Additional adjustment permitted by this order	Total adjusted maximum price
		Each			*Each*
Chair	33½	$1.10	$0.06	$0.19	$1.35
	93-K	.80	.05	.38	1.33

The adjustment charges listed above may be made and collected only if each is separately stated on each invoice. The adjusted maximum prices are subject to the manufacturer's customary terms, discounts, allowances, and other price differentials in effect during March 1942.

(b) *Maximum prices of purchasers for resale.* A person who hereafter buys an article covered by this order and resells it in substantially the same form, may collect from his customers, in addition to his properly established maximum price in effect immediately before this order was issued, an adjustment charge in the same amount as the additional adjustment charge herein authorized for and which he pays to his supplier. If he did not have a maximum price in effect for the article at the time this order was issued, he may add the same adjustment charge to the maximum price which he hereafter establishes for his sales under the applicable regulation. If the applicable regulation requires the maximum resale price to be computed on the basis of cost, the reseller must find his maximum resale price (not including the permitted adjustment charge) by using as cost his invoice cost less any adjustment charge stated on the invoice as a separate amount.

On all sales other than sales to the ultimate consumer this additional adjustment charge may be made and collected only if it is separately stated on each invoice. The adjusted price is subject to each seller's customary terms, discounts and allowances on sales of the same or similar articles. The adjustment charge authorized in this paragraph (b) is in addition to any adjustment charge permitted for wholesalers by Order No. 1052 under Maximum Price Regulation No. 188.

(c) *Notification.* At the time of or prior to the first invoice to a purchaser for resale on and after the effective date of this order, showing prices adjusted in accordance with this order, the sellers shall notify the purchaser in writing of the method established by paragraph (b) of this order for determining adjusted maximum prices for resales of the articles. This notice may be given in any convenient form, and is, in addition to any notice required by paragraphs (d) or (e) of Order No. 1052 of Maximum Price Regulation No. 188.

(d) All requests not specifically granted by this order are hereby denied.

(e) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective on the 8th day of August 1945.

Issued this 7th day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-14597; Filed, Aug. 7, 1945; 4:20 p. m.]

[MPR 188, Order 47 Under Order 1052]

BILTWELL CHAIR AND FURNITURE CO.

ADJUSTMENT OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register and pursuant to Paragraph (h) of Order No. 1052 under § 1499.159b of Maximum Price Regulation No. 188, *It is ordered:*

(a) Biltwell Chair and Furniture Co., Denton, North Carolina, may add the following additional adjustment charges to its maximum prices for sales and deliveries to the classes of purchasers specified of the articles listed below which it manufactures, resulting in the following adjusted maximum prices:

FOR SALES TO JOBBERS AND CAR-LOAD PURCHASERS

Article	Model No.	Maximum price	Adjustment permitted by paragraph (d) of order No. 1052	Additional adjustment permitted by this order	Total adjusted maximum price
4					
Drop leaf table	203	$5.76	$0.29	$1.63	$7.68
Extension table	217	5.76	.29	1.59	7.64
	223	7.40	.37	1.75	9.52
Finished chair	73	1.36	.07	.31	1.74
	86	1.56	.08	.29	1.90

FOR SALES TO RETAILERS OTHER THAN CAR-LOAD PURCHASERS

Drop leaf table	203	$6.12	$0.31	$1.63	$8.06
Extension table	217	6.12	.31	1.59	8.02
	223	7.86	.39	1.75	10.00
Finished chair	73	1.44	.07	.31	1.82
	86	1.66	.08	.26	2.00

The adjustment charges listed above may be made and collected only if each is separately stated on each invoice. The adjusted maximum prices are subject to the manufacturer's customary terms, discounts, and allowances, and other price differentials in effect during March 1942.

(b) *Maximum prices of purchasers for resale.* A person who hereafter buys an article covered by this order and resells it in substantially the same form, may collect from his customers, in addition to his properly established maximum price in effect immediately before this order was issued, an adjustment charge in the same amount as the additional adjustment charge herein authorized for and which he pays to his supplier. If he did not have a maximum price in effect for the article at the time this order was issued, he may add the same adjustment charge to the maximum price which he hereafter establishes for his sales under the applicable regulation. If the applicable regulation requires the maximum resale price to be computed on the basis of cost, the reseller must find his maximum resale price (not including the permitted adjustment charge) by using as cost his invoice cost less any adjustment charge stated on the invoice as a separate amount.

On all sales other than sales to the ultimate consumer this additional adjustment charge may be made and collected only if it is separately stated on each invoice. The adjusted price is subject to each seller's customary terms, discounts and allowances on sales of the same or similar articles. The adjustment charge authorized in this paragraph (b) is in addition to any adjustment charge permitted for wholesalers by Order No. 1052 under Maximum Price Regulation No. 188.

(c) *Notification.* At the time of or prior to the first invoice to a purchaser for resale on and after the effective date of this order, showing prices adjusted in accordance with this order, the sellers shall notify the purchaser in writing of the method established by paragraph (b) of this order for determining adjusted maximum prices for resales of the articles. This notice may be given in any convenient form, and is, in addition to any notice required by paragraphs (d) or (e) of Order No. 1052 of Maximum Price Regulation No. 188.

(d) All requests not specifically granted by this order are hereby denied.

(e) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective on the 8th day of August 1945.

Issued this 7th day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-14598; Filed, Aug. 7, 1945; 4:20 p. m.]

[MPR 188, Order 48 Under Order 1052]

THE TROUTMAN CHAIR CO.

ADJUSTMENT OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to Paragraph (h) of Order No. 1052 under § 1499.159b of Maximum Price Regulation No. 188, it is ordered:

(a) *Manufacturer's maximum prices.* The Troutman Chair Company, Troutman, North Carolina, may add the following additional adjustment charges to its maximum prices for sales and deliveries to retailers of the articles listed below which it manufactures, resulting in the following adjusted maximum prices:

Article	Model No.	Maximum price per dozen	Adjustment permitted by paragraph (d) of order No. 1052	Additional adjustment permitted by this order	Total adjusted maximum price per dozen
Chair	112	$10.00	$0.50	$1.30	$11.80
	11	12.00	.60	1.35	13.95
	55	10.80	.50	1.36	11.80
	8	14.40	.72	.85	15.97

The adjustment charges listed above may be made and collected only if each is separately stated on each invoice. The adjusted maximum prices are subject to the manufacturer's customary terms, discounts, allowances, and other price differentials in effect during March 1942.

(b) *Maximum prices of purchasers for resale.* A person who hereafter buys an article covered by this order and resells it in substantially the same form, may collect from his customers, in addition to his properly established maximum price in effect immediately before this order was issued, an adjustment charge in the same amount as the additional adjustment charge herein authorized for and which he pays to his supplier. If he did not have a maximum price in effect for the article at the time this order was issued, he may add the same adjustment charge to the maximum price which he hereafter establishes for his sales under the applicable regulation. If the applicable regulation requires the maximum resale price to be computed on the basis of cost, the reseller must find his maximum resale price (not including the permitted adjustment charge) by using as cost his invoice cost less any adjustment charge stated on the invoice as a separate amount.

On all sales other than sales to the ultimate consumer this additional adjustment charge may be made and collected only if it is separately stated on each invoice. The adjusted price is subject to each seller's customary terms, discounts and allowances on sales of the same or similar articles. The adjustment charge authorized in this paragraph (b) is in addition to any adjustment charge permitted for wholesalers by Order No. 1052 under Maximum Price Regulation No. 188.

(c) *Notification.* At the time of or prior to the first invoice to a purchaser for resale on and after the effective date of this order, showing prices adjusted in accordance with this order, the sellers shall notify the purchaser in writing of the method established by paragraph (b) of this order for determining adjusted maximum prices for resales of the articles. This notice may be given in any convenient form and is, in addition to any notice required by paragraphs (d) or (e) of Order No. 1052 of Maximum Price Regulation No. 188.

(d) All requests not specifically granted by this order are hereby denied.

(e) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective on the 8th day of August 1945.

Issued this 7th day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-14599; Filed, Aug. 7, 1945; 4:21 p. m.]

[MPR 188, Order 4223]

PREMIER LAMP CO.

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.158 of Maximum Price Regulation No. 188; *It is ordered:*

(a) This order establishes maximum prices for sales and deliveries of certain articles manufactured by Premier Lamp Company, 23 East 21st Street, New York, New York.

(1) For all sales and deliveries to the following classes of purchasers by the sellers indicated below, the maximum prices are those set forth below:

Article	Model No.	For sales by the manufacturer to—		For sales by any person to ultimate consumers
		Jobbers	Retailers	
18" Hand-sewn rayon silk over silk lamp shade with double ruching trim top & bottom and sprayed white frame	1000	*Each* $4.08	*Each* $5.50	*Each* $9.60
18" Hand sewn rayon silk over silk lamp shade with triple ruching trim top & bottom & sprayed white frame	1001	5.10	6.60	10.80
15" Hand sewn Bengalene lamp shade with single ruching top trim & bias fold bottom trim-frame sprayed white	1002	3.80	4.50	8.10

These maximum prices are for the articles described in the manufacturer's application dated March 3, 1945.

(2) For sales by the manufacturer, the maximum prices apply to all sales and deliveries since Maximum Price Regulation No. 188 became applicable to those sales and deliveries. For sales to persons other than consumers they are f. o. b. factory, 2% 10 days, net 30. The maximum price to consumers is net, delivered.

(3) For sales by persons other than the manufacturer, the maximum prices apply to all sales and deliveries after the effective date of this order. Those prices are subject to each seller's customary terms and conditions of sale on sales of similar articles.

(4) If the manufacturer wishes to make sales and deliveries to any other class of purchaser or on other terms and conditions of sale, he must apply to the Office of Price Administration, Washington, D. C., under the Fourth Pricing Method, § 1499.158 of Maximum Price Regulation No. 188, for the establishment of maximum prices for those sales, and no sales or deliveries may be made until maximum prices have been authorized by the Office of Price Administration.

(b) The manufacturer shall attach a tag or label to every article for which a maximum price for sales to consumers is established by this order. That tag or label shall contain the following statement, with the proper model number and the ceiling price inserted in the blank spaces:

Model No. ------
OPA Retail Ceiling Price—$------
Do Not Detach

(c) At the time of, or prior to, the first invoice to each purchaser for resale, the seller shall notify the purchaser in writing of the maximum prices and conditions established by this order for sales by the purchaser. This notice may be given in any convenient form.

(d) Jobber's maximum prices for sales of the articles covered by this order shall be established under the provisions of section 4.5 of SR 14J.

(e) This order may be revoked or amended by the Price Administrator at any time.

(f) This order shall become effective on the 8th day of August 1945.

Issued this 7th day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-14600; Filed, Aug. 7, 1945; 4:22 p. m.]

[MPR 188, Order 4224]

ELECTRONICS MFG. CO.

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.158 of Maximum Price Regulation No. 1881; *It is ordered:*

(a) This order establishes maximum prices for sales and deliveries of certain articles manufactured by Electronics Manufacturing Company, 25 Park Place, New York, N. Y.

(1) For all sales and deliveries to the following classes of purchasers by the sellers indicated below, the maximum prices are those set forth below:

Article	Model No.	For sales by the manufacturer to—		For sales by any person to ultimate consumers
		Jobbers	Retailers	
Fluorescent bed lamp flocked, and with ballast	1	*Each* $3.40	*Each* $4.00	*Each* $7.20

These maximum prices are for the articles described in the manufacturer's application dated May 11, 1945.

(2) For sales by the manufacturer, the maximum prices apply to all sales and deliveries since Maximum Price Regulation No. 188 became applicable to those sales and deliveries. For sales to persons other than consumers they are f. o. b. factory, 2% 10 days, net 30. The maximum price to consumers is net, delivered.

(3) For sales by persons other than the manufacturer, the maximum prices apply to all sales and deliveries after the effective date of this order. Those prices are subject to each seller's customary terms and conditions of sale on sales of similar articles.

(4) If the manufacturer wishes to make sales and deliveries to any other class of purchaser or on other terms and conditions of sale, he must apply to the Office of Price Administration, Washington, D. C., under the Fourth Pricing Method, § 1499.158 of Maximum Price Regulation No. 188, for the establishment of maximum prices for those sales, and no sales or deliveries may be made until maximum prices have been authorized by the Office of Price Administration.

(b) The manufacturer shall attach a tag or label to every article for which a maximum price for sales to consumers is established by this order. That tag or label shall contain the following statement, with the proper model number and the ceiling price inserted in the blank spaces:

Model No. ------
OPA Retail Ceiling Price—$------
Do Not Detach

(c) At the time of, or prior to, the first invoice to each purchaser for resale, the seller shall notify the purchaser in writing of the maximum prices and conditions established by this order for sales by the purchaser. This notice may be given in any convenient form.

(d) Jobber's maximum prices for sales of the articles covered by this order shall be established under the provisions of section 4.5 of SR 14J.

(e) This order may be revoked or amended by the Price Administrator at any time.

(f) This order shall become effective on the 8th day of August 1945.

Issued this 7th day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-14601; Filed, Aug. 7, 1945; 4:22 p. m.]

[MPR 188, Order 4225]

GEORGE DRAPKIN INDUSTRIES

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.158 of Maximum Price Regulation No. 188; *It is ordered:*

(a) This order establishes maximum prices for sales and deliveries of certain articles manufactured by George Drapkin Industries, 1027 Church Avenue, Brooklyn, N. Y.

(1) For all sales and deliveries to the following classes of purchasers by the sellers indicated below, the maximum prices are those set forth below:

Article	Model No.	For sales by the manufacturer to—		For sales by any person to consumers
		Jobbers	Retailers	
Fluorescent bed lamp with adjustable clamps, and equipped with ballast	2018	*Each* $6.83	*Each* $4.20	*Each* $8.10

These maximum prices are for the articles described in the manufacturer's application dated March 31, 1945.

(2) For sales by the manufacturer, the maximum prices apply to all sales and deliveries since Maximum Price Regulation No. 188 became applicable to those sales and deliveries. For sales to persons other than consumers they are f. o. b. factory, 2% 10 days, net 30. The maximum price to consumers is net, delivered.

(3) For sales by persons other than the manufacturer, the maximum prices apply to all sales and deliveries after the effective date of this order. Those prices are subject to each seller's customary terms and conditions of sale on sales of similar articles.

(4) If the manufacturer wishes to make sales and deliveries to any other class of purchaser or on other terms and conditions of sale, he must apply to the Office of Price Administration, Washington, D. C., under the Fourth Pricing Method, § 1499.158 of Maximum Price Regulation No. 188, for the establishment of maximum prices for those sales, and no sales or deliveries may be made until maximum prices have been authorized by the Office of Price Administration.

(b) The manufacturer shall attach a tag or label to every article for which a maximum price for sales to consumers is established by this order. That tag or label shall contain the following statement, with the proper model number and the ceiling price inserted in the blank spaces:

Model No. ------
OPA Retail Ceiling Price—$------
Do Not Detach

(c) At the time of, or prior to, the first invoice to each purchaser for resale, the seller shall notify the purchaser in writing of the maximum prices and conditions established by this order for sales by the purchaser. This notice may be given in any convenient form.

(d) Jobber's maximum prices for sales of the articles covered by this order shall be established under the provisions of section 4.5 of SR 14J.

(e) This order may be revoked or amended by the Price Administrator at any time.

(f) This order shall become effective on the 8th day of August 1945.

Issued this 7th day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-14602; Filed, Aug. 7, 1945; 4:22 p. m.]

[MPR 188, Order 4226]

S. F. MFG. CO.

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.158 of Maximum Price Regulation No. 188; *It is ordered:*

(a) This order establishes maximum prices for sales and deliveries of certain articles manufactured by the S. F. Manufacturing Company, 1918 Two Notch Road, Columbia 13, S. C.

(1) For all sales and deliveries to the following classes of purchasers by the sellers indicated below, the maximum prices are those set forth below:

Article	Model	Maximum prices [illegible] by any seller to—			
		Wholesalers (jobbers)	Chain and department stores	Other retailers	Consumer
Cooky sheet, aluminum	103	*Doz.* $1.50	*Doz.* $1.80	*Doz.* $2.16	*Each* $.20
Cooky sheet, aluminum	104	2.34	2.81	3.12	.39

These maximum prices are for the articles described in the manufacturer's application dated April 9, 1945.

(2) For sales by the manufacturer, the maximum prices apply to all sales and deliveries since Maximum Price Regulation No. 188 became applicable to those sales and deliveries. These prices are f. o. b. factory and are subject to a cash discount of 2% for payment within 10 days, net 30 days.

(3) For sales by persons other than the manufacturer, the maximum prices apply to all sales and deliveries after the effective date of this order. Those prices are subject to each seller's customary terms and conditions of sale on sales of similar articles.

(4) If the manufacturer wishes to make sales and deliveries to any other class of purchaser or on other terms and conditions of sale, he must apply to the Office of Price Administration, Washington, D. C., under the Fourth Pricing Method, § 1499.158 of Maximum Price Regulation No. 188, for the establishment of maximum prices for those sales, and no sales or deliveries may be made until maximum prices have been authorized by the Office of Price Administration.

(b) The manufacturer shall attach a tag or label to every article for which a maximum price for sales to consumers is established by this order. That tag or label shall contain the following statement with the correct retail ceiling price filled in:

OPA Retail Ceiling Price—$------
Do Not Detach

(c) At the time of, or prior to, the first invoice to each purchaser for resale, the seller shall notify the purchaser in writing of the maximum prices and conditions established by this order for sales by the purchaser. This notice may be given in any convenient form.

(d) This order may be revoked or amended by the Price Administrator at any time.

(e) This order shall become effective on the 8th day of August 1945.

Issued this 7th day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-14603; Filed, Aug. 7, 1945; 4:22 p. m.]

[MPR 188, Order 4227]

ALISTO MFG. CO.

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.158 of Maximum Price Regulation No. 188; *It is ordered:*

(a) This order establishes maximum prices for sales and deliveries of certain articles manufactured by Alisto Manufacturing Company, 222 Main Street, Cincinnati 2, Ohio.

(1) For all sales and deliveries to the following classes of purchasers by the sellers indicated below, the maximum prices are those set forth below:

Article	Model No.	For sales by the manufacturer to—		For sales by any person to consumers
		Jobbers	Retailers	
"Tin-Tin Tin Lamp"	1	*Each* $1.28	*Each* $1.50	*Each* $2.70
"Old Man Fire-Side Lamp" (radio lamp)	2	1.85	2.18	3.60

These maximum prices are for the articles described in the manufacturer's application dated March 30, 1945.

(2) For sales by the manufacturer, the maximum prices apply to all sales and deliveries since Maximum Price Regulation No. 188 became applicable to those sales and deliveries. For sales to persons other than consumers they are f. o. b. factory, 2% 10 days, net 30. The maximum price to consumers is net, delivered.

(3) For sales by persons other than the manufacturer, the maximum prices apply to all sales and deliveries after the effective date of this order. Those prices are subject to each seller's customary terms and conditions of sale on sales of similar articles.

(4) If the manufacturer wishes to make sales and deliveries to any other class of purchaser or on other terms and conditions of sale, he must apply to the Office of Price Administration, Washington, D. C., under the Fourth Pricing Method, § 1499.158 of Maximum Price Regulation No. 188, for the establishment of maximum prices for those sales, and no sales or deliveries may be made until maximum prices have been authorized by the Office of Price Administration.

(b) The manufacturer shall attach a tag or label to every article for which a maximum price for sales to consumers is established by this order. That tag or label shall contain the following statement, with the proper model number and the ceiling price inserted in the blank spaces:

Model No. ----------
OPA Retail Ceiling Price—$------
Do Not Detach

(c) At the time of, or prior to, the first invoice to each purchaser for resale, the seller shall notify the purchaser in writing of the maximum prices and conditions established by this order for sales by the purchaser. This notice may be given in any convenient form.

(d) Jobber's maximum prices for sales of the articles covered by this order shall be established under the provisions of section 4.5 of SR 14J.

(e) This order may be revoked or amended by the Price Administrator at any time.

(f) This order shall become effective on the 8th day of August 1945.

Issued this 7th day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-14604; Filed, Aug. 7, 1945; 4:23 p. m.]

[Gen. RO 8,[1] Amdt. 2 to Cancellation Order 1[2]]

WENTWORTH BUS LINES, INC.

CANCELLATION OF RATIONING RIGHTS

The Director of the Office of Economic Stabilization has by Directive issued August 3, 1945, (10 F.R. 9684) directed that the effective date of Cancellation Order No. 1 under General Ration Order No. 8 be changed to October 1, 1945.

Therefore, Cancellation Order No. 1 under General Ration Order No. 8 is amended in the following respects:

1. Section 1 is amended by striking out "August 15, 1945" and inserting "October 1, 1945" in place thereof.

2. Section 2 is amended by deleting "August 16, 1945" and inserting in place thereof "October 2, 1945" and by deleting "August 21, 1945" in both places in which it appears in said section and inserting in place thereof "October 7, 1945."

3. Section 3 is amended by deleting "August 16, 1945" and inserting "October 2, 1945" in place thereof.

4. The effective date of said Cancellation Order No. 1 is changed to October 1, 1945.

This amendment shall become effective August 7, 1945.

Issued this 7th day of August 1945.

MAX MCCULLOUGH,
Deputy Administrator for Rationing.

[F. R. Doc. 45-14596; Filed, Aug. 7, 1945; 4:20 p. m.]

[1] 8 F.R. 3783, 5677, 9626, 15455; 9 F.R. 402, 1325, 2746, 4196, 4878, 7419; 10 F.R. 860, 8236.
[2] 10 F.R. 8163, 8577.

[MPR 425, Order 2]

FRESH FRUITS, BERRIES AND VEGETABLES FOR PROCESSING

ADJUSTMENT OF MAXIMUM PRICES

For the reasons set forth in an opinion accompanying this order and pursuant to section 7 of Maximum Price Regulation 425; *It is ordered:*

That the varieties of grapes known as Concord, Early Concord, Cottage, Eaton, Fredonia, Hicks, King, Moore Early, Rockwood and Worden may be sold and delivered to processors under an agreement in each case between the buyer and seller that the prices shall be later determined pursuant to action taken by the Office of Price Administration after delivery.

In any sale of grapes pursuant to this order, the seller shall not invoice the goods for more than the maximum price for such sale in effect at the time of delivery nor charge or receive more than that price until appropriate action has been taken by the Office of Price Administration.

This order shall become effective August 11, 1945, and shall automatically expire upon the establishment of new maximum prices for the varieties of grapes described above.

Issued this 8th day of August 1945.

JAMES G. ROGERS, JR.,
Acting Administrator.

Approved: August 3, 1945.

J. B. HUTSON,
Acting Secretary of Agriculture.

[F. R. Doc. 45-14644; Filed, Aug. 8, 1945; 11:43 a. m.]

[Supp. Order 94, Order 75]

STEEL BOXES

SPECIAL EXEMPTION OF SALES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and in accordance with section 11 of Supplementary Order 94, *It is ordered:*

(a) Notwithstanding the provisions of any regulation or order issued prior to the effective date of this order by the Office of Price Administration, sales by all persons of the new steel boxes hereinafter described which have been or may be sold by the Department of Commerce or any other United States Government agency are exempt from price control.

Description of box. New steel box with cover, inside dimensions 62" x 16½" x 16½", made of 13 gauge steel, painted blue gray inside and outside, all seams watertight, weight approximately 150 lbs.

(b) This order may be revoked or amended at any time.

This order shall become effective August 9, 1945.

Issued this 8th day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-14638; Filed, Aug. 8, 1945; 11:41 a. m.]

[RMPR 434, Order 1]

Eastern Shore of Virginia Produce Exchange, Inc.

adjustment of maximum prices

A petition has been filed for amendment of Revised Maximum Price Regulation 434, Used Fruit and Vegetable Containers to adjust the maximum prices for cooperatives and custom packers that sell the items covered by this regulation. It has been shown that the Eastern Shore of Virginia Produce Exchange, Inc. is a cooperative and that authorization to use adjustable pricing pending action on the petition is necessary to promote production and distribution of the commodities involved and that the granting of such authorization will not interfere with the purposes of the Emergency Price Control Act of 1942, as amended.

After due consideration of the foregoing and in accordance with section 9 of Revised Maximum Price Regulation 434, *It is ordered:*

(a) Pending final determination by the Office of Price Administration of the petition for amendment now on file, the Eastern Shore of Virginia Produce Exchange, Inc., may sell and deliver and any person may buy and receive from it used fruit and vegetable containers subject to this regulation at prices adjustable to those subsequently established by the Office of Price Administration for cooperatives and custom packers.

(b) Eastern Shore of Virginia Produce Exchange, Inc., Ser-Onley, Virginia, may collect no more than existing maximum prices pending final determination of the petition, and at that time may collect no more than the maximum prices then authorized.

(c) This order shall be automatically revoked on the effective date of action on the petition. It may be amended or revoked by the Office of Price Administration at any time.

This order shall become effective August 9, 1945.

Issued this 8th day of August 1945.

Chester Bowles,
Administrator.

[F. R. Doc. 45-14645; Filed, Aug. 8, 1945; 11:43 a. m.]

Regional and District Office Orders.

[Spokane Order 96-B Under MPR 426]

Cantaloupes in Wallace, Idaho

For the reasons set forth in an opinion issued simultaneously herewith, and under authority vested in the District Director of the Spokane District Office by section 8 (a) (7) of Maximum Price Regulation No. 426, as amended, and by Order of Delegation No. 35 issued under said section by the San Francisco Regional Office, Region VIII, of the Office of Price Administration; *It is hereby ordered:*

With respect to the commodity described in line (a) of Table X, there is set forth in said table in line (b), the basing point; in line (c), the wholesale receiving point; in line (d), the method of transportation which is hereby determined to be the cheapest method of transportation which is customary and generally available from said basing point to said wholesale receiving point; and in line (e), the freight rate per cwt. by said Method (d) between points. With respect to the units of sale of said commodity set forth in the respective vertical columns of said Table X, there is also set forth in said table in line (f), the freight charge by said Method (d) from said basing point to said wholesale receiving point; in line (g), the basing point cost; in line (h), the charge, if any, allowable for protective services in connection with such transportation; and in line (i), the maximum price chargeable for said commodity in said wholesale receiving point.

Table X

(a) Commodity: Cantaloupes.
(b) Basing Point: El Centro, Calif.
(c) Wholesale receiving point: Wallace, Idaho.
(d) Method of transportation: Carlot to Spokane, l.c.l. Wallace.
(e) Freight rate by Method (d) from basing point to wholesale receiving point: $1.08 plus 51=1.59.

	Per unit of sale	
	Standard crate of 68 lbs.	Per lb.
(f) Freight charge by Method (d)	$1.09	.....
(g) Basing point cost	2.70	.....
(h) Protective services	.34	.....
(i) Maximum price in wholesale receiving point (sum of "f", "g" and "h")	4.13	$0.0607

This order shall become effective July 9, 1945, and may be revoked, amended or corrected at any time.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871, E.O. 9328, 8 F.R. 4681)

Issued this 9th day of July 1945.

Dave S. Cohn,
District Director.

[F. R. Doc. 45-14473; Filed, Aug. 6, 1945; 1:23 p. m.]

[Spokane Order 97-B Under MPR 426]

Cantaloupes in Pullman, Wash.

For the reasons set forth in an opinion issued simultaneously herewith, and under authority vested in the District Director of the Spokane District Office by section 8 (a) (7) of Maximum Price Regulation No. 426, as amended, and by Order of Delegation No. 35 issued under said section by the San Francisco Regional Office, Region VIII, of the Office of Price Administration; *It is hereby ordered:*

With respect to the commodity described in line (a) of Table X, there is set forth in said table in line (b), the basing point; in line (c), the wholesale receiving point; in line (d), the method of transportation which is hereby determined to be the cheapest method of transportation which is customary and generally available from said basing point to said wholesale receiving point; and in line (e), the freight rate per cwt. by said Method (d) between points. With respect to the units of sale of said commodity set forth in the respective vertical columns of said Table X, there is also set forth in said table in line (f), the freight charge by said Method (d) from said basing point to said wholesale receiving point; in line (g), the basing point cost; in line (h), the charge, if any, allowable for protective services in connection with such transportation; and in line (i), the maximum price chargeable for said commodity in said wholesale receiving point.

Table X

(a) Commodity: Cantaloupes.
(b) Basing Point: El Centro, Calif.
(c) Wholesale receiving point: Pullman, Wash.
(d) Method of transportation: Carlot to Spokane, l.c.l. Pullman.
(e) Freight rate by Method (d) from basing point to wholesale receiving point: $1.08 plus 41.

	Per unit of sale	
	Standard crate of 68 lbs.	Per lb.
(f) Freight charge by Method (d)	$1.01	.....
(g) Basing point cost	2.70	.....
(h) Protective services	.34	.....
(i) Maximum price in wholesale receiving point (sum of "f," "g" and "h")	4.05	$0.06

This order shall become effective July 9, 1945, and may be revoked, amended or corrected at any time.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871, E.O. 9328, 8 F.R. 4681)

Issued this 9th day of July 1945.

Dave S. Cohn,
District Director.

[F. R. Doc. 45-14474; Filed, Aug. 6, 1945; 1:23 p. m.]

[Spokane Order 98-B Under MPR 426]

Cantaloupes in Spokane, Wash.

For the reasons set forth in an opinion issued simultaneously herewith, and under authority vested in the District Director of the Spokane District Office by section 8 (a) (7) of Maximum Price Regulation No. 426, as amended, and by Order of Delegation No. 35 issued under said section by the San Francisco Regional Office, Region VIII, of the Office of Price Administration, *It is hereby ordered:*

With respect to the commodity described in line (a) of Table X, there is set forth in said table in line (b), the basing point; in line (c), the wholesale receiving point; in line (d), the method of transportation which is hereby determined to be the cheapest method of transportation which is customary and generally available from said basing point to said wholesale receiving point; and in line (e), the freight rate per cwt. by said Method (d) between points. With respect to the units of sale of said commodity set forth in the respective vertical columns of said Table X, there is also set forth in said table in line (f), the freight charge by said Method (d) from said basing point to said wholesale receiving point; in line (g), the basing point cost; in line (h), the charge, if any, allowable for protective services in connection with such transportation; and in line (i), the maximum price chargeable for said commodity in said wholesale receiving point.

Table X

(a) Commodity: Cantaloupes.
(b) Basing Point: El Centro, Calif.
(c) Wholesale receiving point: Spokane, Wash.
(d) Method of transportation: Carlot.
(e) Freight rate by Method (d) from basing point to wholesale receiving point: $1.08.

	Per unit of sale	
	Standard crate of 68 lbs.	Per lb.
(f) Freight charge by Method (d)	$0.73	.....
(g) Basing point cost	2.70	.....
(h) Protective services	.34	.....
(i) Maximum price in wholesale receiving point (sum of "f", "g", and "h")	3.77	$0.054

This order shall become effective July 9, 1945, and may be revoked, amended or corrected at any time.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 9th day of July 1945.

Dave S. Cohn,
District Director.

[F. R. Doc. 45-14475; Filed, Aug. 6, 1945; 1:13 p. m.]

[Spokane Order 99-B Under MPR 426]

Plums in Wallace, Idaho

For the reasons set forth in an opinion issued simultaneously herewith, and under authority vested in the District Director of the Spokane District Office by section 8 (a) (7) of Maximum Price Regulation No. 426, as amended, and by Order of Delegation No. 35 issued under said section by the San Francisco Regional Office, Region VIII, of the Office of Price Administration, *It is hereby ordered:*

With respect to the commodity described in line (a) of Table X, there is set forth in said table in line (b), the basing point; in line (c), the wholesale receiving point; in line (d), the method of transportation which is hereby determined to be the cheapest method of transportation which is customary and generally available from said basing point to said wholesale receiving point; and in line (e), the freight rate per cwt. by said Method (d) between points. With respect to the units of sale of said commodity set forth in the respective vertical columns of said Table X, there is also set forth in said table in line (f), the freight charge by said Method (d) from said basing point to said wholesale receiving point; in line (g), the basing point cost; in line (h), the charge, if any, allowable for protective services in connection with such transportation; and in line (i), the maximum price chargeable for said commodity in said wholesale receiving point.

Table X

(a) Commodity: Plums 4 (4 x 5 size) 4 baskets in crate.
(b) Basing point: Sacramento, Calif.
(c) Wholesale receiving point: Wallace, Idaho.
(d) Method of transportation: Carlot to Portland, l. c. l. Wallace.
(e) Freight rate by Method (d) from basing point to wholesale receiving point: $1.72.

	Per unit of sale	
	Per crate of 32 lbs. gross	Per lb. graded and packed
(f) Freight charge by Method (d)	$0.55	.....
(g) Basing point cost	2.63	.....
(h) Protective services	.01	.....
(i) Maximum price in wholesale receiving point (sum of "f," "g" and "h")	3.29	$0.115

This order shall become effective July 9, 1945, and may be revoked, amended or corrected at any time.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 9th day of July 1945.

Dave S. Cohn,
District Director.

[F. R. Doc. 45-14476; Filed, Aug. 6, 1945; 1:11 p. m.]

[Spokane Order 100-B Under MPR 426]

Plums in Pullman, Wash.

For the reasons set forth in an opinion issued simultaneously herewith, and under authority vested in the District Director of the Spokane District Office by section 8 (a) (7) of Maximum Price Regulation No. 426, as amended, and by Order of Delegation No. 35 issued under said section by the San Francisco Regional Office, Region VIII, of the Office of Price Administration, *It is hereby ordered:*

With respect to the commodity described in line (a) of Table X, there is set forth in said table in line (b), the basing point; in line (c), the wholesale receiving point; in line (d), the method of transportation which is hereby determined to be the cheapest method of transportation which is customary and generally available from said basing point to said wholesale receiving point; and in line (e), the freight rate per cwt. by said Method (d) between points. With respect to the units of sale of said commodity set forth in the respective vertical columns of said Table X, there is also set forth in said table in line (f), the freight charge by said Method (d) from said basing point to said wholesale receiving point; in line (g), the basing point cost; in line (h), the charge, if any, allowable for protective services in connection with such transportation; and in line (i), the maximum price chargeable for said commodity in said wholesale receiving point.

Table X

(a) Commodity: Plums 4 (4 x 5 size) baskets in crate.
(b) Basing point: Sacramento, Calif.
(c) Wholesale receiving point: Pullman, Wash.
(d) Method of transportation: Carlot to Portland, i. c. l. to Pullman.
(e) Freight rate by Method (d) from basing point to wholesale receiving point: $1.53.

	Per unit of sale	
	Per crate of 32 lbs. gross	Per lb. graded and packed
(f) Freight charge by Method (d)	$0.49	.....
(g) Basing point cost	2.63	.....
(h) Protective services	.04	.....
(i) Maximum price in wholesale receiving point (sum of "f," "g" and "h")	3.16	$0.111

This order shall become effective July 9, 1945, and may be revoked, amended or corrected at any time.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 9th day of July 1945.

Dave S. Cohn,
District Director.

[F. R. Doc. 45-14477; Filed, Aug. 6, 1945; 1:11 p. m.]

[Spokane Order 101-B Under MPR 426]

Plums in Walla Walla, Wash.

For the reasons set forth in an opinion issued simultaneously herewith, and under authority vested in the District Director of the Spokane District Office by section 8 (a) (7) of Maximum Price Regulation No. 426, as amended, and by Order of Delegation No. 35 issued under said section by the San Francisco Regional Office, Region VIII, of the Office of Price Administration; *It is hereby ordered:*

With respect to the commodity described in line (a) of Table X, there is set forth in said table in line (b), the basing point; in line (c), the wholesale receiving point; in line (d), the method of transportation which is hereby determined to be the cheapest method of transportation which is customary and generally available from said basing point to said wholesale receiving point; and in line (e), the freight rate per cwt. by said Method (d) between points. With respect to the units of sale of said commodity set forth in the respective vertical columns of said Table X, there is also set forth in said table in line (f), the freight charge by said Method (d) from said basing point to said wholesale receiving point; in line (g), the basing point cost; in line (h), the charge, if any, allowable for protective services in connection with such transportation; and in line (i), the maximum price chargeable for said commodity in said wholesale receiving point.

Table X

(a) Commodity: Plums 4 (4 x 5 size) baskets in crate.
(b) Basing point: Sacramento, Calif.
(c) Wholesale receiving point: Walla Walla, Wash.
(d) Method of transportation: Carlot to Portland, l. c. l. to Walla Walla.
(e) Freight rate by Method (d) from basing point to wholesale receiving point: $1.23.

	Per unit of sale	
	Per crate of 32 lbs. gross	Per lb. graded and packed
(f) Freight charge by Method (d)	$0.39	.....
(g) Basing point cost	2.63	.....
(h) Protective services	.04	.....
(i) Maximum price in wholesale receiving point (sum of "f," "g" and "h")	3.06	$0.11

This order shall become effective July 9, 1945, and may be revoked, amended or corrected at any time.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 9th day of July 1945.

DAVE S. COHN,
District Director.

[F. R. Doc. 45-14478, Filed, Aug. 6, 1945; 1:11 p. m.]

[Spokane Order 102-B Under MPR 426]

PLUMS IN LEWISTON, IDAHO

For the reasons set forth in an opinion issued simultaneously herewith, and under authority vested in the District Director of the Spokane District Office by section 8 (a) (7) of Maximum Price Regulation No. 426, as amended, and by Order of Delegation No. 35 issued under said section by the San Francisco Regional Office, Region VIII, of the Office of Price Administration, *It is hereby ordered:*

With respect to the commodity described in line (a) of Table X, there is set forth in said table in line (b), the basing point; in line (c), the wholesale receiving point; in line (d), the method of transportation which is hereby determined to be the cheapest method of transportation which is customary and generally available from said basing point to said wholesale receiving point; and in line (e), the freight rate per cwt. by said Method (d) between points. With respect to the units of sale of said commodity set forth in the respective vertical columns of said Table X, there is also set forth in said table in line (f), the freight charge by said Method (d) from said basing point to said wholesale receiving point; in line (g), the basing point cost; in line (h), the charge, if any, allowable for protective services in connection with such transportation; and in line (i), the maximum price chargeable for said commodity in said wholesale receiving point.

TABLE X

(a) Commodity: Plums 4 (4 x 5 size) baskets in crate.
(b) Basing point: Sacramento, Calif.
(c) Wholesale receiving point: Lewiston, Idaho.
(d) Method of transportation: Carlot to Portland, L.C.L. to Lewiston.
(e) Freight rate by Method (d) from basing point to wholesale receiving point: $1.33.

	Per unit of sale	
	Per crate of 32 lbs. gross	Per lb. graded and packed
(f) Freight charge by Method (d)	$0.49	-------
(g) Basing point cost	2.63	-------
(h) Protective services	.01	-------
(i) Maximum price in wholesale receiving point (sum of "f", "g", and "h")	3.16	$0.111

This order shall become effective July 9, 1945, and may be revoked, amended or corrected at any time.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 9th day of July 1945.

DAVE S. COHN,
District Director.

[F. R. Doc. 45-14479; Filed, Aug. 6, 1945; 1:11 p. m.]

[Spokane Order 103-B Under MPR 426]

PLUMS IN KENNEWICK, WASH.

For the reasons set forth in an opinion issued simultaneously herewith, and under authority vested in the District Director of the Spokane District Office by section 8 (a) (7) of Maximum Price Regulation No. 426, as amended, and by Order of Delegation No. 35 issued under said section by the San Francisco Regional Office, Region VIII, of the Office of Price Administration, *It is hereby ordered:*

With respect to the commodity described in line (a) of Table X, there is set forth in said table in line (b), the basing point; in line (c), the wholesale receiving point; in line (d), the method of transportation which is hereby determined to be the cheapest method of transportation which is customary and generally available from said basing point to said wholesale receiving point; and in line (e), the freight rate per cwt. by said method (d) between points. With respect to the units of sale of said commodity set forth in the respective vertical columns of said Table X, there is also set forth in said table in line (f), the freight charge by said Method (d) from said basing point to said wholesale receiving point; in line (g), the basing point cost; in line (h), the charge, if any, allowable for protective services in connection with such transportation; and in line (i), the maximum price chargeable for said commodity in said wholesale receiving point.

TABLE X

(a) Commodity: Plums 4 (4 x 5 size) baskets in crate.
(b) Basing point: Sacramento, California.
(c) Wholesale receiving point: Kennewick.
(d) Method of transportation: Carlot to Portland, L.C.L. Portland to Kennewick.
(e) Freight rate by Method (d) from basing point to wholesale receiving point: $1.03/cwt.

	Per unit of sale	
	Per crate of 32 lbs.	Per lb.
(f) Freight charge by Method (d)	$0.33	-------
(g) Basing point cost	2.63	-------
(h) Protective services	.04	-------
(i) Maximum price in wholesale receiving point (sum of "f", "g" and "h")	3.00	$0.107

This order shall become effective July 9, 1945, and may be revoked, amended or corrected at any time.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 9th day of July 1945.

DAVE S. COHN,
District Director.

[F. R. Doc. 45-14480; Filed, Aug. 6, 1945; 1:10 p. m.]

[Spokane Order 104-B Under MPR 426]

PLUMS IN SPOKANE, WASH.

For the reasons set forth in an opinion issued simultaneously herewith, and under authority vested in the District Director of the Spokane District Office by section 8 (a) (7) of Maximum Price Regulation No. 426, as amended, and by Order of Delegation No. 35 issued under said section by the San Francisco Regional Office, Region VIII, of the Office of Price Administration, *It is hereby ordered:*

With respect to the commodity described in line (a) of Table X, there is set forth in said table in line (b), the basing point; in line (c), the wholesale receiving point; in line (d), the method of transportation which is hereby determined to be the cheapest method of transportation which is customary and generally available from said basing point to said wholesale receiving point; and in line (e), the freight rate per cwt. by said method (d) between points. With respect to the units of sale of said commodity set forth in the respective vertical columns of said Table X, there is also set forth in said table in line (f), the freight charge by said method (d) from said basing point to said wholesale receiving point; in line (g), the basing point cost; in line (h), the charge, if any, allowable for protective services in connection with such transportation; and in line (i), the maximum price chargeable for said commodity in said wholesale receiving point.

TABLE X

(a) Commodity: Plums 4 (size 4 x 5 baskets in crate.
(b) Basing point: Sacramento, Calif.
(c) Wholesale receiving point: Spokane, Wash.
(d) Method of transportation: Carlto to Portland, L.C.L. Portland to Spokane.
(e) Freight rate by Method (d) from basing point to wholesale receiving point: $1.53.

	Per unit of sale	
	Per crate of 32 lbs. gross	Per lb. graded and packed
(f) Freight charge by Method (d)	$0.49	-------
(g) Basing point cost	2.63	-------
(h) Protective services	.04	-------
(i) Maximum price in wholesale receiving point (sum of "f", "g" and "h")	3.16	$0.111

This order shall become effective July 9, 1945, and may be revoked, amended or corrected at any time.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871, E.O. 9328, 8 F.R. 4681)

Issued this 9th day of July 1945.

DAVE S. COHN,
District Director.

[F. R. Doc. 45-14481; Filed, Aug. 6, 1945; 1:10 p. m.]

[Region VI Gen. Order 59 Under MPR 329]

FLUID MILK IN ROCKFORD, ILL.

For the reasons set forth in an opinion issued simultaneously herewith, and under the authority vested in the Regional Administrator of the Office of Price Administration by § 1351.403 (b) of Maximum Price Regulation 329, it is hereby ordered, that:

(a) *Maximum producer prices.* The maximum price which distributors of fluid milk in Rockford, Illinois may pay the producers of milk sold for human consumption in fluid form shall be the price determined under the provisions of Maximum Price Regulation No. 329 for milk having a butterfat content of 3.5%, plus not more than 5¢ per cwt. for each 1/10% of butterfat in excess of 3.5%, and minus not less than 5¢ per cwt. for each 1/10% of butterfat below 3.5%.

(b) *Applicability of producers' prices.* This order shall apply to all purchases of milk from producers, for resale for human consumption in fluid form, by distributors whose bottling plants are located in Rockford, Illinois or who sell within that city 50% or more of the milk sold by them.

(c) *Relation of this order to Office of Price Administration regulation.* No purchaser shall pay a larger proportion of transportation costs incurred in the delivery or supply of milk than he paid on deliveries during January 1943. Except as modified by this order, the provisions of the Maximum Price Regulation No. 329 shall remain in full force and effect and shall not be evaded by any change in business or trade practices in effect during that month.

(d) *Definitions.* Unless the context otherwise requires, the definition set forth in Maximum Price Regulation No. 329, and the Emergency Price Control Act of 1942, as amended, shall be applicable to the terms used herein.

(e) *Revocability.* This order may be revoked, amended or corrected at any time.

This order shall be effective the 30th day of July 1945.

Issued this 25th day of July 1945.

RAE E. WALTERS,
Regional Administrator.

[F. R Doc. 45-14490; Filed, Aug. 6, 1945; 3:17 p. m.]

[Region VII Order G-2 Under SR 15]

FLUID MILK IN IDAHO AND MALHEUR COUNTY, OREG.

Pursuant to the Emergency Price Control Act of 1942, as amended, the Stabilization Act of 1942, as amended, and § 1499.75 (a) (9) of Supplementary Regulation 15 to the General Maximum Price Regulation, and for the reasons set forth in the accompanying opinion this compilation of Order No. G-2 under Supplementary Regulation 15 to the General Maximum Price Regulation, including Amendment No. 1 is issued.

(a) *What this order does.* This compilation rewrites Order No. G-2 so as to reflect all changes made therein by Amendment No. 1; it supersedes Order G-1 under § 1499.75 (a) (2) (ii) of the General Maximum Price Regulation, issued November 25, 1942, and all amendments thereto, but leaves unaffected Order No. G-29 under § 1499.18 (c) of the General Maximum Price Regulation, as amended; divides Malheur County in the State of Oregon and all that part of the State of Idaho contained within this Region VII, except the City of Boise, into three districts; and establishes maximum prices in each district for fluid milk when sold at wholesale or at retail for human consumption; maintains present maximum prices that are higher than the specific maximum prices named herein; and makes no change in maximum prices as established by said Order No. G-2 and Amendment No. 1 thereto.

(b) *Relation to other orders.* This compilation of Order No. G-2 incorporates Amendment No. 1 and thereby presents in one document a full and complete statement of the adjusted maximum prices for fluid milk sold for human consumption at wholesale and at retail in the three areas covered, except as to higher prices duly established under the General Maximum Price Regulation and the transactions covered by Regional Order No. G-29 under § 1499.18 (c) of the General Maximum Price Regulation.

(c) *Three districts created.* For the purpose of this order, the area covered is divided into three districts, to be known as District No. 1, District No. 2, and District No. 3, each of which said districts shall be as defined in paragraph (j) hereof.

(d) *Maximum prices for fluid milk when sold at wholesale and at retail in Districts 1, 2, and 3, respectively.* The maximum prices for fluid milk sold at wholesale or at retail in glass bottles or paper containers, in a quantity of one gallon or less, in Districts Nos. 1, 2, and 3, respectively, as defined herein, shall, upon and after the effective date of this order, be as follows:

DISTRICT NO. 1

Size of glass or paper container	Grade A milk		Ungraded milk	
	Wholesale	Retail	Wholesale	Retail
	Cents	*Cents*	*Cents*	*Cents*
½ pint	3½	-------	3¼	-------
Pint	5½	6	5	6
Quart	10½	12½	9½	11½
½ gallon	19	23	17	21
Gallon	37	43	33	39

DISTRICT NO. 2

	Cents	*Cents*	*Cents*	*Cents*
½ pint	4½	-------	3¾	-------
Pint	6	7	5½	6
Quart	11½	13½	10½	12½
½ gallon	21	25	19	23
Gallon	41	47	37	43

DISTRICT NO. 3

	Cents	*Cents*	*Cents*	*Cents*
Quart	-------	15	-------	14

(e) *Higher established maximum prices may be maintained.* Any seller whose established maximum prices under § 1499.2 of the General Maximum Price Regulation or any applicable price regulation thereto or pursuant to any market agreement or order made or issued under the provisions of the Agricultural Marketing Agreement Act, as amended, that are higher than the prices fixed by this compilation of Order No. G-2 may continue to sell at such higher established maximum prices, and the same shall not be modified or superseded by this order.

(f) *Customary discounts, allowances, and differentials need not be maintained.* Upon and after the effective date of this compilation of Order No. G-2, it shall not be obligatory upon any seller of fluid milk hereunder to maintain or continue any customary allowance, discount, quantity discount, or differential heretofore established by him: *Provided, however,* That any seller may sell at a price lower than the maximum prices established by this compilation of Order No. G-2 if he so desires.

(g) *Exempt sales.* This compilation of Order No. G-2 does not apply to or in any manner affect sales of fluid milk made by one distributor or wholesaler to another distributor or wholesaler, or to purchases made from producers under Maximum Price Regulation No. 329.

(h) *Fractional price adjustments.* If the computed price for any sale includes a half-cent, the price shall be adjusted upward to the next cent.

(i) *Licensing.* The provisions of Licensing Order No. 1, licensing all persons who make sales under price control, are applicable to all sellers subject to this regulation or schedule. A seller's license may be suspended for violations of the license or of one or more applicable price schedules or regulations. A person whose license is suspended may not, during the period of suspension, make any sale for which his license has been suspended.

(j) *Definitions.* (1) "District No. 1" means all that area in the State of Idaho contained within the Counties of Boise, Butte (except the community of Arco), Camas, Clark, Custer (except the communities of Challis and Mackay), Lemhi (except the community of Salmon), Owyhee, and Teton.

(2) "District No. 2" means all of that area in the State of Idaho contained within the Counties of Ada (except the City of Boise), Adams, Bannock, Bear Lake, Bingham, Blaine, Bonneville, Canyon, Caribou, Cassia, Elmore, Franklin, Fremont, Gem, Gooding, Jefferson, Jerome, Lincoln, Madison, Minidoka, Oneida, Payette, Power, Twin Falls, Valley (except the Town of Stibnite), and Washington; and the communities of Arco in Butte County, Challis, and Mackay in Custer County, and Salmon in Lemhi County; and the County of Malheur in the State of Oregon.

(3) "District No. 3" means all of the Town of Stibnite in Valley County in the State of Idaho.

(4) "Grade A Milk" means milk produced and sold under conditions which qualify it for sale and delivery in glass or paper containers at wholesale and at retail under municipal regulation which by ordinance incorporates therein all of the material and substantial terms and

provisions of the police regulation commonly referred to as "Standard Milk Ordinance", and milk which has been produced by one having a Grade A producer's certificate or license duly issued by the Public Health Department of the State of Idaho in accordance with the law of that state regulating the production and sale of Grade A milk when sold and delivered at wholesale or at retail in glass bottles or paper containers for human consumption.

(5) "Ungraded milk" means all milk produced and sold and distributed in glass bottles or paper containers for human consumption as fluid milk, and which does not meet the requirements specified for "Grade A Milk" as set forth in the preceding subparagraph (4).

(6) "Producer" means a farmer or other person or representative who owns, superintends, manages, or otherwise controls the operation of a farm or dairy lot on which milk is produced for sale and distribution in glass bottles or paper containers for human consumption.

(k) Right to revoke or amend. This compilation of Order No. G-2 may be revoked, modified, or amended at any time by the Price Administrator or the Regional Administrator.

Effective date. This compliation of Order No. G-2, including Amendment No. 1, shall become effective on the 26th day of July 1945.

Issued this 26th day of July 1945.

RICHARD Y. BATTERTON,
Regional Administrator.

[F. R. Doc. 45-14492; Filed, Aug. 6, 1945; 3:19 p. m.]

[Sioux Falls Order G-1 Under RMPR 259]

DOMESTIC MALT BEVERAGES IN CERTAIN COUNTIES IN SOUTH DAKOTA

For the reasons set forth in the accompanying opinion, it is hereby ordered:

SECTION 1. *What this order does.* In accordance with the provisions of section 4.1 (c) of RMPR 259, as amended, this order establishes a base delivery zone for wholesalers of bottled and canned domestic malt beverages by establishing the geographical limits of such a zone.

SEC. 2. *Where this order applies.* The provisions of this order apply to all wholesalers of bottled and canned domestic malt beverages located within the counties of Aurora, Brookings, Davison, Douglas, Hanson, Hutchinson, Kingsbury, Lake, Lincoln, McCook, Minnehaha, Miner, Moody, Sanborn and Turner in the State of South Dakota.

SEC. 3. *Applicability—(a) Within the base delivery zone.* No wholesaler located within the area described in section 2 of this order may charge for delivery within the base delivery zone consisting of all of Aurora, Brookings, Davison, Douglas, Hanson, Hutchinson, Kingsbury, Lake, Lincoln, McCook, Minnehaha, Miner, Moody, Sanborn, Turner, Bon Homme, Yankton, Clay and Union Counties in the State of South Dakota.

Such sellers' ceiling prices for sales may not exceed the ceiling prices figured in accordance with the provisions of RMPR 259, as amended.

(b) *Outside the base delivery zone.* Such sellers located within the area described in section 2 of this order may charge in addition to their ceiling prices for bottled and canned domestic malt beverages for delivery outside the base delivery zone described in section 3 (a) in accordance with the applicable provisions of RMPR 259, as amended. The charges which may be added are:

Distance beyond base delivery zone:	*Permitted delivery charge (cents per case)*
20 miles or less	3
More than 20 miles but less than 40 miles	6
40 miles or more but less than 60 miles	9
60 miles or more but less than 80 miles	12
80 miles or more but less than 100 miles	15
100 miles or more but less than 120 miles	18
120 miles or more but less than 140 miles	21
140 miles or more	24

(c) *Wholesalers located outside the area described in section 2.* This order shall not apply to wholesalers located outside the area described in section 2 of this order.

SEC. 4. *Definitions.* Unless the context otherwise requires the definitions set forth in section 302 of the Emergency Price Control Act of 1942, as amended, and in RMPR 259, as amended, shall apply to the terms used herein.

This order shall become effective August 4, 1945.

Issued this 28th day of July 1945.

E. J. WINTERSTEEN,
District Director.

[F. R. Doc. 45-14491; Filed, Aug. 6, 1945; 3:18 p. m.]

[Spokane Order 106B Under MPR 426]

CANTALOUPES IN SPOKANE, WASH.

For the reasons set forth in an opinion issued simultaneously herewith, and under authority vested in the District Director of the Spokane District Office by section 8 (a) (7) of Maximum Price Regulation No. 426, as amended, and by Order of Delegation No. 35 issued under said section by the San Francisco Regional Office, Region VIII, of the Office of Price Administration, *It is hereby ordered:*

With respect to the commodity described in line (a) of Table X, there is set forth in said table in line (b), the basing point; in line (c), the wholesale receiving point; in line (d), the method of transportation which is hereby determined to be the cheapest method of transportation which is customary and generally available from said basing point to said wholesale receiving point; and in line (e), the freight rate per cwt. by said Method (d) between points. With respect to the units of sale of said commodity set forth in the respective vertical columns of said Table X, there is also set forth in said table in line (f), the freight charge by said Method (d) from said basing point to said wholesale receiving point; in line (g), the basing point cost; in line (h), the charge, if any, allowable for protective services in connection with such transportation; and in line (i), the maximum price chargeable for said commodity in said wholesale receiving point.

TABLE X

(a) Commodity: Cantaloupes.
(b) Basing point: Mendota, Calif.
(c) Wholesale receiving point: Spokane, Wash.
(d) Method of transportation: Carlot.
(e) Freight rate by Method (d) from basing point to wholesale receiving point: $0.63 cwt.

	Per unit of sale	
	Standard crate of 68 lbs.	Per lb.
(f) Freight charge by Method (d)	$0.63	-------
(g) Basing point cost	2.91	-------
(h) Protective services	.34	-------
(i) Maximum price in wholesale receiving point (sum of "f", "g" and "h")	3.29	$0.047

This order shall become effective July 26, 1945, and may be revoked, amended, or corrected at any time.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871, E.O. 9328, 8 F.R. 4681)

Issued this 26th day of July 1945.

DAVE S. COHN,
District Director.

[F. R. Doc. 45-14493; Filed, Aug. 6, 1945; 3:19 p. m.]

[Spokane Order 107B Under MPR 426]

CANTALOUPES IN PULLMAN, WASH.

For the reasons set forth in an opinion issued simultaneously herewith, and under authority vested in the District Director of the Spokane District Office by section 8 (a) (7) of Maximum Price Regulation No. 426, as amended, and by Order of Delegation No. 35 issued under said section by the San Francisco Regional Office, Region VIII, of the Office of Price Administration, *It is hereby ordered:*

With respect to the commodity described in line (a) of Table X, there is set forth in said table in line (b), the basing point; in line (c), the wholesale receiving point; in line (d), the method of transportation which is hereby determined to be the cheapest method of transportation which is customary and generally available from said basing point to said wholesale receiving point; and in line (e), the freight rate per cwt. by said Method (d) between points. With respect to the units of sale of said commodity set forth in the respective vertical columns of said Table X, there is also set forth in said table in line (f), the freight charge by said Method (d) from said basing point to said wholesale receiving point; in line (g), the basing point cost; in line (h), the charge, if any, allowable for protective services in connection with such transportation; and in line (i), the maximum price chargeable for said commodity in said wholesale receiving point.

TABLE X

(a) Commodity: Cantaloupes.
(b) Basing point: Mendota, Calif.
(c) Wholesale receiving point: Pullman, Wash.
(d) Method of transportation: Carlot to Spokane, l. c. l. Pullman.
(e) Freight rate by Method (d) from basing point to wholesale receiving point: $1.35 cwt.

	Per unit of sale	
	Standard crate of 68 lbs.	Per lb.
(f) Freight charge by Method (d)	$0.92	-------
(g) Basing point cost	2.30	-------
(h) Protective services	.34	-------
(i) Maximum price in wholesale receiving point (sum of "f", "g" and "h")	3.65	$0.052

This order shall become effective July 26, 1945, and may be revoked, amended or corrected at any time.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 26th day of July 1945.

DAVE S. COHN,
District Director.

[F. R. Doc. 45-14494; Filed, Aug. 6, 1945; 3:19 p. m.]

[Spokane Order 108B Under MPR 426]

CANTALOUPES IN WALLACE, IDAHO

For the reasons set forth in an opinion issued simultaneously herewith, and under authority vested in the District Director of the Spokane District Office by section 8 (a) (7) of Maximum Price Regulation No. 426, as amended, and by Order of Delegation No. 35 issued under said section by the San Francisco Regional Office, Region VIII, of the Office of Price Administration, *It is hereby ordered:*

With respect to the commodity described in line (a) of Table X, there is set forth in said table in line (b), the basing point; in line (c), the wholesale receiving point; in line (d), the method of transportation which is hereby determined to be the cheapest method of transportation which is customary and generally available from said basing point to said wholesale receiving point; and in line (e), the freight rate per cwt. by said Method (d) between points. With respect to the units of sale of said commodity set forth in the respective vertical columns of said Table X, there is also set forth in said table in line (f), the freight charge by said Method (d) from said basing point to said wholesale receiving point; in line (g), the basing point cost; in line (h), the charge, if any, allowable for protective services in connection with such transportation; and in line (i), the maximum price chargeable for said commodity in said wholesale receiving point.

TABLE X

(a) Commodity: Cantaloupes.
(b) Basing point: Mendota, Calif.
(c) Wholesale receiving point: Wallace, Idaho.
(d) Method of transportation: Carlot, Spokane, l. c. l. Wallace.
(e) Freight rate by Method (d) from basing point to wholesale receiving point: $1.45 cwt.

	Per unit of sale	
	Standard crate of 68 lbs.	Per lb.
(f) Freight charge by Method (d)	$0.98	-------
(g) Basing point cost	2.30	-------
(h) Protective services	.34	-------
(i) Maximum price in wholesale receiving point (sum of "f", "g" and "h")	3.62	$0.053

This order shall become effective July 26, 1945, and may be revoked, amended or corrected at any time.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 26th day of July 1945.

DAVE S. COHN,
District Director.

[F. R. Doc. 45-14495; Filed, Aug. 6, 1945; 3:19 p. m.]

[Spokane Order 109B Under MPR 426]

CANTALOUPES IN KENNEWICK, WASH.

For the reasons set forth in an opinion issued simultaneously herewith, and under authority vested in the District Director of the Spokane District Office by section 8 (a) (7) of Maximum Price Regulation No. 426, as amended, and by Order of Delegation No. 35 issued under said section by the San Francisco Regional Office, Region VIII, of the Office of Price Administration, *It is hereby ordered:*

With respect to the commodity described in line (a) of Table X, there is set forth in said table in line (b), the basing point; in line (c), the wholesale receiving point; in line (d), the method of transportation which is hereby determined to be the cheapest method of transportation which is customary and generally available from said basing point to said wholesale receiving point; and in line (e), the freight rate per cwt. by said Method (d) between points. With respect to the units of sale of said commodity set forth in the respective vertical columns of said Table X, there is also set forth in said table in line (f), the freight charge by said Method (d) from said basing point to said wholesale receiving point; in line (g), the basing point cost; in line (h), the charge, if any, allowable for protective services in connection with such transportation; and in line (i), the maximum price chargeable for said commodity in said wholesale receiving point.

TABLE X

(a) Commodity: Cantaloupes.
(b) Basing point: Mendota, Calif.
(c) Wholesale receiving point: Kennewick, Wash.
(d) Method of transportation: Carlot Walla Walla, l. c. l. to Kennewick.
(e) Freight rate by Method (d) from basing point to wholesale receiving point: $1.25 cwt.

	Per unit of sale	
	Standard crate of 68 lbs.	Per lb.
(f) Freight charge by Method (d)	$0.85	-------
(g) Basing point cost	2.30	-------
(h) Protective services	.34	-------
(i) Maximum price in wholesale receiving point (sum of "f", "g" and "h")	3.49	$0.05

This order shall become effective July 26, 1945, and may be revoked, amended or corrected at any time.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 26th day of July 1945.

DAVE S. COHN,
District Attorney.

[F. R. Doc. 45-14496; Filed, Aug. 6, 1945; 3:18 p. m.]

[Spokane Order 110B Under MPR 426]

CANTALOUPES IN WALLA WALLA, WASH.

For the reasons set forth in an opinion issued simultaneously herewith, and under authority vested in the District Director of the Spokane District Office by section 8 (a) (7) of Maximum Price Regulation No. 426, as amended, and by Order of Delegation No. 35 issued under said section by the San Francisco Regional Office, Region VIII, of the Office of Price Administration, *It is hereby ordered:*

With respect to the commodity described in line (a) of Table X, there is set forth in said table in line (b), the basing point; in line (c), the wholesale receiving point; in line (d), the method of transportation which is hereby determined to be the cheapest method of transportation which is customary and generally available from said basing point to said wholesale receiving point; and in line (e), the freight rate per cwt. by said Method (d) between points. With respect to the units of sale of said commodity set forth in the respective vertical columns of said Table X, there is also set forth in said table in line (f), the freight charge by said Method (d) from said basing point to said wholesale receiving point; in line (g), the basing point cost; in line (h), the charge, if any, allowable for protective services in connection with such transportation; and in line (i), the maximum price chargeable for said commodity in said wholesale receiving point.

TABLE X

(a) Commodity: Cantaloupe.
(b) Basing point: Mendota, Calif.
(c) Wholesale receiving point: Walla Walla, Wash.
(d) Method of transportation: Carlot
(e) Freight rate by Method (d) from basing point to wholesale receiving point: $0.93 cwt.

	Per unit of sale	
	Standard crate of 68 lbs.	Per lb.
(f) Freight charge by Method (d)	$0.63	-------
(g) Basing point cost	2.30	-------
(h) Protective services	.34	-------
(i) Maximum price in wholesale receiving point (sum of "f", "g" and "h")	3.27	$0.0477

This order shall become effective July 26, 1945, and may be revoked, amended or corrected at any time.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871, E.O. 9328, 8 F.R. 4681)

Issued this 26th day of July 1945.

DAVE S. COHN,
District Director.

[F. R. Doc. 45-14497; Filed, Aug. 6, 1945; 3:18 p. m.]

[Spokane Order 111B Under MPR 426]

CANTALOUPES IN LEWISTON, IDAHO

For the reasons set forth in an opinion issued simultaneously herewith, and under authority vested in the District Director of the Spokane District Office by section 8 (a) (7) of Maximum Price Regulation No. 426, as amended, and by Order of Delegation No. 35 issued under said section by the San Francisco Regional Office, Region VIII, of the Office of Price Administration, *It is hereby ordered:*

With respect to the commodity described in line (a) of Table X, there is set forth in said table in line (b), the basing point; in line (c), the wholesale receiving point; in line (d), the method of transportation which is hereby determined to be the cheapest method of transportation which is customary and generally available from said basing point to said wholesale receiving point; and in line (e), the freight rate per cwt. by said Method (d) between points. With respect to the units of sale of said commodity set forth in the respective vertical columns of said Table X, there is also set forth in said table in line (f), the freight charge by said Method (d) from said basing point to said wholesale receiving point; in line (g), the basing point cost; in line (h), the charge, if any, allowable for protective services in connection with such transportation; and in line (i), the maximum price chargeable for said commodity in said wholesale receiving point.

TABLE X

(a) Commodity: Cantaloups.
(b) Basing point: Mendota, Calif.
(c) Wholesale receiving point: Lewiston, Idaho.
(d) Method of transportation: Carlot to Spokane, l. c. l. to Lewiston.
(e) Freight rate by Method (d) from basing point to wholesale receiving point: $1.47 cwt.

	Per unit of sale	
	Standard crate of 68 lbs.	Per lb.
(f) Freight charge by Method (d)	$1.00	.....
(g) Basing point cost	2.30	.....
(h) Protective services	.31	.....
(i) Maximum price in wholesale receiving point (sum of "f," "g" and "h")	3.61	$0.053

This order shall become effective July 26, 1945, and may be revoked, amended or corrected at any time.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871, E.O. 9328, 8 F.R. 4681)

Issued this 26th day of July 1945.

DAVE S. COHN,
District Director.

[F. R. Doc. 45-14498; Filed, Aug. 6, 1945; 3:18 p. m.]

[Region I Order G-4 Under Supp. Order 94]

USED STEEL AMMUNITION BOXES IN BOSTON REGION

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and under the authority vested in the Regional Administrator of Region I of the Office of Price Administration by the Emergency Price Control Act, as amended, Executive Order Nos. 9250 and 9328, and sections 11 and 13 of Supplementary Order No. 94, as amended, it is ordered:

(a) *What this order does.* This order establishes maximum prices for sales by the U. S. Navy, other U. S. Government Agencies, and at wholesale and retail of used steel ammunition boxes hereinafter described.

(b) *Maximum prices.* The maximum prices for ammunition boxes described herein having a serviceability not less than that of new ammunition boxes shall be:

Article and description	Maximum prices for sales to wholesalers f. o. b. shipping point	Maximum prices for sales to retailers f. o. b. shipping point	Maximum prices for sales to consumers by any person
Used steel ammunition boxes, 18 gauge steel painted gray, outside measurements 8½" by 18" by 12⅝", 2 metal handles on ends, removable cover with 4 metal clasps, weight approximately 13½ lbs.	*Each* $0.50	*Each* $0.65	*Each* $1.00

(1) For the purposes of this order, ammunition boxes have a serviceability less than that of new ammunition boxes when they are rusted or dented, cannot be closed, require painting or other reconditioning, or possess other similar defects.

(c) *Discounts and allowances.* Every seller shall continue to maintain his customary allowances and discounts.

(d) *Notification.* Any person who sells the ammunition boxes described in paragraph (b) to a retailer shall notify the retailer of the retailer's maximum reselling price under paragraph (b). This notice may be given in any convenient form.

(e) *Tagging.* Each retailer shall before sale attach a tag or label or display a suitable sign at the place where the used ammunition boxes are offered for sale which plainly states the maximum price at retail as follows: "OPA Ceiling Price, $1.00."

(f) *Geographical applicability.* This order shall apply to all sales where the commodities are located in the following states at the time of sale: Maine, New Hampshire, Vermont, Connecticut, Rhode Island and Massachusetts.

(g) *Definitions.* (1) "Sales to retailers" means sales to persons who resell to consumers.

(2) "Sales to consumers" means sales to purchasers for use.

(h) *Revocations and amendments.* This order may be revoked, amended or modified at any time by the Office of Price Administration.

This order shall become effective immediately.

Issued this 23d day of July 1945.

ELDON C. SHOUP,
Regional Administrator.

[F. R. Doc. 45-14557; Filed, Aug. 7, 1945; 12:19 p. m.]

[Region II Order 1 Under 18 (c)]

FIREWOOD IN NEW YORK REGION

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of Region II by the Emergency Price Control Act of 1942 as amended, by § 1499.18 (c) of the General Maximum Price Regulation, as amended, and by Revised Procedural Regulation No. 1, it is hereby ordered:

(a) *What this order does.* This basic order puts into one document the provisions which will be common to all future orders establishing flat (dollars-and-cents) maximum prices for firewood to be issued by the New York Regional Office, Region II, pursuant to the authority contained in § 1499.18 (c) of the General Maximum Price Regulation. The orders to be issued under this basic order are referred to herein as "adopting orders" and when issued will expressly adopt the provisions of this basic order. Various area orders have been heretofore issued under § 1499.18 (c) of the General Maximum Price Regulation fixing maximum prices for firewood in various areas covered thereby. Some of these orders fix maximum prices only for hardwood cord wood and others fix maximum prices for all types of firewood, including slab wood. These prior orders remain in full force and effect in the areas covered thereby until adopting orders are issued under this order. When such adopting orders are issued they will supersede all previous orders as to the specific areas covered by such adopting orders.

(b) *What this order prohibits.* Regardless of any contract, agreement, or other obligation, no person shall:

(1) Sell or, in the course of trade or business, buy firewood at prices higher than the maximum prices set by an applicable adopting order, but less than maximum prices may, at any time, be charged, paid, or offered; or

(2) Obtain a higher than maximum price by:

(i) Charging for a service which is not expressly requested by the buyer or which is not specifically authorized by the applicable adopting order;

(ii) Using any tying agreement by making any requirement that anything other than the firewood requested by the buyer be purchased by him; or

(iii) Using any other device by which a higher than maximum price is obtained, directly or indirectly.

(c) *Power to amend or revoke.* This order, or any provision thereof, may be revoked, amended, or corrected at any time by the Administrator, or by the Regional Administrator of Region II.

(d) *Petitions for amendment.* Any person seeking an amendment of this order or of any adopting order issued hereunder or pursuant hereto, may file a petition for amendment with the Administrator in accordance with the provisions of Revised Procedural Regulation No. 1, or in the alternative, may file such petition with the Regional Administrator, Region II, Office of Price Administration, 350 Fifth Ave., New York 1, N. Y. If such petition if filed with the Regional Administrator, action thereon shall be taken by him. When such a petition is filed with the Regional Administrator, all requirements of Revised Procedural Regulation No. 1 relative to the filing of such petitions are applicable, except the place of filing specified therein.

(e) *Applicability of other regulations.*—(1) *Licensing and registration.* The provisions of Licensing Order No. 1, licensing all persons, with certain exceptions, who make sales under price control, are applicable, with the exceptions contained therein, to all sellers subject to this order. A seller's license may be suspended for violations of the license or of one or more applicable price schedules, regulations or orders. A seller whose license is suspended may not, during the period of suspension, make any sale for which his license has been suspended.

(2) *Effect of this order on the General Maximum Price Regulation, and on previous general orders.* The provisions of this order and of adopting orders supersede the provisions of the General Maximum Price Regulation where such provisions are inconsistent with the provisions contained in this order. The provisions of this order supplement the provisions of the general orders heretofore issued and as previously stated only supersede such orders when adopting orders are issued and then only as to the areas covered by such adopting orders. All provisions of the General Maximum Price Regulation not modified by this order or by previous general orders remain in full force and effect, including but not limited to record keeping, posting and filing provisions.

(f) *Availability of copies of this order.* Every dealer subject to an applicable adopting order shall keep a copy of this order, of all applicable adopting orders, and of all amendments thereto available for examination by any person inquiring as to his prices for firewood.

(g) *Enforcement.* (1) Persons violating any provisions of this order or of any applicable adopting order are subject to the civil and criminal penalties, including suits for treble damages, provided for by the Emergency Price Control Act of 1942, as amended.

(2) Persons who have any evidence of any violation of this order or of any applicable adopting order are urged to communicate with the District Office of the Office of Price Administration having jurisdiction of the area in which the dealer's place of business is located.

(h) *Definitions and explanations.* When used in this order or in any adopting order issued pursuant hereto, the term:

(1) "Person" includes an individual, corporation, partnership, association or any other organized group of persons or legal successor or representative of any of the foregoing, and includes the United States, any other government, or any agency or subdivision of any of the foregoing.

(2) "Sell" includes sell, supply, dispose, barter, exchange, lease, transfer, and deliver, and contracts and offers to do any of the foregoing. The terms "sale," "selling," "sold," "seller," "buy," "buyer," "purchaser," and "purchase" shall be construed accordingly.

(3) "Firewood" means all hard wood, sofe wood and mixed hard and soft wood, other than kindling, prepared and intended for consumption as fuel. It includes slab wood, both soft and hard. It may be of any length and size and may be sawed, chopped or split.

(4) A "cord" means a unit of measure consisting of 128 cubic feet of well stacked firewood. Sales by load (or any other terminology) shall be priced proportionately in the ratio of their volume to the volume of a cord. When adopting orders are issued under this basic order, maximum prices in dollars-and-cents will be prescribed as far as possible for all units of measurement customarily sold in the area covered.

(5) "Delivered to consumer's premises" means that the firewood is deposited by the seller on or at premises designated by the consumer.

(6) "Yard sales to consumers" means that the firewood is delivered by the seller to the consumer at the dealer's yard.

(7) "Cord wood" means any firewood so prepared that at least 80% consists of cleft wood or merchantable body wood in the round of desirable species.

(8) "Hard wood cord wood" means any cord wood cut from deciduous trees.

(9) "Soft wood cord wood" means any cord wood other than hard wood cord wood.

(10) "Slab wood" means all waste firewood resulting from the sawing of logs, except sawdust and bark not adhering to the wood.

(11) "Hard wood slab wood" means any slab wood cut from deciduous trees.

(12) "Soft wood slab wood" means any slab wood other than hard wood slab wood.

(13) "Stacking" means the orderly placing, arranging, setting or piling of individual pieces of firewood on or at the premises designated by, and in the place therein prescribed by the purchaser.

(14) "Splitting" means dividing or cutting firewood lengthwise with the grain to reduce it to sizes suitable for stove use.

This order shall become effective July 23, 1945.

Issued this 23d day of July 1945.

CHARLES T. ABERNETHY,
Acting Regional Administrator.

[F. R. Doc. 45-14558; Filed, Aug. 7, 1945; 12:26 p. m.]

[Region II Rev. Order G-1 Under MPR 426]

FRESH FRUITS AND VEGETABLES IN NEW YORK CITY

For the reasons stated in an accompanying opinion, this order is issued.

SECTION 1. *What this order does.* This order establishes maximum markups for certain New York City "purveyors" which may be taken only as to the fresh fruits and vegetables enumerated in section 5 (b) hereof and only if sections 4 (a) and 5 (a) hereof are satisfied.

SEC. 2. *Where this order applies.* This order applies in the counties of Bronx, Kings, New York, Queens and Richmond in the State of New York.

SEC. 3 *Definition of "purveyor."* A "purveyor" is one who meets all of the following requirements:

(a) Purchases the kind of fresh fruits and vegetables being priced.

(b) Maintains facilities for washing, trimming, sorting, grading, repacking, plant commercial-refrigeration and warehousing and employs these facilities in connection with his sale of the fresh fruits and vegetables covered by this order and being priced.

(c) Employs salesmen to call on institutional and commercial users.

(d) Makes less-than-carlot or less-than-trucklot or less-than-original-container sales to institutional or commercial users such as restaurants, ships, hotels, hospitals, camps and the War Shipping Administration.

(e) Delivers within the metropolitan area surrounding and including the City of New York.

(f) Maintains at all times an inventory consisting generally of all fresh fruits and vegetables available.

(g) Extends credit to not less than 75% of all of his customers.

(h) Was doing business in the manner described, and maintained the facilities enumerated, in this section during the calendar year of 1942 and continuously thereafter, unless this requirement is waived specifically by the Office of Price Administration.

SEC. 4. *What sales by purveyors are covered by this order.* (a) The markups established by this order may be taken only by a person named in section 5 (a) hereof and only when all the following conditions are satisfied:

(1) the purchaser is a commercial or institutional user,

(2) the item being sold has been handled and is sold in the manner described in section 3 hereof and

(3) the sale is of a broken container or containers. (In no event may a markup allowed by this order be charged for a sale in an unbroken container.)

(b) In all other cases the seller may not exceed the applicable maximum prices prescribed by Maximum Price Regulation No. 426.

SEC. 5. *The "purveyors" to whom this order applies.* (a) This order applies only to the following persons:

1. Atlantic Produce Supply Co., 293 Washington St., New York, N. Y.
2. A. Bohrer, Inc., 52 Gansevoort St., New York, N. Y.
3. Edward Boker, Inc., 229 West St., New York 13, N. Y.
4. B. Eisner, 213 Washington St., New York, N. Y.
5. Excellent Fruit & Produce Distr., Inc., 343 West 13th St., New York, N. Y.
6. Fina Fruit & Produce Corp., 183–186 So. Portland Ave., Brooklyn, N. Y.
7. Gansevoort Produce Co., Inc., 100–108 Horatio St., New York, N. Y.
8. M. H. Greenbaum, Inc., 165 Chambers St., New York, N. Y.
9. Howard Produce Co., Inc., 50 Gansevoort St., New York, N. Y.
10. Samuel E. Hunter Corp., 101 Murray St., New York, N. Y.
11. John Adams Henry, Inc., 56–58 Harrison St., New York, N. Y.
12. Henry Kelly & Sons, Inc., 413–419 West 14th St., New York, N. Y.
13. Anthony Krayer, Inc., 123 Warren St., New York, N. Y.
14. C. Lichenstine & Sons, 47–49 Jay Street, New York, N. Y.
15. Manhattan Fruit Contracting Co., 474 Greenwich St., New York, N. Y.
16. Mergentime, Inc., 396 Greenwich St., New York, N. Y.
17. C. Poppe, Inc., 147–30 94th Ave., Jamaica, N. Y.
18. Pratt-Smith Produce Corp., 351–353 West 14th St., New York, N. Y.
19. Edward Reische, 46 Jay St., New York, N. Y.
20. Thorman, Baum & Co., Inc., 56–58 Gansevoort St., New York, N. Y.
21. George Ungar & Co., Inc., 339–341 W. 13th St., New York, N. Y.
22. Waterman & Co., 47 Harrison St., New York, N. Y.

(b) Any person who meets the requirements of section 3 hereof may apply in writing to the Office of Price Administration, 350 Fifth Avenue, New York 1, New York, for recognition as a "purveyor" and permission to take the markups established herein. Such an application must state the manner in which the applicant does business and the extent to which he satisfies the requirements of section 3 hereof. If any applicant is to be recognized as a "purveyor" and granted permission to take the markups allowed by this order, that recognition and permission will be granted by an amendment hereto. Unless and until such recognition and permission are granted, the markups allowed herein may not be taken.

SEC. 6. *Maximum markups for sales by "purveyors" to commercial and institutional users.*—(a) *General.* The maximum markups for sales delivered to the premises of any institutional or commercial user, which "purveyors" may add to the "maximum prices for sales delivered to any wholesale receiving point in any quantity" established in accordance with the Columns 6 of the various tables contained in section 15 of Maximum Price Regulation No. 426 shall be those provided in subdivision (b) immediately following.

(b) *Table of maximum markups for sales by purveyors to commercial and institutional users.*

Commodity	Standard container and minimum contents	For full-repacked standard containers	Per pound: More than one-half container	Per pound: One-half container or less
(1) Apples	Standard box or bushel, closed and (seed & filled-packed slightly slack or tighter with graded apples.	$1.03		
	All others including standard bushels & boxes not meeting pack requirements for standard containers.		$0.023	$0.025
(2) Apricots	Northwest lug, 13–15 lbs	.64	.045	.047
	Brentwood lug, 24–26 lbs	1.13	.045	.047
(3) Berries including blackberries, dewberries, red & black raspberries & strawberries.	Lb		.05	.07
	Pint	.05		
	Quart	.075		
	24-pint crate	1.20		
	24-quart crate	1.80		
(4) Carrots:	L. A. crate with 72 bunches, each bunch weighing 1 lb.	1.35	1.225	1.275
Bunched, each weighing 1 lb. or more.	Any		.012	.025
Bunched, bunches weighing less than 1 lb.	Any		.014	.028
Clipped, tops 1½–4"	Any		.014	.027
Topped, tops less than 11½"	Any		.014	.027
Loose, full tops, not bunched	Any		.014	.027
(5) Cherries, sweet	Campbell lug, 14½–15½ lbs	1.29	.084	.084
	Campbell lug, 16–18 lbs	1.42	.084	.084
	Calex lug, 19–21 lbs	1.62	.084	.084
	Fruit box, 19½–20½ lbs	1.62	.084	.084
	Lug box, 23–25 lbs	1.89	.084	.084
(6) Cranberries	½-barrel box solidly packed with sound cranberries not exceeding 20% slack.	1.66	.047	.047
(7) Cucumbers—				
All, except hothouse	Bushel, 48 lbs	1.13	.024	.025
Hothouse	Any		.038	.038
(8) Eggplant	1½ bushel, 45 lbs	1.35	.03	.031
	Bushel, 30 lbs	1.11	.03	.031
(9) Grapefruit, Pink—				
Calif. & Ariz	1⅗ bushel	.98	.013	.014
All others	1⅗ bushel	.98	.012	.014
(10) Grapefruit, White—				
Calif. & Ariz	1⅗ bushel	.98	.017	.018
Florida "Indian River"	1⅗ bushel	.98	.015	.016
All others	1⅗ bushel	.98	.012	.014
(11) Grapes, Table—				
Arizona, Riverside or Imperial County in Calif. or the Borego Valley Area of San Diego County in Calif.	Lug box, 24 lbs	1.20	.040	.042
All other Calif.	Lug box, 28 lbs	.84	.03	.03
(12) Green Peas	Bushel, 28 lbs	1.13	.041	.042
(13) Lemons	1⅗ bushel	1.35	.017	.02
(14) Lettuce—				
Iceberg	L. A. or Salinas Crate with 48 or more heads weighing 60 lbs.	1.35		
All other	Any		.021	.025
(15) Melons:				
Cantaloup & Honeyball melons	Jumbo Crate, 83 lbs	1.43	.018	.02
	Standard Crate, 68 lbs	1.28	.018	.02
	Pony Crate, 57 lbs	1.05	.018	.02
Casaba melons	Jumbo or standard crate, 42 lbs	.75	.018	.02
Crenshaw melons	Jumbo or standard crate, 40 lbs	.80	.021	.023
Honeydew melons	Jumbo cantaloup crate, 58 lbs	1.43	.021	.024
	Jumbo or standard crate, 39 lbs	.90	.021	.024
Persian melons	Jumbo crate, 42 lbs	1.05	.021	.024
	Standard crate, 37 lbs	.90	.021	.024
	Pony crate, 35 lbs	.83	.021	.024
All others except watermelons	Any		.023	.027
(16) Oranges:				
Calif. & Ariz	1⅗ bushel	1.13	.011	.013
Florida "Indian River"	1⅗ bushel	1.13	.012	.013
All others	1⅗ bushel	1.13	.012	.014
(17) Peaches:				
Calif	Sanger lug, 24–26 lbs	.87	.036	.036
All others	Bushel, closed & packed fairly tight	1.62	.036	.036
	Half-bushel, closed & packed fairly tight.	.81	.036	.036
(18) Pears:				
Calif., Josephine & Jackson Counties, Oregon.	Standard pear box, 46–50 lbs	1.60	.033	.033
All others	Standard pear box, 44–48 lbs	1.53	.033	.033
(20) Snap Beans (Green or Wax)	Bushel, 25 lbs	1.13	.041	.042
(21) Spinach	Bushel, 18 lbs	.65	.036	.036
(22) Sweet Peppers	1½ bushel, 37 lbs	1.35	.032	.032
	Bushel, 25 lbs	1.13	.032	.032
(23) Sweet Potatoes	Bushel, 50 lbs. green or 45 lbs. cured	.82	.015	.015
(24) Tangerines, except Calif. and Ariz.	1⅗ bushel	1.35	.015	.015

[1] per dozen bunches.

SEC. 7. *Effective date.* This revised order shall become effective July 9, 1945.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681; MPR 426, 8 F.R. 16409)

Issued: July 7, 1945.

CHARLES T. ABERNETHY,
Acting Regional Administrator.

Approved: July 10, 1945.

FRANCIS D. CRONIN,
Regional Director, Office of Supply
Commodity Credit Corporation.

[F. R. Doc. 45-14562; Filed, Aug. 7, 1945; 12:26 p. m.]

[Region II Order G-3 Under 3 (e)]

SAM KOFSKY

ESTABLISHMENT OF MAXIMUM PRICES

For the reason set forth in the opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of the Office of Price Administration by the Emergency Price Control Act of 1942, as amended, and by § 1499.3 (e) (2) of the General Maximum Price Regulation, *It is ordered:*

(a) On and after the effective date of this order the maximum prices for sales of the Cobra Lawn Sprinkler, manufactured by Sam Kofsky, New York City, by distributors to wholesalers, by wholesalers to retailers, and sales at retail, by sellers other than the manufacturer, located in Region II, shall be the prices set forth below. A lower price than those listed may be charged.

SALES BY DISTRIBUTOR TO WHOLESALER

Description and Maximum Selling Price

Cobra lawn sprinkler, 3 arm, size 14", made of iron tubing: $21.00 a dozen.
The above price is F. O. B. point of shipment. 2/10, n/30.

SALES BY WHOLESALER TO RETAILER (SALES AT WHOLESALE)

Description and Maximum Selling Price

Cobra lawn sprinkler, 3 arm, size 14", made of iron tubing: $28.00 a dozen.
The above price is F. O. B. point of shipment. 2/10, n/30.

SALES AT RETAIL

Description and Maximum Selling Price

Cobra lawn sprinkler, 3 arm, size 14", made of iron tubing: $3.75 each.

(b) *Notification of maximum prices.* Any person other than the manufacturer who sells the above described item to a retailer shall furnish the retailer with an invoice setting forth the retailer's maximum selling price, and state that the retailer is required by this order to attach a tag or label plainly stating the retail ceiling price.

(c) *Tagging.* Any person who sells the above described item at retail shall attach to the said item, before sale, a tag or label which plainly states the retail ceiling price.

(d) *Definitions.* (1) "Sales by a distributor to a wholesaler" are sales by a seller appointed by the manufacturer as the "exclusive distributor" of the above described article to wholesalers for resale.

(2) "Sale at wholesale" means a sale by a person who buys the above described item and sells it to retailers for resale. Sales to an industrial, commercial, or institutional user by such reseller shall also be considered a "sale at wholesale."

(3) "Sale at retail" means a sale by a person who buys the item and resells it to an ultimate consumer other than industrial or commercial user of the above described item.

(4) "Region II" comprises the territory lying within the geographical boundaries of the following states; New York, New Jersey, Maryland, Pennsylvania, Delaware, and also the District of Columbia.

(e) Except as otherwise provided herein all transactions subject to this order remain subject to all the provisions of the General Maximum Price Regulation, together with all the amendments which have heretofore or which may hereafter be issued.

(f) This order may be revoked, amended or corrected at any time.

(g) This order shall become effective immediately.

Issued this 23d day of July 1945.

CHARLES T. ABERNETHY,
Acting Regional Administrator.

[F. R. Doc. 45-14559; Filed, Aug. 7, 1945; 12:27 p. m.]

[Region II Order G-52 Under RMPR 122, Amdt. 3]

PENNSYLVANIA ANTHRACITE IN NEW YORK

For the reasons set forth in an opinion issued simultaneously herewith, and under the authority vested in the Regional Administrator of the Office of Price Administration by §§ 1340.260 and 1340.259 (a) (1) of Revised Maximum Price Regulation No. 122, Order No. G-52 is amended in the following respect:

1. Paragraph (n) is amended by adding a new subparagraph (3) immediately after subparagraph (2) to read as follows:

(3) Additions for sales and deliveries within Zone 11 of anthracite produced by Jeddo Highland Coal Company and prepared at its Jeddo #7 and Highland #5 Breakers and sold under the trade name of "Jeddo Coal," "Highland Coal" or "Hazle Brook Coal." You may add to the "direct-delivery" and "yard" sales prices specified in subparagraphs (1) and (2) above, 50¢ per net ton, 25¢ per net ½ ton, and 15¢ per net ¼ ton for sales and deliveries of such anthracite in Zone 11, *Provided,* That you keep such coal separate in storage and delivery and sell it under the name of "Jeddo Coal," "Highland Coal," or "Hazle Brook Coal," *And further provided,* That you do not price such coal under Order No. G-53, under Revised Maximum Price Regulation No. 122.

This amendment No. 3 to Order No. G-52 shall become effective as of July 24, 1945.

(56 Stat. 23; 765; 57 Stat. 566; Pub. Law 383, 79th Cong. E.O. 9250, 7 F.R. 7871, E.O. 9328, 8 F.R. 4681)

Issued this 23d day of July 1945.

CHARLES T. ABERNETHY,
Acting Regional Administrator.

[F. R. Doc. 45-14560; Filed, Aug. 7, 1945; 12:26 p. m.]

[Region IV 2d Rev. Orders G-3, G-10, Rev. Orders G-2, G-4 to G-9, G-11 to G-16, G-18, G-23, Orders G-20 to G-22, G-24 to G-27, G-29 to G-33, G-35 to G-37, Revocation of Supp. Order 1; Order G-17, Revocation of Supp. Order 4, Under RMPR 122]

SOLID FUELS IN ATLANTA REGION

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator, Region IV, Office of Price Administration, by § 1340.260 of Revised Maximum Price Regulation No. 122, *It is hereby ordered:*

(a) The above captioned supplementary orders are hereby revoked as of the effective date of this order.

This revocation shall become effective immediately.

Issued: June 16, 1945.

ALEXANDER HARRIS,
Regional Administrator.

[F. R. Doc. 45-14564; Filed, Aug. 7, 1945; 12:22 p. m.]

[Region IV 2d Rev. Order G-3 Under RMPR 122, Amdt. 2]

SOLID FUELS IN FULTON AND DEKALB COUNTIES, GA.

For the reasons set forth in an opinion issued simultaneously herewith, and under the authority vested in the Regional Administrator, Region IV, Office of Price Administration, by § 1340.260 of Revised Maximum Price Regulation No. 122, Second Revised Order No. G-3 under Revised Maximum Price Regulation No. 122 issued by this office on April 26, 1945, is hereby amended in the following respects:

1. Subparagraph (e) (2) is amended to read as follows:

(2) *High volatile bituminous coal from district No. 13.*

Size	Per ton, 2,000 lbs.	Per ½ ton 1,000 lbs.	Per ¼ ton 500 lbs.
Lump, chunk, or block	$9.85	$5.17	$2.84
Egg	9.60	5.05	2.78
Stoker	9.90	5.20	2.85
Nut and slack	7.35	3.93	2.21
Montevallo 5" block	11.30	5.90	3.20

2. Subparagraph (f) (1) is amended to read as follows:

(1) *High volatile bituminous coal from district No. 8.*

Size:	Per ton, 2000 lbs.
Egg	$7.95
Nut and slack	6.75
Nut and slack from mine index No. 5693	7.10

3. Subparagraph (g) (1) is amended to read as follows:

(1) *High volatile bituminous coal from district No. 8.*

Size:	Per ton, 2000 lbs.
Egg	$7.30
Nut and slack	6.60
Nut and slack from mine index No. 5693	6.95

Effective date. This amendment shall become effective as of June 11, 1945.

Issued: July 18, 1945.

ALEXANDER HARRIS,
Regional Administrator.

[F. R. Doc. 45-14565; Filed, Aug. 7, 1945; 12:20 p. m.]

[Region VI Order G–16 Under RMPR 122, Amdt. 45]

SOLID FUELS IN KENOSHA, WIS., AREA

An opinion accompanying this amendment has been issued simultaneously herewith. Order No. G–16 under Revised Maximum Price Regulation No. 122 is amended in the following respects:

Appendix No. 19, which covers the Kenosha, Wisconsin, area is amended as follows:

1. Paragraph (b), VII, in the Price Schedule is amended to read as follows:

	Delivered, per ton
VII. Briquettes low volatile:	
1. United	$13.15
2. Local Briquettes manufactured by Dunnebacke & Company	12.92

2. Section (d), Discounts, is amended by adding a subparagraph 6 following subparagraph 5 to read as follows:

	Per ton
6. On briquettes picked up at the dock of Dunnebacke & Company by dealers whose principal places of business are located in the area covered by this appendix No. 19	$3.00

This Amendment No. 45 to Order No. G–16 shall become effective July 28, 1945.

Issued this 26th day of July 1945.

RAE E. WALTERS,
Regional Administrator.

[F. R. Doc. 45–14567; Filed, Aug. 7, 1945; 12:18 p. m.]

[Region VI Order G–16 Under RMPR 122, Amdt. 46]

SOLID FUELS, DULUTH, MINN., AREA

An opinion accompanying this amendment has been issued simultaneously herewith. Order No. G–16 under Revised Maximum Price Regulation No. 122 is amended in the following respects:

In Appendix No. 3 which covers the Duluth, Minnesota, area, paragraph (b) in the Price Schedule is amended by adding the following sub-paragraphs to follow sub-paragraph III, E:

	Delivered		At yard		Dealer at yard	
	Domestic	Commercial	Domestic	Commercial	Domestic	Commercial
IV. Pennsylvania anthracite.						
1. Egg, stove, nut	$16.90	----	$16.90	----	$14.10	----
2. Pea	15.20	----	14.30	----	12.40	----
3. Buckwheat	13.20	----	12.30	----	10.40	----
V. Briquettes.						
1. Berwind	13.45	----	12.55	----	10.45	----
2. Stott	13.30	----	12.40	----	10.30	----
VI. Coke—By-product:						
1. Egg, stove, nut	13.45	----	12.55	----	10.45	----
2. Pea	12.45	----	11.55	----	9.45	----

This Amendment No. 46 to Order No. G–16 shall become effective July 28, 1945.

Issued this 27th day of July 1945.

RAE E. WALTERS,
Regional Administrator.

[F. R. Doc. 45–14568; Filed, Aug. 7, 1945; 12:22 p. m.]

[Region VII Order G–1 Under 2d Rev. MPR 269]

POULTRY ITEMS IN WYOMING

Pursuant to the Emergency Price Control Act of 1942, as amended, the Stabilization Act of 1942, as amended, and section 2.1 of Second Revised Maximum Price Regulation No. 269, as amended, and for the reasons set forth in the accompanying opinion, this Order No. G–1 is issued.

(a) *What this order does.* This Order No. G–1 adjusts maximum prices for live and processed poultry items sold f. o. b. in the State of Utah or in that part of the State of Idaho lying south of the southern boundary of Idaho County to consumers, including purveyors of meals, or to purchasers who resell to consumers, including purveyors of meals, in certain counties in the State of Wyoming.

(b) *Authorized maximum prices.* Upon and after the effective date of this Order No. G–1, sellers in the State of Utah and in that part of the State of Idaho lying south of the southern boundary of Idaho County may sell "poultry" and "processed poultry" items, as defined by subparagraphs (5) and (6) of section 3.5 (a) of Second Revised Maximum Price Regulation No. 269, f. o. b. the seller's place of business, at his respective zone price to consumers, including purveyors of meals, and to purchasers who resell to consumers, including purveyors of meals, in the Counties of Carbon, Lincoln, Sublette, Sweetwater, Teton, and Uinta, in the State of Wyoming.

(c) *Applicability of other regulations.* Except insofar as sellers of "poultry" and "processed poultry" in the State of Utah and that part of the State of Idaho hereinabove referred to are permitted to sell on an f. o. b. basis at their respective zone prices for consumption in the specified counties in the State of Wyoming, all such sellers remain subject to all of the applicable provisions of Second Revised Maximum Price Regulation No. 269, as amended, and must comply therewith.

(d) *Licensing.* The provisions of Licensing Order No. 1, licensing all persons who make sales under price control, are applicable to all sellers subject to this regulation or order. A seller's license may be suspended for violation of the license or of one or more applicable price schedules or regulations. A person whose license is suspended may not, during the period of suspension, make any sale for which his license has been suspended.

(e) *Right to revoke or amend.* This order may be revoked, modified, or amended at any time by the Price Administrator or the Regional Administrator.

Effective date. This Order No. G–1 shall become effective on the 23rd day of July, 1945.

Issued this 23rd day of July, 1945.

RICHARD Y. BATTERTON,
Regional Administrator.

[F. R. Doc. 45–14576; Filed, Aug. 7, 1945; 12:21 p. m.]

[Region VII Order G–4 Under RMPR 333]

LIGHT DIRTY EGGS IN COLORADO

Pursuant to the Emergency Price Control Act of 1942, as amended, the Stabilization Act of 1942, as amended, and section 3.3 (e) of Revised Maximum Price Regulation No. 333, and for the reasons set forth in the accompanying opinion, this Order No. G–4 is issued.

(a) *What this order does.* This order permits the sale and delivery of "light dirty eggs," as hereinafter defined, in the area and upon the conditions hereinafter set forth.

(b) *Definition.* "Light dirty eggs" means that the individual egg has not more than one-eighth (1/8) of the shell surface slightly stained, slightly soiled, or slightly dirty, but without loose adhering dirt.

(c) *Maximum prices.* On and after the effective date of this Order No. G–4, the maximum prices for "light dirty eggs" sold at any place within the State of Colorado, pursuant to the permission hereby granted, shall be one cent less per dozen than the maximum price for Consumer Grade A eggs as established by Revised Maximum Price Regulation No. 333.

(d) *Geographical applicability.* This Order No. G–4 shall apply only to sales of "light dirty eggs" made within the geographical boundaries of the State of Colorado to purchasers other than a United States Government agency.

(e) *Quality of eggs.* "Light dirty eggs" may be sold within the State of Colorado under the provisions of this order only in sealed cartons or other sealed containers bearing upon the seal the certificate of the U. S. Department of Agriculture, certifying that the eggs are of an inferior quality of Consumer Grade A or better; and on and after the effective date of this Order No. G–4, such "light dirty eggs" shall become and be deemed to be a consumer grade of eggs within the State of Colorado.

(f) *Licensing.* The provisions of Licensing Order No. 1, licensing all persons who make sales under price control, are applicable to all sellers subject to this regulation or order. A seller's license may be suspended for violation of the license or of one or more applicable price schedules or regulations. A person whose license is suspended may not, during the period of suspension, make any sale for which his license has been suspended.

(g) *Right to revoke or amend.* This order may be revoked, modified, or amended at any time by the Price Administrator or the Regional Administrator.

Effective date. This Order No. G–4 shall become effective on the 17th day of July, 1945.

Issued this 17th day of July, 1945.

RICHARD Y. BATTERTON,
Regional Administrator.

[F. R. Doc. 45–14577; Filed, Aug. 7, 1945; 12:19 p. m.]

[Region VII Order G–37 Under MPR 188]

W. O. WALKER, ET AL.

AUTHORIZATION OF MAXIMUM PRICES

Pursuant to the Emergency Price Control Act of 1942, as amended, the Stabilization Act of 1942, as amended, and §§ 1499.158 and 1499.158a of Maximum Price Regulation No. 188, and for the reasons set forth in the accompanying opinion, this Order No. G–37 is issued.

(a) *What this order does.* This Order No. G–37 establishes maximum prices for a toy item called "Indian Pony (Pull Toy)", manufactured by W. O. Walker of 2611 Josephine Street, Denver, Colorado, when sold at the specified levels.

(b) *Authorized maximum prices.* Upon and after the effective date of this Order No. G–37, the maximum prices for the toy item designated "Indian Pony (Pull Toy), Model A", manufactured by W. O. Walker of Denver, Colorado, in accordance with the specifications set forth in the application of said manufacturer now on file in this Regional Office as a part of the record in this case, shall be as follows:

(1) When sold by the manufacturer, f. o. b. shipping point, to a jobber or a wholesaler: $4.60 per dozen;
(2) When sold by the manufacturer, a jobber or a wholesaler, f. o. b. shipping point, to a retailer: $5.75 per dozen;
(3) When sold by any seller to an ultimate consumer or user: 79¢ each.

NOTE: (i) The maximum prices authorized by the above paragraphs (1) and (2) are subject to a discount of 2% for payment within 10 days from date of invoice.

(ii) The prices above specified for sales f. o. b. shipping point include all costs incident to wrapping, packing, boxing, and carting.

(c) *Notice to be given purchasers for resale.* When the manufacturer or any other seller makes a first sale under this Order No. G–37 to a person who purchases for resale, he must show upon the invoice or on a separate slip or rider attached thereto the applicable portions of the following provisions:

By virtue of Order No. G–37 under Maximum Price Regulation No. 188, issued by the Denver Regional Office, the OPA authorized maximum resale prices for this Indian Pony (Pull Toy), Model A, are:

(1) When sold by the manufacturer, a jobber or a wholesaler, f. o. b. shipping point, to a retailer: $5.75 per dozen;
(2) When sold by any seller to an ultimate consumer or user: 79¢ each.

(d) *Applicability of other regulations.* The pricing provisions of the General Maximum Price Regulation have no application to the prices established by this Order No. G–37 for sales by the manufacturer or any other seller.

(e) *Geographical applicability.* The maximum prices authorized by this Order No. G–37 for resellers are applicable only to sales made within this Region VII, which includes the States of New Mexico, Colorado, Wyoming, Montana, and Utah, and all that part of the State of Idaho lying south of the southern boundary of Idaho County, the County of Malheur in the State of Oregon, and all that part of the Counties of Mohave and Coconino in the State of Arizona lying north of the Colorado River.

(f) *Licensing.* The provisions of Licensing Order No. 1, licensing all persons who make sales under price control, are applicable to all sellers subject to this regulation or order. A seller's license may be suspended for violation of the license or of one or more applicable price schedules or regulations. A person whose license is suspended may not, during the period of suspension, make any sale for which his license has been suspended.

(g) *Right to revoke or amend.* This order may be revoked, modified, or amended at any time by the Price Administrator or the Regional Administrator.

Effective date. This Order No. G–37 shall become effective on the 17th day of July 1945.

Issued this 17th day of July 1945.

RICHARD Y. BATTERTON,
Regional Administrator.

[F. R. Doc. 45–14571; Filed, Aug. 7, 1945; 12:25 p. m.]

[Region VII Order G–38 Under MPR 188]

MARMAX DENVER CO., ET AL.

AUTHORIZATION OF MAXIMUM PRICES

Pursuant to the Emergency Price Control Act of 1942, as amended, the Stabilization Act of 1942, as amended, and §§ 1499.158 and 1499.158a of Maximum Price Regulation No. 188, and for the reasons set forth in the accompanying opinion, this Order No. G–38 is issued.

(a) *What this order does.* This Order No. G–38 establishes maximum prices for two articles of furniture manufactured by Marmax Denver Company, of 935 West First Avenue, Denver, Colorado, when sold at the specified levels.

(b) *Authorized maximum prices.* Upon and after the effective date of this Order No. G–38, the maximum prices for the Adirondack Chair, Model No. 1–X, and Settee, Model No. 2–X, manufactured by Marmax Denver Company, a partnership, of Denver, Colorado, in accordance with the specifications set forth in the application of said manufacturer now on file in this Regional Office as a part of the record in this case, shall be as follows:

	KD	Partially SU
(1) When sold by the manufacturer, f. o. b. shipping point, to a jobber or a wholesaler:		
Adirondack chair, model No. 1–X	$2.20	$2.70
Settee, model No. 2–X	3.25	3.75
(2) When sold by the manufacturer, a jobber or a wholesaler, f. o. b. shipping point, to a retailer:		
Adirondack chair, model No. 1–X	2.95	3.60
Settee, model No. 2–X	4.35	5.00

NOTE

(i) The maximum prices authorized by the above paragraphs (1) and (2) are subject to a discount of 2% for payment within 10 days from date of invoice.

(ii) The prices above specified for sales f. o. b. shipping point include all costs incident to wrapping, packing, boxing, and carting.

(iii) The term "KD" means completely disassembled or knocked down, and the term "Partially SU" means partially assembled or partially set up.

(c) *Notice to be given purchasers for resale.* When the manufacturer or any other seller makes a first sale under this Order No. G–38 to a person who purchases for resale, he must show upon the invoice or a separate slip or rider attached thereto the applicable portions of the following provisions:

	KD	Partially SU
(1) When sold by the manufacturer, a jobber or a wholesaler, f. o. b. shipping point, to a retailer:		
Adirondack chair, model No. 1–X	*Each* $2.95	*Each* $3.60
Settee, model No. 2–X	4.35	5.00
(2) When sold by any seller to an ultimate consumer or user, such seller must establish his price under the applicable provisions of Maximum Price Regulation No. 580.		

(d) *Applicability of other regulations.* The pricing provisions of the General Maximum Price Regulation have no application to the prices established by this Order No. G–38 for sales by the manufacturer or any other seller; but sales by any seller to an ultimate consumer or user must be priced in accordance with the applicable provisions of Maximum Price Regulation No. 580.

(e) *Geographical applicability.* The maximum prices authorized by this Order No. G–38 for resellers are applicable only to sales made within this Region VII, which includes the States of New Mexico, Colorado, Wyoming, Montana, and Utah, and all that part of the State of Idaho lying south of the southern boundary of Idaho County, the County of Malheur in the State of Oregon, and all that part of the Counties of Mohave and Coconino in the State of Arizona lying north of the Colorado River.

(f) *Licensing.* The provisions of Licensing Order No. 1, licensing all persons who make sales under price control, are applicable to all sellers subject to this regulation or order. A seller's license may be suspended for violation of the license or of one or more applicable price schedules or regulations. A person whose license is suspended may not, during the period of suspension, make any sale for which his license has been suspended.

(g) *Right to revoke or amend.* This order may be revoked, modified, or amended at any time by the Price Administrator or the Regional Administrator.

Effective date. This Order No. G–38 shall become effective on the 18th day of July 1945.

Issued this 18th day of July 1945.

RICHARD Y. BATTERTON,
Regional Administrator.

[F. R. Doc. 45–14572; Filed, Aug. 7, 1945; 12:22 p. m.]

[Region VII Order G–39 Under MPR 188]

TIMPTE BROS. ET AL.

AUTHORIZATION OF MAXIMUM PRICES

Pursuant to the Emergency Price Control Act of 1942, as amended, the Stabilization Act of 1942, as amended, §§ 1499.158 and 1499.158a of Maximum

Price Regulation No. 188, and for the reasons set forth in the accompanying opinion, this Order No. G–39 is issued.

(a) *What this order does.* This Order No. G–39 establishes maximum prices for a lawn chair manufactured by Timpte Brothers of Denver, Colorado, when sold at the specified levels.

(b) *Authorized maximum prices.* Upon and after the effective date of this Order No. G–39, maximum prices for the lawn chair manufactured by Timpte Brothers, of East Fortieth Avenue and York Street, Denver, Colorado, in accordance with the specifications set forth in the application of said manufacturer now on file in this Regional Office as a part of the record in this case, shall be as follows:

	Each
(1) When sold by the manufacturer, f. o. b. shipping point, to a jobber who stocks or a wholesaler	$4.50
(2) When sold by the manufacturer, a jobber who stocks or a wholesaler, f. o. b. shipping point, to a retailer	6.00
(3) When sold by any seller to an ultimate consumer or user	10.00

NOTES

(i) The maximum prices authorized by the above paragraphs (1) and (2) are subject to a discount of 2% for payment within 10 days from date of invoice.

(ii) The prices above specified for sales f. o. b. shipping point include all costs incident to wrapping, packing, boxing, and carting.

(iii) The dollars-and-cents maximum prices hereinabove set forth reflect the 5% increase authorized by Order 1052 under § 1499.159b of Maximum Price Regulation No. 188, and therefore Order 1052 is not applicable to such maximum prices.

(c) *Notice to be given purchasers for resale.* When the manufacturer or any other seller makes a first sale under this Order No. G–39 to a person who purchases for resale, he must show upon the invoice or on a separate slip or rider attached thereto the applicable portions of the following provisions:

By virtue of Order No. G–39 under Maximum Price Regulation No. 188, issued by the Denver Regional Office, the OPA authorized maximum resale prices for this Lawn Chair are:

	Each
(1) When sold by the manufacturer, a jobber who stocks or a wholesaler, f. o. b. shipping point, to a retailer	$6.00
(2) When sold by any seller to an ultimate consumer or user	10.00

NOTE: The dollars-and-cents maximum prices hereinabove set forth reflect the 5% increase authorized by Order 1052 under § 1499.159b of Maximum Price Regulation No. 188, and therefore Order 1052 is not applicable to such maximum prices.

(d) *Applicability of other regulations.* The pricing provisions of the General Maximum Price Regulation have no application to the prices established by this Order No. G–39 for sales by the manufacturer or any other seller; also Order 1052 under § 1499.159b of Maximum Price Regulation No. 188 is inapplicable for the reasons stated in Note (iii) to paragraph (b) hereof.

(e) *Geographical applicability.* The maximum prices authorized by this Order No. G–39 for resellers are applicable only to sales made within this Region VII, which includes the States of New Mexico, Colorado, Wyoming, Montana, and Utah, and all that part of the State of Idaho lying south of the southern boundary of Idaho County, the County of Malheur in the State of Oregon, and all that part of the Counties of Mohave and Coconino in the State of Arizona lying north of the Colorado River.

(f) *Licensing.* The provisions of Licensing Order No. 1, licensing all persons who make sales under price control, are applicable to all sellers subject to this regulation or order. A seller's license may be suspended for violation of the license or of one or more applicable price schedules or regulations. A person whose license is suspended may not, during the period of suspension, make any sale for which his license has been suspended.

(g) *Right to revoke or amend.* This order may be revoked, modified, or amended at any time by the Price Administrator or the Regional Administrator.

Effective date. This Order No. G–39 shall become effective on the 18th day of July 1945.

Issued this 18th day of July 1945.

RICHARD Y. BATTERTON,
Regional Administrator.

[F. R. Doc. 45–14573; Filed, Aug. 7, 1945; 12:22 p. m.]

[Region VII Order G–40 Under MPR 188]

LINFORD GLASS AND SPECIALTY CO., ET AL

AUTHORIZATION OF MAXIMUM PRICES

Pursuant to the Emergency Price Control Act of 1942, as amended, the Stabilization Act of 1942, as amended, and §§ 1499.158 and 1499.158a of Maximum Price Regulation No. 188, and for the reasons set forth in the accompanying opinion, this Order No. G–40 is issued.

(a) *What this order does.* This Order No. G–40 establishes maximum prices for seven articles of furniture made by Linford Glass & Specialty Company, of 44 Richard Street, Salt Lake City, Utah, when sold at the specified levels.

(b) *Authorized maximum prices.* Upon and after the effective date of this Order No. G–40, the maximum prices for the (1) Nick-Nack, Model No. 1; (2) End Table, Model No. 2; (3) Coffee Table, Model No. 3; (4) Hanging Corner Bracket, Model No. 4; (5) Mirrored Light Holder, Model No. 5; (6) The Little Church, Model No. 6; and (7) Kidney Shaped Coffee Table, Model No. 7, manufactured by Linford Glass & Specialty Company, a partnership, of Salt Lake City, Utah, in accordance with the specifications set forth in the several applications of said manufacturer now on file in this Regional Office as a part of the record in this case, shall be as follows:

(1) When sold by the manufacturer, f. o. b. shipping point, to a retailer:

(1) Nick-Nack, Model No. 1	$22.00
(2) End Table, Model No. 2	25.00
(3) Coffee Table, Model No. 3	22.00
(4) Hanging Corner Bracket, Model No. 4	12.75
(5) Mirrored Light Holder, Model No. 5	5.25
(6) The Little Church, Model No. 6	5.25
(7) Kidney Shaped Coffee Table, Model 7	22.50

(2) When sold by any seller to an ultimate consumer or user:

(1) Nick-Nack, Model No. 1	$38.50
(2) End Table, Model No. 2	43.75
(3) Coffee Table, Model No. 3	38.50
(4) Hanging Corner Bracket, Model No. 4	22.50
(5) Mirrored Light Holder, Model No. 5	9.25
(6) The Little Church, Model No. 6	9.25
(7) Kidney Shaped Coffee Table, Model 7	39.50

NOTES

(i) The maximum prices authorized by the above paragraph (1) are subject to a discount of 2% for payment within 10 days from date of invoice.

(ii) The prices above specified for sales f. o. b. shipping point include all costs incident to wrapping, packing, boxing, and carting.

(c) *Notice to be given purchasers for resale.* When the manufacturer makes a first sale under this Order No. G–40 to a retailer, he must show upon the invoice or on a separate slip or rider attached thereto the following:

By virtue of Order No. G–40 under Maximum Price Regulation No. 188, issued by the Denver Regional Office, the OPA authorized maximum resale prices for the several commodities covered by this invoice are:

When sold by any seller to an ultimate consumer or user:

(1) Nick-Nack, Model No. 1	$38.50
(2) End Table, Model No. 2	43.75
(3) Coffee Table, Model No. 3	38.50
(4) Hanging Corner Bracket, Model No. 4	22.50
(5) Mirrored Light Holder, Model No. 5	9.25
(6) The Little Church, Model No. 6	9.25
(7) Kidney Shaped Coffee Table, Model 7	39.50

(d) *Applicability of other regulations.* The pricing provisions of the General Maximum Price Regulation has no application to the prices established by this Order No. G–40 for sales by the manufacturer or any other seller.

(e) *Geographical applicability.* The maximum prices authorized by this Order No. G–40 for resellers are applicable only to sales made within this Region VII, which includes the States of New Mexico, Colorado, Wyoming, Montana, and Utah, and all that part of the State of Idaho lying south of the southern boundary of Idaho County, the County of Malheur in the State of Oregon, and all that part of the Counties of Mohave and Coconino in the State of Arizona lying north of the Colorado River.

(f) *Licensing.* The provisions of Licensing Order No. 1, licensing all persons who make sales under price control, are applicable to all sellers subject to this regulation or order. A seller's license may be suspended for violation of the license or of one or more applicable price schedules or regulations. A person whose license is suspended may not, during the period of suspension, make any sale for which his license has been suspended.

(g) *Right to revoke or amend.* This order may be revoked, modified, or amended at any time by the Price Administrator or the Regional Administrator.

Effective date. This Order No. G–40 shall become effective on the 25th day of July 1945.

Issued this 25th day of July 1945.

RICHARD Y. BATTERTON,
Regional Administrator.

[F. R. Doc. 45–14574; Filed, Aug. 7, 1945; 12:26 p. m.]

[Region VII Order G–41 Under MPR 188]

JOANN CO., ET AL.

AUTHORIZATION OF MAXIMUM PRICES

Pursuant to the Emergency Price Control Act of 1942, as amended, the Stabilization Act of 1942, as amended, and §§ 1499.158 and 1499.158a of Maximum Price Regulation No. 188, and for the reasons set forth in the accompanying opinion, this Order No. G–41 is issued.

(a) *What this order does.* This Order No. G–41 establishes maximum prices for two toy items manufactured by The JoAnn Co., of Denver, Colorado, when sold at the specified levels.

(b) *Authorized maximum prices.* Upon and after the effective date of this Order No. G–41, the maximum prices for the Christmas Cart, Model No. C–4, and the Toy Ironing Board, Model No. 1 B–1, manufactured by The JoAnn Co., a partnership, of 3770 East Colfax Avenue, Denver, Colorado, in accordance with the specifications set forth in the applications of said manufacturer now on file in this Regional Office as a part of the record in this case, shall be as follows:

	Christmas Cart, Model No. C–4	Toy ironing board, Model No. 1 B–1
(1) When sold by the manufacturer, a jobber or a wholesaler, f. o. b. shipping point, to a retailer	*Per dozen* $3.00	*Per dozen* $4.25
(2) When sold by any seller to an ultimate consumer or user	*Each* $0.39	*Each* $0.59

NOTES

(i) The maximum prices authorized by the above paragraphs (1) and (2) are subject to a discount of 2% for payment within 10 days from date of invoice.

(ii) The prices above specified for sales f. o. b. shipping point include all costs incident to wrapping, packing, boxing, and carting.

(c) *Notice to be given purchasers for resale.* When the manufacturer or any other seller makes a first sale under this Order No. G–41 to a person who purchases for resale, he must show upon the invoice or on a separate slip or rider attached thereto the applicable portions of the following provisions:

By virtue of Order No. G–41 under Maximum Price Regulation No. 188, issued by the Denver Regional Office, the OPA authorized maximum resale prices for this Christmas Cart, Model No. C–4, and Toy Ironing Board, Model No. 1 B–1, are:

	Christmas Cart, Model No. C–4	Toy ironing board, Model No. 1 B–1
(1) When sold by the manufacturer, a jobber or a wholesaler, f. o. b. shipping point, to a retailer	*Per dozen* $3.00	*Per dozen* $4.25
(2) When sold by any seller to an ultimate consumer or user	*Each* $0.39	*Each* $0.59

(d) *Applicability of other regulations.* The pricing provisions of the General Maximum Price Regulation have no application to the prices established by this Order No. G–41 for sales by the manufacturer or any other seller.

(e) *Geographical applicability.* The maximum prices authorized by this Order No. G–41 for resellers are applicable only to sales made within this Region VII, which includes the States of New Mexico, Colorado, Wyoming, Montana, and Utah, and all that part of the State of Idaho lying south of the southern boundary of Idaho County, the County of Malheur in the State of Oregon, and all that part of the Counties of Mohave and Coconino in the State of Arizona lying north of the Colorado River.

(f) *Licensing.* The provisions of Licensing Order No. 1, licensing all persons who make sales under price control, are applicable to all sellers subject to this regulation or order. A seller's license may be suspended for violation of the license or of one or more applicable price schedules or regulations. A person whose license is suspended may not, during the period of suspension, make any sale for which his license has been suspended.

(g) *Right to revoke or amend.* This order may be revoked, modified, or amended at any time by the Price Administrator or the Regional Administrator.

Effective date. This Order No. G–41 shall become effective on the 25th day of July 1945.

Issued this 25th day of July 1945.

RICHARD Y. BATTERTON,
Regional Administrator.

[F. R. Doc. 45–14575; Filed, Aug. 7, 1945; 12:25 p. m.]

[Region VII Rev. Order G–43 Under 18 (c)]

DOMESTIC CANE BLACKSTRAP MOLASSES AND BEET SUGAR FINAL MOLASSES IN BOULDER COUNTY, COLO.

Pursuant to the Emergency Price Control Act of 1942, as amended, the Stabilization Act of 1942, as amended, and § 1499.18 (c) of the General Maximum Price Regulation, and for the reasons stated in the accompanying opinion, this Revised Order No. G–43 is issued.

(a) *Order redesignated.* Order No. G–43 under § 1499.18 (c) of the General Maximum Price Regulation, issued July 23, 1943, is hereby redesignated as set forth in the caption hereof and amended and revised to read as follows:

(b) *What this revised order does.* This Revised Order No. G–43 fixes maximum prices at which dealers in Boulder County, Colorado, may sell at retail domestic cane blackstrap molasses and beet sugar final molasses, by authorizing a flat mark-up over the laid-down cost.

(c) *Specific maximum prices for sales at retail.* From and after the effective date of this Revised Order No. G–43, the maximum prices for sales at retail of domestic cane blackstrap molasses and beet sugar final molasses by dealers in the County of Boulder, State of Colorado, shall be the actual laid-down cost to the dealer, not, however, to exceed an amount computed in accordance with section 11a of Revised Maximum Price Regulation No. 291, plus $5.70 per ton, when sold in lots of one ton or more, and 30¢ per cwt. when sold in lots of less than one ton.

(d) *Definitions.* (1) "Sale at retail" means a sale to a stock feeder or other ultimate consumer or user.

(2) "Laid-down cost" means the delivered price to the dealer, computed in accordance with section 11a (b) (c) of Revised Maximum Price Regulation No. 291.

(3) *"Cane blackstrap molasses" and "Beet sugar final molasses"* mean the final by-product liquid from the cane sugar refining process, after the extraction of all commercially available sucrose, and the final by-product liquid from beet sugar manufacturing, including straight house or whole molasses and Steffens discard molasses.

(e) *Applicability of other regulations.* Except insofar as the same are contradictory of or inconsistent with some one or more of the terms and provisions of this Revised Order No. G–43, the General Maximum Price Regulation remains in full force and effect, and must be observed and complied with by dealers making sales at retail under this revised order.

(f) *Licensing.* The provisions of Licensing Order No. 1, licensing all persons who make sales under price control, are applicable to all sellers subject to this regulation or order. A seller's license may be suspended for violation of the license or of one or more applicable price schedules or regulations. A person whose license is suspended may not, during the period of suspension, make any sale for which his license has been suspended.

(g) *Right to revoke or amend.* This Revised Order No. G–43 may be revoked, modified, or amended at any time by the Price Administrator or the Regional Administrator.

Effective date. This Revised Order No. G–43 shall become effective on July 19, 1945.

Issued this 26th day of July 1945.

RICHARD Y. BATTERTON,
Regional Administrator.

[F. R. Doc. 45–14569; Filed, Aug. 7, 1945; 12:21 p. m.]

[Region VII Order G-60 Under 18 (c), Amdt. 1]

GEORGE A. PULLEN STOVE & FURNACE REPAIR CO., ET AL.

AUTHORIZATION OF MAXIMUM PRICES

Pursuant to the Emergency Price Control Act of 1942, as amended, the Stabilization Act of 1942, as amended, and § 1499.18 (c) of the General Maximum Price Regulation, and for the reasons set forth in the accompanying opinion, this Amendment No. 1 is issued.

1. The note at the end of paragraph (b) and immediately following the price schedules is hereby amended to read as follows:

NOTE: The George A. Pullen Stove & Furnace Repair Co. must continue to maintain its customary discounts, differentials and allowances.

2. This Amendment No. 1 is hereby made effective retroactively as of the 3d day of July 1945.

Issued this 19th day of July 1945.

RICHARD Y. BATTERTON,
Regional Administrator.

[F. R. Doc. 45-14570; Filed, Aug. 7, 1945; 12:21 p. m.]

[Region VIII Order G-2 Under 19 (a)]

CONTRACT CARRIER SERVICES PERFORMED BY MOTOR CARRIERS OTHER THAN COMMON CARRIERS IN CALIFORNIA

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of the Office of Price Administration by §§ 1499.18 (c) and 1499.19 (a) of the General Maximum Price Regulation, *It is hereby ordered:*

(a) Pending final action by the Price Administrator or the Regional Administrator upon applications now on file in regard to adjustment of maximum prices, by means of an appropriate adjustment order, for contract hauling services, the maximum prices of which have been established by Revised Order No. G-23, as amended, and Revised Order No. G-57, as amended, issued by the Regional Administrator under § 1499.18 (c) of the General Maximum Price Regulation, any person subject to said orders supplying or offering to supply such services is hereby authorized to agree in any contract for such services that the contract price may be adjusted to a price not exceeding the increased maximum price which may be fixed for such services by such adjustment order as may be issued hereafter.

(b) This order shall apply in the State of California.

(c) This order may be revoked, amended or corrected at any time.

(d) This order shall become effective July 25, 1945.

Issued this 20th day of July 1945.

CHAS. R. BAIRD,
Regional Administrator.

[F. R. Doc. 45-14578; Filed, Aug. 7, 1945; 12:19 p. m.]

[Region VIII Order G-12 Under Supp. Order 94]

HOSPITAL BEDS AND INNER SPRING MATTRESSES IN SAN FRANCISCO REGION

For the reasons set forth in the accompanying opinion and pursuant to the authority conferred upon the Regional Administrator by sections 11 and 13 of Supplementary Order 94, as amended; *It is hereby ordered*, as follows:

(a) The maximum prices for sales of certain new hospital beds and new inner spring mattresses hereinafter described, purchased from the Department of Commerce shall be as follows:

Item	Maximum price to retailers	Maximum price at retail
Hospital bed, new, adjustable, folding fracture type, 36" x 78", head height, 36", equipped with T type metal mosquito bar hangers, Army Stock No. 7-6060	*Each* $23.50	*Each* $30.50
Inner spring mattress, new, 36" x 78" with cover of blue striped ticking, sides quilt stitched; Army Stock No. Size 4, Type II, Spec. No. VM-66A	12.35	19.50

(b) The above prices to retailers shall be f. o. b. seller's place of business; all prices are subject to the seller's usual terms, discounts and allowances.

(c) This order shall apply to sales in the States of California, Washington, Nevada and Oregon, except Malheur County, and Arizona, except those portions of Coconino and Mohave Counties lying north of the Colorado River; and the following counties in the State of Idaho: Benewah, Bonner, Boundary, Clearwater, Kootenai, Latah, Lewis, Nez Perce, Shoshone, and Idaho.

This order may be amended, revoked or corrected at any time.

This order shall become effective July 16, 1945.

Issued this 11th day of July 1945.

CHAS. R. BAIRD,
Regional Administrator.

[F. R. Doc. 45-14580; Filed, Aug. 7, 1945; 12:28 p. m.]

[Region VIII Order G-13 Under Supp. Order 94]

LOGGER BOOTS IN SAN FRANCISCO REGION

For the reasons set forth in an accompanying opinion and pursuant to the authority conferred upon the Regional Administrator by sections 11 and 13 of Supplementary Order 94; *It is ordered*, as follows:

(a) The maximum prices for sales of logger boots, as herein described shall be as follows:

Logger boots: Sizes 5D to 12EE, plain toe, oil tanned leather, 10 inch top, bellows tongue, cleats or hob nails, manufactured by the following firms: Chippewa, G. H. Bass and Company, Bonedry Shoe Company, and Joseph M. Herman Shoe Company.

(i) $7.00 per pair if sold by disposal agency to jobber.

(ii) $8.70 per pair if sold by disposal agency or jobber to retailer.

(iii) $14.50 per pair if sold by retailer to consumer.

(b) All prices are f. o. b. point of sale.

(c) This order shall apply to sales in the States of California, Nevada, Oregon, except Malheur County, Washington, and Arizona, except those portions of Coconino County and Mohave County lying north of the Colorado River; and the following counties in the State of Idaho: Benewah, Bonner, Boundary, Clearwater, Kootenia, Latah, Lewis, Nez Perce, Shoshone and Idaho.

(d) This order shall become effective July 25, 1945, and shall continue in effect until the sales for which maximum prices are herein established shall be made subject to an order issued by the National Office of the Office of Price Administration.

(e) This order may be amended, corrected or revoked at any time.

Issued this 20th day of July 1945.

CHAS. R. BAIRD,
Regional Administrator.

[F. R. Doc. 45-14581; Filed, Aug. 7, 1945; 12:28 p. m.]

[Region VIII Order G-32 Under 3 (e)]

NORGE WATER COOLER IN CALIFORNIA

For the reason set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of the Office of Price Administration by § 1499.3 (e) (2) of the General Maximum Price Regulation, *It is hereby ordered:*

(a) The maximum price for sales to retailers and at retail of Norge Water Cooler, Model P10, by sellers subject to the General Maximum Price Regulation who can not determine their maximum prices under § 1499.2 of the General Maximum Price Regulation shall be as follows:

(i) At retail, $288.30, less discounts, allowances and price differentials no less favorable than those customarily granted by the seller.

(ii) To retailers, $172.20, f. o. b. San Francisco or Los Angeles.

(b) This order shall apply to sales in the State of California.

(c) This order may be corrected, amended or revoked at any time.

(d) This order shall become effective July 25, 1945.

Issued this 20th day of July 1945.

CHAS. R. BAIRD,
Regional Administrator.

[F. R. Doc. 45-14579; Filed, Aug. 7, 1945; 12:19 p. m.]

[Region II Order G-66 Under RMPR 122]

PENNSYLVANIA ANTHRACITE IN PENNSYLVANIA

For the reasons set forth in an opinion issued simultaneously herewith, and under the authority vested in the Regional Administrator of the Office of Price Administration by §§ 1340.260 and 1340.259 (a) (1) of Revised Maximum Price Regulation No. 122 it is ordered:

(a) *What this order does*—(1) *Dealers' maximum prices; area covered.* If you are a dealer in "Pennsylvania anthracite", this order fixes the maximum prices which you may pay, for certain sizes and quantities of "Pennsylvania anthracite" (hereinafter called simply "anthracite") delivered to or at any point in the State of Pennsylvania—Coal Area IX. Coal Area IX includes the Boroughs of Stroudsburg and East Stroudsburg; the Townships of Smithfield and Stroud; Monroe County, in the Commonwealth of Pennsylvania.

(2) *Schedules of prices, charges and discounts.* The applicable prices, authorized charges, and required discounts, from which you shall determine the maximum prices for designated sizes and quantities of anthracite delivered within Coal Area IX are set forth in Schedule I hereafter.

(3) *To what sales this order applies.* If you are a dealer in anthracite, you are bound by the prices, charges and discounts, and by all other provisions of this order for all deliveries within Coal Area IX whether or not you are located in Coal Area IX.

(b) *What this order prohibits.* Regardless of any contract or other obligations, you shall not:

(1) Sell or in the course of trade or business, buy anthracite of the sizes and in the quantities set forth in the schedule herein, at prices higher than the maximum prices computed as set forth in paragraph (c) of this order, although you may charge, pay or offer less than maximum prices.

(2) Obtain any price higher than the applicable maximum price by:

(i) Changing the discounts authorized herein, or

(ii) Charging for any service which is not expressly requested by the buyer, or

(iii) Charging for any service for which a charge is not specifically authorized by this order, or

(iv) Charging a price for any service higher than the schedule price for such service, or

(v) Using any tying agreement or requiring that the buyer purchase anything in addition to the fuel requested by him except that a dealer may comply with requirements or standards with respect to deliveries which have been or may be issued by an Agency of the United States Government.

(vi) Using any other device by which a higher price than the applicable maximum price is obtained, directly or indirectly.

(c) *How to compute maximum prices.* You must figure your maximum price as follows:

(1) Refer to Schedule I which contains separate tables of prices for "direct-delivery" sales and "yard" sales of anthracite. (You will find Schedule I in paragraph (d).)

(2) Take the dollars-and-cents figure set forth in the applicable table of the schedule for the size and quantity you are selling.

(3) Deduct from that figure the amount of the discount which you are required to give as specified therein. Where a discount is required, you must state it separately on your invoice.

(4) If, at your purchaser's request, you actually render him a service for which this order authorizes a charge, you may add to the figure derived as above no more than the maximum authorized service charge. You must state that charge separately on your invoice. The only authorized service charges are those provided for in Schedule I.

(d) *Schedule I.* Schedule I establishes specific maximum prices for certain sizes of anthracite in certain specific quantities, delivered to or at any point within Coal Area IX. There are separate tables of prices for "direct-delivery" sales and "yard" sales.

(1) *Sales on a "direct-delivery" basis for sales of anthracite of the sizes and in the quantities specified.*

Size	Per net ton	Per net ½ ton	Per net ¼ ton	Per 100 lbs. (for sales of 100 lbs. or more, but less than ¼ ton)	Per net 50-lb. bag
Broken, egg, stove, nut	$13.00	$7.00	$3.65	$0.80	$0.45
Pea	11.10	6.05	3.15	.70	.40
Buckwheat	9.05	5.05	2.65	.65	.375
Rice	8.20	4.60	2.45	.60	.35
Barley	6.90	3.95	2.10	-----	-----
Screenings	4.25	2.15	-----	-----	-----

Required discounts. You shall deduct from the prices set forth in table (1) of this schedule, on sales and deliveries of all sizes except screenings, a discount of 50¢ per net ton, and 25¢ per net ½ ton, where payment is made within ten days after delivery. Nothing in this subparagraph requires you to sell on other than a cash basis.

MAXIMUM AUTHORIZED SERVICE CHARGES

Special service rendered at the request of the purchaser and maximum authorized charges

"Carry" or "wheel": 40¢ per net ton; 20¢ per net ½ ton.

For deliveries involving hauling beyond five miles from the dealer's yard: 50¢ per net ton for each five miles or fraction thereof beyond five miles from the dealer's yard.

(2) *"Yard" sales for sales of anthracite of the sizes and in the qualities specified.*

Size	Per net ton	Per net ½ ton	Per net ¼ ton	Per 100 lbs. (for sales of 100 lbs. or more, but less than ¼ ton)	Per net 50-lb. bag
Broken, egg, stove, nut	$12.00	$6.50	$3.40	$0.70	$0.40
Buckwheat	8.05	4.55	2.40	.55	.325
Pea	10.10	5.55	2.90	.60	.35
Rice	7.20	4.10	2.25	.50	.30
Barley	5.90	3.45	1.85	-----	-----
Screenings	3.25	1.65	-----	-----	-----

Required discounts. You shall deduct from the prices set forth in table (2) of this schedule, on sales and deliveries of all sizes except screenings, a discount of 50¢ per net ton, and 25¢ per net ½ ton, where payment is made within ten days after delivery. Nothing in this subparagraph requires you to sell on other than a cash basis.

(3) For sales of anthracite bagged in units other than 50 lbs., maximum prices shall be calculated proportionately on the basis of the maximum prices applicable to sales of bagged coal in 50-lb. units. Such prices shall include the bag.

(e) *Commingling.* If you sell one size of anthracite commingled with another size of anthracite, your maximum price for the combination shall be the maximum price established in this order for the smallest of the sizes so commingled, except in the following situation. Where a purchaser requests that two or more sizes of anthracite be commingled in one delivery, then, and in that event, if those sizes are separately weighed at the point of loading, the dealer may commingle those sizes in the truck or other vehicle in which the delivery is made. The price for anthracite so commingled shall be calculated on the basis of the applicable per net ton price for each size in the combination, and the invoice shall separately state the price, so determined, for the quantity of each size in the combination.

(f) *Ex parte 148 freight rate increase.* Since the Ex parte 148 freight rate increase has been rescinded by the Interstate Commerce Commission, the dealers' freight rates are the same as those of December 1941. Therefore, you may not increase any schedule price on account of freight rates.

(g) *Addition of increase in supplier's maximum prices prohibited.* You may not increase the specific maximum prices established by this order to reflect, in whole or in part, any subsequent increase to you in your supplier's maximum price for the same fuel. The specific maximum prices already reflect increases to you in your supplier's maximum prices occurring up to the effective date of this order. If increases in your supplier's maximum prices should occur after such date, as the result of any amendment to or revision of a maximum price regulation issued by the Office of Price Administration governing sales and deliveries made by such suppliers, the Regional Administrator will, if he then deems it to be warranted, take appropriate action to amend this order to reflect such increases.

(h) *Taxes.* If you are a dealer subject to this order, you may collect, in addition to the specific maximum prices established herein, provided you state it separately, the amount of the Federal tax upon the transportation of property imposed by section 620 of the Revenue Act of 1942 actually paid or incurred by you, or an amount equal to the amount of such tax paid by any of your prior suppliers and separately stated and collected from you by the supplier from whom you purchased. On sales to the United States or any agency thereof, or to the State of New York or any political subdivision thereof, you need not state this tax separately.

(i) *Adjustable pricing.* You may not make a price adjustable to a maximum price which will be in effect at some time

after delivery of the anthracite has been completed; but the price may be adjustable to the maximum price in effect at the time of delivery.

(j) *Petitions for amendment.* Any person seeking an amendment of any provision of this order may file a petition for amendment in accordance with the provisions of Revised Procedural Regulation No. 1, except that a petition shall be filed with the Regional Administrator and acted upon by him.

(k) *Right of amendment or revocation.* The Regional Administrator or the Price Administrator may amend, revoke or rescind this order or any provision thereof, at any time.

(l) *Applicability of other regulations.* If you are a dealer subject to this order, you are governed by the licensing provisions of Licensing Order 1. Licensing Order 1 provides, in brief, that a license is required of all persons making sales for which maximum prices are established. A license is automatically granted. It is not necessary to apply for the license. The license may be suspended for violations in connection with the sale of any commodity for which maximum prices are established. If your license is suspended, you may not sell any such commodity during the period of suspension.

(m) *Records.* If you are a dealer subject to this order, you shall preserve, keep, and make available for examination by the Office of Price Administration, a record of every sale of anthracite hereunder, showing the date, the name and address of the buyer, if known, the per net ton price charged, and the solid fuel sold. The solid fuel shall be identified in the manner in which it is described in the order. The record shall also state separately each service rendered and the charge made for it.

(n) *Posting of maximum prices: sales slips and receipts.* (1) If you are a dealer subject to this order, you shall post all your maximum prices (as set forth in the applicable table and schedule of this order) in your place of business in a manner plainly visible to and understandable by the purchasing public.

(2) If you are a dealer subject to this order, you shall, except for a sale of less than one-half ton, give each purchaser a sales slip, invoice, or receipt showing your name and address, the kind, size and quantity of the anthracite sold to him, the date of the sale or delivery, and the price charged, separately stating the amount, if any, of the required discounts which must be deducted from and the authorized service charges and the taxes, which may be added to, the specific maximum prices prescribed herein.

In the case of all other sales, you shall give each purchaser a sales slip or receipt containing the information described in the foregoing paragraph, if requested by such purchaser.

(o) *Enforcement.* (1) Persons violating any provision of this order are subject to civil and criminal penalties, including suits for treble damages, provided for by the Emergency Price Control Act of 1942, as amended.

(2) Persons who have any evidence of any violation of this order are urged to communicate with the Scranton District Office of the Office of Price Administration, or with the Price Panel of the appropriate War Price and Rationing Board.

(p) *Definitions and explanations.* When used in this Order G–66, the term:

(1) "Person" includes an individual, corporation, partnership, association, or any other organized group of persons, or legal successor or representative of any of the foregoing, and includes the United States or any agency thereof, or any other government, or any of its political sub-divisions, or any agency of any of the foregoing.

(2) "Sell" includes sell, supply, dispose, barter, exchange, lease, transfer and deliver, and contracts and offers to do any of the foregoing. The term "sale", "selling", "sold", "seller", "buy", "purchase" and "purchaser" shall be construed accordingly.

(3) "Dealer" means any person selling anthracite of the sizes set forth in the schedules herein, and does not include a producer or distributor making sales at or from a mine, a preparation plant operated as an adjunct of any mine, or a briquette plant.

(4) "Pennsylvania anthracite" means all coal produced in the Lehigh, Schuylkill and Wyoming regions in the Commonwealth of Pennsylvania.

(5) The sizes of "Pennsylvania anthracite" described herein as broken, egg, stove, nut, pea, buckwheat, rice, barley and screenings, shall refer to the same sizes of the same fuel as were sold and delivered in the State of Pennsylvania-Coal Area IX with such designations during December 1941. Under no circumstances, however, shall the anthracite contain an ash content in excess of the limits specified by Amendment No. 1 to Solid Fuels Administration for War Regulation No. 9.

(6) "Direct delivery" means delivery to the buyer's bin or other storage space designated by buyer.

(7) "Carry" and "wheel" refer to the movement of coal to buyer's bin or storage space in baskets or other containers, or by wheelbarrow or barrel, from seller's truck or vehicle, or from the point nearest and most accessible to the buyer's bin or storage space at which the coal is discharged from seller's truck in the course of "direct delivery".

(8) "Yard sales" means sales accompanied by physical transfer to the buyer's truck or vehicle at the yard, dock, barge, car or at a place of business of the seller other than at seller's truck or vehicle.

(9) Except as otherwise provided herein, or as the context may otherwise require, the definitions set forth in §§ 1340.255 and 1340.266 of Revised Maximum Price Regulation No. 122 shall apply to terms used herein.

(q) *Effect of order on Revised Maximum Price Regulation No. 122.* This order shall supersede Revised Maximum Price Regulation No. 122 except as to any sales or deliveries of solid fuels not specifically subject to this order.

NOTE: The record-keeping requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

This Order No. G–66 shall become effective July 30, 1945.

(56 Stat. 23, 765; 57 Stat. 566; Pub. Law 383, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 23d day of July 1945.

CHARLES T. ABERNETHY,
Acting Regional Administrator.

[F. R. Doc. 45–14561; Filed, Aug. 7, 1945; 12:18 p. m.]

[Savannah Order 3–R Under Restaurant MPR 2]

ALCOHOLIC BEVERAGES AND WINES IN SAVANNAH GA., DISTRICT

For the reasons set forth in an opinion issued simultaneous herewith and under the authority vested in the District Director of the Savannah, Georgia, District Office of the Office of Price Administration, under Amendment No. 1 to Order No. 3 Restaurant Maximum Price Regulation 2, Regional Delegation Order No. 72, *It is hereby ordered:*

1. That if you own or operate an eating or drinking establishment offering alcoholic beverages and wines for consumption on the premises, you must, on or before April 16, 1945, list on a poster as required in said Order No. 3, as amended, not more than fourteen types of wines in place of alcoholic beverages, as set forth in said order.

(a) If you do not offer as many as fourteen types of wines, list on your poster the types of wine you do offer.

All other requirements of the said Order No. 3 to Restaurant Maximum Price Regulation 2 are to remain unchanged.

This order shall become effective April 13, 1945.

Issued the 13th day of April 1945.

R. E. THORPE,
District Director.

[F. R. Doc. 45–14566; Filed, Aug. 7, 1945; 12:21 p. m.]

[Miami Rev. Order G–1 Under Gen. Order 50 Amdt. 1]

MALT AND CEREAL BEVERAGES IN MIAMI, FLA., DISTRICT

An opinion accompanying this amendment has been issued simultaneously herewith. Revised Order No. G–1 under General Order No. 50 is amended in the following respects:

1. The tax legend or statement appearing at the bottom of each page of Appendices A and B of the order is amended to read as follows:

Sellers who are required to pay a Federal Excise Tax on cabarets may add same to above prices if such tax is separately stated and collected.

Sellers who are required to pay the July 1, 1945, increase in the Florida Beverage tax may add to above prices the following charges if same are separately stated and collected:

Bottled Beer and Ale

12-oz. bottles, or less: 2½¢ per bottle.
32-oz. bottles: 4¼¢ per bottle.

Draft Beer and Ale

6-oz. glass: 0.007¢ per glass.
10-oz. glass: 0.013¢ per glass.
8-oz. glass: 0.01¢ per glass.
12-oz. glass: 0.015¢ per glass.
All other quantities: 17¢ per gallon prorated to the amount in the container.

If the resulting sum as figured above equals or exceeds ½¢, the fraction may be increased to the next higher cent, but if it is less than ½¢, the fraction must be reduced to the next lower cent.

All other taxes are included in above prices.

This amendment to Revised Order No. G–1 shall become effective July 10, 1945.

(56 Stat. 23, 765; 57 Stat. 566; Pub. Law 383, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681; G.O. 50, 8 F.R. 4808)

NOTE: The above tax statement also supersedes the tax statement appearing on the 1–B, 2–B, and 3–B posters.

Issued at Miami, Florida, this 7th day day of July 1945.

E. H. HULSE,
Acting District Director.

[F. R. Doc. 45–14563; Filed, Aug. 7, 1945; 12:19 p. m.]

SECURITIES AND EXCHANGE COMMISSION.

[File No. 70–1119]

COLUMBIA GAS & ELECTRIC CORP.

NOTICE OF FILING AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 6th day of August, 1945.

Notice is hereby given that a declaration has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by Columbia Gas & Electric Corporation ("Columbia"), a registered holding company and a subsidiary of The United Corporation, also a registered holding company;

All interested persons are referred to the said filing which is on file in the office of the Commission for a statement of the transactions therein proposed, which may be summarized as follows:

Columbia proposes to issue and sell to certain commercial banks (presently unidentified) $22,000,000 principal amount of notes bearing interest at the rate of 1½% per annum, to mature in two years. The proceeds of such notes ($22,000,000), together with $10,640,000 of treasury funds, are to be utilized to call for redemption and retire all Columbia's 25-year 5% Debenture Bonds, due May 1, 1952, presently outstanding in the principal amount of $32,000,000. Such bonds are to be called at the present call price of 102% plus accrued interest. In connection therewith, Columbia proposes to charge to its earned surplus since December 31, 1937 the premium to be paid in connection with the redemption of such bonds ($640,000) and the balance of unamortized debt discount and expense applicable to the bonds ($248,397.09) as of June 30, 1945, and to credit such surplus account with the amount of tax reduction resulting from the retirement of the bonds and the payment of the premium in connection therewith.

The declarant states that the issue and sale of these notes represents a temporary form of financing pending the completion by Columbia of the various steps of its Integration Plan involving, among other things, (a) the refinancing of The Cincinnati Gas & Electric Company and The Dayton Power and Light Company and the disposition by Columbia of its interest in these companies; and (b) the retirement of Colorado's outstanding indebtedness, preferred and preference stocks.

It appearing to the Commission that it is appropriate in the public interest and the interest of investors and consumers that a hearing be held with respect to such matter;

It is ordered, That a hearing on such matter under applicable provisions of said act and the rules of the Commission promulgated thereunder be held on August 15, 1945, at 10:00 a. m., e. w. t., at the offices of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia 3, Pennsylvania. On such date the hearing room clerk in room 318 will advise as to the room in which such hearing will be held.

It is further ordered, That Henry C. Lank, or any other officer or officers of the Commission designated by it for that purpose, shall preside at the hearings in such matter. The officer so designated to preside at any such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said act and to a trial examiner under the Commission's rules of practice.

It is further ordered, That any person desiring to be heard or otherwise wishing to participate in the proceedings shall file with the Secretary of the Commission, on or before August 11, 1945, his request or application therefor, as provided by Rule XVII of the rules of practice of this Commission.

It is further ordered, That, without limiting the scope of the issues presented by said filing, particular attention will be directed at said hearing to the following matters and questions:

(1) Whether the proposed issuance of notes complies with the applicable requirements of section 7 of the act;

(2) Whether the fees, commissions, or other remuneration to be paid in connection with the issue and sale of said notes are reasonable;

(3) Whether the terms and conditions of said notes are detrimental to the public interest or the interest of investors and consumers;

(4) Whether the accounting entries to be recorded in connection with the proposed transactions are proper and conform with sound and accepted principles of accounting under the standards of the Act;

(5) Generally, whether the proposed transactions comply with all the applicable provisions and requirements of the act and rules and regulations promulgated thereunder and whether it is necessary or appropriate in the public interest or for the protection of investors and consumers to impose terms and conditions in respect thereof.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 45–14582; Filed, Aug. 7, 1945; 1:52 p. m.]

THOMAS ARTHUR STEWART AND NATIONAL ASSN. OF SECURITIES DEALERS, INC.

ORDER DISMISSING REVIEW PROCEEDING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 6th day of August, A. D. 1945.

In the matter of application of Thomas Arthur Stewart for review of disciplinary action taken against him by the National Association of Securities Dealers, Inc. Case No. 16 of District No. 11.

Thomas Arthur Stewart having applied to the Commission pursuant to section 15A of the Securities Exchange Act of 1934 for review of action taken by the National Association of Securities Dealers, Inc., by which he was suspended from membership in said association for a period of one year;

Hearings having been held after appropriate notice, the Commission being duly advised and having this day issued its findings and opinion herein;

On the basis of said findings and opinion, and pursuant to section 15A (h) of said act,

It is ordered, That the proceeding for review herein be and it hereby is dismissed.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 45–14583; Filed, Aug. 7, 1945; 1:52 p. m.]

SURPLUS PROPERTY BOARD.

[SPB Reg. 3, Order 33]

INDIANA AND OHIO

ALLOCATION OF TRUCKS FOR DISPOSAL TO FARMERS AND FARMERS' COOPERATIVES IN CERTAIN COUNTIES

Pursuant to § 8303.4 of Surplus Property Board Regulation No. 3, entitled "Dispositions of Surplus Property in Rural Areas and to Farmers" (10 F.R. 5325) and in reliance upon the certificate of the Secretary of Agriculture to the Surplus Property Board that farm production is impaired or threatened to be impaired in the areas named below by a shortage of trucks; *It is hereby ordered*, That:

1. The Department of Commerce, as disposal agency, shall allocate for disposal to farmers and farmers' cooperative associations holding certificates of the Agricultural Adjustment Agency and located in Adams, Bartholomew, Blackford, Boone, Carroll, Cass, Clinton, Decatur, Delaware, Fayette, Grant, Hamilton, Hancock, Hendricks, Henry, Howard, Huntington, Jay, Johnson, Madison, Marion, Miami, Randolph, Rush, Shelby, Tipton, Union, Wabash, Wayne, and Wells Counties, Indiana, 47 one-and-one-half-ton cargo-stake-and-platform and cargo trucks, and 59 one-and-one-half-ton cargo, cargo-stake-and-platform, van, and dump trucks, and shall without regard to the requirements of Surplus Property Board Regulation No. 2 (10 F.R. 5104, 8911, 9478) take immediate steps so to dispose of such property by the methods provided in § 8303.4 (c).

2. The Department of Commerce, as disposal agency, shall allocate for disposal to farmers and farmers' cooperative associations holding certificates of the Agricultural Adjustment Agency and located in Franklin County, Ohio, 3 one-and-one-half-ton cargo-stake-and-platform, dump, and cargo trucks, 1 one-half-ton pickup truck, and 1 one-and-one-half-ton cargo-stake-and-platform truck, and shall without regard to the requirements of Surplus Property Board Regulation No. 2 (10 F.R. 5104, 8911, 9478) take immediate steps so to dispose of such property by the methods provided in § 8303.4 (c).

This order shall become effective immediately.

SURPLUS PROPERTY BOARD,
W. STUART SYMINGTON,
Chairman.
EDWARD H. HELLER,
Member.
ROBERT A. HURLEY,
Member.

AUGUST 4, 1945.

[F. R. Doc. 45-14648; Filed, Aug. 8, 1945; 11:51 a. m.]

FEDERAL REGISTER

VOLUME 10 NUMBER 159

Washington, Friday, August 10, 1945

Regulations

TITLE 6—AGRICULTURAL CREDIT

Chapter I—Farm Credit Administration

PART 11—NATIONAL FARM LOAN ASSOCIATIONS

MERGER OF SHAREHOLDER GROUPS

Section 11.375 of Chapter I, Title 6, Code of Federal Regulations, is hereby amended to read as follows:

§ 11.375 *Procedure.* Whenever, in an association authorized to operate under section 25 (b) of the Farm Credit Act of 1937, all impairment is removed in the stock owned by shareholders in group 1, and there is no impairment in the stock owned by shareholders in group 2, such groups may merge in the manner hereinafter set forth:

(a) The board of directors of the association shall call separate special meetings of the shareholders of group 1 and the shareholders of group 2 for the purpose of considering a proposed resolution of merger in a form prescribed by the Administration. Such meetings shall be called and held in accordance with the provisions of the association's bylaws applicable to meetings of association shareholders. The notice of the meetings shall contain a statement that a merger of the two groups of association shareholders will be voted upon and should contain a brief statement of the nature and effect of the proposal. At these meetings the effect of the proposed merger should be fully explained to the shareholders.

(b) The approval of a majority of the shareholders present and voting at each meeting at which the resolution of merger is considered shall be requisite for the adoption of such resolution.

(c) At least three copies of such resolution shall be prepared, and, when the resolution has been duly adopted by both groups, two copies shall be forwarded to the bank.

(d) The bank may request an examination of the association either on or before the adoption of the merger resolution. An examination may be required by the Land Bank Commissioner at any stage in the proceedings if it appears necessary in the interests of the shareholders.

(e) The bank shall forward to the Administration one copy of the resolution, a current financial statement of groups 1 and 2, and its recommendation as to whether the merger should be approved.

(f) No merger shall be effective unless or until it has been approved by the Commissioner. If the merger resolution is approved by the Commissioner, the effective date will be specified in his written approval and the bank and association will be notified of the approval and effective date by letter. Upon receipt of the approval notice the bank shall take such steps as it deems necessary to assist the secretary-treasurer of the association in consolidating the accounts and records of the two groups pursuant to the merger resolution. Such consolidation of accounts and records shall be made as of the close of business on the effective date of the merger. As soon as the merger has been completed, the secretary-treasurer shall notify each of the members of the association that the merger has been effected. A copy of that notice shall be sent to the Administration.

(Sec. 6, 47 Stat. 14; sec. 25 (b), 50 Stat. 711; 12 U.S.C. 665, 724 (d))

[SEAL] J. R. ISLEIB,
Acting Land Bank Commissioner.

[F. R. Doc. 45-14655; Filed, Aug. 8, 1945; 3:20 p. m.]

Chapter II—Department of Agriculture, Commodity Credit Corporation

PART 270—SHEEP AND LAMB PRODUCTION PAYMENTS

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FEDERAL REGISTER

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NOTICE

1944 Supplement

Book 1 of the 1944 Supplement to the Code of Federal Regulations, containing Titles 1-10, including Presidential documents in full text, is now available from the Superintendent of Documents, Government Printing Office, at $3.00 per copy.

A limited sales stock of the Cumulative Supplement and the 1943 Supplement is still available as previously announced.

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Sec
270.10 Death, incompetency, or other disability of seller or slaughterer.
270.11 Lost, stolen, or destroyed drafts.
270.12 Instructions and interpretations.
270.13 Revocation or codification.

AUTHORITY: §§ 270.1 to 270.13, inclusive, issued under 56 Stat. 767; Pub. Law 30, 79th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328; 8 F.R. 4681; OES Dir. 70, 10 F.R. 9478.

§ 270.1 *Introduction.* In an effort to maintain and increase the production of lamb and mutton, the United States Department of Agriculture, through the Commodity Credit Corporation (herein called "Commodity"), a corporate agency of the United States, pursuant to this announcement, hereby offers to make sheep and lamb production payments to eligible sellers and slaughterers of sheep and lambs within the District of Columbia and the 48 States of the United States for the period beginning August 5, 1945, and ending June 30, 1946 (both dates inclusive), all in the manner and subject to the terms and conditions specified in this offer.

§ 270.2 *Definitions.* As used in this offer:

(a) The term "legally authorized slaughterer" means:

(1) Any person who is operating as a slaughterer under Federal Meat Inspection pursuant to the act of May 4, 1907 (34 Stat. 1260), as amended, 21 U.S.C., 71, and as extended by the act of June 10, 1942 (56 Stat. 351), or

(2) Any person who is registered as a slaughterer and has been assigned a quota base pursuant to the regulations of the Office of Price Administration, or

(3) Any person who is certified pursuant to the provisions of War Food Order 139, as amended.

(b) The term "sheep" means any ovine animal that has or had one or more pairs of permanent teeth in full wear, including but not limited to yearlings, ewes, aged wethers, bucks, and rams.

(c) The term "lamb" means any young ovine animal whose first pair of permanent teeth have not developed to the extent of being in full wear.

(d) The term "eligible sheep and lambs" means sheep or lambs, except imported sheep or lambs in the United States less than 60 days, which are:

(1) Sold by any person other than a legally authorized slaughterer to a legally authorized slaughterer for slaughter and delivered for slaughter during the period beginning August 5, 1945, and ending June 30, 1946, or

(2) Raised by a legally authorized slaughterer and slaughtered during the period beginning August 5, 1945, and ending June 30, 1946, by such legally authorized slaughterer, or

(3) Purchased for feeding by a legally authorized slaughterer, fed not less than 30 days, and then slaughtered during the period beginning August 5, 1945, and ending June 30, 1946, by such legally authorized slaughterer, or

(4) Sold by any legally authorized slaughterer to another legally authorized slaughterer for slaughter after being raised or purchased for feeding and held by the first legally authorized slaughterer for not less than 30 days, and delivered for slaughter during the period beginning August 5, 1945, and ending June 30, 1946.

(e) The term "eligible seller" means any person other than a legally authorized slaughterer who, having owned and sold eligible sheep or lambs to a legally authorized slaughterer for slaughter, delivers such sheep or lambs during the period August 5, 1945, through June 30, 1946, to such legally authorized slaughterer for slaughter.

(f) The term "eligible slaughterer" means:

(1) Any legally authorized slaughterer who, having raised sheep or lambs, slaughters such sheep or lambs during the period beginning August 5, 1945, and ending June 30, 1946, or

(2) Any legally authorized slaughterer who, having purchased sheep or lambs for feeding and fed such sheep or lambs for not less than 30 days, slaughters such sheep or lambs during the period beginning August 5, 1945, and ending June 30, 1946, or

(3) Any legally authorized slaughterer who, after owning sheep or lambs for not less than 30 days, sells such sheep or lambs to any other legally authorized slaughterer for slaughter and delivers such sheep or lambs for slaughter during the period beginning August 5, 1945, and ending June 30, 1946.

(g) The term "person" means any individual, partnership, association, business trust, corporation, or any organized groups of persons, either incorporated or not, and includes the states and any subdivisions thereof.

(h) The term "live weight" means the actual weight of the live animal or lot of animals or the weight on which settlement is made, whichever is lower.

§ 270.3 *Payments.* Payments under this offer will be made upon compliance with the terms and conditions specified herein to any eligible seller with respect to eligible sheep and lambs sold by him and to any eligible slaughterer with respect to eligible sheep and lambs sold or slaughtered by him. Not more than a total of $36,000,000 will be paid to sellers and slaughterers under this offer.

§ 270.4 *Duplicate payments.* Commodity will not make more than one payment with respect to any one sheep or lamb.

§ 270.5 *Rates of payments.* Rates of payment hereunder for eligible sheep and lambs sold or slaughtered by eligible sellers or eligible slaughterers shall be as follows:

RATE OF PAYMENTS PER CWT. FOR ELIGIBLE SHEEP AND LAMBS FOR THE PERIOD AUGUST 5, 1945, THROUGH JUNE 30, 1946

	Lambs 65 to 90 pounds	Lambs over 90 pounds
1945		
August	$1.50	$2.15
September	1.50	2.15
October	1.50	2.15
November	1.50	2.15
December	2.00	2.65
1946		
January	2.00	2.65
February	2.50	3.15
March	2.50	3.15
April	2.50	3.15
May	2.00	2.65
June	2.00	2.65

Payments for all other lambs and all sheep, August 5, 1945, through June 30, 1946, will be at the rate of $1.00 per hundredweight.

In determining the amounts due eligible sellers and eligible slaughterers, the live weight of each lot of the eligible sheep and lambs shall be used. In determining the weight classification of eligible lambs, the average live weight of each lot of lambs shall be used.

§ 270.6 *Prerequisites for payments.* Payment hereunder will be made to any eligible seller or slaughterer who:

(a) Files an application in such form as shall be approved or prescribed by Commodity, with the county AAA committee for the county in which the farm, ranch, or feed lot on which the sheep or lambs were last situated for not less than 30 days is located (or such other place as Commodity may designate).

(b) Supplies with such application for payment evidence with respect to his eligibility to receive payment as provided in this offer which the County AAA committee determines to be satisfactory pursuant to instructions approved by Commodity, and

(c) Files such application within 60 days after date of delivery or slaughter, or on or before December 31, 1945, whichever is later (unless such time is, for cause, extended by Commodity).

§ 270.7 *Method of payment.* Payment hereunder, on the basis of each such application for payment which has been ap-

proved by the appropriate county AAA committee shall (unless Commodity otherwise directs), be made by a non-interest-bearing draft drawn by such county AAA committee or other drawer designated by Commodity on Commodity and payable at a Federal Reserve Bank. Such draft shall be made payable to the person shown in the corresponding application for payment to be the eligible seller or slaughterer, except as provided in § 270.10. Each draft shall be given a serial number and shall be delivered to the eligible seller or slaughterer. The making of any payment on the basis of an approved application for payment filed hereunder shall not constitute a final determination of the validity or amount of the claim represented thereby. Any applicant who is determined by Commodity acting through the applicable county AAA committee (or such other agent as may be designated) to have filed a wilfully falsified application pursuant to this offer, shall be deemed ineligible for the payment for which such claim is filed. Payments made on an application later determined to be wilfully falsified shall be repaid by the applicant. If it is determined that an improper application resulted from factors beyond the knowledge and control of the applicant, Commodity acting through the appropriate county AAA committee (or such other agent as may be designated) may accept a revised application and pay the amount which it deems proper. The provisions of this section shall not preclude legal action by Commodity under the Criminal Code of the United States against any seller or slaughterer who submitted an application for payment under this offer for an amount in excess of the amount which would be proper in accordance with the terms of the offer.

§ 270.8 *Right to declare claims invalid.* Commodity shall have the right to declare invalid in whole or in part, any claim which is not in compliance with the terms and conditions of this offer and any claim filed by an applicant who, in the judgment of the Price Administrator, has wilfully violated any meat or livestock regulation or order issued by the Price Administrator. Commodity shall also have the right to declare invalid, in whole or in part, any claim filed by an applicant concerning whom the Office of Price Administration has certified that in any civil action or proceeding (including a proceeding before a hearing commissioner) against such applicant it has been determined that the applicant has violated any substantive provision of any meat or livestock regulation or order issued by the Price Administrator. If such determination is finally reversed, payment withheld under this section will be made by Commodity.

§ 270.9 *Assignment and set-off.* Payments due or to become due hereunder shall not be subject to assignment, attachment, garnishment, or levy. Payments hereunder shall be subject to set-offs for indebtedness of the eligible seller or slaughterer to the United States of America or any agency or corporation thereof recorded on any AAA debt register, and this offer is expressly made subject to this provision for set-offs.

§ 270.10 *Death, incompetency, or other disability of seller or slaughterer.* In case of death, incompetency, or disappearance of an eligible seller or slaughterer, application for any payment hereunder may be made by any person who, under the regulations contained in ACP–122, as amended, issued by the AAA, would be entitled to payment. In case of infancy, bankruptcy, dissolution, or other disability of the eligible seller or slaughterer, payments will be made to a representative only in accordance with specific instructions issued by Commodity.

§ 270.11 *Lost, stolen, or destroyed drafts.* In the event any executed draft shall be lost, stolen, or destroyed, the fact of such loss, theft, or destruction shall be reported immediately to the office of the applicable county AAA committee and, in such event, the issuance of a duplicate draft shall be subject to such conditions as Commodity shall, from time to time prescribe.

§ 270.12 *Instructions and interpretations.* Commodity shall have the right to supplement or clarify any provision of this offer or alter any procedure contained herein at any time by the issuance of instructions or interpretations in connection therewith.

§ 270.13 *Revocation or modification.* This offer, or any extension hereof, may be partially or wholly revoked, modified, or amended by Commodity with respect to any seller or slaughterer at any time upon notice to such seller or slaughterer or with respect to all sellers or slaughterers, by Commodity giving public notice of such modification, revocation, or amendment. Such public notice may be given by filing of the notice with the Division of the Federal Register. Notwithstanding any such revocation, modification, or amendment, payment will be made with respect to eligible sheep and lambs sold or slaughtered pursuant to this offer prior to the effective time of any such revocation, modification, or amendment.

Issued this 9th day of August 1945.

[SEAL] COMMODITY CREDIT CORPORATION,
By R. W. MAYCOCK,
Vice-President.

Attest:
MARGARET W. SAMUELS,
Secretary.

[F. R. Doc. 45-14685; Filed, Aug. 9, 1945, 11:05 a.m.]

TITLE 7—AGRICULTURE

Chapter XI—War Food Distribution Orders

[WFO 45, Amdt. 9]

PART 1491—BEANS

RESTRICTIONS ON DELIVERIES OF BEANS

War Food Order No. 45, as amended, § 1491.1 (9 F.R. 9775, and 14273; 10 F.R. 103) is hereby amended:

1. By striking the words "War Food Administrator" and the words "War Food Administration" wherever they appear in § 1491.1 and substituting in lieu thereof, respectively, the words "Secretary of Agriculture" and the words "United States Department of Agriculture."

2. By deleting § 1491.1 (a) (7) and substituting in lieu thereof the following:

(7) "Governmental agency" means (i) the armed services of the United States; (ii) the United States Department of Agriculture (including but not restricted to any corporate agency thereof); and (iii) any other instrumentality or agency designated by the Secretary of Agriculture.

3. By adding, after § 1491.1 (a) (9), the following:

(10) "Secretary of Agriculture" means the Secretary of Agriculture, United States Department of Agriculture.

4. By deleting § 1491.1 (b) (3) and (4) and substituting in lieu thereof the following:

(3) Beans required to be set aside under this order may be sold only to:

(i) A governmental agency in response to announcements or notices by the particular agency that offers for beans will be received;

(ii) An authorized purchaser who furnishes a certificate in accordance with (c) hereof; or

(iii) A country shipper who acquires such beans for the express purpose of resale and delivery to an authorized purchaser or to a governmental agency, and who furnishes a certificate in accordance with (c) hereof.

5. By renumbering § 1491.1 (b) (5) as § 1491.1 (b) (4).

This amendment shall become effective at 12:01 a. m., e. w. t., August 9, 1945. With respect to violations, rights accrued, liabilities incurred, or appeals taken, prior to said date, under War Food Order No. 45, as amended, all provisions of said order shall be deemed to remain in full force for the purpose of sustaining any proper suit, action, or other proceeding with respect to any such violation, right, liability, or appeal.

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9534, 8 F.R. 5423; E.O. 9392, 8 F.R. 14763, E.O. 9577, 10 F.R. 8087)

Issued this 7th day of August 1945.

[SEAL] CLINTON P. ANDERSON,
Secretary of Agriculture.

[F. R. Doc. 45-14654; Filed, Aug. 8, 1945, 3:20 p. m.]

TITLE 8—ALIENS AND NATIONALITY

Chapter II—Office of Alien Property Custodian

[Gen. Order 31, as Amended, Amdt.]

PART 503—GENERAL ORDERS

PROHIBITION OF TRANSACTIONS, APPOINTMENT OF AGENTS AND DELEGATION OF AUTHORITY

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned hereby amends General Order No. 31 heretofore issued by the Alien Property Custodian on July 10, 1944 (9 F.R. 7739), as amended July 22, 1944 (9 F.R. 8975) and December 12, 1944 (9 F.R. 14573), in the following manner, and not otherwise:

1. Paragraph (b) of General Order No. 31, as amended, is amended by striking therefrom the words "Fritz Machlup, as Acting Chief of the Division of Investigation and Research" and inserting in lieu thereof the words "Henry G. Hilken, Chief of the Division of Investigation"; and by striking therefrom the words "Frank J. Garvey, as Assistant to the Alien Property Custodian and Manager of the New York Office of the Office of Alien Property Custodian" and inserting in lieu thereof "C. Gordon Lamude, as Manager of the New York Office of the Office of Alien Property Custodian".

2. Paragraph (c) of General Order No. 31, as amended, is revoked.

Executed at Washington, D. C., on August 7, 1945.

(40 Stat. 411, 50 U.S.C. App.; 55 Stat. 839, 50 U.S.C. App. (Supp.); E.O. 9193, 7 F.R. 5205; E.O. 9567, 10 F.R. 6917)

[SEAL] JAMES E. MARKHAM,
Alien Property Custodian.

[F. R. Doc. 45-14677; Filed, Aug. 9, 1945; 10:46 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket No. 5035]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

PEGGY SHOPS, INC., ETC.

§ 3.295 (b) *Concealing or obliterating law-required marking—Wool products tags or identification.* In connection with the purchase, offering for sale, sale, or distribution of women's clothing or any other "wool product," as such products are defined in and subject to the Wool Products Labeling Act of 1939, causing or participating in the removal or mutilation of any stamp, tag, label, or other means of identification affixed to any such "wool product" pursuant to the provisions of said Act, with intent to violate the provisions thereof, and which stamp, tag, label, or other means of identification purports to show all or any part of the following, namely, (a) the percentage of the total fiber weight of such wool product, exclusive of ornamentation not exceeding fire per centum of said total fiber weight, of (1) wool, (2) reprocessed wool, (3) reused wool, (4) each fiber other than wool where said percentage by weight of such fiber is five per centum or more, and (5) the aggregate of all other fibers; (b) the maximum percentage of the total weight of such wool product of any non-fibrous loading, filling, or adulterating matter; or (c) the name of the manufacturer of such wool product; or the manufacturer's registered identification number and the name of a seller of such wool product; or the name of one or more persons introducing such wool product into commerce, or engaged in the sale, transportation, or distribution thereof in commerce, as "commerce" is defined in the Federal Trade Commission Act and the Wool Products Labeling Act of 1939; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., sec. 45 b; 54 Stat. 1128; 15 U.S.C., Sec. 68) [Cease and desist order, Peggy Shops, Inc., etc., Docket 5035, July 19, 1945.]

At a regular session of the Federal Trade Commission held at its office in the City of Washington, D. C., on the 19th day of July, A. D. 1945.

In the Matter of Peggy Shops, Inc., a Corporation, Trading and Doing Business as Karlton Vogue Shop

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission and the answer of respondent, in which answer respondent admitted all the material allegations of fact set forth in said complaint and waived all intervening procedure and further hearing as to said facts, and the Commission having made its findings as to the facts and its conclusion that said respondent has violated the provisions of the Federal Trade Commission Act and the provisions of the Wool Products Labeling Act of 1939:

It is ordered, That respondent Peggy Shops, Inc., a corporation, trading and doing business as Karlton Vogue Shop, or under any other name, its officers, agents, representatives, and employees, directly or indirectly, in connection with the purchase, offering for sale, sale, or distribution of women's clothing or any other "wool product," as such products are defined in and subject to the Wool Products Labeling Act of 1939, do forthwith cease and desist from causing or participating in the removal or mutilation of any stamp, tag, label, or other means of identification affixed to any such "wool product" pursuant to the provisions of said Act, and which stamp, tag, label, or other means of identification purports to show all or any part of the following:

(a) The percentage of the total fiber weight of such wool product, exclusive of ornamentation not exceeding five per centum of said total fiber weight, of (1) wool, (2) reprocessed wool, (3) reused wool, (4) each fiber other than wool where said percentage by weight of such fiber is five per centum or more, and (5) the aggregate of all other fibers.

(b) The maximum percentage of the total weight of such wool product of any non-fibrous loading, filling, or adulterating matter.

(c) The name of the manufacturer of such wool product; or the manufacturer's registered identification number and the name of a seller of such wool product; or the name of one or more persons introducing such wool product into commerce, or engaged in the sale, transportation, or distribution thereof in commerce, as "commerce" is defined in the Federal Trade Commission Act and the Wool Products Labeling Act of 1939.

It is further ordered, That the respondent shall, within sixty (60) days after service upon it of this order, file with the Commission a report in writing setting forth in detail the manner and form in which it has complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 45-14727; Filed, Aug. 9, 1945; 11:28 a.m.]

TITLE 29—LABOR

Chapter VI—National War Labor Board

PART 803—GENERAL ORDERS

EXPORT PACKAGING ESTABLISHMENTS IN DESIGNATED COUNTIES IN CALIFORNIA

The National War Labor Board, under paragraph (d) of § 803.4, has approved the following exception to the exemption provided for in paragraph (a) of this order:

(67) Export packaging establishments in the counties of Los Angeles, San Francisco, San Mateo, Alameda, Contra Costa and Solano, and the City of Stockton. Such establishments are defined as those primarily engaged in packing, crating or otherwise preparing goods for overseas shipment immediately prior to placement of goods at the ship's side. (Approved May 29, 1945.)

(E.O. 9250, Oct. 2, 1942, 7 F.R. 7871; as amended by E.O. 9381, Sept. 25, 1943, 8 F.R. 13083; E.O. 9328, Apr. 8, 1943, 8 F.R. 4681; Act of Oct. 2, 1942, C 578, 56 Stat. 765, Pub. Law 729, 77th Cong.)

THEODORE W. KHEEL,
Executive Director.

[F. R. Doc. 45-14669; Filed, Aug. 9, 1945; 9:43 a. m.]

Chapter IX—Agriculture Department (Agricultural Labor)

[Supp. 57, Amdt. 1]

PART 1102—SALARIES AND WAGES OF AGRICULTURAL LABOR IN THE STATE OF CALIFORNIA

WORKERS ENGAGED IN PRODUCTION AND HARVESTING OF APPLES IN CERTAIN COUNTIES IN CALIFORNIA

Section 1102.26 is amended as follows:

1. The section number is changed from 1102.26 to 1102.27.

2. Paragraph (b) (1) (i) is amended to read as follows:

(i) For common, inexperienced farm labor—maximum rate per hour—85 cents.

This amendment shall become effective at 12:01 a. m., Pacific war time, August 9, 1945.

(56 Stat. 765 (1942); 50 U.S.C. App. 961 et seq. (Supp. IV); 57 Stat. 63 (1943);

50 U.S.C. 964 (Supp. IV); 58 Stat. 632 (1944); Pub. Law 108, 79th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681; E.O. 9577, 10 F.R. 8087; regulations of the Economic Stabilization Director, 8 F.R. 11960, 12139, 16702, 9 F.R. 6035, 14547, 10 F.R. 9478, 9628; regulations of the War Food Administrator, 9 F.R. 655, 12117, 12611, 10 F.R. 7609, 9581; 9 F.R. 831, 12807, 14206, 10 F.R. 3177)

Issued this 9th day of August 1945.

[SEAL] HOWARD A. PRESTON,
Acting Director of Labor,
U. S. Department of Agriculture.

[F. R. Doc. 45-14686; Filed: Aug. 9, 1945; 11:05 a. m.]

TITLE 31—MONEY AND FINANCE: TREASURY

Chapter I—Monetary Offices, Department of the Treasury

PART 131—GENERAL LICENSES UNDER EXECUTIVE ORDER NO. 8389, APRIL 10, 1940, AS AMENDED, AND REGULATIONS ISSUED PURSUANT THERETO.

EXEMPTION OF CERTAIN CURRENCY AND SECURITIES IMPORTED INTO U. S.

AUGUST 9, 1945.

General License No. 84, as amended, under Executive Order No. 8389, as amended, Executive Order No. 9193, as amended, section 5 (b) of The Trading with the Enemy Act, as amended by the First War Powers Act, 1941, relating to foreign funds control.

General License No. 84 is hereby amended to read as follows:

§ 131.84 *Exemption of certain currency and securities from General Ruling No. 5.* A general license is hereby granted exempting from the provisions of General Ruling No. 5 the following currency and securities:

(a) United States Defense and War Savings Stamps and Bonds of all series and designations;

(b) Securities issued or authenticated in the United States or Canada after December 7, 1941;

(c) Veterans Adjusted Service Certificates and Veterans Adjusted Service Bonds;

(d) United States Treasury notes of Tax Series A and Tax Series B; and

(e) United States currency in denominations of $20 or less and all foreign currency.

(Sec. 5 (b), 40 Stat. 415 and 966; sec. 2, 48 Stat. 1; 54 Stat. 179; 55 Stat. 838; E.O. 8389, April 10, 1940, as amended by E.O. 8785, June 14, 1941, E.O. 8832, July 26, 1941, E.O. 8963, Dec. 9, 1941, and E.O. 8998, Dec. 26, 1941; E.O. 9193, July 6, 1942, as amended by E.O. 9567, June 8, 1945; Regulations, April 10, 1940, as amended June 14, 1941, and July 26, 1941)

[SEAL] FRED M. VINSON,
Secretary of the Treasury.

[F. R. Doc. 45-14671; Filed, Aug. 9, 1945; 10:12 a. m.]

APPENDIX A—GENERAL RULINGS UNDER EXECUTIVE ORDER NO. 8389, APRIL 10, 1940, AS AMENDED, AND REGULATIONS ISSUED PURSUANT THERETO

CURRENCY AND SECURITIES COMING FROM PANAMA CANAL ZONE INTO U. S.

AUGUST 9, 1945.

General Ruling No. 7, as amended, under Executive Order No. 8389, as amended, Executive Order No. 9193, as amended, sections 3 (a) and 5 (b) of the Trading With the Enemy Act, as amended by the First War Powers Act, 1941, relating to foreign funds control.

General Ruling No. 7 is hereby amended to read as follows:

The provisions of General Ruling No. 5, as amended, are extended to currency and securities or evidences thereof coming from the Panama Canal Zone into any other part of the United States.

(Sec. 3 (a), 40 Stat. 412; sec. 5 (b), 40 Stat. 415 and 966; sec. 2, 48 Stat. 1; 54 Stat. 179; 55 Stat. 838; E.O. 8389, April 10, 1940, as amended by E.O. 8785, June 14, 1941, E.O. 8832, July 26, 1941, E.O. 8963, Dec. 9, 1941 and E.O. 8998, Dec. 26, 1941; E.O. 9193, July 6, 1942, as amended by E.O. 9567, June 8, 1945; Regulations, April 10, 1940, as amended June 14, 1941, and July 26, 1941)

[SEAL] FRED M. VINSON,
Secretary of the Treasury.

[F. R. Doc. 45-14670; Filed, Aug. 9, 1945; 10:12 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter VIII—Foreign Economic Administration

Subchapter B—Export Control

[Amdt. 75]

PART 810—LIMITED PRODUCTION LICENSE FOR FARM MACHINERY "LPL"

GENERAL PROVISIONS

Section 810.1 *General provisions* is hereby amended by adding to the list of Department of Commerce Schedule B numbers therein, the following numbers: "606200, 606300, 612100, 724100."

This amendment shall become effective immediately upon publication.

(Sec. 6, 54 Stat. 714; Pub. Law 75, 77th Cong.; Pub. Law 638, 77th Cong.; Pub. Law 397, 78th Cong.; Pub. Law 99, 79th Cong.; E.O. 8900, 6 F.R. 4795; E.O. 9361, 8 F.R. 9861; Order No. 1, 8 F.R. 9938; E.O. 9380, 8 F.R. 13081; Delegation of Authority No. 20, 8 F.R. 16235; Delegation of Authority No. 21, 8 F.R. 16320)

Dated: August 2, 1945.

S. H. LEBENSBURGER,
Director,
Requirements and Supply Branch,
Bureau of Supplies.

[F. R. Doc. 45-14650; Filed, Aug. 8, 1945; 1:54 p. m.]

[Amdt. 76]

PART 814—LIMITED PRODUCTION LICENSE FOR SMALL CALIBER AMMUNITION (.22 CALIBER AND UNDER) "LPL"

Sec.
814.1 Destinations.
814.2 General provisions.
814.3 Clearance for export.
814.4 Period of validity.

AUTHORITY: §§ 814.1 to 814.4, inclusive, issued under sec. 6, 54 Stat. 714; Pub. Law 75, 77th Cong.; Pub. Law 638, 77th Cong.; Pub. Law 397, 78th Cong.; Pub. Law 99, 79th Cong.; E.O. 8900, 6 F.R. 4795; E.O. 9361; 8 F.R. 9861; Order No. 1, 8 F.R. 9938; E.O. 9380, 8 F.R. 13081; Delegation of Authority No. 20, 8 F.R. 16235; Delegation of Authority No. 21, 8 F.R. 16320; Delegation of Authority No. 55, 9 F.R. 7512.

§ 814.1 *Destinations.* The provisions of this part apply only to exporations to destinations included in Country Group K as set forth in paragraph (a) of § 802.3 of this subchapter.

§ 814.2 *General provisions.* (a) There is hereby established a limited production license designated "LPL", authorizing, subject to the other provisions of this part, the exportation to Group K destinations of any of the following types of small caliber ammunition (.22 caliber and under) manufactured for export under the provisions of War Production Board Order L-286 and classified under one of the following Schedule B numbers:

Commodity, Schedule B Number, and Unit of Reporting
Balls, 948101, round.
Tracers, 948103, round.
Ammunition for small arms, n. e. s. 948163, round.
Shotgun shells, 948162, units.
Fuses for guns, 948701, units.
Primers for guns, 948702, units.

(b) Any person, who is a manufacturer, or the agent of a manufacturer, authorized, under the provisions of War Production Board Order L-286, to produce for export any of the types of small caliber ammunition (.22 caliber and under) described in paragraph (a) of this section, may, as an alternative procedure to the filing of applications for individual licenses, file an "Application for Limited Production License" accompanied by an "Application for Distribution Schedule for Small Caliber Ammunition (.22 Caliber and Under)" on the forms prescribed by the Foreign Economic Administration. All of the terms, conditions, provisions and instructions contained in such forms are hereby incorporated as a part of the regulations in this subchapter. All such applications shall contain such information as may be required by the Foreign Economic Administration, subject to the approval of the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

(c) A separate and complete application and distribution schedule, in triplicate, shall be filed for the quantity of each type of small caliber ammunition described in paragraph (a) of this section, which the applicant desires to export to Group K destinations during each calendar quarter, commencing with the third calendar quarter of 1945. Applications for limited production licenses for export of small caliber ammunition during the third calendar quarter of 1945 shall be filed with the Requirements and Supply Branch, Foreign Economic Administration, Washington 25, D. C., as soon as possible after the effective date of this regulation, and applications for

succeeding calendar quarters shall be filed on or before the 15th day of the month immediately preceding the calendar quarter for which the application is made.

(d) Any exporter whose application for a limited production license and related application for a distribution schedule for small caliber ammunition has been approved by the Foreign Economic Administration may, during the period of validity of the license, export under such license to each country or group of countries listed in the related distribution schedule not more than the quantity and type of small caliber ammunition approved by the Foreign Economic Administration for export to each such country or group of countries in said distribution schedule.

(e) Limited production licenses and related distribution schedules for small caliber ammunition may be amended by the Foreign Economic Administration upon application of the holder of such license in the form of a letter addressed to the Requirements and Supply Branch, Foreign Economic Administration, Washington 25, D. C. Amendments will be issued by the Foreign Economic Administration by letter which shall be considered a part of the limited production license and distribution schedule for small caliber ammunition to which the amendment is applicable.

§ 814.3 *Clearance for export.* (a) The provisions of § 801.7 of this subchapter shall not apply to exportations under any limited production license for small caliber ammunition. In lieu of the presentation of an original export license or other document issued by the Foreign Economic Administration, any exporter making an exportation of small caliber ammunition under a limited production license shall present to the United States Collector of Customs at the port of exit or the United States Postmaster at the place of mailing a Shipper's Export Declaration bearing the symbol "LPL" and the number of the limited production license for small caliber ammunition pursuant to which such exportation is being made.

(b) The use by any exporter of the symbol "LPL" on a Shipper's Export Declaration for the purpose of clearing an exportation of small caliber ammunition constitutes a certification by the exporter (1) that the exportation of the commodities described in such Shipper's Export Declaration is authorized under the limited production license therein identified to the destination specified; (2) that the type and quantity of such commodities are within the limitations set by the distribution schedule for small caliber ammunition relating to such license; and (3) that all of the other provisions and conditions of said license have been met.

§ 814.4 *Period of validity.* Limited production licenses for small caliber ammunition shall be valid for the calendar quarter for which issued and for a further period of 60 days after the expiration of such calendar quarter unless the period of validity is reduced or extended by the Foreign Economic Administration. All limited production licenses for small caliber ammunition are subject to revocation or revision at any time by the Foreign Economic Administration.

This amendment shall become effective immediately upon publication.

Dated: July 27, 1945.

WALTER FREEDMAN,
Deputy Director,
Requirements and Supply Branch,
Bureau of Supplies.

[F. R. Doc. 45-14651; Filed, Aug. 8, 1945; 1:54 p. m.]

Chapter IX—War Production Board

AUTHORITY: Regulations in this chapter, unless otherwise noted at the end of documents affected, issued under sec. 2 (a), 54 Stat. 676, as amended by 55 Stat. 236, 56 Stat. 177, 58 Stat. 827; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; W.P.B. Reg. 1 as amended Dec. 31, 1943, 9 F.R. 64.

PART 1010—SUSPENSION ORDERS

[Suspension Order S-879]

LEMANARO REALTY CO. ET AL.

Lemanaro Realty Company, an Indiana corporation, of 5255 Hohman Avenue, Bloom's Furs, Hammond, Indiana, as owner, began construction of an addition, to be used as retail service establishments, in November 1944, to a building at 5255-59 Hohman Avenue, Hammond, Indiana. Philip Zweig of 1959 Broadway, Gary, Indiana, acted as contractor for said construction, and supplied labor and certain new materials in connection therewith. The work consisted of an addition to the rear of said building at a contract price of approximately $12,000, exclusive of certain used materials to be incorporated therein. Said construction was started without permission or approval of the War Production Board and in violation of Conservation Order L-41, and was continued until an investigator of the War Production Board visited said premises and a "stop telegram" was sent to the respondent, Lemanaro Realty Company, at which time approximately $8,000 had been paid by the Lemanaro Realty Company to Philip Zweig for work performed in connection with said construction.

Lemanaro Realty Company and Philip Zweig had general knowledge that there were War Production Board restrictions on building and construction, and the beginning and carrying on of aforesaid construction without War Production Board authorization or permission constituted a violation of Conservation Order L-41, such violation being a result of the respondents' gross negligence.

This violation of Conservation Order L-41 has diverted critical materials to uses not authorized by the War Production Board. In view of the foregoing, it is hereby ordered that:

§ 1010.879 *Suspension Order S-879.* (a) Lemanaro Realty Company and Philip Zweig, their successors or assigns, shall not do any construction on the building at 5255-59 Hohman Avenue, Hammond, Indiana, or upon the addition thereto, including completing or altering of said building or addition thereto, or connecting any equipment or fixtures, unless hereinafter specifically authorized in writing by the War Production Board.

(b) The restrictions and prohibitions contained herein shall apply to Lemanaro Realty Company and Philip Zweig, their successors or assigns, or persons acting on their behalf. Prohibitions against the taking of any action include the taking indirectly as well as directly of any such action.

(c) Nothing contained in this order shall be deemed to relieve the Lemanaro Realty Company or Philip Zweig, their successors or assigns from any restriction, prohibition or provision contained in any other order or regulation of the War Production Board except insofar as the same may be inconsistent with the provisions hereof.

Issued this 8th day of August 1945.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 45-14657; Filed, Aug. 8, 1945; 4:23 p. m.]

PART 3290—TEXTILE, CLOTHING AND LEATHER

[Conservation Order M-328B, Amdt. 4 to Schedule B]

SPECIAL PROGRAM FOR COTTON AND WOOL MACHINE KNITTED ITEMS

Section 3290.120b *Schedule B to Conservation Order M-328B* is hereby amended in the following respect:

Amend paragraph (f) to read as follows:

(f) *Priorities assistance for component parts.* Persons applying for priorities assistance under this schedule may apply for cotton or rayon fabrics, ribbons, tapes, braids or stays, sewing thread and buttons in quantities needed for incorporation into the number of units for which priorities assistance is requested. Applications for cotton materials shall be made on form WPB-2842 filed with the Textile, Clothing and Leather Bureau, War Production Board, Washington 25, D. C., and for rayon materials and buttons on form WPB-541, filed with the Textile, Clothing and Leather Bureau, War Production Board, Washington 25, D. C. Such applications will be approved to the extent of available materials and to the extent that allocations are made for the production of items. A base period manufacturer who files forms WPB-2842 and WPB-541 for the third calendar quarter of 1945 by August 31, 1945, may, as soon as he files his application, apply an AA-3 rating for the purchase of cotton or rayon fabrics, ribbons, tapes, braids or stays and buttons (but not thread) for delivery in that quarter for incorporation into the items for which he has made application on form WPB-3732. He may do so only for 66⅔% of the quantity of each of these components for which application was made. Components purchased under this provision shall be deducted by the manufacturer from the total quantity for which priorities assistance is granted on forms

WPB–2842 and WPB–541. If the applicant does not receive a grant of the entire quantity thus rated, he shall, upon notification of his grant by the War Production Board, immediately cancel orders for any undelivered quantities which are in excess of his grant.

Issued this 8th day of August 1945.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 45–14656; Filed, Aug. 8, 1945; 4:23 p. m.]

PART 1010—SUSPENSION ORDERS

[Suspension Order S–796, Reinstatement and Amendment]

MAX LAWRENCE & CO.

Max Lawrence & Company, a partnership composed of Max Lawrence and Elsie Lawrence, his wife, of 13 West 37th Street, New York City, engaged as a "converter" of textiles, was suspended on May 30, 1945, by Suspension Order No. S–796. They appealed from the provisions of the suspension order, and pending determination of the appeal, the suspension order was stayed by the Chief Compliance Commissioner on May 30, 1945 for a period of seven days ending June 5, 1945. The suspension order was further stayed by the Chief Compliance Commissioner on June 5, 1945 pending determination of the appeal or until further order by the Chief Compliance Commissioner or his Deputy. The appeal has been considered by the Chief Compliance Commissioner who has dismissed the appeal and directed that the stay be terminated and the suspension order reinstated.

In view of the foregoing: it is hereby ordered, that: § 1010.796, *Suspension Order No. S–796* issued May 23, 1945, and effective May 30, 1945, be and hereby is reinstated effective August 9, 1945, to expire March 9, 1946; the stay of execution directed by the Chief Compliance Commissioner on June 5, 1945, be and hereby is revoked effective August 8, 1945; and that the suspension order be modified by striking paragraphs (a), (c), (d), and (h) therefrom and substituting the following paragraphs:

(a) Max Lawrence and Elsie Lawrence shall not, from the effective date of this order to and including March 9, 1946, apply or extend any preference ratings regardless of the delivery date named in any purchase order to which such ratings may be assigned, applied or extended.

(c) All preference ratings, allotments and allocations presently outstanding in connection with purchase orders for the delivery of woven, felted, knitted and braided fabrics of cotton, wool, or synthetic yarns and blends of the foregoing presently outstanding or placed by Max Lawrence & Company prior to the termination of this order, i. e.—March 9, 1946, are void and shall not be given any effect by suppliers of said Max Lawrence & Company, by any other person or persons.

(d) Max Lawrence and Elsie Lawrence shall not from the effective date of the suspension order to and including March 9, 1946, receive or accept delivery of woven, felted, knitted, and braided fabrics of cotton, wool or synthetic yarns or blends of the foregoing, unless specifically authorized in writing by the War Production Board.

(h) This order shall take effect on August 9, 1945.

Issued this 31st day of July 1945.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 45–14733; Filed, Aug. 9, 1945; 11:29 a. m.]

PART 1010—SUSPENSION ORDERS

[Suspension Order S–864]

JOHNSON & WIMSATT, INC.

Johnson & Wimsatt, Inc., a corporation with its principal place of business at Ninth & Maine Streets SW, Washington, D. C., is engaged in the business of selling lumber, hardboard and other building materials. Between August 1, 1944 and March 31, 1945, the company placed orders bearing preference ratings of AA–1 for 1,574,352 square feet of hardboard, when it was authorized to use this preference rating to obtain only 877,789 square feet; between March 6 and March 9, 1945, it applied or extended unauthorized preference ratings of AA–1 to the National Gypsum Company on three purchase orders for six carloads of hardboard; and on March 13, 1945, it applied or extended an unauthorized preference rating of AA–1 to the Certain-teed Products Corporation for two carloads of hardboard, all in violation of Priorities Regulation No. 3. The responsible officer of Johnson & Wimsatt, Inc., was aware of the provisions of Priorities Regulation No. 3, and its actions constituted wilful violations thereof.

These violations diverted critical materials to uses not authorized by the War Production Board. In view of the foregoing, it is hereby ordered, that:

§ 1010.864 *Suspension Order No. S–864.* (a) Johnson & Wimsatt, Inc. shall not for three months from the effective date of this order apply or extend any preference ratings to obtain any hardboard regardless of the delivery date named in any purchase order to which such ratings may be applied or extended.

(b) Johnson & Wimsatt, Inc., shall cancel immediately all preference ratings which it has applied or extended to orders for hardboard which have not yet been filled, except hardboard already in transit for delivery to it on the effective date of this order.

(c) The restrictions and prohibitions contained herein shall apply to Johnson & Wimsatt, Inc., its successors and assigns and persons acting in its behalf. Prohibitions herein against the taking of any action include the taking indirectly as well as directly of any such action.

(d) Nothing contained in this order shall be deemed to relieve Johnson & Wimsatt, Inc., from any restriction, prohibition or provision contained in any other order or regulation of the War Production Board, except insofar as the same may be inconsistent with the provisions hereof.

(e) This order shall take effect on the 9th day of August 1945.

Issued this 2d day of August 1945.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 45–14734; Filed, Aug. 9, 1945; 11:29 a. m.]

PART 1010—SUSPENSION ORDERS

[Suspension Order S–881]

VETERANS OF FOREIGN WARS, LUZON-ARGONNE POST NO. 827 AND HOME ASSOCIATION, INC.

Veterans of Foreign Wars, Luzon-Argonne Post No. 827, a voluntary association with offices at 230½ North Rose Street, Kalamazoo, Michigan, operates a club house located at 491 West Michigan Avenue, Kalamazoo, Michigan. Home Association, Inc., of 230½ North Rose Street in the same city is the owner of the foregoing premises in which the club house is located. In October 1944, without authorization from the War Production Board, they did construction on the club house at a cost of $18,000 which amount exceeded an express authorization permitting the expenditure of only $6,375 for such construction, in violation of Conservation Order L–41. The officers of the association and the corporation were aware of the provisions of Conservation Order L–41 and their actions constituted wilful violations thereof.

This violation has diverted critical materials to uses unauthorized by the War Production Board. In view of the foregoing, it is hereby ordered, that:

§ 1010.881 *Suspension Order No. S–881.* (a) Neither the Veterans of Foreign Wars, Luzon-Argonne Post No. 827, Home Association, Inc., their successors or assigns, nor any other person shall do any construction work on the premises located at 491 West Michigan Avenue, Kalamazoo, Michigan, including putting up, altering or finishing the structure, unless hereafter specifically authorized in writing by the War Production Board.

(b) Nothing contained in this order shall be deemed to relieve Veterans of Foreign Wars, Luzon-Argonne Post No. 827, Home Association, Inc., their successors or assigns, from any restriction, prohibition or provision contained in any other order or regulation of the War Production Board except insofar as the same may be inconsistent with the provisions hereof.

Issued this 9th day of August 1945.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 45–14735; Filed, Aug. 9, 1945; 11:29 a. m.]

PART 1010—SUSPENSION ORDERS

[Suspension Order S–883]

JOHN J. CLATFELTER

John J. Clatfelter, of 1616 East Fourth Street, Royal Oak, Michigan, without permission of the War Production Board, did construction between August 1, 1944, and April 24, 1945, of five residential structures at North Bay, Houghton Lake, Michigan, the estimated cost of each of which was in excess of $200.00 in violation of Conservation Order L–41. John J. Clatfelter should have known of Conservation Order L–41 and his beginning and carrying on of this construction constitutes a grossly negligent violation of that order.

This act of violation has diverted critical materials to the uses not authorized by the War Production Board. In view of the foregoing, it is hereby ordered that:

§ 1010.883 *Suspension Order S–883.* (a) John J. Clatfelter shall do no construction on the premises at North Bay, Houghton Lake, Michigan, including putting up, altering, or finishing any structures thereon, unless hereafter specifically authorized in writing by the War Production Board.

(b) Nothing contained in this order shall be deemed to relieve John J. Clatfelter from any restriction, prohibition or provision contained in any other order or regulation of the War Production Board except insofar as the same may be inconsistent with the provisions hereof.

(c) The restrictions and prohibitions contained herein shall apply to John J. Clatfelter, his successors or assigns, or persons acting on his behalf. Prohibitions against the taking of any action include the taking indirectly as well as directly of any such action.

Issued this 9th day of August 1945.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 45–14736; Filed, Aug. 9, 1945; 11:29 a. m.]

PART 1010—SUSPENSION ORDERS

[Suspension Order S–884]

PROCESS LITHOGRAPH CO.

Process Lithograph Company, a Michigan corporation, with offices at 2863 East Grand Boulevard, Detroit, Michigan, owns and operates a commercial printing establishment. During the second and fourth quarters of 1944 the company used, for commercial printing, 42,998 pounds of paper in excess of its quarterly consumption quota, in violation of Limitation Order L–241. During December, 1944, and thereafter, the company did construction of an office building at 2863 East Grand Boulevard, Detroit, Michigan, at an estimated cost in excess of the amount permitted by, and in violation of Conservation Order L–41. The officers of the company were aware of the restrictions of Conservation Order L–41, and its actions constituted a grossly negligent violation thereof.

These violations have diverted critical materials to uses unauthorized by the War Production Board. In view of the foregoing, it is hereby ordered, that:

§ 1010.884 *Suspension Order No. S–884.* (a) In each of the third and fourth calendar quarters of 1945 and the first calendar quarter of 1946, Process Lithograph Company shall reduce its use of paper for commercial printing by 14,333 pounds under the quota it would otherwise be entitled to use during these quarters as specified by the provisions of Limitation Order L–241, unless otherwise specifically authorized in writing by the War Production Board.

(b) For a period of one year from the effective date of this order, no authorization to begin any new construction to be erected in whole or in part by the Process Lithograph Company shall be granted, except as may hereafter be specifically authorized in writing by the War Production Board as an exception to, or in modification of this order.

(c) Nothing contained in this order shall be deemed to relieve Process Lithograph Company from any restriction, prohibition or provision contained in any other order or regulation of the War Production Board, except insofar as the same may be inconsistent with the provisions hereof.

(d) The restrictions and prohibitions contained herein shall apply to Process Lithograph Company, its successors or assigns or persons acting on its behalf. Prohibitions against the taking of any action include the taking indirectly as well as directly of any such action.

Issued this 9th day of August 1945.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 45–14737; Filed, Aug. 9, 1945; 11:29 a. m.]

PART 1075—CONSTRUCTION

[L–41, Direction 6]

COMPLETION OF PROJECTS WHICH WERE STARTED IN VIOLATION OF L–41 AND HAVE BEEN STOPPED

The following direction is issued pursuant to Limitation Order L–41:

(a) In the past certain construction jobs costing more than the limits provided in L–41 have been stopped as a result of action by the War Production Board. This action may have taken various forms. In some cases the War Production Board has obtained injunctions in the Federal Courts against continuance of construction. In other cases a suspension order or a consent order or a "stop construction" telegram has been issued directing the builder to cease construction on a project. In other cases telegrams have been sent warning builders to "stop violating" Conservation Order L–41.

(b) The limits on the cost of construction permissible without War Production Board authorization under L–41 have been raised by recent amendments. Accordingly, some construction jobs which were violations when started would now be permissible without application. It is the general policy of the War Production Board in such cases to release the builder from the restrictions imposed by the issuance of "stop construction" telegrams, suspension or consent orders or to recommend to the Court which granted the injunction that it be amended or dismissed. Releases from these restrictions will not be given, however, nor will recommendations be made to the Court in the case of an injunction, where completion of the construction would interfere with the war effort.

(c) If the total cost of the entire construction job, including both the cost of the part of the work previously done and the cost of its completion, is within the present appplicable annual limit under paragraph (d) (1) of L–41 (after subtracting from the allowance the cost of any other jobs done on the unit within the present calendar year), and if the builder has stopped construction either voluntarily or because of a telegram from an official of the War Production Board instructing him to "stop violating" L–41, the builder may proceed with the work without consulting the War Production Board.

(d) On the other hand, if the continuance of the particular construction job has been specifically forbidden by an official "stop construction" telegram or by a consent or suspension order issued by the War Production Board or by an injunction granted by court, then it is necessary to apply for relief from the telegram, order or injunction before resuming construction, in spite of the fact that the cost of the entire construction job is within the present applicable annual limit under paragraph (d) (1) of L–41 and no priorities assistance is needed. If a suspension order has been issued, the request for relief should be made to the Chief Compliance Commissioner, War Production Board, Washington 25, D. C. If a consent order or "stop construction" telegram has been issued, the request should be made to the nearest field office of the War Production Board. If an injunction has been issued, the request for relief should be made to the Court which granted the injunction (in order to expedite the request, it is suggested that the information requested below be given to the War Production Board field office at the time relief is requested from the Court). The request should contain a statement of the nature and cost of the work previously done and a statement of the nature and cost of the work required for completion. The request should also state whether any other construction work has been done on the unit in question during the present calendar year.

(e) The instructions given above apply when authorization under L–41 is not needed for the completion of the job. If the total cost of the entire construction job, including both the cost of the part of the work previously done and the cost of completion, is in excess of the limit provided in paragraph (d) (1) of L–41, an application for permission under L–41 to complete the job should be filed as indicated in paragraph (f) of that order. The applicant should give, either on the application or in a letter attached to the application, full information about beginning the construction (including a statement of the nature and cost of the work previously done and a statement of the nature and cost of the work required for completion) and about the circumstances under which construction was stopped, referring particularly to any stop telegram, suspension or consent order or injunction. An application may also be filed for priorities assistance for work which may be resumed without getting permission under L–41 (as indicated in paragraph (c)), in which case the instructions previously given in this paragraph should be followed.

Issued this 9th day of August 1945.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 45–14730; Filed, Aug. 9, 1945; 11:29 a. m.]

PART 3290—TEXTILE, CLOTHING AND LEATHER

[Conservation Order M-103, as Amended Aug. 9, 1945]

DYESTUFFS AND ORGANIC PIGMENTS

§ 3290.266 *Conservation Order M-103*—(a) *Definitions.* For the purposes of this order:

(1) "Dyestuffs" means any organic or partially organic coloring matter. The term includes organic coloring matter even though the matter itself appears colorless. The term does not include inorganic pigments extended or otherwise processed with resinates, with dispersing agents, or with other substantially colorless organic material.

(2) "Class A dyestuffs" means the anthraquinone vat dyes appearing on List A attached hereto.

(3) "Class B dyestuffs" means all anthraquinone vat dyes other than those appearing on said List A. The term includes Fast Red A. L. Salt and Fast Red A. L. Base, which shall be considered an anthraquinone vat dye of single strength.

(4) "Class C dyestuffs" means all anthraquinone dyes other than anthraquinone vat dyes.

(5) "Class D dyestuffs" means all other dyestuffs, except:

(i) Those derived from vegetable or animal sources;

(ii) Lithol Red CI 189, Azo Bordeaux CI 88, Alphanaphthylamine Maroon CI 82 or Pigment Green B; or

(iii) Dyestuffs certified under the provisions of the Federal Food, Drug and Cosmetic Act (Ch. 9, Title 21, U. S. Code) and sold and used exclusively for use in food, drugs and cosmetics, as defined in said Act.

(6) "Value" means the dollar value computed from the domestic consumer's contract sales price as of January 1, 1943.

(7) "United States" means the 48 States, the District of Columbia and the Territory of Alaska.

(8) "Producer" means any person in the United States engaged in the production of organic coloring matter.

(b) *Restrictions on delivery*—(1) *Class A.* No person shall in any calendar quarter deliver to any one person more than 25 pounds of any Class A dyestuffs and no one person shall in any calendar quarter accept a total of more than 25 pounds of any Class A dyestuffs for use in the United States or Canada, except for export within the limitations prescribed in paragraph (c) *Restrictions on export* and except as provided in paragraph (d) *General exceptions.* However, in any quarter any person may deliver or accept delivery of Class A dyestuffs in an amount not in excess of his quota of Class B dyestuffs, *Provided, however,* That his total deliveries or acceptance of deliveries of Class A and Class B dyestuffs shall not exceed the amount of his Class B quota.

(2) *Class B, C and D quotas.* Except as provided in paragraph (d) (*General exceptions*) and in paragraph (b) (3), no person shall in any calendar quarter, deliver any Class B, C, or D dyestuffs for use in the United States or Canada or accept delivery of any Class B, C, or D dyestuffs for use in the United States, in excess of the quantities specified in the following schedule:

May deliver	*May accept delivery*
Class B. 25% of combined amount of Class A and B dyestuffs delivered to all persons in 1941 for such use plus 250 pounds.	25% of combined amount of Class A and B dyestuffs received from all sources in 1941, plus 250 pounds.
(For the purpose of Class B quota, calculate in pounds of equivalent single strength Anthraquinone vat dyes. The poundage may be increased to equal 25 or a multiple thereof.)	
Class C. 17½% of value of Class C dyestuffs delivered to all persons in 1941 for such use plus $250 value.	17½% of value of Class C dyestuffs received from all sources in 1941, plus $250 value.
May deliver	*May accept delivery*
Class D. 20% of value of Class D dyestuffs delivered to all persons in 1941 for such use plus $250 value.	20% of value of Class D dyestuffs received from all sources in 1941, plus $250 value.
(For the purpose of Class D quota, in determining the value of dry and wet dispersions of organic pigments, only the organic pigment content for such dispersions shall be considered and it shall be based on the value of a comparable dry pigment.)	

(3) *Acceptance of delivery of dyestuffs for redyeing used apparel and household furnishings.* Except as provided in paragraph (d) no person shall in any calendar quarter accept delivery of any Class B, C or D dyestuffs for redyeing used apparel and household furnishings in the United States in excess of the quantities specified in the following schedule:

Class B. 25% of combined amount of Class A and B dyestuffs received from all sources in 1941, plus 250 pounds.

(For the purpose of Class B quota, calculate in pounds of equivalent single strength Anthraquinone vat dyes. The poundage may be increased to equal 25 or a multiple thereof.)

Class C. 25% of value of Class C dyestuffs received from all sources in 1941, plus $250 value.

Class D. 25% of value of Class D dyestuffs, received from all sources in 1941, plus $250 value.

The seller may rely upon a signed statement by the buyer that he is authorized to accept delivery under this subparagraph (3). If he has knowledge of this fact, he may waive the signed statement.

(4) *Quota adjustments.* For the purpose of the Class B, C and D quotas, referred to in the above schedule:

(i) *Use by producer.* Amounts of dyestuffs which are or have been used by a producer in any calendar quarter or in 1941, shall be considered as having been delivered to such person in such quarter or in 1941, as the case may be.

(ii) *Credit for returned dyestuffs.* Amounts of dyestuffs returned to a vendor prior to the 22nd day after the end of the calendar quarter in which they were delivered, shall not be charged as delivered or accepted.

(iii) *Carry-over of undelivered quota.* Amounts of dyestuffs which a person may deliver or accept which have not been delivered or accepted in any calendar quarter, may be delivered or accepted prior to the 22nd day after the end of such quarter.

(c) *Restrictions on exports*—(1) *General restrictions.* No person or corporation shall export or deliver for export from the United States to any place other than Canada any dyestuffs except either upon orders accompanied by individual export licenses issued by the Foreign Economic Administration (the applications for which show thereon the corresponding current domestic sales price of such dyestuffs) or upon orders from an agency of the United States for delivery pursuant to the Act of March 11, 1941, as amended, entitled "An Act to promote the Defense of the United States" (Lend-Lease Act). The applications for licenses must be accompanied by a statement that the amount requested for export is within the applicant's export quota under this order. The total value, exclusive of the exceptions provided in paragraph (d), of dyestuffs so exported or delivered in any quarter shall not exceed:

(i) 1⅛% of the total value of all dyestuffs delivered by him in 1941 plus

(ii) 25½% of the total value of dyestuffs exported or delivered for export by him from the United States to all places other than Canada in 1941.

(2) *Further restrictions on Class A, B and C.* The amount of dyestuffs, exclusive of the exceptions provided in paragraph (d), which may be exported or delivered for export from the United States to all places other than Canada in any calendar quarter, shall not exceed:

(i) As to Class A dyestuffs, ½ of 1% of the total value of all Class A dyestuffs delivered by him in 1941.

(ii) As to Class B dyestuffs, 2% of the total of all Class B dyestuffs delivered by him in 1941.

(iii) As to Class C dyestuffs, 2¼% of the total value of all Class C dyestuffs delivered by him in 1941.

(3) *Carry-over of undelivered portion of export quota.* Amounts of dyestuffs which may be exported or delivered for export from the United States to all places other than Canada in any calendar quarter and which have not been exported or delivered for export in such quarter, may be exported or delivered for export in the following quarter in addition to the quota for that quarter. For the purposes of this subparagraph (3), all dyestuffs, other than Class A, B or C, shall be considered one class.

(d) *General exceptions.* (1) The restrictions in subparagraphs (1), (2) and (3) of paragraph (b) *Restrictions on delivery* shall not apply to the delivery or acceptance of delivery of dyestuffs between or among producers and exclusive sales agents of producers.

(2) The restrictions in subparagraphs (1), (2) and (3) of paragraph (b) *Restrictions on delivery* and the restrictions in paragraph (c) *Restrictions on export* shall not apply to the delivery or acceptance of delivery of dyestuffs:

(i) To or by the Army or Navy of the United States, the United States Maritime Commission, the War Shipping Administration, the United States Post Office, the Government Printing Office, the Bureau of Engraving and Printing, or the Government of Canada;

(ii) For ultimate delivery to any of the agencies mentioned in subparagraph (i) of this paragraph (d) (2) or for use to the extent specified in the prime contract, in the manufacture of any item which is being produced for any of said agencies;

(iii) For use in the manufacture of materials for uniforms as described in subdivisions (i) to (ix), inclusive, of paragraph (e) (1) of General Limitation Order L-224 (Clothing for Men and Boys) and in paragraph (d) (10) of General Limitation Order L-85 (Apparel for Feminine Wear);

(iv) For coloring gasoline and tractor fuels;

(v) For chemical indicators or bacteriological stains;

(vi) For medicinal, therapeutic or diagnostic uses;

(vii) For ultimate delivery to or by a retailer (who for this purpose means one who sells dyestuffs and other merchandise directly to the general public for its consumption, e. g., a general store, a drugstore, etc.) of dyestuffs in containers not exceeding 8 ounces in content;

(viii) To replace in inventory amounts which, although not acquired for any of the uses referred to in any of the subparagraphs of this paragraph (d), (2) were nevertheless used for one or more of such purposes; or

(ix) For purposes other than coloring (e. g. rubber chemicals);

Provided, That all deliveries of dyestuffs exempted from the restrictions of said paragraphs (b) and (c) by subparagraphs (1), (2) (ii), (iii), (iv), (v), (vi) or (viii) of this paragraph (d), shall be made only upon the receipt by the vendor from the purchaser of the certificate signed by such purchaser, or by a person authorized to sign in his behalf, in substantially the following form:

The undersigned hereby certifies to his vendor and to the War Production Board that the dyestuffs to be delivered on the annexed purchase order will be used for one or more of the purposes specified in paragraph (d) of Conservation Order M-103, or will replace inventory so used.

_____ (Date)

_____ (Name of purchaser)

By _____

(Name & title of duly authorized official)

(e) The War Production Board may authorize the delivery and acceptance of delivery, export of and delivery for export of additional quantities of Classes A, B, C and D dyestuffs to be used as specifically directed. Such authority will be issued either in the form of individual letters or by published Directions supplemental to this order. Applications by letter for authorizations under this paragraph may be filed by producers of dyestuffs or commercial dyestuff users. Authorizations for the delivery and acceptance of delivery of additional quantities of Classes A, B, C, or D dyestuffs for domestic use (excluding dyestuffs to be used domestically in dyeing apparel for export) may be granted to the extent that it is necessary for the user to obtain additional dyestuffs to carry out a War Production Board order, direction, or approved program. Additional dyestuffs shall be deemed necessary when the user has insufficient supply of dyestuffs to carry out such orders, directions, or approved programs provided he is not using any of his regular quota to dye or print any material a deeper shade than a standard consistent with available supplies of dyestuffs and the need for the particular shades in carrying out War Production Board orders, directions, and approved programs. The granting of authorizations among dyestuff users participating in the same approved program or direction shall, insofar as practicable, be based on their proportionate participation in such program or direction. Authorizations for dyestuffs to be used in dyeing apparel for export may be granted when the dyestuffs will be used to fill contracts or subcontracts of a government agency or for other essential export uses. Authorization which in the aggregate would require more than a total of 2 per cent of the domestic dyestuff production for export as dyestuffs, or for use in redyeing apparel for export, will be granted only upon program determinations.

Any person who did not deliver or accept deliveries of dyestuffs covered by this order during 1941 may, nevertheless, on application to the War Producttion Board be granted quotas on an equitable basis in view of the quotas of other persons in the industry. This application should be made by letter stating the products the applicant proposes to manufacture which will require dye intermediates or dyestuffs; and what his present facilities are for the manufacture or processing of these products. Quotas for delivery or acceptance of deliveries of dyestuffs will be granted where this will not require materials, facilities or labor needed for war purposes and will not otherwise adversely affect or interfere with production for war purposes.

(f) *Treatment of mixtures.* In the case of physical mixtures of different classes of dyestuffs containing a component or components of one class to the extent of at least 90% of the value of such mixture, such mixtures shall be considered as belonging to the class to which said component or components belong. In the case of all other physical mixtures of dyestuffs, the classes of components shall be considered separately.

(g) *Restrictions on use of specific dyestuffs.* No person shall use any:

(1) [Deleted Oct. 23, 1943.]

(2) Anthraquinone in any physical form in discharging (including color and white discharge), stripping or destroying naphthol (azoic), vat or other dyes already present on textile fibers. This provision shall not prohibit the use of Anthraquinone in the manufacture of dyestuffs.

(3) Annato or annato extracts for coloring any materials other than food products.

(h) *Restrictions on inventory.* In addition to the restrictions on inventory contained in Priorities Regulation No. 1 (§ 944.14), no person shall accept delivery of any Class A dyestuffs which will increase his inventory thereof beyond an amount which, to the best of his knowledge and belief, will be used by him in the next 45 days.

(i) *Appeals.* Any appeal from the provisions of this order shall be made by filing a letter in triplicate, referring to the particular provision appealed from and stating fully the grounds of the appeal.

(j) *General prohibitions.* No person shall deliver or accept delivery of any dyestuffs, if he knows, or has reason to believe, such material is to be used or is to be delivered or accepted in violation of the terms of this order.

(k) *Violations.* Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using material under priority control and may be deprived of priorities assistance.

(l) *Applicability of regulations.* This order and all transactions affected thereby are subject to all applicable regulations of the War Production Board, as amended from time to time.

(m) *Communications to the War Production Board.* All communications concerning this order, shall, unless otherwise directed in writing, be addressed to: War Production Board, Textile, Clothing and Leather Bureau, Washington 25, D. C., Reference: M-103.

Issued this 9th day of August 1945.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

LIST A

PART I—TECHNICAL NAMES

1. Brown R CI 1151.
2. Brown G CI 1152.
3. Olive R CI 1150.
4. Golden orange R CI 1097.
5. Khaki 2G Pr 122.
6. Olive T.
7. Olive GGL.
8. Olive green B.

PART II—TRADE NAMES

Amanthrene dark olive B.
Amanthrene Khaki 2G Pr 122.
Amanthrene olive R CI 1150.
Amanthrene olive green B.
Calcoloid golden orange RRTD CI 1097.
Calcosol brown G CI 1152.
Calcosol brown R CI 1151.
Calcosol brown RP CI 1151.
Calcosol golden orange RRTL CI 1097.
Calcosol golden orange RRTP CI 1097.
Calcosol khaki G Pr 122.
Calcosol olive R CI 1150.
Carbanthrene brown AR CI 1151.
Carbanthrene brown AG CI 1152.
Carbanthrene golden orange RRT CI 1097.
Carbanthrene prtg. golden orange RRT CI 1097.
Carbanthrene khaki 2G Pr 122.
Carbanthrene olive R CI 1150.
Cibanone brown BG CI 1152.
Cibanone brown GR CI 1151.
Cibanone golden orange 2R CI 1097.
Cibanone olive 2R CI 1150.
Indanthrene brown FRA CI 1151.
Indanthrene brown GA CI 1152.
Indanthrene brown GAF CI 1152.
Indanthrene brown GAP CI 1152.
Indanthrene brown GWF CI 1152.
Indanthrene brown GWP CI 1152.
Indanthrene brown RA CI 1151.
Indanthrene brown RAP CI 1151.
Indanthrene brown RWP CI 1151.
Indanthrene khaki 2GA Pr 122.
Indanthrene khaki 2GF Pr 122.
Indanthrene khaki 2GWP Pr 122.
Indanthrene olive green BA.
Indanthrene olive RA CI 1150.
Indanthrene olive RAP CI 1150.
Indanthrene olive RW CI 1150.
Indanthrene olive RWF CI 1150.
Indanthrene orange RRIA CI 1097.
Indanthrene orange RRTF CI 1097.
Indanthrene orange RRTP CI 1097.
Indanthrene orange RRTW CI 1097.
Indanthrene olive T.
Ponsol brown AG CI 1152.
Ponsol brown AR CI 1151.
Ponsol brown ARS CI 1151.
Ponsol green 2BL.
Ponsol golden orange RRT CI 1097.
Ponsol golden orange RRTS CI 1097.
Ponsol khaki 2G Pr 122.
Ponsol olive AR CI 1150.
Ponsol olive ARS CI 1150
Ponsol olive GGL.

[F. R. Doc. 45-14731; Filed, Aug. 9, 1945; 11:30 a. m.]

PART 3292—AUTOMOTIVE VEHICLES, PARTS AND EQUIPMENT

[General Limitation Order L-2-g, as Amended Aug. 9, 1945]

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of certain materials entering into the production of passenger automobiles for defense, for private account and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense.

§ 3292.36 *General Limitation Order L-2-g*—(a) *Definitions.* As used in this order.

(1) "Automobile" means any self-propelled vehicle designed for the purpose of carrying passengers, or the chassis therefor, with a seating capacity of not more than ten. The term "automobile" includes station wagons, taxicabs, ambulances and hearses.

(2) "Person" means any individual, partnership, association, business trust, corporation, or any organized group of persons, whether incorporated or not.

(3) "Producer" means any person who was regularly established in the business of manufacturing automobiles at any time during the period August 1, 1941 to November 30, 1941, or who at any subsequent date has received a written authorization to produce automobiles issued under this order.

(b) *Limitation on production of passenger automobiles.* The War Production Board will authorize the production of automobiles on and after July 1, 1945 by written authorizations, specifying the quantities and the period in which production is to be made. No person shall produce any automobiles except as so authorized.

(c) *Basis for authorizations.* (1) The War Production Board will determine the total number of automobiles the production of which can be permitted without interference with the war effort. This total will be divided among the different producers in the same proportion as the production which was authorized for the period August 1 to November 30, 1941, subject to such compensating adjustments as may be necessary to take care of new producers or for other reasons.

(2) Any person who was not established in 1941 as a producer of automobiles but who wishes to engage in that business and to receive a written authorization to produce automobiles, and any person who upon receipt from the War Production Board of a written authorization to produce automobiles believes that he is entitled to produce a larger quantity than authorized, may apply for permission to do so as explained in Priorities Regulation 25.

(d) *No general priorities assistance to be granted.* The War Production Board cannot undertake to assure producers that they will be able to get all the materials needed for the production authorized. It is not the policy of the Board to make allotments of controlled materials or to assign preference ratings to cover the authorized production.

(e) *Restrictions on various materials remain in effect.* A number of materials normally used in the production of automobiles are expected to continue in short supply and various War Production Board orders restricting their delivery or use remain in effect. Consequently, producers of automobiles and of automotive parts will, in many cases, have to find substitutes for such materials.

(f) *Prohibition on spare tires for new automobiles.* No producer shall equip any automobile with more than four new tires, nor shall any producer or any other person sell, ship or deliver any automobile equipped with more than four new tires.

(f) *Production subject to rationing by Office of Price Administration.* The automobiles, except ambulances and hearses, produced pursuant to this order will be subject to the rationing procedures of Ration Order 2-B or subsequent ration orders of the Office of Price Administration.

(g) *Applicability of War Production Board regulations.* This order and all transactions affected thereby are subject to all applicable provisions of the regulations of the War Production Board as amended from time to time.

(h) *Violations.* Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

(i) *Reports.* Producers shall file such reports as may be required from time to time by the War Production Board.

(j) *Communications.* All reports required to be filed under this order, and all communications concerning this order, shall, unless otherwise directed, be addressed to: Automotive Division, War Production Board, Washington 25, D. C., Ref: Order L-2-g.

Issued this 9th day of August 1945.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 45-14729; Filed, Aug. 9 1945; 11:30 a. m.]

PART 3293—CHEMICALS

[Conservation Order M-387 as Amended Aug. 9, 1945]

ROSIN

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of rosin for defense, for private account and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 3293.646 *Conservation Order M-387*—(a) *Definitions.* (1) "Gum and wood rosin" means gum and wood rosin as defined by the Naval Stores Act of March 3, 1923, and the regulations issued by the Acting Secretary of Agriculture on April 22, 1941 under that act. However, the term "rosin" when not expressly limited to gum or wood rosin, means the gum or wood rosin content of any intermediate product as well as gum or wood rosin as such.

(2) "Intermediate product" means any product containing gum or wood rosin capable of use in the manufacture of a Schedule A or B product. The term includes but is not limited to mixing and grinding vehicles containing rosin, esterified rosin (ester gum), rosin modified phenolic resin, rosin modified maleic or fumaric resins, rosin modified phthalic alkyd resins, gloss oil, and the following products as defined in General Preference Order M-340; heat-treated rosin, stabilized rosins, polymerized rosin and metal resinates. The only intermediate products which need not be considered for the purpose of this order are specified in paragraph (e) (2).

(3) "Manufacturer" means any person who uses rosin in the manufacture of any product, or any person who has rosin manufactured for him into any product pursuant to toll arrangement.

(4) "Producer" means any person who produces gum or wood rosin.

(5) "Rosin quota" means the amount of rosin any manufacturer may use in any calendar quarter for the manufacture of any product on Schedules A or B. Each manufacturer has a separate rosin quota for each product on Schedules A and B. His quota for a Schedule A product amounts to the percentage (set opposite that product) of the quantity of rosin he put into process for the manufacture of that product to fill all orders (both preferred and civilian) during the corresponding calendar quarter of 1944. His quota for a Schedule B product amounts to the percentage (set opposite each product) of the quantity of rosin he put into process for the manufacture of that product to fill civilian orders only during the corresponding calendar quarter of 1944.

(6) [Revoked May 30, 1945.]

(7) [Revoked May 30, 1945.]

(8) "Preferred order" means a purchase order for a product (i) if the order is rated under Preference Rating Orders P-65 or P-149; or (ii) if the product is to be delivered to, used on, or incorporated in material and equipment to be delivered to the United States Army, Navy, Marine Corps, Coast Guard, Veterans' Administration, Maritime Commission, War Shipping Administration, War Food Administration, Bureau of Engraving and Printing, United States Government Printing Office, Panama Canal, Office of Scientific Research and Development, or any Government agency when purchasing pursuant to the act of March 11, 1941 (Lend Lease Act).

(9) "Civilian order" means any purchase order that is not a "preferred order" as defined above.

(10) "Printing ink" includes any fluid or viscous material or composition of materials used in printing, impressing, stamping, or transferring upon paper or paper-like substances, wood, fabrics or metals by the recognized mechanical reproductive processes employed in printing, publishing and related service industries.

(11) "Protective coating" means any liquid organic coating, thinner, or remover which either alone or mixed with other materials is normally applied to any surface by brush, spray, dip, roller coat, or other method of application. The term includes but is not limited to paint, varnish, enamel, lacquer, dope, lacquer or dope thinner, paint or varnish remover, stain and polishing waxes. The term does not include adhesive, cement, printing ink, coating for the manufacture of coated fabric, coating for leather (limited to hides, skins and splits, etc., which have not been incorporated into any product), coating for footwear (of any material, including leather) and coatings for manufacture of linoleum or felt base covering.

(12) "Soap" means the water soluble product formed by the saponification or neutralization of rosin, fats, oils, or their fatty acids, with organic, ammonium, sodium or potassium bases; or any composition containing such products. The term includes all types of shaving soaps and shaving creams, but shall not include soap used for nondetergent purposes and soap for industrial degreasing of metal tooling or metal fabrication.

(13) "Put into process" means the first change made by a manufacturer in the chemical or physical properties of gum or wood rosin, or of any intermediate product which he uses as such in the manufacture of a Schedule A or B product. For example, if gum or wood rosin is added as such to a kettle of other material in the final process of making a protective coating, the gum or wood rosin in question would be considered to have been "put into process" when it was put into the kettle. On the other hand, if gum or wood rosin is first compounded into a synthetic resin, and the synthetic resin subsequently is added to the kettle of other materials in the final process of making a protective coating, the rosin content in question would be considered to have been "put into process" when the synthetic resin was added to the kettle in the final stage of manufacture of the protective coating.

(b) *Restrictions on use.* (1) During the period from February 28 through March 31, 1945, inclusive, no manufacturer shall put into process for the manufacture of any product on Schedule A or B, more rosin than ⅓ of his rosin quota for the manufacture of that product.

(2) During the second calendar quarter of 1945, and during each calendar quarter thereafter, no manufacturer shall put into process for the manufacture of any product on Schedule A or B, more rosin than his rosin quota for the manufacture of that product.

(3) Rosin put into process to fill "preferred orders" for Schedule B products after February 28, 1945, shall not be charged against any rosin quota, notwithstanding paragraphs (b) (1) and (2) above.

(4) The use of rosin in the manufacture of products not on Schedule A or B is not restricted by paragraphs (b) (1) or (2) above.

(c) *End of quarter carry-over.* If, in any calendar quarter, a manufacturer does not use all of his rosin quota for the manufacture of any Schedule A or B product, the unused balance may be carried forward and used only in the succeeding calendar quarter for the manufacture of that product. Balances permitted to be carried over under this paragraph may be used in addition to the regular quota permitted by paragraph (b) for the quarter during which the carry-over is used. For example, if a manufacturer has a quota of 50,000 pounds per quarter for the manufacture of adhesives, and uses only 30,000 pounds in the first quarter of 1945, he has a carry-over of 20,000 pounds which he may consume for the manufacture of adhesives in the second quarter of 1945 in addition to his regular quota of 50,000 pounds. If, however, in the second quarter of 1945, he actually consumes only 40,000 pounds for adhesives, he has a carry-over for the third quarter of 1945 of only 10,000 pounds, viz., the difference between what was actually consumed (40,000 pounds) and his regular quota for that quarter (50,000 pounds). The 20,000 pound carry-over from the first quarter of 1945 is disregarded in determining the unused balance of his quota at the end of the second quarter of 1945.

(d) *Toll arrangements.* For the purpose of this order a toll arrangement is an arrangement under which rosin owned by one person (referred to as "the owner") is manufactured into a Schedule A or B product for the owner by another person (referred to as the "processor"). Toll arrangements are subject to the following restrictions:

(1) Any quantity of rosin put into process for the production of any product on Schedule A or B under toll arrangement during any calendar quarter shall be charged against the owner's rosin quota instead of the processor's, if the owner manufactured the product himself or had it manufactured for him during the corresponding calendar quarter of 1944.

(2) Any quantity of rosin put into process, under toll arrangement during any calendar quarter, for the production of any product on Schedule A or B, must be charged against the rosin quota of the processor and not against the rosin quota of the owner, if the owner did not manufacture that product nor have it manufactured for him during the corresponding quarter of 1944.

(3) Any processor who is offered rosin for processing on toll arrangement shall assume that he is required to charge the rosin against his own rosin quota, unless he is advised in writing by the owner that the owner manufactured the same product or had it manufactured for him during the calendar quarter of 1944 corresponding to the calendar quarter in which the rosin is to be put in process, and that the quantity offered can and will be charged against the owner's rosin quota.

(4) Quantities required to be charged against a rosin quota pursuant to this paragraph (d) shall be considered as having been put into process by the holder of the quota for the purpose of compliance with paragraph (b) above.

(e) (1) *Method of computing rosin content of intermediate products.* Since the provisions of this order refer not only to gum and wood rosin as such put into process in the making of Schedule A or B products, but also refer to the rosin content of intermediate products put into process for the manufacture of Schedule A or B products, it is necessary for man-

ufacturers to determine rosin content of intermediate products in some cases, not only to determine quotas and quantities to be charged against quotas, but also for the purpose of inventory and reporting provisions. In figuring the rosin content of the intermediate products listed below, a manufacturer shall use the estimated rosin content appearing after each of those intermediate products in order to determine both his rosin quota and his current consumption. For all other intermediate products, the rosin content must be ascertained.

Intermediate products	*Estimated rosin content (solvent free basis)*
Esterified rosin	96 lbs. of rosin per 100 lbs. of resin.
Rosin-modified phenolic resin	85 lbs. of rosin per 100 lbs. of resin.
Heat-treated rosins	100 lbs. of rosin per 100 lbs. of heat-treated rosins.
Stabilized rosins	100 lbs. of rosin per 100 lbs. of stabilized rosins.
Polymerized rosins	100 lbs. of rosin per 100 lbs. of polymerized rosins.
Metal resinates	90 lbs. of rosin per 100 lbs. of metal resinates.
Rosin modified maleic or fumaric resins	80 lbs. of rosin per 100 lbs. of resin.
Rosin modified phthalic alkyd resins	20 lbs. of rosin per 100 lbs. of alkyd resin.
Rosin oil	100 lbs. of rosin per 100 lbs. of rosin oil.

(2) *Special exemption for certain intermediate products.* No manufacturer shall include the rosin content of the following intermediate products for the purpose of calculating his past or current consumption of rosin in the manufacture of Schedule A or B products, or for the purpose of inventory or reporting provisions, notwithstanding any other provisions of this order:

Resinated colors.
Any intermediate products containing not more than 1% rosin by weight (solvent free basis).

(3) *Special provisions for mixing and grinding vehicles.* Any manufacturer who produces his own mixing or grinding vehicles for incorporation into Schedule A or B products which he himself produces, may charge his rosin consumption at the time he completes production of the mixing or grinding vehicle, if he so desires, instead of at the time when he uses the mixing or grinding vehicle in the manufacture of the Schedule A or B product. However, he must use the same timing basis in the production cycle for the purpose of computing current and base period consumption, and must continue to use the same timing basis for present and future computations under this order.

(f) *Inventory restrictions on rosin.* (1) No manufacturer shall accept any delivery of gum or wood rosin which would result in his having more than a five months inventory of gum and wood rosin, based on his current rate of operation.

(2) No manufacturer shall accept delivery of any intermediate product, or produce any intermediate product, if his acceptance or production would result in his having more than a three months inventory of that type of intermediate product, based on his current rate of operation.

(3) The term inventory refers to stocks owned by the manufacturer which are at factory, in intra-plant transfer, or stored elsewhere. However, nothing contained in this paragraph shall prevent a manufacturer from accepting one minimum standard commercial shipping unit if his inventory before acceptance is within the maximum limit set by this paragraph and if his inventory after acceptance is not more than twice the maximum limit set by this paragraph.

(g) *Restrictions on delivery of gum and wood rosin, and of intermediate products.* No producer or distributor of gum or wood rosin, or of any intermediate product, shall deliver such gum or wood rosin, or such intermediate product, and no manufacturer shall accept such delivery, unless the manufacturer certifies to the producer or distributor that his acceptance of delivery will not result in his having an inventory in excess of the applicable restrictions in paragraph (f) of this order. This certification, signed manually or as provided in Priorities Regulation 7, may be endorsed on or attached to the purchase order, and should read substantially as follows:

Inventory certified—Ref: M-387, paragraph (g).

_____
(Name of purchaser)

By _____
(Name and title of duly authorized official)

(h) [Revoked May 30, 1945.]

(i) *One time report.* On or before March 20, 1945, each manufacturer who put into process more than 2,700 pounds (5 drums) of rosin in the aggregate for all products (including Schedule A and B products and intermediate products) during any calendar quarter of 1944, shall file a one time base period use and inventory report on Form WPB-4132, in the manner prescribed therein. One copy of the report shall be retained and one copy shall be forwarded to the War Production Board, Chemicals Bureau, Washington 25, D. C., Ref: M-387.

(j) *Quarterly report.* Each manufacturer who puts into process more than 2,700 pounds (5 drums) of rosin during any calendar quarter for the production of Schedule A or B products, shall file a use and inventory report for that quarter on Form WPB-4131, in the manner prescribed therein, on or before the 20th day of the month following the close of that quarter. The initial reports, covering the first quarter of 1945, are due April 20, 1945. One copy of each report shall be retained and one copy shall be forwarded to the War Production Board, Chemicals Bureau, Washington 25, D. C.

(k) *Appeals.* Any appeal from this order must be filed by letter in duplicate addressed to the Chemicals Bureau, War Production Board, Washington 25, D. C., Ref: M-387, setting forth the reasons for the appeal and the necessary supporting information. Such information should include:

(1) The Schedule A or B product for which the rosin will be used, and if a Schedule A product, what quantity of the rosin will be used to fill preferred orders and what quantity to fill civilian orders.

(2) Period of time, not exceeding one calendar quarter, for which relief is requested.

(3) Monthly schedule of the amount of rosin appellant would like to use for the particular product and the portion of this which is in excess of the quota permitted by the order.

(4) If the appeal is for an increase in quota to fill preferred orders, state the name of the procuring agency, the end use description, prime contract numbers and dates when the orders were received.

(5) If the appeal is filed because the restrictions of the order will prevent the filling of civilian orders of extreme urgency, give exact information as to the use of the product in which the rosin would be used, names of the customers, and preference ratings, if any, covering the orders.

(6) Any other information pertinent to the appeal.

Ordinarily consideration will be given only to those appeals where compliance would work an exceptional and unreasonable hardship which is not suffered generally by others in the same industry or activity, and which show that the quota limits on the consumption of rosin will prevent the filling of "preferred orders" or more essential "civilian orders". Attention is called to the provisions in Priorities Regulation No. 16 with respect to manpower requirements which must be submitted with the appeal.

(l) *Budget Bureau approval.* The reporting requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(m) *Applicability of regulations.* This order and all transactions affected thereby are subject to all applicable regulations of the War Production Board, as amended from time to time.

(n) *Violations.* Any person who wilfully violates any provision of this order, or who in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States, is guilty of a crime and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using material under priority control and may be deprived of priorities assistance.

(o) *Communications to War Production Board.* Communications concerning this order shall, unless otherwise directed, be addressed to the War Production Board, Chemicals Bureau, Washington 25, D. C., Ref.: M-387.

Issued this 9th day of August 1945.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

SCHEDULE A—ROSIN QUOTAS FOR SCHEDULE A PRODUCTS

NOTE: No ex-quota usage of rosin is permitted to fill "preferred orders" for these products:

Product:	*Rosin quota per calendar quarter*
Foundry supplies	100% of amount of rosin used in corresponding quarter of 1944 to fill all orders (preferred & civilian) or 2700 lbs. (5 drums) whichever is greater.
Insecticides or disinfectants	100% of amount of rosin used in corresponding quarter of 1944 to fill all orders (preferred & civilian) or 2700 lbs. (5 drums) whichever is greater.
Oils and greases	100% of amount of rosin used in corresponding quarter of 1944 to fill all orders (preferred & civilian) or 2700 lbs. (5 drums) whichever is greater.
Paper and paperboard	70% of amount of rosin used in corresponding quarter of 1944 to fill all orders (preferred & civilian) or 2700 lbs. (5 drums) whichever is greater.
Pharmaceuticals	100% of amount of rosin used in corresponding quarter of 1944 to fill all orders (preferred & civilian) or 2700 lbs. (5 drums) whichever is greater.
Printing ink	85% of amount of rosin used in corresponding quarter of 1944 to fill all orders (preferred & civilian) or 2700 lbs. (5 drums) whichever is greater.
Rubber, natural & synthetic except rubber cement and rubber adhesives.	100% of amount of rosin used in corresponding quarter of 1944 to fill all orders (preferred & civilian) or 2700 lbs. (5 drums) whichever is greater.
Rubber cements, rubber adhesives and rubber coatings for fabrics.	100% of amount of rosin used in corresponding quarter of 1944 to fill all orders (preferred & civilian) or 2700 lbs. (5 drums) whichever is greater.
Finish for shoe leathers, shoe components made of leather, and binder for cork bottom filler for shoes, but not including shoe polish.	100% of amount of rosin used in corresponding quarter of 1944 to fill all orders (preferred & civilian) or 2700 lbs. (5 drums) whichever is greater.
Textile shoe fabrics and felts, and binder for boxtoes and cork counter for shoes.	70% of amount of rosin used in corresponding quarter of 1944 to fill all orders (preferred & civilian) or 2700 lbs. (5 drums) whichever is greater.

SCHEDULE B—ROSIN QUOTAS FOR SCHEDULE B PRODUCTS

NOTE: Ex-quota usage of rosin is permitted to fill "preferred orders" for these products:

Product:	*Rosin quota per calendar quarter*
Adhesives	30% of amount of rosin used in corresponding calendar quarter of 1944 to fill civilian orders only, or 2700 lbs. (5 drums) whichever is greater.
Coated fabrics	30% of amount of rosin used in corresponding calendar quarter of 1944 to fill civilian orders only, or 2700 lbs. (5 drums) whichever is greater.
Linoleum and printed floor coverings	30% of amount of rosin used in corresponding calendar quarter of 1944 to fill civilian orders only, or 2700 lbs. (5 drums) whichever is greater.
Protective coatings including paints, varnishes, lacquers, etc.	30% of amount of rosin used in corresponding calendar quarter of 1944 to fill civilian orders only, or 2700 lbs. (5 drums) whichever is greater.
Shoe polish	30% of amount of rosin used in corresponding calendar quarter of 1944 to fill civilian orders only; or 2700 lbs. (5 drums) whichever is greater.
Soap	25% of amount of rosin used in corresponding calendar quarter of 1944 to fill civilian orders only, or 2700 lbs. (5 drums) whichever is greater.

[F. R. Doc. 45-14732; Filed, Aug. 9, 1945; 11:30 a. m.]

Chapter XI—Office of Price Administration

PART 1340—FUEL

[MPR 120, Corr. to Amdt. 146]

BITUMINOUS COAL DELIVERED FROM MINE OR PREPARATION PLANT

Amendment No. 146 is corrected in the following respect:

In § 1340.210 (a) (16) the types of mines and amounts in cents per ton set opposite District No. 17 are corrected to read as follows:

District No.:		*Cents per ton*
17	Hand	30
	Other	25

This correction to Amendment No. 146 shall be effective as of August 3, 1945.

Issued this 8th day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-14658; Filed, Aug. 8, 1945; 4:25 p. m.]

PART 1347—PAPER, PAPER PRODUCTS, RAW MATERIALS FOR PAPER AND PAPER PRODUCTS, PRINTING AND PUBLISHING

[RMPR 369,[1] Amdt. 2]

DRY ROOFING FELT AND DRY FLOORING FELT

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.

Revised Maximum Price Regulation 369 is amended in the following respects:

The table of prices in Appendix A is amended to read as follows:

MAXIMUM PRICES

Weight per 480 square feet:	*Maximum price per short air dry ton, f. o. b. point of shipment*
Less than 60 pounds	$59.00
60 pounds or more	63.00

This amendment shall become effective August 8, 1945.

Issued this 8th day of August 1945.

CHESTER BOWLES,
Administrator.

For the reasons set forth in the accompanying statement of considerations and by virtue of the authority vested in me by the Emergency Price Control Act of 1942, as amended, and Executive Orders Nos. 9250 and 9328, I find that the issuance of this Amendment to Revised Price Schedule No. 45, as amended, is necessary to aid in the effective prosecution of the war.

THOMAS I. EMERSON,
Acting Economic Stabilization Director.

[F. R. Doc. 45-14660; Filed, Aug. 8, 1945; 4:26 p. m.]

PART 1360—MOTOR VEHICLES AND MOTOR VEHICLE EQUIPMENT

[MPR 569, Amdt. 3]

MAXIMUM PRICES FOR USED MOTORCYCLES

Correction

In Federal Register Document 45-10161, appearing at page 6955 of the issue for Tuesday, June 12, 1945, the word "when" should be deleted from the beginning of subdivisions (*a*), (*b*), (*c*) and (*d*) of paragraph (b) (2) (ii).

PART 1418—TERRITORIES AND POSSESSIONS

[RMPR 395,[2] Amdt. 6]

IMPORTED CANNED SOUPS IN VIRGIN ISLANDS

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.

[1] 8 F.R. 16247; 9 F.R. 8187.
[2] 10 F.R. 5941, 6946, 7793, 8069.

Section 49 is added to read as follows:

SEC. 49. *Maximum prices for imported varieties of canned soups sold or delivered in the Virgin Islands of the United States*—(a) *Definitions.* When used in this section, the term:

(1) "Imported" as applied to canned soups means canned soups not actually produced or manufactured in the Virgin Islands of the United States.

(b) *Maximum prices.* The maximum prices at retail and at wholesale for certain imported canned soups shall be the applicable prices set forth in Table XXXIX.

TABLE XXXIX—MAXIMUM PRICE FOR IMPORTED VARIETIES OF CANNED SOUPS

Items and brand names	Unit	Priced at Wholesale St. Croix, St. Thomas	Retail price St. Croix, St. Thomas (per unit)	Retail price, St. John (per unit)
Campbell soups:	Case of 48			
Asparagus	10½ oz. tins	$5.80	$0.15	$0.16
Bean	....do	5.80	.15	.16
Bean with bacon	....do	5.80	.15	.16
Black bean	....do	5.80	.15	.16
Clam chowder	....do	5.80	.15	.16
Green pea	....do	5.80	.15	.16
Mock turtle	....do	5.80	.15	.16
Pepper pot	....do	5.80	.15	.16
Scotch broth	....do	5.80	.15	.16
Ox tail	....do	5.80	.15	.16
Beef noodle	....do	7.10	.18	.19
Beef	....do	7.10	.18	.19
Bouillon	....do	7.10	.18	.19
Chicken	....do	7.60	.20	.21
Chicken gumbo	....do	7.10	.18	.19
Chicken noodle	....do	7.10	.18	.19
Consomme	....do	7.10	.18	.19
Cream of mushroom	....do	7.60	.20	.21
Tomato	....do	5.45	.14	.15
Vegetable	....do	6.24	.16	.17
Vegetable beef	....do	7.10	.18	.19
Heinz soups:	Case of 36			
Cream of asparagus	No. 1 tins	5.70	.18	.19
Bean	....do	5.70	.18	.19
Beef noodle	....do	6.10	.19	.20
Beef soup with vegetables	....do	6.50	.21	.22
Chicken noodle	....do	6.50	.21	.22
Cream of green pea	....do	5.70	.18	.19
Gumbo creole	....do	5.70	.18	.19
Mushroom	....do	6.50	.21	.22
Scotch broth	....do	5.70	.18	.19
Cream of tomato	....do	4.95	.16	.17
Vegetable	....do	5.70	.18	.19
Vegetarian vegetable	....do	5.70	.18	.19

This amendment shall become effective August 13, 1945.

Issued this 8th day of August, 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-14662; Filed, Aug. 8, 1945; 4:26 p. m.]

PART 1407—RATIONING OF FOOD AND FOOD PRODUCTS

[Rev. RO 16,[1] Amdt. 56 to 2d Rev. Supp. 1]

MEAT, FATS, FISH AND CHEESES

The Official Table of Consumer Point Values (No. 28), referred to in § 1407.3027 (a) is amended by deleting the point value of "Type I fresh pork sausage (including breakfast sausage)" and "Type I smoked pork sausage" and adding a point value of 6.0 points per pound to "Type IV fresh pork sausage (including breakfast sausage)" and "Type IV smoked pork sausage" and "Section A—Meats" of the Official Table of Trade Point Values (No. 28), referred to in § 1407.3027 (a) is amended by deleting the point value of "Type I fresh pork sausage (including breakfast sausage)" and "Type I smoked pork sausage" and adding a point value of 5.5 points per pound to "Type IV fresh pork sausage (including breakfast sausage)" and "Type IV smoked pork sausage."

This amendment shall become effective August 8, 1945.

Issued this 8th day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-14663; Filed, Aug. 8, 1945; 4:25 p. m.]

[1] 10 F.R. 48, 521, 857, 293, 294.

PART 1429—POULTRY AND EGGS

[RMPR 333,[1] Amdt. 8]

EGGS AND EGG PRODUCTS

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.

Revised Maximum Price Regulation 333 is amended in the following respects:

1. Section 3.2 is amended by adding the following sentence to paragraph (j): "An agricultural marketing cooperative, operating in accordance with the provisions of the Capper-Volstead Act, may sell at the ceiling prices provided for first receivers, if it performs the function of a first receiver under the foregoing definition, regardless of the fact that it does not purchase or actually own the eggs."

2. Section 3.3 is amended by adding a new paragraph (g) to read as follows:

(g) Each Regional Administrator is further authorized to increase the maximum prices established for sales of shell eggs by first receivers and jobbers in an amount not to exceed 1.5 cents per dozen, subject to the following conditions:

(1) The price increase may be authorized only for first receivers and jobbers who maintain places of business in a metropolitan area (to be defined by the Regional Administrator) of more than one million population, on sales of eggs to independent retailers, large retailers at individual stores, retail route sellers, and institutional users, located within such metropolitan area.

(2) This price increase may be authorized only when the Regional Administrator finds that such first receivers and jobbers are compelled, by reason of doing business in the metropolitan area, to incur abnormal and excessive costs in candling and distributing eggs to such an extent that these costs generally exceed the amount allowed in the schedule of egg prices to cover such costs.

Each Regional Administrator may, if his findings so warrant, adjust prices separately for first receivers or jobbers or licensed ship suppliers. More than one adjustment may be made under the provisions of this paragraph, but the total of all increases to any one class of dealers in any one metropolitan area shall not exceed 1.5 cents per dozen.

(3) No price increase shall be authorized under the provisions of this paragraph unless such proposed price increase has first been submitted in writing to, and approved in writing by the Price Executive of the Poultry, Eggs and Dairy Products Branch of the Food Price Division, and the Division Counsel for Food, of the Office of Price Administration, and the Secretary of Agriculture.

(4) No Regional Administrator may take any action which will create or tend to create an egg shortage or need for increase in egg prices in another locality, or which will nullify or defeat the purposes of the Emergency Price Control Act of 1942, as amended.

This amendment shall become effective August 13, 1945.

Issued this 8th day of August 1945.

CHESTER BOWLES,
Administrator.

Approved: July 16, 1945.

CLINTON P. ANDERSON,
Secretary of Agriculture.

For the reasons set forth in the accompanying statement of considerations and by virtue of the authority vested in me by the Emergency Price Control Act of 1942, as amended, and Executive Orders Nos. 9250 and 9328, I find that the issuance of Amendment No. 8 to Revised Maximum Price Regulation 333, insofar as it will involve increases in prices of shell eggs and consequent increases in the consumer cost of living, is necessary to correct gross inequities.

THOMAS I. EMERSON,
Acting Economic Stabilization Director.

[F. R. Doc. 45-14659; Filed, Aug. 8, 1945; 4:25 p. m.]

[1] 9 F.R. 11514, 12216; 10 F.R. 1609, 2025, 3221, 5523, 7343.

PART 1305—ADMINISTRATION

[Supp. Order 114, Amdt. 1]

COTTON TEXTILES; WHEN PRODUCER MAY USE ADJUSTABLE PRICING PERMISSION

Correction

In Federal Register Document 45-11339, appearing at page 7850 of the issue for Thursday, June 28, 1945, the bracketed designation headnote should read as set forth above.

PART 1305—TERRITORIES AND POSSESSIONS

[Supp. Order 121, Correction]

SALES OF COMMODITIES BY GOVERNMENT AGENCIES AND RESALES IN TERRITORIES AND POSSESSIONS OF U. S.

Section 1.1 is corrected to read as follows:

SECTION 1.1 *Geographical applicability.* This order shall apply in the territories and possessions of the United States, including the Territory of Alaska, notwithstanding the provisions of Revised Maximum Price Regulation 194, and the Virgin Islands of the United States, notwithstanding the provisions of Maximum Price Regulation 201.

This correction shall become effective as of August 1, 1945.

Issued this 9th day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-14718; Filed, Aug. 9, 1945; 11:21 a. m.]

[1] 8 F.R. 7556, 11563; 9 F.R. 2289.

PART 1347—PAPER, PAPER PRODUCTS, RAW MATERIALS FOR PAPER AND PAPER PRODUCTS, PRINTING AND PUBLISHING

[MPR 400,[1] Amdt. 3]

MERCHANTS' PRICES FOR FINE PAPERS AND CERTAIN PAPERBOARDS

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.

Maximum Price Regulation 400 is amended in the following respect:

In the Percentage Mark-up Table of Appendix C, a new paragraph is added in the Differentials column of Item C-2 to read as follows:

Mimeograph and duplicator papers. For mimeograph or duplicator papers made of plain or coated book papers, a color differential paid to the manufacturer plus 25%, rounded out to the nearest 5 cents, may be added after the mark-up.

This amendment shall become effective August 14, 1945.

Issued this 9th day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-14715; Filed, Aug. 9, 1945; 11:23 a. m.]

[1] 9 F.R. 7435, 10 F.R. 1787, 4493.

PART 1356—COOKERS AND HEATERS

[MPR 64, Amdt. 2]

DOMESTIC COOKING AND HEATING STOVES

A statement of the considerations involved in the issuance of this amendment issued simultaneously herewith has been filed with the Division of the Federal Register.

Maximum Price Regulation No. 64 is amended in the following respects:

1. Section 7 (c) is amended to read as follows:

(c) *Downward adjustment in prices established or reported for new or changed models.* Prices for new or changed models established or reported under section 4, 5, or 7 are subject to reduction at any time by written order from the Office of Price Administration if (1) the price appears to be out of line with prices established for similar models, taking into account your price relationships with other manufacturers during the base period, or (2) the price is too high in comparison with the manufacturing or selling conditions actually experienced, or (3) the price is found to be incorrect under the provisions of the pricing method contained in this section. Any such adjustment will not be retroactive if you have an established maximum price and have met the three conditions specified in paragraph (b) of this section in arriving at and reporting your prices.

2. A new section 8a is added to read as follows:

SEC. 8a *Establishment of ceiling prices in certain cases.* If you are required by this regulation to file a report under section 7 or to apply for the establishment of a ceiling price under section 8, and you fail to do so, or you fail to provide any of the information required in those sections, the Office of Price Administration may, upon its own motion, issue orders under this section fixing ceiling prices for your sales in line with the level of ceiling prices established by this regulation. Ceiling prices so established will be effective as of the date of first sale.

This amendment shall become effective the 14th day of August 1945.

Issued this 9th day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-14709; Filed, Aug. 9, 1945; 11:22 a. m.]

PART 1367—FERTILIZERS

[RMPR 240,[1] Amdt. 3]

PHOSPHATE ROCK

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.

A new subdivision is added at the end of Appendix C of Revised Maximum Price Regulation 240 to read as follows:

Finely Ground Phosphate Rock

Price. Basis net ton (2,000 lbs.) f. o. b. cars at mines in carload lots in bulk.

Quality. Phosphorus pentoxide (P_2O_5) on a dry basis minimum grade guaranteed and not more than 3 per cent moisture.

Ground not less than 85 per cent minus 200 mesh.

Grades:	Per ton
29% P_2O_5 minimum	$2.95
30% P_2O_5 minimum	3.15
31% P_2O_5 minimum	3.35
32% P_2O_5 minimum	3.70
33% P_2O_5 minimum	4.25
34% P_2O_5 minimum	4.90
35% P_2O_5 minimum	5.80

No charge for car liners or car door boards.

Bagged. Add $2.00 per net ton for ground rock, in 100 pound capacity multi-wall paper bags.

Add 50 cents per net ton for truckload shipments in bulk.

This amendment shall become effective August 14, 1945.

Issued this 9th day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-14712; Filed, Aug. 9, 1945; 11:22 a. m.]

[1] 9 F.R. 8062, 9513.

PART 1381—SOFTWOOD LUMBER

[3d RMPR 219,[1] Amdt. 1]

NORTHEASTERN SOFTWOOD LUMBER

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.

Third Revised Maximum Price Regulation 219 is amended in the following respects:

1. In section 2, paragraph (a) is amended by adding the words "Aspen (all species)" after the parenthetical phrase "(Pinus banksiana)" and by deleting the words "and Maximum Price Regulation 513" and adding in place thereof the words "Revised Maximum Price Regulation 97."

2. In section 3, new paragraphs (c) and (d) are added, reading as follows:

(c) *Combination grades.* Lumber sold in a combination of grades for which no price is established in the regulation may not be sold above the maximum price for the lowest priced grade actually named in the combination. For example, the maximum price for lumber sold as merchantable and selected merchantable is the maximum price fixed for merchantable lumber. If the invoice does not name the lowest grade contained in the shipment or if no grade is named, the maximum price which may be charged is $21.00 per M'BM. However, it is permissible to sell a combination of grades where the exact quantity of each grade shipped is separately shown on the invoice and segregated in the car by strips (except timbers) or otherwise easily made identifiable to the purchaser and separately tallied (tally card to be included in car), in which case the appropriate ceiling price for the quantity of each grade shipped may be charged.

(d) *Ungraded lumber.* The maximum price for lumber which is not actually graded by the seller on a piece by piece basis prior to shipment and which is not sold on a long-run basis under Tables 2 or 4 is the applicable combination grade price established under paragraph (c) of this section.

3. Section 4 is amended to read as follows:

SEC. 4. *Additions for "direct mill retail sales."* In the case of sales of less than 2,500 feet to any buyer except mills or distribution yards, a handling charge of $5.00 per M'BM may be added to the loaded on cars mill price, together with a percentage mark-up of 10% of the total so obtained, provided the seller:

(a) Delivers the lumber to the job site or buyer's plant at such time and in such quantities as the buyer specifies. (No charge may be made for delivery within a radius of 25 miles from the seller's establishment);

(b) Gives the buyer the privilege of exchanging the lumber and returning unused material;

(c) Makes good any shortage from stocks kept on hand for this purpose. The size of the sale is determined by the over-all amount involved in the trans-

action. Thus, if the buyer and seller know that a particular shipment will run to 10 M'BM, the addition may not be made even if the order is broken into five orders of 2 M'BM and delivered on five different days in loads of 2 M'BM.

4. In section 7, paragraph (a) (1) is amended by adding the following sentence: "When an invoice does not contain a complete description of an item shipped, the maximum price which may be charged or paid for that item is that of the lowest priced item to which the incomplete description could be applied, not exceeding $21.00 per M'BM on a shipment of a combination of grades if the invoice does not name the lowest grade contained in the shipment or if no grade is named."

5. In section 9, paragraph (d) is deleted; and in paragraph (b), subparagraph 11, roman numeral V is corrected to read IV, and a new subparagraph (13) is added reading as follows:

(13) Selling or buying Canadian lumber on a f. o. b. mill basis if the total cost of the lumber delivered to the designated location in the United States is greater than would have been the cost if the lumber had been sold on a delivered basis using the applicable basing point in section 18, 25, 29 or 36.

This amendment shall become effective August 14, 1945.

Issued this 9th day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-14711; Filed, Aug. 9, 1945; 11:22 a. m.]

PART 1389—APPAREL

[RMPR 578,[1] Amdt. 1]

MAXIMUM PRICES FOR CERTAIN GARMENTS PRODUCED WITH WAR PRODUCTION BOARD PRIORITIES ASSISTANCE

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.

Revised Maximum Price Regulation 578 is amended in the following respects:

1. Paragraph (b) of section 1 is redesignated subparagraph (2) of paragraph (a).

2. A new paragraph (b) is added to section 1 to read as follows:

(b) *Types of sales covered.* This regulation applies to all sales including sales at retail, sales at wholesale, sales by manufacturers and sales by manufacturing-retailers. These types of sales are defined as follows:

(1) *Sales at retail.* All sales to individual ultimate consumers by persons who sell garments in substantially the same form in which they purchase them are "sales at retail". Sales to industrial, commercial or institutional users are also "sales at retail" if made by persons who sell principally to individual ultimate consumers.

(2) *Sales at wholesale.* All sales to persons other than ultimate consumers by persons who sell garments in substantially the same form in which they purchase them are "sales at wholesale." "Sales at wholesale" also include sales to industrial, commercial or institutional users if they are made by persons who sell principally to persons other than individual ultimate consumers.

(3) *Sales by a manufacturer.* All sales by the person who fabricated the garment being sold, or who furnished the principal materials from which the garment was fabricated, are "sales by a manufacturer" unless they are "sales by a manufacturing-retailer", as defined in (4) below.

(4) *Sales by a manufacturing-retailer.* All sales to ultimate consumers by the person who fabricated the garment being sold, or who furnished the principal materials from which the garment was fabricated, are "sales by a manufacturing-retailer", if such person customarily sells to ultimate consumers most of the garments so fabricated.

3. A new paragraph, designated paragraph (c), is added to section 1 to read as follows:

(c) *Where this regulation applies.* This regulation covers sales in the 48 states and the District of Columbia.

This amendment shall become effective August 14, 1945.

Issued this 9th day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-14716; Filed, Aug. 9, 1945; 11:23 a. m.]

PART 1418—TERRITORIES AND POSSESSIONS

[RMPR 373,[1] Amdt. 16]

USED REFRIGERATORS IN HAWAII

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.

Section 29 (c) is deleted.

This amendment shall become effective August 16, 1945.

Issued this 9th day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-14714; Filed, Aug. 9, 1945; 11:23 a. m.]

PART 1433—FEATHERS AND DOWN

[MPR 318,[1] Amdt. 6]

FEATHERS AND DOWN

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith, and has been filed with the Division of the Federal Register.

Maximum Price Regulation No. 318 is amended in the following respects:

Table II of § 1433.3 (b) of Maximum Price Regulation No. 318 is amended to read as follows:

TABLE II

[Maximum price per pound]

Chicken and turkey	Feathers	Fluff
Body feathers, regardless of the amount of fibre.		
Colored	$0.13	
White	1/	
Fibre (only when sold separately):		
Colored		$0.2
White		2/

This amendment shall become effective August 14, 1945.

Issued this 9th day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-14713; Filed, Aug. 9 1945 11:22 a. m.]

PART 1439—UNPROCESSED AGRICULTURAL COMMODITIES

[MPR 426,[1] Amdt. 135]

FRESH FRUITS AND VEGETABLES FOR TABLE USE, SALES EXCEPT AT RETAIL

A statement of the considerations involved in the issuance of this amendment has been issued and filed with the Division of the Federal Register.

In Appendix H, Table 8 (Maximum Prices for Certain Berries), footnote reference 7 is added to items 10, 11, 12, 16, 17 and 18 in Column 5 and footnote reference 7 is added to read as follows:

[7] During the period beginning August 9, 1945 and ending December 31, 1945, the Column 5 price for red raspberries grown in California shall be for Item 10 (pint) 22½¢, Item 11 (quart) 43¢ and for Item 12 (pound) 29¢; and the Column 5 price for black raspberries grown in California shall be for Item 16 (pint) 21¢, for Item 17 (quart) 40¢ and for Item 18 (pound) 27¢.

This amendment shall become effective 12:01 a. m. August 9, 1945.

Issued this 8th day of August 1945.

CHESTER BOWLES,
Administrator.

Approved: August 7, 1945.

CLINTON P. ANDERSON,
Secretary of Agriculture.

[F. R. Doc. 45-14661; Filed, Aug. 8 1945; 4:26 p. m.]

PART 1499—COMMODITIES AND SERVICES

[MPR 188, Amdt. 66]

MANUFACTURERS' AND CONSUMERS' GOODS OTHER THAN APPAREL

A statement of the considerations involved in the issuance of this amendment issued simultaneously herewith has been filed with the Division of the Federal Register.

[1] 10 F.R. 9024.

[1] 10 F.R. 6646, 7407, 7794, 7799, 8020, 8069, 8371, 8979.

[2] 8 F.R. 1682, 2029, 6476, 14349; 10 F.R. 4349, 6802.

[1] 10 F.R. 7403, 7500, 7539, 7578, 7668, 7694, 7799, 8021, 8069, 8239, 8238, 8467, 8611, 8807, 8905, 8936, 9023, 9023, 9023, 9118, 9119.

Maximum Price Regulation No. 188 is amended in the following respect:

1. Section 1499.166, Appendix A is amended as follows:

Paragraph (b) (20) is amended by adding to the list of unclassified articles set forth therein the following:

Household sewing machine cabinets

This amendment shall become effective on the 14th day of August 1945.

Issued this 9th day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-14710; Filed, Aug. 9, 1945; 11:22 a. m.]

PART 1499—COMMODITIES AND SERVICES

[2d Rev. SR 14, Amdt. 10]

HOG, CALF AND CATTLE PANCREAS GLANDS

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.

Second Revised Supplementary Regulation No. 14 is amended by adding a sentence to the last paragraph of section 1.2 (c) to read as follows: "If the hog, calf, or cattle pancreas glands are unfrozen and untrimmed, the applicable maximum price shall be reduced by not less than 5 cents per pound."

This amendment shall become effective August 14, 1945.

Issued this 9th day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-14708; Filed, Aug. 9, 1945; 11:21 a. m.]

Chapter XXIII—Surplus Property Board

[SPB Rev. Reg. 8,[1] Order 3]

PART 8308—FOREIGN DISPOSAL

APPROVAL OF DELEGATION OF DISPOSAL AUTHORITY BY WAR OR NAVY DEPARTMENTS TO OTHER GOVERNMENT AGENCIES OR THEIR REPRESENTATIVES

Pursuant to the authority of the Surplus Property Act of 1944 (58 Stat. 765; 50 U. S. C. App. Sup. 1611) and in accordance with § 8308.4, *It is hereby ordered*, That:

1. Until the Office of the Army-Navy Liquidation Commissioner shall have established an office in any foreign area, the Surplus Property Board hereby approves any delegation by the War or Navy Departments of their authority as disposal agencies for the disposal of surplus property located in such area to any United States Government agency or to any person employed by or under the control of the War or Navy Departments or any United States Government agency.

2. Copies of all instruments delegating disposal authority pursuant to this order shall be filed promptly with the Board.

This order shall become effective on August 7, 1945.

SURPLUS PROPERTY BOARD,
W. STUART SYMINGTON,
Chairman.
EDWARD H. HELLER,
Member.
ROBERT A. HURLEY,
Member.
By A. E. HOWSE,
Administrator.

AUGUST 7, 1945.

[F. R. Doc. 45-14705; Filed, Aug. 9, 1945; 11:11 a. m.]

[1] 10 F.R. 9540.

TITLE 49—TRANSPORTATION AND RAILROADS

Chapter I—Interstate Commerce Commission

[S.O. 120-H]

PART 95—CAR SERVICE

BITUMINOUS COAL

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 8th day of August, A. D. 1945.

Upon further consideration of the provisions of Service Order No. 120 (8 F.R. 5761), as amended (8 F.R. 15198, 15386), and good cause appearing therefor: *It is ordered*, That:

Service Order No. 120 (8 F.R. 5761), as amended (8 F.R. 15198, 15386), § 95.11, *Bituminous Coal*, be and it is hereby, vacated and set aside.

It is further ordered, That this order shall become effective at 12:01 a. m., August 12, 1945; that a copy of this order and direction shall be served upon the State railroad regulatory bodies of all States; and upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

By the Commission, Division 3.

[SEAL] W. T. BARTEL,
Secretary.

[F. R. Doc. 45-14678; Filed, Aug. 9, 1945; 11:04 a. m.]

[S. O. 121-D]

PART 95—CAR SERVICE

ANTHRACITE COAL

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 8th day of August A. D. 1945.

Upon further consideration of the provisions of Service Order No. 121 (8 F.R. 5821), as amended (8 F.R. 7403, 8683), and good cause appearing therefor; *It is ordered*, That:

Service Order No. 121 (8 F.R. 5821), as amended (8 F.R. 7403, 8683), § 95.12, *Anthracite Coal*, be and it is hereby, vacated and set aside.

It is further ordered, That this order shall become effective at 12:01 a. m., August 12, 1945; that a copy of this order and direction shall be served upon the State railroad regulatory bodies of all States; and upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

By the Commission, Division 3.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 45-14679; Filed, Aug. 9, 1945; 11:04 a. m.]

[S. O. 350]

PART 95—CAR SERVICE

PERMIT REQUIRED FOR SHIPMENT OF LIVE POULTRY

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 8th day of August A. D. 1945.

It appearing, that live poultry produced in midwestern states are urgently needed to supply the Armed Services;

It further appearing, that to provide and insure an adequate supply of such live poultry for the Armed Services, the Secretary of Agriculture has issued July 31, 1945, War Food Order No. 142, Part 1414—Poultry, effective at 12:01 a. m., e. w. t., August 13, 1945 (10 F.R. 8087), which provides that "No person shall ship or deliver poultry to a point more than 100 miles from the farm on which such poultry was produced * * * (in states named in paragraph (a) hereof) * * * unless the person making the delivery or shipment of such poultry holds a letter of authority from the Deputy Order Administrator * * *";

It further appearing, that the Secretary of Agriculture has written to the Director of the Office of Defense Transportation August 3, 1945, advising of the urgent needs of the Armed Services and that the Director of the Office of Defense Transportation has requested this Commission to take such action as it deems appropriate and necessary; the Commission is of opinion that an emergency exists requiring immediate action in the section of the country described in paragraph (a) below: it is ordered, that:

(a) *Permit required for transportation by common carrier by railroad of live poultry.* No common carrier by railroad subject to the Interstate Commerce Act shall transport or move a railroad freight car or cars, loaded with live poultry, more than 100 miles from any point of origin in the States of North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, Texas, Minnesota, Iowa, Missouri, Wisconsin, Illinois and Indiana, unless or

until such carrier has knowledge prior to the transportation or movement of such car or cars that a permit authorizing the carload shipment of such live poultry has been issued by the Secretary of Agriculture or his agent pursuant to the provisions of War Food Order No. 142 or supplements thereto or successive issues thereof.

(b) *Application.* (1) The provisions of this order shall apply to intrastate as well as interstate commerce.

(2) The provisions of this order shall apply only to carloads of live poultry shipped on or after the effective date hereof.

(c) *Effective date.* This order shall become effective at 12:01 a. m., e. w. t., August 13, 1945.

(d) *Expiration date.* This order shall expire at 11:59 p. m., e. w. t., November 13, 1945, unless otherwise modified, changed, suspended, or annulled by order of this Commission. (40 Stat. 101, sec. 402, 41 Stat. 476, sec. 4, 54 Stat. 901; 49 U.S.C. 1 (10)-(17))

It is further ordered, that copies of this order and direction shall be served upon the State railroad regulatory bodies of each State named in paragraph (a) hereof, and upon the Association of American Railroads, Car Service Division, as agents of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

By the Commission, Division 3.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 45-14682; Filed, Aug. 9, 1945; 11:04 a. m.]

Notices

DEPARTMENT OF THE INTERIOR.

General Land Office.

[Misc. 1858243]

OREGON

NOTICE OF FILING OF PLATS OF RESURVEY AND SUPPLEMENTAL PLATS

AUGUST 2, 1945.

Notice is given that the plats of dependent resurvey of lands bordering Summer Lake and protraction of areas in the lake bed, and supplemental plats showing the protraction of additional areas in the lake bed, in the sections mentioned in the following townships:

WILLAMETTE MERIDIAN

T. 30 S., R. 16 E.,
Secs. 25 and 36;
T. 31 S., R. 16 E.,
Sec. 1;
T. 30 S., R. 17 E.,
Secs. 29 to 32, inclusive;
T. 31 S., R. 17 E.,
Secs. 4 to 9, 16 to 22, 27 to 30, and 32 to 34, inclusive;
T. 32 S., R. 17 E.,
Secs. 2 to 5, 8 to 11, 14 to 17, 20 to 23, 25 to 28, inclusive, 32, 33, 35, and 36;
T. 33 S., R. 17 E.,
Secs. 1, 2, 4, and 5,

will be officially filed in the district land office at Lakeview, Oregon, effective at 10:00 a. m. on the 63d day from the date on which this notice is signed. At the time the lands shall, subject to valid existing rights and the provisions of existing withdrawals, become subject to application, petition, location, or selection as follows:

(a) For a period of 90 days, commencing on the day and at the hour named above, the public lands affected by this notice shall be subject to (1) application under the homestead or the desert land laws, or the small tract act of June 1, 1938, 52 Stat. 609 (43 U. S. C. sec. 682a), by qualified veterans of World War II, for whose service recognition is granted by the act of September 27, 1944 (Public Law 434—78th Congress), subject to the requirements of applicable law, and (2) application under any applicable public land law, based on prior existing valid settlement rights and preference rights conferred by existing laws or equitable claims subject to allowance and confirmation. Applications by such veterans shall be subject to claims of the classes described in subdivision (2).

(b) For a period of 20 days immediately prior to the beginning of such 90-day period, such veterans and persons claiming preference rights superior to those of such veterans, may present their applications, and all such applications, together with those presented at 10:00 a. m. on the first day of the 90-day period, shall be treated as simultaneously filed.

(c) Commencing at 10:00 a. m. on the 91st day after the lands become subject to application, as hereinabove provided, any of the lands remaining unappropriated shall become subject to such application, petition, location, or selection by the public generally as may be authorized by the public land laws.

(d) Applications by the general public may be presented during the 20-day period immediately preceding such 91st day, and all such applications, together with those presented at 10:00 a. m. on that day, shall be treated as simultaneously filed.

Veterans shall accompany their applications with certified copies of their certificates of discharge, or other satisfactory evidence of their military or naval service. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their applications by duly corroborated affidavits in support thereof, setting forth in detail all facts relevant to their claims.

Applications for these lands, which shall be filed in the district land office at Lakeview, Oregon, shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations (Circ. 324, May 22, 1914, 43 L. D. 254), and Part 296 of that title, to the extent that such regulations are applicable. Applications under the homestead laws shall be governed by the regulations contained in Subchapter I of Title 43 of the Code of Federal Regulations and applications under the desert land laws and the small tract act of June 1, 1938 shall be governed by the regulations contained in Parts 232 and 257, respectively, of that title.

All inquiries relating to these lands should be addressed to the Register, District Land Office.

FRED W. JOHNSON,
Commissioner.

[F. R. Doc. 45-14666; Filed, Aug. 9, 1945; 9:43 a. m.]

[Misc. 2058006]

MONTANA

ORDER PROVIDING FOR OPENING OF PUBLIC LANDS

AUGUST 1, 1945.

In an exchange of lands made under the provisions of section 8 of the act of June 28, 1934 (48 Stat. 1269), as amended June 26, 1936 (49 Stat. 1976, 43 U.S.C. sec. 315g), the following described lands have been reconveyed to the United States:

PRINCIPAL MERIDIAN

T. 3 N., R. 2 E.,
Sec. 32, lot 6, SW¼NE¼, NW¼SE¼, and NE¼SW¼.

The area described contains 159.05 acres.

At 10:00 a. m. on the 63d day from the date on which this order is signed, these lands, subject to valid existing rights and the provisions of existing withdrawals, shall become subject to application, petition, location, or selection as follows:

(a) For a period of 90 days, commencing on the day and at the hour named above, the public lands affected by this order shall be subject to (1) application under the homestead or the desert land laws, or the small tract act of June 1, 1938 (52 Stat. 609, 43 U.S.C. sec. 682a), by qualified veterans of World War II, for whose service recognition is granted by the act of September 27, 1944 (58 Stat. 747, 43 U.S.C. sec. 282), subject to the requirements of applicable law, and (2) application under any applicable public land law, based on prior existing valid settlement rights and preference rights conferred by existing laws or equitable claims subject to allowance and confirmation. Applications by such veterans shall be subject to claims of the classes described in subdivision (2).

(b) For a period of 20 days immediately prior to the beginning of such 90-day period, such veterans and persons claiming preference rights superior to those of such veterans, may present their applications, and all such applications, together with those presented at 10:00 a. m. on the first day of the 90-day period, shall be treated as simultaneously filed.

(c) Commencing at 10:00 a. m. on the 91st day after the lands become subject to application, as hereinabove provided, any of the lands remaining unappropriated shall become subject to such application, petition, location, or selection by the public generally as may be authorized by the public land laws.

(d) Application by the general public may be presented during the 20-day period immediately preceding such 91st day, and all such applications, together with those presented at 10:00 a. m. on that day, shall be treated as simultaneously filed.

Veterans shall accompany their applications with certified copies of their certificates of discharge, or other satisfactory evidence of their military or naval service. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their applications by duly corroborated affidavits in support thereof, setting forth in detail all facts relevant to their claims.

Applications for these lands, which shall be filed in the District Land Office at Billings, Montana, shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations (Circular 324, May 22, 1914, 43 L. D. 254), and Part 296 of that title, to the extent that such regulations are applicable. Applications under the homestead laws shall be governed by the regulations contained in Subchapter I of Title 43 of the Code of Federal Regulations and applications under the desert land laws and the small tract act of June 1, 1938 shall be governed by the regulations contained in Parts 232 and 257, respectively, of that title.

FRED W. JOHNSON,
Commissioner.

[F. R. Doc. 45-14667; Filed, Aug. 9, 1945; 9:43 a. m.]

[Misc. 2058008]

IDAHO

ORDER PROVIDING FOR OPENING OF PUBLIC LANDS

AUGUST 1, 1945.

In an exchange of lands made under the provisions of section 8 of the act of June 28, 1934 (48 Stat. 1269), as amended June 26, 1936 (49 Stat. 1976, 43 U. S. C. sec. 315g), the following described lands have been reconveyed to the United States:

BOISE MERIDIAN

T. 4 S., R. 29 E.,
Sec. 26, SE¼.

The area described contains 160 acres.

At 10:00 a. m. on the 63d day from the date on which this order is signed, these lands, subject to valid existing rights and the provisions of existing withdrawals, shall become subject to application, petition, location, or selection as follows:

(a) For a period of 90 days, commencing on the day and at the hour named above, the public lands affected by this order shall be subject to (1) application under the homestead or the desert land laws, or the small tract act of June 1, 1938 (52 Stat. 609, 43 U.S.C. sec. 682a), by qualified veterans of World War II, for whose service recognition is granted by the act of September 27, 1944 (58 Stat. 747, 43 U.S.C. sec. 282), subject to the requirements of applicable law, and (2) application under any applicable public land law, based on prior existing valid settlement rights and preference rights conferred by existing laws or equitable claims subject to allowance and confirmation. Applications by such veterans shall be subject to claims of the classes described in subdivision (2).

(b) For a period of 20 days immediately prior to the beginning of such 90-day period, such veterans and persons claiming preference rights superior to those of such veterans, may present their applications, and all such applications, together with those presented at 10:00 a. m. on the first day of the 90-day period, shall be treated as simultaneously filed.

(c) Commencing at 10:00 a. m. on the 91st day after the lands become subject to application, as hereinabove provided, any of the lands remaining unappropriated shall become subject to such application, petition, location, or selection by the public generally as may be authorized by the public land laws.

(d) Application by the general public may be presented during the 20-day period immediately preceding such 91st day, and all such applications, together with those presented at 10:00 a. m. on that day, shall be treated as simultaneously filed.

Veterans shall accompany their applications with certified copies of their certificates of discharge, or other satisfactory evidence of their military or naval service. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their applications by duly corroborated affidavits in support thereof, setting forth in detail all facts relevant to their claims.

Applications for these lands, which shall be filed in the District Land Office at Blackfoot, Idaho, shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations (Circular 324, May 22, 1914, 43 L.D. 254), and Part 296 of that Title, to the extent that such regulations are applicable. Applications under the homestead laws shall be governed by the regulations contained in Subchapter I of Title 43 of the Code of Federal Regulations and applications under the desert land laws and the small tract act of June 1, 1938 shall be governed by the regulations contained in Parts 232 and 257, respectively, of that title.

FRED W. JOHNSON,
Commissioner.

[F. R. Doc. 45-14668; Filed, Aug. 9, 1945; 9:43 a. m.]

CIVIL AERONAUTICS BOARD.

[Docket No. 1498, et al.]

WIEN ALASKA AIRLINES, INC., ET AL.; GAMBELL-SHUNGNAK-BARROW MAIL SERVICE

NOTICE OF HEARING

In the matter of the applications of Wien Alaska Airlines, Inc., Alaska Airlines, Inc., and Northern Cross, Inc., for certificates and amendments of certificates of public convenience and necessity under section 401 of the Civil Aeronautics Act of 1938, as amended, and in the matter of the certification by the Postmaster General pursuant to section 401 (n) of the act with respect to the transportation of mail by aircraft between points in the Territory of Alaska.

Notice is hereby given as required by section 401 and 1001 of the Civil Aeronautics Act of 1938, as amended, that a hearing in the above-entitled proceeding is assigned to be held on August 31, 1945, at 10:00 a. m., in Nome, Alaska, before Examiners Raymond W. Stough and Joseph L. Fitzmaurice.

Dated: Anchorage, Alaska, August 2, 1945.

By the Civil Aeronautics Board.

RAYMOND W. STOUGH,
Director, Alaska Office.

[F. R. Doc. 45-14687; Filed, Aug. 9, 1945; 11:06 a. m.]

[Docket No. 1973 et al.]

PAN AMERICAN AIRWAYS, INC., AND WIEN ALASKA AIRLINES, INC.; FAIRBANKS-NOME INTERMEDIATE POINTS PROCEEDING

NOTICE OF HEARING

In the matter of the applications of Pan American Airways, Inc., and Wien Alaska Airlines, Inc., for amendments of certificates of public convenience and necessity under section 401 of the Civil Aeronautics Act of 1938, as amended, and for an exemption from the provisions of section 401 of the act.

Notice is hereby given pursuant to the Civil Aeronautics Act of 1938, as amended, particularly sections 401 and 1001 of said act, that a hearing in the above-entitled proceeding is assigned to be held on August 27, 1945, at 10:00 a. m., in Fairbanks, Alaska, before Examiners Raymond W. Stough and Joseph L. Fitzmaurice.

Dated: Anchorage, Alaska, August 2, 1945.

By the Civil Aeronautics Board.

RAYMOND W. STOUGH,
Director, Alaska Office.

[F. R. Doc. 45-14688; Filed, Aug. 9, 1945; 11:06 a. m.]

INTERSTATE COMMERCE COMMISSION.

[2d Rev. S. O. 300, 2d Amended Special Permit 24]

ICING OF POTATOES AT GREENVILLE PIERS, N. J.

Pursuant to the authority vested in me by paragraph (e) of the first ordering paragraph of Second Revised Service Order No. 300 (10 F.R. 6302), permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard the provisions of Second Revised Service Order No. 300 insofar as it

applies to the furnishing of initial icing at Greenville Piers, N. J. (P. R. R.), on not to exceed fifty eight (58) refrigerator cars, loaded with potatoes, to be shipped August 10 to 15, inclusive, 1945, at a rate not to exceed 12 cars per day, from points on the Long Island Railroad, consigned to Quarter Master Market Center, New Orleans, Louisiana, for export, and to accord one reicing in transit only, at Columbus, Ohio, (by P. R. R.), on the said fifty eight (58) cars. (LI-PRR-to Cincinnati, Ohio,-L&N).

The waybills shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 6th day of August, 1945.

V. C. CLINGER,
Director,
Bureau of Service.

[F. R. Doc. 45-14683; Filed, Aug. 9, 1945; 11:04 a. m.]

[2d Rev. S. O. 300, Special Permit 29]

ICING OF POTATOES FROM GREENPORT, LONG ISLAND, N. Y. AND HIGHTSTOWN, N. J.

Pursuant to the authority vested in me by paragraph (e) of the first ordering paragraph of Second Revised Service Order No. 300 (10 F.R. 2408), permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard the provisons of Second Revised Service Order No. 300 insofar as it applies to the furnishing of initial icing only on the following cars of potatoes shipped by F. H. Vahlsing, Inc., August 3 or 4, 1945:

NRC 14063, from Greenport, L. I., to Dan Storey, Pittsburgh, Pennsylvania (LI-B&O).

WFE 61294 and FGE 43642, from Hightstown, N. J., to Market Dealers Service, Detroit, Michigan. (PRR-Wab.).

The waybills shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 4th day of August, 1945.

V. C. CLINGER,
Director.
Bureau of Service.

[F. R. Doc. 45-14684; Filed, Aug. 9, 1945; 11:04 a. m.]

[S. O. 348]

REROUTING OF TRAFFIC; EMPLOYEES STRIKE ON THE GA. & FLA. RAILROAD

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 8th day of August, A. D. 1945.

It appearing, that a strike of certain operating employees of the Georgia & Florida Railroad (W. V. Griffin and H. W. Purvis, Receivers) is interfering with operation of that carrier, and that the said carrier is unable to transport the traffic offered to it for movement over its lines; the Commission is of opinion an emergency exists requiring immediate action in that section of the country to avoid congestion of traffic, and to best promote the service in the interest of the public and the commerce of the people: It is ordered, that:

Operating employees strike on the Ga. & Fla. Railroad—(a) *Rerouting of freight traffic.* All common carriers by railroad, subject to the Interstate Commerce Act, having cars on hand which were shipped prior to 12:01 a. m., August 8, 1945, and which are routed over, or ordinarily move over the Georgia and Florida Railroad (W. V. Griffin and H. W. Purvis, Receivers), are hereby directed to forward such freight cars via routes most available to expedite their movement and prevent congestion, without regard to the routing thereof made by shippers or by carriers from which the traffic is received, or to the ownership of cars: *Provided*, That the billing covering all such cars rerouted shall carry a reference to this order as authority for the rerouting. All rules, regulations, and practices of said carriers with respect to car service are hereby suspended and superseded insofar only as conflicting with the directions hereby made.

(b) *Rates to be applied.* That inasmuch as such disregard of routing is deemed to be due to carriers' disability, the rates applicable to traffic so forwarded by routes other than those designated by shippers, or by carriers from which the traffic is received, pursuant to this order, shall be the rates which were applicable at date of shipment over the routes so designated.

(c) *Division of rates.* In executing the orders and directions of the Commission provided for in this order the common carriers involved shall proceed even though no contracts, agreements, or arrangements now exist between them with reference to the divisions of the rates of transportation applicable to said traffic; such divisions shall be, during the time this order remains in force, voluntarily agreed upon by and between said carriers; or upon failure of the carriers to so agree, said divisions shall be hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by the Interstate Commerce Act.

(d) *Effective date.* This order shall become effective at 12:01 p. m., August 8, 1945.

(e) *Expiration date.* This order shall expire at 11:59 p. m., August 12, 1945, unless otherwise modified, changed, suspended or annulled by order of this Commission. (40 Stat. 101, sec. 402, 418; 41 Stat. 476, 485; sec. 4, 10; 54 Stat. 901, 912; 49 U.S.C. 1 (10)–(17), 15 (4))

It is further ordered, that copies of this order and direction be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy thereof in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

By the Commission, division 3.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 45-14680; Filed, Aug. 9, 1945, 11:04 a. m.]

[S. O. 349]

UNLOADING OF SYRUP AT CHARLOTTE, N. C.

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 8th day of August, A. D. 1945.

It appearing, that car Wab. 83663, containing syrup at Charlotte, North Carolina, on the Southern Railway Company, shipped by Coulder Malt Products Company, Harrison, New Jersey, has been on hand for an unreasonable length of time and that the delay in unloading said car is impeding its use; in the opinion of the Commission an emergency exists requiring immediate action. It is ordered, that:

Syrup at Charlotte, North Carolina, be unloaded. (a) The Southern Railway Company, its agents or employees shall unload forthwith car Wab. 83663, containing syrup on hand at Charlotte, North Carolina, consigned to Piedmont Sales Company.

(b) Said carrier shall notify the Director of the Bureau of Service, Interstate Commerce Commission, Washington, D. C., when such carload has been completely unloaded in compliance with the requirements of paragraph (a). Upon the unloading and receipt of such notice this order shall expire. (40 Stat. 101, sec. 402, 41 Stat. 476, sec. 4, 54 Stat. 901, 911; 49 U.S.C. 1 (10)–(17), 15 (4))

It is further ordered, that this order shall become effective immediately, and that a copy of this order and direction shall be served upon the Southern Railway Company, and upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission, at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

By the Commission, Divison 3.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 45-14681; Filed, Aug. 9, 1945, 11:04 a. m.]

OFFICE OF PRICE ADMINISTRATION.

[MPR 120, Order 1379]

AIKOL COAL CO. ET AL.

ESTABLISHMENT OF MAXIMUM PRICES AND PRICE CLASSIFICATIONS

Correction

In Federal Register Document 45-9552, appearing at page 6694 of the issue for Tuesday, June 5, 1945, in the table for Gregory & Whites Coal Company, the price for rail shipments and railroad fuel for size group number 9 should be "340".

[MPR 188, Order 4228]

BIONDY'S

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.158 of Maximum Price Regulation No. 188; *It is ordered:*

(a) This order establishes maximum prices for sales and deliveries of certain articles manufactured by Biondy's, 32 Gilpin Road, Upper Darby, Pa.

(1) For all sales and deliveries to the following classes of purchasers by the sellers indicated below, the maximum prices are those set forth below:

Article	Model No.	For sales by the manufacturer to—		For sales by any person to consumers
		Jobbers	Retailers	
Wooden boudoir lamp	1	*Each* $0.85	*Each* $1.00	*Each* $1.80

These maximum prices are for the articles described in the manufacturer's application dated March 6, 1945.

(2) For sales by the manufacturer, the maximum prices apply to all sales and deliveries since Maximum Price Regulation No. 188 became applicable to those sales and deliveries. For sales to persons other than consumers they are f. o. b. factory, 2% 10 days, net 30. The maximum price to consumers is net, delivered.

(3) For sales by persons other than the manufacturer, the maximum prices apply to all sales and deliveries after the effective date of this order. Those prices are subject to each seller's customary terms and conditions of sale on sales of similar articles.

(4) If the manufacturer wishes to make sales and deliveries to any other class of purchaser or on other terms and conditions of sale, he must apply to the Office of Price Administration, Washington, D. C., under the Fourth Pricing Method, § 1499.158 of Maximum Price Regulation No. 188, for the establishment of maximum prices for those sales, and no sales or deliveries may be made until maximum prices have been authorized by the Office of Price Administration.

(b) The manufacturer shall attach a tag or label to every article for which a maximum price for sales to consumers is established by this order. That tag or label shall contain the following statement, with the proper model number and the ceiling price inserted in the blank spaces:

Model No. ------
OPA Retail Ceiling Price—$------
Do Not Detach

(c) At the time of, or prior to, the first invoice to each purchaser for resale, the seller shall notify the purchaser in writing of the maximum prices and conditions established by this order for sales by the purchaser. This notice may be given in any convenient form.

(d) Jobber's maximum prices for sales of the articles covered by this order shall be established under the provisions of section 4.5 of SR 14J.

(e) This order may be revoked or amended by the Price Administrator at any time.

(f) This order shall become effective on the 8th day of August 1945.

Issued this 7th day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-14605; Filed, Aug. 7, 1945; 4:23 p. m.]

[MPR 188, Order 4229]

LEONARD T. MCMANIS

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.158 of Maximum Price Regulation No. 188; *It is ordered:*

(a) This order establishes maximum prices for sales and deliveries of certain articles manufactured by Leonard T. McManis, P. O. Box #5, Aurora, Colo.

(1) For all sales and deliveries to the following classes of purchasers by the sellers indicated below, the maximum prices are those set forth below:

Article	Model No.	For sales by the manufacturer to—		For sales by any person to consumers
		Jobbers	Retailers	
Cedar table lamp and shade	1	*Each* $2.34	*Each* $2.75	*Each* $4.95

These maximum prices are for the articles described in the manufacturer's application dated March 10, 1945.

(2) For sales by the manufacturer, the maximum prices apply to all sales and deliveries since Maximum Price Regulation No. 188 became applicable to those sales and deliveries. For sales to persons other than consumers they are f. o. b. factory, 2% 10 days, net 30. The maximum price to consumers is net, delivered.

(3) For sales by persons other than the manufacturer, the maximum prices apply to all sales and deliveries after the effective date of this order. Those prices are subject to each seller's customary terms and conditions of sale on sales of similar articles.

(4) If the manufacturer wishes to make sales and deliveries to any other class of purchaser or on other terms and conditions of sale, he must apply to the Office of Price Administration, Washington, D. C., under the Fourth Pricing Method, § 1499.158 of Maximum Price Regulation No. 188, for the establishment of maximum prices for those sales, and no sales or deliveries may be made until maximum prices have been authorized by the Office of Price Administration.

(b) The manufacturer shall attach a tag or label to every article for which a maximum price for sales to consumers is established by this order. That tag or label shall contain the following statement, with the proper model number and the ceiling price inserted in the blank spaces:

Model No. ------
OPA Retail Ceiling Price—$------
Do Not Detach

(c) At the time of, or prior to, the first invoice to each purchaser for resale, the seller shall notify the purchaser in writing of the maximum prices and conditions established by this order for sales by the purchaser. This notice may be given in any convenient form.

(d) Jobber's maximum prices for sales of the articles covered by this order shall be established under the provisions of section 4.5 of Supplementary Regulation 14J.

(e) This order may be revoked or amended by the Price Administrator at any time.

(f) This order shall become effective on the 8th day of August 1945.

Issued this 7th day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-14606; Filed, Aug. 7, 1945; 4:23 p. m.]

[MPR 188, Order 4230]

NATIONAL ART CRAFTS, INC.

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.158 of Maximum Price Regulation No. 188; *It is ordered:*

(a) This order establishes maximum prices for sales and deliveries of certain articles manufactured by National Art Crafts, Inc., 356 Pearl Street, Brooklyn, N. Y.

(1) For all sales and deliveries to the following classes of purchasers by the sellers indicated below, the maximum prices are those set forth below:

Article	Model No.	For sales by the manufacturer to—		For sales by any person to consumers
		Jobbers	Retailers	
22" lacquered composition plaster lamp base	20	*Each* $2.76	*Each* $3.25	*Each* $5.85
23" glazed pottery lamp base	602	3.82	4.50	8.10

These maximum prices are for the articles described in the manufacturer's application dated April 30, 1945.

(2) For sales by the manufacturer, the maximum prices apply to all sales and deliveries since Maximum Price Regulation No. 188 became applicable to those sales and deliveries. For sales to persons other than consumers they are f. o. b. factory, 2% 10 days, net 30. The maximum price to consumers is net, delivered.

(3) For sales by persons other than the manufacturer, the maximum prices apply to all sales and deliveries after the effective date of this order. Those prices are subject to each seller's customary terms and conditions of sale on sales of similar articles.

(4) If the manufacturer wishes to make sales and deliveries to any other class of purchaser or on other terms and conditions of sale, he must apply to the Office of Price Administration, Washington, D. C., under the Fourth Pricing Method, § 1499.158 of Maximum Price Regulation No. 188, for the establishment of maximum prices for those sales, and no sales or deliveries may be made until maximum prices have been authorized by the Office of Price Administration.

(b) The manufacturer shall attach a tag or label to every article for which a maximum price for sales to consumers is established by this order. That tag or label shall contain the following statement, with the proper model number and the ceiling price inserted in the blank spaces:

Model No. ------
OPA Retail Ceiling Price—$------
Do Not Detach

(c) At the time of, or prior to, the first invoice to each purchaser for resale, the seller shall notify the purchaser in writing of the maximum prices and conditions established by this order for sales by the purchaser. This notice may be given in any convenient form.

(d) Jobber's maximum prices for sales of the articles covered by this order shall be established under the provisions of section 4.5 of Supplementary Regulation 14J.

(e) This order may be revoked or amended by the Price Administrator at any time.

(f) This order shall become effective on the 8th day of August 1945.

Issued this 7th day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-14607; Filed, Aug. 7, 1945; 4:24 p. m.]

[MPR 188, Order No. 4231]

LACO PLATE CO.

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.158 of Maximum Price Regulation No. 188; *It is ordered:*

(a) This order establishes maximum prices for sales and deliveries of certain articles manufactured by Laco Plate Company, 2318 South Vermont Avenue, Los Angeles, California.

(1) For all sales and deliveries to the following classes of purchasers by the sellers indicated below, the maximum prices are those set forth below:

Article	Model No.	For sales by the manufacturer to—		For sales by any person to consumers
		Jobbers	Retailers	
Hand made taffeta, satin and Lunarith lamp shades in a variety of shapes, styles and sizes with pinked ruching, swag hand frayed ruffling, piping or braid trim		*Each*	*Each*	*Each*
7½"	100	$1.27	$1.50	$2.70
8"	206	3.61	4.25	7.65
8"	101B	1.91	2.25	4.05
9"	102B	4.25	5.00	9.00
9"	103B	2.76	3.25	5.85
9"	104B	3.53	4.15	7.50
9"	301B	2.12	2.50	4.50
12" & 13"	102	5.06	5.95	10.70
13"	104	3.19	3.75	6.75
13"	101	3.82	4.50	8.10
13"	107	2.55	3.00	5.40
13"	109	3.40	4.00	7.20
13"	111	1.12	2.50	4.50
13"	113½	1.78	2.10	3.80
13"	114	2.04	2.40	4.30
13"	301	2.76	3.25	5.85
13"	505	6.60	6.95	12.50
13"	513	1.78	2.10	3.80
13"	520	3.40	4.00	7.20
14"	600	2.76	3.25	5.85
15"	102	5.69	6.70	12.05
15"	103	3.61	4.25	7.65
15"	104	4.16	5.25	9.45
15"	505	10.62	12.50	22.50
19"	200	7.23	8.50	15.30
19"	201	1.04	4.75	8.55
19"	202	8.07	9.50	17.10
19"	203	5.52	6.50	11.70
19"	204	6.37	7.50	13.50
19"	209	5.41	6.25	11.25
19"	214 B	2.34	2.75	4.95
19"	214	3.19	3.75	6.75
19"	214½	4.25	5.00	9.00
19"	216	2.55	3.00	5.40
19"	505	14.02	16.50	29.70

These maximum prices are for the articles described in the manufacturer's application dated April 18, 1945.

(2) For sales by the manufacturer, the maximum prices apply to all sales and deliveries since Maximum Price Regulation No. 188 became applicable to those sales and deliveries. For sales to persons other than consumers they are f. o. b. factory, 2% 10 days, net 30. The maximum price to consumers is net, delivered.

(3) For sales by persons other than the manufacturer, the maximum prices apply to all sales and deliveries after the effective date of this order. Those prices are subject to each seller's customary terms and conditions of sale on sales of similar articles.

(4) If the manufacturer wishes to make sales and deliveries to any other class of purchaser or on other terms and conditions of sale, he must apply to the Office of Price Administration, Washington, D. C., under the Fourth Pricing Method, § 1499.158 of Maximum Price Regulation No. 188, for the establishment of maximum prices for those sales, and no sales or deliveries may be made until maximum prices have been authorized by the Office of Price Administration.

(b) The manufacturer shall attach a tag or label to every article for which a maximum price for sales to consumers is established by this order. That tag or label shall contain the following statement, with the proper model number and the ceiling price inserted in the blank spaces:

Model No. ----
OPA Retail Ceiling Price—$------
Do Not Detach

(c) At the time of, or prior to, the first invoice to each purchaser for resale, the seller shall notify the purchaser in writing of the maximum prices and conditions established by this order for sales by the purchaser. This notice may be given in any convenient form.

(d) Jobber's maximum prices for sales of the articles covered by this order shall be established under the provisions of section 4.5 of SR 14J.

(e) This order may be revoked or amended by the Price Administrator at any time.

(f) This order shall become effective on the 8th day of August 1945.

Issued this 7th day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-14608; Filed, Aug. 7, 1945; 4:24 p. m.]

[MPR 188, Order 4234]

H. M. GIBB & CO.

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.158 of Maximum Price Regulation No. 188; *It is ordered:*

(a) This order establishes maximum prices for sales and deliveries of certain articles manufactured by H. M. Gibb and Company, 1302 Penobscot Building, Detroit 26, Mich.

(1) For all sales and deliveries to the following classes of purchasers by the sellers indicated below, the maximum prices are those set forth below:

Article	Model No.	Maximum prices for sale by any seller to—				
		Wholesalers (jobbers)	Dropship (jobbers)	Department and chain stores	Other retailers	Consumers
DeLuxe can opener....	11	*Each* $0.25	*Each* $0.2[illegible]	*Each* [illegible]	*Each* [illegible]	*Each* [illegible]

Description: An all metal pliers type can opener, with stationary cutting blade which is drawn through the metal by a serrated drive wheel actuated by a crank.

These maximum prices are for the articles described in the manufacturer's application dated June 15, 1945.

(2) For sales by the manufacturer, the maximum prices apply to all sales and deliveries since Maximum Price Regulation No. 188 became applicable to those sales and deliveries. They are f. o. b. factory and subject to a cash discount of 2% for payment within 10 days, net 30 days.

(3) For sales by persons other than the manufacturer, the maximum prices apply to all sales and deliveries after the effective date of this order. Those prices are subject to each seller's customary

terms and conditions of sale on sales of similar articles.

(4) If the manufacturer wishes to make sales and deliveries to any other class of purchaser or on other terms and conditions of sale, he must apply to the Office of Price Administration, Washington, D. C., under the Fourth Pricing Method, § 1499.158 of Maximum Price Regulation No. 188, for the establishment of maximum prices for those sales, and no sales or deliveries may be made until maximum prices have been authorized by the Office of Price Administration.

(b) The manufacturer shall attach a tag or label to every article for which a maximum price for sales to consumers is established by this order. That tag or label shall contain the following statement, with the proper model number and the ceiling price inserted in the blank spaces:

Model No. ------
OPA Retail Ceiling Price—$------
Do Not Detach

(c) At the time of, or prior to, the first invoice to each purchaser for resale, the seller shall notify the purchaser in writing of the maximum prices and conditions established by this order for sales by the purchaser. This notice may be given in any convenient form.

(d) Jobber's maximum prices for sales of the articles covered by this order shall be established under the provisions of section 4.5 of SR 14J.

(e) This order may be revoked or amended by the Price Administrator at any time.

(f) This order shall become effective on the 8th day of August 1945.

Issued this 7th day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-14610; Filed, Aug. 7, 1945; 4:24 p. m.]

[MPR 188, Order 4236]

S. F. MANUFACTURING CO.

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.158 of Maximum Price Regulation No. 188; *It is ordered:*

(a) This order establishes maximum prices for sales and deliveries of certain articles manufactured by the S. F. Manufacturing Company, 1918 Two Notch Road, Columbia 13, S. C.

(1) For all sales and deliveries to the following classes of purchasers by the sellers indicated below, the maximum prices are those set forth below:

Article	Model	Maximum prices for sale by any seller to—			
		Wholesaler (jobber)	Retailer (6 units or more)	Retailer (less than 6 units)	Consumer
Aluminum hot plate, single burner, cord and plug	101	*Each* $1.79	*Each* $1.41	*Each* $1.51	*Each* $2.25
Aluminum hot plate, double burner, switches, cord and plug	102	2.50	3.00	3.25	5.00

These maximum prices are for the articles described in the manufacturer's application dated April 9, 1945. They include the Federal Excise Tax.

(2) For sales by the manufacturer, the maximum prices apply to all sales and deliveries since Maximum Price Regulation No. 188 became applicable to those sales and deliveries. These prices are f. o. b. factory and subject to a cash discount of 2% for payment within 10 days, net 30 days.

(3) For sales by persons other than the manufacturer, the maximum prices apply to all sales and deliveries after the effective date of this order. Those prices are subject to each seller's customary terms and conditions of sale on sales of similar articles.

(4) If the manufacturer wishes to make sales and deliveries to any other class of purchaser or on other terms and conditions of sale, he must apply to the Office of Price Administration, Washington, D. C., under the Fourth Pricing Method, § 1499.158 of Maximum Price Regulation No. 188, for the establishment of maximum prices for those sales, and no sales or deliveries may be made until maximum prices have been authorized by the Office of Price Administration.

(b) The manufacturer shall attach a tag or label to every article for which a maximum price for sales to consumers is established by this order. That tag or label shall contain the following statements with the correct order number, model number and retail ceiling price filled in:

Order No. 4236
Model No. ------
OPA Retail Ceiling Price $------
Federal Excise Tax Included
Do Not Detach or Obliterate

(c) At the time of, or prior to, the first invoice to each purchaser for resale, the seller shall notify the purchaser in writing of the maximum prices and conditions established by this order for sales by the purchaser. This notice may be given in any convenient form.

(d) Jobber's maximum prices for sales of the articles covered by this order shall be established under the provisions of section 4.5 of SR 14J.

(e) This order may be revoked or amended by the Price Administrator at any time.

(f) This order shall become effective on the 8th day of August 1945.

Issued this 7th day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-14609; Filed, Aug. 7, 1945; 4:24 p. m.]

[MPR 188, Order 4235]

ALBERT FREED

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.158 of Maximum Price Regulation No. 188; *It is ordered:*

(a) This order establishes maximum prices for sales and deliveries of certain articles manufactured by Albert Freed 10 West 23d Street, New York, N. Y.

(1) For all sales and deliveries to the following classes of purchasers by the sellers indicated below, the maximum prices are those set forth below:

Article	Model No.	Maximum prices for sale by any seller to—			
		Jobbers	Retailers	Consumers (per unit)	
Crystal hanging lamp, octagon shaped base, waterford cut ball break and reeded tube (14" high)	52	*Each* $1.06	*Each* $1.25	*Each* $2.25	
Crystal hanging lamp, octagon shaped base, shaped breaks and reeded tube (14 3/4" high)	102	2.13	2.90	4.90	
Prism lamp with steel frame and prisms and crystal hanging lamp with crystal base with four waterford cut ball breaks (12½" high)	87	1.15	1.45	2.45	
Crystal hanging lamp with waterford cut ball breaks and prism (12½" high)	95	1.20	1.41	2.25	
Decorated china table lamp with glass base (23" high)	103	2.28	2.80	4.80	
Decorated china hurricane lamp (11½" high)	500 and 100	1.70	2.00	3.40	

These maximum prices are for the articles described in the manufacturer's application dated March 26, 1945.

(2) For sales by the manufacturer, the maximum prices apply to all sales and deliveries since Maximum Price Regulation No. 188 became applicable to those sales and deliveries. For sales to persons other than consumers, they are f. o. b. factory, 2% 10 days, net 30. The maximum price to consumers is net, delivered.

(3) For sales by persons other than the manufacturer, the maximum prices apply to all sales and deliveries after the effective date of this order. Those prices are subject to each seller's customary terms and conditions of sale on sales of similar articles.

(4) If the manufacturer wishes to make sales and deliveries to any other class of purchaser or on other terms and conditions of sale, he must apply to the Office of Price Administration, Washington, D. C., under the Fourth Pricing Method, § 1499.158 of Maximum Price Regulation No. 188, for the establishment of maximum prices for those sales, and no sales or deliveries may be made until maximum prices have been authorized by the Office of Price Administration.

S. F. Manufacturing Company
1918 Two Notch Road
Columbia 13, South Carolina
Model No. ------
OPA Retail Ceiling Price $------
Federal Excise Tax Included
Do Not Detach or Obliterate

(c) At the time of, or prior to, the first invoice to each purchaser for resale, the seller shall notify the purchaser in writing of the maximum prices and conditions established by this order for sales by the purchaser. This notice may be given in any convenient form.

(d) This order may be revoked or amended by the Price Administrator at any time.

(e) This order shall become effective on the 8th day of August 1945.

Issued this 7th day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-14611; Filed, Aug. 7, 1945; 4:25 p. m.]

[MPR 188, Order 4237]

HOROWITZ LAMP AND METAL PRODUCTS

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.158 of Maximum Price Regulation No. 188; *It is ordered:*

(a) This order establishes maximum prices for sales and deliveries of certain articles manufactured by Horowitz Lamp and Metal Products, 232 Canal Street, New York City, N. Y.

(1) For all sales and deliveries to the following classes of purchasers by the sellers indicated below, the maximum prices are those set forth below:

Article	Model No.	For sales by the manufacturer to— Jobbers	Retailers	For sales by any person to consumers
Fluorescent bed lamp, sprayed in various colors	HL-2	*Each* $2.95	*Each* $3.50	*Each* $6.30
Fluorescent bed lamp, sprayed in various colors and equipped with ballast	BL-1	3.85	4.50	8.10
Fluorescent desk lamp, crackled brown finish and equipped with ballast	DL-1	5.31	6.25	11.25

These maximum prices are for the articles described in the manufacturer's application dated March 21, 1945.

(2) For sales by the manufacturer, the maximum prices apply to all sales and deliveries since Maximum Price Regulation No. 188 became applicable to those sales and deliveries. For sales to persons other than consumers they are f. o. b. factory, 2% 10 days, net 30. The maximum price to consumers is net, delivered.

(3) For sales by persons other than the manufacturer, the maximum prices apply to all sales and deliveries after the effective date of this order. Those prices are subject to each seller's customary terms and conditions of sale on sales of similar articles.

(4) If the manufacturer wishes to make sales and deliveries to any other class of purchaser or on other terms and conditions of sale, he must apply to the Office of Price Administration, Washington, D. C., under the Fourth Pricing Method, § 1499.158 of Maximum Price Regulation No. 188, for the establishment of maximum prices for those sales, and no sales or deliveries may be made until maximum prices have been authorized by the Office of Price Administration.

(b) The manufacturer shall attach a tag or label to every article for which a maximum price for sales to consumers is established by this order. That tag or label shall contain the following statement, with the proper model number and the ceiling price inserted in the blank spaces:

Model No. ------
OPA Retail Ceiling Price—$------
Do Not Detach

(c) At the time of, or prior to, the first invoice to each purchaser for resale, the seller shall notify the purchaser in writing of the maximum prices and conditions established by this order for sales by the purchaser. This notice may be given in any convenient form.

(d) Jobber's maximum prices for sales of the articles covered by this order shall be established under the provisions of section 4.5 of SR 14J.

(e) This order may be revoked or amended by the Price Administrator at any time.

(f) This order shall become effective on the 8th day of August 1945.

Issued this 7th day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-14612; Filed, Aug. 7, 1945; 4:25 p. m.]

[RMPR 499, Amdt. 1 to Order 3]

ROLEX WATCH COMPANY, INC.

ESTABLISHMENT OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to section 14 of Revised Maximum Price Regulation 499: *It is ordered*, That Order No. 3 under Revised Maximum Price Regulation 499 is amended in the following respects:

1. There are deleted from the listing in paragraph (b) the following model numbers and maximum prices:

Rolex model No.	Maximum prices to retailers	Maximum retail prices including the Federal excise tax
4270	$96.64	$144.00
4270	114.76	248.00
4270 (SS)	114.88	248.25
3003/8	104.00	221.25

2. There are added to the listing in paargraph (b) the following model numbers and maximum prices:

Rolex model No.	Maximum prices to retailers	Maximum retail prices including the Federal excise tax
4270/1	$96.64	$144.00
4270/2	114.76	248.00
4270/3	114.88	248.25
3756/2	68.00	147.50
3772	62.00	134.25
3899/3	67.50	146.25
3899/1	94.00	203.00
4300	109.00	240.50
3330/3	72.37	156.75
3548/6	79.50	172.25
3064	91.00	196.00

This amendment shall become effective on the 8th day of August 1945.

Issued this 7th day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-14613; Filed, Aug. 7, 1945; 4:25 p. m.]

[MPR 120, Order 1440]

J. A. HOLLOWAY, ET AL.

ESTABLISHMENT OF MAXIMUM PRICES AND PRICE CLASSIFICATIONS

For the reasons set forth in an accompanying opinion, and in accordance with § 1340.210 (a) (6) of Maximum Price Regulation No. 120; *It is ordered:*

Producers identified herein operate named mines assigned the mine index numbers, the price classifications and the maximum prices in cents per net ton, for the indicated uses and shipments as set forth herein. All are in District No. 8. The mine index numbers and the price classifications assigned are permanent but the maximum prices may be changed by an amendment issued after the effective date of this order. Where such an amendment is issued for the district in which the mines involved herein are located and where the amendment makes no particular reference to a mine or mines involved herein, the prices shall be the prices set forth in such amendment for the price classifications of the respective size groups. The location of each mine is given by county and state. The maximum prices stated to be for truck shipment are in cents per net ton f. o. b. the mine or preparation plant and when stated to be for rail shipment or for railroad fuel are in cents per net ton f. o. b. rail shipping point. In cases where mines ship coals by river the prices for such shipments are those established for rail shipment and are in cents per net ton f. o. b. river shipping point. However, producer is subject to the provisions of § 1340.219 and all other provisions of Maximum Price Regulation No. 120.

J. A. HOLLOWAY, BANCROFT, W. VA., JOSEPH LEE MINE, PITTSBURGH #8 SEAM, MINE INDEX NO. 7429, PUTNAM COUNTY, W. VA., SUBDISTRICT 4, DEEP MINE, MAXIMUM TRUCK PRICE GROUP NO. 5

	Size-group Nos. 1	2	3	4	5	6	7	8	9	10	15, 16, 17	18	19	20, 21
Truck shipment	395	375	350	350	335	310	275	270	----	----	----	----	----	----

JOE MORRIS, CUMBERLAND, KY., MORRIS COAL CO. MINE, HARLAN SEAM, MINE INDEX NO. 7432, HARLAND COUNTY, KY., SUBDISTRICT 2, RAIL SHIPPING POINT: HARLAN, KY., F. O. G. 80, DEEP MINE, MAXIMUM TRUCK PRICE GROUP NO. 5

	O	O	O	O	L	L	K	F	D	D	D	H	H	H
Rail shipments and railroad fuel	360	355	340	340	335	335	325	330	330	385	315	310	300	295
Truck shipment	395	375	350	350	335	310	275	270	----	----	----	----	----	----

OSTROSKI COAL CO., CUMBERLAND, KY., OSTROSKI COAL CO. MINE, HARLAN SEAM, MINE INDEX NO. 7433, HARLAN COUNTY, KY., SUBDISTRICT 2, RAIL SHIPPING POINT: HARLAN, KY., F. O. G. 80, DEEP MINE, MAXIMUM TRUCK PRICE GROUP NO. 5

	O	O	O	O	L	L	K	F	D	D	D	H	H	H
Rail shipments and railroad fuel	360	355	340	340	335	335	325	330	330	385	315	310	300	295
Truck shipment	395	375	350	350	335	310	275	270	----	----	----	----	----	----

J. C. RENFRO COAL CO., TACOMA, VA., RENFRO MINE, TAGGART SEAM, MINE INDEX NO. 7422, WISE COUNTY, VA., SUBDISTRICT 7, RAIL SHIPPING POINT: NORTON, VA., F. O. G. 205, DEEP MINE, MAXIMUM TRUCK PRICE GROUP NO. 2

	J	J	J	J	H	H	G	D	C	C	A	B	B	B
Rail shipments and railroad fuel	390	385	375	375	360	350	330	335	330	385	320	320	320	315
Truck shipment	430	410	365	380	345	320	275	270	----	----	----	----	----	----

SLUSHER & RUSSELL COAL CO., CALLOWAY, KY., SLUSHER MINE, MASON SEAM, MINE INDEX NO. 7431, BELL COUNTY, KY., SUBDISTRICT 6, RAIL SHIPPING POINT: TEJAY, KY., F. O. G. 111, DEEP MINE, MAXIMUM TRUCK PRICE GROUP NO. 3

	R	R	R	R	M	M	L	K	J	E	G	O	O	O
Rail shipment	360	355	340	350	350	345	340	325	320	400	325	295	290	285
Railroad fuel	360	355	350	350	350	345	340	325	325	400	325	295	290	285
Truck shipment	420	400	365	365	335	315	275	270	----	----	----	----	----	----

This order shall become effective August 9, 1945.

(56 Stat. 23, 765; 57 Stat. 566; Pub. Law 383, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 8th day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-14642; Filed, Aug. 8, 1945; 11:42 a. m.]

[MPR 120, Order 1441]

PACIFIC COAST COAL CO.

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in the opinion issued simultaneously herewith, and in accordance with § 1340.210 (a) (6) of Maximum Price Regulation No. 120; *It is ordered:*

(a) The Fulton Mine of Pacific Coast Coal Company is hereby assigned Mine index no. 1004 and its coals are classified in Subdistrict G for all methods of shipment.

(b) Coals produced by Pacific Coast Coal Company from the No. 12 (Fulton Bed) Seam at its Fulton Mine, Mine Index No. 1004, located in King County, Washington, in Subdistrict G of District No. 23, may be purchased and sold for the indicated uses and movements in cents per net ton prices not exceeding the following:

	Size group Nos. 1, 2, 3, 4, 5	6, 7, 8, 9, 10	11, 12	13, 14	15, 16, 17, 18	19, 20	21	22, 23	24, 25
All methods of transportation (except truck or wagon) and for all uses	665	665	575	545	535	560	520	520	375
Truck or wagon shipments	710	660	610	570	560	585	560	550	410

(c) The prices established herein are f. o. b. the mine or preparation plant for truck or wagon shipments, and f. o. b. the rail or river shipping point for rail or river shipments and for railroad fuel, all uses.

(d) This order may be revoked or amended by the Price Administrator at any time.

(e) Except as specifically provided in this order the provisions of Maximum Price Regulation No. 120 governing the sale of bituminous coal shall remain in effect.

(f) The price classifications and mine index number assigned herein are permanent, but the maximum prices may be changed by order or amendment.

This order shall become effective August 9, 1945.

Issued this 8th day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-14643; Filed, Aug. 8, 1945; 11:42 a. m.]

[MPR 188, Order 107 Under Order A-2]

THE PACIFIC CHAIR CO.

ADJUSTMENT OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register and pursuant to paragraph (a) (16) of Order No. A-2, under § 1499.159b of Maximum Price Regulation No. 188, it is ordered:

(a) *Manufacturer's maximum prices.* The Pacific Chair Company, 1121 Ballard Way, Seattle, Washington, may add the following additional adjustment charges to its maximum prices for sales and deliveries to retailers of the articles listed below which it manufactures, resulting in the following adjusted maximum prices:

Article	Model No.	Maximum price	Adjustment permitted by par. (a) of order No. 1052	Additional adjustment permitted by this order	Total adjusted maximum prices
High chair	210	$2.00	$0.10	$0.04	$2.14
Stool	121	1.05	None	.10	1.15

The adjustment charges listed above may be made and collected only if each is separately stated on each invoice. The adjusted maximum prices are subject to the manufacturer's customary terms, discounts, allowances, and other price differentials in effect during March 1942.

(b) *Maximum prices of purchasers for resale.* A person who hereafter buys an article covered by this order and resells it in substantially the same form, may collect from his customers, in addition to his properly established maximum price in effect immediately before this order was issued, an adjustment charge in the same amount as the additional adjustment charge herein authorized for and which he pays to his supplier. If he did not have a maximum price in effect for the article at the time this order was issued, he may add the same adjustment charge to the maximum price which he hereafter establishes for his sales under the applicable regulation. If the applicable regulation requires the maximum resale price to be computed on the basis of cost, the reseller must find his maximum resale price (not including the permitted adjustment charge) by using as cost his invoice cost less any adjustment charge stated on the invoice as a separate amount.

On all sales other than sales to the ultimate consumer this additional adjustment charge may be made and collected only if it is separately stated on each invoice. The adjusted price is subject to each seller's customary terms, discounts, and allowances on sales of the same or similar articles. The adjustment charge authorized in this paragraph (b) is in addition to any adjustment charge permitted for wholesalers by Order No. 1052 under Maximum Price Regulation No. 188.

(c) *Notification.* At the time of or prior to the first invoice to a purchaser for resale on and after the effective date

of this order, showing prices adjusted in accordance with this order, the sellers shall notify the purchaser in writing of the method established by paragraph (b) of this order for determining adjusted maximum prices for resales of the articles. This notice may be given in any convenient form, and is in addition to any notice required by paragraphs (d) or (e) of Order No. 1052 under Maximum Price Regulation No. 188.

(d) All requests not specifically granted by this order are hereby denied.

(e) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective on the 9th day of August 1945.

Issued this 8th day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-14641; Filed, Aug. 8, 1945; 11:42 a. m.]

[MPR 188, Order 45 Under Order 1052]

GROSFELD HOUSE, INC.

ADJUSTMENT OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to paragraph (g) of Order No. 1052 under § 1499.159b of Maximum Price Regulation No. 188, it is ordered:

(a) *Manufacturer's maximum prices.* Grosfeld House, Inc., 320 East 47th Street, New York 17, N. Y., may add an additional adjustment charge to its maximum prices for sales and deliveries to all classes of purchasers of the articles of wood household furniture which it manufactures and for which it has established maximum prices prior to the effective date of this order, equal to 4.7% of its established maximum prices as adjusted by paragraph (d) of Order No. 1052 under Maximum Price Regulation No. 188.

This additional adjustment charge may be made and collected only if it is separately stated on each invoice. The adjusted maximum prices are subject to the manufacturer's customary terms, discounts, allowances, and other price differentials in effect during March 1942 on sales to each class of purchaser.

(b) *Maximum prices of purchasers for resale.* A person who hereafter buys an article covered by this order and resells it in substantially the same form, may collect from his customers, in addition to his properly established maximum price in effect immediately before this order was issued, an adjustment charge in the same amount as the additional adjustment charge herein authorized for and which he pays to his supplier. If he did not have a maximum price in effect for the article at the time this order was issued, he may add the same adjustment charge to the maximum price which he hereafter establishes for his sales under the applicable regulation. If the applicable regulation requires the maximum resale price to be computed on the basis of cost, the reseller must find his maximum resale price (not including the permitted adjustment charge) by using as cost his invoice cost less any adjustment charge stated on the invoice as a separate amount.

On all sales other than sales to the ultimate consumer this additional adjustment charge may be made and collected only if it is separately stated on each invoice. The adjusted price is subject to each seller's customary terms, discounts and allowances on sales of the same or similar articles. The adjustment charge authorized in this paragraph (b) is in addition to any adjustment charge permitted for wholesalers by Order No. 1052 under Maximum Price Regulation No. 188.

(c) *Notification.* At the time of or prior to the first invoice to a purchaser for resale on and after the effective date of this order, showing prices adjusted in accordance with this order, the seller shall notify the purchaser in writing of the method established by paragraph (b) of this order for determining adjusted maximum prices for resales of the article. This notice may be given in any convenient form, and is in addition to any notice required by paragraph (d) or (e) of Order No. 1052 under Maximum Price Regulation No. 188.

(d) *Profit and loss statement.* After the effective date of this order, Grosfeld House, Inc., shall submit to the Office of Price Administration, Washington, D. C., a detailed quarterly profit and loss statement within 30 days after the end of each full quarter year.

(e) All requests not specifically granted by this order are hereby denied.

(f) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective on the 6th day of August 1945.

Issued this 4th day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-14639; Filed, Aug. 8, 1945; 11:44 a. m.]

[MPR 188, Rev. Order 3934]

PREMCO MANUFACTURING CO.

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.158 of Maximum Price Regulation No. 188, *It is ordered:* Order No. 3934 under Maximum Price Regulation No. 188 is revised and amended to read as set forth herein.

(a) This revised order establishes maximum prices for sales and deliveries of certain articles manufactured by Premco Manufacturing Company, 655 South Wells Street, Chicago, Illinois.

(1) For all sales and deliveries to the following classes of purchasers by the sellers indicated below, the maximum prices are those set forth below:

Article	Model No.	For sale by the manufacturer to—		For sale by all persons (consumers)
		Jobbers	Retailers	
Pottery commode lamp with decal and coin gold decoration and rayon shade.	#1160 group	Each $3.95	Each $4.50	Each $5.25

These maximum prices are for the articles described in the manufacturer's application dated June 14, 1945.

(2) For sales by the manufacturer, the maximum prices apply to all sales and deliveries since Maximum Price Regulation No. 188 became applicable to those sales and deliveries. For sales to persons other than consumers they are f. o. b. factory, 2% 20 days, net 30 The maximum price to consumers is net, delivered.

(3) For sales by persons other than the manufacturer, the maximum prices apply to all sales and deliveries after the effective date of this revised order. Those prices are subject to each seller's customary terms and conditions of sale on sales of similar articles.

(4) If the manufacturer wishes to make sales and deliveries to any other class of purchaser or on other terms and conditions of sale, he must apply to the Office of Price Administration, Washington, D. C., under the Fourth Pricing Method, § 1499.158 of Maximum Price Regulation No. 188, for the establishment of maximum prices for those sales, and no sales or deliveries may be made until maximum prices have been authorized by the Office of Price Administration.

(b) The manufacturer shall attach a tag or label to every article for which a maximum price for sales to consumers is established by this revised order. That tag or label shall contain the following statement, with the proper model number and the ceiling price inserted in the blank spaces:

Model No. ------
OPA Retail Ceiling Price—$------
Do Not Detach

(c) At the time of, or prior to, the first invoice to each purchaser for resale, the seller shall notify the purchaser in writing of the maximum prices and conditions established by this revised order for sales by the purchaser. This notice may be given in any convenient form.

(d) Jobber's maximum prices for sales of the articles covered by this revised order shall be established under the provisions of section 4.5 of SR 14J.

(e) This revised order may be revoked or amended by the Price Administrator at any time.

(f) This revised order shall become effective on the 9th day of August 1945.

Issued this 8th day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-14640; Filed, Aug. 8 1945; 11:41 a. m.]

[MPR 188, Rev. Order 507]

HERZOG IRON WORKS, INC.

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.158 of Maximum Price Regulation No. 188, *It is ordered:*

(a) This order establishes maximum prices for sales and deliveries of certain articles manufactured by Herzog Iron Works, Incorporated, Cypress Street & N. P. Tracks, St. Paul 6, Minnesota.

(1) For all sales and deliveries to the following classes of purchasers by the seller indicated below, the maximum prices are those set forth below:

Article	Model No.	Maximum prices for sales by any seller to—				
		Distributors	Wholesalers (Jobber)	Retailers (5 units or more)	Retailers (less than 5 units)	Consumers
Electric space heater	LK 1000	$8.43	$9.27	$10.00	$11.73	$17.50

These maximum prices are for the articles described in the manufacturers application dated June 28, 1945. These prices include Federal Excise Tax.

(2) For sales by the manufacturer, the maximum prices apply to all sales and deliveries since Maximum Price Regulation No. 188 became applicable to those sales and deliveries. They are f. o. b. factory and subject to a cash discount of 2% for payment within 10 days, net 30 days.

(3) For sales by persons other than the manufacturer, the maximum prices apply to all sales and deliveries after the effective date of this order. Those prices are subject to each seller's customary terms and conditions of sale on sales of similar articles.

(4) If the manufacturer wishes to make sales and deliveries to any other class of purchaser or on other terms and conditions of sale, he must apply to the Office of Price Administration, Washington, D. C., under the Fourth Pricing Method, § 1499.158 of Maximum Price Regulation No. 188, for the establishment of maximum prices for sales, and no sales or deliveries may be made until maximum prices have been authorized by the Office of Price Administration.

(b) The manufacturer shall attach a tag or label to every article for which a maximum price for sales to consumers is established by this order. That tag or label shall contain the following statements with the correct order number filled in:

Do not detach
Herzog Iron Works, Inc.
Cypress Street & N. P. Tracks
St. Paul 16, Minnesota
Model No. LK 1000
OPA Retail Ceiling Price—$17.50
Federal Excise Tax Included
or
Rev. Order No. 507 under M. P. R. 188
Model No. LK 1000
OPA Retail Ceiling Price—$17.50
Federal Excise Tax Included

(c) At the time of, or prior to, the first invoice to each purchaser for resale, the seller shall notify the purchaser in writing of the maximum prices and conditions established by this order for sales by the purchaser. This notice may be given in any convenient form.

(d) This order may be revoked or amended by the Price Administrator at any time.

(e) This order shall become effective on the 4th day of August 1945.

Issued this 3d day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-14664; Filed, Aug. 8, 1945; 4:26 p. m.]

[MPR 120, Order 1387]

A. & A. COAL CO. ET AL

ESTABLISHMENT OF MAXIMUM PRICES AND PRICE CLASSIFICATIONS

Correction

In the table for Mystic Mines, appearing in Federal Register Document 45-9899, page 6899 of the issue for Saturday, June 9, 1945, the price for truck shipment for size group number 6 should be "265".

[MPR 188, Order A-2, Correction to Amdt. 30]

WOMEN'S, GIRLS', CHILDREN'S AND TODDLERS' OUTERWEAR GARMENTS

ADJUSTMENT OF MAXIMUM PRICES

Amendment No. 30 to Order No. A-2 under § 1499.159b of Maximum Price Regulation No. 188 is corrected by changing all references to subparagraph (a) (18) (ii) to read (a) (18) (iii).

This correction shall become effective as of July 30, 1945.

Issued this 9th day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-14717; Filed, Aug. 9, 1945; 11:24 a. m.]

Regional and District Office Orders.

[Region IX Order G-1 Under 18 (c), Amdt. 1]

FISH LIVERS AND VISCERA IN ALASKA

An opinion accompanying this amendment has been issued simultaneously herewith.

Region IX Order No. G-1 under § 1499.18 (c) of the General Maximum Price Regulation is amended in the following respects:

1. In paragraph (h), footnote 1 is revoked.

2. Paragraph (i) is renumbered paragraph (j).

3. A new paragraph (i) is added to read as follows:

(i) *Alternative pricing method.* As an alternative to the maximum prices set forth in paragraph (h) above, producers (fishermen) may sell to processors and extractors fish livers and viscera according to their Vitamin A potency. Producers may charge and processors and extractors may pay a maximum price of 11¢ per million U. S. P. units of Vitamin A: *Provided,* (a) The fish livers and viscera are sampled in accordance with the prescriptions and recommendations for sampling given by the Fish & Wild Life Service, and (b) the vitamin potency of the livers and viscera are tested and determined by a professional chemist by means of generally approved devices and equipment used by extractors, and (c) the results are certified and recorded for inspection by the Office of Price Administration.

This amendment to Region IX Order No. G-1 shall become effective August 11, 1945.

Issued this 7th day of August 1945.

JAMES P. DAVIS,
Regional Administrator.

[F. R. Doc. 45-14646; Filed, Aug. 8, 1945; 11:43 a. m.]

[Region IV Rev. Order G-26 Under RMPR 122, Amdt. 1]

SOLID FUELS IN ALABAMA

Correction

In the table in paragraph (e) (1) of Federal Register Document 45-10282, appearing at page 7228 of the issue for Friday, June 15, 1945, the nineteenth price in the column headed "Per ½ ton, 1,000 lbs." should be "4.63".

[Region IX Order G-1 Under MPR 579]

FRESH FISH IN ALASKA

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and under the authority vested in the Regional Administrator of Region IX of the Office of Price Administration by sections 4.2 (c) and 2.2 (c) of Maximum Price Regulation 579, by the General Maximum Price Regulation and Revised Maximum Price Regulation 165 pursuant to General Order 32; it is ordered:

SECTION 1. *What this order does.* This order establishes maximum prices at which producers may sell fresh fish at Alaskan fishing grounds or receiving stations; establishes specific maximum prices for "scow" and "packing" services; designates by name the ports of entry in Alaska and fixes maximum prices for sales of fresh fish when landed at such ports.

SEC. 2. *Definitions.* As used in this order, the term:

(a) "Scow service" means a transaction in which the seller receives fresh fish at his scow or other vessel on the fishing grounds or at a receiving station from a producer, and includes, but is not limited to, the furnishing of such services as icing, boxing, splitting, drawing and dressing fresh fish, keeping records and making payments for and on behalf of

the buyer of the fish. It also includes any other services customarily rendered by a "scow operator" prior to April 1, 1942.

(b) "Scow operator" means any person (other than a producer or fish buyer) who supplies scow services.

(c) "Packing service" means a transaction in which the seller transports fish by tender or other vessel from the fishing grounds or receiving station to a port of entry, and includes, but is not limited to, the furnishing of such services as handling and loading the fish aboard the vessel, and handling, unloading and landing the fish at a port of entry. It also includes the transportation of ice and containers between the grounds or receiving station and port of entry, and such other services customarily performed by a "packer" prior to April 1, 1942.

(d) "Packer" means any person (other than a producer or fish buyer) who supplies packing services.

SEC. 3. *Maximum prices for sales by producers at fishing grounds or receiving stations.* (a) The maximum prices for producers of fresh fish sold or delivered at fishing grounds or receiving stations in the First Judicial Division shall be as follows:

(i) In the "Central Zone"—the Table II A Column A prices as fixed for Wrangell;

(ii) In the "Northern Zone"—the Table II A Column A prices as fixed for Juneau;

(iii) In the "Southern Zone"—the Table II A Column A prices as fixed for Ketchikan;

Less the deduction for the applicable species of fish as set forth below:

(1) For red meated King salmon, 14# or over, any style of dressing—deduct three cents per pound.

(2) For true cod, flounder, ling cod, red cod, sablefish and sole (all species)—deduct one and one-half cents per pound.

(3) For all other fish named in Table II A regardless of size and style of dressing—deduct two cents per pound.

(b) As used in paragraph (a) above:

(i) "Central Zone" means that part of the First Judicial Division bounded by a line beginning at a point on the international boundary approximately three miles south of latitude 57½° north, thence on a course bearing westerly in a straight line through the southernmost tip of Entrance Island (in Hobart Bay) and the southernmost tip of Traders Island (also known as Catherine Island) to longitude 135° west; thence southerly following longitude 135° to a point approximately twelve miles south of latitude 56° north; thence on a course bearing easterly in a straight line through the southernmost tip of Coronation Island and the southernmost tip of Onslow Island to the east shore of Ernest Sound; thence on a course bearing northeasterly in a straight line through the southerly shore of Tyee Lake and beyond to Mount Lewis Cass.

(ii) "Northern Zone" means that part of the First Judicial Division lying north and due west of the Central Zone.

(iii) "Southern Zone" means that part of the First Judicial Division lying outside of the Central and Northern Zones.

SEC. 4. *Designated Alaskan ports and maximum prices for fish landed at such ports.* (a) The term "port" or "port of entry" as used in this order includes, and is limited to, the following named places: Anchorage, Cordova, Homer, Juneau, Kenai, Ketchikan, Kodiak, La Touche, Pelican City, Petersburg, Port Alexander, Port Williams, Seward, Seldovia, Sitka, Tyee, Wrangell, and Valdez.

(b) The Table II A Column A prices as fixed by the applicable footnotes in Maximum Price Regulation 579 for fish landed at—

(i) Wrangell shall apply to fish landed at Tyee.

(ii) Juneau, less one-quarter of a cent per pound, shall apply to fish landed at Cordova, Valdez, La Touche or Seward.

(iii) Juneau, less two cents per pound for large, red kings and one cent for all other sizes and species of fish shall apply to fish landed at Port Alexander.

(iv) Port Williams shall apply to fish landed at Kodiak, Seldovia or Homer.

(v) Port Williams, plus six cents per pound, shall apply to fish landed at Anchorage.

(c) The maximum prices for fresh fish landed at any place in Alaska outside the First Judicial Division, other than at a port named in paragraph (a) above, shall be the maximum prices established by Maximum Price Regulation 579 and paragraph (b) above.

SEC. 5. *Maximum prices for scow services.* (a) (1) The maximum prices for scow services shall be determined on a poundage basis and shall be as follows:

(i) For red meated King salmon, 14# or over, drawn and dressed; 16# or over, round—two cents per pound.

(ii) For true cod, flounder, ling cod, red cok (rock cod), sable fish (black cod), and sole (all species), regardless of size and style of dressing—one-half cent per pound.

(iii) For all other fish named in Table II A, regardless of size and style of dressing—one cent per pound.

(2) Poundage shall be calculated on the basis of the weight of the fish as they are received by the scow operator at the fishing grounds or receiving station.

(3) Notwithstanding the foregoing provisions, a scow operator may receive and a buyer may pay a minimum of $300.00 for scow services for each scow (including the labor of one or more employees of the scow operator) which is in actual use for not less than thirty days.

(b) *Maximum prices for packing services.* The maximum prices for packing services for any fish named in Table II A shall be one cent per pound when the packer lands the fish at a port in the same zone in which he received the fish, and one and one-quarter cents per pound when he lands the fish at a port in a zone other than that in which he received the fish. Poundage shall be calculated on the basis of the weight of the fish as they are received by the packer.

(c) Any person may, of course, render both packing and scow services as part of the same transaction and make a single charge therefor, but such charge may not exceed the sum of the maximum prices established for each service.

(d) *Records.* Every scow operator and every packer subject to this order shall make and keep for inspection by the Office of Price Administration for so long as the Emergency Price Control Act, as amended, remains in effect, accurate records of each sale of his service, showing the date thereof, the location of the grounds or receiving station where the fish were received, the name and address of the producer and the name of his boat, the name and address of the buyer of the fish, the name and address of the buyer of his service, the total weight of the fish, the price contracted for or received for the service and, where relevant in the determination of the price, the species, size and style of dressing of the fish.

(e) *Posting maximum producers' prices.* Every person operating a packing vessel, scow, or receiving station who, in connection with the fish received by him pays the consideration therefor to the producer on behalf of the fish buyer, shall post in a conspicuous place on every scow and vessel and at every receiving station operated by him, in a manner plainly visible to, and understandable by, producers and buyers, a notice which shall list the name, size and style of dressing of the fish, and the producers' ceiling prices therefor as fixed by section 2 of this order.

(f) *Evasion.* (1) Any method or device whereby a scow operator or packer obtains a greater consideration for his services than the maximum prices established by this order, or whereby he gives less than the consideration due the buyer for the maximum price, is an evasion of this order and therefore prohibited, and any offer or agreement which accomplishes or attempts to accomplish such results, is equally prohibited. Without limiting the general prohibitions of this section, the following practices are specifically prohibited.

(2) Requiring or receiving payment of wages, bonuses, premiums, equipment, supplies, maintenance, goods, services or any other consideration not specifically provided for in this order, except that a scow operator or a packer may receive ice from the buyer of the fish without charge.

(3) Discontinuing or changing a service normally and customarily part of scow and packing services.

(4) Requiring the purchase or sale of any commodity or service as a condition of the sale of scow or packing services.

(5) A producer who hires or engages a packer or scow operator to land his fish at a port of entry or to perform any other packing or scow service for him in connection with his fish, is prohibited from selling or delivering such fish, and the buyer is prohibited from buying or receiving such fish, at prices higher than the maximum prices fixed by section 3 of this order.

(g) *Applicability.* This section 5 applies only to the First Judicial Division.

SEC. 6. *Enforcement.* Persons violating any provisions of this order are subject to the criminal penalties, civil enforcement actions, suits for treble damages and proceedings for suspension or revocation of licenses provided by the Emergency Price Control Act of 1942, as amended.

Persons who have evidence of any violation of this order, or of any acts or practices which constitute such a violation, are urged to communicate with the nearest War Price and Rationing Board or Field Office of Price Administration or its principal office in Juneau.

SEC. 7. *Relation to other regulations.* This order supersedes Region IX Order No. 4 under Maximum Price Regulation 418. Insofar as this order establishes maximum prices for scow and packing services, it supersedes the pricing and current record-keeping provisions of the General Maximum Price Regulation and Revised Maximum Price Regulation 165. Except as provided in this order, all provisions of Maximum Price Regulation 579, Revised Maximum Price Regulation 165, and the General Maximum Price Regulation shall remain in effect.

SEC. 8. *Amendments; revocation.* This order may be amended or revoked by the Regional Administrator at any time.

NOTE: All reporting and record-keeping requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

This order shall become effective August 15, 1945.

(56 Stat. 23, 765; 57 Stat. 566; Pub. Law 383, 78th Cong.; Pub. Law 108, 79th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 8th day of August, 1945.

JAMES P. DAVIS,
Regional Administrator.

[F. R. Doc. 45-14665; Filed, Aug. 8, 1945; 4:25 p. m.]

[Region III Order G-59 Under RMPR 122]

SPECIFIED SOLID FUELS IN BATTLE CREEK, MICH., AREA

Correction

In Federal Register Document 45-10882, appearing at page 7598 of the issue for Saturday, June 23, 1945, the seventh price in column II of the table in paragraph (c) (1) should be "9.80".

LIST OF COMMUNITY CEILING PRICE ORDERS

The following orders under Rev. General Order 51 were filed with the Division of the Federal Register August 7, 1945.

REGION II

Buffalo Order 3-F, Amendment 18, covering fresh fruits and vegetables in certain areas in New York. Filed 9:52 a. m.

Buffalo Order 4-F, Amendment 18, covering fresh fruits and vegetables in certain areas in New York. Filed 9:53 a. m.

Binghamton Order 2-F, Amendment 41, covering fresh fruits and vegetables in certain areas in New York. Filed 9:54 a. m.

District of Columbia Order 5-F, Amendment 18, covering fresh fruits and vegetables in certain areas in region II. Filed 9:53 a. m.

New York Order 5-C, covering poultry in certain areas in region II. Filed 9:48 a. m.

New York Order 9-F, Amendment 20, covering fresh fruits and vegetables in the five boroughs of New York. Filed 9:53 a. m.

New York Order 9-F, Amendment 21, covering fresh fruits and vegetables in the five boroughs of New York City. Filed 9:47 a. m.

New York Order 10-F, Amendment 20, covering fresh fruits and vegetables in Nassau and Westchester Counties, New York. Filed 9:47 a. m.

New York Order 10-F, Amendment 21, covering fresh fruits and vegetables in Nassau and Westchester Counties, New York. Filed 9:47 a. m.

New York Order 12-F, Amendment 13, covering fresh fruits and vegetables in certain counties in New York. Filed 9:48 a. m.

New York Order 12-F, Amendment 14, covering fresh fruits and vegetables in certain counties in New York. Filed 9:48 a. m.

Trenton Order 12-F, Amendment 17, covering fresh fruits and vegetables in certain counties in New Jersey. Filed 9:48 a. m.

Wilmington Order 4-F, Amendment 43, covering fresh fruits and vegetables in the entire state of Delaware. Filed 9:49 a. m.

Wilmington Order 5-F, Amendment 11, covering fresh fruits and vegetables in certain areas in Delaware. Filed 9:49 a. m.

REGION III

Columbus Order 15, Amendment 14, covering eggs in certain areas in Ohio. Filed 9:50 a. m.

Columbus Order 16, Amendment 14, covering eggs in certain counties in Ohio. Filed 9:50 a. m.

Indianapolis Order 14-F, Amendment 26, covering fresh fruits and vegetables in Marion, Vigo and Tippecanoe Counties. Filed 9:51 a. m.

Indianapolis Order 15-F, Amendment 26, covering fresh fruits and vegetables in Wayne, Delaware and Allen. Filed 9:51 a. m.

Indianapolis Order 16-F, Amendment 26, covering fresh fruits and vegetables in St. Joseph County, Indiana. Filed 9:52 a. m.

Indianapolis Order 17-F, Amendment 26, covering fresh fruits and vegetables in Vanderburgh, Indiana. Filed 9:52 a. m.

REGION IV

Miami Order 1-O, covering eggs in certain counties in Florida. Filed 9:56 a. m.

Miami Order 2-F, Amendment 22, covering fresh fruits and vegetables in Tampa, Florida. Filed 9:56 a. m.

Miami Order 2-O, covering eggs in certain counties in Florida. Filed 9:56 a. m.

Miami Order 3-O, covering eggs in certain counties in Florida. Filed 9:54 a. m.

Miami Order 4-O, covering eggs in certain counties in Florida. Filed 9:54 a. m.

Miami Order 5-O, covering eggs in certain counties in Florida. Filed 9:54 a. m.

Miami Order 6-O, covering eggs in certain counties in Florida. Filed 9:58 a. m.

Miami Order 7-O, covering eggs in certain counties in Florida. Filed 9:58 a. m.

REGION V

Oklahoma City Order 2-F, Amendment 18, covering fresh fruits and vegetables in certain areas in Oklahoma. Filed 9:54 a. m.

Oklahoma City Order 3-F, Amendment 65, covering fresh fruits and vegetables in certain areas in Oklahoma. Filed 9:55 a. m.

Oklahoma City Order 3-F, Amendment 66, coverin gfresh fruits and vegetables in certain areas in Oklahoma. Filed 9:55 a. m.

Oklahoma City Order 3-F, Amendment 67, covering fresh fruits and vegetables in certain areas in Oklahoma. Filed 9:55 a. m.

Oklahoma City Order 3-F, Amendment 68, covering fresh fruits and vegetables in certain areas in Oklahoma. Filed 9:55 a. m.

Oklahoma City Order 4-W, Amendment 4, covering dry groceries in certain areas in Oklahoma. Filed 9:58 a. m.

Oklahoma City Order G-15, Amendment 6, covering dry groceries in certain areas in Oklahoma. Filed 9:56 a. m.

Tulsa Order 1-C, Amendment 7, covering poultry in certain counties in Oklahoma. Filed 10:04 a. m.

Tulsa Order 7-F, Amendment 14, covering fresh fruits and vegetables in certain counties in Oklahoma. Filed 9:58 a. m.

REGION VI

La Crosse Order 1-O, covering eggs in certain areas in Iowa and Wisconsin and Minnesota. Filed 10:01 a. m.

La Crosse Order 2-O, covering eggs in certain areas in Iowa and Wisconsin. Filed 10:00 a. m.

La Crosse Order 3-F, Amendment 75, covering fresh fruits and vegetables in Eau Claire and Chippewa Falls, Wisconsin. Filed 10:01 a. m.

La Crosse Order 5-F, Amendment 74, covering fresh fruits and vegetables in Rochester, Minnesota. Filed 10:01 a. m.

Milwaukee Order 8-F, Amendment 18, covering fresh fruits and vegetables in Dane County, Wisconsin. Filed 10:00 a. m.

Milwaukee Order 9-F, Amendment 18, covering fresh fruits and vegetables in the Sheboygan and Fond Du Lac Counties, Wisconsin. Filed 10:00 a. m.

Omaha Order 20, Amendment 10, covering dry groceries in certain areas in Iowa and Nebraska. Filed 9:58 a. m.

Omaha Order 21, Amendment 10, covering dry groceries in Lancaster County, Nebraska. Filed 9:59 a. m.

Omaha Order 23, Amendment 8, covering dry groceries in certain areas in Iowa and Nebraska. Filed 9:59 a. m.

Peoria Order 7-F, Amendment 15, covering fresh fruits and vegetables in certain areas in Illinois. Filed 10:04 a. m.

Peoria Order 8-F, Amendment 15, covering fresh fruits and vegetables in certain areas in Illinois. Filed 10:04 a. m.

Peoria Order 9-F, Amendment 15, covering fresh fruits and vegetables in certain areas in Illinois. Filed 10:04 a. m.

Peoria Order 10-F, Amendment 15, covering fresh fruits and vegetables in certain areas in Illinois. Filed 10:04 a. m.

Twin Cities Revised Order 1-F, Amendment 25, covering fresh fruits and vegetables in St. Paul and Minneapolis. Filed 10:05 a. m.

REGION VIII

Los Angeles Order 3-F, Amendment 4, covering fresh fruits and vegetables in the Los Angeles Area. Filed 10:05 a. m.

Los Angeles Order 4-F, Amendment 4, covering fresh fruits and vegetables in the Long Beach-San Bernardino Area. Filed 10:05 a. m.

Los Angeles Order 5-F, Amendment 4, covering fresh fruits and vegetables in the Santa Barbara-Ventura Area. Filed 10:05 a. m.

Los Angeles Order 5-F, Amendment 5, covering fresh fruits and vegetables in the Santa Barbara-Ventura and San Luis Obispo Areas. Filed 10:06 a. m.

Los Angeles Order 6-F, Amendment 4, covering fresh fruits and vegetables in the San Luis Obispo Area. Filed 10:06 a. m.

Los Angeles Order 6-F, Amendment 5, covering fresh fruits and vegetables in the Santa Barbara-Ventura and San Luis Obispo Areas. Filed 10:06 a. m.

Phoenix Adopting Order 1-F under Basic Order 1-B, Amendment 27, covering fresh fruits and vegetables in Tucson Area. Filed 10:06 a. m.

Phoenix Adopting Order 1-F, Amendment 23, covering fresh fruits and vegetables in the Tucson Area. Filed 10:00 a. m.

Phoenix Adopting Order 1-F, under Basic Order 1-B, Amendment 29, covering fresh fruits and vegetables in the Tucson Area. Filed 9:57 a. m.

Phoenix District Order 18-O, Amendment 1, covering eggs. Filed 9:57 a. m.

Phoenix District Order 19-O, Amendment 1, covering eggs. Filed 9:57 a. m.

Portland Order 5-F, Amendment 31, covering fresh fruits and vegetables in certain areas in Oregon. Filed 10:07 a. m.

Portland Order 6-F, Amendment 32, covering fresh fruits and vegetables in certain areas in Oregon. Filed 10:07 a. m.

Portland Order 7-F, Amendment 31, covering fresh fruits and vegetables in certain areas in Klamath Falls, Oregon. Filed 10:07 a. m.

Portland Order 10-F, Amendment 30, covering fresh fruits and vegetables in Kelso, West Kelso and Longview, Washington. Filed 10:02 a. m.

Portland Order 12-F, Amendment 28, covering fresh fruits and vegetables in Salem and West Salem, Oregon. Filed 10:02 a. m.

Portland Order 12-C, covering poultry in certain counties in Washington and Oregon. Filed 10:03 a. m.

Portland Order 13-F, Amendment 27, covering fresh fruits and vegetables in certain areas in Oregon. Filed 10:02 a. m.

Portland Order 14-F, Amendment 27, covering fresh fruits and vegetables in certain areas in Oregon. Filed 10:02 a. m.

Portland Order 15-F, Amendment 27, covering fresh fruits and vegetables in certain areas in Oregon. Filed 10:02 a. m.

Portland Order 16-F, Amendment 21, covering fresh fruits and vegetables in Bend, Oregon. Filed 10:02 a. m.

Portland Order 17-F, Amendment 21, covering fresh fruits and vegetables in certain areas in Oregon. Filed 10:02 a. m.

Portland Order 19-F, Amendment 19, covering fresh fruits and vegetables in Dalles, Oregon. Filed 10:02 a. m.

Portland Order 20-F, Amendment 19, covering fresh fruits and vegetables in certain areas in Oregon. Filed 10:02 a. m.

Portland Order 21-F, Amendment 18, covering fresh fruits and vegetables in Pendleton, Oregon. Filed 10:03 a. m.

Portland Order 22-F, Amendment 18, covering fresh fruits and vegetables in certain areas in Oregon. Filed 10:03 a. m.

Portland Order 27-F, Amendment 16, covering fresh fruits and vegetables in La Grande and Baker, Oregon. Filed 10:03 a. m.

Portland Order 28-F, Amendment 16, covering fresh fruits and vegetables in certain areas in Oregon. Filed 10:03 a. m.

Portland Order 29-F, Amendment 15, covering fresh fruits and vegetables in certain areas in Oregon. Filed 10:03 a. m.

Portland Order 30-F, Amendment 8, covering fresh fruits and vegetables in certain areas in Oregon. Filed 10:03 a. m.

Portland Order 31-F, Amendment 5, covering fresh fruits and vegetables in the Hood River-Clatskanie-McMinnville, Oregon, Area. Filed 10:30 a. m.

Copies of any of these orders may be obtained from the OPA Office in the designated city.

ERVIN H. POLLACK,
Secretary.

[F. R. Doc 45-14707; Filed, Aug. 9, 1945; 11:21 a. m.]

SECURITIES AND EXCHANGE COMMISSION.

[File No. 70-1108]

AMERICAN GAS AND ELECTRIC CO. AND WHEELING ELECTRIC CO.

ORDER GRANTING APPLICATION AND PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 6th day of August, A. D., 1945.

American Gas and Electric Company ("American Gas"), a registered holding company, and its subsidiary, Wheeling Electric Company ("Wheeling"), having filed a joint application and declaration pursuant to the Public Utility Holding Company Act of 1935 and the rules and regulations promulgated thereunder relating to a proposal by Wheeling to issue and sell to American Gas, the owner of all of Wheeling's presently outstanding common stock, and to a proposal by American Gas to acquire, 7,154 shares of Wheeling's common stock, no par value, for $1,000,000 cash, said shares constituting all of the presently authorized but unissued shares of common stock of Wheeling, which proposes to use the proceeds of such sale for the construction of additional utility facilities; and

Said joint application and declaration having been filed on the 6th day of July, 1945, and a notice of said filing having been issued on the 16th day of July 1945, and notice of said filing having been duly given in the form and manner prescribed by Rule U-23 promulgated pursuant to said act, and the Commission not having received a request for a hearing with respect to said joint application and declaration within the period specified in said notice, or otherwise, and not having ordered a hearing thereon; and

The Commission finding that the proposed issue by Wheeling to American Gas of the common stock hereinabove mentioned and the proposed acquisition thereof by American Gas are not in contravention of the act or any rules or regulations promulgated thereunder, that the proposed transactions satisfy the requirements of sections 7 and 10 of the act and of the rules thereunder in so far as they are applicable, and that it is appropriate in the public interest and in the interest of investors and consumers that said application be granted and said declaration be permitted to become effective;

It is hereby ordered, pursuant to said Rule U-23 and the applicable provisions of said act and subject to the terms and conditions prescribed in Rule U-24, that the aforesaid joint application be, and the same hereby is, granted and that the aforesaid joint declaration be, and the same hereby is, permitted to become effective forthwith.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 45-14652; Filed, Aug. 8, 1945; 2:32 p. m.]

[File Nos. 54-75, 70-726]

COMMONWEALTH & SOUTHERN CORP. (DELAWARE)

ORDER PERMITTING WITHDRAWAL OF SUPPLEMENTAL APPLICATION

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa., on the 7th day of August, A. D. 1945.

A declaration or application (or both), entitled "Supplemental Application No. 3", having been filed with this Commission on August 24, 1943 under File No. 70-726-1 by The Commonwealth & Southern Corporation ("Commonwealth"), a registered holding company, which proposed, in furtherance of the "Plan to Change the Capitalization of The Commonwealth & Southern Corporation", filed with the Commission on April 20, 1943 (Holding Company Act Release No. 4294), the acquisition by Commonwealth for cancellation of up to 32,627 shares of its presently outstanding preferred stock and the expenditure of up to $2,500,000 therefor; and

Public hearings having been held on said proposal after appropriate notice but no findings and opinion having been issued with respect thereto;

An amended plan to change its capitalization having been filed on February 26, 1944, by Commonwealth as an amendment to and in substitution for the plan filed April 20, 1943; and said amended plan, as further amended on June 14, 1945, having been approved by the Commission by order dated June 30, 1945 (Holding Company Act Release No. 5895);

Said amended plan being based on the assumption that there will be outstanding 1,482,000 shares of the preferred stock of Commonwealth and that none of said shares of such stock will be acquired and retired as proposed by said Supplemental Application No. 3; and

The Commonwealth & Southern Corporation having requested that said Supplemental Application No. 3 be deemed withdrawn and it appearing to the Commission that it is appropriate in the public interest and in the interest of investors and consumers to grant such request;

It is hereby ordered, That the request of The Commonwealth & Southern Corporation for withdrawal of Supplemental Application No. 3 be, and the same hereby is, granted and that said Supplemental Application No. 3 be, and the same hereby is, deemed withdrawn.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 45-14653; Filed, Aug. 8 1945; 2:32 p. m.]

[File No. 1-921]

MARSH MINES CONSOLIDATED

ORDER SETTING HEARING ON APPLICATION TO STRIKE FROM LISTING AND REGISTRATION

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 7th day of August, A. D. 1945.

The Standard Stock Exchange of Spokane, pursuant to section 12 (d) of the Securities Exchange Act of 1934 and Rule X-12D2-1 (b) promulgated thereunder, having made application to strike from listing and registration the 25¢ Par Common Assessable Stock of Marsh Mines Consolidated;

The Commission deeming it necessary for the protection of investors that a hearing be held in this matter at which all interested persons be given an opportunity to be heard;

It is ordered, That the matter be set down for hearing at 10:00 a. m. on Wednesday, August 29, 1945, at the office of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia, Pennsylvania, and continue thereafter at such times and places as the Commission or its officer herein designated shall determine, and that general notice thereof be given; and

It is further ordered, That Charles S. Lobingier, an officer of the Commission, be and he hereby is designated to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 45-14690; Filed, Aug. 9, 1945; 11:03 a. m.]

ASSOCIATED GAS AND ELECTRIC CO., ET AL.

ORDER RELEASING JURISDICTION

[File No. 46-150]

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 8th day of August 1945.

In the matter of Associated Gas and Electric Company, Associated Gas and Electric Corporation, NY PA NJ Utilities Company, Associated Power Corporation, General Utility Investors Corporation, Trustees Under Pension Trust Agreement dated December 14, 1937 (as amended), File No. 46-150.

Associated Gas and Electric Company, a registered holding company; Associated Gas and Electric Corporation, a registered holding company and a subsidiary of Associated Gas and Electric Company; Trustees under Pension Trust Agreement dated December 14, 1937, a subsidiary company of Associated Gas and Electric Company; NY PA NJ Utilities Company, a registered holding company and a subsidiary of Associated Gas and Electric Corporation; and Associated Power Corporation and General Utility Investors Corporation, subsidiaries of NY PA NJ Utilities Company, having heretofore filed joint applications-declarations, pursuant to sections 9 (a), 10 and 12 of the Public Utility Holding Company Act of 1935 and the rules and regulations promulgated thereunder, regarding, among other things, a program for raising funds to enable Associated Gas and Electric Company to make initial payment to the Treasury Department of the United States on account of a certain settlement of claims for income taxes for the years 1927 to 1933, inclusive, against Associated Gas and Electric Company and Associated Gas and Electric Corporation and their various affiliated and associated companies;

The Commission having on June 29, 1939, granted such applications and permitted such declarations to become effective (Holding Company Act Release Nos. 1615 and 1671) subject, among other terms and conditions, to the following:

(7) The disposition of the accounting entries and the adjustment thereof, and the final settlement of intercorporate accounts between the companies herein mentioned, all arising from the tax settlement, intercorporate payments in connection therewith, and prior intercorporate credits or payments on account of the estimated tax liabilities of individual companies, shall be subject to the order of the Commission to be entered in this cause pursuant to jurisdiction retained herein after notice to the above mentioned companies and opportunity for hearing.

Applicants-declarants having made application for the release of the jurisdiction reserved as above quoted; and

It appearing that General Utility Investors Corporation and Associated Power Corporation were merged into NY PA NJ Utilities Company on April 29, 1941, and September 17, 1941, respectively; and

The Commission having this day permitted to become effective declarations (Holding Company Act Release No. 5975) jointly filed by Denis J. Driscoll and Willard L. Thorp, Trustees of Associated Gas and Electric Corporation, a registered holding company, and by NY PA NJ Utilities Company, wherein it is proposed that all of the outstanding preferred stock of NY PA NJ Utilities Company, which is held by the public, be retired; that, subject to the entry of an appropriate order by the United States District Court for the Southern District of New York, having jurisdiction of the reorganization proceedings of Associated Gas and Electric Corporation, and subject further to an acceptable ruling by, or closing agreement with, the Commissioner of Internal Revenue, said Trustees will donate to NY PA NJ Utilities Company, for cancellation and as a contribution to its capital, all of the debt obligations of NY PA NJ Utilities Company held by said Trustees; and that, in connection therewith, NY PA NJ Utilities Company will restate its accounts; and

The Commission having considered said application for release of jurisdiction, and deeming it appropriate in the public interest and in the interest of investors and consumers to grant said application subject, however, to the consummation of the aforesaid program as proposed in the joint declarations permitted this day to become effective:

It is ordered, That the jurisdiction heretofore reserved, as above quoted, be, and hereby is, released, subject to the consummation of the aforesaid program relating to the donation by said trustees to NY PA NJ Utilities Company of the latter's debt obligations held by said trustees, the restatement of the accounts of NY PA NJ Utilities Company, and the retirement of its preferred stock.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 45-14694; Filed, Aug. 9, 1945; 11:09 a. m.]

[File Nos. 59-76, 54-126]

EASTERN GAS AND FUEL ASSOCIATES

SUPPLEMENTAL ORDER APPROVING APPLICATION

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa., on the 7th day of August, A. D. 1945.

Eastern Gas and Fuel Associates ("Eastern"), a registered holding company, having filed an application with regard to the issue and sale, pursuant to the competitive bidding requirements of Rule U-50, of $40,000,000 principal amount of First Mortgage and Collateral Trust Bonds, --% Series, due 1965, and the application of the net proceeds from the sale of said bonds, together with treasury cash and the proceeds from the issue and sale, privately to banks, of $15,000,000 principal amount of 2⅛% installment notes, due 1946-1955, to the redemption of $55,497,000 principal amount of First Mortgage and Collateral Trust Bonds, Series A, 4%, due 1956, at 101½% of the principal amount thereof;

The Commission having by order dated July 27, 1945 approved the said application pursuant to the applicable provisions of the act, including section 7 thereof, subject to the condition, among others, that the proposed issue and sale of bonds should not be consummated until the results of competitive bidding pursuant to Rule U-50 shall have been made a matter of record in these proceedings and a further order shall have been entered by the Commission in the light of the record so completed;

Eastern having filed an amendment to the application setting forth the action taken to comply with the requirements of Rule U-50 and stating that, pursuant to the invitation for competitive bids, two bids were received as follows:

Underwriting group	Coupon rate	Price to company [1] (percent of principal amount)	Annual cost to company
	Percent		
Mellon Securities Corp.	3¼	100.5569	3.46
Halsey, Stuart & Co., Inc	3¼	100.1599	3.74

[1] Plus accrued interest from July 1, 1945.

The said amendment having further stated that Eastern has accepted the bid of the group headed by Mellon Securities Corporation and that the bonds will be offered for sale to the public at a price of 102.17% of the principal amount thereof plus accrued interest, resulting in an underwriters' spread of 1.61% of the principal amount of the bonds; and

The Commission having examined the record in the light of said amendment, and finding no basis for imposing terms and conditions with respect to the price to be paid to the company for the bonds, the interest rate on the bonds or the underwriters' spread and its allocation:

It is ordered, That, subject to the terms and conditions contained in Rule

U-24, said application, as amended, be and the same is hereby approved.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 45-14691; Filed, Aug. 9, 1945; 11:08 a. m.]

[File Nos. 70-1008, 59-11, 59-17, 54-25]

CITIES SERVICE POWER & LIGHT CO. ET AL.

ORDER AMENDING PRIOR ORDER

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa., on the 7th day of August, A. D., 1945.

In the matter of Cities Service Power & Light Company, St. Joseph Light & Power Company, File No. 70-1008. The United Light and Railways Company, Continental Gas & Electric Corporation, File Nos. 59-11, 59-17, 54-25, Application No. 24.

The Commission having by order dated July 18, 1945, granted applications and permitted declarations to become effective with respect to various transactions including, among others, (1) the purchase by Continental Gas & Electric Corporation from Cities Service Power & Light Company of 20,694 shares of common stock of St. Joseph Light & Power Company for a base price of $2,200,000; (2) the purchase by Continental Gas & Electric Corporation from Cities Service Power & Light Company for cash at par of such additional shares of common stock (not exceeding 1056) of St. Joseph Light & Power Company as will be necessary to provide funds to effect the redemption and retirement of the publicly held preferred stock of St. Joseph Light & Power Company not exchanged for shares of new preferred stock; (3) the purchase by Continental Gas & Electric Corporation from St. Joseph Light & Power Company of 1,500 shares of common stock of St. Joseph Light & Power Company for $150,000 and (4) the payment of $1,000,000 by Continental Gas & Electric Corporation to St. Joseph Light & Power Company as a contribution to its capital surplus;

Continental Gas & Electric Corporation having requested the Commission to enter an order authorizing Continental Gas & Electric Corporation to use the proceeds received by it from the sale of its interest in Iowa-Nebraska Light & Power Company, jurisdiction over which was previously reserved by the Commission (Holding Company Act Release No. 5619), to make the foregoing expenditures and investment, and including the specifications and itemizations necessary to satisfy the requirements of section 371 of the Internal Revenue Code;

The Commission finding that the foregoing expenditures and investment are necessary or appropriate to effectuate the provisions of section 11 (b) of the Public Utility Holding Company Act of 1935; and

It appearing to the Commission that the request of Continental Gas & Electric Corporation is, and was, one proper to be granted, but that inadvertently the requested specification and itemization was omitted from the said order of the Commission entered herein on July 18, 1945, and the Commission finding that said order should be corrected in that respect, as of the date thereof;

It is ordered, That the order of this Commission entered herein on July 18, 1945 be, and the same is hereby, amended, as of the date thereof, by the insertion therein after the last paragraph of said order and before the words "By the Commission" of the following:

It is further ordered, and the Commission finds, that the expenditures by Continental Gas & Electric Corporation for common stock of St. Joseph Light & Power Company and the investment by Continental Gas & Electric Corporation of $1,000,000 as a contribution to the capital of St. Joseph Light & Power Company, which expenditures and investment are specified and itemized in transactions 3, 5 and 7 listed in the first paragraph of this order, are necessary or appropriate to the integration of the holding company system of which Continental Gas & Electric Corporation is a member and are necessary or appropriate to effectuate the provisions of section 11 (b) of the Public Utility Holding Company Act of 1935. This paragraph is included in our order at the request of Continental Gas & Electric Corporation in view of sections 371 and 1808 of the Internal Revenue Code.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 45-14689; Filed, Aug. 9, 1945; 11:08 a. m.]

[File No. 70-1063]

NY PA NJ UTILITIES CO., ET AL.

ORDER PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 8th day of August, 1945.

In the matter of NY PA NJ Utilities Company, Denis J. Driscoll and Willard L. Thorp, trustees of Associated Gas and Electric Corporation, File No. 70-1063.

Denis J. Driscoll and Willard L. Thorp, Trustees of Associated Gas and Electric Corporation ("Agecorp"), a registered holding company, and NY PA NJ Utilities Company ("NY PA NJ"), a registered holding company and a subsidiary of Agecorp, having filed declarations, as amended, pursuant to sections 6 (a) (2), 7, 12 (b) and 12 (c) of the Public Utility Holding Company Act of 1935 ("Act") and Rules U-42 and U-45 promulgated thereunder, regarding the following proposed transactions:

(1) Subject to the obtaining by Agecorp of an appropriate order from the District Court of the United States for the Southern District of New York ("District Court") and subject further to the obtaining by NY PA NJ and Stanley Clarke, as Trustee of Associated Gas and Electric Company, of an acceptable ruling by, or closing agreement with, the Commissioner of Internal Revenue, Agecorp will donate to NY PA NJ, for cancellation and as a contribution to its capital, the following obligations of NY PA NJ owing to Agecorp, together with all interest accrued and unpaid, or to accrue, thereon:

Obligations	Amount	
Convertible obligation, due Mar. 1, 1963 Interest bearing, 1% to the extent of "available net income"	$196,725,000.00	
Non-interest bearing	5,275,000.00	$202,000,000.00
Advances:		
Open account, 2% interest bearing	24,478,251.18	
Open account, non-interest bearing	956,234.04	25,434,485.22
Total		227,434,485.22

(2) In connection with, and contingent upon, the above donation by Agecorp of the convertible obligation and open account advances, NY PA NJ will, among other things, restate the carrying amounts for certain of its investments, and create a reserve, in the absence of a revaluation of assets, against the carrying amounts for investments in the common stocks of majority-owned subsidiaries, approximately equivalent to the excess of such carrying amounts over the related adjusted combined net assets of such subsidiaries as at the effective date of the restatement of its investments.

(3) Subject to obtaining the consent in writing of Agecorp pursuant to an appropriate order of the District Court, NY PA NJ will retire all of its outstanding 5,405.6 shares of no par value $3 noncumulative preferred stock, at the redemption price of $26 per share, and, in addition, will pay to the holders of such stock, in full satisfaction of any and all claims to dividends on such stock since January 1, 1941, an amount equivalent to dividends upon such stock at the rate of $3 per annum per share from January 1, 1941, to the date of retirement.

A public hearing having been held after appropriate notice in which the security holders of declarants and other interested persons were accorded opportunity to be heard; and requests for findings, briefs and oral argument having been waived; and

The Commission having considered the record and having entered its Findings and Opinion herein, and deeming it appropriate in the public interest and in the interest of investors and consumers to permit the declarations, as amended to become effective:

It is hereby ordered, Pursuant to the applicable provisions of said act, including sections 6, 7, and 12 thereof, and the rules and regulations promulgated thereunder, that the aforesaid declarations, as amended, with respect to the contribution by Agecorp of the debt obligations of NY PA NJ and the restatement of the accounts of NY PA NJ be, and hereby are, permitted to become effective forthwith, subject to the terms and conditions prescribed in Rule U-24 of the general rules and regulations under the act, to the further condition that no entries, in connection with the sale or disposition of any of NY PA NJ's investments, shall be made to the reserve account to be created except as the Commission may approve or direct, and subject further to the reservation of jurisdiction over the proposed accounting entries to be made upon the books of Agecorp.

It is further ordered, Pursuant to the applicable provisions of said act, including section 12 thereof, and the rules and regulations promulgated thereunder, that the aforesaid declaration, as amended, with respect to the retirement by NY PA NJ of its no par value $3 noncumulative preferred stock be, and hereby is, permitted to become effective forthwith, subject to the terms and conditions prescribed in Rule U-24 of the general rules and regulations under the act.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 45-14692; Filed, August 9, 1945; 11:08 a. m.]

[File No. 70-1074]

KINGS COUNTY LIGHTING CO.

SUPPLEMENTAL ORDER AND ORDER RELEASING JURISDICTION OVER LEGAL FEES

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 8th day of August, 1945.

Kings County Lighting Company, a subsidiary of Long Island Lighting Company, a registered holding company, having filed an application, and amendments thereto, pursuant to section 6 (b) of the Public Utility Holding Company Act of 1935, for exemption from the provisions of section 6 (a) of the act, of the issue and sale, in accordance with the competitive bidding requirements of Rule U-50, of $4,200,000 principal amount of First Mortgage Bonds to mature August 1, 1975, the proceeds from such sale to be applied to the redemption of the company's short-term promissory note in the principal amount of $4,200,000;

The Commission having by order dated July 26, 1945 (Holding Company Act Release No. 5954), granted such application, as amended, pursuant to section 6 (b) of the act, subject to the conditions that (1) applicant obtain from the Public Service Commission of the State of New York a final order expressly authorizing the issue and sale of said First Mortgage Bonds; (2) applicant report to the Commission the results of the competitive bidding as required by Rule U-50 (c) and complying with such supplemental orders as the Commission may enter in view of the facts disclosed thereby; and

The Commission having reserved jurisdiction over the payment of all legal fees and expenses of counsel for prospective bidders in connection with the proposed transactions; and

Kings County Lighting Company having obtained from the Public Service Commission of the State of New York a final order expressly authorizing the issue and sale of said First Mortgage Bonds and having made a report to the Commission in the form of a further amendment to the application setting forth the action taken to comply with Rule U-50 and stating that, in accordance with the permission granted by the order of the Commission dated July 26, 1945, it has offered the said bonds for sale pursuant to the competitive bidding requirements of Rule U-50 and has received the following bids:

Bidder	Price to the company	Coupon rate	Cost to the company
	Percent	*Percent*	*Percent*
Halsey, Stuart & Co., Inc.	101.69	3⅛	3.04
John Hancock Mutual Life Insurance Co	101.44	3⅛	3.06
W. C. Langley & Co	101.05	3⅛	3.08
Blyth & Co., Inc.; and Kidder, Peabody & Co	100.81	3⅛	3.09

And it appearing further that Kings County Lighting Company has accepted the bid of Halsey, Stuart & Co., Inc. for the bonds, as set out above, and that the bonds will be offered for sale to the public at a price of 102.41% of the principal amount, resulting in an underwriter's spread of 0.75%; and

The Commission finding no basis for imposing any terms or conditions with respect to the proposed sale, and that the legal fees and expenses of counsel for prospective bidders in connection with the proposed transactions do not appear to be unreasonable:

It is ordered, That the jurisdiction heretofore reserved, as to the terms and conditions of the proposed sale of the said First Mortgage Bonds and as to the said legal fees and expenses to be paid in respect of the proposed transactions, be, and the same is, hereby released and that the application, as amended, be, and the same is, hereby granted, subject, however, to the terms and conditions prescribed in Rule U-24.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 45-14693; Filed, Aug. 9, 1945; 11:09 a. m.]

SURPLUS PROPERTY BOARD.

[Rev. Special Order No. 12]

ATTACHMENTS TO MACHINES AND MACHINE TOOLS OWNED BY RECONSTRUCTION FINANCE CORPORATION

Surplus Property Board Special Order 12, June 16, 1945 (10 F.R. 7600) is hereby revised and amended as set forth below:

Pursuant to the authority of the Surplus Property Act (50 Stat. 765; 50 U. S. C. App. Sup. 1611), *It is hereby ordered*, That:

In accordance with section 13 (b) of the Surplus Property Act, any owning agency may transfer to Reconstruction Finance Corporation without reimbursement attachments which are attached to machines or machine tools owned by Reconstruction Finance Corporation, in any case where a responsible officer of the owning agency determines that such attachments have no commercial value separate from the machines to which they are attached or that the cost of the care and handling and disposition of such attachments separate from the machines to which they are attached would exceed the estimated proceeds of disposition.

This order shall become effective August 7, 1945.

SURPLUS PROPERTY BOARD,
W. STUART SYMINGTON,
Chairman.
EDWARD H. HELLER,
Member.
ROBERT A. HURLEY,
Member.
By A. E. HOWSE,
Administrator.

AUGUST 7, 1945.

[F. R. Doc. 45-14706; Filed, Aug. 9, 1945; 11:12 a. m.]

[SPB Reg. 3, Order 34]

IOWA

ALLOCATION OF TRUCKS FOR DISPOSAL TO FARMERS AND FARMERS' COOPERATIVES IN CERTAIN COUNTIES

Pursuant to § 8303.4 of Surplus Property Board Regulation No. 3, entitled "Dispositions of Surplus Property in Rural Areas and to Farmers" (10 F.R. 5325) and in reliance upon the certificate of the Secretary of Agriculture to the Surplus Property Board that farm production is impaired or threatened to be impaired in the area named below by a shortage of trucks; *It is hereby ordered*, That:

The Department of Commerce, as disposal agency, shall allocate for disposal to farmers and farmers' cooperative associations holding certificates of the Agricultural Adjustment Agency and located in Kossuth, Winnebago and Hancock Counties, Iowa, 10 one-half ton weapon carrier trucks, and shall without regard to the requirements of Surplus Property Board Regulation No. 2 (10 F.R. 5104, 8911, 9478) take immediate steps so to dispose of such property by the methods provided in § 8303.4 (c).

This order shall become effective immediately.

SURPLUS PROPERTY BOARD,
W. STUART SYMINGTON,
Chairman.
EDWARD H. HELLER,
Member.
ROBERT A. HURLEY,
Member.
By A. E. HOWSE,
Administrator.

AUGUST 7, 1945.

[F. R. Doc. 45-14695; Filed, Aug. 9, 1945; 11:11 a. m.]

[SPB Reg. 3, Order 35]

WASHINGTON

ALLOCATION OF TRUCKS FOR DISPOSAL TO FARMERS AND FARMERS' COOPERATIVES IN CERTAIN COUNTIES

Pursuant to § 8303.4 of Surplus Property Board Regulation No. 3, entitled

"Dispositions of Surplus Property in Rural Areas and to Farmers" (10 F.R. 5325) and in reliance upon the certificate of the Secretary of Agriculture to the Surplus Property Board that farm production is impaired or threatened to be impaired in the area named below by a shortage of trucks, *It is hereby ordered*, That:

The Department of Commerce, as disposal agency, shall allocate for disposal to farmers and farmers' cooperative associations holding certificates of the Agricultural Adjustment Agency and located in Adams, Lincoln, Grant, Douglas, and Franklin Counties, Washington, 12 one-half-ton weapon carrier trucks, 3 one and one-half-ton dump trucks, 4 one and one-half-ton dump cargo trucks, 12 one and one-half-ton cargo trucks, 9 one-half-ton pickup trucks, and 9 one and one-half ton stake and platform trucks, and shall without regard to the requirements of Surplus Property Board Regulation No. 2 (10 F.R. 5104, 8911, 9478) take immediate steps so to dispose of such property by the methods provided in § 8303.4 (c).

This order shall become effective immediately.

SURPLUS PROPERTY BOARD,
W. STUART SYMINGTON,
Chairman.
EDWARD H. HELLER,
Member.
ROBERT A. HURLEY,
Member.
By A. E. HOWSE,
Administrator.

AUGUST 7, 1945.

[F. R. Doc. 45-14696; Filed, Aug. 9, 1945; 11:13 a. m.]

[SPB Reg. 3, Order 36]

IDAHO

ALLOCATION OF TRUCKS FOR DISPOSAL TO FARMERS AND FARMERS' COOPERATIVES IN CERTAIN COUNTIES

Pursuant to § 8303.4 of Surplus Property Board Regulation No. 3, entitled "Dispositions of Surplus Property in Rural Areas and to Farmers" (10 F.R. 5325) and in reliance upon the certificate of the Secretary of Agriculture to the Surplus Property Board that farm production is impaired or threatened to be impaired in the area named below by a shortage of trucks, *It is hereby ordered*, That:

The Department of Commerce, as disposal agency, shall allocate for disposal to farmers and farmers' cooperative associations holding certificates of the Agricultural Adjustment Agency and located in Ada, Adams, Boise, Canyon, Elmore, Gem, Owyhee, Payette, Valley, and Washington Counties, Idaho, 18 one-half-ton weapon carrier trucks, and 2 one-and-one-half-ton cargo trucks, and shall without regard to the requirements of Surplus Property Board Regulation No. 2 (10 F.R. 5104, 8911, 9478) take immediate steps so to dispose of such property by the methods provided in § 8303.4 (c).

This order shall become effective immediately.

SURPLUS PROPERTY BOARD,
W. STUART SYMINGTON,
Chairman.
EDWARD H. HELLER,
Member.
ROBERT A. HURLEY,
Member.
By A. E. HOWSE,
Administrator.

AUGUST 7, 1945.

[F. R. Doc. 45-14697; Filed, Aug. 9, 1945; 11:12 a. m.]

[SPB Reg. 3, Order 37]

KANSAS

ALLOCATION OF TRUCKS FOR DISPOSAL TO FARMERS AND FARMERS' COOPERATIVES IN CERTAIN COUNTIES

Pursuant to § 8303.4 of Surplus Property Board Regulation No. 3, entitled "Dispositions of Surplus Property in Rural Areas and to Farmers" (10 F.R. 5325) and in reliance upon the certificate of the Secretary of Agriculture to the Surplus Property Board that farm production is impaired or threatened to be impaired in the area named below by a shortage of trucks, *It is hereby ordered*, That:

The Department of Commerce, as disposal agency, shall allocate for disposal to farmers and farmers' cooperative associations holding certificates of the Agricultural Adjustment Agency and located in Atchison, Brown, Doniphan, Douglas, Jackson, Jefferson, Johnson, Leavenworth, Nemaha, Shawnee, and Wyandotte Counties, Kansas, 33 one-and-one-half-ton cargo, CS&P and dump trucks, and 18 one-half-ton C/R trucks, and shall without regard to the requirements of Surplus Property Board Regulation No. 2 (10 F.R. 5104, 8911, 9478) take immediate steps so to dispose of such property by the methods provided in § 8303.4 (c).

This order shall become effective immediately.

SURPLUS PROPERTY BOARD,
W. STUART SYMINGTON,
Chairman.
EDWARD H. HELLER,
Member.
ROBERT A. HURLEY,
Member.
By A. E. HOWSE,
Administrator.

AUGUST 7, 1945.

[F. R. Doc. 45-14698; Filed, Aug. 9, 1945; 11:13 a. m.]

[SPB Reg. 3, Order 38]

UTAH

ALLOCATION OF TRUCKS FOR DISPOSAL TO FARMERS AND FARMERS' COOPERATIVES IN CERTAIN COUNTIES

Pursuant to § 8303.4 of Surplus Property Board Regulation No. 3, entitled "Dispositions of Surplus Property in Rural Areas and to Farmers" (10 F.R. 5325) and in reliance upon the certificate of the Secretary of Agriculture to the Surplus Property Board that farm production is impaired or threatened to be impaired in the area named below by a shortage of trucks, *It is hereby ordered*, That:

The Department of Commerce, as disposal agency, shall allocate for disposal to farmers and farmers' cooperative associations holding certificates of the Agricultural Adjustment Agency and located in Beaver, Box Elder, Cache, Carbon, Daggett, Davis, Duchesne, Emery, Garfield, Grand, Iron, Juab, Kane, Millard, Morgan, Piute, Rich, Salt Lake, San Juan, San Pete, Sevier, Summit, Tooele, Uintah, Utah, Wasatch, Washington, Wayne, and Weber Counties, Utah, 4 two-and-one-half-ton searchlight carrier trucks, 5 one-and-one-half-ton stake trucks, 1 two-and-one-half-ton stake truck, 1 two-and-one-half-ton dump truck, 1 one-and-one-half-ton weapon carrier truck, 16 one-half-ton C.R trucks, 20 one-half-ton weapon carrier trucks, 76 one-and-one-half-ton cargo trucks, 2 one-and-one-half-ton dump trucks, 2 one-and-one-half-ton CS&P trucks, and shall without regard to the requirements of Surplus Property Board Regulation No. 2 (10 F.R. 5104, 8911, 9478) take immediate steps so to dispose of such property by the methods provided in § 8303.4 (c).

This order shall become effective immediately.

SURPLUS PROPERTY BOARD,
W. STUART SYMINGTON,
Chairman.
EDWARD H. HELLER,
Member.
ROBERT A. HURLEY,
Member.
By A. E. HOWSE,
Administrator.

AUGUST 7, 1945.

[F. R. Doc. 45-14699; Filed, Aug. 9, 1945; 11:12 a. m.]

AUG 14 '45

FEDERAL REGISTER

VOLUME 10 NUMBER 160

Washington, Saturday, August 11, 1945

Regulations

TITLE 26—INTERNAL REVENUE

Chapter I—Bureau of Internal Revenue

Subchapter A—Income and Excess Profits Taxes

[T. D. 5468]

PART 19—INCOME TAX UNDER THE INTERNAL REVENUE CODE

PART 29—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1941

DEFINITION OF ASSOCIATION

Section 19.3797-2 of Regulations 103 (26 CFR, 1940 Supp., Part 19), and § 29.3797-2 of Regulations 111 (26 CFR, Cum. Supp., Part 29) are each amended as follows:

(A) By striking from the fourth sentence of each such section the following: "an 'investment' trust (whether of the fixed or the management type).".

(B) By inserting after the fourth sentence of each such section the following:

An "investment" trust of the type commonly known as a management trust is an association, and a trust of the type commonly known as a fixed investment trust is an association if there is power under the trust agreement to vary the investment of the certificate holders. See *Commissioner* v. *North American Bond Trust*, 122 F. (2d) 545, cert. denied 314 U. S. 701.

(Sec. 62 of the Internal Revenue Code (53 Stat. 32; 26 U.S.C., 62))

[SEAL] JOSEPH D. NUNAN, Jr.,
Commissioner of Internal Revenue.

Approved: August 9, 1945.

JOSEPH J. O'CONNELL, Jr.,
Acting Secretary of the Treasury.

[F. R. Doc. 45-14780; Filed, Aug. 10, 1945; 11:36 a. m.]

TITLE 29—LABOR

Chapter VI—National War Labor Board

PART 803—GENERAL ORDERS

AUTOMOTIVE REPAIR INDUSTRY, HARRIS COUNTY, TEX.

The National War Labor Board, under paragraph (d) of § 803.4, has approved the following exception to the exemption provided for in paragraph (a) of this order:

(68) All employers in the Automotive Repair Industry in Harris County, Texas. (Approved August 6, 1945).

(E.O. 9250, Oct. 2, 1942, 7 F.R. 7871; as amended by E.O. 9381, Sept. 25, 1943, 8 F.R. 13083, E.O. 9328, Apr. 8, 1943, 8 F.R. 4681; Act of Oct. 2, 1942, C. 578, 56 Stat. 765, Pub. Law 729, 77th Cong.)

THEODORE W. KHEEL,
Executive Director.

[F. R. Doc. 45-14757; Filed, Aug. 9, 1945; 4:23 p. m.]

Chapter IX—Agriculture Department (Agricultural Labor)

[Supp. 64]

PART 1111—SALARIES AND WAGES OF AGRICULTURAL LABOR IN THE STATE OF WASHINGTON

WORKERS ENGAGED IN PICKING AND SWAMPING PEACHES AND PEARS IN YAKIMA AND BENTON COUNTIES, WASH.

§ 1111.15 *Workers engaged in picking and swamping peaches and pears in Yakima and Benton Counties, Washington.* Pursuant to § 4001.7 of the regulations of the Economic Stabilization Director relating to salaries and wages issued August 28, 1943, as amended (8 F.R. 11960, 12139, 16702, 9 F.R. 6035, 14547, 10 F.R. 9478, 9628) and to the regulations of the War Food Administrator issued March 23, 1945 (10 F.R. 3177) entitled "Specific Wage Ceiling Regulations" and based upon a certification of the Washington USDA Wage Board that a majority of the producers of peaches, and a majority of the producers of pears grown in the area affected participating in hearings conducted for such purpose have requested the intervention of the Secretary of Agriculture and based upon relevant facts submitted by the Washington USDA Wage Board and obtained from other sources, it is hereby determined that:

(a) *Areas, crops and classes of workers.* Persons engaged in picking and swamping peaches and pears in Yakima and Benton Counties, State of Washington,

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NOTICE

1944 Supplement

Book 1 of the 1944 Supplement to the Code of Federal Regulations, containing Titles 1-10, including Presidential documents in full text, is now available from the Superintendent of Documents, Government Printing Office, at $3.00 per copy.

A limited sales stock of the Cumulative Supplement and the 1943 Supplement is still available as previously announced.

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are agricultural labor as defined in § 4001.1 (1) of the regulations of the Economic Stabilization Director issued on August 28, 1943, as amended (8 F.R. 11960, 12139, 16702, 9 F.R. 6035, 14547, 10 F.R. 9478, 9628).

(b) *Definitions.* When used in this section:

(1) The term "peaches" means the Early Elberta, Elberta, J. H. Hale variety or any other variety having a comparable ripening season to any of these stated varieties.

(2) The term "pears" means the Bartlett variety of Pears or any other variety having a ripening season comparable to the Bartlett variety.

(3) The term "strip picking" means removing the fruit from the tree at one picking;

(4) The term "size picking" means removing the fruit from the tree in accordance with a standard of size attainment of the fruit, requiring two or more pickings per tree;

(5) The term "swamping" means the hauling of picked fruit from the orchard to a central loading point;

(6) The term "apple box" means a standard apple box used in Yakima Valley, Washington.

(c) *Maximum wage rates for picking and swamping peaches and pears in Yakima and Benton Counties, Washington.*

(1) Picking peaches—12¢ per apple box.
(2) Picking pears:
(i) Size picking—12¢ per apple box.
(ii) Strip picking—10¢ per apple box.
(3) Swamping—$1 per hour during either or both peach or pear harvest.

If other than the standard apple box above defined is used then the maximum wage rate shall be at a rate equivalent to the rates prescribed above.

(d) *Administration.* The Washington USDA Wage Board, located at 235 Liberty Building, Yakima, Washington, will have charge of the administration of this section in accordance with the provisions of the specific wage ceiling regulations issued by the War Food Administrator on March 23, 1945 (10 F.R. 3177).

(e) *Applicability of specific wage ceiling regulations.* This section shall be deemed to be a part of the specific wage ceiling regulations issued by the War Food Administrator on March 25, 1945 (10 F. R. 3177) and the provisions of such regulations shall be applicable to this section and any violation of this section shall constitute a violation of such specific wage ceiling regulations.

(f) *Effective date.* This Supplement No. 64 shall become effective at 12:01 a. m., Pacific War Time, August 11, 1945.

(56 Stat. 765 (1942), 50 U.S.C. App. 961 et seq., (Supp. IV); 57 Stat. 63 (1943); 50 U.S.C. 964 (Supp. IV); 58 Stat. 632 (1944); Pub. Law 108, 79th Cong., E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681; E.O. 9577, 10 F.R. 8087; regulations of the Economic Stabilization Director, 8 F.R. 11960, 12139, 16702, 9 F.R. 6035, 14547, 10 F.R. 9478, 9628; regulations of the War Food Administrator, 9 F.R. 655, 12117, 12611, 10 F.R. 7609, 9581; 9 F.R. 981, 12807, 14206, 10 F.R. 3177)

Issued this 9th day of August 1945.

[SEAL] HOWARD A. PRESTON,
Acting Director of Labor,
U. S. Department of Agriculture.

[F. R. Doc. 45-14769; Filed, Aug. 10, 1945; 11:10 a. m.]

TITLE 7—AGRICULTURE

Chapter I—Office of Marketing Services (Standards, Inspections, Marketing Practices)

Subchapter K—Federal Seed Act

PART 201—FEDERAL SEED ACT REGULATIONS

AMENDMENTS TO THE JOINT RULES AND REGULATIONS

By virtue of authority and direction of section 402 of the Federal Seed Act (53 Stat. 1275; 7 U.S.C. 1592; E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423; E.O. 9392, 8 F.R. 14783; E.O. 9577, 10 F.R. 8087) and after public hearing, held on May 16, 1945, notice of which was published in the FEDERAL REGISTER of May 4, 1945, the following amendments to the joint rules and regulations of the Secretary of the Treasury and the Secretary of Agriculture under the Federal Seed Act (7 CFR, Cum. Supp. 201.208 et seq.) are hereby promulgated.

1. In § 201.208 insert the words "adzuki bean," "celery," "chickpea," "hemp," "mung bean," "peanut," and "sunflower" in proper alphabetical order.

2. In § 201.210 (d) add at the end of the sentence the words: "except if the lot does not appear to be of uniform quality the separate portions shall be forwarded together but without being combined into a composite sample."

3. In § 201.212 delete subsection (c).

4. Change § 201.215 to read: "All samples shall be accompanied by a description of the lot of seed offered for importation, on a form provided for this purpose by the Department of Agriculture."

5. In § 201.218 delete the words "bears a sufficient mark of identification" and insert in lieu thereof the words "is stenciled to show the name of the kind or variety of the seed and a lot number or designation identifying the lot of seed."

6. In § 201.222 (a) delete the word "Celery" and add "Lupine" and "Horse or broad bean."

7. In § 201.222 (b) add the words "Celery" and "Peanut."

8. In § 202.222 add a new paragraph designated (d) to read:

(d) The collector of customs shall notify the Department of Agriculture of any change in the nature of a declaration made under this section.

9. In § 201.228 add the following: "Any correction of the labeling upon the containers shall be done under the supervision of the Department of Agriculture at the expense of the importer who shall also reimburse the Government for the expenses of travel required to perform such supervision. When a representative of the Department of Agriculture finds upon examination of seed that it is incorrectly described on the invoice presented at the time of entry, a finding of 'false labeling' under the Federal Seed Act of August 9, 1939, will be made. The seed will be refused admission until after the importer has given satisfactory assurance to the Department of Agriculture that he has taken appropriate steps to file with the collector of customs at the port of entry a corrected customs invoice describing the seed in terms which will not constitute 'false labeling.' Upon receipt of such assurance, the Department of Agriculture will notify the collector of the nature of the 'false labeling' and that the seed may be granted admission under the Federal Seed Act. The importer will be liable for the payment of liquidated damages under the bond filed in connection with the entry unless a corrected customs invoice is produced within the time provided for by law or regulations."

10. Change § 201.230 to read:

(a) Seed or screenings refused admission into the commerce of the United States shall be exported by the owner or consignee within 12 months of the date of notice of such refusal or at the expiration of such 12-month period the rejected seed or screenings shall be destroyed under the supervision of an employee or authorized agent of the United States Department of Agriculture in such manner as may be determined by the United States Department of Agriculture.

(b) When seed or screenings which have been refused admission into the commerce of the United States are exported the collector of customs shall notify the office of the United States Department of Agriculture that issued the notice of rejection and shall also submit to said office a sample drawn from the seed at the time of exportation.

(c) The destruction of seed or screenings refused admission shall be at the expense of the owner or consignee who shall also reimburse the Government for the expense of travel required to perform such supervision. The United States Department of Agriculture shall make a report of such destruction giving the amount by weight to the collector of customs at the port of entry of such seed or screenings.

These amendments shall become effective on and after the expiration of thirty days after date of publication herein.

(53 Stat. 1275; 7 U.S.C. 1940 ed. 1592; E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423; E.O. 9392, 8 F.R. 14783; E.O. 9577, 10 F.R. 8087)

Issued this 4th day of August 1945.

[SEAL] HERBERT E. GASTON,
Acting Secretary of the Treasury.

CLINTON P. ANDERSON,
Secretary of Agriculture.

[F. R. Doc. 45-14537; Filed, Aug. 7, 1945; 3:26 p. m.]

PART 201—FEDERAL SEED ACT REGULATIONS

AMENDMENTS TO THE RULES AND REGULATIONS

By virtue of authority under section 402 of the Federal Seed Act (53 Stat. 1275; 7 U.S.C. 1592; E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423; E.O. 9392, 8 F.R. 14783; E.O. 9577, 10 F.R. 8087) and after public hearing, held on May 16, 1945, notice of which was published in the FEDERAL REGISTER of April 26, 1945, the following amendments to the rules and regulations for the enforcement of the Federal Seed Act are hereby promulgated.

1. In § 201.2 (h) change the first sentence to read as follows: "*Agricultural seeds.* The term 'agricultural seeds' means the following grass, forage, and field crop seeds:"

2. List the agricultural seeds in § 201.2 (h) (1) and (h) (2) in their proper alphabetical order and insert in addition in their proper alphabetical order the following: "Bluegrass, bulbous, Poa bulbosa L."; "Bluegrass, Nevada, Poa nevadensis Vasey"; "Bluegrass, Texas, Poa arachnifera Torr."; "Bluestem, big, Andropogon furcatus Muhl."; "Bluestem, little, Andropogon scoparius Michx."; "Bluestem, sand, Andropogon hallii Hack."; "Brome, mountain, Bromus marginatus Nees"; "Clover, lappa, Trifolium lappaceum L."; "Clover, large hop, Trifolium procumbens L."; "Crotalaria, lance, Crotalaria lanceolata E. Mey."; "Crotalaria, striata, Crotalaria striata, DC."; "Crotalaria, sunn, Crotalaria juncea L."; "Dropseed, sand, Sporobolus cryptandrus (Torr.) A. Gray"; "Grama, blue, Bouteloua gracilis (H.B.K.) Lag."; "Grama, side-oats, Bouteloua curtipendula (Michx.) Torr."; "Grass, buffalo, Buchloe dactyloides (Nutt.) Engl."; "Grass, giant panic, Panicum antidotale Retz."; "Grass, Harding, Phalaris tuberosa var. stenoptera (Hack.) Hitchc."; "Grass, Indian, Sorghastrum nutans (L.) Nash"; "Grass, Johnson, Sorghum halepense (L.) Pers."; "Grass, switch, Panicum virgatum L."; "Grass, Vasey, Paspalum urvillei Steud."; "Lespedeza, Siberian, Lespedeza hedysaroides (Pallas) Ricker"; "Lovegrass, weeping, Eragrostis curvula (Schrad.) Nees"; "Pea, rough, Lathyrus hirsutus L."; "Peanut, Arachis hypogaea L."; "Ricegrass, Indian, Oryzopsis hymenoides (Roem. and Schult.) Ricker"; "Sesbania, Sesbania exaltata (Raf.) Torr."; "Smilo, Oryzopsis miliacea (L.) Benth. and Hook."; "Trefoil, big, Lotus uliginosus Schkuhr."; "Trefoil, birdsfoot, Lotus corniculatus L."; "Wild-rye, Canada, Elymus canadensis L."

3. In § 201.2 (i) insert in their proper alphabetical order the following: "Bean, asparagus, Vigna sesquipedalis (L.) Fruwirth"; "Bean, runner, Phaseolus coccineus L."; "Cardoon, Cynara cardunculus L."; "Cowpea, Vigna sinensis (Torner) Savi."; and "Soybean, Soja max (L.) Piper."

4. In § 201.2 add after § 201.2 (y) a new paragraph to read as follows:

(z) *Processing.* For the purpose of section 203 (b) (2) (B) of the act the term "processing" means cleaning, scarifying, or blending to obtain uniform quality, and other operations which would change the purity or germination of the seed and therefore require retesting to determine the quality of the seed, but does not include operations such as packaging, labeling, blending together of uniform lots of the same kind or variety without cleaning, or the preparation of a mixture without cleaning, any of which would not require retesting to determine the quality of the seed.

5. In § 201.26 add the following: "The representation of kind and variety shall be confined to the recognized name of the kind and variety. It shall not have affixed thereto names or terms that create a misleading impression as to the history or quality of the seed."

6. In § 201.31 change "beans (except lima) ____ 80" to read "Beans (except lima) ____ 75." Strike out the numeral "25" after the words "Cress, water" and insert in lieu thereof the numeral "35." Add in proper alphabetical order; "Bean, asparagus ____ 75," "Bean, runner ____ 75," "Cardoon ____ 60," "Cowpea ____ 75," "Soybean ____ 75."

7. In § 201.39 change paragraphs (d) and (e) to read as follows:

(d) As the seed or screenings are sampled each portion shall be examined and if there appears to be a lack of uniformity, the portions shall not be combined but shall be retained as separate samples to determine such lack of uniformity as may exist.

(e) When the portions appear to be uniform, they shall be combined to form a composite sample.

8. Change § 201.43 to read as follows:

§ 201.43 *Size of sample.* The following are minimum weights of samples of agricultural seed and screenings to be submitted for analysis, test, or examination:

(a) Two ounces of grass seed not otherwise mentioned, white or alsike clover, or seeds not larger than these.

(b) Five ounces of red or crimson clover, alfalfa, lespedeza, ryegrass, bromegrass, millet, flax, rape, or seeds of similar size.

(c) One pound of Sudan grass, sorghum, proso, hemp or seeds of similar size.

(d) Two pounds of cereals, vetch, or seeds of similar or larger size.

(e) Two quarts of screenings.

9. Change § 201.46 to read:

§ 201.46 *Weight of working sample.* For the detailed purity analysis the working sample shall be at least the weight set forth in table 1.

TABLE 1—WEIGHT OF WORKING SAMPLE

Name of seed	Minimum weight for purity analysis	Minimum weight for noxious-weed seed examination	Approximate number of seeds per gram
AGRICULTURAL SEED	*Grams*	*Grams*	*Number*
Alfalfa—Medicago sativa	5	50	500
Bahia grass—Paspalum notatum	10	50	360
Barley—Hordeum vulgare	100	500	30
Bean, Adzuki—Phaseolus angularis	700	700	11
Bean, field—Phaseolus vulgaris	700	700	4
Bean, mung—Phaseolus aureus	100	500	24
Bean, velvet—Stizolobium utile	700	700	2
Beet, field, (Mangel)—Beta vulgaris	50	200	14
Bentgrass:			
Astoria—Agrostis tenuis var.	1	25	12,048
Colonial—Agrostis tenuis	1	25	19,231
Creeping—Agrostis palustris	1	25	17,106
Highland—Agrostis tenuis var.	1	25	20,000
Velvet—Agrostis canina	1	25	25,839
Bermuda grass—Cynodon dactylon	1	25	3,940
Bluegrass:			
Annual—Poa annua	1	25	2,636
Bulbous—Poa bulbosa	2	50	1,020
Canada—Poa compressa	1	25	3,500
Kentucky—Poa pratensis	1	25	4,800
Nevada—Poa nevadensis	1	25	2,804
Rough—Poa trivialis	1	25	5,600
Texas—Poa arachnifera	1	25	2,500
Wood—Poa nemoralis	1	25	7,692
Bluestem:			
Big—Andropogon furcatus[1]	10	50	330
Little—Andropogon scoparius[1]	5	50	700
Sand—Andropogon hallii[1]	10	50	200
Brome:			
Mountain—Bromus marginatus	25	150	110
Smooth—Bromus inermis	5	50	500
Broomcorn—Sorghum vulgare technicum	50	300	60
Buckwheat—Fagopyrum vulgare	50	300	41
Buffalo grass—Buchloe dactyloides[1]			
(Burs)	10	200	170
(Caryopses)	2	50	750
Canary grass, Reed—Phalaris arundinacea	2	50	1,200
Carpet grass—Axonopus compressus	1	25	2,475
Chickpea—Cicer arietinum	500	500	2
Clovers:			
Alsike—Trifolium hybridum	2	50	1,500
Alyce—Alysicarpus vaginalis	5	50	694
Berseem—Trifolium alexandrinum	5	50	476
Bur—Medicago arabica (in bur)	50	300	69
Bur—Medicago arabica (out of bur)	10	50	------
Bur—Medicago hispida (in bur)	50	300	------
Bur—Medicago hispida (out of bur)	10	50	303
Cluster—Trifolium glomeratum	1	25	2,924
Crimson—Trifolium incarnatum	10	50	320
Lalima—Trifolium resupinatum	2	50	1,000
Lappa—Trifolium lappaceum	2	50	1,500
Large hop—Trifolium procumbens	1	25	5,464
Persian—Trifolium resupinatum	2	50	1,408
Red—Trifolium pratense	5	50	600
Sour—Melilotus indica	5	50	992
Strawberry—Trifolium fragiferum	2	50	675

See footnotes at end of table.

TABLE 1—WEIGHT OF WORKING SAMPLE—Con.

Name of seed	Minimum weight for purity analysis	Minimum weight for noxious-weed seed examination	Approximate number of seeds per gram
AGRICULTURAL SEED—con.			
Clovers—Continued.			
Subterranean — Trifolium subterraneum	*Grams* 25	*Grams* 150	*Number* 119
Sweet—Melilotus alba	2	50	1,048
White—Melilotus alba	5	50	570
Yellow—Melilotus officinalis	5	50	570
White—Trifolium repens	2	50	1,500
Corn:			
Field—Zea mays	500	500	3
Pop—Zea mays everta	500	500	------
Cotton—Gossypium spp.	500	500	8
Cowpea—Vigna sinensis	500	500	8
Crested dogtail—Cynosurus cristatus	2	50	1,960
Crotalaria—Crotalaria spectabilis	25	150	80
Crotalaria intermedia	10	50	207
Crotalaria juncea	100	500	35
Crotalaria lanceolata	10	50	375
Crotalaria striata	10	50	215
Dallis grass—Paspalum dilatatum	2	50	485
Dropseed, sand—Sporobolus cryptandrus	1	25	11,927
Fescue:			
Hard—Festuca capillata	1	25	3,200
Meadow—Festuca elatior & var. arundinacea	5	50	500
Other fescues—(fine leaved)			
Festuca spp.	2	50	1,200
Flax—Linum usitatissimum	10	50	178
Giant panic grass—Panicum antidotale	2	50	1,448
Grama, blue—Bouteloua gracilis	2	50	1,977
Grama, side-oats—Bouteloua curtipendula[1]			
(Other than caryopses)	5	50	422
(caryopses)	2	50	1,607
Guinea grass—Panicum maximum	5	50	2,207
Harding grass—Phalaris tuberosa var. stenoptera	5	50	750
Hemp—Cannabis sativa	50	300	46
Indian grass—Sorghastrum nutans	10	50	364
Johnson grass—Sorghum halepense	10	50	200
Kudzu—Pueraria thunbergiana	25	150	81
Lespedeza:			
Chinese—Lespedeza sericea	5	50	820
Common and Kobe—Lespedeza striata	5	50	750
Korean—Lespedeza stipulacea	5	50	525
Siberian—Lespedeza hedysaroides	5	50	820
Lovegrass, weeping — Eragrostis curvula	1	25	3,282
Lupine:			
Blue—Lupinus angustifolius	500	500	7
White—Lupinus albus	500	500	7
Yellow—Lupinus luteus	500	500	9
Meadow foxtail—Alopecurus fratensis	2	50	1,200
Medic, black—Medicago lupulina	5	50	586
Millet:			
Broomcorn—Panicum lasciatum	10	50	303
Foxtail, such as common, Hungarian, Siberian, or Golden—Setaria italica	5	50	470
Japanese—Echinochloa crusgalli frumentacea	10	50	320
Pearl—Pennisetum glaucum	25	150	194
Proso—Panicum miliaceum	25	150	180
Molasses grass—Melinis minutiflora	1	25	15,000
Mustard:			
Black—Brassica nigra	5	50	1,256
White—Brassica hirta	25	150	162
Napier grass—Pennisetum purpureum	5	50	------
Oats—Avena spp.	100	500	28
Oatgrass, tall meadow—Arrhenatherum elatius	10	50	330
Orchard grass—Dactylis glomerata	2	50	1,441
Peanut—Arachis hypogaea	500	500	1-3

TABLE 1—WEIGHT OF WORKING SAMPLE—Con.

Name of seed	Minimum weight for purity analysis	Minimum weight for noxious-weed seed examination	Approximate number of seeds per gram
AGRICULTURAL SEED—con.			
Peas, field—Pisum sativum arvense	*Grams* 500	*Grams* 500	*Number* 4
Rape:			
Annual—Brassica napus var.	10	50	346
Bird—Brassica campestris	10	50	425
Turnip—Brassica rapa var.	10	50	536
Winter—Brassica napus	10	50	230
Redtop—Agrostis alba	1	25	11,000
Rescuegrass—Bromus catharticus	25	150	144
Rhodes grass—Chloris gayana	1	25	4,724
Rice—Oryza sativa	100	500	66
Ricegrass, Indian—Oryzopsis hymenoides	10	50	308
Rough pea—Lathyrus hirsutus	100	500	39
Rye—Secale cereale	100	500	40
Ryegrass:			
Italian — Lolium multiflorum	5	50	500
Perennial—Lolium perenne	5	50	500
Sainfoin — Onobrychis viciaefolia	50	300	50
Smilo—Oryzopsis miliacea	2	50	2,008
Sorghum:			
Grain—Sorghum vulgare	50	300	55
Sweet—(sorgo)—Sorghum vulgare	50	300	50
Soybean—Soja max	500	500	6-13
Sudan grass—Sorghum vulgare sudanense	25	150	120
Sunflower (Cult.)—Helianthus annuus	100	500	------
Sweet Vernalgrass — Anthoxanthum odoratum	2	50	1,600
Switch grass—Panicum virgatum	5	50	811
Timothy—Phleum pratense	2	50	2,500
Trefoil, big—Lotus uliginosus	2	50	1,944
Trefoil, birdsfoot—Lotus corniculatus	2	50	814
Vasey grass—Paspalum urvillei	2	50	970
Velvetgrass—Holcus lanatus	1	25	3,359
Vetch:			
Common—Vicia sativa	100	500	19
Hairy—Vicia villosa	100	500	56
Hungarian—Vicia pannonica	100	500	24
Monantha—Vicia monanthu	100	500	------
Narrowleaf—Vicia angustifolia	50	300	60
Purple — Vicia atropurpurea	100	500	22
Woollypod — Vicia dasycarpa	100	500	25
Wheat: Common spelt, emmer, durum—Triticum spp.	100	500	25
Wheatgrass:			
Crested, fairway — Agropyron cristatum	5	50	714
Crested, standard — Agropyron cristatum	10	50	425
Slender — Agropyron tracheycaulum	10	50	340
Western (Bluestem)—Agropyron smithii	10	50	235
Wild-rye, Canada — Elymus canadensis	10	50	261
VEGETABLE SEED			
Artichoke—Cynara scolymus	100	500	24
Asparagus—Asparagus officinalis	100	500	25
Beans:			
Asparagus—Vigna sesquipedalis	100	500	8
Garden—Phaseolus vulgaris	500	500	4
Horse or broad—Vicia faba	500	500	------
Lima—Phaseolus limatus macrocarpus	500	500	2
Runner—Phaseolus coccineus	500	500	1
Beet—Beta vulgaris	50	300	58
Broccoli—Brassica oleracea	10	50	315
Brussels sprouts—Brassica oleracea	10	50	315
Cabbage—Brassica oleracea	10	50	315
Cardoon—Cynara cardunculus	100	500	------
Carrot—Daucus carota	5	50	826
Cauliflower—Brassica oleracea	10	50	315
Celeriac—Apium graveolens var. rapaceum	1	25	2,521

TABLE 1—WEIGHT OF WORKING SAMPLE—Con.

Name of seed	Minimum weight for purity analysis	Minimum weight for noxious-weed seed examination	Approximate number of seeds per gram
VEGETABLE SEED—con.			
Celery—Apium graveolens var. dulce	*Grams* 1	*Grams* 25	*Number* 2,321
Chicory—Cichorium intybus	5	50	940
Citron—Citrullus vulgaris	500	500	11
Collards—Brassica oleracea	10	50	315
Corn, sweet—Zea mays	500	500	------
Cornsalad—Fedia cornucopiae (Valerianella locusta olitoria)	10	50	380
Cowpea—Vigna sinensis	500	500	8
Cress:			
Garden—Lepidium sativum	5	50	424
Water—Rorippa nasturtium aquaticum	1	25	5,172
Cucumber—Cucumis sativus	100	500	38
Dandelion—Taraxacum officinale	2	50	1,240
Eggplant—Solanum melongena var. esculentum	10	50	228
Endive—Cichorium endivia	5	50	940
Kale—Brassica oleracea	10	50	315
Kohlrabi—Brassica oleracea	10	50	315
Leek—Allium porrum	10	50	396
Lettuce—Lactuca sativa	5	50	888
Muskmelon—Cucumis melo	100	500	45
Mustard:			
India—Brassica juncea	5	50	624
Spinach—Brassica rapa perviridis	5	50	530
Okra—Hibiscus esculentus	100	500	19
Onion—Allium cepa	10	50	341
Pak-choi—Brassica chinensis	5	50	633
Parsley—Petroselinum hortense	5	50	648
Parsnip—Pastinaca sativa	10	50	429
Peas, garden—Pisum sativum	500	500	3
Pepper—Capsicum spp.	25	150	167
Pe-tsai (Chinese cabbage)—Brassica pekinensis	5	50	633
Pumpkin—Cucurbita pepo	500	500	4
Radish—Raphanus sativus	50	300	75
Rhubarb—Rheum rhaponticum	50	300	60
Rutabaga—Brassica napobrassica	10	50	428
Salsify—Tragopogon porrifolius	50	300	66
Sorrel—Rumex arcieosa	2	50	1,079
Soybean (vegetable)—Soja max	500	500	6-13
Spinach:			
Common—Spinacia oleracea	25	150	100
New Zealand—Tetragonia expansa	100	500	13
Squash—Cucurbita sp.	500	500	14
Swiss chard—Beta vulgaris var. cicla	50	300	58
Tomato:			
Common—Lycopersicon esculentum	5	50	407
Husk—Physalis pubescens	2	50	1,240
Turnip—Brassica rapa	10	50	585
Watermelon—Citrullus vulgaris	500	500	11

[1] Pure seed unit consists of naked caryopsis, spikelet, or floret with at least 1 caryopsis.

[2] Pure seed unit consists of hur, floret or caryopsis.

[3] Pure seed unit consists of spike, spikelet, floret or caryopsis.

10. In § 201.47 delete the word "counted" in next to the last sentence of the section and insert in lieu thereof the word "taken."

11. Change § 201.48 to read:

§ 201.48 *Kind, variety, or type considered pure seed.* The pure seed shall include all seeds of each kind, variety, or type under consideration present in excess of 5 percent of the whole, whether shriveled, cracked, or otherwise injured, and pieces of seeds that are larger than one-half of the original size, whether broken, insect-damaged, or diseased.

12. Change § 201.49 to read:

§ 201.49 *Other crop seed.* Seeds of plants grown as crops (other than the kind, variety, or type included in the pure seed) each kind, variety, or type of which is present in a proportion to the whole of 5 percent or less, whether shriveled cracked, or otherwise injured, and pieces of seeds larger than one-half of the original size, whether broken, insect-damaged, or diseased, shall be considered other crop seeds unless recognized as weed seeds.

13. Change § 201.50 to read as follows:

§ 201.50 *Weed seed.* Seeds, bulblets or tubers or plants recognized as weeds by laws or official regulations or by general usage shall be considered weed seeds: *Provided*, That undeveloped or badly injured weed seeds, including noxious-weed seeds, as described under inert matter shall be considered inert matter and not weed seed. When seeds of Juncus spp. are present and would not add more than 0.1 percent to the percentage of weed seed, they need not be separated but may be included with the inert matter.

14. Change § 201.51 to read as follows:

§ 201.51 *Inert matter.* Inert matter shall include seedlike structures from both crop and weed plants and other matter not seeds as follows:

(a) *Seedlike structures from crop plants.* Pieces of seeds one-half the original size or less, whether broken, insect-damaged, or diseased; seeds of legumes and crucifers with the seed coats entirely removed; empty glumes and sterile florets of grasses; attached sterile florets of grasses (which must be removed from the fertile florets except in bluegrasses, Rhodes grass, bluestems and gramas).

(b) *Seedlike structures from weed plants.* All badly injured, undeveloped or empty structures which resemble seeds but which by visual examination (including dissection or the use of reflected light) can be easily demonstrated as having no embryo or having only a rudimentary embryo or having an embryo that has been destroyed by a disease organism. Included as inert matter are structures from weed plants as follows:

(1) Seeds of grasses with over half the embryo removed;

(2) "Seeds" of dodder which are usually fragile, ashen gray to brown in color and somewhat enlarged;

(3) Ragweed seed with both the involucre and pericarp absent;

(4) Shriveled, blackened seeds of buckhorn;

(5) Empty seeds or fruits such as occur in the sedge, buckwheat, morning-glory, and sunflower families;

(6) Empty glumes and sterile florets of grasses;

(7) Seeds of legumes and species of Brassica with the seed coats entirely removed;

(8) Bulblets of wild onion and garlic with the basal or stem end portion removed; and

(9) Seeds of Juncus spp. when not in excess of 0.1 percent.

(c) *Other matter.* Soil, sand, stones, chaff, stems, leaves, nematode galls, and fungus bodies (such as ergot and other sclerotia and smut balls).

15. Change § 201.52 to read as follows:

§ 201.52 *Noxious-weed seeds.* The determination of the number of seeds, bulblets, or tubers of individual novious weeds present per unit weight should be made on at least the minimum quantities listed in table 1 except that if 30 or more noxious-week seeds, bulblets, or tubers of one species are found in the pure seed analysis or noxious-weed seed examination of a like amount, the rate of occurrence of that species shall be based on the pure seed analysis and the occurrence of that species in the remainder of the bulk examined for noxious-weed seeds need not be noted.

16. Change § 201.53 to read:

§ 201.53 *Source of seed for germination.* (a) When both purity and germination tests are required, seeds for germination shall be taken from the separation of the kind, variety, or type considered pure seed and shall be counted without discrimination as to size or appearance.

(b) When only a germination test is required and the pure seed is estimated or determined to be at least 98 percent, the pure seed for the germination test may be taken indiscriminately from a representative portion of the bulk.

(c) When only a germination test is required and the pure seed is found to be less than 98 percent, the pure seed shall be taken indiscriminately from a pure seed separation made according to the provisions of these rules and regulations which govern the separation of the kind, variety, or type considered pure seed except that other crop seeds, inert matter, and weed seeds need not be separated.

17. In § 201.57 add the following: "If at the end of the germination period provided for legumes, okra, and asparagus in these rules and regulations there are still present swollen seeds or seeds of these kinds which have just started to germinate, all seeds or seedlings except the above-stated shall be removed and the test continued for 5 additional days and the normal seedlings included in the percentage of germination."

18. Change § 201.58 to read as follows:

§ 201.58 *Methods of testing for germination and hard seed.*

TABLE 2—METHODS OF TESTING FOR LABORATORY GERMINATION AND HARD SEED

Name of seed	Substrata [1]	Temperature [2]	First count	Final count	Remarks
AGRICULTURAL SEED		°C.	*Days*	*Days*	
Alfalfa—Medicago sativa	B, S	20	3	[3] 7	
Bahia grass—Paspalum notatum.	P	30–35	3	21	Light at 30° C.; remove all glumes with aid of sharp scalpel, fresh seed lightly scratch surface of caryopsis and use KNO_3.[4]
Barley—Hordeum vulgare	T, S	20	3	7	Fresh seed prechill 5 days at 5° or 10° C.[4]
Bean					
Adzuki—Phaseolus angularis.	R, S	20–30	4	[3] 10	
Field—Phaseolus vulgaris	R, S	20–30	5	[3] 8	Watch for 'baldheads'; open the cotyledons if plumule is not visible.
Mung—Phaseolus aureus	R, S	20–30	3	[3] 7	
Velvet—Stizolobium utile	S	20–30	3	[3] 14	
Beet, field (Mangel)—Beta vulgaris	B	20–30	3	14	Soak in water 2 hours before testing, using at least 250 cc. water per 100 'seeds'; wash in running water after soaking and blot surface dry.
Bentgrass					
Creeping (seaside)—Agrostis palustris.	P	20–30	7	28	Light, KNO_3.[4]
Highland—Agrostis tenuis var.	P	20–30	7	28	Do.
Other bentgrasses—Agrostis spp.	P	20–30	7	21	Do.
AGRICULTURAL SEED—con.		°C.	*Days*	*Days*	
Bermuda grass—Cynodon dactylon.	P	20–35	7	21	Light, KNO_3.[4]
Bluegrass:					
Annual—Poa annua	P	20–30	7	21	Light.
Bulbous—Poa bulbosa	P, S	10	10	35	Prechill one week at 5°C. KNO_3 or soil.[4]
Canada—Poa compressa	P	20–30	7	28	Light, KNO_3.[4]
Kentucky—Poa pratensis	P	20–30	7	28	Light, fresh seed 5–30° C., 0.1% KNO_3.[4]
Nevada—Poa nevadensis	P	20–30	7	21	Light, KNO_3.[4]
Rough—Poa trivialis	P	20–30	7	21	Light.
Texas—Poa arachnifera	P	20–30	7	28	Light, KNO_3, fresh seed prechill at 5° C. for 2 weeks.[4]
Wood—Poa nemoralis	P	20–30	7	28	Light.
Bluestem:					
Big—Andropogon furcatus.	P, TS	20–30	7	28	Light, KNO_3, fresh seed prechill at 5° C. for 2 weeks.[4]
Little—Andropogon scoparius.	P, TS	20–30	7	28	Do.
Sand—Andropogon hallii.	P, TS	20–30	7	28	Do
Brome:					
Mountain—Bromus marginatus.	P	20–30	6	14	Light.
Brome: Smooth—Bromus inermis.	P, TB	20–30	6	14	Light.
Broomcorn—Sorghum vulgare technicum.	B, S	20–30	3	10	
Buckwheat—Fagopyrum vulgare.	B, T	20–30	3	6	

See footnotes at end of table.

TABLE 2—METHODS OF TESTING FOR LABORATORY GERMINATION AND HARD SEED—Continued

Name of seed	Substrata [1]	Temperature [2]	First count	Final count	Remarks
AGRICULTURAL SEED—con.		°C.	*Days*	*Days*	
Buffalo grass—Buchloe dactyloides:					
(Burs)	P, TB, TS	20–35	7	28	Light, KNO_3; fresh seed prechill at 5° C. for 6 weeks and germinate 14 additional days.[4]
(Caryopses)	P	20–35	5	14	Light, KNO_3.[4]
Canary grass, reed—Phalaris arundinacea.	P	20–30	5	21	Light; fresh seed KNO_3.[4]
Carpet grass—Axonopus compressus.	P	20–35	10	21	Light; fresh seed KNO_3.[4]
Chickpea—Cicer arietinum.	R, S	20–30	3	7	
Clovers:					
Alsike—Trifolium hybridum.	B, S	20	3	[3] 7	
Alyce—Alysicarpus vaginalis.	B	30	4	[3] 21	
Berseem—Trifolium alexandrinum.	B, S	20	3	[3] 7	
Bur—Medicago arabica and Medicago hispida.	B, T	20	4	[3] 14	
Cluster—Trifolium glomeratum.	B	20	4	[3] 10	
Crimson—Trifolium incarnatum.	B, S	20	3	[3] 7	
Ladino—Trifolium repens.	B, S	20	3	[3] 10	
Large hop—Trifolium procumbens.	B	20	4	[3] 14	
Lappa—Trifolium lappaceum.	B	20	3	[3] 7	
Persian—Trifolium resupinatum.	B	20	3	[3] 7	
Red—Trifolium pratense	B, S	20	3	[3] 7	
Sour—Melilotus indica.	B	20	3	[3] 14	
Strawberry—Trifolium fragiferum.	B	20	3	[3] 7	
Subterranean—Trifolium subterraneum.	B	20	4	[3] 14	Fresh seed 15° C.
Suckling—Trifolium dubium.	B	20	4	[3] 14	
Sweet—Melilotus alba and M. officinalis.	S, B	20	3	[3] 7	
White—Trifolium repens.	B, S	20	3	[3] 10	
Corn, field—Zea mays	R, S	20–30	4	7	
Corn, pop—Zea mays everta	R, S	20–30	4	7	
Cotton—Gossypium spp.	T, S	20–30	4	12	"Prewet" seed for retest.[5]
Cowpea—Vigna sinensis	R, S	20–30	5	[3] 8	Watch for weevil injury to plumule.
Crested dogtail—Cynosurus cristatus.	P	20–30	10	21	Light; fresh seed prechill for 3 days at 5° or 10° C.[3]
Crotalaria—Crotalaria intermedia, C. juncea, C. lanceolata, C. spectabilis and C. *striata*.	B, S	20–30	3	[3] 10	
Dallis grass—Paspalum dilatatum.	P	20–35	7	21	Light, fresh seed KNO_3.[4]
Dropseed, sand—Sporobolus cryptandrus.	P	15–35	6	42	Light, KNO_3; dormant seed prechill at 5° C. for 4 to 8 weeks and germinate for 28 days.[4]
Fescue:					
Hair—Festuca capillata	P	10–25	10	28	KNO_3.[4]
Meadow—Festuca elatior.	P	20–30	5	14	
Other fescues (fine leaved) Festuca spp.	P	15–25	7	21	Alternate method: 20–30° C., light, test for 28 days.
Flax—Linum usitatissimum.	B, S	20–30	3	7	
Guinea grass—Panicum maximum.	P, TS	20–30	7	28	Light.
Grama:					
Blue—Bouteloua gracilis.	P, TB	20–30	7	28	Light; fresh seed KNO_3.[4]
Side-oats—Bouteloua curtipendula.	P	15–30	7	28	Light, KNO_3.[4]
Guinea grass—Panicum maximum.	P	20–30	10	28	
Harding grass—Phalaris tuberosa var. stenoptera.	P	10–30	7	28	Light; fresh seed KNO_3.[4]
Hemp—Cannabis sativa	B	20–30	3	7	
Indian grass—Sorghastrum nutans.	P, TS	20–30	7	21	Light, KNO_3; fresh seed prechill at 5° C. for 2 weeks.[4]
Johnson grass—Sorghum halepense.	P	20–35	7	35	Light, fresh seed KNO_3.[4]
Kudzu—Pueraria thunbergiana.	T	20–30	6	[3] 14	
Lespedeza:					
Chinese—Lespedeza sericea	B, S	20–35	7	[3] 28	
Common and Kobe—Lespedeza striata.	B, S	20–35	7	[3] 14	
Korean—Lespedeza stipulacea.	B	20–35	6	[3] 14	
Siberian—Lespedeza bedysaroides.	B, S	20–35	7	[3] 21	
Lovegrass, weeping—Eragrostis curvula.	P	20–35	5	14	Light, fresh seed KNO_3.[4]
Lupine:					
Blue—Lupinus angustifolius.	R	20	4	[3] 10	
White—Lupinus albus	R, T	20	3	[3] 7	
Yellow—Lupinus luteus	R, T	20	7	[3] 21	
Meadow foxtail—Alopecurus pratensis.	P	20–30	7	14	Light.
Medick, black—Medicago lupulina.	B, S	20	3	[3] 7	
Millet:					
Browntop—Panicum fasciculatum.	B	20–30	4	14	
Foxtail—Such as common, German, Hungarian, Siberian, or Golden—Setaria italica.	B	20–30	4	10	
Japanese—Echinochloa crusgalli frumentacea.	B	20–30	4	10	
Pearl—Pennisetum glaucum.	B	20–30	3	7	
Proso—Panicum miliaceum.	B	20–30	3	7	
Molasses grass—Melinis minutiflora.	P	20–30	7	21	Light.
Mustard:					
Black—Brassica nigra	P	20–30	3	7	Light; fresh seed KNO_3, and prechill at 10° C. for 3 days.[4]
White—Brassica hirta	P	20–30	3	5	Light.
Napier grass—Pennisetum purpureum.	B	20–30	3	10	
Oats—Avena spp.	T, S	20	4	10	Fresh seed prechill for 5 days at 5° or 10° C., extend final count from 10 to 12 days.
Oatgrass, tall—Arrhenatherum elatius.	P	20–30	6	14	Light.
Orchard grass—Dactylis glomerata.	S, P	20–30	7	18	Germination more rapid in soil; light on Petri dish tests.
Peanut—Arachis hypogaea	R, S	20–30	5	10	Remove shells.
Peas, field—Pisum sativum arvense.	R, S	20	3	[3] 8	
Rape:					
Annual—Brassica napus var.	B	20–30	3	7	
Bird—Brassica campestris.	P	20–30	3	10	Light, fresh seed KNO_3.[4]
Turnip—Brassica rapa var.	B	20–30	3	7	
Winter—Brassica napus.	B	20–30	3	7	
Redtop—Agrostis alba	TB, P	20–30	5	10	Light.
Rescue grass—Bromus catharticus.	P	20–30	7	35	Light; fresh seed KNO_3, and 15°–30° C. for 1 week; complete test at 5° C.[4]
Rhodes grass—Chloris gayana.	P	20–30	6	14	Light.
Rice—Oryza sativa	B, T	20–30	3	14	
Ricegrass, Indian—Oryzopsis hymenoides.	P	15	7	42	Dormant seed prechill at 3° C. for 4 weeks and germinate for 21 additional days.
Rough pea—Lathyrus hirsutus.	T	20	7	[3] 14	
Rye—Secale cereale	T, S	20	3	7	
Ryegrass:					
Italian—Lolium multiflorum.	P, TB	20–30	5	14	Light; for fluorescence test the seed should be germinated on filter paper; fresh seed KNO_3.[4]
Perennial—Lolium perenne.	P, TB	20–30	5	14	Light; for fluorescence test the seed should be germinated on filter paper.
Sainfoin—Onobrychis viciaefolia.	B	20–30	4	[3] 10	
Sesbania—Sesbania exaltata.	B	20–30	5	[3] 7	
Smilo—Oryzopsis miliacea	P	20–30	7	42	Light; fresh seed prechill at 5° C. for 2 weeks.[3]
Sorghum:					
Grain—Sorghum vulgare	B, S	20–30	3	10	
Sweet (sorgo)—Sorghum vulgare.	B, S	20–30	3	10	Fresh seed prechill at 5° or 10° C. for 5 days.[3]
Soybean—Soja max	RT, S	20–30	5	[3] 8	
Sudangrass—Sorghum vulgare sudanense.	B, S	20–30	3	10	
Sunflower (Cult.)—Helianthus annuus.	T, B	20–30	3	7	
Sweet vernalgrass—Anthoxanthum odoratum.	P	20–30	6	14	Light.
Switch grass—Panicum virgatum.	P, TS	15–30	7	28	Light, KNO_3; fresh seed prechill at 5° C. for 2 weeks.[4]
Timothy—Phleum pratense.	P, TB	20–30	5	10	Light; fresh seed KNO_3.[4]

See footnotes at end of table.

TABLE 2—METHODS OF TESTING FOR LABORATORY GERMINATION AND HARD SEED—Continued

Name of seed	Substrata[1]	Temperature[2]	First count	Final count	Remarks
AGRICULTURAL SEED—con.		°C.	*Days*	*Days*	
Trefoil:					
Big—Lotus uliginosus	B	20	3	[3]7	
Birdsfoot—L. corniculatus	B	20	3	[3]7	
Vasey grass—Paspalum urvillei	P	20-35	7	21	Light; fresh seed KNO_3.[4]
Velvetgrass—Holcus lanatus	P	20-30	6	14	Light.
Vetch					
Common—Vicia sativa	T	20	3	[3]10	
Hairy—Vicia villosa	T	20	3	[3]14	
Hungarian—Vicia pannonica	T	20	3	[3]10	
Monantha—Vicia monantha	T	20	3	[3]10	
Narrowleaf—Vicia angustifolia	T	20	4	[3]14	
Purple—Vicia atropurpurea	T	20	3	[3]10	
Woollypod—Vicia dasycarpa	T	20	4	[3]14	
Wheat:					
Common, club, Polish (including spelt, and emmer—Triticum spp.	T, S	20	3	7	Fresh seed prechill at 5° or 10° C. for 5 days.[3]
Durum—Triticum durum	T, S	20	3	10	Fresh seed prechill at 5° or 10° C. for 5 days.[3]
Wheatgrass:					
Crested—Agropyron cristatum	P, TB	20-30	5	11	Light; fresh seed, KNO_3 and 5° or 10° C. for 7 days.[4] [5]
Slender—Agropyron trachycaulum	P, TB	20-30	5	14	Light.
Western (Bluestem)—Agropyron smithii.	P	20-30	7	35	Light; fresh seed KNO_3 or soil and 15–30° C.[4]
Wild-rye, Canada—Elymus canadensis.	P	15-30	7	21	Light; fresh seed prechill at 5° C. for 2 weeks.[3]
VEGETABLE SEED					
Artichoke—Cynara scolymus	T	20-30	7	21	
Asparagus—Asparagus officinalis.	T	20-30	7	[3]21	
Beans:					
Asparagus—Vigna sesquipedalis	R, S	20-30	5	[3]8	Watch for weevil injury to plumule.
Garden—Phaseolus vulgaris	R, S	20-30	5	[3]8	Watch for "baldhead"; open the cotyledons if plumule is not visible.
Horse or broad—Vicia faba	S	20	4	[3]10	Prechill fresh seed 3 days at 10° C.[3]
Lima—Phaseolus lunatus macrocarpus.	R, S	20-30	5	[3]9	Watch for "baldhead"; open the cotyledons if plumule is not visible.
Runner—Phaseolus coccineus.	R, S	20-30	5	[3]9	
Beet—Beta vulgaris	B	20-30	3	14	Soak in water 2 hours before testing, using at least 250 cc. water per 100 'seeds'; wash in running water after soaking and blot surface dry.
Broccoli—Brassica oleracea	B, P	20-30	3	10	Dormant seed light, KNO_3, prechill at 5° or 10° C. for 3 days.[4] [5]
Brussels sprouts—Brassica oleracea.	B, P	20-30	3	10	Do.
Cabbage—Brassica oleracea	B, P	20-30	3	10	Do.
Cardoon—Cynara cardunculus.	T	20-30	7	21	
Carrot—Daucus carota	B	20-30	6	28	
Cauliflower—Brassica oleracea.	B, P	20-30	3	10	Dormant seed light, KNO_3, prechill at 5° or 10° C. for 3 days.[4] [5]
Celeriac—Apium graveolens var. rapaceum.	P, T H	20-30	10	21	Light.
Celery—Apium graveolens var. dulce.	P, T H	20-30	10	21	Light, fresh seed KNO_3 and prechill at 10° C. for 3 days.[4] [5]
Chicory—Cichorium intybus	P, T S	20-30	5	14	Light, KNO_3 or soil.[4]
Citron—Citrullus vulgaris	T	20-30	7	11	Soak 6 hours; test dormant seed at 30° C.
Collards—Brassica oleracea	B, P	20-30	3	10	Dormant seed light, KNO_3, prechill at 5° or 10° C. for 3 days.[4] [5]
Corn, sweet—Zea mays	R, S	20-30	4	7	
Cornsalad—Fetticus—Valerianella locusta var. olitoria.	B	20	7	28	Fresh seed 10° or 15° C.
Cowpea—Vigna sinensis	R, S	20-30	5	[3]8	Watch for weevil injury to plumule.
Cress:					
Garden—Lepidium sativum.	B	20	4	10	
Water—Rorippa nasturtium-aquaticum.	P	20-30	4	14	Light.
Cucumber—Cucumis sativus.	T, S, B	20-30	3	7	
Dandelion—Taraxacum officinale	P, T B	20-30	7	21	Light.
Eggplant—Solanum melongena var. esculentum.	T B	20-30	7	14	
Endive—Cichorium endivia.	P, T, S	20-30	5	11	Light, KNO_3 or soil; dormant seed soak about 48" of tap water at time of preliminary count.
Kale—Brassica oleracea	B, P	20-30	3	10	Dormant seed light, KNO_3, prechill at 5° or 10° C. for 3 days.[4] [5] Do.
Kohlrabi—Brassica oleracea	B, P	20-30	3	10	
Leek—Allium porrum	B	20	6	14	
Lettuce—Lactuca sativa	P	20	3	7	Light for at least 1 hour, dormant seed prechill at 10° or 15° C. 7 days, watch for sprouts with both spotted cotyledons and stubby radicles.[3]
Muskmelon—Cucumis melo.	B, T, S	20-30	4	10	
Mustard:					
India—Brassica juncea	P	20-30	3	7	Light; fresh seed KNO_3 and prechill at 10° C. for 3 days.[4] [5]
Spinach—Brassica rapa perviridis.	B	20-30	3	7	
Okra—Hibiscus esculentus	R	20-30	4	[3]21	
Onion—Allium cepa	B, S	20	6	10	In sand and soil tests extend final count to 12 days.
Pak-choi—Brassica chinensis	B	20-30	3	7	
Parsley—Petroselinum hortense.	B	20-30	11	22	
Parsnip—Pastinaca sativa	B	20-30	6	28	
Peas, garden—Pisum sativum.	R, S	20	5	8	
Pepper—Capsicum spp.	T B	20-30	6	14	
Pe-tsai (Chinese cabbage)—Brassica pekinensis.	B	20-30	3	7	
Pumpkin—Cucurbita pepo	T, S	20-30	4	7	
Radish—Raphanus sativus	B	20	3	6	
Rhubarb—Rheum rhaponticum.	T S	20-30	7	21	Light.
Rutabaga—Brassica napobrassica.	B	20-20	3	11	
Salsify—Tragopogon porrifolius.	T	20	5	10	Fresh seed prechill at 10° C. for 3 days.[3]
Sorrel—Rumex acetosa	T S	20-30	3	14	Light.
Soybean (vegetable)—Soja max	R T, S	20-30	5	8	
Spinach:					
Common—Spinacia oleracea.	T B	10	7	21	Not too wet.
New Zealand—Tetragonia expansa.	T S	20-30	5	28	Not too wet.
Squash—Cucurbita sp.	T, S	20-30	4	7	
Swiss Chard—Beta vulgaris var. cicla.	B	20-30	3	14	Soak in water 2 hours before testing, using at least 250 cc. water per 100 'seeds' wash in running water after soaking and blot surface dry.
Tomato:					
Common—Lycopersicon esculentum.	B	20-30	5	14	
Husk—Physalis pubescens.	P, T B	20-30	7	28	Light.
Turnip—Brassica rapa	B	20-30	3	7	
Watermelon—Citrullus vulgaris.	T, S	20-30	4	14	

[1] Substrata: B=between blotters; TB=top of blotters; T=paper toweling; R=rolled towels, S=soil or sand, TS=top of soil, P=petri dishes with 2 thicknesses of blotters or 1 thickness of absorbent cotton or 5 thicknesses of paper toweling or on top of sand or soil in closed petri dishes.

[2] Temperature: A single numeral indicates a constant temperature. Two numerals separated by a dash indicate an alternation of temperature; the test is held at the first temperature for approximately 16 hours and at the second temperature for approximately 8 hours per day.

[3] Hard seeds often present. If at the end of the germination period there are still present swollen seeds or seeds which have just started to germinate all seeds or seedlings except the above-stated shall be removed and the test continued for 5 additional days and the normal seedlings included in the percentage of germination.

[4] A two-tenths (0.2) percent solution of potassium nitrate (KNO_3) prepared by dissolving 2 grams of KNO_3 in 1,000 cc. of water is used in moistening the substratum unless otherwise specified.

[5] The prechilling period is not included in the germination period given in this table unless otherwise specified.

[6] 'Prewet' method on cotton: Shake seed in a closed container, thoroughly wetting the 'fuzz' of the seed. Blot off all excess moisture and put in to germinate. If the 'prewet' test is higher, report both it and the standard germination.

19. In § 201.60 insert after the words "Bermuda grass" the following: "Guinea grass, molasses grass, and Vasey grass."

20. In § 201.101 add to the enumerated kinds of seed the following: "Horse or broad bean, lupine, and peanut."

21. In § 201.107 add to the list of plant families the following: "Aizoaceae—Carpetweed"; "Anacardiaceae—Sumac"; "Asclepiadaceae—Milkweed"; "Campanulaceae—Bluebell"; "Capparidaceae—Caper"; "Crassulaceae—Orpine"; "Cucurbitaceae—Cucurbit"; "Hydrophyllaceae—Waterleaf"; "Illecebraceae—Knotweed"; "Iridaceae—Iris"; "Lobeliaceae—Lobelia"; "Lythraceae—Loosestrife"; "Nyctaginaceae—Four-o'clock"; "Oxalidaceae—Wood sorrel"; "Phytolaccaceae—Pokeweed"; "Polemoniaceae—Phlox"; "Valerianaceae—Cornsalad."

In the list of seeds considered weed seeds when occurring incidentally in importations of other agricultural or vegetable seeds delete "Dallis grass, Paspalum dilatatum Poir."

These amendments shall become effective on and after the expiration of thirty days after date of publication herein.

(53 Stat. 1275; 7 U.S.C. 1940 ed. 1592; E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423; E.O. 9392, 8 F.R. 14783; E.O. 9577, 10 F.R. 8087)

Issued this 4th day of August 1945.

[SEAL] CLINTON P. ANDERSON,
Secretary of Agriculture.

[F. R. Doc. 45-14588; Filed, Aug. 7, 1945; 3:26 p. m.]

TITLE 32—NATIONAL DEFENSE

Chapter IX—War Production Board

AUTHORITY: Regulations in this chapter, unless otherwise noted at the end of documents affected, issued under sec. 2 (a), 54 Stat. 676, as amended by 55 Stat. 236, 56 Stat. 177, 58 Stat. 827; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; W.P.B. Reg. 1 as amended Dec. 31, 1943, 9 F.R. 64.

PART 1010—SUSPENSION ORDERS

[Suspension Order S-706, Amdt. 1]

JOSEPH R. CIANCHETTE

Joseph R. Cianchette of Pittsfield, Maine, did construction without authorization from the War Production Board on his property consisting of a barn and other farm buildings in Pittsfield, Maine, a summer camp, boat house, and related buildings in Newport, Maine, and on eight separate house foundations in Bangor, Maine. Suspension Order No. S-706 was issued against Joseph R. Cianchette on January 31, 1945. Because of the determination of essentiality of the construction of the houses owned by the respondent on Silver Road, Bangor, Maine, the Chief Compliance Commissioner has directed that the suspension order be amended by deleting paragraph (a) and by deleting from paragraph (b) the prohibition against further construction on the eight foundations or the houses thereon owned by the respondent on Silver Road, Bangor, Maine.

In view of the foregoing: It is hereby ordered, That: § 1010.706, *Suspension Order No. S-706*, issued January 31, 1945 be amended by deleting paragraph (a) and by the substitution of the following paragraph (b) for the present paragraph (b):

(b) Neither Joseph R. Cianchette, or any other person, shall do any construction on his barn or milk house in Pittsfield, Maine, or on the summer camp or other buildings on his property in Newport, Maine, unless hereafter specifically authorized in writing by the War Production Board.

Issued this 10th day of August 1945.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 45-14783; Filed, Aug. 10, 1945; 11:29 a. m.]

PART 1010—SUSPENSION ORDERS

[Suspension Order S-762, Reinstatement and Amendment]

BANNER BED CO.

Banner Bed Company, a corporation located at 3622 South Morgan Street, Chicago, Illinois, engaged in the manufacture and sale of metal cots, bunks, beds and bedsprings, was suspended on April 20, 1945, by Suspension Order No. S-762. They appealed from the provisions of the suspension order and, pending determination of the appeal, the suspension order was stayed by the Chief Compliance Commissioner on April 26, 1945. The appeal has been considered by Deputy Chief Compliance Commissioner Flood who has dismissed the appeal and directed that the stay be terminated and the suspension order reinstated.

In view of the foregoing: It is hereby ordered that: § *1010.762 Suspension Order No. S-762* issued April 13, 1945, and effective April 20, 1945, be and hereby is reinstated effective August 11, 1945, to expire November 5, 1945; the stay of execution directed by the Chief Compliance Commissioner on April 26, 1945, be and hereby is revoked effective August 10, 1945; and that the suspension order be modified by striking paragraph (b) therefrom.

Issued this 2d day of August 1945.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary

[F. R. Doc. 45-14784; Filed, Aug. 10, 1945; 11:29 a. m.]

PART 3175—REGULATIONS APPLICABLE TO THE CONTROLLED MATERIALS PLAN

[CMP Reg. 2, Inventory Dir. 24, as Amended Aug. 10, 1945]

FORTY-FIVE DAY INVENTORY ON CARBON AND SILICON ELECTRICAL STEEL SHEET AND STRIP

§ 3175.124 *Inventory Direction 24 to CMP Regulation 2.* (a) Notwithstanding the provisions of CMP Regulation 2, paragraph (b) (1), no user shall accept delivery of any item of steel sheet and strip if his inventory of such item is, or will by virtue of such acceptance become, in excess of the quantity of such item he will be required to put into use during the succeeding 45 days for production or construction in order to carry out his current or scheduled operations.

(b) The exceptions in paragraph (c) of CMP Regulation 2 apply to deliveries of steel sheet and strip under this direction.

(c) This direction does not apply to:

(1) Alloy steel sheet and strip (other than silicon electrical sheet and strip).

(2) Any person who will use less than 50,000 pounds of carbon and silicon electrical steel sheet and strip in the calendar month in which delivery is accepted.

(3) Any person who will use steel sheet and strip in ship repair or conversion yards for the purpose of ship repair or conversion.

(4) Steel sheet and strip which on July 9, 1945 was in transit or loaded for shipment.

However, in the above cases, the provisions of paragraph (b) of CMP Regulation 2 (specifying a 60-day inventory or a minimum practicable working inventory, whichever is less) continue to apply.

(d) Users must immediately cancel, reduce or defer any order for steel sheet and strip which has been placed where the scheduled delivery would result in an inventory in excess of that permitted by this direction.

(e) No user may place any order for steel sheet and strip requesting delivery which would result in an inventory in excess of that permitted by this direction.

(f) [Deleted Aug. 10, 1945]

Issued this 10th day of August 1945.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 45-14782; Filed, Aug. 10, 1945; 11:30 a. m.]

Chapter XI—Office of Price Administration

PART 1388—DEFENSE-RENTAL AREAS

[Hotels and Rooming Houses Incl. Amdts. 1-47, Corr.[1]]

HOTELS AND ROOMING HOUSES

Item 139 of Schedule A in the compilation of the Rent Regulation for Hotels and Rooming Houses, issued March 20, 1945, is corrected to read as follows:

[1] 10 F.R. 3452, 3555, 3556, 3950, 4713, 5089, 5576, 5579, 6400.

Name of Defense-Rental Area	State	County or Counties in Defense-Rental Area under rent regulation for Hotels and Rooming Houses	Maximum Rent Date	Effective Date of Regulation	Date by which registration Statement to be filed (inclusive)
(139) Baltimore...	Maryland...	City of Baltimore and the Counties of Anne Arundel, Baltimore, Carroll, Cecil, Harford, and Howard.	Apr. 1, 1941	July 1, 1942	Aug. 31, 1942

Issued and effective this 9th day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-14742; Filed, Aug. 9, 1945; 4:20 p. m.]

PART 1305—ADMINISTRATION

[Supp. Order 124]

MAXIMUM PRICES FOR SALES OF SPECIFIED SURPLUS APPAREL AND OTHER ITEMS BY ST. LOUIS COUNTY WELFARE BOARD, DULUTH, MINNESOTA, AND SUBSEQUENT SELLERS

A statement of the considerations involved in the issuance of this supplementary order, issued simultaneously herewith, has been filed with the Division of the Federal Register.

§ 1305.152 *Maximum prices for sales of specified surplus apparel and other items by St. Louis County Welfare Board, Duluth, Minnesota, and subsequent sellers*—(a) *What this order does.* This order establishes maximum prices for sales by St. Louis County Welfare Board, Duluth, Minnesota, of specified surplus items listed in Column 1 of Appendix A of this order and for all subsequent sellers of these items.

(b) *Maximum prices for sales by St. Louis County Welfare Board.* Notwithstanding the provisions of any maximum price regulation issued by the OPA, or any amendment thereto or order thereunder, the maximum prices for sales by St. Louis County Welfare Board, of the surplus items set forth in Column 1 of Appendix A, shall be as follows:

(1) for sales to individual ultimate consumers, the maximum prices are those set forth in Column 2 of Appendix A.

(2) for sales to retailers and to industrial, commercial and institutional users, the maximum prices are those set forth in Column 3 of Appendix A, and

(3) for sales to wholesalers and all other persons (except individual ultimate consumers, retailers and industrial, commercial and institutional users), the maximum prices are those set forth in Column 4 of Appendix A.

(c) *Maximum prices for sales by any other sellers.* Notwithstanding the provisions of any maximum price regulation issued by the OPA, or any amendment thereto, or order thereunder, the maximum prices for sales by any other seller of the specified surplus apparel and other items covered by this order shall be as follows:

(1) For sales to individual ultimate consumers, the maximum prices are those set forth in Column 2 of Appendix A.

(2) For sales to any person other than an individual ultimate consumer, the maximum prices are those set forth in Column 3 of Appendix A.

(d) *Notice to be sent by St. Louis County Welfare Board.*

(1) St. Louis County Welfare Board shall transmit to each person (except an individual ultimate consumer) to whom it sells any of the items covered by this order, a copy of this order together with the following notice:

NOTICE TO PURCHASERS

The OPA, by Supplementary Order 124 (a copy of which is attached to this notice) has established maximum prices for sales of certain specified surplus apparel and other items of the St. Louis County Welfare Board, Duluth, Minnesota.

If you sell to an individual ultimate consumer, you will find your ceiling for any of the items included in this shipment in Column 2 of Appendix A of the attached order.

If you sell to any person other than an individual ultimate consumer, you will find your ceiling price for any of the items included in this shipment in Column 3 of Appendix A of the attached order.

The OPA has ruled that you may not sell any of these items at prices in excess of these ceiling prices. Lower prices may, of course, be charged.

(2) The notice and copy of this order required to be sent by St. Louis County Welfare Board, under this paragraph (d) shall be transmitted with, or annexed to the invoice, billing or other statement of price accompanying the first shipment made to each person (except an individual ultimate consumer) by St. Louis County Welfare Board of any of the items covered by this order.

(e) *Notice to be sent by wholesalers.* (1) Every person who purchases any of the items covered by this order for purposes of resale shall transmit to each customer (except an individual ultimate consumer) to whom he sells any of the items covered by the order, a copy of this order and a copy of the "Notice to purchasers" set forth in paragraph (d) above.

(2) The notice and copy of this order required to be sent under this paragraph (e) shall be transmitted with, or annexed to the invoice, billing or other statement of price accompanying the first shipment made by the seller to each of his customers (except an individual ultimate consumer) of any item covered by this order.

APPENDIX A—SCHEDULE OF MAXIMUM PRICES

(All prices in this schedule are net)

Code No.	Item	Column 2: For all sales to individual ultimate consumers	Column 3: For sales by St. Louis County Welfare Board to retailers and to industrial, commercial and institutional users. • • • For sales by all other sellers to any person other than an individual ultimate consumer	Column 4: For sales by St. Louis County Welfare Board to wholesalers and to any other person (except individual ultimate consumers, retailers and industrial commercial and institutional users)
		Each	*Each*	*Each*
115	Mattress, 45 lbs.—54" wide	$10.98	$7.69	$6.04
	Kitchen safety kits, knife holders	.10	.07	.05
209	Bloomers, women's cotton, B. V. D. cloth elastic back of waist size range 24-44	.47	.33	.26
210	Bloomers, child's cotton, percale and broadcloth, elastic on legs, several colors, 6-14	.35	.25	.18
210A	Bloomers, infants, unbleached muslin, 2-4	.29	.20	.16
204	Blouses, child's white percale, plain tailoring, 10-20	1.00	.70	.55
206	Blouses, women's, cotton percale prints, 32-38	1.68	1.39	1.09
224	Caps, men's wool, 6⅞-7⅛	2.00	1.40	1.10
225	Caps, men's summer corduroy, unlined, 6⅞-7⅛	.98	.69	.54
225A	Caps, boy's summer corduroy, unlined, 6⅛-6⅝	.98	.69	.54
170	Coat, child's wool, 2-6	7.98	5.59	4.39
177	Coat, women's wool, 30-46	$14.98	$10.49	$8.24
177A	Coat, women's summer, 16, 30-46	14.98	10.49	8.24
178	Coat, child's, 10 and 14	7.98	5.59	4.39
209A	Coveralls, children's strip denim, heavy, cotton drill.			
	2-6	1.02	.71	.56
	8-10	1.67	1.17	.92
191	Diapers, birdseye, approximately 27 x 27	.13	.09	.07
171	Dresses, girl's cotton percales, gingham, broadcloth.			
	6	1.59	1.11	.87
	8-20	2.75	1.93	1.52
174A	Dresses, small girls' cotton, percale prints, broadcloth, embroidery decorations, 1-4	1.59	1.11	.87
175	Dresses, women's cotton, percale, gingham, broadcloth with trim, 32-54	3.99	2.81	1.79
171	Dresses, girls' wool, part cotton, part rayon, part wool, 6-14	2.88	2.02	1.58

APPENDIX A—SCHEDULE OF MAXIMUM PRICES—Continued

(All prices in this schedule are net)

Code No.	Item	Column 2: For all sales to individual ultimate consumers	Column 3: For sales by St. Louis County Welfare Board to retailers and to industrial, commercial and institutional users. • • • For sales by all other sellers to any person other than an individual ultimate consumer	Column 4: For sales by St. Louis County Welfare Board to wholesalers and to any other person (except individual ultimate consumers, retailers and industrial commercial and institutional users)
		Each	*Each*	*Each*
214	Pants, men's dress, some all wool, some part wool, various patterns, 30-46	$5.50	$3.85	$3.03
214A	Pants, boy's dress, some all wool worsted, some cotton army twill, some herringbone, part wool and cotton:			
	6-10	2.58	2.09	1.61
	12-14	3.69	2.58	2.03
	28	4.25	2.98	2.34
214H	Pants, men's work, 28-46	2.98	2.09	1.64
214T	Pants, boy's stovepipe, part wool, various patterns, 4	1.15	.81	.63
215	Pants, men's wool, heavy all wool work pants, 28-46	6.25	4.38	3.44
210	Rompers, cotton percale print, some embroidery trim:			
	1	1.07	.75	.59
	2 and 6	1.12	.78	.62
192	Shirts, boy's blue chambray, 4-14	.89	.62	.49
192A	Shirts, boy's flannel, 6-14	1.09	.76	.60
192H	Shirts, boy's dress, cotton percale, prints and plain white percales, 6-14	1.59	1.11	.87
193	Shirts, men's blue chambray:			
	14-17	.85	.60	.47
	17½-18	.98	.69	.54
193A	Shirts, men's flannel, medium weight, 14½-18	1.74	1.22	.96
193H	Shirts, men's dress, broadcloth, percale print, 14-18	1.98	1.39	1.09
199	Skirts, cotton and wool mixture, inverted pleat in front, 26-36	2.98	2.09	1.64
260	Sleepers, cotton flannel:			
	With feet, 1	1.10	.83	.65
	Without feet, 2-8	1.39	.97	.76
188	Slips, child's white cotton percale, 6-16	.59	.41	.32
180	Slips, women's cotton percale, plain, no trim, 18-52	1.29	.90	.71
248	Slips, infants white cotton flannel, 1-4	.48	.34	.26
207	Snow suits, 1-piece:			
	1-4	5.98	4.19	3.29
	5-12	9.98	6.99	5.49
208	Snow suits, 2 piece:			
	8-10	9.98	6.99	5.49
	12-14	14.98	10.49	8.24
208A	Snow suits, 2-piece, 16-18	14.98	10.49	8.24
209	Suits, women's, 2-piece heavy cotton drill, 4-button, 2 pockets, skirt and jacket, 18-38	4.29	3.00	2.36
209A	Suits, child's 2-piece, 12-14	1.00	.70	.55
262	Suits, child's 3 piece, 10-12	2.88	2.02	1.58
250	Sun suits, infants, cotton percale with sun hat, 1-4	1.12	.78	.62
261	Play suits, girl's, cotton percales, 2-4	1.73	1.21	.95
183	2 piece cotton percales, 6-14	3.44	2.41	1.89
	Suits, boy's slacks:			
	4	1.73	1.21	.95
	10-12	3.44	2.41	1.89
265	Underwear, men's shirts, some plain cotton peeler, others heavy cotton peeler with rayon thread 32-48	.49	.34	.27
265A	Underwear, boys' shirts, heavy cotton peeler with rayon thread, 8-14	.39	.27	.22
251	Underwear, boys' shorts, cotton percale, few BVD cloth, one button, 2-20	.39	.27	.21
253	Underwear, men's shorts, 3 button, tie sides, cotton percale, gingham and BVD cloth, 30-44	.69	.48	.38
269	Renovated garments	.50	.35	.28

This Supplementary Order No. 124 shall become effective August 10, 1945.

Issued this 10th day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-14795; Filed, Aug. 10, 1945; 11:40 a. m.]

PART 1300—PROCEDURE

[Procedural Reg. 15]

APPLICATIONS BY INELIGIBLE SLAUGHTERERS RECEIVING EXTRA-COMPENSATION PAYMENTS FOR RELIEF WITH RESPECT TO SUCH PAYMENTS

Pursuant to the provisions of the act of June 26, 1945 (Public Law 88, 79th Congress, First Session), entitled "An act to permit the continuation of certain subsidy payments and certain purchase and sale operations by corporations created pursuant to section 5d (3) of the Reconstruction Finance Corporation Act, as amended, and for other purposes" and Directive No. 62 (10 F.R. 8242), issued by the Director of Economic Sta-

bilization on July 2, 1945, the following regulation is issued governing applications by ineligible slaughterers receiving extra-compensation payments for relief with respect to such payments.

Sec.
1300.721 Purpose.
1300.722 Persons eligible to file applications under this regulation.
1300.723 Form and place of filing of application.
1300.724 What the application must contain.
1300.725 Additional information required.
1300.726 Hearings.
1300.727 Final action on application.
1300.728 Review by the United States Emergency Court of Appeals.

AUTHORITY: §§ 1300.721 through 1300.728 issued under Pub. Law 88, 79th Cong.; E. O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681.

§ 1300.721 *Purpose.* The purpose of this procedural regulation is to establish the procedures to be used by the Administrator of the Office of Price Administration in carrying out the functions, powers and duties delegated to him by the Economic Stabilization Director pursuant to the provisions of section 2 of the act of June 26, 1945 (Public Law 88, 79th Congress, First Session), entitled "An act to permit the continuation of certain subsidy payments and certain purchase and sale operations by corporations created pursuant to Section 5d (3) of the Reconstruction Finance Corporation Act, as amended, and for other purposes." Section 2 of the above act provides in substance that any slaughterer who heretofore or hereafter shall have received extra-compensation payments under Livestock Slaughter Payments Regulation No. 3 of the Reconstruction Finance Corporation (Defense Supplies Corporation) when such slaughterer was not in a class eligible for such extra-compensation payments, shall be relieved in whole or in part of obligation to repay the amount thereof and shall be entitled to receive, in whole or in part, the amount of such extra-compensation payments repaid by such slaughterer to, or withheld by Reconstruction Finance Corporation on account of such extra-compensation payments, to the extent that it is determined that it would be inequitable for Reconstruction Finance Corporation to require repayment by such slaughterer or to retain the amounts so repaid or withheld, provided it is also determined that such slaughterer believed reasonably and in good faith that he was eligible to receive such extra-compensation payments.

§ 1300.722 *Persons eligible to file applications under this regulation.* Any slaughterer who heretofore or hereafter shall have received extra-compensation payments under Livestock Slaughter Payments Regulation No. 3 of Reconstruction Finance Corporation when such slaughterer was not in a class eligible for such extra-compensation payments, may file an application to be relieved, in whole or in part, of obligation to repay the amount thereof and to receive, in whole or in part, the amount of such extra-compensation payments repaid by such slaughterer to or withheld by Reconstruction Finance Corporation on account of such extra-compensation payments.

To the extent that it is determined by the Administrator that it would be inequitable for Reconstruction Finance Corporation to require repayment by such slaughterer or to retain the amounts so repaid or withheld, and upon a determination by the Administrator that such slaughterer believed reasonably and in good faith that he was eligible to receive such extra-compensation payments, such slaughterer's application shall be granted and such slaughterer shall be relieved, in whole or in part, of obligation to repay the amount thereof and shall be entitled to receive, in whole or in part, the amount of such extra-compensation payments repaid by such slaughterer to, or withhheld by Reconstruction Finance Corporation on account of such extra-compensation payments.

§ 1300.723 *Form and place of filing of application.* (a) The application shall be in writing and shall consist of an original and four copies. The application shall be signed and verified either by the slaughterer personally or if a partnership, by a partner, or if a corporation or association, by a duly authorized officer thereof.

(b) The application shall be filed with the Secretary of the Office of Price Administration, Washington, D. C.

§ 1300.724 *What the application must contain.* Each application filed pursuant to this regulation shall contain the following information:

(a) A statement of the dates and amounts of extra-compensation payments received by the slaughterer from Reconstruction Finance Corporation.

(b) A statement of the dates and amounts of such extra-compensation payments repaid by such slaughterer to, or withheld by Reconstruction Finance Corporation on account of such extra compensation payments.

(c) A statement of the facts indicating that the slaughterer believed reasonably and in good faith that he was eligible to receive such extra-compensation payments.

(d) A statement of the facts indicating that it would be inequitable for Reconstruction Finance Corporation to require repayment or to retain the amounts so repaid or withheld.

(e) For each of the calendar or fiscal years 1936–39, inclusive; for the calendar or fiscal year during which extra-compensation payments were received, and for the period following such calendar or fiscal year to date of application, consolidated profit and loss statements and consolidated balance sheets on OPA Financial Reporting Form A or B, whichever is appropriate.

(f) A statement for each of the periods enumerated in (e) above, showing officers', partners' and proprietors' salaries, bonuses, commissions, and withdrawals.

(g) A statement for each of the periods enumerated in (e) above, showing the amounts spent for improvements and repairs separately.

(h) Number of head and live weight of applicant's slaughter by species of livestock (treat cattle and calves separately) for each year from 1936–1939 and for 1943; and by monthly accounting periods for 1944 and 1945 to date, to the extent that this information has not been filed with Reconstruction Finance Corporation. Indicate the periods, if any, for which this information has been filed with Reconstruction Finance Corporation.

§ 1300.725 *Additional information required.* The Administrator may, by order, require any applicant to submit in affidavit form such additional information as the Administrator deems necessary or appropriate for a determination of the right of such applicant to relief under the Act specified in section 1 of this regulation.

§ 1300.726 *Hearings.* (a) Evidence will be received, as a general rule, only in affidavit form. In exceptional cases, where the Administrator deems it necessary for complete presentation of the facts, he may provide for a hearing upon any application at a time and place specified by him in order to receive oral testimony and may appoint an official of the Office of Price Administration to conduct such hearing.

(b) In the event that the Administrator orders the receipt of oral testimony, notice shall be served on the applicant not less than five days prior to receipt of such testimony. The notice shall state the time and place of the hearing and the presiding officer designated by the Administrator.

§ 1300.727 *Final action on application.* The Administrator's action upon an application, either granting it in whole or in part, or denying it, shall be in the form of an order, with an accompanying opinion stating the reasons for the Administrator's action and setting forth his findings and determinations. The order shall contain a certification to Reconstruction Finance Corporation of the Administrator's findings and determinations as provided for in this regulation. A copy of the order and accompanying opinion shall be filed with Reconstruction Finance Corporation and the Director of Economic Stabilization.

§ 1300.728 *Review by the United States Emergency Court of Appeals.* An order denying an application either in whole or in part is reviewable by the United States Emergency Court of Appeals under rules prescribed by said Court.

This regulation shall become effective August 13, 1945.

NOTE: The reporting provisions of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 10th day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-14787; Filed, Aug. 10, 1945, 11:40 a. m.]

PART 1315—RUBBER AND PRODUCTS AND MATERIALS OF WHICH RUBBER IS A COMPONENT

[RO 1A,[1] Amdt. 104]

TIRES, TUBES, RECAPPING AND CAMELBACK

A rationale for this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.

Ration Order No. 1A is amended in the following respects:

1. The first sentence of § 1315.613 is amended to read as follows: "A sectional warehouse or dealer who, prior to August 16, 1945, accepted a certificate from a consumer on OPA Form R–2 issued on or after December 1, 1944, or who, prior to September 1, 1945, accepted a replenishment portion of a certificate from another dealer or sectional warehouse on OPA Form R–2 issued on or after December 1, 1944, and who has not transferred the replenishment portion of such certificate to the factory or regional branch of a manufacturer by September 1, 1945, shall forward the replenishment portion, properly endorsed and dated, to his OPA District Office during the month of September 1945."

2. The second sentence of § 1315.803 (a) (1) is amended to read as follows: "He may transfer tires to a consumer in exchange for a certificate on OPA Form R–2 issued on or after December 1, 1944, if he accepted the certificate prior to August 16, 1945."

3. Section 1315.803 (b) (1) is amended to read as follows:

(1) A manufacturer may transfer tires to a consumer who acquired tires from a manufacturer between December 31, 1940 and August 6, 1943, in exchange for a certificate on OPA Form R–2A or R–2B. He may transfer tires to the same consumer in exchange for a certificate on OPA Form R–2 issued on or after December 1, 1944, if he accepted the certificate prior to August 16, 1945.

4. Section 1315.803 (h) is amended to read as follows:

(h) *By Office of Surplus Property.* The Office of Surplus Property of the Department of Commerce may transfer tires to a consumer to whom it is authorized to transfer surplus property, in exchange for a certificate on OPA Form R–2A or R–2B, or in exchange for a certificate on OPA Form R–2 issued on or after December 1, 1944, if it accepted the certificate prior to August 16, 1945.

5. The last sentence of § 1315.804 (c) (3) is amended to read as follows: These transfers may only be made in exchange for the replenishment portion of a certificate on OPA Form R–2A or R–2B; or in exchange for the replenishment portion of a certificate on OPA Form R–2 issued on or after December 1, 1944, if it was accepted prior to September 1, 1945; or in exchange for the replenishment portion of a receipt on OPA Form R–12 dated on or after December 1, 1944."

6. Section 1315.1003 (b) (3) is amended to read as follows:

(3) No manufacturer shall, under this paragraph, forward to an OPA Verification Center for a month, replenishment portions of certificates or receipts received by him after the close of the month, nor shall he forward any replenishment portions of certificates on OPA Form R–2 later than October 20, 1945.

This amendment shall become effective August 10, 1945.

(Pub. Law 671, 76th Cong. as amended by Pub. Laws 89, 421 and 507, 77th Cong.; E.O. 9125, 7 F.R. 2719, issued April 7, 1942; WPB Dir. No. 1, 7 F.R. 562, Supp. Dir. No. 1Q, 7 F.R. 9121)

Issued this 10th day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R Doc. 45-14788; Filed, Aug. 10, 1945; 11:39 a. m.]

[1] 7 F.R. 9160, 9392, 9724.

PART 1365—HOUSEHOLD FURNITURE

[2d Rev. MPR 213,[1] Amdt. 2]

NEW COIL AND FLAT BEDSPRINGS

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith, and has been filed with the Division of the Federal Register.

Second Revised Maximum Price Regulation No. 213 is amended in the following respects:

1. The minimum specification for "lengthwise crimps" under Class 101 coil and Class 102 coil bedsprings in section 17 (b) is amended to read as follows:

Lengthwise crimps—±11½ ga. under each row of coils; or ±12 ga. where a full slat bottom is made.

2. The minimum specification for "lengthwise crimps" under Class 111 coil bedsprings in section 17 (b) is amended to read as follows:

Lengthwise crimps—±12 ga.

3. Section 17 (b) is amended by adding the following basic bedspring model at the end thereof:

	F. o. b. factory l. c. l. price	Cash retail maximum price
Class 112 steel frame, helical top, semidouble deck coil bedspring..	$6.30	$12.25
Coils 88 or 80, semidouble deck, open wound center coils, excepting border coils, weight 15 lbs...		
Center ties—#14½ gauge round wire tie running lengthwise and widthwise		
Helicals #17 gauge		
Border Wire #0 gauge		
Border crimps, #14½ gauge wire clips or equivalent		
Bottom: Continuous angle or four piece angle type:		
Frame—1⅜" x 1⅜" x 16 ga." or equivalent		
Slats—All 1" x #12 gauge, 1" drop		
Lengthwise Crimps—#12 gauge		
Finish: Oil base paint		

[1] 8 F.R. 12470; 9 F.R. 3942.

4. Footnote 7 under section 17 (b) is amended to add the following:

Class	*F. o. b. factory l. c. l. maximum price*
112 Bedspring	$0.65

5. Footnote 8 under section 17 (b) is amended to add the following:

Class	*Cash retail maximum price*
112 Bedspring	$1.25

6. Section 17 (c) is amended to read as follows:

(c) *Additions to or deductions from maximum prices in (b) above*—(1) *Maximum prices for additional features.* The following may be added to the f. o. b. factory less-than-carload maximum prices and the cash retail maximum prices of the coil bedsprings, set forth above:

Type of extra feature	F. o. b. factory l. c. l. maximum price differential	Cash retail maximum price differential
Angle Top Border	$0.65	$1.25
Center Border Wire	.55	1.05
Convolute Face Coils	.30	.55
Double Deck Edge Coils	.30	.55
Helical Center	.60	1.15
Each additional 8 coils on an 88 coil arrangement; or each additional 9 coils on a 90 coil arrangement	.40	.75
1 Pair of Band Stabilizers	.30	.55
1 Pair of Wire Stabilizers	.15	.25
Full Platform Top "A"	1.10	2.10
Partial Platform Top "A"	.60	1.15
Full Platform Top "B"	1.30	2.50
Partial Platform Top "B"	.80	1.50
Full Platform Top "C"	1.50	2.85
Partial Platform Top "C"	1.00	1.90
Copper or Bronze Finish	.50	.95
Aluminum Finish	(1)	(1)

[1] No extra charge.

(2) *Deductions.* For coil springs with 80 or 81 coils (double deck), deduct $0.40 from the prices set forth in (b), above.

(3) *Minimum specifications of extra features.*

(i) Angle top border: A top border, around the entire body of the spring, of ¾" x ¾" x 5/64", steel angle or equivalent fastened to top of outside coils.

(ii) Center border wire: An auxiliary border wire, completely around the spring midway of its height, of ±3½ gauge low carbon or ±7 gauge high carbon or heavier to which the center decking or outside coils are attached.

(iii) Convolute face coils: All except border coils to have three loop or more volute or flat top.

(iv) Double deck edge coils: All border coils to be double deck construction.

(v) Helical center: The center deck of all coils except border coils to be tied four ways with helical coils of ±17 gauge or heavier high carbon spring steel wire.

(vi) Stabilizer: A device, made of wire or steel bands, fastened to and connecting the border frame to the base frame in a manner adequate to prevent sway.

Steel bands must be 1" x 12 ga., or equivalent.

(vii) Platform Top A: Shall consist of 5/8" x .020 steel bands interlaced lengthwise and widthwise through the top of all coils except border coils and attached to the border coils by crimping or by helicals.

(viii) Platform Top B: Shall consist of 5/8" x .020 steel bands passing over all coils but

the border coils; riveted to, welded to or slotted through each other; and attached by helicals to the border coils.

(ix) Platform Top C: May be any of the following types:

Type C–1: Shall consist of ⅜'' x .020 steel bands paralleling both lengthwise and widthwise all rows of coils; attached to each other by plates or by helicals and attached to all coils by helicals.

Type C–2: Shall correspond to the specifications of Type C–1 except that the widthwise bands may be replaced by long helicals.

Type C–3: Shall consist of a succession of units of two ⅝'' x .020 steel bands individually crossed over the tops of all coils except the border coils with each unit attached by helicals to adjacent units and to the coils.

Type C–4: Shall consist of metal plates individually crimped to the top of each coil except the border coils and of ⅜'' x .020 steel bands or helicals running lengthwise or crosswise and attached by helicals to the end or side border coils.

Type C–5: Shall consist of a woven wire mesh covering the entire surface of the spring and securely attached to the border wire.

(x) A Partial Platform top is: A platform top of the same construction as a full platform, but it is assembled in one of three ways, either:

(*a*) To extend full length of coil surface (omitting the widthwise elements); or

(*b*) To extend full width of coil surface (omitting the lengthwise elements); or

(c) To cover one third of the coil area of the spring.

7. Section 17 (h) is added to read as follows:

(h) *Terms of sale.* The maximum prices established by this regulation are subject to the terms, discounts and allowances, including any PM (Premium Money) made by the manufacturer in March 1942, on his sales to each class of purchaser, or to persons within any class of purchasers.

8. Section 17 (g) (1) is amended to read as follows:

(1) If a manufacturer is unable to manufacture a bedspring fulfilling all of the requirements of any bedspring which is priced in this appendix, then upon specific authorization in writing by the Office of Price Administration any manufacturer may vary the specifications of the classes of bedsprings from those set forth in this appendix in the following ways by:

(i) Substituting a different gauge of wire which is of equivalent serviceability.

(ii) Substituting a wood frame of different design or construction which is of equivalent strength or serviceability.

(iii) Substituting a different type of spring fabric which is of equivalent strength and serviceability.

This amendment shall become effective on August 15, 1945.

Issued this 10th day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45–14790; Filed, Aug. 10, 1945; 11:41 a. m.]

PART 1374—FURS

[MPR 541,[1] Amdt. 5]

RAW, DRESSED, DRESSED AND DYED FURS AND PELTRIES

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.

1. The table in section 9 (a) is amended as follows:

a. By adding footnote reference "[1]" after the word "galyaks" in the description for Kid, African (Eritrean) in Column II, and by adding at the end of the table the following footnote:

[1] The maximum price for an assortment of African (Eritrean) Kid skins of this description consisting of 75% colored, 25% white, is 55 cents per skin. The maximum price per skin for any other assortment of this description shall be the price determined on the basis of $1.10 per skin for whites, and 36½ cents per skin for colored.

b. By adding footnote reference "[2]" after the word "galyaks" in the description for Kid, Indian in Column II, and by adding at the end of the table the following footnote:

[2] The maximum price for an assortment of Indian Kid skins of this description consisting of 90% colored, 10% white, is 68 cents per skin. The maximum price per skin for any other assortment of this description shall be the price determined on the basis of $1.35 per skin for whites, and 60½ cents per skin for colored.

c. By substituting for the phrase "Lamb, Indian or 'Bombay' (not including Moire)" in Column I thereof, the following: "Lamb, Indian or 'Bombay' (not including Indian Moire Lamb also known as Indian Broadtail[3])" and by adding the following footnote at the end of the table:

[3] Indian Moire Lamb (also known as Indian Broadtail) shall mean those skins which customarily have been recognized by the trade as Indian Moire Lamb (or Indian Broadtail), and shall not include Nazukcha or Guldar Indian Lamb skins.

2. Section 19 Appendix A is amended in the following respects:

a. By deleting the parenthetical phrase which follows the item "Lamb, Indian or 'Bombay'".

b. By adding the item "Lamb, Indian Moire (also known as Indian Broadtail)" to the list of kinds of furs or peltries between "Lamb, Indian or 'Bombay'" and "Lamb, Lincoln".

This amendment shall become effective August 15, 1945.

Issued this 10th day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45–14793; Filed, Aug. 10, 1945; 11:42 a. m.]

[1] 9 F.R. 6565, 11759, 13845; 10 F.R. 862.

PART 1389—APPAREL

[RMPR 330,[1] Amdt. 2]

RETAILERS' AND WHOLESALERS' PRICES FOR WOMEN'S, GIRLS', AND CHILDREN'S AND TODDLERS' OUTERWEAR GARMENTS

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.

Revised Maximum Price Regulation 330 is amended in the following respects:

1. Section 3 (b) is amended by substituting the phrase "amendment to your pricing chart" for the phrase "amended pricing chart" in the two places in the paragraph where that phrase appears.

2. Section 5 (a) is amended by amending the second sentence thereof to read as follows: "Except in cases of transfers of business under section 6, if you did not deliver any garments under Maximum Price Regulation 330 prior to May 18, 1944, or if you do not have base period records sufficient to prepare a pricing chart, you may not sell or deliver any garment covered by this regulation until you have received authorization from the OPA to establish maximum prices."

3. Section 5 (b) is amended by amending the caption to read "(b) *Filing and contents of applications by new sellers*", and by inserting the words "by a seller who did not deliver any garments under Maximum Price Regulation 330 prior to May 18, 1944," between the phrase "shall be filed" and the phrase "with the Office of Price Administration".

4. Section 5 is amended by redesignating paragraph (c) as paragraph (d) and by adding a new paragraph (c) to read as follows:

(c) *Filing and contents of applications by sellers who do not have adequate base period records.* Three signed copies of an application for authorization to establish maximum prices shall be filed by sellers who do not have base period records sufficient to prepare a pricing chart, with the OPA at the district office having jurisdiction over the area in which the seller is located, setting forth (1) the most accurate pricing chart the seller can prepare on the basis of his records and recollection, (2) an explanation of the manner in which the seller can corroborate the information contained in the chart, (3) a list of the names and addresses of the seller's 3 most closely competitive sellers of the same class and (4) a request that the chart described in (1) be approved.

You may not use the pricing chart described in (1) above in establishing maximum prices until you have received authorization to do so from the OPA. If authorization is given it will be accompanied by instructions as to a method for establishing maximum prices of the garments to be sold. This authorization may approve the chart included in the application in whole or in part or may revise such chart. The authorization may be revised or revoked at any time by the Office of Price Administration.

[1] 9 F.R. 11350; 10 F.R. 331.

5. Section 11 (c) is amended to read as follows:

(c) *Import sales.* This regulation does not apply to deliveries of garments made from points outside the continental United States or to sales or deliveries of garments originally imported by the seller after February 28, 1942. (For pricing of such garments see the Maximum Import Price Regulation.[2]) This regulation does, however, apply to all garments imported into the United States prior to March 1, 1942 and to sales or deliveries by any person other than the original importer of garments originally imported into the United States.

6. Section 14 (a) is amended by substituting the phrase "section 3" for the phrase "section 2."

NOTE: The reporting and record-keeping requirements of this amendment have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

This amendment shall become effective August 15, 1945.

Issued this 10th day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45–14791; Filed, Aug. 10, 1945; 11:41 a. m.]

PART 1396—FINE CHEMICALS, DRUGS AND COSMETICS

[MPR 392, Correction to Amdt. 7]

PACKAGED DRUGS

Amendment No. 7 to Maximum Price Regulation No. 392 is corrected as follows:

1. The sentence "Section 23 is amended to read as follows" is corrected to read: "Section 23 (a) is amended to read as follows."

2. The heading "SEC. 23 *Adjustments*" is deleted and the text following that heading is designated paragraph (a).

3. The designations of paragraphs (a) and (b) are corrected to read subparagraphs (1) and (2) under paragraph (a).

This correction shall be effective as of January 9, 1945.

Issued this 10th day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45–14792; Filed, Aug. 10, 1945; 11:42 a. m.]

PART 1407—RATIONING OF FOOD AND FOOD PRODUCTS

[Control Order 1[1], Amdt. 15]

LIVESTOCK SLAUGHTER AND MEAT DISTRIBUTION

A rationale for this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.

[1] 10 F.R. 4605.
[2] 8 F.R. 11681, 12287; 9 F.R. 2350, 7504, 8062.

Control Order 1 is amended in the following respects:

1. Section 1 (a) is amended to read as follows:

(a) *Class 1 slaughtering establishment.* Any place subject to "Federal inspection" at which a "person" slaughters cattle, calves, sheep, lambs or swine, other than cattle, calves, sheep, lambs or swine which he slaughters there for the owner of such livestock, is a "Class 1 slaughtering establishment." The term "Class 1 slaughtering establishment" also includes any place at which a person slaughters cattle, calves, sheep, lambs or swine to the extent that the slaughter by him of any of those species of livestock there is covered by a currently valid certification granted by the Secretary of Agriculture, or his designee, pursuant to War Food Order 139.

2. Section 1 (b) is amended to read as follows:

(b) *Class 2 slaughtering establishment.* Any place, other than a "Class 1 slaughtering establishment" or "Class 3 slaughtering establishment," at which a person slaughters cattle, calves, sheep, lambs or swine, other than cattle, calves, sheep, lambs or swine which he slaughters there for the owner of such livestock, is a "Class 2 slaughtering establishment."

3. Section 14 (a) is amended to read as follows:

(a) (1) Any Class 2 or Class 3 slaughterer who has obtained for his establishment Federal inspection, or certification from the Secretary of Agriculture, or his designee, pursuant to War Food Order 139, must, within five (5) days after such inspection or certification is obtained, surrender his OPA license or permit to the District Office or Board with which his establishment is registered together with a statement that he has obtained for the establishment covered by the license or permit Federal inspection, or certification pursuant to War Food Order 139, as the case may be. If he has obtained certification pursuant to War Food Order 139, his statement must include each species of livestock covered by the certification.

(2) If the District Office or Board finds that he has obtained for his establishment Federal inspection, or certification from the Secretary of Agriculture, or his designee, pursuant to War Food Order 139, it shall cancel his license or permit as a Class 2 or Class 3 slaughterer. However, if the certification obtained by a Class 2 slaughterer covers one or more, but not all, the species of livestock for which he has been issued quota bases, the District Office shall cancel his quota bases for the species of livestock covered by the certification and issue to him a new license, on OPA Form MC–5, containing his quota bases for the species of livestock not covered by the certification, as to which he shall remain a Class 2 slaughterer. (His new license shall bear the same number as the license surrendered, and for that purpose he shall continue to be a Class 2A or Class 2B slaughterer whichever he was before he obtained certification.)

4. Section 15 (a) is amended by substituting for the sentence in parentheses the following: "However, if he was registered as a Class 2 or Class 3 slaughterer with respect to that place, he must comply with section 14 (a)."

5. Section 21 (a) is amended by substituting for the definitions of "Class 1 slaughtering establishment" and "Class 2 slaughtering establishment" the following:

"Class 1 slaughtering establishment" means any place subject to "Federal inspection" at which a "person" slaughters cattle, calves, sheep, lambs or swine, other than cattle, calves, sheep, lambs or swine which he slaughters there for the owner of such livestock. The term also includes any place at which a person slaughters cattle, calves, sheep, lambs or swine to the extent that the slaughter by him of any of these species of livestock there is covered by a currently valid certification granted by the Secretary of Agriculture, or his designee, pursuant to War Food Order 139.

"Class 2 slaughtering establishment" means any place, other than a "Class 1 slaughtering establishment" or "Class 3 slaughtering establishment," at which a person slaughters cattle, calves, sheep, lambs or swine, other than cattle, calves, sheep, lambs or swine which he slaughters there for the owner of such livestock.

6. Section 21 (a) is further amended by adding the following definition in its proper alphabetical order:

"Certificate number" means the certificate number assigned to a slaughtering plant by the Secretary of Agriculture, or his designee, in granting certification of such plant pursuant to War Food Order 139.

7. Section 23 (a) (4) is added to read as follows:

(4) Any Class 2 slaughterer who obtains certification under War Food Order 139 shall be considered as a Class 1 slaughterer even though the certification covers the slaughter of one or more but not all species of livestock for which quota bases have been assigned to him under this order.

8. Section 24 (e) is amended by inserting after the phrase "the establishment number" the phrase "or certificate number."

9. Section 24 (f) (1) is amended by inserting after the phrase "by this section" the phrase "or certificate number issued by the Secretary of Agriculture, or his designee, pursuant to War Food Order 139."

10. Section 24 (f) (2) is amended by inserting after the phrase "by this section" the phrase "or the certificate number."

11. Section 24 (f) (3) is amended by inserting after the phrase "by this section" the phrase "or the certificate number."

12. Section 24 (g) is amended by inserting after the phrase "to this section" the phrase "or War Food Order 139."

This amendment shall become effective on August 10, 1945.

NOTE: All reporting and record-keeping requirements of this amendment have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 10th day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-14785; Filed, Aug. 10, 1945; 11:39 a. m.]

PART 1420—BREWERY, DISTILLERY AND WINERY PRODUCTS

[RMPR 259,[1] Corr. to Amdt. 6]

MALT BEVERAGES

The introductory portion of item 14 is corrected to read as follows: "Sections 4.8 (c) and 4.8 (d) are redesignated as sections 4.8 (d) and 4.8 (e), respectively; section 4.8 (b) is amended and a new section 4.8 (c) is added to read as indicated below:"

Issued this 9th day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-14741; Filed, Aug. 9, 1945; 4:21 p. m.]

PART 1499—COMMODITIES AND SERVICES

[MPR 580,[1] Amdt. 5]

RETAIL CEILING PRICES FOR CERTAIN APPAREL AND HOUSE FURNISHINGS

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.

Maximum Price Regulation 580 is amended in the following respects:

1. Section 1 (c) is amended by adding to the first undesignated paragraph thereof the following sentence: "Notwithstanding the provisions of this paragraph (c), any seller at retail of an article for which a ceiling price has been established under section 13 of this regulation shall be subject to that section with respect to such sale."

2. Section 9 is amended to read as follows:

SEC. 9. *"Up stream" and "cross stream" sales and sales of "cross stream" articles to ultimate consumers*—(a) *Maximum prices for "up stream" sales.* Your maximum price for a sale of any article covered by this regulation to any person other than an individual ultimate consumer, another retailer, or an industrial, commercial, or institutional user, is the net cost of that article to you.

(b) *Maximum prices for "cross stream" sales.* (1) Your maximum price for a sale to another retailer of any article covered by this regulation shall be the sum of the following items:

(i) Your invoice cost less all discounts including cash discounts.

(ii) Any OPA adjustment charge appearing on your supplier's invoice.

(iii) Your incoming freight cost which you have separately paid.

(iv) The handling charge, if any, which you customarily made when selling articles covered by this regulation to another retailer immediately prior to March 1945. However, this charge may be added only if your records show your customary March 1942 handling charge or your method of establishing your handling charge in accordance with OPA regulations in effect before March 19, 1945, for such sales. In no event, however, may your handling charge exceed 10% of the costs listed in (i), (ii) and (iii), above.

You must give to the retailer an invoice which must state separately each item making up your costs as itemized in this subparagraph (1).

or

(2) If you customarily made sales of commodities covered by this regulation to other retailers immediately prior to March 1945 on which you figured your price by granting a specific discount from your retail price, you may continue to make such sales (excepting sales of articles purchased by you from other retailers), but only if your records show your customary March 1942 discount or your method of establishing a discount for such sales in accordance with OPA regulations in effect before March 19, 1945.

On such sales you must furnish the buyer with an invoice which, in addition to showing your retail price as established by this regulation and the discount you granted, must contain the following notice:

NOTICE OF CEILING PRICE

Under section 9 of Maximum Price Regulation 580 you may not sell the above articles to consumers at prices higher than our retail ceiling price shown on this invoice.

(c) *Maximum prices for sales to ultimate consumers of articles purchased from other retailers.* (1) If you purchase articles covered by this regulation from another retailer and pay the seller his costs permitted to him under paragraph (b) (1), you must determine your maximum price for sales of these articles to ultimate consumers in accordance with section 7, taking your net cost from your supplier's invoice and excluding all freight, adjustment and handling charges.

(2) If you purchase articles covered by this regulation and pay the seller his retail price less a specified discount, you must use as your maximum price for sales of those articles to ultimate consumers the seller's retail price as stated on his invoice to you.

3. Section 10 (a) is amended by deleting the phrase "section 12" and inserting in its place the phrase "sections 12 and 13."

4. Section 13 is amended to read as follows:

SEC. 13. *Uniform dollar-and-cents prices for certain articles*—(a) *Who may apply.* The OPA may, upon application by a manufacturer or wholesaler, establish uniform ceiling prices for retail sales of an article whenever it appears that:

(1) His article (or one of his articles of the same type) was sold at retail at substantially uniform prices for a period immediately prior to March 19, 1945;

(2) The article is identified by a brand or company name;

(3) The price requested for the article is no higher than the existing level of ceiling prices under this regulation.

An order may be issued under this section establishing uniform ceiling prices for all retail sales of an article covered by this regulation although the seller may not otherwise be subject to this regulation. A ceiling price thus established shall apply in place of the ceiling price that would otherwise have been determined under sections 7, 10, 11 and 12 of this regulation or under the provisions of any other regulation. Except as provided by the order, all of the provisions of this or whatever regulations would otherwise have applied, shall remain applicable in all other respects.

An order under this section will ordinarily include a provision requiring the applicant to tag or ticket the article with the retail ceiling price and other specified information and may further require the applicant to give appropriate notification of the order to all persons to whom he sells that article.

(b) *What the application must contain.* A manufacturer or wholesaler requesting establishment of uniform prices under this section must file two copies of an application with the OPA Consumer Goods Price Division, Washington 25, D. C. In the application, the manufacturer or wholesaler shall state the following:

(1) His business name and address.

(2) A complete identification of the article for which the price is sought including:

(i) The name identifying the article and its style or lot number;

(ii) His own ceiling price;

(iii) An identification of the regulation and the section in that regulation or the identification of the order issued by the OPA under which his ceiling price was established.

(iv) His invoice price and terms to retailers of the article.

(v) His suggested retail price, if any, immediately prior to March 19, 1945.

(vi) A list of the names and addresses of his retail customers which need only include those customers to whom he delivered the article during the last three months preceding the date of application in which he made substantial deliveries of the article. (Applicant may request OPA to accept a specified part of this list as representative.)

(3) The uniform retail ceiling price which he requests for the article.

(4) In the case of wholesalers applying under this section, the name and address of the manufacturer of the article and the manufacturer's style or lot number.

5. In section 25, the reference to "section 15 (b) (2)" is deleted and the words "section 15 (i) (2)" substituted therefor.

6. In Appendix C, the text of paragraph (a), preceding subparagraph (1), is amended to read as follows:

(a) *Categories of apparel and apparel accessories.* You will note that in the descriptions of several of the categories listed below, it is stated that certain articles subject to Maximum Price Regulation 578 are not included. All of these articles will be marked with labels when you receive them, showing the OPA retail ceiling price and the letters "WPB-328B," or "WPB-385," or "WPB-388A."

7. In subparagraph (a) (3) of Appendix C, the item "rubber panties" is deleted from Category 306.

This amendment shall become effective August 15, 1945.

NOTE: The reporting requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 10th day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-14794; Filed, Aug. 10, 1945; 11:42 a. m.]

PART 1499—COMMODITIES AND SERVICES

[SR 14E,[1] Amdt. 8]

COTTON ROPE AND TWINE

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.

Section 2.9 is amended to read as follows:

SEC. 2.9 *Producers maximum prices for certain cotton rope and twine.* The maximum price of each producer prevailing on November 23, 1944[2], for twine not subject to Maximum Price Regulation No. 33[3] and for twisted or braided cotton rope or twine, made entirely (except for other material used in the core) of cotton and/or cotton waste, is increased by 1¢ per pound of cotton and/or cotton waste content in the rope or twine.

This amendment shall become effective August 15, 1945.

Issued this 10th day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-14789; Filed, Aug. 10, 1945; 11:40 a. m.]

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[1] 10 F.R. 1154.

[2] For producers who prior to November 23, 1944 made sales subject to Maximum Price Regulation No. 157, this maximum price shall be (a) the ceiling price then prevailing under that regulation or (b) if, by virtue of proper certification under § 1378.4 of that regulation the producer had no ceiling, the price last negotiated prior to that date. For producers who between November 23, 1944 and February 16, 1945, inclusive, for the first time made sales subject to MPR-157 and by virtue of proper certification under § 1378.4 of that regulation had no ceiling, the maximum price shall be the lowest price negotiated during that period but the 1¢ increase shall not be added thereto.

[3] 7 F.R. 5774.

[1] 9 F.R. 14537, 14781, 15107; 10 F.R. 2585, 8558

[1] 10 F.R. 3015, 3468, 3642, 4236, 4494, 4611.

TITLE 36—PARKS AND FORESTS

Chapter I—National Park Service

PART 2—GENERAL RULES AND REGULATIONS

PART 20—SPECIAL REGULATIONS

MISCELLANEOUS AMENDMENTS

Paragraph (e) of § 2.32 *Private lands,* is amended by inserting "Kings Canyon," immediately following "Sequoia.".

Paragraph (a) of § 2.55 *Fees,* is amended to read as follows:

§ 2.55 *Fees*—(a) *Guide and elevator fees for Carlsbad Caverns.* In Carlsbad Caverns National Park, no person or persons shall be permitted to enter the caverns unless accompanied by National Park Service employees. Competent guide service is provided by the Government, for which a fee of $1.25 shall be charged each person entering the caverns, except that children between the ages of 12 and 16 years shall be charged a fee of 25 cents each. The fee charged shall include the use of the elevator. No charge shall be made for children under 12 years of age, or groups of school children 18 years of age or under, when accompanied by adults assuming responsibility for their safety and orderly conduct. In proper cases and upon application made in advance, the Director may authorize admission without charge for guide and elevator service to persons from reputable educational institutions for the purpose of prosecuting class work or studies, or to persons under the support and care of charitable institutions and their attendants.

Paragraph (p) of § 2.55 *Fees,* is amended by substituting "(a), (b)," for "(a) (1)," in the second line thereof.

A new § 2.61 is added to read as follows:

§ 2.61 *Reckless driving.* The driving of any vehicle on a Government road in a park or monument is willful or wanton disregard for the safety of persons or property is prohibited.

Section 20.38 is revoked.

(39 Stat. 535; 16 U.S.C. 3)

Issued this 1st day of August 1945.

[SEAL] OSCAR L. CHAPMAN,
Assistant Secretary of the Interior.

[F. R. Doc. 45-14758; Filed, Aug. 10, 1945; 9:36 a. m.]

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

PART 1—RULES OF PRACTICE AND PROCEDURE

PART 2—GENERAL RULES AND REGULATIONS

PART 3—STANDARD AND HIGH FREQUENCY BROADCAST STATIONS

PART 4—BROADCAST SERVICES OTHER THAN STANDARD BROADCAST

STATEMENT OF POLICY AND PROCEDURE FOR HANDLING BROADCAST APPLICATIONS

1. On January 25, 1945, the Commission issued a public notice outlining the procedure to be followed in handling standard broadcast applications under the January 16, 1945 supplemental statement of policy, concerning applications for permits to construct new radio stations or to make changes in existing radio facilities. The public was there advised that unprocessed applications would be retained in status quo, and that new stations would be granted only in those communities having no primary service. The Commission further stated:

When manpower and materials again become available and conditions permit the resumption of normal licensing practices, the Commission will make an appropriate announcement and will provide a period of not less than 60 days for the filing and processing of new applications prior to taking any action on the cases retained in the pending files during the period that the statement of policy of January 26, 1944 as supplemented January 16, 1945, was in effect. Provision will also be made for the bringing up to date of all applications retained in the pending files. These procedures, it is believed, will prevent any inequity from resulting to persons who do not file applications during the period that the present policy remains in force.

2. The War Production Board has indicated that materials will begin to become available within the next few months for use by broadcast applicants in all categories (standard, FM, television, etc.). It is therefore expected that construction started during the latter part of this year can be completed within the normal period of a construction permit without unreasonable difficulty.

3. The Federal Communications Commission accordingly gives notice that the 60-day period provided for in the January 25, 1945, public notice for the filing of new applications (standard, FM, television, etc.) will commence to run on August 7, 1945. Applicants will not be required to show that they have the necessary equipment on hand. The Commission will proceed, after October 7, 1945, to consider applications heretofore filed, and those filed during the 60-day period herein specified. However, with respect to FM and television, applications cannot be acted upon until applicable regulations are adopted.

4. In the meantime the Commission will continue to act on applications which have not heretofore been affected by the "freeze" policy, e. g., new stations in communities without primary service, noncommercial educational, experimental, and developmental services, and changes in equipment required by the Commission itself.

5. The following procedure will be observed in processing applications:

a. *Pending applications upon which no Commission action has been taken.* These applications will not be acted on for a period of at least 60 days from August 7, 1945. During that interim applicants may file such amendments as may be necessary to reflect new or changed conditions from those stated in the application. Such amendments shall be made in accordance with § 1.121 of the rules of practice and procedure, in triplicate, and shall become part of said application. At the termination of this 60-day period consideration will be given to these applications in the ordinary course of business and attention will also

be given to conflicting applications filed during this 60-day period.

b. *Applications which have been designated for hearing but not yet heard.* The Commission will not announce hearing dates for applications in this category, until the expiration of the 60-day period. Applicants desiring to file amendments shall do so within this period.

c. *Applications which have been heard and the records closed.* Applicants whose cases have been heard and upon which the record has been closed are requested to advise the Commission within the next 60 days of any changes which may have occurred reflecting upon matters of evidence introduced into the record. Copies of such notification shall also be served upon other parties to the proceeding and where additional testimony is required appropriate petitions may be filed to reopen the record for the introduction of this additional evidence.

Dated: August 7, 1945.

[SEAL] FEDERAL COMMUNICATIONS COMMISSION,
T. J. SLOWIE,
Secretary.

[F. R. Doc. 45-14765; Filed, Aug. 10, 1945; 11:02 a. m.]

TITLE 49—TRANSPORTATION AND RAILROADS

Chapter II—Office of Defense Transportation

[Special Direction ODT 7, Rev. 5, Revocation]

PART 522—DIRECTION OF TRAFFIC MOVEMENT; EXCEPTIONS, PERMITS, AND SPECIAL DIRECTIONS

MOVEMENT OF TRAFFIC IN RAILWAY TANK CARS

Pursuant to Executive Order 8989, as amended, Special Direction ODT 7, Revised 5 (10 F.R. 9278), is hereby revoked, effective August 10, 1945.

(E.O. 8989, 6 F.R. 6725 and 8 F.R. 14183)

Issued at Washington, D. C., this 10th day of August 1945.

J. M. JOHNSON,
Director,
Office of Defense Transportation.

[F. R. Doc. 45-14798; Filed, Aug. 10, 1945; 12:09 p. m.]

[Special Direction ODT 7, Rev. 6]

PART 522—DIRECTION OF TRAFFIC MOVEMENT; EXCEPTIONS, PERMITS, AND SPECIAL DIRECTIONS

MOVEMENT OF TRAFFIC IN RAILWAY TANK CARS

Pursuant to the provisions of §§ 502.102 and 502.103 of General Order ODT 7, Revised, as amended (7 F.R. 10484, 9 F.R. 11713, 14072), it is hereby ordered, that:

§ 522.913 *Use of tank cars restricted.* Unless authorized by a special permit issued by the Division Director, Tank Car Division, Liquid Transport Department, Office of Defense Transportation, no person shall offer for shipment, and no carrier shall accept for shipment, forward, or transport (a) any loaded tank car of a shell capacity of less than 7,000 gallons containing petroleum or petroleum products to be transported to a destination in the States of Maine, Vermont, New Hampshire, Massachusetts, Connecticut, Rhode Island, New York, Pennsylvania, New Jersey, Delaware, Maryland, West Virginia, and Virginia or the District of Columbia from a point of origin outside of such States or the District of Columbia; or (b) any loaded tank car of a shell capacity of less than 8,200 gallons containing petroleum or petroleum products to be transported to a destination in the States of California, Idaho, Nevada, Oregon, Utah, or Washington from a point of origin outside such States; or (c) any loaded tank car of a shell capacity of less than 8,000 gallons containing a commodity other than petroleum or petroleum products to be transported to a destination in the States of California, Idaho, Nevada, Oregon, Utah or Washington from a point of origin outside such States.

§ 522.914 *Communications.* Communications concerning this special direction should be addressed to the Tank Car Division, Liquid Transport Department, Office of Defense Transportation, Washington 25, D. C., and should refer to "Special Direction ODT 7, Revised 6."

This special direction shall become effective August 15, 1945.

Issued at Washington, D. C., this 10th day of August 1945.

J. M. JOHNSON,
Director,
Office of Defense Transportation.

[F. R. Doc. 45-14799; Filed, Aug. 10, 1945; 12:09 p. m.]

TITLE 50—WILDLIFE

Chapter I—Fish and Wildlife Service

PART 29—PLAINS REGION NATIONAL WILDLIFE REFUGE

ARROWWOOD NATIONAL WILDLIFE REFUGE; FISHING REGULATIONS

Under authority of § 12.3 of the General Regulations for the Administration of National Wildlife Refuges (5 F.R. 5284), as amended, the following is ordered:

In § 29.28 (8 F.R. 8554) *Arrowwood National Wildlife Refuge, North Dakota; fishing* of June 8, 1943, paragraph (a) is amended to read as follows:

(a) *Waters open to fishing.* The waters of Arrowwood Lake in sec. 30, T. 144 N., R. 64 W., and sec. 25, T. 144 N., R. 65 W., and the waters of Jim Lake in sec. 19 except the N½NW¼, and sec. 20, T. 143 N., R. 64 W., shall be open to fishing.

Dated: August 6, 1945.

ALBERT M. DAY,
Acting Director.

[F. R. Doc. 45-14761; Filed, Aug. 10, 1945; 9:37 a. m.]

Chapter IV—Office of the Coordinator of Fisheries

[Order 1838; Area Coordinator's Gen. Direction P-20]

PART 401—PRODUCTION OF FISHERY COMMODITIES OR PRODUCTS

COORDINATED PILCHARD PRODUCTION PLAN

Pursuant to Order 1838 of the Secretary of the Interior, as amended June 6, 1945, § 401.2 entitled "Coordinated Pilchard Production Plan" (10 F.R. 6984), commonly refered to as the Pilchard Order, and in order to accomplish the purposes thereof, this General Direction P-20 is issued.

1. *Dispatching system—(a) System established.* The Area Coordinator has established a system for distributing loads of pilchards brought into the ports of San Francisco, Monterey and San Pedro by pilchard vessels of 20 register net tons or over and for directing within each port specifically where and to whom each load shall be delivered, because, in his opinion, it is necessary to do so in order to assure maximum production of all pilchard products, to assure production of each type of pilchard product in proper proportion to meet the requirements for military and essential civilian supply, and to promote an even flow of the material to canning and reduction plants. This system shall become applicable to loads of mackerel and other fish brought in by such vessels if the Port Supervisor finds that such application will promote the purposes of the Pilchard Order.

(b) *Advance dispatching to San Pedro.* The Port Supervisor at San Pedro will consider joint applications, signed by the boat owners and the processors concerned, for advance dispatching, for periods of time of particular boats to specified plants. Any advance dispatch is subject to modification and cancellation by the Port Supervisor or his assistant whenever, in his opinion, such action is reasonably necessary to promote any of the purposes of the Pilchard Order.

(c) *Reporting to Port Supervisor.* The master of each pilchard vessel of 20 register net tons or over entering the ports of San Francisco, Monterey or San Pedro (except when the vessel is proceeding under an advance dispatch) shall report at once to the dispatcher (Port Supervisor or his assistants) at the waterfront, giving the following information: in San Pedro, the weight of the load; in Monterey, the weight of the load and the size of the fish; in San Francisco, the weight of the load and the size and condition of the fish.

(d) *Prompt delivery.* Every vessel dispatched pursuant to the Pilchard Order must proceed directly to the processing plant to which dispatched and deliver its fish promptly and in compliance with the dispatch. If an emergency exists preventing prompt compliance, the master must apply to the dispatcher for a modification.

2. *Records.* Every processor shall prepare a report of his operations for each calendar week and shall submit it to the office of the local Port Supervisor not later than 5:00 p. m. on the following Monday. The report shall be prepared on the form approved by the Bureau of the Budget, copies of which will be supplied by the Port Supervisor upon request. The report shall be accompanied by a copy of the canned fish pack report which is required of the processor by the United States Department of Agriculture for the same week.

3. *Limitation of deliveries.* If a Port Supervisor has reason to believe that the purposes of the Pilchard Order will be promoted thereby, he may, after consultation with the members of the Port Committee or the members of a subcommittee thereof, limit the amount of pilchards, mackerel and other fish which each pilchard vessel may thereafter bring into the port each day. Limits which are set may be changed from day to day and should provide the maximum tonnage which can be unloaded and processed properly and without unreasonable delay by the processing equipment and labor available in the port. No person shall bring into port any load of pilchards, mackerel or other fish in excess of the limit (which shall include a 5 ton leeway for margin of error) fixed for his vessel as set out in a notice posted by the Port Supervisor by 3:30 p. m. on the preceding day. Every processor who accepts delivery of any part of a load of pilchards, mackerel or other fish brought into port in violation of this paragraph shall report all of the facts to the Port Supervisor immediately upon ascertaining them.

4. *Fresh fish market, bait dealers.* If, in the opinion of a Port Supervisor, the purposes of the Pilchard Order would be promoted thereby, by preventing the diversion of pilchards from the uses deemed most essential, he may post the following notice applicable to the particular port: "No pilchard vessel of 20 register net tons or over, except as authorized by the dispatcher, shall sell or deliver pilchards to market boats, and no processor, except as authorized by the Area Coordinator, shall sell or deliver pilchards to the fresh or frozen fish market or to bait dealers." Upon the posting of such a notice, the restriction shall become a part of this General Direction applicable to the port.

5. *Small fish in Monterey—(a) Limits.* No person shall bring into the Port of Monterey in any one vessel more than one load of small pilchards during any one day, nor shall any person bring into the Port of Monterey any load of small pilchards whose weight exceeds 30 tons plus a 5 ton leeway for margin of error. A load of pilchards is a load of small pilchards if it contains more than 53⅓ by weight (including leeway for margin of error) of fish smaller than 8½ inches. Every processor in the Port of Monterey who accepts delivery of any part of a load of small pilchards whose weight exceeds 35 tons shall report all of the facts to the Port Supervisor immediately upon ascertaining them.

(b) *Suspension.* The delivery of small pilchards in the Port of Monterey may be suspended entirely by the Port Supervisor for such periods of time as the Port Committee by an affirmative vote of at least six of its ten members may recommend, if the Port Supervisor finds that such suspension will promote the purposes of the Pilchard Order. Notice of any suspension shall be given by posting.

6. *Notices.* Notices to be posted to Port Supervisors will be posted as follows: San Pedro—Office of the Port Supervisor; Monterey—U. S. Coast Guard War Emergency Bulletin Board on Fishermen's Wharf; San Francisco—Outside Fisherman's Hall on Fishermen's Wharf, or if the weather is inclement, inside the hall. If a notice is properly posted, ignorance thereof will not excuse a violation of this General Direction P-20.

7. *Revocation of prior general directions.* All general directions, heretofore issued by the Area Coordinator pursuant to the Pilchard Order, as amended, have expired, or have been revoked, or are hereby revoked. Only this General Direction P-20 remains effective.

Issued this 31st day of July 1945.

H. W. TERHUNE,
Area Coordinator, Area II.

[F. R. Doc. 45-14759; Filed, Aug. 10, 1945; 9:37 a. m.]

Notices

DEPARTMENT OF AGRICULTURE.

Office of Marketing Services.

[P. & S. Docket No. 402]

UNION STOCK YARDS, CHICAGO, ILL.

NOTICE OF PETITION FOR MODIFICATION

In re: Market Agencies doing business at the Union Stock Yards, Chicago, Illinois, Respondents.

By orders entered on January 8 and March 12, 1934, pursuant to the provisions of the Packers and Stockyards Act (7 U.S.C. 181 et seq.), the Secretary of Agriculture prescribed maximum reasonable rates and charges to be observed by the respondents. From time to time, these orders were modified by supplemental orders issued in the above docket.

By documents filed with the hearing clerk on July 30 and August 1, 1945, the respondents petitioned for leave to file an amendment to their tariffs, which it is stated, is to cover new and unusual services rendered by respondents in connection with the recently established 50 cents per cwt. cattle subsidy program of the Government, to wit:

EXTRA SERVICE CHARGES

The following extra service charges are applicable to each consignment (except where specified to the contrary).

For additional services rendered in handling, sorting and selling, and in furnishing information, evidence, and/or certificate, or certificates, supporting cattle feeders claim for the 50 cents per hundred pounds subsidy provided by the Agriculture Adjustment Agency's July 1, 1945, instructions based on the Commodity Credit Corporation's offer to make beef cattle production payments, published in the June 14, 1945, FEDERAL REGISTER:

10¢ for each head of cattle up to 50 head, plus 5¢ for each head over 50 up to 100 head, plus 1¢ for each head over 100, with a minimum charge of 25¢ for each consignment.

The effect of such proposed charges, if granted, would result in additional revenue to the respondents and, accordingly, it appears that public notice should be given to all interested persons of the petition of the respondents and to afford all interested persons, including patrons of the respondent, an opportunity to manifest their desire to be heard on the matter.

Therefore, notice is hereby given to the public and to all interested persons of the petition of the respondents for leave to apply the above service charges, and for the purpose of affording said respondents and all other interested persons, including patrons of the respondents, an opportunity to be heard upon the matters covered in the petition for modification.

All interested persons who desire to be heard shall notify the hearing clerk, Office of the Solicitor, U. S. D. A., Washington 25, D. C., within 15 days from the date of the publication of this notice.

Copies hereof shall be served on the respondents by registered mail or in person.

Done at Washington, D. C., this 9th day of August 1945.

[SEAL] H. E. REED,
Acting Director of Marketing Services.

[F. R. Doc. 45-14772; Filed, Aug. 10, 1945; 11:11 a. m.]

Office of the Secretary.

J. M. MCLEMORE LIVESTOCK COMMISSION MARKET, ALEXANDRIA, LA.

NOTICE AS TO POSTED STOCKYARD

It has been ascertained that the Cook & Caldwell Commission Market, Alexandria, Louisiana, posted on November 1, 1938, as coming within the jurisdiction of the Packers and Stockyards Act, 1921, as amended, is now owned and operated by J. M. McLemore, doing business as J. M. McLemore Livestock Commission Market, and that the name of the yard is now the J. M. McLemore Livestock Commission Market. Therefore, the posted name of the stockyard is changed to J. M. McLemore Livestock Commission Market and notice of such fact is given to its owner, and to the public by filing notice with the Division of the Federal Register.

(7 U.S.C. 1940 ed. 181 et seq.; E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423; E.O. 9392, 8 F.R. 14783; E.O. 9577, 10 F.R. 8087)

Done at Washington, D. C., this 9th day of August 1945.

[SEAL] THOMAS J. FLAVIN,
Assistant to the Secretary of Agriculture.

[F. R. Doc. 45-14738; Filed, Aug. 9, 1945; 3:52 p. m.]

TEXAS USDA WAGE BOARD

DELEGATION OF AUTHORITY WITH RESPECT TO STABILIZATION OF SALARIES AND WAGES OF AGRICULTURAL LABOR

Pursuant to the authority granted the War Food Administrator by regulations of the Economic Stabilization Director and transferred to the Secretary of Agriculture by E.O. 9577, dated January 29, 1945, which regulations were issued August 28, 1943 (8 F.R. 11960, 12139, 16702; 9 F.R. 6035, 14547), by virtue of authority vested in the President by the act of October 2, 1942 entitled "An Act to Amend the Emergency Price Control Act of 1942, to aid in preventing inflation, and for other purposes" (56 Stat. 765, 50 U.S.C. App., 961 et. seq. (Supp. IV)), as amended by the Public Debt Act of 1943 entitled "An Act to Increase the Debt Limit of the United States and for other purposes" (57 Stat. 63, 50 U.S.C. App. 964 (Supp. IV)), as amended by the Stabilization Extension Act of 1944, entitled "An Act to Amend the Emergency Price Control Act of 1942, as amended, and for other purposes" (Public Law 383, 78th Congress, 2nd Sess.), and as amended by a Joint Resolution entitled "Extending the effective period of the Emergency

Price Control Act of 1942, as amended, and the Stabilization Act of 1942, as amended" (Public Law 108, 79th Congress, 1st Sess.), and vested by the President in the Economic Stabilization Director under Executive Order 9328 dated April 8, 1943 (8 F.R. 4681) there is hereby delegated to the Texas USDA Wage Board all the powers conferred upon the Secretary of Agriculture with respect to the program of stabilization of salaries and wages of agricultural labor employed in the State of Texas, insofar as the powers relate to the granting or denying of approval of applications for wage or salary increases or decreases, pursuant to the regulations relative to salaries and wages of agricultural labor issued by the War Food Administrator on January 17, 1944 (9 F.R. 655), as revised on October 3, 1944 (9 F.R. 12117, 12611) and as amended and revised on June 23, 1945 (10 F.R. 7609, 9581). For the purpose of this delegation to approve or deny wage or salary increases or decreases, pursuant to the regulations aforesaid, three members of the Texas USDA Wage Board shall constitute a quorum authorized to act with regard to such matters.

Any ruling of the Texas USDA Wage Board upon an application for increase or decrease in wages and salaries of agricultural labor shall be final, subject only to the Secretary's right of review on his own initiative. Any reversal or modification of such a ruling by the Secretary shall take effect from the date the affected party is notified thereof or at such later date as is specified in the notification: *Provided, however,* That if a ruling denying an application for permission to make a wage increase or decrease is overruled, the final ruling by the Secretary shall incorporate the effective date of the approval.

The Texas USDA Wage Board shall forward to the Director, Office of Labor, United States Department of Agriculture, a copy of each application for wage or salary increase or decrease made pursuant to the regulations relative to salaries and wages of agricultural labor issued January 17, 1944 (9 F.R. 655), as revised on October 3, 1944 (9 F.R. 12117, 12611) and on June 23, 1945 (10 F.R. 7609, 9581) and a copy of the Board's ruling thereon. Such copies shall be forwarded every two weeks.

Issued this 9th day of August 1945.

[SEAL] CLINTON P. ANDERSON,
Secretary of Agriculture.

[F. R. Doc. 45-14768; Filed, Aug. 10, 1945; 11:10 a. m.]

Rural Electrification Administration.

[Administrative Order 935]

ALLOCATION OF FUNDS FOR LOANS

JULY 23, 1945.

By virtue of the authority vested in me by the provisions of section 5 of the Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said act, funds for loans for the projects and in the amounts as set forth in the following schedule:

Project designation:	*Amount*
Georgia 46097S2 Dooly	$25,000
North Carolina 46066S1 Chowan	25,000

[SEAL] CLAUDE R. WICKARD,
Administrator.

[F. R. Doc. 45-14770; Filed, Aug. 10, 1945; 11:10 a. m.]

[Administrative Order 936]

ALLOCATION OF FUNDS FOR LOANS

JULY 23, 1945.

By virtue of the authority vested in me by the provisions of section 4 of the Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said act, funds for loans for the projects and in the amounts as set forth in the following schedule:

Project designation:	*Amount*
Arkansas 46022E1 Clay	$115,000
California 46018B3 San Diego	75,000
Colorado 46021B1 S. E.	64,741
Florida 46030B1 Walton	432,500
Georgia 46034F1 Carroll	276,000
Illinois 46032D1 McDonough	180,000
Kansas 46029B2 Republic	100,000
Kentucky 46038D1 Fulton	75,000
Maryland 46007F2 Caroline	363,000
Michigan 46042T1 Mason	65,000
Mississippi 46036H1 Marion	200,000
Missouri 46026D1 Ralls	170,000
Missouri 46036D1 Audrain	335,000
Missouri 46037D1 Bates	265,000
Missouri 46050D1 Lafayette	370,000
Missouri 46055E1 Cedar	70,000
North Carolina 46021F1 Sampson	390,000
North Dakota 46020GT3 Grand Forks	225,000
Oklahoma 46022K1 Cotton	185,000
Oklahoma 46030C1 Choctaw*	145,000
South Carolina 46019E1 Laurens	200,000
South Carolina 46026B4 Darlington	50,000
South Dakota 46013A3 Custer*	52,000
Tennessee 46016F1 Madison	360,000
Texas 46053E1 McLennan	100,000
Texas 46055C4 Floyd	50,000
Texas 46059D3 Lamb	175,000
Texas 46070C3 Hamilton	50,000
Texas 46072D1 Lamar	182,000
Wisconsin 46057D1 Rusk	86,000
Wisconsin 46062B1 Portage	102,000

[SEAL] CLAUDE R. WICKARD,
Administrator.

[F. R. Doc. 45-14771; Filed, Aug. 10, 1945; 11:10 a. m.]

CIVIL AERONAUTICS BOARD.

[Docket No. 489 et al.]

EASTERN AIR LINES, ET AL.; FLORIDA CASE

NOTICE OF ORAL ARGUMENT

In the matter of the applications of Eastern Air Lines, et al., for certificates of public convenience and necessity and amendments of certificates under section 401 of the Civil Aeronautics Act of 1938, as amended.

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, particularly sections 401 and 1001 of said Act, that oral argument in the above-entitled proceeding is assigned to be held on September 5, 1945, at 10 a. m. (eastern war time) in Room 5042, Commerce Building, 14th Street and Constitution Avenue NW., Washington, D. C., before the Board.

Dated: Washington, D. C., August 10, 1945.

By the Civil Aeronautics Board.

FRED A. TOOMBS,
Secretary.

[F. R. Doc. 45-14797; Filed, Aug. 10, 1945; 11:44 a. m.]

FEDERAL COMMUNICATIONS COMMISSION.

[Docket No. 6774]

R. C. A. COMMUNICATIONS, INC., ET AL.

ORDER INSTITUTING AN INVESTIGATION AND SETTING HEARING DATE

New and increased charges for telegraph communications from Italy to territories and possessions of U. S.

At a session of the Federal Communications Commission held at its offices in Washington, D. C. on the 1st day of August 1945;

It appearing, that R. C. A. Communications, Inc. has filed with the Commission a tariff schedule effective August 6, 1945, stating new increased charges for telegraph messages from Italy to territories and possessions of the United States; said tariff schedule being designated as follows:

R. C. A. Communications, Inc.
F. C. C. No. 39
3d Revised Page 56

It further appearing, that said tariff schedule states increased charges for telegraph communications in interstate and foreign commerce; that the rights and interests of the public may be injuriously affected thereby; and it being the opinion of the Commission that the effective date of such schedule, insofar as it provides for increased charges for telegraph communications from Italy to territories and possessions of the United States, should be postponed pending hearing and decision on the lawfulness of such increased charges;

It further appearing, that effective on various dates in August, 1945, the Commercial Cable Company and Mackay Radio and Telegraph Company have filed tariff schedules with the Commission stating new charges for telegraph messages from Italy (including Vatican City) to territories and possessions of the United States which are on the same basis as the above-cited increased charges of R. C. A. Communications, Inc., but which are reductions of the rates formerly provided in the tariffs of these two carriers for telegraph messages from Italy to the territories and possessions of the United States;

It is ordered, That the Commission, upon its own motion, without formal pleading, enter upon a hearing concerning the lawfulness of charges contained in 3d Revised Page 56 of the R. C. A. Communications, Inc. Tariff F. C. C. No. 56, insofar as they relate to telegraph communications from Italy to territories and possessions of the United States;

It is further ordered, That the operation of said 3rd Revised Page 56 of R. C. A. Communications, Inc. Tariff F. C. C. No. 39, insofar as it provides for increased charges for and in connection with telegraph communications from Italy to territories and possessions of the United States, be suspended; that the use of the charges therein stated as applicable to such communications be deferred until November 6, 1945, unless otherwise ordered by the Commission; and that during said period of suspension no changes shall be made in such charges or in the charges sought to be altered, unless authorized by special permission of the Commission;

It is further ordered, That an investigation be, and the same is hereby instituted into the lawfulness of the rates charges, classifications, regulations, practices and services of R. C. A. Communications, Inc., the Commercial Cable Company, Mackay Radio and Telegraph Company, and The Western Union Telegraph Company, for and in connection with telegraph communications service between Italy, on the one hand, and the United States, its territories and possessions, on the other;

It is further ordered, That in the event a decision as to the lawfulness of the charges herein suspended has not been made during the suspension period and said charges have gone into effect, R. C. A. Communications, Inc. and all other carriers subject to the Commission's jurisdiction participating in the service provided under the tariff provisions herein suspended, shall, until further order of the Commission, each keep accurate account of all amounts charged, collected, or received by reason of any increase in charges effected thereby, that each such carrier shall specify in such accounts by whom and in whose behalf such amounts are paid; and R. C. A. Communications, Inc. and each such participating carrier shall file with this Commission a report, under oath, on or before the tenth day of each calendar month, commencing December 10, 1945, showing the amounts accounted for as aforesaid during the previous calendar month;

It is further ordered, That a copy of this order be filed in the offices of the Commission with said tariff schedule herein suspended in part; that R. C. A. Communications, Inc., the said carrier parties to such tariff schedule, the Commercial Cable Company, Mackay Radio and Telegraph Company, and The Western Union Telegraph Company, be, and they are hereby each made a party respondent to this proceeding; and that copies hereof be served upon each such party respondent.

It is further ordered, That this proceeding be, and the same is hereby assigned for hearing, on the 22nd day of August 1945, beginning at 10:00 A. M., at the offices of the Federal Communications Commission in Washington, D. C.

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 45-14767; Filed, Aug. 10, 1945; 11:02 a. m.]

[Docket No. 6741]

CLEAR CHANNEL BROADCASTING IN STANDARD BROADCAST BAND

ORDER CONTINUING HEARING

At a session of the Federal Communications Commission held at its office in Washington, D. C., on the 2d day of August 1945;

It appearing, that the Third Inter-American Radio Conference will convene at Rio de Janeiro, Brazil, on September 3, 1945; and

It further appearing, that various members of the radio industry, the Commission and its staff, whose presence is important to the clear channel hearing presently scheduled to commence on September 5, 1945, will be in Rio de Janeiro on that date;

It is therefore ordered, That the hearing in this matter be, and it is hereby, continued to 10:30 a. m., October 23, 1945.

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 45-14766; Filed, Aug. 10, 1945; 11:02 a. m.]

FEDERAL POWER COMMISSION.

[Docket No. G-653]

IROQUOIS GAS CORP.

NOTICE OF APPLICATION

AUGUST 8, 1945.

Notice is hereby given that on July 30, 1945, an application was filed with the Federal Power Commission by Iroquois Gas Corporation (Applicant), a New York corporation with its principal place of business at Buffalo, New York, for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, as amended, to construct and operate certain facilities hereinafter described. The proposed construction will extend Applicant's present natural gas service to the Village of North Collins and Towns of North Collins, Collins and Brant, Erie County, New York.

The facilities, which Applicant seeks authorization to construct and operate, consist of approximately 68 feet of 3-inch steel pipe which will interconnect Applicant's existing 3-inch, high pressure natural-gas pipeline on the Brant-North Collins road in the Town of Brant, Erie County, New York, with its local existing distribution facilities acquired from John C. McMahon, situated in the Village of North Collins and Towns of North Collins, Collins and Brant, Erie County, New York.

The Public Service Commission of the State of New York, by its order of December 13, 1944, approved the acquisition by Applicant of the local distribution facilities above referred to.

Applicant asserts that the proposed connection is intended to augment the supply of natural gas for service to approximately 424 consumers served by the Applicant from the distributing facilities acquired from John C. McMahon, presently and within the next five years, to insure adequate supply during peak demand periods; that over 90 percent of such consumers reside in the Village of North Collins, Erie County, New York; and that there are no main line industrial customers in the community. The application recites that there are no sales or interchange with other natural-gas companies involved, and that no other service is rendered by any other gas company in the Village of North Collins.

Any person desiring to be heard or to make any protest with reference to said application should, on or before the 24th day of August 1945, file with the Federal Power Commission, Washington 25, D. C., a petition or protest in accordance with the Commission's provisional rules of practice and regulations under the Natural Gas Act.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 45-14773; Filed, Aug. 10, 1945; 11:12 a. m.]

FEDERAL TRADE COMMISSION.

[Docket No. 202-7]

GENERAL MILK CO., INC., ET AL.

ORDER APPOINTING TRIAL EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 8th day of August, A. D. 1945.

This matter being under investigation and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission,

It is ordered, That Randolph Preston, a trial examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony in this proceeding begin on Tuesday, August 28, 1945, at ten o'clock in the forenoon of that day (eastern standard time), in Room 500, 45 Broadway, New York, New York.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 45-14778; Filed, Aug. 10, 1945; 11:29 a. m.]

OFFICE OF ALIEN PROPERTY CUSTODIAN

[Vesting Order CE 34]

COSTS AND EXPENSES INCURRED IN CERTAIN ACTIONS OR PROCEEDINGS IN CERTAIN ILLINOIS COURTS

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the Alien Property Custodian:

Having found that each of the persons named in Column 1 of Exhibit A, attached

hereto and by reference made a part hereof, was a person within the designated enemy country or enemy-occupied territory appearing opposite such person's respective name in Column 2 of said Exhibit A;

Having determined that it was in the interest of the United States to take measures in connection with representing each of said persons in the court or administrative action or proceeding identified in Column 3 of said Exhibit A, and having taken such measures;

Finding that as a result of such action or proceeding each of said persons obtained or was determined to have an interest in property, which interest is particularly described in Column 4 of said Exhibit A;

Finding that such property is in the possession, custody or control of the person described in Column 5 of said Exhibit A; and

Finding that the Alien Property Custodian has incurred, in each of such court or administrative actions or proceedings, costs and expenses in the amount stated in Column 6 of said Exhibit A,

hereby vests in the Alien Property Custodian, to be used or otherwise dealt with in the interest, and for the benefit, of the United States, from the property in the possession, custody, or control of the persons described in said Column 5 of said Exhibit A, the sums stated in said Column 6 of said Exhibit A, such sums being the amounts of such property equal to the costs and expenses incurred by the Alien Property Custodian in such actions or proceedings.

This order shall not be deemed to limit the powers of the Alien Property Custodian to return such property if and when it should be determined that such return should be made.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on August 7, 1945.

[SEAL] JAMES E. MARKHAM,
Alien Property Custodian.

EXHIBIT A

Column 1 Name	Column 2 Country or Territory	Column 3 Action or proceeding	Column 4 Interest	Column 5 Depositary	Column 6 Sum vested
		Item 1			
Julijan Borniak	Poland	Estate of Michael Borniak, deceased, Probate Court of Cook County, Ill., Doc. 430; P. 496, File 44-P-2925.	$261.83	The County Treasurer of Cook County, Chicago, Ill.	$14.70
		Item 2			
Michael Borniak	Poland	Same	261.83	Same	19.51
		Item 3			
John Borniak	Poland	Same	261.83	Same	19.51
		Item 4			
Helena Borniak	Poland	Same	261.83	Same	14.01
		Item 5			
Maria Skarbowska	Poland	Same	261.83	Same	14.01
		Item 6			
Stafania Borniak	Poland	Same	261.84	Same	19.51
		Item 7			
John Grzeca	Poland	Estate of Katarzyna Stefanski, also known as Katharina Stefanski, deceased, Probate Court of Cook County, Ill., Doc. 419, P. 464, File 43-P-1491.	600.52	The County Treasurer of Cook County, Chicago, Ill.	25.59
		Item 8			
Wladyslaw Grzeca	Poland	Same	600.52	Same	23.59
		Item 9			
Victoria Gordon	Poland	Same	600.52	Same	23.59
		Item 10			
St. Joseph Church	Poland	Estate of Maryanna Doktorczyk, deceased, Probate Court of Cook County, Ill., Doc. 408; P. 138; File 41-P-8349.	235.00	The County Treasurer of Cook County Chicago, Ill.	20.87
		Item 11			
Anna Malasz	Poland	Estate of Maryanna Doktorczyk, deceased, Probate Court of Cook County, Ill., Doc. 408, P. 138; File 41-P-8349.	50.00	The County Treasurer of Cook County, Chicago, Ill.	4.44
		Item 12			
Panagistis Docopoulos	Greece	Estate of Demosthenis S. Docopoulos, also known as Demosthenis Docopoulos, also known as Dennis Brown, deceased, Probate Court of Cook County, Ill., Doc. 416; P. 32; File 42-P-6882.	828.22	The County Treasurer of Cook County, Chicago, Ill.	44.01
		Item 13			
Athanasis Docopoulos Nikolau	Greece	Same	828.22	Same	44.01
		Item 14			
Jacob Bartkus	Lithuania	Estate of Pauline Bartkus, deceased, Probate Court of Cook County, Ill., Doc. 392; P. 439; File 40-P-2133.	768.17	The County Treasurer of Cook County, Chicago, Ill.	68.11
		Item 15			
Andrew Firpo	Italy	Estate of Angelo Firpo, deceased, Probate Court of Cook County, Ill., Doc. 403; P. 363; File 41-P-3639.	4,666.65	The County Treasurer of Cook County, Chicago, Ill.	321.43
		Item 16			
Nola Firpo	Italy	Same	4,666.65	Same	321.74
		Item 17			
Margaret Firpo	Italy	Same	1,066.66	Same	73.50
		Item 18			
Dina Firpo	Italy	Same	1,066.66	Same	73.50

EXHIBIT A—Continued

Column 1 Name	Column 2 Country or Territory	Column 3 Action or proceeding	Column 4 Interest	Column 5 Depositary	Column 6 Sum vested
		Item 19			
Carl Firpo	Italy	Estate of Angelo Firpo, deceased, Probate Court of Cook County, Ill., Doc. 403; P. 363, File 41-P-3639.	$1,066.66	The County Treasurer of Cook County, Chicago, Ill.	$73.50
		Item 20			
Vittorio Firpo	Italy	Same	1,066.66	Same	73.50

[F. R. Doc. 45-14673; Filed, Aug. 9, 1945; 10:45 a. m.]

[Vesting Order CE 35]

COSTS AND EXPENSES INCURRED IN CERTAIN ACTIONS OR PROCEEDINGS IN CERTAIN CALIFORNIA COURTS

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the Alien Property Custodian:

Having found that each of the persons named in Column 1 of Exhibit A, attached hereto and by reference made a part hereof, was a person within the designated enemy country or enemy-occupied territory appearing opposite such person's respective name in Column 2 of said Exhibit A;

Having determined that it was in the interest of the United States to take measures in connection with representing each of said persons in the court or administrative action or proceeding identified in Column 3 of said Exhibit A, and having taken such measures;

Finding that as a result of such action or proceeding each of said persons obtained or was determined to have an interest in property, which interest is particularly described in Column 4 of said Exhibit A;

Finding that such property is in the possession, custody or control of the person described in Column 5 of said Exhibit A; and

Finding that the Alien Property Custodian has incurred, in each of such court or administrative actions or proceedings, costs and expenses in the amount stated in Column 6 of said Exhibit A,

hereby vests in the Alien Property Custodian, to be used or otherwise dealt with in the interest, and for the benefit, of the United States, from the property in the possession, custody, or control of the persons described in said Column 5 of said Exhibit A, the sums stated in said Column 6 of said Exhibit A, such sums being the amounts of such property equal to the costs and expenses incurred by the Alien Property Custodian in such actions or proceedings.

This order shall not be deemed to limit the powers of the Alien Property Custodian to return such property if and when it should be determined that such return should be made.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on August 7, 1945.

[SEAL] JAMES E. MARKHAM,
Alien Property Custodian.

EXHIBIT A

Column 1 Name	Column 2 Country or Territory	Column 3 Action or proceeding	Column 4 Interest	Column 5 Depositary	Column 6 Sum vested
		Item 1			
Zdzislaw Gilkowitz	Poland	Estate of Edward Rolkin, deceased, in the Superior Court of the State of California, in and for the County of San Francisco, No. 86425.	$2,641.67	Thomas K. McCarthy, Treasurer of the City and County of San Francisco, City Hall, Civic Center, San Francisco, Calif.	$19.52
		Item 2			
Anthony Lewicki	Poland	Same	2,641.67	Same	19.52
		Item 3			
Mr. Stanislaw Lewicki	Poland	Same	1,056.67	Same	7.81
		Item 4			
Rose Gessler	Poland	Same	1,056.67	Same	7.81
		Item 5			
Zofia Golinska	France	Same	1,056.67	Same	7.81
		Item 6			
Lars C. Larsen	Denmark	Estate of John C. Larsen, deceased, in the Superior Court of the State of California, in and for the County of Los Angeles, No. 218850.	5,759.42	Bank of America National Trust and Savings Association, Downey Branch, Downey, Calif., Acct. 2226.	88.30
		Item 7			
Mary Walen	Norway	Estate of Nels J. Walen, deceased, in the Superior Court of the State of California, in and for the County of Los Angeles, No. LB P-10220.	2,500.00	The Security First National Bank of Los Angeles, Los Angeles, Calif., executor.	55.23
		Item 8			
Petrina Voudouris	Greece	Estate of Constantine Voudouris, also known as C. Voudouris, deceased, in the Superior Court of the State of California, in and for the County of Fresno, No. 18244.	7,500.00	Peter Antonion, executor of the last will and Testament of Constantine Voudouris, deceased, [illegible] Fresno, Calif.	50.97
		Item 9			
George [illegible]	France	Estate of William A. Grubb, deceased, in the Superior Court of the State of California, in and for the county of San Francisco, No. 90653.	$1,000.00	Crocker First National Bank of San Francisco, Calif., [illegible] Will and Testament of William A. Grubb, deceased, [illegible]	56.39

EXHIBIT A—Continued

Column 1 Name	Column 2 Country or Territory	Column 3 Action or proceeding	Column 4 Interest	Column 5 Depositary	Column 6 Sum vested
		Item 10			
Gabrielle Vaillant Upman	France	Estate of Walter F. Upman, deceased, in the Superior Court of the State of California, in and for the County of Los Angeles, No. 151111.	$17,623.86	Title Insurance and Guarantee Company, Trustee under the will of Walter F. Upman, deceased, 433 South Spring St., Los Angeles, Calif.	[illegible]
		Item 11			
Alain Fravel de Coatparquet	France	Estate of Louise P. Murnane, deceased, in the Superior Court of the State of California, in and for the County of San Mateo, No. 3484.	566.00	Grace E. Murnane and Gertrude D. Murnane, Administratrices of the Estate of Grace P. Murnane, deceased, c/o Conroy and Conroy, 501 Taft Bldg., 1680 North Vine St., Los Angeles, Calif.	[illegible]
		Item 12			
Rene Jacques Marie de Coatparquet	France	Same	566.00	Same	[illegible]
		Item 13			
Michel Marie Joseph de Coatparquet	France	Same	566.00	Same	[illegible]
		Item 14			
Antonino Busa	Italy	Estate of John Busa, deceased, in the Superior Court of the State of California, in and for the County of San Francisco, No. 9142s.	280.07	Nunzio Busa, Trustee for Antonino Busa, deceased, 602 Haight St., San Francisco, Calif.	[illegible]
		Item 15			
Olav K. Vinsand	Norway	Estate of Knut Vinsand, deceased, in the Superior Court of the State of California, in and for the County of Alameda, No. 50188.	218.72	Albert E. Hill, Public Administrator of Alameda County, Administrator of the Estate of Knut Vinsand, deceased, Court House, 1225 Fallon St., Oakland, Calif.	[illegible]
		Item 16			
Lars K. Vinsand	Norway	Same	218.72	Same	[illegible]
		Item 17			
Oleanna Vinsand	Norway	Same	218.72	Same	[illegible]
		Item 18			
Marta K. Saetre, nee Vinsand	Norway	Same	218.72	Same	[illegible]
		Item 19			
Brita K. Dagestad, nee Vinsand	Norway	Same	218.72	Same	[illegible]
		Item 20			
Knut T. Vinsand	Norway	Same	109.36	Same	[illegible]
		Item 21			
Bergljot K. Vinsand	Norway	Same	109.36	Same	[illegible]
		Item 22			
Caterina Beoletto	Italy	Estate of Spirito Beoletto, also known as S. Beoletto, deceased, in the Superior Court of the State of California, in and for the County of Sonoma, No. 11582.	319.44	Bank of America, National Trust and Savings Association, Santa Rosa Branch, Santa Rosa, Calif., Account in the name of Caterina Beoletto.	[illegible]
		Item 23			
Eugenia Rabagliati	Italy	Estate of Reverend Sylvester Rabagliati, also known as Sylvester Rabagliati, deceased, in the Superior Court of the State of California, in and for the County of San Diego, No. 27874.	591.83	Bank of America, National Trust and Savings Association, Main Office, San Diego, Calif., Account No. 5423.	[illegible]
		Item 24			
Clementina Rabagliati	Italy	Same	591.83	Bank of America, National Trust and Savings Association, Main Office, San Diego, Calif., Account No. 5543.	[illegible]
		Item 25			
Silvestro Rabagliati	Italy	Same	591.83	Bank of America, National Trust and Savings Association, Main Office, San Diego, Calif., Account No. 5538.	[illegible]
		Item 26			
Maria Rabagliati	Italy	Same	591.83	Bank of America, National Trust and Savings Association, Main Office, San Diego, Calif., Account No. 5509.	[illegible]
		Item 27			
Elvira Rabagliati	Italy	Same	591.84	Bank of America, National Trust and Savings Association, Main Office, San Diego, Calif., Account No. 10068.	[illegible]
		Item 28			
Christopher Simotas	Greece	Estate of Anastasios Tamos Simotas, also known as Tom Simotas, also known as Tamo Sinotus, also known as Tamo Simotus, deceased, in the Superior Court of the State of California, in and for the County of San Francisco, No. 92023.	47.69	Bank of America, National Trust and Savings Association, Day and Night Branch, No. 1 Powell St., San Francisco, Account No. 68867.	[illegible]
		Item 29			
Gerasamos Simotas	Greece	Same	47.69	Bank of America, National Trust and Savings Association, Day and Night Branch, No. 1 Powell St., San Francisco, Account No. 68868.	[illegible]
		Item 30			
Andromache Vlahoulis	Greece	Same	47.69	Bank of America, National Trust and Savings Association, Day and Night Branch, No. 1 Powell St., San Francisco, Account No. 68865.	[illegible]
		Item 31			
Margareta Van Noord	Holland	Estate of John Van Noord, deceased, in the Superior Court of the State of California, in and for the County of Los Angeles, No. LB1 13491.	40.00	H. L. Byram, County Treasurer, Los Angeles County, Los Angeles, Calif., in Trust for Margareta Van Noord.	[illegible]

EXHIBIT A—Continued

Column 1 Name	Column 2 Country or Territory	Column 3 Action or proceeding	Column 4 Interest	Column 5 Depositary	Column 6 Sum vested
		Item 32			
Anna Van Noord	Holland	Same	$40.00	H. L. Byram, County Treasurer, Los Angeles County, Los Angeles, Calif., in Trust for Anna Van Noord.	$6.48

[F. R. Doc. 45-14674; Filed, Aug. 9, 1945; 10:46 a. m.]

[Vesting Order CE 36]

COSTS AND EXPENSES INCURRED IN CERTAIN ACTIONS OR PROCEEDINGS IN CERTAIN MASSACHUSETTS COURTS

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the Alien Property Custodian:

Having found that each of the persons named in Column 1 of Exhibit A, attached hereto and by reference made a part hereof, was a person within the designated enemy country or enemy-occupied territory appearing opposite such person's respective name in Column 2 of said Exhibit A;

Having determined that it was in the interest of the United States to take measures in connection with representing each of said persons in the court or administrative action or proceeding identified in Column 3 of said Exhibit A, and having taken such measures;

Finding that as a result of such action or proceeding each of said persons obtained or was determined to have an interest in property, which interest is particularly described in Column 4 of said Exhibit A;

Finding that such property is in the possession, custody or control of the person described in Column 5 of said Exhibit A; and

Finding that the Alien Property Custodian has incurred, in each of such court or administrative actions or proceedings, costs and expenses in the amount stated in Column 6 of said Exhibit A,

hereby vests in the Alien Property Custodian, to be used or otherwise dealt with in the interest, and for the benefit, of the United States, from the property in the possession, custody, or control of the persons described in said Column 5 of said Exhibit A, the sums stated in said Column 6 of said Exhibit A, such sums being the amounts of such property equal to the costs and expenses incurred by the Alien Property Custodian in such actions or proceedings.

This order shall not be deemed to limit the powers of the Alien Property Custodian to return such property if and when it should be determined that such return should be made.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on August 7, 1945.

[SEAL] JAMES E. MARKHAM,
Alien Property Custodian.

EXHIBIT A

Column 1 Name	Column 2 Country or Territory	Column 3 Action or proceeding	Column 4 Interest	Column 5 Depositary	Column 6 Sum vested
		Item 1			
Matteus Roy (Ekros)	Finland	Estate of John Roy, also known as John Roj, deceased, Probate Court of Worcester County, Worcester, Mass., Docket No. 146955.	$1,312.52	Austin J. Kittredge, Public Administrator, as Administrator of the Estate of John Roy, deceased, Bank Block, Clinton, Mass.	$39.61
		Item 2			
Lydia Hagblom	Finland	Same	875.01	Same	26.40
		Item 3			
Alma Bonn	Finland	Same	875.01	Same	26.40
		Item 4			
Karl Erik Roy (Ekros)	Finland	Same	291.67	Same	8.80
		Item 5			
Karl Gustaf Roy (Ekros)	Finland	Same	291.67	Same	8.80
		Item 6			
Kaarlo Juhs Roy (Ekros)	Finland	Same	291.67	Same	8.80
		Item 7			
Gaetano Coia	Italy	Estate of Anna Coia, deceased, Probate Court, City of Providence, R. I., No. 43953.	2,885.19	Registry of the Probate Court, City of Providence, R. I., Registry Account No. 40455.	65.73
		Item 8			
Pietro Yacavone	Italy	Estate of Carmine Iacovone, deceased, Probate Court of Hampden County, Mass., Docket No. 74999.	1,050.86	John A. Denison, First Judge of Probate Court, Hampden County, Springfield, Mass.	64.05
		Item 9			
Graziella Sablone Fidanza	Italy	Estate of Giuseppe Fidanza, deceased, Probate Court of Plymouth County, Mass., No. 55939.	255.09	Harry K. Stone, Judge of Probate, Plymouth County Probate Court, Plymouth, Mass.	36.32
		Item 10			
Savino Fidanza	Italy	Estate of Giuseppe Fidanza, deceased, Probate Court of Plymouth County, Mass., No. 55939.	255.08	Harry K. Stone, Judge of Probate, Plymouth County, Probate Court, Plymouth, Massachusetts.	36.31
		Item 11			
Angela Fidanza	Italy	Same	255.08	Same	36.31

EXHIBIT A—Continued

Column 1 Name	Column 2 Country or territory	Column 3 Action or proceeding	Column 4 Interest	Column 5 Depositary	Column 6 Sum vested
		Item 12			
Franciszek Dudek	Poland	Estate of Joseph Dudek, deceased, Probate Court of Hampden County, Massachusetts, Case No. 79185, Docket No. 88, page 144.	$200.00	John Hator, Executor of the Estate of Joseph Dudek, deceased, Fuller Street, Ludlow, Massachusetts.	$47.40
		Item 13			
Jan Dudek, known as the younger Jan.	Poland	Same.	200.00	Same	47.40
		Item 14			
Jan Dudek, known as the older Jan.	Poland	Same	200.00	Same	47.40

[F. R. Doc. 45-14675; Filed, Aug. 9, 1945; 10:46 a. m.]

[Vesting Order 513, Amdt.]

ROMUALDO LOCATELLI

In re: Paintings owned by, and indebtedness owing to, Romualdo Locatelli.

Vesting Order Number 513, dated December 14, 1942, is hereby amended as follows and not otherwise:

By deleting subparagraphs 3 and 4 thereof and substituting therefor the following:

3. Finding that certain paintings owned by said Romualdo Locatelli and in the possession of Douthitt Galleries, Inc., and/or John F. Douthitt, Jr., and John F. Douthitt, Sr., both individually and doing business as Douthitt Gallery and/or Douthitt Galleries, New York, New York, are property within the United States owned or controlled by a national of designated enemy countries (Italy and Japan), which paintings are particularly described in Exhibit A, attached hereto and by reference made a part hereof;

4. Finding that all right, title, interest and claim of any name or nature whatsoever of said Romualdo Locatelli in and to all indebtedness, contingent or otherwise and whether or not matured, owing to him by said Douthitt Galleries, Inc., and/or John F. Douthitt, Jr., and John F. Douthitt, Sr., both individually and doing business as Douthitt Gallery and/or Douthitt Galleries, as debtors of Romualdo Locatelli, including but not limited to all security rights in and to any and all collateral for any or all of such indebtedness and the right to sue for and collect such indebtedness, and including particularly certain funds held by said Douthitt Galleries, Inc., and/or John F. Douthitt, Jr., and John F. Douthitt, Sr., both individually and doing business as Douthitt Gallery and/or Douthitt Galleries, representing the proceeds of the sale of certain other paintings owned by said Romualdo Locatelli and sold by Douthitt Galleries, Inc., and/or John F. Douthitt, Jr., and John F. Douthitt, Sr., both individually and doing business as Douthitt Gallery and/or Douthitt Galleries, as his agent, is property within the United States owned or controlled by a national of the aforesaid designated enemy countries (Italy and Japan);

All other provisions of said Vesting Order Number 513, and all action taken on behalf of the Alien Property Custodian in reliance thereon, pursuant thereto and under the authority thereof are hereby ratified and confirmed.

Executed at Washington, D. C., on August 7, 1945.

[SEAL] JAMES E. MARKHAM,
Alien Property Custodian.

[F. R. Doc. 45-14676; Filed, Aug. 9, 1945; 10:46 a. m.]

[Supp. Vesting Order 5177]

SAKUMA SHOKAI, LTD.

Under the authority of Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the Alien Property Custodian, after investigation:

1. Having found and determined in Vesting Order Number 2535, dated November 6, 1943, that Sakuma Shokai, Limited is a business enterprise within the United States and a national of a designated enemy country (Japan) and that Shozo Kawakami, also known as Shoso Kawakami is a national of a designated enemy country (Japan);

2. Finding that Shozo Kawakami, also known as Shoso Kawakami, has a claim against Sakuma Shokai, Limited, which is represented on the books and records of Sakuma Shokai, Limited, as a loan payable in the amount of $14,349.60 as of December 31, 1944, subject to any accruals or deductions thereafter, and which represents an interest in Sakuma Shokai, Limited;

and determining:

3. That to the extent that such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Japan);

and having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the interest of Shozo Kawakami, also known as Shoso Kawakami, in Sakuma Shokai, Limited, more fully described in subparagraph 2 hereof, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC-1 a notice of claim together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national", "designated enemy country" and "business enterprise within the United States" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on August 7, 1945.

[SEAL] JAMES E. MARKHAM,
Alien Property Custodian.

[F. R. Doc. 45-14672; Filed, Aug. 9, 1945; 10:45 a. m.]

[Vesting Order 5093]

CAROLINE BEYER, ET AL.

In re: Real property, property insurance policies and claim owned by Caroline Beyer, Katherine Vollmer-Beyer and/or their heirs-at-law.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

1. That the last known addresses of Caroline Beyer, Katherine Vollmer-Beyer and/or their heirs-at-law are Dresden, Germany and that they are residents of Germany and nationals of a designated enemy country (Germany);

2. That Caroline Beyer, Katherine Vollmer-Beyer and/or their heirs-at-law are the owner of the property described in subparagraph 3 hereof;

3. That the property described as follows:

a. Real property situated in the Borough of Brooklyn, County of Kings, City and State of New York, particularly described in Exhibit A, attached hereto and by reference made a part hereof, together with all hereditaments, fixtures, improvements and appurtenances thereto, and any and all claims for rents, refunds, benefits, or other payments arising from the ownership of such property,

b. All right, title and interest of Caroline Beyer, Katherine Vollmer-Beyer and/or their heirs-at-law in and to the following insurance policies insuring the premises described in subparagraph 3-a hereof:

(1) Fire Insurance Policy Number 16882 issued by the National Liberty Insurance Company of America, New York, New York;

(11) Liability Insurance Policy Number SOLT 46473 issued by the Glens Falls Indemnity Company, Glens Falls, New York, and

c. All right, title, interest and claim of Caroline Beyer, Katherine Vollmer-Beyer and/or their heirs-at-law in and to any and all obligations, contingent or otherwise and whether or not matured, owing to them by Hilda L. Weyer, Executrix of the Estate of Richard A. Beyer, John M. Weyer and Mario Giannoni, and each of them, including particularly but not limited to those sums arising by reason of rents collected from the real property described in subparagraph 3-a hereof, which sums are deposited in the Trust Company of New Jersey, 12 Hudson Place, Hoboken, New Jersey, in an account in the name of "Estate of Richard A. Beyer, Hilda L. Weyer, Executrix", and any and all security rights in and to any and all collateral for any or all such obligations and the right to enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, nationals of a designated enemy country (Germany);

And determining that to the extent that such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described in subparagraph 3-a hereof, subject to recorded liens, encumbrances and other rights of record held by or for persons who are not nationals of designated enemy countries, and hereby vests in the Alien Property Custodian the property described in subparagraphs 3-b and 3-c hereof.

All such property so vested to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall this order be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC-1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on July 16, 1945.

[SEAL] FRANCIS J. MCNAMARA,
Deputy Alien Property Custodian.

EXHIBIT A

All that certain lot, piece or parcel of land, situate, lying and being in the Borough of Brooklyn, County of Kings, City and State of New York, bounded and described as follows:

Beginning at a point on the southerly side of Avenue M distant 23 feet easterly from the corner formed by the intersection of the southerly side of Avenue M and the easterly side of East Second Street, running thence southerly parallel with East Second Street and part of the distance through a party wall 100 feet; thence easterly parallel with Avenue M 20 feet; thence northerly parallel with East Second Street 100 feet to the southerly side of Avenue M, and thence westerly along the southerly side of Avenue M 20 feet to the point or place of beginning.

Together with all the right, title and interest of, in and to the land lying in front of said premises to the center line thereof.

[F. R. Doc. 45-14774; Filed, Aug. 10, 1945; 11:14 a. m.]

[Vesting Order 5124]

HERMAN KIKILLUS

In re: Real property owned by Herman Kikillus, also known as Hermann Kikillus.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

1. That the last known address of Herman Kikillus, also known as Hermann Kikillus, is Grunwalderstrasse 110 Tilsit, East Prussia, Germany, and that he is a resident of Germany and a national of a designated enemy country (Germany);

2. That Herman Kikillus, also known as Hermann Kikillus, is the owner of the property described in subparagraph 3 hereof;

3. That the property described as follows: Real property situated in Bergen County, New Jersey, particularly described in Exhibits A and B, attached hereto and by reference made a part hereof, identified as that property which was inherited from Charles Kirchner, deceased, and is presently recorded in the name of said Charles Kirchner, together with all hereditaments, fixtures, improvements and appurtenances thereto, and any and all claims for rents, refunds, benefits or other payments arising from the ownership of such property,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, a designated enemy country (Germany) or national thereof;

And determining that to the extent that such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described in subparagraph 3 hereof, subject to recorded liens, encumbrances and other rights of record held by or for persons who are not nationals of designated enemy countries, including particularly the dower rights of Maria B. Kirchner, widow of Charles Kirchner, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall this order be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC-1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on July 17, 1945.

[SEAL] FRANCIS J. MCNAMARA,
Deputy Alien Property Custodian.

EXHIBIT A

All those certain lots, tracts or parcels of land and premises hereinafter particularly described, situate, lying and being in the Borough of Englewood Cliffs, in the County of Bergen, and State of New Jersey, known and designated as Lots 15, 16, 17, 18 and 19 in Plot B, as laid down on a certain map filed in the Office of the Clerk of Bergen County, New Jersey, June 16, 1928, as Map No. 2422 and entitled "Map of Property Belonging to Francis E. Troy, Borough of Englewood Cliffs, New Jersey", being a plot approximately 100' x 100', location—the Northeast corner of Floyd Street and Demarest Avenue.

EXHIBIT B

All those certain lots or parcels hereinafter particularly described, situate, lying and being in the Borough of Englewood Cliffs, in the County of Bergen, State of New Jersey, which on a certain map entitled "Map of Property belonging to J. Frank Martin at Englewood Cliffs, Bergen Co., N. J. prepared by Watson G. Clark, C. E. & S., 30 Church Street, New York City, Tenafly, N. J., October 6, 1926," approved October 28, 1926 and filed in the Bergen County Clerk's Office as Map No. 2175, are known and designated as lots numbered 34, 35, 36, 37 and 38.

[F. R. Doc. 45-14775; Filed, Aug. 10, 1945; 11:14 p. m.]

[Vesting Order 5161]

DESIDER GYOERGY

In re: Real property, household furniture and furnishings and fire insurance policy owned by Desider Gyoergy.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

1. That the last known address of Desider Gyoergy is Budapest, Hungary, and that he is a resident of Hungary and a national of a designated enemy country (Hungary);

2. That Desider Gyoergy is the owner of the property described in subparagraph 3 hereof;

3. That the property described as follows:

a. Real property situated in the township of Lakewood, Ocean County, New Jersey, particularly described in Exhibit A, attached hereto and by reference made a part hereof, together with all hereditaments, fixtures, improvements and appurtenances thereto and any and all claims for rents, refunds, benefits or other payments arising from the ownership of such property.

b. All the household furniture and furnishings belonging to Desider Gyoergy now stored on the premises known as 253 Ocean Avenue, Lakewood, New Jersey, including but not limited to the property particularly described in Exhibit B, attached hereto and by reference made a part hereof, and

c. All right, title and interest of Desider Gyoergy in and to insurance certificate No. 51431 issued by the Stock Company Association, 2 Park Avenue, New York, New York, through the Aetna Insurance Company, issuing member, which certificate insures the improvements to the property described in subparagraph 3–a hereof,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, a national of a designated enemy country (Hungary);

And determining that the property described in subparagraph 3–c hereof is necessary for the maintenance or safeguarding of other property (namely, that property described in subparagraph 3–a hereof) belonging to the same national of the same designated enemy country and subject to vesting (and in fact vested by this Order), pursuant to section 2 of said Executive Order;

And further determining that to the extent that such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Hungary);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described in subparagraph 3–a hereof, subject to recorded liens, encumbrances and other rights of record held by or for persons who are not nationals of designated enemy countries, and hereby vests in the Alien Property Custodian the property described in subparagraphs 3–b and 3–c hereof,

All such property so vested to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall this order be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC–1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on July 26, 1945.

[SEAL] JAMES E. MARKHAM,
Alien Property Custodian.

EXHIBIT A

All those lots, tracts or parcels of land and premises, hereinafter particularly described, situate, lying and being in the Township of Lakewood in the County of Ocean and State of New Jersey.

Tract 1. Beginning at a pipe one hundred feet East along the Northerly line of Ocean Avenue from the Northeast corner of Ocean Avenue and Congress Street and running (1) Fifty feet Easterly parallel to Ocean Avenue; thence (2) One hundred and fifty feet Northerly parallel to Congress Street; thence (3) Fifty feet Westerly parallel to Ocean Avenue; thence (4) One Hundred and fifty feet Southerly parallel to Congress Street to the place of beginning.

Being lot number three, section Six on a map of a part of Lakewood showing the property of A. S. Larrabee, made by A. P. Irons, November 28, 1899.

Tract 2. Beginning at a point in the Northerly line of Ocean Avenue, distant Fifty (50) feet Easterly from the Northeasterly corner of Ocean Avenue and Congress Street and running thence (1) Easterly along said Northerly line of Ocean Avenue fifty feet; thence (2) Northerly at right angles to Ocean Avenue One hundred and fifty feet; thence (3) Westerly parallel with Ocean Avenue fifty feet; thence (4) Southerly at right angles to Ocean Avenue One hundred and fifty feet to the place of beginning.

Being known as Lot number Two, Block number six on a map of a part of Lakewood showing property of A. S. Larrabee, dated November 28th, 1899.

EXHIBIT B

In Parlor. Sofa and two chairs (tapestry covered). One hexagon parlor table. Two small tables. One floor lamp. Small Farnsworth radio. Small table. One 9' x 12' oriental carpet. Two green damask window draperies and two lace curtains. Two French tapestries. One stand with porcelain vase. One large picture. Two small oriental rugs. Seven small pictures. Three small porcelain objects on fireplace.

On Sun Porch. One table. Two wooden chairs. One Sofa. Two flower baskets. One stand with porcelain vase. Six pairs of lace curtains. One Brussels rug (much used). One hand painted tapestry. One hand drawn picture. Two silk pillows. One hanging flower holder.

In Dining Room. Large table. Six upholstered top chairs. One sideboard. One server. Two damask window draperies. Two lace curtains. Two extra high chairs. One wall tapestry. Four pictures. One 8' by 10' oriental rug. One stand with vase. One china closet. Four vases. Six glasses.

In Large Bedroom. One double bed with spring and mattress. One dresser with mirror. One 12' by 15' linoleum carpet. One night table. One hardwood chair. One small rug. Three lace curtains. Three pictures.

In Small Bedroom. One ¾ bed with spring and mattress. One night table. One chest with drawers. One mirror. One chair. One 9' by 12' linoleum rug. One lamp with shade. One small rug. Three lace curtains. Two pictures.

In Hall. Two pictures.

In Kitchen and Breakfast Room. Gas range. One table. Four chairs. Two cottage window curtains in breakfast room and two double curtains in kitchen.

In Kitchen Entrance. One icebox. One metal vegetable rack.

On Side Veranda. One wooden table. Four chairs. Flower vases.

In Basement. About 250 different glasses and jars. Tools for the furnace.

In the Garage. Large work table. Garden tools, including lawn mower and some garden furniture.

[F. R. Doc. 45-14776; Filed, Aug. 10, 1945; 11:14 p. m.]

[Vesting Order 5175]

HANSA-MUEHLE, G. M. B. H.

In re: Securities owned by Hansa-Muehle, G. m. b. H.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

1. That Hansa-Muehle, G. m. b. H., whose principal place of business is Hamburg, Germany, is a corporation organized under the laws of Germany and is a national of a designated enemy country (Germany);

2. That Hansa-Muehle, G. m. b. H., is the owner of the property described in subparagraph 3 hereof;

3. That the property described as follows: Fifteen shares of no par value common stock of American Lecithin Company, a corporation organized under the laws of the State of Ohio, which stock is registered in the name of Hansa-Muehle, G. m. b. H.,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, a national of a designated enemy country (Germany);

And determining that to the extent that such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the 15 shares of common stock of American Lecithin Company described in subparagraph 3 hereof, together with any declared and unpaid dividends thereon, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC–1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on August 7, 1945.

[SEAL] JAMES E. MARKHAM,
Alien Property Custodian.

[F. R. Doc. 45-14777; Filed, Aug. 10, 1945; 11:14 a. m.]

OFFICE OF PRICE ADMINISTRATION.

[MPR 188, Order 4233]

NOBLITT-SPARKS INDUSTRIES, INC.

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.158 of Maximum Price Regulation No. 188; *It is ordered:*

(a) This order establishes maximum prices for sales and deliveries of certain articles manufactured by Noblitt-Sparks Industries Incorporated of Columbus, Ind.

(1) For all sales and deliveries to the following classes of purchasers by the sellers indicated below, the maximum prices are those set forth below:

Article	Model No.	Maximum prices for sales by any seller to—					
		Wholesalers (jobbers)	Dropship (jobbers)	Chain and department stores	Other retailers	Consumers
Air conditioned construction machinery hoist	(2 ton)	Each $3,333.51	Each $3,333.51	Each $4,167.51	Each $5,167.51	Each $6,995.00

These maximum prices are for the articles described in the manufacturer's application dated July 12, 1945.

(2) For sales by the manufacturer, the maximum prices apply to all sales and deliveries since Maximum Price Regulation No. 188 became applicable to those sales and deliveries. These prices are for the article described in your application. They are f. o. b. factory and subject to a cash discount of 2% for payment within 10 days, net 30 days.

(3) For sales by persons other than the manufacturer, the maximum prices apply to all sales and deliveries after the effective date of this order. Those prices are subject to each seller's customary terms and conditions of sale on sales of similar articles.

(4) If the manufacturer wishes to make sales and deliveries to any other class of purchaser or on other terms and conditions of sale, he must apply to the Office of Price Administration, Washington, D. C., under the Fourth Pricing Method, § 1499.158 of Maximum Price Regulation No. 188, for the establishment of maximum prices for those sales, and no sales or deliveries may be made until maximum prices have been authorized by the Office of Price Administration.

(b) The manufacturer shall attach a tag or label to every article for which a maximum price for sales to consumers is established by this order. That tag or label shall contain the following statement:

OPA Retail Ceiling Price—$6.95 Each
Do Not Detach or Obliterate

(c) At the time of, or prior to, the first invoice to each purchaser for resale, the seller shall notify the purchaser in writing of the maximum prices and conditions established by this order for sales by the purchaser. This notice may be given in any convenient form.

(d) This order may be revoked or amended by the Price Administrator at any time.

(e) This order shall become effective on the 8th day of August 1945.

Issued this 7th day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-14746; Filed, Aug. 9, 1945; 4:19 p. m.]

[MPR 188, Order 4008]

ARNO ELECTRIC MFG. CO.

APPROVAL OF MAXIMUM PRICES

Correction

In the table in paragraph (a) (1) of Federal Register Document 45–11248, appearing at page 7866 of the issue for Thursday, June 28, 1945, the third column heading should read: "350–1000 watt, 2-heat, single burner, No. 70, hot plate".

[Gen. Order 66]

REGIONAL ADMINISTRATORS TO CONSOLIDATE DISTRICT OFFICES

DELEGATION OF AUTHORITY

Pursuant to the authority conferred upon the Price Administrator by the Emergency Price Control Act of 1942 as amended, the Second War Powers Act, 1942, as amended, and Executive Orders and Directives; *It is ordered:*

(a) As used in this order:

(1) The term "consolidation" means a merger or combining of two or more district offices within a region.

(2) The term "consolidated district office" means that district office into which district offices are consolidated. The term includes an existing district office which remains after consolidation, and into which has been consolidated other district offices; and also includes a new district office created as a result of consolidation.

(3) The term "discontinued district office" means a district office which is closed as a result of consolidation, and the duties and functions of which are combined with and merged in a consolidated district office.

(b) Consolidation may be effected by:

(1) Order of the Price Administrator, or

(2) Order of a Regional Administrator of the Office of Price Administration when approved in writing by the Price Administrator.

(c) Upon the issuance of an order of consolidation, and unless otherwise specified in said order or approval thereof, the Regional Administrators are hereby authorized to issue such orders as may be necessary to effectuate the consolidation, including, but not limited to, the closing and discontinuance of district offices, changes in district boundaries, and specification of boundaries of consolidated district offices.

(d) Upon any consolidation, and the establishment of a consolidated district office, the provisions of any price, rent or rationing regulation, amendment or order, heretofore or hereafter issued by the Price Administrator, Regional Administrators or District Directors, which require or authorize action to be taken by any discontinued district offices or by the district directors of such offices, or require or authorize any person to file or send any application, letter, report, or other document, or to have other communication with such district offices or directors, or require or authorize any person to perform any other act by reference to such district offices or directors, shall, for all purposes, mean the consolidated district office into which such district offices are consolidated.

(e) A consolidation order, unless otherwise specifically stated, shall have no retroactive effect with regard to any determinations, orders, decisions and other acts heretofore made or done by any executives, officers, or employees of any discontinued district offices; and all determinations, orders, decisions, and other acts theretofore made, done, or issued by any discontinued district office shall continue and remain in full force and effect until revised, cancelled, modified, or otherwise dealt with by proper authority.

This order shall become effective August 15, 1945.

Issued this 10th day of August 1945.

JAMES G. ROGERS, Jr.,
Acting Administrator.

[F. R. Doc. 45-14786; Filed, Aug. 10, 1945; 11:40 a. m.]

[RMPR 136, Order 482]

C. F. Pease Co.

AUTHORIZATION OF MAXIMUM PRICES

Order No. 482 under the Revised Maximum Price Regulation 136. Machines, parts and industrial equipment. C. F. Pease Company; Docket No. 6083–136.21–401.

For the reason set forth in an opinion, issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to section 21 of Revised Maximum Price Regulation 136, *It is ordered:*

(a) The maximum prices for sales of blue printing machinery, photographic arc lamps, repair parts, and machinery supplies by the C. F. Pease Company, Chicago, Illinois, shall be determined as follows:

The manufacturer shall multiply by 104.5% the maximum prices he had in effect to a purchaser of the same class, just prior to the issuance of this order.

(b) The maximum prices for sales of blue printing machinery, photographic arc lamps, repair parts, and machinery supplies by resellers shall be determined as follows: The reseller shall add to the maximum net price he had in effect to a purchaser of the same class, just prior to the issuance of this order, the amount, in dollars-and-cents, by which his net invoiced cost has been increased due to the adjustment granted the manufacturer by this order.

(c) The C. F. Peace Company shall notify each person who buys blue printing machinery, photographic arc lamps, repair parts, and machinery supplies for resale of the dollars-and-cents amounts by which this order permits the reseller to increase his maximum net prices. A copy of each such notice shall be filed with the Machinery Branch, Office of Price Administration, Washington 25, D. C.

(d) All requests not granted herein are denied.

(e) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective August 9, 1945.

Issued this 8th day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45–14719; Filed, Aug. 9, 1945; 11:21 a. m.]

[MPR 260, Order 1726]

C. Perez-M. Marquez

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion accompanying this order, and pursuant to § 1358.102 (b) of Maximum Price Regulation No. 260; *It is ordered*, That:

(a) C. Perez-M. Marquez, 918 Freeman Street, Bx., N. Y. (hereinafter called "manufacturer") and wholesalers and retailers may sell, offer to sell or deliver and any person may buy, offer to buy or receive each brand and size or frontmark, and packing of the following domestic cigars at the appropriate maximum list price and maximum retail price set forth below:

Brand	Size or frontmark	Packing	Maximum list price	Maximum retail price
P. M.	Coronas	50	*Per M* $131	*Cents* 17
	Coronitas	50	56	7

(b) The manufacturer and wholesalers shall grant, with respect to their sales of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the discounts they customarily granted in March 1942 on their sales of domestic cigars of the same price class to purchasers of the same class, unless a change therein results in a lower price. Packing differentials charged by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class may be charged on corresponding sales of each brand and size or frontmark of cigars priced by this order, but shall not be increased. Packing differentials allowed by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class shall be allowed on corresponding sales of each brand and size or frontmark of cigars priced by this order and shall not be reduced. If a brand and size or frontmark of domestic cigars for which maximum prices are established by this order is of a price class not sold by the manufacturer or the particular wholesaler in March 1942, he shall, with respect to his sales thereof, grant the discounts and may charge and shall allow the packing differentials customarily granted, charged or allowed (as the case may be) in March 1942 by his most closely competitive seller of the same class on sales of domestic cigars of the same March 1942 price class to purchasers of the same class.

(c) On or before the first delivery to any purchaser of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the manufacturer and every other seller (except a retailer) shall notify the purchaser of the maximum list price and the maximum retail price established by this order for such brand and size or frontmark of domestic cigars. The notice shall conform to and be given in the manner prescribed by § 1358.113 of Maximum Price Regulation No. 260.

(d) Unless the context otherwise requires, appropriate provisions of Maximum Price Regulation No. 260, shall apply to sales for which maximum prices are established by this order.

(e) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective August 10, 1945.

Issued this 9th day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45–14720; Filed, Aug. 9, 1945; 11:24 a. m.]

[MPR 260, Order 1727]

Nellie Cigar Factory

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion accompanying this order, and pursuant to § 1358.102 (b) of Maximum Price Regulation No. 260; *It is ordered*, That:

(a) Nellie Cigar Factory, 2318 Palmetto Street, Tampa 7, Fla. (hereinafter called "manufacturer") and wholesalers and retailers may sell, offer to sell or deliver and any person may buy, offer to buy or receive each brand and size or frontmark, and packing of the following domestic cigars at the appropriate maximum list price and maximum retail price set forth below:

Brand	Size or frontmark	Packing	Maximum list price	Maximum retail price
Manuel Perez	Tampa Coronas	50	*Per M* $56	*Cents* 7
Don Manuel	Coronas de Luxe	50	60	2 for 15
Salvador Lopez	Nacionales	50	160	22
	Brevas	50	160	22
	Panaticlas Finas	50	75	10

(b) The manufacturer and wholesalers shall grant, with respect to their sales of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the discounts they customarily granted in March 1942 on their sales of domestic cigars of the same price class to purchasers of the same class, unless a change therein results in a lower price. Packing differentials charged by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class may be charged on corresponding sales of each brand and size or frontmark of cigars priced by this order, but shall not be increased. Packing differentials allowed by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class shall be allowed on corresponding sales of each brand and size or frontmark of cigars priced by this order and shall not be reduced. If a brand and size or frontmark of domestic cigars for which maximum prices are established by this order is of a price class not sold by the manufacturer or the particular wholesaler in March 1942, he shall, with respect to his sales thereof, grant the discounts and may charge and shall allow the packing differentials customarily granted, charged or allowed (as the case may be) in March 1942 by his most closely competitive seller of the same class on sales of domestic cigars of the same March 1942 price class to purchasers of the same class.

(c) On or before the first delivery to any purchaser of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the manufacturer and every other seller (except a retailer) shall notify the purchaser of the maximum list price and the maximum retail price established by this order for such brand and size or frontmark of domestic cigars. The notice shall conform to and be given in

the manner prescribed by § 1358.113 of Maximum Price Regulation No. 260.

(d) Unless the context otherwise requires, appropriate provisions of Maximum Price Regulation No. 260, shall apply to sales for which maximum prices are established by this order.

(e) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective August 10, 1945.

Issued this 9th day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45–14721; Filed, Aug. 9, 1945; 11:24 a. m.]

[MPR 260, Order 1728]

Silvio Lufrin Cigar Factory

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion accompanying this order, and pursuant to § 1358.102 (b) of Maximum Price Regulation No. 260; *It is ordered*, That:

(a) Silvio Lufrin Cigar Factory, 2604 10th Street, Tampa 5, Fla. (hereinafter called "manufacturer") and wholesalers and retailers may sell, offer to sell or deliver and any person may buy, offer to buy or receive each brand and size or frontmark, and packing of the following domestic cigars at the appropriate maximum list price and maximum retail price set forth below:

Brand	Size or frontmark	Packing	Maximum list price	Maximum retail price
Luis Vincent	Corona Chica	50	*Per M* $82.50	*Cents* 11

(b) The manufacturer and wholesalers shall grant, with respect to their sales of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the discounts they customarily granted in March 1942 on their sales of domestic cigars of the same price class to purchasers of the same class, unless a change therein results in a lower price. Packing differentials charged by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class may be charged on corresponding sales of each brand and size or frontmark of cigars priced by this order, but shall not be increased. Packing differentials allowed by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class shall be allowed on corresponding sales of each brand and size or frontmark of cigars priced by this order and shall not be reduced. If a brand and size or frontmark of domestic cigars for which maximum prices are established by this order is of a price class not sold by the manufacturer or the particular wholesaler in March 1942, he shall, with respect to his sales thereof, grant the discounts and may charge and shall allow the packing differentials customarily granted, charged or allowed (as the case may be) in March 1942 by his most closely competitive seller of the same class on sales of domestic cigars of the same March 1942 price class to purchasers of the same class.

(c) On or before the first delivery to any purchaser of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the manufacturer and every other seller (except a retailer) shall notify the purchaser of the maximum list price and the maximum retail price established by this order for such brand and size or frontmark of domestic cigars. The notice shall conform to and be given in the manner prescribed by § 1358.113 of Maximum Price Regulation No. 260.

(d) Unless the context otherwise requires, appropriate provisions of Maximum Price Regulation No. 260, shall apply to sales for which maximum prices are established by this order.

(e) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective August 10, 1945.

Issued this 9th day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45–14722; Filed, Aug. 9, 1945; 11:24 a. m.]

[MPR 260, Order 1729]

Castellano & Cabrera Cigar Factory

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion accompanying this order, and pursuant to § 1358.102 (b) of Maximum Price Regulation No. 260; *It is ordered*, That:

(a) Castellano & Cabrera Cigar Factory, 1906 19th Street, Tampa 5, Fla. (hereinafter called "manufacturer") and wholesalers and retailers may sell, offer to sell or deliver and any person may buy, offer to buy or receive each brand and size or frontmark, and packing of the following domestic cigars at the appropriate maximum list price and maximum retail price set forth below:

Brand	Size or frontmark	Packing	Maximum list price	Maximum retail price
Castellano & Cabrera	Doyles	50	*Per M* $93.75	*Cents* 2 for 25
	Club	50	35.00	7

(b) The manufacturer and wholesalers shall grant, with respect to their sales of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the discounts they customarily granted in March 1942 on their sales of domestic cigars of the same price class to purchasers of the same class, unless a change therein results in a lower price. Packing differentials charged by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class may be charged on corresponding sales of each brand and size or frontmark of cigars priced by this order, but shall not be increased. Packing differentials allowed by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class shall be allowed on corresponding sales of each brand and size or frontmark of cigars priced by this order and shall not be reduced. If a brand and size or frontmark of domestic cigars for which maximum prices are established by this order is of a price class not sold by the manufacturer or a wholesaler in March 1942, he shall, with respect to his sales thereof, grant the discounts and may charge and shall allow the packing differentials customarily granted, charged or allowed (as the case may be) in March 1942 by his most closely competitive seller of the same class on sales of domestic cigars of the same March 1942 price class to purchasers of the same class.

(c) On or before the first delivery to any purchaser of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the manufacturer and every other seller (except a retailer) shall notify the purchaser of the maximum list price and the maximum retail price established by this order for such brand and size or frontmark of domestic cigars. The notice shall conform to and be given in the manner prescribed by § 1358.113 of Maximum Price Regulation No. 260.

(d) Unless the context otherwise requires, appropriate provisions of Maximum Price Regulation No. 260, shall apply to sales for which maximum prices are established by this order.

(e) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective August 10, 1945.

Issued this 9th day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45–14723; Filed, Aug. 9, 1945; 11:25 a. m.]

[MPR 260, Order 1730]

Murray F. Mitzel

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion accompanying this order, and pursuant to § 1358.102 (b) of Maximum Price Regulation No. 260; *It is ordered*, That:

(a) Murray F. Mitzel, R. F. D. 2, Red Lion, Pa. (hereinafter called "manufacturer") and wholesalers and retailers may sell, offer to sell or deliver and any person may buy, offer to buy or receive each brand and size or frontmark, and packing of the following domestic cigars at the appropriate maximum list price and maximum retail price set forth below:

Brand	Size or frontmark	Packing	Maximum list price	Maximum retail price
Millard & Murray.	Perfecto	50	*Per M* $60	*Cents* 2 for 15

(b) The manufacturer and wholesalers shall grant, with respect to their sales of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the discounts they customarily granted in March 1942 on their sales of domestic cigars of the same price class to purchasers of the same class, unless a change therein results in a lower price. Packing differentials charged by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class may be charged on corresponding sales of each brand and size or frontmark of cigars priced by this order, but shall not be increased. Packing differentials allowed by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class shall be allowed on corresponding sales of each brand and size or frontmark of cigars priced by this order and shall not be reduced. If a brand and size or frontmark of domestic cigars for which maximum prices are established by this order is of a price class not sold by the manufacturer or the particular wholesaler in March 1942, he shall, with respect to his sales thereof, grant the discounts and may charge and shall allow the packing differentials customarily granted, charged or allowed (as the case may be) in March 1942 by his most closely competitive seller of the same class on sales of domestic cigars of the same March 1942 price class to purchasers of the same class.

(c) On or before the first delivery to any purchaser of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the manufacturer and every other seller (except a retailer) shall notify the purchaser of the maximum list price and the maximum retail price established by this order for such brand and size or frontmark of domestic cigars. The notice shall conform to and be given in the manner prescribed by § 1358.113 of Maximum Price Regulation No. 260.

(d) Unless the context otherwise requires, appropriate provisions of Maximum Price Regulation No. 260, shall apply to sales for which maximum prices are established by this order.

(e) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective August 10, 1945.

Issued this 9th day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-14724; Filed, Aug. 9, 1945; 11:25 a. m.]

[MPR 260, Order 1731]

SPRING CIGARS MANUFACTURE

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion accompanying this order, and pursuant to § 1358.102 (b) of Maximum Price Regulation No. 260; *It is ordered*, That:

(a) Pedro Berrios Ortiz, The Spring Cigars Manufacture, No. 20 Vallejo Street, Rio Piedras, P. R. (hereinafter called "manufacturer") and wholesalers and retailers may sell, offer to sell or deliver and any person may buy, offer to buy or receive each brand and size or frontmark, and packing of the following domestic cigars at the appropriate maximum list price and maximum retail price set forth below:

Brand	Size or frontmark	Packing	Maximum list price	Maximum retail price
Escudo	Corona Especiales Superiores.	50	*Per M* $82.50	*Cents* 11
	Panetelas Superiores.	50	75.00	10
	Corona Populares.	50	64.00	8

(b) The manufacturer and wholesalers shall grant, with respect to their sales of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the discounts they customarily granted in March 1942 on their sales of domestic cigars of the same price class to purchasers of the same class, unless a change therein results in a lower price. Packing differentials charged by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class may be charged on corresponding sales of each brand and size or frontmark of cigars priced by this order, but shall not be increased. Packing differentials allowed by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class shall be allowed on corresponding sales of each brand and size or frontmark of cigars priced by this order and shall not be reduced. If a brand and size or frontmark of domestic cigars for which maximum prices are established by this order is of a price class not sold by the manufacturer or the particular wholesaler in March 1942, he shall, with respect to his sales thereof, grant the discounts and may charge and shall allow the packing differentials customarily granted, charged or allowed (as the case may be) in March 1942 by his most closely competitive seller of the same class on sales of domestic cigars of the same March 1942 price class to purchasers of the same class.

(c) On or before the first delivery to any purchaser of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the manufacturer and every other seller (except a retailer) shall notify the purchaser of the maximum list price and the maximum retail price established by this order for such brand and size or frontmark of domestic cigars. The notice shall conform to and be given in the manner prescribed by § 1358.113 of Maximum Price Regulation No. 260.

(d) Unless the context otherwise requires, appropriate provisions of Maximum Price Regulation No. 260, shall apply to sales for which maximum prices are established by this order.

(e) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective August 10, 1945.

Issued this 9th day of August 1945

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-14725; Filed, Aug. 9, 1945; 11:26 a. m.]

[MPR 260, Order 1732]

GENERAL CIGAR CO., INC.

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion accompanying this order, and pursuant to § 1358.102 (b) of Maximum Price Regulation No. 260; *It is ordered*, That:

(a) General Cigar Co., Inc., 119 W. 40th Street, New York 18, N. Y. (hereinafter called "manufacturer") and wholesalers and retailers may sell, offer to sell or deliver and any person may buy, offer to buy or receive each brand and size or frontmark, and packing of the following domestic cigars at the appropriate maximum list price and maximum retail price set forth below:

Brand	Size or frontmark	Packing	Maximum list price	Maximum retail price
Camadura	Midgets	50	*Per M* $32	*Cents* 4

(b) The manufacturer and wholesalers shall grant, with respect to their sales of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the discounts they customarily granted in March 1942 on their sales of domestic cigars of the same price class to purchasers of the same class, unless a change therein results in a lower price. Packing differentials charged by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class may be charged on corresponding sales of each brand and size or frontmark of cigars priced by this order, but shall not be increased. Packing differentials allowed by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class shall be allowed on corresponding sales of each brand and size or frontmark of cigars priced by this order and shall not be reduced. If a brand and size or frontmark of domestic cigars for which maximum prices are established by this order is of a price class not sold by the manufacturer or the particular wholesaler in March 1942, he shall, with respect to his sales thereof, grant the discounts and may charge and shall allow the packing differentials customarily granted, charged or allowed (as the case may be) in March 1942 by his most closely competitive seller of the same class on sales of domestic cigars of the same March 1942 price class to purchasers of the same class.

(c) On or before the first delivery to any purchaser of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the manufacturer and every other seller (except a retailer) shall notify the purchaser of the maximum list price and the maximum retail price established by this order for such brand and size or frontmark of domestic cigars. The notice shall conform to and be given in the manner prescribed by § 1358.113 of Maximum Price Regulation No. 260.

(d) Unless the context otherwise requires, appropriate provisions of Maximum Price Regulation No. 260, shall apply to sales for which maximum prices are established by this order.

(e) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective August 10, 1945.

Issued this 9th day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-14726; Filed, Aug. 9, 1945; 11:26 a. m.]

[MPR 120, Order 1369]

LUXNER COAL CO. ET AL.

ESTABLISHMENT OF MAXIMUM PRICES AND PRICE CLASSIFICATIONS

Correction

In Federal Register Document 45-10789, appearing at page 7507 of the issue for Thursday, June 21, 1945, in the table for Smith Brothers & Kestner the price for railroad fuel for size group number 10 should be "254".

[Rev. Supp. Order 99,[1] Order 11]

GLOBE KNITTING WORKS

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and pursuant to Revised Supplementary Order 99 and § 1372.101 (c) of Maximum Price Regulation 210, it is ordered:

(a) *Ceiling prices for sales by Globe Knitting Works.* (1) On and after August 9, 1945 Globe Knitting Works, Grand Rapids, Michigan, may sell and deliver to department stores and independent retailers, and any department store or independent retailer may buy and receive from it, the following designated fall and winter knitted underwear manufactured by Globe Knitting Works, at prices not in excess of the following adjusted ceiling prices:

[1] 9 F.R. 6796.

Style	Description	Adjusted ceiling price
104 W/LA, SA, S 3/4	Men's 18/1 combed cotton yarn unionsuit, gross knitting weight 14.11 pounds per dozen (based on size 42 LA), bleached, rib knit, sizes 36–50, in long sleeve ankle length, short-sleeve ankle length, short sleeve ¾ length.	*Per dozen* $18.40
115 W/LA, SA, S 3/4	Men's 14/1 carded cotton unionsuit, 15.28 pounds per dozen gross knitting weight (based on size 42 LA), bleached, rib knit, sizes 36–50, in long sleeve ankle length, short sleeve ankle length, short sleeve ¾ length.	16.19
139 E/LA, W/LA	Men's 10/1, 14/1 carded cotton unionsuit, gross knitting weight 18.76 pounds per dozen (based on size 42 E LA) rib knit, dyed Ecru or bleached white, sizes 36–50, long sleeve ankle length.	19.51
492 S/LA, SA, S 3/4	Men's unionsuit, made of 40/2 50/1 combed cotton and 60/2 50/1, 80/20 wool-cotton blend, gross knitting weight 13.58 pounds per dozen (based on size 42 LA), rib knit, washed, sizes 36–50, in long sleeve ankle length, short sleeve ankle length, short sleeve ¾ length.	34.55
841 W/LA, SA	Men's 45/2 combed cotton unionsuit, gross knitting weight 13.16 pounds per dozen (based on size 42 LA), rib knit, bleached, sizes 36–50, long sleeve ankle length, short sleeve ankle length.	25.15
115 W/ST	Boy's 14/1 carded cotton unionsuit, gross knitting weight 7.59 pounds per dozen (based on size 14), rib knit, bleached, sizes 6–18.	10.48

(2) The adjusted ceiling prices set forth in subparagraph (1) above are subject to discounts of 2% and to all trade practices, including practices relating to shipping and the payment of shipping charges and premiums for extra sizes, customarily used by Globe Knitting Works during the period from July 15, 1941 to February 10, 1942, both inclusive, on deliveries of comparable types of fall and winter knitted underwear.

(b) *Statement which Globe Knitting works must send to retailers.* (1) On and after August 9, 1945, Globe Knitting Works shall transmit to each retailer to whom it makes delivery of any of the garments listed in paragraph (a) (1) of this order, the following statement:

STATEMENT TO RETAILERS OF ADJUSTED CEILING PRICES

The Office of Price Administration has adjusted our ceiling prices on certain knitted underwear garments pursuant to the provisions of order No. 11, issued under Revised Supplementary Order 99. In column A below you will find our adjusted ceiling prices for these garments.

Style	Column A Globe's adjusted ceiling price	Column B "Cost base" or "net cost"
	Dozen	*Dozen*
104 W/LA, SA, S 3/4	$18.40	$16.50
115 W/LA, SA, S 3/4	16.19	13.50
139 E/LA, W/LA	19.51	16.50
492 G/LA, SA, S 3/4	34.55	34.00
841 W/LA, SA	25.15	20.50
115 W/ST	10.48	9.00

Please note that the OPA requires you to price these garments in accordance with Maximum Price Regulation 580 or Maximum Price Regulation 210 (whichever regulation governs your sales of the garments listed in this notice). In determining your ceiling prices for these garments OPA has ruled that you must use as your "net cost" under MPR 580, or your "cost base" under MPR 210, the amount set forth in Column B of the above table as the "net cost" or "cost base" for the garment being priced.

(2) The statement required to be sent by Globe Knitting Works to its retailers, as provided in subparagraph (1) above, and containing information applicable to the sales of garments included in the particular shipment, shall be transmitted with or be annexed to the invoice, billing or delivery statement of prices, accompanying every shipment made by Globe Knitting Works of the garments listed in paragraph (a) (1) of this order. This statement with respect to any garment for which the Globe Knitting Works is permitted an adjustment of the ceiling price under this order, shall be sent by Globe Knitting Works in lieu of the statement required under § 1389.304 (as amended) of Maximum Price Regulation 221.

3. *Garments to which the provisions of this order shall apply.* (a) This order shall apply only to those garments of the styles enumerated in paragraph (a) (1) which are shipped by Globe Knitting Works on or after August 9, 1945 and before November 1, 1945.

(b) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective August 9, 1945.

Issued this 9th day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-14743; Filed, Aug. 9, 1945; 4:20 p. m.]

[MPR 188, Rev. Order 3469]

AMERICAN EXCEL-DISTIL FILTER CORP.

APPROVAL OF MAXIMUM PRICES

Correction

In the table in paragraph (a) (1) of Federal Register Document 45–9528, appearing at page 6607 of the issue for Tuesday, June 5, 1945, the prices for sales by sellers other than the manufacturer should be designated "Per dozen, each".

[MPR 188, Order 4222]

EAST BIRMINGHAM BRONZE FOUNDRY CO.

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.158 of Maximum Price Regulation No. 188; *It is ordered:*

(a) This order establishes maximum prices for sales and deliveries of certain articles manufactured by East Birmingham Bronze Foundry Company, 831 North 36th Way, Birmingham 4, Alabama.

(1) For all sales and deliveries to the following classes of purchasers by the sellers indicated below, the maximum prices are those set forth below:

Article	Model No.	Maximum prices for sales by any seller to— Wholesalers (jobbers)	Dropship jobbers	Department and chain stores	Other retailers	Consumers
Cornstick pan, cast aluminum, 14¾" x 6¾" x 1..	LK 777	*Each* $1.10	*Each* $1.12	*Each* $1.32	*Each* $1.47	*Each* $2.20

These maximum prices are for the articles described in the manufacturer's application dated June 6, 1945.

(2) For sales by the manufacturer, the maximum prices apply to all sales and deliveries since Maximum Price Regulation No. 188 became applicable to those sales and deliveries. They are f. o. b. factory and subject to a cash discount of 2% for payment within 10 days, net 30 days.

(3) For sales by persons other than the manufacturer, the maximum prices apply to all sales and deliveries after the effective date of this order. Those prices are subject to each seller's customary terms and conditions of sale on sales of similar articles.

(4) If the manufacturer wishes to make sales and deliveries to any other class of purchaser or on other terms and conditions of sale, he must apply to the Office of Price Administration, Washington, D. C., under the Fourth Pricing Method, § 1499.158 of Maximum Price Regulation No. 188, for the establishment of maximum prices for those sales, and no sales or deliveries may be made until maximum prices have been authorized by the Office of Price Administration.

(b) The manufacturer shall attach a tag or label to every article for which a maximum price for sales to consumers is established by this order. That tag or label shall contain the following statement:

OPA Retail Ceiling Price—$2.20 Each
Do Not Detach

(c) At the time of, or prior to, the first invoice to each purchaser for resale, the seller shall notify the purchaser in writing of the maximum prices and conditions established by this order for sales by the purchaser. This notice may be given in any convenient form.

(d) This order may be revoked or amended by the Price Administrator at any time.

(e) This order shall become effective on the 8th day of August 1945.

Issued this 7th day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-14744; Filed, Aug. 9, 1945; 4:19 p. m.]

[MPR 189, Order 4007]

BARNES-McINTOSH

APPROVAL OF MAXIMUM PRICES

Correction

In Federal Register Document 45-11247, appearing on page 7866 of the issue for Thursday, June 28, 1945, the label statement in paragraph (b) should read as follows:

OPA Retail Ceiling Price—$0.58
Do Not Remove or Obliterate

[MPR 188, Order 4232]

LAKE ALUMINUM FOUNDRY

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.158 of Maximum Price Regulation No. 188; *It is ordered:*

(a) This order establishes maximum prices for sales and deliveries of certain articles manufactured by Lake Aluminum Foundry, 971 West Oklahoma Avenue, Milwaukee, Wisconsin.

(1) For all sales and deliveries to the following classes of purchasers by the sellers indicated below, the maximum prices are those set forth below:

Article	Model No.	Maximum prices for sales by any seller to— Wholesalers (jobbers)	Department and chain stores	Other retailers	Consumers
Cast aluminum mail box 2" x 5½" x 13¼".	None.	*Each* $1.75	*Each* $2.19	*Each* $2.43	*Each* $3.65

These maximum prices are for the articles described in the manufacturer's application dated May 22, 1945.

(2) For sales by the manufacturer, the maximum prices apply to all sales and deliveries since Maximum Price Regulation No. 188 became applicable to those sales and deliveries. They are f. o. b. factory and subject to a cash discount of 2% for payment within 10 days, net 30 days.

(3) For sales by persons other than the manufacturer, the maximum prices apply to all sales and deliveries after the effective date of this order. Those prices are subject to each seller's customary terms and conditions of sale on sales of similar articles.

(4) If the manufacturer wishes to make sales and deliveries to any other class of purchaser or on other terms and conditions of sale, he must apply to the Office of Price Administration, Washington, D. C., under the Fourth Pricing Method, § 1499.158 of Maximum Price Regulation No. 188, for the establishment of maximum prices for those sales, and no sales or deliveries may be made until maximum prices have been authorized by the Office of Price Administration.

(b) The manufacturer shall attach a tag or label to every article for which a maximum price for sales to consumers is established by this order. That tag or label shall contain the following statement:

OPA Retail Ceiling Price—$3.65 each
Do Not Detach

(c) At the time of, or prior to, the first invoice to each purchaser for resale, the seller shall notify the purchaser in writing of the maximum prices and conditions established by this order for sales by the purchaser. This notice may be given in any convenient form.

(d) This order may be revoked or amended by the Price Administrator at any time.

(e) This order shall become effective on the 8th day of August 1945.

Issued this 7th day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-14745; Filed, Aug. 9, 1945, 4:19 p. m.]

[MPR 260, Amdt. 1 to Order 1278]

G. E. M. CIGAR CO.

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion accompanying this amendment and pursuant to § 1358.102 (b) of Maximum Price Regulation No. 260, *It is ordered*, That:

The maximum prices for the "G. E. M.–G. E. M. Perfecto", "G. E. M.–G. E. M. Sr.", and "G. E. M.–G. E. M. Jr." cigars set forth in Paragraph (a) of Order No. 1278 under Maximum Price Regulation No. 260, are amended to read as follows:

Brand	Size or frontmark	Packing	Maximum list price	Maximum retail price
G. E. M.....	G. E. M. Perfecto.	50	*Per M* $90.00	*Cents* 9
	G. E. M. Sr ...	50	82.50	11
	G. E. M. Jr....	50	60.00	2 for 15

This amendment shall become effective August 10, 1945.

Issued this 9th day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-14747; Filed, Aug. 9, 1945; 4:20 p. m.]

Regional and District Office Orders.

LIST OF COMMUNITY CEILING PRICE ORDERS

The following orders under Rev. General Order 51 were filed with the Division of the Federal Register August 6, 1945.

REGION I

Augusta Order 2-C, covering poultry in the Maine Area. Filed 10:32 a. m.

Augusta Order 3-C, covering poultry in the Maine Area. Filed 10:32 a. m.

Augusta Order 3-F, Amendment 7, covering fresh fruits and vegetables in South Portland, Portland and Westbrook, Maine. Filed 10:38 a. m.

Augusta Order 5-F, Amendment 7, covering fresh fruits and vegetables in the Bangor and Brewer Areas. Filed 10:38 a. m.

Boston Order 1-O, Amendment 3, covering eggs in certain areas in Massachusetts. Filed 10:05 a. m.

Boston Order 2-O, covering eggs in certain areas in Massachusetts. Filed 10:26 a. m.

Boston Order 3-O, covering eggs in certain counties in Massachusetts. Filed 10:27 a. m.

Boston Order 8-F, Amendment 9, covering fresh fruits and vegetables in certain areas in Massachusetts. Filed 10:38 a. m.

Boston Order 9-F, Amendment 10, covering fresh fruits and vegetables in certain areas in Massachusetts. Filed 10:39 a. m.

Boston Order 10-F, Amendment 9, covering fresh fruits and vegetables in certain areas in Massachusetts. Filed 10:39 a. m.

Boston Order 11-F, Amendment 9, covering fresh fruits and vegetables in certain areas in Massachusetts. Filed 10:39 a. m.

Concord Order 3-W, Amendment 4, covering dry groceries. Filed 10:05 a. m.

Hartford Order 5-F, Amendment 12, covering fresh fruits and vegetables in the Waterbury and Watertown Areas. Filed 10:04 a. m.

Hartford Order 6-F, Amendment 12, covering fresh fruits and vegetables in certain areas in Connecticut. Filed 10:40 a. m.

Hartford Order 7-F, Amendment 11, covering fresh fruits and vegetables in the New Haven Area. Filed 10:37 a. m.

Hartford Order 8-F, Amendment 12, covering fresh fruits and vegetables in the Bridgeport Area. Filed 10:38 a. m.

Providence Order 3-F, Amendment 12, covering fresh fruits and vegetables in certain areas in Rhode Island. Filed 10:38 a. m.

REGION II

Albany Order 4-O, Amendment 1, covering eggs in certain counties in New York. Filed 9:27 a. m.

Albany Order 5-O, Amendment 1, covering eggs in certain counties in New York. Filed 9:27 a. m.

Altoona Order 2-F, Amendment 28, covering fresh fruits and vegetables in the entire Altoona Area. Filed 10:28 a. m.

Camden Order 3-F, Amendment 43, covering fresh fruits and vegetables in certain counties in New Jersey. Filed 9:53 a. m.

Camden Order 4-F, Amendment 43, covering fresh fruits and vegetables in the Atlantic and Cape May Counties, New Jersey. Filed 9:53 a. m.

Erie Order 20, Amendment 4, covering dry groceries in certain areas in Pennsylvania. Filed 10:42 a. m.

Erie Order 21, Amendment 4, covering dry groceries in certain areas in Pennsylvania. Filed 10:42 a. m.

Erie Order 22, Amendment 3, covering dry groceries in certain areas in Pennsylvania. Filed 10:06 a. m.

Erie Order 7-W, Amendment 3, covering dry groceries in certain areas in Pennsylvania. Filed 10:06 a. m.

Newark Order 7-F, Amendment 14, covering fresh fruits and vegetables in certain areas in New Jersey. Filed 10:23 a. m.

Newark Order 7-F, Amendment 15, covering fresh fruits and vegetables in certain counties in New Jersey. Filed 10:00 a. m.

New York Order 9-F, Amendment 22, covering fresh fruits and vegetables in the five boroughs of New York City. Filed 9:59 a. m.

New York Order 10-F, Amendment 22, covering fresh fruits and vegetables in the Nassau and Westchester Counties, New York. Filed 9:59 a. m.

New York Order 12-F, Amendment 15, covering fresh fruits and vegetables in certain counties in New York. Filed 10:00 a. m.

Philadelphia Order 6-F, Amendment 38, covering fresh fruits and vegetables in the city and county of Philadelphia, Pennsylvania. Filed 10:08 a. m.

Philadelphia Order 11-F, Amendment 13, covering fresh fruits and vegetables in certain counties in Pennsylvania. Filed 10:08 a. m.

Pittsburgh Order 4-F, Amendment 5, covering fresh fruits and vegetables in certain areas in Pennsylvania. Filed 10:40 a. m.

Pittsburgh Order 6-F, Amendment 5, covering fresh fruits and vegetables in certain areas in Pennsylvania. Filed 10:42 a. m.

Pittsburgh Order 15 and 4-W, Amendment 3, covering dry groceries in certain areas in Pennsylvania. Filed 10:06 a. m.

Scranton Order 17, Amendment 2, covering dry groceries in certain counties in Pennsylvania. Filed 9:47 a. m.

REGION III

Charleston Order 7-F, Amendment 23, covering fresh fruits and vegetables in certain counties in West Virginia. Filed 10:36 a. m.

Charleston Order 9-F, Amendment 23, covering fresh fruits and vegetables in certain areas in West Virginia. Filed 10:36 a. m.

Charleston Order 10-F, Amendment 23, covering fresh fruits and vegetables in certain areas in West Virginia. Filed 10:36 a. m.

Charleston Order 11-F, Amendment 23, covering fresh fruits and vegetables in certain counties in West Virginia. Filed 10:37 a. m.

Charleston Order 15-F, Amendment 20, covering fresh fruits and vegetables in certain counties in West Virginia. Filed 10:33 a. m.

Charleston Order 16-F, Amendment 19, covering fresh fruits and vegetables in certain counties in West Virginia. Filed 10:33 a. m.

Charleston Order 17-F, Amendment 19, covering fresh fruits and vegetables in certain counties in West Virginia. Filed 10:34 a. m.

Cincinnati Order 7-F, Amendment 18, covering fresh fruits and vegetables in certain counties in Ohio. Filed 10:34 a. m.

Columbus Order 10-F, Amendment 3, covering fresh fruits and vegetables in certain counties in Ohio. Filed 10:44 a. m.

Columbus Order 11-F, Amendment 3, covering fresh fruits and vegetables in certain counties in Ohio. Filed 10:44 a. m.

Grand Rapids Order 14-F, (Appendix A), Amendment 83, covering fresh fruits and vegetables in Grand Rapids, Michigan. Filed 10:35 a. m.

Grand Rapids Order 14-F, (Appendix B), Amendment 83, covering fresh fruits and vegetables in certain areas in Michigan. Filed 10:35 a. m.

Detroit Order 1-O Amendment 7, covering eggs in certain counties in Michigan. Filed 9:41 a. m.

Detroit Order 5-F, Amendment 26, covering fresh fruits and vegetables in certain counties in Michigan. Filed 10:34 a. m.

Indianapolis Order 14-F, Amendment 27, covering fresh fruits and vegetables in Marion, Virgo and Tippecanoe, Indiana. Filed 10:35 a. m.

Indianapolis Order 15-F, Amendment 27, covering fresh fruits and vegetables in Wayne, Delaware and Allen Counties, Indiana. Filed 10:35 a. m.

Indianapolis Order 16-F, Amendment 27, covering fresh fruits and vegetables in St. Joseph County, Indiana. Filed 10:35 a. m.

Indianapolis Order 17-F, Amendment 27, covering fresh fruits and vegetables in Vanderburgh County, Indiana. Filed 10:33 a. m.

Louisville Order 3-C, covering poultry in Jefferson County, Kentucky and Clark and Floyd Counties, Indiana. Filed 10:06 a. m.

Lexington Order 5-W, Amendment 2, covering dry groceries in certain counties in Kentucky. Filed 10:33 a. m.

Louisville Order 12-F, Amendment 29, covering fresh fruits and vegetables in Clark, Floyd, Ind., and Jefferson County, Ky. Filed 9:24 a. m.

Louisville Order 13-F, Amendment 29, covering fresh fruits and vegetables in McCracken County, Kentucky. Filed 9:24 a. m.

Louisville Order 14-F, Amendment 29, fresh fruits and vegetables in Daviess and Henderson Counties, Kentucky. Filed 9:24 a. m.

Louisville Order 15-F, Amendment 7, covering fresh fruits and vegetables in certain counties in Kentucky. Filed 9:25 a. m.

Saginaw Order 1-C, covering poultry in certain counties in Michigan. Filed 9:26 a. m.

Toledo Order 3-F, covering fresh fruits and vegetables in certain counties in Ohio. Filed 10:42 a. m.

Toledo Order 4-F, covering fresh fruits and vegetables in certain counties in Ohio. Filed 10:43 a. m.

REGION IV

Atlanta Order 6-F, Amendment 43, covering fresh fruits and vegetables in the Atlanta-Decatur Area. Filed 10:44 a. m.

Atlanta Order 6-F, Amendment 44, covering fresh fruits and vegetables in the Atlanta-Decatur Area. Filed 9:36 a. m.

Atlanta Order 7-F, Amendment 13, covering fresh fruits and vegetables in certain areas in Georgia. Filed 9:36 a. m.

Atlanta Order 8-F, Amendment 13, covering fresh fruits and vegetables in certain areas in Georgia. Filed 9:35 a. m.

Atlanta Order 9-F, Amendment 16, covering fresh fruits and vegetables in Bibb and Muscogee Counties, Georgia, and Phenix City, Ala. Filed 9:35 a. m.

Atlanta Order 10-F, Amendment 6, covering fresh fruits and vegetables in certain areas in Georgia. Filed 9:35 a. m.

Birmingham Order 3-F, Amendment 28, covering fresh fruits and vegetables in Jefferson County, Alabama. Filed 9:34 a. m.

Jackson Order 4-F, Amendment 42, covering fresh fruits and vegetables in certain areas in Mississippi. Filed 10:00 a. m.

Jacksonville Order 9-F, Amendment 33, covering fresh fruits and vegetables in Jacksonville, Florida. Filed 10:43 a. m.

Memphis Order 7-F, Amendment 15, covering fresh fruits and vegetables in certain areas in Tennessee. Filed 9:34 a. m.

Montgomery Order 20-F, Amendment 35, covering fresh fruits and vegetables in Mobile County, Alabama. Filed 9:33 a. m.

Montgomery Order 21-F, Amendment 40, covering fresh fruits and vegetables in Montgomery County, Alabama. Filed 9:33 a. m.

Montgomery Order 22-F, Amendment 41, covering fresh fruits and vegetables in Houston County, Alabama. Filed 9:33 a. m.

Montgomery Order 23-F, Amendment 13, covering fresh fruits and vegetables in certain areas in Alabama. Filed 9:32 a. m.

Montgomery Order 24-F, Amendment 38, covering fresh fruits and vegetables in Dallas County, Alabama. Filed 9:32 a. m.

Miami Order 3-F, Amendment 11, covering fresh fruits and vegetables in certain areas in Florida. Filed 9:34 a. m.

Nashville Order 11-F, Amendment 15, covering fresh fruits and vegetables in certain counties in Tennessee. Filed 9:53 a. m.

Nashville Order 11-F, Amendment 18, covering fresh fruits and vegetables in certain counties in Tennessee. Filed 9:53 a. m.

Nashville Order 12-F, Amendment 35, covering fresh fruits and vegetables in certain counties in Tennessee and Virginia. Filed 9:54 a. m.

Nashville Order 12-F, Amendment 36, covering fresh fruits and vegetables in certain counties in Tennessee and Bristol, Virginia. Filed 9:54 a. m.

Nashville Order 19-O, covering aggs in the Nashville Area. Filed 9:55 a. m.

Nashville Order 20-O, covering eggs in the Nashville Area. Filed 9:55 a. m.

Nashville Order 21-O, covering eggs in the Nashville Area. Filed 9:56 a. m.

Nashville Order 22-O, covering eggs in certain counties in Tennessee. Filed 9:56 a. m.

Nashville Order 23-O, covering eggs in certain counties in Tennessee. Filed 9:56 a. m.

Nashville Order 24-O, coverin eggs in certain counties in Tennessee. Filed 9:57 a. m.

Nashville Order 25-O, covering eggs in certain counties in Tennessee. Filed 9:57 a. m.

Nashville Order 26-O, covering eggs in certain counties in Tennessee. Filed 10:08 a. m.

Richmond Order 4-F, Amendment 36, covering fresh fruits and vegetables in certain areas in Virginia. Filed 10:08 a. m.

Richmond Order 4-F, Amendment 37, covering fresh fruits and vegetables in certain areas in Virginia. Filed 10:08 a. m.

Richmond Order 4–F, Amendment 38, covering fresh fruits and vegetables in certain areas in Virginia. Filed 10:08 a. m.

Richmond Order 4–F, Amendment 39, covering fresh fruits and vegetables in certain areas in Virginia. Filed 10:08 a. m.

Richmond Order 4–F, Amendment 40, covering fresh fruits and vegetables in certain areas in Virginia. Filed 10:08 a. m.

Richmond Order 5–F, Amendment 25, covering fresh fruits and vegetables in certain areas in Virginia. Filed 10:08 a. m.

Richmond Order 5–F, Amendment 27, covering fresh fruits and vegetables in certain areas in Virginia. Filed 10:08 a. m.

Roanoke Order 11–F, Amendment 24, covering fresh fruits and vegetables in certain areas in Virginia. Filed 9:58 a. m.

REGION V

Dallas Order 3–F, Amendment 51, covering fresh fruits and vegetables. Filed 9:27 a. m.

Fort Worth Order 12–F, Amendment 3, covering fresh fruits and vegetables in certain counties in Texas. Filed 10:04 a. m.

Houston Order 4–F, covering fresh fruits and vegetables in certain areas in Texas. Filed 9:52 a. m.

Houston Order 5–F, covering fresh fruits and vegetables in certain areas in Texas. Filed 9:52 a. m.

Little Rock District Order 4–F, Amendment 56, covering fresh fruits and vegetables in Miller County, Arkansas. Filed 10:43 a. m.

Little Rock Order (District) 4–F, Amendment 57, covering fresh fruits and vegetables in Miller County, Arkansas. Filed 9:58 a. m.

Little Rock Order 7–F, covering fresh fruits and vegetables in certain areas in Arkansas. Filed 9:58 a. m.

Little Rock Order 8–F, Amendment 1, covering fresh fruits and vegetables in Pulaski County, Arkansas. Filed 10:43 a. m.

Little Rock Order 8–F, Amendment 2, covering fresh fruits and vegetables in Pulaski County, Arkansas. Filed 9:58 a. m.

Little Rock Order 10–F, Amendment 2, covering fresh fruits and vegetables in Garland County, Arkansas. Filed 9:58 a. m.

Little Rock Order 11–F, Amendment 2, covering fresh fruits and vegetables in Sebastian and Crawford Counties, Arkansas. Filed 9:59 a. m.

San Antonio Order 6–F, covering fresh fruits and vegetables in Bexar County, Texas. Filed 9:29 a. m.

San Antonio Order 7–F, covering fresh fruits and vegetables in Austin, Texas. Filed 9:30 a. m.

San Antonio Order 8–F, covering fresh fruits and vegetables in Corpus Christi, Texas. Filed 9:30 a. m.

Tulsa Order 9–F, covering fresh fruits and vegetables in certain areas in Oklahoma. Filed 9:52 a. m.

Tulsa Order 10–F, covering fresh fruits and vegetables in certain areas in Muskogee and Tulsa, Oklahoma. Filed 9:53 a. m.

Wichita Order 5–F, Amendment 1, covering fresh fruits and vegetables in certain areas in Kansas. Filed 9:30 a. m.

REGION VI

Des Moines Order 17, Amendment 7, covering dry groceries. Filed 10:26 a. m.

La Crosse Order 5–W, Amendment 4, covering dry groceries in certain counties in Wisconsin. Filed 10:07 a. m.

North Platte Order 1–F, Amendment 5, covering fresh fruits and vegetables in certain areas in Nebraska. Filed 9:52 a. m.

Springfield Order 13–F, Amendment 20, covering fresh fruits and vegetables in Springfield, Sangamon County, Illinois. Filed 9:52 a. m.

Springfield Order 14–F, Amendment 22, covering fresh fruits and vegetables in certain areas in Illinois. Filed 9:51 a. m.

Springfield Order 15–F, Amendment 21, covering fresh fruits and vegetables in Decatur, Macon County, Illinois. Filed 9:51 a. m.

Springfield Order 19–F, covering fresh fruits and vegetables in certain areas in Illinois. Filed 10:47 a. m.

Twin Cities Order 0–1, Amendment 1, covering eggs in the Twin Cities Area. Filed 9:50 a. m.

REGION VII

Boise Order 5–F, Amendment 4, covering fresh fruits and vegetables in Idaho. Filed 10:28 a. m.

Boise Order 5–F, Amendment 5, covering fresh fruits and vegetables in certain areas in Idaho. Filed 10:28 a. m.

Boise Order 6–F, Amendment 1, covering fresh fruits and vegetables in certain areas in Idaho. Filed 10:28 a. m.

Denver Order 4–F, Amendment 6, covering fresh fruits and vegetables in the Denver Area. Filed 10:45 a. m.

Denver Order 5–F, Amendment 6, covering fresh fruits and vegetables in the Pueblo Area. Filed 10:45 a. m.

Denver Order 6–F, Amendment 6, covering fresh fruits and vegetables in the Colorado Springs-Manitou Area. Filed 10:45 a. m.

Denver Order 7–F, Amendment 6, covering fresh fruits and vegetables in the Boulder-Fort Collins-Greeley Area. Filed 10:45 a. m.

Denver Order 12–W, Amendment 2, covering dry groceries in the Denver Area. Filed 10:04 a. m.

Denver Order 13–W, Amendment 2, covering dry groceries in the Colorado Springs-Pueblo-Trinidad Area. Filed 10:04 a. m.

Denver Order 14–W, Amendment 2, covering dry groceries in the Grand Junction Area. Filed 10:04 a. m.

Denver Order 15–W, Amendment 2, covering dry groceries in the Durango Area. Filed 10:04 a. m.

Denver Order 68, Amendment 2, covering dry groceries in the Denver Area. Filed 10:01 a. m.

Denver Order 69, Amendment 2, covering dry groceries in the Colorado Springs-Pueblo-Trinidad Area. Filed 10:01 a. m.

Denver Order 70, Amendment 2, covering dry groceries in the Grand Junction Area. Filed 10:01 a. m.

Denver Order 71, Amendment 2, covering dry groceries in the Canon City-Lamar-Rocky Ford-Salida Area. Filed 10:01 a. m.

Denver Order 72, Amendment 3, covering dry groceries in the Carbon-Leadville Area. Filed 10:01 a. m.

Denver Order 73, Amendment 2, covering dry groceries in the Durango Area. Filed 10:02 a. m.

Denver Order 74, Amendment 2, covering dry groceries in the Boulder-Fort Collins-Fort Morgan-Greeley Area. Filed 10:02 a. m.

Denver Order 75, Amendment 2, covering dry groceries in the Burlington-Julesburg-Limon-Sterling Area. Filed 10:02 a. m.

Denver Order 76, Amendment 2, covering dry groceries in the Gunnison-Meeker-Silverton Area. Filed 10:02 a. m.

Denver Order 77, Amendment 2, covering dry groceries in the Delta-Montrose-Glenwood Springs Area. Filed 10:03 a. m.

Denver Order 78, Amendment 2, covering dry groceries in the Alamose-Creede-Monte Vista Area. Filed 10:03 a. m.

Denver Order 79, Amendment 2, covering dry groceries in the Denver Area. Filed 10:03 a. m.

Denver Order 80, Amendment 2, covering dry groceries in the Denver Area. Filed 10:03 a. m.

REGION VIII

Fresno Order 1–C, Amendment 6, covering poultry in certain counties in California. Filed 10:06 a. m.

Fresno Order 1–C, Amendment 7, covering poultry in certain counties in California. Filed 10:06 a. m.

Fresno District Order 1–F, Amendment 80, covering fresh fruits and vegetables in Fresno, California. Filed 9:29 a. m.

Fresno Order 1–O, Amendment 8, covering eggs in certain counties in California. Filed 9:50 a. m.

Fresno Order 2–F, Amendment 68, covering fresh fruits and vegetables in Modesto, California. Filed 9:29 a. m.

Fresno Order 3–F, Amendment 65, covering fresh fruits and vegetables in certain areas in California. Filed 9:27 a. m.

Fresno Order 4–F (Revised), Amendment 40, covering fresh fruits and vegetables in certain areas in California. Filed 9:28 a. m.

Fresno Order 6–F, Amendment 51, covering fresh fruits and vegetables in county of Kern, Bakersfield, California. Filed 9:28 a. m.

Fresno Order 7–F, Amendment 30, covering fresh fruits and vegetables in Merced Filed 9:28 a. m.

Los Angeles Order 1–O, Amendment 5, covering eggs in certain counties in California. Filed 10:31 a. m.

Los Angeles Order 2–O, Amendment 5 covering eggs in certain counties in California Filed 10:31 a. m.

Los Angeles Order 3–F, Amendment 6, covering eggs in certain counties in California. Filed 10:29 a. m.

Los Angeles Order 3–F, Amendment 7 covering fresh fruits and vegetables in certain areas in Los Angeles, California. Filed 10:29 a. m.

Los Angeles Order 4–F, Amendment 6 covering fresh fruits and vegetables in the Long Beach-San Bernardino Area. Filed 10:29 a. m.

Los Angeles Order 4–F, Amendment 7 covering fresh fruits and vegetables in the Long Beach-San Bernardino Area. Filed 10:30 a. m.

Los Angeles Order 5–F, Amendment 6, covering fresh fruits and vegetables in the Santa Barbara-Ventura and San Luis Obispo Areas. Filed 10:30 a. m.

Los Angeles Order 5–F, Amendment 7, covering fresh fruits and vegetables in the Santa Barbara-Ventura and San Luis Obispo Areas Filed 10:30 a. m.

Los Angeles Order 6–F, Amendment 6 covering fresh fruits and vegetables in the Santa Barbara-Ventura and San Luis Obispo Areas. Filed 10:30 a. m.

Los Angeles Order 6–F, Amendment 7 covering fresh fruits and vegetables in the Santa Barbara-Ventura and San Luis Obispo Areas Filed 10:30 a. m.

Nevada Order 8–O, covering eggs in certain areas in Nevada. Filed 9:47 a. m.

Nevada Order 9–O, covering eggs in certain areas in Nevada. Filed 9:47 a. m.

Nevada Order 10–O, covering eggs in certain areas in Nevada. Filed 9:48 a. m.

Nevada Order 11–F, Amendment 1–B covering fresh fruits and vegetables in the Sparks and Reno Areas. Filed 9:50 a. m.

Nevada Order 11–O, covering eggs in certain areas in Nevada. Filed 9:48 a. m.

Nevada Order 12–O, covering eggs in certain areas in Nevada. Filed 9:48 a. m.

Nevada Order 13–O, covering eggs in certain areas in Nevada. Filed 9:48 a. m.

Phoenix Adopting Order 1–F, Amendment 30, covering fresh fruits and vegetables in the Tucson Area. Filed 9:49 a. m.

Phoenix Adopting Order 3 under Basic Order 1–B, Amendment 2, covering dry groceries in the Coconino-Yavapai Area. Filed 10:31 a. m.

Phoenix Order 3–F, Amendment 82 covering fresh fruits and vegetables in the Phoenix Area. Filed 10:46 a. m.

Phoenix Order 3–F, Amendment 83 covering fresh fruits and vegetables in the Phoenix Area. Filed 9:48 a. m.

Phoenix Adopting Order 8–F under Basic Order 1–B, Amendment 18, covering fresh fruits and vegetables in the Cochise Area Filed 10:46 a. m.

Phoenix Adopting Order 8–F under Basic Order 1–B, Amendment 19, covering fresh fruits and vegetables in the Cochise Area. Filed 10:46 a. m.

Phoenix Adopting Order 8–F under Basic Order 1–B, Amendment 20, covering fresh fruits and vegetables in the Cochise Area. Filed 9:49 a. m.

Phoenix Adopting Order 17–W under Basic Order 2–B, Amendment 2, covering dry groceries in the Coconino-Yavapai Area. Filed 10:31 a. m.

Phoenix Adopting Order 21–W under Basic Order 2–B, Amendment 1, covering dry groceries in the Cochise Area. Filed 10:32 a. m.

Portland Order 5–F, Amendment 32, covering fresh fruits and vegetables in certain areas in Oregon. Filed 10:26 a. m.

Portland Order 6–F, Amendment 33, covering fresh fruits and vegetables in certain cities in Oregon. Filed 10:26 a. m.

Portland Order 7–F, Amendment 32, covering fresh fruits and vegetables in Klamath Falls, Oregon. Filed 10:26 a. m.

Portland Order 8–F, Amendment 32, covering fresh fruits and vegetables in Medford, Oregon. Filed 10:25 a. m.

Portland Order 9–F, Amendment 32, covering fresh fruits and vegetables in certain cities in Oregon. Filed 10:25 a. m.

Portland Order 10–F, Amendment 31, covering fresh fruits and vegetables in certain cities in Washington. Filed 10:25 a. m.

Portland Order 12–F, Amendment 29, covering fresh fruits and vegetables in certain cities in Oregon. Filed 10:25 a. m.

Portland Order 13–F, Amendment 25, covering fresh fruits and vegetables in certain cities in Oregon. Filed 10:07 a. m.

Portland Order 13–F, Amendment 26, covering fresh fruits and vegetables in certain cities in Oregon. Filed 10:07 a. m.

Portland Order 13–F, Amendment 28, covering fresh fruits and vegetables in certain cities in Oregon. Filed 10:25 a. m.

Portland Order 14–F, Amendment 28, covering fresh fruits and vegetables in certain cities in Oregon. Filed 10:25 a. m.

Portland Order 15–F, Amendment 28, covering fresh fruits and vegetables in certain cities in Oregon. Filed 10:25 a. m.

Portland Order 16–F, Amendment 22, covering fresh fruits and vegetables in Bend, Oregon. Filed 10:25 a. m.

Portland Order 17–F, Amendment 22, covering fresh fruits and vegetables in certain cities in Oregon. Filed 10:24 a. m.

Portland Order 19–F, Amendment 20, covering fresh fruits and vegetables in Dalles, Oregon. Filed 10:24 a. m.

Portland Order 20–F, Amendment 20, covering fresh fruits and vegetables in certain cities in Oregon. Filed 10:24 a. m.

Portland Order 21–F, Amendment 19, covering fresh fruits and vegetables in Pendleton, Oregon. Filed 10:24 a. m.

Portland Order 22–F, Amendment 19, covering fresh fruits and vegetables in certain cities in Oregon. Filed 10:24 a. m.

Portland Order 27–F, Amendment 17, covering fresh fruits and vegetables in La Grande and Baker, Oregon. Filed 10:24 a. m.

Portland Order 28–F, Amendment 17, covering fresh fruits and vegetables in certain areas in Oregon. Filed 10:24 a. m.

Portland Order 29–F, Amendment 16, covering fresh fruits and vegetables in certain cities in Oregon. Filed 10:23 a. m.

Portland Order 30–F, Amendment 9, covering fresh fruits and vegetables in certain areas in Oregon. Filed 10:23 a. m.

Portland Order 31–F, Amendment 3, covering fresh fruits and vegetables in the Hood River-Clatskanie-McMinnville, Oregon Area. Filed 10:07 a. m.

Portland Order 31–F, Amendment 4, covering fresh fruits and vegetables in the Hood River-Clatskanie-McMinnville, Oregon Area. Filed 10:23 a. m.

Portland Order 31–F, Amendment 6, covering fresh fruits and vegetables in the Hood River-Clatskanie-McMinnville, Oregon Area. Filed 10:23 a. m.

Sacramento Orders O–1 and O–2, Amendment 5, covering eggs in certain areas in California. Filed 10:00 a. m.

Sacramento Order of Revocation 1–W and 2–W, covering dry groceries in certain areas in California. Filed 10:01 a. m.

Sacramento Adopting Order 29–F under Basic Order 3–B, Amendment 26, covering fresh fruits and vegetables in certain areas in California. Filed 9:49 a. m.

San Diego Order 1–F, Amendment 40, covering fresh fruits and vegetables in the San Diego Area. Filed 10:46 a. m.

San Diego Order 2–F, Amendment 20, covering fresh fruits and vegetables in the San Diego Area. Filed 9:50 a. m.

Copies of any of these orders may be obtained from the OPA Office in the designated city.

ERVIN H. POLLACK,
Secretary.

[F. R. Doc. 45–14740; Filed, Aug. 9, 1945; 4:19 p. m.]

[Region II Rev. Order G–15 Under RMPR 122, Amdt. 8]

SOLID FUELS IN BALTIMORE, MD., AREA

Correction

In the table in paragraph (e) of Federal Register Document 45–11093, appearing on page 7776 of the issue for Tuesday, June 26, 1945, the fifth price under the second column should be "10.33."

CORRECTION TO LIST OF COMMUNITY CEILING PRICE ORDERS

The following orders under Rev. General Order 51 were filed with the Division of the Federal Register June 19, 1945.

REGION VI

Milwaukee Order 3–W, Amendment 1, covering dry groceries in the areas of Milwaukee except Milwaukee County and Racine and Kenosha. Filed 10:22 a. m.

Milwaukee Order 3–W, Amendment 2, covering dry groceries in the areas of Milwaukee except Milwaukee County and Racine and Kenosha. Filed 10:22 a. m.

Milwaukee Order 12, covering dry groceries in the areas of Milwaukee except Milwaukee County and the cities of Racine and Kenosha. Filed 10:22 a. m.

Milwaukee Order 12, Amendment 1, covering dry groceries in certain areas in Milwaukee County and the cities of Racine and Kenosha. Filed 10:22 a. m.

Milwaukee Order 12, Amendment 2, covering dry groceries in certain areas in Milwaukee County and the cities of Racine and Kenosha. Filed 10:22 a. m.

Copies of any of these orders may be obtained from the OPA Office in the designated city.

ERVIN H. POLLACK,
Secretary.

[F. R. Doc. 45–14739; Filed, Aug. 9, 1945; 4:20 p. m.]

LIST OF COMMUNITY CEILING PRICE ORDERS

The following orders under Rev. General Order 51 were filed with the Division of the Federal Register August 9, 1945.

REGION III

Louisville Order 2–P, Amendment 1, covering fish in certain areas in Kentucky and Indiana. Filed 9:50 a. m.

Lexington Order 5–F, Amendment 16, covering fresh fruits and vegetables in Fayette County, Kentucky. Filed 9:48 a. m.

Lexington Order 6–F, Amendment 16, covering fresh fruits and vegetables in Campbell and Kenton Counties, Kentucky. Filed 9:49 a. m.

Lexington Order 6–W, Amendment 3, covering dry groceries in certain areas in Kentucky. Filed 9:49 a. m.

Lexington Order 7–F, Amendment 16, covering dry groceries in Boyd County, Kentucky. Filed 9:49 a. m.

Lexington Order 8–F, Amendment 3, covering dry groceries in certain counties in Kentucky. Filed 9:49 a. m.

REGION IV

Nashville Order 11–F, Amendment 16, covering fresh fruits and vegetables in certain areas in Tennessee. Filed 9:50 a. m.

Nashville Order 11–F, Amendment 17, covering fresh fruits and vegetables in certain areas in Tennessee. Filed 9:51 a. m.

Nashville Order 12–F, Amendment 28, covering fresh fruits and vegetables in certain areas in Tennessee and Bristol, Virginia. Filed 9:51 a. m.

Nashville Order 12–F, Amendment 30, covering fresh fruits and vegetables in certain areas in Tennessee and Bristol, Virginia. Filed 9:52 a. m.

Nashville Order 12–F, Amendment 31, covering fresh fruits and vegetables in certain counties in Tennessee and Bristol, Virginia. Filed 9:52 a. m.

Nashville Order 12–F, Amendment 32, covering fresh fruits and vegetables in certain counties in Tennessee and Bristol, Virginia. Filed 9:52 a. m.

Nashville Order 12–F, Amendment 33, covering fresh fruits and vegetables in certain counties in Tennessee and Bristol, Virginia. Filed 9:53 a. m.

Nashville Order 12–F, Amendment 34, covering fresh fruits and vegetables in certain counties in Tennessee and Bristol, Virginia. Filed 9:53 a. m.

Nashville Order 1–C, Amendment 6, covering poultry in certain counties in Tennessee. Filed 9:53 a. m.

Nashville Order 1–C, Amendment 7, covering poultry in certain counties in Tennessee. Filed 9:53 a. m.

Nashville Order 2–C, Amendment 6, covering poultry in certain counties in Tennessee. Filed 9:55 a. m.

Nashville Order 2–C, Amendment 7, covering poultry in certain counties in Tennessee. Filed 9:55 a. m.

Nashville Order 6–W, Amendment 2, covering dry groceries in all counties in the Nashville Area. Filed 9:55 a. m.

Nashville Order 19, Amendment 2, covering dry groceries in all counties in the Nashville Area. Filed 9:55 a. m.

REGION V

St. Louis Order 4–F, covering fresh fruits and vegetables in the city and county of St. Louis, Missouri. Filed 9:56 a. m.

Fort Worth Order 15–F, covering fresh fruits and vegetables in the Tom Green County, Texas. Filed 9:46 a. m.

Fort Worth Order 16–F, covering fresh fruits and vegetables in McLennan County, Texas. Filed 9:46 a. m.

Fort Worth Order 17–F, covering fresh fruits and vegetables in Wichita County, Texas. Filed 9:47 a. m.

Dallas Order 26, Amendment 3, covering dry groceries. Filed 9:55 a. m.

REGION VI

La Crosse Order 3–F, Amendment 77, covering fresh fruits and vegetables in Eau Claire and Chippewa Falls, Wisconsin Area. Filed 9:48 a. m.

La Cross Order 5–F, Amendment 75, covering fresh fruits and vegetables in Rochester, Minnesota. Filed 9:47 a. m.

La Crosse Order 5–F, Amendment 76, covering fresh fruits and vegetables in Rochester, Minnesota. Filed 9:48 a. m.

REGION VIII

Spokane Order 8–F, Amendment 24, covering fresh fruits and vegetables in Spokane County, Washington. Filed 9:37 a. m.

Spokane Order 8–F, Amendment 25, covering fresh fruits and vegetables in Spokane County, Washington. Filed 9:39 a. m.

Spokane Order 8–F, Amendment 26, covering fresh fruits and vegetables in Spokane County, Washington. Filed 9:39 a. m.

Spokane Order 9–F, Amendment 24, covering fresh fruits and vegetables in Kootenai County, Idaho. Filed 9:39 a. m.

Spokane Order 9–F, Amendment 25, covering fresh fruits and vegetables in Kootenai County, Idaho. Filed 9:39 a. m.

Spokane Order 9–F, Amendment 26, covering fresh fruits and vegetables in Kootenai County, Idaho. Filed 9:38 a. m.

Spokane Order 10–F, Amendment 23, covering fresh fruits and vegetables in Shoshone and Kootenai Counties, Idaho. Filed 9:38 a. m.

Spokane Order 10–F, Amendment 24, covering fresh fruits and vegetables in Shoshone and Kootenai Counties, Idaho. Filed 9:38 a. m.

Spokane Order 10–F, Amendment 25, covering fresh fruits and vegetables in Shoshone and Kootenai Counties, Idaho. Filed 9:38 a. m.

Spokane Order 11–F, Amendment 23, covering fresh fruits and vegetables in Latah County, Idaho and Whitman County, Washington. Filed 9:37 a. m.

Spokane Order 11–F, Amendment 24, covering fresh fruits and vegetables in Latah County, Idaho and Whitman County, Washington. Filed 9:37 a. m.

Spokane Order 11–F, Amendment 25, covering fresh fruits and vegetables in Latah County, Idaho and Whitman County, Washington. Filed 9:37 a. m.

Spokane Order 12–F, Amendment 24, covering fresh fruits and vegetables in Asotin County, Washington and Nez Perce County, Idaho. Filed 9:37 a. m.

Spokane Order 12–F, Amendment 25, covering fresh fruits and vegetables in Asotin County, Washington and Nez Perce County, Idaho. Filed 9:36 a. m.

Spokane Order 13–F, Amendment 25, covering fresh fruits and vegetables in Columbia and Walla Walla Counties, Washington. Filed 9:36 a. m.

Spokane Order 13–F, Amendment 26, covering fresh fruits and vegetables in Columbia and Walla Walla Counties, Washington. Filed 9:36 a. m.

Spokane Order 13–F, Amendment 27, covering fresh fruits and vegetables in Columbia and Walla Walla Counties, Washington. Filed 9:35 a. m.

Spokane Order 14–F, Amendment 25, covering fresh fruits and vegetables in Benton and Franklin Counties, Washington. Filed 9:35 a. m.

Spokane Order 14–F, Amendment 26, covering fresh fruits and vegetables in Benton and Franklin Counties, Washington. Filed 9:35 a. m.

Spokane Order 14–F, Amendment 27, covering fresh fruits and vegetables in Benton and Franklin Counties, Washington. Filed 9:34 a. m.

Copies of any of these orders may be obtained from the OPA Office in the designated city.

ERVIN H. POLLACK,
Secretary.

[F. R. Doc. 45–14796; Filed, Aug. 10, 1945; 11:39 a. m.]

SECURITIES AND EXCHANGE COMMISSION.

[File No. 1–2827]

NORTH AMERICAN FINANCE CORP.

ORDER SETTING HEARING ON APPLICATION TO WITHDRAW FROM LISTING AND REGISTRATION

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 8th day of August, A. D. 1945.

The North American Finance Corporation, pursuant to section 12 (d) of the Securities Exchange Act of 1934 and Rule X–12D2–1 (b) promulgated thereunder, having made application to the Commission to withdraw its Class A Common Stock, No Par Value, from listing and registration on the Chicago Board of Trade;

The Commission deeming it necessary for the protection of investors that a hearing be held in this matter at which all interested persons be given an opportunity to be heard;

It is ordered, That the matter be set down for hearing at 10:30 a. m. on Wednesday, August 29, 1945, at the office of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia, Pennsylvania, and continue thereafter at such times and places as the Commission or its officer herein designated shall determine, and that general notice thereof be given; and

It is further ordered, That Charles S. Lobingier, an officer of the Commission, be and he hereby is designated to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 45–14760; Filed, Aug. 10, 1945; 9:37 a. m.]

[File No. 70–1121]

NORTH AMERICAN CO.

NOTICE REGARDING FILING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 9th day of August, 1945.

Notice is hereby given that a declaration or application (or both) has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by The North American Company, a registered holding company.

Notice is further given that any interested person may, not later than August 20, 1945, at 5:30 p. m., e. w. t., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request and the nature of his interest, or may request that he be notified if the Commission should order a hearing thereon. At any time thereafter, said declaration or application, as filed or as amended, may be granted, as provided in Rule U-23 of the rules and regulations promulgated pursuant to said act, or the Commission may exempt such transaction as provided in Rules U-20 (a) and U-100 thereof. Any such request should be addressed: Securities and Exchange Commission, 18th and Locust Streets, Philadelphia 3, Pennsylvania.

All interested persons are referred to said declaration or application, which is on file in the office of the said Commission, for a statement of the transactions therein proposed, which are summarized below:

The North American Company proposes to pay on October 1, 1945, a dividend to its holders of common stock of record on September 4, 1945. Such dividend will be payable in the common stock of Pacific Gas and Electric Company having a par value of $25 per share, owned by The North American Company, at the rate of one share of common stock of Pacific Gas and Electric Company on each 100 shares of the common stock of The North American Company outstanding. No certificates will be issued for fractions of shares of stock of Pacific Gas and Electric Company but, in lieu thereof, cash will be paid at the rate of 41 cents for each 1/100th of a share of stock of Pacific Gas and Electric Company, this rate being based on the approximate market price of $41 per share as of August 2, 1945, the date the proposed dividend was declared. The North American Company estimates that the payment of the above-mentioned dividend will involve the distribution of not more than 75,000 shares of the 1,348,192 shares of common stock of Pacific Gas and Electric Company owned by it and use of not more than $525,000 of cash; and that the payment of such dividend will result in a charge of approximately $2,850,000 to earned surplus.

The North American Company has requested that the Commission enter an order permitting said declaration to become effective or granting said application on or before August 25, 1945.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 45–14764; Filed, Aug. 10, 1945; 9:37 a. m.]

[File No. 70–1115]

UNION PRODUCING CO.

NOTICE OF FILING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 8th day of August, A. D. 1945.

Notice is hereby given that an application and declaration has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by Union Producing Company ("Union"), a wholly owned subsidiary of United Gas Corporation ("United") which is a subsidiary of Electric Power & Light Corporation, a registered holding company.

Notice is further given that any interested person may, not later than the 22d day of August, 1945 at 5:30 p. m., e. w. t., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request and the nature of his interest, or may request that he be notified if the Commission should order a hearing thereon. At any time thereafter, such application and declaration, as filed or as amended, may be approved or may be permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under said act, or the Commission may exempt such transaction as provided in Rule U-20 (a) and Rule U-100 thereof. Any such request should be addressed: Secretary, Securities and Exchange Commission, 18th and Locust Streets, Philadelphia 3, Pennsylvania.

All interested persons are referred to said application and declaration, which is on file in the office of this Commission, for a statement of the transactions therein proposed, which are summarized as follows:

Union proposes to redeem for cash on or about September 25, 1945, $1,000,000 principal amount of its 6% Debentures due March 1, 1952, in accordance with the provisions thereof, at principal amount and accrued interest thereon to date fixed for such redemption. Union has presently outstanding $40,000,000 of said 6% Debentures all of which are owned by United. The Debentures are pledged and held as collateral under the provisions of the Mortgage and Deed of Trust securing United's First Mortgage Bonds. The filing states that United has advised Union that it proposes to transfer the $1,000,000 principal amount to be paid to the Trustee by Union to the Sinking Fund as the credit against current requirements in accordance with the provisions of the Mortgage.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 45–14762; Filed, Aug. 10, 1945; 9:37 a. m.]

[File No. 70–1117]

PLYMOUTH COUNTY ELECTRIC CO. AND NEW ENGLAND GAS AND ELECTRIC ASSN.

NOTICE OF FILING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 8th day of August, 1945.

Notice is hereby given that a joint application-declaration has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by New England Gas and Electric Association (New England), a registered holding company, and Plymouth County Electric Company (Plymouth), a subsidiary thereof; and

Notice is further given that any interested person may, not later than August 24, 1945, at 5:30 p. m., e. w. t., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request and the nature of his interest, or may request that he be notified if the Commission should order a hearing thereon. At any time thereafter such joint application-declaration, as filed or as amended, may be granted and permitted to become effective, as provided in Rule U-23 of the rules and regulations promulgated pursuant to said act, or the Commission may exempt such transaction as provided in Rules U-20 (a) and U-100 thereof. Any such request should be addressed: Secretary, Securities and Exchange Commission, 18th and Locust Streets, Philadelphia 3, Pennsylvania.

All interested persons are referred to said application-declaration, which is on file in the offices of said Commission, for a statement of the transactions therein proposed which are summarized below:

New England presently owns all of the outstanding common stock of Plymouth. Plymouth proposes to issue and sell to New England 2,400 shares of additional common stock, of the par value of $25.00 per share, at a price of $31.25 per share, or an aggregate of $75,000. Proceeds from the proposed sale will be used by Plymouth to pay off existing indebtedness as of June 30, 1945, represented by a note payable to The First National Bank of Boston in the amount of $75,000, incurred for extensions, additions and improvements to its plant and property.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 45–14763; Filed, Aug. 10, 1945; 9:38 a. m.]

SURPLUS PROPERTY BOARD.

[SPB Reg. 3, Order 39]

VIRGINIA

ALLOCATION OF TRUCKS FOR DISPOSAL TO FARMERS AND FARMERS' COOPERATIVES IN CERTAIN COUNTIES

Pursuant to § 8303.4 of Surplus Property Board Regulation No. 3, entitled "Dispositions of Surplus Property in Rural Areas and to Farmers" (10 F.R. 5325) and in reliance upon the certificate of the Secretary of Agriculture to the Surplus Property Board that farm production is impaired or threatened to be impaired in the area named below by a shortage of trucks, *It is hereby ordered*, That:

The Department of Commerce, as disposal agency, shall allocate for disposal to farmers and farmers' cooperative associations holding certificates of the Agricultural Adjustment Agency and located in Amelia, Appomattox, Bedford, Brunswick, Campbell, Charlotte, Chesterfield, Dinwiddie, Franklin, Greensville, Halifax, Henry, Lunenburg, Mecklenburg, Nottoway, Pittsylvania, Prince Edward, Prince George, Southampton, and Sussex Counties, Virginia, 100 one-and-one-half-ton cargo trucks and 1 one-and-one-half-ton stake-body truck, and shall without regard to the requirements of Surplus Property Board Regulation No. 2 (10 F.R. 5104, 8911, 9478) take immediate steps so to dispose of such property by the methods provided in § 8303.4 (c).

This order shall become effective immediately.

SURPLUS PROPERTY BOARD,
W. STUART SYMINGTON,
Chairman.
EDWARD H. HELLER,
Member.
ROBERT A. HURLEY,
Member.
By A. E. HOWSE.
Administrator.

AUGUST 7, 1945.

[F. R. Doc. 45–14700: Filed, Aug. 9, 1945; 11:13 a. m.]

[SPB Reg. 3, Order 40]

ALABAMA

ALLOCATION OF TRUCKS FOR DISPOSAL TO FARMERS AND FARMERS' COOPERATIVES IN CERTAIN COUNTIES

Pursuant to § 8303.4 of Surplus Property Board Regulation No. 3, entitled "Disposition of Surplus Property in Rural Areas and to Farmers" (10 F.R. 5325) and in reliance upon the certificate of the Secretary of Agriculture to the Surplus Property Board that farm production is impaired or threatened to be impaired in the area named below by a shortage of trucks, *It is hereby ordered*, That:

The Department of Commerce, as disposal agency, shall allocate for disposal to farmers and farmers' cooperative associations holding certificates of the Agricultural Adjustment Agency and located in Houston, Henry, Barbour, Pike, Dale, Coffee, Geneva, Crenshaw, Covington, Conecuh, and Butler Counties, Alabama, 32 two-and-one-half-ton cargo type trucks, 128 one-and-one-half-ton cargo type trucks, 1 one-and-one-half-ton flat type truck, and 2 one-and-one-half-ton cargo stake and platform trucks, and shall without regard to the requirements of Surplus Property Board Regulation No. 2 (10 F.R. 5104, 8911, 9478) take immediate steps so to dispose of such property by the methods provided in § 8303.4 (c).

This order shall become effective immediately.

SURPLUS PROPERTY BOARD,
W. STUART SYMINGTON,
Chairman.
EDWARD H. HELLER,
Member.
ROBERT A. HURLEY,
Member.
By A. E. HOWSE,
Administrator.

AUGUST 7, 1945.

[F. R. Doc. 45-14701; Filed, Aug. 9, 1945; 11:11 a. m.]

[SPB Reg. 3, Order 41]

WASHINGTON

ALLOCATION OF TRUCKS FOR DISPOSAL TO FARMERS AND FARMERS' COOPERATIVES IN CERTAIN COUNTIES

Pursuant to § 8303.4 of Surplus Property Board Regulation No. 3, entitled "Dispositions of Surplus Property in Rural Areas and to Farmers" (10 F.R. 5325) and in reliance upon the certificate of the Secretary of Agriculture to the Surplus Property Board that farm production is impaired or threatened to be impaired in the area named below by a shortage or trucks, *It is hereby ordered*, That:

The Department of Commerce, as disposal agency, shall allocate for disposal to farmers and farmers' cooperative associations holding certificates of the Agricultural Adjustment Agency and located in Douglas and Okanogan Counties, Washington, 18 one-and-one-half-ton cargo trucks, and shall without regard to the requirements of Surplus Property Board Regulation No. 2 (10 F.R. 5104, 8911, 9478) take immediate steps so to dispose of such property by the methods provided in § 8303.4 (c).

This order shall become effective immediately.

SURPLUS PROPERTY BOARD,
W. STUART SYMINGTON,
Chairman.
EDWARD H. HELLER,
Member.
ROBERT A. HURLEY,
Member.
By A. E. HOWSE, *Administrator.*

AUGUST 7, 1945.

[F. R. Doc. 45-14702; Filed, Aug. 9, 1945; 11:12 a. m.]

[SPB Reg. 3, Order 42]

CALIFORNIA

ALLOCATION OF TRUCKS FOR DISPOSAL TO FARMERS AND FARMERS' COOPERATIVES IN CERTAIN COUNTIES

Pursuant to § 8303.4 of Surplus Property Board Regulation No. 3, entitled "Dispositions of Surplus Property in Rural Areas and to Farmers" (10 F.R. 5325) and in reliance upon the certificate of the Secretary of Agriculture to the Surplus Property Board that farm production is impaired or threatened to be impaired in the area named below by a shortage of trucks, *It is hereby ordered*, That:

The Department of Commerce, as disposal agency, shall allocate for disposal to farmers and farmers' cooperative associations holding certificates of the Agricultural Adjustment Agency and located in Alameda, Contra Costa, Fresno, Kern, Lake, Madera, Marin, Mendocino, Merced, Monterey, San Benito, San Luis Obispo, Santa Clara, Santa Cruz, Sonoma, and Tulare Counties, California, 6 two-and-one-half-ton cargo trucks, 17 one-and-one-half-ton cargo trucks, 42 one-and-one-half-ton dump trucks, 7 one-and-one-half-ton to three-ton bus trucks, 78 one-half-ton weapon carrier trucks, 1 one-half-ton emergency repair truck, 2 two-and-one-half-ton searchlight trucks, 2 one-and-one-half-ton chassis, and 30 one-half-ton C/R trucks, and shall without regard to the requirements of Surplus Property Board Regulation No. 2 (10 F.R. 5104, 8911, 9478) take immediate steps so to dispose of such property by the methods provided in § 8303.4 (c).

This order shall become effective immediately.

SURPLUS PROPERTY BOARD,
W. STUART SYMINGTON,
Chairman.
EDWARD H. HELLER,
Member.
ROBERT A. HURLEY,
Member.
By A. E. HOWSE,
Administrator.

AUGUST 7, 1945.

[F. R. Doc. 45-14703; Filed, Aug. 9, 1945; 11:13 a. m.]

[SPB Reg. 3, Order 43]

COLORADO

ALLOCATION OF TRUCKS FOR DISPOSAL TO FARMERS AND FARMERS' COOPERATIVES IN CERTAIN COUNTIES

Pursuant to § 8303.4 of Surplus Property Board Regulation No. 3, entitled "Dispositions of Surplus Property in Rural Areas and to Farmers" (10 F. R. 5325) and in reliance upon the certificate of the Secretary of Agriculture to the Surplus Property Board that farm production is impaired or threatened to be impaired in the area named below by a shortage of trucks, *It is hereby ordered*, That:

The Department of Commerce, as disposal agency, shall allocate for disposal to farmers and farmers' cooperative associations holding certificates of the Agricultural Adjustment Agency and located in Larimer, Weld, Logan, Sedgwick, Boulder, Morgan, Adams, Jefferson, Pueblo, Crowley, Otero, Bent, Prowers, Las Animas, Saguache, Rio Grande, Alamosa, Costilla, Cone Jose, Archuleta, Delores, Montezuma, and La Plata Counties, Colorado, 332 one-and-one-half-ton cargo trucks, 8 one-half-ton C/R trucks, 1 one-and-one-half-ton to two-ton CS&P truck, 4 one-and-one-half-ton coe cargo trucks, 2 one-half-ton recon. radio trucks, 1 one-half-ton W-C/R truck, 27 one-and-one-half-ton dump trucks, 4 one-half-ton weapon carrier trucks, and 14 one-half-ton recon. trucks, and shall without regard to the requirements of Surplus Property Board Regulation No. 2 (10 F.R. 5104, 8911, 9478) take immediate steps so to dispose of such property by the methods provided in § 8303.4 (c).

This order shall become effective immediately.

SURPLUS PROPERTY BOARD,
W. STUART SYMINGTON,
Chairman.
EDWARD H. HELLER,
Member.
ROBERT A. HURLEY,
Member.
By A. E. HOWSE,
Administrator.

AUGUST 7, 1945.

[F. R. Doc. 45-14704; Filed, Aug. 9, 1945; 11:12 a. m.]

WAR PRODUCTION BOARD.

[C-395]

M. K. M. KNITTING MILLS

CONSENT ORDER

M. K. M. Knitting Mills, a corporation with its principal place of business in Manchester, New Hampshire, engaged in the manufacture of women's rayon hosiery, between October 1, 1943 and December 31, 1944 used 214,290 square feet and 26,788 pounds of new fiber shipping containers in excess of the amounts permitted by War Production Board Order L-317.

M. K. M. Knitting Mills admits the violation as charged, denies that it was wilful, and does not desire to contest the issue of wilfulness and has consented to the issuance of this order.

Wherefore upon the agreement and consent of M. K. M. Knitting Mills, the Regional Compliance Manager and the Regional Attorney, and upon approval of the Compliance Commissioner, *It is hereby ordered*, That:

(a) During each of the third and fourth quarters of 1945 and the first and second quarters of 1946, M. K. M. Knitting Mills shall reduce by 30,000 square feet and 4,000 pounds each quarter the quarterly quotas assigned to them by the War Production Board for the use of new fiber shipping containers under War Production Board Order L-317 unless otherwise specifically authorized in writing by the War Production Board.

(b) The restrictions and prohibitions contained herein shall apply to M. K. M. Knitting Mills, its successors and assigns, or persons acting on its behalf. Prohibitions against the taking of any action include the taking indirectly as well as directly of any such action.

(c) Nothing contained in this order shall be deemed to relieve M. K. M. Knitting Mills from any restriction, prohibition, or provision contained in any other order or regulation of the War Production Board except insofar as the same may be inconsistent with the provisions hereof.

Issued this 9th day of August 1945.

WAR PRODUCTION BOARD.
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 45-14728; Filed, Aug. 9 1945; 11:20 a. m.]

AUG 16 '45

FEDERAL REGISTER

VOLUME 10 NUMBER 161

Washington, Tuesday, August 14, 1945

Regulations

TITLE 7—AGRICULTURE

Chapter VIII—Sugar Agency

PART 802—SUGAR DETERMINATIONS

DETERMINATION OF FAIR AND REASONABLE WAGE RATES FOR PERSONS EMPLOYED IN HARVESTING SUGARCANE IN LOUISIANA DURING SEPT. 1, 1945, TO JUNE 30, 1946

Pursuant to section 301 (b) of the Sugar Act of 1937, as amended, the following determination is hereby issued:

§ 802.24u *Fair and reasonable wage rates for harvesting of sugarcane in Louisiana during the period September 1, 1945, to June 30, 1946.* The requirements of section 301 (b) of the Sugar Act of 1937, as amended, shall be deemed to have been met with respect to the harvesting of sugarcane in Louisiana during the period from September 1, 1945, to June 30, 1946, if all persons employed on the farm during that period in the harvesting of sugarcane shall have been paid in full for all such work and shall have been paid wages in cash therefor at rates as follows:

(a) The wage rates agreed upon between the producer and the laborer but in no case less than the rates prescribed under paragraphs (b), (c), and (d).

(b) *Time rates for adult males and adult females.*

	Per day of 9 hours
(1) Cutting topping, stripping:	
Adult males	$2.85
Adult females	2.30
(2) Loading	3.45
(3) Cutting and loading	3.05
(4) Tractor drivers and truck drivers	3.55
(5) Teamsters	3.35
(6) Hoist Operators	3.05
(7) Any other harvesting operations not connected with mechanical loading or mechanical harvesting:	
Adult males	2.40
Adult females	1.90
Operations connected with mechanical loading or mechanical harvesting:	
(8) Operators of mechanical loading or harvesting equipment	3.80
(9) Pilots	3.05
(10) Gathmen, spotters, ropemen	3.45
(11) Scrappers and other operations connected with mechanical loading or mechanical harvesting	$2.85

For a working day longer or shorter than 9 hours the rate shall be in proportion to the applicable rate prescribed above.

(c) *Time rates for workers 14 to 16 years of age.*

For workers between the ages of 14 and 16 years, the rate per day of 8 hours (maximum hours per day for such workers) shall be not less than three-fourths of the applicable rate established under paragraph (b) for adult male workers for a 9 hour day. For a working day shorter than 8 hours, the rate shall be in proportion.

(d) *Piece rates for adult males, adult females, or workers 14 to 16 years of age.*

Operations	Rate per ton	
	Large barrel varieties [1]	Small barrel varieties
(1) Cutting top and bottom and stripping	$1.24	$1.44
(2) Cutting top and bottom	.96	1.05
(3) Loading	.29	.38
(4) (1) and (3) combined	1.53	1.82
(5) (2) and (3) combined	1.25	1.43

(6) The piece rate for any operation not specified above shall be that agreed upon between the producer and the laborer; *provided, however*, that the earnings for the time involved shall be not less than the applicable time rate specified in paragraphs (b) or (c); *and, provided further*, that such minimum earnings shall not apply to prisoners of war but they shall be paid at the same piece rates as other laborers.

[1] Large barrel varieties, CO 290; CP 29-103, CP 29-116; 31-291, 53-213.

(e) *General provisions.*

(1) In addition to the foregoing the producer shall furnish to the laborer without charge the customary perquisites, such as a habitable house, medical attention, and other customary incidentals.

(2) The producer shall not, through any subterfuge or device whatsoever, reduce the wage rates to laborers below those determined herein.

(Section 301, 50 Stat. 909; 7 U.S.C. 1131)

Issued this 13th day of August 1945.

[SEAL] CLINTON P. ANDERSON,
Secretary of Agriculture.

[F. R. Doc. 45-14915; Filed, Aug. 13, 1945; 11:08 a. m.]

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FEDERAL REGISTER

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NOTICE

1944 Supplement

Book 1 of the 1944 Supplement to the Code of Federal Regulations, containing Titles 1-10, including Presidential documents in full text, is now available from the Superintendent of Documents, Government Printing Office, at $3.00 per copy.

A limited sales stock of the Cumulative Supplement and the 1943 Supplement is still available as previously announced.

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[WFO 75-2, Amdt. 28]

PART 1410—LIVESTOCK AND MEATS

BEEF REQUIRED TO BE SET ASIDE

War Food Order No. 75-2, as amended (10 F.R. 6496, 7787, 8805, 9421), is further amended to read as follows:

§ 1410.18 *Beef required to be set aside.* (a) *Definitions.* (1) Governmental agency" means the Army, Navy, Marine Corps, or Coast Guard of the United States (excluding for the purposes of this order, United States Army post exchanges, United States Navy ships' service departments, United States Marine

[1] Appears under War Manpower Commission in Notices section.

Corps post exchanges, and similar organizations), United States Department of Agriculture (including but not restricted to any corporate agency thereof), the War Shipping Administration, and the Veterans Administration.

(2) "Army-style beef" means (i) dressed steer carcasses of "U. S. Choice", "U. S. Good", or "U. S. Commercial" grade weighing between 350 and 1,100 pounds; (ii) dressed heifer carcasses of "U. S. Choice", "U. S. Good", or "U. S. Commercial" grade weighing between 300 and 1,100 pounds; and (iii) dressed cow carcasses of "U. S. Good" or "U. S. Commercial" grade weighing between 350 and 1,100 pounds.

(3) "Federally inspected slaughterer" means any slaughterer whose establishment is operated under Federal inspection.

(4) "Federal inspection" means inspection under the provisions of the act of March 4, 1907 (34 Stat. 1260), as amended, 21 U.S.C. 71, and as extended by Public Law 602, 77th Congress, approved June 10, 1942 (56 Stat. 351), and the rules and regulations promulgated thereunder.

(5) "Certified slaughterer" means any slaughterer of livestock who has been certified by the Secretary of Agriculture under War Food Order No. 139, as amended (10 F.R. 8806).

(6) "Certified slaughtering plant" means any establishment or facility for the slaughter of livestock which has been certified by the Secretary of Agriculture under War Food Order No. 139, as amended, *supra*.

(7) "Authorized purchaser" means:

(i) Any person who is under contract to sell or deliver set aside beef, or products prepared in whole or part therefrom, to a governmental agency;

(ii) Any person who has delivered set aside beef, or products prepared in whole or part therefrom, to a governmental agency, and has not replaced the set aside beef so delivered, or contained in the products so delivered, by a purchase of set aside beef under this order;

(iii) Any person who is authorized by the Director to purchase set aside beef.

(8) "Contract school", "marine hospital", or "maritime academy" means any person defined as such in War Food Order No. 73, as amended (9 F.R. 10036, 10927, 13741).

(9) "Ship supplier" means any person defined as such in War Food Order No. 74, as amended (10 F.R. 5759), who holds a license under that order.

(10) "Set aside beef" means beef of the type and grade required to be set aside, reserved, and held under this order.

(11) "Base period" means that period of the year 1944 established by the Director and published in Appendix A, attached hereto and made a part hereof.

(12) "Current rate of slaughter" means the total dressed weight of cattle slaughtered during a current week divided by the average weekly slaughter (dressed weight) during the base period. Current rate of slaughter shall be stated in terms of percentage.

(13) "Northern Area of Zone 9" includes the following:

(i) Maine, New Hampshire, Vermont, Massachusetts, Connecticut, and Rhode Island;

(ii) All that portion of New York east of and including the counties of Saint Lawrence, Jefferson, Lewis, and Herkimer, and east and southeast of and including the counties of Otsego, Delaware, Sullivan, Orange, Rockland, Westchester, New York, Bronx, Kings, and Richmond;

(iii) All that portion of Pennsylvania east of and including the counties of Tioga, Lycoming, Union, Mifflin, Juniata, Perry, and Franklin;

(iv) New Jersey and Delaware;

(v) All that portion of Maryland east and southeast of and including the counties of Washington, Frederick, Montgomery, Prince Georges, Charles, and Saint Marys; and

(vi) The District of Columbia.

(14) "Zone 9 Kosher slaughterer" means any slaughterer of kosher beef located in the Northern Area of Zone 9, who has registered with the Office of Price Administration as required by paragraph (d) of § 1364.407 of Maximum Price Regulation 169, as amended.

(15) "Conversion weight" means the dressed weight equivalent of the meat derived from the slaughter of cattle, determined as prescribed in paragraph (g) hereof.

(16) "Person" means any individual, partnership, association, business trust, corporation, or any organized group of persons whether incorporated or not.

(17) "Director" means the Director of Marketing Services, United States Department of Agriculture.

(18) Any term not specifically defined herein shall have the meaning set forth for such term in War Food Order No. 75, as amended (10 F. R. 4649).

(b) *Purpose of this order.* This order is intended to provide for the procurement by governmental agencies, authorized purchasers, contract schools, marine hospitals, maritime academies, and ship suppliers, of an amount of beef of the indicated grades equal to the following percentages of the aggregate total of all beef of such grades produced by slaughterers subject to the provisions of this order:

	Percent
Army-style beef	20
Utility (Grade C) and cutter and canner (Grade D) beef	55

(c) *Army-style beef; slaughterers affected.* The provisions of this paragraph (c) shall apply to the following slaughterers:

All federally inspected slaughterers;
Every slaughterer whose cattle are slaughtered in an establishment operated under Federal inspection;
Every slaughterer who, in any calendar week, slaughters more than 51 head of cattle producing Army-style beef;
Every slaughterer whose cattle are slaughtered in an establishment in which, during any calendar week, there are slaughtered more than 51 head of cattle producing Army-style beef;
Every certified slaughterer who is notified of the applicability of this paragraph (c) by the Order Administrator;
Every owner or operator of a certified slaughtering plant who is notified of the applicability of this paragraph (c) by the Order Administrator.

(1) No slaughterer subject to the provisions of this paragraph (c) shall deliver meat unless he shall set aside, reserve, and hold for delivery to governmental agencies, authorized purchasers, contract schools, marine hospitals, maritime academies, and ship suppliers, such percentages, as the Director may determine in accordance with the provisions of paragraph (e) hereof, of the conversion weight of each week's production of beef graded "U. S. Choice", "U. S. Good", and "U. S. Commercial", obtained from steers, heifers, and cows whose carcasses produce Army-style beef.

(2) No slaughterer subject to the provisions of this paragraph (c) shall deliver meat unless he shall bone, in accordance with Army-specifications for frozen boneless beef, not less than 90 percent of each grade of Army-style beef set aside, reserved, and held by such slaughterer: *Provided, however,* That the Order Administrator may wholly or partially exempt any slaughterer from this requirement upon a proper showing that said slaughterer (i) does not have adequate facilities for boning; (ii) does not have, or is unable to obtain, sufficient personnel to bone said beef, or (iii) is unable to comply with this requirement for any reason which appears to the Order Administrator to warrant such exemption.

(d) *Utility grade cutter and canner beef; slaughterers affected.* The provisions of this paragraph (d) shall apply to the following slaughterers:

All federally inspected slaughters:
Every slaughterer whose cattle are slaughtered in an establishment operated under Federal inspection;
Every certified slaughterer who is notified of the applicability of this paragraph (d) by the Order Administrator;
Every owner or operator of a certified slaughtering plant who is notified of the applicability of this paragraph (d) by the Order Administrator.

No slaughterer subject to the provisions of this paragraph (d) shall deliver meat unless he shall set aside, reserve, and hold for delivery to governmental agencies, authorized purchasers, contract schools, marine hospitals, maritime academies, and ship suppliers, such percentages, as the Director may determine in accordance with the provisions of paragraph (e) hereof, of the conversion weight of each week's production of beef obtained from steers, heifers, cows, stags, and bulls of U. S. Utility grade (Grade C beef) and cutter and canner grade (Grade D beef).

(e) *Determination of percentages.* The specific percentage of each grade of beef which any slaughterer shall be required to set aside under this order shall be proportional to and graduated in accordance with the current rate of slaughter of such slaughterer, with the result that a greater proportion of Government requirements will be drawn from those slaughterers who are slaughtering more, with reference to the base period, than their normal volume of cattle. Determination of such percentages will be made by the Director at periodic intervals and published in Appendix A hereof.

(f) *Federal inspection.* (1) No slaughterer who is or who becomes subject to paragraph (c) of this order by virtue of slaughtering, in any calendar week, more than 51 head of cattle producing Army-style beef shall deliver meat unless he shall apply and qualify under the Meat Inspection Act (21 U. S. C. 71 et seq.) and the regulations applicable thereto, for Federal meat inspection of all Army-style carcasses and beef required to be set aside by him under this order. No such slaughterer who fails to apply or qualify for Federal inspection as herein provided shall thereafter slaughter, in any calendar week, more than 51 head of cattle producing Army-style beef.

(2) No owner or operator of slaughtering facilities, other than a farmer, shall slaughter or permit such facilities to be used for the slaughter, in any calendar week, of more than 51 head of cattle producing Army-style beef, unless he has qualified or shall hereafter apply and qualify under the Meat Inspection Act (21 U.S.C. 71 *et seq.*) and the regulations applicable thereto for Federal meat inspection of all Army-style carcasses and beef required to be set aside under this order.

(g) *Conversion weight.* (1) The conversion weight of all deliveries of beef, and the conversion weight of carcasses and of cuts and trimmings derived therefrom, and of beef products produced therefrom shall be determined by multiplying the weight thereof by the appropriate conversion factor set forth below:

Type and description of product:	*Conversion factor (multiplier)*
Dressed carcasses and cuts, not boned, fresh (chilled) or frozen	1.00
Boned beef and trimmings, fresh (chilled) or frozen	1.41
Cured other than dried—not boned	.95
Cured other than dried—boned	1.34
Dried (including smoked)	2.20
Boneless beef derived from cutter and canner grade steers, heifers, cows, stags, and bulls (Grade D beef)	1.45
Canned beef and gravy	2.00

The term "boned" describes cuts from which 50 percent or more of the bone, by weight, has been removed by the process of boning, and the term "not boned" describes cuts from which none or less than 50 percent of the bone, by weight, has been removed, and primal cuts which contain no bone.

(2) The conversion weight of beef of any type used in the preparation of sausage or in the preparation of canned meat, or any other beef product not specified above, shall be computed by determining, on the basis of the manufacturing formula, the net weight of the beef in such processing, and multiplying such net weight by the applicable conversion factor set forth above for such type of beef. The net weight of beef which is cooked and used in the preparation of canned meat not specified above shall be the weight thereof before cooking.

(3) The Director may, upon written application, revise any conversion weight factor where it is shown that such factor is working an undue hardship in the preparation of certain products.

(h) *Credits allowed on deliveries.* Subject to paragraph (i) hereof, any set-aside beef delivered to a governmental agency, authorized purchaser, contract school, marine hospital, maritime academy, or ship supplier may be credited against the requirements of paragraphs (c) and (d) hereof for beef of the type and grade so delivered.

(i) *Certificates.* No set-aside beef shall be delivered to any authorized purchaser, and no credit shall be allowed for any such delivery unless, within 10 days after delivery, the slaughterer obtains a certificate signed by the authorized purchaser, acknowledging receipt of the beef and containing the following: the name and address of both parties and the date of delivery; the contract number of the contract between the authorized purchaser and the governmental agency; and a statement by the authorized purchaser that the set-aside beef so delivered, or an equivalent amount of set-aside beef, will be or has been used in the fulfillment of such contract. The slaughterer shall endorse on such certificate the conversion weight of such beef, together with a description permitting conversion in accordance with paragraph (g) hereof. The slaughterer and the authorized purchaser shall each retain an original of such certificate for at least two years and shall submit the same to the Director upon request. All statements contained in or accompanying such certificates shall be deemed representations to an agency of the United States. No person shall be entitled to rely upon any such certificate if he knows or has reasonable cause to believe it to be false.

(j) *Storage; packaging.* All Army-style beef set aside and reserved under this order shall be stored in such manner as to maintain the quality thereof, and shall be prepared and packaged in accordance with Army specifications.

(k) *Authorized purchasers required to redeliver.* Each authorized purchaser who receives set-aside beef under the provisions of this order shall deliver all such beef, or an equivalent amount of set-aside beef, to a governmental agency, contract school, marine hospital, maritime academy, or ship supplier.

(l) *Allocation.* The Director may, by general order or written notice to individual slaughterers, order the allocation of beef set aside under this order to or among specific governmental agencies, authorized purchasers, contract schools, marine hospitals, maritime academies, or ship suppliers. In the absence of such allocation, slaughterers may, subject to paragraph (i) hereof, sell beef so set aside to any such person or agency.

(m) *Existing contracts.* The provisions of this order shall not be construed as reducing the amount of meat which any slaughterer is required to offer or to deliver under any existing contract with a governmental agency, as defined herein, or with the United States Maritime Commission.

(n) *Reports.* Every slaughterer subject to paragraph (c) hereof shall report to the Director concerning his production of and transactions in beef. Such reports shall be made at such times and upon such forms as the Director may require, and shall be subject to the approval of the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(o) *Audits and inspections.* The Director shall be entitled to make such audits and inspections of the books, records and other writings, premises, supplies of livestock or stocks of meat of any person, and to make such investigations as may be necessary or appropriate, in his discretion, to the enforcement or administration of the provisions of this order.

(p) *Petition for relief from hardship.* Any person affected by this order who considers that compliance herewith would work an exceptional or unreasonable hardship on him may file a petition for relief with the Order Administrator. Petitions shall be in writing and shall set forth all pertinent facts and the nature of the relief sought. The Order Administrator may take any action with reference to such petition which is consistent with the authority delegated to him by the Director. If the petitioner is dissatisfied with the action taken by the Order Administrator, he may, by request addressed to the Order Administrator, obtain a review of such action by the Director. After said review, the Director may take such action as he deems appropriate, which action shall be final.

(q) *Violations.* Any person who violates any provision of this order may, in accordance with the applicable procedure, be prohibited from receiving, making any deliveries of, or using livestock, meat, meat products, or animal fats. Any person who wilfully violates any provision of this order is guilty of a crime and may be prosecuted under any and all applicable laws. Civil action may also be instituted to enforce any liability or duty created by, or to enjoin any violation of, any provision of this order.

(r) *Communications.* All reports required to be filed hereunder and all communications concerning this order shall, unless otherwise provided, be addressed to the Order Administrator, War Food Order No. 75–2, Livestock and Meats Branch, Office of Marketing Services, United States Department of Agriculture, 5 South Wabash Avenue, Chicago 3, Illinois.

(s) *Territorial scope.* This order shall apply within the 48 States and the District of Columbia.

(t) Effective date. This amendment shall become effective at 12:01 a. m., e. w. t., August 12, 1945. With respect to violations, rights accrued, liabilities incurred, or appeals taken, prior to said date, under War Food Order No. 75–2, as amended, all provisions of said order shall be deemed to remain in full force for the purpose of sustaining any proper

suit action, or other proceeding with respect to any such violation, right, liability, or appeal.

NOTE: All reporting and record-keeping requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(E.O. 9280, 7 F.R. 10179; E.O. 9577, 10 F.R. 8087; WFO 75, 10 F.R. 4649)

Issued this 10th day of August 1945.

[SEAL] C. W. KITCHEN,
Director of Marketing Services.

APPENDIX A—SCHEDULE OF GOVERNMENT BEEF PURCHASED AND SET ASIDE PERCENTAGES UNDER WAR FOOD ORDER NO. 75-2

Base period. The month of August 1944 is hereby established as the base period.

Current rate of slaughter. Current rate of slaughter is determined by dividing the dressed weight of cattle slaughtered during a current week by the average weekly slaughter of cattle (dressed weight) during the base period (August 1944).

Government purchase and set aside percentages. In accordance with the standard set forth in paragraph (e), the following schedule of percentages is hereby established. The quantity of each grade of Army-style beef which the persons or agencies designated in paragraph (c) (1) may purchase is determined by applying the appropriate percentage to the total weekly production (dressed weight) of each of such grades of Army-style beef, and the quantities of Utility grade (Grade C) beef and of Canner and Cutter grade (Grade D) beef which are required to be set aside by any slaughterer are determined by applying the appropriate percentage to the total weekly production (dressed weight) of Utility grade beef and Canner and Cutter grade beef, respectively. All Army-style beef required to be set aside or made available for purchase by Zone 9 kosher slaughterers shall be in the form of hindquarters.

Current rate of slaughter (percent of August 1944 weekly average)	Percentage of beef production (dressed weight of slaughter)	
	Army-style	Utility and canner and cutter grades
Less than 50.1	5.5	46.8
50.1-65.0	8.6	48.6
65.1-70.0	11.2	50.0
70.1-75.0	13.4	51.3
75.1-80.0	15.4	52.4
80.1-85.0	17.1	53.4
85.1-90.0	18.7	54.2
90.1-110.0	20.0	55.0
110.1-115.0	21.1	55.6
115.1-120.0	22.0	56.1
120.1-125.0	22.9	56.7
125.1-130.0	23.8	57.1
130.1-135.0	24.5	57.5
135.1-140.0	25.2	57.9
140.1-145.0	25.9	58.3
145.1-150.0	26.5	58.6
150.1-175.0	28.1	59.6
175.1-200.0	30.2	60.7
Over 200.0	31.8	61.7
Slaughterers without August 1944 slaughter history	31.8	61.7

[F. R. Doc. 45-14851; Filed, Aug. 11, 1945; 11:08 a. m.]

[WFO 75-3, Amdt. 20]

PART 1410—LIVESTOCK AND MEATS

PORK SET ASIDE REDUCTION

War Food Order No. 75-3, as amended (10 F.R. 6499, 7789, 8949, 9422), is further amended as follows:

1. By deleting the table at the end of paragraph (b) and substituting in lieu thereof the following:

Percentage of live weight of hogs purchased for slaughter

Type of dressed pork cut or pork product:	
Hams	5.0
Loins	4.5
Shoulders and manufacturing pork	5.5
Lard	4.0

2. By deleting the table which appears in Appendix A and substituting in lieu thereof the following:

Current rate of slaughter (percent of weekly average August 1944)	Percentages of live weight of slaughter			
	Loins	Hams	Shoulders and manufacturing pork	Total
Less than 50.1	3.1	3.5	3.8	10.4
50.1-55.0	3.5	4.0	4.4	11.9
55.1-60.0	3.9	4.4	4.8	13.1
60.1-65.0	4.2	4.7	5.2	14.1
65.1-80.0	4.5	5.0	5.5	15.0
80.1-85.0	4.7	5.2	5.8	15.7
85.1-90.0	4.9	5.4	6.0	16.3
90.1-95.0	5.0	5.6	6.2	16.8
95.1-100.0	5.2	5.7	6.3	17.2
Over 100.0	5.3	5.9	6.5	17.7
Slaughterers without August 1944 slaughter history	5.3	5.9	6.5	17.7

3. By deleting the second paragraph under the heading "Specifications" at the end of Appendix A and substituting in lieu thereof the following:

Not less than 10 percent of all hams set aside shall be processed into oversea hams requiring 96 hours' smoke, and not less than 20 percent of all hams set aside shall be processed into Army hams requiring 48 hours' smoke.

This amendment shall become effective at 12:01 a. m., e. w. t., August 12, 1945. With respect to violations, rights accrued, liabilities incurred, or appeals taken, prior to said date, under War Food Order No. 75-3, as amended, all provisions of said order shall be deemed to remain in full force for the purpose of sustaining any proper suit, action, or other proceeding with respect to any such violation, right, liability, or appeal.

(E.O. 9280, 7 F.R 10179; E.O. 9577, 10 F. R. 8087; WFO 75, 10 F.R. 4649)

Issued this 9th day of August 1945.

[SEAL] C. W. KITCHEN,
Director of Marketing Services.

[F. R. Doc. 45-14800; Filed, Aug. 10, 1945; 12:10 p. m.]

[WFO 75-3, Amdt. 21]

PART 1410—LIVESTOCK AND MEATS

PORK REQUIRED TO BE SET ASIDE BY CERTIFIED SLAUGHTERERS AND OWNERS OR OPERATORS OF CERTIFIED SLAUGHTERING PLANTS

War Food Order No. 75-3, as amended (10 F.R. 6499, 7789, 8949), is further amended as follows:

1. By adding immediately after paragraph (a) (15) the following new paragraphs:

(16) "Certified slaughterer" means any slaughterer of livestock who has been certified by the Secretary of Agriculture under the provisions of War Food Order No. 139, as amended (10 F.R. 8806).

(17) "Certified slaughtering plant" means any establishment or facility for the slaughter of livestock which has been certified by the Secretary of Agriculture under the provisions of War Food Order No. 139, as amended *supra*.

2. By deleting paragraph (c) and substituting in lieu thereof the following:

(c) *Set aside requirements; slaughterers affected.* The provisions of this order shall apply to the following slaughterers:

All federally inspected slaughterers;
Every slaughterer whose hogs are slaughtered in an establishment operated under Federal inspection.
Every certified slaughterer who is notified of the applicability of this paragraph (c) by the Order Administrator;
Every owner or operator of a certified slaughtering plant who is notified of the applicability of this paragraph (c) by the Order Administrator.

No slaughterer subject to the provisions of this order shall deliver meat unless he shall set aside, reserve, and hold for delivery to governmental agencies, authorized purchasers, contract schools, marine hospitals, maritime academies, and ship suppliers, in the form of dressed pork and pork products, such percentages as the Director may determine, in accordance with the provisions of paragraph (d) hereof, of the total live weight of each week's slaughter of hogs.

3. By inserting the following title at the beginning of paragraph (d): "*Determination of percentages.*"

4. By deleting paragraph (1) and substituting in lieu thereof the following:

(1) *Records and reports.* (i) Every slaughterer subject to the provisions of this order, as specified in paragraph (c), shall report to the Director concerning his production of and transactions in pork and pork products, including lard. Such reports shall be made at such times and upon such forms as the Director may require, and shall be subject to the approval of the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(2) Every slaughterer subject to the provisions of this order, as specified in paragraph (c), shall keep such records with respect to inter- or intra-plant transactions as may be required by the Order Administrator.

5. By deleting the paragraph immediately after the table which appears in Appendix A and substituting in lieu thereof the following:

Lard set aside. In addition to the above, each slaughterer subject to the provisions of this order shall set aside a quantity of lard, the total weight of which shall be not less than 4 percent of the total live weight of each week's slaughter of hogs; *Provided, however,* That until further order of the Director, this requirement shall not be applicable to slaughterers located in the States of Alabama, Arkansas, California, Connecticut, Delaware, Florida, Georgia, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Mississippi, New Hampshire, New Jersey, New York, North Carolina, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Utah, Vermont, Virginia, Washington, and West Virginia.

This amendment shall become effective at 12:01 a. m., e. w. t., August 12, 1945. With respect to violations, rights accrued, liabilities incurred, or appeals taken, prior to said date, under War Food Order No. 75-3, as amended, all provisions of said order shall be deemed to remain in full force for the purpose of sustaining any proper suit, action, or other proceeding with respect to any such violation, right, liability, or appeal.

NOTE: All reporting and record-keeping requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(E.O. 9280, 7 F.R. 10179; E.O. 9577, 10 F.R. 8087; WFO 75, 10 F.R. 4649)

Issued this 10th day of August 1945.

[SEAL] C. W. KITCHEN,
Director of Marketing Services.

[F. R. Doc. 45-14803; Filed, Aug. 11, 1945; 11:08 a. m.]

[WFO 75-4, Amdt. 2]

PART 1410—LIVESTOCK AND MEATS

VEAL REQUIRED TO BE SET ASIDE BY CERTIFIED SLAUGHTERERS AND OWNERS OR OPERATORS OF CERTIFIED SLAUGHTERING PLANTS

War Food Order No. 75-4, as amended (10 F. R. 4654, 7789), is further amended as follows:

1. By adding immediately after paragraph (a) (11) the following new paragraphs:

(12) "Certified slaughterer" means any slaughterer of livestock who has been certified by the Secretary of Agriculture under the provisions of War Food Order No. 139, as amended (10 F.R. 8806).

(13) "Certified slaughtering plant" means any establishment or facility for the slaughter of livestock which has been certified by the Secretary of Agriculture under the provisions of War Food Order No. 139, as amended, *supra*.

2. By deleting paragraph (b) and substituting in lieu thereof the following:

(b) *Set aside requirements; slaughterers affected.* The provisions of this order shall apply to the following slaughterers:

All federally inspected slaughterers;
Every slaughterer whose calves are slaughtered in an establishment operated under Federal inspection;
Every certified slaughterer who is notified of the applicability of this paragraph (b) by the Order Administrator;
Every owner or operator of a certified slaughtering plant who is notified of the applicability of this paragraph (b) by the Order Administrator.

No slaughterer subject to the provisions of this paragraph (b) shall deliver meat unless he shall set aside, reserve, and hold for delivery to governmental agencies, authorized purchasers, contract schools, marine hospitals, maritime academies, and ship suppliers, 30 percent of the conversion weight of each week's production of veal graded "U. S. Choice", "U. S. Good", and "U. S. Commercial", obtained from calves whose carcasses weigh, with the hide off, from 60 to 275 pounds, both inclusive.

5. By deleting paragraph (j) and substituting in lieu thereof the following:

(j) *Reports.* Every slaughterer subject to the provisions of paragraph (b) of this order shall report to the Director concerning his production of and transactions in veal. Such reports shall be made upon such forms as the Director may require, and shall be subject to the approval of the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

This amendment shall become effective at 12:01 a. m., e. w. t., August 12, 1945. With respect to violations, rights accrued, liabilities incurred, or appeals taken, prior to said date, under War Food Order No. 75-4, as amended, all provisions of said order shall be deemed to remain in full force for the purpose of sustaining any proper suit, action, or other proceeding with respect to any such violation, right, liability, or appeal.

NOTE: All reporting requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(E.O. 9280, 7 F.R. 10179; E.O. 9577, 10 F.R. 8087; WFO 75, 10 F.R. 4649)

Issued this 10th day of August 1945.

[SEAL] C. W. KITCHEN,
Director of Marketing Services.

[F. R. Doc. 45-14852; Filed, Aug. 11, 1945; 11:08 a. m.]

[WFO 139, Amdt. 1]

PART 1410—LIVESTOCK AND MEATS

CERTIFICATION UNDER PUBLIC LAW 108, 79TH CONGRESS

War Food Order No. 139 (10 F.R. 8806) is hereby amended to read as follows:

§ 1410.28 *Certification under Public Law 108, 79th Congress, approved June 30, 1945*—(a) *Definitions.* (1) "Meat" means the carcasses of livestock, including beef, veal, lamb, mutton, or pork derived therefrom, and any processed or unprocessed edible part, cut, or trimming, regardless of how prepared or packaged; excluding, however, scrapple, souse, and other similar products, offal, oils, rendering fats, raw leaf, casings, by-products not ordinarily used for human consumption, and skins of swine when prepared for use in leather, glue, or gelatin.

(2) "Certified slaughtering plant" means any establishment or facility for the slaughter of livestock which has been certified by the Secretary of Agriculture under the provisions of this order.

(3) "Certified slaughterer" means any owner of livestock who has been certified by the Secretary of Agriculture under the provisions of this order.

(4) "Certification" means certification by the Secretary of Agriculture pursuant to Section 3A of the Stabilization Act of 1942, as amended, as follows:

(i) With respect to a slaughtering plant, that such plant is operated under sanitary conditions as herein defined and that the meat, meat products, and animal fats produced therein have been inspected and found to be clean, wholesome, and suitable for human consumption;

(ii) With respect to an owner of livestock, that such owner is entitled to have such livestock custom slaughtered in a designated certified slaughtering plant without charge against any quota or other slaughtering limitation, except as may be imposed as a condition of certification under this order.

(5) "Federal inspection" means inspection pursuant to the provisions of the act of March 4, 1907 (34 Stat. 1260), as amended, 21 U.S.C. 71, and as extended by Public Law 602, 77th Congress, approved June 10, 1942 (56 Stat. 351), and the rules and regulations promulgated thereunder.

(6) "Sanitary condition", with respect to the certification of a slaughtering plant, means that such plant:

(i) Has a well-constructed building in a good state of repair, with an adequate drainage system and a supply of clean hot and cold water sufficient to maintain the facilities, plant and products produced therein in a sanitary condition;

(ii) Has lighting and ventilation sufficient for all slaughtering and processing operations;

(iii) Is protected against flies and rodents and is located a reasonable distance from any stable, barnyard, hog lot, refuse heap, privy, or other source of fly breeding or contamination;

(iv) Has all necessary equipment and facilities, so arranged as to permit the handling of animals and carcasses in a clean and sanitary manner;

(v) Has adequate facilities, apart and separate from slaughtering and processing operations, for the segregation and disposal of condemned carcasses and for the handling and disposal of inedible by-products and offal;

(vi) Has adequate facilities for cooling, chilling, and holding carcasses and edible byproducts until moved into distribution channels or adequate facilities for cooling, chilling, and holding are available in the immediate vicinity.

(7) "Governmental agency" means the Army, Navy, Marine Corps, or Coast Guard of the United States (excluding, for the purposes of this order, United States Army post exchanges, United States Army post exchanges, United States Navy ships' service departments, United States Marine Corps post exchanges, and similar organizations), United States Department of Agriculture (including any corporate agency thereof), the War Shipping Administration, and the Veterans' Administration.

(8) "Person" means any individual, partnership, association, business trust,

corporation, or any organized group of persons whether incorporated or not.

(g) "Director" means the Director of Marketing Services, United States Department of Agriculture.

(b) *Exemptions from slaughtering quota restrictions.* Subject to the provisions of this order, no quota or other slaughtering limitation shall be imposed upon or shall be operative against any certified slaughterer or any certified slaughtering plant, to the extent that the slaughtering operations on behalf of such certified slaughterer or in such certified slaughtering plant are conducted in accordance with the requirements for certification herein contained.

(c) *Eligibility for certification.* Eligibility for certification under this order shall be limited to:

(1) Slaughtering plants, the owners or operators of which are registered and have been assigned quotas under the provisions of Control Order 1 of the Office of Price Administration.

(2) Owners of livestock who have such livestock slaughtered on a custom basis, who are registered and have been assigned quotas under the provisions of Control Order 1 of the Office of Price Administration, and who, between January 1, 1945, and July 31, 1945, had livestock custom slaughtered in a slaughtering plant to which certification is granted under this order.

(3) Slaughtering plants which operate solely on a custom slaughter basis and at which slaughter performed is for owners of livestock who have registered and been assigned quotas under Control Order 1 of the Office of Price Administration.

(d) *Applications for certification.* Any eligible owner or operator of a slaughtering plant and any eligible owner of livestock who desires to obtain certification under this order may file an application with the Secretary of Agriculture. Application forms will be furnished upon request to the Livestock and Meats Branch, Office of Marketing Services, United States Department of Agriculture, Washington 25, D. C. All applications shall be properly executed and shall contain all the information therein requested. If the applicant is an owner or operator of a slaughtering plant or facility, an examination of such plant or facility will be made to determine whether the same is operated under sanitary conditions. An investigation of all facts disclosed in the application, including facts concerning compliance with Office of Price Administration regulations and war food orders, will be made to determine whether certification is justified. All applications shall contain a statement by the applicant that he agrees to comply with the provisions of this order and with any rules, regulations, or orders that may be issued thereunder. The applicant shall also agree that any certification issued to him shall be contingent upon compliance with such provisions.

(e) *Certification of designated parts of slaughtering plants.* Certification may be had with respect to a designated part only of any slaughtering plant. The provisions of this order shall apply only to meat, meat products, or animal fats produced in such designated part of such plant.

(f) *Examination of slaughtering plants and inspection of meat.* Certification with respect to any slaughtering plant shall be based upon an examination of such plant to determine whether the same is operated under sanitary conditions as defined herein, and an inspection of the meat, meat products, or animal fats produced therein to determine whether the same are clean, wholesome, and suitable for human consumption. Inspection of meat, meat products, and animal fats shall be made by inspectors under the supervision of veterinarians, both duly qualified under the laws of the State, city, or county in which the affected plant is located, or by inspectors approved by the Director. Inspection of the meat, meat products, or animal fats produced in any slaughtering plant shall include ante mortem inspection immediately prior to slaughter, and post mortem inspection immediately after slaughter and during the processing of the carcasses or meat.

(g) *Supervision of inspection.* All slaughtering operations and all inspections authorized hereunder shall be subject to approval by the Director and to supervision by authorized representatives of the Department of Agriculture, and shall be conducted in accordance with such instructions and requirements as the Director may prescribe.

(h) *Compliance with set aside requirements.* (1) Any certification granted pursuant to this order is expressly conditioned upon compliance, by the person concerned, with all applicable orders requiring the setting aside, reserving, holding, processing, and packaging of meat, meat products, and animal fats for procurement by the armed services of the United States or by other governmental agencies; and with any requirement of the Director, addressed to the owner or operator of the plant or to the owner of the livestock, with respect to the making available of meat, meat products, or animal fats to the armed services of the United States or to other governmental agencies. Any violation of such orders or requirements shall be cause for refusal to grant certification or for the termination or revocation of any certification theretofore granted.

(2) Procurement officers of the armed services of the United States or of other governmental agencies may require additional inspection of animals or of the carcasses, meat, meat products, or animal fats derived therefrom which are required to be set aside or made available for procurement by the armed services of the United States or other governmental agencies.

(i) *Markings required.* Each accessible wholesale cut of meat which has been inspected and passed pursuant to this order, whether in the entire carcass or detached therefrom, shall be stamped by the inspector with the legend "Certificate No.", followed by the certificate number assigned to such plant by the Secretary of Agriculture. Such legend shall be contained in a rectangular design. Such marking shall be in addition to any mark or number assigned by the State, city, or local authorities and commonly used by such plant.

(j) *Movement in interstate or foreign commerce.* Meat produced in accordance with the requirements for certification as specified in this order, including any rules, regulations, or orders issued pursuant thereto, and which is properly marked as required in paragraph (i) hereof shall have the same status for purposes of transportation in interstate or foreign commerce as meat produced in plants operated under Federal inspection.

(k) *Refusal, suspension, termination, and revocation of certifications.* The Director may refuse to grant certification or may suspend, terminate, or revoke any certification theretofore granted if he determines that:

(1) The slaughtering plant concerned does not have or has failed to maintain sanitary conditions as herein defined.

(2) To meat, meat products, or animal fats produced in such slaughtering plant will not be or are not being disposed of in legitimate trade channels in accordance with law.

(3) The owner or operator of such slaughtering plant or the owner of the livestock has failed to comply in full with orders requiring the setting aside, reserving, holding, processing, and packaging of meat, meat products, and animal fats for procurement by the armed services of the United States or other governmental agencies, or with requirements of the Director with respect to the making available of meat, meat products, or animal fats for the armed services of the United States or other governmental agencies.

(4) The owner or operator of such slaughtering plant or the owner of the livestock has failed to comply with any other provision of this order or with the requirements of any other War Food Order with respect to meat.

(5) Certification has been erroneously granted or is based upon false or erroneous information.

(l) *Records and reports.* (1) Every owner or operator of a slaughtering plant and every owner of livestock to whom certification is granted under this order shall keep accurate records showing the number of all animals purchased, slaughtered, and condemned, together with the reason for condemnation in each case, the quantity of meat, meat products, or animal fats sold in interstate commerce and the quantity of such products sold in intrastate commerce. Such records shall be kept separate for each species of livestock slaughtered.

(2) The Director shall be entitled to obtain such information from and require such reports and the keeping of such records by, any person, as may be necessary or appropriate, in his discretion, to the enforcement or administration of the provisions of this order, subject to the approval of the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(m) *Audits and inspections.* The Director shall be entitled to make such audits or inspections of the books, records, and other writings, premises, livestock, meat, meat products, or animal fats of any person, and to make such investigations as may be necessary or appropriate, in his discretion, to the enforcement or administration of the provisions of this order.

(n) *Petition for relief from hardship.* Any person affected by this order who considers that compliance herewith would work an exceptional or unreasonable hardship on him may file a petition for relief with the Order Administrator. Petitions shall be in writing and shall set forth all pertinent facts and the nature of the relief sought. The Order Administrator may take any action with reference to such petition which is consistent with the authority delegated to him by the Director. If the petitioner is dissatisfied with the action taken by the Order Administrator, he may, by a request addressed to the Order Administrator, obtain a review of such action by the Director. After said review, the Director may take such action as he deems appropriate, which action shall be final.

(o) *Violations.* (1) If the Director has reason to believe that any owner or operator of a slaughtering plant is violating any provision of this order which deals with sanitary or inspection requirements, and the Director is accordingly unable to certify that the meat, meat products, or animal fats produced in such plant are clean, wholesome, and suitable for human consumption, he may, without prior notice or hearing, suspend the certification theretofore granted to the owner or operator of such plant: *Provided, however,* That such owner or operator shall, within 10 days, be given an opportunity to appear and be heard on the question of whether such suspension shall be vacated or shall be made permanent by way of termination or revocation of the certification. Such appearance and hearing shall be before an authorized representative of the Department of Agriculture and in accordance with the procedure established by the Director. Any certified slaughterer and any owner or operator of a certified slaughtering plant who violates any other provision of this order shall likewise be liable to suspension, termination, or revocation of any certification theretofore granted: *Provided, however,* That suspension, termination, or revocation of any certification for the violation of any provision of this order other than sanitary or inspection requirements shall be subject to the procedural regulations set forth in War Food Order No. 78–1, as amended (9 F.R. 6202, 9943).

(2) Any person who wilfully violates any provision of this order is guilty of a crime and may be prosecuted under any and all applicable laws. Civil action may also be instituted to enforce any liability or duty created by, or to enjoin any violation of, any provision of this order.

(p) *Delegation of authority.* (1) The administration of this order and the powers vested in the Secretary of Agriculture, insofar as such powers relate to the administration of this order, are hereby delegated to the Director. The Director is authorized to redelegate to any employee of the United States Department of Agriculture any or all of the authority vested in him by this order.

(2) The Director is authorized to establish such rules and regulations as he may deem necessary or appropriate in order to provide for the inspection of slaughtering plants seeking certification hereunder, and of meat, meat products, or animal fats produced therein.

(q) *Communications.* All reports required to be filed hereunder, all applications for certification under this order, and all communications concerning this order shall, unless otherwise provided, be addressed to the Livestock and Meats Branch, Office of Marketing Services, Department of Agriculture, Washington 25, D. C.

(r) *Territorial scope.* This order shall apply within the 48 States and the District of Columbia.

(s) *Effective date.* This amendment shall become effective at 12:01 a. m., c. w. t., August 12, 1945. With respect to violations, rights accrued, liabilities incurred, or appeals taken, prior to said date, under War Food Order No. 139, all provisions of said order shall be deemed to remain in full force for the purpose of sustaining any proper suit, action, or other proceeding with respect to any such violation, right, liability, or appeal.

NOTE: All record-keeping requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(E.O. 9280, 7 F.R. 10179; E.O. 9577, 10 F.R. 8087; Pub. Law 108, 79th Cong.)

Issued this 10th day of August 1945.

[SEAL] J. B. HUTSON,
Under Secretary of Agriculture.

[F. R. Doc. 45-14850; Filed, Aug. 11, 1945; 11:08 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket No. 5265]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

SHIELDS OF FAITH CO.

§ 3.6 (m 10) *Advertising falsely or misleadingly—Manufacture or preparation:* § 3.6 (t) *Advertising falsely or misleadingly—Qualities or properties of product or service.* In connection with the offering for sale, sale, and distribution of respondents' metal-covered books in commerce, representing directly or by implication; (1) that said books afford effective protection against bullets, shrapnel, or other projectiles, or against bayonet thrusts; or (2) that the inscriptions on said books are engraved, prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U. S. C., sec. 45b) [Cease and desist order, Shields of Faith Company, Docket 5265, July 27, 1945]

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 27th day of July, A. D. 1945.

In the Matter of A. J. England, M. S. England, M. K. England and A. E. Wildberg, Individuals and Copartners Trading as Shields of Faith Company

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission, the answer of the respondents, and a stipulation of facts entered into at a hearing before a trial examiner of the Commission theretofore duly designated by it (report of the trial examiner, the filing of briefs, and oral argument having been waived); and the Commission having made its findings as to the facts and its conclusion that the respondents have violated the provisions of the Federal Trade Commission Act.

It is ordered, That the respondents, A. J. England, M. S. England, M. K. England, and A. E. Wildberg, individually and as copartners trading as Shields of Faith Company, and their representatives, agents, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale, and distribution of respondents' metal-covered books in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from representing, directly or by implication;

1. That said books afford effective protection against bullets, shrapnel, or other projectiles, or against bayonet thrusts.

2. That the inscriptions on said books are engraved.

It is further ordered, That the respondents shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 45-14848; Filed, Aug. 11, 1945; 11:02 a. m.]

TITLE 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs

[T. D. 51270]

PART 24—CUSTOMS FINANCIAL AND ACCOUNTING PROCEDURE

AUTHORITY TO INCUR EXPENSES

JULY 9, 1945.

Limitation for purchase of articles or services without obtaining authorization and without soliciting competitive bids increased from $50 to $100 during the fiscal year 1946.

Section 205 of Public Law 49, 79th Congress provides:

Section 3709, Revised Statutes (41 U. S. C. 5), shall not apply to any purchase by or service rendered to any executive department or independent establishment during the

fiscal year 1946 when the aggregate amount involved does not exceed $100, but this section shall not be construed as affecting any provision of law authorizing purchases or services without regard to said section 3709 in amounts greater than $100.

In view of the above provision of law, the limitation of $50 on the amount of expenses which may be incurred without the prior authorization of the Bureau, as set forth in paragraphs (b) (2) and (3), (d) (2), and (f) of section 24.31, Customs Regulations of 1943 (19 CFR, Cum. Supp., 24.31 (b) (2) and (3), (d) (2) and (f)), is hereby suspended as to purchases made or services rendered during the fiscal year 1946 and a limitation of $100 is substituted in lieu therefor during said fiscal year.

(R.S. 161, 251, sec. 624, 46 Stat. 759; R.S. 3709, 54 Stat. 1109; 5 U.S.C. 22, 19 U.S.C. 66, 1624; 41 U.S.C. 5, 6. Sec. 205, Pub. Law 49, 79th Cong.)

[SEAL] W. R. JOHNSON,
Commissioner of Customs.

Approved: July 9, 1945.

HERBERT E. GASTON,
Acting Secretary of the Treasury.

[F. R. Doc. 45-14042; Filed, Aug. 11, 1945; 10:15 a.m.]

TITLE 20—EMPLOYEES' BENEFITS

Chapter I—United States Employees' Compensation Commission

Subchapter E—Extension of the Longshoremen's and Harbor Workers' Compensation Act to Persons Engaged in Employment at Military, Air and Naval Bases, Upon Lands Occupied and Used for Military or Naval Purposes, or Under Public Works Contracts, Outside Continental United States

PART 51—GENERAL ADMINISTRATIVE PROVISIONS

ESTABLISHMENT OF COMPENSATION DISTRICTS

Pursuant to the authority conferred by section 39 of the Longshoremen's and Harbor Workers' Compensation Act (Act of March 4, 1927, 44 Stat. 1442; 33 U.S.C. 939), as extended to employments at military, air and naval bases, and other places, outside the United States, by the Act of August 16, 1941, as amended (55 Stat. 622, as amended by 56 Stat. 1035; 42 U.S.C. 1651), section 51.2, Part 51, Subchapter E of Chapter I of the regulations of this Commission (20 CFR 51.2) is hereby amended, effective August 1, 1945, so as to redefine the geographic limits of the compensation district established as Pacific District, and to establish a new compensation district under said Act to be known as Western Pacific District. The designations for said districts in § 51.2 of said regulations shall read as follows:

§ 51.2 *Establishment of compensation districts.* (a) * * *

(2) *Pacific District.* This district comprises all areas in the Pacific Ocean south of the 45th degree north latitude, except Australia, New Guinea, New Zealand, Japanese Islands and any area between the 60th degree east longitude and the 135th degree east longitude, with headquarters at Honolulu, T. H.

* * * * *

(8) *Western Pacific District.* This district comprises all areas between the 60th degree east longitude and the 135th degree east longitude, Australia, New Guinea, New Zealand, and Japanese Islands, with headquarters at Manila, P. I.

Amendment to regulation issued August 1, 1945.

JEWELL W. SWOFFORD,
Chairman.
ALBERT H. LADNER, JR.,
Commissioner.
HATTIE W. CARAWAY,
Commissioner.

[F. R. Doc. 45-14008; Filed, Aug. 13, 1945; 9:50 a. m.]

Chapter III—Social Security Board, Federal Security Agency

[Regs. 3,[1] Further Amended]

PART 403—FEDERAL OLD-AGE AND SURVIVORS' INSURANCE

HEARINGS ON CLAIMS BASED IN WHOLE OR PART UPON SERVICES PERFORMED AS WARTIME MARITIME EMPLOYEES OF U. S.

Regulations No. 3, as amended (20 CFR, Cum. Sup., 403.1 et seq.), are further amended as follows:

1. Section 403.702 is amended by adding at the end of paragraph (a) the following subparagraph:

§ 403.702 *Supporting evidence as to right to receive benefits and lump sums.* * * *

(a) *Evidence as to wages.* * * *

Amounts of remuneration paid an individual for wartime maritime services constituting employment in the employ of the United States (see § 403.827 (c)), and the periods in which and for which such remuneration was paid, will be conclusively evidenced by the determinations of the Administrator, War Shipping Administration, or his designated agents, or entries in the wage records of the Board based upon such determinations. Whether any portion of such remuneration will be excluded from wages will be determined by application of § 403.828.

2. The statutory provisions preceding § 403.703 are amended by adding at the end thereof the following:

SECTION 209 (o) (2), (3), AND (4) OF THE ACT

(2) The Social Security Board shall not make determinations as to whether an individual has performed services which are employment by reason of [paragraph 1 of] this subsection, or the periods of such services, or the amounts of remuneration for such services, or the periods in which or for which such remuneration was paid, but shall accept the determinations with respect thereto of the Administrator, War Shipping Administration, and such agents as he may designate, as evidenced by returns filed by such Administrator as an employer pursuant to section 1426 (1) of the Internal Revenue Code and certifications made pursuant to this subsection. Such determinations shall be final and conclusive.

(3) The Administrator, War Shipping Administration, is authorized and directed, upon written request of the Social Security Board, to make certification to it with respect to any matter determinable for the Board by the War Shipping Administrator under this subsection which the Board finds necessary in administering this title.

(4) This subsection shall be effective as of September 30, 1941. (As retroactively added by section 1 (b) (2) of the act of March 24, 1943, 57 Stat. 47, as amended by the act approved April 4, 1944, 58 Stat. 188.)

5. Section 403.706 is amended by adding at the end of paragraph (a) a new subparagraph (6), as follows:

§ 403.706 *Initial determination*—(a) *Determinations affecting benefits, lump sums, and wage records.* * * *

(6) *Claims or proceedings involving wartime maritime services in the employ of the United States.* The determination of the Administrator, War Shipping Administration, or his designated agents, as to whether an individual has performed services which constitute employment as defined by section 209 (o) of the act as amended (see § 403.803 (d)), as to the periods of such services, as to the amounts of remuneration for such services, and as to the periods in which or for which such remuneration was paid (see § 403.827 (c)), shall be final and conclusive upon the Bureau as to the matters so determined. The Bureau shall make no independent determinations concerning any matter determinable by the Administrator, War Shipping Administration, but shall accept the determinations of the Administrator or his designated agents with respect thereto as evidenced either by tax returns filed pursuant to section 1426 (1) of the Internal Revenue Code or by certifications. In any case in which information necessary to the disposition of a claim or proceeding shall be lacking as to any matter determinable by the Administrator, War Shipping Administration, or in which information set forth in such tax returns appears to be incomplete or questionable, the Bureau shall request the Administrator, War Shipping Administration, or his appropriate designated agent to make certification to it in writing of such missing, incomplete, or questionable information.

6. Section 403.708 is amended by adding at the end of paragraph (e) a new subparagraph as follows:

§ 403.708 *Reconsideration.* * * *

(e) *Reconsidered determination.* * * *

Where reconsideration involves any matters determinable by the Administrator, War Shipping Administration (see §§ 403.803 (d), 403.827 (c)), the Bureau shall comply with the procedure established by § 403.706 (a) (6) as to such matters.

7. Section 403.709 is amended by adding at the end of paragraph (a) the following sentence:

§ 403.709 *Hearing*—(a) *Right to hearing.* * * * (Special provisions concerning hearings with respect to matters determinable by the Administrator, War Shipping Administration (see § 403.706 (a) (6)), are contained in § 403.711a.)

8. Section 403.710 is amended by adding a new paragraph (f), as follows:

§ 403.710 *Appeals Council proceedings on certification and review.* * * *

(f) *Procedure in cases involving wartime maritime services in the employ of the United States.* Special provisions concerning reviews of decisions with respect to matters determinable by the Administrator, War Shipping Administration (see § 403.706 (a) (6)), are contained in § 403.711a.

9. A new § 403.711a, as follows, is inserted after § 403.711:

§ 403.711a *Hearing and review in cases involving wartime maritime services in the employ of the United States.* The provisions of this section shall govern hearings and reviews in all cases in which issues appear or are presented involving wartime maritime services constituting employment in the employ of the United States (see § 403.803 (d)).

The Appeals Council, its members and referees, and the Territorial Directors of the Board for the Territories of Alaska and Hawaii, in matters determinable by the Administrator, War Shipping Administration, pursuant to section 209 (o) of the Social Security Act (see §§ 403.803 (d) and 403.827 (c)) and involved in or presented at hearings conducted pursuant to section 205 (b) of the Social Security Act, as amended, will make determinations of such matters under their deignation as agents of the Administrator, War Shipping Administration. Such designation is set out in General Order No. 50 of that Administrator. When hearing or reviewing a case involving such wartime maritime service, the Appeals Council, its members and referees and the Territorial Directors of the Board for the Territories of Alaska and Hawaii will function in a dual capacity, on the one hand as designated agents of the Administrator, War Shipping Administration, and on the other as referee or Appeals Council, as the case may be, of the Board. All issues involved in such a case may be disposed of at a single hearing or review and by a single decision.

(a) *Right to hearing.* Any party designated in § 403.709 (c) shall be entitled to a hearing with respect to any matter designated in § 403.706 (a) after an initial determination has been made by the Bureau, if such party files, as provided in § 403.709 (b), a written request for such hearing.

(b) *Parties to hearing.* The parties to a hearing shall be those specified in § 403.709 (c) together with the General Agent of the War Shipping Administration who shall have filed the tax return or made the certification referred to in § 403.706 (a) (6), or, in the event that there is no such General Agent, the Administrator, War Shipping Administration.

(c) *Conduct of hearing.* The hearing shall be conducted in accordance with § 403.709 (d) (e) (f) (g) (h) (i) and (j), except as hereinafter set forth. Evidence shall be received from any party as to the performance of services claimed to be wartime maritime services constituting employment in the employ of the United States (see § 403.803 (d)), the period of performance of such services, the remuneration therefor, and the periods in which and for which such remuneration was paid (see § 403.827 (c)).

(d) *Referee's decision or certification to Appeals Council.* As soon as practicable after the close of a hearing, the referee shall make a decision in the case or certify the case to the Appeals Council for decision. The referee shall not remand to the Bureau for revision any case heard pursuant to the provisions of this section.

The referee's decision shall be based upon the evidence adduced at the hearing. The decision shall be made in writing and be divided into two parts. The first part shall consist of a determination relative to the question of wartime maritime service constituting employment in the employ of the United States as defined by section 209 (o) (1) of the act, specifically whether the performance of the services in question constitute such employment, the period of such employment, the remuneration therefor, and the periods in which and for which such remuneration was paid. The determination shall contain findings of fact and a statement of reasons. Such determination shall be made by the referee as agent for the Administrator, War Shipping Administration, and shall be so subscribed by him. In reaching and making such determinations as designated agent, the referee shall follow the provisions of section 209 (o) of the act as amended (see §§ 403.803 (d) and 403.827 (c)) and the regulations or orders issued pursuant thereto from time to time by the Administrator, War Shipping Administration. The second part of the decision shall consist of the referee's findings and statements of reasons upon all matters not determinable by the Administrator, War Shipping Administration, together with his decision in the entire case, based upon both his determination as designated agent of that Administrator and his findings as referee of the Board. In reaching the conclusions required by the second part of the decision he shall be governed by all rules and regulations of the Board.

A copy of the decision shall be mailed to the parties at their last known addresses.

(e) *Procedure before Appeals Council on certified case.* The procedure before the Appeals Council when a case has been certified to it by a referee without decision shall be as set forth in § 403.710 (a), except that the decision of the Appeals Council shall be in the form prescribed in paragraph (d) above.

(f) *Procedure before Appeals Council on review of referee's decision.* The decision of a referee made as provided in subsection (d) above shall be subject to review by the Appeals Council in the manner provided by § 403.710 (b). The procedure before the Appeals Council on such review shall be as provided in § 403.710 (c), and a case may be remanded to a referee as provided in § 403.710 (d). The decision of the Appeals Council, where the case is not remanded, shall be in the form and mailed as prescribed by § 403.710 (d) except that it shall be divided into two parts in the form prescribed in paragraph (d) hereof.

(g) *Extension of time and revision.* The provisions for extensions of time, revision, and extensions of time for commencing a civil action in a district court of the United States, set forth in § 403.711, shall be applicable to proceedings under this section.

(h) *Effect of decisions.* Decisions of the Appeals Council and decisions of referees not reviewed by the Appeals Council, rendered under this section, shall be final and binding upon all parties to the hearing, subject only to review by a civil action filed in a district court of the United States as provided by section 205 (g) of the Act as amended, or as provided in paragraph (g) above.

[1] 5 F.R. 1849.

That portion of the final decision which represents the determination of the Administrator, War Shipping Administration, by his designated agent, shall supersede all previous determinations and certifications of such Administrator or his designated agents as to the matters involved in such factor of the final decision.

In pursuance of sections 205 (a) (53 Stat. 1368; 42 U.S.C. 405 (a)) and 1102 (49 Stat. 647; 42 U.S.C. 1302) of the Social Security Act as amended, the foregoing regulations adopted by the Board are hereby prescribed this 1st day of August 1945.

[SEAL] SOCIAL SECURITY BOARD,
A. J. ALTMEYER,
Chairman.

Approved: August 8, 1945.

WATSON B. MILLER,
Acting Federal Security Administrator.

Approved and prescribed by the undersigned as designated agent of the Administrator, War Shipping Administration.

APPEALS COUNCIL OF THE SOCIAL SECURITY BOARD,
JOSEPH E. MCELVAIN,
Chairman.

[F. R. Doc. 45-14911; Filed, Aug. 13, 1945; 10:46 a. m.]

TITLE 22—FOREIGN RELATIONS

Chapter I—Department of State

Subchapter B—The Foreign Service

[Foreign Service Reg. S-13]

PART 120—MISCELLANEOUS

SERVICES FOR DISTRESSED AMERICAN CITIZENS ABROAD

Pursuant to the authority vested in me by R.S. 161 (5 U.S.C. 22); by Executive Order 9452 of June 26, 1944 (9 F.R. 7183), as amended by Executive Order 9514 of January 18, 1945 (10 F.R. 771); and by Executive Order 9521 of February 13, 1945 (10 F.R. 1991), Chapter XX, section XX-3, of the Foreign Service Regulations of the United States (Title 22, Part 120, § 120.3, of the Code of Federal Regulations; 10 F.R. 3359) is hereby amended to read as follows:

§ 120.3 *Services for distressed American citizens abroad.* Officers of the Foreign Service shall extend every possible aid and assistance within their power to distressed American citizens within their districts, but they shall not expend the funds nor pledge the credit of the Government of the United States for this purpose, except in the case of American seamen, or except as authorized by the Department of State.

Foreign Service Regulation, S-3 dated March 27, 1945 (10 F.R. 3359) is hereby revoked.

This regulation shall become effective immediately upon registration in the Division of the Federal Register.

Issued: Aug. 9, 1945.

For the Acting Secretary of State:

[SEAL] J. C. HOLMES,
Assistant Secretary.

[F. R. Doc. 45-14804; Filed, Aug. 10, 1945; 2:40 p. m.]

TITLE 29—LABOR

Chapter VI—National War Labor Board

PART 803—GENERAL ORDERS

WAGE ADJUSTMENTS, HIRING RATES AND BONUSES

By virtue of and pursuant to the authority conferred on it by General Order No. 36 of the National War Labor Board, the Territorial War Labor Board for Hawaii has adopted the following resolutions:

§ 803.36 *General Order 36.* * * *

General Resolution No. 11. (a) An employer who does not have a wage or salary rate schedule under the provisions set forth in General Resolution 3 and who wishes to make individual wage or salary adjustments based on individual merit, length of service, or operation of an apprentice or trainee program in excess of the amount of such increases allowed under the provisions of paragraph (b) (1) of General Order No. 36, and General Resolution No. 8, must submit his proposed wage or salary rate schedule to the Territorial War Labor Board for Hawaii for approval. Such proposed schedule shall include (1) job classification wage or salary rates or rate ranges, (2) a plan for making individual adjustments within and between such wage or salary rates or rate ranges. Such plans shall include the average amount of increase per employee to be given during any year for all employees covered by the plan and the maximum amount of the increase to be given during a given year to any employee.

(b) Apprenticeship programs approved by the Apprenticeship Council of the Territorial Department of Labor and Industrial Relations, or other appropriate Federal or Territorial Agencies do not require prior approval of the Board. All such adjustments, however, shall be subject to the right of the Board to review and to order the discontinuance of further payments of all or part thereof. (Adopted October 20, 1944.)

General Resolution No. 12. Employers who wish to make promotions or reclassifications may do so without Board approval under the following plan:

(a) When promoted or reclassified to a single rate job bearing a higher rate, an employee (subject to National War Labor Board jurisdiction) may receive the rate established for the new job;

(b) When promoted or reclassified to a job classification bearing a rate range established under the provisions of General Resolution 3 or General Resolution 11, an employee (subject to National War Labor Board jurisdiction) may receive a rate not in excess of 15% above his rate for the new job, which ever is higher: *Provided, however,* That when an employee has special ability and experience he may be paid a rate within the appropriate range corresponding to such ability and experience: *And provided further,* That an employee may not receive a rate above the maximum established for the classification to which he is promoted. (Adopted October 20, 1944.)

General Resolution No. 13. (a) An employer shall hire employees at the minimum of the rate range for a given job classification properly established under the provisions of General Resolution No. 3 or General Resolution No. 11: *Provided, however,* That an employee who has special ability and experience may be hired at a rate within the range corresponding to such ability and experience. An employer may not within a given year hire more than 25% of all the employees hired in his establishment for job classifications for which rate ranges have been established) at rates in excess of the minima of such rate range for such job classifications. In any establishment in which fewer than four employees are hired within the year for such job classifications, one employee who has special ability and experience may be hired at a rate in excess of the minimum rate of the properly established rate range. In new establishments or in new departments of existing establishments, an employer may within the first year of operation hire not more than 50% of all the employees hired (in his establishment) at rates in excess of the minima of such rate range for such job classifications.

(b) An employer who does not have a wage or salary rate schedule properly established under the provisions of General Resolution No. 3 or General Resolution 11 shall hire employees at (1) the minimum rate which he has paid for a given job classification since June 7, 1943, or (2) 20% below the highest rate paid for such job classification since June 7, 1943; *Provided, however,* That an employee who has special ability and experience may be hired at a higher rate corresponding to such ability and experience, but not more than 25% of all employees hired in the establishment within a given year may be hired at such higher rate, and such rate shall not exceed the highest legal rate paid for such job classification since June 7, 1943.

(c) It is expected that in both established and new plants or departments, new hires above minimum rates will normally be distributed over the various job classifications in accordance with the employment in each such classification or general group of classifications.

(d) The Territorial War Labor Board reserves the right to review all adjustments made under this order. (Adopted October 25, 1944; revised March 12, 1945).

General Resolution No. 14. Notwithstanding the provisions of Section (b) (5) of General Order No. 36, an employer may pay to each of his employees without approval of the National War Labor Board, a Christmas or year-end bonus in an amount not exceeding the sum of $25.00. (Adopted October 25, 1944).

(E.O. 9250, Oct. 3, 1942, 7 F.R. 7871; as amended by E.O. 9381, Sept. 25, 1943, 8 F.R. 13083; E.O. 9328, Apr. 8, 1943, 8 F.R. 4681; Act of Oct. 2, 1942, C 578, 56 Stat. 765, Pub. Law 729, 77th Cong.)

THEODORE W. KHEEL,
Executive Director.

[F. R. Doc. 45-14909; Filed, Aug. 13, 1945; 9:50 a. m.]

Chapter IX—Agriculture Department (Agricultural Labor)

[Supp. 65]

PART 1103—SALARIES AND WAGES OF AGRICULTURAL LABOR IN THE STATE OF TEXAS

WORKERS ENGAGED IN PICKING AMERICAN UPLAND COTTON IN CERTAIN COUNTIES OF TEXAS

§ 1103.1 *Wages of workers engaged in picking American Upland cotton in the Counties of Wharton, Fort Bend, Brazoria, Jackson, Colorado, Calhoun, Matagorda, Victoria, and Refugio, State of Texas.* Pursuant to § 4001.7 of the regulations of the Economic Stabilization Director relating to salaries and wages issued August 28, 1943, as amended (8 F.R. 11960, 12139, 16702; 9 F.R. 6035, 14547, 10 F.R. 9478, 9628) and to the regulations of the War Food Administrator issued March 23, 1945 (10 F.R. 3177) entitled "Specific Wage Ceiling Regulations" and based upon a certification of the Texas USDA Wage Board that a majority of the producers of American Upland cotton grown in the area affected participating in hearings conducted for such purpose have requested the intervention of the Secretary of Agriculture and based upon relevant facts submitted by the Texas USDA Wage Board and obtained from other sources, it is hereby determined that:

(a) *Areas, crops and classes of workers.* Persons engaged in picking American Upland cotton in Wharton, Fort Bend, Brazoria, Jackson, Colorado, Calhoun, Matagorda, Victoria, and Refugio Counties, State of Texas, are agricultural labor as defined in § 4001.1 (1) of the regulations of the Economic Stabilization Director issued on August 28, 1943, as amended (8 F.R. 11960, 12139, 16702, 9 F.R. 6035, 14547, 10 F.R. 9478, 9628).

(b) *Maximum wage rates for picking American Upland cotton.* (1) For picking American Upland cotton—$1.75 per 100 pounds of well picked, clean seed cotton.

(c) *Administration.* The Texas USDA Wage Board, located at College Station, Texas, will have charge of the administration of this Supplement No. 65 in accordance with the provisions of the specific wage ceiling regulations issued by the Ward Food Administrator on March 23, 1945 (10 F.R. 3177).

(d) *Applicability of Specific Wage Ceiling Regulations.* This section shall be deemed to be a part of the specific wage ceiling regulations issued by the War Food Administrator on March 23, 1945 (10 F.R. 3177) and the provisions of such regulations shall be applicable to this section and any violation of this section shall constitute a violation of such specific wage ceiling regulations.

Effective date. This Supplement No. 65 shall become effective at 12:01 a. m., Central War Time, August 11, 1945.

(56 Stat. 765 (1942), 50 U.S.C. App. 961 et seq. (Supp. IV); 57 Stat. 63 (1943); 50 U. S. C. 964 (Supp. IV); 58 Stat. 632 (1944); Pub. Law 108, 79th Cong., E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681; E.O. 9577, 10 F.R. 8087; regulations of the Economic Stabilization Director, 8 F.R. 11960, 12139, 16702, 9 F.R. 6035, 14547, 10 F.R. 9478, 9628; regulations of the War Food Administrator, 9 F.R. 655, 12117, 12611, 10 F.R. 7609, 9581; 9 F.R. 831, 12807, 14206, 10 F.R. 3177)

Issued this 10th day of August 1945.

[SEAL] HOWARD A. PRESTON,
Acting Director of Labor, U. S. Department of Agriculture.

[F. R. Doc. 45-14913; Filed, Aug. 13, 1945; 11:08 a. m.]

TITLE 30—MINERAL RESOURCES

Chapter VI—Solid Fuels Administration for War

[SFAW Reg. 28, Amdt. 1]

PART 602—GENERAL ORDERS AND DIRECTIVES

DISTRIBUTION OF PENNSYLVANIA ANTHRACITE

SFAW Regulation No. 28 (9 F.R. 2919) is hereby amended in the following respects:

1. Paragraph (u) of § 602.751 is amended by adding the following:

Shipments of maximum lawful tonnage are subject to the Notices of Direction to All Persons Distributing Anthracite issued on May 29, 1945, and July 14, 1945, and to any notices of direction reducing or increasing maximum lawful shipments, hereafter issued.

2. Section 602.758 is amended to read as follows:

§ 602.758 *Distribution by producers or wholesalers to domestic consumers (except mine employees).* A producer or wholesaler may distribute anthracite to a domestic consumer (except a mine employee) who customarily purchases anthracite from a producer or wholesaler in amounts limited to what such consumer may receive from a retail dealer pursuant to the provisions of SFAW Regulation No. 26, as amended: *Provided, however,* That the restrictions of § 602.657 (c) of that regulation shall not apply to rail shipments to domestic consumers whose normal annual requirements amount to only one railroad car and who customarily receive anthracite in a railroad car lot. Each producer or wholesaler who distributes anthracite to a domestic consumer shall obtain from such consumer a consumer declaration upon the form prescribed by SFAW Regulation No. 26, as amended, and in accordance with the provisions thereof.

3. Paragraph (b) of § 602.763 is amended to read as follows:

(b) If in any calendar month during this fuel year an unequipped retail dealer fails to send trucks to the yard of the equipped retail dealer with whom he has an established base period tonnage to receive his proportionate share of the tonnage of said equipped retail dealer, such equipped retail dealer may distribute to other unequipped retail dealers with whom he has an established base period tonnage, or to consumers, a tonnage equivalent to such undelivered tonnage. An unequipped retail dealer who receives uncalled-for tonnage of other unequipped dealers is permitted to receive in any calendar month tonnage in excess of one-twelfth of the maximum lawful tonnage but is not on a cumulative basis permitted to receive in excess of the maximum lawful tonnage.

This amendment shall become effective immediately.

(E.O. 9332, 8 F.R. 5355; E.O. 9125, 7 F.R. 2719; sec. 2 (a), 54 Stat. 676, as amended by 55 Stat. 236, 56 Stat. 176 and 58 Stat. 827)

Issued this 10th day of August 1945.

C. J. POTTER,
Deputy Solid Fuels Administrator for War.

[F. R. Doc. 45-14876; Filed, Aug. 11, 1945; 11:38 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter IX—War Production Board

AUTHORITY: Regulations in this chapter, unless otherwise noted at the end of documents affected, issued under sec. 2 (a), 54 Stat. 676, as amended by 55 Stat. 236, 56 Stat. 177, 58 Stat. 827; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; W.P.B. Reg. 1 as amended Dec. 31, 1943, 9 F.R. 64.

PART 3290—TEXTILE, CLOTHING AND LEATHER

[Conservation Order M-317, Direction 20]

PRIORITIES ASSISTANCE FOR COTTON YARNS FOR THE PRODUCTION OF CLOSURE TAPES, 3D QUARTER 1945

The following direction is issued pursuant to Conservation Order M-317:

Manufacturers of salvage closure tapes may apply on Form WPB-2842 for priorities assistance to obtain cotton yarns to be used for the manufacture of button and buttonhole tape, hook and eye tape, snap fastener tape and slide fastener tape. Applications must be filed with the War Production Board, Textile, Clothing and Leather Bureau, Washington 25, D. C., not later than August 25, 1945. Priorities assistance will be granted only for carded weaving yarns, 15's 2-ply and finer. Yarns for which priorities assistance is given must be purchased for delivery not later than September 30, 1945 and must be consumed in the production of salvage closure tape prior to October 31, 1945. No person whose application is granted may accept delivery, during the period beginning on the date his application is granted and ending

September 30, 1945, of any cotton yarn to be used for the production of closure tapes, except upon a rated order.

The total amount of cotton yarn for which priorities assistance will be granted under this program is limited. If the applications received exceed the total quantity of yarn allotted to this program, applications will be granted pro rata.

This direction shall expire on October 31, 1945, unless previously extended.

Issued this 13th day of August 1945.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 45-14926; Filed, Aug. 13, 1945; 11:17 a. m.]

PART 1075—CONSTRUCTION

[Conservation Order L-41-e as Amended Aug. 11, 1945]

PUBLIC HIGHWAYS AND STREET CONSTRUCTION

§ 1075.14 *Conservation Order L-41-e*—(a) *What this order does.* The basic order, Conservation Order L-41, limits all types of construction work. This order, L-41-e, is a special adaptation written to apply specifically to public highway and street construction in attaining the objective of the basic order L-41; namely, the conservation of materials, construction equipment, labor and transportation. The governmental agency responsible for the proposed construction must get permission from the War Production Board to begin the work, unless it is of a kind which does not require permission, as described below in paragraphs (c) and (d). This permission, generally known as an "authorization to begin construction", should not be confused with preference ratings or priorities. If a road project is allowed, either because it is not of the kind restricted by this order or because permission has been obtained, it may still be necessary to get preference ratings and allotments for certain materials which will be required. On the other hand, if preference ratings have been obtained or if materials are on hand, it may still be necessary to get permission to begin construction of the project.

(b) *What is meant by the construction of a public highway or street.* A public highway or street is one which is open to the public and which is constructed and maintained by any Federal, State, territorial, county, city, district or other governmental agency. Construction of a highway or street includes the grading, draining and surfacing of the highway or street; erecting of bridges, grade separation structures, culverts, storm drains and similar structures; installing safety and control devices; and constructing curbs, gutters, sidewalks and other appurtenances. The expression "public highway or street" does not include boardwalks, footpaths, footbridges or other passageways primarily for pedestrians, except where they are part of a highway or street like a sidewalk or traffic island.

(c) *Maintenance or repair of highways or streets does not require authorization.* It is not necessary to get permission from the War Production Board to perform maintenance and repair work on highways and streets. The kind of work which may be classed as maintenance and repair is as follows:

(1) Maintenance includes only the usual operations necessary from time to time to keep surfaces, shoulders, embankments, slopes, structures, rights-of-way and all appurtenances of a public highway or street in a safe and serviceable condition, such as blading and shaping surfaces and shoulders, cleaning ditches and waterways, patching, and the like.

(2) Repair consists of work necessary to make serviceable a damaged or deteriorated portion of a highway or structure or to restore it to its original condition or the equivalent. Repair does not include work which represents an improvement or departure from original types of construction. Examples of work which may be classed as repair include the replacement of damaged members or parts of highway bridges or grade separation structures; reinforcement or rehabilitation of deteriorated foundation or base on existing line and grade; rehabilitation of deteriorated surfaces including resurfacing on existing line and grade; widening of surfaces and bases where necessary to reduce serious traffic hazard or excessive shoulder maintenance when such widening does not provide additional traffic lanes. Examples of work which may not be classed as repair include changes in line or grade; widening for the purpose of providing additional traffic lanes; reconstruction or replacement of bridges destroyed by fire or flood or other cause. Maintenance and repair are to be considered in terms of the kind of work to be done and not in terms of the method of doing it or of financing it. For example, the repair of a bridge floor is a repair operation even though it is done by a contractor and financed from the construction budget. On the other hand, the replacement of a bridge with a new one is construction, not repair, even though the work is done with regular maintenance forces and is financed with maintenance funds.

(d) *Size and kind of highway and street construction which does not require authorization.* Highway and street construction may be started without specific War Production Board project authorization if the work consists of one or more of the following classes:

(1) [Deleted Aug. 11, 1945]

(2) A project costing $100,000 or less.

(3) [Deleted Aug. 11, 1945]

(4) Highway construction owned by the United States Army, Navy, Maritime Commission, War Shipping Administration, Coast Guard, Marine Corps, Civilian Aeronautics Authority, Coast and Geodetic Survey, or Panama Canal.

(5) Grading, ditch-digging or similar earth-moving operations, if no lumber or other building materials are permanently installed, except drainage pipe and culverts including headwalls therefor.

(e) *All other public highway and street construction forbidden without War Production Board permission.* No person shall do any construction on a public highway or street which has not been permitted by the War Production Board, unless it is of a kind described in paragraphs (c) or (d) above. This prohibition applies to a Governmental Agency which does its own construction work, to one who gets others to do the work for it, and to any contractor or subcontractor who works on the job or gets others to work on it. It also applies to any supplier who furnishes material for the job if he knows or has reason to know that the construction has not been permitted.

(f) *How to apply for authorization.* The governmental agency responsible for the construction should file an application through the State Highway Department. This application also covers the matter of preference ratings and controlled materials allotments if these are required for the construction. The form is called "Application for Authority to Construct Public Highway or Street, Form PR.1-PA", and copies are obtainable from the State Highway Department or the U. S. Public Roads Administration. Authorizations for road construction will be made on Form GA-1456.

(g) *How to figure cost.* (1) For the purpose of determining whether construction may be started on a highway or street without permission of the War Production Board, cost means the cost of the whole job as estimated at the time of beginning construction, except that the cost of used materials or used fixtures may be disregarded.

(2) If any materials or fixtures which have not been used are obtained without buying them their value must be included as part of the cost.

(3) The cost of labor must be included, but if labor is unpaid its value need not be included. Contractors' fees also must be included, but architects' and engineers' fees need not be, nor need the cost of administration.

(4) The cost of the right-of-way, that is, the amount paid for the land, whether by purchase or condemnation, need not be included.

(5) All construction on the same project must be included. The word "project" includes all contiguous construction. It also includes all jobs on a street or highway between principal intersecting highways or streets. No project may be split into a number of projects to avoid the provisions of this order.

(h) *Revocation of certain stop construction and revocation orders.* All specific orders previously issued by the War Production Board (other than "suspension orders" or "consent orders" issued on the basis of a violation of War Production Board orders or regulations) which directed individual builders to stop construction on public highway or street projects are revoked if the cost of completion of the project (not including the cost of work done before the issuance of the stop construction or revocation order) is within the amount now or subsequently provided in paragraph (d) of this order or if the completion of the project would be permissible under this or any subsequent amendment of L-41-e. Provisions of orders revoked by this paragraph which forbid delivery of materials for the project are also revoked. However, this paragraph does not reinstate priorities assistance previously assigned for such projects nor does it permit the continuance of construction on such projects unless the entire cost of completion is within the modified cost limits of L-41-e or unless the completion of the job is permissible under the modified provisions of L-41-e.

Issued this 11th day of August 1945.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 45-14881; Filed, Aug. 11, 1945; 11:53 a. m.]

PART 1075—CONSTRUCTION

[Conservation Order L-41-e, Revocation of Interpretation 1]

BOARDWALKS AND OTHER PASSAGEWAYS FOR PEDESTRAINS

Interpretation 1 to conservation order L-41-e is hereby revoked as the substance of the interpretation is incorporated in L-41-e, as amended August 11, 1945.

Issued this 11th day of August 1945.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 45-14882; Filed, Aug. 11, 1945; 11:53 a. m.]

PART 3208—SCHEDULED PRODUCTS

[General Scheduling Order M-293, Table 13, as Amended Aug. 11, 1945]

CORK, ASBESTOS AND FIBROUS GLASS DIVISION

§ 3208.14 *Table for Cork, Asbestos and Fibrous Glass Division.* (a) The following amended table is issued pursuant to the provisions of General Scheduling Order M-293:

Type of M-293 product	Designation	Applicable forms columns 1 Operations report	2 Shipping schedule	3 Application and authorization	4 Calendar month frozen [1]
(1) Fibrous glass textiles, including cloth, tape, cord, sleeving, thread, yarn, sliver, M. Q. webbing and other products fabricated wholly from textile type glass fibers	Undesignated		4040		1

[1] For an explanation of the calendar months frozen, see paragraph (m) of M-293.

(b) A manufacturer's intra-company deliveries of fibrous glass textiles shall be treated in the same way as shipments to his customers. Company requisitions must be treated and scheduled as purchase orders. In reporting company requisitions on Form WPB-4040, the applicable preference rating is the rating assigned to the purchase order for the products into which the fibrous glass textiles will go.

(c) This table took effect April 1, 1944, with respect to fibrous glass textiles.

Issued this 11th day of August 1945.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 45-14886; Filed, Aug. 11, 1945; 11:54 a. m.]

PART 3285—LUMBER AND LUMBER PRODUCTS

[Order L-335, as Amended July 19, 1945, Amdt. 1]

Section 3285.121 General Conservation Order L-335 is amended in the following respects:

(1) Amend paragraph (r) by inserting as subparagraph (3) the following:

(3) No person who has an MRO rating for maintenance, repair and operating supplies may use it to get lumber for use in forms for construction except for minor capital and plant additions for which priority assistance is given by CMP Regulations or P and U Orders of the War Production Board.

(2) Amend paragraph (r) subparagraph (3) by redesignating it as subparagraph (4).

Issued this 11th day of August 1945.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 45-14883; Filed, Aug. 11, 1945; 11:53 a. m.]

PART 3290—TEXTILE, CLOTHING AND LEATHER

[General Preference Order M-166, Revocation]

FLAGS

Section 3290.84 *Order M-166* is revoked. This revocation does not affect any liabilities incurred for violation of the order or of actions taken by the War Production Board under the order. The manufacture, use and delivery of flags remain subject to all other applicable orders and regulations of the War Production Board.

Issued this 11th day of August 1945.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 45-14884; Filed, Aug. 11, 1945; 11:53 a. m.]

PART 3290—TEXTILE, CLOTHING AND LEATHER

[Supplementary Order M-317A, as Amended July 12, 1945, Amdt. 2]

COTTON FABRIC PREFERENCE RATINGS AND RESTRICTIONS

Section 3290.116 (Supplementary Order M-317A, As Amended July 12, 1945) is further amended in the following respects:

1. Add a new paragraph to be numbered (c) (5) reading as follows:

(5) During any calendar quarter fabrics and uses may be added to the Preference Rating Schedules of this order. Persons desiring to file applications for priorities assistance for the additional fabrics or uses may do so within 15 days after the date the fabrics are added to the schedule. To secure ratings for the additional fabrics or uses, separate applications must be filed for each quarter.

2. In subparagraph (d) (2) add the following sentence: "In cases where applications are filed for fabrics or uses added to the Preference Rating Schedules after August 1, 1945, Form WPB-2842 must be filed by the date specified in paragraph (c) (5)."

3. In Preference Rating Schedules make the following changes:

a. In Group AUTO-1: In Column II insert on a separate line between "(16a) Drill" and "(13a) Sheeting, Coarse, Class A" the words, "(12) Osnaburg"; in Column III, last line, change "L-1-E" to "L-158".

b. In Group CHEM-1, delete all of Column III and insert the following:

Apparel binding, bias binding, welting.
Baby baths.
Baby carriages.
Belts.
Bicycle saddles.
Book cloths, including loose leaf binders.
Busses, trolley busses, electric railway cars—new and repair.
Crib mattresses.
Crib sheeting.
Dress shields, including sanitary napkin shields.
Export.
Electric heating pads.
Footwear.
Fuel pump diaphragms.
Hat sweat pads.
High chair pads.
Hospital equipment.
Hospital sheeting.
Industrial safety clothing.
Industrial work aprons.
Infants' pants.
Instrument and optical cases.
Luggage.
Medical and diagnosis instruments.
Mending tape.
Military (specify end use and contract number).
Non-allergic mattress and pillow cases.
Oilcloth.
Oilskin raincoats.
Play pen pads.
Railroad equipment.
Rain capes.
Rain coats.
Rubber Hollands.
Seats for places of public assembly.
Trucks—new and replacement.
Upholstery repair (restaurants, hotels, etc.).
Varnished cambric (electrical insulation).
Varnished cambric (rubber separator).
Weather-proof jackets.
Window shades.

c. In Group TEXT–2: In Column 1 add, on a separate line after "Processor (10,000 yards)": "Combiner (zero [0] yards) (a combiner means any person or persons engaged in the business of laminating cotton fabrics to other materials [leather and/or fabric] by means of adhesive on machinery owned or operated by him.)"

d. Insert a new Group after TEXT–6 as follows:

Group	Column I	Column II	Column III	Column IV
TEXT 7....	Processor (500 yards.	(32b) Bunting, flag. ... ... (17c) Print cloth, less than 64 sley.	Flags (official flags of governmental units [including foreign countries], religious, signal and service flags only).	AA–3

4. In Distribution Schedule 1—Fine Cotton Goods, Ref. No. 1, Column VI, first line, change "must" to "may" and insert "only" after the word "delivered."

5. In Distribution Schedule 2, Ref. Nos. 29 through 31, Column VI, paragraph (2), second line, delete the words "must be delivered" and substitute therefor the words "may be delivered only".

6. In Ref. No. 50 of Distribution Schedule 2 (as amended by item 14 of Amendment 1 to M–317A) change the word "percentages" in Column VI, paragraph (2), fourth line, to "production", and in the last line of paragraph (3), change the word "produced" to "produce".

Issued this 11th day of August 1945.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 45–14889; Filed, Aug. 11, 1945; 11:53 a. m.]

PART 3291—CONSUMERS DURABLE GOODS

[Limitation Order L–5–c as Amended Aug. 11, 1945]

DOMESTIC MECHANICAL REFRIGERATORS

§ 3291.6 *Limitation Order L–5–c*—(a) *Definitions.* For the purpose of this order:

(1) "Domestic mechanical refrigerator" means any refrigerator for household use which operates either by compression or absorption and which has a net capacity (N. E. M. A. rating) of 16 cubic feet or less, except the following:

(i) A low temperature mechanical refrigerator designed for storage of frozen foods or for quick freezing food whose low temperature compartment customarily operates at a temperature not higher than 15 degrees above zero (Fahrenheit) and contains 50% or more of total refrigerating space in the refrigerator.

(ii) A refrigerator built to meet specifications of the Army, Navy, or the Maritime Commission for use on vessels built or operated by either of those agencies.

(2) "Manufacturer" means any person in the business of making or assembling domestic mechanical refrigerators.

(b) *Restrictions on production.* (1) No manufacturer shall make or assemble new domestic mechanical refrigerators except as specifically authorized by the War Production Board in writing. Application should be made by filing Form WPB–3700 (and Form WPB–3820 when required by the instructions) with the Field Office of the War Production Board for the district in which the plant where the domestic mechanical refrigerators are to be made or assembled, is located.

(2) Production authorizations under paragraph (b) (1) will be assigned within the approved War Production Board program, on an equitable basis among the applicants. Wherever practicable each applicant will receive a pro rata share of his capacity to produce, based on his facilities and the availability of manpower. Authorizations will not be dependent upon the applicant's having been engaged in the production of domestic mechanical refrigerators at some previous time. In general, smaller manufacturers will be authorized under paragraph (b) (1) to produce a greater percentage of their capacity than larger ones.

(c) *Repair parts.* There are no restrictions on the quantity of parts which may be made for use in servicing or repairing used domestic mechanical refrigerators. In order to insure the proper servicing of used domestic mechanical refrigerators, the War Production Board will give priorities assistance in the form of allotments of controlled materials and preference ratings for the acquisition of other materials and components to be used in the repairing or servicing of used domestic mechanical refrigerators. Applications for such assistance should be made by filing Form CMP–4b according to the instructions for filing that Form. No person shall use any materials which he has obtained with such assistance in the production or assembly of any new domestic mechanical refrigerator.

(d) *Distribution.* This order does not restrict the sale or transfer of domestic mechanical refrigerators. Limitation Order L–5–d, however, controls the sale, transfer and delivery of all new domestic mechanical refrigerators. Any manufacturer who wishes to transfer, sell or deliver any such refrigerator, is referred to Order L–5–d.

(e) *Additional production without priorities assistance.* In addition to the production authorized under paragraph (b), manufacturers may be authorized to make or assemble domestic mechanical refrigerators without priorities assistance as explained in Priorities Regulation 25. Such additional production will be authorized on applications filed on Form WPB–3700 (and Form WPB–3820 when required by instructions) with the field office of the War Production Board for the district in which the plant where the domestic mechanical refrigerators are to be made or assembled, is located. Such applications should not be filed on Form WPB–4000. The number of domestic mechanical refrigerators which may be authorized under this paragraph is limited. Production authorizations will be assigned according to applicants' productive capacity based on the same standards used in assigning authorization under the approved program pursuant to paragraph (b) of this order.

(f) *Reports.* Any manufacturer making any new domestic mechanical refrigerators either as authorized under paragraph (b) (1) of this order or pursuant to Priorities Regulation 25, must file Form WPB–1600 with the War Production Board according to the instructions for filing that form.

(g) *Violations.* Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact or furnishes a false information to any department or agency of the United States, is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using material under priority control and may be deprived of priorities assistance.

(h) *Communications.* All reports required to be filed hereunder and all communications concerning this order shall, unless otherwise directed, be addressed to the War Production Board, Consumers Durable Goods Division, Washington 25 D. C., Ref.: L–5–c.

NOTE: The application forms and reporting requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 11th day of August 1945.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 45–14879; Filed, Aug. 11 1945; 11:53 a. m.]

PART 3291—CONSUMERS DURABLE GOODS

[Limitation Order L–13–b as Amended Aug. 11, 1945]

USE OF STEEL IN FURNITURE AND FIXTURES

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of materials and facilities used in the production of furniture and fixtures for defense, for private account and for export, and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 3291.51 *Limitation Order L–13–b*—(a) *What this order does.* This order governs your use of steel in making furniture and fixtures for civilian purposes. It no longer restricts the use of any other metal. In addition, certain items formerly controlled by this order are no longer controlled by it. The order has an exemption if you make less than $50,000 worth of furniture and fixtures in any quarter. Thus this order does not prevent you from using the rights granted under Priorities Regulation 27 if you otherwise qualify under its terms. Finally a ceiling has been placed on the use of steel based on a rate of 25% of the amount used in the twelve months ending June 30, 1941. It is not the policy of the War Production Board to grant you further priorities assistance. Thus the War Production Board cannot undertake to assure you that you will be able to get the materials needed for production up to the ceiling established in this order. If you want to exceed this amount, you should apply under Priorities Regulation 25.

(b) *Definitions.* For the purposes of this order: (1) "Furniture and fixtures" means all articles shown on List I, and all other articles commonly known as furniture. "Furniture and fixtures" do not include any products on List II.

(2) "Preferred order" means any purchase order or contract calling for delivery to or for the account of the Army or Navy of the United States, the Veterans Administration, the United States Maritime Commission or the War Shipping Administration, including an order for furniture or fixtures which will be incorporated into a product or building to be delivered to one of those agencies.

(c) *How much steel you may use.* Unless you are covered by paragraphs (d) or (e) below, you may not use more steel in making and assembling new furniture and fixtures in any calendar quarter than the amount you use to fill preferred orders actually on hand plus 6¼% of the amount of steel you used in making and assembling furniture and fixtures in the twelve months ending June 30, 1941. To use steel under this order means to cut or process it for use in the production of furniture and fixtures, or to assemble in the completed product purchased parts containing steel (except the parts listed in paragraph (d) (2) below).

(d) *Exemption for small manufacturers and for small amounts of steel.* (1) In any event you may make up to $50,000 worth of furniture and fixtures (manufacturer's sales price) in any quarter in addition to whatever preferred orders you may fill, without regard to the ceiling in paragraph (c). (2) The ceiling in paragraph (c) does not include steel contained in swivel irons, casters, upholstery springs and joining hardware, or in any furniture or fixtures containing 5% or less of steel by weight in addition to those parts mentioned above. Similarly in computing your base period use of steel you should not include what you used for such purposes.

(e) *Steel may be substituted for wood under certain conditions.* You may substitute steel parts for wooden ones in the furniture and fixtures you are currently making if this substitution does not cause an increase in your total production of furniture and fixtures in any calendar quarter by dollar value over the amount of furniture and fixtures you made in the previous quarter.

NOTE: Paragraphs (f) to (k), inclusive, formerly paragraphs (d) to (i), inclusive, redesignated Aug. 11, 1945.

(f) *Spot authorizations under Priorities Regulation 25*—(1) *Applications and authorizations under this amended order.* If you want to use more steel in making furniture and fixtures than you are permitted to use under paragraphs (c) or (d), or if you want to substitute steel parts for wooden ones and increase your production of furniture and fixtures beyond the amount permitted in paragraph (e) you may apply for permission to do so as explained in Priorities Regulation 25. If you are authorized on or after August 11, 1945 under that regulation to make furniture and fixtures, you may use steel to make the furniture and fixtures authorized in addition to the amounts permitted under paragraphs (c) through (e).

(2) *Effect of spot authorizations granted before this order was amended.* If you were authorized before August 11, 1945 under Priorities Regulation 25 to make furniture and fixtures, you may use steel to make the furniture and fixtures authorized instead of, but not in addition to, the amounts permitted under paragraphs (c) through (e). Thus if your "spot authorization" granted before August 11, 1945 itself permits you to make more furniture and fixtures than this order does, it will be advantageous for you to operate under the "spot authorization". On the other hand, if you may make more furniture and fixtures under paragraphs (c) through (e) than under your "spot authorization", then that authorization no longer helps you.

(g) *Reuse of steel or steel parts is not restricted.* This order does not restrict the reuse in making or assembling furniture or fixtures of any steel parts which have once been used in any completed article of furniture or fixtures.

(h) *Finished item deliveries.* No person shall deliver, offer for sale, or accept delivery of any furniture or fixtures which he knows or has reason to believe were made or assembled in violation of this order.

(i) *Applicability of other orders and regulations.* This order and all transactions affected by it are subject to all applicable regulations of the War Production Board. If any other order of the War Production Board limits the use of any material in the manufacture of furniture and fixtures to a greater extent than this order does, the other order governs.

(j) *Violations.* Any person who wilfully violates any provision of this order or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States, is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using material under priority control and may be deprived of priorities assistance.

(k) *Communications.* All communications concerning this order shall, unless otherwise directed, be addressed to the War Production Board, Consumers Durable Goods Division, Washington 25, D. C., Ref.: L–13–b.

Issued this 11th day of August 1945.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

LIST I

1. Household furniture.
2. Porch and lawn furniture including swings and gliders except juvenile.
3. Camp furniture.
4. Barber shop and beauty shop furniture except barber chairs.
5. Public building furniture, including furniture for theatres, assembly halls, churches, libraries and hospitals, but excluding furniture specifically designed for schools.
6. Restaurant furniture.
7. Folding furniture such as chairs, tables.
8. Storage chests and cabinets, including but not limited to broom cabinets, kitchen cabinets and cupboards, medicine cabinets, utility cabinets and undersink cabinets, but not including heavy duty kitchen cabinets specifically designed for commercial or institutional use.
9. Office furniture, including counters.
10. Filing cabinets, except insulated.
11. Lockers, including wire gymnasium baskets.
12. Shelving, including all types of bins and racks except those specifically exempted on List II.
13. Show cases.

LIST II

1. Beds, cots, studio couches, sofa beds, bunks, berths, mattresses and bed springs.
2. Waste paper baskets.
3. Filing cabinets with metal only in essential operating steel hardware and joining hardware.
4. Office chairs with metal only in swivel irons, upholstery springs, casters and joining hardware.
5. Typewriter desks with metal only in typewriter mechanisms and joining hardware.
6. Office machine stands which are integral parts of the machines they support.
7. Time card racks.
8. Hospital, medical and surgical furniture and related equipment.
9. Dental equipment.
10. Laboratory equipment.
11. Refrigerators.
12. Drafting equipment.
13. Engineering drawing units designed primarily for engineering drawings and tracings and sometimes known as plan files.
14. Printing trades machinery.
15. Steel seating equipment designed for use at a switchboard, work bench, production machine or assembly line.
16. Steel work benches.
17. Steel foremen's desks.
18. Shop boxes.
19. Stacking boxes.
20. Cases, racks or shelving inserts specifically designed to store or hold tools.
21. Racks specifically designed to store or hold rods or bars.

[F. R. Doc. 45–14880; Filed, Aug. 11, 1945; 11:54 a. m.]

PART 3293—CHEMICALS

[General Allocation Order M-300, Revocation of Schedule 46]

ARSENIC

Section 3293.1046 *Schedule 46 to General Allocation Order M-300* and all authorizations and directions issued under that section, are hereby revoked. This revocation does not affect any liabilities incurred for violation of the section or of actions taken by the War Production Board under the section.

Issued this 11th day of August 1945.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 45-14887; Filed, Aug. 11, 1945; 11:54 a. m.]

PART 3293—CHEMICALS

[General Allocation Order M-300, Schedule 116]

WHITE AMMONIUM CHLORIDE

§ 3293.1116 *Schedule 116 to General Allocation Order M-300*—(a) *Definition.* "White ammonium chloride" means the commercial material (technical, USP and CP) containing not less than 98% ammonium chloride by weight and free from lead chloride.

(b) *General provisions.* "White ammonium chloride" is subject to allocation under General Allocation Order M-300 as an Appendix A material. The initial allocation date is September 1, 1945. The allocation period is the calendar month and the small order exemption is 200 pounds per person per month.

(c) *Suppliers' applications on WPB-2946.* Each supplier seeking authorization to deliver shall file application on Form WPB-2946 (formerly PD-601). Filing date is the 20th day of the month before the requested allocation month. Send three copies (one certified) to the War Production Board, Chemicals Bureau, Washington 25, D. C., Ref: M-300-116. The unit of measure is pounds. An aggregate quantity may be requested, without specifying customers' names, for delivery on exempt small orders. Fill in Table II.

(d) *Customers' applications on Form WPB-2945.* Each person seeking authorization to use or accept delivery shall file application on Form WPB-2945 (formerly PD-600). Filing date is the 15th day of the month before the requested allocation month. File separate sets of forms for each supplier. Send three copies (one certified) to the War Production Board, Chemicals Bureau, Washington 25, D. C., Ref: M-300-116, and one copy (reverse side blank) to the supplier. The unit of measure is pounds. Fill in Column 3 in terms of the following:

Adhesives.
Batteries (dry cell).
Catalyst.
Dyes.
Explosives.
Fluxes.
Galvanizing and soldering.
Metal forging and smelting.
Pharmaceuticals.
Smoke bombs.
Tanners bate.
Yeast.
Zinc ammonium chloride.
Other primary product (specify).
Export (in original form).
Inventory (in original form).
Resale (in original form).

Specify end use in Column 4 as required by paragraph (11-a) of Appendix E of Order M-300, indicating as far as possible whether for direct or indirect Army, Navy or Lend-Lease orders, if the Army or Navy specification or contract numbers or the Lend-Lease requisition and contract numbers cannot be obtained. Fill in other columns of Table I, and fill in Tables II and III as indicated. Leave Tables IV and V blank.

(e) *Budget Bureau approval.* The above reporting requirements have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(f) *Communications to War Production Board.* Communications concerning this schedule shall be addressed to War Production Board, Chemicals Bureau, Washington 25, D. C., Ref: M-300-116.

Issued this 11th day of August 1945.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 45-14888; Filed, Aug. 11, 1945; 11:53 a. m.]

PART 3301—CORK, ASBESTOS AND FIBROUS GLASS

[Conservation Order M-283, as Amended Aug. 11, 1945]

ASBESTOS TEXTILES

§ 3301.16 *Conservation Order M-283*—(a) *Definitions.* (1) "Asbestos textiles" means any material initially produced from the mineral asbestos by means of a carding operation and includes all such material in the following forms subsequent to the carding operation, including scrap:

Carded fiber.
Plain roving (underwriter's and commercial).
Plain roving (above underwriter's grade).
Reinforced roving.
Cable filler.
Lapps.
Yarn—single.
Yarn—plied.
Yarn—metallic.
Cloth—1¼ pounds per square yard and lighter, all weaves.
Cloth—heavier than 1¼ pounds per square yard, non-metallic, plain weave.
Cloth—heavier than 1¼ pounds per square yard, metallic, plain weave.
Cloth—all weights, metallic and non-metallic other than plain weave.
Tape—.010 to .025" thick.
Tape—1/32" thick and up.
Cord—Plain or treated.
Tubing—woven or braided.

(2) "Supplier" means any person who produces asbestos textiles from the mineral asbestos by means of a carding operation.

(3) "Consumer" means any person who purchases or accepts delivery of asbestos textiles from a supplier for resale, or for use in the manufacture of other forms of asbestos textiles or of articles made in whole or in part of asbestos textiles, or for any other use. A supplier, who uses asbestos textiles which he has produced in the manufacture of any product which is not itself an asbestos textile as defined in paragraph (a) (1), shall be deemed also to be a consumer.

(4) "Implements of war" means combat end products, complete for tactical operations (including, but not limited to, aircraft, ammunition, armament, weapons, ships, tanks and military vehicles), and any parts, assemblies and materials to be incorporated in any of the foregoing items being produced for the Army or the Navy of the United States, the Maritime Commission, the War Shipping Administration, Veterans Administration, or for any foreign government pursuant to the act approved March 11, 1941, entitled "An Act to Promote the Defense of the United States" (Lend-Lease Act), where the use of any asbestos textiles to the extent employed is required by the latest issue of government specifications (including performance specifications, unless otherwise directed by the War Production Board) applicable to the contract, subcontract, or purchase order. The term does not include facilities or equipment used to manufacture the foregoing items.

(b) *Restrictions on delivery and use.* (1) No supplier shall deliver or use asbestos textiles and no person shall accept delivery of asbestos textiles from a supplier, except as specifically authorized in writing by War Production Board, upon application pursuant to paragraph (d). Even though asbestos textiles have been allocated by the War Production Board for incorporation into friction materials for new civilian passenger cars and trucks, they may not be used for that purpose if to do so will interfere with the production of implements of war or with the filling of rated orders for which asbestos textiles have been allocated by the War Production Board.

(2) War Production Board may from time to time issue special directions to any person with respect to his use, processing to final product, delivery, acceptance of delivery, or placing of orders, of asbestos textiles, notwithstanding the provision of paragraph (c), or special directions to any supplier with respect to the kinds of asbestos textiles which he may or must manufacture, and the grades and types of asbestos fiber which he may or must use in the production of asbestos textiles.

(3) No supplier shall deliver any asbestos textiles to any person if he knows or has reason to believe that such person would receive or use it in violation of the terms hereof, nor may any person deliver or accept delivery of any item which he knows or has reason to believe was manufactured in violation of the terms hereof.

(4) Each supplier shall notify the War Production Board of his inability to make authorized delivery, or of cancellation by a consumer of any authorized delivery, within 5 days after he has notice of such fact.

(c) *Small order exemption.* Specific authorization shall not be required for:

(1) Any person to accept delivery of 500 pounds or less of asbestos textiles in the aggregate from all sources during any calendar month, provided that he has not been specifically authorized to accept delivery of any quantity of asbestos textiles during such month; and

(2) Any supplier to deliver 500 pounds or less of asbestos textiles to any person in any calendar month, provided that:

(i) No supplier shall deliver in the aggregate in any calendar month, pursuant to this paragraph (c), an amount in excess of 5 per cent by weight of his actual shipment of asbestos textiles for the preceding month;

(ii) No supplier shall make deliveries during any calendar month, pursuant to this paragraph (c), if such deliveries will prevent completion of any deliveries which have been specifically authorized for such month.

(3) For the purposes of paragraphs (c) (1) and (c) (2) above, the term "person" means usual purchasing unit, whether plant, distributing agency, corporation or other legal entity.

(d) *Applications and reports*—(1) *Consumers.* Each consumer seeking authorization to accept delivery of asbestos textiles during any calendar month shall file application on Form WPB-2137 as prescribed in that form.

(2) *Suppliers.* Suppliers shall seek authorization to deliver asbestos textiles only to consumers who have filed with them WPB-2137 as prescribed in that form.

(3) Applications for allocations of plain roving, reinforced roving, cable filler, and lapps for incorporation into Navy cable shall be made on a calendar quarterly basis on Form WPB-2137.2 as prescribed therein, beginning with the first quarter of 1945.

(4) War Production Board may from time to time issue special instructions with respect to the method or time of filing or content of WPB Form 2137.

(e) *Separation of functions.* Each supplier who consumes all or part of his production of asbestos textiles in the manufacture of any product which is not itself an asbestos textile, as defined in paragraph (a) (1), shall treat the production and consumption parts of his operations as separate divisions, and delivery to himself for consumption shall be deemed delivery, requiring authorization within the meaning of paragraph (b) (1). Each such supplier in his separate capacity as a consumer and as a supplier shall file all the applications and reports required by paragraphs (d) (1), (d) (2) and (d) (3). A supplier who consumes all or any part of his production of asbestos textiles in the manufacture of products which are not asbestos textiles as defined in paragraph (a) (1) must request allocation only for that type of asbestos textile that immediately precedes the manufacturing process which changes its form beyond that shown in the list of asbestos textiles in paragraph (a) (1).

(f) *Restrictions on manufacture of List A products.* No person shall use any asbestos textile in the manufacture of any item, or part for an item, on List A.

(g) *Restrictions on manufacture of List B products.* On and after the governing date specified in List B, no person in the manufacture of any item on List B shall use any asbestos textile which is either of a grade (in terms of percentage of asbestos content) higher than the grade specified in List B, or is of a cut finer than the cut specified in List B.

(h) [Revoked Jan. 4, 1945.]

(i) *Miscellaneous provisions*—(1) *Applicability of regulations.* This order and all transactions affected hereby are subject to all applicable War Production Board regulations, as amended from time to time.

(2) *Forms.* Forms WPB-2137 and WPB-2137.2, referred to in paragraph (d), have been approved by the Bureau of the Budget in accordance with Federal Reports Act of 1942.

(3) *Violations.* Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States government, is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control, and may be deprived of priorities assistance.

(4) *Communications to War Production Board.* All reports required to be filed hereunder, and all communications concerning this order, shall, unless otherwise directed, be addressed to: War Production Board, Cork, Asbestos & Fibrous Glass Division, Washington 25, D. C. Ref: M-283.

(5) *Appeals.* Any appeal from the provisions of this order must be made by letter in triplicate addressed to the War Production Board, Cork, Asbestos and Fibrous Glass Division, Washington 25, D. C., Ref: M-283, referring to the particular provision appealed from, stating fully the grounds of the appeal and setting forth the necessary supporting information. The supporting information shall include:

1. The List A or B product for which the asbestos textiles will be used;

2. The period of time, not exceeding one calendar quarter, for which relief is requested;

3. The monthly schedule of the amount of asbestos textiles which would be required in the production of the List A or B product;

4. The type of asbestos textile to be used and the grade and cut.

Ordinarily consideration will be given only to those appeals where compliance by the appellant or another would work an exceptional and unreasonable hardship on the manufacturer or user of the List A or B product which is not suffered generally by others in the same industry or activity.

Issued this 11th day of August 1945.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

RESTRICTED USES OF ASBESTOS TEXTILES UNDER CONSERVATION ORDER M-283, AS AMENDED AUGUST 11, 1945

LIST A

1. Theatre curtains and scenery.
2. Vibration eliminators (except for implements of war).
3. Gun covers.
4. Radiator hose (except for implements of war).
5. Ammunition containers.
6. Fire stops in automotive vehicles, buses, or trucks.
7. Covering for heat insulation, except:
(i) As cuffs not over 12 inches long on pipe covering ends next to flanges or fittings where pipe temperature may under normal operating conditions exceed 500 degrees.
(ii) Where outside covering is next to hot metals such as steam boilers or auxiliaries.
(iii) On downcomer piping inside boiler casing
(iv) For making portable flanges and fitting covers.
8. Yarn for heaters and heater accessories except for implements of war, and except for electric heater cords.
9. Filter sacks for liquids.
10. Parachute flare shields.
11. Clutch facing for automotive vehicles (except for implements of war and except in the production of new passenger cars and trucks authorized by the War Production Board), in accordance with numbers assigned by the Brake Lining Manufacturers Association in B. L. M. A. Catalog as shown in the 1939 edition, the 1940 supplement to the 1939 edition, and the 1941 edition, to-wit:

416	621	637	736A
506	621A	638	736B
516	628	718	738
614	629	719B	821B
620	636	732	827
859	946	985A	1053
862A	953A	987	1056
862B	953C	988	1057
880	953D	988A	1057A
891	953E	990	1057B
896A	954	990A	1057C
898	955	991	1058
900	955A	991A	1059
922A	955B	991B	1059A
905	956	993	1059B
905A	956A	993A	1068
905D	966	994	1072
905E	967	995	1142B
905F	967A	999	1142C
909	968	1005A	1154A
909A	968B	1007A	1169
909B	969	1008A	1169A
929B	975	1033	1170
929D	979	1047	1173
930-1	980	1047A	1181
940	982	1051	
941A	985	1052	

12. Brake lining in widths less than 2 inches or in thickness less than ¼ inch (except for implements of war and except for B. L. M. A. Nos. 336 and 341A and except in the production of new passenger cars and trucks authorized by the War Production Board).

LIST B

Item	*Governing date*	*Grade (max. % of asbestos)*	*Minimum permissible cut*
1. Laminated plastics	February 14, 1943	Underwriters	------
2. Mechanical packing or gasket material made of asbestos textile material which has been graphited, friction treated, or otherwise treated with an adhesive or impregnating substance, for use as, or for use in the manufacture of, mechanical packings or gaskets (except that produced from blue asbestos fiber, and except for valve rings, seamless boiler gaskets and implements of war)	October 18, 1943	Commercial	10
3. Friction material	October 18, 1943	Commercial	10

[F. R. Doc. 45-14885; Filed, Aug. 11, 1945; 11:54 a. m.]

PART 944—REGULATIONS APPLICABLE TO THE OPERATIONS OF THE PRIORITIES SYSTEM

[Priorities Reg. 25, as Amended Aug. 13, 1945]

SPOT AUTHORIZATIONS FOR PRODUCTION

§ 944.46 *Priorities Regulation 25*—(a) *What this regulation does.* This regulation describes the revised spot authorization method for getting authorizations to produce a product that is still restricted or limited by certain L orders. Other orders controlling products using relatively less amounts of the same materials and manpower have been revoked or relaxed, but these L orders had to be retained because the products controlled require substantial amounts of materials and manpower, and unlimited production would interfere with the war effort. This regulation applies only to the L orders listed on Direction 1 to this regulation and to any other orders which expressly state that authorizations may be obtained under this regulation. This regulation differs from the previous spot authorization method chiefly in that preference ratings and allotments are no longer given with the spot authorization.

(b) *Policy for granting spot authorizations.* The WPB will give spot authorizations where it finds that the use of materials and manpower in the proposed production will not interfere with war production and will not be so great as to interfere with a reasonably free supply of basic materials for industry generally.

(c) *Priorities assistance*—(1) *No priorities assistance will be given with a spot authorization.* No allotments of controlled material will be made, and no preference rating will be assigned on a spot authorization. The WPB does not guarantee, by granting an authorization that controlled materials or other materials and products will be available to a particular applicant.

(2) *Separate applications for priorities assistance.* Applications for priorities assistance for production authorized under Priorities Regulation 25 may be made in any of the usual ways. The policy for granting assistance for this production is explained in Priorities Regulation 28. Priorities assistance will generally be given only on a limited basis and to prevent exceptional and unreasonable hardship under the conditions described in paragraph (c) of Priorities Regulation 28.

(d) *How to apply for spot authorization.* Application for a spot authorization should be made by filing Form WPB-4000 (or special form where provided by an order) with the WPB Field Office for the district for the plant in which you propose to produce. The application should be accompanied by Form WPB-3820 (Statement of Manpower Information) unless (1) the plant is located in a Group III, IV, or unclassified Labor Area, or (2) you do not propose to use more than 100 production workers for all production in the plant. If either of these two conditions apply, you should attach a statement to that effect.

(e) *Effect of spot authorizations.* (1) A spot authorization (on Form CMPL-150C or Form WPB-4000) provides an exemption from the provisions of orders which refer to this regulation, or of orders which are listed on Direction 1 to this regulation. When the orders themselves include provisions as to the effect of a spot authorization, the exemption applies only to the extent stated in those provisions. In the absence of such provisions, the exemption applies to present production restrictions in the order. All other provisions of the order and the provisions of other applicable orders or regulations still apply.

(2) *Repair parts and material obtained from another source may not be used.* You may not use any material or products for production authorized under this regulation which you obtained by using a preference rating or allotment symbol assigned for another purpose unless you are unable to use or dispose of the materials or products for the purpose for which the allotment or rating was given. In addition, you may not use any parts which you manufactured under an authorized production schedule assigned by WPB for the manufacture of repair parts (i. e., where the CMP Product Code specifically includes "repair parts", such as Code 807, "Repair parts for consumers durable goods"). For example, if you have been making domestic mechanical refrigerator repair parts with an allotment and rating under Code 807, you may not use these parts to make domestic mechanical refrigerators authorized by a spot authorization under this regulation. This does not prevent the use of the rating and allotment symbol assigned by Priorities Regulation 27 for production materials for production authorized under this regulation, where you are otherwise qualified under Priorities Regulation 27.

(3) *Schedules not automatically rated.* Authorization of a production schedule under this regulation does not of itself give the applicant a preference rating of AA-5 under § 944.1b of Priorities Regulation 1.

(4) *Rated orders for other products you can produce must still be accepted.* Spot authorizations to produce civilian products do not allow you to refuse to accept and produce rated orders for civilian or military production. If you receive a spot authorization, you still must comply with all the provisions of Priorities Regulation 1 regarding the acceptance and filling of rated orders.

(5) *Restrictions on Class A components.* Spot authorization to make a product restricted by a WPB Order not only gives you relief from the production restrictions of that order but also will grant the same relief automatically to any sub-contractor who furnishes you with a Class A component of the product which is restricted by the same order.

(f) *Relationship to the appeals procedure.* An appeal may not be filed from the restrictions of an order which can be waived by a spot authorization. The only relief is by filing for a spot authorization. However, if your application for a spot authorization is denied, and if you will consequently suffer exceptional and unreasonable hardship, you can then appeal in the way described in Priorities Regulation 16.

(g) *Authorizations issued prior to July 1st effective after July 1.* Any spot authorization issued under this regulation prior to July 1st which authorizes production after July 1st remains in effect if the restrictions of the L or M order from which it gave an exemption continue in effect.

Issued this 13th day of August 1945.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 45-14928; Filed, Aug. 13, 1945; 11:27 a. m.]

PART 1010—SUSPENSION ORDERS

[Suspension Order S-871]

BLISH, MIZE AND SILLIMAN HARDWARE CO.

Blish, Mize and Silliman Hardware Company, Atchison, Kansas, is a Kansas Corporation engaged in the sale of hardware, farm supplies and liquefied petroleum gas equipment. During February and April of 1944 the Corporation delivered liquefied petroleum gas equipment for installation purposes without authorization of the War Production Board in violation of Limitation Order L-86. Blish, Mize and Silliman Hardware Company was familiar with Limitation Order L-86, and knew or had reason to believe that the liquefied petroleum gas equipment which it delivered would be used for installation purposes.

These violations of Limitation Order L-86 diverted critical materials to uses not authorized by the War Production Board. In view of the foregoing, it is hereby ordered, that:

§ 1010.871 *Suspension Order No. S-871.* (a) Blish, Mize and Silliman Hardware Company shall not for two months from the effective date of this order receive or accept delivery of any liquefied petroleum gas equipment. This does not apply to material in transit for delivery to the Corporation on the effective date of this order.

(b) The restrictions and prohibitions contained herein shall apply to Blish, Mize and Silliman Hardware Company, its successors and assigns, and persons acting in its behalf. Prohibitions against the taking of any action include the taking indirectly as well as directly of any such action.

(c) Nothing contained in this order shall be deemed to relieve Blish, Mize and Silliman Hardware Company from any restriction, prohibition or provision contained in any other order or regulation of the War Production Board, except insofar as the same may be inconsistent with the provisions hereof.

(d) This order shall take effect on August 13, 1945.

Issued this 3d day of August 1945.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 45-14930; Filed, Aug. 13, 1945; 11:16 a. m.]

PART 1010—SUSPENSION ORDERS

[Suspension Order S-878]

JOSEPH BISCARO

Joseph Biscaro, 31 Rumford Street, Depew, New York, is a general building contractor. On or about August 1, 1944, he began construction of a residence at Cheektowaga, New York, and thereafter carried on such construction through December 28, 1944, at a cost in excess of the amount limited by Conservation Order L-41. Biscaro was aware of War Production Board restrictions on construction and of Order L-41, and beginning and carrying on this construction without specific authorization of the War Production Board was in wilful violation of that order. This violation has diverted critical material to uses not authorized by the War Production Board. In view of the foregoing, it is hereby ordered, that:

§ 1010.878 *Suspension Order No. S-878.* (a) From the effective date of this order, to and including December 31, 1945, Joseph Biscaro shall not apply or extend any preference ratings or use any CMP allotment symbols, regardless of the delivery date named in any purchase order to which such ratings may be applied or extended or on which CMP allotment symbols are used.

(b) Joseph Biscaro shall cancel immediately all preference ratings which he has applied or extended to orders which have not yet been filled, and shall also cancel immediately all unfilled orders which he has placed for controlled materials bearing a CMP allotment symbol (including the MRO symbol and the symbol SO under the small order procedure of CMP Regulation No. 1).

(c) All preference ratings, allotments and allocations presently outstanding in connection with orders for delivery on materials to Joseph Biscaro or placed prior to January 1, 1946, are void and shall not be given any effect by suppliers of Joseph Biscaro or by any other person. This does not apply to material already delivered or in transit for delivery to him on the effective date of this order.

(d) During the period in which this order shall be in effect, no authorization to begin any new construction to be erected in whole or in part by Joseph Biscaro shall be granted, except as may be hereafter specifically authorized in writing by an official order of the War Production Board, as an exception to, or modification of this order.

(e) The restrictions and prohibitions contained herein shall apply to Joseph Biscaro, his successors and assigns or persons acting on his behalf. Prohibitions against the taking of any action include the taking indirectly as well as directly of any such action.

(f) Nothing contained in this order shall be deemed to relieve Joseph Biscaro, from any restriction, prohibition or provision contained in any other order or regulation of the War Production Board, except insofar as the same may be inconsistent with the provisions hereof.

(g) This order shall take effect on August 13, 1945.

Issued this 6th day of August 1945.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 45-14931; Filed, Aug. 13, 1945; 11:15 a. m.]

PART 3133—PRINTING AND PUBLISHING

[Limitation Order L-241, as Amended Aug. 13, 1945]

COMMERCIAL PRINTING AND DUPLICATING

The fulfillment of requirements for the defense of the United States has created a shortage of the supply of paper for defense, for private account and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense.

Scope

(a) The purpose of this order.

Definitions and Explanations

(b) Commercial printing.
(c) Printer.
(d) Paper.
(e) Use.
(f) Production waste.
(g) [Deleted July 3, 1945.]
(h) Transfer of quotas.
(i) Exceptions.

Consumption Quota

(j) Printing which is covered by other orders.
(k) Printing which is not restricted.
(l) Computation of consumption quota.
(m) Borrowing and carry-over.
(n) Total permitted consumption.
(o) [Deleted July 3, 1945.]
(p) Certification to printer.

Delivery Restrictions

(q) Limit on tonnage which may be accepted.
(r) Certification to paper dealer or mill.

Material Printed in Violation of War Production Board Orders

(s) Restrictions on paper suppliers, printers and binders.

Issuance of Schedules

(t) Prohibited and restricted uses of paper and paperboard.

Miscellaneous Provisions

(u) Records.
(v) Applicability of regulations.
(w) Appeals.
(x) Communications.
(y) Violations.

Schedule I

(a) Limits on basis weights.
(b) Exceptions to limits on basis weights.
(c) Exceptions to Order L-120.

Schedule II

(a) Commercial printing which is charged against the quota of both the printer and the person who causes it to be printed.
(b) Shopping guides, free distribution newspapers, want ad publications, free distribution publications in newspaper format.
(c) Miscellaneous publications.
(d) [Deleted July 3, 1945.]
(e) Certification.

Scope

§ 3133.9 *Limitation Order L-241*—(a) *The purpose of this order.* This order does four things: First it limits the tonnage of paper which a printer may use for commercial printing. This is called his "consumption quota". A printer may not exceed his consumption quota even though the paper is physically available to him. Second, it limits the tonnage of paper which may be accepted by or on behalf of a printer. It also limits the tonnage of paper which may be accepted by a purchaser of commercial printing for a printer's use. Third, it limits the basis weight of paper which may be used in printing certain items. Fourth, it limits the tonnage of paper which a person may cause to be consumed in printing certain items.

Definitions and Explanations

(b) *Commercial printing.* "Commercial printing" means all printing or duplicating produced by any of the following types of printing or duplicating machines:

Hand and automatic sheet and web-fed platen presses.
Hand and automatic fed plate engraving presses.
Hand and automatic fed flat-bed cylinder presses.
Proof presses.
Sheet and web-fed rotary letterpresses.
Sheet and web-fed offset or lithographic presses.
Sheet and web-fed rotary gravure presses.
Thermographic presses.
Sheet and web-fed aniline-ink presses.

Duplicating machines, including but not limited to ink ribbon, gelatin, spirit, stencil and reproducing typewriter principle machines and Multilith and Davidson duplicators.

However, this order does not affect printing which is covered by other orders of the War Production Board, as described in paragraph (j). "Printed matter" includes duplicated matter as well as printed matter.

If a person is uncertain as to whether particular printed matter is "commercial printing" as defined in this order, or whether it is covered by Schedules I or II of this order, he may ask the War Production Board for an official determination. The War Production Board may also make this determination upon its own motion. Such a determination may be made only by the Washington office of the War Production Board and shall be issued to the printer or publisher in the name of the Recording Secretary of the War Production Board. It shall be conclusive for the purpose of this order, unless revoked or modified by the same authority.

(c) *Printer.* The term "printer" is used throughout this order, for the sake of convenience and brevity, to include printers who operate printing machines and duplicators who operate duplicating machines. The order applies to every printer, including a printer who operates a private or "captive" plant as well as a printer who does work for the trade. The term does not include a publisher or a person who orders printing.

(d) *Paper.* "Paper" means any grade, quality, type, basis weight or size of paper, gummed paper, paperboard or bristol used in commercial printing. The term includes paper reclaimed wholly or partly from printed or unprinted waste, as well as paper made entirely from virgin fiber.

(e) *Use.* (1) Paper is "used" when ink is first applied to it by a printer. However, paper is not "used" under this order when ink is applied to it by penruling equipment. Sometimes paper is put through a press more than once, either by the same printer or by different printers—for instance, when several colors are used or when the imprint of a particular distributor is added after part of the printing is done. For the purposes of this order the paper is deemed to be "used" when the first application of ink is made by a printer. It makes no difference how many other applications of ink are put on the paper by the same or different printers.

(2) When a job is started in one calendar quarter and runs over into the next, the paper actually used during each quarter must be charged against the printer's consumption quota for that quarter. The entire job may not be regarded as if it were started and finished in the same quarter.

(f) *Production waste.* All production waste before, during and after printing (such as trim and waste sheets) shall be included in determining the tonnage of paper which a printer uses in commercial printing.

(g) [Deleted July 3, 1945.]

(h) *Transfer of quotas.* (1) Quotas provided by one War Production Board order may not be used for the purposes set forth in any other order. Thus, for example, a prfinter may not use for commercial printing any part of a consumption quota established under Order L–240 (Newspapers), Order L–244 (Magazines) or Order L–245 (Books and Booklets), and he may not permjt any part of his consumption quota established under this order to be used for newspapers, magazines or books.

(2) It sometimes happens that one printer does work for another printer, and there is a question as to which one should deduct the paper from his quota. Printer A may "farm out" certain work by purchasing "press time" from printer B. This may be done, for example, where printer A cannot fill an order for a customer because he does not have available the right equipment, material, personnel, or facilities. In such a case, where the customer looks only to A for the finished product and where B acts merely as a sub-contractor, the paper may be charged against A's quota, even though B actually does the printing provided the order from A to B specifically states these facts. This does not mean that A may assign his quota to B. The rules governing the assignability of quotas are stated in Priorities Regulation 7A.

(i) *Exceptions.* Certain paragraphs of this order contain exceptions to general rules. These exceptions apply only to the provisions to which they specifically refer. They do not apply to any other portions of the order.

Consumption Quota

(j) *Printing which is covered by other orders.* Certain types of printing are not covered by this order. When a printer adds up the weight of paper which he used in 1941, he may not count the paper which went into those items. Also, a printer may not use the consumption quota which he gets under this order for the printing of any of those items. They are:

(1) Newspapers (defined in Limitation Order L–240).

(2) Magazines (defined in Limitation Order L–244).

(3) Books (defined in Limitation Order L–245).

(4) Greeting cards and illustrated post cards (defined in Limitation Order L–289).

(5) Displays (defined in Limitation Order L–294).

(6) Wallpaper (defined in Limitation Order L–177).

(7) Commercial printing for governmental units (defined in Limitation Order L–340).

(8) Boxes (defined in Limitation Order L–239).

(9) Converted products named in Lists A B, C or D of General Conservation Order M–241–a, except gummed paper.

(10) Any other "converted products" defined in General Conservation Order M–241–a except those which must be printed in order to serve the purpose for which they are made.

(k) *Printing which is not restricted.* (1) A printer is not limited in the amount of paper which he may use for printing which is ordered by a contractor who will subsequently deliver the printing to the Army, Navy, Maritime Commission or War Shipping Administration as a part of a contract for an item purchased by one of those agencies. When only part of an order for printing is required for delivery to one of those agencies under such a contract, the printer must charge the paper used in the remaining part against his consumption quota.

(2) A printer is not limited in the amount of paper which he may use for official Army or Navy post, camp, station or unit newspapers if:

(i) They are ordered by the officer in command of the Army or Navy establishment on official War Department or Navy Department purchase orders, requisitions or contracts;

(ii) They contain no paid advertising; and

(iii) They are not owned, edited or operated by civilians but are run entirely by military personnel (although the printing may be done in commercial plants).

(3) A printer is not limited in the amount of paper which he may use for social stationery bearing the printed insignia or identification of an Army or Navy post, camp, station or unit, and sold in packages with envelopes to post exchanges or Ships Service Departments; the manufacture of envelopes, however, is controlled by Order M–241–a.

(4) No person may order commercial printing under paragraph (k) and no person may accept such an order, unless the person placing the order furnishes to that printer a certification in substantially the following form, signed manually or as provided in Priorities Regulation 7 (§ 944.27) by an official duly authorized for such purpose:

The undersigned certifies, subject to the penalties of section 35 (A) of the United States Criminal Code, to the printer and to the War Production Board that he is familiar with paragraph (k) of Order L–241 and that this purchase order is for printing governed by paragraph (k) of Order L–241. [If only part of the order is covered by paragraph (k) specify what part.]

(5) When a printer adds up the weight of paper which he used in 1941, he may not count the paper which went into the items described in paragraphs (k) (1) and (k) (2) above. Also, a printer may use an unlimited amount of paper for those items from now on.

(l) *Computation of consumption quota.* In the third calendar quarter of 1945 and in each calendar quarter after that, no printer may use for commercial printing any paper in excess of his quarterly consumption quota, which shall be computed as follows:

(1) Determine the printer's "quarterly base tonnage" according to either of the two following methods, depending on his individual needs. Having selected one method, the printer must use that method throughout the year.

First method:

(i) Add up the total pounds of paper used in 1941 for all types of printing;

(ii) Subtract the pounds of paper used in 1941 for the items covered by other orders, as listed in paragraph (j) above;

(iii) Subtract the pounds of paper used in 1941 for the unrestricted items listed in paragraph (k) above;

(iv) Divide by four. This is the printer's "quarterly base tonnage", from which the required reductions shall be made.

Second method:

(i) Add up the total pounds of paper used during the same calendar quarter of 1941 for all types of printing;

(ii) Subtract the pounds of paper used during that quarter of 1941 for the items covered by other orders, as listed in paragraph (j) above;

(iii) Subtract the pounds of paper used during that quarter of 1941 for the unrestricted items listed in paragraph (k) above.

(iv) The balance is the printer's "quarterly base tonnage", from which the required reductions shall be made.

(2) If the printer's quarterly base tonnage is not more than 10 tons, his quarterly consumption quota is 10 tons.

(3) If the printer's quarterly base tonnage is more than 10 tons but not more than 25 tons, his quarterly consumption quota is the same as his quarterly base tonnage.

(4) If the printer's quarterly base tonnage is more than 25 tons but less than 29.4 tons, his quarterly consumption quota is 25 tons.

(5) If the printer's quarterly base tonnage is more than 29.4 tons, his quarterly consumption quota is 85 percent of his quarterly base tonnage.

(6) If a person used no paper for commercial printing in 1941 and now wishes to enter the printing business, he shall have a consumption quota of 10 tons per quarter commencing with the third quarter of 1945 provided he files with the Commercial Printing Section, Printing and Publishing Division, War Production Board, Washington 25, D. C., before using any part of the said consumption quota, substantially the following statement:

I hereby represent to the War Production Board, subject to the penalties of section 35 (A) of the United States Criminal Code, that I have no consumption quota for commercial printing under Order L–241, that I am not associated directly or indirectly with any person, firm or corporation having a consumption quota under that order, and that I will not become associated directly or indirectly with any such person, firm or corporation while using the consumption quota provided for me under paragraph (l) (6) of Order L–241.

A consumption quota provided by this paragraph (l) (6) shall be conditioned upon the continued accuracy of the above representations.

(m) *Borrowing and carry-over.* (1) A printer may add, under either method of computation, an extra 15 percent to his consumption quota in any quarter if he subtracts that amount from his consumption quota for the next quarter.

(2) A printer may carry over for future use accumulated savings resulting from under-use of quota (commencing with the fourth quarter of 1943), but he may not use in a calendar quarter any portion of his carry-over in excess of 15% of his consumption quota for that quarter. For example, if a printer's quarterly consumption quota is 100,000 pounds and his accumulated carry-over is 25,000 pounds, he may use in the current quarter, in addition to his quarterly consumption quota, 15,000 pounds of carry-over (i. e., 15% of 100,000 pounds) or a total of 115,000 pounds. The balance of the carry-over may be used in subsequent quarters, subject to the provisions of this paragraph.

(n) *Total permitted consumption.* A printer may use in any calendar quarter:

(1) His quarterly consumption quota as determined under paragraph (l);

(2) Plus permitted borrowing from his consumption quota for the next calendar quarter as provided in paragraph (m) (1);

(3) Plus any less-than-quota savings which may be used in that calendar quarter as provided in paragraph (m) (2); or minus any tonnage which had been borrowed during the preceding calendar quarter from his consumption quota for that calendar quarter, as provided in paragraph (m) (1);

(4) Plus ex-quota tonnage, if any, which may have been granted on appeal for consumption in that calendar quarter.

(o) [Deleted July 3, 1945.]

(p) *Certification to printer.* No printer may fill an order for (1) magazines, (2) books, (3) greeting cards or illustrated post cards, (4) commercial printing purchased by a government, or (5) any of the items listed in schedule II of this order, unless he receives, or has previously received, from the person who publishes or issues the item, or causes the item to be printed, a certification in substantially the following form, signed manually or as provided in Priorities Regulation 7 (§ 944.27) by an official duly authorized for such purpose:

The undersigned certifies, subject to the penalties of section 35 (A) of the United States Criminal Code, to the printer and to the War Production Board that he is familiar with (insert the relevant provision) (1) Order L–244 (magazines), (2) Order L–245 (books), (3) Order L–289 (greeting cards and illustrated post cards), (4) L–340 (governmental commercial printing and duplicating), (5) Schedule II to Order L–241, and that all orders placed by the undersigned with that printer for items regulated by the relevant order (or schedule), as amended from time to time, will be in compliance therewith.

This is a one-time certification and need not accompany each individual order for printing.

Delivery Restrictions

(q) *Limit on tonnage which may be accepted.* (1) During the third calendar quarter of 1945 and each calendar quarter thereafter, no printer may accept, and no person may accept for that printer's use, paper in excess of his permitted consumption during that calendar quarter.

(2) No printer may order or accept, and no person may order or accept for that printer's use, any newsprint for use under Order L–241 which will cause his tonnage of newsprint on hand on October 1, 1945, to be in excess of 45% of his actual newsprint consumption during the third quarter of 1945, or 60 tons, whichever is greater. This provision does not apply to any grade of paper other than newsprint.

(r) *Certification to paper dealer or mill.* No printer may order or accept delivery of paper, and no person may deliver paper to a printer, unless the printer furnishes, or has previously furnished, to the person making the delivery, a certification in substantially the following form, signed manually or as provided in Priorities Regulation 7 (§ 944.27) by an official duly authorized for such purpose:

The undersigned printer certifies, subject to the penalties of section 35 (A) of the United States Criminal Code, to the seller and to the War Production Board that he is familiar with Order L–241 and that all purchases by him of paper for items regulated by that order, as amended from time to time, will be in compliance therewith.

This is a one-time certification and need not accompany each individual order for paper. A new certification need not be furnished by any printer who has furnished a certification pursuant to paragraph (r) of Order L–241 after April 4, 1945.

Material Printed in Violation of War Production Board Orders

(s) *Restrictions on paper suppliers, printers and binders.* (1) No person may sell or deliver any paper which he knows, or has reason to believe, will be accepted or used in violation of this order.

(2) No person may apply ink to any paper if he knows, or has reason to believe, that the printing of such paper will be in excess of the publisher's permitted consumption under Limitation Orders L–240, L–244, L–245, L–289, L–340 or Schedule II of Order L–241.

(3) No person may bind or otherwise process paper if he knows, or has reason to believe, that such paper was used in excess of the printer's permitted consumption under this order.

Issuance of Schedules

(t) *Prohibited and restricted uses of paper and paperboard.* The War Production Board may issue, from time to time, schedules which will prohibit the use of paper in certain items, limit the basis weight of paper which may be used in other items, and limit the tonnage of paper which a person who publishes or issues certain items may cause to be consumed in the printing of those items.

Miscellaneous Provisions

(u) *Records.* In order to assure compliance with this order, every printer must calculate, as accurately as he can, the tonnage of paper which he used during each quarter of 1941 for the items covered by this order. He must also keep accurate records of this type of information for each calendar quarter beginning with January 1, 1943. He must preserve these figures and his work sheets, subject to inspection by War Production Board officials as long as this order remains in force and for 2 years after that.

(v) *Applicability of regulations.* This order and all transactions affected by it are subject to all present and future regulations of the War Production Board.

(w) *Appeals.* Any appeal from the provisions of this order shall be made by filing a letter referring to the particular

provision appealed from and stating fully the grounds of the appeal, or by filling in the pertinent information on Form WPB–3605. Regardless of the provisions of Priorities Regulation 16, no statement with respect to manpower information on Form WPB–3820 (or letter explaining why that form is not filed) need accompany any appeal.

(x) *Communications.* All communications concerning this order shall be addressed to: War Production Board, Printing and Publishing Division, Washington 25, D. C., Ref: L–241.

(y) *Violations.* Any person who wilfully violates any provision of this order or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States, is guilty of a crime and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, materials under priority control, and may be deprived of priorities assistance.

SCHEDULE I

(a) *Limits on basis weights.* No person may manufacture and no person may cause to be manufactured any of the items listed in this schedule in a basis weight, thickness, area or weight per unit greater than the maximum specified for such use.

(1) Art reproductions, without advertising—basis weight 25 x 38—80 ±.

(2) Diaries, date books, desk calendar pads, and advertising memo pads—basis weight 17 x 22—16±

(3) Dodgers and handbills—basis weight 24 x 36—32±

(4) News letters and loose leaf services other than books (as defined in Order L–245)—basis weight 17 x 22—16± if printed one side, or 17 x 22—18± if printed two sides.

(5) Accounting records, books and forms—basis weight 17 x 22—28±; or if for loose leaf accounting forms used on an automatic posting machine—basis weight 17 x 22—32±.

(6) Corporate securities, checks, domestic and foreign currency—basis weight 17 x 22—24±, except counter checks, 17 x 22—16±.

(7) Notes, contracts, mortgages, wills, deeds, insurance policies, and legal forms—basis weight 17 x 22—16± if printed one side or 17 x 22—20± if printed two sides.

(8) Letterheads—basis weight 17 x 22—16±.

(9) Card indexes and card records—basis weight 25½ x 30½—110±.

(10) Time cards—caliper .014 inches.

(11) County record books and other permanent government records—basis weight 17 x 22—36±.

(12) Prospectuses for the sale of securities—basis weight 17 x 22—16±.

(13) Legal briefs and records on appeal—basis weight 25 x 38—40±.

(14) All other office, business and financial forms, except blank books, and except forms produced by a liquid or gelatin process—basis weight 17 x 22—16±.

(15) Road and street maps and guides for civilian use—basis weight 17 x 22—16±.

(16) Telephone directories—body basis weight 24 x 36—28±; cover basis weight 22½ x 28½—110±.

(17) Admission tickets—basis weight 22½ x 28½—90±, or any coated stock made from raw stock not over 22½ x 28½—90±.

(b) *Exceptions to limits on basis weights.* The above restrictions do not apply to paper which has been manufactured before October 21, 1943.

(c) *Exceptions to Order L–120.* Schedules I and III to Order L–120 provide:

Paper or paperboard may be manufactured for a particular use in any basis weight or thickness permitted for such use by this or any other order of the War Production Board, *Provided* the basis weight or thickness does not exceed the maximum specified by the War Production Board for such use, and *Provided* all other provisions of this or such other orders are fully complied with.

Pursuant to this provision the manufacture of paper in the basis weights specified in this list for items 1, 4, 6, 7, and 16 is hereby permitted.

SCHEDULE II

(a) *Commercial printing which is charged against the quota of both the printer and the person who causes it to be printed.* Certain commercial printing is subject to a "two-sided" limitation. As is the case with all types of commercial printing covered by this order, the paper consumed in such printing must be deducted from the commercial printer's consumption quota; however, in the case of the material covered by this Schedule II, the same paper must also be deducted from the consumption quota of the person who causes it to be printed. In other words, the publisher or issuer of such material must reduce his consumption of paper by the required percentage and he must also have the printing done by a printer who will debit his consumption quota under paragraph (1) of this order.

Any paper which a commercial printer consumed in such printing during 1941 shall be included in computing his consumption quota under paragraph (1) whether or not he prints any of this material after January 1, 1945. The paper which a commercial printer consumes for such printing after January 1, 1945, must be deducted from his consumption quota, whether or not he printed such material in 1941.

(b) *Shopping guides, free distribution newspapers, want ad publications, free distribution publications in newspaper format*—(1) *Consumption quota.* In the third calendar quarter of 1945, and in each calendar quarter after that, no publisher or other person may cause to be consumed in the printing of any shopping guide, free distribution newspaper, want ad publication or free distribution publication in newspaper format any paper in excess of his quarterly consumption quota, which shall be determined as follows:

(i) Ascertain the tonnage of paper consumed in printing that particular publication in the corresponding quarter of 1941, including all supplements, inserts and other printed matter physically incorporated into such publication or delivered together with it. This is the publisher's "quarterly base tonnage", from which the required reductions shall be made.

(ii) If a publisher's quarterly base tonnage is 5 tons or less, his quarterly consumption quota is 5 tons. Moreover, any person who used no paper whatever for items covered by this paragraph in 1941 may cause 5 tons per quarter to be used for this purpose beginning with the third quarter of 1945.

(iii) If the publisher's quarterly base tonnage in any calendar quarter is more than 5 tons but less than 25 tons, his consumption quota for that quarter is the same as his base tonnage. He need not use less than he used in the corresponding quarter of 1941, but he may not use more.

(iv) If the publisher's base tonnage in any calendar quarter is 25 tons or more, the following sliding scale of percentage cuts shall be applied:

Deduct 8% of the amount over 25 tons but not over 125 tons.

Deduct 11% of the amount over 125 tons but not over 250 tons.

Deduct 14% of the amount over 250 tons but not over 500 tons.

Deduct 20% of the amount over 500 tons but not over 1000 tons.

Deduct 23% of the amount over 1000 tons.

The balance remaining after subtraction of the above reductions from the publisher's quarterly base tonnage is his consumption quota for that quarter. For example, if the publisher consumed during the third quarter of 1941 340 tons, his consumption quota for the third quarter of 1945 would be determined as follows:

25 tons no cut	25 tons
100 tons 8% cut	92 tons
125 tons 11% cut	111.25 tons
90 tons 14% cut	77.40 tons
340 tons quarterly base tonnage	305.65 tons quarterly consumption quota

(2) *Carry-over.* A publisher or issuer of a shopping guide, free distribution newspaper, want ad publication or free distribution publication in newspaper format may carry over for future use accumulated savings resulting from under-use of quota, but he may not use in a calendar quarter any portion of his carry-over in excess of 15% of his consumption quota for that quarter.

(3) *Transfer of quotas.* Where two or more shopping guides, free distribution newspapers, want ad publications, or free distribution publications in newspaper format are published by the same person and are distributed primarily in the same city or trading area, he may combine or distribute his consumption quotas among his publications in that city or trading area. However, after May 24, 1944, no such publisher may transfer any part of his consumption quota to a different city or trading area.

(4) "Servicemen's", "overseas", "pony" or other condensed editions of newspapers which are distributed without charge to United States Armed Forces personnel may be produced from a commercial printer's quota under Order L–241, without regard to paragraph (b) of Schedule II, provided the newspaper publisher makes no charge to a commercial sponsor or any other person for advertising space, for the editorial material appearing in the edition or for any other service connected with it. However, the newspaper publisher may charge a sponsor for the cost of printing if the newspaper publisher operates a commercial printing establishment and deducts the paper from his commercial printing quota under Order L–241. A newspaper publisher may produce such an edition out of his own consumption quota under L–240 if he wishes to.

(c) *Miscellaneous publications*—(1) *Definition.* A "miscellaneous publication" is any bound or unbound collection of printed pages consisting of reading matter and or illustrations (except newspapers as defined in Order L–240, books as defined in Order L–244, books as defined in Order L–245, the material described in paragraph (b) of the Schedule and sheet music) for which the publisher receives a consideration either from the sale of copies or from the inclusion of advertising or other material therein. However, the term does not include printed matter whose sole purpose is to advertise or promote the publisher's business, provided such printed matter is not offered for sale at a price in excess of the price paid in good faith by the publisher to the printer.

(2) *Consumption quota.* During the year 1945 and each year after that, no person may cause to be consumed in the printing of miscellaneous publications (and less-than-32-page school work books, educational tests and books intended for juvenile use) any paper in excess of his consumption quota, which shall be computed as follows:

(i) The publisher shall determine the tonnage of paper lawfully consumed in either 1941, 1943 or 1944 in the production of his miscellaneous publications and his less-than-32-page school work books, educational tests and books intended for juvenile use.

(ii) The publisher shall subtract from the above figure the tonnage of paper used in 1942 in the production of his less-than-32-page school work books, educational tests and books intended for juvenile use.

(iii) The difference is the publisher's "base tonnage." His consumption quota for the year 1945 is 80% of his "base tonnage" or 20 tons, whichever is greater.

NOTE: Notwithstanding the foregoing, less-than-32-page school work books, educational tests and books intended for juvenile use may be included in a book publisher's base tonnage under Order L–245 and his consumption quota under that order may be used in the production of such books. This paragraph (c) (2) provides an additional quota for a publisher who, in either 1941, 1943 or 1944 used a greater tonnage of paper in the production of less-than-32-page school work books, educational tests and books intended for juvenile use than he did in 1942; provided such paper used in 1943 or 1944 was lawfully charged against a commercial printer's consumption quota under L–241.

(3) *New publishers.* If a person used no paper for miscellaneous publications in 1941, 1943, or 1944 he shall have a consumption quota of 20 tons for the period between July 1, 1945 and December 31, 1945, provided he files with the Commercial Printing Section, Printing and Publishing Division, War Production Board, Washington 25, D. C., before using any part of the said consumption quota substantially the following statement:

I hereby represent to the War Production Board, subject to the penalties of section 35 (A) of the United States Criminal Code, that I have no consumption quota for the issuance of miscellaneous publications under paragraph (c) (2) or (c) (3) of Schedule II, Order L–241, that I am not associated directly or indirectly with any person, firm or corporation having a consumption quota under that Schedule, and that I will not become associated directly or indirectly with any such person, firm or corporation while using the consumption quota provided for me under paragraph (c) (3) of Schedule II to Order L–241.

A consumption quota provided by this paragraph (c) (3) shall be conditioned upon the continued accuracy of the above representations.

(d) [Deleted July 3, 1945]

(e) *Certification.* No person may order any of the items listed in this schedule to be printed unless he furnishes or has previously furnished to the printer, a certification in substantially the following form, signed manually or as provided in Priorities Regulation 7 (§ 944.27) by an official duly authorized for such purpose:

The undersigned publisher certifies, subject to the penalties of section 35 (A) of the United States Criminal Code, to the printer and to the War Production Board that he is familiar with Schedule II to Order L–241 and that all orders placed by the publisher with that printer for items regulated by that schedule, as amended from time to time, will be in compliance therewith.

This is a one-time certification and need not accompany each individual order.

Issued this 13th day of August 1945.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

INTERPRETATION 1: Revoked May 24, 1944.

[F. R. Doc. 45-14919; Filed, Aug. 13, 1945; 11:16 a. m.]

PART 3133—PRINTING AND PUBLISHING

[Limitation Order L–244, as Amended Aug. 13, 1945]

MAGAZINES AND PERIODICALS

The fulfillment of requirements for the defense of the United States has created a shortage of the supply of paper for defense, for private account, and for export, and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

Scope

(a) The purpose of this order.

Definitions and Explanations

(b) Magazine.
(c) Publisher.
(d) Paper.
(e) Use.
(f) Production waste.
(g) Determination of consumption quotas.
(h) Transfer of quotas.
(i) Official determinations

Consumption Quota

(j) Computation of consumption quota.
(k) Borrowing and carry-over.
(l) Total permitted consumption.
(m) Allotment to Army and Navy.
(n) Certification to printer.

Delivery Restrictions

(o) Limit on tonnage which may be accepted.
(p) Certification to paper dealer or mill.

Magazines or Parts Thereof Printed in Violation of Order

(q) Restrictions on paper suppliers, printers, binders, distributors, wholesalers, and others.

Miscellaneous Provisions

(r) Records.
(s) Applicability of regulations
(t) Appeals.
(u) Communications.
(v) Violations.

Scope

§ 3133.15 *Limitation Order L–244*—(a) *The purpose of this order.* This order does three things: First, it limits the tonnage of paper which a magazine publisher may cause to be used for printing magazines. This is called his "consumption quota." A publisher may not exceed his consumption quota even though the paper is physically available to him or his printer. Second, it limits the tonnage of paper which may be accepted by or on behalf of a magazine publisher. It also limits the tonnage of paper which may be accepted by or on behalf of a printer for a particular publisher's use in the production of magazines. Third, it places certain restrictions on paper suppliers, printers, binders, distributors, wholesalers and others in their dealings with publishers who consume paper in excess of their allowable consumption under this order.

Definitions and Explanations

(b) *Magazine.* (1) A "magazine" is any periodical or "one-shot" generally recognized as a magazine in the magazine industry. The term includes all supplements, inserts and other matter physically incorporated into a magazine or delivered with it, and reprints containing 40 percent or more of the editorial content appearing in any issue of a magazine. The paper consumed in such a reprint must be charged against the quota of the publisher from whose magazine the material was reprinted.

(2) If a publisher is uncertain as to whether or not his publication is a magazine as defined in this order, he may ask the War Production Board for an official determination. The War Production Board may also make this determination upon its own motion.

(c) *Publisher.* The "publisher" of a magazine is the person who causes it to be printed and undertakes the ultimate risk of the publishing venture. The term includes an individual, partnership, association, business trust, corporation, or any organized group of persons, whether incorporated or not. Where a group of magazines is under common control, but each magazine is published by a separate business entity, a separate consumption quota and a separate delivery quota shall be established for each magazine. It makes no difference if several of these operating entities are subsidiaries of the same parent corporation, or are controlled by the same individual or group of individuals. Not more than one person's consumption quota may be used to publish the same magazine or substantially the same magazine. The War Production Board, upon its own motion or upon the request of an interested party, may determine who is the publisher of a particular magazine.

(d) *Paper.* "Paper" means any grade, quality, type, basis weight or size of paper used in the printing of a magazine. The term includes paper reclaimed wholly or partly from printed or unprinted waste as well as paper made entirely from virgin fiber.

(e) *Use.* (1) Paper is "used" when ink is first applied to it. The date of issuance carried on the magazine is immaterial.

(2) When the printing of an issue is started in one calendar quarter and runs over into the next, the paper actually used during each quarter must be charged against the publisher's consumption quota for that quarter. The entire printing may not be regarded as if it were started and finished in the same quarter.

(f) *Production waste.* All production waste before, during and after printing (such as trim and waste sheets) shall be included in determining the tonnage of paper which a publisher causes to be used in printing magazines.

(g) *Determination of consumption quotas.* The War Production Board, upon its own motion or upon the request of an interested party, may determine the size of a publisher's consumption quota.

(h) *Transfer of quotas.* (1) Quotas provided by one War Production Board order may not be used for the purposes set forth in any other order. Thus, for example, a publisher may not cause to be used for the printing of a magazine any part of a consumption quota established under Order L–240 (Newspapers), L–241 (Commercial Printing and Duplicating), or L–245 (Books and Booklets), and he may not permit any part of his

consumption quota established under this order to be used for newspapers, commercial printing or books.

(2) No publisher may cause to be used in printing magazines any part of a consumption quota arising from the previous publication of another magazine by another publisher. No publisher may permit any part of the consumption quota arising from the publication of a magazine by him to be used in printing another magazine published by another person.

(3) Except under the circumstances stated in Priorities Regulation 7A, the transfer of quotas and the acquisition or use of a publisher's quota by any other person, directly or indirectly, is a violation punishable in accordance with paragraph (v). Quotas established by this order may not be bought or sold under any guise. Thus, if A, a publisher with a quota under this order, places his name in the masthead of a magazine, and otherwise identifies himself as its publisher, but B performs most of the customary publishing functions, this is an unauthorized use by B of A's quota.

(i) *Official determinations.* The official determinations described in paragraphs (b) (2), (c) and (g) may be made only by the Washington office of the War Production Board and shall be issued in the name of the Recording Secretary of the War Production Board. They shall be conclusive for the purpose of this order, unless revoked or modified by the same authority.

Consumption Quota

(j) *Computation of consumption quota.* In the third calendar quarter of 1945, and in each calendar quarter after that, no publisher may cause to be used for the printing of his magazines any paper in excess of his quarterly consumption quota, which shall be computed as follows:

(1) Determine the gross tonnage of paper consumed in printing the publisher's magazines in the calendar year 1942, and divide by four. This is the publisher's "quarterly base tonnage" from which the required reductions shall be made.

(2) If the publisher's quarterly base tonnage is 10 tons or less, his quarterly consumption quota is 10 tons.

(3) If the publisher's quarterly base tonnage is more than 10 tons but not more than 27.8 tons, his quarterly consumption quota is 100 percent of his quarterly base tonnage.

(4) If the publisher's quarterly base tonnage is more than 27.8 tons, his quarterly consumption quota is 85 percent of his quarterly base tonnage or 27.8 tons, whichever is larger.

(5) If a person used no paper for publishing magazines in 1942, he shall have a consumption quota of 10 tons per calendar quarter commencing with the third quarter of 1945, provided he files with the Magazine and Periodical Section, Printing and Publishing Division, War Production Board, Washington 25, D. C., before using any part of the said consumption quota, substantially the following statement:

I hereby represent to the War Production Board, subject to the penalties of Section 35 (A) of the United States Criminal Code, that I have no consumption quota for the publication of magazines under Order L–244, that I am not associated directly or indirectly with any person, firm or corporation having a consumption quota under that order, and that I will not become associated directly or indirectly with any such person, firm or corporation while using the consumption quota provided for me under paragraph (j) (5) of Order L–244.

A consumption quota provided by this paragraph (j) (5) shall be conditional upon the continued accuracy of the above representations.

(k) *Borrowing and carry-over.* (1) A publisher may add an extra 15 percent to his consumption quota in any quarter if he subtracts that amount from his consumption quota for the next quarter.

(2) A publisher may carry over for future use accumulated savings resulting from underuse of quota, but he may not use in a calendar quarter any portion of his carry-over in excess of 15% of his consumption quota for that quarter.

(3) [Deleted July 3, 1945.]

(l) *Total permitted consumption.* A publisher may use in any calendar quarter:

(1) His quarterly consumption quota, as determined under paragraph (j);

(2) Plus permitted borrowing from his consumption quota for the next calendar quarter, as provided in paragraph (k) (1);

(3) Plus any less-than-quota savings which may be used in that calendar quarter as provided in paragraph (k) (2), or minus any tonnage which had been borrowed during the preceding calendar quarter from his consumption quota for that calendar quarter, as provided in paragraph (k) (1);

(4) Plus ex-quota tonnage, if any, which may have been granted on appeal for consumption in that quarter.

(m) *Allotment to Army and Navy.* (1) The War Production Board may from time to time allot to the Army and the Navy a specified tonnage of paper to be consumed in printing magazines which will be furnished without charge to United States Armed Forces personnel in the continental United States and special "pony editions" of magazines which will be furnished to United States Armed Forces personnel overseas, whether such "pony editions" are sold or not. The overseas allotment may be extended to regular editions where the production of special "pony editions" is impracticable because of the small number of copies involved.

(2) From this allotment the Army and the Navy, under a delegation of authority from the War Production Board, may grant to individual publishers the right to add to their consumption quotas the tonnage of paper consumed in printing such magazines acquired by the Army and the Navy for distribution as described under paragraph (m) (1). This allotment does not cover purchases of magazines by military exchanges or service departments as defined in Priorities Regulation 17 for distribution within the continental limits of the United States. All magazines sold to the military shall be charged against the publisher's consumption quota unless the publisher has received a specific grant from the Army or the Navy pursuant to this paragraph.

(n) *Certification to printer.* No publisher may order magazines to be printed, and no person may print such magazines, unless the publisher furnishes, or has previously furnished, to that printer a certification in substantially the following form, signed manually or as provided in Priorities Regulation 7 (§ 944.27) by an official duly authorized for such purpose:

The undersigned publisher certifies, subject to the penalties of section 35 (A) of the United States Criminal Code, to the printer and to the War Production Board that he is familiar with Order L–244, and that all orders placed by the publisher with that printer for items regulated by Order L–244, as amended from time to time, will be in compliance therewith

This is a one-time certification and need not accompany each individual order for printing.

Delivery Restrictions

(o) *Limit on tonnage which may be accepted.* (1) During the third calendar quarter of 1945 and each calendar quarter thereafter, no publisher may accept, and no person may accept for that publisher's use, paper in excess of his permitted consumption during that calendar quarter.

(2) No publisher may order or accept, and no person may order or accept for that publisher's use, any newsprint for the production of magazines which will cause his tonnage of newsprint on hand on October 1, 1945, to be in excess of 45% of his actual newsprint consumption during the third quarter of 1945, or 60 tons, whichever is greater. This provision does not apply to any grade of paper other than newsprint.

(p) *Certification to paper dealer or mill.* No publisher may order or accept delivery of paper and no person may deliver paper to a publisher unless the publisher furnishes, or has previously furnished, to the person making the delivery a certification in substantially the following form, signed manually or as provided in Priorities Regulation 7 (§ 944.27) by an official duly authorized for such purpose:

The undersigned publisher certifies, subject to the penalties of section 35 (A) of the United States Criminal Code, to the seller and to the War Production Board that he is familiar with Order L–244 and that all purchases by him of items regulated by that order, as amended from time to time will be in compliance therewith.

This is a one-time certification and need not accompany each individual order for paper.

A new certification need not be furnished by any publisher who has furnished a certification pursuant to paragraph (p) of Order L–244 after April 4, 1945.

Magazines or Parts Thereof Printed in Violation of Order

(q) *Restrictions on paper suppliers, printers, binders, distributors, wholesalers, and others.* (1) No person may sell or deliver any paper which he knows or has reason to believe will be accepted or used in violation of this order.

(2) No person may apply ink to any paper in the production of magazines if he knows or has reason to believe that the printing of such paper will be in excess of the publisher's allowable consumption under this order.

(3) No person may apply any additional ink to paper, and no person may bind or otherwise process paper, in the production of magazines if he knows or has reason to believe that such paper was printed in excess of the publisher's allowable consumption under this order.

(4) No person may agree to purchase for resale, and no person may accept for resale, any magazines which he knows or has reason to believe were printed in excess of the publisher's allowable consumption under this order.

(5) No person may sell, distribute or otherwise dispose of magazines, except for redelivery to his supplier or for use as waste paper scrap, if, before he accepted them, he knew or had reason to believe that they were printed in excess of the publisher's allowable consumption under this order.

(6) No person may export for resale magazines which he knows or has reason to believe were printed in excess of the publisher's allowable consumption under this order.

Miscellaneous Provisions

(r) *Records.* Every publisher must keep accurate records, by calendar quarters, of the number of copies of each magazine which he caused to be printed, the tonnage of paper which he caused to be used for each magazine, the tonnage of paper of each grade and item of paper received during the quarter, and the tonnage of paper in inventory at the time of each delivery, subject to inspection by the authorized representatives of the War Production Board. These records must be preserved as long as this order remains in force, and for two years after that.

(s) *Applicability of regulations.* This order and all transactions affected by it are subject to all present and future regulations of the War Production Board.

(t) *Appeals.* Any appeal from the provisions of this order shall be made in accordance with Supplement 1 to the order. Regardless of the provisions of Priorities Regulation 16, no statement with respect to manpower information on Form WPB–3820 (or letter explaining why that form is not filed) need accompany any appeal.

(u) *Communications.* All communications concerning this order shall be addressed to: War Production Board, Printing and Publishing Division, Washington 25, D. C. Ref: L–244.

(v) *Violations.* Any person who wilfully violates any provisions of this order, or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

Issued this 13th day of August 1945.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 45–14920; Filed, Aug. 13, 1945; 11:16 a. m.]

PART 3133—PRINTING AND PUBLISHING

[Limitation Order L–245, as Amended Aug. 13, 1945]

BOOKS AND BOOKLETS

The fulfillment of requirements for the defense of the United States has created a shortage of the supply of paper for defense, for private account and for export, and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

Scope

(a) The purpose of this order.

Definitions and Explanations

(b) Book.
(c) Publisher.
(d) Paper.
(e) Put into process.
(f) Production waste.
(g) Determination of consumption quotas.
(h) Transfer of quotas.
(i) Official determinations.

Consumption Quota

(j) Computation of consumption quota.
(k) Carry-over.
(l) Total permitted consumption.
(m) Restriction on paper for reprinting.
(n) Breach of contracts.
(o) Allotment to Army and Navy.
(p) Certification to printer.

Delivery Restrictions

(q) Limit on tonnage which may be accepted.
(r) Certification to paper dealer or mill.

Books or Parts Thereof Printed in Violation of Order

(s) Restrictions on paper suppliers, printers, binders, distributors, wholesalers, and others.

Miscellaneous Provisions

(t) Records.
(u) Applicability of regulations.
(v) Appeals.
(w) Communications.
(x) Violations.

Scope

§ 3133.17 *Limitation Order L–245*—(a) *The purpose of this order.* This order does three things: First, it limits the tonnage of paper which a book publisher may cause to be put into process in the production of books. This is called his "consumption quota." A publisher may not exceed his consumption quota even though the paper is physically available to him or his printer. Second, it limits the tonnage of paper which may be accepted by or on behalf of a book publisher. It also limits the tonnage of paper which may be accepted by or on behalf of a printer for a particular publisher's use in the production of books. Third, it places certain restrictions on paper suppliers, printers, binders, distributors, wholesalers and others in their dealings with publishers who consume paper in excess of their allowable consumption under this order.

Definitions and Explanations

(b) *Book.* "Book" means any bound or loose-leaf collection of 32 or more pages. It also means any school workbook, educational test, or book intended for juvenile use, irrespective of the number of pages. (A publisher who, in either 1941, 1943 or 1944, used a greater tonnage of paper in the production of less-than-32-page school work books, educational tests and books intended for juvenile use than he did in 1942 is entitled to a consumption quota under Order L–241, Schedule II, paragraph (c) as amended July 18, 1945, provided such paper used in 1943 or 1944 was lawfully charged against a commercial printer's consumption quota under Order L–241. This is in addition to his consumption quota under Order L–245.) Advance parts and supplements of books are included. For the sake of convenience the word "book" is used throughout this order, even though the order also covers items which are more commonly referred to as "booklets" or "pamphlets". Excluded from the definition of "book" and hence from the provisions of this order are the following:

(1) Magazines as defined in Order L–244 and newspapers as defined in Order L–240;

(2) Diaries, date books, memorandum books, address books, blank books, accounting books, sales books, business-entry books, ledgers, journals, and other items in book format (except school workbooks and educational tests) whose primary function is to provide space for the entry of data rather than instructional material, reading matter or illustrations;

(3) Albums less than half of whose pages contain reading matter or illustrations;

(4) Catalogs or advertising brochures issued by or for persons who manufacture, distribute, or offer for sale the products, commodities or services listed or illustrated therein, including inserts supplied by manufacturers or distributors to publishers who distribute them collectively in "catalog files," "cooperative files," "condensed catalogs," "catalog yearbooks," or similar reference volumes; *Provided, however,* That the paper used in the production of all editorial material contained in such volumes, such as prefaces, forewords, indices, blank pages, textbook data, classified directory information, condensed and typographically standardized pages of product or service data, and display and all other advertisements shall be charged to the quota of the publisher under this order;

(5) Directories issued by a person whose primary business is not publishing;

(6) Printed matter of which no copies of any edition are offered for sale, either singly or in bulk, at any level of dis-

tribution. Printed matter is "offered for sale" if it is offered either in consideration of a monetary payment, as a premium, bonus or dividend, in connection with a correspondence course, in part consideration of society membership dues, or for any other consideration direct or indirect. Printed matter is "offered for sale" if the publisher receives any compensation for the inclusion of material therein.

(7) Instructional manuals concerned exclusively with the specific brand of products manufactured or distributed by the person issuing the manuals. (Instructional manuals applicable to other brands of the same or similar products are not within this exception.)

(8) School or college annuals and yearbooks;

(9) Cut-out or other game books covered by Order M-241-a, List D.

NOTE: Items (2) to (8) inclusive are "commercial printing" under Order L-241. Schedule II of that order limits the tonnage of paper which a publisher or issuer of certain of these items may cause to be used. Also, Schedule II of Order L-241 limits the tonnage of paper which a publisher or issuer may cause to be used in certain types of printed matter for which the issuer receives a consideration and which are not "books" as defined in this order or "magazines" as defined in Order L-244.

If a publisher is uncertain as to whether or not his publication is a book as defined in this order, he may ask the War Production Board for an official determination. The War Production Board may also make this determination upon its own motion.

(c) *Publisher.* The "publisher" of a book is the person who performs, with respect to that book, the functions of a publisher as that term is generally understood in the book publishing industry. The War Production Board, upon its own motion or upon the request of an interested party, may determine who is the publisher of a particular book.

(d) *Paper.* "Paper" means any grade, quality, type, basis weight or size of paper used in the production of a book, including end papers, labels, paper covers and jackets. The term includes paper reclaimed wholly or partly from printed or unprinted waste as well as paper made entirely from virgin fiber.

(e) *Put into process.* All the paper consumed in a single, complete, continuous printing of a book is "put into process" when the press run is commenced. Paper "put into process" includes paper printed by letter-press, offset or any other process.

(f) *Production waste.* All production waste before, during and after printing (such as trim and waste sheets) shall be included in determining the tonnage of paper which a publisher causes to be put into process in the production of a book.

(g) *Determination of consumption quotas.* The War Production Board, upon its own motion or upon the request of an interested party, may determine the size of a publisher's consumption quota.

(h) *Transfer of quotas.* (1) Quotas provided by one War Production Board order may not be used for the purposes set forth in any other order. Thus, for example, a publisher may not use for the production of books any part of a consumption quota established under Order L-240 (newspapers), L-241 (commercial printing) or L-244 (magazines) and he may not permit any part of his consumption quota established under this order to be used for newspapers, commercial printing, or magazines.

(2) This order does not prohibit the established practice in the book publishing industry whereby one publisher occasionally undertakes the sale and distribution of an edition or part of an edition of books published by another person. It does not sanction the acquisition by one publisher of another publisher's consumption quota. Quotas established by this order may not be bought or sold under any guise. The transfer of quotas is prohibited, except under the circumstances stated in Priorities Regulation 7A. The use by one publisher, directly or indirectly, of a consumption quota provided for another publisher is a violation, punishable in accordance with paragraph (x).

Except where specific authorization is granted by the War Production Board upon application in writing, paper which is put into process in the production of a book may be charged only against the quota of the person:

(i) Who is the publisher of the book; and

(ii) Who owns the copyright or the publication rights under copyright by assignment from the copyright owner; and

(iii) Whose publishing imprint appears on the title page; spine and jacket of the book to the exclusion of any other imprint or colophon of any kind; and

(iv) Who undertakes the ultimate risk of the publishing venture.

(i) *Official determinations.* The official determinations described in paragraphs (b) (c) and (g) may be made only by the Washington office of the War Production Board and shall be issued in the name of the Recording Secretary of the War Production Board. They shall be conclusive for the purpose of this order unless revoked or modified by the same authority.

Consumption Quota

(j) *Computation of consumption quota.* In the calendar year 1945, and in each calendar year after that, no publisher may cause to be put into process for the production of books any paper in excess of his consumption quota, which shall be computed as follows:

(1) Determine the gross tonnage of paper consumed in the production of the publisher's books in the calendar year 1942. This is the publisher's "base tonnage" from which the required reductions shall be made.

(2) If the publisher's base tonnage is not more than 40 tons, his consumption quota for the entire year 1945 shall be 20 tons plus one-half of his base tonnage.

(3) If the publisher's base tonnage is more than 40 tons but not more than 100 tons, his consumption quota is 40 tons plus 90 percent of that part of his base tonnage in excess of 40 tons.

(4) If the publisher's base tonnage is more than 100 tons his consumption quota is 80 percent of his base tonnage, or 94 tons, whichever is larger.

(5) If a person used no paper for publishing books in 1942, he shall have a consumption quota of 20 tons for the period between July 1, 1945 and December 31, 1945, *Provided*, He files with the Book Section, Printing and Publishing Division, War Production Board, Washington 25, D. C., before using any part of the said consumption quota, substantially the following statement:

I hereby represent to the War Production Board, subject to the penalties of section 35 (A) of the United States Criminal Code, that I have no consumption quota for the publication of books under Order L-245, that I am not associated directly or indirectly with any person, firm or corporation having a consumption quota under that order, and that I will not become associated directly or indirectly with any such person, firm or corporation while using the consumption quota provided for me under paragraph (j) (5) of Order L-245.

A consumption quota provided by this paragraph (j) (5) shall be conditioned upon the continued accuracy of the above representations.

(k) *Carry-over.* A publisher may carry over for future use accumulated savings resulting from under-use of quota, but he may not use in a calendar year any portion of his carry-over in excess of 15% of his consumption quota. For example, if a publisher's consumption quota in 1945 is 100,000 pounds and his carry-over from 1944 is 20,000 pounds, he may use in 1945 in addition to his consumption quota a maximum carry-over of 15,000 pounds (i. e., 15% of 100,000 pounds). The balance of carry-over from 1944 (i. e., 5,000 pounds) plus any under consumption in 1945 may be carried over and used in 1946 provided the total of such carry-over from 1944 and 1945 does not exceed 15% of his consumption quota for 1946.

(l) *Total permitted consumption.* A publisher may cause to be put into process in any calendar year:

(1) His yearly consumption quota as determined under paragraph (j);

(2) Plus any less-than-quota savings carried over from previous years, as provided in paragraph (k);

(3) Plus ex-quota tonnage, if any, which may have been granted on appeal for consumption in that year.

(m) *Restriction on paper for reprinting.* No publisher may use, in the reprinting of any book, paper of a basis weight heavier than that used in the last printing of the book, except that paper which was in the publisher's inventory on or before June 30, 1945 may be used for reprintings, irrespective of the basis weight. A publisher "reprints" a book if he uses any part of the type or plates used in a previous printing of that book or if he reproduces any part of it by offset or any similar process.

(n) *Breach of contracts.* As provided in Title III of the Second War Powers Act, no person shall be held liable for damages or penalties for any default under any contract which shall result directly or indirectly from compliance with this order.

(o) *Allotment to Army and Navy.* (1) The War Production Board may from time to time allot to the Army and the Navy a specified tonnage of paper to be consumed in printing books which will be furnished without charge to United States Armed Forces personnel in the continental United States, and to United States Armed Forces personnel outside the continental limits of the United States whether such books are sold or not.

(2) From this allotment the Army and the Navy, under a delegation of authority from the War Production Board, may grant to individual publishers the right to add to their consumption quotas the tonnage of paper consumed in such books acquired by the Army and the Navy. This allotment does not cover purchase of books by military exchanges or service departments, as defined in Priorities Regulation 17 for distribution within the continental limits of the United States. All books sold to the military shall be charged against the publisher's consumption quota unless the publisher has received a specific grant from the Army or the Navy pursuant to this paragraph.

(p) *Certification to printer.* No publisher may order books to be printed, and no person may print such books, unless the publisher furnishes or has previously furnished to that printer a certification in substantially the following form, signed manually or as provided in Priorities Regulation 7 (§ 944.27) by an official duly authorized for such purpose:

The undersigned publisher certifies, subject to the penalties of section 35 (A) of the United States Criminal Code, to the printer and to the War Production Board that he is familiar with Order L-245 and that all orders placed by the publisher with that printer for items regulated by Order L-245, as amended from time to time, will be in compliance therewith.

This is a one-time certification and need not accompany each individual order for printing.

Delivery Restrictions

(q) *Limit on tonnage which may be accepted.* During the third calendar quarter of 1945 no publisher may accept, and no person may accept for that publisher's use, paper in excess of 32½% of his permitted consumption for 1945, or 65% of that portion of his permitted consumption for 1945 which remained unused on June 30, 1945, or 20 tons whichever is larger.

(r) *Certification to paper dealer or mill.* No publisher may order or accept delivery of paper, and no person may deliver paper to a publisher, unless the publisher furnishes, or has previously furnished, to the person making the delivery a certification in substantially the following form, signed manually or as provided in Priorities Regulation 7 (§ 944.27) by an official duly authorized for such purpose:

The undersigned publisher certifies, subject to the penalties of section 35 (A) of the United States Criminal Code, to the seller and to the War Production Board that he is familiar with Order L-245 and that all purchases by him of items regulated by that order, as amended from time to time, will be in compliance therewith.

This is a one-time certification and need not accompany each individual order for paper.

A new certification need not be furnished by any publisher who has furnished a certification pursuant to paragraph (r) of Order L-245 after April 4, 1945.

Books or Parts Thereof Printed in Violation of Order

(s) *Restrictions on paper suppliers, printers, binders, distributors, wholesalers, and others.* (1) No person may sell or deliver any paper which he knows or has reason to believe will be accepted or used in violation of this order.

(2) No person may apply ink to any paper in the production of books if he knows or has reason to believe that the printing of such paper will be in excess of the publisher's allowable consumption under this order.

(3) No person may apply any additional ink to paper, and no person may bind or otherwise process paper, in the production of books if he knows or has reason to believe that such paper was printed in excess of the publisher's allowable consumption under this order.

(4) No person may agree to purchase for resale, and no person may accept for resale, any books which he knows or has reason to believe were printed in excess of the publisher's allowable consumption under this order.

(5) No person may sell, distribute or otherwise dispose of books, except for re-delivery to his supplier or for use as waste paper scrap, if, before he accepted them, he knew or had reason to believe that they were printed in excess of the publisher's allowable consumption under this order.

(6) No person may export for resale books which he knows or has reason to believe were printed in excess of the publisher's allowable consumption under this order.

Miscellaneous Provisions

(t) *Records.* Every publisher must keep accurate records of the tonnage of paper which he causes to be put into process for books, the tonnage of each item of paper received by him and the tonnage of paper in inventory at the time of each delivery, subject to inspection by the duly authorized representatives of the War Production Board. These records must be preserved as long as this order remains in force, and for two years after that.

(u) *Applicability of regulations.* This order and all transactions affected by it are subject to all present and future regulations of the War Production Board.

(v) *Appeals.* Any appeal from the provisions of this order shall be made in accordance with Supplement 1 to the order. Regardless of the provisions of Priorities Regulation 16 no statement with respect to manpower information on Form WPB-3820 (or letter explaining why that form is not filed) need accompany any appeal.

(w) *Communications.* All communications concerning this order shall be addressed to War Production Board, Printing and Publishing Division, Washington 25, D. C., Ref: L-245.

(x) *Violations.* Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using material under priority control and may be deprived of priorities assistance.

Issued this 13th day of August 1945.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 45-14921; Filed, Aug. 13, 1945; 11:16 a. m.]

PART 3133—PRINTING AND PUBLISHING

[Limitation Order L-289, as Amended Aug. 13, 1945]

GREETING CARDS AND ILLUSTRATED POST CARDS

The fulfillment of requirements for the defense of the United States has created a shortage of the supply of print paper for defense, for private account and for export, and the following order is deemed necessary and appropriate in the public interest and to promote the national defense.

SCOPE

(a) The purpose of this order.

DEFINITIONS AND EXPLANATIONS

(b) Greeting cards and illustrated post cards.
(c) Publisher.
(d) Paper.
(e) Use.
(f) Production waste.
(g) Transfer of quota.

RESTRICTIONS

(h) Dealer helps.

CONSUMPTION QUOTA

(i) Computation of consumption quota, paper.
(j) Borrowing and carry-over.
(k) Total permitted consumption.
(l) Certification to printer.

DELIVERY RESTRICTIONS

(m) Limit on tonnage which may be accepted.
(n) Certification to paper dealer or mill.

CARDS OR PARTS THEREOF PRINTED IN VIOLATION OF ORDER

(o) Restrictions on paper suppliers, printers, processors, distributors, wholesalers and others.

MISCELLANEOUS PROVISIONS

(p) Records.
(q) Applicability of regulations.
(r) Appeals.
(s) Communications.
(t) Violations.

Scope

§ 3133.20 *Limitation Order L-289—*(a) *The purpose of this order.* This order does four things. First, it limits the tonnage of paper which a publisher may cause to be used in the production of greeting cards and illustrated post

cards. A publisher may not exceed his consumption quota even though the paper is physically available to him. Second, the order limits the tonnage of paper which may be accepted by or on behalf of a publisher of greeting cards or illustrated post cards. Third, it prohibits the furnishing of "dealer help" material by a publisher. Fourth, it places certain restrictions on paper suppliers, printers, processors, wholesalers and others in their dealings with publishers who violate the order.

Definitions and Explanations

(b) *Greeting cards and illustrated post cards.* (1) "Greeting card" means any commercial form of card, sheet or folder which conveys a greeting or similar type of message by means of printed reading matter or pictorial matter. The term includes "chromos" which contain pictures but no words, and also cards which contain words but no pictures. The term does not include photographs made without the use of ink, nor does it include cards, sheets or folders of which no copies are offered for sale at any level of distribution.

(2) "Illustrated post card" means any form of card, sheet or folder containing printed pictorial matter and space for the addition of a personal message. The term does not include photographs made without the use of ink, nor does it include cards, sheets or folders of which no copies are offered for sale at any level of distribution.

(3) If a publisher is uncertain as to whether or not particular printed matter is a "greeting card" or an "illustrated post card" as defined in this order, he may ask the War Production Board for an official determination. The War Production Board may also make this determination upon its own motion. Such a determination may be made only by the Washington office of the War Production Board and shall be issued to the publisher in the name of the Recording Secretary of the War Production Board. It shall be conclusive for the purpose of this order, unless revoked or modified by the same authority.

(c) *Publisher.* (1) A person who was engaged in the greeting card or illustrated post card business in 1942 is the "publisher" of any greeting card or illustrated post card which he caused to be produced in that year, unless exclusive distribution rights in that card for 1942 were transferred to another person engaged primarily in the greeting card or illustrated post card business. In such a case, the person who had the exclusive distribution rights in 1942 is the "publisher" of that card.

(2) A "publisher" may use his consumption quota for the production of greeting cards or illustrated post cards whether he retains for himself or assigns to someone else the exclusive or nonexclusive reproduction rights or distribution rights, either permanently or temporarily.

(3) The term "publisher" includes an individual, partnership, association, business trust, corporation, or any organized group of persons, whether incorporated or not. It does not mean the author or designer of the cards or the plate maker, printer, finisher, packager, wholesaler, jobber or retailer, unless one of these persons also performs the functions of a publisher. It is immaterial whether the cards are produced in the publisher's plant or in someone else's plant.

(d) *Paper.* "Paper" means any grade, quality, type, basis weight or size of paper or paperlike substance used in the manufacture of greeting cards or illustrated post cards. The term includes paper reclaimed wholly or partly from printed or unprinted waste, as well as paper made entirely from virgin fiber.

(e) *Use.* (1) Paper is "used" in the manufacture of greeting cards and illustrated post cards when ink is first applied to it or, if unprinted, when the paper is first assembled with printed sheets in the manufacture of a card.

(2) When a job is started in one calendar quarter and runs over into the next, the paper actually used during each quarter must be charged against the publisher's consumption quota for that quarter. The entire job may not be regarded as if it were started and finished in the same quarter.

(f) *Production waste.* All production waste before, during and after printing and assembling (such as trim and waste sheets) shall be included in determining the tonnage of paper which a publisher uses in the manufacture of greeting cards and illustrated post cards.

(g) *Transfer of quotas.* (1) Quotas provided by one War Production Board order may not be used for the purposes set forth in any other order. Thus, for example, a publisher may not cause to be used for the manufacture of greeting cards or illustrated post cards any part of a paper consumption quota established under Order L-241 (Commercial Printing and Duplicating), Order L-244 (Magazines), Order L-245 (Books and Booklets), or any other order, and he may not permit any part of his consumption quota for paper established under this order to be used for any purpose other than the manufacture of greeting cards and illustrated post cards.

NOTE: Subparagraph (2), formerly subparagraph (3), redesignated Aug. 13, 1945.

(2) The rules governing the assignability of quotas are stated in Priorities Regulation 7A.

Restrictions

(h) *Prohibition of dealer helps.* No publisher may furnish any "dealer helps" for greeting cards or illustrated post cards. This prohibition applies to items such as date books, advertising cards, banners, merchandise bags, window displays, inserts, etc., and to sample cards. However, it does not apply to mounted samples for the display of cards to the public.

Consumption Quota

(i) *Computation of consumption quota for paper.* In the third calendar quarter of 1945 and in each calendar quarter after that, no publisher may cause to be used for the manufacture of greeting cards and illustrated post cards any paper in excess of his quarterly consumption quota of paper, which shall be computed as follows:

(1) Determine the gross tonnage of paper consumed in manufacturing the publisher's greeting cards and illustrated post cards during the corresponding calendar quarter of 1942.

(2) Determine the gross tonnage of paper consumed during the corresponding calendar quarter of 1942 in manufacturing the publisher's "dealer helps" as defined in paragraph (h) of this order.

(3) Take 85 percent of the total of these two tonnage figures, or 4 tons, whichever is greater. This is the publisher's consumption quota which he may cause to be used in the manufacture of greeting cards and illustrated post cards in the corresponding calendar quarter of 1945 and succeeding years.

(4) If a person used no paper for publishing greeting cards or illustrated post cards in 1942 and now wishes to enter the greeting card or illustrated post card business, he shall have a consumption quota of 4 tons per quarter commencing with the third quarter of 1945, provided he files with the Commercial Printing Section, Printing and Publishing Division, War Production Board, Washington 25, D. C., before using any part of the said consumption quota, substantially the following statement:

I hereby represent to the War Production Board, subject to the penalties of section 35 (A) of the United States Criminal Code, that I have no consumption quota for publishing greeting cards or illustrated post cards under Order L-289, that I am not associated directly or indirectly with any person, firm or corporation, having a consumption quota under that order, and that I will not become associated directly or indirectly with any such person, firm or corporation while using the consumption quota provided for me under paragraph (i) (4) of Order L-289.

A consumption quota provided by this paragraph (i) (4) shall be conditioned upon the continued accuracy of the above representations.

(j) *Borrowing and carry-over.* (1) A publisher may add an extra 15 percent to his consumption quota in any quarter if he subtracts that amount from his consumption quota for the next quarter.

(2) A publisher may carry over for future use accumulated savings resulting from under-use of quota, but he may not use, in a calendar quarter, any portion of his carry-over in excess of 15 percent of his consumption quota for that quarter.

(k) *Total permitted consumption.* A publisher may use in any calendar quarter:

(1) His quarterly consumption quota as determined under paragraph (i).

(2) Plus permitted borrowing from his consumption quota for the next calendar quarter as provided in paragraph (j) (1).

(3) Plus any less-than-quota savings which may be used in that calendar quarter from his consumption quota for that calendar quarter, as provided in paragraph (j) (2).

(4) Plus ex quota tonnage of that material, if any, which may have been granted on appeal for consumption in that quarter.

(l) *Certification to printer.* No publisher may order greeting cards or illustrated post cards to be printed or manufactured, and no person may print or manufacture such cards unless the publisher furnishes, or has previously furnished, to that printer or manufacturer a certification in substantially the following form, signed manually or as provided in Priorities Regulation 7 (§ 944.27) by an official duly authorized for such purpose:

The undersigned publisher certifies, subject to the penalties of section 35 (A) of the United States Criminal Code, to the printer and to the War Production Board that he is familiar with Order L-289 and that all orders placed by the publisher with that printer for items regulated by Order L-289, as amended from time to time, will be in compliance therewith.

This is a one-time certification and need not accompany each individual order.

Delivery restrictions

(m) *Limit on tonnage which may be accepted.* During the third calendar quarter of 1945 and each calendar quarter thereafter, no publisher may accept, and no person may accept for that publisher's use, paper in excess of his permitted consumption during that calendar quarter.

(n) *Certification to paper dealer or mill.* No publisher or his agent may order or accept delivery of paper and no person may deliver paper to a publisher or his agent, unless the publisher furnishes, or has previously furnished, to the person making the delivery a certification in substantially the following form, signed manually or as provided in Priorities Regulation 7 (§ 944.27) by an official duly authorized for such purpose:

The undersigned publisher certifies, subject to the penalties of section 35 (A) of the United States Criminal Code, to the seller and to the War Production Board that he is familiar with the provisions of Order L-289 as amended April 16, 1945 and that all purchases by him of items regulated by that order, as amended from time to time, will be in compliance therewith.

This is a one-time certification and need not accompany each individual order.

Cards or Parts Thereof Printed in Violation of Order

(o) *Restrictions on paper suppliers, printers, processors, distributors, wholesalers, and others.* (1) No person may sell or deliver any paper which he knows or has reason to believe will be accepted or used in violation of this order.

(2) No person may apply ink to any paper in the production of greeting cards or illustrated post cards if he knows or has reason to believe that the printing of such paper will be in excess of the publisher's permitted consumption under this order.

(3) No person may apply any additional ink to paper, and no person may bind or otherwise process paper, in the production of greeting cards or illustrated post cards if he knows or has reason to believe that such paper was printed in excess of the publisher's permitted consumption under this order.

NOTE: Subparagraphs (4) and (5), formerly subparagraphs (5) and (6), redesignated Aug. 18, 1945.

(4) No person may agree to purchase for resale, and no person may accept for resale, any greeting cards or illustrated post cards which he knows or has reason to believe were printed in excess of the publisher's permitted consumption under this order.

(5) No person may sell, distribute or otherwise dispose of greeting cards or illustrated post cards, except for re-delivery to his supplier or for use as waste paper scrap, if, before he accepted them, he knew or had reason to believe that they were printed in excess of the publisher's allowable consumption under this order.

Miscellaneous Provisions

(p) *Records.* In order to assure compliance with this order, every publisher must calculate, as accurately as he can, the tonnage of paper which he used during each calendar quarter of 1942 for the items covered by this order. He must also keep accurate records of this type of information for each calendar quarter beginning with July 1, 1943. He must preserve these figures and his work sheets subject to inspection by War Production Board officials as long as this order remains in force and for two years after that.

(q) *Applicability of regulations.* This order and all transactions affected by it are subject to all present and future regulations of the War Production Board.

(r) *Appeals.* Any appeal from the provisions of this order shall be made by filing a letter referring to the particular provisions appealed from, stating fully the grounds of the appeal. Regardless of the provisions of Priorities Regulation 16, no statement with respect to manpower information on Form WPB-3820 (or letter explaining why that form is not filed) need accompany any appeal.

(s) *Communications.* All communications concerning this order shall be addressed to: War Production Board, Printing and Publishing Division, Washington 25, D. C., Ref: L-289.

(t) *Violations.* Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States, is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using materials under priority control, and may be deprived of priorities assistance.

Issued this 13th day of August 1945.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

INTERPRETATION 1

CARDS WHICH ARE OFFERED "FOR SALE"

Paragraphs (b) (1) and (b) (2) of Order L-289 provides that the order does not apply to "cards, sheets or folders of which no copies are offered for sale at any level of distribution."

Greeting cards or illustrated post cards are "offered for sale" if they are offered either in consideration of a monetary payment, as a premium bonus or dividend, in part consideration of society membership dues, or for any other consideration direct or indirect, or if the published receives any compensation for the inclusion of material therein. (Issued December 21, 1944.)

[F. R. Doc. 45-14922: Filed, Aug. 13, 1945; 11:17 a. m.]

PART 3133—PRINTING AND PUBLISHING

[General Limitation Order L-294, as Amended Aug. 13, 1945]

DISPLAYS

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of copper, zinc, paper and paperboard, required for the production of printed matter for defense, for private account and for export, and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 3133.40 *Limitation Order L-294*—(a) *Definitions.* For the purpose of this order:

(1) "Display" means any laminated combination of printed matter and board or other material, with or without easels or braces, employed to convey a message, display merchandise, or advertise a product or service, including but not limited to point-of-sale advertising, window, counter, floor, wall or shelf displays.

(2) "Printed matter" means any paper or paperlike substance with ink applied to it by the relief, planograph, intaglio, silk screen or other stencil process, or any combination or modification thereof.

(3) "Board" means any grade or quality of chip, laminated chip, or other board employed for the production of displays, easels, braces or plane surfaces.

(4) [Deleted Aug. 13, 1945.]

(5) [Deleted Aug. 13, 1945.]

(6) "Back-lining" means any paper or paperlike substance mounted to the reverse side of board employed in the production of displays.

(7) "Put into process" means (i) the first application of ink to paper or paperlike substance by a printer, or (ii) the lamination of one or more sheets of unprinted paper or printed matter to board, or (iii) the fabrication or processing of any part of a display, or (iv) the assembly of any component parts of a display.

(b) *Limitations.* (1) No person shall put into process for the production of displays:

(i) Board in the manufacture of which any virgin pulp has been employed, except board in the inventory of such person on July 7, 1943.

(ii) Back-lining in the manufacture of which any kraft fiber has been em-

ployed, except back-lining in the inventory of such person on July 7, 1943.

(iii) [Deleted Oct. 13, 1944.]

(2) On and after July 1, 1945, no person shall put into process during any calendar quarter for the production of displays:

(i) Paper or paperlike substance in excess of 85 per cent of the gross weight thereof put into process by him for the production of displays during the corresponding calendar quarter of 1941 or 10 tons whichever is greater: *Provided*, That such person, in any calendar quarter, may use for the production of displays up to 15 percent more than his quota, the excess to be deducted from his quota for the succeeding calendar quarter: *And provided further*, That such person, in any calendar quarter, may use for the production of displays additional paper or paperlike substance equivalent to his less-than-quota usage in any preceding calendar quarters.

(ii) Board in excess of 80 per cent of the gross weight thereof put into process by him for the production of displays during the corresponding calendar quarter of 1941 or 10 tons whichever is greater.

(c) *Certification to paper dealer or mill.* No person may order or accept delivery of paper, or paperboard, and no person may deliver paper, or paperboard, for use in the production of displays, unless he furnishes, or has previously furnished, to the person making the delivery, a certification in substantially the following form, signed manually or as provided in Priorities Regulation 7 (§ 944.27) by an official duly authorized for such purpose:

The undersigned certifies, subject to the penalties of section 35 (A) of the United States Criminal Code, to the seller and to the War Production Board that he is familiar with Order L–294 and that all purchases by him of items regulated by that order, as amended from time to time, will be in compliance therewith.

This is a one-time certification and need not accompany each individual order for paper or paperboard.

(d) *Miscellaneous provisions*—(1) *Applicability of regulations.* This order and all transactions affected thereby are subject to all applicable provisions of the regulations of the War Production Board, as amended from time to time.

(2) *Appeals.* Any appeal from the provisions of this order shall be made by filing a letter in triplicate, referring to the particular provision appealed from and stating fully the grounds of the appeal.

(3) *Communications to the War Production Board.* All communications concerning this order shall, unless otherwise directed, be addressed to: War Production Board, Printing and Publishing Division, Washington, D. C., Ref: L–294.

(4) *Violations.* Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

Issued this 13th day of August 1945.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 45-14923; Filed, Aug. 13, 1945; 11:17 a. m.]

PART 3290—TEXTILE, CLOTHING AND LEATHER

[Conservation Order M-317, Direction 21]

PRIORITIES ASSISTANCE FOR COTTON TEXTILES FOR THE PRODUCTION OF CLOSURE TAPE MADE FROM BROAD WOVEN FABRICS FOR FEMININE APPAREL—THIRD QUARTER 1945

The following direction is issued pursuant to Conservation Order M–317:

Manufacturers of closure tape, made from broad woven fabrics, to be used for feminine apparel, may apply on Form WPB–2842 for priorities assistance to obtain 68 x 64—4.85 yd.—39" print cloth and outing flannel to be used for the manufacture of hook and eye tape, snap fastener tape, button tape and all other closures except slide fastener tape. Applications must be filed with the War Production Board, Textile, Clothing and Leather Bureau, Washington 25, D. C. not later than August 23, 1945. Materials for which priorities assistance is given must be purchased for delivery not later than September 30, 1945, and must be consumed in the production of closure tape prior to October 31, 1945. Such authorizations will be issued pursuant to paragraph (k) of Order M–317.

The total amount of materials for which priorities assistance will be granted under this direction is limited. Within the available supply, applications will generally be granted on a pro rata basis based on the actual consumption of the materials by the applicant during the calendar year 1944. Establishments which did not use these materials during the year 1944 (including persons who were not in business at that time) may nevertheless apply for materials and their applications will be processed on an equitable basis.

Issued this 13th day of August 1945.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 45-14925; Filed, Aug. 13, 1945; 11:15 a. m.]

PART 3290—TEXTILE, CLOTHING AND LEATHER

[General Preference Order M–388A, Direction 1]

UPRATING FOR FABRIC DELIVERIES IN THE THIRD QUARTER, 1945, FOR PRODUCTION OF CERTAIN WOMEN'S, MISSES' AND JUNIORS' COTTON HOUSE DRESSES

The following direction is issued pursuant to General Preference Order M–388A:

For the third quarter of 1945, the AA–4 rating assigned to manufacturers in Preference Rating Schedule 1 of M–388A for Item No. A–1 in the Quota Table is changed to AA–3, in accordance with the rules stated below:

(1) Fabrics obtained with this AA–3 rating may be used only to make dresses in the following price and size ranges:

Type of dress	Size range	Maximum price
		Dozen
Women's	38 to 44	$21
Women's	46 and up	27
Misses'	10 to 20	21
Juniors'	9 to 17	21

(2) Fabrics obtained with this AA–3 rating must be charged to the manufacturer's rated quota for Item A–1 of the Quota Table of M–388A for the third quarter of 1945.

(3) The rating may be used to get the fabrics permitted by Preference Rating Schedule 1 of M–388A and also to get window shade quality print cloth, in widths up to 45", 64 sley and up, and 56 pick and up, weighing 5.70 yards per pound and heavier on the basis of 39" fabric.

(4) Unfilled orders already placed with AA–4 ratings calling for delivery in the third quarter of 1945 may be rerated AA–3 in the manner provided in Priorities Regulation 12.

(5) Any purchase order for fabrics with an AA–3 rating assigned under this direction must be treated by the supplier like any other AA–3 rating, and, therefore, the yardage covered must be deducted by the supplier before calculating his set-aside under paragraph (b) of M–388A.

(6) The supplier may extend an AA–3 rating to a producer for the yardage of fabric needed to fill AA–3 rated orders received by him under this direction. Such ratings shall be extended as provided in Priorities Regulation 3 and Order M–328.

Issued this 13th day of August 1945.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 45-14927; Filed, Aug. 13, 1945; 11:15 a. m.]

PART 3293—CHEMICALS

[General Allocation Order M–300, Schedule 117]

NAPHTHENIC ACID AND NAPHTHENATES

§ 3293.1117 *Schedule 117 to General Allocation Order M–300*—(a) *Definitions.* (1) "Naphthenic acid" means the acids existing naturally in certain crude petroleums and distillates therefrom and known as monobasic carboxylic acids of the general formula RCOOH, where R is a naphthene (cyclic hydrocarbon) radical and the acid values of which are 180 or higher on an oil free basis, such acids being normally obtained by extraction from certain petroleum distillates by means of caustic soda. The term includes crude and refined sodium naphthenate intended for the manufacture of other naphthenates.

(2) "Naphthenates" means any salt, ester or ether of naphthenic acid other than crude and refined sodium naphthenate intended for the manufacture of other naphthenates. The term includes, but is not limited to, potassium naphthenate, calcium naphthenate, copper naphthenate, zinc naphthenate, aluminum naphthenate, lead naphthenate, cobalt naphthenate, manganese naphthenate, triethanolamine naphthenate, and also sodium naphthenate other than sodium naphthenate intended for the manufacture of other naphthenates. The term also includes any mixture containing more than 10% by weight (dry basis) of naphthenic acid combined as any naphthenates or mixtures of them, except that the term does not include any mixture containing less than 20% by weight (dry basis) of naphthenic acid combined as copper napthenate or any finished lubricants containing less than 20% of naphthenates.

(3) "Producer of naphthenates" means any person who produces any naphthenates with naphthenic acid in the continental United States.

(4) "Distributor of naphthenates" means any person who purchases (other than by import) naphthenates for resale as such.

(b) *General provisions.* Napththenic acid is subject to allocation under General Allocation Order M–300 as an Appendix A material. The initial allocation date is May 5, 1942, when naphthenic acid was first put under allocation by Order M–142 (revoked). The allocation period is the calendar month and the small order exemption is 50 pounds per person per month.

(c) *Transition from M–142.* For calendar months before September 1, 1945, naphthenic acid and naphthenates are subject to allocation control under Order M–142. For calendar months beginning with September 1, 1945, naphthenic acid is subject to allocation control under this schedule as an Appendix A material and naphthenates are subject to paragraphs (f) and (g) of this schedule. Regular and interim allocations of naphthenic acid issued under Order M–142 for calendar months before September are effective under this schedule, but are limited in duration as if originally issued under this schedule, and pending applications need not be refiled.

Regular and interim allocations of naphthenates issued under Order M–142 for calendar months before September remain in effect under this schedule without limitation on duration of authorization. A person who cannot use naphthenates for the purpose for which they were allocated to him under Order M–142 may use them for any purpose up to the amount of 500 pounds per month, but he may not use more than 500 pounds per month of these naphthenates unless specifically authorized in writing by the War Production Board. If a person receives or has received naphthenates under Order M–142 allocated on a Form WPB–2945 "for resale on further authorization" or in similar terms, he may not deliver or use the naphthenates unless specifically authorized in writing by the War Production Board. Application for authorization in either of these cases may be made on Form WPB–2945 slating end use in the manner stated in paragraph (e) below.

(d) *Suppliers' applications on WPB–2946.* Each supplier seeking authorization to deliver naphthenic acid shall file application on Form WPB–2946 (formerly PD–601). Filing date is the 20th day of the month before the requested allocation month. Send three copies (one certified) to the War Production Board, Chemicals Bureau, Washington 25, D. C., Ref: M–300–117. The unit of measure is pounds. Specify grade in Columns 3 and 8 as crude, process, rectified or refined, by acid value on an oil free basis and by maximum unsaponifiable content. An aggregate quantity may be requested without specifying customers' names for delivery on exempt small orders. Fill in Table II.

(e) *Customers' applications on Form WPB–2945.* Each person seeking authorization to use or accept delivery of naphthenic acid shall file application on Form WPB–2945 (formerly PD–600). Filing date is the 15th day of the month before the requested allocation month. File separate sets of forms for each supplier. Send three copies (one certified) to the War Production Board, Chemicals Bureau, Washington 25, D. C., Ref: M–300–117, and the one copy (reverse side blank) to the supplier. The unit of measure is pounds. Specify grade in Columns 1 and 11 as crude, processed, rectified or refined, by acid value on an oil free basis and by maximum unsaponifiable content. Fill in Column 3 in terms of the following:

Aluminum naphthenate
Ammonium naphthenate
Calcium naphthenate
Cobalt naphthenate
Copper naphthenate
Iron naphthenate
Lead naphthenate
Lithium naphthenate
Manganese naphthenate
Nickel naphthenate
Sodium naphthenate
Strontium naphthenate
Triethanolamine naphthenate
Zinc naphthenate
For resale as naphthenic acid on further authorization
For resale as naphthenate acid on certified exempt small orders
Export as naphthenic acid
Other (specify)

Specify end use in Column 4 in terms of the following:

"Napalm"
Core oils
Crude oil demulsifiers
Cutting oils and compounds
Driers for coatings (specify end use as indicated in Direction 2 to Order M–300. State amounts for each group.)
Fungicides and wood preservatives (specify whether military orders or civilian)
E. P. lubricants (industrial)
E. P. lubricants (all other—specify)
Greases
Catalysts for synthetic rubber
Mercerization agents
Rust and corrosion preventatives and gum and engine slushing compounds (specify whether military order or civilian)
Flotation agent
For resale as naphthenates on certified exempt small orders.
For export as naphthenates
Other (specify)

If any naphthenate is specified in Column 3, the statement of end use in Column 4 must be based on the certificates furnished to the applicant by his customers under paragraph (f) below. If "export" as naphthenic acid or as naphthenates is specified in Column 3 or 4 state in Column 4 in addition to product end use the destination and export license number or Lend-Lease contract or requisition number, and if any end product specified in Column (4) is to be made for export as such state that fact and the same additional information in Column (4).

Fill in other Columns of Table I, and fill in Tables II and III, as indicated. Leave Tables IV and V blank.

(f) *Certified statements of naphthenate uses*—(1) *Who must furnish use certificates.* Each person (including any distributor) placing purchase orders in the aggregate from all suppliers for 500 pounds or more per month of naphthenates shall furnish each of his suppliers with a certified statement of proposed use, in the form prescribed in Appendix D of Order M–300. Specify proposed use in the terms listed in paragraph (e) above.

(2) *Who must furnish small order certificates.* There shall be a small order exemption for naphthenates of 500 pounds per person per month in the aggregate from all suppliers. Each person (including any distributor) placing purchase orders under the small order exemption shall furnish each of his suppliers with a certification that the total orders of naphthenates he will have placed with all suppliers for delivery in the allocation month will be less than 500 pounds.

(3) *Distributors' use certificates.* Each distributor of naphthenates required to furnish his suppliers with use certificates under paragraph (f) (1) above must state in his certificate the aggregate quantity ordered by his customers for each end use in the terms listed in paragraph (e) above basing his certificate on certificates furnished to him by his customers under this paragraph (f).

(g) *Use and delivery of naphthenates*—(1) *Producers.* A producer may not deliver naphthenates unless he has received from the person accepting delivery on end use or small order certificate under paragraph (f) above and has been allocated the necessary quantity of naphthenic acid for the specific end use certified or for certified exempt small orders of naphthenates, as the case may be. No producer of naphthenates shall fill a certified order for them without first having notified the purchaser in writing of the separate quantity being delivered for each proposed use certified with the order, unless only one use was specified in the certificate or the order is filled in full.

(2) *Distributors and consumers.* A person may use naphthenates obtained under a use certificate for a use specified in the use certificate, unless advised by the supplier that a specified use has been denied, and may not use them for any other purpose. A person obtaining naphthenates under a small order certificate may use them for any purpose. A distributor may redeliver napthenates only to a person who certifies as his use the certified use for which the distributor received the material, or in the case where the distributor received the naphthenates for redelivery on certified exempt small orders, to a person who has furnished him with a small order certificate. But no distributor of naph-

thenates shall fill a certified order for them without first having also notified the purchaser in writing of the separate quantity being delivered for each proposed use certified with the order, unless only one use is certified or the order is filled in full.

(3) *Unauthorized use or delivery.* If a person is unable to use or deliver naphthenates received under a use certificate for the use certified, he may use them for any purpose up to the amount of 500 pounds per month, but he may not use more than 500 pounds per month unless specifically authorized in writing by the War Production Board. If a person imports naphthenates after the issuance of this schedule, he may not deliver or use them for any purpose unless specifically authorized in writing by the War Production Board. Application under this paragraph for authorization may be made on Form WPB-2945 stating end use in the manner stated in paragraph (e) above.

(4) *Applicability of preference ratings.* Delivery of naphthenates must be made in accordance with Priorities Regulation 1 and other applicable orders and regulations.

(h) *Special directions.* The War Production Board may at any time issue special directions to any person regarding use, delivery, acceptance of delivery, production or processing of naphthenic acid or naphthenates.

(i) *Budget Bureau approval.* The above reporting requirements have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(j) *Communications to War Production Board.* Communications concerning this schedule shall be addressed to War Production Board, Chemicals Bureau, Washington 25, D. C., Ref.: M-300-117.

Issued this 13th day of August 1945.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 45-14924; Filed, Aug. 13, 1945; 11:15 a. m.]

PART 4600—RUBBER, SYNTHETIC RUBBER AND PRODUCTS THEREOF

[Rubber Order R-1, Appendix V]

SORTING AND PACKING OF SCRAP TIRE PARTS

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of natural rubber and other materials entering into the production of rubber products for defense, for private account and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

Purpose of this order. The purpose of this order is to conserve the supply of natural rubber scrap tire parts for use in the manufacture of reclaimed rubber. The contamination of natural rubber scrap tire parts with synthetic rubber scrap tire parts results in a reduced production rate and lowered quality of reclaimed rubber. It is therefore necessary that the peelings and other tire parts be sorted, before packing, into natural rubber, synthetic rubber, and recapped parts; and that these grades be packed separately before shipment.

(a) *Definitions.* For the purposes of this order:

(1) "Splitting" means any operation by which rubber tires, either natural, synthetic or recapped, are split, separated, torn or pulled apart, whether by machine or by hand.

(2) "Splitter" means any person engaged in the business of splitting.

(3) "Reclaimer" means any person engaged in the manufacture of reclaimed rubber.

(4) "Tire parts" means peelings, dykes, carcass scrap, S. A. G. and sections; split, separated, torn or pulled from natural rubber, synthetic rubber or recapped tires.

(b) *Splitters must segregate tire parts.* On and after August 20, 1945, no splitter may split any tires unless he sorts and packs the resulting tire parts so that natural rubber tire parts, synthetic rubber tire parts and recapped tire parts are kept separate.

(c) *Sale and delivery of unsegregated tire parts prohibited.* Notwithstanding the provisions of any contract or other commitment to the contrary, on and after September 1, 1945, no splitter may sell or deliver tire parts to any person unless such parts have been sorted and packed so that natural rubber tire parts, synthetic rubber tire parts and recapped tire parts are kept separate.

(d) *Splitter's inventories to be freely offered.* On and after September 1, 1945, each splitter must offer his tire parts for sale in such manner that he does not at any time have an inventory of more than 50% of his total shipments of tire parts during the three preceding calendar months.

(e) *Reclaimers must not accept unsegregated tire parts.* Notwithstanding the provisions of any contract or other commitment to the contrary, on and after September 1, 1945, no reclaimer shall accept delivery from any person of tire parts not sorted and packed in accordance with the provisions of paragraphs (b) and (c) of this order. This restriction does not apply to tire parts which are in transit before September 1, 1945.

(f) *Reports.* (1) Every splitter who in the period January 1, 1945 to March 31, 1945, shipped in excess of 100 tons of tire parts or had an inventory in excess of 100 tons of tire parts, or who in any calendar quarter thereafter ships or has an inventory of more than that amount, shall file a monthly report on Form WPB-3575 with the Rubber Bureau, War Production Board, Washington 25, D. C., Ref: Rubber Order R-1, Appendix V, covering receipts, shipments and inventory in accordance with the instructions accompanying that form. The first such report shall be filed not later than September 10, 1945, and shall cover operations for the month of August.

This paragraph applies only to the filing of reports. All splitters, regardless of size, are subject to all other provisions of this order.

(2) On and after September 1, 1945, any reclaimer who rejects delivery of tire parts not sorted and packed in accordance with the provisions of paragraphs (b) and (c) above shall file with the Rubber Bureau, War Production Board, either by letter or by copy of the rejection notice, the following information concerning the rejected shipment: car number or truck load number, original shipping point, original packer, broker, description of shipment and nature of contamination. This requirement does not apply to tire parts which are in transit before September 1, 1945.

(g) *Applicability of regulations.* This order and all transactions affected by it are subject to all applicable provisions of the regulations of the War Production Board.

(h) *Appeals.* Appeal from the provisions of this order shall be made by filing a letter with the Rubber Bureau, War Production Board, Washington 25, D. C., referring to the provision appealed from and stating fully the grounds of the appeal. In case of emergency, an appeal may be made by telegram or telephone to be confirmed by letter as prescribed above.

(i) *Violations.* Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control (including tire parts and scrap tires) and may be deprived of priorities assistance.

(j) *Communications.* All reports and other communications concerning this order shall be addressed to: Rubber Bureau, War Production Board, Washington 25, D. C., Ref: Rubber Order R-1, Appendix V.

(k) The reporting provisions of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(Sec. 2 (a), 54 Stat. 676, as amended by 55 Stat. 236 and 56 Stat. 177; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; E.O. 9246, 7 F.R. 7379, as amended by E.O. 9475, 9 F.R. 10817; WPB Reg. 1 as amended Dec. 31, 1943, 9 F.R. 64)

Issued this 13th day of August 1945

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 45-14929; Filed, Aug. 13, 1945, 11:17 a. m.]

Chapter XI—Office of Price Administration

PART 1499—COMMODITIES AND SERVICE

[SR 14E,[1] Amdt. 9]

MANUFACTURERS' AND WHOLESALERS' PRICES FOR CERTAIN MEN'S WORK SOCKS

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.

Section 14 is added to Supplementary Regulation 14E, to read as follows:

SEC. 14 *Manufacturers' and wholesalers' prices for certain men's work socks*—(a) *Definition of terms*—(1) *Manufacturer.* A manufacturer is any person who is subject to Direction 17 of War Production Board Conservation Order M-328 (Production of Men's Cotton Work Socks in the Third Quarter of 1945), issued June 21, 1945.

(2) *Men's cotton work socks.* The term men's cotton work socks, as used in this section, means men's work socks which meet the following specifications:

(i) Finished weight—a minimum of one pound per dozen pairs;

(ii) Type of yarn—100% carded cotton yarn;

(iii) Color—plain or mock twist two-tone;

(iv) Fabric from which body portion is made—a flat knit fabric, knit on one set of needles (except that socks knit on "RI" machines may be made of a simulated rib knit fabric).

"Athletic", "crew", and "boot" socks are not included in the term men's cotton work socks.

(b) *Manufacturers' adjusted ceiling prices.* For each style of men's cotton work sock, which is the same as or similar to a style which the manufacturer delivered or offered for delivery during March 1942, the manufacturer may adjust his General Maximum Price Regulation ceiling price as follows:

(1) The manufacturer shall first find the ceiling price established for the style under section 2 (a) of the General Maximum Price Regulation.

(2) He may then add to that ceiling price an "adjustment charge", equal to 6½ per cent of such ceiling price.

The adjustments permitted herein shall apply only to those styles described above which are delivered by the manufacturer on and after August 15, 1945, but prior to November 1, 1945. Moreover, before a manufacturer may deliver such styles at the adjusted ceiling prices, he must file with OPA the information described in paragraph (d) below, and receive an acknowledgment of its filing.

The ceiling price for any other style of men's cotton work sock may not be adjusted.

(c) *Wholesalers' adjusted ceiling prices.* For each style of men's cotton work sock for which the manufacturer has adjusted his ceiling price under paragraph (b) above, delivered to a wholesaler on and after August 15, 1945, but prior to November 1, 1945, the wholesaler may adjust his General Maximum Price Regulation ceiling price for a sale to a retailer as follows:

(1) The wholesaler shall first find the ceiling price established, under the applicable pricing provision of the General Maximum Price Regulation, for that sale.

(2) He may then add to that ceiling an amount equal to 70 per cent of the manufacturer's "adjustment charge" for the style.

The wholesaler's ceiling prices for sales other than to retailers of the styles described above, or for any other style of men's cotton work socks may not be adjusted.

(d) *Information required to be filed by manufacturer.* Each manufacturer who has adjusted his ceilings under paragraph (b) above must, before he delivers any style at such adjusted ceilings, file with the Office of Price Administration, Washington 25, D. C., certain information, and receive acknowledgment of its filing. The following are required to be filed:

(1) A description of each style of men's cotton work socks for which the ceiling has been adjusted under paragraph (b) above, specifying finished weight, type of yarn, color, and type of fabric from which body portion is knit.

(2) For each such style, the ceiling prices determined under section 2 (a) of the General Maximum Price Regulation, and the adjusted ceilings established under paragraph (b) above.

(3) A sample of each such style.

(e) *Statements which must be sent to purchasers*—(1) *Statement which manufacturers must send to wholesalers.* (i) On and after August 15, 1945, each manufacturer who has adjusted his ceilings on certain styles of men's cotton work socks, under paragraph (b) above, shall transmit to each wholesaler to whom he makes delivery of such styles the following statement:

STATEMENT TO WHOLESALERS OF ADJUSTED CEILING PRICES

OPA has adjusted our ceiling prices on certain styles of men's cotton work socks (which we are directed to produce by WPB) pursuant to Amendment 9 to Supplementary Regulation 14E. In Column A below you will find our old ceiling prices for these styles, in Column B our adjusted ceiling prices, in Column C our OPA adjustment charge, and in Column D your OPA adjustment charge.

This amendment also provides a method by which you, as a wholesaler, are to determine your ceiling prices for sales of these styles to retailers. You are required first to find, under the applicable pricing provision of the General Maximum Price Regulation, your ceiling price for sales of each such style to retailers. Then, you shall add to such price your OPA adjustment charge for the style (shown in Column D below).

Style No.	Column A Manufacturer's old ceiling price	Column B Manufacturer's adjusted ceiling price	Column C Manufacturer's OPA adjustment charge (B minus A)	Column D Wholesaler's OPA adjustment charge (C times .70)

Please note that, as a wholesaler, you are required by OPA to transmit to each retailer to whom you deliver any of the styles listed above on or after August 15, 1945, a "wholesaler's Statement to Retailers of OPA Adjustment Charge" in the form indicated below, properly filled in by you with the information applicable to the particular styles being delivered by you to the retailer. You are required to complete this statement as follows: In Column A you shall list the ceiling prices of the particular styles being shipped which were in effect for you under the General Maximum Price Regulation, prior to August 15, 1945. In Column B you shall list the new ceiling prices which you determine in accordance with the method indicated in this statement to you. In Column C you shall list the difference between the amounts in Column A and Column B for the respective styles. This notice, when properly completed by you, is to be transmitted with, or annexed to, the invoice, billing or other statement of price accompanying every shipment made by you to your retail customers of the styles shipped to you by us.

WHOLESALER'S STATEMENT TO RETAILERS OF OPA ADJUSTMENT CHARGE

OPA, pursuant to Amendment 9 to Supplementary Regulation 14E, has permitted us to adjust our ceiling prices on the following styles of men's cotton work socks, sold and delivered by us to you on or after August 15, 1945.

Style No.	Column A Wholesaler's old ceiling price	Column B Wholesaler's new ceiling price	Column C Wholesaler's OPA adjustment charge (B minus A)

Please note that OPA has ruled that you must price these men's cotton work socks in accordance with Maximum Price Regulation 580, or the General Maximum Price Regulation (whichever regulation governs your sales of the items listed above). In determining your ceiling prices for these items, OPA has ruled that, under MPR 580, you must use as your "net cost", the amount set forth in Column A above; you may not include the amount of the OPA adjustment charge set forth in Column C. Moreover, under GMPR, you may not add the amount of such adjustment charge to your present GMPR ceiling prices.

(ii) The statement required to be sent by each manufacturer to his wholesalers, as provided in this subparagraph (1), shall be transmitted with or be annexed to the invoice, billing or other statement of price, accompanying every shipment made by the manufacturer of styles for which ceilings have been adjusted under paragraph (b) above. Each manufacturer shall properly fill in the statement which he is required to send wholesalers with the information applicable to the particular styles being delivered by him to the wholesaler. He shall complete the statement as follows: In Column A he shall list the ceiling prices of the particular styles being shipped which were in effect for him under the General Maximum Price Regulation, prior to August 15, 1945. In Column B he shall list the new ceiling prices for each such style, determined in accordance with the method provided in paragraph (b) above. In Column C he shall list the difference between the amounts in Column A and Column B for the respective styles. In Column D he shall list, for each style, the product obtained by multiplying the amount shown in column C by .70.

(2) *Statement which manufacturers must send to retailers.* (i) On and after August 15, 1945, each manufacturer shall transmit to each retailer to whom he delivers any of the styles of men's work socks, for which ceiling prices have been adjusted under paragraph (b) above, the following statement:

[1] 10 F.R. 1183, 2014, 4156, 7117, 7497, 7667.

MANUFACTURER'S STATEMENT TO RETAILERS OF OPA ADJUSTMENT CHARGE

OPA, pursuant to Amendment 9 to Supplementary Regulation 14E, has permitted us to add the following adjustment charges to our ceiling prices on the styles listed below:

Style No.	Column A Old ceiling price	Column B OPA adjustment charge

Please note that OPA has ruled that you must price these men's cotton work socks in accordance with Maximum Price Regulation 580, or the General Maximum Price Regulation (whichever regulation governs your sales of the items listed above). In determining your ceiling prices for these items, OPA has ruled that, under MPR 580, you must use as your "net cost", the amount set forth in Column A above; you may not include the amount of the OPA adjustment charge set forth in Column B. Moreover, under GMPR, you may not add the amount of such adjustment charge to your present GMPR ceiling prices.

(ii) The statement to be sent by each manufacturer to his retailers, as provided in this sub-paragraph (2), shall be transmitted with or be annexed to the invoice, billing or other statement of price, accompanying every shipment made by the manufacturer of styles for which ceilings have been adjusted under paragraph (b) above. Each manufacturer shall properly fill in the statement which he is required to send retailers with the information applicable to the particular styles being delivered by him to the retailer. He shall complete the statement as follows: In Column A he shall list the ceiling prices of the particular styles being shipped which were in effect for him under the General Maximum Price Regulation, prior to August 15, 1945. In Column B he shall list for each style, the difference between the new ceiling price, determined under paragraph (b) above, and the old ceiling price listed in Column A.

(3) *Statement which wholesalers must send to retailers.* Any wholesaler, who, after August 15, 1945, purchases any work sock styles for which manufacturers' ceilings have been adjusted under paragraph (b) above, shall transmit to each of his retailers, at the time of delivery by him of such styles, the form of "Wholesaler's Statement to Retailers of OPA adjustment Charge" required to be sent to wholesalers by manufacturers under sub-paragraph (1) above. This statement shall contain the information applicable to the styles included in the particular shipment, and shall be transmitted with, or annexed to, the invoice, billing or other statement of price accompanying every shipment made by the wholesaler after August 15, 1945 of any men's cotton work socks. Each wholesaler shall complete this statement as follows: In Column A he shall list the ceiling prices of the particular styles being shipped which were in effect for him under the General Maximum Price Regulation, prior to August 15, 1945. In Column B he shall list his new ceiling prices, determined under paragraph (c) above. In Column C he shall list the difference between the amounts in Column A and Column B for the respective styles.

(f) *Manufacturers' applications for further adjustment*—(1) *Who may apply.* Any manufacturer of men's cotton work socks (as defined in (a) (2) above) may apply for adjustment of his ceiling prices on styles which are not the same as or similar to those which he delivered or offered for delivery during March 1942, or for further adjustment of the ceiling prices which he has adjusted under paragraph (b) above.

(2) *Amount of adjustment.* Existing ceiling prices will be adjusted as follows when and to the extent that they are found by the Office of Price Administration to be lower than:

(i) A price equal to the total unit cost of the item, or

(ii) A price equal to the total unit cost of the item plus 2% of such cost, if the net profits before taxes (computed in relation to net worth) realized by the applicant from his total operations are either (*a*) less than 7.6% or (*b*) less than double the average percentage realized by the applicant during the years 1936 to 1939. However, if current net profits before taxes (computed in relation to net worth) realized by the applicant from his total operations are 15.2% or over, the adjustment shall be limited to a price equal to the total unit cost of the item.

(3) *Filing of applications.* Applications must be filed with the Consumer Goods Price Division, Office of Price Administration, Washington, 25, D. C., in accordance with Article III of Revised Procedural Regulation No. 1, and must contain, unless the information is already on file with OPA:

(i) Balance sheets and profit and loss statements for the years (fiscal or calendar) 1936–1939, inclusive, the most recent calendar or fiscal year, and the most recent quarter or half-year period.

(ii) For each style on which an adjustment is sought, a statement in detail of the applicant's total unit cost (material, direct labor, factory overhead, selling and administrative expense, in accordance with applicant's usual accounting practice).

(iii) For each such style, a statement giving applicant's present ceiling price, and the method of computing such ceiling (e. g., section 2 (b), GMPR; section 2 (a) plus adjustment under section 1.4, SR 14E).

(iv) A sample of each style on which an adjustment is sought.

(v) A detailed statement as to why applicant cannot fill the quota fixed by Direction 17 to M–328 from those styles of men's cotton work socks (if any) for which individual adjustments, under this paragraph (f), have not been requested.

(4) *Denial of applications.* An application may be denied, notwithstanding the standards in sub-paragraph (2), if the Price Administrator determines that granting such application is not necessary to effectuate producer compliance with the terms of Direction 17 to M–328.

This amendment shall become effective August 15, 1945.

NOTE: The reporting and record-keeping requirements of this amendment have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 10th day of August 1945.

CHESTER BOWLES,
Administrator.

For the reasons set forth in the accompanying statement of considerations, and by virtue of the authority vested in me by the Emergency Price Control Act of 1942, as amended, and Executive Orders Nos. 9250 and 9328, I hereby approve the issuance of this amendment and find that it is necessary to aid in the effective prosecution of the war.

THOMAS I. EMERSON,
Acting Economic Stabilization Director.

[F. R. Doc. 45-14809; Filed, Aug 10, 1945, 4:25 p. m.]

PART 1305—COMMODITIES AND SERVICES

[Supp. Order 45, Amdt. 23]

DEHYDRATED FRUITS, VEGETABLES AND BERRIES

Supplementary Order 45 is amended in the following respect:

Paragraph (a) (4) is added to read as follows:

(4) The following food and beverage items:

Compressed dehydrated fruits, vegetables, and berries.
Dehydrated garlic powder.

This amendment shall become effective August 16, 1945.

Issued this 11th day of August 1945.

JAMES F. BROWNLEE,
Acting Administrator.

Approved: July 31, 1945.

J. B. HUTSON,
Acting Secretary of Agriculture.

[F. R. Doc. 45-14858; Filed, Aug 11, 1945, 11:25 a. m.]

PART 1314—RAW MATERIALS FOR SHOES AND OTHER LEATHER PRODUCTS

[RPS 9,[1] Amdt. 12]

HIDES, KIPS AND CALFSKINS

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.

Section 1314.11 (e) is amended to read as follows:

(e) *Green or partially cured hides.* The maximum prices for green or partially cured hides shall be the applicable maximum prices enumerated in paragraphs (b) and (c) of this section, reduced by 25% on sales or deliveries to tanners or their agents and by 20% on sales or deliveries to all other persons: *Provided*, That an invoice or similar document is delivered in connection with such transaction which in describing the hides, uses the exact classifications enumerated in paragraphs (b) and (c) of this section and states that the hides are green or partially cured. Otherwise the maximum prices for such green or partially cured hides shall be the applicable maximum prices established under paragraph (d) of this section reduced by 25% on sales or deliveries to tanners or their agents and by 20% on sales or deliveries to other persons.

This amendment shall become effective August 16, 1945.

Issued this 11th day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-14855; Filed, Aug. 11, 1945; 11:25 a. m.]

[1] 7 F.R. 1227, 2000, 2132, 5706, 8948; 8 F.R. 2997, 11676, 12312, 13573, 15259, 16279, 9 F.R. 1325, 5987, 7431; 10 F.R. 457.

PART 1351—FOOD AND FOOD PRODUCTS

[RMPR 271,[1] Amdt. 43]

POTATOES AND ONIONS

A statement of the considerations involved in the issuance of this amendment has been issued and filed with the Division of the Federal Register.

Section 26 (g) is amended to read as follows:

(g) The prices in Table IV of section 24 applicable to Kansas, Missouri, Arkansas, Oklahoma, Texas and Nebraska are suspended from July 22 through August 11, 1945, and the following prices are substituted during that period.

	July 22-31	August 1-11
Kansas	$2.65	$2.60
Missouri	2.65	2.60
Arkansas	2.85	2.85
Oklahoma	2.85	2.85
Texas	2.85	2.85
Nebraska	2.95	2.75

This amendment shall become effective at 12:01 a. m. August 11, 1945.

Issued this 10th day of August 1945.

CHESTER BOWLES,
Administrator.

Approved: August 9, 1945.

CLINTON P. ANDERSON,
Secretary of Agriculture.

[F. R. Doc. 45-14811; Filed, Aug. 10, 1945; 4:27 p. m.]

[1] 8 F.R. 15587, 15663; 9 F.R. 2298, 3589, 4927, 4647, 5379, 6151, 7504, 7771, 7852, 8931, 9356, 9783, 10089, 10199, 10981, 10778, 12270, 12475, 13262; 10 F.R. 1334, 2248, 2969, 3764, 4035, 4154, 4347, 4600, 5457, 6589, 7527, 7929, 8475, 8934.

PART 1381—SOFTWOOD LUMBER

[2d Rev. MPR 19, Amdt. 11]

SOUTHERN PINE LUMBER

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.

Second Revised Maximum Price Regulation 19 is amended in the following respects:

1. Table 1 in Article IV, Appendix A, is amended, and all footnotes to Table 1 are renumbered and amended, as follows:

ARTICLE IV—APPENDIX A: SHORT LEAF

SHORTLEAF YELLOW PINE LUMBER

The maximum prices for Shortleaf Yellow pine lumber, in straight or mixed carlots, f. o. b. mill, per one thousand feet board measure, shall be as follows:

TABLE 1—BOARDS AND STRIPS

S1S, S2S, S3S, S4S, S2S and Matched, or Shiplap, Standard or 3/4"

AIR DRIED

Grade	4 and 6'	8, 10, 12 and 14'	16'	18 and 20'
No. 1 Common				
4/4 edge[1]	$38.25	$41.75	$43.25	$43.75
1 x 2 and 3"	41.00	45.00	46.50	47.00
1 x 4"	38.00	43.00	44.50	45.00
1 x 6 and 7"	40.00	43.00	44.50	45.00
1 x 8 and 9"	40.00	44.00	45.50	46.00
1 x 5 and 10"	40.50	46.00	47.50	48.00
1 x 11"	43.50	49.00	50.50	51.00
1 x 12"	45.00	51.00	53.00	53.50
No. 2 Common				
4/4 edge[1]	36.25	39.00	40.00	41.75
1 x 2 and 3"	39.00	42.00	42.50	44.00
1 x 4"	36.00	39.00	39.50	41.00
1 x 6 and 7"	38.00	41.00	42.00	44.00
1 x 8 and 9"	38.00	41.00	42.00	44.00
1 x 5 and 10"	38.50	42.50	43.50	45.50
1 x 11"	41.50	45.50	46.50	48.50
1 x 12"	43.00	47.50	48.50	51.50
No. 3 Common				
4/4 edge[1]	29.50	32.50	33.50	35.25
1 x 2 and 3"	31.00	34.00	35.00	37.00
1 x 4"	30.00	33.00	33.50	35.00
1 x 6 and 7"	31.00	34.00	35.00	37.00
1 x 8 and 9"	31.00	34.00	35.00	37.00
1 x 5 and 10"	31.50	35.50	36.50	38.50
1 x 11"	34.50	38.50	39.50	41.50
1 x 12"	36.00	40.50	41.50	43.50
Dunnage				
4/4 edge[1]	21.75	24.75	25.75	27.50
1 x 3"	23.00	26.00	27.00	29.00
1 x 4"	22.00	25.00	25.50	27.00
1 x 6 and 7"	23.00	26.00	27.00	29.00
1 x 8 and 9"	23.00	26.00	27.00	29.00
1 x 5 and 10"	23.50	27.50	28.50	30.50
1 x 11"	25.50	29.50	30.50	32.50
1 x 12"	27.00	31.00	32.00	34.00
No. 4 Common				
4/4 Edge[1]	20.75	23.75	24.75	26.50
1 x 3"	22.00	25.00	26.00	28.00
1 x 4"	21.00	24.00	24.50	26.00
1 x 6 and 7"	22.00	25.00	26.00	28.00
1 x 8 and 9"	22.00	25.00	26.00	28.00
1 x 5 and 10"	22.50	26.50	27.50	29.50
1 x 11"	24.50	28.50	29.50	31.50
1 x 12"	26.00	30.00	31.00	33.00

Grade	4 and 6'	8, 10, 12 and 14'	16'	18 and 20'
No. 1 Common				
5/4 and 6/4 edge[1]	$39.25	$42.75	$44.25	$44.75
5/4 and 6/4 x 2 and 3"	42.00	46.00	47.50	48.00
5/4 and 6/4 x 4"	39.00	44.00	45.50	46.00
5/4 and 6/4 x 6 and 7"	41.00	44.00	45.50	46.00
5/4 and 6/4 x 8 and 9"	41.00	45.00	46.50	47.00
5/4 and 6/4 x 5 and 10"	41.50	47.00	48.50	49.00
5/4 and 6/4 x 11"	44.50	50.00	51.50	52.00
5/4 and 6/4 x 12"	46.00	52.00	53.50	54.00
No. 2 Common				
5/4 and 6/4 edge[1]	37.25	40.00	41.00	42.75
5/4 and 6/4 x 2 and 3"	40.00	43.00	43.50	45.00
5/4 and 6/4 x 4"	37.00	40.00	40.50	42.00
5/4 and 6/4 x 6 and 7"	39.00	42.00	43.00	45.00
5/4 and 6/4 x 8 and 9"	39.00	42.00	43.00	45.00
5/4 and 6/4 x 5 and 10"	39.50	43.50	44.50	46.50
5/4 and 6/4 x 11"	42.50	46.50	47.50	49.50
5/4 and 6/4 x 12"	44.00	48.50	49.50	52.50
No. 3 Common				
5/4 and 6/4 edge[1]	29.50	32.50	33.50	35.25
5/4 and 6/4 x 2 and 3"	31.00	34.00	35.00	37.00
5/4 and 6/4 x 4"	30.00	33.00	33.50	35.00
5/4 and 6/4 x 6 and 7"	31.00	34.00	35.00	37.00
5/4 and 6/4 x 8 and 9"	31.00	34.00	35.00	37.00
5/4 and 6/4 x 5 and 10"	31.50	35.50	36.50	38.50
5/4 and 6/4 x 11"	34.50	38.50	39.50	41.50
5/4 and 6/4 x 12"	36.00	40.50	41.50	43.50
Dunnage				
5/4 and 6/4 edge[1]	20.75	23.75	24.75	26.50
5/4 and 6/4 x 3"	22.00	25.00	26.00	28.00
5/4 and 6/4 x 4"	21.00	24.00	24.50	26.00
5/4 and 6/4 x 6 and 7"	22.00	25.00	26.00	28.00
5/4 and 6/4 x 8 and 9"	22.00	25.00	26.00	28.00
5/4 and 6/4 x 5 and 10"	22.50	26.50	27.50	29.50
5/4 and 6/4 x 11"	24.00	27.50	28.50	31.50
No. 4 Common				
5/4 and 6/4 edge[1]	19.75	22.75	23.75	25.50
5/4 and 6/4 x 2 and 3"	21.00	24.00	25.00	27.00
5/4 and 6/4 x 4"	20.00	23.00	23.50	25.00
5/4 and 6/4 x 6 and 7"	21.00	24.00	25.00	27.00
5/4 and 6/4 x 8 and 9"	21.00	24.00	25.00	27.00
5/4 and 6/4 x 5 and 10"	21.50	25.50	26.50	28.50
5/4 and 6/4 x 11"	23.50	26.50	27.50	30.50
5/4 and 6/4 x 12"	25.00	28.50	29.50	32.50

Additions and Deductions per 1,000 Feet Board Measure: [See section 14 (b) (10)]

For working:
1. Rough, deduct $4.50.
2. End-matching, add $2.00.
3. For any other matcher dressing not otherwise provided for (Except V–Joint, ECB1S or ECB2S), add $2.00. Patterns requiring moulder work, add $6.50.
4. Ripping, add $1.00 for each cut; resawing, add $2.00 for each cut, both applicable only where machine run product is shipped.

For grade:
5. For grade marking in accordance with the provisions of section 9 (a), add $1.00 per M'BM.
6. For Combination Grade No. 2 Common and better as defined in section 5 (d), use No. 2 Common prices.

For condition:
7. Kiln dried, add $1.00.
8. Green, deduct $3.50.

For lengths:
9. For precision cutting to a specified exact length, with tolerance of not more than 1/4" allowed, add $1.50. No addition is permitted for customary double end trimming.
10. For any length shorter than 4', cut to a specified exact length, charge the price of the nearest multiple length up to 12'. If there is no even multiple length 12' or shorter, charge 12' price. In either case, add $1.50 per M'BM for each necessary cross cut, but the addition for precision cutting permitted in footnote 9 may not also be charged, and no total charge for such service may be greater than $6.00 per M'BM. If length breaks on even one-half foot compute footage on exact length, otherwise compute on 6" breaks on the next break above.

For condition:
7. Kiln Dried, add $1.00.
8. Green, deduct $3.50.

For size:
9. For dressing S2S, S3S, S4S to (Industrial Standard) thickness 1¹⁄₁₆" or thicker, add $1.00 per M'BM when stock is dressed clean (or with slight skip as defined in paragraph 48 of 1939 Standard Specifications for Southern Pine Lumber when specifically permitted by such rules for the grade shipped).

For length:
10. For precision cutting to a specified exact length, with tolerance of not more than ¹⁄₁₆" allowed, add $1.50. No addition is permitted for customary double end trimming.
11. For any length shorter than 4', cut to a specified exact length, charge the price for the nearest even multiple length up to 12'. If there is no even multiple length 12' or shorter, charge the 12' price. In either case, add $1.50 per M'BM for each necessary cross cut, but the addition permitted in footnote 10 for precision cutting may not also be charged, and no total charge for such service may be greater than $6.00 per M'BM. If length breaks on even one-half foot compute footage on actual length, otherwise compute on 6" breaks on the next break above.
12. Lengths longer than 24', add to 24' price as follows (for all grades):

Length	2 x 10 and Smaller	2 x 11 and Larger
26'	$1.00	$1.00
28'	2.50	3.00
30'	4.00	5.00
32'	5.50	7.00
34'	7.00	9.00
36'	10.00	13.00
40'	15.00	20.00

Temporary Provision: Straight Rail Carloads 2 x 4's, 10' and longer:
13. All firm orders placed and accepted before August 15, 1945, for all grades of **2 x 4"** for direct-mill shipment in straight rail carloads of 10' and longer to an agency of the United States Government or to a user for direct use in filling Government contracts or subcontracts (but not for resale by such user), may be filled at $4.00 per M'BM over the maximum prices in Table 2 for the grades sold, only if delivery is made to the buyer on or before October 21, 1945. If delivery is made to the buyer after October 21, 1945; or if the order is accepted on or after August 15, 1945; or if an order which was placed and accepted before August 15, 1945, is shipped in a manner, or to a buyer, other than as specified above (regardless of date of delivery), the order must be filled at the maximum prices provided in Table 2. (This footnote supersedes former footnote 18.)

This amendment shall become effective August 15, 1945.

Issued this 10th day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-14810, Filed, Aug. 10, 1945; 4:26 p. m.]

PART 1439—UNPROCESSED AGRICULTURAL COMMODITIES

[MPR 376,[1] Amdt. 5]

CERTAIN FRESH FRUITS AND VEGETABLES

A statement of the considerations involved in the issuance of this amendment, has been issued and filed with the Division of the Federal Register.

Section 3a is added to read as follows:

Sec. 3a. *Special provisions for sales of produce shipped by air—(a) Applicability.* This section applies only to sales of the listed commodities that (1) are shipped by air or are loaded on an airplane at the country shipping point ready for shipment by air; (2) are in such units or packages that they may be sold at retail without further packaging, each package being marked or labeled to show its minimum net weight and the fact that it was shipped by air; and (3) the goods have been so packed and labeled before shipment.

(b) *Maximum prices.* The maximum price for sales of the listed commodities covered by this section is figured, in each case, by making certain additions to the maximum price otherwise applicable to sales of that commodity under this regulation or any regional or district order. The maximum price otherwise applicable will be referred to as "the existing maximum price."

(1) For sales f. o. b. shipping point, the seller shall add to his existing maximum price, f. o. b. country shipping point, the appropriate packaging allowance from paragraph (c), below.

(2) For sales on a delivered basis, the seller shall add to his existing maximum price (i) the actual cost of air transportation or 42¢ per ton mile, whichever is lower, minus the amount it would have cost for surface transportation between the same points by the cheapest customary and generally available means plus (ii) the appropriate packaging allowance from paragraph (c) below.

(c) *Packaging allowances.* Allowances for special packaging expenses are shown in the following schedule:

Package with net weight of less than 2 pounds	1¼¢ per pound.
Package with net weight of 2 pounds or more but less than 3 pounds	1¢ per pound.
Package with net weight 3 to 5 pounds	¾¢ per pound.
Package with net weight of more than 5 pounds	No allowance.

(d) *Information to be reported to district offices.* Within twenty-four hours after making a sale covered by this section, the seller must give notice of the following facts to the Office of Price Administration District Office for the district within which he makes delivery:

(1) The names and addresses of the seller and buyer;

(2) A description of the produce sold, specifying its shipping weight, the minimum net weight of retail packages covered by the sale and the number of such packages or other units;

(3) The number of air line miles of the flight, the applicable tariff rate and the place and estimated time of delivery.

(e) This section is applicable only to deliveries made before October 1, 1945.

This amendment shall become effective at 12:01 a. m. August 11, 1945.

NOTE: All reporting and record keeping requirements of this amendment have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942

Issued this 10th day of August 1945.

CHESTER BOWLES,
Administrator.

Approved: August 7, 1945.

CLINTON P. ANDERSON,
Secretary of Agriculture.

For the reasons referred to in the statement of considerations accompanying the foregoing amendment, I find that the issuance of this amendment is necessary to correct a gross inequity.

WILLIAM H. DAVIS,
Economic Stabilization Director.

[F. R. Doc. 45-14812; Filed, Aug. 10, 1945; 4:27 p. m.]

PART 1439—UNPROCESSED AGRICULTURAL COMMODITIES

[MPR 426,[1] Amdt. 137]

FRESH FRUITS AND VEGETABLES FOR TABLE USE, SALES EXCEPT AT RETAIL

A statement of the considerations involved in the issuance of this amendment has been issued and filed with the Division of the Federal Register.

In Appendix K, Table 2 (Maximum prices for Juice Grapes Grown in California and Table Grapes Grown in California and Arizona), footnote reference 5 is added to the words "Beginning—August 10" in Items 5 and 9, Column 4, and footnote 5 is added to read as follows:

[5] Maximum prices for table grapes from the beginning of the season through August 10 (Items 5 and 9) shall apply also to sales in which the buyer gets delivery by August 20, 1945, of table grapes shipped from shipping point on or before August 10, 1945.

This amendment shall become effective as of August 10, 1945.

Issued this 11th day of August 1945.

CHESTER BOWLES,
Administrator.

Approved: August 10, 1945.

CLINTON P. ANDERSON,
Secretary of Agriculture.

[F. R. Doc. 45-14857; Filed, Aug. 11, 1945; 11:22 a. m.]

PART 1499—COMMODITIES AND SERVICES

[2d Rev. SR 14,[2] Amdt. 12]

DOGWOOD AND PERSIMMON SHUTTLE BLOCKS

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.

Second Revised Supplementary Regulation 14 to the General Maximum Price Regulation is amended in the following respects:

1. Section 3.2 is amended to read as follows:

SEC. 3.2. *Dogwood and persimmon shuttle blocks.* This section covers dogwood and persimmon shuttle blocks produced in the United States.

(a) *Maximum prices: sales by sellers other than assemblers.* The maximum prices f. o. b. the seller's plant for prime dogwood and persimmon shuttle blocks which are sold by a seller other than an assembler (see definition of an assembler in paragraph (c) below), and which comply with all of the specifications contained in paragraph (d) of this section shall be the prices contained in either Table A or Table B below, for the dry size indicated:

TABLE A—MAXIMUM PRICES OF DOGWOOD AND PERSIMMON SHUTTLE BLOCKS FOR SELLERS OTHER THAN ASSEMBLERS

Dry size	Price per piece	
	Dogwood	Persimmon
12½ x 1¼ x 1¼	$0.0768	$0.0525
12½ x 1⅝ x 1¼	.0828	.0579
13½ x 1⅝ x 1¼	.0861	.0621
12½ x 1⅝ x 1⅜	.0910	.0637
13½ x 1⅝ x 1⅜	.0885	.0630
14½ x 1⅝ x 1⅜	.1056	.0720
12½ x 1⅝ x 1⅝	.0940	.0688
13 x 1⅝ x 1⅝	.1018	.0713
13½ x 1⅝ x 1⅝	.1040	.0733
14½ x 1⅝ x 1⅝	.1196	.0795
15½ x 1⅝ x 1⅝	.1215	.0831
14½ x 1⅝ x 1⅝	.1264	.0891
11½ x 1⅝ x 1⅝	.1230	.0854
15½ x 1⅝ x 1⅝	.1304	.0911
13½ x 1⅝ x 1½	.1298	.0867
14 x 1⅝ x 1½	.1283	.0897
14½ x 1⅝ x 1½	.1328	.0929
15 x 1⅝ x 1½	.1374	.0962
15½ x 1⅝ x 1½	.1422	.0996
16 x 1⅝ x 1½	.1469	.1028
16½ x 1⅝ x 1½	.1511	.1058

TABLE B—MAXIMUM PRICES OF DOGWOOD AND PERSIMMON SHUTTLE BLOCKS FOR SELLERS OTHER THAN ASSEMBLERS

Dry size	Price per piece	
	Dogwood	Persimmon
14 x 2 x 1½	$0.2268	$0.1379
14½ x 2 x 1½	.2380	.1434
15 x 2 x 1½	.2482	.1490
15½ x 2 x 1½	.2573	.1544
16 x 2 x 1½	.2662	.1600
16½ x 2 x 1½	.2757	.1654
17 x 2 x 1½	.2849	.1709
17½ x 2 x 1½	.2942	.1765
15 x 2 x 1⅝	.2757	.1654
15½ x 2 x 1⅝	.2849	.1709
16 x 2 x 1⅝	.2942	.1765
16½ x 2 x 1⅝	.3033	.1819
17 x 2 x 1⅝	.3125	.1875
17½ x 2 x 1⅝	.3217	.1930
15 x 2⅛ x 1⅝	.3217	.1930
15½ x 2⅛ x 1⅝	.3309	.1986
16 x 2⅛ x 1⅝	.3401	.2040
16½ x 2⅛ x 1⅝	.3492	.2096
17 x 2⅛ x 1⅝	.3584	.2150
17½ x 2⅛ x 1⅝	.3676	.2205
18 x 2⅛ x 1⅝	.4044	.2426
18½ x 2⅛ x 1⅝	.4411	.2646
19 x 2⅛ x 1⅝	.4780	.2868
15 x 2¼ x 1⅝	.3309	.1986
15½ x 2¼ x 1⅝	.3401	.2040
16 x 2¼ x 1⅝	.3492	.2096
16½ x 2¼ x 1⅝	.3584	.2150
17 x 2¼ x 1⅝	.3676	.2205
17½ x 2¼ x 1⅝	.3768	.2261
18 x 2¼ x 1⅝	.4136	.2482
18½ x 2¼ x 1⅝	.4503	.2702
19 x 2¼ x 1⅝	.4871	.2923
15 x 2 x 1¾	.2942	.1765
15½ x 2 x 1¾	.3033	.1819
16 x 2 x 1¾	.3125	.1875
16½ x 2 x 1¾	.3217	.1930
17 x 2 x 1¾	.3309	.1986
17½ x 2 x 1¾	.3401	.2040
15 x 2⅛ x 1¾	.3401	.2040
15½ x 2⅛ x 1¾	.3492	.2096
16 x 2⅛ x 1¾	.3584	.2150
16½ x 2⅛ x 1¾	.3676	.2205
17 x 2⅛ x 1¾	.3768	.2261
17½ x 2⅛ x 1¾	.3861	.2317
18 x 2⅛ x 1¾	.4228	.2536
18½ x 2⅛ x 1¾	.4595	.2757
19 x 2⅛ x 1¾	.4963	.2978
16 x 2¼ x 1¾	.3768	.2261
16½ x 2¼ x 1¾	.3861	.2317
17 x 2¼ x 1¾	.3952	.2371
17½ x 2¼ x 1¾	.4044	.2426
18 x 2¼ x 1¾	.4411	.2646
18½ x 2¼ x 1¾	.4780	.2868
19 x 2¼ x 1¾	.5147	.3088
19½ x 2¼ x 1¾	.5514	.3309
16 x 2⅜ x 1¾	.3861	.2317
16½ x 2⅜ x 1¾	.3952	.2371
17 x 2⅜ x 1¾	.4136	.2482
17½ x 2⅜ x 1¾	.4228	.2536
18 x 2⅜ x 1¾	.4503	.2702

[1] 10 F.R. 7403, 7500, 7539, 7578, 7668, 7683, 7799, 8021, 8069, 8239, 8236, 8467, 8511, 8657.

[2] 10 F.R. 1154, 2026, 2161, 2432, 2618, 3551, 4107, 8620.

TABLE B—MAXIMUM PRICES OF DOGWOOD AND PERSIMMON SHUTTLE BLOCKS FOR SELLERS OTHER THAN ASSEMBLERS—

Dry size	Price per piece	
	Dogwood	Persimmon
18½ x 2¼ x 1¾	$.4780	$0.2868
19 x 2¼ x 1¾	.5147	.3088
19½ x 2¼ x 1¾	.5514	.3309
19½ x 2¾ x 1¾	.4044	.2425
17 x 2⅝ x 1¾	.4228	.2536
17½ x 2⅝ x 1¾	.4420	.2652
18 x 2⅝ x 1¾	.4595	.2757
18½ x 2⅝ x 1¾	.4471	.2683
19 x 2⅝ x 1¾	.2459	.1144
19½ x 2⅝ x 1¾	.5047	.3364
19½ x 2¾ x 1¾	.4095	.2757
17 x 2¼ x 2	.3088	.2813
17½ x 2¼ x 2	.4780	.2868
18 x 2¼ x 2	.5147	.3088
18½ x 2¼ x 2	.5514	.3309
19 x 2¼ x 2	.5882	.3529
19½ x 2¼ x 2	.6249	.3750
19½ x 2⅜ x 2	.4780	.2868
17 x 2⅝ x 2	.4871	.2923
17½ x 2⅝ x 2	.4953	.2972
18 x 2⅝ x 2	.5030	.3158
18½ x 2⅝ x 2	.7469	.3419
19 x 2⅝ x 2	.4656	.3640
19½ x 2⅝ x 2	.6034	.3859
17½ x 2½ x 2	.5209	.3141
18 x 2½ x 2	.5647	.3304
18½ x 2½ x 2	.5971	.3583
19 x 2½ x 2	.6341	.3805
19½ x 2½ x 2	.6709	.4025
21 x 2⅛ x 2	.6650	.5760
21 x 2½ x 2	1.0110	.7066
22 x 2½ x 2	1.0569	.6041
23½ x 2½ x 2	1.1029	.6618
27 x 2½ x 2	1.2498	.7445
17½ x 2½ x 2⅛	.5911	.3280
18 x 2½ x 2⅛	.5730	.3474
18½ x 2⅝ x 2⅛	.6158	.3695
19 x 2½ x 2⅛	.6526	.3915
19½ x 2½ x 2⅛	.6895	.4136
21 x 2½ x 2⅛	1.0110	.6990
22 x 2½ x 2⅛	1.0569	.6341
23 x 2½ x 2⅛	1.1489	.6805
23½ x 2½ x 2⅛	1.1948	.7168
27 x 2½ x 2⅛	1.3327	.7995
18½ x 2¾ x 2⅛	.6434	.3861
19 x 2¾ x 2⅛	.6801	.4080
19½ x 2¾ x 2⅛	.7261	.4357
21 x 2¾ x 2⅛	1.0569	.6341
23 x 2¾ x 2⅛	1.1489	.6803
23½ x 2¾ x 2⅛	1.2408	.7445
27 x 2¾ x 2⅛	1.4246	.8547
18½ x 2⅞ x 2⅛	.6685	.4191
19 x 2⅞ x 2⅛	.7353	.4411
19½ x 2⅞ x 2⅛	.7720	.4632
21 x 2⅞ x 2⅛	1.1029	.6618
23 x 2⅞ x 2⅛	1.1948	.7168
25 x 2⅞ x 2⅛	1.2867	.7720
25½ x 2⅞ x 2⅛	1.3327	.7996
27 x 2⅞ x 2⅛	1.4705	.8823
18½ x 3 x 2⅛	.7353	.4411
19 x 3 x 2⅛	.7720	.4632
19½ x 3 x 2⅛	.8189	.4908
21 x 3 x 2⅛	1.1489	.6893
23 x 3 x 2⅛	1.2408	.7445
25 x 3 x 2⅛	1.3327	.7995
25½ x 3 x 2⅛	1.3786	.8272
27 x 3 x 2⅛	1.5165	.9099
19 x 3⅛ x 2⅛	.7903	.4742
19½ x 3⅛ x 2⅛	.8272	.4963
21 x 3⅛ x 2⅛	1.2408	.7445
23 x 3⅛ x 2⅛	1.3327	.7996
25 x 3⅛ x 2⅛	1.4246	.8547
25½ x 3⅛ x 2⅛	1.4705	.8823
27 x 3⅛ x 2⅛	1.6084	.9650
20 x 3¼ x 2⅛	1.5165	.9099
21 x 3¼ x 2½	1.3786	.8272
23 x 3¼ x 2½	1.4705	.8823
25 x 3¼ x 2½	1.5624	.9375
25½ x 3¼ x 2½	1.6084	.9650
27 x 3¼ x 2½	1.7463	1.0477
21 x 3 x 2½	1.4705	.8823
23 x 3 x 2½	1.5624	.9375
25 x 3 x 2½	1.6543	.9926
25½ x 3 x 2½	1.7003	1.0202
27 x 3 x 2½	1.8382	1.1029
25 x 3⅛ x 2½	1.7123	1.0274
25½ x 3⅛ x 2½	1.8382	1.1029
27 x 3⅛ x 2½	1.9760	1.1856
27 x 3 x 2¾	2.1139	1.2683
27½ x 3½ x 3¼	2.7572	1.6543

(b) *Maximum prices: Sales by assemblers.* Maximum prices for prime dogwood and persimmon shuttle blocks which are sold by an assembler shall be as follows: (NOTE: See definition of an assembler in paragraph (c) below.)

(1) *Prime dogwood and persimmon shuttle blocks in the sizes listed in Table A.* The maximum price f. o. b. the seller's plant for prime dogwood and persimmon shuttle blocks which are sold by an assembler (see definition of an assembler in paragraph (c) below), which comply with all of the specifications contained in paragraph (d) below and which are of a dry size listed in Table A in paragraph (a) above shall be the price listed in Table A for that particular dry size plus a mark-up of 39% of such price.

(2) *Prime dogwood and persimmon shuttle blocks in the sizes listed in Table B.* The maximum price f. o. b. the seller's plant for prime dogwood and persimmon shuttle blocks which are sold by an assembler (see definition of an assembler in paragraph (c) below), which comply with all of the specifications contained in paragraph (d) below and which are of a dry size listed in Table B in paragraph (a) above shall be the price listed in Table B for that particular dry size plus a mark-up of 25% of such price.

(c) *Definition of an assembler.* Within the coverage of this section, an assembler is a seller of dogwood and persimmon shuttle blocks who performs all of the functions set forth in subparagraphs (1), (2), (3) and (4) below and who also fulfils the requirements of subparagraph (5), or (6), or (7) which follow:

(1) Assembles the shuttle blocks from one or more mills where such shuttle blocks were manufactured, regardless of whether those mills are owned by the seller or one or more persons other than the seller.

(2) Makes final inspection of the shuttle blocks, both for grade and for shipment, on a sale of the shuttle blocks to one of the classes of purchasers described in subparagraph (4) below.

(3) Packages the shuttle blocks, provided the buyer of such shuttle blocks orders that the shuttle blocks be packaged.

(4) Sells the shuttle blocks direct to a domestic shuttle manufacturer and or for export.

(5) Shipped 250,000 or more prime shuttle blocks to either one or both of the classes of purchasers described in subparagraph (4) above during the year 1944. Written classification as an assembler from the Office of Price Administration is not necessary for a seller who fulfils the requirements of this subparagraph (5) and who also performs the other functions required in subparagraphs (1) through (4) of this paragraph (c) for a seller to be an assembler. A prime shuttle block is a shuttle block made in accordance with the specifications in paragraph (d) of this section.

(6) Shipped less than 250,000 but not less than 100,000 prime shuttle blocks to either one or both of the classes of purchasers described in subparagraph (4) above during the year 1944 provided such seller is duly classified in writing as an assembler by the Lumber Branch of the Office of Price Administration. In order to be classified as an assembler under this subparagraph (6) the seller must apply in writing for that classification to the Lumber Branch of the Office of Price Administration, Washington 25, D. C. The seller must show to the satisfaction of the Office of Price Administration that he performs all of the functions set forth in subparagraphs (1), (2), (3) and (4) above, and that he is entitled to classification as an assembler.

A prime shuttle block is a shuttle block made in accordance with the specifications in paragraph (d) of this section.

(7) A seller of shuttle blocks who desires to sell them as an assembler but who does not qualify as an assembler under the provisions of either subparagraph (5) or (6) above, must apply in writing for classification as an assembler to the Lumber Branch of the Office of Price Administration, Washington 25, D. C. The seller should submit evidence from at least two manufacturers of shuttles or from at least one manufacturer of shuttles and from a government procuring agency buying for lend-lease that they wish to purchase shuttle blocks from the seller. The seller should also submit evidence from at least three producers of shuttle blocks that they wish to sell shuttle blocks to the seller.

In addition, the seller must submit further information in support of his request for classification as may be required by the Office of Price Administration. If the Office of Price Administration finds that the seller is rendering or intends to render in good faith the services of an assembler, it may authorize the seller to sell prime shuttle blocks as an assembler.

(8) Even though a seller fulfils the requirements of subparagraphs (5) or (6) or (7) above, if such seller fails to perform all of the functions listed in subparagraphs (1), (2), (3) and (4) above in regard to the shuttle blocks which he sells, that seller shall not be regarded as an assembler in the sale of such shuttle blocks, and the prices provided for in paragraph (b) of this section shall not apply to such sale.

(d) *Specifications:* The specifications for prime dogwood and persimmon shuttle blocks priced in Table A and Table B above shall be as follows:

"Quality": Shall be dense wood, 100% sap wood, straight flat grain free of heartwood, pith, checks, dote, worm or grub holes, wane and discoloration (stain). Shall be free of knots or other visible defects within 3 inches of either end and within ½ inch of either wide face, or any defect combinations which render a piece unfit for a serviceable shuttle. "Manufacture": Shall be evenly sawed, squarely butted and of sufficient over-all size in green condition to assure the full net specified dimensions when later thoroughly dried. Shall be sufficiently air dried before preparation for shipment to prevent staining while in transit. Ends shall be waxed.

(e) *Maximum prices for sizes and specifications not specifically priced by this section.* Dogwood and persimmon shuttle blocks not specifically priced in this section are, nevertheless, subject to this section as "specially priced items" "or special items". A seller of such shuttle blocks, whether he be an assembler or a seller other than an assembler, must apply to the Lumber Branch of the Office of Price Administration, Washington 25, D. C., for approval of a requested maximum price.

On his application the seller should show the price difference between the "special item" and the most comparable standard item in October 1941 or the first month before that in which he had sales of both items, or, if this is impossible, the price differential which he would have used. ("The most comparable standard item" means any prime dogwood or persimmon shuttle block the size of which is listed in Table A or B of paragraph (a) of this section.) The seller should add this difference to, or subtract it from, the maximum price of the comparable standard item depending upon whether, in October 1941, the sale price of the special item was less than or greater than the sale price of the most comparable standard item. The seller should report such price in his application together with an explanation of how he has determined such price. The price requested by the applicant may be approved, reduced or revised by the Office of Price Administration as it deems appropriate. If the Office of Price Administration does not transmit by letter, telegram or in any other manner a disapproval of the price requested by the seller within 30 days of the receipt of the report by the Lumber Branch of the Office of Price Administration, the requested price may be deemed approved. Prior to approval of a maximum price for the special item by the Office of Price Administration the seller may proceed with delivery of the special item and collection of the price he has computed or requested. But the seller must inform the buyer that the price is subject to revision within the thirty day period and, if the price is ordered reduced by the Office of Price Administration, the seller must refund any excess over the final approved price.

(f) *Transportation.*—(1) *Common or contract carrier.* To the appropriate maximum price in paragraph (a) or (b), as provided in this section, the seller may add the actual transportation charges paid by the seller to a common or contract carrier for transportation directly from the seller's plant to the point of delivery required by the purchaser.

(2) *Pre-rail truck haul.* When a truck haul precedes rail shipment, as, for example, when a seller located away from a railhead hauls shuttle blocks by truck to the railhead, no addition may be made for the truck haul.

(3) *All-truck haul.* When shipment is by truck owned or controlled by the seller, no addition may be made for such transportation charges or expenses.

NOTE: All reporting and record-keeping requirements of this amendment have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

This amendment shall become effective August 11, 1945.

Issued this 11th day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-14856; Filed, Aug. 11, 1945; 11:22 a. m.]

PART 1347—PAPER, PAPER PRODUCTS, RAW MATERIALS FOR PAPER AND PAPER PRODUCTS, PRINTING AND PUBLISHING

[RMPR 529,[1] Amdt. 1]

SECOND HAND PAPERBOARD SHIPPING CONTAINERS

A Statement of the Considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.

Revised Maximum Price Regulation 529 is amended in the following respects:

1. In section 10, paragraph (a) is amended to read as follows:

(a) Every person making sales or purchases of the commodities subject to this regulation aggregating $100 or more in any one month shall keep for inspection by the Office of Price Administration for so long as the Emergency Price Control Act of 1942, as amended, shall remain in effect, complete and accurate records of each such sale or purchase showing the following:

(1) Date of purchase or sale.

(2) Name and address of the buyer or seller.

(3) Quantity and weight purchased or sold, and in the case of second hand paperboard shipping containers, a breakdown showing whether containers are reusable, repairable, or reconditioned.

(4) Prices paid or received.

Such records shall set forth separately the price charged and any other amounts paid or received in connection with such sale. Such records may be in the form of the invoice or a copy thereof furnished in connection with each such sale or purchase, providing the invoice contains the information specified above.

(b) Persons required to keep records by paragraph (a) of this section shall keep such other records and shall submit such reports as the Office of Price Administration may from time to time require subject to the approval of the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

2. In section 11 (a), a new subparagraph (11) is added to read as follows:

(11) "Original user" means the person who previously packed commodities in the second hand paperboard shipping containers which are being sold to such person.

"Original user" may include all packers who ship commodities to the same emptier in paperboard shipping containers which are of the same size and specifications.

[1] 9 F.R. 12023.

3. In section 11 (a), a new subparagraph (12) is added to read as follows:

(12) "Emptier" means any person to whom commodities are shipped in paperboard shipping containers and who, after removing the commodities contained therein, offers the shipping containers for sale.

4. In section 12, paragraph (d) is amended to read as follows:

(d) *Brokerage allowance.* The maximum price at which a "broker" may sell second hand paperboard shipping containers and second hand corrugated or solid fibre inner packing materials may not exceed (1) the price paid by him under this regulation (exclusive of any brokerage or finder's fees paid by him) for such second hand paperboard shipping containers and second hand corrugated or solid fibre inner packing materials plus (2) any charges paid by the broker to a person other than a previous seller of the same containers, for repairing and/or sorting such second hand paperboard shipping containers and second hand corrugated or solid fibre inner packing materials, and plus (3) 8% of the total of the foregoing. The broker's selling price for second hand paperboard shipping containers or second hand corrugated or solid fibre inner packing materials may in no event exceed the applicable maximum price established under Appendices A or B plus 8%.

In any sale involving a broker all of the following requirements must be satisfied:

(1) The sale must comply with all other requirements of this regulation.

(2) The second hand paperboard shipping containers and second hand corrugated or solid fibre inner packing materials involved in a sale by a broker must not have been repaired or sorted by the broker, nor may a repair, reconditioning or sorting charge have been made by any previous seller of the same containers or by any person with whom the broker or any previous seller of the same containers has any connection consisting of community of ownership or other beneficial interest, profit-sharing arrangement, agreement for division of losses, or control based on close family relationship.

(3) The brokerage allowances must not be split or divided with any other person.

(4) Not more than one brokerage allowance may be included in the charge made for any sale.

(5) The brokerage allowance must be shown on a separate invoice or as a separate item on the invoice accompanying the delivery. In connection with each delivery the broker must send the purchaser a statement that the broker did not repair or sort the second hand paperboard shipping containers or second hand corrugated or solid fibre inner packing materials, contained in the shipment.

(6) Any person making a sale of reusable second hand paperboard shipping containers and/or second hand corrugated or solid fibre inner packing ma-

terials which have been sorted, repaired, reconditioned, and/or loaded for direct shipment to such person's customer by an emptier, and which merchandise actually has been shipped to the customer, shall be considered a broker with respect to the sale and subject to the provisions of this paragraph (d). Where such merchandise is shipped to a seller by an emtier employing transportation not owned or controlled by the seller and is reshipped to the seller's customer without having been unloaded, the seller shall also be considered a broker with respect to the sale and subject to the provisions of this paragraph (d).

(7) No person may receive as compensation for any sale both the dealer's margin and the brokerage allowance.

A "broker" is any person who complies with the requirements of this paragraph (d) and who purchases and resells reusable or reconditioned second hand paperboard shipping containers or second hand corrugated or solid fibre inner packing material or who arranges for the sale thereof. For the purpose of this paragraph (d), it is immaterial whether or not title is taken by the person to whom the brokerage allowance is paid.

Nothing herein contained shall prevent a buyer from paying a finder's fee for the procurement of second hand paperboard shipping containers or second hand corrugated or solid fibre inner packing materials provided the total amount paid by him does not exceed the maximum price which a broker might receive under this regulation for selling or negotiating for the sale of second hand paperboard shipping containers or second hand corrugated or solid fibre inner packing materials. No finder's fee, however, may be paid to any person who has repaired or sorted the containers or inner packing material for which such fee is paid.

This amendment shall become effective August 18, 1945.

Issued this 13th day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-14942; Filed, Aug. 13, 1945; 11:40 a. m.]

PART 1351—FOOD AND FOOD PRODUCTS

[MPR 53,[1] Amdt. 48]

FATS AND OILS

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.

Maximum Price Regulation No. 53 is amended as follows:

A new section 15.6 is added to read as follows:

SEC. 15.6 *Maximum prices of imported stearic acids.* The maximum prices for imported stearic acids, all duties and taxes paid, shall be the maximum price of an equivalent grade of domestic stearic acid in a similar container in the same quantity, delivered in the same area.

This amendment shall become effective August 18, 1945.

Issued this 13th day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-14939; Filed, Aug. 13, 1945; 11:39 a. m.]

PART 1372—SEASONAL COMMODITIES

[MPR 210, Amdt. 19]

RETAIL AND WHOLESALE PRICES FOR FALL AND WINTER SEASONAL COMMODITIES

A statement of the considerations involved in the issuance of this amendment issued simultaneously herewith, has been filed with the Division of the Federal Register.

Maximum Price Regulation No. 210 is amended in the following respects:

1. Section 1372.101 (c) is amended to read as follows:

(c) *Purpose of this regulation.* This regulation establishes maximum prices for the particular fall and winter seasonal commodities which are listed in Appendix A (§ 1372.112). On and after August 31, 1942, regardless of any contract or other obligation, no person is permitted to sell at wholesale or retail, and no person is permitted to buy or receive in the course of trade or business, any of the listed commodities at a price higher than the maximum price permitted by this regulation. However, this regulation permits any person who determined the maximum price of a listed commodity under the General Maximum Price Regulation and offered it for sale at that price before August 31, 1942, to sell it prior to September 16, 1942, either at that price or at a price determined under this regulation.

2. A new § 1372.101 (d) is added to read as follows:

(d) *Establishment of maximum prices under this regulation by order.* (1) Maximum prices for wholesale and retail sales of commodities covered by this regulation may be set by orders which are issued under regulations covering manufacturers' sales of the commodities.

(2) Where a manufacturer's maximum prices for sales of commodities covered by this regulation, are properly established under regulations covering his sales, orders may be issued under this section establishing maximum prices for wholesale and retail sales of the commodity in line with the level of maximum prices established by this regulation.

This amendment shall become effective on the 18th day of August 1945.

Issued this 13th day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-14940; Filed, Aug. 13, 1945; 11:39 a. m.]

PART 1373—PERSONAL AND HOUSEHOLD ACCESSORIES

[MPR 564, Amdt. 7]

FOUNTAIN PENS AND MECHANICAL PENCILS

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.

Maximum Price Regulation No. 564 is amended in the following respects:

1. Section 23 is amended by adding the following retail ceiling prices for fountain pens and mechanical pencils to the lists of manufacturers already included in the regulation.

Name	Brand	Article	Model	Retail ceiling price
Adler Pen Co		Fountain pen	66	$1.00
Avon Products Co		Mechanical pencil	974	.50
A. G. Debs		Fountain pen	14	.50
		do	16	.50
		do	18	.50
		do	12	.50
		do	19AG	.50
		do	18AG	.50
		Mechanical pencil	15AG	.50
Eberhard Faber		do	2000	.50
		Fountain pen		1.00
H. Epstein	Superior	do		1.00
Kolber, Inc	Four Hundred	do		2.50
	Spartan	do		.50
	Champion	do		1.00
Modern Pen Co		do	140	.50
		do	160	.50
		do	660	.50
		do	440	.50
Nibro-Graph		Fountain pen	N6	1.00
Reliable Pen & Pencil Co	Stylographic	do	21	1.00
Salz Bros	Regency	do		5.00
J. Ullrich & Co	Independent Lord Hamilton	do	80	1.00
Warwick Sales Co		Mechanical pencil	101	.50
L. E. Waterman Pen Co		do	1857	4.50
		Fountain pen	877	5.00

2. Section 23 is amended by changing the listing of L–1000 and M–1000 Fountain Pens produced by Guth, Stern & Company to read Mechanical Pencils as follows:

Name	Brand	Article	Model	Retail ceiling price
Guth, Stern & Co		Mechanical pencil	L–1000, M–1000	$3.00

3. Section 23 is amended by changing the name of King, Larson, McMahon to Martin King & Son and Model 325 changed to Model 325C as follows:

Name	Brand	Article	Model	Retail ceiling price
Martin King & Son		Pen and leather case	325C	$1.80

This amendment shall become effective on August 18, 1945.

Issued this 13th day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-14943; Filed, Aug. 13, 1945; 11:41 a. m.]

PART 1375—EXPORT PRICES

[2d Rev. MEPR, Amdt. 20]

IRON AND STEEL PRODUCTS

A statement of the considerations involved in the issuance of this Amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.

Section 8 of the Second Revised Maximum Export Price Regulation is amended in the following respects:

1. The caption of section 8 is amended to read as follows:

SEC. 8. *Export prices for iron and steel products subject in the domestic market to Revised Price Schedule No. 6 or Revised Price Schedule No. 49 and for relaying rails and used track accessories subject in the domestic market to Maximum Price Regulation No. 46.*

2. A new paragraph (c) is added to read as follows:

(c) In the case of an exporter of relaying rails and used track accessories subject in the domestic market to Maximum Price Regulation No. 46, the maximum export price shall be:

(1) Where the material has been put through a relaying rail warehouse authorized under section 5 (b) of Maximum Price Regulation No. 46: The maximum price f. o. b. warehouse as established by Maximum Price Regulation No. 46, plus the additions thereto authorized above under paragraphs (b) (2) (ii), (b) (2) (iii), and (b) (2) (iv).

(2) Where the material has not been put through a relaying rail warehouse authorized under section 5 (b) of Maximum Price Regulation No. 46: The maximum price applicable to the sale to the exporter, plus the additions thereto authorized by paragraph (b) (2) (ii), (b) (2) (iii) and (b) (2) (iv).

3. Paragraph (c) is redesignated paragraph (d) and is amended to read as follows:

(d) Where shipment has actually been made to the intended point of exportation and war exigencies require the use of another point of exportation, the maximum export prices shall be those established above, except that such maximum prices may include the additional amount actually incurred by the exporter to effect delivery at the point of exportation finally used.

4. Paragraph (d) is redesignated paragraph (e) and is amended to read as follows:

(e) The maximum export prices established above shall include and shall not be increased by reason of interest or financing charges connected with the transaction or by reason of any fees or commissions, including commissions paid to intermediaries, whether domestic or foreign.

5. Paragraph (e) is redesignated paragraph (f).

This Amendment No. 20 shall become effective August 18, 1945.

Issued this 13th day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-14944; Filed, Aug. 13, 1945; 11:39 a. m.]

PART 1439—UNPROCESSED AGRICULTURAL COMMODITIES

[MPR 397, Amdt. 8]

FLAXSEED

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.

Maximum Price Regulation 397 is amended in the following respects:

1. Section 4 (b) is deleted.

2. Section 5 (a) (7) is amended to read as follows:

(7) At any interior non-rail point in Area B, in any quantity, the maximum price specified in subdivision (6) for that interior rail point in Area B nearest to said interior non-rail point by the most usually traveled route.

3. Section 5 (a) (10) is amended to read as follows:

(10) The maximum price for the sale of domestic flaxseed at any point shall be the appropriate maximum price at the point where such flaxseed is loaded for shipment to such point plus transportation charges at the lowest carload flat all-rail rate from the point of shipment to the point of sale and delivery.

This amendment shall become effective August 18, 1945.

Issued this 13th day of August 1945.

CHESTER BOWLES,
Administrator.

Approved August 4, 1945.

J. B. HUTSON,
Acting Secretary of Agriculture.

[F. R. Doc. 45-14941; Filed, Aug. 13, 1945; 11:40 a. m.]

Chapter XVIII—Office of Economic Stabilization

[Directive 73]

PART 4004—PRICE STABILIZATION; MAXIMUM PRICES

MAXIMUM RAW MATERIAL COSTS; PACKED VEGETABLES, 1945

The Secretary of Agriculture in a letter dated July 6, 1945, and the Price Administrator in a letter dated July 28, 1945, submitted certain information and their recommendations to me with reference to establishing maximum raw material costs to be reflected in maximum prices for packed vegetables produced from designated vegetables. It is hereby found and determined that the policy established by the Emergency Price Control Act of 1942, as amended, the Stabilization Act of 1942, as amended, and Executive Orders Nos. 9250 and 9328 will be effectuated by adoption of the recommended maximum raw material costs.

The Office of Price Administration, therefore, is authorized and directed to establish maximum prices for packed vegetables produced from any of the vegetables designated in Schedule A (attached hereto and by this reference made a part hereof) which are computed on the basis of actual weighted average prices paid not in excess of the applicable raw material prices set forth in such Schedule A.

When used herein, the term "packed" means processed and enclosed in any container, whether or not hermetically sealed. However, the term does not include any product when processed by freezing, drying or dehydrating, nor does it include any of the packed products known as preserves, relishes or pickles packed from other than fresh vegetables.

(E.O. 9250 and E.O. 9328, 3 CFR, Cum. Supp. pp. 1213, 1267)

Issued and effective this 8th day of August, 1945.

THOMAS I. EMERSON,
Acting Economic Stabilization Director.

pack of frozen vegetables produced from the vegetables designated in Schedule A (attached hereto and by this reference made a part hereof) which are computed on the basis of actual weighted average prices paid not in excess of the applicable raw material prices set forth in Schedule A.

SCHEDULE A—DESIGNATED AREA AVERAGE PRICES, SPECIFIED VEGETABLES FOR FREEZING FOR 1945

[Maximum raw material costs]

Commodity	State or area	Dollars per ton
1. Asparagus	California	Same as 1943.[1]
	All other States	1943 cost plus $10.00.
2. Beans, fresh lima, other than Fordhook type (see Item 10 for Fordhooks).	Washington, Oregon, California, and Idaho (southeastern).[2]	$118.00.
	New Jersey, Pennsylvania, Delaware, Maryland, Virginia's Eastern Shore,[3] Utah, Wyoming, and Idaho (southeastern).[2]	$105.00.
	All other States and areas	$95.00.
3. Beets	Idaho	$21.00.
	All other States	$19.00.
4. Cabbage for kraut	All States	$15.00.
5. Carrots	New York and New Jersey	$22.00.
	All other States	$20.00.
6. Cucumbers (fresh for pickling)	All States	1941 cost plus 10 cents per bushel.[4]
7. Peas, blackeye (in pods)	Maryland and Virginia	$60.00.
	All other States east of the Mississippi River	$55.00.
	All States west of the Mississippi River including all of Louisiana	$65.00.
8. Peas, other field, in pod (including crowder, cream, purple hulls and other similar varieties used for canning).	Maryland and Virginia	$55.00.
	All other States east of the Mississippi River including all of Louisiana	$50.00.
	All States west of the Mississippi River including all of Louisiana	$60.00.
9. Spinach	(Price basis AC—above crown; BC—below crown): Delaware, Maryland, Virginia, New Jersey, and Pennsylvania, other than northern.[4]	$70.00 BC.
	Arkansas, Louisiana, Mississippi, Missouri, Oklahoma, Tennessee, and Texas other than Southeastern.[5]	$70.00 AC.
	Oregon, Washington, and Texas (Southeastern).[6]	$60.00 AC.
	Idaho (southeastern).[2]	$55.00 BC.
	New York and Pennsylvania (northern).[4]	$34.00 AC.
	California	$22.50 (dried).[7]
10. Sweetpotatoes	All other States	$34.00 AC.
11. Mushrooms	All States	$0.90 per 3-pound basket.
12. Fresh shelled beans (including soy beans).	do	$1.50 per 3-pound basket.
13. Miscellaneous vegetables (including but not limited to Fordhook lima beans, pimentos, pumpkin, squash, and any other vegetable not designated in Items 1-12, above, and not covered by the subsidy program).	All States	(U. S. D. A.'s area average support price for 1945 crop) plus 20% 1942 cost plus 20%.[8]

[1] These prices are on an individual-processor basis.
[2] Southeastern Idaho: Franklin, Oneida, Bannock, and Bear Lake Counties.
[3] Eastern Shore, Virginia: Accomac and Northampton counties.
[4] Northern Pennsylvania: Counties of Erie, Crawford, Mercer, Venango, Warren, Forest, McKean, Potter, Tioga, Bradford, Sisquehanna, and Wayne.
[5] Southeastern Texas: The area south of and including the counties of Webb, McMullen, Live Oak, Karnes, Dewitt, Lavaca, Colorado, Austin, Waller, Harris and Chambers.
[6] Based on cutting above the crown.

[F. R. Doc. 45-14802; Filed, Aug. 10, 1945; 2:00 p. m.]

[Directive 75]

PART 4004—PRICE STABILIZATION: MAXIMUM PRICES

MAXIMUM RAW MATERIAL COSTS; FROZEN VEGETABLES, 1945

The Secretary of Agriculture in a letter dated July 6, 1945, and the Price Administrator in a letter dated July 23 1945 submitted certain information and their recommendations to me with reference to establishing maximum raw material costs to be reflected in maximum prices for frozen vegetables produced from designated in Schedule A hereto. It is hereby found and determined that the policy established by the Emergency Price Control Act of 1942, as amended, and Executive Orders Nos. 9250 and 9328 will be effectuated by adoption of the recommended maximum raw material costs.

The Office of Price Administration is hereby authorized and directed to establish maximum prices for the 1945 pack of frozen vegetables, berries, and vegetables in accordance with the following principles: maximum prices for canned fruits, berries, and vegetables shall be the same as those established for the 1944 pack under Supplement 7 to Food Products Regulation No. 1, as amended by Amendments 1-24, modified as follows:

1. *Raw material.* Gross maximum prices shall be computed on the basis of approved 1945 raw material costs and shall reflect changes in grower support or recommended prices authorized by the Economic Stabilization Director. Wherever administratively possible, gross maximum prices of individual processors in each case shall be based upon actual costs of raw material not in excess of recommended or support prices.

2. *Wages.* Maximum prices shall be increased to cover increases in the basic wage rate schedules since January 1, 1944 not already reflected in those prices. These adjustments are to be applied only by processors who actually have incurred wage rate increases. An increase shall be considered to have occurred in the basic wage rate schedule only if the rate for female unskilled labor has increased. In detremining the amount of the adjustment the Office of Price Administration shall consider that labor costs will have increased by these percentages:

(a) Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, West Virginia, Ohio, Indiana, Illinois, Michigan, Wisconsin, Minnesota, North Dakota, South Dakota, Iowa, Kansas, Nebraska—for processors with any increase in basic wage rate schedules, 10 per cent.

(b) Virginia, North Carolina, South Carolina, Georgia, Florida, Tennessee, Kentucky, Mississippi, Louisiana, Alabama, Missouri, Oklahoma, Texas, Arkansas—for processors with increase in basic wage rate schedules up to and including 5 cents an hour, 10 per cent; for processors with increases in basic wage rate schedules of more than 5 cents an hour, 20 per cent.

(c) Wyoming, Colorado, Idaho, Utah, Nevada, Montana, Arizona, New Mexico—for processors with any increase in basic wage rate schedules, 7½ per cent.

(d) Washington and Oregon—for processors with any increase in basic wage rate schedules, 5 per cent.

(e) California—no adjustment.

3. *Subsidized commodities.* Where subsidies are authorized and directed by Directive No. 60 (including amendments) issued by the Office of Economic Stabilization, maximum prices shall be maintained or established in accordance with that Directive.

4. *Other changes.* Other minor adjustments may be made in maximum prices and pricing methods to bring them into conformity with the principles on which maximum prices for the 1944 pack were established, to improve the pricing methods and to correct inequities in the maximum prices for the 1944 pack.

(E.O. 9250 and E.O. 9328, 3 CFR, Cum. Supp. pp. 1213, 1267)

Issued and effective this 9th day of August 1945.

THOMAS I. EMERSON,
Acting Economic Stabilization Director.

[F. R. Doc. 45-14803; Filed, Aug. 10, 1945; 2:00 p. m.]

[Directive 74]

PART 4004—PRICE STABILIZATION: MAXIMUM PRICES

MAXIMUM RAW MATERIAL COSTS; FROZEN VEGETABLES, 1945

The Secretary of Agriculture in a letter dated July 6, 1945, and the Price Administrator in a letter dated July 23 1945 submitted certain information and their recommendations to me with reference to establishing maximum raw material costs to be reflected in maximum prices for frozen vegetables produced from designated in Schedule A hereto. It is hereby found and determined that the policy established by the Emergency Price Control Act of 1942, as amended, and Executive Orders Nos. 9250 and 9328 will be effectuated by adoption of the recommended maximum raw material costs.

The Office of Price Administration is hereby authorized and directed to establish maximum prices for the 1945 pack of frozen vegetables, berries, and vegetables in accordance with the following principles: maximum prices for canned fruits, berries, and vegetables shall be the same as those established for the 1944 pack under Supplement 7 to Food Products Regulation No. 1, as amended by Amendments 1-24, modified as follows:

[Dir. 41, Amdt. 1]

PART 4003—SUPPORT PRICES, SUBSIDIES

LIVESTOCK SLAUGHTER PAYMENTS

Directive No. 41, "Livestock Slaughter Payments", is amended in the following respects:

1. Paragraph (c) of section 4 is redesignated as subparagraph (c) (1).

2. The newly redesignated subparagraph (c) (1) of section 4 is amended to read as follows:

(1) On cattle whose cost is not required to be reported (for cattle slaughtered on and after September 1, 1945):

	Cents per pound
AA or choice	2.40
A or good	2.35
B, commercial or medium	.90
C, utility or common	.50
D, cutter and canner	.50
Bulls of cutter and canner grade	.50

If the cattle are not graded by a federal grader of the United States Department of Agriculture, the total amount of the claim (before deductions on account of cost of cattle) shall not exceed $1.30 per hundredweight on the total live weight. If such cattle are not required to be reported by grades, the rate shall remain at $1.10 per live hundredweight.

3. Subparagraph (c) (2) is added to section 4 to read as follows:

(2) The Administrator of the Price Administration is authorized to determine whether any changes in subsidy are necessary with respect to choice and good cattle whose cost is not required to be reported to the Reconstruction Finance Corporation; provided that such changes in subsidy shall be limited as follows: for choice cattle changes between 2 cents per pound and 2.40 cents per pound; for good cattle between 1.95 cents per pound and 2.35 cents per pound. Reconstruction Finance Corporation is directed to decrease or increase such subsidies, within the limits herein specified, upon certification by the Price Administrator to the Reconstruction Finance Corporation that such action is necessary in view of the general level of cattle prices.

(E. O. 9250 and 9328, 3 CFR, Cum. Supp.)

Issued this 5th day of August, 1945.
Effective: September 1, 1945.

THOMAS I. EMERSON,
Acting Economic Stabilization Director.

[F. R. Doc. 45-14849; Filed, Aug. 11, 1945; 11:04 a. m.]

Chapter XXIII—Surplus Property Board

[SPB Rev. Reg. 8, Amdt. 1]

PART 8308—FOREIGN DISPOSAL

AIRCRAFT AND RELATED PROPERTY

Surplus Property Board Revised Regulation No. 8, July 25, 1945, entitled "Foreign Disposal" (10 F.R. 9540) is hereby amended by changing § 8308.12 to read as follows:

§ 8308.12 *Aircraft and property peculiar thereto.* Pending further regulations or orders of the Board, surplus aircraft and property peculiar to aircraft located in foreign areas shall be disposed of only in accordance with existing procedures except that donations of such property may be made pursuant to § 8308.9.

This amendment shall become effective August 10, 1945.

SURPLUS PROPERTY BOARD,
W. STUART SYMINGTON,
Chairman.
EDWARD H. HELLER,
Member.
ROBERT A. HURLEY,
Member.
By A. E. HOWSE,
Administrator.

AUGUST 7, 1945.

[F. R. Doc. 45-14904; Filed, Aug. 13, 1945; 9:47 a. m.]

TITLE 38—PENSIONS, BONUSES AND VETERANS' RELIEF

Chapter I—Veterans' Administration

PART 36—REGULATIONS UNDER SERVICEMEN'S READJUSTMENT ACT OF 1944

CORRESPONDENCE OR HOME STUDY COURSES

Sec.
36.254 Authority to use correspondence courses.
36.255 Approval of institutions.
36.256 Contracts.
36.257 Entrance into training.
36.258 Subsistence allowance.
36.259 Combination correspondence and residence courses.
36.260 Supervision of enrollees.
36.261 Charging entitlement.
36.262 Payment of vouchers.
36.263 Interrupting or discontinuing a course.
36.264 Additional courses.

AUTHORITY: §§ 36.254 to 36.264, inclusive, issued under 58 Stat. 284; 38 U. S. C. 693.

§ 36.254 *Authority to use correspondence courses.* Managers of regional offices and facilities having regional office activities are authorized to approve enrollments of eligible veterans electing correspondence or home study courses which are offered by an approved school under contract to furnish such courses.

(a) When such courses are furnished by an institution established as a school requiring regular attendance and which is recognized as such, or,

(b) When they are prescribed by a resident institution, including an establishment furnishing training on-the-job, as part of a regular full-time or part-time course of education or training requiring attendance in such institution. When correspondence courses are used as part of a course requiring attendance, any approved institution under contract may be used to furnish the desired correspondence course.

§ 36.255 *Approval of institutions.* In accordance with paragraph 4, Title II, Public No. 346, institutions furnishing correspondence courses must be ap-

proved. Approval of a school for the purpose of furnishing correspondence courses to veterans residing within the State in which the school is located will be by the appropriate agency of the State. Approval of a school for the purpose of furnishing correspondence courses to veterans residing outside the State in which the school is located will be by the Administrator.

§ 36.256 *Contracts.* Correspondence courses will be furnished by approved schools under contract negotiated by central office, and decentralized to the field stations. When a correspondence course is desired for which no contract has been decentralized to the field station, request for a contract for the desired course may be made to central office by the regional office or facility having regional office activities or by the school. Each contract will bear a stamp indicating the extent to which the contract may be used and any limitations thereon.

§ 36.257 *Entrance into training.* (a) Rehabilitation Form 1907c will be used to enter a veteran into training status.

(b) An eligible veteran not otherwise enrolled for a course of education or training who elects a correspondence course from an institution which qualifies under the provisions of § 36.254 (a) and which has a contract with the Veterans' Administration to furnish correspondence instruction will enroll directly with the school furnishing the desired course. The certificate of eligibility, properly endorsed by the veteran, will be surrendered to the school which will endorse it in accordance with the directions thereon and send it to the regional office or facility having regional office activities within whose territory the veteran resides. An enrollment will not be effective prior to the date of issuance of the certificate of eligibility or the date of the institution's endorsement whichever is the later.

(c) A veteran who is required to take a correspondence course as part of a resident course will be enrolled by the Veterans' Administration at the request of the veteran and the school or business establishment furnishing the regular resident course.

(d) Each institution on enrolling a veteran in a correspondence course will certify to the regional office or facility having regional office activities in whose territory the veteran resides the number of the contract under which the course is offered, the name of the course for which the veteran is enrolled, the number of lessons comprising the course, the number of credit hours, if any, allowed upon satisfactory completion of the course, and the educational level of the veteran at the time of his enrollment. If the course consists of a single subject or is a unit course which upon completion may be followed by another subject or unit course, that fact should also be stated.

(e) Upon receiving certification from an institution of the enrollment of a veteran in a correspondence course the manager will determine that the institution is approved for use in his regional territory and that a contract for the course is in effect with the institution. He will immediately notify the veteran concerning the policy regarding payment of subsistence allowance and of charging his entitlement for the course, pointing out the importance of consistent and continuous study.

(f) All arrangements and communications concerning the enrollment and progress of a veteran in a correspondence course will be directly between the school and the regional office or facility having regional office activities under whose jurisdiction the veteran is in training.

§ 36.258 *Subsistence allowance.* No subsistence allowance will be paid a veteran enrolled only in a correspondence course. However, a veteran who is pursuing a correspondence course which is prescribed as part of a resident course requiring attendance may be paid subsistence allowance for that part of the course which requires attendance at the institution.

This may apply either to resident training in a school or on-the-job. If a veteran is enrolled for a combination correspondence and resident course which entails attendance, subsistence allowance may be paid by the regional office that has jurisdiction over the case for only the time of actual attendance during the resident portion of the course.

§ 36.259 *Combination correspondence and resident courses.* Combination courses, as offered by certain schools, which comprise a series of lessons by correspondence followed by a short period (generally two to four weeks) of resident instruction requiring attendance at the school, are considered to be correspondence courses subject to the provisions of this instruction. When a veteran enrolls for a combination correspondence and resident course, transportation to the school for the resident portion of the course will not be paid either directly or indirectly by the Government.

(a) In case a veteran resides outside the regional territory in which the school is located, the veteran's education and training folder will not be transferred during the period of resident instruction unless the time is expected to exceed thirty days. If the period of resident training is expected to exceed thirty days, the veteran's folder will be transferred to the regional office or facility having regional office activities in the territory in which the school is located. The voucher covering resident instruction will be submitted to the regional office or facility having regional office activities having possession of the veteran's case folder.

(b) When a veteran leaves the regional territory to pursue the resident portion of the course the regional office in the territory in which the school is located will be notified and asked to cooperate by reporting on the attendance and progress of the veteran to the office having jurisdiction over the case. When a veteral enrolls for the resident portion of the course the school will notify the regional office in its own territory and, if the veteran resides in another regional territory, the regional office from which he came.

§ 36.260 *Supervision of enrollees.* The regional office or facility having regional office activities in whose territory the veteran resides during the time he is enrolled in a correspondence course only will have jurisdiction over the case and will be responsible for supervision of the veteran. Where the correspondence course is prescribed as part of a course requiring attendance and both are pursued concurrently the field office having responsibility for the resident training will also have jurisdiction over the correspondence course. The training officer will maintain supervisory contact with each veteran enrolled in a correspondence course and will require from each veteran a report of the lessons completed by him and returned by the school, and will satisfy himself concerning the accuracy of the report and the progress of the veteran. Supervisory reports on each veteran listing the lessons which have been sent in to the school and returned, will be made monthly and filed in the veteran's education and training folder. These reports will be checked against the monthly reports (as required in paragraph eighth of the contract) and vouchers submitted to the regional office or facility having regional office activities by the school. Such encouragement and help as may be needed by the veteran in pursuit of his course may be given him. The Veterans Administration will not furnish postage to veterans in training under Public No. 346 for returning completed lessons to the school.

§ 36.261 *Charging entitlement.* (a) Charges against a veteran's entitlement for a correspondence course furnished by an institution which evaluates its courses in terms of credit hours will be made in accordance with § 36.239 (e) (4) of this chapter.

(b) When a correspondence course is furnished by an institution which does not evaluate its courses in terms of standard credit hours, a charge of $\frac{1}{4}$ time during the period the veteran is enrolled for the course will be made against the entitlement of a veteran, except that during the resident portion of a combination course entitlement will be charged for the time he is attending the resident instruction in accordance with § 36.239 (d) of this chapter.

(c) When a veteran is enrolled for a full-time course of resident training in addition to the correspondence course no charge will be made against his entitlement for the correspondence course.

(d) When a veteran fails to complete any lessons even though he may be enrolled in the correspondence course and the registration fee is paid, charge against his entitlement will be made in accordance with the procedure stated in § 36.263.

§ 36.262 *Payment of vouchers.* Vouchers prepared in accordance with the contract will be submitted by the school furnishing the course to the regional office or facility having regional office activities having jurisdiction over the case.

§ 36.263 *Interrupting or discontinuing a course.* Any trainee enrolled in a correspondence course who notifies the manager of his intention to interrupt or discontinue his course, or who completes no lessons within a period of sixty consecutive days, will, unless sufficient cause is found, be placed in interrupted or discontinued status and the correspondence school and the veteran so notified by the manager. The veteran's entitlement will be charged for the time he is in training status even though no lessons are completed. If at a subsequent date the veteran desires to resume his course he may be reenrolled upon application to the manager and approval by him.

§ 36.264 *Additional courses.* If a veteran satisfactorily completes one correspondence course and desires to enroll for another unit course or subject, either correspondence or resident, and has entitlement remaining, he may do so if the course will reasonably contribute to the achievement of the educational objective stated on the certificate of enrollment of the first course or of the regular resident course, if the veteran is so enrolled. If the proposed course cannot be reasonably construed to be part of the entire course of education or training elected by the veteran, the request for an additional subject will be treated as a request for a change of course requiring prior approval of the manager.

[SEAL] FRANK T. HINES,
Administrator of Veterans' Affairs.

AUGUST 3, 1945.

[F. R. Doc. 45-14854; Filed, Aug. 11, 1945; 11:12 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—General Land Office

Appendix—Public Land Orders

[Public Land Order 293]

CALIFORNIA

WITHDRAWING PUBLIC LANDS FOR USE OF NAVY DEPARTMENT AS PART OF MARINE CORPS TRAINING AREA

By virtue of the authority vested in the President and pursuant to Executive Order No. 9337 of April 24, 1943, it is ordered as follows:

Subject to valid existing rights, the public lands within the following-described areas are hereby withdrawn from all forms of appropriation under the public-land laws, including the mining and mineral-leasing laws, and reserved for the use of the Navy Department as a part of a Marine Corps training area:

SAN BERNARDINO MERIDIAN

T. 9 S., R. 4 W.,
Secs. 5 to 8, inclusive.
T. 9 S., R. 5 W.,
Secs. 1, 2, 11, 12, and 13.

The areas described, including both public and non-public lands, aggregate 4,351.19 acres.

This order shall take precedence over but not modify the withdrawal for classification and other purposes made by Executive Order No. 6910 of November 26, 1934, as amended, so far as such order affects any of the above-described lands.

It is intended that the lands described herein shall be returned to the administration of the Department of the Interior when they are no longer needed for the purpose for which they are reserved.

ABE FORTAS,
Acting Secretary of the Interior.

AUGUST 8, 1945.

[F. R. Doc. 45-14907; Filed, Aug. 13, 1945; 9:50 a. m.]

TITLE 46—SHIPPING

Chapter III—War Shipping Administration

PART 301—GENERAL REGULATIONS

[G. O. 51]

SEAMEN'S SERVICE AWARDS

The Government of the Commonwealth of the Philippines has created and authorized the issue of the Philippine Defense Ribbon and the Philippine Liberation Ribbon and bronze stars for members of the armed forces of the United States who served in the Philippines.

The President of the United States has approved the wearing of such ribbons and bronze stars by merchant marine personnel and has authorized the issuance of regulations therefor, pursuant to which authorization this order is promulgated.

Sec.
301.45 Philippine Government decorations for merchant marine personnel.
301.46 Definitions.
301.47 Philippine Defense Ribbon and bronze stars.
301.48 Philippine Liberation Ribbon and bronze stars.
301.49 Precedence of ribbons.
301.50 Establishing eligibility.

AUTHORITY: §§ 301.45 to 301.50, inclusive, issued under E. O. 9054, 3 CFR Cum. Supp.

§ 301.45 *Philippine Government decorations for merchant marine personnel.* Merchant marine personnel are authorized to purchase and wear the Philippine Defense Ribbon, the Philippine Liberation Ribbon, and bronze stars thereon, as prescribed in §§ 301.46 to 301.50, inclusive.

§ 301.46 *Definitions.* For the purposes of §§ 301.45 to 301.50, inclusive:

(a) "Seamen" means officers and members of crews of ships documented under the laws of the United States and ships owned by, chartered to or operated by or for the account or use of the United States Maritime Commission, the War Shipping Administration, or the War Department;

(b) A seaman will be considered as having participated in an engagement against the enemy if he was a member of and present with a unit actually under enemy fire or air attack, or if he served in a ship which was under enemy fire or air attack;

(c) "Bronze star" means a five pointed bronze star $\frac{3}{16}$ inch in diameter;

(d) Philippine waters are waters within the following boundaries: East boundary, from the 20th parallel north latitude south along the 130th Meridian east lengitude to the Equator; West boundary, the east coast of Asia and crossing the Strait of Malacca on the 103rd Meridian east longitude; North boundary, the 20th parallel north latitude plus the Gulf of Tonking; South boundary, the Equator.

§ 301.47 *Philippine Defense Ribbon and bronze stars.* (a) A seaman is eligible to wear the Philippine Defense Ribbon if, during the period from December 8, 1941 to June 15, 1942, he:

(1) Participated in an engagement against the enemy on Philippine territory or in Philippine waters, or

(2) Was assigned or stationed in Philippine territory or in Philippine waters for not less than thirty (30) days.

(b) A seaman eligible under both subparagraphs of the preceding paragraph is authorized to wear a bronze star on the ribbon.

§ 301.48 *Philippine Liberation Ribbon and bronze stars.* (a) A seaman is eligible to wear the Philippine Liberation Ribbon if he:

(1) Participated in the initial landing operations on Leyte and adjoining islands from October 17 to October 20, 1944. (A seaman will be considered as having participated in such operations if he landed on Leyte or adjoining islands or was in a ship in Philippine waters.), or

(2) Participated in any engagement against the enemy during the campaign, or

(3) Served in the Philippine Islands or in ships in Philippine waters for not less than thirty days during the period from October 17, 1944 to a terminal date to be announced by the government of the Philippine Commonwealth.

(b) A seaman eligible under:

(1) Any two of the subparagraphs of the preceeding paragraph is authorized to wear one bronze star on the ribbon;

(2) All three of the subparagraphs of the preceding paragraph is authorized to wear two bronze stars on the ribbon.

§ 301.49 *Precedence of ribbons.* The Philippine Defense Ribbon and the Philippine Liberation Ribbon will take precedence next after war zone ribbons. The Philippine Defense Ribbon will take precedence over the Philippine Liberation Ribbon.

§ 301.50 *Establishing eligibility.* A seaman who considers himself eligible to wear the Philippine Defense Ribbon or the Philippine Liberation Ribbon or bronze stars may submit an application for a certificate of eligibility to the Seamen's Service Awards Committee, War Shipping Administration, Washington 25, D. C., stating the basis of his eligibility. If the Committee deems the seaman eligible, it will certify his eligibility

to purchase and wear the appropriate decoration or decorations.[1] Applications of seamen whose qualifying service was with the Army Transport Service should be validated by the Area Commanding Officer.

E. S. LAND,
Administrator.

AUGUST 4, 1945.

[F. R. Doc. 45-14841; Filed, Aug. 11, 1945; 9:34 a. m.]

[G O 50]

PART 304—LABOR

DELEGATION OF AUTHORITY TO SOCIAL SECURITY BOARD TO CONDUCT CERTAIN HEARINGS, ETC.

§ 304.91 *Delegation of authority to conduct hearings and make determinations and certifications under section 209 (o) of the Social Security Act, as amended.* The Appeals Council of the Social Security Board, its members and referees, and the Territorial Directors of the Social Security Board for the Territories of Alaska and Hawaii, all ex officio, are hereby designated and appointed as agents of the Administrator, War Shipping Administration, to hear, determine, and make certification with respect to those matters determinable by the Administrator pursuant to section 209 (o) of the Social Security Act as amended, which may from time to time be involved in or presented at hearings conducted pursuant to section 205 (b) of said Act.

§ 304.92 *Compliance with Administrator's regulations and orders.* The agents designated in § 304.91, in performing the functions and duties thereby assigned to them, shall comply with such regulations and orders as may be issued by the Administrator from time to time in connection with such functions and duties.

§ 304.93 *Notice of hearings to General Agents, Agents, or the Administrator.* In the conduct of hearings pursuant to §§ 304.91 to 304.95, inclusive, notice thereof shall be given to the General Agent, or Agent who shall have made any tax return or certification having relation to the claim under consideration, as provided by section 209 (o) of the Social Security Act as amended, and if there be no such General Agent or Agent, such notice shall be given to the Administrator.

§ 304.94 *Procedure for hearings, rehearings, and review.* Procedure for the conduct of hearings pursuant to §§ 304.91 to 304.95, inclusive, and for the consolidation of such hearings with hearings on other issues involved in particular claims, for the making of decisions thereon, and for rehearing and for review of such decisions, shall, except as limited pursuant to § 304.92, be as prescribed by the Appeals Council of the Social Security Board as agent of the Administrator, and shall conform as closely as possible to the hearing, rehearing, and review procedure prescribed from time to time by the Social Security Board for cases arising exclusively under title II of the Social Security Act as amended.

§ 304.95 *Effect of final decision.* Any final decision, after hearing, rehearing, or review by the Administrator's agents as designated in § 304.91, shall in all respects be deemed the Administrator's final determination, superseding all previous determinations and certifications as to the matters determined in such decision, and binding upon all parties to such hearing, rehearing, or review, as to such matters.

(Pub. Law 17, 78th Cong. (57 Stat. 45), Pub. Law 285, 78th Cong. (58 Stat. 188))

[SEAL] E. S. LAND,
Administrator,
War Shipping Administration.

JULY 14, 1945.

Upon request of the Administrator, War Shipping Administration, the Appeals Council of the Social Security Board, its members and referees, and the Territorial Directors of the Social Security Board for the Territories of Alaska and Hawaii, are all hereby authorized and directed to act ex officio as designated agents of the Administrator, War Shipping Administration, in accordance with General Order 50 of said Administrator and any amendments thereto and supplements thereof.

SOCIAL SECURITY BOARD,
By A. J. ALTMEYER, *Chairman.*

[F. R. Doc. 45-14890; Filed, Aug. 11, 1945; 12:00 m.]

TITLE 49—TRANSPORTATION AND RAILROADS

Chapter I—Interstate Commerce Commission

PART 10—STEAM ROADS; UNIFORM SYSTEM OF ACCOUNTS

MODIFICATIONS AND AMENDMENTS TO 1943 REVISION

At a session of the Interstate Commerce Commission, Division 1, held at its office in Washington, D. C., on the 3d day of August, A. D. 1945.

In the matter of uniform system of accounts to be kept by steam railroads.

The "Uniform System of Accounts for Steam Railroads, Issue of 1943" (Part 10 of Title 49, Code of Federal Regulations), being under consideration by the division, pursuant to authority of section 20 of the Interstate Commerce Act, and the division having found need for modifications and amendments of the "Uniform System of Accounts for Steam Railroads, Issue of 1943," the modifications and amendments attached hereto and made a part hereof[1] being found necessary for administration of the provisions of part I of the act, are hereby approved; and

It is ordered, That all carriers by railroad (except those independently operated as electric lines), herein referred to as steam railroads, subject to the provisions of the Interstate Commerce Act, and every trustee, receiver, executor, administrator, or assignee of any such carrier, be, and they are hereby, required to comply with the "Uniform System of Accounts for Steam Railroads, Issue of 1943," as hereby modified and amended;

It is further ordered, That this order shall become effective October 1, 1945;

And it is further ordered, That a copy of this order shall be served upon every steam railroad subject to the act and upon every trustee, receiver, executor, administrator, or assignee of any such steam railroad, and that notice of this order be given to the general public by depositing a copy thereof in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director of the Division of the Federal Register.

By the Commission, Division 1.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 45-14932; Filed, Aug. 13, 1945; 11:24 a. m.]

[Rev. SO 345]

PART 95—CAR SERVICE

REFRIGERATION RESTRICTIONS ON POTATOES

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 9th day of August, A. D. 1945.

It appearing, That there is an acute shortage of ice for the icing of cars of potatoes by carriers which is adversely affecting the movement of potatoes originating at points in certain States, shipped in refrigerator cars thereby impeding unduly the use, control, supply, movement, and distribution of such cars and contributing to the shortage of equipment and congestion of traffic; the Commission is of opinion an emergency exists in all sections of the country requiring immediate action in order to best promote the service in the interest of the public and the commerce of the people; it is ordered, that:

(a) *Initial and two Reicings.* No common carrier by railroad subject to the Interstate Commerce Act, on any refrigerator car intended to be loaded with potatoes originating at any point or points located in the States of Idaho, Utah, Arizona and west thereof; shall furnish or supply initial bunker ice until such car is completely loaded; nor shall

[1] As these ribbons and stars are created by the Government of the Commonwealth of the Philippines, they will not be issued by the War Shipping Administration as are seamen's service awards authorized by Acts of Congress and Executive Orders, but may be purchased as prescribed by § 301.50 from dealers authorized to sell war service decorations.

[1] Filed as part of the original document.

furnish bunker ice for such cars in excess of the following amounts: initial icing 8,000 pounds; first reicing in the territory west of the eastern boundaries of Minnesota, Iowa, Missouri, Arkansas and Louisiana (west of the Mississippi River), 8,000 pounds; second and final reicing in the territory east of the Mississippi River including the State of Wisconsin, 8,000 pounds.

(b) *Initial and one reicing.* No common carrier by railroad subject to the Interstate Commerce Act, on any refrigerator car intended to be loaded with potatoes originating at any point or points located in the States of Montana, Wyoming, New Mexico, Colorado, North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, Texas, Minnesota, Iowa, Missouri, Arkansas and Louisiana (west of the Mississippi River) shall furnish or supply initial bunker ice until such car is completely loaded; nor shall furnish bunker ice in excess of the following amounts: initial icing 8,000 pounds; one reicing at any point in the United States, 8,000 pounds.

(c) *Destination bunker icing prohibited.* Reicing at final destination shall not be accorded or performed.

(d) *Place of icing at railroad option.* Any railroad may perform icing provided herein at the first icing station on either side of the place designated by shipper.

(e) *Application.* The provisions of this order shall apply only to carload shipments of potatoes billed on or after the effective date hereof.

(f) *Tariff provisions suspended; announcement required.* The operation of all tariff rules and regulations insofar as they conflict with the provisions of this order is hereby suspended, and each railroad subject to this order, or its agent, shall publish, file and post a supplement to each of its tariffs affected hereby, in substantial accordance with the provisions of Rule 9 (k) of the Commission's Tariff Circular No. 20 § 141.9 (k) of this chapter, announcing such suspension.

(g) *Special and general permits.* The provisions of this order shall be subject to any special or general permits issued by the Director of the Bureau of Service, Interstate Commerce Commission, Washington, D. C., to meet specific needs or exceptional circumstances.

(h) *Effective date.* This order shall become effective at 12:01 a. m., August 10, 1945.

(i) *Expiration date.* This order shall expire at 11:59 p. m., October 20, 1945, unless otherwise modified, changed, suspended or annulled by order of this Commission. (40 Stat. 101, sec. 402, 41 Stat. 476, sec. 4, 54 Stat. 901; 49 U.S.C. 1 (10)–(17))

It is further ordered, that this order shall vacate and supersede Service Order No. 345 on the effective date hereof, that a copy of this order and direction shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

By the Commission, Division 3.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 45-14845; Filed, Aug. 11, 1945; 10:57 a. m.]

[Rev. S. O. 346]

PART 95—CAR SERVICE

RESTRICTIONS ON REFRIGERATION OF VEGETABLES

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 9th day of August, A. D. 1945.

It appearing, that there is an acute shortage of ice for the icing of cars of vegetables by carriers which is adversely affecting the movement thereof in railroad freight cars accorded retop icing, resulting in congestion of traffic; the Commission is of opinion an emergency exists in all sections of the country requiring immediate action in order to best promote the service in the interest of the public and the commerce of the people; it is ordered, that:

(a) *Definition of the term vegetables.* The term "vegetables" as used herein means all fresh or green vegetables as described in Item 1132, Agent J. J. Quinn's tariff I. C. C. No. 22, supplements thereto, or reissues thereof, under the heading "Vegetables".

(b) *Bunker icing restricted on vegetables.* No common carrier by railroad subject to the Interstate Commerce Act shall initially bunker ice or reice in transit in bunkers, any railroad freight car loaded with vegetables originating at any point or points located in the States of Montana, Wyoming, Colorado, or New Mexico, or west thereof, also that part of Texas north of an air line from the southeast corner of New Mexico through Sierra Blanca to the Rio Grande River, when such car has been top iced or retop iced.

(c) *Retop icing restricted on vegetables.* (1) No common carrier by railroad subject to the Interstate Commerce Act, on any railroad freight car loaded with vegetables originating at any point or points located in the States of Montana, Wyoming, Colorado or New Mexico, or west thereof, also that part of Texas north of an air line from the southeast corner of New Mexico through Sierra Blanca to the Rio Grande River, shall retop ice such a car in transit more than once at any point west of the Mississippi River with more than 8,000 pounds of retop ice; nor supply in excess of 8,000 pounds of retop ice for such a car in transit more than once at any point east of the Mississippi River.

(2) *Exemption of Nampa, Idaho.* The restriction on retop icing shall not apply at Nampa, Idaho, on shipments originating at, and initially top iced at, stations in Idaho Group B or Oregon Group B described in Agent J. J. Quinn's tariff I. C. C. No. 22.

(3) *Place of retop icing at railroads' option.* When retop icing in transit is ordered on the Union Pacific Railroad Company, that carrier may at its option accord the retop icing at Laramie, Wyoming, at Kansas City, Kansas, or at Council Bluffs, Iowa.

(4) *Exemption of Los Angeles, California.* The restriction on retop icing shall not apply at Los Angeles, California, on shipments originating on Pacific Electric Railway Company, and on Southern Pacific Company, from and including Canoga Park and San Fernando south to Los Angeles and between and including Los Angeles and San Pedro and between Los Angeles and Tustin.

(d) *Application.* The provisions of this order shall apply only to carload shipments of vegetables billed on or after the effective date hereof.

(e) *Tariff provisions suspended; announcement required.* The operation of all tariff rules and regulations insofar as they conflict with the provisions of this order is hereby suspended and each railroad subject to this order, or its agent, shall publish, file, and post a supplement to each of its tariffs affected hereby, in substantial accordance with the provisions of Rule 9 (k) of the Commission's Tariff Circular No. 20 (§ 141.9 (k) of this chapter) announcing such suspension.

(f) *Special and general permits.* The provisions of this order shall be subject to any special or general permits issued by the Director of the Bureau of Service, Interstate Commerce Commission, Washington, D. C., to meet specific needs or exceptional circumstances.

(g) *Effective date.* This order shall become effective at 12:01 a. m., August 10, 1945.

(h) *Expiration date.* This order shall expire at 11:59 p. m., October 20, 1945, unless otherwise modified, changed, suspended or annulled by order of this Commission. (40 Stat. 101, sec. 402, 41 Stat. 476, sec. 4, 54 Stat. 901; 49 U. S. C. 1 (10)–(17))

It is further ordered that this order shall vacate and supersede Service Order No. 346 on the effective date hereof, that a copy of this order and direction shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

By the Commission, Division 3.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 45-14846; Filed, Aug. 11, 1945; 10:57 a. m.]

Notices

DEPARTMENT OF THE INTERIOR.

General Land Office.

IDAHO

STOCK DRIVEWAY WITHDRAWAL NO. 48, IDAHO NO. 3, REDUCED

The orders of the Acting Secretary and the Acting Assistant Secretary of the Interior, dated December 9, 1918, and June 25, 1941, respectively, establishing and modifying Stock Driveway Withdrawal No. 48, Idaho No. 3, under section 10 of the act of December 29, 1916, 39 Stat. 865, U. S. C. title 43, sec. 300, are hereby revoked so far as they affect the following-described lands:

BOISE MERIDIAN

T. 10 N., R. 13 E.,
Sec. 20, $NE\frac{1}{4}NE\frac{1}{4}$;
Sec. 21, $N\frac{1}{2}NE\frac{1}{4}$, $N\frac{1}{2}SW\frac{1}{4}NE\frac{1}{4}$, $SE\frac{1}{4}NE\frac{1}{4}$, $N\frac{1}{2}NW\frac{1}{4}$, and $N\frac{1}{2}S\frac{1}{2}NW\frac{1}{4}$;
Sec. 22, lots 2, 3, 6, and $W\frac{1}{2}NW\frac{1}{4}$.

The areas described aggregate 497.29 acres.

The $N\frac{1}{2}NE\frac{1}{4}$, $N\frac{1}{2}SW\frac{1}{4}NE\frac{1}{4}$, $SE\frac{1}{4}NE\frac{1}{4}$, $N\frac{1}{2}NW\frac{1}{4}$, and $N\frac{1}{2}SE\frac{1}{4}NW\frac{1}{4}$ sec. 21 are in a power-site classification, and lots 2, 3, 6, and $W\frac{1}{2}NW\frac{1}{4}$ sec. 22 are in a power-site classification and a first form reclamation withdrawal.

This order shall become effective immediately as to the leasing of the lands for grazing under the applicable laws and regulations but shall not otherwise become effective to change the status of the lands until 10:00 a. m. on the 63d day from the date on which it is signed. At that time the $NE\frac{1}{4}NE\frac{1}{4}$, sec. 20 and $N\frac{1}{2}SW\frac{1}{4}NW\frac{1}{4}$ sec. 21 shall, subject to valid existing rights and the provisions of existing withdrawals, become subject to application, petition, location, or selection as follows:

(a) For a period of 90 days, commencing on the day and at the hour named above, the public lands affected by this order shall be subject to (1) application under the homestead or the desert land laws, or the small tract act of June 1, 1938 (52 Stat. 609, 43 U. S. C. sec. 682a), by qualified veterans of World War II, for whose service recognition is granted by the act of September 27, 1944 (58 Stat. 747, 43 U. S. C. sec. 282), subject to the requirements of applicable law, and (2) application under any applicable public land law, based on prior existing valid settlement rights and preference rights conferred by existing laws or equitable claims subject to allowance and confirmation. Applications by such veterans shall be subject to claims of the classes described in subdivision (2).

(b) For a period of 20 days immediately prior to the beginning of such 90-day period, such veterans and persons claiming preference rights superior to those of such veterans, may present their applications, and all such applications, together with those presented at 10:00 a. m. on the first day of the 90-day period, shall be treated as simultaneously filed.

(c) Commencing at 10:00 a. m. on the 91st day after the lands become subject to application, as hereinabove provided, any of the lands remaining unappropriated shall become subject to such application, petition, location, or selection by the public generally as may be authorized by the public land laws.

(d) Application by the general public may be presented during the 20 day period immediately preceding such 91st day, and all such applications, together with those presented at 10:00 a. m. on that day, shall be treated as simultaneously filed.

Veterans shall accompany their applications with certified copies of their certificates of discharge, or other satisfactory evidence of their military or naval service. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their applications by duly corroborated affidavits in support thereof, setting forth in detail all facts relevant to their claims.

Applications for these lands, which shall be filed in the District Land Office at Blackfoot, Idaho, shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations (Circular 324, May 22, 1914, 43 L. D. 254), and part 296 of that title, to the extent that such regulations are applicable. Applications under the homestead laws shall be governed by the regulations contained in Subchapter I of Title 43 of the Code of Federal Regulations and applications under the desert land laws and the small tract act of June 1, 1938, shall be governed by the regulations contained in Parts 232 and 257, respectively, of that title.

OSCAR L. CHAPMAN,
Assistant Secretary of the Interior.

AUGUST 8, 1945.

[F.R. Doc. 45-14835; Filed, Aug. 11, 1945; 9:52 a. m.]

[Misc. 2054035]

IDAHO

ORDER PROVIDING FOR OPENING OF PUBLIC LANDS

JULY 31, 1945.

In an exchange of lands made under the provisions of section 8 of the act of June 28, 1934 (48 Stat. 1269), as amended June 26, 1936 (49 Stat. 1976, 43 U.S.C. sec. 315g), the following described lands have been reconveyed to the United States:

BOISE MERIDIAN

T. 3 N., R. 18 E.,
Sec. 17, $NW\frac{1}{4}NW\frac{1}{4}$.
T. 11 S., R. 25 E.,
Sec. 18, lots 3, 4, $NE\frac{1}{4}SW\frac{1}{4}$, $E\frac{1}{2}NW\frac{1}{4}$, and $W\frac{1}{2}NE\frac{1}{4}$.
T. 9 S., R. 36 E.,
Sec. 2, $W\frac{1}{2}SE\frac{1}{4}$ and $SE\frac{1}{4}SW\frac{1}{4}$.

The areas described aggregate 429.13 acres.

At 10:00 a. m. on the 63d day from the date on which this order is signed, these lands, subject to valid existing rights and the provisions of existing withdrawals, shall become subject to application petition, location, or selection as follows:

(a) For a period of 90 days, commencing on the day and at the hour named above, the public lands affected by this order shall be subject to (1) application under the homestead or the desert land laws, or the small tract act of June 1, 1938 (52 Stat. 609, 43 U.S.C. sec. 682a), by qualified veterans of World War II, for whose service recognition is granted by the act of September 27, 1944 (58 Stat. 747, 43 U.S.C. sec. 282), subject to the requirements of applicable law, and (2) application under any applicable public land law, based on prior existing valid settlement rights and preference rights conferred by existing laws or equitable claims subject to allowance and confirmation. Applications by such veterans shall be subject to claims of the classes described in subdivision (2).

(b) For a period of 20 days immediately prior to the beginning of such 90-day period, such veterans and persons claiming preference rights superior to those of such veterans, may present their applications, and all such applications, together with those presented at 10:00 a. m. on the first day of the 90-day period, shall be treated as simultaneously filed.

(c) Commencing at 10:00 a. m. on the 91st day after the lands become subject to application, as hereinabove provided, any of the lands remaining unappropriated shall become subject to such application, petition, location, or selection by the public generally as may be authorized by the public land laws.

(d) Application by the general public may be presented during the 20-day period immediately preceding such 91st day, and all such applications, together with those presented at 10:00 a. m. on that day, shall be treated as simultaneously filed.

Veterans shall accompany their applications with certified copies of their certificates of discharge, or other satisfactory evidence of their military or naval service. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their applications by duly corroborated affidavits in support thereof, setting forth in detail all facts relevant to their claims.

Applications for these lands, which shall be filed in the District Land Office at Blackfoot, Idaho, shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations (Circular 324, May 22, 1914, 43 L.D. 254), and Part 296 of that Title, to the extent that such regulations are applicable. Applications under the homestead laws shall be governed by the regulations contained in Subchapter I of Title 43 of the Code of Federal Regulations and applications under the desert land laws and the small tract act of June 1, 1938 shall be governed by the regulations contained in Parts 232 and 257, respectively, of that title.

FRED W. JOHNSON,
Commissioner.

[F. R. Doc. 45-14836; Filed, Aug. 11, 1945; 9:52 a. m.]

[Misc. 2058007]

OREGON

ORDER PROVIDING FOR OPENING OF PUBLIC LANDS

JULY 31, 1945.

In an exchange of lands made under the provisions of section 8 of the act of June 28, 1934 (48 Stat. 1269), as amended June 26, 1936 (49 Stat. 1976, 43 U.S.C. sec. 315g), the following described lands have been reconveyed to the United States:

WILLAMETTE MERIDIAN

T. 17 S., R. 16 E.,
Sec. 36, $NW\frac{1}{4}$ and $W\frac{1}{2}NE\frac{1}{4}$.

The area described contains 240 acres.

At 10:00 a. m. on the 63d day from the date on which this order is signed, these lands, subject to valid existing rights and the provisions of existing withdrawals, shall become subject to application, petition, location, or selection as follows:

(a) For a period of 90 days, commencing on the day and at the hour named above, the public lands affected by this order shall be subject to (1) application under the homestead or the desert land laws, or the small tract act of June 1, 1938 (52 Stat. 609, 43 U.S.C. sec. 682a), by qualified veterans of World War II, for whose service recognition is granted by the act of September 27, 1944 (58 Stat. 747, 43 U.S.C. sec. 282), subject to the requirements of applicable law, and (2) application under any applicable public land law, based on prior existing valid settlement rights and preference rights conferred by existing laws or equitable claims subject to allowance and confirmation. Applications by such veterans shall be subject to claims of the classes described in subdivision (2).

(b) For a period of 20 days immediately prior to the beginning of such 90-day period, such veterans and persons claiming preference rights superior to those of such veterans, may present their applications, and all such applications, together with those presented at 10:00 a.m. on the first day of the 90-day period, shall be treated as simultaneously filed.

(c) Commencing at 10:00 a. m. on the 91st day after the lands become subject to application, as hereinabove provided, any of the lands remaining unappropriated shall become subject to such application, petition, location, or selection by the public generally as may be authorized by the public land laws.

(d) Application by the general public may be presented during the 20-day period immediately preceding such 91st day, and all such applications, together with those presented at 10:00 a. m. on that day, shall be treated as simultaneously filed.

Veterans shall accompany their applications with certified copies of their certificates of discharge, or other satisfactory evidence of their military or naval service. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their applications by duly corroborated affidavits in support thereof, setting forth in detail all facts relevant to their claims.

Applications for these lands, which shall be filed in the District Land Office at The Dalles, Oregon, shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations (Circular 324, May 22, 1914, 43 L. D. 254), and Part 296 of that title, to the extent that such regulations are applicable. Applications under the homestead laws shall be governed by the regulations contained in Subchapter I of Title 43 of the Code of Federal Regulations and applications under the desert land laws and the small tract act of June 1, 1938 shall be governed by the regulations contained in Parts 232 and 257, respectively, of that title.

FRED W. JOHNSON,
Commissioner.

[F. R. Doc. 45-14837; Filed, Aug. 11, 1945; 9:52 a. m.]

Office of the Secretary.

NEW MEXICO

MODIFICATION OF DEPARTMENTAL ORDER WITHDRAWING CERTAIN LAND FOR INDIAN USE

The Departmental order of September 1, 1939, reserving for Indian use under the authority of section 4 of the act of March 3, 1927 (44 Stat. 1347) certain lands and placing such lands under the administration of the Commissioner of Indian Affairs, is hereby modified solely for the purpose of permitting the issuance of permits or leases under the provisions of the act of February 25, 1920 (41 Stat. 438, 30 U. S. C. secs. 201-209), as amended, granting the right to prospect for, mine or remove coal from the following lands, and to use such part of the surface as may be needed for operations under such permits or leases:

NEW MEXICO PRINCIPAL MERIDIAN

T. 16 N., R. 11 W.,
Sec. 33, $N\frac{1}{2}$.

The area described contains 320 acres.

ABE FORTAS,
Acting Secretary of the Interior.

AUGUST 6, 1945.

[F. R. Doc. 45-14906; Filed, Aug. 13, 1945; 9:50 a. m.]

CLAIMS OF NATIVES OF HYDABURG, KLAWOCK, AND KAKE, ALASKA

ORDER FOR EXTENSION OF TIME FOR FILING PETITION FOR REHEARING

It is hereby ordered, That section 15 of the rules of practice for hearings upon claims of natives of Alaska be amended in order to extend the time within which a petition for rehearing may be filed in the hearings upon the claims of the natives of Hydaburg, Klawock, and Kake, Alaska, from August 21, 1945, to August 31, 1945.

ABE FORTAS,
Acting Secretary of the Interior.

AUGUST 10, 1945.

[F. R. Doc. 45-14905; Filed, Aug. 13, 1945; 9:50 a. m.]

AGRICULTURE DEPARTMENT.

Office of Marketing Services.

MILK IN MINNEAPOLIS-ST. PAUL, MINN., MARKETING AREA

NOTICE OF REPORT AND OPPORTUNITY TO FILE WRITTEN EXCEPTIONS WITH RESPECT TO PROPOSED MARKETING AGREEMENT AND TO PROPOSED ORDER REGULATING HANDLING

Pursuant to the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders (7 CFR. Cum. Supp., 900.1 et seq.), notice is hereby given of the filing with the hearing clerk of the report of the Director of the Office of Marketing Services, with respect to a marketing agreement and to an order regulating the handling of milk in the Minneapolis-St. Paul, Minnesota, marketing area to be made effective pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 1940 601 et seq.). Interested parties may file exceptions to this report with the Hearing Clerk, Office of the Solicitor, Room 1331, South Building, United States Department of Agriculture, Washington 25, D. C., not later than the close of business on August 31, 1945. Exceptions must be filed in quadruplicate.

The hearing, on the record of which this proposed marketing agreement and order have been formulated, was initiated by the Office of Marketing Services following the receipt of a petition by the Twin City Milk Producers' Association and was conducted at St. Paul, Minnesota, beginning on May 22, 1945, after the issuance of notice on April 30, 1945 (10 F.R. 4777).

The major issues developed at the hearing were: (1) whether there is need for a marketing agreement and order program in the Minneapolis-St. Paul, Minnesota, marketing area; (2) whether the handling of milk in the proposed marketing area is in or affects interstate commerce; (3) the extent of the marketing area; (4) the classification of milk and milk products; (5) the level of class prices and the method of determining such prices; (6) the type of pool; (7) the amount of the administrative assessment; (8) the need for the performance of marketing services; and (9) the administrative provisions common to all orders.

With respect to the issues it is concluded from the record that:

1. There is need for the issuance of a marketing agreement and order program since the greatly increased production of milk in the supply area creates a potential menace to the orderly marketing of milk within the marketing area.

2. There is very substantial movement in interstate commerce of the milk which would be subject to the regulation. There is a movement into the area from Wisconsin of more than 14 million pounds of milk annually in the form of milk and cream, while handlers who would be subject to the order dispose of more than 200 million pounds of milk annually outside the State of Minnesota. The latter is partly in the form of whole milk and partly in the form of

cream and manufactured dairy products. All of the handling of milk within the marketing area affects interstate commerce.

3. The marketing area should include the cities of Minneapolis and St. Paul and part of the adjacent contiguous territory which forms a part of the natural marketing area and which is described in the order now proposed. The proposed area is somewhat smaller in extent than that which was suggested originally in the notice of hearing.

4. There is need for only two classes of milk, Class I to consist of those products normally associated with the fluid milk industry such as milk, skim milk, cream and flavored milk drinks, and Class II to consist of manufactured dairy products such as butter, cheese, evaporated and condensed milk, etc.

5. The Class I price should be based on the prices paid or payable for milk used in the manufacture of dairy products and should be 50 cents over such base during January, February, March and April; 40 cents over during May and June; and 70 cents over during the remaining months of the year. The Class II price should be based on the market values of butter and non-fat dry milk solids. The Class I butterfat differential should be 125 percent of the market price of butter, and the Class II differential should be 120 percent of the butter price. These prices should return to producers a blended or uniform price sufficiently above the manufacturing value to insure the handlers serving the marketing area a sufficient supply of pure and wholesome milk to meet the demands of the market for fluid milk.

It has been provided that the Secretary may freeze the Class I price when the public interest requires. This provision has been placed in the order to enable the Secretary to forestall any abrupt price change which might have the effect of bringing the proposed pricing program into conflict with the national program for economic stabilization. It will afford a means of protection to the handlers in the market should the formula result in a high Class I price, which has not been compensated for by an adjustment in maximum resale ceiling.

6. Producers should be paid for their milk by means of an individual-handler type of pool. In the case of a handler who is required by any health authority in the marketing area to separate his producers into two groups and to receive and handle separately the milk of each group, a uniform price shall be computed for each group.

7. The administrative assessment should be fixed at a rate not to exceed 2 cents per hundredweight of Class I milk. It appears that the cost of administering the order will, at least in its initial stages, approximate $5,600.00 per month. An assessment of 2 cents per hundredweight on all Class I milk would provide approximately this sum.

8. There appears to be a need for the performance, by the market administrator, of marketing services for producers.

9. The other provisions of the proposed order, mainly administrative in character, should remain about as proposed in the notice of hearing, except that such slight changes as appear in the order now proposed should be made in the phraseology to correct typographical errors or to provide greater clarity, but these would have little or no effect upon the substance of the provisions.

The following proposed order is recommended as the detailed means by which these conclusions may be carried out. The proposed marketing agreement is not included in this report because its provisions are identical with those set forth in the proposed order.

It is found upon the evidence introduced at the public hearing held in St. Paul, Minnesota, beginning on May 22, 1945:

1. That this order regulates the handling of milk in the same manner as and is applicable only to handlers defined in a marketing agreement upon which a hearing has been held; and

2. That the issuance of this order and all of the terms and conditions of the order tend to effectuate the declared policy of the act.

Provisions

SECTION 1. *Definitions.* The following terms shall have the following meanings:

(a) "Act" means Public Act No. 10, 73d Congress, as amended, and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended.

(b) "Secretary" means the Secretary of Agriculture or any officer or employee of the United States who is authorized to exercise the powers and to perform the duties of the Secretary of Agriculture.

(c) "Department of Agriculture" means the United States Department of Agriculture or such other Federal agency as may be authorized to perform the price reporting functions of the United States Department of Agriculture.

(d) "Minneapolis-St. Paul, Minnesota, marketing area", hereinafter called the "marketing area", means the territory within the corporate limits of the cities of Minneapolis, Robbinsdale, and Wayzata in Hennepin County; Columbia Heights in Anoka County; St. Paul and White Bear in Ramsey County; West St. Paul and South St. Paul in Dakota County; together with the following townships and all villages therein: Brooklyn, Crystal Lake, Golden Valley, St. Louis Park, Orono, Excelsior, Minnetonka, Edina, Bloomington, and Richfield in Hennepin County; Fridley in Anoka County; Mounds View, Rose, White Bear, and New Canada in Ramsey County; Grant, Oakdale, Woodbury, Cottage Grove, and Newport in Washington County; and Mendota, West St. Paul, and Inver Grove in Dakota County; all in the State of Minnesota.

(e) "Person" means any individual, partnership, corporation, association, or any other business unit.

(f) "Producer" means any person, irrespective of whether such person is also a handler, who produces milk which is received at a plant, other than an emergency source, from which skim milk or butterfat is shipped to or disposed of within the marketing area as Class I milk.

(g) "Handler" means any person, irrespective of whether such person is also a producer, who, on his own behalf or on behalf of others, purchases or receives milk from producers, associations of producers, or other handlers, and who ships to or disposes of within the marketing area as Class I milk all or a portion of the skim milk or butterfat contained in such milk. The term "handler" shall include a cooperative association with respect to the milk of its member producers which it causes to be delivered to the plant of a handler for the account of the association. The term "handler" shall not include a person in his capacity as the operator of an "emergency source" as defined in (h) of this section.

(h) "Emergency source" means a plant from which skim milk and butterfat are received at the plant of a handler, only during the months of July, August, September, October and November.

(i) "Cooperative association" means any cooperative marketing association of producers which the Secretary determines to be qualified pursuant to the provisions of the Act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act," and to be engaged in making collective sales or marketing of milk or its products for the producers thereof.

(j) "Producer-handler" means any person who is both a producer and a handler and who receives no milk from other producers: *Provided*, That (1) the maintenance, care, and management of the dairy animals and other resources necessary to produce the milk are the personal enterprise of and at the personal risk of such person in his capacity as a producer; and (2) the processing, packaging and distribution of milk are the personal enterprise of and at the personal risk of such person in his capacity as a handler.

(k) "Market Administrator" means the person designated pursuant to § 2 as the agency for the administration hereof.

(l) "Delivery period" means a calendar month.

SEC. 2. *Marketing administrator—(a) Designation.* The agency for the administration hereof shall be a market administrator who shall be a person selected by the Secretary. Such person shall be entitled to such compensation as may be determined by, and shall be subject to removal at the discretion of, the Secretary.

(b) *Powers.* The market administrator shall:

(1) Administer the terms and provisions hereof;

(2) Receive, investigate and report to the Secretary complaints of violations of the terms and provisions hereof;

(3) Prepare and disseminate for the benefit of producers, consumers, and handlers, such statistics and information concerning the operations hereunder as do not reveal confidential information; and

(4) Make rules and regulations to effectuate the terms and provisions hereof.

(c) *Duties.* The market administrator, in addition to the duties hereinafter described shall:

(1) Within 45 days following the date upon which he enters upon his duties, execute and deliver to the Secretary a bond conditioned upon the faithful performance of his duties, in an amount and with sureties thereon satisfactory to the Secretary;

(2) Pay out of the funds provided by section 9, the cost of his bond, his own compensation, and all other expenses necessarily incurred in the maintenance and functioning of his office, except as provided by section 10.

(3) Keep such books and records as will clearly reflect the transactions provided for herein and surrender the same to his successor or to such other person as the Secretary may designate.

(4) Unless otherwise directed by the Secretary, publicly disclose within 30 days after such nonperformance becomes known to the market administrator, the name of any person who, within 20 days after the date on which he is required to perform such acts, has not (i) made reports pursuant to section 3 or (ii) made payments pursuant to section 8; and may at any time thereafter so disclose any such name if authorized by the Secretary; and

(5) Promptly verify the information contained in the reports submitted by handlers.

SEC. 3. *Reports of handlers—(a) Periodic reports.* On or before the 8th day after the end of each delivery period, each handler, who purchases or receives milk from producers or associations of producers, with respect to all skim milk and butterfat contained in milk, skim milk, cream and milk products which were, during such delivery period received from (1) producers; (2) other handlers; (3) own farm production; (4) any other source, shall report to the market administrator in the detail and on forms prescribed by him as follows:

(i) The receipts at each plant from producers who are not handlers;

(ii) The receipts at each plant from any other handler, including any handler who is also a producer;

(iii) The receipts at each plant from producer-handlers;

(iv) The receipts at each plant from such handler's own farm production;

(v) The receipts at each plant from any other source;

(vi) The utilization of all skim milk and butterfat disposed of; and

(vii) The quantity of skim milk and butterfat on hand at the beginning and end of the delivery period.

(b) *Reports of producer-handlers and handlers who receive no milk from producers.* Producer-handlers and handlers who receive no milk from producers or associations of producers shall make reports to the market administrator at such time and in such manner as the market administrator may require.

(c) *Reports as to producers.* Each handler, not a cooperative association, upon the request of the market administrator shall, within 25 days after the end of the delivery period, submit to the market administrator his producer payroll for such delivery period which shall show for each producer (1) the total pounds of milk delivered with the average butterfat test thereof, and (2) the net amount of such handler's payments to such producer together with the prices, deductions, and charges involved.

(d) *Verification of reports.* The market administrator shall verify all reports and payments of each handler by audit of such handler's records, and the records of any other handler or person upon whose utilization the classification of milk depends. Each handler shall keep adequate records of receipts and utilization of skim milk and butterfat and shall, during the usual hours of business, make available to the market administrator or his representative such records and facilities as will enable the market administrator to:

(1) Verify the receipts and utilization of all skim milk and butterfat and, in the case of errors or omissions, ascertain the correct figures;

(2) Weigh, sample and test for butterfat content, milk and milk products;

(3) Verify payments to producers;

(4) Make such examination of operations, equipment, and facilities as the market administrator deems necessary.

SEC. 4. *Classification of milk—(a) Basis of classification.* All skim milk and butterfat received in milk, skim milk, cream, and milk products purchased or received by a handler shall be reported by the handler and shall be classified by the market administrator in the classes set forth in (b) of this section.

(b) *Classes of utilization.* Subject to the conditions set forth in (a) and (d) of this section, the classes of utilization shall be as follows:

(1) Class I milk shall be all skim milk and butterfat disposed of for consumption in the form of milk, skim milk, cream, sweet or sour (including any mixture of cream and milk or skim milk, containing less butterfat than the legal standard for cream), cultured buttermilk, and flavored milk drinks, and all skim milk and butterfat not specifically accounted for as Class II milk.

(2) Class II milk shall be all skim milk and butterfat specifically accounted for as used to produce a milk product other than those specified in (1) of this paragraph and as actual plant shrinkage not in excess of 1 percent of the total receipts of skim milk and butterfat from producers.

(c) *Responsibility of handlers.* In establishing the classification of milk as required in (b) of this section, the burden rests upon the handler who receives milk from producers to account for the skim milk and butterfat contained in such milk, and to prove to the market administrator that such skim milk or butterfat should not be classified as Class I.

(d) *Transfers of milk and cream.* (1) Skim milk and butterfat shall be classified as Class I when disposed of in the form of milk, skim milk or cream by a handler (i) to other handlers who receive milk from producers or associations of producers: *Provided*, That if the market administrator is furnished with a statement signed by both the buying and the selling handler that such skim milk or butterfat was used to produce a Class II product, it shall be classified accordingly subject to verification by the market administrator; (ii) to a producer-handler; and (iii) to a handler who purchases or receives no milk from producers or associates of producers.

(2) Skim milk and butterfat, when disposed of by a handler to the plant of a person, other than a handler, who processes or distributes milk or milk products, shall be classified in accordance with its utilization as determined by the market administrator; *Provided*, That if moved to a plant located more than 100 miles from the marketing area, such skim milk and butterfat shall be classified as Class I if moved in the form of milk or skim milk and as Class II if moved in any other form.

(3) Skim milk and butterfat received by a handler from an emergency source shall be classified in the lowest use classification of the receiving handler.

(e) *Computation of the milk in each class.* For each delivery period the market administrator shall correct for mathematical and other obvious errors the report submitted by each handler and shall compute on the basis of the corrected report the amount of milk disposed of at each plant in each class as defined in (b) of this section as follows:

(1) Determine the total pounds of milk received by adding into one sum the total pounds of skim milk and butterfat contained in the milk, skim milk, cream and milk products received from all sources.

(2) Determine the total pounds of milk in Class I by adding into one sum the total pounds of skim milk and butterfat disposed of in each of the several products of Class I, and the total pounds of skim milk and butterfat unaccounted for or accounted for as actual plant shrinkage in excess of 1 percent of the total receipts of skim milk and butterfat from producers.

(3) Determine the total pounds of milk in Class II by adding into one sum the pounds of skim milk and butterfat used to produce each of the several products of Class II and the pounds of skim milk and butterfat accounted for as actual plant shrinkage not in excess of 1 percent of the total receipts of skim milk and butterfat from producers.

(4) Determine the classification of milk of producers as follows: (i) subtract from the pounds of skim milk and butterfat in Class II, the pounds of skim milk and butterfat which were received from sources other than producers, associations of producers, other handlers, own farm production, and emergency sources; (ii) subtract from the remaining pounds of skim milk and butterfat in Class II the pounds of skim milk and

butterfat which were received from emergency sources: *Provided*, That if the receipts of skim milk or butterfat from emergency sources are greater than the remaining pounds of skim milk or butterfat in Class II an amount equal to the difference shall be subtracted from the pounds of skim milk or butterfat in Class I; (iii) subtract from the remaining pounds of skim milk and butterfat in each class the pounds of skim milk and butterfat which were received from other handlers and allocated to each class pursuant to (d) (1) (i) of this section; (iv) subtract pro rata from the remaining pounds of skim milk and butterfat in each class the pounds of skim milk and butterfat which were received from the handler's own farm production; (v) if the remaining quantity of milk contains a greater quantity of skim milk or butterfat than the handler reported having received from producers an amount equal to the difference shall be subtracted pro rata from the remaining pounds of skim milk or butterfat in each class; and (vi) the result shall be known as the "net pooled milk" in each class.

SEC. 5 *Minimum prices*—(a) *Class prices.* Each handler shall, subject to the provisions of (c) and (d) of this section, pay at the time and in the manner set forth in section 8 not less than the prices set forth in this paragraph per hundredweight of milk received during each delivery period at such handler's plant.

(1) For Class I milk—the price shall be the basic price determined pursuant to (b) of this paragraph plus 50 cents during the months of January, February, March and April; plus 40 cents during the months of May and June; and plus 70 cents during the months of July, August, September, October, November, and December.

(2) For Class II milk—the price shall be that determined by the market administrator as follows: (i) multiply by 3.5 the average price per pound of 93-score butter delivered at New York as reported by the Department of Agriculture for the delivery period and add 20 percent thereof; (ii) multiply by 7.7 the average price of spray and roller process non-fat dry milk solids for human consumption, in carlots f. o. b. manufacturing plants as reported for the Chicago area by the Department of Agriculture; (iii) add into one sum the amounts obtained in (i) and (ii); and (iv) subtract 42 cents therefrom.

(b) *Basic price.* The basic price to be used in determining the price per hundredweight of Class I milk shall be the price for Class II milk computed pursuant to (a) (2) of this section less 5 cents, or that derived from either of the formulae set forth in (1) and (2) of this paragraph, whichever is the highest.

(1) The average of the basic or field prices ascertained to have been paid for milk of 3.5 percent butterfat content received during the delivery period at the following places for which prices are reported to the market administrator by the listed companies or by the Department of Agriculture:

Borden Co	Mt. Pleasant, Mich.
Carnation Co	Sparta, Mich.
Pet Milk Co	Hudson, Mich.
Pet Milk Co	Wayland, Mich.
Pet Milk Co	Coopersville, Mich.
Borden Co	Greenville, Wis.
Borden Co	Black Creek, Wis.
Borden Co	Orfordville, Wis.
Carnation Co	Chilton, Wis.
Carnation Co	Berlin, Wis.
Carnation Co	Richland Center, Wis.
Carnation Co	Oconomowoc, Wis.
Pet Milk Co	New Glarus, Wis.
Pet Milk Co	Belleville, Wis.
Borden Co	New London, Wis.
White House Milk Co	Manitowoc, Wis.
White House Milk Co	West Bend, Wis.

(2) (i) Multiply the average wholesale price per pound of 93-score butter delivered at New York for said delivery period as reported by the Department of Agriculture by six (6); (ii) add 2.4 times the weekly prevailing price of "Twins" during said delivery period on the Wisconsin Cheese Exchange at Plymouth, Wisconsin, as reported by the Department of Agriculture: *Provided*, That if the price of "Twins" is not quoted on the Wisconsin Cheese Exchange, the weekly prevailing price of "Cheddars" shall be deemed to be the prevailing price for "Twins" and shall be used in determining the price pursuant to this paragraph; (iii) divide the resulting sum by seven (7); (iv) add 30 percent thereof; and (v) multiply the resulting sum by 3.5.

(c) *Location differential.* With respect to milk purchased or received from producers at a plant of a handler located outside the marketing area, and which is classified as Class I milk, the price per hundredweight computed pursuant to (a) (1) of this section shall be reduced one-half cent for each full mile that such plant is distant from the marketing area. Such deduction shall be based on the shortest highway distance from such handler's plant to the edge of the marketing area, as determined by the market administrator.

For purposes of this paragraph the milk which is classified as Class I milk during each delivery period shall be considered to have been first that which was received from producers at such handler's plants located within the marketing area, and then that milk which was received from producers at such handler's other plants in series beginning with the plants located nearest to the marketing area.

(d) *Butterfat differentials to handlers.* (1) If the average butterfat content of the milk disposed of by any handler as net pooled Class I milk is more or less than 3.5 percent, such handler shall add to the Class I price per hundredweight computed pursuant to (a) (1) of this section for each one-tenth of 1 percent that the average butterfat content of such Class I milk is above 3.5 percent or shall subtract from such Class I price for each one-tenth of 1 percent that the average butterfat content of such milk is below 3.5 percent, an amount computed by the market administrator as follows: To the average price per pound of 93-score butter delivered at New York as reported by the Department of Agriculture for the delivery period add 25 percent and divide the sum obtained by ten (10).

(2) If the average butterfat content of the milk disposed of as net pooled Class II milk by any handler is more or less than 3.5 percent, such handler shall add to the Class II price computed pursuant to (a) (2) of this section for each one-tenth of 1 percent that the average butterfat content of such Class II milk is above 3.5 percent, or shall subtract from such Class II price for each one-tenth of 1 percent that the average butterfat content of such Class II milk is below 3.5 percent, an amount computed by the market administrator as follows: To the average price per pound of 93-score butter delivered at New York as reported by the Department of Agriculture for the delivery period, add 20 percent and divide the resulting sum by ten (10).

(e) *Emergency price provisions.* (1) Whenever the provisions hereof require the market administrator to use a specific price (or prices) for milk or for any milk product for the purpose of determining class prices or for any other purpose, the market administrator shall add to the specific price the amount of any subsidy, or other similar payments being made by any Federal agency in connection with the milk or product associated with the price specified: *Provided*, That if for any reason the price specified is not reported or published as indicated, the market administrator shall use the applicable maximum uniform price established by regulations of any Federal agency plus the amount of any such subsidy or other similar payment: *Provided further*, That if the specified price is not reported or published and there is no applicable maximum uniform price, or if the specified price is not reported or published and the Secretary determines that the market price is below the applicable maximum uniform price, the market administrator shall use a price determined by the Secretary to be equivalent to or comparable with the price specified.

(2) Whenever the Secretary finds and announces that the Class I price computed for any delivery period pursuant to (a) of this section is not in the public interest, the Class I price for such delivery period shall be the same as the Class I price for the preceding delivery period.

SEC. 6. *Application of provisions*—(a) *Handlers who receive no milk from producers.* Sections 4, 5, 7, 8, 9, and 10 shall not apply to the handling of milk by producer-handlers or by handlers whose sole sources of supply are receipts from other handlers which are not cooperative associations of producers.

(b) *Producer-handlers.* Handlers shall furnish to the market administrator for his verification, subject to review by the Secretary, evidence of their qualifications as producer-handlers pursuant to section 1 (j), as of the effective date hereof, and they shall furnish evidence of subsequent changes made in the manner of producing or distributing that milk that affects their qualification as producer-handlers; such verification by the market administrator shall be made within 15 days of the receipt of the evidence and shall be retroactive to the effective date hereof in cases verified within 45 days of such effective date and shall be effective retroactively to the first day of the delivery period during which verification is made in subsequent cases.

(c) Sales of milk by a *producer-handler.* A producer-handler who sells or disposes of skim milk or butterfat to another handler or producer-handler shall be considered a producer with respect to such skim milk or butterfat.

(d) *Payment for excess milk or butterfat.* If a handler after subtracting receipts from his own farm production, from other handlers, from emergency sources, and from other sources, has disposed of skim milk or butterfat in excess of the skim milk or butterfat which has been credited to his producers as having been delivered by them, the market administrator in computing the value of the milk of such handler pursuant to section 7 (a) shall add an amount equal to the value of such skim milk or butterfat in accordance with its utilization by the handler as determined pursuant to section 4 (e) (4) (v).

SEC. 7. *Determination of uniform price to producers*—(a) *Computation of the value of the milk of each handler.* For each delivery period the market administrator shall compute the value of all milk received at each plant by each handler from producers in the following manner: *Provided*, That in the case of a plant which is required by any health authority in the marketing area to separate its producers into two groups, and to receive and handle separately the milk received from each group, the market administrator shall compute the value of the milk received from each group of producers, if the milk is handled in such a manner, and the records of the handler are so kept, that the market administrator can verify the utilization of the milk received from each group:

(1) Multiply the net pooled milk in each class computed pursuant to section 4 (e) (4) by the class prices computed pursuant to section 5 (a) subject to the differentials set forth in section 5 (c) and (d);

(2) Add together the resulting amounts; and

(3) Add the value of any payments to be made pursuant to section 6 (d).

(b) *Computation of the uniform price for each handler.* The market administrator shall compute the uniform price per hundredweight of milk received during the delivery period at each plant by each handler, as follows: *Provided*, That, if the market administrator has computed separate values for the milk received from two groups of producers in accordance with the proviso of (a) of this section, he shall compute a uniform price for each group of producers:

(1) From the value computed pursuant to (a) of this section, subtract, if the average butterfat content of all milk received from producers at such plant is more than 3.5 percent, or add if such average butterfat content is less than 3.5 percent an amount computed as follows: Multiply the amount by which the average butterfat content varies from 3.5 percent by the butterfat differential computed pursuant to section 8 (b) and multiply the result by the total hundredweight of milk received from producers.

(2) Adjust the resulting sum by an amount representing the fraction used in adjusting the uniform price for the previous delivery period to the nearest cent.

(3) Divide the result by the total hundredweight of milk received from producers.

(4) Adjust the resulting figure to the nearest full cent. This shall be known as the uniform price per hundredweight for each plant of a handler for milk containing 3.5 percent butterfat.

(c) *Announcement of class prices.* On or before the 6th day after the end of each delivery period the market administrator shall mail to all handlers and make public announcement of the class prices computed pursuant to section 5 (a), and the butterfat differentials computed pursuant to section 5 (d) and 8 (b).

(d) *Announcement of uniform prices.* On or before the 15th day after the end of each delivery period the market administrator shall notify each handler and make public announcement of the uniform prices computed pursuant to (b) of this section.

SEC. 8. *Payments to producers*—(a) *Time and method of payment.* (1) On or before the 20th day after the end of each delivery period each handler shall make payment to each producer for milk received from him during the delivery period at not less than the uniform price per hundredweight computed for such handler by the market administrator pursuant to section 7 (b), subject to the butterfat differential set forth in (b) of this section.

(2) On or before the 10th day after the end of each delivery period each handler shall make payment to a cooperative association for milk which it caused to be delivered to such handler for the account of such cooperative association in accordance with the classification of such milk at not less than the class prices set forth in section 5 (a), subject to the differentials set forth in section 5 (c) and (d), and less the amount of the payment made pursuant to (3) of this paragraph.

(3) On or before the 20th day of each delivery period each handler shall, at the request of the cooperative association, make payment to such association of the approximate value of the milk which such cooperative association caused to be delivered to such handler during the first 15 days of the delivery period.

(b) *Butterfat differential to producers.* If, during the delivery period, any handler has purchased or received from any producer, milk having an average butterfat content other than 3.5 percent, such handler in making the payments prescribed in (a) (1) of this section, shall add to the uniform price per hundredweight paid to such producer for each one-tenth of 1 percent of butterfat content in milk above 3.5 percent not less than, or shall deduct from the uniform price per hundredweight for each one-tenth of 1 percent of butterfat content in milk below 3.5 percent not more than, an amount computed by the market administrator as follows: to the average price per pound of 93-score butter delivered at New York as reported by the Department of Agriculture for the delivery period, add 20 percent and divide the resulting sum by ten (10).

(c) *Correction of errors in payments to producers.* Errors in making any of the payments prescribed in this section shall be corrected not later than the date for making payments next following the determination of such errors. Any correction affecting all producers delivering to any handler during the period in which such error occurred shall be corrected in such manner as the market administrator shall determine to be equitable, either by (1) adjustment of the account of each individual producer who delivered during such period on the basis of a recomputation of the price of such handler, or (2) by addition or subtraction of the amount of such correction to or from the value of all milk received by such handler in the delivery period during which such error was determined, computed as set forth in section 7 (a).

(d) *Statement to producers.* In making the payments required by this section, each handler shall furnish each producer with a supporting statement in such form that it may be retained by the producer, which shall show:

(1) The delivery period and the identity of the handler and of the producer;

(2) The total pounds and the average butterfat content of milk delivered by the producer;

(3) The minimum rate or rates at which payment to the producer is required under the provisions of (a) and (c) of this section;

(4) The rate which is used in making the payment if such rate is other than the applicable minimum;

(5) The amount or the rate per hundredweight of each deduction claimed by the handler, including any deductions claimed under section 10, together with a description of the respective deductions; and

(6) The net amount of payment to the producer.

SEC. 9. *Expenses of administration*—(a) *Payments by handlers.* As his prorata share of the expense of the administration hereof, each handler, on or before the 18th day after the end of each delivery period, shall pay to the market administrator a sum not exceeding 2 cents per hundredweight with respect to all milk received from producers or cooperative associations of producers and which is disposed of as Class I milk during such delivery period by such handler, the exact rate to be determined by the market administrator subject to review by the Secretary.

(b) *Suits by the market administrator.* The market administrator may maintain a suit in his own name against any han-

dler for the collection of such handlers pro rata share of expense set forth in this section.

SEC. 10. *Marketing services*—(a) *Deductions for marketing services.* Except as set forth in (b) of this section, each handler shall deduct an amount not exceeding 2 cents per hundredweight (the exact rate to be determined by the market administrator subject to review by the Secretary) from the payments made to producers pursuant to section 8 with respect to all milk received by such handler from producers during the delivery period and shall pay such deductions to the market administrator not later than the 18th day after the end of the delivery period. Such money shall be used by the market administrator to verify weights, samples, and tests of milk received by handlers from producers during the delivery period and to provide such producers with market information, such services to be performed in whole or in part by the market administrator or by an agent engaged by and responsible to him.

(b) *Producers' cooperative associations.* In the case of producers for whom a cooperative association, which the Secretary determines to be qualified under the provisions of the Act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act," is actually performing as determined by the Secretary, the services set forth in (a) of this section, no such deduction shall be made.

SEC. 11. *Agents.* The Secretary may, by designation in writing, name any officer or employee of the United States to act as his agent or representative in connection with any of the provisions hereof.

SEC. 12. *Effective time, suspension, and termination*—(a) *Effective time.* The provisions hereof or any amendments hereto shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated pursuant to paragraph (b) of this section.

(b) *Suspension or termination.* The Secretary shall suspend or terminate this order, or any of the provisions hereof, whenever he finds that it obstructs or does not tend to effectuate the declared policy of the act. This order shall, in any event, terminate whenever the provisions of the act authorizing it cease to be in effect.

(c) *Continuing power and duty of the market administrator.* If upon the suspension or termination of any or all of the provisions hereof, there are any obligations arising hereunder, the final accrual or ascertainment of which requires further acts by any handler, by the market administrator, or by any other person, the power and duty to perform such further acts shall continue notwithstanding such suspension or termination: *Provided*, That any such acts required to be performed by the market administrator shall, if the Secretary so directs, be performed by such other person, persons, or agency as the Secretary may designate.

The market administrator, or such other person as the Secretary may designate (1) shall continue in such capacity until discharged by the Secretary; (2) from time to time account for all receipts and disbursements and deliver all funds or property on hand, together with the books and records of the market administrator, or such person, to such person as the Secretary shall direct; and (3) if so directed by the Secretary execute such assignments or other instruments necessary or appropriate to vest in such person full title to all funds, property, and claims vested in the market administrator or such person pursuant thereto.

(d) *Liquidation after suspension or termination.* Upon the suspension or termination of any or all provisions hereof, the market administrator, or such person as the Secretary may designate shall, if so directed by the Secretary, liquidate the business of the market administrator's office, and dispose of all funds and property then in his possession or under his control, together with claims for any funds which are unpaid or owing at the time of such suspension or termination. Any funds collected pursuant to the provisions hereof, over and above the amounts necessary to meet outstanding obligations and the expenses necessarily incurred by the market administrator or such person in liquidating and distributing such funds, shall be distributed to the contributing handlers and producers in an equitable manner.

This report filed at Washington, D. C. this 11th day of August, 1945.

[SEAL] C. W. KITCHEN,
Director of Marketing Services.

[F. R. Doc. 45-14914; Filed, Aug. 13, 1945; 11:07 a. m.]

FEDERAL POWER COMMISSION.

[Docket No. G-634]

KENTUCKY NATURAL GAS CORP.

NOTICE OF APPLICATION

AUGUST 10, 1945.

Notice is hereby given that on July 26, 1945, Kentucky Natural Gas Corporation (Applicant), a Delaware corporation having its principal place of business at Owensboro, Kentucky, filed with the Federal Power Commission a petition to amend its original application of April 14, 1945, for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, as amended.

By the amendatory application the Applicant now proposes to build a 10¾ inch O. D. connecting transmission pipeline 18 miles in length from a point near Russellville, Kentucky, to a point near Mitchellville, Tennessee, instead of its original proposal to built a connecting line approximately 25 miles in length from a point near Russellville, Kentucky, to a point near Greenbriar, Tennessee.

The estimated cost of the original construction proposed by the Applicant was $280,980, whereas the estimated cost of the now proposed construction of 18 miles of transmission pipeline amounts to $213,840.

Applicant in its original application submits that its peak day requirements for the winter of 1945–1946 will be 27,500 Mcf of natural gas. Of this amount Applicant asserts that it will be able to obtain from its gas fields in Indiana, Illinois and Kentucky 4,250 Mcf of gas, 3,000 Mcf from its Oaktown storage in Indiana, and 15,000 Mcf from Panhandle Eastern Pipeline Company to meet its peak day demands for the winter of 1945–46, a total of 22,250 Mcf, leaving a deficiency of 5,250 Mcf which Applicant states must be obtained from some other source or sources.

In order to meet such deficiency Applicant proposes to augment its present supply by obtaining additional volume of natural gas from Tennessee Gas and Transmission Company through the facilities above described, interconnecting its system with that of the Tennessee Gas and Transmission Company.

Applicant states that none of the gas which it may obtain through the proposed facilities will be resold by it for the underfiring of boilers in industrial plants along its system, and that such additional supply will be devoted exclusively to meet the requirements of the domestic and commercial consumers of the municipal distribution systems served by the Applicant.

The only change in connection with Applicant's original application is as above described.

Any person desiring to be heard or to make any protest with reference to said application should, on or before the 29th day of August, 1945, file with the Federal Power Commission, Washington 25, D. C., a petition or protest in accordance with the Commission's provisional rules of practice and regulations under the Natural Gas Act.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 45-14912; Filed, Aug. 13, 1945; 10:50 a. m.]

INTERSTATE COMMERCE COMMISSION.

[2d Rev. S. O. 300, Special Permit 30]

REFRIGERATION OF POTATOES FROM HOWELL, N. J., AND GREENPORT, L. I.

Pursuant to the authority vested in me by paragraph (e) of the first ordering paragraph of Second Revised Service Order No. 300 (10 F.R. 6802), permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard the provisions of Second Revised Service Order No. 300 insofar as it applies to the furnishing of standard refrigeration on the following cars of potatoes, shipped by F. H. Vahlsing, Inc., August 7, 1945:

FGE 50049, from Howell, N. J., to N. Geraci & Co., Inc., Tampa, Fla. (PRR-RF&P-SAL).

ART 342, from Greenport, L. I., to N. Geraci & Co., Inc., Tampa, Fla. (LI-PRR-RF&P-SAL).

ART 16871, from Greenport, L. I., to N. Geraci & Co., Inc., Tampa, Fla. (LI-PRR-RF&P-SAL).

GAR 9301, from Greenport, L. I., to Sidney Alterman, Port Everglades, Fla. (LI-PRR-Sou-FEC).

ART 17886, from Greenport, L. I., to Sidney Alterman Port Everglades, Fla. (LI-PRR-Sou-FEC).

The waybills shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 7th day of August 1945.

V. C. CLINGER,
Director,
Bureau of Service.

[F. R. Doc. 45-14843; Filed, Aug. 11, 1945; 10:57 a. m.]

[2d Rev. S. O. 300, Special Permit 31]

REFRIGERATION OF POTATOES FROM HOWELL AND HIGHTSTOWN, N. J.

Pursuant to the authority vested in me by paragraph (e) of the first ordering paragraph of Second Revised Service Order No. 300 (10 F.R. 6802), permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard the provisions of Second Revised Service Order No. 300 insofar as it applies to the furnishing of standard refrigeration on two refrigerator cars, loaded with potatoes, shipped August 8, 1945, by F. H. Vahlsing, Inc., to N. Geraci & Co., Inc., Tampa, Florida, as follows:

FGE 35026 from Howell, New Jersey, and

WFE 60760 from Hightstown, New Jersey, both routed PRR-RF&P-SAL.

The waybills shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 8th day of August 1945.

V. C. CLINGER,
Director,
Bureau of Service.

[F. R. Doc. 45-14844; Filed, Aug. 11, 1945; 10:57 a. m.]

[S. O. 346, Gen. Permit 1]

ICING OF VEGETABLES AT MEMPHIS, TENN.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph of Service Order No. 346 (10 F.R. 9804), permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard the provisions of Service Order No. 346 insofar as it applies to retop icing at Memphis, Tennessee. Effective 6:00 p. m., August 8, 1945.

A copy of this general permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 8th day of August 1945.

V. C. CLINGER,
Director,
Bureau of Service.

[F. R. Doc. 45-14847; Filed, Aug. 11, 1945; 10:57 a. m.]

[S. O. 288, 4th Amended Special Permit 9]

REFRIGERATION OF SHELLED EGGS SHIPPED TO BREAKING AND DRYING PLANTS

Pursuant to the authority vested in me by paragraph (e) of the first ordering paragraph of Service Order No. 288 (10 F.R. 2408), permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard the provisions of Service Order No. 288 only insofar as it applies to the furnishing of privately-owned refrigerator cars to any shipper owning the refrigerator cars so furnished, for loading by said shipper with shell eggs in used fibreboard egg cases: *Provided*, Said cars are shipped to breaking and drying plants only: *And provided further*, That the fibreboard cases in which the eggs are packed comply with the provisions of Consolidated Freight Classification No. 16.

This special permit shall become effective at 12:01 a. m., August 10, 1945, and it shall expire at 11:59 p. m., September 10, 1945.

The car order, bill of lading, other shipping papers and the waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 9th day of August, 1945.

V. C. CLINGER,
Director,
Bureau of Service.

[F. R. Doc. 45-14933; Filed, Aug. 13, 1945; 11:24 a. m.]

[2d Rev. S.O. 300, Special Permit 32]

ICING OF POTATOES FROM POINTS ON LONG ISLAND RAILROAD

Pursuant to the authority vested in me by paragraph (e) of the first ordering paragraph of Second Revised Service Order No. 300 (10 F.R. 2408), permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard the provisions of Second Revised Service Order No. 300 insofar as it applies to the furnishing of initial icing or not to exceed twenty-one (21) carloads of potatoes at 60th Street, New York, N. Y., (by the N.Y.C. RR), and one reicing in transit only at Gardenville (Buffalo) N. Y. (by the N.Y.C. RR), shipped from points on the Long Island Railroad, August 10 to 15, 1945, inclusive, consigned to Quarter Master Market Center, New Orleans, Louisiana, for export, routed LI–NYC to Cincinnati, Ohio,–Sou. Ry.

The waybills shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 9th day of August, 1945.

V. C. CLINGER,
Director,
Bureau of Service.

[F. R. Doc. 45-14934; Filed, Aug. 13, 1945; 11:24 a. m.]

[2d Rev. S. O. 300, Special Permit]

REFRIGERATION OF POTATOES FROM GREENPORT, LONG ISLAND, N. Y.

Pursuant to the authority vested in me by paragraph (e) of the first ordering paragraph of Second Revised Service Order No. 300 (10 F.R. 2408), permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard the provisions of Second Revised Service Order No. 300 insofar as it applies to the furnishing of standard refrigeration on cars of potatoes, shipped August 8, 1945, by F. H. Vahlsing, Inc., from Greenport, Long Island, N. Y., consigned as follows:

FGE 22159 consigned to Sidney Alterman, Port Everglades, Fla (LI–PRR–Sou FEC).

SFRD 15761 consigned to N. Geraci & Co., Inc., Tampa, Fla. (LI–PRR–RF&P–SAL).

WFE 49064 consigned to N. Geraci & Co., Inc., Tampa, Fla. (LI–PRR–EF&P–SAL).

The waybills shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commis-

sion at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 9th day of August 1945.

V. C. CLINGER,
Director,
Bureau of Service.

[F. R. Doc. 45-14935; Filed, Aug. 13, 1945; 11:24 a. m.]

[2d Rev. S. O. 300, Special Permit 34]

ICING OF POTATOES FROM POINTS ON THE LONG ISLAND RAILROAD

Pursuant to the authority vested in me by paragraph (e) of the first ordering paragraph of Second Revised Service Order No. 300 (10 F.R. 2408), permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard the provisions of Second Revised Service Order No. 300 insofar as it applies to the furnishing of initial icing only at 60th Street, New York, N. Y., (by N. Y. C. RR), on twenty-one (21) refrigerator cars, loaded with potatoes, to be shipped August 9 or 10, 1945, from points on the Long Island Railroad, consigned to Quarter Master Market Center, New Orleans, Louisiana, for export (LI RR-NYC lines-Sou).

The waybills shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 9th day of August, 1945.

V. C. CLINGER,
Director,
Bureau of Service.

[F. R. Doc. 45-14936; Filed, Aug. 13, 1945; 11:24 a. m.]

[S. O. 343, General Permit]

ICING OF UNSULPHURED DRIED OR EVAPORATED FRUIT

Pursuant to the authority vested in me by paragraph (d) of the first ordering paragraph of Service Order No. 343 (10 F.R. 9603), permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard the provisions of Service Order No. 343 insofar as it applies to the furnishing of initial icing or reicing in transit on a refrigerator car loaded with a straight carload shipment of unsulphured dried or evaporated fruit which has been stored under refrigeration and is ordered moved under refrigeration and consigned to plants manufacturing strained baby foods: *Provided*, Shipper certifies on bill of lading that the dried or evaporated fruit is unsulphured and has been stored under refrigeration prior to the shipment thereof and is consigned to such manufacturers.

This general permit shall become effective at 12:01 a. m., August 10, 1945, and it shall expire at 11:59 p. m., September 20, 1945. The waybill shall show reference to this general permit.

A copy of this general permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 9th day of August, 1945.

V. C. CLINGER,
Director,
Bureau of Service.

[F. R. Doc. 45-14937; Filed, Aug. 13, 1945; 11:24 a. m.]

[Rev. S. O. 345, General Permit 1]

REICING OF POTATOES FROM OR WEST OF IDAHO, UTAH OR ARIZONA

Pursuant to the authority vested in me by paragraph (g) of the first ordering paragraph of Revised Service Order No. 345, permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard the provisions of Revised Service Order No. 345 insofar as it applies to the furnishing of a second reicing in transit not exceeding eight thousand (8,000) pounds of bunker ice in the territory west of the Mississippi River on any refrigerator car loaded with potatoes originating at any point or points located in the States of Idaho, Utah, or Arizona, or west thereof, and destined to points located in Louisiana (west of the Mississippi River), or in Texas in or east of the counties of Hardeman, Foard, Knox, Haskell, Jones, Taylor, Runnels, Concho, Menard, Kimble, Kerr, Real, Uvalde, Zavalla, Dimmit or Webb in Texas.

This general permit shall become effective at 12:01 a. m., August 10, 1945, and it shall expire at 12:01 a. m., September 15, 1945.

The waybills shall show reference to this general permit.

A copy of this general permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 9th day of August, 1945.

V. C. CLINGER,
Director,
Bureau of Service.

[F. R. Doc. 45-14938; Filed, Aug. 13, 1945; 11:24 a. m.]

OFFICE OF DEFENSE TRANSPORTATION.

[Notice and Order of Termination 21]

ARKANSAS MOTOR FREIGHT LINES, INC.

POSSESSION, CONTROL AND OPERATION OF MOTOR CARRIERS

Pursuant to Executive Order 9462 (9 F.R. 10071), I hereby determine that possession and control of the motor carrier transportation system of Arkansas Motor Freight Lines, Inc., by the United States is no longer necessary for the successful prosecution of the war, and it is hereby ordered, that:

1. *Termination of possession and control.* Possession and control by the United States of the motor carrier transportation system of Arkansas Motor Freight Lines, Inc., 120 North 2nd Street, Fort Smith, Arkansas, including all real and personal property and other assets of said motor carrier, taken and assumed pursuant to Executive Order 9462 and the notice and order of the Director of the Office of Defense Transportation issued August 11, 1944, is hereby terminated and relinquished as of 12:01 o'clock a. m., August 15, 1945. No further action shall be required to effect the termination of Government control and relinquishment of possession hereby ordered.

2. *Communications.* Communications concerning this order should be addressed to the Office of Defense Transportation, Washington 25, D. C., and should refer to "Notice and Order of Termination No. 21."

Issued at Washington, D. C., this 11th day of August 1945.

J. M. JOHNSON,
Director,
Office of Defense Transportation.

[F. R. Doc. 45-14805; Filed, Aug. 10, 1945; 3:15 p. m.]

WENTWORTH BUS LINES, INC.

POSTPONEMENT OF CANCELLATION ORDER

Pursuant to a directive issued by the Director of the Office of Economic Stabilization August 3, 1945 (10 F.R. 9684), *It is hereby ordered*, That the effective date of the Cancellation Order issued June 26, 1945, in the matter of Wentworth Bus Lines, Inc., Dover, New Hampshire (10 F.R. 7945), as postponed by Postponement of Cancellation Order (10 F.R. 8566), issued July 7, 1945, be, and it hereby is, further postponed to October 15, 1945.

Issued at Washington, D. C., this 11th day of August 1945.

J. M. JOHNSON
Director,
Office of Defense Transportation.

[F. R. Doc. 45-14806; Filed, Aug. 10, 1945; 3:15 p. m.]

[Supp. Order ODT 2-17]

KNOXVILLE TRANSIT LINES, KNOXVILLE, TENN.

SUBSTITUTION OF MOTOR BUS SERVICE FOR STREET RAILWAY SERVICE

Upon consideration of the application for authority to substitute motor bus service for certain street railway passenger service filed with the Office of Defense Transportation by the Knoxville Transit Lines, Knoxville, Tennessee, as contemplated by General Order ODT 2 (7 F.R. 2952), and good cause appearing therefor, *It is hereby ordered*, That:

1. Knoxville Transit Lines is authorized to abandon street railway service and to substitute therefor motor bus service over its Highland Avenue Line in the City of Knoxville, Tennessee: *Provided, however*, That no track used and needed by other street railway lines shall be abandoned, and that the said Knoxville Transit Lines, if and to the extent required by law, shall first obtain from the appropriate regulatory body or bodies authority to abandon such street railway service and to remove such tracks.

2. Communications concerning this order should refer to Supplementary Order ODT 2-17 and should be addressed to the Highway Transport Department, Office of Defense Transportation, Washington 25, D. C.

This order shall become effective August 15, 1945.

Issued at Washington, D. C., this 11th day of August 1945.

J. M. JOHNSON,
Director,
Office of Defense Transportation.

[F. R. Doc. 45-14807; Filed, Aug. 10, 1945; 3:15 p. m.]

[Notice and Order of Termination 22]

NORTHWEST FREIGHT LINES

POSSESSION, CONTROL AND OPERATION OF MOTOR CARRIERS

Pursuant to Executive Order 9462 (9 F.R. 10071), I hereby determine that possession and control of the motor carrier transportation system of Northwest Freight Lines by the United States is no longer necessary for the successful prosecution of the war, and it is hereby ordered, that:

1. *Termination of possession and control.* Possession and control by the United States of the motor carrier transportation system of Northwest Freight Lines, 324 Howard Avenue, Billings, Montana, including all real and personal property and other assets of said motor carrier, taken and assumed pursuant to Executive Order 9462 and the notice and order of the Director of the Office of Defense Transportation issued August 11, 1944, is hereby terminated and relinquished as of 12:01 o'clock a. m., August 16, 1945. No further action shall be required to effect the termination of Government control and relinquishment of possession hereby ordered.

2. *Communications.* Communications concerning this order should be addressed to the Office of Defense Transportation, Washington 25, D. C., and should refer to "Notice and Order of Termination No. 22".

Issued at Washington, D. C., this 13th day of August 1945.

J. M. JOHNSON,
Director,
Office of Defense Transportation.

[F. R. Doc. 45-14910; Filed, Aug. 13, 1945; 10:18 a. m.]

OFFICE OF PRICE ADMINISTRATION.

[MPR 592, Amdt. 1 to Order 1]

SPECIFIED CONSTRUCTION MATERIALS AND REFRACTORIES

ESTABLISHMENT OF MAXIMUM PRICES

An opinion accompanying this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.

A new section 8.1 (d) is added to read as follows:

(d) *Maximum prices for manufacturers in the New England and Eastern New York area.* (1) The manufacturer's maximum prices established pursuant to Maximum Price Regulation 592, for building, chemical and industrial lime (excluding agricultural lime), produced in the States of Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, and that portion of the State of New York lying east of the 77th meridian, may be increased by adding an amount not in excess of $1.20 per net ton to the f. o. b. plant or delivered prices.

(2) Any individual price adjustments granted prior to August 13, 1945, by the Price Administrator or any Regional Administrator to any manufacturer of lime, covered by the provisions set forth above, in an amount equal to or less than the increase permitted by this section, are hereby revoked.

(3) Any individual price adjustments granted prior to August 13, 1945, by the Price Administrator or any Regional Administrator to any manufacturer of lime covered by the provisions set forth above, in an amount greater than the increase permitted by this section, are hereby continued in full force and effect; such individual adjustments shall not however, be further increased by the amount permitted under this section.

(4) Notwithstanding the provisions of (2) and (3) above any manufacturer who has received an individual adjustment for a line of lime products (excluding agricultural lime) some of which adjustments are equal to or less than the increase permitted by this section, and some of which are greater than the increase permitted by this section, may increase the lesser adjustment up to the increase permitted by this section providing he simultaneously decreases the greater adjustments to the limit of the increase permitted by this section.

Any manufacturer who chooses to avail himself of the terms of this subparagraph (4) shall be deemed to have made an irrevocable election to use this method, and all prior individual adjustments for the line of products shall be automatically revoked upon such election.

(5) Any jobber or dealer or "agent" purchasing building, chemical and industrial line (excluding agricultural line) for resale from any manufacturer who has modified his maximum prices in accordance with (1) above, may increase his maximum prices f. o. b. yard or delivered established by the General Maximum Price Regulation, by the dollars-and-cents increase in cost resulting from the increase permitted the manufacturer under (1) above where the reseller normally sells city water works or sewage disposal plants on the basis of a commission of $1.00 or less.

This amendment shall become effective August 13, 1945.

Issued this 11th day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-14864; Filed, Aug. 11, 1945; 11:25 a. m.]

[RMPR 528, Order 55]

TIRES AND TUBES, RECAPPING AND REPAIRING, AND CERTAIN REPAIR MATERIALS

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith, and filed with the Division of the Federal Register, and pursuant to section 16 (d) of Revised Maximum Price Regulation 528; *It is ordered:*

(a) The maximum retail prices for the following sizes and types of new tires and tubes shall be:

Size	Ply	Type	Tire, each	Tube, each
14-26	6	Farm tractor rear	$91.10	$14.05
18.26	10	Farm tractor rear	272.15	24.40
7.00-15 (15" special).	8	Mud and snow	31.90	...
7.50-16	8	Mud and snow	33.50	...

(b) All provisions of Revised Maximum Price Regulation 528 not inconsistent with this order shall apply to sales covered by this order.

(c) This order may be revoked or amended by the Office of Price Administration at any time.

This order shall become effective August 14, 1945.

Issued this 13th day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-14969; Filed, Aug. 13, 1945; 11:42 a. m.]

[Supp. Order 94, Corr. to Order 69]

USED AIRPLANE TIRES

MAXIMUM PRICES FOR SALES BY THE DEPARTMENT OF COMMERCE

Paragraph (a) of Order No. 69 under Supplementary Order 94 is corrected by substituting the quantity "15,888", in lieu of "6,135" where the latter appears for Item 4-0439802.

This correction shall become effective August 13, 1945.

Issued this 13th day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-14975; Filed, Aug. 13, 1945; 11:41 a. m.]

[Order 31 Under 3 (e), Amdt. 1]

MIRACLE ADHESIVES CORP.

ESTABLISHMENT OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith, and pursuant to § 1499.3 (e) (3), Order No. 31, issued February 20, 1945 is amended by adding at the end of that part of the table in paragraph (a) headed "*Miracle adhesive types H, M, MT, P, G, C (127, 970)*" the following:

	Prime distributor	Subdistributor	Wholesaler	Dealer	Retail (A) consumer	Retail (B) consumer
Miracle adhesives (types H, M, MT, P, G, C (127, 970) ¼ Pt.	$0.137	$0.176	$0.196	$0.215	$0.40	$0.45

This amendment shall become effective August 11, 1945.

Issued this 10th day of August 1945.

CHESTER BOWLES,
Administrator.

[F.R. Doc 45-14827; Filed, Aug. 10, 1945; 4:32 p.m.]

[Order 70 Under 3 (e)]

GUILD CHEMICAL CO.

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith, *It is ordered:*

(a) The maximum prices for sales of Sta-Dri, a water and stain repellant marketed by The Guild Chemical Co., 1136–38 North 41st Street, Philadelphia 4, Pa., shall be:

To jobbers—$6.00 per case of 12 quart bottles, f. o. b. Philadelphia, Pa.
To retailers—$9.00 per case of 12 quart bottles
To consumers—$12.00 per case of 12 quart bottles or $1.00 per 1 quart bottle.

On sales to retailers and consumers, the above prices are either f. o. b. jobber's warehouse or retailer's store, respectively, or delivered to retailer's store or consumer's place of business, respectively, in accordance with practice of the seller with respect to like products in effect during March 1942.

(b) No extra charge may be made for containers.

(c) With or prior to the first delivery of Sta-Dri to a jobber or retailer, The Guild Chemical Co. or any other seller shall furnish such jobber or retailer with a written notice containing the schedule of maximum prices set out in paragraph (a) above, a statement that they have been approved by the Office of Price Administration, and in the case of a delivery to a jobber, also a statement that with or prior to the jobber's first delivery to a retailer, such jobber is required by the Office of Price Administration to furnish such retailer with a written notice containing the schedule of maximum prices set out in paragraph (a) above and a statement that they have been approved by the Office of Price Administration.

(d) Prior to making any delivery of Sta-Dri after the effective date of this order, The Guild Chemical Co. shall mark or cause to be marked on each quart bottle, the following legend:

Retail ceiling price $1.00.

(e) This order may be revoked or amended by the Administrator at any time.

This order shall become effective August 11, 1945.

Issued this 10th day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-14828; Filed, Aug. 10, 1945; 4:32 p. m.]

[MPR 64, Amdt. 2 to Order 177]

RENOWN STOVE CO.

ADJUSTMENT OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register and pursuant to §§ 10 and 11 of Maximum Price Regulation No. 64, *It is ordered:*

That Order No. 177 under Maximum Price Regulation No. 64 is amended in the following respect:

The last portion of paragraph (a) immediately following the table of manufacturer's maximum prices set forth therein is amended to read as follows:

These adjusted maximum prices are subject to the manufacturer's customary terms, discounts, and allowances which are no less favorable than those in effect during the period January 15 to June 1, 1941.

This amendment shall become effective on the 11th day of August 1945.

Issued this 10th day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-14829; Filed, Aug. 10, 1945; 4:32 p. m.]

[RMPR 122, Amdt. 31 to Rev. Order 47]

SOLID FUELS IN WASHINGTON AREA AND ALEXANDRIA, VA.

ADJUSTMENT OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith, and in accordance with § 1340.260 of Revised Maximum Price Regulation No. 122; *It is ordered,* That Revised Order No. 47 under Revised Maximum Price Regulation No. 122 be amended in the following respects:

1. In paragraph (c) (1) the maximum price for coke is amended to read as follows:

	Per ton net 2,000 lbs.	Per ½ ton net 1,000 lbs.
Coke	$13.90	$7.45

2. In paragraph (d) the maximum price for coke is amended to read as follows:

	Consumer prices net ton, 2,000 lbs.	Dealer prices net ton, 2,000 lbs.
Coke	$12.90	$12.90

This amendment to Revised Order No. 47 shall become effective August 10, 1945.

Issued this 10th day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-14830; Filed, Aug. 10, 1945; 4:33 p. m.]

[RMPR 136, Order 483]

MILWAUKEE AUTOMOTIVE TRADES

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to and under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, the Stabilization Act of 1942, as amended, Executive Orders Nos. 9250 and 9328, and sections 9, 10, and 11 (c) of Revised Maximum Price Regulation 136; *It is ordered:*

(a) Milwaukee Automotive Trades, 4123 West Bluemound Road, Milwaukee 8, Wisconsin, may sell, f. o. b. factory, each Milwaukee trailer, described in subparagraph (1) below, at a price not to exceed $58.80 plus federal excise tax, and state and local taxes on its sale or delivery of the trailer and the cost of transporting the trailer to the purchaser, if any.

(1) Description. Two-wheel automotive trailer, steel welded construction; 72" long x 45" wide x 15" deep; over one-half ton loading capacity; equipped without tires.

(b) Milwaukee Automotive Trades is authorized to suggest to resellers a resale price for the trailer described in paragraph (a) (1) consisting of the following:

(1) Suggested resale price: $73.50.

(2) Charges. (i) A charge for transportation, if any, not to exceed the actual rail freight charge from the factory at Milwaukee, Wisconsin, to the railroad freight receiving station nearest to the place of business of the reseller.

(ii) A charge equal to the charge made by Milwaukee Automotive Trades to cover federal excise taxes.

(iii) A charge equal to reseller's expense for payment of state and local taxes on the purchase, sale or delivery of the trailers.

(c) All requests not granted herein are denied.

(d) This order may be amended or revoked by the Administrator at any time.

NOTE: Where the manufacturer's invoice charge to the reseller is increased or decreased from the previous invoice charge because the manufacturer has a newly established price under section 8 of Revised Maximum Price Regulation 136, due to substantial changes in design, specifications or equipment of the trailer, the reseller may add to its price under paragraph (b) the increase in price, plus its customary markup on such a cost increase, but in case of a decrease in the price, the reseller must reduce its price under paragraph (b) by the amount of the decrease, and its customary markup on such an amount.

This order shall become effective August 11, 1945.

Issued this 10th day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-14831; Filed, Aug. 10, 1945; 4:33 p. m.]

[RMPR 136, Order 485]

CROUSE-HINDS CO.

AUTHORIZATION OF MAXIMUM PRICES

Order No. 485 under Revised Maximum Price Regulation 136. Machines, parts, and industrial equipment. Crouse-Hinds Company. Docket No. 6083–136.21–419.

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to section 21 of Revised Maximum Price Regulation 136, *It is ordered:*

(a) The maximum list prices for sales by Crouse-Hinds Company, Syracuse, New York, of the following brass fittings shall be as follows:

Catalog No.:	*Maximum list price*
FSO1–S1	$1.20
FSO19–S1	1.95
FSO29–S1	4.00
FSO39–S1	5.50
GRF11	1.05
GRF196	3.20
GRF199	2.75
GRF256	3.55
GRF299	3.10
GRF1393	2.15
GRF1910	3.40
GRF1950	3.85
GRF2010	3.75
MLC104CG	7.95
MLC204CG	8.65
MR15	4.25
MS11	4.85
MSR215	6.05
FSO611	2.00
FSO615	1.70
FSO625	1.85

(b) The maximum prices for sales by resellers of brass fittings listed in paragraph (a) shall be determined as follows: The reseller shall increase or decrease the maximum net price he had in effect to a purchaser of the same class just prior to the issuance of this order by the percentage by which his net invoiced cost has been increased or decreased by reason of this order.

(c) Crouse-Hinds Company shall notify each person who buys brass fittings listed in paragraph (a) for resale of the percentage by which this order permits the reseller to increase, or requires him to decrease, his maximum price. A copy of each such notice shall be filed with the Machinery Branch, Office of Price Administration, Washington 25, D. C.

(d) Crouse-Hinds Company shall file with the Machinery Branch, Office of Price Administration, Washington 25, D. C., the following:

(i) The reduction in list prices for its brass fittings immediately after they are published.

(ii) Within six months after the issuance of this order a list of all the sales made at the new prices established herein.

(e) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective August 11, 1945.

Issued this 10th day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-14832; Filed, Aug. 10, 1945; 4:33 p. m.]

[MPR 188, Order 115, Under 2d Rev. Order A-3]

PARKS BROOM CO.

ADJUSTMENT OF MAXIMUM PRICES

For the reasons set forth in an opinion, issued simultaneously herewith, and filed with the Division of the Federal Register, and pursuant to Second Revised Order A-3 and paragraph (a) (16) of Order A-2 under § 1499.159b of Maximum Price Regulation No. 188, It is ordered:

(a) *Manufacturer's maximum prices.* Parks Broom Company, Lawton, Oklahoma, on and after the effective date of this order may sell the brooms listed below of its manufacture to wholesale grocers at prices no higher than its prices for such sales in effect immediately prior to the effective date of this order plus the adjustment charges set forth opposite each article:

Article	Weight	Current maximum prices to wholesale grocers	Adjustments for sales to wholesale grocers	Adjusted maximum prices for sales to wholesale grocers
	Lbs.	*Per doz.*	*Per doz.*	*Per doz.*
Warehouse Broom	32	$7.82	$2.14	$9.97
Household Broom	24	6.73	1.14	7.86
	22	6.43	1.43	7.86

These adjustment charges may be collected only if they are separately stated on the invoice. The adjusted prices are subject to the manufacturer's discounts, allowances, and other price differentials in effect during March 1942 on sales to each class of purchaser.

(b) *Maximum prices of purchaser for resale.* A person who hereafter buys an article covered by this order and resells it in substantially the same form, may collect from his customer, in addition to his properly established maximum price in effect prior to the issuance of this order, an adjustment charge in the same amount as the adjustment charge herein authorized for and which he pays to his supplier. If such a purchaser did not have an established maximum price for sales of the article prior to the issuance of this order, he may add the same adjustment charge to the maximum price which he hereafter establishes for his sales under the applicable price regulation. If the applicable regulation requires maximum resale prices to be computed on the basis of costs, the reseller must find his maximum prices (without the permitted adjustment charge) by using as costs his invoice costs not including any adjustment charges stated on the invoice. On all sales except sales to ultimate consumers these additional adjustment charges may be made and collected only if they are separately stated on each invoice. The adjusted maximum prices are subject to each seller's customary terms, discounts, and allowances on sales to the same or similar articles, to each class of purchaser.

(c) *Notification.* At the time of or prior to the first invoice to a purchaser for resale on and after the effective date of this order, showing a price adjusted in accordance with the terms of this order, the seller shall notify the purchaser in writing of the method established by paragraph (b) of this order for determining adjusted maximum prices for resales of the article. This notice may be given in any convenient form.

(d) All requests not specifically granted by this order are hereby denied.

(e) This order may be revoked or amended by the Price Administrator at any time.

(f) This order shall become effective on the 11th day of August 1945.

Issued this 10th day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-14834; Filed, Aug. 10, 1945; 4:28 p. m.]

[MPR 188, Order 4204]

X-ACTO CRESCENT PRODUCTS CO., INC.

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.157 of Maximum Price Regulation No. 188, *It is ordered:*

(a) This order establishes maximum prices for sales and deliveries of Junior Modeling Knives manufactured by the X-acto Crescent Products Co., Inc., 449 Fourth Avenue, New York, N. Y.

(1) For all sales and deliveries to the following classes of purchasers by the sellers indicated below, the maximum prices are those set forth below:

Article	Model	Maximum prices for sales by any seller to—		
		Jobber	Retailer	Consumer
Junior modeling knife	7	*Each* $0.1125	*Each* $0.15	*Each* $0.25

These maximum prices are for the articles described in the manufacturer's application dated August 28, 1944.

(2) For sales by the manufacturer, these maximum prices apply to all sales

and deliveries after the effective date of this order. The manufacturer's prices are f. o. b. factory and subject to a cash discount of 2% for payment in 10 days, net 30 days.

(b) At the time of, or prior to, the first invoice to each purchaser for resale, the seller shall notify the purchaser in writing of the maximum prices and conditions established by this order for sales by the purchaser. This notice may be given in any convenient form.

(c) This order may be revoked or amended by the Price Administrator at any time.

(d) This order shall become effective on the 11th day of August 1945.

Issued this 10th day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-14813; Filed, Aug. 10, 1945; 4:28 p. m.]

[MPR 188, Order 4238]

LEONARD O. REDDING

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.158 of Maximum Price Regulation No. 188; *It is ordered:*

(a) This order establishes maximum prices for sales and deliveries of certain articles manufactured by Leonard O. Redding, 801 South Gramercy Drive, Los Angeles 5, California.

(1) For all sales and deliveries to the following classes of purchasers by the sellers indicated below, the maximum prices are those set forth below:

Article	Model No.	Maximum prices for sales by all persons to—		
		Wholesalers	Retailers	Consumers
		Each	*Each*	*Each*
Cigarette lighter	1 "Reddylite"...	$1.50	$1.80	$3.00

These maximum prices are for the articles described in the manufacturer's application dated June 11, 1945.

(2) For sales by the manufacturer, the maximum prices apply to all sales and deliveries since Maximum Price Regulation No. 188 became applicable to those sales and deliveries. For sales to persons other than consumers they are f. o. b. factory, 2% 10 days, net 30. The maximum price to consumers is net, delivered.

(3) For sales by persons other than the manufacturer, the maximum prices apply to all sales and deliveries after the effective date of this order. Those prices are subject to each seller's customary terms and conditions of sale on sales of similar articles.

(4) If the manufacturer wishes to make sales and deliveries to any other class of purchaser or on other terms and conditions of sale, he must apply to the Office of Price Administration, Washington, D. C., under the Fourth Pricing Method, § 1499.158 of Maximum Price Regulation No. 188, for the establishment of maximum prices for those sales, and no sales or deliveries may be made until maximum prices have been authorized by the Office of Price Administration.

(b) The manufacturer shall attach a tag or label to every article for which a maximum price for sales to consumers is established by this order. That tag or label shall contain the following statement:

OPA Retail Ceiling Price—$3.00 Each
Do Not Detach

(c) At the time of, or prior to, the first invoice to each purchaser for resale, the seller shall notify the purchaser in writing of the maximum prices and conditions established by this order for sales by the purchaser. This notice may be given in any convenient form.

(d) This order may be revoked or amended by the Price Administrator at any time.

(e) This order shall become effective on the 11th day of August 1945.

Issued this 10th day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-14814; Filed, Aug. 10, 1945; 4:28 p. m.]

[MPR 188, Order 4239]

DETECTO SCALES, INC.

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.157 of Maximum Price Regulation No. 188 and section 6.4 of Second Revised Supplementary Regulation No. 14, *It is ordered:*

(a) This order establishes maximum prices for sales and deliveries of bathroom scales manufactured by Detecto Scales, Incorporated, 1 Main Street, Brooklyn 1, N. Y.

(1) For all sales and deliveries to the following classes of purchasers by the sellers indicated below, the maximum prices are those set forth below:

Article	Model	Maximum prices for sales by any seller to—			
		Wholesalers (jobbers)	Department and chain stores	Other retailers	Consumers
		Each	*Each*	*Each*	*Each*
Detecto bathroom scale with lucite magnifying glass	1018M...	$2.50	$3.00	$3.33	[1] $5.00 [2] $5.30

[1] East of Mississippi.
[2] West of Mississippi.

These maximum prices are for the articles described in the manufacturer's application dated July 10, 1945.

(2) For sales by the manufacturer, these maximum prices apply to all sales and deliveries after the effective date of this order. The manufacturer's prices are f. o. b. factory and subject to a cash discount of 2% for payment within 10 days, net 30 days. The freight differential for sales between territory east and west of the Mississippi is $.30 for each scale. The prices for sales by persons other than the manufacturer are subject to each seller's customary terms and conditions of sale of similar articles.

(b) The manufacturer shall attach a tag or label to every article for which a maximum price for sales to consumers is established by this order. That tag or label shall contain the following statement:

OPA Retail Ceiling Price East of Mississippi $5.00
OPA Retail Ceiling Price West of Mississippi $5.30
Do Not Detach or Obliterate

(c) At the time of, or prior to, the first invoice to each purchaser for resale, the seller shall notify the purchaser in writing of the maximum prices and conditions established by this order for sales by the purchaser. This notice may be given in any convenient form.

(d) This order may be revoked or amended by the Price Administrator at any time.

(e) This order shall become effective on the 11th day of August 1945.

Issued this 10th day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-14815; Filed, Aug. 10, 1945; 4:28 p. m.]

[MPR 188, Order 4240]

THE BURROWS METAL MFG. CO.

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.158 of Maximum Price Regulation No. 188; *It is ordered:*

(a) This order establishes maximum prices for sales and deliveries of certain articles manufactured by The Burrows Metal Manufacturing Company, 120-126 Eleventh Avenue, New York, N. Y.

(1) For all sales and deliveries to the following classes of purchasers by the sellers indicated below, the maximum prices are those set forth below:

Article	Model No.	For sales by the manufacturer—		For sales by any person to consumers
		Jobbers	Retailers	
		Each	*Each*	*Each*
Metal bed lamp, lacquered, 8 inch length	100	$1.180	$1.20	$2.13
Table lamp, polished brass column and plastic base	150	3.93	4.62	8.36
Small table lamp, circular brass column and plastic base	200	1.79	2.11	3.80

These maximum prices are for the articles described in the manufacturer's application dated May 4, 1945.

(2) For sales by the manufacturer, the maximum prices apply to all sales and deliveries since Maximum Price Regulation No. 188 became applicable to those sales and deliveries. For sales to persons other than consumers they are f. o. b. factory, 2% 10 days, net 30. The maximum price to consumers is net, delivered.

(3) For sales by persons other than the manufacturer, the maximum prices apply to all sales and deliveries after the effective date of this order. Those prices are subject to each seller's customary terms and conditions of sale on sales of similar articles.

(4) If the manufacturer wishes to make sales and deliveries to any other class of purchaser or on other terms and conditions of sale, he must apply to the Office of Price Administration, Washington, D. C., under the Fourth Pricing Method, § 1499.158 of Maximum Price Regulation No. 188, for the establishment of maximum prices for those sales, and no sales or deliveries may be made until maximum prices have been authorized by the Office of Price Administration.

(b) The manufacturer shall attach a tag or label to every article for which a maximum price for sales to consumers is established by this order. That tag or label shall contain the following statement, with the proper model number and the ceiling price inserted in the blank spaces:

Model No. ------
OPA Retail Ceiling Price—$------
Do Not Detach

(c) At the time of, or prior to, the first invoice to each purchaser for resale, the seller shall notify the purchaser in writing of the maximum prices and conditions established by this order for sales by the purchaser. This notice may be given in any convenient form.

(d) Jobber's maximum prices for sales of the articles covered by this order shall be established under the provisions of section 4.5 of SR 14J.

(e) This order may be revoked or amended by the Price Administrator at any time.

(f) This order shall become effective on the 11th day of August 1945.

Issued this 10th day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-14816; Filed, Aug. 10, 1945; 4:29 p. m.]

[MPR 188, Order 4241]

OHIO VALLEY TOOL AND DIE CO.

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.158 of Maximum Price Regulation No. 188; *It is ordered:*

(a) This order establishes maximum prices for sales and deliveries of certain articles manufactured by the Ohio Valley Tool and Die Company, 316 North Fourth Street, Steubenville, Ohio.

(1) For all sales and deliveries to the following classes of purchasers by the sellers indicated below, the maximum prices are those set forth below:

Article	Model No.	Maximum prices for sales by any seller to—			
		Wholesalers (jobbers)	Department and chain stores	Other retailers	Consumers
		Each	*Each*	*Each*	*Each*
Dutch oven, made of Stamped Metal, Black Oxide Finish, 9⅝" diameter by 2½" deep	1016	$0.77	$0.93	$1.04	$1.55
Combination chicken fryer and Dutch oven with detachable handle, made of stamped metal, black oxide finish, 9⅝" diameter x 2½" deep	1010	.80	.96	1.07	1.60

These maximum prices are for the articles described in the manufacturer's application dated July 6, 1945.

(2) For sales by the manufacturer, the maximum prices apply to all sales and deliveries since Maximum Price Regulation No. 188 became applicable to those sales and deliveries. They are f. o. b. factory and subject to a cash discount of 2% for payment within 10 days, net 30 days.

(3) For sales by persons other than the manufacturer, the maximum prices apply to all sales and deliveries after the effective date of this order. Those prices are subject to each seller's customary terms and conditions of sale on sales of similar articles.

(4) If the manufacturer wishes to make sales and deliveries to any other class of purchaser or on other terms and conditions of sale, he must apply to the Office of Price Administration, Washington, D. C., under the Fourth Pricing Method, § 1499.158 of Maximum Price Regulation No. 188, for the establishment of maximum prices for those sales, and no sales or deliveries may be made until maximum prices have been authorized by the Office of Price Administration.

(b) The manufacturer shall attach a tag or label to every article for which a maximum price for sales to consumers is established by this order. That tag or label shall contain the following statement with the correct retail ceiling price filled in:

OPA Retail Ceiling Price—$------
Do Not Detach

(c) At the time of, or prior to, the first invoice to each purchaser for resale, the seller shall notify the purchaser in writing of the maximum prices and conditions established by this order for sales by the purchaser. This notice may be given in any convenient form.

(d) This order may be revoked or amended by the Price Administrator at any time.

(e) This order shall become effective on the 11th day of August 1945.

Issued this 10th day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-14817; Filed, Aug. 10, 1945; 4:30 p. m.]

[MPR 188, Order 4243]

PERNOT AND RICH, INC.

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.158 of Maximum Price Regulation No. 188; *It is ordered:*

(a) This order establishes maximum prices for sales and deliveries of certain articles manufactured by Pernot and Rich, Incorporated, 2546 San Fernando Road, Los Angeles, Calif.

(1) For all sales and deliveries to the following classes of purchasers by the sellers indicated below, the maximum prices are those set forth below:

MAXIMUM PRICES FOR SALES BY ANY SELLER TO—

Article	Model	Distributor	Wholesalers (jobbers) mill, electric motor, restaurant, and hotel, or store equipment suppliers	Retailers, industrial, commercial, or institutional users (3 units or more)	Retailers, industrial, commercial, or institutional users (less than 3 units)	Users other than industrial, commercial or institutional
Evaporative cooler	14-F	$22.91	$25.45	$30.09	$32.30	$48.59
Evaporative cooler cabinet	14-16-F	13.20	14.66	17.33	18.66	27.99

These maximum prices are for the articles described in the manufacturer's application dated June 11, 1945.

(2) For sales by the manufacturer, the maximum prices apply to all sales and deliveries since Maximum Price Regulation No. 188 became applicable to those sales and deliveries. These prices are f. o. b. factory and subject to a cash discount of 2% for payment within 10 days, net 30 days. These prices include Federal Excise Tax.

(3) For sales by persons other than the manufacturer, the maximum prices apply to all sales and deliveries after the effective date of this order. Those prices are subject to each seller's customary terms and conditions of sale on sales of similar articles.

(4) If the manufacturer wishes to make sales and deliveries to any other class of purchaser or on other terms and conditions of sale, he must apply to the Office of Price Administration, under the Fourth Pricing Method, § 1499.158 of Maximum Price Regulation No. 188, for the establishment of maximum prices for these sales, and no sales or deliveries may be made until maximum prices have been authorized by the Office of Price Administration.

(b) The manufacturer shall attach a tag or label to every article for which a maximum price for sales to consumers

is established by this order. That tag or label shall contain the following statement with the model number and retail prices properly filled in:

Model No. ------
OPA Retail Ceiling Price to Users Other than Industrial, Commercial or Institutional $---- .
Do Not Detach or Obliterate

(c) At the time of, or prior to, the first invoice to each purchaser for resale, the seller shall notify the purchaser in writing of the maximum prices and conditions established by this order for sales by the purchaser. This notice may be given in any convenient form.

(d) This order may be revoked or amended by the Price Administrator at any time.

(e) This order shall become effective on the 11th day of August 1945.

Issued this 10th day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc 45-14818; Filed, Aug. 10, 1945; 4:30 p. m.]

[MPR 188, Order 4245]

MICHIGAN SPECIALTY AND MFG. CO.

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.158 of Maximum Price Regulaton No. 188, *It is ordered:*

(a) This order establishes maximum prices for sales and deliveries of certain articles manufactured by Michigan Specialty and Manufacturing Company, of 1508 Columbus Avenue, Bay City, Mich.

(1) For all sales and deliveries to the following classes of purchasers by the sellers indicated below, the maximum prices are those set forth below:

Article	Model No.	Maximum prices for sales by any person to—		
		Wholesalers (jobbers)	Retailers	Consumers
Christmas Tree Holder.	XS-1.....	*Dozen* $7.50	*Dozen* $10.00	*Each* $1.25

These maximum prices are for the articles described in the manufacturer's application dated June 7, 1945.

(2) For sales by the manufacturer, the maximum prices apply to all sales and deliveries since Maximum Price Regulation No. 188 became applicable to those sales and deliveries. These prices are f. o. b. factory and subject to a cash discount of 2% for payment within 10 days, net 30 days.

(3) For sales by persons other than the manufacturer, the maximum prices apply to all sales and deliveries after the effective date of this order. Those prices are subject to each seller's customary terms and conditions of sale on sales of similar articles.

(4) If the manufacturer wishes to make sales and deliveries to any other class of purchaser or on other terms and conditions of sale, he must apply to the Office of Price Administration, Washington, D. C., under the Fourth Pricing Method, § 1499.158 of Maximum Price Regulation No. 188, for the establishment of maximum prices for those sales, and no sales or deliveries may be made until maximum prices have been authorized by the Office of Price Administration.

(b) The manufacturer shall attach a tag or label to every article for which a maximum price for sales to consumers is established by this order. That tag or label shall contain the following statement:

OPA Retail Ceiling Price—$1.25
Do Not Remove or Obliterate

(c) At the time of, or prior to, the first invoice to each purchaser for resale, the seller shall notify the purchaser in writing of the maximum prices and conditions established by this order for sales by the purchaser. This notice may be given in any convenient form.

(d) This order may be revoked or amended by the Price Administrator at any time.

(e) This order shall become effective on the 11th day of August 1945.

Issued this 10th day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-14819; Filed, Aug. 10, 1945; 4:31 p. m.]

[MPR 260, Corr. to Amdt. 1 to Order 75]

DESIDERO ARNAZ

AUTHORIZATION OF MAXIMUM PRICES

The amendment to Order 75 issued July 27, 1945, effective July 28, 1945 was incorrectly designated Amendment 1. It is hereby corrected to read Amendment 2.

Issued this 10th day of August 1945.

CHESTER BOWLES,
Administrator.

[F.R. Doc. 45-14820; Filed, Aug. 10, 1945; 4.31 p..m.]

[MPR 336, Order 3]

CLALLAM AND GRAY'S HARBOR COUNTIES, WASH.

DESIGNATION AS DEFICIENCY AREAS WITH RESPECT TO PORK CUTS AND CERTAIN SAUSAGE PRODUCTS

Pursuant to Section 5 (d) (3) of Maximum Price Regulation No. 336, I find there exists in each of the areas hereinafter named, located in Zone 1 and having populations not in excess of 25,000 persons, quotas permitting sales of retail meat cuts which are insufficient to supply the meat requirements of other retail dealers meeting the criteria established for retail dealers authorized to purchase retail meat cuts for resale purposes under the provisions of subparagraph (1) of section 5 (d) of Maximum Price Regulation No. 336. I find further that this condition has occurred because of an increase in population in such areas. The areas are:

1. That portion of Clallam County, Washington, extending west from, but not including the corporate limits of the town of Port Angeles, to and including the village of Neah Bay, and the adjacent area located south thereof, to and including the village of Lapush, Clallam County, Washington.

2. That portion of Gray's Harbor County, Washington, located on Gray's Harbor, between the town of Tokeland on the south and the town of Queets on the north, and including the corporate limits of each, all beach towns located therein, and the lumbering communities of Alloha and Sunset Beach, but excluding the area comprising the corporate limits of the cities of Aberdeen and Hoquiam, Washington.

The areas named hereby are designated as "deficiency areas" under the provisions of Section 5 (d) (3) of Maximum Price Regulation No. 336, and the respective District Director of the appropriate District Office of the Office of Price Administration within whose jurisdiction any one of the named areas is located may, in writing, authorize named retail selling establishments customarily serving such area, and which are not hotel supply houses, and which do not own or control a packing or a slaughtering plant and which are not owned or controlled by a person who owns or controls a packing or slaughtering plant, to sell retail meat cuts to other retail dealers located in the specific deficiency area who are qualified to make such purchases under the provisions of subparagraph (1) of section 5 (d) of Maximum Price Regulation No. 336, in whatever volume and subject to whatever terms and conditions he may deem necessary: *Provided*, That in no event may any designated retail selling establishment be authorized to sell retail meat cuts, in excess of 70 percent of its total current monthly dollar volume of meat sales, to buyers who are not ultimate consumers: *And provided further*, That each seller authorized to sell retail meat cuts to other retail dealers for resale purposes under the provisions of this Order No. 3 under said section 5 (d) (3) of Maximum Price Regulation No. 336 shall be required to conform to the reporting provisions and all other requirements of said section 5 (d) (3).

This designation shall remain in effect to and including October 15, 1945, unless sooner terminated.

This order may be revoked or amended at any time.

This order shall become effective August 11, 1945.

Issued this 10th day of August 1945.

CHESTER BOWLES,
Administrator.

[F.R. Doc. 45-14821; Filed, Aug. 10, 1945; 4:31 p.m.]

[MPR 336, Order 4]

CLALLAM AND GRAY'S HARBOR COUNTIES, WASH.

DESIGNATION AS DEFICIENCY AREAS WITH RESPECT TO PORK CUTS AND CERTAIN SAUSAGE PRODUCTS

Pursuant to section 5 (b) (6) of Maximum Price Regulation No. 336, I find there exists in each of the areas hereinafter named, located in Zone 1 and having populations not in excess of 25,000 persons, quotas permitting sales of fabricated meat cuts and quotas permitting sales of retail meat cuts to purveyors of meals which are insufficient to supply the requirements of purveyors of meals located in those areas. I find further that this condition has occurred because of an increase in population in such areas due to causes other than the establishment and maintenance of a project or projects connected directly with the war effort and under the direction and control of the United States Government. The areas are:

1. That portion of Clallam County, Washington, extending west from, but not including the corporate limits of the town of Port Angeles, to and including the village of Neah Bay, and the adjacent area located south thereof, to and including the village of Lapush, Clallam County, Washington.

2. That portion of Gray's Harbor County, Washington, located on Gray's Harbor, between the town of Tokeland on the south and the town of Queets on the north, and including the corporate limits of each, all beach towns located therein, and the lumbering communities of Alloha and Sunset Beach, but excluding the area comprising the corporate limits of the cities of Aberdeen and Hoquiam, Washington.

The areas named hereby are designated as "deficiency areas" under the provisions of section 5 (b) (6) of Maximum Price Regulation No. 336, and the respective District Director of the appropriate District Office of the Office of Price Administration within whose jurisdiction any one of the named areas is located may, in writing, authorize named retail selling establishments customarily servicing such area and which are not hotel supply houses and which do not own or control a packing or slaughtering plant and which are not owned or controlled by a person who owns or controls a packing or slaughtering plant, to sell retail meat cuts to purveyors of meals located in the specific deficiency area named in whatever volume and subject to whatever terms and conditions he may deem necessary: *Provided*, That in no event may any designated retail selling establishment be authorized to sell retail meat cuts in excess of 70 percent of its total current monthly dollar volume of meat sales to buyers who are not ultimate consumers: *And provided further*, That each seller authorized to sell retail meat cuts to purveyors of meals under the provisions of this Order No. 4 under said section 5 (b) (6) of Maximum Price Regulation No. 336 shall be required to conform to the reporting provisions and all other requirements of said section 5 (b) (6).

This designation shall remain in effect to and including October 15, 1945, unless sooner terminated.

This order may be revoked or amended at any time.

This order shall become effective August 11, 1945.

Issued this 10th day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-14823; Filed, Aug. 10, 1945; 4:31 p. m.]

[MPR 336, Order 5]

GRANT COUNTY, WASH.

DESIGNATION AS DEFICIENCY AREA WITH RESPECT TO PORK CUTS AND CERTAIN SAUSAGE PRODUCTS

Pursuant to section 5 (b) (6) of Maximum Price Regulation No. 336, I find there exists in Grant County, Washington, located in Zone 1 and having a population not in excess of 25,000 persons, quotas permitting sales of fabricated meat cuts and quotas permitting sales of retail meat cuts to purveyors of meals which are insufficient to supply the requirements of purveyors of meals located in that area. I find further that this condition has occurred because of an increase in population in such area due to causes other than the establishment and maintenance of a project or projects connected directly with the war effort and under the direction and control of the United States Government.

The area named hereby is designated as a "deficiency area" under the provisions of section 5 (b) (6) of Maximum Price Regulation No. 336, and the respective District Director of the appropriate District Office of the Office of Price Administration within whose jurisdiction the named area is located may, in writing, authorize named retail selling establishments customarily servicing such area and which are not hotel supply houses and which do not own or control a packing or slaughtering plant and which are not owned or controlled by a person who owns or controls a packing or slaughtering plant, to sell retail meat cuts to purveyors of meals located in the specific deficiency area named in whatever volume and subject to whatever terms and conditions he may deem necessary: *Provided*, That in no event may any designated retail selling establishment be authorized to sell retail meat cuts in excess of 70 percent of its total current monthly dollar volume of meat sales to buyers who are not ultimate consumers: *And provided further*, That each seller authorized to sell retail meat cuts to purveyors of meals under the provisions of this Order No. 5 under said section 5 (b) (6) of Maximum Price Regulation No. 336 shall be required to conform to the reporting provisions and all other requirements of said section 5 (b) (6).

This designation shall remain in effect to and including October 15, 1945, unless sooner terminated.

This order may be revoked or amended at any time.

This order shall become effective August 11, 1945.

Issued this 10th day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-14825; Filed, Aug. 10, 1945; 4:32 p. m.]

[MPR 355, Order 3]

CLALLAM AND GRAY'S HARBOR COUNTIES, WASH.

DESIGNATION AS DEFICIENCY AREAS WITH RESPECT TO BEEF, VEAL, LAMB AND MUTTON CUTS AND ALL VARIETY MEATS AND EDIBLE BY-PRODUCTS

Pursuant to section 5 (b) (6) of Maximum Price Regulation No. 355, I find there exists in each of the areas hereinafter named, located in Zone 1 and having populations not in excess of 25,000 persons, quotas permitting sales of fabricated meat cuts and quotas permitting sales of retail meat cuts to purveyors of meals which are insufficient to supply the requirements of purveyors of meals located in those areas. I find further that this condition has occurred because of an increase in population in such areas due to causes other than the establishment and maintenance of a project or projects connected directly with the war effort and under the direction and control of the United States Government. The areas are:

1. That portion of Clallam County, Washington, extending west from, but not including the corporate limits of the town of Port Angeles, to and including the village of Neah Bay, and the adjacent area located south thereof, to and including the village of Lapush, Clallam County, Washington.

2. That portion of Gray's Harbor County, Washington, located on Gray's Harbor, between the town of Tokeland on the south and the town of Queets on the north, and including the corporate limits of each, all beach towns located therein, and the lumbering communities of Alloha and Sunset Beach, but excluding the area comprising the corporate limits of the cities of Aberdeen and Hoquiam, Washington.

The areas named hereby are designated as "deficiency areas" under the provisions of section 5 (b) (6) of Maximum Price Regulation No. 355, and the respective District Director of the appropriate District Office of the Office of Price Administration within whose jurisdiction any one of the named areas is located may, in writing, authorize named retail selling establishments customarily servicing such area and which are not hotel supply houses and which do not own or control a packing or slaughtering plant and which are not owned or controlled by a person who owns or controls a packing or slaughtering plant, to sell retail meat cuts to purveyors of meals located in the specific deficiency area named in whatever volume and subject to whatever terms and conditions he may deem necessary: *Provided*, That in no event may any designated retail selling establishment be authorized to sell retail

meat cuts, in excess of 70 percent of its total current monthly dollar volume of meat sales, to buyers who are not ultimate consumers: *And provided further,* That each seller authorized to sell retail meat cuts to purveyors of meals under the provisions of this Order No. 3 under said section 5 (b) (6) of Maximum Price Regulation No. 355, shall be required to conform to the reporting provisions and all other requirements of said section 5 (b) (6).

This designation shall remain in effect to and including October 15, 1945, unless sooner terminated.

This order may be revoked or amended at any time.

This order shall become effective August 11, 1945.

Issued this 10th day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-14822; Filed, Aug. 10, 1945; 4:31 p. m.]

[MPR 355, Order 4]

CLALLAM AND GRAYS HARBOR COUNTIES, WASH.

DESIGNATION AS DEFICIENCY AREAS WITH RESPECT TO BEEF, VEAL, LAMB AND MUTTON CUTS AND ALL VARIETY MEATS AND EDIBLE BY-PRODUCTS

Pursuant to section 5 (d) (3) of Maximum Price Regulation No. 355, I find there exists in each of the areas hereinafter named, located in Zone 1 and having populations not in excess of 25,000 persons, quotas permitting sales of retail meat cuts which are insufficient to supply the meat requirements of other retail dealers meeting the criteria established for retail dealers authorized to purchase retail meat cuts for resale purposes under the provisions of subparagraph (1) of section 5 (d) of Maximum Price Regulation No. 355. I find further that this condition has occurred because of an increase in population in such areas. The areas are:

1. That portion of Clallam County, Washington, extending west from, but not including the corporate limits of the town of Port Angeles, to and including the village of Neah Bay, and the adjacent area located south thereof, to and including the village of Lapush, Clallam County, Washington.

2. That portion of Grays Harbor County, Washington, located on Grays Harbor, between the town of Tokeland on the south and the town of Queets on the north, and including the corporate limits of each, all beach towns located therein, and the lumbering communities of Aloha and Sunset Beach, but excluding the area comprising the corporate limits of the cities of Aberdeen and Hoquiam, Washington.

The areas named hereby are designated as "deficiency areas" under the provisions of section 5 (d) (3) of Maximum Price Regulation No. 355, and the respective District Director of the appropriate District Office of the Office of Price Administration within whose jurisdiction any one of the named areas is located may, in writing, authorize named retail selling establishments customarily serving such area, and which are not hotel supply houses, and which do not own or control a packing or a slaughtering plant and which are not owned or controlled by a person who owns or controls a packing or slaughtering plant, to sell retail meat cuts to other retail dealers located in the specific deficiency area who are qualified to make such purchases under the provisions of subparagraph (1) of section 5 (d) of Maximum Price Regulation No. 355, in whatever volume and subject to whatever terms and conditions he may deem necessary: *Provided,* That in no event may any designated retail selling establishment be authorized to sell retail meat cuts in excess of 70 percent of its total current monthly dollar volume of meat sales to buyers who are not ultimate consumers: *And provided further,* That each seller authorized to sell retail meat cuts to other retail dealers for resale purposes under the provisions of this Order No. 4 under said section 5 (d) (3) of Maximum Price Regulation No. 355 shall be required to conform to the reporting provisions and all other requirements of said section 5 (d) (3).

This designation shall remain in effect to and including October 15, 1945, unless sooner terminated.

This order may be revoked or amended at any time.

This order shall become effective August 11, 1945.

Issued this 10th day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-14824; Filed, Aug. 10, 1945; 4:31 p. m.]

[MPR 355 Order 5]

GRANT COUNTY, WASH.

DESIGNATION AS DEFICIENCY AREAS WITH RESPECT TO BEEF, VEAL, LAMB AND MUTTON CUTS AND ALL VARIETY MEATS AND EDIBLE BY-PRODUCTS

Pursuant to section 5 (b) (6) of Maximum Price Regulation No. 355, I find there exists in Grant County, Washington, located in Zone 1 and having a population not in excess of 25,000 persons, quotas permitting sales of fabricated meat cuts and quotas permitting sales of retail meat cuts to purveyors of meals which are insufficient to supply the requirements of purveyors of meals located in that area. I find further that this condition has occurred because of an increase in population in such area due to causes other than the establishment and maintenance of a project or projects connected directly with the war effort and under the direction and control of the United States Government.

The area named hereby is designated as a "deficiency area" under the provisions of section 5 (b) (6) of Maximum Price Regulation No. 355, and the respective District Director of the appropriate District Office of the Office of Price Administration within whose jurisdiction the named area is located may, in writing, authorize named retail selling establishments customarily servicing such area and which are not hotel supply houses and which do not own or control a packing or slaughtering plant and which are not owned or controlled by a person who owns or controls a packing or slaughtering plant, to sell retail meat cuts to purveyors of meals located in the specific deficiency area named in whatever volume and subject to whatever terms and conditions he may deem necessary: *Provided,* That in no event may any designated retail selling establishment be authorized to sell retail meat cuts in excess of 70 percent of its total current monthly dollar volume of meat sales, to buyers who are not ultimate consumers, and: *Provided further,* That each seller authorized to sell retail meat cuts to purveyors of meals under the provisions of this Order No. 5 under said section 5 (b) (6) of Maximum Price Regulation No. 355 shall be required to conform to the reporting provisions and all other requirements of said section 5 (b) (6).

This designation shall remain in effect to and including October 15, 1945, unless sooner terminated.

This order may be revoked or amended at any time.

This order shall become effective August 11, 1945.

Issued this 10th day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-14826; Filed, Aug. 10, 1945; 4:32 p. m.]

[MPR 580, Order 101]

BUXTON, INC.

ESTABLISHMENT OF MAXIMUM PRICES

Maximum Price Regulation 580, Order 101. Establishing ceiling prices at retail for branded articles. Docket No. 6063-580-13-255.

For the reasons set forth in an opinion issued simultaneously herewith and pursuant to section 13 of Maximum Price Regulation No. 580, *It is ordered:*

(a) The following ceiling prices are established for sales by any seller at retail of the following branded articles manufactured by Buxton, Incorporated, Springfield, Massachusetts, having the brand names, "Buxton" for the man's billfolds and "Lady Buxton" for women's billfolds, and described in the manufacturer's application dated June 28, 1945:

MEN'S BILLFOLDS

Description	Style No.	Manufacturers' price line	Ceiling price at retail
Levant grain goat	81B1	$1.80	$3.00
India goat	663B1	2.10	3.50
Calf finish cow	79B1	2.07	3.50
Levant grain goat	81B31	2.10	3.50
Wormwood grain goat	53B31	2.709	4.50
Grained pig	46B1	3.009	5.00
Pin morocco	55B1	3.00	5.00
Cordovan finish goat	59B1	3.00	5.00
Saddle leather	10B1	3.00	5.00
Morocco	55B41	3.00	5.00
East India cabretta	633B31	3.072	5.00
Morocco	55B31	4.50	7.50
Cordovan finish goat	59B31	4.62	7.50
Grained pigskin	46B31	4.416	7.50
Hazel pig	40B31	5.886	10.00
Grained pig	467	4.782	7.50

MEN'S BILLFOLDS—Continued

Description	Style No.	Manufacturers' price line	Ceiling price at retail
Hazel pig	407	$5.914	$10.00
East India cabretta	633B1	2.10	3.50
Saffian calfskin	632B31	1.202	5.00
Light pigskin	6B1	4.50	7.50
Hazel pigskin	40B1	4.50	7.50
Wormwood grain goat	53B1	1.895	3.00
India goat	63B1	2.10	3.50
Saddle pigskin	100B31	4.50	7.50
Rhinedin seal	169B1	4.50	7.50
Seal grain goat	56B31	2.10	3.50
India goat	663B31	3.00	5.00
Levant grain pig	481B1	2.10	3.50
Levant grain pig	481B1Z	2.40	4.00
Levant grain pig	481B31	3.00	5.00
Morocco grain pig	45B1	3.00	5.00
Morocco grain pig	46B1Z	3.30	5.50
Grained grain pig	45B31	4.50	7.50
Morocco grain pig	46B31	4.80	8.00
Hazel pig	40B1Z	4.80	8.00

WOMEN'S BILLFOLDS

Sheepskin	19B12	$1.20	$2.00
Sheepskin	19B13	1.50	2.50
Levant goat	81B13	2.07	3.50
Sheepskin	96B1	2.10	3.50
Calf cow	79B13	2.15	3.50
Pin morocco	54B1	3.00	5.00
Fyrac goat	58B1	3.00	5.00
Hazel pig	40B1	4.46	7.50
Hazel pig	40B13	3.501	5.00
Hazel pig	15B13	2.64	4.00
Kid	15B1	3.60	6.00
Kid	15B1	3.60	6.00
Sheepskin	19B14	1.54	2.50
Sheepskin	19B1	2.10	3.50
Grained pig	45B1	3.00	5.00
Hazel	14B13	4.50	7.50
Lizard	11B1	6.00	10.00

(b) The retail ceiling prices contained in paragraph (a) shall apply in place of the ceiling prices which would otherwise be established under the pricing rules of Maximum Price Regulation No. 580.

(c) On and after September 1, 1945, Buxton, Incorporated, must mark each article in paragraph (a) with the retail ceiling price under this order, or attach to the article a label, tag or ticket stating the retail ceiling price. This mark or statement must be in the following form:

(Section 13, MPR 580)
OPA Retail Ceiling Price $------

On and after October 1, 1945, no retailer may offer or sell the article unless it is marked or tagged in the form stated above. Prior to October 1, 1945, unless the article is marked or tagged in this form, the retailer shall comply with the marking, tagging and posting provisions of Maximum Price Regulation No. 580.

(d) On or before the first delivery to any purchaser for resale of each article listed in paragraph (a), the seller shall send the purchaser a copy of this order.

(e) Unless the context otherwise requires, the provisions of Maximum Price Regulation No. 580 shall apply to sales for which retail ceiling prices are established by this order.

(f) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective August 11, 1945.

Issued this 10th day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-14833; Filed, Aug. 10, 1945; 4:33 p. m.]

[Order 756 Under 3 (b)]

UNINSTALLED SALES OF PREFABRICATED DWELLING STRUCTURES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register and pursuant to § 1499.3 (b) of the General Maximum Price Regulation, it is ordered:

(a) *What this order covers.* This order covers uninstalled sales by manufacturers of prefabricated dwelling structures whether assembled or knocked down, which are not the same as or similar to structures delivered or offered for delivery during March 1942. For the purpose of this order, a prefabricated dwelling structure is a structure composed of panels or sections which have been fabricated prior to erection on the foundation and which are sold as a unit consisting at least of walls and some one of the other major components of a structure.

(b) *Maximum prices.* The maximum price for a sale covered by this order for a manufacturer who produced any prefabricated dwelling structures during 1942 is the sum of the following factors:

(1) The cost of direct materials, including fabricated products, computed on the basis of current kinds and quantities at prices not in excess of the prices in effect to the manufacturer during March 1942. Material prices must be based on purchases in comparable quantities from the same or corresponding class of supplier as in March 1942. If the manufacturer did not purchase such materials during March 1942, he shall use the prices for such materials in effect to the most closely competitive seller of the same class who did purchase such materials during March 1942.

(2) Cost of direct labor, computed upon the basis of current man hours at labor rates, exclusive of overtime premiums and any indirect labor costs, not in excess of the highest rates the manufacturer paid for the same kind of work during March 1942. If the manufacturer did not perform the same kind of work during March 1942, he shall use the labor rates paid by the most closely competitive seller of the same class who did perform that kind of work during March 1942.

(3) A percentage margin over the sum of (1) and (2) not in excess of the average margin over direct materials and direct labor costs realized by the manufacturer during the calendar or fiscal year 1942 on his prefabricated dwelling structures: *Provided, however,* That for the purpose of determining this margin, such portion of sales and costs as are applicable to the delivery and installation of these products shall be excluded from the calculation.

(c) *Filing of reports.* The manufacturer shall file with the Office of Price Administration, Building Materials Price Branch, Washington 25, D. C., within ten days after computing a maximum price under paragraph (b), a statement of profit and loss covering prefabricated dwelling structure operations for the calendar or fiscal year of 1942, together with a balance sheet as of the close of that year. These statements should be detailed in such a manner as to reflect the basis upon which the percentage margin mark-up employed in (b) (3) was determined and should be supplemented with a schedule of the items comprising such margin.

(d) *Additional charges*—(1) *Delivery costs.* The maximum prices computed under (b) shall be f. o. b. plant. A manufacturer may add to those prices actual delivery costs figured in accordance with the seller's March 1942 practice, but such charges may not be in excess of common carrier rates.

(2) *Other additions.* A manufacturer may also add to the prices computed under (b), his actual costs for special services not customarily included in his price and which are unique to a particular sale, such as special architectural and engineering services.

(e) *Other sellers.* A manufacturer who did not produce any prefabricated dwelling structures during 1942 or any other manufacturer who is unable to compute his margin under (b) (3) shall apply to the Office of Price Administration, Building Materials Price Branch, Washington 25, D. C., for approval of a margin to be used in the computation of a price under paragraph (b), giving the following information:

(1) His name and address.

(2) A general description of the nature of his business and the prefabricated structures he is making.

(3) His proposed margin.

(4) The names and addresses of competitive sellers of the same or similar structures.

After filing the required application, and pending approval of the proposed margin, a manufacturer may offer to sell, accept orders, and make deliveries at maximum prices based on the proposed margin, but he may not accept payment until a margin has been approved. Once a margin has been approved, the manufacturer shall determine his maximum prices by using such approved margin in the pricing formula set forth in paragraph (b).

The proposed margin shall be deemed to be approved on the expiration of 20 days after the mailing of the application (or on the expiration of 20 days after the mailing of all additional information which may have been requested), unless within that time the Office of Price Administration notifies the manufacturer that his proposed margin has been disapproved or that action thereon has been deferred pending receipt of further information.

The Office of Price Administration may approve or disapprove and may at any time after approval, adjust margins proposed or established under this paragraph so as to make them consistent with the level of margins otherwise established by this order.

(f) *Government contracts.* Any person who has made or intends to make government contracts, or subcontract thereunder, who believes that a maximum price under this order impedes or threatens to impede the production, manufacture, or distribution of a structure which is essential to the war program and which is or will be the subject of the contract or subcontract may file

an application for adjustment of that price in accordance with Procedural Regulation No. 6, issued by the Office of Price Administration.

Issued this 11th day of August 1945.

NOTE: The reporting provisions of this Order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

This order shall become effective August 13, 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-14859; Filed, Aug. 11, 1945; 11:22 a. m.]

[MPR 61, Order 9]

CERTAIN TRIMMED SOLE LEATHER SCRAP

MAXIMUM PRICES FOR SALES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register and pursuant to section 4 of Maximum Price Regulation 61; *It is ordered:*

(a) On and after August 11, 1945, the maximum prices at which any producer may sell or deliver the leather herein described shall be the prices specified below.

TRIMMED SOLE LEATHER SCRAP

FINE GRADE

Type	Weight or substance in irons	Minimum size	Price in cents per pound
Extra special large	10	1	33
Special large	10	2	30
Large	10	3	26
Center	10	4	22
No. 2 Cuban	10	5	18
No. 3 Cuban	10	6	10½
Extra special large	9	1	27
Special large	9	2	24
Large	9	3	22
Center	9	4	15½
No. 2 Cuban	9	5	12½
No. 3 Cuban	9	6	8
Extra special large	8	1	21
Special large	8	2	18
Large	8	3	16
Center	8	4	11½
No. 2 Cuban	8	5	7
No. 3 Cuban	8	6	5½

SEMIFINE GRADE

Type	Weight or substance in irons	Minimum size	Price in cents per pound
Semifine men's	8 and up	1	18½
Semifine men's	7 to 8	1	16
No. 2 center	9 and up	3	14
Military	8	3	12½
Military	7	3	10
Spanish	Any	6	2

COARSE GRADE

Type	Weight or substance in irons	Minimum size	Price in cents per pound
Coarse Cuban	8 and up	5	7
Large light	6 to 7	3	7
Small light	6 to 7	4	3
Men's heeling	Any	2	3½
Women's heeling	Any	4	3½

(b) The above sizes shall be large enough in area to fulfill one or the other of the applicable requirements listed below.

Minimum size	To cut pieces at least	To cut pattern No.
1	3 inches square	1
2	2½ inches square or	2
3	2 inches square or	3
4	1¾ inches square or	4
5	1½ inches square or	5
6	1¼ inches square	6

Diagrams showing actual sizes of the patterns listed above appear in Appendix A[1] of this order.

(c) Every invoice or similar document furnished in connection with the sale or delivery of any leather subject to the provisions of this order shall describe such leather in accordance with the types, weights and sizes enumerated in paragraph (a) above.

(d) As used in this order the term:

(1) "Trimmed sole leather scrap" means leather pieces produced from full grain oak tanned, union tanned or finders' leather from which the end strings have been trimmed and which have been sorted according to size, weight and grade.

(2) "Fine grade" means a grade of stock having clean grain and prime bend fiber.

(3) "Semi-fine grade" means a grade of stock not meeting the requirements of fine grade, having clean grain and tight bend fiber.

(4) "Coarse grade" means a grade of stock not meeting the requirements of fine or semi-fine grades, whether cut from heads, bellies, necks, shoulders or bends.

(e) "Terms of sale." The maximum prices listed above are f. o. b. seller's shipping point, and subject to a discount of 2% for payment within 30 days from the date of invoice, net cash thereafter.

(f) The maximum prices specified in paragraph (a) above for sales of the leather therein described shall supersede and replace any and all maximum prices previously established for such sales.

(g) This order may be amended or revoked by the Office of Price Administration at any time.

(h) This Order No. 9 shall become effective August 11, 1945.

Issued this 11th day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-14860; Filed, Aug. 11, 1945; 11:26 a. m.]

[MPR 136, Amdt. 3 to 2d Rev. Order 88]

GENERAL ELECTRIC CO.

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register and pursuant to section 21 of Revised Maximum Price Regulation No. 136 and section 6.4 of Second Revised Supplementary Regulation No. 14, *It is ordered* That Second Revised Order No. 88 under Maximum Price Regulation No. 136 be amended in the following respects:

1. Paragraph (a) is amended in the following respect:

The first sentence is amended to read as follows:

(a) The General Electric Company of Bridgeport, Connecticut, and its wholly owned subsidiaries, the International General Electric Company, and the International General Electric Company of Puerto Rico, herein referred to as the manufacturer, are authorized to sell refrigerator replacement units manufactured or rebuilt by it, to distributors at prices no higher than those set forth below opposite each model number.

2. Paragraph (d) is amended to read as follows:

(d) If any of the above units are sold by the manufacturer, by distributors, or by dealers with a four year replacement contract, $5.00 may be added to the maximum price.

3. Paragraphs (e) and (f) are redesignated (f) and (g) respectively.

4. A new paragraph (e) is added to read as follows:

(e) Any seller subject to this order who sells any of the replacement units listed below to a purchaser located in Puerto Rico or the Virgin Islands and receives from the purchaser the inoperative unit being replaced, may add to his maximum price for the unit as established by this order an amount no greater than twice the figure set forth below opposite the particular model number. If he does not receive the inoperative unit from the purchaser he may add to his maximum price no more than the amount set forth below opposite the particular model number.

Model	Sales in Puerto Rico	Sales to the Virgin Islands
CF 1	$7.07	$8.07
CF 11	6.73	8.02
CF 21, CF 2, CF 22, CF 28	7.81	9.06
CH 1, CJ 1	6.73	8.22
CE 34, single evap	6.97	8.40
CE 34, double evap	6.09	7.51
CK 1	4.62	5.73
CK 15, CK 2, CK 26, CK 28	5.73	7.06
CK 30	4.26	5.38
CK 35	4.42	5.59
DR 1, DR 15	4.62	5.73
D 2, DR 2	5.74	7.06
DRA 2	4.29	5.45
FEA 1	4.13	5.13
FEA 2	6.09	7.54

This amendment shall become effective on the 13th day of August 1945.

Issued this 11th day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-14861; Filed, Aug 11, 1945; 11:26 a. m.]

[RMPR 136, Order 485]

PHILLIPS PUMP AND TANK CO.

DETERMINATION OF MAXIMUM PRICES

Order No. 486 Under Revised Maximum Price Regulation 136. Machines, parts, and industrial equipment. Phillips Pump and Tank Company. Docket No. 6083-136.21-420.

For the reasons set forth in an opinion, issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to Section 21 of Revised Maximum Price Regulation 136, *It is ordered:*

(a) The maximum prices for sales of the products listed below by Phillips Pump and Tank Company, 5000 Brotherton Road, Cincinnati 9, Ohio, shall be determined as follows:

The manufacturer shall add the amount shown below to the maximum net price he had in effect to a purchaser of the same class, just prior to the issuance of this order:

Item	*Amount to be added to maximum net price*
Model 17	$0.24
Model 17-A	.39
Model 17-S	.05
Model 19	.41
Model 26 SP	.98
Model 26 F	.22
Model 100	.05
Model 101-F	.27
Model 105	.24
Model 107	.86
Model 150	.10

(b) The maximum prices for sales of the products listed above by resellers shall be determined as follows: The reseller shall add to the maximum net price he had in effect to a purchaser of the same class, just prior to the issuance of this order, the amount, in dollars-and-cents, by which his net invoiced cost has been increased due to the adjustment granted the manufacturer by this order.

(c) Phillips Pump and Tank Company shall notify each person who buys the products listed above for resale of the dollars-and-cents amounts by which this order permits the reseller to increase his maximum net prices. A copy of each such notice shall be filed with the Machinery Branch, Office of Price Administration, Washington 25, D. C.

(d) All requests not granted herein are denied.

(e) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective August 13, 1945.

Issued this 11th day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-14862, Filed, Aug. 11, 1945; 11:26 a. m.]

[MPR 188, Corr. to Order 4081]

APPLIANCE INDUSTRIES OF AMERICA

APPROVAL OF MAXIMUM PRICES

Order No. 4081 issued under § 1499.158 of Maximum Price Regulation 188 is corrected by changing all references to "hotel and restaurant supply houses" to hotel and restaurant supply houses and others selling to industrial, commercial or institutional users.

This correction is effective on the 11th day of August 1945.

[1] Filed with the Division of the Federal Register as a part of this order.

Issued this 11th day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-14865; Filed, Aug. 11, 1945; 11:25 a. m.]

[MPR 260, Order 1733]

WEBER E. IVINS

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion accompanying this order, and pursuant to § 1358.102 (b) of Maximum Price Regulation No. 260; *It is ordered,* That:

(a) Weber E. Ivins, P. O. Box 3842, 77 Allen St., San Juan, Puerto Rico (hereinafter called "manufacturer") and wholesalers and retailers may sell, offer to sell or deliver and any person may buy, offer to buy or receive each brand and size or frontmark, and packing of the following domestic cigars at the appropriate maximum list price and maximum retail price set forth below:

Brand	Size or frontmark	Packing	Maximum list price	Maximum retail price
Ivins Supreme	Coronas	50	*Per M* $48	*Cents* 6

(b) The manufacturer and wholesalers shall grant, with respect to their sales of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the discounts they customarily granted in March 1942 on their sales of domestic cigars of the same price class to purchasers of the same class, unless a change therein results in a lower price. Packing differentials charged by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class may be charged on corresponding sales of each brand and size or frontmark of cigars priced by this order, but shall not be increased. Packing differentials allowed by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class shall be allowed on corresponding sales of each brand and size or frontmark of cigars priced by this order and shall not be reduced. If a brand and size or frontmark of domestic cigars for which maximum prices are established by this order is of a price class not sold by the manufacturer or the particular wholesaler in March 1942, he shall, with respect to his sales thereof, grant the discounts and may charge and shall allow the packing differentials customarily granted, charged or allowed (as the case may be) in March 1942 by his most closely competitive seller of the same class on sales of domestic cigars of the same March 1942 price class to purchasers of the same class.

(c) On or before the first delivery to any purchaser of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the manufacturer and every other seller (except a retailer) shall notify the purchaser of the maximum list price and the maximum retail price established by this order for such brand and size or frontmark of domestic cigars. The notice shall conform to and be given in the manner prescribed by § 1358.113 of Maximum Price Regulation No. 260.

(d) Unless the context otherwise requires, appropriate provisions of Maximum Price Regulation No. 260, shall apply to sales for which maximum prices are established by this order.

(e) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective August 13, 1945.

Issued this 11th day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-14866; Filed, Aug. 11, 1945; 11:27 a. m.]

[MPR 260, Order 1734]

THE ELENA CIGAR FACTORY

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion accompanying this order, and pursuant to § 1358.102 (b) of Maximum Price Regulation No. 260; *It is ordered,* That:

(a) The Elena Cigar Factory, 1611 8th Avenue, Tampa 5, Fla. (hereinafter called "manufacturer") and wholesalers and retailers may sell, offer to sell or deliver and any person may buy, offer to buy or receive each brand and size or frontmark, and packing of the following domestic cigars at the appropriate maximum list price and maximum retail price set forth below:

Brand	Size or frontmark	Packing	Maximum list price	Maximum retail price
D. Elena	Londres	50	*Per M* $48.00	*Cents* 6

(b) The manufacturer and wholesalers shall grant, with respect to their sales of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the discounts they customarily granted in March 1942 on their sales of domestic cigars of the same price class to purchasers of the same class, unless a change therein results in a lower price. Packing differentials charged by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class may be charged on corresponding sales of each brand and size or frontmark of cigars priced by this order, but shall not be increased. Packing differentials allowed by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class shall be allowed on corresponding sales of each brand and size or frontmark of cigars priced by this order and shall not be reduced. If a brand and size or frontmark of domestic cigars for which maximum prices are established by this or-

der is of a price class not sold by the manufacturer or the particular wholesaler in March 1942, he shall, with respect to his sales thereof, grant the discounts and may charge and shall allow the packing differentials customarily granted, charged or allowed (as the case may be) in March 1942 by his most closely competitive seller of the same class on sales of domestic cigars of the same March 1942 price class to purchasers of the same class.

(c) On or before the first delivery to any purchaser of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the manufacturer and every other seller (except a retailer) shall notify the purchaser of the maximum list price and the maximum retail price established by this order for such brand and size or frontmark of domestic cigars. The notice shall conform to and be given in the manner prescribed by § 1358.113 of Maximum Price Regulation No. 260.

(d) Unless the context otherwise requires, appropriate provisions of Maximum Price Regulation No. 260, shall apply to sales for which maximum prices are established by this order.

(e) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective August 13, 1945.

Issued this 11th day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-14867; Filed, Aug. 11, 1945; 11:27 a. m.]

[MPR 260, Order 1735]

B & B CIGAR CO.

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion accompanying this order, and pursuant to § 1358.102 (b) of Maximum Price Regulation No. 260; *It is ordered*, That:

(a) B. & B. Cigar Co., E. Market Street, Hellam, Pa. (hereinafter called "manufacturer") and wholesalers and retailers may sell, offer to sell or deliver and any person may buy, offer to buy or receive each brand and size or frontmark, and packing of the following domestic cigars at the appropriate maximum list price and maximum retail price set forth below:

Brand	Size or frontmark	Packing	Maximum list price	Maximum retail price
Croydon Hall	Diplomats	50	*Per M* $52.00	*Cents* 2 for 15

(b) The manufacturer and wholesalers shall grant, with respect to their sales of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the discounts they customarily granted in March 1942 on their sales of domestic cigars of the same price class to purchasers of the same class, unless a change therein results in a lower price. Packing differentials charged by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class may be charged on corresponding sales of each brand and size or frontmark of cigars priced by this order, but shall not be increased. Packing differentials allowed by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class shall be allowed on corresponding sales of each brand and size or frontmark of cigars priced by this order and shall not be reduced. If a brand and size or frontmark of domestic cigars for which maximum prices are established by this order is of a price class not sold by the manufacturer or the particular wholesaler in March 1942, he shall, with respect to his sales thereof, grant the discounts and may charge and shall allow the packing differentials customarily granted, charged or allowed (as the case may be) in March 1942 by his most closely competitive seller of the same class on sales of domestic cigars of the same March 1942 price class to purchasers of the same class.

(c) On or before the first delivery to any purchaser of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the manufacturer and every other seller (except a retailer) shall notify the purchaser of the maximum list price and the maximum retail price established by this order for such brand and size or frontmark of domestic cigars. The notice shall conform to and be given in the manner prescribed by § 1358.113 of Maximum Price Regulation No. 260.

(d) Unless the context otherwise requires, appropriate provisions of Maximum Price Regulation No. 260, shall apply to sales for which maximum prices are established by this order.

(e) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective August 13, 1945.

Issued this 11th day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-14868; Filed, Aug. 11, 1945; 11:27 a. m.]

[MPR 260, Order 1736]

PAUL J. FINNERTY

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion accompanying this order, and pursuant to § 1358.102 (b) of Maximum Price Regulation No. 260; *It is ordered*, That:

(a) Paul J. Finnerty, 5330 Cote Brilliante, St. Louis 12, Mo. (hereinafter called "manufacturer") and wholesalers and retailers may sell, offer to sell or deliver and any person may buy, offer to buy or receive each brand and size or frontmark, and packing of the following domestic cigars at the appropriate maximum list price and maximum retail price set forth below:

Brand	Size or frontmark	Packing	Maximum list price	Maximum retail price
Finnerty's Hand Made	4¾	50	*Per M* $60.00	*Cents* 2 for 15

(b) The manufacturer and wholesalers shall grant, with respect to their sales of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the discounts they customarily granted in March 1942 on their sales of domestic cigars of the same price class to purchasers of the same class, unless a change therein results in a lower price. Packing differentials charged by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class may be charged on corresponding sales of each brand and size or frontmark of cigars priced by this order, but shall not be increased. Packing differentials allowed by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class shall be allowed on corresponding sales of each brand and size or frontmark of cigars priced by this order and shall not be reduced. If a brand and size or frontmark of domestic cigars for which maximum prices are established by this order is of a price class not sold by the manufacturer or the particular wholesaler in March 1942, he shall, with respect to his sales thereof, grant the discounts and may charge and shall allow the packing differentials customarily granted, charged or allowed (as the case may be) in March 1942 by his most closely competitive seller of the same class on sales of domestic cigars of the same March 1942 price class to purchasers of the same class.

(c) On or before the first delivery to any purchaser of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the manufacturer and every other seller (except a retailer) shall notify the purchaser of the maximum list price and the maximum retail price established by this order for such brand and size or frontmark of domestic cigars. The notice shall conform to and be given in the manner prescribed by § 1358.113 of Maximum Price Regulation No. 260.

(d) Unless the context otherwise requires, appropriate provisions of Maximum Price Regulation No. 260, shall apply to sales for which maximum prices are established by this order.

(e) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective August 13, 1945.

Issued this 11th day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-14869; Filed, Aug. 11, 1945; 11:27 a. m.]

[MPR 260, Order 1737]

NATIONAL SILVER CO.

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion accompanying this order, and pursuant to § 1358.102a of Maximum Price Regulation No. 260, as amended; *It is ordered*, That:

(a) National Silver Co., 1351 Biscayne Blvd., Miami 36, Fla. (hereinafter called "importer") and wholesalers and retailers may sell, offer to sell or deliver and any person may buy, offer to buy or receive each brand, front mark and packing of the following imported cigars at the appropriate maximum list price and maximum retail price set forth below:

Brand	Frontmark	Packing	Maximum list price	Maximum retail price
Herde-Villamil	Royal Coronas	25	*Per M* $308.50	$0.50

(b) The importer and wholesalers shall grant, with respect to their sales of each brand and frontmark of imported cigars for which maximum prices are established by this order, the discounts they customarily granted during March 1942 on their sales of imported cigars of the same price class to purchasers of the same class, unless a change therein results in a lower price. Packing differentials charged by the importer or a wholesaler during March 1942 on sales of imported cigars of the same price class to purchasers of the same class may be charged on corresponding sales of each brand and frontmark of cigars priced by this order, but shall not be increased. Packing differentials allowed by the importer or a wholesaler during March 1942 on sales of imported cigars of the same price class to purchasers of the same class shall be allowed on corresponding sales of each brand and frontmark of imported cigars priced by this order and shall not be reduced. If a brand or frontmark of imported cigars for which maximum prices are established by this order is of a price class not sold by the importer or the particular wholesaler during March 1942, he shall, with respect to his sales thereof, grant the discounts and may charge and shall allow the packing differentials customarily granted, charged or allowed (as the case may be) during March 1942 by his most closely competitive seller of the same class on sales of imported cigars of the same price class to purchasers of the same class.

(c) On or before the first delivery to any purchaser of each brand and frontmark of imported cigars for which maximum prices are established by this order, the importer and every other seller (except a retailer) shall notify the purchaser of the maximum list price and the maximum retail price established by this order for such brand and frontmark of imported cigars. The notice shall conform to and be given in the manner prescribed by § 1358.113 of Maximum Price Regulation No. 260, as amended.

(d) Unless the context otherwise requires, the provisions of Maximum Price Regulation No. 260, as amended, shall apply to sales for which maximum prices are established by this order.

(e) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective August 13, 1945.

Issued this 11th day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-14870; Filed, Aug. 11, 1945; 11:23 a. m.]

[MPR 260, Order 1738]

HOLMES & WALSH

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion accompanying this order, and pursuant to § 1358.102a of Maximum Price Regulation No. 260, as amended, *It is ordered*, That:

(a) Holmes & Walsh, 63 E. Adams St., Chicago 3, Ill. (hereinafter called "importer") and wholesalers and retailers may sell, offer to sell or deliver and any person may buy, offer to buy or receive each brand, frontmark and packing of the following imported cigars at the appropriate maximum list price and maximum retail price set forth below:

Brand	Frontmark	Packing	Maximum list price	Maximum retail price
Partagas	Elegantes	25	*Per M* $92.50	$0.35

(b) The importer and wholesalers shall grant, with respect to their sales of each brand and frontmark of imported cigars for which maximum prices are established by this order, the discounts they customarily granted during March 1942 on their sales of imported cigars of the same price class to purchasers of the same class, unless a change therein results in a lower price. Packing differentials charged by the importer or a wholesaler during March 1942 on sales of imported cigars of the same price class may be charged on corresponding sales of each brand and frontmark of cigars priced by this order, but shall not be increased. Packing differentials allowed by the importer or a wholesaler during March 1942 on sales of imported cigars of the same price class to purchasers of the same class shall be allowed on corresponding sales of each brand and frontmark of cigars priced by this order and shall not be reduced. If a brand or frontmark of imported cigars for which maximum prices are established by this order is of a price class not sold by the importer or the particular wholesaler during March 1942, he shall, with respect to his sales thereof, grant the discounts and may charge and shall allow the packing differentials customarily granted, charged or allowed (as the case may be) during March 1942 by his most closely competitive seller of the same class on sales of imported cigars of the same price class to purchasers of the same class.

(c) On or before the first delivery to any purchaser of each brand and frontmark of imported cigars for which maximum prices are established by this order, the importer and every other seller (except a retailer) shall notify the purchaser of the maximum list price and the maximum retail price established by this order for such brand and frontmark of imported cigars. The notice shall conform to and be given in the manner prescribed by § 1358.113 of Maximum Price Regulation No. 260, as amended.

(d) Unless the context otherwise requires, the provisions of Maximum Price Regulation No. 260, as amended, shall apply to sales for which maximum prices are established by this order.

(e) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective August 13, 1945.

Issued this 11th day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-14871; Filed, Aug. 11, 1945; 11:23 a. m.]

[MPR 260, Order 1739]

SMITH-ALLAN, INC.

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion accompanying this order, and pursuant to § 1358.102a of Maximum Price Regulation No. 260, as amended; *It is ordered*, That:

(a) Smith-Allan, Inc., 1052 Omaha Nat'l. Bank Bldg. Omaha 2, Nebr. (hereinafter called "importer") and wholesalers and retailers may sell, offer to sell or deliver and any person may buy, offer to buy or receive each brand, frontmark and packing of the following imported cigars at the appropriate maximum list price and maximum retail price set forth below:

Brand	Frontmark	Packing	Maximum list price	Maximum retail price
El Arabe	Habaneros	50	*Per M* $120	$0.15

(b) The importer and wholesalers shall grant, with respect to their sales of each brand and frontmark of imported cigars for which maximum prices are established by this order, the discounts they customarily granted during March 1942 on their sales of imported cigars of the same price class to purchasers of the same class, unless a change therein results in a lower price. Packing differentials charged by the importer or a wholesaler during March 1942 on sales of imported cigars of the same price class may be charged on corresponding sales of each brand and frontmark of cigars priced by this order, but shall not be increased. Packing differentials allowed

by the importer or a wholesaler during March 1942 on sales of imported cigars of the same price class to purchasers of the same class shall be allowed on corresponding sales of each brand and frontmark of cigars priced by this order and shall not be reduced. If a brand or frontmark of imported cigars for which maximum prices are established by this order is of a price class not sold by the importer or the particular wholesaler during March 1942, he shall, with respect to his sales thereof, grant the discounts and may charge and shall allow the packing differentials customarily granted, charged or allowed (as the case may be) during March 1942 by his most closely competitive seller of the same class on sales of imported cigars of the same price class to purchasers of the same class.

(c) On or before the first delivery to any purchaser of each brand and frontmark of imported cigars for which maximum prices are established by this order, the importer and every other seller (except a retailer) shall notify the purchaser of the maximum list price and the maximum retail price established by this order for such brand and frontmark of imported cigars. The notice shall conform to and be given in the manner prescribed by § 1358.113 of Maximum Price Regulation No. 260, as amended.

(d) Unless the context otherwise requires, the provisions of Maximum Price Regulation No. 260, as amended, shall apply to sales for which maximum prices are established by this order.

(e) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective August 13, 1945.

Issued this 11th day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-14872; Filed, Aug. 11, 1945; 11:23 a. m.]

[MPR 260, Order 1740]

EXIMPORT COMPANY OF AMERICA

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion accompanying this order, and pursuant to § 1358.102a of Maximum Price Regulation No. 260, as amended, *It is ordered*, That:

(a) Eximport Company of America, 284 Fifth Ave., New York 1, N. Y. (hereinafter called "importer") and wholesalers and retailers may sell, offer to sell or deliver and any person may buy, offer to buy or receive each brand, frontmark and packing of the following imported cigars at the appropriate maximum list price and maximum retail price set forth below:

Brand	Frontmark	Packing	Maximum list price	Maximum retail price
Aroma de Santa Clara.	Electos.....	25	*Per M* $195	$0.25

(b) The importer and wholesalers shall grant, with respect to their sales of each brand and frontmark of imported cigars for which maximum prices are established by this order, the discounts they customarily granted during March 1942 on their sales of imported cigars of the same price class to purchasers of the same class, unless a change therein results in a lower price. Packing differentials charged by the importer or a wholesaler during March 1942 on sales of imported cigars of the same price class may be charged on corresponding sales of each brand and frontmark of cigars priced by this order and shall not be increased. Packing differentials allowed by the importer or a wholesaler during March 1942 on sales of imported cigars of the same price class to purchasers of the same class shall be allowed on corresponding sales of each brand and frontmark of cigars priced by this order and shall not be reduced. If a brand or frontmark of imported cigars for which maximum prices are established by this order is of a price class not sold by the importer or the particular wholesaler during March 1942, he shall, with respect to his sales thereof, grant the discounts and may charge and shall allow the packing differentials customarily granted charged or allowed (as the case may be) during March 1942 by his most closely competitive seller of the same class on sales of imported cigars of the same price class to purchasers of the same class.

(c) On or before the first delivery to any purchaser of each brand and frontmark of imported cigars for which maximum prices are established by this order, the importer and every other seller (except a retailer) shall notify the purchaser of the maximum list price and the maximum retail price established by this order for such brand and frontmark of imported cigars. The notice shall conform to and be given in the manner prescribed by § 1358.113 of Maximum Price Regulation No. 260, as amended.

(d) Unless the context otherwise requires, the provisions of Maximum Price Regulation No. 260, as amended, shall apply to sales for which maximum prices are established by this order.

(e) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective August 13, 1945.

Issued this 11th day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-14873; Filed, Aug. 11, 1945; 11:24 a. m.]

[MPR 260, Order 1741]

FABER, COE & GREGG, INC.

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion accompanying this order, and pursuant to § 1358.102a of Maximum Price Regulation No. 260, as amended, *It is ordered*, That:

(a) Faber, Coe & Gregg, Inc., 206 W. 40 St., New York 18, N. Y. (hereinafter called "importer") and wholesalers and retailers may sell, offer to sell or deliver and any person may buy, offer to buy or receive each brand, frontmark and packing of the following imported cigars at the appropriate maximum list price and maximum retail price set forth below:

Brand	Frontmark	Packing	Maximum list price	Maximum retail price
Romeo y Julieta	Fred. Lamas Habana.	25	*Per M* $250	$0.25

(b) The importer and wholesalers shall grant, with respect to their sales of each brand and frontmark of imported cigars for which maximum prices are established by this order, the discounts they customarily granted during March 1942 on their sales of imported cigars of the same price class to purchasers of the same class, unless a change therein results in a lower price. Packing differentials charged by the importer or a wholesaler during March 1942 on sales of imported cigars of the same price class may be charged on corresponding sales of each brand and frontmark of cigars priced by this order, but shall not be increased. Packing differentials allowed by the importer or a wholesaler during March 1942 on sales of imported cigars of the same price class to purchasers of the same class shall be allowed on corresponding sales of each brand and frontmark of cigars priced by this order and shall not be reduced. If a brand or frontmark of imported cigars for which maximum prices are established by this order is of a price class not sold by the importer or the particular wholesaler during March 1942, he shall, with respect to his sales thereof, grant the discounts and may charge and shall allow the packing differentials customarily granted, charged or allowed (as the case may be) during March 1942 by his most closely competitive seller of the same class on sales of imported cigars of the same price class to purchasers of the same class.

(c) On or before the first delivery to any purchaser of each brand and frontmark of imported cigars for which maximum prices are established by this order, the importer and every other seller (except a retailer) shall notify the purchaser of the maximum list price and the maximum retail price established by this order for such brand and frontmark of imported cigars. The notice shall conform to and be given in the manner prescribed by § 1358.113 of Maximum Price Regulation No. 260, as amended.

(d) Unless the context otherwise requires, the provisions of Maximum Price Regulation No. 260, as amended, shall apply to sales for which maximum prices are established by this order.

(e) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective August 13, 1945.

Issued this 11th day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-14874; Filed, Aug. 11, 1945; 11:24 a. m.]

[MPR 260, Order 1742]

E. W. WICHNEVSKY

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion accompanying this order, and pursuant to § 1358.102a of Maximum Price Regulation No. 260, as amended; *It is ordered*, That:

(a) E. W. Wichnevsky, 30 Rockefeller Plaza, Rm. 4417, New York, N. Y. (hereinafter called "importer") and wholesalers and retailers may sell, offer to sell or deliver and any person may buy, offer to buy or receive each brand, frontmark and packing of the following imported cigars at the appropriate maximum list price and maximum retail price set forth below:

Brand	Frontmark	Packing	Maximum list price	Maximum retail price
La Flor de Havemar.	Conchas.....	50	*Per M* $135	$0.18

(b) The importer and wholesalers shall grant, with respect to their sales of each brand and frontmark of imported cigars for which maximum prices are established by this order, the discounts they customarily granted during March 1942 on their sales of imported cigars of the same price class to purchasers of the same class, unless a change therein results in a lower price. Packing differentials charged by the importer or a wholesaler during March 1942 on sales of imported cigars of the same price class may be charged on corresponding sales of each brand and frontmark of cigars priced by this order, but shall not be increased. Packing differentials allowed by the importer or a wholesaler during March 1942 on sales of imported cigars of the same price class to purchasers of the same class shall be allowed on corresponding sales of each brand and frontmark of cigars priced by this order and shall not be reduced. If a brand or frontmark of imported cigars for which maximum prices are established by this order is of a price class not sold by the importer or the particular wholesaler during March 1942, he shall, with respect to his sales thereof, grant the discounts and may charge and shall allow the packing differentials customarily granted, charged or allowed (as the case may be) during March 1942 by his most closely competitive seller of the same class on sales of imported cigars of the same price class to purchasers of the same class.

(c) On or before the first delivery to any purchaser of each brand and frontmark of imported cigars for which maximum prices are established by this order, the importer and every other seller (except a retailer) shall notify the purchaser of the maximum list price and the maximum retail price established by this order for such brand and frontmark of imported cigars. The notice shall conform to and be given in the manner prescribed by § 1358.113 of Maximum Price Regulation No. 260, as amended.

(d) Unless the context otherwise requires, the provisions of Maximum Price Regulation No. 260, as amended, shall apply to sales for which maximum prices are established by this order.

(e) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective August 13, 1945.

Issued this 11th day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-14875; Filed, Aug. 11, 1945; 11:24 a. m.]

[RMPR 528, Rev. Order 36]

TIRES AND TUBES, RECAPPING AND REPAIRING, AND CERTAIN REPAIR MATERIALS

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith, and filed with the Division of the Federal Register, and pursuant to section 16 (d) of Revised Maximum Price Regulation 528; *It is ordered:*

Order No. 36 under Revised Maximum Price Regulation 528 is redesignated Revised Order No. 36 and is revised to read as follows:

(a) The maximum retail prices for the following type and sizes of new tires manufactured by The B. F. Goodrich Company, Akron, Ohio, shall be:

R & Industrial Tractor Tires

Size	Ply	Maximum price, per tire	Size	Ply	Maximum price, per tire
12.00-24	6	$78.75	13.00-32	6	$118.90
12.00-24	8	88.75	13.00-32	8	133.95
12.00-28	6	86.05	14.00-24	6	106.85
12.00-28	8	96.95	14.00-24	8	120.40
13.00-24	6	95.65	14.00-28	8	136.75
13.00-24	8	107.80			

(b) All provisions of Revised Maximum Price Regulation 528 not inconsistent with this revised order shall apply to sales covered by this revised order.

(c) This revised order may be revoked or amended by the Office of Price Administration at any time.

This revised order shall become effective August 14, 1945.

Issued this 13th day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-14968; Filed, Aug. 13, 1945; 11:42 a. m.]

Regional and District Office Orders.

[Region I Order G-6 Under RMPR 251]

PAINTING AND PAPER HANGING SERVICES IN VERMONT

For the reasons set forth in an opinion issued simultaneously herewith under the authority vested in the Regional Administrator of Region I of the Office of Price Administration by section 8 (c) of Revised Maximum Price Regulation No. 251, *It is ordered:*

(a) Any seller supplying paper hanging and/or painting services in the state of Vermont which are subject to Revised Maximum Price Regulation No. 251, may charge as his maximum customers' hourly rates the lower of the following prices:

(1) $1.25 per hour, or

(2) The average hourly wage paid to journeymen painters, helpers, and apprentices plus 25 cents per hour; or, in the case of a self-employed seller, 25 cents per hour in addition to the wages being paid to journeymen painters in his trading area.

"Average hourly wage" shall be determined by reference to the wages for each class of employees paid during the week including July 20, 1944.

(b) Before any seller affected by this order may offer to supply or supply the above described services at the prices established by this order, he shall file with his local War Price and Rationing Board a statement containing the following information:

(1) His maximum customers' hourly rates.

(2) The hourly wages paid to journeymen painters, helpers, and apprentices during the week including July 20, 1944; the average hourly wage for each class of employee plus 25 cents.

(3) In the case of a self-employed seller, the names of contractors in his trading area and wages paid by them to journeymen painters.

(c) Any seller subject to this order who was not in business in March, 1942, shall determine his maximum prices in accordance with the provisions of this order and shall file with his local War Price and Rationing Boards his maximum customers' hourly rates together with all information required under paragraph (b) of this order.

(d) Any seller subject to this order who has incurred a labor cost increase by reason of a predetermination of wage rates by the Secretary of Labor under the Davis-Bacon Act or an order or authorization of the Wage Adjustment Board, National War Labor Board, or

Economic Stabilization Director and paid to employees after July 20, 1944, may add such labor cost increase to his maximum customers' hourly rate as established by this order, *Provided, however*, That the increase does not result in a maximum customers' hourly rate in excess of $1.25 per hour.

(e) No charge in addition to the maximum customers' hourly rates established herein shall be made for brushes, ladders, palls, drop cloths, and other incidental equipment usually employed in this type of work.

(f) All individual orders previously issued by this office to painters and paper hangers in this Area are hereby revoked and superseded by this Regional Order No. G–6.

(g) This Order No. G–6 may be amended, revised, or revoked at any time by the Office of Price Administration on its own motion.

(h) This Order No. G–6 shall become effective August 2, 1945.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this second day of August, 1945.

ELDON C. SHOUP,
Regional Administrator.

[F. R. Doc. 45–14755; Filed, Aug. 9, 1945; 4:23 p. m.]

[Region II Gen. Order 22 Under RMPR 165]

LAUNDRY SERVICE IN MERCER COUNTY, N. J., AREA

For the reasons set forth in an opinion issued simultaneously herewith, and under the authority vested in the Regional Administrator of Region II by section 16 (a) of Revised Maximum Price Regulation No. 165, as amended—Services, and by the Emergency Price Control Act of 1942, as amended; *It is hereby ordered:*

That the Stacy Laundry Corp. is hereby granted an increase of 8% over its March, 1942, ceiling prices, as established.

All increases heretofore granted the Stacy Laundry Corp. by the Office of Price Administration hereby are revoked and rendered null and void.

This order shall become effective July 23, 1945.

Issued July 23, 1945.

CHARLES T. ABERNETHY,
Acting Regional Administrator.

[F. R. Doc. 45–14756; Filed, Aug. 9, 1945; 4:23 p. m.]

[Region II Order G–53 Under RMPR 122, Amdt. 19]

PENNSYLVANIA ANTHRACITE IN NEW YORK REGION

For the reasons set forth in an opinion issued simultaneously herewith, and under the authority vested in the Regional Administrator of the Office of Price Administration by §§ 1340.260 and 1340.259 (a) (1) of Revised Maximum Price Regulation No. 122, Order No. G–53 is amended in the following respect:

1. Revised Appendix A is amended by adding a new item designated (34) immediately after item (33) to read as follows:

PERMITTED PER NET TON INCREASE ABOVE APPLICABLE AREA CEILING PRICE FOR ANTHRACITE, PURSUANT TO PARAGRAPH (B)

[For sales of fractions of a net ton, the increase shall be proportionate]

Kind	Broken	Egg	Stove	Nut	Pea	Buckwheat	Rice	Barley
(34) "Consagra" (this includes only anthracite produced and prepared at Consagra Colliery by Consagra Coal Co.	$0.50	$0.50	$0.50	$0.50	$0.50	$0.50	$0.50	-------

This Amendment No. 19 to Order No. G–53 shall become effective July 25, 1945, except that for purposes of an application under paragraph (c) of Order No. G–53, it shall not become effective until August 1, 1945.

(56 Stat. 23, 765; 57 Stat. 566; Pub. Law 383, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 27th day of July 1945.

DANIEL P. WOOLLEY,
Regional Administrator.

[F. R. Doc. 45–14754; Filed, Aug. 9, 1945; 4:22 p. m.]

[Region V Order G–1 Under Gen. Order 50, Amdt. 9]

MALT BEVERAGES IN DALLAS REGION

For the reasons set forth in the opinion issued simultaneously herewith and under the authority vested in the Regional Administrator by General Order 50, Region V Order No. G–1 under General Order 50, maximum prices for malt beverages in designated southern states, is amended in the following respects:

1. Section 20, Table I, Appendix A, is amended by deleting therefrom the brand "Gold Crest" and adding thereto the following:

Blackhawk Topping.
Heinies Bohemian Style.
Gold Crest (Storz).
Pilsener Club.

2. Section 20, Table II, Appendix A, is amended by deleting therefrom the brand "Gold Crest" and adding thereto the following:

Goldcrest (Tennessee).
Heinies.

This amendment shall become effective August 4th 1945.

(56 Stat. 23, 765; 57 Stat. 566; Public Law 383, 78th Cong.; E.O. 9250, 7 F.R. 7671; E.O. 9228, 8 F.R. 4681; General Order 50, 8 F.R. 4808)

Issued at Dallas, Texas, this 4th day of August 1945.

C. B. BRAUN,
Acting Regional Administrator.

[F. R. Doc. 45–14748; Filed, Aug. 9, 1945; 4:21 p. m.]

[Region VI Rev. Order G–13 Under RMPR 122]

SOLID FUELS IN LA CROSSE, WIS.

Pursuant to the authority vested in the Regional Administrator of Region VI by § 1340.260 of Revised Maximum Price Regulation No. 122, it is ordered:

(a) *What this order does.* This order establishes maximum prices for sales of specified solid fuels delivered in the city of La Crosse, Wisconsin, and within an area of ten miles around the city limits of La Crosse. These are the highest prices that any dealer may charge when he delivers any such fuel within this area; they are also the highest prices that any buyer in the course of trade or business may pay for such solid fuels.

(b) *What this order prohibits.* Regardless of any contract or other obligation, no person shall

(1) Sell or, in the course of trade or business, buy solid fuels at prices higher than the maximum prices set by this Revised Order No. G–3, but less than the maximum prices may at any time be charged, paid, or offered.

(2) Obtain higher than maximum prices by:

(i) Charging for a service unless expressly requested by the buyer and unless specifically authorized to do so by this revised order.

(ii) Charging a price higher than the scheduled price for a service.

(iii) Making a charge higher than the schedule charge authorized for the extension of credit.

(iv) Using any tying agreement or requiring that the buyer purchase anything in addition to the fuel requested by him, or

(v) Using any other device by which a higher than maximum price is obtained.

(c) *Price schedule.* (1) Immediately below and as part of this paragraph (c) is a schedule which sets forth maximum prices for delivered sales of specified sizes, kinds and quantities of solid fuels. Sales in lots of fractions of a ton or tons shall be governed by the price schedule as follows:

(i) On delivered sales of less than 1 ton, the price shall be proportional to the price per ton plus an additional charge of 25¢, but in no event shall the total price be in excess of that for a sale of 1 ton; for example, if the price of 1 ton is $15.16, the price of ½ ton would be $7.58 plus 25¢ or a total of $7.83; the price of ¾ ton would be $11.37 plus 25¢ or a total of $11.62.

(ii) On delivered sales of more than 1 ton, for each fraction of a ton sold, the price shall be proportional to the price per ton; for example, if the price of 1 ton is $15.01, the price of 1½ tons would be $22.52.

(iii) On yard sales of any fraction of a ton, whether more or less than 1 ton, the price shall be proportional to the price per ton; for example, if the price of 1 ton at the yard is $14.90, the price of ½ ton would be $7.45; of 1½ tons—$22.35.

PRICE SCHEDULE

	1 ton or more delivered per ton
I *Low volatile bituminous coal from district No. 7 (southern West Virginia and northwestern and central Virginia)*	
1 Lump and egg—size group Nos. 1 and 2 (all lump coal bottom size ¾"; all egg coal top size larger than 3" bottom size no limit)	$15.16
2 Stove—size group No. 3 (all stove coal top size larger than 1¼" but not exceeding 3", bottom size smaller than 3")	15.01
3. Nut—size group No. 4 (all nut coal top size larger than ¾" but not exceeding 1¼"; bottom size smaller than 1¼")	14.96
II. *High volatile bituminous coal from district No. 8 (eastern Kentucky, southwestern West Virginia, western Virginia, northern Tennessee and North Carolina)*	
A Coal from premium Kentucky and Elkhorn seams including Millers Creek, No. 5, high and low splint, blue gem and Elkhorn seams:	
1 Lump	14.90
2. Egg	14.60
3. Stoker	13.40
III *High volatile bituminous coal from district No. 10 (Illinois)*	
A Southern sub-district price group Nos. 1, 2 and 8 (deep machine mines):	
1 Lump and egg—size group Nos. 1, 2, 3, 4, and 5 (all lump and egg coals bottom size larger than 1½" washed or raw)	10.99
2 Special stoker—size group Nos. 21, 22 and 28 (all washed or air cleaned nut and pea coal bottom size larger than 10 mesh or 3/32" and top size not exceeding 2"; also all dry dedusted special stoker bottom size larger than 28 mesh and top size not exceeding ⅜")	10.39
3. Washed and dedusted screenings—size group Nos. 23, 24, 26 and 27 (all washed air-cleaned or dry dedusted screenings top size not exceeding 2")	9.84
F Fulton Peoria subdistrict (strip mines)	
1 Lump and egg—size group Nos. 1, 2 and 3 (All lump and egg coals bottom size larger than 2" washed or raw) price group Nos. 24, 25 and 26	9.65
2 Washed nut and pea—size group Nos. 17–20 inclusive (all washed or air-cleaned nut and pea coal bottom size larger than 10 mesh or 3/32" and top size not exceeding 2") price group Nos. 27 and 28	8.80
IV *High volatile bituminous coal from district No. 11 (Indiana) (deep machine mines)*	
1. Lump—size group No. 1 (all lump coal bottom size larger than 4" washed or raw):	
(a) Price group Nos. 6 and 14	$11.44
(b) Price group Nos. 15 and 16	11.34
(c) Mine index No. 115 only	10.74
2. Egg—size group Nos. 2 and 3 (all egg coal bottom size larger than 2" but not larger than 4" washed or raw):	
(a) Price group Nos. 6 and 14	$11.19
(b) Price group Nos. 7, 18 and 19 and Mine Index No. 115	10.39
3. Egg—size group Nos. 4 and 5 (all egg coal bottom size larger than 1½" but not larger than 2" washed or raw) price group Nos. 6 and 14	10.94
4. Stoker—size group Nos. 9–12 inclusive (all raw nut and pea coal bottom size larger than 10 mesh or 3/32" and top size not exceeding 2"):	
(a) Price group Nos. 6 and 14	10.19
(b) Mine Index No. 115 only	9.84
V. Pennsylvania Anthracite: 1. Egg, stove and nut	20.60
VI. By-product coke: 1. Egg, stove and nut	17.10
VII. Briquettes made from District No. 7 Low Volatile Coal	15.65

(2) The maximum prices for all sales by dealers of solid fuels not provided for by the above schedule shall be the maximum prices applicable for such sales under Revised Maximum Price Regulation No. 122, as amended.

(d) *Service charges.* The service charges set forth below may be made for special services rendered in connection with sales under paragraph (c). No other or higher service charges may be made. Service charges must be separately stated on each invoice. These charges may be made only if the service has been requested by the purchaser.

	Coal		Coke	
	Per ½ ton	Per ton	Per ½ ton	Per ton
Carrying or wheeling from curb, per ton	$0.40	$0.75	$0.60	$1.00
Carrying up or down stairs	.80	1.50	1.20	2.00
Forking, District No. 7 Low Volatile Bituminous Coal, lump or egg	.50	1.00	-----	-----

(e) *Charge for treatment of coal.* Whenever a dealer has been charged by his supplier for the chemical or oil treatment of coal at the mine, he may add such treatment charge to the applicable maximum price set by this revised order: *Provided*, That the treated coal is kept separate and is not mixed with untreated coal. When a treatment charge is made pursuant to this section the dealer need not separately state the amount of such service charge if he clearly indicates on the invoice that such coal is so treated.

(f) *Discounts.* The maximum prices set forth in section (c) shall be subject to the following discounts:

	Per ton
1. Payment on delivery or within 10 days therefrom	$1.00
2. On yard sales to purchasers other than dealers	1.00
3. On yard sales to dealers	1.50
4. On a sale or delivery of 20 tons or more annually in full truckload lots	.50

(g) *The transportation tax.* The transportation tax imposed by section 620 of the Revenue Act of 1942 may be collected in addition to the maximum prices set by this revised order, provided the dealer states it separately from the price on his invoice or statement. But no part of that tax may be collected, in addition to the maximum price on sales of quarter-ton or lesser quantities.

(h) *Addition of increases in supplier's price prohibited.* Notwithstanding the provisions of Revised Maximum Price Regulation No. 122, the maximum prices set by this revised order may not be increased and need not be decreased by a dealer to reflect increases or decreases in purchase costs or in his supplier's maximum prices occurring after the effective date hereof; but increases or decreases in the maximum prices set hereby to reflect such changes are within the discretion of the Regional Administrator.

(i) *Petitions for amendments.* This order may be revoked, amended or modified at any time. Any dealer may at any time file with the La Crosse District Office of the Office of Price Administration a petition for amendment to this order in accordance with the provisions of Revised Procedural Regulation No. 1.

(j) *Posting of maximum prices.* (1) Each dealer subject to this order shall post all the maximum prices set by it for all his types of sales. He shall post his prices in his place of business in a manner plainly visible to and understandable by the purchasing public. He shall also keep a copy of this order available for examination by any person inquiring as to his prices for solid fuel. No report of the maximum prices established by this order need be made by any dealer under § 1340.262 (c) of Revised Maximum Price Regulation No. 122.

(2) Every person making a sale of solid fuel for which a maximum price is set by this order shall keep a record thereof showing: the date; the name and address of the buyer, if known; the per net ton price charged and the solid fuel sold. The solid fuel shall be identified in the manner in which it is described in this order. The record shall also separately state each service rendered and the charge made for it.

(k) Every person selling solid fuels subject to this order shall, either at the time of, or within thirty days after the date of a sale or delivery of solid fuels governed by this order give to his purchaser an invoice, sales slip or receipt, and shall keep an exact copy thereof for so long as this order is in effect or for so long as the Emergency Price Control Act of 1942, as amended, shall permit, whichever period is longer, showing the following information:

The name and address of the seller and the purchaser; the kind, size, and quantity of the solid fuels sold, the date of the sale or delivery and the price charged. In addition, he shall separately state on each such invoice, sales slip or receipt, the amount, if any, of the required discounts, authorized service charges and taxes which must be deducted from or which may be added to the established maximum prices: *Provided*, That a dealer who is authorized to make a special service charge for chemical or oil treatment of coal need not separately state the amount of such

service charge if he clearly indicates on the invoice that such coal is so treated: *And further provided*, That provisions of this paragraph (k) shall not apply to sales of solid fuels in less than quarter ton lots unless requested by the purchaser.

(l) *Definitions and explanations.* When used in this Revised Order No. G–13, the term:

(1) "Delivered" means dumping, chuting or otherwise depositing the fuel into any bin or storage space available on the buyer's premises.

(2) "Pennsylvania anthracite" means only coal produced in the Lehigh, Schuylkill and Wyoming regions in the Commonwealth of Pennsylvania. "Chestnut" size of Pennsylvania anthracite refers to the size of such coal prepared at the mine in accordance with standard sizing specifications adopted by the Anthracite Committee, effective December 15, 1941.

(3) "District No." refers to the geographical bituminous coal-producing districts as delineated and numbered by the Bituminous Coal Act of 1937, as amended.

(4) "Low volatile bituminous coal" refers to coal produced in the low volatile sections of the producing districts specified herein.

(5) "High volatile bituminous coal" refers to coal produced in the high volatile sections of the producing districts specified herein.

(6) (i) "Egg, stove, nut," etc., sizes of bituminous coal refer to the sizes of such coal as defined in the Bituminous Coal Act of 1937, as amended, and as prepared at the mine in accordance with the applicable minimum price schedule promulgated by the Bituminous Coal Division of the United States Department of Interior.

(ii) "Egg, stove, nut," etc., sizes of bituminous coal received via the Great Lakes refer to the sizes of coal sold at the docks under such designations during December 1941.

(7) "P. G." (Production Group) and "S. G." (Size Group) refer to the meaning given to these terms under the Bituminous Coal Act of 1937 or under any order, schedule, rule or regulation issued by the Bituminous Coal Division of the U. S. Department of the Interior which was established or in effect as of midnight August 23, 1943.

(8) Except as otherwise provided herein or as the context may otherwise require, all terms used in this order shall bear the meaning given them in Revised Maximum Price Regulation No. 122 or the Emergency Price Control Act of 1942; if not therein defined, they shall be given their ordinary and popular trade meaning.

(m) *Effect of order on Revised Maximum Price Regulation No. 122 and Regional Order Nos. G–19, G–20, and G–22.* Except as herein otherwise provided, the provisions of Revised Maximum Price Regulation No. 122 shall remain in full force and effect. This revised order supersedes Regional Order Nos. G–19, G–20, and G–22 as to dealers covered hereby.

NOTE: The record-keeping requirements of this Revised Order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

This Revised Order No. G–13 shall become effective August 8, 1945.

Issued this 3d day of August 1945.

RAE E. WALTERS,
Regional Administrator.

[F. R. Doc. 45–14753; Filed, Aug. 9, 1945; 4:22 p. m.]

[Region VIII Order G–5 Under RMPR 251, Amdt. 1]

PLUMBING SERVICES IN SOUTHERN CALIFORNIA AREA

An opinion accompanying this amendment has been issued simultaneously herewith.

Order No. G–5 under Revised Maximum Price Regulation No. 251 is amended in the following respects:

1. Paragraph (b) (1) is amended to read as follows:

(b) (1) The maximum hourly rate shall be either the rate in Column A, or the labor cost per hour multiplied by the percentage in Column B, whichever is lower.

	Column A			Column B
	Straight time	Overtime	Sundays and Holidays	Percentage of legal labor cost
Journeyman plumber	$2.50	$3.75	$5.00	100%
Journeyman plumber (Los Angeles County, Calif., or Clark County, Nev.)	2.75	4.03	5.50	100%
Apprentice plumber	1.75	2.63	3.50	140
Common labor	1.75	2.63	3.50	140

2. Paragraph (b) (3) is amended to read as follows:

(3) *Jobs selling for more than $200.* For jobs sold for more than $200.00 the maximum price shall be calculated under section 7 of Revised Maximum Price Regulation No. 251, using the sum of labor costs, direct costs, and a margin not exceeding the margin used on the most comparable job in the period January 1, 1939, to March 31, 1942, or, for sellers not in business in March 1942, a margin not exceeding 30 percent of the sum of labor and material and other direct costs. This price may not exceed the maximum price provided above in this order.

3. Paragraph (b) (4) is added to read as follows:

(4) *Additional charges:* A charge may be made for the cash outlay a plumber may be required to make to secure a permit to perform a specific job, which fee is paid to a Building Inspection Department of a city or other body politic.

This amendment to Order No. G–5 shall become effective July 28, 1945.

Issued this 23d day of July 1945.

CHAS. R. BAIRD,
Regional Administrator.

[F. R. Doc. 45–14752; Filed, Aug. 9, 1945; 4:22 p. m.]

[Region VIII Order G–10 Under Supp. Order 94, Amdt. 1]

THREE PANEL WOODEN FOLDING SCREENS IN SAN FRANCISCO REGION

For the reasons set forth in the accompanying opinion and pursuant to the authority conferred upon the Regional Administrator by sections 11 and 13 of Supplementary Order No. 94; *It is hereby ordered*, That Order No. G–10 under Supplementary Order No. 94 be amended as follows:

Paragraph (a) is amended by striking the words "Procurement Division of the Treasury Department" and substituting therefor the words "Department of Commerce."

Issued this 25th day of July 1945.

CHAS. R. BAIRD.
Regional Administrator.

[F. R. Doc. 45–14751; Filed, Aug. 9, 1945; 4:21 p. m.]

[Region VIII Order G–14 Under Supp. Order 94]

BOYT HARNESS CO.

SPECIAL EXEMPTION FROM PRICE CONTROL

For the reasons set forth in an accompanying opinion and pursuant to the authority conferred upon the Regional Administrator by sections 11 and 13 of Supplementary Order 94; *It is ordered*, as follows:

(a) Notwithstanding the provision of any regulation or order issued prior to the effective date of this order by the Regional Administrator of the Office of Price Administration, sales by the United States Department of Commerce or by any other Government agency or any subsequent seller of the following commodity are hereby exempt from price control:

(1) Automatic rifle carrying cases for Thompson Automatic Sub-Machine Gun, manufactured by Boyt Harness Company, Des Moines, Iowa, all leather with steel reinforcements, light natural color, 48" long, 3" thick, and 7" tapering to 3" wide. Condition—new.

(b) This order shall apply to sales in the States of California, Washington, Nevada, Oregon, except Malheur County, and Arizona, except those portions of Coconino and Mohave Counties lying north of the Colorado River; and the following counties in the State of Idaho: Benewah, Bonner, Boundary, Clearwater, Kootenai, Latah, Lewis, Nez Perce, Shoshone, and Idaho.

This order shall become effective July 28, 1945, and shall continue in effect until made subject to an order issued by the National Office of the Office of Price Administration.

This order may be amended, corrected or revoked at any time.

Issued this 23d day of July 1945.

CHAS. R. BAIRD,
Regional Administrator.

[F. R. Doc. 45–14750; Filed, Aug. 9, 1945; 4:21 p. m.]

[Region VIII Order G–15 Under Supp. Order 94]

CANVAS CASES IN SAN FRANCISCO REGION

For the reasons set forth in an accompanying opinion and pursuant to the authority conferred upon the Regional Administrator by sections 11 and 13 of Supplementary Order 94; *It is ordered*, as follows:

(a) Notwithstanding the provision of any regulation or order issued prior to the effective date of this order by the Regional Administrator of the Office of Price Administration, sales by the United States Department of Commerce or by any other Government agency or any subsequent seller of the following commodity are hereby exempt from price control:

(i) Infantry demolition kit case, dimensions approximately 12" x 12" x 4", with adjustable web shoulder straps, 4 buckles and straps for fastening case, center built in covered case 4" square inside of $8\frac{1}{2}$" square tray with metal stiffening around top edge, bottom reinforced with composition fibreboard.

(ii) Cavalry demolition canvas case, dimensions approximately $7\frac{1}{2}$" x $7\frac{1}{2}$" x $1\frac{3}{4}$", flap closing with two $\frac{3}{4}$" x 6" straps and buckles, shoulder web carrying straps 2" x 30" with adjustable sliding buckles.

(b) This order shall apply to sales in the States of California, Washington, Nevada, Oregon, except Malheur County, and Arizona, except those portions of Coconino and Mohave Counties lying north of the Colorado River; and the following counties in the State of Idaho: Benewah, Bonner, Boundary, Clearwater, Kootenai, Latah, Lewis, Nez Perce, Shoshone, and Idaho.

This order shall become effective July 28, 1945, and shall continue in effect until made subject to an order issued by the National Office of the Office of Price Administration.

This order may be amended, corrected or revoked at any time.

Issued this 23d day of July 1945.

CHAS. R. BAIRD,
Regional Administrator.

[F. R. Doc. 45–14749; Filed, Aug. 9, 1945; 4:21 p. m.]

LIST OF COMMUNITY CEILING PRICE ORDERS

The following orders under Rev. General Order 51 were filed with the Division of the Federal Register Aug. 9, 1945.

REGION I

Maine Order 3–F, Amendment 5, covering fresh fruits and vegetables in South Portland, Portland and Westbrook, Maine. Filed 10:26 a. m.

Maine Order 5–F, Amendment 5, covering fresh fruits and vegetables in the Bangor and Brewer Areas. Filed 10:28 a. m.

REGION IV

Birmingham Order 3–F, Amendment 27, covering fresh fruits and vegetables in Jefferson County, Alabama. Filed 10:09 a. m.

Columbia Order 7–F, Amendment 9, covering fresh fruits and vegetables in the entire state of South Carolina. Filed 10:06 a. m.

REGION V

Dallas Order 1–F, Amendment 74, covering fresh fruits and vegetables in Dallas County, Texas. Filed 10:06 a. m.

Dallas Order 2–C, Amendment 4, covering poultry. Filed 10:17 a. m.

Dallas Order 3–F, Amendment 50, covering fresh fruits and vegetables in certain areas in Texas. Filed 10:26 a. m.

New Orleans Order 2–F, Amendment 82, covering fresh fruits and vegetables in certain areas in Louisiana. Filed 10:06 a. m.

Wichita Order 5–F, covering fresh fruits and vegetables in certain areas in Kansas. Filed 10:07 a. m.

REGION VI

Chicago Order 1–0, Amendment 2, covering eggs in the Chicago Area. Filed 10:18 a. m.

Chicago Order 2–0, Amendment 2, covering eggs in the Chicago Area. Filed 10:18 a. m.

Milwaukee District Order 10–F, Amendment 4, covering fresh fruits and vegetables in certain counties in Wisconsin. Filed 10:20 a. m.

Moline Order 2–F, Amendment 45, covering fresh fruits and vegetables in certain areas in Illinois and Iowa. Filed 10:25 a. m.

Moline Order 3–F, Amendment 27, covering fresh fruits and vegetables in certain areas in Illinois and Iowa. Filed 10:26 a. m.

North Platte Order 1–F, Amendment 3, covering fresh fruits and vegetables in certain areas in Nebraska. Filed 10:20 a. m.

Omaha Order 10–F, Amendment 18, covering fresh fruits and vegetables in Omaha, Nebraska and Council Bluffs, Iowa. Filed 10:20 a. m.

Omaha Order 10–F, Amendment 19, covering fresh fruits and vegetables in Omaha, Nebraska and Council Bluffs, Iowa. Filed 10:18 a. m.

Omaha Order 11–F, Amendment 19, covering fresh fruits and vegetables in Lincoln, Nebraska. Filed 10:21 a. m.

Omaha Order 11–F, Amendment 20, covering fresh fruits and vegetables in Lincoln, Nebraska. Filed 10:19 a. m.

Omaha Order 21, Amendment 9, covering dry groceries within Lancaster County, Nebraska. Filed 10:21 a. m.

Sioux City Order 2–F, Amendment 80, covering fresh fruits and vegetables in Sioux City, Iowa and South Sioux City, Nebraska. Filed 10:21 a. m.

Sioux Falls Order 2–F, Amendment 7, covering fresh fruits and vegetables in Sioux Falls, South Dakota. Filed 10:28 a. m.

Twin Cities Order (Revised) 1–F, Amendment 26, covering fresh fruits and vegetables in St. Paul and Minneapolis. Filed 10:10 a. m.

Springfield Order 13–F, Amendment 18, covering fresh fruits and vegetables in Springfield, Sangamon County, Illinois. Filed 10:21 a. m.

Springfield Order 13–F, Amendment 19, covering fresh fruits and vegetables in Springfield, Sangamon County, Illinois. Filed 10:19 a. m.

Springfield Order 14–F, Amendment 20, covering fresh fruits and vegetables in certain areas in Illinois. Filed 10:22 a. m.

Springfield Order 14–F, Amendment 21, covering fresh fruits and vegetables in certain areas in Illinois. Filed 10:19 a. m.

Springfield Order 15–F, Amendent 19, covering fresh fruits and vegetables in Decatur, Macon County, Illinois. Filed 10:22 a. m.

Springfield Order 15–F, Amendment 20, covering fresh fruits and vegetables in Decatur, Macon County, Illinois. Filed 10:20 a. m.

REGION VII

Albuquerque Order 8–F, Amendment 23, covering fresh fruits and vegetables in the Albuquerque Area, including city of Albuquerque. Filed 10:23 a. m.

Albuquerque Order 8–F, Amendment 24, covering fresh fruits and vegetables in the Albuquerque Area, including city of Albuquerque. Filed 10:28 a. m.

Denver Order 4F, Amendment 4, covering fresh fruits and vegetables in the Denver Area. Filed 10:22 a. m.

Denver Order 5–F, Amendment 4, covering fresh fruits and vegetables in the Pueblo Area. Filed 10:23 a. m.

Denver Order 6–F, Amendment 4, covering fresh fruits and vegetables in the Colorado Springs-Manitou Area. Filed 10:23 a. m.

Denver Order 7–F, Amendment 4, covering fresh fruits and vegetables in the Boulder-Fort Collins- Greeley Area. Filed 10:23 a. m.

Salt Lake City Order 5–W, Amendment 2, covering dry groceries in Salt Lake City, Ogden and Provo Area. Filed 10:16 a. m.

Salt Lake City Order 21, Amendment 2, covering dry groceries in Salt Lake City, Ogden, and Provo Area. Filed 10:10 a. m.

Salt Lake City Order 22, Amendment 2, covering dry groceries in certain areas in Utah. Filed 10:10 a. m.

Salt Lake City Order 23, Amendment 2, covering dry groceries in certain areas in Utah. Filed 10:11 a. m.

Salt Lake City Order 24, Amendment 2, covering dry groceries in certain areas in Nevada, Arizona and Utah. Filed 10:11 a. m.

REGION VIII

Nevada Order 11–F, Amendment 1–A, covering fresh fruits and vegetables in the Reno and Sparks Area. Filed 10:16 a. m.

Nevada Order 12–F, Amendment 1, covering fresh fruits and vegetables in certain areas in Nevada. Filed 10:16 a. m.

Nevada Order 13–F, Amendment 1, covering fresh fruits and vegetables in certain areas in Nevada. Filed 10:16 a. m.

Nevada Order 14–F, Amendment 1, covering fresh fruits and vegetables in certain areas in Nevada. Filed 10:17 a. m.

Nevada Order 32, covering dry groceries in the Reno and Sparks Area. Filed 10:23 a. m.

Nevada Order 33, covering dry groceries in certain areas in Nevada. Filed 10:24 a. m.

Nevada Order 34, covering dry groceries in certain areas in Nevada. Filed 10:24 a. m.

Nevada Order 35, covering dry groceries in certain areas in Nevada. Filed 10:24 a. m.

Nevada Order 36, covering dry groceries in the entire state of Nevada except Clark County. Filed 10:24 a. m.

Nevada Order 37, covering dry groceries in Clark County, Nevada. Filed 10:25 a. m.

Phoenix Adopting Order 8–F, Amendment 17, covering fresh fruits and vegetables in certain cities in Arizona. Filed 10:26 a. m.

Sacramento Order O–1, Amendment 6, covering eggs in certain areas in California. Filed 10:08 a. m.

Sacramento Order O–2, Amendment 6, covering eggs in certain counties in California. Filed 10:09 a. m.

Sacramento Order 20 under Basic Order 1–B, Amendment 4, covering dry groceries. Filed 10:08 a. m.

Sacramento Adopting Order 29–F under Basic Order 3–B, Amendment 23, covering fresh fruits and vegetables in certain areas in California. Filed 10:07 a. m.

Sacramento Adopting Order 29–F under Basic Order 3–B, Amendment 24, covering fresh fruits and vegetables in certain areas in California. Filed 10:07 a. m.

Sacramento Order 30–F, Amendment 6, covering fresh fruits and vegetables in certain areas in California. Filed 10:07 a. m.

Sacramento Order 31–F, Amendment 5, covering fresh fruits and vegetables in certain areas in California. Filed 10:07 a. m.

San Diego Order 1–C, Amendment 5, covering poultry. Filed 10:04 a. m.

San Diego Order 1–D, covering dry groceries in San Diego and Imperial Counties. Filed 10:25 a. m.

San Diego Order 1–F, Amendment 39, covering fresh fruits and vegetables in the San Diego Area. Filed 10:02 a. m.

San Diego Order 2-C, covering poultry in only the Imperial County, California. Filed 10:04 a. m.

San Diego Order 2-F, Amendment 20, covering fresh fruits and vegetables in certain areas in California. Filed 10:02 a. m.

San Diego Order 11, Amendment 5, covering dry groceries in the San Diego Area. Filed 10:02 a. m.

San Diego Order 12, Amendment 2, covering dry groceries in the Imperial County. Filed 10:02 a. m.

San Diego Order 13, Amendment 3, covering dry groceries in the San Diego and Imperial Counties. Filed 10:04 a. m.

San Francisco Order 13-F, Amendment 9, covering fresh fruits and vegetables in certain areas in California. Filed 10:04 a. m.

San Francisco Order 14-F, Amendment 9, covering fresh fruits and vegetables in certain areas in California. Filed 10:06 a. m.

San Francisco Order 15-F, Amendment 9, covering fresh fruits and vegetables in certain areas in California. Filed 10:06 a. m.

San Francisco Order 16-F, Amendment 9, covering fresh fruits and vegetables in Del Norte and Humboldt, except the city of Eureka. Filed 10:06 a. m.

Copies of any of these orders may be obtained from the OPA Office in the designated city.

ERVIN H. POLLACK,
Secretary.

[F. R. Doc. 45-14808: Filed, Aug. 10, 1945; 4:25 p. m.]

LIST OF COMMUNITY CEILING PRICE ORDERS

The following orders under Rev. General Order 51 were filed with the Division of the Federal Register August 7, 1945.

REGION I

Augusta Order 3-F, Amendment 8, covering fresh fruits and vegetables in South Portland and Westbrook, Maine. Filed 10:09 a. m.

Augusta Order 5-F, Amendment 8, covering fresh fruits and vegetables in the Bangor and Brewer Areas. Filed 10:09 a. m.

Boston Order 7-F, Amendment 11, covering fresh fruits and vegetables in the Boston Area. Filed 10:18 a. m.

Boston Order 8-F, Amendment 8, covering fresh fruits and vegetables in certain areas in Massachusetts. Filed 9:26 a. m.

Boston Order 9-F, Amendment 9, covering fresh fruits and vegetables in certain areas in Massachusetts. Filed 9:28 a. m.

Boston Order 10-F, Amendment 8, covering fresh fruits and vegetables in certain areas in Massachusetts. Filed 9:27 a. m.

Concord Order 9-F, Amendment 13, covering fresh fruits and vegetables in certain areas in New Hampshire. Filed 10:09 a. m.

Connecticut Order 1-C, Amendment 5, covering poultry in the state of Connecticut. Filed 9:24 a. m.

Connecticut Order 1-M, covering malt beverages in the entire state of Connecticut. Filed 10:22 a. m.

REGION II

Baltimore Order 4-F, Amendment 47, covering fresh fruits and vegetables in certain areas in Maryland. Filed 10:22 a. m.

Baltimore Order 10-F, Amendment 3, covering fresh fruits and vegetables in certain areas in Maryland. Filed 10:21 a. m.

Buffalo Order 3-F, Amendment 19, covering fresh fruits and vegetables in certain areas in New York. Filed 10:23 a. m.

Buffalo Order 4-F, Amendment 19, covering fresh fruits and vegetables in East Rochester, Fairport and Pittsford, New York. Filed 10:23 a. m.

Camden Order 3-F, Amendment 41, covering fresh fruits and vegetables in certain counties in New Jersey. Filed 10:23 a. m.

Camden Order 3-F, Amendment 42, covering fresh fruits and vegetables in certain areas in New Jersey. Filed 10:21 a. m.

Camden Order 4-F, Amendment 41, covering fresh fruits and vegetables in the Cape May and Atlantic Counties, New Jersey. Filed 10:22 a. m.

Camden Order 4-F, Amendment 42, covering fresh fruits and vegetables in the Cape May and Atlantic Counties, New Jersey. Filed 10:22 a. m.

District of Columbia Order 5-F, Amendment 19, covering fresh fruits and vegetables in certain areas in Md., Va., and District of Columbia. Filed 10:22 a. m.

District of Columbia Order 5-F, Amendment 20, covering fresh fruits and vegetables in certain areas in Maryland, Virginia and District of Columbia. Filed 10:10 a. m.

Philadelphia Order 2-F, Amendment 48, covering fresh fruits and vegetables in certain counties in Pennsylvania. Filed 10:10 a. m.

Williamsport Order 22, Amendment 2, covering dry groceries in certain counties in Pennsylvania. Filed 10:21 a. m.

Williamsport Order 23, Amendment 3, covering dry groceries in certain counties in Pennsylvania. Filed 10:21 a. m.

REGION III

Cincinnati Order 1-O, Amendment 1, covering eggs in certain counties in Ohio. Filed 10:10 a. m.

Cincinnati Order 4-F, Amendment 31, covering fresh fruits and vegetables in Hamilton County, Ohio. Filed 10:10 a. m.

Cincinnati Order 8-F, Amendment 1, covering fresh fruits and vegetables in certain counties in Ohio. Filed 10:10 a. m.

Cleveland Order F-1, Amendment 51, covering fresh fruits and vegetables in Cuyahoga County, Ohio. Filed 10:10 a. m.

Cleveland Order 3-F, Amendment 51, covering fresh fruits and vegetables in the Mahoning and Trumbull Counties, Ohio. Filed 10:11 a. m.

Cleveland Order 4-F, Amendment 51, covering fresh fruits and vegetables in Stark and Summit Counties, Ohio. Filed 10:11 a. m.

Columbus Order 10-F, Amendment 4, covering fresh fruits and vegetables in Logan, Franklin and Muskingum Counties, Ohio. Filed 10:11 a. m.

Columbus Order 11-F, Amendment 4, covering fresh fruits and vegetables in certain areas in Ohio. Filed 10:11 a. m.

Detroit Order 5-F, Amendment 27, covering fresh fruits and vegetables in Wayne and Macomb Counties, Michigan. Filed 10:11 a. m.

Indianapolis Order 14-F, Amendment 28, covering fresh fruits and vegetables in Marion, Vigo and Tippecanoe. Filed 10:11 a. m.

Indianapolis Order 15-F, Amendment 28, covering fresh fruits and vegetables in Wayne, Delaware and Allen Counties, Indiana. Filed 10:12 a. m.

Indianapolis Order 16-F, Amendment 28, covering fresh fruits and vegetables in St. Joseph, Indiana. Filed 10:12 a. m.

Indianapolis Order 17-F, Amendment 28, covering fresh fruits and vegetables in Vanderburgh County, Indiana. Filed 10:12 a. m.

Louisville Order 12-F, Amendment 30, covering fresh fruits and vegetables in Clark and Floyd Counties, Indiana and Jefferson, Kentucky. Filed 10:12 a. m.

Louisville Order 13-F, Amendment 30, covering fresh fruits and vegetables in McCracken County, Kentucky. Filed 10:12 a. m.

Louisville Order 15-F, Amendment 8, covering fresh fruits and vegetables in certain areas in Kentucky. Filed 10:13 a. m.

REGION IV

Jackson Order 5-F, Amendment 10, covering fresh fruits and vegetables in certain areas in Mississippi. Filed 10:17 a. m.

Jacksonville Order 11-F, Amendment 15, covering fresh fruits and vegetables in certain counties in Florida. Filed 10:25 a. m.

Jacksonville Order 11-F, Amendment 16, covering fresh fruits and vegetables in certain areas in Florida. Filed 10:13 a. m.

Miami Order 1-F, Amendment 24, covering fresh fruits and vegetables in certain areas in Florida. Filed 10:25 a. m.

Roanoke Order 11-F, Amendment 23 covering fresh fruits and vegetables in certain areas in Virginia. Filed 10:24 a. m.

Roanoke Order 12-F, Amendment 15 covering fresh fruits and vegetables in certain areas in Virginia. Filed 10:24 a. m.

Savannah Order 7-F, Amendment 42 covering fresh fruits and vegetables in certain areas in Georgia. Filed 10:13 a. m.

Savannah Order (Adopting) 9-F, Amendment 42, covering fresh fruits and vegetables. Filed 10:13 a. m.

Savannah Order (Adopting) 10-F Amendment 42, covering fresh fruits and vegetables. Filed 10:14 a. m.

Savannah Adopting Order 12-F Amendment 12, covering fresh fruits and vegetables. Filed 10:14 a. m.

Savannah Order (Adopting) 13-F Amendment 6, covering fresh fruits and vegetables. Filed 10:14 a. m.

REGION V

Dallas District Order 3-F, Amendment 52 covering fresh fruits and vegetables. Filed 10:15 a. m.

Dallas Order 4-F covering fresh fruits and vegetables in Dallas County, Texas. Filed 10:16 a. m.

Dallas Order 5-F, covering fresh fruits and vegetables in certain areas in Texas. Filed 10:16 a. m.

Houston Order 4-F, Amendment 1 covering fresh fruits and vegetables in certain areas in Texas. Filed 10:14 a. m.

Houston Order 5-F, Amendment 1 covering fresh fruits and vegetables in Orange and Jefferson Counties, Texas. Filed 10:14 a. m.

Houston Order 6-F covering fresh fruits and vegetables in certain counties in Texas. Filed 10:14 a. m.

Shreveport Order 2-F, Amendment 68 covering fresh fruits and vegetables in certain cities in the Shreveport Area. Filed 10:24 a. m.

St. Louis Order 4-F, Amendment 2 covering fresh fruits and vegetables in the city and county of St. Louis, Missouri. Filed 10:16 a. m.

St. Louis Order 5-F, covering fresh fruits and vegetables in certain counties in Missouri. Filed 10:17 a. m.

Tulsa Order 8-F, Amendment 20 covering fresh fruits and vegetables in the cities of Muskogee and Tulsa, Oklahoma. Filed 10:24 a. m.

Tulsa Order 8-F, Amendment 21 covering fresh fruits and vegetables in the cities of Muskogee and Tulsa, Oklahoma. Filed 10:23 a. m.

REGION VI

Chicago Order 2-F, Amendment 71 covering fresh fruits and vegetables in certain areas in Illinois and Lake County Indiana. Filed 9:27 a. m.

Des Moines Order 1-F, Amendment 73, covering fresh fruits and vegetables in Des Moines, Polk County, Iowa. Filed 10:19 a. m.

Des Moines Order 3-F, Amendment 21 covering fresh fruits and vegetables in certain areas in Iowa. Filed 10:19 a. m.

Duluth-Superior Order 1-F, Amendment 80, covering fresh fruits and vegetables in certain areas in Minnesota. Filed 10:23 a. m.

Green Bay Order 4-F, Amendment 24, covering fresh fruits and vegetables in certain counties in Wisconsin. Filed 9:27 a. m.

Green Bay Order 5-F, Amendment 24 covering fresh fruits and vegetables in certain areas in Wisconsin. Filed 9:27 a. m.

Green Bay Order 6-F, Amendment 24, covering fresh fruits and vegetables in Florence, Forest and Marinette, Wisconsin. Filed 9:26 a. m.

La Crosse Order 1-F, Amendment 80, covering fresh fruits and vegetables in Winona, Minnesota and La Crosse and Sparta, Wisconsin. Filed 10:19 a. m.

Milwaukee District Order 11-F, Amendment 10, covering fresh fruits and vegetables in certain areas in Wisconsin. Filed 9:35 a. m.

REGION VII

Albuquerque Order 8-F, Amendment 26, covering fresh fruits and vegetables in the Albuquerque Area including the city of Albuquerque. Filed 10:17 a. m.

REGION VIII

Portland Order 8-F, Amendment 31, covering fresh fruits and vegetables in Medford, Oregon. Filed 10:24 a. m.

Portland Order 9-F, Amendment 31, covering fresh fruits and vegetables in certain areas in Oregon. Filed 10:24 a. m.

Portland Order 13-C, covering poultry in certain counties in Oregon. Filed 10:18 a. m.

Seattle Order 6-F, Amendment 42, covering fresh fruits and vegetables in the Seattle and Bremerton, Washington Area. Filed 9:24 a. m.

Seattle Order 6-F, Amendment 43, covering fresh fruits and vegetables in the Seattle and Bremerton, Washington Area. Filed 9:28 a. m.

Seattle Order 6-F, Amendment 46, covering fresh fruits and vegetables in the Seattle and Bremerton, Washington Area. Filed 9:26 a. m.

Seattle Order 7-F, Amendment 39, covering fresh fruits and vegetables in the Tacoma, Washington Area. Filed 9:28 a. m.

Seattle Order 7-F, Amendment 40, covering fresh fruits and vegetables in the Tacoma, Washington Area. Filed 9:29 a. m.

Seattle Order 7-F, Amendment 42, covering fresh fruits and vegetables in the Tacoma, Washington Area. Filed 9:25 a. m.

Seattle Order 8-F, Amendment 36, covering fresh fruits and vegetables in the Everett, Washington Area. Filed 9:29 a. m.

Seattle Order 8-F, Amendment 37, covering fresh fruits and vegetables in the Everett, Washington Area. Filed 9:30 a. m.

Seattle Order 8-F, Amendment 39, covering fresh fruits and vegetables in the Everett, Washington Area. Filed 10:20 a. m.

Seattle Order 9-F, Amendment 42, covering fresh fruits and vegetables in the Seattle and Bremerton, Washington Area. Filed 9:30 a. m.

Seattle Order 9-F, Amendment 43, covering fresh fruits and vegetables in the Seattle and Bremerton, Washington Area. Filed 9:30 a. m.

Seattle Order 9-F, Amendment 46, covering fresh fruits and vegetables in the Seattle and Bremerton, Washington Area. Filed 10:20 a. m.

Seattle Order 10-F, Amendment 35, covering fresh fruits and vegetables in the Bellingham, Washington Area. Filed 9:30 a. m.

Seattle Order 10-F, Amendment 36, covering fresh fruits and vegetables in the Bellingham, Washington Area. Filed 9:31 a. m.

Seattle Order 10-F, Amendment 38, covering fresh fruits and vegetables in the Bellingham, Washington Area. Filed 10:20 a. m.

Seattle Order 11-F, Amendment 36, covering fresh fruits and vegetables in the Olympia, Washington Area. Filed 9:31 a. m.

Seattle Order 11-F, Amendment 37, covering fresh fruits and vegetables in the Olympia, Washington Area. Filed 9:31 a. m.

Seattle Order 11-F, Amendment 39, covering fresh fruits and vegetables in the Olympia, Washington Area. Filed 10:20 a. m.

Seattle Order 12-F, Amendment 35, covering fresh fruits and vegetables in the Aberdeen and Hoquiam, Washington Area. Filed 9:32 a. m.

Seattle Order 12-F, Amendment 36, covering fresh fruits and vegetables in the Aberdeen and Hoquiam, Washington Area. Filed 9:33 a. m.

Seattle Order 12-F, Amendment 38, covering fresh fruits and vegetables in the Aberdeen and Hoquiam, Washington Area. Filed 10:20 a. m.

Seattle Order 13-F, Amendment 36, covering fresh fruits and vegetables in the Centralia and Chehalis, Washington Area. Filed 9:33 a. m.

Seattle Order 13-F, Amendment 37, covering fresh fruits and vegetables in the Centralia and Chehalis, Washington Area. Filed 9:33 a. m.

Seattle Order 13-F, Amendment 39, covering fresh fruits and vegetables in the Centralia and Chehalis, Washington Area. Filed 10:20 a. m.

Seattle Order 14-F, Amendment 37, covering fresh fruits and vegetables in the Wenatchee and East Wenatchee, Washington Area. Filed 9:34 a. m.

Seattle Order 14-F, Amendment 38, covering fresh fruits and vegetables in the Wenatchee and East Wenatchee, Washington Area. Filed 9:34 a. m.

Seattle Order 14-F, Amendment 39, covering fresh fruits and vegetables in the Wenatchee and East Wenatchee, Washington Area. Filed 10:20 a. m.

Seattle Order 15-F, Amendment 34, covering fresh fruits and vegetables in the Yakima, Washington Area. Filed 9:34 a. m.

Seattle Order 15-F, Amendment 37, covering fresh fruits and vegetables in the Yakima, Washington Area. Filed 10:19 a. m.

Seattle Order 32, Amendment 2, covering dry groceries in the Western Washington Area. Filed 9:26 a. m.

Copies of any of these orders may be obtained from the OPA Office in the designated city.

ERVIN H. POLLACK,
Secretary.

[F. R. Doc. 45-14945: Filed Aug. 13, 1945; 11:39 a. m.]

LIST OF COMMUNITY CEILING PRICE ORDERS

The following orders under Rev. General Order 51 were filed with the Division of the Federal Register August 9, 1945.

REGION II

New York Order 10-F, Amendment 23, covering fresh fruits and vegetables in Nassau and Westchester Counties, New York. Filed 9:32 a. m.

New York Order 10-F, Amendment 24, covering fresh fruits and vegetables in Nassau and Westchester Counties, New York. Filed 9:32 a. m.

New York Order 12-F, Amendment 16, covering fresh fruits and vegetables in certain counties in New York. Filed 9:32 a. m.

New York Order 12-F, Amendment 17, covering fresh fruits and vegetables in certain counties in New York. Filed 9:33 a. m.

Syracuse Order 3-F, Amendment 41, covering fresh fruits and vegetables in certain areas in New York. Filed 9:33 a. m.

REGION IV

Columbia Order 7-F, Amendment 11, covering fresh fruits and vegetables in the entire state of South Carolina. Filed 9:30 a. m.

Columbia Order 19-C, Amendment 1, covering poultry in the South Carolina Area. Filed 9:30 a. m.

Columbia Order 20-C, Amendment 1, covering poultry in the South Carolina Area. Filed 9:31 a. m.

Columbia Order 21-C, Amendment 1, covering poultry in the South Carolina Area. Filed 9:31 a. m.

Columbia Order 22-C, Amendment 1, covering poultry in the South Carolina Area. Filed 9:31 a. m.

Jacksonville Order 13-O, covering eggs in certain counties in Florida. Filed 9:23 a. m.

Jacksonville Order 14-O, covering eggs in certain counties in Florida. Filed 9:23 a. m.

Jacksonville Order 15-O, covering eggs in certain counties in Florida. Filed 9:23 a. m.

Jacksonville Order 16-O, covering eggs in certain counties in Florida. Filed 9:24 a. m.

Jacksonville Order 17-O, covering eggs in certain counties in Florida. Filed 9:24 a. m.

Jacksonville Order 18-O, covering eggs in certain counties in Florida. Filed 9:24 a. m.

Jacksonville Order 19-O, covering eggs in certain counties in Florida. Filed 9:24 a. m.

Memphis Order 6-F, Amendment 41, covering fresh fruits and vegetables in Memphis and the county of Shelby, Tennessee. Filed 9:25 a. m.

Memphis Order 6-F, Amendment 42, covering fresh fruits and vegetables in Memphis and the county of Shelby, Tennessee. Filed 9:25 a. m.

Memphis Order 7-F, Amendment 16, covering fresh fruits and vegetables in certain areas in Tennessee. Filed 9:25 a. m.

Montgomery Order 20-F, Amendment 36, covering fresh fruits and vegetables in Mobile County, Alabama. Filed 9:26 a. m.

Montgomery Order 21-F, Amendment 41, covering fresh fruits and vegetables in Montgomery County, Alabama. Filed 9:26 a. m.

Montgomery Order 22-F, Amendment 42, covering fresh fruits and vegetables in Houston County, Alabama. Filed 9:28 a. m.

Montgomery Order 23-F, Amendment 14, covering fresh fruits and vegetables in certain areas in Alabama. Filed 9:28 a. m.

Montgomery Order 24-F, Amendment 31, covering fresh fruits and vegetables in Dallas County, Alabama. Filed 9:28 a. m.

Savannah Adopting Order 2-C under Basic Order 1-B, covering poultry in certain areas in Georgia. Filed 9:29 a. m.

Savannah Adopting Order 3-C under Basic Order 1-B, covering poultry in certain areas in Georgia. Filed 9:29 a. m.

Savannah Adopting Order 4-C, under Basic Order 1-B, covering poultry in certain areas in Georgia. Filed 9:29 a. m.

Savannah Adopting Order 5-C under Basic Order 1-B, covering poultry in certain areas in Georgia. Filed 9:29 a. m.

Savannah Adopting Order 6-C under Basic Order 1-B, covering poultry in certain areas in Georgia. Filed 9:30 a. m.

Savannah Adopting Order 7-C under Basic Order 1-B, covering poultry in certain areas in Georgia. Filed 9:30 a. m.

Copies of any of these orders may be obtained from the OPA Office in the designated city.

ERVIN H. POLLACK,
Secretary.

[F. R. Doc. 45-14946; Filed, Aug. 13, 1945; 11:39 a. m.]

SECURITIES AND EXCHANGE COMMISSION.

[File No. 811-338]

ALLEGHANY CORP.

NOTICE OF AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 10th day of August, A. D., 1945.

Alleghany Corporation, a registered investment company, having filed an application pursuant to the provisions of section 8 (f) of the Investment Company Act of 1940 for an order declaring that

it has ceased to be an investment company within the meaning of said act;

It is ordered, Pursuant to section 40 (a) of said act that a hearing on the aforesaid application be held on the 28th day of August, 1945 at 10:00 o'clock a. m., eastern war time, in Room 318, Securities and Exchange Commission Building, 18th and Locust Streets, Philadelphia, Pennsylvania; and

It is further ordered, That Charles S. Lobingier, or any other officer or officers of the Commission designated by it for that purpose shall preside at such hearing. The officer so designated is hereby authorized to exercise all the powers granted to the Commission under sections 41 and 42 (b) of the Investment Company Act of 1940 and to trial examiners under the Commission's rules of practice.

Notice of such hearing is hereby given to the applicant and to any other persons whose participation in such proceeding may be in the public interest or for the protection of investors.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 45-14838; Filed, Aug. 11, 1945; 9:53 a. m.]

[File No. 70-1118]

STANDARD GAS AND ELECTRIC CO.

NOTICE OF FILING AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 9th day of August 1945.

Notice is hereby given that a declaration or application (or both) has been filed with this Commission pursuant to the applicable provisions of the Public Utility Holding Company Act of 1935 and the rules and regulations promulgated thereunder by Standard Gas and Electric Company (Standard Gas), a registered holding company and a subsidiary of Standard Power and Light Corporation, also a registered holding company. All interested persons are referred to the declaration or application, which is on file in the office of this Commission, for a statement of the transactions therein proposed which are summarized as follows:

Standard Gas proposes to sell to William Rosenblatt (a) 50,000 shares of the par value of $100 (money of the United States of America), per share, of the capital stock of Empresa de Servicios Publicos de los Estados Mexicanos, S. A. (Empresa), a corporation organized under the laws of the Republic of Mexico, consisting of 15,000 shares described as "fully paid series" and the remaining 35,000 shares described as "assessable series" (40% assessed and paid) and (b) a claim for indebtedness held by Standard Gas against Empresa in the principal sum of $428,495.48 (payable in United States currency), without interest. The consideration to be paid for such stock and claim of indebtedness is $640,000 cash. The 50,000 shares of capital stock of Empresa proposed to be sold are all of the issued and outstanding shares of capital stock of Empresa and, together with the said claim of indebtedness, constitute the entire investment of Standard Gas in Empresa. The sale of such stock and claim of indebtedness will be made pursuant to the provisions of an agreement of sale, dated July 11, 1945, between Standard Gas and William Rosenblatt.

It appearing to the Commission that it is appropriate in the public interest that a hearing be held with respect to said declaration or application (or both), and that said declaration or application (or both) shall not become effective or be granted except pursuant to further order of the Commission.

It is ordered, That a hearing on said declaration or application (or both) under the applicable provisions of the act and the rules of the Commission thereunder be held on August 28, 1945 at 10:00 a. m., e. w. t., in the office of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia, Pennsylvania. On such day the hearing room clerk in Room 318 will advise as to the room in which such hearing will be held.

It is further ordered, That Henry C. Lank or any other officer or officers of the Commission designated by it for that purpose shall preside at such hearing. The officer so designated to preside at such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said act and to a trial examiner under the Commission's rules of practice.

It is further ordered, That without limiting the scope of the issues presented by said declaration or application (or both), particular attention will be directed to the following matters:

1. Whether the proposed sale by Standard Gas and Electric Company of the securities and of the claim of indebtedness meets the requirements of section 12 (d) of the act with respect to the maintenance of competitive conditions and any other applicable provisions of said section.

2. Whether, and to what extent, it is necessary or appropriate in the public interest to impose terms or conditions in regard to the proposed transaction to insure compliance with the applicable requirements of the act and the rules, regulations and orders promulgated and issued thereunder.

3. Whether the proposed transactions meet the requirements of the applicable provisions of the act and the rules and regulations promulgated thereunder.

It is further ordered, That the Secretary of the Commission shall serve notice of the said hearing by mailing a copy of this order by registered mail to Standard Gas and Electric Company, Standard Power and Light Corporation and William Rosenblatt, and that notice of said hearing be given to all other persons by publication of this order in the FEDERAL REGISTER.

It is further ordered, That any other persons desiring to be heard in connection with these proceedings or proposing to intervene herein shall file with the Secretary of the Commission on or before August 25, 1945, his request or application therefor as provided by Rule XVII of the rules of practice of the Commission.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 45-14839; Filed, Aug. 11, 1945; 9:53 a. m.]

[File No. 68-28]

ARTHUR E. SPELLISSY ET AL.

ORDER PERMITTING POST-AMENDMENTS TO DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 9th day of August 1945.

In the Matter of Arthur E. Spellissy, John R. McLane and Arthur B. Newhall, as protective committee for holders of preferred stock of New England Public Service Company; File No. 68-28.

Arthur E. Spellissy, James H. Orr, Hugh J. Chisholm and John R. McLane, constituting themselves as a committee for the holders of the preferred stock of New England Public Service Company, and having heretofore filed a declaration, and amendments thereto, pursuant to Rule U-62 promulgated under the Public Utility Holding Company Act of 1935, regarding certain solicitation material to be sent to the holders of the preferred stock of New England Public Service Company, and said declaration, as amended, having been made effective, subject to certain conditions, by the Commission's order of January 12, 1945; and

Said declarants having filed post-amendments on July 3, 12 and 26, 1945 with respect to the resignations of James H. Orr and Hugh J. Chisholm from the committee and the addition of a new member, Arthur B. Newhall, and for the purpose of submitting to the persons who become holders of preferred stock a revised letter of solicitation, and a separate communication to the holders of preferred stock who have heretofore given their authorizations to the committee disclosing the above facts, said solicitation involving the amended plan of reorganization of New England Public Service Company (File No. 59-15); and

The Commission having examined said post-amendments, and exhibits thereto, and finding that the same meet the requirements of Rule U-62;

It is ordered, That said declaration, as thus post-amended, be and hereby is permitted to become effective forthwith, subject however, to the terms and conditions set forth in Rule U-62 (g) and U-24 and to the following further condition: that the committee will take no part in any controversy or negotiation relating to the allocation, between the $6 and $7 series preferred stock, respectively, of any of the assets of New England Public Service Company or of any securities issued in connection with any reorganization of New England Public Service Company, allocable to the preferred stock (both $6 and $7 series) as a class.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 45-14840; Filed, Aug. 11, 1945; 9:54 a.m.]

SURPLUS PROPERTY BOARD.

[SPB Reg. 3, Order 44]

WEST VIRGINIA AND KENTUCKY

ALLOCATION OF TRUCKS FOR DISPOSAL TO FARMERS AND FARMERS' COOPERATIVES IN CERTAIN COUNTIES

Pursuant to § 8303.4 of Surplus Property Board Regulation No. 3, entitled "Dispositions of Surplus Property in Rural Areas and to Farmers" (10 F.R. 5325) and in reliance upon the certificate of the Secretary of Agriculture to the Surplus Property Board that farm production is impaired or threatened to be impaired in the area named below by a shortage of trucks; *It is hereby ordered*, That:

The Department of Commerce, as disposal agency, shall allocate for disposal to farmers and farmers' cooperative associations holding certificates of the Agricultural Adjustment Agency and located in Marshall, Mason, Pleasants and Wood Counties, West Virginia, and Anderson, Clark, Hardin, Henry, Jefferson, Mercer, Nelson, Oldham, Shelby, and Spencer Counties, Kentucky, 30 one-and-one-half-ton, cargo and stake body trucks, and shall without regard to the requirements of Surplus Property Board Regulation No. 2 (10 F.R. 5104, 8911, 9478) take immediate steps so to dispose of such property by the methods provided in § 8303.4 (c).

This order shall become effective immediately.

SURPLUS PROPERTY BOARD,
W. STUART SYMINGTON,
Chairman.
EDWARD H. HELLER,
Member.
ROBERT A. HURLEY,
Member.
By A. E. HOWSE,
Administrator.

AUGUST 7, 1945.

[F. R. Doc. 45-14891; Filed, Aug. 13, 1945; 9:47 a. m.]

[SPB Reg. 3, Order 45]

PENNSYLVANIA

ALLOCATION OF TRUCKS FOR DISPOSAL TO FARMERS AND FARMERS' COOPERATIVES IN CERTAIN COUNTIES

Pursuant to § 8303.4 of Surplus Property Board Regulation No. 3, entitled "Dispositions of Surplus Property in Rural Areas and to Farmers" (10 F.R. 5325) and in reliance upon the certificate of the Secretary of Agriculture to the Surplus Property Board that farm production is impaired or threatened to be impaired in the area named below by a shortage of trucks; *It is hereby ordered*, That:

The Department of Commerce, as disposal agency, shall allocate for disposal to farmers and farmers' cooperative associations holding certificates of the Agricultural Adjustment Agency and located in York, Lancaster, Lebanon, Adams, Berks, Lehigh, Schuylkill, Dauphin, and Chester Counties, Pennsylvania, 23 pick-up trucks, and shall without regard to the requirements of Surplus Property Board Regulation No. 2 (10 F.R. 5104, 8911, 9478) take immediate steps so to dispose of such property by the methods provided in § 8303.4 (c).

This order shall become effective immediately.

SURPLUS PROPERTY BOARD,
W. STUART SYMINGTON,
Chairman.
EDWARD H. HELLER,
Member.
ROBERT A. HURLEY,
Member.
By A. E. HOWSE,
Administrator.

AUGUST 7, 1945.

[F. R. Doc. 45-14892; Filed, Aug. 13, 1945; 9:47 a. m.]

[SPB Reg. 3, Order 46]

COLORADO

ALLOCATION OF TRUCKS FOR DISPOSAL TO FARMERS AND FARMERS' COOPERATIVES IN CERTAIN COUNTIES

Pursuant to § 8303.4 of Surplus Property Board Regulation No. 3, entitled "Dispositions of Surplus Property in Rural Areas and to Farmers" (10 F.R. 5325) and in reliance upon the certificate of the Secretary of Agriculture to the Surplus Property Board that farm production is impaired or threatened to be impaired in the area named below by a shortage of trucks; *It is hereby ordered*, That:

The Department of Commerce, as disposal agency, shall allocate for disposal to farmers and farmers' cooperative associations holding certificates of the Agricultural Adjustment Agency and located in Larimer, Weld, Logan, Sedgwick, Boulder, Morgan, Adams, Jefferson, Pueblo, Crowley, Otero, Bent, Prowers, Las Animas, Saguache, Rio Grande, Alamosa, Costilla, Conejose, Archuleta, Dolores, Montezuma, and La Plata Counties, Colorado, 14 one-and-one-half-ton cargo trucks, 4 one-and-one-half-ton CS&P trucks, 8 one-half-ton W/C trucks, and 4 one-half-ton dump trucks, and shall without regard to the requirements of Surplus Property Board Regulation No. 2 (10 F.R. 5104, 8911, 9478) take immediate steps so to dispose of such property by the methods provided in § 8303.4 (c).

This order shall become effective immediately.

SURPLUS PROPERTY BOARD,
W. STUART SYMINGTON,
Chairman.
EDWARD H. HELLER,
Member.
ROBERT A. HURLEY,
Member.
By A. E. HOWSE,
Administrator.

AUGUST 7, 1945.

[F. R. Doc. 45-14893; Filed, Aug. 13, 1945; 9:47 a. m.]

[SPB Reg. 3, Order 47]

UTAH

ALLOCATION OF TRUCKS FOR DISPOSAL TO FARMERS AND FARMERS' COOPERATIVES IN CERTAIN COUNTIES

Pursuant to § 8303.4 of Surplus Property Board Regulation No. 3, entitled "Dispositions of Surplus Property in Rural Areas and to Farmers" (10 F.R. 5325) and in reliance upon the certificate of the Secretary of Agriculture to the Surplus Property Board that farm production is impaired or threatened to be impaired in the area named below by a shortage of trucks, *It is hereby ordered*, That:

The Department of Commerce, as disposal agency shall allocate for disposal to farmers and farmers' cooperative associations holding certificates of the Agricultural Adjustment Agency and located in Beaver, Box Elder, Cache, Carbon, Daggett, Davis, Duchesne, Emery, Garfield, Grand, Iron, Juab, Kane, Millard, Morgan, Piute, Rich, Salt Lake, San Juan, San Pete, Sevier, Summit, Tooele, Uintah, Utah, Wasatch, Washington, Wayne, and Weber Counties, Utah, 4 one-and-one-half-ton dump trucks, 19 one-and-one-half-ton cargo trucks, 1 two-ton CS&P truck, 8 one-half-ton W/C trucks, 12 one-half-ton pickup trucks, and 7 one-half-ton C/R trucks, and shall without regard to the requirements of Surplus Property Board Regulation No. 2 (10 F.R. 5104, 8911, 9478) take immediate steps so to dispose of such property by the methods provided in § 8303.4 (c).

This order shall become effective immediately.

SURPLUS PROPERTY BOARD,
W. STUART SYMINGTON,
Chairman.
EDWARD H. HELLER,
Member.
ROBERT A. HURLEY,
Member.
By A. E. HOWSE,
Administrator.

AUGUST 7, 1945.

[F. R. Doc. 45-14894; Filed, Aug. 13, 1945; 9:47 a. m.]

[SPB Reg. 3, Order 48]

WYOMING

ALLOCATION OF TRUCKS FOR DISPOSAL TO FARMERS AND FARMERS' COOPERATIVES IN CERTAIN COUNTIES

Pursuant to § 8303.4 of Surplus Property Board Regulation No. 3, entitled "Dispositions of Surplus Property in Rural Areas and to Farmers" (10 F.R. 5325) and in reliance upon the certificate of the Secretary of Agriculture to the Surplus Property Board that farm production is impaired or threatened to be impaired in the area named below by a shortage of trucks; *It is hereby ordered*, That:

The Department of Commerce, as disposal agency, shall allocate for disposal to farmers and farmers' cooperative associations holding certificates of the Agri-

cultural Adjustment Agency and located in Park, Big Horn, Sheridan, Campbell, Crook, Weston, Teton, Fremont, Hot Springs, Washakie, Johnson, Sublette, Natrona, Converse, Niobrara, Lincoln, Uinta, Sweetwater, Carbon, and Albany Counties, Wyoming, 3 one-and-one-half-ton CS&P trucks, 65 one-and-one-half-ton cargo trucks and 2 one-and-one-half-ton dump trucks, and shall without regard to the requirements of Surplus Property Board Regulation No. 2 (10 F.R. 5104, 8911, 9478) take immediate steps so to dispose of such property by the methods provided in § 8303.4 (c).

This order shall become effective immediately.

SURPLUS PROPERTY BOARD,
W. STUART SYMINGTON,
Chairman.
EDWARD H. HELLER,
Member.
ROBERT A. HURLEY,
Member.
By A. E. HOWSE,
Administrator.

AUGUST 7, 1945.

[F. R. Doc. 45-14895; Filed, Aug. 13, 1945; 9:47 a. m.]

[SPB Reg. 3, Order 49]

NEBRASKA

ALLOCATION OF TRUCKS FOR DISPOSAL TO FARMERS AND FARMERS' COOPERATIVES IN CERTAIN COUNTIES

Pursuant to § 8303.4 of Surplus Property Board Regulation No. 3, entitled "Dispositions of Surplus Property in Rural Areas and to Farmers" (10 F.R. 5325) and in reliance upon the certificate of the Secretary of Agriculture to the Surplus Property Board that farm production is impaired or threatened to be impaired in the area named below by a shortage of trucks; *It is hereby ordered*, That:

The Department of Commerce, as disposal agency, shall allocate for disposal to farmers and farmers' cooperative associations holding certificates of the Agricultural Adjustment Agency and located in Knox, Cedar, Wayne, Pierce, Antelope, Stanton, Madison, Boone and Platte Counties, Nebraska, 9 one-half-ton weapons carrier trucks and 23 one-and-one-half-ton cargo, CS&P and flat-bed trucks, and shall without regard to the requirements of Surplus Property Board Regulation No. 2 (10 F.R. 5104, 8911, 9478) take immediate steps so to dispose of such property by the methods provided in § 8303.4 (c).

This order shall become effective immediately.

SURPLUS PROPERTY BOARD,
W. STUART SYMINGTON,
Chairman.
EDWARD H. HELLER,
Member.
ROBERT A. HURLEY,
Member.
By A. E. HOWSE,
Administrator.

AUGUST 7, 1945.

[F. R. Doc. 45-14896; Filed, Aug. 13, 1945; 9:47 a. m.]

[SPB Reg. 3, Order 50]

MISSOURI

ALLOCATION OF TRUCKS FOR DISPOSAL TO FARMERS AND FARMERS' COOPERATIVES IN CERTAIN COUNTIES

Pursuant to § 8303.4 of Surplus Property Board Regulation No. 3, entitled "Dispositions of Surplus Property in Rural Areas and to Farmers" (10 F.R. 5325) and in reliance upon the certificate of the Secretary of Agriculture to the Surplus Property Board that farm production is impaired or threatened to be impaired in the area named below by a shortage of trucks; *It is hereby ordered*, That:

The Department of Commerce, as disposal agency, shall allocate for disposal to farmers and farmers' cooperative associations holding certificates of the Agricultural Adjustment Agency and located in Jefferson, St. Louis and Franklin Counties, Missouri, 13 one-and-one-half-ton cargo trucks, and shall without regard to the requirements of Surplus Property Board Regulation No. 2 (10 F.R. 5104, 8911, 9478) take immediate steps so to dispose of such property by the methods provided in § 8303.4 (c).

This order shall become effective immediately.

SURPLUS PROPERTY BOARD,
W. STUART SYMINGTON,
Chairman.
EDWARD H. HELLER,
Member.
ROBERT A. HURLEY,
Member.
By A. E. HOWSE,
Administrator.

AUGUST 7, 1945.

[F. R. Doc. 45-14897; Filed, Aug. 13, 1945; 9:47 a. m.]

[SPB Reg. 3, Order 51]

IOWA

ALLOCATION OF TRUCKS FOR DISPOSAL TO FARMERS AND FARMERS' COOPERATIVES IN CERTAIN COUNTIES

Pursuant to § 8303.4 of Surplus Property Board Regulation No. 3, entitled "Dispositions of Surplus Property in Rural Areas and to Farmers" (10 F.R. 5325) and in reliance upon the certificate of the Secretary of Agriculture to the Surplus Property Board that farm production is impaired or threatened to be impaired in the area named below by a shortage of trucks; *It is hereby ordered*, That:

The Department of Commerce, as disposal agency, shall allocate for disposal to farmers and farmers' cooperative associations holding certificates of the Agricultural Adjustment Agency and located in O'Brien, Cherokee, Clay, Buena Vista, Emmet, Palo Alto, Pocahontas, Calhoun, Kossuth, Humboldt, Webster, Winnebago, Hancock, Wright, Worth, Cerro Gordo, Mitchell, Floyd, Howard and Chickasaw Counties, Iowa, 22 one-and-one-half-ton cargo and dump trucks and 14 one-half-ton weapons carrier trucks, and shall without regard to the requirements of Surplus Property Board Regulation No. 2 (10 F.R. 5104, 8911, 9478) take immediate steps so to dispose of such property by the methods provided in § 8303.4 (c).

This order shall become effective immediately.

SURPLUS PROPERTY BOARD,
W. STUART SYMINGTON,
Chairman.
EDWARD H. HELLER,
Member.
ROBERT A. HURLEY,
Member.
By A. E. HOWSE,
Administrator.

AUGUST 7, 1945.

[F. R. Doc. 45-14898; Filed, Aug. 13, 1945; 9:47 a. m.]

[SPB Reg. 3, Order 52]

MISSOURI

ALLOCATION OF TRUCKS FOR DISPOSAL TO FARMERS AND FARMERS' COOPERATIVES IN CERTAIN COUNTIES

Pursuant to § 8303.4 of Surplus Property Board Regulation No. 3, entitled "Dispositions of Surplus Property in Rural Areas and to Farmers" (10 F.R. 5325) and in reliance upon the certificate of the Secretary of Agriculture to the Surplus Property Board that farm production is impaired or threatened to be impaired in the area named below by a shortage of trucks, *It is hereby ordered*, That:

The Department of Commerce, as disposal agency, shall allocate for disposal to farmers and farmers' cooperative associations holding certificates of the Agricultural Adjustment Agency and located in Scott, Stoddard, Butler, Mississippi, New Madrid, Pemiscot and Dunklin Counties, Missouri, 10 one-and-one-half-ton cargo and dump trucks and 30 one-half-ton weapon carrier trucks, and shall without regard to the requirements of Surplus Property Board Regulation No. 2 (10 F.R. 5104, 8911, 9478) take immediate steps so to dispose of such property by the methods provided in § 8303.4 (c).

This order shall become effective immediately.

SURPLUS PROPERTY BOARD,
W. STUART SYMINGTON,
Chairman.
EDWARD H. HELLER,
Member.
ROBERT A. HURLEY,
Member.
By A. E. HOWSE,
Administrator.

AUGUST 7, 1945.

[F. R. Doc. 45-14899; Filed, Aug. 13, 1945; 9:48 a. m.]

[SPB Reg. 3, Order 53]

TENNESSEE

ALLOCATION OF TRUCKS FOR DISPOSAL TO FARMERS AND FARMERS' COOPERATIVES IN CERTAIN COUNTIES

Pursuant to § 8303.4 of Surplus Property Board Regulation No. 3, entitled "Dispositions of Surplus Property in Rural Areas and to Farmers" (10 F.R. 5325) and in reliance upon the certificate of the Secretary of Agriculture to the Surplus Property Board that farm production is impaired or threatened to be impaired in the area named below by a shortage of trucks; *It is hereby ordered*, That:

The Department of Commerce, as disposal agency, shall allocate for disposal to farmers and farmers' cooperative associations holding certificates of the Agricultural Adjustment Agency and located in Bedford, Cheatham, Coffee, Davidson, Dickson, Franklin, Giles, Hickman, Lincoln, Marshall, Maury, Montgomery, Robertson, Rutherford, Sumner, Williamson and Wilson Counties, Tennessee, 50 one-and-one-half-ton cargo trucks, 20 one-half-ton W. C. trucks, and 5 one-half-ton pickup trucks, and shall without regard to the requirements of Surplus Property Board Regulation No. 2 (10 F.R. 5104, 8911, 9478) take immediate steps so to dispose of such property by the methods provided in § 8303.4 (c).

This order shall become effective immediately.

SURPLUS PROPERTY BOARD,
W. STUART SYMINGTON,
Chairman.
EDWARD H. HELLER,
Member.
ROBERT A. HURLEY,
Member.
By A. E. HOWSE,
Administrator.

AUGUST 7, 1945.

[F. R. Doc. 45-14900; Filed, Aug. 13, 1945; 9:48 a. m.]

[SPB Reg. 3, Order 54]

NORTH CAROLINA

ALLOCATION OF TRUCKS FOR DISPOSAL TO FARMERS AND FARMERS' COOPERATIVES IN CERTAIN COUNTIES

Pursuant to § 8303.4 of Surplus Property Board Regulation No. 3, entitled "Dispositions of Surplus Property in Rural Areas and to Farmers" (10 F.R. 5325) and in reliance upon the certificate of the Secretary of Agriculture to the Surplus Property Board that farm production is impaired or threatened to be impaired in the area named below by a shortage of trucks; *It is hereby ordered*, That:

The Department of Commerce, as disposal agency, shall allocate for disposal to farmers and farmers' cooperative associations holding certificates of the Agricultural Adjustment Agency and located in Alamance, Alleghany, Alexander, Anson, Ashe, Brunswick, Caswell, Chatham, Columbus, Craven, Cumberland, Davidson, Davie, Duplin, Durham, Forsyth, Franklin, Graham, Granville, Greene, Guilford, Harnett, Hoke Iredell, Johnston, Jones, Lee, Lenoir, Madison, Martin, Mitchell, Montgomery, Moore, Nash, New Hanover, Onslow, Orange, Pamlico, Pender, Person, Pitt, Randolph, Richmond, Robeson, Rockingham, Rutherford, Sampson, Stokes, Surry, Vance, Warren, Watauga, Wilkes, Wilson, Yadkin, and Yancey Counties, North Carolina, 101 one-and-one-half-ton cargo trucks and 24 one-half-ton W. C. trucks, and shall without regard to the requirements of Surplus Property Board Regulation No. 2 (10 F.R. 5104, 8911, 9478) take immediate steps so to dispose of such property by the methods provided in § 8303.4 (c).

This order shall become effective immediately.

SURPLUS PROPERTY BOARD,
W. STUART SYMINGTON,
Chairman.
EDWARD H. HELLER,
Member.
ROBERT A. HURLEY,
Member.
By A. E. HOWSE,
Administrator.

AUGUST 7, 1945.

[F. R. Doc. 45-14901; Filed, Aug. 13, 1945; 9:48 a. m.]

[SPB Reg. 3, Order 55]

NEW YORK

ALLOCATION OF TRUCKS FOR DISPOSAL TO FARMERS AND FARMERS' COOPERATIVES IN CERTAIN COUNTIES

Pursuant to § 8303.4 of Surplus Property Board Regulation No. 3, entitled "Dispositions of Surplus Property in Rural Areas and to Farmers" (10 F.R. 5325) and in reliance upon the certificate of the Secretary of Agriculture to the Surplus Property Board that farm production is impaired or threatened to be impaired in the area named below by a shortage of trucks; *It is hereby ordered*, That:

The Department of Commerce, as disposal agency, shall allocate for disposal to farmers and farmers' cooperative associations holding certificates of the Agricultural Adjustment Agency and located in Franklin, St. Lawrence, Jefferson, Lewis, and Oswego Counties, New York, 10 stake trucks and 6 cargo trucks, and shall without regard to the requirements of Surplus Property Board Regulation No. 2 (10 F.R. 5104, 8911, 9478) take immediate steps so to dispose of such property by the methods provided in § 8303.4 (c).

This order shall become effective immediately.

SURPLUS PROPERTY BOARD,
W. STUART SYMINGTON,
Chairman.
EDWARD H. HELLER,
Member.
ROBERT A. HURLEY,
Member.
By A. E. HOWSE,
Administrator.

AUGUST 7, 1945.

[F. R. Doc. 45-14902; Filed, Aug. 13, 1945; 9:48 a. m.]

[SPB Reg. 3, Order 56]

NEW YORK

ALLOCATION OF TRUCKS FOR DISPOSAL TO FARMERS AND FARMERS' COOPERATIVES IN CERTAIN COUNTIES

Pursuant to § 8303.4 of Surplus Property Board Regulation No. 3, entitled "Dispositions of Surplus Property in Rural Areas and to Farmers" (10 F.R. 5325) and in reliance upon the certificate of the Secretary of Agriculture to the Surplus Property Board that farm production is impaired or threatened to be impaired in the area named below by a shortage of trucks; *It is hereby ordered*, That:

The Department of Commerce, as disposal agency, shall allocate for disposal to farmers and farmers' cooperative associations holding certificates of the Agricultural Adjustment Agency and located in Columbia, Dutchess, Westchester, Putnam, Rockland, Orange and Ulster Counties, New York, 1 platform of such property by the methods protruck, 31 stake trucks, and 118 cargo trucks, and shall without regard to the requirements of Surplus Property Board Regulation No. 2 (10 F.R. 5104, 8911, 9478) take immediate steps so to dispose vided in § 8303.4 (c).

This order shall become effective immediately.

SURPLUS PROPERTY BOARD,
W. STUART SYMINGTON,
Chairman.
EDWARD H. HELLER,
Member.
ROBERT A. HURLEY,
Member.
By A. E. HOWSE,
Administrator.

AUGUST 7, 1945.

[F. R. Doc. 45-14903; Filed, Aug. 13, 1945; 9:48 a. m.]

WAR MANPOWER COMMISSION.

ELKTON, MD., AREA

MINIMUM WARTIME WORK WEEK

The designation of the Elkton, Maryland Area (8 F.R. 7226 and as amended under 10 F.R. 5643) as subject to the provisions of Executive Order No. 9301 is hereby revoked, effective July 3, 1945.

Dated: August 6, 1945.

HENRY E. TREIDE,
Regional Director.

[F. R. Doc. 45-14779; Filed, Aug. 10, 1945; 11:36 a. m.]

WAR PRODUCTION BOARD.

[C-406]

EAGLE PRINTING CO., INC.

CONSENT ORDER

Eagle Printing Company, Incorporated, a Pennsylvania corporation, has its offices and publishes the newspaper "Butler Eagle" in Butler, Pennsylvania. From the first quarter of 1943 through and including the first quarter of 1945, Eagle Printing Company, Incorporated, in the printing of said paper, used or caused to be used 157.573 tons of print paper in excess of that authorized under the provisions of Limitation Order L-240, in violation thereof. Eagle Printing Company, Incorporated, admits the violation as charged and has consented to the issuance of this order.

Wherefore, upon the agreement and consent of the Eagle Printing Company, Incorporated, the Regional Compliance Chief, and the Regional Attorney, and upon the approval of the Compliance Commissioner; *It is hereby ordered*, That:

(a) During each of the four quarters, commencing with the third quarter of 1945 and ending with the second quarter of 1946, or until the said 157,573 tons of over-consumption has been accounted for, Eagle Printing Company, Incorporated, shall reduce its consumption of print paper in the printing of the above-mentioned "Butler Eagle" not less than 36 tons under its consumption quota and allotments permitted by Limitation Order L–240.

(b) Nothing contained in this order shall be deemed to relieve Eagle Printing Company, Incorporated, from any restriction, prohibition or provision contained in any other order or regulation of the War Production Board, except insofar as the same may be inconsistent with the provisions hereof.

(c) The restrictions and prohibitions contained herein shall apply to Eagle Printing Company, Incorporated, its successors and assigns, or persons acting on its behalf. Prohibitions against the taking of any action include the taking indirectly as well as directly of any such action.

Issued this 10th day of August 1945.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 45-14781; Filed, Aug. 10, 1945; 11:30 a. m.]

[C–407]

PEBBLEFORD DISTILLERS, INC.

CONSENT ORDER

Pebbleford Distillers, Inc., is a corporation doing business as a distiller, bottler, and distributor of whiskey, with its principal place of business at Wilder Newport, Kentucky. It is charged with having exceeded during the four calendar quarters of 1944, its allowable quota for container board content for fibre shipping containers by 1,409,211 square feet and 180,163 pounds, in violation of Limitation Order L–317. Pebbleford Distillers, Inc. admits the violation as charged, does not desire to contest the charge and has consented to the issuance of this order.

Wherefore, upon the agreement and consent of Pebbleford Distillers, Inc., as evidenced by certified copy of resolution of its Board of Directors, and upon the approval of the Regional Compliance Chief, the Regional Attorney and the Compliance Commissioner; *It is hereby ordered*, That:

(a) During the four calendar quarters beginning July 1, 1945, and ending June 30, 1946, Pebbleford Distillers, Inc., shall reduce its use of container board content for fibre shipping containers by using during each of these quarters at least 150,000 square feet and at least 17,712 pounds of container board content for shipping containers, less than the quotas it would otherwise be entitled to use under the provisions of Limitation Order L–317, unless otherwise specifically authorized in writing by the War Production Board.

(b) Nothing contained in this order shall be deemed to relieve Pebbleford Distillers, Inc., from any restriction, prohibition, or provision contained in any order or regulation of the War Production Board, except insofar as the same may be inconsistent with the provisions hereof.

(c) The restrictions and provisions contained herein shall apply to Pebbleford Distillers, Inc., its successors or assigns or persons acting on its behalf. Prohibitions against the taking of any action include the taking indirectly as well as directly of any such action.

(d) This order shall take effect as of the 1st day of July 1945.

Issued this 11th day of August 1945.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 45-14877; Filed, Aug. 11, 1945; 11:53 a. m.]

[C–408]

TRAUTMANN, BAILEY AND BLAMPEY

CONSENT ORDER

Trautmann, Bailey and Blampey is a New Jersey corporation with its offices and principal place of business at 13 Laight Street, New York City, and is engaged in the business of printing and lithographing. During the years 1943 and 1944 it used or caused to be used 410,486 pounds of paper in excess of its quota of paper which it was permitted to use during such period under the provisions of Limitation Order L–241 and in violation thereof.

This excessive use of paper has diverted scarce materials to uses not authorized by the War Production Board. Trautmann, Bailey & Blampey admit the violation as charged and has consented to the issuance of this order.

Wherefore, upon the agreement and consent of Trautmann, Bailey and Blampey, the Regional Compliance Manager and the Regional Attorney and upon the approval of the Compliance Commissioner; *It is hereby ordered*, That:

(a) Trautmann, Bailey & Blampey, its successors and assigns shall reduce its use of paper in printing and lithographing under its quota as established pursuant to Limitation Order L–241 by 60,000 pounds of paper during the 3d calendar quarter, and by 80,000 pounds of paper during the 4th calendar quarter, of the year 1945, and by 135,000 pounds of paper during the 1st calendar quarter, and by 135,486 pounds of paper during the 2d calendar quarter, of the year 1946.

(b) Nothing contained in this order shall be deemed to relieve Trautmann, Bailey & Blampey, its successors and assigns from any restriction, prohibition, or provision contained in any other order or regulation of the War Production Board except insofar as the same may be inconsistent with the provisions hereof.

(c) The restrictions and provisions contained herein shall apply to Trautmann, Bailey & Blampey, its successors and assigns. Provisions against the taking of any action herein include the taking indirectly as well as directly of any such action.

Issued this 11th day of August 1945.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 45-14878; Filed, Aug. 11, 1945; 11:53 a. m.]

AUG 17 '45

FEDERAL REGISTER

VOLUME 10 NUMBER 162

Washington, Wednesday, August 15, 1945

The President

EXECUTIVE ORDER 9596

REVOKING EXECUTIVE ORDER NO. 9528[1] WHICH PROVIDES A CHANGE IN THE ORDER OF SUCCESSION OF OFFICERS TO ACT AS SECRETARY OF THE NAVY

By virtue of the authority vested in me by Title I of the First War Powers Act, 1941, approved December 18, 1941 (55 Stat. 838), and other applicable statutes, and as Commander in Chief of the Army and Navy of the United States and as President of the United States, Executive Order No. 9528 of March 2, 1945, providing for a change in the order of succession of officers to act as Secretary of the Navy, is hereby revoked.

HARRY S. TRUMAN

THE WHITE HOUSE,
August 13, 1945.

[F. R. Doc. 45-15025; Filed, Aug. 14, 1945; 11:15 a. m.]

Regulations

TITLE 6—AGRICULTURAL CREDIT

Chapter II—Department of Agriculture, Commodity Credit Corporation

[1945 C. C. C. Cover Crop and Hay and Pasture Seed Bulletin I, Amdt. 2]

PART 267—COVER CROP AND HAY AND PASTURE SEED LOANS

SUBPART 1945

Pursuant to the provisions of section 302 of the Agricultural Adjustment Act of 1938, as amended (52 Stat. 43; 7 U.S.C. 1940 ed., 1302), Commodity Credit Corporation has authorized the making of loans on cover crop and hay and pasture seed, in accordance with the regulations in this part (1945 C.C.C. Cover Crop and Hay and Pasture Seed Bulletin I, as amended), § 267.15, *Eligible seed* is amended to read as follows:

[1] 10 F.R. 2491.

§ 267.15 *Eligible seed.* Any seed specified in the attached schedule of loan rates, harvested in 1945, stored in a warehouse which is approved by Commodity Credit Corporation and which has executed a Seed Cleaning and Storage Agreement on C.C.C. Seed Form A, which seed complies with the other provisions of this bulletin, which is cleaned or can be cleaned to meet the specifications as shown in the schedule of loan rates, and which will comply with the Federal Seed Law and the State seed law of the State where the seed is produced, is eligible as security for a loan, provided it does not contain seed of White Top, Canada Thistle, Dodder, Quackgrass, Johnson Grass, Bindweed, Russian Knapweed, Perennial Sow Thistle, or Leafy Spurge, singly or combined in excess of 45 seeds per pound.

Dated: July 17, 1945.

[SEAL] C. C. FARRINGTON,
Vice President.

[F. R. Doc. 45-15013; Filed, Aug. 14, 1945; 11:05 a. m.]

TITLE 7—AGRICULTURE

Chapter XI—War Food Distribution Orders

[WFO 44, Amdt. 12]

PART 1465—FISH AND SHELLFISH

RESTRICTIONS ON 1945 PACK OF CANNED FISH

War Food Order No. 44, as amended (10 F.R. 3277, 5713, 7963, 9383), is further amended to read as follows:

§ 1465.20 *Restrictions relative to the 1945 pack of canned fish*—(a) *Definitions.* (1) "Canner" means any person who is the first owner of canned fish.

(2) "Can" means (i) to pack fish in the Continental United States or in the Territory of Alaska for commercial purposes in hermetically sealed metal or glass containers, and (ii) to sterilize the fish packed in such containers by the use of heat.

(3) "Person" means any individual, partnership, association, business trust,

(Continued on p. 10073)

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THE PRESIDENT

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NOTICE

1944 Supplement

Book 1 of the 1944 Supplement to the Code of Federal Regulations, containing Titles 1–10, including Presidential documents in full text, is now available from the Superintendent of Documents, Government Printing Office, at $3.00 per copy.

A limited sales stock of the Cumulative Supplement and the 1943 Supplement is still available as previously announced.

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corporation, or any organized group of persons, whether incorporated or not.

(4) "1945 pack" means the total net weight of canned fish of each class designated in (b) (1) hereof, for the period indicated therein.

(5) "Director" means the Director of Marketing Services, United States Department of Agriculture.

(6) "Governmental agency" means the United States Department of Agriculture (including, but not being limited to, any corporate agency thereof), and any other agency or instrumentality of the United States designated by the Director.

(b) *Restrictions on canners.* (1) No canner may sell or deliver any canned fish of his 1945 pack except as permitted by the provisions of this order. Unless otherwise specified in the respective class designation, the fish subject to the provisions of this order are, by classes, designated as follows:

Class 1. Salmon: King, chinook, or spring (Oncorhynchus tschawytscha); Red, sockeye, or blueback (Oncorhynchus nerka) packed in the Continental United States. (For the period April 1, 1945, to March 31, 1946, inclusive.)

Class 2. Salmon: Alaska red or sockeye (Oncorhynchus nerka) packed in the Territory of Alaska. (For the period April 1, 1945, to March 31, 1946, inclusive.)

Class 3. Salmon: Silver, silverside, medium red, or coho (Oncorhynchus kisutch); Steelhead (salmo irideus, salmo clarki, salmo gairdneri). (For the period April 1, 1945, to March 31, 1946, inclusive.)

Class 4. Salmon: Pink (Oncorhynchus gorbuscha). (For the period April 1, 1945, to March 31, 1946, inclusive.)

Class 5. Salmon: Chum or keta (Oncorhynchus keta). (For the period April 1, 1945, to March 31, 1946, inclusive.)

Class 6. Pilchard (Sardinia caerulea) by whatever name known, including, but not being limited to, sardines. (For the period April 1, 1945, to March 31, 1946, inclusive.)

Class 7. Atlantic sea herring (Clupea harengus) by whatever name known, including, but not being limited to, sardines. (For the period April 1, 1945, to March 31, 1946, inclusive.)

Class 8. Atlantic mackerel (Scomber scombrus). (For the period April 1, 1945, to March 31, 1946, inclusive.)

Class 9. Pacific mackerel (pneumatophorus Japonicus diego) and Pacific horse mackerel (trachurus symmetricus). (For the period April 1, 1945, to March 31, 1946, inclusive.)

Class 10. Cod (Gadus callarias) or haddock (Melanogrammus aeglefinus), when processed and canned as the commercial product commonly known and sold under the name of fish flakes. (For the period May 20, 1945, to March 31, 1946, inclusive.)

Class 11. Tuna: Albacore, or white-meat (Germo alalunga); Yellowfin, or light-meat (Neothunnus macropterus); Skip jack, or striped (Katsuwonus pelamis, sometimes called Euthynnus pelamis); Bluefin, or leaping (Thunnus thynnus, sometimes called (Thunnus saliens); Yellowtail: (Seriola dorsalis); Bonito (Sarda chiliensis). (For the period July 1, 1945, to March 31, 1946, inclusive.)

(2) Sixty percent, by net weight, of each canner's 1945 pack of class numbered 1 (designated in (b) (1) hereof) is hereby established as each such canner's quota of the 1945 pack of such class for sale or delivery to governmental agencies.

(3) Eighty percent, by net weight, of each canner's 1945 pack of each class numbered 2 and 3 (designated in (b) (1) hereof) is hereby established as each such canner's respective quotas of the 1945 pack of such classes for sale or delivery to governmental agencies.

(4) Sixty percent, by net weight, of each canner's 1945 pack of each class numbered 4 and 5 (designated in (b) (1) hereof) is hereby established as each such canner's respective quotas of the 1945 pack of such classes for sale or delivery to governmental agencies.

(5) Sixty-five percent, by net weight, of each canner's 1945 pack of each class numbered 6 to 9, inclusive (designated in (b) (1) hereof), is hereby established as each such canner's respective quotas of the 1945 pack of such classes for sale or delivery to governmental agencies.

(6) One hundred percent, by net weight, of each canners 1945 pack of class numbered 10 (designated in (b) (1) hereof) is hereby established as each such canner's quota for the 1945 pack of such class for sale or delivery to governmental agencies.

(7) No canner may sell or deliver, in the aggregate, to governmental agencies, a total quantity, by net weight, of his 1945 pack of the fish of any class (designated in (b) (1) hereof) in excess of a quantity of canned fish equal to the applicable quota percentage of his 1945 pack of such class plus 60,000 pounds, by net weight, of the canned fish of the 1945 pack of such class.

(8) For each 60 pounds of canned fish of the 1945 pack of class numbered 1 (designated in (b) (1) hereof), which a canner has sold or delivered to any governmental agency or with respect to which he has submitted to any governmental agency a written tender of delivery of such canned fish in compliance with a written contract between such canner and such governmental agency, such canner may sell or deliver 40 pounds of canned fish of the same class to persons other than a governmental agency: *Provided*, That, prior to the time of each such written tender, such canner has obtained, with respect to the canned fish included in such written tender, an inspection certificate, issued by an inspection service approved by the governmental agency to which the tender has been made, indicating that such canned fish meets all the specifications set forth in such canner's aforesaid written contract for such canned fish.

(9) For each 80 pounds of canned fish of the 1945 pack of classes numbered 2 and 3 (designated in (b) (1) hereof) which a canner has sold or delivered to any governmental agency or with respect to which he has submitted to any governmental agency a written tender of delivery of such canned fish in compliance with a written contract between such canner and such governmental agency, such canner may sell or deliver 20 pounds of canned fish of the same class to persons other than a governmental agency: *Provided*, That, prior to the time of each such written tender, such canner has obtained, with respect to the canned fish included in such written tender, an inspection certificate, issued by an inspection service approved by the governmental agency to which the tender has been made, indicating that such canned fish meets all the specifications set forth in such canner's aforesaid written contract for such canned fish.

(10) For each 60 pounds of canned fish of the 1945 pack of classes numbered 4 and 5 (designated in (b) (1) hereof) which a canner has sold or delivered to any governmental agency or with respect to which he has submitted to any governmental agency a written tender of delivery of such canned fish in compliance with a written contract between such canner and such governmental agency, such canner may sell or deliver 40 pounds of canned fish of the same class to persons other than a governmental agency: *Provided*, That, prior to the time of each such written tender, such canner has obtained, with respect to the canned fish included in such written tender, an inspection certificate, issued by an inspection service approved by the governmental agency to which the tender has been made, indicating that such canned fish meets all the specifications set forth in such canner's aforesaid written contract for such canned fish.

(11) For each 65 pounds of canned fish of the 1945 pack of any class numbered 6 to 9, inclusive (designated in (b) (1) hereof) which a canner has sold or delivered to any governmental agency or with respect to which he has submitted to any governmental agency a written tender of delivery of such canned fish in compliance with a written contract between such canner and such governmental agency, such canner may sell or deliver 35 pounds of canned fish of the same class to persons other than a governmental agency: *Provided*, That, prior to the time of each such written tender, such canner has obtained, with respect to the canned fish included in such written tender, an inspection certificate, issued by an inspection service approved by the governmental agency to which the tender has been made, indicating that such canned fish meets all the specifications set forth in such canner's aforesaid written contract for such canned fish.

(12) If any canner's 1945 pack of canned fish of any class (designated in (b) (1) hereof) is less than 12,000 pounds, such canner may consider such canned fish as a part of his 1945 pack of canned fish of any other class (designated in (b) (1) hereof).

(13) Unless otherwise authorized by the Director, no canner may use, in the production of his 1945 pack of class numbered 11 (designated in (b) (1) hereof) a quantity of vegetable oil in excess of the following applicable quantity per case of 48 cans of the size stated:

TUNA—YELLOWTAIL—BONITO

(a) *Solid pack.*

No. ½ tuna can (307 x 113), 4.1 pounds of oil per case.

No. 1 tuna can (401 x 205.5), 5.6 pounds of oil per case.

Four-pound tuna can (603 x 408), 7.5 pounds of oil per case.

(b) *Flakes, shredded, or grated.*

No. ½ tuna can (307 x 113), 3.00 pounds of oil per case.

No. 1 tuna can (401 x 205.5), 4.25 pounds of oil per case.

Four-pound tuna can (603 x 408), 5.50 pounds of oil per case.

(14) The Director may issue specifications at any time relative to the packing of the canned fish, the containers, container treatment, can marking, labeling, boxing, and strapping in connection therewith, or he may authorize any governmental agency to issue such specifications. Each person subject to the provisions of this order shall comply with such specifications, issued by the Director or the governmental agency authorized by the Director to issue such specifications, applicable to the canned fish processed by such person.

(e) *Inspection and grading.* All canned fish subject to the provisions of this order shall be subject to inspection and grading at any time by the Director or any governmental agency authorized by the Director to make such inspection and grading.

(d) *Contracts.* The restrictions of this order shall be observed without regard to contracts heretofore or hereafter entered into, or any rights accrued or payments made thereunder. This order shall not, however, be construed as reducing the amount of canned fish of the 1945 pack which any person is required to offer or deliver pursuant to contracts heretofore or hereafter entered into with any governmental agency.

(e) *Records and reports.* (1) The Director shall be entitled to obtain such information from, and require such reports and the keeping of such records by, any person, as may be necessary or appropriate, in the Director's discretion, to the enforcement or administration of the provisions of this order, subject to the approval of the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(2) Every person subject to this order shall, for at least two years (or for such period of time as the Director may designate), maintain an accurate record of his transactions in canned fish.

(f) *Audits and inspection.* The Director shall be entitled to make such audit or inspection of the books, records and other writings, premises or stocks of canned fish of any person, and to make such investigations, as may be necessary or appropriate, in the Director's discretion, to the enforcement or administration of the provisions of this order.

(g) *Applicability of order.* Any person doing business in one or more of the 48 States, the District of Columbia, or the Territory of Alaska, is subject to the provisions hereof, but the provisions hereof shall not apply to any person doing business in any other Territory or Possession of the United States with respect to such business.

(h) *Violations.* Any person who violates any provision of this order may, in accordance with the applicable procedure, be prohibited from receiving, making any deliveries of, or using canned fish. In addition, any person who willfully violates any provision of this order is guilty of a crime and may be prosecuted under any and all applicable laws. Further, civil action may be instituted to enforce any liability or duty created by, or to enjoin any violation of, any provision of this order.

(i) *Delegation of authority.* The administration of this order and the powers vested in the Secretary of Agriculture, insofar as such powers relate to the administration of this order, are hereby delegated to the Director. The Director is authorized to redelegate to any employee of the United States Department of Agriculture any or all of the authority vested in him by this order; and one such employee shall be designated by the Director to serve as order administrator, and such other employees as may be necessary shall be designated to serve as deputy order administrators.

(j) *Petition for relief from hardship.* Any person affected by this order who considers that compliance herewith would work an exceptional and unreasonable hardship on him may apply in writing for relief to the Director, setting forth in such petition all pertinent facts and the nature of the relief sought. The Director may thereupon take such action as he deems appropriate, which action shall be final.

(k) *Communications.* All reports required to be filed hereunder and all communications concerning this order shall, unless otherwise provided herein or in instructions issued by the Director, be addressed to the Director of Marketing Services, United States Department of Agriculture, Washington 25, D. C. Ref. WFO–44.

(l) *Effective date.* The provisions of this order shall become effective at 12:01 a. m., e. w. t., August 14, 1945. With respect to violations, rights accrued, liabilities incurred, or appeals taken under War Food Order No. 44, as amended, prior to the effective time of the provisions hereof, the provisions of said War Food Order No. 44, as amended, in effect prior to the effective time hereof shall be deemed to continue in full force and effect for the purpose of sustaining any proper suit, action, or other proceeding with respect to any such violation, right, liability, or appeal.

NOTE: All record-keeping requirements of this order have been approved by, and subsequent reporting and record-keeping requirements will be subject to the approval of, Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423; E.O. 9392, 8 F.R. 14783; E.O. 9577, 10 F.R. 8087)

Issued this 13th day of August 1945.

[SEAL] CLINTON P. ANDERSON,
Secretary of Agriculture.

[F. R Doc. 45-14977; Filed, Aug. 13, 1945; 12:07 p. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket No. 5098]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

GLOBE TRADING CO., INC., ET AL.

§ 3.6 (a) *Advertising falsely or misleadingly—Business status, advantages or connections of advertiser—Importer or exporter:* § 3.6 (a) *Advertising falsely or misleadingly—Business status, advantages or connections of advertiser—Producer status of dealer or seller—Manufacturer—As maker of raw material also or other products not made:* § 3.18 *Claiming indorsements or testimonials falsely or misleadingly:* § 3.66 (a8) *Misbranding or mislabeling—Connections and arrangements with others:* § 3.66 (b) *Misbranding or mislabeling—Government official or other sanction:* § 3.66 (c) *Misbranding or Mislabeling—Indorsements, approvals or awards:* § 3.66 (c 20) *Misbranding or mislabeling—Manufacture or preparation:* § 3.66 (h) *Misbranding or mislabeling—Qualities or properties:* § 3.66 (j) *Misbranding or mislabeling—Quality:* § 3.66 (k 1) *Misbranding or mislabeling—Success, use or standing.* In connection with the offering for sale, sale, and distribution of hosiery in commerce, and among other things, as in order set forth, (1) using a red cross or any mark or emblem simulating the red cross symbol of the American National Red Cross Society to designate, describe, or refer to respondents' products, or representing in any manner that said products are used or approved by said Society; (2) representing through the use of the expressions "Health for Victory" or "Sanitary Hose", or in any other manner, that respondents' said hosiery has been sterilized or is protected from contamination, or that it possesses health features not found in ordinary hosiery; (3) using the expression "First Quality", or any other expression of similar meaning, to describe or refer to hosiery that is not in fact first-quality hosiery; (4) using the word "Irregular" to describe or refer to hosiery which is not free from obvious mends, breaks, runs, tears, or any substantial damage to the yarn or fabric itself; (5) representing through the use of the expressions "Uncle Sam" or "U. S. Army Standard", or by a picture of the United States flag, or in any other manner, that respondents' hosiery has been approved by or is sold under any branch of the United States Government; or, (6) representing that respondents are importers or exporters of hosiery, or that any hosiery not manufactured by them was manufactured by them; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., sec. 45b) [Cease and desist order, Globe Trading Company, Inc. et al., Docket 5098, July 25, 1945]

§ 3.66 (a 7) *Misbranding or mislabeling—Composition—Wool Products Labeling Act:* § 3.66 (a 7) *Neglecting, unfairly or deceptively, to make material disclosure—Composition—Wool Products Labeling Act.* In connection with the introduction or manufacture for introduction into commerce, or the sale, transportation, or distribution of such products in commerce, and among other things, as in order set forth, misbranding hosiery or other "wool products", as such products are defined in and subject to the Wool Products Labeling Act of 1939, which contain, purport to contain, or in any way are represented as containing "wool", "reprocessed wool", or "reused wool" as those terms are defined in said Act, by failing to show in a clear and conspicuous manner on a tag, label, or other means of identification securely affixed to such products or by a stamp placed thereon: (a) the percentage of the total fiber weight of such wool product, exclusive of ornamentation not exceeding five percentum of said total fiber weight, of (1) wool, (2) reprocessed wool, (3) reused wool, (4) each fiber other than wool where said percentage by weight of such fiber is five percentum or more, and (5) the aggregate of all other fibers; (b) the maximum percentage of the total weight of such wool product of any non-fibrous loading, filling, or adulterating matter; or (c) the name of the manufacturer of such wool product; or the manufacturer's registered identification number and the name of a seller of such wool product; or the name of one or more persons introducing such wool product into commerce, or engaged in the sale, transportation, or distribution thereof in commerce, as "commerce" is defined in the Federal Trade Commission Act and the Wool Products Labeling Act of 1939; prohibited, subject to the provision, however, that the foregoing provisions concerning misbranding shall not be construed to prohibit acts permitted by paragraphs (a) and (b) of section 3 of the Wool Products Labeling Act of 1939; and to the further provision, that nothing contained in this order shall be construed as limiting any applicable provisions of said Act or the rules and regulations promulgated thereunder. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., sec. 45b; 54 Stat. 1128; 15 U.S.C., sec. 68) [Cease and desist order, Globe Trading Company, Inc., et al., Docket 5098, July 25, 1945]

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 25th day of July, A. D. 1945.

In the Matter of Globe Trading Company, Inc., a Corporation, Its Officers, Agents, and Employees; Leon Shutz and Rothermel Wise, Individually and As President and Secretary-Treasurer, Respectively of Globe Trading Company, Inc.; and Theodore E. Ullman, Maxwell M. Ullman, and Herman Ullman, Individuals

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission, the answer of respondents Globe Trading Company, Inc., Leon Shutz, Rothermel Wise, Theodore E. Ullman, and Herman Ullman, and a stipulation as to the facts entered into between counsel for the Commission and the said respondents, which provides, among other things, that without further evidence or other intervening procedure the Commission may issue and serve upon respondents findings as to the facts and conclusion based thereon and an order disposing of the proceeding, and the Commission having made its findings as to the facts and its conclusion that said respondents have violated the provisions of the Federal Trade Commission Act and the provisions of the Wool Products Labeling Act of 1939;

I. *It is ordered*, That respondent Globe Trading Company, Inc., a corporation, its officers, and respondents Leon Shutz, Rothermel Wise, Theodore E. Ullman, and Herman Ullman, individually or as officers or employees of respondent corporation, their respective representatives, agents, or employees, directly or through any corporate or other device, in connection with the offering for sale, sale, and distribution of hosiery in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Using a red cross or any mark or emblem simulating the red cross symbol of the American National Red Cross Society to designate, describe, or refer to respondents' products, or representing in any manner that said products are used or approved by said Society.

2. Representing through the use of the expressions "Health for Victory" or "Sanitary Hose", or in any other manner, that respondents' said hosiery has been sterilized or is protected from contamination, or that it possesses health features not found in ordinary hosiery.

3. Using the expression "First Quality", or any other expression of similar meaning, to describe or refer to hosiery that is not in fact first-quality hosiery.

4. Using the word "Irregular" to describe or refer to hosiery which is not free from obvious mends, breaks, runs, tears, or any substantial damage to the yarn or fabric itself.

5. Representing through the use of the expressions "Uncle Sam" or "U. S. Army Standard", or by a picture of the United States flag, or in any other manner, that respondents' hosiery has been approved by or is sold under any branch of the United States Government.

6. Representing that respondents are importers or exporters of hosiery, or that any hosiery not manufactured by them was manufactured by them.

II. *It is further ordered*, That Respondent Globe Trading Company, Inc., a corporation, its officers, and respondents Leon Shutz, Rothermel Wise, Theodore E. Ullman, and Herman Ullman, individually or as officers or employees of respondent corporation, their respective representatives, agents, and employees, in connection with the introduction or manufacture for introduction into commerce, or the sale, transportation, or distribution of such products in commerce, as "commerce" is defined in the aforesaid acts, do forthwith cease and desist from misbranding hosiery or other "wool products", as such products are defined in and subject to the Wool Products Labeling Act of 1939, which contain, purport to contain, or in any way are represented as containing "wool", "reprocessed wool", or "reused wool" as those terms are defined in said act, by failing to show in a clear and conspicuous manner on a tag, label, or other means of identification securely affixed to such products or by a stamp placed thereon:

(a) The percentage of the total fiber weight of such wool product, exclusive of ornamentation not exceeding five per centum of said total fiber weight, of (1) wool, (2) reprocessed wool, (3) reused wool, (4) each fiber other than wool where said percentage by weight of such fiber is five per centum or more, and (5) the aggregate of all other fibers.

(b) The maximum percentage of the total weight of such wool product of any non-fibrous loading, filling, or adulterating matter.

(c) The name of the manufacturer of such wool product; or the manufacturer's registered identification number and the name of a seller of such wool product; or the name of one or more persons introducing such wool product into commerce, or engaged in the sale, transportation, or distribution thereof in commerce, as "commerce" is defined in the Federal Trade Commission Act and the Wool Products Labeling Act of 1939.

Provided, That the foregoing provisions concerning misbranding shall not be construed to prohibit acts permitted by paragraphs (a) and (b) of section 3 of the Wool Products Labeling Act of 1939; *And provided, further*, That nothing contained in this order shall be construed as limiting any applicable provisions of said act or the rules and regulations promulgated thereunder.

III. *It is further ordered*, That the case growing out of the complaint herein be, and the same hereby is, closed as to respondent Maxwell M. Ullman without prejudice to the right of the Commission to institute further proceedings should the facts warrant.

IV. *It is further ordered*, That respondents shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R Doc. 45-15008; Filed, Aug. 14, 1945; 10:50 a. m.]

TITLE 29—LABOR

Chapter VI—National War Labor Board

Appendix—Industry Commissions and Panels

NATIONAL AIRFRAME PANEL

The National War Labor Board has amended paragraph (b) of Section V of the order establishing the National Airframe Panel (9 F.R. 3176) to read as follows:

(b) *In voluntary cases.* The Panel shall have authority to make final rulings on voluntary wage and salary adjustments within its jurisdiction in those cases in which its decision is unanimous, subject to the provisions of this paragraph. Any wage or salary adjustment approved by the Panel "which may furnish the basis either to increase price ceilings or to resist otherwise justifiable reductions in price ceilings", or, if no price ceiling is involved, which may increase the cost to the government of a product or service being furnished under a procurement contract, shall become effective only if also approved by the Director of Economic Stabilization. No-

tice to this effect shall be contained in all rulings requiring this approval which are issued by the Panel. The authority of the Panel to make final rulings shall not, however, extend to cases in which (1) the decision is not unanimous; (2) a member of the Panel requests that the case be submitted to the National War Labor Board for a ruling; (3) the issue involved is one affecting national policy, or (4) the approval of the Director of Economic Stabilization is required, as hereinabove set forth. In all such cases the Panel shall review the application or arbitration award, and all relevant data available to it, and shall, through the Chairman of the Panel, submit to the Board for final decision a report of its findings of fact, together with its recommendation.

Approved: May 29, 1944.

THEODORE W. KHEEL,
Executive Director.

[F. R. Doc. 45-15007; Filed, Aug. 13, 1945; 4:34 p. m.]

Chapter IX—Agriculture Department

(Agricultural Labor)

[Supp. 66]

PART 1110—SALARIES AND WAGES OF AGRICULTURAL LABOR IN THE STATE OF OREGON

WORKERS ENGAGED IN PICKING PLUMS AND PRUNES IN CERTAIN COUNTIES OF THE STATE OF OREGON

§ 1110.9 *Wages of workers engaged in harvesting plums and prunes in Umatilla County, State of Oregon.* Pursuant to § 4001.7 of the regulations of the Economic Stabilization Director relating to salaries and wages issued August 28, 1943, as amended (8 F.R. 11960, 12139, 16702; 9 F.R. 6035, 14547; 10 F.R. 9478, 9628) and to the regulations of the War Food Administrator issued March 23, 1945 (10 F.R. 3177) entitled "Specific Wage Ceiling Regulations" and based upon a certification of the Oregon USDA Wage Board that a majority of the producers of plums and a majority of the producers of prunes grown in the area affected participating in hearings conducted for such purpose have requested the intervention of the Secretary of Agriculture and based upon relevant facts submitted by the Oregon USDA Wage Board and obtained from other sources; *It is hereby determined.* That:

(a) *Areas, crops and classes of workers.* Persons engaged in harvesting plums and prunes in Umatilla County, State of Oregon, are agricultural labor as defined in § 4001.1 (i) of the regulations of the Economic Stabilization Director issued on August 28, 1943, as amended (8 F.R. 11960, 12139, 16702; 9 F.R. 6035, 14547; 10 F.R. 9478, 9628).

(b) *Definitions.* When used in this section:

(1) The term "picking" includes picking of plums or prunes from either tree or ground.

(2) The term "other harvest labor" means all labor incident to the harvesting of plums or prunes except picking labor and shall include but not be limited to bucking, tractor driving, truck driving, and loading of sleds or trucks.

(c) *Maximum wage rates for harvesting plums and prunes in Umatilla County Oregon.*

(1) Picking of prunes or plums or both—30¢ per lug box of 45 pounds.

(2) Other harvest labor—$1.00 per hour.

No perquisites shall be paid in addition to the maximum wage rates specified above. If workers are paid on any other basis, the rate of compensation shall not exceed the equivalent of the rate herein provided.

(d) *Administration.* The Oregon USDA Wage Board, located at 701 Pittock Block, Portland 5, Oregon, will have charge of the administration of this section in accordance with the provisions of the specific wage ceiling regulations issued by the War Food Administrator on March 23, 1945 (10 F.R. 3177).

(e) *Applicability of specific wage ceiling regulations.* This section shall be deemed to be a part of the specific wage ceiling regulations issued by the War Food Administrator on March 23, 1945 (10 F.R. 3177) and the provisions of such regulations shall be applicable to this section and any violation of this section shall constitute a violation of such specific wage ceiling regulations.

Effective date. This Supplement No. 66 shall become effective at 12:01 a. m., Pacific War Time, August 15, 1945.

(56 Stat. 765 (1942), 50 U.S.C. App. 961 et seq., (Supp. IV); 57 Stat. 63 (1943); 50 U.S.C. 964 (Supp. IV); 58 Stat. 632 (1944); Pub. Law 108, 79th Cong., E. O. 9250, 7 F. R. 7871; E.O. 9328, 8 F.R. 4681; E.O. 9577, 10 F.R. 8087; regulations of the Economic Stabilization Director, 8 F.R. 11960, 12139, 16702; 9 F.R. 6035, 14547, 10 F.R. 9478, 9628; regulations of the War Food Administrator, 9 F.R. 655, 12117, 12611; 10 F.R. 7609, 9581; 9 F.R. 831, 12807, 14206; 10 F.R. 3177)

Issued this 13th day of August 1945.

[SEAL] HOWARD A. PRESTON,
Acting Director of Labor,
U. S. Department of Agriculture.

[F. R. Doc. 45-15012; Filed, Aug. 14, 1945; 11:05 a. m.]

TITLE 30—MINERAL RESOURCES

Chapter VI—Solid Fuels Administration for War

[SFAW Reg. 26, Amdt. 10]

PART 602—GENERAL ORDERS AND DIRECTIVES

MAXIMUM AMOUNTS OF SOLID FUEL RETAIL DEALER MAY DELIVER TO DOMESTIC CONSUMER

Section 602.657 (c) of SFAW Regulation No. 26, as amended, is amended to read as follows:

§ 602.657 *Maximum amounts of solid fuel that a retail dealer may deliver to a domestic consumer.* • • •

(c) No retail dealer shall, during the period from April 1, 1945 to August 31, 1945, inclusive, deliver anthracite or coke made from bituminous coal, or both, to a domestic consumer in an amount which, when added to the amount of such solid fuel received by the consumer from all suppliers after April 1, 1945, exceeds 50 per cent of the consumer's normal annual requirements. This 50 per cent restriction does not apply to:

(i) Deliveries of No. 1 buckwheat anthracite and No. 2 buckwheat (rice) anthracite when used in a stoker or magazine feed equipment;

(ii) Deliveries to a domestic consumer who consumes all of his anthracite or coke made from bituminous coal at a house or building during the period from May 1, 1945 to September 30, 1945, inclusive;

(iii) Deliveries to a domestic consumer 80 per cent of whose normal annual requirements is three tons or less than three tons;

(iv) Deliveries of not more than three tons to a domestic consumer whose normal annual requirements are five tons;

(v) Deliveries of less scarce solid fuel;

(vi) Deliveries on and after August 15, 1945 of anthracite or coke made from bituminous coal when such deliveries are necessary to secure maximum efficient utilization of trucks and manpower and when such deliveries are consistent with the requirements of § 602.655 (b) and § 602.656 (b) of this regulation; or

(vii) Deliveries of any scarcer solid fuel except anthracite or coke made from bituminous coal when such deliveries are consistent with the requirements of § 602.655 (b) and § 602.656 (b) of this regulation.

This amendment shall become effective immediately.

(E.O. 9332, 8 F.R. 5355; E.O. 9125, 7 F.R. 2719; WPB Directive No. 33, as amended, 9 F.R. 84; sec. 2 (a), 54 Stat. 676, as amended by 55 Stat. 236, 56 Stat. 176 and 58 Stat. 827)

Issued this 13th day of August 1945

C. J. POTTER,
Deputy Solid Fuels
Administrator for War.

[F. R. Doc. 45-15009; Filed, Aug. 14, 1945; 10:51 a. m.]

PART 602—GENERAL ORDERS AND DIRECTIVES

DIRECTION TO SHIPPERS AND INDUSTRIAL CONSUMERS OF COAL PRODUCED IN DISTRICTS 9, 10 AND 11

To effectuate a fair distribution of the available production of coal produced during the month of September 1945 in Districts 9, 10 and 11, it is necessary, pursuant to SFAW Regulation No. 1, as amended, to issue the following direction:

(1) All shippers of coal produced in Districts 9, 10 and 11 are prohibited from shipping during the month of September 1945 to any industrial consumer subject to the provisions of SFAW Regulation No. 27 more coal than such industrial consumer is permitted to receive under the provisions of paragraph (2) below.

(2) Notwithstanding the provisions of § 602.715 (d) of SFAW Regulation No. 27 as amended, an industrial consumer of coal whose days' supply exceeds 60 days is prohibited from receiving during the month of September 1945, coal produced in District 9 or 11, or both, in an amount greater than 100 per cent of his consumption requirements for such month, without first obtaining permission from the SFAW Area Distribution Manager for the district in which the coal is produced; an industrial consumer whose days' supply exceeds 30 days is prohibited from receiving during the month of September 1945, coal produced in District 10 in an amount greater than 100 per cent of his consumption requirements for such month, without first obtaining permission from the SFAW Area Distribution Manager for the district in which the coal is produced. An industrial consumer receiving coal from District 10 and from District 9 or 11, or both, is prohibited from receiving more coal in the aggregate during the month of September 1945, that he is permitted to receive from District 9 or 11, or both, and he is further prohibited from receiving from District 10 more coal than he would be permitted to receive if he purchased coal only from that district.

(3) No person shall be held liable for damages or penalties under any contract for any default which shall result directly or indirectly from compliance with the provisions of this direction.

This direction shall become effective immediately.

(E.O. 9332, 8 F.R. 5355; E.O. 9125, 7 F.R. 2719; sec. 2 (a), 54 Stat. 676, as amended by 55 Stat. 236, 56 Stat. 176 and 58 Stat. 827)

Issued this 13th day of August 1945.

C. J. POTTER,
Deputy Solid Fuels
Administrator for War.

[F. R. Doc. 45-15044; Filed, Aug. 14, 1945; 11:55 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter IX—War Production Board

AUTHORITY: Regulations in this chapter, unless otherwise noted at the end of documents affected, issued under sec. 2 (a), 54 Stat. 676, as amended by 55 Stat. 236, 56 Stat. 177, 58 Stat. 827; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; W.P.B. Reg. 1 as amended Dec. 31, 1943, 9 F.R. 64.

PART 1075—CONSTRUCTION

[L-41, Amdt. 1 to Direction 5, as Amended June 11, 1945]

CONSTRUCTION PROJECTS FOR CIVILIAN PRODUCTION OR SERVICES

Direction 5 to Conservation Order L-41 is amended as follows:

1. By deleting from the first sentence of paragraph (a) the words "in paragraph (b), (c), (d) or (e)" and by inserting in paragraph (a) after the first sentence of that paragraph the following sentences:

An authorization without priorities assistance may be granted if the application falls within paragraph (b). An authorization with an AA-3 rating and a firm allotment may be granted if the application falls within paragraph (c), (d) or (e) below.

2. By deleting paragraph (b) and substituting the following:

(b) *Authorization without priorities assistance.* The following kinds of projects may be approved without priorities assistance:

(1) Projects which will provide additional manufacturing facilities;

(2) Projects involving public transportation, health and safety, or religious and educational activities which do not quite meet the criteria of paragraph (c);

(3) Projects for which materials, equipment and other resources required are on hand or are of a kind which are readily available without priorities assistance.

The War Production Board will not give any supplementary assistance on bottleneck items for projects which are initially authorized without priorities assistance, except in very unusual circumstances.

3. By numbering the present paragraph (f) as (f) (1) and by inserting under paragraph (f) at the end of the present paragraph the following new subparagraph:

(2) Applications for supplementary assistance on bottleneck items for projects initially authorized without priorities assistance may be filed in the form of a letter in duplicate in the office where the original application was filed giving the serial number of the authorization and the date of issuance. As indicated in paragraph (b) above, priorities assistance will not be given in such cases except in very unusual circumstances. The letter should describe the item or items which cannot be obtained (giving the quantities and cost and the delivery dates required to avoid delay in completion of the project), the efforts already made to get them (including the names of supplies consulted and their promised delivery dates), and should explain why and how long the job will be delayed if the item or items are not obtained on schedule and what the effect of the delay would be.

Issued this 13th day of August, 1945.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 45-14981; Filed, Aug. 13, 1945; 4:20 p. m.]

PART 904—PROCUREMENT

[Directive 40, Revocation]

Section 904.6 *Directive No. 40,* is hereby revoked. Procurement agencies will make cutbacks without clearance through the War Production Board, and will make notifications themselves accordingly.

Issued this 11th day of August 1945.

J. A. KRUG,
Chairman.

[F. R. Doc. 45-14980; Filed, Aug. 13, 1945; 4:20 p. m.]

PART 1010—SUSPENSION ORDERS

[Suspension Order S-876]

LESLIE T. HEALY

Leslie T. Healy, 2636 Noble Road, Cleveland Heights, Ohio, is engaged in the construction business, principally of small residences in South Euclid, Ohio. During April, 1945, without permission of the War Production Board, he did construction of three new single residential houses in South Euclid, Ohio, the estimated cost of each of which was in excess of the amount permitted by Conservation Order L-41. Leslie T. Healy had knowledge of the provisions of Conservation Order L-41, and the beginning and carrying on of these construction jobs without authorization constituted wilful violations of that order.

These violations have diverted critical materials to uses not authorized by the War Production Board. In view of the foregoing, it is hereby ordered, that:

§ 1010.876 *Suspension Order No. S-876.* (a) Leslie T. Healy shall not for three months from the effective date of this order apply or extend any preference ratings or use any CMP allotment symbols regardless of the delivery date named in any purchase order to which such ratings may be applied or extended or on which CMP allotment symbols are used.

(b) Leslie T. Healy shall cancel immediately all preference ratings which he has applied or extended to orders which have not yet been filled, and shall also cancel immediately all unfilled orders which he has placed for controlled materials bearing a CMP allotment symbol (including the MRO symbol and the symbol "SO" under the small order procedure of CMP Regulation 1).

(c) All preference ratings, allotments and authorizations presently outstanding in connection with orders for delivery of materials to Leslie T. Healy or placed prior to the termination date of this order are void and shall not be given any effect by suppliers of Leslie T. Healy or by any other person. This does not apply to material already delivered or in transit for delivery to him on the effective date of this order.

(d) During the period in which this order shall be in effect, no authorization to begin any new construction to be erected in whole or in part by Leslie T. Healy shall be granted, except as may be hereafter specifically authorized in writing by an official order of the War Production Board, as an exception to, or modification of this order.

(e) Nothing contained in this order shall be deemed to relieve Leslie T. Healy from any restrictions, prohibitions, or provisions contained in any other order or regulation of the War Production Board except insofar as the same may be inconsistent with the provisions hereof.

(f) The restrictions and provisions contained herein shall apply to Leslie T. Healy, his successors or assigns or persons acting on his behalf. The provisions against the taking of any action include the taking indirectly as well as directly of any such action.

(g) This order shall take effect on August 14, 1945.

Issued this 7th day of August 1945.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 45-15022; Filed, Aug. 14, 1945; 11:14 a. m.]

PART 1029—FARM MACHINERY

[Limitation Order L–257–c, as Amended July 7, 1945, Amdt. 1]

Section 1029.20 *Limitation Order L–257–c* is amended in the following respect:

In paragraph (i), delete the last sentence after the list of items.

Issued this 14th day of August 1945.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 45–15018; Filed, Aug. 14, 1945; 11:14 a. m.]

PART 3281—PULP AND PAPER

[General Conservation Order M–241–a, as Amended Aug. 14, 1945]

CONSERVATION OF PAPER AND PAPERBOARD

§ 3281.64 *General Conservation Order M–241–a*—(a) *Definitions.* For the purpose of this order:

(1) A "converted product" means any article or type of converted paper resulting from the processing of pulp, paper, or paperboard which alters the original form or characteristics of the pulp, paper, or paperboard. The term includes all articles on any of the lists to this order, but shall not include:

(i) Paper or paperboard manufactured in the first instance by a paper or paperboard mill.

(ii) A "newspaper" as defined in General Limitation Order L–240.

(iii) "Wall paper" as defined in General Limitation Order L–177.

(iv) A "box" as defined in General Limitation Order L–239.

(v) A "magazine" as defined in General Limitation Order L–244.

(vi) A "book" as defined in General Limitation Order L–245.

(vii) A "greeting card" as defined in General Limitation Order L–289.

(viii) A "book match" as defined in General Limitation Order L–263.

(ix) A "paper shipping sack" as defined in General Limitation Order L–279.

(x) Fibre shipping containers, cans, drums, tubs, barrels, dividers, partitions and separators.

(xi) Cups, pails and nested food containers.

(xii) A "display" as defined in General Limitation Order L–294.

(xiii) A "grocery", "variety" and "notion bag" as defined in General Limitation Order L–261.

(xiv) Looseleaf binders.

(xv) Specialty bags.

(xvi) [Deleted July 14, 1945]

(2) A "converter" is any person who, regardless of the identity or nature of his business, manufactures any converted product.

(3) "Person" means any individual, partnership, association, or other form of enterprise, including within one "person" all affiliates, subsidiaries, individuals, corporations, partnerships, or other forms of enterprise subject to a common executive or operating management or with a common sales organization.

(b) *Computation of quotas for a portion of a calendar quarter.* Each converter whose quota provisions for a current calendar quarter are affected by this or any subsequent amendment to this order shall compute his permitted quota on a pro rata basis from the effective date of the order for the balance of the current calendar quarter.

(c) *Unrestricted consumption of pulp, paper and paperboard in the manufacture of certain converted products.* Any converter may consume any quantity of pulp, paper and paperboard in the manufacture of any converted product shown on List A of this order.

(d) *Restriction on consumption of pulp, paper and paperboard in the manufacture of certain named converted products.* (1) No converter shall consume in the manufacture of any converted product on List B, List C or List D of this order any quantity, in tons, of pulp, paper and paperboard greater than the quantity ascertained:

For the final quarter of 1943, and for each calendar quarter thereafter, by applying the entire percentage figure for each such converted product, as shown in paragraph (d) (2) of this order, to the quantity, in tons, of pulp, paper and paperboard consumed by such person in the manufacture of such product during the corresponding calendar quarter of 1942.

(2) The following percentage figures shall be used for the calculations described in the preceding paragraph (d) (1):

	Percent
(i) List B products	115
(ii) List C products	105
(iii) List D products	85

(3) [Deleted Oct. 5, 1943]

(4) If a converter's consumption of pulp, paper and paperboard for any calendar quarter of 1942 was less than 25 tons, or if a converter did not consume any pulp, paper of paperboard during the calendar year 1942, such converter may consume in the manufacture of any converted products on List B, List C or List D of this order, an aggregate of 25 tons of pulp, paper and paperboard in each calendar quarter.

(e) *Restrictions on consumption of pulp, paper and paperboard in the manufacture of converted products not specifically listed.* (1) No converter shall during the final calendar quarter of 1943 or during any calendar quarter thereafter consume in the manufacture of any converted product not named on List A, List B, List C or List D of this order, any quantity, in tons, of pulp, and paperboard greater than 70 percent of the tonnage consumed in the manufacture of such converted product during the corresponding calendar quarter of 1942.

(2) No converter shall during the third calendar quarter of 1945, or during any calendar quarter thereafter, consume in the manufacture of any converted product not named on List A, List B, List C or List D of the order, any quantity, in tons, of paper greater than 85 percent of the tonnage consumed in the manufacture of such product during the corresponding calendar quarter of 1942.

(3) If a converter's consumption of pulp, paper and paperboard for any calendar quarter of 1942 was less than 25 tons or if a converter did not consume any pulp, paper and paperboard during the calendar year 1942, such converter may consume in the manufacture of any converted products not named in List A, List B, List C or List D of this order, an aggregate of 25 tons of pulp, paper and paperboard in each calendar quarter.

(4) In the instance of any converted products not named on any of the lists of this order, the following processes and operations shall not be considered as processing:

(i) Cutting, trimming or rewinding to a different size when such is performed as part of any established finishing room procedure and provided the paper or paperboard so processed is not intended for a use which serves to defeat the purpose of the order. (*Example:* the cutting of plain paper to a given size for use as a tray cover, the manufacture of which is curtailed by this order).

(ii) Punching or corner cutting.

(iii) Super-calendering.

(iv) Laminating.

(v) Coating, friction calendering, flint glazing, plating and embossing.

(vi) Collating and binding.

(vii) Printing, when such contributes to the functional value of the product to such a degree that the product would be incapable of performing the use intended if not printed, (*Examples:* advertising streamers, posters, menus, programs, timetables, sheet music, patterns, decalcomania transfers, checks), or when such printing is an intermediate process in the manufacture of an article or type of converted paper.

(viii) Printing wrappers (excluding gift wrappings) when printing is the only conversion operation other than cutting or trimming.

(ix) Embossing, corrugating, creping and crinkling for industrial and nondecorative uses.

(f) *Alternate method of calculating quotas.* As an alternate method of calculating quarterly quotas for any converted product, any person may, after the filing of a notice in writing with the War Production Board, elect to apply the percentages established by paragraphs (d) and (e) (1) of this order to one fourth of his total yearly consumption of pulp, paper and paperboard in such product during 1942. When such election has been made and the required notice in writing has been given to the War Production Board, the method of determining quotas may not thereafter be changed.

(g) *Converter's responsibility in determining coverage of this order.* It shall be the duty of each converter to determine in the first instance which of his products are included among the converted products referred to in this order. In case of doubt he may apply to the War Production Board in writing describing the product in question, for a specific ruling determining whether or not the same is so included. The War Production Board may of its own motion in any case, by telegram or letter, issue a specific ruling determining whether or not a particular product of a particular converter is so included.

(h) *Inventory restrictions.* No converter shall accept delivery of, and no person shall knowingly deliver to a converter, any quantity of pulp, paper or paperboard if the total inventory of pulp, paper and paperboard in the possession of the converter is, or will by virtue of such delivery become, in excess of the greater of the following: (1) thirty tons, or (2) a thirty days supply, based on the converter's average rate of consuming pulp, paper and paperboard during the latest preceding full calendar month.

(i) *Certification to paper dealer or mill.* No converter of paper, and no person on behalf of a converter of paper, may order or accept delivery, from a paper merchant, mill operator, or other supplier of any paper for use in converting paper, unless the buyer furnishes, or has previously furnished, to the person making delivery, certificate in substantially the following form, signed manually, or as provided in Priority Regulation No. 7 (§ 944.27) by an official duly authorized for such purpose:

The undersigned converter certifies, subject to the penalties of section 35 (A) of the U. S. Criminal Code, to the seller and to the War Production Board that he is familiar with Order M–241–a and that all purchases by him of items regulated by that order, as amended from time to time, will be in compliance therewith.

The above certificate must be used and the certification provided for in Priority Regulation No. 7 may not be used in its place or stead.

This is a one-time certification and need not accompany each individual order for paper.

(j) *Allocations.* The War Production Board may from time to time direct the production and delivery of specific quantities of any converted product included in this order. Such directions will be made to insure the satisfaction of war requirements both direct and indirect and essential civilian requirements and shall take precedence over any preference rating to the extent indicated by the War Production Board.

(k) *Applicability of regulations.* This order and all transactions affected thereby are subject to all applicable regulations of the War Production Board, as amended from time to time.

(l) *Appeals.* Any appeal from the provisions of this order shall be made by filing a letter in triplicate, referring to the particular provision appealed from and stating fully why the particular provision imposes exceptional and unreasonable hardship which is not suffered generally by others in the same industry or activity or why improper discrimination is claimed.

(m) *Violations.* Any person who wilfully violates any provisions of this order, or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States, is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition any such person may be prohibited from making or obtaining further deliveries of or from processing or using material under priority control and may be deprived of priorities assistance.

(n) *Communications.* All communications concerning this order shall, unless otherwise directed, be addressed to: War Production Board, Paper Division, Washington 25, D. C. Ref: M–241–a.

Issued this 14th day of August 1945.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

LIST A—UNRESTRICTED PRODUCTION

Abrasive papers
Adding machine and business machine rolls
Air force emergency packs
Army ration containers
Automotive oil cartridges
Balloons (direct military only)
Blankets
Blueprints and direct line papers
Bomb fins
Bomb rings
Bombs
Building boards
Cable insulation
Calender rolls (for paper and other finishing machinery)
Camouflage paper
Caps for glass bottles and jars
Caps, pads, cushions and guards for fruit and vegetable packing
Carbon paper
Cases for battery operated electric lights
Charts, rolls and tape for communication and recording instruments and machines
Cigarette paper books
Clock backs and cases
Clothing
Condensers—component parts thereof
Control knobs and dials
Cores and core plugs
Crepe cellulose wadding
Dental mouth wadding
Diaper linings
Diaphragms—pump and carburetor
Dust and dirt covers and seals for motors, journals, etc.
Dust masks
Egg case fillers and flats
Electrical insulation, components and fittings
Embalming, surgical and obstetrical sheets
Faces for gauges, clocks and weighing equipment.
Fibre conduit and fittings
Filters
Flare spacers
Friction pulleys and wheels
Fruit and vegetable wrappers for apples, lemons, peaches, pears, and tomatoes, in the instance of original shipment.
Fuses and component parts thereof
Garbage and utility cans
Gas detection armbands and similar products
Gas mask canisters and mask parts
Gas protection capes, tarpaulins & similar products
Gaskets
Gears
Grenades and grenade containers
Gummed sealing and corrugated tape.
Gummed stay tape
Gun & rifle protection sleeves
Helmets and helmet accessories
Hospital wadding
Industrial receptacles such as tote boxes, cans, barrels and trucks
Instrument panels
Insulation boards
Impervious papers and specialty containers made therefrom, including waxed, for direct war use but limited to those grades covered by specifications issued by the U. S. Army, U. S. Navy, U. S. Marine Corps, or the Federal Standard Stock Catalog
Jettison tanks
Lens tissue
Lithomat and photomat paper
Milk bottles, milk bottle hoods and milk bottle caps
Mimeograph stencils
Nuts and screws
Paper base plastics
Parachutes and parachute spreaders
Photographic and photo copying papers
Plant protectors
Plates and mats—printing, lithographic, duplicating and reproduction
Poultry incubators, brooders and feeders
Prepared tracing
Pressure sensitive adhesive tape.
Ration bags
Roofing, shingles and building papers (treated)
Sanitary napkins
Seed packets for use by original growers or packers of seed
Shell containers
Shoes and component parts thereof
Shotshell and ignition cartridges
Surgical bandages
Surgical masks and caps
Tabulating cards
Tags, commercial and industrial only (unprinted)
Tank and transformer liners
Targets
Tea ball bags, but limited to bags for small broken leaf, fannings, siftings and dust
Telephones, component parts of
Textile cores, tubes and spools
Toilet seat covers
Twisted paper including but not limited to yarn, twine, cord, rope and strapping
Valves
Vegetable parchment
Veneer tape
V-mail blanks
Vulcanized fibre
Wall boards
Waterproof and moistureproof packaging papers (asphalt and resin impregnated and laminated)

LIST B—PRODUCTS PERMITTED AT 115% OF 1942

NOTE: "Paper stationery • • •" deleted Dec. 19, 1944.

Envelopes, in all styles except expansion type
Fillers, looseleaf (except accounting)
Household waxed paper, all styles
Index cards, plain and ruled
Straws (soda and drinking)
Tablets, pads and notebooks
Toilet tissue, other than facial type of two ply or more
Towels for industrial use
Waxed and oiled paper, all types and grades other than household packages, excluding waxed paper wrappings for direct war use as provided in List A.

LIST C—PRODUCTS PERMITTED AT 105% OF 1942

Artificial leather
Buttons
Cake boards
Concrete forms
Dental pinafores
Dishes and plates
Facial tissue
File cabinets
Forks and spoons
Gummed flat paper
Hat and cap visors
Headrest rolls
Jacquard cards
Light shades and reflectors
Lunch boxes
Napkins, for industrial and institutional use (bulk and dispenser type)
Napkins for home use (retail packages)
Permanent wave pads
Photo mailers
Photo mounts
Sales tax tokens
Shirt bands
Stereotype mats
Tympan paper

LIST D—PRODUCTS PERMITTED AT 85% OF 1942

Barber's neck bands
Carpets and rugs
Expanding envelopes or pockets
File dividers and indexes
Fly paper
Fly ribbons
Folders (file)
Games and toys of all types (except playing cards)
Music and player piano rolls
Slippers
Snap, button, hook and eye and zipper cards
Soap wraps, including all component parts thereof except wax paper
Textile boards, excluding shirt boards
Toilet tissue, facial type of two or more ply
Towels for home use (Retail package)
Venetian blinds
Vertical file pockets
Window shades

LIST E [Deleted Oct. 5, 1943]

INTERPRETATION 1—WAXED PAPER CONVERSION

"Waxed and oiled paper, all types and grades other than household packages, excluding waxed paper wrappings for direct war use as provided in List A," as that caption appears in List B of General Conservation Order M-241-a, applies to all the kinds of paper so described regardless of whether produced as a result of a separate converting operation, as is commonly the case, or produced as a result of having been oiled or waxed on the paper machine. For the purpose of this order control has been placed on the end product. The method employed in consuming paper in the manufacture of the end product is not a factor of consideration in determining the applicability of the order. (Issued Feb. 15, 1944.)

INTERPRETATION 2—RETAIL UNITS

This interpretation of General Conservation Order M-241-a applies to the consumption of paper in the manufacture of retail units of wrapping and other papers as dispensed through the variety chain stores, the department stores, the stationery stores and all other retail outlets. These retail units are regarded as within the definition of a "converted product" in Order M-241-a and therefore subject to the restrictions contained in paragraphs (d) or (e) of the order.

All grades and kinds of paper, plain or printed, when converted into retail units for wrapping purposes are subject to the order, although the percentage restriction on consumption need not be separately applied to each of the grades and kinds of paper consumed during the base period. It is permitted to calculate an aggregate quota and to consume any grade or kind of paper, plain or printed, within the quota without regard to the maintenance of the same relationship of grade and kind that prevailed during the base period.

Any person who did not consume paper during the base period of the order in the conversion of such retail units of wrapping and other papers has no basis from which to calculate a quota and, therefore, cannot become a converter.

There is a distinction in the instance of printed wrapping paper as follows:

1. When printed wrapping paper is delivered by the printer in bulk form (not packaged) for further sale or further distribution the printer is the "converter" as defined in the order, and, therefore, subject to the restrictions of paragraph (e); but,

2. If the printer delivers the printed wrapping paper to a person for subsequent conversion into retail units, the final converter is the one subject to the restrictions of paragraph (e) and not the printer.

Since retail units are regarded as a separate and distinct type of "converted product," it is obvious that tonnage from other products cannot be included when calculating a quota for retail units.

Plain wrapping tissue purchased in quires, or flat, when subsequently folded and labeled or otherwise packaged, is deemed to be a retail unit and therefore restricted by paragraph (e).

Quota tonnage which has not been consumed at the end of a calendar quarter may not be carried over to the succeeding calendar quarter. (Issued Feb. 15, 1944.)

INTERPRETATION 3—PUNCH BOARDS, PULL BOARDS AND SIMILAR ARTICLES

This interpretation of General Conservation Order M-241-a applies to punch boards, pull boards and similar articles. Punch boards, pull boards and similar articles are not included in "Games and Toys" on List D of the order. They are to be considered as coming within the provision of paragraph (e) (1) of the order. (Issued May 26, 1944.)

[F. R. Doc. 45-15019; Filed, Aug. 14, 1945; 11:14 a. m.]

PART 3293—CHEMICALS

[General Allocation Order M-300, Revocation of Schedule 53]

SILICA GEL

Section 3293.1053 *Schedule 53 to General Allocation Order M-300* and all authorizations and directions issued under that section, are hereby revoked. This revocation does not affect any liabilities incurred for violation of the section or of actions taken by the War Production Board under the section.

Issued this 14th day of August 1945.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 45-15020; Filed, Aug. 14, 1945; 11:14 a. m.]

PART 3293—CHEMICALS

[General Allocation Order M-300, Revocation of Schedule 84]

DESICCANT GRADE BENTONITE

Section 3293.1084 *Schedule 84 to General Allocation Order M-300* and all authorizations and directions issued under that section, are hereby revoked. This revocation does not affect any liabilities incurred for violation of the section or of actions taken by the War Production Board under the section.

Issued this 14th day of August 1945.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 45-15021; Filed, Aug. 14, 1945; 11:14 a. m.]

Chapter XI—Office of Price Administration

PART 1305—ADMINISTRATION

[Supp. Order 118, Amdt. 2]

SMALL VOLUME MANUFACTURERS RECONVERSION PRICING

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.

Appendix A of Supplementary Order 118 is amended as follows:

1. The following paragraph is inserted following the last paragraph and before the product list:

The following list indicates the commodity price branch of the National Office having jurisdiction over the products listed.

2. The product list is amended to read as follows:

PRODUCT LIST

Building materials branch

Fabricated iron and steel products (Subject to MPR 591) as follows:
- Combination Screen and Storm Doors, Metal and Metal Covered
- Combination Screen and Storm Windows, Metal and Metal Covered
- Doors, Metal and Metal Covered
- Door Sash and Frames, Metal and Metal Covered
- Incinerators, Metal
- Iron and Steel Hand Rails and Stairway Guards
- Iron and Steel Stair Treads
- Pipe Hangers, Rests, Rollers, Etc.
- Ties and Timber Connectors
- Tie Rods and Accessories (Except Bolts and Nuts)
- Window Sash and Frames, Metal and Metal Covered

Mechanically operated commercial refrigeration and summer air conditioning equipment and accessories (Subject to MPR 591) as follows:
- Cabinets, Frozen Food, Ice (Except Household), Ice Cream
- Insulated Cold Storage Doors
- Refrigerated Coolers, Beverage, Milk, Water
- Refrigerated Counters and Display Cases
- Refrigerators Over 16 Cu. Ft. Capacity, Commercial, Display, Reach-in, Walk-in

Plumbing and heating equipment (Subject to MPR 591) as follows:
- Automatic Cellar and Basement Drainers, When Manufactured From Brass or Copper Brass Alloys, Syphon-Operated Only
- Bathroom Accessories, When Manufactured From Brass or Copper Brass Alloys; and, When Attached to Plumbing Fixtures, or When to be Attached to the Wall by Means of Wall Inserts Which Are Part of the Accessory Unit
- Conversion Gas Burners (Except Those Designed For Use With Products Subject to RMPR 136)
- Conversion Oil Burners (Except Those Designed For Use With Products Subject to RMPR 136)
- Core Cocks and Corporation Cocks
- Firefighting (Standpipe) Equipment (Nozzles, Play Pipes, Racks, Siamese or Steamer Connections, Wrenches)
- Gas Burners (Except Those Designed For Use With Products Subject to RMPR 136)
- Permanently Installed Lawn Sprinkler Equipment, When Manufactured From Brass or Copper Brass Alloys
- Plumbing and Drainage Specialties, When Manufactured From Brass
- Range Boilers, Copper, Made of Metal 12 BWG and Lighter of Capacity Not In Excess of 192 Gallons
- Solar Systems
- Tanks and Vessels, Non-Pressure, Made of Copper or Copper Alloy or Having Copper Lining, With Wall Thickness of Tank or Vessel Not Exceeding 12 BWG of Capacity Not In Excess of 585 Gallons (Except as Covered by RPS 96 and Except Such Products Commonly Known as Cans and Pans, Pails and Buckets, Non Returnable Shipping Containers, Refuse Receptacles, Drip and Waste Receivers)

Plumbing and heating equipment (Subject to MPR 591) as follows—Continued.
- Tanks and Vessels, Pressure, Made of Copper or Copper Alloy or Having Copper Lining, With Wall Thickness of Tank or Vessel Not Exceeding 12 BWG of Capacity Not In Excess of 192 Gallons

Sheet metal products (Subject to MPR 591) as follows:
- Cabinets, When Designed for Under Sink or Under Lavatory Use
- Iron and Steel Ceilings
- Metal and Metal Bound Weatherstripping
- Mouldings, Bindings, and Edgings
- Plumbing Fixtures, Metal Clad Wood Only
- Prefabricated Metal and Metal Covered Store Fronts
- Registers and Grilles
- Shower Stalls and Shower Enclosures (But Not Including Shower Curtains)
- Skylights
- Terrazzo Strips
- Ventilators (Except Marine)

Durable goods price branch

- Air Conditioners, Portable
- Aluminum Ware
- Bicycles
- Carpet Sweepers
- Caskets, Metal
- Clocks (Subject to MPR 188)
- Electrical Appliances, Small (Subject to MPR 188)
- Fixtures, Office, Store and Institutional, Metal
- Furniture, Household, Metal
- Furniture and Equipment, Office, Store and Institutional, Metal (Subject to MPR 188)
- Golf Bags
- Golf Clubs
- Lawnmowers (Subject to MPR 188)
- Machines, Coin Operated
- Machines, Office
- Machines, Store (Subject to MPR 188)
- Mattresses, Innerspring
- Musical Instruments, Metal
- Playground and Gymnasium Equipment
- Radios, Phonographs and Radio-Phonograph Combinations (Except Those Subject to RMPR 136)
- Ranges, Electric (Except Industrial)
- Refrigerators, Domestic, Mechanical
- Safes and Vaults
- Sewing Machines (Except Industrial)
- Scales, Household, Health
- Silver-Plated Flatware
- Skates, Roller and Ice
- Toys, Metal and Rubber
- Vacuum Cleaners (Except Industrial)
- Washing Machines, Ironers and Driers, Domestic

Machinery branch

- Automotive Hydraulic and Electric Lifts
- Bottling and Beverage Machinery
- Gasoline Computer and Non-Computer Pumps
- Hat Making Machinery (Except Sewing Machines)
- Knitting Machinery
- Leather Working Machinery
- Printing Machinery
- Pulp, Paper, and Paper Processing Machinery
- Shoe Manufacturing and Repairing Machinery
- Tobacco Working Machinery

Rubber, chemicals and drugs branch

- Bookcloth, (Except Artificial Leather)
- Oilcloth
- Rubber Covered Rolls
- Rubber Flooring, Mats and Matting
- Sponge Rubber Goods Under MPR 149 and MPR 220
- Window Shade Cloth, When Processed for Window Shade Use

3. Appendix B is amended by adding the following to the present text of the Appendix:

PRODUCT LIST

Building materials branch

- Flush Doors Which (1) Have Hollow Cores of Insulating Board or of Any Species of Lumber Except Fir, Larch, Spruce or Hemlock; and Which (2) Also Have Veneer Faces of Any Species Listed in Section 26 (d) of RMPR 293
- Flush Doors Which (1) Have Solid Cores of Any Species of Lumber Except Fir, Larch, Spruce or Hemlock; and Which (2) Also Have Veneer Faces of Any Species Listed in Section 26 (d) of RMPR 293.
- Millwork Specialties Manufactured Wholly or In Part From Ponderosa Pine (Pinus Ponderosa), Idaho Pine (Pinus Monticola), Sugar Pine (Pinus Lambertiana), Northern or Northeastern Pine (Pinus Strobus), When Made to be Affixed to and Become a Permanent Part of a Building, as follows:
  - Complete Gable Frame and Sash Units
  - Disappearing Stairways
  - Ironing Boards
  - Lock-Joint or Mitred Trim, KD or Set Up
  - Mantels, China, or Corner Closets and Breakfast Nooks
  - Ornamental Entrance Frames
  - Overhead Garage Doors
  - Porch Work
  - Sectional Kitchen Units in the White
  - Stock Frames That Cannot Be Priced From Catalog 8-A, "Standard Pine Frames", Published by the Pinney Printing Company, Clinton, Iowa
  - Telephone and Medicine Cabinets

Machinery branch

- Elevators and Escalators, Passenger and Freight
- Hand Operated Petroleum Dispensing Pumps
- Metallic or Plastic Parts or Subassemblies (Except Screw Machine Products, Metal Stampings and Motors) Subject to RMPR 136 or MPR 523, and Specifically Designed for Incorporation in a Commodity Covered by Any of the Following Regulations:
  - MPR 64—Domestic Cooking and Heating Stoves
  - RPS 86—Domestic Washing Machines and Ironing Machines
  - RPS 102—Household Mechanical Refrigerators
  - RPS 111—New Household Vacuum Cleaners and Attachments
  - MPR 188—Manufacturers' Maximum Prices for Specified Consumers' Goods Other Than Apparel

This amendment shall become effective August 13, 1945.

Issued this 13th day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-14988; Filed, Aug. 13, 1945; 4:28 p. m.]

PART 1305—ADMINISTRATION

[Supp. Order 119, Amdt. 2]

INDIVIDUAL ADJUSTMENTS FOR RECONVERTING MANUFACTURERS

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.

Appendix A of Supplementary Order 119 is amended as follows:

1. The following paragraph is inserted following the last paragraph and before the product list:

The following list indicates the commodity price branch of the National Office having jurisdiction over the products listed.

2. The product list is amended to read as follows:

PRODUCT LIST

Building materials branch

Fabricated iron and steel products (Subject to MPR 591) as follows:
- Combination Screen and Storm Doors, Metal and Metal Covered
- Combination Screen and Storm Windows, Metal and Metal Covered
- Doors, Metal and Metal Covered
- Door Sash and Frames, Metal and Metal Covered
- Incinerators, Metal
- Iron and Steel Hand Rails and Stairway Guards
- Iron and Steel Stair Treads
- Pipe Hangers, Rests, Rollers, Etc.
- Ties and Timber Connectors
- Tie Rods and Accessories (Except Bolts and Nuts)
- Window Sash and Frames, Metal and Metal Covered

Mechanically operated commercial refrigeration and summer air conditioning equipment and accessories (Subject to MPR 591) as follows:
- Cabinets, Frozen Food, Ice (Except Household), Ice Cream
- Insulated Cold Storage Doors
- Refrigerated Coolers, Beverage, Milk, Water
- Refrigerated Counters and Display Cases
- Refrigerators Over 16 Cu. Ft. Capacity, Commercial, Display, Reach-in, Walk-in

Plumbing and heating equipment (Subject to MPR 591) as follows:
- Automatic Cellar and Basement Drainers, When Manufactured From Brass or Copper Brass Alloys, Syphon-Operated Only
- Bathroom Accessories, When Manufactured From Brass or Copper Brass Alloys; and, When Attached to Plumbing Fixtures, or When to be Attached to the Wall By Means of Wall Inserts Which Are Part of the Accessory Unit
- Conversion Gas Burners (Except Those Designed For Use With Products Subject to RMPR 136)
- Conversion Oil Burners (Except Those Designed For Use With Products Subject to RMPR 136)
- Core Cocks and Corporation Cocks
- Firefighting (Standpipe) Equipment (Nozzles, Play Pipes, Racks, Siamese or Steamer Connections, Wrenches)
- Gas Burners (Except Those Designed For Use With Products Subject to RMPR 136)
- Permanently Installed Lawn Sprinkler Equipment, When Manufactured From Brass or Copper Brass Alloys
- Plumbing and Drainage Specialties, When Manufactured From Brass
- Range Boilers, Copper, Made of Metal 12 BWG and Lighter of Capacity Not In Excess of 192 Gallons
- Solar Systems
- Tanks and Vessels, Non-Pressure, Made of Copper or Copper Alloy or Having Copper Lining With Wall Thickness of Tank or Vessel Not Exceeding 12 BWG of Capacity Not In Excess of 585 Gallons (Except as Covered by RPS 96 and Except Such Products Commonly Known as Cans and Pans, Pails and Buckets, Non Returnable Shipping Containers, Refuse Receptacles, Drip and Waste Receivers)
- Tanks and Vessels, Pressure, Made of Copper or Copper Alloy or Having Copper Lining, With Wall Thickness of Tank or Vessel Not Exceeding 12 BWG of Capacity Not In Excess of 192 Gallons

Sheet metal products (Subject to MPR 591) as follows:
- Cabinets, When Designed for Under Sink or Under Lavatory Use
- Iron and Steel Ceilings
- Metal and Metal Bound Weatherstripping
- Mouldings, Bindings, and Edgings
- Plumbing Fixtures, Metal Clad Wood Only
- Prefabricated Metal and Metal Covered Store Fronts
- Registers and Grilles
- Shower Stalls and Shower Enclosures (But Not Including Shower Curtains)
- Skylights
- Terrazzo Strips
- Ventilators (Except Marine)

Durable goods price branch

Air Conditioners, Portable
Aluminum Ware
Bicycles
Carpet Sweepers
Caskets, Metal
Clocks (Subject to MPR 188)
Electrical Appliances, Small (Subject to MPR 188)
Fixtures, Office, Store and Institutional, Metal
Furniture, Household, Metal
Furniture and Equipment, Office, Store and Institutional, Metal (Subject to MPR 188)
Golf Bags
Golf Clubs
Lawnmowers (Subject to MPR 188)
Machines, Coin Operated
Machines, Office
Machines, Store (Subject to MPR 188)
Mattresses, Innerspring
Musical Instruments, Metal
Playground and Gymnasium Equipment
Radios, Phonographs and Radio-Phonograph Combinations (Except Those Subject to RMPR 136)
Ranges, Electric (Except Industrial)
Refrigerators, Domestic, Mechanical
Safes and Vaults
Sewing Machines (Except Industrial)
Scales, Household, Health
Silver-Plated Flatware
Skates, Roller and Ice
Toys, Metal and Rubber
Vacuum Cleaners (Except Industrial)
Washing Machines, Ironers and Dries, Domestic

Machinery branch

Automotive Hydraulic and Electric Lifts
Bottling and Beverage Machinery
Gasoline Computer and Non-Computer Pumps
Hat Making Machinery (Except Sewing Machines)
Knitting Machinery
Leather Working Machinery
Printing Machinery
Pulp, Paper, and Paper Processing Machinery
Shoe Manufacturing and Repairing Machinery
Tobacco Working Machinery

Rubber, chemicals and drugs branch

Bookcloth (Except Artificial Leather)
Oilcloth
Rubber Covered Rolls
Rubber Flooring, Mats and Matting
Sponge Rubber Goods Under MPR 149 and MPR 220
Window Shade Cloth, When Processed for Window Shade Use

3. Appendix B is amended by adding the following to the present text of the Appendix:

PRODUCT LIST

Building materials branch

Flush Doors Which (1) Have Hollow Cores of Insulating Board or of Any Species of Lumber Except Fir, Larch, Spruce or Hemlock; and Which (2) Also Have Veneer Faces of Any Species Listed in Section 26 (d) of RMPR 293
Flush Doors Which (1) Have Solid Cores of Any Species of Lumber Except Fir, Larch, Spruce or Hemlock; and Which (2) Also Have Veneer Faces of Any Species Listed in Section 26 (d) of RMPR 293
Millwork Specialties Manufactured Wholly or In Part From Ponderosa Pine (Pinus Ponderosa), Idaho Pine (Pinus Monticola), Sugar Pine (Pinus Lambertiana), Northern or Northeastern Pine (Pinus Strobus), When Made to be Affixed to and Become a Permanent Part of a Building, as follows:
- Complete Gable Frame and Sash Units
- Disappearing Stairways
- Ironing Boards
- Lock-Joint or Mitred Trim, KD or Set Up
- Mantels, China, or Corner Closets and Breakfast Nooks
- Ornamental Entrance Frames
- Overhead Garage Doors
- Porch Work
- Sectional Kitchen Units in the White
- Stock Frames That Cannot Be Priced From Catalog 8-A, "Standard Pine Frames", Published by the Pinney Printing Company, Clinton, Iowa
- Telephone and Medicine Cabinets

Machinery branch

Elevators and Escalators, Passenger and Freight
Hand Operated Petroleum Dispensing Pumps
Metallic or Plastic Parts or Subassemblies (Except Screw Machine Products, Metal Stampings and Motors) Subject to RMPR 136 or MPR 523, and Specifically Designed for Incorporation in a Commodity Covered by Any of the Following Regulations:
- MPR 64—Domestic Cooking and Heating Stoves
- RPS 86—Domestic Washing Machines and Ironing Machines
- RPS 102—Household Mechanical Refrigerators
- RPS 111—New Household Vacuum Cleaners and Attachments
- MPR 188—Manufacturers' Maximum Prices for Specified Consumers' Goods Other Than Apparel

This amendment shall become effective August 13, 1945.

Issued this 13th day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-14989; Filed, Aug. 13, 1945; 4:28 p. m.]

PART 1305—ADMINISTRATION

[Supp. Order 122, Amdt. 1]

RESALES OF CERTAIN COMMODITIES SOLD BY GOVERNMENT AGENCIES

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.

The effective date provision of Supplementary Order 122 is amended to read as follows:

This Supplementary Order No. 122 shall become effective September 10, 1945, or earlier at the option of the seller.

This amendment shall become effective August 22, 1945.

Issued this 14th day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-15038; Filed, Aug. 14, 1945; 11:37 a. m.]

PART 1315—RUBBER AND PRODUCTS AND MATERIALS OF WHICH RUBBER IS A COMPONENT

[RO 1A,[1] Amdt. 105]

TIRES, TUBES, RECAPPING AND CAMELBACK

A rationale for this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.

Ration Order No. 1A is amended in the following respects:

1. Section 1315.201 (a) (12) is revoked and Sections 1315.201 (a) (11) and (a) (13) are amended to read as follows:

(11) "Grade I Tire" means a tire other than one included within the definition of a Grade III tire.

(13) "Grade III Tire" means:

(i) A used passenger, truck, tractor-implement or industrial-type tire;

(ii) A new passenger or truck tire which the manufacturer, before transferring to a dealer or consumer has found to need a reliner, a sectional repair, or a complete or partial new tread in order to be made serviceable, and upon which he has prominently branded the word "reject";

(iii) A new passenger tire which a District Director has authorized to be reclassified as a Grade III tire after a finding by an OPA Tire Examiner that the tire was manufactured principally from reclaimed rubber. The District Director's authorization shall be sent to the dealer who requested the reclassification. It shall describe each tire being reclassified as Grade III, by size, type and serial number.

(iv) A new passenger or truck tire held for sale by a dealer which a District Director has authorized to be reclassified as a Grade III tire after a finding by an OPA Tire Examiner that the tire has been damaged after it left the factory to such an extent that it cannot reasonably be sold on a Grade I tire certificate. The District Director's authorization shall be sent to the dealer who requested the reclassification. It shall describe each tire being reclassified as Grade III, by size, type and serial number.

2. Sections 1315.305 (a) and (b) are revoked.

3. Section 1315.503 (b) is amended by inserting the phrase "Grade I" immediately preceding the phrase "truck tire" in the first sentence.

4. The text of § 1315.505 (a) immediately preceding subparagraph (1) is amended to read as follows:

A certificate for a Grade I tire of any type may be granted only for a commercial motor vehicle which meets the applicable conditions of §§ 1315.501 and 1315.504, and which is used exclusively for one or more of the following purposes:

5. Section 1315.505 (b) is amended to read as follows:

(b) *List B.* (1) A certificate for a Grade I truck tire of the size and ply listed in the table below may be issued for a commercial motor vehicle which meets the applicable conditions of Sections 1315.501 and 1315.504 and which is used exclusively by medical or dental laboratories, or for the transportation of apparel by dry cleaners, or for the transportation of laundry, drugs, medicinal supplies or essential food. The incidental transportation of other property simultaneously with any of the aforesaid commodities shall not remove eligibility if it involves no diversion from the vehicle's normal route or schedule.

TABLE

32 x 4½
30 x 5
33 x 5
34 x 5
35 x 5
32 x 6–8 ply
5.25/5.50–17
6.00–16
6.00–17
6.00–18
6.00–20
6.00–20/30 x 5
6.25–16
6.50–16
6.50–17
6.50–18
6.50–20
6.50–20/32 x 6–8 ply
7.00–15
7.00–16
7.00–17
7.00–18
7.00–20–8 ply
7.50–15
7.50–16
7.50–17
7.50–18–8 ply
7.50–20–8 ply
7.50–24–8 ply

(2) A certificate for a Grade I passenger tire may be issued for any commercial motor vehicle which meets the applicable requirements of §§ 1315.501 and 1315.504.

6. In section 1315.506 (a) the phrase "or Grade II truck" is deleted wherever it appears.

7. Section 1315.609 is amended to read as follows:

§ 1315.609 *Execution and issuance of certificates.* (a) No certificate issued by a Board shall be valid if issued for more than one type or size of tire;

(b) No certificate shall be valid unless all parts are signed by the Issuing Officer who may be either an official of the National Office, a member of the Board, a District Director, or a clerk designated by a Board or District Director to act as Issuing Officer.

8. Sections 1315.611 (c) (4), 1315.802 (c), 1315.803 (d), 1315.803 (f) and 1315.804 (k) are revoked.

9. Section 1315.806 (p) (1) (iii) is amended to read as follows:

(iii) Grade III passenger or truck tires. (A manufacturer transferring new Grade III passenger or truck tires must file the report required by Section 1315.1005 (f).)

10. Section 1315.806 (r) (2) is revoked.

11. Section 1315.807 (e) (2) is amended by deleting the phrase "Grade II or."

12. Section 1315.807 (g) is amended to read as follows:

(g) *Importation of tires for personal use.* Grade I tires may not be imported into this country for the personal use of the importer and, if held in Customs, may not be released for such personal use, unless the importer holds Part A of a certificate, issued to him by a Board.

(1) Application for a certificate must be made on OPA Form R–1 to the Board nearest the desired port of entry into the United States or to the Board normally having jurisdiction over the vehicle on which the tires are to be used. In addition to the application on OPA Form R–1, the applicant must also furnish the Board to which application is made, an affidavit containing the following information:

(i) The serial number and size of each Grade I tire to be imported;

(ii) The number of miles that each tire to be imported has been driven.

(2) If the applicant establishes, in accordance with the provisions of this order, eligibility and need for the number and type of tires which he wishes to import, the Board will issue a Part A of a certificate for the number and type of tires to be imported, indicating thereon the serial number and size of each tire.

(3) The presentation of the Part A of a certificate to the United States Customs officials shall be the authorization insofar as this order is concerned, for the importation into the United States of the tires described on the certificate. The Part A shall be retained by the importer.

(4) If the applicant is unable to obtain an authorization to import tires held in Customs, he may dispose of them as follows:

(i) To any dealer or manufacturer located in the United States, upon written authorization of the District Director having jurisdiction over the area in which the Customs office in which the tires are held is located. Application for such authorization must be made in accordance with § 1315.804 (e).

(ii) To the Reconstruction Finance Corporation or any corporation organized under section 5 (d) of the Reconstruction Finance Corporation Act as amended.

(iii) To any person located outside the continental limits of the United States.

(5) Authorization by the Office of Price Administration is not necessary in the following cases:

(i) Any person who makes a sworn statement to the United States Customs officials that his vehicle or piece of equipment has been outside the continental United States continuously since December 1, 1942, or since the date of its purchase, may import tires which are mounted on such vehicle or piece of equipment;

(ii) Any person who wishes to import new or used tubes or Grade III tires;

(iii) Any diplomatic representative of a foreign government for his own personal use or for the use of the members of his staff;

(iv) Any commercial representative of a foreign government for use in his official business;

(v) Any person may import tires from the Dominion of Canada which were manufactured in the continental United States, Canada or the British Isles.

13. Sections 1315.808 (b) (2) and 1315.1004 (c) are revoked.

14. In § 1315.1005 (a), subparagraph (1) and the text preceding it are amended to read as follows:

(a) *Records of transfers of new tires.* Every manufacturer and the Office of Surplus Property of the Department of Commerce shall keep true, accurate and complete records of all transfers of new tires to or by them, except that no record need be kept with respect to transfers of new tires for mounting or inspection only. The records shall show the date of transfer, name of all other parties involved in the transfer, and:

(1) The number, size, type and grade of the new tires transferred;

15. Section 1315.1005 (f) is amended to read as follows:

(f) *Report of transfer of new Grade III tires by manufacturers.* A manufacturer who transfers new Grade III truck or passenger tires to a dealer shall report the shipment to the Office of Price Administration, Tire Rationing Branch, Washington, D. C. The report shall show the manufacturer's name, the dealer's name and the address (specifying the county) of the establishment to which shipment was made, the date of the shipment and the amount, type and size of tires shipped, listing repaired and unrepaired tires separately.

16. Section 1315.1006 (a) is amended to read as follows:

(a) *Records of transfers of new tires.* Every dealer and warehouseman shall keep true, accurate and complete records of all transfers of new tires to or by him, except that no record need be kept with respect to transfers of new tires for mounting or inspection only. The records shall show the date of transfer, name of all other parties involved in the transfer and:

(1) The number, size, type and grade of the new tires transferred;

(2) When new tires are transferred to a dealer by the Office of Surplus Property or when new Grade III tires are transferred to a dealer by a manufacturer, the dealer shall keep a record with respect to each shipment of the date on which he receives it; the total number of tires; the number, size, type and grade of all usable, repairable or recappable tires; and the number of scrap tires;

(3) If tires are transferred for repair only, information sufficient to identify the ownership of the tires.

17. Section 1315.1006 (d) is revoked.

This amendment shall become effective August 17, 1945.

(Pub. Law 671, 76th Cong., as amended by Pub. Laws 89, 421 and 507, 77th Cong.; E.O. 9125, 7 F.R. 2719, issued April 7, 1942, WPB Dir. No. 1, 7 F.R. 562, Supp. Dir. No. 1Q, 7 F.R. 9121)

NOTE: All reporting and record-keeping requirements of this amendment have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 14th day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-15033; Filed, Aug. 14, 1945; 11:37 a. m.]

[1] 7 F.R. 9160, 9392, 9724.

PART 1315—RUBBER AND PRODUCTS AND MATERIALS OF WHICH RUBBER IS A COMPONENT

[Rev. R. O. 1B, Correction to Amdt. 1]

MILEAGE RATIONING: TIRE REGULATIONS FOR PUERTO RICO

Amendment 1 to Revised Ration Order 1B is corrected in the following respects:

1. The introductory clause of item 1 is corrected to read as follows:

1. Section 1.3 (a) (11) is amended to read as follows:

2. The introductory clause of item 12 is corrected to read as follows:

12. Section 2.4 (a) (13) (iv) is amended to read as follows:

This correction shall become effective as of July 23, 1945.

Issued this 14th day of August 1945.

SAM GILSTRAP,
Territorial Director.

Approved:

JAMES P. DAVIS,
Regional Administrator.

[F. R. Doc. 45-15034; Filed, Aug. 14, 1945; 11:40 a. m.]

PART 1340—FUEL

[MPR 189, Amdt. 29]

BITUMINOUS COAL SOLD FOR DIRECT USE AS BUNKER FUEL

A statement of considerations involved in the issuance of this amendment issued simultaneous herewith has been filed with the Division of the Federal Register.

Maximum Price Regulation No. 189 is amended in the following respects:

1. In § 1340.313 (c) (1) (i) the column of districts and the table headed "Cents" is amended to read as follows:

	Cents
(a) Districts 1-4	115
(b) Districts 6, 7	109
(c) District 8	105
(d) District 9	25
(e) District 10	20
(f) District 13: From mines in the following price group numbers and from specified mines, 1, 2, 3, 6	90
4, 5, 9 Mine Index No. 11	115
7, 8, Mine Index No. 56	140
(g) District 14	115
(h) District 19	50
(i) District 20	60
(j) District 23	150

2. Section 1340.313 (f) (9) is amended to read as follows:

(9) to the maximum prices set forth in subparagraphs (1) (i), (2) and (3) of this section and to the specified delivered costs set forth in subparagraph (4) of this section there may be added the sum of 33 cents per gross ton or 29 cents per net ton as the case may be.

3. In § 1340.313 (h) (1) the table of maximum prices is amended to read as follows:

For coals produced at any mine in district No. 13 in the following maximum price group numbers	Maximum price for any grade or size of bunker coal delivered	
	Washed	Raw
1	636	626
2	656	646
3	666	656
4	681	671
5	701	691
6	661	651
7	726	716
8	711	701
9	686	676
Exceptions:		
Mine Index No. 11	686	676
Mine Index No. 56	706	696

4. Section 1340.313 (h) (10) is deleted.

5. Section 1340.313 (i) is amended to read as follows:

(i) There may be added to the maximum prices established by Orders Nos. 9, 10, and 11 issued under this regulation the exact amount of any increase in the f. o. b. mine maximum prices authorized by Amendment No. 146 to Maximum Price Regulation No. 120. If coals from more than one producing district or group of mines within a district having a differential in price are mixed the amount that may be added to the maximum price may not exceed the weighted average increase in the f. o. b. mine maximum price for such coals.

This amendment shall become effective August 13, 1945.

Issued this 13th day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-14985; Filed, Aug. 13, 1945; 4:27 p. m.]

PART 1351—FOOD AND FOOD PRODUCTS

[RMPR 502, Amdt. 1]

POPCORN

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.

Revised Maximum Price Regulation No. 502 is amended by changing the effective date to August 20, 1945.

This amendment shall become effective August 13, 1945.

Issued this 13th day of August 1945.

CHESTER BOWLES,
Administrator.

Approved: August 10, 1945.

CLINTON P. ANDERSON,
Secretary of Agriculture.

[F. R. Doc. 45-14987; Filed, Aug. 13, 1945; 4:28 p. m.]

PART 1390—MACHINERY AND TRANSPORTATION EQUIPMENT

[RMPR 136, Amdt. 8]

MACHINES, PARTS AND INDUSTRIAL EQUIPMENT

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.

In Appendix A, the commodity "Coupler Devices or Attachments" listed under the general heading "Railroad car and locomotive parts, and specialties for elevated, subway and surface lines" is amended to read "Coupler devices or attachments, except those subject to Revised Price Schedule 41".

This amendment shall become effective August 20, 1945.

Issued this 14th day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-15026; Filed, Aug. 14, 1945; 11:37 a. m.]

PART 1393—ICE

[MPR 154,[1] Amdt. 12]

ICE

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.

MPR 154 is amended in the following respects:

1. Section 1393.1 is amended to read as follows:

§ 1393.1 *Maximum prices for ice* (a) On and after July 8, 1942, regardless of any contract, agreement, lease or other obligation, no person shall sell or deliver ice and no person in the course of trade or business shall buy or receive ice at prices higher than the maximum prices established by this regulation, except as may be expressly permitted by provisions of paragraph (b) of this section; and no person shall agree, offer, solicit or attempt to do any of the foregoing.

(b) Ice under "car-icing sales" as defined in Appendix B, sold and delivered prior to October 1, 1945 and not covered by continuing sales contracts or agreements in effect on August 13, 1945, shall be exempt from maximum price control under this or any other regulation.

2. In § 1393.12, Appendix B, under the heading "Instructions" the item entitled "*Definitions—'Car-Icing Sales'*" is amended to read as follows:

Definitions—"Car-icing sales". As used in this regulation the term "Car-Icing Sales" refers to ice sold to railroads, express companies, boat lines, truck lines, and fishing fleets for use and consumption by the purchaser. For purposes of this definition no distinction shall be made between ice used for pre-cooling, initial icing, or re-icing purposes.

Car-icing, as used herein, is not intended to cover sales in small quantities to individual fishing boats, milk handlers and dealers, small truck gardeners and poultry processors, or for similar purchasers who use ice to transport perishable food products to local and adjacent markets. Ice for this purpose is usually purchased in small quantities at the seller's platform with no mutual icing operation required of the seller.

Since price increases permitted as a result of the use of this form are intended to relieve ice shortages in situations which may arise quickly and/or require immediate attention, and where sellers have had burdensome labor cost increases over the seller's normal fiscal year ending nearest to April 30, 1942, in car-icing operations, obviously only in cases where sellers are required to do manual icing operations, will such labor costs be excessive except for nominal amounts to compensate for production labor cost increases. It will be found that in most instances, car-icing sales, as defined herein, are for large tonnage requirements and are usually made pursuant to contracts, often long-term, entered into prior to October 1, 1941 and usually specifying the amount of manual icing operations required of the seller by the purchaser, and with such icing services included in the price per ton paid by the purchaser.

This amendment shall become effective August 13, 1945.

Issued this 13th day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-14984; Filed, Aug. 13, 1945; 4:27 p. m.]

[1] 10 F.R. 7048, 8660.

PART 1394—RATIONING OF FUEL AND FUEL PRODUCTS

[Rev. R. O. 8,[1] Amdt. 1]

GASOLINE RATIONING REGULATIONS FOR THE VIRGIN ISLANDS

A rationale accompanying this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.

Revised Ration Order 8 is amended in the following respect:

The second sentence in paragraph (b), section 4.3, Article IV, is amended to read as follows:

(b) • • • The board shall remove all expired coupons from any Class A book issued subsequent to October 1, 1942 as a basic ration for a passenger automobile or motorcycle.

This amendment shall become effective as of July 31, 1945.

Issued this 14th day of August 1945.

JACOB A. ROBLES,
Territorial Director.

Approved:

JAMES P. DAVIS,
Regional Administrator.

[F. R. Doc. 45-15035; Filed, Aug. 14, 1945; 11:40 a. m.]

PART 1394—RATIONING OF FUEL AND FUEL PRODUCTS

[Rev. RO 11,[1] Amdt. 64]

FUEL OIL

A rationale accompanying this amendment issued simultaneously herewith has been filed with the Division of the Federal Register.

Revised Ration Order 11 is amended in the following respects:

1. The first sentence of the text of § 1394.5001 (a) (19a) is amended to read as follows: "'New facility' means any fuel oil burning equipment installed after July 31, 1942; or any fuel oil burning equipment acquired after July 31, 1942, if the equipment is not installed and does not require installation for use for the purpose for which the ration is sought."

2. Section 1394.5001 (a) (19a) (iii) is amended to read as follows:

(iii) Internal combustion engines; equipment designed and used for domestic cooking or lighting; equipment designed and used for raising for market crops, other agricultural products, poultry or livestock; or equipment designed for the purpose and used for preparing for market crops, other agricultural products, poultry or livestock, raised by the applicant.

3. Section 1394.5001 (a) (19a) (iv) is amended to read as follows:

(iv) Parts replacing worn-out parts, or equipment replacing fuel oil burning equipment other than a new facility, a reinstalled facility or a space heater.

4. Section 1394.5001 (a) (25a) (ii) is amended to read as follows:

(ii) Internal combustion engines; equipment designed and used for domestic cooking or lighting; equipment designed and used for raising for market crops, other agricultural products, poultry or livestock; or equipment designed for the purpose and used for preparing for market crops, other agricultural products, poultry or livestock, raised by the applicant.

5. Section 1394.5654 (a) is amended by inserting in the first sentence between the word "sheet" and the word "with" the following parenthetical phrase: "(however, no dealer or primary supplier may make such a deposit a condition for transferring fuel oil to him)".

This amendment shall become effective on August 17, 1945.

Issued this 14th day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-15036; Filed, Aug. 14, 1945; 11:37 a. m.]

PART 1404—RATIONING OF FOOTWEAR

[RO 17,[1] Amdt. 108]

SHOES

A rationale accompanying this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.

Ration Order 17 is amended in the following respects:

1. Section 1.7 (c) (3) is amended by renumbering it paragraph (4) and by inserting the words "or (3)" after the words "under subparagraphs (1) or (2)." A new paragraph (3) is added to read as follows:

(3) Any person operating a skating rink open to the general public or operated primarily for use by members of the armed services may obtain a ration check in an amount sufficient to enable him to have in stock for loan or rental to his patrons, the number of skating shoes equal to 25% of the number of persons that may be accommodated with skating facilities at any one time.

2. The definition of "house slippers" in section 3.13 is amended to read as follows:

"House slippers" means any footwear constructed exclusively for indoor or house wear, other than athletic, sport, or gymnasium use. However, the term does not include footwear made with any cattle hide leather in the upper, or with cattle hide grain leather outsoles (other than heads, bellies, shins, and shanks), if such footwear was shipped from the factory in the United States after August 31, 1943, or imported into the United States after August 31, 1943. Neither does the term include footwear having a leather outsole heavier than five iron.

This amendment shall become effective August 17, 1945.

Issued this 14th day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-15037; Filed, Aug. 14, 1945; 11:38 a. m.]

PART 1418—TERRITORIES AND POSSESSIONS

[RMPR 373,[1] Amdt. 17]

BEDS AND BEDDING IN HAWAII

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.

Revised Maximum Price Regulation 373 is amended in the following respects:

1. Section 59 (a) (5) is amended to read as follows:

(5) *Beds and bedding.* All types of beds and cots, including folding or collapsible types; all types of bedding, made of new materials and bedding made with reprocessed cotton, hair and feathers and down, including mattresses and bed pillows, but not including domestics such as sheets, pillow cases, blankets and comforters; and all types of bed springs regardless of material used for construction.

2. Section 60 (a) (5) is amended to read as follows:

(5) *Beds and bedding.* All types of beds and cots, including folding or collapsible types; all types of bedding made of new materials and bedding made with reprocessed cotton, hair and feathers and down, including domestic pads and bed pillows (but not including domestics such as sheets, pillow cases, blankets and comforters), and all types of bed springs, regardless of material used for construction.

[1] 9 F.R. 9412.
[1] 9 F.R. 2357.
[1] 10 F.R. 6960, 7587, 8576, 8747, 8748.
[1] 10 F.R. 6646, 7407, 7794, 7799, 8020, 8069, 8871, 8979, 9273, 9274, 9275, 9466, 9540.

This amendment shall become effective as of August 1, 1945.

Issued this 14th day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-15028, Filed, Aug. 14, 1945; 11:38 a. m.]

PART 1418—TERRITORIES AND POSSESSIONS

[RMPR 373,[1] Amdt. 18]

GROCERY ITEMS IN HAWII

A statement of the consideration involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.

Section 39 is amended in the following respect:

1. Paragraph (c) (5) is added to read as follows:

(5) If you purchase an item from another retailer, your "net cost", for the purpose of calculating your maximum price, is the "net cost" of such other retailer. Any retailer in the Territory of Hawaii making a sale to another retailer shall furnish to such other retailer a written statement of his, the seller's, "net cost" of the item.

2. Table A is amended in the following respects:

a. In group No. 3 (Beverage Bases and Concentrates) under the heading, "Malted Milk Tablets", the items, "Horlick, large bottle", "Horlick, medium bottle", and "Horlick, small bottle", are deleted, and the two items of Ovaltine are amended to read as follows:

Grocery item	*Ceiling price*
Ovaltine, plain, 14 oz. or chocolate, 16 oz., gl	$0.87
Ovaltine, plain, 6 oz. or chocolate, 8 oz., gl	.46

b. In group No. 9 (Corn Starch) the price of the item "Kingsford, 1 lb." is changed from $0.11 to $0.12.

c. In group No. 20 (Mayonnaise, Salad Dressings and Sandwich Spreads) the prices of the following items are changed to read as follows:

Grocery item	*Ceiling price*
Pabst, Blue Label, Olive Pimento, 5 oz.	$0.22
Pabst, Blue Label, Relish Spred, 5 oz.	.22
Pabst, Blue Label, Pimento Spred, 5 oz.	.22

d. In group No. 21 (Chicken, Turkey, and Other Poultry Preparations) the item "Stidd's Chicken Tamales, $0.32" is amended to read "Stidd's Chicken Tamales, 7 oz. gl., $0.32."

e. In group No. 22 (Meats, Canned) the price of the item "Lunch Tongue, Libby, No. 1/2 tin" is changed from $0.27 to $0.28.

f. In group No. 26 (Paper Products) the item "Wax Paper, Waxtex, 125 ft., $0.21" is deleted, and the price of the item "Wax Paper, Waxtex, 125 ft." is changed from $0.27 to $0.28.

g. In group No. 44 (Vegetables, Canned) the price of the item "Asparagus, Del Monte, Early Garden, No. 2 can" is changed from $0.38 to $0.39.

This amendment shall become effective as of July 12, 1945.

Issued this 14th day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-15029; Filed, Aug. 14, 1945; 11:38 a. m.]

PART 1418—TERRITORIES AND POSSESSIONS

[RMPR 373,[1] Amdt. 19]

SANDWICH FILLING IN HAWAII

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.

Section 70 (b) (1) is amended by adding to "Type No. 3" an additional item as follows:

	Maximum price (cacl)
(iii) 3 oz. filling	$0.14

This amendment shall become effective as of July 28, 1945.

Issued this 14th day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-15030; Filed, Aug. 14, 1945; 11:39 a. m.]

PART 1418—TERRITORIES AND POSSESSIONS

[RMPR 373,[1] Amdt. 21]

CONSTRUCTION AND REPAIR SERVICES IN HAWAII

A statement of the consideration involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.

Section 69 is amended in the following respects:

1. Paragraph (c) (10) is amended to read as follows:

(10) "Labor" means actual site workers and foremen actively working on the job. It does not include superintendence, clerical workers or contractor's time, unless such contractor is actually performing manual labor.

(i) Site labor payroll cost comprises the actual wages of site workers on the actual site labor payroll.

2. Paragraph (e) (8) is added to read as follows:

(8) The use on a job of labor of a type higher than necessary or appropriate for such job; for example, using and charging for the labor of skilled plumbers to dig a ditch when unskilled labor is available: *Provided however,* That where in such case, unskilled labor is unobtainable a higher class of labor may be utilized and charged for if the purchaser is first notified that it is necessary and gives his written consent in advance.

3. Paragraph 1 (a) of Appendix D is amended to read as follows:

(a) For roughing in—Including the setting of installation and the supplying of all materials except fixtures:

Maximum price—$75.00 per fixture for hot and cold water connections including all materials except fixtures.

The above price includes travel time whether the work is done within the five mile limit and whether done on straight time or overtime.

"Roughing in" means the furnishing of all plumbing materials and assembling them in their proper places to comply with the sanitary requirements of the Territory of Hawaii.

A "fixture" means a sink, toilet, basin, bathtub, shower or laundry tub. A combination bathtub-shower is one fixture. Where the owner furnishes the fixtures, the prices for roughing in include the attachment of fixtures.

4. Paragraph 1 (b) of Appendix D is amended to read as follows:

(b) *For fixtures supplied by the contractor.* Fixtures furnished and delivered to the site at prices not to exceed maximum retail prices established for fixtures under the General Maximum Price Regulation for the Territory of Hawaii.

5. Paragraph 1 (c) (1) of Appendix D is amended to read as follows:

(c) *Extra charges for roughing in.* (1) When necessary to provide a line beyond 20 feet from the principal four-inch vent stack to a cesspool or sewer connection, an additional charge of $2.00 per lineal foot for each lineal foot over 20 feet of such completed line may be added. This charge shall be irrespective of the nature of the soil dug to lay said line. This charge includes all necessary connections requisite to place such fixtures in working order sufficient to comply with the requirements of the Plumbing Code of the Revised Ordinances of the City and County of Honolulu.

6. Paragraph 1 (d) of Appendix D is amended to read as follows:

(d) *Charges other than roughing in.* (1) The sum of $15.00 may be added for connecting a heater in a building where a hot water piping system exists, which charge shall include all necessary piping for such connection but does not include the heater. In addition, there may be added $0.50 for each additional lineal foot for each cold and hot water line beyond five feet from heater, plus $0.50 for each additional lineal foot for fuel gas pipe beyond five feet from heater. For connecting a heater in a building where no hot water piping exists the sum of $15.00 may be added for such connection (but shall not include the heater) plus materials and labor on time and material basis beyond five feet from the heater. The cost of a relief valve shall be charged as extra (if not included in the cost of the heater and if furnished by the plumber) at a price not to exceed the maximum price established for sales to contractors by sections 50 and 61 (formerly sections 56 and 69) of Revised Maximum Price Regulation 373 or applicable regulations.

(2) For connecting a gas stove where the necessary piping is already established at the point of connection, $4.50 may be added for connecting. In cases where it is necessary to install piping to the gas heater beyond five feet from stove, the connection charge will be $4.50 plus $0.50 per each additional lineal foot of pipe to meter connection actually installed. For the disconnecting and moving of a gas stove the price shall be determined as is provided for repair work.

(3) For the supply and installation of galvanized 5" O-Gee gutter and round 3" downspouts, a charge not to exceed $1.00 per lineal foot may be made.

(4) For other new plumbing or sheet metal work such as the installation of new sheet metal work other than specifically mentioned in paragraph 1 of this Appendix, the maximum price shall be:

(i) Materials furnished at prices not to exceed maximum prices established for sales to contractors by sections 50 and 61 (formerly 56 and 69) of Revised Maximum Price Regulation 373, or applicable regulations, delivered to the job site, plus

(ii) Actual site labor performed at rates no higher than those permitted to the plumbing trade under General Orders and Resolutions of and the basic wage rates established by the Territorial War Labor Board for Hawaii, plus

(iii) An amount equal to 50% of the actual site labor, plus travel time as defined in paragraph (e) below of this Appendix D.

Where the contract is taken for labor only, deduct from the prices set forth above all materials except fixtures furnished by customers at prices equal to maximum prices established for sales to contractors by section 61 (formerly section 69) of Revised Maximum Price Regulation 373.

7. Paragraph 2 (a) of Appendix D is amended to read as follows:

(a) Actual site labor time involved for each type of labor used on repair work at the following rates per hour:

For a working foreman plumber	$2.55
Plumber, first class	2.25
Plumber, 2d class	1.80
Plumber, 3d class	1.65
Plumber, helper	1.50

For repair work done at a distance greater than five miles from the seller's place of business, travel time actually incurred beyond the five mile limit on the contractor's time may be charged for each employee used on the job at the hourly rates above established; not more than one hour travel time on any one job per employee per day may be charged.

This amendment shall become effective as of July 20, 1945.

Issued this 14th day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-15031; Filed, Aug. 14, 1945; 11:39 a. m.]

No. 162——3

[1] 10 F.R. 6646, 7407, 7794, 7799, 8020, 8069, 8371, 8979, 9273, 9274, 9275 9466, 9540.

PART 1436—PLASTICS AND SYNTHETIC RESINS

[MPR 345, Amdt. 3]

THERMOPLASTIC SCRAP

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.

Maximum Price Regulation No. 345 is amended in the following respects:

1. The second sentence in the introductory paragraph of § 1436.13 (a) (3) is amended to read as follows: "It does not include material which has been salvaged by its manufacturer before its initial sale, nor does it include any material which contains less than 15 percent of purchased salvage or salvaged material, and which its manufacturer sells under standard new material specifications."

2. Appendix A (a) (1) is amended by changing the prices therein for methyl methacrylate to read as follows:

	Crystal clear	Plain color	Mixed color
Methyl methacrylate:			
Unground	$0.28	$0.28	$0.28
Reground	.34	.34	.34
Reworked	.40	.40	.40
Mixtures	.06	.06	.06

3. Appendix A (a) (2) is amended by changing the prices therein for methyl methacrylate to read as follows:

	Crystal clear	Plain color	Mixed color
Methyl methacrylate:			
Pieces left over from fabricating operations which are usable without further processing for further fabrication in the same manner as new materials or which have been made so usable by further processing	$0.54	$0.54	$0.54
Pieces which may be made usable for further fabrication in the same manner as new materials by one or more of the following operations: straightening, polishing, cleaning	.35	.35	.35
Ground and all other methyl methacrylate sheet scrap	.15	.15	.15
Unsorted combinations of more than one type of methyl methacrylate sheet scrap shall take the maximum price of the lowest priced type in the combination			
Mixtures of methyl methacrylate sheet scrap with other thermoplastic materials	.06	.06	.06

4. Appendix A (a) (3) is amended to read as follows:

(3) *Polyvinyl chloride, copolymers of vinyl chloride and vinyl acetate, polyvinyl butyral, and mixtures.*

	Unground	Ground	Reworked
Polyvinyl chloride	$0.21	$0.27	$0.33
Copolymers of vinyl chloride and vinyl acetate	.21	.27	.33
Polyvinyl butyral	.21	.27	.33
Mixtures	.06	------	------

Where scrap is composed of nonplastic materials laminated or impregnated with vinyl compounds and contains at least 10 percent by weight of such vinyl compounds, the maximum price per pound for sales of the scrap shall be the maximum price per pound established in this subparagraph (3) for the vinyl compound or mixture of vinyl compounds contained in the scrap, multiplied by a figure equal to 90 percent of the weight (expressed in pounds) of the vinyl compounds or mixture of vinyl compounds contained in each one pound of the scrap.

Example. Maximum price per pound of unground polyvinyl chloride is 21 cents. One pound of scrap contains 0.9 pound unground polyvinyl chloride. 90 percent of 0.9 pound equals 0.81 pound unground polyvinyl chloride. 21 cents multiplied by 0.81 equals 17.01 cents per pound, which is the maximum price per pound of scrap. When scrap is processed to extract the unground polyvinyl chloride, maximum price for latter is 21 cents per pound, as stated above.

5. Subparagraphs (5) and (6) of Appendix A (a) are redesignated subparagraphs (6) and (7), respectively, and a new subparagraph (5) is added to read as follows:

(5) *Contaminated thermoplastic scrap.* Where thermoplastic scrap is composed of non-thermoplastic materials such as glass, metal, rubber, or the like mixed with thermoplastic scrap, and contains at least 10 percent by weight of thermoplastic scrap, the maximum price per pound for sales of such contaminated thermoplastic scrap shall be the maximum price established in this Appendix A for the type of thermoplastic scrap contained in the contaminated thermoplastic scrap multiplied by a figure equal to 90 percent of the weight (expressed in pounds) of the thermoplastic scrap contained in each one pound of the contaminated thermoplastic scrap.

However, if the contaminated scrap contains not more than 5 percent by weight of non-thermoplastic materials, the maximum price per pound of the contaminated scrap shall be the maximum price per pound established in Appendix A for the type of thermoplastic scrap contained therein.

This amendment shall become effective August 20, 1945.

Issued this 14th day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-15027; Filed, Aug. 14, 1945; 11:38 a. m.]

PART 1439—UNPROCESSED AGRICULTURAL COMMODITIES

[MPR 426,[1] Amdt. 136]

FRESH FRUITS AND VEGETABLES FOR TABLE USE, SALES EXCEPT AT RETAIL

A statement of the considerations involved in the issuance of this amendment has been issued and filed with the Division of the Federal Register.

In Appendix I, the following subparagraph is added to paragraph (f):

(6) Notwithstanding any other provision of this regulation, if any person other than

[1] 10 F.R. 7403, 7500, 7539, 7578, 7668, 7683, 7799, 8021, 8069, 8239, 8238, 8467, 8611, 8657.

a grower or country shipper sells carlots of citrus fruit produced in California and Arizona and shipped or to be shipped outside of those States, the maximum price in each case is the maximum price f.o.b. country shipping point, if he sells f.o.b., or the maximum delivered price named in Column 6 of the applicable table in paragraph (c), if he sells delivered, for sales "in all wholesale receiving points except in California and Arizona" plus the markup named in Column 8 of the table in paragraph (d).

This amendment shall become effective at 12:01 a. m. August 14, 1945.

Issued this 13th day of August 1945.

CHESTER BOWLES,
Administrator.

Approved: August 10, 1945.

CLINTON P. ANDERSON,
Secretary of Agriculture.

[F. R. Doc. 45-14986; Filed, Aug. 13, 1945; 4:27 p. m.]

PART 1439—UNPROCESSED AGRICULTURAL COMMODITIES

[2d Rev. MPR 492]

SEED POTATOES

Revised Maximum Price Regulation 492 is redesignated Second Revised Maximum Price Regulation 492 and is revised and amended to read as set forth herein.

A statement of the considerations involved in the issuance of this regulation, issued simultaneously herewith, has been filed with the Division of the Federal Register.

Sec.
1. Applicability.
2. Sales at other than maximum prices.
3. Evasion.
4. Enforcement.
5. Licensing.
6. Records and reports.
7. Interpretations, protests and petitions for amendment.
8. Definitions.
9. Maximum prices for sales of seed potatoes.

Appendix A—Base prices for sales of seed potatoes.

AUTHORITY: Secs. 1 to 10, inclusive (§ 1439-57), issued under 56 Stat. 23, 765; 57 Stat. 566; Pub. Law 383, 78th Cong; Pub. Law 108, 79th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681.

SECTION 1. *Applicability.* (a) Except as provided in paragraph (b) of this section, this regulation shall apply to all sales within the 48 states and the District of Columbia of domestic and imported certified seed potatoes and war approved seed potatoes as hereinafter defined, whether sold for immediate or future delivery.

(b) *Sales excepted.* This regulation shall not apply to:

(1) Foundation stock seed potatoes.

(2) All other white flesh potatoes which shall be and remain subject to Revised Maximum Price Regulations Nos. 271, 422 and 423, as amended.

(3) Potato eyes cut out of the tuber of a seed potato.

(4) Certified seed potatoes or war approved seed potatoes purchased by the United States or any of its agencies under such circumstances of emergency as to make immediate delivery imperative and as to render it impossible to secure or unfair to require immediate delivery at the maximum price which would otherwise be applicable, if such purchases and deliveries are made pursuant to the provisions of section 4.3 (f) of Revised Supplementary Regulation No. 1 to the General Maximum Price Regulation, as amended: *Provided, however,* That the Administrator may by order waive the reporting of any part of the information required by section 4.3 (f) in connection with the particular purchase or group of purchases upon determining that such information may not reasonably be required under all the circumstances and he may in lieu thereof require the reporting of other information more suited to the circumstances.

(5) Any export sales of any certified seed potatoes or war approved seed potatoes. The maximum price for such sales shall be determined in accordance with the provisions of the Second Revised Maximum Export Price Regulation.[1]

SEC. 2. *Sales at other than maximum prices.* (a) Regardless of any contract or obligation, no person shall sell or deliver, and no person shall, in the course of trade or business, buy or receive any of the commodities covered by this regulation at a price above the maximum price established by this regulation, nor shall any person agree, solicit, offer, or attempt to do any of the forgoing: *Provided, however,* That this prohibition is subject to the exception provided for in subparagraph (1) of this paragraph.

(1) Any person may agree to sell at a price which can be increased up to the maximum price in effect at the time of delivery, but no person may, unless authorized by the Office of Price Administration, deliver or agree to deliver at prices to be adjusted upward in accordance with action taken by the Office of Price Administration after delivery. Such authorization may be given when a request for a change in the applicable maximum price is pending, but only if the authorization is necessary to promote distribution or production and if it will not interfere with the purpose of the Emergency Price Control Act of 1942, as amended, and the Stabilization Act of 1942, as amended. The authorization may be given by an order of the Administrator or of any official of the Office of Price Administration having authority to act upon the pending request for a change in price or to give the authorization.

(b) Prices lower than the maximum prices established by this regulation may be charged or paid.

SEC. 3. *Evasion.* No person shall evade this regulation directly or indirectly, whether by commission, service, transportation, or other charge or discount, premium or other privilege; by tying-agreement or other trade understanding; by a business practice relating to grading, labeling, or packaging, or in any other way.

SEC. 4. *Enforcement.* Persons violating any provision of this regulation are subject to the license revocation or suspension provisions, civil enforcement actions, suits for damages, and criminal penalties, as provided in the Emergency Price Control Act of 1942, as amended.

SEC. 5. *Licensing.* The provisions of Licensing Order No. 1,[2] licensing all persons who make sales under price control, are applicable to all sellers subject to this regulation, but no such license is required of or granted to a producer as a condition of selling seed potatoes produced by him. A seller's license may be suspended for violations of the license or of one or more applicable price schedules or regulations. A person whose license is suspended may not, during the period of suspension, make any sale for which his license has been suspended.

SEC. 6. *Records and reports.* (a) Except in the case of sales and deliveries by producers and retailers of certified seed potatoes or war approved seed potatoes for which maximum prices are established by this regulation, every person making a purchase or sale of any such seed potatoes in the course of trade or business shall keep for inspection by the Office of Price Administration for so long as the Emergency Price Control Act of 1942, as amended, remains in effect complete and accurate records of each such purchase and sale including the date thereof, the name of the seller and purchaser, the quantity sold and the price paid.

(b) Every carlot distributor shipping certified seed potatoes or war approved seed potatoes in any conveyance, other than a railroad freight car, shall post or cause to be posted in the conveyance a manifest showing the following:

The name and address of the carlot distributor, point from which the seed potatoes in question are shipped, production area, quantity sold, state or area of maximum f. o. b. price at the point of shipment, name and address of the person to whom the goods are shipped, and the date of shipment. The carlot distributor shall retain a copy of the manifest pursuant to paragraph (a) of this section.[3]

SEC. 7. *Interpretations, protests, and petitions for amendment.* Any person seeking an interpretation or an amendment of, or desiring to file a protest against, any provisions of this regulation may do so in accordance with Revised Procedural Regulation No. 1,[4] as amended, issued by the Office of Price Administration.

SEC. 8. *Definitions.* (a) As used in this regulation the following terms shall have the following meanings:

(1) "Foundation stock seed potatoes" are seed potatoes grown, inspected and certified to be of such class pursuant to the laws and regulations governing the official certifying agency of the state or foreign country where grown.

(2) "Certified seed potatoes" are seed potatoes grown, inspected, certified and tagged or labelled as being of such class pursuant to the laws and regulations governing the official certifying agency of the state or foreign country where grown, or seed potatoes inspected and certified to be of such class by any person whose certification standards are at least equal to or higher than the standards of the official certifying agency of the state where such seed potatoes are grown and who is approved by such official certifying agency and by the Secretary of the Department of Agriculture, which are sold for planting or for resale for planting.

(3) "War approved seed potatoes" are seed potatoes grown, inspected, approved and tagged or labelled as being of such class pursuant to the laws and regulations governing the official certifying agency of the state where grown, which are sold for planting or for resale for planting: *Provided,* That the standards therefor as established by each state have been filed with and approved by the United States Department of Agriculture as meeting the minimum federal requirements for such class.

(4) "Person" means an individual, corporation, partnership, association or other organized group of persons or the legal successor or representative of any of the foregoing, and includes the United States or any other Government or any political subdivision or agency of any of the foregoing.

(5) "Producer" means, with respect to a particular lot of certified seed potatoes or war approved seed potatoes, a person who grew or harvested the lot of certified seed potatoes or war approved seed potatoes in question.

(6) "Carlot distributor" means, with respect to a particular lot of certified seed potatoes or war approved seed potatoes, a person including a producer, who ships certified seed potatoes or war approved seed potatoes in lots of 20,000 pounds or more to a place other than the place where such seed potatoes were graded, inspected and tagged, assuming all transit risks to destination and there sells such lot to any person without warehousing or breaking into smaller quantities.

(7) "Wholesaler" means, with respect to a particular lot of certified seed potatoes or war approved seed potatoes, a person who purchases certified seed potatoes or war approved seed potatoes and resells the same to retailers in quantities of less than 20,000 pounds, or to planters in quantities of 1,000 pounds or more.

(8) "Retailer" means, with respect to any particular lot of certified seed potatoes or war approved seed potatoes, any person who sells certified seed potatoes or war approved seed potatoes to planters in quantities of less than 1,000 pounds.

(9) "Transportation cost" means:

(i) If a common carrier, contract carrier, or other carrier for hire or compensation is employed, the charge actually incurred for the transportation service; or

(ii) If hauling is done by truck, passenger car or wagon, the customary scale of charges for the haul in question.

(iii) If delivery is made by mail, the lowest established postal rate for the delivery in question or the zone rate established by the seller by averaging the lowest established postal rates for the zones selected.

(iv) When any movement involves a combination of more than one of the types of transportation included in (i), (ii), and (iii), the transportation cost for the movement of each type shall be computed separately and the results added.

(v) When the services of precooling, icing or other protective measures are ordered and actually performed, the reasonable value of such services may be charged (not exceeding any maximum price established therefor.)

SEC. 9. *Maximum prices for sales of certified seed potatoes and war approved seed potatoes.* Maximum prices for all sales of certified seed potatoes and war approved seed potatoes are found in this section. Maximum prices of such seed potatoes vary according to the place where produced and the period during which they are delivered. The base price of certified seed potatoes and war approved seed potatoes according to place where produced and month of delivery are found in Appendix A. Whenever reference is made to a base price, refer to the Appendix. In the Appendix you will find that the particular seed potatoes you are selling have their own base price, without reference to the type of seller you may happen to be.

Once a base price has been determined, this section will explain how you determine your own maximum price. You must consult the definitions to determine your class of seller on a particular sale, as we have defined your status according to the particular sale you are making. You may be one class of seller on one sale and another class of seller on a different sale.

(a) *Producer.* If you are a producer, your maximum price for the sale or delivery of certified seed potatoes or war approved seed potatoes depends on the person to whom you are selling such seed potatoes and the manner of sale.

(1) Except as otherwise provided in paragraph (2) below and paragraph (d) of this section your maximum price for the sale or delivery of certified seed potatoes or war approved seed potatoes shall be the appropriate base price in Appendix A for the kind of seed potatoes you are selling plus your transportation cost, if any, from your nearest shipping point if delivered by common carrier; or from the farm where grown to the buyer's receiving point, if delivered by other than common carrier.

(2) If the buyer is a retailer and you are making a sale in a quantity of less than 20,000 pounds delivered at his retail premises, or if the buyer is a planter and you are making a sale in quantities of 1000 pounds or more, your maximum price for the sale or delivery of certified seed potatoes or war approved seed potatoes will be the appropriate base price in Appendix A for the kind of seed potatoes you are selling plus your transportation cost, if any, from your nearest shipping point if delivered by common carrier or from the farm where grown if delivered by other than common carrier to the buyer's receiving point, plus $0.74 per 100 pounds.

(b) *Carlot distributor.* If you are a carlot distributor your maximum price for the sale or delivery of certified seed potatoes or war approved seed potatoes shall be the appropriate base price in Appendix A for the kind of seed potatoes you are selling, plus transportation cost on the lot in question, and plus $0.20 per 100 pounds.

(c) *Wholesaler.* If you are a wholesaler your maximum price for the sale and delivery of certified seed potatoes or war approved seed potatoes shall be the appropriate base price in Appendix A for the kind of seed potatoes you are selling, plus transportation cost except local delivery costs on the lot in question and plus $0.74 per 100 pounds.

(d) *Retailer.* If you are a retailer your maximum price for the sale or delivery of certified seed potatoes or war approved seed potatoes shall be the appropriate base price in Appendix A for the kind of seed potatoes you are selling, plus transportation cost on the lot in question, and plus the applicable markup shown in subparagraph (1) or (2) below:

(1) $1.25 per 100 pounds for sales in lots of 100 up to 1000 pounds; and

(2) $0.02¼ per pound for sales in lots of less than 100 pounds.

(e) *Sellers not specifically named in this regulation.* The maximum price for the sale or delivery of certified seed potatoes or war approved seed potatoes by any seller not specifically provided for in this regulation shall be the maximum price which he could lawfully have paid the person from whom he obtained the seed potatoes in question.

APPENDIX A—BASE PRICES

(a) *Certified seed potatoes.*

[Base price per 100 pounds, sacked, by month of delivery]

Place where produced	July	Aug.	Sept.	Oct.	Nov.	Dec.	Jan.	Feb.	Mar.	Apr.	May	June
NORTH ATLANTIC												
Maine, all	3.60	3.40	3.25	3.15	3.25	3.35	3.40	3.45	3.55	3.65	3.75	3.75
New Hampshire, all	3.95	3.85	3.60	3.60	3.70	3.80	3.85	3.90	4.00	4.10	4.20	4.20
Vermont, all	3.95	3.85	3.60	3.60	3.70	3.80	3.85	3.90	4.00	4.10	4.20	4.20
Massachusetts, all	3.95	3.85	3.60	3.60	3.70	3.80	3.85	3.90	4.00	4.10	4.20	4.20
Rhode Island, all	3.95	3.85	3.60	3.60	3.70	3.80	3.85	3.90	4.00	4.10	4.20	4.20
Connecticut, all	3.85	3.75	3.60	3.60	3.70	3.80	3.85	3.90	4.00	4.10	4.20	4.20
New York:												
Long Island	3.85	3.75	3.60	3.50	3.60	3.70	3.75	3.80	3.90	4.00	4.10	4.10
Rest of State	3.75	3.65	3.50	3.40	3.50	3.60	3.65	3.70	3.80	3.90	4.00	4.00
New Jersey, all	3.85	3.75	3.60	3.50	3.60	3.70	3.75	3.80	3.90	4.00	4.10	4.10
Pennsylvania, all	3.80	3.70	3.55	3.45	3.55	3.65	3.70	3.75	3.85	3.95	4.05	4.05
EAST NORTH CENTRAL												
Ohio, all	3.95	3.70	3.55	3.45	3.55	3.65	3.70	3.75	3.85	3.95	4.05	4.05
Indiana, all	3.95	3.70	3.55	3.45	3.55	3.65	3.70	3.75	3.85	3.95	4.05	4.05
Illinois, all	3.95	3.70	3.55	3.45	3.55	3.65	3.70	3.75	3.85	3.95	4.05	4.05
Michigan, all	3.85	3.60	3.45	3.35	3.45	3.55	3.60	3.65	3.75	3.85	3.95	3.95
Wisconsin, all	3.65	3.45	3.30	3.20	3.30	3.40	3.45	3.50	3.60	3.70	3.80	3.80

[1] 8 F.R. 4132.

[2] 8 F.R. 13240.

[3] The record keeping provisions of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

[4] 7 F.R. 9861.

APPENDIX A—BASE PRICES—Continued

Place where produced	July	Aug.	Sept.	Oct.	Nov.	Dec.	Jan.	Feb.	Mar.	Apr.	May	June
WEST NORTH CENTRAL												
Minnesota												
Traverse, Grant, Douglas, Todd, Morrison, Mille Lacs, Kanabec, Pine, and all counties north thereof	3.50	3.30	3.15	3.05	3.15	3.25	3.30	3.35	3.45	3.55	3.65	3.65
Rest of State	3.65	3.45	3.30	3.20	3.30	3.40	3.45	3.50	3.60	3.70	3.80	3.80
Iowa, all	3.80	3.65	3.45	3.40	3.50	3.60	3.65	3.70	3.80	3.90	4.00	4.00
North Dakota												
Bowman, Golden Valley, Billings, Slope, McKenzie, Williams, Divide Counties	3.65	3.45	3.30	3.25	3.35	3.45	3.50	3.55	3.65	3.75	3.85	3.85
Rest of State	3.50	3.30	3.15	3.05	3.15	3.25	3.30	3.35	3.45	3.55	3.65	3.65
South Dakota, all	3.60	3.40	3.25	3.15	3.25	3.35	3.40	3.45	3.55	3.65	3.75	3.75
Nebraska, all	3.80	3.60	3.45	3.25	3.35	3.45	3.50	3.55	3.65	3.75	3.85	3.85
Kansas, all	3.50	3.45	3.30	3.20	3.30	3.40	3.45	3.50	3.60	3.70	3.80	3.80
Missouri, all	3.50	3.45	3.30	3.20	3.30	3.40	3.45	3.50	3.60	3.70	3.80	3.80
WEST												
Montana, all	3.60	3.40	3.25	3.25	3.35	3.45	3.50	3.55	3.65	3.75	3.85	3.85
Idaho												
Lewis, Nez Perce, Clearwater, Idaho, Latah, Benewah, Shoshone, Kootenai, Bonner, and Boundary counties	3.70	3.50	3.35	3.25	3.35	3.45	3.50	3.55	3.65	3.75	3.85	3.85
Rest of State	3.60	3.40	3.25	3.15	3.25	3.35	3.40	3.45	3.55	3.65	3.75	3.75
Wyoming, all	3.60	3.40	3.25	3.25	3.35	3.45	3.50	3.55	3.65	3.75	3.85	3.85
Colorado												
LaPlata, Hinsdale, Gunnison, Pitkin, Eagle, Routt, and all counties west thereof	3.55	3.35	3.20	3.10	3.20	3.30	3.35	3.40	3.50	3.60	3.70	3.70
Rest of State	3.60	3.40	3.25	3.15	3.25	3.35	3.40	3.45	3.55	3.65	3.75	3.75
New Mexico, all	3.70	3.70	3.50	3.45	3.55	3.65	3.70	3.75	3.85	3.95	4.05	4.05
Arizona, all	3.75	3.75	3.55	3.50	3.60	3.70	3.75	3.80	3.90	4.00	4.10	4.10
Utah, all	3.50	3.30	3.15	3.05	3.15	3.25	3.30	3.35	3.45	3.55	3.65	3.65
Nevada, all	3.75	3.55	3.40	3.30	3.40	3.50	3.55	3.60	3.70	3.80	3.90	3.90
Washington, all	3.70	3.50	3.35	3.25	3.35	3.45	3.50	3.55	3.65	3.75	3.85	3.85
Oregon: Malheur County	3.60	3.40	3.25	3.15	3.25	3.35	3.40	3.45	3.55	3.65	3.75	3.75
Curry, Jackson, Josephine, Klamath, Lake, Harney, Coos, and Deschutes Counties	3.50	3.55	3.45	3.30	3.40	3.50	3.55	3.60	3.70	3.80	3.90	3.90
Rest of State	3.70	3.50	3.35	3.25	3.35	3.45	3.50	3.55	3.65	3.75	3.85	3.85
California												
Modoc and Siskiyou Counties	3.50	3.55	3.45	3.30	3.40	3.50	3.55	3.60	3.70	3.80	3.90	3.90
Rest of State	3.80	3.75	3.60	3.50	3.60	3.70	3.75	3.80	3.90	4.00	4.10	4.10
All other states	3.70	3.70	3.50	3.45	3.55	3.65	3.70	3.75	3.85	3.95	4.05	4.05

All foreign countries—The base price of domestic certified seed potatoes, as if grown at the port of entry.

(b) The prices in the table in paragraph (a) shall be reduced at the rate of $0.50 per 100 pounds for the sale of war approved seed potatoes.

(c) Whenever certified seed potatoes or war approved seed potatoes are sold in bulk or buyer's sacks, the prices specified in paragraphs (a) and (b) of this section shall be reduced by the reasonable value of the new 100 pound sacks of a type customarily used to bag such seed potatoes if sold in bulk, or of the sacks actually furnished by the buyer if he furnished the sacks.

This regulation shall become effective August 20, 1945.

Issued this 14th day of August 1945.

JAMES G. ROGERS, Jr.,
Acting Administrator.

AUGUST 3, 1945.

Approved: J. B. HUTSON,
Acting Secretary.
Department of Agriculture.

[F. R. Doc. 45-15032; Filed, Aug. 14, 1945; 11:39 a. m.]

Chapter XXIII—Surplus Property Board

[SPB Reg. 9,[1] Order 1]

PART 8309—CONTRACTOR INVENTORY AND DISPOSALS BY OWNING AGENCIES

LIMITATION ON AUTHORITY OF OWNING AGENCIES TO SELL SMALL LOTS OF PROPERTY PECULIAR TO AIRCRAFT

Section 8309.16 (b) provides that, except as otherwise specified by the Board, small lots of property (as defined therein) should be disposed of by owning agencies. It is recognized in § 8309.16 (a) that what constitutes a small lot for such purposes will vary according to the nature of the property and it is provided that the Board may from time to time issue orders thereunder setting forth standards to be applied and procedures to be followed in connection with small lots of various classes of property. The Board has determined that such an order is required in the case of property peculiar to aircraft. Accordingly, *It is hereby ordered*, That:

1. The authority of owning agencies to sell small lots of property peculiar to aircraft at the best price obtainable pursuant to § 8309.16 shall be limited to cases in which the cost (estimated, if not known) of any item or group of identical items available at any one location at any one time does not exceed $100.

2. Whenever in the opinion of the Reconstruction Finance Corporation the disposition of such small lots of any given type of property peculiar to aircraft interferes with the orderly marketing of such type of property by it, the Reconstruction Finance Corporation may direct the owning agencies to cease sales of such property and to declare all such property to it as surplus.

This order shall become effective August 17, 1945.

SURPLUS PROPERTY BOARD.
By W. STUART SYMINGTON
Chairman.

AUGUST 10, 1945.

[F. R. Doc. 45-15066; Filed, Aug. 14, 1945; 12:03 p. m.]

[1] 10 F.R. 7413, 8866.

Notices

DEPARTMENT OF AGRICULTURE.

Rural Electrification Administration.

[Administrative Order 937]

ALLOCATION OF FUNDS FOR LOANS

JULY 26, 1945.

I hereby amend:

(a) Administrative Order No. 933, dated July 14, 1945, by changing the project designation appearing therein as "Nebraska 46059C1 Butler District Public" to read "Nebraska 46059D1 Butler District Public."

[SEAL] CLAUDE R. WICKARD,
Administrator.

[F. R. Doc. 45-15014; Filed, Aug. 14, 1945; 11:05 a. m.]

[Administrative Order 938]

ALLOCATION OF FUNDS FOR LOANS

JULY 26, 1945.

By virtue of the authority vested in me by the provisions of section 5 of the Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said act, funds for a loan for the project and in the amount as set forth in the following schedule:

Project designation:	Amount
Texas 46137S2 Shelby	$8,000

[SEAL] CLAUDE R. WICKARD,
Administrator.

[F. R. Doc. 45-15015; Filed, Aug. 14, 1945; 11:05 a. m.]

[Administrative Order 939]

ALLOCATION OF FUNDS FOR LOANS

JULY 26, 1945.

By virtue of the authority vested in me by the provisions of section 4 of the Rural Electrification Act of 1936 as amended, I hereby allocate, from the sums authorized by said act, funds for loans for the projects and in the amounts as set forth in the following schedule:

Project designation:	Amount
Georgia 46095B1 Clinch	$265,200
Illinois 46002E1 Wayne	333,000
Michigan 46028H1 Presque Isle	290,000
Missouri 46031E1 Mississippi	146,601
Montana 46024A2 Blaine	249,000
North Carolina 46038A2 Carteret	10,000
Oklahoma 46029D1 Hughes	155,000
Pennsylvania 46021D1 Somerset	195,000
South Carolina 46035C2 Abbeville	50,000

[SEAL] CLAUDE R. WICKARD,
Administrator.

[F. R. Doc. 45-15016; Filed, Aug. 14, 1945; 11:05 a. m.]

[Administrative Order 940]

ALLOCATION OF FUNDS FOR LOANS

JULY 27, 1945.

By virtue of the authority vested in me by the provisions of section 4 of the Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said act, funds for a loan for the project and in the amount as set forth in the following schedule:

Project designation:	Amount
Iowa 46048G6 Pocahontas	$205,000

[SEAL] CLAUDE R. WICKARD,
Administrator.

[F. R. Doc. 45-15017; Filed, Aug. 14, 1945; 11:05 a. m.]

DEPARTMENT OF LABOR.

Office of the Secretary.

[WLD 98]

SAGINAW VALLEY BUILDERS' ASSN.

FINDINGS AS TO CONTRACT IN PROSECUTION OF WAR

Pursuant to section 2 (b) (3) of the War Labor Disputes Act (Pub. Law 89, 78th Cong.) and the Directive of the President dated August 10, 1943, published in the FEDERAL REGISTER August 14, 1943, and

Having been advised of the existence of a labor dispute involving the members of the Saginaw Valley Builders' Association, Saginaw, Michigan,

I find that the construction, reconstruction or repair of buildings or other works or facilities, other than for ordinary residential purposes, by any member of the Saginaw Valley Builders' Association, Saginaw, Michigan, pursuant to contract, oral or written, is contracted for in the prosecution of the war within the meaning of section 2 (b) (3) of the War Labor Disputes Act.

Signed at Washington, D. C., this 11th day of August 1945.

L. B. SCHWELLENBACH,
Secretary of Labor.

[F. R. Doc. 45-14978; Filed, Aug. 13, 1945; 3:40 p. m.]

INTERSTATE COMMERCE COMMISSION.

[S. O. 109-A]

PETROLEUM AND PETROLEUM PRODUCTS AT BATON ROUGE, LA.

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 13th day of August A. D. 1945.

Upon further consideration of the provisions of Service Order No. 109 of February 15, 1943, as amended February 16, 1943, and good cause appearing therefor: *It is ordered*, That:

Service Order No. 109 of February 15, 1943, as amended February 16, 1943, requiring delivery of petroleum and petroleum products, in carloads, by the Louisiana & Arkansas Railway to the Illinois Central Railroad System at Baton Rouge, Louisiana, be and it is hereby, vacated and set aside.

It is further ordered, That this order shall become effective at 12:01 a. m., August 15, 1945; that a copy of this order and direction shall be served upon the above named carriers; and upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

By the Commission, Division 3.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 45-15023; Filed, Aug. 14, 1945; 11:19 a. m.]

[2d Rev. S. O. 360, Special Permit 35]

ICING OF POTATOES FROM GREENPORT, LONG ISLAND, N. Y.

Pursuant to the authority vested in me by paragraph (c) of the first ordering paragraph of Second Revised Service Order No. 300 (10 F.R. 6802), permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard the provisions of Second Revised Service Order No. 300 insofar as it applies to the furnishing of initial icing and one reicing in transit only on car PFE 97455, potatoes, shipped August 9, 1945, by F. H. Vahlsing, Inc., from Greenport, L. I., N. Y., consigned to Jos. Papania, Lexington, Kentucky. (LI-PRR-L&N).

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 10th day of August 1945.

V. C. CLINGER,
Director,
Bureau of Service.

[F. R. Doc. 45-15024; Filed, Aug. 14, 1945; 11:19 a. m.]

OFFICE OF ALIEN PROPERTY CUSTODIAN.

[Vesting Order 4982]

TANEZO OKIHARA

In re: Real property, bank account and claim owned by Tanezo Okihara.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

1. That Tanezo Okihara, whose last known address is 150 Kogaisaku, Yanai, Yamaguchi, Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That Tanezo Okihara is the owner of the property described in subparagraph 3 hereof;

3. That the property described as follows:

a. Real property situated in the City and County of Honolulu, Territory of Hawaii, particularly described in Exhibit A, attached hereto and by reference made a part hereof, together with all hereditaments, fixtures, improvements and appurtenances thereto, and any and all claims for rents, refunds, benefits or other payments arising from the ownership of such property,

b. That certain blocked savings account maintained with the Bank of Hawaii, Honolulu, T. H., which is due and owing to and held for and in the name of Tanezo Okihara, and any and all security rights in and to any and all collateral for all or part of such account, and the right to enforce and collect the same, and

c. All right, title, interest and claim of any name or nature whatsoever of Tanezo Okihara in and to any and all obligations, contingent or otherwise and whether or not matured, which are due and owing to and held for Tanezo Okihara by Kikuichi Okihara and/or Miyuki Okihara, including particularly but not limited to those sums arising from the sales by Miyuki Okihara to Mrs. Haruko Tengan and to Masaru Okada of real property owned by Tanezo Okihara and held in the name of Miyuki Okihara, portions of which sums presently constitute deposits in the name of Miyuki Okihara in the First Federal Savings and Loan Association of Hawaii, Honolulu, T. H., and the Bank of Hawaii, Honolulu, T. H., and any and all security rights in and to any and all collateral for any or all of such obligations and the right to enforce and collect the same,

is property within the United States owned or controlled by a national of a designated enemy country (Japan);

And determining that the property described in subparagraph 3-b hereof is necessary for the maintenance or safeguarding of other property (namely, that property described in subparagraph 3-a hereof) belonging to the same national of the same designated enemy country and subject to vesting (and in fact vested by this order) pursuant to section 2 of said executive order;

And further determining that to the extent that such national is a person not

within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan):

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described in subparagraph 3–a hereof, subject to recorded liens, encumbrances and other rights of record held by or for persons who are not nationals of designated enemy countries, and hereby vests in the Alien Property Custodian the property described in subparagraphs 3–b and 3–c hereof.

All such property so vested to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall this order be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC–1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on June 5, 1945.

[SEAL] JAMES E. MARKHAM,
Alien Property Custodian.

EXHIBIT A

All of that certain parcel of land situate, lying and being at the East corner of Kalihi Road and Holt Street, Kalihi Valley, Honolulu, City and County of Honolulu, Territory of Hawaii, being Lot Number One (1), in Block Number Three (3) of the tract of land known as the "Kaiulani Tract", and thus bounded and described:

Beginning at the West corner of this piece said point being also the East corner of Kalihi Road, and Ohu Street, and running by true azimuths:

1. 210°08′ 58.20 feet along the Southeast side of Kalihi Road;
2. 311°01′ 87.80 feet along Lot 2;
3. 61°01′ 50.00 feet along Lot 3 to the Northeast side of Ohu Street;
4. 151°01′ 57.90 feet along the Northeast side of Ohu Street to the point of beginning.

Containing an Area of 3,642 Square Feet, or thereabouts.

All of that certain parcel of land (portion of the land described in Royal Patent Number 2506, Land Commission Award Number 6450, Apana 2 to Kaunuohua for Moehonua) situate, lying and being at Mokauea, Kalihi, Honolulu, City and County of Honolulu, Territory of Hawaii, being Lots Numbers Three (3) and Four (4), in Block Number Three (3), of the tract of land known as the "Kaiulani Tract," and thus bounded and described:

Beginning at the South corner of this land on the Northeast side of Holt Street, at the West corner of Lot 5, Block 3 and running by true azimuths:

1. 151°01′ 100 feet along Holt Street;
2. 241°01′ 100 feet along Lots 1 and 2;
3. 331°01′ 100 feet along Lots 12 and 13;
4. 61°01′ 100 feet along Lot 5 to the initial point.

Containing an Area of 10,000 Square Feet, or thereabouts.

Excepting and reserving from the above described parcel of land all that portion thereof conveyed by the said Miyuki Okihara, unmarried to Mano Okada, unmarried, by Deed dated November 24th, A. D. 1943, recorded in Liber 1794, Pages 46–47 on November 30th, A. D. 1943 at 8:37 o'clock A. M., more particularly described as follows:

All of that certain piece or parcel of land (portion of Royal Patent Number 2506, Land Commission Award Number 6450, Apana 2 to Kaunuohua for Moehonua) situate, lying and being on the Northeast side of Ohu Street, Mokauea, Kalihi, Honolulu, City and County of Honolulu, Territory of Hawaii, being Lot Number Four (4), in Block Number Three (3), of the tract of land known as the "Kaiulani Tract", and more particularly bounded and described as follows:

Beginning at the South corner of this lot, on the northest side of Ohu Street, at the West corner of Lot 5, Block 3, Kaiulani Tract, and running by azimuths measured clockwise from True South:

1. 151°01′ 50.00 feet along Ohu Street;
2. 241°01′ 100.00 feet along Lot 3, Block 3, Kaiulani Tract;
3. 331°01′ 50.00 feet along Lot 13, Block 3, Kaiulani Tract;
4. 61°01′ 100.00 feet along Lot 5 to the point of beginning and containing an area of 5,000 square feet.

[F. R. Doc. 45–15010; Filed, Aug. 14, 1945; 10:59 a. m.]

[Vesting Order 5078]

ERNST AEREBOE

In re: Interest in real property and bank account owned by Ernst Aereboe, also known as Ernest Aereboe.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

1. That the last known address of Ernst Aereboe, also known as Ernest Aereboe, is Reichenstrasse 3, Brunsbuettal, Germany and that he is a national of a designated enemy country (Germany);

2. That Ernst Aereboe, also known as Ernest Aereboe, is the owner of the property described in subparagraph 3 hereof;

3. That the property described as follows:

a. An undivided one-half interest in the real property described as the Southeast quarter of Section 17, in Township 30 North of Range 52, East of the Principal Meridian, in Roosevelt County, Montana, identified as the interest inherited by Ernst Aereboe, also known as Ernest Aereboe, from Jean Aereboe together with all hereditaments, fixtures, improvements and appurtenances thereto, and any and all claims for rents, refunds, benefits or other payments arising from the ownership of such property, and

b. That certain bank account with the Seattle Trust and Savings Bank, Seattle, Washington, which is due and owing to and held for Ernst Aereboe, also known as Ernest Aereboe, in the name of "Estate of Jean Aereboe, deceased, by H. Otto Gmelin, Trustee for Ernst Aereboe, a national of Germany," and any and all security rights in and to any and all collateral for all or part of such account, and the right to enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, a national of a designated enemy country (Germany):

And determining that to the extent that such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany):

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described in subparagraph 3–a hereof, subject to recorded liens, encumbrances and other rights of record held by or for persons who are not nationals of designated enemy countries, and hereby vests in the Alien Property Custodian the property described in subparagraph 3–b hereof,

All such property so vested to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall this order be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC–1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on July 9, 1945.

[SEAL] FRANCIS J. MCNAMARA,
Deputy Alien Property Custodian.

[F. R. Doc. 45–15011; Filed, Aug. 14, 1945; 10:59 a. m.]

OFFICE OF PRICE ADMINISTRATION.

[Order 71 Under 3 (e)]

NEW YORK RUBBER CORP.

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.3 (e) of the General Maximum Price Regulation, it is ordered:

(a) *Applicability of this order.* This order applies to all sales of Army-Navy B4 (Mae West type) rejected life jackets manufactured by the New York Rubber Corporation, New York, New York.

(b) *Maximum prices.* The maximum net prices for sales of the commodity described in paragraph (a) of this order are as follows:

	Each
To wholesalers	$7.50
To retailers	10.00
At retail	17.50

(c) *Notification of maximum prices.* With or prior to the first delivery of the life jackets described in paragraph (a) to a wholesaler, or a retailer, the seller shall give the purchaser a written notice of the maximum retail price applicable thereto as established by paragraph (b) of this order. If the purchaser is a wholesaler, the notification shall include the maximum wholesale price as established by paragraph (b) of this order and a statement that each purchaser is required by this order to notify any retailer to whom he sells of the maximum retail price.

(d) All provisions of the General Maximum Price Regulation that are not inconsistent with this order shall apply to sales covered by this order.

(e) This order may be revoked or amended by the Office of Price Administration at any time.

This order shall become effective August 14, 1945.

Issued this 13th day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45–14947; Filed, Aug. 13, 1945; 11:43 a. m.]

[MPR 120, Order 1442]

GOINS BROS., ET AL.

ORDER ESTABLISHING MAXIMUM PRICES AND PRICE CLASSIFICATIONS

For the reasons set forth in an accompanying opinion, and in accordance with § 1340.210 (a) (6) of Maximum Price Regulation No. 120. *It is ordered:*

Producers identified herein operate named mines assigned the mine index numbers, the price classifications and the maximum prices in cents per net ton, for the indicated uses and shipments as set forth herein. All are in District No. 8. The mine index numbers and the price classifications assigned are permanent but the maximum prices may be changed by an amendment issued after the effective date of this order. Where such an amendment is issued for the district in which the mines involved herein are located and where the amendment makes no particular reference to a mine or mines involved herein, the prices shall be the prices set forth in such amendment for the price classifications of the respective size groups. The location of each mine is given by county and state. The maximum prices stated to be for truck shipment are in cents per net ton f. o. b. the mine or preparation plant and when stated to be for rail shipment or for railroad fuel are in cents per net ton f. o. b. rail shipping point. In cases where mines ship coals by river the prices for such shipments are those established for rail shipment and are in cents per net ton f. o. b. river shipping point. However, producer is subject to the provisions of § 1340.219 and all other provisions of Maximum Price Regulation No. 120.

GOINS BROTHERS, FARRADAY, KY., GOINS BROTHERS MINE, ELKHORN SEAM, MINE INDEX NO. 7418, LETCHER COUNTY, KY., SUBDISTRICT 1, RAIL SHIPPING POINT, WINTERS, KY., F. O. G. 62, DEEP MINE, MAXIMUM TRUCK PRICE GROUP NO. 5

	Size group Nos.													
	1	2	3	4	5	6	7	8	9	10	15, 16, 17	18	19	20, 21
Price classification	K	K	K	K	K	K	J	G	E	G	D	J	J	J
Rail shipments and railroad fuel [1]	380	375	365	365	360	350	330	325	325	360	315	310	300	295
Truck shipment	395	375	350	350	335	310	275	270	----	----	----	----	----	----

HARD LUCK COAL CO., c/o W. M. GAINES, FARRADAY, KY., HARD LUCK MINE, ELKHORN SEAM, MINE INDEX NO. 7449, LETCHER COUNTY, KY., SUBDISTRICT 1, RAIL SHIPPING POINT, WINTERS, KY., F. O. G. 62, DEEP MINE, MAXIMUM TRUCK PRICE GROUP NO. 5

Price classification	K	K	K	K	K	K	J	G	E	G	D	J	J	J
Rail shipments and railroad fuel [1]	380	375	365	365	360	350	330	325	325	360	315	310	300	295
Truck shipment	395	375	350	350	335	310	275	270	----	----	----	----	----	----

HOLBROOK COAL CO., c/o MAYO HOLBROOK, FARRADAY, KY., MAYO HOLBROOK MINE, ELKHORN SEAM, MINE INDEX NO. 7450, LETCHER COUNTY, KY., SUBDISTRICT 1, RAIL SHIPPING POINT, WINTERS AND KONA, KY., F. O. G. 62, DEEP MINE, MAXIMUM TRUCK PRICE GROUP NO. 5

Price classification	K	K	K	K	K	K	J	G	E	G	D	J	J	J
Rail shipments and railroad fuel [1]	380	375	365	365	360	350	330	325	325	360	315	310	300	295
Truck shipment	395	375	350	350	335	310	275	270	----	----	----	----	----	----

M & B COAL CO., c/o MARKLE MORGAN, FARRADAY, KY., M & B MINE, ELKHORN SEAM, MINE INDEX NO. 7451, LETCHER COUNTY, KY., SUBDISTRICT 1, RAIL SHIPPING POINT, MAYKING & WINTERS, KY., F. O. G. 62, DEEP MINE, MAXIMUM TRUCK PRICE GROUP NO. 5

Price classification	K	K	K	K	K	K	J	G	E	G	D	J	J	J
Rail shipments and railroad fuel [1]	380	375	365	365	360	350	330	325	325	360	315	310	300	295
Truck shipment	395	375	350	350	335	310	275	270	----	----	----	----	----	----

RAYMOND TAYLOR COAL CO., c/o RAYMOND TAYLOR, SECO, KY., RAYMOND TAYLOR COAL MINE, ELKHORN SEAM, MINE INDEX NO. 7452, LETCHER COUNTY, KY., SUBDISTRICT 1, RAIL SHIPPING POINT, WINTERS, KY., F. O. G. 62, DEEP MINE, MAXIMUM TRUCK PRICE GROUP NO. 5

Price classification	K	K	K	K	K	K	J	G	E	G	D	J	J	J
Rail shipments and railroad fuel [1]	380	375	365	365	360	350	330	325	325	360	315	310	300	295
Truck shipment	395	375	350	350	335	310	275	270	----	----	----	----	----	----

WILLIAMS BROTHERS, c/o STEVE WILLIAMS, FARRADAY, KY., WILLIAMS BROTHERS MINE, ELKHORN SEAM, MINE INDEX NO. 7453, LETCHER COUNTY, KY., SUBDISTRICT 1, RAIL SHIPPING POINT, WINTERS, KY., F. O. G. 62, DEEP MINE, MAXIMUM TRUCK PRICE GROUP NO. 5

Price classification	K	K	K	K	K	K	J	G	E	G	D	J	J	J
Rail shipments and railroad fuel [1]	380	375	365	365	360	350	330	325	325	360	315	310	300	295
Truck shipment	395	375	350	350	335	310	275	270	----	----	----	----	----	----

WOODY & FRANKLIN, FARRADAY, KY., WOODY & FRANKLIN MINE, ELKHORN SEAM, MINE INDEX NO. 7454, LETCHER COUNTY, KY., SUBDISTRICT 1, RAIL SHIPPING POINT, WINTERS, KY., F. O. G. 62, DEEP MINE, MAXIMUM TRUCK PRICE GROUP NO. 5

Price classification	K	K	K	K	K	K	J	G	E	G	D	J	J	J
Rail shipments and railroad fuel [1]	380	375	365	365	360	350	330	325	325	360	315	310	300	295
Truck shipment	395	375	350	350	335	310	275	270	----	----	----	----	----	----

[1] These maximum prices are subject to the provisions of Order No. 1432 under Maximum Price Regulation No. 120, for rail shipments plus 50 cents.

This order shall become effective August 14, 1945.

(56 Stat. 23, 765, 57 Stat. 566; Pub. Law 383, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 13th day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45–14948; Filed, Aug. 13, 1945; 11:43 a. m.]

[MPR 188, Rev. Order 66 Under 2d Rev. Order A–3]

CENTRAL DESK MFG. CO.

ADJUSTMENT OF MAXIMUM PRICES

Order No. 66 under Second Revised Order No. A–3 under § 1499.159b of Maximum Price Regulation No. 188 is revised to read as follows:

For the reasons set forth in an opinion issued simultaneously herewith, and filed with the Division of the Federal Register; and pursuant to Second Revised Or-

der No. A-3 under § 1499.159b of Maximum Price Regulation No. 188, it is ordered:

(a) *Manufacturer's maximum prices.* Central Desk Manufacturing Company, of 454 Armour Street, Chicago 22, Illinois, may sell and deliver the wood office desks and tables, which it manufactures, and which are described in the manufacturer's application, dated October 21, 1944, at prices no higher than its maximum prices in effect immediately prior to December 16, 1944, plus an adjustment charge of four percent of each such maximum price.

On all sales other than sales to ultimate consumers, the adjustment charge provided herein may be made and collected only if stated separately on each invoice.

The maximum prices of the manufacturer, as adjusted, are subject to its customary terms, discounts, allowances and other price differentials in effect during March, 1942, on sales to each class of purchaser.

(b) *Maximum prices of purchasers for resale.* A person who hereafter buys an article covered by this order and resells it in substantially the same form, may collect from his customer, in addition to his properly established maximum price in effect immediately before December 16, 1944, an adjustment charge in the same amount as the adjustment charge herein authorized and which he pays to his supplier. If he did not have a maximum price in effect for the article on December 16, 1944, he may add the same adjustment charge to the maximum price which he has established or hereafter establishes for his sales under the applicable regulation after that date. If the applicable regulation requires the maximum resale price to be computed on the basis of cost, the reseller must find his maximum resale price (not including the permitted adjustment charge) by using as cost his invoice cost less any adjustment charge stated on the invoice as a separate amount.

On all sales other than sales to the ultimate consumer this adjustment charge may be made and collected only if it is separately stated on each invoice. The adjusted price is subject to each seller's customary terms, discounts, and allowances on sales of the same or similar articles.

(c) *Notification.* At the time of, or prior to, the first invoice to a purchaser for resale, showing a price adjusted in accordance with the terms of this order, the seller shall notify the purchaser in writing of the method established in paragraph (b) of this order for determining adjusted maximum prices for resale of the article covered by this order. This notice may be given in any convenient form.

(d) This order may be revoked or amended by the Price Administrator at any time.

(e) This order shall become effective on August 14, 1945.

Issued this 13th day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-14961; Filed, Aug. 13, 1945; 11:41 a. m.]

[MPR 188, Rev. Order 3550]

A. H. WAAGE ELECTRIC CO.

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.158 of Maximum Price Regulation No. 188, *It is ordered,* That Order No. 3550 issued under § 1499.158 of Maximum Price Regulation No. 188 be amended and revised as follows:

(a) This revised order establishes maximum prices for sales and deliveries of certain electric irons manufactured by A. H. Waage Electric Co., 54 Park Place, New York 7, New York.

(1) For all sales and deliveries to the following classes of purchasers by the sellers indicated below, the maximum prices are those set forth below:

Article	Model	Distributors	Maximum prices for sales by all persons to—			
			Jobbers	Retailers (6 or more)	Retailers (less than 6)	Consumers
6 lb. nonautomatic 4-heat domestic electric iron.	64 1*S (110-120 volts)	*Each* $3.07	*Each* $3.41	*Each* $4.03	*Each* $4.34	[illegible]
	64 1*S (odd frequencies)	3.29	3.68	4.35	4.69	[illegible]

These maximum prices are for the articles described in the manufacturer's application dated December 7, 1944. They include Federal excise tax. They apply to articles bearing a purchaser's brand name as well as to those irons bearing the manufacturer's name or brand name.

(2) For sales by the manufacturer, the maximum prices apply to all sales and deliveries on and after the effective date of this revised order. They are f. o. b. factory and are subject to a cash discount of two percent ten days, net thirty days.

(3) For sales by persons other than the manufacturer, the maximum prices apply to all sales and deliveries of articles delivered by the manufacturer on and after the effective date of this revised order. Those prices are subject to each seller's customary terms, and conditions of sale on sales of similar articles.

(4) If the manufacturer wishes to make sales and deliveries to any other class of purchaser or on other terms and conditions of sale, he must apply to the Office of Price Administration, under the Fourth Pricing Method, § 1499.158 of Maximum Price Regulation No. 188, for the establishment of maximum prices for those sales, and no sales or deliveries may be made until maximum prices have been authorized by the Office of Price Administration.

(b) The manufacturer shall attach a tag or label to every article for which a maximum price for sales to consumers is established by this order. That tag or label shall contain the following statement with the blank properly filled in:

OPA Retail Ceiling Price—$------
Do Not Detach

(c) At the time of, or prior to, the first invoice to each purchaser for resale, the manufacturer shall notify the purchaser in writing of the maximum prices and conditions established by this revised order for sales by the purchaser. This notice may be given in any convenient form.

(d) This revised order may be revoked or amended by the Price Administrator at any time.

(e) This revised order shall become effective on the 14th day of August 1945.

Issued this 13th day of August 1945

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-14949; Filed, Aug. 13, 1945; 11:41 a. m.]

[MPR 188, Order 4246]

W. A. KING

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.158 of Maximum Price Regulation No. 188; *It is ordered:*

(a) This order establishes maximum prices for sales and deliveries of certain articles manufactured by W. A. King, P. O. Box 126, Brownsville, Tex.

(1) For all sales and deliveries to the following classes of purchasers by the sellers indicated below, the maximum prices are those set forth below:

Article	Model	Maximum prices for sales by all persons to—		
		Wholesalers	Retailers	Consumers
Cigarette lighter.	Wask Windproof.	*Each* $0.68	*Each* $0.90	*Each* $1.20

These maximum prices are for the articles described in the manufacturer's application dated July 14, 1945.

(2) For sales by the manufacturer, the maximum prices apply to all sales and deliveries since Maximum Price Regulation No. 188 became applicable to those sales and deliveries. For sales to persons other than consumers they are f. o. b. factory, 2% 10 days, net 30. The maximum price to consumers is net, delivered.

(3) For sales by persons other than the manufacturer, the maximum prices apply to all sales and deliveries after the effective date of this order. Those prices are subject to each seller's customary terms and conditions of sale on sales of similar articles.

(4) If the manufacturer wishes to make sales and deliveries to any other class of purchaser or on other terms and conditions of sale, he must apply to the Office of Price Administration, under the Fourth Pricing Method, § 1499.158 of Maximum Price Regulation No. 188, for the establishment of maximum prices for these sales, and no sales or deliveries may be made until maximum prices have been authorized by the Office of Price Administration.

(b) The manufacturer shall attach a tag or label to every article for which a maximum price for sales to consumers is established by this order. That tag or label shall contain the following statement:

OPA Retail Ceiling Price—$1.50
Do Not Detach

(c) At the time of, or prior to, the first invoice to each purchaser for resale, the seller shall notify the purchaser in writing of the maximum prices and conditions established by this order for sales by the purchaser. This notice may be given in any convenient form.

(d) This order may be revoked or amended by the Price Administrator at any time.

(e) This order shall become effective on the 14th day of August 1945.

Issued this 13th day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-14950; Filed, Aug. 13, 1945; 11:44 a. m.]

[MPR 188, Order 4247]

ARVEY CORP.

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.158 of Maximum Price Regulation No. 188; *It is ordered:*

(a) This order establishes maximum prices for sales and deliveries of certain articles manufactured by Arvey Corporation, 3462 North Kimball Avenue, Chicago 18, Ill.

(1) For all sales and deliveries to the following classes of purchasers by the sellers indicated below, the maximum prices are those set forth below:

Article	Number	Maximum prices for sales by all persons to—		
		Wholesalers	Retailers	Consumers
Cigarette lighter	1	*Each* $2.08	*Each* $2.70	*Each* $4.50

These maximum prices are for the articles described in the manufacturer's application dated July 17, 1945.

(2) For sales by the manufacturer, the maximum prices apply to all sales and deliveries since Maximum Price Regulation No. 188 became applicable to those sales and deliveries. For sales to persons other than consumers they are f. o. b. factory, 2% 10 days, net 30. The maximum price to consumers is net, delivered.

(3) For sales by persons other than the manufacturer, the maximum prices apply to all sales and deliveries after the effective date of this order. Those prices are subject to each seller's customary terms and conditions of sale on sales of similar articles.

(4) If the manufacturer wishes to make sales and deliveries to any other class of purchaser or on other terms and conditions of sale, he must apply to the Office of Price Administration, under the Fourth Pricing Method, § 1499.158 of Maximum Price Regulation No. 188, for the establishment of maximum prices for these sales, and no sales or deliveries may be made until maximum prices have been authorized by the Office of Price Administration.

(b) The manufacturer shall attach a tag or label to every article for which a maximum price for sales to consumers is established by this order. That tag or label shall contain the following statement:

OPA Retail Ceiling Price—$4.50
Do Not Detach

(c) At the time of, or prior to, the first invoice to each purchaser for resale, the seller shall notify the purchaser in writing of the maximum prices and conditions established by this order for sales by the purchaser. This notice may be given in any convenient form.

(d) This order may be revoked or amended by the Price Administrator at any time.

(e) This order shall become effective on the 14th day of August 1945.

Issued this 13th day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-14951; Filed, Aug. 13, 1945; 11:44 a. m.]

[MPR 188, Order 4248]

HELFERN CO., LTD.

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.158 of Maximum Price Regulation No. 188; *It is ordered:*

(a) This order establishes maximum prices for sales and deliveries of certain articles manufactured by the Helfern Company, Ltd., 1114 Loew's State Building, Los Angeles, 14, Calif.

(1) For all sales and deliveries to the following classes of purchasers by the sellers indicated below, the maximum prices are those set forth below:

Article	Number	Maximum prices for sales by all persons to—		
		Wholesalers	Retailers	Consumers
Cigarette lighter.	Ever-lite 1000.	*Each* $1.80	*Each* $2.40	*Each* $4.00

These maximum prices are for the articles described in the manufacturer's application dated July 21, 1945.

(2) For sales by the manufacturer, the maximum prices apply to all sales and deliveries since Maximum Price Regulation No. 188 became applicable to those sales and deliveries. For sales to persons other than consumers they are f. o. b. factory, 2% 10 days, net 30. The maximum price to consumers is net, delivered.

(3) For sales by persons other than the manufacturer, the maximum prices apply to all sales and deliveries after the effective date of this order. Those prices are subject to each seller's customary terms and conditions of sale on sales of similar articles.

(4) If the manufacturer wishes to make sales and deliveries to any other class of purchaser or on other terms and conditions of sale, he must apply to the Office of Price Administration, under the Fourth Pricing Method, § 1499.158 of Maximum Price Regulation No. 188, for the establishment of maximum prices for those sales, and no sales or deliveries may be made until maximum prices have been authorized by the Office of Price Administration.

(b) The manufacturer shall attach a tag or label to every article for which a maximum price for sales to consumers is established by this order. That tag or label shall contain the following statement:

OPA Retail Ceiling Price—$4.00
Do Not Detach

(c) At the time of, or prior to, the first invoice to each purchaser for resale, the seller shall notify the purchaser in writing of the maximum prices and conditions established by this order for sales by the purchaser. This notice may be given in any convenient form.

(d) This order may be revoked or amended by the Price Administrator at any time.

(e) This order shall become effective on the 14th day of August 1945.

Issued this 13th day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-14952; Filed, Aug. 13, 1945; 11:41 a. m.]

[MPR 188, Order 4249]

HELFER AND CO.

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.158 of Maximum Price Regulation No. 188; *It is ordered:*

(a) This order establishes maximum prices for sales and deliveries of certain articles manufactured by the Helfer and Company, 29 East Madison Street, Chicago 2, Ill.

(1) For all sales and deliveries to the following classes of purchasers by the sellers indicated below, the maximum prices are those set forth below:

Article	Model No.	Maximum prices for sales by all persons to—		
		Wholesalers	Retailers	Consumers
Cigarette lighter	1	*Each* $0.68	*Each* $0.90	*Each* $1.50

These maximum prices are for the articles described in the manufacturer's application dated June 23, 1945.

(2) For sales by the manufacturer, the maximum prices apply to all sales and deliveries since Maximum Price Regulation No. 188 became applicable to those sales and deliveries. For sales to persons other than consumers they are f. o. b. factory, 2% 10 days, net 30. The maximum price to consumers is net, delivered.

(3) For sales by persons other than the manufacturer, the maximum prices apply to all sales and deliveries after the effective date of this order. Those prices are subject to each seller's customary terms and conditions of sale on sales of similar articles.

(4) If the manufacturer wishes to make sales and deliveries to any other class of purchaser or on other terms and conditions of sale, he must apply to the Office of Price Administration, under the Fourth Pricing Method, § 1499.158 of Maximum Price Regulation No. 188, for the establishment of maximum prices for those sales, and no sales or deliveries may be made until maximum prices have been authorized by the Office of Price Administration.

(b) The manufacturer shall attach a tag or label to every article for which a maximum price for sales to consumers is established by this order. That tag or label shall contain the following statement:

OPA Retail Ceiling Price—$1.50
Do Not Detach

(c) At the time of, or prior to, the first invoice to each purchaser for resale, the seller shall notify the purchaser in writing of the maximum prices and conditions established by this order for sales by the purchaser. This notice may be given in any convenient form.

(d) This order may be revoked or amended by the Price Administrator at any time.

(e) This order shall become effective on the 14th day of August 1945.

Issued this 13th day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-14953; Filed, Aug. 13, 1945; 11:42 a. m.]

[MPR 188, Order 4250]

ECONOMY LIGHTING CO.

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.158 of Maximum Price Regulation No. 188; *It is ordered:*

(a) This order establishes maximum prices for sales and deliveries of certain articles manufactured by Economy Lighting Company, 70 Newark Avenue, Jersey City, N. J.

(1) For all sales and deliveries to the following classes of purchasers by the sellers indicated below, the maximum prices are those set forth below:

Article	Model No.	For sales by the manufacturer to—		For sales by any person to consumers
		To jobbers	To retailers	
Fluorescent bed lamp, baked white enamel reflector, flocked in various colors, and equipped with ballast	1	*Each* $3.83	*Each* $4.50	*Each* $8.10

These maximum prices are for the articles described in the manufacturer's application dated May 18, 1945.

(2) For sales by the manufacturer, the maximum prices apply to all sales and deliveries since Maximum Price Regulation No. 188 became applicable to those sales and deliveries. For sales to persons other than consumers they are f. o. b. factory, 2% 10 days, net 30. The maximum price to consumers is net, delivered.

(3) For sales by persons other than the manufacturer, the maximum prices apply to all sales and deliveries after the effective date of this order. Those prices are subject to each seller's customary terms and conditions of sale on sales of similar articles.

(4) If the manufacturer wishes to make sales and deliveries to any other class of purchaser or on other terms and conditions of sale, he must apply to the Office of Price Administration, under the Fourth Pricing Method, § 1499.158 of Maximum Price Regulation No. 188, for the establishment of maximum prices for those sales, and no sales or deliveries may be made until maximum prices have been authorized by the Office of Price Administration.

(b) The manufacturer shall attach a tag or label to every article for which a maximum price for sales to consumers is established by this order. That tag or label shall contain the following statement, with the proper model number and the ceiling price inserted in the blank spaces:

Model No. ------
OPA Retail Ceiling Price—$------
Do Not Detach

(c) At the time of, or prior to, the first invoice to each purchaser for resale, the seller shall notify the purchaser in writing of the maximum prices and conditions established by this order for sales by the purchaser. This notice may be given in any convenient form.

(d) Jobber's maximum prices for sales of the articles covered by this order shall be established under the provisions of section 4.5 of Supplementary Regulation 14J.

(e) This order may be revoked or amended by the Price Administrator at any time.

(f) This order shall become effective on the 14th day of August 1945.

Issued this 13th day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-14954; Filed, Aug. 13, 1945; 11:42 a. m.]

[MPR 188, Order 4251]

ACME CO.

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.158 of Maximum Price Regulation No. 188; *It is ordered:*

(a) This order establishes maximum prices for sales and deliveries of certain articles manufactured by Acme Company, 565 Fifth Avenue, New York 17, N. Y.

(1) For all sales and deliveries to the following classes of purchasers by the sellers indicated below, the maximum prices are those set forth below:

Article	Model No.	For sales by the manufacturer to—		For sales by any person to consumers
		To jobbers	To retailers	
Fluorescent bed lamp with 15" shade sprayed and baked enamel finish. White baked enamel on inside of reflector. Equipped with ballast	733	*Each* $3.72	*Each* $4.38	*Each* $7.8[illegible]

These maximum prices are for the articles described in the manufacturer's application dated April 9, 1945.

(2) For sales by the manufacturer, the maximum prices apply to all sales and deliveries since Maximum Price Regulation No. 188 became applicable to those sales and deliveries. For sales to persons other than consumers they are f. o. b. factory, 2% 10 days, net 30. The maximum price to consumers is net, delivered.

(3) For sales by persons other than the manufacturer, the maximum prices apply to all sales and deliveries after the effective date of this order. Those prices are subject to each seller's customary terms and conditions of sale on sales of similar articles.

(4) If the manufacturer wishes to make sales and deliveries to any other class of purchaser or on other terms and conditions of sale, he must apply to the Office of Price Administration, Washington, D. C., under the Fourth Pricing Method, § 1499.158 of Maximum Price Regulation No. 188, for the establishment of maximum prices for those sales, and no sales or deliveries may be made until maximum prices have been authorized by the Office of Price Administration.

(b) The manufacturer shall attach a tag or label to every article for which a maximum price for sales to consumers is established by this order. That tag or label shall contain the following statement, with the proper model number and the ceiling price inserted in the blank spaces:

Model No. ----
OPA Retail Ceiling Price—$------
Do Not Detach

(c) At the time of, or prior to, the first invoice to each purchaser for resale, the seller shall notify the purchaser in writing of the maximum prices and conditions established by this order for sales by the purchaser. This notice may be given in any convenient form.

(d) Jobber's maximum prices for sales of the articles covered by this order shall be established under the provisions of section 4.5 of SR 14J.

(e) This order may be revoked or amended by the Price Administrator at any time.

(f) This order shall become effective on the 14th day of August 1945.

Issued this 13th day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-14955; Filed, Aug. 13, 1945; 11:44 a. m.]

[MPR 188, Order 4252]

AVEDON SALES CO.

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.158 of Maximum Price Regulation No. 188; *It is ordered:*

(a) This order establishes maximum prices for sales and deliveries of certain articles manufactured by Avedon Sales Company, 10 West 33 Street, New York 1, N. Y.

(1) For all sales and deliveries to the following classes of purchasers by the sellers indicated below, the maximum prices are those set forth below:

Article	Model	Maximum prices for sales by all persons to—		
		Wholesalers	Retailers	Consumers
[illegible]	Striated bowl-proof	*Each* $0.90	*Each* $1.20	*Each* $2.00

These maximum prices are for the articles described in the manufacturer's application dated July 13, 1945.

(2) For sales by the manufacturer, the maximum prices apply to all sales and deliveries since Maximum Price Regulation No. 188 became applicable to those sales and deliveries. For sales to persons other than consumers they are f. o. b. factory, 2% 10 days, net 30. The maximum price to consumers is net, delivered.

(3) For sales by persons other than the manufacturer, the maximum prices apply to all sales and deliveries after the effective date of this order. Those prices are subject to each seller's customary terms and conditions of sale on sales of similar articles.

(4) If the manufacturer wishes to make sales and deliveries to any other class of purchaser or on other terms and conditions of sale, he must apply to the Office of Price Administration, under the Fourth Pricing Method, § 1499.158 of Maximum Price Regulation No. 188, for the establishment of maximum prices for those sales, and no sales or deliveries may be made until maximum prices have been authorized by the Office of Price Administration.

(b) The manufacturer shall attach a tag or label to every article for which a maximum price for sales to consumers is established by this order. That tag or label shall contain the following statement:

OPA Retail Ceiling Price—$2.00
Do Not Detach

(c) At the time of, or prior to, the first invoice to each purchaser for resale, the seller shall notify the purchaser in writing of the maximum prices and conditions established by this order for sales by the purchaser. This notice may be given in any convenient form.

(d) This order may be revoked or amended by the Price Administrator at any time.

(e) This order shall become effective on the 14th day of August 1945.

Issued this 13th day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-14956; Filed, Aug. 13, 1945; 11:44 a. m.]

[MPR 188, Order 4253]

RI-NAT CHINA

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.158 of Maximum Price Regulation No. 188; *It is ordered:*

(a) This order establishes maximum prices for sales and deliveries of certain articles manufactured by Ri-Nat China, 1165 Broadway, New York 1, New York.

(1) For all sales and deliveries to the following classes of purchasers by the sellers indicated below, the maximum prices are those set forth below:

Article	Model No.	For sales by the manufacturer to—		For sales by any person to consumers
		Jobbers	Retailers	
China table lamp with ceramic flowers applied to the vase	510, 511, and 512	*Each* $5.50	*Each* $10.00	*Each* $18.00
China table lamps with metal bases, floral decorated and trimmed in bright gold	507	4.50	5.25	9.45
	801	7.40	8.71	15.70
	504	5.17	6.08	10.95
	800	7.40	8.71	15.70
	502	15.33	18.15	32.70
	617	9.09	10.69	19.25
	502	5.78	6.80	12.25
	500	5.27	6.20	11.20
	506	5.86	6.89	12.40
	505	5.99	7.05	12.70
China table lamp in blank embossed design	513	4.02	4.73	8.50
China table lamp in blank embossed design (decorated)	514	4.46	5.25	9.45
China table lamp	616	10.23	12.04	21.70

These maximum prices are for the articles described in the manufacturer's application dated April 24, 1945.

(2) For sales by the manufacturer, the maximum prices apply to all sales and deliveries since Maximum Price Regulation No. 188 became applicable to those sales and deliveries. For sales to persons other than consumers they are f. o. b. factory, 2% 10 days, net 30. The maximum price to consumers is net, delivered.

(3) For sales by persons other than the manufacturer, the maximum prices apply to all sales and deliveries after the effective date of this order. Those prices are subject to each seller's customary terms and conditions of sale on sales of similar articles.

(4) If the manufacturer wishes to make sales and deliveries to any other class of purchaser or on other terms and conditions of sale, he must apply to the Office of Price Administration, Washington 25, D. C., under the Fourth Pricing Method, § 1499.158 of Maximum Price Regulation No. 188, for the establishment of maximum prices for those sales, and no sales or deliveries may be made until maximum prices have been authorized by the Office of Price Administration.

(b) The manufacturer shall attach a tag or label to every article for which a maximum price for sales to consumers is established by this order. That tag or label shall contain the following statement, with the proper model number and the ceiling price inserted in the blank spaces:

Model No. ------
OPA Retail Ceiling Price—$------
Do Not Detach

(c) At the time of, or prior to, the first invoice to each purchaser for resale, the seller shall notify the purchaser in writing of the maximum prices and conditions established by this order for sales by the purchaser. This notice may be given in any convenient form.

(d) Jobber's maximum prices for sales of the articles covered by this order shall be established under the provisions of section 4.5 of SR 14J.

(e) This order may be revoked or amended by the Price Administrator at any time.

(f) This order shall become effective on the 14th day of August 1945.

Issued this 13th day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-14957; Filed, Aug. 13, 1945; 11:44 a. m.]

[MPR 188, Order 4254]

SOUTHWEST SALES & SUPPLY CO.

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.158 of Maximum Price Regulation No. 188; *It is ordered:*

(a) This order establishes maximum prices for sales and deliveries of certain articles manufactured by Southwest Sales and Supply Company, 5105 Main Street, Kansas City, Mo.

(1) For all sales and deliveries to the following classes of purchasers by the sellers indicated below, the maximum prices are those set forth below:

Article	Model	Maximum prices for sales by all persons to—		
		Wholesalers	Retailers	Consumers
Cigarette lighter.....	"X"	*Each* $2.02	*Each* $2.70	*Each* $4.50

These maximum prices are for the articles described in the manufacturer's application dated July 3, 1945.

(2) For sales by the manufacturer, the maximum prices apply to all sales and deliveries since Maximum Price Regulation No. 188 became applicable to those sales and deliveries. For sales to persons other than consumers they are f. o. b. factory, 2% 10 days, net 30. The maximum price to consumers is net, delivered.

(3) For sales by persons other than the manufacturer, the maximum prices apply to all sales and deliveries after the effective date of this order. Those prices are subject to each seller's customary terms and conditions of sale on sales of similar articles.

(4) If the manufacturer wishes to make sales and deliveries to any other class of purchaser or on other terms and conditions of sale, he must apply to the Office of Price Administration, under the Fourth Pricing Method, § 1499.158 of Maximum Price Regulation No. 188, for the establishment of maximum prices for those sales, and no sales or deliveries may be made until maximum prices have been authorized by the Office of Price Administration.

(b) The manufacturer shall attach a tag or label to every article for which a maximum price for sales to consumers is established by this order. That tag or label shall contain the following statement:

OPA Retail Ceiling Price—$4.50
Do Not Detach

(c) At the time of, or prior to, the first invoice to each purchaser for resale, the seller shall notify the purchaser in writing of the maximum prices and conditions established by this order for sales by the purchaser. This notice may be given in any convenient form.

(d) This order may be revoked or amended by the Price Administrator at any time.

(e) This order shall become effective on the 14th day of August 1945.

Issued this 13th day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-14958; Filed, Aug. 13, 1945; 11:45 a. m.]

[MPR 188, Order 4255]

ATLAS CONSOLIDATED CORP.

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.158 of Maximum Price Regulation No. 188; *It is ordered:*

(a) This order establishes maximum prices for sales and deliveries of certain articles manufactured by Atlas Consolidated Corp., 298 Junius Street, Brooklyn 12, N. Y.

(1) For all sales and deliveries to the following classes of purchasers by the sellers indicated below, the maximum prices are those set forth below:

Article	Model No.	For sales by the manufacturer—		For sales by any person to consumers
		To jobbers	To retailers	
Plastic bed lamp with adjustable head and hooks for pin-up...	1-A	*Each* $1.60	*Each* $1.20	*Each* $2.15

These maximum prices are for the articles described in the manufacturer's application dated April 16, 1945.

(2) For sales by the manufacturer, the maximum prices apply to all sales and deliveries since Maximum Price Regulation No. 188 became applicable to those sales and deliveries. For sales to persons other than consumers they are f. o. b. factory, 2% 10 days, net 30. The maximum price to consumers is net, delivered.

(3) For sales by persons other than the manufacturer, the maximum prices apply to all sales and deliveries after the effective date of this order. Those prices are subject to each seller's customary terms and conditions of sale on sales of similar articles.

(4) If the manufacturer wishes to make sales and deliveries to any other class of purchaser or on other terms and conditions of sale, he must apply to the Office of Price Administration, Washington, D. C., under the Fourth Pricing Method, § 1499.158 of Maximum Price Regulation No. 188, for the establishment of maximum prices for those sales, and no sales or deliveries may be made until maximum prices have been authorized by the Office of Price Administration.

(b) The manufacturer shall attach a tag or label to every article for which a maximum price for sales to consumers is established by this order. That tag or label shall contain the following statement, with the proper model number and the ceiling price inserted in the blank spaces:

Model No. ------
OPA Retail Ceiling Price—$------
Do Not Detach

(c) At the time of, or prior to, the first invoice to each purchaser for resale, the seller shall notify the purchaser in writing of the maximum prices and conditions established by this order for sales by the purchaser. This notice may be given in any convenient form.

(d) Jobber's maximum prices for sales of the articles covered by this order shall be established under the provisions of section 4.5 of SR 14J.

(e) This order may be revoked or amended by the Price Administrator at any time.

(f) This order shall become effective on the 14th day of August 1945.

Issued this 13th day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-14959; Filed, Aug. 13, 1945; 11:45 a. m.]

[MPR 188, Order 4256]

HOUSE OF SOBEL

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.158 of Maximum Price Regulation No. 188; *It is ordered:*

(a) This order establishes maximum prices for sales and deliveries of certain articles manufactured by House of Sobel, 799 Broadway, New York, N. Y.

(1) For all sales and deliveries to the following classes of purchasers by the sellers indicated below, the maximum prices are those set forth below:

Article	Model No.	For sales by the manufacturer—		For sales by any person to consumers
		To jobbers	To retailers	
26" Foam white glazed china table lamp with marble base (no shade).....	1	*Each* $6.37	*Each* $5...	*Each* $...

These maximum prices are for the articles described in the manufacturer's application dated July 2, 1945.

(2) For sales by the manufacturer, the maximum prices apply to all sales and deliveries since Maximum Price Regulation No. 188 became applicable to those sales and deliveries. For sales to persons other than consumers they are f. o. b. factory, 2% 10 days, net 30. The maximum price to consumers is net, delivered.

(3) For sales by persons other than the manufacturer, the maximum prices apply to all sales and deliveries after the effective date of this order. Those prices are subject to each seller's customary terms and conditions of sale on sales of similar articles.

(4) If the manufacturer wishes to make sales and deliveries to any other class of purchaser or on other terms and conditions of sale, he must apply to the Office of Price Administration, under the Fourth Pricing Method, § 1499.158 of Maximum Price Regulation No. 188, for the establishment of maximum prices for those sales, and no sales or deliveries may be made until maximum prices have been authorized by the Office of Price Administration.

(b) The manufacturer shall attach a tag or label to every article for which a maximum price for sales to consumers is established by this order. That tag or label shall contain the following statement, with the proper model number and the ceiling price inserted in the blank spaces:

Model No. ------
OPA Retail Ceiling Price—$------
Do Not Detach

(c) At the time of, or prior to, the first invoice to each purchaser for resale, the seller shall notify the purchaser in writing of the maximum prices and conditions established by this order for sales by the purchaser. This notice may be given in any convenient form.

(d) Jobber's maximum prices for sales of the articles covered by this order shall be established under the provisions of section 4.5 of SR 14J.

(e) This order may be revoked or amended by the Price Administrator at any time.

(f) This order shall become effective on the 14th day of August 1945.

Issued this 13th day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-14960; Filed, Aug. 13, 1945; 11:45 a. m.]

[MPR 260, Amdt. 1 to Order 181]

V. C. KELLER

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion accompanying this amendment and pursuant to § 1358.102 (b) of Maximum Price Regulaiton 260; *It is ordered*, That:

The maximum prices for the "Lee Edward-Perfecto" cigar set forth in paragraph (a) of Order No. 181 under Maximum Price Regulation No. 260, are amended to read as follows:

Brand	Size or frontmark	Packing	Maximum list price	Maximum retail price
Le Edward ...	Perfecto	50	*Per M* $64	*Cents* 8

This amendment shall become effective August 14, 1945.

Issued this 13th day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-14962; Filed, Aug. 13, 1945; 11:46 a. m.]

[MPR 260, Amdt. 1 to Order 855]

JOSE D. ALVAREZ CIGAR FACTORY

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion accompanying this amendment and pursuant to § 1358.102 (b) of Maximum Price Regulation No. 260; *It is ordered*, That:

The maximum prices for the "Adelfas-Corona Chica" and "Adelfas-Coronas" cigars set forth in paragraph (a) of Order No. 855 under Maximum Price Regulation No. 260, are amended to read as follows:

Brand	Size or frontmark	Packing	Maximum list price	Maximum retail price
Adelfas	Corona Chica	50	*Per M* $72.00	*Cents* 9
	Coronas	50	97.50	13

This amendment shall become effective August 14, 1945.

Issued this 13th day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-14963; Filed, Aug. 13, 1945; 11:46 a. m.]

[MPR 260, Amdt. 1 to Order 1239]

GREENPOINT SMOKE SHOP

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion accompanying this amendment and pursuant to § 1358.102 (b) of Maximum Price Regulation No. 260, *It is ordered*, That:

The maximum prices for the "George Read-Longfellow, Jr." and "George Read-Palmas, Jr." cigars set forth in paragraph (a) of Order No. 1239 under Maximum Price Regulation No. 260, are amended to read as follows:

Brand	Size or frontmark	Packing	Maximum list price	Maximum retail price
George Read ...	Longfellow, Jr	50	*Per M* $115	*Cents* 15
	Palmas, Jr....	50	115	15

This amendment shall become effective August 14, 1945.

Issued this 13th day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-14964; Filed, Aug. 13, 1945; 11:46 a. m.]

[MPR 260, Amdt. 1 to Order 1310]

SHERMAN L. BULL

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion accompanying this amendment and pursuant to § 1358.102 (b) of Maximum Price Regulation No. 260, *It is ordered*, That:

The maximum prices for the "Ramona De Luxe-De Luxe" cigar set forth in paragraph (a) of Order No. 1310 under Maximum Price Regulation No. 260, are amended to read as follows:

Brand	Size or frontmark	Packing	Maximum list price	Maximum retail price
Ramona De Luxe.....	De Luxe.....	50	*Per M* $64	*Cents* 8

This amendment shall become effective August 14, 1945.

Issued this 13th day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-14965; Filed, Aug. 13, 1945; 11:47 a. m.]

[MPR 260, Amdt. 1 to Order 1324]

LESTER H. MOORE

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion accompanying this amendment and pursuant to § 1358.102 (b) of Maximum Price Regulation No. 260, *It is ordered*, That:

The maximum prices for the "Lord Jerome-Perfecto" cigar set forth in paragraph (a) of Order No. 1324 under Maximum Price Regulation No. 250, are amended to read as follows:

Brand	Size or frontmark	Packing	Maximum list price	Maximum retail price
Lord Jerome ...	Perfecto ...	50	*Per M* $72	*Cents* 9

This amendment shall become effective August 14, 1945.

Issued this 13th day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-14966; Filed, Aug. 13, 1945; 11:46 a. m.]

[MPR 260, Amdt. 1 to Order 1448]

ALBERT H. KLOTZ

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion accompanying this amendment and pursuant to § 1358.102 (b) of Maximum Price Regulation No. 260, *It is ordered*, That:

The maximum prices for the "La Lunda-5 inch Straight" cigar set forth in paragraph (a) of Order No. 1448 under Maximum Price Regulation No. 260, are amended to read as follows:

Brand	Size or frontmark	Packing	Maximum list price	Maximum retail price
La Lunda.....	5-inch-Straight	50	*Per M* $115	*Cents* 15

This amendment shall become effective August 14, 1945.

Issued this 13th day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-14967; Filed, Aug. 13, 1945; 11:46 a. m.]

[MPR 389, Order 11]

THE RATH PACKING CO.

ESTABLISHMENT OF MAXIMUM PRICES

On June 7, 1945, the Rath Packing Company of Waterloo, Iowa, filed an application for the establishment of maximum prices on sales of the sausage product known as "Rath's Scrapple" and made in accordance with the individual secret formula submitted by the applicant. That application was assigned Docket No. 6036.3-389-2(a)-21.

Due consideration has been given to the application and an opinion in support of this order has been issued simultaneously herewith and filed with the Division of the Federal Register.

For the reasons set forth in that opinion, and under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Orders Nos. 9250 and 9328, and pursuant to the provisions of section 2 (a) (6) of Maximum Price Regulation No. 389, *It is ordered:*

(a) That the maximum prices other than at retail for the sausage product known as "Rath's Scrapple" and made by the Rath Packing Company of Waterloo, Iowa, in accordance with the individual formula submitted to the Office of Price Administration with the application for this order, using pork snouts with the lean meat left in wherever the said formula requires the use of pork snouts, shall be determined by the seller as follows:

(1) The base price for this product is established at $11.00 per hundredweight.

(2) To the base price should be added the proper zone differential provided in section 12 (b) of Maximum Price Regulation No. 389 for sausage containing meat and meat by-products from swine only. In determining the proper zone differential to be added, the zone descriptions provided in section 14 of Maximum Price Regulation No. 389 shall be used.

(3) That to the sum of the base price plus the applicable zone differential the "Permitted additions to base prices" provided in section 12 (c) of Maximum Price Regulation No. 389 may be added when applicable.

(b) That with the first delivery of "Rath's Scrapple" to a wholesaler, peddler truck seller, or intermediate distributor The Rath Packing Company shall supply each such seller with a written notice in the following form:

(Insert date)

Our OPA ceiling prices for "Rath's Scrapple" have been established by the Office of Price Administration at the base price of $11.00 per hundredweight, to which may be added the zone differentials provided in section 12 (b) of MPR 389 (See section 14 for zone boundaries) plus the permitted additions of section 12 (c). We are required to inform you that if you are a wholesaler, a peddler truck seller, or an intermediate distributor you must figure your ceiling prices for this product pursuant to the same sections of Maximum Price Regulation No. 389.

(c) That with the first delivery of "Rath's Scrapple" to a retailer the seller shall supply such retailer with a written notice in the following form:

(Insert date)

Our OPA ceiling prices for "Rath's Scrapple" have been established by the Office of Price Administration. We are required to inform you that if you are a retailer, you must figure your ceiling price for this item in accordance with the provisions of the General Maximum Price Regulation.

(d) That all pertinent provisions of Maximum Price Regulation No. 389, including the descriptive labelling and invoicing provisions of section 4, the recording and reporting provisions of section 6, and the definitions of section 13, in addition to the pricing provisions of paragraph (b) and (c) of section 12 shall be applicable to all sales made under this order.

(e) All prayers of the application not herein granted are denied.

(f) This Order No. 11 may be revoked or amended by the Price Administrator at any time.

This action has the prior written approval of the Secretary of Agriculture (10 F.R. 8419).

This Order No. 11 shall become effective August 13, 1945.

Issued this 11th day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-14863; Filed, Aug. 11, 1945; 11:24 a. m.]

[MPR 580, Order 102]

KLEARFLAX LINEN LOOMS, INC.

ESTABLISHMENT OF MAXIMUM PRICES

Maximum Price Regulation No. 580, Order 102 establishing ceiling prices at retail for branded articles; Docket No. 6063-580-13-197.

For the reasons set forth in an opinion issued simultaneously herewith, and pursuant to section 13 of Maximum Price Regulation No. 580; *It is ordered:*

(a) The price for sales at retail submitted in the application filed by The Klearflax Linen Looms, Inc., Duluth, Minnesota, dated May 15, 1945 and in its printed price list dated January 5, 1942 (reprinted January 4, 1943) for each article described in the application, and covered by Maximum Price Regulation No. 580, is hereby established as the ceiling price of the article for sales at retail.

(b) The retail ceiling prices as established by paragraph (a) shall apply in place of the ceiling prices which would otherwise be established under the pricing rules of Maximum Price Regulation No. 580.

(c) On and after September 1, 1945, The Klearflax Linen Looms, Inc., must mark each article for which a price is established by paragraph (a) with the retail ceiling price under this order, or attach to the article a label, tag or ticket stating the retail ceiling price. This mark or statement must be in the following form:

(Section 13, MPR 580)
OPA Retail Ceiling Price $------

On and after October 1, 1945, no retailer may offer or sell the article unless it is marked or tagged in the form stated above. Prior to October 1, 1945, unless the article is marked or tagged in this form, the retailer shall comply with the marking, tagging and posting provisions of Maximum Price Regulation No. 580.

(d) On or before the first delivery to any purchaser for resale of each article for which a price is established by paragraph (a), the seller shall send the purchaser a copy of this order and a statement showing the articles covered by this order and their retail ceiling prices as established by paragraph (a).

(e) Unless the context otherwise requires, the provisions of Maximum Price Regulation No. 580 shall apply to sales for which retail ceiling prices are established by this order.

(f) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective August 14, 1945.

Issued this 13th day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-14970; Filed, Aug. 13, 1945; 11:47 a. m.]

[MPR 580, Order 103]

THE PARAFFINE COMPANIES, INC.

ESTABLISHMENT OF MAXIMUM PRICES

Maximum Price Regulation No. 580, Order 103, establishing ceiling prices at retail for branded articles; Docket No. 6063-580-13-217.

For the reasons set forth in an opinion issued simultaneously herewith and pursuant to section 13 of Maximum Price Regulation No. 580; *It is ordered:*

(a) The following ceiling prices are established for sales by any seller at retail of the following branded articles manufactured by The Paraffine Companies, Inc., 475 Brannan Street, San Francisco, Calif., and described in the manufacturer's application dated May 10, 1945.

Article	Brand name	Size	Ceiling price per yard, retail
Hard Surfaced Floor Covering.	Pabco stainless sheen guaranty rugs.	9 x 15	$9.95
		9 x 12	7.95
		9 x 10½	6.95
		9 x 9	5.95
		7½ x 9	4.95
		6 x 9	3.95
	Pabco stainless sheen yard goods.		1.59

[1] Per square yard net laid.

Pattern numbers of Pabco stainless sheen guaranty rugs: 9120 9122, 9200, 9201, 9202, 9230, 9231, 9232, 9300, 9301, 9410, 9411, 9420, 9421, 9920, 9500, and 9510.

Pattern numbers of sheen yard goods: 3180, 3200, 3201, 3202, 3240, 3241, 3242, 3400, 3401, 3410, 3414, 3430, 3431, 3460, 3880, 4180, 4200, 4202, 4240, 4241 4242, 4250, 4251, 4252, 4400, 4401, 4410, 4414, 4430, 4431, 4460, and 4880.

(b) The retail ceiling prices contained in paragraph (a) shall apply in place of the ceiling prices which would otherwise be established under the pricing rules of Maximum Price Regulation No. 580.

(c) On and after September 1, 1945, The Paraffine Companies, Inc., must mark each article listed in paragraph (a) with the retail ceiling price under this order, or attach to the article a label, tag or ticket stating the retail ceiling price. This mark or statement must be in the following form:

(Section 13, MPR 580)
OPA Retail Ceiling Price—$------

On and after October 1, 1945, no retailer may offer or sell the article unless it is marked or tagged in the form stated above. Prior to October 1, 1945, unless the article is marked or tagged in this form, the retailer shall comply with the marking, tagging and posting provisions of Maximum Price Regulation No. 580.

(d) On or before the first delivery to any purchaser for resale of each article listed in paragraph (a), the seller shall send the purchaser a copy of this order.

(e) Unless the context otherwise requires, the provisions of Maximum Price Regulation No. 580 shall apply to sales for which retail ceiling prices are established by this order.

(f) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective August 14, 1945.

Issued this 13th day of August 1945.

CHESTER BOWLES,
Administrator.

[F R Doc 45-14971; Filed, Aug. 13, 1945; 11:47 a. m.]

[MPR 580, Order 104]

MARTIN BROS. CO.

ESTABLISHMENT OF MAXIMUM PRICES

Maximum Price Regulation No. 580, Order 104. Establishing ceiling prices at retail for branded articles; docket No. 6063-580-13-59.

For the reasons set forth in an opinion issued simultaneously herewith and pursuant to section 13 of Maximum Price Regulation No. 580; *It is ordered:*

(a) The following ceiling prices are established for sales by any seller at retail of the following branded articles manufactured by Martin Brothers Company, 243 First Avenue North, Minneapolis, Minnesota, having the brand name "Klad-ezee", and described in the manufacturer's application dated April 12, 1945:

BOYS' COATS AND TOP COATS

Style No.	Size range	Ceiling price at retail
[illegible]	3-8	$11.00
[illegible]	3-8	12.00

BOYS' SUITS AND JACKETS

[illegible]	3-8	$12.25
[illegible]	3-8	9.50
[illegible]L	6-10	15.25
[illegible]	12-14	17.25
[illegible]K	6-10	14.75
[illegible]K	12-14	16.50
[illegible]	3-10	4.95
[illegible]	12	5.95
[illegible]	3-10	4.95
[illegible]	12	5.95
[illegible]	8-16	8.50

BOYS' LONG TROUSERS, KNICKERS, SHORTS

L[illegible]	3-6	$1.25
L[illegible]	7-8	1.75
L[illegible]	3-6	3.35
L[illegible]	7-8	3.95
L[illegible]	6-10	6.50
L[illegible]	12-16	7.50
L[illegible]	4-10	4.50
L[illegible]	5-10	3.25
L[illegible]	12-16	3.75
K[illegible]	6-10	6.50
P[illegible]	5-10	4.25
P[illegible]	3-10	2.25
P[illegible]	12-16	2.65

BOYS' LONG TROUSERS, KNICKERS, SHORTS—Con.

Style No.	Size range	Ceiling price at retail
P350	3-10	$2.85
P350	12	3.25
P351	5-10	2.65
P351	12-14	3.15
P352	3-10	2.25
P352	12-14	2.50
P392	4-10	4.50

BOY'S PLAY AND WORK CLOTHES

B1064	1-3	$2.50
B1066	1-3	1.75
B1075	1-3	2.25
B1072	1-3	2.00
B1070	1-3	1.85
B1150	3-8	2.00
B1154	3-10	2.25
B1150	3-10	2.25
B1155	3-10	2.25
B1159	2-6	2.50
B1159	7-8	2.75
B1065	2-10	2.75
B1172	2-10	2.65
B1173	2-8	2.75
B1176	3-8	2.95
B1178	3-8	2.50
B1179	2-10	2.95
B1186X	2-8	2.25
B1187	2-10	2.50
B1188	2-10	2.95
B1060.2	3-8	2.95
L&S278	5-10	4.50
L&S278	12-14	5.00
L&S283	4-10	4.50
L&S283	12-14	5.00

BOYS' SHIRTS AND BLOUSES

B1406	2-10	$1.35
B1414	2-10	1.50
B1400	2-10	1.65

CHILDREN'S SPORTSWEAR AND BEACHWEAR

G520	3-6	$2.75
G520	7-12	3.25
G579	3-6	2.75
G579	7-12	3.25
G500.2	6-12	4.95
M500.2	12-18	5.95
G570	6-10	4.25
G570	12-18	5.50
H618	2-8	1.75
G650	1-2-3	1.75

WOMEN'S AND CHILDREN'S RIDING WEAR AND JACKETS

R6501	6-10	$3.50
R6601	12-18	4.00

WOMEN'S AND CHILDREN'S UNDERWEAR AND NIGHTWEAR

N700	2-6	$2.00
N705.3	1-4	2.75
N735	2-10	2.15
N730	12-16	2.55
N726	2-10	2.25
N736	12-16	2.95

(b) The retail ceiling prices contained in paragraph (a) shall apply in place of the ceiling prices which would otherwise be established under the pricing rules of Maximum Price Regulation No. 580.

(c) On and after September 1, 1945, Martin Brothers Company must mark each article listed in paragraph (a) with the retail ceiling price under this order, or attach to the article a label, tag or ticket stating the retail ceiling price. This mark or statement must be in the following form:

(Section 13, MPR 580)
OPA Retail Ceiling Price—$------

On and after October 1, 1945, no retailer may offer or sell the article unless it is marked or tagged in the form stated above. Prior to October 1, 1945, unless the article is marked or tagged in this form, the retailer shall comply with the marking, tagging and posting provisions of Maximum Price Regulation No. 580.

(d) On or before the first delivery to any purchaser for resale of each article listed in paragraph (a), the seller shall send the purchaser a copy of this order.

(e) Unless the context otherwise requires, the provisions of Maximum Price Regulation No. 580 shall apply to sales for which retail ceiling prices are established by this order.

(f) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective August 14, 1945.

Issued this 13th day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-14972; Filed, Aug. 13, 1945; 11:47 a. m.]

[MPR 591, Order 2]

BEALL PIPE AND TANK CORP.

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register and pursuant to section 9 of Maximum Price Regulation No. 591, *It is ordered:*

(a) The maximum net prices, f. o. b. point of shipment for sales by any person of the following farm and home freezer manufactured by the Beall Pipe and Tank Corporation and as described in its application received May 23, 1945, and which is on file with the Building Materials Price Branch, Office of Price Administration, Washington 25, D. C., shall be:

Model No.	Size	On sales to—		
		Distributors	Dealers	Consumers
160W	160 cu. ft. with ½ HP condensing unit.	$840	$980	$1,400

(b) On sales by the Beall Pipe and Tank Corporation the maximum net prices established in (a) above may be increased by the following amount to each class of purchaser as a charge to cover the cost of crating, when crating is actually supplied: $6.00

(c) The maximum net prices established by this order shall be subject to discounts and allowances and the rendition of services which are at least as favorable as those which each seller extended or rendered to purchasers of the same class on comparable sales of similar commodities during March 1942.

(d) On sales by a distributor or dealer the following charges may be added to the maximum price established in (a) above:

(1) The actual amount of freight paid to obtain delivery to his place of business.

Such charges shall not exceed the lowest common carrier rates.

(2) Crating charges actually paid to his supplier but in no instance exceeding the following: $6.00

(e) Each seller of the commodity covered by this order, except a dealer, shall notify each of his purchasers, in writing, at or before the issuance of the first invoice after the effective date of this order, of the maximum price established by this order for each such seller as well as the maximum price established for purchasers upon resale, including allowable transportation and crating charges.

(f) The Beall Pipe and Tank Corporation shall stencil on the inside of the lid or cover of the farm and home freezer covered by this order, the maximum net price to consumers established by this order. The stencil shall contain substantially the following:

OPA Maximum Retail Price, $1,400

Plus freight and crating as provided in Order No. 2 under Maximum Price Regulation No. 591.

(g) This order may be revoked, or amended by the Price Administrator at any time.

This order shall become effective August 11, 1945.

Issued this 10th day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-14973; Filed, Aug. 13, 1945; 11:40 a. m.]

[MPR 591, Order 3]

ALCO REFRIGERATION MFG. CO.

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register and pursuant to section 9 of Maximum Price Regulation No. 591; *It is ordered:*

(a) The maximum net prices, f. o. b. point of shipment for sales by any person of the following deep freeze units manufactured by the Alco Refrigeration Manufacturing Company and as described in its application dated May 4, 1945, which is on file with the Building Materials Price Branch, Office of Price Administration, Washington 25, D. C., shall be:

Size	On sales to distributors	On sales to dealers	On sales to consumers
8 cu. ft. with ¼ hp cond. unit	$180	$216	$360
12 cu. ft. with ¼ hp cond. unit	234	280	468
15 cu. ft. with ½ hp cond. unit	315	378	630
18 cu. ft. with ½ hp cond. unit	325	390	650
21 cu. ft. with ½ hp cond. unit	380	456	760

(b) On sales by the Alco Refrigeration Manufacturing Company the maximum net prices established in (a) above may be increased by the following amount to each class of purchaser as a charge to cover the cost of crating, when crating is actually supplied:

8 cu. ft.	$4.00
12 cu. ft.	6.00
15 cu. ft.	6.00
18 cu. ft.	6.00
21 cu. ft.	6.00

(c) The maximum net prices established by this Order shall be subject to discounts and allowances and the rendition of services which are at least as favorable as those which each seller extended or rendered to purchasers of the same class on comparable sales of similar commodities during March 1942.

(d) On sales by a distributor or dealer the following charges may be added to the maximum prices established in (a) above:

(1) The actual amount of freight paid to obtain delivery to his place of business. Such charges shall not exceed the lowest common carrier rates.

(2) Crating charges actually paid to his supplier but in no instance exceeding the following:

8 cu. ft.	$4.00
12 cu. ft.	6.00
15 cu. ft.	6.00
18 cu. ft.	6.00
21 cu. ft.	6.00

(e) Each seller of the commodity covered by this order, except a dealer, shall notify each of his purchasers, in writing, at or before the issuance of the first invoice after the effective date of this order, of the maximum prices established by this order for each such seller as well as the maximum price established for purchasers upon resale, including allowable transportation and crating charges.

(f) The Alco Refrigeration Manufacturing Company shall stencil on the inside of the lid or cover of the deep freeze units covered by this order, the maximum net prices to consumers established by this order. The stencil shall contain substantially the following:

OPA Maximum Retail Price $_____

Plus freight and crating as provided in Order No. 3 under Maximum Price Regulation No. 591

(g) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective August 14, 1945.

Issued this 13th day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-14974; Filed, Aug. 13, 1945; 11:48 a. m.]

[MPR 188, Order A-2, Corr. to Amdt. 30]

PIANO PARTS

ADJUSTMENT OF MAXIMUM PRICES

Correction

In Federal Register Document 45-14717, appearing on page 9939 of the issue for Friday, August 10, 1945, the second headnote should read as set forth above.

[RMPR 136, Order 484]

CAMERON MACHINE CO.

ESTABLISHMENT OF MAXIMUM PRICES

Order No. 484 Under Revised Maximum Price Regulation 136, machines, parts and industrial equipment. Cameron Machine Company; Docket No. 6083-136. 21-427.

For the reasons set forth in an opinion, issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to section 10 of Revised Maximum Price Regulation 136; *It is ordered:*

(a) The maximum prices for sales of slitting and roll winding machines and parts by the Cameron Machine Company, 61 Poplar Street, Brooklyn, New York, shall be determined as follows: The manufacturer shall multiply the list price he had in effect on October 1, 1941, by 105.6% and shall deduct from the resultant list price all discounts, allowances and other deductions that he had in effect to a purchaser of the same class on October 1, 1941.

(b) The maximum prices for sales of slitting and roll winding machines and parts by resellers shall be determined as follows: The reseller shall add to the maximum net price he had in effect to a purchaser of the same class, just prior to the issuance of this order, the amount, in dollars and cents, by which his net invoiced cost has been increased due to the adjustment granted the manufacturer by this order.

(c) Cameron Machine Company shall notify each person who buys slitting and roll winding machines and parts for resale of the dollars and cents amounts by which this order permits the reseller to increase his maximum net prices. A copy of each such notice shall be filed with the Machinery Branch, Office of Price Administration, Washington 25, D. C.

(d) All requests not granted herein are denied.

(e) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective August 11, 1945.

Issued this 10th day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-14992; Filed, Aug. 13, 1945; 4:26 p. m.]

[MPR 188, Order 4242]

ADLER MFG. CO.

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.157 of Maximum Price Regulation No. 188 and Section 6.4 of Second Revised Supplementary Regulation No. 14; *It is ordered:*

(a) This order establishes maximum prices for sales and deliveries of Aluminum Utensils manufactured by the Adler Manufacturing Company of 2909 Indiana Avenue, Chicago 16, Illinois.

(1) For all sales and deliveries to the following classes of purchasers by the sellers indicated below, the maximum prices are those set forth below:

Article (cast aluminum)	Model	Maximum prices for sales by any seller to—							
		Wholesalers (jobbers)		Department and chain stores		Other retailers		Consumers	
		Pol.	Ham.	Pol.	Ham.	Pol.	Ham.	Pol.	Ham.
[illegible] fryer	CF	$1.98	$1.95	$2.37	$2.34	$2.63	$2.60	$3.95	$3.90
[illegible] chafing cover	CFC	1.38	1.35	1.65	1.62	1.83	1.80	2.75	2.70
[illegible] oven	DO	3.08	3.05	3.69	3.66	4.10	4.07	6.15	6.10
[illegible] griddle	GR	1.85	1.82	2.22	2.19	2.47	2.44	3.70	3.65
[illegible] and cover	SP	2.23	2.20	2.67	2.64	2.97	2.94	4.45	4.40
[illegible] fryer	SF	1.60	1.57	1.92	1.89	2.13	2.10	3.20	3.15
[illegible] cover	SFC	2.08	2.05	1.29	1.26	1.43	1.40	2.15	2.10
[illegible] and cover	SP	2.48	2.45	2.97	2.94	3.30	3.27	4.95	4.90

These maximum prices are for the articles described in the manufacturer's application dated July 18, 1945.

(2) For sales by the manufacturer, these maximum prices apply to all sales and deliveries after the effective date of this order. The manufacturer's prices are f. o. b. factory and subject to a cash discount of 2% for payment within 10 days, net 30 days. The prices for sales by persons other than the manufacturer are subject to each seller's customary terms and conditions of sale of similar articles.

(b) The manufacturer shall attach a tag or label to every article for which a maximum price for sales to consumers is established by this order. That tag or label shall contain the following statement with the model number and retail prices properly filled in:

Model No. _____
OPA Retail Ceiling Price $_____
Do Not Detach or Obliterate

(c) At the time of, or prior to, the first invoice to each purchaser for resale, the seller shall notify the purchaser in writing of the maximum prices and conditions established by this order for sales by the purchaser. This notice may be given in any convenient form.

(d) This order may be revoked or amended by the Price Administrator at any time.

(e) This order shall become effective on the 11th day of August 1945.

Issued this 10th day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-14990; Filed, Aug. 13, 1945; 4:25 p. m.]

[MPR 188, Order 4244]

COMMUNITY ALUMINUM WARE CO.

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.158 of Maximum Price Regulation No. 188; *It is ordered:*

(a) This order establishes maximum prices for sales and deliveries of certain articles manufactured by Community Aluminum Ware Company, 1962 East 71st Place, Chicago 49, Illinois.

(1) For all sales and deliveries to the following classes of purchasers by the sellers indicated below, the maximum prices are those set forth below:

Article	Model No.	Maximum prices for sales by any seller to—			
		Wholesalers (jobbers)	Department and chain stores	Other retailers	Consumers
Dutchoven, aluminum, 6 qts.	D-6	*Each* $3.58	*Each* $4.29	*Each* $4.77	*Each* $7.15

These maximum prices are for the articles described in the manufacturer's application dated June 22, 1945.

(2) For sales by the manufacturer, the maximum prices apply to all sales and deliveries since Maximum Price Regulation No. 188 became applicable to those sales and deliveries. They are f. o. b. factory and subject to a cash discount of 2% for payment within 10 days, net 30 days.

(3) For sales by persons other than the manufacturer, the maximum prices apply to all sales and deliveries after the effective date of this order. Those prices are subject to each seller's customary terms and conditions of sale on sales of similar articles.

(4) If the manufacturer wishes to make sales and deliveries to any other class of purchaser or on other terms and conditions of sale, he must apply to the Office of Price Administration, Washington, D. C., under the Fourth Pricing Method § 1499.158 of Maximum Price Regulation No. 188, for the establishment of maximum prices for those sales, and no sales or deliveries may be made until maximum prices have been authorized by the Office of Price Administration.

(b) The manufacturer shall attach a tag or label to every article for which a maximum price for sales to consumers is established by this order. That tag or label shall contain the following statement

OPA Retail Ceiling Price—$7.15 each
Do Not Detach

(c) At the time of, or prior to, the first invoice to each purchaser for resale, the seller shall notify the purchaser in writing of the maximum prices and conditions established by this order for sales by the purchaser. This notice may be given in any convenient form.

(d) This order may be revoked or amended by the Price Administrator at any time.

(e) This order shall become effective on the 11th day of August 1945.

Issued this 10th day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-14991; Filed, Aug. 13, 1945; 4:26 p. m.]

[MPR 260, Amdt. 1 to Order 797]

JAMES BROWN

MAXIMUM PRICES FOR NEW DOMESTIC CIGARS

For the reasons set forth in an opinion accompanying this amendment and pursuant to § 1358.102 (b) of Maximum Price Regulation 260; *It is ordered*, That:

The maximum prices for the "Tampa Rose-Perfecto" and "El Plato-Corona" cigars set forth in paragraph (a) of Order No. 797 under Maximum Price Regulation No. 260, are amended to read as follows:

Brand	Size or frontmark	Packing	Maximum list price	Maximum retail price
			Per M	*Cents*
Tampa Rose	Perfecto	50	$48	6
El Plato	Corona	50	48	6

This amendment shall become effective August 14, 1945.

Issued this 13th day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-14993; Filed, Aug. 13, 1945; 4:29 p. m.]

Regional and District Office Orders.

Region IV Order G-3 Under Rev. Supp. SR 43 to RMPR 165]

CITRUS FRUIT PACKING SERVICES IN FLORIDA

For the reasons set forth in an opinion issued simultaneously herewith, and under the authority vested in the Regional Administrator, Region IV, Office of Price Administration, by § 1499.676 (b) (1) of Revised Supplementary Service Regulation No. 43 to Revised Maximum Price Regulation No. 165, *It is hereby ordered:*

(a) The maximum prices established by Revised Maximum Price Regulation No. 165—Services, as adjusted by Order No. G-1 under Maximum Price Regulation No. 165 issued by the Atlanta Regional Office of the Office of Price Administration, and all amendments thereto, are modified as hereinafter provided.

(b) *Applicability.* This order covers all sales of citrus fruit packing services by sellers located in the State of Florida.

(c) *Packing house furnishes containers.* On and after the effective date of this order no seller may sell, or offer to sell, the named citrus fruit packing services with containers furnished by the seller, at prices higher than his maximum prices for such services under Revised Maximum Price Regulation No. 165 before addition of any increase thereto permitted by any order or supplementary service regulation issued by the Office of Price Administration, plus his actual increase in direct labor and direct material

costs incurred on and after April 1, 1942; *Provided, however*, that no increase in excess of the following shall be added:

(1) ORANGES

Container type:	Maximum Increase Per Container
Standard box (1⅗ bu.)	$0.30
Bruce box (1⅗ bu.)	.29
½ box bag	.042
20 lb. bag	.021
10 lb. bag	.012
8 lb. bag	.01
5 lb. bag	.006

(2) GRAPEFRUIT

Standard box (1⅗ bu.)	.285
Bruce box (1⅗ bu.)	.272
½ box bag	.04

(3) TANGERINES

⅘ bushel nailed box or ⅘ bushel wire bound box	.141

(d) *Packing house does not furnish containers.* On and after the effective date of this order no seller may sell, or offer to sell, the named citrus fruit packing services with no containers furnished by the seller, at prices higher than his maximum prices for such services under Revised Maximum Price Regulation No. 165 before addition of any increase thereto permitted by any order or supplementary service regulation issued by the Office of Price Administration, plus his actual increase in direct labor and direct material costs incurred on and after April 1, 1942; *Provided, however*, That no increase in excess of the following shall be added:

(1) ORANGES

Container type	Maximum increase per container
Standard box (1⅗ bu.)	$0.105
Bruce box (1⅗ bu.)	.09
½ box bag	.042
20 lb. bag	.021
10 lb. bag	.012
8 lb. bag	.01
5 lb. bag	.006

(2) GRAPEFRUIT

Standard box (1⅗ bu.)	.09
Bruce box (1⅗ bu.)	.075
½ box bag	.04

(3) TANGERINES

⅘ bushel nailed box or ⅘ bushel wire bound box	.0625

(e) *Packing house beginning to pack in and furnish bushel baskets or bags after March, 1942.* On and after the effective date of this order any seller who can establish maximum prices under paragraph (c) of this order for packing in standard or Bruce boxes, but who did not pack in bushel baskets or ½ box, 20 lb., 10 lb., 8 lb., or 5 lb. bags during March, 1942, and who now desires to pack in and furnish any one or more of such containers may sell, or offer to sell, such services at prices no higher than the following:

(1) *Bushel baskets.* The maximum price shall be ⅝ of the price computed under paragraph (c) on the standard box containing 1⅗ bushels. If the packer did not pack in standard boxes during March, 1942, but packed in Bruce boxes during that month, his maximum price shall be ⅝ of the price computed under paragraph (c) on the Bruce box containing 1⅗ bushels.

(2) *Bags.* The maximum price per bag shall be computed by dividing the price established in paragraph (c) on the standard box containing 1⅗ bushels by 2 for ½ box bags, by 4 for 20 lb. bags, by 8 for 10 lb. bags, by 10 for 8 lb. bags, and by 16 for 5 lb. bags. If the packer did not pack in standard boxes during March, 1942, his maximum price shall be computed by dividing the price established in paragraph (c) on the Bruce box containing 1⅗ bushels, in the same manner provided in the preceding sentence.

(f) *Packing house beginning to pack in, but not furnish, bushel baskets or bags after March, 1942.* On and after the effective date of this order any seller who can establish maximum prices under paragraph (d) of this order for packing in standard or Bruce boxes, but who did not pack in bushel baskets or ½ box, 20 lb., 10 lb., 8 lb., or 5 lb. bags during March 1942, and who now desires to pack in, but not furnish, any one or more of such containers may sell, or offer to sell, such services at prices no higher than the following:

(1) *Bushel baskets.* The maximum price shall be ⅝ of the price computed under paragraph (d) on the standard box containing 1⅗ bushels. If the packer did not pack in standard boxes during March 1942, but packed in Bruce boxes during that month, his maximum prices shall be ⅝ of the price computed under paragraph (d) on the Bruce box containing 1⅗ bushels.

(2) *Bags.* The maximum price per bag shall be computed by dividing the price established in paragraph (d) on the standard box containing 1⅗ bushels by 2 for ½ box bags, by 4 for 20 lb. bags, by 8 for 10 lb. bags, by 10 for 8 lb. bags, and by 16 for 5 lb. bags. If the packer did not pack in standard boxes during March 1942, his maximum price shall be computed by dividing the price established in paragraph (d) on the Bruce box containing 1⅗ bushels, in the same manner provided in the preceding sentence.

(g) *Packing house first supplied service after March 1942 and before September 1944.* On and after the effective date of this order, notwithstanding any other provision of this order, any seller, who did not sell, or offer to sell such services during March 1942, and who began to sell, or offer to sell, such services before September 1, 1944, shall take as his own maximum prices for such services the maximum prices established under this order for his "closest competitor" (as that term is defined in Revised Maximum Price Regulation No. 165).

(h) *Other pricing provisions.* Any seller who for any reason cannot determine a maximum price under the provisions of the preceding paragraphs (c), (d), (e), or (f), shall apply to the Atlanta Regional Office of the Office of Price Administration for the determination of such maximum price under the provisions of section 5 of Revised Maximum Price Regulation No. 165. (1) The following are some, but not all, of the reasons for inability of a seller to price under paragraphs (c), (d), (e), and (f).

(i) During March 1942 the seller furnished containers when rendering citrus fruit packing services, and he now desires to discontinue the furnishing of such containers.

(ii) During March 1942 the seller did not furnish containers when rendering citrus fruit packing services, and he now desires to furnish such containers.

(iii) The seller did not sell or offer to sell citrus fruit packing services during March 1942, and began to sell, or desire to begin to sell, such service on or after September 1, 1944.

(i) *Less than maximum prices.* Less than maximum prices may be charged or offered at any time.

(j) *Definitions*—(1) *Citrus fruit packing services.* Citrus fruit packing services include (but are not limited to) the receiving of citrus fruit at the platform of the packer, the processing of this fruit for packing, washing, crating and packing into separate containers, and the placing of the fruit on the shipping platform of the packing establishment. The term shall also include in addition to these services any other service customarily performed by the particular seller during March, 1942 as a part of, or in connection with, the services set forth above.

(2) *Direct labor costs.* Direct labor costs include all costs incurred for labor handling fruit and containers in a packing house, such as labor engaged in receiving, shipping, dumping, packing, making boxes, working on the floor, grading, stamping, checking, tallying, and loading. Direct labor costs do not include expenses incurred in administration, supervision, or general plant maintenance.

(3) *Direct material costs.* Direct material costs include the costs of items which form a part of the finished product, such as boxes, bags, baskets, nails, coloring, and labels including incoming freight or express on these items, but in no case shall such costs be included if the materials are not purchased from a customary source of supply or if they are purchased at prices in excess of the supplier's applicable maximum prices.

(4) Except as otherwise provided herein, and unless the context otherwise requires, the definitions set forth in Revised Maximum Price Regulation No. 165 shall be applicable to the terms used herein.

(k) *Discounts.* Each seller must continue all discounts, allowances, purchaser classifications, and other price differentials in accordance with the provisions of Revised Maximum Price Regulation No. 165.

(l) *Applicability of Revised Maximum Price Regulation No. 165.* Except as otherwise provided herein, all transactions subject to this order shall remain subject to all provisions of Revised Maximum Price Regulation No. 165, together with all amendments, orders, and supplementary service regulations which heretofore have been, or hereafter may be, issued.

(m) *Relationship between this order and other orders.* Since this Order No. G–3 under Revised Supplementary Service Regulation No. 43 to Revised Maximum Price Regulation No. 165 supersedes Order No. G–1 under Maximum Price Regulation No. 165 issued by the Atlanta Regional Office of the Office of Price Administration and all amendments thereto, said Order No. G–1, as amended, is hereby revoked, as of the effective date hereof.

(n) *Revocation and amendment.* This order may be revoked, amended, or corrected at any time.

(o) *Effective date.* This order shall become effective August 1, 1945, and shall expire 90 days after the date of issuance.

Issued: July 31, 1945.

ALEXANDER HARRIS,
Regional Administrator.

[F. R. Doc. 45–14976; Filed, Aug. 13, 1945; 11:48 a. m.]

LIST OF COMMUNITY CEILING PRICE ORDERS

The following orders under Rev. General Order 51 were filed with the Division of the Federal Register August 10, 1945.

REGION I

Boston Order 7–F, Amendment 13, covering fresh fruits and vegetables in certain areas in Massachusetts. Filed 2:17 p. m.

Rhode Island Order 3–F, Amendment 13A, covering fresh fruits and vegetables in the Providence, Rhode Island, Area. Filed 2:17 p. m.

REGION III

Charleston Order 1–O, Amendment 1 (Appendix A), covering eggs in certain counties in West Virginia. Filed 2:18 p. m.

Charleston Order 2–O, Amendment 1 (Appendix A), covering eggs in certain counties in West Virginia. Filed 2:18 p. m.

Charleston Order 3–O, Amendment 1 (Appendix A), covering eggs in certain counties in West Virginia. Filed 2:18 p. m.

REGION IV

Atlanta Order 8–F, Amendment 14, covering fresh fruits and vegetables in certain counties in Georgia. Filed 2:18 p. m.

Atlanta Order 9–F, Amendment 17, covering fresh fruits and vegetables in Bibb and Muscogee Counties, Georgia, and Phenix City, Alabama. Filed 2:19 p. m.

Atlanta Order 31–C, Amendment 1, covering poultry in certain counties in Georgia. Filed 2:19 p. m.

Atlanta Order 32–C, Amendment 1, covering poultry in certain counties in Alabama and Georgia. Filed 2:19 p. m.

Atlanta Order 33–C, Amendment 1, covering poultry in certain counties in Alabama and Georgia. Filed 2:19 p. m.

Atlanta Order 34–C, Amendment 1, covering poultry in certain counties in Georgia. Filed 2:20 p. m.

Atlanta Order 35–C, Amendment 1, covering poultry in certain counties in Georgia. Filed 2:20 p. m.

REGION V

Oklahoma City Order 4–F, covering fresh fruits and vegetables in certain areas in Oklahoma. Filed 2:20 p. m.

San Antonio Order 5–F, covering fresh fruits and vegetables in certain counties in Texas. Filed 2:20 p. m.

San Antonio Order 6–F, Amendment 1, covering fresh fruits and vegetables in Bexar County, Texas. Filed 2:20 p. m.

San Antonio Order 7–F, Amendment 1, covering fresh fruits and vegetables in Austin County, Texas. Filed 2:20 p. m.

San Antonio Order 8–F, Amendment 1, covering fresh fruits and vegetables in Corpus Christi, Texas. Filed 2:21 p. m.

REGION VI

Sioux City Order 2–F, Amendment 84, covering fresh fruits and vegetables in Sioux City, Iowa and South Sioux City, Nebraska. Filed 2:21 p. m.

REGION VIII

Portland Order 1–W, Amendment 8, covering dry groceries in certain areas in Oregon and Washington. Filed 2:16 p. m.

Portland Order 22–F, Amendment 20, covering fresh fruits and vegetables in certain areas in Oregon. Filed 2:15 p. m.

Portland Order 27–F, Amendment 18, covering fresh fruits and vegetables in La Grande and Baker, Oregon. Filed 2:15 p. m.

Portland Order 28–F, Amendment 18, covering fresh fruits and vegetables in Haines, Wallowa and Enterprise, Oregon. Filed 2:15 p. m.

Portland Order 29–F, Amendment 17, covering fresh fruits and vegetables in Astoria, Warrenton, Gearheart and Seaside, Oregon. Filed 2:15 p. m.

Portland Order 30–F, Amendment 10, covering fresh fruits and vegetables in certain areas in Oregon and Vancouver, Washington. Filed 2:15 p. m.

Portland Order 31–F, Amendment 7, covering fresh fruits and vegetables in the Hood River–Clatskanie–McMinnville, Oregon and Camas, Wash. Filed 2:15 p. m.

San Francisco Order 13–F, Amendment 11, covering fresh fruits and vegetables in certain areas in California. Filed 2:16 p. m.

San Francisco Order 14–F, Amendment 11, covering fresh fruits and vegetables in certain areas in California. Filed 2:16 p. m.

San Francisco Order 15–F, Amendment 11, covering fresh fruits and vegetables in certain areas in California. Filed 2:16 p. m.

San Francisco Order 16–F, Amendment 11, covering fresh fruits and vegetables in Norte and Humboldt, except city of Eureka. Filed 2:17 p. m.

Seattle Order 1–OC, Amendment 19, covering eggs in certain counties in Washington. Filed 2:17 p. m.

Copies of any of these orders may be obtained from the OPA Office in the designated city.

ERVIN H. POLLACK,
Secretary.

[F. R. Doc. 45–14982; Filed, Aug. 13, 1945; 4:25 p. m.]

SURPLUS PROPERTY BOARD.

[SPB Reg. 3, Order 57]

CALIFORNIA

ALLOCATION OF TRUCKS FOR DISPOSAL TO FARMERS AND FARMERS' COOPERATIVES IN CERTAIN COUNTIES

Pursuant to § 8303.4 of Surplus Property Board Regulation No. 3, entitled "Dispositions of Surplus Property in Rural Areas and to Farmers" (10 F.R. 5325) and in reliance upon the certificate of the Secretary of Agriculture to the Surplus Property Board that farm production is impaired or threatened to be impaired in the area named below by a shortage of trucks, *It is hereby ordered*, That:

The Department of Commerce, as disposal agency, shall allocate for disposal to farmers and farmers' cooperative associations holding certificates of the Agricultural Adjustment Agency and located in Santa Clara, Sonoma, Alameda, Solano, Contra Costa, and Marin Counties, California, 2 one-half-ton pickup trucks, 1 one-and-one-half-ton to three-ton shop truck, 1 one-half-ton emergency repair truck, 1 one-and-one-half-ton to three-ton cargo truck, and 10 one-and-one-half-ton cargo trucks, and shall without regard to the requirements of Surplus Property Board Regulation No. 2 (10 F.R. 5104, 8911, 9478, 9886) take immediate steps so to dispose of such property by the methods provided in § 8303.4 (c).

This order shall become effective immediately.

SURPLUS PROPERTY BOARD,
By W. STUART SYMINGTON,
Chairman.

AUGUST 10, 1945.

[F. R. Doc. 45–15045; Filed, Aug. 14, 1945; 12:03 p. m.]

[SPB Reg. 3, Order 58]

TEXAS

ALLOCATION OF TRUCKS FOR DISPOSAL TO FARMERS AND FARMERS' COOPERATIVES IN CERTAIN COUNTIES

Pursuant to § 8303.4 of Surplus Property Board Regulation No. 3, entitled "Dispositions of Surplus Property in Rural Areas and to Farmers" (10 F.R. 5325) and in reliance upon the certificate of the Secretary of Agriculture to the Surplus Property Board that farm production is impaired or threatened to be impaired in the area named below by a shortage of trucks, *It is hereby ordered*, That:

The Department of Commerce, as disposal agency, shall allocate for disposal to farmers and farmers' cooperative associations holding certificates of the Agricultural Adjustment Agency and located in Tarrant, Johnson, Dallas, Ellis, Rockwall, Hill, Kaufman, Navarro, Van Zandt, and Henderson Counties, Texas, 21 one-and-one-half-ton cargo dump trucks, and 5 one-half-ton weapon carrier pickup trucks, and shall without regard to the requirements of Surplus Property Board Regulation No. 2 (10 F.R. 5104, 8911, 9478, 9886) take immediate steps so to dispose of such property by the methods provided in § 8303.4 (c).

This order shall become effective immediately.

SURPLUS PROPERTY BOARD,
By W. STUART SYMINGTON,
Chairman.

AUGUST 10, 1945.

[F. R. Doc. 45–15046; Filed, Aug. 14, 1945; 12:02 p. m.]

[SPB Reg. 3, Order 59]

TEXAS

ALLOCATION OF TRUCKS FOR DISPOSAL TO FARMERS AND FARMERS' COOPERATIVES IN CERTAIN COUNTIES

Pursuant to § 8303.4 of Surplus Property Board Regulation No. 3, entitled "Dispositions of Surplus Property in Rural Areas and to Farmers" (10 F.R. 5325) and in reliance upon the certificate of the Secretary of Agriculture to the Surplus Property Board that farm pro-

duction is impaired or threatened to be impaired in the area named below by a shortage of trucks, *It is hereby ordered*, That:

The Department of Commerce, as disposal agency, shall allocate for disposal to farmers and farmers' cooperative associations holding certificates of the Agricultural Adjustment Agency and located in Freestone, San Augustine, Polk, Anderson, Madison, Tyler, Leon, Trinity, Jasper, Houston, Brazos, Newton, Angelina, Grimes, Montgomery, Sabine, Walker, and San Jacinto Counties, Texas, 15 one-half-ton pickup trucks, 6 one-half-ton C & R trucks, 1 one-and-one-half-ton platform truck, and 6 one-and-one-half-ton cargo trucks, and shall without regard to the requirements of Surplus Property Board Regulation No. 2 (10 F.R. 5104, 8911, 9478, 9886) take immediate steps so to dispose of such property by the methods provided in § 8303.4 (c).

This order shall become effective immediately.

SURPLUS PROPERTY BOARD,
By W. STUART SYMINGTON,
Chairman.

AUGUST 10, 1945.

[F. R. Doc. 45-15047; Filed, Aug. 14, 1945; 12:02 p. m.]

[SPB Reg. 3, Order 60]

TEXAS

ALLOCATION OF TRUCKS FOR DISPOSAL TO FARMERS AND FARMERS' COOPERATIVES IN CERTAIN COUNTIES

Pursuant to § 8303.4 of Surplus Property Board Regulation No. 3, entitled "Dispositions of Surplus Property in Rural Areas and to Farmers" (10 F.R. 5325) and in reliance upon the certificate of the Secretary of Agriculture to the Surplus Property Board that farm production is impaired or threatened to be impaired in the area named below by a shortage of trucks, *It is hereby ordered*, That:

The Department of Commerce, as disposal agency, shall allocate for disposal to farmers and farmers' cooperative associations holding certificates of the Agricultural Adjustment Agency and located in Wilson, Karnes, Goliad, Refugio, Live Oak, Bee, Bandera, Maverick, Dimmit, San Patricio, Duval, Jim Wells, Nueces, Kleberg, Zapata, Kendall, Comal, Zavala, LaSalle, Real, Jim Hogg, Brooks, Kenedy, Starr, Hidalgo, Willacy, Kinney, Uvalde, Frio, McMullen, Cameron, Val Verde, Edwards, Kerr, Blanco, Gillespie, Medina, Bexar, Atascosa, and Webb Counties, Texas, 23 one-half-ton command trucks, 3 one-and-one-half-ton pickup trucks, 4 one-half-ton radio trucks, 2 one-half-ton emergency repair trucks, and 86 one-and-one-half-ton cargo trucks, and shall without regard to the requirements of Surplus Property Board Regulation No. 2 (10 F.R. 5104, 8911, 9478, 9886) take immediate steps so to dispose of such property by the methods provided in § 8303.4 (c).

This order shall become effective immediately.

SURPLUS PROPERTY BOARD,
By W. STUART SYMINGTON,
Chairman.

AUGUST 10, 1945.

[F. R. Doc. 45-15048; Filed, Aug. 14, 1945; 12:02 p. m.]

[SPB Reg. 3, Order 61]

NEW YORK

ALLOCATION OF TRUCKS FOR DISPOSAL TO FARMERS AND FARMERS' COOPERATIVES IN CERTAIN COUNTIES

Pursuant to § 8303.4 of Surplus Property Board Regulation No. 3, entitled "Dispositions of Surplus Property in Rural Areas and to Farmers" (10 F.R. 5325) and in reliance upon the certificate of the Secretary of Agriculture to the Surplus Property Board that farm production is impaired or threatened to be impaired in the area named below by a shortage of trucks, *It is hereby ordered*, That:

The Department of Commerce, as disposal agency, shall allocate for disposal to farmers and farmers' cooperative associations holding certificates of the Agricultural Adjustment Agency and located in Franklin, St. Lawrence, Jefferson, Lewis, and Oswego Counties, New York, 14 one-and-one-half-ton cargo trucks and 2 one-and-one-half-ton stake trucks, and shall without regard to the requirements of Surplus Property Board Regulation No. 2 (10 F.R. 5104, 8911, 9478, 9886) take immediate steps so to dispose of such property by the methods provided in § 8303.4 (c).

This order shall become effective immediately.

SURPLUS PROPERTY BOARD,
By W. STUART SYMINGTON,
Chairman.

AUGUST 10, 1945.

[F. R. Doc. 45-15049; Filed, Aug. 14, 1945; 12:02 p. m.]

[SPB Reg. 3, Order 62]

NEW YORK

ALLOCATION OF TRUCKS FOR DISPOSAL TO FARMERS AND FARMERS' COOPERATIVES IN CERTAIN COUNTIES

Pursuant to § 8303.4 of Surplus Property Board Regulation No. 3, entitled "Dispositions of Surplus Property in Rural Areas and to Farmers" (10 F.R. 5325) and in reliance upon the certificate of the Secretary of Agriculture to the Surplus Property Board that farm production is impaired or threatened to be impaired in the area named below by a shortage of trucks, *It is hereby ordered*, That:

The Department of Commerce, as disposal agency, shall allocate for disposal to farmers and farmers' cooperative associations holding certificates of the Agricultural Adjustment Agency and located in Columbia, Dutchess, Westchester, Putnam, Rockland, Orange, and Ulster Counties, New York, 39 one-and-one-half-ton cargo trucks, and 8 one-and-one-half-ton stake trucks, and shall without regard to the requirements of Surplus Property Board Regulation No. 2 (10 F.R. 5104, 8911, 9478, 9886) take immediate steps so to dispose of such property by the methods provided in § 8303.4 (c).

This order shall become effective immediately.

SURPLUS PROPERTY BOARD,
By W. STUART SYMINGTON,
Chairman.

AUGUST 10, 1945.

[F. R. Doc. 45-15050; Filed, Aug. 14 1945; 12:02 p. m.]

[SPB Reg. 3, Order 63]

WYOMING

ALLOCATION OF TRUCKS FOR DISPOSAL TO FARMERS AND FARMERS' COOPERATIVES IN CERTAIN COUNTIES

Pursuant to § 8303.4 of Surplus Property Board Regulation No. 3, entitled "Dispositions of Surplus Property in Rural Areas and to Farmers" (10 F.R. 5325) and in reliance upon the certificate of the Secretary of Agriculture to the Surplus Property Board that farm production is impaired or threatened to be impaired in the area named below by a shortage of trucks; *It is hereby ordered*, That:

The Department of Commerce, as disposal agency, shall allocate for disposal to farmers and farmers' cooperative associations holding certificates of the Agricultural Adjustment Agency and located in Park, Big Horn, Sheridan, Campbell, Crook, Weston, Teton, Fremont, Hot Springs, Washakie, Johnson, Sublette, Natrona, Converse, Niobrara, Lincoln, Uinta, Sweetwater, Carbon and Albany Counties, Wyoming, 72 one-and-one-half-ton cargo trucks, 9 one-half-ton CR trucks, 3 one-half-ton WC trucks, 7 one-and-one-half-ton dump trucks, 1 one-and-one-half-ton panel truck, 6 one-and-one-half-ton CSP trucks, and 1 one-half-ton pickup truck, and shall without regard to the requirements of Surplus Property Board Regulation No. 2 (10 F.R. 5104, 8911, 9478, 9886) take immediate steps so to dispose of such property by the methods provided in § 8303.4 (c).

This order shall become effective immediately.

SURPLUS PROPERTY BOARD,
By W. STUART SYMINGTON,
Chairman.

AUGUST 10, 1945.

[F. R. Doc. 45-15051; Filed, Aug 14 1945; 12:02 p. m.]

[SPB Reg. 3, Order 64]

KANSAS

ALLOCATION OF TRUCKS FOR DISPOSAL TO FARMERS AND FARMERS' COOPERATIVES IN CERTAIN COUNTIES

Pursuant to § 8303.4 of Surplus Property Board Regulation No. 3, entitled "Dispositions of Surplus Property in Rural Areas and to Farmers" (10 F.R. 5325) and in reliance upon the certificate of the Secretary of Agriculture to the Surplus Property Board that farm production is impaired or threatened to be impaired in the area named below by a shortage of trucks; *It is hereby ordered*, That:

The Department of Commerce, as disposal agency, shall allocate for disposal to farmers and farmers' cooperative associations holding certificates of the Agricultural Adjustment Agency and located in Clay, Dickinson, Geary, Marion, Marshall, Morris, Pottawatomie, Riley, Wabaunsee, and Washington Counties, Kansas, 6 one-and-one-half-ton dump trucks, 20 one-half-ton WC trucks, 12 one-half-ton CR trucks, 1 one-half-ton pickup truck, and 50 one-and-one-half-ton cargo trucks, and shall without regard to the requirements of Surplus Property Board Regulation No. 2 (10 F.R. 5104, 8911, 9478, 9886) take immediate steps so to dispose of such property by the methods provided in § 8303.4 (c).

This order shall become effective immediately.

SURPLUS PROPERTY BOARD,
By W. STUART SYMINGTON,
Chairman.

AUGUST 10, 1945.

[F. R. Doc. 45-15052; Filed, Aug. 14, 1945; 12:02 p. m.]

[SPB Reg. 3, Order 65]

TEXAS

ALLOCATION OF TRUCKS FOR DISPOSAL TO FARMERS AND FARMERS' COOPERATIVES IN CERTAIN COUNTIES

Pursuant to § 8303.4 of Surplus Property Board Regulation No. 3, entitled "Dispositions of Surplus Property in Rural Areas and to Farmers" (10 F.R. 5325) and in reliance upon the certificate of the Secretary of Agriculture to the Surplus Property Board that farm production is impaired or threatened to be impaired in the area named below by a shortage of trucks, *It is hereby ordered*, That:

The Department of Commerce, as disposal agency, shall allocate for disposal to farmers and farmers' cooperative associations holding certificates of the Agricultural Adjustment Agency and located in Parmer, Castro, Swisher, Briscoe, Bailey, Lamb, Hale, Floyd, Motley, Cochran, Hockley, Lubbock, Crosby, Dickens, Yoakum, Terry, Lynn, Garza, Kent, Gaines, Dawson, Borden, Scurry, Fisher, Jones, Andrews, Martin, Howard, Mitchell, Nolan, Taylor, Ector, Midland, Glasscock, Sterling, Coke, Runnels, Crane, El Paso, Hudspeth, Culberson, Loving, Winkler, Ward, Jeff Davis, Reeves, Pecos, Presidio, Brewster, Terrell, Crockett, Upton, Reagan, Irion, Tom Green, Concho, Schleicher, Menard, Sutton and Kimble Counties, Texas, 84 one-and-one-half-ton low silhouette trucks, 108 one-and-one-half-ton cargo trucks, 62 one-half-ton command-reconn. trucks, 3 one-half-ton weapons carrier trucks, 8 one-half-ton pick-up trucks, 15 one-and-one-half-ton comb. stake and platform trucks, 7 one-and-one-half-ton tractor trucks, and 3 one-and-one-half-ton dump trucks, and shall without regard to the requirements of Surplus Property Board Regulation No. 2 (10 F.R. 5104, 8911, 9478, 9886) take immediate steps so to dispose of such property by the methods provided in § 8303.4 (c).

This order shall become effective immediately.

SURPLUS PROPERTY BOARD,
By W. STUART SYMINGTON,
Chairman.

AUGUST 10, 1945.

[F. R. Doc. 45-15053; Filed, Aug. 14, 1945; 12:01 p. m.]

[SPB Reg. 3, Order 66]

OREGON

ALLOCATION OF TRUCKS FOR DISPOSAL TO FARMERS AND FARMERS' COOPERATIVES IN CERTAIN COUNTIES

Pursuant to § 8303.4 of Surplus Property Board Regulation No. 3, entitled "Dispositions of Surplus Property in Rural Areas and to Farmers" (10 F.R. 5325) and in reliance upon the certificate of the Secretary of Agriculture to the Surplus Property Board that farm production is impaired or threatened to be impaired in the area named below by a shortage of trucks; *It is hereby ordered*, That:

The Department of Commerce, as disposal agency, shall allocate for disposal to farmers and farmers' cooperative associations holding certificates of the Agricultural Adjustment Agency and located in Wallowa, Union, Baker, Grant, Wheeler, Harney and Malheur Counties, Oregon, 32 one-and-one-half-ton cargo trucks, 52 one-and-one-half-ton dump trucks, and 25 one-half-ton weapons carrier trucks, and shall without regard to the requirements of Surplus Property Board Regulation No. 2 (10 F.R. 5104, 8911, 9478, 9886) take immediate steps so to dispose of such property by the methods provided in § 8303.4 (c).

This order shall become effective immediately.

SURPLUS PROPERTY BOARD,
By W. STUART SYMINGTON,
Chairman.

AUGUST 11, 1945.

[F. R. Doc. 45-15054; Filed, Aug. 14, 1945; 12:01 p. m.]

OREGON

[SPB Reg. 3, Order 67]

ALLOCATION OF TRUCKS FOR DISPOSAL TO FARMERS AND FARMERS' COOPERATIVES IN CERTAIN COUNTIES

Pursuant to § 8303.4 of Surplus Property Board Regulation No. 3, entitled "Dispositions of Surplus Property in Rural Areas and to Farmers" (10 F.R. 5325) and in reliance upon the certificate of the Secretary of Agriculture to the Surplus Property Board that farm production is impaired or threatened to be impaired in the area named below by a shortage of trucks, *It is hereby ordered*, That:

The Department of Commerce, as disposal agency, shall allocate for disposal to farmers and farmers' cooperative associations holding certificates of the Agricultural Adjustment Agency and located in Crook, Deschutes, Lake, Klamath, Jackson, and Josephine Counties, Oregon, 5 one-and-one-half-ton cargo trucks, 3 one-and-one-half-ton van trucks, 1 one-and-one-half-ton plat. truck, and 50 one-half-ton weapons carrier trucks, and shall without regard to the requirements of Surplus Property Board Regulation No. 2 (10 F.R. 5104, 8911, 9478, 9886) take immediate steps so to dispose of such property by the methods provided in § 8303.4 (c).

This order shall become effective immediately.

SURPLUS PROPERTY BOARD,
By W. STUART SYMINGTON,
Chairman.

AUGUST 11, 1945.

[F. R. Doc 45-15055; Filed, Aug. 14, 1945; 12:01 p. m.]

[SPB Reg. 3, Order 68]

MASSACHUSETTS

ALLOCATION OF TRUCKS FOR DISPOSAL TO FARMERS AND FARMERS' COOPERATIVES IN CERTAIN COUNTIES

Pursuant to § 8303.4 of Surplus Property Board Regulation No. 3, entitled "Dispositions of Surplus Property in Rural Areas and to Farmers" (10 F.R. 5325) and in reliance upon the certificate of the Secretary of Agriculture to the Surplus Property Board that farm production is impaired or threatened to be impaired in the area named below by a shortage of trucks; *It is hereby ordered*, That:

The Department of Commerce, as disposal agency, shall allocate for disposal to farmers and farmers' cooperative associations holding certificates of the Agricultural Adjustment Agency and located in Worcester, Middlesex, Essex, Plymouth, Norfolk, Bristol, and Barnstable Counties, Massachusetts, 79 one-and-one-half-ton cargo trucks, and 1 one-half-ton panel truck, and shall without regard to the requirements of Surplus Property Board Regulation No. 2 (10 F.R. 5104, 8911, 9478, 9886) take immediate steps so to dispose of such property by the methods provided in § 8303.4 (c).

This order shall become effective immediately.

SURPLUS PROPERTY BOARD,
By W. STUART SYMINGTON,
Chairman.

AUGUST 11, 1945.

[F. R. Doc. 45-15056; Filed, Aug. 14, 1945; 12:01 p. m.]

[SPB Reg. 3, Order 69]

OREGON

ALLOCATION OF TRUCKS FOR DISPOSAL TO FARMERS AND FARMERS' COOPERATIVES IN CERTAIN COUNTIES

Pursuant to § 8303.4 of Surplus Property Board Regulation No. 3, entitled "Dispositions of Surplus Property in Rural Areas and to Farmers" (10 F.R. 5325) and in reliance upon the certifi-

cate of the Secretary of Agriculture to the Surplus Property Board that farm production is impaired or threatened to be impaired in the area named below by a shortage of trucks; *It is hereby ordered*, That:

The Department of Commerce, as disposal agency, shall allocate for disposal to farmers and farmers' cooperative associations holding certificates of the Agricultural Adjustment Agency and located in Clatsop, Columbia, Coos, Lincoln, Curry, and Tillamook Counties, Oregon, 11 one-half-ton weapons carrier trucks, and 1 one-and-one-half-ton plat. and stake truck, and shall without regard to the requirements of Surplus Property Board Regulation No. 2 (10 F.R. 5104, 8911, 9478, 9886) take immediate steps so to dispose of such property by the methods provided in § 8303.4 (c).

This order shall become effective immediately.

SURPLUS PROPERTY BOARD,
By W. STUART SYMINGTON,
Chairman.

AUGUST 11, 1945.

[F. R. Doc. 45-15057; Filed, Aug. 14, 1945; 12:01 p. m.]

[SPB Reg. 3, Order 70]

CALIFORNIA

ALLOCATION OF TRUCKS FOR DISPOSAL TO FARMERS AND FARMERS' COOPERATIVES IN CERTAIN COUNTIES

Pursuant to § 8303.4 of Surplus Property Board Regulation No. 3, entitled "Dispositions of Surplus Property in Rural Areas and to Farmers" (10 F.R. 5325) and in reliance upon the certificate of the Secretary of Agriculture to the Surplus Property Board that farm production is impaired or threatened to be impaired in the area named below by a shortage of trucks; *It is hereby ordered*, That:

The Department of Commerce, as disposal agency, shall allocate for disposal to farmers and farmers' cooperative associations holding certificates of the Agricultural Adjustment Agency and located in Santa Barbara, Tulare, San Luis Obispo, Kings, Monterey, Fresno, Santa Cruz, and Kern Counties, California, 3 one-and-one-half-ton CSP trucks,, 2 one-and-one-half-ton dump trucks, 10 one-half-ton WC trucks, 10 one-and-one-half-ton cargo trucks, 10 one-and-one-half-ton to three-ton bus body trucks, 5 one-half-ton emergency repair trucks, 3 one-half-ton pick-up trucks, 2 two-and-one-half-ton cargo trucks, and shall without regard to the requirements of Surplus Property Board Regulation No. 2 (10 F.R. 5104, 8911, 9478, 9886) take immediate steps so to dispose of such property by the methods provided in § 8303.4 (c).

This order shall become effective immediately.

SURPLUS PROPERTY BOARD,
By W. STUART SYMINGTON,
Chairman.

AUGUST 11, 1945

[F. R. Doc. 45-15058; Filed, Aug. 14, 1945; 12:01 p. m.]

[SPB Reg. 3, Order 71]

CALIFORNIA

ALLOCATION OF TRUCKS FOR DISPOSAL TO FARMERS AND FARMERS' COOPERATIVES IN CERTAIN COUNTIES

Pursuant to § 8303.4 of Surplus Property Board Regulation No. 3, entitled "Dispositions of Surplus Property in Rural Areas and to Farmers" (10 F.R. 5325) and in reliance upon the certificate of the Secretary of Agriculture to the Surplus Property Board that farm production is impaired or threatened to be impaired in the area named below by a shortage of trucks: *It is hereby ordered*, That:

The Department of Commerce, as disposal agency, shall allocate for disposal to farmers and farmers' cooperative associations holding certificates of the Agricultural Adjustment Agency and located in San Diego, Los Angeles, Imperial, Ventura, Orange, Santa Barbara, Riverside, and Bernardino Counties, California, 2 one-half-ton WC trucks, 26 one-and-one-half-ton cargo trucks, 44 two-and-one-half-ton cargo trucks, 3 one-half-ton pick-up trucks, 4 two-and-one-half-ton SC trucks, 30 one-half-ton cargo trucks, and 2 one-half-ton SC trucks, and shall without regard to the requirements of Surplus Property Board Regulation No. 2 (10 F.R. 5104, 8911, 9478, 9886) take immediate steps so to dispose of such property by the methods provided in § 8303.4 (c).

This order shall become effective immediately.

SURPLUS PROPERTY BOARD,
By W. STUART SYMINGTON,
Chairman.

AUGUST 11, 1945.

[F. R. Doc. 45-15059; Filed, Aug. 14, 1945; 12:01 p. m.]

[SPB Reg. 3, Order 72]

CALIFORNIA

ALLOCATION OF TRUCKS FOR DISPOSAL TO FARMERS AND FARMERS' COOPERATIVES IN CERTAIN COUNTIES

Pursuant to § 8303.4 of Surplus Property Board Regulation No. 3, entitled "Dispositions of Surplus Property in Rural Areas and to Farmers" (10 F.R. 5325) and in reliance upon the certificate of the Secretary of Agriculture to the Surplus Property Board that farm production is impaired or threatened to be impaired in the area named below by a shortage of trucks; *It is hereby ordered*, That:

The Department of Commerce, as disposal agency, shall allocate for disposal to farmers and farmers' cooperative associations holding certificates of the Agricultural Adjustment Agency and located in Shackelford, Stephens, Palo Pinto, Parker, Callahan, Erath, Eastland, Hood, Somervell, Coleman, Brown, Comanche, Mills, Hamilton, McCulloch, Mason, Llano, San Saba, and Bosque Counties, Texas, 41 one-and-one-half-ton low silhouette trucks, 15 one-half-ton weapon carrier trucks, 4 one-half-ton emergency repair trucks, and 22 one-and-one-half-ton dump trucks, and shall without regard to the requirements of Surplus Property Board Regulation No. 2 (10 F.R. 5104, 8911, 9478, 9886) take immediate steps so to dispose of such property by the methods provided in § 8303.4 (c).

This order shall become effective immediately.

SURPLUS PROPERTY BOARD,
By W. STUART SYMINGTON,
Chairman.

AUGUST 11, 1945.

[F. R. Doc. 45-15060; Filed, Aug. 14, 1945; 12:00 m.]

[SPB Reg. 3, Order 73]

TEXAS

ALLOCATION OF TRUCKS FOR DISPOSAL TO FARMERS AND FARMERS' COOPERATIVES IN CERTAIN COUNTIES

Pursuant to § 8303.4 of Surplus Property Board Regulation No. 3, entitled "Dispositions of Surplus Property in Rural Areas and to Farmers" (10 F.R. 5325) and in reliance upon the certificate of the Secretary of Agriculture to the Surplus Property Board that farm production is impaired or threatened to be impaired in the area named below by a shortage of trucks; *It is hereby ordered*, That:

The Department of Commerce, as disposal agency, shall allocate for disposal to farmers and farmers' cooperative associations holding certificates of the Agricultural Adjustment Agency and located in Los Angeles, San Luis Obispo, Santa Barbara, and Ventura Counties, California, 21 one-and-one-half-ton cargo trucks, 38 one-half-ton WC trucks, 1 two-and-one-half-ton SC truck, 9 one-half-ton pickup trucks, 5 one-and-one-half-ton stake trucks, and 2 one-and-one-half-ton dump trucks, and shall without regard to the requirements of Surplus Property Board Regulation No. 2 (10 F.R. 5104, 8911, 9478, 9886) take immediate steps so to dispose of such property by the methods provided in § 8303.4 (c).

This order shall become effective immediately.

SURPLUS PROPERTY BOARD,
By W. STUART SYMINGTON,
Chairman.

AUGUST 11, 1945.

[F. R. Doc. 45-15061; Filed, Aug. 14, 1945; 12:00 m.]

[SPB Reg. 3, Order 74]

TEXAS

ALLOCATION OF TRUCKS FOR DISPOSAL TO FARMERS AND FARMERS' COOPERATIVES IN CERTAIN COUNTIES

Pursuant to § 8303.4 of Surplus Property Board Regulation No. 3, entitled "Dispositions of Surplus Property in Rural Areas and to Farmers" (10 F.R. 5325) and in reliance upon the certificate of the Secretary of Agriculture to the Surplus Property Board that farm production is impaired or threatened to be impaired in the area named below by a shortage of trucks; *It is hereby ordered*, That:

The Department of Commerce, as disposal agency, shall allocate for disposal to farmers and farmers' cooperative associations holding certificates of the Agricultural Adjustment Agency and located in Lampasas, Coryell, McLennan, Limestone, Bell, Falls, Austin, Robertson, Lavaca, Colorado, Waller, Brazoria, Galveston, Milam, Williamson, Burnet, Travis, Hays, Guadalupe, Caldwell, Victoria, Jackson, Wharton, Fort Bend, Chambers, Jefferson, Bastrop, Lee, Burleson, Gonzales, Fayette, Washington, DeWitt, Harris, Liberty, Hardin, Matagorda, Orange, and Calhoun Counties, Texas, 307 one-and-one-half-ton cargo trucks, 5 one-and-one-half-ton CS & P trucks, and 46 one-and-one-half-ton dump trucks, and shall without regard to the requirements of Surplus Property Board Regulation No. 2 (10 F.R. 5104, 8911, 9478, 9886) take immediate steps so to dispose of such property by the methods provided in § 8303.4 (c).

This order shall become effective immediately.

SURPLUS PROPERTY BOARD,
By W. STUART SYMINGTON,
Chairman.

AUGUST 11, 1945.

[F. R. Doc. 45-15062; Filed, Aug. 14, 1945; 12:00 m.]

[SPB Reg. 3, Order 75]

CALIFORNIA

ALLOCATION OF TRUCKS FOR DISPOSAL TO FARMERS AND FARMERS' COOPERATIVES IN CERTAIN COUNTIES

Pursuant to § 8303.4 of Surplus Property Board Regulation No. 3, entitled "Dispositions of Surplus Property in Rural Areas and to Farmers" (10 F.R. 5325) and in reliance upon the certificate of the Secretary of Agriculture to the Surplus Property Board that farm production is impaired or threatened to be impaired in the area named below by a shortage of trucks; *It is hereby ordered*, That:

The Department of Commerce, as disposal agency, shall allocate for disposal to farmers and farmers' cooperative associations holding certificates of the Agricultural Adjustment Agency and located in all counties, except the County of San Francisco, in California, 88 one-half-ton WC trucks, 24 one-and-one-half-ton cargo trucks, 27 one-and-one-half-ton CSP trucks, 17 one-and-one-half-ton dump trucks, 2 one-and-one-half-ton van trucks, 1 one-and-one-half-ton stake truck, 7 one-half-ton radio trucks, 72 one-and-one-half-ton SC trucks, 3 one-half-ton ER trucks, 2 one-and-one-half to three-ton cargo van trucks, 2 one-and-one-half-ton to three-ton cargo dropside trucks, 4 two-and-one-half-ton cargo trucks, 1 one-and-one-half-ton flatbed truck, 1 one-and-one-half-ton cabin chassis truck, and 6 one-and-one-half-ton OGO trucks, and shall without regard to the requirements of Surplus Property Board Regulation No. 2 (10 F.R. 5104, 8911, 9478, 9886) take immediate steps so to dispose of such property by the methods provided in § 8303.4 (c).

This order shall become effective immediately.

SURPLUS PROPERTY BOARD,
By W. STUART SYMINGTON,
Chairman.

AUGUST 11, 1945.

[F. R. Doc. 45-15063; Filed, Aug. 14, 1945; 12:00 m.]

[SPB Reg. 3, Order 76]

OHIO

ALLOCATION OF TRUCKS FOR DISPOSAL TO FARMERS AND FARMERS' COOPERATIVES IN CERTAIN COUNTIES

Pursuant to § 8303.4 of Surplus Property Board Regulation No. 3, entitled "Dispositions of Surplus Property in Rural Areas and to Farmers" (10 F.R. 5325) and in reliance upon the certificate of the Secretary of Agriculture to the Surplus Property Board that farm production is impaired or threatened to be impaired in the area named below by a shortage of trucks; *It is hereby ordered*, That:

The Department of Commerce, as disposal agency, shall allocate for disposal to farmers and farmers' cooperative associations holding certificates of the Agricultural Adjustment Agency and located in Williams, Fulton, Lucas, Defiance, Paulding, Van Wert, Mercer, Henry, Putnam, Allen, Auglaize, Wood, Hancock, Hardin, Ottawa, Sandusky, Seneca, Wyandot, Erie, Huron, Darke, Preble, Butler, Hamilton, Shelby, Miami, Montgomery, Champaign, and Clark Counties, Ohio, 97 one-and-one-half-ton cargo trucks, 2 one-and-one-half-ton CS&P trucks, and 1 one-and-one-half-ton tractor truck, and shall without regard to the requirements of Surplus Property Board Regulation No. 2 (10 F.R. 5104, 8911, 9478, 9886) take immediate steps so to dispose of such property by the methods provided in § 8303.4 (c).

This order shall become effective immediately.

SURPLUS PROPERTY BOARD,
By W. STUART SYMINGTON,
Chairman.

AUGUST 11, 1945.

[F. R. Doc. 45-15064; Filed, Aug. 14, 1945; 12:00 m.]

[SPB Reg. 3, Order 77]

OKLAHOMA

ALLOCATION OF TRUCKS FOR DISPOSAL TO FARMERS AND FARMERS' COOPERATIVES IN CERTAIN COUNTIES

Pursuant to § 8303.4 of Surplus Property Board Regulation No. 3, entitled "Dispositions of Surplus Property in Rural Areas and to Farmers" (10 F.R. 5325) and in reliance upon the certificate of the Secretary of Agriculture to the Surplus Property Board that farm production is impaired or threatened to be impaired in the area named below by a shortage of trucks, *It is hereby ordered*, That:

The Department of Commerce, as disposal agency, shall allocate for disposal to farmers and farmers' cooperative associations holding certificates of the Agricultural Adjustment Agency and located in Beckham, Blaine, Caddo, Canadian, Carter, Cleveland, Comanche, Cotton, Custer, Dewey, Garvin, Grady, Greer, Harmon, Jackson, Jefferson, Kingfisher, Kiowa, Logan, Love, McClain, Murray, Oklahoma, Roger Mills, Stephens, Tillman, and Washita Counties, Oklahoma, 36 one-half-ton pickup trucks, 27 one-and-one-half-ton cargo silhouette trucks, 4 one-half-ton weapons carrier trucks, 2 one-half-ton command trucks, 3 one-and-one-half-ton cargo trucks, and 2 one-and-one-half-ton dump trucks, and shall without regard to the requirements of Surplus Property Board Regulation No. 2 (10 F.R. 5104, 8911, 9478, 9886) take immediate steps so to dispose of such property by the methods provided in § 8303.4 (c).

This order shall become effective immediately.

SURPLUS PROPERTY BOARD,
By W. STUART SYMINGTON,
Chairman.

AUGUST 11, 1945.

[F. R. Doc. 45-15065; Filed, Aug. 14, 1945; 12:00 m.]

UNITED STATES COAST GUARD.

APPROVAL OF EQUIPMENT

By virtue of the authority vested in me by R. S. 4405, 4417a, 4426, and 4491, as amended, 49 Stat. 1544, 54 Stat. 1026 (46 U.S.C. 375, 391a, 404, 489, 367, 463a), and Executive Order 9085, dated February 28, 1942 (3 CRF, Cum. Supp.), the following approval of equipment is prescribed:

FIRE-INDICATING AND ALARM SYSTEMS

227 Manual fire alarm stations for flush mounting behind Marinite bulkhead (Plan No. 7106, dated 9 May, 1945, Alt. 0), submitted by Edwards & Co., Inc., Norwalk, Conn.

Automatic fire alarm equipment and auxiliary equipment (Dwg. No. 6998, Sheet 5 of 5, Alt. 0, Layout & Details of M. D. 2373 Automatic Supervisory Fire Alarm Annunciator, 48 Zones; Dwg. No. 7064, Sheet 1 of 2, Alt. 3, Layout Details & Dimensions & Wiring Diagrams of Battery Charging Panels (M. D. 2710) for M. D. 2373 Fire Alarm System, 4 to 48 Zones; Dwg. No. 7064, Sheet 2 of 2, Alt. 1, Battery Charging Data for M. D. 2710 Panels, M. D. 2373 Fire Alarm System), submitted by Edwards & Co., Inc., Norwalk, Conn.

Dated: August 13, 1945.

L. T. CHALKER,
Rear Admiral, U. S. C. G.,
Acting Commandant.

[F. R. Doc. 45-14970; Filed, Aug. 13, 1945; 3:10 p. m.]

WAR PRODUCTION BOARD.

[C-405]

MERCER LUMBER COMPANIES

CONSENT ORDER

Mercer Lumber Companies, an Illinois corporation, with main offices at 2738 Green Bay Road, Evanston, Illinois, is a retail dealer in lumber, coal and building materials. The corporation is charged by the War Production Board with the

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following violations: (1) That the corporation has failed to maintain accurate and adequate records as required by Priorities Regulation No. 1; and (2) that during the period from July 16, 1944 to December 31, 1944, it extended a preference rating of AA-2 to its suppliers to acquire approximately 10,742 board feet of lumber in excess of the amount of lumber which it delivered on customers' orders bearing this rating. This constituted a violation of Priorities Regulation No. 3; and (3) that during the period from July 16, 1944 to December 31, 1944, it extended a preference rating of AA-3 to its suppliers to acquire approximately 50,299 board feet of lumber in excess of the amount of lumber which it delivered on customers' orders bearing this rating. This constituted a violation of Priorities Regulation No. 3; and (4) that during the period from July 16, 1944 to December 31, 1944, it extended a preference rating of AA-4 to its suppliers to acquire approximately 128,149 board feet of lumber, whereas it delivered no lumber on customers' orders bearing this preference rating. This constituted a violation of Priorities Regulation No. 3. The said Mercer Lumber Companies admits the violations as charged and has consented to the issuance of this order.

Wherefore, upon the agreement and consent of Mercer Lumber Companies; of J. C. Baker, Regional Manager, Compliance Division; of James R. Bryant, Regional Counsel; and upon the approval of Palmer D. Edmunds, Compliance Commissioner: *It is hereby ordered*, That:

(a) Mercer Lumber Companies, its successors or assigns, shall install, keep and preserve for a period of not less than two years, accurate and complete records as required by Priorities Regulation No. 1.

(b) Lumber may be procured by the Mercer Lumber Companies under and to the extent of the provisions of paragraphs (o), (1), (2), (3) and (4) of War Production Board Limitation Order L-335, as amended January 5, 1945, except that under paragraph (o) (1) of said order, as amended aforesaid, Mercer Lumber Companies shall deduct rated certificates bearing a preference rating of AA-4 or higher covering 47,297 board feet of lumber each calendar quarter during the third and fourth calendar quarters of the year 1945 and the first and second calendar quarters of the year 1946 from its available rated certificates bearing a preference rating of AA-4 or higher, and the total rated certificates covering 189,188 board feet of lumber, computed as aforesaid, shall not be extended by the respondent at any time hereafter.

(c) Nothing contained in this order shall be deemed to relieve the said Mercer Lumber Companies, its successors or assigns, from any restriction, prohibition or provision contained in any order or regulation of the War Production Board, except insofar as the same may be inconsistent with the provisions hereof.

Issued this 13th day of August 1945.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 45-14916; Filed, Aug. 13, 1945; 11:16 a. m.]

[C-409]

CLAUS GELOTTE, INC.

CONSENT ORDER

Claus Gelotte, Inc., a corporation engaged in the sale of photographic and projection equipment and supplies in Boston and Cambridge, Massachusetts, is charged by the War Production Board with having extended improper ratings in the purchase of equipment in violation of Priorities Regulation 3; with having failed to cancel ratings extended by it in purchasing equipment when said ratings were cancelled by its customers, in violation of Priorities Regulation 1; and with having failed to keep accurate and complete records as required by Priorities Regulation 1.

Claus Gelotte, Inc., admits the violations as charged, does not desire to contest the issue of wilfulness, and has consented to the issuance of this order. Wherefore, upon the agreement and consent of Claus Gelotte, Inc., the Regional Compliance Manager, the Regional Attorney, and upon approval of the Compliance Commissioner; *It is hereby ordered*, That:

(a) Claus Gelotte, Inc., shall not, for a period of three months from the effective date of this order, apply or extend any preference ratings to obtain delivery of any photographic or projection equipment or supplies unless authorized in writing by the War Production Board, regardless of the delivery date named in any purchase order to which such ratings may be assigned: *Provided, however*, That this prohibition shall not apply to the use of preference ratings to obtain photographic or projection equipment or supplies for the Army, Navy, Maritime Commission of the United States, the War Shipping Administration, or any other agency of the United States, or for hospitals, schools, research laboratories, and municipalities.

(b) Claus Gelotte, Inc., shall cancel immediately all preference ratings which it has applied or extended to purchase orders for photographic or projection equipment or supplies which have not yet been filled except it shall not cancel preference ratings applied to such purchase orders for the Army, Navy, Maritime Commission of the United States, the War Shipping Administration, or any other agency of the United States, or for hospitals, schools, research laboratories, and municipalities.

(c) The restrictions and prohibitions contained herein shall apply to Claus Gelotte, Inc., its successors or assigns, or persons acting on its behalf. Prohibitions against the taking of any action include the taking directly as well as indirectly of any such action.

(d) Nothing contained in this order shall be deemed to relieve Claus Gelotte, Inc., its successors or assigns, from any restriction, prohibition or provision contained in any other order or regulation of the War Production Board, except insofar as the same may be inconsistent with the provisions hereof.

(e) This order shall take effect on the 20th day of August 1945.

Issued this 13th day of August 1945.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 45-14917; Filed, Aug. 13 1945; 11:16 a. m.]

[C-410]

FOUR STAR PUBLICATIONS, INC

CONSENT ORDER

Robert W. Farrell is engaged in business at 28 East 10th Street, New York City in the publication of comic magazines. During the years 1943 and 1944, and the first calendar quarter of 1945, Robert W. Farrell doing business as Four Star Publications, and also through a corporation owned and controlled by him known as Four Star Publications, Inc., used or caused to be used 45 tons of paper in excess of the quota of print paper which he and the corporation were permitted to consume during said period under the provisions of Limitation Order L-244 and in violation thereof.

This excessive use of paper has diverted scarce materials to uses not authorized by the War Production Board. Robert W. Farrell on behalf of both of himself and of the corporation admits the violation as charged and has consented to the issuance of this order.

Wherefore, upon the agreement and consent of Robert W. Farrell on behalf of both himself and Four Star Publications, Inc., which he owns and controls, and the agreement and consent of the Regional Compliance Manager, of the Regional Attorney, and upon the approval of the Compliance Commissioner: *It is hereby ordered*, That:

(a) Robert W. Farrell and any corporation which he may own or control and Four Star Publications, Inc., shall reduce their use of paper in the printing and publishing of magazines under their quota as established pursuant to Limitation Order L-244 by 9.2 tons of paper during the second, third, and fourth calendar quarters of the year 1945, and by 17.4 tons of paper during the first calendar quarter of the year 1946.

(b) Nothing contained in this order shall be deemed to relieve Robert W. Farrell, Four Star Publications, Inc., or any corporation which he may own or control, their successors and assigns from any restriction, prohibition, or provision contained in any other order or regulation of the War Production Board except insofar as the same may be inconsistent with the provisions hereof.

(c) The restrictions and provisions contained herein shall apply to Robert W. Farrell, to Four Star Publications, Inc., and to any corporation which he may own or control, their successors or assigns, or persons acting on behalf of any of them. Provisions against the taking of any action herein include the taking indirectly as well as directly of any such action.

Issued this 13th day of August 1945.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 45-14918; Filed, Aug. 13, 1945; 11:15 a. m.]

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FEDERAL REGISTER

VOLUME 10 NUMBER 163

Washington, Saturday, August 18, 1945

The President

PROCLAMATION 2660

[VICTORY; DAY OF PRAYER]

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

The war lords of Japan and the Japanese armed forces have surrendered. They have surrendered unconditionally. Three months after victory in Europe victory has come in the East.

The cruel war of aggression which Japan started eight years ago to spread the forces of evil over the Pacific has resulted in her total defeat.

This is the end of the grandiose schemes of the dictators to enslave the peoples of the world, destroy their civilization, and institute a new era of darkness and degradation. This day is a new beginning in the history of freedom on this earth.

Our global victory has come from the courage and stamina and spirit of free men and women united in determination to fight.

It has come from the massive strength of arms and materials created by peace-loving peoples who knew that unless they won decency in the world would end.

It has come from millions of peaceful citizens all over the world—turned soldiers almost overnight—who showed a ruthless enemy that they were not afraid to fight and to die, and that they knew how to win.

It has come with the help of God, Who was with us in the early days of adversity and disaster, and Who has now brought us to this glorious day of triumph.

Let us give thanks to Him, and remember that we have now dedicated ourselves to follow in His ways to a lasting and just peace and to a better world.

NOW, THEREFORE, I, HARRY S. TRUMAN, President of the United States of America, do hereby appoint Sunday, August 19, 1945, to be a day of prayer.

I call upon the people of the United States, of all faiths, to unite in offering their thanks to God for the victory we have won, and in praying that He will support and guide us into the paths of peace.

I also call upon my countrymen to dedicate this day of prayer to the memory of those who have given their lives to make possible our victory.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the United States of America to be affixed.

DONE at the City of Washington this sixteenth day of August, in the year of our Lord nineteen hundred and
[SEAL] forty-five, and of the Independence of the United States of America the one hundred and seventieth.

HARRY S. TRUMAN

By the President:

JAMES F. BYRNES,
Secretary of State.

[F. R. Doc. 45-15120; Filed, Aug. 17, 1945; 11:25 a. m.]

EXECUTIVE ORDER 9597

AMENDING EXECUTIVE ORDER NO. 9240[1] ENTITLED "REGULATIONS RELATING TO OVERTIME WAGE COMPENSATION"

By virtue of the authority vested in me by the Constitution and the statutes, it is ordered that Section I B of Executive Order No. 9240 of September 9, 1942, entitled "Regulations Relating to Overtime Wage Compensation", be, and it is hereby, amended to read as follows:

"No premium wage or extra compensation shall be paid for work on customary holidays except that time and one-half wage compensation shall be paid for work performed on any of the following holidays only:

New Year's Day	Thanksgiving Day
Fourth of July	Christmas Day
Labor Day	V-J Day

and either Memorial Day or one other such holiday of greater local importance."

HARRY S. TRUMAN

THE WHITE HOUSE,
August 14, 1945.

[F. R. Doc. 45-15115; Filed, Aug. 17, 1945; 10:58 a. m.]

[1] 3 CFR Cum. Supp.

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FEDERAL REGISTER

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NOTICE

1944 Supplement

Book 1 of the 1944 Supplement to the Code of Federal Regulations, containing Titles 1-10, including Presidential documents in full text, is now available from the Superintendent of Documents, Government Printing Office, at $3.00 per copy.

A limited sales stock of the Cumulative Supplement and the 1943 Supplement is still available as previously announced.

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TITLE 6—AGRICULTURAL CREDIT

Chapter II—Department of Agriculture, Commodity Credit Corporation

[1945 C. C. C. Cotton Form 1]

PART 256—COTTON LOANS

1945 COTTON LOAN INSTRUCTIONS

Pursuant to the 1945 Cotton Loan Program of Commodity Credit Corporation, loans on eligible upland cotton and American-Egyptian cotton will be made available to eligible producers. Such loans may be obtained either directly from Commodity Credit Corporation or from lending agencies. These instructions state the requirements with reference to such loans.

Sec.

256.43	Definitions.
256.44	Forms.
256.45	Amount.
256.46	Classification of cotton.
256.47	Preparation of documents.
256.48	Approved warehouses.
256.49	Warehouse receipts.
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256.52	Direct loans.
256.53	Time and manner of tendering loans for purchase and pooling.
256.54	Lending agency.
256.55	Federal Reserve Banks.
256.56	Repayments.

AUTHORITY: §§ 256.43 to 256.56, inclusive, issued under sec. 302 of the Agricultural Adjustment Act of 1938, as amended (52 Stat. 43; 7 U.S.C., 1302).

§ 256.43 *Definitions.* As used in §§ 256.43 to 256.56, inclusive, unless the context otherwise requires, the following terms will be construed respectively to mean:

(a) *Eligible producer.* An eligible producer shall be any person (individual, partnership, firm, corporation, association, joint-stock company, trust, estate, or other legal entity, or a State or political subdivision thereof, or an agency of such State or political subdivision), producing cotton in 1945 in the capacity of landowner, landlord, tenant, or sharecropper. Except as provided below, two or more producers may not obtain a joint loan. If the eligible cotton produced on a farm has been divided among the producers entitled to share in such cotton, each landlord, tenant, and sharecropper, may obtain a loan on his separate share. If the cotton has not been divided, the landlord and one or more of the share tenants or sharecroppers may obtain a joint loan on their shares of such cotton. In no case shall a share tenant or sharecropper obtain a loan individually on cotton in which a landlord has an interest. In any case where a landlord obtains a loan on cotton in which a share tenant or sharecropper has an interest, he must have the legal right to do so, and the share tenant or sharecropper must be paid his pro rata share of the proceeds.

(b) *Eligible cotton.* Eligible cotton shall be cotton produced in the United States in 1945 by or for a producer: *Provided*, That the cotton meets the following requirements:

(1) Such cotton must be of a grade and staple length specified in the table appearing at the end of §§ 256.43 to 256.56, inclusive.

(2) In the case of warehouse-stored cotton, such cotton must be represented by warehouse receipts complying with the provisions of § 256.49. In the case of farm-stored cotton, the cotton must be covered by a Cotton Chattel Mortgage (C. C. C. Cotton Form F) (hereinafter referred to as "Form F") and a 1945 Cotton Mortgage Supplement (1945 C. C. C. Cotton Form FF) (hereinafter referred to as "Form FF") which will give the payee of the Cotton Producer's Note (C.C C. Cotton Form E") (hereinafter referred to as "Form E") secured by such mortgage a first lien on such cotton.

(3) Such cotton must not be compressed to high density.

(4) Such cotton must be free and clear of all liens and encumbrances, except (in the case of warehouse-stored cotton) those in favor of the warehouse in which the cotton is stored, as specified in the Warehouseman's Certificate and Storage Agreement in Form A. (Form A is defined in § 256.44 (a) (1) below.)

(5) Such cotton must be tendered for a loan by a person who has the legal right to pledge or mortgage it as security for a loan.

(6) If the person tendering such cotton for a loan is a landlord, or landowner, the cotton must not have been acquired by him directly or indirectly from a share tenant or sharecropper, and must not have been received in payment of fixed or standing rent; and if it was produced by him in the capacity of landlord, share tenant, or sharecropper, it must be his separate share of the crop, unless he is a landlord and is tendering cotton in which both he and a share tenant or a sharecropper have an interest.

(7) The person tendering such cotton for a loan must not have previously executed and delivered, with respect to such cotton, a Form A, Form E, or 1945 C. C. C. Cotton Form G-2, and must not have previously sold and repurchased such cotton.

(8) Each bale of such cotton must weigh at least 300 pounds.

(9) American-Egyptian cotton shall be of normal character. No such cotton shall be accepted for loan with respect to which official classification indicates any reduction in grade or staple length because of irregularities or defects.

(c) *Lending agency.* A lending agency shall be any bank, corporation, partnership, association, or person, who has executed a Lending Agency Agreement (C. C. C. Cotton Form D) covering loans on 1945 crop cotton.

(d) *Eligible paper.* Eligible paper shall be a Form A or a Form E duly executed subsequent to July 31, 1945, and prior to May 1, 1946. State documentary revenue stamps should be affixed thereto where required by law. (A Form A or a Form E executed by an administrator, executor, or trustee, will be acceptable only where valid in law and must be submitted for a direct loan in accordance with § 256.52 of these instructions, unless accompanied by a repurchase agreement of the lending agency. Copies of this agreement may be obtained from the Regional Office of Commodity Credit Corporation, New Orleans 12, Louisiana.)

§ 256.44 *Forms.* The following documents must be delivered in connection with every loan:

(a) *Warehouse-stored cotton.* (1) *Form A.* In the case of upland cotton, Form A means 1945 Cotton Producer's Note and Loan Agreement (1945 C. C. C. Cotton Form A). In the case of American-Egyptian cotton, Form A means 1944 Cotton Producer's Note and Loan Agreement (1944 C. C. C. Cotton Form A) with the following notation conspicuously typed or stamped at the top of such Form A: "Wherever '1944' and '1945' are printed in this form, they shall mean and be read as '1945' and '1946' respectively."

(2) Warehouse receipts complying with the provisions of § 256.49 hereof.

(3) Producer's Letter of Transmittal (C. C. C. Cotton Form B) or Lending Agency's Letter of Transmittal (C. C. C. Cotton Form C).

(b) *Farm-stored cotton.* (1) Form E.

(2) Form F, covering the cotton tendered as security for the loan.

(3) Lending Agency's Letter of Transmittal (C. C. C. Cotton Form C) (unless the loan is being made direct by Commodity Credit Corporation).

Each of the forms, A, B, E, F, and FF, representing American-Egyptian cotton must have the words "American-Egyptian cotton" conspicuously stamped or typed at the top of each such form.

§ 256.45 *Amount*—(a) *Upland cotton.* Loans will be made only on those grades and staple lengths shown in the table appearing at the end of these instructions, and will be made on the gross weight of the cotton. An allowance of 7 pounds per bale will be made for bales covered with cotton bagging. The base loan rate applicable at each approved warehouse will be shown in the "Schedule of Base Loan Rates by Cities and Counties for Cotton Entering the 1945 Loan" in the Instructions to Warehousemen, and the base loan rate under the farm storage program for each county will be shown in the "Schedule of Base Loan Rates by Counties for Farm-Stored Cotton." These schedules will be issued by Commodity Credit Corporation and will be available at the office of the county agricultural conservation committee (hereinafter called "county committee"). The premium or discount applicable to each grade and staple length is shown in the table referred to above. Loans on warehouse-stored cotton will be made at the rates shown in the "Schedule of Base Loan Rates by Cities and Counties for Cotton Entering the 1945 Loan," and loans on farm-stored cotton will be made at the rates shown in the "Schedule of Base Loan Rates by Counties for Farm-Stored Cotton," adjusted in each case for the appropriate premium or discount for such grade and staple length.

(b) *American-Egyptian cotton.* Loans will be made at rates to be announced about August 1, 1945, in a supplement to §§ 256.43 to 256.56, inclusive.

§ 256.46 *Classification of cotton.* All cotton must be classified by a Board of Cotton Examiners of the Department of Agriculture. Warehousemen (in the case of warehouse-stored cotton) and the county committee (in the case of farm-stored cotton) should forward samples to the Board of Cotton Examiners serving the district in which the warehouse or county is located, and a list showing the class of the cotton will be returned by the board. Instructions have been issued to approved warehouses and county committees concerning sampling and forwarding of samples and recording the class of the cotton in the loan agreements or chattel mortgages. No separate charge is to be made to producers for this service. A Form 1 classification memorandum of the Department of Agriculture will also be accepted as evidence of the class of cotton, provided the sample is a representative cut sample drawn by an approved warehouseman, a Department of Agriculture employee, or a bonded sampler.

A charge of 15 cents per bale shall be collected from the producer for all cotton from which samples are submitted to the Board of Cotton Examiners for classifications, except that no charge shall be collected for samples submitted for a Form 1 classification. The Board of Cotton Examiners will make collections for classing charges from the warehousemen and county committees at the end of each month. A certified check, cashier's check, or postal money order, payable to Commodity Credit Corporation, must be sent to the Board of Cotton Examiners by each warehouseman and county committee in payment of these charges.

§ 256.47 *Preparation of documents.* All blanks must be filled in with ink, indelible pencil, or typewriter, in the manner indicated therein, and no documents containing additions, alterations, or erasures, will be accepted by Commodity Credit Corporation.

(a) *Warehouse-stored cotton.* A producer desiring to obtain a loan may obtain the necessary forms from approved cotton warehouses and also from persons approved by the county committees in the cotton-producing areas to assist producers in preparing and executing the loan forms. Only persons approved by county committees for such purpose may execute the Clerk's Certificate on Form A. The Clerk's Certificate must be executed on each Form A tendered for a loan. Such persons are permitted to collect a fee from producers not to exceed the fees shown in the following schedule:

Number of bales on the note:	*Maximum fee allowed*
1–6	25 cents.
7–8	30 cents.
9–10	35 cents.
11–20	35 cents plus 2 cents for each bale over 10.
21 and over	55 cents plus 1 cent for each bale over 20.

The original copy of Form A must be signed by the producer, and the copy marked "duplicate" is to be retained by the producer. The Schedule of Pledged Cotton must represent cotton of only one grade and staple length.

(b) *Farm-stored cotton.* A producer desiring to obtain a loan on farm-stored cotton may obtain the necessary forms from, and will be assisted in their preparation by, the county committee. A service fee for upland cotton of $1.00 per bale, and for American-Egyptian cotton of $1.30 per bale, shall be collected by the county committee from the producer to cover services rendered under this program. Each Form E must be approved by the county committee, and the member signing such form in the space provided certifies on behalf of the county committee, as provided in 1945 Cotton Loan (Farm Storage) Part I, Revised issued by the Agricultural Adjustment Agency.

§ 256.48 *Approved warehouses.* Warehouse receipts representing eligible cotton will be accepted as security for loans made pursuant to Form A only if issued by warehousemen approved by Commodity Credit Corporation. Warehousemen desiring to be approved should communicate with the Regional Office of Commodity Credit Corporation, New Orleans 12, Louisiana. When warehouses are approved, notification will be given either by letter or published lists. All cotton pledged as security for any one loan must be in the same warehouse.

The warehouseman is required, as provided in the Warehouseman's Certificate and Storage Agreement in Form A, to draw representative samples from the bales and to deliver or forward such samples to a Board of Cotton Examiners for classing, except where Form 1 classification memorandum of the Department of Agriculture is used.

§ 256.49 *Warehouse receipts.* Only negotiable warehouse receipts issued by an approved warehouse, dated on or prior to the date of the producer's note, and properly assigned by an endorsement in blank so as to vest title in the holders or issued to bearer, will be acceptable. They must set out in their written or printed terms a description by tag number and weight of the bale represented thereby and all other facts and statements required to be stated in the written or printed terms of a warehouse receipt under the provisions of section 2 of the Uniform Warehouse Receipts Act.

Warehouse receipts issued prior to August 1, 1945, which by their terms will expire prior to August 1, 1946, must bear an endorsement of the warehouse extending the terms of the warehouse receipt for a period of 1 year from August 1, 1945. Block warehouse receipts will not be accepted.

§ 256.50 *Warehouse charges.* The warehouseman's charges are limited and his obligation defined by the Warehouseman's Certificate and Storage Agreement contained in Form A. This should be read carefully and must be executed by the warehouseman issuing the cotton warehouse receipts pledged as collateral to the producer's note. It must not be executed more than 10 days preceding the date of the note.

§ 256.51 *Liens.* Eligible cotton must be free and clear of all liens except (in the case of warehouse-stored cotton) those in favor of the warehouse in which the cotton is stored, as specified in the Warehouseman's Certificate and Storage Agreement in Form A. The names of the holders of all existing liens on cotton tendered as security for a loan, such as landlords, laborers, or mortgagees (but not the warehouseman, if the cotton is stored in a warehouse), must be listed in the List of Lienholders on each Form A and Form FF and the lienholders so listed must execute the Lienholders' Waiver on such forms. A Form A or Form FF will not be acceptable unless all prior lienholders are listed in the List of Lienholders and have executed the Lienholders' Waiver. If the producer tendering the cotton for the loan is not the owner of the land on which the cotton was produced, all landowners and landlords must be listed in the List of Lienholders on the Form A or Form FF and must sign the Lienholders' Waiver on such form, whether or not they claim liens, unless they sign the note jointly with the borrower. A misrepresentation, as to prior liens or otherwise, will render the producer personally liable under the terms of the Loan Agreement and subject him to criminal prosecution under the provisions of section 35 (A) of the Criminal Code of the United States (18 U.S.C. 80 (1940)). The Lienholders' Waiver must be signed personally by all lienholders listed, by their agents (in which case duly executed powers of attorney must be attached), or, if a corporation, by the designated officer thereof customarily authorized to execute such instruments (in which case no authority need be attached).

§ 256.52 *Direct loans.* It is contemplated that producers will ordinarily obtain loans from a local bank or other lending agency which, in turn, may sell the paper evidencing such loans to Commodity Credit Corporation. Arrangements, however, have been made for making direct loans to producers prior to May 1, 1946. In each such case the note must be made payable to Commodity Credit Corporation and must be tendered to the Regional Office of Commodity Credit Corporation, New Orleans 12, Louisiana, on a Producer's Letter of Transmittal (C.C.C. Cotton Form B) in duplicate, postmarked not later than April 30, 1946, if tendered by mail. Upon receipt of all necessary documents, properly executed, and upon approval, payment will be made in accordance with the directions of the producer contained in the C.C.C. Cotton Form B, which permits the producer, if he so desires, to designate persons other than himself to receive all or part of the proceeds of the loan.

Direct loans will also be made on Certificates of Indemnity (Form FCI–574, issued by the Federal Crop Insurance Corporation). Instructions with reference to the requirements of Commodity Credit Corporation in making such loans will be issued by Commodity Credit Corporation as a supplement to these instructions and will be made available through the county agricultural conservation committees.

§ 256.53 *Time and manner of tendering loans for purchase and pooling.* Loans made by a lending agency which has executed and delivered a Lending Agency Agreement (C.C.C. Cotton Form D) to the Regional Office of Commodity Credit Corporation, New Orleans 12, Louisiana, prior to the making of the loan, will be eligible for purchase or pooling by Commodity Credit Corporation. C.C.C. Cotton Forms D are obtainable only from the Regional Office of Commodity Credit Corporation, New Orleans 12, Louisiana. Under the terms of this agreement, lending agencies which are parties thereto, are required to tender to Commodity Credit Corporation, New Orleans 12, Louisiana, on Lending Agency's Letter of Transmittal (C.C.C. Cotton Form C), executed in triplicate, all notes on Form A and Form E, with warehouse receipts and cotton chattel mortgages attached, representing loans made by the lending agency within 15 days of the dates of the notes. Forty notes shall be submitted on each Lending Agency's Letter of Transmittal except when fewer notes are listed thereon in order that the loans may be tendered within 15 days of the dates of their execution. The Lending Agency's Letter of Transmittal shall state whether the lending agency desires the Corporation to purchase the notes or to place them in a pool operated by the Corporation. Upon receipt by Commodity Credit Corporation, the loan papers will be examined and, if found correct, will be approved and purchased or will be transmitted to the Federal Reserve bank serving the district in which the cotton is stored and placed in a pool, as directed by the lending agency. In the event that the notes are pooled, a certificate of interest representing the interest in the pool acquired as the result of the deposit therein of the notes shown on the letter of transmittal will be issued to any approved lending agency designated by the lending agency tendering the eligible paper.

§ 256.54 *Lending agency.* The lending agency shall endorse the notes of producers as provided on Form A and Form E. In the case of warehouse-stored cotton care should be exercised by the lending agency to determine that the warehouse receipts are genuine. No provision is made for any deduction from the loan proceeds by the lending agency as a charge for handling the loan documents, except the authorized clerk's fee in case the lending agency has executed the Clerk's Certificate on Form A.

§ 256.55 *Federal Reserve Banks.* The location of the Federal Reserve banks and branches referred to herein and the district served by each are shown below:

Location	*District served*
Atlanta, Ga.	Florida, Georgia, North Carolina, South Carolina, Virginia.
Birmingham, Ala.	Alabama.
Dallas, Tex.	New Mexico, Texas.
Little Rock, Ark.	All of Arkansas except the counties assigned to Memphis.
Los Angeles, Calif.	Arizona, California.
Memphis, Tenn.	Illinois, Missouri, Tennessee; the following counties in Arkansas: Clay, Craighead, Crittenden, Cross, Greene, Lawrence, Lee, Mississippi, Phillips, Poinsett, Randolph, and St. Francis; and the following counties in Mississippi: Alcorn, Attala, Benton, Bolivar, Calhoun, Carroll Chickasaw, Choctaw, Clay, Coahoma, De Soto, Grenada, Holmes, Humphreys, Itawamba, Lafayette, Lee, Leflore, Lowndes, Marshall, Monroe, Montgomery, Noxubee, Oktibbeha, Panola, Pontotoc, Prentiss, Quitman, Sunflower, Tallahatchie, Tate, Tippah, Tishomingo, Tunica, Union, Washington, Webster, Winston, Yalobusha.
New Orleans, La.	Louisiana and counties in Mississippi not assigned to Memphis.
Oklahoma City, Okla.	Oklahoma.

§ 256.56 *Repayments*—(a) *Warehouse-stored cotton.* No partial releases of the cotton securing a note will be permitted. If a producer desires to obtain the return of the note and the release of the collateral, he should notify Commodity Credit Corporation, care of the Federal Reserve bank or branch thereof serving the district in which the cotton is stored, as stated in § 256.55 hereof. The notes and warehouse receipts will then be forwarded to an approved bank for release to said producer only and no other person, upon payment of the amount of the loan, the accrued interest, and proper charges. Do not send requests for the return of notes and the release of collateral to the Regional Office of Commodity Credit Corporation, New Orleans, Louisiana, as this causes delay in making the release. If the producer desires to sell his equity in the loan cotton, he must complete the Producer's Equity Transfer on his copy of Form A. Upon the request of the producer or upon receipt of the request contained in the Producer's Equity Transfer on the producer's copy of Form A, the note and warehouse receipts will be forwarded to any approved bank designated

by the person requesting the release of the cotton with direction to release such note and warehouse receipts upon payment of the amount of the loan, the accrued interest, and proper charges. In all such cases, the bank will be instructed to return the notes and warehouse receipts to the Federal Reserve bank if payment is not effected within 15 days. All charges and expenses of the bank to which the notes and warehouse receipts are sent shall be paid by the person requesting the release of the cotton. In the event that release of the cotton is requested by the submission of the Producer's Equity Transfer, the witness to the producer's signature to such form must be a person approved for such purpose by a county committee in the cotton-producing area.

(b) *Farm-stored cotton.* If a producer desires to obtain the return of the note and release of the collateral, he should notify the county committee of the county in which the cotton is stored. Partial releases will be allowed. Complete instructions on the release of farm-stored cotton may be obtained from the county committee.

[SEAL] C. C. FARRINGTON,
Vice President.

AUGUST 1, 1945.

PREMIUMS AND DISCOUNTS FOR ALL QUALITIES OF 1945 AMERICAN UPLAND COTTON

[Basis 15/16-inch middling]

Grade	Staple length (inches) — 13/16	7/8	29/32	15/16	31/32	1	1 1/32	1 1/16	1 3/32	1 1/8	1 5/32	1 1/16	1 7/32	1 1/4 and longer
WHITE AND EXTRA WHITE	*Points*	*Points*	*Points*	*Points*	*Points*	*Points*	*Points*	*Points*	*Points*	*Points*	*Points*	*Points*	*Points*	*Points*
Good middling and better	−295	−90	−30	35	50	70	95	165	325	585	795	945	1,045	1,150
Strict middling	−295	−105	−40	25	40	55	85	155	305	560	740	920	1,020	1,120
Middling	−260	−125	−65	Base	15	30	50	120	225	440	655	795	895	1,000
Strict low middling	−300	−245	−190	−130	−115	−100	−80	−45	45	190	395	460	535	607
Low middling	−625	−485	−430	−370	−360	−350	−345	−305	−280	−230	−205	−180	−165	−155
Strict good ordinary	−745	−610	−565	−505	−505	−500	−495	−495	−395	−495	−495	−495	−495	−495
Good ordinary	−855	−715	−670	−610	−605	−600	−595	−595	−595	−595	−595	−595	−595	−595
SPOTTED														
Good middling	−270	−135	−95	−25	−15	Even	15	40	105	205	330	430	505	605
Strict middling	−285	−155	−110	−40	−35	−20	−5	20	80	180	305	405	480	580
Middling	−440	−305	−255	−185	−180	−170	−155	−145	−80	−5	80	150	225	300
Strict low middling	−620	−520	−485	−425	−425	−415	−415	−410	−395	−370	−345	−325	−295	−270
Low middling	−820	−680	−645	−580	−580	−575	−575	−570	−555	−555	−555	−555	−555	−555
TINGED														
Good middling	−385	−350	−315	−255	−250	−240	−240	−235	−215	−175	−140	−100	−65	−30
Strict middling	−500	−475	−445	−380	−375	−365	−365	−360	−340	−300	−265	−220	−180	−145
Middling	−720	−700	−655	−590	−590	−580	−580	−575	−565	−520	−485	−420	−420	−420
Strict low middling	−855	−780	−695	−645	−645	−640	−640	−640	−615	−610	−610	−610	−610	−610
Low middling	−950	−830	−800	−745	−745	−740	−745	−745	−720	−720	−720	−720	−720	−720
YELLOW STAINED														
Good middling	−720	−595	−565	−520	−515	−515	−517	−510	−460	−470	−445	−445	−445	−445
Strict middling	−740	−620	−590	−540	−540	−540	−540	−535	−485	−475	−470	−470	−470	−470
Middling	−840	−730	−700	−650	−650	−650	−650	−650	−630	−630	−630	−630	−630	−630
GRAY														
Good middling	−375	−255	−215	−155	−115	−135	−115	−95	−35	50	110	215	265	315
Strict middling	−440	−310	−270	−210	−200	−190	−170	−150	−60	65	115	190	240	315
Middling	−570	−425	−390	−330	−325	−315	−305	−300	−225	−185	−160	−135	−110	−85

[F. R. Doc. 45-15119; Filed, Aug. 17, 1945; 11:01 a. m.]

TITLE 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs

[T. D. 51296]

PART 4—VESSELS IN FOREIGN AND DOMESTIC TRADES

WAIVER OF COASTWISE LAWS FOR U. S. NAVY TRANSPORTS CARRYING COMMERCIAL PASSENGERS

AUGUST 11, 1945.

Section 434 of the Tariff Act of 1930, as amended, waived to extent necessary to exempt United States Navy transports carrying commercial passengers from the requirement for making entry upon arrival in ports of the United States from foreign ports.

Waiving compliance with the provisions of section 434 of the Tariff Act of 1930, as amended.

Upon written request of the Secretary of the Navy, who deems such action necessary in the conduct of the war, and by virtue of the authority vested in me by the provisions of section 501 of the Second War Powers Act, 1942 (50 U. S. C. Sup. App. 635), as extended by the act of December 20, 1944 (50 U. S. C. Sup. App. 645), I hereby waive compliance with the provisions of section 434 of the Tariff Act of 1930, as amended (19 U. S. C. 1434), to the extent necessary to exempt United States Navy transports carrying commercial passengers from the requirement for making entry upon arrival in ports of the United States from foreign ports: *Provided, however,* That nothing contained herein shall be construed to relieve the master of any such vessel from the requirement for reporting its arrival to the collector of customs nor to permit the landing of any passengers, baggage, or merchandise except under customs supervision.

[SEAL] HERBERT E. GASTON,
Acting Secretary of the Treasury.

[F. R. Doc. 45-15082, Filed, Aug. 14, 1945; 3:10 p. m.]

[T. D. 51297]

PART 10—ARTICLES CONDITIONALLY FREE, SUBJECT TO A REDUCED RATE, ETC.

RAPESEED OIL

Customs Regulations of 1943 amended to prescribed regulations for the conditional exemption of rapeseed oil from the tax imposed by section 2491 (b) of the Internal Revenue Code.

Part 10 of the Customs Regulations of 1943 (19 CFR, Cum. Supp., Part 10) is hereby amended by adding the following new subcaption and section:

RAPESEED OIL

§ 10.100 *Rapeseed oil to be used in the manufacture of rubber substitutes or lubricating oil.* Pursuant to I.R.C. section 2491 (f), rapeseed oil imported to be used in the manufacture of rubber substitutes or lubricating oil may be released without the deposit of tax in the same manner and subject to the same conditions as leather to be used in the manufacture of footwear (see § 10.84), except that the proof of use shall include a description of the processing in sufficient detail to enable the collector to determine whether the rapeseed oil under consideration has been used in the manufacture of rubber substitutes or lubricating oil, and the other documents required shall be modified accordingly. (I.R.C. sec. 2491 (f); 26 U.S.C. 2491 (f).)

[SEAL] W. R. JOHNSON,
Commissioner of Customs.

Approved: August 13, 1945.

HERBERT E. GASTON,
Acting Secretary of the Treasury.

[F. R. Doc. 45-15083; Filed, Aug. 14, 1945; 3:10 p. m.]

[T. D. 51295]

PART 19—CUSTOMS WAREHOUSES AND CONTROL OF MERCHANDISE THEREIN

COMPENSATION OF STOREKEEPER

Charge for reimbursable compensation of storekeeper. Section 19.5 (c), Customs Regulations of 1943, as amended by T. D. 51075, further amended.

Section 19.5 (c), Customs Regulations of 1943 (19 CFR, Cum. Supp., 19.5 (c)), as amended by T. D. 51075, is hereby further amended by deleting the first three sentences, including the table, and inserting in lieu thereof the following:

§ 19.5 *Storekeeper; compensation of.* • • •

(c) The charge to be made for the services of a customs employee temporarily assigned on a regular work day during his basic 40-hour workweek to act as a storekeeper at a bonded warehouse shall be computed at a rate per hour equal to 1/1688 of the gross annual rate of regular pay of the particular employee with an addition equal to any night pay differential actually payable under section 301 of the Federal Employees Pay Act of 1945 by reason of the assignment. The charge to be made for the services of a customs employee temporarily assigned to act as a storekeeper at a bonded warehouse on a holiday or outside his established basic workweek shall be the amount actually payable to the employee for such services under the Federal Employees Pay Act of 1945 or the customs overtime laws (the act of February 13, 1911, as amended, and section 451 of the Tariff Act of 1930, as amended), or both, as the case may be. • • •

(Secs. 555, 556, 624, 46 Stat. 743, 759; 19 U.S.C. 1555, 1556, 1624; secs. 301, 405, 602, and 604, Pub. Law 106, 79th Cong.)

[SEAL] W. R. JOHNSON,
Commissioner of Customs.

Approved: August 11, 1945.

HERBERT E. GASTON,
Acting Secretary of the Treasury.

[F. R. Doc. 45-15081; Filed, Aug. 14, 1945; 3:10 p. m.]

TITLE 26—INTERNAL REVENUE

Chapter I—Bureau of Internal Revenue

Subchapter B—Estates and Gift Taxes

[T. D. 5470]

PART 81—REGULATIONS RELATING TO ESTATE TAX

RELEASE OF POWERS OF APPOINTMENT

Regulations 105 amended to conform to Public Law 95 (79th Congress), relating to release of powers of appointment.

In order to conform Regulations 105 (26 CFR, Cum. Supp., Part 81) to Public Law 95 (79th Congress), approved June 29, 1945, such regulations are amended as follows:

PARAGRAPH 1. There is inserted immediately after Public Law 511 (78th Congress), which was inserted by Treasury Decision 5434, approved February 2, 1945, and before section 302 (f) of the Revenue Act of 1926 (as originally enacted) as set forth preceding § 81.24, the following:

PUBLIC LAW 95 (79TH CONGRESS), APPROVED JUNE 29, 1945

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That section 403 (d) (3) of the Revenue Act of 1942 (relating to the release of certain powers of appointment) is amended by striking out "July 1, 1945" wherever it appears and inserting in lieu thereof "July 1, 1946" • • •.

PAR. 2. Section 81.24 (b), added by Treasury Decision 5239, approved March 10, 1943, and as amended by Treasury Decision 5283, approved July 12, 1943, Treasury Decision 5351, approved March 27, 1944, and Treasury Decision 5434, approved February 2, 1945, is further amended as follows:

(A) By striking out "June 30, 1945" wherever it appears and by inserting in lieu thereof "June 30, 1946."

(B) By striking from the first sentence of paragraph (3) "(as amended by Public Law 511 (78th Congress), approved December 20, 1944)" and by inserting in lieu thereof "(as amended by Public Law 95 (79th Congress), approved June 29, 1945)."

(C) By striking out "July 1, 1945" wherever it appears and by inserting in lieu thereof "July 1, 1946."

(Sec. 3791 of the Internal Revenue Code (53 Stat. 467, 26 U.S.C., 3791) and Public Law 95 (79th Congress), approved June 29, 1945)

[SEAL] JOSEPH D. NUNAN, JR.,
Commissioner of Internal Revenue.

Approved: August 14, 1945.

JOSEPH J. O'CONNELL, JR.,
Acting Secretary of the Treasury.

[F. R. Doc. 45-15182; Filed, Aug. 17, 1945; 11:29 a. m.]

[T. D. 5469]

PART 85—GIFT TAX UNDER THE REVENUE ACT OF 1932, AS AMENDED

CERTAIN DISCRETIONARY TRUSTS

Regulations 79 (1936 Edition) amended to conform to section 2 of Public Law 95 (79th Congress), relating to certain discretionary trusts.

In order to conform Regulations 79 (1936 Edition) (26 CFR, Part 85) to section 2 of Public Law 95 (79th Congress), approved June 29, 1945, such regulations are amended as follows:

PARAGRAPH 1. There is inserted immediately after section 502 (c) of the Revenue Act of 1943, which was inserted by Treasury Decision 5365, approved May 5, 1944, and preceding article 1 (§ 85.1 of such Title 26) the following:

PUBLIC LAW 95 (79TH CONGRESS), APPPROVED JUNE 29, 1945.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,

• • • • •

SEC. 2. Section 501 (c) of the Revenue Act of 1932 as added by section 502 (b) of the Revenue Act of 1943, relating to certain discretionary trusts, is amended by striking out the words "on or after January 1, 1939 and" and inserting in lieu thereof the words "on or after June 7, 1932, and".

PAR. 2. Article 3 (§ 85.3 of such Title 26), as amended by Treasury Decision 5010, approved September 19, 1940, and Treasury Decision 5365, approved May 5, 1944, is further amended by changing the phrase in the first sentence of the last paragraph "the relinquishment by the grantor on or after January 1, 1939 and prior to January 1, 1940" to read "the relinquishment by the grantor on or after June 7, 1932 and prior to January 1, 1940".

(Secs. 501 and 520 of the Revenue Act of 1932 (47 Stat. 245, 259), approved June 6, 1932, section 502 of the Revenue Act of 1943 (Public Law 235, 78th Congress), enacted February 25, 1944, and section 2 of Public Law 95 (79th Congress) approved June 29, 1945)

[SEAL] JOSEPH D. NUNAN, JR.,
Commissioner of Internal Revenue.

Approved: August 14, 1945.

JOSEPH J. O'CONNELL, JR.,
Acting Secretary of the Treasury.

[F. R. Doc. 45-15184; Filed, Aug. 17, 1945; 11:29 a. m.]

[T. D. 5471]

PART 86—GIFT TAX UNDER CHAPTER 4 OF INTERAL REVENUE CODE, AS AMENDED

RELEASE OF POWERS OF APPOINTMENT

Regulations 108 amended to conform to Public Law 95 (79th Congress), relating to release of powers of appointment.

In order to conform Regulations 108 (26 CFR, Cum. Supp., Part 86) to Public Law 95 (79th Congress), approved June 29, 1945, such regulations are amended as follows:

PARAGRAPH 1. There is inserted immediately after Public Law 511 (78th Congress), which was inserted by Treasury Decision 5437, approved February 3, 1945, and preceding § 86.1, the following:

PUBLIC LAW 95 (79TH CONGRESS), APPROVED JUNE 29, 1945)

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That • • • section 452 (c) of the Revenue Act of 1942 is amended to read as follows:

(c) Release Before July 1, 1946.

(1) A release of a power to appoint before July 1, 1946, shall not be deemed a transfer of property by the individual possessing such power.

(2) This subsection shall apply to all calendar years prior to 1946 and to that part of the calendar year 1946 prior to July 1, 1946.

PAR. 2. Section 86.2 (b) as amended by Treasury Decision 5366, approved May 5, 1944, and Treasury Decision 5437, approved February 3, 1945, is further amended as follows:

(A) By striking out "July 1, 1945" wherever it appears and by inserting in lieu thereof "July 1, 1946".

(B) By striking out "as amended by Public Law 511 (78th Congress), approved December 20, 1944" wherever it appears and by inserting in lieu thereof "as amended by Public Law 95 (79th Congress), approved June 29, 1945".

(Secs. 1000 (c), 1029, and 3791 of the Internal Revenue Code (56 Stat. 952, 53 Stat. 157, 467; 26 U.S.C., 1000 (c), 1029, 3791), and Public Law 95 (79th Congress), approved June 29, 1945)

[SEAL] JOSEPH D. NUNAN, Jr.,
Commissioner of Internal Revenue.

Approved: August 14, 1945.

JOSEPH J. O'CONNELL, Jr.,
Acting Secretary of the Treasury.

[F. R. Doc. 45-15183; Filed, Aug. 17, 1945; 11:29 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter IX—War Production Board

AUTHORITY: Regulations in this chapter, unless otherwise noted at the end of documents affected, issued under sec. 2 (a), 54 Stat. 676, as amended by 55 Stat. 236, 56 Stat. 177, 58 Stat. 827; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; W.P.B. Reg. 1 as amended Dec. 31, 1943, 9 F.R. 64.

PART 927—NICKEL

[General Preference Order M-6-a and Direction 1, Revoca on]

Section 927.2 *General Preference Order M-6-a and Direction 1* are revoked. This revocation does not affect any liabilities incurred for violations of the order and direction or actions taken by the War Production Board under the order and direction. Transactions relating to nickel and nickel alloy products remain subject to *Direction 8* to Order M-21, and all other applicable orders and regulations of the War Production Board.

Issued this 16th day of August 1945.

By J. JOSEPH WHELAN,
Recording Secretary.
WAR PRODUCTION BOARD.

[F. R. Doc. 45-15190; Filed, Aug. 17, 1945; 11:36 a. m.]

PART 1010—SUSPENSION ORDERS

[Suspension Order S-885]

THE ELLICOTT CO.

The Ellicott Company was incorporated June 1, 1945, with M. Tyson Ellicott as the principal stockholder and president. Prior to that time, and during the time when the violations were committed, the said M. Tyson Ellicott was sole owner and actively controlled the business. The company is engaged principally in the sale of automotive parts, tools and hardware.

Between June 1, 1944 and January 30, 1945 the company applied or extended unauthorized preference ratings of AA-1 MRO on eight purchase orders to Hein-Werner Motor Parts Corporation of Waukesha, Wisconsin, for a total of 514 jacks, and during the same period it applied or extended unauthorized preference ratings of AA-1 on nineteen purchase orders for 1429 vises for homeshop use and thirty-seven vises for machinists' use. The application or extension of these unauthorized preference ratings constituted violations of Priorities Regulation No. 3. During the period from June 1, 1944 to April 1, 1945, the company also failed to maintain adequate records covering its operations, in that the records were incomplete, incorrect, disorderly and on improper form. This constituted a violation of Priorities Regulation No. 1. The aforementioned acts constitute wilful violations of the said regulations.

These violations have diverted critical materials to uses not authorized by the War Production Board. In view of the foregoing, it is hereby ordered, that:

§ 1010.885 *Suspension Order No. S-885.* (a) The Ellicott Company shall not, for four months from the effective date of this order, apply or extend any preference ratings or use any CMP allotment symbols, regardless of the delivery date named in any purchase order to which such ratings may be applied or extended or on which CMP allotment symbols are used.

(b) The Ellicott Company shall cancel immediately all preference ratings which it has applied or extended to orders which have not yet been filled, except that if it has accepted a customer's rating to get an item for delivery, without change in form, to that customer (as distinct from replacing it in inventory) it need not cancel the rating, providing the item when received is promptly delivered to the customer whose rating was accepted.

(c) The restrictions and prohibitions contained herein shall apply to The Ellicott Company, its successors and assigns, or any person acting in its behalf. Prohibitions herein against the taking of any action include the taking indirectly as well as directly of any such action.

(d) Nothing contained in this order shall be deemed to relieve The Ellicott Company from any restriction, prohibition or provision contained in any other order or regulation of the War Production Board except insofar as the same may be inconsistent with the provisions hereof.

(e) This order shall take effect on August 16, 1945.

Issued this 9th day of August 1945.

WAR PRODUCTION BOARD.
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 45-15195; Filed, Aug. 17, 1945; 11:37 a. m.]

PART 1010—SUSPENSION ORDERS

[Suspension Order S-886]

I. S. TUROVER

I. S. Turover is engaged in the business of selling hardboard, lumber and other building materials in Bethesda, Maryland. Between December 1, 1943 and April 30, 1945 he placed orders bearing preference ratings of AA-1 for 542,024 square feet of hardboard, when in fact he was authorized to place orders bearing this preference rating for only 116,230 square feet. The unauthorized application or extension of preference ratings to obtain 426,794 square feet of hardboard in excess of the authorized amount constituted a violation of Priorities Regulation No. 3 and his actions in applying or extending the aforesaid unauthorized preference ratings constituted a grossly negligent violation of the Regulation.

This violation has diverted critical materials to uses not authorized by the War Production Board. In view of the foregoing, it is hereby ordered, that:

§ 1010.886 *Suspension Order No. S-886.* (a) Unless otherwise specifically authorized in writing by the War Production Board, I. S. Turover shall not for four months from the effective date of this order apply or extend any preference ratings to obtain any hardboard, regardless of the delivery date named in any purchase order to which such ratings may be applied or extended.

(b) I. S. Turover shall cancel immediately all preference ratings which he has applied or extended to orders for hardboard which have not yet been filled, except hardboard already in transit for delivery to him on the effective date of this order.

(c) The restrictions and prohibitions contained herein shall apply to I. S. Turover, his successors and assigns, or persons acting on his behalf. Prohibitions against the taking of any action include the taking indirectly as well as directly of any such action.

(d) Nothing contained in this order shall be deemed to relieve I. S. Turover from any restriction, prohibition, or provision contained in any other order or regulation of the War Production Board, except in so far as the same may be inconsistent with the provisions hereof.

(e) This order shall take effect on August 16, 1945.

Issued this 9th day of August 1945.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN
Recording Secretary.

[F. R. Doc. 45-15196; Filed, Aug. 17 1945; 11:37 a. m.]

PART 1010—SUSPENSION ORDERS

[Supension Order S-892]

PETER DESIMON

Peter Desimon of Seattle, Washington, in December 1944 began construction of a combined restaurant and beer tavern at 8501 and 8503 15th Avenue NW., Seattle, Washington, without authorization from the War Production Board. The construction consisted of alterations and additions to two pre-existing buildings located at 8501 and 8503 15th Avenue NW., in Seattle, Washington, at an estimated cost which exceeded the limit permitted by and was in violation of Conservation Order L-41. Peter Desimon was aware of War Production Board restrictions on construction, and his violation of Conservation Order L-41 was wilful.

This violation has diverted critical materials to uses not authorized by the War Production Board. In view of the foregoing, it is hereby ordered, that:

§ 1010.892 *Suspension Order No. S-892.* (a) Neither Peter Desimon, his successors or assigns, nor any other person, shall do any construction on the premises at 8501 and 8503 15th Avenue NW., Seattle, Washington, including putting up or altering the structure, unless hereafter specifically authorized in writing by the War Production Board.

(b) Nothing contained in this order shall be deemed to relieve Peter Desimon, his successors or assigns from any restriction, prohibition or provision contained in any other order or regulation of the War Production Board, except insofar as the same may be inconsistent with the provisions hereof.

Issued this 15th day of August 1945.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 45-15197; Filed, Aug. 17, 1945; 11:37 a. m.]

PART 1208—NAPHTHENIC ACID AND NAPHTHENATES

[General Preference Order M-142, Revocation]

Section 1208.1 *General Preference Order M-142* is revoked, the revocation to become effective September 1, 1945. This revocation does not affect any liabilities incurred for violation of the order or of actions taken by the War Production Board under the order.

On and after September 1, 1945 naphthenic acid is subject to allocation under General Allocation Order M-300 as an Appendix A material, subject to Schedule 117, issued simultaneously with the issuance of this revocation.

On and after September 1, 1945, use and delivery of naphthenates are subject to Schedule 117, to General Allocation Order M-300.

Issued this 15th day of August 1945.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 45-15193; Filed, Aug. 17, 1945; 11:36 a. m.]

PART 3288—PLUMBING AND HEATING EQUIPMENT

[Limitation Order L-79, Revocation]

DISTRIBUTION OF PLUMBING, HEATING AND COOKING EQUIPMENT

Section 3288.31 *Limitation Order L-79* is revoked. This revocation does not affect any liabilities incurred for violation of the order or of actions taken by the War Production Board under the order. The sale and delivery of plumbing, heating and cooking equipment remain subject to all other applicable regulations and orders of the War Production Board.

Issued this 16th day of August 1945.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 45-15189; Filed, Aug. 17, 1945; 11:36 a. m.]

PART 3290—TEXTILE, CLOTHING AND LEATHER

[Conservation Order M-138, Revocation]

ISTLE

Section 3290.261 *Conservation Order M-138,* is revoked. This revocation does not affect any liabilities incurred for violation of the order or of actions taken by the War Production Board under the order.

Issued this 15th day of August 1945.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 45-15192; Filed, Aug. 17, 1945; 11:36 a. m.]

PART 3293—CHEMICALS

[General Allocation Order M-300, Schedule 36, as Amended Aug. 16, 1945]

GLYCOL ETHERS

§ 3293.1036 *Schedule 36 to General Allocation Order M-300*—(a) *Definition.* "Glycol ether" means any one of the following:

(1) Monobutyl ether of ethylene glycol

(2) Monomethyl ether of ethylene glycol

(3) Monoethyl ether of ethylene glycol

(4) Monoethyl ether of diethylene glycol

(b) *General provisions.* Glycol ethers are subject to allocation under General Allocation Order M-300 as Appendix C materials. The initial allocation date is August 1, 1944. The allocation period is the calendar month and the small order exemption per person per month is as follows:

Monobutyl ether of ethylene glycol	400 lbs.
Monomethyl ether of ethylene glycol	2,150 lbs.
Monoethyl ether or ethylene glycol	2,050 lbs.
Monoethyl ether of diethylene glycol	2,300 lbs.

(c) *Transition from Appendix A to Appendix C control.* For calendar months prior to September, 1945 allocation control of glycol ethers is as Appendix A materials, and for calendar months beginning with September, 1945, allocation control is as Appendix C materials. Regular and interim authorizations on Form WPB-2946 to deliver and on Form WPB-2945 to use or accept delivery for allocation periods prior to September, 1945, are not affected by the change to Appendix C control, but are subject to the limitations on duration of authorization under Order M-300. A supplier who has been authorized to set aside for his own use, and a customer who has been authorized to accept delivery of a quantity of a glycol ether which he has not been authorized to use may use the material without specific authorization if the total amount so set aside or received by him is not in excess of the small order exempt quantity, but if the total amount is greater he must obtain specific authorization to use it on a Form WPB-2945, or Form WPB-2947, as the case may be.

(d) *Suppliers' applications on WPB-2947.* Each supplier seeking authorization to use or deliver shall file application on Form WPB-2947 (formerly PD-602). Filing date is the 25th day of the month before the proposed delivery month. File separate sets of forms for each glycol ether. Send three copies (one certified) to the War Production Board, Chemicals Bureau, Washington 25, D. C., Ref: M-300-36. The unit of measure is pounds. In Table I, first, list in Column 1 the names of customers who have filed WPB-2945 forms with the applicant and in Column 1a specify "WPB-2945"; second, list in Column 1 the names of customers who have filed use certificates with the applicant and in Column 1a transcribe the uses stated in the certificates; third, specify in Column 1 "Aggregate small order deliveries" and leave Column 1a blank; fill in other columns as indicated. Fill in Table II.

(e) *Customers' applications on WPB-2945.* Each person seeking delivery of glycol ethers in excess of the following amounts per month from all suppliers shall file application for authorization on Form WPB-2945:

1. 10,000 pounds Monobutyl Ether of Ethylene Glycol
2. 10,750 pounds Monomethyl Ether of Ethylene Glycol
3. 10,250 pounds Monoethyl Ether of Ethylene Glycol
4. 11,500 pounds Monoethyl Ether of Diethylene Glycol

The filing date is the 20th day of the month preceding the month for which allocation is requested. Send three copies (one certified) to the War Production Board, Chemicals Bureau, Washington 25, D. C., Ref: M-300-36, and one copy (reverse side blank) to the supplier. The unit of measure is pounds. Fill in Column 3 in terms of the following:

Carburizing fluids
Chemical manufacture (specify product)
Cosmetics
Coupling agents (specify product)
General solvent (specify—for example, marking ink, dyestuffs, lacquers, woodstain)
Hydraulic fluids
Metal cleaners
Metal cutting oils
Textile oils
Other primary products (specify)
Export (as glycol ether)
Inventory (as glycol ether)
Resale (as glycol ether)

In Column 4 specify ultimate use to which each primary product will be put in terms of the following: civilian, in-

dustrial, Lend-Lease, other export, or military. If the primary product is required for more than one of these uses, specify percentage for each use. In the case of military use specify contract and specification numbers. Opposite "export", "inventory" or "resale" in Column 3, fill in Column 4 in accordance with paragraph (11-a) of Appendix E of Order M-300. Fill in the other columns of Table I and fill in Tables II and III. Leave Tables IV and V blank.

(f) *Certified uses with purchase orders.* Each person placing purchase orders for delivery of glycol ethers between the following amounts per month in the aggregate from all suppliers shall furnish each supplier with a certified statement of proposed use. Describe proposed use as shown in paragraph (e) above and certify in the form prescribed in Appendix D of Order M-300:

1. 401 pounds to 10,000 pounds of Monobutyl Ether of Ethylene Glycol.
2. 2,151 pounds of 10,750 pounds of Monomethyl Ether of Ethylene Glycol
3. 2,051 pounds to 10,250 pounds of Monoethyl Ether of Ethlyene Glycol
4. 2,301 pounds to 11,500 pounds of Monoethyl Ether of Diethylene Glycol

(g) *Budget Bureau approval.* The above reporting requirements have been approved by the Bureau of the Budget in accordance with Federal Reports Act of 1942.

(h) *Communications to War Production Board.* Communications concerning this schedule shall be addressed to War Production Board, Chemicals Bureau, Washington 25, D. C., Ref: M-300-26.

Issued this 16th day of August 1945.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 45-15194; Filed, Aug. 17, 1945; 11:36 a. m.]

PART 3294—IRON AND STEEL PRODUCTION

[General Preference Order M-21, Direction 8]

NICKEL AND NICKEL ALLOY PRODUCTS

The following direction is issued with respect to General Preference Order M-21:

(a) *Definition.* "Nickel" means nickel in any of the forms listed under Nickel in Schedule II to General Preference Order M-21, except nickel matte, speiss, secondary nickel, and nickel scrap.

(b) *Deliveries of nickel.* Nickel may be ordered and delivered on rated or unrated orders. In the filling of such orders suppliers must be governed by § 944.7 (a) of Priorities Regulation 1.

(c) *Authorizations for melting.* To melt nickel on rated or unrated orders, specific authorization of the War Production Board must be obtained, and an application for such authorization must be made on revised Form WPB-1770 or on such other form as may be prescribed.

(d) *Reports.* Persons who melt nickel, not including suppliers of nickel chemicals, must report their stocks, consumption, and orders as called for on revised Form WPB-2871, not later than the seventh day of the month in which the nickel ordered is to be delivered.

Suppliers of nickel chemicals must report their schedules of delivery, production and stocks on revised Form WPB-2872, not later than the twentieth day of the month preceding the month in which deliveries are to be made.

(e) *Restrictions on sale and delivery of monel, rolled nickel, and inconel by distributors and warehouses.* (1) Monel, rolled nickel and inconel may be sold and delivered on rated orders without limitation.

(2) Monel, rolled nickel and inconel may be sold and delivered on unrated orders by a warehouse and distributor only if replacement is scheduled on an unrated order within 120 days.

(f) *Restrictions on sale and delivery of monel, rolled nickel and inconel by rerollers.* (1) Monel, rolled nickel and inconel may be sold and delivered on rated orders without limitation.

(2) Monel, rolled nickel and inconel may be sold and delivered by rerollers in any one month on unrated orders only after deliveries against rated orders for that month have been made in full, and only if replacement is scheduled on an unrated order within 60 days.

(g) *Restrictions on producers and dealers of nickel salts.* Producers of and dealers in refined nickel salts may deliver refined nickel sulphate and refined nickel chloride in any one month on unrated orders only after filling all rated orders for delivery in that month and after accumulating a stock for use on "emergency orders" in an amount equal to one-third of Second Quarter 1945 deliveries. No shipments shall be made from this emergency stock on rated or unrated orders unless specifically authorized by the War Production Board. This requirement for the maintenance of emergency stocks shall terminate on December 31, 1945.

(h) *Small order exemptions.* (1) Consumers of primary nickel in an amount less than 25,000 pounds per month are not required to furnish the information requested in paragraph (d) above, on revised Form WPB-2871.

(2) Suppliers of nickel chemicals filling any orders calling for delivery of 100 pounds or less of contained nickel are not required to list these orders separately, but may group them by type of nickel chemical on revised Form WPB-2872.

(3) Reporting on Revised Form WPB-1770. (i) Copper base alloys: Rated orders requiring under 200 pounds of contained nickel may be grouped under CMP symbols, and that grouping may be reported on revised Form WPB-1770 as one item: *Provided*, That the number of orders and the total weight thereof are listed.

Unrated orders requiring under 200 pounds of contained nickel may be grouped and reported as one item: *Provided*, That the number of orders and the total weight thereof are listed.

(ii) Monel, rolled nickel and inconel: Rated orders requiring under 2,000 pounds of Monel, or 1,000 pounds of contained nickel in rolled nickel or inconel, may be grouped under CMP symbols or priority ratings and reported on revised Form WPB-1770 as one item: *Provided*, That the number of orders and the total weight thereof are listed.

Unrated orders requiring under 2,000 pounds of Monel or 1,000 pounds of contained nickel in rolled nickel and inconel, may be grouped and reported on revised Form WPB-1770 as one item: Provided, That the number of orders and the total weight thereof are listed.

(iii) Nickel chrome alloys containing under 45% iron: Rated orders requiring under 50 pounds of contained nickel may be grouped under CMP symbols or priority ratings and such grouping may be reported on revised Form WPB-1770 as one item: *Provided*, That the number of orders and the total weight thereof are listed.

Unrated orders requiring under 50 pounds of contained nickel may be grouped and reported on revised Form WPB-1770 as one item: *Provided*, That the number of orders and the total weight thereof are listed.

(4) Nickel may be melted for delivery against rated orders of the kind and amount described in paragraph (h) (3) (i), (ii), and (iii) without authorization of the War Production Board but may not be melted for delivery against unrated orders of like kind and amount without prior approval of the War Production Board.

(i) *Restrictions on inventory.* The sale and delivery of nickel and nickel alloy products as described in this direction are subject to the inventory restrictions as set forth in § 944.14 of Priorities Regulation 1.

(j) *Status of instructions heretofore issued relative to nickel, nickel alloy products and nickel chemicals.* This direction supersedes and renders obsolete all instructions heretofore issued relative to the producing, ordering, selling, delivery and consuming of nickel, nickel alloy products and nickel chemicals.

Issued this 16th day of August 1945.

WAR PRODUCTION BOARD
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 45-15191; Filed, Aug. 17, 1945, 11:36 a. m.]

Chapter XI—Office of Price Administration

PART 1315—RUBBER AND PRODUCTS AND MATERIALS OF WHICH RUBBER IS A COMPONENT

[RO 1A,[1] Amdt 106]

TIRES, TUBES, RECAPPING AND CAMELBACK

A rationale for this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.

Ration Order No. 1A is amended in the following respect:

The effective date of Amendment No. 105 is changed from August 17, 1945, to August 15, 1945.

This amendment shall become effective August 15, 1945.

(Pub. Law 671, 76th Cong. as amended by Pub. Laws 89, 421 and 507, 77th Cong.; E.O. 9125, 7 F.R. 2719, issued April 7, 1942, WPB Dir. No. 1, 7 F.R. 562, Supp. Dir. No. 1Q, 7 F.R. 9121)

Issued this 15th day of August, 1945.

CHESTER BOWLES
Administrator.

[F. R. Doc. 45-15088; Filed, Aug. 15, 1945, 4:15 p. m.]

PART 1304—RATIONING OF FUEL AND FUEL PRODUCTS

[Rev. RO 5C and Rev. RO 11, Revocation]

Subject to section 5.1 of General Ration Order 8, the following Office of Price Administration orders are revoked: Revised Ration Order 5C (Mileage Rationing: Gasoline Regulations), Revised Ration Order 11 (Fuel Oil), and all revocation or suspension orders to the extent that they relate to gasoline or fuel oil.

This order or revocation shall become effective August 15, 1945.

Issued this 15th day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-15291; Filed, Aug. 15, 1945; 4:13 p. m.]

[1] 7 F.R. 9160, 9392, 9724.

PART 1407—RATIONING OF FOOD AND FOOD PRODUCTS

[Rev. RO 13, Revocation]

Subject to section 5.1 of General Ration Order 8, Revised Ration Order 13 (Processed Foods) and revocation and suspension orders relating to processed foods are revoked.

This order of revocation shall become effective August 15, 1945.

Issued this 15th day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-15089; Filed, Aug. 15, 1945; 4:12 p. m.]

PART 1432—RATIONING OF CONSUMERS' DURABLE GOODS

[RO 9A, Revocation]

Subject to section 5.1 of General Ration Order 8, Ration Order 9A (Stoves) and all Offices of Price Administration revocation or suspension orders, to the extent that they relate to stoves, are revoked.

This order of revocation shall become effective August 15, 1945.

Issued this 15th day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-15090; Filed, Aug. 15, 1945; 4:11 p. m.]

PART 1305—ADMINISTRATION

[Supp. Order 94, Amdt. 6]

SALES BY GOVERNMENT AGENCIES AND RESALES BY CERTAIN BUYERS

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.

Supplementary Order 94 is amended in the following respects:

1. In Appendix A, Part I, the following regulation is added to those listed therein:

Regulation number	*Short title*
SO 123	Suspension from price control of aircraft and certain aircraft parts.

2. In Appendix A, Part II, the paragraph following the word "General" is amended to read as follows:

General. Any scrap, used or waste materials or commodities otherwise subject to the General Maximum Price Regulation, except second-hand fractional horsepower electric motors of ¾ horsepower or less.

3. In Appendix B, Part I, the following regulation is added to those listed under the classification of "Textiles, Leather and Apparel":

MPR 578, Certain Garments produced with War Production Board priority assistance		x	x

4. In Appendix B, Part I, the following regulation is added to those listed under the classification of "Consumer Durable Goods and Miscellaneous":

MPR 584, Feather filled pillows and upholstery cushion innersprings	x	x	x

5. In Appendix B, Part I, the following regulation is added to those listed under the classification of "Forest Products, Lumber and Building Materials", "1. Lumber":

MPR 589, Douglas fir stock millwork	x		

6. In Appendix B, Part I, the following regulation is deleted from those listed under the classification of "Metal and Minerals", "1. Iron and Steel":

Regulation number	Short title			
MPR 46	Relaying rail, relaying girder rail, and used track accessories.	x	x	x

7. In Appendix D, Part I, the following regulations are added to those listed therein:

Regulation number	Short title	Levels of sale for which dollars and cents maximum prices are established		
		Manufacturer or producer	Wholesaler or jobber	Retailer
MPR 46	Relaying rail, relaying girder rail, and used track accessories.	x	x	x
Gen. Order 61	Authority to fix community dollars-and-cents ceiling prices on all sales of used lumber.	x	x	x

This amendment shall become effective August 21, 1945.

Issued this 16th day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-15135; Filed, Aug. 17, 1945; 11:17 a. m.]

PART 1305—ADMINISTRATION

[Supp. Order 125]

CHANGES IN REFERENCE TO CERTAIN GOVERNMENT CORPORATIONS

A statement of the considerations involved in the issuance of this supplementary order, issued simultaneously herewith, has been filed with the Division of the Federal Register. For the reasons set forth in that statement and under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Orders Nos. 9250 and 9328, it is hereby ordered:

§ 1305.153 *Changes in references to certain government corporations.* Any reference in any regulation, order, or other document issued by the Office of Price Administration to any of the government corporations listed below shall be deemed to be a reference to the branch, section, or office of the Reconstruction Finance Corporation to which the functions, powers, duties and authority of such corporation have been transferred, unless the context of such reference clearly otherwise requires:

Defense Plant Corporation.
Defense Supplies Corporation.
Disaster Loan Corporation.
Metals Reserve Company.
Rubber Reserve Company.

This supplementary order shall become effective August 21, 1945.

Issued this 16th day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-15136; Filed, Aug. 17, 1945; 11:13 a. m.]

PART 1305—ADMINISTRATION

[Gen. RO 5,[1] Amdt. 114]

FOOD RATIONING FOR INSTITUTIONAL USERS

A rationale accompanying this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.

Sections 11.2 (a), 11.3 (a) (1), and 11.4 (a) are amended by substituting the words "ten per cent (10%)" for the words "twenty per cent (20%)" wherever they appear in those sections.

This amendment shall become effective the 16th of August 1945.

Issued this 15th day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-15125; Filed, Aug. 17, 1945; 11:15 a. m.]

PART 1315—RUBBER AND PRODUCTS AND MATERIALS OF WHICH RUBBER IS A COMPONENT

[RMPR 119, Amdt. 4]

ORIGINAL EQUIPMENT TIRES AND TUBES

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.

Revised Maximum Price Regulation 119 is amended in the following respects:

[1] 9 F.R. 11002, 11676, 11489, 11479, 12483, 12557, 12403, 12744, 14472, 13486, 16738, 17486; 9 F.R. 401.

1. Section 9 (a) (2) of Revised Maximum Price Regulation 119 is amended to read as follows:

(2) "Original equipment tires and tubes" means new rubber tires and tubes sold for the original equipment of automobiles, trucks, busses, trailers, off-the-road equipment, farm implements, tractors, industrial equipment, motorcycles, and aircraft, but does not include tires and tubes sold directly to any agency of the United States Government.

2. Table II of Appendix A is amended by substituting the ply "4" for the ply "2" where the latter appears under the heading "Farm tractor", size 7–32.

This amendment shall become effective August 20, 1945.

Issued this 15th day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45–15131; Filed, Aug. 17, 1945; 11:15 a. m.]

PART 1347—PAPER, PAPER PRODUCTS, RAW MATERIALS FOR PAPER AND PAPER PRODUCTS, PRINTING AND PUBLISHING

[RMPR 451,[1] Amdt. 1]

BOOK PAPER

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.

Revised Maximum Price Regulation 451 is amended in the following respects:

1. In the table of prices in Appendix A (a), the price for the West Virginia Pulp and Paper Company's "Westvaco machine coated" is amended to read "$8.05".

2. Appendix A (d) (4) (i) is amended by adding a new paragraph preceding the examples to read as follows:

Add 4% of the selling price for each pound or fraction thereof below 25 pounds plus the additional charge for 25 pounds.

3. Appendix A (d) (4) (i) is amended by adding the following item to the examples to read as follows:

Basis 20 lbs.: $16.00 per cwt. ($10.00 per cwt. plus 60%—1½% per lb. from 45 lb. to 35 lb., 2% per lb. from 35 lb. to 30 lb., 3% per lb. from 30 lb. to 25 lb., and 4% per lb. from 25 lb. to 20 lb., basis weight).

4. Appendix A (d) (4) (ii) is amended by adding a new paragraph preceding the examples to read as follows:

Add 4% of the selling price for each pound or fraction thereof below 30 pounds plus the additional charge for 30 pounds.

5. Appendix A (d) (4) (ii) is amended by adding the following item to the examples to read as follows:

Basis 25 lbs.: $16.00 per cwt. ($10.00 per cwt. plus 60%—1½% per lb. from 50 lb. to 40 lb., 2% per lb. from 40 lb. to 35 lb., 3% per lb. from 35 lb. to 30 lb. and 4% per lb. from 30 lb. to 25 lb. basis weight).

6. Appendix A (d) (4) (v) is amended by adding a new paragraph preceding the examples to read as follows:

Add 4% of the selling price for each pound or fraction thereof below 35 pounds plus the additional charge for 35 pounds.

7. Appendix A (d) (4) (v) is amended by adding the following item to the examples to read as follows:

Basis 30 lbs.: $16.00 per cwt. ($10.00 per cwt. plus 60%—1½% per lb. from 55 lb. to 45 lb., 2% per lb. from 45 lb. to 40 lb., 3% per lb. from 40 lb. to 35 lb. and 4% per lb. from 35 lb. to 30 lb. basis weight).

This amendment shall be effective as of July 19, 1945.

Issued this 15th day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45–15132; Filed, Aug. 17, 1945; 11:15 a. m.]

PART 1351—FOOD AND FOOD PRODUCTS

[MPR 53, Amdt. 49]

FATS AND OILS

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.

A new section 16.1 (e) is added to Article XVI to read as follows:

(e) *Crude Newfoundland and/or Labrador herring oil.* The maximum price for crude Newfoundland and/or crude Labrador herring oil in tank cars, all duties and taxes paid, delivered to the buyer's place of business, is 8.90 cents per pound, plus the rail rate for the type of shipment from Seattle to the buyer's place of business.

(1) The usual or normal differentials for type of container other than tank cars applying to Alaskan herring oil shall apply to Newfoundland and/or Labrador herring oil.

This amendment shall become effective August 21, 1945.

Issued this 16th day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45–15127; Filed, Aug. 17, 1945; 11:12 a. m.]

PART 1351—FOOD AND FOOD PRODUCTS

[FPR 2, Amdt. 1 to Rev. Supp 2]

OATS

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.

Revised Supplement No. 2 to Food Products Regulation No. 2 is amended in the following respect:

Section 14 is amended to read as follows:

SEC. 14. *Separate invoicing of charges, markups and costs.* When any selling price equals or exceeds the base price adjusted for grade and quality at point of origin plus freight, or exceeds the base price adjusted for grade and quality at the terminal through which the shipment moves plus freight, the seller shall furnish his purchaser with an invoice or confirmation of the purchase and sale separately stating all service charges, markups, elevation and handling costs, and transportation costs permitted in respect to distributors of carload quantities. Such invoice or confirmation of purchase and sale shall indicate with respect to each of the above items, the name and address of the person performing the service or taking the markup, the nature of the service being performed or the markup taken, and the amount being added to the maximum price. No person shall include any of the above items in his maximum price on the sale of any oats in carload quantities unless he complies with the requirements of this section with respect to such item.

This amendment shall become effective August 21, 1945.

Issued this 16th day of August 1945.

CHESTER BOWLES,
Administrator.

Approved: August 7, 1945.

CLINTON P. ANDERSON,
Secretary of Agriculture.

[F. R. Doc. 45–15121; Filed, Aug. 17, 1945; 11:13 a. m.]

PART 1351—FOOD AND FOOD PRODUCTS

[FPR 2, Amdt. 1 to Rev. Supp. 3]

BARLEY

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.

Revised Supplement No. 3 to Food Products Regulation No. 2 is amended in the following respect:

Section 14 is amended to read as follows:

SEC. 14. *Separate invoicing of charges, markups and costs.* When any selling price equals or exceeds the base price adjusted for grade and quality at point of origin plus freight, or exceeds the base price adjusted for grade and quality at the terminal through which the shipment moves plus freight, the seller shall furnish his purchaser with an invoice or confirmation of the purchase and sale separately stating all service charges, markups, elevation and handling costs, and transportation costs permitted in respect to distributors of carload quantities. Such invoice or confirmation of purchase and sale shall indicate with respect to each of the above items, the name and address of the person performing the service or taking the markup, the nature of the service being performed or the markup taken, and the amount being added to the maximum price. No person shall include any of the above items in his maximum price on the sale of any barley in carload quantities unless he complies with the requirements of this section with respect to such item.

This amendment shall become effective August 21, 1945.

Issued this 16th day of August 1945.

CHESTER BOWLES,
Administrator.

Approved: August 7, 1945.

CLINTON P. ANDERSON,
Secretary of Agriculture.

[F. R. Doc. 45–15122; Filed, Aug. 17, 1945; 11:14 a. m.]

PART 1351—FOOD AND FOOD PRODUCTS

[FPR 2, Amdt. 3 to Supp. 4]

CORN

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.

Supplement No. 4 to Food Products Regulation No. 2 is amended in the following respect:

Section 14 is amended to read as follows:

SEC. 14. *Separate invoicing of charges, markups and costs.* When any selling price equals or exceeds the base price adjusted for grade and quality at point of origin plus freight, or exceeds the base price adjusted for grade and quality at the terminal through which the shipment moves plus freight, the seller shall furnish his purchaser with an invoice or confirmation of the purchase and sale separately stating all service charges, markups, elevation and handling costs, and transportation costs permitted in respect to distributors of carload quantities. Such invoice or confirmation of purchase and sale shall indicate with respect to each of the above items, the name and address of the person performing the service or taking the markup, the nature of the service being performed or the markup taken, and the amount being added to the maximum price. No person shall include any of the above items in his maximum price on the sale of any corn in carload quantities unless he complies with the requirements of this section with respect to such item.

This amendment shall become effective August 21, 1945.

Issued this 16th day of August 1945.

CHESTER BOWLES,
Administrator.

Approved: August 7, 1945.

CLINTON P. ANDERSON,
Secretary of Agriculture.

[F. R. Doc. 45–15123; Filed, Aug. 17, 1945; 11:13 a. m.]

PART 1351—FOOD AND FOOD PRODUCTS

[FPR 2, Amdt. 1 to Supp. 6]

GRAIN SORGHUMS

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.

Supplement No. 6 to Food Products Regulation No. 2 is amended in the following respect:

Section 14 is amended to read as follows:

SEC. 14. *Separate invoicing of charges, markups and costs.* When any selling price equals or exceeds the base price adjusted for grade and quality at point of origin plus freight, or exceeds the base price adjusted for grade and quality at the terminal through which the shipment moves plus freight, the seller shall furnish his purchaser with an invoice or confirmation of the purchase and sale separately stating all service charges, markups, elevation and handling costs, and transportation costs permitted in respect to distributors of carload quantities. Such invoice or confirmation of purchase and sale shall indicate with respect to each of the above items, the name and address of the person performing the service or taking the markup, the nature of the service being performed or the markup taken, and the amount being added to the maximum price. No person shall include any of the above items in his maximum price on the sale of any grain sorghums in carload quantities unless he complies with the requirements of this section with respect to such item.

This amendment shall become effective August 21, 1945.

Issued this 16th day of August 1945.

CHESTER BOWLES,
Administrator.

Approved: August 7, 1945.

CLINTON P. ANDERSON,
Secretary of Agriculture.

[F. R. Doc. 45–15124; Filed, Aug. 17, 1945; 11:14 a. m.]

PART 1396—SOAP AND GLYCERINE

[MPR 391, Corr. to Amdt. 6]

HOUSEHOLD SOAPS AND CLEANSERS SOLD BY MANUFACTURERS AND CERTAIN WHOLESALERS

Amendment No. 6 to Maximum Price Regulation No. 391 is corrected as follows:

Section 14 is corrected to read section 17.

This correction shall be effective as of August 7, 1945.

Issued this 16th day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45–15129; Filed, Aug. 17, 1945; 11:13 a. m.]

PART 1426—PRIMARY FOREST PRODUCTS

[MPR 533–2,[1] Amdt. 3]

LAKE STATES LOGS

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.

Maximum Price Regulation 533–2 is hereby amended in the following respects:

1. Section 11 (b) is amended to read as follows:

(b) *White pine log grades*—(1) *Veneer grade* (i) Logs must be 18" or larger, 10' or longer.

(ii) Logs must be entirely clear.

(2) *Prime grade* (i) Logs must be 16" or larger, 10' or longer.

(ii) Logs between 16" and 18" must be entirely clear.

(iii) All other logs must be at least 75 per cent clear on each of three faces.

(iv) All knots outside clear cutting must be sound and not over 2½" in diameter.

(3) *No. 1 grade.* (i) Logs must be 12" or larger, 10' or longer, and with a net scale after deduction for defect of at least 50% of the gross contents of the log.

(ii) Logs must be at least 50% clear on each of three faces or 75% clear on two faces.

(4) *No. 2 grade.* Logs must be 8" or larger, 8' or longer, and a net scale after deduction for defect of at least 50% of the gross contents of the log.

2. Section 14—Table 2—White Pine Logs is amended to read as follows:

TABLE 2—WHITE PINE LOGS

[Per 1,000 feet—log scale]

Species	Veneer	Prime	No. 1	No. 2	Woodsrun
White pine.....	$75	$37	$33	$28	$30

3. Section 15 is amended by adding a paragraph (d) as follows:

(d) In cases where a buyer, operating two or more plants manufacturing products from logs in the same general area, temporarily cannot maintain normal production at one of these plants because of destruction by fire or other circumstances beyond his control, he may apply to the Lumber Branch, Office of Price Administration, Washington 25, D. C. for permission to pay a reasonable additional charge for transporting logs or other primary forest products covered by this regulation, normally supplied to the non-operating plant, to another plant which he operates. This additional charge shall in no case be greater than the cost of transporting logs from the non-operating mill to the operating mill by rail, and shall be limited to transportation to the nearest operating plant.

The buyer's application must contain the following information:

(1) The reason the non-operating plant cannot process the logs.

(2) Name and location of the non-operating plant.

(3) Statement of the approximate date when production in the non-operating plant will be resumed.

(4) Name and location of the plant to which the logs will be delivered.

(5) Estimated additional amount of transportation which will be paid in delivering logs to the operating plant.

[1] 10 F.R. 8860.

[1] 9 F.R. 5299, 5959, 14836; 10 F.R. 3918.

(6) Statement that the buyer can absorb the cost of additional transportation.

(7) Statement that this permission will not be used to secure a buying advantage over any other buying plant operating in the area.

If in the judgment of the Administrator the application for permission to pay additional transportation is reasonable and is made in good faith, the Office of Price Administration may issue a written approval of an amount to be added for transportation, addressed to the applicant at the place of business designated in the application.

4. Section 16 (e) is amended by striking out at the end of the first sentence the words, "Zone 2", and substituting instead the words, "Zone 3".

This amendment shall become effective this 21st day of August 1945.

NOTE: All reporting and record-keeping requirements of this amendment have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 16th day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-15133; Filed, Aug. 17, 1945; 11:17 a. m.]

PART 1426—PRIMARY FOREST PRODUCTS

[MPR 535-2, Amdt. 4]

LAKE STATES CORDWOOD

A statement of the considerations involved in the issuance of this amendment issued simultaneously herewith has been filed with the Division of the Federal Register.

Maximum Price Regulation 535-2 is hereby amended by adding a paragraph (d) to section 13 to read as follows:

(d) In cases where a buyer, operating two or more plants manufacturing products from logs in the same general area, temporarily cannot maintain normal production at one of these plants because of destruction by fire or other circumstances beyond his control, he may apply to the Lumber Branch, Office of Price Administration, Washington 25, D. C., for permission to pay a reasonable additional charge for transporting logs or other primary forest products covered by this regulation, normally supplied to the non-operating plant, to another plant which he operates. This additional charge shall in no case be greater than the cost of transporting logs from the non-operating mill to the operating mill by rail, and shall be limited to transportation to the nearest operating plant.

The buyer's application must contain the following information:

(1) The reason the non-operating plant cannot process the logs.

(2) Name and location of the non-operating plant.

(3) Statement of the approximate date when production in the non-operating plant will be resumed.

(4) Name and location of the plant to which the logs will be delivered.

(5) Estimated additional amount of transportation which will be paid in delivering logs to the operating plant.

(6) Statement that the buyer can absorb the cost of additional transportation.

(7) Statement that this permission will not be used to secure a buying advantage over any other buying plant operating in the area.

If, in the judgment of the Administrator, the application for permission to pay additional transportation is reasonable and is made in good faith, the Office of Price Administration may issue a written approval of an amount to be added for transportation, addressed to the applicant at the place of business designated in the application.

This amendment shall become effective August 21, 1945.

NOTE: All reporting and record-keeping requirements of this amendment have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 16th day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-15134; Filed, Aug. 17, 1945; 11:17 a. m.]

PART 1499—COMMODITIES AND SERVICES

[SR 14C, Amdt. 8]

CERTAIN FOODS AND BEVERAGES, MODIFICATIONS OF MAXIMUM PRICES ESTABLISHED BY GENERAL MAXIMUM PRICE REGULATION

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.

Supplementary Regulation 14C to the General Maximum Price Regulation is amended in the following respects:

Section 4.6 of Article IV is added to read as follows:

SEC. 4.6 *Pearl barley*—(a) *Maximum prices for the sale of packaged pearl barley.* The maximum price for the sale of pearl barley packaged in containers of three pounds or less by any person who packaged the same before delivery to a retail establishment shall be the seller's maximum price established under the General Maximum Price Regulation on sales to the same class of purchaser, plus two cents per pound.

(b) *Notification of new maximum price.* With the first delivery after August 21, 1945, of any item of pearl barley in any case where a seller determines his maximum price pursuant to this section, he shall:

(1) Supply each wholesaler and retailer who purchases from him with a written notice, as set forth below:

(Insert date)

NOTICE TO WHOLESALERS AND RETAILERS

Our O. P. A. ceiling price for (describe item by kind, grade, brand, and container type and size) has been changed by the Office of Price Administration. We are authorized to inform you that if you are a wholesaler or retailer pricing this item under Maximum Price Regulations Nos. 421, 422 or 423, you must refigure your ceiling price for this item on the first delivery of it to you containing this notification on and after (insert effective date of ceiling price change). You must refigure your ceiling price following the rules in section 6 of Maximum Price Regulations Nos. 421, 422 or 423, whichever is applicable to you.

For a period of 60 days after determining such maximum price and with the first shipment after the 60-day period to each person who has not made a purchase within that time, each seller shall include in each case, a carton or other receptacle containing the item, the written notice set forth above, or securely attach it to the outside. However, for sales direct to any retailer, the seller may supply the notice by attaching it to or stating it on the invoice covering the shipment, instead of providing it with the goods.

(2) Supply each purchaser of the item who is a distributor other than a wholesaler and retailer with written notice of the establishment of the new maximum price. The notice, which shall be attached to, or stated on, the invoice shall read as follows:

(Insert date)

NOTICE TO DISTRIBUTORS OTHER THAN WHOLESALERS AND RETAILERS

Our O. P. A. ceiling price for (describe item by kind, variety, grade, brand, and container type and size) has been changed from $------ to $------ under the provisions of section 4.6 to Supplementary Regulation 14C to the General Maximum Price Regulation. You are required to notify all wholesalers and retailers for whom you are the customary type of supplier purchasing the item from you after (insert effective date of ceiling price change) of any change in your maximum price. This notice must be made in the manner prescribed in section 4.6 of Supplementary Regulation 14C.

This amendment shall become effective August 21, 1945.

Issued this 16th day of August 1945.

CHESTER BOWLES,
Administrator.

Approved: August 7, 1945.

CLINTON P. ANDERSON,
Secretary of Agriculture.

[F. R. Doc. 45-15126; Filed, Aug. 17, 1945, 11:16 a. m.]

PART 1499—COMMODITIES AND SERVICES

[RMPR 165, Amdt. 2 to Supp. Ser. Reg. 47]

RETAIL SHOE REPAIR SERVICES

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.

1. Supplementary Service Regulation 47 is amended in the following respects:

Section 1499.680 (e) is amended to read as follows:

(e) *Sales slip or receipt.* Each seller subject to an area order who uses premium leather (Prime, Fine, S. B. Prime, X-Fine, Extra-Fine, X-Prime, Y-Fine, Fine-F, Prime-F, Prime-X, Fine-E, Government Selection, Military Selection, or Army Selection leather) in supplying a half-soling service, and who makes the extra charges for use of such premium leather which are permitted by the area order, shall either:

(1) Affix to the shank of the shoe a sticker, label, marker, or any other clear price identification, stating: "OPA permitted charge of --¢ for premium leather," after inserting the proper figure in the blank space; or

(2) Furnish the customer with a sales slip or receipt showing: (i) the seller's name and address; (ii) the date the services are supplied; (iii) a brief description of each service supplied; (iv) the grade of leather used, if half-soling service is supplied; and (v) the price charged for each service supplied.

If other than premium leather is used in supplying a half-soling service, or if the services supplied do not include half-soling, a sales slip or receipt containing the information set forth in (2) above, must be furnished only if the customer requests a sales slip or receipt.

2. Section 1499.680 (g) is amended to read as follows:

(g) *Higher filed maximum prices.* Any Regional Administrator or any District Director who has been authorized to act by the Regional Administrator having jurisdiction over his district, is authorized to issue an order granting a seller permission to continue pricing his shoe repair services in accordance with the provisions of RMPR 165 rather than this regulation upon satisfactory proof by such seller of the following requirements:

(1) Applicant's prices for his shoe repair services which represent fifty percent or more of his dollar volume of sales were sold at higher prices under the provisions of RMPR 165 than those established for him by an area order under this supplementary service regulation.

(2) Applicant filed on or before September 10, 1942 a statement of maximum prices for those services reflecting such higher prices with his appropriate War Price and Rationing Board.

(3) If applicant entered in business after March 1942 he must show that he established and filed his prices in accordance with the applicable provisions of RMPR 165 and that his "closest competitor" had filed a statement of his maximum prices as set forth above.

(4) Applications under this paragraph (g) must be filed in duplicate and will be denied unless filed within 60 days from the issuance date of the applicable area order.

In Appendix A, the item "Premium leather (Prime or Fine grade leather, or Military or Government Selection)" is amended to read as follows:

Premium leather (Prime, Fine, S. B. Prime, X-Fine, Extra-Fine, X-Prime, Y-Fine, Fine-F, Prime-X, Fine-E, Government Selection, Military Selection, or Army Selection leather).

The reporting and record-keeping requirements of this amendment have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

This amendment shall become effective August 21, 1945.

Issued this 16th day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-15128; Filed, Aug. 17, 1945; 11:12 a. m.]

PART 1418—TERRITORIES AND POSSESSIONS

[RMPR 373,[1] Amdt. 20]

MARKING OF ARTICLES IN HAWAII

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.

Section 44 (j) (2) is amended to read as follows:

(2) *Marking.* No person shall sell or deliver or offer for sale at retail any article covered by this section unless there is firmly attached to such article or on the box containing such article a stamp, tag, or other marking showing the selling price. Such selling price must be plainly visible to and understandable by the purchasing public.

This amendment shall become effective as of July 1, 1945.

Issued this 15th day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-15130; Filed, Aug. 17, 1945; 11:15 a. m.]

Chapter XVI—Office of Censorship

[Communications Ruling 1, Revocation]

PART 1805—COMMUNICATIONS RULINGS

Communications Ruling No. 1, § 1805.1, appearing at 7 F.R. 2172 is hereby revoked.

BYRON PRICE,
Director of Censorship.

[F. R. Doc. 45-15100; Filed, Aug. 17, 1945; 10:27 a. m.]

TITLE 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans' Administration

CONTINUANCE IN EFFECT OF ALL CURRENT REGULATIONS AND OTHER FORMAL ISSUES

All current regulations and procedure, instructions, bulletins, orders, service letters, Administrator's decisions, delegations of authority and other issues, applicable to the Veterans Administration shall remain in full force and effect until such time as the same may be specifically amended or revoked.

[SEAL] OMAR N. BRADLEY,
General, U. S. Army,
Administrator of Veterans' Affairs.

AUGUST 15, 1945.

[F. R. Doc. 45-15092; Filed, Aug. 17, 1945; 9:10 a. m.]

[1] 10 F.R. 6646, 7407, 7794, 7799, 8020, 8069, 8371, 8979, 9273, 9274, 9275, 9466, 9540.

TITLE 43—PUBLIC LANDS: INTERIOR

Subtitle A—Office of the Secretary of the Interior

[Order 2086]

PART 6—REGULATIONS FOR LICENSING PATENTS AND INVENTIONS

Pursuant to section 161 of the Revised Statutes (5 U.S.C. Sec. 22), and the act of April 5, 1944 (58 Stat. 190, 30 U.S.C. secs. 321-325), the following regulations are hereby prescribed:

Sec.
6.1 Purpose of regulations.
6.2 Patents in which the Secretary of the Interior has transferable interests
6.3 Unpatented inventions in which the Secretary of the Interior has transferable interests.
6.4 Licenses unnecessary for use or manufacture by or for the Government; exceptions.
6.5 Publicity concerning inventions.
6.6 Terms of licenses or sublicenses.
6.7 Procedure for issuance of licenses.
6.8 Evaluation Committee.
6.9 Repeal of inconsistent regulations.

AUTHORITY: §§ 6.1 to 6.9, inclusive, issued under section 161 of the Revised Statutes (5 U.S.C. 22), and act of April 5, 1944 (58 Stat. 190, 30 U.S.C. 321-325).

§ 6.1 *Purpose of regulations.* It is the purpose of this part to secure for the people of the United States the full benefits of Government research and investigation in the Department of the Interior (a) by providing means for circulating information concerning patents and inventions in which the Secretary of the Interior has transferable interests which are available for licensing; (b) by providing a simple procedure under which such licenses may be obtained by the public; (c) by providing adequate protection for the inventions until such time as they may be made available for licensing without undue risk of losing patent protection to which the public is entitled.

§ 6.2 *Patents in which the Secretary of the Interior has transferable interests.* Patents in which the Secretary of the Interior has transferable interests, and upon which he may issue licenses or sublicenses, are classified as follows:

(a) Patents assigned without restrictions to the United States, as represented by the Secretary of the Interior, by employees or nonemployees of the Interior Department, whether or not required by law, regulation (see Departmental Order No. 1763 of November 17, 1942, 7 F.R. 10161), or contract, except as provided in § 6.2 (c) hereof. These patents will hereinafter be referred to as Class (a) patents.

(b) Patents licensed to the Secretary of the Interior with the right to sublicense, or assigned to the Secretary of the Interior as trustee for the people of the United States, or assigned to the Secretary of the Interior upon such terms as to effect a dedication to the people of the United States, or conveyed by other means restricting the control of the patent under the terms of the conveyance. These patents will hereinafter be referred to as Class (b) patents.

(c) Patents and patent rights acquired by the Secretary of the Interior pursuant to the act of April 5, 1944 (58 Stat.

190, 30 U.S.C. secs. 321–325), and any amendments thereof, hereinafter referred to as Class (c) patents.

§ 6.3 *Unpatented inventions in which the Secretary of the Interior has transferable interests.* The Secretary of the Interior may also have patent rights in, and may issue licenses upon, inventions which are not yet patented. In order to protect the patent rights of the Department, for the eventual benefit of the public, a license may be granted with respect to such an invention only if (a) a patent application has been filed thereon; (b) the invention has been assigned to the United States, as represented by the Secretary of the Interior, and the assignment has been recorded in the Patent Office; and (c) the solicitor of the Department is of the opinion that the issuance of a license will not prejudice the interests of the Department in the invention. Such licenses shall be upon the same terms as licenses relating to patents of the same class, as described in § 6.2.

§ 6.4 *Licenses unnecessary for use or manufacture by or for the Government; exceptions.* A license from the Secretary of the Interior is not required with respect to the manufacture or use of any invention patented under the act of March 3, 1883 (22 Stat. 625), as amended by the act of April 30, 1928 (45 Stat. 467, 35 U.S.C. sec. 45), or assigned or required to be assigned without restrictions or qualifications to the United States, as represented by the Secretary of the Interior, when such manufacture or use is by or for the Government for governmental, and no other, purposes. A license or sublicense may be required, however, in the case of Class (b) patents or patent rights when the terms under which the Secretary of the Interior acquires interests therein necessitate the issuance of a license or sublicense in such circumstances.

§ 6.5 *Publicity concerning inventions.* (a) In order that the public may obtain the greatest possible benefit from inventions in which the Secretary of the Interior has transferable interests, inventions assigned to the Secretary upon which intent applications have been filed shall be publicized as widely as possible within legal limitations of authority, by the Department, by the originating bureau, by the branch or division of that bureau in which the inventor is employed, and by the inventor himself in his contacts with industries in which the invention is or may be useful. Regular organs of publication shall be utilized to the greatest extent possible. In addition, it shall be the duty of the Solicitor of the Department, upon being advised of the issuance of any patent assigned to the Secretary, to take steps towards listing the patent as available for licensing in the register in the Patent Office established for that purpose.

(b) In order to preserve rights in unpatented inventions for the people of the United States prior to the filing of patent applications thereon, no description, specification, plan or drawing of any unpatented invention upon which a patent application may be filed shall be furnished to anyone not employed by the Department of the Interior or engaged in working on a cooperative or other project approved by the Department unless the Solicitor of the Department is of the opinion that the interests of the Department and of the people of the United States in the invention will not be prejudiced thereby.

§ 6.6 *Terms of licenses or sublicenses.* In order to make inventions developed in the Department of the Interior more available to the people of the United States, the terms of licenses and sublicenses issued pursuant to these regulations shall be as unrestrictive as the laws of the United States and sound administrative practice will permit.

Licenses and sublicenses of Class (c) patents and patent rights shall be granted by the Secretary of the Interior upon such terms and conditions as he may hereafter prescribe pursuant to sections 3 and 5 of the act of April 5, 1944, and any amendments thereof.

Licenses and sublicenses of Class (a) and (b) patents and patent rights shall be nontransferable. They shall be revocable only for violation of the terms of the license or as provided therein upon a finding by the Secretary of the Interior or any person designated by him, after reasonable notice and an opportunity to be heard, that withdrawal of rights conveyed thereunder is in the public interest. Licensees and sublicensees, except in cases where such a requirement would conflict with the terms under which Class (b) patents or patent rights are acquired, may be required to submit annual or more frequent technical or statistical reports concerning "know how" obtained through the exercise of the license or sublicense, the number or quantity of articles produced under the license or sublicense, and other related subjects. Such requirements shall be incorporated into the license or sublicense.

In addition to the general terms stated above, the issuance of licenses and sublicenses shall be governed by the following provisions applicable to the separate classes:

(a) Licenses of Class (a) patents and patent rights may be made available to properly qualified applicants royalty-free, upon a satisfactory showing that the public will be benefited thereby. If no such showing is made, licenses shall be granted only upon a reasonable royalty or other consideration, the amount or character of which may be determined by the Secretary of the Interior or any person or persons designated by him. A cross licensing agreement may be considered adequate consideration.

(b) Licenses of Class (b) patents and patent rights shall be granted in accordance with the provisions of paragraph (a) hereof; *Provided, however,* That if such provisions conflict with the terms of the instruments conveying such patents or patent rights to the Secretary of the Interior, then the licenses shall be made to conform with such terms.

§ 6.7 *Procedure for issuance of licenses.* (a) Any person desiring a license relating to an invention upon which the Secretary of the Interior owns a patent or patent rights shall file with the Solicitor of the Department of the Interior an application for a license, identifying the applicant, his address and citizenship, his business, the patent or invention upon which he desires a license, and stating the purpose for which he desires a license, his experience in the field of the desired license, any patents, licenses, or other patent rights which he may have in the field of the desired license, and the benefits, if any, which the applicant expects the public to derive from his proposed use of the invention.

(b) It shall be the duty of the solicitor, after consultation with the bureau or office in the Department of the Interior most directly interested in the patent or invention involved, and with the Evaluation Committee established in accordance with § 6.8 hereof, if royalties are to be charged, to determine whether the application is complete and the applicant qualified for the license desired, and to recommend to the Secretary the denial or granting of a license. If he recommends that a license be granted, he shall draft an appropriate license for the signature of the Secretary, including provisions as to consideration, as well as special provisions desired by the bureau or office consulted.

(c) If any inquiry concerning a proposed license or application is made to any bureau or office of the Department, the bureau or office shall refer the correspondence to the solicitor, who shall answer all inquiries. If a completed application is received by a bureau or office, the recommendations of such bureau or office shall be transmitted to the solicitor before or in lieu of the consultation referred to in paragraph (b). This provision shall not be interpreted to relieve any bureau or office of the duty of promoting the use of any invention developed therein in accordance with the provisions of § 6.5 of this part.

§ 6.8 *Evaluation Committee.* At the request of the Solicitor, royalty rates in each instance shall be recommended to him by an Evaluation Committee with special knowledge of the subject matter of the invention, appointed by the Secretary. Such committee shall have authority to reccomend royalty rates with respect to any patents or inventions for which royalties may be charged, whether or not an application for a license has been made.

§ 6.9 *Repeal of inconsistent regulations.* Any regulations hitherto issued concerning the licensing of specific patents assigned to the Secretary of the Interior which are inconsistent with these regulations are hereby repealed.

Issued and effective this 11th day of August 1945.

ABE FORTAS,
Acting Secretary of the Interior.

[F. R. Doc. 45-15114; Filed, Aug. 17, 1945; 9:52 a. m.]

TITLE 46—SHIPPING

Chapter III—War Shipping Administration

PART 301—GENERAL REGULATIONS

[G. O. 52]

PROCEDURE FOR INSTITUTING CRIMINAL PROCEEDINGS FOR THEFT OF PROPERTY ON VESSELS CONTROLLED BY WAR SHIPPING ADMINISTRATION

Sec
301.80 Authority and purpose.
301.81 Delegation of authority.
301.82 General procedure.
301.83 Indemnity.

AUTHORITY: §§ 301.80 to 301.83, inclusive, issued pursuant to E.O. 9054, as amended by E.O. 9244, 3 C.F.R. Cum. Supp.

§ 301.80 *Authority and purpose.* Pursuant to the authority vested in the Administrator, War Shipping Administration, by E.O. 9054, 3 CFR Cum. Supp. 1086, as amended by E.O. 9244, 3 CFR Cum. Supp. 1209, it is the responsibility of the Administrator to exercise due diligence to protect and safeguard the property of the United States and property entrusted to the Administrator for transportation (hereinafter referred to as "such property"), in connection with the operations of vessels for the account of the United States. In furtherance of this obligation it is the duty of the Administrator to cause proper law enforcement authorities to arrest and to cause to be instituted and to assist in proceedings for criminal prosecution of, persons stealing or attempting to steal any such property. Sections 301.80 to 301.83, inclusive, are issued for that purpose.

§ 301.81 *Delegation of authority.* (a) The District Directors, Assistant District Directors, District Managers, and Regional and District Counsel of the War Shipping Administration, located in the Atlantic Coast, Gulf Coast, Pacific Coast, and Great Lakes Districts, are severally authorized and directed, as part of their official duties, to cause arrests to be made by proper law enforcement authorities and to cause the institution and assist in prosecution of criminal proceedings, either under Federal or State laws where, in their judgment, there has been a theft of such property from any vessel operated under the control of the War Shipping Administration. Authority is delegated to each of them to do all things necessary to perform this duty in their official capacities.

(b) All General Agents, Agents and Berth Agents of the War Shipping Administration, and all masters, first mates, chief engineers, chief pursers and chief stewards employed on the vessels owned by or bareboat chartered to the United States of America, are authorized and directed to cause arrests to be made by proper law enforcement authorities and to cause the institution and assist in prosecution of criminal proceedings, either under Federal or State laws where, in their judgment, there has been a theft of such property from any vessel operated under the control of the War Shipping Administration. Authority is delegated to each of them to do all the things necessary to perform this duty in their official capacities.

With respect to thefts of such property from vessels owned or bareboat chartered to the United States of America, the approval of one of the persons designated in § 301.81 (a) should, if practicable, be obtained prior to taking any action pursuant hereto.

§ 301.82 *General procedure*—(a) *Thefts occurring on the high seas and in foreign navigable waters.* In instances where the theft of such property occurred on the high seas or in foreign navigable waters, criminal prosecution is authorized by 18 U.S.C. 466 in the Federal Courts of the United States and such thefts should be called to the attention of the United States Attorney for the District in which the vessel first returns to port.

(b) *Thefts occurring within the jurisdiction of any State of the United States; property of the United States.* With respect to thefts of property belonging to the United States occurring within the jurisdiction of a state of the United States, criminal prosecution is authorized by 18 U.S.C. 99, 100 and 101, in the Federal Courts of the United States, and such thefts should be called to the attention of the United States Attorney for the District in which the vessel first returns to port.

(c) *Thefts occurring within the jurisdiction of any State of the United States; property not belonging to the United States.* With respect to thefts of property not belonging to the United States occurring within the jurisdiction of a state of the United States, criminal prosecution is authorized by the laws of the state in which the vessel is located at the time of the theft and should be referred to the appropriate State law enforcement officers.

(d) *Supplemental instructions.* The procedure set forth in this section may be supplemented by instructions issued by appropriate officials of the War Shipping Administration.

§ 301.83 *Indemnity.* With respect to any action taken pursuant to §§ 301.80 to 301.83, inclusive: (a) General Agents, Agents and Berth Agents hereby are indemnified to the full extent provided under their applicable Service Agreements; and (b) the persons designated in § 301.81 (a) and the masters, first mates, chief engineers, chief pursers and chief stewards designated in § 301.81 (b) hereby are indemnified and held harmless by the War Shipping Administration against any liability to (including expense of litigation) and claims of third persons arising out of such actions, but only upon condition that within a reasonable time after knowledge of the assertion by such third persons of any such claim or the institution of any legal proceeding to determine liability, written notice thereof be given to the General Counsel, War Shipping Administration, Washington, D. C., and that the indemnified person cooperate fully with the Administration in defending any such claims or legal proceeding, and that this indemnification shall not give any right, privilege or power to persons or organizations other than those so indemnified.

[SEAL] E. S. LAND,
Administrator.

AUGUST 13, 1945.

[F. R. Doc. 45-15185; Filed, Aug. 17, 1945; 11:30 a. m.]

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

PART 1—RULES OF PRACTICE AND PROCEDURE

LICENSEES OF STANDARD, FM, INTERNATIONAL, AND TELEVISION BROADCAST STATIONS

The Commission on August 2, 1945, issued an order in the matter of promulgation of rules and regulations concerning the filing of financial, ownership, and other reports of broadcasting licensees, together with related forms (Docket No. 6756). These matters are subject to approval of the Bureau of the Budget under the Federal Reports Act of 1942.

The Budget Bureau has today given clearance of the requirements of this order, and Forms 323 and 323A (required to be filed by §§ 1.301 to 1.304, inclusive). Other forms which may herewith be used or promulgated by the Commission in connection with this order, will be subject to usual clearance by the Bureau, in accordance with the Federal Reports Act and regulations.

Dated: August 13, 1945.

[SEAL] FEDERAL COMMUNICATIONS COMMISSION.
T. J. SLOWIE,
Secretary.

[F. R. Doc. 45-15099; Filed, Aug. 17, 1945; 10:20 a. m.]

TITLE 49—TRANSPORTATION AND RAILROADS

Chapter I—Interstate Commerce Commission

[S. O. 132-A]

PART 95—CAR SERVICE

HALFSTAGE ICING

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 14th day of August, A. D. 1945.

Upon further consideration of the provisions of Service Order No. 132 (8 F.R. 8553), and good cause appearing therefor: *It is ordered*, That:

Service Order No. 132 (8 F.R. 8553), relating to halfstage icing and reasonable charges therefor, be, and it is hereby, vacated and set aside.

It is further ordered, That this order shall become effective at 12:01 a. m., August 17, 1945; that a copy of this order and direction shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of

this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

By the Commission, Division 3.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 45-15177; Filed, Aug. 17, 1945; 11:28 a. m.]

[S. O. 154-A]

PART 95—CAR SERVICE

RESTRICTION OF LOCOMOTIVES AND CARS

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 14th day of August, A. D. 1945.

Upon further consideration of the provisions of Service Order No. 154 (8 F.R. 13193), and good cause appearing therefor: *It is ordered*, That:

Service Order No. 154 (8 F.R. 13193), restricting movement of locomotives or cars owned, leased or controlled by the Chicago, Attica and Southern Railroad Company, William Fabricant, Agent, from its line, be, and it is hereby, vacated and set aside.

It is further ordered, That this order shall become effective at 12:01 a. m., August 17, 1945; that a copy of this order and direction shall be served upon the Chicago, Attica and Southern Railroad Company, William Fabricant, Agent, and upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

By the Commission, Division 3.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 45-15178; Filed, Aug. 17, 1945; 11:28 a. m.]

[S. O. 288-A]

PART 95—CAR SERVICE

PACKING AND LOADING OF SHELL EGGS

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 14th day of August, A. D. 1945.

Upon further consideration of Service Order No. 288 (10 F.R. 2408) and good cause appearing therefor: *It is ordered*, That:

Service Order No. 288 (10 F.R. 2408) Packing and Loading Shell Eggs, be, and it is hereby vacated and set aside.

(40 Stat. 101, sec. 402, 41 Stat. 476, sec. 4, 54 Stat. 901; 49 U.S.C. 1 (10)-(17))

It is further ordered, That this order shall become effective, at 12:01 a. m., August 17, 1945; that a copy of this order and direction shall be served upon all State railroad regulatory bodies; and upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

By the Commission, Division 3.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 45-15180; Filed, Aug. 17, 1945; 11:28 a. m.]

[S. O. 173-B]

PART 97—ROUTING OF TRAFFIC

RESTRICTIONS ON ROUTING OF CARLOAD FREIGHT FROM MONROE OR WEST MONROE, LA.

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 14th day of August, A. D. 1945.

Upon further consideration of the provisions of Service Order 173 (9 F.R. 222), and good cause appearing therefor: *It is ordered*, That:

Service Order 173 (9 F.R. 222) of January 4, 1944, 49 CFR § 97.10, providing restrictions on routing of carload freight from Monroe or West Monroe, Louisiana, to destinations east of the Mississippi River, be, and it is hereby, vacated and set aside.

It is further ordered, That this order shall become effective at 12:01 a. m., August 17, 1945; that a copy of this order and direction shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroad subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

By the Commission, Division 3.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 45-15179; Filed; Aug. 17, 1945; 11:28 a. m.]

Chapter II—Office of Defense Transportation

[General Order ODT 22, Revocation]

PART 501—CONSERVATION OF MOTOR EQUIPMENT

TAXICABS AND TAXI SERVICE IN NEW YORK CITY

Pursuant to Executive Orders 8989, as amended, and 9156, General Order ODT 22, as amended, §§ 501.110 to 501.118 (7 F.R. 7206, 9348), is hereby revoked effective August 16, 1945.

(E.O. 8989, as amended, 6 F.R. 6725, 8 F.R. 14183; E.O. 9156, 7 F.R. 3349)

Issued at Washington, D. C., this 16th day of August 1945.

J. M. JOHNSON, *Director, Office of Defense Transportation.*

[F. R. Doc. 45-15116; Filed, Aug. 17, 1945; 11:00 a. m.]

[General Order ODT 46, Revocation]

PART 501—CONSERVATION OF MOTOR EQUIPMENT

RENTAL CAR SERVICE IN BROWARD, DADE, AND PALM BEACH COUNTIES, FLA.

Pursuant to Executive Orders 8989, as amended, 9156, and 9294, General Order ODT 46, §§ 501.440 to 501.453 (10 F.R. 51), is hereby revoked effective August 16, 1945.

(E.O. 8989 as amended, 6 F.R. 6725, 8 F.R. 14183; E.O. 9156, 7 F.R. 3349; E.O. 9294, 8 F.R. 221)

Issued at Washington, D. C., this 16th day of August 1945.

J. M. JOHNSON, *Director, Office of Defense Transportation.*

[F. R. Doc. 45-15117; Filed, Aug. 17, 1945, 11:00 a. m.]

[Administrative Order ODT 17A, Amdt. 4]

PART 503—ADMINISTRATION

PROCEDURES AND DELEGATIONS OF AUTHORITY UNDER GENERAL ORDER ODT 16B

Pursuant to § 502.209 of General Order ODT 16B, Administrative Order ODT 17A, as amended, (9 F.R. 11281, 12292, 13808, 10 F.R. 4721), is hereby further amended as follows:

Subparagraphs (2) and (3), paragraph (a), § 503.361, are amended to read:

(2) Division of Cargo Clearance, War Shipping Administration, may issue requisite ODT unit permits covering consignments of commercial freight originating at a point in the continental United States or in Mexico and shipped to, moving within, or delivered at a port area in the continental United States named in Appendix A hereof, as amended;

(3) The Transport Controller, Dominion of Canada, Montreal, Quebec, may issue all requisite ODT unit permits covering shipments of overseas freight originating at any point in the Dominion of Canada and moving on through billing to a port area in the continental United States named in Appendix A hereof, as amended, subject to such restrictions as may be imposed by the Traffic Control Division, Transportation Corps, Army Services Forces, covering the transportation of such shipments within the continental United States, including the designating of routing within the continental United States, and also after clearance with the Division of Cargo Clearance, War Shipping Administration, with respect to consignments of commercial freight subject to ODT unit permit requirements;

Appendix A, as amended, if further amended by changing the names of the port areas shown opposite the States of Florida and New York to read as follows:

Florida: Boca Grande, Fernandina, Jacksonville, Miami, Palm Beach, Panama City, Pensecola, Port Everglades, Port Tampa, and Tampa.

* * * * *

New York: New York Harbor, and Poughkeepsie.

This Amendment 4 to Administrative Order ODT 17A shall become effective August 17, 1945.

(E.O. 8989, as amended, 6 F.R. 6725, 8 F.R. 14183; General Order ODT 16B, 9 F.R. 11279)

Issued at Washington, D. C., this 17th day of August 1945.

E. E. MCCARTY, *Director, Railway Transport Department, Office of Defense Transportation.*

[F. R. Doc. 45-15198; Filed, Aug. 17, 1945; 11:38 a.m.]

Notices

DEPARTMENT OF THE INTERIOR.

Bureau of Reclamation.

TUCUMCARI IRRIGATION PROJECT, NEW MEXICO

ANNOUNCEMENT OF ANNUAL WATER RENTAL CHARGES [1]

AUGUST 2, 1945.

1. I have determined that it is factually impossible, in view of the provision for construction of distribution works by the United States under the contract with the Arch Hurley Conservancy District dated December 27, 1938, to make water available for irrigation use during the season of 1945 as contemplated in article 8 of the contract of December 27, 1938.

2. *Water rental.* Pursuant to article 10 of the contract of December 27, 1938, irrigation water will be furnished, when available, upon a rental basis under approved applications for temporary water service during the irrigation season of 1945 where the progress of construction will permit, to the irrigable lands in the Arch Hurley Conservancy District described below:

NEW MEXICO PRINCIPAL MERIDIAN

T. 11 N., R. 29 E.,
Sec. 13.
T. 11 N., R. 30 E.,
Sec. 1, W½;
Secs. 2, 3, 4, 5, 7, 8, 9, 10 and 11;
Sec. 12, E½NW¼;
Sec. 14, N½NW¼, SW¼NW¼, NW¼NW¼ SW¼;
Secs. 15, 16, 17, 18, 19, 20, 21, and 29.
T. 12 N., R. 30 E.,
Secs. 26, 27, 28, 29, 32, 33, 34, and 35;
Sec. 36, SW¼.

3. *Charges and terms of payment.* The water rental charge shall be $0.50 per acre-foot for each acre-foot of water requested. All charges shall be payable by the District to the United States in advance of the delivery of water.

4. Water will be delivered and measured by Government forces at the nearest available measuring device to the individual farm.

5. The District will request water delivery for, and certify to the United States as entitled to receive water, only such lands as are owned or are held under contract of purchase by persons duly qualified to receive water under the terms of the Reclamation Act of June 17, 1902 (32 Stat. 388), and acts of Congress supplementary thereto or amendatory thereof, and who have duly complied with the requirements of the contract of December 27, 1938, between the United States and the District, including:

(a) The execution and delivery of the recordable contract as provided for in article 30 (b) of said contract;

(b) The execution and delivery of the valid recordable contract, in the case of ownership of excess land, as provided for in articles 30 (a) and 32 of said contract.

6. Individual applications for water on forms approved by the United States and the payments required by this announcement will be received at the office of the Secretary of the Arch Hurley Conservancy District, Tucumcari, New Mexico. Requests by the District for water for such lands as are entitled to receive water and payments by the District to the United States will be received at the office of the Bureau of Reclamation, Tucumcari, New Mexico.

(Act of June 17, 1902, 32 Stat. 388, as amended or supplemented)

H. W. BASHORE, *Commissioner.*

[F. R. Doc. 45-15093; Filed, Aug. 17, 1945; 9:52 a. m.]

[1] Affects tabulation in Title 43, § 402.1.

DEPARTMENT OF LABOR.

Office of the Secretary.

[WLD 96]

I. COHEN SONS CO., ET AL.

FINDING AS TO CONTRACT IN PROSECUTION OF THE WAR

In the matter of I. Cohen Sons Co., et al., Pittsburgh, Pennsylvania. Case No. S-2429.

Pursuant to section 2 (b) (3) of the War Labor Disputes Act (Pub. No. 89, 78th Cong., 1st sess.) and the directive of the President dated August 10, 1943, published in the FEDERAL REGISTER August 14, 1943, and

Having been advised of the existence of a labor dispute involving Local 944 of the International Brotherhood of Teamsters, Chauffeurs, Warehousemen and Helpers of America and certain concerns engaged in wholesale distribution and transportation of fresh fruits and vegetables in and around Pittsburgh, Pennsylvania.

I find that the transportation of fresh fruits and vegetables sold at wholesale by any concern involved in the above dispute, pursuant to contracts for the sale and delivery thereof, is contracted for in the prosecution of the war within the meaning of section 2 (b) (3) of the War Labor Disputes Act.

Signed at Washington, D. C., this 9th day of August 1945.

L. B. SCHWELLENBACH, *Secretary of Labor.*

[F. R. Doc. 45-15067; Filed, Aug. 14, 1945; 2:00 p. m.]

INTERSTATE COMMERCE COMMISSION.

[S. O. 75-A]

TRANSPORTATION OF RAILROAD CARS

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 14th day of August, A. D. 1945.

Upon further consideration of the provisions of Service Order No. 75 of May 22, 1942, and good cause appearing therefor; *It is ordered*, That:

Service Order No. 75 of May 22, 1942, suspending Rule 4 of the Code of Car Service Rules, be, and it is hereby, vacated and set aside.

It is further ordered, That this order shall become effective at 12:01 a. m., August 17, 1945; that a copy of this order and direction shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

By the Commission, Division 3.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 45-15174; Filed, Aug. 17, 1945; 11:28 a. m.]

[S. O. 94-A]

DIVERSION OF COAL FROM SALT LAKE CITY OR OGDEN, UTAH

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 14th day of August, A. D. 1945.

Upon further consideration of the provisions of Service Order No. 94 of November 2, 1942, and good cause appearing therefor: *It is ordered*, That:

Service Order No. 94 of November 2, 1942, requiring the diversion via the Union Pacific Railroad from Salt Lake City or Ogden, Utah, certain cars loaded with coal, be, and it is hereby, vacated and set aside.

It is further ordered, That this order shall become effective at 12:01 a. m., August 17, 1945; that a copy of this order and direction shall be served upon The Denver and Rio Grande Western Railroad Company (Wilson McCarthy and Henry Swan, Trustees), The Western

Pacific Railroad Company, and the Union Pacific Railroad Company; and upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

By the Commission, Division 3.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 45-15175; Filed, Aug. 17, 1945; 11:28 a. m.]

[S. O. 98-A]

DIVERSION OF COAL FROM SALT LAKE CITY OR OGDEN, UTAH

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 14th day of August, A. D. 1945.

Upon further consideration of the provisions of Service Order No. 98 of November 28, 1942, as amended December 1, 1942, requiring the diversion via the Union Pacific Railroad Company from Salt Lake City or Ogden, Utah, or points east thereof, certain cars loaded with coal, and good cause appearing therefor:

It is ordered, That:

Service Order No. 98 of November 28, 1942, as amended December 1, 1942, requiring the diversion via the Union Pacific Railroad Company from Salt Lake City or Ogden, Utah, or points east thereof, certain cars loaded with coal, be, and it is hereby, vacated and set aside.

It is further ordered, That this order shall become effective at 12:01 a. m., August 17, 1945; that a copy of this order and direction shall be served upon The Southern Pacific Company, The Denver and Rio Grande Western Railroad Company (Wilson McCarthy and Henry Swan, Trustees), the Union Pacific Railroad Company, and the Utah Railway Company; and upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

By the Commission, Division 3.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 45-15176; Filed, Aug. 17, 1945; 11:28 a. m.]

[2d Rev. S. O. 300, Special Permit 37]

REFRIGERATION OF CARS SHIPPED FROM GREENPORT, LONG ISLAND, N. Y.

Pursuant to the authority vested in me by paragraph (e) of the first ordering paragraph of Second Revised Service Order No. 300 (10 F.R. 6802), permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard the provisions of Second Revised Service Order No. 300 insofar as it applies to the furnishing of refrigeration for the following cars shipped from Greenport, L. I., by F. H. Vahsing, Inc.:

WFE 65454 to Tampa, Fla. (LI-PRR-RF&P-Seaboard) Standard Refrigeration.

URT 8146 to Charleston, W. Va. (LI-PRR-B&O) initial and 1 reicing.

The waybills shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 11th day of August 1945.

V. C. CLINGER, *Director, Bureau of Service.*

[F. R. Doc. 45-15181; Filed, Aug. 17, 1945; 11:29 a. m.]

NATIONAL LABOR RELATIONS BOARD.

PUERTO RICO LABOR RELATIONS BOARD

DESIGNATION AS AGENT FOR THE NATIONAL LABOR RELATIONS BOARD FOR PUERTO RICO

Pursuant to section 4 (a) of the National Labor Relations Act, the Puerto Rico Labor Relations Board is hereby designated the agent of the National Labor Relations Board for Puerto Rico and all of the powers and duties of Regional Directors, Examiners, and Attorneys of the National Labor Relations Board, as provided in Article IV of the Rules and Regulations of the National Labor Relations Board, series 3, as amended, are hereby conferred on the Puerto Rico Labor Relations Board, to be exercised in the following manner:

1. The Chairman of the Puerto Rico Labor Relations Board is hereby authorized to exercise all of the powers and duties conferred on Regional Directors of the National Labor Relations Board in Article IV, section 1, of the rules and regulations of the National Labor Relations Board, series 3, as amended. Refusals of the Chairman of the Puerto Rico Labor Relations Board to issue complaints in unfair labor practice cases and notices of hearing in representation cases under the National Labor Relations Act are reviewable by the National Labor Relations Board as provided in Article II, section 9, and Article III, section 4, respectively, of the rules and regulations of the National Labor Relations Board, series 3, as amended.

2. Examiners and attorneys on the staff of the Puerto Rico Labor Relations Board are hereby authorized to exercise all of the powers and duties of examiners and attorneys, respectively, as provided in Article IV, sections 2 and 3, of the rules and regulations of the National Labor Relations Board, series 3, as amended.

All cases handled under this designation shall be governed by the rules and regulations of the National Labor Relations board, series 3, as amended. This designation, which is terminable at the will of the National Labor Relations Board, shall be subject to such conditions and administrative regulations as the National Labor Relations Board may from time to time make or issue.

Signed at Washington, D. C., this 10th day of August 1945.

[SEAL] PAUL M. HERZOG, *Chairman.*
JOHN M. HOUSTON, *Member.*

[F. R. Doc. 45-15080; Filed, Aug. 14, 1945; 2:51 p. m.]

OFFICE OF ALIEN PROPERTY CUSTODIAN.

[Vesting Order 5034]

I. G. FARBENINDUSTRIE A. G. AND GENERAL DYESTUFF CORP.

In re: Interest of I. G. Farbenindustrie A. G. in an agreement with General Dyestuff Corporation.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

1. That I. G. Farbenindustrie A. G. is a corporation organized under the laws of and having its principal place of business in Germany and is a national of a foreign country (Germany);

2. That the property described in subparagraph 3 hereof is property of I. G. Farbenindustrie A. G.;

3. That the property described as follows: All interests and rights (including all royalties or other monies payable or held with respect to such interests and rights and all damages for breach of the agreement hereinafter described, with the right to sue therefor), created in I. G. Farbenindustrie A. G. by virtue of a contract dated April 2, 1940 (including all modifications thereof and supplements thereto, if any), by and between I. G. Farbenindustrie A. G. and General Dyestuff Corporation, which agreement relates, among other things, to United States Letters Patent Number 1,920,564,

is property payable or held with respect to patents or rights related thereto in which interests are held by, and such property itself constitutes interests held therein by, a national of a foreign country (Germany);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC-1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on June 15, 1945.

[SEAL] JAMES E. MARKHAM, *Alien Property Custodian.*

[F. R. Doc. 45-15101; Filed, Aug. 17, 1945; 10:29 a. m.]

[Vesting Order 5040]

EUGENE BUERK AND CARL S. HAUSER

In re: Interests of Eugene Buerk and Carl S. Hauser in Patent No. 2,280,214.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding;

1. That Eugene Buerk is a resident of Germany and a national of a foreign country (Germany);

2. That Carl S. Hauser is a resident of Germany and a national of a foreign country (Germany);

3. That the property described in subparagraph 4 hereof is property of Eugene Buerk and Carl S. Hauser;

4. That the property described as follows: The undivided two-thirds (2/3) interest of Eugene Buerk and Carl S. Hauser in and to the following United States Letters Patent:

Patent No., Date of Issue, Inventor and Title

2,280,214; 4-21-42; Eugene Buerk; Juice Extractor,

including all royalties and all damages and profits recoverable at law or in equity from any person, firm, corporation or government for past infringement thereof, to which the owners of such undivided interest are entitled;

is property of nationals of a foreign country (Germany);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC-1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on June 15, 1945.

[SEAL] JAMES E. MARKHAM, *Alien Property Custodian.*

[F. R. Doc. 45-15107; Filed, Aug. 17, 1945; 10:30 a. m.]

[Vesting Order 5036]

KOSMOS GESELLSCHAFT FUR INTERNATIONALEN AUSTAUSCH INDUSTRIELLER ERFAHRUNGEN, M. B. H. ET AL.

In re: Patent and patent application of German nationals.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding;

1. That Kosmos Gesellschaft fur Internationalen Austausch Industrieller Erfahrungen m. b. H. is a limited partnership organized under the laws of Germany and is a national of a foreign country (Germany);

2. That Hans Friederichs is a resident of Berlin, Germany and is a national of a foreign country (Germany);

3. That Willi Fiedler is a resident of Berlin, Germany and is a national of a foreign country (Germany);

4. That the property described in subparagraph 6 (1) hereof, is property of Kosmos Gesellschaft fur Internationalen Austausch Industrieller Erfahrungen m. b. H. and/or Hans Friederichs;

5. That the property described in subparagraph 6 (2) hereof is property of Kosmos Gesellschaft fur Internationalen Austausch Industrieller Erfahrungen m. b. H. and/or Willi Fiedler;

6. That the property described as follows: Property identified in Exhibit A attached hereto and made a part hereof,

is property of nationals of a foreign country (Germany);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC-1, a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on June 15, 1945.

[SEAL] JAMES E. MARKHAM, *Alien Property Custodian.*

EXHIBIT A

(1) All right, title and interest, including all accrued royalties and all damages and profits recoverable at law or in equity from any person, firm, corporation or government for past infringement thereof, in and to the following United States Letters Patent:

Patent No., Date of Issue, Inventor and Title

2,275,519; 3-10-42; Hans Friederichs; Camera for taking a plurality of photographs on one plate.

(2) All right, title and interest, including all accrued royalties and all damages and profits recoverable at law or in equity from any person, firm, corporation or government for past infringement thereof, in and to the following United States Patent Application Serial No.:

Serial No., Date of Issue, Inventor and Title

384,570; 3-21-41; Willi Fiedler; Ear caps.

[F. R. Doc. 45-15103; Filed, Aug. 17, 1945; 10:29 a. m.]

[Vesting Order 5037]

FRITZ EDLER ET AL.

In re: Patents standing of record in the names of nationals of Germany.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding;

1. That Fritz Edler, Wilhelm Schaefer, Max Armbruster and Hans Kreidel are all res-

idents of Germany and are nationals of a foreign country (Germany);

2. That the property described in subparagraph 5 (a) hereof is property of Fritz Edler and Wilhelm Schaefer;

3. That the property described in subparagraph 5 (b) hereof is property of Max Armbruster;

4. That the property described in subparagraph 5 (c) hereof is property of Hans Kreidel;

5. That the property described as follows: Property identified in Exhibit A attached hereto and made a part hereof,

is property of nationals of a foreign country (Germany);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC–1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on June 15, 1945.

[SEAL] JAMES E. MARKHAM,
Alien Property Custodian.

EXHIBIT A

(a) All right, title and interest, including all accrued royalties and all damages and profits recoverable at law or in equity from any person, firm, corporation or government for past infringement thereof, in and to the following United States Letters Patent:

Patent No., Date of Issue, Inventors and Title

2,223,030; 11-26-40; Fritz Edler and Wilhelm Schaefer; Temporary binder.

(b) All right, title and interest, including all accrued royalties and all damages and profits recoverable at law or in equity from any person, firm, corporation or government for past infringement thereof, in and to the following United States Letters Patent:

Patent No., Date of Issue, Inventors and Title

2,236,769; 4-1-41; Max Armbruster; Apparatus for purifying liquid lubricants.

(c) All right, title and interest, including all accrued royalties and all damages and profits recoverable at law or in equity from any person, firm, corporation or government for past infringement thereof, in and to the following United States Letters Patent:

Patent No., Date of Issue, Inventor and Title

2,269,629; 1-13-42; Hans Kreidel; Tube coupling.

[F. R. Doc. 45–15104; Filed, Aug. 17, 1945; 10:29 a. m.]

[Vesting Order 5035]

BERTHOLD FREUND

In re: Patent No. 1,996,958 owned by Berthold Freund.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding;

1. That Berthold Freund is a resident of Germany and is a national of a foreign country (Germany);

2. That the property described in subparagraph 3 hereof is property of Berthold Freund;

3. That the property described as follows: All right, title and interest, including all accrued royalties and all damages and profits recoverable at law or in equity from any person, firm, corporation or government for past infringement thereof, in and to the following United States Letters Patent:

Patent No., Date of Issue, Inventor and Title

1,996,958; 4-9-35; Berthold Freund; Method of and apparatus for varying the length of sound records,

is property of a national of a foreign country (Germany);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC–1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on June 15, 1945.

[SEAL] JAMES E. MARKHAM,
Alien Property Custodian.

[F. R. Doc. 45–15102; Filed, Aug. 17, 1945; 10:29 a. m.]

[Vesting Order 5039]

ERNST GIESE ET AL.

In re: Interest in patents standing of record in the names of enemy nationals.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding;

1. That Ernst Giese, Rudolf L'Orange, Paul Albert Wickmann, Willi Lebus, Rudolf Kroke, Manfred Christian and Hans Luckhardt are all residents of Germany and are nationals of a foreign country (Germany);

2. That the property described in subparagraph 9 (a) hereof is property of Ernst Giese;

3. That the property described in subparagraph 9 (b) hereof is property of Rudolf L'Orange;

4. That the property described in subparagraph 9 (c) hereof is property of Paul Albert Wickmann;

5. That the property described in subparagraph 9 (d) hereof is property of Willi Lebus;

6. That the property described in subparagraph 9 (e) hereof is property of Rudolf Kroke;

7. That the property described in subparagraph 9 (f) hereof is property of Manfred Christian;

8. That the property described in subparagraph 9 (g) hereof is property of Hans Luckhardt;

9. That the property described as follows: Property identified in Exhibit A attached hereto and made a part hereof,

is property of nationals of a foreign country.

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC–1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on June 15, 1945.

[SEAL] JAMES E. MARKHAM,
Alien Property Custodian.

EXHIBIT A

(a) The undivided one-half (½) interest, which stands of record in the United States Patent Office in the name of Ernst Giese, in and to the following United States Letters Patent:

Patent No., Date of Issue, Inventor, and title

1,798,153; 3-31-31; Ernst Giese; Rotor flying machine having a plurality of rotors;

including all accrued royalties and all damages and profits recoverable at law or in equity from any person, firm, corporation or government for past infringement thereof, to which the owner of such interest is entitled,

(b) The undivided one-half (½) interest, which stands of record in the United States Patent Office in the name of Rudolf L'Orange, in and to the following United States Letters Patent:

Patent No., Date of Issue, Inventor, and title

1,999,330; 4-30-35; Rudolf L'Orange; Liquid fuel injection pump;

including all accrued royalties and all damages and profits recoverable at law or in equity from any person, firm, corporation or government for past infringement thereof, to which the owner of such interest is entitled,

(c) The undivided three-fourths (¾) interest which stands of record in the United States Patent Office in the name of Paul Albert Wickmann, in and to the following United States Letters Patent:

Patent No., Date of Issue, Inventor, and Title

2,039,372; 5-5-36; Paul Albert Wickmann; Insulator;

including all accrued royalties and all damages and profits recoverable at law or in equity from any person, firm, corporation or government for past infringement thereof, to which the owner of such interest is entitled,

(d) The undivided one-half (½) interest, which stands of record in the United States Patent Office in the name of Willi Lebus, in and to the following United States Letters Patent:

Patent No., Date of Issue, Inventor, and Title

2,093,131; 9-14-37; Willi Lebus; Preparation for imparting swelling capacity or loosening substances of various origin containing albumen or cellulose,

including all accrued royalties and all damages and profits recoverable at law or in equity from any person, firm, corporation or government for past infringement thereof, to which the owner of such interest is entitled,

(e) The undivided one-half (½) interest, which stands of record in the United States Patent Office in the name of Rudolf Kroke, in and to the following United States Letters Patent:

Patent No., Date of Issue, Inventor, and Title

2,114,234; 4-12-38; Georg Ornstein and Rudolf Kroke; Apparatus for indicating oxidizing gases in aqueous liquids;

including all accrued royalties and all damages and profits recoverable at law or in equity from any person, firm, corporation or government for past infringement thereof, to which the owner of such interest is entitled,

(f) The undivided one-half (½) interest, which stands of record in the United States Patent Office in the name of Manfred Christian, in and to the following United States Letters Patent:

Patent No., Date of Issue, Inventor, and Title

2,251,602; 8-5-41; Hans Reissner and Manfred Christian; Regulatable propeller having adjustable blades;

including all accrued royalties and all damages and profits recoverable at law or in equity from any person, firm, corporation or government for past infringement thereof, to which the owner of such interest is entitled,

(g) The undivided one-half (½) interest, which stands of record in the United States Patent Office in the name of Hans Luckhardt, in and to the following United States Letters Patent:

Patent No., Date of Issue, Inventor, and Title

2,353,638; 7-18-44; Anton Lorenz and Hans Luckhardt; Adjustable reclining chair;

including all accrued royalties and all damages and profits recoverable at law or in equity from any person, firm, corporation or government for past infringement thereof, to which the owner of such interest is entitled,

[F. R. Doc. 45–15106; Filed, Aug. 17, 1945; 10:29 a. m.]

[Vesting Order 5038]

ANTON FORMHALS AND RICHARD SCHREIBER-GASTELL

In re: Patents standing of record in the names of nationals of Germany.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding;

1. That Anton Formhals and Richard Schreiber-Gastell are residents of Mainz, Germany and are nationals of a foreign country (Germany);

2. That the property described in subparagraph 3 hereof is property of Anton Formhals and Richard Schreiber-Gastell;

3. That the property described as follows: All right, title and interest, including all accrued royalties and all damages and profits recoverable at law or in equity from any person, firm, corporation or government for past infringement thereof, in and to the following United States Letters Patent:

Patent No., Date of Issue, Inventor, and Title

1,975,504; 10-2-34; Anton Formhals; Process and apparatus for preparing artificial threads;

2,077,373; 4-13-37; Anton Formhals; Production of artificial fibers;

2,160,962; 6-6-39; Anton Formhals; Method and apparatus for spinning;

is property of nationals of a foreign country (Germany);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, file with the Alien Property Custodian on Form APC–1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on June 15, 1945.

[SEAL] JAMES E. MARKHAM,
Alien Property Custodian.

[F. R. Doc. 45–15105; Filed, Aug. 17, 1945; 10:29 a. m.]

[Vesting Order 5071]

DR. VOGT & CO., CHEMISCHE FABRIK, AND ADAM BERNHARD

In re: Patent and interest of Dr. Vogt & Company, Chemische Fabrik, in an agreement with Adam Bernhard.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding;

1. That Heinz Hunsdiecker is a resident of Germany and is a national of a foreign country (Germany);

2. That Dr. Vogt & Company, Chemische Fabrik, is a business organization organized under the laws of, and maintaining the principal place of business in, Germany and is a national of a foreign country (Germany);

3. That the property described in subparagraph 5 (a) hereof is property of Heinz Hunsdiecker and/or Dr. Vogt & Company, Chemische Fabrik;

4. That the property described in subparagraph 5 (b) hereof is property of Dr. Vogt & Company, Chemische Fabrik;

5. That the property described as follows: Property identified in Exhibit A attached hereto and made a part hereof,

is property of, or is property payable or held with respect to patents or rights related thereto in which interests are held by, and such property itself constitutes interests held therein by, nationals of a foreign country (Germany);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated,

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC–1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on June 15, 1945.

[SEAL] JAMES E. MARKHAM,
Alien Property Custodian.

sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC–1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on July 4, 1945.

[SEAL] FRANCIS J. MCNAMARA,
Deputy Alien Property Custodian.

EXHIBIT A

(a) All right, title and interest, including all accrued royalties and all damages and profits recoverable at law or in equity from any person, firm, corporation or government for past infringement thereof, in and to the following United States Letters Patent:

Patent No., Date of Issue, Inventor and Title

2,103,007; 12-21-37; Heinz Hunsdiecker; Lustrous pigment and method of manufacturing and using it.

(b) All interests and rights (including all royalties and other monies payable or held with respect to such interests and rights and all damages for breach of the agreement hereinafter described, together with the right to sue therefor) created in Dr. Vogt and Co., Chemische Fabrik by virtue of an agreement between Adam Bernhard and Dr. Vogt and Co., Chemische Fabrik evidenced by letters and cables between Adam Bernhard and Dr. Vogt and Co. dated May 16, 1940, May 31, 1940, June 19, 1940, September 10, 1940 and January 22, 1941 (including all modifications thereof and supplements thereto, if any) which agreement relates, among other things, to United States Letters Patent No. 2,103,007.

[F. R. Doc. 45–15108; Filed, Aug. 17, 1945; 10:30 a. m.]

[Vesting Order 5072]

FERNSEH GESELLSCHAFT MIT BESCHRANKTER HAFTUNG AND FARNSWORTH TELEVISION, INC.

In re: Patent and interest of Fernseh Gesellschaft mit beschrankter Haftung in an agreement dated June 26, 1935 with Farnsworth Television Incorporated.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding;

1. That Herbert Bahring is a resident of Germany and is a national of a foreign country (Germany);

2. That Fernseh Gesellschaft mit beschrankter Haftung is a corporation organized under the laws of, and maintaining its principal place of business in, Germany and is a national of a foreign country (Germany);

3. That the property described in subparagraph 5 (a) hereof is property of Herbert Bahring and/or Fernseh Gesellschaft mit beschrankter Haftung;

4. That the property described in subparagraph 5 (b) hereof is property of Fernseh Gesellschaft mit beschrankter Haftung;

5. That the property described as follows: Property identified in Exhibit A attached hereto and made a part hereof,

is property of, or is property payable or held with respect to patents or rights related thereto in which interests are held by, and such property itself constitutes interests held therein by, nationals of a foreign country (Germany);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC–1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on July 4, 1945.

[SEAL] FRANCIS J. MCNAMARA,
Deputy Alien Property Custodian.

EXHIBIT A

(a) All right, title and interest (including all accrued royalties and all damages and profits recoverable at law or in equity from any person, firm, corporation or government for past infringement thereof) in and to the following United States Letters Patent:

Patent No., Date of Issue, Inventor, and Title

2,265,620; 12-9-41; Herbert Bahring; Scanning current generator;

(b) All interests and rights (including all royalties and other monies payable or held with respect to such interests and rights and all damages for breach of the agreement hereinafter described, together with the right to sue therefor) created in Fernseh Aktiengesellschaft by virtue of an agreement dated June 26, 1935 (including all modifications thereof and supplements thereto, including, but not by way of limitation, an agreement by the parties thereto, dated October 21, 1937, and a letter from Farnsworth Television Incorporated to Fernseh Aktiengesellschaft, dated October 21, 1937) by and between Farnsworth Television Incorporated and Fernseh Aktiengesellschaft, which agreement relates, among other things, to United States Letters Patent No. 1,973,385.

[F. R. Doc. 45–15109; Filed, Aug. 17, 1945; 10:30 a. m.]

[Vesting Order 5073]

SIEMENS & HALSKE A. G.

In re: Interest of Siemens & Halske A. G. in certain patents.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

1. That Siemens & Halske A. G. is a corporation organized under the laws of and maintaining its principal place of business in, Germany and is a national of a foreign country Germany);

2. That the property described in subparagraph 3 hereof is property of Siemens & Halske A. G.;

3. That the property described as follows: Property identified in Exhibit A attached hereto and made a part hereof,

is property of a national of a foreign country (Germany);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC–1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on July 4, 1945.

[SEAL] FRANCIS J. MCNAMARA,
Deputy Alien Property Custodian.

EXHIBIT A

All right, title and interest (including all accrued royalties and all damages and profits recoverable at law or in equity from any person, firm, corporation or government for past infringement thereof) in and to the following United States Letters Patent:

Patent No., Date of Issue, Inventor, and Title

2,120,426; 6-14-38; Werner Herrmann; Electrolytic condenser.

2,209,770; 7-30-40; Fritz Evers, Werner Herrmann, Paul Werner; Electrolytic condenser

2,218,076; 10-15-40; Paul Werner; Electrode particularly for electrolytic devices.

2,224,307; 12-10-40; Ludwig Linder; Electrolytic condenser.

2,227,146; 12-31-40; Ludwig Linder; Electrolyte and electric condenser made therewith.

[F. R. Doc. 45–15110; Filed, Aug. 17, 1945; 10:30 a. m.]

[Vesting Order 5074]

BRUNO POLLAK AND JOHN HALMAGYI

In re: Interest in patents standing of record in the names of enemy nationals.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding;

1. That Bruno Pollak is a resident of Austria and is a national of a foreign country (Germany);

2. That John Halmagyi is a resident of Hungary and is a national of a foreign country (Hungary);

3. That the property described in subparagraph 5 (a) hereof is property of Bruno Pollak;

4. That the property described in subparagraph 5 (b) hereof is property of John Halmagyi;

5. That the property described as follows:

Property identified in Exhibit A attached hereto and made a part hereof,

is property of nationals of foreign countries (Germany and Hungary);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC–1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on July 4, 1945.

[SEAL] FRANCIS J. MCNAMARA,
Deputy Alien Property Custodian.

EXHIBIT A

(a) The undivided one-half (½) interest, which stands of record in the United States Patent Office in the name of Bruno Pollak, in and to the following United States Letters Patent:

Patent No., Date of Issue, Inventor, and Title

1,989,426; 1-29-35, Bruno Pollak; Chair table and the like adapted for stacking,

including all accrued royalties and all damages and profits recoverable at law or in equity from any person, firm, corporation or government for past infringement thereof, to which the owner of such interest is entitled,

(b) The undivided two-thirds (⅔) interest, which stands of record in the United States Patent Office, in the name of John Halmagyi, in and to the following United States Letters Patent:

Patent No., Date of Issue, Inventor, and Title

1,993,890; 3-12-35; Nicholas Langer; Electrical musical instrument,

including all accrued royalties and all damages and profits recoverable at law or in equity from any person, firm, corporation or government for past infringement thereof, to which the owner of such interest is entitled,

[F. R. Doc. 45–15111; Filed, Aug. 17, 1945; 10:30 a. m.]

[Vesting Order 5075]

PAUL ROHRMANN

In re: Patent No. 2,141,094 owned by Paul Rohrmann.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

1. That Paul Rohrmann is a resident of Germany and a national of a foreign country (Germany);

2. That the property described in subparagraph 8 hereof is property of Paul Rohrmann;

3. That the property described as follows: All right, title and interest, including all accrued royalties, and all damages and profits recoverable at law or in equity from any person, firm, corporation or government for past infringement thereof, in and to the following United States Letters Patent:

Patent No., Date of Issue, Inventor, and Title

2,141,094; 12-20-38; Paul Rohrmann, Convertible chair,

is property of a national of a foreign country (Germany);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC–1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on July 4, 1945.

[SEAL] FRANCIS J. MCNAMARA,
Deputy Alien Property Custodian.

[F. R. Doc. 45–15112; Filed, Aug. 17, 1945; 10:30 a. m.]

[Vesting Order 5089]

FRITZ SCHUSTER

In re: Patent No. 2,200,191 owned by Fritz Schuster.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

1. That Fritz Schuster is a resident of Germany and is a national of a foreign country (Germany);

2. That the property described in subparagraph 3 hereof is property of Fritz Schuster;

3. That the property described as follows: All right, title and interest, including all accrued royalties and all damages and profits recoverable at law or in equity from any person, firm, corporation or government for past infringement thereof, in and to the following United States Letters Patent:

Patent No., Date of Issue, Inventor, and Title

2,200,191; 5-7-40; Fritz Schuster; Method of drying stockings.

is property of a national of a foreign country (Germany);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC–1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on July 12, 1945.

[SEAL] FRANCIS J. MCNAMARA,
Deputy Alien Property Custodian.

[F. R. Doc. 45-15113; Filed, Aug. 17, 1945; 10:30 a. m.]

OFFICE OF DEFENSE TRANSPORTATION.

[Notice and Order of Termination 23]

LEE WAY MOTOR FREIGHT, INC.

POSSESSION, CONTROL AND OPERATION OF MOTOR CARRIERS

Pursuant to Executive Order 9462 (9 F.R. 10071), I hereby determine that possession and control of the motor carrier transportation system of Lee Way Motor Freight, Inc., by the United States is no longer necessary for the successful prosecution of the war, and it is hereby ordered, that:

1. *Termination of possession and control.* Possession and control by the United States of the motor carrier transportation system of Lee Way Motor Freight, Inc., 1016 West Washington Street, Oklahoma City, Oklahoma, including all real and personal property and other assets of said motor carrier, taken and assumed pursuant to Executive Order 9462 and the Notice and Order of the Director of the Office of Defense Transportation issued August 11, 1944, is hereby terminated and relinquished as of 12:01 o'clock a. m., August 18, 1945. No further action shall be required to effect the termination of Government control and relinquishment of possession hereby ordered.

2. *Communications.* Communications concerning this order should be addressed to the Office of Defense Transportation, Washington 25, D. C., and should refer to "Notice and Order of Termination No. 23."

Issued at Washington, D. C., this 15th day of August 1945.

J. M. JOHNSON,
Director,
Office of Defense Transportation.

[F. R. Doc. 45-15118; Filed, Aug. 17, 1945, 11:00 p. m.]

OFFICE OF PRICE ADMINISTRATION.

[MPR 64, Order 182]

LOCKE STOVE CO.

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to sections 7 and 11 of Maximum Price Regulation No. 64; *It is ordered:*

(a) This order establishes maximum prices for sales of the Model 818 radiant circulating coal heater manufactured by the Locke Stove Company, 114 West Eleventh Street, Kansas City 6, Missouri, as follows:

(1) For sales in each zone by the manufacturer to wholesale distributors, the maximum prices are those set forth below:

	Zone 1	Zone 2	Zone 3
	Each	*Each*	*Each*
For sale in carload lots	$35.07	$42.01	$47.56
For sales in less than carload lots	40.05	47.23	41.44

These maximum prices include delivery and are subject to the seller's customary terms, discounts, allowances, and other price differentials in effect on sales of similar articles.

(2) For sales in each zone by wholesale distributors to retailers, the maximum prices are those set forth below:

Zone 1	Zone 2	Zone 3
Each	*Each*	*Each*
$47.12	$55.57	$48.75

These prices include delivery and are subject to each seller's customary terms, discounts, allowances and other price differentials in effect on sales of similar articles.

(3) For sales in each zone by retailers to ultimate consumers, the maximum prices are those set forth below:

Zone 1	Zone 2	Zone 3
Each	*Each*	*Each*
$100.50	$104.95	$102.95

Each retailer may add to these prices his customary charges for installation and for the extension of credit: *Provided,* That such additional charges are separately stated and billed by him at the time of sale. No retailer may as a condition of sale require that the purchaser must buy on credit or on an installed basis. In all other respects these prices are subject to each seller's customary terms, discounts, allowances and other price differentials in effect on sales of similar articles.

(b) At the time of or prior to the first invoice to each purchaser for resale after the effective date of this order the Locke Stove Company shall notify the purchaser of the maximum prices and conditions established by this order for resales by the purchaser. This notice may be given in any convenient form.

(c) The Locke Stove Company shall, before delivering any Model 818 Radiant Circulating Coal heaters, attach securely to the front of each stove a tag or label which plainly states the maximum retail price in each zone, together with a list of the states included in each zone. This tag or label may not be removed until after the stove has been sold to an ultimate consumer.

(d) For the purposes of this order Zones 1, 2 and 3 comprise the following states:

Zone 1: New York, Pennsylvania, New Jersey, Delaware, Maryland, District of Columbia, Virginia, West Virginia, North Carolina, South Carolina, Georgia, Florida, Alabama, Mississippi, Tennessee, Kentucky, Ohio, Michigan, Indiana, Illinois, Wisconsin, Minnesota, Iowa, Missouri, Arkansas, Louisiana, Texas, Oklahoma, Kansas, Nebraska, South Dakota, North Dakota.

Zone 2: Montana, Wyoming, Colorado, New Mexico, Arizona, Utah, Idaho, Nevada, Washington, Oregon, California.

Zone 3: Maine, Vermont, New Hampshire, Massachusetts, Connecticut, Rhode Island.

(e) This order may be revoked or amended by the Price Administrator at any time.

(f) This order shall become effective on the 15th day of August 1945.

Issued this 14th day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-15039; Filed, Aug. 14, 1945, 11:40 a. m.]

[RMPR 122, Amdt. 4 to Order 33]

POCAHONTAS FUEL CO., INC.

ADJUSTMENT OF MAXIMUM PRICES

Amendment No. 4 to Order No. 33 under Revised Maximum Price Regulation No. 122. Solid fuels sold and delivered by dealers. Docket No. 3122–229.

For the reasons set forth in an opinion issued simultaneously herewith and pursuant to § 1340.260 of Maximum Price Regulation No. 122; *It is ordered:*

Order No. 33, as amended, under Revised Maximum Price Regulation No. 122 is amended in the following respects:

The table of maximum prices set forth in paragraph (b) is amended to read as follows:

Low volatile coals from district No. 7	Portland	New Bedford
Domestic run of mine	$8.25	$7.90
Straight run of mine	8.00	7.67
Nut and slack	7.83	7.68
Slack	7.67	7.55
Nut	7.89	7.75
Egg	7.75	7.61

This Amendment No. 4 to Order No. 33 under Revised Maximum Price Regulation No. 122 shall be effective as of August 3, 1945.

Issued this 14th day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-15040; Filed, Aug. 14, 1945; 11:40 a. m.]

[MPR 120, Rev. Order 1432]

EVANS ELKHORN COAL CO. ET AL.

ESTABLISHMENT OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and in accordance with § 1340.207 (a) of Maximum Price Regulation No. 120, *It is ordered:*

Order No. 1432 under Maximum Price Regulation No. 120 is revised and amended to read as follows:

(a) Bituminous coal produced at the non-rail connected mines described in paragraph (b) below, all of which are located in District No. 8, when trucked from the mine to a rail siding for rail shipment may be sold at the maximum prices established for the respective mines by § 1340.219 (b) (1) of Maximum Price Regulation No. 120 for rail or river shipment plus the sum of 50 cents per net ton.

(b) (1) All mines located in Pike and Letcher Counties, Kentucky in District No. 8, which do not have a rail connection.

(2) The mines of the following named companies identified by the mine index numbers set opposite their respective names, all of which are located in Floyd and Johnson Counties, Kentucky in District No. 8.

Name	*Index Nos.*
Evans Elkhorn Coal Co	98, 100, 5754.
Fairwest Coal Co	4199.
Hager Hill Mining Co	5629.
Higrade Coal Co	4164.
Nancy Elkhorn Coal Co	635, 637, 758, 913, 5974, 5987, 7141, 7176, 7177.
Turner Elkhorn Mining Co	7416, 7417, 7430.

(3) The mines of the following named companies identified by the mine index numbers set opposite their respective names, all of which are located in Leslie, Perry and Knott Counties, Kentucky, in District No. 8.

Names	*Index Nos.*
Cutshin Coal Co	3647, 7037
Smith Coal Co	5631, 5427
Wooton Coal Co	7281
Raider Coal Co	5130
Ball Creek Coal Co	7008
Big Block Coal Co	7205
Viper Coal Co	7225, 7255
Chavies Coal Co	102
Bonanza Coal Co	1371
Blondell Coal Co	7018
City Fuel Co	5562
Paul Johnson Coal Co	7016
Buchanan Coal Co	7269
Cornett Hill Coal Co	681
John Engle Coal Co	5943
Johnson Supply Co	7003

(c) Except as specifically provided in this order the provisions of Maximum Price Regulation No. 120 governing the sale of bituminous coal produced in District No. 8 shall remain in effect.

(d) All invoices in connection with the sale of bituminous coal priced under this order shall state that the price charged was established by Revised Order No. 1432 under Maximum Price Regulation No. 120 of the Office of Price Administration.

(e) The maximum prices established by this order shall expire at midnight October 31, 1945.

(f) This revised order may be amended or revoked by the Price Administrator at any time.

This Revised Order No. 1432 shall become effective August 15, 1945.

Issued this 14th day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-15041; Filed, Aug. 14, 1945; 11:40 a. m.]

[MPR 188, Order 4257]

IMPERIAL ILLUMINATING CO.

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.158 of Maximum Price Regulation No. 188; *It is ordered:*

(a) This order establishes maximum prices for sales and deliveries of certain articles manufactured by Imperial Illuminating Company, 693 Broadway, New York.

(1) For all sales and deliveries to the following classes of purchasers by the sellers indicated below, the maximum prices are those set forth below:

Article	Model No.	For sales by the manufacturer to—		For sales by any person to consumers
		Jobbers	Retailers	
Metal fluorescent bed lamp with starter switch and ballast	460	*Each* $4.25	*Each* $5.00	*Each* $9.00

These maximum prices are for the articles described in the manufacturer's application dated May 9, 1945.

(2) For sales by the manufacturer, the maximum prices apply to all sales and deliveries since Maximum Price Regulation No. 188 became applicable to those sales and deliveries. For sales to persons other than consumers they are f. o. b. factory, 2% 10 days, net 30. The maximum price to consumers is net, delivered.

(3) For sales by persons other than the manufacturer, the maximum prices apply to all sales and deliveries after the effective date of this order. Those prices are subject to each seller's customary terms and conditions of sale on sales of similar articles.

(4) If the manufacturer wishes to make sales and deliveries to any other class of purchaser or on other terms and conditions of sale, he must apply to the Office of Price Administration, Washington, D. C., under the Fourth Pricing Method, § 1499.158 of Maximum Price Regulation No. 188, for the establishment of maximum prices for those sales, and no sales or deliveries may be made until maximum prices have been authorized by the Office of Price Administration.

(b) The manufacturer shall attach a tag or label to every article for which a maximum price for sales to consumers is established by this order. That tag or label shall contain the following statement, with the proper model number and the ceiling price inserted in the blank spaces:

Model No. ------
OPA Retail Ceiling Price $------
Do Not Detach

(c) At the time of, or prior to, the first invoice to each purchaser for resale, the seller shall notify the purchaser in writing of the maximum prices and conditions established by this order for sales by the purchaser. This notice may be given in any convenient form.

(d) Jobber's maximum prices for sales of the articles covered by this order shall be established under the provisions of section 4.5 of SR 14J.

(e) This order may be revoked or amended by the Price Administrator at any time.

(f) This order shall become effective on the 15th day of August 1945.

Issued this 14th day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-15042; Filed, Aug. 14, 1945; 11:41 a. m.]

[MPR 188, Order 4258]

ELLIOTT MFG. CO.

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.158 of Maximum Price Regulation No. 188; *It is ordered:*

(a) This order establishes maximum prices for sales and deliveries of certain articles manufactured by Elliott Manufacturing Company, 663 Grand Street, Brooklyn 11, N. Y.

(1) For all sales and deliveries to the following classes of purchasers by the sellers indicated below, the maximum prices are those set forth below:

Article	Model No.	For sales by the manufacturer to—		For sales by any person to consumers
		Jobbers	Retailers	
China table lamp bases	4005	*Each* $10.20	*Each* $12.00	*Each* $21.00
	4007	10.20	12.00	21.00
	4149	12.17	14.31	26.85
	4292	13.23	15.56	28.00

These maximum prices are for the articles described in the manufacturer's application dated July 2, 1945.

(2) For sales by the manufacturer, the maximum prices apply to all sales and deliveries since Maximum Price Regulation No. 188 became applicable to those sales and deliveries. For sales to persons other than consumers they are f. o. b. factory, 2% 10 days, net 30. The maximum price to consumers is net, delivered.

(3) For sales by persons other than the manufacturer, the maximum prices apply to all sales and deliveries after the effective date of this order. Those prices are subject to each seller's customary terms and conditions of sale on sales of similar articles.

(4) If the manufacturer wishes to make sales and deliveries to any other class of purchaser or on other terms and conditions of sale, he must apply to the Office of Price Administration, Washington, D. C., under the Fourth Pricing Method, § 1499.158 of Maximum Price Regulation No. 188, for the establishment of maximum prices for those sales, and no sales or deliveries may be made until maximum prices have been authorized by the Office of Price Administration.

(b) The manufacturer shall attach a tag or label to every article for which a maximum price for sales to consumers is established by this order. That tag or label shall contain the following statement, with the proper model number and the ceiling price inserted in the blank spaces:

Model No. ------
OPA Retail Ceiling Price—$------
Do Not Detach

(c) At the time of, or prior to, the first invoice to each purchaser for resale, the manufacturer shall notify the purchaser in writing of the maximum prices and conditions established by this order for sales by the purchaser. This notice may be given in any convenient form.

(d) Jobber's maximum prices for sales of the articles covered by this order shall be established under the provisions of section 4.5 of SR 14J.

(e) This order may be revoked or amended by the Price Administrator at any time.

(f) This order shall become effective on the 15th day of August 1945.

Issued this 14th day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-15043; Filed, Aug. 14, 1945; 11:41 a. m.]

[RMPR 528, Order 56]

TIRES AND TUBES, RECAPPING AND REPAIRING, AND CERTAIN REPAIR MATERIALS

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith, and filed with the Division of the Federal Register, and pursuant to section 16 (d) of Revised Maximum Price Regulation 528, *It is ordered:*

(a) The maximum retail prices for the following sizes of new Combat and Run-Flat tires of cotton construction shall be:

Size	Ply	Maximum price per tire
6.00-16	6	$22.40
6.00-20	8	29.65
8.00-16	8	51.95
8.25-16	10	79.50
8.25-20	12	83.20
9.00-16	8	69.70
9.00-20	12	100.90
14.00-20	18	284.15
14.00-24	18	301.35

(b) All provisions of Revised Maximum Price Regulation 528 not inconsistent with this order shall apply to sales covered by this order.

(c) This order may be revoked or amended by the Office of Price Administration at any time.

This order shall become effective August 20, 1945.

Issued this 15th day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-15170; Filed, Aug. 17, 1945; 11:25 a. m.]

Regional and District Office Orders.

[Region VIII Order G-100 Under 18 (c), Amdt. 4]

PULP WOOD IN SAN FRANCISCO REGION

An opinion accompanying this amendment has been issued simultaneously herewith.

Order No. G-100 under § 1499.18 (c) of the General Maximum Price Regulation is amended in the following respects:

1. A new subparagraph (b) (10) is added as follows:

(10) "128 cu. ft. stacked" includes, in the case of logs or poles 120" in length or longer, 500 ft. log scale under the Scribner Decimal C. Log Scale Rule.

This amendment to Order No. G-100 shall become effective July 30, 1945.

Issued this 25th day of July 1945.

CHAS. R. BAIRD,
Regional Administrator.

[F. R. Doc. 45-14997; Filed, Aug. 13, 1945; 4:30 p. m.]

[Region I Order G-68 Under RMPR 122, Amdt. 1]

SPECIFIED SOLID FUELS IN FALL RIVER, MASS., AREA

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of Region I of the Office of Price Administration by § 1340.260 of Revised Maximum Price Regulation No. 122 and the Emergency Price Control Act of 1942, as amended, Region I Order No. G-68 under Revised Maximum Price Regulation No. 122 is hereby amended in the following respects:

1. The words "Staples Nuggets" are stricken out and the words "Atlantic Victory Briquettes" are substituted therefor in paragraphs (b) (1), (b) (2) and (f) (1).

2. Subparagraph (15) of paragraph (g) is amended to read as follows:

(15) "Atlantic Victory Briquettes" means bituminous coal briquettes and briquettes made from a mixture of anthracite and bituminous coal produced by Staples Coal Company, doing business as Atlantic Coal Company of Massachusetts, at its plant at Globe Wharf, Fall River, Massachusetts, in accordance with Order No. 28 (as amended) under Maximum Price Regulation No. 121.

This Amendment No. 1 to Order No. G-68 shall become effective October 25, 1944.

(56 Stat. 23, 765, 57 Stat. 566, Pub. Law 383, 78th Cong.; E.O. 9250, 7 F.R. 7871, E.O. 9328, 8 F.R. 4681).

Issued this 16th day of October 1944.

ELDON C. SHOUP,
Regional Administrator.

[F. R. Doc. 45-15070; Filed, Aug. 14, 1945; 2:22 p. m.]

[Region I Order G-68 Under RMPR 122 Amdt. 2]

SPECIFIED SOLID FUELS IN FALL RIVER, MASS., AREA

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of Region I of the Office of Price Administration by § 1340.259 (a) (2) and § 1340.260 of Revised Maximum Price Regulation No. 122 and the Emergency Price Control Act of 1942, as amended, Region I Order No. G-68 under Revised Maximum Price Regulation No. 122 is hereby amended in the following respects:

1. In paragraphs (b) (1), (b) (2) and (b) (3) in the tables of prices for coke, the words "and Providence" are hereby deleted.

2. In paragraph (b) (1), Price Schedule I is amended by adding to the table of prices for coke, the following:

Kind and size	Per net ton	Per ½ ton	Per ¼ ton	Per [illegible] pounds
Providence	$15.00	$8.45	$4.60	[illegible]

3. In paragraph (b) (2), Price Schedule II is amended by adding to the table of prices for coke, the following:

Kind and size	Per net ton	Per ½ ton	Per ¼ ton	Per [illegible] pounds
Providence	$11.00	$7.95	$4.95	$0.90

4. In paragraph (b) (3), Price Schedule III is amended by adding to the table of prices for coke, the following:

Kind and size	Per net ton	Per ½ ton	Per ¼ ton
Providence	$12.40	$6.20	$3.10

This Amendment No. 2 to Order No. G-68 shall become effective April 24, 1945.

Issued this 23d day of April 1945.

ELDON C. SHOUP,
Regional Administrator.

[F. R. Doc. 45-15069; Filed, Aug. 14, 1945; 2:22 p. m.]

[Region VI Order G-3 Under MPR 154, Revocation]

ICE IN MILWAUKEE COUNTY, WIS.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of the Office of Price Administration by § 1393.8 of Maximum Price Regulation 154; *It is hereby ordered*, That Order No. G-3, as amended, originally issued on July 6, 1944, be, and the same is, hereby revoked.

This order shall be effective as of August 1, 1945.

Issued this 7th day of August 1945.

RAE E. WALTERS,
Regional Administrator.

[F. R. Doc. 45-15000; Filed, Aug. 13, 1945; 4:31 p. m.]

[Region VI Rev. Order G-7 Under RMPR 122, Amdt. 1]

SOLID FUELS IN WILMAR, MINN.

An opinion accompanying this amendment has been issued simultaneously herewith. Revised Order No. G-7 under Revised Maximum Price Regulation No. 122, as amended, is amended in the following respects:

Paragraph (c) (1) VI is amended to read as follows:

	Direct delivery	Price at yard
VI. Briquettes made from low volatile bituminous coal or a mixture of bituminous coal and anthracite—All [illegible]	$14.60	$13.25

This Amendment No. 1 to Revised Order No. G-7 shall become effective immediately.

Issued this 6th day of August 1945.

RAE E. WALTERS,
Regional Administrator.

[F. R. Doc. 45-15006; Filed, Aug. 13, 1945; 4:33 p. m.]

[Region VI Rev. Order G-15 Under RMPR 122]

SOLID FUELS IN QUAD CITIES AREA

Order No. G-15 under Revised Maximum Price Regulation No. 122 is redesignated Revised Order No. G-15 and is revised and amended to read as follows:

Pursuant to the authority vested in the Regional Administrator of Region VI by § 1340.260 of Revised Maximum Price Regulation No. 122, as amended, it is ordered:

(a) *What this order does.* This order establishes maximum prices for sales of specified solid fuels delivered in the cities of Rock Island, Moline, East Moline, Silvis and Milan, Illinois, and Davenport and Bettendorf, Iowa, and within an area of five miles from the city limits of each of them. These are the highest prices that any dealer may charge when he delivers any such fuel within this area; they are also the highest prices that any buyer in the course of trade or business may pay for such solid fuels.

(b) *What this order prohibits.* Regardless of any obligation, no person shall:

(1) Sell, or, in the course of trade or business, buy solid fuels at prices higher than the maximum prices set by this Revised Order No. G-15 but less than the maximum prices may at any time be charged, paid or offered.

(2) Obtain higher than maximum prices by:

(i) Charging for a service unless expressly requested by the buyer and unless specifically authorized to do so by this revised order.

(ii) Charging a price higher than the schedule price for a service.

(iii) Making a charge higher than the schedule charge authorized for the extension of credit.

(iv) Using any tying agreement or requiring that the buyer purchase anything in addition to the fuel requested by him, or

(v) Using any other device by which a higher than maximum price is obtained.

(c) *Price schedule.* (1) Immediately below and as part of this paragraph (c) is a schedule which sets forth maximum prices before discounts for sales by direct delivery of specified sizes, kinds and quantities of solid fuels. Column 1 describes the fuel for which prices are established; Columns 2, 3 and 4 show maximum prices for fuel delivered in quantities indicated by each column heading. All prices are stated on a net ton basis.

The price schedule lists maximum prices for the sale of coal on the basis of the type of mine operation by means of which it is produced. On sales of coal produced in District Nos. 7, 8, 9, and 11, the prices established are similar for the same kind and size of fuel regardless of the type of mine operation. On District No. 10 coal as described in paragraph IV, A and B, prices apply to coal produced in Deep Machine Mines only; as described in paragraph IV, C, prices apply as specified to coal produced in Deep Machine Mines and Strip Mines; as described in paragraph IV, D, prices apply to coal produced in Strip Mines only. The prices of Pennsylvania Anthracite and By-Product Coke are unaffected by the type of mine operation.

PRICE SCHEDULE

	2 tons or more delivered per ton	1 ton delivered per ton	½ ton delivered per ½ ton
I. *Low volatile bituminous coal from district No. 7 (West Virginia and Virginia)*			
1. Egg—size group No. 2; top size 3" and larger, bottom size no limit (price classification A)	$13.01	$13.26	$6.88
II. *High volatile bituminous coal from district No. 8 (east Kentucky and West Virginia and parts of Virginia and Tennessee)*			
1. Lump and egg—size groups 1, 2 and 3; price group A; (all lump coals bottom size larger than 2", all egg coals, top size larger than 3", bottom size larger than 3" not exceeding 4")	12.10	12.35	6.43
2. Lump—size groups 1 and 2; all lump coal bottom size larger than 3", price groups E through J (from southern Appalachian district)	12.05	12.30	6.43
3. Lump—size groups 1 and 2; all lump coal bottom size larger than 3", price groups E through M	11.80	12.05	6.28
4. Egg—size group No. 2; all egg coal top size larger than 6" and bottom size larger than 5", price groups E through J (from southern Appalachian district)	11.65	11.90	6.23
5. Egg—size group No. 6 (including 6" x 2" and 5" x 3", price classification E through N)	11.20	11.45	5.98
6. Stoker—size group No. 10; all double screened stoker coals; top size not exceeding 1¼" and bottom size less than 1¼", price classification B through E	11.15	11.40	5.98
III. *High volatile bituminous coal from district No. 9 (western Kentucky)*			
A. Lump—size group Nos. 1 and 2; larger than 4":			
1. No. 6 seam	8.61	8.86	4.68
2. No. 9 or 11 seam	8.11	8.36	4.43
3. No. 14 or stray seam	8.71	8.96	4.73
B. Egg—size group No. 3 (including 8" x 3", 7" x 3" and 6" x 3"):			
1. No. 6 seam	8.11	8.36	4.43
2. No. 9 or 11 seam	8.11	8.36	4.43
3. No. 14 or stray seam	8.61	8.86	4.68
C. Nut, stoker and pea coals—size groups 9-12 inc.; all raw double screened nut; stoker and pea coals top size not exceeding 2" and bottom size larger than 10 mesh or 3/32":			
1. No. 6 seam	8.71	8.96	4.73
2. No. 14 or stray seam	7.56	7.81	4.18
IV. *High volatile bituminous coal from district No. 10 (Illinois)*			
A. Southern subdistrict (price groups 1, 2 and 3 (deep machine mines):			
1. Lump—size groups 1 and 2 (4" and larger)	8.79	9.04	4.80
2. Egg—size group No. 3 (including 8" x 3", 7" x 3" and 6" x 3")	8.84	9.09	4.80
3. Egg and nut—size groups 4, 5, 6 and 8 (including 5" x 2", 4" x 2", 3" x 2", and 2" x 1¼")	8.54	8.79	4.65
4. Prepared stoker—size group Nos. 21, 22 and 28; washed or air cleaned nut and pea coals; bottom size larger than 1 millimeter; top size not exceeding 2" and dry dedusted special stoker—bottom size larger than 28 mesh and top size not exceeding 48"	8.29	8.54	4.55
5. Washed and dedusted screenings—size group Nos. 23, 24, 26 and 27; washed or air cleaned screenings; top size not exceeding 2" and dry dedusted screenings top size not exceeding 2"	7.64	7.89	4.20
B. Central subdistrict (price group Nos. 12, 13 and 23):			
1. Lump—size group Nos. 1 and 2; larger than 4" (deep machine mines)	7.61	7.76	4.15

PRICE SCHEDULE—Continued

	2 tons or more delivered per ton	1 ton delivered per ton	½ ton delivered per ½ ton
IV. *High volatile bituminous coal from district No. 10 (Illinois)*—Continued.			
C. Belleville subdistrict (price group Nos. 10 and 16–22 inclusive):			
1. Egg—size group Nos. 2 including 7" x 4" and 6" x 4":			
(a) Strip mines	$7.60	$8.05	$4.30
(b) Deep machine mines	7.89	8.14	4.35
D. Fulton Peoria subdistrict (strip mines):			
1. Lump and egg—size group Nos. 1, 2 and 3, all lump or egg coals—bottom size larger than 2"; washed or raw; price group Nos. 24, 25 and 26	6.70	6.95	3.75
2. Lump and egg—size group Nos. 1, 2 and 3, all lump or egg coals bottom size larger than 2"; washed or raw—price group Nos. 27 and 28	6.85	7.10	3.90
3. Egg, nut and stove—size group Nos. 4, 5, 6 and 8; all egg, nut and stove coals; bottom size 2" and smaller, washed or raw including 6" x 2", 5" x 2", 4" x 2", 3" x 2", and 2" x 1¼"; price groups 24 to 28 inclusive	6.35	6.60	3.55
4. Washed nut and pea—size group Nos. 17 to 20 inclusive. Washed or air cleaned nut and pea coal—bottom size larger than 10 mesh or 4x2" and top size not exceeding 2", price group Nos. 27 and 28	6.50	6.75	3.65
5. Washed screenings—size group Nos. 23 and 24; washed or air cleaned screenings, top size not exceeding 2", price group Nos. 27 and 28	6.25	6.50	3.50
V. *High volatile bituminous coal from district No. 11 (Indiana)*			
1. Lump and egg—size group Nos. 1, 2 and 3, all lump or egg coal, bottom size larger than 2"; washed or raw; price group Nos. 6 and 14	9.54	9.79	5.15
2. Lump and egg—size group Nos. 1, 2 and 3; all lump or egg coal; bottom size larger than 2"; washed or raw; price group Nos. 15 and 16	9.09	9.34	4.95
VI. *Pennsylvania anthracite*			
1. Nut	19.60	19.85	10.20
VII. *Byproduct coke*			
1. Egg and stove	15.95	16.20	8.35

(2) The maximum prices for all sales by dealers of solid fuels not provided for by the above schedule shall be the maximum prices applicable for such sales under Revised Maximum Price Regulation No. 122, as amended.

(d) *Charge for treatment of coal.* Whenever a dealer has been charged by his supplier for the chemical or oil treatment of coal at the mine, he may add such treatment charge to the applicable maximum price set by this revised order: *Provided*, That the treated coal is kept separate and is not mixed with untreated coal. When a treatment charge is made pursuant to this section the dealer need not separately state the amount of such service charge if he clearly indicates on the invoice that such coal is so treated.

(e) *Service charges.* The service charges set forth below may be made for special services rendered in connection with sales under paragraph (c). No other or higher service charges may be made. Service charges must be separately stated on each invoice.

	Coal (cents)
Carrying or wheeling from curb, per ton	75
Carrying up or down stairs, per ton	60

(f) *Cash discounts.* A cash discount of not less than 50¢ per ton must be allowed whenever payment is made within 10 days of delivery.

(g) *The transportation tax.* The transportation tax imposed by section 620 of the Revenue Act of 1942 may be collected in addition to the maximum prices set by this revised order, provided the dealer states it separately from the price on his invoice or statement. But no part of that tax may be collected, in addition to the maximum price or sales of quarter-ton or lesser quantities. Any other tax upon or incident to the sales of solid fuel (including the Illinois Retailers' Occupational Tax) may also be collected.

(h) *Addition of increases in supplier's price prohibited.* Notwithstanding the provisions of Revised Maximum Price Regulation No. 122, the maximum prices set by this revised order may not be increased and need not be decreased by a dealer to reflect increases or decreases in purchase costs or in his supplier's maximum prices occurring after the effective date hereof, but increases or decreases in the maximum prices set hereby, to reflect such changes are within the discretion of the Regional Administrator.

(i) *Petitions for amendments.* This revised order may be revoked, amended or modified at any time. Any dealer may at any time file with the Quad Cities District Office of the Office of Price Administration a petition for amendment to this revised order in accordance with the provisions of Revised Procedural Regulation No. 1.

(j) *Posting of maximum prices and records.* (1) Each dealer subject to this revised order shall post all the maximum prices set by it for all his types of sales. He shall post his prices in his place of business in a manner plainly visible to and understandable by the purchasing public. He shall also keep a copy of this revised order available for examination by any person inquiring as to his prices for solid fuel. No report of the maximum prices established by this revised order need be made by any dealer under § 1340.262 (c) of Revised Maximum Price Regulation No. 122.

(2) Every person making a sale of solid fuel for which a maximum price is set by this revised order shall keep a record thereof showing: the date; the name and address of the buyer, if known; the per net ton price charged and the solid fuel sold. The solid fuel shall be identified in the manner in which it is described in this revised order. The record shall also separately state each service rendered and the charge made for it.

(k) *Definitions and explanations.* When used in this Revised Order No. G–15, the term:

(1) "Direct delivery" or "delivered" means dumping or chuting the fuel from the seller's truck directly into the buyer's bin or storage space; but, if this is physically impossible, the term means discharging the fuel directly from the seller's truck at the point nearest and most accessible to the buyer's bin or storage space.

(2) "Pennsylvania anthracite" means only coal produced in the Lehigh, Schuylkill and Wyoming regions in the Commonwealth of Pennsylvania. "Chestnut" size of Pennsylvania anthracite refers to the size of such coal prepared at the mine in accordance with standard sizing specifications adopted by the Anthracite Committee, effective December 15, 1941.

(3) "District No." refers to the geographical bituminous coal-producing districts as delineated and numbered by the Bituminous Coal Act of 1937, as amended.

(4) "Low volatile bituminous coal" refers to coal produced in the low volatile sections of the producing districts specified herein.

(5) "High volatile bituminous coal" refers to coal produced in the high volatile sections of the producing districts specified herein.

(6) "Egg, stove, nut", etc., sizes of bituminous coal refer to the sizes of such coal as defined in the Bituminous Coal Act of 1937, as amended, and as prepared at the mine in accordance with the applicable minimum price schedule promulgated by the Bituminous Coal Division of the United States Department of the Interior.

(7) "P. G." (Production Group) and "S. G." (Size Group) refer to the meaning given to these terms under the Bituminous Coal Act of 1937, or under any order, schedule, rule or regulation issued by the Bituminous Coal Division of the U. S. Department of the Interior which was established or in effect as of midnight August 23, 1943.

(8) Except as otherwise provided herein or as the context may otherwise require, all terms used in this revised order shall bear the meaning given them in Revised Maximum Price Regulation No. 122 or the Emergency Price Control Act of 1942; if not therein defined, they shall be given their ordinary and popular trade meaning.

(l) *Effect of order on Revised Maximum Price Regulation No. 122 and Regional Order No. G–19.* Except as herein otherwise provided, the provisions of Revised Maximum Price Regulation No. 122 shall remain in full force and effect. This revised order supersedes Order No. G–19 as to dealers covered hereby.

(m) Every person selling solid fuels subject to this revised order shall, either at the time of, or within thirty days after the date of a sale or delivery of solid fuels governed by this revised order give to his purchaser an invoice, sales slip or receipt, and shall keep an exact copy thereof for so long as this revised order is in effect or for so long as the Emergency Price Control Act of 1942, amended, shall permit, whichever period is longer, showing the following information:

The name and address of the seller and the purchaser; the kind, size, and quantity of the solid fuels sold, the date of the sale or delivery and the price charged. In addition, he shall separately state on each such invoice, sales slip or receipt, the amount, if any, of the required discounts, authorized service charges and taxes which must be deducted from or which may be added to the established maximum prices; *Provided*, That a dealer who is authorized to make a special service charge for chemical or oil treatment of coal need not separately state the amount of such service charge if he clearly indicates on the invoice that such coal is so treated; and further provided that provisions of this paragraph (m) shall not apply to sales of solid fuels in less than quarter-ton lots unless requested by the purchaser.

This Revised Order No. G–15 shall become effective immediately.

Issued this 3d day of August 1945.

RAE E. WALTERS,
Regional Administrator.

[F. R. Doc 45–15004; Filed, Aug. 13, 1945; 4:32 p. m.]

[Region VI Order G–16 Under RMPR 122, Amdt. 47]

SOLID FUELS IN OMAHA, NEBR., AREA

An opinion accompanying this Amendment has been issued simultaneously herewith. Order No. G–16 under Revised Maximum Price Regulation No. 122 is amended in the following respects:

In Appendix No. 9, which covers the Omaha, Nebraska, area, paragraph (b), Price Schedule, is amended in the following respects:

1. Subparagraphs I and II, A, are amended to read as follows:

	Domestic delivered per ton	Domestic delivered per ½ ton	Domestic at yard per ton	Commercial delivered per ton
I. High volatile bituminous coal from district No. 9 (western Kentucky)				
A. No. 8 Seam				
1. Washed nut and pea—Size Group Nos. 17 22 inc., including 2" x 1¼"	$9.26	$5.13	$8.26	$8.21
II. High volatile bituminous coal from district No. 10 (Illinois)				
A. Southern subdistrict (deep machine mines):				
1. Lump and egg—size group Nos. 1, 2 and 3 including 6" lump and 6" x 4" egg; price groups 1, 2 and 8 (including 6" lump and 6" x 4" egg); price group Nos. 1, 2 and 8	10.79	5.90	9.79	
2. Stove—size group No. 8 (inc. 2" x 1¼") price group Nos. 1, 2 and 8	10.14	5.99	9.14	8.64
3. Special Stoker—Size group Nos. 21, 22 and 28, price group Nos. 1, 2, and 8 (inc. 1" x 10 mesh and ¼" x 10 mesh)	9.74	5.40	8.74	8.99

2. Subparagraphs IV, B, 3 and IV, C, are amended to read as follows:

	Domestic delivered per ton	Domestic delivered per ½ ton	Domestic at yard per ton	Commercial delivered per ton
B. Production group No. 3A (includes all mines in the "Paris Field" of Logan County, Ark., and mines in Franklin County located in Paris Basin underground mines machine cut.				
1. See Group No. 17:				
a. Mine index Nos. 49, 52, 53, 55, 76, 110, 116 and 142 only	$10.50	$5.65	$9.50	$9.70
b. Production group Nos. 5, 5A and 5B (includes all mines in Sebastian County, Ark.	10.55	5.78	9.55	10.05
C. Production Group No. 5A (underground mines machine cut—mine index Nos. 2, 34, 80, 106, 580, 648, and 657 only.				
1. See group No. 17:				
a. Mine index Nos. 1, 2, 5, and 8		5.65	9.65	
b. See group No. 8:		5.78	9.55	
Mine index No. 124	14.95			14.10
Mine index No. 134	15.30			14.45
c. See group No. 11: Mine index No. 13	14.95	7.85	13.95	14.10
	15.30	8.15	14.30	14.45

	Domestic delivered per ton	Domestic delivered per ½ ton	Domestic at yard per ton	Commercial delivered per ton
V. *High volatile bituminous coal from district No. 15 (Kansas, Missouri, and part of Oklahoma)*				
A. Production group No. 1 (All mines located in Cherokee, Crawford, Labette, Neosho, Labette and Wilson Counties, Kansas; Bates, Cass, Linn, Miami and Vernon Counties, Missouri; that portion of Vernon County lying south of an east and west line drawn through the town of Nevada, Missouri) (strip mines):				
1. No. 2 nut (washed)—size group No. 7 (double screened coal with a top size not larger than 2" but larger than 1¼")	$8.95	$4.97	$7.95	$7.44
2. Stoker—size group No. 11 (for dimensions see V, A (above))	8.44	4.72	7.44	6.91
3. Washed screenings—size group No. 13, washed coal passing through a screen with openings not over 1¼" from which no coal has been removed (commercial only)	7.54	4.27	6.54	6.24
C. Production Group No. 3A (all mines located in Bourbon, Callaway, Cherokee, Crawford, Labette, Linn, Macon, Montgomery, Pettis, Pike, Randolph, Ralls, Shelby, Audrain, Clark, Macon, Montgomery, Lincoln, Cole, Howard, Monroe, Warren, Lincoln, Sullivan, and Ralls Counties in Missouri) (strip mines):				5.91
3. No. 2 nut—size group No. 7 (for dimensions see V, B, 2 above)				7.11
4. Stoker—size group No. 11 (for dimensions see V, A (above))	8.14	4.52	7.14	6.80
5. Washed screenings—size group No. 13 (for dimensions see V, A (above))	8.09	4.27	6.50	5.89
D. Production group No. 9 (all mines located in Coal County, Okla.) (strip mines):				
2. Chestnut—size group No. 8 (all double screened coals with a top size 1¼" and smaller, bottom size larger than ¾")		5.12	8.24	8.11
F. Production group No. 11 (all mines located in Tulsa, Wagoner, Rogers, Craig, and Nowata Counties, Okla., and all of that part of Muskogee County, Okla., north of a line drawn straight east and west across Muskogee County along the southern limits of the town of Fortum, Okla.) (strip mines):				
2. Standard nut—size group No. 6 (for dimensions see V, A 3 above)	10.11	5.57	9.11	8.72
3. Special stoker—size group No. 11 (for dimensions see V, A 3 above)	9.69	5.07	8.69	7.99

4. Subparagraph VI, A, 2 is amended to read as follows:

	Domestic delivered per ton	Domestic delivered per ½ ton	Domestic at yard per ton	Commercial delivered per ton
VI. *High volatile bituminous coal from district No. 19 (Wyoming)*				
A. Subdistrict No. 2 (Sweetwater and Sublette Counties): 2. Shack and Stoker Screenings, Size group Nos. 15 and 16 (Inc. 1¼" x 0 and 1" x 0)	$10.85	$5.70	$9.35	$8.95

This Amendment No. 47 to Order No. G–16 shall become effective August 1, 1945.

Issued this 31st day of July 1945.

RAE E. WALTERS,
Regional Administrator.

[F. R. Doc. 45–15005; Filed, Aug. 13, 1945; 4:33 p. m.]

[Region VI Order G–16 Under RMPR 122, Amdt. 48]

SOLID FUELS IN SIOUX CITY, IOWA, AREA

An opinion accompanying this amendment has been issued simultaneously herewith. Order No. G–16 under Revised Maximum Price Regulation No. 122 is amended in the following respects:

In Appendix No. 2, which covers the Sioux City, Iowa, area, paragraph (b) VI, Price Schedule, is amended to read as follows:

	Domestic delivered	
	Per ton	Per ½ ton
VI. Briquettes:		
1. Stott	$16.36	$8.68
2. Berwind	16.25	8.63
3. Standard	15.40	8.20

This Amendment No. 48 to Order G–16 shall become effective immediately.

Issued this 6th day of August 1945.

RAE E. WALTERS,
Regional Administrator.

[F. R. Doc. 45–15003; Filed, Aug. 13, 1945; 4:32 p. m.]

[Region VI Order G–16 Under RMPR 122, Amdt. 49]

SOLID FUELS IN SIOUX FALLS, S. DAK., AREA

An opinion accompanying this Amendment has been issued simultaneously herewith. Order No. G–16 under Revised Maximum Price Regulation No. 122 is amended in the following respects:

Appendix No. 1, which covers the Sioux Falls, South Dakota, area, paragraph (b), Subparagraph VIII of the Price Schedule, is amended as follows:

	Domestic delivered	
	Per ton	Per ½ ton
VIII. Briquettes:		
1. Standard	$15.15	$7.85
2. Low volatile (made from district No. 7 low volatile coal and anthracite):		
a. Glen Rogers	15.70	8.10
b. Berwind	15.50	8.00
c. Stott	15.44	7.97

This Amendment No. 49 to Order No. G–16 shall become effective immediately.

Issued this 6th day of August 1945.

RAE E. WALTERS,
Regional Administrator.

[F. R. Doc. 45–15002; Filed, Aug. 13, 1945; 4:31 p. m.]

[Region VI Order G–16 Under RMPR 122, Amdt. 50]

SOLID FUELS IN SUPERIOR, WIS., AREA

An opinion accompanying this Amendment has been issued simultaneously herewith. Order No. G–16 under Revised Maximum Price Regulation No. 122, as amended, is amended in the following respects:

In Appendix No. 8, which covers the Superior, Wisconsin, Area, paragraph (b), VII of the Price Schedule, is amended to read as follows:

	Delivered		At yard		Dealer, at yard	
	Domestic, per ton	Commercial, per ton	Domestic, per ton	Commercial, per ton	Domestic, per ton	Commercial, per ton
VII Briquettes:						
1. Glen Rogers	$12.60	----	$11.70	----	$9.60	----
2. Berwind	12.40	----	11.50	----	9.40	----
3. Stott	12.36	----	11.46	----	9.36	----

This Amendment No. 50 to Order No. G–16 shall be effective immediately.

Issued this 6th day of August 1945.

RAE E. WALTERS,
Regional Administrator.

[F. R. Doc. 45–15001; Filed, Aug. 13, 1945; 4:31 p. m.]

[Region VII Order G–44 Under MPR 188]

WILLIAM LESLIE BELL ET AL.

ADJUSTMENT OF MAXIMUM PRICES

Pursuant to the Emergency Price Control Act of 1942, as amended, the Stabilization Act of 1942, as amended, and §§ 1499.158 and 1499.158a of Maximum Price Regulation No. 188, and for the reasons set forth in the accompanying opinion, this Order No. G–44 is issued.

(a) *What this order does.* This Order No. G–44 establishes maximum prices for a toy item manufactured by William Leslie Bell, when sold at the specified levels.

(b) *Authorized maximum prices.* Upon and after the effective date of this Order No. G–44, the maximum prices for the toy item designated "Tumbling Clown", manufactured by William Leslie Bell of 1430 Bryan Avenue, Salt Lake City, Utah, in accordance with the specifications set forth in the application of said manufacturer now on file in this Regional Office as a part of the record in this case, shall be as follows:

	Per dozen
(1) When sold by the manufacturer, f. o. b. shipping point, to a jobber or a wholesaler	$5.40
(2) When sold by the manufacturer, a jobber or a wholesaler, f. o. b. shipping point, to a retailer	6.80
(3) When sold by any seller to an ultimate consumer or user	Each $0.95

NOTE: (1) The maximum prices authorized by the above paragraphs (1) and (2) are subject to a discount of 2% for payment within 10 days from date of invoice.

(II) The prices above specified for sales f. o. b. shipping point include all costs incident to wrapping, packing, boxing, and carting.

(c) *Notice to be given purchasers for resale.* When the manufacturer or any other seller makes a first sale under this Order No. G–44 to a person who purchases for resale, he must show upon the invoice or on a separate slip or rider attached thereto the applicable resale price or prices as set forth in paragraph (b) above.

(d) *Applicability of other regulations.* The pricing provisions of the General Maximum Price Regulation have no application to the prices established by this Order No. G–44 for sales by the manufacturer or any other seller.

(e) *Geographical applicability.* The maximum prices authorized by this Order No. G–44 for resellers are applicable only to sales made within this Region VII, which includes the States of New Mexico, Colorado, Wyoming, Montana, and Utah, and all that part of the State of Idaho lying south of the southern boundary of Idaho County, the County of Malheur in the State of Oregon, and all that part of the Counties of Mohave and Coconino in the State of Arizona lying north of the Colorado River.

(f) *Licensing.* The provisions of Licensing Order No. 1, licensing all persons who make sales under price control, are applicable to all sellers subject to this regulation or order. A seller's license may be suspended for violation of the license or of one or more applicable price schedules or regulations. A person whose license is suspended may not, during the period of suspension, make any sale for which his license has been suspended.

(g) *Right to revoke or amend.* This order may be revoked, modified, or amended at any time by the Price Administrator or the Regional Administrator.

Effective date. This Order No. G–44 shall become effective on the 2d day of August, 1945.

Issued this 2d day of August 1945.

JOSEPH W. PENFOLD,
Acting Regional Administrator

[F. R. Doc. 45–14999; Filed, Aug. 13, 1945; 4:31 p. m.]

[Region VII Order G–45 Under MPR 188]

IGLOO TOY AND NOVELTY SHOP ET AL.

AUTHORIZATION OF MAXIMUM PRICES

Pursuant to the Emergency Price Control Act of 1942, as amended, the Stabilization Act of 1942, as amended, and §§ 1499.158 and 1499.158a of Maximum Price Regulation No. 188, and for the reasons set forth in the accompanying opinion, this Order No. G–45 is issued.

(a) *What this order does.* This Order No. G–45 establishes maximum prices for two toy items manufactured by Igloo Toy and Novelty Shop, a partnership, when sold at the specified levels.

(b) *Authorized maximum prices.* Upon and after the effective date of this Order No. G–45, the maximum prices for the toy items designated "Kiddy Karr" and "Teeter Totter", manufactured by Igloo Toy and Novelty Shop, of 2128 North Sixteenth Street, Boise, Idaho, in accordance with the specifications set forth in the applications of said manufacturer now on file in this Regional Office as a part of the record in this case, shall be as follows:

	"Kiddy Karr"	"Teeter Totter"
(1) When sold by the manufacturer, f. o. b. shipping point, to a jobber or a wholesaler	Each $2.20	Each $3.80
(2) When sold by the manufacturer, a jobber or a wholesaler, f. o. b. shipping point, to a retailer	2.75	4.75
(3) When sold by any seller to an ultimate consumer or user	4.60	7.95

NOTE: (1) The maximum prices authorized by the above paragraphs (1) and (2) are subject to a discount of 2% for payment within 10 days from date of invoice.

(II) The prices above specified for sales f. o. b. shipping point include all costs incident to wrapping, packing, boxing, and carting.

(c) *Notice to be given purchasers for resale.* When the manufacturer or any other seller makes a first sale under this Order No. G–45 to a person who purchases for resale, he must show upon the invoice or on a separate slip or rider attached thereto the applicable resale price or prices as set forth in paragraph (b) above.

(d) *Applicability of other regulations.* The pricing provisions of the General Maximum Price Regulation have no application to the prices established by this Order No. G–45 for sales by the manufacturer or any other seller.

(e) *Geographical applicability.* The maximum prices authorized by this Order No. G–45 for resellers are applicable only to sales made within this Region VII, which includes the States of New Mexico, Colorado, Wyoming, Montana, and Utah, and all that part of the State of Idaho lying south of the southern boundary of Idaho County, the County of Malheur in the State of Oregon, and all that part of the Counties of Mohave and Coconino in the State of Arizona lying north of the Colorado River.

(f) *Licensing.* The provisions of Licensing Order No. 1, licensing all persons who make sales under price control, are applicable to all sellers subject to this regulation or order. A seller's license may be suspended for violation of the license or of one or more applicable price schedules or regulations. A person whose license is suspended may not, during the period of suspension, make any sale for which his license has been suspended.

(g) *Right to revoke or amend.* This order may be revoked, modified, or amended at any time by the Price Administrator or the Regional Administrator.

Effective date. This Order No. G–45 shall become effective on the 3d day of August, 1945.

Issued this 3d day of August, 1945.

JOSEPH W. PENFOLD,
Acting Regional Administrator.

[F. R. Doc. 45–14998; Filed, Aug. 13, 1945; 4:30 p. m.]

[Region VIII Order G–8 Under MPR 418]

SACRAMENTO RIVER SALMON IN CALIFORNIA

For the reasons set forth in the accompanying opinion and under the authority vested in the Regional Administrator of the Office of Price Administration by section 2 (d) of Maximum Price Regulation No. 418, *It is hereby ordered:*

(a) The maximum price for sales covered by Table A of fish named in Schedule 34B (Salmon, Chinook or King (Pacific Coast) (Oncorhynchus tschawytscha)) when caught in the Sacramento River, California, shall be the price stated in that schedule less 1 cent per pound.

(b) This order may be revoked, amended or corrected at any time.

This order shall become effective July 31, 1945.

Issued this 30th day of July 1945.

CHAS. H. BAIRD,
Regional Administrator.

[F. R. Doc. 45–14995; Filed, Aug. 13, 1945; 4:29 p. m.]

[Region VIII Order G–9 Under MPR 188]

COMMON CLAY BRICK IN MARICOPA, PIMA AND PINAL COUNTIES, ARIZ.

For the reasons set forth in an opinion issued simultaneously herewith, and under the authority vested in the Regional Administrator of the Office of Price Administration by § 1499.161 (a) (2) of Maximum Price Regulation No. 188, it is hereby ordered:

(a) *Geographical applicability.* This order shall apply in the Counties of Maricopa, Pima, and Pinal, State of Arizona.

(b) *Adjusted maximum prices.* The adjusted maximum prices for common clay brick and common clay wire cut brick, including smooth, rug, tooled, and matt face finishes shall be $15.00 per thousand f. o. b. producer's plant.

(c) *Additional charges for delivery.* An additional charge may be added to the maximum price shown in (b) above for delivery. These charges shall be:

	Per M
Destination less than five miles from producer's plant	$3.00
Destination 5 to 10 miles from producer's plant	5.50
Destination 10 to 15 miles from producer's plant	8.00
Destination over 15 miles from producer's plant	10.50

(d) All customary allowances, discounts and price differentials effective in March 1942, shall be maintained.

(e) *Invoicing requirements.* Every person making sales subject to this order shall certify on his invoice or sales tag that the price charged does not exceed the price permitted by this order and shall separately show any additional charges made for delivery.

(f) This order may be revised, amended, or revoked by the Office of Price Administration at any time.

This order shall become effective August 4, 1945.

Issued this 28th day of July, 1945.

CHAS. R. BAIRD,
Regional Administrator.

[F. R. Doc. 45–14996; Filed, Aug. 13, 1945; 4:29 p. m.]

[Region VIII Order G–16 Under Supp. Order 94]

USED RUBBERIZED PARKAS AND TROUSERS IN SAN FRANCISCO REGION

For the reasons set forth in an accompanying opinion and pursuant to the authority conferred upon the Regional Administrator by sections 11 and 13 of Supplementary Order 94; *It is ordered,* As follows:

(a) The maximum prices for sales of used double texture rubberized parkas and trousers shall be as follows:

Class I. This class includes all used rubberized parkas and trousers in good condition, having no holes, tears or patches and requiring no repairs of any kind.

	Parkas	Trousers
Sales to wholesaler, each	$2.50	$1.50
Sales to retailers, each	3.00	1.80
Sales to consumers, each	4.95	3.00

Class II. This class includes all used rubberized parkas and trousers in fair condition having small holes or tears requiring minor repairs or which may have been patched. 75% of Class I prices.

Class III. Used rubberized parkas and trousers which do not come within Class I or Class II above. 40% of Class I prices.

(b) All prices are f. o. b. seller's place of business and subject to customary terms, discounts and allowances.

(c) This order shall apply to sales in the States of California, Nevada, Oregon, except Malheur County, Washington, and Arizona, except those portions of Coconino County and Mohave County lying north of the Colorado River; and the following counties in the State of Idaho: Benewah, Bonner, Boundary, Clearwater, Kootenai, Latah, Lewis, Nez Perce, Shoshone and Idaho.

(d) This order shall become effective August 4, 1945 and shall continue in effect until the sales for which maximum prices are herein established shall be made subject to an order issued by the National Office of the Office of Price Administration.

(e) This order may be amended, corrected or revoked at any time.

Issued this 30th day of July 1945.

CHAS. R. BAIRD,
Regional Administrator.

[F. R. Doc. 45–14994; Filed, Aug. 13, 1945; 4:29 p. m.]

[Region II Order G-3 Under MPR 422]

POULTRY IN NEW YORK REGION

For the reasons set forth in an accompanying opinion and under the authority vested in the Regional Administrator of the Office of Price Administration for Region II by section 29a of Maximum Price Regulation No. 422, this order is issued.

SECTION 1. *What this order does.* This order reduces the mark-ups listed in Table B in section 39 (a) of Maximum Price Regulation No. 422 for sales by certain Groups 3 and 4 retailers in Region II of poultry, except ducks, bought live and sold live or on a dressed-weight basis, and bought kosher-killed and sold kosher-killed. The mark-up reduction is necessary to prevent an increase, arising out of the issuance of Order No. G-6 and Amendment No. 1 to Revised Order No. G-1 under Second Revised Maximum Price Regulation No. 269, in the ceiling prices at which such poultry items may be sold by retailers.

SEC. 2. *Where this order applies.* This order applies in the counties of Bronx, Kings, New York, Queens, Richmond and Westchester in the State of New York; the counties of Bergen, Essex, Hudson, Mercer, Middlesex, Monmouth, Morris, Passaic, Somerset and Union, and the City of Camden in the State of New Jersey; and the counties of Allegheny, Delaware and Philadelphia in the Commonwealth of Pennsylvania.

SEC. 3. *Reduced markups for live and kosher-killed poultry.* In determining retail ceiling prices for live and kosher-killed poultry no effect shall be given to the increased retail cost of live and kosher-killed poultry arising out of the issuance of Order No. G-6, and Amendment No. 1 to Revised Order No. G-1 under Second Revised Maximum Price Regulation No. 269. Retail markups for such poultry items shall be reduced accordingly.

SEC. 4. *Effective date.* This order shall become effective on June 18, 1945.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681; MPR 422, 8 F.R. 9395, 10569)

Issued June 16, 1945.

DANIEL P. WOOLLEY,
Regional Administrator.

[F. R. Doc. 45-15068; Filed, Aug. 14, 1945; 2:28 p. m.]

[Region II Adopting Order 1 Under Basic Order 1 Under 18 (c)]

HARDWOOD CORDWOOD IN FULTON AND HAMILTON COUNTIES, N. Y.

For the reasons set forth in an Opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of Region II by the Emergency Price Control Act of 1942, as Amended, by § 1499.18 (c) of the General Maximum Price Regulation, as Amended, and by Revised Procedural Regulation No. 1, it is hereby ordered:

(a) *What this order does.* This adopting order under Basic Order No. 1 establishes dollars-and-cents ceiling prices for Hardwood Cordwood when sold and delivered in the Counties of Fulton and Hamilton, in the State of New York. This order supersedes Revised Order G-14, as amended, as to Fulton and Hamilton Counties in the State of New York. This order, as above stated, covers Hardwood Cordwood only. Other types of firewood are not affected by this order.

(b) *Applicability of Basic Order No. 1 for area pricing of firewood in Region II.* All the provisions of Basic Order No. 1 under § 1499.18 (c) of the General Maximum Price Regulation—Basic Order for Area Pricing of Firewood in Region II, issued by the New York Regional Office, Region II, of the Office of Price Administration, are adopted in this order and are just as much a part of this order as if specifically set forth herein. If said Basic Order No. 1 is amended in any respect, the provisions of said order, as amended, shall likewise, without further action, become a part of this order. All persons subject to this adopting order are also subject to Basic Order No. 1, and should be familiar with the provisions of said order.

(c) *Maximum prices for hardwood cordwood are fixed and adjusted as follows:*

SCHEDULE I—PRODUCER PRICES AT ROADSIDE

Size of wood:	Maximum price for full cord (128 cu. ft.)
12" and up to 24"	$18
24" and up to 48"	17
48" and over	16

On units of sale and sizes of wood other than those set forth above, the prices shall be proportionate to those set forth above. All customary allowances and differentials must be preserved.

SCHEDULE II—PRICES DELIVERED TO CONSUMERS' PREMISES

Size of wood	Unit of sale	Maximum price
12"	⅛ cord (16 cu. ft.)	$4.25
12"	¼ cord (32 cu. ft.)	8.00
12"	½ cord (64 cu. ft.)	15.75
12"	¾ cord (96 cu. ft.)	23.50
12"	1 cord (128 cu. ft.)	31.00
16"	⅓ cord (42⅔ cu. ft.)	10.00
18"	⅜ cord (48 cu. ft.)	11.25
24"	½ cord (64 cu. ft.)	14.00
24"	1 cord (128 cu. ft.)	27.00
30"	¾ cord (96 cu. ft.)	20.00
48"	1 cord (128 cu. ft.)	22.50

On units of sale and sizes of wood other than those set forth above, the prices shall be proportionate to those set forth above. All customary allowances and differentials must be preserved.

SCHEDULE III—CONSUMER'S PRICES AT DEALER'S YARD

When a full cord of firewood (128 cu. ft.) is purchased by the consumer and delivery taken at the dealer's yard instead of at the consumer's premises, a reduction in price of at least $2.00 must be made. When less than a cord is purchased, the reduction shall be the same fraction of $2.00 as the quantity purchased is of a full cord.

SCHEDULE IV—SERVICE CHARGES

For stacking, a service charge not exceeding 25¢ per ¼ cord may be made on sales of ¼ cord or more. On sales of ⅛ cord a service charge for stacking, not exceeding 15¢ may be made.

For splitting a charge not exceeding 75¢ per ¼ cord may be made on sales of wood 12" in length or under, in quantities of ¼ cord or more. On sales of ⅛ cord a splitting charge not exceeding 40¢ may be made on wood 12" in length or under. No splitting charge may be made on wood over 12" in length.

Stacking and splitting charges may only be made at the express voluntary request of the purchaser for the performance of this service and the seller may in no instance require as a condition of sale or delivery that the purchaser use such stacking or splitting service. No service charge other than those specifically authorized by this order may be made and the service charges permitted by this order must be specifically stated on all invoices.

This order shall become effective August 10, 1945.

Issued this 31st day of July 1945.

DANIEL P. WOOLLEY,
Regional Administrator.

[F. R. Doc. 45-15073; Filed, Aug. 14, 1945; 2:23 p. m.]

[Atlanta Rev. Order G-1 Under G O 50, Amdt. 1]

MALT AND CEREAL BEVERAGES IN ATLANTA, GA., DISTRICT

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the District Director of the Atlanta District Office of Region IV of the Office of Price Administration by General Order No. 50, issued by the Administrator of the Office of Price Administration, and Region IV Revised Delegation Order No. 17, issued May 5, 1944, this amendment is hereby issued:

(A) Appendix A, Part I, of Revised Order No. G-1 under General Order No. 50 is amended as follows:

(1) Under Group 1B, in alphabetical order, the following brands or trade names of beer and the maximum price per bottle are added:

Brand or trade name of beer	Maximum price per bottle	
	12-ounce	32-ounce
	Cents	*Cents*
Van Merritt	30	
Blatz	25	45

(2) Under Group 2B, in alphabetical order, the following brands or trade names of beer and the maximum price per bottle are added:

Brand or trade name of beer	Maximum price per bottle	
	12-ounce	32-ounce
	Cents	*Cents*
Van Merritt	25	
Blatz	20	36

(3) Under Group 3B, in alphabetical order, the following brands or trade names of beer and the maximum price per bottle are added:

Brand or trade name of beer	Maximum price per bottle	
	12-ounce	32-ounce
	Cents	*Cents*
Van Merritt	25	
Blatz	18	45

(B) This Amendment No. 1 to Revised Order No. G-1 under General Order No. 50 shall become effective on and after August 2, 1945.

Issued August 2, 1945.

D. ELIE MCCORD,
District Director.

[F. R. Doc. 45-15072; Filed, Aug. 14, 1945; 2:23 p. m.]

[Columbia Rev. Order 1-B Under G. O. 50, Amdt. 5]

MALT AND CEREAL BEVERAGES IN COLUMBIA, S. C., DISTRICT

For the reasons set forth in an opinion issued simultaneously herewith, and under the authority vested in the District Director of the Columbia (South Carolina) District Office, of Region IV of the Office of Price Administration by General Order No. 50, issued by the Administrator of the Office of Price Administration, and Region IV Revised Delegation Order No. 17, issued May 5, 1944, this Amendment No. 5 to Revised Order No. 1-B under General Order No. 50 is hereby issued.

Revised Order No. 1-B under General Order No. 50 is amended in the following respects:

1. The following items are hereby added to Appendix A.

DOWN'S INDIA PALE ALE IN 7 OZ. BOTTLES

	Cents
Group 1-B	20
Group 2-B	15
Group 3-B	12

NEUMEIERS PILSENER BEER IN NONRETURNABLE BOTTLES

	12 oz.	32 oz.
	Cents	*Cents*
Group 1-B	25	50
Group 2-B	20	45
Group 3-B	17	42

CANANDAIGUA BEER

Group 1-B	20	45
Group 2-B	17	42
Group 3-B	17	42

This amendment shall become effective on the 6th day of August, 1945.

Issued this 4th day of August 1945.

EDWARD H. TALBERT,
District Director.

[F. R. Doc. 45-15071; Filed, Aug. 14, 1945; 2:22 p. m.]

[Jackson Order G-5 Under MPR 154]

MEADVILLE GIN & ICE CO.

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith, and under the authority vested in the District Director of the Jackson (Mississippi) District Office of the Office of Price Administration by § 1393.8 of Maximum Price Regulation 154 and by Regional Delegation Order No. 4 issued by Region IV of the Office of Price Administration, dated April 15, 1943; *It is hereby ordered:*

(a) Regardless of any contract, agreement, or other obligation, the Meadville Gin & Ice Company, Meadville, Mississippi, its dealers and peddlers, shall not sell any ice at a price higher than the maximum price permitted by this order. Neither shall the Meadville Gin & Ice Company, its dealers and peddlers, agree, offer, solicit, or attempt to sell any ice at prices higher than those permitted under this order. The price limitation of this order shall not be evaded by direct or indirect methods, by means of, or in connection with, any offer, solicitation, agreement, sale, delivery, purchase, or receipt of or relating to ice, alone or in connection with, any commission, service, transportation, or other charge or discount, premium, or privilege, or change in any business or trade practice. Lower prices may be charged, demanded or offered.

(1) The maximum prices established for sales by the Meadville Gin & Ice Company, its dealers and peddlers, under this order are as follows:

	Per ton
Wholesale sales	$6.00
	Per cwt.
Retail sales—platform	$0.60
Retail sales—delivered	.70

(b) Except as otherwise provided herein, all transactions subject to this order remain subject to all provisions of Maximum Price Regulation 154, together with all amendments and orders which heretofore have been or hereafter may be issued, and all definitions set forth in such regulation, amendments or orders shall be applicable herein, unless otherwise provided.

(c) This order may be revoked, amended, or corrected at any time.

(d) Individual letter-order issued August 24, 1944, to the Meadville Gin & Ice Company, Meadville, Mississippi, is hereby revoked.

(e) This order shall become effective the 29th day of June 1945.

Issued this 27th day of June 1945.

WILLIAM E. HOLCOMB,
District Director.

[F. R. Doc. 45-15074; Filed, Aug. 14, 1945; 2:23 p. m.]

[Portland Order G-7 Under 18 (c), Amdt. 3]

FIREWOOD IN LANE COUNTY, OREG.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the District Director of the Office of Price Administration by § 1499.18 (c), as amended, of the General Maximum Price Regulation, and by Order of Delegation No. 34, issued by the Regional Administrator of Region VIII under Revised General Order No. 32; *It is hereby ordered*, That Order No. G-7 is amended in the following respects:

1. Paragraph (a) is amended to read as follows:

(a) This Order No. G-7, insofar as it establishes maximum prices for certain types of firewood sold f. o. b. railroad cars in the Eastern Section of Lane County, Oregon, supersedes the maximum prices as established by §§ 1499.2 and 1499.3 of the General Maximum Price Regulation or by any previous order issued pursuant to such regulation, or by any Supplementary Regulation, thereto, or any individual adjustment order issued prior to Order No. G-7. The maximum prices for mills or dealers making sales or deliveries of certain types of firewood at wholesale f. o. b. railroad cars in the Eastern Section of Lane County, Oregon, are hereby adjusted as follows:

(1) • • •

2. Paragraph (2) is added under paragraph (b), Definitions, to read as follows:

(2) "Wholesale" sales as herein used mean sales by mills or dealers of the specified types of firewood to any person other than an ultimate consumer.

This amendment to Order No. G-7 shall become effective June 22, 1945.

(56 Stat. 566, Pub. Law 383, 78th Cong. E.O. 9250, 7 F.R. 7871, E.O. 9328, 8 F.R. 4681)

Issued this 22d day of June 1945.

MCDONNELL BROWN,
District Director.

[F. R. Doc. 45-15075; Filed, Aug. 14, 1945; 2:24 p. m.]

[Region VIII Rev. Order G-7 Under MPR 188, Amdt. 1]

CONCRETE BUILDING BLOCKS IN SAN FRANCISCO REGION

An opinion accompanying this amendment has been issued simultaneously herewith.

Revised Order No. G-7 under Maximum Price Regulation No. 188 is amended in the following respects:

1. Paragraph (e) is redesignated (f) and a new paragraph (e) is added reading as follows:

(e) *Effect of this order.* The maximum prices established by this order supersede all other maximum prices established under Maximum Price Regulation No. 188 for sales and deliveries covered hereby, whether such other maximum prices were established by individual pricing order or otherwise.

This amendment to Revised Order No. G-7 shall become effective July 25, 1945.

Issued this 20th day of July, 1945.

CHAS. R. BAIRD,
Regional Administrator.

[F. R. Doc. 45-15077; Filed, Aug. 14, 1945; 2:24 p. m.]

[Region VIII Order G-9 Under RMPR 251]

PAINTING AND PAPERHANGING SERVICES IN OREGON AND WASHINGTON

For the reasons set forth in an opinion issued simultaneously herewith, and un-

der the authority vested in the Regional Administrator of the Office of Price Administration by section 9 of Revised Maximum Price Regulation No. 251, it is hereby ordered:

(a) *Geographical applicability.* This order shall apply to sellers located in the following areas: The State of Oregon (except Malheur County) and the counties of Clark, Cowlitz, Wahkiakum, Klickitat, and Skamania in the State of Washington.

(b) *Maximum prices.* The maximum price of painting and paperhanging services shall be the sum of a charge for labor and the maximum price of the materials used. The maximum charge for labor shall be determined by multiplying the maximum hourly rate for each category of labor by the number of hours of labor performed in that category, as provided by subparagraph (b) (1), and by stating such charges. The maximum price of the materials used shall be determined as is provided by subparagraph (b) (2). The maximum prices established by this order include all expenses and no additional charge shall be made for any other cost or incidental service except as may be permitted by this order.

(1) *Maximum labor charge.* (i) The maximum hourly rate shall be the legal labor cost per hour multiplied by 170 percent (rounded to the nearest 5 cents), but not more than the following:

	Per hour
In Clark County, Wash., or Clackamas, Multnomah, or Washington Counties, Oreg.	$2.30
In remainder of area covered by order	2.25

(ii) Measurement of hours. The number of hours to be charged against any job is to be counted from the time the workman leaves the shop or the previous job (whichever is later) until he completes the job, if he proceeds to another job, or until he returns to the shop, if he proceeds there directly. For any job extending into more than one day, time in transit to or from the job may be charged only once. The hours for which charges are made shall not exceed those shown in the seller's payroll records nor those shown in records which paragraph (f) of the order requires the seller to keep.

(iii) Overtime may be charged for at the rate of one and one-half times the rate provided above.

(iv) Minimum charge. If a job requires less than one man-hour, there may be collected a minimum charge equal to the rate for one hour.

(v) A seller performing his own work shall take as his basic maximum hourly labor rate the applicable dollar-and-cent rate provided in paragraph (b) (1) (i).

(2) *Materials.* The maximum price of any materials used shall be the maximum price provided by the appropriate maximum price regulation for sales of such materials at retail.

(c) *Definitions.* (1) "Painting and paperhanging services" means the painting of any building structure, or construction project, or any part, fixture, or equipment thereof, or the application of any wall paper or decorating or surface-finishing paper thereto, and includes all incidental services such as cleaning and preparation of surfaces or cleaning of premises.

(2) "Overtime" refers to hours of work performed at customer's request on Saturday or Sunday, or between the hours of 4:30 p. m. and 8:00 a. m. Monday to Saturday.

(3) "Labor cost" means the wage rates in effect on October 3, 1942, or wage rates which have been established by proper governmental agencies, but not in excess of the wage actually paid.

(d) *Jobs selling for more than $200.* For jobs sold for more than $200.00 the maximum price shall be calculated under section 7 of Revised Maximum Price Regulation No. 251, using the sum of labor costs, material costs, and other direct costs, and a margin not exceeding the margin used on the most comparable job in the period January 1, 1939, to March 31, 1942, or, for sellers not in business in March 1942, a margin not exceeding 30 percent of the sum of labor and material and other direct costs. This price may not exceed the maximum price provided in paragraph (b) of this order.

(e) *Guaranteed price.* A seller may offer to supply a painting or paperhanging service covered by this order on the basis of a guaranteed price, the seller agreeing to charge a fixed amount, but such guaranteed price may not exceed the maximum price established by this order.

(f) *Records and invoices.* Every person making sales subject to this order must keep a record showing the time spent by each employee on each job involving painting or paperhanging services and of the wage rate for such employee. Such records shall be kept by the seller at his place of business and shall be available for inspection by the Office of Price Administration. In addition, every person making sales subject to this order shall furnish to the customer an invoice or sales slip on which he has itemized labor and materials and on which he has certified that the price charged does not exceed the price permitted by this Order No. G-9 under Revised Maximum Price Regulation No. 251. Duplicates of such invoices or such sales slips shall be kept by the seller at his place of business and shall be available for inspection by the Office of Price Administration.

(g) This order supersedes sections 6, 7, and 8 of Revised Maximum Price Regulation No. 251, with respect to painting and paperhanging services supplied in the described areas, except where it is otherwise provided herein.

(h) This order may be amended or revoked at any time.

(i) This order shall become effective August 4, 1945 except that it shall not apply to sales made pursuant to contracts entered into prior to such date.

Issued this 30th day of July, 1945.

CHAS. R. BAIRD,
Regional Administrator.

[F. R. Doc. 45-15078; Filed, Aug. 14, 1945; 2:25 p. m.]

[Portland Order G-22, Under 18 (c)]

FIREWOOD AND SAWDUST IN SALEM AREA IN MARION AND POLK COUNTIES, OREG.

For the reasons set forth in an opinion issued simultaneously herewith, and under the authority vested in the District Director of the Office of Price Administration by § 1499.18 (c), as amended, of the General Maximum Price Regulation, and by Order of Delegation No. 34 issued by the Regional Administrator of Region VIII under Revised General Order No. 32; *It is hereby ordered.* That:

(a) The maximum retail prices as established by §§ 1499.2 and 1499.3 of the General Maximum Price Regulation, or by any previous order issued pursuant to such regulation, or by any supplementary regulation thereto, for the sale and delivery of the types of firewood and sawdust specified below in the Salem Area in Marion and Polk Counties, Oregon, are hereby adjusted so that maximum prices therefor shall be:

Type of firewood or sawdust	Adjusted maximum price delivered to premises of the ultimate consumer (per cord)		
	4 feet	16 inches	12 inches
Dry slabwood	$8.75	$10.00	$10.25
Green slabwood	7.00	8.25	8.50
Old or first growth cord fir	11.75	13.00	13.25
Second growth cord fir	10.75	12.00	12.25
Ash, maple, oak	13.00	14.50	15.00
Plywood cords, peeler cores	.....	10.00	.....
All sawdust (whether local or imported) per unit	4.50	.....	.....

The adjusted maximum prices for old or first growth fir cordwood, second growths fir cordwood, ash, maple and oak shall apply only when delivery is made from a dealer's yard. When delivery is made direct to consumers, the prices shall be reduced by $1.25 per cord: for units of less than a cord the reduction shall be proportionate.

(b) This Order G-22 supersedes and revokes Order No. VIII-P-G-(8)-131, as amended, under § 1499.18 (c) of the General Maximum Price Regulation, "Order and Statement or Adjustment of Firewood Prices" in the Salem Area issued on October 9, 1942, and amended on December 12, 1942, by the District Director of the Portland District Office.

(c) This Order No. G-22 supersedes all other orders, in addition to the order specified in paragraph (b) which establish maximum prices for the kinds and types of firewood and sawdust covered by this order when sold at retail in the area covered by this order.

(d) *Definitions.* (1) The "Salem Area" as herein used means the City of Salem, Oregon including an area within a five mile radius of the city limits, including West Salem, Oregon.

(2) "Dry slabwood" as herein used means slabwood which is generally recognized by the trade and by consumers as being dry, and which has been piled and air dried for a period of not less than ninety days.

(3) "Green slabwood" as herein used means mill run slabwood, mixed block and slabwood, or mixed slabwood and edgings.

(4) "Old or first growth cord" shall mean bona fide first growth of large thickness. In case of doubt as to whether a particular wood is first or second growth, the second growth price shall apply.

(5) "Retail" sales as herein used means sales to an ultimate consumer, other than an industrial or commercial user.

(e) Delivered load units of wood covered herein shall be priced at two-thirds of the delivered cord price. Less than load units shall take a price proportionately less than the delivered cord price, plus fifty cents (50c), except when sold from the yard when the fifty cents (50c) premium shall not apply.

(f) *Evasions.* No mills or dealers affected by this Order No. G-22 shall evade any of the provisions thereof by changing the customary allowances, discounts, or other price differentials unless such change shall result in a lower price.

(g) Every seller affected by this order shall remain subject to all other provisions of the General Maximum Price Regulation.

(h) *Invoices and records.* Every person making a sale of firewood for which a maximum price is set by this order shall give the purchaser or his agent, at the time of sale, an invoice or other memorandum of sale, which shall show:

(1) The date of sale.

(2) The name and address of the buyer and seller.

(3) The quantity of firewood and sawdust sold.

(4) Description of firewood and sawdust sold, in the same manner as it is described in this order. (This shall include the kind of wood, i. e. dry or green, old or second growth, or hard wood, and the length of the pieces of wood.)

(5) Place of sale. (If the price is dependent on place of delivery, then the place of delivery shall be stated.)

(6) The total price of the wood.

On the invoice or memorandum, a separate statement shall be made of any discounts and of each service rendered such as delivery, carrying, and stacking, and the charge made for each such service.

The seller shall keep an exact copy of such invoice or memorandum for so long as the Emergency Price Control Act of 1942, as amended, remains in effect, and such copy shall be made available for inspection by the Office of Price Administration.

NOTE: The record keeping provisions of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

This order may be revoked, amended, or corrected at any time. This order shall become effective June 16, 1945.

(56 Stat. 566, Pub. Law 383, 78th Cong.; E.O. 9250, 7 F.R. 7871, E.O. 9328, 8 F.R. 4681)

Issued this 16th day of June 1945.

McDONNELL BROWN,
District Director,
Portland District Office,
Office of Price Administration.

[F. R. Doc. 45-15076; Filed, Aug. 14, 1945; 2:24 p. m.]

LIST OF COMMUNITY CEILING PRICE ORDERS

The following orders under Rev. General Order 51 were filed with the Division of the Federal Register August 10, 1945.

REGION VI

Chicago Order 1-C, covering poultry in certain areas in South Dakota, North Dakota, Minnesota and Nebraska. Filed 2:59 p. m.

Chicago Order 2-C, covering poultry in certain areas in South Dakota, North Dakota, Minnesota and Nebraska. Filed 2:59 p. m.

Chicago Order 3-C, covering poultry in certain areas in South Dakota, Iowa, Minnesota and Nebraska. Filed 3:00 p. m.

Chicago Order 4-C, covering poultry in certain areas in Minnesota, South Dakota, Iowa and Nebraska. Filed 3:00 p. m.

Chicago Order 5-C, covering poultry in certain areas in Minnesota and Iowa. Filed 3:00 p. m.

Chicago Order 6-C, covering poultry in certain areas in Minnesota and Iowa. Filed 3:00 p. m.

Chicago Order 7-C, covering poultry in certain areas in Minnesota, Wisconsin, and Iowa. Filed 3:01 p. m.

Chicago Order 8-C, covering poultry in certain areas in Minnesota, Wisconsin, and Iowa. Filed 3:01 p. m.

Chicago Order 9-C, covering poultry in certain areas in Illinois, Wisconsin, and Iowa. Filed 3:01 p. m.

Chicago Order 10-C, covering poultry in certain areas in Illinois, Wisconsin, and Iowa. Filed 3:01 p. m.

Chicago Order 11-C, covering poultry in certain areas in Illinois and Wisconsin. Filed 3:01 p. m.

Chicago Order 12-C, covering poultry in certain areas in Illinois and Wisconsin. Filed 3:01 p. m.

Chicago Order 13-C, covering poultry in certain areas in Illinois and Wisconsin. Filed 3:01 p. m.

Chicago Order 14-C, covering poultry in certain areas in Indiana, Illinois and Wisconsin. Filed 3:02 p. m.

REGION VII

Salt Lake City Order 2-C, Amendment 4, covering poultry in the state of Utah. Filed 2:56 p. m.

Salt Lake City Order 13-F, Amendment 7, covering fresh fruits and vegetables in certain areas in Utah. Filed 2:56 p. m.

REGION VIII

Phoenix District Order 3-F, Amendment 84, covering fresh fruits and vegetables in a 25-mile radius of the Post Office of Phoenix. Filed 2:57 p. m.

Portland Order 5-F, Amendment 33, covering fresh fruits and vegetables in Eugene and Springfield, Oregon. Filed 2:57 p. m.

Portland Order 6-F, Amendment 34, covering fresh fruits and vegetables in Rosenburgh, Sutherlin, and Oakland, Oregon. Filed 2:57 p. m.

Portland Order 7-F, Amendment 33, covering fresh fruits and vegetables in Klamath Falls, Oregon. Filed 2:57 p. m.

Portland Order 8-F, Amendment 33, covering fresh fruits and vegetables in Medford, Oregon. Filed 2:57 p. m.

Portland Order 9-F, Amendment 33, covering fresh fruits and vegetables in certain areas in Oregon. Filed 2:57 p. m.

Portland Order 10-F, Amendment 32, covering fresh fruits and vegetables in Kelso, West Kelso and Longview, Washington. Filed 2:58 p. m.

Portland Order 12-F, Amendment 30, covering fresh fruits and vegetables in Salem and West Salem, Oregon. Filed 2:58 p. m.

Portland Order 13-F, Amendment 29, covering fresh fruits and vegetables in certain areas in Oregon. Filed 2:58 p. m.

Portland Order 14-F, Amendment 29, covering fresh fruits and vegetables in certain areas in Oregon. Filed 2:58 p. m.

Portland Order 15-F, Amendment 29, covering fresh fruits and vegetables in certain cities in Oregon. Filed 2:58 p. m.

Portland Order 16-F, Amendment 23, covering fresh fruits and vegetables in Bend, Oregon. Filed 2:58 p. m.

Portland Order 17-F, Amendment 23, covering fresh fruits and vegetables in certain cities in Oregon. Filed 2:59 p. m.

Portland Order 19-F, Amendment 21, covering fresh fruits and vegetables in Dalles, Oregon. Filed 2:59 p. m.

Portland Order 20-F, Amendment 21, covering fresh fruits and vegetables in certain cities in Oregon. Filed 2:59 p. m.

Portland Order 21-F, Amendment 20, covering fresh fruits and vegetables in Pendleton, Oregon. Filed 2:59 p. m.

Copies of any of these orders may be obtained from the OPA Office in the designated city.

ERVIN H. POLLACK,
Secretary.

[F. R. Doc. 45-14983; Filed, Aug. 13, 1945; 4:25 p. m.]

SECURITIES AND EXCHANGE COMMISSION.

[File No. 54-81]

MIDDLE WEST CORP. ET AL.

NOTICE OF FILING OF AMENDMENT AND ORDER FOR ARGUMENT AND HEARING ON PLAN

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 13th day of August A. D. 1945.

In the matter of The Middle West Corporation, Central and South West Utilities Company and American Public Service Company, Respondents, File No. 54-81.

The Commission having by its order of June 4, 1942 directed, among other things, the termination of the corporate existence of either Central and South West Utilities Company ("Central") or American Public Service Company ("American") and a change in the capitalization of Central and American to a capitalization consisting of a single class of stock, namely, common stock, in an appropriate manner not in contravention of the applicable provisions of the Public Utility Holding Company Act of 1935 ("act") or the rules, regulations and orders promulgated thereunder; and

The Middle West Corporation ("Middle West"), a registered holding company, and its subsidiaries, Central and American, both registered holding companies, having filed on August 2, 1943 with this Commission joint applications and declarations designated as a "Plan" pursuant to section 11 (e) of the act proposing action designed to merge American into Central, and to change the stock capitalization of American and Central to a single class of common stock in a single corporation to be called Central and South West Corporation (hereinafter referred to as the new company); and

The Commission having in its notice of filing and order for hearing issued September 4, 1945 (Holding Company Act Release No. 4542) summarized therein the terms of said plan and ordered a hearing thereon; and having required the applicants to cause a copy of said notice

of filing and order for hearing to be mailed to the holders of the outstanding stocks of Central and American at their last known addresses; and hearings having been held pursuant to said notice, extensive testimony having been taken and numerous exhibits having been introduced, and the hearings having been continued subject to the call of the trial examiner or order of the Commission; and

Middle West, Central and American having on August 11, 1945 filed an amendment to the plan, all as more particularly described hereafter.

All interested persons are referred to said plan, as amended, which is on file in the offices of the Commission for a full statement of the transactions therein proposed, which are summarized as follows:

I. 1. The authorized capital stock of the new company on organization will be 6,605,000 shares of common stock of the par value of $7.50 each, all of which shares will be issued in exchange for the outstanding stocks of Central and American.

2. The outstanding shares of Central and American to be exchanged for shares of the new company and the number of shares held by Middle West and by others than Middle West, are as follows:

	Total shares outstanding	Held by Middle West	Held by others
Central:			
Prior lien preferred stock:			
$7 series	117,400	55,070 (46.91%)	62,330 (53.09%)
$6 series	11,500	11,500 (100%)	
Preferred stock	133,150	76,342 (57.335%)	56,808 (42.665%)
Common stock	3,371,252	2,057,679 (61%)	1,313,553 (39%)
American:			
7% preferred stock	79,746	37,968 (47.61%)	41,776 (52.39%) [1]
Common stock	[1] 200		[1] 200

[1] Excludes 96,234 shares owned by Central.

3. All accrued and unpaid dividend arrears, as of the effective date of the plan, as amended, on the Central $7 prior lien preferred stock and on the 7% American preferred stock held by the public will be paid in cash and 3,236,314 shares of the new company's common stock will be issued in exchange for and in cancellation of the outstanding shares of Central and American as follows:

(a) For each share of prior lien preferred stock $7 dividend series of Central, 13½ shares of the common stock of the new company.

(b) For each share of preferred stock $7 dividend series, and all accrued and unpaid dividends thereon, of Central, 21 shares of the common stock of the new company.

(c) For each share of common stock of Central, one-half share of common stock of the new company.

(d) For each share of 7% preferred stock of American, 13 shares of common stock of the new company.

(e) For each share of common stock of American, 10 shares of common stock of the new company.

4. The new company will issue to Middle West the remaining 3,368,686 shares of its common stock in exchange for all stock of Central and American owned by Middle West and pay an amount in cash to Middle West equal to the accrued and unpaid dividends at the date the merger or consolidation becomes effective on the prior lien preferred stock, $7 dividend series and $6 dividend series of Central and on the 7% preferred stock of American held by Middle West. The plan, as amended, recites that Middle West will receive for all its stock holdings in Central and American 51% of the total shares to be issued by the new company which compares with 54.8% which it would receive if its holdings of stock in Central and American were exchanged upon the same basis as all other shares.

5. 25,643 shares of preferred stock of West Texas Utilities Company owned by American will be sold to West Texas Utilities Company and cancelled, and the proceeds applied to the cash payments to be made to holders of stock of Central and American as provided in the foregoing provisions of the plan, as amended.

6. No fractional shares of the common stock of the new company will be issued, but in lieu thereof the new company shall issue, in bearer form, non-dividend bearing and non-voting scrip, dated as of the date the merger becomes effective. Such scrip, when combined to create one or more full shares, may be surrendered on or before but not after three years from the date of the scrip certificate, in exchange for full shares of common stock of the new company and the scrip will provide that, as soon as practicable after the three-year period, any shares represented by such outstanding scrip certificates shall be sold and the proceeds thereof held for the account of the holders of the scrip without liability for interest. Any proceeds represented by scrip certificates not surrendered on or prior to the expiration of seven years from the date of the scrip certificates shall become the property of the new company.

7. Middle West proposes to divest itself of all its shares of common stock in the new company by a distribution in kind, share for share, to its own stockholders and a sale of the remainder of said shares for cash.

8. The applicants request the Commission, pursuant to sections 11 (e) and 18 (f) of the act, to apply to a Federal Court as soon as practicable after the entry of an order by the Commission approving the plan, as amended, to enforce and to carry out the terms or provisions of said plan, as amended.

II. The Commission being required by the provisions of section 11 (e) of said act before approving any plan thereunder to find after notice and opportunity for hearing that such plan as submitted or as modified is necessary to effectuate the provisions of subsection (b) of section 11, and is fair and equitable to the persons affected by such plan; it, therefore, appearing appropriate to the Commission, in the public interest and in the interest of investors and consumers, that an opportunity to be heard and to argue with respect to said plan, as amended, should be afforded to all interested persons; and

The Commission being of the opinion, in view of the extensive hearings previously held and the record already made, that the hearing and argument should be held, in the first instance, before the Commission and should be directed to the issues raised in the Commission's notice of filing and order for hearing issued September 4, 1943 (Holding Company Act Release No. 4542) as well as the following issues:

(1) Is the plan, as amended, as submitted or as hereafter modified,

(a) Necessary to effectuate the provisions of section 11 (b) of the act.

(b) Fair and equitable to the public holders of the securities of Central and American,

(c) Fair and equitable to Middle West, and

(d) In compliance with the order of the Commission dated June 4, 1942.

(2) Whether the plan, as amended, should be modified to include a provision for the payment of Central, American or Middle West of such fees and expenses in connection with said plan, as amended, or the proceedings with respect thereto as the Commission may determine, award, allow or allocate.

It is therefore ordered, That any person desiring to present argument or to be heard on such plan, as amended, shall appear before the Commission at 10:00 a. m., e. w. t., on the 11th day of September 1945, at the office of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia, Pennsylvania, in such room as may be designated at that time by the hearing room clerk in Room 318. Any person desiring to present argument or to be heard shall on or before September 4, 1945, file a written application with the Secretary of the Commission in accordance with the provisions of Rule XVII of the Commission's rules of practice.

It is further ordered, That notice of this argument and hearing be given to Middle West, Central, American, and to all other persons; said notice to be given to Middle West, Central and American by registered mail and to all other persons by general release of this Commission which shall be distributed to the press and mailed to the mailing list for releases issued under the Holding Company Act of 1935, and by publication in the FEDERAL REGISTER; and

It is further ordered, That Central and American shall give notice of this argument and hearing to all their stockholders, both common and preferred (insofar as the identity of such security holders is known or available to Middle West, Central and American), by mailing to each of said persons a copy of this notice of filing and order for argument and hearing and a copy of the plan, as amended, at his last known address at least 20 days prior to the date of this argument and hearing;

It is further ordered, That jurisdiction be and is hereby reserved to separate, whether for hearing, in whole or in part, or for disposition, in whole or in part, any of the issues, questions or matters hereinbefore set forth or which may arise in this proceeding, or to consolidate with these proceedings other filings or matters pertaining to said Plan or to take such other action as may appear conducive to an orderly, prompt and economical disposition of the matters involved.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 45-15079; Filed, Aug. 14, 1945; 2:34 p. m.]

[File No. 54-42, 54-69, 59-65]

CENTRAL STATES UTILITIES CORP., ET AL.

NOTICE OF FILING AND ORDER RECONVENING HEARING ON AMENDED PLAN

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 11th day of August, A. D., 1945.

In the matters of Central States Utilities Corporation, Central States Power & Light Corporation, Ogden Corporation, File No. 54-42; Ogden Corporation and Subsidiary Companies, File No. 54-69; Ogden Corporation and Subsidiary Companies, File No. 59-65.

I. Notice is hereby given that Ogden Corporation ("Ogden"), a registered holding company, has filed Amendment No. 12 in these consolidated proceedings, proposing an Amended Plan pursuant to section 11 (e) and other applicable sections of the act and the rules promulgated thereunder for the liquidation and dissolution of its subsidiary holding company, Central States Utilities Corporation ("Central Utilities"), and of the latter's subsidiary, Central States Power & Light Corporation ("Central States");

All interested persons are referred to said Amended Plan, which is on file in the office of the Commission, for a full statement of the transactions proposed therein, which may be summarized as follows:

Central States and its subsidiaries have disposed of all their operating properties pursuant to separable plans heretofore approved in these proceedings, and the remaining assets of Central States consist almost exclusively, of cash and investments in government bonds. After making provision for the discharge of current liabilities (amounting to $100,972 per books), the assets of Central States amounted to approximately $1,975,000. The only action remaining to consummate the liquidation of Central States is the distribution of the cash and investments now held by it to creditors and security holders entitled thereto.

The following tabulation shows the outstanding securities of Central States at December 31, 1944, and their ownership by its parent companies and by others:

	Principal amount or shares outstanding	Owned by—		
		Ogden	Central Utilities	Others
[illegible]debentures, due 1/1/1946	$5,940,000	$5,108,040		$831,960.
[illegible] pfd. stock, no par value [1]	80,000 shs	13,473 shs		66,527 shs.
Common stock, no par value	40,000 shs		40,000 shs	

[1] Entitled to $100 per share and accrued dividends in involuntary liquidation; dividend arrears amounted to $7,280,000 or $91.00 per share.

All interest on the publicly held debentures of Central States has been paid regularly. Payment of interest on the debentures owned by Ogden for the period from June 30, 1942, aggregating $766,206, has been conditionally waived by Ogden. Pursuant to an agreement dated June 20, 1941, Ogden deposited in escrow with Manufacturers Trust Company the payments of interest on the debentures owned by it which became due on July 1, 1941, January 1, 1942, and July 1, 1942, aggregating $383,103, said agreement providing that such funds shall be held intact until all questions of validity and rank of such debentures owned by Ogden shall have been passed upon by this Commission and any court having jurisdiction. Prior to July 1, 1941, Ogden received payments of interest which became due on January 1, 1940, July 1, 1940 and January 1, 1941, aggregating $383,103 on the debentures owned by Ogden.

No dividends have been paid on the preferred stock of Central States since December 31, 1931. It is the position of Ogden that the 5% Debentures of Central States owned by it are in all respects valid and constitute a claim ranking equally with all other 5% Debentures and unsecured debt of Central States and prior to Central States' preferred stock.

The only assets of Central Utilities consist of all the shares of common stock of Central States and less than $100 in cash. At December 31, 1944, Central Utilities had outstanding $3,500,000 principal amount of 6% Ten-Year Secured Gold Bonds due January 1, 1938 (secured by the common stock of Central States), 32,000 shares of $7 cumulative preferred stock, no par value, and 30,000 shares of common stock, no par value. Except for $370,900 principal amount of bonds and 9,594 shares of preferred stock, Central Utilities' outstanding securities are owned by Ogden. No interest has been paid on the bonds since December 31, 1933, and no dividends on the preferred stock since December 31, 1931.

The Amended Plan contemplates the consummation of the following separable proposals in the order in which they are stated below:

Proposal 1. (a) Central States shall deposit with Continental Illinois National Bank and Trust Company of Chicago, Trustee under the Trust Indenture securing the 5% Debentures of Central States, funds sufficient to pay 30% of the principal (i. e., $249,598) of the $831,960 principal amount of 5% Debentures of Central States held by persons other than Ogden, together with interest accrued on said 30% of the principal of said Debentures to the date of such deposit. Upon deposit of such funds the Trustee shall be directed to distribute them pro rata among Debenture holders other than Ogden, against surrender of the Debentures owned by them for stamping with an appropriate legend indicating such partial payment. After the date of such deposit with the Trustee no further interest shall accrue on said 30% of the principal of said Debentures.

(b) Central States shall earmark or otherwise set aside funds in the sum of $1,532,412 which shall be distributed to Ogden as a partial payment of 30% of the principal amount of $5,108,040 of 5% Debentures of Central States owned by Ogden, in the event that it shall be finally determined by the Commission and any court having jurisdiction that such Debentures owned by Ogden are valid and rank equally with all publicly held Debentures and other unsecured debt of Central States and prior to the preferred stock of that company.

(c) The payment, pursuant to paragraph (a) of this Proposal 1, and the earmarking or setting aside of funds, pursuant to paragraph (b) of this Proposal 1 shall not be dependent upon the approval of the provisions hereinafter set forth in Proposal 2 but shall be consummated as soon as practicable.

Proposal 2. (a) Central States shall pay or make provision for the payment of all of its current liabilities and shall reserve and set aside funds sufficient to cover the expenses of liquidation and dissolution, as hereinafter provided.

(b) There shall be distributed to Ogden the sum of $1,532,412 earmarked or otherwise set aside by Central States pursuant to paragraph (b) of Proposal 1, on the basis that the 5% Debentures owned by Ogden are in all respects valid and constitute a claim ranking equally with all other 5% Debentures and unsecured debt of Central States and prior to the preferred stock of that company.

(c) Manufacturers Trust Company shall be instructed to pay or turn over to Ogden the funds or securities held in escrow pursuant to the agreement (hereinabove described) dated June 20, 1941, aggregating $383,103 as of December 31, 1944.

(d) After the payment, or making provision for the payment, of the liabilities and expenses provided for in paragraph (a) of this Proposal 2, and the distribution of the funds to Ogden pursuant to paragraphs (b) and (c) of this Proposal 2, there shall be distributed pro rata to the holders of the 5% Debentures of Central States, including Ogden, all of the remaining cash or other assets of Central States.

(e) Central Utilities and Central States shall be dissolved. In this connection, The Chase National Bank, as Trustee under the Trust Indenture of Central Utilities, shall vote the shares of common stock of Central States pledged under such Trust Indenture in favor of the dissolution of Central States.

It is further proposed by Ogden that upon the entry by the Commission of any order or orders approving the Amended Plan, or any separable proposal contained in the Amended Plan, the Board of Directors of Central States shall request the Commission, pursuant to section 11 (e) of the act, to apply to a competent court of jurisdiction to enforce and carry out the terms and provisions of the Amended Plan, or any such separable proposal contained in the Amended Plan.

II. On May 20, 1943, the Commission entered an order (1) directing, pursuant to section 11 (b) of the act, among other things, that Central States recapitalize so as to distribute voting power fairly and equitably among its security holders: *Provided, however*, That such recapitalization need not be effected if said company is liquidated and dissolved, and that Central Utilities be liquidated and dissolved, and (2) approving, pursuant to section 11 (e) of the act, a plan filed by Ogden and certain of its subsidiary companies which provided, among other things, that Central States and Central Utilities would be liquidated and dissolved (File Nos. 54–69 and 59–65).

Proceedings in respect of the plan of liquidation and dissolution of Central Utilities and Central States filed by said companies and Ogden, pursuant to section 11 (e) of the act (File No. 54–42), proceedings in respect of an over-all plan filed by Ogden and subsidiary companies, pursuant to section 11 (e) of the act, (File No. 54–69), and proceedings instituted by the Commission directed to Ogden and subsidiary companies pursuant to sections 11 (b) (1), 11 (b) (2), 15 (f) and 20 (a) of the act (File No. 59–65), have heretofore been consolidated, and hearings have been held in respect of the consolidated proceedings and have been continued subject to call of the trial examiner.

III. It appearing to the Commission that notice should be given and that the hearing herein should be reconvened for the purpose of taking additional testimony in respect of the Amended Plan filed by Ogden (File No. 54–42);

It is ordered, That the hearing herein be reconvened under the applicable provisions of the act and the rules of the Commission thereunder on September 11, 1945, at 10:00 a. m., e. w. t., at the office of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia 3, Pennsylvania. On that date, the hearing room clerk in Room 318 will advise as to the room in which the hearing will be held.

It is further ordered, That Henry C. Lank or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearing. The officer so designated to preside at the hearing is hereby authorized to exercise all powers granted by the Commission under section 18 (c) of the act and to a trial examiner under the Commission's rules of practice.

It is further ordered, That without limiting the scope of the issues presented by these proceedings, particular attention will be directed at the hearing to the following matters and questions:

1. Whether the Amended Plan, as proposed, or as it may hereafter be modified, is necessary to effectuate the provisions of section 11 (b) of the act and is fair and equitable to the persons affected thereby;

2. Whether the proposed pro rata distribution of the net assets of Central States among the holders of Central States' 5% Debentures including Ogden is fair and equitable to the persons affected thereby, more particularly to the holders, other than Ogden, of debentures and preferred stock of Central States, and of bonds and preferred stock of Central Utilities, and, if not, what allocation thereof would be fair and equitable;

3. Whether the proposed pro rata payment by Central States, pending its final liquidation and dissolution, to the holders of its 5% Debentures other than Ogden of an amount equal to 30% of the principal amount of said debentures is fair and equitable to the persons affected thereby;

4. Whether the proposed earmarking by Central States, pending its final liquidation and dissolution, of an amount equal to 30% of the principal amount of the 5% Debentures owned by Ogden, to be paid to Ogden if and when this Commission and the reviewing court should determine that such debentures owned by Ogden are valid and rank equally with the publicly held debentures of Central States, is fair and equitable to the persons affected thereby;

5. The origin of and circumstances relating to the creation of Central States' 5% Debentures, and the circumstances relating to the acquisition by Ogden and its predecessor company, Utilities Power & Light Corporation, of the debentures owned by Ogden;

6. The manner and circumstances under which Ogden and its predecessor company, Utilities Power & Light Corporation, acquired the preferred stock of Central States owned by Ogden;

7. The rank and participation which should be accorded Ogden in the distribution of the net assets of Central States in consideration of the 5% Debentures and preferred stock of Central States which Ogden owns;

8. Whether the funds and securities escrowed with Manufacturers Trust Company representing July 1, 1941, January 1, 1942 and July 1, 1942, interest payments on the Central States 5% Debentures owned by Ogden should be turned over to Ogden, and, if not, what disposition should be made of such funds and securities;

9. Whether Central States, Central Utilities or any of their security holders as such have any valid claims against any assets of Ogden;

10. Whether the Amended Plan as filed or as modified makes appropriate provision for the payment of expenses, fees, and remuneration in connection with the liquidation and dissolution of Central States and Central Utilities, in what amounts such expenses, fees, and remuneration should be paid, and the fair and equitable allocation thereof;

11. Generally, whether the Amended Plan and all proposed transactions incidental thereto are in all respects in the public interest and in the interests of investors and consumers and consistent with all applicable requirements of the act and the rules thereunder, and if not, what modifications and what terms and conditions should be required or imposed to satisfy the statutory standards;

12. Whether, in the event that the Commission shall approve the Amended Plan as filed or as modified, the Commission shall approve said plan for purposes of section 11 (d) of the act (as well as section 11 (e)) so as to permit the Commission of its own motion and irrespective of any request therefor on the part of Central States, Central Utilities or Ogden to apply to a court for the enforcement of the Amended Plan pursuant to section 11 (d) of the act;

13. Whether in the event that the Commission shall not approve the Amended Plan as filed or as modified, a plan proposed by the Commission or by any person having a bona fide interest in the liquidation and dissolution of Central States and Central Utilities should be approved by the Commission for purposes of section 11 (d) of the act, and, if proposed by the Commission, what the terms and provisions of such plan should be.

It is further ordered, That the issues numbered 3 and 4 above shall be first considered at the reconvened hearing, and that jurisdiction be and is hereby reserved to separate, either for hearing, in whole or in part, or for disposition, in whole or in part, any of the issues, questions or matters herein set forth or which may arise in these proceedings, to consolidate with these proceedings other filings and matters pertaining to these proceedings, and to take such other action as may appear conducive to an orderly, prompt and economical disposition of the matters involved.

Notice is hereby given of said hearing to Central States, Central Utilities, Ogden, Continental Illinois National Bank and Trust Company of Chicago, Indenture Trustee of Central States' 5% Debentures, The Chase National Bank of the City of New York, Indenture Trustee of Central Utilities' 6% Ten-Year Secured Gold Bonds, Manufacturers Trust Company, and to all interested persons, said notice to be given to Central States, Central Utilities, Ogden, Continental Illinois National Bank and Trust Company of Chicago, The Chase National Bank of the City of New York, and Manufacturers Trust Company by registered mail, and to all other persons by a general release of this Commission which shall be distributed to the press and mailed to all persons on the mailing list for releases issued under the act and by publication in the FEDERAL REGISTER

It is further ordered That Central States and Central Utilities shall give additional notice of this hearing to all their security holders (insofar as the identity of such security holders is known or is available to them) by mailing to each of said persons a copy of this notice and order at his last known address at least fifteen days prior to the date of hearing.

It is requested that any person desiring to be heard in these proceedings shall file with the Secretary of the Commission on or before September 8, 1945 an appropriate request or application to be heard, as provided by Rule XVII of the Commission's rules of practice.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F R Doc. 45-15094; Filed, Aug. 17, 1945; 9:52 a. m.]

[File No. 55-89]

BARTHOLOMEW A. BRICKLEY

NOTICE OF FILING AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 13th day of August 1945.

The Commission, on August 12, 1943, having applied to the United States District Court for the District of Massachusetts (Civil Action No. 2430), pursuant to sections 11 (d) and 18 (f) of the Public Utility Holding Company Act of 1935, to enforce compliance with an order of the Commission dated July 21, 1942 (Holding Company Act Release No. 3679) issued pursuant to section 11 (b) (2) of the act directing the International Hydro-Electric System, a registered holding company, to be liquidated and dissolved; and

The United States District Court for the District of Massachusetts having on October 11, 1943, after hearing, entered its interlocutory decree which, inter alia, appointed Bartholomew A. Brickley of Boston, Massachusetts, as Special Counsel to investigate certain transactions alleged to give causes of action on behalf of International Hydro-Electric System against International Paper Company; and on November 13, 1944 the Court having by order appointed Bartholomew A. Brickley as Trustee for the International Hydro-Electric System authorizing him to operate its business until further order of the Court; and Bartholomew A. Brickley having acted as said Trustee under said order during the period subsequent to November 13, 1944:

Notice is hereby given that Bartholomew A. Brickley has filed an application with this Commission for approval of an interim allowance for his services at this time, requesting that the question of final compensation be determined when his services have been terminated. He requests an interim allowance for his services during the eight-month period, from November 13, 1944 to July 13, 1945, of $16,666.64 and for reimbursement of $596.87 for expenses during that period. Pursuant to Rule U-100, he further requests that he be granted exemption from Rule U-63 with respect to future interim allowances at the rate of $2,083.33 per month, together with allowances for interim expenses not to exceed $100 per month, until further order of the Commission, with the understanding that after said exemption is granted, the applicant will give to the Commission twenty (20) days' notice of any hearing in the District Court of the United States for the District of Massachusetts on all questions of fees and expenses and what he will furnish to the Commission a detailed statement of such services and expenses at the time of said notice; and

The Commission deeming it appropriate in the public interest and in the interest of investors that a hearing be held to determine whether or not the application of Bartholomew A. Brickley should be approved;

It is ordered, That a hearing be held on such matters under the applicable provisions of the act and the rules of the Commission thereunder on August 29, 1945 at 10:00 a. m., e. w. t., at the offices of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia 3, Pennsylvania. On such date the hearing room clerk in Room 318, will advise as to the room in which such hearing will be held. All persons desiring to be heard or otherwise wishing to participate in such hearing should notify the Commission in the manner provided by Rule XVII of its rules of practice on or before August 27, 1945;

It is further ordered, That Charles S. Lobingier or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearing in such matter. Te officer so designated to preside at any such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of the act and to a trial examiner under the Commission's rules of practice; and

It is further ordered, That notice of this hearing be given to Bartholomew A. Brickley, Trustee of International Hydro-Electric System, by registered mail and all other interested persons by publication in the FEDERAL REGISTER, and that Bartholomew A. Brickley, Trustee of International Hydro-Electric System, shall mail a copy of this notice of filing and order for hearing to all persons granted intervention or participation in Civil Action No. 2430 in the United States District Court for the District of Massachusetts.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R Doc. 45-15095; Filed, Aug. 17, 1945; 9:52 a. m.]

[File No. 70-1123]

AMERICAN POWER & LIGHT CO.

NOTICE REGARDING FILING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia 3, Pa. on the 14th day of August, A. D. 1945.

Notice is hereby given that a declaration has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by American Power & Light Company ("American"), a subsidiary of Electric Bond and Share Company, both registered holding companies.

Notice is hereby given that any interested person may, not later than August 23, 1945, at 5:30 p. m., e. w. t., request the Commission in writing that a hearing be held on such matter, stating the reason for such request and the nature of his interest, or may request that he be notified if the Commission should order a hearing thereon. At any time thereafter such declaration, as filed or as amended, may become effective or may be granted, as provided in Rule U-23 of the rules and regulations promulgated pursuant to said Act. Any such request should be addressed: Secretary, Securities and Exchange Commission, Philadelphia 3, Pennsylvania.

All interested persons are referred to said declaration, which is on file in the office of said Commission, for a statement of the transaction therein proposed, which is summarized below:

American owns $4,929,000 principal amount of 4⅛% Sinking Fund Debentures due 1979 of Florida Power & Light Company and $4,900,000 principal amount First Mortgage Bonds, 2¾% Series due 1975, of Texas Power & Light Company, both subsidiaries of American. American proposes to sell, at private sale, said debentures at a price of not less than 104¾% of principal amount and said bonds at a price of not less than 100% of principal amount.

American proposes to employ The First Boston Corporation to find a purchaser or purchasers for said bonds and debentures and to pay such corporation ¼ of 1% of the principal amount of such securities.

American requests an exemption from the competitive bidding requirements prescribed by Rule U-50 for reasons stated in the application.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F R. Doc. 45-15096; Filed, Aug. 17, 1945; 9:53 a. m.]

[File No. 70-1104]

NEW YORK STATE ELECTRIC & GAS CORP.

ORDER PERMITTING WITHDRAWAL OF APPLICATION-DECLARATION

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 14th day of August 1945.

New York State Electric & Gas Corporation, a subsidiary of NY PA NJ Utilities Company, a registered holding company, having filed an application-declaration pursuant to sections 6 (a), 6 (b), 7 and 12 (c) of the act and Rule U-42 thereunder in regard to the issue and sale at competitive bidding of $10,000,000 principal amount of its First Mortgage Bonds, due 1975, and 150,000 shares of its Cumulative Preferred Stock; the redemption of its presently outstanding Cumulative Preferred Stock; and the change of its presently outstanding

46,484 shares of common stock, without par value, having an aggregate stated value of $21,294,455.12, into 1,000,000 shares of common stock having a par value of $20 per share; and

Applicant-declarant having requested permission to withdraw said application-declaration in view of the denial, by the Public Service Commission of the State of New York, of a petition requesting authority to proceed with such program; and

It appearing to the Commission that the withdrawal of such application-declaration is consistent with the public interest:

It is ordered, That the request of the applicant-declarant be, and it hereby is, granted, and said application-declaration is hereby deemed withdrawn.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 45-15097; Filed, Aug. 17, 1945; 9:53 a. m.]

WAR PRODUCTION BOARD.

[Consent Order C-411]

RICHARD S. PAIGE AND J. A. SINGARELLA CO.

Richard S. Paige of Brookline, Massachusetts, began construction on premises at 87 Seaver Street, Brookline, Massachusetts, in March 1945 in violation of War Production Board Conservation Order L-41. J. A. Singarella, doing business as J. A. Singarella Company of Dorchester, Massachusetts, acted as contractor for this construction which consisted of replacing a wooden swimming pool, 25 feet by 8 feet, with a swimming pool constructed of concrete, 30 feet by 15 feet, at an approximate cost of $3500. The construction has not yet been completed. Richard S. Paige, and J. A. Singarella, doing business as J. A. Singarella Company, admit the construction was in violation of Conservation Order L-41 but deny that it was wilful and do not care to contest the issue of wilfulness.

Wherefore, upon the agreement and consent of Richard S. Paige, J. A. Singarella, doing business as J. A. Singarella Company, the Regional Compliance Manager, and the Regional Attorney, and upon the approval of the Compliance Commissioner, *It is hereby ordered*, That:

(a) Neither Richard S. Paige, his successors or assigns, nor J. A. Singarella, doing business as J. A. Singarella Company, his successors or assigns, nor any other person, shall do any construction on the premises located at 87 Seaver Street, Brookline, Massachusetts, including completing or altering the premises or installing or connecting any equipment or fixtures, unless hereafter specifically authorized in writing by the War Production Board or the Federal Housing Administration.

(b) Nothing contained in this order shall be deemed to relieve Richard S. Paige, his successor or assigns, or J. A. Singarella, doing business as J. A. Singarella Company, his successors or assigns, from any restriction, prohibition, or provision contained in any other order or regulation of the War Production Board, except insofar as the same may be inconsistent with the provisions hereof.

Issued this 15th day of August 1945.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 45-15186; Filed, Aug. 16, 1945; 11:37 a. m.]

[Consent Order C-412]

LEVERENZ SHOE CO.

Leverenz Shoe Company, a Wisconsin corporation, with main offices at 830 Alabama Avenue, Sheboygan, Wisconsin, is engaged in the manufacture of men's welt, dress and work shoes. The corporation is charged by the War Production Board with violating Conservation Order M-217 in that: (1) During the six months' period ending February 29, 1944, it completed the manufacture of approximately 3,724 pairs of men's dress shoes in a price line of $3.30 to $3.63 in excess of its allowed quota for such line. (2) During the six months' period ending August 31, 1944, it completed the manufacture of approximately 2,515 pairs of men's dress shoes in a price line of $3.30 to $3.63 in excess of its allowed quota for such line. (3) During the six months' period ending February 28, 1945, it completed the manufacture of approximately 1,173 pairs of men's dress shoes in a price line of $4.42 to $4.86 in excess of its allowed quota for such line. (4) During the six months' period ending February 28, 1945, it completed the manufacture of approximately 86 pairs of men's dress shoes in a price line of $4.67 to $5.36 in excess of its allowed quota for such line. (5) During the six months' period ending February 28, 1945, it completed the manufacture of approximately 2,067 pairs of men's work shoes in a price line of $4.01 to $4.41 in excess of its allowed quota for such line. (6) During the period ending February 28, 1945, it completed the manufacture of 1,499 pairs of men's work shoes in a price line of $3.64 to $4.00 in excess of its allowed quota for such line. Leverenz Shoe Company admits the violations as charged, and has consented to the issuance of this order.

Wherefore, upon the agreement and consent of Leverenz Shoe Company, the Regional Compliance Manager and the Regional Attorney, and upon the approval of the Compliance Commissioner, *It is hereby ordered*, That:

(a) Leverenz Shoe Company, during the six months' period ending February 28, 1946, shall reduce its completion of manufacture of men's dress shoes in the price line of $3.30 to $3.63 by 3,724 pairs beneath the quota allowed it during said period for such price line under Conservation Order M-217 as now or hereafter amended.

(b) Leverenz Shoe Company, during the six months' period ending August 31, 1946, shall reduce its completion of manufacture of men's dress shoes in the price line of $3.30 to $3.63 by 2,515 pairs beneath the quota allowed it during said period for such price line under Conservation Order M-217, as now or hereafter amended.

(c) Leverenz Shoe Company, during the six months' period ending February 28, 1946, shall reduce its completion of manufacture of men's dress shoes in the price line of $4.42 to $4.86 by 1,173 pairs beneath the quota allowed it during said period for such price line under Conservation Order M-217, as now or hereafter amended.

(d) Leverenz Shoe Company, during the six months' period ending February 28, 1946, shall reduce its completion of manufacture of men's dress shoes in the price line of $4.87 to $5.36 by 86 pairs beneath the quota allowed it during said period for such price line under Conservation Order M-217, as now or hereafter amended.

(e) Leverenz Shoe Company, during the six months' period ending February 28, 1946, shall reduce its completion of manufacture of men's work shoes in the price line of $4.01 to $4.41 by 2,067 pairs beneath the quota allowed it during said period for such price line under the provisions of Conservation Order M-217, as now or hereafter amended.

(f) Leverenz Shoe Company, during the six months' period ending February 28, 1946, shall reduce its completion of manufacture of men's work shoes in the price line of $3.64 to $4.00 by 1,499 pairs beneath the quota allowed it during said period for such price line under the provisions of Conservation Order M-217, as now or hereafter amended.

(g) The restrictions and prohibitions contained herein shall apply to Leverenz Shoe Company, its successors and assigns, or persons acting on its behalf. Prohibitions against the taking of any action include the taking indirectly as well as directly of any such action.

(h) Nothing contained in this order shall be deemed to relieve Leverenz Shoe Company from any restriction, prohibition, or provisions contained in any other order or regulation of the War Production Board except insofar as the same may be inconsistent with the provisions hereof.

Issued this 15th day of August 1945.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 45-15187; Filed, Aug. 17, 1945; 11:37 a. m.]

[Consent Order C-413]

PHILIP LEFKOWITZ

Philip Lefkowitz, doing business under the trade name and style of Comfort Box Spring Company, at 226 East 144th Street, New York City, is a manufacturer of box springs. He is charged by the War Production Board with wilful violations of Priorities Regulation #3 in that he received purchase orders bearing a preference rating of AA-1 for 109 box springs, the construction of which would require approximately 1,308 yards of unbleached cotton sheeting, and thereafter he extended this rating to acquire four bales containing 14,426 yards of such sheeting.

The violations in question occurred on June 12, 1944, and August 29, 1944. Philip Lefkowitz admits the violations charged and has consented to the issuance of this order.

Wherefore, upon the agreement and consent of Philip Lefkowitz, the Regional Compliance Manager and the Regional Attorney, and upon the approval of the Compliance Commissioner, *It is hereby ordered*, That:

(a) Philip Lefkowitz shall not for three months from the effective date of this order apply or extend any preference ratings or use any CMP allotment symbols to which he would otherwise be entitled under Priorities Regulation #27 or any other regulation or order of the War Production Board; and he shall cancel immediately all preference ratings which he has applied or extended to purchase orders which have not yet been filled by his suppliers; and further he shall cancel immediately all unfilled purchase orders which he has placed for controlled materials bearing a CMP allotment symbol (including the MRO symbol and the symbol "SO" under the small order procedure of CMP Regulation #1).

(b) All preference ratings, allotments, and allocations presently outstanding in connection with purchase orders for delivery of materials to Philip Lefkowitz or placed prior to the termination date of this order are void and shall not be given any effect by suppliers of Philip Lefkowitz or by any other person.

(c) The restrictions and prohibitions contained herein shall apply to Philip Lefkowitz, doing business as Comfort Box Spring Company, or otherwise, his successors and assigns, or persons acting on his behalf. Prohibitions against the taking of any action include the taking indirectly as well as directly of any such action.

(d) Nothing contained in this order shall be deemed to relieve Philip Lefkowitz from any restriction, prohibition, or provision contained in any other order or regulation of the War Production Board except insofar as the same may be inconsistent with the provisions hereof.

Issued this 15th day of August 1945.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 45-15188; Filed, Aug. 17, 1945; 11:36 a. m.]

AUG 25 '45

FEDERAL REGISTER

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Washington, Tuesday, August 21, 1945

The President

EXECUTIVE ORDER 9599

PROVIDING FOR ASSISTANCE TO EXPANDED PRODUCTION AND CONTINUED STABILIZATION OF THE NATIONAL ECONOMY DURING THE TRANSITION FROM WAR TO PEACE, AND FOR THE ORDERLY MODIFICATION OF WARTIME CONTROLS OVER PRICES, WAGES, MATERIALS AND FACILITIES

By virtue of the authority vested in me by the Constitution and the statutes of the United States, and particularly the War Mobilization and Reconversion Act of 1944, the First War Powers Act of 1941, the Second War Powers Act of 1942, as amended, and the Stabilization Act of 1942, as amended, and for the purpose of fully mobilizing the resources of the Government in this final stage of the war emergency, in order to promote a swift and orderly transition to a peacetime economy of free independent private enterprise with full employment and maximum production in industry and agriculture and to assure the general stability of prices and costs and the maintenance of purchasing power which are indispensable to the shift of business enterprises from wartime to peacetime production and of individuals from wartime to peacetime employment, it is hereby ordered as follows:

I

1. The guiding policies of all departments and agencies of the Government concerned with the problems arising out of the transition from war to peace shall be:

A. To assist in the maximum production of goods and services required to meet domestic and foreign needs, (1) by assuring assistance in making available materials and supplies required for the production of such goods and services; (2) by providing assistance to the conversion and utilization of war plants and facilities, both privately and publicly owned; and (3) by providing effective job placement assistance to war workers and returning service men and women.

B. To continue the stabilization of the economy as authorized and directed by the Emergency Price Control Act of 1942, as amended, and the Stabilization Act of 1942, as amended, (1) by using all powers conferred therein and all other lawful means to prevent either inflation or deflation; and (2) while so doing, by making whatever modifications in controls over prices, wages, materials and facilities are necessary for an orderly transition from war to peace; and

C. To move as rapidly as possible without endangering the stability of the economy toward the removal of price, wage, production and other controls and toward the restoration of collective bargaining and the free market.

2. The departments and agencies of the Government shall take vigorous, concerted and uniform action toward these ends and pursuant to this Order, under the guidance and direction of the Director of War Mobilization and Reconversion.

II

During the transition to a free economy, the Secretary of Agriculture, the Federal Loan Administrator, and the Director of Economic Stabilization shall not only take all measures required by law to support prices but shall take such further measures authorized by law as may be necessary to prevent any collapse of values or discouragement of the full and effective use of productive resources.

III

The Price Administrator, and in the exercise of his price responsibilities under the law the Secretary of Agriculture, shall, subject to such directives provided for by law as may be issued by the Economic Stabilization Director, take all necessary steps to assure that the cost of living and the general level of prices shall not rise. Subject to such authority, the Price Administrator and, in the exercise of his price responsibilities under the law, the Secretary of Agriculture, are authorized to make such adjustments in existing price controls as are necessary to remove gross inequities or to correct maladjustments or inequities which would interfere with the effective transition to a peacetime economy. In order that any price increases found necessary for these purposes will not result in an increase in the cost of living or in the general level of prices, the Price

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NOTICE

1944 Supplement

Book 1 of the 1944 Supplement to the Code of Federal Regulations, containing Titles 1–10, including Presidential documents in full text, is now available from the Superintendent of Documents, Government Printing Office, at $3.00 per copy.

A limited sales stock of the Cumulative Supplement and the 1943 Supplement is still available as previously announced.

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Administrator and the Secretary of Agriculture respectively shall (1) so far as is reasonable, practicable and necessary for this purpose, see that such price increases do not cause price increases at later levels of production or distribution, and (2) improve and tighten price controls in those fields which are important in relation to production costs or the cost of living in which in their judgment the controls have heretofore been insufficiently effective.

IV

1. The National War Labor Board, and such other agencies as may be designated by the Director of Economic Stabilization with the approval of the Director of War Mobilization and Reconversion, are authorized to provide that employers may, through collective bargaining with duly certified or recognized representatives of the employees involved or, if there is no such representative, by voluntary action, make wage or salary increases without the necessity of obtaining approval therefor, upon the condition that such increases will not be used in whole or in part as the basis for seeking an increase in price ceilings, or for resisting otherwise justifiable reductions in price ceilings, or, in the case of products or services being furnished under contract with a federal procurement agency, will not increase the costs to the United States.

2. In addition to the authority to approve increases to correct gross inequities and for other specified purposes, conferred by Section 2 of Title II of Executive Order 9250, the National War Labor Board or other designated agency is hereby authorized to approve, without regard to the limitations contained in any other orders or directives, such increases as may be necessary to correct maladjustments or inequities which would interfere with the effective transition to a peacetime economy; provided, however, that in dispute cases this additional authority shall not be used to direct increases to be effective as of a date prior to the date of this order.

Where the National War Labor Board or other designated agency, or the Price Administrator, shall have reason to believe that a proposed wage or salary increase will require a change in the price ceiling of the commodity or services involved, such proposed increase, if approved by the National War Labor Board or such other designated agency under the authority of this section shall become effective only if also approved by the Director of Economic Stabilization.

3. Officials charged with the settlement of labor disputes in accordance with the terms of Executive Order 9017 and Section 7 of the War Labor Disputes Act shall consider that labor disputes which would interrupt work contributing to the production of military supplies or interfere with effective transition to a peacetime economy are disputes which interrupt work contributing to the effective prosecution of the war.

V

The War Production Board shall move as rapidly as feasible without endangering orderly reconversion and the stabilization of the economy to free business from its controls. During the transition it shall use all of its authorized powers to expand the production of materials which are in short supply; limit the manufacture of products for which materials or facilities are insufficient; control the accumulation of inventories so as to avoid speculative hoarding and unbalanced distribution which would curtail total production; grant priority assistance to break bottlenecks which would impede the reconversion process; facilitate the fulfillment of relief and other essential export programs; and allocate scarce materials or facilities necessary for the production of low-priced items essential to the continued success of the stabilization program.

HARRY S. TRUMAN

THE WHITE HOUSE,
August 18, 1945.

[F. R. Doc. 45-15380; Filed, Aug. 20, 1945; 11:43 a. m.]

EXECUTIVE ORDER 9598

MODIFYING THE CONDITIONS UPON WHICH A CLASSIFIED STATUS MAY BE GRANTED

By virtue of the authority vested in me by section 1753 of the Revised Statutes of the United States and by section 2 of the Civil Service Act (22 Stat. 403), it is hereby ordered as follows:

Hereafter no person shall be accorded a classified civil-service status on the basis of his name having been reached on a civil-service register unless he shall have been regularly selected for appointment from a certificate issued by the Civil Service Commission for probational appointment and shall have entered on duty pursuant to selection from such certificate, or unless (a) he shall have been appointed to a classified (competitive) position for other than temporary-job employment lasting for one year or less, (b) his appointment shall have been prior to March 16, 1942, with respect to positions generally or prior to October 23, 1943, with respect to positions in the field service of the Post Office Department, and (c) the records of the Civil Service Commission clearly show that he stood higher on an appropriate civil-service list of eligibles than another eligible who received an original probational appointment from such list.

This order supersedes Executive Order No. 9506 of December 12, 1944 [1]; but does not supersede or modify Executive Order No. 9538 of April 13, 1945.[2]

HARRY S. TRUMAN

THE WHITE HOUSE,
August 17, 1945.

[F. R. Doc. 45-15277; Filed, Aug. 18, 1945; 11:47 a. m.]

EXECUTIVE ORDER 9600

AMENDING EXECUTIVE ORDER No. 9240 ENTITLED "REGULATIONS RELATING TO OVERTIME WAGE COMPENSATION"

By virtue of the authority vested in me by the Constitution and the statutes, it is ordered that Section IB of Executive Order No. 9240 of September 9, 1942, entitled "Regulations Relating to Overtime Wage Compensation", be, and it is hereby, amended to read as follows:

"No premium wage or extra compensation shall be paid for work on customary holidays except that time and one-half wage compensation shall be paid for work performed on any of the following holidays only:

New Year's Day	Thanksgiving Day
Fourth of July	Christmas Day
Labor Day	August 15, 1945

August 16, 1945

and either Memorial Day or one other such holiday of greater local importance."

HARRY S. TRUMAN

THE WHITE HOUSE,
August 18, 1945.

[F. R. Doc. 45-15379; Filed, Aug. 20, 1945; 11:43 a. m.]

[1] 9 F.R. 14637.
[2] 10 F.R. 4057.

Regulations

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 22—REGULATIONS GOVERNING APPEALS OF PREFERENCE ELIGIBLES UNDER THE VETERANS' PREFERENCE ACT OF 1944

ADVERSE DECISIONS OF ADMINISTRATIVE OFFICERS OF AGENCIES

Section 22.3 (9 F.R. 13190) is amended as follows:

§ 22.3 *Adverse decisions of administrative officers of agencies.* Adverse decisions by administrative officers following notifications of proposed adverse actions, charges and answers of employees, shall be in writing, dated and submitted to the employee promptly after such decisions have been made. The employee should at the same time be advised of his right to appeal the decision to the Civil Service Commission. If delay in submitting an appeal to the Commission occurs because the employee has not been so advised this fact shall be considered good cause shown for failure to file the appeal within the prescribed period of thirty (30) days after receipt of notice of the adverse decision as provided in § 22.4, but shall not otherwise affect the adjudication of the appeal.

By the United States Civil Service Commission.

[SEAL] H. B. MITCHELL,
President.

AUGUST 17, 1945.

[F. R. Doc. 45-15359; Filed, Aug. 20, 1945; 11:03 a. m.]

TITLE 7—AGRICULTURE

Chapter IV—Federal Crop Insurance Corporation

PART 415—FLAX CROP INSURANCE

SUBPART—1946 REGULATIONS

The Federal Crop Insurance Program is part of the general program of the United States Department of Agriculture administered for the benefit of agriculture.

By virtue of the authority vested in the Federal Crop Insurance Corporation by the Federal Crop Insurance Act, as amended, these regulations are hereby published and prescribed to be in force and effect, with respect to the 1946 flax crop insurance program, until amended or superseded by regulations hereafter made.

MANNER OF OBTAINING INSURANCE

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415.51 Availability of flax crop insurance.
415.52 Application for insurance.
415.53 Acceptance of applications by the Corporation.

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415.55 Determination of insured acreage.
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415.86 Meaning of terms.
415.87 Restriction on purchase and sale of flax by the Corporation.
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AUTHORITY: §§ 415.51 to 415.94, inclusive, issued under the Federal Crop Insurance Act, as amended, 52 Stat. 72, 53 Stat. 865, 55 Stat. 257, 58 Stat. 918.

MANNER OF OBTAINING INSURANCE

§ 415.51 *Availability of flax crop insurance.* (a) Flax crop insurance will be offered on the flax crop planted for harvest in 1946 in accordance with this subpart. Flax crop insurance against loss in yields will be offered only in States or counties where the Corporation determines that sufficient data are available to enable the Corporation to establish flax yields and premium rates. The coverage per acre of flax crop insurance will be 50 or 75 percent of the average yield of flax for the farm.

(b) Insurance will not be provided in any county unless written applications for insurance on crops authorized to be insured are filed covering at least fifty farms, or one-third of the farms normally producing these crops, except that insurance may be provided for producers on farms situated in a local producing area bordering on a county with a crop insurance program.

§ 415.52 *Application for insurance.* Application for insurance, on Form FCI–612–F "Application for Flax Crop Insurance for 1946," may be made by any person to cover his interest as landlord, owner, tenant or sharecropper, in a flax crop. An application shall cover the applicant's interest in the flax crop on all insurance units located, or considered for crop insurance purposes to be located, in the county or, where applicable, on all insurance units in the local producing area, in which the applicant has an interest at the time of the seeding of the flax crop to be harvested in 1946. Applications shall be submitted to the office of the county association on or before the applicable closing date shown in § 415.93.

§ 415.53 *Acceptance of applications by the Corporation.* (a) Upon acceptance of an application by a duly authorized representative of the Corporation the insurance contract shall be in effect, provided such application is submitted in accordance with the provisions of the application and of this subpart, including any amendments thereto. The applicant's copy of the accepted application shall be mailed to him.

(b) The Corporation reserves the right to reject any application for insurance with respect to any one or more of the insurance units covered by the application, or to limit the insurance on the applicant's interest in any insurance unit covered by the application to 50 percent of the average yield for such unit.

(c) Insurance contracts covering farms situated in a local producing area shall be handled in the office of the

county association of an adjoining county with a crop insurance program.

INSURANCE COVERAGE

§ 415.54 *Insurable and non-insurable farms.* Any farm or part thereof which is designated on the crop insurance listing sheet as "non-insurable", because of the insurance risk involved, shall not be considered in any manner whatsoever under the insurance contract, except as provided in § 415.66 (b) hereof. The Corporation may determine that a farm or part thereof is non-insurable and so designate it on the listing sheet at any time before the applicable closing date for the filing of applications for insurance. Any farm or part thereof not so designated shall be insurable.

§ 415.55 *Determination of insured acreage.* Insurance shall not attach with respect to (a) any acreage seeded to flax which is put to another use before it is too late to reseed flax, as determined by the Corporation, or (b) any acreage seeded to flax which is destroyed or substantially dstroyed before it is too late to reseed flax, as determined by the Corporation, and the acreage is left idle or is fallowed until it is too late to reseed flax. The insured acreage with respect to each insurance unit shall be either the acreage of flax seeded for harvest as seed as reported by the insured or the acreage determined by the Corporation as seeded thereon for harvest as seed, whichever the Corporation shall elect: *Provided, however,* That the Corporation reserves the right to limit the acreage to be insured. Promptly after seeding a flax crop, the insured shall submit to the Corporation, on Form FCI–619–F "Flax Acreage Report for 1946", a separate report of the acreage seeded to flax on each insurance unit in which he has an interest at the time of seeding and his interest at the time of seeding in the flax seeded for harvest as seed.

§ 415.56 *Insurance period.* Insurance with respect to any insured acreage shall attach at the time the flax is seeded. Insurance shall cease with respect to any portion of the flax crop covered by the insurance contract upon threshing or removal from the farm, but in no event shall the insurance remain in effect later than October 31, 1946, unless such time is extended in writing by the Corporation.

§ 415.57 *Insured production.* The insured production for each insurance unit under the contract shall be the number of bushels of flax determined by multiplying the insured acreage by the average yield per acre, by the insured percentage (50 or 75 percent), and by the insured interest in the crop at the time of seeding. If more than one average yield has been established for the insurance unit, the insured production shall be computed separately, using the applicable acreage for each yield, and the total of such computed amounts shall be the insured production for the insurance unit.

§ 415.58 *Causes of loss insured against.* The insurance contract shall cover loss in yield of flax due to unavoidable causes including drought, flood, hail, wind, frost, winter-kill, lightning, fire, excessive rain, snow, wildlife, hurricane, tornado, insect infestation, plant disease, and such other unavoidable causes as may be determined by the Board of Directors of the Corporation.

§ 415.59 *Causes of loss not insured against.* The contract shall not cover damage to quality in any case, or loss in yield caused by the neglect or malfeasance of the insured or of any person in his household or employment or connected with the farm as tenant, sharecropper, or wage hand, nor shall it cover losses caused by theft, domestic animals (including poultry), use of defective or unadapted seed, overseeding or seeding on land of poorer average quality for the production of flax than the average quality of the land considered in establishing the average yield for the insurance unit, failure properly to prepare the land for seeding, or properly to seed, care for, or harvest and thresh the insured crop, including any loss due to breakdown of machinery or equipment, failure to follow established good farming practices, or by following different fertilizer or farming practices than those considered in establishing the average yield, planting flax under conditions of immediate hazard without adjustment of the average yield or premium rate, or by failure to reseed the flax in areas and under circumstances where the Corporation determines it is practicable to reseed. In addition, where insurance is written on an irrigated basis, the contract shall not cover losses caused by failure properly to apply irrigation water to flax in proportion to the amount of water available for all irrigated crops, failure of irrigation equipment due to mechanical defects, failure to provide adequate casing or properly to adjust the pumping equipment in the event of a lowering of the water level in pump wells when such adjustment can be made without deepening the well, or any other such loss not due entirely to unavoidable causes. Likewise, the contract shall not cover loss in yield caused by inability to obtain labor, fertilizer, machinery, repairs, or insect poisons, as a result of war or other conditions.

PREMIUM FOR INSURANCE CONTRACT

§ 415.60 *Amount of premium.* The premium for each insurance unit under the contract shall be the number of bushels of flax determined by multiplying the insured acreage of flax for the insurance unit by the premium rate per acre and by the insured interest in the crop at the time of seeding. If more than one premium rate has been established for the insurance unit, a premium shall be computed separately using the applicable acreage for each rate, and the total of the amounts so computed shall be the premium for the insurance unit. The premium for the insurance contract shall be the total of the premiums computed for the insured for all insurance units covered by the contract. The premium with respect to any insured acreage shall be regarded as earned when the flax crop on such acreage is seeded. The minimum premium payable by the insured with respect to any insurance contract shall be two bushels of flax.

§ 415.61 *Manner of payment of premium.* (a) By executing a Form FCI–612–F, "Application for Flax Crop Insurance for 1946", the applicant executes a premium note. This note represents a promise to pay to the Corporation, on or before the maturity date specified in § 415.94 hereof, the total premium for all insurance units covered by the insurance contract. Such note or unpaid portion thereof shall bear interest after maturity at the rate of one-half of one percent for each calendar month or fraction thereof, except that no interest shall be charged on any amount paid within two calendar months after maturity.

(b) Payment on any such note may be made in whole or in part before maturity either in flax or cash, or both. After maturity, payment may be made only in cash. In connection with any payment before maturity, there shall be credited on the note the number of bushels of flax computed by dividing the payment made (the proceeds of the sale of flax if flax is paid) by the cash equivalent price per bushel for the date of payment. The amount of any such note due at maturity shall be the cash equivalent thereof based on the cash equivalent price per bushel applicable for such maturity date.

(c) Any unpaid amount of any such note (either before or after the date of maturity) may be deducted from any indemnity payable under the contract, from the proceeds of any commodity loan to the insured, and from any payments made to the insured under the Soil Conservation and Domestic Allotment Act, as amended, or any other act of Congress or program administered by the United States Department of Agriculture. Where any such deduction is made before the date of maturity, the cash equivalent of the deduction will be based on the cash equivalent price used in computing the indemnity payment or the cash equivalent price determined by the Corporation to be in effect on the day the county committee approves such loan or other payment, whichever is applicable. Such price shall also be used in determining the number of bushels of flax to be credited on the note.

(d) Payments in cash shall be made by means of cash or by check, money order, or bank draft payable to the order of the Treasurer of the United States. All checks and drafts will be accepted subject to collection, and payments tendered shall not be regarded as paid unless collection is made. When a payment is made in flax, it shall be by means of a negotiable warehouse receipt or other instrument acceptable to the Corporation representing salable flax.

LOSS

§ 415.62 *Notice of loss or damage of flax crop.* Unless otherwise provided by the Corporation, if a loss is probable, notice in writing shall be given the Corporation at the office of the county association immediately after any material damage to the insured crop and before the crop is harvested, removed, or any other use is made of it. Any such notice shall be given in time to allow the Corporation to make appropriate inspection.

§ 415.63 *Released acreage.* Any insured acreage on which the flax crop has been destroyed or substantially destroyed may be released by the Corporation for planting a substitute crop or to be put to another use. The flax crop shall be deemed to have been substantially destroyed if the Corporation determines that it has been so badly damaged that farmers generally in the area where the farm is located and on whose farms similar damage occurred would not further care for the crop or harvest any portion thereof.

Before any acreage is released it shall be inspected and an appraisal made of the yield that would be realized if the crop on such acreage remained for harvest. Any such appraisal shall be subject to the minimum set forth in § 415.66 (a) hereof. For the purpose of determining this minimum, any such acreage which, after harvest of flax has started in the area in which the farm is located, is released for the planting of a crop shall be regarded as acreage not harvested and not as acreage released for the planting of a substitute crop. No insured acreage seeded to flax shall be considered as put to another use as long as any flax on such acreage remains for harvest.

On any acreage where the flax has been partially destroyed but not released by the Corporation, proper measures shall be taken to protect the crop from further damage. There shall be no abandonment of any crop or portion thereof to the Corporation.

§ 415.64 *Time of loss.* Loss, if any, shall be deemed to have occurred at the completion of threshing of the crop or October 31, 1946 (unless such time is extended by the Corporation), whichever occurs first, unless the Corporation determines that the flax crop was destroyed or substantially destroyed earlier, in which event the loss shall be deemed to have occurred on the date so determined by the Corporation.

§ 415.65 *Proof of loss.* If a loss is claimed, the insured shall submit to the Corporation a form entitled "Statement in Proof of Loss", containing such information regarding the manner and extent of the loss as may be required by the Corporation. The statement in proof of loss shall be submitted not later than 60 days after the time of loss, unless the time is extended in writing by the Corporation. It shall be a condition precedent to any liability under the insurance contract that the insured establish that any loss for which claim is made has been directly caused by one or more of the hazards insured against by the insurance contract during the term of the contract, and that the insured further establish that the loss has not arisen from or been caused by, either directly or indirectly, any of the hazards not insured against by the insurance contract.

§ 415.66 *Amount of loss.* (a) The amount of loss for which indemnity will be payable with respect to any insurance unit will be the amount of the insured production under the contract for such insurance unit, less the product of the insured interest and the total production for such unit: *Provided, however,* That, if the seeded acreage on the insurance unit exceeds the insured acreage on such unit, as determined by the Corporation, the loss for which indemnity will be payable shall be computed by apportioning the production on the seeded acreage to determine the production applicable to the insured acreage: *Provided, further,* That, if separate yields and rates are established for parts of the insurance unit or if the insured has different shares in parts of the flax on the insurance unit, such apportionment may, if the Corporation so elects, be made on the basis of the ratio of the premium computed for the reported acreage to the premium computed for the seeded acreage. Such total production shall include:

(1) Flax produced from any acreage of the flax crop which was threshed;

(2) The appraised production for any acreage of the flax crop which is released by the Corporation before harvest of flax has started in the area and seeded to a substitute crop, or 50 percent of the product of (i) such acreage, (ii) the average yield and (iii) the insured percentage, whichever is the larger;

(3) The appraised production for any acreage of flax that is not harvested (except the acreage covered in paragraph (2) of this paragraph), or 20 percent of the product of (i) such acreage, (ii) the average yield and (iii) the insured percentage, whichever is the larger;

(4) The appraised production for any portion of the insured flax acreage that is planted to a substitute crop or put to another use without the consent of the Corporation, or the product of (i) such acreage, (ii) the average yield and (iii) the insured percentage, whichever is the larger;

(5) The appraised number of bushels by which production on any acreage has been reduced solely because of any cause not insured against, which number of bushels shall not be less than the product of (i) such acreage, (ii) the average yield and (iii) the insured percentage, minus any quantity of flax harvested from such acreage; and

(6) The appraised number of bushels by which production on any acreage has been reduced because of any cause not insured against, where damage on such acreage has resulted from a cause insured against and a cause not insured against.

Any damage to the flax crop, caused by the seeding of perennial grasses or legumes with the flax, or in the growing flax crop, shall be subject to an appraisal as a damage resulting from a cause not insured against. This appraisal shall be included under subparagraphs (5) or (6) of this paragraph whichever is applicable.

(b) Where the insured fails to establish and maintain separate records of acreage or production for the component parts of a combination of two or more insurance units or portions thereof, the insurance with respect to such units under the contract may be voided by the Corporation and the premium forfeited by the insured: *Provided, however,* That, if all the component parts of the combination are insured, the total of the insured production for the component parts shall be considered as the insured production for the combination, and any loss for such combination shall be determined as outlined in paragraph (a) of this section. Where the insured fails to establish and maintain separate records of acreage or production for non-insurable acreage and for one or more insurance units or portions thereof, any production from the non-insurable acreage which is commingled with the production from the insured acreage shall be considered to have been produced on the insured acreage, or the insurance with respect to such unit(s) under the contract may be voided by the Corporation and the premium forfeited by the insured.

PAYMENT OF INDEMNITY

§ 415.67 *When indemnity payable.* The amount of loss for which the Corporation may be liable with respect to any insurance unit covered by the insurance contract shall be payable within 30 days after satisfactory proof of loss is approved by the Corporation. However, if payment of any indemnity is delayed for any reason beyond the time specified, the Corporation shall not be liable for interest or damages on account of such delay.

§ 415.68 *Indemnity payment.* (a) Any indemnity due under the insurance contract will be paid by the issuance of a certificate of indemnity which shall bear an expiration date. Settlement under such certificate will be made in cash or flax in accordance with this subpart. Such certificate may also be used to obtain a loan from the Commodity Credit Corporation, if loans on certificates of indemnity are available, in accordance with instructions issued by the Commodity Credit Corporation.

(b) In case of a cash settlement under a certificate of indemnity, the cash equivalent of the indemnity shall be the number of bushels of flax specified in the certificate of indemnity multiplied by the cash equivalent price per bushel for the day the certificate of indemnity or other request of the insured for cash settlement or for determining the cash equivalent is received in the branch office of the Corporation, or the expiration date of the certificate, whichever occurs first. A cash settlement under a certificate of indemnity made more than 14 days after the issuance of the certificate shall be subject to a deduction for a reasonable charge for storage and handling and the schedule of such charges shall be shown on the certificate of indemnity.

(c) Any indemnity payable under an insurance contract shall be paid to, and settlement under the certificate of indemnity made with, the insured or such other person as may be entitled to the benefits of the insurance contract under the provisions of this subpart, notwithstanding any attachment, garnishment,

receivership, trustee process, judgment, levy, equity or bankruptcy directed against the insured or such other person, or against any indenmnity alleged to be due to such person; nor shall the Corporation or any officer, employee, or representative thereof be a proper party to any suit or action with reference to such indemnity or the proceeds thereof nor be bound by any judgment, order, or decree rendered or entered therein. No officer, agent, or employee of the Corporation shall, because of any such process, order, or decree, pay or cause to be paid, to any person other than the insured or other person entitled to the benefits of the insurance contract, any indemnity payable, or any amount due in settlement of any certificate of indemnity in accordance with the provisions of the insurance contract. Nothing herein contained shall excuse any person entitled to the benefits of the insurance contract from full compliance with, or performance of, any lawful judgment, order, or decree with respect to the disposition of any sums paid thereunder as an indemnity.

(d) The Corporation shall provide for the posting annually in each county at the county courthouse of a list of indemnities paid for losses on farms in such county.

§ 415.69 *Adjustment in connection with indemnity payments.* Where an adjustment is made in the amount of an indemnity, settlement for such adjustment may be made on the basis of a cash equivalent price per bushel other than that used in making settlement under the certificate of indemnity originally issued.

§ 415.70 *Other insurance.* If the insured has or acquires any other insurance against substantially all the risks that are insured against by the Corporation under the insurance contract on the crop or portion thereof covered in whole or in part by such insurance contract, regardless of whether such other insurance is valid or collectible, the liability of the Corporation shall not be greater than its share would be if the amount of its obligations were divided equally between the Corporation and such other insurer. In any case where an indemnity is paid to the insured by another Government agency because of damage to the flax crop, the Corporation reserves the right to determine its liability under the insurance contract taking into consideration the amount paid by such other agency.

§ 415.71 *Subrogation.* The Corporation may require from the insured an assignment of all rights of recovery against any person(s) for loss or damage to the extent that payment therefor is made by the Corporation, and the insured shall execute all papers required and shall do everything that may be necessary to secure such rights.

§ 415.72 *Creditors.* An interest existing by virtue of a debt, lien, mortgage, garnishment, levy, execution, bankruptcy, or any other process shall not be considered an interest in an insured crop within the meaning of this subpart.

PAYMENT OF INDEMNITY TO PERSONS OTHER THAN ORIGINAL INSURED

§ 415.73 *Indemnities subject to all provisions of insurance contract.* Any indemnity payable to any person shall be subject to all provisions of the insurance contract, including the right of the Corporation to deduct from any such indemnity the unpaid amount of the note of the original insured for the payment of the earned premium or any other obligation of the insured to the Corporation: *Provided, however,* That in case of a transfer of an interest in an insured crop, such deduction to be made from an indemnity payable to the transferee shall not exceed the premium due on the insurance unit or units involved in the transfer, plus the unpaid amount of any other obligation of the transferee to the Corporation. Any indemnity payable to any person other than the original insured as a result of a transfer, or otherwise, shall be subject to any collateral assignment of the insurance contract by the original insured.

§ 415.74 *Collateral assignment of right under insurance contract.* The right to an indemnity under an insurance contract may be assigned by the original insured as collateral security for a loan or other obligation of such insured. Such assignment shall be made by the execution of Form FCI–20 "Collateral Assignment," and, upon approval thereof by the Corporation, the interests of the assignee will be recognized if an indemnity is payable under the insurance contract, to the extent of the amount determined to be the unpaid balance of the amount (including interest and other charges) for which such assignment was made as collateral security: *Provided, however,* That (a) payment of any indemnity will be subject to all conditions and provisions of the insurance contract and to any deductions authorized under § 415.73 and (b) payment of the indemnity may be made by check payable jointly to all persons entitled thereto and such payment shall constitute a complete discharge of the Corporation's obligation with respect to any loss under the insurance contract. The Corporation's approval of an assignment shall not create in the assignee any right other than that derived from the assignor. The Corporation shall in no case be bound to accept notice of any assignment of the insurance contract, and nothing contained in any assignment shall give any right against the Corporation to any person other than the insured, except to an assignee approved by the Corporation. Only one such assignment will be recognized in connection with the insurance contract, but if an assignment is released, a new assignment of the right to an indemnity under the insurance contract may be made.

§ 415.75 *Payment to transferee.* In the event of a transfer of all or a part of the insured interest in a flax crop before the beginning of harvest or the time of loss, whichever occurs first, the transferor shall immediately notify the Corporation thereof in writing at the office of the county association. The transferee under such a transfer shall be entitled to the benefits of the insurance contract with respect to the interest so transferred, subject to any assignment made by the original insured in accordance with § 415.74 hereof: *Provided, however,* That an involuntary transfer of an insured interest in a flax crop solely because of the existence of a debt, lien, mortgage, garnishment, levy, execution, bankruptcy, or other process shall not entitle any holder of any such interest to any benefits under the insurance contract: *Provided, further,* That the Corporation shall not be liable for a greater amount of indemnity in connection with the insured crop than would have been paid if the transfer had not taken place. If as a result of any such transfer, diverse interests appear with respect to any insurance unit, the indemnity, if any, payable with respect to such unit may be paid jointly to all persons having the insured interest in the crop at the time harvest is commenced or the time of loss, whichever occurs first, or to one of such persons on behalf of all such persons, and payment in any such manner shall constitute a complete discharge of the Corporation's liability with respect to such unit under the insurance contract.

§ 415.76 *Death, incompetence, or disappearance of insured.* (a) If the insured dies, is judicially declared incompetent, or disappears, before the time of loss, and his insured interest in a flax crop is a part of his estate at such time, or if the insured dies, is judicially declared incompetent, or disappears, subsequent to such time, the indemnity, if any, shall be paid to the legal representative of his estate, if one is appointed or is duly qualified. If no such representative is or will be so qualified, the indemnity shall be paid to the persons beneficially entitled to share in the insured's interest in the crop or to any one or more of such persons on behalf of all such persons; *Provided, however,* That if the indemnity represents a number of bushels of flax, the cash equivalent of which exceeds $500, the Corporation may withhold the payment of the indemnity until a legal representative of the insured's estate is duly qualified to receive such payment.

(b) If the insured dies, is judicially declared incompetent, or disappears before the time of loss, and his interest in the crop is not a part of his estate at such time, the indemnity, if any, shall be paid to the person(s) who succeeded to his interest in the crop in the manner provided for in § 415.75.

(c) If an applicant for insurance dies or is judicially declared incompetent before any flax crop intended to be covered by insurance is seeded, whoever succeeds him on the farm with the right to seed the flax crop as his heir or heirs, administrator, executor, guardian, committee, or conservator shall be substituted for the original applicant upon filing with the office of the county association, within 15 days (unless such period is extended by the Corporation) after the date of such death or judicial declaration, or before the date of the beginning of seeding, whichever is earlier, a statement in writing, on Form FCI–2 "Agreement", requesting such substitution and agreeing to assume the obligations of the original applicant arising out of such application. If no such statement is filed, as required by this paragraph, the original application shall be void.

(d) The insured shall be deemed to have disappeared within the meaning of the regulations in this part if he fails to file with the county committee written notice of his new mailing address within 180 calendar days after any communication by or on behalf of the Corporation is returned undeliverable at the address given in the statement in proof of loss or after such loss has been established otherwise, whichever is earlier.

§ 415.77 *Fiduciaries.* Any indemnity payable under an insurance contract, entered into in the name of a fiduciary who is no longer acting in such capacity at the time for the payment of indemnity and settlement under the certificate of indemnity, will be made to the succeeding fiduciary upon appropriate application and proof satisfactory to the Corporation of his incumbency. If there is no succeeding fiduciary, payment of the indemnity shall be made to, and settlement under the certificate of indemnity shall be made with, the persons beneficially entitled under the regulations in this part to the insured interest in the crop, to the extent of their respective interests, upon proper application and proof of the facts: *Provided, however,* That the settlement may be made with any one or more of the persons so entitled, and payment may be made to such person or persons in behalf of all the persons so entitled, whether or not the person to whom payment is made has been authorized by the other interested persons to receive such payment.

§ 415.78 *Determination of person to whom indemnity shall be paid.* In any case where the insured has transferred his interest in all or a portion of the flax crop on any insurance unit, or has ceased to act as a fiduciary, or has died, has been judicially declared incompetent or has disappeared, payment in accordance with the provisions of this subpart will be made only after the facts have been established to the satisfaction of the Corporation. The determination of the Corporation as to the existence or nonexistence of a circumstance in the event of which payment may be made and of the person(s) to whom such payment will be made shall be final and conclusive. Payment of any indemnity under this section shall constitute a complete discharge of the Corporation's obligation with respect to the loss for which such indemnity is paid and settled and shall be a bar to recovery by any other person.

REFUNDS OF EXCESS NOTE PAYMENTS

§ 415.79 *Refunds of excess note payments—*(a) *Before maturity of note.* The Corporation shall not be required to make a refund of any excess payment made on a note until the acreage planted to flax on all insurance units covered by the insurance contract has been determined. The cash equivalent of any refund shall be determined on the basis of the number of bushels of flax to be refunded and the cash equivalent price for the appropriate grade of such flax effective for the date such payment was submitted to the Corporation. If more than one payment is made on the note for the crop insurance premium, the payments shall be applied in the order of submittal to the Corporation. In computing the amount of any refund, the payments shall be considered in their inverse order and each such payment or portion thereof shall be regarded as a separate payment in determining the cash equivalent of the refund.

(b) *After maturity of note.* Payments received after the maturity of the note for the payment of the crop insurance premium shall be refunded in the actual amount of money paid to the Corporation in excess of that determined to be necessary to pay such note.

There shall be no refund of an amount less than $1.00, with respect to payments made either before or after the maturity of the note, unless written request for such refund is received by the Corporation within one year after the date of the maturity of the note.

§ 415.80 *Assignment or transfer of claims for refunds not permitted.* No claim for a refund, or any part or share thereof, or any interest therein, shall be assignable or transferable, notwithstanding any assignment of the insurance contract or any transfer of interest in any flax crop covered by the insurance contract. Refund of any excess note payment will be made only to the person who made such payment except as provided in § 415.81.

§ 415.81 *Refund in case of death, incompetence, or disappearance.* In any case where a person who is entitled to a refund of a payment has died, has been judicially declared incompetent, or has disappeared, the provisions of § 415.76 with reference to the payment of indemnities in any such case shall be applicable with respect to the making of any such refund.

ESTABLISHMENT OF AVERAGE YIELDS AND PREMIUM RATES

§ 415.82 *Determination of farm average yields of flax per acre.* The Corporation shall establish average yields of flax for farms on the basis of the recorded or appraised yields for a representative period of years and shall, where necessary, adjust such yields so that the average yields for farms in the same area which are subject to the same conditions shall be fair and just.

§ 415.83 *Determination of premium rates.* The Corporation shall establish premium rates for all farms for which average yields are established and such rates shall be those deemed adequate to cover claims for flax crop losses and to provide a reasonable reserve against unforeseen losses.

§ 415.84 *Average yields and premium rates where farm varies widely in productivity or farming hazards or where tracts of the farm are widely separated.* If the land comprising any farm consists of tracts varying widely in productivity, topography, or farming hazards, or if tracts of the farm are widely separated, separate average yields and premium rates may be established by the Corporation for such tracts on the basis of appraisal, taking into consideration the yield data available.

§ 415.85 *Average yields and premium rates for special farming practices.* In areas where farming practices are followed which are determined by the Corporation to be special practices, yields and premium rates may be established for each special practice for the county or administrative area and for individual insurance units. The yields and premium rates thus established for the insurance unit(s) shall apply to the acreage of flax seeded on the insurance unit in accordance with the special farming practice followed on the insurance unit(s).

GENERAL

§ 415.86 *Meaning of terms.* For the purpose of the 1946 Flax Crop Insurance Program, the term:

(a) "Average yield" means the average yield of flax per acre established by the Corporation for each insurance unit or portion thereof.

(b) "Cash equivalent price per bushel" means the net price per bushel of flax established by the Corporation for the area in which the insurance unit is located on the basis of the price of flax at the basic market designated by the Corporation for the area, with differentials for the location of the area in which the insurance unit is situated.

(c) "Corporation" means the Federal Crop Insurance Corporation.

(d) "County" means the area commonly designated as such, and includes a parish in Louisiana.

(e) "County association" means the County Agricultural Conservation Association in the county.

(f) "County committee" means the County Agricultural Conservation Committee for the county.

(g) "Crop insurance listing sheet" means the form prescribed by the Corporation for the purpose of maintaining a record of insurance units, yields and rates, and any other related information with respect to such insurance units. The crop insurance listing sheet is on file in the office of the county association and is open to inspection by any producer whose farm is listed thereon.

(h) "Crop year" means the period within which the flax crop is seeded and normally harvested, and shall be designated by reference to the calendar year in which the crop is normally harvested.

(i) "Farm" means all adjacent or nearby farm land under the same ownership which is operated by one person, including also: (1) any other adjacent or nearby farm land which the county committee determines is operated by the same person as part of the same unit with respect to the rotation of crops and with workstock, farm machinery, and labor substantially separate from that for any other lands; and (2) any field-rented tract (whether operated by the same or another person) which, together with any other land included in the farm constitutes a unit with respect to the

rotation of crops: *Provided, however,* That, for the purpose of determining the minimum participation for a crop insurance program in any county, the term "farm" means that acreage of land which constitutes an insurance unit.

A farm shall be regarded as located in the county or administrative area, as the case may be, in which the principal dwelling is situated, or, if there is no dwelling thereon, it shall be regarded as located in the county or administrative area, as the case may be, in which the major portion of the farm is located. In addition, a farm shall be considered to be located in a county for crop insurance purposes if it is listed on the crop insurance listing sheets for such county.

(j) "Flax crop" means all flax seeded for harvest as seed, but does not include (1) volunteer or self-seeded flax, (2) flax seeded with any other crop except perennial grasses or legumes other than vetch, and (3) flax seeded for purposes other than for harvest as seed.

(k) "Insurance contract" means the contract of insurance entered into between the applicant and the Corporation by virtue of the application for insurance and the regulations in this part and any amendments thereto.

(l) "Insurance unit" means all or that portion, as the case may be, of the farm (considered for the purpose of establishing the average yield(s) and premium rate(s)) in which the insured has an interest as a flax producer at the time of seeding, except that (1) when a part of such land is regularly irrigated and a part is never irrigated, the portion of the land on the farm which is to be irrigated in the current crop year (as shown on the acreage report of the insured) shall constitute one insurance unit and the remainder shall constitute another insurance unit, and (2) when separate yields and rates have been established for widely separated parts of such land, such portions of the land shall constitute separate insurance units: *Provided, however,* That all or any part of such land which is designated on the crop insurance listing sheet in the office of the county association as "non-insurable", because of the insurance risk involved, shall not constitute an insurance unit or any part thereof and shall not be considered in any manner whatsoever under the insurance contract, except as provided in § 415.66 (b).

(m) "Insured interest" means either the insured's reported interest in the crop at the time of seeding, or the interest which the Corporation determines as the insured's actual interest at the time of seeding, whichever the Corporation shall elect, except that for the purpose of determining loss, the insured interest shall not exceed the insured's actual interest at the time of loss.

(n) "Insured percentage" means the percentage of the average yield of flax per acre for the insurance unit covered by an insurance contract, and shall be either 50 or 75 percent.

(o) "Local producing area" means any area approved by the Corporation for the purposes of § 415.52 (b) hereof.

(p) "Operator" means a person who as landlord or cash tenant, or standing-rent or fixed-rent tenant, is operating a farm, or who as a share tenant is operating a whole farm.

(q) "Person" means an individual, partnership, association, corporation, estate, or trust, or other business enterprise or other legal entity and, wherever applicable, a State, a political subdivision of a State, or any agency thereof.

(r) "Premium rate" means the premium rate per acre established by the Corporation for insurance on flax.

(s) "Sharecropper" means a person who works a farm in whole or in part under the general supervision of the operator and is entitled to receive for his labor a share of the flax crop thereon or of the proceeds therefrom.

(t) "State committee" means the State Agricultural Conservation Committee for the State.

(u) "State Director" means the representative of the Corporation in the operation of the crop insurance program in the State.

(v) "Tenant" means a person other than a sharecropper who rents land from another person (for cash, a fixed commodity payment, or a share of the crop or proceeds therefrom), and is entitled under a written or oral lease or agreement to receive all or a share of the crop or proceeds therefrom produced on such land.

§ 415.87 *Restriction on purchase and sale of flax by the Corporation.* The restriction on the purchase and sale of flax, as provided in section 508 (d) of the Federal Crop Insurance Act, as amended, reads in part as follows:

> Insofar as practicable, the Corporation shall purchase the agricultural commodity only at the rate and to a total amount equal to the payment of premiums in cash by farmers or to replace promptly the agricultural commodity sold to prevent deterioration; and shall sell the agricultural commodity only to the extent necessary to cover payments of indemnities and to prevent deterioration: *Provided, however,* That nothing in this section shall prevent prompt offset purchases and sales of the agricultural commodity for convenience in handling. Nothing in this section shall prevent the Corporation from accepting, for the payment of premiums, notes payable in the commodity insured, or the cash equivalent, upon such security as may be determined pursuant to subsection (b) of this section, and from purchasing the quantity of the commodity represented by any of such notes not paid at maturity.

§ 415.88 *Records and access to farm.* For the purpose of enabling the Corporation to determine the loss, if any, that may have occurred under the insurance contract, the insured shall keep, or cause to be kept, for one year after the time of loss, records of the harvesting, storage, shipment, sale, or other disposition, of all flax produced on each insurance unit covered by the insurance contract. Such records shall be made available for examination by the Corporation, and as often as may reasonably be required, any person or persons designated by the Corporation shall have access to the farm. (See § 415.66 (b).)

§ 415.89 *Review of determinations of State and county committees.* Any determination by a State or county committee shall be subject to review and approval or revision by duly authorized representatives of the Corporation.

§ 415.90 *Applicant's warranties: voidance for fraud.* In applying for insurance the applicant warrants that the information, data, and representations submitted by him in connection with the insurance contract are true and correct, and are made by him, or by his authority, and shall be taken as his act. The insurance contract may be voided and the premium forfeited to the Corporation without the Corporation's waiving any right or remedy, including its right to collect the amount of the note executed by the insured, whether before or after maturity, if at any time the insured has concealed any material fact or made any false or fraudulent statements relating to the insurance contract, the subject thereof, or his interest in the flax crop covered thereby, or if the insured shall neglect to use all reasonable means to produce, care for or save the flax crop covered thereby, whether before or after damage has occurred, or if the insured fails to give any notice, or otherwise fails to comply with the terms of the contract, including the note, at the time and in the manner prescribed.

§ 415.91 *Modification of insurance contract.* No notice to any county committee or representative of the Corporation or knowledge possessed by any such county committee or representative or by any other person shall be held to effect a waiver of or change in any part of the insurance contract or to estop the Corporation from asserting any right or power under such contract; nor shall the terms of such contract be waived or changed except as authorized in writing by a duly authorized officer or representative of the Corporation; nor shall any provision or condition of the insurance contract or any forfeiture be held to be waived by any delay or omission by the Corporation in exercising its rights and powers thereunder or by any requirement, act, or proceeding, on the part of the Corporation or of its representatives, relating to appraisal or to any examination herein provided for.

§ 415.92 *Fractional units in acres and yields.* Fractions of yields per acre and premium rates shall be rounded to the nearest tenth of a bushel. Fraction of acres representing total acres of flax shall be rounded to the nearest tenth of an acre. Computations shall be carried to one digit beyond the digit that is to be rounded. If the extra digit computed is 1, 2, 3, or 4, the rounding shall be downward. If the extra digit computed is 5, the computation shall be carried to another digit. If the two extra digits are 50, the rounding shall be downward, and if the two extra digits are 51 or any higher figure, the rounding shall be upward.

§ 415.93 *Closing dates.* Closing dates for submission of applications to cover the 1946 flax crop shall be the earlier of: (a) the date of the beginning of seeding of the flax crop, or (b) September 29, 1945, for Texas; November 3, 1945, for Arizona and for Fresno, Imperial, Kern, Kings, Madera, Merced, Riverside, San Joaquin and Tulare Countries in California; February 16, 1946, for Oklahoma; April 13, 1946, for Montana, North Dakota, all counties in Minnesota lying north of Traverse, Grant, Douglas, Todd, Morrison, Mille Lacs, Kanabec and Pine Counties, and Chippewa and Mackinac Counties, Michigan; and March 30, 1946, for all other States and counties.

§ 415.94 *Maturity dates for payment of premium notes.* The maturity dates by States for the payment of premium notes shall be as follows: June 30, 1946, for Arizona, California, Oklahoma and Texas; July 31, 1946, for Iowa and Kansas; August 31, 1946, for all other States.

NOTE: The record keeping requirements of these regulations have been approved by, and subsequent reporting requirements will be subject to the approval of, the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Adopted by the Board of Directors on July 10, 1945.

[SEAL] E. R. DUKE,
Chairman.

Approved: August 20, 1945.

CLINTON P. ANDERSON,
Secretary of Agriculture.

[F. R. Doc. 45-15361; Filed, Aug. 20, 1945; 11:07 a. m.]

Chapter XI—War Food Distribution Orders

[WFO 75-2, Suspension]

PART 1410—LIVESTOCK AND MEATS

BEEF SET ASIDE SUSPENSION

War Food Order No. 75-2, as amended (10 F.R. 6496, 7787, 8805, 9421), is suspended until further order of the Director of Marketing Services.

This order shall become effective at 12:01 a. m., e. w. t., August 19, 1945. With respect to violations, rights accrued, liabilities incurred, or appeals taken, prior to said date, under War Food Order No. 75-2, as amended, all provisions of said order shall be deemed to remain in full force for the purpose of sustaining any proper suit, action, or other proceeding with respect to any such violation, right, liability, or appeal.

(E.O. 9280, 7 F.R. 10179; E.O. 9577, 10 F.R. 8087; WFO 75, 10 F.R. 4649)

Issued this 17th day of August 1945.

[SEAL] C. W. KITCHEN,
Director of Marketing Services.

[F. R. Doc. 45-15274; Filed, Aug. 18, 1945; 11:20 a. m.]

[WFO 75-3, Amdt. 22]

PART 1410—LIVESTOCK AND MEATS

PORK SET ASIDE REDUCTION

War Food Order No. 75-3, as amended (10 F.R. 6499, 7789, 8949, 9422), is further amended as follows:

1. By deleting the table at the end of paragraph (b) and substituting in lieu thereof the following:

Percentage of Live Weight of Hogs Purchased for Slaughter

Type of dressed pork cut or pork product:	
Loins	4.5
Shoulders and manufacturing pork	5.5
Lard	4.0

2. By deleting the table which appears in Appendix A and substituting in lieu thereof the following:

Current rate of slaughter (percent of weekly average August 1944)	Percentages of live weight of slaughter		
	Loins	Shoulders and manufacturing pork	Total
Less than 50.1	3.1	3.8	6.9
50.1–55.0	3.5	4.4	7.9
55.1–60.0	3.9	4.8	8.7
60.1–65.0	4.22	5.2	9.4
65.1–80.0	4.5	5.5	10.0
80.1–85.0	4.7	5.8	10.5
85.1–90.0	4.9	6.0	10.9
90.1–95.0	5.0	6.2	11.2
95.1–100.0	5.2	6.3	11.5
Over 100.0	5.3	6.5	11.8
Slaughterers without August 1944 slaughter history	5.3	6.5	11.8

This amendment shall become effective at 12:01 a. m., e. w. t., August 19, 1945. With respect to violations, rights accrued, liabilities incurred, or appeals taken, prior to said date, under War Food Order No. 75-3, all provisions of said order shall be deemed to remain in full force for the purpose of sustaining any proper suit, action, or other proceeding with respect to any such violation, right, liability, or appeal.

(E.O. 9280, 7 F.R. 10179; E.O. 9577, 10 F.R. 8087; WFO 75, 10 F.R. 4649)

Issued this 17th day of August 1945.

[SEAL] C. W. KITCHEN,
Director of Marketing Services.

[F. R. Doc. 45-15275; Filed, Aug. 18, 1945; 11:20 a. m.]

[WFO 75-4, Suspension]

PART 1410—LIVESTOCK AND MEATS

VEAL SET ASIDE SUSPENSION

War Food Order No. 75-4, as amended (10 F.R. 4654, 7789), is suspended until further order of the Director of Marketing Services.

This order shall become effective at 12:01 a. m., e. w. t., August 19, 1945. With respect to violations, rights accrued, liabilities incurred, or appeals taken, prior to said date, under War Food Order No. 75-4, as amended, all provisions of said order shall be deemed to remain in full force for the purpose of sustaining any proper suit, action, or other proceeding with respect to any such violation, right, liability, or appeal.

(E.O. 9280, 7 F.R. 10179; E.O. 9577, 10 F.R. 8087; WFO 75, 10 F.R. 4649)

Issued this 17th day of August 1945.

[SEAL] C. W. KITCHEN,
Director of Marketing Services.

[F. R. Doc. 45-15276; Filed, Aug. 18, 1945; 11:20 a. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

[Civilian Air Regs., Amdt. 61-5]

PART 61—SCHEDULED AIR CARRIER RULES

MISCELLANEOUS AMENDMENTS

At a session of the Civil Aeronautics Board held at its offices in Washington, D. C., on the 14th day of August 1945.

Effective August 14, 1945, Part 61 of the Civil Air Regulations is amended as follows:

1. In § 61.512 strike "§ 20.44" and substitute "§ 20.42."

2. In § 61.741 strike "§ 60.58" and substitute "§ 60.24."

3. In § 61.77200 (a) strike "§ 60.4" and substitute "§ 60.110."

(52 Stat. 984, 1007; 49 U.S.C. 425, 551)

By the Civil Aeronautics Board.

CHARLES P. SOPER,
Acting Secretary.

[F. R. Doc. 45-15256; Filed, Aug. 18, 1945; 10:48 a. m.]

TITLE 24—HOUSING CREDIT

Chapter VII—National Housing Agency

[NHA Reg. 60-15]

PART 702—PRIVATE WAR HOUSING

REMOVAL OF OCCUPANCY RESTRICTIONS GOVERNING PRIVATE WAR HOUSING (H-1)

The purpose of this regulation is to revoke all National Housing Agency controls which restrict occupancy of private war housing (H-1) to eligible war workers or other persons engaged in national defense activities.[1]

All restrictions and controls of the National Housing Agency requiring priority-assisted private war housing to be occupied by eligible war workers, or by other persons engaged in national defense activities, are hereby revoked.

This regulation shall be effective immediately.

(55 Stat. 838; E.O. 9070, 7 F.R. 1529; 54 Stat. 676 as amended by 55 Stat. 236 and 56 Stat. 177; E.O. 9024, 7 F.R. 329 as amended by E.O. 9040, 7 F.R. 527, and E.O. 9125, 7 F.R. 2719)

JOHN B. BLANDFORD, JR.,
Administrator.

[F. R. Doc. 45-15355; Filed, Aug. 20, 1945; 10:42 a. m.]

[1] 702.1 to 702.33.

TITLE 29—LABOR

Chapter VII—War Manpower Commission

[Regs. 3, 5, 7, Rescission]

PART 903—MINIMUM WARTIME WORKWEEK OF 48 HOURS

PART 906—REGULATION GOVERNING APPEALS

PART 907—GOVERNING EMPLOYMENT STABILIZATION PROGRAMS

Pursuant to the authority vested in me as Chairman of the War Manpower Commission by Executive Orders Nos. 9139, 9279 and 9301 (7 F.R. 2919, 10177, 8 F.R. 1825), the following War Manpower Commission regulations are hereby rescinded:

Part 903, §§ 903.1 to 903.24, inclusive, entitled "Regulation No. 3 (8 F.R. 7225, 7226, 7310, 10 F.R. 5643) Minimum Wartime Workweek of 48 Hours," as amended.

Part 906, §§ 906.1 to 906.9, inclusive, entitled "Regulation No. 5 (8 F.R. 6816, 10107, 9 F.R. 1760) Regulation Governing Appeals," as amended.

Part 907, §§ 907.1 to 907.8, inclusive, effective August 16, 1943, entitled "Regulation No. 7 (8 F.R. 11338, 9 F.R. 5400, 12917, 10 F.R. 235, 9522) Governing Employment Stabilization Programs," as amended, and all employment stabilization programs promulgated pursuant thereto.

PAUL V. MCNUTT,
Chairman.

AUGUST 17, 1945.

[F. R. Doc. 45-15253; Filed, Aug. 18, 1945; 9:56 a. m.]

Chapter IX—Agriculture Department (Agricultural Labor)

[Supp. 67]

PART 1104—SALARIES AND WAGES OF AGRICULTURAL LABOR IN THE STATE OF SOUTH DAKOTA

WORKERS PERFORMING OPERATIONS WITH RESPECT TO HARVESTING AND STORING OF WHEAT AND OTHER SMALL GRAINS IN ALL COUNTIES IN THE STATE OF SOUTH DAKOTA

§ 1104.1 *Workers performing operations with respect to harvesting and storing of wheat and other small grains in all counties of the State of South Dakota.* Pursuant to § 4001.7 of the regulations of the Economic Stabilization Director relating to salaries and wages issued August 28, 1943, as amended (8 F.R. 11960, 12139, 16702, 9 F.R. 6035, 14547, 10 F.R. 9478, 9628) and to the regulations of the War Food Administrator issued March 23, 1945 (10 F.R. 3177) entitled "Specific Wage Ceiling Regulations" and based upon a certification of the South Dakota USDA Wage Board that a majority of the producers of wheat and a majority of the producers of other small grains grown in the area affected participating in hearings conducted for such purpose have requested the intervention of the Secretary of Agriculture, and upon recommendation of the South Dakota USDA Wage Board which recommendation was predicted upon information concerning prevailing wage rates determined by County Wage Boards in South Dakota and concerning factors existing within the State which cause or tend to cause some producers to pay wages in excess of such prevailing wages and on other information at the disposal of the South Dakota USDA Wage Board and based also upon information obtained from sources other than the Board, it is hereby determined that:

(a) *Areas, crops and classes of workers.* Persons performing functions with respect to harvesting and storing operations of wheat and other small grains in all counties of the State of South Dakota are agricultural labor as defined in § 4001.1 (1) of the regulations of the Economic Stabilization Director issued on August 28, 1943, as amended (9 F.R. 11960, 12139, 16702; 9 F.R. 6035, 14547; 10 F.R. 9478, 9628).

(b) *Maximum wage rates for harvesting and storing wheat and other small grains in all counties in the State of South Dakota.* (1) For shocking—80¢ per hour with board or 95¢ per hour without board.

(2) For threshing—80¢ per hour with board or 95¢ per hour without board.

(3) For haying—80¢ per hour with board, or 95¢ per hour without board.

(4) For spike pitching—85¢ per hour with board or $1 per hour without board.

(5) Silo filling—85¢ per hour with board, or $1 per hour without board.

(6) For truck driving—85¢ per hour with board or $1 per hour without board.

(7) For tractor driving—85¢ per hour with board or $1 per hour without board.

(8) For operating grain separators—$1 per hour with board or $1.15 per hour without board.

(9) For operating combines—$1 per hour with board or $1.15 per hour without board.

(c) *Administration.* The South Dakota USDA Wage Board, the address of which shall be South Dakota USDA Wage Board, % the Chairman, Huron, South Dakota, shall have charge of the administration of this section in accordance with the provisions of the specific wage ceiling regulations issued by the War Food Administrator on March 23, 1945 (10 F.R. 3177).

(d) *Applicability of specific wage ceiling regulations.* This section shall be deemed to be a part of the specific wage ceiling regulations issued by the War Food Administrator on March 23, 1945 (10 F.R. 3177) and the provisions of such regulations shall be applicable to this section and any violation of this section shall constitute a violation of such specific wage ceiling regulations.

(e) *Effective date.* This Supplement No. 67 shall become effective at 12:01 a. m., mountain war time, August 17, 1945.

(56 Stat. 765 (1942), 50 U.S.C. App. 961 et seq. (Supp. IV); 57 Stat. 63 (1943); 50 U.S.C. 964 (Supp. IV); 58 Stat. 632 (1944); Pub. Law 108, 79th Cong., E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681; E.O. 9577, 10 F.R. 8087; regulations of the Economic Stabilization Director, 8 F.R. 11960, 12139, 16702, 9 F.R. 6035, 14547, 10 F.R. 9478, 9628; regulations of the War Food Administrator, 9 F.R. 655, 12117, 12611, 10 F.R. 7609, 9581; 9 F.R. 831, 12807, 14206, 10 F.R. 3177)

Issued this 17th day of August 1945.

[SEAL] WILSON R. BUIE,
Director of Labor,
U. S. Department of Agriculture.

[F. R. Doc. 45-15360; Filed, Aug. 20, 1945; 11:07 a. m.]

TITLE 31—MONEY AND FINANCE: TREASURY

Chapter II—Fiscal Service

[1945 Dept. Circ. 653, 2d Rev., 2d Supp.]

PART 316—OFFERING OF WAR SAVINGS BONDS, SERIES E

SUPPLEMENTAL ISSUANCE

JULY 2, 1945.

Department Circular No. 653, Second Revision, dated August 31, 1943, as supplemented June 7, 1944, fixing the terms and governing the issue of United States Savings Bonds of Series E, currently designated War Savings Bonds, is hereby further supplemented, as follows:

1. In addition to the denominations previously authorized, bonds of Series E will be issued in the denomination of $200 (maturity value), the issue price of which will be $150. The provisions of said Circular No. 653, Second Revision, and the regulations governing savings bonds shall extend to bonds of Series E in the denomination of $200.

2. The redemption values before maturity of bonds of Series E, in the denomination of $200, conforming to those of other denominations of this series, will be shown on the bonds, and are set forth in the appended table.

[SEAL] HENRY MORGENTHAU, Jr.,
Secretary of the Treasury.

TABLE OF REDEMPTION VALUES

showing how bonds of Series E in the denomination of $200 (maturity value) increase in redemption value during successive half-year periods following issue:

ISSUE PRICE, $150

Period after issue date—	Redemption value during period
First ½ year	$150
½ to 1 year	150
1 to 1½ years	151
1½ to 2 years	152
2 to 2½ years	153
2½ to 3 years	154
3 to 3½ years	156
3½ to 4 years	158
4 to 4½ years	160
4½ to 5 years	162
5 to 5½ years	164
5½ to 6 years	166
6 to 6½ years	168
6½ to 7 years	172
7 to 7½ years	176
7½ to 8 years	180
8 to 8½ years	184
8½ to 9 years	188
9 to 9½ years	192
9½ to 10 years	196
At maturity (10 years from issue date)	200

[F. R. Doc. 45-15356; Filed, Aug. 20, 1945; 10:53 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter VIII—Foreign Economic Administration

[Amdt. 77]

PART 801—GENERAL REGULATIONS

PROHIBITED EXPORTATIONS; MISCELLANEOUS COMMODITIES

Section 801.2 *Prohibited exportations* is hereby amended in the following particulars:

The group and country designation in the column headed "Gen. Lic. Country Group" and the dollar value limits in the columns headed "GLV Dollar Value Limits" and "G-Post Dollar Value Limits" set opposite each of the commodities listed below are hereby amended to read as follows:

Dept. of Comm. Schedule B No.	Commodity	Gen. license country group	GLV dollar value limits country groups K	GLV dollar value limits country groups G+I	G-post dollar value limits
	OTHER INEDIBLE ANIMALS AND ANIMAL PRODUCTS				
09806	Spermaceti wax, USP	K & M	100	25	25
	NATURAL STONES, GEMS AND RESINS				
218505	Natural gums and resins, refined or modified in condition:				
218505	Carob bean gum, refined or modified	K & M	100	25	—
218505	Copal fossils, Boma, Congo, and Kauri, refined or modified	None	—	—	—
218505	Copal Jobi and Manila, refined or modified	None	—	—	—
218505	Copal Pontianak, refined or modified	None	—	—	—
218505	Damar gum, refined or modified	None	—	—	—
218505	Dechi caspi gum, refined or modified	None	—	—	—
218505	Mastic gum, refined or modified	None	—	—	—
218505	Sandarac gum, refined or modified	None	—	—	—
218505	Other natural gums and resins, refined or modified, as defined in paragraph (a) WPB Order M-300 Schedule 96	None	1	1	25
218505	Other	K & M	—	—	—
218508	Natural gums and resins, crude:				
218508	Manila, Jobi	K & M	100	25	25
218508	Manila, flakes	None	100	100	25
218508	Other natural gums and resins, crude as defined in paragraph (a) WPB Order M-300, Schedule 96	None	1	1	25
218508	Other	K & M	100	25	25
	DRUGS, HERBS, LEAVES, AND ROOTS, CRUDE				
230100	Cascara bark	None	100	25	25
230300	Ginseng	K & M	100	25	25
230400	Ginger, whole (rhizome)	K & M	100	25	25
230411	Ginger, ground	K & M	100	25	25
230505	Crude drugs, herbs, leaves, and roots, n. e. s.:				
230505	Aconite leaves and root	K & M	100	25	25
230505	Arnica flowers, leaves, or root, whole, granulated, or powdered	None	* 100	* 25	* 25
230505	Belladonna leaves and roots	K & M	100	25	25
230505	Colchicum roots and seeds	None	100	—	25
230505	Cube, timbo, or barbasco root, root powder and root extract	K & M	100	25	—
230505	Iberis or tufo root, root powder, and root extract	None	—	None	None
230505	Ipecac, dried	None	* 1	* 1	* 1
230505	Jaborandi leaves	K & M	100	25	25
230505	Jalap roots	None	* 1	* 1	* 1
230505	Lobelia seeds	K & M	100	25	25
230505	Reed sprouts	None	—	—	—
230505	Sassafras roots	K & M	100	—	25
230505	Stramonium or jimson weed, dried leaves and flowering tops	K & M	100	25	25
230505	Other crude drugs, herbs, leaves and roots	K & M	100	25	25

* An asterisk (*) preceding a value limit or the word "None" means that all forms, conversions and derivatives of the particular commodity are included.

1 A restricted medicinal is any medicinal having a specific dollar limitation preceded by an asterisk as set forth in the column headed "GLV Dollar Value Limits" or "G-Post Dollar Value Limits" or the word "None" in either of such columns. Any medicinal not having a specific dollar value limit, *per commodities* in this classification is governed by the value limit of the restricted medicinals included in the preparation or mixtures.

Dept. of Comm. Schedule B No.	Commodity	Gen. license country group	GLV dollar value limits country groups K	GLV dollar value limits country groups G+I	G-post dollar value limits
	SECTIONAL AND PHARMACEUTICAL PREPARATIONS				
813505	Fish oils and fish liver oils and concentrates, medicinal grade:				
813505	Cod liver oil, USP	None	100	25	25
813505	Other	None	* 1	* 1	* 25
813508	Vitamins and vitasterols, n. e. s.:				
813508	Ascorbic acid	None	100	25	—
813508	Carotene	None	* 1	* 1	* 25
813508	Nicotinic acid	None	* 1	* 1	* 25
813508	Nicotinic acid amide	None	* 100	* 25	* 25
813508	Niferthamide	None	* 1	* 1	* 25
813508	Thiamin Hydrochloride	None	* 1	* 1	* 25
813508	Other vitamins and vitasterols, n. e. s., in bulk	None	—	—	—
813508	Other vitamins and vitasterols, n. e. s. in processed forms, preparations, compounds, dosage forms, etc.	None	500	25	25
813508	Biologics for animal and veterinary use	K & M	100	25	25
813508	Serums and antitoxins for human use	K & M	100	25	25
813509	Vaccines for human use:				
813509	Typhus vaccine	None	—	—	—
813509	Other vaccines for human use	K & M	100	25	—
813510	Glandular products, organotherapeutics, enzymes, ferments and culture media:				
813510	Adrenal, powdered or flaked, as a culture media	K & M	100	25	25
813510	Hormones, ovarian extract in bulk	None	100	25	25
813510	Hormones, pituitary extract in bulk	None	100	25	25
813510	Hormones, other	K & M	100	25	25
813510	Liver extract in bulk	None	* 1	* 25	* 25
813510	Ovarian substance in bulk	None	100	25	25
813510	Pituitary powder in bulk	None	100	25	25
813510	Thyroid	None	* 100	* 25	* 25
813510	Other glandular products, enzymes, ferments, organotherapeutics and culture media	K & M	100	25	25
812403	Fluid extract of belladonna leaf, N. F., and root, USP; tincture of belladonna, USP; and belladonna liniment, N. F.	K & M	100	25	25
812413	Fluid extract and tincture of hyoscyamus	K & M	100	25	25
812414	Fluid extract and tincture of stramonium	K & M	100	25	25
813408	Elixirs, tinctures, fluid extracts, and similar liquid solutions, nonproprietary, n. e. s.:				
812408	Cascara	None	—	—	—
812408	Colchicum and derivatives	None	—	—	—
812408	Other, etc., containing ipecac	None	—	—	—
812408	Other, n. e. s., not containing a restricted medicinal 1	K & M	100	25	25
812408	Other, n. e. s., not containing a restricted medicinal 1	None	100	25	25
812408	Menthol, natural and synthetic	None	* 1	* 1	* 25
812540	Extract of belladonna and belladonna ointment and plaster, USP	K & M	100	25	25
812703	Extract of hyoscyamus (henbane)	None	—	—	—
812705	Extract of stramonium and stramonium ointment	None	—	—	—
812708	Tablets, pills, capsules, powders, ointments, and similar manufactures, n. e. s.:				
812708	Acetanilide, medicinal	None	—	—	—
812708	Aconite, of, tincture	None	—	—	—
812708	Carbarsone	None	—	—	—
812708	Cascara	None	—	—	—
812708	Colchicum and derivative	None	—	—	—
812708	Hexamethylenetetramine (including hexamine)	None	—	—	—
812708	Thiamin Hydrochloride (including solid extracts)	None	—	—	—
812708	Other, n. e. s., containing restricted medicinals 1	None	—	—	—
812708	Other, n. e. s., not containing a restricted medicinal 1	K & M	100	25	25
813548	Atropine sulfate	None	1	None	None
813525	Mytrocaine-benzoate, ethocaine, novocaine, P-amino-benzoyl-diethylaminoethanol, phenocaine, and all forms of procaine:				
813525	Hydrochloride	K & M	100	25	25
813525	Other	None	* 1	* 1	* 25
813510	Acetophenetidine	K & M	100	25	25
813557	Phenolphthalein	K & M	100	25	25
813516	Salicylamide	K & M	100	25	25
813569	Sulfarsphenamine	K & M	100	25	25

Dept. of Commerce Schedule B No.	Commodity	Gen. license country group	GLV dollar value limits country groups K	G-44	G-cost dollar value limits
	MEDICINAL AND PHARMACEUTICAL PREPARATIONS—Con.				
	Household medicinal chemicals and pharmaceuticals in small packages:				
815.1500	Tincture of iodine	K & M	100	25	25
815.1505	Belladonna plasters, U.S.P.	K & M	100	25	25
815.1510	Belladonna liniment, N.F.	K & M	100	25	25
815.1520	Cold, rough and bronchial preparations containing ephedrine	K & M	100	25	25
815.1525	Asthma, catarrh and hay fever preparations containing ephedrine				
815.1530	Ointments and salves (except salves and ointment)				
815.1535	Malaria, chill and fever remedies:				
815.1540	Containing quinine	None	None	None	*None
815.1545	Containing quinine	None	1	None	1
815.1550	Containing pamaquine naphthoate (plasmochin)	None	None	None	
815.1555	Other, not containing a restricted medicinal	K & M	100	25	25
815.1560	Other, containing a restricted medicinal		100	25	25
815.1565	Tonics, blood purifiers, emulsions and appetizers containing:				
815.1570	Vitamins	K & M	100	25	25
815.1575	Laxatives, purgatives and cathartics containing cascara				
815.1580	Laxatives, purgatives and cathartics, containing phenolphthalein	K & M	100	25	25
815.1585	Bengué, neuralgia and pain remedies:				
815.1590	Containing quinine	None	*None	None	*None
815.1595	Other, containing restricted medicinals	None	1	None	1
815.1600	Other, not containing restricted medicinal	K & M	100	25	25
815.1605	Extract, fluid extract and tincture of belladonna leaf and root; tincture of belladonna, U.S.P.; belladonna ointment, U.S.P.; homatropine or belladonna root				
815.1610	Extract and fluid extract and tincture of hyoscyamus	K & M	100	25	25
815.1615	Extract and fluid extract and tincture of nux vomica	K & M	100	25	25
815.1620	Tincture and fluid extract of strophanthus	K & M	100	25	25
815.1625	Proprietary medicinal preparations, n.e.s.:				
815.1630	Containing quinine	K & M	100	25	*None
815.1635	Containing restricted medicinals	*None	*None	*None	*None
815.1640	Other, n.e.s. containing quinine	None	None	None	
815.1645	Other, n.e.s. containing restricted medicinal				
815.1650	Other, n.e.s. not containing a restricted medicinal	K & M	100	25	25
	INDUSTRIAL CHEMICALS				
825.2500	Hexamethylene tetramine	None	1	1	1
825.2505	Dimethylsulfate	None	100	25	25
825.2510	Other	K & M	100	25	25
844.4002	Potassium bromide	K & M	100	25	25
844.4003	Sodium bromide	K & M	100	25	25
844.4010	Potassium iodide	K & M	100	25	25
844.4020	Sodium iodide, anhydrous	K & M	100	25	25
844.4030	Iodine crude; iodides and iodates	K & M	100	25	25
844.4040	Other iodine, iodides and iodates	K & M	100	25	25
890.9741	Mercurous chloride	K & M	100	25	25
890.9742	Mercuric chloride (corrosive sublimate)				
890.9745	Mercuric oxide (red and yellow)	K & M	100	25	25

[1] A restricted medicinal is any medicinal having a specific value limitation preceded by an asterisk as set forth in the column headed "GLV dollar value limits" or any medicinal listed in paragraph (c) (3) having a value limit for commodities in this classification is governed by the value limit of the restricted item contained in the preparation or mixtures.

Shipments of any of the above commodities removed from general license or whose GLV dollar value limits have been reduced, which were on dock, on lighter, laden aboard an exporting carrier, or in transit to a port of exit pursuant to an actual order for export prior to the effective date of this amendment may be exported under the previous general license provisions. Shipments of such commodities moving to a vessel subsequent to the effective date of this amendment pursuant to Office of Defense Transportation permits issued prior to such date may also be exported under the previous general license provisions. Shipments of any of the above commodities whose G-Post dollar value limits have been reduced and which were mailed prior to the effective date of this amendment may also be exported under the G-Post general license provisions previously in effect.

This amendment shall become effective immediately upon publication, except that with respect to the commodities "Bismuth salts and compounds, medicinal grade, other" and "Pharmaceutical grade, other" and "Dextrose and glucose including dextrose monohydrate" it shall become effective on August 21, 1945.

(Sec. 6, 54 Stat. 714; Pub. Law 75, 77th Cong.; Pub. Law 638, 77th Cong.; Pub. Law 397, 78th Cong.; Pub. Law 99, 79th Cong.; E.O. 8900, 6 F.R. 4795; E.O. 9361, 8 F.R. 9861; Order No. 1, 8 F.R. 9938; E.O. 9380, 8 F.R. 13081; Delegation of Authority No. 20, 8 F.R. 16235; Delegation of Authority No. 21, 8 F.R. 16320)

Dated: August 11, 1945.

S. H. LEBENSBURGER,
Director,
Requirements and Supply Branch,
Bureau of Supplies.

[F. R. Doc. 45-15098; Filed, Aug. 17, 1945; 9:53 a. m.]

[Amdt. 78]

PART 801—GENERAL REGULATIONS

PROHIBITED EXPORTATIONS; SURGICAL INSTRUMENTS AND APPLIANCES

Section 801.2 *Prohibited exportations* is hereby amended in the following particulars:

1. The country group designation in the column headed "Gen. Lic. Country Group" set opposite the commodity listed below is hereby amended to read as follows:

Schedule B No.	Commodity	Gen. Lic. Country Group
915800	Surgical and medical instruments.	
915850	Hypodermic and surgeon's needles.	K & M

2. In the Schedule of Commodities the description of the following commodity which now reads as follows:

Schedule B No.	Commodity
915800	Surgical appliances (include artificial limbs, crutches, trusses, invalids' and wheel chairs, and hearing devices)

is amended to read:

915800	Surgical appliances except elastic trusses and hearing devices

This amendment shall become effective immediately upon publication.

(Sec. 6, 54 Stat. 714; Pub. Law 75, 77th Cong.; Pub. Law 638, 77th Cong.; Pub. Law 397, 78th Cong.; Pub. Law 99, 79th Cong.; E.O. 8900, 6 F.R. 4795; E.O. 9361, 8 F.R. 9861; Order No. 1, 8 F.R. 9938, E.O. 9380, 8 F.R. 13081; Delegation of Authority No. 20, 8 F.R. 16235; Delegation of Authority No. 21, 8 F.R. 16320)

Dated: August 6, 1945.

S. H. LEBENSBURGER,
Director,
Requirements and Supply Branch,
Bureau of Supplies.

[F. R. Doc. 45-15239; Filed, Aug. 18, 1945; 9:20 a. m.]

[Amdt. 79]

PART 802—GENERAL LICENSES

GENERAL IN TRANSIT LICENSES

Section 802.9 *General in transit licenses "GIT"* is hereby amended in the following particulars:

Paragraph (f) is amended to read as follows:

(f) No commodity, except cotton yarn classified under Department of Commerce Schedule B numbers 301110 through 301320, and cotton textiles classified under Department of Commerce Schedule B Numbers 302300 through 307900, and 308200 through 308800 may be exported pursuant to general license GIT-V/MS. No such in transit shipment of cotton yarn and textiles, except when consigned to one of the "M Countries" or when consigned to the Armed Forces of the United Nations, shall be cleared for export unless such shipments are accompanied by a British navicert issued pursuant to the directions laid down by the Joint Anglo-American Blockade Committee and such navicert is surrendered to the United States Collector of Customs at the last port of exit from the United Staes.

This amendment shall become effective immediately upon publication.

(Sec. 6, 54 Stat. 714; Pub. Law 75, 77th Cong.; Pub. Law 638, 77th Cong.; Pub. Law 397, 78th Cong.; Pub. Law 99, 79th Cong.; E.O. 8900, 6 F.R. 4795; E.O. 9361, 8 F.R. 9861; Order No. 1, 8 F.R. 9938; E.O. 9380, 8 F.R. 13081; Delegation of Authority No. 20, 8 F.R. 16235; Delegation of Authority No. 21, 8 F.R. 16320)

Dated: August 11, 1945.

S. H. LEBENSBURGER,
Director,
Requirements and Supply Branch,
Bureau of Supplies.

[F. R. Doc. 45-15240; Filed, Aug. 18, 1945; 9:02 a. m.]

Chapter IX—War Production Board

AUTHORITY: Regulations in this chapter, unless otherwise noted at the end of documents affected, issued under sec. 2 (a), 54 Stat. 676, as amended by 55 Stat. 236, 56 Stat. 177, 58 Stat. 827; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; W.P.B. Reg. 1 as amended Dec. 31, 1943, 9 F.R. 64.

PART 1010—SUSPENSION ORDERS

[Suspension Order S-853]

E. E. ANDERSON LUMBER CO.

E. E. Anderson, G. V. Anderson, H. S. Anderson, V. F. Schultz, A. L. Wilson, and B. L. Tungate, individually and as co-partners doing business as E. E. Anderson Lumber Company, with principal offices at 19707 John R. Street, Detroit, Michigan, are engaged in the sale and distribution of lumber at wholesale to distributors. During the period of August 1, 1944, through December 31, 1944, E. E. Anderson Lumber Company delivered lumber to other distributors in the amount of 4,181,049 board feet on orders which bore neither preference ratings nor certifications required by paragraph (p) of Limitation Order L-335. The E. E. Anderson Lumber Company during the said period received from customers, on certified orders only, orders for 689,333 board feet. It extended, on certified orders only, orders for 1,124,932 board feet, thereby creating an overextension, on certified orders only, of 435,599 board feet. E. E. Anderson Lumber Company, during said period, failed to keep and preserve accurate and complete records of transactions and inventories to which the rules, regulations and orders of the War Production Board applied, in violation of Priorities Regulation No. 1, § 944.15. Some of the partners were familiar with the provisions of Limitation Order L-335, and the company's acts therefore constituted wilful violations of the order.

These violations have interfered with the control established by the War Production Board for the assignment of priorities. In view of the foregoing, it is hereby ordered, that:

§ 1010.853 *Suspension Order No. S-853.* (a) E. E. Anderson, G. V. Anderson, H. S. Anderson, V. F. Schultz, A. L. Wilson and R. L. Tungate, individually and as co-partners doing business as E. E. Anderson Lumber Company, shall not, for four months from the effective date of this order, receive or deliver lumber as defined in Limitation Order L-335, except upon orders bearing the appropriate certificate required by Limitation Order L-335, and also bearing preference ratings of AA-3 or higher.

(b) E. E. Anderson, G. V. Anderson, H. S. Anderson, V. F. Schultz, A. L. Wilson and R. L. Tungate, individually and as co-partners doing business as E. E. Anderson Lumber Company, shall delete from their accumulated ratings, ratings to the extent of 435,599 board feet of lumber, and shall not hereafter use, apply or extend said ratings.

(c) The permission of movement of certain low grade lumber and culls and rejects on uncertified orders provided for in Direction 7 to Limitation Order L-335 as amended April 17, 1945 shall not accrue to E. E. Anderson, G. V. Anderson, H. S. Anderson, V. F. Schultz, A. L. Wilson, and B. L. Tungate individually and as co-partners doing business as E. E. Anderson Company.

(d) Nothing contained in this order shall be deemed to relieve E. E. Anderson, G. V. Anderson, H. S. Anderson, V. F. Schultz, A. L. Wilson, and R. L. Tungate, individually and as copartners doing business as E. E. Anderson Lumber Company, their successors or assigns, from any restriction, prohibition or provision contained in any other order or regulation of the War Production Board except insofar as the same may be inconsistent with the provisions hereof.

(e) This order shall take effect on August 18, 1945.

Issued this 11th day of August 1945.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 45-15324; Filed, Aug. 18, 1945; 12:25 p. m.]

PART 1010—SUSPENSION ORDERS

[Suspension Order S-867, Stay of Execution]

THE HOUSH CO., INC.

The Housh Company, Inc., Boston, Massachusetts, has appealed from the provisions of Suspension Order No. S-867, issued July 27, 1945, (§ 1010.867) and has requested a stay on the ground that irreparable harm would be done the business if the suspension order were not stayed. The Chief Compliance Commissioner has directed that the provisions of the suspension order be stayed, subject to reinstatement, pending final determination of the appeal or until further order by the Chief Compliance Commissioner.

In view of the foregoing, it is hereby ordered, that: The provisions of § 1010.867, *Suspension Order No. S-867*, issued July 27, 1945, are hereby stayed, subject to reinstatement, pending final determination of the appeal or until further order by the Chief Compliance Commissioner, or his Deputy.

Issued this 17th day of August 1945.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 45-15209; Filed, Aug. 17, 1945; 4:31 p. m.]

PART 1010—SUSPENSION ORDERS

[Suspension Order S-882]

DEKONING CONSTRUCTION CO.

DeKoning Construction Company, a Michigan corporation, with principal offices at 419 East Dutton Street, Kalamazoo, Michigan, is engaged in building construction. During October 1944, without permission of the War Production Board, it carried on the construction of a club house at 491 West Michigan Avenue, Kalamazoo, Michigan, the cost of which was $18,000, which amount exceeded an express authorization permitting the expenditure of only $6,375 for such construction, in violation of Conservation Order L-41. The officers of the corporation were aware of the provisions of Conservation Order L-41 and its actions constituted a grossly negligent violation thereof.

This violation has diverted critical materials to uses not authorized by the War Production Board. In view of the foregoing, it is hereby ordered, that:

§ 1010.882 *Suspension Order No. S-882.* (a) DeKoning Construction Company shall not for four months from the effective date of this order, apply or extend any preference ratings or use any CMP allotment symbols, regardless of the delivery date named in any purchase order to which such ratings may be applied or extended, or on which CMP allotment symbols are used.

(b) DeKoning Construction Company shall cancel immediately all preference ratings which it has applied or extended to orders which have not yet been filled, and shall also cancel immediately all unfilled orders which it has placed for controlled materials bearing a CMP allotment symbol (including the MRO symbol and the symbol SO under the small order procedure of CMP Regulation No. 1).

(c) All preference ratings, allotments and allocations presently outstanding in connection with orders for delivery of materials to DeKoning Construction Company or placed prior to the termination date of this order are void and shall not be given any effect by suppliers of DeKoning Construction Company or by any other person. This does not apply to material already delivered or in transit for delivery to it on the effective date of this order.

(d) Nothing contained in this order shall be deemed to relieve DeKoning Construction Company from any restriction, prohibition or provision contained in any other order or regulation of the War Production Board except insofar as the same may be inconsistent with the provisions thereof.

(e) The restrictions and prohibitions contained herein shall apply to DeKoning Construction Company, its successors and assigns, or persons acting on its behalf. Prohibitions against the taking of any action include the taking indirectly as well as directly of any such action.

(f) This order shall take effect on August 18, 1945.

Issued this 11th day of August 1945.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 45-15326; Filed, Aug. 18, 1945; 12:25 p. m.]

PART 1010—SUSPENSION ORDERS

[Suspension Order S-887]

DENNIS REFRIGERATION SUPPLY

C. W. Dennis, Ebba A. Dennis, W. C. White and Ruth White, copartners, doing business as Dennis Refrigeration Supply, are engaged as jobbers in the sale of commercial refrigerating and air conditioning machinery and equipment at 1910 Ingersoll Avenue, Des Moines, Iowa. During the year 1944, they knowingly purported to apply or extend preference ratings of either AA-1, AA-2, AA-2X, or AA-5 which they were not entitled to apply or extend, to 1,681 purchase orders for refrigerating or air conditioning coils and panel coolers. The unauthorized application or extension of such ratings constituted wilful violations of Priorities Regulation No. 3. During the period from August 21, 1944 to December 31, 1944, they delivered, not pursuant to approved orders or to orders bearing a preference rating of AA-5 or higher, 21 refrigerating or air conditioning condensers or condensing units. This constituted a grossly negligent violation of Limitation Order L-38. In addition, they failed to maintain accurate and complete records of their purchases, inventories and sales of the material or materials to which the War Production Board rules, regulations or orders relate, and of the details of their transactions in such materials. This constituted a violation of Priorities Regulation No. 1, and such violation resulted from their gross negligence.

These violations of orders and regulations of the War Production Board have diverted critical material to uses not authorized by the War Production Board. In view of the foregoing, it is hereby ordered, that:

§ 1010.887 *Suspension Order No. S-887.* (a) C. W. Dennis, Ebba A. Dennis, W. C. White and Ruth White shall not for a period of four months from the effective date of this order, apply or extend any preference ratings for the acquisition or purchase of commercial refrigerating and air conditioning equipment and supplies except to fill orders for repair parts for such equipment.

(b) Nothing contained in this order shall be deemed to relieve Dennis Refrigeration Supply, from any restriction, prohibition, or provision contained in any other order or regulation of the War Production Board, except insofar as the same may be inconsistent with the provisions hereof.

(c) The restrictions and prohibitions contained herein shall apply to C. W. Dennis, Ebba A. Dennis, W. C. White and Ruth White, doing business as Dennis Refrigeration Supply or under any other trade name, or as individuals, or their successors, assigns or persons acting in their behalf. Prohibitions against the taking of any action include the taking indirectly as well as directly of any such action.

(d) This order shall take effect on the 19th day of August 1945.

Issued this 9th day of August 1945.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 45-15327; Filed, Aug. 18, 1945; 12:25 p. m.]

PART 3290—TEXTILE, CLOTHING AND LEATHER

[Limitation Order L-99, Revocation of Direction 2]

CONVERSION OF LOOMS TO PRODUCTION OF TENTAGE FABRICS

Direction 2 to Limitation Order L-99 is hereby revoked. This revocation does not affect any liabilities incurred for violation of the direction or of actions taken by the War Production Board under the direction. The operation of looms producing tentage fabrics remains subject to the provisions of Order L-99, and all other applicable orders and regulations of the War Production Board.

Issued this 18th day of August 1945.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 45-15309; Filed, Aug. 18, 1945; 12:24 p. m.]

PART 3290—TEXTILES, CLOTHING AND LEATHER

[Conservation Order M-310, Revocation of General Direction 12]

CUTTING AND USE OF MILITARY QUALITY OUTERSOLES, MIDSOLES AND INNERSOLES

General Direction 12 to Conservation Order M-310 is revoked.

This revocation does not affect any liabilities incurred for violation of the direction or of actions taken by the War Production Board under the direction. The manufacture, sale, delivery and use of cut soles remain subject to all other applicable regulations and orders of the War Production Board.

Issued this 18th day of August 1945.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 45-15310; Filed, Aug. 18, 1945; 12:24 p. m.]

PART 3290—TEXTILE, CLOTHING AND LEATHER

[Conservation Order M-310, Revocation of General Direction 13]

CUTTING OF MANUFACTURERS'-BENDS-FOR-REPAIR

General Direction 13 to Conservation Order M-310 is revoked.

This revocation does not affect any liabilities incurred for violation of the direction or of actions taken by the War Production Board under the direction. The sale, delivery and use of manufacturers'-bends-for-repair remain subject to all other applicable regulations and orders of the War Production Board.

Issued this 18th day of August 1945.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 45-15311; Filed, Aug. 18, 1945; 12:24 p. m.]

PART 3290—TEXTILE, CLOTHING AND LEATHER

[Conservation Order M-310, Revocation of General Direction 15]

DELIVERIES OF CATTLE HIDE ATHLETIC GOODS LEATHER

General Direction 15 to Conservation Order M-310 is revoked.

This revocation does not affect any liabilities incurred for violation of the direction or of actions taken by the War Production Board under the direction. The manufacture, sale, delivery and use of cattle hide athletic goods leather remain subject to all other applicable regulations and orders of the War Production Board.

Issued this 18th day of August 1945.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 45-15312; Filed, Aug. 18, 1945; 12:23 p. m.]

PART 3290—TEXTILE, CLOTHING AND LEATHER

[Conservation Order M-310, Revocation of General Direction 17]

MILITARY QUALITY SOLE LEATHER IN BUTT PIECES

General Direction 17 to Conservation Order M-310 is revoked.

This revocation does not affect any liabilities incurred for violation of the direction or of actions taken by the War Production Board under the direction. The manufacture, sale, delivery and use of military quality sole leather in butt pieces remain subject to all other applicable regulations and orders of the War Production Board.

Issued this 18th day of August 1945.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 45-15313; Filed, Aug. 18, 1945; 12:23 p. m.]

PART 3290—TEXTILE, CLOTHING AND LEATHER

[Conservation Order M-310, Revocation of General Direction 18]

HORSEHIDE FRONTS FOR ATHLETIC GOODS

General Direction 18 to Conservation Order M-310 is revoked.

This revocation does not affect any liabilities incurred for violation of the direction or of actions taken by the War Production Board under the direction. The manufacture, sale, delivery and use of horsehide fronts for athletic goods remain subject to all other applicable regulations and orders of the War Production Board.

Issued this 18th day of August 1945.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 45-15314; Filed, Aug. 18, 1945; 12:23 p. m.]

PART 3290—TEXTILE, CLOTHING AND LEATHER

[General Conservation Order M-317,[1] as Amended Aug. 18, 1945]

COTTON TEXTILE DISTRIBUTION AND SALE YARN PRODUCTION

§ 3290.115 *General Conservation Order M-317.* The fulfillment of requirements for the defense of the United States has created a shortage in the supply of cotton textiles and materials for making cotton textiles for defense, for private account and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense: (a) *Definitions.* In this order (which term includes orders supplementary to this order):

(1) "Cotton textiles" means the following products, containing 50% or more by weight of cotton or cotton waste, or a combination of the two:

(i) Woven and braided fabrics, whether gray, original mill or regular finish, bleached, dyed or printed, and the following cotton products: bedsheets, pillow cases, blankets, towels, diapers, face cloths and table "linens"; and

(ii) Yarns, whether gray, bleached, colored, mercerized, glazed, polished, single, plied, cabled or braided, including thread, twines and cordage (e. g. tying, sail, seine, etc. twine, rope, sash, cord, etc.) and including any of the foregoing which may be spun on roving, ring, mule or converted twister spindles.

"Cotton textiles" does not include:

Cotton duck as defined in Conservation Order M-91;

Blankets or blanketing containing 25 per cent or more by weight of wool;

Fabrics (other than blankets or blanketing) or yarns containing wool produced on the woolen or worsted system.

(2) (i) "Producer" means any manufacturer who makes cotton textiles in the United States.

(ii) "Intermediate processor" means any person engaged in the United States in the business of bleaching, dyeing or otherwise finishing cotton textiles and delivering or using them in the United States for his own account in the bleached or otherwise finished state.

(iii) "Processor" means any person engaged in the United States in the business of manufacturing or having manufactured in the United States for his account, any product in which cotton textiles are incorporated.

(iv) "Merchant" means any person engaged in the United States in the business of purchasing cotton textiles for resale in the United States in the form in which purchased.

(v) "User" means any person other than a producer, intermediate processor or processor, who purchases cotton textiles for his own use in the United States in any business, industry, profession or occupation.

(vi) Any person who performs the functions of more than one of the foregoing—regardless of his customary manner of conducting his business—shall, for the purpose of the following be deemed a separate person with respect to each of those capacities, and he is required to:

(*a*) Accept rated orders for cotton textiles in preference to any other contracts, orders or uses even though he has not in the past accepted or filled orders for that particular cotton textile, and also to fill them in accordance with the rules of Priorities Regulation No. 1 (In the case of yarn, this requirement applies only to yarn required to be produced and delivered by the provision of par. (d) of Supplementary Order M317-B);

(*b*) Use the ratings assigned by this order (including Supplementary Orders M-317A and M-317B) and

(*c*) Apply the inventory restrictions of this order.

(vii) The definitions in subdivisions (i) to (v) above do not include the United States Army, Navy, Maritime Commission or War Shipping Administration.

[1] Limitation Order L-99 relates to cotton textile production.

(3) Trade terms used in this order shall have their usual trade significance unless otherwise specified.

(b) *Assignment of ratings.*[1] The preference ratings specified in the Preference Rating Schedules of Supplementary Orders M-317A and M-317B are assigned to the persons in Column I for the cotton textiles in Column II to be used only as specified in Column III.

(c) [Deleted Aug. 18, 1945.]

(d) *How ratings for cotton textiles are to be applied or extended.* Preference ratings shall be applied and extended as provided in Priorities Regulation 3. The standard certification described in Priorities Regulation 7 may be used in applying or extending the rating, but the provisions of subparagraph (1) or (2) below must also be complied with.

(1) *Cotton textiles for export.* In the case of products which are to be exported (or to replace in inventory the exported products) in the form of cotton textiles, or in the form of clothing manufactured from piece goods purchased with a preference rating assigned (a) in connection with an export license or release certificate issued by the Foreign Economic Administration or a U. S. Treasury Procurement Division contract or requisition placed for Foreign Economic Administration, or (b) on Form WPB-2842 issued in connection with a license, release certificate or contract referred to in (a), the purchaser shall place upon the purchase order an appropriate notation, with the blanks properly filled in, substantially as follows (except where that product or clothing is for direct or ultimate delivery to the U. S. Army, Navy, Maritime Commission, War Shipping Administration or American Red Cross):

These cotton textiles will be exported, or will replace in inventory cotton textiles exported after December 24, 1943.

And also one of the following statements is to be made:

The preference rating was applied by the United States Treasury Procurement Division in connection with contract number ——— [In the case of United States Treasury Procurement for Foreign Economic Administration];

or

The preference rating was applied in connection with Export License number ——— dated ———, or Release Certificate number ——— dated ———. [In the case of export in connection with licenses or release certificates issued by Foreign Economic Administration.];

or

The preference rating was applied in connection with the Canadian Cotton Administrator's serial number ———. [In the case of exports to Canada.]

When the above is complied with, the requirements of M-328 are met and it is unnecessary to use any other notation.

If a preference rating for cotton textiles which is assigned by the Foreign Economic Administration on an export license or release certificate has not been applied or extended to an order accepted by a producer or made the subject of a War Production Board scheduling direction at the end of six months from the date of issuance of the license or release certificate, it shall be deemed revoked. Ratings applied or extended to orders accepted by a producer or made the subject of War Production Board scheduling directions at any time before August 1, 1944, for delivery before October 1, 1944, are excepted, however, from this provision.

(2) *Cotton textiles for domestic use.* In all other cases a person (other than the United States Army, Navy, Maritime Commission or War Shipping Administration on their direct purchase orders), applying or extending a rating for a cotton textile, which was assigned by a Preference Rating Schedule or under a War Production Board form, shall place upon the purchase order an appropriate notation, substantially as follows:

This rating has been assigned by M-317, Group(s) No. ———. [Insert applicable group number or numbers of Preference Rating Schedule.]

or

This rating has been assigned under Form WPB ———, Serial No. ———. [Insert the War Production Board form number and its serial number.]

When the above is complied with, the requirements of M-328 are met and it is unnecessary to use any other notation.

(e) *Restrictions relating to fiber or yarn.* (1) No person shall use any preference rating which was assigned, applied or extended for cotton textiles in order to obtain any synthetic fiber or synthetic yarn, except cotton textiles for direct or ultimate delivery to, or for incorporation into any product for direct or ultimate delivery to, the United States Army, Navy, Maritime Commission or War Shipping Administration.

(2) No person shall use any preference rating which was assigned, applied or extended for knitted or woven fabrics, in order to obtain cotton yarns defined in paragraph (a) (1) (ii). If he does not own or control spinning machinery, he may use the rating to obtain cotton yarns for incorporation into products for direct or ultimate delivery to the United States Army, Navy, Maritime Commission or War Shipping Administration. If he does own or control spinning machinery, upon his showing on Form WPB-2842 the extent to which it is insufficient or unsuitable to produce cotton yarns required for incorporation into products for direct or ultimate delivery to the United States Army, Navy, Maritime Commission or War Shipping Administration, the War Production Board may authorize him to use that rating to obtain a specific quantity of cotton yarns for that purpose.

(3) No person owning or controlling spinning machinery shall use any preference rating which was assigned, applied or extended for yarn, in order to obtain cotton yarns defined in paragraph (a) (1) (ii), except to the extent authorized by the War Production Board, upon his showing, on Form WPB-2842, that his own spinning is insufficient or unsuitable.

(f) *Distribution schedules.* (1) Each producer—even if he is also an intermediate processor, processor, merchant or user—shall, from the production of each calendar quarter, deliver or set aside for later delivery on rated orders those percentages of his total production (in pounds or yards according to his usual method of operation) of each cotton textile as specified in the Distribution Schedules of Supplementary Orders M-317A and M-317B. Exceptions from the requirements of the Distribution Schedules of Supplementary Orders M-317A and M-317B may be granted by the War Production Board pursuant to specific applications in writing when the fulfillment of any Distribution Schedule's requirement would prevent deliveries of cotton textiles for orders rated AA-2X or higher.

(2) The War Production Board may establish other percentages with respect to any of the cotton textiles listed in the Distribution Schedules of Supplementary Orders M-317A and M-317B.

(3) The requirements of the Distribution Schedules of Supplementary Orders M-317A and M-317B supersede all authorizations, issued before May 29, 1944, on appeal from this order, from Limitation Order L-99 or from Supplementary Limitation Order L-99-a.

(4) *Exceptions from distribution schedules.* This paragraph explains how a person who is unable to get purchase orders to meet the requirements of any of the distribution schedules of Orders M-317A or M-317B may obtain relief from those schedules.

(i) He must send three copies of Form WPB-4325 by registered mail to the War Production Board, Textile, Clothing and Leather Bureau, Ref: M-317, Washington 25, D. C., and one copy by registered mail to his War Production Board Regional Office, within the time stated below. These forms must be completely filled out in accordance with its instructions. The form will be available for public inspection both at the War Production Board Regional Office and the Textile, Clothing and Leather Bureau.

(ii) Form WPB-4325 may be filed only during the second month of the quarter it covers, except that it may always be filed within five days of the receipt of notice of termination or modification of a contract or subcontract from the Army, Navy, United States Maritime Commission or War Shipping Administration.

(iii) Seven days after the mailing of Form WPB-4325, in accordance with the above rules, if the War Production Board does not otherwise direct in writing, the person seeking relief may disregard the particular provisions of the distribution schedules specified in his Form WPB-4325 to the extent specified for the balance of the quarter for which the form was filed.

[1] Conservation Order M-328 permits other preference ratings, as well as those assigned by this order, and imposes conditions on the use of all ratings for cotton textiles.

(iv) Any person obtaining relief under this paragraph (f) (4) must accept and fill rated orders in accordance with Priorities Regulation 1, and must comply with all other regulations and orders of the War Production Board.

(g) *Advance orders.* No person shall be required to accept any rated order for cotton textiles calling for delivery more than 90 days after the receipt of the order, except from the United States Army, Navy, Maritime Commission or War Shipping Administration.

(h) *Special conditions.* No producer, intermediate processor, processor, merchant or user shall sell, deliver, buy, accept or use a cotton textile or any product containing a cotton textile or assign, apply or extend a preference rating contrary to the provisions in Column III of a Preference Rating Schedule of Supplementary Orders M-317A and M-317B in Column V of a Distribution Schedule of Supplementary Orders M-317A and M-317B or in any written direction of the War Production Board.

(i) *Exports.* No person shall purchase for export without a preference rating any cotton textiles, except woven or braided fabrics 12" or less wide, remnants (pieces shorter than ten yards) and rags (pieces shorter than two yards commonly sold by the pound).

(j) *Inventory restrictions.* No person shall accept delivery of any cotton textiles if his aggregate inventory exceeds or would then exceed the lesser of (1) a practicable minimum working inventory, or (2) his requirements for 90 days (except in the case of merchants and users of cotton textiles used in crop cultivation).

In computing inventory include products in process of manufacture but exclude cotton textiles in transit or in process of conversion.

(k) *Allocation.* The War Production Board may assign preference ratings for or allocate and direct deliveries of cotton textiles pursuant to application on Form WPB-2842.

(l) *Applicability of regulations.* Except as otherwise provided herein, this order and all transactions affected thereby are subject to all applicable regulations of the War Production Board.

(m) *Appeals.* Any appeal from the provisions of this order or of Supplementary Orders M-317A and M-317B shall be made by filing a letter in triplicate, referring to the particular provisions appealed from, and stating fully the grounds of the appeal.

(n) *Records and reports.* (1) Each person applying a preference rating assigned in a Preference Rating Schedule of Supplementary Orders M-317A and M-317B shall maintain at his regular place of business accurate records of the quantities of each type of listed cotton textile ordered with the use of such a rating, the quantities of each such type of cotton textile received and entered into production, and the quantities of each listed cotton textile product manufactured. These records shall be preserved for a period of not less than two years, and shall, upon request, be submitted to audits and inspections by duly authorized representatives of the War Production Board. Subject to the approval of the Bureau of the Budget pursuant to the Federal Reports Act of 1942, all persons affected by this order shall execute and file with the War Production Board such reports as the War Production Board shall from time to time request.

(2) All persons operating spindles for the production of cotton yarn of any kind shall file with the War Production Board, at the times specified in the reporting form, reports on Form WPB-658-E, giving the information therein required. The reporting requirements of this order have been approved by the Bureau of the Budget under the Federal Reports Act of 1942.

(o) *Violations.* Any person who wilfully violates any provision of this order (including Supplementary Orders M-317A and M-317B), or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using material under priorities control, and may be deprived of priorities assistance.

(p) *Communications.* All reports to be filed, appeals and other communications concerning this order should be addressed to: War Production Board, Textile, Clothing and Leather Bureau, Washington 25, D. C., Ref.: M-317.

Issued this 18th day of August 1945.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 45-15315; Filed, Aug. 18, 1945; 12:24 p. m.]

PART 3290—TEXTILE, CLOTHING AND LEATHER

[Conservation Order M-328, Direction 24]

TEMPORARY EXCEPTIONS FROM RESTRICTIONS BECAUSE OF CUTBACKS OR TERMINATIONS OF GOVERNMENT CONTRACT(S) OR SUBCONTRACT(S)

The following direction is issued pursuant to Conservation Order M-328:

(a) This direction is issued pursuant to paragraph (f) of Order M-328. It explains how to obtain a temporary exception from certain restrictions in the War Production Board orders and directions referred to below, because of cutbacks or terminations of Government contracts or subcontracts, under the conditions stated below. It applies only to the restrictions in the following orders (and only to certain paragraphs, where so indicated):

L-282	Fish netting
L-312	Industrial wiping cloths
M-47	Burlap and burlap products
M-51	Pigs' and hogs' bristles and bristle products
M-70	Jute and jute products
M-85	Kapok
M-91	Cotton duck
M-102	Waterfowl feathers
M-103	Dyestuffs and organic pigments
M-124	Rubber yarn and elastic thread
M-125	Loofa sponges
M-210	Cattle tail and horse mane hair
M-217	Footwear, paragraphs (c) (1), (c) (3), (c) (11) and (c) (12) only
M-310	Hides, skins and leather, paragraphs (b) (4), (b) (5), (d) (1) through (d) (7), (d) (9), (e), (f), (g) and (i) only.
M-312	Coir yarn and products
M-356	Synthetic fibers, yarns and fabrics, paragraph (b) and (c) only.

The following directions to Order M-328:

Direction 2, Production quotas for Army, Navy, Maritime Commission or War Shipping Administration socks
Direction 3, Production of laundry nets
Direction 6, Production of wool trousers for the U. S. Army
Direction 7, Production of flannel shirts for the U. S. Army
Direction 10, Conversion to cotton yarns of at least 50 percent of spinning machinery operating on the cotton system and producing spun rayon, cotton-rayon mixed or any other mixed or blended fiber yarns except cotton-wool mixed or blended
Direction 11, Production of overcoats for the U. S. Army
Direction 13, Priorities assistance for the production and distribution of shoe gabardine
Direction 15, Seamless knit gloves and inserts for military requirements
Direction 21, Production and distribution of cotton and synthetic fiber tire and fuel cell cord

(b) Any person who files with the War Production Board, Textile, Clothing and Leather Bureau, Washington 25, D. C., Ref: M-328, by registered mail, an application under paragraph (f) of Order M-328, for a temporary exception from a restriction referred to in paragraph (a) above, compliance with which, because a cutback or termination of Government contract(s) or subcontract(s) has occurred and would cause a loss of production or interference with the filling of civilian orders, is relieved from the restriction for a period of not more than 30 days after the filing of the application, under the conditions stated in this Direction. He must include in his application a certification substantially as follows (with a statement of the facts inserted in the blank spaces):

The undersigned hereby certifies, subject to the penalties of Section 35 (a) of the United States Criminal Code, to the War Production Board that Government contract(s) or subcontract(s) from ——— (here insert customer's name, address, and contract or order number) for ——— (here insert quantity and kind of material covered by unfilled order) was cancelled or cut back on ——— (insert date) releasing ——— (insert quantity and kind of material thereby released); and that by reason of such cancellation(s) or cutback(s), compliance with the following WPB restrictions would cause a loss of production or interfere with the filling of civilian orders: ——— (insert order number and paragraph number containing restriction(s) from which exceptions are requested on the grounds that compliance would cause a loss of production or interfere with the filling of civilian orders).

(c) The relief granted by this direction shall be subject to termination at any time by individual notice in writing from the War Production Board to the applicant, or by notice published in the Federal Register. It shall not relieve the applicant from the filling of any rated orders heretofore or hereafter served on or accepted by the applicant.

(d) The temporary relief from a restriction which is permitted by application (by registered mail) under this direction is for only 30 days after the application has been mailed, and may not be extended by the filing of any additional application under this direction. This direction does not apply to any unpublished individual directions issued to named persons, or any suspension or consent

orders. Neither does it apply to paragraphs in any of the orders and directions listed in paragraph (a) above, relating to definitions, records, reports, communications, appeals, violations, and equitable distribution.

(e) This direction does not prevent applications for relief under paragraph (f) of Order M-328 from restrictions not referred to in paragraph (a) above, but in such cases, this direction does not afford any exception from the restriction.

Issued this 18th day of August 1945.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 45-15316: Filed, Aug. 18, 1945; 12:23 p. m.]

PART 944—REGULATIONS APPLICABLE TO THE OPERATION OF THE PRIORITIES SYSTEM

[Priorities Reg. 29, Direction 1]

W, O, M, N AND C ORDERS MAY BE TREATED AS UNRATED

The following direction is issued pursuant to Priorities Reg. 29:

(a) Effective immediately, all allotments of controlled materials and all preference ratings (except AAA and MM) identified with the CMP allotment symbols whose initial letters are W, O, M (except M-8), N or C are hereby cancelled. It is not necessary for any person to cancel ratings which he has extended to his purchase orders pursuant to such ratings, or to unrate authorized controlled material orders he has placed pursuant to such allotments.

(b) Effective immediately, any person must treat as an unrated order any rated order (other than AAA and MM) identified with the CMP allotment symbols whose initial letters are W, O, M (except M-8), N or C, and any controlled material producers, warehouse, or distributor must treat as an unrated order any authorized controlled material order identified with the symbols W, O, M (except M-8), N or C.

(c) Materials required to fill the orders described above may be obtained on an unrated basis or, where ratings are necessary, by obtaining an MM preference rating from the appropriate agency. MM ratings will be assigned for this purpose only under the conditions described in Priorities Regulation 29.

(d) This direction does not apply to AA ratings on prime contracts of the Army, Navy, or Maritime Commission for textiles and related products (as defined in Order M-328).

Issued this 17th day of August 1945.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 45-15238; Filed, Aug. 17, 1945; 5:02 p. m.]

PART 1010—SUSPENSION ORDERS

[Suspension Order S-858, Amdt. 1]

SUPREME SHOE CO., INC.

On July 24, 1945 there was issued by the War Production Board, Suspension Order No. S-858 against Supreme Shoe Company, Inc. This Suspension Order incorrectly required respondent to reduce by 11,267 pairs of shoes the number of shoes it would otherwise be entitled to produce during the six months period beginning September 1, 1945. The correct amount it should be required to reduce is 10,267 pairs. In view of the foregoing, it is hereby ordered, that:

§ 1010.858 Suspension Order No. S-858 be amended in the following respect:

1. Paragraph (a) of Suspension Order No. S-858 issued July 24, 1945, be amended by substituting the following paragraph (a):

(a) Supreme Shoe Company, Inc., its successors or assigns, unless otherwise specifically authorized in writing by the War Production Board shall reduce by 500 pairs of shoes the number of pairs of shoes it would otherwise be entitled to produce during the six months' period beginning March 1, 1945, and ending August 31, 1945, under the authorization to manufacture granted respondent by the War Production Board, and the corporation shall reduce by 10,267 pairs of shoes the number of pairs of shoes it would otherwise be entitled to produce during the six months' period beginning September 1, 1945 and ending March 1, 1946, under the authorization to manufacture granted respondent by the War Production Board.

Issued this 20th day of August 1945.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 45-15383: Filed, Aug. 20, 1945; 12:05 p. m.]

PART 1010—SUSPENSION ORDERS

[Suspension Order S-889]

SUSSMAN BROS.

Samuel Sussman doing business under the name of Sussman Brothers, Pittsburgh, Pennsylvania is engaged in the business of manufacturing and selling new burlap bags, reconditioning used burlap bags, and selling burlap regularly in strips and occasionally in bolts. On WPB Report Form PD-186 dated January 9, 1943, Samuel Sussman stated that he had received 380,000 yards of burlap in 1939 and 568,000 yards in 1940 of which he cut-up 75% of his 1939 receipts. On April 12, 1943 Samuel Sussman answered an inquiry of the War Production Board stating in effect that he had used 75% of burlap to make agricultural bags out of 423,731 yards used in 1939, 396,014 yards used in 1940, and 338,341 yards used in 1941. Actually Samuel Sussman used only 29% of the said burlap during 1939 and 1940 in his cut-up to make bags during that period. Based upon these false and incorrect statements which were deliberately and knowingly given, Samuel Sussman received and made use of an allocation of free burlap from May 1943 to June 1945 in an amount of 147 bales in excess of what should have been his true allotment. The giving of this false information resulted in a diversion of critical materials to uses not authorized by the War Production Board and subjected Samuel Sussman to administrative action as provided in Priorities Regulation No. 1 and Conservation Order M-47. In view of the foregoing, it is hereby ordered, that:

§ 1010.889 *Suspension Order No. S-889.* (a) Unless otherwise specifically authorized in writing by the War Production Board, Samuel Sussman shall not be assigned any burlap quota under the provisions of Conservation Order M-47, and shall not receive or accept delivery of any burlap as defined in Conservation Order M-47 until such time as the allocation so withheld, and to which he would otherwise be entitled under the provisions of said order, shall amount to 147 bales.

(b) Nothing contained in this order shall be deemed to relieve Samuel Sussman from any restriction, prohibition or provision contained in any other order or regulation of the War Production Board, except insofar as the same may be inconsistent with the provisions hereof.

(c) The restrictions and prohibitions contained herein shall apply to Samuel Sussman individually or doing business as Sussman Brothers or under any other name, his successors and assigns or persons acting on his behalf. Prohibitions against the taking of any action include the taking indirectly as well as directly of any such action.

(d) This order shall take effect on August 20, 1945.

Issued this 13th day of August 1945.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 45-15384; Filed, Aug. 20, 1945; 12:05 p. m.]

PART 1010—SUSPENSION ORDERS

[Suspension Order S-890]

MIDLAND METALCRAFT CORP.

Midland Metalcraft Corporation, a Michigan corporation, with principal offices at Midland, Michigan, is engaged in the manufacture of galvanized tubs. During the third and fourth quarters of 1944, it placed authorized controlled material orders in amounts in excess of the related allotments received by it, in violation of CMP Regulation No. 1. Furthermore, in June, August and September, 1944, the company furnished false and misleading information to the War Production Board with reference to its business and orders on hand or on its books. Responsible officers of the company had full knowledge of the provisions of CMP Regulation No. 1, and its actions were wilful.

These violations have diverted critical materials to uses not authorized by the War Production Board. In view of the foregoing, it is hereby ordered, that:

§ 1010.890 *Suspension Order No. S-890.* (a) Midland Metalcraft Corporation shall not for four months from the effective date of this order apply or extend any preference rating or use any CMP allotment symbols, regardless of the delivery date named in any purchase order to which such ratings may be applied or extended or on which CMP allotment symbols are used.

(b) Midland Metalcraft Corporation shall cancel immediately all unfilled orders which it has placed for controlled materials bearing a CMP allotment symbol (including the MRO symbol and the symbol "SO" under the small order procedure of CMP Regulation No. 1).

(c) All preference ratings, allotments, and allocations presently outstanding in connection with orders for delivery of materials to Midland Metalcraft Corporation or placed prior to the termination date of this order are void and shall not be given any effect by suppliers of Midland Metalcraft Corporation or by any other person. This does not apply to material already delivered or in transit for delivery to it on the effective date of this Order.

(d) Nothing contained in this Order shall be deemed to relieve Midland Metalcraft Corporation from any restriction, prohibition or provision contained in any other Order or regulation of the War Production Board except insofar as the same may be inconsistent with the provisions hereof.

(e) The restrictions and prohibitions contained herein shall apply to Midland Metalcraft Corporation, its successors and assigns, or persons acting on its behalf. Prohibitions against the taking of any action include the taking indirectly as well as directly of any such action.

(f) This order shall take effect on August 20, 1945.

Issued this 13th day of August 1945.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 45-15385; Filed, Aug. 20, 1945; 12:05 p. m.]

PART 1182—ELECTRIC POWER

[Limitation Order L-94, Revocation]

Section 1182.1 *General Limitation Order L-94* is hereby revoked. This revocation does not affect any liabilities incurred for violation of the order or of actions taken by the War Production Board under the order.

Issued this 18th day of August 1945.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 45-15308; Filed, Aug. 18, 1945; 12:22 p. m.]

PART 3290—TEXTILE, CLOTHING AND LEATHER

[Conservation Order M-328B, Schedule D, as Amended Aug. 18, 1945]

SPECIAL PROGRAM FOR COTTON FABRICS FOR NURSES' UNIFORMS

§ 3290.120d *Schedule D to Order M-328B*—(a) *Explanation.* This schedule states the special rules in addition to those set forth in Order M-328B for manufacturers of student and graduate nurses' uniforms made of cotton fabrics to get an AA-2X and an AA-3 preference rating for fabrics to make the items listed in this Schedule. Priorities assistance granted under this schedule will be in addition to any granted under Supplement XI of Schedule A of M-328B. Therefore manufacturers who have received authorizations under that supplement must file applications under this Schedule for whatever additional fabrics they need to participate in this Program in the third quarter of 1945.

(b) *Definitions.* (1) "Fabrics," unless otherwise designated, means a woven fabric 12 inches or more in width.

(2) "Cotton fabric" means any fabric containing less than 25 percent wool by weight but of which the remaining fibers are 50 percent or more cotton by weight.

(3) "Cotton item" means an item of which more than 50 percent of the fabric yardage incorporated in it, exclusive of linings, binding and trimmings, is cotton fabric.

(c) *Special requirements for obtaining priorities assistance.* (1) Three copies of Form WPB-3732 Revised must be filed in making application for priorities assistance under this schedule, in accordance with the rules stated in paragraph (c) of Order M-328B, except that for the fourth quarter of 1945 applications must be postmarked not later than September 5, 1945.

(2) A base period manufacturer who files Form WPB-3732 Revised for the third calendar quarter of 1945 by August 11, 1945, may, as soon as he files his application, apply an AA-2X rating for the purchase of Class A sheeting, and an AA-3 rating for the purchase of other cotton fabrics for delivery in that quarter for incorporation into the cotton items for which application is made. He may do so only for an item he made in the base period and only for 25% of the yardage of fabrics he used in the base period with respect to any item. Cotton fabrics purchased under this provision shall be deducted by the manufacturer from the total quantity for which priorities assistance is ultimately granted on Form WPB-3732 Revised. If the applicant does not ultimately receive a grant of the entire quantity thus rated, he shall, upon notification of his grant by the War Production Board, immediately cancel orders for any undelivered quantities which are in excess of his grant.

(3) A manufacturer who files Form WPB-3732 for the fourth quarter of 1945 by September 5, 1945, may as soon as he files his application apply a AA-2X rating for the purchase of Class A sheeting and a AA-3 rating for the purchase of other cotton fabrics for delivery in that quarter for incorporation into the items for which application is made. He may do so only for an item he made in the base period or for which he received an allocation under this schedule for the third quarter of 1945, and only for 50% of the yardage of fabric consumed in the production of that item during the base period or 50% of the yardage allocated to him by the War Production Board for the third quarter, whichever is smaller. Fabric purchased under this provision shall be deducted by the manufacturer from the total quantity for which priorities assistance is granted pursuant to his application on Form WPB-3732. If the applicant does not receive a grant of the entire quantity thus rated he shall upon notification of his grant by the War Production Board immediately unrate or cancel orders for any undelivered quantities which are in excess of his grant.

Manufacturers who did not produce in the base period the items applied for on Form WPB-3732 or who did not receive an allocation for them under this schedule for the third quarter of 1945 may not use any ratings under this schedule for the fourth quarter of 1945 until the War Production Board has assigned them a quota.

(4) A manufacturer receiving an allocation for Item No. 1 of section (A) or Item Nos. 1 or 2 of section (B) of the preference rating schedule for any quarter must subtract from his rated quota for Item A-56 under Order M-388A the total yardage of fabrics for which priorities assistance is granted under this schedule to determine the quantity of fabrics which he may purchase with an AA-4 rating under his M-388A rated quota in that quarter. In the event that the quantity of fabrics for which an AA-2X or an AA-3 rating authorized under this schedule is in excess of his AA-4 rated quota in M-388A, the manufacturer may not, during that quarter, use an AA-4 rating under the provisions of M-388A for Item A-56.

(d) *General provisions.* (1) Preference ratings assigned under this schedule may be used only to get the particular fabrics shown in the Fabric Column of the preference rating schedule to make the cotton items specified.

(2) If applications are received for rated quotas in an amount for any item in excess of the yardage allotted for that item, the rated quotas will be assigned in proportion to the manufacturer's production of the particular items during the base period.

(3) If the manufacturer did not produce or have produced for his own account in the base period the item for which application is made, he must comply with the provisions of paragraph (c) (6) of M-328B.

(4) The minimum linear yardage which shall be incorporated in each dozen of the item for which a grant is made, shall in the case of a base period manufacturer, be no less than the amount used by him for the production of the same item in the base period. In the case of persons who did not manufacture the item in the base period the minimum linear yardage of fabric per dozen shall be the product of the total yards of each fabric authorized, divided by the number of units authorized in the grant by the War Production Board.

(5) Additional priorities assistance may be given for the procurement of narrow woven selvage edge tape (cotton or rayon) needed for incorporation into the number of units for which priorities assistance is granted. Requests for this additional priorities assistance shall be made on Form WPB-3732 separately for each item for which application is made.

(6) Manufacturers who did not produce the item applied for in the base period and cannot, therefore, comply with paragraph (f) (5) of M-328B, shall specify in the "Remarks" section of form WPB-3732 Revised the assortment of sizes per dozen for each size range for which application is made. He must comply with the size ranges and assortments of sizes which the War Production

Board specifies in its grant of priorities assistance.

(7) Student nurses' uniforms manufactured under this schedule may be sold only to hospitals or nurses' training schools; or to persons who furnish substantially the following certification on their purchase orders:

The purchaser represents to the seller and to the War Production Board that the student nurses' uniforms covered by this order will be sold only to hospitals or nurses' training schools or for ultimate delivery to such institutions.

The standard certification provided for in Priorities Regulation 7 may not be used instead of the above.

Issued this 18th day of August 1945.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

PREFERENCE RATING SCHEDULE—SECTION (A)

GRADUATE NURSES' UNIFORMS

Item No.	Items	Fabric
A-1	Uniforms	Poplin, combed—88 sley or higher. Poplin, carded—90 sley or higher. Broadcloth, combed—96 sley or higher. Broadcloth, carded—100 sley or higher.
A-2	Caps	Lawns and Organdy—76 x 72, 9.00 yard. Poplin, carded—90 sley or higher. Broadcloth, carded—100 sley or higher.

PREFERENCE RATING SCHEDULE—SECTION (B)

STUDENT NURSES' UNIFORMS

NOTE: Table amended August 18, 1945.

Item No.	Items	Fabric
B-1	Uniforms, colored.	Chambray—4.20–4.30 yard. Class "A" Sheeting—40 x 40 or higher. Jeans. Broadcloth, combed—96 sley or higher. Poplin, combed—88 sley or higher. 68/72 sheeting.
B-2	Uniforms, white.	Class "A" Sheeting—40 x 40 or higher. Jeans. Chambray, 4.20–4.30 yard. Poplin, combed—88 sley or higher. Broadcloth, combed—96 sley or higher.
B-3	Caps	Lawn and Organdy—76 x 72 9.00 yard or higher. Poplin, combed—88 sley or higher. Broadcloth, combed—96 sley or higher.
B-4	Collars	Print cloth, 68 x 64—4.85 yard 39" or higher. Jeans. Class "C" Sheeting. 68/72 sheeting.
B-5	Cuffs	Print cloth, 68 x 64—4.85 yard 39" or higher. Jeans. Class "C" Sheeting. 68/72 sheeting.
B-6	Aprons	Class "A" Sheeting, 40 x 40 or higher. Class "C" Sheeting. 68/72 sheeting.
B-7	Bibs	Class "A" Sheeting, 40 x 40 or higher. Class "C" Sheeting. 68/72 sheeting.

[F. R. Doc. 45-15318; Filed, Aug. 18, 1945; 12:22 p. m.]

PART 3290—TEXTILE, CLOTHING AND LEATHER

[Conservation Order M-328B, Schedule F, as Amended Aug. 18, 1945]

SPECIAL PROGRAM FOR WORK GLOVES

§ 3290.120f *Schedule F to Order M-328B*—(a) *Explanation.* This schedule states the special rules in addition to those set forth in Order M-328B for manufacturers of work gloves to get an AA-2x preference rating for fabric to make the items listed in this schedule.

(b) *Definitions.* For the purpose of this schedule:

(1) "Work gloves" means any gloves or mittens of the types and meeting the specifications listed in Schedules A and B of Order M-375 and designed for wear by men, women or children while engaged in their occupations, and customarily sold as work gloves.

(2) "Base period" means the third calendar quarter of 1943.

(c) *Special requirements for priorities assistance.* (1) Three copies of Form WPB-3732 (Revised) should be filed in accordance with the rules stated in paragraph (c) of Order M-328B, except that for the third quarter of 1945 the applications must be postmarked by August 11, 1945, and for the fourth quarter of 1945 the applications must be postmarked by September 5, 1945.

(2) A base period manufacturer who files Form WPB-3732 (Revised) for the third calendar quarter of 1945 by August 11, 1945, may, as soon as he files his application, apply an AA-2x rating for the purchase of fabric for delivery in that quarter for incorporation into the items for which application is made. He may do so however only for an item he made in the base period, and the yardage for which he applies this rating, plus any yardage for which he has applied ratings for delivery in the third quarter of 1945 under Order M-317A as amended May 10, 1945, and Direction 16 to Order M-317, may not exceed 70 percent of the yardage of material used in the manufacture of work gloves during the first quarter of 1945. In addition, all fabric purchased under this paragraph and under the provisions of M-317A and Direction 16 to M-317 shall be deducted by the manufacturer from the total quantity for which priorities assistance is ultimately granted on Form WPB-3732 (Revised). If the applicant does not ultimately receive a grant of the entire quantity thus rated, he shall upon notification of his grant by the War Production Board, immediately cancel orders for any undelivered quantities which are in excess of his grant.

(3) A manufacturer who files Form WPB-3732 for the fourth quarter of 1945 by September 5, 1945, may, as soon as he files his application, apply an AA-2X rating for the purchase of cotton fabric for delivery in that quarter for incorporation into the items for which application is made. He may do so only for an item he made in the base period or for which he received an allocation under this schedule, for the third quarter of 1945, and only for seventy percent of the yardage of fabric consumed in the production of that item during the base period or seventy percent of the yardage allocated to him by the War Production Board for the third quarter, whichever is greater. Fabric purchased under this provision shall be deducted by the manufacturer from the total quantity for which priorities assistance is granted pursuant to his application on Form WPB-3732. If the applicant does not receive a grant of the entire quantity thus rated he shall upon notification of his grant by the War Production Board immediately unrate or cancel orders for any undelivered quantities which are in excess of his grant.

Manufacturers who did not produce in the base period the items applied for on Form WPB-3732, or who did not receive an allocation for them under this schedule for the third quarter of 1945, may not use any ratings under this schedule for the fourth quarter of 1945 until the War Production Board has assigned them a quota.

(d) *When ratings may be extended to get yarn.* Producers of knit wrist tubing, knit jersey material 8 oz. or heavier, or knit lining for work gloves who do not also own or control spinning machinery, who need to obtain yarn to fill rated orders for these items, may extend the ratings assigned under this schedule to get such yarn, notwithstanding the provisions of paragraph (e) of Order M-317. However, producers who do own or control spinning machinery may not use the rating to get yarn except as permitted by paragraph (e) of M-317.

(e) *Priorities assistance for component parts.* Persons applying for priorities assistance under this schedule may apply for sewing thread, overedging yarn No. 10, (2-ply), and twine, (10-ply), cotton in quantities needed for incorporation into the number of units for which priorities assistance is requested. Applications must be made on Form WPB-3732 separately for each item for which application is made. Such applications will be approved to the extent of available materials and to the extent that allocations are made for the production of items.

(f) *Style provisions for base period manufacturers.* Base period manufacturers who are granted ratings under this schedule must make (subject to Order M-375) each style of work glove that they made in the first quarter of 1945 under the following rule: The production of each style of each item made in any quarter must not vary more or less than 10 percent from the proportion of that style of work glove to the total quantity of all styles of work gloves made in the first quarter of 1945. This rule does not apply to hot mill and 2-thumb husking gloves and mittens, which may be made to the full extent of a manufacturer's capacity. These styles should also be excluded in making the computations stated above for other styles.

(g) *Special inventory rule.* Manufacturers who use ratings assigned under this schedule are subject to the inventory provisions of paragraph (f) (4) of Order M-328B except that a 60-day inventory limit applies instead of a 45-day one.

(h) *Notification of unused allocations.* A person who finds that for any reason (such as increases in Army or Navy contracts) he will not place rated orders to the extent authorized on Form WPB-3732 (Revised) for a particular calendar quarter, or will cancel rated orders he has placed, must promptly write a letter giving notice to the Textile, Clothing and Leather Bureau of the War Production Board showing the reference number on his authorization. Letters must specify the quantity and kind of fabric in the same terms in which the authorization was made.

(i) *Provisions in case of governmental cut-backs.* At any time during any calendar quarter a manufacturer who has received cancellations or cut-backs on military contracts or orders placed by an agency of the United States Government, or who during the quarter has production facilities made available, may apply to the War Production Board on Form WPB-3732 (Revised) for priorities assistance to manufacture items listed in this schedule, provided that these items are to be made in conformity with Schedules A and B of Order M-375. Such applications will be approved to the extent of available materials and the need for additional production of the items applied for.

Issued this 18th day of August 1945.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

Item No.	Item column	Fabric column
1	Canton flannel gloves and mittens (including hot mill gloves and husking gloves or mittens).	(23) Flannel mitten, white, brown and colored stripe. (23) Flannel, lining. (28) Ticking, 6½ to 8 oz. Knit tubing. (12) Osnaburg. (14a) Sheeting, medium, Class C. (16c) Twill (other than 3-leaf). (11c) Sheeting, soft-filled. (17) Print cloth, less than 80 sley. (16a) Drill.
2	Canton flannel, hot mill gloves.	Same as Item No. 1.
3	Canton flannel, two-thumb husking gloves and mittens.	(23) Flannel mitten knit tubing.
4	Leather combination gloves and mittens.	Same as Item No. 1.
5	Jersey gloves and mittens.	Knit Jersey, 8-9-10½ and 13 oz. weights. Lining, 5½ and 6 oz. Knit tubing.

[F. R. Doc. 45-15319; Filed, Aug. 18, 1945; 12:22 p. m.]

PART 3290—TEXTILE, CLOTHING AND LEATHER

[Conservation Order M-328B, Schedule J]

SPECIAL PROGRAM FOR RAYON CIVILIAN ITEMS

§ 3290.120j *Schedule J to Order M-328B*—(a) *Explanation.* This schedule states the special rules in addition to those set forth in Order M-328B for manufacturers of civilian items manufactured from rayon fabric to get an AA-3 preference rating for rayon fabric for delivery beginning in the fourth quarter of 1945 to make the items listed in this schedule.

(b) *Definitions.* For the purpose of this schedule:

(1) "Fabrics," unless otherwise designated, means a woven fabric 12 inches or more in width.

(2) "Rayon fabric" means any fabric containing less than 25% wool by weight but of which the remaining fibers are more than 50% of synthetic fiber (staple or continuous filament) by weight. For example, a fabric containing 20% wool, 41% rayon, and 39% cotton is rayon.

(3) "Rayon item" means an item of which more than 50% of the fabric yardage incorporated in it, exclusive of linings, bindings and trimmings, is made of rayon fabric.

(4) "Base period manufacturer" and "base period" mean the same as in paragraph (b) (5) of Order M-328B except that a person who did not manufacture an item listed in this schedule during the base period at or below the maximum price set forth in the schedule shall not be considered a base period manufacturer.

(c) *Special requirements for obtaining priorities assistance.* (1) Three copies of Form WPB-3732 must be filed for priorities assistance under this schedule, in accordance with the rules stated in paragraph (c) of Order M-328B, except that for the fourth calendar quarter of 1945 applications shall be postmarked not later than September 5, 1945.

(2) A manufacturer who files Form WPB-3732 for the fourth calendar quarter of 1945 by September 5, 1945, may as soon as he files his application, apply an AA-3 rating for the purchase of rayon fabrics for delivery in that quarter for incorporation into the rayon items for which application is made. He may do so only for an item he made in the base period at or below the price shown in the preference rating schedule, and only for two-thirds of the yardage of fabrics he used in the base period with respect to any item. Rayon fabrics purchased under this provision shall be deducted by the manufacturer from the total quantity for which priorities assistance is granted on form WPB-3732. If the applicant does not receive a grant of the entire quantity thus rated, he shall, upon notification of his grant by the War Production Board, immediately unrate or cancel orders for any undelivered quantities which are in excess of his grant.

(3) Manufacturers who did not produce in the base period the items applied for on Form WPB-3732, at or below the price shown in the preference rating schedule, may not use any preference ratings under this schedule until the War Production Board has assigned them a quota.

(4) A base period manufacturer may not apply for a quantity of fabric for any item greater than 100% of the linear yards used by him in the base period for the production of that item.

(5) A manufacturer who makes application under this schedule may also apply on Form WPB-3732 for priorities assistance for narrow woven selvage edge tape required for incorporation into the number of units of the items for which application is made on that form. Such requests will be granted within the limits of materials available and to the extent that priorities assistance is granted for the items requested.

(6) *Provisions in case of governmental cut-backs.* At any time during any calendar quarter a manufacturer who has received cancellations or cut-backs on military contracts or orders placed by an agency of the U. S. Government, or who during the quarter has production facilities made available, may apply to the War Production Board on Form WPB-3732 for priorities assistance to manufacture items listed in this schedule. Such applications will be approved to the extent of available materials and the need for additional production of the items applied for.

(d) *General provisions.* (1) Preference ratings assigned under this schedule may be used only to get rayon fabrics to make the rayon items specified in the preference rating schedule.

(2) The fabrics must be incorporated into an item produced for sale by the manufacturer at or below the lower of the following two prices:

(i) The price at which the manufacturer is permitted to sell the item under regulations of the Office of Price Administration; or

(ii) The price specified in the Maximum Price Column.

(3) A manufacturer who is not a base period manufacturer must comply with the provisions of paragraph (c) (6) of Order M-328B.

(4) A manufacturer who did not manufacture an item in the base period must state his proposed production by size assortment per dozen in the "Remarks" section of Form WPB-3732. If his application is granted, he must comply with these size assortments.

(5) The AA-3 preference rating authorized by this schedule may be used only to procure finished rayon fabric and may not be extended to procure unfinished rayon fabric.

Issued this 18th day of August 1945.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

AA-3 PREFERENCE RATING SCHEDULE

RAYON FABRICS FOR CIVILIAN ITEMS

(The applicable provisions of each column are indicated for each numbered item opposite the item number.)

Item No.	Description of rayon item	Size range	Maximum price column
			Each
1	Dresses: women's, misses' and juniors'.	9-17, 12-44	$5.75
		46 and up	6.75
2	Dresses: women's, misses' and juniors'.	Maternity	6.75
3	Dresses: teen-age girls'.	10-16	3.75
4	Dresses: girls'.	7-14	3.00
			Dozen
5	Blouses, shirts and waists: women's, misses' and juniors'.	9-17, 12-40	22.50
		42 and up	25.50
6	Blouses: teen-age girls'.	10-16	16.50
7	Blouses: girls'.	7-14	15.75
8	Nightgowns: women's.	32-44	22.50
		46 and up	25.50
9	Nightgowns: teen-age girls'.	10-16	16.50
10	Slips: women's, misses' and junior's.	9-17, 12-44	15.75
		46 and up	18.00
11	Slips: teen-age girls'.	10-16	12.00

[F. R. Doc. 45-15320; Filed, Aug. 18, 1945; 12:22 p. m.]

PART 3290—TEXTILE, CLOTHING AND LEATHER

[General Preference Order M-388, Direction 5]

TERMINATION OF ORDERS M-388, M-388A, M-388B, AND M-388C, ON OCTOBER 1, 1945

The following direction is issued pursuant to General Preference Order M-388:

Section 3290.351, General Preference Order M-388, § 3290.352, General Preference Order M-388A, § 3290.353, General Preference Order M-388B, and § 3290.354, General Preference Order M-388C, and all published amendments and directions to such orders, shall expire on October 1, 1945. All authorizations issued pursuant to any of such orders and directions to named persons and permitting them to use preference ratings or serial numbers, shall also expire on October 1, 1945. All materials obtained with preference ratings applied or assigned under any of such orders and directions must be used or disposed of in accordance with the provisions of the order(s) or direction under which it was obtained. To the extent that any provisions of Orders M-388, M-388A, M-388B, M-388C, or any other published direction to any of such orders, is inconsistent with any provision of this direction, this direction shall control. Such termination on October 1, 1945 of the order and directions referred to above shall not affect any liabilities incurred for violation of any of such orders or directions, or of actions taken by the War Production Board under them. The manufacture and delivery of cotton, synthetic fiber, and wool textiles for civilian items, and items made from them, remain subject to all other applicable orders and regulations of the War Production Board.

Issued this 18th day of August 1945.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 45-15322; Filed, Aug. 18, 1945; 12:23 p. m.]

PART 4500—POWER, WATER, GAS AND CENTRAL STEAM HEAT

[Utilities Order U-7, Revocation]

Section 4500.10 *Utilities Order U-7* is hereby revoked. This revocation does not affect any liabilities incurred for violation of the order or of actions taken by the War Production Board under the order.

Issued this 18th day of August 1945.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 45-15323; Filed, Aug. 18, 1945; 12:22 p. m.]

PART 981—AUTOMOTIVE VEHICLES, PARTS AND EQUIPMENT

[Orders L-2, L-2-a, L-2-b, L-2-c, L-2-e, L-2-f, L-2-h, Revocation]

The following orders are hereby revoked: § 981.1, *General Limitation Order L-2;* § 981.2, *Supplementary General Limitation Order L-2-a;* § 981.3, *Supplementary General Limitation Order L-2-b;* § 981.4, *Supplementary General Limitation Order L-2-c;* § 981.6 *Supplementary General Limitation Order L-2-e;* § 981.7 *Supplementary General Limitation Order L-2-f* and § 981.9 *Supplementary General Limitation Order L-2-h.*

This revocation does not affect any liabilities incurred for violation of any of these orders or of actions taken by the War Production Board under any of these orders. The manufacture of automobiles remains subject to General Limitation Order L-2-g as amended, and to all other applicable orders and regulations of the War Production Board. The distribution of automobiles remains subject to the rationing procedures of Ration Order 2-B or subsequent ration orders of the Office of Price Administration.

Issued this 18th day of August 1945.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 45-15307; Filed, Aug. 18, 1945; 12:24 p. m.]

PART 1010—SUSPENSION ORDERS

[Suspension Order S-656, Revocation]

M. E. CARLSON AND ESTHER J. CARLSON

Suspension Order No. S-656 was issued November 16, 1944 against M. E. Carlson and Esther J. Carlson located at 4483 Newton Street, Denver, Colorado, for violations of Conservation Order L-41. This construction has now been determined to be essential, and the Chief Compliance Commissioner has therefor directed that Suspension Order No. S-656 be revoked. In view of the foregoing, it is hereby ordered, that: § 1010.656, *Suspension Order No. S-656* be revoked.

Issued this 17th day of August 1945.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 45-15208; Filed, Aug. 17, 1945; 4:31 p. m.]

PART 1010—SUSPENSION ORDERS

[Suspension Order S-880]

MARBRO LAMP AND SHADE CO.

Marbro Lamp and Shade Company is a co-partnership owned by Morris K. Markoff and Elliott Markoff, with its principal office in Los Angeles, California. This co-partnership is engaged in the manufacturing of lamps.

During the period between March 17, 1944 and December 31, 1944, this co-partnership assembled and sold 20,325 portable lamps on other than preferred orders contrary to and in violation of the provisions of War Production Board General Limitation Order L-33. Further, the co-partnership violated Limitation Order L-33, by failing to file reports as required by Order L-33 of the production and sale of 434 portable lamps sold in fulfillment of preferred orders between February 9, 1943 and August 22, 1944. The violations in each instance were wilful.

The aforementioned violations of Order L-33 have diverted scarce materials to uses not authorized by the War Production Board. In view of the foregoing, it is hereby ordered, that:

§ 1010.880 *Suspension Order No. S-880.* (a) Morris K. Markoff and Elliott Markoff, whether doing business as Marbro Lamp and Shade Company or otherwise, their successors or assigns, unless otherwise specifically authorized in writing by the War Production Board, shall not, directly or indirectly, for a period of 60 days, be accorded priority in deliveries of material, finished items of merchandise or equipment to them over deliveries under any other contract or order, and no preference rating shall be assigned, applied or extended to such deliveries by means of preference rating certificates, general preference orders, or any other order or regulation of the War Production Board.

(b) Nothing contained in this order shall be deemed to relieve Morris K. Markoff and Elliott Markoff whether doing business as Marbro Lamp and Shade Company or otherwise, their successors or assigns from any restriction, prohibition, or provision contained in any other order or regulation of the War Production Board except insofar as the same may be inconsistent with the provisions hereof.

(c) This order shall take effect on August 19, 1945.

Issued this 9th day of August 1945.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 45-15325; Filed, Aug 18 1945; 12:25 p. m.]

PART 944—REGULATIONS APPLICABLE TO THE OPERATION OF THE PRIORITIES SYSTEM

[Priorities Reg. 31]

BLANKET REVOCATION OF CERTAIN WPB ORDERS

§ 944.52 *Priorities Regulation 31*—(a) *Revocation of orders.* The orders of the War Production Board listed below in this regulation and all published directions to those orders are revoked, effective on the dates shown opposite the orders.

(b) *Effect of revocation of orders.* (1) Regardless of paragraph (b) of § 944.10a of Priorities Regulation 1, all directions, authorizations, production and delivery schedules and other instruments addressed to named persons pursuant to the orders listed below are also revoked to the extent that they apply to any transactions after September 30, 1945.

(2) To the extent that any such directions, authorizations, production or delivery schedules or other instruments addressed to named persons apply to any transactions before October 1, 1945, the following rules govern:

(i) If they were issued under one of the Chemical Orders listed below, they are revoked on the effective date shown opposite the applicable order.

(ii) If they were issued under any of the other orders listed below, they remain in force through September 30 under the rules explained in paragraph (b) of § 944.10a of Priorities Regulation 1 unless revoked by other action of the WPB.

(3) Nothing in this regulation changes the rule regarding "Suspension Orders" and "Consent Orders" as stated in paragraph (c) of § 944.10a of Priorities Regulation 1.

(4) The revocation of the orders listed below does not affect any liabilities incurred for violation of those orders or for violation of actions taken by the War Production Board under those orders.

LIST OF ORDERS REVOKED AND EFFECTIVE DATE OF REVOCATION

AUTOMOTIVE

Section 3292.1, L-1-e, Motortrucks and Truck Trailers, August 20, 1945.

Section 3292.46, L-158, Production of Replacement Parts for Motor Vehicles, August 20, 1945.

Section 3292.51, L-180, Replacement Storage Batteries, August 20, 1945.

Section 3178.71, L-254, Internal Combustion Air-Cooled Engines, August 20, 1945.

Section 3292.56, L-270, Automotive Maintenance Equipment, August 20, 1945.

Section 3292.126, L-331, Motorcycles, August 20, 1945.

BUILDING MATERIALS

Section 1293.1, L-157, Hand Tools Simplification, August 20, 1945.

Section 1293.9, Sch. 8 to L-157, Wood Boring Bits, August 20, 1945.

Section 3284.81, L-236, Hardware Simplification, August 20, 1945.

Section 3284.85, Sch. 4 to L-236, Tackle Blocks, August 20, 1945.

CHEMICALS

Section 3193.1, L-263, Matches, August 31, 1945

Section 3293.36, M-12, Cotton Linters and Hull Fibre, August 20, 1945.

Section 3293.101, M-69, Distilled Spirits, August 31, 1945.

Section 3293.171, M-150, Aromatic Solvents, August 31, 1945.

Section 1246.1, M-157, Chemical Cotton Pulp, August 31, 1945.

Section 3293.1009, Sch. 9 to M-300, Formaldehyde and Paraformaldehyde, August 31, 1945.

Section 3293.1010, Sch. 10 to M-300, Hexamethylenetetramine, August 31, 1945.

Section 3293.1011, Sch. 11 to M-300, Pentaerythritol, August 31, 1945.

Section 3293.1012, Sch. 12 to M-300 Isopropyl Alcohol, August 31, 1945.

Section 3293.1016, Sch. 16 to M-300, Metallic Sodium, August 31, 1945.

Section 3293.1017, Sch. 17 to M-300, Acrylic Monomer and Acrylic Resin, August 31, 1945.

Section 3293.1018, Sch. 18 to M-300, Styrene and Dichlorostyrene, August 31, 1945.

Section 3293.1019, Sch. 19 to M-300, Polystyrene and Polydichlorostyrene, August 31, 1945.

Section 3293.1020, Sch. 20 to M-300, Hexahydric Alcohols, August 31, 1945.

Section 3293.1023, Sch. 23 to M-300 Xylene (Xylol), August 31, 1945.

Section 3293.1024, Sch. 24 to M-300, Methyl Isobutyl Ketone, August 31, 1945.

Section 3293.1026, Sch. 26 to M-300, Acetic Acid, Acetic Anhydride and Acetaldehyde, August 31, 1945.

Section 3293.1028, Sch. 28 to M-300, Acetylene Black, August 31, 1945.

Section 3293.1029, Sch. 29 to M-300, Ammonium Silicofluoride, August 31, 1945.

Section 3293.1030, Sch. 30 to M-300, Phosphorus, August 31, 1945.

Section 3293.1031, Sch. 31 to M-300, Barium Chemicals, August 31, 1945.

Section 3293.1039, Sch. 39 to M-300, Diphenylamine, August 31, 1945.

Section 3293.1040, Sch. 40 to M-300, Ferro- and Ferri-Cyanides, August 31, 1945.

Section 3293.1045, Sch. 45 to M-300, Sodium Cyanide, August 31, 1945.

Section 3293.1055, Sch. 55 to M-300, Adipic Acid, August 31, 1945.

Section 3293.1060, Sch. 60 to M-300, Polyethylene, August 31, 1945.

Section 3293.1069, Sch. 69 to M-300, Gasoline Gum Inhibitors, August 31, 1945.

Section 3293.1070, Sch. 70 to M-300, Ethyl Cellulose, August 31, 1945.

Section 3293.1077, Sch. 77 to M-300, Isopropyl Acetate, August 31, 1945.

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Section 3293.1081, Sch. 81 to M-300, By-Product Phosphoric Acid, August 31, 1945.

Section 3293.1085, Sch. 85 to M-300, Potassium Carbonate, August 31, 1945.

Section 3293.1090, Sch. 90 to M-300, Yellow Iron Oxide, August 31, 1945.

Section 3293.1091, Sch. 91 to M-300, Ethyl Ether, August 31, 1945.

Section 3293.1092, Sch. 92 to M-300, Matches, August 31, 1945.

Section 3293.1093, Sch. 93 to M-300, High Test Calcium Hypochlorite, August 31, 1945.

Section 3293.1094, Sch. 94 to M-300, Trichlorethylene, August 31, 1945.

Section 3293.1095, Sch. 95 to M-300, Perchlorethylene, August 31, 1945.

Section 3293.1103, Sch. 103 to M-300, Maleic, Fumaric, "Carbic" and Pentaerythritol Oils and Resins, August 31, 1945.

Section 3293.1106, Sch. 106 to M-300, Sodium Metasilicate, August 31, 1945.

Section 3293.1107, Sch. 107 to M-300, Thallium Chemicals, August 31, 1945.

Section 3293.1112, Sch. 112 to M-300, Calcium Carbide, August 31, 1945.

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Section 3293.601, M-373, Vitamin A, August 31, 1945.

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Section 3293.1021, Sch. 21 to M-300, Toluene, August 31, 1945.

Section 3293.1022, Sch. 22 to M-300, Benzene, August 31, 1945.

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Section 3293.1073, Sch. 73 to M-300, Pine Oil, August 31, 1945.

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Section 3293.1088, Sch. 88 to M-300, Bismuth Chemicals, September 30, 1945.

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Section 3207.2, Schedule 1 to L–272, Control Valves, August 20, 1945.

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Section 1254.2, Schedule 1 to L–139, Dental Excavating Burs, August 20, 1945.

Section 3296.56, L–144, Laboratory Equipment, August 20, 1945.

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Section 3102.1, L–211, National Emergency Specifications for Steel Products, August 20, 1945.

Section 3102.10, Schedule 9 to L–211, Oil Country Tubular Goods, August 20, 1945.

Section 3102.17, Schedule 16 to L–211, Steel Wire Rope, August 20, 1945.

Section 3294.66, M–17, Pig Iron, August 20, 1945.

Section 3294.113, M–21–1, Malleable Iron Castings, August 20, 1945.

Section 965.1, M–24, Iron and Steel Scrap, August 20, 1945.

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TEXTILES, CLOTHING AND LEATHER

Section 3290.111, L–95, Sanitary Napkins, August 20, 1945.

Section 3290.76, L–312, Industrial Wiping Cloths, August 20, 1945.

Section 3290.201, M–22, Silk, August 20, 1945.

Section 968.1, M–26, Silk Waste, Silk Noils, and Silk Fiber, August 20, 1945.

Section 3290.271, M–70, Jute and Jute Products, August 20, 1945.

Section 3290.56, M–91, Cotton Duck August 20, 1945.

Section 3290.306, M–102, Water Fowl Feathers, August 20, 1945.

Section 3290.266, M–103, Dyestuffs and Organic Pigments, August 20, 1945.

Section 3290.66, M–117, Extra Staple Cotton, September 20, 1945.

Section 1175.1, M–125, Loofa Sponges, August 20, 1945.

Section 3054.1, M–210, Cattle Tail and Horse Mane Hair, August 20, 1945.

Section 3290.117, M–317–B, Cotton Sale Yarn Production and Distribution, August 20, 1945.

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Section 937.1, M–11, Slab Zinc, August 20, 1945.

Section 937.2, M–11–a, Zinc Oxide, August 20, 1945.

Section 1044.1, M–65, Cadmium, August 20, 1945.

Section 1054.1, M–72, Lead and Tinscrap, August 20, 1945.

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Section 3274.61, E–10, Antifriction Bearings, August 20, 1945.

Section 3274.77, L–302, Chain, August 20 1945.

WAR UTILITIES

Section 1288.1, L–154, Power, Steam and Water Auxiliary Equipment, August 20, 1945.

Section 1288.5, Sch. 4 to L–154, Power Switchgear, August 20, 1945.

TRANSPORTATION

Section 3157.1, T–1, Haulage Conservation, August 20, 1945.

Issued this 20th day of August 1945.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 45–15381; Filed, Aug 20, 1945, 12:05 p.m.]

Chapter XI—Office of Price Administration

PART 1312—PRIMARY FOREST PRODUCTS

[MPR 535–3,[1] Amdt. 2]

EXCELSIOR WOOD

A statement of considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.

Section 14 (c) of Maximum Price Regulation 535–3, Excelsior Wood is amended to read as follows:

[1] 10 F.R. 7242.

(c) *Maximum prices.*

TABLE 1—ZONE 257

[Per unit of 147 cubic feet]

	Peeled	Unpeeled
Poplar	$14.40	$10.25
Basswood	14.40	10.25

This amendment shall become effective August 22, 1945.

Issued this 17th day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R Doc. 45-15215; Filed, Aug. 17, 1945; 4:48 p. m.]

PART 1315—RUBBER AND PRODUCTS AND MATERIALS OF WHICH RUBBER IS A COMPONENT

[RMPR 528, Amdt. 3]

TIRES AND TUBES, RECAPPING AND REPAIRING, AND CERTAIN REPAIR MATERIALS

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.

Revised Maximum Price Regulation 528 is amended in the following respects:

1. Section 1 (a) (1) is amended to read as follows:

(1) *New tires and tubes.* This regulation applies to all retail sales of new rubber tires and tubes for automobiles, trucks, busses, trailers, off-the-road equipment, farm implements, tractors, industrial equipment, motorcycles, and aircraft. A tire or tube other than an aircraft tire or tube is "new" if it has been used less than 1,000 miles. An aircraft tire and tube is "new" if it has never been used. "Retail sale" means a sale to a buyer for his own use and not for resale. This regulation, however, does not apply to wholesale sales; such sales are covered by Revised Maximum Price Regulation 143. Neither does this regulation apply to manufacturers' or brand owners' sales of any new tires and tubes to any agency of the United States Government. New tires which the manufacturer or brand owner has found defective and not repairable, and which such manufacturer or brand owner has slashed or otherwise mutilated prior to his delivery to any person, shall be deemed scrap rubber, and the maximum price thereof shall be determined in accordance with the provisions of Revised Price Schedule 87.

2. Section 3 is amended by adding the following sentence thereto: "The substitution of a standard warranty, in line with that generally prevailing in the industry, for a road hazard warranty given with sales of any commodity covered by this regulation, is not considered an evasion under this section."

3. Section 16 (b) (1) is amended to read as follows:

(1) The prices set forth in Tables A–IV, A–V, and A–VI are the maximum retail prices for new tires and tubes (other than passenger car and motorcycle) of a type, size, and ply listed in such tables, whether constructed from natural, synthetic, or reclaimed rubber.

4. A new table designated Table A–VI is added to section 16, to read as follows:

TABLE A–VI—MAXIMUM RETAIL PRICES FOR NEW AIRCRAFT TIRES AND TUBES

Tire and tube size	Ply	Tire price	Tube price		
			Regular	Puncture sealing	Dual tube construction
Type I—Smooth contour					
24 inch	4	$27.05	$6.15	$13.15	
24 inch	6	33.80	6.15	13.15	
27 inch	6	39.90	8.25	17.30	$38.15
27 inch	8	44.55	8.25	17.30	38.15
30 inch	6	58.40	10.45	20.15	39.60
30 inch	8	65.15	10.45	20.15	39.60
31 inch	6	48.95	9.25	19.55	
31 inch	8	55.10	9.25	19.55	
33 inch	6	79.90	14.20	29.55	42.70
33 inch	8	89.30	14.20	29.55	42.70
36 inch	8	101.25	14.80	31.10	48.40
36 inch	10	113.00	14.80	31.10	48.40
39 inch	8	104.10	15.65	33.15	
39 inch	10	117.05	15.65	33.15	
40 inch	8	99.80	15.85	32.60	
44 inch	8	131.85	20.65	43.60	
44 inch	10	157.20	20.65	43.60	
45 inch	8	113.35	20.45	43.50	
45 inch	10	127.65	20.45	43.50	
47 inch	8	164.40	32.90	69.50	
47 inch	10	170.50	32.90	69.50	
47 inch	12	202.85	32.90	69.50	
51 inch	10	197.95	38.05	80.55	
56 inch	14	326.35	43.80	92.25	
56 inch	16	342.95	43.80	92.25	
8.00 inch	4	11.24	3.96	7.00	
8.00 inch	6	17.00	3.96	7.00	
10.00–10.50 inch	4	18.90	4.50	7.90	
10.00–10.50 inch	6	19.10	4.50	7.90	
12.50–13.25 inch	4	23.15	5.49	9.30	
12.50–13.25 inch	6	23.60	5.49	9.30	
14.50–15.50 inch	4	24.30	5.62	10.30	
14.50–15.50 inch	6	31.64	5.62	10.30	
17.00–18.00 inch	6	28.60	5.76	11.85	
17.00–18.00 inch	8	43.98	5.76	11.85	
19.00–20.00 inch	6	32.55	6.45	13.60	
19.00–20.00 inch	8	42.60	6.45	13.60	
21.00 inch	4	22.70	4.65		
23.00 inch	6	42.15	7.25	15.25	31.25
23.00 inch	8	53.85	7.25	15.25	31.25
26.00 inch	6	54.65	7.95	16.75	36.35
26.00 inch	8	61.35	7.95	16.75	36.35
30.00 inch	8	70.70	9.55	20.25	
30.00 inch	10	83.50	9.55	20.25	
Type II—High pressure					
10 x 3	4	10.90	3.15	5.40	
14 x 3	4	9.95	3.40	6.50	
16 x 4	4	11.25	2.42		
20 x 4	4	12.90	2.65	7.65	
30 x 5	4	18.60	3.75	7.75	
30 x 5	6	23.65	3.75	7.75	
26 x 6	6	29.55	7.50	13.10	
26 x 6	8	36.65	7.50	13.10	
30 x 6			6.00		
32 x 6	4	25.20	6.00	10.75	
32 x 6	6	31.60	6.00	10.75	
32 x 6	8	38.30	6.00	10.75	
30 x 7	6	40.05	8.70	13.75	
30 x 7	8	48.55	8.70	13.75	
32 x 8	6	44.15	8.95	15.40	
32 x 8	8	52.00	8.95	15.40	
32 x 8	10	60.15	8.95	15.40	
36 x 8	6	45.15	9.30		
36 x 8	8	45.60	9.30		
34 x 9	8	58.80	9.70	20.45	
34 x 9	10	64.50	9.70	20.45	
40 x 10	8	76.65	14.35		
40 x 10	10	88.05	14.35		
44 x 10			15.20		
54 x 12	10	236.20	31.15		
56 x 14	12	357.30	33.65		
58 x 14	14	389.95	33.65		
Type III—Low pressure					
5.00–4	4	15.50	5.42	9.55	
5.00–4	6	18.40	5.42	9.55	
7.00–4	2	16.70	6.50	12.45	
7.00–4	4	18.80	6.50	12.45	
8.00–4	2	14.70	5.30	9.10	
8.00–4	4	18.80	5.80	9.10	
7.00–5	4	18.70	6.80	12.80	
8.00–5	4	24.25	6.51	13.15	
8.00–5	6	30.25	6.51	13.15	
6.00–6	2	14.75	5.40	9.15	
6.00–6	4	18.80	5.40	9.15	
7.00–6	4	20.10	6.51	10.25	
8.00–6	4	23.80	7.30		
9.00–6	8	49.05	7.50	16.60	
Type III—Low pressure—continued					
10.00–7	10	$64.80	$8.65		
6.50–8	4	21.05	5.25		
7.00–8	4	22.55	6.60		
6.50–10	4	23.00	7.87	$13.25	
6.50–10	6	25.40	7.87	13.25	
7.50–10	4	24.10	9.76	14.55	
7.50–10	6	27.00	9.76	14.55	
8.50–10	4	27.60	10.01	16.00	
8.50–10	6	28.20	10.01	16.00	
9.50–12	4	37.55	12.50	21.20	
9.50–12	6	45.45	12.50	21.20	
11.00–12	6	63.25	15.00	25.55	
11.00–12	8	76.95	15.00	25.55	
12.50–14	8	83.85	15.90	34.50	
13.50–16	10	118.10	29.60	43.00	
15.00–16	6	92.00	21.00	47.70	
15.00–16	8	115.75	21.00	47.70	
15.00–16	10	117.65	21.00	47.70	
16.00–16	10	155.45	39.05	54.00	
17.00–16	10	158.05	25.10	61.50	
18.00–16	12	199.15	47.10		
19.00–23	14	380.95	62.05	101.00	
19.00–35	16	434.25	62.05	101.00	
27.50 x 8.00–12.50	4	27.60	8.05		
Type IV—Extra low pressure					
12 x 5–3	4	26.88	6.36		
16 x 7–3	4	38.60	8.47		
18 x 8–3	4	42.27	9.53		
22 x 10–4	4	40.33	11.65		
25 x 11–4	4	44.37	13.23		
29 x 13–5	6	69.48	16.41		
30 x 13–6	6	76.64	17.97		
35 x 15–6	6	92.77	20.13		
Type VI Low profile					
19 x 6.80–10	6	28.60	5.40		
22 x 7.25–11.50	6	30.50	9.25		
33 x 11.50–16.50	10	106.90	32.45		
Type VII—Miscellaneous					
10 x 3	4	10.90	1.98		
6 x 2.00		1.60			
3¾ x 2¼		3.80			

5. Table B–VIII of section 17 is amended by substituting "$4.60" for "$1.60" where the latter price appears for the following sizes: 8.50–10, 15.00–16, 16.00–16, 17.00–16, 18.00–16, 20.00–18, 45 x 20–10, 19 x 6.80–10.

6. Section 20 (a) is amended to read as follows:

(a) *Maximum retail prices for commodities meeting minimum quality specifications.* The maximum retail prices for reliners, patches, and boots made from scrap material and meeting the minimum quality specifications of section 15 of this regulation are set forth in Tables E–I to E–III, inclusive, in this section. The maximum price for any size patch or boot is determined by computing the over-all dimensions of the patch or boot as expressed in square inches and using the ceiling price fixed for that group. The maximum retail prices for reliners, patches, and boots made from scrap materials but not listed in Tables E–I to E–III, inclusive, of this section, as well as the maximum retail prices for gum-covered patches made from fuel cells, double cushion tire patches made from scrap materials, and criss-cross patches (which are made from scrap material, cushion covered, and skived ply by ply to give the effect of a built-up patch), shall be the maximum price of which the retailer is notified by

his supplier. If he has not been notified of a maximum price by his supplier, he may not offer for sale any such commodity or service covered by this section until a maximum price or pricing method has been approved by the Office of Price Administration. Upon application by such retailer to the Office of Price Administration, Washington, D. C., setting forth (1) a description of the commodity and/or the service to be sold, and (2) the name and address of the supplier, the Office of Price Administration will notify such retailer of his maximum price.

7. Paragraph (b) of section 20 is amended to read as follows:

(b) *Maximum retail prices for commodities not meeting minimum quality specifications.* (1) The maximum retail price for reliners, patches, and boots made from scrap material and not meeting the minimum quality specifications of section 15 of this regulation, shall be:

(i) *Sales to industrial consumers.* The maximum price for sales to any person consuming scrap rubber in the production of reclaimed rubber or in the manufacture of any product or splitting scrap rubber tires into their component parts, shall be determined in accordance with the provisions of Revised Price Schedule 87.

(ii) *Sales to persons other than industrial consumers.* The maximum prices for sales to any person other than (i) above, shall be one cent per pound.

(2) Commodities which are covered by (1) above but can be used for any purpose other than as scrap or waste and are sold for such other use, are not covered by this paragraph, but shall be priced in accordance with the applicable regulation governing the sale of such commodities.

8. Table E–VI of section 20 is deleted.

This amendment shall become effective August 22, 1945.

Issued this 17th day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-15218; Filed, Aug. 17, 1945; 4:51 p. m.]

PART 1346—BUILDING MATERIALS

[MPR 272, Amdt. 5]

CAST-IRON BOILERS AND CAST-IRON RADIATION

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.

Maximum Price Regulation No. 272 is amended in the following respects:

1. Section 1346.268 (a) (1) is amended to read as follows:

(1) *Functional discounts*—(i) *Cast-iron boilers.* The maximum prices for sales of cast-iron boilers by manufacturers shall be computed by applying the following discounts to the sheet prices set forth or referred to in paragraph (d) below:

Sales to jobbers or manufacturers	20% and 5%.
Sales to all others	Sheet prices.

There are some exceptions to these discounts with respect to certain manufacturers which are set forth in paragraph (e) (2) below.

(ii) *Cast-iron radiation.* The maximum prices for sales of cast-iron radiation by manufacturers shall be computed by applying the following discounts to the sheet prices set forth in Column I of paragraph (e) below:

Sales to jobbers or manufacturers	15% and 5%.
Sales to all others	Net prices set forth in Column II under paragraph (d).

(iii) *Manufacturers who maintain jobbing outlets.* Notwithstanding the provisions of (i) and (ii) above, the maximum prices for manufacturers who maintain jobbing outlets, as distinguished from manufacturers' warehouses, from which they sell to the trade and perform all the functions customarily performed by jobbers, shall be, on sales made from such jobbing outlets, governed by the provisions of paragraph (b) below, and shall not exceed the sheet prices for cast-iron boilers as set forth or referred to in paragraph (e) or the net prices for cast iron radiation as set forth in Column II under paragraph (d).

2. Section 1346.268 (b) (1) is amended to read as follows:

(1) *Listed items*—(i) *Cast-iron boilers.* The maximum prices for sales of cast-iron boilers by jobbers shall be the sheet prices set forth or referred to in paragraph (e) of this section: *Provided,* That the maximum prices for sales by jobbers of cast-iron boilers produced by Freed Heater and Manufacturing Company shall be the list prices plus 5%: *And Provided further,* That the maximum prices for sales by jobbers of cast-iron boilers produced by Pierce-Butler Radiator Corporation shall be the sheet prices of the particular boilers listed below less the discounts indicated:

Pierce Oil Burning Boilers—No. 01	Successive discounts of 5% and 35%.
Pierce Oil Burning Boilers—No. 02	
Pierce Oil Fifty Boilers	
Pierce Popular Boiler-Burner Unit	
Pierce Popular Water Boiler	
Pierce Eastwood Oil	
Pierce Stoker Boilers—No. A25	
Pierce Eastwood	Successive discounts of 5% and 32%.
Pierce American	
Pierce Gold Seal	
Pierce Pebco	

(ii) *Cast-iron radiation.* The maximum prices for sales of cast-iron radiation by jobbers shall be the net prices set forth in Column II under paragraph (d).

3. Section 1346.268 (c) (1) is amended to read as follows:

(1) *Listed items*—(i) *Cast-iron boilers.* Without limiting or altering the foregoing, no person shall sell cast-iron boilers to any person at prices higher than the sheet prices set forth or referred to in paragraph (e) except on an installed basis.

(ii) *Cast-iron radiation.* Without limiting or altering the foregoing no person shall sell cast-iron radiation at prices higher than the net prices set forth in Column II under paragraph (d) except on an installed basis.

4. Section 1346.268 (d) is amended to read as follows:

(d) *Sheet prices and net prices for cast-iron radiation*—(1) *Direct cast-iron radiation*—(i) *Large tube.*

Number of tubes	Height in inches	Column I Manufacturers sheet prices per sq. foot	Column II Resellers net prices per sq. foot
		Cents	*Cents*
3, 4, 5, or 6	36, 37, or 38	37½	37
3, 4, 5, or 6	30 or 32	36½	36
3, 4, 5, 6, or 7	26	60	59½
3, 4, 5, 6, or 7	22 or 23	42½	42
3, 4, 5, 6, or 7	20 or 21½	43½	43
3, 4, 5, 6, or 7	16½, 17, or 18½	44½	44
3, 4, 5, 6, or 7	13, 13½, 14, 15, or 15½	47½	47

(ii) *Small tube.*

Number of tubes	Height in inches	Column I Manufacturers sheet prices per sq. foot	Column II Resellers net prices per sq. foot
		Cents	*Cents*
3, 5, or 6	32 or 33	39	39
2, 3, 4, 5, or 6	25 or 26	41	40½
3, 4, 5, or 6	22 or 23	43½	43
3, 4, 5, or 6	19 or 20	44½	44
6	17	47½	45
5	17	46	45½
6	14	48	48

(2) *Direct cast-iron wall radiation.*

Size in square feet	Type	Column I Manufacturers sheet prices per sq. foot	Column II Resellers net prices per sq. foot
		Cents	*Cents*
11	A	41	40½
11	B	42	41
8	A	43½	43
8	B	44	44
6	A	46	45
Crane Co. Assembled Wall Radiation.	2 sq. ft. sections	44	44
	1½ sq. ft. sections	46	45
	3 sq. ft. 28"	43	43
Columbia Assembled Wall Radiation.	2½ sq. ft. 32"	46	45
	2 sq. ft. 26"	47	47
	1½ sq. ft. 20"	48	48

(3) *Direct cast-iron hospital radiation.*

Height in inches	Column I Manufacturers sheet prices per sq. foot	Column II Resellers net prices per sq. foot
	Cents	*Cents*
36, 37, or 38	44	44
30 or 32	44	44
26	46	45½
23	48	48
20	48	48

(4) *Other cast-iron radiation.*

Manufacturers	Style	Size of section in inches	Square foot per section	Column I Manufacturers sheet prices per sq. foot	Column II Resellers net prices per sq. foot
				Cents	*Cents*
American Radiator & Standard Sanitary Corp.	Sunrad	23 x 7⅛	3	48½	48
Do	Sunrad	20 x 5	2	48	48
Burnham Boiler Corp.	Radiant	23 x 7⅛	3⅜	48½	48
Do	Radiant	20 x 5	2¼	48½	48
Columbia Radiator Co.	Comfort panel	20 x 7½	3	46½	46
Do	Comfort panel	20 x 5	2¼⅛	46½	46
Richmond Radiator Co.	Richvar	20 x 7½	3	46½	46
Do	Richvar	20 x 5	2¼⅛	46½	46
United States Radiator Corp.	Sunray #6		2⅜	48½	48
Do	Sunray #5		1⅜	48½	48

This Amendment No. 5 shall become effective August 22, 1945.

Issued this 17th day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-15216; Filed, Aug. 17, 1945; 4:48 p. m.]

PART 1346—BUILDING MATERIALS

[RPS 45, Amdt. 6]

ASPHALT AND TARRED ROOFING PRODUCTS

A statement of the considerations involved in the issuance of this Amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.

Section 1346.59 is amended to read as follows:

§ 1346.59 *Application for adjustment*—(a) *Government contracts.* Any person who has entered into or proposes to enter into a Government contract or subcontract thereunder, who believes that a maximum price under this schedule impedes or threatens to impede the production, manufacture or distribution of asphalt and tarred roofing products may file an application for adjustment of a maximum price established by this schedule in accordance with Procedural Regulation No. 6, as amended.

(b) *Other adjustments.* The Office of Price Administration, or any duly authorized representative thereof, may adjust maximum prices for asphalt or tarred roofing products established under this schedule as hereinafter provided.

(1) *Who may apply.* Any manufacturer of asphalt or tarred roofing products may file an application for adjustment of his maximum price in accordance with Revised Procedural Regulation No. 1, issued by the Office of Price Administration where his supply of asphalt or tarred roofing products could not be replaced if he discontinued production.

Before filing an application for adjustment under the provisions of this paragraph (b), each applicant shall obtain from the Office of Price Administration, Building Materials Price Branch, Washington 25, D. C., a statement of the specific information that will be necessary in order that the application may receive attention.

(2) *Extent of adjustment to be granted.* The adjustment will not be greater than the following:

(i) An amount sufficient to make the adjusted price equal to manufacturing cost plus packing cost, and shipping cost where delivered prices are quoted or freight is allowed or equalized, where the applicant's current over-all earnings on an annual basis represent an increase of 15 percent or more over his average annual over-all earnings for the base period years 1936–1939, inclusive, adjusted for changes in net worth.

(ii) An amount sufficient to make the adjusted price equal to total cost, where the applicant's current over-all earnings on an annual basis do not exceed by 15 percent, but are not appreciably less than his average over-all earnings during the base period years 1936–1939, inclusive, adjusted for changes in net worth. In no event, however, shall such adjustment exceed the amount permitted under (i) to the extent that such adjustment will result in current over-all earnings which exceed base period over-all earnings by 15 percent or more.

(iii) An amount sufficient to make the adjusted price equal to total cost plus a reasonable net profit on the article or line where the applicant's over-all earnings on an annual basis are appreciably less than his average over-all earnings during the base period years 1936–1939, inclusive, adjusted for changes in net worth. In no event, however, shall such adjustment exceed the amount permitted under (i) to the extent that such adjustment will result in current over-all earnings which exceed base period over-all earnings by 15 percent or more.

(iv) If the applicant produces the commodity in a line or a series of sizes, types or models, and if it is not practicable to determine the manufacturing cost or total cost, as the case may be, of each size, type or model, a uniform adjustment may be made for the entire line or series. However, any such adjustment for a line or series shall be subject to the limitations in subdivisions (i) to (iii), inclusive, above.

(d) *Meaning of terms used.* The term "manufacturing cost" means the total of direct materials, direct labor, and manufacturing expenses or factory overhead, applicable to the particular asphalt or tarred roofing products.

The term "total cost" means the total of manufacturing cost and reasonable general, administrative, and selling expenses applicable to the article, excluding income and excess profits taxes.

The term "over-all earnings" means net profits before income and excess profits taxes experienced on the company's entire operations.

Whenever the applicant is currently operating at a level substantially lower than his normal volume, the overhead items included in "manufacturing cost" and "total cost" will be adjusted to reasonable levels based upon a normal rate of operations.

In evaluating costs, the Office of Price Administration will determine whether they are based on a representative period of continuous normal production.

Depreciation included in cost shall be at normal rates which do not exceed those approved by the Bureau of Internal Revenue. Expenses not related to the manufacture and sale of the asphalt or tarred roofing product will be excluded.

In cases where the company was not in business during 1936–1939 and in extremely unusual cases where the period 1936–1939 cannot be considered a representative peacetime period, the Office of Price Administration may make an exception to the use of this base period.

(e) *Adjustment in resale price.* Any order granting an adjustment in the manufacturer's price may also adjust the maximum price of any person who resells the asphalt or tarred roofing product in the same form, to the extent deemed necessary in the judgment of the Price Administrator or his duly authorized representative. To the extent that such an adjustment may be made, this Section supersedes the appropriate provisions of the General Maximum Price Regulation.

This Amendment No. 6 shall become effective August 22, 1945.

Issued this 17th day of August 1945.

CHESTER BOWLES,
Administrator.

For the reasons set forth in the accompanying statement of considerations and by virtue of the authority vested in me by the Emergency Price Control Act of 1942, as amended, and Executive Orders Nos. 9250 and 9328, I find that the issuance of this Amendment to Revised Price Schedule No. 45, as amended, is necessary to aid in the effective prosecution of the war.

WILLIAM H. DAVIS,
Economic Stabilization Director.

[F. R. Doc. 45-15210; Filed, Aug. 17, 1945; 4:49 p. m.]

PART 1347—PAPER, PAPER PRODUCTS, RAW MATERIALS FOR PAPER AND PAPER PRODUCTS, PRINTING AND PUBLISHING

[MPR 182,[1] Amdt. 12]

KRAFT WRAPPING PAPERS AND CERTAIN BAG PAPERS AND CERTAIN BAGS

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.

[1] 7 F.R. 5712, 6048, 7974, 8997, 9724, 10811; 8 F.R. 4252, 4180, 7196, 10761, 13109; 9 F.R. 898, 14288.

Maximum Price Regulation 182 is amended in the following respects:

1. Section 1347.301 (a) is amended by adding a new subparagraph (2) to read as follows:

(2) *Manufacturers' f. o. b. mill sales to the Armed Forces.* On carload contract sales to the Armed Forces (Army, Navy, Marine Corps and Coast Guard) manufacturers' maximum prices for Kraft wrapping papers and Kraft bag papers listed in this paragraph (a) shall be made f. o. b. mill with no freight allowed. Maximum prices on such sales, for delivery in all zones, shall be determined by deducting 50¢ per cwt. from the maximum base prices listed in paragraph (a).

2. Section 1347.315 (b) is amended by adding a new subparagraph (2) to read as follows:

(2) *Manufacturers' f. o. b. mill sales to the Armed Forces.* On carload contract sales to the Armed Forces (Army, Navy, Marine Corps and Coast Guard) manufacturers' maximum prices for standard grocers and variety bags listed in this paragraph (b) shall be made f. o. b. mill with no freight allowed. Maximum prices on such sales, for delivery in all zones, shall be determined by deducting one extra 5% in addition to the basic discounts specified in paragraph (b).

This amendment shall become effective August 22, 1945.

Issued this 17th day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-15217; Filed, Aug. 17, 1945; 4:49 p. m.]

PART 1382—HARDWOOD LUMBER

[RMPR 97,[1] Incl. Amdts. 1–19]

SOUTHERN HARDWOOD LUMBER

This compilation of Revised Maximum Price Regulation 97 includes Amendment 19, effective August 22, 1945. The text added or amended by Amendment 19 is underscored. The section added is indicated by note.

In the judgment of the Price Administrator, the prices of Southern hardwood lumber have risen to an extent and in a manner inconsistent with the purposes of the Emergency Price Control Act of 1942. The Price Administrator has ascertained and given due consideration to the prices of Southern hardwood lumber prevailing between October 1 and October 15, 1941, and has made adjustments for such relevant factors as he has determined and deemed to be of general applicability. So far as practicable, the Price Administrator has advised and consulted with representative members of the industry which will be affected by this regulation.

In the judgment of the Price Administrator, the maximum prices established by this regulation are and will be generally fair and equitable and will effectuate the purposes of said act. A statement of the considerations involved in the issuance of this regulation has been issued simultaneously herewith and has been filed with the Division of the Federal Register.[2]

Such specifications and standards as are used in this regulation were, prior to such use, in general use in the trade or industry affected.

[Preamble amended by Supplementary Order 61, 8 F.R. 12552, effective 9–11–43]

Therefore, under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942 as amended, and Executive Order No. 9250, Revised Maximum Price Regulation No. 97—Southern Hardwood Lumber, is hereby issued.

Sec.

1382.101 Sales of Southern hardwood lumber at higher than maximum prices prohibited.
1382.102 To what transactions, products, and persons this regulation applies.
1382.103 How to figure delivered prices; and mixed car charges.
1382.104 What the invoice must contain.
1382.105 Prohibited practices.
1382.106 Grades, specifications and extras not specifically priced.
1382.107 Petitions for adjustment and amendment.
1382.108 Records and reports.
1382.109 Enforcement and licensing.
1382.110 Relation to other regulations.
1382.111 Effective date.
1382.112 Appendix A: Maximum prices for Southern hardwood lumber in standard or near-standard grades.
1382.113 Appendix B: Maximum prices for hardwood lumber sold by "small mills".
1382.114 Appendix C: Description of Southern hardwood area.
1382.115 Appendix D: Maximum prices for yellow cypress in standard or near standard grades.

AUTHORITY: §§ 1382.101 to 1382.115, inclusive, issued under 56 Stat. 23, 765; 57 Stat. 566, Pub. Law 383, 78th Cong.; Pub. Law 108, 78th Cong.; E.O. 9250, 7 F.R. 7871 and E.O. 9328, 8 F.R. 4681.

§ 1382.101 *Sales of Southern hardwood lumber at higher than maximum prices prohibited.* (a) On and after January 7, 1943, regardless of any contract or other obligation, no person shall sell or deliver, and no person shall buy or receive in the course of trade or business, any southern hardwood lumber for direct-mill shipment at prices higher than the maximum prices fixed by this regulation, and no person shall agree, offer or attempt to do any of these things. The maximum f. o. b. mill prices are set forth in Appendices A, B and D.

[Paragraph (a) amended by Am. 19, effective 8–22–45]

(b) [Revoked]

[§ 1382.101 amended by Am. 5, 8 F.R. 8860, effective 7–2–43 and Am. 8, 8 F.R. 11690, effective 8–21–43. Original paragraph (b) revoked and former (c) redesignated (b) by Am. 9, 8 F.R. 13278, effective 10–11–43; and amended by Am. 16, 10 F.R. 1739, effective 2–9–45; revoked by Am. 18, 10 F.R. 4658, effective 5–1–45]

§ 1382.102 *To what transactions, products, and persons this regulation applies*—(a) *What transactions are covered*—(1) *Direct-mill shipments.* This ceiling applies to all shipments originating at a mill, no matter who the seller is, and no matter whether he usually is known as a mill, wholesaler, retailer or anything else. It does not apply to sales out of distribution yard stock. A shipment is regarded as originating at a mill if the lumber reaches the purchaser without ever becoming an integral part of the stock of a distribution yard. A sale is considered a sale out of distribution yard stock only if the lumber was a part of regular yard stock at the time the sale was made.

(2) *How to tell a mill from a distribution yard*—(i) *General tests.* The term "mill", as used here, covers what are known in the trade as sawmills, planing mills and concentration yards. Three types of establishments are described below: the first, (*a*), a typical sawmill or planing mill; the second, (*b*), a typical concentration yard; and the third, (*c*), a typical distribution yard. An establishment which resembles a typical sawmill or planing mill or a typical concentration yard more than it does a typical distribution yard is considered a mill; and one which resembles a typical distribution yard more than it does a typical sawmill or planing mill or a typical concentration yard is considered a distribution yard.

(*a*) A "typical sawmill or planing mill" is an establishment which is chiefly engaged in manufacturing lumber from logs or rough lumber by sawing or planing; which is located in or near a lumber producing area; which makes and sells chiefly Southern hardwood or softwood lumber.

(*b*) A "typical concentration yard" is an establishment which concentrates and prepares lumber for commercial shipment; which keeps in stock mostly Southern hardwood lumber; which has its lumber brought in chiefly in rough green form by truck from small local sawmills and sells chiefly for rail shipment; and which has been located at its particular site to be near the lumber producing area.

(*c*) A "typical distribution yard" is a wholesale or retail lumber yard which gets lumber from mills or other yards; unloads, sorts, stores, and resells or redistributes it; which regularly maintains a varied stock of lumber from different regions; which gets its lumber mostly by rail and sells mostly for truck shipment; which is equipped to make quick deliveries of many different items of lumber; and which has been located at its particular site in order to be near a lumber consuming area.

(ii) *New yards.* In order to prevent violation of this regulation by unnecessarily routing through yards, the Office of Price Administration will not recognize distribution yards set up after January 1, 1943, unless the new yard writes to the Office of Price Administration, Washington, D. C., and proves that it satisfies the requirements of the definition and that the purpose is not to get around this regulation by means of unnecessary yard business. Until approval is received, the new yard cannot consider itself a distribution yard for the purpose of this regulation.

(iii) *Retail type sales excepted.* A "retail type" direct-mill sale is not subject to this regulation. A "retail type" direct-mill sale means a sale of not more than 2,000 feet of lumber in which the purchaser requests delivery to a point not more than 20 miles from the mill at which the shipment originates. It includes only sales of lumber to contractors or consumers for use in construction, remodeling, repair, maintenance, fabrication, or remanufacture, and it does not include sales for resale in substantially the same form.

(b) *What products are covered.* (1) This regulation covers all Southern hardwood lumber, including yellow cypress as provided in subparagraph (2) immediately following this subparagraph, whether the grades, sizes and specifications are specifically named in the price tables in Appendices A, B and D or not. All grade terms have the meaning given in "Rules for the Measurement and Inspection of Hardwood Lumber" issued by the National Hardwood Lumber Association, effective January 1, 1943.

(2) (i). This regulation covers all lumber produced from the following botanical species, and processed into lumber at mills located in the Southern hardwood region: Sap sweet gum and red sweet gum (Liquidambar styraciflua), tupelo (Nyssa aquatica), black gum (Nyssa sylvatica), tough ash (Fraxinus americana), yellow popular (Liriodendron tulipifera), beech (Fagus americana), sycamore (Platanus occidentalis), soft maple (Acer rubrum); and the botanical species included in the genera of red oak and white oak (Quercus), magnolia (Magnolia), elm (Ulmus), cottonwood (Populus), willow (Salix), hackberry (Celtis), hickory (Hicoria), basswood (Tilia), ash (Fraxinus), and all other hardwood species.

(ii) This regulation also covers under the designations of "yellow cypress lumber" or "yellow cypress" all items of cypress lumber of any species of cypress other than tidewater red cypress (tidewater red cypress is subject to Maximum Price Regulation 412[1]) produced anywhere in the United States of America except as provided in subdivision (iii) below, whether or not the item is specifically priced in the price tables. Except where otherwise indicated, the term "yellow cypress lumber" or "yellow cypress" is included within the meaning of the terms "Southern hardwood lumber" or "hardwood lumber" as used in this regulation.

(iii) Yellow cypress lumber sold ungraded by duly authorized small mills as defined and provided for in § 1382.113 of this regulation, and which are located in the Southern hardwood lumber region, shall be sold subject to the provisions of said § 1382.113.

If the hardwood lumber regulation applicable to a region other than the Southern hardwood lumber region contains a classification of small mills which are permitted to sell hardwood lumber ungraded, such small mills located in that region shall sell "ungraded" yellow cypress lumber subject to the provisions of such hardwood lumber regulation applicable to that region.

Yellow cypress lumber sold on National Hardwood Lumber Association inspection or on authorized buyer's inspection by small mills duly authorized either by this regulation or any other hardwood lumber regulation to sell hardwood lumber in this manner, shall be sold subject to the provisions of § 1382.113 of this regulation. Such small mills in the Southern hardwood region desiring to sell hardwood lumber on National Hardwood Lumber Association inspection or on authorized buyer's inspection must be authorized to do so under the provisions of this regulation. Small mills in any other hardwood lumber region shall be permitted to sell yellow cypress lumber on authorized buyer's inspection only if they are duly authorized to sell hardwood lumber on authorized buyer's inspection under the provisions of the hardwood lumber regulation applicable to that region.

[Subparagraphs (1) and (2) amended by Am. 19, effective 8–22–45]

(3) The Southern hardwood area is described by exact boundary lines in Appendix C.

(4) *Items not covered by this regulation.* Specifically but not exclusively this regulation does not cover glued stock, risers, step treads, thresholds, hand rails, flooring, switch ties, cross ties, mine ties, mine material, navy oak ship stock (see Maximum Price Regulation 281),[2] and small dimension stock.

Mouldings and lath, when produced from any hardwood lumber other than yellow cypress are, likewise, not covered by this regulation. Mouldings and lath produced from yellow cypress are specifically priced in Section 1382.115 of this regulation.

[Subparagraph (4) amended by Am. 19, effective 8–22–45]

[Paragraph (b) amended by Am. 5, 8 F.R. 8860, effective 7–2–43]

(c) *What persons are covered.* Any person who makes the kind of sale or purchase covered by this regulation is subject to it. The term "person" includes: an individual, corporation, partnership, association, or any other organized group; their legal successors or representatives; the United States, or any government, or any of its political subdivisions; or any agency of any of the foregoing.

§ 1382.103 *How to figure delivered prices; and mixed car charges*—(a) *Transportation addition.* The transportation charges set forth below may be added to the maximum f. o. b. mill prices set forth in Appendices A and D, and § 1382.113 (b) of Appendix B.

[Above paragraph amended by Am. 19, effective 8–22–45]

(1) *Common or contract carrier.* When shipment is by common or contract carrier, the following rules govern:

(i) When estimated weights are used, the rate times the estimated weight is the proper transportation charge.

For Southern hardwood lumber, other than yellow cypress, estimated weights may be used only if they have been filed with the Office of Price Administration, Washington, D. C. The weights must be the weights used by the seller during the period October 1 to October 15, 1941. The estimated weight must be the weight for the exact kind of lumber actually shipped; for example, green weights may not be used if dry lumber is shipped. The transportation charge may be evened out to the nearest quarter dollar per thousand feet board measure.

For yellow cypress, the estimated weights in the table in § 1382.115 (b) shall be used.

[Subparagraph (i) amended by Am. 19, effective 8–22–45]

(ii) When estimated weights are not used, the amount added for transportation must not be more than the amount actually paid to the common or contract carrier, evened out to the nearest quarter-dollar per M.

(2) *Private truck.* When shipment is by truck owned or controlled by the seller, the amount added for transportation may not be more than the actual cost to the seller of delivery by truck; and, no matter what the actual cost is, the amount added may not be more than the railroad charge at the carload rate for the most similar haul. However, if this railroad charge is less than $1.50, and if the actual cost of delivery is more than $1.50, a transportation charge of $1.50 may be made.

(3) *Trucking to railhead.* When a truck haul precedes rail shipment, as when a mill located away from a railhead hauls lumber by truck to the railhead, no addition may be made for the truck haul. However, in the following two cases a mill may apply for special permission to make an addition:

[Subparagraph (3) amended by Am. 11, 8 F.R. 17375, effective 1–4–44]

(i) Where the mill was located away from rail connections because it specialized in water-borne lumber, and where shortage of shipping has forced it to operate by rail;

[Subparagraph (ii) revoked and former (iii) redesignated (ii) by Am. 9, 8 F.R. 13728, effective 10–11–43]

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[1] 9 F.R. 5223.

[2] Statements of considerations are also issued simultaneously with amendments. Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 10290, 8 F.R. 2107, 8678, 17415.

(ii) Where a mill's rail connection has been abandoned since September 5, 1941.

The application should be made by letter to the Lumber Branch of the Office of Price Administration, Washington, D. C. The addition may not be made on quotations or sales until permission has been received.

(4) *Truck delivery after rail haul.* When truck delivery follows a rail haul, the actual cost of truck delivery may be added.

(5) *All-truck haul.* When an all-truck haul ends in delivery to the job site, no special addition may be made above the charges provided in subparagraphs (1) and (2) of this paragraph, since in this case delivery to the job site involves no extra expense.

(b) *Mixed cars.* The following additions per M may be made where the purchaser (or purchasers, in the case of a pool car) orders an item consisting of one species, thickness and grade, in the following quantities:

Quantity ordered:	Addition per M
3,000 to 4,000 ft.	$1.00
2,000 to 2,999 ft.	2.00
1,000 to 1,999 ft.	2.50
999 ft. and less	3.00

§ 1382.104 *What the invoice must contain*—(a) *General.* Because of the large number of possible additions to the basic f. o. b. mill prices, it is necessary that some of them be separately shown on the invoice. Otherwise the purchaser and the Office of Price Administration could not tell in many cases whether a price which appeared to be above the ceiling was proper or not.

Failure to invoice properly is just as much a violation of this regulation as charging an excessive price.

(b) *Basic price.* All invoices must contain a sufficiently complete description of the lumber to show whether the price is proper or not. Any working, specification, quantity, or extra which affects the maximum price must be mentioned in the description. The amount added for these does not have to be separately shown, except in a few special cases which are specifically mentioned later.

(c) *Transportation charges.* In delivered sales, the invoice must contain the:

(1) Point of origin of shipment,

(2) Destination,

(3) Rail or truck rate (or, if shipment is by private truck, the amount added for transportation),

(4) The words "Direct-Mill Shipment."

(d) *Delivery, and custom kiln-drying and milling charges.* Any separate charge which the seller is permitted to make for the following must be separately shown on the invoice;

(1) Truck delivery after rail haul;

(2) Custom kiln-drying or milling: the invoice of the custom kiln or milling establishment must be attached to the lumber invoice of the seller.

[Paragraph (d) amended by Am. 4, 8 F.R. 5479, effective 4-29-43]

§ 1382.105 *Prohibited practices*—(a) *General.* Any practice which is a device to get the effect of a higher-than-ceiling price without actually raising the price is as much a violation of this regulation as an outright over-ceiling price. This applies to devices making use of commissions, services, transportation arrangements, premiums, special privileges, tying-in agreements, trade understandings and the like.

(b) *Specific practices.* The following are among the specific practices prohibited:

(1) Getting the effect of a higher price by changing credit practices from what they were in October 1941. This includes decreasing credit periods, or making greater charges for extension of credit. In any case, on sales made through the Office of the Chief of Engineers, War Department, terms of 30 days net may be used. In all cases, if the sale is on cash terms, the maximum price must be reduced by the same amount as the sale price would have been reduced for similar cash terms on October 1, 1941. For example, if the maximum price without cash discount is $40.00, and if in sales of this item on October 1, 1941 to purchasers of a certain class, the seller reduced sales prices 2 per cent for cash within 10 days, the ceiling cash price in sales to purchasers of this class is $39.20.

(2) Refusing, without good reason, to ship except in small quantities, or in specified or restricted random lengths, or under other circumstances which bring the seller an extra return.

(3) Refusing, without good reason, to ship lumber in standard grades and in grade-rule range widths and lengths.

(4) Grading as a special grade lumber which normally is graded by the seller as a standard grade; or wrongly grading or invoicing lumber in any other way.

(5) Refusing to sell on an f. o. b. mill basis, and insisting on selling on a delivered basis.

(6) Unnecessarily routing lumber through a distribution yard.

(7) Quoting a gross price above the maximum price, even if accompanied by a discount, the effect of which is to bring the net price below the maximum.

(8) Selling graded hardwood lumber at an average price.

(9) Selling hardwood lumber priced on an ungraded basis, or priced on grade solely on the basis of buyer's inspection as delivered, except as provided in § 1382.113.

[Subparagraphs (8) and (9) added by Am. 14, 10 F.R. 595, effective 1-18-45]

(10) Making any of the additions contained in the footnotes to the tables in § 1382.115 to the prices of the various items set forth in the tables unless the purchaser's order expressly requires the working, grade, condition, size or length for which the additions are permitted.

[Subparagraph (10) added by Am. 19, effective 8-22-45]

(c) *Waiver of moisture content.* Under this regulation lumber is either green, partially dry, or dry. If it does not actually meet this regulation's moisture-content requirements for dry lumber, it cannot be sold at the dry price, even if the moisture requirement is waived.

(d) *Purchasing Commissions.* It is unlawful for any person to charge, receive or pay a commission for the service of procuring (including buying, selling, or locating lumber, or for any related service such as "expediting") which does not involve actual physical handling of lumber, if the commission plus the purchase price results in a total payment by the buyer of lumber which is higher than the maximum price of the lumber. For purposes of this regulation, a commission is any compensation, however designated, which is paid for the procurement of lumber. This prohibition has no application to the case of a bona fide employer-employee relationship where the employee serves only one employer, insofar as lumber procurement is concerned, and where the compensation paid by the employer is a fixed salary and is not based directly or indirectly on the quantity, price or value of the lumber in connection with which the service is rendered.

[Paragraph (d) amended by Supplementary Order 37, 8 F.R. 2192, effective 2-23-43; and Supplementary Order 77, 8 F.R. 14310, effective 10-26-43]

(e) *Combination grades.* Graded hardwood lumber sold on combination (special inspection) grades for which no maximum prices have been established in this regulation, such as No. 1 Common and Better, Log Run (full run of the logs, excluding all grades below No. 2 Common), and Mill Run (full run of the logs, No. 3 Common and Better) may not be sold at above the maximum price for the lowest grade included in the combination grade. For example, the maximum price for Log Run (No. 2 Common and Better) is that established for No. 2 Common for the species sold.

Of course, the different grades included can be quoted and invoiced separately on the individual footage and price for those grades.

[Paragraph (e) amended by Am. 14 10 F.R. 595, effective 1-18-45]

(f) *Adjustable pricing.* Any person may agree to sell at a price which can be increased up to the maximum price in effect at the time of shipment; but no person may, unless authorized by the Office of Price Administration, deliver or agree to deliver at prices to be adjusted upward in accordance with action taken by the Office of Price Administration after shipment. Such authorization may be given when a request for a change in the applicable maximum price is pending, but only if the authorization is necessary to promote distribution or production and if it will not interfere with the purposes of the Emergency Price Control Act of 1942, as amended. The authorization may be given by the Administrator or by any official of the Office of Price Administration having authority to act upon the pending request for a change in price or to give the authorization.

The authorization will be given by order, except that it may be given by letter or telegram when the contemplated revision will be the granting of an individual application for adjustment.

[Paragraph (f) amended by Supplementary Order 50, 8 F.R. 10568, effective 7-27-43 and Am. 1 thereto, 8 F.R. 14310, effective 10-20-43]

§ 1382.106 *Grades, specifications and extras not specifically priced.* (a) Southern hardwood lumber, sold on special grades or specifications or with special services or other extras not specifically mentioned in Appendices A, B and D are nevertheless subject to this regulation. The maximum price is a price which bears the October 1941 relation to the most comparable standard item. The chaser or prospective purchaser to the most comparable standard item. The seller should find his price difference between the special item and this most comparable standard item in October 1941 or the first month before that in which he had sales of both items, or if this is impossible, the price differential he would have used. This difference is then added to or subtracted from the maximum price of the comparable standard grade, and the result is the maximum price for the special grade. This price must be reported to the Office of Price Administration, Washington, D. C., on OPA Form 197:3, given in paragraph (c) below. It may be ordered reduced, if it is found excessive. But if the price is not disapproved within 30 days of the receipt of the report, it is approved. Applications for approval of maximum prices for special grades and items under this section will be considered only when accompanied by (1) a true copy of the order or of customer's inquiry on the basis of which the application has been submitted; and (2) a statement certified to be true by the purchaser or prospective purchaser to the effect that none of the grades specifically priced in the regulation will serve the purpose for which the stock is intended to be used, which purpose is to be stated; that it has been his custom to purchase lumber on such special specifications. Approval of the price will be conditional on a finding that the purpose for which the special grade item is to be used is classified by the WPB as essential to the war effort. Prices, when approved, for such special grades or items will be based on the price differential previously established between the particular special item requirement and the related grade rule specification.

[Paragraph (a) amended by Am. 5, 8 F.R. 8860, effective 7-2-43; Am. 9, 8 F.R. 13728, effective 10-11-43 and Am. 19, effective 8-22-45]

(b) A seller using this pricing section can go ahead with delivery of the lumber and collection of the price he has computed or requested. But he must tell the buyer that the price is subject to revision within the thirty-day period, and, if the price is ordered reduced, must refund any excess over the final approved price.

(c) OPA Form 197:3 is as follows:

OFFICE OF PRICE ADMINISTRATION

LUMBER BRANCH

Hardwood Section

Report of Sales of Southern Hardwood Lumber in Special Items or Special Grades (other than Combination Grades), or Prepared with Special Workings, Treatments or Services.

Company_____

Address_____

Mill location_____

Sales of special stocks of lumber

(As defined in § 1382.106 of Revised Maximum Price Regulation No. 97)

This report must be filed with the Lumber Branch of the Office of Price Administration, Washington, D. C., within 30 days of the date on which the producing mill enters into a contract for the sale of Southern hardwood lumber in a special item or special grade (other than a combination grade) or prepared with a special working, treatment, or service.

Date of order_____

Origin of shipment_____

Order No._____

Destination of shipment_____

Purchaser_____

(Name and address)

F. o. b. Mill Price_____

(Including discounts or commissions, if any)

_____ (Species) _____ (Thickness) _____ (Widths) _____ (Lengths)

_____

(Designation of grade, item, working, treatment or service)

Differential in relation to most comparable standard grade or item which was employed or would have been employed during October 1-15, 1941_____

Most comparable standard grade or item to which differential is applied_____

Complete description of special grade, item, working, treatment, or service (including a statement whether the lumber is rough or machined and is air dried, kiln dried, or green)_____

Detailed explanation of how maximum price was computed or built up_____

_____ (Name) _____ (Office or title)

(d) [Revoked]

[Paragraph (d) revoked by Am. 18, 10 F.R. 4658, effective 5-1-45]

§ 1382.107 *Petitions for adjustment and amendment*—(a) *Government contracts.* See Procedural Regulation No. 6 [4] for adjustment provisions on certain government contracts or subcontracts.

[Paragraph (a) amended by Supplementary Order 83, 9 F.R. 973, effective 2-1-44]

(b) *Petitions for amendment.* Any person seeking an amendment of any provision of this Revised Maximum Price Regulation 97 may file a petition for amendment in accordance with the provisions of Revised Procedural Regulation No. 1.[5]

[Paragraph (b) amended by Supplementary Order 26, 8 F.R. 8648, effective 11-4-42]

(c) In treating with petitions for amendment or adjustment, consideration will not be given to log and bolt costs which are higher than the applicable maximum purchase prices for logs and bolts established in Revised Maximum Price Regulation 161 [6]—West Coast Logs, or Maximum Price Regulation 313 [7]—Prime Grade Hardwood Logs and 348 [8]—Logs and Bolts, or any revision or amendment of these regulations. This rule shall be followed regardless of whether the petitioner gets logs and bolts by purchasing them, logging his own standing timber, contracting for the logging of his own timber, or any other means. All petitions in any way based on the cost of logs or bolts must show the actual cost to the petitioner of logs and bolts received at his plant during the three months immediately prior to filing the petition, and the cost which would have been incurred by the petitioner if all of these logs and bolts had been purchased by him at ceiling prices. To figure these ceiling prices the petitioner should refer to the regulation which fixes the maximum prices for purchases and sales of the kinds of logs and bolts received at his plant.

[Paragraph (c) added by Supplementary Order 47, 8 F.R. 5808, effective 5-8-43]

§ 1382.108 *Records and reports*—(a) *Records.* All sellers of Southern hardwood lumber must keep records which will show a complete description of the item of lumber sold, the name and address of the buyer, the date of the sale and the price. Buyers must keep similar records, including the name and address of the seller. These records must be kept for any month in which the seller or buyer sold or bought $500.00 worth or more of Southern hardwood lumber. They must be kept for two years, for inspection by the Office of Price Administration. Any records which the Office of Price Administration later requires must also be kept.

(b) *Reports.* Any reports that the Office of Price Administration requires must be submitted.

§ 1382.109 *Enforcement and licensing.* (a) Persons violating any provision of this regulation are subject to the criminal penalties, civil enforcement actions, suits for treble damages, and proceedings for revocation of licenses provided for by the Emergency Price Control Act of 1942.

(b) Persons who have evidence of any violation of this regulation or of any other regulation or order issued by the Office of Price Administration are urged to communicate with the nearest field, state, or regional office of the Office of Price Administration or its principal office in Washington, D. C.

(c) War procurement agencies and their contracting or paying finance officers are not subject to any liability, civil or criminal, imposed by this regulation. "War procurement agencies" include the War Department, the Navy Department, the United States Maritime Commission and the Lend-Lease Section in the Procurement Division of the Treasury Department, or any of their agencies.

(d) *Licensing.* The provisions of Licensing Order No. 1 [9] licensing all persons who make sales under price control, are applicable to all sellers subject to this regulation or schedule. A seller's license may be suspended for violations of the license or of one or more applicable price schedules or regulations. A person whose license is suspended may not, during the period of suspension, make any sale for which his license has been suspended.

[Paragraph (d) amended by Supplementary Order 72, 8 F.R. 13244, effective 10-1-43]

[4] 9 F.R. 10628; 10 F.R. 1382.

[5] 9 F.R. 10476, 13715.

[6] 9 F.R. 9668, 10644, 13846, 14059; 10 F.R. 924, 2973.

[7] 9 F.R. 14836; 10 F.R. 622, 8362.

[8] 9 F.R. 5232.

[9] 8 F.R. 13240.

§ 1382.110 *Relation to other regulations—(a) General Maximum Price Regulation.*[9] Any sale or delivery covered by Revised Maximum Price Regulation 97 is not subject to the General Maximum Price Regulation.

(b) *Revised Maximum Export Price Regulation.*[11] The maximum price for export sales of Southern hardwood lumber is governed by the Revised Maximum Export Price Regulation.

§ 1382.111 *Effective date.* (a) This regulation (§§ 1382.101 to 1382.113, inclusive) shall become effective January 7, 1943

(b) If lumber has been received before January 7, 1943, by a carrier, other than one owned or controlled by the seller, for shipment to a buyer, that shipment is not subject to this regulation. It remains subject to the terms of any regulation, whether the General Maximum Price Regulation or earlier version of this regulation, which covered it at the time the lumber was turned over

[RMPR 97 originally issued January 1, 1943]

to the carrier.

[Effective dates of amendments are shown in notes following the parts affected]

§ 1382.112 *Appendix A: Maximum prices for Southern hardwood lumber, except yellow cypress, in standard or near-standard grades—(a) Application of Appendix A.* Appendix A applies to all Southern hardwood lumber of the species and grades named, when sold on grade-rule-range widths and lengths, or widths and lengths substantially the same as grade-rule-range widths and lengths, or on specified average widths or specified average lengths which are substantially run-of-the-log.

NOTE: None of the provisions of this Appendix A applies to yellow cypress. Maximum prices for yellow cypress are contained in § 1382.115, Appendix D.

[Section heading amended and above note added by Am. 19, effective 8-22-45]

(b) *Basic maximum prices.* The maximum f. o. b. mill price for 1,000 feet of Southern hardwood lumber in a rough air-dried condition shall be as follows:

(1) TOUGH ASH

Thickness (inch)	FAS	No. 1 Common and Selects or No. 1 Common	No. 2 Common	No. 3 Common
1	$83.50	$50.50	$36.00	$22.50
1¼	89.00	56.00	37.00	23.50
1½	97.00	67.00	38.00	23.50
2	105.50	78.00	39.00	24.50
2½	122.00	83.50	40.00	
3	133.00	91.50	42.00	

[Subparagraph (1) amended by Am. 18, 10 F.R. 4658, effective 5-1-45]

(i) *Tough ash specialty establishments.* Where tough ash lumber is shipped to the purchaser out of the stocks of a tough ash specialty establishment, rather than directly from the mill which produced the lumber from the log, the following additions may be made to the prices set out above:

(*a*) FAS	$15 per 1,000 ft.
No. 1 Common and Selects or No. 1 Common	$10 per 1,000 ft.
No. 2 Common	$5 per 1,000 ft.

(*b*) STANDARD SPECIAL WIDTHS AND LENGTHS—TOUGH ASH [SEE NOTES UNDER THIS TABLE FOR CONDITIONS UNDER WHICH THESE ADDITIONS ARE PERMITTED]

Width and/or length	Grade	Maximum additions to Maximum prices established in § 1382.112 for tough ash lumber in corresponding standard grades and same thicknesses
10′ and longer	No. 1 Common and Better	$5.00
12′ and longer	No. 1 Common and Better	10.00
14′ and 16′ or all one length 10′ to 14′	No. 1 Common and Better	15.00
A combination of 2 lengths in the range 8′ to 16′ except the combination of 14′ and 16′	No. 1 Common and Better	10.00
A combination of 3 lengths in the range 8′ to 16′ except the combination of 12′, 14′ and 16′	No. 1 Common and Better	5.00
All 8′	No. 1 Common and Better	10.00
All 16′	No. 1 Common and Better	20.00
5″ or 6″ and wider, standard lengths	No. 1 Common and Selects or No. 1 Common; No. 2 Common; No. 3 Common.	2.00
7″ and wider, standard lengths	No. 1 Common and Better	10.00
8″ and wider, standard lengths	No. 1 Common and Better	15.00
9″ and wider, standard lengths	No. 1 Common and Better	20.00
10″ and wider, standard lengths	No. 1 Common and Better	25.00
11″ and wider, standard lengths	No. 1 Common and Better	30.00
12″ and wider, standard lengths	No. 1 Common and Better	35.00
13″ and wider, standard lengths	No. 1 Common and Better	40.00
14″ and wider, standard lengths	No. 1 Common and Better	45.00

The additions provided for in this subdivision (*b*) shall be permitted only on the following conditions:

1. The purchaser's original inquiry or order covering the lumber desired must specifically state the "special" widths and/or lengths required. This original inquiry or order must be made a part of the seller's order file covering the particular transaction. This order file must also contain whatever correspondence passed between the purchaser and the seller in the particular transaction, together with a copy of the order as finally entered. In other words, this order file must show that the purchaser has not accepted lumber of specifications other than originally desired and that the seller is not in violation of any of the provisions of § 1382.105—Prohibited Practices—of this regulation.

2. A shipment of any "special" item, the price for which includes any addition provided for in this subdivision, must contain no other stock of the same species, grade, and thickness, and each special item must be invoiced at only one price. According to the National Hardwood Lumber Association Rules for the Measurement and Inspection of Hardwood Lumber, all width and length specifications are inclusive.

(See examples under notes following tables in § 1382.112 (i) (1) and (2))

Additions and adjustments. The provisions of paragraphs (d), (e), (f), (g) and (h) of this section relating to deduction for green, addition for kiln drying, mill working, miscellaneous additions, and custom kiln-drying and milling are applicable to the price schedules set forth in this subdivision (*b*).

Effect on special prices. The maximum prices mentioned in this subdivision (*b*) supersede the maximum prices for like material previously authorized for individual sellers under the special pricing provisions of this regulation.

[Subparagraph (i) amended by Am. 18 10 F.R. 4658, effective 5-1-45]

(ii) A tough ash specialty establishment is an operation:

(*a*) Which does not manufacture any species of Southern hardwood lumber from the log;

(*b*) Which maintains a yard that receives more than 50,000 feet of tough ash lumber each month;

(*c*) Which usually obtains tough ash lumber without specifying to the supplier thicknesses, widths or lengths;

(*d*) Which is usually in a position to furnish tough ash lumber in a wide range of grades and specifications (thicknesses, widths, and lengths) and maintains an inventory during each month of more than 50,000 feet of tough ash lumber; and

(*e*) Which has been certified by the Office of Price Administration as a "tough ash specialty establishment" by publication of its name in the FEDERAL REGISTER. Certification may be revoked on failure to maintain the above qualifications. Moreover, certification may be revoked if the tough ash specialty establishment, either directly or by connivance with an affiliated corporation or business, attempts to induce suppliers of tough ash lumber to sell to him by arranging reciprocal shipments of other kinds of lumber to the tough ash lumber supplier, or by the sale of other kinds of lumber from any source to the tough ash lumber supplier at other than customary terms of payment.

Failure of a tough ash specialty establishment, which is affiliated with any sawmill operation, to preserve a complete segregation of its business activities from the affiliated sawmill company will also be considered grounds for revocation

(iii) The following establishments have qualified as tough ash specialty establishments:

Bankston Lumber and Export Company, Savannah, Georgia.

Dudley Hardwood Company, New Orleans, Louisiana.

Thompson-Katz Lumber Company Memphis, Tennessee.

Lamson Lumber Company, Inc., New Orleans, Louisiana.

Dixie Lumber Company, Charleston, South Carolina.

Maurice W. Grundy, 8201 Fig Street, New Orleans, Louisiana.

Southern Lumber Company, 200 Block, Octavia Street, New Orleans, Louisiana.

Southern Lumber Company, Donaldsonville, Louisiana.

[Subparagraphs (ii) and (iii) amended by Am. 13, 9 F.R. 5223, effective 5-20-44]

[Subparagraph (1) amended by Am. 2, 8 F.R. 3539, effective 3-26-43; Am. 3, 8 F.R. 5177, effective 4-24-43; Am. 9, 8 F.R. 13728, effective 10-11-43 and as otherwise noted]

(2) ASH (OTHER THAN TOUGH ASH)

Thickness (inch)	FAS	No. 1 Common and Selects or No. 1 Common	No. 2 Common	No. 3 Common
1	$67.00	$43.00	$35.00	$23.50
1¼	69.50	45.00	36.00	24.50
1½	69.50	45.00	37.00	24.50
2	61.50	47.50	37.00	26.00
2½	62.50	48.50	37.00	
3	66.00	51.50	38.00	

(3) BASSWOOD

1	$71.50	$49.50	$36.00	$23.50

(4) BEECH

Thickness (inch)	FAS	No. 1 Common and Selects or No. 1 Common	No. 2 Common	No. 3A Common	Box grade	No. 3B Common
½	$43.00	$35.00	$27.00			
¾	48.50	39.50	30.00			
¾	54.00	44.00	33.00			
1	61.50	50.50	37.00	$31.00	$26.00	$21.50
1¼	64.00	53.00	38.00	32.00	27.00	22.50
1½	66.00	55.00	39.00	33.00	28.00	22.50
2	70.50	58.50	41.00	34.00	29.00	23.50

(5) COTTONWOOD

Thickness (inch)	FAS	No. 1 Common and Selects or No. 1 Common	No. 2 Common	No. 3 Common
1	$38.50	$34.00	$28.00	
1¼	43.00	38.50	31.00	
1½	47.50	42.00	34.00	
2	55.00	48.50	38.00	$23.50
2½	57.00	49.50	40.00	24.50
3	57.00	49.50	40.00	24.50
4	57.00	49.50	40.00	26.00
1 (7″ and wider)	61.50			

(6) ELM

1	$37.50	$29.50	$26.00	
1¼	42.00	34.00	29.00	
1½	47.50	37.50	31.00	
2	54.00	43.00	35.00	$23.50
2½	56.00	45.00	36.00	24.50
3	56.00	45.00	37.00	24.50
4	58.50	47.50	37.00	26.00
2½	59.50	48.50	37.00	
3	62.50	51.50	38.00	

(7) PLAIN GUM—QUARTERED

1	$65.00	$54.00	$37.00	$23.50
1¼	67.00	56.00	38.00	24.50
1½	69.50	58.50	38.00	24.50
2	75.00	64.00	40.00	26.00
2½	85.50	67.00	45.50	
3	89.00	72.50	48.50	

(8) BLACK GUM—PLAIN

Thickness (inch)	FAS	No. 1 Common and Selects or No. 1 Common	No. 2 Common	No. 3 Common
½	$60.50	$39.50	$26.00	
¾	51.50	40.50	28.00	
1	61.50	50.50	35.00	$23.50
1¼	64.00	53.00	37.00	24.50
1½	67.00	56.00	37.00	24.50
2	72.50	61.50	40.00	26.00

(9) RED GUM—QUARTERED

1	$112.00	$62.50	$41.00	$23.50
1¼	116.50	72.50	42.00	24.50
1½	116.50	76.00	42.00	24.50
2	120.00	78.00	46.50	26.00
2½	122.00	83.50		
3	127.50	89.00		

(10) RED GUM—PLAIN

½	$78.00	$48.50	$30.00	
¾	89.00	53.00	35.00	
1	108.00	58.50	41.00	$23.50
1¼	111.00	69.50	41.00	24.50
1½	111.00	70.50	41.00	24.50
2	113.50	72.50	45.50	26.00

(11) SAP GUM—QUARTERED

1	$72.50	$57.00	$37.00	$23.50
1¼	78.00	65.00	38.00	24.50
1½	80.50	66.00	38.00	24.50
2	83.50	67.00	42.00	26.00
2½	89.00	73.50	45.50	
3	92.50	78.00	50.50	

(12) SAP GUM—PLAIN

½	$53.00	$43.00	$28.00	
¾	57.00	45.00	30.00	
1	68.00	53.00	35.00	$23.50
1¼	72.50	58.50	36.00	24.50
1½	76.00	61.50	36.00	24.50
2	81.50	64.00	39.00	26.00
1(13″ and wider)	75.00			
1¼ (13″ and wider)	80.50			

(13) HACKBERRY

Thickness (inch)	LogRun	FAS	No. 1 Common and Selects or No. 1 Common	No. 2 Common	No. 3 Common
⅝	$32.00				
¾	36.50				
1	44.00	$34.00	$43.00	$35.00	$23.50
1¼	45.00	36.00	45.00	36.00	24.50
1½	46.00	36.00	45.00	37.00	24.50
2	47.00	38.50	47.50	37.00	26.00
2½		39.50	48.50	37.00	
3		42.50	51.50	38.00	

(14) HICKORY

Thickness (inch)	LogRun	FAS	No. 1 Common	No. 2 Common	No. 3 Common
1	$41.00	$68.00	$47.50	$31.00	$22.50
1¼	46.00	70.50	49.50	32.00	23.50
1½	49.00	73.50	54.00	40.00	23.50
2	52.50	79.00	55.00	40.00	24.50

(15) MAGNOLIA

Thickness (inch)	FAS	No. 1 Common and Selects or No. 1 Common	No. 2 Common	No. 3 Common
1	$82.50	$58.50	$43.50	$23.50
1¼	87.00	61.50	45.50	24.50
1½	87.00	61.50	45.50	24.50
2	90.00	62.50	46.50	26.00
2½	95.50	68.00	47.50	
3	101.00	73.50	48.50	

(16) SOFT MAPLE—WHAD

Thickness (inch)	FAS	No. 1 Common and Selects or No. 1 Common	No. 2 Common	No. 3 Common
1½	$50.50	$43.00	$27.00	
⅝	57.00	48.50	30.00	
¾	64.00	54.00	33.00	
1	73.50	62.50	37.00	$23.50
1¼	76.00	65.00	39.00	24.50
1½	79.00	68.00	39.00	24.50
2	82.50	71.50	42.00	26.00
2½	84.50	73.50	42.00	
3	90.00	79.00	43.50	

(17) SOFT MAPLE—WHND

1½	$42.00	$34.00	$27.00	
⅝	47.50	38.50	30.00	
¾	53.00	43.00	33.00	
1	60.50	49.50	37.00	$23.50
1¼	64.00	53.00	39.00	24.50
1½	66.00	55.00	39.00	24.50
2	70.50	59.50	42.00	26.00
2½	76.00	65.00	42.00	
3	82.50	71.50	43.50	

(18) RED OAK—QUARTERED

Thickness (inch)	FAS	No. 1 Common and Selects or No. 1 Common	No. 2 Common	Sound Wormy	No. 3A Common	No. 3B Common
1½	$53.00	$36.50	$28.00	$23.50	$22.50	$16.50
⅝	42.00	31.00	27.00	26.00	18.50	
¾	46.00	34.00	29.00	28.00	19.50	
1	58.00	53.00	39.00	38.00	21.50	
1¼	58.50	41.00	39.00	32.00	21.50	
1½	62.50	42.00	41.00	32.00	21.50	
2	68.00	43.50	45.50	32.00	21.50	

[Subparagraphs (2) through (18) amended by Am. 18, 10 F.R. 4658 effective 5-1-45; corrected, 10 F.R. 6247, effective 6-2-45]

(19) RED OAK—PLAIN

Thickness (inch)	FAS	No. 1 Common and Selects or No. 1 Common	No. 2 Common	Sound Wormy	No. 3 A Common	No. 3 B Common
1½	$49.50	$35.00	$28.00	$23.50	$22.50	$16.50
⅝	56.00	36.50	31.00	27.00	26.00	18.50
¾	62.50	44.00	34.00	29.00	28.00	19.50
1	76.00	54.00	39.00	33.00	32.00	21.50
1¼	85.00	57.50	41.00	39.00	32.00	21.50
1½	89.50	59.50	42.00	41.00	32.00	21.50
2	94.50	59.50	43.50	45.50	32.00	21.50
2½	106.00	66.00				
3	121.00	76.00				
4	156.00	89.00				

[Subparagraph (19) amended by Am. 16 10 F.R. 1739, effective 2-9-45]

(20) WHITE OAK—QUARTERED

½	$75.00	$46.00	$28.00	$23.50	$22.50	$16.50
⅝	84.50	51.50	32.00	27.00	26.00	18.50
¾	95.50	58.50	35.00	29.00	28.00	19.50
1	116.50	72.50	40.00	33.00	32.00	21.50
1¼	122.00	72.50	42.00	39.00	32.00	21.50
1½	127.50	78.00	43.50	41.00	32.00	21.50
2	144.00	89.00	45.50	45.50	32.00	21.50
2½	155.00	100.00				
3	171.50	111.00				

[Subparagraph (20) amended by Am. 18, 10 F.R. 4658, effective 5-1-45]

[9] 9 F.R. 1385, 5169, 6106, 8150, 10193, 11274.

[11] Second Revision: 8 F.R. 4132, 5987, 7662, 9998, 15193; 9 F.R. 1036, 5435, 5923, 7201, 9834, 11273, 12919, 14346; 10 F.R. 863, 923, 2432.

(21) WHITE OAK—PLAIN

Thickness (inch)	FAS	No. 1 Common and Selects or No. 1 Common	No. 2 Common	Sound Wormy	No. 3 A Common	No. 3 B Common
4/4	$60.50	$36.50	$28.00	$23.50	$22.50	$16.50
5/4	68.00	42.00	31.00	27.00	26.00	18.50
6/4	77.00	46.00	34.00	29.00	28.00	19.50
8/4	92.50	56.00	39.00	33.00	32.00	21.50
10/4	107.00	60.00	41.00	39.00	32.00	21.50
12/4	117.00	62.00	42.00	41.00	32.00	21.50
16/4	127.50	64.00	43.50	45.50	32.00	21.50
20/4	136.00	73.00	-------	-------	-------	-------
24/4	151.00	88.00	-------	-------	-------	-------
32/4	160.00	103.00	-------	-------	-------	-------

[Subparagraph (21) amended by Am. 16, 10 F.R.1739, effective 2-9-45]

(22) SWEET PECAN

Thickness (inch)	FAS	No. 1 Common	No. 2 Common	No. 3 Common
1	$67.00	$46.00	$30.00	$22.50
1 1/4	69.50	48.50	31.00	23.50
1 1/2	72.50	53.00	39.00	24.50
2	78.00	54.00	39.00	24.50

(23) YELLOW POPLAR—QUARTERED

Thickness (inch)	FAS	Saps and Selects	No. 1 Common and Selects or No. 1 Common	No. 2A Common	No. 2B Common	No. 3 Common
1	$84.50	$70.50	$57.00	$42.00	$36.00	$23.50
1 1/4	90.00	77.00	60.50	45.50	37.00	24.50
1 1/2	95.50	79.00	64.00	46.50	37.00	24.50
2	106.50	82.50	68.00	48.50	40.00	26.00

(24) YELLOW POPLAR—PLAIN

5/4	$62.50	$57.00	$40.50	$28.00	$24.50	-------
6/4	70.50	60.50	45.00	35.00	26.00	-------
8/4	79.00	65.00	54.00	42.00	26.00	$23.50
10/4	84.50	70.50	57.00	45.50	37.00	24.50
12/4	90.00	73.50	60.50	46.50	37.00	24.50
16/4	101.00	77.00	65.00	48.50	40.00	26.00

(25) SYCAMORE—QUARTERED

Thickness (inch)	FAS	No. 1 Common and Selects or No. 1 Common	No. 2 Common	No. 3 Common
5/4	$69.50	$48.50	$37.00	-------
6/4	69.50	48.50	37.00	-------
8/4	65.00	54.00	42.00	$23.50
10/4	67.00	56.00	42.00	24.50
12/4	68.00	57.00	42.00	24.50
16/4	73.50	60.50	42.00	26.00

(26) SYCAMORE—PLAIN

5/4	$53.00	$42.00	$30.00	-------
6/4	53.00	42.00	30.00	-------
8/4	58.50	47.50	33.00	$23.50
10/4	60.50	49.50	35.00	24.50
12/4	62.50	51.50	35.00	24.50
16/4	67.00	55.00	35.00	26.00

(27) TUPELO—QUARTERED

1	$65.00	$54.00	$37.00	$23.50
1 1/4	67.00	56.00	38.00	24.50
1 1/2	69.50	58.00	38.00	24.50
2	75.00	64.00	40.00	26.00
2 1/2	82.50	67.00	43.50	-------
3	89.00	72.50	48.50	-------

(28) TUPELO—PLAIN

5/4	$50.50	$39.50	$26.00	-------
6/4	51.50	40.50	28.00	-------
8/4	54.50	50.50	35.00	$23.50
10/4	64.00	53.00	37.00	24.50
12/4	67.00	55.00	37.00	24.50
16/4	72.50	61.50	40.00	26.00

(29) WILLOW

1	$67.00	$51.50	$37.00	$23.50
1 1/4	69.50	54.00	38.00	24.50
1 1/2	73.50	57.00	38.00	24.50
2	76.00	57.00	38.00	26.00

(30) BOX BOARDS

Species	Thickness (inch)	Width (inches) 13–17	Width (inches) 9–12
Sap gum	1	$75.00	$68.00
Cottonwood	1	68.00	59.50

(31) STRIPS

Species	Manufacture	Thickness (inch)	Width (inches)	Grade: Clear	Grade: No. 1 Common
White oak	Quartered	1	2 to 5½	$75.00	$50.50
Red oak	Quartered	1	2 to 5½	56.00	44.00

[Subparagraph (22) through (31) amended by Am. 18, 10 F.R. 4658, effective 5–1–45]

(32) CONSTRUCTION BOARDS

No. 1 Construction Boards (Rough, random widths) ---------- $34.00
No. 2 Construction Boards (Rough, random widths) ---------- 28.00
No. 3 Construction Boards (Rough, random widths) ---------- 17.00

NOTE: For construction boards machined to dressed widths as set out in NHLA Rules for the Measurement and Inspection of Hardwood Lumber issued January 1, 1943, $1.00 per M'BM may be added in addition to the appropriate allowance for machining as established in this regulation. This addition, however, may be made only when the purchaser specifies, and the seller furnishes, stock meeting this requirement.

In connection with each shipment of No. 1 Construction Boards, the invoice must be accompanied by an inspection certificate issued by the NHLA, certifying that the shipment meets the grade of No. 1 Construction Boards. Unless this is done, the maximum price for No. 2 Construction Boards shall be applicable to the shipment.

[Paragraphs deleted by Am. 6, 8 F.R. 10762, effective 8–7–43]

(33) FIGURED WOOD

Species	Manufacture	Thickness (inch)	Grade: FAS	Grade: No. 1 Common and Selects or No. 1 Common
Red gum	Quartered	1	$122.00	$65.00
Red gum	Plain	1	111.00	59.50

(34) PANEL AND WIDE NO. 1

Species	Width (inches)	Price
Sap gum	18 and wider	$78.00
Cottonwood	18 and wider	67.00

[Subparagraphs (33) and (34) amended by Am. 18, 10 F.R. 4658, effective 5–1–45]

[Subparagraphs (1) through (34) amended by Am. 9, 8 F.R. 13728, effective 10–11–43]

(35) WHITE OAK OR RED OAK—STRUCTURAL STOCK OR SOUND SQUARE EDGE

Size (inches)	Lengths (feet) 10 to 16	18	20	22	24	26	28
2 x 6	$42	$46	$50	$54	$59	$65	$73
2 x 8	43	46	50	54	59	65	73
2 x 10	45	48	52	56	61	67	75
2 x 12	49	52	56	60	65	71	79
2 x 14	53	56	61	65	69	74	83
2 x 16	58	61	65	69	74	80	89
3 x 6	43	46	50	54	59	65	73
3 x 8	43	46	50	54	59	65	73
3 x 10	45	48	52	56	61	67	75
3 x 12	49	52	56	60	65	71	79
3 x 14	53	56	61	65	69	74	83
3 x 16	58	61	65	69	74	80	89
4 x 6	43	46	50	54	59	65	73
4 x 8	43	46	50	54	59	65	73
4 x 10	45	48	52	56	61	67	75
4 x 12	49	52	56	60	65	71	79
4 x 14	53	56	61	65	69	74	83
4 x 16	58	61	65	69	74	80	89
6 x 6	45	48	52	56	61	67	75
6 x 8	47	50	54	58	63	69	77
6 x 10	49	52	56	60	65	71	79
6 x 12	53	56	60	64	69	74	83
6 x 14	58	61	65	69	74	80	89
6 x 16	63	66	70	74	79	86	95
8 x 8	50	53	57	61	66	71	79
8 x 10	52	55	58	63	67	73	82
8 x 12	55	58	62	66	71	76	85
8 x 14	60	63	67	71	76	82	92
8 x 16	66	69	73	78	83	89	99
10 x 10	56	59	63	67	72	78	87
10 x 12	62	65	69	73	78	84	94
10 x 14	68	71	75	80	85	92	102
10 x 16	74	77	82	86	91	98	109
12 x 12	74	77	82	86	91	98	109
12 x 14	80	83	88	93	98	105	117
12 x 16	86	89	94	99	105	113	125
14 x 14	86	89	94	99	105	113	125
14 x 16	92	95	99	103	109	118	131
14 x 18	97	100	104	108	114	123	136
14 x 20	102	105	109	113	118	127	141
14 x 22	107	110	114	118	123	132	146
14 x 24	112	115	119	123	128	137	151
14 x 26	117	120	124	128	133	142	156
14 x 28	122	125	129	133	138	147	161
16 x 16	98	101	105	109	114	122	135
16 x 18	103	106	110	114	119	127	140
16 x 20	108	111	115	119	124	132	146
16 x 22	113	116	120	124	129	137	151
16 x 24	118	121	125	129	134	142	156
16 x 26	123	126	130	134	139	147	161
16 x 28	128	131	135	139	144	152	166
18 x 18	109	112	116	120	125	133	146
18 x 20	114	117	121	125	130	138	152
18 x 22	119	122	126	130	135	143	157
18 x 24	124	127	131	135	140	148	162
18 x 26	129	132	136	140	145	153	167
18 x 28	133	136	140	144	149	157	171

Notes on White Oak or Red Oak—Structural Stock or Sound Square Edge

Random widths; In 2", 3" and 4" thicknesses—$43.00.

Free of heart; In 2", 3" and 4" thicknesses—add $6.00 to maximum price for same thickness, width and length in above schedule.

Prices for specific sizes not in schedule: The maximum price for material of a length not included in this schedule shall be determined by adding to the maximum price for the next shorter length the proportionate amount of the difference between the maximum price of such next shorter length and the maximum price of the next longer length.

In the case of any item 2" or thicker and wider than 6", for which the thickness or the width is not included in the schedule, the maximum price shall be the maximum price for the material of the next greater thickness or width.

The maximum prices set forth above supersede the maximum prices for like material authorized for individual sellers under the special pricing provisions of this regulation.

[Above note amended by Am. 18, 10 F.R. 4658, effective 5–1–45 and Am. 19, effective 8–22–45]

Deduction for mixed hardwoods. For Mixed Hardwoods—Freight Car Stock, Common Dimension, Mine Car Lumber, deduct $4.00 from the maximum price for White Oak or Red Oak—Freight Car Stock, Common Dimension, Mine Car Lumber, in the same size in above schedule.

[Above paragraph added by Am. 11, 8 F.R. 17375, effective 1-4-44]

[Subparagraphs (35) and (36) added by Am. 5, 8 F.R. 8660, effective 7-2-43]

(37) MIXED HARDWOODS NO. 1 DIMENSION, NOT INCLUDING YELLOW CYPRESS

Thickness and width (inches)	Lengths (feet) 4	6	8	9	10	12	14	16	18	20	22 and 24
2 x 2	$25.50	$27.50	$29.50	$30.50	$31.50	$34.50	$36.50	$38.50	$38.00	$39.00	$44.50
2 x 3	25.50	27.50	29.50	30.50	31.50	34.50	36.50	38.50	38.00	39.00	44.50
2 x 4	25.50	27.50	29.50	30.50	31.50	34.50	36.50	38.50	38.00	39.00	44.50
2 x 5	25.50	27.50	29.50	30.50	31.50	34.50	36.50	38.50	38.00	39.00	44.50
2 x 6	25.50	27.50	29.50	30.50	31.50	34.50	36.50	38.50	38.00	39.00	44.50
2 x 8	25.50	27.50	29.50	30.50	31.50	34.50	36.50	38.50	38.00	39.00	44.50
2 x 10	25.50	27.50	29.50	30.50	31.50	34.50	36.50	38.50	38.00	39.00	44.50
2 x 12	25.50	27.50	29.50	30.50	31.50	34.50	36.50	38.50	38.00	39.00	44.50
3 x 3	31.00	31.00	31.00	31.00	31.00	31.00	31.00	31.00	31.00	31.00	31.00

(36) WHITE OAK OR RED OAK, ETC.—Continued

Size (inches)	Lengths (feet) 10 to 16	18	20	22	24	26	28
14 x 20	$81	$94	$98	$103	$109	$116	$126
14 x 22	83	96	100	105	111	118	128
14 x 24	85	98	102	107	113	120	130
14 x 26	87	100	104	109	115	122	132
14 x 28	89	102	106	111	117	124	134
16 x 16	85	98	102	107	113	120	130
16 x 18	87	100	104	109	115	122	132
16 x 20	89	102	106	111	117	124	134
16 x 22	91	104	108	113	119	126	136
16 x 24	93	106	110	115	121	128	138
16 x 26	95	108	112	117	123	130	140
16 x 28	97	110	114	119	125	132	142
18 x 18	93	106	110	115	121	128	138
18 x 20	95	108	112	117	123	130	140
18 x 22	97	110	114	119	125	132	142
18 x 24	99	112	116	121	127	134	144
18 x 26	101	114	118	123	129	136	146
18 x 28	103	116	120	125	131	138	148

Notes on White Oak or Red Oak—Freight Car Stock, Common Dimension, Mine Car Lumber.

Random widths; In 2" and 3" thicknesses—$50.00.

Free of heart; In 2" and 3" thicknesses—add $8.00 to maximum price for same thickness, width and length in above schedule.

Prices for specific sizes not in schedule. The maximum price for material of a length not included in this schedule shall be determined by adding to the maximum price for the next shorter length the proportionate amount of the difference between the maximum price of such next shorter length and the maximum price of the next longer length.

In the case of any item 2" or thicker and wider than 6", for which the thickness or the width is not included in the schedule, the maximum price shall be the maximum price for the material of the next greater thickness or width.

The maximum prices set forth above supersede the maximum prices for like material authorized for individual sellers under the special pricing provisions of this regulation.

[Above note amended by Am. 18, 10 F.R. 4658, effective 5–1–45 and Am. 19, effective 8–22–45]

Deduction for mixed hardwoods. For Mixed Hardwoods—Structural Stock or Sound Square Edge, deduct $4.00 from the maximum price for White Oak or Red Oak—Structural Stock or Sound Square Edge in the same size in above schedule.

[Above paragraph added by Am. 11, 8 F.R. 17375, effective 1-4-44]

(36) WHITE OAK OR RED OAK—FREIGHT CAR STOCK, COMMON DIMENSION, MINE CAR LUMBER

Size (inches)	Lengths (feet) 10 to 16	18	20	22	24	26	28
2 x 6	$50	$55	$61	$67	$73	$83	$95
2 x 8	50	55	61	67	73	83	95
2 x 10	55	60	67	73	79	91	103
2 x 12	60	65	71	78	85	97	109
2 x 14	65	70	78	85	92	105	118
2 x 16	70	76	84	91	98	112	126
3 x 6	52	57	63	69	75	86	96
3 x 8	52	57	63	69	75	86	96
3 x 10	55	60	67	73	79	91	102
3 x 12	60	65	71	78	85	97	108
3 x 14	65	70	78	85	92	105	118
3 x 16	70	76	84	91	98	112	126
4 x 6	52	57	63	69	75	86	96
4 x 8	52	57	63	69	75	86	96
4 x 10	55	60	67	73	79	91	102
4 x 12	60	65	71	78	85	97	108
4 x 14	65	70	78	85	92	105	118
4 x 16	70	76	84	91	98	112	126
6 x 6	55	60	67	73	79	91	102
6 x 8	57	63	69	76	82	94	106
6 x 10	60	65	71	78	85	97	108
6 x 12	65	70	78	85	92	105	118
6 x 14	70	76	84	91	98	112	126
6 x 16	76	82	91	98	106	121	136
8 x 8	61	67	73	80	86	99	111
8 x 10	63	69	76	82	89	102	114
8 x 12	67	73	80	87	94	107	120
8 x 14	71	78	86	93	100	114	128
8 x 16	76	84	91	98	106	121	136
10 x 10	67	73	80	87	94	107	120
10 x 12	71	78	86	93	100	114	128
10 x 14	76	84	91	98	106	121	136
10 x 16	82	89	97	105	113	129	145
12 x 12	76	84	91	98	106	121	136
12 x 14	82	89	97	105	113	129	145
12 x 16	87	95	104	112	121	138	155
14 x 14	87	95	104	112	121	138	155
14 x 16	93	101	110	119	128	146	164
14 x 18	98	107	117	126	136	155	174
14 x 20	104	113	123	133	143	163	183
14 x 22	109	119	129	140	150	172	193
14 x 24	115	125	136	147	158	180	203
14 x 26	120	131	142	154	165	189	212
14 x 28	126	137	149	161	173	197	222
16 x 16	98	107	117	126	136	155	174
16 x 18	104	113	123	133	143	163	183
16 x 20	109	119	129	140	150	172	193
16 x 22	115	125	136	147	158	180	203
16 x 24	120	131	142	154	165	189	212
16 x 26	126	137	149	161	173	197	222
16 x 28	131	143	155	168	180	206	231
18 x 18	109	119	129	140	150	172	193
18 x 20	115	125	136	147	158	180	203
18 x 22	120	131	142	154	165	189	212
18 x 24	126	137	149	161	173	197	222
18 x 26	131	143	155	168	180	206	231
18 x 28	137	149	162	175	188	214	241

(36) WHITE OAK OR RED OAK—FREIGHT CAR STOCK, COMMON DIMENSION, MINE CAR LUMBER

Size (inches)	Lengths (feet) 10 to 16	18	20	22	24	26	28
2 x 6	$50	$55	$61	$67	$73	$83	$95
2 x 8	50	55	61	67	73	83	95
2 x 10	55	60	67	73	79	91	103
2 x 12	60	65	71	78	85	97	109
2 x 14	65	70	78	85	92	105	118
2 x 16	70	76	84	91	98	112	126
3 x 6	52	57	63	69	75	86	96
3 x 8	52	57	63	69	75	86	96
3 x 10	55	60	67	73	79	91	102
3 x 12	60	65	71	78	85	97	108
3 x 14	65	70	78	85	92	105	118
3 x 16	70	76	84	91	98	112	126
4 x 6	52	57	63	69	75	86	96
4 x 8	52	57	63	69	75	86	96
4 x 10	55	60	67	73	79	91	102
4 x 12	60	65	71	78	85	97	108
4 x 14	65	70	78	85	92	105	118
4 x 16	70	76	84	91	98	112	126
6 x 6	55	60	67	73	79	91	102
6 x 8	57	63	69	76	82	94	106
6 x 10	60	65	71	78	85	97	108
6 x 12	65	70	78	85	92	105	118
6 x 14	70	76	84	91	98	112	126
6 x 16	76	82	91	98	106	121	136
8 x 8	61	67	73	80	86	99	111
8 x 10	63	69	76	82	89	102	114
8 x 12	67	73	80	87	94	107	120
8 x 14	71	78	86	93	100	114	128
8 x 16	76	84	91	98	106	121	136
10 x 10	67	73	80	87	94	107	120
10 x 12	71	78	86	93	100	114	128
10 x 14	76	84	91	98	106	121	136
10 x 16	82	89	97	105	113	129	145
12 x 12	76	84	91	98	106	121	136
12 x 14	82	89	97	105	113	129	145
12 x 16	87	95	104	112	121	138	155
14 x 14	87	95	104	112	121	138	155
14 x 16	93	101	110	119	128	146	164
14 x 18	98	107	117	126	136	155	174
14 x 20	104	113	123	133	143	163	183
14 x 22	109	119	129	140	150	172	193
14 x 24	115	125	136	147	158	180	203
14 x 26	120	131	142	154	165	189	212
14 x 28	126	137	149	161	173	197	222
16 x 16	98	107	117	126	136	155	174
16 x 18	104	113	123	133	143	163	183
16 x 20	109	119	129	140	150	172	193
16 x 22	115	125	136	147	158	180	203
16 x 24	120	131	142	154	165	189	212
16 x 26	126	137	149	161	173	197	222
16 x 28	131	143	155	168	180	206	231
18 x 18	109	119	129	140	150	172	193
18 x 20	115	125	136	147	158	180	203
18 x 22	120	131	142	154	165	189	212
18 x 24	126	137	149	161	173	197	222
18 x 26	131	143	155	168	180	206	231
18 x 28	137	149	162	175	188	214	241

(38) MIXED HARDWOODS NO. 2 DIMENSION, NOT INCLUDING YELLOW CYPRESS

Thickness and width (inches)	Lengths (feet)										
	4	6	8	9	10	12	14	16	18	20	22 and 24
2 x 2	$25.50	$25.50	$31.50	$32.50	$31.50	$31.50	$32.50	$33.50	$35.00	$36.00	$41.50
2 x 3	24.50	24.50	30.50	31.50	30.50	30.50	31.50	32.50	34.00	35.00	40.50
2 x 4	23.50	24.50	29.50	30.50	29.50	29.50	30.50	31.50	33.00	34.00	39.50
2 x 5	24.00	24.00	30.00	34.00	33.00	32.00	32.00	32.00	35.50	37.50	43.00
2 x 6	23.50	22.50	28.50	29.50	28.50	28.50	29.50	30.00	32.00	33.00	38.50
2 x 8	22.50	22.50	28.50	29.50	28.50	28.50	29.50	30.00	32.00	33.00	38.50
2 x 10	24.00	24.00	30.00	34.00	33.00	32.00	32.00	32.00	35.50	37.50	41.00
2 x 12	26.00	26.00	32.00	34.00	33.00	33.00	33.00	34.00	37.50	38.50	44.00

[Subparagraphs (37) and (38) added by Am. 10, F.R. 15430, effective 11-15-43. Titles amended by Am. 19, effective 8-22-45]

[Original subparagraph (39) added by Am. 10 and deleted by Am. 12, 9 F.R. 1454, effective 2-8-44]

(39) Special Truck Body Grade (see note 1)—Plain Red Oak

Thickness (inch)	FAS	FAS one face (see note 2)	No. 1 Common and Selects or No. 1 Common (see paragraph (a) under note 1)	No. 1 Common and Selects or No. 1 Common—6" and wider—8' and longer (see paragraph (b) under note 1)
1¼	$89.00	$79.00	$61.50	$44.50
1½	93.50	83.50	63.50	66.50

(40) Special Truck Body Grade (see note 1)—Plain White Oak.

Thickness (inch)	FAS	FAS one face (see note 2)	No. 1 Common and Selects or No. 1 Common (see paragraph (a) under note 1)	No. 1 Common and Selects or No. 1 Common 6" and wider—8' and longer (see paragraph (b) under note 1)
1¼	$111	$101	$64	$67
1½	121	111	66	69

NOTE: These notes apply to Tables 39 and 40.

NOTE 1: *Special truck body grade* is a grade which meets all requirements of the designated grade (FAS, FAS One Face, or No. 1 Common and Selects or No. 1 Common) as defined in the effective Rules for the Measurement and Inspection of Hardwood Lumber issued by the National Hardwood Lumber Association, and, in addition, meets the following specifications:

(a) Average width 8" or wider: 45% or more 14/16' lengths. All lumber must have been air-dried on sticks at least 90 days and the seller shall so certify to this fact on the invoice, or

(b) 6" and wider, 8' and longer; average width 8" or wider; 45% or more 14/16' lengths. All lumber must have been air-dried on sticks at least 90 days and the seller shall so certify to this fact on the invoice.

These prices are applicable only to shipments on military orders for the Detroit Ordnance District truck body and Navy landing craft programs which must be accompanied by a Memorandum of Bid issued by the Central Procuring Agency, Procurement Division of the United States Corps of Engineers on E. D. Form 526.

NOTE 2: "FAS one face" means a trade practice grade of Southern hardwood lumber which grades Firsts or Seconds on the better side of the piece and not below No. 1 Common on the poorer side of the piece, in accordance with the effective standard grading rules issued by the National Hardwood Lumber Association for the particular species.

[Subparagraphs (39) and (40) added by Am. 16, 10 F.R. 1739, effective 2-9-45]

(c) *Maximum prices for dunnage* (1) The maximum rail-delivered price for 1,000 feet of dunnage lumber shall be as follows:

Delivered at:	Maximum delivered price
Baltimore, Md	$33.00
Beaumont, Tex	22.50
Boston, Mass	37.00
Charleston, S. C	23.50
Corpus Christi, Tex	23.50
Galveston, Tex	23.50
Gulfport, Miss	22.50
Houston, Tex	23.50
Jacksonville, Fla	23.50
Lake Charles, La	22.50
Mobile, Ala	22.50
Morgan City, La	22.50
Newark, N. J	35.00
New Orleans, La	22.50
New York, N. Y	35.00
Pensacola, Fla	23.50
Philadelphia, Pa	34.00
Port Arthur, Tex	23.50
Portsmouth, Va	27.00
Savannah, Ga	23.50
Tampa, Fla	26.00

[Subparagraph (1) amended by Am. 18, 10 F.R. 4658, effective 5-1-45]

(2) The maximum price for dunnage delivered at the above ports by water shall be the rail-delivered price as above set forth less the difference between the rail transportation charge from the point of shipment to the particular port, computed by multiplying the applicable rail rate by the weight of the lumber based on 3500 pounds per M'BM, and the actual water transportation charge from the point of shipment to the particular port.

(3) The term "dunnage" as used above means lumber of any hardwood species of standard widths and lengths, but poorer in quality than the lowest standard grade in the particular species. However, the prices appearing in the table above in paragraph (c) do not cover yellow cypress dunnage. The prices for yellow cypress dunnage are established in § 1382.115, Appendix D.

[Subparagraph (3) amended by Am. 19, effective 8-22-45]

(d) *Deduction for green.* For lumber shipped in a "green" condition, deduct from the maximum prices for air-dried lumber established in this Appendix "A", 10 percent of the maximum price for rough, air-dried material in the same specifications.

This deduction shall not apply to special sawn timbers, Tough Ash lumber, or to lumber customarily used without air seasoning, but it shall apply to any lumber which requires further air seasoning by the purchaser before being placed in the kiln for kiln-drying, or before fabrication if not kiln-dried.

The mere fact that the lumber is not used immediately, but is stored on the purchaser's yard, does not necessarily mean that green lumber has been shipped, but in case of dispute any lumber which weighs 25% or more in excess of the air-dried weight as published in the Rules for the Measurement and Inspection of Hardwood Lumber, issued by the National Hardwood Lumber Association, January 1, 1943, or for weights filed with the Office of Price Administration by the individual shippers, shall be considered to be "green".

Any purchaser who accepts "green" lumber at prices applicable to "dry" lumber is guilty of violation of the regulation to the same extent as the seller.

[Paragraphs (c) and (d) amended by Am. 5, 8 F.R. 8860, effective 7-2-43 and Am. 9, 8 F.R. 13728, effective 10-11-43]

(e) *Additions for kiln drying.* (1) To a moisture content not exceeding 9 percent at the time the lumber leaves the kiln.

	Thickness (inch)							
	½ & ⅝	¾	⅞	1	1¼	1½	1¾	1¾
Cottonwood, Elm, Hackberry, Yellow Poplar, Magnolia, Maple, Sycamore, Willow, Basswood	$4.00	$4.50	$5.00	$6.00	$6.50	$7.00	$9.00	$11.00
Ash, Beech, Black Gum, Tupelo, Plain and Quartered Sap Gum	4.50	5.00	6.00	7.00	8.00	9.00	11.00	13.00
Hickory, Plain Oak, Red Gum, Sweet Pecan	5.00	5.50	6.50	8.00	9.50	12.00	15.00	20.00
Quartered Oak	5.00	6.00	7.50	9.00	11.00	15.00	20.00	25.00

(2) To a moisture content between 9 and 20 percent at the time the lumber leaves the kiln.

	Thickness (inch)							
	½ & ⅝	¾	⅞	1	1¼	1½	1¾	1¾
Cottonwood, Elm, Hackberry, Yellow Poplar, Magnolia, Maple, Sycamore, Willow, Basswood	$2.50	$3.00	$3.50	$4.00	$4.50	$5.00	$6.00	$7.50
Ash, Beech, Black Gum, Plain and Quartered Sap Gum	3.50	3.50	4.00	5.00	5.50	6.00	7.50	9.00
Hickory, Plain Oak, Red Gum, Sweet Pecan	3.00	4.00	4.50	5.50	6.00	8.00	10.00	13.50
Quartered Oak	3.50	4.00	5.00	6.00	7.50	10.00	13.50	16.50

(3) If, at the request of the purchaser, the seller inspects, grades, and measures after kiln-drying, a further addition of 5 percent of the f. o. b. mill price of the lumber in a rough air-dried condition may be made.

(4) [Revoked]

[Subparagraph (4) revoked by Am. 4, 8 F.R. 5479, effective 4-29-43]

(f) Mill working additions. (See note below.)

	Less than 1", 1" and 1¼" thick	1¼" thick	Thicker than 1¼", to 3" thick
Resawing 1 line	$3.00	$2.50	
Resawing 2 lines	5.50	4.50	
Surfacing 1 or 2 sides	2.50	2.25	$2.25
Surfacing 2 sides and resawing	5.00	4.25	
Resawing and surfacing 1 or 2 sides	5.00	4.75	
Surfacing 3 or 4 sides or 1 side and 1 edge	4.00	3.50	3.50

NOTE: Minimum requirements for surfacing for which the above additions may be made are the requirements of "hit or miss" dressing set out in the applicable NHLA rules.

[Paragraph (f) amended by Am. 5, 8 F.R. 8860, effective 7-2-43 and Am. 18, 10 F.R. 4658, effective 5-1-45]

(g) *Miscellaneous additions.* (1) Anti-stain treatment: 50 cents per M.

(2) Stenciling on the face of each piece in a manner which will permit identification and segregation of a particular shipment: 50 cents. (This addition cannot be made for stenciling a trade mark on each piece.)

(3) Marking on each piece the surface measure and/or board measure and/or width and/or length of the piece: 50 cents per M.

(4) Bundling: $2.00 per M.

(5) End racking or band sawing: No addition.

(6) Where the purchaser requests an inspection by, and an inspection certificate issued by, the National Hardwood Lumber Association, the seller may make an added charge which does not exceed the inspection fees and expenses charged by the Association to the seller and shown on the certificate.

(7) *Staking and bulkheading open top cars.* When a purchase order issued by any government agency requires that lumber thinner than 5" be shipped in open top cars, a charge of $7.50 per car may be made for material and labor involved in staking, wiring and separating. A further addition of $7.00 covering all materials and labor, may also be charged for each bulkhead required by and made in conformity with the specifications of the Mechanical Division of the Association of American Railroads.

[Subparagraph (7) added by Am. 18, 10 F.R. 4658, effective 5-1-45]

(h) *Custom kiln drying and milling.* Where Southern hardwood lumber, other than yellow cypress, is kiln dried or milled for the seller by a custom kiln or milling establishment and the custom kiln or milling establishment is not owned or operated by or connected with the sawmill, the seller may add the actual cost of the kiln drying or milling, under circumstances permitted in, and in amounts not greater than, the maximum prices established by the applicable regulation covering custom kiln drying and/or milling services.

Custom kiln drying and milling for yellow cypress are covered under § 1382.115, Appendix D.

[Paragraph (h) added by Am. 4, 8 F.R. 5479, effective 4-29-43 and amended by Am. 19, effective 8-22-45]

(i) *Maximum prices for Southern hardwood lumber, other than yellow cypress, in "special" grades and items.* Standard special widths and lengths. The maximum f. o. b. mill price for 1,000 feet of Southern hardwood lumber in the species and in the "standard special" widths and lengths listed below shall be as follows:

(1) STANDARD SPECIAL WIDTHS AND LENGTHS—ALL HARDWOOD SPECIES EXCEPT FOR TOUGH ASH SPECIALTY ESTABLISHMENTS, YELLOW CYPRESS, AND AS OTHERWISE PROVIDED IN SUBPARAGRAPH (2) BELOW. (SEE THE NOTES UNDER SUBPARAGRAPH (2) BELOW FOR THE CONDITIONS UNDER WHICH THESE ADDITIONS ARE PERMITTED.)

Width and or length	Grade	Maximum additions to maximum prices established in § 1382.112 for lumber in corresponding standard grades and same thicknesses
5" or 6" and wider; standard lengths	No. 1 Common and Selects or No. 1 Common; No. 2 Common; No. 3 Common.	$2.00
8' and longer	No. 1 Common and Selects or No. 1 Common; No. 2 Common; No. 3 Common.	1.00
10' and longer; or 12' and longer	No. 2 Common; No. 3A Common; No. 3 Common	2.00
All 14' to 16' or all one length 16' to 14'	No. 2 Common; No. 3A Common; No. 3 Common	4.00
All 16'	No. 2 Common; No. 3A Common; No. 3 Common	5.00
8" and wider; standard lengths	No. 2 Common; No. 3A Common; No. 3 Common	4.00
10" and wider, standard lengths	No. 2 Common, No. 3A Common; No. 3 Common	5.00
12" and wider; standard lengths	No. 2 Common; No. 3A Common; No. 3 Common	6.00
All 10' to 16' or all 10'	No. 1 Common and Better	3.00
All 12' to 16'	No. 1 Common and Better	6.00
All 12' and 14' or all 12'	No. 1 Common and Better	8.00
All 14' and 16' or all 14'	No. 1 Common and Better	10.00
All 16'	No. 1 Common and Better	15.00
7" and wider; standard lengths	No. 1 Common and Better	2.50
8" and wider; standard lengths	No. 1 Common and Better	5.00
9" and wider; standard lengths	No. 1 Common and Better	7.50
10" and wider; standard lengths	No. 1 Common and Better	10.00
12" and wider; standard lengths	No. 1 Common and Better	15.00
For each additional inch over 12" and wider	No. 1 Common and Better	2.50
Step Plank	No. 1 Common and Better	15.00

[Paragraph heading and table heading amended by Am. 19, effective 8-22-45]

(2) STANDARD SPECIAL WIDTHS—COTTONWOOD; BLACK GUM—PLAIN; RED GUM—PLAIN; SAP GUM—PLAIN; YELLOW POPLAR—PLAIN; TUPELO—PLAIN; MAGNOLIA; AND WILLOW. (SEE NOTE UNDER THIS PARAGRAPH FOR CONDITIONS UNDER WHICH THESE ADDITIONS ARE PERMITTED.)

Widths	Grade	Maximum additions to maximum prices established in § 1382.112 for lumber in corresponding standard grades and same thicknesses
7" and wider; standard lengths	No. 1 Common and Better	$4.00
8" and wider; standard lengths	No. 1 Common and Better	5.00
9" and wider; standard lengths	No. 1 Common and Better	5.50
10" and wider; standard lengths	No. 1 Common and Better	6.00
11" and wider; standard lengths	No. 1 Common and Better	6.50
12" and wider; standard lengths	No. 1 Common and Better	7.00
13" and wider; standard lengths	No. 1 Common and Better	8.00
14" and wider; standard lengths	No. 1 Common and Better	9.00
15" and wider; standard lengths	No. 1 Common and Better	10.00
16" and wider; standard lengths	No. 1 Common and Better	12.00
17" and wider; standard lengths	No. 1 Common and Better	14.00
18" and wider; standard lengths	No. 1 Common and Better	16.00
20" and wider; standard lengths	No. 1 Common and Better	18.00

The above additions shall be permitted only on the following conditions:

1. The purchaser's original inquiry or order covering the lumber desired must specifically state the "special" widths and/or lengths required. This original inquiry or order must be made a part of the seller's order file covering the particular transaction. This order file must also contain whatever correspondence passed between the purchaser and the seller in the particular transaction, together with a copy of the order as finally entered. In other words, this order file must show that the purchaser has not accepted lumber of specifications other than originally desired and that the seller is not in violation of any of the provisions of § 1382.105—Prohibited Practices—of this regulation.

2. A shipment of any "special" item, the price for which includes any addition provided for in this subdivision, must contain no other stock of the same species, grade and thickness and each special item must be invoiced at only one

price. According to the National Hardwood Lumber Association Rules for the Measurement and Inspection of Hardwood Lumber, all width and length specifications are inclusive. For example:

a. A shipment against a "special" item specification, for instance for "8" and wider," or "8' and longer," or a combined width and length such as "8" and wider, 8' and longer", must contain no widths and/or lengths under the minimums specified and must contain all standard widths and/or lengths for the grade over the minimums specified.

b. A shipment against a "special" item specification priced under this paragraph (i) must not contain, or be invoiced to show, any other item in the same species of the same grade and thickness.

Example: 15,000' BM 4/4" No. 1 Com. & Sel. Sap Gum-Plain, 8" and wider, standard lengths, could not be shipped as

9,000' 4/4" No. 1 Com. & Sel. Sap Gum 8" width, standard lengths @ $58.00 and the various quantities of the other wider widths in the shipment billed as such at the "special" item prices in this section.

c. A shipment against a standard grade specification must not contain, or be invoiced to show, any "special" item of the same species, grade, and thickness which is priced under this subsection.

Example: An order for 15,000 feet BM 4/4" No. 1 Common and Selects Sap Gum-Plain could not be shipped as

10,000' 4/4" No. 1 Com. & Sel. Sap Gum @ $53.00

5,000' 8" wider @ $58.00.

NOTE: In each case the order specification is all inclusive with respect to the stock to be shipped.

Additions and adjustments. The provisions of paragraphs (d), (e), (f), (g) and (h) of this section relating to deduction for green, additions for kiln drying, mill working, miscellaneous additions, and custom kiln drying and milling are applicable to the price schedules set forth in this subsection (i).

Effect on special prices. The maximum prices mentioned in this subsection (i) supersede the maximum prices for like material previously authorized for individual sellers under the special pricing provisions of this regulation.

[Paragraph (i) added by Am. 18, 10 F.R. 4658, effective 5-1-45]

§ 1382.113 *Appendix B: Maximum prices for hardwood lumber sold by "small mills".* A "small mill" for the purpose of this section means only a mill in the Southern hardwood lumber region which produced, during no consecutive twelve-month period since October 1941, more than one and a half million feet of hardwood lumber or more than four million feet of softwood and hardwood lumber combined.

A "small mill" may sell on grade according to the provisions of the other sections of the regulation if it is willing to take full responsibility for the accuracy of its grading and if it does not wish to sell according to the provisions of this section.

[Above two paragraphs amended by Am. 15, 10 F.R. 1788, effective 2-17-45]

For the coverage of this section insofar as yellow cypress is concerned, see § 1382.102 (b) (2).

[Above paragraph added by Am. 19, effective 8-22-45]

(a) *Ungraded hardwood lumber, maximum prices.* The maximum prices for 1,000 feet board measure for the full product of the logs of ungraded Southern hardwood lumber produced by small mills, except such mills located in the State of Virginia, of any species or combination of species in green or dry condition, are as follows:

Lumber cut to dry to:	
Thicknesses of 1", 1½" and 1¼"	$32.00
Thicknesses of 2"	29.00
Thicknesses over 2"	28.00

The maximum price for the full product of the logs of ungraded Southern hardwood lumber produced by small mills located in that portion of the State of Virginia within the Southern hardwood area, of any species or combination of species in green or dry condition, is $2.00 per 1,000 feet board measure higher than the prices above.

[Paragraph (a) amended by Am. 17, 10 F.R. 2929, effective 3-16-45]

(b) *Graded hardwood lumber—Maximum prices.* Only a "small mill" which has registered as such with OPA as required by paragraph (f) below, which does not grade its own hardwood lumber, and which does not sell ungraded hardwood lumber under (a) above, may sell hardwood lumber on grade subject to the maximum prices for the species, grades, and thicknesses established in this regulation under the following conditions:

(1) *N. H. L. A. inspection.* A "small mill" may sell hardwood lumber at the graded hardwood lumber prices established in this regulation for the grades determined by National Hardwood Lumber Association inspection at the point of origin only, with the cost of inspection borne by the seller. (Note: Any mill which sells graded hardwood lumber on its own inspection may, of course, sell graded hardwood lumber on NHLA inspection.)

[Subparagraph (1) amended by Am. 15, 10 F.R. 1788, effective 2-17-45]

(2) *Buyer's inspection* — (i) *Eligible buyers.* A "small mill" may sell hardwood lumber on buyer's inspection at graded hardwood lumber prices to a buyer authorized under the provisions of paragraph (d) of this section by the Office of Price Administration, Washington, D. C., to buy on his own inspection.

(ii) *Maximum prices.* The maximum prices for this type of sale shall be the applicable maximum prices established in this regulation for the particular species, grades, and thicknesses of hardwood lumber, less 5%. Buyer's inspection on truck or rail shipments may be made at either the point of origin or at destination.

[Subparagraph (ii) amended by Am. 15]

(3) *Residue sales.* A small mill which sells hardwood lumber on grade on National Hardwood Lumber Association or authorized buyer's inspection may sell any of its hardwood lumber ungraded at not more than $20 per 1,000 feet board measure.

(c) *Buyer's application.* In order to obtain authorization to buy hardwood lumber on grade by his own inspection, a buyer must apply to the Lumber Branch, Office of Price Administration, Washington 25, D. C., and submit the following information:

(1) Whether it was his continuous procedure before October 15, 1941 to buy hardwood lumber principally on separate species, grades and thicknesses as determined by his own inspection according to the effective rules issued by the National Hardwood Lumber Association and at a separate price for each item. If so, copies of settlement sheets and bills showing payment on this basis are to be submitted.

(2) Whether the efficiency, facilities and practices of his inspection procedure have been maintained.

(3) Names of inspectors, and for each inspector his period of employment by the buyer and his previous experience and employment in grading hardwood lumber.

(d) *Buyer's authorization.* Permission to purchase graded hardwood lumber on buyer's inspection, and on authorization number, will be given by the Administrator, or person delegated by him, if, in his judgment, the buyer is qualified to purchase on his own grading. The authorization will be denied or withdrawn if it is found that any material statements in the application were false or do not apply due to a change in circumstances, or that the hardwood lumber has been graded inaccurately by the buyer to such an extent as to show either intentional false grading, incompetence or negligence in grading. Where buyer's grading indicates abnormally high grade realization, the buyer's authorization may, in the absence of adequate explanation, be revoked. The buyer shall be held fully responsible for the grading. In addition to withdrawal of permission, the buyer, of course, is subject to the usual penalties imposed by law for any violation of this regulation.

After authorization is granted, the buyer must notify the Lumber Branch of the Office of Price Administration, Washington 25, D. C., of any changes in his position affecting his ability to inspect and grade hardwood lumber.

(e) *Records.* (1) The buyer shall furnish the seller a true copy of the inspection report and both the seller and the buyer shall maintain adequate records of each sale or purchase of hardwood lumber on buyer's inspection for a period of at least two years or for the duration of the Emergency Price Control Act of 1942, as amended, whichever is shorter. These records must show the buyer's authorization number, the name of the seller and of the buyer, the date of sale, the footage of each species, grade and thickness of hardwood lumber, the moisture condition (whether green, air-dried, or kiln-dried), the itemized prices received and paid therefor and a statement from the seller that he is qualified to sell on buyer's inspection under this section.

[Subparagraph (1) amended by Am. 15]

(2) The buyer shall submit quarterly to the Lumber Branch, Washington 25, D. C., a statement of the volume of his purchases of hardwood lumber on his own inspection broken down to show the total for each species by grades and thicknesses.

(f) *Registration of sellers.* Within 30 days from February 17, 1945, or, in the case of new sellers, within 30 days of the first sale under this section, every mill which does not sell its hardwood lumber on grade on its own inspection, must file a statement with the Lumber Branch of the Office of Price Administration, Washington 25, D. C., indicating which type of sales it will make under this § 1382.113. Any change in selling method thereafter made must be approved in writing by the Administrator upon application for approval of such change made to the Lumber Branch of the Office of Price Administration, Washington 25, D. C.

[Paragraph (f) amended by Am. 15, 10 F.R. 1788, effective 2-17-45]

(g) *Prohibited practices.* To prevent evasion of this section the following practices are prohibited unless changes in selling methods have been approved by the Administrator under paragraph (f) above:

(1) Sales of hardwood lumber on grade, by a "small mill" that has been selling ungraded lumber.

(2) Sales of ungraded hardwood lumber, or graded hardwood lumber on buyer's inspection, by seller's previously selling on their own inspection.

(3) Sales of ungraded hardwood lumber or graded hardwood lumber on his own inspection by a seller who has been selling graded hardwood lumber on buyer's inspection.

[Subparagraph (3) amended by Am. 15]

(4) Sales of hardwood lumber priced on grade by inspection of an unauthorized buyer.

(5) Sales of ungraded lumber under paragraph (a) which is not substantially the run of the log in the thickness sold.

(6) Sales of ungraded hardwood lumber by a seller who has been selling graded hardwood lumber.

[Subparagraph (6) added by Am. 15]

The maximum price for lumber sold in any such manner shall be $20 per 1,000 feet board measure. The establishment of a maximum price of $20 per 1,000 feet board measure for such lumber does not mean that these sales are permitted, but is established solely for the purpose of providing a fair and equitable basis for determining the amount of overcharges in the event that such sales take place.

However, anything contained herein to the contrary notwithstanding, any mill may sell the products covered by Third Revised Maximum Price Regulation 216 [1]—Eastern Railroad Ties, or by Maximum Price Regulation 558 [2]—Eastern Wooden Mine Material and Industrial Blocking, or any superseding regulations at the applicable prices under such regulations.

(h) *Delivery.* The maximum prices of hardwood lumber under paragraph (a) in this section include loading on rail cars within 30 miles or delivery for 30 miles or less. Where delivery or car loading is over 30 miles, a charge of 10 cents per 1,000 feet board measure for each mile over 30 and up to 100 miles may be made, with no addition for the return trip. For example, if delivery is made for 50 miles, a delivery charge of $2 per 1,000 feet board measure may be added. If delivery is over 100 miles, the charge to be added may be only the carload rail freight for the whole distance from the nearest rail loading-out point to destination.

If the seller does not load the lumber on rail cars or provide delivery within 30 miles, or if it is necessary for the buyer to incur any delivery or loading expense within the 30 miles (except rail freight), the prices for hardwood lumber must be reduced by $2.50 per 1,000 feet board measure. Maximum delivery charges on sales made under paragraph (b) of this section shall be the charges set forth in § 1382.103.

Notwithstanding the provisions of the foregoing of paragraph (h), if the United States Army Port of Embarkation, Hampton Roads, Virginia, requests diversion of lumber from Newport News, Virginia, to Norfolk, Virginia, or from Norfolk, Virginia, to Newport News, Virginia, which diversion is contrary to the provisions of the contract covering the sale of the lumber, a charge may be made for the actual ferry charges incurred between the points of Newport News and Norfolk, Virginia provided a ferry receipt showing payment of such charges is attached to the invoice.

[Paragraph (h) amended by Am. 15, 10 F.R. 1788, effective 2-17-45 and Am. 17, 10 F.R. 2929, effective 3-16-45]

(i) *Intermediate sellers.* Any person who acts as a selling agent for "small mills", and does not take title to the lumber, stands in the same position as the mills whose lumber he sells.

(j) *Sales to United States Government or any of its agencies.* The United States Government or any of its agencies may purchase hardwood lumber on buyer's inspection without authorization from the Office of Price Administration.

[§ 1382.113 added by Am. 14, 10 F.R. 595, effective 1-18-45; and amended as otherwise noted]

[Former § 1382.113 added by Am. 5, 8 F.R. 8860, effective 7-2-43 and revoked by Am. 7, 8 F.R. 11161, effective 8-14-43]

§ 1382.114 *Appendix C: Description of Southern hardwood area.* (a) The Southern hardwood area includes the states of Alabama, Arkansas, Florida, Louisiana, Mississippi, Texas and Oklahoma, and the counties of Tipton, Haywood, Shelby, Fayette, Lauderdale and Hardeman in the State of Tennessee, and those portions of North Carolina, South Carolina, Virginia, and Georgia not included in the "Appalachian hardwoods area".

The "Appalachian hardwoods area" is that area circumscribed by a line beginning at the intersection of the western line of the State of West Virginia and the western line of the State of Pennsylvania; thence southwesterly on the western line of West Virginia to the western boundary of Boyd County, Kentucky; thence extending southwesterly through Kentucky along the generally northwestern boundaries of the following counties: Boyd, Carter, Rowan, Menifee, Powell, Estill, Jackson, Rockcastle, Pulaski, Wayne, and Clinton to the Tennessee state line; thence westerly along said state line to the western boundary of Pickett County, Tennessee; thence southerly in Tennessee along the western boundaries of Pickett, Fentress, Morgan, Roane, Rhea, and Hamilton Counties to the intersection of the western boundary of Hamilton County and the Nashville, Chattanooga, and St. Louis Railroad; thence easterly along said railroad through Chattanooga to the intersection of said railroad and the Georgia state line; thence easterly along said state line to the western boundary of Fannin County, Georgia; thence southeasterly in Georgia along the southwestern boundaries of Fannin County and Lumpkin County; thence generally easterly in Georgia along the southeastern boundary of Lumpkin County, the southern boundary of White County, and the southern and eastern boundaries of Habersham County to the South Carolina state line; thence southeasterly along said line to the southeastern boundary of Oconee County, South Carolina; thence in a generally northeasterly direction through South Carolina along the southeastern boundaries of Oconee and Pickens Counties, and the western, southern, and eastern boundaries of Greenville County to the North Carolina state line; thence easterly along the southern line of North Carolina to the eastern boundary of Cleveland County, North Carolina; thence northerly in North Carolina along the eastern boundaries of Cleveland and Burke Counties; thence continuing generally northeasterly in North Carolina along the eastern or southern boundaries of Alexander, Wilkes, and Surry Counties to the Virginia state line; thence east on said state line to the eastern boundary of Patrick County, Virginia; thence northeasterly through Virginia, following the eastern boundary of Patrick County and the southeastern boundaries of Franklin, Bedford, Amherst, Nelson, Albemarle, Greene, Madison, and Rappahannock Counties, turning southerly along the southwestern boundary of Fauquier County, and resuming a generally northerly direction along the eastern boundaries of Fauquier and Loudoun Counties to the Maryland state line; thence northwesterly along said state line to the eastern boundary of Frederick County, Maryland; thence northerly through Maryland along the eastern boundary of Frederick County to the Pennsylvania state line; thence westerly and thence northerly along said state line to the starting point. All sawmills on the boundary line of the Appa-

[1] 9 F.R. 11638, 12814; 10 F.R. 3294.
[2] 9 F.R. 11643, 14437; 10 F.R. 3086.

lachian hardwoods area shall be deemed to be outside the Appalachian hardwoods area, except that mills in West Virginia and Maryland on the lines touching Pennsylvania and Ohio shall be deemed to be in the Appalachian area.

(b) Any sawmill located in the Southern hardwoods area, which satisfies all of the following requirements can sell its red oak and white oak lumber at the maximum prices established in § 1382.64 (b) (21), (22), (23), (24) and (25) of Maximum Price Regulation No. 155 [1] (Central Hardwood Lumber).

(1) The mill must certify in a letter to the Lumber Branch of the Office of Price Administration, Washington, D. C., that (i) during the previous calendar month more than 45 percent of the hardwood lumber produced by the mill (either from logs or from rough lumber) was red and/or white oak and at least 85 percent of the oak logs and lumber received at the mill were obtained from logging operations or concentration yards located in the South Central hardwoods area (as defined in § 1382.58 (a) (4) (ii) of Maximum Price Regulation No. 155) and the counties of Tennessee not included in that area; (ii) the mill agrees to maintain these proportions during each calendar month in the future; (iii) the mill agrees not to purchase in the future, either directly or indirectly, any red or white oak stumpage or logs in the Southern hardwoods area at prices higher than the prices paid by the mill for the most comparable stumpage or logs purchased during March 1942; and (iv) the mill agrees that any oak lumber purchased by it in the future, either directly or indirectly, in the Southern hardwoods area will not be resold by it at prices higher than the maximum prices established in this Revised Maximum Price Regulation No. 97.

(2) The mill has been approved and certified by the Office of Price Administration as having qualified under this paragraph and the certification and the firm name and location of the mill have been published in the FEDERAL REGISTER.

(3) The mill agrees to and does certify to the Lumber Branch of the Office of Price Administration at the end of each following calendar month that during that month the mill satisfied all the requirements mentioned above.

The Office of Price Administration may at any time withdraw its approval and certification.

[§ 1382.114, formerly § 1382.113, redesignated by Am. 5, 8 F.R. 8860, effective 7-2-43]

§ 1382.115 *Appendix D: Maximum prices for yellow cypress in standard or near standard grades*—(a) *Price tables.* The maximum prices for yellow cypress lumber, f. o. b. mill, per 1,000 feet board measure or per unit of measurement indicated in the tables are as follows:

[1] 8 F.R. 13007, 14343, 15430, 17414; 9 F.R. 1424.

TABLE 1—FACTORY GRADES

ROUGH

Thickness and width (inches)	Boat and tank stock standard lengths 8' and longer	F.A.S.—Standard lengths 8' and longer	Selects—Standard lengths 8' and longer	No. 1 shop—Standard lengths 6' and longer	Box—Standard lengths 4' and longer
4/4 random widths	$84.50	$83.50	$68.25	$48.50	$28.75
4/4 x 4 and 6	94.50	81.50	68.25	48.50	28.75
4/4 x 8	96.75	85.75	70.50	50.50	29.75
4/4 x 5 and 10	100.00	89.00	73.75	56.00	32.00
4/4 x 12	117.75	106.75	93.50	61.50	35.00
4/4 x 14	121.00	113.25	98.00	.....	.....
4/4 x 16	172.00	124.25	109.00	.....	.....
4/4 x 18	145.25	137.50	121.00	.....	.....
4/4 x 13 to 19 R/W	135.25	126.50	111.00	.....	.....
4/4 x 20	159.50	150.75	135.25	.....	.....
4/4 x over 20	170.50	161.75	146.25	.....	.....
5/4 random widths	107.75	96.75	81.50	62.75	32.00
5/4 x 4 and 6	107.75	96.75	81.50	62.75	32.00
5/4 x 8	110.00	99.00	83.50	65.00	33.00
5/4 x 5 and 10	113.25	102.25	87.00	70.50	35.00
5/4 x 12	131.00	120.00	106.75	76.00	38.00
5/4 x 14	134.25	126.50	111.00	.....	.....
5/4 x 16	145.25	137.50	122.00	.....	.....
5/4 x 18	158.50	150.75	135.25	.....	.....
5/4 x 13 to 19 R/W	148.50	139.75	124.25	.....	.....
5/4 x 20	172.75	164.00	148.50	.....	.....
5/4 x over 20	183.75	175.00	159.50	.....	.....
6/4 random widths	118.50	106.00	81.50	70.75	32.00
6/4 x 4 and 6	118.50	106.00	81.50	70.75	32.00
6/4 x 8	120.75	108.00	83.50	73.00	33.00
6/4 x 5 and 10	124.00	111.50	87.00	78.50	35.00
6/4 x 12	141.75	129.00	106.75	84.00	38.00
6/4 x 14	145.00	135.50	111.00	.....	.....
6/4 x 16	156.00	146.50	122.00	.....	.....
6/4 x 18	169.25	159.75	135.25	.....	.....
6/4 x 13 to 19 R/W	159.25	148.75	124.25	.....	.....
6/4 x 20	183.50	173.00	148.50	.....	.....
6/4 x over 20	194.50	184.00	159.50	.....	.....
8/4 random widths	134.25	126.75	92.75	82.50	31.75
8/4 x 4 and 6	134.25	126.75	92.75	82.50	31.75
8/4 x 8	136.50	129.00	95.00	84.75	32.75
8/4 x 5 and 10	139.75	132.25	98.25	90.25	34.75
8/4 x 12	157.25	150.00	118.00	95.75	37.75
8/4 x 14	160.50	156.50	122.50	.....	.....
8/4 x 16	171.50	167.50	133.50	.....	.....
8/4 x 18	184.75	169.75	146.50	.....	.....
8/4 x 13 to 19	175.00	158.75	135.50	.....	.....
8/4 x 20	199.00	183.00	159.75	.....	.....
8/4 x over 20	210.00	194.00	170.75	.....	.....
10/4 and 12/4 random widths	159.75	141.75	104.75	92.75	.....
10/4 and 12/4 x 4 and 6	159.75	141.75	104.75	92.75	.....
10/4 and 12/4 x 8	162.00	143.75	107.00	95.00	.....
10/4 and 12/4 x 5 and 10	165.25	147.25	110.25	100.50	.....
10/4 and 12/4 x 12	183.00	164.75	130.00	106.00	.....
10/4 and 12/4 x 14	186.25	171.25	134.50	.....	.....
10/4 and 12/4 x 16	189.50	182.25	145.50	.....	.....
10/4 and 12/4 x 18	210.50	195.50	158.75	.....	.....
10/4 and 12/4 x 13 to 19	200.50	184.50	147.75	.....	.....
10/4 and 12/4 x 20	224.75	208.75	172.00	.....	.....
10/4 and 12/4 x over 20	235.75	219.75	183.00	.....	.....
16/4 random widths	166.50	145.50	113.50	100.50	.....
16/4 x 4 and 6	166.50	145.50	113.50	100.50	.....
16/4 x 8	168.50	147.75	115.75	102.50	.....
16/4 x 5 and 10	172.00	151.00	119.00	108.00	.....
16/4 x 12	189.50	168.50	139.00	113.50	.....
16/4 x 14	192.75	175.25	143.25	.....	.....
16/4 x 16	203.75	180.25	154.25	.....	.....
16/4 x 18	217.00	199.25	167.50	.....	.....
16/4 x 13 to 19	207.00	188.25	156.50	.....	.....

TABLE 1—FACTORY GRADES—Continued

ROUGH—continued

Thickness and width (inches)	Boat and tank stock standard lengths 8' and longer	F.A.S.—Standard lengths 8' and longer	Selects—Standard lengths 8' and longer	No. 1 shop—Standard lengths 6' and longer	Box—Standard lengths 4' and longer
16/4 x 20	$230.25	$212.50	$183.17	.....	.....
16/4 x over 20	242.25	223.50	191.75	.....	.....

Additions and deductions per 1,000 feet board measure (see § 1382.105 (b) (10)).

For working:

1. S1S, S2S, add $3.00.
2. S3S, S4S, S1S1E, S2S & M, shiplap, grooved roofing, add $4.50.
3. Casing, base, jambs, sill stock, casket moulding or any other pattern stock, (except moulding), add $6.00; for lots of less than 1,000 feet board measure any pattern (except moulding), add a flat $5.00 machine set up charge.

For grade:

4. Heart face selects, add to selects, $5.00 for 1 1" on 1 5/4"; $14.00 for 6 1", $20.00 for 8/4" and thicker.
5. No. 2 shop, all thicknesses, deduct $10.00, from No. 1 shop prices.

For size:

6. For any average width, charge the specified width prices for the widths shipped.
7. Extra standard thickness or width other than American lumber standards, add $1.50 when stock is dressed clean. No addition may be made for extra standard thickness or width, bit or miss dressing.

For length:

8. For precision cutting to a specified exact length, with tolerance of not more than 1/4" allowed, add $1.50. No addition is permitted for customary double end trimming.
9. For any specified average length, except odd lengths, 16' or longer, charge the specified length prices for the lengths shipped.
10. Specified lengths, add to standard length prices:

Thickness (inches) and grades	16'	18'	20'
4/4, 5/4, 6/4, 8/4, all grades (except box)	$5.00	$7.50	$10.00
10/4 and thicker, boat and tank stock and F. A. S.	5.00	10.00	10.00
10/4 and thicker selects, No. 1 shop	5.00	7.50	10.00
Box, all thicknesses	3.00	3.00	5.00

11. Any length 6' or shorter, cut to a specified exact length, all grades (except No. 1 shop and box) charge the standard length price and add $1.50 for each necessary cross cut, but the total charge may not exceed $6.00 and must be based on the nearest standard multiple length. No additional charge may be made for precision cutting. If length breaks on even one half foot, compute footage on actual length, otherwise compute on 6" breaks, on the next break above. This footnote covers lengths under 6' in No. 1 shop and under 4' in box.
12. No additional charge may be made when 18' and 20' are excluded from standard lengths, either at request of buyer or through inability of seller to supply. (For other working, condition, grade and handling additions and deductions, see table 11.)

TABLE 2—FINISH AND COMMON YARD GRADES

ROUGH

Thickness and width (inches)	A Finish—Standard lengths 8' and longer	B Finish—Standard lengths 8' and longer	C Finish—Standard lengths 8' and longer	D Finish—Standard lengths 8' and longer	No. 1 Common—Standard lengths 8' to 20'	No. 2 Common—Standard lengths 8' to 20'	No. 3 Common—Standard lengths 6' to 20'	Peck—Standard lengths 6' to 20'
4/4 x 4 to 12 R/W	$89.00	$75.75	$72.25	$68.75	$49.50	$40.25	$31.00	$31.00
4/4 x 4 and 6	84.75	71.25	68.00	64.25	49.50	40.25	31.00	31.00
4/4 x 8	87.00	73.50	70.25	66.50	50.50	41.25	32.00	33.00
4/4 x 5 and 10	90.25	76.75	73.50	70.00	54.00	44.25	35.00	38.00
4/4 x 12	107.75	97.75	94.25	92.00	50.50	47.50	38.00	.....
4/4 x 14	121.00	110.75	107.50	.....	.....	.....	.....	.....
4/4 x 16	134.25	124.00	120.75	.....	.....	.....	.....	.....
4/4 x 18	123.25	113.00	109.75	.....	.....	.....	.....	.....
4/4 x 20	147.50	137.25	134.00	.....	.....	.....	.....	.....
4/4 x over 20	158.50	148.25	145.00	.....	.....	.....	.....	.....
5/4 x 4 to 12 R/W	102.25	88.75	85.50	82.00	60.50	45.25	34.00	34.00
5/4 x 4 and 6	98.00	84.50	81.25	77.50	60.50	45.25	34.00	34.00

TABLE 2—FINISH AND COMMON YARD GRADES—Continued

ROUGH—continued

Thickness and width (inches)	A Finish—Standard lengths 8' and longer	B Finish—Standard lengths 8' and longer	C Finish—Standard lengths 8' and longer	D Finish—Standard lengths 8' and longer	No. 1 Common—Standard lengths 8' to 20'	No. 2 Common—Standard lengths 8' to 20'	No. 3 Common—Standard lengths 6' to 20'	Peck—Standard lengths 6' to 20'
5/4 x 5	$100.00	$86.75	$83.25	$79.75	$61.50	$46.25	$35.00	$35.00
5/4 x 5 and 10	103.50	90.00	86.75	83.00	65.00	49.50	38.00	38.00
5/4 x 12	121.00	110.75	107.50	105.00	70.50	52.50	41.25	41.25
5/4 x 14	134.25	123.25	120.75	.....	.....	.....	.....	.....
5/4 x 16	148.00	137.25	134.00	.....	.....	.....	.....	.....
5/4 x 18	137.25	126.50	123.25	.....	.....	.....	.....	.....
5/4 x 13 to 19 R/W	161.50	150.75	147.50	.....	.....	.....	.....	.....
5/4 x 20	183.75	173.00	169.75	.....	.....	.....	.....	.....
5/4 x over 20	194.75	184.00	180.75	.....	.....	.....	.....	.....
6/4 x 4 to 12 R/W	107.50	94.25	90.75	87.25	65.00	49.50	38.00	38.00
6/4 x 4 and 6	103.00	88.75	85.50	82.00	65.00	49.50	38.00	38.00
6/4 x 8	105.25	90.50	87.25	83.50	65.00	49.50	38.00	38.00
6/4 x 5 and 10	108.50	93.75	90.25	86.75	70.50	53.50	41.25	41.25
6/4 x 12	125.75	110.75	107.50	105.00	.....	.....	.....	.....
6/4 x 14	139.75	129.00	125.75	.....	.....	.....	.....	.....
6/4 x 16	153.75	142.75	139.50	.....	.....	.....	.....	.....
6/4 x 18	143.75	132.75	129.50	.....	.....	.....	.....	.....
6/4 x 13 to 19 R/W	168.00	157.00	153.75	.....	.....	.....	.....	.....
6/4 x 20	192.25	181.25	178.00	.....	.....	.....	.....	.....
6/4 x over 20	203.25	192.25	189.00	.....	.....	.....	.....	.....
8/4 x 4 to 12 R/W	126.00	108.50	105.25	98.75	80.00	65.25	34.00	34.00
8/4 x 4 and 6	121.75	104.25	101.00	94.25	80.00	65.25	34.00	34.00
8/4 x 8	123.75	106.00	102.75	97.00	80.25	65.25	35.00	35.00
8/4 x 5 and 10	127.00	109.25	106.00	102.50	86.75	71.25	38.00	38.00
8/4 x 12	144.75	123.50	120.25	120.00	73.25	112.25	41.25	41.25
8/4 x 14	158.50	139.00	135.75	136.75	.....	.....	.....	.....
8/4 x 16	174.50	153.25	151.00	153.25	.....	.....	.....	.....
8/4 x 18	163.50	142.25	139.00	142.25	.....	.....	.....	.....
8/4 x 13 to 19 R/W	187.50	166.50	163.00	166.50	.....	.....	.....	.....
8/4 x 20	212.00	191.00	187.75	191.00	.....	.....	.....	.....
8/4 x over 20	223.00	202.00	198.75	202.00	.....	.....	.....	.....

Additions and deductions per 1,000 feet board measure (see § 1382.105 (b) (10)).

For working:

1. S1S, S2S, add $3.00.
2. S3S, S4S, S1S1E, S2S & M, shiplap, grooved roofing, add $4.50.
3. Casing, base, jambs, sill stock, casket moulding, or any other pattern stock (except moulding), add $6.00; for lots of less than 1,000 feet board measure, any pattern (except moulding) add a flat $5.00 machine set up charge.
4. Clear stock in grade equal to No. 1 common or better, rewinged on lower cross section, 1 x 6" and under in width, under 8' in length, bundled, $9.50 per m/bm. for 5/4" and 6/4," add $10.00 per m/bm.

For grade:

5. Clear heart 1/4" and 5/4", add $10.00 to a finish, 6/4" and 8/4" charge heart and tank stock prices.
6. All heartwood No. 1 and No. 2 common, add $10.00. No. 3 common, add $5.00 to grade item price.
7. 75 to 85% heartwood No. 1 and No. 2 common, add $5.00. For No. 3 common, add $3.00 to grade item price.
8. No. 2 peck or pork dropsines, deduct $11.00 from peck prices, for all thicknesses.
9. Dunnages, $15.50 for all thicknesses, per m/bm.

For size:

10. For any average width, charge the specified width prices for the widths shipped.
11. Extra standard thickness and/or width, other than American lumber standards, add $1.50 when stock is dressed clean. No addition may be made for extra standard thickness or width, bit or miss dressing.
12. 10/4" and 12/4" No. 1, No. 2 and No. 3 common, add $6.50 to the 8/4," price. For 16/4", add $10.50 to the 8/4" price.

For length:

13. For precision cutting to a specified exact length, with tolerance of not more than 1/4" allowed, add $1.50. No addition is permitted for customary double end trimming.
14. For any specified average length, 16' or longer, charge the specified length price for the lengths shipped.
15. Specified lengths, add to standard length prices:

Thicknesses and grades	16'	18'	20'
A and B Finish, all thicknesses	$5.00	$7.50	$10.00
C, D, and No. 1 Common, all thicknesses	5.00	7.50	10.00
No. 2 and No. 3 Common, all thicknesses	3.00	3.00	5.00
Peck, all thicknesses	4.00	4.00	5.00

TABLE 2—FINISH AND COMMON YARD GRADES—Continued

For length: Continued

16. Random lengths: Peck in 4' multiples, add $1 per m/bm. and longest length prior.
17. Random lengths: Boat and tank stock, 8' and longer, 4' multiples, 50% minimum 12' and longer, 25% minimum 16' and longer, 10% minimum 20' and longer, add $1.50 for each piece over 8' in length, but total charge may not exceed $6.00 and must be based on the nearest standard multiple length. No additional charge may be made for precision cutting. If length breaks on even half foot, compute footage on actual length, otherwise compute on 6" breaks on the next break above. This footnote covers lengths under 8' in boat and tank stock.

For width:

18. No additional charge may be made when 18" and 20" are excluded from standard lengths, either at request of buyer or through inability of seller to supply.

(For other working, condition, grade and handling additions and deductions, see table (11).)

TABLE 3—TIMBERS

ROUGH—GREEN

Thickness and width	No. 1 Common—standard lengths 8' to 24'	No. 2 Common—standard lengths 6' to 20'	No. 3 Common—Standard lengths 6' to 20'	Peck—Standard lengths 6' to 20'
3 x 3 to 4 x 4	$41.00	$39.00	$29.00	$29.00
3 x 5 to 5 x 5	44.00	39.00	29.00	29.00
3 x 6 to 6 x 6	42.00	37.00	27.00	27.00
3 x 8 to 8 x 8	43.00	40.00	30.00	30.00
3 x 10 to 10 x 10	46.00	43.00	33.00	33.00
3 x 12 to 12 x 12	51.00	46.00	36.00	36.00
4 x 5 to 5 x 5	50.00	45.00	35.00	35.00
6 x 10 to 10 x 10	58.00	53.00	43.00	43.00
6 x 12 to 10 x 12	51.00	46.00	41.00	41.00
8 x 8 to 8 x 8	56.00	51.00	41.00	41.00
8 x 10 to 12 x 12	61.00	56.00	51.00	51.00
8 x 14 to 14 x 14	64.00	59.00	49.00	49.00
10 x 10 to 10 x 10	64.00	59.00	49.00	49.00
10 x 12 to 12 x 12	69.00	64.00	54.00	54.00
10 x 14 to 14 x 14	74.00	69.00	59.00	59.00
12 x 12 to 12 x 12	79.00	74.00	64.00	64.00
12 x 14 to 14 x 14	84.00	79.00	69.00	69.00
14 x 14 to 14 x 14	89.00	84.00	74.00	74.00
14 x 16 to 16 x 16	94.00	89.00	79.00	79.00
16 x 16 to 16 x 16	99.00	94.00	84.00	84.00
16 x 18 to 18 x 18	104.00	99.00	89.00	89.00
18 x 18 to 18 x 18	109.00	104.00	94.00	94.00
18 x 20 to 20 x 20	114.00	109.00	99.00	99.00
20 x 20 to 20 x 20	119.00	114.00	104.00	104.00
20 x 22 to 22 x 22	124.00	119.00	109.00	109.00
22 x 22 to 22 x 22	129.00	124.00	114.00	114.00
22 x 24 to 24 x 24	134.00	129.00	119.00	119.00

Additions and deductions per 1,000 feet board measure: (See § 1382.105 (b) (10).

For working:

1. S1S, S2S, add $3.00.
2. S3S, S4S, S1S1E, S2S & M, shiplap, T & G, add $4.50.
3. Casing, base, jambs, sill stock, casket moulding, or any other pattern stock (except moulding), add $6.00; for lots of less than 1,000 feet board measure any pattern (except moulding) add a flat $5.00 machine set up charge.
4. Clear stock in grade equal to No. 1 common or better, rewinged on lower cross section, 1 x 6" and under in width, under 8' in length, bundled, $9.50 per m/bm. for 5/4" and 6/4," add $10.00 per m/bm.

For grade:

5. Clear heart 1/4" and 5/4", add $10.00 to a finish, 6/4" and 8/4" charge heart and tank stock prices.
6. All heartwood No. 1 and No. 2 common, add $10.00. No. 3 common, add $5.00 to grade item price.
7. 75 to 85% heartwood No. 1 and No. 2 common, add $5.00. For No. 3 common, add $3.00 to grade item price.
8. No. 2 peck or pork dropsines, deduct $11.00 from peck prices, for all thicknesses.
9. Dunnages, $15.50 for all thicknesses, per m/bm.

For size:

10. For any average width, charge the specified width prices for the widths shipped.
11. Extra standard thickness and/or width, other than American lumber standards, add $1.50 when stock is dressed clean. No addition may be made for extra standard thickness or width, bit or miss dressing.
12. 10/4" and 12/4" No. 1, No. 2 and No. 3 common, add $6.50 to the 8/4," price. For 16/4", add $10.50 to the 8/4" price.

For length:

13. For precision cutting to a specified exact length, with tolerance of not more than 1/4" allowed, add $1.50. No addition is permitted for customary double end trimming.
14. For any specified average length, 16' or longer, charge the specified length price for the lengths shipped.
15. Specified lengths, add to standard length prices:

Thicknesses and grades	16'	18'	20'
A and B Finish, all thicknesses	$5.00	$7.50	$10.00
C, D, and No. 1 Common, all thicknesses	5.00	7.50	10.00
No. 2 and No. 3 Common, all thicknesses	3.00	3.00	5.00
Peck, all thicknesses	4.00	4.00	5.00

TABLE 4—FLOORING, CEILING AND PARTITION

KILN DRIED (SURFACED)

Thickness and width	A, clear heart—standard lengths 8' and longer	Grade A—standard lengths 8' and longer	Grade B—standard lengths 8' and longer	Grade C—standard lengths 8' and longer	Grade D—standard lengths 8' and longer	Grade No. 1 Common—standard lengths 8' to 20'	Grade No. 2 Common—standard lengths 8' to 20'
Flooring:							
1 1/4, 1 and 6"	$96.50	$88.50	$71.25	$71.25	$68.00	$51.50	$46.50
5/4 x 3, 4 and 6"	109.50	97.25	87.25	87.25	81.50	65.50	58.50
6/4 x 3, 4 and 6"	112.50	102.50	87.75	84.75	81.50	66.00	59.00
Ceiling:							
5/16 x 3, 4 and 6"	49.75	44.75	38.50	35.00	35.00	28.75	25.75
7/16 x 3, 4 and 6"	70.25	64.00	56.25	50.50	72.50	42.75	38.00
9/16 x 3, 4 and 6"	86.75	79.25	68.00	62.75	63.50	51.75	43.50

Additions and deductions per 1,000 feet board measure: (see § 1382.105 (b) (10).)
For working:
1. Partition, add $10.00 to comparable item of flooring or ceiling.
For condition:
2. Air dried, for 4/4" deduct $4.00; 5/4", deduct $5.00; 6/4" deduct $5.50; 5/16", deduct $2.00; 7/16", deduct $2.50; and 9/16", deduct $2.75.
For size:
3. Stock worked other than standard width or thickness, add $2.00 to price of comparable item.
For length:
4. Specified lengths, all grades of flooring, 8', 10', 12', and 14', add $2.00; 16', add $5.00; 18', add $7.50; 20', add $10.00. For 6' or shorter, all grades except A, clear heart, deduct $3.00.
5. Specified lengths, all grades of ceiling, 8', 10', 12', and 14', add $1.00; 16', add $2.50; 18' add $3.50; 20', add $5.00. For 6' or shorter, all grades except A, clear heart, deduct $3.00.
6. No additional charge may be made, when 18' and 20' are excluded from standard lengths, either at request of buyer or through inability of seller to supply.
(For other working, condition, grade and handling additions and deductions, see table 11).

TABLE 5—SIDING

AIR DRIED OR KILN DRIED (BUNDLED)

Thickness and width	Grade A—Standard lengths 8' and longer	Grade B—Standard lengths 8' and longer	Grade C—Standard lengths 8' and longer	Grade D—Standard lengths 8' and longer	Grade No. 1 common—Standard lengths 8' to 20'	Grade No. 2 common—Standard lengths 6' to 20'	Grade No. 3 common—Standard lengths 6' to 20'
Bevel siding:							
1/2 x 4" and 6"	$42.75	$36.75	$35.25	$33.50	$26.75	$23.75	$19.25
1/2 x 5"	45.25	39.25	37.75	36.00	28.75	25.75	21.25
1/2 x 8"	43.75	37.75	36.25	34.50	27.25	24.25	19.75
Bungalow siding:							
9/16 x 8"	62.25	54.50	53.75	50.75	40.25	33.50	.....
9/16 x 10"	64.00	56.50	54.50	52.50	42.25	35.25	.....
11/16 x 8"	66.00	59.50	56.50	54.50	44.00	38.75	.....
11/16 x 10"	67.75	60.25	57.50	55.50	45.00	40.25	.....
11/16 x 12"	77.75	70.25	67.50	65.50	49.00	42.25	.....
Drop siding, all patterns:							
1 x 6"	82.50	70.25	67.25	64.00	50.50	44.50	35.50
1 x 8"	84.50	72.25	69.25	66.00	51.50	45.50	36.50
1 x 10"	87.50	75.25	72.25	69.00	54.50	49.50	39.50

Additions and deductions per 1,000 feet board measure (see § 1382.105 (b) (10).
For working:
1. Rabbeting bevel siding or bungalow siding, add $1.25 to grade item price.
For length:
2. 3' to 7½' bevel or bungalow siding, deduct $2.00 from standard length price of listed item.
3. Specified lengths, all grades of bevel and bungalow siding, 8', 10', 12', and 14', add $1.00; 16', add, $2.50; 18', add $3.50; 20', add $5.
4. Specified lengths, drop siding, use charges listed in table 2 for the comparable grade.
5. No additional charge may be made, when 18' and 20' are excluded from standard lengths, either at request o buyer or through inability of seller to supply.
(For other working, condition, grade and handling additions and deductions, see table (11).)

TABLE 6—PANEL STOCK

S2S

Grade and widths (inches)	3/8" finished 5/16" standard lengths 6' and longer	5/8" finished 5/16" standard lengths 6' and longer	3/4" finished 5/16" standard lengths 6' and longer
A grade:			
4 and 6	$45.75	$65.50	$80.50
8	46.75	66.75	82.25
8 and 10	48.50	68.75	84.75
12	57.25	79.75	98.00
14	58.25	81.25	100.25
16	63.75	88.00	114.50
18	70.50	96.25	124.25
20	77.00	104.50	134.25
8 to 12 R W	51.00	71.75	88.25
13 to 19 R W	65.00	89.50	116.00

Additions and deductions per 1,000 feet board measure: See §1382.105 (b) (10).
For working:
1. S3S, S4S, add $1.00.
For grade:
2. B, deduct $4.00.
For length:
3. Specified lengths, 8', 10', 12' and 14', add $2.00, 16' add $5.00; 18', add $7.50; 20', add $10.00. All additions shall be to the standard length prices. No additional charge may be made, when 18' and 20' are excluded from standard lengths, either at request of buyer or through inability of seller to supply.
(For other working, condition, grade and handling additions and deductions, see table (11).)

TABLE 7—STANDARD PLASTERING LATH AND FENCE LATH

AIR DRIED OR KILN DRIED (BUNDLED)

Size and length	Grade No. 1, per 1,000 pieces	Grade No. 2, per 1,000 pieces	Grade No. 3, per 1,000 pieces
3/8 x 1 1/2"—4' plastering lath	$6.50	$5.50	$4.00
3/8 x 1 1/2"—32" plastering lath	4.00	2.50	.....
3/8 x 1"—4' plastering lath	4.25	.....	.....
1/2 x 1 1/2"—32" fence lath	5.50	3.50	.....

TABLE 7—STANDARD PLASTERING LATH AND FENCE LATH—Continued

AIR DRIED OR KILN DRIED (BUNDLED)—continued

Size and length	Grade No. 1, per 1,000 pieces	Grade No. 2, per 1,000 pieces	Grade No. 3, per 1,000 pieces
1/2 x 1 1/2"—36" fence lath	$6.25	$4.25	.....
1/2 x 1 1/2"—42" fence lath	7.50	5.50	.....
1/2 x 1 1/2"—48" fence lath	9.00	7.00	.....
1/2 x 1 1/2"—60" fence lath	11.25	9.25	.....
1/2 x 1 1/2"—72" fence lath	13.50	11.50	.....

Additions and deductions per 1,000 pieces (see § 1382.105 (b) (10).
For condition:
1. Green, deduct 25¢.

TABLE 8—MOULDINGS

BUNDLED

	B and better—standard lengths 6' to 16' or 6' to 20'
Patterns listed at under $4.00	30% discount.
Patterns listed at $4.00 or over	25% discount.

Patterns and discounts refer to patterns and prices in S.4.00 Series Standard Moulding Book, Fourth Edition 1940.

Additions and deductions per 1,000 lineal feet (see § 1382.105 (b) (10).)
For working:
1. Sanding flat surfaces one side, shorten discount 3 points.
For grades:
2. Clear all heart, shorten discount 20 points.
For quantity:
3. Lots of 25,000 lineal feet or more of a standard, non-standard, or special pattern, lengthen discount 2 points.
4. Lots of less than 1,000 lineal feet of a standard or pattern, or less than 3,000 lineal feet of a non-standard or special pattern, shorten discount 5 points and add a flat $5.00 machine set up charge.
For length:
5. For specified lengths or exclusion of any standard length or lengths, shorten discount 3 points.
6. Cut to length patterns, shorter than standard lengths, shorten discount 2 points.

TABLE 9—BATTENS

Per 1,000 lineal feet, bundled

	No. 1 Common and better, 6' and longer
3/8" x 3" S1S	$ 7.50
3/8" x 3" OG or S4S	8.00
2" OG or S4S	11.00
2½" OG or S4S	13.00

Additions and deductions per 1,000 lineal feet (see § 1382.105 (b) (10)).
For length:
1. For any specified length or lengths, add 50¢ for 3/8" x 3" and $1.00 for 2" and 2½".
(For other working, condition, grade and handling additions and deductions see table (11).)

TABLE 10—GROUNDS

	Per 100 lineal feet
¾" x 7/8" S1S or S2S Strap Tied	$0.32½

TABLE 11—SPECIAL WORKING, CONDITION, GRADE AND HANDLING ADDITIONS AND DEDUCTIONS

Per 1,000 feet board measure. (See §1382.105 (b) (10).

For working:
1. No charge may be made for dressing to flooring, ceiling, or any other pattern for which maximum prices are established in any of the tables of the regulation.
2. Sanding flat surfaces, one side (except moulding) add $3.00.
3. Ripping add $1.50 for each cut. Product of grade before ripping to be shipped.
4. Ripped once and each piece S4S or D & M, add $6.00 to rough grade item price.
5. Resawing and surfacing:

Resawing 1 line	$3.00
Resawing 2 lines	5.00
Surfacing 1 or 2 sides	3.00
Surfacing 3 or 4 sides or 1 side and 1 edge	4.50
Surfacing 2 sides and resawing	6.00
Resawing and surfacing 2 sides	6.50

6. Dadoing, add 5¢ per cut.
7. Cross cutting, add $1.50 per cut.
For condition:
8. Green, deduct $5.00.
9. Kiln drying charges.
Graded before kiln drying—

1 2/3" & 5/8"	$3.00
3/4"	3.50
4/4"	4.00
5/4"	5.00
6/4"	5.50
8/4"	6.00
10/4"	7.50
12/4"	9.00

10. For grading after kiln drying, add $3.00, all thicknesses, to above kiln drying charges.
For handling:
11. Cleating ends, add $3.00.
12. Bundling rough or flat dressed items, all widths add $2.00. This addition is not permitted for flooring, ceiling, siding, partition, mouldings, battens, grounds, lath or any other item on which the cost of bundling is included in the listed price.
13. Stenciling, other than association or grade marking add $1.50.
14. Wrapping, add $5.00.
For inspection:
15. Where official inspection is requested by the buyer and an inspection certificate is required, the seller may make an added charge which does not exceed the inspection fees and expenses charged by the association to the seller and shown on the certificate.

(b) *Table of estimated weights.* (Expressed in pounds per unit on which maximum prices in the appropriate table are based; as 1,000' board measure, 1,000 pieces, 100 linear feet, or other unit.)

	Green		Dry	
	Dressed	Rough	Dressed	Rough
4/4", 5/4" and 6/4"	4,000	5,000	2,400	3,000
8/4"	4,200	5,000	2,600	3,200
10/4" and 12/4"	4,400	5,000	2,800	3,400
16/4" and thicker	4,600	5,000	3,200	3,400
4/4" rough, resawed	.....	.....	.....	2,200
4/4" rough resawed twice	.....	.....	1,250	.....
4/4"S2S and resawed	.....	.....	2,000	2,200
4/4" resawed and S2S	.....	.....	.....	2,200
8/4" rough resawed twice	.....	.....	850	.....
3/8" panel	.....	.....	1,000	.....
1/2" panel	.....	.....	1,400	.....
5/8" panel	.....	.....	1,600	.....
3/4" panel	.....	.....	1,600	.....

	Green		Dry	
	Dressed	Rough	Dressed	Rough
Worked flooring, partition, drop siding, shiplap, moulded ceiling and base	.....	.....	2,200	.....
⅜" ceiling	.....	.....	1,600	.....
½" ceiling	.....	.....	1,300	.....
⅝" ceiling	.....	.....	1,000	.....
1" bevel siding	.....	.....	1,400	.....
Bungalow siding ⅝" x 3½"	.....	.....	1,100	.....
Bungalow siding 11/16" x 3½"	.....	.....	1,300	.....
Lath ⅜"-4'	.....	.....	550	.....
Lath ⅜"-32"	.....	.....	375	.....
Lath ½"-4'	.....	.....	600	.....
Sheathing, D & M, shiplap S4S, finished ¾"	.....	.....	1,850	.....
O G battens 2"	.....	.....	500	.....
O G battens 2½"	.....	.....	350	.....
O G battens 3"	.....	.....	400	.....
⅝" x 3" battens, S1S	.....	.....	300	.....
Car siding and roofing	.....	.....	2,000	.....

(c) *Staking and bulkheading open top cars.* When a purchase order issued by any government agency requires that lumber thinner than 5" be shipped in open top cars, a charge of $7.50 per car may be made for material and labor involved in staking, wiring and separating. A further addition of $7.00 covering all materials and labor may also be charged for each bulkhead required by, and made in conformity with, the specifications of the Mechanical Division of the Association of American Railroads.

(d) *Custom kiln drying and milling.* Where yellow cypress lumber is kiln dried or milled for the seller by a custom kiln or milling establishment and the custom kiln or milling establishment is not owned or operated by or connected with the sawmill, the seller may add the actual cost of the kiln drying or milling, under circumstances permitted in, and amounts not greater than, the maximum prices established by the applicable regulation covering custom kiln drying and/or milling services.

[§ 1382.115 added by Am. 19, effective 8-22-45]

NOTE: All reporting and record-keeping requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 17th day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-15213; Filed, Aug. 17, 1945; 4:44 p. m.]

PART 1351—FOOD AND FOOD PRODUCTS

[MPR 53, Amdt. 50]

FATS AND OILS

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.

Article IX of Maximum Price Regulation No. 53 is amended in the following respects:

1. Section 9.1 (e) is amended to read as follows:

(e) *Container differentials for coconut and palm kernel oils.* The provisions of section 9.1 (b) notwithstanding, the maximum price of imported coconut oil and palm kernel oil when sold in the following described containers shall be the price set forth for such oils in bulk plus the differentials set forth below:

Quantity sold (returnable drums)	*Differentials to be added to bulk price (cents per pound)*
Carlots	0.5
Carlots in more than one delivery of ten drums each	0.7
5–9 drums, one delivery	1.1
1–4 drums, one delivery	1.5

If the oil is shipped in non-returnable drums, .5 cent per pound may be added to the above price.

2. There is added to section 9.2 a new paragraph (e) to read as follows:

(e) *Container differentials for babassu oil.* The provisions of section 9.2 (b) notwithstanding, the maximum price of imported babassu oil when sold in the following described containers shall be the price set forth for such oil in tank cars plus the differentials set forth below:

Quantity sold (returnable drums)	*Differential to be added to tank car price (cents per pound)*
Carlots	0.5
Carlots in more than one delivery of ten drums each	0.7
5–9 drums, one delivery	1.1
1–4 drums, one delivery	1.5

If the oil is shipped in non-returnable drums, 0.5 cent per pound may be added to the above price.

This amendment shall become effective August 22, 1945.

Issued this 17th day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-15211; Filed, Aug. 17, 1945; 4:49 p. m.]

PART 1407—RATIONING OF FOOD AND FOOD PRODUCTS

[2d Rev. RO 3,[1] Amdt. 33]

SUGAR

A rationale for this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.

Section 9.8 (b) is amended by deleting the first sentence and inserting in place thereof the following: "Before any deliveries may be made under this section both the transferor and the transferee must notify, in writing, the Board (or District Office) with which the transferor is registered. The notice must be given at least two weeks in advance of any delivery of sugar or ration evidences under this section."

This amendment shall become effective August 20, 1945.

NOTE: All reporting and record-keeping requirements of this amendment have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 16th day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-15221; Filed, Aug. 17, 1945; 4:51 p. m.]

PART 1407—RATIONING OF FOOD AND FOOD PRODUCTS

[RO 16,[2] Amdt. 64]

MEAT, FATS, FISH AND CHEESES

A rationale accompanying this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.

Section 7.15 (b) is amended by deleting the first sentence and inserting in place thereof the following: "Before any transfer may be made under this section both the transferor and transferee must notify, in writing, the Board (or District Office) with which the transferor is registered. The notice must be given at least two weeks in advance of any transfer of foods covered by this order or points under this section."

This amendment shall become effective August 20, 1945.

NOTE: All reporting and record-keeping requirements of this amendment have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 16th day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-15221; Filed, Aug. 17, 1945; 4:51 p. m.]

PART 1499—COMMODITIES AND SERVICES

[RMPR 165,[3] Amdt. 1 to Rev. Supp. Service Reg. 50]

BOWLING IN DAYTON, OHIO, AREA

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.

A new subparagraph (5) is added to § 1499.648 (c) to read as follows:

(5) The Regional Administrator for Region III may issue a general area order establishing maximum prices for bowling in the Dayton, Ohio, area.

This amendment shall become effective August 22, 1945.

Issued this 17th day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-15234; Filed, Aug. 17, 1945; 4:49 p. m.]

[1] 9 F.R. 13992, 14642, 15048; 10 F.R. 201, 412, 1143, 1537, 2144, 2581, 2874, 3223, 4105, 4715.

[2] 10 F.R. 2521, 2875, 3223, 3556, 3549.

[3] 10 F.R. 2097, 2250, 3925.

PART 1499—COMMODITIES AND SERVICES

[2d Rev. SR 14, Amdt. 11]

LOGGING SERVICES

A statement of the considerations involved in the issuance of this amendment,, issued simultaneously herewith, has been filed with the Division of the Federal Register.

Second Revised Supplementary Regulation 14, is amended in the following respect:

1. Section 3.1 of Article III is deleted.

This amendment shall become effective August 22, 1945.

Issued this 17th day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-15212; Filed, Aug. 17, 1945; 4:47 p. m.]

PART 1305—ADMINISTRATION

[Supp. Order 45, Amdt. 24]

EXEMPTION FROM PRICE CONTROL OF CERTAIN COMMODITIES AND SERVICES

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.

Section 1305.59 (a) (5) is added to read as follows:

(5) Tin gas meters.

This amendment shall become effective August 23, 1945.

Issued this 18th day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-15295; Filed, Aug. 18, 1945; 11:59 a. m.]

PART 1305—ADMINISTRATION

[Supp. Order 108,[1] Amdt. 4]

MANUFACTURERS' MAXIMUM AVERAGE PRICES FOR CERTAIN ITEMS OF APPAREL AND APPAREL ACCESSORIES

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.

Supplementary Order 108 is amended in the following respects:

1. Section 9 (a) is amended by amending the first two paragraphs thereof to read as follows:

(a) *Persons who are unable to establish base periods under section 2.* Except in the case of transfers of business as provided in section 10, if you made no deliveries at all in a particular category between January 1, 1943 and December 31, 1944, you may not deliver any items in that category after September 30, 1945 until you have received an order from the OPA establishing a maximum average price for that category.

However, if you made your first delivery of any item in that category between December 31, 1944, and April 28, 1945, and if you file your application under this section and receive an acknowledgment from the OPA dated on or before June 20, 1945 you may deliver items in that category at ceiling prices established under the appropriate regulation without regard to the requirements of this order, until an order has been issued to you under this section: Except that, until an order is issued, you must not deliver any item in that category at a price higher than the highest maximum price you have already established for any item in that category which you delivered before April 28, 1945. If you have not received an acknowledgment of the receipt of your application dated before June 21, 1945, you may not deliver any items in the category after September 30, 1945, until an order has been issued to you under this section.

This amendment shall become effective August 15, 1945.

Issued this 15th day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-15223; Filed, Aug. 17, 1945; 4:45 p. m.]

PART 1305—ADMINISTRATION

[Supp. Order 126]

EXEMPTION AND SUSPENSION OF CERTAIN ARTICLES OF CONSUMER GOODS FROM PRICE CONTROL

A statement of the consideration involved in the issuance of this supplementary order, issued simultaneously herewith has been filed with the Division of the Federal Register.

ARTICLE I—EXEMPTIONS

SECTION 1. *Articles exempted from price control.* Notwithstanding the provisions of any price regulation heretofore or hereafter issued by the Office of Price Administration, all purchases, sales and deliveries of any articles of consumer goods listed in sections 2 and 3, of this order are exempt from price control.

SEC. 2. *Consumer durable goods articles.* (a) The following articles of personal accessories:

Comb cleaners
Comforter grippers
Decorative combs designed for use exclusively as hair ornaments
Hand fans
Jewelry of the following types (including costume jewelry) except when sold with or as a part of any article subject to price control such as apparel and time pieces:
  Bracelets
  Brooches
  Charms
  Compacts and vanity cases made of precious metals (not including articles plated with precious metals)
  Cuff links
  Earrings
  Lipstick holders made of precious metals (not including articles plated with precious metals)
  Necklaces
  Pendants
  Pins
  Rings
Jewelry of the following types (including costume jewelry) except when sold with or as a part of any article subject to price control such as apparel and time pieces—Continued.
  Watch Bracelets
  Men's accessories, such as tie clips, money clips, key chains, watch chains, belt buckles, etc.
Shaving equipment made of precious metals (not including shaving equipment plated with precious metals)
Shoe horns
Smoking equipment and accessories except tobacco, cigars, cigarettes, matches and apparel
Wigs and toupees
Wood hair curlers

(b) The following articles of household accessories:

Artificial or preserved grass, plants, stems, buds, vines, fruits, flowers, petals, leaves and foods for decorative household use and store display purposes.
Beverage coasters
Book ends
Bookmarks (except paper)
Christmas decorations made of natural vegetable products such items as cones, berries, pods, leaves, etc.
Christmas tree holders
Christmas tree ornaments except electric light bulbs, cords and sets
Figurines and ornamental statuary designed for ornamental use (not including articles which may be used for any other purpose)
Glass ice balls for "chilling without diluting" food and beverages
Hand painted pictures
Incense burners
Miniature furniture used as containers for flowers, candy, cigarettes, etc. (except packaging supplied by seller of the packaged article)
Miniature size novelties made of glass, china, wood, plastic, plaster, etc., which have no tableware use and are made for collector's purposes only, including miniature size decorative glass bottles other than perfume bottles
Mirror covered boxes when sold separately and not as part of a unit containing an article not exempt
Mirror table plateaus
Music boxes when sold separately and not as part of an article not exempt
Napkin rings
Novelty cigarette, cigar, and playing card boxes when sold separately and not as part of a set (except paper or paper board articles and packaging supplied by a seller of the packaged article)
Novelty and decorated serving trays
Novelty pouring and measuring caps for liquor bottles
Novelties made of alabaster, marble, onyx, shell, bark, bone, horn, butterfly wings and gourds for decorative household use or made for collectors' purposes
Novelty wall plaques, masks, and decorations designed solely for ornamental use, but not including articles which may be used for any purpose whatsoever other than ornamentation
Paper weights
Picture frames and framed pictures (except portrait photographs)
Pin cushions
Party novelties made in part of candy, nuts or cosmetics
Place card holders and place cards (except paper)
Poker chips and racks
Portable door stops
Reading racks (except typewriter copy holders)
Self-feeding baby bottle holders
Shoe racks
Tie racks
Wood carved figures and animals

[1] 10 F.R. 4336, 5995, 6404.

Articles of glassware, china or pottery for decorative household use (except lamp bases and articles for the preparation, storage and service of food and beverages)

(c) The following articles of housewares:

Bird houses, feeders and baths
Bird cages, stands and hooks
Bowl covers and bags made of fabric or plastic for household use in preserving food and beverages
Clothespins
Deodorizers for use in household ice boxes and refrigerators only
Dinner bells and chimes
Dog and cat beds, cushions, mattresses and diners
Housenumber markers and holders
Wood log carriers

(d) The following articles of hardware:

Aluminum horse shoes
Garden hose reels
Safety air vents for wine fermentation
Ship bells
Sleigh bells

(e) The following articles of sporting goods:

Aquatic sporting goods other than apparel and shoes
Archery equipment other than apparel
Badminton equipment other than apparel and shoes
Baseball equipment except balls, mitts, gloves, bats, apparel and shoes
Basketball equipment except apparel, shoes and basketballs
Boats, 25 ft. or less in length constructed and sold solely for use as pleasure craft, made substantially of wood or wood and canvas
New canoes and accessories except sales
Cartridge case trimmers, reloaders, swedgers and reshapers for use in hand loading ammunition
Clay pigeons and traps for releasing clay pigeons
Croquet sets and equipment
Decoys, bird and game
Field hockey equipment except apparel and shoes
Fishing tackle except rods, reels, non-metallic lines and nets
Football equipment except apparel, shoes, helmets, pads and footballs
Game calls, bird and game
Golf equipment except apparel, shoes, clubs and balls
Ice hockey equipment except apparel, skates, shoes and skate combinations
Paddle tennis equipment
Shuffleboard equipment
Soccer equipment except apparel, shoes and balls
Softball equipment except balls, mitts, gloves, bats, apparel and shoes
Squash equipment other than apparel and shoes
Table tennis equipment
Tennis equipment except rackets, balls, apparel and shoes
Toboggans, bobsleds and equipment except apparel and shoes
Volley ball equipment except apparel, shoes and balls
The following items of track and field equipment: Javelins, discus, athletic shot, toe boards, athletic hammer, vaulting poles, vaulting and jump standards

(f) The following articles of photographic equipment:

Densitometers
Diffusing Screens
Film-hanger Racks
Film sheaths
Film-slitters
Lens caps
Montage Kits
Paper safes
Plate drying racks
Plate holders
Print embossers
Print paddles
Print tongs
Projector stands
Retouching desks
Slide changers
Slide-film viewers
Stirring rods
Trimming-board guides
Tripod tips
Vignetters

(g) The following articles of household furniture:

Costumers
Folding screens
Foot stools except hassocks and ottomans for matched sets
Furniture made entirely of glass
Hand carved wood wall brackets, wall pockets and sconces. (This does not include shadow boxes, curio cabinets or other hanging wall cabinets.)
Magazine racks and baskets when sold under the following conditions:
  to consumers for $5.00 or less
  to retailers for $2.50 or less
  to wholesalers for $2.15 or less
Plant stands and ferneries
Portable bars and back bars for household use
Sewing cabinets (except cabinets for sewing machines)
Spinning wheels
Tea wagons

(h) The following articles of floor coverings:

Rugs, the wearing surface of which is made wholly of animal skins.

(i) The following articles of toys:

Magician's tricks
Toys and games when sold under any of the following conditions:
  to consumers for $.25 or less
  to retailers for $.15 or less
  to wholesalers for $.12 or less

(j) The following articles of professional goods:

Dental instruments and supplies for use by dentists, including, but not limited to, forceps, pliers, handpieces, scalers, elevators, impression compounds, etc., but not including fixtures and dentifrices.
Exercise machines and devices
Laboratory apparatus built to specifications of the purchaser when no more than six identical items are manufactured (except scientific instruments covered by Maximum Price Regulation No. 136)
Scientific optical instruments (except those covered by RMPR No. 136 and binoculars, monoculars, field glasses and photographic equipment)
Surgical instruments or machines for use by physicians, surgeons or hospitals, including, but not limited to, forceps, clamps, surgical needles, knives, retractors, dilators, cardiographs, etc. But not including hospital or office furniture, or surgical supplies such as bandages, adhesive tape, etc.

(k) The following articles of equipment and supplies:

Advertising novelties, other than paper (such as: pens, pencils, tooth picks, knives, cigarette lighters, leather backed calendar pads, writing kits, playing cards, thermometers, barometers, hydrometers) which are sold to an advertiser who gives them away for purposes of publicity without cost to the recipient. These articles must be imprinted with the name of the advertiser or the name of the recipient before delivery by the manufacturer.
Automatic rotary cookers
Cemetery flower vases with invertible insert, and designed to be so placed into the ground that the top of the vase is flush with the ground level
Coin operated machines including, but not limited to, scales, vending machines, amusement machines, music machines
Electrically operated map cases
Florists' foliage, decorative and trimming products
Metal bindings or slides for use on maps, map cases, charts, calendars, tariff sheets, advertising matter, etc.
Mineral, geological, botanical and zoological specimens and microscopic slides for educational purposes
Miniature and scale model furniture sold for use in sales promotion
Records or electrical transcriptions of special studio programs or of live commercial radio broadcast programs when sold to advertising agencies, advertisers, radio broadcast stations, commercial radio program producers, or participating artist, for rebroadcast, advertising, promotion, or reference purposes only, and not for sale to the general public
Signs, advertising, street, etc.
Three dimensional sculptured or cast anatomical models (human, botanical, zoological) used for educational purposes
Tax and payroll calculators, non-mechanical, which use charts to indicate or compute taxes and payrolls
Wire forms for floral wreaths and wire easels for floral displays

(l) The following miscellaneous articles:

Decorative and memorial tablets and plaques
Wood, leather, metal, cloth, paper or pottery souvenirs on which have been printed, engraved, stamped, or burned the names or pictures of cities, towns, camp, resorts, or states which are sold only as souvenir items.

SEC. 3. *Leather, fur and fiber articles.*
Dressed Pony Hair
Dressed Badger Hair

ARTICLE II—SUSPENSION

SEC. 6. *Articles suspended from price control.* Notwithstanding the provisions of any price regulation heretofore or hereafter issued by the Office of Price Administration, price control is suspended as to all purchases, sales, and deliveries of any article of consumer goods listed in sections 8 and 9 of this order. These suspensions are for an indefinite period of time except when it is otherwise specifically provided by the Administrator.

SEC. 8. *Leather and fur and fiber articles.* (a) Furs and peltries of the following kinds:

Alaska Fox, Blue and White
Alaska Seal skin
Fox, Silver
Mink

(b) Furs and peltries heretofore subject to Maximum Price Regulation No. 541 other than the following:

Cat, Spotted, South American (including Brazilian and Mexican)
Fox, Gray
Hare
Kid, African (Eritrean)
Kid, Indian
Lamb, Indian "Bombay"
Lamb, Indian Moire (also known as Indian Broadtail)
Lamb, Lincoln
Lamb, Mouton
Marmot
Muskrat
Opossum, North American
Pony
Rabbit
Raccoon
Skunk
Squirrel
Wolf

SEC. 9. *Apparel articles.* (a) Fur garments (garments of which the entire external surface, except for trimming, is made of fur), fur shells or fur garments and fur trimmings and collars, other than such articles made from the following furs and peltries.

Cat, Spotted, South American (including Brazilian and Mexican)
Fox, Gray
Hare
Kid, African
Lamb, Indian "Bombay"
Lamb, Indian Moire (also known as Indian Broadtail)
Lamb, Lincoln
Lamb, Mouton
Marmot
Muskrat
Opossum
Pony
Rabbit
Raccoon
Skunk
Squirrel
Wolf

ARTICLE III—GENERAL PROVISIONS

SEC. 11. *Articles not affected by this order.* The provisions of this order do not exempt or suspend from price control articles which are not listed, although such articles may have incorporated in them or to be sold with, articles which are exempted or suspended from price control.

SEC. 12. *Records.* Exemption or suspension from price control shall not affect the responsibility of a person to prepare and preserve records which prior to exemption or suspension, were required to keep under the provisions of the applicable price regulation or regulations.

Records of individual transactions after exemption or during a period of suspension need not be retained. However, persons manufacturing articles which, except for exemption or suspension, are covered by Maximum Price Regulation No. 188 are required to continue to file copies of catalogues, price lists, notifications to the trade and changes thereof in accordance with the provisions of § 1499.159d of that regulation.

SEC. 13. *Definitions.* For the purpose of this supplementary order:

(a) "Person" means an individual, corporation, partnership, association, or any other organized group of persons, or legal successor or representative of the foregoing.

(b) "Price regulation" means a price schedule effective in accordance with section 206 of the Emergency Price Control Act of 1942 as amended, a maximum price regulation or temporary maximum price regulation, heretofore or hereafter issued, or any amendment or supplement thereto or order thereunder heretofore or hereafter issued.

SEC. 14. *Relationship between this order and Supplementary Order 45.* The provision of this supplementary order supersedes the provision of Supplementary Order 45 as to any article listed in this order.

SEC. 15. *Geographical applicability.* The provisions of this order shall be applicable to purchases, sales and deliveries in the forty-eight states of the United States and the District of Columbia.

This supplementary order is effective on the 15th day of August 1945.

Issued this 15th day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-15137; Filed, Aug. 17, 1945; 11:15 a. m.]

PART 1305—ADMINISTRATION

[Supp. Order 127]

EXEMPTION FROM PRICE CONTROL OF CERTAIN COMMODITIES AND SERVICES IN TERRITORIES AND POSSESSIONS OF UNITED STATES

A statement of the considerations involved in the issuance of this supplementary order, issued simultaneously herewith, has been filed with the division of the Federal Register.

Sec.
1.1 Geographical applicability.
1.2 Nature of order.
1.3 Exemption from price control of certain commodities and services.

AUTHORITY: § 1305.155 issued under 56 Stat. 23,765; 57 Stat. 566; Pub. Law 383, 78th Cong.; Pub. Law 108, 79th Cong.; E.O. 9250; 7 F.R. 7871; E.O. 9328; 8 F.R. 4681.

SECTION 1.1 *Geographical applicability.* This order shall apply in the Territories and Possessions of the United States.

SEC. 1.2 *Nature of order.* This order grants exemption from maximum price control of the commodities and services specified.

SEC. 1.3 *Exemption from price control of certain commodities and services*—(a) *General.* Notwithstanding the provisions of any regulation or order issued prior to the effective date of this order by the Office of Price Administration, all sales by any persons of the following listed commodities are exempt from price control, except as otherwise provided herein:

(1) The following items in the notions category:

Tie racks, shoe racks
Pin cushions
Shoe horns
Wigs and toupees
Wood hair curlers
Comforter grippers
Comb cleaners

(2) The following items in the household accessories category:

Book ends, portable door stops, and paper weights
Reading racks, but not including typewriter copy holders
Mirror table plateaus
Beverage coasters
Dinner bells and chimes
Wood carved figures and animals
Music boxes
Table decorations consisting of artificial flowers, artificial fruit, or leaves only
Artificial stem flowers for decorative household use, including artificial petals and leaves
Place card holders
Figurines and ornamental statuary designed for purely ornamental use, but not including articles which may be used for any other purpose whatsoever although they are in the shape of figurines
Novelty wall plaques, masks, and decorations designed for purely ornamental use, but not including framed pictures or articles which may be used for any purpose whatsoever other than ornamentation
Novelty glass ice balls for "chilling without diluting" food and beverages
Miniature size novelties made of glass, china, wood, plaster, etc., which have no tableware use and are made for collectors' purposes only, including miniature size decorative glass bottles other than perfume bottles
Self-feeding baby bottle holders
Wood log carriers
Incense burners
Deodorizers for use in ice boxes and refrigerators only.
Cigarette urns
Novelty cigarette boxes (other than paper or paperboard) when sold separately and not as part of a set.
Custom made picture frames, when no more than four frames are made to the same specifications for any one customer.
Hand decorated used bottles
Decorative place cards (other than paper)
Poker chip racks
Miniature furniture used as containers for flowers, candy, cigarettes, etc.
Bird houses, feeders, and baths
Bookmarks (except paper)
Book ends and ash trays, when made from worn baby shoes.
Napkin rings

(3) The following miscellaneous items:

Three dimensional sculptured or cast anatomical models (human, botanical, zoological) used for educational purposes.
Floor-sweeping compounds
Reagent chemicals, when sold for the purposes of scientific and medical research, for analytical and educational uses, and for quality control of industrial products.
Sphagnum moss and peatmoss
Florists' foliage, decorative and trimming products
Wrought iron fences
Wrought iron balustrades
Lightning rods
Weathervanes
Cast-iron cornices
Steel or iron marquees
Ornamental iron brackets
Whole crab and shrimp meal
Ground peanut hay
Architectural Terra Cotta
Guinea pig complement
Changeable sign letters, and equipment for mounting such letters on theater marquees and in theater lobbies
Theater lobby display signs and transparencies, and equipment for mounting such signs and transparencies
Novelty pouring and measuring caps for liquor bottles
Decorative combs designed for use exclusively as hair ornaments
Cemetery flower vases with invertible insert, and designed to be so placed in the ground that the top of the vase is flush with the ground level
Costume jewelry when made from nuts, seeds, pods or other natural vegetable products except wood
Hand painted pictures
Shaving equipment made of precious metals (not including shaving equipment plated with precious metals)
Advertising thermometers
Christmas decorations when made of natural vegetable products such as cones, berries, pods, leaves, etc.
Cartridge case trimmers for use in hand loading ammunition
Toys and games when sold under any of the following conditions:
(1) to consumers for $.10 or less
(2) to retailers for $.06 or less
(3) to wholesalers for $.05 or less
Ceramic decorative tiles for use as table ornaments
Stamped envelopes sold to and by the Post Office Department of the United States Government
Hand fans
Novelties made of alabaster, marble, onyx, shell, bark, bone, horn, butterfly wings and gourds
Artificial or preserved grass, plants, stems, vines, fruits, flowers, leaves and foods
Aluminum horse shoes
Safety air vents for wine fermentation
Bird cages and bird cage stands
Party novelties made in part of candy, nuts or cosmetics
Wire forms for floral wreaths and wire easels for floral displays
Ship bells
Sleigh bells
Miniature and scale model furniture sold for use in sales promotion
Mineral, geological, botanical and zoological specimens and microscopic slides for educational purposes.
Dog and cat beds, cushions, mattresses and diners.
Machine banded wood pressure pipe
Wire-bound wood pressure pipe
Continuous stave wood pipe
Solid bored wood pressure pipe, machine banded or wire-wound
Wood lined pressure pipe
Decorative and memorial tables and plaques
Tax and payroll calculators, nonmechanical which use charts to indicate or compute taxes and payrolls
Laboratory apparatus built to specifications of the purchaser when no more than six identical items are manufactured (except scientific instruments covered by Maximum Price Regulation No. 136)
Wood or metal souvenirs on which have been printed, engraved or burned the names of cities, towns or states and which are sold only as souvenir items.
Electrically operated map cases
Advertising thermometers, barometers and hydrometers
Advertising novelties, other than paper (such as: pens, pencils, tooth picks, knives, cigarette lighters, leather backed calendar pads, writing kits, playing cards) which are sold by a manufacturer to an advertiser who gives them away for purposes of publicity without cost to the recipient. These articles must be imprinted with the name of the advertiser or the name of the recipient before delivery by the manufacturer.
Mirror covered boxes
Hand carved wood wall brackets, wall pockets and sconces. (This does not include shadow boxes, curio cabinets or other hanging wall cabinets)
Novelty cigar and playing card boxes (except original packaging supplied by the manufacturer of the commodity.)
New canoes
Magicians' tricks
Records or electrical transcriptions of special studio programs or of live commercial radio broadcast radio programs when sold to advertising agencies, advertisers, radio broadcast stations, commercial radio program producers, or participating artist, for rebroadcast, advertising, promotion, or reference purposes only, and not for sale to the general public.
Boats, 25 ft. or less in length constructed and sold solely for use as pleasure craft, made substantially of wood or wood and canvas, except rowboats and boats with inboard motors.

(b) *Special provisions for the Territory of Hawaii.* The provisions herein with respect to the following listed articles shall not be applicable in the Territory of Hawaii:

Beverage Coasters
Sea Shells
Tie Racks
Shoe Racks
Hand Fans
Poker Chip Racks
Cigarette Urns
Novelty Cigarette Boxes
Custom Made Picture Frames
Costume Jewelry
Toys and Games
Hand painted pictures other than originals.

This Supplementary Order 127 shall become effective August 15, 1945.

Issued this 15th day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-15224; Filed, Aug. 17, 1945; 4:45 p. m.]

PART 1315—RUBBER AND PRODUCTS AND MATERIALS OF WHICH RUBBER IS A COMPONENT

[RMPR 143,[1] Incl. Amdts. 1-8]

WHOLESALE PRICES FOR NEW RUBBER TIRES AND TUBES

This compilation of Revised Maximum Price Regulation 143 includes Amendment 8, effective August 23, 1945. The text added or amended by Amendment 8 is underscored. Deletions and changes in tables are indicated by notes.

In the judgment of the Price Administrator, the maximum prices established by this regulation are and will be generally fair and equitable and will effectuate the purposes of the Emergency Price Control Act of 1942, as amended. A statement of the considerations involved in the issuance of this regulation is issued simultaneously herewith and has been filed with the Division of the Federal Register.[2]

Such specifications and standards as are used in this regulation were, prior to such use, in general use in the trade or industry affected or have previously been promulgated and their use lawfully required by another Government agency.

§ 1315.1501 *Maximum wholesale prices for new rubber tires and tubes.* Under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Orders Nos. 9250 and 9328, Revised Maximum Price Regulation 143 (Wholesale Prices for New Rubber Tires and Tubes), which is annexed hereto and made a part hereof, is hereby issued.

Sec.
1. What this regulation covers.
2. Prohibition against sales at prices above the maximum.
3. Sales by manufacturers and private brand owners.
4. Sales by sellers other than brand owners.
5. Manufacturers' sales to brand owners and other cost-plus sales.
6. "Factory seconds" and "factory rejects."
7. Tires and tubes which cannot be priced under any other section.
8. Federal and State taxes.
9. Adjustable pricing.
10. Records.
11. Licensing.
12. Evasion.
13. Enforcement.
14. Petitions for amendment.
15. Applications for adjustment.
Appendix I.
Appendix II.

AUTHORITY: § 1315.1501 issued under 56 Stat. 23, 765; 57 Stat. 566; Pub. Law 383, 78th Cong.; Pub. Law 108, 79th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681.

SECTION 1. *What this regulation covers*—(a) *Transactions covered.* This regulation applies to all wholesale sales of new rubber tires and tubes for automobiles, trucks, busses, trailers, off-the-road equipment, farm implements, tractors, industrial equipment, motorcycles and aircraft. "Rubber" means substitute rubber and all forms and types of rubber, including scrap, synthetic, balata, and reclaimed rubber. "Synthetic rubber tires and tubes" means tires and tubes which contain any synthetic rubber and which are marked with the symbols designated by the War Production Board, Rubber Bureau, to identify them as containing synthetic rubber. A tire or tube, other than aircraft tires or tubes, is "new" if it has been used less than 1,000 miles. An aircraft tire or tube is "new" if it has never been used. "Wholesale sale" means a sale to a buyer who purchases for resale and not for his own use. New tires which the manufacturer or brand owner has found defective and not repairable and which such manufacturer or brand owner has slashed or otherwise mutilated prior to his delivery to any person shall be deemed scrap rubber and the maximum prices thereof shall be determined in accordance with the provisions of Revised Price Schedule 87.[3]

[Paragraph (a) amended by Am. 4, 10 F.R. 3013, effective 3-26-45 and Am. 8, effective 8-23-45]

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[1] 9 F.R. 4286.

[2] Statements of the Considerations are also issued simultaneously with amendments. Copies may be obtained from the Office of Price Administration.

[3] 9 F.R. 344, 3852, 4879; 10 F.R. 2516.

(b) *Certain transactions not covered.* (1) Maximum Price Regulation 415[4] covers sales to any agency of the United States Government.

(2) The Second Revised Maximum Export Price Regulation[4] covers export sales and sales to exporters.

(c) *Relation to other regulations.* This regulation supersedes any other regulation issued by the Office of Price Administration, as to transactions covered by this regulation.

(d) *Geographical applicability.* This regulation applies in the 48 states of the United States, the District of Columbia, and the territories and possessions of the United States. However, as to sales in Puerto Rico, all references in this regulation to March 1942 shall be changed to April 10 to May 10, 1942, inclusive.

SEC. 2. *Prohibition against sales at prices above the maximum.* On and after the effective date of this regulation, no person shall sell or deliver new rubber tires or tubes at wholesale, and no person shall buy or receive such tires or tubes in the course of trade or business, at a price higher than the maximum price fixed by this regulation, regardless of any contract or other obligation. No person shall agree, offer, solicit or attempt to do any of the foregoing. Lower prices may, of course, be charged.

SEC. 3. *Sales by manufacturers and private brands owners—*(a) *What this section covers.* This section covers all wholesale sales by manufacturers and private brand owners except sales of factory seconds and factory rejects and sales by manufacturers to brand owners and other sales under cost-plus contracts. (Sales of factory seconds and factory rejects are covered by section 6; sales by manufacturers to brand owners and other sales under cost-plus contracts are covered by section 5.)

[Paragraph (a) amended by Am. 4, 10 F.R. 3013, effective 3-26-44; Am. 5, 10 F.R. 3947, effective 4-16-45; and Am. 6, 10 F.R. 3979, effective 4-15-45]

(b) *Maximum prices.* (1) This regulation does not require sellers and buyers to quote or compute wholesale selling prices by any particular method. The only restriction resulting from this regulation is that the net wholesale selling price, expressed in dollars and cents, when computed or quoted by the seller and buyer by the method chosen by them, shall not exceed the net wholesale price, expressed in dollars and cents, resulting from the application of the provisions of this regulation. (For example, a buyer and seller may agree to compute wholesale prices for synthetic rubber passenger car tires by applying discounts to the maximum retail prices fixed by Section 16 of Revised Maximum Price Regulation 528 for such tires: *Provided*, That wholesale prices so computed do not exceed those determined under this section.) Prices lower than the maximum prices may, of course, be offered, demanded, charged or paid at all times and under any circumstances.

(2) (i) *Aircraft tires and tubes.* The maximum wholesale price shall be determined by using each seller's own percentage discount. Such discount shall be determined by computing the dollar-and-cent difference between the highest net wholesale price charged the particular class of buyer on deliveries made during January 1945 (if no delivery was made during January 1945, to a particular class, use the highest net wholesale price offered to that class during January 1945), and the maximum retail price as established by Revised Maximum Price Regulation 528 on that size and type of tire or tube. For any size which the brand owner did not deliver or offer for delivery during January 1945, to a buyer of a particular class, he shall use the discount computed as above provided for the most comparable size in the same brand and type.

(ii) *All other tires and tubes.* The maximum wholesale price shall be determined by using the percentage discount which the seller had in effect to buyers of the same class during March 1942, on sales of each particular size, type, and brand of tire or tube. Each discount used shall be expressed as a percentage of the maximum retail price in effect during March 1942, and shall be determined by computing the dollar-and-cent differences between the highest net wholesale price charged the particular class of buyer on deliveries made during March 1942 (if no delivery was made during March 1942, to a particular class, use the highest net wholesale price offered to that class during March 1942), and the maximum retail price in effect during March 1942, on that size, type, and brand of tire or tube. For any size which the brand owner did not deliver or offer for delivery during March 1942, to a buyer of a particular class, he shall use the discount computed as provided above for the most comparable size in the same brand and type.

"Maximum retail price" as used in this regulation does not include the 16 percent increase resulting from the dealer tire return plan.

(3) The discounts under (2) above shall be used as follows to determine the applicable maximum wholesale prices:

(i) *Passenger car and motorcycle tires.* The discounts to be used shall be the discounts computed under (2) above for each size in the seller's 100-level brand which he sold during March 1942. "100-level brand" means the seller's brand which during March 1942 had a retail maximum price for the 6.00–16, four ply, passenger car tire nearest $14.75, for a manufacturer's brand, or $13.25 for a private brand, and in the case of motorcycle tires, the seller's brand which had a retail maximum price for the 4.50–18, four ply tire nearest $10.80. To determine the maximum wholesale price for each size of tire, the 100-level discounts shall be applied to the prices listed in Appendix I of this regulation. However, the maximum wholesale price may be increased by an amount not to exceed the amount specified in Appendix I of this regulation for each size and ply of tire.

(ii) *Passenger car and motorcycle tubes.* The discounts to be used shall be the discounts computed under (2) above for each size in the seller's brand whose maximum retail price, in the case of passenger car tubes, was nearest $3.65 for the 6.00–16 size, and in the case of motorcycle tubes, was nearest $2.20 for the 4.50–18 size. To determine the wholesale maximum price, these discounts shall be applied to the maximum retail prices fixed by Section 16 of Revised Maximum Price Regulation 528 for such tubes.

(iii) *Tires and tubes other than passenger car and motorcycle.* The discounts to be used shall be the discounts determined under (2) above for the same size, type, and brand of tire or tube as the tire or tube being priced. To determine the maximum wholesale price these discounts shall be applied to the maximum retail price fixed by Section 16 of Revised Maximum Price Regulation 528 for the tire or tube being priced. However, in the case of such tires (except farm tractor, implement and aircraft tires), the maximum wholesale price may be increased by an amount not to exceed 5 per cent of the maximum retail price. (No adjustment resulting in a higher wholesale price may be made in the case of tubes or farm tractor, implement and aircraft tires.)

[Paragraph (b) amended by Am. 4, 10 F.R. 3013, effective 3-26-45 and Am. 8, effective 8-23-45]

(c) [Deleted]

[Paragraph (c) deleted by Am. 8, effective 8-23-45]

(d) [Deleted]

[Paragraph (d) amended by Am. 4, 10 F.R. 3013, effective 3-26-45 and deleted by Am. 8, effective 8-23-45]

(e) [Deleted]

[Paragraph (e) amended by Am. 2, 9 F.R. 12270, effective 10-14-44; Am. 3, 9 F.R. 14724, effective 12-15-44; Am. 4, 10 F.R. 3013, effective 3-26-45; Am. 6, 10 F.R. 3979, effective 4-15-45 and deleted by Am. 8 effective 8-23-45]

SEC. 4. *Sales by sellers other than brand owners—*(a) *What this section covers.* This section covers all wholesale sales by sellers other than brand owners, except sales of factory seconds and factory rejects. (Sales of factory seconds and factory rejects are covered by section 6.)

[Paragraph (a) amended by Am. 4, 10 F.R. 3013, effective 3-26-45 and Am. 6, 10 F.R. 3979, effective 4-15-45]

(b) *Method of quoting or computing prices.* This regulation does not require sellers and buyers to quote or compute wholesale selling prices by any particular method. The only restriction resulting from this regulation is that the net wholesale selling prices, expressed in dollars and cents, when computed or quoted by the seller and buyer by the method chosen by them, shall not exceed the net wholesale price, expressed in dollars and cents, resulting from the application of the provisions of this regulation. (For example, a buyer and seller may agree to compute wholesale prices for synthetic rubber passenger car tires by applying discounts to the maximum retail prices fixed by section 16 of Revised Maximum Price Regulation 528 for such tires, provided that wholesale prices so computed do not exceed those determined under this section.) Prices lower than the maximum prices may, of course, be offered, demanded, charged or paid at all times and under any circumstances.

[Paragraph (b) amended by Am. 4]

(c) *Maximum prices.* (1) The maximum wholesale price for sales of synthetic rubber passenger car or motorcycle tires shall be the price listed in Appendix II of this regulation for the respective size, type, and ply.

(2) The maximum wholesale price for sales of all other tires and all tubes shall be determined by deducting the following minimum discounts from the maximum retail prices fixed by section 16 of Revised Maximum Price Regulation 528 for the particular size, type and ply:

	Percent
All tires except aircraft	25
Aircraft tires	24
All tubes except farm tractor and aircraft	35
Farm tractor tubes	25
Aircraft tubes	25–5

[Subparagraph (2) amended by Am. 8, effective 8-23-45]

[Paragraph (c) amended by Am. 1, 9 F.R. 7260, effective 7-5-44; Am. 2, 9 F.R. 12270, effective 10-14-44; Am. 3, 9 F.R. 14724, effective 12-15-44; Am. 4, 10 F.R. 3013, effective 3-26-45; and Am. 6, 10 F.R. 3979, effective 4-15-45]

(d) *Other discounts.* (1) A seller who, prior to the effective date of this revised regulation, had established under Maximum Price Regulation 143 a maximum wholesale price to a particular buyer which represented a smaller discount (excluding any add-on) than the applicable minimum discount set forth in (c) above, may determine maximum wholesale prices to that buyer for any brand by using such lower discount instead of the discount specified in (c), provided he files with the District Office of the Office of Price Administration for the district in which he is located, on or before August 15, 1944, a report including the following information:

[Above paragraph amended by Am. 1, 9 F.R. 7260, effective 7-5-44]

(i) The name and address of the buyer.

(ii) The smallest discount or discounts that he proposes to give the particular buyer on future purchases of tires and tubes.

(iii) The smallest legal discount given this buyer prior to the effective date of this regulation, and the date of the last such sale.

(iv) The largest discount that he was required, under Maximum Price Regulation 143, to give to this particular buyer on any brand of tires and on any brand of tubes actually sold to him prior to the effective date of this revised regulation.

(v) A statement that the discount reported under (iii) above was properly determined under Maximum Price Regulation 143 prior to the effective date of this revised regulation.

(2) The Price Administrator or any Regional Administrator, or any District Director so authorized by his Regional Administrator, may disapprove or adjust discounts reported under this paragraph upon a determination that such discounts were not properly established under Maximum Price Regulation 143 prior to the effective date of this revised regulation, or that the discounts reported yield higher maximum prices than those applicable to the bulk of the seller's sales to the particular buyer prior to the effective date of this revised regulation.

SEC. 5. *Manufacturers' sales to brand owners and other cost-plus sales—*(a) *Applicability of this section.* This section covers sales of new rubber tires or tubes (whether they are made of natural, synthetic, or reclaimed rubber) by the manufacturer to the brand owner of the tires or tubes, even though the purchasing brand owner may also be a tire or tube manufacturer. This section also covers sales to any buyer to whom the seller was selling tires or tubes pursuant to a cost-plus contract during March 1942. This section does not cover factory second or factory reject tires and tubes, which are covered by section 6.

[Paragraph (a) amended by Am. 4, 10 F.R. 3013, effective 3-26-45]

(b) *Maximum prices.* A manufacturer may determine maximum prices under this section for sales to a particular buyer pursuant to any one of the methods set forth in subparagraphs (1), (2), (3), (7) or (8) below. However, after selecting any one of these methods for determining maximum prices for sales to a particular buyer, the manufacturer may not use another method for determining maximum prices to that buyer without written permission to do so from the Office of Price Administration, Washington, D. C.

[Above paragraph amended by Am. 5, 10 F.R. 3947, effective 4-16-45 and Am. 8, effective 8-23-45]

(1) *Fixed price per tire or tube.* The maximum wholesale prices under this subparagraph shall be determined upon the manufacturer's first sale or delivery of each size and type of tire or tube to the particular buyer by applying to the cost (determined according to subparagraph (5)) of the particular size and type of tire or tube the percentage mark-up (determined according to subparagraph (6)) applicable to that buyer. The price so established shall be the maximum wholesale price for all deliveries of that size and type of tire or tube to that buyer for a period, agreed upon by the seller and buyer, of not less than three months or more than six months. The manufacturer must report such prices to the Office of Price Administration, Washington, D. C., as required by paragraph (c). At least thirty days before the end of the first period agreed upon by the seller and the buyer, and at least thirty days before the end of each subsequent period, the manufacturer must file another report containing the information required by paragraph (c) (1) (vi), and must determine his maximum prices for each subsequent period on the basis of the unit costs filed in such report.

(2) *Aggregate prices for all sales during an accounting period.* The aggregate maximum prices for all sales during an accounting period agreed upon by the buyer and seller (not less than three months nor more than one year) of all types and sizes of tires or tubes to that buyer during that period, shall be determined by applying to the aggregate costs (determined according to subparagraph (5)) the percentage mark-up (determined according to subparagraph (6)) applicable to that buyer. The seller must file a report with the Office of Price Administration in accordance with paragraph (c) and thereafter the seller may not change the accounting period without written permission to do so from the Office of Price Administration, Washington, D. C.

(3) *Freeze of March 1942 cost-plus contracts.* If during March 1942, the seller had in effect with a particular buyer a written cost-plus contract, he may file a copy of such contract with the Office of Price Administration for approval. Such contract, if approved by the Office of Price Administration, shall determine his maximum prices for sales to that buyer. The Office of Price Administration will approve such a contract if it is consistent with the requirements of this regulation in regard to costs, mark-up and accounting period.

(4) *Limitation on prices determined under (1) to (3) above.* Notwithstanding the provisions of (1) to (3) above, a maximum price determined under this section may not exceed the maximum price of the seller to his lowest price class of buyer on sales of his own (manufacturer's) brand unless the seller receives written permission from the Office of Price Administration, Washington, D. C., to apply subparagraphs (1) to (3) without this limitation. Such permission will be granted only if the seller shows that such action is consistent with the normal relationship between the seller's

[4] 10 F.R. 3082.

[4] 8 F.R. 4132, 5987, 7662, 9998, 15193; 9 F.R. 1036, 5435, 5923, 7201, 9835, 11273, 12919, 14436; 10 F.R. 863, 923, 2432, 6590, 8746, 8611.

prices on sales of his own brand to his lowest price class of buyer and his prices to the particular buyer for whom a price is being determined under this section. If the seller has elected to determine his price under (1) above, no individual size or type of tire or tube may be sold at a price which exceeds the limitations imposed by this subparagraph (4). If the seller has elected to determine his maximum prices under (2) or (3) above, the aggregate amount collected during the accounting period may not exceed the aggregate price resulting from the limitation imposed by this subparagraph.

If the buyer receives from the seller a written statement that the price charged does not exceed the maximum price permitted by this subparagraph, the buyer shall be deemed to have complied with this subparagraph.

(5) *Computation of cost.* The cost of any particular size or type of tire or tube or the aggregate costs for all types and sizes delivered to a particular buyer shall be the sum total of direct labor cost, direct material cost including waste, factory overhead, warehousing and shipping expense, administrative expense, and other commercial expense. The method of computing costs shall be the same method actually used during the ninety day period selected under subparagraph (6). If the seller elects to determine his maximum price under (1) above, the cost shall be the actual costs of producing and selling the tire or tube to the particular buyer for the last complete quarter prior to the filing of the report required by this section. If the seller made no sales to the particular buyer during the last complete quarter prior to the filing of such report, he shall use estimated current costs of producing and selling the tires or tubes to the particular buyer rather than actual costs. However, within sixty days after the first three months of actual production of the tires or tubes for the particular buyer, the seller must file the report required by paragraph (c) using actual costs for the three-month period. If the seller elects to determine his maximum price under (2) above, the cost shall be the aggregate actual costs of producing and selling all tires and tubes sold to the particular buyer during the accounting period for which a maximum aggregate price is being determined.

(6) *Computation of mark-up.* The percentage mark-up to be applied under (1) or (2) above shall be the average mark-up on all sales of tires and tubes to the particular buyer during any ninety-day period between July 1, 1941, and December 31, 1941. The mark-up shall be determined by subtracting from the total aggregate net sales of tires and tubes to the particular buyer during the period selected, the total actual aggregate costs as described in subparagraph (5) above, and expressing the remainder as a percentage of the total aggregate costs. If the seller made no sales to the particular buyer between July 1, 1941, and December 31, 1941, he shall use a percentage mark-up consistent with percentage mark-ups determined under this section.

(7) *Optional pricing for sales of tubes.* Notwithstanding any other provision of this paragraph, a manufacturer may determine his maximum price for sales of new rubber tubes to the brand owner of the tubes by deducting a minimum discount of sixty percent from the maximum retail price of each tube of a given size and type determined in accordance with section 16 of Revised Maximum Price Regulation 528.

[Subparagraph (7) added by Am. 5, 10 F.R. 3947, effective 4-16-45]

(8) Notwithstanding any other provision of this paragraph a manufacturer, upon written agreement with the brand owner, may establish the maximum price for sales of new rubber tires to the brand owner of the tires at the same level as the maximum price of the seller to his lowest price class of buyer on sales of his own (manufacturer's) brand. A copy of this agreement must be filed with the Office of Price Administration, Washington, D. C.

[Subparagraph (8) added by Am. 8, effective 8-23-45]

(c) *Reports and approvals of prices.* (1) A manufacturer who determines any maximum prices under paragraph (b) (1) of this section shall file the report required by this paragraph with the Office of Price Administration, Washington, D. C., within thirty days after the effective date of this regulation or within ten days after the particular buyer first agrees to buy tires or tubes for which a maximum price must be determined under this section, whichever is later.

A manufacturer may not accept payment for any such tires or tubes (unless specifically authorized to do so by the Office of Price Administration) until the reported maximum prices are approved by the Office of Price Administration. The reported maximum prices, however, shall be deemed to be approved unless within twenty days after the mailing of the report (or within twenty days after the mailing of any additional information which may have been requested), the Office of Price Administration notifies the manufacturer that his reported maximum prices have been disapproved or that action thereon has been deferred pending receipt of further information. The Office of Price Administration may approve or disapprove, and may at any time after approval, correct maximum prices reported under this section so as to make them consistent with the level of maximum prices established by this section.

The report to be filed by the manufacturer shall contain the following information:

(i) Name and address of the brand owner, and the brand or brands of tires or tubes being priced.

(ii) Total aggregate net sales of tires and tubes to the particular brand owner during any ninety-day period between July 1, 1941, and December 31, 1941 (specifying the ninety-day period used).

(iii) Total actual aggregate costs applicable to sales reported in (ii) above showing as separate sub-totals:

(a) Total factory costs.
(b) Total warehousing and shipping expense.
(c) Total administrative expense.
(d) Total other commercial expense, if any.

(iv) A description of the method used in determining items (b), (c), and (d) under (iii) above.

(v) The percentage mark-up on cost resulting from sales during period selected in (ii) above. (If the seller made no sales to the particular buyer between July 1, 1941, and December 31, 1941, he shall report the mark-up requested and state why it is consistent with other mark-ups determined to this section.)

(vi) Unit costs (showing same subtotals required in (iii) above) for each size and type of tire or tube for which a maximum price is being determined. The costs reported shall be actual costs of producing and selling the tire or tube to the particular buyer for the last complete quarter prior to the filing of the report, computed by the same method of computing costs as the method actually used during the ninety-day period reported under (ii). If no sales were made to the particular buyer during that quarter, estimated current production and sales expenses shall be reported for each size. If estimated costs must be used, the information required by this subdivision (vi) shall be refiled with the Office of Price Administration not later than sixty days after the first three months of production and sales to the particular buyer. At the time of refiling, actual costs for the three-month period shall be reported for each size and type of tire or tube, and new prices must be reported based on such actual costs.

(2) A manufacturer who determines any maximum prices under subparagraph (b) (2) of this section shall submit reports as required under subparagraph (1) above, but need not include the information required by subdivision (vi).

(d) *Records required by this section.* Any manufacturer who determines any maximum prices under paragraph (b) (2) or (b) (3) of this section shall keep for inspection by the Office of Price Administration so long as the Emergency Price Control Act of 1942, as amended, remains in effect, accurate records for each particular buyer whose maximum prices are determined under this section. The records shall include total aggregate costs showing sub-totals for factory costs, warehousing and shipping expense, administrative expense, and other commercial expense, computed by the same method of computing costs as the method actually used during the ninety-day period reported under (c). The requirements of this paragraph (d) are in addition to the record requirements set forth in section 10 for all sellers at wholesale.

SEC. 6. *"Factory seconds" and "factory rejects".* (a) A "factory second" tire or tube is a new tire or tube which the manufacturer or brand owner has found to be defective in his final inspection and from which the brand name has been removed by the manufacturer or brand owner, or upon which he has placed a special identifying mark. "Factory second" also includes any damaged new tire which has been reclassified as a Grade III tire under OPA tire rationing regulations. Notwithstanding the provisions of sections 3, 4, and 5 of this revised regulation, the maximum prices for factory second tires and tubes shall be determined by deducting the following minimum discounts from the maximum wholesale price (including any increase permitted by section 3 or 4) which would apply if the tire or tube were not a factory second:

	Percent
All tubes	25
Passenger car tires	25
All other tires	20

(b) A "factory reject" tire or tube is a new tire or tube which the manufacturer, prior to delivery to any person, has prominently branded in the case of a tire, or stamped in the case of a tube, with the word "Reject"; and, in the case of a tire, requires a reliner, sectional (or reinforcement) repair, or a complete or partial new tread to be made serviceable.

(1) Notwithstanding the provisions of sections 3, 4, and 5 of this revised regulation, the maximum prices for factory reject tires and tubes which have been repaired in accordance with the quality specifications in section 15 of Revised Maximum Price Regulation 528, shall be determined by computing the price for each tire or tube in accordance with (a) of this section, as though such tire or tube were a factory second, and deducting from such factory second price, an additional minimum discount of 25 percent of the maximum price which would apply if the tire or tube were a factory second.

(2) Notwithstanding the provisions of sections 3, 4, and 5 of this revised regulation the maximum prices for factory reject tires and tubes which have not been repaired in accordance with the quality specifications in section 15 of Revised Maximum Price Regulation 528, shall be determined by computing the price for such tire or tube in accordance with (1) above, as though such tire or tube were a repaired factory reject and deducting from such repaired factory reject price an additional minimum discount of 40 percent of the maximum price which would apply if the tire or tube were a repaired factory reject.

[Sec 6 amended by Am. 4, 10 F.R. 3013, effective 3-26-45]

SEC. 7. *Tires and tubes which cannot be priced under any other section.* (a) The maximum wholesale price for sales of tires or tubes which cannot be priced under any other section shall be a price consistent with the level of maximum wholesale prices fixed by this regulation, specifically authorized by the Office of Price Administration or calculated by the seller after specific authorization from the Office of Price Administration. In each case covered by this section, the seller must file with the Office of Price Administration, Washington, D. C., a report containing the following information before offering the tires or tubes for sale:

(1) A description of the tire or tube for which a maximum price is sought, including the type, brand name, size, number of plies, and construction.

(2) A statement of the reasons why such tires or tubes cannot be priced under any other section.

(3) A proposed maximum retail price, and proposed maximum wholesale prices for all classes of buyers for whom maximum wholesale prices are to be established.

(4) A description of the proposed pricing method and a statement of the reasons why he believes that the use of this method will result in maximum prices which are consistent with the level of maximum wholesale prices fixed by this regulation.

(b) No seller required to report a maximum price under this section may offer the tires or tubes for sale (unless specifically authorized to do so by the Office of Price Administration) until the proposed maximum price is approved by the Office of Price Administration. The proposed maximum price, however, shall be deemed to be approved unless, within twenty days after mailing of the report (or within twenty days after the mailing of all additional information which may have been requested), the Office of Price Administration notifies the seller that his proposed maximum price has been disapproved or that action thereon has been deferred pending receipt of further information.

(c) The Office of Price Administration may approve or disapprove, and may at any time after approval, correct maximum wholesale prices proposed or established under this section so as to bring them into proper relationship with the level of maximum wholesale prices otherwise established by this regulation, and in connection with the approval or correction of such prices may issue orders establishing maximum prices for retail sales as well.

SEC. 8. *Federal and State taxes.* The Federal excise tax on new tires and tubes, if stated separately by the seller, may be added to the maximum wholesale prices of any new tires and tubes. Any other tax upon, or incident to, the sale, delivery, or processing or use of a tire or tube, imposed by any statute of the United States or statute or ordinance of any state or subdivision thereof, shall be treated as follows: If the statute or ordinance imposing such tax does not prohibit the seller from stating and collecting the tax separately from the purchase price and the seller does state it separately, the seller may collect, in addition to the maximum price, the amount of the tax actually paid by him or an amount equal to the amount of tax paid by any prior vendor and separately stated and collected from the seller by the vendor from whom he purchased.

SEC. 9. *Adjustable pricing.* Any person may agree to sell at a price which can be increased up to the maximum price in effect at the time of delivery; but no person may, unless authorized by the Office of Price Administration, deliver or agree to deliver at prices to be adjusted upward in accordance with action taken by the Office of Price Administration after delivery. Such authorization may be given when a request for a change in the applicable maximum price is pending, but only if the authorization is necessary to promote distribution or production and if it will not interfere with the purpose of the Emergency Price Control Act of 1942, as amended. The authorization may be given by the Administrator or by any official of the Office of Price Administration to whom the authority to grant such authorization has been delegated. The authorization will be given by order.

SEC. 10. *Records.* Every person making a sale or purchase subject to this regulation, of new rubber tires or tubes, shall keep for inspection by the Office of Price Administration for so long as the Emergency Price Control Act of 1942, as amended, remains in effect, accurate records of each such sale or purchase showing the date, the name and address of the buyer and seller, the price paid or received, the quantity of each brand, type, and size of new rubber tires or tubes sold or purchased, and whether made of natural or synthetic rubber.

SEC. 11. *Licensing.* The provisions of Licensing Order No. 1,[7] licensing all persons who make sales under price control, are applicable to all sellers subject to this regulation. A seller's license may be suspended for violations of this license or of one or more maximum price regulations. A person whose license is suspended may not, during the period of suspension, make any sales for which his license has been suspended.

SEC. 12. *Evasion.* The price limitations set forth in this regulation shall not be evaded by direct or indirect methods in connection with an offer, solicitation, agreement, sale, delivery, purchase or receipt of any tire or tube, alone or with any other commodity, or by way of commission, service, transportation or other charge, or by tying agreement or other trade understanding, or by making the terms and conditions of sale more burdensome to buyers than those available or in effect during March 1942, or by any other means. The substitution of a standard warranty, in line with that generally prevailing in the industry, for a road hazard warranty given with the sale of a tire or tube covered by this regulation, is not considered an evasion under this section.

[Last sentence added by Am. 8, effective 8-23-45]

SEC. 13. *Enforcement.* Persons violating any provisions of this regulation are subject to the criminal penalties, civil enforcement actions, license suspension proceedings, and suits for treble damages provided by the Emergency Price Control Act of 1942, as amended.

SEC. 14. *Petitions for amendment.* Any person seeking an amendment of any provisions of this regulation may file a petition for amendment in accordance with the provisions of Revised Procedural Regulation No. 1.[8]

SEC. 15. *Applications for adjustment.* This section applies to a brand owner

[7] 8 F.R. 13240.
[8] 9 F.R. 10476, 13715.

whose wholesale maximum prices are out of line with the level of maximum wholesale prices established for brand owners generally. Notwithstanding any other provisions of this regulation, the maximum wholesale prices for sales by such a brand owner may be determined under section 7 of this regulation. The brand owner must make application to the Office of Price Administration, Washington, D. C., as required by section 7.

APPENDIX I—TABLES FOR DETERMINATION OF MAXIMUM WHOLESALE PRICE FOR PASSENGER CAR AND MOTORCYCLE TIRES SOLD BY MANUFACTURERS AND BRAND OWNERS UNDER SECTION 3

TABLE 1—PASSENGER CAR TIRES

Size [1]	4-ply tire discount base	Maximum wholesale increase	6-ply tire [2] discount base	Maximum wholesale increase
4.00–15	$7.80	$0.25		
4.25/4.50–12	9.10	.25		
4.40/4.50/4.75/5.00–21 [4]	11.04	.31	$13.49	$0.41
4.50/4.75/5.00–20 [4]	12.25	.35	14.50	.45
4.75/5.00–19	11.05	.35	14.15	.40
5.00–15	10.70	.30		
5.00–16	10.80	.30		
5.00–17	11.70	.35		
5.25–21	15.55	.45	19.40	.60
5.25/5.50–17	13.55	.40	16.90	.50
5.25/5.50–18	12.35	.35	15.46	.44
5.25/5.50–19	15.65	.45	18.80	.55
5.25/5.50–20	16.75	.50	20.45	.60
*5.50–15	12.48	.37		
5.50–16	13.15	.40	16.45	.50
6.00–16	14.75	.45	18.45	.55
6.00/6.50–17	16.00	.50	20.48	.62
6.00/6.50–18	17.25	.50	21.60	.65
6.00/6.50–19	17.68	.52	21.05	.65
6.00/6.50–20	18.00	.55	21.97	.68
6.25–16	16.60	.50	20.85	.65
6.25/6.50–16	17.90	.55	22.45	.65
6.50–15	17.50	.55	21.99	.65
6.50–16	17.60	.55	22.45	.65
7.00–15	19.80	.60	24.75	.75
7.00–16	20.30	.60	25.40	.75
7.00–17	21.94	.66	27.30	.80
7.50–15	24.85	.75	31.00	.95
7.50–16	25.75	.75	32.25	.95
7.50–17			37.15	1.10
8.25–16			37.25	1.10
30 x 3½	9.39	.26	10.50	.30
14" Jumbo			33.25	1.00
15" Jumbo			36.65	1.10

[1] Tire with a single size marking must take discount base of that single size if listed. If not listed, they take the discount base of the combination size in which that single size appears.

[2] The discount base and maximum wholesale increase of a 5-ply tire shall be 115 percent of the discount base and maximum wholesale increase of a 4-ply tire of the same size.

[3] The discount base and maximum wholesale increase of a 7-ply tire shall be 107 percent of the discount base and maximum wholesale increase of a 6-ply tire of the same size.

[4] Any combination size not specifically listed but included in this combination size shall take the discount base shown for this combination.

[*Item added by Am. 8, effective 8–23–45]

[Footnotes 2 and 3 amended by Am. 7, 10 F.R. 6514, effective 6–6–45]

TABLE 2—MOTORCYCLE TIRES

Size	2-ply tire discount base	Maximum wholesale increase	4-ply tire discount base	Maximum wholesale increase
3.30–18	$8.09	$0.26	$8.48	$0.27
*3.50–18			8.88	.27
3.85–18	9.17	.28	9.61	.29
3.85–20			10.38	.32
4.00–18	9.40	.30	9.85	.30
4.00–19	9.58	.27	10.15	.30
4.50–18	10.15	.30	10.80	.30
4.50–19	10.53	.32	11.04	.31
5.00–16	11.40	.35	11.95	.35

[*Item added by Am. 8, effective 8–23–45]

["Synthetic rubber" deleted from Appendix heading and table headings by Am. 8, effective 8–23–45]

[Appendix I amended by Am. 5, 10 F.R. 3947, effective 4–16–45 and Am. 6, 10 F.R. 3979, effective 4–15–45]

APPENDIX II—MAXIMUM WHOLESALE PRICES FOR SYNTHETIC PASSENGER CAR AND MOTORCYCLE TIRES SOLD BY PERSONS OTHER THAN BRAND OWNERS UNDER SECTION 4

TABLE 1—SYNTHETIC RUBBER PASSENGER CAR TIRES

Size [1]	4-ply [2] tire price	6-ply [3] tire price
4.00–15	$5.71	
4.25/4.50–12	6.62	
4.40/4.50/4.75/5.00–21 [4]	8.04	$9.83
4.50/4.75/5.00–20 [4]	8.93	10.60
4.75/5.00–19	8.09	10.31
5.00–15	7.79	
5.00–16	7.86	
5.00–17	8.54	
5.25–21	11.34	14.18
5.25/5.50–17	9.89	12.33
5.25/5.50–18	9.00	11.26
5.25/5.50–19	11.41	13.71
5.25/5.50–20	12.23	14.92
*5.50–15	9.11	
5.50–16	9.61	12.02
6.00–16	10.78	13.47
6.00/6.50–17	11.70	14.96
6.00/6.50–18	12.58	15.77
6.00/6.50–19	12.90	15.99
6.00/6.50–20	13.15	16.66
6.25–16	12.12	15.25
6.25/6.50–16	13.08	16.37
6.50–15	12.80	15.98
6.50–16	13.08	16.37
7.00–15	14.46	18.08
7.00–16	14.81	18.53
7.00–17	16.02	19.91
7.50–15	18.15	22.65
7.50–16	18.78	23.53
7.50–17		27.11
8.25–16		27.18
30 x 3½	6.83	7.65
14" Jumbo		24.28
15" Jumbo		26.76

[1] Tires with a single size marking must take the maximum price of that single size if listed. If not listed, they take the maximum price of the combination size in which that single size appears.

[2] Maximum price of a 5-ply tire shall be 115% of the maximum price of a 4-ply tire of the same size.

[3] Maximum price of a 7-ply tire shall be 107% of the maximum price of a 6-ply tire of the same size.

[4] Any combination size not specifically listed but included in this combination size shall take the maximum price shown for this combination.

[*Item added by Am. 8, effective 8–23–45]

TABLE 2—SYNTHETIC RUBBER MOTORCYCLE TIRES

Size	2-ply tire price	4-ply tire price
3.30–18	$5.92	$6.21
*3.50–18		6.49
3.85–18	6.70	7.02
3.85–20		7.59
4.00–18	6.88	7.20
4.00–19	6.98	7.41
4.50–18	7.41	7.86
4.50–19	7.69	8.04
5.00–16	8.33	8.72

[*Item added by Am. 8, effective 8–23–45]

[Appendix II added by Am. 6, 10 F.R. 3979, effective 4–15–45]

This regulation shall become effective in the District of Columbia and the 48 states of the United States May 1, 1944.

This regulation shall become effective in the territories and possessions June 14, 1944.

[Revised Maximum Price Regulation 143 originally issued April 20, 1944] [Effective dates of amendments are shown in notes following the parts affected]

NOTE: The reporting and record-keeping requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 18th day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45–15283; Filed, Aug. 18, 1945; 11:55 a. m.]

PART 1346—BUILDING MATERIALS

[RMPR 206, Amdt. 13]

VITRIFIED CLAY SEWER PIPE AND ALLIED PRODUCTS

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.

Revised Maximum Price Regulation 206 is amended in the following respects:

1. Section 1.4 (c) is amended to read as follows:

(c) *Maximum Price Regulation No. 188 as amended.* The provisions of this revised regulation supersede Maximum Price Regulation 188, as amended, with respect to all sales and deliveries made by manufacturers where the shipment originates at the factory. New products falling within the definition of sewer pipe products, but which cannot be priced under the provisions of this Revised Maximum Price Regulation 206, shall be priced in accordance with the pricing provisions of Maximum Price Regulation No. 592.

2. Section 4.3 is amended to read as follows:

SEC. 4.3 *Requirement for maintenance of standard quality in sewer pipe products.* If the quality of any seller's vitrified clay sewer pipe and allied products is reduced below the standards or quality in effect during the year 1941, the product must be considered to be a new product within the meaning of this regulation, and a maximum price for such products must be determined in accordance with the provisions of section 6 and sections therein referred to, of Maximum Price Regulation No. 592 (Specified Construction Materials and Refractories).

This amendment shall become effective August 23, 1945.

Issued this 18th day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45–15288; Filed, Aug. 18, 1945; 11:58 a. m.]

PART 1346—BUILDING MATERIALS

[MPR 276, Amdt. 5]

ASPHALT TILE

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.

Maximum Price Regulation 276 is amended in the following respects:

1. Section 1346.315 (g) is amended to read as follows:

(g) The proposed change of any style number or designation listed herein shall be reported to the Office of Price Administration, Building Materials Price Branch, Washington 25, D. C., at least 10 days prior to the use of any such changed style number or designation. If a change in product results, or if a new product is being produced by the manufacturer, a maximum price therefor must be established under section 6 and sections therein referred to of Maximum Price Regulation No. 592 (Specified Construction Materials and Refractories).

2. Section 1346.315 (h) is amended to read as follows:

(h) Any decrease in the quality of any asphalt tile product subject to this regulation below that in effect by each manufacturer during March 1942 shall be deemed to result in a new or changed article for which a maximum price must be established under section 6, and sections therein referred to, of Maximum Price Regulation No. 592.

This amendment shall become effective August 23, 1945.

Issued this 18th day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45–15289; Filed, Aug. 18, 1945; 11:58 a. m.]

PART 1346—BUILDING MATERIALS

[MPR 466, Amdt. 4]

ASBESTOS-CEMENT BUILDING MATERIALS

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.

Maximum Price Regulation 466 is amended to delete all references therein to "§ 1499.154, and sections therein referred to, of Maximum Price Regulation 188 (Manufacturers' Maximum Prices for Specified Building Materials and Consumers' Goods Other Than Apparel)", and to substitute in their stead "section 6, and sections therein referred to, of Maximum Price Regulation No. 592 (Specified Construction Materials and Refractories)."

This amendment shall become effective August 23, 1945.

Issued this 18th day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45–15290; Filed, Aug. 18, 1945; 11:59 a. m.]

PART 1346—BUILDING MATERIALS

[MPR 544, Amdt. 1]

FLAMEPROOF COTTON INSULATION

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.

Section 2.3 is amended to read as follows:

SEC. 2.3 *Pricing of flameproof cotton insulation not specifically covered by this regulation.* The maximum prices for any flameproof cotton insulation which is offered for sale on and after July 11, 1944, the effective date of this regulation, and for which no maximum price has been established by this regulation, shall be determined in accordance with section 6, and sections therein referred to, of Maximum Price Regulation No. 592 by manufacturers, and §§ 1499.2 and 1499.3 of the General Maximum Price Regulation by persons other than manufacturers.

This amendment shall become effective August 23, 1945.

Issued this 18th day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45–15287; Filed, Aug. 18, 1945; 11:58 a. m.]

PART 1346—BUILDING MATERIALS

[RPS 45, Amdt. 7]

ASPHALT OR TARRED ROOFING PRODUCTS

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.

1. The last paragraph of § 1346.63 (f) is amended to read as follows:

For all asphalt or tarred roofing products not expressly listed in this section and which cannot be priced under the above provisions, the maximum prices shall be determined in accordance with section 6 and sections therein referred to of Maximum Price Regulation No. 592 (Specified Construction Materials and Refractories).

2. The last paragraph of § 1346.64 (f) is amended to read as follows:

For all asphalt or tarred roofing products not expressly listed in this section and which cannot be priced under the above provisions, the maximum prices shall be determined in accordance with section 6 and sections therein referred to of Maximum Price Regulation No. 592 (Specified Construction Materials and Refractories).

This amendment shall become effective August 23, 1945.

Issued this 18th day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45–15291; Filed, Aug. 18, 1945; 11:58 a. m.]

PART 1362—CERAMIC PRODUCTS

[MPR 416, Amdt. 7]

BASIC REFRACTORY PRODUCTS

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.

Maximum Price Regulation 416 is amended in the following respects:

1. Section 1.4 (e) is amended to read as follows:

(e) *General Maximum Price Regulation and Maximum Price Regulation No. 188.* The provisions of the General Maximum Price Regulation and Maximum Price Regulation 188 are superseded by this regulation with respect to sales or deliveries of basic refractory products which are subject to this regulation. However, Maximum Price Regulation No. 592 is applicable to the pricing of new basic refractory products as set forth in Articles IV to VI, inclusive.

2. Section 4.1 is amended to read as follows:

SEC. 4.1 *Application.* The provisions of this article shall apply to sales by all persons of basic refractory brick shipped from Plymouth Meeting or Chester, Pennsylvania, or Baltimore, Maryland.

However, this regulation does not apply to sales of refractory brick not listed in section 4.4, except to the extent that such sales exceed $50,000 worth of unlisted basic refractory brick during a period of one year from the effective date of this regulation (and for each successive year thereafter) or that such sales exceed 150 tons of any kind of unlisted basic refractory brick during such periods.

If a contemplated sale of any unlisted basic refractory brick would exceed either of these limits, the manufacturer, before offering such brick for sale, must apply to the Office of Price Administration for a price under section 6 of Maximum Price Regulation No. 592.

3. Section 4.7 is amended to read as follows:

SEC. 4.7 *Changes in quality and new products.* All manufacturers of basic refractory brick shall continue the same quality of basic refractory brick listed in section 4.4, hereof, as supplied to each class of customer during the first quarter of 1942. Each manufacturer may increase or decrease the ingredients used in the production of an established brand of basic refractory brick, or in the production of a new basic refractory brick in an amount not to exceed 15 percent, up or down, of a base of 100 percent of each of the ingredients which were used during the first quarter of 1942 in the established brand without having the brick considered as a new product which requires special pricing by the Office of Price Administration. However, the manufacturer may apply to the Office of Price Administration for the pricing of any new brick or any established brick which has been altered or changed within the limits of the aforesaid 15 percent in accordance with section 6 of Maximum Price Regulation No. 592. The increase or decrease of ingredients shall not limit the manufacturer in changing the type of grinding, burning, or any other factor in the manufacture of basic refractory brick.

If the change in the ingredients exceeds the 15 percent limit, such brick

shall be considered a new product, and the manufacturer must establish a price for it in accordance with section 6 of Maximum Price Regulation No. 592 before offering the brick for sale.

This amendment shall become effective August 23, 1945.

Issued this 18th day of August 1945.

CHESTER BOWLES,
Administrator

[F. R. Doc. 45-15285; Filed, Aug. 18, 1945; 11:57 a. m.]

PART 1377—LUMBER DISTRIBUTION

[2d Rev. MPR 215, Amdt. 11]

DISTRIBUTION YARD SALES OF SOFTWOOD

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.

Second Revised Maximum Price Regulation 215 is amended in the following respects:

1. The list of maximum price regulations in section 3 (b) is amended by deleting "Yellow Cypress Lumber—MPR 513 (Except Table I)" and adding the following:

Southern Hardwood Lumber—RMPR 97–Yellow Cypress Lumber—Tables in Section 1382.115 Appendix D. (Except Table 1.)

2. The list of "Upper bracket" items in section 5 (d) is amended by correcting the heading "MPR 513–Yellow Cypress" to read "RMPR 97—Yellow Cypress."

3. Section 7 (a) (15) is amended by correcting the heading "Yellow Cypress Lumber—MPR 513 to read "Yellow Cypress Lumber–RMPR 97."

This amendment shall become effective August 22, 1945.

Issued this 17th day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-15293; Filed, Aug. 18, 1945; 12:00 m.]

PART 1381—EASTERN SOFTWOODS AND MILLWORK

[MPR 513,[1] Revocation]

YELLOW CYPRESS LUMBER

A statement of the considerations involved in the issuance of this order, issued simultaneously herewith, has been filed with the Division of the Federal Register.

Maximum Price Regulation 513 and all amendments issued thereunder are revoked subject to the provisions of Supplementary Order No. 40.

This amendment shall become effective August 22, 1945.

Issued this 17th day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-15292; Filed, Aug. 18, 1945; 11:59 a. m.]

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[1] 9 F.R. 2026, 3459, 3652.

PART 1382—HARDWOOD LUMBER

[MPR 146,[1] Amdt. 21]

APPALACHIAN HARDWOOD LUMBER

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.

Maximum Price Regulation 146 is amended in the following respects:

1. Section 1382.2 is amended to read as follows:

§ 3132.2 *Less than maximum prices.* Lower prices than those set forth in this regulation may be charged, demanded, paid or offered.

2. In § 1382.8 (a) (3), subdivision (i) is amended to read as follows:

(i) Produced from the botanical species of yellow poplar (liriodendron tulipifera), tough white ash (Fraxinus americana), beech (Fagus americana), soft maple (Acer rubrum), butternut (Juglans cinerea) chestnut (Castanea dentata), hard maple (Acer saccharum), and the botanical species included in the genera of red oak and white oak (Quercus), hickory (Hicoria), basswood (Tilia), birch (Betula), buckeye (Aesculus), cherry (Prunus) and yellow cypress lumber (which includes all items of cypress lumber of any species of cypress other than tidewater red cypress) only when sold "ungraded" by small mills duly authorized to sell Appalachian hardwood lumber in this manner under § 1382.15 of this regulation; (For provisions regarding the sale of yellow cypress in any other manner see Revised Maximum Price Regulation 97); and all other hardwood species; and

3. In § 1382.11 (b), subparagraph (24), White Oak or Red Oak—Structural Stock or Sound Square Edge, the note entitled "Prices for specific sizes not in schedule" is amended to read as follows:

Prices for specific sizes not in schedule. The maximum price for material of a length not included in this schedule shall be determined by adding to the maximum price for the next shorter length the proportionate amount of the difference between the maximum price of such next shorter length and the maximum price of the next longer length.

In the case of any item 2" or thicker and wider than 6", for which the thickness or the width is not included in the schedule, the maximum price shall be the maximum price for the material of the next greater thickness or width.

The maximum prices set forth above supersede the maximum prices for like material authorized for individual sellers under the special pricing provisions of this regulation.

4. In § 1382.11 (b), subparagraph (25), White Oak or Red Oak—Freight Car Stock, Common Dimension, Mine Car Lumber, the note entitled "Prices for specific sizes not in schedule" is amended to read as follows:

Prices for specific sizes not in schedule. The maximum price for material of a length not included in this schedule shall be determined by adding to the maximum price for the next shorter length the proportionate amount of the difference between the maximum price of such next shorter length and the maximum price of the next longer length.

In the case of any item 2" or thicker and wider than 6", for which the thickness or the width is not included in the schedule, the maximum price shall be the maximum price for the material of the next greater thickness or width.

The maximum prices set forth above supersede the maximum prices for like material authorized for individual sellers under the special pricing provisions of this regulation.

5. In § 1382.11 (e), subparagraph (7) is amended to read as follows:

(7) *Custom-kiln and milling.* Where Appalachian hardwood lumber is kiln dried or milled for the seller by a custom-kiln or milling establishment, and the custom-kiln or milling establishment is not owned or operated by, or connected with, the sawmill, the seller may add the actual cost of the kiln drying or milling, under circumstances permitted in, and in amounts not greater than, the maximum prices established by, the applicable regulation covering custom kiln drying and or milling services.

6. In § 1382.14 (a) (2), subdivision (viii), Bevel and drop siding, is deleted and subdivisions (ix) through (xiv) are redesignated (viii) through (xiii) inclusive, respectively.

7. In § 1382.15, an undesignated paragraph is added immediately preceding paragraph (a) to read as follows:

Yellow cypress lumber sold by a small mill duly authorized by the Office of Price Administration under this section to sell graded Appalachian hardwood lumber either on its own inspection as provided in the preceding paragraph or under the conditions provided in paragraph (b) below, must be sold under the appropriate provisions of Revised Maximum Price Regulation 97. (Note that maximum prices of graded yellow cypress sold by small mills on grades determined by National Hardwood Lumber Association inspection or on authorized buyer's inspection are established in § 1382.113 of Revised Maximum Price Regulation 97).

8. In § 1382.15, paragraph (a) is amended to read as follows:

(a) *Ungraded hardwood lumber; maximum prices.* The maximum prices for 1,000 feet board measure for the full product of the logs of ungraded Appalachian hardwood lumber, including yellow cypress lumber, produced by small mills, of any species or combination of species in green or dry condition are as follows:

Lumber cut to dry to:	
Thicknesses of 1", 1¼" and 1½"--	$36.50
Thickness of 2"----------	33.00
Thicknesses over 2"----------	32.00

This amendment shall become effective August 22, 1945.

Issued this 17th day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-15294; Filed, Aug. 18, 1945; 12:00 m.]

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[1] 9 F.R. 3313, 10982.

PART 1400—TEXTILE FABRICS: COTTON, WOOL, SILK, SYNTHETIC AND ADMIXTURES

[MPR 478, Amdt. 6]

COATED AND COMBINED FABRICS

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.

Maximum Price Regulation 478 is amended in the following respects:

1. August 27, 1945, is substituted for August 13, 1945, for effective date for Amendment 5 to Maximum Price Regulation 478.

2. August 27, 1945, is substituted for August 13, 1945, where the latter date appears in section 9 (f).

3. September 27, 1945, is substituted for September 13, 1945, where the latter date appears in section 9 (g).

This amendment shall become effective as of August 13, 1945.

Issued this 14th day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-15086; Filed, Aug. 14, 1945; 4:40 p. m.]

PART 1404—RATIONING OF FOOTWEAR

[RO 17,[1] Amdt. 109]

SHOES

A rationale accompanying this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.

Ration Order 17 is amended in the following respects:

1. Section 2.22 (f) (1) and (2) are amended to read as follows:

(1) *Age restriction.* Any establishment which has men's and women's shoes which were manufactured before March 1, 1944 and which cannot reasonably be sold for ration currency may transfer them without ration currency in accordance with the provisions of this paragraph.

(2) *Ration-free period.* During the period from August 17 to September 29, 1945, inclusive, any establishment may transfer without ration currency any shoes described in section 2.22 (f) (1).

2. Section 2.22 (f) (6) is amended to read as follows:

(6) *Advertising.* When such shoes are offered for sale to consumers in any advertisement or notice, they shall be referred to as "OPA Release No. 107. Ration-free from August 17 to September 29, 1945, inclusive.

This amendment shall become effective August 17, 1945.

Issued this 15th day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-15222; Filed, Aug. 17, 1945; 4:45 p. m.]

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[1] 10 F.R. 6960, 7587, 8576, 8747, 8748.

PART 1407—RATIONING OF FOOD AND FOOD PRODUCTS

[Control Order 1,[1] Amdt. 16]

LIVESTOCK SLAUGHTER AND MEAT DISTRIBUTION

A rationale for this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.

Control Order 1 is amended in the following respects:

1. The text of section 23 (g) (2) is redesignated section 23 (g) (2) (i).

2. Section 23 (g) (2) (i) is amended by substituting for the first sentence the following: "If a slaughterer customarily keeps combined records of meat and other items he may make deliveries of meat, and make his reports and keep his records, under this section, as if all the deliveries covered by those records were of meat only, but only if the items other than meat covered by such records do not exceed 5% by weight of the total, and not more than 2% of the total, by weight, consists of items which are not meat under this section and are not rationed under Revised Ration Order 16."

3. Section 23 (g) (2) (ii) is added to read as follows:

(ii) A slaughterer who has more than one Class 1 or Class 2 slaughtering establishment may, for the purposes of this section, group two or more of them together and treat the group as one slaughtering establishment, if he customarily maintains a central office for the group, at which he keeps combined records of the inventory, production, acquisitions, and transfers of meat of all the establishments in the group. If he is a Class 1 or Class 2A slaughterer as to any of the establishments included in the group, he shall, for the purposes of this section, be considered a Class 1 or Class 2A slaughterer as to the group; otherwise he shall be considered a Class 2B slaughterer as to the group. If a slaughterer wishes to operate under this provision, he must submit a written notice stating that he proposes to operate under it, and giving the names and addresses of the slaughtering establishments which he proposes to treat as a group under this section, and the name and address of the central office at which he keeps the combined records for the group. If he is a Class 1 or Class 2A slaughterer as to the group, he must submit the notice to the Washington Office. If he is a Class 2B slaughterer as to the group, he must submit the statement to the District Office for the area in which the central office for the group is located. After giving such notice, such group of establishments shall, for the purposes of this section, be treated as one slaughtering establishment at the central office maintained by him for the group. However, if after giving such notice he wishes to treat separately, under this section, one or more of the establishments included by him in the group, he must apply for, and obtain permission to do so from, the same office to which he gave the notice mentioned above. Such permission will be granted only if and to the extent consistent with the maintenance of the same distribution pattern with respect to the slaughterer's meat as he had during his first three full reporting periods in 1944.

This amendment shall become effective on August 22, 1945.

NOTE: The reporting and record-keeping requirements of this amendment have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 18th day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-15278; Filed, Aug. 18, 1945; 11:54 a. m.]

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[1] 10 F.R. 4605.

PART 1407—RATIONING OF FOOD AND FOOD PRODUCTS

[Control Order 1, Amdt. 3 to Supp. 1]

LIVESTOCK SLAUGHTER AND MEAT DISTRIBUTION

Paragraph (c) of Table I in Supplement No. 1 to Control Order 1 is amended to read as follows:

(c) For quota periods beginning on or after July 29, 1945:

	Percent
Cattle----------	100
Calves----------	75
Sheep and lambs----------	110
Swine----------	50

This amendment shall become effective as of July 29, 1945.

Issued this 18th day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-15279; Filed, Aug. 18, 1945; 11:54 a. m.]

PART 1408—GLASS AND GLASS CONTAINERS

[MPR 175, Amdt. 3]

ROUGH ROLLED, FIGURED, WIRE AND HEAT ABSORBING ROLLED GLASS

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.

Section 1408.12 (g) (2) is amended to read as follows:

(2) If any change in tolerance is made from that in effect for each manufacturer on October 1, 1941, the resulting product shall be deemed to be a new product and must be priced in accordance with section 6 and sections therein referred to of Maximum Price Regulation No. 592 (Specified Construction Materials and Refractories).

This amendment shall become effective August 23, 1945.

Issued this 18th day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-15286; Filed, Aug. 18, 1945; 11:57 a. m.]

PART 1420—BREWERY, DISTILLERY AND WINERY PRODUCTS

[RMPR 259,[1] Incl. Amdts. 1–7]

MALT BEVERAGES

This compilation of Revised Maximum Price Regulation 259, includes Amendment 7, effective August 23, 1945. The text added or amended by Amendment 7 is underscored. Redesignations are indicated by notes.

A statement of the considerations involved in the issuance of this regulation has been issued and filed with the Division of the Federal Register.[2]

ARTICLE I—EXPLANATION OF THIS REGULATION

Sec.
1.1 Purpose of this regulation.
1.2 General definitions.

ARTICLE II—GENERAL PRICING PROVISIONS FOR BREWER'S SALES OF DOMESTIC MALT BEVERAGES

2.1 Explanation of certain terms used in this article.
2.2 Brewer's basic pricing methods.
2.3 Brewer's notification of price adjustment.
2.4 Brewer's pricing method for sales to a new class of purchasers.
2.5 Brewer's pricing method where the container size is different than in the base period.
2.6 Brewer's pricing methods for sales of a domestic malt beverage of a brand and type that cannot be priced under section 2.2.
2.7 Brewer's changes in container and case practices.
2.8 Federal and state taxes.
2.9 Brewer's individual applications for maximum prices.
2.10 Adjustment of brewer's maximum prices.
2.11 Transfers of business or assets.
2.12 Brewer's reports of maximum prices.

ARTICLE III—IMPORTED MALT BEVERAGES

ARTICLE IV—GENERAL PRICING PROVISIONS FOR WHOLESALERS' AND RETAILERS' SALES OF DOMESTIC MALT BEVERAGES

4.1 Determination of "cost of acquisition" used in figuring maximum prices by wholesalers and retailers for sales of domestic malt beverages in bottles and cans.
4.2 Maximum prices for sales per case by wholesalers.
4.3 Maximum prices for sales of domestic malt beverages in bottles or cans by retailers and wagon vendors.
4.4 Changes in wholesalers' and retailers' maximum prices.
4.5 Sales of domestic malt beverages in barrels by wholesalers and retailers.
4.6 Sales and gross receipts taxes.
4.7 Wholesalers' and retailers' individual application for maximum prices.
4.8 Sales by a brewer's branch, a sole distributor or a bottling wholesaler.

ARTICLE V—MISCELLANEOUS PROVISIONS

Sec.
5.1 Units of sale and fractions of a cent.
5.2 Container and case deposits.
5.3 Payment of brokerage.
5.4 Advance payments.
5.5 Adjustable pricing.
5.6 Export sales.
5.7 Records which must be kept.
5.8 Sales slips and receipts.
5.9 Compliance with this regulation.
5.10 Prior regulations, orders and interpretations superseded.
5.11 Compliance with other laws, ordinances, and regulations.
5.12 Petitions for amendment.
5.13 Applicability.

APPENDIX A

AUTHORITY: § 1420.51 issued under 56 Stat. 23, 765; 57 Stat. 566; Pub. Law 383, 78th Cong.; Pub. Law 108, 79th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681.

ARTICLE I—EXPLANATION OF THIS REGULATION

SECTION 1.1 *Purpose of this regulation.* This regulation is designed to establish maximum prices and pricing methods for all sales of domestic malt beverages except the following:

(a) Sales subject to restaurant maximum price regulations of the Office of Price Administration or sales for which orders heretofore or hereafter issued and effective under General Order No. 50,[3] with respect to sales for on-premise consumption only, fix maximum prices or provide a pricing method.

[Paragraph (a) amended by Am. 3, 10 F.R. 2585, effective 3–7–45]

(b) Sales for which orders heretofore or hereafter issued and in effect pursuant to Revised General Order No. 51[4] fix specific dollars and cents maximum prices or provide a pricing method in a particular region or community.

[Above paragraph amended by Am. 3]

Maximum prices for sales of imported malt beverages are not established by this regulation at the present time. Pending issuance of an amendment adding prices for sales of imported malt beverages, sellers shall continue to price those sales according to applicable regulations and orders of the Office of Price Administration.

SEC. 1.2 *General definitions.*—(a) *Malt beverage.* "Malt beverage" means any beverage made by the alcoholic fermentation of an infusion or decoction, or combination of both, in potable brewing water, of malted barley with hops, or their parts, or their products, and with or without other malted cereals, and with or without the addition of unmalted or prepared cereals, other carbohydrates or products prepared therefrom, and with or without the addition of carbon dioxide, and with or without other wholesome products suitable for human food consumption.

"Domestic malt beverage" means a malt beverage produced within continental United States.

"Imported malt beverage" means a malt beverage produced in a territory or possession of the United States or in a foreign country.

(b) *Type.* "Type," with reference to a malt beverage, means the class thereof as recognized under the provisions of Regulations No. 7, as amended, issued under the Federal Alcohol Administration Act, as amended, to wit: beer, ale, porter, stout, etc., except that "beer" includes lager and lager beer. In determining type of a malt beverage for the purposes of this regulation, class subdivisions under Regulations No. 7 shall be disregarded.

(c) *Barrel.* "Barrel" means a container for malt beverages having a capacity of 31 U. S. standard gallons of 128 fluid ounces. Fractions of a barrel, referred to in this regulation, are fractions of a barrel as so defined.

(d) *Case.* "Case" means a carton or box used for shipping or delivery of malt beverages in bottles or cans.

(e) *Container size.* "Container size" means the particular weight or unit in which malt beverages are sold.

(f) *Brand.* "Brand" means the distinctive name of a malt beverage as shown on its label. It also includes other words, lettering, or figures used on that label in association with the name for the primary purpose of giving the malt beverage a distinctive identity in the mind of a consumer.

(g) *Person.* "Person" means an individual, corporation, partnership, association, or any other organized group of persons and their legal successors or representatives. The term includes the United States, its agencies, other governments, their political subdivisions and their agencies.

(h) *Brewer.* "Brewer" means the person who is the manufacturer of a domestic malt beverage being priced.

(i) *Wholesaler.* "Wholesaler" means a person licensed as a wholesaler under applicable laws, statutes or regulations and engaged in the business of buying and selling malt beverages without changing the form thereof primarily to persons other than consumers, but who when licensed and permitted by applicable State or local statute or ordinance to do so, may also sell such malt beverages to consumers. The term "wholesaler", as used in this regulation means a "distributor".

[Paragraph (i) amended by Am. 3, 10 F.R. 2585, effective 3–7–45]

(j) "Primary wholesaler" means a wholesaler who during the calendar year 1944 sold to other wholesalers not less than 10 percent of the total number of cases of domestic malt beverages sold by him. However, no wholesaler may price any sales of domestic malt beverages as a primary wholesaler unless he is authorized to do so by the Regional Administrator having jurisdiction of the area in which he has his principal place of business in the manner provided herein.

Before any wholesaler is authorized to sell or offer to sell an item or items of domestic malt beverages as a primary wholesaler he shall make application in writing to the Regional Administrator of the Office of Price Administration having jurisdiction of the area in which he has his principal place of business for authorization to sell an item or items of domestic malt beverages as a primary wholesaler and must receive authorization by order or otherwise before he may sell as a primary wholesaler.

The application shall contain the following information:

1. Name of applicant and address of principal place of business. (If applicant has branch warehouses and desires to qualify these branches as "primary wholesalers" then separate applications must be submitted for each branch.)
2. The total number of cases of each brand of domestic malt beverages which applicant sold to all classes of purchasers during the calendar year 1944.
3. The total number of cases of each brand of domestic malt beverages which applicant sold to other wholesalers during the calendar year 1944.
4. The name and address of each wholesaler to whom he sold during the calendar year 1944 and the number of cases of each brand sold to each wholesaler in 1944.
5. The names and addresses of the wholesalers to whom he proposes to sell as a "primary wholesaler" and the brands he intends to sell to each of them.
6. Any other pertinent information applicant desires to submit:

Regional Administrators are hereby authorized to grant authority by order to applicants to price their sales as primary wholesalers. If within 30 days after receipt of the application by the appropriate Regional Office of the Office of Price Administration the applicant shall not receive written notice of denial of the application, the authority requested therein shall be deemed granted. The authority so granted may be revoked at any time by order issued by the appropriate Regional Office of the Office of Price Administration. Any District Director of the Office of Price Administration if authorized by order of his Regional Administrator shall have and may exercise like authority with respect to applications filed under this section.

Any wholesaler who qualified and sold domestic malt beverages as an importing wholesaler prior to July 31, 1945 may upon filing an application for authority to sell as a primary wholesaler with the appropriate field office continue to price his sales of domestic malt beverages as a primary wholesaler for such time until his application is either granted or denied notwithstanding the provisions of this section.

[Paragraph (j) added by Am. 3, and amended by Am. 6, 10 F.R. 9336, effective 7–31–45]

[Paragraph (k) added by Am. 3 and revoked by Am. 6]

(k) *Retailer.* "Retailer" means a person licensed as a retailer under applicable laws, statutes or regulations and engaged in the business of buying and selling malt beverages, without changing the form thereof, primarily to consumers.

[Paragraph (k), originally (j) redesignated and amended by Am. 3, redesignated by Am. 6]

(l) *Consumer.* "Consumer" means a person who purchases the malt beverage being priced for consumption.

[Paragraph (l), originally (k), redesignated by Am. 3 and Am. 6]

(m) *Wagon vendor.* A "wagon vendor" means a person who obtains his entire supply of one or more items of domestic malt beverages from a brewer and resells only to consumers from a vehicle owned and operated by him or his employees, and who prior to December 18, 1944 operated in the same manner.

[Paragraph (m) added by Am. 7, effective 8–23–45]

(n) *Sale.* "Sale" includes transfer of title, disposition, exchange, barter, delivery, lease and other transfers, and contracts or offers to do any of these things. The term "sell," "seller," "buy," "buyer," "purchase" and "purchaser" shall be construed accordingly.

(o) *Price.* "Price" means the consideration requested or received in connection with the sale of a malt beverage.

[Paragraphs (n) and (o), originally (l) and (m) redesignated by Am. 3, Am. 6 and Am. 7]

(p) *Transportation charges.* "Transportation charges" except as otherwise expressly provided, means the lawful charges for the movement of the malt beverage being priced by the most direct route from the seller's customary shipping point to the purchaser's customary receiving point at the rate charged by the cheapest available common or contract carrier customarily used, and refers to transportation charges incurred in shipment of malt beverages by a brewer to all classes of purchaser and to shipments by one wholesaler to another and from a primary wholesaler to a wholesaler. The term includes any applicable Federal tax on transportation now or hereafter imposed. In the type of sales above-described, if a seller makes a delivery by use of his own vehicle, such charges shall be figured at the rate for transportation over the same distance by the cheapest available common or contract carrier customarily used, exclusive of Federal tax on transportation. No amounts may be added for refrigerating or heating of cars or vehicles used in the transportation of domestic malt beverages. No amount may be added for local hauling, drayage and handling.

The term "transportation charges" shall also include charges for the return of cases and empty containers, only where the seller imposed such a charge on a particular class of purchaser during the applicable base period or where the seller did not ship outside his local area during the applicable base period and now establishes a maximum price to a new class of purchaser located outside his local area. Such charges shall be at the rate charged by the cheapest available common or contract carrier customarily used for movement of the cases and containers from the above-mentioned purchaser's customary receiving point to the seller's customary shipping point from which the malt beverage was originally shipped.

Any Regional Administrator of the Office of Price Administration or such District Director as may be authorized by the appropriate Regional Administrator may either on application or on his own motion establish by order a uniform transportation charge for the movement of an item of domestic malt beverage pursuant to this section for any seller or group of sellers located within his jurisdiction and such order shall require the seller to recalculate his maximum prices notwithstanding section 4.4 (b) of the regulation.

[Paragraph (p), originally (n) amended by Am. 2; redesignated and amended by Am. 3; redesignated and amended by Am. 6 and redesignated by Am. 7]

(q) *State and local taxes.* "State and local taxes" means excise taxes measured by the number of gallons, percent of alcohol content, container size or price of a malt beverage, imposed by a State of the United States, or any political subdivision thereof, and paid or payable by the seller to the taxing authority or to a prior vendor for the quantity of it being priced. The term does not include taxes on processing, sales or gross receipts taxes, or license, income, franchise, use or other similar taxes.

(r) Unless the context otherwise requires, the definitions in section 302 of the Emergency Price Control Act of 1942, as amended, shall apply to other terms used herein.

[Paragraphs (q) and (r), originally (o) and (p), redesignated by Am. 3, Am. 6 and Am. 7]

(s) "Customary shipping point" means the place from which the seller normally makes shipment of malt beverages to the particular class of purchaser. With respect to shipment by motor vehicle, "customary shipping point" shall mean the seller's premises; with respect to shipment made by rail, "customary shipping point" shall mean the railroad siding nearest to the seller's premises.

(t) "Customary receiving point" means the place where the purchaser normally receives delivery of malt beverages from the particular type of supplier. With respect to deliveries made by motor vehicle, "customary receiving point" shall mean the purchaser's premises; with respect to delivery made by rail, "customary receiving point" shall mean the railroad siding nearest to the purchaser's premises.

(u) An "item" means a particular brand, type, container and case size of malt beverage in bottles or cans.

[Paragraphs (s) (t) and (u) added by Am. 3; redesignated by Am. 6 and Am. 7]

ARTICLE II—GENERAL PRICING PROVISIONS FOR BREWER'S SALES OF DOMESTIC MALT BEVERAGES

SEC. 2.1 *Explanation of certain terms used in this article.*—(a) *Most closely competitive brewer.* Determination of a brewer's most closely competitive brewer

[1] 9 F.R. 14537.

[2] Statements of the Considerations are also issued simultaneously with amendments. Copies may be obtained from the Office of Price Administration.

[3] 8 F.R. 4808.

[4] 9 F.R. 408, 11982; 10 F.R. 9299.

shall be made by reference to (but is not limited to) consideration of whether the two brewers:

[Above paragraph amended by Am. 3, 10 F.R. 2585, effective 3-7-45]

(1) Are comparable in size and production capacity;

(2) Sell the same type of domestic malt beverage in the same price line;

(3) Sell domestic malt beverages with comparable advertising history and public acquaintance;

(4) Are competitive in their sales of domestic malt beverages;

(5) Are located in geographical proximity.

Where more than one brewer satisfies the tests, the one located nearest to the brewer seeking to establish a price shall be used.

In pricing by reference to a maximum price of a most closely competitive brewer, appropriate adjustment shall be made in each instance for any difference in applicable state and local taxes.

(b) *Class of purchaser.* "Class of purchaser" refers to a brewer's practice in setting different prices for sales to different purchasers or kinds of purchasers or for purchasers located in different areas or for different kinds or container sizes or under different conditions of sale.

(c) *Determination of similarity of domestic malt beverages.* Domestic malt beverages shall be deemed similar if of the same type. Where a choice exists between similar domestic malt beverages, the one most comparable in advertising history and public acquaintance to the domestic malt beverage being priced shall be deemed "similar" to it.

[Paragraph (b) and (c) amended by Am. 3, 10 F.R. 2585, effective 3-7-45]

(d) *Trading area.* "Trading area" means the territory in which the brewer has customarily sold a major portion of his production of domestic malt beverages.

SEC. 2.2 *Brewer's basic pricing methods.* (a) A brewer's maximum price to a purchaser of a particular class except retailers as provided in section 2.2 (d) for sales of a brand, type, and container size of a domestic malt beverage shall be either:

[Above paragraph amended by Am. 3]

(1) The highest price he charged for a sale of that brand, type and container size of domestic malt beverage to a purchaser of that class during the period October 1 to 15, 1941, inclusive, or if he made no such sale, the highest price at which he offered to sell that brand, type and container size of domestic malt beverage to a purchaser of that class during the same period, plus (in either instance) the appropriate permitted increase shown in Table I; or

(2) The highest price he charged during March 1942 for a sale of that brand, type and container size of domestic malt beverage to a purchaser of that class, or if he made no such sale, the highest price at which he offered to sell that brand, type and container size of domestic malt beverage to a purchaser of that class during March 1942, plus (in either instance) the appropriate permitted increase shown in Table II; or

(3) The price he is authorized to establish for sales of that brand, type and container size of domestic malt beverage to a purchaser of that class by an effective order or authorization issued under § 1499.18b of the General Maximum Price Regulation[1] or under this regulation. Applications filed prior to December 18, 1944 under § 1420.66 (h) of Maximum Price Regulation 259, as amended, and pending before the Office of Price Administration on that date, shall be processed under that section. Orders or authority issued or granted prior to December 18, 1944 under that section or thereafter issued pursuant to such application, unless specifically modified or revoked, shall have the same effect as if issued or granted under this regulation. However, in those instances where orders or authorizations issued by the Office of Price Administration pursuant to applicable regulations prior to March 7, 1945, establishing maximum prices for a brewer's sales of domestic malt beverages to retailers, those provisions of such orders or authorizations shall be superseded and a brewer shall be required to establish his maximum prices for his sales of domestic malt beverages to retailers in accordance with the provisions of section 2.2 (d).

[Subparagraph (3) amended by Am. 3, 10 F.R. 2585, effective 3-7-45]

(b) A brewer pricing his sales of a domestic malt beverage under paragraph (a) shall price all his sales of that brand and type of domestic malt beverage by use of the same base period. An offering price may be used to price only if it was an offering price for delivery during the specified base period and if the offer or an acceptance thereof is established by a price list or other written or printed evidence. A price intended to withhold a domestic malt beverage from the market or a price offered as a bargaining price by a brewer who usually sold at a price lower than his asking price, may not be used as an offering price.

(c) *Maintenance of customary discounts.* A brewer shall continue to grant his customary discounts, allowances and other price differentials with respect to his sales of domestic malt beverages to all classes of purchasers, subject to the provisions of section 2.2 (d) with respect to sales to retailers in effect during the base period used in determining his maximum prices, unless the change results in the same or a lower price to the purchaser.

[Paragraph (c) amended by Am. 3.]

(d) *Brewer's maximum prices for his sales of domestic malt beverages in bottles or cans to retailers—(1) Retailers located within the brewer's base delivery zone.* With respect to his sales of domestic malt beverages in bottles or cans to retailers located within the brewer's base delivery zone (as defined in section 4.1 (c)), the brewer shall be deemed a wholesaler and shall establish his maximum price for such sales in accordance with Article IV. In determining his supplier's price as an element of his cost of acquisition, the brewer shall use either his f. o. b. brewery platform or delivered maximum price (in accordance with his customary practice) for his sales of the item to wholesalers located within the brewer's base delivery zone, adjusted for the difference in state or local taxes, if any. However, where the brewer has established different maximum prices to wholesalers located within his base delivery zone, he shall use as his supplier's price the maximum price applicable to the greatest volume of his sales to wholesalers located within the base delivery zone during the most recent six-months' period prior to April 4, 1945.

(i) If the brewer has not established a maximum price for his sales to wholesalers located within his base delivery zone, his maximum price to retailers located within his base delivery zone shall be his maximum price to that class of purchaser established under section 2.2 (a), (b) or (c).

(ii) In pricing as a wholesaler, the brewer's premises shall constitute the center point of his base delivery zone subject to the extension or modification thereof by the Regional Administrator or District Director of the Office of Price Administration as provided in section 4.1 (c).

NOTE: For converting a delivered price to an f. o. b. price, see section 4.2 (b) (1) (ii).

[Subparagraph (1) amended by Am. 4, 10 F.R. 3558, effective 4-4-45 and Am. 5, 10 F.R. 4106, effective 4-14-45.]

(2) *Retailers located outside the brewer's base delivery zone.* The brewer's maximum prices for his sales to retailers located outside the brewer's base delivery zone shall be his maximum prices established to that class of purchaser under section 2.2.

(e) *Brewer's sales f. o. b. brewery platform to wholesalers located in an area to which the brewer did not ship during the applicable base period.* Sales by a brewer on an f. o. b. brewery platform basis to wholesalers located in an area to which the brewer did not ship during the applicable base period, shall be deemed sales f. o. b. the brewer's customary shipping point (as defined in section 1.2 (r)).

[Paragraphs (d) and (e) added by Am. 3.]

[1] 9 F.R. 1385, 5169, 6106, 8150, 10193, 11274.

TABLE I—INCREASES PERMITTED WHEN PRICING BY REFERENCE TO THE OCTOBER 1 TO 15, 1941 BASE PERIOD

NOTE: Do not use this table when pricing by reference to a March, 1942 base period

Brand	Size	Unit of pack	Permitted increase	
			Per case	Per bottle
				Cents
(When using this table as part of notification given under Sec. 2.3 insert here brand of domestic malt beverage.)	Barrel	Barrel	$2.50 per barrel	
	½ barrel	½ barrel	$1.25 per ½ bbl	
	¼ barrel	¼ barrel	$0.63 per ¼ bbl	
	⅛ barrel	⅛ barrel	$0.31 per ⅛ bbl	
	64 oz. bottles	Case of 6 bottles	24 cents	4
	32 oz. bottles	Case of 12 bottles	24 cents	2
	24 oz. bottles	Case of 12 bottles	18 cents	1½
	16 oz. bottles	Case of 24 bottles	24 cents	1
	12 oz. bottles	Case of 24 bottles	18 cents	¾
	11 oz. bottles	Case of 24 bottles	17 cents	¾
	8 oz. bottles	Case of 48 bottles	24 cents	½
	7 oz. bottles	Case of 48 bottles	21 cents	½

TABLE II—INCREASES PERMITTED WHEN PRICING BY REFERENCE TO THE MARCH 1942 BASE PERIOD

NOTE: Do not use this table when pricing by reference to an October 1 to 15, 1941 base period

Brand	Size	Unit of pack	Permitted increase	
			Per case	Per bottle
				Cents
(When using this table as part of notification given under Sec. 2.3 insert here brand of domestic malt beverage.)	Barrel	Barrel	$2.00 per barrel	
	½ barrel	½ barrel	$1.00 per ½ bbl	
	¼ barrel	¼ barrel	$0.50 per ¼ bbl	
	⅛ barrel	⅛ barrel	$0.25 per ⅛ bbl	
	64 oz. bottles	Case of 6 bottles	19 cents	3
	32 oz. bottles	Case of 12 bottles	19 cents	1½
	24 oz. bottles	Case of 12 bottles	15 cents	1¼
	16 oz. bottles	Case of 24 bottles	19 cents	¾
	12 oz. bottles	Case of 24 bottles	15 cents	¾
	11 oz. bottles	Case of 24 bottles	13 cents	⅝
	8 oz. bottles	Case of 48 bottles	19 cents	½
	7 oz. bottles	Case of 48 bottles	17 cents	¾

SEC. 2.3 *Brewer's notification of price adjustment—(a) Where the brewer's maximum prices are based on the October 1 to 15, 1941 period.* A brewer who determines his maximum price in accordance with section 2.2 (a) (1) shall furnish to each purchaser, except a consumer, before or at his first delivery to the purchaser, a written statement as follows:

The Office of Price Administration has authorized us to establish the following maximum prices for sales of listed brands of domestic malt beverage to you:

(Copy Table I or the appropriate parts of that table.)

These maximum prices are based on the highest price we charged to each class of purchasers during the period October 1–15, 1941, plus an increase of 50 cents per barrel for material costs and $2.00 per barrel for excise tax changes. They include all Federal taxes and (specify State and local taxes, if any, included). The Office of Price Administration requires you to keep this notice for examination.

(b) *Where the brewer's maximum prices are based on the March 1942 period.* A brewer who determines his maximum price in accordance with section 2.2 (a) (2) shall furnish to each purchaser, except a consumer, before or at the time of his first delivery to the purchaser, a written statement as follows:

The Office of Price Administration has authorized us to establish the following maximum prices for sales of listed brands of domestic malt beverage to you:

(Copy Table II or the appropriate parts of that table.)

These maximum prices are based on the highest price we charged to each class of purchasers during March 1942, plus an increase of $2.00 per barrel for excise tax changes. They include all Federal taxes and (specify State and local taxes, if any, included). The Office of Price Administration requires you to keep this notice for examination.

(c) *Where the brewer's maximum prices are otherwise determined.* In all instances except those provided for in paragraphs (a) and (b), where a brewer establishes or adjusts his maximum price in accordance with this regulation, he shall furnish each purchaser, except a consumer, before or at the time of his first delivery to the purchaser, a written statement as follows:

The Office of Price Administration has authorized us to establish the following maximum prices for sales of the listed brands of domestic malt beverage to you.

(State prices by brand, size and unit of pack.)

Our maximum prices include all Federal taxes and (specify State and local taxes, if any, included). The Office of Price Administration requires you to keep this notice for examination.

(d) No notice need be given under this section if the brewer's maximum price established under this regulation for sales of the domestic malt beverage to purchasers of the particular class is the same as that in effect prior to December 18, 1944. Notice once given under this section to a particular purchaser with respect to a domestic malt beverage need not be repeated unless the price stated in the notice is changed. However, if such change is made, an additional notice covering it must be given.

SEC. 2.4. *Brewer's pricing method for sales to a new class of purchaser.* Where a brewer established a maximum price for his sales of a particular brand, type and container size of domestic malt beverage during the applicable base period, his purchasers of the item must be classified in accordance with his purchaser classification during the applicable base period, subject however to the provisions of section 2.2 (d) with respect to his sales to retailers. If a brewer desires to sell the item so priced to purchasers of a class to which he did not sell or offer to sell the item during the applicable base period, he shall establish his maximum price for his sales to that class of purchaser by application to the Office of Price Administration under section 2.9 of this regulation. The maximum price authorized on such application shall represent a differential (in dollars and cents) in line with those established under section 2.2 by competitive brewers in the same or nearest similar trading area.

[Sec. 2.4 amended by Am. 2, 9 F.R. 15107, effective 12-27-44 and Am. 3, 10 F.R. 2585, effective 3-7-45]

SEC. 2.5 *Brewer's pricing method where the container size is different than in the base period.* (a) If a brewer can determine his maximum price under section 2.2 for sales of a brand and type of a domestic malt beverage in a particular container size but cannot so determine his maximum price for it in a different container size, his maximum price for sales of the domestic malt beverage in the latter container size shall be figured as follows:

(1) *32 oz. containers.* If the container size to be priced is a case of 32 oz. containers, the brewer shall:

(i) Deduct from his maximum price to the same class of purchasers for the same brand and type of domestic malt beverage per case of 12 oz. containers (determined under section 2.2), any of the following elements included therein: the permitted increase provided by Tables I or II, any State and local taxes, any transportation charges for delivery to the purchaser and any amount representing the repurchase price of or a deposit to assure return of containers or cases;

(ii) Multiply the figure obtained at (i) by 1.22;

(iii) Add to the figure obtained at (ii), the following: the permitted increase per case of 32 oz. containers shown in the appropriate Table I or II, the amount of any state and local taxes per case at rates in effect during the base period paid or payable by the brewer with respect to the container size being priced, any transportation charges for delivery to the purchaser deducted at (i) and any amount representing the repurchase price of or deposit to assure return of containers and cases deducted at (i). The resulting figure is the brewer's maximum price to purchasers of the particular class per case of 32 oz. containers of the brand and type of domestic malt beverage being priced.

(2) *Containers other than 32 oz.* If the container size to be priced is other than a 32 oz. container, the brewer shall:

(i) Ascertain his most closely competitive brewer who has maximum prices determined under section 2.2 for sales to the same class of purchasers of the same type of domestic malt beverage in both a common container size and in the container size to be priced;

(ii) Determine the difference (in dollars and cents) between the most closely competitive brewer's maximum prices for sales to that class of purchasers of the type of domestic malt beverage in the common container size and in the container size to be priced. If that difference reflects a variation in the most closely competitive brewer's practices as to payment of transportation charges for delivery of the two container sizes or as to supplying, selling or requiring the return of containers or cases, it shall be adjusted to the extent necessary to reflect identical practices for both container sizes;

(iii) Add the figure ascertained at (ii) to, or subtract it from, his own maximum price for sales of the domestic malt beverage in the common container size to the particular class of purchasers, according to whether the figure is an amount over or under that price. The resulting figure is the brewer's maximum price for sales of the brand, type and container size of the domestic malt beverage to be priced.

(3) A brewer pricing his sales of a domestic malt beverage in a particular container size according to this paragraph shall, with respect to those sales:

(i) Apply his customary discounts, allowances, and price differentials in effect during the base period and applicable to his sales of the domestic malt beverage in the common container size, unless the charge therein was permitted by § 1499.4b of the General Maximum Price Regulation or results in the same or a lower price to the purchaser;

(ii) Apply his customary practices as to payment of transportation charges for delivery to purchasers, or as to supplying, selling, or requiring the return of containers or cases in effect during the base period and applicable to his sales of the common container size, unless the change was permitted either by § 1499.4b of the General Maximum Price Regulation or by section 2.7 of this regulation, or results in the same or a lower price to the purchaser.

(b) If a brewer's maximum price for sales of a particular container size of a brand and type of domestic malt beverage to purchasers of a class cannot be determined under section 2.2 or paragraph (a) of this section, his maximum price shall be an amount determined by application to the Office of Price Administration under section 2.9 of this regulation. The maximum price authorized on such application shall represent a differential in line with those established under section 2.2 by competitive brewers in the same or nearest similar trading area.

SEC. 2.6 *Brewer's pricing methods for sales of a domestic malt beverage of a brand and type that cannot be priced under section 2.2.* A brewer's maximum price for sales of a domestic malt beverage of a brand or type which cannot be priced under section 2.2 shall be:

(a) His maximum price to a purchaser of the same class for the same container size of the brewer's similar domestic malt beverage of a brand for which a maximum price can be determined under that section; or

(b) If the brewer is unable to determine his maximum price under (a), his maximum price shall be the lower of the following:

(1) The maximum price of his most closely competitive brewer for sales of the same container size of that brewer's similar domestic malt beverage to a purchaser of the same class;

(2) The price provided in Table III for sales of the same type and container size of domestic malt beverage to purchasers of the particular class.

The amount of any State and local taxes, transportation charges and any amount representing the repurchase price of, or a deposit to assure the return of containers or cases included in the maximum price of the most closely competitive brewer shall be deducted in determining whether the price ascertained under (1) is lower than that ascertained under (2).

(c) A brewer pricing his sales of a domestic malt beverage under paragraph (a) shall, with respect to those sales:

(1) Apply the customary discounts, allowances, and price differentials in effect during the base period and applicable to his sales of the similar domestic malt beverage, unless the change was permitted by § 1499.4b of the General Maximum Price Regulation, or results in the same or a lower price to the purchaser; and

(2) Apply his customary practices as to payment of transportation charges for delivery to the purchaser or as to supplying, selling or requiring the return of containers or cases in effect during the base period and applicable to his sales of the similar domestic malt beverage, unless the change was permitted either by § 1499.4b of the General Maximum Price Regulation or by section 2.7 of this regulation, or results in the same or a lower price to the purchaser.

(d) A brewer pricing his sales of a domestic malt beverage under paragraph (b) (1) shall, with respect to those sales:

(1) Apply the customary discounts, allowances, and pricing differentials applicable to the corresponding sales of the most closely competitive brewer in effect during the base period, unless the change therein was made by the competitive brewer according to § 1499.4b of the General Maximum Price Regulation, or results in the same or a lower price to the purchaser;

(2) Apply the customary practices of the most closely competitive brewer as to payment of transportation charges for delivery to purchasers, or as to supplying, selling, or requiring the return of containers or cases in effect during the base period, unless the change was permitted either by § 1499.4b of the General Maximum Price Regulation or by section 2.7 of this regulation, or results in the same or a lower price to the purchaser.

TABLE III—BREWER'S BASIC PRICES[1]

	Beer		Ale		Porter		Stout		Half and half	
	Sales to wholesaler	Sales to retailer	Sales to wholesaler	Sales to retailer	Sales to wholesaler	Sales to retailer	Sales to wholesaler	Sales to retailer	Sales to wholesaler	Sales to retailer
Barrel	14.90	17.32	15.20	17.64	15.20	17.64	15.20	17.64	15.20	17.64
½ barrel	7.45	8.66	7.60	8.82	7.60	8.82	7.60	8.82	7.60	8.82
¼ barrel	3.73	4.33	3.80	4.41	3.80	4.41	3.80	4.41	3.80	4.41
⅛ barrel	1.97	2.27	2.00	2.31	2.00	2.31	2.00	2.31	2.00	2.31
Case of—										
48/7 ounces	2.10	2.60	2.13	2.63	2.13	2.63	2.13	2.63	2.13	2.63
48/8 ounces	2.31	2.76	2.34	2.79	2.34	2.79	2.34	2.79	2.34	2.79
24/11 ounces	1.43	1.73	1.46	1.76	1.46	1.76	1.46	1.76	1.46	1.76
24/12 ounces	1.43	1.73	1.46	1.76	1.46	1.76	1.46	1.76	1.46	1.76
24/16 ounces	1.88	2.06	1.91	2.09	1.91	2.09	1.91	2.09	1.91	2.09
12/24 ounces	1.49	1.85	1.52	1.88	1.52	1.88	1.52	1.88	1.52	1.88
12/32 ounces	1.80	2.12	1.83	2.15	1.83	2.15	1.83	2.15	1.83	2.15
6/64 ounces	1.68	1.97	1.71	2.00	1.71	2.00	1.71	2.00	1.71	2.00

[1] Prices listed in this table for sales to wholesalers are f. o. b. brewery platform and for sales to retailers are delivered prices. They include all Federal taxes, and brewer's cost for containers and case furnished by the brewer but to be returned by the purchaser. They do not include state and local taxes, the exact amount of which may be added if paid by the brewer, or the repurchase price of or deposits to assure return of containers and case, which may be charged as provided in Section 5.2.

SEC. 2.7 *Brewer's changes in container and case practices.* A brewer's maximum price for a sale of a domestic malt beverage shall be adjusted to reflect any change in his base period practices with respect to supplying, selling or requiring the return of containers or cases. The adjustment shall be made in the following manner:

(a) If the brewer customarily supplied the containers and case, and either required a deposit to assure their return, or agreed with the purchaser to repurchase them at a fixed price, or had an agreement with the purchaser for their return:

(1) His maximum price to the purchaser for a sale of the domestic malt beverage including the containers and case shall be his maximum price to the purchaser for a sale of the same brand, type and container size on the former basis (not including, however, the amount of the deposit or repurchase price, if any) less 4¢ per case, plus the amounts for the particular size of containers and kind of case sold provided in Table IV; and

(2) His maximum price to the purchaser for a sale of the domestic malt beverage in containers and case supplied by the purchaser shall be his maximum price to that purchaser for a sale of the same brand, type and container size on the former basis (not including the amount of the deposit or repurchase price, if any) less 4¢ per case.

(3) If the brewer customarily followed any of the practices described in (a) above with respect to containers and cases, he may adopt any other of the practices therein described without adjusting his maximum price for the domestic malt beverage being priced.

[Subparagraph (3) added by Am. 3, 10 F.R. 2585, effective 3-7-45]

(b) If the brewer customarily sold the containers and case to the purchaser without any of the arrangements for their return described in (a) above.

[Above paragraph amended by Am. 3]

(1) His maximum price to the purchaser for a sale of the domestic malt beverage in containers and case supplied by the purchaser shall be his maximum price for a sale of the same brand, type and container size on the former basis, less the amount provided in Table IV for the particular size of containers and kind of case he no longer sells; and

(2) His maximum price to the purchaser for a sale of the domestic malt beverage in containers and case supplied by the brewer but which the purchaser is to return, shall be his maximum price for a sale of the same brand, type and container size on the former basis, less the amount provided in Table IV for the particular size of containers and kind of case he no longer sells, plus 4¢ per case. The amount the brewer may require as a deposit charge in such instances to assure the return of the containers and case or add to provide for their repurchase shall be determined according to section 5.2.

(c) Paragraph (a) of this section shall also apply to a brewer's sales of a domestic malt beverage priced under section 2.6 (b) (2) of this regulation.

(d) If a brewer desires to change his base period practices with respect to supplying, selling or requiring the return of containers or cases, but is unable to determine under paragraphs (a), (b) or (c) a price adjustment reflecting such change, he shall apply to the Office of Price Administration under section 2.9 of this regulation for determination of that adjustment. The adjustment prescribed shall be in line with those established by the preceding paragraphs of this section.

TABLE IV

(a) *New containers.*

NOTE: The following are figures per individual containers. In determining an amount per case, multiply the appropriate figure by the number of containers per case.

	Export (per bottle)	Steinie (per bottle)	Packie (per bottle)
	Cents	*Cents*	*Cents*
7 ounce bottle	1.6		
8 ounce bottle	1.6		
11 ounce bottle	1.9		
12 ounce bottle	2.0	1.8	1.8
16 ounce bottle	2.5		
24 ounce bottle	3.8		
32 ounce bottle	4.3		
64 ounce bottle	6.4		

[Table amended by Am. 6, 10 F.R. 9336, effective 7-31-45]

Where container size is different than those listed above, the amount used shall be that for the nearest smaller listed container size.

(b) *Used containers.* The figure to be used is 80 percent of the appropriate figure determined under (a) above for new containers.

(c) *New cases (including partitions).*

	Cents per case
Wood case	65
Solid Fibre case	28
Corrugated carton	14

(d) *Used cases (including partitions).* The figure to be used is 80 percent of the appropriate figure listed under (c) above for new cases.

SEC. 2.8 *Federal and State taxes.* Any tax upon, or incident to, the sale or delivery of a domestic malt beverage, imposed by any statute of the United States or statute or ordinance of any State or subdivision thereof (for which specific provision is not otherwise made) shall be treated as follows in determining the brewer's maximum price for such domestic malt beverage and preparing the records of such brewer with respect thereto:

(a) As to a tax in effect prior to the last day of any base period herein provided for the determination of the maximum prices of the brewer:

(1) If the brewer paid such tax and the brewer did not customarily state and collect separately from the purchase price during the applicable base period the amount of the tax paid by him, the brewer may not collect such amount in addition to the maximum price and in such instances shall include such amount in determining his maximum price under this regulation.

(2) In all other instances, if, at the time the brewer determines his maximum price, the statute or ordinance imposing such tax does not prohibit the brewer from stating and collecting the tax separately from the purchase price and the brewer does separately state and collect it, the brewer may collect in addition to the maximum price the amount of the tax actually paid by him and in such instance, the brewer shall not include such amount in determining his maximum price under this regulation.

(b) As to any tax first imposed after the last day of any base period provided for the determination of the maximum prices of a brewer or any increase in a tax then imposed, the brewer may collect the amount of such tax or increase imposed upon him by any statute of the United States or by any statute or ordinance of any State or subdivision thereof with respect to a domestic malt beverage: *Provided*, That the amount thereof has been paid by the brewer or has accrued and will become payable by him to the appropriate taxing authorities.

(c) In all instances if the tax paid by the brewer is refundable by the taxing authority the brewer may not collect the amount of it from the purchaser.

(d) As to the increases totalling $2.00 per barrel in Federal excise tax on domestic malt beverages ($1.00 effective November 1, 1942 and $1.00 effective April 1, 1944) no addition for those increases may be made under this section where the applicable pricing method results in maximum prices making allowance for them.

SEC. 2.9 *Brewer's individual applications for maximum prices.* (a) A brewer required to price according to this Article, who cannot otherwise determine his maximum price or is specifically directed to price by application, shall make application by letter to the Office of Price Administration, Beverage Section, Washington, D. C. An original and one copy of the application shall be furnished. The application shall be signed by the applicant, or by its authorized officer, member or agent and shall state:

(1) Applicant's name and business address, and if the applicant is not an individual, the name and title of the person signing the application in applicant's behalf;

(2) The section of this article requiring or permitting the application to be made;

(3) A description of the sales and the domestic malt beverage to be priced adequate for pricing purposes, including the classes of purchasers for sales to which prices are sought, and the brand, type and container size of domestic malt beverage;

(4) Any other pertinent information applicant desires to submit.

(b) After receipt of the application and any further information or evidence considered necessary and requested for the purpose of determining proper maximum prices, the Price Administrator will, by order or by amendment to this regulation, establish maximum prices or provide a method of determining maximum prices.

(c) An order establishing maximum prices or providing a method of determining maximum prices issued under this section may be revoked or amended, in whole or in part, at any time, by the Price Administrator. It shall be deemed revoked as to a sale, without further action by the Price Administrator, on the effective date of an amendment to this regulation establishing a different maximum price or pricing method for the sale.

(d) If a brewer makes a sale for which he is required to apply for a maximum price under this section, before that maximum price has been established, his maximum price for the sale shall be deemed his total cost for the quantity sold.

SEC. 2.10 *Adjustment of brewer's maximum prices.* (a) The Price Administrator may adjust the maximum prices established under this regulation for any brewer who applies for adjustment in accordance with paragraph (c) when it appears that:

(1) Applicant's maximum prices are below the average level of brewers' maximum prices for similar domestic malt beverages in the trading area served by the applicant, and

(2) Applicant is, or will be unable to continue his production of domestic malt beverages without adjustment of his maximum prices, and

(3) The loss of applicant's production would result in consumers in the trading area served by applicant being required to pay higher prices for similar domestic malt beverages, and

(4) An increase in applicant's maximum prices will enable him to continue production of domestic malt beverages, and

(5) The Price Administrator finds that an increase in applicant's maximum prices will, on all available facts, effectuate the purposes of the Emergency Price Control Act of 1942, as amended.

(b) The maximum adjustment that may be granted to a brewer under this section shall be limited to that:

(1) Which will not cause his maximum prices to exceed the average level of brewers' maximum prices for similar domestic malt beverages in the trading area served by applicant, and

(2) Which is reasonably required to return to applicant, for his current fiscal year, net profits on his domestic malt beverage operations before income and excess profits taxes equivalent to his average annual net profits on his domestic malt beverage operations before income and excess profits taxes (adjusted for changes in investment) during a representative peace time period, but in no event less than total costs on his domestic malt beverage operations. In determining net profits for applicant's current fiscal year, actual earnings data shall be used if available; otherwise, net profits shall be estimated by multiplying applicant's volume of sales in each container size during his last fiscal year by his maximum prices for those sales under this regulation, adding the resulting figures and deducting his total costs on his domestic malt beverage operations for the same year.

"Representative peace time period" means the calendar years 1936–1939 or applicant's fiscal years corresponding thereto. In individual instances, where those years are not a reasonably representative pre-war (December 7, 1941) period, other calendar or fiscal pre-war years found by the Price Administrator to be representative may be used.

(c) Applications for adjustment under this section shall be made by letter to the Office of Price Administration, Beverage Section, Washington, D. C. The application shall be signed by applicant, or its authorized officer, member or agent and shall supply the following information:

(1) Applicant's name and business address, and if the applicant is not an individual, the name and title of the person signing the application on applicant's behalf;

(2) The brands and types of domestic malt beverages sold by applicant, the container sizes sold, and the trading area served;

(3) Applicant's present and requested maximum prices by container sizes and classes of purchasers;

(4) The names and addresses of all brewers selling similar domestic malt beverages in the same trading area, and, if known by applicant, the brands and maximum prices of such domestic malt beverages;

(5) Operating and Profit and Loss Statements (prepared according to applicant's usual system of accounting) showing results of applicant's domestic malt beverage operations during the representative peace time period and during his most recent accounting period, unless such data was previously furnished to the Office of Price Administration;

NOTE: Profit and loss data for the years 1936–1939 will be secured from the Bureau of Internal Revenue if applicant so requests.

(6) The applicant's volume of sales of domestic malt beverages in each container size to each class of his purchasers during his last fiscal year;

(7) Any other pertinent information applicant desires to submit, or which may be requested to determine applicant's right to, or the extent of an adjustment.

(d) Adjustments may be granted or denied under this section in whole or in part by order of the Price Administrator. An order granting or denying an adjustment may be revoked or amended by the Price Administrator at any time.

SEC. 2.11 *Transfers of business or assets.* If all, or substantially all the business, assets and stock in trade of an operating brewery are sold, leased or otherwise transferred after April 28, 1942, thereafter while the transferee carries on the business by continuing to manufacture and sell domestic malt beverages at a place of business separate from any other previously owned and operated by him, the maximum prices of the transferee shall be the same as those to which his transferor would have been subject, and his obligations to keep records shall be the same. The transferor shall either preserve and make available, or turn over to the transferee all records of transactions prior to the transfer which are necessary to enable the transferee to comply with the record-keeping provisions of this regulation. If the transferor was not an operating brewery at the date of the sale, lease or other transfer, the maximum prices of the transferee for sales of domestic malt beverages, he manufactures in that place of business shall be established in accordance with section 2.6 of this regulation.

SEC. 2.12 *Brewer's reports of maximum prices.* (a) On or before January 17, 1945 every brewer shall report his maximum prices to each of his classes of purchasers for each brand, type and container size of domestic malt beverage he manufactures and sells. Every brewer who after January 17, 1945 manufactures and sells a new brand of domestic malt beverage shall likewise report his maximum prices for such brand within five days after his first sale thereof. If, after filing the report, the brewer establishes maximum prices to different classes of purchasers or for different types or container sizes of those brands of domestic malt beverage listed therein, he shall, within five days after his first sale to which such maximum prices apply, file a supplemental report showing the maximum prices established.

(b) Reports under this section shall be in duplicate on Revised OPA Form 635–547 (included in Appendix A to this regulation), copies of which may be obtained from the National or any Regional or District Office of the Office of Price Administration, or on copies of that form made by the brewer. Both copies shall be signed by the brewer or by his duly authorized officer, member or agent and shall be filed with the Office of Price Administration, Beverage Section, Washington, D. C.

(c) Neither acceptance of a report nor failure to object to maximum prices or other information shown therein shall constitute approval by the Office of Price Administration of the report, the maximum prices, or the information.

ARTICLE III—IMPORTED MALT BEVERAGES

(All sellers shall continue to price their sales of imported malt beverages in accordance with applicable regulations and orders of the Office of Price Administration, until issuance of an amendment to this regulation providing maximum prices or pricing methods for those sales.)

ARTICLE IV—GENERAL PRICING PROVISIONS FOR WHOLESALERS' AND RETAILERS'[fn] SALES OF DOMESTIC MALT BEVERAGES

SEC. 4.1 *Determination of "cost of acquisition" used in figuring maximum prices by wholesalers and retailers for sales of domestic malt beverages in bottles and cans.*—(a) *What purchases may be used to determine cost of acquisition.* Except as otherwise provided in this article a "base purchase" to be used by a wholesaler or retailer to determine his cost of acquisition for an item of domestic malt beverage in bottle or cans must be a purchase by him from a customary type of supplier delivered by a customary means of transportation. No accommodation purchase (whether or not from a customary type of supplier) shall be used as a base purchase in determining cost of acquisition of an item. No purchase (whether or not from a customary type of supplier) to fill an order of the United States Government or any agency thereof shall be used as a base purchase.

NOTE: Purchases made on memorandum invoice or purchases of small quantities of an item at exceptional price are accommodation purchases.

(b) *Elements of cost of acquisition.* The cost of acquisition to be used by a wholesaler or retailer to determine his maximum price for the sale of domestic malt beverages in bottles or cans is the total of the following elements of cost actually paid by him with respect to a particular base purchase of the item being priced.

(1) The supplier's selling price per case not in excess of his maximum price, less all discounts allowed except the discount for prompt payment. The supplier's selling price shall be adjusted if necessary to exclude from it any amount representing the repurchase of containers or cases or any deposit required to insure their return or any amount paid to the seller for the purchase of containers and/or cases. No amount may be added for local hauling, drayage or handling:

(2) Applicable transportation charges (as defined in section 1.2 (o)) or delivery charges (determined under Table V of section 4.2 (b) (4)) if not included in the supplier's selling price.

(3) Applicable United States, State, and local taxes at rates in effect on December 18, 1944 if not included in the supplier's selling price. However, the applicable amount of any United States, State, or local tax first imposed after December 18, 1944, or the applicable amount of any increase in any existing tax imposed after that date in any such tax may be added to the seller's maximum price: *Provided,* That the amount of any such new tax or increase in any existing tax is paid by the seller to the taxing authority or to a prior vendor: *And provided further,* That on and after December 18, 1944, no seller shall include in his maximum price a markup on the amount of such new or increased tax which he is authorized to charge and collect under this section.

On and after December 18, 1944, every wholesaler located within a jurisdiction whose duly constituted taxing authority has imposed a new United States, State or local tax after December 18, 1944, or any increase in any existing tax after December 18, 1944 must (i) state with each invoice accompanying a sale to any class of purchaser (except consumers) that the prices stated in the invoice include the amount of any new or increased taxes imposed by the United States, State or local authorities after December 18, 1944, (ii) the amount of such new or increased taxes, and (iii) that no markup may be applied to the amount thereof. A statement in substantially the following language upon the face of the invoice shall be deemed compliance with this section:

Our invoice prices include the amount of a new or increased tax imposed by the United States, state, or local authorities after December 18, 1944 which amounts to ($_____ per case of _____ bottles of _____ ounces each). In determining your cost of acquisition you may not include the amount of such new tax or increase on any old tax. However after calculating your maximum price you may add the amount of such new or increased tax.

[Subparagraph (3) amended by Am. 5, 10 F.R. 4106, effective 4–14–45 and Am. 6, 10 F.R. 9336, effective 7–31–45]

(c) "Base delivery zone" with respect to each wholesaler means the area within a radius of 20 miles from each wholesaler's licensed premises. Where a wholesaler maintains licensed premises in more than one locality, each of such licensed premises shall constitute the center point for each of his base delivery zones.

For purposes of this regulation any Regional Administrator of the Office of Price Administration may determine by order the center point of the geographical limits of a base delivery zone of any wholesaler, group of wholesalers, brewer, or group of brewers required to price as a wholesaler, and may increase or decrease the radii of base delivery zones. Any District Director of the Office of Price Administration who is authorized by order of his Regional Administrator shall have and may exercise like authority with respect to the base delivery zone of any wholesaler or group of wholesalers.

[Above paragraph amended by Am. 6]

[Sec. 4.1 amended by Am. 3, 10 F.R. 2585, effective 3–7–45 and as otherwise noted]

SEC. 4.2. *Maximum prices for sales per case by wholesaler.*—(a) *Generally.* A wholesaler must establish his maximum prices to each class of purchasers as follows:

(1) *For initial maximum prices.* Use paragraph (b). A base purchase made between December 12, 1944 and December 18, 1944 may be used to figure initial maximum prices. A wholesaler is not required to establish a re-figured maximum price for an item until he makes a base purchase thereof after December 18, 1944.

(2) *For a re-figured maximum price.* If the cost of acquisition for the item changed after December 18, 1944, use section 4.4.

(b) *Initial maximum prices for sales per case of domestic malt beverages in bottles or cans to all classes of purchasers except consumers.*—(1) *For deliveries made within the wholesaler's base delivery zone.* (i) A wholesaler's initial maximum price per case for an item of domestic malt beverage in bottles or cans for his sales thereof to all classes of purchasers, except consumers, delivered to the purchaser's premises located within the wholealer's base delivery zone, shall be the higher of the following:

(*a*) His cost of acquisition per case for his latest base purchase of the item or, if he made no base purchase of the item, his cost of acquisition per case for his most recent purchase of the item from any supplier, multiplied by 1.23.

(*b*) His cost of acquisition per case plus 35¢. Notwithstanding the provisions of section 1.2 (d) the term "case" as used in the preceding sentence shall apply only to cases containing the following number of containers:

24/6 ounces.	24/11 ounces.
24/6½ ounces.	24/12 ounces.
24/7 ounces.	24/16 ounces.
24/8 ounces.	12/24 ounces.
48/7 ounces.	12/32 ounces.
48/8 ounces.	6/64 ounces.

[Subparagraph (*b*) amended by Am. 5, 10 F.R. 4106, effective 4–14–45 and Am. 6, 10 F.R. 9336, effective 7–31–45]

(ii) *For sales made f. o. b. wholesaler's premises.* A wholesaler's initial maximum price per case for an item of domestic malt beverage in bottles or cans for his sales thereof to all classes of purchasers, except consumers, f. o. b. his premises, shall be his delivered maximum price determined under (i) above, less 10 cents per case.

(iii) For purposes of this regulation, any Regional Administrator of the Office of Price Administration may increase or decrease by order the amount of the deduction required to be made under (ii) above by a wholesaler or group of wholesalers selling to retailers within their base delivery zone, f. o. b. the wholesaler's premises. Any District Director of the Office of Price Administration who is authorized by order of the Regional Administrator may exercise like authority within his district.

(2) *For deliveries made outside the wholesaler's base delivery zone.* A wholesaler's initial maximum price per case for an item of domestic malt beverage in bottles or cans for his sales thereof to retailers, delivered to the retailer's premises outside the wholesaler's base delivery zone, shall be his maximum price per case for a corresponding sale delivered in his base delivery zone determined under (1) above plus the appropriate delivery charge provided in Table V.

(3) *For sales to consumers.* A wholesaler's initial maximum price per case for an item of domestic malt beverage in bottles or cans for his sales thereof f. o. b. his premises to a consumer shall be the cost of acquisition per case for his latest base purchase of the item or, if he made no base purchase of the item, his cost of acquisition per case for his most recent purchase of the item from any supplier, multiplied by 1.46.

[Subparagraph (3) amended by Am. 7, effective 8–23–45]

(4) *For sales to another wholesaler.* Except as specifically provided in subparagraph (5), a wholesaler's initial maximum price per case for an item of domestic malt beverage for his sales thereof to another wholesaler delivered to the purchasing wholesaler's premises shall be his maximum price per case provided in (1) above plus transportation charges (as defined in Section 1.2 (o)) for shipment from the selling wholesaler paid by the purchasing wholesaler, subject to any discount, allowance or price differential agreed upon. The purchasing wholesaler's maximum price per case for his sales thereof to any class of purchaser shall not exceed the maximum price of his supplier to the same class of purchaser, plus or minus (as may be appropriate) any difference in applicable State and local taxes and markup thereon and applicable transportation charges. When the sale is made to a retailer the appropriate charge for delivery, if any, provided in Table V for movement to the purchaser's receiving point may also be added.

[Above paragraph amended by Am. 5, 10 F.R. 4106, effective 4–14–45]

TABLE V—WHOLESALERS' DELIVERY CHARGES FOR DELIVERY BEYOND BASE DELIVERY ZONE

Distance beyond base delivery zone:	*Permitted delivery charge (cents per case)*
20 miles or less	3
More than 20 miles but less than 40 miles	6
40 miles or more but less than 60 miles	9
60 miles or more but less than 80 miles	12
80 miles or more but less than 100 miles	15
100 miles or more but less than 120 miles	18
120 miles or more but less than 140 miles	21
140 miles or more	24

(5) *Sales by a primary wholesaler to a wholesaler.* A primary wholesaler's initial maximum price for his sales of an

[fn] "Retailer", as used in any section of Article IV except Section 4.3, includes wagon vendors.

item of domestic malt beverage in bottles or cans delivered to a wholesaler's premises shall be the higher of the following:

[Above paragraph amended by Am. 6, 10 F.R. 9336, effective 7-31-45]

(i) His cost of acquisition per case determined in accordance with section 4.1 (b) plus ten cer and the total thereof multiplied by 1.2., plus applicable transportation charges, if any.

(ii) His cost of acquisition plus 10 cents per case plus 35 cents, plus applicable transportation charges, if any. Notwithstanding the provisions of section 1.2 (d) the term "case" as used in the preceding sentence shall apply only to cases containing the following number of containers:

24/6 ounces.	24/11 ounces.
24/6½ ounces.	24/12 ounces.
24/7 ounces.	24/16 ounces.
24/8 ounces.	12/24 ounces.
48/7 ounces.	12/32 ounces.
48/8 ounces.	6/64 ounces.

[Subparagraph (ii) amended by Am. 5, 10 F.R. 4106, effective 4-14-45 and Am. 6]

(6) *Maximum prices for sales of domestic malt beverages in bottles or cans purchased from a primary wholesaler by a wholesaler to all classes of purchasers.* A wholesaler's maximum price per case for his sales of an item of domestic malt beverages which he purchases from a primary wholesaler to any class of purchasers shall not exceed the maximum price of his supplier to the same class of purchaser adjusted to reflect the sum of 10¢ per case which the primary wholesaler is permitted to add to his cost of acquisition, plus applicable transportation charges.

[Subparagraph (6) added by Am. 5 and amended by Am. 6]

[Sec. 4.2 amended by Am. 3, 10 F.R. 2585, effective 3-7-45 and as otherwise noted]

SEC. 4.3. *Maximum prices for sales of domestic malt beverages in bottles or cans by retailers and wagon vendors*—(a) *Retailers maximum prices.* A retailer must establish his maximum prices to each class of purchaser as follows:

[Section and paragraph headings amended by Am. 7, effective 8-23-45]

(1) For initial maximum prices use paragraph (b). A base purchase made between December 12, 1944 and December 18, 1944 may be used to figure initial maximum prices. A retailer is not required to establish a re-figured maximum price for an item until he makes a base purchase thereof after December 18, 1944.

(2) For a re-figured maximum price if the cost of acquisition for the item changes after December 18, 1944 use section 4.4.

(b) *Initial maximum prices for sales to all classes of purchasers except to other retailers:* A retailer's initial maximum price per case for an item of domestic malt beverage for his sales thereof to all classes of purchasers, except to other retailers, shall be his cost of acquisition for his latest base purchase of the item, or if he made no base purchase of the item, his cost of acquisition per case for his most recent purchase of the item from any supplier, multiplied by 1.35 and rounded to the nearest full cent.

[Above paragraph amended by Am. 6]

(1) The resulting figure shall be divided by the number of bottles or cans per case and the fractions of a cent resulting in the retailer's calculations shall be adjusted as follows: If the fraction is less than ¼ cent, the maximum retail price shall be reduced to the nearest full cent; if the fraction is ¼ cent or more, but less than ½ cent, that price may be increased to the nearest half cent; if the fraction is ½ cent or more, but less than ¾ cent, that price shall be reduced to the nearest half cent; if the fraction is ¾ cent or more, that price may be increased to the nearest full cent.

(2) The maximum price for any unit of sale shall be the result of paragraph (a) (2) above, multiplied by the number of bottles or cans being sold.

(c) *For sales to another retailer:* A retailer's initial maximum price for an item of domestic malt beverage which he purchased from another retailer shall not exceed the maximum price of his supplier to the same class of purchaser (adjusted to reflect delivery charges if any) plus or minus (as may be appropriate) any difference in applicable state and local taxes and markup thereon.

[Paragraph (c) added; former (c) redesignated (d) by Am. 6, F.R. 9336, effective 7-31-45]

(d) *Price posting by retailers.* Every retailer selling domestic malt beverages for off-premise consumption must post his maximum price for each brand, type and container size of the domestic malt beverage being offered for sale. The maximum price must be posted either on the item or at or near the place where the item is offered for sale.

(e) *Wagon vendor's maximum prices*—(1) *Per case.* A wagon vendor's maximum price per case to a consumer for an item of domestic malt beverage shall be his cost of acquisition for his latest base purchase of the item, as determined under (b) above, or, if he made no such base purchase of the item, his cost of acquisition per case for his most recent purchase of the item from a brewer, multiplied by 1.50 and rounded to the nearest full cent.

(2) *Per bottle or can.* A wagon vendor's maximum price per bottle or can to a consumer for an item of domestic malt beverage shall be his maximum price per case for that item of domestic malt beverage, as determined under subparagraph (1) above, divided by the number of bottles or cans per case. The fractions of a cent resulting in the wagon vendor's calculations shall be adjusted in accordance with section 4.3 (b) (1) and (2) above.

[Paragraph (e) added by Am. 7, effective 8-23-45]

[Sec. 4.3 amended by Am. 3, 10 F.R. 2585, effective 3-7-45 and as otherwise noted]

SEC. 4.4. *Changes in wholesalers' and retailers' maximum prices*—(a) *How long particular maximum prices continue in effect.* A wholesaler's or retailer's initial maximum prices and re-figured maximum prices for an item of domestic malt beverage in bottles or cans shall apply to all his sales and offers to sell of the item so priced made prior to the date on which subsequently re-figured maximum prices for sales thereof became applicable in accordance with subparagraph (4) hereof.

(b) *When a wholesaler or retailer must re-figure his maximum prices.* A wholesaler or retailer who after December 18, 1944 received a base purchase of an item shall figure his cost of acquisition therefor according to section 4.1 (b). If such cost of acquisition per case differs from the cost of acquisition per case for the base purchase used in establishing the wholesaler's or retailer's maximum prices then in effect for the item, the wholesaler or retailer may, if a most recent purchase shows the greater total, and must, if the most recent purchase shows the lesser total, establish re-figured maximum prices for the item: *Provided*, That if the difference in the cost of acquisition is five cents per case or less, the wholesaler or retailer shall not establish re-figured maximum prices: *Provided further*, That where a brewer or sole distributor prior to December 18, 1944 did not pass on all or part of the permitted increases as provided in section 2.2 of the regulation, and subsequent to December 18, 1944 elects to do so, the purchaser may recalculate his maximum prices notwithstanding that the cost of acquisition of the item of domestic malt beverage per case is less than the sum of 5¢.

[Paragraph (b) amended by Am. 6, 10 F.R. 9336, effective 7-31-45]

(c) *How a wholesaler or retailer must re-figure his maximum prices.* A wholesaler or retailer required or permitted by this paragraph to establish re-figured maximum prices for an item shall determine such prices under section 4.2 or 4.3 respectively, substituting, however, the cost of acquisition for his most recent base purchase for the cost of acquisition of his earlier base purchase.

(d) *When re-figured maximum prices become applicable.* A wholesaler's or retailer's re-figured maximum prices determined in accordance with this section shall apply to all stock of the item on hand and shall be the wholesaler's or retailer's maximum prices for sales of the item on and after, but not before, the fourth day (exclusive of Sundays and holidays) following receipt of the base purchase to be used to establish such re-figured maximum prices, until in turn superseded by other re-figured maximum prices, subsequently determined: *Provided*, That until on and after the earliest effective date for the prices posted or listed at the first opportunity after the fourth day (exclusive of Sundays and holidays) after receipt of such base purchase, re-figured maximum prices shall not apply to any sale which a wholesaler is required by statute, ordinance or regulation to make at a price posted or listed with a State or other public authority before receipt of the base purchase.

[Sec. 4.4 added by Am. 3, 10 F.R. 2585, effective 3-7-45 and amended as otherwise noted. Former secs. 4.4 through 4.7, inclusive, redesignated 4.5 through 4.8, inclusive, by Am. 3]

SEC. 4.5 *Sales of domestic malt beverages in barrels by wholesalers and retailers.* A wholesaler's or retailer's maximum price for sales of a brand and type of domestic malt beverage in barrels (or fractions of a barrel) to a purchaser of a particular class shall be an amount determined according to § 1499.2 of the General Maximum Price Regulation (using, however, either the October 1 to 15, 1941 or the March 1942 base period at the wholesaler's or retailer's election), plus the appropriate permitted increase provided in Tables I or II of this regulation.

NOTE: Tables I and II can be found under section 2.2 of this regulation.

SEC. 4.6 *Sales and gross receipts taxes.* A wholesaler or retailer may add to his maximum price established by this article any tax upon a sale of the domestic malt beverage being priced or upon the gross receipts from that sale imposed by any statute of the United States or by any statute or ordinance of any State or subdivision thereof, if

(a) The statute or ordinance imposing the tax does not prohibit the seller from separately stating and collecting it and he does separately state and collect it; or

(b) The amount of the tax has been separately stated and collected from the seller by a prior vendor and the statute or ordinance imposing the tax does not prohibit the seller from separately stating and collecting it, and he does separately state and collect it.

SEC. 4.7 *Wholesalers' and retailers' individual applications for maximum prices.* (a) Any wholesaler or retailer required to establish his maximum price for a sale of a domestic malt beverage under this article, but who is unable to determine that maximum price, shall make application to the appropriate field office for determination of that price. The application shall be in writing, signed by the applicant, shall state the reasons why applicant is unable to determine his maximum price under other sections of this article, and shall contain information sufficient for pricing purposes.

(b) After receipt of such application, the District Director of the appropriate field office may, by order, establish maximum prices for applicant which are in line with maximum prices established by this article for comparable sales of other competitive sellers of the same class. Any such order may be revoked or amended by the District Director at any time.

"Appropriate field office" for purposes of this section means the District Office of the Office of Price Administration for the District in which applicant's principal place of business is located.

SEC. 4.8 *Sales by a brewer's branch or a sole distributor.* (a) A brewer's branch shall price its sales of domestic malt beverages as if it were a wholesaler.

"Brewer's branch" means a separately established and operated branch of a brewer, controlled and managed by the brewer and engaged, prior to December 18, 1944, in the distribution of the domestic malt beverage being priced.

[Paragraph (a) amended by Am. 1, 9 F.R. 14781, effective 12-18-44]

(b) A sole distributor of a domestic malt beverage shall price his sales of that domestic malt beverage in the same manner as brewers pursuant to section 2.2 of this regulation. However, controlled subsidiaries and branches of a sole distributor operated, controlled and managed by the sole distributor prior to December 18, 1944 shall price their sales of that domestic malt beverage as if they were wholesalers.

"Sole distributor" means a person who is the seller of all or substantially all of the brewer's production of the domestic malt beverage being priced.

[Paragraph (b) amended by Am. 1 and Am. 6, 10 F.R. 9336, effective 7-31-45]

(c) A sole distributor who is unable to establish maximum prices for his sales of domestic malt beverage under (b) above shall apply to the Office of Price Administration, Beverage Section, Washington, D. C., in accordance with section 2.9 of this regulation to establish maximum prices for sales of an item of domestic malt beverages to all classes of purchasers.

[Paragraph (c) added by Am. 6]

(d) A "bottling wholesaler" of a domestic malt beverage shall price his sales of that domestic malt beverage as if he were its brewer.

"Bottling wholesaler" means a person who prior to December 18, 1944 was engaged in the business of purchasing domestic malt beverages in barrels and packaging such domestic malt beverages in bottles or cans for resale to all classes of purchasers. The term "bottling wholesaler" as used in this regulation also means a "bottling distributor".

[Paragraph (d), formerly (c), added by Am. 3, 10 F.R. 2585, effective 3-7-45; redesignated by Am. 6, 10 F.R. 9336, 9962, effective 7-31-45]

(e) To the extent that the provisions of this section conflict with other provisions of this regulation, this section shall control.

[Paragraph (e), originally (c), redesignated by Ams. 3 and 6]

ARTICLE V—MISCELLANEOUS PROVISIONS

SEC. 5.1 *Units of sale and fractions of a cent.* (a) Maximum prices shall be stated in terms of the same general units (barrels, cases, bottles, cans, etc.,) in which the seller has customarily quoted prices for the malt beverage except where the applicable pricing method shows that another unit is to be used.

(b) Amounts computed in the process of figuring a maximum price (other than the maximum price itself) for sales except at retail shall be carried to four decimal places (hundredths of a cent). For sales to government procurement agencies, the maximum price itself shall be carried to four decimal places. In sales to purchasers other than government procurement agencies, if the charging of a maximum price would require use of a fraction of a cent, the maximum price shall be deemed the nearest higher full cent if the fraction is one-half cent or more, or the nearest lower full cent if the fraction is less than one-half cent.

SEC. 5.2 *Container and case deposits.* (a) A brewer who, during the base period used for determination of his maximum prices, regularly required purchasers to furnish a deposit to assure return of containers or cases may continue to require that deposit. He may also from time to time adjust the amount of deposit required to a sum not exceeding 110 percent of his lawful replacement cost of the containers or cases, or with the prior written approval of the Regional Administrator of the Office of Price Administration in which his principal place of business is located, to such larger sum as the Regional Administrator finds does not, under the circumstances, unduly exceed his lawful replacement cost of the containers or cases.

(b) If a brewer, in accordance with section 2.7 of this regulation, first makes any adjustment in maximum prices necessary to reflect a change in terms of sale in effect during the base period used in determining those prices, he may require a deposit to assure return of containers or cases. He may also, from time to time, adjust the amount of the deposit required. A deposit required under this paragraph may not exceed 110 percent of the brewer's lawful replacement cost of the containers or cases or such larger sum as the Regional Administrator of the Office of Price Administration in which his principal place of business is located, approves in writing as not, under the circumstances, unduly in excess of his lawful replacement cost of the containers and cases.

(c) A wholesaler or retailer may require a purchaser to furnish a deposit to assure return of containers or cases regardless of his prior practice in that respect. He may also, from time to time, adjust the amount of the deposit required. Except as hereinafter expressly provided a deposit required under this paragraph shall not exceed the corresponding deposit furnished by the wholesaler or retailer to his supplier or, if the wholesaler or retailer owns the containers or cases, shall not exceed 110 percent of his lawful replacement cost therefor or such larger sum as the Regional Administrator of the Office of Price Administration in which his principal place of business is located, approves in writing as not, under the circumstances, unduly in excess of his lawful replacement cost of the containers and cases. The Regional Administrator of the Office of Price Administration may also establish by order a uniform deposit charge to be imposed by any wholesaler and/or retailer or group of such sellers located within his district.

[Paragraph (c) amended by Am. 3, 10 F.R. 2585, effective 3-7-45]

(d) Any Regional Administrator of the Office of Price Administration shall have and may exercise, by letter, authority to approve or disapprove a deposit to be required or adjusted under this section and to revoke or modify approval given.

(e) A seller requiring a deposit under this section shall not directly or indirectly require the purchaser to pay separately for reasonable wear and tear of containers or cases, or for loss of or damage to them in transit. No seller may increase his maximum price because of a deposit required of him by his supplier.

[Paragraph (e) amended by Am. 3]

(f) For purposes of this section, an agreed repurchase price of containers or cases shall be deemed a deposit by the purchaser of the amount of the repurchase price.

(g) Any District Director of the Office of Price Administration if authorized by order of his Regional Administrator shall have and may exercise like authority with respect to applications filed under this section.

[Paragraph (g) added by Am. 6]

SEC. 5.3 *Payment of brokerage.* Every broker shall be considered the agent of the seller, and not the agent of the purchaser. In each instance, the amount paid by the purchaser to the seller, plus any amount paid by the purchaser to the broker, shall not exceed the seller's maximum price including allowable charges actually paid by the seller or by the broker. In other words, the seller may not collect from the purchaser any more than the maximum price including allowable charges, less any amount the purchaser pays the broker.

NOTE: Attention is directed to Revised Maximum Price Regulation 165 [6] establishing maximum prices brokers may charge for their services.

As used in this section, "broker" means a person acting as intermediary between a seller and a purchaser. It includes, but is not restricted to, a "finder," "buyer's agent," and "seller's agent."

SEC. 5.4 *Advance payments.* If, before delivering a malt beverage, a seller directly or indirectly requires the purchaser to make an advance payment (whether the payment be to the seller or to another person) the seller must compensate the purchaser by paying interest on it at not less than 5 percent per annum from the date on which the advance payment is made to the date on which it is refunded or the malt beverage delivered. The interest shall be payable on the date of delivery or on the date the advance payment is refunded. The seller may not increase his maximum price because of the interest payment and the purchaser need not reduce his maximum price because of having received it.

SEC. 5.5 *Adjustable pricing.* Any person may agree to sell at a price which can be increased up to the maximum price in effect at the time of delivery. However, no person may, unless authorized by the Office of Price Administration, deliver or agree to deliver at prices to be adjusted upward in accordance with action taken by the Office of Price Administration after delivery. Such authorization may be given only when a request to establish a maximum price or for a change in the applicable maximum price is pending, and only if the authorization is necessary to promote distribution or production and if it will not interfere with the purposes of the Emergency Price Control Act of 1942, as amended. The authorization may be given by the Price Administrator or by any official of the Office of Price Administration having authority to establish the price or to take final action upon the pending request for a change in price. The authorization will be given by order, except that it may be given by letter or telegram when the contemplated action will be the granting of an individual application for adjustment or the establishment of a maximum price on individual application.

SEC. 5.6 *Export sales.* The maximum prices at which a person may export a malt beverage shall be determined in accordance with the Second Revised Maximum Export Price Regulation [7] issued by the Office of Price Administration.

SEC. 5.7 *Records which must be kept.* Every person who makes sales for which this regulation establishes maximum prices shall:

(a) Make and preserve for examination by the Office of Price Administration, for so long as the Emergency Price Control Act of 1942, as amended, remains in effect, records showing the prices he charged in those sales and the manner in which they were figured (which records may be of the same kind as he has customarily kept, if his customary records supply that information), and

(b) Preserve for examination by the Office of Price Administration, for the same period, all his existing records which are the basis for determining his maximum prices in the manner directed by this regulation, and

(c) Preserve for examination by the Office of Price Administration, for the same period, all records relating to those sales he was required to make or preserve by the General Maximum Price Regulation or by Maximum Price Regulation 259, as amended.

"Records" means written evidence of transactions, including books of account, price lists, sales lists, sales slips, orders, vouchers, contracts, receipts, invoices and bills of lading, a copy of any application or report to the Office of Price Administration and other papers and documents necessary to determine prices charged, offered, or paid and the method used to determine them.

SEC. 5.8 *Sales slips and receipts.* Upon request, and regardless of his previous custom, any seller shall give a purchaser a sales slip or receipt stating the date of purchase, name and address of the seller, a description sufficient to identify the quantity of each brand, type and container, size of malt beverage sold to the purchaser, and the price received for it.

SEC. 5.9 *Compliance with this regulation*—(a) *No selling or buying above maximum prices.* Regardless of any contract or obligation, no person shall sell or deliver, or buy or receive in the course of trade or business, any malt beverage at a price higher than the maximum price established by this regulation, and no person shall agree, offer, solicit or attempt to do any of the foregoing. However, a price lower than the maximum price may be charged or paid.

(b) *Evasion.* (1) No person shall evade a maximum price directly or indirectly, by any practice or device in connection with an offer, solicitation, agreement, sale, delivery, purchase or receipt of or relating to any malt beverage either alone or in connection with any other commodities or services, by commission, brokerage or finder's fee, service, transportation or other charge or discount, premium or other privilege, by tying or tie-in agreement, long term contract, combination sale or trade understanding, by any change in style or manner of packing, by a business practice relating to containers, or by any other means.

(2) The following transactions or acts constituting violations or evasions of this regulation are prohibited:

(i) Changes in kinds, grades and proportions of ingredients resulting in depreciation of the quality of a malt beverage other than as the result of a normal variation;

(ii) The reduction or elimination of a brewer's customary discounts, allowances or price differentials;

(iii) Making a separate charge by a seller to a purchaser for local hauling or handling, loading or unloading, for breakage of barrels, containers or cases, for reconditioning barrels, containers or cases, or for hauling or handling empty barrels, containers or cases.

(c) *Enforcement.* Any person violating a provision of this regulation is subject to the criminal penalties, civil enforcement actions, license suspension proceedings and suits for treble damages provided by the Emergency Price Control Act of 1942, as amended.

(d) *Licensing.* The provisions of Licensing Order No. 1 [8] licensing all persons who make sales under price control are applicable to all sellers subject to this regulation. A seller's license may be suspended for violation of the license or of one or more applicable price regulations. A person whose license is suspended may not, during the period of suspension, make any sale for which his license has been suspended.

SEC. 5.10 *Prior regulations, orders and interpretations superseded.* Except as otherwise herein specifically provided Revised Maximum Price Regulation 259 supersedes all orders and interpretations issued with respect to the sale of domestic malt beverages in bottles or cans prior to December 18, 1944 under § 1499.3 (c) of the General Maximum Price Regulation.

[SEC. 5.10 added: former secs. 5.10 through 5.12, inclusive, redesignated 5.11 through 5.13, inclusive, by Am. 3, 10 F.R. 9585, effective 8-7-45]

SEC. 5.11 *Compliance with other laws, ordinances and regulations.* Persons complying with this regulation are entitled to the benefits of section 205 (1) of the Emergency Price Control Act of 1942, as amended. However, except as may be provided by that section, this regulation shall not make lawful or operate to permit any sale of a malt beverage otherwise prohibited or regulated by any Federal, state or local statute, ordinance or regulation.

SEC. 5.12 *Petitions for amendment.* Any person seeking a general modification of this regulation may file a petition for amendment in accordance with Revised Procedural Regulation No. 1 [9] and amendments issued by the Office of Price Administration.

SEC. 5.13 *Applicability.* This regulation shall be applicable in the 48 states of the United States and in the District of Columbia.

This regulation shall become effective December 18, 1944. [Revised Maximum Price Regulation 259 originally issued December 12, 1944]

[Effective dates of amendments are shown in notes following the parts affected]

NOTE: All reporting and record-keeping requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

APPENDIX A

OPA Form 635-547 (Rev. 11-44) — Form Approved Budget Bureau No. 08-R123.2

NOTE: Forms printed in the FEDERAL REGISTER are for information only, and do not follow the exact format prescribed by the issuing agency.

UNITED STATES OF AMERICA
OFFICE OF PRICE ADMINISTRATION
WASHINGTON 25, D.C.

REPORT OF MAXIMUM PRICES OF DOMESTIC MALT BEVERAGES FILED PURSUANT TO SECTION 2.12 OF REVISED MAXIMUM PRICE REGULATION NO. 259

Name of company

Address—Number and street

City, postal zone number, and State

Signature of person filing this report

Title | Date

INSTRUCTIONS

If this is your first report under Revised Maximum Price Regulation No. 259, you must report the prices established under this regulation for all brands of domestic malt beverages established by you. If this is a supplemental report covering a new brand of domestic malt beverage not previously listed, state below your maximum prices for each brand, type and container size sold to each class of purchaser. Show maximum prices to wholesalers and for different types or container sizes of a brand of domestic malt beverage, state below your maximum prices for those sales. Show maximum prices to wholesalers (i.e., those who sell to retailers). If sales to wholesalers are made other than f.o.b. platform basis, indicate in the space provided for remarks the maximum prices for such sales. Show maximum prices to retailers (i.e., those who sell to consumers). If sales to retailers are made other than f.o.b. platform basis, indicate in the space provided for remarks the maximum prices for such sales. Show maximum prices for containers or cases delivered. All maximum prices listed shall exclude:

1. State, city or municipal taxes
2. Deposits or repurchase price of containers and case
3. Quantity discounts

but shall include all Federal excise taxes. The completed form should be returned to:

Office of Price Administration
Food Price Division, Beverage Section
Washington 25, D. C.

[6] 10 F.R. 2097, 2250, 3924, 6231, 7854.

[7] 8 F.R. 4132, 5987, 7662, 9998, 15193; 9 F.R. 1036, 5435, 5923, 7201, 9835, 11273, 12919, 14436; 10 F.R. 863, 923, 2432.

[8] 8 F.R. 13240.

[9] 9 F.R. 10476, 13715.

Brand and type	Maximum prices of domestic malt beverages						
In each block may be listed all brands having the same price	Container size	Class of purchasers					
		Wholesaler	Retailer	Armed forces	Other (specify)		
	Barrel						
	1/2 barrel						
	1/4 barrel						
	1/8 barrel						
	Cases of						
	6/64 ounces						
	12/32 ounces						
	24/16 ounces						
	24/12 ounces						
	24/11 ounces						
	48/8 ounces						
	48/7 ounces						
	48/6 ounces						
	Other						

(Repeat for each brand having different prices.)

1 LIST BELOW APPLICABLE DISCOUNTS

Class of purchaser	Quantity discount	Cash discount	Other discounts

2 LIST BELOW DEPOSITS OR AGREED REPURCHASE PRICE OF CONTAINERS AND CASE

Container and case size	Class of purchaser	Amount of agreed repurchase price or deposit as of date of this report

Remarks:

Issued this 18th day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-15284; Filed, Aug. 18, 1945; 11:57 a. m.]

PART 1420—BREWERY, DISTILLERY AND WINERY PRODUCTS

[MPR 445[1], Amdt. 29]

DISTILLED SPIRITS AND WINES

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.

Maximum Price Regulation 445 is amended in the following respects:

1. Section 7.6 (a) is amended to read as follows:

(a) The following sections of the General Maximum Price Regulation and amendments to those sections shall apply to all sellers subject to this regulation:

Section 1499.5 *Transfers of business or stock in trade.*
Section 1499.11 *Base period records.*
Section 1499.14 *Sales slips and receipts.*

Provided, however, That the above provisions shall be inoperative, with respect to any commodity suspended from price control by section 7.14, on sales or deliveries made during the period of such commodity's suspension from price control.

2. Section 7.14 is added to read as follows:

SEC. 7.14. *Suspension of certain commodities from price control.* For the commodities listed below, the provisions of Maximum Price Regulation 445 (except sections 7.6 (a), 7.12 and 7.14) and the provisions of the General Maximum Price Regulation (except those which are incorporated in section 7.6 (a) herein) are suspended and shall be inoperative with respect to sales and deliveries made on or after the applicable suspension date set forth below:

Commodity	*Suspension date*
1. Bulk and packaged imported distilled spirits, except all types of imported whiskeys.	Aug. 15, 1945
2. Bulk and packaged imported wines.	Aug. 15, 1945

3. The heading for section 7.14 is added to each of the lists of section headings set forth in sections 1.10, 2.6 and 5.9.

This amendment shall become effective August 15, 1945.

Issued this 15th day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-15214; Filed, Aug. 17, 1945; 4:44 p. m.]

PART 1425—LUMBER DISTRIBUTION

[RMPR 467, Amdt. 3]

DISTRIBUTION YARD SALES OF HARDWOOD LUMBER

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.

[1] 10 F.R. 7444, 8241, 9395, 9626.

Revised Maximum Price Regulation 467 is amended in the following respects:

1. The list of maximum price regulations in section 2 (b) is amended by deleting "Maximum Price Regulation No. 513—Yellow Cypress Lumber Table I" and correcting the first listed regulation to read as follows: "Revised Maximum Price Regulation 97—Southern Hardwood Lumber, (excepting Tables 2 to 10 inclusive, of Yellow Cypress Lumber, Tables in § 1382.115 Appendix D)."

2. Table I in section 4 (c) is amended by substituting "97" for "513" in the "MPR" column reference under the column headed Cypress, Yellow.

This amendment shall become effective August 22, 1945.

Issued this 17th day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-15291; Filed, Aug. 18, 1945; 11:59 a. m.]

PART 1418—TERRITORIES AND POSSESSIONS

[2d Rev. MPR 183,[1] Amdt. 4]

EXEMPTION FOR PURCHASES BY RECONSTRUCTION FINANCE CORPORATION IN PUERTO RICO

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.

Section 14.1 (c) is added to read as follows:

(c) *Exemption for purchases by the Reconstruction Finance Corporation.* With respect to the purchase of raw cane blackstrap molasses, the Reconstruction Finance Corporation and sellers to it are exempted from the provisions of this regulation.

This amendment shall become effective August 14, 1945.

Issued this 14th day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-15085; Filed, Aug. 14, 1945; 4:40 p. m.]

PART 1315—RUBBER AND PRODUCTS AND MATERIALS OF WHICH RUBBER IS A COMPONENT

[RO 1A,[2] Amdt. 107]

TIRES, TUBES, RECAPPING AND CAMELBACK

A rationale for this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.

Ration Order No. 1A is amended in the following respects:

1. Section 1315.201 (a) (7) is amended to read as follows:

(7) "Commercial motor vehicle" means:

(i) A straight truck; a truck-tractor, a full trailer or a semi-trailer; any other rubber tired conveyance, excluding a motorcycle, built or rebuilt primarily for the purpose of transporting property upon the highways and propelled or drawn by mechanical power;

(ii) Any of the following propelled or drawn by mechanical power and used in the transportation of persons upon the highways: Any ambulance or hearse and any conveyance having a rated seating capacity of ten or more.

2. Section 1315.201 (a) (21) is amended to read as follows:

(21) "Passenger automobile" means a motor vehicle (other than a commercial motor vehicle) designed primarily for the purpose of transporting persons, and a motorcycle.

3. Section 1315.201 (a) (51) is added to read as follows:

(51) "Occupational purpose" means driving in connection with a business; gainful work; pursuit of a course of study in an elementary school, high school, college, university or vocational school; and uncompensated work regularly performed which falls within any of the following categories:

(i) Work regularly performed under the authority and supervision of a bona fide non-profit agency which performs one or more of the following activities (provided that such work is necessary to the carrying out of such activities); investigation of the necessity for relief or administration of relief; arranging for the placement of minors or aged, handicapped or indigent persons in foster homes, or in institutions, and for the inspection of such foster homes or institutions; investigation of reported abuse, neglect or delinquency of minors; or transportation of minors or aged, handicapped or indigent persons to foster homes or institutions or for the transportation of persons to hospitals or clinics for treatment or diagnosis;

(ii) Work which is regularly performed under the direction of a government or governmental agency and which contributes to the civilian economy of the nation or of the local community;

(iii) Work which is regularly performed under the direction of a non-profit organization and which either contributes to the general welfare by aiding members or discharged members of the Armed Forces or their families, or the families of deceased members of the Armed Forces;

(iv) Work performed by a minister who is regularly serving a congregation in meeting the religious needs of the locality which he regularly serves; and

(v) Work regularly performed by a representative of government, management or labor for recruiting or training workers or for travel to maintain peaceful industrial relations.

4. Section 1315.501 is amended to read as follows:

§ 1315.501 *General proof of need.* No Board shall issue a certificate for a tire unless the applicant establishes:

[1] 10 F.R. 7635, 8933, 9223, 9227.
[2] 7 F.R. 9160, 9392, 9724.

(a) *Immediate need.* That the tire for which he is applying is to equip a vehicle or piece of equipment held for use and not for sale and is:

(1) To equip a vehicle or piece of equipment which requires tires because of alteration or reconstruction or which, for reasons satisfactory to the Board, does not already have the number of tires permitted for such vehicle or equipment by the Office of Price Administration; or

(2) To replace a lost or stolen tire; or

(3) To replace a tire which cannot be repaired or recapped or which will be unsafe when recapped for operation at the speeds at which the applicant may reasonably be expected to operate; or

(4) To replace a tire which is not serviceable for the use to which the vehicle or equipment is to be put.

(b) *No abuse or neglect.* That he has not in any manner abused or neglected, or permitted to be abused or neglected, the tire which he seeks to replace. However, the Board may waive this condition if it finds that the public interest would suffer if the application were denied. The Board may consider, among other things, as evidence of tire abuse, that the tire for which replacement is sought has become unfit for recapping through the fault of the applicant, such as driving a tire carcass beyond the recappable point.

(c) *Transfer of unrationed tires.* That any unrationed tire he transferred on or after December 5, 1944 (other than one transferred as part of a vehicle or piece of equipment) was unsuitable for use on the vehicle or piece of equipment for which application is made, or that other circumstances justified its transfer.

(d) *No available tires.* That he does not own or control a tire, other than tires mounted upon vehicles or equipment in current use (including one spare for each size wheel per vehicle or piece of equipment) which can be used or repaired for use, in lieu of the tire sought to be replaced: *Provided, however,* That an applicant may, in addition, be allowed two mud and snow tires for each passenger automobile which he is required to operate at high speeds in answering emergency calls in connection with his occupation. In computing the number of tires owned or controlled, the applicant shall not include:

(1) Emergency reserves acquired in accordance with § 1315.505 (b); or

(2) If he is a dealer or manufacturer, the tires he holds for sale.

The provisions of this paragraph do not apply to a government or government agency or subdivision.

5. Sections 1315.502, 1315.503, 1315.504, 1315.505, 1315.506, 1315.507, 1315.511, 1315.515, and 1315.517 are revoked and new §§ 1315.502 to 1315.506, inclusive, are added to read as follows:

§ 1315.502. *Eligibility of passenger automobiles.* (a) A consumer who meets the applicable conditions of § 1315.501 (General Proof of Need) may be granted a certificate for a Grade I passenger tire which is used for an occupational purpose, or which is used only for non-occupational purposes (including a permanent change of residence) if, in the discretion of the Board, a denial of a certificate would cause undue hardship.

(1) If a suitable passenger tire is not available in the community or if a passenger tire would not be suitable for the load carried on the vehicle, the Board may issue a certificate for a Grade I truck tire.

(b) A Board may not issue certificates for tires for use on passenger automobiles used only for non-occupational purposes (other than to effect a permanent change of residence) in excess of five percent of its monthly passenger tire quota, except that a District Director may allow a Board to exceed the five percent limitation by authorizing it to use all or any part of an increase in its quota for that purpose.

§ 1315.503 *Eligibility of commercial motor vehicles*—(a) *General eligibility.* A consumer who meets the applicable conditions of § 1315.501 may be granted a certificate for any type of tire, to be mounted on a commercial motor vehicle.

(b) *Emergency reserve*—(1) *Who may apply for an emergency reserve.* The following persons may apply for an emergency reserve of tires for commercial motor vehicles:

(i) A State (but not its agency or subdivision);

(ii) A person who has an Interstate Commerce Commission Certificate of Public Convenience and Necessity as a common carrier or an Interstate Commerce Commission Permit as a contract carrier;

(iii) A person who has applied for an Interstate Commerce Commission Certificate or Permit and has been notified by the Interstate Commerce Commission that he may continue the operation described in his application pending final determination of his application.

(2) *Vehicles for which an emergency reserve may be obtained.* An emergency reserve of tires may be obtained for any commercial motor vehicle which satisfies the applicable conditions of § 1315.501 and which is owned and operated by the applicant or leased to the applicant for his exclusive use for a period of at least six months from the date of this application, if the majority of trips driven in the vehicle has a destination of fifty miles or more from any place where any vehicle operated by the applicant is normally stationed.

(3) *Amount of emergency reserve.* Certificates shall be issued for the number of tires required by the applicant in order to maintain a supply equal to ten percent of the running wheels of vehicles which meet the requirements of paragraph (b) (2). This supply is in addition to the tires on running wheels and allowable spares for vehicles and equipment operated by the applicant. In making the computation under this section, a dual wheel shall be considered as two wheels.

(c) *Replacement of recappable tire carcass.* In any area where recapping facilities are unavailable or inadequate, an applicant may be granted a certificate for a tire even though the tire to be replaced is recappable.

§ 1315.504 *Eligibility of farm implements and industrial, mining and construction equipment*—(a) *Eligibility requirements.* A consumer who meets the applicable conditions of § 1315.501 may be issued a certificate for a tire necessary to equip a vehicle or piece of equipment which is used as one of the following:

(1) A farm tractor, farm implement or farm wagon. An applicant may be granted a certificate only for a tractor-implement tire for such a vehicle, except that if the vehicle cannot be operated with tractor-implement tires, and there are no suitable unrationed tires available in the community, the applicant may be granted a certificate for a Grade I passenger tire.

(i) In any area where recapping facilities are unavailable or inadequate an applicant may be granted a certificate for a small tractor-implement tire, even though the tire to be replaced is recappable; and if the vehicle cannot be operated with a tractor-implement tire and there are no suitable unrationed tires available in the community, the applicant may be granted a certificate for a Grade I passenger tire.

(2) Equipment used for industrial, mining or construction purposes including off-the-road uses, such as earth-moving and road-grading.

(b) *Spare tires.* A certificate for a spare tire may be issued to equip any of the vehicles or equipment which satisfy the conditions of this section if the Board finds that a spare tire is necessary for its continuous operation.

§ 1315.505 *Eligibility of house trailers.* (a) A consumer who meets the applicable conditions of § 1315.501 may be granted a certificate for a Grade I passenger tire to be mounted on a house trailer which is being used as living quarters.

(b) A person who is in the business of towing trailers and who meets the applicable conditions of § 1315.501 may be granted a certificate for Grade I passenger tires to provide him with eight tires plus four additional tires for each separate branch where he maintains a tow car.

(c) If the Board determines that use of a passenger tire would be an uneconomical use of rubber in view of the load to be carried, it may issue a certificate for a truck tire with a cross-section size 7.50 or smaller in lieu of a passenger tire.

§ 1315.506 *Eligibility for tires for purposes other than use on vehicles or equipment*—(a) A person who requires tires for a purpose other than mounting and use on a vehicle or piece of equipment may apply by letter to the Tire Rationing Branch, Office of Price Administration, Washington, D. C., giving full information as to the intended use and certifying that the tires for which application is made are not to be mounted on a vehicle or piece of equipment.

(b) A certificate shall be issued by the National Office if the Chief of the Tire Rationing Branch is satisfied that the use to which the tires are to be put is important enough to the public interest to justify expenditure of the number of tires requested.

(c) No appeal may be taken from a decision of the Chief of the Tire Rationing Branch made pursuant to this section.

6. The first sentence of § 1315.653 (a) is amended to read as follows: "When a Board has reason to believe that a consumer (1) has made a false statement in an application for a certificate, or (2) has violated § 1315.901 (f), it or any other Board acting at its request may serve written notice of hearing upon such consumer and recall any certificate issued such consumer pending determination of the proceedings before the Board."

7. Section 1315.657 is amended to read as follows:

§ 1315.657 *Refusal of certificates.* If a Board finds that an applicant has violated § 1315.901 (f) or (l), it may refuse to issue a certificate to the applicant and may declare that he shall be ineligible to receive a certificate for such period as it may deem appropriate in the public interest. In such case, the Board shall serve upon the applicant a written statement of the grounds for the refusal of the certificate and of the period of his ineligibility.

8. The headnote to § 1315.802 and § 1315.802 (a) are amended to read as follows:

§ 1315.802 *Mounting or use of Grade I tires*—(a) *Mounting or use generally.* Any Grade I tire may be mounted or used as follows unless the mounting or use is specifically prohibited by other provisions of this Order or involves a transfer of tires prohibited thereby:

(1) Upon the vehicle or piece of equipment for which the tire was acquired under this order;

(2) Upon a vehicle or piece of equipment upon which it was mounted on April 14, 1943: *Provided*, That at the time the tire was mounted upon the vehicle or piece of equipment the mounting was not in violation of the provisions of this order;

(3) Upon any other vehicle or piece of equipment if immediately following the mounting of the tire, the vehicle or equipment will be used in operations which will make it eligible for the tire being mounted;

(4) Upon any vehicle or piece of equipment not covered by subparagraph (3), only if authorized in writing by a Board having jurisdiction over the vehicle or piece of equipment upon which the tire is to be mounted. The Board may grant such authorization only where it is satisfied that the mounting or use will result in a conservation of rubber or the more efficient use of tires in activities which contribute to the civilian economy of the nation or of the local community.

(5) Upon a house trailer for the purpose of moving it to a housing site if the tires were acquired under § 1315.505 (b).

9. Sections 1315.901 (g) 1315.901 (h) and 1315.901 (j) are revoked.

This amendment shall become effective August 17, 1945.

(Pub. Law 671, 76th Cong. as amended by Pub. Laws 89, 421 and 507, 77th Cong.; E.O. 9125, 7 F.R. 2719, issued April 7, 1942, WPB Dir. No. 1, 7 F.R. 562, Supp. Dir. No. 1Q, 7 F.R. 9121)

Issued this 17th day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-15219; Filed, Aug. 17, 1945; 4: 44 p. m.]

PART 1351—FOOD AND FOOD PRODUCTS

[RMPR 271,[1] Amdt. 44]

POTATOES AND ONIONS

A statement of the considerations involved in the issuance of this amendment has been issued and filed with the Division of the Federal Register.

Revised Maximum Price Regulation No. 271 is amended in the following respects:

1. In Table IV of section 24 the prices for Wyoming for July, August and September are amended to read 2.80, 2.60 and 2.45, respectively.

2. In section 25 (a) the first sentence of the text is amended to read as follows: "The following differential shall be applied to the maximum prices for potatoes set forth in section 24."

This amendment shall become effective at 12:01 a. m., August 19, 1945.

Issued this 18th day of August 1945.

CHESTER BOWLES,
Administrator.

Approved: August 9, 1945.

CLINTON P. ANDERSON,
Secretary of Agriculture.

For the reasons set forth in the statement of considerations accompanying the foregoing amendment, I approve the above prices and find that they are necessary in order to correct a gross inequity.

WILLIAM H. DAVIS,
Economic Stabilization Director.

[F. R. Doc. 45-15282; Filed, Aug. 18, 1945; 11:55 a. m.]

PART 1407—RATIONING OF FOOD AND FOOD PRODUCTS

[Control Order 1, Amdt. 3 to Supp. 2]

LIVESTOCK SLAUGHTER AND MEAT DISTRIBUTION

Section 1407.309 (a) (1) (iii) in Supplement No. 2 to Control Order 1 is amended to read as follows:

(iii) For quota periods beginning on or after July 29, 1945:

	Percent
Cattle	100
Calves	75
Sheep and lambs	110
Swine	50

This amendment shall become effective as of July 29, 1945.

Issued this 18th day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-15280; Filed, Aug. 18, 1945; 11:54 a. m.]

[1] 8 F.R. 15587, 15663; 9 F.R. 2298, 3589, 4027, 4647, 5379, 6151, 7504, 7771, 7852, 8931, 9356, 9783, 10089, 10199, 10981, 10778, 12270, 12475, 13262; 10 F.R. 1334, 2248, 2969, 3764, 4035, 4154, 4347, 4600, 5457, 6589, 7527, 7929, 8475, 8934.

PART 1300—PROCEDURE

[Procedural Reg. 16]

APPLICATIONS FOR SPECIAL SUBSIDY PAYABLE TO SLAUGHTERERS

Pursuant to Directive No. 41, issued by the Economic Stabilization Director on April 23, 1945, the following regulation is issued governing applications for the special subsidy payable to slaughterers by Defense Supplies Corporation (Office of Defense Supplies of Reconstruction Finance Corporation) upon certification by the Price Administrator pursuant to the provisions of section 5 of said Directive No. 41.

Sec.
1300.711 Who may apply.
1300.712 Applications.
1300.713 Amount of subsidy.
1300.714 Conditions of subsidy.
1300.715 Termination.

AUTHORITY: §§ 1300.711 through 1300.715 issued under 56 Stat. 23, 765; 57 Stat. 566, Pub. Law 383, 78th Cong.; Pub. Law 108, 79th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681

§ 1300.711 *Who may apply.* (a) Any slaughterer (1) who, for each accounting period included in the period for which relief is sought, files a basic claim under Revised Regulation No. 3 of Defense Supplies Corporation and (2) whose business operated profitably during the years 1938–41 inclusive, may file an application for additional subsidy.

(b) A slaughterer's business shall be deemed to have operated profitably during the years 1938–41 inclusive, if, during that period or such substantial portion thereof as the business was in operation, the business either earned a profit on sales of meat and related products on the average for the period of operation or earned such a profit during at least half of the years within the period.

(c) A "slaughterer's business" shall include sales of meat and related products in any form and at any level of distribution made by such slaughterer and by a person who owns or controls or is owned or controlled by such slaughterer. "Own or control" means to own or control directly or indirectly a partnership equity or in excess of 10 percent of any class of outstanding stock or to have made loans or advances in excess of 5 percent of the other person's monthly sales.

§ 1300.712 *Applications.* (a) Applications shall be made in writing to the Office of Price Administration in Washington, D. C. Any application may be filed at any time up to 30 days following the close of the applicant's fiscal year or within 30 days following the date of termination of the right to receive subsidy payments pursuant to the provisions of Section 1300.715.

(b) Each slaughterer shall file with his application the following information with respect to such slaughterer's business:

(1) Consolidated profit and loss statement and consolidated balance sheet on OPA Financial Reporting Form A for each year of the period 1938–41 inclusive, or for each year of such period in which such slaughterer's business was in operation;

(2) A statement by years for the period 1938 to date showing officers', partners' and proprietors' salaries, bonuses, commissions and withdrawals;

(3) Number of head and live weight of applicant's slaughter by species of livestock for each year from 1938 to 1943 inclusive, and by monthly accounting periods for 1944 to the extent that this information has not been filed with Defense Supplies Corporation. Indicate the periods for which this information has been filed with Defense Supplies Corporation;

(4) The location of the slaughterer's business, including all affiliations, and a description of the nature of such business, including all affiliations, with a description of the character of the operations and all products sold;

(5) For the current fiscal year (any fiscal year ending after May 1, 1945), if the application is filed after the close of such fiscal year, the following information: (i) The number of head and live weight of applicant's slaughter by species of livestock by monthly accounting periods to the extent that this information has not been filed with Defense Supplies Corporation (if information is filed with Defense Supplies Corporation, indicate the periods for which this information has been filed); (ii) the number of head and live weight by species of livestock slaughtered by applicant for others by monthly accounting periods to the extent that this information has not been filed with Defense Supplies Corporation (if information is filed with Defense Supplies Corporation, indicate the periods for which this information has been filed), (iii) a consolidated profit and loss statement and consolidated balance sheet on OPA Financial Reporting Form A; (iv) a separate statement of officers', partners' and proprietors' salaries, bonuses, commissions and withdrawals; and (v) a certification that the applicant has been in compliance with applicable price and rationing regulations during the period for which relief is sought.

(6) If the application is filed for relief for the balance of applicant's fiscal year which started prior to May 1, 1945, and ends after that date, and the applicant files his application after the close of such fiscal year, the applicant shall give the information required in subparagraph (5) for the entire fiscal year and, in addition, shall give such information for the period from the beginning of his fiscal year to the beginning of his first accounting period which starts on or after May 1, 1945. The consolidated profit and loss statement for this portion of the fiscal year shall be filed on OPA Financial Reporting Form B.

(7) If the application is filed for relief for the balance of applicant's fiscal year which started prior to May 1, 1945, and ends after that date, and the applicant files his application prior to the close of such fiscal year, the applicant shall give the information required in subparagraph (5) for the period (i) from the beginning of his fiscal year to the beginning of his first accounting period which starts on or after May 1, 1945, and (ii) from the beginning of his first accounting period which starts on or after May 1, 1945, to the date of application, and (iii) within 30 days after the close of such fiscal year, shall give the information required in subparagraph (5) for the entire fiscal year.

The consolidated profit and loss statements for the periods specified in subdivisions (i) and (ii) hereof shall be filed on OPA Financial Reporting Form B.

(8) If the application is filed for relief for a fiscal year beginning on or after May 1, 1945, and the application is filed prior to the close of such fiscal year, the applicant shall give the information required in subparagraph (5) for the period from the beginning of his fiscal year to the date of application and, in addition, within 30 days after the close of such fiscal year, shall give such information for the entire fiscal year.

The consolidated profit and loss statement for the portion of the fiscal year shall be filed on OPA Financial Reporting Form B.

(c) (1) Before approving any applicant's request for special subsidy, the Administrator shall have the right to request such additional or equivalent information as he deems necessary to a proper determination of the applicant's eligibility to the special subsidy payments.

(2) If an applicant's books are not closed as of May 1, 1945, the special subsidy shall be paid only on operations beginning with the applicant's first accounting period which starts after May 1, 1945.

§ 1300.713 *Amount of subsidy.* The Administrator shall certify to Defense Supplies Corporation an amount of subsidy to be paid the applicant slaughterer which will be that amount which is necessary to make the total revenue from the slaughterer's business equal to the total costs of operations of such business for the balance of his current fiscal year starting with the applicant's first accounting period beginning on or after May 1, 1945, or for any subsequent fiscal year. This amount shall be determined at the close of the period for which relief is sought, on the basis of the information required to be submitted by this regulation, and an audit of the slaughterer's records if the Administrator deems such to be necessary at the close of the fiscal year involved. Permission to make such an audit shall be a condition to receipt of the subsidy herein provided.

§ 1300.714 *Conditions of subsidy.* (a) A slaughterer shall not be entitled to the subsidy authorized herein if his current business varies widely from that operated during the years 1938–41 inclusive, or if the Administrator finds that he has not in good faith attempted to conduct his business profitably.

(b) The subsidy provided herein shall be paid only to a slaughterer who has been in compliance with applicable price and rationing regulations during the period for which relief is sought.

(c) In determining total costs, the Administrator shall adjust officers', partners' and proprietors' salaries, bonuses, commissions and withdrawals and any unusual costs or expenses so that they are in line with those of other slaughterers whose operations are substantially similar in nature and size.

(d) Payment of the subsidy to any slaughterer shall be predicated on a showing by the applicant that his slaughter of calves or his slaughter of sheep and lambs in any monthly accounting period after the effective date of this regulation and until the close of the period for which relief is sought is not more than 10 percent greater than his slaughter of calves or sheep and lambs in the corresponding accounting period of 1944.

§ 1300.715 *Termination.* The right to receive subsidy pursuant to the provisions of this regulation shall be subject to termination on 10 days' notice. In the event of termination, payment of the additional subsidy shall be made on the basis of the applicant's operations from the beginning of the applicable period to the date of termination.

The regulation shall become effective August 20, 1945.

NOTE: The reporting provisions of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 20th day of August 1945.

CHESTER BOWLES,
Administrator.

Approved: August 13, 1945.

CLINTON P. ANDERSON,
Secretary of Agriculture.

[F. R. Doc. 45-15369; Filed, Aug. 20, 1945; 11:39 a. m.]

PART 1351—FOOD AND FOOD PRODUCTS

[FPR 3, Amdt. 3 to Supp. 6]

ALFALFA HAY PRODUCTS

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.

Supplement No. 6 to Food Products Regulation No. 3 is amended in the following respect:

Table I of section 6 (a) is amended by substituting the figures "38.50" under Column A and "47.00" under Column B for the state of South Dakota in place of the figures now appearing therein.

This amendment shall become effective August 25, 1945.

Issued this 20th day of August 1945.

CHESTER BOWLES,
Administrator.

Approved: August 10, 1945.

CLINTON P. ANDERSON,
Secretary of Agriculture.

[F. R. Doc. 45-15368; Filed, Aug. 20, 1945; 11:40 a. m.]

PART 1407—RATIONING OF FOOD AND FOOD PRODUCTS

[Control Order 1,[1] Amdt. 17]

LIVESTOCK SLAUGHTER AND MEAT DISTRIBUTION

A rationale for this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.

Control Order 1 is amended in the following respects:

1. Section 6 (b) is amended by adding at the end thereof the following: "Upon written request of a Class 2 slaughterer, the District Office shall promptly give him a written statement showing the manner in which it computed the quota bases covered by the request.

2. Section 6 (c) (4) is added to read as follows:

(4) If the District Office denies, cancels, revokes or reduces a quota base, under (1), (2) or (3) above, it shall promptly give written notice to the slaughterer specifying the quota base in question. The notice shall also specify the accounting periods for which the District Office found that the required number of points had not been surrendered by him and the number of points, if any, it found he had surrendered for those periods. In addition, if quota bases already assigned to the slaughterer are cancelled or revoked, it shall direct him to surrender to the District Office by a date to be specified in the notice, his applicable license on OPA Form MC–5 for cancellation or appropriate revision. If so directed, the slaughterer must surrender such license by the date specified in the notice.

3. Section 6 (d) is added to read as follows:

(d) (1) Any Class 2 slaughterer, within thirty (30) days after the assignment to him of a quota base (or by August 31, 1945, if the assignment was made before July 1, 1945) may request a hearing on the determination made by the District Office of his quota base. The request must be submitted, in writing, to the District Office with which he is registered and must contain the information specified in (3) below.

(2) Any Class 2 slaughterer who has been denied a quota base or whose quota base has been reduced, cancelled, or revoked, under (1), (2) or (3) of paragraph (c) of this section, may, within thirty (30) days after the notice given him by the District Office under (c) (4), submit to that Office a written request for a hearing on one or more of the following claims:

(i) That, for the accounting periods specified in the notice, he surrendered all the points required to be surrendered by him under Ration Order 16 or Revised Ration Order 16;

(ii) That, for the accounting periods specified in the notice, although he did not surrender all the points required to be surrendered by him, he did surrender more points than the number the District Office found he surrendered;

(iii) That the computations made by the District Office under (i) or (ii) of paragraph (c) (2) above were incorrect.

(3) The request for a hearing under (1) or (2) of this paragraph (d) must state:

(i) His name, the address of his establishment, and each of the quota bases as to which he requests a hearing;

(ii) The respects in which he claims the action taken by the District Office as to each quota base was incorrect; and

(iii) The date (which must not be less than five (5) days from the date on which he submits the request for the hearing) on which he expects to be ready to proceed with the hearing.

(4) Upon receipt of the request for the hearing, the District Office shall give the slaughterer notice of the time and place of the hearing, and the date thereof, which shall be the date specified by the slaughterer in his request, or any other date agreed upon between the slaughterer and the District Office.

(5) The hearing shall be conducted by a Special Hearing Officer who shall be either the District Director or an officer or employee of the Office of Price Administration designated by the District Director as a Special Hearing Officer. The Special Hearing Officer shall administer oaths and affirmations and rule on the admission or exclusion of evidence. The hearing shall be conducted in a manner to permit all parties interested in the proceedings to present evidence and arguments to the fullest extent compatible with a fair and expeditious determination of the issues raised in the hearing. To that end:

(i) The slaughterer shall have the right to be represented by counsel of his own choosing;

(ii) The rules of evidence prevailing in courts of law or equity shall not be controlling;

(iii) The Special Hearing Officer, having due regard to the need of expeditious decision, shall afford reasonable opportunity for cross-examining witnesses;

(iv) A stenographic report of all testimony shall be taken. The report need not be transcribed if the transcription is waived by the slaughterer. If the report is transcribed, a copy shall be available for inspection during business hours at the District Office.

(6) (i) The Special Hearing Officer shall, after the hearing, issue an order affirming, modifying or setting aside the action taken by the District Office with respect to any of the quota bases specified in the request for the hearing. If the slaughterer fails to appear at the hearing, the Special Hearing Officer shall issue an order affirming the action taken by the District Office. If the slaughterer against whom an order has been issued after his failure to appear at the hearing shows, within ten (10) days from the date of the issuance of the order, good cause for his failure to appear, the Special Hearing Officer may set aside such order and grant the slaughterer a full hearing.

(ii) A copy of the Special Hearing Officer's order shall be served promptly upon the slaughterer personally or by mail directed to his establishment. If the order modifies or sets aside the action taken by the District Office, the slaughterer's quota bases shall promptly be adjusted by the District Office in conformity with the provisions of that order.

(7) No appeal may be taken from the order of a Special Hearing Officer. However, an appeal by the slaughterer from the action taken by the District Office shall bring up for review any order in his case issued by a Special Hearing Officer and the record on which it is based.

4. Section 10 (e) is added to read as follows:

(e) (1) A Class 2 or Class 3 slaughterer against whom there is in operation an Administrative Suspension Order issued pursuant to Revised Procedural Regulation 4 which suspends him from slaughtering livestock (or having livestock custom slaughtered for him), or from selling or transferring meat derived from slaughter of livestock by himself, or from custom slaughter of livestock for him, shall have his quotas for each quota period during which the suspension order is in effect cancelled or revoked.

(2) However, for any quota period in which the suspension order is in operation for only part of that period, his quotas shall be reduced as follows:

(i) Divide his quota for each species of livestock (or in the case of a Class 3 slaughterer, his quota) for each quota period during which the suspension order is in effect by the number of calendar days in that quota period;

(ii) Multiply the result in (i) by the number of calendar days in that quota period during which the suspension order was not in effect;

(iii) The result in (ii) is the Class 2 slaughterer's quota for each species of livestock which may be slaughtered by him or custom slaughtered for him (or in the case of a Class 3 slaughterer, the quota for the sale or transfer of meat derived from livestock slaughtered by him or custom slaughtered for him) during that quota period.

(3) Notwithstanding the provisions of (2) above, in any case in which the suspension order becomes effective after the commencement of the quota period and remains in effect for the balance of that period, the Class 2 slaughterer's quota for the slaughter of each species of livestock by him or for the custom slaughter of such livestock for him (or in the case of a Class 3 slaughterer, the quota for the sale or transfer of meat resulting from the slaughter of livestock by him or custom slaughter of livestock for him) for that quota period shall be deemed cancelled and revoked to the extent of the portion thereof which has not been used at the time the suspension order became effective.

(4) The restrictions in this paragraph (c) as to the cancellation, revocation or reduction of quotas may be superseded in a particular case by the express provisions of the suspension order, and additional restrictions may be imposed in that order. Nothing in this paragraph (c) shall be considered to affect or modify in any way any of the conditions, restrictions or prohibitions of the suspension order.

5. Section 10 (c) is amended by adding at the end thereof the following: "The restrictions in this paragraph are in addition to any actions, penalties or proceedings which may be authorized by law for his failure to comply with paragraph (a) of this section."

6. Section 10 (d) is amended by adding at the end thereof the following: "The restrictions in this paragraph are in addition to any actions, penalties or proceedings which may be authorized by law for his failure to comply with paragraph (b) of this section.

7. Section 16 (b) is amended by adding at the end thereof the following: "Such revocation is in addition to any actions, penalties or proceedings authorized by law for his failure to comply with this section."

8. Section 18 is amended by adding at the end thereof the following: "No provision of this order, and no act performed thereunder, shall be construed as a waiver of any violation of Ration Order 16 or Revised Ration Order 16."

This amendment shall become effective on August 24, 1945.

NOTE: All reporting and record-keeping requirements of this amendment have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 20th day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45–15365; Filed, Aug. 20, 1945; 11:40 a. m.]

PART 1407—RATIONING OF FOOD AND FOOD PRODUCTS

[Control Order 1,[1] Amdt. 18]

LIVESTOCK SLAUGHTER AND MEAT DISTRIBUTION

A rationale for this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.

Control Order 1 is amended in the following respects:

1. Section 9 (b) (3) is amended to read as follows:

(3) The maximum live weight of that species which he may slaughter during any consecutive seven day period, is the result in (2) plus any unused portions of the parts of the quota he was permitted to slaughter during the preceding consecutive seven day periods in the same quota period.

2. Section 23 (o) (1) (i) is amended to read as follows:

(i) Take the total quantity of meat delivered by the slaughtering establishment into the county or customary trading area (if the slaughterer has been authorized to use such trading area under paragraph (g)) in which the affiliated establishment is located, during the three (3) reporting periods of the slaughtering establishment ending on or immediately before July 29, 1945, or if the slaughtering establishment was in operation during no part of those three reporting periods, its last three (3) reporting periods before July 29, 1945;

3. Section 23 (o) (3) (iii) is amended to read as follows:

(iii) The total quantity of meat delivered by the slaughtering establishment into the county or customary trading area (if he has been authorized to use such trading area under paragraph (g)) in which each affiliated establishment is located, during the three (3) reporting periods of the slaughtering establishment ending on or immediately before July 29, 1945, or if the slaughtering establishment was in operation during no part of those three (3) reporting periods, its last three reporting periods before July 29, 1945;

This amendment shall become effective on August 24, 1945.

NOTE: The reporting and record-keeping requirements of this amendment have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 20th day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45–15366; Filed, Aug. 20, 1945; 11:41 a. m.]

PART 1407—RATIONING OF FOOD AND FOOD PRODUCTS

[Restriction Order 15,[1] Amdt. 3]

RICE IN PUERTO RICO

A rationale accompanying this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.

Restriction Order 15 is amended in the following respects:

1. Section 1.1 (a) is amended to read as follows:

(a) Unless authorized in writing by the Office of Price Administration, no importer or wholesaler shall transfer rice to any person who was not his customer of rice during the period comprised from January 15, 1945 to March 17, 1945, and shall not make a transfer of rice to any of such customers, and no customer shall accept from an importer or wholesaler a transfer of rice of more than ⅔ (66⅔%) of the average two-week period transfers of rice made to that customer during the period comprised from March 15, 1945 to March 17, 1945.

2. Section 1.1 (b) is amended to read as follows:

(b) No retailer shall transfer or offer to transfer rice to any customer, and no customer shall accept the transfer of rice from any retailer of more than ⅔ (66⅔%) of the average weekly transfers of rice made to that customer during the period comprised from January 15, 1945: *Provided*, That such transfers made by a retailer to a consumer shall not exceed 2¼ pounds of rice a week per person. However, a retailer's customer may request and shall be entitled to obtain from such retailer at least 2¼ pounds of rice a week. A customer may act as an agent of a family or other unit in the purchase of a quantity of rice not to exceed the allotment for all members of such unit who customarily eat the majority of the meals as members of such unit.

3. Section 1.2 (b) and 1.2 (c) are amended by deleting the phrase "four-week period", wherever it appears, and inserting in lieu thereof, in each instance, the phrase "two-week period".

4. Section 1.2 (d) (2) is amended by deleting the phrase "one and one quarter pounds", and inserting in lieu thereof the phrase "two and one quarter (2¼) pounds".

5. Section 1.2 (d) (3) is amended by deleting the phrase "one and one quarter (1¼) pounds", and inserting in lieu thereof the phrase "two and one quarter (2¼) pounds".

This amendment shall become effective as of August 6, 1945.

NOTE: The record keeping and reporting requirements of this amendment have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 20th day of August 1945.

SAM GILSTRAP,
Territorial Director.

Approved:

JAMES P. DAVIS,
Regional Administrator.

[F. R. Doc. 45–15370; Filed, Aug. 20, 1945; 11:40 a. m.]

[RMPR 373,[1] Amdt. 22]

PART 1418—TERRITORIES AND POSSESSIONS

OYSTERS IN HAWAII

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.

Section 20 (b) (1) is amended as follows:

The item "Oysters (Pacific Coast), ½—⅘—1 gal., wholesale maximum price per pound net weight—70 cents, retail maximum price per pound net weight—88 cents" is amended so that the prices listed shall read "wholesale maximum price per pound net weight, 74 cents" and "retail maximum price per pound net weight, 93 cents".

This amendment shall become effective as of July 12, 1945.

Issued this 20th day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45–15372; Filed, Aug. 20, 1945; 11:39 a. m.]

PART 1439—UNPROCESSED AGRICULTURAL COMMODITIES

[MPR 426,[2] Amdt. 138]

FRESH FRUITS AND VEGETABLES FOR TABLE USE, SALES EXCEPT AT RETAIL

A statement of the considerations involved in the issuance of this statement has been issued and filed with the Division of the Federal Register.

In Appendix J, paragraph (e), Tables A and B, Item 4 is changed to read as follows:

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[1] 10 F.R. 4605.

[1] 10 F.R. 4605.

[1] 10 F.R. 3815, 5928.

[1] 10 F.R. 7403, 7500, 7539, 7578, 7668, 7683, 8371, 8979, 9273, 9274, 9275, 9466, 9540, 9620, 9618, 9882, 9928.

[2] 10 F.R. 7403, 7500, 7539, 7578, 7668, 7683, 7799, 8021, 8069, 8239, 8238, 8467, 8611, 8657.

TABLE A—MAXIMUM MARKUPS FOR DISTRIBUTIVE SERVICES PERFORMED BY CERTAIN PRIMARY SELLERS AND THEIR AGENTS TO BE ADDED TO MAXIMUM DELIVERED PRICES (SEE COLUMN 6 OF TABLES IN PARAGRAPH (D))

Column 1	Column 2	Column 3	Column 4	Column 5	Column 6	Column 7	Column 8	Column 9	Column 10	Column 11	Column 12
			Sales by growers				Sales by a grower-distributor, buyer-distributor, and by a grower or any person through a grower's sales agent				
Item No.	Commodity	Unit	Through a broker in any quantity or through a commission merchant in carlots or trucklots [1] [2]	Through a commission merchant in less-than-carlots or less-than-trucklots [2]		Through an auction in less-than-carlots or less-than-trucklots [2]	Direct sale (without the use of broker or any other agent) [1] [2]	Through a broker or salaried representative, or through a commission merchant in carlots or trucklots [1] [2]	Through an auction in less-than-carlots or less-than-trucklots [2]	Through a commission merchant in less-than-carlots or less-than-trucklots [1]	
				Ex-dock, car, truck or terminal sales platform	Ex-store or warehouse					Ex-dock, car, truck or terminal sales platform	Ex-store or warehouse
4	Fresh Italian prunes:	Items 1–10, table 4: ½ bushel basket, 28–32 pounds. Standard prune box, 16–17 pounds. Above containers with a net weight of less than or more than that specified for each container and fresh Italian prunes packed in any other container and those sold loose and ungraded in any container, or in bulk, per pound.	$0.08 .02 3/10	$0.15 .08 3/10	$0.33 .18 .01 2/10	$0.09 .05 3/10	$0.08 .05 3/10	$0.11 .07 3/10	$0.17 .10 3/10	$0.23 .13 3/10	$0.41 .23 .01 6/10

[1] Maximum markups listed above in Columns 4, 8, and 9 may be added to the maximum prices for fruit loaded on car or truck at shipping point (Column 5 of applicable table in par. (e)) for sales made by agents or growers and primary sellers, other than growers, f. o. b. shipping point.

[2] For purposes of computing the maximum price, the amounts set forth in Columns 4, 8, and 9, shall be used, but the maximum charge that may be made by any selling agent shall be determined under MPR 165, as amended, as between such selling agent and his principal.

[3] The actual charge not to exceed the maximum allowable charge under MPR 165 shall be used instead of the markup listed in Columns 5, 6, 7, 10, 11, and 12 if the amount of such actual charge is lower than the amount shown.

TABLE B—MAXIMUM MARKUPS FOR DISTRIBUTIVE SERVICES PERFORMED BY CERTAIN SELLERS OTHER THAN PRIMARY SELLERS AND THEIR AGENTS TO BE ADDED TO MAXIMUM DELIVERED PRICES

(See column 6 of tables in paragraph (d))

Column 1	Column 2	Column 3	Column 4	Column 5	Column 6	Column 7	Column 8	Column 9
Item No.	Commodity	Unit	Sales by any person other than a grower or grower-distributor or buyer-distributor who has purchased a carlot or trucklot and resells such carlot or trucklot unbroken	Sales by primary receivers in less-than-carlots or less-than-trucklots		Sales by secondary jobbers in any quantity delivered to premises of the purchaser	Sales by service wholesalers delivered to premises of any retail store, Government procurement agency, or institutional buyer within the free delivery zone	
				Through an auction [1] or ex-car, dock, truck, or terminal sales platform	Ex-store or ex-warehouse		Original container and quantities in excess of half of original container	Half original container or less
4	Fresh Italian prunes	Items 1–10, table 4: ½-bushel basket, 28–32 pounds. Standard prune box, 15–17 pounds. Above containers with a net weight of less than or more than that specified for each container and fresh Italian prunes packed in any other container and those sold loose and ungraded in any container, or in bulk, per pound.	$0.20 .11 7/10	$0.26 .15 7/10	$0.44 .25 .01 7/10	$0.71 .39 .02 4/10	$0.71 .39 .02 4/10	..... $0.45

[1] This mark-up applies not only to sales by primary receivers through auction but also to sales by all persons, other than primary sellers, through terminal auctions (see par. (g) (3)).

This amendment shall become effective August 25, 1945.

Issued this 20th day of August 1945.

CHESTER BOWLES,
Administrator.

Approved August 6, 1945.

CLINTON P. ANDERSON,
Secretary of Agriculture.

For the reasons given in the statement of considerations accompanying the foregoing amendment I find that the maximum prices for fresh Italian prunes maintained for the 1945 crop under Maximum Price Regulation 426 are necessary to aid in the effective prosecution of the war.

WILLIAM H. DAVIS,
Economical Stabilization Director.

[F. R. Doc. 45–15373; Filed, Aug. 20, 1945; 11:40 a. m.]

PART 1407—RATIONING OF FOOD AND FOOD PRODUCTS

[Control Order 1,[1] Amdt. 19]

LIVESTOCK SLAUGHTER AND MEAT DISTRIBUTION

A rationale for this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.

[1] 10 F.R. 4605.

Control Order 1 is amended in the following respects:

1. Section 6 (b) is amended by substituting for the first sentence the following: "After a Class 2 slaughterer has registered on OPA Form R–315 in accordance with the provisions of section 4 (a)[1], the District Office will issue to him a license on OPA Form MC–5 and assign to him quota bases for each species of livestock for each of his quota periods beginning after June 30, 1945, and for that part of any incomplete quota period after June 30, 1945, which includes July 1, 1945."

2. Section 19 (f) is amended by substituting for the first sentence the following two sentences: "Within fifteen (15) days after the end of each quota period, every Class 2 slaughterer must file a report, on OPA Form MC–6, in duplicate, with the District Office with which his establishment is registered. (For any quota period ending on or before August 9, 1945, the report may be filed within thirty (30) days after the end of such quota period.)"

This amendment shall become effective on August 24, 1945.

NOTE: The reporting and record-keeping requirements of this amendment have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 20th day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45–15367; Filed, Aug. 20, 1945; 11:41 a. m.]

PART 1499—COMMODITIES AND SERVICES

[SR 14C,[1] Amdt. 9]

DOMESTIC AND IMPORTED HARD CANDY

A statement of considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.

Supplementary Regulation 14C is amended in the following respects:

1. Section 2.4 is amended to read as follows:

SEC. 2.4 *Domestic and imported hard candy*—(a) *Applicability of this section.* This section applies to imported hard candy and domestically manufactured hard candy as hereinafter defined.

Any domestic manufacturer of hard candy, as hereinafter defined, shall elect to use either the prices specified in this section or the prices established by him under § 1499.2 (a) of the General Maximum Price Regulation for sales of the same hard candy manufactured by him.

Any importer of any imported hard candy shall elect to use either the prices specified in this section for such candy or the prices established by such seller under § 1499.2 (a) of the General Maximum Price Regulation for sales of the same imported hard candy sold by him.

If a manufacturer of domestically produced hard candy or importer of imported hard candy elects to maintain maximum prices established by him for such hard candy under § 1499.2 (a) of the General Maximum Price Regulation, then wholesalers and retailers who purchase that hard candy shall maintain or establish their maximum prices for sales of such hard candy under the provisions of § 1499.2 of the General Maximum Price Regulation.

In the event, however, a manufacturer of domestic hard candy or importer of imported hard candy elects to use a maximum price hereinafter specified in this section, then all of his sales of the same hard candy and the resulting resales by wholesalers and retailers shall be made at prices not in excess of those specified as maximum in the following provisions of this section.

(b) *Maximum import prices for hard candy.* The maximum prices stipulated in Table A for solid hard candy shall be the maximum prices f. o. b. duty paid port or point of entry at which any purchaser may import hard candy into the United States.

Bulk 5-Pound Boxes, 1-Pound Bags

(c) *Maximum selling prices for bulk, 5-pound boxes, 1-pound bags of domestic and imported hard candy.* (1) A domestic manufacturer's maximum prices to wholesalers, f. o. b. factory (without freight allowance) for sales of hard candy, as hereinafter defined, shall be as set forth in Table A:

TABLE A

Type	Solid hard candy assortment, per pound	Plastic filled hard candy assortment, per pound
Bulk sales	$0.14½	$0.15½
5-lb. boxes	.15½	.16½
1-lb. bags	.18	.19

(2) A domestic manufacturer's maximum prices for sales to any class of purchaser other than wholesalers shall be the prices set forth in Table A, less the manufacturer's customary differentials, except in the case of sales to ultimate consumers, in which event the maximum prices stipulated in Table C shall apply.

(3) A wholesaler's or importer's maximum delivered prices for sales to retailers of domestic or imported hard candy shall be as set forth in Table B. Wholesalers and importers shall invoice each sale to retailers, stating thereon the wholesaler's (or importer's) and retailer's respective maximum selling prices.

TABLE B

Type:	Per pound
Bulk sales	$0.20½
5-lb. boxes	.21
1-lb. bags	.2375

(4) The maximum retail price for any sale of domestic or imported hard candy by any person who purchases directly from a domestic manufacturer or foreign seller for resale to the consumer in stores owned or controlled by such person shall be as set forth in Table C.

TABLE C

Type:	Per pound
Bulk sales	$0.25
1-lb. bags	.27

(5) The maximum retail price for any sale of domestic or imported hard candy by any persons other than those provided for in subparagraph (4) above, shall be as set forth in Table D.

TABLE D

Type:	Per pound
Bulk sales	$0.33
5-lb boxes	.33
1-lb. bags	.35

(d) The sum of 2½ cents per pound may be added to the maximum prices stipulated in Tables A, B, C and D for sales of hard candy, all pieces of which have been individually wrapped by the manufacturer.

(e) *Notification to purchasers.* (1) All domestic manufacturers establishing maximum prices for hard candy pursuant to the provisions of this section shall state on each invoice to each purchaser the applicable notice as follows:

To wholesalers

The Office of Price Administration has established maximum prices for sales of this hard candy. Our billing is in accord with the prices so established. You are authorized to sell and deliver this candy to retailers at prices not in excess of:

Bulk sales, per pound	$0.20½
5-lb. boxes, per pound	.21
1-lb. bags, per one dozen bags	2.85

(Omit price or prices not applicable to sale.)

As a wholesaler you are required to furnish an invoice with each sale to retailers. Each invoice shall have stated upon it your OPA maximum price and your retailer's OPA maximum price. Retailers' maximum prices for sales of this hard candy purchased from wholesalers shall be as follows:

Bulk sales, per pound	$0.33
5-lb. boxes, per pound	.33
1-lb. bags, per bag	.35

(Omit price or prices not applicable to sale.)

To all other purchasers

The Office of Price Administration has established maximum prices for sales of this hard candy. Our billing is in accord with the prices so established. You are authorized to sell this candy at retail at prices not in excess of:

Bulk sales, per pound	$0.25
1-lb. bags, per bag	.27

(Omit price not applicable to sale.)

(2) All hard candy importers, except those who sell directly to consumers, shall provide their purchasers with a notice as follows:

The Office of Price Administration has established maximum prices for sales of this hard candy. Our billing is in accord with the prices so established. Retailers are authorized to sell this candy to consumers at prices not in excess of:

Bulk sales, per pound	$0.33
5-lb. boxes, per pound	.33
1-lb. bags, per bag	.35

(Omit price not applicable to sale.)

Packages 8 Ounces and Less

(f) *Packages eight ounces and less.* (1) Maximum prices (f. o. b. seller's place of business) for candy, purchased as bulk hard candy and then within continental United States of America packaged 8 ounces or less in other than kraft paper bags, shall be determined as follows:

[1] 10 F.R. 1165, 1704, 2618, 5458, 6308, 7404.

(i) Take the maximum price for the weight of candy in the package, figured under Table A, bulk sales type.

(ii) Add the cost of the material and direct labor used in packaging.

(iii) Multiply this total:

(*a*) By 1.25 if the packer sells to retailers. This is the maximum price for which any seller may sell to retailers. Sales to intermediate purchasers other than retailers shall be made at maximum prices not in excess of that provided for sales by packers to retailers.

(*b*) By 1.50 if the packer sells to ultimate consumers.

(iv) If the sale is to an ultimate consumer by a seller who purchased from a packer whose maximum price was determined under (iii) (*a*), take the packer's maximum selling price, per package, multiply by 1.50 and add the per package proportion cost of freight paid by the purchaser from the packer.

(2) The sum of 2½ cents per pound may be added to the maximum prices determined under this paragraph for sales of hard candy, all pieces of which have been individually wrapped by the manufacturer.

Packages Over Eight Ounces (Other Than 1 Lb. Bags)

(g) *Packers' maximum prices for sales of domestic and imported hard candy packaged within the United States in containers other than ordinary kraft paper bags in net weights between 8 ounces and 5 pounds (other than 1 lb. bags).* (1) A domestic manufacturer's maximum price per pound f. o. b. factory for sales of hard candy in container sizes hereinafter specified to purchasers other than consumers, shall be determined by adding the actual cost of the container (size of which is specified below) to the appropriate price calculated from the prices per pound specified in Table 1 below:

TABLE 1

[Price per pound]

Item	Over 8 oz. but less than 2 lbs.	2 lbs. to less than 3 lbs.	3 lbs. to less than 4 lbs.	4 lbs. to less than 5 lbs.
Solid hard candy assortment	$0.16½	$0.15⅞	$0.15½	$0.14¾
Plastic filled hard candy assortment	.17½	.16⅞	.16½	.15¾

(2) The maximum delivered price per pound for sales to retailers by any seller (chiefly wholesaler-packagers and importer-packagers) not provided for in (1) above, shall be determined by adding the actual cost of the container (size of which is specified below) to the appropriate price calculated from the prices per pound specified in Table 2 below:

TABLE 2

Item	Over 8 oz. but less than 2 lb.	2 lbs. to less than 3 lbs.	3 lbs. to less than 4 lbs.	4 lbs. to less than 5 lbs.
Either assortment	$0.22¼	$0.21½	$0.20¾	$0.20

(3) A domestic manufacturer's, importer-packager's or retailer-packager's maximum prices per pound for sales to consumers of sizes hereinafter specified, shall be determined by adding the actual cost of the container (size of which is specified below) to the appropriate price calculated from the prices per pound specified in Table 3 below:

TABLE 3

Item	Over 8 oz. but less than 2 lbs.	2 lbs. to less than 3 lbs.	3 lbs. to less than 4 lbs.	4 lbs. to less than 5 lbs.
Either assortment	$0.25½	$0.24⅞	$0.24¼	$0.23⅝

(4) The sum of 2½ cents per pound may be added to the prices stipulated in Tables 1, 2 and 3 for sales of hard candy, all pieces of which have been individually wrapped by the manufacturer.

(h) *Maximum prices for resale of hard candy which has been packaged and sold under the provisions of paragraph (g) above.* (1) The seller's maximum delivered prices for sales to retailers of packaged hard candy which has been sold by the manufacturer, shall be determined by multiplying the manufacturer's maximum price by 1.25.

(2) The maximum price for sales to consumers by retailers shall be determined by multiplying their supplier's maximum prices as provided for in this section by 1.50.

(i) *Maximum prices for sales not otherwise covered.* The maximum price for any sale not otherwise covered by this Section shall be 14½ cents per pound f. o. b. point of shipment. However, the maximum price for any item of hard candy sold in combination with any other commodity shall be determined under the provisions of this section in the same manner as if sold separately.

(j) *Definitions.* (1) "Domestic hard candy", as used herein, is candy averaging not less than 70 pieces per pound and consisting of individual pieces of the same flavor, shape and size or of individual pieces of various flavors, shapes and sizes. It contains principally sugar, corn syrup, flavoring extracts and U. S. Certified food colors conforming to the following specifications:

(i) The sugar content to be not less than 65 percent dry basis. Sugar to meet the requirements of Type 1, Federal Specifications JJJ–S–791, and Amendment 4, dated May 1935.

(ii) The corn syrup shall be confectioners' type of syrup.

(iii) The salt shall meet the requirements of Federal Specification SS–S–31.

(iv) The citric acid shall be U. S. P.

(v) The flavoring agents other than liquor chocolate shall be natural or artificial and of the best commercial grade, except that in the case of anise, lemon, lime, orange and peppermint flavors, true essential oils, likewise of the best commercial grade, shall be used.

(vi) All colors shall be U. S. Certified food colors.

(vii) All hard candies sold under this section shall be manufactured in accordance with the best commercial practices and under strictly sanitary conditions.

(3) "Plastic filled hard candy" is hard candy containing a soft center or filling encased in a hard candy jacket. The candy by weight shall be approximately 25% filling and 75% jacket.

(4) Fillings or centers of the plastic filled hard candy shall include the following: chocolate, confectioner's cream, peanut butter, jelly, also fruit when it is available.

(5) "The solid hard candy assortment" shall contain more than 50% solid hard candy.

(6) "The plastic filled hard candy assortment" shall contain 50% or more plastic filled hard candy, the remainder to be solid hard candy.

(7) "Bulk hard candy" as used in paragraph (c) of this section is hard candy of either assortment packed in containers other than 1 lb. bags and 5 lb. boxes.

(8) "Five pound boxes of hard candy" is hard candy of either assortment packaged 5 pounds net in cardboard boxes with paper liner.

(9) "One pound bags of hard candy" is hard candy of either assortment packaged 1 pound net in transparent or glassine bags.

(10) "Imported hard candy", as used herein, means all hard candy, of which the principal ingredient is sugar, with or without the addition of flavoring material and coloring matter, regardless of shape, size and number of pieces per pound, manufactured or produced outside the continental limits of the United States, its territories and possessions, and imported into the United States, except the following: Imported sugar lozenges, wafers, tablets and pressed shaped hard candies packed in rolls or other comparable packages designed to sell at retail for 5 or 10 cents and lollypops and candy suckers designed to sell at retail for 5 or 10 cents.

(k) Any packer who determines his maximum price for packages under the provisions of paragraphs (f) or (g) of this section shall not collect such maximum price until he has filed his detailed calculation of it with and received written acknowledgment of the filing from the nearest District Office of the Office of Price Administration. The District Director may adjust the maximum prices calculated under this regulation in cases of error in calculation or use of unreasonable cost figures and in this connection may require substantiation of any cost figures together with the filing of a corrected report.

NOTE: All reporting and record-keeping requirements of this amendment have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

This amendment shall become effective August 25, 1945.

Issued this 20th day of August 1945.

JAMES F. BROWNLEE,
Acting Administrator.

Approved August 4, 1945.

J. B. HUTSON,
Acting Secretary of Agriculture.

[F. R. Doc. 45–15371; Filed, Aug. 20, 1945; 11:42 a. m.]

PART 1499—COMMODITIES AND SERVICES

[RMPR 165, Amdt. 2 to Rev. Supp. Service Reg. 50]

ASH, DEBRIS, GARBAGE OR TRASH REMOVAL SERVICES

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.

Revised Supplementary Service Regulation 50 is amended in the following respect:

Section 1499.648 (c) is amended by adding subparagraph (6) to read as follows:

(6) Ash, debris, garbage or trash removal except when performed by or for federal, state or local governmental units or when the rates and charges for these services are fixed or must be approved by such governmental authorities.

This amendment shall become effective August 25, 1945.

Issued this 20th day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45–15374; Filed, Aug. 20, 1945; 11:40 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—General Land Office

[Circular 1608]

PART 115—REVESTED OREGON AND CALIFORNIA RAILROAD AND RECONVEYED COOS BAY WAGON ROAD GRANT LANDS IN OREGON

SUSTAINED YIELD UNITS AND COOPERATIVE AGREEMENTS

Sec.
115.2 Statutory authority.
115.3 Determination of productive capacity.
115.4 Master units and appurtenant marketing areas.
115.5 Hearings concerning master units.
115.6 Notice of hearings concerning master units.
115.7 Sustained-yield forest units.
115.8 Hearings concerning forest units and cooperative agreements.
115.9 Notice of hearings concerning forest units and cooperative agreements.
115.10 Cooperative sustained-yield agreements.
115.11 Qualifications.
115.12 Forms of agreement.
115.13 Execution of agreement.
115.14 Exchanges.

AUTHORITY: §§ 115.2 to 115.14, inclusive, issued under act of Aug. 28, 1937 (50 Stat. 874).

§ 115.2 *Statutory authority.* The act of August 28, 1937 (50 Stat. 874), relates to the administration of the revested Oregon and California Railroad and the reconveyed Coos Bay Wagon Road grant lands in Oregon, both of which are hereinafter referred to as O. and C. lands. It provides that such portions of those lands now or hereafter under the jurisdiction of the Department of the Interior, which have heretofore or may hereafter be classified as timber lands, and power-site lands valuable for timber, shall be managed, except as provided in section 3 of the act, for permanent forest production, and the timber thereon shall be sold, cut and removed in conformity with the principle of sustained-yield for the purpose of providing a permanent source of timber supply, protecting watersheds, regulating stream flow, and contributing to the economic stability of local communities and industries, and providing recreational facilities. Nothing contained in the act shall be construed to interfere with the use and development of powersites as may be authorized by law.

Section 1 of the act authorizes the Secretary of the Interior, if he determines that such action will facilitate sustained-yield management, to subdivide the revested lands into sustained-yield forest units, the boundary lines of which shall be so established that each will provide, so far as practicable, a permanent source of raw materials for the support of dependent communities and local industries of the region. The boundaries of such forest units may be established only after hearings are conducted in the vicinity of such lands.

Section 2 of the act authorizes the Secretary to make cooperative agreements with other Federal or state administrative agencies or with private forest owners or operators for the coordinated management, with respect to time, rate, and method of cutting, and sustained-yield, of forest units comprising parts of revested or reconveyed lands, together with lands in private ownership or under the administration of other public agencies, when by such agreements he may be aided in accomplishing the purposes of the act.

§ 115.3 *Determination of annual productive capacity.* The Secretary shall determine and declare the annual productive capacity of the O. and C. lands under the principle of sustained-yield, but until such determination and declaration are made the average annual cut of timber therefrom shall be limited to one-half billion feet board measure. The lands shall be treated as a single unit for the purpose of applying the principle of sustained-yield, except that upon the establishment of one or more sustained-yield forest units in accordance with § 115.7, hereof, each such unit shall be treated separately in the determination of its annual productive capacity and the average annual cut of timber.

§ 115.4 *Master units and appurtenant marketing areas.* As a basis for studies leading to the formulation of plans for the sustained-yield forest units and cooperative agreements authorized by the act, and in order to facilitate administration under the act, the Secretary, after the determination and declaration of the annual sustained-yield productive capacity of the O. and C. lands, will divide the entire area of the O. and C., intermingled and contiguous lands into master units, on the basis of natural groupings of such lands related to each other by physical and economic factors, and will declare an appurtenant marketing area for each such master unit.

§ 115.5 *Hearings concerning master units.* In order that the Secretary may obtain the aid and advice of interested persons and agencies, and the public may be informed as to contemplated plans, a public hearing will be held in connection with each proposed master unit. Such hearing will be held in the vicinity of the lands involved and will be open to the attendance of all interested persons, including State and local officers and representatives of dependent industries and labor. The hearing will be conducted by a representative or representatives of the Department of the Interior designated by the Secretary.

At the conclusion of the hearing, the minutes thereof, together with appropriate recommendations, shall be forwarded to the Secretary. The Secretary will thereafter take such action as he deems appropriate and due notice thereof will be given to the public.

§ 115.6 *Notice of hearings concerning master units.* Before any hearing is held in connection with a master unit, notice thereof will be published, once a week for four consecutive weeks in a newspaper of general circulation in the county or counties in which the proposed master unit and the appurtenant marketing area are situated, and once in the FEDERAL REGISTER. The notice may also be published in a trade paper, if in the opinion of the Commissioner of the General Land Office, such publication is desirable.

Such notice shall be approved by the Secretary and shall state (a) the time and place, within the vicinity of the lands, of the hearing; (b) the location, area and boundaries of the proposed master unit; (c) the boundaries of the marketing area to be served by the proposed master unit; (d) the time and manner in which persons who wish to submit oral or written statements for consideration at the hearing may give notice thereof; and (e) such other general information as to sustained-yield forest units and cooperative agreements which may be established or executed within the proposed master unit, the place or places where such other general information shall be available, and related matters as the Secretary may determine to be desirable.

§ 115.7 *Sustained-yield forest units.* Sustained-yield forest units will be established by the Secretary within the boundaries of each master unit in such manner that each forest unit will contain sufficient forest land to furnish a sustained supply of timber to forest industries upon which a local community depends and to constitute a suitable basis for a cooperative agreement. Due consideration shall be given to established lumbering operations for the purpose of protecting dependent communities against adverse economic effects. Each forest unit shall be established so as to promote the widest distribution of the benefits of sustained-yield management to all forest owners, operators, workers and dependent communities affected thereby.

§ 115.8 *Hearings concerning sustained-yield forest units and cooperative agreements.* Prior to the establishment of a sustained-yield forest unit, a

public hearing shall be held in the vicinity of the lands involved, in accordance with section 1 of the act. Plans for the establishment of the unit and the execution of a cooperative agreement shall be considered at such hearing. The hearing will be conducted in the same manner as hearings concerning master units, as set forth in § 115.5, hereof. The representative or representatives of the Department of the Interior who conduct the hearing will upon its conclusion make appropriate recommendations to the Secretary of the Interior concerning the establishment of the forest unit and the execution of the cooperative agreement, forwarding at the same time a copy of the minutes of the hearing. The Secretary thereafter will take such action as he deems appropriate and due notice thereof will be given to the public.

§ 115.9 *Notice of hearings concerning forest units and cooperative agreements.* The provisions of § 115.6, hereof, relative to notice of hearings concerning a master unit shall be applicable to the hearing in connection with the establishment of a sustained-yield forest unit and the execution of a cooperative agreement, except that in the case of a sustained-yield forest unit and a cooperative agreement the notice shall state (a) the time and place, within the vicinity of the lands, of the hearing; (b) the location, area and boundaries of the proposed forest unit; (c) the minimum duration of the proposed agreement; (d) the place or places where copies of the proposed agreement, applicable regulations, and other information, including the location and area of the Federal land involved, the expected rate of cutting of Federal or other timber that may be included in a cooperative agreement, and the requirements for participation in the proposed cooperative agreement, shall be available; (e) the time and manner in which persons who wish to submit oral or written statements for consideration at the hearing may give notice thereof; and (f) such other information which the Secretary may determine to be desirable.

§ 115.10 *Cooperative sustained-yield agreements.* The formulation and administration of cooperative agreements shall be guided by a policy of promoting the widest distribution of the benefits obtainable under sustained-yield management, and of preventing monopoly.

A prerequisite to participation in the cooperative agreement covering a sustained-yield forest unit will be either (a) ownership of land therein upon which timber is growing in commercial quantities, or of cutover and other lands which have been restocked or are suitable primarily for the production of timber in commercial quantities, or (b) sufficient rights or interests in the timber within the unit to enable the holder of such rights or interests to fulfill the obligations involved in commitment to the agreement.

In each cooperative agreement the parties shall agree, in consideration of the benefits conferred by such agreement, that the forest management of their lands shall be conducted in such manner as may be necessary to effectuate the purposes of the act. Each such cooperative agreement shall provide for (a) the disposition of timber from the Federal land in the forest unit to cooperating parties without competitive bidding at appraised prices, in accordance with sustained-yield management plans formulated or approved by the Secretary; (b) the time, rate, and method of cutting timber from any lands committed to such agreement; (c) the terms and conditions, but not the price, upon which private cooperating parties may sell to any person timber from their lands; (d) the terms and conditions upon which additional lands, timber, or parties may be admitted to the agreement subsequent to its original execution; (e) the protection of the reasonable interests of other owners or operators within the unit, of workers and others affected by the execution of such cooperative agreement, and of communities dependent upon the timber within such unit; and (f) such other matters as the Secretary shall determine are necessary or proper to achieve the objectives of the act.

The provisions of a cooperative agreement, except as therein otherwise provided, shall prevail, in the administration and disposal of O. and C. timber included in such agreement, over the regulations of the Secretary of the Interior theretofore applicable to such timber.

§ 115.11 *Qualifications.* Any individual who wishes to obtain the rights of a producer under a cooperative agreement will be required to furnish satisfactory proof, prior to the execution of the agreement, that he is a citizen of the United States, or, if a partnership or association, that each member thereof is such a citizen. A corporation which wishes to become a party to such an agreement must file a certified copy of its articles of incorporation to show that it was organized under the laws of the United States or of some state, territory, or possession thereof, as well as a sworn statement setting forth the name, residence, citizenship, and amount of stock held by each of its stockholders, separately listing those of alien citizenship. A corporation organized outside of the State of Oregon must also file a certificate by the proper state official that it is authorized to do business within the State of Oregon. The Secretary, in his discretion, may require a corporate party to a cooperative agreement to furnish additional information as to the ownership of its stock and may deny participation in a cooperative agreement to a corporation, any of whose stock is owned, held, or controlled by citizens of another country.

§ 115.12 *Forms of agreement.* The standard form for cooperative agreements between the United States and owners and operators of non-federal lands, heretofore approved by the Secretary of the Interior, will be made available through the Chief Forester of the O. and C. Revested Lands Administration. Changes in the form of agreement may be made by the Secretary from time to time when such changes are warranted by peculiar circumstances in a forest unit, or to reflect the experience gained from the operation of previous agreements. All such changes shall be consistent with the retention by the Secretary of the authority necessary to accomplish the objectives of the act. Where Federal lands not under the jurisdiction of the Secretary of the Interior are involved, different forms will likewise be adopted.

§ 115.13 *Execution of agreement.* The Commissioner of the General Land Office, after consideration of the minutes of the hearing and the recommendation of the hearing officer, will forward his recommendation together with the cooperative agreement signed by the other parties thereto to the Secretary. Thereafter, the Secretary will execute the agreement if he is of the opinion that it will promote the achievemnt of the objectives of the act and is otherwise in the public interest. No rights shall accrue to a party under a cooperative agreement until the Secretary has executed the agreement on behalf of the United States.

§ 115.14 *Exchanges.* Exchanges for the purpose of consolidating and segregating O. and C. timber lands, or which otherwise are in furtherance of the O. and C. timber management program are authorized by the act of July 31, 1939 (53 Stat. 1144), and the regulations thereunder (43 CFR 115.94–115.113).

FRED W. JOHNSON,
Commissioner.

Approved: August 11, 1945.

ABE FORTAS,
Acting Secretary of the Interior.

[F. R. Doc. 45-15354; Filed, Aug. 20, 1945; 9:52 a. m.]

TITLE 49—TRANSPORTATION AND RAILROADS

Chapter I—Interstate Commerce Commission

[Rev. S. O. 107, Amdt. 1]

PART 95—CAR SERVICE

FREIGHT CARS TO MEXICO

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 14th day of August, A. D. 1945.

Upon further consideration of Revised Service Order No. 107 (9 F.R. 15158), and good cause appearing therefor: *It is ordered*, That:

Revised Service Order No. 107 be, and it is hereby, amended by substituting the following paragraph (d) for paragraph (d) thereof:

(d) *Expiration date.* This order shall expire at 11:59 p. m., March 1, 1946, unless otherwise modified, changed, suspended or annulled by order of this Commission. (40 Stat. 101, sec. 402, 41 Stat. 476, sec. 4, 54 Stat. 901; 49 U.S.C. 1 (10)–(17))

It is further ordered, That this order shall become effective at 12:01 a. m., September 1, 1945; that copies of this order and direction shall be served upon the Railroad Commission of the State of California; and upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

By the Commission, Division 3.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 45-15262; Filed, Aug. 18, 1945; 11:16 a. m.]

[S. O. 334-A]

PART 95—CAR SERVICE

TRANSPORTATION OF RACE HORSES AND SHOW ANIMALS

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 17th day of August, A. D. 1945.

Upon further consideration of the provisions of Service Order No. 334 (10 F.R. 8666), and good cause appearing therefor: *It is ordered*, That:

Service Order No. 334 (10 F.R. 8666), restricting the transportation of race horses and show animals be, and it is hereby vacated and set aside. (40 Stat. 101, sec. 402, 41 Stat. 476, sec. 4, 54 Stat. 176, 901; 49 U.S.C. 1 (10)–(17))

It is further ordered, That this order shall become effective at 12:01 p. m., August 17, 1945; that a copy of this order and direction shall be served upon the State railroad regulatory bodies of all States and the District of Columbia; and upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

By the Commission, Division 3.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 45-15263; Filed, Aug. 18, 1945; 11:16 a. m.]

[S. O. 171-A]

PART 95—CAR SERVICE

BAUXITE ORE CONCENTRATES

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 17th day of August, A. D. 1945.

Upon further consideration of the provisions of Service Order No. 171 (9 F.R. 39), and good cause appearing therefor: *It is ordered*, That:

Service Order No. 171 (9 F.R. 39), of December 28, 1943, 49 CFR § 95.326 *Shipments of bauxite ore concentrates*, be, and it is hereby, vacated and set aside.

It is further ordered, That this order shall become effective at 12:01 a. m., August 20, 1945; that a copy of this order and direction shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

By the Commission, Division 3.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 45-15261; Filed, Aug. 18, 1945; 11:16 a. m.]

[S. O. 177-A]

PART 97—ROUTING OF TRAFFIC

RECONSIGNMENT OR DIVERSION ORDERS

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 17th day of August, A. D. 1945.

Upon further consideration of the provisions of Service Order No. 177 (9 F.R. 543), and good cause appearing therefor: *It is ordered*, That:

Service Order No. 177 (9 F.R. 543) of January 11, 1944, 49 CFR § 97.11 *Reconsignment or diversion orders*, be, and it is hereby, vacated and set aside.

It is further ordered, That this order shall become effective at 12:01 a. m., August 20, 1945; that a copy of this order and direction shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

By the Commission, Division 3.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 45-15267; Filed, Aug. 18, 1945; 11:16 a. m.]

[S.O. 80, Amdt. 36]

PART 95—CAR SERVICE

AGENTS TO ISSUE GRAIN PERMITS AT CHICAGO, ILL.

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 17th day of August, A. D. 1945.

Upon further consideration of the provisions of Service Order No. 80, as amended (codified as § 95.19 of Title 49 CFR):

It is ordered, That I. M. Herndon, Manager, and R. D. Erickson, Assistant Manager, Transportation Department, Chicago Board of Trade, Chicago, Illinois, are hereby designated and appointed respectively agent and alternate agent of the Commission to issue permits for the movement of grain under the terms of this order at the Chicago, Illinois, market. The appointment of J. S. Brown as agent is hereby vacated. (40 Stat. 101, sec. 402, 41 Stat. 476, sec. 4, 54 Stat. 901; 49 U.S.C. 1 (10)–(17))

And it is further ordered, That this amendment shall become effective September 1, 1945; that copies of this amendment be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this amendment be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

By the Commission, Division 3.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 45-15363; Filed, Aug. 20, 1945; 11:17 a. m.]

Subchapter D—Freight Forwarders

[Ex Parte 159]

PART 405—SURETY BONDS AND POLICIES OF INSURANCE

FREIGHT FORWARDERS INSTITUTE

In the matter of security for protection of the public as provided in Part IV of the Interstate Commerce Act, and of rules and regulations governing the filing and approval of surety bonds, policies of insurance, qualifications as a self-insurer, or other securities and agreements by freight forwarders subject to Part IV of the act.

Upon consideration of the petition of Freight Forwarders Institute, and good cause appearing: *It is ordered*, That:

The order entered in the said proceeding on October 11, 1944 (§§ 405.1–405.11; 9 F.R. 14548) to become effective on February 1, 1945, and subsequently modified to become effective July 2, 1945, is hereby further modified so as to become effective on August 1, 1945.

Service of this order shall be made by mailing a copy thereof to all freight forwarders subject to part IV of the Interstate Commerce Act, and by posting one copy in the office of the Secretary of this Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Dated at Washington, D. C., this 27th day of June, A. D. 1945.

By the Commission, Chairman Rogers.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 45-15362; Filed, Aug. 20, 1945; 11:17 a. m.]

Chapter II—Office of Defense Transportation

PART 500—CONSERVATION OF RAIL EQUIPMENT

PASSENGER TRAIN OPERATIONS

CROSS-REFERENCE: For an exception to the provisions of § 500.41, see Part 520, *infra*.

[Gen. Order ODT 23, Revocation]

PART 501—CONSERVATION OF MOTOR EQUIPMENT

LIMITATION ON SPEED OF MOTOR VEHICLES

Pursuant to Executive Orders 8989, as amended, and 9156, General Order ODT 23 §§ 501.125 to 501.129, inclusive (7 F.R. 7694) is hereby revoked effective August 19, 1945.

(E.O. 8989, as amended, 6 F.R. 6725, 8 F.R. 14183; E.O. 9156, 7 F.R. 3349)

Issued at Washington, D. C., this 18th day of August 1945.

J. M. JOHNSON,
Director,
Office of Defense Transportation.

[F. R. Doc. 45-15254; Filed, Aug. 18, 1945; 10:16 a. m.]

[G. O. ODT 2, Revocation]

PART 501—CONSERVATION OF MOTOR EQUIPMENT

SUBSTITUTION OF MOTOR VEHICLE FOR RAIL PASSENGER SERVICE

Pursuant to Executive Order 8989, as amended, (6 F.R. 6725, 8 F.R. 14183), General Order ODT §§ 501.1 to 501.3, inclusive, No. 2, §§ 501.1 to 501.3, inclusive (7 F.R. 2952) is hereby revoked effective August 31, 1945.

Issued at Washington, D. C., this 17th day of August 1945.

J. M. JOHNSON,
Director,
Office of Defense Transportation.

[F. R. Doc. 45-15333; Filed, Aug. 18, 1945; 12:41 p. m.]

[General Order ODT 3, Revised, as amended, Partial Revocation]

PART 501—CONSERVATION OF MOTOR EQUIPMENT

COMMON CARRIERS OF PROPERTY

Pursuant to Executive Orders 8989, as amended, and 9156, paragraph (d) of § 501.6 (Amendment 4) of General Order ODT 3, Revised, as amended, is hereby revoked effective August 16, 1945.

(E.O. 8989, as amended, 6 F.R. 6725, 8 F.R. 14183; E.O. 9156, 7 F.R. 3349; General Order ODT 3, Revised, as amended, 7 F.R. 5445, 6689, 7694; 8 F.R. 4660, 14582; 9 F.R. 2793, 947, 3264, 3357, 6778)

Issued at Washington, D. C., this 16th day of August 1945.

J. M. JOHNSON,
Director,
Office of Defense Transportation.

[F. R. Doc. 45-15330; Filed, Aug. 18, 1945; 12:41 p. m.]

[General Order ODT 6A, as Amended, Partial Revocation]

PART 501—CONSERVATION OF MOTOR EQUIPMENT

MOTOR CARRIERS OF PROPERTY

Pursuant to Executive Orders 8989, as amended, and 9156, paragraph (c) of § 501.23 (Amendment 1) of General Order ODT 6A (8 F.R. 8757, 14582; 9 F.R. 2794) is hereby revoked effective August 16, 1945.

(E.O. 8989, as amended, 6 F.R. 6725, 8 F.R. 14183; E.O. 9156, 7 F.R. 3349)

Issued at Washington, D. C., this 16th day of August 1945.

J. M. JOHNSON,
Director,
Office of Defense Transportation.

[F. R. Doc. 45-15334; Filed, Aug. 18, 1945; 12:41 p. m.]

[General Order ODT 7, Revised, as Amended, and Special Direction ODT 7, Rev. 6, Revocation]

PART 502—DIRECTION OF TRAFFIC MOVEMENT

MOVEMENT OF TRAFFIC IN RAILWAY TANK CARS

Pursuant to Executive Order 8989, as amended, General Order ODT 7, Revised, as amended, §§ 502.100 to 502.127, inclusive, (7 F.R. 10484; 9 F.R. 11713, 14072), and Special Direction ODT 7, Revised 6, §§ 522.913, 522.914 (10 F.R. 9964) are hereby revoked effective August 19, 1945.

(E. O. 8989, as amended, 6 F.R. 6725, 8 F.R. 14183)

Issued at Washington, D. C., this 17th day of August 1945.

[SEAL] J. M. JOHNSON,
Director,
Office of Defense Transportation.

[F. R. Doc. 45-15342; Filed, Aug. 18, 1945; 12:42 p. m.]

[General Order ODT 10A, Revocation]

PART 501—CONSERVATION OF MOTOR EQUIPMENT

SIGHTSEEING, CHARTER AND OTHER SPECIAL SERVICES

Pursuant to Executive Orders 8989, as amended, 9156, and 9294, General Order ODT 10A, §§ 501.38 to 501.44, inclusive (8 F.R. 2606), is hereby revoked effective August 31, 1945.

(E. O. 8989, as amended, 6 F.R. 6725, 8 F.R. 14183; E. O. 9156, 7 F.R. 3349; E. O. 9294, 8 F.R. 221)

Issued at Washington, D. C., this 17th day of August, 1945.

J. M. JOHNSON,
Director,
Office of Defense Transportation.

[F. R. Doc. 45-15332; Filed, Aug. 18, 1945; 12:41 p. m.]

[General Order ODT 11, as Amended, Revocation]

PART 501—CONSERVATION OF MOTOR EQUIPMENT

INTERCITY COMMON CARRIERS OF PASSENGERS BY BUS

Pursuant to Executive Orders 8989, as amended, and 9156, General Order ODT 11, as amended, §§ 501.45 to 501.50, inclusive, (7 F.R. 4389, 11099; 8 F.R. 12028; 10 F.R. 8938) is hereby revoked effective September 30, 1945.

(E.O. 8989, as amended, 6 F.R. 6725, 8 F.R. 14183; E.O. 9156, 7 F.R. 3349)

Issued at Washington, D. C., this 17th day of August 1945.

J. M. JOHNSON,
Director,
Office of Defense Transportation.

[F. R. Doc. 45-15329; Filed, Aug. 18 1945; 12:41 p. m.]

[Gen. Order ODT 14A, Revocation]

PART 501—CONSERVATION OF TRANSPORTATION EQUIPMENT

RACING

Pursuant to Executive Orders 8989, as amended, 9156, and 9294, General Order ODT 14A, §§ 501.60 to 501.64 (10 F.R. 203), be, and it is hereby, revoked effective August 16, 1945.

(E.O. 8989, as amended, 6 F.R. 6725, 8 F.R. 14183; E.O. 9156, 7 F.R. 3349; E.O. 9294, 8 F.R. 221)

Issued at Washington, D. C., this 16th day of August 1945.

J. M. JOHNSON,
Director,
Office of Defense Transportation.

[F. R. Doc. 45-15200; Filed, Aug. 17 1945; 3:26 p. m.]

[General Order ODT 17, as amended Partial Revocation]

PART 501—CONSERVATION OF MOTOR EQUIPMENT

MOTOR CARRIERS OF PROPERTY

Pursuant to Executive Orders 8989, as amended, and 9156, § 501.67 and paragraphs (d) and (e) of § 501.69 (Amendment 6) of General Order ODT 17, as amended, are hereby revoked effective August 16, 1945.

(E.O. 8989, as amended, 6 F.R. 6725, 8 F.R. 14183; E.O. 9156, 7 F.R. 3349; General Order ODT 17, as amended, 7 F.R. 5678, 7694, 9623; 8 F.R. 10910 12750, 14582; 9 F.R. 2795)

Issued at Washington, D. C., this 16th day of August 1945.

J. M. JOHNSON
Director,
Office of Defense Transportation.

[F. R. Doc. 45-15344; Filed, Aug 18, 1945; 12:42 p. m.]

PART 501—CONSERVATION OF MOTOR EQUIPMENT

[Gen. Order ODT 20A, as Amended, Revocation]

TAXICABS AND TAXI SERVICE

Pursuant to Executive Orders 8989, as amended, 9156, 9214, and 9294, General Order ODT 20A, as amended, §§ 501.76 to 501.89 (49 CFR, 1943 Supp., 501.78 to 501.89) (8 F.R. 9231, 9 F.R. 2749), except § 501.82 thereof, be, and it is hereby, revoked effective August 16, 1945. Section 501.82 of General Order ODT 20A is hereby revoked effective September 16, 1945.

(E.O. 8989, as amended, 6 F.R. 6725, 8 F.R. 14183; E.O. 9156, 7 F.R. 3349; E.O. 9214, 7 F.R. 6097; E.O. 9294, 8 F.R. 221)

Issued at Washington, D. C., this 16th day of August 1945.

J. M. JOHNSON,
Director,
Office of Defense Transportation.

[F. R. Doc. 45-15201; Filed, Aug. 17, 1945; 3:25 p. m.]

[Gen. Order ODT 21A, as Amended, Revocation]

PART 501—CONSERVATION OF MOTOR EQUIPMENT

CERTIFICATES OF WAR NECESSITY FOR AND CONTROL OF COMMERCIAL MOTOR VEHICLES

Pursuant to Executive Orders 8989, as amended, 9156, and 9294, General Order ODT 21A, as amended, §§ 501.90 to 501.106 (9 F.R. 12362; 10 F.R. 8143, 8868), be, and it is hereby, revoked effective August 16, 1945.

(E.O. 8989, as amended, 6 F.R. 6725, 8 F.R. 14183; E.O. 9156, 7 F.R. 3349; E.O. 9294, 8 F.R. 221)

Issued at Washington, D. C., this 16th day of August 1945.

J. M. JOHNSON,
Director,
Office of Defense Transportation.

[F. R. Doc. 45-15202; Filed, Aug. 17, 1945; 3:26 p. m.]

[Gen. Order ODT 26A, as Amended, Revocation]

PART 501—CONSERVATION OF MOTOR EQUIPMENT

RENTAL CARS

Pursuant to Executive Orders 8989, as amended, 9156, and 9214, General Order ODT 26A, as amended, §§ 501.137 to 501.148 (8 F.R. 4934, 9 F.R. 2749), is hereby revoked effective August 16, 1945.

(E.O. 8989, as amended, 6 F.R. 6725, 8 F.R. 14183; E.O. 9156, 7 F.R. 3349; E.O. 9214, 7 F.R. 6097)

Issued at Washington, D. C., this 16th day of August 1945.

J. M. JOHNSON,
Director,
Office of Defense Transportation.

[F. R. Doc. 45-15203; Filed, Aug. 17, 1945; 3:25 p. m.]

[General Order ODT 37, as Amended, Revocation]

PART 501—CONSERVATION OF MOTOR EQUIPMENT

LESS-THAN-TRUCKLOAD DELIVERIES BY PETROLEUM TANK TRUCK

Pursuant to Executive Orders 8989, as amended, and 9156, General Order ODT 37, as amended, §§ 501.340 to 501.349, inclusive (8 F.R. 5854, 12519), is hereby revoked effective August 19, 1945.

(E.O. 8989, as amended, 6 F.R. 6725, 8 F.R. 14183; E.O. 9156, 7 F.R. 3349)

Issued at Washington, D. C., this 17th day of August 1945.

J. M. JOHNSON,
Director,
Office of Defense Transportation.

[F. R. Doc. 45-15343; Filed, Aug. 18, 1945; 12:42 p. m.]

[General Order ODT 44A, Amdt. 1]

PART 501—CONSERVATION OF MOTOR EQUIPMENT

RATIONING OF NEW COMMERCIAL MOTOR VEHICLES

Pursuant to Title III of the Second War Powers Act, 1942, as amended, Executive Orders 8989, as amended, 9156, 9214, 9294, and War Production Board Directives 21 and 36, as amended, it is hereby ordered, that paragraph (b) of § 501.421 and § 501.429 of General Order ODT 44A (10 F.R. 9125), be, and they are hereby, amended to read as follows:

§ 501.421 *Application for certificate of transfer; place of filing.* (a) * * *

(b) If the applicant is not a department or agency of the United States, the application shall be submitted to the Office of Defense Transportation at the place specified below, unless the applicant is directed to submit the application at another place:

(1) An applicant located within the continental United States shall file the application with the district manager of the Office of Defense Transportation whose office is nearest the home office or principal place of business of the applicant.

(2) An applicant located in the Territory of Hawaii shall file the application with the Regional Director of the Office of Defense Transportation, Honolulu, Hawaii.

(3) An applicant located in Puerto Rico shall file the application with the Regional Director of the Division of Puerto Rican Transport, Office of Defense Transportation, San Juan, Puerto Rico.

(4) An applicant located in a territory or possession of the United States, except Alaska, other than Hawaii or Puerto Rico, shall file the application with the Highway Transport Department, Office of Defense Transportation, Washington 25, D. C.

§ 501.429 *Applicability.* The provisions of this order shall be applicable within the continental United States and the territories and possessions of the United States except Alaska.

This Amendment 1 to General Order ODT 44A shall become effective September 1, 1945.

(Title III of the Second War Powers Act, 1942, as amended, 56 Stat. 177, 50 U.S.C. App. 633, 58 Stat. 827; E.O. 8989, as amended, 6 F.R. 6725, 8 F.R. 14183; E.O. 9156, 7 F.R. 3349; E.O. 9214, 7 F.R. 6097; E.O. 9294, 8 F.R. 221; WPB Directives 21 and 36, as amended, 8 F.R. 5834, 10 F.R. 9658)

Issued at Washington, D. C., this 18th day of August 1945.

J. M. JOHNSON,
Director,
Office of Defense Transportation.

[F. R. Doc. 45-15335; Filed, Aug. 18, 1945; 12:41 p. m.]

[General Order ODT 50, Revocation]

PART 501—CONSERVATION OF MOTOR EQUIPMENT

CERTIFICATES OF WAR NECESSITY FOR WAR VETERAN OPERATORS OF PROPERTY CARRYING COMMERCIAL MOTOR VEHICLES

Pursuant to Executive Orders 8989, as amended, and 9156, General Order ODT 50, §§ 501.500 to 501.509, inclusive (10 F.R. 5465) is hereby revoked effective August 17, 1945.

(E.O. 8989, as amended, 6 F.R. 6725, 8 F.R. 14183; E.O. 9156, 7 F.R. 3349)

Issued at Washington, D. C., this 17th day of August, 1945.

J .M. JOHNSON,
Director,
Office of Defense Transportation.

[F. R. Doc. 45-15340; Filed, Aug. 18, 1945; 12:42 p. m.]

[Gen. Order ODT 54, Revocation]

PART 501—CONSERVATION OF MOTOR EQUIPMENT

MOTOR TRANSPORTATION OF RACE HORSES AND SHOW ANIMALS

Pursuant to Executive Orders 8989, as amended, and 9156, General Order ODT 54, §§ 501.520 to 501.524 (10 F.R. 8700), be, and it is hereby, revoked effective August 17, 1945.

(E.O. 8989, as amended, 6 F.R. 6725, 8 F.R. 14183; E.O. 9156, 7 F.R. 3349)

Issued at Washington, D. C., this 17th day of August 1945.

J. M. JOHNSON,
Director,
Office of Defense Transportation.

[F. R. Doc. 45-15205; Filed, Aug. 17, 1945; 3:25 p. m.]

[General Order ODT 19, Revocation]

PART 502—DIRECTION OF TRAFFIC MOVEMENT

MOVEMENT OF LIQUID CARGO IN BULK IN GREAT LAKES, INLAND WATERWAY, COASTWISE AND INTERCOASTAL SHIPPING

Pursuant to Executive Order 8989, as amended, General Order ODT No. 19, §§ 502.60 to 502.67, inclusive (7 F.R. 6499), is hereby revoked effective August 19, 1945.

(E.O. 8989, as amended, 6 F.R. 6725, 8 F.R. 14183)

Issued at Washington, D. C., this 18th day of August 1945.

J. M. JOHNSON,
Director,
Office of Defense Transportation.

[F. R. Doc. 45-15341; Filed, Aug. 18, 1945; 12:42 p. m.]

[General Order ODT 51, Revocation]

PART 502—DIRECTION OF TRAFFIC MOVEMENT

TRANSPORTATION OF GRAIN, IN BULK, BY RAIL OR BARGE TO NEW ORLEANS, LA.; PERMIT REQUIRED

Pursuant to Executive Order 8989, as amended, General Order ODT 51, §§ 502.230 to 502.234, inclusive (10 F.R. 7124) is hereby revoked effective August 17, 1945.

(E.O. 8989, as amended, 6 F.R. 6725, 8 F.R. 14183)

Issued at Washington, D. C., this 17th day of August 1945.

J. M. JOHNSON,
Director,
Office of Defense Transportation.

[F. R. Doc. 45-15337; Filed, Aug. 18, 1945; 12:42 p. m.]

PART 502—DIRECTION OF TRAFFIC MOVEMENT

PASSENGER RESERVATIONS

CROSS-REFERENCE: For an exception to the provisions of § 502.245, see Part 522, *infra.*

[Administrative Order ODT 4, Revocation]

PART 503—ADMINISTRATION

DELEGATIONS OF AUTHORITY, DIVISION OF MOTOR TRANSPORT REQUISITIONING AND DISPOSAL OF USED TRUCKS

Pursuant to Executive Order 9294 (8 F.R. 221), Administrative Order ODT 4, § 503.95 (8 F.R. 11852) is hereby revoked effective August 18, 1945.

Issued at Washington, D. C., this 18th day of August 1945.

J. M. JOHNSON,
Director,
Office of Defense Transportation.

[F. R. Doc. 45-15339; Filed, Aug. 18, 1945; 12:42 p. m.]

[Administrative Order ODT 5, Revocation]

PART 503—ADMINISTRATION

PROCEDURE FOR SUSPENSION, RECALL, CANCELLATION, OR REVOCATION OF CERTIFICATES OF WAR NECESSITY

Pursuant to Executive Orders 8989, as amended, 9156, 9214, and 9294, Administrative Order ODT 5, §§ 503.100 to 503.110, inclusive (8 F.R. 13071), is hereby revoked effective August 18, 1945.

(E.O. 8989, as amended, 6 F.R. 6725, 8 F.R. 14183; E.O. 9156, 7 F.R. 3349; E.O. 9214, 7 F.R. 6097; E.O. 9294, 8 F.R. 221)

Issued at Washington, D. C., this 18th day of August 1945.

J. M. JOHNSON,
Director,
Office of Defense Transportation.

[F. R. Doc. 45-15345; Filed, Aug. 18, 1945; 12:42 p. m.]

[Administrative Order ODT 8, as Amended, Revocation]

PART 503—ADMINISTRATION

PROCEDURE FOR REVIEW OF TERMS AND CONDITIONS OF CERTIFICATES OF WAR NECESSITY

Pursuant to Executive Orders 8989, as amended, 9156, 9214, and 9294, Administrative Order ODT 8, as amended, §§ 503.220 to 503.237, inclusive, is hereby revoked effective August 18, 1945.

(E.O. 8989, as amended, 6 F.R. 6725, 8 F.R. 14183; E.O. 9156, 7 F.R. 3349; E.O. 9214, 7 F.R. 6097; E.O. 9294, 8 F.R. 221; Administrative Order ODT 8, as amended, 8 F.R. 13073; 9 F.R. 12365, 14343; 10 F.R. 460, 8144)

Issued at Washington, D. C., this 18th day of August 1945.

J. M. JOHNSON,
Director,
Office of Defense Transportation.

[F. R. Doc. 45-15338; Filed, Aug. 18, 1945; 12:42 p. m.]

[Administrative Order ODT 9, as Amended, Revocation]

PART 503—ADMINISTRATION

MOTOR CARRIERS; RECORDS AND REPORTS

Pursuant to Executive Orders 8989, as amended, 9156, 9214, and 9294, Administrative Order ODT 9, as amended, §§ 503.250 to 503.258, inclusive, (8 F.R. 14166; 9 F.R. 948, 2304, 7456) is hereby revoked effective August 18, 1945.

(E.O. 8989, as amended, 6 F.R. 6725, 8 F.R. 14183; E.O. 9156, 7 F.R. 3349; E.O. 9214, 7 F.R. 6097; E.O. 9294, 8 F.R. 221)

Issued at Washington, D. C., this 18th day of August, 1945.

J. M. JOHNSON,
Director.
Office of Defense Transportation.

[F. R. Doc. 45-15331; Filed, Aug. 18, 1945; 12:41 p. m.]

[Administrative Order ODT 13, Revocation]

PART 503—ADMINISTRATION

DELEGATION OF AUTHORITY; DIVISION OF LOCAL TRANSPORT

Pursuant to Executive Orders 8989, as amended, 9156, 9214, and 9294, it is hereby ordered, that Administrative Order ODT 13, § 503.305 (9 F.R. 696), be, and it is hereby, revoked.

This revocation shall be effective September 1, 1945.

(E.O. 8989, as amended, 6 F.R. 6725, 8 F.R. 14183; E.O. 9156, 7 F.R. 3349; E.O. 9214, 7 F.R. 6097; E.O. 9294, 8 F.R. 221)

Issued at Washington, D. C., this 18th day of August, 1945.

J. M. JOHNSON,
Director,
Office of Defense Transportation.

[F. R. Doc. 45-15336; Filed, Aug. 18, 1945; 12:41 p. m.]

[Administrative Order ODT 15, as Amended, Revocation]

PART 503—ADMINISTRATION

EXTENSION AND INAUGURATION OF SERVICE; PROPERTY CARRYING MOTOR VEHICLES

Pursuant to Executive Orders 8989, as amended, 9156, and 9294, Administrative Order 15, as amended, §§ 503.330 to 503.340 (9 F.R. 1186, 7721, 12365; 10 F.R. 8868), is hereby revoked effective August 16, 1945.

(E.O. 8989, as amended, 6 F.R. 6725, 8 F.R. 14183; E.O. 9156, 7 F.R. 3349; E.O. 9294, 8 F.R. 221)

Issued at Washington, D. C., this 16th day of August 1945.

J. M. JOHNSON,
Director,
Office of Defense Transportation.

[F. R. Doc. 45-15199; Filed, Aug. 17, 1945; 3:25 p. m.]

[Gen. Permit ODT 24-12]

PART 520—CONSERVATION OF RAIL EQUIPMENT EXCEPTIONS, EXEMPTIONS AND PERMITS

PASSENGER TRAIN OPERATIONS

Pursuant to § 500.42 of General Order ODT 24, as amended, it is hereby authorized, that:

§ 520.611 *Certain operations authorized.* Notwithstanding the provisions of § 500.41 of General Order ODT 24, as amended, any rail carrier may operate (1) extra or special passenger trains or passenger trains which are not scheduled, or (2) extra sections of scheduled passenger trains, when by the operation of any such train passenger train equipment previously used in the transportation of troops and which otherwise would be handled in deadhead movement, is used in revenue service in the consist of such train: *Provided,* That the operation of any such train does not delay the return of such equipment to military service.

This General Permit ODT 24-12 shall become effective August 17, 1945.

(E.O. 8989, as amended, 6 F.R. 6725, 8 F.R. 14183; Gen. Order ODT 24, as amended, 7 F.R. 7814, 10484; 9 F.R. 7584)

Issued at Washington, D. C., this 17th day of August 1945.

J. M. JOHNSON,
Director,
Office of Defense Transportation.

[F. R. Doc. 45-15204; Filed, Aug. 17, 1945; 3:25 p. m.]

[Gen. Permit ODT 57-2]

PART 522—DIRECTION OF TRAFFIC MOVEMENT EXCEPTIONS, EXEMPTIONS AND PERMITS

PASSENGER RESERVATIONS

Pursuant to Title III of the Second War Powers Act, 1942, as amended, and Executive Order 8989, as amended, it is hereby authorized, that:

§ 522.7204 *Making tickets available to, and securing tickets by, travel agencies permitted under stated circumstances.* Notwithstanding the provisions of § 502.245 of General Order ODT 57, any carrier may reserve for, sell to, or make available to, any travel agency, and any travel agency may reserve, or cause to be purchased, acquire, or cause the issuance of, any ticket for use on any passenger train, when such ticket is for use by any person (a) in travel directly related to such person's business, profession, or employment, or (b) in travel arranged by or on behalf of an agency or department of the United States or any nation allied with the United States in the war, or (c) in travel from a point in the United States to a foreign country other than Canada or Mexico, or (d) in travel from a foreign country other than Canada or Mexico to a destination in the United States.

§ 522.7205 *Organized group travel on passenger trains permitted under stated circumstances.* Notwithstanding the provisions of § 502.246 of General Order ODT 57, any carrier may permit any persons engaged in organized group travel to board or travel on any passenger train and any person engaged in organized group travel may board or travel on any passenger train when the persons engaged in such group travel (a) are holding tickets which have been purchased or reserved pursuant to the provisions of § 522.7204 of this General Permit ODT 57-2, or (b) are children and their supervisors returning to their homes from summer camps where they were located on August 3, 1945.

§ 522.7206 *Definitions.* Any term used in this General Permit ODT 57-2 which is defined in General Order ODT 57 (10 F.R. 9124) shall have the meaning specified therefor in § 502.244 of General Order ODT 57.

This General Permit ODT 57-2 shall become effective August 17, 1945.

General Permit ODT 57-1 (10 F.R. 9805), is hereby revoked.

(Title III of the Second War Powers Act, 1942, as amended, 56 Stat. 177, 50 U.S.C. App. 633, 58 Stat. 827; E.O. 8989, as amended, 6 F.R. 6725, 8 F.R. 14183)

Issued at Washington, D. C., this 17th day of August 1945.

J. M. JOHNSON,
Director,
Office of Defense Transportation.

[F. R. Doc. 45-15206; Filed, Aug. 17, 1945; 3:25 p. m.]

TITLE 50—WILDLIFE

Chapter IV—Office of the Coordinator of Fisheries

[Order 1838; Amdt. 5]

PART 401—PRODUCTION OF FISHERY COMMODITIES OR PRODUCTS

COORDINATED PILCHARD PRODUCTION PLAN

Pursuant to the authority conferred by Executive Order No. 9204, dated July 21, 1942 (7 F.R. 5657), Executive Order No. 9280 dated December 5, 1942 (7 F.R. 10179), and War Food Order No. 52, dated February 8, 1943 (8 F.R. 1777), as amended March 16, 1943 (8 F.R. 3280) (formerly known as Food Directive No. 2), paragraph (k) of Order No. 1838 of the Secretary of the Interior, as amended June 6, 1945 (10 F.R. 6984), being paragraph (k) of § 401.2 of this Part 401, is hereby amended by changing the title of said paragraph to the following: "(k) *Limiting production.*"

At the end of paragraph (k) the following is added: "If, during any day, any pilchard vessel brings into port any amount of fish in excess of the tonnage set by the Area Coordinator as the limit for that vessel for that day, the Area Coordinator may, thereafter, set limits for that vessel at such reduced amounts as will, in his opinion, afford an effective remedy: *Provided,* Such immediate action shall not reduce the aggregate limits for that vessel below the general limits in the port by more than twice the excess tonnage brought in by the vessel. No hearing shall be required in advance of the imposition of reduced limits, but a hearing shall, thereafter, be held, if, within three days any interested person requests it."

Issued this 13th day of August 1945.

ABE FORTAS,
Acting Secretary of the Interior.

[F. R. Doc. 45-15346; Filed, Aug. 20, 1945; 9:52 a. m.]

Notices

TREASURY DEPARTMENT.

Fiscal Service: Bureau of the Public Debt.

[1945 Dept. Circ. 774]

⅞ PERCENT TREASURY CERTIFICATES OF INDEBTEDNESS OF SERIES G-1946

OFFERING OF CERTIFICATES

AUGUST 20, 1945.

I. *Offering of certificates.* 1. The Secretary of the Treasury, pursuant to the authority of the Second Liberty Bond Act, as amended, invites subscriptions from the people of the United States for certificates of indebtedness of the United States, designated ⅞ percent Treasury Certificates of Indebtedness of Series G-1946, in exchange for Treasury Certificates of Indebtedness of Series F-1945, maturing September 1, 1945, or Treasury Bonds of 1945-47, called for redemption on September 15, 1945. Exchanges will be made par for par in the case of the maturing certificates, and at par with an adjustment of interest as of September 15, 1945, in the case of the called bonds.

II. *Description of certificates.* 1. The certificates will be dated September 1, 1945, and will bear interest from that date at the rate of ⅞ percent per annum, payable semiannually on March 1 and September 1, 1946. They will mature September 1, 1946, and will not be subject to call for redemption prior to maturity.

2. The income derived from the certificates shall be subject to all Federal taxes, now or hereafter imposed. The certificates shall be subject to estate, inheritance, gift or other excise taxes, whether Federal or State, but shall be exempt from all taxation now or hereafter imposed on the principal or interest thereof by any State, or any of the possessions of the United States, or by any local taxing authority.

3. The certificates will be acceptable to secure deposits of public moneys. They will not be acceptable in payment of taxes.

4. Bearer certificates with interest coupons attached will be issued in denominations of $1,000, $5,000, $10,000, $100,000 and $1,000,000. The certificates will not be issued in registered form.

5. The certificates will be subject to the general regulations of the Treasury Department, now or hereafter prescribed, governing United States certificates.

III. *Subscription and Allotment.* 1. Subscriptions will be received at the Federal Reserve Banks and Branches and at the Treasury Department, Washington. Banking institutions generally may submit subscriptions for account of customers, but only the Federal Reserve Banks and the Treasury Department are authorized to act as official agencies.

2. The Secretary of the Treasury reserves the right to reject any subscription, in whole or in part, to allot less than the amount of certificates applied for, and to close the books as to any or all subscriptions at any time without notice; and any action he may take in these respects shall be final. Subject to these reservations, all subscriptions will be allotted in full. Allotment notices will be sent out promptly upon allotment.

IV. *Payment.* 1. Payment for certificates allotted hereunder must be made on or before September 1, 1945. Payment of the principal amount may be made only in Treasury Certificates of Indebtedness of Series F-1945, maturing September 1, 1945, or in Treasury Bonds of 1945-47, called for redemption on September 15, 1945, which will be accepted at par and should accompany the subscription. In the case of the called bonds in coupon form, payment of accrued interest on the new certificates from September 1, 1945, to September 15, 1945 ($0.3384 per $1,000) should be made when the subscription is tendered and in the case of registered bonds, the accrued interest will be deducted from the amount of the check which will be issued in payment of final interest on the bonds surrendered. Final interest due September 15 on bonds surrendered will be paid, in the case of coupon bonds, by payment of September 15, 1945 coupons, which should be detached by holders before presentation of the bonds, and in the case of registered bonds, by checks drawn in accordance with the assignments on the bonds surrendered.

V. *Surrender of called bonds.*—1. *Coupon bonds.*—Treasury Bonds of 1945-47 in coupon form tendered in payment for certificates offered hereunder should be presented and surrendered with the subscription to a Federal Reserve Bank or Branch or to the Treasurer of the United States, Washington, D. C. Coupons dated March 15, 1946, and all coupons bearing subsequent dates, should be attached to such bonds when surrendered, and if any such coupons are missing, the subscription must be accompanied by cash payment equal to the face amount of the missing coupons. The bonds must be delivered at the expense and risk of the holder. Facilities for transportation of bonds by registered mail insured may be arranged between incorporated banks and trust companies and the Federal Reserve Banks, and holders may take advantage of such arrangements when available, utilizing such incorporated banks and trust companies as their agents.

2. *Registered bonds.* Treasury Bonds of 1945-47 in registered form tendered in payment for certificates offered hereunder should be assigned by the registered payees or assignees thereof to "The

Secretary of the Treasury for exchange for Treasury Certificates of Indebtedness of Series G–1946 to be delivered to _____", in accordance with the general regulations of the Treasury Department governing assignments for transfer or exchange, and thereafter should be presented and surrendered with the subscription to a Federal Reserve Bank or Branch or to the Treasury Department, Division of Loans and Currency, Washington, D. C. The bonds must be delivered at the expense and risk of the holder.

VI. *General provisions.* 1. As fiscal agents of the United States, Federal Reserve Banks are authorized and requested to receive subscriptions, to make allotments on the basis and up to the amounts indicated by the Secretary of the Treasury to the Federal Reserve Banks of the respective Districts, to issue allotment notices, to receive payment for certificates allotted, to make delivery of certificates on full-paid subscriptions allotted, and they may issue interim receipts pending delivery of the definitive certificates.

2. The Secretary of the Treasury may at any time, or from time to time, prescribe supplemental or amendatory rules and regulations governing the offering, which will be communicated promptly to the Federal Reserve Banks.

[SEAL] FRED M. VINSON,
Secretary of the Treasury.

[F. R. Doc. 45–15357; Filed, Aug. 20, 1945; 10:53 a. m.]

DEPARTMENT OF THE INTERIOR.

General Land Office.

[Misc. 1852854]

CALIFORNIA

NOTICE OF FILING OF PLAT OF SURVEY

AUGUST 13, 1945.

Notice is given that the plat of extension survey of part or all of secs. 22 to 28, and 33 to 36, inclusive, T. 4 N., R. 3 W., San Bernardino meridian, will be officially filed in the district land office at Los Angeles, California, effective at 10:00 a. m. on the 63d day from the date on which this notice is signed. At the time the lands shall, subject to valid existing rights and the provisions of existing withdrawals, become subject to application, petition, location, or selection as follows:

(a) For a period of 90 days, commencing on the day and at the hour named above, the public lands affected by this notice shall be subject to (1) application under the homestead or the desert land laws, or the small tract act of June 1, 1938, 52 Stat. 609 (43 U.S.C. sec 682a), by qualified veterans of World War II, for whose service recognition is granted by the act of September 27, 1944 (Public Law 434—78th Congress), subject to the requirements of applicable law, and (2) application under any applicable public land law, based on prior existing valid settlement rights and preference rights conferred by existing laws or equitable claims subject to allowance and confirmation. Applications by such veterans shall be subject to claims of the classes described in subdivision (2).

(b) For a period of 20 days immediately prior to the beginning of such 90-day period, such veterans and persons claiming preference rights superior to those of such veterans, may present their applications, and all such applications, together with those presented at 10:00 a. m. on the first day of the 90-day period, shall be treated as simultaneously filed.

(c) Commencing at 10:00 a. m. on the 91st day after the lands become subject to application, as herein above provided, any of the lands remaining unappropriated shall become subject to such application, petition, location, or selection by the public generally as may be authorized by the public land laws.

(d) Applications by the general public may be presented during the 20-day period immediately preceding such 91st day, and all such applications, together with those presented at 10:00 a. m. on that day, shall be treated as simultaneously filed.

Veterans shall accompany their applications with certified copies of their certificates of discharge, or other satisfactory evidence of their military or naval service. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their applications by duly corroborated affidavits in support thereof, setting forth in detail all facts relevant to their claims.

Applications for these lands, which shall be filed in the district land office at Los Angeles, Calif., shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations (Circ. 324, May 22, 1914, 43 L. D. 254), and Part 296 of that title, to the extent that such regulations are applicable. Applications under the homestead laws shall be governed by the regulations contained in Subchapter I of Title 43 of the Code of Federal Regulations and applications under the desert land laws and the small tract act of June 1, 1938 shall be governed by the regulations contained in Parts 232 and 257, respectively, of that title.

All inquiries relating to these lands should be addressed to the Register, District Land Office.

FRED W. JOHNSON,
Commissioner.

[F. R. Doc. 45–15347; Filed, Aug. 20, 1945; 9:52 a. m.]

[G. L. O. 010086]

LOUISIANA

NOTICE OF FILING OF SUPPLEMENTAL PLAT

Notice is given that the supplemental plat of a part of sec. 28, T. 10 S., R. 11 E., Louisiana Meridian, Iberville Parish, Louisiana, approved April 12, 1945, will be officially filed in this office at 10:00 a. m. on September 17, 1945.

The plat shows this portion of the section as lot 8, containing 36.69 acres, and lot 9, containing 36.39 acres, a total area of 73.08 acres. Both lots are situated east of Bayou Pigeon, and are included in Swamp Land Selection List, G.L.O. 010086, filed by the State of Louisiana on October 23, 1944.

The lots are shown by the field notes of survey of the section to be swamp and overflowed within the meaning of the acts of March 2, 1849 (9 Stat. 352), and September 28, 1850 (9 Stat. 519, 43 U.S.C. sec. 982–984). Should the tracts finally be determined to be swamp and overflowed in character they must be held to have inured to the State as of the date of the grants.

Claims or rights adverse to the State, if any, may be asserted by the filing of applications within 90 days from the date of filing of the plat. Any applications adverse to the State must be accompanied by a showing that the land is non-swamp in character, in accordance with the provisions of 43 CFR 271.2 (b).

All inquiries relating to these lands should be addressed to the Commissioner, General Land Office, Washington (25), D. C.

FRED W. JOHNSON,
Commissioner.

[F. R. Doc. 45–15348; Filed, Aug. 20 1945; 9:52 a. m.]

DEPARTMENT OF AGRICULTURE.

Rural Electrification Administration.

[Administrative Order 941]

ALLOCATION OF FUNDS FOR LOANS

JULY 30, 1945.

By virtue of the authority vested in me by the provisions of section 4 of the Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said act, funds for loans for the projects and in the amounts as set forth in the following schedule:

Project designation:	Amount
Alabama 46018H1 Cullman	$100,000
Illinois 46037C1 Saline	200,000
Illinois 46048A2 Clay	100,000
Indiana 46060B1 Morgan	415,000
Kansas 46033B2 Pratt	75,000
Minnesota 46087A2 Marshall	115,000
Missouri 46018F1 Texas	184,289
Missouri 46043E1 Laclede	93,911
Missouri 46046D1 Taney	35,000
Missouri 46049D1 Howell	79,089
Montana 46002F1 Cascade	285,000
Oklahoma 46002H1 Kay	21,000
Tennessee 46019N1 Rutherford	370,000
Texas 46068D1 Cooke	380,000
Texas 46103B4 Polk	50,000

[SEAL] WILLIAM J. NEAL,
Acting Administrator.

[F. R. Doc. 45–15268; Filed, Aug. 18, 1945; 11:18 a. m.]

[Administrative Order 942]

ALLOCATION OF FUNDS FOR LOANS

AUGUST 1, 1945.

By virtue of the authority vested in me by the provisions of section 4 of the Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said act, funds for loans for the projects and in the amounts as set forth in the following schedule:

Project designation:	Amount
Colorado 46022C1 Boulder	$117,000
Florida 46033A1 Pasco	240,000
Georgia 46065D1 Irwin	174,000
Georgia 46070E1 Mitchell	110,000
Illinois 46030D1 Adams	100,000
Illinois 46033C1 Hancock	182,000
Iowa 46039E1 Benton	94,000
Kansas 46024D1 Clay	320,000
Louisiana 46019B2 Jefferson Davis	144,000
Missouri 46033C1 Butler	81,817
Missouri 46038E1 Reynolds	88,800
Oklahoma 46026F1 Harmon	135,000
Texas 46050F1 Grayson	100,000
Texas 46064F1 San Augustine	215,000
Virginia 46002D3 Craig	65,000
Virginia 46029L1 Nelson	168,000
Wyoming 46010B1 Platte	100,000

[SEAL] WILLIAM J. NEAL,
Acting Administrator.

[F. R. Doc. 45–15269; Filed, Aug. 18, 1945; 11:18 a. m.]

[Administrative Order 943]

ALLOCATION OF FUNDS FOR LOANS

AUGUST 1, 1945.

By virtue of the authority vested in me by the provisions of section 5 of the Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said act, funds for a loan for the project and in the amount as set forth in the following schedule:

Project designation:	Amount
Texas 46054S8 Wood	$15,000

[SEAL] WILLIAM J. NEAL,
Acting Administrator.

[F. R. Doc. 45–15270; Filed, Aug. 18, 1945; 11:18 a. m.]

[Administrative Order 944]

ALLOCATION OF FUNDS FOR LOANS

AUGUST 3, 1945.

By virtue of the authority vested in me by the provisions of section 4 of the Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said act, funds for loans for the projects and in the amounts as set forth in the following schedule:

Project designation:	Amount
Delaware 46002E1 Sussex	$163,000
Georgia 46020F1 Troup	85,000
Illinois 46040C1 Macoupin	225,000
Indiana 46026C1 Daviess	210,000
Michigan 46042B1 Mason	65,000
Missouri 46054C1 Crawford	139,999
North Carolina 46059D1 Beaufort	155,000
Virginia 46028D4 Lancaster	10,000

[SEAL] CLAUDE R. WICKARD,
Administrator.

[F. R. Doc. 45–15271; Filed, Aug. 18, 1945; 11:18 a. m.]

[Administrative Order 945]

ALLOCATION OF FUNDS FOR LOANS

AUGUST 3, 1945.

By virtue of the authority vested in me by the provisions of section 5 of the Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said act, funds for a loan for the project and in the amount as set forth in the following schedule:

Project designation:	Amount
Missouri 46003S3 Mt. Vernon	$7,000

[SEAL] CLAUDE R. WICKARD,
Administrator.

[F. R. Doc. 45–15272; Filed, Aug. 18, 1945; 11:18 a. m.]

[Administrative Order 946]

ALLOCATION OF FUNDS FOR LOANS

AUGUST 7, 1945.

By virtue of the authority vested in me by the provisions of section 4 of the Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said act, funds for loans for the projects and in the amounts as set forth in the following schedule:

Project designation:	Amount
Alabama 46036D1 De Kalb	$350,000
Florida 46026B2 Madison	50,000
Indiana 46011D1 Warren	60,000
Iowa 46059D1 Woodbury	110,000
Louisiana 46020C2 Concordia	80,000
New Mexico 46012B1 Otero	125,000
North Dakota 46008D2 Benson	190,000
Oklahoma 46001H1 Kingfisher	300,000
South Carolina 46021C1 Lancaster	432,000
South Carolina 46031B1 Horry	234,000
Tennessee 46020H1 Gibson	690,000
Tennessee 46035B1 Marion	570,000
Texas 46023D1 McCulloch	70,500
Texas 46054D4 Wood	50,000

[SEAL] CLAUDE R. WICKARD,
Administrator.

[F. R. Doc. 45–15273; Filed, Aug. 18, 1945; 11:18 a. m.]

CIVIL AERONAUTICS BOARD.

[Docket No. 1896]

PAGE AIRWAYS, INC.

NOTICE OF HEARING

In the matter of the Board's investigation of certain activities of Page Airways, Inc.

Notice is hereby given pursuant to the Civil Aeronautics Act of 1938, as amended, particularly sections 401 and 1001 of said act, that a hearing in the above-entitled proceeding is assigned to be held on August 20, 1945, at 10 a. m. (eastern war time), in Conference Room C, Departmental Auditorium, 14th Street and Constitution Avenue, N. W., Washington, D. C., before Examiner William F. Cusick.

Dated at Washington, D. C., August 17, 1945.

By the Civil Aeronautics Board.

CHARLES P. SOPER,
Acting Secretary.

[F. R. Doc. 45–15255; Filed, Aug. 18, 1945; 10:48 a. m.]

[Docket No. SA–105]

AIRCRAFT ACCIDENT AT FORT DE FRANCE, MARTINIQUE

NOTICE OF HEARING

In the matter of investigation of accident involving aircraft of United States Registry NC 15066, which occurred at Fort De France, Martinique, on August 3, 1945.

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, particularly section 702 of said act, in the above-entitled proceeding, that hearing is hereby assigned to be held on Wednesday, August 22, 1945, at 9:00 a. m. (ewt) in Room 326, Federal Building, Miami, Florida.

Dated at Washington, D. C., August 17, 1945.

WILLIAM K. ANDREWS,
Presiding Officer.

[F. R. Doc. 45–15358; Filed, Aug. 20, 1945; 11:00 a. m.]

INTERSTATE COMMERCE COMMISSION.

[2d Rev. S. O. 300, Amended Special Permit 32]

ICING OF POTATOES AT NEW YORK CITY AND GARDENVILLE, N. Y.

Pursuant to the authority vested in me by paragraph (e) of the first ordering paragraph of Second Revised Service Order No. 300 (10 F.R. 6802), permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard the provisions of Second Revised Service Order No. 300 insofar as it applies to the furnishing of initial icing on not to exceed thirty five (35) carloads of potatoes at 60th Street, New York, N. Y., (by the N.Y.C. RR), and one reicing in transit only at Gardenville (Buffalo) N. Y., (by the N.Y.C. RR), shipped from points on the Long Island Railroad, August 20 to 25, 1945, inclusive, consigned to Quarter Master Market Center, New Orleans, Louisiana, for export, routed LI-NYC to Cincinnati, Ohio-Sou. Ry.

The waybills shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 13th day of August 1945.

V. C. CLINGER,
Director,
Bureau of Service.

[F. R. Doc. 45–15264; Filed, Aug. 18, 1945; 11:16 a. m.]

[2d Rev. S. O. 300, Special Permit 36]

REFRIGERATION ON PFE FREIGHT CAR FROM HIGHTSTOWN, N. J.

Pursuant to the authority vested in me by paragraph (e) of the first ordering paragraph of Second Revised Service Order No. 300 (10 F.R. 6802), permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard the provisions of Second Revised Service Order No. 300 insofar as it applies to the furnishing of Standard refrigeration on PFE 71829 consigned to N. Geraci, Inc., Tampa, Florida, by F. H. Vahlsing from Hightstown, New Jersey, August 10 routed PRR-RF&P-Seaboard.

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 10th day of August 1945.

V. C. CLINGER,
Director,
Bureau of Service.

[F. R. Doc. 45-15265; Filed, Aug. 18, 1945; 11:16 a. m.]

[2d Rev. S. O. 300, Special Permit 38]

ICING OF POTATOES FROM HOWELL, N. J.

Pursuant to the authority vested in me by paragraph (e) of the first ordering paragraph of Second Revised Service Order No. 300 (10 F.R. 6802), permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard the provisions of Second Revised Service Order No. 300 insofar as it applies to the furnishing of initial icing and one reicing in transit only on car BREX 74849, potatoes, shipped August 13, 1945, by F. H. Vahlsing, Inc., from Howell, N. J., consigned to Jos. Papania & Company, Lexington, Kentucky. (PRR-L&N).

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 13th day of August 1945.

V. C. CLINGER,
Director,
Bureau of Service.

[F. R. Doc. 45-15266; Filed, August 18, 1945; 11:16 a. m.]

[S. O. 351]

UNLOADING OF PORCH SWINGS AT MONTEZUMA, GA.

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 18th day of August, A. D. 1945.

It appearing, that car SP 81694, containing porch swings at Montezuma, Georgia, on the Central of Georgia Railway Company (M. P. Callaway, Trustee), has been on hand for an unreasonable length of time and that the delay in unloading said car is impeding its use; in the opinion of the Commission an emergency exists requiring immediate action; it is ordered, that:

Porch swings at Montezuma, Georgia, be unloaded. (a) The Central of Georgia Railway Company (M. P. Callaway, Trustee), its agents or employees shall unload forthwith car SP 81694, containing porch swings on hand at Montezuma, Georgia, consigned to Polk Industries.

(b) Said carrier shall notify the Director of the Bureau of Service, Interstate Commerce Commission, Washington, D. C., when such carload has been completely unloaded in compliance with the requirements of paragraph (a). Upon the unloading and receipt of such notice this order shall expire. (40 Stat. 101, sec 402, 41 Stat. 476, sec. 4, 54 Stat. 901, 911; 49 U. S. C. 1 (10)–(17), 15 (2))

It is further ordered, that this order shall become effective immediately, and that a copy of this order and direction shall be served upon the Central of Georgia Railway Company (M. P. Callaway, Trustee), and upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission, at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

By the Commission, Division 3.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 45-15364; Filed, Aug. 20, 1945; 11:17 a. m.]

OFFICE OF DEFENSE TRANSPORTATION.

[Notice and Order of Termination 24]

M. K. & C. TRUCK LINES

POSSESSION, CONTROL AND OPERATION OF MOTOR CARRIERS

Pursuant to Executive Order 9462 (9 F.R. 10071), I hereby determine that possession and control of the motor carrier transportation system of M. K. & C. Truck Lines by the United States is no longer necessary for the successful prosecution of the war, and it is hereby ordered, that:

1. *Termination of possession and control.* Possession and control by the United States of the motor carrier transportation system of M. K. & C. Truck Lines, 1401 Independence Avenue, Kansas City, Missouri, including all real and personal property and other assets of said motor carrier, taken and assumed pursuant to Executive Order 9462 and the Notice and Order of the Director of the Office of Defense Transportation issued August 11, 1944, is hereby terminated and relinquished as of 12:01 o'clock a. m., August 20, 1945. No further action shall be required to effect the termination of Government control and relinquishment of possession hereby ordered.

2. *Communications.* Communications concerning this order should be addressed to the Office of Defense Transportation, Washington 25, D. C., and should refer to "Notice and Order of Termination No. 24."

Issued at Washington, D. C., this 16th day of August 1945.

J. M. JOHNSON,
Director,
Office of Defense Transportation.

[F. R. Doc. 45-15207; Filed, Aug. 17, 1945; 3:26 p. m.]

OFFICE OF PRICE ADMINISTRATION.

[RMPR 528, Order 57]

THE GOODYEAR TIRE AND RUBBER CO.

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to section 16 (d) of Revised Maximum Price Regulation 528, *It is ordered:*

(a) The maximum retail price for a new 8.25–16 passenger car Life Guard tube manufactured by The Goodyear Tire & Rubber Company, Inc., Akron, Ohio, shall be $15.55, each.

(b) All provisions of Revised Maximum Price Regulation 528 not inconsistent with this order shall apply to sales covered by this order.

(c) This order may be revoked or amended by the Office of Price Administration at any time.

This order shall become effective August 18, 1945.

Issued this 17th day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-15298; Filed, Aug. 18, 1945; 12:00 m.]

[MPR 136, Order 488]

ACE DRILL CORP.

AUTHORIZATION OF MAXIMUM PRICES

Order No. 488 under Revised Maximum Price Regulation 136; machines, parts and industrial equipment; Ace Drill Corporation, Docket No. 6083–136.25a–276.

For the reasons set forth in an opinion, issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to section 25 of Revised Maximum Price Regulation 136, *It is ordered:*

(a) The minimum discounts for sales of drills by Ace Drill Corporation, Detroit, Michigan, shall be determined as follows:

(1) All sales that were made at discounts of 40–20–10% shall now be sold at discounts of 40–20–9%.

(2) All sales that were made at discounts 50–20–5–10% shall now be sold at 50–20–5–9%.

(3) All sales that were made at discounts 60–10% shall now be sold at 60–9%.

(b) The maximum prices for sales of drills by resellers shall be determined as follows: The reseller shall add to the maximum net price he had in effect to a purchaser of the same class, just prior to the issuances of this order, the amount, in dollars-and-cents, by which his net invoiced cost has been increased due to the adjustment granted the manufacturer by this order.

(c) Ace Drill Corporation shall notify each person who buys drills for resale of the dollar-and-cents amounts by which this order permits the reseller to increase his maximum net prices. A copy of each such notice shall be filed with the Machinery Branch, Office of Price Administration, Washington 25, D. C.

(d) All requests not granted herein are denied.

(e) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective August 17, 1945.

Issued this 16th day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-15172; Filed, Aug. 17, 1945; 11:23 a. m.]

[MPR 188, Order 116 under 2d Rev. Order A-3]

WOLF RANGE & MFG. CO.

ADJUSTMENT OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to Second Revised Order A-3 under § 1499.159b of Maximum Price Regulation No. 188, it is ordered:

(a) *Manufacturers maximum prices.* Wolf Range & Mfg. Co., 2116 E. Olympic Boulevard, Los Angeles 21, California, may adjust its maximum prices for all sales and deliveries to dealers and jobbers of the line of heavy duty gas burning commercial cooking equipment described in its application which it manufactures, by increasing each maximum price by 5.8 percent. In the case of sales to purchasers for resale this adjustment charge may be made and collected only if it is separately stated on each invoice. The adjusted maximum prices are subject to the manufacturer's customary terms, discounts, allowances, and other price differentials in effect during March 1942 on sales to each class of purchaser.

(b) *Maximum prices of purchasers for resale.* Purchasers for resale shall determine their adjusted maximum prices for resales of the line of heavy duty gas burning commercial cooking equipment manufactured by the Wolf Range & Mfg. Co., by adding to their maximum prices as established under the General Maximum Price Regulation, the dollar-and-cents amount of the adjustment charge on each article which the manufacturer separately states and collects from him in accordance with the terms of this order: *Provided, however,* That in those cases where the regulation requires the maximum price to be computed on the basis of cost, the amount used as the cost may be no greater than the manufacturer's maximum price in effect prior to the issuance of this order. Each reseller's maximum prices adjusted under this order are subject to the seller's customary terms, discounts, allowances and other price differentials in effect on sales of the same or similar articles.

(c) *Notification.* At the time of or prior to the first invoice after the effective date of this order covering sales of any of the stoves listed above at a price adjusted as permitted by this order, the manufacturer shall notify each purchaser for resale in writing of the method of adjusting maximum prices established for resales by paragraph (b) of this order.

(d) *Profit and loss statement.* After the effective date of this order, Wolf Range & Mfg. Co. shall submit to the Office of Price Administration, Washington, D. C., a detailed quarterly profit and loss statement within 30 days after the close of each quarter.

(e) This order may be revoked or amended by the Price Administrator at any time.

(f) This order shall become effective on the 17th day of August 1945.

Issued this 16th day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-15151; Filed, Aug. 17, 1945; 11:26 a. m.]

[MPR 188, Corr. to Order 4193]

TRANK BROS.

APPROVAL OF MAXIMUM PRICES

Order No. 4193 under § 1499.158 of Maximum Price Regulation No. 188 is corrected by changing the firm name from Frank Brothers to Trank Brothers.

This correction shall become effective on the 16th day of August 1945.

Issued this 16th day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-15139; Filed, Aug. 17, 1945; 11:23 a. m.]

[MPR 188, Rev. Order 3829]

ZIP-HONE CO.

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.158 of Maximum Price Regulation No. 188, *It is ordered:*

(a) This order establishes maximum prices for sales and deliveries of certain articles manufactured by the Zip-Hone Company, Post Office Box 767, San Jose, California.

(1) For all sales and deliveries to the following classes of purchasers by the sellers indicated below, the maximum prices are those set forth below:

Article	Model No.	Maximum prices for sales by any seller to—			
		Wholesalers (jobbers)	Chain and department and syndicate stores	Other retailers	Consumers
Zip-Hone-Kit	None	*Each* $0.68	*Each* $0.84	*Each* $0.93	*Each* $1.39

These maximum prices are for the articles described in the manufacturer's application dated April 2, 1945.

(2) For sales by the manufacturer, the maximum prices apply to all sales and deliveries since Maximum Price Regulation No. 188 became applicable to those sales and deliveries. These prices are f. o. b. factory and subject to a cash discount of 2% for payment within 10 days, net 30 days.

(3) For sales by persons other than the manufacturer, the maximum prices apply to all sales and deliveries after the effective date of this order. Those prices are subject to each seller's customary terms and conditions of sale on sales of similar articles.

(4) If the manufacturer wishes to make sales and deliveries to any other class of purchaser or on other terms and conditions of sale, he must apply to the Office of Price Administration, Washington, D. C., under the Fourth Pricing Method, § 1499.158 of Maximum Price Regulation No. 188, for the establishment of maximum prices for those sales, and no sales or deliveries may be made until maximum prices have been authorized by the Office of Price Administration.

(b) The manufacturer shall attach a tag or label to every article for which a maximum price for sales to consumers is established by this order. That tag or label shall contain the following statement with the retail prices properly filled in:

OPA Retail Ceiling Price—$------
Do Not Detach or Obliterate

(c) At the time of, or prior to, the first invoice to each purchaser for resale, the seller shall notify the purchaser in writing of the maximum prices and conditions established by this order for sales

by the purchaser. This notice may be given in any convenient form.

(d) This order may be revoked or amended by the Price Administrator at any time.

(e) This order shall become effective on the 16th day of August 1945.

Issued this 15th day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-15128; Filed, Aug. 17, 1945; 11:18 a. m.]

[MPR 188, Order 4259]

O. EIDINGER MFG. CO.

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.158 of Maximum Price Regulation No. 188, *It is ordered:*

(a) This order establishes maximum prices for sales and deliveries of certain articles manufactured by O. Eidinger Manufacturing Company of 942 West Lake Street, Chicago 7, Ill.

(1) For all sales and deliveries to the following classes of purchasers by the sellers indicated below, the maximum prices are those set forth below:

Article	Model No.	Maximum prices for sales by any seller to—			
		Wholesalers who ship from their own stock	Wholesalers who ship from factory stock	Retailers	Consumers
		Each	*Each*	*Each*	*Each*
Clothes hamper:					
19½" x 9½" x 26½"	OE 10	$3.015	$3.20	$3.77	$6.28
22½" x 12½" x 26½"	OE 20	3.525	3.75	4.41	7.35
19½" x 9½" x 18"	OE 30	2.765	2.94	3.46	5.76
22½" x 12½" x 18"	OE 40	3.285	3.48	4.10	6.81

These maximum prices are for the articles described in the manufacturer's application dated June 5, 1945.

(2) For sales by the manufacturer, the maximum prices apply to all sales and deliveries since Maximum Price Regulation No. 188 became applicable to those sales and deliveries. These prices are for the articles described in your application. They are f. o. b. factory and subject to a cash discount of 2% for payment within 10 days, net 30 days.

(3) For sales by persons other than the manufacturer, the maximum prices apply to all sales and deliveries after the effective date of this order. These prices are subject to each seller's customary terms and conditions of sale on sales of similar articles.

(4) If the manufacturer wishes to make sales and deliveries to any other class of purchaser or on other terms and conditions of sale, he must apply to the Office of Price Administration, Washington, D. C., under the Fourth Pricing Method, § 1499.158 of Maximum Price Regulation No. 188, for the establishment of maximum prices for those sales, and no sales or deliveries may be made until maximum prices have been authorized by the Office of Price Administration.

(b) The manufacturer shall attach a tag or label to every article for which a maximum price for sales to consumers is established by this order. That tag or label shall contain the following statement with the model number and retail prices properly filled in:

Model No._____
OPA Retail Ceiling Price—$_____
Do Not Detach or Obliterate

(c) At the time of, or prior to, the first invoice to each purchaser for resale, the seller shall notify the purchaser in writing of the maximum prices and conditions established by this order for sales by the purchaser. This notice may be given in any convenient form.

(d) This order may be revoked or amended by the Price Administrator at any time.

(3) This order shall become effective on the 16th day of August 1945.

Issued this 15th day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-15140; Filed, Aug. 17, 1945; 11:17 a. m.]

[MPR 188, Order 4260]

KREBS MFG. CO.

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.158 of Maximum Price Regulation No. 188, *It is ordered:*

(a) This order establishes maximum prices for sales and deliveries of certain articles manufactured by Krebs Manufacturing Company of 971 Sells Avenue, Columbus 8, Ohio.

(1) For all sales and deliveries to the following classes of purchasers by the sellers indicated below, the maximum prices are those set forth below:

Article	Model	Maximum prices for sales by any seller to—				
		Wholesalers (jobbers)	Dropship jobbers	Retailers (6 units or more)	Retailers (less than 6 units)	Consumers
		Each	*Each*	*Each*	*Each*	*Each*
Charcoal broiler, shaft driven, 18" x 20"	B	$23.37	$23.78	$27.62	$29.74	$41.62
Charcoal broiler, chain driven	A	23.37	23.78	27.62	29.74	41.62

These maximum prices are for the articles described in the manufacturer's application dated June 18, 1945. These prices include the Federal Excise Tax.

(2) For sales by the manufacturer, the maximum prices apply to all sales and deliveries since Maximum Price Regulation No. 188 became applicable to those sales and deliveries. These prices are for the articles described in your application. They are f. o. b. factory and subject to a cash discount of 2% for payment within 10 days, net 30 days.

(3) For sales by persons other than the manufacturer, the maximum prices apply to all sales and deliveries after the effective date of this order. These prices are subject to each seller's customary terms and conditions of sale on sales of similar articles.

(4) If the manufacturer wishes to make sales and deliveries to any other class of purchaser or on other terms and conditions of sale, he must apply to the Office of Price Administration, Washington, D. C., under the Fourth Pricing Method, § 1499.158 of Maximum Price Regulation No. 188, for the establishment of maximum prices for those sales, and no sales or deliveries may be made until maximum prices have been authorized by the Office of Price Administration.

(b) The manufacturer shall attach a tag or label to every article for which a maximum price for sales to consumers is established by this order. That tag or label shall contain either of the following statements with the correct Order Number filled in:

Order No. 4260
Model No._____
OPA Retail Ceiling Price—$_____
Federal Excise Tax Included
Do Not Detach or Obliterate
or
Krebs Manufacturing Company
971 Sells Avenue
Columbus 8, Ohio
Order No. 4260
OPA Retail Ceiling Price—$_____
Do Not Detach or Obliterate

(c) At the time of, or prior to, the first invoice to each purchaser for resale, the seller shall notify the purchaser in writing of the maximum prices and conditions established by this order for sales by the purchaser. This notice may be given in any convenient form.

(d) This order may be revoked or amended by the Price Administrator at any time.

(e) This order shall become effective on the 16th day of August 1945.

Issued this 15th day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-15141; Filed, Aug. 17, 1945; 11:18 a. m.]

[MPR 188, Order 4261]

PRESCOTT PAINT CO., INC.

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith; *It is ordered:*

(a) The maximum prices for sales of Show Card Color Process Extender, an extender used in water paints, manufactured by Prescott Paint Company, Inc., 445 West 31st Street, New York, N. Y., shall be:

	Per gallon	*Per quart*
Sales at retail	$3.00	$1.00
To dealers f. o. b. factory	1.80	.60
To distributors or jobbers f. o. b. factory	1.44	.48

Terms applicable to the above prices are 2% 10 days—net 30 days.

(b) No extra charge may be made for containers.

(c) With or prior to the first delivery of Show Card Color Process Extender on and after the effective date of this order to a distributor or jobber or to a dealer, Prescott Paint Company, Inc., or any other seller shall furnish such distributor or jobber or such dealer with a written notice containing the schedule of maximum prices set out in paragraph (a) above, a statement that they have been approved by the Office of Price Administration, and in the case of a delivery to a distributor or jobber, also a statement that with or prior to the distributor's or jobber's first delivery on and after the effective date of this order to a dealer, such distributor or jobber is required by the Office of Price Administration to furnish such dealer with a written notice containing the schedule of maximum prices set out in paragraph (a) above and a statement that they have been approved by the Office of Price Administration.

(d) Prior to making any delivery of Show Card Color Process Extender on and after the effective date of this order, Prescott Paint Company, Inc. shall mark or cause to be marked on each size of container, whichever of the following legends is applicable:

One gallon container "Retail ceiling price $3.00."

One quart container "Retail ceiling price $1.00."

(e) This order may be revoked or amended by the Administrator at any time.

This order shall become effective August 17, 1945.

Issued this 16th day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-15142; Filed, Aug. 17, 1945; 11:23 a. m.]

[MPR 188, Order 4262]

BEAULLIEU & CO.

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.158 of Maximum Price Regulation No. 188; *It is ordered:*

(a) This order establishes maximum prices for sales and deliveries of certain articles manufactured by Beaullieu & Company, of 913 Boulevard Street, N. W., Atlanta, Ga.

(1) For all sales and deliveries to the following classes of purchasers by the sellers indicated below, the maximum prices are those set forth below:

Article	Model No.	Maximum prices for sales by any seller to—				
		Wholesalers (jobbers)	Dropship	Chain and department stores	Other retailers	Consumers
		Each	*Each*	*Each*	*Each*	*Each*
Cookie sheet, aluminum, 15½" x 10½"	None	$0.48	$0.48	$0.57	$0.63	$0.95

These maximum prices are for the articles described in the manufacturer's application dated June 14, 1945.

(2) For sales by the manufacturer, the maximum prices apply to all sales and deliveries since Maximum Price Regulation No. 188 became applicable to those sales and deliveries. They are f. o. b. factory and subject to a cash discount of 2% for payment within 10 days, net 30 days.

(3) For sales by persons other than the manufacturer, the maximum prices apply to all sales and deliveries after the effective date of this order. Those prices are subject to each seller's customary terms and conditions of sale on sales of similar articles.

(4) If the manufacturer wishes to make sales and deliveries to any other class of purchaser or on other terms and conditions of sale, he must apply to the Office of Price Administration, Washington, D. C., under the Fourth Pricing Method, § 1499.158 of Maximum Price Regulation No. 188, for the establishment of maximum prices for those sales, and no sales or deliveries may be made until maximum prices have been authorized by the Office of Price Administration.

(b) The manufacturer shall attach a tag or label to every article for which a maximum price for sales to consumers is established by this order. That tag or label shall contain either of the following statements:

OPA Retail Ceiling Price—$0.95 each
Do Not Detach

(c) At the time of, or prior to, the first invoice to each purchaser for resale, the seller shall notify the purchaser in writing of the maximum prices and conditions established by this order for sales by the purchaser. This notice may be given in any convenient form.

(d) This order may be revoked or amended by the Price Administrator at any time.

(e) This order shall become effective on the 16th day of August 1945.

Issued this 15th day of August 1945.

CHESTER BOWLES,
Administrator.

[P. R. Doc. 45-15143; Filed, Aug. 17, 1945; 11:18 a. m.]

[MPR 188, Order 4263]

PURPOSE TOOL AND MFG. CO.

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.158 of Maximum Price Regulation No. 188, *It is ordered:*

(a) This order establishes maximum prices for sales and deliveries of certain articles manufactured by Purpose Tool and Manufacturing Company, of 5155 Loraine Avenue, Detroit 8, Michigan.

(1) For all sales and deliveries to the following classes of purchasers by the sellers indicated below, the maximum prices are those set forth below:

Article	Model No.	Maximum prices for sales by any seller to—			
		Wholesalers (stocking jobber)	Dropship jobber	Retailer	Consumer
		Each	*Each*	*Each*	*Each*
Automobile tire pump	P-75-1	$0.93	$1.10	$1.30	$1.95

These maximum prices are for the articles described in the manufacturer's application dated June 14, 1945.

(2) For sales by the manufacturer, the maximum prices apply to all sales and deliveries since Maximum Price Regulation No. 188 became applicable to those sales and deliveries. These prices are f. o. b. factory, and subject to a cash discount of 2% for payment within 10 days, net 30 days.

(3) For sales by persons other than the manufacturer, the maximum prices apply to all sales and deliveries after the effective date of this order. Those prices are subject to each seller's customary terms and conditions of sale on sales of similar articles.

(4) If the manufacturer wishes to make sales and deliveries to any other class of purchaser or on other terms and conditions of sale, he must apply to the Office of Price Administration, Washington, D. C., under the Fourth Pricing Method, § 1499.158 of Maximum Price Regulation No. 188, for the establishment of maximum prices for those sales, and no sales or deliveries may be made until maximum prices have been authorized by the Office of Price Administration.

(b) The manufacturer shall attach a tag or label to every article for which a maximum price for sales to consumers is established by this order. That tag or label shall contain the following statement

OPA Retail Ceiling Price—$1.86
Do Not Remove or Obliterate

(c) At the time of, or prior to, the first invoice to each purchaser for resale, the seller shall notify the purchaser in writing of the maximum prices and conditions established by this order for sales by the purchaser. This notice may be given in any convenient form.

(d) This order may be revoked or amended by the Price Administrator at any time.

(e) This order shall become effective on the 17th day of August 1945.

Issued this 16th day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-15144; Filed, Aug. 17, 1945; 11:23 a. m.]

[MPR 188, Order 4264]

GEE VEE PRODUCTS CO.

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed

with the Division of the Federal Register, and pursuant to § 1499.158 of Maximum Price Regulation No. 188, *It is ordered:*

(a) This order establishes maximum prices for sales and deliveries of certain articles manufactured by Gee Vee Products Company, 179 Wooster Street, New York, N. Y.

(1) For all sales and deliveries to the following classes of purchasers by the sellers indicated below, the maximum prices are those set forth below:

Article	Model No.	For sales by the manufacturer to—		For sales by any person to consumers
		Jobbers	Retailers	
8" celanese taffeta vanity lamp shade with ruffle trim	401	*Each* $0.85	*Each* $1.00	*Each* $1.80

These maximum prices are for the articles described in the manufacturer's application dated March 12, 1945.

(2) For sales by the manufacturer, the maximum prices apply to all sales and deliveries since Maximum Price Regulation No. 188 became applicable to those sales and deliveries. For sales to persons other than consumers they are f. o. b. factory, 2% 10 days, net 30. The maximum price to consumers is net, delivered.

(3) For sales by persons other than the manufacturer, the maximum prices apply to all sales and deliveries after the effective date of this order. Those prices are subject to each seller's customary terms and conditions of sale on sales of similar articles.

(4) If the manufacturer wishes to make sales and deliveries to any other class of purchaser or on other terms and conditions of sale, he must apply to the Office of Price Administration, Washington, D. C., under the Fourth Pricing Method, § 1499.158 of Maximum Price Regulation No. 188, for the establishment of maximum prices for those sales, and no sales or deliveries may be made until maximum prices have been authorized by the Office of Price Administration.

(b) The manufacturer shall attach a tag or label to every article for which a maximum price for sales to consumers is established by this order. That tag or label shall contain the following statement, with the proper model number and the ceiling price inserted in the blank spaces:

Model No. ------
OPA Retail Ceiling Price—$------
Do Not Detach

(c) At the time of, or prior to, the first invoice to each purchaser for resale, the seller shall notify the purchaser in writing of the maximum prices and conditions established by this order for sales by the purchaser. This notice may be given in any convenient form.

(d) Jobber's maximum prices for sales of the articles covered by this order shall be established under the provisions of section 4.5 of SR 14J.

(e) This order may be revoked or amended by the Price Administrator at any time.

(f) This order shall become effective on the 17th day of August 1945.

Issued this 16th day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-15145; Filed, Aug. 17, 1945; 11:24 a. m.]

[MPR 188, Order 4265]

MELROSE LAMP & SHADE CO., INC.

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.158 of Maximum Price Regulation No. 188; *It is ordered:*

(a) This order establishes maximum prices for sales and deliveries of certain articles manufactured by Melrose Lamp & Shade Co., Inc., 864 Melrose Avenue, Bronx, N. Y.

(1) For all sales and deliveries to the following classes of purchasers by the sellers indicated below, the maximum prices are those set forth below:

Article	Model No.	For sales by the manufacturer to—		For sales by any person to consumers
		Jobbers	Retailers	
15" hand made rayon silk lamp shade with braid trim top and bottom	1501	*Each* $2.67	*Each* $3.14	*Each* $5.65
15" hand made rayon silk lamp shade with ruching trim	1502	3.19	3.75	6.75

These maximum prices are for the articles described in the manufacturer's application dated May 29, 1945.

(2) For sales by the manufacturer, the maximum prices apply to all sales and deliveries since Maximum Price Regulation No. 188 became applicable to those sales and deliveries. For sales to persons other than consumers they are f. o. b. factory, 2% 10 days, net 30. The maximum price to consumers is net, delivered.

(3) For sales by persons other than the manufacturer, the maximum prices apply to all sales and deliveries after the effective date of this order. Those prices are subject to each seller's customary terms and conditions of sale on sales of similar articles.

(4) If the manufacturer wishes to make sales and deliveries to any other class of purchaser or on other terms and conditions of sale, he must apply to the Office of Price Administration, Washington, D. C., under the Fourth Pricing Method, § 1499.158 of Maximum Price Regulation No. 188, for the establishment of maximum prices for those sales, and no sales or deliveries may be made until maximum prices have been authorized by the Office of Price Administration.

(b) The manufacturer shall attach a tag or label to every article for which a maximum price for sales to consumers is established by this order. That tag or label shall contain the following statement, with the proper model number and the ceiling price inserted in the blank spaces:

Model No. ------
OPA Retail Ceiling Price—$------
Do Not Detach

(c) At the time of, or prior to, the first invoice to each purchaser for resale, the seller shall notify the purchaser in writing of the maximum prices and conditions established by this order for sales by the purchaser. This notice may be given in any convenient form.

(d) Jobber's maximum prices for sales of the articles covered by this order shall be established under the provisions of section 4.5 of SR 14J.

(e) This order may be revoked or amended by the Price Administrator at any time.

(f) This order shall become effective on the 17th day of August 1945.

Issued this 16th day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-15146; Filed, Aug. 17, 1945; 11:24 a. m.]

[MPR 188, Order 4266]

CONCORD LAMP CO., INC.

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.158 of Maximum Price Regulation No. 188, *It is ordered:*

(a) This order establishes maximum prices for sales and deliveries of certain articles manufactured by Concord Lamp Co., Inc., 6 West 18th Street, New York, N. Y.

(1) For all sales and deliveries to the following classes of purchasers by the sellers indicated below, the maximum prices are those set forth below:

Article	Model No.	For sales by the manufacturer to—		For sales by any person to consumers
		Jobbers	Retailers	
16" Monks cloth over paper parchment lamp shade	500	*Each* $1.06	*Each* $1.25	*Each* $2.25
16" Antiqued paper parchment lamp shade	501	.55	.65	1.20

These maximum prices are for the articles described in the manufacturer's application dated April 14, 1945.

(2) For sales by the manufacturer, the maximum prices apply to all sales and deliveries since Maximum Price Regulation No. 188 became applicable to those sales and deliveries. For sales to persons other than consumers they are f. o. b. factory, 2% 10 days, net 30. The maximum price to consumers is net, delivered.

(3) For sales by persons other than the manufacturer, the maximum prices apply to all sales and deliveries after the effective date of this order. Those prices are subject to each seller's customary terms and conditions of sale on sales of similar articles.

(4) If the manufacturer wishes to make sales and deliveries to any other class of purchaser or on other terms and conditions of sale, he must apply to the Office of Price Administration, Washington, D. C., under the Fourth Pricing Method, § 1499.158 of Maximum Price Regulation No. 188, for the establishment of maximum prices for those sales, and no sales or deliveries may be made until maximum prices have been authorized by the Office of Price Administration.

(b) The manufacturer shall attach a tag or label to every article for which a maximum price for sales to consumers is established by this order. That tag or label shall contain the following statement, with the proper model number and the ceiling price inserted in the blank spaces:

Model No. ------
OPA Retail Ceiling Price—$------
Do Not Detach

(c) At the time of, or prior to, the first invoice to each purchaser for resale, the seller shall notify the purchaser in writing of the maximum prices and conditions established by this order for sales by the purchaser. This notice may be given in any convenient form.

(d) Jobber's maximum prices for sales of the articles covered by this order shall be established under the provisions of section 4.5 of SR 14J.

(e) This order may be revoked or amended by the Price Administrator at any time.

(f) This order shall become effective on the 17th day of August 1945.

Issued this 16th day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-15147; Filed, Aug. 17, 1945; 11:24 a. m.]

[MPR 188, Order 4267]

DAVID FRIEDLANDER

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.158 of Maximum Price Regulation No. 188; *It is ordered:*

(a) This order establishes maximum prices for sales and deliveries of certain articles manufactured by David Friedlander, 91 Greenpoint Avenue, Brooklyn, N. Y.

(1) For all sales and deliveries to the following classes of purchasers by the sellers indicated below, the maximum prices are those set forth below:

Article	Model No.	For sales by the manufacturer to—		For sales by any person to consumers
		Jobbers	Retailers	
Fluorescent desk lamp made with 24-gauge steel equipped with ballast and finished in brown crackle enamel	1	*Each* $4.00	*Each* $4.75	*Each* $8.55

(4) If the manufacturer wishes to make sales and deliveries to any other class of purchaser or on other terms and conditions of sale, he must apply to the Office of Price Administration, Washington, D. C., under the Fourth Pricing Method, § 1499.158 of Maximum Price Regulation No. 188, for the establishment of maximum prices for those sales, and no sales or deliveries may be made until maximum prices have been authorized by the Office of Price Administration.

(b) The manufacturer shall attach a tag or label to every article for which a maximum price for sales to consumers is established by this order. That tag or label shall contain the following statement, with the proper model number and the ceiling price inserted in the blank spaces:

Model No. ------
OPA Retail Ceiling Price—$------
Do Not Detach

(c) At the time of, or prior to, the first invoice to each purchaser for resale, the seller shall notify the purchaser in writing of the maximum prices and conditions established by this order for sales by the purchaser. This notice may be given in any convenient form.

(d) Jobber's maximum prices for sales of the articles covered by this order shall be established under the provisions of section 4.5 of SR 14J.

(e) This order may be revoked or amended by the Price Administrator at any time.

(f) This order shall become effective on the 17th day of August 1945.

Issued this 16th day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-15148; Filed, Aug. 17, 1945; 11:24 a. m.]

[MPR 188, Order 4268]

ARMIN SALES CO.

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.158 of Maximum Price Regulation No. 188; *It is ordered:*

(a) This order establishes maximum prices for sales and deliveries of certain articles manufactured by Armin Sales Company, 622 Arch Street, Philadelphia 6, Pa.

These maximum prices are for the articles described in the manufacturer's application dated May 14, 1945.

(2) For sales by the manufacturer, the maximum prices apply to all sales and deliveries since Maximum Price Regulation No. 188 became applicable to those sales and deliveries. For sales to persons other than consumers they are f. o. b. factory, 2% 10 days, net 30. The maximum price to consumers is net, delivered.

(3) For sales by persons other than the manufacturer, the maximum prices apply to all sales and deliveries after the effective date of this order. Those prices are subject to each seller's customary terms and conditions of sale on sales of similar articles.

(4) If the manufacturer wishes to make sales and deliveries to any other class of purchaser or on other terms and conditions of sale, he must apply to the Office of Price Administration, Washington, D. C., under the Fourth Pricing Method, § 1499.158 of Maximum Price Regulation No. 188, for the establishment of maximum prices for those sales, and no sales or deliveries may be made until maximum prices have been authorized by the Office of Price Administration.

(b) The manufacturer shall attach a tag or label to every article for which a maximum price for sales to consumers is established by this order. That tag or label shall contain the following statement, with the proper model number and the ceiling price inserted in the blank spaces:

Model No. ------
OPA Retail Ceiling Price—$------
Do Not Detach

(c) At the time of, or prior to, the first invoice to each purchaser for resale, the seller shall notify the purchaser in writing of the maximum prices and conditions established by this order for sales by the purchaser. This notice may be given in any convenient form.

(d) Jobber's maximum prices for sales of the articles covered by this order shall be established under the provisions of section 4.5 of SR 14J.

(e) This order may be revoked or amended by the Price Administrator at any time.

(f) This order shall become effective on the 17th day of August 1945.

Issued this 16th day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-15149; Filed, Aug. 17, 1945; 11:24 a. m.]

[MPR 188, Order 4269]

GEORGE KOVACS

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.158 of Maximum Price Regulation No. 188; *It is ordered:*

(a) This order establishes maximum prices for sales and deliveries of certain articles manufactured by George Kovacs, 1 Park Avenue, New York, N. Y.

(1) For all sales and deliveries to the following classes of purchasers by the sellers indicated below, the maximum prices are those set forth below:

Article	Model No.	For sales by the manufacturer to—		For sales by any person to consumers
		Jobbers	Retailers	
17" Crystal table lamp with shade	WG	*Each* $2.39	*Each* $2.81	*Each* $5.05
28" Decorated semi-vitreous table lamp and 16" shade with top and bottom ruching trim	201	6.80	8.00	14.40
25½" Crystaltable lamp with bobnail column and shade with top and bottom ruching trim	203	7.85	9.27	16.70
33½" Crystaltable lamp with swirl column and shade with top and bottom ruching trim	204	5.76	6.78	12.20

These maximum prices are for the articles described in the manufacturer's application dated March 21, 1945.

(2) For sales by the manufacturer, the maximum prices apply to all sales and deliveries since Maximum Price Regulation No. 188 became applicable to those sales and deliveries. For sales to persons other than consumers they are f. o. b. factory, 1% 10 days, net 30. The maximum price to consumers is net, delivered.

(3) For sales by persons other than the manufacturer, the maximum prices apply to all sales and deliveries after the effective date of this order. Those prices are subject to each seller's customary terms and conditions of sale on sales of similar articles.

(4) If the manufacturer wishes to make sales and deliveries to any other class of purchaser or on other terms and conditions of sale, he must apply to the Office of Price Administration, Washington, D. C., under the Fourth Pricing Method, § 1499.158 of Maximum Price Regulation No. 188, for the establishment of maximum prices for those sales, and no sales or deliveries may be made until maximum prices have been authorized by the Office of Price Administration.

(b) The manufacturer shall attach a tag or label to every article for which a maximum price for sales to consumers is established by this order. That tag or label shall contain the following statement, with the proper model number and the ceiling price inserted in the blank spaces:

Model No. ------
OPA Retail Ceiling Price—$------
Do Not Detach

(c) At the time of, or prior to, the first invoice to each purchaser for resale, the seller shall notify the purchaser in writing of the maximum prices and conditions established by this order for sales by the purchaser.

(d) Jobber's maximum prices for sales of the articles covered by this order shall be established under the provisions of section 4.5 of Supplementary Regulation 14J.

(e) This order may be revoked or amended by the Price Administrator at any time.

(f) This order shall become effective on the 17th day of August 1945.

Issued this 16th day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-15149, Filed, Aug. 17, 1945; 11:24 a. m.]

[MPR 188, Order 4269]

CURLEY MFG. CO.

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.158 of Maximum Price Regulation No. 188; *It is ordered:*

(a) This order establishes maximum prices for sales and deliveries of certain articles manufactured by Curley Manufacturing Company of 2113 South Orange Drive, Los Angeles 16, Calif.

(1) For all sales and deliveries to the following classes of purchasers by the sellers indicated below, the maximum prices are those set forth below:

Article	Model	Maximum prices for sales by any seller to—			
		Wholesalers (Jobbers)	Jobbers (6 units or more)	Retailers (less than 6 units)	Consumers
Hot plate 9 x 9 x 4 switch cord and plug 1 heat open element	1	*Each* $1.07	*Each* $2.30	*Each* $2.51	*Each* $3.75

These maximum prices are for the articles described in the manufacturer's application dated June 13, 1945. These prices include the Federal Excise Tax.

(2) For sales by the manufacturer, the maximum prices apply to all sales and deliveries since Maximum Price Regulation No. 188 became applicable to those sales and deliveries. They are f. o. b. factory and subject to a cash discount of 2% for payment within 10 days, net 30 days.

(3) For sales by persons other than the manufacturer, the maximum prices apply to all sales and deliveries after the effective date of this order. Those prices are subject to each seller's customary terms and conditions of sale on sales of similar articles.

(4) If the manufacturer wishes to make sales and deliveries to any other class of purchaser or on other terms and conditions of sale, he must apply to the Office of Price Administration, Washington, D. C., under the Fourth Pricing Method, § 1499.158 of Maximum Price Regulation No. 188, for the establishment of maximum prices for those sales, and no sales or deliveries may be made until maximum prices have been authorized by the Office of Price Administration.

(b) The manufacturer shall attach a tag or label to every article for which a maximum price for sales to consumers is established by this order. That tag or label shall contain either of the following statements with the correct model number, order number and retail prices properly filled in:

Order No. 4269
Model No. ------
OPA Retail Ceiling Price—$------
Federal Excise Tax Included
Do Not Detach or Obliterate

or

Curley Manufacturing Company
2113 South Orange Drive
Los Angeles 16, California
Model No. ------
OPA Retail Ceiling Price—$------
Federal Excise Tax Included
Do Not Detach or Obliterate

(c) At the time of, or prior to, the first invoice to each purchaser for resale, the seller shall notify the purchaser in writing of the maximum prices and conditions established by this order for sales by the purchaser. This notice may be given in any convenient form.

(d) This order may be revoked or amended by the Price Administrator at any time.

(e) This order shall become effective on the 17th day of August 1945.

Issued this 16th day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-15150; Filed, Aug. 17, 1945; 11:25 a. m.]

[MPR 260, Order 1743]

ANNA CIGAR FACTORY

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion accompanying this order, and pursuant to § 1358.102 (b) of Maximum Price Regulation No. 260: *It is ordered*, That:

(a) Anna Cigar Factory, 3106 17th Street, Tampa 5, Fla. (hereinafter called "manufacturer") and wholesalers and retailers may sell, offer to sell or deliver and any person may buy, offer to buy or receive each brand and size or frontmark, and packing of the following domestic cigars at the appropriate maximum list price and maximum retail price set forth below:

Brand	Size or frontmark	Packing	Maximum list price	Maximum retail price
			Per M	*Cents*
Romora	Kings	50	$101.25	2 for 27
	Bills	50	101.25	2 for 27
	Panatela	50	75.00	10

(b) The manufacturer and wholesalers shall grant, with respect to their sales of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the discounts they customarily granted in March 1942 on their sales of domestic cigars of the same price class to purchasers of the same class, unless a change therein results in a lower price. Packing differentials charged by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class may be charged on corresponding sales of each brand and size or frontmark of cigars priced by this order, but shall not be increased. Packing differentials allowed by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class shall be allowed on corresponding sales of each brand and size or frontmark of cigars priced by this order and shall not be reduced. If a brand and size or frontmark of domestic cigars for which maximum prices are established by this order is of a price class not sold by the manufacturer or the particular wholesaler in March 1942, he shall, with respect to his sales thereof, grant the discounts and may charge and shall allow the packing differentials customarily granted, charged or allowed (as the case may be) in March 1942 by his most closely competitive seller of the same class on sales of domestic cigars of the same March 1942 price class to purchasers of the same class.

(c) On or before the first delivery to any purchaser of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the manufacturer and every other seller (except a retailer) shall notify the purchaser of the maximum list price and the maximum retail price established by this order for such brand and size or frontmark of domestic cigars. The notice shall conform to and be given in the manner prescribed by § 1358.113 of Maximum Price Regulation No. 260.

(d) Unless the context otherwise requires, appropriate provisions of Maximum Price Regulation No. 260, shall apply to sales for which maximum prices are established by this order.

(e) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective August 17, 1945.

Issued this 16th day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-15152; Filed, Aug. 17, 1945; 11:26 a. m.]

[MPR 260, Order 1744]

MOLLY BLOCK

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion accompanying this order, and pursuant to § 1358.102 (b) of Maximum Price Regulation No. 260; *It is ordered*, That:

(a) Molly Block, 97 Broadway, Brooklyn, N. Y. (hereinafter called "manufacturer") and wholesalers and retailers may sell, offer to sell or deliver and any person may buy, offer to buy or receive each brand and size or frontmark, and packing of the following domestic cigars at the appropriate maximum list price and maximum retail price set forth below:

Brand	Size or frontmark	Packing	Maximum list price	Maximum retail price
			Per M	*Cents*
Lord Rector	Juniors [1]	50	$59.60	2 for 25
	Bouquets	50	105.75	14

[1] These prices apply to this brand and frontmark using only Havana (Type 81) short filler.

(b) The manufacturer and wholesalers shall grant, with respect to their sales of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the discounts they customarily granted in March 1942 on their sales of domestic cigars of the same price class to purchasers of the same class, unless a change therein results in a lower price. Packing differentials charged by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class may be charged on corresponding sales of each brand and size or frontmark of cigars priced by this order, but shall not be increased. Packing differentials allowed by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class shall be allowed on corresponding sales of each brand and size or frontmark of cigars priced by this order and shall not be reduced. If a brand and size or frontmark of domestic cigars for which maximum prices are established by this order is of a price class not sold by the manufacturer or the particular wholesaler in March 1942, he shall, with respect to his sales thereof, grant the discounts and may charge and shall allow the packing differentials customarily granted, charged or allowed (as the case may be) in March 1942 by his most closely competitive seller of the same class on sales of domestic cigars of the same March 1942 price class to purchasers of the same class.

(c) On or before the first delivery to any purchaser of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the manufacturer and every other seller (except a retailer) shall notify the purchaser of the maximum list price and the maximum retail price established by this order for such brand and size or frontmark of domestic cigars. The notice shall conform to and be given in the manner prescribed by § 1358.113 of Maximum Price Regulation No. 260.

(d) Unless the context otherwise requires, appropriate provisions of Maximum Price Regulation No. 260, shall apply to sales for which maximum prices are established by this order.

(e) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective August 17, 1945.

Issued this 16th day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-15153; Filed, Aug. 17, 1945; 11:26 a. m.]

[MPR 260, Order 1745]

J. R. CAMERO CIGAR FACTORY

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion accompanying this order, and pursuant to § 1358.102 (b) of Maximum Price Regulation No. 260; *It is ordered*, That:

(a) J. R. Camero Cigar Factory, 2920 11th Street, Tampa 5, Fla. (hereinafter called "manufacturer") and wholesalers and retailers may sell, offer to sell or deliver and any person may buy, offer to buy or receive each brand and size or frontmark, and packing of the following domestic cigars at the appropriate maximum list price and maximum retail price set forth below:

Brand	Size or frontmark	Packing	Maximum list price	Maximum retail price
			Per M	*Cents*
J. R. Camero	Victory	50	$101.25	2 for 27
	Ideis	50	60.00	12
	Londres Grandes	50	105.00	14

(b) The manufacturer and wholesalers shall grant, with respect to their sales of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the discounts they customarily granted in March 1942 on their sales of domestic cigars of the same price class to purchasers of the same class, unless a change therein results in a lower price. Packing differentials charged by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class may be charged on corresponding sales of each brand and size or frontmark of cigars priced by this order, but shall not be increased. Packing differentials allowed by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class shall be allowed on corresponding sales of each brand and size or frontmark of cigars priced by this order and shall not be reduced. If a brand and size or frontmark of domestic cigars for which maximum prices are established by this order is of a price class not sold by the manufacturer or the particular wholesaler in March 1942, he shall, with respect to his sales thereof, grant the discounts and may charge and shall allow the packing differentials customarily granted, charged or allowed (as the case may be) in March 1942 by his most closely competitive seller of the same class on sales of domestic cigars of the same March 1942 price class to purchasers of the same class.

(c) On or before the first delivery to any purchaser of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the manufacturer and every other seller (except a retailer) shall notify the purchaser of the maximum list price and the maximum retail price established by this order for such brand and size or frontmark of domestic cigars. The notice shall conform to and be given in the manner prescribed by § 1358.113 of Maximum Price Regulation No. 260.

(d) Unless the context otherwise requires, appropriate provisions of Maximum Price Regulation No. 260, shall apply to sales for which maximum prices are established by this order.

(e) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective August 17, 1945.

Issued this 16th day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-15154; Filed, Aug. 17, 1945; 11:26 a. m.]

[MPR 260, Order 1746]

HARRY C. SMITH

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion accompanying this order, and pursuant to § 1358.102 (b) of Maximum Price Regulation No. 260; *It is ordered*, That:

(a) Harry C. Smith, North High Alley, Red Lion, Pa. (hereinafter called "manufacturer") and wholesalers and retailers may sell, offer to sell or deliver and any person may buy, offer to buy or receive each brand and size or frontmark, and packing of the following domestic cigars at the appropriate maximum list price and maximum retail price set forth below:

Brand	Size or frontmark	Packing	Maximum list price	Maximum retail price
			Per M	*Cents*
Skill	Diplomat	50	$82.50	11

(b) The manufacturer and wholesalers shall grant, with respect to their sales of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the discounts they customarily granted in March 1942 on their sales of domestic cigars of the same price class to purchasers of the same class, unless a change therein results in a lower price. Packing differentials charged by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class may be charged on corresponding sales of each brand and size or frontmark of cigars priced by this order, but shall not be increased. Packing differentials allowed by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class shall be allowed on corresponding sales of each brand and size or frontmark of cigars priced by this order and shall not be reduced. If a brand and size or frontmark of domestic cigars for which maximum prices are established by this order is of a price class not sold by the manufacturer or the particular wholesaler in March 1942, he shall, with respect to his sales thereof, grant the discounts and may charge and shall allow the packing differentials customarily granted, charged or allowed (as the case may be) in March 1942 by his most closely competitive seller of the same class on sales of domestic cigars of the same March 1942 price class to purchasers of the same class.

(c) On or before the first delivery to any purchaser of each brand and size or

frontmark of domestic cigars for which maximum prices are established by this order, the manufacturer and every other seller (except a retailer) shall notify the purchaser of the maximum list price and the maximum retail price established by this order for such brand and size or frontmark of domestic cigars. The notice shall conform to and be given in the manner prescribed by § 1358.113 of Maximum Price Regulation No. 260.

(d) Unless the context otherwise requires, appropriate provisions of Maximum Price Regulation No. 260, shall apply to sales for which maximum prices are established by this order.

(e) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective August 17, 1945.

Issued this 16th day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-15155; Filed, Aug. 17, 1945; 11:27 a. m.]

[MPR 260, Order 1747]

AVILA & ACOSTA CIGAR FACTORY

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion accompanying this order, and pursuant to § 1358.102 (b) of Maximum Price Regulation No. 260: *It is ordered*, That:

(a) Avila & Acosta Cigar Factory, 1506 14th Avenue, Tampa 5, Fla. (hereinafter called "manufacturer") and wholesalers and retailers may sell, offer to sell or deliver and any person may buy, offer to buy or receive each brand and size or frontmark, and packing of the following domestic cigars at the appropriate maximum list price and maximum retail price set forth below:

Brand	Size or frontmark	Packing	Maximum list price	Maximum retail price
Avila & Acosta	Corchas	50	*Per M* $93.75	*Cents* 2 for 25
	Crema Especiales	50	105.00	14

(b) The manufacturer and wholesalers shall grant, with respect to their sales of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the discounts they customarily granted in March 1942 on their sales of domestic cigars of the same price class to purchasers of the same class, unless a change therein results in a lower price. Packing differentials charged by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class may be charged on corresponding sales of each brand and size or frontmark of cigars priced by this order, but shall not be increased. Packing differentials allowed by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class allowed on corresponding sales of each brand and size or frontmark of cigars priced by this order and shall not be reduced. If a brand and size or frontmark of domestic cigars for which maximum prices are established by this order is of a price class not sold by the manufacturer or the particular wholesaler in March 1942, he shall, with respect to his sales thereof, grant the discounts and may charge and shall allow the packing differentials customarily granted, charged or allowed (as the case may be) in March 1942 by his most closely competitive seller of the same class on sales of domestic cigars of the same March 1942 price class to purchasers of the same class.

(c) On or before the first delivery to any purchaser of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the manufacturer and every other seller (except a retailer) shall notify the purchaser of the maximum list price and the maximum retail price established by this order for such brand and size or frontmark of domestic cigars. The notice shall conform to and be given in the manner prescribed by § 1358.113 of Maximum Price Regulation No. 260.

(d) Unless the context otherwise requires, appropriate provisions of Maximum Price Regulation No. 260, shall apply to sales for which maximum prices are established by this order.

(e) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective August 17, 1945.

Issued this 16th day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-15156; Filed, Aug. 17, 1915; 11:27 a. m.]

[MPR 260, Order 1748]

MARTIN QUINONES PINET

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion accompanying this order, and pursuant to § 1358.102 (b) of Maximum Price Regulation No. 260; *It is ordered*, That:

(a) Martin Quinones Pinet, Merhoff #70, San Juan 5, P. R. (hereinafter called "manufacturer") and wholesalers and retailers may sell, offer to sell or deliver and any person may buy, offer to buy or receive each brand and size or frontmark, and packing of the following domestic cigars at the appropriate maximum list price and maximum retail price set forth below:

Brand	Size or frontmark	Packing	Maximum list price	Maximum retail price
M. Quinones	Brevas	50	*Per M* $40	*Cents* 5

(b) The manufacturer and wholesalers shall grant, with respect to their sales of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the discounts they customarily granted in March 1942 on their sales of domestic cigars of the same price class to purchasers of the same class, unless a change therein results in a lower price. Packing differentials charged by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class may be charged on corresponding sales of each brand and size or frontmark of cigars priced by this order, but shall not be increased. Packing differentials allowed by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class allowed on corresponding sales of each brand and size or frontmark of cigars priced by this order and shall not be reduced. If a brand and size or frontmark of domestic cigars for which maximum prices are established by this order is of a price class not sold by the manufacturer or the particular wholesaler in March 1942, he shall, with respect to his sales thereof, grant the discounts and may charge and shall allow the packing differentials customarily granted, charged or allowed (as the case may be) in March 1942 by his most closely competitive seller of the same class on sales of domestic cigars of the same March 1942 price class to purchasers of the same class.

(c) On or before the first delivery to any purchaser of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the manufacturer and every other seller (except a retailer) shall notify the purchaser of the maximum list price and the maximum retail price established by this order for such brand and size or frontmark of domestic cigars. The notice shall conform to and be given in the manner prescribed by § 1358.113 of Maximum Price Regulation No. 260.

(d) Unless the context otherwise requires, appropriate provisions of Maximum Price Regulation No. 260, shall apply to sales for which maximum prices are established by this order.

(e) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective August 17, 1945.

Issued this 16th day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-15157; Filed, Aug. 17, 1945; 11:27 a. m.]

[MPR 260, Order 1749]

ISODOR HAFLICH

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion accompanying this order, and pursuant to § 1358.102 (b) of Maximum Price Regulation No. 260; *It is ordered*, That:

(a) Isodor Haflich, 40 E. Fulton Street, (Rear) Ephrata, Pa. (hereinafter called "manufacturer") and wholesalers and retailers may sell, offer to sell or deliver and any person may buy, offer to buy or receive each brand and size of frontmark, and packing of the following domestic cigars at the appropriate maximum list price and maximum retail price set forth below:

Brand	Size or frontmark	Packing	Maximum list price	Maximum retail price
Park City De Luxe	Corona	50	*Per M* $115	*Cents* 15

(b) The manufacturer and wholesalers shall grant, with respect to their sales of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the discounts they customarily granted in March 1942 on their sales of domestic cigars of the same price class to purchasers of the same class, unless a change therein results in a lower price. Packing differentials charged by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class may be charged on corresponding sales of each brand and size or frontmark of cigars priced by this order, but shall not be increased. Packing differentials allowed by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class allowed on corresponding sales of each brand and size or frontmark of cigars priced by this order and shall not be reduced. If a brand and size or frontmark of domestic cigars for which maximum prices are established by this order is of a price class not sold by the manufacturer or the particular wholesaler in March 1942, he shall, with respect to his sales thereof, grant the discounts and may charge and shall allow the packing differentials customarily granted, charged or allowed (as the case may be) in March 1942 by his most closely competitive seller of the same class on sales of domestic cigars of the same March 1942 price class to purchasers of the same class.

(c) On or before the first delivery to any purchaser of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the manufacturer and every other seller (except a retailer) shall notify the purchaser of the maximum list price and the maximum retail price established by this order for such brand and size or frontmark of domestic cigars. The notice shall conform to and be given in the manner prescribed by § 1358.113 of Maximum Price Regulation No. 260.

(d) Unless the context otherwise requires, appropriate provisions of Maximum Price Regulation No. 260, shall apply to sales for which maximum prices are established by this order.

(e) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective August 17, 1945.

Issued this 16th day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-15158; Filed, Aug. 17, 1945; 11:28 a. m.]

[MPR 260, Order 1750]

PAUL EUGENE WALSH

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion accompanying this order, and pursuant to § 1358.102a of Maximum Price Regulation No. 260, as amended; *It is ordered*, That:

(a) Paul Eugene Walsh, 519 W. 6th St., Gastonia, N. C. (hereinafter called "importer") and wholesalers and retailers may sell, offer to sell or deliver and any person may buy, offer to buy or receive each brand, frontmark and packing of the following imported cigars at the appropriate maximum list price and maximum retail price set forth below:

Brand	Size or frontmark	Packing	Maximum list price	Maximum retail price
La Cordialidad	Corona	25	*Per M* $201.75	*Cents* 23
	Perfecto	25	225.80	30
	Petit Corona	25	195.10	27
	Belvederes	50	161.50	20
	Cremas	25	195.00	25
	Senoritas	50	161.50	20
	Petit Cetros	50	161.50	20
	Symbols	50	150.00	20
	Conchas	50	165.00	3 for 55
	Panetelas	50	135.00	17
	Royal Palm	100	95.00	2 for 25
	Cubanitos	100	82.50	11

(b) The importer and wholesalers shall grant, with respect to their sales of each brand and frontmark of imported cigars for which maximum prices are established by this order, the discounts they customarily granted during March 1942 on their sales of imported cigars of the same price class to purchasers of the same class, unless a change therein results in a lower price. Packing differentials charged by the importer or a wholesaler during March 1942 on sales of imported cigars of the same price class to purchasers of the same class may be charged on corresponding sales of each brand and frontmark of cigars priced by this order, but shall not be increased. Packing differentials allowed by the importer or a wholesaler during March 1942 on sales of imported cigars of the same price class to purchasers of the same class shall be allowed on corresponding sales of each brand and frontmark of cigars priced by this order and shall not be reduced. If a brand or frontmark of imported cigars for which maximum prices are established by this order is of a price class not sold by the importer or the particular wholesaler during March 1942, he shall, with respect to his sales thereof, grant the discounts and may charge and shall allow the packing differentials customarily granted, charged or allowed (as the case may be) during March 1942 by his most closely competitive seller of the same class on sales of imported cigars of the same price class to purchasers of the same class.

(c) On or before the first delivery to any purchaser of each brand and frontmark of imported cigars for which maximum prices are established by this order, the importer and every other seller (except a retailer) shall notify the purchaser of the maximum list price and the maximum retail price established by this order for such brand and frontmark of imported cigars. The notice shall conform to and be given in the manner prescribed by § 1358.113 of Maximum Price Regulation No. 260, as amended.

(d) Unless the context otherwise requires, the provisions of Maximum Price Regulation No. 260, as amended, shall apply to sales for which maximum prices are established by this order.

(e) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective August 17, 1945.

Issued this 16th day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-15159; Filed, Aug. 17, 1945; 11:18 a. m.]

[MPR 260, Order 1751]

WOODHOUSE CIGAR CO.

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion accompanying this order, and pursuant to § 1358.102a of Maximum Price Regulation No. 260, as amended: *It is ordered*, That:

(a) Woodhouse Cigar Co., 37 W. Jefferson Ave., Detroit, Mich. (hereinafter called "importer") and wholesalers and retailers may sell, offer to sell or deliver and any person may buy, offer to buy or receive each brand, frontmark and packing of the following imported cigars at the appropriate maximum list price and maximum retail price set forth below:

Brand	Frontmark	Packing	Maximum list price	Maximum retail price
Partagas	Corona Junior	25	*Per M* $262.50	*Cents* 35
	Corona Extra	25	420.25	55
	Corona Senior	25	308.00	39
	Corona Natura	25	308.00	39
	Pomo Cedro Cuero an Cries	50	203.75	55
	Pomo Cedro Coronas	50	482.00	65

(b) The importer and wholesalers shall grant, with respect to their sales of each brand and frontmark of imported cigars for which maximum prices are established by this order, the discounts they customarily granted during March 1942 on their sales of imported cigars of the same price class to purchasers of the same class, unless a change therein results in a lower price. Packing differentials charged by the importer or a whole-

saler during March 1942 on sales of imported cigars of the same price class to purchasers of the same class may be charged on corresponding sales of each brand and frontmark of cigars priced by this order, but shall not be increased. Packing differentials allowed by the importer or a wholesaler during March 1942 on sales of imported cigars of the same price class to purchasers of the same class shall be allowed on corresponding sales of each brand and frontmark of cigars priced by this order and shall not be reduced. If a brand or frontmark of imported cigars for which maximum prices are established by this order is of a price class not sold by the importer or the particular wholesaler during March 1942, he shall, with respect to his sales thereof, grant the discounts and may charge and shall allow the packing differentials customarily granted, charged or allowed (as the case may be) during March 1942 by his most closely competitive seller of the same class on sales of imported cigars of the same price class to purchasers of the same class.

(c) On or before the first delivery to any purchaser of each brand and frontmark of imported cigars for which maximum prices are established by this order, the importer and every other seller (except a retailer) shall notify the purchaser of the maximum list price and the maximum retail price established by this order for such brand and frontmark of imported cigars. The notice shall conform to and be given in the manner prescribed by § 1358.113 of Maximum Price Regulation No. 260, as amended.

(d) Unless the context otherwise requires, the provisions of Maximum Price Regulation No. 260, as amended, shall apply to sales for which maximum prices are established by this order.

(e) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective August 17, 1945.

Issued this 16th day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-15160; Filed, Aug. 17, 1945; 11:19 a. m.]

[MPR 260, Order 1752]

HAPPY G. CIGAR CO.

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion accompanying this order, and pursuant to § 1358.102 (b) of Maximum Price Regulation No. 260; *It is ordered*, That:

(a) Happy G. Cigar Company, 1602 9th Avenue, Tampa 5, Fla. (hereinafter called "manufacturer") and wholesalers and retailers may sell, offer to sell or deliver and any person may buy, offer to buy or receive each brand and size or frontmark, and packing of the following domestic cigars at the appropriate maximum list price and maximum retail price set forth below:

Brand	Size or frontmark	Packing	Maximum list price	Maximum retail price
Happy G.....	Cadetes ..... Londres Corrientes.	50 50	*Per M* $101 25 97 50	*Cents* 2 for 27 13

(b) The manufacturer and wholesalers shall grant, with respect to their sales of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the discounts they customarily granted in March 1942 on their sales of domestic cigars of the same price class to purchasers of the same class, unless a change therein results in a lower price. Packing differentials charged by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class may be charged on corresponding sales of each brand and size or frontmark of cigars priced by this order and shall not be reduced. If a brand and size or frontmark of domestic cigars for which maximum prices are established by this order is of a price class not sold by the manufacturer or the particular wholesaler in March 1942, he shall, with respect to his sales thereof, grant the discounts and may charge and shall allow the packing differentials customarily granted, charged or allowed (as the case may be) in March 1942 by his most closely competitive seller of the same class on sales of domestic cigars of the same March 1942 price class to purchasers of the same class.

(c) On or before the first delivery to any purchaser of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the manufacturer and every other seller (except a retailer) shall notify the purchaser of the maximum list price and the maximum retail price established by this order for such brand and size or frontmark of domestic cigars. The notice shall conform to and be given in the manner prescribed by § 1358.113 of Maximum Price Regulation No. 260.

(d) Unless the context otherwise requires, appropriate provisions of Maximum Price Regulation No. 260, shall apply to sales for which maximum prices are established by this order.

(e) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective August 17, 1945.

Issued this 16th day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R Doc 45-15161; Filed, Aug. 17, 1945; 11:19 a. m.]

[MPR 260, Order 1753]

ROYAL QUAKER CIGAR CO.

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion accompanying this order, and pursuant to § 1358.102 (b) of Maximum Price Regulation No. 260; *It is ordered*, That:

(a) John Amoroso & Leroy Hertzog, d/b/a Royal Quaker Cigar Company R. D. #1, Windsor, Pa. (hereinafter called "manufacturer") and wholesalers and retailers may sell, offer to sell or deliver and any person may buy, offer to buy or receive each brand and size or frontmark, and packing of the following domestic cigars at the appropriate maximum list price and maximum retail price set forth below:

Brand	Size or frontmark	Packing	Maximum list price	Maximum retail price
Blue Pennant ..	Perfecto	50	*Per M* $82.	*Cents* 7

(b) The manufacturer and wholesalers shall grant, with respect to their sales of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the discounts they customarily granted in March 1942 on their sales of domestic cigars of the same price class to purchasers of the same class, unless a change therein results in a lower price. Packing differentials charged by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class may be charged on corresponding sales of each brand and size or frontmark of cigars priced by this order, but shall not be increased. Packing differentials allowed by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class shall be allowed on corresponding sales of each brand and size or frontmark of cigars priced by this order and shall not be reduced. If a brand and size or frontmark of domestic cigars for which maximum prices are established by this order is of a price class not sold by the manufacturer or the particular wholesaler in March 1942, he shall, with respect to his sales thereof, grant the discounts and may charge and shall allow the packing differentials customarily granted, charged or allowed (as the case may be) in March 1942 by his most closely competitive seller of the same class on sales of domestic cigars of the same March 1942 price class to purchasers of the same class.

(c) On or before the first delivery to any purchaser of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the manufacturer and every other seller (except a retailer) shall notify the purchaser of the maximum list price and the maximum retail price established by this order for such brand and size or frontmark of domestic cigars. The notice shall conform to and be given in the manner prescribed by § 1358.113 of Maximum Price Regulation No. 260.

(d) Unless the context otherwise requires, appropriate provisions of Maximum Price Regulation No. 260, shall apply to sales for which maximum prices are established by this order.

(e) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective August 17, 1945.

Issued this 16th day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R Doc. 45-15162; Filed, Aug. 17, 1945; 11:20 a. m.]

[MPR 260, Order 1754]

CIGAR MAKERS COOPERATIVE CO.

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion accompanying this order, and pursuant to § 1358.102 (b) of Maximum Price Regulation No. 260; *It is ordered*, That:

(a) Cigar Makers Cooperative Company, 1929 Race Street, Cincinnati 10, Ohio (hereinafter called "manufacturer") and wholesalers and retailers may sell, offer to sell or deliver and any person may buy, offer to buy or receive each brand and size or frontmark, and packing of the following domestic cigars at the appropriate maximum list price and maximum retail price set forth below:

Brand	Size or frontmark	Packing	Maximum list price	Maximum retail price
Carmen	Perfecto.....	50	*Per M* $75	*Cents* 10

(b) The manufacturer and wholesalers shall grant, with respect to their sales of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the discounts they customarily granted in March 1942 on their sales of domestic cigars of the same price class to purchasers of the same class, unless a change therein results in a lower price. Packing differentials charged by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class may be charged on corresponding sales of each brand and size or frontmark of cigars priced by this order, but shall not be increased. Packing differentials allowed by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class shall be allowed on corresponding sales of each brand and size or frontmark of cigars priced by this order and shall not be reduced. If a brand and size or frontmark of domestic cigars for which maximum prices are established by this order is of a price class not sold by the manufacturer or the particular wholesaler in March 1942, he shall, with respect to his sales thereof, grant the discounts and may charge and shall allow the packing differentials customarily granted, charged or allowed (as the case may be) in March 1942 by his most closely competitive seller of the same class on sales of domestic cigars of the same March 1942 price class to purchasers of the same class.

(c) On or before the first delivery to any purchaser of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the manufacturer and every other seller (except a retailer) shall notify the purchaser of the maximum list price and the maximum retail price established by this order for such brand and size or frontmark of domestic cigars. The notice shall conform to and be given in the manner prescribed by § 1358.113 of Maximum Price Regulation No. 260.

(d) Unless the context otherwise requires, appropriate provisions of Maximum Price Regulation No. 260, shall apply to sales for which maximum prices are established by this order.

(e) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective August 17, 1945.

Issued this 16th day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-15163; Filed, Aug. 17, 1945; 11:20 a. m.]

[MPR 260, Order 1755]

A. B. CIGAR FACTORY

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion accompanying this order, and pursuant to § 1358.102 (b) of Maximum Price Regulation No. 260; *It is ordered*, That:

(a) A. B. Cigar Factory, 1514 26th Avenue, Tampa 5, Fla. (hereinafter called "manufacturer") and wholesalers and retailers may sell, offer to sell or deliver and any person may buy, offer to buy or receive each brand and size or frontmark, and packing of the following domestic cigars at the appropriate maximum list price and maximum retail price set forth below:

Brand	Size or frontmark	Packing	Maximum list price	Maximum retail price
A. B.....	Londres Corrientes. Cadetes.....	50 50	*Per M* $93.75 101.25	*Cents* 2 for 25 2 for 27

(b) The manufacturer and wholesalers shall grant, with respect to their sales of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the discounts they customarily granted in March 1942 on their sales of domestic cigars of the same price class to purchasers of the same class, unless a change therein results in a lower price. Packing differentials charged by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class may be charged on corresponding sales of each brand and size or frontmark of cigars priced by this order, but shall not be increased. Packing differentials allowed by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class shall be allowed on corresponding sales of each brand and size or frontmark of cigars priced by this order and shall not be reduced. If a brand and size or frontmark of domestic cigars for which maximum prices are established by this order is of a price class not sold by the manufacturer or the particular wholesaler in March 1942, he shall, with respect to his sales thereof, grant the discounts and may charge and shall allow the packing differentials customarily granted, charged or allowed (as the case may be) in March 1942 by his most closely competitive seller of the same class on sales of domestic cigars of the same March 1942 price class to purchasers of the same class.

(c) On or before the first delivery to any purchaser of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the manufacturer and every other seller (except a retailer) shall notify the purchaser of the maximum list price and the maximum retail price established by this order for such brand and size or frontmark of domestic cigars. The notice shall conform to and be given in the manner prescribed by § 1358.113 of Maximum Price Regulation No. 260.

(d) Unless the context otherwise requires, appropriate provisions of Maximum Price Regulation No. 260, shall apply to sales for which maximum prices are established by this order.

(e) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective August 17, 1945.

Issued this 16th day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-15164; Filed, Aug. 17, 1945; 11:20 a. m.]

[MPR 260, Order 1756]

G. TOMAS CIGAR FACTORY

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion accompanying this order, and pursuant to § 1358.102 (b) of Maximum Price Regulation No. 260; *It is ordered*, That:

(a) G. Tomas Cigar Factory, 1420½ 7th Avenue, Tampa 5, Fla. (hereinafter called "manufacturer") and wholesalers and retailers may sell, offer to sell or deliver and any person may buy, offer to buy or receive each brand and size or frontmark, and packing of the following domestic cigars at the appropriate maximum list price and maximum retail price set forth below:

Brand	Size or frontmark	Packing	Maximum list price	Maximum retail price
			Per M	*Cents*
Dontello...	Fancytales	50	$154.00	20
	Especiales	50	134.00	2 for 35
	Diamas	50	75.00	10
	Conchas	50	60.00	2 for 15
	Panetelas	50	134.00	2 for 35
	Brevas	50	169.00	22
	Reyes	50	177.00	23
	Londres Grandes	50	123.00	16
	Bostons	50	101.25	2 for 27
	Coronas	50	90.00	12

(b) The manufacturer and wholesalers shall grant, with respect to their sales of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the discounts they customarily granted in March 1942 on their sales of domestic cigars of the same price class to purchasers of the same class, unless a change therein results in a lower price. Packing differentials charged by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class may be charged on corresponding sales of each brand and size or frontmark of cigars priced by this order, but shall not be increased. Packing differentials allowed by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class shall be allowed on corresponding sales of each brand and size or frontmark of cigars priced by this order and shall not be reduced. If a brand and size or frontmark of domestic cigars for which maximum prices are established by this order is of a price class not sold by the manufacturer or the particular wholesaler in March 1942, he shall, with respect to his sales thereof, grant the discounts and may charge and shall allow the packing differentials customarily granted, charged or allowed (as the case may be) in March 1942 by his most closely competitive seller of the same class on sales of domestic cigars of the same March 1942 price class to purchasers of the same class.

(c) On or before the first delivery to any purchaser of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the manufacturer and every other seller (except a retailer) shall notify the purchaser of the maximum list price and the maximum retail price established by this order for such brand and size or frontmark of domestic cigars. The notice shall conform to and be given in the manner prescribed by § 1358.113 of Maximum Price Regulation No. 260.

(d) Unless the context otherwise requires, appropriate provisions of Maximum Price Regulation No. 260, shall apply to sales for which maximum prices are established by this order.

(e) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective August 17, 1945.

Issued this 16th day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-15165; Filed, Aug. 17, 1945; 11:20 a. m.]

[MPR 260, Order 1757]

LEIHY CIGAR CO.

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion accompanying this order, and pursuant to § 1358.102 (b) of Maximum Price Regulation No. 260; *It is ordered*, That:

(a) Jesse Leihy, d/b/a Leihy Cigar Company, 1430 So. Los Angeles Street, Los Angeles 15, Calif. (hereinafter called "manufacturer") and wholesalers and retailers may sell, offer to sell or deliver and any person may buy, offer to buy or receive each brand and size or frontmark, and packing of the following domestic cigars at the appropriate maximum list price and maximum retail price set forth below:

Brand	Size or frontmark	Packing	Maximum list price	Maximum retail price
			Per M	*Cents*
Leihy's Special	Special 50's	50	$64.00	8

(b) The manufacturer and wholesalers shall grant, with respect to their sales of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the discounts they customarily granted in March 1942 on their sales of domestic cigars of the same price class to purchasers of the same class, unless a change therein results in a lower price. Packing differentials charged by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class may be charged on corresponding sales of each brand and size or frontmark of cigars priced by this order, but shall not be increased. Packing differentials allowed by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class shall be allowed on corresponding sales of each brand and size or frontmark of cigars priced by this order and shall not be reduced. If a brand and size or frontmark of domestic cigars for which maximum prices are established by this order is of a price class not sold by the manufacturer or the particular wholesaler in March 1942, he shall, with respect to his sales thereof, grant the discounts and may charge and shall allow the packing differentials customarily granted, charged or allowed (as the case may be) in March 1942 by his most closely competitive seller of the same class on sales of domestic cigars of the same March 1942 price class to purchasers of the same class.

(c) On or before the first delivery to any purchaser of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the manufacturer and every other seller (except a retailer) shall notify the purchaser of the maximum list price and the maximum retail price established by this order for such brand and size or frontmark of domestic cigars. The notice shall conform to and be given in the manner prescribed by § 1358.113 of Maximum Price Regulation No. 260.

(d) Unless the context otherwise requires, appropriate provisions of Maximum Price Regulation No. 260, shall apply to sales for which maximum prices are established by this order.

(e) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective August 17, 1945.

Issued this 16th day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-15166; Filed, Aug. 17, 1945; 11:21 a. m.]

[MPR 260, Order 1758]

M. S. CIGAR MANUFACTURER

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion accompanying this order, and pursuant to § 1358.102 (b) of Maximum Price Regulation No. 260; *It is ordered*, That:

(a) M. S. Cigar Manufacturer, 213 South Broadway, Los Angeles 12, Calif. (hereinafter called "manufacturer") and wholesalers and retailers may sell, offer to sell or deliver and any person may buy, offer to buy or receive each brand and size or frontmark, and packing of the following domestic cigars at the appropriate maximum list price and maximum retail price set forth below:

Brand	Size or frontmark	Packing	Maximum list price	Maximum retail price
			Per M	*Cents*
Misko	Air Flight	20	$78.50	4 for 21

(b) The manufacturer and wholesalers shall grant, with respect to their sales of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the discounts they customarily granted in March 1942 on their sales of domestic cigars of the same price class to purchasers of the same class, unless a change therein results in a lower price. Packing differentials charged by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class may be charged on corresponding sales of each brand and size or frontmark of cigars priced by this order, but shall not be increased. Packing differentials allowed by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class shall be allowed on corresponding sales of each brand and size or frontmark of cigars priced by this order and shall not be reduced. If a brand and size or frontmark of domestic cigars for which maximum prices are established by this order is of a price class not sold by the manufacturer or the particular wholesaler in March 1942, he shall, with respect to his sales thereof, grant the discounts and may charge and shall allow the packing differentials customarily granted, charged or allowed (as the case may be) in March 1942 by his most closely competitive seller of the same class on sales of domestic cigars of the same March 1942 price class to purchasers of the same class.

(c) On or before the first delivery to any purchaser of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the manufacturer and every other seller (except a retailer) shall notify the purchaser of the maximum list price and the maximum retail price established by this order for such brand and size or frontmark of domestic cigars. The notice shall conform to and be given in the manner prescribed by § 1358.113 of Maximum Price Regulation No. 260.

(d) Unless the context otherwise requires, appropriate provisions of Maximum Price Regulation No. 260, shall apply to sales for which maximum prices are established by this order.

(e) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective August 17, 1945.

Issued this 16th day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-15167; Filed, Aug. 17, 1945; 11:21 a. m.]

[MPR 260, Order 1759]

PABLO HERNANDEZ

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion accompanying this order, and pursuant to § 1358.102 (b) of Maximum Price Regulation No. 260; *It is ordered*, That:

(a) Pablo Hernandez, De Diego Street, Carolina, P. R. (hereinafter called "manufacturer") and wholesalers and retailers may sell, offer to sell or deliver and any person may buy, offer to buy or receive each brand and size or frontmark, and packing of the following domestic cigars at the appropriate maximum list price and maximum retail price set forth below:

Brand	Size or frontmark	Packing	Maximum list price	Maximum retail price
			Per M	*Cents*
P. Hernandez	Brevita	50	$24	3

(b) The manufacturer and wholesalers shall grant, with respect to their sales of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the discounts they customarily granted in March 1942 on their sales of domestic cigars of the same price class to purchasers of the same class, unless a change therein results in a lower price. Packing differentials charged by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class may be charged on corresponding sales of each brand and size or frontmark of cigars priced by this order, but shall not be increased. Packing differentials allowed by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class shall be allowed on corresponding sales of each brand and size or frontmark of cigars priced by this order and shall not be reduced. If a brand and size or frontmark of domestic cigars for which maximum prices are established by this order is of a price class not sold by the manufacturer or the particular wholesaler in March 1942, he shall, with respect to his sales thereof, grant the discounts and may charge and shall allow the packing differentials customarily granted, charged or allowed (as the case may be) in March 1942 by his most closely competitive seller of the same class on sales of domestic cigars of the same March 1942 price class to purchasers of the same class.

(c) On or before the first delivery to any purchaser of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the manufacturer and every other seller (except a retailer) shall notify the purchaser of the maximum list price and the maximum retail price established by this order for such brand and size or frontmark of domestic cigars. The notice shall conform to and be given in the manner prescribed by § 1358.113 of Maximum Price Regulation No. 260.

(d) Unless the context otherwise requires, appropriate provisions of Maximum Price Regulation No. 260, shall apply to sales for which maximum prices are established by this order.

(e) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective August 17, 1945.

Issued this 16th day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-15168; Filed, Aug. 17, 1945; 11:21 a. m.]

[MPR 260, Order 1760]

JOSÉ FLORIDO GONZALEZ

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion accompanying this order, and pursuant to § 1358.102 (b) of Maximum Price Regulation No. 260; *It is ordered*, That:

(a) José Florido Gonzalez, Baldorioty Street, Manati, P. R. (hereinafter called "manufacturer") and wholesalers and retailers may sell, offer to sell or deliver and any person may buy, offer to buy or receive each brand and size or frontmark, and packing of the following domestic cigars at the appropriate maximum list price and maximum retail price set forth below:

Brand	Size or frontmark	Packing	Maximum list price	Maximum retail price
			Per M	*Cents*
Cacho	Tropicales	50	$82.50	11

(b) The manufacturer and wholesalers shall grant, with respect to their sales of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the discounts they customarily granted in March 1942 on their sales of domestic cigars of the same price class to purchasers of the same class, unless a change therein results in a lower price. Packing differentials charged by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class may be charged on corresponding sales of each brand and size or frontmark of cigars priced by this order, but shall not be increased. Packing differentials allowed by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class shall be allowed on corresponding sales of each brand and size or frontmark of cigars priced by this order and shall not be reduced. If a brand and size or frontmark of domestic cigars for which maximum prices are established by this order is of a price class not sold by the manufacturer or the particular wholesaler in March 1942, he shall, with respect to his sales thereof, grant the discounts and may charge and shall allow the packing differentials customarily granted, charged or allowed (as the case may be) in March 1942 by his most closely competitive seller of the same class on sales of domestic cigars of the same March 1942 price class to purchasers of the same class.

(c) On or before the first delivery to any purchaser of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the manufacturer and every other seller (except a retailer) shall notify the purchaser of the maximum list price and the maximum retail price established by this order for such brand and size or frontmark of domestic cigars. The notice shall conform to and be given in the manner prescribed by § 1358.113 of Maximum Price Regulation No. 260.

(d) Unless the context otherwise requires, appropriate provisions of Maximum Price Regulation No. 260, shall apply to sales for which maximum prices are established by this order.

(e) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective August 17, 1945.

Issued this 16th day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-15169; Filed, Aug. 17, 1945; 11:22 a. m.]

[MPR 591, Order 4]

STONER MFG. CO.

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register and pursuant to section 9 of Maximum Price Regulation No. 591; *It is ordered:*

(a) The maximum net prices, f. o. b. point of shipment for sales by any person of the following farm and home freezer manufactured by the Stoner Manufacturing Company and as described in its application dated July 13, 1945, which is on file with the Building Materials Price Branch, Office of Price Administration, Washington 25, D. C., shall be:

Size	On sales to distributors	On sales to dealers	On sales to consumers
12 cu. ft. with ½ hp. condensing unit...	$175	$210	$350

(b) On sales by the Stoner Manufacturing Company the maximum net prices established in (a) above may be increased by the following amount to each class of purchaser as a charge to cover the cost of crating, when crating is actually supplied: $6.00.

(c) The maximum net prices established by this order shall be subject to discounts and allowances and the rendition of services which are at least as favorable as those which each seller extended or rendered to purchasers of the same class on comparable sales of similar commodities during March 1942.

(d) On sales by a distributor or dealer the following charges may be added to the maximum price established in (a) above:

(1) The actual amount of freight paid to obtain delivery to his place of business. Such charges shall not exceed the lowest common carrier rates.

(2) Crating charges actually paid to his supplier but in no instances exceeding the following: $6.00.

(e) Each seller of the commodity covered by this order, except a dealer, shall notify each of his purchasers, in writing, at or before the issuance of the first invoice after the effective date of this order, of the maximum price established by this order for each such seller as well as the maximum price established for purchasers upon resale, including allowable transportation and crating charges.

(f) The Stoner Manufacturing Company shall stencil on the inside of the lid or cover of the farm and home freezer covered by this order, the maximum net price to consumers established by this order. The stencil shall contain substantially the following:

OPA Maximum Retail Price $350.00 plus freight and crating as provided in Order No. 4 under Maximum Price Regulation No. 591.

(g) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective August 17, 1945.

Issued this 16th day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-15173; Filed, Aug. 17, 1945; 11:22 a. m.]

[MPR 580, Order 105]

GIRL SCOUTS—NATIONAL EQUIPMENT SERVICE

ESTABLISHMENT OF MAXIMUM PRICES

Order 105 to Maximum Price Regulation 580. Establishing ceiling prices at retail for branded articles; Docket No. 6063-580-13-235.

For the reasons set forth in an opinion issued simultaneously herewith and pursuant to section 13 of Maximum Price Regulation No. 580, *It is ordered:*

(a) The following ceiling prices are established for sales by any seller at retail of the following branded articles sold at wholesale by Girl Scouts, 155 East 44 St., New York, N. Y., under its brand name "Girl Scouts—National Equipment Service" and described in its application filed June 8, 1945.

Article	Category No.	Selling price line at wholesale	Ceiling price at retail
			Each
Girl Scout light weight uniform, sizes 8-20, 40-44.	0-105	$3.20 each...	$4.25
Girl Scout light weight uniform, (chubby) sizes 10½-16½.	0-105C	$3.20 each...	4.25
Girl Scout standard uniform, sizes 8-20, 40-44.	0-107	$3.20 each...	4.25
Girl Scout standard uniform (chubby) sizes 10½-16½.	0-107C	$3.20 each...	4.25
Senior uniform, sizes 12-20.	0-109	$3.70 each...	4.95
Official tie	0-122	$3.15 dozen	.35
Official beret	0-144	$10.46 dozen	1.15
Web belt, size 28"-46"	0-161	$4.50 dozen	.50
Girl Scout service cap	0-301	$0.51 each	1.00
Badge sash, Girl Scout cloth.	0-406	$0.45 each...	.60
Girl Scout uniform pattern.	0-921	$0.20 each...	.25
Senior uniform pattern	0-923	$0.20 each...	.25
Pique collar for senior uniform.	0-963	$2.25 dozen	.25
Brownie uniform, sizes 6-12.	1-104	$1.95 each...	2.60
Brownie uniform (chubby) sizes 6½, 8½, 10½.	1-104C	$1.95 each...	2.60
Brownie cap, sizes small, medium, large.	1-143	$4.50 dozen	.50
Brownie pattern	1-922-23	$0.20 each...	.25
Leader's uniform, sizes 10-20, 40-44.	2-111	$5.65 each...	7.50
Leader's uniform, spun rayon, long sleeved, sizes 10-20, 40-44.	2-112	$5.80 each...	7.75
Leader's uniform (rayon suit), sizes 10-20, 40-44.	2-113	$11.95 each...	19.95
Leader's hat	2-147	$1.12 each...	1.50
Leader's narrow leather belt, sizes 28"-46".	2-166	$0.55 each...	.75
Leader's service hat	2-201	$1.12 each...	1.50
Leader's pattern	2-921	$0.23 each...	.30
Pique facing	2-961	$0.26 each...	.35
Mariner middy, sizes 12-20, 40.	3-101	$1.90 each...	2.50
Mariner skirt, sizes 12-20, 40.	3-102	$1.90 each...	2.50
Mariner uniform, sizes 12-20, 40.	3-105	$3.55 each...	4.75
Mariner shorts	3-111	$1.45 each...	1.95
Mariner black tie	3-121	$0.45 each...	.60
Mariner beret	3-151	$0.83 each...	1.10
Mariner gob hat	3-156	$0.49 each...	.65
Mariner slacks, sizes 12-20, 40.	3-161	$2.05 each...	2.75
Skipper's uniform, sizes 12-20, 40.	3-804	$4.85 each...	6.50
Skipper's service hat (wool crepe).	3-848	$1.17 each...	1.75
Black leather belt, sizes 28"-40".	3-866	$0.55 each...	.75
Camp tie	5-623	$2.40 dozen...	.30
Tie slide	5-561	$0.80 dozen...	.10
Green tweed anklet (insignia) sizes 8½-11.	7-101	$2.80 dozen...	.35
Tan anklet (insignia) sizes 8-10½.	7-141	$2.80 dozen...	.35
Senior slacks, sizes 12-20.	8-110	$2.50 each	$3.35
Swim suit, sizes 8-18	8-163	$31.00 dozen	3.95
Denim shirt and slacks, sizes 12-20.	8-171	$32.00 dozen	4.00
Work hat (denim, adjustable).	8-173	$6.00 dozen	.75
Green worsted sweater	8-243	$2.16 each	4.25
Basque shirt, sizes small, medium, large.	8-263	$8.00 dozen	1.00
Cardigan, green	8-265	$0.70 each	1.35
Sweat shirt, sizes small, medium, large.	8-270	$12.70 dozen	1.59
Brownie apron	8-297	$8.80 dozen	1.10
Girl Scout apron, sizes small, medium, large.	8-298	10.00 dozen	1.25
Brownie apron, sizes small, medium, large.	8-299	$9.20 dozen	1.15
Pajamas (insignia) sizes small, medium, large	8-411	$1.85 each	2.75
Brownie pajamas, sizes 8-12.	8-416	$1.30 each	1.95
Fringed scarf (Girl Scout design)	8-521	$8.00 dozen	1.00
Fringed scarf (Girl Scout design).	8-522	$8.00 dozen	1.00
Fringed scarf (Girl Scout design).	8-523	$8.00 dozen	1.00
Rayon handkerchief	8-907	$2.00 dozen	.25
Brownie handkerchief	8-914	$1.20 dozen	.15
Printed handkerchief	8-916	$1.20 dozen	.15
Printed handkerchief	8-917	$1.20 dozen	.15
Printed handkerchief	8-918	$1.20 dozen	.15

[1] Set.

(b) The retail ceiling prices contained in paragraph (a) shall apply in place of the ceiling prices which would otherwise be established under the pricing rules of Maximum Price Regulation No. 580.

(c) On and after September 1, 1945, Girl Scouts must mark each article listed in paragraph (a) with the retail ceiling price under this order, or attach to the article a label, tag or ticket stating the retail ceiling price. This mark or statement must be in the following form:

(Section 13, MPR 580)
OPA Retail Ceiling Price $------

On and after October 1, 1945, no retailer may offer or sell the article unless it is marked or tagged in the form stated above. Prior to October 1, 1945, unless the article is marked or tagged in this form, the retailer shall comply with the marking, tagging and posting provisions of Maximum Price Regulation No. 580.

(d) On or before the first delivery to any purchaser for resale of each article listed in paragraph (a), the seller shall send the purchaser a copy of this order.

(e) Unless the context otherwise requires, the provisions of Maximum Price Regulation No. 580 shall apply to sales for which retail ceiling prices are established by this order.

(f) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective August 17, 1945.

Issued this 16th day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-15171; Filed, Aug. 17 1945. 11:22 a. m.]

[Rev. Supp. Order 99,[1] Order 12]

SIGNAL KNITTING MILLS

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and pursuant to Revised Supplementary Order 99 and § 1372.101 (c) of Maximum Price Regulation 210, it is ordered:

(a) *Ceiling prices for sales by Signal Knitting Mills.* (1) On and after August 15, 1945, Signal Knitting Mills, Chattanooga, Tennessee, may sell and deliver to any retailer, and any retailer may buy and receive from it, the following designated fall and winter knitted underwear manufactured by Signal Knitting Mills, at prices not in excess of the following adjusted ceiling prices:

Style No.	Description	Adjusted Ceiling Price
PM16ESS	Men's unionsuit made of 11/1, 13/1carded cotton yarn, purchased from Gate City Cotton Mills (made of strict middling to good middling cotton), net weight 15½ pounds per dozen (based on size 42), sizes 36-46, rib knit, dyed, short sleeve, ankle length.	*Dozen* $12.72
PM16ELS	Men's unionsuit made of 11/1, 13/1 carded cotton yarn purchased from Gate City Cotton Mills (made of strict middling to good middling cotton), net weight 16½ pounds per dozen (based on size 42), sizes 36-46, rib knit, dyed, long sleeve, ankle length.	13.07
0M14ESS	Men's unionsuit made of 13/1 carded cotton yarn purchased from Gate City Cotton Mills (made of strict middling to good middling cotton), net weight 13¼ pounds per dozen (based on size 42), sizes 36-46, rib knit, dyed, short sleeve, ankle length.	11.69
0M14ELS	Men's unionsuit made of 13/1 carded cotton yarn purchased from Gate City Cotton Mills (made of strict middling to good middling cotton), net weight 14 pounds per dozen (based on size 42), sizes 36-46, rib knit, dyed, long sleeve, ankle length.	12.10
0M12ESS	Men's unionsuit made of 15/1, 13/1 carded cotton yarn purchased from Gate City Cotton Mills (made of strict middling to good middling cotton), net weight 11¼ pounds per dozen, (based on size 42), sizes 36-46, rib knit, dyed, short sleeve, ankle length.	10.77
0M12ELS	Men's unionsuit made of 15/1, 13/1 carded cotton yarn purchased from Gate City Cotton Mills (made of strict middling to good middling cotton), net weight 12 pounds per dozen (based on size 42), sizes 36-46, rib knit, dyed, long sleeve, ankle length.	11.07
00ESSK	Boy's unionsuit, made of 16/1, 13/1 carded cotton yarn purchased from Gate City Cotton Mills (made of strict middling to good middling cotton), net weight 6¾ pounds per dozen (based on size 16), sizes 4-16, rib knit, dyed, short sleeve, knee length.	6.35
00ELS	Boy's unionsuit made of 16/1, 13/1 carded cotton yarn purchased from Gate City Cotton Mills (made of strict middling to good middling cotton), net weight 8½ pounds per dozen (based on size 16), sizes 4-16, rib knit, dyed, long sleeve, ankle length.	7.49

[1] 10 F. R. 6796, 8657.

(2) The adjusted ceiling prices set forth in paragraph (a) above are subject to trade practices, including practices relating to terms and allowances, shipping and the payment of shipping charges and premiums for extra sizes, customarily used by Signal Knitting Mills during the period from July 15, 1941 to February 10, 1942, both inclusive, on deliveries of comparable types of fall and winter knitted underwear.

(b) *Statement which Signal Knitting Mills must send to retailers.* (1) On and after August 15, 1945, Signal Knitting Mills shall transmit to each retailer to whom it makes delivery, on and after that date, of any of the garments listed in paragraph (a) of this order, the following statement:

STATEMENT TO RETAILERS OF ADJUSTED CEILING PRICES

The Office of Price Administration has permitted us to add the adjustment charges set forth below to our ceiling prices on the following garments:

Style	Column A Old ceiling price	Column B OPA adjustment charges under MPR 221 and RSO 99	Column C Amount of adjustment which retailer may add to his ceiling price
	Per dozen	*Per dozen*	*Per garment*
PM16ESS	$9.25	$3.47	$0.23
PM16ELS	9.50	3.57	.23½
OM14ESS	8.75	2.94	.18
OM14ELS	9.00	3.10	.19
OM12ESS	8.00	2.77	.17
OM12ELS	8.25	2.82	.17
00ESSK	5.12½	1.22½	.05
00ELS	5.50	1.99	.13

Please note that the OPA requires you to price these garments in accordance with Maximum Price Regulation 580 or Maximum Price Regulation 210 (whichever regulation governs your sales of the garments listed in this notice). In determining your ceiling prices for these garments OPA has ruled that you must use as your "net cost" under MPR 580, or your "cost base" under MPR 210, the "old ceiling price" stated in Column A above, for the garment being priced and you must not include the OPA adjustment charges stated in Column B above, in computing your ceiling prices for these garments under either of these regulations.

The OPA has ruled, however, that after you have properly determined your ceiling price under MPR 580 or MPR 210 in the foregoing manner, you may then add to your ceiling price so computed the amount of adjustment set forth for the garment in Column C above.

(2) The statement required to be sent to its retailers by Signal Knitting Mills, as provided in this paragraph (b), and containing the information applicable to the styles of garments included in the particular shipment, shall be transmitted with, or annexed to the invoice, billing or other statement of price accompanying every shipment made by Signal Knitting Mills of any of the garments listed in paragraph (a) of this order. This statement, with respect to any garment for which Signal Knitting Mills is permitted an adjustment of its ceiling price under this order shall be sent by Signal Knitting Mills in lieu of the statement required under Section 1389.304 (as amended) of Maximum Price Regulation 221.

(c) *Garments to which the provisions of this order shall apply.* This order shall apply only to those garments of the styles enumerated in paragraph (a) which are shipped by Signal Knitting Mills on or after August 15, 1945, and before November 1, 1945.

(d) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective August 15, 1945.

Issued this 15th day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-15236; Filed, Aug. 17, 1945; 4:46 p. m.]

[MPR 592, Amdt. 2 to Order 1]

SPECIFIED CONSTRUCTION MATERIALS AND REFRACTORIES

ADJUSTMENT OF MAXIMUM PRICES

An opinion accompanying this Amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.

Section 4.3 (d) is amended to read as follows:

(d) The maximum prices for certain sizes of Grade "A" concrete building blocks (having a compressive strength of 1,000 pounds per square inch gross area), and Grade "B" concrete building blocks (having a compressive strength of 700 pounds per square inch gross area), all in accordance with American Society for Testing Materials Standard Specifications for Hollow Load-bearing Concrete Masonry Units C90-44, produced within a radius of 15 air-miles of the Dade County (Florida) Court House, shall be as follows:

GRADE "A"

Size	Maximum prices per block f. o. b. plant	Maximum prices per block, delivered within the Miami area
8 x 8 x 16	$0.11	$0.13
8 x 12 x 16	.19	.215
4 x 8 x 16	.0775	.0875
8 x 8 x 16 (corners and jams)	.11	.13
8 x 12 x 16 (corners)	.19	.215
8 x 8 x 8 (single corners and half jams)	.0775	.0875
8 x 4 x 16 or 8 x 3 x 16 partition tile	.0775	.0875

GRADE "B"

Size	Maximum prices per block f. o. b. plant	Maximum prices per block delivered within the Miami area
8 x 8 x 16	$0.10	$0.12
8 x 12 x 16	.175	.20
4 x 8 x 16	.0725	.0825
8 x 8 x 16 (corners and jams)	.10	.12
8 x 12 x 16 (corners)	.175	.20
8 x 8 x 8 (single corners and half jams)	.0725	.0825
8 x 4 x 16 or 8 x 3 x 16 partition tile	.0725	.0825

This Amendment No. 2 shall become effective August 20, 1945.

Issued this 15th day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-15233; Filed, Aug. 17, 1945; 4:46 p. m.]

[Order 757 Under 3 (b)]

SOCONY-VACUUM OIL CO., INC.

AUTHORIZATION OF MAXIMUM PRICES

For the reason set forth in an opinion issued simultaneously; *It is ordered*, That:

Socony-Vacuum Oil Company, Inc. of New York, is hereby authorized to sell Wax Fuel Tablets in bars designed to be broken into three tablets, in retail size packages containing four bars or twelve individual tablets, within the United States at wholesale prices not to exceed 223¢ per retail package ($2.73 per dozen retail packages), and the Socony-Vacuum Oil Company, Inc. and all other retailers are hereby authorized to sell Wax Fuel Tablets in the retail package described above at retail at prices not to exceed 35¢ per retail package at all points within the United States.

The following scale of dealer and jobber discounts will apply to the list retail package price of 35¢ per package ($4.20 per dozen retail packages):

Dealers: 1 to 5 Dozen—35%.
Dealers: 6 to 11 Dozen—35% and 5%.
Dealers: 12 Dozen or more—35% and 10%.
Jobbers: 12 Dozen or more—35% and 20%.

All sellers are required to maintain these discounts.

The Socony-Vacuum Oil Company, Inc. shall, for a period of 90 days place in each package of Wax Fuel Tablets a notice to retailers as follows:

The Office of Price Administration has established maximum prices for retail sales of Wax Fuel Tablets at 35¢ per retail package of four bars designed to be broken into three tablets each.

This order may be revoked or amended at any time by the Office of Price Administration.

This Order No. 757 shall become effective the 18th day of August 1945.

Issued this 17th day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-15235; Filed, Aug. 17, 1945; 4:49 p. m.]

[MPR 120, Amdt. 1 to Order 1397]

JESSE NICE ET AL.

ESTABLISHMENT OF MAXIMUM PRICES AND PRICE CLASSIFICATIONS

For the reasons set forth in an opinion issued simultaneously herewith and pursuant to § 1340.210 (a) (6) of Maximum Price Regulation No. 120; *It is ordered:*

Order No. 1397 under Maximum Price Regulation No. 120 is hereby amended in the following respect:

The item relating to the establishment of price classifications and maximum prices for the coals of the Nine Mile Mine of the Nine Mile Coal Company is deleted in its entirety.

This Amendment No. 1 to Order No. 1397 under Maximum Price Regulation No. 120 shall become effective August 18, 1945.

Issued this 17th day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-15225; Filed, Aug. 17, 1045; 4:47 p. m.]

[MPR 120, Corr. to Order 1422]

KIEFER COAL MINING CO., ET AL.

ESTABLISHMENT OF MAXIMUM PRICES AND PRICE CLASSIFICATIONS

Order No. 1422 under Maximum Price Regulation No. 120 is hereby corrected in the following respects:

1. In the item relating to the establishment of price classifications and maximum prices for the coals of the Ray's Hill No. 1 Mine, Mine Index No. 5424, in Subdistrict No. 39 of District No. 1, of Miller & Corrie, Robertsdale, Pennsylvania, the price classification "B" for Size Group No. 5 is corrected to read "C".

2. In the item relating to the establishment of price classifications and maximum prices for the coals of the Ray's Hill No. 2 Mine, Mine Index No. 5425, in Subdistrict No. 39 of District No. 1, of Miller & Corrie, Robertsdale, Pennsylvania, the price classification "A" for Size Group Nos. 1, 2, 3, 4 and 5 is corrected to read "B" for Size Group Nos. 1, 2, 3 and 4, and "C" for Size Group No. 5.

This correction to Order No. 1422 under Maximum Price Regulation No. 120 shall become effective August 18, 1945.

Issued this 17th day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-15226; Filed, Aug. 17, 1945; 4:47 p. m.]

[MPR 188, Rev. Order 4037]

THE MAJESTIC CO.

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.158 of Maximum Price Regulation No. 188; *It is ordered:*

Order No. 4037 under § 1499.158 of Maximum Price Regulation No. 188 is amended and revised to read as follows:

(a) This revised order establishes maximum prices for sales and deliveries of an aluminum dutch oven manufactured by The Majestic Company, Huntington, Ind.

(1) For all sales and deliveries to the following classes of purchasers by the sellers indicated below, the maximum prices are those set forth below:

Article	Size	Maximum prices for sales by any seller to—			
		Wholesalers (jobbers)	Department and chain stores	Other retailers	Consumers
Aluminum dutch oven—chicken fryer	10½ to x 5"	*Each* $4.00	*Each* $4.17	*Each* $4.00	*Each* $4.20

These maximum prices are for the articles described in the manufacturer's application dated April 12, 1945.

(2) For sales by the manufacturer, the maximum prices apply to all sales and deliveries on and after the effective date of this revised order. They are f. o. b. factory and are subject to a cash discount of 2% for payment within ten days, net thirty days.

(3) For sales by persons other than the manufacturer, the maximum prices apply to all sales and deliveries made by the manufacturer on and after the effective date of this order. Those prices are subject to each seller's customary terms and conditions of sale on sales of similar articles.

(4) If the manufacturer wishes to make sales and deliveries to any other class of purchaser or on other terms and conditions of sale, he must apply to the Office of Price Administration, Washington, D. C., under the Fourth Pricing Method, § 1499.158 of Maximum Price Regulation No. 188, for the establishment of maximum prices for those sales, and no sales or deliveries may be made until maximum prices have been authorized by the Office of Price Administration.

(b) The manufacturer shall attach a tag or label to every article for which a maximum price for sales to consumers is established by this order. That tag or label shall contain the following statement:

OPA Retail Ceiling Price—$6.12
Do Not Detach

(c) At the time of, or prior to, the first invoice to each purchaser for resale, the seller shall notify the purchaser in writing of the maximum prices and conditions established by this order for sales by the purchaser. This notice may be given in any convenient form.

(d) This revised order may be revoked or amended by the Price Administrator at any time.

(e) This revised order shall become effective on the 18th day of August 1945.

Issued this 17th day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-15227; Filed, Aug. 17, 1945; 4:50 p. m.]

[MPR 188, Revocation of Order 4083]

SCHOEMANN AND MAYER, INC.

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith, and filed with the Division of the Federal Register, and pursuant to § 1499.158 of Maximum Price Regulation No. 188, *It is ordered*, That Order No. 4083 under § 1499.158 of Maximum Price Regulation No. 188 is hereby revoked.

This order of revocation shall become effective on the 18th day of August 1945.

Issued this 17th day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-15230; Filed, Aug. 17, 1945; 4:47 p. m.]

[MPR 188, Order 4270]

GENERAL DIE AND STAMPING CO.

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to Section 1499.158 of Maximum Price Regulation No. 188; *It is ordered:*

(a) This order establishes maximum prices for sales and deliveries of certain articles manufactured by General Die and Stamping Company, of 262 Mott Street, New York 12, N. Y.

(1) For all sales and deliveries to the following classes of purchasers by the sellers indicated below, the maximum prices are those set forth below:

Article	Maximum Prices for sales by any seller to—			
	Jobber	Retailer, 3 units or more	Retailer, less than 3 units	Consumer
Hand-Q-Heater device	$19.75	$23.70	$25.67	$39.50

These prices include the Federal excise tax.

These maximum prices are for the articles described in the manufacturer's application dated June 15, 1945.

(2) For sales by the manufacturer, the maximum prices apply to all sales and deliveries since Maximum Price Regulation No. 188 became applicable to those sales and deliveries. These prices are f. o. b factory and subject to a cash discount of 2% for payment within 10 days, net 30 days.

(3) For sales by persons other than the manufacturer, the maximum prices apply to all sales and deliveries after the effective date of this order. Those prices are subject to each seller's customary terms and conditions of sale on sales of similar articles.

(4) If the manufacturer wishes to make sales and deliveries to any other class of purchaser or on other terms and conditions of sale, he must apply to the Office of Price Administration, Washington, D. C., under the Fourth Pricing Method, § 1499.158 of Maximum Price Regulation No. 188, for the establishment of maximum prices for those sales, and no sales or deliveries may be made until maximum prices have been authorized by the Office of Price Administration.

(b) The manufacturer shall attach a tag or label to every article for which a maximum price for sales to consumers is established by this order. That tag or label shall contain the following statement:

OPA Retail Ceiling Price—$39.50
Do Not Remove or Obliterate

(c) At the time of, or prior to, the first invoice to each purchaser for resale, the seller shall notify the purchaser in writing of the maximum prices and conditions established by this order for sales by the purchaser. This notice may be given in any convenient form.

(d) This order may be revoked or amended by the Price Administrator at any time.

(e) This order shall become effective on the 18th day of August 1945.

Issued this 17th day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-15228; Filed, Aug. 17, 1945; 4:50 p. m.]

[MPR 188, Order 4271]

CRYSTAL MART

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.158 of Maximum Price Regulation No. 188, *It is ordered:*

(a) This order establishes maximum prices for sales and deliveries of certain articles manufactured by Crystal Mart, 31 East 27th Street, New York 16, N. Y.

(1) For all sales and deliveries to the following classes of purchasers by the sellers indicated below, the maximum prices are those set forth below:

Article	Model No.	For sale by the manufacturer to—		For sales by any person to consumers
		Jobbers	Retailers	
Hand decorated opal glass table lamp base composed of base, vase, fount and disc. Over-all height, 33"...	516	*Each* $11.69	*Each* $13.75	*Each* $21.75
Opal lamp base composed of base, hand decorated vase and 2 discs. Over-all height, 31"...	515	7.97	9.38	16.90
Opal lamp base composed of base, vase and fount. Over-all height, 32½"...	517	4.04	4.75	8.55
Opal glass table lamp base composed of base and hobnailed column. Over-all height, 22"...	507	4.76	5.60	10.10
Opal glass table lamp composed of base, reeded column and fount. Over-all height, 34½"...	514	5.71	6.72	12.10
Opal glass lamp base composed of base and column with swirl effect. Hand decoration on base and column. Over-all height, 28"...	504	7.27	8.55	15.40
Crystal hurricane lamp composed of cut and polished base, brank, two pyramids, and ball break. 10 cut prisms 8" long and hand cut and polished scalloped chimney. Height, 24"...	763	*Pair* 42.50	*Pair* 50.00	*Pair* 90.00
Crystal and ruby hurricane lamp composed of pressed crystal and ruby base and breaks. Hand cut ruby chimney. Three bead prisms. Height, 17½"...	759	12.75	15.00	27.00
Hand cut and polished crystal hurricane lamp with imported cut prisms. Height, 18½"...	751	21.25	25.00	45.00
Crystal and ruby hurricane lamp with hand cut ruby shade, 3 bead prisms and ruby base. Height, 18"...	760	*Each* $8.50	*Each* $10.00	*Each* $18.00
Hand cut and polished crystal hurricane lamp. One bead hand cut prism 8" long. Height, 23"...	735	*Pair* 42.50	*Pair* 50.00	*Pair* 90.00
Cut crystal hurricane lamp, 6" prisms with base, 3 breaks and ball break. Hand cut chimney. Height, 20"...	756	*Each* 6.38	*Each* 7.50	*Each* 13.50
Crystal hurricane lamp with hand cut ruby chimney, long tear drop prisms. Height, 18"...	733	*Pair* 10.63	*Pair* 12.50	*Pair* 22.50
Cut crystal hurricane lamp with cut base, ball break, pyramid and two breaks, long cut prisms...	761	*Each* 17.00	*Each* 20.00	*Each* 35.00
Ruby and crystal table lamp composed of two-coat ruby hand cut base, two-cut crystal breaks, ruby cut ball, and two-coat cut ruby fount and hexagon shaped break. Height, 30½"...	523	15.01	17.66	31.80
Crystal table lamp with base, hand disk, ball break and fluted column with neck break. Height, 31"...	520	5.63	6.62	11.40
Crystal and ruby table lamp with hand-cut ruby crystal base and vase, crystal cover for vase, neck break and ball break. Height, 32"...	521	11.20	16.70	30.10
Crystal and ruby table lamp with two-coat ruby hand-cut base, cut crystal ball and two-coat ruby hand-cut vase column. Height 35½"...	522	15.96	18.78	33.80
Crystal table lamp with hand-cut and polished crystal base, ball, column and diamond break. Height, 32"...	501	9.95	11.71	21.10
Cut crystal table lamp with base, break, three-ball break, two-diamond breaks, and three-pyramid breaks. Height, 32"...	506	11.47	13.49	24.30
Crystal and ruby table lamp with two-coat ruby base, fired crystal, two-coat hand-cut ruby Victorian vase, crystal cover, 3½" cut ruby ball, and crystal diamond break. Height, 31½"...	511	12.54	14.75	26.55

These maximum prices are for the articles described in the manufacturer's application dated April 4, 1945.

(2) For sales by the manufacturer, the maximum prices apply to all sales and deliveries since Maximum Price Regulation No. 188 became applicable to those sales and deliveries. For sales to persons other than consumers they are f. o. b. factory, 2% 10 days, net 30. The maximum price to consumers is net, delivered.

(3) For sales by persons other than the manufacurer, the maximum prices apply to all sales and deliveries after the effective date of this order. Those prices are subject to each seller's customary terms and conditions of sale on sales of similar articles.

(4) If the manufacturer wishes to make sales and deliveries to any other class of purchaser or on other terms and conditions of sale, he must apply to the

Office of Price Administration, Washington, D. C., under the Fourth Pricing Method, § 1499.158 of Maximum Price Regulation No. 188, for the establishment of maximum prices for those sales, and no sales or deliveries may be made until maximum prices have been authorized by the Office of Price Administration.

(b) The manufacturer shall attach a tag or label to every article for which a maximum price for sales to consumers is established by this order. That tag or label shall contain the following statement, with the proper model number and the ceiling price inserted in the blank spaces:

Model No. ------
OPA Retail Ceiling Price—$------
Do Not Detach

(c) At the time of, or prior to, the first invoice to each purchaser for resale, the seller shall notify the purchaser in writing of the maximum prices and conditions established by this order for sales by the purchaser. This notice may be given in any convenient form.

(d) Jobber's maximum prices for sales of the articles covered by this order shall be established under the provisions of Section 4.5 of SR 14J.

(e) This order may be revoked or amended by the Price Administrator at any time.

(f) This order shall become effective on the 18th day of August 1945.

Issued this 17th day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-15229; Filed, Aug. 17, 1945; 4:50 p. m.]

[RMPR 499, Amdt. 1 to Order 20]

JEAN R. GRAEF, INC.

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to section 14 of Revised Maximum Price Regulation 449, *It is ordered*, That paragraph (b) of Order No. 20 under Revised Maximum Price Regulation 499 be amended in the following respect:

1. There are added to the list of watches and maximum prices in paragraph (b) the following model numbers and maximum prices:

Style	Description	Maximum prices to retailers	Maximum retail prices exclusive of the Federal excise tax
P6874	6xSL 17J 14k gold cord watch	$21.25	$47.50
R6824	do	24.25	47.50
R6825	do	25.75	50.00
R5527	5L 17J 14K gold bracelet	85.00	150.00
R7528	7 3/4L 17J 10K gold lapel watch	30.00	60.00
R7529	do	30.00	60.00
P6842	6xSL 17J 10k gold filled cord watch	19.25	37.50
G6864	do	19.25	37.50
H6806	do	19.25	37.50
R5626	5xSL 17J 14k gold strap watch	42.50	77.50
P5638	5x9L 17J 10K gold filled strap watch	20.25	40.00
H5603	do	20.25	40.00
P5633	do	20.25	40.00
P6644	10½L 17J 10K gold filled strap watch	18.35	35.00

This amendment shall become effective on the 18th day of August 1945.

Issued this 17th day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-15231; Filed, Aug. 17, 1945; 4:47 p. m.]

[RMPR 499, Amdt. 1 to Order 21]

RIBAUX WATCH AGENCY

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to Section 14 of Revised Maximum Price Regulation No. 499, *It is ordered*, That Order No. 21 under Revised Maximum Price Regulation No. 499 is amended in the following respects:

1. The firm name is amended to read "Ribaux Watch Company."

2. There are added to the list of watches and maximum prices in paragraph (b) the following model numbers and maximum prices:

Style	Description	Maximum prices: Importer to wholesaler	Wholesaler to retailer	Retailer to consumer including 10% Federal excise tax
70009	17J 11½L waterproof, incabloc, stainless steel.	$14.45	$18.80	$41.25
40609	17J 11½L 10K gold filled Wadsworth case.	13.10	17.05	37.50
60009	7J 11½L chromesteel back strap.	6.95	9.05	19.75
11009	7J 11½L rolled go'd plate strap.	8.65	11.25	24.75
10909 10709 10809 10609	7J 10½ rolled gold plate/steel back Wadsworth case.	8.65	11.25	24.75
10062 10162 10262 10362 10462 10562	7J 6¾ x 8L rolled gold plate steel back Wadsworth case.	9.65	12.55	27.50

This amendment shall become effective on the 18th day of August 1945.

Issued this 17th day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-15232, Filed, Aug. 17, 1945; 4:47 p. m.]

[RMPR 129, Order 14]

CERTAIN CONVERTED PAPER PRODUCTS AND CERTAIN INDUSTRIAL PAPERS

AUTHORIZATION OF ADJUSTABLE PRICING

Revised Supplementary Order 114, effective August 7, 1945, granted adjustable pricing authority to producers, converters and jobbers of certain cotton textiles pending a study of the current maximum prices of these items. In the event an increase in the price of two of these items, namely osnaburg and sheeting, is granted, manufacturers of gummed cloth tape under Revised Maximum Price Regulation 129 will be affected. Consequently, the Office of Price Administration is conducting a cost study in order to determine what resulting adjustments, if any, should be made in the maximum prices of gummed cloth tape.

This study will of necessity require conferences with the industry affected and the passage of some considerable amount of time. Unless adjustable pricing authority is granted in the interim to each of the manufacturers of gummed cloth tape to prevent the absorption of a retroactive increase in the prices of osnaburg and sheeting, the production and distribution of this commodity will be seriously endangered and the war effort impeded. The granting of such authority will not interfere with the purposes of the Emergency Price Control Act of 1942, as amended.

Therefore, under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and in accordance with section 2 of Revised Maximum Price Regulation 129, *It is ordered*, That:

(1) Any manufacturer of gummed cloth tape may sell and deliver or agree to sell and deliver this commodity at the maximum prices now established under Revised Maximum Price Regulation 129 with an agreement with the purchaser to collect the difference, if any, between the manufacturer's current maximum prices and any higher maximum prices which may be established by the Office of Price Administration as a result of the proposed study of the effect of any increased prices of cotton textiles.

(2) Payments in excess of the current maximum prices of gummed cloth tape established under Revised Maximum Price Regulation 129 may be collected or paid, if and when any increase in such maximum prices has been granted by the Office of Price Administration, and the amount so collected or paid shall be the difference, if any, between the current maximum prices and any higher maximum prices hereafter granted as a result of this study.

(3) This order shall remain in effect until the proposed cost study on gummed cloth tape has been made and action of general applicability with respect to the present maximum prices of gummed cloth tape has been taken by the Office of Price Administration, unless sooner revoked.

This order shall become effective August 14, 1945.

Issued this 14th day of August 1945.

CHESTER BOWLES
Administrator.

[F. R. Doc. 45-15084; Filed, Aug. 14, 1945; 4:41 p. m.]

[RMPR 136, Order 487]

THE STUDEBAKER CORP.

AUTHORIZATION OF MAXIMUM PRICES

Order No. 487 under Revised Maximum Price Regulation 136. Machines, parts and industrial equipment. The Studebaker Corporation; Docket No. 6383-136.21-463.

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to section 21 of Revised Maximum Price Regulation 136; *It is ordered:*

(a) The Studebaker Corporation, South Bend, Indiana, is authorized to sell its Studebaker motor truck listed in subparagraph (1) below, produced under the War Production Board's 1945 allocation to date to The Studebaker Corporation for production of 4000 medium-weight trucks, when equipped with synthetic rubber tires delivered to The Studebaker Corporation on or after April 18, 1944, at a price not to exceed the total of the applicable "List Price," f. o. b. factory, South Bend, Indiana, listed in subparagraph (1) below and the applicable charges in subparagraph (2) below (subject to the discounts and allowances in effect on March 31, 1942, to the applicable class of purchasers):

(1) *Model, description, and list price f. o. b. factory, South Bend, Indiana.*

Model	Description	List price
M15-20	Truck, chassis and cab, one ton nominal rating, 120" wheel base, with 8' express body; with 1942 standard specifications and equipment plus the following changes and additions: military type cab; oil filter; air cleaner, auxiliary rear springs; extra sun visor; extra windshield wiper; 4-7.50 x 20 8-ply tires.	$1,176

(2) *Charges.* (i) A charge for extra, special, and optional equipment not to exceed the "List Prices" in effect on March 31, 1942 (subject to the discounts in effect on March 31, 1942, to the applicable class of purchasers), for such equipment when sold as original equipment;

(ii) A charge to cover handling and delivery expense, computed in accordance with the method that the seller had in effect on March 31, 1942;

(iii) A charge to cover freight expense, based on current freight rates and computed in accordance with the method that the seller had in effect on March 31, 1942;

(iv) A charge to include the Federal excise tax on tires and tubes and other Federal excise taxes, and State and local taxes on the truck being sold, computed in accordance with the method the seller had in effect on March 31, 1942;

(v) The dollar amount of all other charges which the seller had in effect on March 31, 1942, to the applicable class of purchasers.

(b) A reseller of Studebaker motor trucks is authorized to sell, deliver at its place of business the Studebaker motor truck listed in subparagraph (1) below produced under the War Production Board's 1945 allocation to date to The Studebaker Corporation for production of 4,000 medium-weight trucks when equipped with synthetic rubber tires delivered to The Studebaker Corporation on or after April 18, 1944, at a price not to exceed the total of the applicable "List Price" in subparagraph (1) below and the applicable charges in subparagraph (2) below (subject to the discounts in effect on March 31, 1942, to the applicable class of purchasers):

(1) *Model, description, and list price f. o. b. factory, South Bend, Indiana.*

Model No.	Description	List price
M15-20....	Truck, chassis and cab, one ton nominal rating, 120" wheel base, with 8' express body; with 1942 standard specifications and equipment plus the following changes and additions: military type cab, oil filter; air cleaner, auxiliary rear springs, extra sun visor, extra windshield wiper, 4-7.50 x 20 8-ply tires.	$1,176

(2) *Charges.* (i) A charge for extra, special, and optional equipment, not to exceed the charge the reseller had in effect on March 31, 1942 to the applicable class of purchasers for such equipment, when sold as original equipment;

(ii) A charge for transportation which shall not exceed the charge The Studebaker Corporation would make for the transportation, by the means and route used, of the trucks from the factory to the place of business of the reseller;

(iii) A charge to cover Federal, State, and local taxes on the purchase, sale or delivery of the truck, computed in accordance with the method that the reseller had in effect on March 31, 1942;

(iv) A charge for handling and delivery equal to the charge that the reseller had in effect on March 31, 1942;

(v) The dollar amount of all other charges which the reseller had in effect on March 31, 1942, to the applicable class of purchasers.

(c) A reseller that cannot establish a price under paragraph (b) because it was not in business on March 31, 1942, shall determine its maximum price by adding to the applicable "List Price," f. o. b. factory, South Bend, Indiana, set forth in subparagraph (1) of paragraph (b), the following applicable charges:

(1) *Charges.* (i) A charge equal to the original equipment retail charge that The Studebaker Corporation suggested on March 31, 1942, be made by resellers for the extra, special, and optional equipment attached to the truck as original equipment;

(ii) A charge for transportation which shall not exceed the charge The Studebaker Corporation would make for the transportation, by the means and route used, of the trucks from the factory to the place of business of the reseller;

(iii) A charge equal to the charge made to the reseller by The Studebaker Corporation, in accordance with the method The Studebaker Corporation had in effect on March 31, 1942, to cover the Federal excise tax on tires and tubes and other Federal excise taxes;

(iv) A charge equal to the reseller's expense for payment of state and local taxes on the purchase, sale or delivery of the truck;

(v) A charge equal to the reseller's actual expense for handling and delivery of the truck.

(d) A reseller of Studebaker motor trucks in any of the territories or possessions of the United States is authorized to sell the truck described in paragraph (b), at a price not to exceed the applicable price established in paragraph (b) or (c), to which it may add a sum equal to the expense incurred by or charged to it, for payment of territorial and insular taxes on the purchase, sale or introduction of the truck; export premiums, boxing and crating for export purposes; marine and war risk insurance; and landing, wharfage, and terminal operations.

(e) All requests not granted herein are denied.

(f) This order may be amended or revoked by the Administrator at any time.

NOTE: Where the manufacturer has an established price under section 8 of Revised Maximum Price Regulation 136 which is different than a price permitted under paragraph (a) because of a substantial modification in design, specifications, or equipment in the truck, the reseller may add to its price under paragraph (b), (c) or (d) any increase in price to it over the price it would otherwise pay under paragraph (a) plus its customary markup on such a cost increase, but in the case of a decrease in the price under paragraph (a), the reseller must reduce its price under paragraph (b), (c), or (d) by the amount of the decrease and its customary markup on such an amount.

This order shall become effective August 14, 1945.

Issued this 14th day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-15087; Filed, Aug. 14, 1945; 4:41 p. m.]

[MPR 210, Order 6]

ECONOMASTER PRODUCTS CO.

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register and pursuant to § 1372.101 of Maximum Price Regulation No. 210, *It is ordered:*

(a) This order establishes maximum prices for all sales at wholesale and retail of the Model D "Economaster" heater manufactured by Economaster Products Co., 117 Ninth Avenue, North, Nashville, Tennessee, as follows:

Article	Model	Maximum prices for sales by—		
		Wholesalers to retailers		Retailers to consumers
		Lots of 3 or more	Lots of less than 3	
Economaster electric heater	D	*Each* $5.01	*Each* $5.45	*Each* $9.10

These maximum prices apply to all sales and deliveries after the effective date of this order. They include the Federal excise tax.

(1) For sales by wholesalers to retailers these maximum prices are f. o. b. the wholesaler's city.

(2) For sales by all sellers these prices are subject to each seller's customary terms and conditions of sale on sales of similar articles.

(b) At the time of, or prior to, the first invoice to each purchaser for resale, the manufacturer and all other sellers shall notify the purchaser in writing of the

maximum prices and conditions established by this order for sales at wholesale and retail. This notice may be given in any convenient form.

(c) This order may be revoked or amended by the Price Administrator at any time.

(d) This order shall become effective on the 20th day of August 1945.

Issued this 18th day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-15297; Filed, Aug. 18, 1945; 11:58 a. m.]

[RMPR 528, Order 58]

THE PHARIS TIRE & RUBBER CO.

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith, and filed with the Division of the Federal Register, and pursuant to section 16 (d) of Revised Maximum Price Regulation 528, *It is ordered:*

(a) The maximum retail prices for wheelbarrow, industrial pneumatic and lawn mower tires and wheelbarrow tubes manufactured by The Pharis Tire & Rubber Company, Newark, Ohio, in the following types and sizes shall be:

Size	Ply	Type	Maximum retail price, per tire		Maximum retail price, per tube
			Rib tread	Power tread	
Wheelbarrow					
4.00-8	2	Pneumatic	$4.60	$5.15	$1.65
4.00-8	4	Pneumatic	5.30	6.10	1.65
4.00-8	6	Pneumatic	6.11	7.22	1.65
10.50 x 2.75	2	Semi-pneumatic	$2.50		
Lawn mower					
10.50 x 1.75		Pneumatic	$2.25		
10.50 x 1.75		Semi-pneumatic	1.80		
10.50 x 1.75		Solid	1.65		
Industrial pneumatic					
4.00-8	4		$7.75		
4.00-8	6		9.10		

(b) All provisions of Revised Maximum Price Regulation 528 not inconsistent with this order shall apply to sales covered by this order.

(c) This order may be revoked or amended by the Office of Price Administration at any time.

This order shall become effective August 18, 1945.

Issued this 17th day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-15299; Filed, Aug. 18, 1945; 12 m.]

[RMPR 528, Order 59]

B. F. GOODRICH CO.

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith, and filed with the Division of the Federal Register, and pursuant to section 16 (d) of Revised Maximum Price Regulation 528, *It is ordered:*

(a) The maximum retail price for a new 21.00-24, 24 ply, Super Traction cotton tire manufactured by The B. F. Goodrich Company of Akron, Ohio, shall be $828.55 each.

(b) All provisions of Revised Maximum Price Regulation 528 not inconsistent with this order shall apply to sales covered by this order.

(c) This order may be revoked or amended by the Office of Price Administration at any time.

This order shall become effective August 18, 1945.

Issued this 17th day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-15300; Filed, Aug. 18, 1945; 12:00 m.]

[Supp. Order 108,[1] Special Order 2]

MANUFACTURERS' MAXIMUM AVERAGE PRICES FOR CERTAIN ITEMS OF APPAREL AND APPAREL ACCESSORIES

SPECIAL PROVISIONS APPLICABLE TO MANUFACTURERS WHO PRODUCE SPECIFIED COTTON AND WOOL MACHINE KNITTED APPAREL ITEMS UNDER SCHEDULE B TO WAR PRODUCTION BOARD CONSERVATION ORDER M-328B

An opinion accompanying this Special Order No. 2, under section 17 of Supplementory Order 108 has been issued simultaneously herewith and filed with the Division of the Federal Register.

SECTION 1. *Purpose of this order.* The purpose of this special order is to provide an optional method of operation which will enable manufacturers who produce items of machine knitted apparel listed in Schedule B to War Production Board Conservation Order M-328B to comply with the WPB's requirements under that order without being subject to the maximum average price limitation of section 5 of SO 108 or the surcharge provisions of section 6 of SO 108 on deliveries of those items, during the period ending September 30, 1945.

SEC. 2. *What this order does.* If, during the period ending September 30, 1945, you manufacture any machine-knitted item of apparel listed in Schedule B to Order M-328B of the WPB under a grant of priorities assistance issued by the WPB under that program, and if your production of that item is in the quantities, and at the prices, specified by the WPB, this order permits you, at your option, either to continue to remain subject to all of the provisions of SO 108 with respect to your deliveries of that item during the period ending September 30, 1945, or to operate under the provisions of this special order with respect to your deliveries of that item during that period. In the latter case, you are required to report your election to the OPA within the time, and in the manner, prescribed in section 3 of this order.

SEC. 3. *Report to OPA of election under this special order.* If you apply to the WPB for priorities assistance for cotton, worsted or woolen yarn under Schedule B to Order M-328B and receive an allocation of yarn for the production of any knitwear item specified in that program, and if you elect to operate under the provisions of this special order with respect to deliveries of that item made during the period ending September 30, 1945 you must, within thirty days from the date you receive the WPB yarn allocation, send by registered mail, to OPA, Knitwear and Hosiery Section, Washington 25, D. C., a notice of election, in duplicate, setting forth:

(1) Your business name and address;

(2) Your WPB serial number (or case number) under Schedule B to Order M-328B;

(3) The date on which you received your allocation of yarn for the third calendar quarter of 1945 from WPB under Schedule B to Order M-328B;

(4) A statement that you elect to operate under the provisions of Special Order No. 2 under SO 108 with respect to your deliveries, during the period June 1 through September 30, 1945, of the machine-knitted items (to be listed below) to be produced under WPB Schedule B to Order M-328B, which are included in the designated categories of SO 108 (for which you have base periods under section 2 of SO 108).

Item (as designated in WPB Schedule B to Order M-328B)	*Number and title of category* of SO 108 in which this item is included

NOTE: If you do not have a base period under SO 108 for any category which includes any item to be produced by you under Schedule B to WPB Order M-328B you are not permitted to operate under the provisions of this special order with respect to that category. You should therefore not list such category in this report of election.

SEC. 4. *Failure to notify OPA of election.* If you do not report to OPA your election to operate under this special order in the manner, and within the time, provided for in section 3 above, you will continue to remain subject to all provisions of SO 108 with respect to your deliveries of all items within a category of SO 108 whether or not you produce any of those items under a grant of priorities assistance under Schedule B to WPB Order M-328B.

SEC. 5. *How you operate under this special order.* (a) If you have failed to send the report of election required under section 3 above, the following provisions of this special order will not apply to you.

(b) If you elect to operate under this special order and have properly reported your election to do so, as required in section 3 above, and if you produce any item of machine knitted apparel during the third calendar quarter of 1945 under Schedule B to WPB Order M-328B, the following rules will apply to you.

Rule 1. Where your deliveries within a category of SO 108 consist solely of machine knitted items listed in Schedule B to WPB Order M-328B. If, during the period June 1 through September 30, 1945, your deliveries of items included in a category of SO 108 consist only of machine-knitted items as to which you have obtained a grant of priorities assistance under Schedule B to WPB Order M-328B for the third calendar quarter of 1945 under that WPB order, your deliveries in that category during that period are not subject to the maximum average price limitation of section 5 of SO 108, the surcharge provisions of section 6 of SO 108, or the makeup operation provisions of section 7 of SO 108. Also, you are not required to include your deliveries of items in that category in the quarterly report which you are required to file under section 12 (b) of SO 108.

Under this order an item is considered to be one for which you have received priorities assistance under Schedule B to WPB Order M-328B if, at any time during the third calendar quarter of 1945, you have received an allocation for that item under that WPB order even though some of your deliveries of that item are not made of yarns allocated under that order.

For example: You are a manufacturer of men's sweat shirts. Men's sweat shirts are included in Category E-115 of SO 108 under "E-115. Sweat Shirts: Men's—All Yarns and Mixtures." Between June 1 and July 15, 1945 you delivered 300 dozen men's cotton sweat shirts at a weighted average price of $7.00 per dozen. On July 15, 1945 you applied to the WPB for priorities assistance for cotton yarn under Schedule B to Order M-328B to make 1000 dozen cotton sweat shirts (Item C-4 in Preference Rating Schedule Number 1 of Schedule B to WPB Order M-328B) during the third calendar quarter of 1945. Between July 15 and September 30, 1945 you obtain the necessary yarn under priorities and manufacture the 1000 dozen cotton sweat shirts at the prices called for in your WPB allocation. The only men's sweat shirts which you deliver during the period from June 1 through September 30, 1945 are men's cotton sweat shirts. Therefore, since your deliveries in Category E-115 of SO 108 during the period between June 1 through September 30, 1945 consist solely of cotton sweat shirts covered by Schedule B to WPB Order M-328B your deliveries in that category (including those sweat shirts delivered between June 1 and July 15, 1945) are not subject to the maximum average price limitation of section 5 of SO 108 or the surcharge provisions of section 6 of SO 108 and do not have to be included in your quarterly report to OPA under section 12 (b) of SO 108.

NOTE: In the above example the 300 dozen men's cotton sweat shirts delivered by you between June 1 and July 15, 1945 are also excluded under this rule since they are an "item" which you produce during the balance of the calendar quarter under Schedule B to WPB Order M-328B. However, if at any time during the period June 1 through September 30, 1945 you delivered any men's wool sweat shirts, you would be governed by Rule 3 below rather than this Rule 1 since men's wool sweat shirts are not an item listed in Schedule B to WPB Order M-328B.

Rule 2. Where your deliveries within a category of SO 108 consist solely of items other than machine knitted items as to which you have obtained priorities assistance under Schedule B to WPB Order M-328B. If, during the period June 1 through September 30, 1945, none of the items which you deliver in a category of SO 108 are machine-knitted items as to which you have obtained a grant of priorities assistance under Schedule B to WPB Order M-328B, all your deliveries in that category during that period remain subject to all of the provisions of SO 108.

For example: During the period June 1 through September 30, 1945 you deliver 1000 dozen men's wool bathing suits (Category E-100 of SO 108). Men's bathing suits are not one of the items for which priorities yarn is allocated under Schedule B to WPB Order M-328B. Therefore, all of your deliveries in Category E-100 remain subject to all of the provisions of SO 108.

Rule 3. Where your deliveries within a category include both machine-knitted items as to which you received priorities assistance under Schedule B to WPB Order M-328B and other items not listed in that schedule. If, during the period June 1 through September 30, 1945 you make deliveries in a category of SO 108 of both machine-knitted items as to which you have obtained a grant of priorities assistance under Schedule B to WPB Order M-328B and other items as to which no priorities assistance was granted to you by the WPB under that program, you treat your deliveries of these two kinds of items separately, in the following manner:

(i) Your deliveries, during that period, of those machine-knitted items as to which you have obtained a grant of priorities assistance under Schedule B to WPB Order M-328B are not subject to the maximum average price limitation of section 5 of SO 108, the surcharge provisions of section 6 of SO 108 or the makeup operation provisions of section 7 of SO 108. Your deliveries of these machine-knitted items are excluded in computing your weighted average price for that category for the period June 1 through September 30, 1945.

(ii) Your deliveries, during that period, of those items in the category as to which you did not obtain any grant of priorities assistance under Schedule B to WPB Order M-328B, remain subject to the maximum average price limitation of section 5 of SO 108 and to all other provisions of that supplementary order.

(iii) However, since your maximum average price for the category under SO 108 was the weighted average price at which you delivered all items within that category during the appropriate base period (selected by you for the category under section 2 of SO 108), and since you now exclude your deliveries of those items which you produce under the WPB program in determining your weighted average price for the category (as provided in (i) above), you must re-figure your base period maximum average price for that category. You find such re-figured maximum average price for the category by excluding from your base period deliveries of items in that category your deliveries of those machine knitted items of apparel which you produce under Schedule B to WPB Order M-328B during the third quarter of 1945. In re-figuring your maximum average price for the category you may, if you wish, choose quarter, annual or half-yearly base periods, although you originally selected different length base periods for the category.

For example: In your base period under SO 108 you delivered 800 dozen men's athletic shirts ("Category E-92-Athletic shirts: Men's—all Yarns and Mixtures"). Of these, 200 dozen were *rayon* which were delivered at $8.00 per dozen, 200 dozen more were *rayon*, which you delivered at $10.00 per dozen, 200 dozen were *cotton*, delivered at $6.00 per dozen and the remaining 200 dozen also were *cotton*, delivered at $4.00 per dozen. Your maximum average price for category E-92 was therefore $7.00 per dozen ($200 \times \$8.00 + 200 \times \$10.00 + 200 \times \$6.00 + 200 \times \$4.00 = \$5600$. $\$5600 \div 800 = \$7.00$).

During the period from July 1 to July 15, 1945, you delivered 200 dozen men's *rayon* athletic shirts at $8.00 per dozen and 300 dozen men's *cotton* athletic shirts at $6.00 per dozen. On July 15, 1945 you apply for, and receive an allocation from WPB for cotton yarn to produce 500 dozen men's *cotton* athletic shirts under Schedule B to WPB Order M-328B (item B-9 under that WPB order). Between July 15 and September 30, 1945 you produce and deliver these 500 dozen men's *cotton* athletic shirts at the prices specified in your WPB allocation. Between July 15 and September 30, 1945 you also deliver 200 dozen men's *rayon* athletic shirts which are not included in the WPB program.

Under Rule 3, therefore, your deliveries of men's *cotton* athletic shirts (including those delivered between June 1 and July 15, 1945) are excluded in computing your weighted average price for Category E-92. The weighted average price at which you delivered your 400 dozen men's *rayon* athletic shirts during the period June 1 through September 30, 1945 should not exceed your refigured maximum average price for that category. Your re-figured maximum average price for the category is determined on the basis of your deliveries of men's rayon athletic shirts only during the base period. In this case, your re-figured maximum average price is $9.00 per dozen ($200 \times \$8.00 + 200 \times \$10.00 = \$3600$. $\$3600 \div 400 = \$9.00$). Thus the weighted average price at which you deliver the 400 dozen men's rayon athletic shirts during the period June 1 through September 30, 1945 should not exceed your re-figured maximum average price of $9.00.

NOTE: If you choose to use a different length base period in re-figuring your maximum average price for the category, you may do so provided the new base period selected by you is an appropriate one under section 2 of SO 108.

Rule 4. Where you do not have a base period under section 2 of SO 108 for a category. Where you have been unable to establish a base period under section 2 of SO 108 for any category and have, therefore, been required to file an application with your OPA District Office for a maximum average price for that category under section 9 of SO 108, you are not permitted to operate under Rules 1 or 3 with respect to that category. Accordingly, all of your deliveries of the items included in that category remain subject to all the provisions of SO 108 notwithstanding the fact that you received priorities assistance under Schedule B to WPB Order M-328B as to some of the items delivered by you in that category.

SEC. 6. *Re-figured maximum average price charts.* If you operate under Rule 3 of section 5 of this special order and are therefore required to re-figure a maximum average price for any category, you must file, (together with your MAP report for the third quarter of 1945) with your OPA District Office, on or before October 20, 1945, two copies (signed by an owner, officer or principal) of a new maximum average price chart containing the information required by section 4 (b) of SO 108 for each category for which you are required to re-figure a maximum average price under that rule.

[1] 10 F.R. 4336, 5994, 6402, 7008, 8368.

NOTE: Although you are not required to file this re-figured maximum average price chart before October 20, 1945, if you obtain an allocation from WPB for the third calendar quarter under Schedule B to Order M-328B and you have categories which include items listed in that WPB program and other items not listed in that program, you should, immediately upon receipt of your WPB allocation re-figure your maximum average price for each category which includes these two kinds of items. This will enable you to arrange your subsequent deliveries of those items which will remain subject to SO 108 so that you will not exceed your re-figured maximum average price for the category.

SEC. 7. *Quarterly reports under section 12 (b) of SO 108.* The quarterly report which you are required to file with your OPA District Office under section 12 (b) of SO 108 must contain all of the information required under that section for your deliveries, during the period June 1 through September 30, 1945, of the remaining items (those not included in your WPB allocation) in the categories for which re-figured maximum average prices are established under this special order.

SEC. 8. *Invoices, records, reports.* (a) If you file a report of election under this special order, as provided in section 3 above, you must keep a copy of that report available for inspection by the OPA.

(b) If you operate under rule 3 of section 5 of this special order with respect to any category, you must keep and make available for inspection by the OPA, a copy of your re-figured maximum average price chart.

(c) Although you operate under Rule 1 or Rule 3 of section 5 of this special order, you are required to comply with the provisions of section 11 of SO 108 (Invoices) and of paragraphs 1, 2 and 3 of section 12 (a) of SO 108 (Records) with respect to all items included in a category of SO 108, whether or not any of these items are produced by you under Schedule B to WPB Order M-328B. You are not subject to the provisions of section 12 (a) (4), section 12 (b) or section 14, of SO 108 with respect to your deliveries of those machine-knitted items listed in Schedule B to WPB Order M-328B as to which you obtain priorities assistance for the third calendar quarter of 1945.

This special order shall become effective August 18, 1945.

NOTE: All reporting and record keeping requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 18th day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-15296; Filed, Aug. 18, 1945; 11:54 a. m.]

[RMPR 136, Order 489]

RICE & ADAMS CORP.

DETERMINATION OF MAXIMUM PRICES

Order No. 489 under Revised Maximum Price Regulation 136. Machines, parts and industrial equipment; Rice and Adams Corporation, Docket No. 6083-136.21-436.

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register and pursuant to section 21 of Revised Maximum Price Regulation 136, *It is ordered:*

(a) The maximum prices for sales by Rice and Adams Corporation, 1144 Military Road, Buffalo 17, New York, of the following dairy equipment shall be determined as follows:

The manufacturer shall increase the maximum net price he had in effect to a purchaser of the same class just prior to the issuance of this order by the applicable percentage set forth below:

#10-8 Can Washers, 10%.
#8-6 Can Washers, 5%.
Rotary Can Washers, 13%.
Octagon Can Washers, 10%.
Bottle Washers, 23%.
S. W. Bottle Washers, 29%.
Power Conveyors, 27%.
Stainless Steel Equipment, 12%.
Miscellaneous Equipment, 2%.

(b) The maximum prices for sales of the dairy equipment listed under (a) by resellers shall be determined as follows: The reseller shall add to the maximum net price he had in effect to a purchaser of the same class, just prior to the issuance of this order, the amount, in percent, by which his net invoiced cost has been increased due to the adjustment granted the manufacturer by this order.

(c) The Rice and Adams Corporation shall notify each person who buys the dairy equipment listed in (a) for resale of the percentage amount by which this order permits the reseller to increase his maximum net price. A copy of each such notice shall be filed with the Machinery Branch, Office of Price Administration, Washington, D. C.

(d) All requests not granted herein are denied.

This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective August 21, 1945.

Issued this 20th day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-15375; Filed, Aug. 20, 1945; 11:42 a. m.]

[RMPR 136, Order 490]

MUMMERT-DIXON CO.

DETERMINATION OF MAXIMUM PRICES

Order No. 490 under Revised Maximum Price Regulation 136. Machines, parts and industrial equipment; Mummert-Dixon Company, Docket No. 6083-136.21-466.

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to section 21 of Revised Maximum Price Regulation 136, *It is ordered:*

(a) The maximum prices for sales by all sellers (manufacturers and resellers) of the following Oilstone Tool Grinders manufactured by the Mummert-Dixon Company, Hanover, Pennsylvania, shall be determined as follows: The seller shall add the amounts shown below to the maximum net price he had in effect to a purchaser of the same class, just prior to the issuance of this order:

Item:	*Maximum increase*
Model #475	$180
Model #450	134
Model #425	86

(b) The Mummert-Dixon Company shall notify each person who buys Models #475, 450 and 425 Oilstone Tool Grinders for resale of the dollar and cent amounts by which this order permits the reseller to increase his maximum net prices. A copy of each such notice shall be filed with the Machinery Branch, Office of Price Administration, Washington 25, D. C.

(c) On or before February 15, 1946, the Mummert-Dixon Company shall submit to the Machinery Branch, Office of Price Administration, Washington 25, D. C., a profit and loss statement for 1945 and a breakdown of current costs for Models #425, 450 and 475 Oilstone Tool Grinders.

(d) All requests not granted herein are denied.

(e) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective August 21, 1945.

Issued this 20th day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-15376; Filed, Aug. 20, 1945; 11:42 a. m.]

[RMPR 136, Order 491]

FARADAY ELECTRIC CORP.

DETERMINATION OF MAXIMUM PRICES

Order No. 491 under Revised Maximum Price Regulation 136. Machines, parts and industrial equipment; Faraday Electric Corporation, Docket No. 6083-136 21-438.

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to section 21 of Revised Maximum Price Regulation 136, *It is ordered:*

(a) The maximum price list discount structure of the Faraday Electric Corporation, Adrain, Michigan, for the sale of its products shall be its Price List of Electric Signals as shown in Faraday Catalog No. 61 and Distributor's Schedule of Discounts effective November 1, 1944.

(b) The maximum prices for sales by resellers of these products shall be determined by the application of the discount schedule such reseller had in effect to a purchaser of the same class just prior to the issuance of this Order, to the list price as published by the Faraday Electric Corporation permitted by this order.

(c) Faraday Electric Corporation shall notify each person who buys their products for resale the method of computation this order fixes for the resale of its products. A copy of each such notice shall be filed with the Machinery Branch, Office of Price Administration, Washington 25, D. C.

(d) On or before February 19, 1946, Faraday Electric Corporation shall file with the Machinery Branch, Office of Price Administration, Washington 25, D. C., a report for the 6 months period following the issuance of this order showing its unit and dollar volume of sales of its products at the maximum prices established by this order, and at the maximum prices in effect just prior to the issuance of this order.

(e) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective August 21, 1945.

Issued this 20th day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-15377; Filed, Aug. 20, 1945; 11:42 a. m.]

Regional and District Office Orders.

LIST OF COMMUNITY CEILING PRICE ORDERS

The following orders under Rev. General Order 51 were filed with the Division of the Federal Register August 8, 1945.

REGION I

Boston Order 7-F, Amendment 8, covering fresh fruits and vegetables in certain areas in the Boston Area. Filed 9:03 a. m.

Concord Order 3-W, Amendment 5, covering dry groceries. Filed 3:42 p. m.

Concord Order 9-F, Amendment 12, covering fresh fruits and vegetables in certain areas in New Hampshire. Filed 9:23 a. m.

Montpelier Order 2-F, Amendment 11, covering fresh fruits and vegetables in certain areas in Vermont. Filed 9:14 a. m.

REGION II

Binghamton Order 2-F, Amendment 42, covering fresh fruits and vegetables in certain counties in New York. Filed 9:23 a. m.

Philadelphia Order 6-F, Amendment 37, covering fresh fruits and vegetables in the city and county of Philadelphia. Filed 9:29 a. m.

Philadelphia Order 11-F, Amendment 12, covering fresh fruits and vegetables in certain counties in Pennsylvania. Filed 9:29 a. m.

Philadelphia Order 12-F, Amendment 12, covering fresh fruits and vegetables in certain counties in Pennsylvania. Filed 9:29 a. m.

Scranton Order 4-F, Amendment 33, covering fresh fruits and vegetables in certain counties in Pennsylvania. Filed 9:29 a. m.

Scranton Order 18, Amendment 2, covering dry groceries in certain counties in Pennsylvania. Filed 3:42 p. m.

Syracuse Order 3-F, Amendment 38, covering fresh fruits and vegetables in Utica, Syracuse and Watertown, New York. Filed 9:13 a. m.

Syracuse Order 3-F, Amendment 39, covering fresh fruits and vegetables in Utica, Syracuse and Watertown, New York. Filed 9:13 a. m.

Syracuse Order 4-F, Amendment 26, covering fresh fruits and vegetables in certain areas in New York. Filed 9:13 a. m.

Trenton Order 12-F, Amendment 18, covering fresh fruits and vegetables in certain counties in New Jersey. Filed 9:30 a. m.

Williamsport Order 2-F, Amendment 47, covering fresh fruits and vegetables in certain counties in Pennsylvania. Filed 9:30 a. m.

Wilmington Order 4-F, Amendment 44, covering fresh fruits and vegetables in the entire state of Delaware. Filed 9:23 a. m.

REGION III

Cincinnati Order 4-F, Amendment 30, covering fresh fruits and vegetables in Hamilton County, Ohio. Filed 9:24 a. m.

Cincinnati Order 8-F, covering fresh fruits and vegetables in certain areas in Ohio. Filed 9:24 a. m.

Cleveland Order F-1, Amendment 50, covering fresh fruits and vegetables in Cuyahoga County, Ohio. Filed 9:24 a. m.

Cleveland Order 3-F, Amendment 50, covering fresh fruits and vegetables in Mahoning and Trumbull Counties, Ohio. Filed 9:24 a. m.

Cleveland Order 4-F, Amendment 50, covering fresh fruits and vegetables in Stark and Summit Counties, Ohio. Filed 9:25 a. m.

Detroit Order 5-F, Amendment 25, covering fresh fruits and vegetables in Wayne and Macomb Counties, Michigan. Filed 9:24 a. m.

Grand Rapids Order 14-F (Appendix C), Amendment 58, covering fresh fruits and vegetables in certain counties in Michigan. Filed 3:34 p. m.

Grand Rapids Order 14-F (Appendix A), Amendment 84, covering fresh fruits and vegetables in Grand Rapids, Michigan. Filed 3:33 p. m.

Lexington Order 5-F, Amendment 18, covering fresh fruits and vegetables in Fayette County, Kentucky. Filed 9:25 a. m.

Lexington Order 6-F, Amendment 18, covering fresh fruits and vegetables in Campbell and Kenton Counties, Kentucky. Filed 9:25 a. m.

Lexington Order 7-F, Amendment 18, covering fresh fruits and vegetables in Boyd County, Kentucky. Filed 9:25 a. m.

REGION IV

Atlanta Order 7-F, Amendment 12, covering fresh fruits and vegetables in certain areas in Georgia. Filed 9:30 a. m.

Atlanta Order 8-F, Amendment 12, covering fresh fruits and vegetables in certain areas in Georgia. Filed 9:30 a. m.

Atlanta Order 9-F, Amendment 15, covering fresh fruits and vegetables in Phenix City, Alabama and Bibb and Muscogee Counties, Georgia. Filed 9:13 a. m.

Birmingham Order 1-O, Amendment 4, covering eggs in the certain counties in the Birmingham Area. Filed 3:36 p. m.

Birmingham Order 2-O, Amendment 4, covering eggs in certain counties in the Birmingham Area. Filed 3:37 p. m.

Birmingham Order 3-O, Amendment 4, covering eggs in certain counties in the Birmingham Area. Filed 3:37 p. m.

Birmingham Order 4-F, Amendment 14, covering fresh fruits and vegetables in the Birmingham Area. Filed 3:37 p. m.

Columbia Order 7-F, Amendment 10, covering fresh fruits and vegetables in the entire state of South Carolina. Filed 3:38 p. m.

Jackson Order 4-F, Amendment 41, covering fresh fruits and vegetables in certain areas in Mississippi. Filed 9:26 a. m.

Jackson Order 5-F, Amendment 8, covering fresh fruits and vegetables in certain areas in Mississippi. Filed 9:29 a. m.

Miami Order 1-F, Amendment 25, covering fresh fruits and vegetables in certain areas in Florida. Filed 3:43 p. m.

Miami Order 2-F, Amendment 23, covering fresh fruits and vegetables in Tampa, Florida. Filed 3:43 p. m.

Miami Order 4-F, Amendment 11, covering fresh fruits and vegetables in Monroe County, Florida. Filed 3:43 p. m.

Roanoke Order 12-F, Amendment 16, covering fresh fruits and vegetables in certain areas in Virginia. Filed 3:33 p. m.

Savannah Order 7-F, Amendment 41, covering fresh fruits and vegetables in certain areas in Georgia. Filed 9:26 a. m.

Savannah Order 9-F, Amendment 41, covering fresh fruits and vegetables in certain areas in Georgia. Filed 9:26 a. m.

Savannah Order 10-F, Amendment 41, covering fresh fruits and vegetables in certain areas in Georgia. Filed 9:26 a. m.

Savannah Order 12-F, Amendment 11, covering fresh fruits and vegetables in certain areas in Georgia. Filed 9:27 a. m.

Savannah Order 13-F, Amendment 5, covering fresh fruits and vegetables in certain areas in Georgia. Filed 3:27 p. m.

REGION V

Fort Worth Order 7-F, Amendment 17, covering fresh fruits and vegetables in Tarrant County, Texas. Filed 9:17 a. m.

Fort Worth Order 8-F, Amendment 17, covering fresh fruits and vegetables in Taylor County, Texas. Filed 9:18 a. m.

Fort Worth Order 9-F, Amendment 17, covering fresh fruits and vegetables in Tom Green County, Texas. Filed 9:18 a. m.

Fort Worth Order 10-F, Amendment 17, covering fresh fruits and vegetables in McLennan County, Texas. Filed 9:18 a. m.

Fort Worth Order 11-F, Amendment 17, covering fresh fruits and vegetables in Wichita County, Texas. Filed 9:18 a. m.

Fort Worth Order 13-F, covering fresh fruits and vegetables in Tarrant County, Texas. Filed 3:29 p. m.

Fort Worth Order 14-F, covering fresh fruit and vegetables in Taylor County, Texas. Filed 3:30 p. m.

Houston Order 1-F, Amendment 64, covering fresh fruits and vegetables in certain areas in Texas. Filed 9:18 a. m.

Houston Order 3-F, Amendment 52, covering fresh fruits and vegetables in Orange and Jefferson Counties, Texas. Filed 9:19 a. m.

Little Rock Order 4-F, Amendment 55, covering fresh fruits and vegetables in Miller County, Arkansas. Filed 9:19 a. m.

Little Rock Order 8-F, covering fresh fruits and vegetables in certain areas in Arkansas. Filed 9:20 a. m.

Little Rock Order 10-F, covering fresh fruits and vegetables in certain areas in Arkansas. Filed 9:20 a. m.

Little Rock Order 10-F, Amendment 1, covering fresh fruits and vegetables in Garland County, Arkansas. Filed 9:27 a. m.

Little Rock Order 11-F, covering fresh fruits and vegetables in certain areas in Arkansas. Filed 9:23 a. m.

Little Rock Order 11-F, Amendment 1, covering fresh fruits and vegetables in Sebastian and Crawford Counties, Arkansas. Filed 9:28 a. m.

Lubbock Order 3-F, Amendment 64, covering fresh fruits and vegetables. Filed 9:16 a. m.

Lubbock Order 6-F, covering fresh fruits and vegetables in certain areas in Lubbock County, Texas. Filed 3:28 p. m.

Lubbock Order 7-F, covering fresh fruits and vegetables in certain areas in Texas. Filed 3:38 p. m.

New Orleans Order 27-C, Amendment 7, covering poultry in certain areas in Louisiana. Filed 3:30 p. m.

New Orleans Order 28-C, Amendment 7, covering poultry in certain areas in Louisiana. Filed 3:31 p. m.

San Antonio Order 2-C, covering poultry in certain counties in Texas. Filed 3:33 p. m.

San Antonio Order 3-C, covering poultry in certain counties in Texas. Filed 3:34 p. m.

Shreveport Order G-17, Amendment 7, covering eggs in certain areas in Louisiana. Filed 3:34 p. m.

St. Louis Order 4-F, Amendment 1, covering fresh fruits and vegetables in St. Louis City and County, Missouri. Filed 3:33 p. m.

REGION VI

Chicago Order 2-F, Amendment 70, covering fresh fruits and vegetables in certain

areas in Illinois and Lake County, Indiana. Filed 9:02 a. m.

Des Moines Order 1–F, Amendment 72, covering fresh fruits and vegetables in Des Moines, Polk County, Iowa. Filed 9:01 a. m.

Des Moines Order 2–F, Amendment 26, covering fresh fruits and vegetables in certain areas in Iowa. Filed 9:01 a. m.

Des Moines Order 3–F, Amendment 20, covering fresh fruits and vegetables in certain counties in Iowa. Filed 9:01 a. m.

Duluth-Superior Order 1–F, Amendment 78, covering fresh fruits and vegetables in certain areas in Minnesota. Filed 9:02 a. m.

Green Bay Order 4–F, Amendment 22, covering fresh fruits and vegetables in certain areas in Wisconsin. Filed 9:05 a. m.

Green Bay Order 4–F, Amendment 23, covering fresh fruits and vegetables in certain areas in Wisconsin. Filed 9:17 a. m.

Green Bay Order 4–F, Amendment 25, covering fresh fruits and vegetables in certain counties in Wisconsin. Filed 3:31 p. m.

Green Bay Order 5–F, Amendment 22, covering fresh fruits and vegetables in certain counties in Wisconsin. Filed 9:05 a. m.

Green Bay Order 5–F, Amendment 25, covering fresh fruits and vegetables in certain areas in Wisconsin. Filed 3:31 p. m.

Green Bay Order 6–F, Amendment 22, covering fresh fruits and vegetables in Florence, Forest, and Marinette. Filed 9:06 a. m.

Green Bay Order 6–F, Amendment 25, covering fresh fruits and vegetables in Florence, Forest and Marinette. Filed 3:31 p. m.

La Crosse Order 1–F, Amendment 77, covering fresh fruits and vegetables in certain areas in Wisconsin and Winona, Minnesota. Filed 9:01 a. m.

La Crosse Order 1–F, Amendment 78, covering fresh fruits and vegetables in La Crosse and Sparta, Wisconsin and Winona, Minnesota. Filed 8:59 a. m.

La Crosse Order 1–F, Amendment 79, covering fresh fruits and vegetables in La Crosse and Sparta, Wisconsin and Winona, Minnesota. Filed 8:59 a. m.

La Crosse Order 1–F, Amendment 81, covering fresh fruits and vegetables in La Crosse and Sparta, Wisconsin and Winona, Minnesota. Filed 3:27 p. m.

La Crosse Order 1–F, Amendment 82, covering fresh fruits and vegetables in La Crosse and Sparta, Wisconsin and Winona, Minnesota. Filed 3:27 p. m.

La Crosse Order 2–F, Amendment 22, covering fresh fruits and vegetables in certain areas in Wisconsin and Minnesota. Filed 9:06 a. m.

La Crosse Order 2–F, Amendment 23, covering fresh fruits and vegetables in certain areas in Wisconsin and Minnesota. Filed 3:30 p. m.

La Crosse Order 3–F, Amendment 72, covering fresh fruits and vegetables in Eau Claire and Chippewa Falls, Wisconsin. Filed 8:58 a. m.

La Crosse Order 3–F, Amendment 73, covering fresh fruits and vegetables in Eau Claire and Chippewa Falls, Wisconsin. Filed 8:58 a. m.

La Crosse Order 3–F, Amendment 74, covering fresh fruits and vegetables in Eau Claire and Chippewa Falls, Wisconsin. Filed 8:58 a. m.

La Crosse Order 3–F, Amendment 76, covering fresh fruits and vegetables in Eau Claire and Chippewa Falls, Wisconsin. Filed 9:23 a. m.

La Crosse Order 5–F, Amendment 71, covering fresh fruits and vegetables in Rochester, Minnesota. Filed 8:58 a. m.

La Crosse Order 5–F, Amendment 72, covering fresh fruits and vegetables in Rochester, Minnesota. Filed 8:57 a. m.

La Crosse Order 5–F, Amendment 73, covering fresh fruits and vegetables in Rochester, Minnesota. Filed 9:07 a. m.

Peoria Order 7–F, Amendment 16, covering fresh fruits and vegetables in certain areas in Illinois. Filed 3:31 p. m.

Peoria Order 8–F, Amendment 16, covering fresh fruits and vegetables in certain areas in Illinois. Filed 3:32 p. m.

Peoria Order 9–F, Amendment 16, covering fresh fruits and vegetables in certain areas in Illinois. Filed 3:32 p. m.

Peoria Order 10–F, Amendment 16, covering fresh fruits and vegetables in certain areas in Illinois. Filed 3:32 p. m.

Quad-Cities Order 2–F, Amendment 44, covering fresh fruits and vegetables in certain areas in Illinois and Iowa. Filed 9:06 a. m.

Sioux City Order 2–F, Amendment 82, covering fresh fruits and vegetables in Sioux City, Iowa and South Sioux City, Nebraska. Filed 9:28 a. m.

Sioux Falls Order 2–F, Amendment 8, covering fresh fruits and vegetables in certain areas in Sioux Falls, South Dakota. Filed 3:34 p. m.

Sioux Falls Order 3–F, Amendment 7, covering fresh fruits and vegetables in certain areas in South Dakota and Iowa. Filed 3:35 p. m.

Sioux Falls Order 4–F, Amendment 7, covering fresh fruits and vegetables in certain areas in South Dakota and Iowa. Filed 3:35 p. m.

Twin Cities Order 1–F, Amendment 24, covering fresh fruits and vegetables in St. Paul and Minneapolis. Filed 9:06 a. m.

Twin Cities Revised Order 1–F, Amendment 27, covering fresh fruits and vegetables in St. Paul and Minneapolis. Filed 9:28 a. m.

REGION VII

Boise Order 6–F, Amendment 2, covering fresh fruits and vegetables in certain areas in Idaho. Filed 9:28 a. m.

Boise Order 5–F, Amendment 3, covering fresh fruits and vegetables in certain areas in Idaho. Filed 9:28 a. m.

Denver Order 4–F, Amendment 7, covering fresh fruits and vegetables in Denver Area. Filed 3:35 p. m.

Denver Order 5–F, Amendment 7, covering fresh fruits and vegetables in the Pueblo Area. Filed 3:36 p. m.

Denver Order 6–F, Amendment 7, covering fresh fruits and vegetables in the Colorado Springs-Manitou Area. Filed 3:36 p. m.

Denver Order 7–F, Amendment 7, covering fresh fruits and vegetables in the Boulder-Fort Collins-Greeley Area. Filed 3:36 p. m.

Helena Order 43–F, Amendment 5, covering fresh fruits and vegetables in the Missoula and Kalispell Area. Filed 3:39 p. m.

Helena Order 44–F, Amendment 5, covering fresh fruits and vegetables in certain areas in Montana. Filed 3:39 p. m.

Helena Order 45–F, Amendment 5, covering fresh fruits and vegetables in the Billings, Great Falls and Butte Areas. Filed 3:39 p. m.

Helena Order 46–F, Amendment 5, covering fresh fruits and vegetables in the Miles City, Sidney, Glasgow and Glendive Areas. Filed 3:39 p. m.

Helena Order 47–F, Amendment 5, covering fresh fruits and vegetables in certain areas in Montana. Filed 3:40 p. m.

Helena Order 48–F, Amendment 5, covering fresh fruits and vegetables in certain areas in Montana. Filed 3:40 p. m.

Helena Order 49–F, Amendment 5, covering fresh fruits and vegetables in certain areas in Montana. Filed 3:40 p. m.

Helena Order 50–F, Amendment 5, covering fresh fruits and vegetables in certain areas in Montana. Filed 3:40 p. m.

REGION VIII

Fresno Order 1–F, Amendment 79, covering fresh fruits and vegetables in Fresno, California. Filed 9:15 a. m.

Fresno Order 2–F, Amendment 67, covering fresh fruits and vegetables in Modesto, California. Filed 9:15 a. m.

Fresno Order 3–F, Amendment 64, covering fresh fruits and vegetables in certain areas in California. Filed 9:15 a. m.

Fresno Order 4–F (Revised), Amendment 39, covering fresh fruits and vegetables in certain areas in California. Filed 9:15 a. m.

Fresno Order 6–F, Amendment 50, covering fresh fruits and vegetables in certain areas in California. Filed 9:15 a. m.

Fresno Order 7–F, Amendment 29, covering fresh fruits and vegetables in Merced, California. Filed 9:16 a. m.

Portland Order 14–F, Amendment 25, covering fresh fruits and vegetables in certain areas in Oregon. Filed 9:07 a. m.

Portland Order 14–F, Amendment 26, covering fresh fruits and vegetables in certain areas in Oregon. Filed 9:07 a. m.

Portland Order 15–F, Amendment 25, covering fresh fruits and vegetables in certain areas in Oregon. Filed 9:07 a. m.

Portland Order 15–F, Amendment 26, covering fresh fruits and vegetables in certain areas in Oregon. Filed 8:57 a. m.

Portland Order 31–F, covering fresh fruits and vegetables in the Hood River-McMinnville, Ore.-Camas, Wn., Area. Filed 9:03 a. m.

Sacramento Adopting Order 30–F, Amendment 5, covering fresh fruits and vegetables in certain areas in California. Filed 9:05 a. m.

Sacramento Adopting Order 31–F, Amendment 4, covering fresh fruits and vegetables in certain areas in California. Filed 9:05 a. m.

San Diego Order 3–F, Amendment 15, covering fresh fruits and vegetables in the Imperial County, California. Filed 3:42 p. m.

San Diego Order 1–F, Amendment 41, covering fresh fruits and vegetables. Filed 9:24 a. m.

San Francisco Order 13–F, Amendment 10, covering fresh fruits and vegetables in certain areas in California. Filed 3:41 p. m.

San Francisco Order 14–F, Amendment 10, covering fresh fruits and vegetables in certain areas in California. Filed 3:41 p. m.

San Francisco Order 15–F, Amendment 10, covering fresh fruits and vegetables in certain areas in California. Filed 3:41 p. m.

San Francisco Order 16–F, Amendment 10, covering fresh fruits and vegetables in Del Norte and Humbolt (except the city of Eureka). Filed 3:41 p. m.

Seattle Order 2–W, Amendment 9 covering dry groceries in Chelan, Kittitas and Yakima, Washington. Filed 9:02 a. m.

Seattle Order 34, Amendment 5, covering dry groceries in Chelan, Kittitas and Yakima, Washington. Filed 9:02 a. m.

Spokane Order 3–C, covering poultry in certain areas in Washington and Idaho. Filed 9:03 a. m.

Copies of any of these orders may be obtained from the OPA Office in the designated city.

ERVIN H. POLLACK,
Secretary.

[F. R. Doc. 45-15237; Filed, Aug. 17, 1945, 4:50 p. m.]

LIST OF COMMUNITY CEILING PRICE ORDERS

The following orders under Rev. General Order 51 were filed with the Division of the Federal Register August 8, 1945.

REGION I

Rhode Island Order 3–F, Amendment 10 covering fresh fruits and vegetables in certain areas in Rhode Island. Filed 10:08 a. m.

Rhode Island Order 4–F, Amendment 5, covering fresh fruits and vegetables in certain areas in Rhode Island. Filed 10:08 a. m.

REGION II

Scranton Order 4–F, Amendment 31 covering fresh fruits and vegetables in certain counties in Pennsylvania. Filed 10:09 a. m.

Williamsport Order 2–F, Amendment 45, covering fresh fruits and vegetables in certain counties in Pennsylvania. Filed 10:09 a. m.

REGION III

Charleston Order 1–O, covering eggs in certain areas in West Virginia. Filed 10:12 a. m.

Charleston Order 7–F, Amendment 21, covering fresh fruits and vegetables in certain areas in West Virginia. Filed 10:10 a. m.

Charleston Order 9–F, Amendment 21, covering fresh fruits and vegetables in certain areas in West Virginia. Filed 10:10 a. m.

Charleston Order 10–F, Amendment 21, covering fresh fruits and vegetables in certain counties in West Virginia. Filed 10:10 a. m.

Charleston Order 11–F, Amendment 21, covering fresh fruits and vegetables in certain counties in West Virginia. Filed 10:11 a. m.

Charleston Order 15–F, Amendment 18, covering fresh fruits and vegetables in certain areas in West Virginia. Filed 10:11 a. m.

Charleston Order 16–F, Amendment 17, covering fresh fruits and vegetables in certain counties in West Virginia. Filed 10:11 a. m.

Charleston Order 17–F, Amendment 17, covering fresh fruits and vegetables in certain counties in West Virginia. Filed 10:11 a. m.

Indianapolis Order 14–F, Amendment 25, covering fresh fruits and vegetables in Marion, Vigo and Tippecanoe. Filed 10:12 a. m.

Indianapolis Order 15–F, Amendment 25, covering fresh fruits and vegetables in Wayne, Virgo and Tippecanoe. Filed 10:12 a. m.

Indianapolis Order 16–F, Amendment 25, covering fresh fruits and vegetables in St. Joseph. Filed 10:12 a. m.

Indianapolis Order 17–F, Amendment 25, covering fresh fruits and vegetables in Vanderburgh. Filed 10:13 a. m.

Indianapolis Order 18–F, Amendment 9, covering fresh fruits and vegetables in certain areas in Indiana and Ohio. Filed 10:13 a. m.

Indianapolis Order 19–F, Amendment 9, covering fresh fruits and vegetables in certain counties in Ohio and Indiana. Filed 10:13 a. m.

REGION IV

Atlanta Order 7–F, Amendment 11, covering fresh fruits and vegetables in certain areas in Georgia. Filed 10:14 a. m.

Atlanta Order 8–F, Amendment 11, covering fresh fruits and vegetables in certain counties in Georgia. Filed 10:14 a. m.

Atlanta Order 9–F, Amendment 14, covering fresh fruits and vegetables in Bibb and Muscogee, Georgia and Phenix City, Alabama. Filed 10:14 a. m.

Roanoke Order 11–F, Amendment 22, covering fresh fruits and vegetables in certain areas in Virginia. Filed 10:04 a. m.

REGION V

Kansas City Order 1–C, Amendment 8, covering poultry in certain areas in Kansas. Filed 10:04 a. m.

San Antonio Order 1–F, Amendment 23, covering fresh fruits and vegetables in certain areas in Texas. Filed 9:56 a. m.

San Antonio Order 2–F, Amendment 24, covering fresh fruits and vegetables in Bexar County, Texas. Filed 9:57 a. m.

San Antonio Order 3–F, Amendment 20, covering fresh fruits and vegetables in Austin, Texas. Filed 9:57 a. m.

San Antonio Order 4–F, Amendment 20, covering fresh fruits and vegetables in Corpus Christi, Texas. Filed 9:58 a. m.

REGION VI

Chicago Order 15–C, covering poultry. Filed 10:01 a. m.

Chicago Order 16–C, covering poultry. Filed 10:01 a. m.

Chicago Order 17–C, covering poultry. Filed 10:01 a. m.

Chicago Order 18–C, covering poultry. Filed 10:01 a. m.

Chicago Order 19–C, covering poultry. Filed 10:01 a. m.

Chicago Order 20–C, covering poultry. Filed 10:01 a. m.

La Crosse Order 12, Amendment 4, covering dry groceries in certain counties in Wisconsin. Filed 9:54 a. m.

Milwaukee District Order 8–F, Amendment 17, covering fresh fruits and vegetables in Dane County, Wisconsin. Filed 9:58 a. m.

Milwaukee District Order 9–F, Amendment 17, covering fresh fruits and vegetables in Sheboygan and Fond du Lac, Wisconsin. Filed 9:57 a. m.

Milwaukee District Order 11–F, Amendment 9, covering fresh fruits and vegetables in Racine and Kenosha, Wisconsin. Filed 9:59 a. m.

Omaha Order 5–W, Amendment 5, covering dry groceries in certain counties in Iowa and Nebraska. Filed 10:02 a. m.

Omaha Order 6–W, Amendment 5, covering dry groceries in Lancaster County, Nebraska. Filed 10:02 a. m.

REGION VII

Albuquerque Order 9–F, Amendment 10, covering fresh fruits and vegetables. Filed 10:00 a. m.

Albuquerque Order 10–F, Amendment 11, covering fresh fruits and vegetables. Filed 10:00 a. m.

Albuquerque Order 11–F, Amendment 12, covering fresh fruits and vegetables. Filed 10:00 a. m.

Albuquerque Order 12–F, Amendment 11, covering fresh fruits and vegetables. Filed 10:00 a. m.

Denver Order 3–C, covering poultry in certain counties in Colorado. Filed 10:02 a. m.

Denver Order 4–C, covering poultry in certain counties in Colorado. Filed 10:02 a. m.

Denver Order 5–C, covering poultry in certain counties in Colorado. Filed 10:03 a. m.

Denver Order 6–C, covering poultry in certain counties in Colorado. Filed 10:03 a. m.

Denver Order 7–C, covering poultry in certain counties in Colorado. Filed 10:03 a. m.

Denver Order 8–C, covering poultry in certain counties in Colorado. Filed 10:04 a. m.

REGION VIII

Portland Order 5–F, Amendment 30, covering fresh fruits and vegetables in Eugene and Springfield, Oregon. Filed 9:53 a. m.

Portland Order 6–F, Amendment 30, covering fresh fruits and vegetables in Oakland, Roseburg, and Sutherlin, Oregon. Filed 9:53 a. m.

Portland Order 6–F, Amendment 31, covering fresh fruits and vegetables in Oakland, Roseburg and Sutherlin, Oregon. Filed 9:53 a. m.

Portland Order 7–F, Amendment 29, covering fresh fruits and vegetables in Klamath Falls, Oregon. Filed 9:53 a. m.

Portland Order 7–F, Amendment 30, covering fresh fruits and vegetables in Klamath Falls, Oregon. Filed 9:53 a. m.

Portland Order 8–F, Amendment 29, covering fresh fruits and vegetables in Medford, Oregon. Filed 9:52 a. m.

Portland Order 8–F, Amendment 30, covering fresh fruits and vegetables in Medford, Oregon. Filed 9:52 a. m.

Portland Order 9–F, Amendment 29, covering fresh fruits and vegetables in certain areas in Oregon. Filed 9:52 a. m.

Portland Order 9–F, Amendment 30, covering fresh fruits and vegetables in certain areas in Oregon. Filed 9:52 a. m.

Portland Order 10–F, Amendment 28, covering fresh fruits and vegetables in Kelso, West Kelso and Longview, Washington. Filed 9:52 a. m.

Portland Order 10–F, Amendment 29, covering fresh fruits and vegetables in Kelso, West Kelso and Longview, Washington. Filed 9:52 a. m.

Portland Order 12–F, Amendment 26, covering fresh fruits and vegetables in Salem, and West Salem, Oregon. Filed 9:51 a. m.

Portland Order 12–F, Amendment 27, covering fresh fruits and vegetables in Salem, and West Salem, Oregon. Filed 9:51 a. m.

Portland Order 17–F, Amendment 19, covering fresh fruits and vegetables in certain areas in Oregon. Filed 9:54 a. m.

Portland Order 17–F, Amendment 20, covering fresh fruits and vegetables in certain areas in Oregon. Filed 9:56 a. m.

Portland Order 19–F, Amendment 17, covering fresh fruits and vegetables in Dalles, Oregon. Filed 9:56 a. m.

Portland Order 19–F, Amendment 18, covering fresh fruits and vegetables in Dalles, Oregon. Filed 9:56 a. m.

Portland Order 20–F, Amendment 17, covering fresh fruits and vegetables in certain areas in Oregon. Filed 9:56 a. m.

Portland Order 20–F, Amendment 18, covering fresh fruits and vegetables in certain areas in Oregon. Filed 9:56 a. m.

Portland Order 21–F, Amendment 16, covering fresh fruits and vegetables in Pendleton, Oregon. Filed 9:55 a. m.

Portland Order 21–F, Amendment 17, covering fresh fruits and vegetables in Pendleton, Oregon. Filed 9:55 a. m.

Portland Order 22–F, Amendment 16, covering fresh fruits and vegetables in certain areas in Oregon. Filed 9:55 a. m.

Portland Order 22–F, Amendment 17, covering fresh fruits and vegetables in certain areas in Oregon. Filed 9:55 a. m.

Portland Order 27–F, Amendment 15, covering fresh fruits and vegetables in Baker and La Grande, Oregon. Filed 9:55 a. m.

Portland Order 27–F, Amendment 15, covering fresh fruits and vegetables in Baker and La Grande, Oregon. Filed 9:55 a. m.

Portland Order 28–F, Amendment 15, covering fresh fruits and vegetables in Haines, Enterprize, and Wallowa, Oreg. Filed 9:55 a. m.

Portland Order 29–F, Amendment 13, covering fresh fruits and vegetables in certain areas in Oregon. Filed 9:55 a. m.

Portland Order 29–F, Amendment 14, covering fresh fruits and vegetables in certain areas in Oregon. Filed 9:55 a. m.

Portland Order 30–F, Amendment 6, covering fresh fruits and vegetables in certain areas in Washington and Oregon. Filed 9:54 a. m.

Portland Order 30–F, Amendment 7, covering fresh fruits and vegetables in certain areas in Oregon and Vancouver, Washington. Filed 9:54 a. m.

San Diego Order 3–F, Amendment 18, covering fresh fruits and vegetables in the Imperial County, except Bard and Winterhaven. Filed 10:00 a. m.

Seattle Order 2–W, Amendment 10, covering dry groceries in certain areas in Washington. Filed 10:07 a. m.

Seattle Order 15–F, Amendment 35, covering fresh fruits and vegetables in Yakima, Washington. Filed 10:08 a. m.

Seattle Order 34, Amendment 6, covering dry groceries in certain areas in Washington. Filed 10:07 a. m.

Spokane Order 8–F, Amendment 23, covering fresh fruits and vegetables in Spokane County, Washington. Filed 10:06 a. m.

Spokane Order 9–F, Amendment 23, covering fresh fruits and vegetables in Kootenai County, Idaho. Filed 10:06 a. m.

Spokane Order 10–F, Amendment 22, covering fresh fruits and vegetables in Kootenai and Shoshone Counties, Idaho. Filed 10:06 a. m.

Spokane Order 11–F, Amendment 22, covering fresh fruits and vegetables in Latah County, Idaho and Whitman County, Washington. Filed 10:06 a. m.

Spokane Order 12–F, Amendment 23, covering fresh fruits and vegetables in Asotin

County, Washington and Nez Perce County, Idaho. Filed 10:05 a. m.

Spokane Order 13–F, Amendment 24, covering fresh fruits and vegetables in Walla Walla and Columbia Counties, Washington. Filed 10:05 a. m.

Spokane Order 14–F, Amendment 24, covering fresh fruits and vegetables in Benton and Franklin Counties, Washington. Filed 10:04 a. m.

Copies of any of these orders may be obtained from the OPA Office in the designated city.

ERVIN H. POLLACK,
Secretary.

[F. R. Doc. 45–15378; Filed, Aug. 20, 1945; 11:39 a. m.]

SECURITIES AND EXCHANGE COMMISSION.

[File No. 55–88]

INTERNATIONAL HYDRO-ELECTRIC SYSTEM

MEMORANDUM OPINION AND ORDER

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 17th day of August 1945.

Ropes, Gray, Best, Coolidge & Rugg, a partnership engaged in the general practice of law in the Commonwealth of Massachusetts and having its offices at 50 Federal Street in Boston, Massachusetts, have filed with this Commission an application pursuant to Rule U-63,[1] seeking approval of a fee of $12,500 for legal services to International Hydro-Electric System, a registered holding company, and reimbursement of $285.32 for expenses. The fee covers services, to the time of the appointment of the Trustee, rendered in connection with proceedings in the United States District Court for enforcement of an order of this Commission directing liquidation of the International Hydro-Electric System[2] as well as for services not directly related to the court proceedings. The fee and expenses submitted may be summarized as follows:

For services rendered in connection with the proceedings in the District Court:

For legal services	$8,000 00
For disbursements	154 59
Total	8,154 59

For services rendered in connection with all matters other than the proceedings in the District Court:

For legal services	$4,500 00
For disbursements	130 72
Total	4,630 72

After appropriate notice, including the mailing by Ropes, Gray, Best, Coolidge & Rugg, of a copy of such notice to all persons granted intervention or participation in the District court proceedings, a hearing was held with respect to the application. At the hearing no one appeared in opposition to the application.

The record indicates that the services rendered by Ropes, Gray, Best, Coolidge & Rugg covered a period of approximately 15 months from August 3, 1942, through November 13, 1945. In respect to court proceedings, the services consisted of acting as counsel for the International Hydro-Electric System in all matters relating to the foregoing proceedings, and examining and advising with respect to questions of law and procedure. The record further indicates that the total number of hours of lawyers' time involved in the services relating to the court proceedings was approximately 470 of which 245 represented the time of John R. Quarles, a senior partner, in charge of the matter, 22½ represented the time of Charles B. Rugg, another senior partner, and the balance represented the time of associates. The services other than those rendered in connection with the court proceedings consisted of advising company officers from time to time on legal matters arising from the conduct of business and in compliance with regulatory requirements. The total number of hours of lawyers' time involved in services rendered in connection with all matters other than the proceedings in the District court was approximately 272 of which 157 represented the time of John R. Quarles and the balance represented the time of associates.

After careful consideration of the record, we are satisfied that $12,500 is reasonable maximum compensation for the services rendered and that the claimed disbursements were properly made.

It is therefore ordered, That the application of Ropes, Gray, Best, Coolidge & Rugg, pursuant to Rule U-63, be and the same is hereby approved.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 45–15258; Filed, Aug. 18, 1945; 11:12 a. m.]

[File No. 70–1106]

MILWAUKEE ELECTRIC RAILWAY & TRANSPORT CO. AND WISCONSIN ELECTRIC POWER CO.

MEMORANDUM OPINION AND ORDER

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia Pa., on the 17th day of August, 1945.

The Milwaukee Electric Railway & Transport Company (Transport) and its parent, Wisconsin Electric Power Company (Electric), a subsidiary of The North American Company, a registered holding company, have filed a joint declaration and amendments thereto pursuant to sections 12 (c) and 12 (f) of the Public Utility Holding Company Act of 1935 and Rules U–42 and U–43 thereunder, regarding the purchase by Transport for cash, at par for retirement, of 10,000 shares of its capital stock of the aggregate par value of $1,000,000 from Electric and the redemption on August 16, 1945, at par, plus accrued interest, of $400,000 principal amount of its First Mortgage 4% Bonds owned by Electric and pledged as collateral under Electric's Mortgage and Deed of Trust, dated October 26, 1938. Transport proposes that upon the acquisition and cancellation of said stock it will amend its Articles of Incorporation to reflect a corresponding reduction in its authorized capital stock. Electric seeks authorization to surrender the stock and bonds on the basis described and proposes to appropriate the entire proceeds from the proposed transactions to its "Fund for Retirement of Long Term Debt."

A public hearing upon the declaration, as amended, was duly held and having considered the record, we make the following findings:

Electric, a Wisconsin corporation, is a public-utility subsidiary company of The North American Company, a registered holding company. The principal service territory of Electric includes the City of Milwaukee and a number of cities and towns located in surrounding counties in the State of Wisconsin. A small portion of the company's business is conducted in the State of Michigan.

Transport, a wholly-owned subsidiary of Electric, is also a Wisconsin corporation having been formed in 1938 for the purpose of acquiring the transportation properties owned by predecessor companies of Electric.[1] It is engaged in the street railway, trackless trolley and motor bus business in the City of Milwaukee, its suburbs and in the surrounding district.

The proposed transactions are part of a program commenced by Transport in 1941 for the purpose of reducing its capital obligations. The present declaration is the twelfth of a series of declarations filed by Transport to carry out this program.[2] Upon consummation of the proposed transactions Transport will have outstanding bonds in the principal amount of $6,800,000 and $17,100,000 of common stock of the par value of $100 per share. Condensed balance sheets of Transport and Wisconsin Electric as of May 31, 1945 are shown below in Tables I and II, respectively:

TABLE I—THE MILWAUKEE ELECTRIC RAILWAY & TRANSPORT COMPANY

Balance Sheet as of May 31, 1945

Assets

Property and plant	$41,908,417
Investments	465,815
Funds set aside for modernization of transportation properties	1,013,020
Funds set aside for retirement of capital liabilities	1,610,560
Current and working assets:	
Cash on hand and in banks	1,326,936
United States Treasury Notes—tax series	2,662,012
Other current and working assets	1,038,810
Total current and working assets	5,027,758
Deferred charges:	
Unamortized bond expense	12,745
Capital stock expense	36,200
Other deferred charges	125,775
Total assets	50,200,230

Liabilities

Funded debt:	
First Mortgage 4% bonds, due October 1, 1968	7,200,000
Capital stock, $100 par value, 181,000 shares outstanding	18,100,000
Current and accrued liabilities	4,933,725
Reserves:	
For depreciation and retirement of property and plant	12,726,958
For contingent losses on property account	2,234,533
Other	1,248,675
Earned surplus	3,756,339
Total liabilities	50,200,230

TABLE II—WISCONSIN ELECTRIC POWER COMPANY

Balance Sheet as of May 31, 1945

Assets

Property and plant:	
Utility plant at original cost	119,236,616
Other physical property at cost	2,359,431
Total property and plant	121,596,047
Investments:	
Reacquired preferred stock (at par)	49,200
Stock of Wisconsin Gas & Electric Co.	6,798,842
Stock of Wisconsin Michigan Power Co.	6,851,158
Securities of The Milwaukee Electric Railway & Transport Co:	
First mortgage 4% bonds	7,200,000
Capital stock	24,593,189
Less reserve	(14,792,703)
Other	194,907
Total investments	30,894,583
Funds set aside for retirement of long-term debt	$5,014,449
Estimated post-war refund of Federal excess profits taxes	188,700
Current and working assets:	
Cash on hand and in banks	8,362,357
United States Treasury notes—tax series	8,966,673
Other current and working assets	5,328,993
Total current and working assets	22,658,023
Deferred charges	4,686,582
Total assets	185,038,394

Liabilities

Funded debt:	
First mortgage bonds, 3½% series due 1968	55,000,000
2⅜% promissory notes payable to banks due serially 1946 and 1947. (Includes 1,500,000 maturing in 1945)	4,750,000
Total funded debt	59,750,000
Preferred Stock:	
6% preferred, $100 par value, 45,000 shares outstanding	4,500,000
Serial preferred 4¼% series, $100 par value 262,098 shares outstanding	26,209,800
Common stock, $10 par value, 2,660,928 shares outstanding	26,609,280
Current and accrued liabilities	13,176,435
Contributions by customers for construction of property	302,850
Reserves:	
For depreciation and retirement of property and plant	59,571,220
Other	845,629
Surplus:	
Paid-in	8,077,233
Earned	5,995,937
Total liabilities	185,039,394

The Public Service Commission of Wisconsin, which has jurisdiction over the sale by Electric of the Common stock of Transport, approved the proposed sale by order, dated July 14, 1945.[1]

No fees, commissions or other remuneration will be paid in connection with the proposed transactions, except payment by Electric of a nominal fee to First Wisconsin Trust Company, as Trustee under its Mortgage, for the purpose of releasing the bonds of Transport proposed to be redeemed.

On the basis of the record it does not appear that the proposed expenditure of $1,400,000 by Transport for the redemption of its bonds and the purchase of its common stock for retirement and cancellation will adversely affect the financial integrity of the company. The proposed transactions are subject to the requirements of sections 12 (c) and 12 (f) of the act and Rules U-42 and U-43 and no adverse findings appear to be necessary thereunder.

As indicated in Table II, Electric carries its investment in the capital stock of Transport at $24,593,189. Against this investment there is carried a reserve in the amount of $14,792,703. In the previous similar transactions referred to above, Electric has, upon the sale of the capital stock of Transport to Transport, credited its investment account to the extent of the consideration received, namely, $100 per share, rather than the gross carrying value of $125.9724 per share. Electric proposes in connection with the presently proposed transactions to credit its investment account to the extent of the consideraion received for the shares of capital stock sold to Transport and to write down its investment to the extent of the difference between the amount of consideration received and the gross carrying value of the stock to be sold, namely, $259,724. In addition, Electric proposes to write down its investment account in Transport to the extent of the aggregate difference between the consideration received and gross carrying value for all shares of the capital stock of Transport previously sold to Transport under this program. Including the presently proposed transactions, this would result in an aggregate write-down of Electric's investment in Transport of $2,051,819.60 and a concurrent charge will be made to its Reserve for Contingent Losses on Capital Stock of Transport. We are of the opinion that such treatment will be in accord with sound accounting practice.

It is therefore ordered, That the joint declaration, as amended, be and the same is hereby permitted to become effective forthwith, subject to the terms and conditions contained in Rule-24.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 45–15257; Filed, Aug. 18, 1945; 11:12 a. m.]

[File No. 812–318]

THE GUARDIAN INVESTMENT TRUST

NOTICE OF AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 17th day of August A. D. 1945.

An application having been filed by The Guardian Investment Trust under and pursuant to section 23 (c) (3) of the Investment Company Act of 1940 for an order amending a previous order of this Commission, dated April 14, 1944, so as to permit it to repurchase its preferred shares which are in arrears on the payment of dividends in the following respect: When the asset coverage of its preferred shares exceeds the liquidating preference plus accrued dividends to which such shares are entitled, at a price of not less than 90% of such liquidating preference plus accrued dividends;

It is ordered, Pursuant to section 40 (a) of the said act, that a hearing on the aforesaid application be held on August 25, 1945, at 10:00 a. m., Eastern War Time, in Room 318 of the Securities and Exchange Commission Building, 18th and Locust Streets, Philadelphia, Pennsylvania.

It is further ordered, That Henry C. Lank, or any other officer or officers of the Commission designated by it for that

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[1] Rule U-63 promulgated under sections 11 (d) and 11 (f) of the Act provides as follows:

"All fees, expenses and remuneration whether interim or final to whomsoever paid for services rendered, or to be rendered in connection with any reorganization, dissolution, liquidation, bankruptcy, or receivership of a registered holding company or subsidiary thereof, in any court of the United States shall be subject to approval by this Commission as to the maximum amount that may be paid for such services. This rule shall not apply to any payments approved by a court of the United States in request proceeding in which the Commission has filed a notice of appearance pursuant to Section 208 of Chapter X of the Bankruptcy Act as amended."

[2] On August 14, 1943 this Commission applied to the United States District Court for the District of Massachusetts (Civil Action No. 2480), pursuant to sections 11 (d) and 18 (f) of the Public Utility Holding Company Act of 1935 to enforce compliance with an order of the Commission dated July 21, 1942 (Holding Company Act Release No. 3679), issued pursuant to section 11 (b) (2) of the act. This order directed International Hydro-Electric System to liquidate and dissolve. After a hearing on the application, the United States District Court entered an interlocutory decree on October 11, 1943 appointing Bartholomew A. Brickley of Boston, Massachusetts, as Special Counsel to investigate certain transactions alleged to give rise to causes of action on behalf of International Hydro-Electric System against International Paper Company. On November 13, 1944, the court appointed Bartholomew A. Brickley as Trustee for International Hydro-Electric System.

[1] The acquisitions by Transport of the transportation properties was approved by this Commission on October 20, 1938. In the Matter of North American Edison Company, et al., 3 S.E.C. 1056.

[2] The Milwaukee Electric Railway & Transport Company, et al., Holding Company Act Release Nos. 2553, 2892, 3396, 3751, 4034, 4186, 4394, 4550, 4880, 5083, 5273 and 5600.

[1] Docket No. 2-U-2069.

purpose shall preside at the hearing on such matter. The officer so designated to preside at such hearing is hereby authorized to exercise all the powers granted to the Commission under sections 41 and 42 (b) of the Investment Company Act of 1940 and to trial examiners under the Commission's rules of practice.

Notice of such hearing is hereby given to the applicant and to any other persons whose participation in such proceeding may be in the public interest and for the protection of investors.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 45-15259; Filed, Aug. 18, 1945; 11:12 a. m.]

SAN FRANCISCO STOCK EXCHANGE

DECLARATION OF EFFECTIVENESS OF AMENDED PLAN

Declaration of effectiveness of amended plan of the San Francisco Stock Exchange pursuant to Rule X-10B-2 (d) (§ 240.10B-2 (d)).

The Securities and Exchange Commission having previously declared effective a plan for special offerings filed pursuant to Rule X-10B-2 (d) by the San Francisco Stock Exchange; and the San Francisco Stock Exchange, on August 7, 1945, having filed amendments to its plan for such special offerings:

The Securities and Exchange Commission having given due consideration to the special offering plan of the San Francisco Stock Exchange, as amended, and having due regard for the public interest and for the protection of investors, pursuant to the Securities Exchange Act of 1934, particularly sections 10 (b) and 23 (a) thereof, and Rule X-10B-2 thereunder, hereby declares effective the special offering plan of the San Francisco Stock Exchange as amended by Rule 9, filed as of August 7, 1945, on condition that if at any time it appears to the Commission necessary or appropriate in the public interest or for the protection of investors so to do, the Commission may suspend or terminate the effectiveness of said plan by sending at least ten days' written notice to the Exchange.

Effective: August 17, 1945.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 45-15260; Filed, Aug. 18, 1945; 11:12 a. m.]

[File Nos. 54-78, 54-40, 59-40, 54-43, 59-49]

CONSOLIDATED ELECTRIC AND GAS CO., ET AL.

ORDER POSTPONING HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 17th day of August, A. D. 1945.

In the matters of Consolidated Electric and Gas Company, File No. 54-78; Consolidated Electric and Gas Company, Applicant, File No. 54-40; Central Public Utility Corporation, Consolidated Electric and Gas Company, Respondents, File No. 59-40; Christopher H. Coughlin, W. T. Crawford and Rawleigh Warner, voting trustees under voting trust agreement dated August 1, 1932, relating to common stock of Central Public Utility Corporation, Applicants, File No. 54-43; Christopher H. Coughlin, W. T. Crawford and Rawleigh Warner, voting trustees under voting trust agreement dated August 1, 1932, relating to common stock of Central Public Utility Corporation, Respondents. File No. 59-49.

Consolidated Electric and Gas Company ("Consolidated"), a registered holding company, having filed an application, pursuant to section 11 (e) of the Public Utility Holding Company Act of 1935, for approval of a plan for certain action to be taken by it and its associate companies designed to enable Consolidated and certain of its subsidiary companies to comply with the provisions of section 11 (b) of said act; the Commission having by order dated July 19, 1943 consolidated the proceedings upon said application (1) with certain proceedings theretofore instituted by the Commission, pursuant to section 11 (b) of said act, with respect to Consolidated and its parent Central Public Utility Corporation ("Central Public"), also a registered holding company, (2) with certain other proceedings instituted by the Commission pursuant to section 11 (b) with respect to Christopher H. Coughlin, W. T. Crawford and Rawleigh Warner, Voting Trustees under a voting trust agreement dated August 1, 1932 relating to common stock of said Central Public (said trustees also being a registered holding company), (3) with proceedings upon an earlier application of Consolidated for approval of certain other action also designed to enable Consolidated to comply with section 11 (b) and, (4) with proceedings upon an application-declaration by the trustees, above named, regarding the disposition of the common stock of Central Public held by said trustees; and the Commission having by said order of July 19, 1943 directed a hearing on said consolidated proceedings to be held at 10:00 a. m., e. w. t., on August 3, 1943 at the offices of the Commission in Philadelphia, Pennsylvania; and said hearing having been postponed by subsequent orders of the Commission until August 18, 1945;

Consolidated having requested that the hearing so directed to be held in said consolidated proceedings be further postponed to a date not earlier than December 18, 1945 stating is such request, among other things, that during the period since the last postponement of these proceedings the company has reduced its holdings of domestic public utility subsidiaries to six in number; that the company since June 23, 1943, the day of the filing of its application for approval of the plan above first mentioned, has disposed of its interests in or the assets of 24 public utility subsidiary companies; that since December 31, 1943 Consolidated has reduced the principal amount of its outstanding debt securities from $31,433,500 to approximately $14,000,000 principal amount; that presently there is pending with this Commission proceedings regarding the reorganization and corporate simplification of The Islands Gas and Electric Company, a wholly owned direct holding company subsidiary of Consolidated; that Consolidated is presently actively negotiating for the divestment of three of its remaining six domestic utility subsidiaries and proposes, as soon as opportunity permits, to divest itself of all of its remaining domestic public utility subsidiaries; that Consolidated considers it is necessary that the said proposed sales, together with an appropriate disposition of the proceeds derived from such sales, be consummated or substantial progress made in regard thereto before Consolidated can formulate and file a definitive plan and that it is advisable that such plan be filed before hearings be held in the above entitled matters; and

The Commission deeming it appropriate under the circumstances that the hearing directed to be held herein on August 18, 1945 be further postponed;

It is ordered, That the hearing in this matter previously scheduled for August 18, 1945 at 10:00 a. m., e. w. t., at the office of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia 3, Pennsylvania, be and hereby is, postponed to December 18, 1945 at the same hour and place and before the same trial examiner as heretofore designated.

It is further ordered, That the time within which any person, other than parties to said proceedings, desiring to be heard or otherwise wishing to participate in said proceedings shall file a request or application therefor with the secretary of the Commission as provided by Rule XVII of the Commission's rules of practice be, and the same hereby is, extended to December 10, 1945.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 45-15349; Filed, Aug. 20 1945; 9:53 a. m.]

[File Nos. 70-952, 31-84]

INTERNATIONAL UTILITIES CORP., ET AL.

INTERIM ORDER PERMITTING JOINT DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 17th day of August, A. D. 1945.

In the matters of International Utilities Corporation and General Water Gas & Electric Company, File No. 70-952; International Utilities Corporation, et al. File No. 31-84.

International Utilities Corporation ("International"), a registered holding company, and its subsidiary, General Water Gas & Electric Company ("General"), also a registered holding company, having jointly filed a declaration and application, and amendments thereto, pursuant to the Public Utility Holding Company Act of 1935, particularly sections 7, 12, 3 and 5 thereof, and the rules and regulations promulgated thereunder regarding, among other things, the reclassification of the authorized common stock of Rockland Gas Co., Inc. ("Rockland Gas"), a public utility subsidiary of General, from 7,500 shares, no par value, of which 6,100 are presently issued and outstanding, to 37,500 shares, no par value, of which 30,500 shares are to be issued and outstanding; and the sale by General of its interest in Rockland Gas, consisting of all the outstanding reclassified common stock of Rockland Gas (30,500 shares), to Butcher & Sherrerd, as underwriters, at a price of $732,000 ($24 per share), such stock to be reoffered by Butcher & Sherrerd to the public for not more than $793,000 ($26 per share); *Provided*, That if any or all of such stock is sold to the public at a price in excess of $26 per share, such additional proceeds shall be paid to General; General proposes to use the proceeds of the sale for its general corporate purposes and to issue a call for tenders of its publicly-held common stock;

A public hearing having been held on the matters concerned in said joint declaration and application, as amended, after appropriate notice, and the Commission deeming it appropriate to separate for disposition herein the proposals regarding the reclassification of the common stock of Rockland Gas and the sale by General of its interest in the common stock of Rockland Gas as reclassified; and

The Commission having been fully advised in the premises and having made and filed its findings and opinion herein;

It is ordered, That the joint declaration, as amended, insofar as it concerns the reclassification of the common stock of Rockland Gas and the sale by General of its interest in the reclassified common stock of Rockland Gas, be, and hereby is, permitted to become effective forthwith, subject to the terms and conditions of Rule U-24;

It is further ordered, That jurisdiction be, and hereby is, reserved, for future disposition by the Commission, regarding all other matters contained in the said joint declaration and application, as amended.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 45-15350; Filed, Aug. 20, 1945; 9:53 a. m.]

[File No. 70-1125]

MINNESOTA POWER & LIGHT CO.

NOTICE OF FILING AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 18th day of August, A. D. 1945.

Notice is hereby given that an application and declaration has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by Minnesota Power & Light Company ("Minnesota"), a registered holding company and an electric utility subsidiary of American Power & Light Company, which is itself a subsidiary of Electric Bond and Share Company, both registered holding companies.

All interested persons are referred to said application and declaration which is on file in the office of the Commission for a statement of the transactions therein proposed, which are summarized as follows:

Minnesota proposes to retire all of its outstanding funded debt aggregating $32,289,000 of bonds consisting of $10,700,000 principal amount of First and Refunding Mortgage Gold Bonds, 5% Series due 1955, $18,000,000 principal amount of First and Refunding Mortgage Gold Bonds, 4½% Series due 1978 and $3,589,000 principal amount of Great Northern Power Company First Mortgage 5% Gold Bonds, due February 1, 1950. These bonds will be retired at their respective redemption prices of 102%, 101½%, and 102% of principal amounts plus accrued interest to date of redemption. Minnesota owns all of the properties which secure said bonds of Great Northern Power Company.

The proposed retirement of funded debt will be effected through the use of general funds of Minnesota and the proceeds of the issuance and sale, pursuant to the competitive bidding requirements of Rule U-50, of $26,000,000 principal amount of its First Mortgage Bonds, —% Series due 1975, and the issuance and private sale of $6,000,000 principal amount of its unsecured Ten-Year Serial Notes maturing in the amount of $600,000 annually.

Minnesota has designated sections 6 (a), 7, 11 (b) and 12 (c) of the act and Rules U-42 and U-50 promulgated thereunder as being applicable to the proposed transactions.

It appearing to the Commission that it is appropriate in the public interest and the interests of investors and consumers that a hearing be held with respect to said matters and that said application should not be granted, nor said declaration become effective, except pursuant to further order of the Commission:

It is hereby ordered, That a hearing be held upon said matters on August 30, 1945 at 10:30 a. m., e. w. t., at the offices of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia 3, Pennsylvania. On such date the hearing room clerk in Room 318 will advise as to the room where such hearing will be held.

It is further ordered, That Richard Townsend or any other officer or officers of the Commission designated by it for that purpose, shall preside at the hearings on such matters. The officer so designated to preside at such hearings is hereby authorized to exercise all of the powers granted to the Commission under section 18 (c) of said act and to a trial examiner under the Commission's rules of practice.

It is further ordered, That the secretary of the Commission shall serve by registered mail a copy of this order on the applicant and declarant herein, and that notice of said hearing be given to all other persons by publication of this order in the FEDERAL REGISTER. Any person desiring to be heard in connection with these proceedings or proposing to intervene herein shall file with the secretary of the Commission on or before August 27, 1945 his request or application therefor, as provided by Rule XVII of the rules of practice of the Commission.

It is further ordered, That without limiting the scope of the issues presented by said application-declaration, particular attention will be directed at said hearing to the following matters and questions:

(1) Whether the mortgage bonds and serial notes proposed to be issued and sold by Minnesota will be reasonably adapted to the security structure and earning power of Minnesota and necessary and appropriate to the economical and efficient operation of the business in which Minnesota is presently engaged and in particular whether the proposed sinking fund and replacement fund provisions in the indenture securing such bonds are adequate.

(2) Whether the fees, commissions or other remunerations proposed to be paid in connection with the issue and sale of said securities are reasonable.

(3) Whether the terms and conditions of the issue and sale of said securities are detrimental to the public interest or the interests of investors or consumers.

(4) Whether the accounting entries to be recorded in connection with the proposed transactions are appropriate and whether any other accounting adjustments should be made in connection with the proposed transactions.

(5) Generally, whether the proposed transactions comply with the applicable provisions of the Public Utility Holding Company Act of 1935 and all rules and regulations promulgated thereunder.

(6) What terms and conditions, if any, are necessary or appropriate in the public interest or the interests of investors or consumers to ensure compliance with the requirements of the Public Utility Holding Company Act of 1935, or any rules, regulations or orders promulgated thereunder.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 45-15353; Filed, Aug. 20, 1945; 9:53 a. m.]

[File No. 70-1105]

MONONGAHELA POWER CO., ET AL.

ORDER GRANTING AND PERMITTING APPLICATION-DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 15th day of August, A. D. 1945.

In the matter of Monongahela Power Company, the West Penn Electric Company and American Water Works and Electric Company, Inc., File No. 70-1105.

Monongahela Power Company ("Monongahela"), a direct subsidiary of American Water Works and Electric

Company, Inc. ("American"), The West Penn Electric Company ("Electric") and West Penn Power Company ("Power"), all registered holding companies and members of American Water Works and Electric Company, Inc., holding company system, and Electric and American have filed a joint application-declaration regarding an over-all refinancing program for Monongahela and related transactions under the Public Utility Holding Company Act of 1935. The transactions embraced by the joint application-declaration are as follows: (a) the issue and sale by Monongahela at competitive bidding pursuant to Rule U-50, of $22,000,000 principal amount of First Mortgage Bonds due 1975 and of $9,000,000 aggregate par value of cumulative preferred stock represented by 90,000 shares, $100 par value per share, (the price to Monongahela for these securities, the interest rate on the bonds and the dividend rate on the preferred stock, to be determined at competitive bidding); (b) the issue and private sale at principal amount thereof by Monongahela to three banks of $4,000,000 principal amount, 2% Ten Year serial notes; (c) the issue and sale by Monongahela of 82,500 shades of additional common stock, par value $6.50 per share, to Electric at a price of $15 a share; (d) the use of the proceeds from the sale of the foregoing securities, together with other corporate funds of Monongahela, to redeem and retire its presently outstanding (i) First Mortgage Bonds aggregating $22,000,000 principal amount at 105% of principal amount plus accrued interest, (ii) 6% debentures in the aggregate principal amount of $7,500,000 at 110% of principal amount plus accrued interest, and (iii) 291,902 shares of 7% Cumulative Preferred Stock, par value $25 per share, aggregate par value $7,297,550, of which 267,952 shares are owned by the public, the publicly held preferred to be redeemed at $28.75 per share plus accrued dividends, the 23,376 shares owned by Electric to be applied at the unit price of $24 per share (cost thereof to Electric), or an aggregate amount of $561,024, as partial payment for the new common stock of Monogahela, the 574 shares owned by American to be donated to Monongahela; (e) the acquisition by Electric of the additional shares of new common stock of Monongahela for $676,476 in cash and 23,376 shares of 7% Cumulative Preferred Stock of Monongahela; and (f) the surrender by American to Monongahela as a capital donation of the 574 shares of 7% Cumulative Preferred Stock of Monongahela.

Representatives of Monongahela have requested that in connection with the offering of the bonds and preferred stock at competitive bidding the 10 day period for the solicitation of bids required by the provisions of Rule U-50 be shortened to not less than 6 days.

Public hearing on these matters having been held after appropriate notice and the Commission having considered the record and having made and filed its findings and opinion herein;

It is ordered, That the joint application-declaration, as amended, be and the same hereby is granted and permitted to become effective subject, however, to the terms and conditions prescribed in Rule U-24 and to the following terms and conditions:

1. That Monongahela shall amortize, in not more than fifteen years from the date of this order by equal monthly Income Deductions the item on its consolidated balance sheet captioned "Excess of carrying value of the investments of the Company in securities of its subsidiaries over the underlying book equity of such subsidiaries at their respective dates of acquisition";

2. That so long as the serial notes to be issued by Monongahela remain outstanding and not discharged, Monongahela shall not pay dividends on its common stock in any calendar year exceeding in the aggregate $800,000;

3. That Monongahela shall not pay any dividends on its common stock (other than dividends payable in common stock) or make any distribution on, or purchase, or otherwise acquire for value, any of its common stock, each and all of these actions being hereinafter embraced in the term "payment of common stock dividends") except as follows:

(a) If and so long as the ratio of the capital represented by the common stock, including premiums on the capital stock, of Monongahela plus the consolidated surplus accounts of Monongahela and its subsidiaries to the total consolidated capital and surplus accounts of Monongahela and its subsidiaries at the end of the second calendar month immediately preceding the date of the proposed payment of common stock dividends adjusted to reflect the proposed payment of common stock dividends (which ratio is hereinafter referred to as "capitalization ratio") is less than 20% then the payment of common stock dividends, including the proposed payment, during the twelve months period ending with and including the date of the proposed payment shall not exceed 50% of the consolidated net income of Monongahela and its subsidiaries applicable to the common stock of Monongahela during the twelve calendar months ending with and including the second calendar month immediately preceding the date of the proposed payment of common stock dividends;

(b) If and so long as such capitalization ratio is 20% or more but less than 25% then the payment of common stock dividends during the twelve months period ending with and including the date of the proposed payment shall not exceed 75% of the consolidated net income of Monongahela and its subsidiaries applicable to the common stock of Monongahela during the twelve calendar months ending with and including the second calendar month immediately preceding the date of the proposed payment of common stock dividends;

(c) Except to the extent permitted by paragraphs (a) and (b) hereof Monongahela shall make no payment of common stock dividends which would reduce such capitalization ratio to less than 25%.

For the purpose of the terms and conditions of this order:

(A) The total consolidated capital of Monongahela and its subsidiaries shall be deemed to consist of the aggregate of the principal amount of all outstanding indebtedness of Monongahela and its subsidiaries represented by bonds, debentures, notes and other evidences of indebtedness maturing by their terms one year or more from the date of issue thereof and not held by Monongahela or its subsidiaries, and the aggregate amount of stated or par value of all capital stocks, including premiums on capital stock, of all classes of Monongahela and its subsidiaries not held by Monongahela or its subsidiaries;

(B) Consolidated surplus accounts upon which capitalization ratios are computed shall be adjusted to eliminate any and all amounts restricted in the consolidated earned surplus of Monongahela and its subsidiaries accumulated subsequent to August 1, 1945 resulting from the requirements of the Minimum Provision for Depreciation as embodied in the indenture and supplements thereto securing the mortgage bonds of Monongahela; and

(C) In computing consolidated net income of Monongahela and its subsidiaries applicable to the common stock of Monongahela for the purposes of this paragraph 3, operating expenses, among other things, shall include the provisions for depreciation as recorded on the books or the minimum provision for depreciation embodied in the indenture and supplements thereto securing the mortgage bonds of Monongahela, whichever is larger.

The amount of consolidated net income of Monongahela and its subsidiaries restricted against the payment of common stock dividends in any twelve months period shall not exceed the greater of the restrictions imposed by the limitations of paragraph 2 hereof or of this paragraph 3;

4. That American shall within 60 days from the date of this order transfer to Electric the 200,098⅔ shares of common stock of Monongahela now owned by American: *Provided, however*, That this period may be extended by us upon a showing that American and Electric have been unable in the exercise of due diligence to comply with this condition; until such transfer has occurred no dividends are to be paid by Electric to American on the Class B or Common Stock of Electric owned by American without prior approval of this Commission;

5. That the proposed issuance and sale of the $22,000,000 aggregate principal amount of first mortgage bonds and the $9,000,000 aggregate par value of new preferred stock shall not be consummated until the results of the competitive bidding have been made a matter of record in this proceeding and a further order shall have been entered by this Commission in the light of the record so completed, which order shall contain such further details and conditions, if any, as may then be deemed appropriate, jurisdiction being reserved for the imposition thereof in connection with the proposed transactions;

6. That the solicitation period of ten days required by Rule U-50 be, for the purpose of the sale of the First Mortgage Bonds and Cumulative Preferred Stock of Monongahela herein being considered, shortened to not less than six days;

7. That jurisdiction be reserved with respect to the payment of any and all fees and expenses incurred or to be incurred in connection with the consummation of the proposed transactions.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 45-15352; Filed, Aug. 20, 1945; 9:52 a. m.]

[File No. 70-1061]

SOUTHWESTERN PUBLIC SERVICE CO. AND SOUTHWESTERN ELECTRIC SERVICE CO.

ORDER GRANTING AND PERMITTING APPLICATIONS AND DECLARATIONS TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 15th day of August, A. D. 1945.

Southwestern Public Service Company ("Southwestern"), a public utility company formerly a registered holding company, and Southwestern Electric Service Company ("Electric"), a newly formed corporation, having filed applications and declarations and amendments thereto pursuant to the Public Utility Holding Company Act of 1935 and the rules and regulations promulgated thereunder wherein it is proposed that:

1. Southwestern sell all its properties located in east-central Texas to Electric for a cash consideration to be determined by the net proceeds to be received by Electric from the sale of certain securities, hereinafter set forth, after deduction of $60,000 for working capital;

2. Electric issue and sell, at competitive bidding, $1,550,000 principal amount of first mortgage bonds due May 1, 1975, and 10,150 shares of cumulative preferred stock, par value $100 per share;

3. Electric issue and sell 161,180 shares of common stock, par value $1 per share, and issue transferable bearer subscription rights to Southwestern's common stockholders giving the right to purchase one share of Electric's common stock for each four shares of common stock of Southwestern held; Electric to enter into an underwriting agreement providing for the purchase of such of the shares of common stock as are not subscribed for pursuant to the subscription rights; and

A public hearing having been held after appropriate notice, and the Commission having considered the record and having made and filed its findings and opinion herein;

It is ordered, That said applications and declarations, as amended, regarding the transactions summarized above be, and the same hereby are, granted and permitted to become effective, subject to the terms and conditions prescribed in Rule U-24, and to the following further conditions:

1. That the proposed issue and sale of first mortgage bonds and of cumulative preferred stock, and of common stock pursuant to the underwriting agreement by Southwestern Electric Service Company, shall not be consummated until the results of competitive bidding, pursuant to Rule U-50, and the terms of the proposed underwriting agreement shall have been made a matter of record in this proceeding and a further order shall have been entered by this Commission in the light of the record so completed, which order may contain such further terms and conditions as may then be deemed appropriate;

2. That Southwestern Electric Service Company amend Article VII of its charter, within six months after the date of this order, to provide that in computing Net Earnings of the corporation available for interest for the purpose of subparagraph (d) (1) of subdivision (G) thereof, and in computing net income of the company applicable to its common stock for the purpose of subdivision (M) thereof, operating expenses shall include, among other things, the provisions for depreciation as recorded on the books of Electric or the Maintenance Fund requirements provided by the Indenture securing the first mortgage bonds of Electric, whichever is larger, and to provide further that in computing common stock equity for the purpose of subdivision (M) thereof, there shall be deducted from earned surplus as shown on the books of Electric any and all amounts restricted therein pursuant to said Indenture;

3. That jurisdiction be, and it is hereby, reserved over the payment of all fees and expenses by Southwestern and Electric, in connection with the proposed transactions and fees and expenses of counsel for the prospective bidders;

It is further ordered, Pursuant to the request of Southwestern Electric Service Company, that the ten-day period for inviting bids as provided by Rule U-50 be, and the same hereby is, shortened to a period of not less than seven days.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 45-15351; Filed, Aug. 20, 1945; 9:53 a. m.]

WAR PRODUCTION BOARD.

[C-414]

BREDE, INC.

CONSENT ORDER

Brede, Inc., a Michigan corporation with principal offices at 501 West Larned Street, Detroit, Michigan, is engaged in the manufacture, processing, and packing of horse radish and cereals and is charged by the War Production Board with having used, during the four calendar quarters of 1944 and the first calendar quarter of 1945, 12,803 pounds of containerboard content in excess and 124,953 square feet of containerboard content in excess of its quota for containerboard content for fibre shipping containers in violation of War Production Board Limitation Order L-317. Brede, Inc. admits the violations as charged, does not desire to contest the charge, and has consented to the issuance of this order.

Wherefore, upon the agreement and consent of Brede, Inc., the Regional Compliance Manager, and the Regional Attorney, and upon the approval of the Compliance Commissioner, *It is hereby ordered*, That:

(a) Brede, Inc. shall, during the four calendar quarters beginning July 1, 1945, and ending July 1, 1946, reduce its use of containerboard content for fibre shipping containers by using, during the four aforesaid quarterly periods, a total of 12,803 pounds and 124,953 square feet of containerboard content for fibre shipping containers less than the quota it would otherwise be entitled to use during this period as specified by the provisions of Limitation Order L-317 unless otherwise authorized in writing by the War Production Board. Said reduction and usage shall be effected in the following manner: (1) On or before September 30, 1945, at least 3200 pounds less and at least 31,238 square feet less; (2) on or before December 31, 1945, at least 6400 pounds less and at least 62,576 square feet less; (3) on or before March 31, 1946, 9600 pounds less and at least 93,714 square feet less; (4) on or before June 30, 1946, at least 12,803 pounds less and at least 124,953 square feet less than its quota as aforesaid.

(b) Nothing contained in this order shall be deemed to relieve Brede, Inc. from any restriction, prohibition or provision contained in any other order or regulation of the War Production Board except in so far as the same may be inconsistent with the provisions hereof.

(c) The restrictions and prohibitions contained herein shall apply to Brede, Inc., its successors and assigns, or persons acting on its behalf. Prohibitions against the taking of any action include the taking indirectly as well as directly of any such action.

(d) This order shall take effect on July 1, 1945 and shall expire on July 1, 1946.

Issued this 18th day of August 1945.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 45-15306; Filed, Aug. 18, 1945; 12:25 p. m.]

AUG 25 '45

FEDERAL REGISTER

VOLUME 10 NUMBER 165

Washington, Wednesday, August 22, 1945

The President

PROCLAMATION 2659

ELIMINATING CERTAIN LANDS FROM THE SANTA ROSA ISLAND NATIONAL MONUMENT AND RESERVING THEM FOR THE USE OF THE WAR DEPARTMENT FOR MILITARY PURPOSES

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS certain Government-owned lands now comprising a part of the Santa Rosa Island National Monument, in the State of Florida, are needed by the War Department for military purposes; and

WHEREAS the elimination of such lands from the national monument would not seriously interfere with its administration:

NOW, THEREFORE, I, HARRY S. TRUMAN, President of the United States of America, by virtue of the authority vested in me by the act of June 8, 1906, c. 3060, 34 Stat. 225 (16 U. S. C. 431), and as President, do proclaim that the following-described lands are hereby eliminated from the Santa Rosa Island National Monument and reserved for the use of the War Department for military purposes, subject to valid existing rights, including those arising out of a lease granted to the Island Amusement Company by Escambia County, Florida, on September 10, 1929, and subsequently modified:

Tallahassee Meridian

T. 2 S., R. 23 W., fractional secs. 19 to 29, inclusive;
T. 2 S., R. 24 W., fractional secs. 19 to 24, inclusive;
T. 2 S., R. 25 W., fractional secs. 19 to 24, and 26 to 30, inclusive;
T. 2 S., R. 26 W., fractional secs. 25, 26, and 27.

The area described aggregates approximately 4,700 acres.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the United States to be affixed.

DONE at the City of Washington this 13th day of August in the year of our Lord nineteen hundred and [SEAL] forty-five, and of the independence of the United States of America the one hundred and seventieth.

HARRY S. TRUMAN

By the President:

JAMES F. BYRNES,
The Secretary of State.

[F. R. Doc. 45-15388; Filed, Aug. 20, 1945; 1:27 p. m.]

EXECUTIVE ORDER 9601

REVOCATION OF EXECUTIVE ORDER 9240, AS AMENDED, ENTITLED "REGULATIONS RELATING TO OVERTIME COMPENSATION"

By virtue of the authority vested in me by the Constitution and the statutes, it is ordered that Executive Order No. 9240, as amended, entitled "Regulations Relating to Overtime Wage Compensation", is hereby revoked, effective as of the date of this order.

HARRY S. TRUMAN

THE WHITE HOUSE,
August 21, 1945.

[F. R. Doc. 45-15487; Filed, Aug. 21, 1945; 11:55 a. m.]

Regulations

TITLE 7—AGRICULTURE

Chapter XI—War Food Distribution Orders

[WFO 79, Partial Suspension]

PART 1401—DAIRY PRODUCTS

CONSERVATION AND DISTRIBUTION OF FLUID MILK AND CREAM

The provisions contained in § 1401.29 (b) (2), § 1401.29 (b) (3), and § 1401.29 (b) (4) of War Food Order No. 79, as amended (8 F.R. 12426, 13283, 9 F.R. 4321, 4319, 6982, 9459, 10035, 11990, 10 F.R. 103, 5347); so much of § 1401.29 (b) (1) of said War Food Order No. 79, as amended,

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THE PRESIDENT

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FEDERAL REGISTER

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NOTICE

1944 Supplement

Book 1 of the 1944 Supplement to the Code of Federal Regulations, containing Titles 1–10, including Presidential documents in full text, is now available from the Superintendent of Documents, Government Printing Office, at $3.00 per copy.

A limited sales stock of the Cumulative Supplement and the 1943 Supplement is still available as previously announced.

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as provides that the Director shall designate or establish quotas; and so much of each Director's order issued pursuant to said War Food Order No. 79, as amended, as is inconsistent with a suspension of the aforesaid provisions of War Food Order No. 79, as amended, are suspended, effective at 12:01 a. m., e. w. t., August 1, 1945.

With respect to violations, rights accrued, liabilities incurred, or appeals taken under said War Food Order No. 79, as amended, or any Director's order issued pursuant thereto, prior to the effective time of the provisions hereof, the provisions of said War Food Order No. 79, as amended, and of such Director's order, in effect prior to the effective time hereof, shall continue in full force and effect for the purpose of sustaining any proper suit, action, or other proceeding with respect to any such violation, right, liability, or appeal.

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423; E.O. 9392, 8 F.R. 14783; E.O. 9577, 10 F.R. 8087; WFO 79, 8 F.R. 12426, 13283, 9 F.R. 4321, 4319, 6982, 9459, 10035, 11990, 10 F.R. 103, 5347)

Issued this 20th day of August 1945.

[SEAL] CLINTON P. ANDERSON,
Secretary of Agriculture.

[F. R. Doc. 45-15387; Filed, Aug. 20, 1945; 12:09 p. m.]

[WFO 4-10, Amdt. 1]

PART 1450—TOBACCO

1945 CROP FLUE-CURED TOBACCO

Pursuant to War Food Order No. 4 (8 F.R. 335) issued on January 7, 1943, as amended (8 F.R. 11331, 9 F.R. 4321, 4319, 9584, 10 F.R. 103), and to effectuate the purposes of such order, as amended, War Food Order No. 4–10 (10 F.R. 8952) relative to the 1945 crop of flue-cured tobacco, is hereby amended as follows:

1. By deleting therefrom the term "98 percent" in § 1450.16 (b) (5) and inserting, in lieu thereof, the term "101.5 percent."

2. By deleting therefrom the term "95 percent" in § 1450.16 (b) (8) and inserting, in lieu thereof, the term "115 percent."

This order shall become effective at 12:01 a. m., e. w. t., August 20, 1945. With respect to violations, rights accrued, liabilities incurred, or appeals taken under said War Food Order No. 4–10, as amended, prior to the effective time hereof, all provisions of such order, as amended, in effect prior to the effective time hereof shall continue in full force and effect for the purpose of sustaining any action, suit, or other proceeding, with respect to any such violation, right, liability, or appeal.

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423; E.O. 9392, 8 F.R. 14783; E.O. 9577, 10 F.R. 8087; WFO No. 4, 8 F.R. 335, 11331, 9 F.R. 4321, 4319, 9584, 10 F.R. 103)

Issued this 18th day of August 1945.

[SEAL] C. W. KITCHEN,
Director of Marketing Services.

[F. R. Doc. 45-15386; Filed, Aug. 20, 1945; 12:09 p. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket No. 5024]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

BENNETTSVILLE MATTRESS FACTORY

§ 3.6 (c) *Advertising falsely or misleadingly—Composition of goods:* § 3.6 (o) *Advertising falsely or misleadingly—Old or reclaimed as new:* § 3.66 (a7) *Misbranding or mislabeling—Composition:* § 3.66 (e) *Misbranding or mislabeling—Old, secondhand, reclaimed or reconstructed as new.* In connection with the offering for sale, sale, and distribution of mattresses and other bedding in commerce, (1) using the term "New Materials" or any other term of similar import to designate or describe the material content of mattresses or other bedding composed in whole or in part of "sweeps"; or (2) representing, directly or by implication, that any of respondent's said products composed in whole or in part of "sweeps" is composed of new materials; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U. S. C., sec. 45b) [Cease and desist order, Bennettsville Mattress Factory, Docket 5024, July 31, 1945]

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 31st day of July, A. D. 1945.

In the Matter of John P. Dowd, an Individual Doing Business Under the Firm Name and Style of Bennettsville Mattress Factory

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission, answer of the respondent, testimony and other evidence in support of the complaint and in opposition thereto taken before a trial examiner of the Commission theretofore duly designated by it, report of the trial examiner upon the evidence, briefs filed in support of the complaint and in opposition thereto, and oral argument of counsel; and the Commission having made its findings as to the facts and its conclusion that the respondent has violated the provisions of the Federal Trade Commission Act:

It is ordered, That the respondent, John P. Dowd, an individual, trading as Bennettsville Mattress Factory or trading under any other trade name, and his representatives, agents, and employees, directly or through any corporate or other device in connection with the offering for sale, sale, and distribution of mattresses and other bedding in commerce as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Using the term "New Materials" or any other term of similar import to designate or describe the material content of mattresses or other bedding composed in whole or in part of "sweeps."

2. Representing, directly or by implication, that any of respondent's said products composed in whole or in part of "sweeps" is composed of new materials.

It is further ordered, That the respondent shall, within sixty (60) days after service upon him of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which he has complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 45-15450; Filed, Aug. 21, 1945; 11:11 a. m.]

TITLE 26—INTERNAL REVENUE

Chapter I—Bureau of Internal Revenue

Subchapter C—Miscellaneous Excise Taxes

[T. D. 5472]

PART 188—BOTTLING OF DISTILLED SPIRITS IN BOND

LOSSES IN BOTTLING TO BE TAX-PAID

Pursuant to sections 2800, 2903, 2904, 3172, 3176, and 3640, Internal Revenue Code, § 188.64 of Regulations 6 (26 CFR, Part 188) is hereby amended to read as follows:

§ 188.64 *Losses in bottling to be tax-paid.* All losses sustained in the process of bottling, on distilled spirits bottled

before tax-payment, must be tax-paid When Forms 1516 have been audited, the district supervisor shall prepare notice on Form 1607, "Notice of Tax Due on Losses of Spirits Bottled in Bond," in triplicate, for each internal revenue bonded warehouse, showing thereon the total losses in bottling for the month upon which tax is due. The original copy thereof will be forwarded to the proprietor of the internal revenue bonded warehouse on whose premises the bottling-in-bond department is situated, and one copy will be transmitted to the proper collector of internal revenue. The third copy of the notice will be filed in the district supervisor's office. If the taxpayer does not within 30 days from date of such notice pay the tax due, the collector shall enter the amount for assessment on his current Distilled Spirits List. At the end of 60 days from the date of the notice, the district supervisor shall ascertain from the collector whether the amount of the tax due has been paid or assessed, and appropriate notations will be entered on the retained copy of the form. (Secs. 2903, 2904, 3176, I. R. C.; secs. 2890, as amended, 3172, 3640, I. R. C.)

This regulation shall take effect from and after the date of filing with the Division of the Federal Register.

[SEAL] JOSEPH D. NUNAN, Jr.,
Commissioner of Internal Revenue.

Approved: August 20, 1945.

JOSEPH J. O'CONNELL, Jr.,
Acting Secretary of the Treasury.

[F. R. Doc. 45-15470; Filed, Aug. 21, 1945; 11:38 a. m.]

TITLE 29—LABOR

Chapter IX—Agriculture Department (Agricultural Labor)

[Rev. Supp. 31]

PART 1108—SALARIES AND WAGES OF AGRICULTURAL LABOR IN THE STATE OF IDAHO

WORKERS ENGAGED IN HARVESTING POTATOES IN CERTAIN COUNTIES IN THE STATE OF IDAHO

Supplement No. 31 (formerly known as Specific Wage Ceiling Regulation 31) issued September 30, 1944 (9 F.R. 11991, 10 F.R. 3518) is hereby amended and revised to read as follows:

§ 1108.2 *Workers engaged in harvesting potatoes in the Counties of Bannock, Bear Lake, Bingham, Bonneville, Butte, Caribou, Clark, Custer, Fremont, Franklin, Jefferson, Lemhi, Madison, Oneida, Power, and Teton, State of Idaho.* Pursuant to § 4001.7 of the regulations of the Economic Stabilization Director relating to wages and salaries issued August 28, 1943, as amended (8 F.R. 11960, 12139, 16702; 9 F.R. 6035, 14547, 10 F.R. 9478, 9628) and to the regulations of the War Food Administrator issued March 23, 1945 (10 F.R. 3177) entitled "Specific Wage Ceiling Regulations" and based upon a certification of the Idaho USDA Wage Board that a majority of the producers of potatoes grown in the area affected participating in hearings conducted for such purpose have requested the intervention of the Secretary of Agriculture and based upon relevant facts submitted by the Idaho USDA Wage Board and obtained from other sources, it is hereby determined that:

(a) *Areas, crops and classes of workers.* Persons engaged in harvesting potatoes in the Counties of Bannock, Bear Lake, Bingham, Bonneville, Butte, Caribou, Clark, Custer, Fremont, Franklin, Jefferson, Lemhi, Madison, Oneida, Power, and Teton, State of Idaho, are agricultural labor as defined in § 4001.1 (1) of the regulations of the Economic Stabilization Director issued on August 28, 1943, as amended (8 F.R. 11960, 12139, 16702; 9 F.R. 6035, 14547; 10 F.R. 9478, 9628).

(b) *Definitions.* When used in this section:

The term "loading" means loading potatoes in the field from ground to carrier and arranging thereon.

The term "bucking" means loading of potatoes and transporting to a point of unloading, unloading, and return to field for reloading.

(c) *Maximum wage rates for harvesting of potatoes.* (1) For picking potatoes:

(i) 10 cents per 120-pound sack for yields of 200 or more sacks per acre.

(ii) 11 cents per 120-pound sack for yields of 150–199, incl., sacks per acre.

(iii) 12 cents per 120-pound sack for yields of 100–149, incl., sacks per acre.

(iv) 14 cents per 120-pound sack for yields of 80–99, incl., sacks per acre.

(v) 16 cents per 120-pound sack for yields of 60–79, incl., sacks per acre.

Yields under 60 sacks per acre shall be individually adjusted on a rate based on 120-pound sacks.

(2) For loading potatoes—2¢ per 120-pound sack divided among bucking crew, or $1 per hour per person.

(3) For bucking potatoes—4¢ per 120-pound sack plus ¼¢ per 120-pound sack for each mile or fraction thereof transported in excess of four miles divided among the bucking crew, or $1 per hour per person.

(d) *Administration.* The Idaho USDA Wage Board, located at 521 Idaho Building, Boise, Idaho, will have charge of the administration of this section in accordance with the provisions of the specific wage ceiling regulations issued by the War Food Administrator on March 23, 1945 (10 F.R. 3177).

(e) *Applicability of specific wage ceiling regulations.* This section shall be deemed to be a part of the specific wage ceiling regulations issued by the War Food Administrator on March 23, 1945 (10 F.R. 3177) and the provisions of such regulations shall be applicable to this section and any violation of this section shall constitute a violation of such specific wage ceiling regulations.

Effective date. This Revised Supplement No. 31 shall become effective at 12:01 a. m., Mountain war time, August 21, 1945.

(56 Stat. 765 (1942), 50 U.S.C. App. 961 et seq. (Supp. IV); 57 Stat. 63 (1943); 50 U.S.C. 964 (Supp. IV); 58 Stat. 632 (1944); Pub. Law 108, 79th Cong., E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681; E.O. 9577, 10 F.R. 8087; regulations of the Economic Stabilization Director, 8 F.R. 11960, 12139, 16702, 9 F.R. 6035, 14547, 10 F.R. 9478, 9628; regulations of the War Food Administrator, 9 F.R. 655, 12117, 12611, 10 F.R. 7609, 9581; 9 F.R. 831, 12807, 14206, 10 F.R. 3177)

Issued this 20th day of August 1945.

[SEAL] WILSON R. BUIE,
Director of Labor,
U. S. Department of Agriculture.

[F. R. Doc. 45-15451; Filed, Aug. 21, 1945; 11:13 a. m.]

[Rev. Supp. 32]

PART 1108—SALARIES AND WAGES OF AGRICULTURAL LABOR IN THE STATE OF IDAHO

WORKERS ENGAGED IN HARVESTING POTATOES IN CERTAIN COUNTIES IN THE STATE OF IDAHO

Supplement No. 32 (formerly known as Specific Wage Ceiling Regulation 32) issued September 30, 1944 (9 F.R. 11991, 10 F.R. 3518) is hereby amended and revised to read as follows:

§ 1108.3 *Workers engaged in harvesting potatoes in the Counties of Blaine, Camas, Cassia, Gooding, Jerome, Lincoln, Minidoka, and Twin Falls, State of Idaho.* Pursuant to § 4001.7 of the regulations of the Economic Stabilization Director relating to wages and salaries issued August 28, 1943, as amended (8 F.R. 11960, 12139, 16702; 9 F.R. 6035, 14547, 10 F.R. 9478, 9628) and to the regulations of the War Food Administrator issued March 23, 1945 (10 F.R. 3177) entitled "Specific Wage Ceiling Regulations" and based upon a certification of the Idaho USDA Wage Board that a majority of the producers of potatoes grown in the area affected participating in hearings conducted for such purpose have requested the intervention of the Secretary of Agriculture and based upon relevant facts submitted by the Idaho USDA Wage Board and obtained from other sources, it is hereby determined that:

(a) *Areas, crops and classes of workers.* Persons engaged in harvesting of potatoes in the Counties of Blaine, Camas, Cassia, Gooding, Jerome, Lincoln, Minidoka, and Twin Falls, State of Idaho, are agricultural labor as defined in § 4001.1 (1) of the regulations of the Economic Stabilization Director issued on August 28, 1943, as amended (8 F.R. 11960, 12139, 16702; 9 F.R. 6035, 14547, 10 F.R. 9478, 9628).

(b) *Definitions.* When used in this section: The term "loading" means loading potatoes in the field from ground to carrier and arranging thereon.

The term "bucking" means loading of potatoes and transporting to a point of unloading, unloading, and return to field for reloading.

(c) *Maximum wage rates for harvesting of potatoes.* (1) For picking potatoes:

(i) 10 cents per 120-pound sack for yields of 200 or more sacks per acre.

(ii) 11 cents per 120-pound sack for yields of 150–199, incl., sacks per acre.

(iii) 12 cents per 120-pound sack for yields of 100–149, incl., sacks per acre.

(iv) 14 cents per 120-pound sack for yields of 80–99, incl., sacks per acre.

(v) 16 cents per 120-pound sack for yields of 60–79, incl., sacks per acre.

Yields under 60 sacks per acre shall be individually adjusted on a rate based on 120-pound sacks.

(2) For loading potatoes—2¢ per 120-pound sack divided among bucking crew, or $1 per hour per person.

(3) For bucking potatoes—4¢ per 120-pound sack plus ¼¢ per 120-pound sack for each mile or fraction thereof transported in excess of four miles, divided among the bucking crew, or $1 per hour per person.

(d) *Administration.* The Idaho USDA Wage Board, located at 521 Idaho Building, Boise, Idaho, will have charge of the administration of this section in accordance with the provisions of the specific wage ceiling regulations issued by the War Food Administrator on March 23, 1945 (10 F. R. 3177).

(e) *Applicability of specific wage ceiling regulations.* This section shall be deemed to be a part of the specific wage ceiling regulations issued by the War Food Administrator on March 23, 1945, (10 F. R. 3177) and the provisions of such regulations shall be applicable to this section and any violation of this section shall constitute a violation of such specific wage ceiling regulations.

Effective date. This Revised Supplement No. 32 shall become effective at 12:01 a. m., Mountain war time, August 21, 1945.

(56 Stat. 765 (1942), 50 U.S.C. App. 961 et seq. (Supp. IV); 57 Stat. 63 (1943); 50 U.S.C. 964 (Supp. IV); 58 Stat. 632 (1944); Pub. Law 108, 79th Cong., E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681; E.O. 9577, 10 F.R. 8087; regulations of the Economic Stabilization Director; 8 F.R. 11960, 12139, 16702, 9 F.R. 6035, 14547, 10 F.R. 9478, 9628; regulations of the War Food Administrator, 9 F.R. 655, 12117, 12611, 10 F.R. 7609, 9581; 9 F.R. 831, 12807, 14206, 10 F.R. 3177)

Issued this 18th day of August 1945.

WILSON R. BUIE,
Director of Labor,
U. S. Department of Agriculture.

[F. R. Doc. 45-15452; Filed, Aug. 21, 1945; 11:13 a. m.]

TITLE 30—MINERAL RESOURCES

Chapter VI—Solid Fuels Administration for War

[SFAW Order 25]

PART 602—GENERAL ORDERS AND DIRECTIVES

RECLAIMED COKE

Pursuant to Executive Order No. 9332 (8 F.R. 5355) SFAW Regulation No. 30 issued June 13, 1945 (10 F.R. 7336), is hereby revoked. This order does not affect any liability incurred under the regulation. The "reclaimed coke" affected by the regulation remains subject to all other applicable regulations, orders and directions of the Solid Fuels Administration for War.

This order shall become effective immediately.

(E.O. 9332, 8 F.R. 5355; E.O. 9125, 7 F.R. 2719; W.P.B Directive No. 33, as amended, 9 F.R. 64; sec. 2 (a), 54 Stat. 676, as amended by 55 Stat. 236, 56 Stat. 176 and 58 Stat. 827)

Issued this 20th day of August 1945.

HAROLD L. ICKES,
Solid Fuels Administrator for War.

[F. R. Doc. 45-15471; Filed, Aug. 21, 1945; 11:43 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—General Land Office

Appendix—Public Land Orders

[Public Land Order 294]

MONTANA

MUSSELSHELL ADMINISTRATIVE SITE ENLARGED

By virtue of the authority vested in the President by the act of June 25, 1910, c. 421, 36 Stat. 847, as amended by the act of August 24, 1912, c. 369, 37 Stat. 497 (U. S. C., Title 43, secs. 141–143), and pursuant to Executive Order No. 9337 of April 24, 1943; *It is ordered, As follows:*

Subject to valid existing rights, the following-described public land in Montana is hereby withdrawn from settlement, location, sale, or entry, and reserved for use by the Forest Service, Department of Agriculture, as an addition to the Musselshell Administrative Site in connection with the administration of the Lewis and Clark (formerly Jefferson) National Forest:

PRINCIPAL MERIDIAN

T. 9 N., R. 10 E.,
Sec. 14, NW¼NW¼.
The area described contains 40 acres.

This order shall take precedence over, but shall not modify, the withdrawal for classification and other purposes made by Executive Order No. 6910 of November 26, 1934, as amended.

ABE FORTAS,
Acting Secretary of the Interior.

AUGUST 13, 1945.

[F. R. Doc. 45-15436; Filed, Aug. 21, 1945; 9:24 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter VI—Selective Service System

[No. 301]

APPLICATION FOR ISSUANCE OF DUPLICATE REGISTRATION CERTIFICATE

ORDER PRESCRIBING FORMS

Pursuant to authority contained in the Selective Training and Service Act of 1940, as amended, I hereby prescribe the following change in DSS Forms.

Revision of DSS Form 14, entitled "Application for Issuance of Duplicate Registration Certificate." Upon receipt of the revised DSS Form 14,[1] the use of the supply of DSS Form 14 (Revised 7/10/42) will be discontinued.

The foregoing revision shall become a part of the Selective Service regulations effective within the continental United States immediately upon the filing hereof with the Division of the Federal Register and shall be effective outside the continental limits of the United States on the 30th day after the date of filing hereof with the Division of the Federal Register.

LEWIS B. HERSHEY,
Director.

AUGUST 1, 1945.

[1] Filed as part of the original document.

[F. R. Doc. 45-15392; Filed, Aug. 20, 1945; 3:31 p. m.]

Chapter VIII—Foreign Economic Administration

Subchapter B—Export Control

[Amdt. 80]

PART 802—GENERAL LICENSES

ADDITION OF YUGOSLAVIA TO LIST

Section 802.3 *General License Country Groups* is hereby amended in the following particulars:

Paragraph (a) is amended by adding to the countries designated as Group G therein the following destination:

	Country No.
Yugoslavia	None Assigned

This amendment shall become effective immediately upon publication.

(Sec. 6, 54 Stat. 714; Pub. Law 75, 77th Cong.; Pub. Law 638, 77th Cong.; Pub. Law 397, 78th Cong.; Pub. Law 99, 79th Cong.; E.O. 8900, 6 F.R. 4795; E.O. 9361, 8 F.R. 9861; Order No. 1, 8 F.R. 9938; E.O. 9380, 8 F.R. 13081; Delegation of Authority No. 20, 8 F.R. 16235; Delegation of Authority No. 21, 8 F.R. 16320)

Dated: August 13, 1945.

S. H. LEBENSBURGER,
Director,
Requirements and Supply Branch,
Bureau of Supplies.

[F. R. Doc. 45-15390; Filed, Aug. 20, 1945; 2:43 p. m.]

[Amdt. 81]

PART 802—GENERAL LICENSES

ADDITION OF SARDINIA AND SICILY TO LIST

Section 802.25 *General License "G-Post"* is hereby amended in the following particulars:

Subparagraph (4) of paragraph (b) is amended by adding to the destinations listed in Group IV the following destinations: Sardinia, Sicily.

This amendment shall become effective immediately upon publication.

(Sec. 6, 54 Stat. 714; Pub. Law 75, 77th Cong.; Pub. Law 638, 77th Cong.; Pub. Law 397, 78th Cong.; Pub. Law 99, 79th Cong.; E.O. 8900, 6 F.R. 4795; E.O. 9361, 8 F.R. 9861; Order No. 1, 8 F.R. 9938; E.O. 9380, 8 F.R. 13081; Delegation of Authority No. 20, 8 F.R. 16235; Delegation of Authority No. 21, 8 F.R. 16320)

Dated: August 14, 1945.

S. H. LEBENSBURGER,
Director,
Requirements and Supply Branch,
Bureau of Supplies.

[F. R. Doc. 45-15391; Filed, Aug. 20, 1945; 2:43 p. m.]

Chapter IX—War Production Board

AUTHORITY: Regulations in this chapter, unless otherwise noted at the end of documents affected, issued under sec. 2 (a), 54 Stat. 676, as amended by 55 Stat. 236, 56 Stat. 177, 58 Stat. 827; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; W.P.B. Reg. 1 as amended Dec. 31, 1943, 9 F.R. 64.

PART 3290—TEXTILES, CLOTHING AND LEATHER

[Limitation Order L–99, as Amended Aug. 18, 1945]

OPERATION OF LOOMS FOR COTTON BROAD WOVEN FABRIC PRODUCTION

The fulfillment of requirements for the defense of the United States has created a shortage in the production of cotton broad woven fabrics and materials for making cotton broad woven fabrics for defense, for private account and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 3290.46 *Limitation Order L–99—(a) Operation of looms for cotton broad woven fabric production.*—(1) *Purpose.* This order controls the operation of looms for the production of cotton woven fabrics of more than 12" in width.

(2) No person shall, regardless of the presentation of rated orders, operate looms contrary to the provisions in the schedules of this order. These restrictions shall not prohibit, after written notification to the War Production Board, the manufacture of any construction in any group in the schedules of lower pick than the lowest pick specified in the "May produce only" column as to such group, unless the War Production Board by a specific direction prohibits that manufacture.

In case any person believes it to be in the interest of production for military or essential civilian needs to adjust his production otherwise than as provided in said schedules, he may file an application by letter and the War Production Board will consider such application in the light of programmed requirements.

(3) No person shall operate looms formerly operated in the production of cotton broad woven fabrics and which were acquired by him after June 30, 1944, except as specifically authorized in writing by the War Production Board. No person shall operate new looms, acquired by him after June 30, 1944, to produce cotton broad woven fabrics, except as specifically authorized in writing by the War Production Board. For authorization, an application may be made by letter to the War Production Board, stating all facts, including the type of fabric he wishes to produce. In instances where he has acquired used looms he shall state the name of the person who formerly owned or controlled the looms and the fabric formerly produced on them.

(b) *Production direction.* Each person in the business of producing broad woven cotton fabrics who, in the second calendar quarter of 1944, produced any construction marked with an asterisk on Schedule A, shall produce in each calendar quarter at least as much yardage of each such construction as the greater of the following:

(1) Ninety percent of the linear yardage of such construction which he produced in the second quarter of 1944, increased or decreased in inverse proportion to any change in pick he has made since then, or

(2) The linear yardage which can be produced by operating each loom producing such construction for at least as many hours as any other loom in his mill is operated."

(c) *Exception—(1) Explanation.* This paragraph tells how a producer whose production is not needed for Army or Navy contracts or subcontracts may obtain an exception from provisions of this order or a direction to this order.

(2) *Release of certain looms.* Looms which, between August 28, 1944 and August 18, 1945, produced or were assigned to produce any fabric not of standard commercial construction to fill a contract or subcontract from the United States Army or Navy, unless otherwise directed, may produce any fabric marked with an asterisk on Schedule A, to the extent that the looms are no longer needed for the filling of Army or Navy contracts or subcontracts, if the producer files, before making the change, with the War Production Board, Textile, Clothing and Leather Bureau, Washington 25, D. C., a written statement substantially as follows:

> The undersigned hereby certifies to the War Production Board that his contract(s) or subcontract(s) from the United States Army or Navy, Number _____ for _____ (insert yardage) yards of _____ (insert kind of fabric) per month will expire on _____ —have been extended—have been completed—(strike out whichever is inapplicable) have been terminated in whole or in part; that he is unable to obtain further contract(s) or subcontract(s) from the Army or Navy which would require after _____ the use of the looms assigned to produce fabrics to fill these contracts; and that he intends to produce _____ yards of _____ per month on the looms which formerly or until _____ (insert date) are or will be used to fill such contract(s) from the Army or Navy.

NOTE: Paragraphs (d), (e), (f), (g) and (h), formerly (c), (d), (e), (f) and (g), redesignated, Aug. 18, 1945.

(d) *Reports and records.* All persons operating looms for the production of cotton textiles of any kind shall file with the War Production Board at the times specified in the reporting forms, reports on Forms WPB–656–A, B, C, and D, giving the information therein required. All persons affected by this order shall keep and preserve for a period of not less than two years, accurate and complete records concerning inventories, production and sales. The reporting requirements of this order have been approved by the Bureau of the Budget under the Federal Reports Act of 1942.

(e) *Appeals.* (1) Any appeal from the provisions of this order shall be made by filing a letter in triplicate, referring to the particular provisions appealed from and stating fully the grounds of the appeal.

(2) An appeal for suspension of the requirements of paragraphs (a) or (b) may be made on the ground that compliance will result in production at a loss, provided that an application for price relief on that ground is first filed with the Secretary of the Office of Price Administration, Washington, D. C., and a copy is filed with the WPB appeal. If the WPB appeal is granted, the requirement of these paragraphs for increases above current production will be suspended until the decision by the Office of Price Administration upon the application for price relief. This paragraph does not indicate or limit the extent or kind of price relief, if any, which may be granted by the Office of Price Administration.

(f) *Applicability of regulations.* This order and all transactions affected thereby are subject to all applicable regulations of the War Production Board, as amended from time to time.

(g) *Violations.* Any person who willfully violated any provision of this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States, is guilty of a crime and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using material under priority control and may be deprived of priorities assistance.

(h) *Communications to the War Production Board.* All reports required to be filed hereunder, and all communications concerning this order, shall, unless otherwise directed, be addressed to: War Production Board, Textile, Clothing and Leather Bureau, Washington 25, D. C., Ref., L–99.

Issued this 18th day of August 1945.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN
Recording Secretary.

SCHEDULE A

Looms which on July 22, 1944, produced or were assigned to produce cotton textiles listed in the column captioned "Did produce" may produce only cotton textiles of the constructions under the same Group Number specified in the column captioned "May produce only." If, however, the construction in the "May produce only" column is not marked with an asterisk, the looms may be operated to produce any construction which is marked with an asterisk in any Group Number. Where widths and weights are mentioned, pro rata widths of like counts and weights may be produced.

NOTE: Second unnumbered paragraph deleted Aug. 18, 1945.

Group numbers	Form WPB–656–B (6-27-45) Item numbers	Did produce	May produce only
1	1 thru 8	Osnaburgs	•10" 38 or 40 sley, 24 to 26 pick, 2.11 yd. •36" 38 or 40 sley, 24 to 26 pick, 2.35 yd. •36" 72 x 76 3.05 yd. •36" 38 or 40 sley, 30 to 38 pick 3.30 yd •10" 28 to 32 sley, 24 to 26 pick, 3.65 yd •10" 38 or 40 sley, 28 pick, 2.35 yd. Lono bag fabrics, 9 to 29 sley, 4 to 10 pick.
2	9	Lono bag fabrics	Other special bag fabrics, 48 sley, 16 to 46 pick.
3	10	Other special bag	Hair cloths.
4	11	Bale coverings	Soft filled sheetings, 10 to 48 sley, 6 to 40 pick.
5	12, 13	Soft filled	•36" 48 x 44 2.85 yd.
6	14 thru 17, 19	Class A sheetings under 42"	•10" 48 x 44 2.85 yd.
7	18, 20	Class A sheetings 42" and wider	•36" 48 x 44 3.00 yd. Any Class A or Class B sheeting designated in Groups 6, 8 or 9, in this Column IV. Any construction not less than 72" wide nor of more than 54 picks per inch suitable for laundry use
8	24	Class B sheetings 40" 44 x 40 2.25 yd.	•40" 44 x 40 1.25 yd
9	21 thru 23, 25, 26	All other Class B sheetings under 42".	•10" 48 x 40 3.25 yd. •10" 48 x 40 3.75 yd. •15" 48 x 44 3.00 yd. •15" 48 x 44 3.25 yd. •15" 44 x 40 4.25 yd.
10	27, 29	Class B sheetings 42" and wider	Any Class A or Class B sheeting designated in Groups 6, 8 or 9 in this Column IV •Any construction not less than 72" wide nor of more than 54 picks per inch suitable for laundry use
11	30 thru 36, 41, 43	Class C sheetings, handloom and Navy mattress cover fabrics under 42"	•36" 60 x 52 or 56 x 60 4.00 yd. •36" 48 x 40 or 44 x 40 5.50 •30" 44 x 40 or 40 x 40 6.85 to 6.15 yd. •10" 64 x 60 3.15 yd •10" 60 x 56 3.50 yd •10" 60 x 60 5.50 yd or 3.60 yd •36" 56 x 44 4.30 yd •36" 56 x 60 5.55 yd.
12	40, 42	Class C sheetings 42" and wider.	•Bandoleer and Navy mattress cover sheeting in lowest package consistent with specifications. •42" 48 x 44 3.85 yd. •42" 48 x 48 3.85 yd. •54" 48 sley, 36 to 38 pick 5.25 yd. •42" 48 x 40 4.40 yd •42" 44 x 40 4.10 yd •42" 48 x 40 5.50 yd Any Class A or Class C sheeting designated in this Column IV, Group 11.
13	44 thru 49	Bed sheetings, Army raincoat sheetings, handloom and Navy mattress cover fabrics 42" and wider	•Bed sheetings, 52 to 88 sley, 48 to 94 pick. •Bandoleer and Navy mattress cover sheeting in lowest package consistent with specifications.
14	50	Pillow and industrial tubings	•Wide sheeting made to FQD Spec. 377–A
15	51	Carded poplins (sheeting)	•Sheeting yarn poplins, 76 to 110 sley, 38 to 60 pick.
16	52	Napped three leaf herringbone twills (Army spec. 6-261)	•5.5 oz. three leaf herringbone twills (Army spec. 6-261).
17	45	Four leaf twill (Army spec. JQD–48)	•Four leaf twill (Army spec. JQD–48).
18	53 thru 64, 66 thru 74	All other textiles, all drills, twills, sateens and ratinettes	*Drills* •27" 64 x 56 1.50 yd. •36" 72 sley, not over 48 pick, 2.25 yd. to 2.85 yd. •10" 76 sley, not over 54 pick, 2.33 yd. to 2.85 yd. •Any drill, irrespective of width or weight, having not more than 88 sley and not more than 40 pick. *Jeans* •36" 96 x 54 2.85 yd. •27" 64 x 56 2.25 yd. •27" 84 to 96 sley, 50 pick 3.63 yd. to 3.87 yd.
19	75	Birdseye diaper cloth	*Twills* •39" 68 x 76 2.58 yd. or 3.00 yd. •Sateen twill in lowest pickage consistent with U. S. Army Quartermaster Spec. 6b–C. •27" 84 to 88 sley, 40 pick, 1.75 yd. to 2.85 yd. •27" 76 to 88 sley, 48 to 60 pick, 1.45 yd. to 2.15 yd. •10" 84 sley, 70 to 72 pick, 1.90 yd. to 2.45 yd. •39" 68 x 64 2.60 yd. •34½" 68 x 64 2.00 yd. to meet U. S. Navy Spec. 27–T–28A. •31" approximately 68 sley 56 pick, 1.60 to 1.65 yd. (manufactured to meet specification JQD–48 of U. S. Army Quartermaster Corps. •Drill, flat, high sley, 9.5 oz. (tentative Army spec. JQD–88). •5.2 oz. Type IV carded uniform twill in lowest pickage consistent with Federal Specifications. •Sateen twill in lowest pickage consistent with Federal Specifications for U. S. Army or Navy. •7 oz. herringbone twill in lowest pickage consistent with specifications for U. S. Marine Corps. •34" 70 x 52 1.94 yd. •34" 84 x 64.99 yd. *Sateens* •39½" 112 to 118 sley, 64 pick, 2.25 yd. •54" 88 x 60 3.10 yd. •36" 96 x 60 1.90 yd. •36" 96 x 64 1.32 yd. •36" 96 x 60 1.65 yd. •54" 96 x 56 1.55 yd. *Gabardines*
20	76	Window shade cloth	•Not over 64 picks per inch. •Birdseye diaper cloth. Any width fabric of window shade quality woven with a basic weave construction not to exceed 4 yarns per pick per inch: 44 x 40, 56 x 44, 56 x 52, 64 x 56, 72 x 68, 80 x 72.
21	77	Window shade cloth	•Any other print cloth yarn construction specified in Column IV of Groups 21, 22, 23, 24, 25, 26, 31, 32, 33.
22	78	39" 80 x 80 4.00 yd, print cloth and prorata widths of like count and weight.	•36" 68 x 72 1.75 yd.
23	79	39" 68 x 72 4.75 yd, and pro rata widths of like count and weight.	•39" 68 x 64 4.85 yd.
24	80, 81	36" 68 x 64 4.85 yd, and pro rata widths of like count and weight.	•39" 64 x 60 5.35 yd.
25	82	38½" 64 x 56 5.25 yd, and pro rata widths of like count and weight.	•38½" 64 x 56 5.50 yd.
26	83, 84, 85	38½" 60 x 48 6.25 yd, and pro rata widths of like count and weight.	•38½" 60 x 48 6.25 yd.
27	86	All other plain print cloths of more than 100 threads per sq. inch.	Any plain print cloth yarn fabric other than window shade cloth but the weighted average pick of which is not more than 4 picks per inch greater than the weighted average pick prevailing in this Group during the month of April 1944.
28	87	Pajama checks	•39½" 80 x 80 4.27 yd. •39½" 80 x 84 4.00 yd. •39½" 80 x 80 4.00 yd.
29	87	Gauze diaper cloth	•18" 22, 23, 24, 26, 27, 28, 29, 30, 31, 32, 33.
30	88	All other fancy print cloths.	Any print cloth yarn fabric but the weighted average pick of the yardages produced may not exceed the weighted average pick prevailing in this Group during the month of April, 1944.
31	89	38½" 44 x 36 8.60 yd, handage cloth and prorata widths of like count and weight.	•38½" 44 x 36 8.00 yd.

Group numbers	Form WPB-656-B (6/27/45) Item numbers	Did produce	May produce only
32	90	All other bandage cloths	•38½" 44 x 36 8.60 yd. •38½" 40 x 32 9.80 yd. •38½" 48 x 44 7.46 yd.
33	92	Tobacco and cheesecloth, all widths, 17 to 18 sley, 12 to 14 pick.	•Tobacco and cheesecloth all widths, 17 to 18 sley, 12 to 14 pick.
34	91 93	All other tobacco and cheese cloth constructions.	•Any width fabric woven from print cloth yarns in the following sley and pick per inch: 8 x 8, 14 x 10, 17 x 14, 18 x 12, 18 x 14, 20 x 12, 20 x 16, 24 x 20, 28 x 24, 32 x 28, 40 x 28, 44 x 36.
35	94 thru 97	Carded broadcloths	•Any width broadcloth woven from print cloth yarns counting from 88 to 136 ends per inch and not in excess of 60 picks per inch. Any construction specified in Column IV of Groups, 15, 18, 21, 23, 24, 26, 27, 31.
36	98	Carded poplins	•Any width poplin woven with print cloth warp yarns in the following sley and pick per inch: 96 x 44, 100 x 44, 112 x 46. Any construction specified in Column IV of groups 15, 18, 21, 23, 24, 26, 27, 30.
37	99	•Three leaf twills print cloth yarns.	Three leaf twills, print cloth yarns or any construction specified in Column IV of Groups 15, 22, 23, 25, 26 28, 29, 32, 33.
38	100 thru 104	Denims, pinstripes, pincheeks, hickory stripes, express stripes, 4.00 yd. and heavier, basis 28" width.	•Denims, pinstripes, pincheeks, hickory stripes, express stripes, 3.00 yd. and heavier basis 28" width
39	105 thru 108	All other denims, pinstripes, pincheeks, hickory stripes and express stripes	•Any construction of denim, pinstripe, pincheek hickory stripes or express stripe.
40	109 thru 112	Suiting coverts	•Suiting coverts
41	109 thru 113	Cottonades, whipcords and bedford cords.	•Suiting coverts, cottonades, whipcords or bedford cords
42	114	Ginghams, checks and plaids	Ginghams, checks and plaids.
43	115, 116	Seersuckers	Seersuckers.
44	121	"36" 3.00 yd shirting covert	36" 3.00 yd. shirting covert.
45	122, 123	All other shirting covert	•36" 3.00 yd. chambray •Any shirting covert.
46	124	36" 3.00 yd chambray	•36" 3.00 yd. chambray.
47	125	All other chambrays and colored yarn shirtings (carded)	Any construction of chambray or colored yarn shirting (carded)
48	127	Turkish or terry woven toweling	•Turkish or terry woven toweling.
49	128	Huck, damask and Jacquard woven toweling.	Huck, damask or Jacquard woven toweling.
50	129	Dish toweling, twill and other plain woven toweling.	Dish toweling, twill and other plain woven toweling.
51	130	Leno dishcloths	Leno dishcloths
52	131	Outing flannel	•Any construction of outing flannels but the weighted average weight per sq. yd. of all outing flannels produced in any calendar quarter may not exceed the weighted average weight per sq. yd. of all the outing flannels produced during the second calendar quarter of 1944.
53	132, 133	Workshirt flannels	•Workshirt flannels.
54	134	Canton flannels	•Any construction of canton flannels but the weighted average per sq. yd. of all the canton flannels produced in any calendar quarter may not exceed the weighted average weight per sq. yd. of all the canton flannels produced during the second calendar quarter of 1944.
55	135	Gun patch flannels	•Gun patch flannels made to spec. CCC F 451.
56	136	Interlining flannels	Interlining flannels
57	137	Moleskins and suedes	•Moleskins or suedes.
58	138	All other napped fabrics except blankets	Any napped fabric.
59	139	Crib blankets	•Crib blankets
60	140 thru 142	Blankets, other than crib, containing less than 25% by weight wool.	•Blankets, other than crib, containing less than 25% by weight of wool.
61	149	Flag bunting	•Flag bunting
62	153, 154	Luggage and automobile seat cover cloths	Luggage and automobile seat-cover cloths.

SCHEDULE B: Deleted Aug. 18, 1945.

[F. R. Doc. 45-15328; Filed, Aug. 18, 1945; 12:24 p. m.]

PART 3290—TEXTILE, CLOTHING & LEATHER

[Conservation Order M-328B, Schedule K]

SPECIAL PROGRAM FOR WOOL CIVILIAN ITEMS

§ 3290.120k *Schedule K to Order M-328B*—(a) *Explanation.* This schedule states the special rules in addition to those set forth in M-328B for manufacturers of civilian items manufactured from wool fabric to get an AA-3 preference rating for wool fabric for delivery beginning in the fourth quarter of 1945 to make the items listed in this schedule:

(b) *Definitions.* For the purpose of this schedule:

(1) "Fabric" unless otherwise designated, means a woven fabric 12 inches or more in width.

(2) "Wool fabric" means any fabric incorporating 25% or more by weight of new, re-processed or re-used wool fiber except upholstery pile fabrics and floor coverings and blankets and felt. The term includes woolen and worsted fabrics.

(3) "Wool item" means an item of which 50% or more of the fabric yardage incorporated in it, exclusive of linings, bindings and trimmings, is made of woolen or worsted fabrics.

(4) "Base period manufacturer" and "base period" mean the same as they do in Order M-328B, except that a person who did not manufacture an item listed in this schedule during the base period at or below the maximum price set forth in the schedule shall not be considered a base period manufacturer.

(c) *Special requirements for obtaining priorities assistance.* (1) Three copies of form WPB-3732 must be filed in accordance with the rules stated in paragraph (c) of Order M-328B, except that for the fourth calendar quarter of 1945 applications must be postmarked not later than September 5, 1945.

(2) A manufacturer who files form WPB-3732 for the fourth calendar quarter of 1945 by September 5, 1945, may, as soon as he files his application, apply an AA-3 rating for the purchase of wool fabrics for delivery in that quarter for incorporation into the wool items for which application is made. He may do so only for an item he made in the base period at or below the price shown in the preference rating schedule and only for two-thirds of the yardage of wool fabrics he used in the base period with respect to any item. Wool fabrics purchased under this provision shall be deducted by the manufacturer from the total quantity for which priorities assistance is granted on form WPB-3732. If the applicant does not receive a grant of the entire quantity thus rated, he shall, upon notification of his grant by the War Production Board, immediately unrate or cancel orders for any undelivered quantities which are in excess of his grant.

(3) Manufacturers who did not produce in the base period any item applied for on form WPB-3732 at or below the price shown in the preference rating schedule may not use any preference ratings under this schedule (for the fourth quarter of 1945) until the War Production Board has assigned them a quota.

(4) A base period manufacturer may not apply for a quantity of wool fabric for any item greater than 100% of the linear yards used by him in the base period for the production of that item.

(d) *General provisions.* (1) Preference ratings assigned under this schedule may be used only to get wool fabrics to make the wool items specified in the preference rating schedule.

(2) The fabrics must be incorporated into an item produced for sale by the manufacturer at or below the lowest of the following two prices:

(i) The price at which the manufacturer is permitted to sell the item under regulations of the Office of Price Administration.

(ii) The price specified in the maximum price column.

(3) A manufacturer who is not a base period manufacturer must comply with the provisions of paragraph (c) (6) of Order M-328B.

(4) A manufacturer who did not manufacture an item on the base period must state his proposed production by size assortment per dozen in the "Remarks" section of Form WPB-3732. If his application is granted, he must comply with these size assortments.

(5) Additional priorities assistance may be given for the procurement of rayon, wool and cotton broad woven fabrics for linings, interlinings, facings, bindings, stays and other components made of broad woven fabric and for narrow woven selvage edge tape needed for incorporation into the number of units for which priorities assistance is granted. Requests for this additional priorities assistance shall be made on Form WPB-3732 separately for each item for which application is made.

(6) *Provisions in case of governmental cut-backs.* At any time during any calendar quarter a manufacturer who has received cancellations or cut-backs on military contracts or orders placed by an agency of the U. S. Government, or who during the quarter has production facilities made available, may apply to the War Production Board on Form WPB-3732 for priorities assistance to manufacture items listed in this schedule. Such applications will be approved to the extent of available materials and the need for additional production of the items applied for.

(7) The AA-3 preference rating authorized by this schedule may be extended to purchase wool fabric, wool yarn and wool top. Such ratings shall be extended as provided in Priorities Regulation 3 and Order M-328.

Issued this 18th day of August 1945.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

AA-3 PREFERENCE RATING SCHEDULE—WOOL FABRICS FOR CIVILIAN ITEMS

(The applicable provisions of each column are indicated for each numbered item opposite the item number)

Item No.	Description of wool item	Size range	Maximum price column
	Coats		*Each*
1	(Without fur trimming) Women's, Misses', and Juniors'	9-17 12-44 46 and up	$46.75 48.75 50.75
2	Teen-age girls'	10-16	10.75
3	Girls'	7-14	8.75
4	Children's and small boys'	3-6	6.75
5	Toddler's	1-4	5.75
6	Infants'	6 months to 2 yrs	4.75
	Suits		
7	Women's, misses' and juniors'	9-17, 12-44 46 and up	16.75 18.75
8	Teen-age girls'	10-16	10.75
9	Girls'	7-14	8.75
	Skirts		
10	Women's, misses' and juniors'	9-17, 12-44 46 and up	3.50 4.00
11	Teen-age girls'	10-16	3.00
12	Girls'	7-14	2.50
13	Children's	3-6	2.00
	Suits		
14	Men's	All sizes	21.00
15	Students'	32-38	15.75
16	Cadets'	8-16	11.75
17	Juniors'	3-12	7.50
	Separate trousers		*Pair*
18	Men's	All sizes	$5.50
19	Students'	25-32	4.25
20	Cadets'	21-26	3.25
21	Juniors'	3-12, 6-16	2.50
	Overcoats or topcoats		*Each*
22	Men's	All sizes	$22.50
23	Students'	12-24, 32-38	12.75
24	Boys'	8-20	10.00
25	Juniors'	4-12	8.50

[F. R. Doc. 45-15321; Filed, Aug. 18, 1945; 12:22 p. m.]

PART 944—REGULATIONS APPLICABLE TO THE OPERATIONS OF THE PRIORITIES SYSTEM

[Priorities Reg. 29, as Amended Aug. 21, 1945]

REVISED PRIORITIES SYSTEM

Section 944.50 *Priorities Regulation 29* is amended to read as follows:

§ 944.50 *Priorities Regulation 29*—(a) *What this regulation does:* This regulation describes the accelerated transition to a revised and simplified priorities system. The system previously announced in Priorities Regulation 29 to take effect on January 1, 1946 was designed to insure the continuing production of military and other essential requirements for the Japanese war. Victory over Japan has reduced military requirements to such an extent that the previously announced system is no longer appropriate. There are four principal features of the modified system as explained in this regulation: (1) the new system will become fully effective on October 1 instead of January 1 as originally announced; (2) WPB is introducing a new nonextendible "CC" preference rating which will be used in individual cases to assist reconversion and insure the continued fulfillment of essential civilian and export needs; (3) the MM rating originally introduced for military use will be continued for the time being to support the requirements of the occupation forces and other continuing military needs; (4) Priorities Regulation 30, which provided for direct assignment of MM ratings by WPB under certain circumstances, has been revoked. There will also be changes in other orders and regulations of the WPB. It may not be practicable to make all such changes before this regulation is published and if there is any inconsistency between this regulation and any other regulation or order of the WPB, this one controls unless the other expressly states the contrary.

(b) *General description of new rating system.* The present system of AA ratings (AA-1, AA-2, AA-2X, AA-3, AA-4 and AA-5) and the Controlled Materials Plan will be discontinued on September 30, 1945 and will be replaced by the following:

(1) The AAA rating will still be assigned in emergencies as under existing procedures.

(2) The new MM rating will be assigned by the Army and Navy and other military agencies. WPB Directive 41 and other WPB Directives will explain the rules governing the assignment of ratings by those agencies. The WPB will not generally assign the MM rating directly to manufacturers, and Priorities Regulation 30 which was issued for that purpose has been revoked. In a few instances, the WPB may assign MM ratings directly for specific items and quantities of materials or equipment, but this will be done only where it is clearly necessary for requirements of high urgency. Do not apply to WPB for an MM rating unless it is specifically announced by a direction to this regulation or other formal action of the WPB that WPB will assign it.

(3) The new CC rating will be assigned as described in Priorities Regulation 28. That regulation describes the limited conditions under which WPB may assign the CC rating for any purpose, except actual military procurement. The new CC rating is not extendible except as explained in paragraph (g) (2) at the end of this regulation, and in Priorities Regulation 3.

(4) The rules for the acceptance and filling of rated orders and the use of ratings are the same for the MM rating as for ratings in the AA series, except as otherwise stated in this regulation or other orders and regulations of the WPB. During the period from July 1 through September 30, the MM rating is equivalent to AA-1, and the CC rating is equivalent to AA-2.

(5) The AA rating system will be retained for the time being for procurement of textiles and allied products. The use of AA ratings for these products and the use of MM and CC ratings is explained in Direction 18 to Order M-328. It is not expected that the AA rating system will be retained for any other products. However, if it is retained, the orders controlling these products will be amended to make clear that some of the provisions of this regulation do not apply to such materials.

(c) *Expiration of AA ratings.* (1) The AA rating system remains effective as to deliveries between now and the end of September, 1945.

(2) Effective immediately, all preference ratings in the AA series are cancelled on purchase orders calling for delivery after September 30. Suppliers must disregard any AA ratings on purchase orders for delivery after September 30 which they have received or which they may receive, and must treat such orders as unrated.

(3) WPB will discontinue immediately the assignment of AA ratings for delivery after September 30.

(4) Orders bearing AA ratings identified as military orders will not be automatically re-rated MM as previously provided in this regulation. Most of them have already been unrated, as explained in Direction 1 to this regulation. Other military orders with AA ratings which call for delivery after September 30 must be treated as unrated orders in the same way as all other orders bearing ratings in the AA series. Some orders may be specifically re-rated MM or CC, but a supplier must not assume that this will be done and must treat the orders as unrated unless a specific re-rating is received.

(d) *End of Controlled Materials Plan.* (1) On October 1, the Controlled Materials Plan and all regulations and directions issued under it (except inventory restrictions) will automatically expire, including directions or directives issued before August 21, 1945, to individually named controlled materials producers, warehouses, or distributors.

(2) Until the end of September, deliveries of controlled materials will continue to be regulated by the Controlled Materials Plan alone and not by ratings. However, an order for controlled materials rated AAA, MM, or CC is to be treated as an authorized controlled material order.

(3) Effective immediately, all fourth quarter and subsequent allotments of controlled materials are cancelled. Controlled material producers and warehouses must treat every authorized controlled material order for fourth or subsequent quarter delivery as an unrated order, unless it is specifically re-rated AAA, MM or CC.

(4) Authorized controlled material orders identified as military orders will not be automatically re-rated MM as previously provided in this regulation. Most of them have already been unrated

as explained in Direction 1 to this regulation. Other authorized controlled material orders which call for delivery after September 30, must be treated as unrated orders in the same way as all other authorized controlled material orders. Some orders may be specifically re-rated MM or CC, but a supplier must not assume that this will be done and must treat the orders as unrated unless a specific re-rating is received.

(e) *Maintenance, repair and operating supplies.* (1) CMP Regulations 5 and 5A and the P and U orders assigning priorities assistance for maintenance, repair and operating supplies will remain in effect through September 30 at which time they will expire.

(2) Under the new rating system, after September 30, ratings will not be given for maintenance, repair and operating supplies on a blanket basis similar to CMP Regulations 5 and 5A and the present P and U orders.

(f) *Construction, facilities and equipment.* (1) CC ratings for construction material, facilities and equipment will be assigned by WPB under the conditions described in Priorities Regulation 28, instead of Priorities Regulation 24, which has been revoked, and Direction 5 to Order L-41.

(2) Military agencies will assign the MM rating for certain construction, facilities and equipment, required for military prime and subcontracts as described in the appropriate WPB Directives. Application for these ratings should be made on Form WPB-542 to the appropriate military agency. In a few cases, the WPB may assign the MM rating for construction where it is clearly necessary for requirements of high urgency. Do not apply to WPB for an MM rating for construction unless WPB has specifically announced that it will assign such rating.

(g) *Extension of customers' ratings*—(1) *MM ratings.* The rules of Priorities Regulation 3 as to extension of customers' ratings apply to MM ratings in the same way as to AA ratings. Manufacturers of Class B products and unclassified products who receive their production material ratings from the WPB and are forbidden by CMP Regulation 3 and Priorities Regulation 11B to extend their customers' ratings, may nevertheless extend customers' MM ratings for delivery after September 30 as explained in Priorities Regulation 3.

(2) *CC ratings.* The CC rating cannot be extended by a supplier to get production materials needed to make the item sold to his customer, or to replace in inventory materials used to make the item. A distributor, warehouse, retailer or other person who resells the item without further fabrication may extend the CC rating where he does not have the item in inventory, but may not extend the rating to replace the item in inventory.

Issued this 21st day of August 1945.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 45-15499; Filed, Aug. 21, 1945; 11:53 a. m.]

PART 1029—FARM MACHINERY

[Limitation Order L-257-c, Revocation]

Section 1029.20 *Limitation Order L-257-c* is revoked. This revocation does not affect any liabilities incurred for violation of the order or of actions taken by the War Production Board under the order.

Directions 1 and 2 to Order L-257-c are not affected by this revocation and remain in effect until further notice.

Issued this 21st day of August 1945.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 45-15497; Filed, Aug. 21, 1945; 11:53 a. m.]

PART 1075—CONSTRUCTION

[L-41, Direction 7]

EXEMPTION FROM CONSERVATION ORDER L-41 FOR INDUSTRIAL CONSTRUCTION

The following direction is issued pursuant to Conservation Order L-41:

(a) *General provisions.* It is not necessary to get permission from the War Production Board under Conservation Order L-41 for industrial construction. The term "industrial construction" means (1) any construction of or on a factory, plant or other unit, where the unit is to be primarily used for the manufacturing, processing or assembling of any goods or materials (other than as retail service work), (2) construction in a unit not primarily engaged in industrial work, if the purpose of the construction is to prepare a part of the unit for the manufacturing, processing or assembling of goods or materials, or (3) construction of facilities owned by a manufacturer which are not located in an industrial unit and in which no manufacturing, processing or assembling is done, if the facilities are necessary for the handling of raw materials or components in the course of moving them to the manufacturing plant or are necessary for the storage of the manufactured item after manufacture or the distribution of the item to the retailer (not including retail stores or other retail outlets or administration or office buildings owned by the manufacturer, unless they are part of an industrial unit as covered by (1) above).

(b) *Definition of a unit.* Paragraph (d) (2) of L-41 defines a unit as a single independently operated structure or building, or a group of buildings or structures which are situated near to each other and which serve the same general purpose or closely related purposes. For example, a manufacturing plant with a number of buildings used for the same or different processes, together with the related administration buildings, cafeterias, warehouses and the like on the same site, constitutes a single unit. Construction of or on any such buildings is exempted from L-41 by this direction. However, an office building or retail sales department at a different location is not considered as part of the industrial unit, even though used exclusively in connection with the industrial plant, and construction of or on such buildings is not exempted under this direction.

(c) *Industrial units.* The following kinds of work are considered manufacturing, processing or assembling goods or materials, and units primarily engaged in such work are exempted from L-41 under this direction:

(1) Mining, smelting and refining, foundries, and other operations related to the extraction of minerals and their conversion to finished form, including certain scrap dealers as indicated in Interpretation 13 to L-41.

(2) Logging and lumbering operations, sawmills, planing mills, kilns and millwork manufacturers (but not retail lumber yards).

(3) Pilot plants and industrial research laboratories.

(4) Food processing plants, slaughterhouses, commercial food freezing plants, commercial cold storage warehouses, commercial food packing plants (whether on or off farm), bottling plants, grain elevators, canneries (but not butcher or grocery stores or frozen food locker plants serving individual customers).

(5) Textile mills, cotton mills and the like (but not tailors' or dressmakers' establishments).

(6) Printing and publishing establishments, including those publishing newspapers or printing books, magazines or periodicals.

(d) *Units which are not industrial.* Retail service establishments performing services for individual customers are not considered as engaged in manufacturing, processing or assembling goods or materials and construction on such units is not exempted from L-41 by this direction (see subparagraph (d) (1) (v) of Order L-41 for the annual allowance applicable to retail service establishments). Repair shops, tailoring or dressmaking shops making or repairing clothes for individual customers, butcher shops, frozen food locker plants and the like are examples of units not exempted by this direction.

Issued this 21st day of August 1945.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 45-15501; Filed, Aug. 21, 1945; 11:53 a. m.]

PART 3175—REGULATIONS APPLICABLE TO THE CONTROLLED MATERIALS PLAN

[CMP Reg. 1, Revocation of Direction 75]

FREEZING OF ORDERS AND REPORTS OF CANCELLATIONS FOR CERTAIN SHEET AND STRIP STEEL

Direction 75 to CMP Regulation 1 is hereby revoked. This revocation does not affect any liabilities incurred under this direction.

Issued this 20th day of August 1945.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 45-15432; Filed, Aug. 20, 1945; 4:57 p. m.]

PART 3175—REGULATIONS APPLICABLE TO THE CONTROLLED MATERIALS PLAN

[CMP Reg. 1, Revocation of Direction 76]

CHANGE IN ALLOTMENT SYMBOL CONSTITUTES PLACING A NEW ORDER

Direction 76 to CMP Regulation 1 is hereby revoked. This revocation does not affect any liabilities incurred under this direction.

Issued this 21st day of August 1945.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 45-15502; Filed, Aug. 21, 1945; 11:53 a. m.]

PART 3270—CONTAINERS

[Conservation Order M-81, as Amended Apr. 6, 1945, Amdt. 3]

CANS

Section 3270.31 *Conservation Order M-81* is amended in the following respects:

1. Under Item 72, 73 and 81b of Schedule A, the words "until Sept. 30, 1945" shall be amended to read "until Oct. 31, 1945."

2. Under Items 72, 73, and 81b of Schedule A, the words "after Sept. 30, 1945" shall be amended to read "after Oct. 31, 1945."

Issued this 21st day of August 1945.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

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PART 3293—CHEMICALS

[General Preference Order M-340, as Amended Aug. 21, 1945]

MISCELLANEOUS CHEMICALS

§ 3293.491 *General Preference Order M-340*—(a) *Definitions.* (1) "Subject chemical" means any chemical as defined in List 1 attached to this order.

(2) "Preferred order" means any purchase order for subject chemicals which are (i) ultimately to be delivered to or incorporated in material to be delivered to, the United States Army, Navy, Marine Corps, Coast Guard, Maritime Commission, War Shipping Administration, Panama Canal, Office of Scientific Research and Development, Veterans' Administration, or any government agency pursuant to the Act of March 11, 1941 (Lend-Lease Act), unless restricted in the second column of list 1 attached to this order, or which are (ii) ultimately to be used for any preferred purpose specified opposite the subject chemical in List 1 attached to this order. The term "preferred order" under item (i) above shall not include any order for a military exchange or service department unless clearly identified on its face as coming within the definition of "overseas order" under Priorities Regulation 17.

(b) *Inapplicability of certain preference ratings.* (1) No person shall give any effect to any preference rating below AAA on any purchase order for subject chemicals, unless the person placing the purchase order certifies that it is a "Preferred order" and that acceptance of delivery will not result in his having an inventory in excess of that permitted under paragraph (c) of this order. No person may be required to make delivery during the succeeding calendar month on any purchase order for subject chemicals placed with him less than 10 days before the close of a calendar month bearing a preference rating below AAA. Preference ratings on certified preferred orders shall be given full effect.

(2) "Preferred orders" shall be certified in substantially the following form, duly signed by an authorized official:

Certified as Preferred Order under WPB Order M-340

(Identify purchase order if certificate is not on it or attached to it; if certificate does not cover whole order, add "as to _____ (quantity) of _____ (material). Add 'Inventory certified—Ref: M-340, paragraph (b) (1)'.")

_____
(Name of purchaser)

_____
(Signature and title of duly authorized official)

The certificate may be indorsed on or attached to the purchase order and need not be filed with the War Production Board. Any person receiving the certificate may rely upon it unless he knows or has reason to believe that it is false. The standard certification of Priorities Regulation 7 may not be used instead.

(3) [Deleted Aug. 21, 1945.]

(c) *Use of certified preferred orders.* (1) Where a person is ordering a subject chemical to fill either orders for the chemical itself or orders for material into which it is to be incorporated, he may not certify his order as a preferred order if the orders to be filled are not on hand. An order for a subject chemical may be certified as a preferred order if the chemical is required to replace withdrawals from inventory of the chemical within the previous 30 days used to fill orders for a purpose preferred under paragraph (a) (2), but in no case may an order for a subject chemical to accumulate inventory be certified as a preferred order.

(2) Even in cases where an order to replace inventory might be certified as a preferred order under paragraph (c) (1) above, no person may so certify an order, if the receipt of the quantity ordered would result in his having an inventory of the subject chemical, whether or not acquired in part by uncertified orders, in excess of an amount sufficient to meet deliveries on orders for purposes preferred under paragraph (a) (2) which he has accepted for delivery during the succeeding 60 day period (unless a different period is indicated in List 1). This paragraph prohibits the use of certified preferred orders for inventory except as specified above. It does not restrict the amount of inventory which a person may accumulate by uncertified orders, but if a person accumulates by uncertified orders or otherwise an inventory in excess of that specified he is prohibited from using certified preferred orders to replace withdrawals from inventory, even though the withdrawals were made for preferred purposes, until his inventory has been reduced to the specified amount. Inventories continue to be subject to other applicable orders and regulations of the War Production Board.

(d) *Special directions.* The War Production Board may at any time issue special directions to any person regarding production, use or delivery of subject chemicals, notwithstanding the other provisions of this order.

(e) *Applicability of regulations.* Except as provided in paragraph (b) above, this order and all transactions affected hereby are subject to all applicable provisions of the regulations of the War Production Board, as amended from time to time.

(f) *Violations.* Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact, or furnishes false information to any department or agency of the United States, is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

(g) *Communications.* Communications concerning this order shall, unless otherwise directed, be addressed to War Production Board, Chemicals Bureau, Washington 25, D. C., Ref: M-340.

Issued this 21st day of August 1945.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

LIST 1

Subject chemical	Preferred purposes under paragraph (a) (2) (ii)
1. Oxidized petrolatum, meaning high paraffinic petrolatum oxidized and processed to contain aliphatic ketones, and which is suitable for use as a base in the manufacture of rust preventative compounds or corrosion inhibitors meeting Specification No. 52-C-1s such as those petrolatums known by the trade-marks Par-Al-Ketone, Alox 205, and Alox 701.	None.
2. Enamelwire naphtha, also known as E. W. naphtha, meaning a mixture of aromatic solvents derived from coke oven light oil, drip oil, or coal tar, distilling between 150 and 200° C., with at least 15 per cent monomeric polymerizable constituents of the cumotene-indene type. The term does not include aromatic material for the production of E. W. naphtha, or for the production of cumotene-indene resin, or for the production of other chemicals or intermediates, or for use as solvents in the crude state.	(i) Wire and cable.
3. Precipitated calcium carbonate, meaning ultrafine particle calcium carbonate such as the chemical known as Kalvan, Witcarb R and Multifex.	(i) Wire and cable.
4. Bi-flash naphtha, meaning water white coal tar solvent naphtha, having a distillation range of 140° C. (292° F. to 200° C.) (392° F.) derived from coke oven light oils, coal tar distillates, drip oils or holder oils.	None.
5. Dipentene, meaning certain terpene solvents, consisting largely or entirely of mono cyclic terpene hydrocarbons of the empirical formula $C_{10}H_{16}$, having a distilling range and solvent power above that of turpentine.	(i) Rubber reclaiming. NOTE: Orders for dipentene to be used for ultimate delivery for paint to any agency listed under paragraph (a) (2) (i) under specifications not specifying dipentene are not included in "preferred orders."

LIST 1—Continued

Subject chemical	Preferred purposes under paragraph (a) (2) (ii)
17. Amyl alcohol, meaning any aliphatic alcohol having the empirical formula $C_5H_{12}O$, whether it is normal, iso, or tertiary forms of amyl alcohol but not cyclic alcohol in the unrefined form known as crude fusel oil. Also amyl acetate, meaning the acetic esters of amyl alcohol. (Subject to M-340 on and after July 2, 1945).	(i) Penicillin. NOTE: Orders for amyl alcohol and amyl acetate to be used for ultimate delivery of lacquer, lacquer thinner or retarder thinner to any agency listed under paragraph (a) (2) (ii) specifying uses that are not included in "preferred orders."
18. Terpene hydrocarbon resins, meaning terpene hydrocarbon resin type polymers derived from pinene.	(d) Manufacturing and compounding of synthetic and natural rubber. None.
19. Synthetic camphor, meaning the oxygenated bicyclic terpene of the empirical formula $C_{10}H_{16}O$ which is sublimated from turpentine or borneol. (Subject to M-340 on and after July 2, 1945).	None.
20. Soluble nitrocellulose, meaning the product having a nitrogen content of 12.5% or less made by nitrating any form of cellulose (including reclaimed fibers), wood pulp and alpha cellulose) and which does not include nitrocellulose to be used in the manufacture of dynamite.	None.
21. Urea formaldehyde resins as defined in Order M-300, Schedule 34 amended July 26, 1945. Urea and melamine aldehyde resin mean any synthetic resin reaction product of urea, thiourea, or melamine or any derivative of any of these with formaldehyde, hexamethylenetetramine (CH_2) radical, which does not contain as its principal resin forming constituent any resin other than urea or melamine and is not further reacted with organic solvents such as butanol or xylol. (Subject to M-340 on and after August 1, 1945.)	None.
22. Urea and melamine aldehyde molding compounds, meaning any moldable combination of bulk filler (such as wood flour, asbestos, mica or macerated fabric) with urea or melamine aldehyde resin. (Subject to M-340 on and after August 1, 1945.)	None.
23. Vulcanized fibre tubing, meaning tubing which is formed by convolute (not spiral) winding and which consists of chemically cellulosic fibre sheet, commonly designated as "rope paper" or "hard vulcanized fibre" and which is subsequently leached out of the resulting cellulose material commonly designated as cotton rag or alpha cellulose paper. (Subject to M-340 on and after August 1, 1945.)	(i) Fluid milk containers.
24. Paraffin wax, meaning a solid hydrocarbon mixture having a melting point between 110° F. to 155° F. (ASTM-D-87-44) and a minimum kinematic viscosity of 5.74 centistokes at 210° F. (ASTM-D-445-44T) wholly derived by the refining and distillation and expression, or by solvent extraction, from that portion of crude petroleum known as paraffin distillate. 30-day period under paragraph (c) (2). (Subject to M-340 on and after August 1, 1945.)	(i) Compounding and reclaiming of synthetic and natural rubber. None.
25. Pine tar, meaning the liquid pine tar and tar oil, of all grades and weights which is derived by the distillation of pine wood by the retort or kiln process. (Subject to M-340 on and after August 1, 1945.)	None.
26. Ultramarine blue, meaning the manufactured blue pigment approximating the composition of natural lapis lazuli. The term includes all those grades known in the trade as C.P. Nos. 5, 506, 506 Special, 506 Extra, 506 Deep, 506 Red, 506 Green, 506 Violet, 506 Pink, 506 Rose, 506 Lavender, 506 Brilliant, 506 Brilliant Green, 506 Brilliant Violet, 506 Brilliant Pink, 506 Brilliant Rose, 506 Brilliant Lavender, 506 Brilliant Blue, 506 Brilliant Red, 506 Brilliant Orange, 506 Brilliant Yellow, 506 Brilliant Green Shade, 506 Brilliant Violet Shade, 506 Brilliant Pink Shade, 506 Brilliant Rose Shade, 506 Brilliant Lavender Shade, 506 Brilliant Blue Shade, 506 Brilliant Red Shade, 506 Brilliant Orange Shade, 506 Brilliant Yellow Shade

cover jobber's sales. A jobber's sale is a sale to retail lumber yards or other distributors for resale and not for use by a seller who operates a warehouse, yard or plant where he stocks doors of various sizes and specifications which he purchases for resale.

Where the seller and the sale meet the above tests any doors which he has purchased and stocked in his warehouse may be sold at the maximum prices provided for the appropriate area in MPR 525, which covers jobber's sales of doors for which maximum direct-mill sale prices are provided in this regulation.

In any one jobber sale, he may include at the jobber maximum price no more than 250 doors manufactured by him. If he includes more than 250 doors manufactured by him in any sale, the doors manufactured by him shall be sold at no higher than the direct-mill price.

All sales out of jobbers' warehouses which are situated in the same locality as a manufacturing plant and which are controlled by the plant, control it, or are under common control with it are direct-mill sales.

(d) *Persons covered by the regulation.* Any person who sells or purchases doors covered by this regulation, in transactions covered by this regulation, is subject to the regulation.

ARTICLE II—MAXIMUM PRICES AND TERMS OF SALE

SEC. 3. *Maximum prices for direct-mill sales.* The maximum f. o. b. mill prices for direct-mill sales of Douglas fir doors are set out in Appendices A through F, inclusive (secs. 18 through 23, inclusive), of this regulation.

SEC. 4. *Maximum prices for items not specifically priced.* If a seller wishes to sell an item covered by the regulation but not specifically priced therein, or wishes to make an addition for special workings, specifications, services, or other extras for which additions are not specifically permitted, he must apply in writing to the Building Materials Branch, Office of Price Administration, Washington 25, D. C., for a maximum price.

The seller's application may be for specific approval in reference to a particular order or inquiry; or for general approval in reference to a price or price list which he seeks to set up for general use in the future on items included in the coverage of the regulation (section 2) but not specifically priced in the appendices of the regulation.

(a) Where the application is for specific approval in reference to a particular order or inquiry, it shall be made prior to any shipment, or within 5 days after acceptance of order, whichever be the earlier date. The following information shall be set forth: (1) the requested price; (2) a complete description of the item to be priced, which may be made by reference to a standard item, with an explanation of the differences; (3) the price differential between it and the most comparable item in the price table between October 1, 1941 and March 31, 1942 from the seller's own records, or if that is impossible, from such price tables of other sellers in the trade. If no established price differential existed, detailed analysis of comparative cost of manufacture should be furnished; (4) the purchaser's name, and points of origin and delivery of shipment.

If the application is for specific approval in reference to a particular order or inquiry which is identical with an order or inquiry upon which specific approval has previously been granted by the Office of Price Administration, it is sufficient for the seller to identify, by reference, such previous application and approval. In such case, the only additional information required is the purchaser's name, and points of origin and delivery of shipments.

A seller using this pricing method may quote and make sales and deliveries prior to receipt of written approval from the OPA. He also may collect the price he has requested, provided that he has first received a written acknowledgment of his application from the Office of Price Administration and has so informed the purchaser, in writing. The requested price is subject to revision within 30 days after the date of the acknowledgment, and, if the price is ordered to be reduced, the seller within 10 days after the date of such order must refund any excess collected over the price which is officially approved. If a requested price is not disapproved within 30 days of the date of the acknowledgment, it is approved. Where, after receipt of an application for specific approval, the Office of Price Administration requests additional information from the seller upon which to base its approval of a ceiling price, the time within which the requested price may be revised is automatically extended to 30 days after receipt of the requested information. An officially approved price shall be subject to further adjustment at any time, even after the 30-day period, as to all shipments made after the date of such further adjustment.

An authorization number will be assigned in every case where a special price is approved. Within 10 days after receipt of such number the seller must notify the purchaser in writing of the price which has been officially approved and the authorization number assigned; and the authorization number must appear on all invoices covering shipments made after the date the number was received by the seller.

(b) Where the seller's application is for general approval in reference to a price list which he seeks to set up for general use in the future for items included in the coverage of the regulation but not specifically priced in appendices of the regulation, he shall set forth the information required for specific approvals by (1), (2), and (3) in paragraph (a) above, and, in addition, a description of the uses to which the items will be put, and the purposes they will serve.

Quotations may not be made, orders taken, or shipments commenced until a maximum price has been approved in writing by the OPA.

An authorization number will be assigned in every instance where a special price or price list is approved; and this number must appear on all orders accepted and sales made, as well as on all invoices covering shipments. A file of all general approvals under this section will be open for inspection at the Office of Price Administration District Office at Portland, Oregon, as well as at the National Office, Building Materials Branch, Washington, D. C.

The approval of a maximum price shall not prevent a further adjustment in ceiling prices from being made, as the result of, or without, further application by the seller; and such further adjustment may be made to apply to all sales or shipments after the date the adjustment is issued.

(c) The Office of Price Administration may approve, disapprove or revise prices proposed or established under this section so as to make them consistent with the level of prices fixed by this regulation.

SEC. 5. *Charges for special cars and bracing.* (a) On cars containing orders for more than one lot, a charge of $2.50 per lot may be made to cover cost of segregating.

(b) Where bracing is required to permit partial unloading of a railroad car, a charge may be made not to exceed the actual cost of bracing.

SEC. 6. *Addition for storage-in-transit.* When a jobber's or other distributor's warehouse or yard sells doors that it does not already have in stock, and then, instead of shipping them directly from the mill to the buyer, stores them in its warehouse or yard and delivers them in quantities less than the total order to the buyer as he calls for them, the distributor may increase the applicable mill ceiling price on so many of the doors as are actually stored, as follows:

(a) Where the price is expressed as a discount off the list: Shorten applicable base discount 2 points.

(b) Where the price is expressed as a specific dollar-and-cents price: Add 5% to the applicable maximum price.

(Note that the sale is still a direct-mill sale.)

This addition may not be made when the distributor merely reloads fir doors at the warehouse or yard, or handles and stores them no more than is necessary in a normal case where the distributor receives a mill shipment, reloads it, and delivers it to the buyer; nor may this addition be made if the doors are stored at the job site since this is not storage-in-transit.

SEC. 7. *Invoicing requirements.* An invoice must be rendered in all sales. All invoices must contain a sufficiently complete description of the item including all extras to show whether or not the price is proper. The amount added for extras does not have to be shown separately except for storage-in-transit, special cars and bracing. The invoices must also show whether the sale is a direct-mill or retail sale and the origin and destination of the shipment.

Failure to invoice properly is just as much a violation of this regulation as charging an excessive price.

SEC. 8. *Maximum prices for retail sales.* The maximum price on a retail sale of fir doors covered by this regulation is the sum of the following:

(a) The seller's maximum price for the sale of the item fixed by the General Maximum Price Regulation; and

(b) The amount by which the seller's July 1945 net acquisition cost of the item delivered to his warehouse would exceed his March 1942 net acquisition cost of the item if the item had been purchased from a supplier of the same class in the same quantities as in March 1942.

If in March 1942 the seller bought from different classes of suppliers or in different quantities, he may add only the increase in the maximum prices of that class of suppliers which in the period January 1 to March 31, 1942, made the largest total shipments to him. No addition may be made because of cost increases resulting solely from purchasing from a more distant supplier, or from a different class of supplier, or in smaller quantities.

SEC. 9. *Prohibited practices*—(a) *General.* Any practice which is a device to get the effect of a higher-than-ceiling price without actually raising the dollar-and-cents price is as much a violation of this regulation as an outright over-ceiling price. This applies to devices making use of commissions, services, transportation arrangements, premiums, special privileges, tying-agreements, trade understandings, changes in discount practices, and the like.

(b) *Adding commission to ceiling prohibited.* It is unlawful for any person to charge, receive, or pay a commission for the service of procuring (including buying, selling or locating fir doors, or for any related service such as "expediting") which does not involve physical handling of fir doors, if the commission plus the purchase price results in a total payment by the buyer of the fir doors which is higher than the maximum price of the fir doors. For purposes of this regulation, a commission is any compensation, however designated, which is paid for the procurement of fir doors and is based directly or indirectly on the quantity, price or value of the fir doors in connection with which the service is rendered.

SEC. 10. *Adjustable pricing.* Any person may agree to sell at a price which can be increased up to the maximum price in effect at the time of shipment; but no person may, unless authorized by the Office of Price Administration, deliver or agree to deliver at prices to be adjusted upward in accordance with action taken by the Office of Price Administration after shipment. However, when a request for a change in the applicable maximum price is pending, such authorization may be given in writing if it is deemed necessary to promote distribution or production and if it will not interfere with the purposes of the Emergency Price Control Act of 1942, as amended. The authorization may be given by the Administrator or by any official of the Office of Price Administration to whom the authority to act on the pending request for a change in price or to grant such authorization has been delegated.

SEC. 11. *Cash discounts.* When cash is paid within 5 days of delivery, the maximum price must be reduced by 2 percent. On specific written allocations issued by the Office of the Chief of Engineers, War Department, the terms thirty days net may be used by the seller regardless of his established practice.

ARTICLE III—MISCELLANEOUS

SEC. 12. *Applications for adjustment and petitions for amendment*—(a) *Government contracts.* Individual adjustments may be made in maximum prices in certain government contracts and sub-contracts in accordance with Procedural Regulation No. 6, issued by the Office of Price Administration.

(b) *Petitions for amendment.* Any person seeking an amendment of any provision of this regulation may file a petition for amendment in accordance with the provisions of Revised Procedural Regulation No. 1 issued by the Office of Price Administration.

SEC. 13. *Records.* All sellers must keep records which will show a complete description of the fir doors sold, the name and address of the buyer, the date of sale, and the price. Buyers must keep similar records, including the name and address of the seller. These records must be kept for any month in which the seller or buyer sold or bought $200 or more of fir doors in transactions which are covered by this regulation, and shall be kept for a period of two years or the duration of the Emergency Price Control Act of 1942, as amended, whichever is the shorter period.

SEC. 14. *Enforcement.* Persons violating any provision of the regulation are subject to the criminal penalties, civil enforcement actions, suits for treble damages and proceedings for suspension of licenses provided for by the Emergency Price Control Act of 1942, as amended.

SEC. 15. *Licensing.* The provisions of Licensing Order No. 1, licensing all persons who make sales under price control, are applicable to all sellers subject to this regulation. A seller's license may be suspended for violations of the license, or of one or more applicable price schedules or regulations.

SEC. 16. *Imports.* The maximum price for which Douglas fir doors produced in Canada may be purchased by a buyer covered by this regulation from a seller not covered by this regulation shall be the maximum price set forth in this regulation for direct-mill sales plus additions for actual transportation cost not to exceed the additions permissible under this regulation if the shipment had originated at Seattle, Washington.

SEC. 17. *Exports.* The maximum prices for export sales of Douglas fir doors are governed by the Second Revised Maximum Export Price Regulation.

ARTICLE IV—APPENDICES

SEC. 18. *Appendix A: Maximum prices for Douglas fir house doors.* (a) The maximum prices, f. o. b. mill, for Douglas fir house doors shall be the net prices computed by applying the following discounts to the list prices contained in paragraph (b) of this Appendix A:

Description of product: Old growth Douglas fir standard stock house doors; conforms with specifications contained in Commercial Standard CS 73-43, effective June 15, 1943; 1⅜" thick, 10 doors of a size and kind; 1¾" thick, 5 doors of a size and kind.	
Basic discount:	
On sales of more than 250 doors to persons who during the first 9 months of 1941 received the seller's prevailing maximum discount.	69½ percent.
On sales of 250 doors or less or sales to all other persons.	67½ percent.
No. 1 doors "A" grade	Basic discount.
No. 2 doors "B" grade	1 point longer than basic discount.
No. 3 doors "C" grade	2 points longer than basic discount.
Mill run, 1⅜" only	1 point longer than basic discount.
Storm doors	1 point longer than basic discount.
Cupboard doors "B and BTR" grade.	1 point longer than basic discount.
No. 1 sidelights "A" grade. Rim and French doors, "A" and "B" grades only.	Basic discount. 5 points longer than basic discount.

(b) The list prices referred to in paragraph (a) of this Appendix A shall be as follows:

(1) *Standard house door basic list.*

Size	1⅜ inches	1¾ inches	1¾ inches
2-0 x 6-0	$6.55	$8.40	$5.90
2-4 x 6-0	6.95	8.90	6.25
2-6 x 6-0	7.15	9.20	6.45
2-8 x 6-0	7.35	9.55	6.65
3-0 x 6-0	7.95	10.75	7.20
2-4 x 6-4	7.15	9.15	6.45
2-0 x 6-6	6.85	8.75	6.15
2-4 x 6-6	7.30	9.35	6.55
2-6 x 6-6	7.50	9.75	6.75
2-8 x 6-6	7.70	10.00	6.95
3-0 x 6-6	8.35	11.25	7.40
2-0 x 6-8	7.00	8.95	6.25
2-4 x 6-8	7.40	9.50	6.65
2-6 x 6-8	7.60	9.90	6.85
2-8 x 6-8	7.80	10.15	7.05
2-10 x 6-8	8.15	11.00	7.35
3-0 x 6-8	8.50	11.50	7.65
2-0 x 6-10	7.50	9.60	6.75
2-4 x 6-10	7.90	10.10	7.10
2-6 x 6-10	8.15	10.40	7.35
2-8 x 6-10	8.35	10.85	7.50
2-10 x 6-10	8.70	11.75	7.85
3-0 x 6-10	9.05	12.20	8.15
2-0 x 7-0	7.60	9.75	6.85
2-4 x 7-0	8.00	10.25	7.20
2-6 x 7-0	8.25	10.75	7.45
2-8 x 7-0	8.45	11.00	7.65
2-10 x 7-0	8.80	11.90	7.90
3-0 x 7-0	9.20	12.40	8.30
2-6 x 7-6	8.85	11.50	-
2-8 x 7-6	9.25	12.00	-
2-10 x 7-6	9.65	13.00	-
3-0 x 7-6	10.00	13.50	-
2-6 x 8-0	9.20	12.00	-
2-8 x 8-0	9.65	12.55	-
3-0 x 8-0	10.45	14.10	-
4-0 x 8-0	13.60	18.35	-

NOTES: For 1¾" sash doors, use 1⅜" list. All storm doors are priced from 1⅜" list.

(2) *Standard cupboard door basic list, B and Btr. grade only.*

STILES, TOP AND CROSS RAILS—2¾ INCHES

Size	¾ inch	1⅜ inches
1-6 x 1-6	$1.50	$1.60
1-6 x 2-0	1.65	1.80
1-6 x 2-6	2.10	2.30
1-6 x 3-0	2.25	2.50
1-6 x 3-6	2.70	2.95
1-6 x 4-0	2.85	3.15
1-6 x 4-6	3.30	3.65
1-6 x 5-0	3.50	3.80
1-6 x 5-6	3.65	4.00
1-6 x 6-0	3.85	4.20
1-8 x 1-6	1.55	1.70
1-8 x 2-0	1.75	1.90
1-8 x 2-6	2.20	2.40
1-8 x 3-0	2.40	2.60
1-8 x 3-6	2.85	3.10
1-8 x 4-0	3.05	3.30
1-8 x 4-6	3.50	3.80
1-8 x 5-0	3.65	4.00
1-8 x 5-6	3.90	4.25
1-8 x 6-0	4.05	4.45
1-10 x 1-6	1.60	1.75
1-10 x 2-0	1.80	2.00
1-10 x 2-6	2.30	2.50
1-10 x 3-0	2.50	2.75
1-10 x 3-6	3.00	3.25
1-10 x 4-0	3.20	3.50
1-10 x 4-6	3.65	4.00
1-10 x 5-0	3.85	4.25
1-10 x 5-6	4.10	4.45
1-10 x 6-0	4.30	4.70
2-0 x 1-6	1.65	1.85
2-0 x 2-0	1.90	2.10
2-0 x 2-6	2.40	2.65
2-0 x 3-0	2.60	2.85
2-0 x 3-6	3.10	3.45
2-0 x 4-0	3.35	3.65
2-0 x 4-6	3.85	4.20
2-0 x 5-0	4.05	4.45
2-0 x 5-6	4.30	4.70
2-0 x 6-0	4.50	4.95

(3) *Standard sidelight basic list,* (A) *grade only.*

Size	1¾ inches open list	1⅜ inches open list
-0 x 6-8	$4.20	$5.20
1-0 x 6-10	4.45	5.55
1-0 x 7-0	4.50	5.60
1-2 x 6-8	4.30	5.50
1-2 x 6-10	4.60	5.75
1-2 x 7-0	4.65	5.80
1-4 x 6-8	4.50	5.70
1-4 x 6-10	4.75	6.05
1-4 x 7-0	4.85	6.10
1-6 x 6-8	4.65	5.95
1-6 x 6-10	4.95	6.25
1-6 x 7-0	5.00	6.30

(c) The maximum prices established in paragraph (a) of this Appendix A may be adjusted in accordance with the following additions for the specified services and conditions:

1. Sizes not listed and intermediate sizes: Use same list as next larger list.

2. List extras added to basic list prices: Round out to nearest 5¢.

3. Doors wider than listed: Use widest list of same height and add for each additional 4 inches or part thereof: 10% of the house door basic list.

4. Doors longer than listed: Use longest list of same width and add for each additional 6 inches or part thereof: 10% of the house door basic list.

5. Doors thicker than 1¾": Up to and including 2" thick: 100% of the 1¾" house door basic list for the same size. Over 2" thick: For each ¼" or fraction thereof: 50% additional of the 1¾" house door basic list for the same size.

6. 1⅜" cupboard doors: 15% of the 1⅛" cupboard door basic list.

7. Design extras exclusive of watertables and trim:

Design	Net extra per door: Flat panel	Raised panel
House Doors		
F-1	$0.65	(1)
F-2	.65	(1)
F-3	None	(1)
F-13	None	(1)
F-5	None	$0.25
F-66	.25	.37
F-67	.25	.37
F-68	.25	.37
F-69	.25	.37
F-88	.35	.51
F-114	None	.04
F-614 (F-114 6 Lts. 3 x 2)	.50	.54
F-914 (F-114 9 Lts. 3 x 3)	.55	.59
F-415	.20	.24
F-415-H	.20	.24
F-416	.20	.26
F-117	None	.08
F-117½	None	.25
F-118	None	.04
F-1183	None	.08
F-418	.15	.21
F-618	.20	.26
F-918	.50	.56
F-119	None	.06
F-214	None	.06
F-214 H	.15	.21
F-20	None	(1)
F-21	.10	(1)
F-22	.30	(1)
F-23	.10	(1)
F-28	.40	(1)
F-29	.10	(1)
F-128	.40	(1)
F-129	None	(1)
F-33	None	(1)
F-133	.25	(1)
F-23	.25	.35
F-162	.65	.75
F-662 (F-162 6 lts. 3 x 2)	.80	.90
F-862 (F-162 8 lts. 4 x 2)	.30	(1)
F-63	.30	.40
F-163	.70	.80
F-663 (F-163 6 lts. 3 x 2)	.85	.95
F-863 (F-163 8 lts. 4 x 2)	.20	.32
F-11		
House Doors		
F-144	.20	.24
F-444 (F-141 4 LTS. 2 x 2)	.40	.44
F-45	.25	.35
F-145	.25	.31
F-108	.10	(1)
F-109	.40	(1)
F-80	.30	(1)
F-82	None	(1)
F-182	None	(1)
F-682 (F-182 6 LTS. 3 x 2)	.30	(1)
F-982	.55	(1)
F-147	.30	.32
F-152	.20	.30
F-154	.20	.32
F-110	.20	(1)
F-111	.45	(1)
F-310	.45	(1)
F-311	.70	(1)
F-610	.60	(1)
F-611	.85	(1)
F-810	.75	(1)
F-811	1.00	(1)
Storm Doors		
FS-7	.15	.20
FS-66	.15	.25
FS-415 (same as F-415)	.35	.39
FS-416 (same as F-416)	.35	.41
FS-162 (same as F-162)	.40	.50
FS-662 (same as F-662)	.80	.90
Cupboard Doors		
F-05	None	.08
F-020	None	(1)
F-082	None	(1)

[1] Flat panel only.

[2] For colonial doors other than designs above add net per door 15¢.

French and Rim Doors

Design	Net extra per door
F-35	None
F-36	$0.30
F-37	.90
F-435	.20
F-436	.50
F-437	1.10
F-535	.25
F-536	.55
F-537	1.15
F-835	.45

French and Rim Doors—Continued

Design	Net extra per door
F-836	$0.75
F-837	1.35
F-935M	.70
F-936M	1.00
F-937M	1.60
F-1035	.45
F-1036	.75
F-1037	1.25
F-1235	.55
F-1236	.85
F-1237	1.45
F-1535	.70
F-1536	1.00
F-1537	1.60
F-1635	.75
F-1636	1.05
F-1637	1.65

Sidelights

Design	Net extra per sidelight
F-035	None
F-0435	$0.25
F-0535	.30
F-0635M	.45

8. Less than 10-1⅜" or 5-1¾" doors of a size and kind: add 10% of the net price as established in paragraph (a) of this Appendix A.

9. Wider than standard stiles and rails:
   Stiles and top rail over 4⅜" to 5⅛": $0.25 net per door.
   Stiles and top rail over 5⅜" to 6⅛": $0.70 net per door.
   Bottom rail over 9⅜" to 11⅛": $0.65 net per door.
   Bottom rail over 11⅜" to 18⅛": $0.70 net per door.
   Lock rails or intermediate rails for each 1" or part thereof wider than standard: $0.05 net per member.

10. Glass beads and bars other than standard but of simple manufacture and assembly: $0.10 net per light formed. Minimum charge for any order: $5.00.

NOTE: Stock pattern glass beads and bars furnished in all glass openings, beads furnished and tacked in at no extra charge.

11. Divided lights in any one light stock door when not listed in paragraph (c) 7 of this appendix:
   With standard beads and bars: $0.05 net per light.
   With other than standard beads and bars but of simple manufacture and assembly: $0.10 net per light.

12. Sticking other than standard (minimum charge for any order: $5.00):
   Sunk ogee sticking: $0.10 net per door.
   Square sticking: $0.10 net per door.
   Sash sticking for French doors: $0.10 net per door.
   Sash sticking around glass for sash doors (stock sticking around panels): $0.50 net per door.
   Special sticking of practical machining patterns, requiring grinding of knives: $15.00 grinding and set up charge and add $0.10 net per door.

NOTE: No additional charge for ovolo sticking.

13. Thicker than standard laminated (flat) panels:
   Over ¼" to ⅜" 3 ply panels: $0.35 net per door.
   Over ⅜" to ½" 5 ply panels: $0.50 net per door.
   Over ½" to ¾" 5 ply panels: $0.75 net per door.

14. Wider than standard solid raised or flat panels: over 11⅜" wide, in 2 and or 3 panel designs (standard thickness): $0.50 net per panel.

15. Watertables and trim:
   Plain 1 member watertable: $0.10 net per door.
   Watertable with blocks or dentil: $0.25 net per door.
   Planting on watertables (1 member): $0.10 net per door.
   Planting on watertables (with blocks or dentil): $0.15 net per door.

16. Astragals (up to and including 8-0' high):
   For 1⅜" doors: $0.40 net per astragal.
   For 1¾" doors: $0.50 net per astragal.
   For 2¼" or 2½" doors: $1.10 net per astragal.

17. Rabbeting house doors:
   Plain rabbeting: $0.25 net per pair of doors.
   Rabbeting and beading: $0.50 net per pair of doors.

18. Rabbeting cupboard doors:
   Plain rabbeting: $0.10 net per pair of doors.
   Rabbeting and beading: $0.25 net per pair of doors.

19. Preparing doors for full length sunken mirror:
   1 Panel: $0.20 net per door.
   Sub-stile type: $0.35 net per door.
   2 Panel or 3 panel: $0.75 net per door.
   5 Panel or 6 panel: $1.00 net per door.

20. Storm doors: Beveled stiles: $0.10 net per door.

21. Toilet doors: Apply cupboard door discount to cupboard door list for size required exclusive of lugs: Lugs up to and including 4' long, both top and bottom: $0.50 net per door.

22. Dutch doors:
   Cut through lock rail: $0.50 net per door.
   Cut through lock rail and rabbeted: $1.00 net per door.
   Plain shelf and bracket: $2.00 net per side of door.

23. Removable panels: $0.12 net per panel.

24. Pre-fit doors:
   Prefitting to height and width: $0.15 net per door.
   Prefitting to height only: $0.10 net per door.

25. Standard crating or bundling:
   1⅜" thick: 7 doors per crate.
   1⅛" thick: 6 doors per crate.
   1¾" thick: 5 doors per crate.
   1¼" thick, raised moulding: 3 doors per crate.
   Thicker and oversize doors: One or more per crate or bundle as can be conveniently handled.

(i) Bundling (faces and edges covered with corrugated paperboard, ends cleated, banded with 4 steel straps): $1.50 net per bundle.

(ii) Crating (faces and edges covered with plywood, ends cleated, banded with 4 steel straps): $1.80 net per crate.

26. Paper wrapping: $0.25 net per door.

27. Resin sealing or toxic dipping:
   Entire panel door: $0.25 net per door.
   Panels (only) in door: $0.15 net per door.

28. Machining for door locks and latches:
   Mortising for standard type tubular lock and recessing for face plate: $0.15 net per door.
   Mortising for standard type recess lock and recessing for face plate: $0.20 net per door.
   Mortising for strike plate (for pair of doors only): $0.15 net per door.
   Boring for knob: $0.05 net per door.
   Boring for keyhole: $0.05 net per door.
   Boring for standard type night latch: $0.10 net per door.
   Boring any additional hole: $0.05 net each.

29. Dapping for hinge butts:
   Round corner: $0.05 net per hinge.
   Square corner: $0.07½ net per hinge.

30. Dripmould:
   Furnishing dripmould (shipped loose, ready to install): $0.15 net for each door.
   Grooving face of bottom rail only: $0.10 net per door.
   Grooving face of bottom rail and partially across face of stiles: $0.20 net per door.
   Grooving face of bottom rail and entire face of stiles across width of door: $0.15 net per door.

31. Drip groove: Running groove not over ½" x ½" in bottom edge of door: $0.10 net per door.

(d) If the sale of house doors is made on a delivered basis, regardless of how delivery is made, the maximum prices established in paragraph (a) of this appendix A may be adjusted in accordance with the following additions for the applicable freight rate:

Where rail freight rates to the point of delivery are as follows:

	Shorten base discount
Up to $0.187	1 point.
$0.188 to $0.28	1½ points.
$0.281 to $0.374	2 points.
$0.375 to $0.467	2½ points.
$0.468 to $0.561	3 points.
$0.562 to $0.654	3½ points.
$0.655 to $0.748	4 points.
$0.749 to $0.841	4½ points.
$0.842 to $0.935	5 points.
$0.936 to $1.028	5½ points.
$1.029 to $1.121	6 points.
$1.122 to $1.225	6½ points.
$1.223 to $1.308	7 points.
$1.309 to $1.402	7½ points.
$1.403 to $1.495	8 points.
$1.496 to $1.589	8½ points.
$1.59 to $1.682	9 points.

SEC. 19. *Appendix B: Maximum prices for Douglas Fir bar and bead stock.* (a) The maximum prices, f. o. b. mill, for Douglas fir bar and bead stock, sold by Douglas fir door producers shall be the following net prices:

Description of product: No. 1 Douglas fir bar and bead lineal stock; string tied; 1000 lineal feet or more of a size and kind; prices per C lineal feet:

	Price per C lineal feet
1⅜" bars, ½" between glass	$2.36
1¾" bars, ½" between glass	2.68
Standard glass beads	.58

(b) The maximum prices per hundred lineal feet established in paragraph (a) of this Appendix B may be adjusted in accordance with the following additions for the specified services and conditions:

1. Orders for 500 to 1000 lineal feet of a size and kind: Add 10% of the net price per C lineal feet in sales of 1000 lineal feet of a size and kind.

2. Orders for less than 500 lineal feet of a size and kind: Add 20% of the net price per C lineal feet in sales of 1000 lineal feet of a size and kind.

3. Delivered prices: Shorten base discount one point for each $0.08 of freight rate or major portion thereof.

SEC. 20. *Appendix C: Maximum prices for Douglas fir garage doors.* (a) The maximum prices, f. o. b. mill, for Douglas fir garage doors shall be the following net prices:

Description of product: Old growth Douglas fir standard stock garage doors; conforms with specifications contained in Commercial Standard CS73-43, effective June 15, 1943; up to and including 8-0' wide by 8-0' high opening; 25 pairs or sets of a size and kind:

	Per pair or set of 3: 1¾ inches	1⅜ inches
On sales of more than 150 doors to persons who during the first 9 months of 1941 received the seller's prevailing lowest price	$8.00	$7.50
On sales of 150 doors or less, or sales to all other persons	8.50	8.00

(b) The maximum prices established in paragraph (a) of this Appendix C may be adjusted in accordance with the following additions for the specified services and conditions:

1. Design extras:

F-491	$1.50 per set.
F-493	$0.50 per set.
F-495	$0.50 per set.
F-496	$0.50 per set.
F-691	$1.00 per pair.
F-693	None.
F-695	None.
F-696	None.
F-894	None.
F-190 (without lights)	$10.50 per set.[1]
F-290 (without lights)	$9.00 per pair.[1]
F-093	$0.75 per pair.
F-093S	$1.25 per pair.
F-096	$1.50 per pair.
F-096S	$2.00 per set.
F-099	$1.50 per pair.
F-099S	$2.00 per set.
F-0912	$2.00 per pair.
F-0912S	$2.50 per set.

[1] See subparagraph 14.

2. Pairs, sets and singles:
   Up to and including 3-0' wide: Priced as sets of garage doors.
   Over 3-0' wide up to and including 5-0' wide: Priced as pairs of garage doors.
   Over 6-0' wide: Priced as single garage doors.

3. Sets of 3, 9-0' wide: $1.00 net per set.

4. Sets of 4: $2.00 net per set.

5. Pairs wider than 8-0': $2.50 net per pair for each foot or fraction thereof over 8-0' wide.

6. Pairs or sets longer than 8-0': $2.50 net per pair or set for each foot or fraction thereof over 8-0' in length.

7. Single doors made to represent pairs: $3.00 net to price per pair for like design.

8. Wider than standard stiles and top rails for sets: 5⅜" stiles and top rails: $0.75 net per set.

9. Wider than standard rails:
   Bottom rails over 9⅜" wide, up to and including 11⅜" wide: $0.25 net per pair or set.
   Lock rails over 5⅜" wide, up to and including 8" wide: $0.25 net per pair or set.

10. Glass beads and bars other than standard but of simple manufacture and assembly: $0.10 net per light formed. Minimum charge for any order: $5.00.

NOTE: Stock pattern glass beads and bars furnished in all glass openings, beads furnished and tacked in at no extra charge.

11. Sticking other than standard (minimum charge for any order: $5.00):
Sunk ogee sticking: $0.10 net per door.
Square sticking: $0.10 net per door.
Sash sticking around glass (stock sticking around panels): $0.50 net per door.
Special sticking of practical machining patterns, requiring grinding of knives: $15.00 grinding and set up charge and add $0.10 net per door.

NOTE: No additional charge for ovolo sticking.

12. Plain rabbeting:
Pairs: $1.00 net per pair.
Sets: $1.50 net per set.

13. Astragals:
For 1⅜" garage doors: $0.40 net per astragal.
For 1¾" garage doors: $0.50 net per astragal.

14. Designs F–190 and F–290:
Doors other than 2'8" and 4'0" wide, requiring special width battens: $2.00 per pair or set.
Cutting in rectangular lights: $0.75 net per light.
Dividing lights: $0.10 net per light for each light over 1.
Solid lumber core top: $1.00 per pair or set.

15. Chamfering sawbucks on design numbers F–691 and F–491: $0.50 net per pair or set.

16. Removable panels: $0.12 net per panel.

17. Panels resin sealed: $0.50 net per pair or set.

18. Less than 25 pairs or sets of garage doors of a size and kind: Add 10% of the net price as established in paragraph (a) of this Appendix C.

(c) If the sale of garage doors is made on a delivered basis, regardless of how delivery is made, the maximum prices established in paragraph (a) of this Appendix C may be adjusted in accordance with the following additions for the applicable freight rate:

Where rail freight rates to the point of delivery are as follows	Per pair or set	
	1¾ inches	1⅜ inches
Up to $0.187	$0.50	$0.40
$0.188 to $0.28	.60	.45
$0.281 to $0.374	.75	.60
$0.375 to $0.467	.75	.60
$0.468 to $0.561	1.00	.75
$0.562 to $0.654	1.25	.80
$0.655 to $0.748	1.50	1.00
$0.749 to $0.841	1.50	1.10
$0.842 to $0.935	1.75	1.25
$0.936 to $1.028	1.75	1.35
$1.029 to $1.121	2.00	1.50
$1.122 to $1.225	2.25	1.60
$1.226 to $1.308	2.50	1.70
$1.309 to $1.402	2.60	1.85
$1.403 to $1.495	2.75	1.95
$1.496 to $1.589	3.00	2.10
$1.59 to $1.682	3.15	2.20

SEC. 21. *Appendix D: Maximum prices for "Factory Fitted Douglas Fir Entrance Doors".* (a) The maximum prices, f. o. b. mill, for "Factory-Fitted Douglas Fir Entrance Doors" shall be the following net prices:

Description of product: All-heart vertical grain, old growth, 1¾" thick, Douglas fir entrance doors; factory-fitted; individually packaged; specifications conform to Commercial Standard CS 91–41, effective February 10, 1941; 5 of a size and kind.

Design No.	Solid wide sticking 2 sides		Raised moulding 1 side, solid wide sticking 1 side	
	3–0 x 6–8	3–0 x 7–0	3–0 x 6–8	3–0 x 7–0
2000	$6.11	$6.36	$7.77	$8.02
2005	8.69	8.94	10.71	10.96
2010	6.56	6.81	8.24	8.49
2015	8.09	8.34	8.99	9.24
2020	7.58	7.83	9.85	10.10
2035 (Ovolo sticking only)	8.24	8.49		
2040	13.35	13.60	15.92	16.17
2045	9.81	10.06	12.22	12.47
2050	7.80	8.05	9.82	10.07
2055	9.74	9.99	11.84	12.08
2060	7.26	7.51	8.66	8.91
2065	11.88	12.13	14.12	14.37
2070	5.41	5.66	6.17	6.72
2075	10.10	10.35	12.78	13.03
2080	6.55	6.80	7.70	7.95
2085	14.89	15.14	18.94	19.10
2090	8.34	8.59	12.51	12.76
2095	7.83	8.08	9.43	9.68
2100	6.09	6.34	7.51	7.76
2105 (Ovolo sticking only)	8.28	8.53		
2110	7.13	7.38	8.60	8.85
2115	6.61	6.86	8.27	8.52
2120	7.86	8.11	9.93	10.18
2125	9.31	9.56	11.23	11.48
2130	6.11	6.36	7.77	8.02

(b) The maximum prices established in paragraph (a) of this Appendix D shall be subject to the following deduction:

Grille omitted from design number 2045: Deduct $1.25 net per door.

(c) The maximum prices established in paragraph (a) of this Appendix D may be adjusted in accordance with the following additions for the specified services and conditions:

1. Doors narrower than 3–0' wide: Same price as for 3–0' wide.
2. Grille furnished for design numbers 2050, 2055, 2075, 2085, 2095, and 2110: Add $1.25 net per door.
3. Less than 5 of a size and kind: Add 25% of the net price as established in paragraph (a) of this Appendix D.

(d) If the sale of entrance doors is made on a delivered basis, regardless of how delivery is made, the maximum prices established in paragraph (a) of this Appendix D may be adjusted in accordance with the following additions for the applicable freight rate:

Where rail freight rates to the point of delivery are as follows:	Per door	
	3–0 x 6–8	3–0 x 7–0
Primary market	$0.20	$0.20
Other than primary market:		
Up to $0.561	.45	.48
$0.562 to $0.654	.52	.55
$0.655 to $0.748	.59	.63
$0.749 to $0.841	.67	.71
$0.842 to $0.935	.74	.79
$0.936 to $1.028	.82	.87
$1.029 to $1.121	.90	.95
$1.122 to $1.225	.98	1.03
$1.226 to $1.308	1.05	1.11
$1.309 to $1.402	1.12	1.19
$1.403 to $1.495	1.20	1.27
$1.496 to $1.589	1.27	1.35
$1.59 to $1.682	1.35	1.43
$1.683 to $1.77	1.42	1.51

SEC. 22. *Appendix E: Maximum prices for Douglas fir solid flush doors.* (a) The maximum prices, f. o. b. mill, for Douglas fir solid flush doors shall be the following net prices:

Description of product: factory—fitted 1⅜" Douglas fir solid flush doors; design numbers 2025 and 2030; individually packaged; specifications conform to Commercial Standard CS91–41, effective February 10, 1941; 5 of a size and kind.

Type:	Price per square foot
Rotary cut faces	$0.36
Vertical grain faces	.45

(b) The maximum prices established in paragraph (a) of this Appendix E may be adjusted in accordance with the following additions for the specified services or conditions:

1. Concealed crossbanding: $0.50 net per door.
2. V-grooving for other than specified in Commercial Standard CS 91–41: $0.10 net per groove.
3. Treating entire door with resin sealer: $0.25 net per door.
4. Less than 5 of a size and kind. Add 10% of the net price as established in paragraph (a) of this Appendix E.

(c) If the sale of solid flush doors is made on a delivered basis, regardless of how delivery is made, the maximum prices established in paragraph (a) of this Appendix E may be adjusted in accordance with the following additions for the applicable freight rate:

Where rail freight rates to the point of delivery are as follows:

	Addition per sq. ft.
Up to $0.28	$0.01
$0.281 to $0.374	.02
$0.375 to $0.467	.025
$0.468 to $0.561	.03
$0.562 to $0.654	.035
$0.655 to $0.748	.04
$0.749 to $0.841	.045
$0.842 to $0.935	.05
$0.936 to $1.028	.055
$1.029 to $1.121	.06
$1.122 to $1.225	.065
$1.226 to $1.308	.07
$1.309 to $1.402	.075
$1.403 to $1.495	.08
$1.496 to $1.589	.085
$1.59 to $1.69	.09

SEC. 23. *Appendix F: Maximum prices for Douglas fir flush type hollow core doors.* (a) The maximum prices, f. o. b. mill, for Douglas fir flush type hollow core doors shall be the net prices computed by applying the following discount to the "Standard house door basic list" contained in paragraph (b) of section 18, Appendix A:

Description of product:
1⅜" Douglas fir flush type hollow core doors; 7-ply construction; rotary cut faces; 5 of a size and kind.
Discount ..... 58 percent.

(b) The maximum prices established in paragraph (a) of this Appendix F may be adjusted in accordance with the following additions for the specified services or conditions:

1. 1¾" thick doors: $0.50 net per door.
2. Less than 5 of a size and kind: Add 10% of the net price as established in paragraph (a) of this Appendix F.

3. Less than 20 doors of a special size: Add 10% of the net price as established in paragraph (a) of this Appendix F.

(c) If the sale of hollow core flush doors is made on a delivered basis, regardless of how delivery is made, the maximum prices established in paragraph (a) of this Appendix F may be adjusted in accordance with the following additions for the applicable freight rate:

Where rail freight rates to the point of delivery are as follows:

	Shorten base discount
Up to $0.187	1 point.
$0.188 to $0.28	1½ points.
$0.281 to $0.374	2 points.
$0.375 to $0.467	2½ points.
$0.468 to $0.561	3 points.
$0.562 to $0.654	3½ points.
$0.655 to $0.748	4 points.
$0.749 to $0.841	4½ points.
$0.842 to $0.935	5 points.
$0.936 to $1.028	5½ points.
$1.029 to $1.121	6 points.
$1.122 to $1.225	6½ points.
$1.226 to $1.308	7 points.
$1.309 to $1.402	7½ points.
$1.403 to $1.495	8 points.
$1.496 to $1.589	8½ points.
$1.59 to $1.682	9 points.

This regulation shall become effective August 25, 1945.

NOTE: All reporting and record-keeping requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 20th day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45–15415; Filed, Aug. 20, 1945; 4:53 p. m.]

PART 1315—RUBBER AND PRODUCTS AND MATERIALS OF WHICH RUBBER IS A COMPONENT

[RO 1A,[1] Amdt. 108]

TIRES, TUBES, RECAPPING AND CAMELBACK

A rationale for this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.

Ration Order No. 1A is amended in the following respects:

1. Section 1315.504 is amended to read as follows:

§ 1315.504 *Eligibility of farm implements and industrial, mining and construction equipment.* (a) A consumer who meets the applicable conditions of § 1315.501 may be issued a certificate for a Grade I passenger tire for a farm tractor, farm implement or farm wagon, if there are no suitable unrationed tires available in the community.

(b) A consumer who meets the applicable conditions of § 1315.501 may be issued a certificate for any type of tire for equipment used for industrial, mining or construction purposes, including off-the-road uses, such as earth-moving and road-grading.

(c) *Spare tires.* A certificate for a spare tire may be issued to equip any of the vehicles or equipment which satisfies the conditions of this section, if the Board finds that a spare tire is necessary for its continuous operation.

2. Section 1315.611 (c) is amended to read as follows:

(c) *Delivery pursuant to certificate.* If the foregoing requirements have been fulfilled, the person to whom the certificate has been surrendered may deliver to the certificate holder or his agent the number of tires described thereon, except that a Grade I passenger tire of any size suitable for use on the vehicle or equipment for which the certificate was issued may be delivered in exchange for a Grade I passenger tire certificate.

3. Section 1315.803 (g) (3) is amended by deleting from the second sentence the phrase "Grade I tractor-implement, Grade I industrial-type" and the comma preceding it.

4. The replenishment table appearing in § 1315.804 (c) (3) is amended by deleting the following:

A tractor-implement tire.
A Grade 1 tractor-implement tire.

5. Section 1315.806 (p) is amended to read as follows:

(p) *Transfer and use of non-rationed tires and tubes.* Any person may, without certificate or authorization, transfer, acquire, import, mount, use or change the physical location of the following:
(1) New or used tractor-implement, industrial and solid tires.
(2) New or used tubes.
(3) Grade III passenger or truck tires. (A manufacturer transferring new Grade III passenger or truck tires must file the report required by § 1315.1005 (f).)

6. Section 1315.807 (g) (5) (ii) is amended to read as follows:

(ii) Any person who wishes to import new or used tubes, or unrationed tires. (§ 1315.806 (p) sets out the types of tires that are unrationed.)

This amendment shall become effective at 12:01 a. m. August 21, 1945.

(Pub. Law 671, 76th Cong. as amended by pub. Laws 89, 421, and 507, 77th Cong.; E.O. 9125, 7 F.R. 2719, issued April 7, 1942, WPB Dir. No. 1, 7 F.R. 562, Supp. Dir. No. 1Q, 7 F.R. 9121)

Issued this 20th day of August 1945.

JAMES G. ROGERS, Jr.,
Acting Administrator.

[F. R. Doc. 45–15413; Filed, Aug. 20, 1945; 4:51 p. m.]

PART 1316—COTTON TEXTILES

[RPS 35,[1] Amdt. 28]

CARDED GREY AND COLORED-YARN COTTON GOODS

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.

Revised Price Schedule No. 35 is amended in the following respects:

1. Section 1316.51 (b) is amended to read as follows:

(b) Except as provided in paragraph (c) of this section and except as may be expressly provided elsewhere herein, the provisions of Revised Price Schedule No. 35 are not applicable:
(1) To sales or deliveries of cotton goods made by any wholesaler, jobber, or retailer in the performance of a recognized distributive function; or
(2) To sales and deliveries of cotton goods by a jobber or wholesaler to a job finisher[2] solely for use as back-greys or for other like operating purposes, if (i) during the year 1941 the job finisher making the purchase acquired the majority of this type of his operating supplies from jobbers or wholesalers or (ii) the job finisher began business subsequent to the year 1941 and certifies to his supplier that he is unable to purchase these cotton goods from a producer.

2. In § 1316.51, paragraph (c) is added to read as follows:

(c) Notwithstanding the provisions of paragraph (b) above, sales and deliveries of cotton goods (1) to a converter or (except as provided in paragraph (b) (2) above) to a finisher, or (2) by the manufacturer thereof or by any agent of such manufacturer shall not be made at prices higher than the established maximum prices.

This amendment shall become effective August 20, 1945.

Issued this 20th day of August 1945.

JAMES G. ROGERS, Jr.,
Acting Administrator.

[F. R. Doc. 45–15420; Filed, Aug. 20, 1945; 4:52 p. m.]

PART 1351—FOOD AND FOOD PRODUCTS

[RMPR 502, Amdt. 2]

POPCORN

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.

Revised Maximum Price Regulation No. 502 is amended by changing the effective date to August 30, 1945.

This amendment shall become effective August 20, 1945.

Issued this 20th day of August 1945.

JAMES G. ROGERS, Jr.,
Acting Administrator.

Approved: August 20, 1945.

CLINTON P. ANDERSON,
Secretary of Agriculture.

[F. R. Doc. 45–15417; Filed, Aug. 20, 1945; 4:52 p. m.]

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[1] 7 F.R. 9160, 9392, 9724.

[1] 8 F.R. 1963, 5306, 15906, 16744; 9 F.R. 2020, 2477, 2237, 2790, 3339, 7700, 9278, 10088, 10921; 10 F.R. 3876, 8129, 9669.

[2] The term "job finisher", as used herein, includes "job dyer" and "job printer".

PART 1413—SOFTWOOD LUMBER PRODUCTS

[RMPR 293, Amdt. 8]

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.

Revised Maximum Price Regulation 293 is amended in the following respects:

1. Subparagraph (1) of section 2 (a) is amended to read as follows:

(1) "Standard Woodwork Lists, catalog No. 40" means the document with that title corrected to March 1, 1941, published by the Pinney Printing Company, Clinton, Iowa, and the supplemental lists, based on Modular Standards, to catalog No. 40, as incorporated in Appendix N.

2. A new subparagraph (6) is added to section 2 (a) to read as follows:

(6) Illustrations, design lay-outs and specifications as shown in National Door Manufacturers Modular Standard for Ponderosa Pine Wood Windows and sash W. S. S. 45.

3. A new section 30, Appendix N is hereby added to read as follows:

SEC. 30. *Appendix N: Supplemental Lists to Standard Lists Catalog No. 40.* The following Modular Standard lists of Ponderosa pine sash, windows, sash screens and window screens must be used by all sellers in computing maximum selling prices for any item contained therein. In computing maximum selling prices for items not on this supplemental list, the seller must base his computations on lists contained in Standard Lists Catalog No. 40. In establishing maximum selling prices for 2-light storm sash the seller will use the list price of the $1\frac{3}{8}$" 2-light check-rail windows. In establishing maximum selling prices for 4-light storm sash the seller will use the list price of the $1\frac{3}{8}$" 4-light check-rail windows.

SUPPLEMENTAL LIST NO. 1

Unless otherwise specified, windows and sash will be supplied with wood parts no wider than standard lay-outs shown for each design and for an opening no larger than that shown.

Two light check rail windows ..... *Inches* 1⅜

Pre-fit face measure:

Stiles and top rail ..... $1\frac{29}{32}$

Bottom rail 3

Check rail ..... $1\frac{13}{32}$

Standard opening	Glass size	List open	List glazed SS	List glazed DS
1-4 x 2-6	12 x 12	$1.09	$2.15	$2.30
2-10	14	1.13	2.40	2.60
3-2	16	1.21	2.65	2.95
3-6	18	1.25	2.75	3.10
3-10	20	1.30	2.90	3.25
4-2	22	1.34	3.10	3.55
4-6	24	1.38	3.25	3.75
4-10	26	1.42	3.40	3.90
5-2	28	1.46	3.65	4.35
5-6	30	1.50	3.90	4.60
5-10	32	1.58	3.90	4.60
1-8 x 3-2	16 x 16	1.25	2.80	3.15
3-6	18	1.30	2.95	3.35
3-10	20	1.34	3.20	3.70
2-0 x 2-6	20 x 12	1.25	2.75	3.10
2-10	14	1.30	2.80	3.20
3-2	16	1.34	3.20	3.70
3-6	18	1.38	3.30	3.95
3-10	20	1.42	3.75	4.50
4-2	22	1.46	3.95	4.85
4-6	24	1.50	4.15	5.05
4-10	26	1.55	4.50	5.50
5-2	28	1.59	4.50	5.55
5-6	30	1.63	4.70	5.85
5-10	32	1.75	5.15	6.40
6-2	34	1.80	5.20	6.45
6-6	36	1.84	5.60	6.95
6-10	38	1.89	5.95	7.45
7-2	40	2.02	6.15	7.65
2-4 x 2-6	24 x 12	1.34	3.10	3.55
2-10	14	1.38	3.35	3.85
3-2	16	1.42	3.55	4.30
3-6	18	1.46	3.90	4.70
3-10	20	1.50	4.15	5.05
4-2	22	1.55	4.30	5.30
4-6	24	1.59	4.65	5.80
4-10	26	1.63	4.70	5.85
5-2	28	1.67	5.05	6.30
5-6	30	1.71	5.30	6.70
5-10	32	1.84	5.80	7.40
6-2	34	1.89	6.00	7.45
6-6	36	1.93	6.40	8.05
6-10	38	1.97	6.85	8.60
7-2	40	2.11	7.00	8.75
2-8 x 2-10	28 x 14	1.46	3.80	4.55
3-2	16	1.50	4.00	4.80
3-6	18	1.55	4.30	5.30
3-10	20	1.59	4.50	5.55
4-2	22	1.62	4.70	5.85
4-6	24	1.67	5.05	6.30
4-10	26	1.71	5.45	6.80
5-2	28	1.75	5.80	7.20
5-6	30	1.80	5.85	7.35
5-10	32	1.93	6.80	8.55
6-2	34	1.97	6.85	8.60
6-6	36	2.02	7.40	9.40
6-10	38	2.15	9.00	11.35
7-2	40	2.20	8.30	10.60
3-0 x 2-10	32 x 14	1.63	4.20	5.05
3-2	16	1.67	4.45	5.45
3-6	18	1.71	4.65	5.70
3-10	20	1.75	4.75	5.90
4-2	22	1.80	5.40	6.80
4-6	24	1.84	5.90	7.40
4-10	26	1.89	5.95	7.45
5-2	28	1.93	6.80	8.55
5-6	30	1.97	6.85	8.60
5-10	32	2.02	7.40	9.40
6-2	34	2.06	7.45	9.45
6-6	36	2.10	8.20	10.50
6-10	38	2.15	9.00	11.35
7-2	40	2.20	9.20	11.55
3-4 x 2-10	36 x 14	1.71	4.50	5.50
3-2	16	1.75	4.80	5.85
3-6	18	1.80	5.20	6.45
3-10	20	1.84	5.60	6.95
4-2	22	1.89	5.95	7.45
4-6	24	1.93	6.40	8.05
4-10	26	1.97	6.85	8.60
5-2	28	2.02	7.40	9.40
5-6	30	2.06	7.45	9.45
5-10	32	2.10	8.20	10.50
6-2	34	2.15	9.00	11.35
6-6	36	2.19	9.05	11.40
6-10	38	2.24	10.15	12.95
7-2	40	2.29	10.35	13.15
3-8 x 3-6	40 x 18	1.98	5.80	7.15
3-10	20	2.03	6.35	7.65
4-2	22	2.07	6.95	8.70
4-6	24	2.11	7.60	8.75
4-10	26	2.16	7.80	9.60
5-2	28	2.20	8.30	10.60
5-6	30	2.26	8.40	10.70
5-10	32	2.30	9.20	11.55
6-2	34	2.34	10.30	13.10
6-6	36	2.39	10.35	13.15
6-10	38	2.43		13.20
7-2	40	2.48		13.25
4-0 x 3-6	44 x 18	2.07		8.15
3-10	20	2.12		8.80

SUPPLEMENTAL LIST NO. 1—Continued

Standard opening	Glass size	List open	List glazed SS	List glazed DS
4-0 x 4-2	44 x 22	$2.16		
4-6	24	2.20		
4-10	26	2.26		
5-2	28	2.30		
5-6	30	2.34		
5-10	32	2.39		
6-2	34	2.44		
6-6	36	2.48		
6-10	38	2.53		
7-2	40	2.57		
4-4 x 4-6	48 x 24	2.30		
4-10	26	2.34		
5-2	28	2.39		
5-6	30	2.43		
5-10	32	2.48		
6-2	34	2.53		
6-6	36	2.57		
6-10	38	2.62		
7-2	40	2.66		

Two light plain rail windows ..... *Inches* 1⅜

Pre-fit face measures:

Stiles 1⅜

Top rail and bottom rail 3

Meeting rail 2¼

Standard opening	Glass size	List open	List glazed SS
2-6 x 3-10	20 x 20	$1.20	$1.35
4-6	24	1.32	1.60
4-10	26	1.36	1.60
2-4 x 3-10	24 x 20	1.32	1.60
4-6	24	1.36	1.65
4-10	26	1.43	1.75
5-2	28	1.47	1.85

Divided Light Windows: *Inches*

Top Divided 2 Vertical Lights 1⅜

Pre-Fit Face Measure:

Stiles and Top Rail 1⅜

Bottom Rail 3

Check Rail 1⅜

Vertical Bar ..... ⅞

Standard opening	Glass size	List open	List glazed SS
1-4 x 2-6	12 x 12	$1.25	$2.38
2-10	14	1.27	2.65
3-2	16	1.31	2.90
3-6	18	1.40	3.20
3-10	20	1.45	3.60
4-2	22	1.50	3.80
4-6	24	1.54	4.05
4-10	26	1.58	4.25
5-2	28	1.63	4.40
5-6	30	1.67	4.60
5-10	32	1.76	4.80
1-8 x 3-2	16 x 16	1.40	3.60
3-6	18	1.45	3.80
3-10	20	1.50	4.05
4-2	22	1.54	4.25
4-6	24	1.58	4.40
4-10	26	1.63	4.60
5-2	28	1.67	4.80
5-6	30	1.76	5.00
5-10	32	1.80	5.20
6-2	34	1.85	5.40
6-6	36	1.89	5.60
1-8 x 3-6	40 x 18	1.89	5.60
3-10	20	1.94	5.80
4-2	22	1.98	6.00
4-6	24	2.03	6.20
4-10	26	2.07	6.40
5-2	28	2.12	6.60

Top divided 3 vertical lights ..... *Inches* 1⅜

Pre-fit face measure:

Stiles and top rail ..... 1$\frac{29}{32}$

Bottom rail 3

Check rail ..... 1$\frac{13}{32}$

Vertical bar ..... $\frac{7}{16}$

Standard opening	Glass size	List open	List glazed SS	List glazed top SS, bot. DS
2-0 x 2-6	20 x 12	$1.46	$3.11	$3.25
2-10	14	1.51	3.35	3.50
3-2	16	1.55	3.55	3.80
3-6	18	1.68	3.91	4.10

SUPPLEMENTAL LIST NO. 1—Continued

Standard opening	Glass size	List open	List glazed SS	List glazed top SS, bot. DS
2-0 x 3-10	20 x 20	$1.72	$4.26	$4.64
4-2	22	1.76	4.46	4.91
4-6	24	1.80	4.66	5.11
4-10	26	1.85	4.81	5.31
5-2	28	1.89	5.01	5.54
5-6	30	1.93	5.21	5.79
5-10	32	2.17	5.87	6.50
6-2	34	2.22	5.92	6.55
6-6	36	2.26	6.32	7.00
6-10	38	2.31	6.67	7.42
7-2	40	2.44	6.87	7.62
2-4 x 2-6	24 x 12	1.55	3.46	3.69
2-10	14	1.59	3.71	3.96
3-2	16	1.36	3.91	4.29
3-6	18	1.76	4.41	4.81
3-10	20	1.80	4.66	5.11
4-2	22	1.85	4.81	5.31
4-6	24	1.89	5.16	5.74
4-10	26	1.93	5.21	5.79
5-2	28	1.97	5.56	6.19
5-6	30	2.01	5.81	6.51
5-10	32	2.26	6.62	7.37
6-2	34	2.31	6.72	7.48
6-6	36	2.35	7.12	7.93
6-10	38	2.39	7.57	8.45
7-2	40	2.53	7.72	8.60
2-8 x 2-10	28 x 14	1.67	4.16	4.64
3-2	16	1.71	4.36	4.81
3-6	18	1.85	4.81	5.31
3-10	20	1.89	5.01	5.54
4-2	22	1.93	5.21	5.79
4-6	24	1.97	5.56	6.19
4-10	26	2.01	5.96	6.64
5-2	28	2.05	6.31	7.06
5-6	30	2.10	6.36	7.11
5-10	32	2.35	7.52	8.40
6-2	34	2.39	7.57	8.45
6-6	36	2.44	8.12	9.12
6-10	38	2.48	8.17	9.17
7-2	40	2.62	9.02	10.17

Top divided 4 vertical lights ..... *Inches* 1⅜

Pre-fit face measure:

Stiles and top rail ..... 1$\frac{29}{32}$

Bottom rail 3

Check rail ..... 1$\frac{13}{32}$

Vertical bar ..... $\frac{7}{16}$

Standard opening	Glass size	List open	List glazed SS	List glazed top SS, bot. DS
1-0 x 2-10	32 x 14	$1.91	$4.68	$5.11
3-2	16	1.95	4.93	5.43
3-6	18	2.11	5.33	5.86
3-10	20	2.15	5.83	6.46
4-2	22	2.20	6.08	6.78
4-6	24	2.24	6.58	7.33
4-10	26	2.29	6.63	7.38
5-2	28	2.33	7.48	8.36
5-6	30	2.37	7.53	8.41
5-10	32	2.58	8.36	9.36
6-2	34	2.62	8.41	9.41
6-6	36	2.66	9.16	10.31
6-10	38	2.71	9.96	11.14
7-2	40	2.86	10.16	11.34
1-4 x 2-10	36 x 14	1.99	4.98	5.48
3-2	16	2.03	5.28	5.81
3-6	18	2.20	5.88	6.51
3-10	20	2.24	6.28	6.96
4-2	22	2.29	6.63	7.38
4-6	24	2.33	7.08	7.91
4-10	26	2.37	7.53	8.41
5-2	28	2.42	8.08	9.08
5-6	30	2.46	8.13	9.13
5-10	32	2.66	9.16	10.31
6-2	34	2.71	9.96	11.14
6-6	36	2.75	10.01	11.19
6-10	38	2.80	11.11	12.51
7-2	40	2.95	11.31	12.71
1-8 x 3-6	40 x 18	2.38	6.48	7.16
3-10	20	2.43	6.83	7.58
4-2	22	2.47	7.63	8.51
4-6	24	2.51	7.68	8.56
4-10	26	2.56	8.28	9.28
5-2	28	2.60	8.98	10.13
5-6	30	2.66	9.08	10.23
5-10	32	2.86	10.16	11.34
6-2	34	2.90	11.26	12.66
6-6	36	2.95	11.31	12.71
6-10	38	2.99		12.76
7-2	40	3.04		12.81
4-0 x 3-6	44 x 18	2.47		8.06
3-10	20	2.52		8.61

SUPPLEMENTAL LIST NO. 1—Continued

Standard opening	Glass size	List open	List glazed SS	List glazed top SS, bot. DS
4-0 x 4-2	44 x 22	$2.55		$9.26
4-6	24	2.60		9.31
4-10	26	2.66		10.23
5-2	28	2.70		11.06
5-6	30	2.74		12.38
5-10	32	2.95		12.71
6-2	34	3.00		12.76
6-6	36	3.04		12.81
6-10	38	3.09		15.36
7-2	40	3.13		15.41
4-4 x 4-6	48 x 24	2.70		11.06
4-10	26	2.74		11.11
5-2	28	2.79		12.43
5-6	30	2.83		12.48
5-10	32	3.04		12.81
6-2	34	3.09		15.36
6-6	36	3.13		15.41
6-10	38	3.18		16.36
7-2	40	3.22		16.41

Top divided 4 lights 2 wide ..... *Inches* 1⅜

Pre-fit face measure:

Stiles ..... 1$\frac{29}{32}$

Top rail ..... 1$\frac{21}{32}$

Bottom rail 3

Check rail ..... 1$\frac{13}{32}$

Vertical bars and muntins ..... $\frac{5}{16}$

Standard opening	Glass size	List open	List glazed SS
1-4 x 2-6	12 x 12	$1.37	$2.63
2-10	14	1.41	2.88
3-2	16	1.45	2.98
3-6	18	1.49	3.13
3-10	20	1.53	3.23
4-2	22	1.58	3.38
4-6	24	1.62	3.58
4-10	26	1.66	3.73
5-2	28	1.70	3.88
5-6	30	1.74	4.13
5-10	32	1.86	4.38
1-8 x 3-2	16 x 16	1.53	3.28
3-6	18	1.58	3.43
3-10	20	1.62	3.68
4-2	22	1.66	3.88
4-6	24	1.70	3.98
4-10	26	1.74	4.38
5-2	28	1.78	4.48
5-6	30	1.83	4.68
5-10	32	1.95	4.93
6-2	34	2.11	5.33
6-6	36	2.15	5.48

Top divided 6 lights 3 wide ..... *Inches* 1⅜

Pre-fit face measure

Stiles ..... 1$\frac{29}{32}$

Top rail ..... 1$\frac{21}{32}$

Bottom rail 3

Check rail ..... 1$\frac{13}{32}$

Vertical bar and muntins ..... $\frac{5}{16}$

Standard opening	Glass size	List open	List glazed SS	List glazed, top SS, bot. DS
2-0 x 2-6	20 x 12	$1.67	$3.47	$3.65
2-10	14	1.72	3.62	3.82
3-2	16	1.76	3.92	4.17
3-6	18	1.80	4.12	4.40
3-10	20	1.84	4.47	4.85
4-2	22	1.88	4.67	5.12
4-6	24	1.92	4.87	5.32
4-10	26	1.97	5.02	5.52
5-2	28	2.01	5.02	5.75
5-6	30	2.06	5.42	6.00
5-10	32	2.17	5.87	6.50
6-2	34	2.40	6.22	6.85
6-6	36	2.44	6.62	7.30
6-10	38	2.49	6.97	7.72
7-2	40	2.62	7.17	7.92
2-4 x 2-6	24 x 12	1.76	3.82	4.05
2-10	14	1.80	4.07	4.32
3-2	16	1.84	4.27	4.65
3-6	18	1.88	4.62	5.02
3-10	20	1.92	4.87	5.32
4-2	22	1.97	5.02	5.52
4-6	24	2.01	5.37	5.95

SUPPLEMENTAL LIST NO. 1—Continued

Standard opening	Glass size	List open	List glazed SS	List glazed top SS, bot. DS
2-4 x 4-10	24 x 26	$2.05	$5.42	$6.00
5-2	28	2.09	5.77	6.40
5-6	30	2.13	6.02	6.72
5-10	32	2.26	6.62	7.37
6-2	34	2.49	7.02	7.75
6-6	36	2.53	7.42	8.25
6-10	38	2.57	7.87	8.75
7-2	40	2.71	8.02	8.90
2-8 x 2-10	28 x 14	1.88	4.52	4.90
3-2	16	1.92	4.72	5.17
3-6	18	1.97	5.02	5.52
3-10	20	2.01	5.22	5.75
4-2	22	2.05	5.42	6.00
4-6	24	2.09	5.77	6.40
4-10	26	2.13	6.17	6.85
5-2	28	2.17	6.52	7.27
5-6	30	2.22	6.57	7.32
5-10	32	2.35	7.72	8.40
6-2	34	2.57	7.87	8.75
6-6	36	2.62	8.42	9.42
6-10	38	2.66	8.47	9.47
7-2	40	2.80	9.32	10.47

Top divided 8 lights 4 wide ..... *Inches* 1⅜

Pre-fit Face Measure:

Stiles ..... 1$\frac{29}{32}$

Top Rail ..... 1$\frac{21}{32}$

Bottom Rail 3

Check Rail ..... 1$\frac{13}{32}$

Vertical Bar and Muntins ..... $\frac{5}{16}$

Standard opening	Glass size	List open	List glazed SS	List glazed top SS, bot. DS
3-0 x 2-10	32 x 14	$2.19	$6.16	$6.59
3-2	16	2.23	5.41	5.91
3-6	18	2.27	5.61	6.14
3-10	20	2.31	6.11	6.71
4-2	22	2.26	6.36	7.06
4-6	24	2.40	6.86	7.61
4-10	26	2.45	6.91	7.66
5-2	28	2.49	7.76	8.64
5-6	30	2.53	7.81	8.69
5-10	32	2.58	8.36	9.36
6-2	34	2.95	10.36	11.54
6-6	36	2.99	10.41	11.59
6-10	38	3.04	11.51	12.91
7-2	40	3.19	11.71	13.11
3-8 x 3-6	40 x 18	2.74	6.76	7.44
3-10	20	2.59	7.11	7.85
4-2	22	2.63	7.91	8.79
4-6	24	2.67	7.96	8.84
4-10	26	2.72	8.56	9.56
5-2	28	2.76	9.26	10.41
5-6	30	2.82	9.36	10.51
5-10	32	2.86	10.16	11.34
6-2	34	3.14	11.66	13.06
6-6	36	3.19	11.71	13.11
6-10	38	3.23		13.16
7-2	40	3.28		13.21
4-0 x 3-6	44 x 18	2.93		8.34
3-10	20	2.68		8.89
4-2	22	2.72		9.54
4-6	24	2.76		9.59
4-10	26	2.82		10.51
5-2	28	2.86		11.34
5-6	30	2.90		12.66
5-10	32	2.95		12.71
6-2	34	3.24		13.16
6-6	36	3.28		13.21
6-10	38	3.33		15.76
7-2	40	3.37		15.81
4-4 x 4-6	48 x 24	2.86		11.34
4-10	26	2.90		11.39
5-2	28	2.95		12.71
5-6	30	2.99		12.76
5-10	32	3.04		12.81
6-2	34	3.33		15.76
6-6	36	3.37		15.81
6-10	38	3.42		17.16
7-2	40	3.46		17.21

SUPPLEMENTAL LIST No. 1—Continued

Divided 4 horizontal lights — *Inches* 1⅛

Pre-fit face measure:

Stiles	1 29/32
Top rail	1 21/32
Bottom rail	2¾
Check rail	1 3/32
Muntin	7/16

Standard opening	Glass size	List open	List glazed SS	List glazed DS
1-4 x 2-6	12 x 12	$1.37	$2.63	$2.78
2-10	14	1.41	2.88	3.08
3-2	16	1.45	2.98	3.23
3-6	18	1.49	3.13	3.43
3-10	20	1.53	3.23	3.58
4-2	22	1.58	3.38	3.73
4-6	24	1.62	3.58	4.03
4-10	26	1.66	3.73	4.23
5-2	28	1.70	3.88	4.58
5-6	30	1.74	4.13	4.83
5-10	32	1.86	4.38	5.08
1-8 x 3-2	16 x 16	1.53	3.28	3.63
3-6	18	1.58	3.43	3.83
3-10	20	1.62	3.68	4.18
4-2	22	1.66	3.88	4.43
4-6	24	1.70	3.98	4.58
4-10	26	1.74	4.38	5.18
5-2	28	1.78	4.48	5.38
5-6	30	1.83	4.68	5.58
5-10	32	1.95	4.93	5.93
6-2	34	1.99	5.13	6.18
6-6	36	2.03	5.28	6.33
2-0 x 2-6	20 x 12	1.65	3.43	3.78
2-10	14	1.70	3.58	3.98
3-2	16	1.74	3.88	4.38
3-6	18	1.78	4.08	4.63
3-10	20	1.82	4.43	5.18
4-2	22	1.86	4.63	5.53
4-6	24	1.90	4.83	5.73
4-10	26	1.95	4.98	5.98
5-2	28	1.99	5.18	6.23
5-6	30	2.03	5.38	6.53
5-10	32	2.15	5.83	7.08
6-2	34	2.20	5.88	7.13
6-6	36	2.24	6.28	7.64
6-10	38	2.29	6.63	8.13
7-2	40	2.42	6.83	8.33
2-4 x 2-6	24 x 12	1.74	3.78	4.23
2-10	14	1.78	4.03	4.53
3-2	16	1.82	4.23	4.98
3-6	18	1.86	4.58	5.38
3-10	20	1.90	4.83	5.73
4-2	22	1.95	4.98	5.98
4-6	24	1.99	5.33	6.48
4-10	26	2.03	5.38	6.53
5-2	28	2.07	5.73	6.98
5-6	30	2.11	5.98	7.38
5-10	32	2.24	6.58	8.08
6-2	34	2.29	6.68	8.13
6-6	36	2.33	7.08	8.73
6-10	38	2.37	7.53	9.28
7-2	40	2.51	7.68	9.43
2-8 x 2-10	28 x 14	1.86	4.48	5.23
3-2	16	1.90	4.68	5.58
3-6	18	1.95	4.98	5.98
3-10	20	1.99	5.18	6.23
4-2	22	2.03	5.38	6.53
4-6	24	2.07	5.73	6.98
4-10	26	2.11	6.13	7.48
5-2	28	2.15	6.48	7.98
5-6	30	2.20	6.53	8.03
5-10	32	2.33	7.48	9.23
6-2	34	2.37	7.53	9.28
6-6	36	2.42	8.08	10.08
6-10	38	2.46	8.13	10.13
7-2	40	2.60	8.98	11.28
3-0 x 2-10	32 x 14	2.19	5.16	6.01
3-2	16	2.23	5.41	6.41
3-6	18	2.27	5.61	6.66
3-10	20	2.31	6.11	7.36
4-2	22	2.36	6.36	7.76
4-6	24	2.40	6.86	8.36
4-10	26	2.45	6.91	8.41
5-2	28	2.49	7.76	9.51
5-6	30	2.53	7.81	9.56
5-10	32	2.58	8.36	10.36
6-2	34	2.62	8.41	10.41
6-6	36	2.66	9.16	11.46
6-10	38	2.71	9.96	12.31
7-2	40	2.86	10.16	12.51
3-4 x 2-10	36 x 14	2.27	5.46	6.46
3-2	16	2.31	5.76	6.81
3-6	18	2.36	6.16	7.41
3-10	20	2.40	6.56	7.91
4-2	22	2.45	6.91	8.41
4-6	24	2.49	7.36	9.01
4-10	26	2.53	7.81	9.56
5-2	28	2.58	8.36	10.36
5-6	30	2.62	8.41	10.41
5-10	32	2.66	9.16	11.46
6-2	34	2.71	9.96	12.31
6-6	36	2.75	10.01	12.36
6-10	38	2.80	11.11	13.91
7-2	40	2.95	11.31	14.11
3-8 x 3-6	40 x 18	2.54	6.76	8.11
3-10	20	2.59	7.11	8.61
4-2	22	2.63	7.91	9.66
4-6	24	2.67	7.96	9.71
4-10	26	2.72	8.56	10.56
5-2	28	2.76	9.26	11.56

SUPPLEMENTAL LIST No. 1—Continued

Standard opening	Glass size	List open	List glazed SS	List glazed DS
3-8 x 5-6	40 x 30	$2.82	$9.36	$11.66
5-10	32	2.86	10.16	12.51
6-2	34	2.90	11.26	14.06
6-6	36	2.95	11.31	14.11
6-10	38	2.99	11.36	14.16
7-2	40	3.01	11.41	14.21
4-0 x 3-6	44 x 18	2.75	7.72	9.27
3-10	20	2.80	8.17	9.92
4-2	22	2.84	8.67	10.72
4-6	24	2.88	8.72	10.77
4-10	26	2.94	9.52	11.82
5-2	28	2.98	10.32	12.67
5-6	30	3.02	11.42	14.22
5-10	32	3.07	11.47	14.27
6-2	34	3.12	11.52	14.32
6-6	36	3.16	11.57	14.37
6-10	38	3.21	13.97	17.07
7-2	40	3.25	14.02	17.12
4-4 x 4-6	48 x 24	2.98	10.32	12.67
4-10	26	3.02	10.37	12.72
5-2	28	3.07	11.47	14.27
5-6	30	3.11	11.52	14.32
5-10	32	3.16	11.57	14.37
6-2	34	3.21	13.97	17.07
6-6	36	3.25	14.02	17.12
6-10	38	3.30	14.72	18.22
7-2	40	3.34	14.77	18.27

Four light plain rail — *Inches* 1⅛

Pre-fit face measure:

Stiles	1 21/32
Top rail and bottom rail	2 7/16
Meeting rail	1 13/32
Vertical bar	7/16

Standard opening	Glass size	List open	List glazed SS
2-0 x 3-10	10 x 20	$1.41	$3.70
2-4 x 3-10	12 x 20	1.48	4.01
4-6	24	1.58	4.67
4-10	26	1.63	4.87
5-2	28	1.66	5.13
5-6	30	1.72	5.51
2-8 x 3-10	14 x 20	1.57	4.34
4-6	24	1.66	5.13
4-10	26	1.72	5.27
5-2	28	1.72	5.86

Four light check rail — *Inches* 1⅛

Pre-fit face measure:

Stiles	1 21/32
Top rail	1 29/32
Bottom rail	3
Check rail	1 13/32
Vertical bar	7/16

Standard opening	Glass size	List open	List glazed SS	List glazed DS
2-0 x 3-2	10 x 16	$1.48	$3.54	$3.99
3-6	18	1.54	3.74	4.24
3-10	20	1.63	3.99	4.49
4-2	22	1.64	4.09	4.69
4-6	24	1.71	4.34	4.99
4-10	26	1.76	4.69	5.49
5-2	28	1.81	4.88	5.73
5-6	30	1.85	5.08	5.98
2-4 x 3-2	12 x 16	1.57	3.84	4.34
3-6	18	1.63	4.09	4.69
3-10	20	1.68	4.29	4.94
4-2	22	1.74	4.54	5.24
4-6	24	1.79	4.94	5.79
4-10	26	1.85	5.14	6.14
5-2	28	1.89	5.44	6.44
5-6	30	1.95	5.83	7.18
5-10	32	2.10	6.15	7.60
6-2	34	2.15	6.35	7.90
6-6	36	2.21	6.60	8.20
6-10	38	2.24	6.76	8.51
7-2	40	2.40	7.36	9.16
2-8 x 3-2	14 x 16	1.67	4.16	4.81
3-6	18	1.72	4.36	5.06
3-10	20	1.78	4.61	5.41
4-2	22	1.84	5.16	6.11
4-6	24	1.89	5.41	6.46
4-10	26	1.95	5.86	6.66
5-2	28	1.95	6.15	7.65
5-6	30	2.05	6.35	7.95
5-10	32	2.21	6.74	8.44
6-2	34	2.26	6.99	8.84
6-6	36	2.33	7.34	9.29
6-10	38	2.35	7.58	9.53
7-2	40	2.53	8.08	10.18
3-0 x 3-2	16 x 16	1.82	4.59	5.29
3-6	18	1.88	4.84	5.64
3-10	20	1.94	5.29	6.24
4-2	22	1.99	5.64	6.74
4-6	24	2.05	5.84	6.99
4-10	26	2.11	6.44	8.04

SUPPLEMENTAL LIST No. 1—Continued

Standard opening	Glass size	List open	List glazed SS	List glazed DS
3-0 x 5-2	16 x 28	$2.15	$6.68	$8.48
5-6	30	2.21	6.93	8.78
5-10	32	2.26	7.23	9.23
6-2	34	2.31	7.36	9.66
6-6	36	2.37	7.86	10.01
6-10	38	2.42	8.27	10.52
7-2	40	2.60	9.05	11.50
3-4 x 3-2	18 x 16	1.91	4.89	5.64
3-6	18	1.97	5.39	6.89
3-10	20	2.02	5.69	6.79
4-2	22	2.08	6.24	7.79
4-6	24	2.14	6.49	8.09
4-10	26	2.19	6.89	8.74
5-2	28	2.24	7.23	9.18
5-6	30	2.30	7.53	9.68
5-10	32	2.31	7.61	9.71
6-2	34	2.40	8.21	10.51
6-6	36	2.46	8.76	11.16
6-10	38	2.51	8.95	11.40
7-2	40	2.60	9.45	12.45
3-8 x 4-10	20 x 26	2.40	7.49	9.49
5-2	28	2.44	7.73	9.83
5-6	30	2.51	8.13	10.44
5-10	32	2.55	8.83	11.41

Six light check rail — *Inches* 1⅛

Pre-fit face measure:

Stiles	1 29/32
Top rail	1 21/32
Bottom rail	3
Check rail	1 3/32
Vertical bar	7/16

Standard opening	Glass size	List open	List glazed SS
2-4 x 2-6	8 x 12	$1.49	$4.17
2-8 x 2-10	9 21/32 x 14	1.70	4.45
3-0 x 2-10	10 21/32 x 14	1.83	4.60
3-2	16	1.92	4.90
3-6	18	1.98	5.25
3-10	20	2.04	5.60

Eight light plain rail — *Inches* 1⅛

Pre-fit face measure:

Stiles	1 29/32
Top rail and bottom rail	2 7/16
Meeting rail	1 13/32
Vertical bar	7/16
Muntin	7/16

Standard opening	Glass size	List open	List glazed SS
1-8 x 3-10	8 x 10	$1.54	$3.65
4-6	12	1.64	3.95
2-0 x 4-6	10 x 12	1.71	4.20
5-2	14	1.80	4.65
5-10	16	2.05	5.80
2-4 x 5-2	12 x 14	1.88	5.45
5-10	16	2.03	5.90
6-6	18	2.13	6.40
2-8 x 5-10	14 x 16	2.13	6.20
6-6	18	2.23	6.70
7-2	20	2.35	7.40

Eight light check rail — *Inches* 1⅛

Pre-fit face measure:

Stiles and top rail	1 29/32
Bottom rail	3
Check rail	1 13/32
Vertical bar	7/16
Muntin	7/16

Standard opening	Glass size	List open	List glazed SS
1-8 x 3-10	8 x 10	$1.73	$4.60
4-6	12	1.87	4.90
4-10	13	1.91	4.95
2-0 x 3-10	10 x 10	1.84	4.70
4-6	12	1.94	4.90
4-10	13	2.00	5.00
5-2	14	2.05	5.20
5-6	15	2.09	5.90
5-10	16	2.23	5.95
6-6	18	2.31	6.25
2-4 x 4-6	12 x 12	2.11	5.80
5-2	14	2.32	6.35
5-10	16	2.42	6.85
6-6	18	2.55	7.15
2-8 x 5-10	14 x 16	2.42	6.85
6-6	18	2.55	7.15
7-2	20	2.70	7.60

SUPPLEMENTAL LIST No. 1—Continued

Twelve light plain rail — *Inches* 1⅛

Pre-fit face measure:

Stiles	1 21/32
Top rail and bottom rail	2 7/16
Meeting rail	1 13/32
Vertical bar and muntin	7/16

Standard opening	Glass size	List open	List glazed SS
1-8 x 3-2	5 11/32 x 8	$1.59	$3.90
2-0 x 4-6	6 21/32 x 9	1.72	4.35
2-4 x 5-10	8 x 10	1.88	4.75
4-6	12	1.97	5.10
5-2	14	2.06	5.50
2-8 x 4-6	9 13/32 x 12	2.04	5.85
4-10	13	2.09	6.15
5-2	14	2.13	6.40
5-6	15	2.20	6.65
3-0 x 4-6	10 21/32 x 12	2.17	6.25
5-2	14	2.26	6.80
5-6	15	2.33	7.00
6-6	16	2.46	8.00
6-10	18	2.54	8.00
3-4 x 4-6	12 x 12	2.24	6.50
5-2	14	2.32	7.30
5-10	16	2.52	7.95
6-6	18	2.60	8.60
3-8 x 4-10	20 x 26	2.40	7.49	9.49
5-2	28	2.44	7.73	9.83
5-6	30	2.51	8.13	10.44
5-10	32	2.55	8.83	11.41

Twelve light check rail — *Inches* 1⅛

Pre-fit face measure:

Stiles	1 21/32
Top rail	1 29/32
Bottom rail	3
Check rail	1 13/32
Vertical bar and muntin	7/16

Standard opening	Glass size	List open	List glazed SS
2-0 x 2-2	6 21/32 x 8	$1.86	$4.80
4-6	9	1.96	4.85
4-10	10	2.02	5.20
5-2	11	2.08	5.35
5-6	12	2.12	5.65
5-10	13	2.17	5.85
6-2	14	2.22	6.05
6-6	15	2.30	6.50
2-4 x 4-6	8 x 8	1.98	4.70
4-10	9	2.08	5.25
5-2	10	2.14	5.25
5-6	11	2.20	5.70
5-10	12	2.30	5.80
6-6	13	2.34	6.00
6-10	14	2.42	6.20
2-8 x 4-10	9 13/32 x 10	2.22	5.80
5-6	12	2.32	6.35
6-6	13	2.38	6.65
7-2	14	2.42	6.85
6-6	15	2.50	7.15
6-10	16	2.67	8.10
7-2	18	2.77	8.65
3-0 x 4-10	10 21/32 x 10	2.37	6.40
5-6	12	2.47	6.75
6-6	13	2.53	7.00
6-10	14	2.57	7.30
7-2	15	2.65	7.75
6-6	16	2.79	8.55
6-10	18	2.89	8.20
7-2	20	3.12	9.80
3-4 x 4-6	12 x 12	2.54	6.80
5-2	14	2.64	7.85
5-10	16	2.86	8.55
6-6	18	2.96	9.20
7-2	20	3.12	9.80
3-8 x 4-6	13 13/32 x 12	2.78	8.40

Eight light check rail — *Inches* 1⅛

Pre-fit face measure:

Stiles	1 29/32
Top rail	1 29/32
Bottom rail	3
Check rail	1 13/32
Vertical bar and muntin	7/16

Standard opening	Glass size	List open	List glazed SS
2-4 x 4-6	8 x 10	$2.52	$6.70
5-6	8 x 11 27/32	2.71	6.95
6-6	14 1/4	2.82	7.65
6-10	9 11/32 x 11 27/32	2.78	7.90
7-2	13 7/16	2.83	8.55
6-6	14 1/4	2.98	8.95
7-2	15 27/32	3.09	10.05
3-0 x 4-6	10 21/32 x 11 27/32	2.87	8.80
6-6	14 1/4	3.08	10.15
6-10	15 1/32	3.13	10.55
7-2	15 27/32	3.20	10.65
3-4 x 4-6	12 x 11 27/32	2.97	8.95
6-6	14 1/4	3.19	10.30
7-2	15 27/32	3.30	10.65

SUPPLEMENTAL LIST No. 1—Continued

Sixteen light check rail — *Inches* 1⅛

Pre-fit face measure:

Stiles	1 29/32
Top Rail	1 21/32
Bottom Rail	2¾
Check Rail	1 3/32
Vertical Bar and Muntin	7/16

Standard opening	Glass size	List open	List glazed SS
3-0 x 3-10	7 13/16 x 10	$2.75	$6.80
4-6	12	2.84	7.30
5-2	14	2.92	7.85
3-4 x 4-6	8 13/16 x 12	2.92	7.70
4-10	13	2.97	8.00
5-2	14	3.01	8.30
5-10	16	3.10	8.90
3-8 x 4-6	9 13/16 x 12	3.11	8.30
4-10	13	3.15	8.60
5-2	14	3.21	8.85
5-6	15	3.25	9.25
5-10	16	3.29	10.20
6-6	18	3.36	11.45
4-4 x 4-6	11 13/16 x 12	3.29	9.15
5-2	14	3.38	10.30
5-10	16	3.48	11.25
6-6	18	4.05	12.75

Eighteen light plain rail — *Inches* 1⅛

Pre-fit face measure:

Stiles	1 21/32
Top rail and bottom rail	2 7/16
Meeting rail	1 13/32
Vertical bar and muntin	7/16

Standard opening	Glass size	List open	List glazed SS
2-4 x 5-6	8 x 10	$2.48	$6.45
6-6	8 x 12	2.68	7.10
2-8 x 6-6	9 13/32 x 12	2.74	7.20
7-6	10 21/32 x 14	2.95	9.05
3-0 x 6-6	10 21/32 x 12	2.83	8.60
7-6	10 21/32 x 14	3.08	9.60
3-4 x 6-6	12 x 12	2.91	8.65

Eighteen light check rail — *Inches* 1⅛

Pre-fit face measure:

Stiles	1 21/32
Top rail	1 29/32
Bottom rail	3
Check rail	1 3/32
Vertical bar and muntin	7/16

Standard opening	Glass size	List open	List glazed SS
3-0 x 4-10	7 13/16 x 10	$3.04	$8.85
5-6	7 13/16 x 11 27/32	3.13	8.95
6-6	7 13/16 x 14 1/4	3.23	9.95
3-4 x 5-6	8 13/16 x 11 27/32	3.21	8.45
6-2	8 13/16 x 13 7/16	3.40	10.40
6-6	8 13/16 x 14 1/4	3.42	10.80
7-2	8 13/16 x 15 27/32	3.51	11.15
3-8 x 5-6	9 13/16 x 11 27/32	3.41	10.15
6-6	9 13/16 x 14 1/4	3.51	11.35
6-10	9 13/16 x 15 1/32	3.56	11.45
7-2	9 13/16 x 15 27/32	3.61	12.70
4-4 x 5-6	11 13/16 x 11 27/32	3.59	11.25
6-6	11 13/16 x 14 1/4	3.70	13.60
7-2	11 13/16 x 15 27/32	4.23	14.60

SUPPLEMENTAL LIST No. 1—Continued

Twenty-four light check rail — *Inches* 1⅛

Pre-fit face measure:

Stiles and top rail	1 29/32
Bottom rail	3
Check rail	1 3/32
Vertical bar and muntin	7/16

Standard opening	Glass size	List open	List glazed SS	List glazed DS
3-0 x 5-6	7 13/16 x 9 13/16	$3.38	$9.45	
6-6	7 13/16 x 11 13/16	3.51	10.35	
3-4 x 6-6	8 13/16 x 11 13/16	3.60	10.95	
7-2	6 1/4 x 13 5/32	3.69	11.85	
3-8 x 6-6	9 13/16 x 11 13/16	3.79	11.70	
4-4 x 6-6	11 13/16 x 11 13/16	3.98	13.00	

Front windows check rail — *Inches* 1⅛

Pre-fit face measure:

Stiles and top rail	1 29/32
Bottom rail	3
Check rail	1 3/32

Standard opening	Glass size		List open	List glazed DS	List glazed top SS, bot. DS
	Bot. Lt.	Top Lt.			
3-4 x 4-10	36 x 36	36 x 16	$2.13	$9.00	$8.50
5-2	36 x 40	36 x 16	2.29	9.95	9.45
3-8 x 4-6	40 x 34	40 x 14	2.29	9.95	9.45
4-10	40 x 36	40 x 16	2.32	10.30	9.70
5-2	40 x 40	40 x 16	2.37	10.35	9.75
5-6	40 x 44	40 x 16	2.42	11.75	11.15
5-10	40 x 48	40 x 16	2.46	12.30	11.65
4-0 x 4-6	44 x 34	44 x 14	2.38	10.25	9.70
4-10	44 x 36	44 x 16	2.46	10.65	10.00
5-2	44 x 40	44 x 16	2.46	12.00	11.30
5-6	44 x 44	44 x 16	2.51	13.20	12.50
5-10	44 x 44	44 x 20	2.58	13.95	13.05
4-4 x 4-6	48 x 34	48 x 14	2.48	12.00	11.35
4-10	48 x 36	48 x 16	2.52	12.45	11.70
5-2	48 x 40	48 x 16	2.55	13.00	12.20
5-6	48 x 42	48 x 18	2.60	14.10	13.20
6-2	48 x 50	48 x 18	2.70	18.35	17.45

One light sash — *Inches* 1⅛

Pre-fit face measure:

Stiles and top rail	1 29/32
Bottom rail	3

Standard opening	Glass size	List open	List glazed SS	List glazed DS
1-4 x 1-6	12 x 13	$0.70	$1.30	$1.40
1-10	17	.74	1.55	1.70
2-2	21	.78	1.70	1.85
2-6	25	.80	1.85	2.10
1-8 x 1-10	16 x 17	.76	1.70	1.90
2-2	21	.80	1.95	2.15
2-6	25	.82	2.20	2.60
2-0 x 1-10	20 x 17	.80	1.95	2.20
2-2	21	.83	2.25	2.70
2-6	25	.86	2.40	2.90
2-10	29	.90	2.60	3.20
3-2	33	.95	2.85	3.45
3-6	37	1.00	3.25	4.00
2-4 x 1-10	24 x 17	.82	2.20	2.60
2-2	21	.86	2.40	2.90
2-6	25	.88	2.60	3.15
2-10	29	.92	2.80	3.60
3-2	33	1.01	3.25	4.00
3-6	37	1.05	3.80	4.65
2-8 x 1-10	28 x 17	.85	2.50	2.90
2-2	21	.89	2.60	3.15
2-6	25	.93	2.95	3.65
2-10	29	.97	3.20	3.95
3-2	33	1.05	3.80	4.65
3-6	37	1.11	4.15	5.10
3-0 x 1-10	32 x 17	.92	2.55	3.05
2-2	21	.97	2.95	3.65
2-6	25	1.01	3.25	4.00
2-10	29	1.05	3.80	4.65
3-2	33	1.10	4.10	5.10
3-6	37	1.14	4.70	5.80
3-4 x 1-10	36 x 17	1.01	2.90	3.50
2-2	21	1.04	3.20	4.05
2-6	25	1.08	3.80	4.70
2-10	29	1.12	4.15	5.15
3-2	33	1.17	4.75	5.95
3-6	37	1.22	5.05	6.25
3-10	41	1.30	5.65	7.05
4-6	49	1.39		7.10

SUPPLEMENTAL LIST No. 1—Continued

Standard opening	Glass size	List open	List glazed SS	List glazed DS
3-8 x 1-10	40 x 17	$1.10	$3.20	$3.90
2-2	21	1.14	3.30	4.75
2-6	25	1.19	4.25	5.25
2-10	29	1.24		5.80
3-2	33	1.28		7.05
3-6	37	1.33		7.10
3-10	41	1.37		8.55
4-2	45	1.40		9.10
4-6	49	1.44		9.15
4-10	53	1.62		11.85
5-2	57	1.68		13.60
5-6	61	1.73		14.45
5-10	65	1.77		19.05
6-2	69	1.80		21.15
4-0 x 1-10	44 x 17	1.16		4.50
2-2	21	1.20		5.25
2-6	25	1.25		5.85
2-10	29	1.30		7.05
3-2	33	1.34		7.10
3-6	37	1.39		8.55
3-10	41	1.41		9.05
4-2	45	1.45		9.20
4-6	49	1.56		11.75
4-10	53	1.75		13.70
5-2	57	1.81		14.55
5-6	61	1.86		19.15
5-10	65	1.91		21.15
6-2	69	2.04		24.50
4-4 x 1-10	48 x 17	1.19		4.85
2-2	21	1.23		5.30
2-6	25	1.28		6.25
2-10	29	1.35		7.15
3-2	33	1.39		8.55
3-6	37	1.44		9.15
3-10	41	1.46		9.20
4-2	45	1.57		11.75
4-6	49	1.85		13.80
4-10	53	2.06		14.85
5-2	57	2.12		19.45
5-6	61	2.17		21.45
5-10	65	2.22		24.70
6-2	69	2.32		29.00
4-8 x 3-10	52 x 41	1.74		12.00
4-2	45	1.79		13.75
4-6	49	2.09		14.80
4-10	53	2.22		19.60
5-2	57	2.29		21.60
5-6	61	2.34		29.95
5-10	65	2.39		30.00
6-2	69	2.54		33.00
5-0 x 3-10	56 x 41	1.79		13.75
4-2	45	1.81		14.60
4-6	49	2.14		19.50
4-10	53	2.27		21.60
5-2	57	2.34		29.95
5-6	61	2.39		30.00
5-10	65	2.44		32.85
6-2	69	2.59		35.90

SUPPLEMENTAL LIST No. 1—Continued

Standard opening	Glass size	List open	List glazed SS	List glazed DS
6-0 x 1-6	68 x 14	$1.54		
1-10	18	1.59		
2-2	22	1.65		
2-6	26	1.70		
7-0 x 1-6	80 x 14	1.70		
1-10	18	1.76		
2-2	22	1.82		
2-6	26	1.87		
8-0 x 1-6	92 x 14	2.02		
1-10	18	2.07		
2-2	22	2.13		
2-6	26	2.19		

Two light cellar sash ..... *Inches* 1⅛ and 1⅜
Pre-fit face measure:
Stiles 12 13/32
Top rail and bottom rail 12 29/32
Vertical bar 7/16

Standard opening	Glass size	1⅛ inches thick		1⅜ inches thick	
		List open	List glazed SS	List open	List glazed SS
1-8 x 1-4	8 x 12	$0.60	$1.30	$0.68	$1.40
2-0 x 1-4	10 x 12	.64	1.40	.73	1.55
1-8	16	.68	1.70	.78	1.85
2-0	20	.72	1.90	.83	2.05
2-4 x 1-4	12 x 12	.69	1.55	.78	1.70
1-8	16	.72	1.85	.83	2.00
2-0	20	.77	2.10	.88	2.25
2-8 x 1-8	14 x 16	.76	2.00	.88	2.20
2-0	20	.81	2.25	.93	2.40

Three light cellar sash ..... *Inches* 1⅛ and 1⅜
Pre-fit face measure:
Stiles 12 13/32
Top rail and bottom rail 12 29/32
Verticle bar 7/16

Standard opening	Glass size	1⅛ inches thick		1⅜ inches thick	
		List open	List glazed SS	List open	List glazed SS
2-0 x 1-0	62 1/32 x 8	$0.66	$1.45	$0.74	$1.55
2-4 x 1-4	8 x 12	.74	1.65	.84	1.80
1-8	16	.79	1.85	.89	2.00
2-8 x 1-0	91 1/32 x 8	.74	1.65	.83	1.75
1-4	12	.79	1.90	.89	2.05
1-8	16	.83	2.30	.94	2.45
2-0	20	.87	2.55	.99	2.75
3-0 x 1-4	10 2 13/16 x 12	.83	2.00	.93	2.15
1-8	16	.87	2.45	.99	2.60
2-0	20	.92	2.70	1.04	2.90
3-4 x 1-4	12 x 12	.91	2.10	1.04	2.25
1-8	16	.97	2.55	1.10	2.70
2-0	20	1.01	2.80	1.16	3.05
2-4	24	1.05	3.20	1.21	3.45

Four light cellar sash ..... *Inches* 1⅛ and 1⅜
Pre-fit face measure
Stiles, top rail and bottom rail 12 29/32
Vertical bar 7/16

Standard opening	Glass size	1⅛ inches thick		1⅜ inches thick	
		List open	List glazed SS	List open	List glazed SS
3-4 x 1-4	8 13/16 x 12	$0.95	$2.25	$1.09	$2.45
1-8	16	1.00	2.55	1.16	2.75
3-8 x 1-4	9 13/16 x 12	1.04	2.45	1.20	2.65
1-8	16	1.11	3.00	1.27	3.25
2-0	20	1.16	3.35	1.34	3.60
4-4 x 1-4	11 3/16 x 12	1.13	2.70	1.31	2.95
1-8	16	1.20	3.30	1.38	3.55
2-0	20	1.25	3.70	1.45	4.00
2-4	24	1.32	4.30	1.53	4.60

SUPPLEMENTAL LIST No. 1—Continued

Four light barn or utility sash 2 lights wide. 1⅛ and 1⅜ *Inches*
Pre-fit face measure:
Stiles and top rail 1 3/32
Bottom rail 3
Vertical bar 7/16
Muntin 5/16

Standard opening	Glass size	1¾ inches thick		1⅞ inches thick	
		List open	List glazed SS	List open	List glazed SS
1-4 x 1-9	6 x 8	$0.70	$1.54	$0.77	$1.62
1-8 x 2-1	8 x 10	.79	1.84	.88	1.92
2-5	12	.83	1.99	.94	2.12
2-9	14	.88	2.14	.99	2.27
3-1	16	.97	2.34	1.10	2.52
2-0 x 2-1	10 x 10	.84	1.99	.94	2.12
2-5	12	.88	2.19	.99	2.32
2-9	14	.93	2.34	1.05	2.52
2-11	15	.95	2.44	1.07	2.57
3-1	16	1.02	2.79	1.16	2.97
3-5	18	1.07	2.99	1.22	3.17
3-9	20	1.17	3.24	1.34	3.47
2-4 x 2-5	12 x 12	.93	2.39	1.05	2.52
2-9	14	.97	2.79	1.10	2.97
3-1	16	1.07	3.04	1.22	3.22
3-5	18	1.12	3.24	1.27	3.47
3-9	20	1.23	3.54	1.40	3.77
4-5	24	1.33	3.89	1.51	4.12

Six light barn or utility sash 2 lights wide. 1⅛ and 1⅜ *Inches*
Pre-fit face measure:
Stiles and top rail 1 3/32
Bottom rail 3
Vertical bar 7/16
Muntin 5/16

Standard opening	Glass size	1⅛ inches thick		1⅜ inches thick	
		List open	List glazed SS	List open	List glazed SS
1-4 x 2-5	6 x 8	$0.86	$1.99	$0.96	$2.12
2-11	10	.92	2.24	1.01	2.37
1-8 x 2-11	8 x 10	.98	2.39	1.10	2.57
3-5	12	1.11	2.69	1.21	2.87
3-11	14	1.23	2.99	1.30	3.22
4-5	16	1.30	3.21	1.44	3.47
2-0 x 3-5	10 x 12	1.16	2.99	1.32	3.32
3-11	14	1.20	3.44	1.47	3.67
4-5	16	1.33	3.44	1.57	3.72
4-11	18	1.36	3.99	1.52	4.27
2-4 x 3-11	12 x 14	1.35	4.04	1.53	4.42
4-5	16	1.42	4.54	1.62	4.62
4-11	18	1.50	4.74	1.70	5.12

Six light barn or utility sash—3 lights wide. 1⅛ and 1⅜ *Inches*
Pre-fit Face Measure:
Stiles and Top Rail 1 3/32
Bottom Rail 3
Vertical Bar and Muntin 5/16

Standard opening	Glass size	1⅛ inches thick		1⅜ inches thick	
		List open	List glazed SS	List open	List glazed SS
2-0 x 1-11	6 2 13/32 x 9	$0.87	$2.18	$0.97	$2.43
2-1	10	.90	2.38	1.01	2.55
2-4 x 2-1	8 x 10	.94	2.38	1.06	2.55
2-5	12	1.00	2.58	1.14	2.77
2-9	14	1.05	2.78	1.19	3.00
3-1	16	1.17	3.08	1.30	3.30
2-8 x 2-5	9 13/32 x 12	1.04	2.98	1.18	3.15
2-7	13	1.07	3.08	1.21	3.30
2-9	14	1.10	3.23	1.24	3.45
2-11	15	1.19	3.38	1.28	3.57
3-1	16	1.21	3.93	1.38	4.20
8-0 x 2-1	10 2 13/32 x 10	1.05	2.98	1.20	3.20
2-5	12	1.11	3.13	1.27	3.40
2-9	14	1.17	3.43	1.34	3.65
2-11	15	1.20	3.98	1.36	4.25
3-1	16	1.27	4.18	1.46	4.50
3-5	18	1.33	4.53	1.52	4.80
3-9	20	1.41	4.78	1.68	5.20
3-4 x 2-5	12 x 12	1.20	3.23	1.37	3.50
2-9	14	1.27	3.93	1.44	4.20
3-1	16	1.32	4.18	1.51	4.50
3-5	18	1.38	4.53	1.58	4.85
3-9	20	1.51	4.88	1.73	5.15
4-5	24	1.63	5.63	1.88	6.10

SUPPLEMENTAL LIST No. 1—Continued

Eight light barn or utility sash—2 lights wide.. 1⅛-1⅜ *Inches*
Pre-fit face measure:
Stiles and top rail 1 3/32
Bottom rail 3
Vertical bar 7/16
Muntin 5/16

Standard opening	Glass size	1⅛ inches thick		1⅜ inches thick	
		List open	List glazed SS	List open	List glazed SS
1-4 x 3-1½	6 x 8	$1.11	$2.71	$1.23	$2.91
3-9½	10	1.26	3.11	1.44	3.41
1-8 x 3-9½	8 x 10	1.33	3.36	1.50	3.66
4-5½	12	1.42	3.66	1.63	4.01
5-1½	14	1.51	3.96	1.72	4.31
5-9½	16	1.61	4.26	1.84	4.61
2-0 x 4-5½	10 x 12	1.49	4.01	1.69	4.36
5-1½	14	1.59	4.41	1.81	4.76
5-9½	16	1.69	5.21	1.89	5.51
6-5½	18	1.76	5.51	2.03	5.91
7-1½	20	1.86	5.91	2.14	6.31
2-4 x 4-5½	12 x 12	1.54	4.37	1.79	4.72
5-1½	14	1.62	5.17	1.88	5.57
5-9½	16	1.71	5.57	1.97	5.97
6-5½	18	1.81	6.07	2.11	6.52
7-1½	20	1.90	6.42	2.20	6.87
2-8 x 5-9½	14 x 16	1.78	6.07	2.07	6.52
6-5½	18	1.88	6.52	2.16	6.98
7-1½	20	1.96	6.97	2.25	7.37

Eight light barn or utility sash—4 lights wide... 1⅛-1⅜ *Inches*
Pre-fit face measure:
Stiles 12 29/32
Top rail 12 1/32
Bottom rail 3
Vertical bar and muntin 5/16

Standard opening	Glass size	1⅛ inches thick		1⅜ inches thick	
		List open	List glazed SS	List open	List glazed SS
2-4 x 1-9	5 13/16 x 8	$0.99	$2.63	$1.10	$2.85
2-1	10	1.04	2.78	1.16	3.00
3-8 x 1-11	6 3/16 x 9	1.06	2.93	1.19	3.15
3-0 x 2-1	7 3/16 x 10	1.20	3.33	1.35	3.55
2-5	12	1.25	3.58	1.42	3.85
2-9	14	1.32	3.88	1.49	4.15
3-1	16	1.38	4.18	1.56	4.45
3-4 x 2-5	8 13/16 x 12	1.31	3.83	1.48	4.10
2-9	13	1.34	3.98	1.52	4.25
3-1	14	1.37	4.13	1.55	4.40
3-5	16	1.42	4.43	1.62	4.75
3-8 x 2-9	9 13/16 x 12	1.43	4.13	1.62	4.40
3-1	14	1.50	4.48	1.70	4.80
3-5	16	1.55	5.23	1.77	5.60
3-9	18	1.62	5.58	1.84	5.95
4-1	20	1.67	5.93	1.92	6.30
4-4 x 2-9	11 3/16 x 12	1.54	4.58	1.75	4.90
3-1	14	1.59	5.38	1.83	5.75
3-5	16	1.66	5.78	1.89	6.15
3-9	18	1.73	6.28	1.97	6.65
4-1	20	1.78	6.53	2.05	7.00
4-5	22	1.85	7.08	2.11	7.45
4-9	24	1.90	7.83	2.19	8.25
5-0 x 4-1	13 13/16 x 16	1.77	6.38	2.03	6.80
4-5	18	1.83	6.78	2.10	7.20
4-9	20	1.89	7.23	2.14	7.65
5-1	22	1.95	8.23	2.25	8.70
5-5	24	2.01	8.73	2.32	9.20

Nine light barn or utility sash—3 lights wide.... 1⅛-1⅜ *Inches*
Pre-fit face measure:
Stiles and top rail 1 3/32
Bottom rail 3
Vertical bar and muntin 5/16

Standard opening	Glass size	1⅛ inches thick		1⅜ inches thick	
		List open	List glazed SS	List open	List glazed SS
2-0 x 2-1	6 2 13/32 x 9	$1.11	$3.15	$1.28	$3.35
2-4 x 2-11	8 x 10	1.23	3.35	1.38	3.60
12	1.55	3.75	1.53	4.00
14	1.50	4.15	1.69	4.45
16	1.57	4.45	1.78	4.75
2-8 x 3	9 13/32 x 12	1.41	4.30	1.59	4.60

SUPPLEMENTAL LIST No. 1—Continued

Standard opening	Glass size	1⅛ inches thick		1⅜ inches thick	
		List open	List glazed SS	List open	List glazed SS
2-8 x 3-5½	9 13/32 x 13	$1.52	$4.60	$1.70	$4.90
3-11½	14	1.55	4.80	1.76	5.10
4-2½	15	1.58	4.95	1.80	5.30
4-5½	16	1.63	5.60	1.85	5.95
4-11½	18	1.70	6.00	1.94	6.35
3-0 x 2-11½	10 2 13/32 x 10	1.35	4.25	1.50	4.50
3-5½	12	1.47	4.55	1.66	4.85
3-11½	14	1.61	5.05	1.83	5.70
4-2½	15	1.65	5.70	1.88	6.05
4-5½	16	1.69	5.90	1.92	6.30
4-11½	18	1.77	6.40	2.01	6.75
3-4 x 3-5½	12 x 12	1.52	4.55	1.74	4.90
3-11½	14	1.67	5.50	1.91	5.90
4-5½	16	1.75	5.90	2.00	6.30
4-11½	18	1.82	6.40	2.09	6.85

Twelve light barn or utility sash—3 lights wide. 1⅛-1⅜ *Inches*
Prefit face measure:
Stile and top rail 1 3/32
Bottom rail 3
Vertical bar and muntin 5/16

Standard opening	Glass size	1⅛ inches thick		1⅜ inches thick	
		List open	List glazed SS	List open	List glazed SS
2-0 x 3-5½	6 2 13/32 x 9	$1.51	$4.10	$1.68	$4.40
2-4 x 3-11½	8 x 10	1.69	4.50	1.88	4.80
4-5½	12	1.78	4.90	2.00	5.25
5-1½	14	1.89	5.30	2.12	5.70
5-9½	16	1.99	5.75	2.24	6.10
2-8 x 4-5½	9 13/32 x 12	1.85	5.65	2.07	6.00
4-9½	13	1.89	5.90	2.13	6.30
5-1½	14	1.95	6.20	2.19	6.55
5-5½	15	1.99	6.40	2.25	6.80
5-9½	16	2.05	7.25	2.31	7.65
6-5½	18	2.14	7.85	2.43	8.30
3-0 x 3-9½	10 2 13/32 x 10	1.81	5.60	2.04	5.95
4-5½	12	1.91	5.95	2.16	6.35
5-1½	14	2.01	6.50	2.28	6.90
5-5½	15	2.07	7.35	2.34	7.70
5-9½	16	2.11	7.65	2.39	8.10
6-5½	18	2.21	8.25	2.52	8.75
3-4 x 4-5½	12 x 12	1.98	6.00	2.23	6.35
5-1½	14	2.08	7.10	2.35	7.50
5-9½	16	2.18	7.60	2.46	8.05
6-5½	18	2.28	8.25	2.59	8.75

Twelve light barn or utility sash—4 lights wide. 1⅛-1⅜ *Inches*
Pre-fit face measure
Stiles 12 29/32
Top rail 12 1/32
Bottom rail 3
Vertical bar and muntin 5/16

Standard opening	Glass size	1⅛ inches thick		1⅜ inches thick	
		List open	List glazed SS	List open	List glazed SS
2-4 x 2-5½	5 13/16 x 8	$1.38	$3.65	$1.53	$3.94
2-8 x 2-8½	6 3/16 x 9	1.48	4.10	1.65	4.39
3-0 x 2-11½	7 3/16 x 10	1.65	4.60	1.86	4.99
3-5½	12	1.75	5.05	1.97	5.44
3-11½	14	1.92	5.60	2.18	5.99
4-5½	16	2.01	6.00	2.29	6.44
3-4 x 3-5½	8 13/16 x 12	1.80	5.35	2.02	5.60
3-8½	13	1.84	5.55	2.08	5.94
3-11½	14	1.99	5.95	2.24	6.34
4-2½	15	2.03	6.20	2.30	6.59
4-5½	16	2.08	6.40	2.35	6.84
4-11½	18	2.16	7.45	2.46	7.94
3-8 x 2-11½	9 13/16 x 10	1.87	5.30	2.10	5.64
3-5½	12	1.96	5.80	2.21	6.19
3-11½	14	2.04	6.30	2.32	6.74
4-2½	15	2.09	6.55	2.37	6.99
4-5½	16	2.14	7.35	2.43	7.84
4-11½	18	2.23	7.60	2.54	8.34
4-4 x 3-5½	11 3/16 x 12	2.08	6.40	2.35	6.81
3-11½	14	2.16	7.55	2.46	7.99
4-5½	16	2.26	8.10	2.57	8.59
4-11½	18	2.35	8.80	2.68	9.34

SUPPLEMENTAL LIST No. 1—Continued

Five light porch sash ..... *Inches* 1⅞
Pre-fit face measure:
Stiles and top rail 12 29/32
Bottom rail 3
Vertical bar and muntin 5/16

Standing opening	Glass size	1⅜ inches thick	
		List open	List glazed SS
1-8 x 2-10	8 x 20	$1.24	$3.15
4-6	32	1.37	4.05
5-2	36	1.81	4.85
2-0 x 4-2	10 x 30	1.60	4.70
4-6	32	1.65	4.75
5-2	36	1.85	5.40
2-4 x 4-2	12 x 30	1.67	4.90
4-6	32	1.72	5.15
5-2	36	1.95	5.95
2-8 x 4-6	14 x 32	1.79	5.80
5-2	36	2.03	6.85
3-0 x 4-6	16 x 32	1.86	6.25
5-2	36	2.11	6.95

Hot bed sash ..... *Inches* 1⅜ 1¾
Pre-fit face measure:
Stiles and top rail 1 29/32
Bottom rail 3
Vertical bar ..... Varies

Standard opening	1⅜ inches thick		1¾ inches thick		Rows of glass	Width of glass
	List open	List glazed SS	List open	List glazed SS		
3-0 x 4-0	$2.68	$7.00	$3.34	$7.95	3	10
6-0	3.15	8.85	4.04	10.15	3	10
6-0	3.61	9.30	4.66	10.85	4	7
5-0	3.67	9.85	4.73	11.40	4	8
4-0 x 6-0	4.04	12.55	5.25	14.40	5	8

One light cupboard sash ..... *Inches* 1⅛
Pre-fit face measure:
Stiles and top rail 12 29/32
Bottom rail 3

Standard opening	Glass size	List open	List glazed SS	List glazed DS
1-4 x 3-0	12 x 31	$0.74	$1.85	$2.25
3-67	37	.79	2.05	2.50
4-0	43	.88	2.40	2.85
4-6	49	.94	2.80	3.40
5-0	55	1.10	3.40	4.00
5-6	61	1.17		4.50
6-0	67	1.28		5.35
1-8 x 3-0	16 x 31	.78	2.15	2.65
3-6	37	.84	2.40	3.00
4-0	43	.92	2.80	3.50
4-6	49	.99	3.25	4.05
5-0	55	1.16		4.85
5-6	61	1.21		5.35
6-0	67	1.33		5.55
2-0 x 3-0	20 x 31	.82	2.50	3.10
3-6	37	.87	2.90	3.65
4-0	43	.98	3.45	4.30
4-6	49	1.03	3.75	4.75
5-0	55	1.20		5.90
5-6	61	1.25		6.00
6-0	67	1.38		7.35

Two light high cupboard sash ..... *Inches* 1⅜
Pre-fit face measure:
Stiles and top rail 12 29/32
Bottom rail 3
Muntin 5/16

Standard opening	List open	List glazed SS	List glazed DS
1-4 x 3-0	$0.80	$1.98	$2.23
3-6	.85	2.18	2.53
4-0	.94	2.58	2.73
4-6	1.00	2.73	3.18
5-0	1.19	3.03	3.58
5-6	1.26	3.58	4.28
6-0	1.37	3.76	4.53

SUPPLEMENTAL LIST No. 1—Continued

Standard opening	List open	List glazed SS	List glazed DS
1-8 x 3-0	$0.84	$2.23	$2.58
3-6	.89	2.58	3.08
4-0	.98	2.83	3.58
4-6	1.05	3.43	4.26
5-0	1.23	3.78	4.63
5-6	1.30	4.08	5.03
6-0	1.44	4.38	5.43
2-0 x 3-0	.88	2.58	3.03
3-6	.98	2.93	3.53
4-0	1.04	3.53	4.38
4-6	1.09	3.78	4.78
5-0	1.29	4.18	5.23
5-6	1.34	4.68	5.93
6-0	1.48	4.88	6.13

Inches
Three light high cupboard sash 11⅛
Pre-fit face measure
Stiles and top rail 12²⁹/₃₂
Bottom rail 3
Muntin 3/16

Standard opening	List open	List glazed SS
1-4 x 3-0	$0.82	$1.90
3-6	.87	2.05
4-0	.96	2.55
4-6	1.02	2.75
5-0	1.23	3.15
5-6	1.29	3.39
6-0	1.41	3.60
1-8 x 3-0	.86	2.40
3-6	.91	2.60
4-0	1.00	2.90
4-6	1.07	3.10
5-0	1.28	3.50
5-6	1.34	3.85
6-0	1.47	4.25
2-0 x 3-0	.90	2.65
3-6	.95	2.90
4-0	1.06	3.20
4-6	1.11	3.55
5-0	1.32	4.05
5-6	1.36	4.50
6-0	1.51	4.90

Inches
Four light high cupboard sash 11⅛
Pre-fit face measure
Stiles and top rail 12²⁹/₃₂
Bottom rail 3
Muntin 3/16

Standard opening	List open	List glazed SS
1-4 x 3-0	$0.81	$2.08
3-6	.89	2.23
4-0	.98	2.48
4-6	1.04	2.63
5-0	1.26	3.28
5-6	1.33	3.63
6-0	1.45	3.98
1-8 x 3-0	.88	2.33
3-6	.93	2.48
4-0	1.02	3.13
4-6	1.09	3.33
5-0	1.32	3.88
5-6	1.37	4.13
6-0	1.50	4.33
2-0 x 3-0	.92	2.63
3-6	.97	3.11
4-0	1.08	3.53
4-6	1.13	3.73
5-0	1.36	4.28
5-6	1.41	4.73
6-0	1.55	5.23

Inches
Four light cupboard sash—2 lights wide 11⅛
Pre-fit face measure:
Stiles and top rail 12²⁹/₃₂
Bottom rail 3
Vertical bar and muntin 3/16

Standard opening	List open	List glazed SS
1-4 x 3-0	$0.89	$2.29
3-6	.94	2.54
4-0	1.07	2.99
4-6	1.11	3.26
5-0	1.33	3.66
5-6	1.39	4.11
6-0	1.53	4.56

SUPPLEMENTAL LIST No. 1—Continued

Standard opening	List open	List glazed SS
1-8 x 3-0	$0.93	$2.59
3-6	.98	3.09
4-0	1.11	3.49
4-6	1.16	3.66
5-0	1.39	4.36
5-6	1.45	4.76
6-0	1.59	5.21
2-0 x 3-0	.97	2.94
3-6	1.02	3.44
4-0	1.17	3.79
4-6	1.20	4.21
5-0	1.44	4.86
5-6	1.49	5.31
6-0	1.63	5.86

Inches
Six-light cupboard sash—2 lights wide 11⅛
Pre-fit face measure:
Stiles and top rail 12²⁹/₃₂
Bottom rail 3
Vertical bar and muntin 3/16

Standard opening	List open	List glazed SS
1-4 x 3-0	$0.99	$2.39
3-6	1.01	2.50
4-0	1.16	2.90
4-6	1.22	3.10
5-0	1.48	3.55
5-6	1.55	4.10
6-0	1.68	4.40
1-8 x 3-0	1.03	2.64
3-6	1.05	2.85
4-0	1.20	3.20
4-6	1.27	3.45
5-0	1.54	4.35
5-6	1.59	4.60
6-0	1.74	5.10
2-0 x 3-0	1.07	2.89
3-6	1.09	3.15
4-0	1.26	3.60
4-6	1.31	4.25
5-0	1.58	4.80
5-6	1.64	5.10
6-0	1.78	5.50

Inches
Eight-light cupboard sash—2 lights wide 11⅛
Pre-fit face measure:
Stiles and top rail 12²⁹/₃₂
Bottom rail 3
Vertical bar and muntin 3/16

Standard opening	List open	List glazed SS
1-4 x 3-0	$1.07	$2.86
3-6	1.12	3.01
4-0	1.29	3.51
4-6	1.31	3.56
5-0	1.55	4.06
5-6	1.62	4.36
6-0	1.81	4.81
1-8 x 3-0	1.11	3.16
3-6	1.16	3.51
4-0	1.33	3.96
4-6	1.36	4.01
5-0	1.61	4.56
5-6	1.66	4.76
6-0	1.87	5.46
2-0 x 3-0	1.15	3.46
3-6	1.20	3.81
4-0	1.39	4.06
4-6	1.40	4.21
5-0	1.65	4.81
5-6	1.70	5.06
6-0	1.91	6.21

Inches
One-light casement sash 11⅛
Pre-fit face measure:
Stiles and top rail 12²⁹/₃₂
Bottom rail 3

Standard opening	Glass size	List open	List glazed SS	List glazed DS
1-0 x 2-6	8 x 25	$0.71	$1.45	$1.60
2-10	29	.75	1.70	1.80
3-2	33	.81	1.90	2.20
3-6	37	.88	2.00	2.30
3-10	41	.93	2.15	2.45
4-2	45	.97	2.35	2.70
4-6	49	1.01	2.55	2.95
4-10	53	1.17	3.25	3.60
5-2	57	1.22		3.70
5-6	61	1.28		4.00

SUPPLEMENTAL LIST No. 1—Continued

Standard opening	Glass size	List open	List glazed SS	List glazed DS
1-0 x 5-10	8 x 65	$1.35		$1.60
6-2	69	1.45		1.70
6-6	73	1.52		1.80
1-4 x 2-6	12 x 25	.76	$1.75	1.90
2-10	29	.81	2.00	2.10
3-2	33	.90	2.15	2.40
3-6	37	.94	2.30	2.55
3-10	41	.98	2.55	2.75
4-2	45	1.02	2.70	2.95
4-6	49	1.22	3.75	4.00
4-10	53	1.29		4.60
5-2	57	1.33		4.85
5-6	61	1.40		5.10
5-10	65	1.47		5.35
6-2	69	1.53		5.60
6-6	73	1.57		5.80
1-8 x 2-6	16 x 25	.82	2.10	2.30
2-10	29	.86	2.25	2.70
3-2	33	.95	2.50	3.05
3-6	37	.99	2.70	3.40
3-10	41	1.04	2.95	3.55
4-2	45	1.08	3.40	4.10
4-6	49	1.12	3.65	4.40
4-10	53	1.29		5.25
5-2	57	1.34		5.45
5-6	61	1.40		5.85
5-10	65	1.47		6.00
6-2	69	1.59		7.10
6-6	73	1.65		7.15
2-0 x 2-6	20 x 25	.86	2.30	2.80
2-10	29	.92	2.55	3.15
3-2	33	1.01	2.85	3.45
3-6	37	1.05	3.25	4.00
3-10	41	1.09	3.60	4.35
4-2	45	1.13	3.85	4.75
4-6	49	1.18		5.20
4-10	53	1.34		5.80
5-2	57	1.41		6.15
5-6	61	1.45		6.55
5-10	65	1.49		7.05
6-2	69	1.66		8.05
6-6	73	1.70		8.25
2-4 x 2-6	24 x 25	.89	2.50	3.10
2-10	29	.97	2.80	3.60
3-2	33	1.06	3.25	4.00
3-6	37	1.10	3.50	4.20
3-10	41	1.15	4.15	5.15
4-2	45	1.19	4.25	5.25
4-6	49	1.23		6.15
4-10	53	1.41		6.45
5-2	57	1.46		6.55
5-6	61	1.52		7.60
5-10	65	1.56		7.95
6-2	69	1.68		9.60
6-6	73	1.74		10.00

Inches
Three light high casement sash 11⅛
Pre-fit face measure.
Stiles and top rail 12²⁹/₃₂
Bottom rail 3
Muntin 3/16

Standard opening	List open	List glazed SS
1-0 x 2-6	$0.92	$1.81
2-10	.96	1.96
3-2	1.05	2.06
3-6	1.09	2.16
3-10	1.14	2.31
4-2	1.18	2.71
4-6	1.22	2.91
4-10	1.48	3.01
5-2	1.53	3.53
5-6	1.58	3.73
5-10	1.63	3.96
6-2	1.69	4.11
6-6	1.73	4.79
1-4 x 2-6	.97	2.36
2-10	1.02	2.51
3-2	1.11	2.66
3-6	1.16	2.86
3-10	1.20	3.01
4-2	1.23	3.51
4-6	1.28	3.71
4-10	1.53	4.11
5-2	1.58	4.17
5-6	1.63	4.96
5-10	1.68	5.14
6-2	1.74	5.44
6-6	1.78	6.14
1-8 x 2-6	1.07	2.61
2-10	1.16	2.86
3-2	1.20	3.06
3-6	1.25	3.16
3-10	1.30	3.31
4-2	1.34	3.81
4-6	1.39	4.01
4-10	1.64	4.41
5-2	1.69	4.47
5-6	1.74	5.26
5-10	1.79	5.44
6-2	1.85	6.14
6-6	1.89	6.84
2-0 x 2-6	2.06	7.63
2-10	2.10	7.71
3-2	1.29	3.23
3-6	1.37	3.58
3-10	1.46	3.98
4-2	1.50	4.48
4-6	1.55	4.83
4-10	1.59	4.93
5-2	1.63	5.86
5-6	1.81	6.08
5-10	1.86	6.93
6-2	1.92	7.42
6-6	1.96	7.47
2-8 x 2-6	2.08	8.66
6-6	2.14	9.75

SUPPLEMENTAL LIST No. 1—Continued

Standard opening	List open	List glazed SS
2-0 x 2-6	$1.16	$2.81
2-10	1.22	3.06
3-2	1.31	3.36
3-6	1.35	3.76
3-10	1.39	4.11
4-2	1.43	4.36
4-6	1.48	4.80
4-10	1.64	5.10
5-2	1.71	6.04
5-6	1.75	6.14
5-10	1.79	7.07
6-2	1.96	7.19
6-6	2.00	7.29
2-4 x 2-6	1.19	3.06
2-10	1.27	3.41
3-2	1.36	3.76
3-6	1.40	4.31
3-10	1.45	4.66
4-2	1.49	4.76
4-6	1.53	5.45
4-10	1.71	5.75
5-2	1.76	6.49
5-6	1.82	6.94
5-10	1.86	6.99
6-2	1.98	8.39
6-6	2.04	9.09

Inches
Four-light high casement sash 11⅛
Pre-fit face measure:
Stiles and top rail 12²⁹/₃₂
Bottom rail 3
Muntin 3/16

Standard opening	List open	List glazed SS
1-0 x 2-6	$0.99	$1.93
2-10	1.03	2.18
3-2	1.12	2.38
3-6	1.16	2.48
3-10	1.21	2.63
4-2	1.25	2.83
4-6	1.29	3.05
4-10	1.45	3.73
5-2	1.50	3.90
5-6	1.56	4.18
5-10	1.63	4.39
6-2	1.74	4.84
6-6	1.80	4.89
1-4 x 2-6	1.04	2.23
2-10	1.09	2.48
3-2	1.18	2.63
3-6	1.22	2.78
3-10	1.26	3.03
4-2	1.30	3.23
4-6	1.35	3.63
4-10	1.50	4.23
5-2	1.57	4.58
5-6	1.61	5.01
5-10	1.68	5.06
6-2	1.81	5.98
6-6	1.85	6.62
1-8 x 2-6	1.10	2.58
2-10	1.14	2.73
3-2	1.23	2.98
3-6	1.27	3.18
3-10	1.32	3.43
4-2	1.36	3.88
4-6	1.40	4.13
4-10	1.57	5.13
5-2	1.62	5.17
5-6	1.68	5.62
5-10	1.75	5.74
6-2	1.87	6.84
6-6	1.93	6.89
2-0 x 2-6	1.26	2.98
2-10	1.32	3.23
3-2	1.41	3.53
3-6	1.45	3.93
3-10	1.49	4.28
4-2	1.53	4.53
4-6	1.58	5.17
4-10	1.74	5.72
5-2	1.81	6.21
5-6	1.85	6.26
5-10	1.89	7.43
6-2	2.06	7.63
6-6	2.10	7.71
2-4 x 2-6	1.29	3.23
2-10	1.37	3.58
3-2	1.46	3.98
3-6	1.50	4.48
3-10	1.55	4.83
4-2	1.59	4.93
4-6	1.63	5.86
4-10	1.81	6.08
5-2	1.86	6.93
5-6	1.92	7.42
5-10	1.96	7.47
6-2	2.08	8.66
6-6	2.14	9.75

SUPPLEMENTAL LIST No. 1—Continued

Inches
Six-light casement sash—2 lights wide 11⅝
Pre-fit face measure:
Stiles and top rail 12²⁹/₃₂
Bottom rail 3
Vertical bar and muntin 3/16

Standard opening	List open	List glazed SS
1-4 x 2-6	$1.01	$2.29
2-10	1.09	2.54
3-2	1.15	2.74
3-6	1.22	2.80
3-10	1.26	3.10
4-2	1.36	3.30
4-6	1.41	3.35
4-10	1.60	3.85
5-2	1.67	4.10
5-6	1.71	4.35
5-10	1.80	4.75
6-2	1.98	5.16
6-6	2.03	5.16
1-8 x 2-6	1.05	2.44
2-10	1.11	2.74
3-2	1.20	3.04
3-6	1.27	3.05
3-10	1.32	3.40
4-2	1.42	3.60
4-6	1.46	3.60
4-10	1.67	4.55
5-2	1.72	4.80
5-6	1.78	4.85
5-10	1.87	5.35
6-2	2.04	5.56
6-6	2.10	5.61
2-0 x 2-6	1.09	2.64
2-10	1.17	3.04
3-2	1.26	3.39
3-6	1.33	3.39
3-10	1.37	3.75
4-2	1.47	3.95
4-6	1.52	4.40
4-10	1.72	5.05
5-2	1.79	5.35
5-6	1.85	5.20
5-10	1.88	5.65
6-2	2.11	6.21
6-6	2.16	6.26
2-4 x 2-6	1.14	2.80
2-10	1.22	3.34
3-2	1.31	3.59
3-6	1.38	3.65
3-10	1.43	4.20
4-2	1.53	4.80
4-6	1.57	4.85
4-10	1.79	5.55
5-2	1.85	5.60
5-6	1.90	5.95
5-10	1.94	6.30
6-2	2.16	7.11
6-6	2.20	7.16

Inches
Eight-light casement sash—2 lights wide 11⅝
Pre-fit face measure:
Stiles and top rail 12²⁹/₃₂
Bottom rail 3
Vertical bar and muntin 3/16

Standard opening	List open	List glazed SS
1-4 x 2-6	$1.17	$3.06
2-10	1.22	3.11
3-2	1.31	3.21
3-6	1.35	3.36
3-10	1.39	3.51
4-2	1.50	3.86
4-6	1.55	3.91
4-10	1.67	4.16
5-2	1.74	4.36
5-6	1.78	4.51
5-10	1.85	4.71
6-2	2.12	5.26
6-6	2.17	5.31
1-8 x 2-6	1.21	3.06
2-10	1.27	3.36
3-2	1.36	3.46
3-6	1.40	3.76
3-10	1.45	3.81
4-2	1.56	4.16
4-6	1.60	4.21
4-10	1.74	4.61
5-2	1.79	4.71
5-6	1.85	4.66
5-10	1.92	5.11
6-2	2.18	5.71
6-6	2.24	6.16
2-0 x 2-6	1.25	3.36
2-10	1.33	3.66
3-2	1.42	3.76
3-6	1.46	4.06
3-10	1.50	4.16
4-2	1.61	4.56

SUPPLEMENTAL LIST No. 1—Continued

Standard opening	List open	List glazed SS
4-6	$1.66	$4.66
4-10	1.70	4.96
5-2	1.80	5.21
5-6	1.90	5.36
5-10	1.94	6.01
6-2	2.15	6.56
6-6	2.19	6.61
2-4 x 2-6	1.30	3.61
2-10	1.38	3.96
3-2	1.47	4.06
3-6	1.51	4.26
3-10	1.56	4.51
4-2	1.67	5.01
4-6	1.71	5.06
4-10	1.86	5.41
5-2	1.91	6.11
5-6	1.97	6.36
5-10	2.01	6.56
6-2	2.20	7.21
6-6	2.25	7.29

Inches
Ten-light casement sash—2 lights wide 11⅝
Pre-fit face measure:
Stiles and top rail 12²⁹/₃₂
Bottom rail 3
Vertical bar and muntin 3/16

Standard opening	List open	List glazed SS
1-4 x 3-6	$1.45	$3.69
3-10	1.49	3.74
4-2	1.63	3.99
4-6	1.68	4.19
4-10	1.83	4.49
5-2	1.89	4.69
5-6	1.94	4.74
5-10	2.01	4.99
6-2	2.19	5.38
6-6	2.25	5.53
1-8 x 3-6	1.59	4.04
3-10	1.55	4.09
4-2	1.69	4.44
4-6	1.73	4.49
4-10	1.90	4.99
5-2	1.95	5.09
5-6	2.01	5.14
5-10	2.08	5.54
6-2	2.25	5.73
6-6	2.31	6.13
2-0 x 3-6	1.56	4.29
3-10	1.60	4.34
4-2	1.74	4.84
4-6	1.79	4.94
4-10	1.95	5.49
5-2	2.02	5.59
5-6	2.06	5.64
5-10	2.10	5.89
6-2	2.32	6.33
6-6	2.36	6.58
2-4 x 3-6	1.61	4.64
3-10	1.66	4.69
4-2	1.80	5.09
4-6	1.84	5.39
4-10	2.02	5.79
5-2	2.07	6.39
5-6	2.13	6.39
5-10	2.17	6.44
6-2	2.38	7.28
6-6	2.44	7.58

Inches
Twelve-light casement sash—3 lights wide 11⅝
Pre-fit face measure:
Stiles and top rail 12²⁹/₃₂
Bottom rail 3
Vertical bar and muntin 3/16

Standard opening	List open	List glazed SS
1-8 x 2-6	$1.43	$3.61
2-10	1.47	3.76
3-2	1.59	3.86
3-6	1.60	4.16
3-10	1.65	4.21
4-2	1.81	4.64
4-6	1.85	4.66
4-10	1.94	4.91
5-2	1.99	5.11
5-6	2.05	5.16
5-10	2.12	5.51
6-2	2.30	6.06
6-6	2.42	6.11
2-0 x 2-6	1.45	4.01
2-10	1.53	4.31
3-2	1.62	4.41
3-6	1.66	4.66
3-10	1.70	4.86

SUPPLEMENTAL LIST No. 1—Continued

Standard opening	List open	List glazed SS
2-0 x 1-2	$1.86	$5.21
4-6	1.91	5.31
4-10	1.99	5.96
5-2	2.06	6.06
5-6	2.10	6.46
5-10	2.14	6.51
6-2	2.43	7.16
6-6	2.47	7.21
2-4 x 2-6	1.50	3.96
2-10	1.58	4.41
3-2	1.67	4.56
3-6	1.71	4.66
3-10	1.76	5.01
4-2	1.92	5.76
4-6	1.96	5.61
4-10	2.06	6.01
5-2	2.11	6.16
5-6	2.17	6.51
5-10	2.21	6.61
6-2	2.49	7.41
6-6	2.53	7.91

K. D. SASH PARTS

LISTS FOR 2 LIGHT CHECK RAIL WINDOWS 1⅜ INCHES

Glass	Stile	Top R.	Ck. Rl.	B. R.	3/16-inch bar
12	0.14	0.14	0.12	0.17	0.095
14	.15				.07
16	.16	.16	.13	.21	.075
18	.17				.075
20	.18	.18	.15	.23	.09
22	.19				.095
24	.20	.20	.17	.26	.105
26	.21				.105
28	.22	.22	.18	.29	.11
30	.23				.115
32	.26	.26	.21	.34	.125
34	.27				.14
36	.28	.28	.23	.37	.135
38	.29				.135
40	.31	.31	.25	.42	.15
42					.15
44		.36	.29	.47	.16
46					.17
48		.41	.33	.55	.185

4 LIGHT CHECK RAIL WINDOWS, 1⅜ INCHES

Glass	Stile	Bar	Top R.	Ck. Rl.	B. R.
10			0.19	0.16	0.24
12			.21	.17	.27
14			.23	.19	.30
16	0.16	0.075	.27	.22	.34
18	.17	.075	.29	.23	.36
20	.18	.09	.34	.26	.42
22	.19	.105	.37	.30	.46
24	.20	.105	.45	.36	.54
26	.21	.105	.52	.42	.65
28	.22	.11	.60	.48	.74
30	.23	.115	.64	.51	.79
32	.26	.125			
34	.27	.14			
36	.28	.135			
38	.29	.145			
40	.31	.15			

8 LIGHT CHECK RAIL WINDOWS, 1⅜ INCHES

Glass	Stile	Ver. Bar.	Top R.	Ck. Rl.	B. R.	Hor. Bar.
8			0.17	0.14	0.21	0.04
10	0.185	0.10	.19	.16	.24	.04
12	.205	.115	.21	.17	.27	.045
13	.215	.12				
14	.225	.12	.23	.19	.30	.05
15	.235	.13				
16	.265	.145				
18	.285	.14				
20	.315	.15				

SUPPLEMENTAL LIST No. 1—Continued

K. D. SASH PARTS—Continued

12 LIGHT CHECK RAIL WINDOWS, 1⅜ INCHES

Glass	Stile	Ver. Bar.	Top R.	Ck. Rl.	B. R.	Hor. Bar.
6 21/32			0.19	0.16	0.25	0.035
8	0.165	0.07	.21	.17	.28	.04
9	.175	.085				
9 13/32			.24	.195	.53	.04
10	.185	.09				
10 21/32			.26	.22	.37	.045
11	.195	.095				
12	.205	.095	.29	.23	.37	.045
13	.215	.10				
13 11/32			.36	.29	.43	.05
14	.225	.10				
15	.235	.11				
16	.265	.115				
18	.285	.12				
20	.315	.13				

16 LIGHT CHECK RAIL WINDOWS, 1⅜ INCHES

Glass	Stiles	Ver Bar.	Top R.	Ck. Rl.	B. R	Hor. Bar.
7 15/16			0.275	0.225	0.355	0.04
8 13/16			.295	.245	.385	.04
9 11/16			.325	.265	.435	.04
10	0.185	0.09				
11 5/16	.20		.355	.285	.485	.045
12	.205	.095				
13	.215	.10				
14	.225	.10				
15	.235	.11				
16	.265	.115				
18	.285	.12				

18 LIGHT CHECK RAIL WINDOWS, 1⅜ INCHES

Glass	Stiles	Ver. Bar.	Top Rl.	Ck. Rl.	B. R.	Hor. Bar.
8			0.21	0.17	0.28	0.04
9 11/16			.24	.195	.33	.04
9 13/16	0.24	0.115				
10 4/16			.26	.22	.37	.045
11 5/16	.20	.125				
12			.29	.23	.37	.045
13 32/32	.35	.15				

K. D. SASH 1 LIGHT, 1⅜ INCHES

Glass	Stiles	Ver. Bar.	Top rl.	B. R.
8			0.12	0.14
12			.14	.17
13	0.13	0.07		
16			.16	.21
17	.17	.075		
20			.18	.23
21	.19	.095		
24			.20	.26
25	.21	.205		
28			.22	.29
29	.24	.115		
32			.25	.34
33	.27	.13		
36			.28	.37
37	.29	.135		
40			.31	.42
41	.34	.15		
44			.36	.47
45	.37	.17		
48			.41	.55
49	.45	.205		
52			.49	.66
53	.52			
56			.56	.75
57	.60			
61	.61			
65	.68			
69	.72			

SUPPLEMENTAL LIST No. 1—Continued

K. D. SASH PARTS—Continued

STORM SASH 2 LIGHT, 1⅜ INCHES

Glass	Stiles	T. R.	X Rl	B R	Ver. Bar
12	0.315	0.11	0.09	0.25	0.095
14	.335				.07
16	.355	.16	.11	.29	.075
18	.375				.075
20	.39	.18	.12	.31	.09
22	.41				.095
24	.41	.20	.13	.38	.105
26	.46				.105
28	.48	.22	.15	.42	.11
30	.51				.115
32	.57	.26	.17	.49	.125
34	.60				.14
36	.62	.28	.18	.51	.135
38	.66		.22		.135
40	.705	.31	.21	.6	.15
44		.36	.22	.7	.16
48		.41	.25	.74	.17

STORM SASH 4 LIGHT, 1⅜ INCHES

Glass	Stiles	T. R.	Ver. Par.	X Rl.	B R.
10		0.19		0.12	0.17
12		.21		.14	.19
14		.23		.17	.21
16	0.335	.25	0.075	.17	.19
18	.375	.29	.075	.18	.21
20	.39	.34	.09	.22	.25
22	.41		.095		
24	.41		.105		
26	.46		.105		
28	.48		.115		
30	.51		.13		
32	.57		.145		
34	.60		.13		
36	.62		.145		
38	.66		.145		
40	.705		.15		

LIST OF LINEAL MOULDED PRE-FIT SASH STOCK, 1⅜ INCHES

	1¾" Thick glazed list	1⅜" thick glazed list
Mullions 3/8" bet. gl	$1.45	$2.18
Muntins 5/16" bet. gl	1.30	2.00
Mull or bar 7/8" bet. gl	2.75	3.90
Stiles or rails 12 13/32" to gl	2.75	4.00
Stiles or rails 12 9/32" to gl	4.1	5.8
Stiles or rails 21" to gl	4.1	
Stiles or rails 29" to gl	4	
Rails 29" to gl	5.45	7.75
Rails 37" to gl	5.80	7.90
Rails 47 1/16" to gl	8	

Meeting rails 1 3/16" thick for 1⅜" windows $3.00
Check rails 1 13/32" thick for 1⅜" windows for lag strip—$4.00.

WINDOW SCREENS [1]

	Inches
Two light window screens	1⅛
Pre-fit face measure	
Stiles and top rail	1 15/32
Bottom rail	3
Muntin	⅞

Standard opening	2-Lt. glass size	16 mesh galvanized	16 mesh bronze
1-4 x 2-7	12 x 12	$1.65	$2.45
2-11	14	2.00	2.90
3-3	16	2.20	2.95
3-7	18	2.40	3.10
3-11	20	2.60	3.30
4-3	22	2.70	3.55
4-7	24	2.90	3.65
4-11	26	3.10	3.90
5-3	28	3.30	4.15
5-7	30	3.50	4.40
5-11	32	3.70	4.65
2-4 x 2-7	12 x 12	$1.65	$2.45
2-11	14	2.00	2.90
3-3	16	2.20	2.95
3-7	18	2.40	3.10
3-11	20	2.60	3.30
4-3	22	2.70	3.55
4-7	24	2.90	3.65
4-11	26	3.10	3.90
5-3	28	3.30	4.15
5-7	30	3.50	4.40
5-11	32	3.70	4.65

[1] 10 F.R. 7403, 7500, 7539, 7578, 7668, 7683, 7799, 8021, 8069, 8238, 8239, 8467, 8611, 8657, 8905, 8936, 9023, 9023, 9023, 9118, 9297, 9447, 9628, 9928, 10025.

SUPPLEMENTAL LIST No. 1—Continued

WINDOW SCREENS—Continued

Standard opening	2-Lt. glass size	16 mesh galvanized	16 mesh bronze
1-8 x 3	16 x 16	$2.40	$3.20
3-7	18	2.50	3.40
4-1	20	2.65	3.60
4-5	22	2.75	3.80
4-9	24	2.90	4.00
4-11	26	3.05	4.20
5-1	28	3.15	4.40
5-5	30	3.30	4.60
5-11	32	3.40	4.80
6-3	34	3.55	5.00
6-7	36	3.70	5.20
2-0 x 2-7	20 x 12	2.30	3.10
2-11	14	2.45	3.35
3-3	16	2.60	3.55
3-7	18	2.75	3.80
3-11	20	2.90	4.05
4-3	22	3.05	4.25
4-7	24	3.15	4.50
4-11	26	3.30	4.75
5-3	28	3.45	4.95
5-7	30	3.60	5.20
5-11	32	3.75	5.45
6-3	34	3.90	5.65
6-7	36	4.05	5.90
6-11	38	4.25	6.15
7-3	40	4.45	6.45
2-4 x 2-7	24 x 12	2.50	3.45
2-11	14	2.65	3.70
3-3	16	2.80	4.00
3-7	18	2.95	4.25
3-11	20	3.10	4.50
4-3	22	3.30	4.80
4-7	24	3.45	5.05
4-11	26	3.60	5.30
5-3	28	3.75	5.60
5-7	30	3.90	5.85
5-11	32	4.05	6.10
6-3	34	4.20	6.40
6-7	36	4.40	6.65
6-11	38	4.60	6.95
7-3	40	4.80	7.30
3-8 x 2-11	28 x 14	2.85	4.05
3-3	16	3.00	4.35
3-7	18	3.20	4.65
3-11	20	3.35	4.95
4-3	22	3.55	5.25
4-7	24	3.70	5.55
4-11	26	3.85	5.85
5-3	28	4.05	6.15
5-7	30	4.20	6.45
5-11	32	4.40	6.75
6-3	34	4.55	7.05
6-7	36	4.75	7.35
6-11	38	4.95	7.70
7-3	40	5.20	8.05
3-0 x 2-11	32 x 14	3.05	4.45
3-3	16	3.25	4.75
3-7	18	3.40	5.10
3-11	20	3.60	5.40
4-3	22	3.80	5.75
4-7	24	3.95	6.05
4-11	26	4.15	6.40
5-3	28	4.35	6.70
5-7	30	4.50	7.05
5-11	32	4.70	7.40
6-3	34	4.90	7.75
6-7	36	5.10	8.10
6-11	38	5.35	8.50
7-3	40	5.60	8.90
3-4 x 2-11	36 x 14	3.25	4.80
3-3	16	3.45	5.15
3-7	18	3.65	5.55
3-11	20	3.85	5.90
4-3	22	4.05	6.25
4-7	24	4.25	6.60
4-11	26	4.45	7.00
5-3	28	4.65	7.35
5-7	30	4.85	7.70
5-11	32	5.05	8.05
6-3	34	5.25	8.45
6-7	36	5.50	8.80
6-11	38	5.75	9.25
7-3	40	6.05	9.65
3-8 x 2-11	40 x 18	3.90	5.95
3-3	20	4.10	6.35
3-7	22	4.35	6.75
3-11	24	4.55	7.15
4-3	26	4.75	7.55
4-7	28	5.00	7.95
4-11	30	5.20	8.35
5-3	32	5.45	8.75
5-7	34	5.65	9.15
5-11	36	5.85	9.55
6-3	38	6.10	10.00
6-7	40	6.40	10.50

ONE-LIGHT SASH SCREENS

[Use same list for half screens]

These lists do not include filler strips, sliding strips, or grooving of stiles. Frames 1⅛-inch thick—all "in the white" flush moulding. Half screens are same width but 1 inch shorter than 1-light.

Standard opening	1-Lt. glass size	16 mesh galvanized	16-mesh bronze
1-4 x 1-6	12 x 12	$1.45	$1.70
1-8	14	1.50	1.80
1-10	16	1.55	1.85
2-0	18	1.60	1.95
2-2	20	1.65	2.05
2-4	22	1.70	2.10
2-6	24	1.75	2.20
2-8	26	1.80	2.50
2-10	28	1.85	2.40
3-0	30	1.90	2.45
3-2	32	1.95	2.55
1-8 x 1-10	16 x 16	1.70	2.10
2-0	18	1.75	2.20
2-2	20	1.85	2.30
2-4	22	1.90	2.40
2-6	24	1.95	2.50
2-8	26	2.00	2.60
2-10	28	2.05	2.70
3-0	30	2.10	2.80
3-2	32	2.15	2.80
2-0 x 1-6	20 x 12	1.75	2.10
1-8	14	1.80	2.20
1-10	16	1.85	2.35
2-0	18	1.90	2.45
2-2	20	2.00	2.55
2-4	22	2.05	2.65
2-6	24	2.10	2.80
2-8	26	2.20	2.90
2-10	28	2.25	3.00
3-0	30	2.30	3.05
3-2	32	2.40	3.20
2-4 x 1-6	24 x 12	1.85	2.30
1-8	14	1.95	2.45
1-10	16	2.00	2.55
2-0	18	2.10	2.70
2-2	20	2.15	2.80
2-4	22	2.20	2.95
2-6	24	2.30	3.05
2-8	26	2.35	3.20
2-10	28	2.45	3.30
3-0	30	2.50	3.45
3-2	32	2.60	3.55
2-8 x 1-8	28 x 14	2.10	2.65
1-10	16	2.15	2.80
2-0	18	2.25	2.95
2-2	20	2.30	3.10
2-4	22	2.40	3.20
2-6	24	2.50	3.35
2-8	26	2.55	3.50
2-10	28	2.65	3.65
3-0	30	2.70	3.80
3-2	32	2.80	3.95
3-0 x 2-0	32 x 18	2.40	3.15
2-2	20	2.50	3.35
2-4	22	2.55	3.50
2-6	24	2.65	3.65
2-8	26	2.75	3.85
2-10	28	2.85	4.00
3-0	30	2.90	4.15
3-2	32	3.00	4.30
3-4 x 1-8	36 x 14	2.35	3.10
1-10	16	2.45	3.25
2-0	18	2.55	3.45
2-2	20	2.65	3.60
2-4	22	2.75	3.80
3-4 x 2-6	36 x 24	2.85	3.95
2-8	26	2.95	4.15
2-10	28	3.05	4.30
3-0	30	3.15	4.50
3-2	32	3.20	4.70

1 LT. SCREENS FOR TWO-LIGHT CELLAR SASH

Frames 1⅛ inches thick—Pine—All "in the white" flush moulding.

Standard opening	Glass size	16-mesh galvanized	16-mesh bronze
1-8 x 1-5 1/2	8 x 12	$1.60	$1.95
2-0 x 1-5 1/2	10 x 12	1.65	2.05
1-9 1/2	16	1.80	2.25
2-1 1/2	20	1.90	2.50
2-4 x 1-5 1/2	12 x 12	1.75	2.15
1-9 1/2	16	1.85	2.40
2-1 1/2	20	2.05	2.75
2-8 x 1-9 1/2	14 x 16	2.00	2.65
2-1 1/2	20	2.20	3.00

1 LT. SCREENS FOR 3 AND 4 LIGHT CELLAR SASH

Frames 1⅛-inches thick—Pine—all "in the white" flush moulding.

Standard opening	3 Lt. glass size	16 mesh galvanized	16 mesh bronze
2-0 x 1-11/2	6 21/32 x 8	$1.60	$1.95
2-4 x 1-5 1/2	8 x 12	1.75	2.15
1-9 1/2	16	1.85	2.40
2-8 x 1-11/2	9 13/32 x 8	1.85	2.30
1-5 1/2	12	1.90	2.40
1-9 1/2	16	2.05	2.75
2-1 1/2	20	2.20	3.05
3-0 x 1-5 1/2	10 2 1/32 x 12	1.95	2.45
1-9 1/2	16	2.10	2.75
2-1 1/2	20	2.25	3.05
3-4 x 1-5 1/2	12 x 12	2.15	2.75
1-9 1/2	16	2.30	3.10
2-1 1/2	20	2.50	3.40
2-5 1/2	24	2.80	3.75

Standard opening	4 Lt. glass size	16 mesh galvanized	16-mesh Bronze
3-4 x 1-5 1/2	8 13/16 x 12	$2.15	$2.75
1-9 1/2	16	2.50	3.10
3-8 x 1-5 1/2	9 13/16 x 12	2.35	3.05
1-9 1/2	16	2.55	3.40
2-1 1/2	20	2.75	3.80
4-4 x 1-5 1/2	11 13/16 x 12	2.55	3.30
1-9 1/2	16	2.75	3.75
2-1 1/2	20	2.95	4.15
2-5 1/2	24	3.15	4.55

Specifications for — *Inches*

Two-light storm sash	1⅛
Pre-fit face measure:	
Stiles and top rail	1 29/32
Bottom rail	4 1/16
Muntin	⅞
Four-light storm sash	1⅛
Pre-fit face measure:	
Stiles	1 21/32
Top rail	1 29/32
Bottom rail	4 1/16
Muntin	⅞
Vertical bar	7/16

This amendment shall become effective August 21, 1945.

Issued this 16th day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-15473; Filed, Aug. 21, 1945; 11:47 a. m.]

PART 1439—UNPROCESSED AGRICULTURAL COMMODITIES

[MPR 426,[1] Amdt. 140]

FRESH FRUITS AND VEGETABLES FOR TABLE USE, SALES EXCEPT AT RETAIL

A statement of the considerations involved in the issuance of this amendment has been issued and filed with the Division of the Federal Register.

In Appendix K, Table 1 (Maximum prices for peaches), a paragraph is added to Footnote 6, to read as follows:

During the period August 21 through September 2, 1945, for peaches grown in Delaware, Maryland, New Jersey, New York, North Carolina, Pennsylvania, South Carolina, Virginia and West Virginia, the Column 5 price shall be for item 19—$4.09; for item 21—$2.25; for item 23—8.5 cents; for item 25—7.6 cents.

[1] 10 F.R. 7403, 7500, 7539, 7578, 7668, 7683, 7799, 8021, 8069, 8238, 8239, 8467, 8611, 8657, 8905, 8936, 9023, 9023, 9023, 9118, 9297, 9447, 9628, 9928, 10025.

This amendment shall become effective at 12:01 a. m., August 21, 1945.

Issued this 20th day of August 1945.

JAMES G. ROGERS, Jr.,
Acting Administrator.

Approved:

CLINTON P. ANDERSON,
Secretary of Agriculture.

[F. R. Doc. 45-15419; Filed, Aug. 20, 1945; 4:52 p. m.]

PART 1448—EATING AND DRINKING ESTABLISHMENTS

[Restaurant MPR 2,[1] Incl. Amdts. 1-4]

FOOD AND DRINK SOLD FOR IMMEDIATE CONSUMPTION

This compilation of Restaurant Maximum Price Regulation 2 includes Amendment 4, effective August 27, 1945. The text added or amended by Amendment 4 is underscored. Deletions and redesignations are indicated by notes.

A statement of the considerations involved in the issuance of this regulation has been issued and filed with the Division of the Federal Register.[2] To the extent that this regulation operates to compel changes in the business practices, costs practices or methods, or means or aids to distribution established in the industry affected, the Administrator has found that such action is necessary to prevent circumvention or evasion of this regulation.

Sec.

1. Ceiling prices for "eating or drinking establishments".
2. Rules for establishments not in operation during April 4 to 10, 1943, but in operation before July 31, 1944.
3. Rules for new establishments.
4. Rules for establishments offering new classes of meals, food items, or beverages.
5. OPA approval and revision of prices established under sections 3 and 4.
6. Seasonal items.
7. Transfer of business.
8. Rules for seasonal operators.
9. Rules for operation of several establishments.
10. Moving your establishment or changing type of operation.
11. Taxes.
12. Prohibitions.
13. Permitted practices.
14. Records.
15. Filing of menus.
16. Posting.
17. Adjustments.
18. Exempt sales.
19. Definitions and explanations.
20. Violations.
21. Petitions for amendment.
22. Authority of local War Price and Rationing Boards.
23. Delegation of authority.
24. Special orders.
25. Relation to other price regulations.
26. Geographical application.

Appendix A.
Appendix B.
Appendix C.

[1] 9 F.R. 7263.

[2] Statements of consideration are also issued simultaneously with amendments. Copies may be obtained from the Office of Price Administration.

AUTHORITY: § 1448.802, issued under 56 Stat. 23, 765; 57 Stat. 566; Pub. Law 383, 78th Cong.; Pub. Law 108, 79th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681.

NOTE: The meaning of certain terms in this regulation is further explained and defined in section 19. The terms explained and defined are put in quotation marks the first time they appear.

SECTION 1. *Ceiling prices for "eating or drinking establishments."*

(a) *General rule.* Your ceiling price for any "meal", "food item", or "beverage", except coffee and milk, is the highest price at which you offered the same meal, food item, or beverage during the week of April 4 to 10, 1943. If you were not in operation during that week, price under section 2 or 3, whichever applies to you. You must observe all the following rules:

(b) *New meals, food items, or beverages.* If you did not "offer" a particular meal, food item, or beverage during the week of April 4–10, 1943, figure your ceiling price as follows:

(1) If you offered it at any time between March 7 and April 3, 1943, and you have and retain menus or other records of the prices you charged then, your ceiling price is the highest price at which you offered that particular meal, food item, or beverage during that period.

(2) Your ceiling price for all other meals, food items, or beverages is a price in-line with your other ceiling prices for meals, food items, or beverages of the same class. A price for a meal (or food item or beverage) is in-line with the price of another meal (or food item or beverage) if the customer gets the same value for his money in terms of quality and size of portions and if the margin over current raw food costs is the same. Any ceiling price figured under this subparagraph (2) for any meal, food item, or beverage of a class offered during the week of April 4 to 10, 1943, cannot be higher than the highest price for which you offered a meal, food item, or beverage of that class during the week of April 4 to 10, 1943. See paragraphs (d) and (e) below, regarding classes of meals, food items, or beverages.

If you were in operation but did not offer a meal, food item, or beverage of the same class during the week of April 4 to 10, 1943, establish your prices under section 4.

When your prices are established under other sections of this regulation, you may price other meals, food items, or beverages of the same class for which you do not have a price, in-line with those prices, subject to paragraph (d) below.

You must file a report in duplicate of any price figured under this subparagraph with your local "War Price and Rationing Board" within three days after the meal, food item or beverage is first offered following August 27, 1945, containing a brief statement setting forth the manner in which the price was figured. OPA may at any time issue an order establishing or modifying prices in accordance with this paragraph or in line with the level of prices established by this regulation.

[Paragraphs (a) and (b) amended by Am 1, 9 F.R. 9357, effective 7-31-44 and Am 4 effective 8-27-45. Section heading amended by Am. 4]

(c) *Special ceiling prices for coffee and milk*—(1) *Coffee.* Your ceiling price for hot coffee is the highest price you charged (or if you were not in business then, the price your "nearest competitor of the same type" charged) during the week of October 4 to 10, 1942 or April 4 to 10, 1943, whichever is lower. However, before you may charge more than 5¢ per pot or cup, including cream and sugar, you must file a statement with your local War Price and Rationing Board, showing that your price (or if you were not in business then, the price of your nearest competitor of the same type) was more than 5¢ during the week of October 4 to 10, 1942.

The statement must be in the following form:

This is to certify that our prices (where applicable, our competitor's prices) for hot coffee during the week of October 4 to 10, 1942 were as follows:

Per cup ------ cents; per pot containing ------ cups ------ cents. Signed ---------- proprietor; ---------- name of establishment; ---------- address of establishment.

If you had price differences depending on class of meal, food item, or beverage (see paragraph (d) below), show them in the statement. You must keep a copy of the statement in your establishment for inspection by any person. You may not file the statement required above (or charge more than 5¢ per cup of coffee if you had not already filed such a statement) after August 27, 1945, except that if you are the operator of a new establishment you may file a statement at least seven days before you open for business.

[Subparagraph (1) amended by Am 1, 9 F.R. 9357, effective 7-31-44 and Am. 4, effective 8-27-45]

(2) *Milk.* Your ceiling price for sales of milk subject to this regulation is your legally established ceiling price during the week of July 23 to 29, 1944 for milk of the same kind, quantity and grade, or the highest price established in your area for the same kind, quantity and grade by any specific area order for the sale of milk at retail.

[Subparagraph (2) added by Am. 1, 9 F.R. 9357, effective 7-31-44; amended by Am. 2, 9 F.R. 9972, effective 8-15-44 and Am. 4, effective 8-27-45]

(d) *Classes of meals, food items, and beverages*—(1) *Basic rule.* Meals, food items and beverages are divided into classes (see paragraph (e) below for a description of these classes). Except where expressly authorized otherwise by this regulation, you may not charge more for any meal, food item or beverage than the highest price at which you offered a meal, food item or beverage of the same class during the base period, April 4 to 10, 1943 (October 4 to 10, 1942 or April 4 to 10, 1943, whichever is lower, for coffee).

If your ceiling prices are established on the basis of a competitor's or comparable establishment's ceiling prices, you may not charge more for any meal, food item or beverage than the highest price established for the competitor or comparable establishment for a meal, food item or beverage of the same class; or if your ceiling prices are otherwise established by an OPA order, you may not charge more than the highest price established for a meal, food item or beverage of the same class by the OPA order.

[Above portion of paragraph (d) designated subparagraph (1) and amended; former subparagraphs (1) and (2) redesignated (2) and (3) by Am. 4, effective 8-27-45]

(2) If you customarily charged higher prices on holidays, such as Thanksgiving, Christmas, or New Year's Day, you may continue to charge the higher prices on such holidays. But your prices for holidays may not be more than fifteen percent higher than your Sunday prices for meals, food items, or beverages of the same class.

(3) Your ceiling prices for New Year's Eve are the prices you charged on New Year's Eve 1942, for meals, food items, and beverages of the same class. You must keep available for inspection menus or records of the prices you charged on New Year's Eve 1942.

(e) *Classes of meals, food items, and beverages: Description.* The "class" in which any meal, food item, or beverage belongs depends on the following tests:

(1) Whether the food item, the beverage, or the entree (main dish) of the meal falls into one of the groups listed in Appendix A. For example, steak dinners are in a different class than fish dinners, and steak dinners are in a different class than steak served a la carte;

(2) What it is usually called; for example, breakfast, lunch, afternoon tea, dinner, supper;

(3) The day of the week or the time of the day it is served, if that has been a customary basis for charging different prices; for example, a Sunday meal is in a separate class if you customarily charged different prices on Sunday during the base period stated in paragraph (d) above;

(4) The nature of the service you give, if that was a customary basis for charging different prices during the base period stated in paragraph (d) above, for example, banquets, special group luncheons, hotel room service are separate classes of meals, food items, or beverages, if you customarily charged different prices for them during the base period.

The class into which a meal, food item, or beverage belongs may depend on more than one of the tests listed above. To decide the proper class you must use all the tests which apply. For example, if you charged the same price for a particular meal, food item, or beverage whenever you served it during the base period stated in paragraph (d) above, you must use only the first test. On the other hand, if you charged different prices at different times of the day or on different days of the week during the base period, you must use at least the first and third, and any other tests which apply. For example, a steak dinner served on Sunday in a guest room in a hotel may require you to use all the tests listed.

EXPLANATORY SUMMARY OF ABOVE RULES

You must not charge more for any meal, food item, or beverage than the highest price at which you offered the same meal, food item, or beverage in the base period stated in paragraph (d) above. In addition, you must not charge more for any meal, food item, or beverage than the highest price at which you offered a meal, food item, or beverage of the same class during the base period. This means that if you sell a meal, food item, or beverage that you did not sell during the base period, your price for it cannot be more than your ceiling price for a meal, food item, or beverage of the same class sold during the base period. It does not mean that your ceiling price for any item is the highest price you charged for an item of that class during the base period. For example, you will note in Appendix A that roasts and hamburger are in the same class. If you served a roast for 75 cents during the base period and hamburger for 50 cents, 75 cents is your ceiling price for a roast and 50 cents is your ceiling price for hamburger. You cannot charge 75 cents for hamburger just because you charged 75 cents for a roast and they are both in the same class. However, if you introduce a new item of the same class (for example, swiss steak), your price for that may go as high as 75 cents but only if the customer received the same value in terms of quality and size of portion and your margin of the raw food cost is about the same as for the roast or another item in the same class.

(f) *Substitution of food items.* You may substitute for any food item or beverage in a meal any other food item or beverage not offered during April 4 to 10, 1943, without refiguring your ceiling price only if the substitute food item or beverage costs at least as much and also gives customers at least the same value as the food item or beverage substituted and is in the same class. Otherwise, you must refigure your ceiling price for the meal in accordance with paragraph (b) above.

(g) *Price ranges of meals, food items and beverages.* (1) Your customers must be given a choice of meals, food items and beverages in the same price ranges as they had during the week of April 4 to 10, 1943. You may discontinue any price groups of food or beverages if you do not offer any food or beverages at higher prices.

(2) You must offer at least as many meals, food items or beverages in each price group at and below your middle price group and in each class you continue to offer, as you did during the week of April 4 to 10, 1943. Your middle price is the price nearest the middle of your price range. For example, if you had two breakfasts at 25 cents, three at 30 cents, and two at 35 cents, 30 cents is your middle price group and you must continue to offer at least two breakfasts at 25 cents and at least three at 30 cents.

(3) If you were not in operation during the week of April 4 to 10, 1943 and your prices are established on the basis of a competitor's or comparable establishment's prices, you must observe the same requirements which they are required to observe under this section 1 (g). If your prices are otherwise fixed by an OPA order, you must offer a choice of meals, food items or beverages in the price ranges established by the order; you must also make as many offerings of meals, food items and beverages at and below the middle price groups as you do above the middle price groups in each class which you offer.

[Paragraph (g) amended by Am. 4, effective 8-27-45]

SEC. 2. *Rules for establishments not in operation during April 4 to 10, 1943, but in operation before July 31, 1944.* Take as your ceiling prices the prices you properly established under the Regional or District restaurant regulation, if any, which was applicable to you. You must also observe all the rules stated in Section 1 but, in applying those rules, substitute the date of your first week of operation for April 4 to 10, 1943, wherever it appears in section 1. If no restaurant regulation was applicable to you, figure your price under section 3.

SEC. 3. *Rules for new establishments.* This section applies to establishments which opened after July 31, 1944, and also to establishments which opened after April 10, 1943 and before July 31, 1944, but were not subject to Regional or District restaurant regulations.

(a) *Competitor's prices.* Take as your ceiling prices all the ceiling prices of your nearest competitor of the same type in your "immediate neighborhood". If you price under this provision, you must file in duplicate a statement at least seven days before you open for business (or within seven days after August 27, 1945 if you are already open) with your local War Price and Rationing Board

setting forth your name and address, the name and address of your competitor, the prices that you are adopting as your maximum prices and that such prices are adopted under this Section 3 (a).

(b) *Application for prices.* If there is no competitor of the same type in your immediate neighborhood file an application with your OPA District Office to fix ceiling prices for you. The OPA will fix as your ceiling prices those of a "closely comparable establishment"; or the OPA will fix ceiling prices for you in line with the level of ceiling prices established by this regulation. The application must contain the following information:

[Above portion of section 3 amended by Am. 4, effective 8-27-45]

(1) Your name and address and the name and address of your establishment.

(2) A brief description of the business you operate or plan to operate, giving such information as seating capacity, estimated number of people to be served, type of equipment, and type of establishment. Also submit a copy of your proposed menu if you have one.

(3) Your ceiling prices or proposed ceiling prices and classes of meals, food items, or beverages you serve or plan to serve. In preparing the list use the classes of food items and beverages listed in Appendix A.

(4) The date you open or plan to open.

(5) The names and addresses of the two nearest establishments most like yours.

SEC. 4. *Rules for establishments offering new classes of meals, food items, or beverages —* (a) *Competitor's prices.* Take as your ceiling prices all the ceiling prices for meals, food items or beverages of the same class of your nearest competitor of the same type in your immediate neighborhood. If you price under this provision, you must file a statement in duplicate within three days after you determine your prices (or, if you priced under this provision prior to August 27, 1945, within three days after that date) with your local War Price and Rationing Board setting forth your name and address, the name and address of your competitor, the prices that you are adopting as your maximum prices and that such prices are adopted under this section 4 (a).

(b) *Application for prices.* If there is no competitor of the same type in your immediate neighborhood, file an application with your OPA District Office to fix ceiling prices for you. The OPA will fix as your ceiling prices those of a closely comparable establishment of the same type; or the OPA will fix ceiling prices for you in line with the level of ceiling prices established by this regulation. The application must contain the following information:

[Above portion of section 4 amended by Am. 4, effective 8-27-45]

(1) Your name and address and the name and address of your establishment.

(2) A brief description of the business you operate, giving such information as seating capacity, number of people served per day, gross sales for the last thirty days, type of equipment, and type of establishment. Also submit a copy of your present menu.

(3) The additional meals you plan to serve and the proposed ceiling prices with their raw food costs.

(4) The names and addresses of the two nearest establishments most like yours, offering the same type of menu you plan to serve.

SEC. 5. *OPA approval and revision of prices established under Sections 3 and 4.* (a) You may not sell the meals, food items, or beverages for which maximum prices are requested under section 3 (b) or section 4 (b) until those prices have been approved by OPA, but the proposed prices shall be considered approved twenty days after mailing the application (or all additional information which may have been requested), unless, within that time, OPA advises you that your prices have been disapproved.

(b) OPA may by order at any time designate your competitor or establish, disapprove, revise or modify prices under sections 2, 3 and 4 to conform them to the requirements of these sections or to bring them into line with the level of prices otherwise established by this regulation for eating and drinking establishments in the same area.

[Paragraph (b) amended by Am. 4, effective 8-27-45]

SEC. 6. *Seasonal items.* Figure your price for a seasonal food item as follows: First, figure your price under the applicable section of this regulation. You must reduce that price to the extent necessary to reflect seasonal changes in raw food costs, but you cannot increase your price even if your costs increase. However, you need not reduce your ceiling price for a seasonal item if, in accordance with your customary practice, it was based upon estimated average raw food costs for the entire season and you customarily charged the same price during the entire season. A "seasonal food item" is one that you usually sell only during certain times of the year, such as fresh oysters, fresh trout, fresh corn on the cob, fresh berries, and fresh melons.

SEC. 7. *Transfer of business.* If you lease or acquire another's business, assets, or stock in trade, your ceiling prices and your duties under this regulation are the same as those of the previous proprietor. He must turn over to you all records which are necessary to enable you to comply with the records and filing provisions of this regulation.

SEC. 8. *Rules for seasonal operators.* If more than 80 percent of your volume is customarily done in a seasonal period of not more than four months, you may during that seasonal period charge prices no higher than you charged for meals, food items, or beverages of the same class during the same seasonal period in 1943. If, however, your ceiling prices for such seasonal period of 1943 were frozen under a district or regional regulation at your highest price charged during the week of April 4 to 10, 1943, you may if you desire take as your seasonal ceiling prices the highest prices you charged for meals, food items, or beverages of the same class during the same seasonal period of 1942. In either case you must keep available for inspection menus or records of the prices you charged during the seasonal period of 1942 or 1943, whichever happens to be your base period. At the end of the season and until the season starts again you may not charge more than your ceiling prices figured under Section 1 of this regulation.

You may not charge prices under this paragraph until you have filed with your local War Price and Rationing Board a statement setting forth your base period seasonal prices. Such prices as filed are subject to review by the OPA and the OPA may revise your prices if they are out of line with the level of prices prevailing for your type of establishment in your area during the base period.

[Sec. 8 amended by Am. 1, 9 F.R. 9357, effective 7-31-44 and Am. 4, effective 8-27-45]

SEC. 9. *Rules for operation of several establishments.* (a) If you own or operate more than one establishment, you must do everything required by this regulation for each place separately.

(b) If you own or operate more than one establishment and close one and open another in the same neighborhood, your ceiling prices and duties for the new establishment under this regulation are the same as the one you closed.

(c) If you own or operate more than one establishment located in two or more OPA districts and have established or want to establish the practice of charging uniform prices in all or certain of your establishments, you may apply for a uniform pricing order to the Restaurant Price Branch, Office of Price Administration, Washington 25, D. C. The application should contain the information required by Revised Supplementary Order No. 13.[1] The Price Administrator may on his own motion establish prices for sellers owning or operating more than one establishment and may for this purpose require sellers to furnish necessary information.

SEC. 10. *Moving your establishment or changing type of operation.* If you move your establishment or change your type of operation, you must keep the same prices and observe the same requirements as before.

[Sec. 10 amended by Am. 1, 9 F.R. 9357, effective 7-31-44 and Am. 3, 10 F.R. 5103, effective 5-12-45]

SEC. 11. *Taxes.* If during April 4 to 10, 1943, you stated and collected, separately from the price you charged, the amount of any tax on the sale of food or beverage (or on the business of selling food or beverage if the tax is measured by the number or price of the meals, food items, or beverages), you may continue to do so. You may also state and collect separately the amount of any new tax or increase in a tax of that kind.

[1] 9 F.R. 1521.

SEC. 12. *Prohibitions.*—(a) (1) *Sales at higher than ceiling prices.* If you own or operate an eating or drinking establishment, you must not sell or offer any meal, food item, or beverage at a price higher than the ceiling price (maximum price) established by this regulation. Of course, you may charge lower prices than your ceiling prices at any time.

[Above paragraph designated (1); and (2) added by Am. 4, effective 8-27-45]

(2) You may not sell or offer to sell any meal, food item or beverage at a price higher than the price you filed for that meal, food item or beverage under General Order 50,[1] or under this regulation.

(b) *Evasive practices.* You must not do anything which will result in an evasion of this regulation, including the following:

(1) You may not drop food items from meals or reduce the quantity or quality of any meal, food item or beverage, unless you reduce your price accordingly. The rule for figuring the lower "in line" ceiling price is stated in subparagraph (2) of section 1 (b).

(2) You may not increase your price for a meal, food item or beverage because of an improvement in the quality or increase in the quantity of the food or beverage served or the addition or substitution of side dishes.

(3) You may not withdraw the offer, or increase the price, of any meal ticket, weekly rate, or other arrangement, by which customers may buy food for less than when they buy it by item or meal.

(4) You may not increase any cover, minimum, bread-and-butter, service, corkage, entertainment, checking, parking, or other special charges, or increase any extra charge for the sale of a food item or meal to be eaten off the premises, or make any of these charges that were not in effect on April 4 to 10, 1943. However, a cover or minimum charge in effect April 4 to 10, 1943, may be increased where it was your practice to vary the charge in accordance with the type of entertainment offered, and the increase does not cause the charge to go above the highest charge made in 1943 under the same conditions. If during April 4 to 10, 1943, you had any of the above charges on one or several days of the week or at certain times of the day, you may not make the charge on other days of the week or other times of the day.

(5) You may not drop a "no tipping" practice, unless you reduce your price accordingly.

(6) You may not require, as a condition of selling a meal, food item, or beverage, the purchase of other meals, food items, or beverages, unless expressly required to do so by State or local laws.

[1] 8 F.R. 4808.

(7) You may not reduce the selection of meals offered at table d'hote prices when the food items you customarily offered in such meals are being offered at a la carte prices which, when added together, total more than the table d'hote prices for the complete meals or give your customers less value for their money.

(8) You may not make merely a token offering of meals, food items, or beverages in required price ranges or price groups at or below your middle price group (see section 1 (g))—that is, not prepare and offer enough to meet expected demands.

SEC. 13. *Permitted practices.* You may do any of the following things when necessary because of rationing or allocation restrictions even though you did not do them during April 4 to 10, 1943:

(1) You may limit your customers to one pat of butter per meal, or eliminate it entirely. If you drop it altogether, you must serve with each meal a substitute, such as jam, jelly, marmalade, peanut butter, etc.;

(2) You may drop or reduce the quantity of condiments, such as ketchup, chili sauce, etc.;

(3) You may reduce the amount of sugar served with any beverage or food item;

(4) You may limit the amount of cream served with any food item or beverage or you may supply milk.

However, if you continue to serve these items as you did during April 4 to 10, 1943, or your first week of operation if you were not open then, you cannot make any additional charge for them.

SEC. 14. *Records*—(a) *Customary records.* You must preserve all your existing records relating to your prices, costs and sales. You must also continue to maintain such records as you ordinarily kept. All such records shall be subject to examination by the OPA.

(b) *Records of the base period.* You must keep available for examination by any person during business hours a copy of each menu used by you during April 4 to 10, 1943, or if you did not use menus, a list of the highest prices you charged during April 4 to 10, 1943 or your first week of operation if you were not open then.

(c) *Future records.* You must keep for examination by the OPA one of each of the menus used by you each day. If you did not use menus, you must prepare and preserve for examination a record of the prices charged by you each day except that you need not record prices which are the same as or less than the prices you previously recorded for the same meals, food items or beverages. If you customarily used menus, you must continue to use them.

[Paragraph (c) amended by Am. 4, effective 8-27-45]

SEC. 15. *Filing of menus.* (a) If you open for business after July 31, 1944, you must file with your War Price and Rationing Board, within three weeks after the first Sunday of operation, a copy of each menu, bill of fare, or other price list of meals, food items, and beverages, as well as a copy of any special charges, such as cover, minimum, bread-and-butter, service, corkage, entertainment, checkroom, and parking in use during the seven day period beginning with the first Sunday that your place was open for business. If you did not use menus, bills of fare, or price lists in that period, or if you did not list all meals, food items, or beverages then offered, you must file with the Board a list in menu form showing the prices which you charged during the seven-day period for meals, food items or beverages which are not shown on any menus, bills of fare or price lists, which you may file hereunder. Each menu or list so filed must be signed by you, and must also have upon it the name and address of your establishment. You must keep a copy of each such menu or list.

(b) *Failure to comply with filing requirements of General Order No. 50.* (1) If you have not filed signed, complete and correct menus, bills of fare, price lists, or records of special charge (such as cover, minimum, bread-and-butter, service, corkage, entertainment, checkroom, or parking charges) with your War Price and Rationing Board as was required by General Order No. 50, you must file them with your War Price and Rationing Board within ten days after the effective date of this regulation. Such prices as filed are subject to revision by the Office of Price Administration. A copy of the applicable filing provisions of General Order No. 50 may be found in Appendix B of this regulation. On or after August 27, 1945, you may not file corrections to the menus or price lists you filed pursuant to General Order No. 50 which increase the prices you filed.

(2) If you did not comply with the filing provisions of General Order No. 50 and do not do so within the ten days provided, you may not sell any meal, food item, or beverage or collect any special charge for which you have not made a filing with your local War Price and Rationing Board.

(3) If you fail to comply with the filing provisions of this paragraph (b) or if the Office of Price Administration finds that your prices filed under this paragraph (b) are excessive in relation to the ceiling prices of other comparable establishments in the same area, it may issue an order establishing ceiling prices for your business in line with the level of ceiling prices established by this regulation.

[Paragraph (b) amended by Am. 4, effective 8-27-45]

SEC. 16. *Posting*—(a) *Statement on menus.* Beginning July 31, 1944, each menu used by you must have clearly and plainly written on it, or attached to it, either the statement previously required under any Regional or District restau-

rant regulation, or the following statement:

All prices are our ceiling prices or below. The ceiling is based on prices charged by us from April 4 to 10, 1943. Our menus (or price lists) for that week are here for your inspection.

If your prices are established under section 3, substitute the following statement:

All prices are ceiling prices or below. By OPA regulation, our ceiling prices must be in line with competitive prices charged from April 4 to 10, 1943. Our menus (or price lists) for our first week of operation are here for your inspection.

(b) *Establishments that do not use menus.* If you do not use menus, you must post the appropriate statement quoted above at a place or places where it can easily be read by your customers, and you must also post your prices for meals and food items and beverages currently offered by you at a place or places where they can easily be read by your customers.

(c) *Posting of 40 basic items.* Each Office of Price Administration District Director is authorized and directed to issue a posting order requiring every eating and drinking establishment in his district to post its ceiling prices for 40 basic meals, food items, or beverages to be selected by him. The posting order shall conform substantially to the specimen order set forth in Appendix C. Posting orders need not be issued for the Metropolitan Area of San Francisco, Calif.; St. Charles, Missouri; Muskogee, Oklahoma; and Pulaski County, Arkansas, so long as the existing specific dollars and cents ceiling prices for food items and meals sold by eating and drinking establishments in those areas are in effect.

SEC. 17. *Adjustments.* (a) OPA may adjust the ceiling prices for any eating or drinking establishment under the following circumstances:

(1) The establishment is operating under such financial hardship as to cause a substantial threat to the continuance of its operations; and

(2) Such discontinuance will result in serious inconvenience to consumers in that they will either be deprived of all eating or drinking services or will have to turn to other establishments that present substantial difficulties as to distance, hours of service, selection of meals, food items or beverages offered, capacity, or transportation; and

(3) By reason of such discontinuance, the same meals, food items, or beverages will cost the customers of the eating or drinking establishment as much as or more than the proposed adjusted prices.

(b) If you are the proprietor of an eating or drinking establishment which satisfies the above requirements, you may apply for an adjustment of your maximum prices by submitting in duplicate to your OPA District Office a statement setting forth:

(1) Your name and address and the name and address of your establishment.

(2) A description of your eating establishment including: type of service rendered (such as cafeteria, table service, etc.), classes of meals offered (such as breakfast, lunch, and dinner), number of persons served per day during the most recent thirty-day period, and any other information which is necessary to describe your establishment and the nature and extent of your operation.

(3) The reasons why your customers will be seriously inconvenienced if you discontinue operations.

(4) The names and addresses of the three nearest eating places of the same type as yours.

(5) A list showing your present maximum prices and your requested, adjusted prices.

(6) Detailed profit and loss statements for the establishment for (i) a three-months period which ended not earlier than 90 days prior to the date of your application, (ii) a twelve-months period which ended not earlier than 90 days prior to the date of your application and (iii) the calendar or fiscal year approximating the year 1942.

[Subparagraph (6) amended by Am. 4, effective 8-27-45]

(7) Such other information as your OPA District Director may require.

(c) Applications for adjustment shall be filed in accordance with Revised Procedural Regulation No. 1.[5]

SEC. 18. *Exempt sales.* Sales of the following items, or sales by the following eating or drinking establishments, or persons, are specifically exempt from the provisions of this regulation:

[Above paragraph amended by Am. 1, 9 F.R. 9357, effective 7-31-44.]

(a) Hospitals, except for food items and meals served to persons other than patients if a separate charge is made for such meals and food items;

(b) Eating and drinking places operated by a school, college, university, or other educational institution or a student's fraternity or other students' organization or association primarily for the convenience or accommodation of students and faculty and not for profit as a commercial or business enterprise or undertaking;

(c) Eating and drinking places which do not sell to the general public and do not compete with commercial establishments and which are owned or operated by charitable, religious or cultural organizations recognized as such by the Bureau of Internal Revenue and exempt from payment of income tax by reason thereof, where no part of the net earnings inures to the benefit of any private shareholder or individual, and the net profits, if any, are devoted to religious, charitable or cultural purposes;

[Paragraph (c) amended by Am. 4, effective 8-27-45.]

(d) Eating cooperatives formed by officers in the Armed Forces (as, for example, Officers' Mess) operated without profit;

[9] 9 F.R. 10476, 13715.

(e) Bona fide clubs which file with their OPA District Office a statement setting forth that:

(1) The club is a non-profit organization and is recognized as such by the Bureau of Internal Revenue;

(2) It sells meals, food items or beverages, only to members and bona fide guests of members;

[Subparagraph (2) amended by Am. 4, effective 8-27-45]

(3) Its members pay dues of more than merely nominal amounts (the amount of dues paid by each class of members and the period covered by such dues should be indicated), and are elected to membership by a governing board, membership committee or other body;

(4) It is otherwise operated as a club and not primarily as an eating or drinking establishment.

If OPA finds that the establishment does not satisfy the above requirements of a bona fide club, it will notify it in writing that it is not exempt from this regulation.

No club organized after the effective date of this order shall be exempt unless and until it has filed a request for exemption with its District Office, furnishing the above information, as may be required, and has been exempted in writing by OPA.

(f) Milk when sold as a separate item for consumption off the premises and not as part of a meal. Such off-premise sales shall remain subject to the General Maximum Price Regulation or other applicable price regulations.

[Paragraph (f) added by Am. 1, 9 F.R. 9357, effective 7-31-44]

(g) Malt beverages in original containers, wines, liquors and other alcoholic beverages when sold as separate items for consumption off the premises and not as part of a meal. Such off-premise sales shall remain subject to the applicable price regulations.

[Paragraph (g) added by Am. 1 and amended by Am. 4, effective 8-27-45]

(h) Packaged distilled spirits or wines, regardless of whether the seal or "strip stamp" is broken, made by on-premise licensee to a purchaser who removes such distilled spirits or wines or any part thereof in any container from licensee's premises. Such sales shall remain subject to Maximum Price Regulation 445.[6]

[Paragraph (h) added by Am. 1]

SEC. 19. *Definitions and explanations.* (a) "Eating or drinking establishment" and "eating and drinking establishment" are used interchangeably and mean any place in which meals, food items, or beverages are sold and served primarily for consumption on or about the premises. The term includes but is not limited to restaurants, hotels (including room service), cafes, cafeterias, delicatessens, soda fountains, boarding houses, catering establishments, athletic stadiums, field kitchens, lunch wagons, hot dog carts, etc. Where an establishment carries on two or more distinct functions, one of which is the serving of food for consumption on the premises, only such sales are subject to this regulation.

[6] 10 F.R. 7444, 8241, 9395, 9626.

[Paragraph (a) amended by Am. 4, effective 8-27-45]

(b) "Beverage" means any drink listed in Part II of Appendix A of this regulation.

(c) "Food item" means an article or portion of food sold or served by an eating or drinking establishment to be eaten there or outside without change in form or additional preparation. It may include two or more kinds of food which are prepared or served to be eaten together as one dish, such as ham and eggs, bread and butter, apple pie and cheese.

(d) "Meal" means a combination of food items sold at a single price. Examples of meals are a five-course dinner, a club breakfast, and a blue-plate special. Two or more kinds of food prepared or served to be eaten together as one dish are not a "meal."

(e) "Offer" means offer for sale and includes the listing or posting of prices for meals, food items, or beverages, even though such meals, food items, and beverages so offered were not actually on hand to be sold.

(f) "OPA District Office" means the district office of the Office of Price Administration for the district in which your eating or drinking establishment is located.

(g) "OPA Regional Office" means the regional office of the Office of Price Administration for the region in which your eating or drinking establishment is located.

(h) "War Price and Rationing Board" means the War Price and Rationing Board of the Office of Price Administration for the area in which your establishment is located.

(i) "OPA" means the Regional, District or other properly authorized office of the Office of Price Administration.

[Paragraph (i) added by Am. 1]

(j) "Sell", "sale", etc., include the service of food or beverage for a consideration for consumption on or about the premises.

(k) "Nearest competitor of the same type" means the establishment located nearest to you, which is in close competition with you, and has approximately: the same seating capacity; similar physical characteristics; and serves the same type of meals with the same type of service.

(l) "Immediate neighborhood" means the area surrounding and in close proximity to your establishment, and having uniform physical characteristics.

(m) "Closely comparable establishment" means an establishment located in a similar neighborhood, having approximately: the same seating capacity; similar physical characteristics; and serving the same type of meals with the same type of service.

[Paragraphs (j), (k), (l), and (m) added by Am. 4, effective 8-27-45]

SEC. 20. *Violations.*—(a) *License suspension.* The provisions of Licensing Order No. 1[7] licensing all persons who make sales under price control apply to you. Your license may be suspended for violation of the provisions of any applicable price regulation. If your license is suspended, you may not, during the period of suspension, make any sale for which your license has been suspended.

(b) *Civil and criminal action.* If you violate any provisions of this regulation, you are subject to the criminal penalties, civil enforcement actions, licensing suspension proceedings, and suits for treble damages provided by the Emergency Price Control Act of 1942, as amended.

SEC. 21. *Petitions for amendment.* If you seek a change in this regulation affecting eating and drinking establishments generally, you may file a petition for amendment in accordance with Revised Procedural Regulation No. 1.

SEC. 22. *Authority of Local War Price and Rationing Boards.* Each Regional Administrator may instruct any or all of the War Price and Rationing Boards in his region to receive complaints from the public, investigate prices charged by proprietors, hold hearings on prices charged by proprietors either on complaint or on its own motion, make appropriate recommendations to its District Office, and exercise any other authority granted to them by the Price Administrator.

[Sec. 22 amended by Am. 1, 9 F.R. 9357, effective 7-31-44]

SEC. 23. *Delegation of authority.* Each Regional Administrator, and each District Director so authorized by his Regional Administrator, may establish, approve, disapprove, revise, or adjust maximum prices or act with respect to exemptions of bona fide clubs in accordance with the appropriate provisions of sections 1 (b) (2), 3, 4, 5, 8, 15, 17, and 18 of this regulation.

[Sec. 23 amended by Am. 1, 9 F.R. 9357, effective 7-31-44 and Am. 4, effective 8-27-45]

SEC. 24. *Special orders.* The Price Administrator may from time to time authorize any Regional Administrator or District Director to issue special orders establishing ceiling prices for meals, food items, and beverages which, when issued, will supersede and take the place of this regulation with respect to the sales covered by such orders.

SEC. 25. *Relation to other price regulations.* (a) This regulation supersedes and takes the place of all restaurant regulations issued by OPA Regional Administrators or District Directors. Since this regulation keeps many of the same basic pricing provisions, most of your ceiling prices under it will be the same as those you properly established under these restaurant regulations. This regulation shall not supersede Revised Maximum Price Regulation 319,[8] Certain Bakery Products. It shall, however, supersede and take the place of all other price regulations insofar as they establish ceiling prices for food and drink sold in eating and drinking establishments for immediate consumption on or about the premises or put up to take out for consumption without further preparation. However, any price you charged during April 4 to 10, 1943 (or other appropriate base period) shall not be your ceiling price if it exceeded your ceiling price under any other regulation applicable at that time.

[Paragraph (a) amended by Am. 1]

(b) Supplementary Order No. 79[9] is hereby revoked.

(c) Except with respect to orders heretofore issued fixing specific dollars and cents ceiling prices for meals, food items and beverages and with respect to amendments to such orders which have been or may be issued, the authority delegated to Regional Administrators and District Directors under paragraph (e) of General Order No. 50 to fix maximum prices for meals, food items and beverages is hereby withdrawn.

(d) Except for coffee, this regulation does not supersede (1) any order heretofore issued by Regional Administrators or District Directors fixing specific dollars-and-cents ceiling prices for meals, food items, or beverages; (2) ceiling prices specifically established in orders heretofore issued granting applications for adjustment under restaurant regulations issued by the Regional Administrators or District Directors, or (3) Restaurant Maximum Price Regulation No. 1;[10] or (4) Supplementary Order No. 80.[11]

SEC. 26. *Geographical application.* This regulation applies to the 48 States of the United States and the District of Columbia.

This regulation shall become effective July 31, 1944.

[Restaurant Maximum Price Regulation 2 originally issued June 29, 1944]

[Effective dates of amendments are shown in notes following parts affected]

NOTE: The reporting and record-keeping requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

APPENDIX A—GROUPS OF FOOD ITEMS, ENTREES, AND BEVERAGES

The groups of food items, beverages, or entree (main dish) of the meal are as follows:

I. *Food items or entree of meals:*

1. Fruit juices, vegetable juices, and similar items.
2. Appetizers, all types except alcoholic, fruit juices, vegetable juices, etc.
3. Cereals.

[7] 8 F.R. 13240.

[8] 10 F.R. 3545.

[9] 8 F.R. 16738, 17277.

[10] 8 F.R. 8845, 12557, 15254, 10 F.R. 2435.

[11] 9 F.R. 3338, 3581.

4. Eggs and combination egg dishes.
5. Bread, rolls, buns, toast, doughnuts, and similar items.
6. Jam, jellies, preserves, condiments, and similar items.
7. Griddle cakes, waffles, and similar items.
8. Soups, including jellied soups.
9. Steaks; T-bone, sirloin, porterhouse, tenderloin, and prime rib of beef.
10. Beef; steaks other than class 9, roasts, pot roasts, hamburgers, ground beef items, and similar items.
11. Veal; steaks, cutlets, chops, roasts, and similar items.
12. Pork; steaks, chops, ham, roasts, and similar items, except when served with eggs.
13. Lamb or mutton; chops, roasts, and similar items.
14. Prepared dishes such as stews, casseroles, meat pies, ragouts, curries, and similar items.
15. Miscellaneous and variety meats, such as livers and kidneys, and similar items.
16. Chicken; including broiled, fried, fricasee, creamed, and similar items.
17. All other poultry, including roast chicken.
18. Game.
19. Fish.
20. Shell fish, including seafood platters and related stews.
21. All other prepared dishes, such as spaghetti and combinations, vegetable platter, baked beans and combinations, and Welsh Rarebit.
22. Chop suey, chow mein, and other Chinese foods.
23. Vegetables and salads, served as side dishes.
24. Salads served as main course in meal.
25. Cake, cookies, pies, pastries, and other baked goods.
26. Ice cream, sherbets, water ices, including combinations with syrup, cream, sodas, sundaes, milk shakes, and other soda fountain items including ice cream.
27. Seasonal specialties; including but not limited to watermelons, cantaloupes, fresh fruits and fresh berries.
28. Fruits, puddings, cheese, and other dessert items.
29. Sandwiches with or without garnishings, salads, and vegetables.

[Item 29 amended by Am. 4, effective 8-27-45]

30. Cold cut platters with or without garnishings, salads and vegetables.
31. Coffee, cocoa, chocolate, tea, milk, postum, and similar items, served hot or cold.

[Item 31, formerly 32, redesignated by Am. 4, effective 8-27-45. Former item 31 deleted by Am. 4]

II. Beverages:
1. Non-alcoholic beverages, including soft drinks not containing ice cream, sparkling and mineral waters.
2. Bottled malt beverages including beer, ale, near-beer, and similar beverages.
3. Draft malt beverages.
4. Wines, including sparkling wines, sold by the drink.
5. Bottled wines, including sparkling wines.
6. Cordials, including fruit liquors sold by the drink.
7. Bottled cordials, including fruit liquors.
8. Liquors, including whiskeys, gins, rums, brandies sold by the drink.
9. Bottled liquors, including whiskeys, gins, rums, brandies.
10. All other alcoholic beverages, including mixed drinks and cocktails sold by the drink.
11. All other bottled alcoholic beverages, including mixed drinks and cocktails.

[Appendix A, II amended by Am. 1]

APPENDIX B—FILING PROVISIONS OF GENERAL ORDER 50

General Order No. 50 contained the following filing provisions:

(a) *Filing of menus.* On or before May 1, 1943, every proprietor of a restaurant, hotel, cafe, dining car, bar, delicatessen, soda fountain, catering business, or other eating or drinking place, shall file with the War Price and Rationing Board for the area in which each of his places is located a true copy of each menu, bill of fare, or other price list of food items, including beverages, and meals (called "menu") in use at that place during the seven-day period beginning Sunday, April 4, 1943 and ending April 10, 1943. If no menu was in use in that period, or if the menus in use did not list all food items or meals then offered, the "proprietor" shall file with the Board a list in menu form showing the prices which he charged during the seven-day period for food items or meals which are not shown on any menus he may file hereunder. Each menu or list so filed shall be signed by the proprietor or by one of his responsible officers or employees. A copy of each such menu or list shall be retained by the proprietor.

(b) *Filing by new proprietors.* The proprietor of an eating or drinking place which was not open during all of the seven-day period (including newly-opened places) shall file menus or a price list in accordance with paragraph (a), except that (1) the filing shall be for the seven-day period beginning with the first Sunday that place is open after April 4, 1943, and (2) the filing shall be made within three weeks of such first Sunday.

APPENDIX C—MODEL FOR DISTRICT POSTING ORDER

OFFICE OF PRICE ADMINISTRATION

————District Office, Region——

Order No. —— Under Restaurant Maximum Price Regulation No. 2

POSTING ORDER

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the District Director of the ———— District Office of the Office of Price Administration by section 16 of Restaurant Maximum Price Regulation No. 2, it is hereby ordered:

SECTION 1. *Posting requirements.* If you own or operate an eating or drinking establishment, you must, on or before August 16, 1944, show on a poster to be supplied by the Office of Price Administration, your lawful ceiling prices for 40 food items, and meals, as set forth in this order.

(a) First list on the poster as many of the food items and meals listed in Appendix A of this order, as you offer for sale and your ceiling prices for each. If you find in Appendix A several tables of food items and meals, choose the table most applicable to your establishment.

(b) If you do not offer all the 40 items listed in the applicable table in Appendix A, list first those which you do offer, placing them on the poster in the order in which they appear in Appendix A. Then add as many other items which you usually offer to bring the total number to 40, with your ceiling price for each item.

(c) If you do not offer as many as 40 items, place on the poster all the items which you do offer and your ceiling price for each.

(d) List a la carte items first. In listing meals, list the entree and then indicate the type of meal, for example, steak dinner, leg of lamb dinner, filet of sole lunch, vegetable plate luncheon.

(e) The list of individual items may be printed or hand lettered in ink on the poster in letters large enough so that it can be easily read by your customers.

(f) You must place the poster near the main entrance of your establishment, or in a conspicuous place so that it will be plainly visible to your customers.

SEC. 2. *Filing of lists of posted prices.* When you have made up the list of food items and meals to be posted and your lawful ceiling price for each, you must make three copies of this list, and send or deliver it to your local War Price and Rationing Board on or before August 21, 1944. Each copy must be clear and legible, dated and signed by the owner or manager of your establishment, with the name and address of the establishment following the signature.

The War Price and Rationing Board shall check this list with your filed ceiling prices. If the prices check, the Board shall make a notation to this effect on one copy of the list and return it to you. You shall keep this copy in your establishment, and make it available for examination by any person during business hours.

If the prices on your list do not completely check with your filed ceiling prices, the Board will call you in for a conference, so that corrections can be made.

SEC. 3. *Replacement of posters.* If a poster is mutilated or becomes badly soiled or otherwise damaged, it must be replaced by a new one which may be obtained from your War Price and Rationing Board upon presentation of the damaged poster. Erasures or changes of prices listed on the poster are prohibited. The new poster must be filled out exactly like the old one. Large establishments may receive extra posters.

SEC. 4. *Geographical applicability.* The provisions of this order extend to all eating and drinking establishments located within the ———— District of the Office of Price Administration.

SEC. 5. *Exemptions.* All establishments which are exempted from the provisions of Restaurant Maximum Price Regulation No 2 are exempted from this order.

This order shall become effective August 9, 1944.

NOTE: The reporting and record-keeping provisions of ———— have been approved by the Bureau of the Budget, in accordance with the Federal Reports Act of 1942.

(56 Stat. 23, 765; 57 Stat. 566; Pub. Law 383, 78th Cong.; Pub. Law 108, 79th Cong.; E.O. 9250, 7 F.R. 7871, E.O. 9328, 8 F.R. 4681)

Issued this day of July 1944.

————————
District Director.

Issued this 21st day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-15474; Filed, Aug. 21, 1945; 11:46 a. m.]

PART 1400—TEXTILE FABRICS: COTTON, WOOL, SILK, SYNTHETICS AND ADMIXTURES

[MPR 118,[1] Amdt. 35]

COTTON PRODUCTS

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.

Section 1400.104 is amended to read as follows:

§ 1400.104 *Wholesalers, jobbers, and retailers.* (a) Except as provided in paragraph (b) of this section or as specific maximum prices for sales by persons other than producers may be provided in § 1400.118, the provisions of this Maximum Price Regulation No. 118 are not applicable:

(1) To sales and deliveries of cotton products in the performance of a recognized distributive function[2] by any wholesaler, jobber, or retailer not controlling, controlled by, or under common control with the producer;[3]

(2) To sales and deliveries of laundry textiles and laundry textile products to laundries and linen-supply houses by Rockweave Division, Callaway Mills, La Grange, Georgia;

(3) To retail sales[4] of cotton products by the producer thereof through a retail establishment owned, maintained and regularly operated by such producer prior to May 4, 1942; or

(4) To sales and deliveries of cotton products by a jobber or wholesaler to a job finisher[5] solely for use as back-greys or for other like operating purposes, if (i) during the year 1941 the job finisher making the purchase acquired the majority of this type of his operating supplies from jobbers or wholesalers or (ii) the job finisher began business subsequent to the year 1941 and certifies to his supplier that he is unable to purchase these cotton products from a producer.

(b) Notwithstanding the provisions of paragraph (a) above, the maximum prices established herein for producers shall apply to sales and deliveries by any person to a converter or (except as provided in paragraph (a) (4) above) to a finisher.

This amendment shall become effective August 20, 1945.

Issued this 20th day of August 1945.

JAMES G. ROGERS, JR.,
Acting Administrator.

[F. R. Doc. 45-15416; Filed, Aug. 20, 1945; 4:53 p. m.]

[1] 8 F.R. 12186, 12934; 9 F.R. 401, 10089, 10925, 14211, 14383, 14676; 10 F.R. 705, 1287, 1292, 2020.

[2] No sale is made in the performance of a recognized distributive function, within the meaning of this Maximum Price Regulation No. 118 unless it advances the goods sold to the next stage of distribution. Presumptively, sales by one jobber to another, or by one manufacturer to another, engaged in the same type of business, are not sales in the performance of a recognized distributive function.

[3] The term "producer," as used herein, includes converter, finisher or fabricator.

[4] The term "retail sales," as used herein, means sales in small quantities to ultimate consumers for direct household consumption, and not for further processing or resale in any form.

[5] The term "job finisher", as used herein, includes "job dyer" and "job printer".

PART 1364—FRESH, CURED AND CANNED MEAT AND FISH PRODUCTS

[RMPR 507,[1] Amdt. 4]

CEILING PRICES OF CERTAIN FRESH AND FROZEN FISH AND SEAFOOD SOLD AT RETAIL

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.

Revised Maximum Price Regulation No. 507 is amended in the following respects:

1. In Table A–I of section 26, items (8), (13), (15), (19), (21), (22), (23), (24), (29), (30), (37), (38), (39), (40) and (41) are amended, and new items (52), (53) and (54) are added to read as follows:

CENTS-PER-POUND MARK-UPS OVER "NET COST" ALLOWED TO RETAILERS FOR FISH AND SEAFOOD COVERED BY THIS REGULATION, BY SPECIES, FOR THE MONTHS OF APRIL, MAY, JUNE, JULY, AUGUST AND SEPTEMBER

	Whole fish sold on gross weight basis and prepared to customer's order[1]		Fillets, cuts and steaks sold as purchased[1]	
	Groups 1 and 2	Groups 3 and 4	Groups 1 and 2	Groups 3 and 4
I. FRESH FISH *Kind of fish*	*Cents per pound*	*Cents per pound*	*Cents per pound*	*Cents per pound*
8. Hake, Mud	7	6	9	6
13. Sole, Lemon	9	7	12	12
15. Whiting	8	6	9	6
19. Cod, True, Pacific	8	6	10	7
21. Halibut	10	8	10	8
22. Ling Cod, Pacific	9	7	10	7
23. Rock (Red) Cod, Pacific	9	7	10	7
24. Sablefish	9	7	10	7
29. Salmon, Silver	10	8	10	8
30. Salmon, Steelhead	10	8	9	7
37. Tuna, Albacore	11	10	11	9
38. Tuna, Bluefin	10	8	10	7
39. Tuna, Skipjack, Striped	10	8	10	7
40. Tuna, Yellowfin	10	8	10	7
41. Yellowtail, Pacific	9	8	9	7
52. Bonita, Pacific	9	8	9	7
53. Skate	8	6		
54. Eel, Conger (Ocean Pout)	8	6	9	6

[1] Retailers processing these items prior to offering for sale at retail, who price in accordance with section 15, shall use these tables.

2. In Table A–II of section 26, item (2) is amended to read as follows:

FRESH SEAFOOD SOLD AS PURCHASED[1]

	Groups 1 and 2	Groups 3 and 4
II. FRESH SEAFOOD *Kind of seafood*	*Cents per pound*	*Cents per pound*
2. Scallops, Sea	12	10

[1] Retailers processing these items prior to offering for sale at retail, who price in accordance with section 15, shall use these tables.

3. In Table A–III of section 26, item (74) is redesignated as item (82), items (1), (10), (13), (17), (18), (22), (30), (31), (32), (33), (34), (51), (54), (62) and (69) are amended, and new items (74), (75), (76), (77), (78), (79), (80), and (81) are added, to read as follows:

[1] 9 F.R. 14601; 10 F.R. 2299, 3694, 7340.

CENTS-PER-POUND MARK-UPS OVER "NET COST" ALLOWED TO RETAILERS FOR FISH AND SEAFOOD COVERED BY THIS REGULATION, BY SPECIES, FOR THE MONTHS OF JANUARY THROUGH DECEMBER

	Whole fish sold on gross weight basis and prepared to customer's order[1]		Fillets, cuts and steaks sold as purchased[1]	
	Groups 1 and 2	Groups 3 and 4	Groups 1 and 2	Groups 3 and 4
III. FROZEN FISH *Kind of fish*	*Cents per pound*	*Cents per pound*	*Cents per pound*	*Cents per pound*
1. Blackback	8	6	9	7
10. Sole, Grey	8	6	10	9
13. Whiting	7	5	8	5
17. Cod, True, Pacific	8	6	9	6
18. Flounder, Pacific	7	6	9	6
22. Sablefish	8	6	9	6
30. Sole, Dover	7	6	9	6
31. Sole, English	7	6	9	6
32. Sole, Petrale	8	6	9	6
33. Sole, Sand	7	6	9	6
34. Sole, Turbot	7	6	9	6
51. Eel, Conger (Ocean Pout)	7	5	8	5
54. Mackerel, Atlantic	8	6	8	6
62. Sea Bass, White	9	7	10	10
69. Sole, Rex	7	5	9	6
74. Hake, Mud	7	5	9	6
75. Tuna, Albacore	10	9	10	8
76. Tuna, Bluefin	9	7	9	6
77. Tuna, Skipjack, Striped	9	7	9	6
78. Tuna, Yellowfin	9	7	9	6
79. Bonita, Pacific	8	7	8	6
80. Yellowtail, Pacific	8	7	8	6
81. Smelts, Columbia River Eulachon	8	6		

[1] Retailers processing these items prior to offering for sale at retail, who price in accordance with section 15, shall use these tables.

4. In Table A–IV of section 26, item (2) is amended to read as follows:

FROZEN SEAFOOD SOLD AS PURCHASED[1]

	Groups 1 and 2	Groups 3 and 4
IV. FROZEN SEAFOOD *Kind of seafood*	*Cents per pound*	*Cents per pound*
2. Scallops, Bay	13	12

[1] Retailers processing these items prior to offering for sale at retail, who price in accordance with section 15, shall use these tables.

This amendment shall become effective August 27, 1945.

Issued this 21st day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-15472; Filed, Aug. 21, 1945; 11:46 a. m.]

PART 1439—UNPROCESSED AGRICULTURAL COMMODITIES

[MPR 426,[1] Amdt. 139]

FRESH FRUITS AND VEGETABLES FOR TABLE USE, SALES EXCEPT AT RETAIL

A statement of the considerations involved in the issuance of this amendment has been issued and filed with the Division of the Federal Register.

[1] 10 F.R. 7403, 7500, 7539, 7578, 7668, 7683, 7779, 8021, 8069, 8239, 8238, 8467, 8611, 8657, 8905, 8936, 9023, 9023, 9023, 9118, 9119.

In Appendix K, Table 3 (Maximum prices for apples), footnote reference 4 is deleted from items 1, 12, 23, 34, 45 and 54 in Column 5 and added to the heading of Column 5 and footnote 4 is amended to read as follows:

"During the period beginning August 20 and ending September 30, 1945, the Column 5 prices shall be as follows:

	For apples known in California, Idaho, Montana, Oregon and Washington	For all other apples
Item 2 (box or bushel)	$3.19	$3.85
Item 13 (barrel)	9.57	11.55
Item 24 (graded and packed in certain containers, per pound)	.0709	.0856
Item 35 (graded in bulk, per pound)	.0624	.0771
Item 46 (tree-run in containers, per pound)	.0569	.0716
Item 55 (tree-run in bulk, per pound)	.0529	.0676

This amendment shall become effective 12:01 a. m., August 20, 1945.

Issued this 20th day of August 1945.

JAMES G. ROGERS, Jr.,
Acting Administrator.

Approved: August 20, 1945.

CLINTON P. ANDERSON,
Secretary of Agriculture.

[F. R. Doc. 45-15418; Filed, Aug. 20, 1945; 4:52 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Rev. SR 11, Amdt. 61]

COAL SERVICES

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.

Section 1499.46 (b) is amended by adding a new sub-paragraph to read as follows:

(150) Services in connection with the purchase of coal by the Procurement Division of the Treasury Department from producers to be supplied under Directives of the Solid Fuels Administration for War for shipment to foreign governments where such services include the pre-payment of the cost of the coal, the pre-payment of transportation costs, the assumption of railroad car demurrage, the issuance of shipping instructions, the coordination of traffic movements, the rendering of any and all services necessary to the assembly and, where needed, of the blending of the cargoes so as to meet the requirements of the foreign government concerned.

This amendment shall become effective as of August 15, 1945.

Issued this 20th day of August 1945.

JAMES G. ROGERS, Jr.,
Acting Administrator.

[F. R. Doc. 45-15414; Filed, Aug. 20, 1945; 4:52 p. m.]

TITLE 49—TRANSPORTATION AND RAILROADS

Chapter II—Office of Defense Transportation

[General Order ODT 48, Revocation]

PART 501—CONSERVATION OF MOTOR EQUIPMENT

FLUID-FOOD TRANSPORT MOTOR EQUIPMENT

Pursuant to Executive Orders 8989, as amended, and 9156, General Order ODT 48, §§ 501.460 to 501.470, inclusive (10 F.R. 706) is hereby revoked effective August 17, 1945.

(E.O. 8989, as amended, 6 F.R. 6725, 8 F.R. 14183; E.O. 9156, 7 F.R. 3349)

Issued at Washington, D C., this 17th day of August 1945.

J. M. JOHNSON,
Director,
Office of Defense Transportation.

[F. R. Doc. 45-15439; Filed, Aug. 21, 1945; 11:02 a. m.]

[Administrative Order ODT 24, Revocation]

PART 503—ADMINISTRATION

PROCEDURES AND DELEGATION OF AUTHORITY CONCERNING RATIONING OF FUEL OIL FOR USE IN WATER CRAFT

Pursuant to Executive Order 8989, as amended, Administrative Order ODT 24, §§ 503.430 to 503.434 (9 F.R. 4402), is hereby revoked effective August 21, 1945.

(E.O. 8989, as amended, 6 F.R. 6725, 8 F.R. 14183)

Issued at Washington, D. C., this 21st day of August 1945.

J. M. JOHNSON,
Director,
Office of Defense Transportation.

[F. R. Doc. 45-15438; Filed, Aug. 21, 1945; 11:02 a. m.]

Notices

CIVIL AERONAUTICS BOARD.

[Docket No. 489 et al.]

EASTERN AIR LINES, ET AL.; FLORIDA CASE

NOTICE OF POSTPONEMENT OF ORAL ARGUMENT

In the matter of the applications of Eastern Air Lines, et al., for certificates of public convenience and necessity and amendments of certificates under section 401 of the Civil Aeronautics Act of 1938, as amended.

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, particularly sections 401 and 1001 of said act that oral argument in the above-entitled proceeding assigned to be held on September 5, 1945, is hereby postponed to September 17, 1945, at 10 a. m. (eastern war time) in Room 5042, Commerce Building, 14th Street and Constitution Avenue, N. W., Washington, D. C., before the Board.

Dated: Washington, D. C., August 14, 1945.

By the Civil Aeronautics Board.

FRED A. TOOMES,
Secretary.

[F. R. Doc. 45-15437; Filed, Aug. 21, 1945; 10:37 a. m.]

INTERSTATE COMMERCE COMMISSION.

[S. O. 70-A, Special Permit 1027]

RECONSIGNMENT OF POTATOES AT MINNEAPOLIS, MINN.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph (95.35, 8 F.R. 14624) of Service Order No. 70-A of October 22, 1943, permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard entirely the provisions of Service Order No. 70-A insofar as it applies to the reconsignment at Minneapolis, Minnesota, August 17, 1945, by Alfred Broback and Company, of car NP 94531, potatoes, now on the Northern Pacific Railroad, to Chicago, Illinois.

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 17th day of August 1945.

V. C. CLINGER,
Director,
Bureau of Service.

[F. R. Doc. 15-15441; Filed, Aug. 21, 1945; 11:08 a. m.]

[2d Rev. S. O. 300, Special Permit 39]

REFRIGERATION AND ICING OF POTATOES FROM GREENPORT, LONG ISLAND, N. Y.

Pursuant to the authority vested in me by paragraph (e) of the first ordering paragraph of Second Revised Service Order No. 300 (10 F.R. 6802), permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard the provisions of Second Revised Service Order No. 300 insofar as it applies to the furnishing of standard refrigeration on cars BREX 74804, WFE 62355, WFE 61918, and FGE 50184, potatoes, shipped August 14, 1945, from Greenport, L. I., New York, consigned to Sidney Alterman, Port Everglades, Florida (LI-PRR-Sou-FEC) for export to Cuba and to the furnishing of initial icing and one reicing in transit only on car URTX 7231, potatoes, shipped August 13, 1945, from Greenport, L. I., New York, consigned to Riggs & Company, East Liverpool, Ohio (LI-PRR), all five cars shipped by F. H. Vahising, Inc., also PFE 96803 shipped August 14 to N. Geraci, Tampa, Florida, from Greenport, L. I., standard refrigeration.

The waybills shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 14th day of August 1945.

V. C. CLINGER,
Director,
Bureau of Service.

[F. R. Doc. 45-15442; Filed, Aug. 21, 1945; 11:08 a. m.]

[S. O. 323, Gen. Permit 2]

PRE-ICING OF CITRUS FRUITS IN REFRIGERATOR CARS SHIPPED BY OR FOR U. S. ARMY OR NAVY

Pursuant to the authority vested in me by paragraph (e) of the first ordering paragraph of Service Order No. 323 (10 F.R. 8143), permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard the provisions of Service Order No. 323 insofar as it applies to the pre-icing of citrus fruits in refrigerator cars shipped by or for the U. S. Army or Navy for export.

Effective 12:01 a. m., August 15, 1945.

The waybills shall show reference to this general permit.

A copy of this general permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 14th day of August 1945.

V. C. CLINGER,
Director,
Bureau of Service.

[F. R. Doc. 45-15443; Filed, Aug. 21, 1945; 11:08 a. m.]

[S. O. 332, Special Permit 6]

LOADING OF PERISHABLES IN ARIZONA AND CALIFORNIA

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph of Service Order No. 332 (10 F.R. 8603), permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard the provisions of Service Order No. 332 insofar as it applies to the loading of perishable commodities only at points in the States of Arizona and California on August 15 or 16, 1945, only.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 15th day of August 1945.

V. C. CLINGER,
Director,
Bureau of Service.

[F. R. Doc. 45-15444; Filed; Aug. 21, 1945; 11:08 a. m.]

[Rev. S. O. 345, Special Permit 1]

REFRIGERATION OF POTATOES RECONSIGNED FROM CHICAGO, ILL.

Pursuant to the authority vested in me by paragraph (e) of the first ordering paragraph of Revised Service Order No. 345 (10 F.R. 10034), permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard the provisions of Revised Service Order No. 345 insofar as it applies to the furnishing of standard refrigeration on cars PFE 42619, PFE 52505 and NP 92217, potatoes, reconsigned from Chicago, Illinois, August 13 and 14, 1945, by Plowaty Bergart Company, to themselves at Atlanta, Georgia, where they will be reconsigned to Roger McNeigh at Port Everglades, Florida, for export to Cuba (routed I. C. to Martin, Tenn.-NC-&StL to Atlanta—ABC-ACL-FEC).

The waybills shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 14th day of August 1945.

V. C. CLINGER,
Director,
Bureau of Service.

[F. R. Doc. 45-15445; Filed, Aug. 21, 1945; 11:08 a. m.]

[Rev. S. O. 345, Special Permit 2]

REICING OF POTATOES AT KANSAS CITY, MO.-KANS.

Pursuant to the authority vested in me by paragraph (g) of the first ordering paragraph of Service Order No. 345 (10 F.R. 10034), permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard the provisions of Revised Service Order No. 345 insofar as it applies to the furnishing of one reicing in transit only with not to exceed eight thousand (8,000) pounds of bunker ice per car, at Kansas City, Mo.-Kan. (on the C. R. I. & P. RR), on cars NP 92930 and PFE 94665, potatoes, not later than August 20, 1945, as ordered by Pacific Coast Fruit Distributors, Los Angeles, California.

The waybills shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 17th day of August 1945.

V. C. CLINGER,
Director,
Bureau of Service.

[F. R. Doc. 45-15446; Filed, Aug. 21, 1945; 11:08 a. m.]

[Rev. S. O. 346, Gen. Permit 1]

ICING OF VEGETABLES SHIPPED BY OR FOR U. S. ARMY OR NAVY

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph of Revised Service Order No. 346 (10 F.R. 10035), permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard the provisions of Revised Service Order No. 346 insofar as it applies to the retop icing of refrigerator cars loaded with vegetables shipped by or for the U. S. Army or Navy from California to west coast ports for export.

Effective 12:01 a. m. August 15, 1945.

The waybills shall show reference to this general permit.

A copy of this general permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 14th day of August 1945.

V. C. CLINGER,
Director,
Bureau of Service.

[F. R. Doc. 45-15447; Filed, Aug. 21, 1945; 11:08 a. m.]

[Rev. S. O. 346, Special Permit 1]

ICING OF LETTUCE AT EL PASO, TEX., AND KANSAS CITY, KANS.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph of Revised Service Order No. 346 (10 F. R. 10035), permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard the provisions of Revised Service Order No. 346 insofar as it applies to the retop icing at El Paso and Kansas City with not to exceed 8,000 pounds retop ice at each station on cars of lettuce MDT 5234, WFE 62014, PFE 94533, RD 36624, ART 17532, and WFE 63328 originating at Salinas, California, August 11, routed Sou. Pac.-Tucumcari-CRI&P.

The waybills shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 14th day of August 1945.

V. C. CLINGER,
Director,
Bureau of Service.

[F. R. Doc. 45-15448; Filed, Aug. 21, 1945; 11:08 a. m.]

[Rev. S. O. 346, Special Permit 2]

REFRIGERATION OF VEGETABLES FROM POINTS ON SAN LUIS VALLEY SOUTHERN RAILWAY

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph of Revised Service Order No. 346 (10 F.R. 10035), permission is granted for the San Luis Valley Southern Railway Company, a common carrier by railroad subject to the Interstate Commerce Act:

To disregard the provisions of Revised Service Order No. 346 insofar as it applies to the furnishing of refrigeration, at points on The San Luis Valley Southern Railway Company only, on refrigerator cars loaded with vegetables shipped from points on The San Luis Valley Southern Railway Company only.

This permit shall become effective at 12:01 a. m., August 18, 1945.

The waybills shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 17th day of August 1945.

V. C. CLINGER,
Director,
Bureau of Service.

[F. R. Doc. 45-15449; Filed, Aug. 21, 1945; 11:09 a. m.]

OFFICE OF DEFENSE TRANSPORTATION.

[Supp. Order ODT 3, Rev. 256, Revocation]

MASSACHUSETTS

COORDINATED OPERATIONS OF CERTAIN CARRIERS

Upon consideration of an application for revocation of Supplementary Order ODT 3, Revised-256 (9 F.R. 9305), filed with the Office of Defense Transportation by carriers subject thereto, and good cause appearing therefor,

It is hereby ordered, That Supplementary Order ODT 3, Revised-256, be, and it hereby is, revoked, effective August 13, 1945.

Issued at Washington, D. C., this 13th day of August 1945.

GUY A. RICHARDSON,
Director,
Highway Transport Department,
Office of Defense Transportation.

[F. R. Doc. 45-15393; Filed, Aug. 20, 1945; 4:36 p. m.]

[Supp. Order ODT 3, Rev. 769]

CHICAGO, ILL., AND KALAMAZOO, MICH.

COORDINATED OPERATIONS OF CERTAIN CARRIERS

Upon consideration of a plan for joint action filed with the Office of Defense Transportation by the persons named in Appendix 1 hereof to facilitate compliance with the requirements and purposes of General Order ODT 3, Revised, as amended (7 F.R. 5445, 6689, 7694; 8 F.R. 4660, 14582; 9 F.R. 2793, 3264, 3357, 6778), a copy of which plan is attached hereto as Appendix 2,[1] and

It appearing that the proposed coordination of operations is necessary in order to assure maximum utilization of the facilities, services, and equipment, and to conserve and providently utilize vital equipment, materials, and supplies, of the carriers, and to provide for the prompt and continuous movement of necessary traffic, the attainment of which purposes is essential to the successful prosecution of the war, *It is hereby ordered*, That:

1. The plan for joint action above referred to is hereby approved and the carriers are directed to put the plan in operation forthwith, subject to the following provisions, which shall supersede any provisions of such plan that are in conflict therewith.

2. Each of the carriers forthwith shall file a copy of this order with the appropriate regulatory body or bodies having jurisdiction over any operations affected by this order, and likewise shall file, and publish in accordance with law, and continue in effect until further order, tariffs or supplements to filed tariffs, setting forth any changes in rates, charges, operations, rules, regulations, and practices of the carrier which may be necessary to accord with the provisions of this order and of such plan; and forthwith shall apply to such regulatory body or bodies for special permission for such tariffs or supplements to become effective on the shortest notice lawfully permissible, but not prior to the effective date of this order.

3. Whenever transportation service is performed by one carrier in lieu of service by another carrier, by reason of a diversion, exchange, pooling, or similar act made or performed pursuant to the plan for joint action hereby approved, the rates, charges, rules, and regulations governing such service shall be those that would have applied except for such diversion, exchange, pooling, or other act.

4. The provisions of this order shall not be so construed or applied as to require any carrier subject hereto to perform any service beyond its transportation capacity, or to authorize or require any act or omission which is in violation of any law or regulation, or to permit any carrier to alter its legal liability to any shipper. In the event that compliance with any term of this order, or effectuation of any provision of such plan, would conflict with, or would not be authorized under, the existing interstate or intrastate operating authority of any carrier subject hereto, such carrier forthwith shall apply to the appropriate regulatory body or bodies for the granting of such operating authority as may be requisite to compliance with the terms of this order, and shall prosecute such application with all possible diligence. The coordination of operations directed by this order shall be subject to the carriers' possessing or obtaining the requisite operating authority.

5. All records of the carriers pertaining to any transportation performed pursuant to this order and to the provisions of such plan shall be kept available for examination and inspection at all reasonable times by accredited representatives of the Office of Defense Transportation.

6. Withdrawal of a carrier from participation in the plan for joint action hereby approved shall not be made without prior approval of the Office of Defense Transportation.

7. The provisions of this order shall be binding upon any successor in interest to any carrier named in this order. Upon a transfer of any operation involved in this order, the successor in interest and the other carriers named in this order forthwith shall notify, in writing, the Office of Defense Transportation of the transfer and, unless and until otherwise ordered, the successor in interest shall perform the functions of his predecessor in accordance with the provisions of this order.

8. The plan for joint action hereby approved and all contractual arrangements made by the carriers to effectuate the plan shall not continue in operation beyond the effective period of this order.

9. Communications concerning this order should refer to it by the supplementary order number which appears in the caption hereof, and, unless otherwise directed, should be addressed to the Highway Transport Department, Office of Defense Transportation, Washington 25, D. C.

This order shall become effective August 13, 1945, and shall remain in full force and effect until the termination of the present war shall have been duly proclaimed, or until such earlier time as the Office of Defense Transportation by further order may designate.

Issued at Washington, D. C., this 13th day of August 1945.

GUY A. RICHARDSON,
Director,
Highway Transport Department,
Office of Defense Transportation.

[1] Filed as part of the original document.

APPENDIX 1

Hi-Way Freight System, Inc., Chicago, Ill.
The Liberty Highway Co., Toledo, Ohio.

[F. R. Doc. 45-15394; Filed, Aug. 20, 1945; 4:37 p. m.]

[Supp. Order ODT 3, Rev. 770]

CHICAGO, ILL., AND LIMA, OHIO

COORDINATED OPERATIONS OF CERTAIN CARRIERS

Upon consideration of a plan for joint action filed with the Office of Defense Transportation by the persons named in Appendix 1 hereof to facilitate compliance with the requirements and purposes of General Order ODT 3, Revised, as amended (7 F.R. 5445, 6689, 7694; 8 F.R. 4660, 14582; 9 F.R. 2793, 3264, 3357, 6778), a copy of which plan is attached hereto as Appendix 2,[1] and

It appearing that the proposed coordination of operations is necessary in order to assure maximum utilization of the facilities, services, and equipment, and to conserve and providently utilize vital equipment, materials, and supplies, of the carriers, and to provide for the prompt and continuous movement of necessary traffic, the attainment of which purposes is essential to the successful prosecution of the war, *It is hereby ordered*, That:

1. The plan for joint action above referred to is hereby approved and the carriers are directed to put the plan in operation forthwith, subject to the following provisions, which shall supersede any provisions of such plan that are in conflict therewith.

2. Each of the carriers forthwith shall file a copy of this order with the appropriate regulatory body or bodies having jurisdiction over any operations affected by this order, and likewise shall file, and publish in accordance with law, and continue in effect until further order, tariffs or supplements to filed tariffs, setting forth any changes in rates, charges, operations, rules, regulations, and practices of the carrier which may be necessary to accord with the provisions of this order and of such plan; and forthwith shall apply to such regulatory body or bodies for special permission for such tariffs or supplements to become effective on the shortest notice lawfully permissible, but not prior to the effective date of this order.

3. Whenever transportation service is performed by one carrier in lieu of service by another carrier, by reason of a diversion, exchange, pooling, or similar act made or performed pursuant to the plan for joint action hereby approved, the rates, charges, rules, and regulations governing such service shall be those that would have applied except for such diversion, exchange, pooling, or other act.

4. The provisions of this order shall not be so construed or applied as to require any carrier subject hereto to perform any service beyond its transportation capacity, or to authorize or require any act or omission which is in violation of any law or regulation, or to permit any carrier to alter its legal liability to any shipper. In the event that compliance with any term of this order, or effectuation of any provision of such plan, would conflict with, or would not be authorized under, the existing interstate or intrastate operating authority of any carrier subject hereto, such carrier forthwith shall apply to the appropriate regulatory body or bodies for the granting of such operating authority as may be requisite to compliance with the terms of this order, and shall prosecute such application with all possible diligence. The coordination of operations directed by this order shall be subject to the carriers' possessing or obtaining the requisite operating authority.

5. All records of the carriers pertaining to any transportation performed pursuant to this order and to the provisions of such plan shall be kept available for examination and inspection at all reasonable times by accredited representatives of the Office of Defense Transportation.

6. Withdrawal of a carrier from participation in the plan for joint action hereby approved shall not be made without prior approval of the Office of Defense Transportation.

7. The provisions of this order shall be binding upon any successor in interest to any carrier named in this order. Upon a transfer of any operation involved in this order, the successor in interest and the other carriers named in this order forthwith shall notify, in writing, the Office of Defense Transportation of the transfer and, unless and until otherwise ordered, the successor in interest shall perform the functions of his predecessor in accordance with the provisions of this order.

8. The plan for joint action hereby approved and all contractual arrangements made by the carriers to effectuate the plan shall not continue in operation beyond the effective period of this order.

9. Communications concerning this order should refer to it by the supplementary order number which appears in the caption hereof, and, unless otherwise directed, should be addressed to the Highway Transport Department, Office of Defense Transportation, Washington 25, D. C.

This order shall become effective August 13, 1945, and shall remain in full force and effect until the termination of the present war shall have been duly proclaimed, or until such earlier time as the Office of Defense Transportation by further order may designate.

Issued at Washington, D. C., this 13th day of August 1945.

GUY A. RICHARDSON,
Director,
Highway Transport Department,
Office of Defense Transportation.

APPENDIX 1

Standard Freight Lines, Inc., Chicago, Ill.
Security Cartage Company, Inc., Fort Wayne, Ind.

[F. R. Doc. 45-15395; Filed, Aug. 20, 1945; 4:37 p. m.]

[Supp. Order ODT 3, Rev. 771]

FORREST AND BLOOMINGTON, ILL.

COORDINATED OPERATIONS OF CERTAIN CARRIERS

Upon consideration of a plan for joint action filed with the Office of Defense Transportation by the persons named in Appendix 1 hereof to facilitate compliance with the requirements and purposes of General Order ODT 3, Revised, as amended (7 F.R. 5445, 6689, 7694; 8 F.R. 4660, 14582; 9 F.R. 2793, 3264, 3357, 6778), a copy of which plan is attached hereto as Appendix 2,[1] and

It appearing that the proposed coordination of operations is necessary in order to assure maximum utilization of the facilities, services, and equipment, and to conserve and providently utilize vital equipment, materials, and supplies, of the carriers, and to provide for the prompt and continuous movement of necessary traffic, the attainment of which purposes is essential to the successful prosecution of the war, *It is hereby ordered*, That:

1. The plan for joint action above referred to is hereby approved and the carriers are directed to put the plan in operation forthwith, subject to the following provisions, which shall supersede any provisions of such plan that are in conflict therewith.

2. Each of the carriers forthwith shall file a copy of this order with the appropriate regulatory body or bodies having jurisdiction over any operations affected by this order, and likewise shall file, and publish in accordance with law, and continue in effect until further order, tariffs or supplements to filed tariffs, setting forth any changes in rates, charges, operations, rules, regulations, and practices of the carrier which may be necessary to accord with the provisions of this order and of such plan; and forthwith shall apply to such regulatory body or bodies for special permission for such tariffs or supplements to become effective on the shortest notice lawfully permissible, but not prior to the effective date of this order.

3. Whenever transportation service is

[1] Filed as part of the original document.

ice by another carrier, by reason of a diversion, exchange, pooling, or similar act made or performed pursuant to the plan for joint action hereby approved, the rates, charges, rules, and regulations governing such service shall be those that would have applied except for such diversion, exchange, pooling, or other act.

4. The provisions of this order shall not be so construed or applied as to require any carrier subject hereto to perform any service beyond its transportation capacity, or to authorize or require any act or omission which is in violation of any law or regulation, or to permit any carrier to alter its legal liability to any shipper. In the event that compliance with any term of this order, or effectuation of any provision of such plan, would conflict with, or would not be authorized under, the existing interstate or intrastate operating authority of any carrier subject hereto, such carrier forthwith shall apply to the appropriate regulatory body or bodies for the granting of such operating authority as may be requisite to compliance with the terms of this order, and shall prosecute such application with all possible diligence. The coordination of operations directed by this order shall be subject to the carriers' possessing or obtaining the requisite operating authority.

5. All records of the carriers pertaining to any transportation performed pursuant to this order and to the provisions of such plan shall be kept available for examination and inspection at all reasonable times by accredited representatives of the Office of Defense Transportation.

6. Withdrawal of a carrier from participation in the plan for joint action hereby approved shall not be made without prior approval of the Office of Defense Transportation.

7. The provisions of this order shall be binding upon any successor in interest to any carrier named in this order. Upon a transfer of any operation involved in this order, the successor in interest and the other carriers named in this order forthwith shall notify, in writing, the Office of Defense Transportation of the transfer and, unless and until otherwise ordered, the successor in interest shall perform the functions of his predecessor in accordance with the provisions of this order.

8. The plan for joint action hereby approved and all contractual arrangements made by the carriers to effectuate the plan shall not continue in operation beyond the effective period of this order.

9. Communications concerning this order should refer to it by the supplementary order number which appears in the caption hereof, and, unless otherwise directed, should be addressed to the Highway Transport Department, Office of Defense Transportation, Washington 25, D. C.

This order shall become effective August 13, 1945, and shall remain in full force and effect until the termination of the present war shall have been duly proclaimed, or until such earlier time as the Office of Defense Transportation by further order may designate.

Issued at Washington, D. C., this 13th day of August 1945.

GUY A. RICHARDSON,
Director,
Highway Transport Department,
Office of Defense Transportation.

APPENDIX 1

Swing Transfer, Forrest, Ill.
Silas Steidinger, doing business as Steidinger Transfer, Fairbury, Ill.

[F. R. Doc. 45-15396; Filed, Aug. 20, 1945; 4:38 p. m.]

[Supp. Order ODT 3, Rev. 772]

INDIANAPOLIS AND MUNCIE, IND.

COORDINATED OPERATIONS OF CERTAIN CARRIERS

Upon consideration of a plan for joint action filed with the Office of Defense Transportation by the persons named in Appendix 1 hereof to facilitate compliance with the requirements and purposes of General Order ODT 3, Revised, as amended (7 F.R. 5445, 6689, 7694; 8 F.R. 4660, 14582; 9 F.R. 2793, 3264, 3357, 6778), a copy of which plan is attached hereto as Appendix 2,[1] and

It appearing that the proposed coordination of operations is necessary in order to assure maximum utilization of the facilities, services, and equipment, and to conserve and providently utilize vital equipment, materials, and supplies, of the carriers, and to provide for the prompt and continuous movement of necessary traffic, the attainment of which purposes is essential to the successful prosecution of the war; *It is hereby ordered*, That:

1. The plan for joint action above referred to is hereby approved and the carriers are directed to put the plan in operation forthwith, subject to the following provisions, which shall supersede any provisions of such plan that are in conflict therewith.

2. Each of the carriers forthwith shall file a copy of this order with the appropriate regulatory body or bodies having jurisdiction over any operations affected by this order, and likewise shall file, and publish in accordance with law, and continue in effect until further order, tariffs or supplements to filed tariffs, setting forth any changes in rates, charges, operations, rules, regulations, and practices of the carrier which may be necessary to accord with the provisions of this order and of such plan; and forthwith shall apply to such regulatory body or bodies for special permission for such tariffs or supplements to become effective on the shortest notice lawfully permissible, but not prior to the effective date of this order.

3. Whenever transportation service is performed by one carrier in lieu of service by another carrier, by reason of a diversion, exchange, pooling, or similar act made or performed pursuant to the plan for joint action hereby approved, the rates, charges, rules, and regulations governing such service shall be those that would have applied except for such diversion, exchange, pooling, or other act.

4. The provisions of this order shall not be so construed or applied as to require any carrier subject hereto to perform any service beyond its transportation capacity, or to authorize or require any act or omission which is in violation of any law or regulation, or to permit any carrier to alter its legal liability to any shipper. In the event that compliance with any term of this order, or effectuation of any provision of such plan, would conflict with, or would not be authorized under, the existing interstate or intrastate operating authority of any carrier subject hereto, such carrier forthwith shall apply to the appropriate regulatory body or bodies for the granting of such operating authority as may be requisite to compliance with the terms of this order, and shall prosecute such application with all possible diligence. The coordination of operations directed by this order shall be subject to the carriers' possessing or obtaining the requisite operating authority.

5. All records of the carriers pertaining to any transportation performed pursuant to this order and to the provisions of such plan shall be kept available for examination and inspection at all reasonable times by accredited representatives of the Office of Defense Transportation.

6. Withdrawal of a carrier from participation in the plan for joint action hereby approved shall not be made without prior approval of the Office of Defense Transportation.

7. The provisions of this order shall be binding upon any successor in interest to any carrier named in this order. Upon a transfer of any operation involved in this order, the successor in interest and the other carriers named in this order forthwith shall notify, in writing, the Office of Defense Transportation of the transfer and, unless and until otherwise ordered, the successor in interest shall perform the functions of his predecessor in accordance with the provisions of this order.

8. The plan for joint action hereby approved and all contractual arrangements made by the carriers to effectuate the plan shall not continue in operation beyond the effective period of this order.

9. Communications concerning this order should refer to it by the supplementary order number which appears in the caption hereof, and, unless otherwise directed, should be addressed to the Highway Transport Department, Office of Defense Transportation, Washington 25, D. C.

This order shall become effective August 13, 1945, and shall remain in full force and effect until the termination of the present war shall have been duly proclaimed, or until such earlier time as the Office of Defense Transportation by further order may designate.

Issued at Washington, D. C., this 13th day of August 1945.

GUY A. RICHARDSON,
Director,
Highway Transport Department,
Office of Defense Transportation.

[1] Filed as part of the original document.

APPENDIX 1

Commercial Motor Freight, Inc. of Indiana, Indianapolis, Ind.
The Silver Fleet Motor Express, Inc., Louisville, Ky.
Ray Davis, doing business as R & D Motor Express, Muncie, Indiana.
Keeshin Motor Express, Incorporated, Chicago, Ill.
Motor Express Inc. of Indiana, Indianapolis, Ind.

[F. R. Doc. 45-15397; Filed, Aug. 20, 1945; 4:38 p. m.]

[Supp Order ODT 3, Rev. 773]

SCRANTON, PA. AND BINGHAMTON, N. Y.

COORDINATED OPERATIONS OF CERTAIN CARRIERS

Upon consideration of a plan for joint action filed with the Office of Defense Transportation by the persons named in Appendix 1 hereof to facilitate compliance with the requirements and purposes of General Order ODT 3, Revised, as amended (7 F.R. 5445, 6689, 7694; 8 F.R. 4660, 14582; 9 F.R. 2793, 3264, 3357, 6778), a copy of which plan is attached hereto as Appendix 2,[1] and

It appearing that the proposed coordination of operations is necessary in order to assure maximum utilization of the facilities, services, and equipment, and to conserve and providently utilize vital equipment, materials, and supplies, of the carriers, and to provide for the prompt and continuous movement of necessary traffic, the attainment of which purposes is essential to the successful prosecution of the war; *It is hereby ordered*, That:

1. The plan for joint action above referred to is hereby approved and the carriers are directed to put the plan in operation forthwith, subject to the following provisions, which shall supersede any provisions of such plan that are in conflict therewith.

2. Each of the carriers forthwith shall file a copy of this order with the appropriate regulatory body or bodies having jurisdiction over any operations affected by this order, and likewise shall file, and publish in accordance with law, and continue in effect until further order, tariffs or supplements to filed tariffs, setting forth any changes in rates, charges, operations, rules, regulations, and practices of the carrier which may be necessary to accord with the provisions of this order and of such plan; and forthwith shall apply to such regulatory body or bodies for special permission for such tariffs or supplements to become effective on the shortest notice lawfully permissible, but not prior to the effective date of this order.

3. Whenever transportation service is performed by one carrier in lieu of service by another carrier, by reason of a diversion, exchange, pooling, or similar act made or performed pursuant to the plan for joint action hereby approved, the rates, charges, rules, and regulations governing such service shall be those that would have applied except for such diversion, exchange, pooling, or other act.

4. The provisions of this order shall not be so construed or applied as to require any carrier subject hereto to perform any service beyond its transportation capacity, or to authorize or require any act or omission which is in violation of any law or regulation, or to permit any carrier to alter its legal liability to any shipper. In the event that compliance with any term of this order, or effectuation of any provision of such plan, would conflict with, or would not be authorized under, the existing interstate or intrastate operating authority of any carrier subject hereto, such carrier forthwith shall apply to the appropriate regulatory body or bodies for the granting of such operating authority as may be requisite to compliance with the terms of this order, and shall prosecute such application with all possible diligence. The coordination of operations directed by this order shall be subject to the carriers' possessing or obtaining the requisite operating authority.

5. All records of the carriers pertaining to any transportation performed pursuant to this order and to the provisions of such plan shall be kept available for examination and inspection at all reasonable times by accredited representatives of the Office of Defense Transportation.

6. Withdrawal of a carrier from participation in the plan for joint action hereby approved shall not be made without prior approval of the Office of Defense Transportation.

7. The provisions of this order shall be binding upon any successor in interest to any carrier named in this order. Upon a transfer of any operation involved in this order, the successor in interest and the other carriers named in this order forthwith shall notify, in writing, the Office of Defense Transportation of the transfer and, unless and until otherwise ordered, the successor in interest shall perform the functions of his predecessor in accordance with the provisions of this order.

8. The plan for joint action hereby approved and all contractual arrangements made by the carriers to effectuate the plan shall not continue in operation beyond the effective period of this order.

9. Communications concerning this order should refer to it by the supplementary order number which appears in the caption hereof, and, unless otherwise directed, should be addressed to the Highway Transport Department, Office of Defense Transportation, Washington 25, D. C.

This order shall become effective August 13, 1945, and shall remain in full force and effect until the termination of the present war shall have been duly proclaimed, or until such earlier time as the Office of Defense Transportation by further order may designate.

Issued at Washington, D .C., this 13th day of August 1945.

GUY A. RICHARDSON,
Director,
Highway Transport Department,
Office of Defense Transportation.

[1] Filed as part of the original document.

APPENDIX 1

Rodgers Motor Lines, Inc., Scranton, Pa.
Black Diamond Fast Motor Freight, Inc., Scranton, Pa.

[F. R. Doc. 45-15398; Filed, Aug. 20, 1945; 4:38 p. m.]

[Supp. Order ODT 3, Rev. 774]

BINGHAMTON AND ELMIRA, N. Y.

COORDINATED OPERATIONS OF CERTAIN CARRIERS

Upon consideration of a plan for joint action filed with the Office of Defense Transportation by the persons named in Appendix 1 hereof to facilitate compliance with the requirements and purposes of General Order ODT 3, Revised, as amended (7 F.R. 5445, 6689, 7694; 8 F.R. 4660, 14582; 9 F.R. 2793, 3264, 3357, 6778), a copy of which plan is attached hereto as Appendix 2,[1] and

It appearing that the proposed coordination of operations is necessary in order to assure maximum utilization of the facilities, services, and equipment, and to conserve and providently utilize vital equipment, materials, and supplies of the carriers, and to provide for the prompt and continuous movement of necessary traffic, the attainment of which purposes is essential to the successful prosecution of the war; *It is hereby ordered*, That:

1. The plan for joint action above referred to is hereby approved and the carriers are directed to put the plan in operation forthwith, subject to the following provisions, which shall supersede any provisions of such plan that are in conflict therewith.

2. Each of the carriers forthwith shall file a copy of this order with the appropriate regulatory body or bodies having jurisdiction over any operations affected by this order, and likewise shall file, and publish in accordance with law, and continue in effect until further order, tariffs or supplements to filed tariffs, setting forth any changes in rates, charges, operations, rules, regulations, and practices of the carrier which may be necessary to accord with the provisions of this order and of such plan; and forthwith shall apply to such regulatory body or bodies for special permission for such tariffs or supplements to become effective on the shortest notice lawfully permissible, but not prior to the effective date of this order.

3. Whenever transportation service is performed by one carrier in lieu of service by another carrier, by reason of a diversion, exchange, pooling, or similar act made or performed pursuant to the plan for joint action hereby approved, the rates, charges, rules, and regulations governing such service shall be those that would have applied except for such diversion, exchange, pooling, or other act.

4. The provisions of this order shall not be so construed or applied as to require any carrier subject hereto to perform any service beyond its transportation capacity, or to authorize or require any act or omission which is in violation of any law or regulation, or to permit any carrier to alter its legal liability to any

shipper. In the event that compliance with any term of this order, or effectuation of any provision of such plan, would conflict with, or would not be authorized under, the existing interstate or intrastate operating authority of any carrier subject hereto, such carrier forthwith shall apply to the appropriate regulatory body or bodies for the granting of such operating authority as may be requisite to compliance with the terms of this order, and shall prosecute such application with all possible diligence. The coordination of operations directed by this order shall be subject to the carriers' possessing or obtaining the requisite operating authority.

5. All records of the carriers pertaining to any transportation performed pursuant to this order and to the provisions of such plan shall be kept available for examination and inspection at all reasonable times by accredited representatives of the Office of Defense Transportation.

6. Withdrawal of a carrier from participation in the plan for joint action hereby approved shall not be made without prior approval of the Office of Defense Transportation.

7. The provisions of this order shall be binding upon any successor in interest to any carrier named in this order. Upon a transfer of any operation involved in this order, the successor in interest and the other carriers named in this order forthwith shall notify, in writing, the Office of Defense Transportation of the transfer and, unless and until otherwise ordered, the successor in interest shall perform the functions of his predecessor in accordance with the provisions of this order.

8. The plan for joint action hereby approved and all contractual arrangements made by the carriers to effectuate the plan shall not continue in operation beyond the effective period of this order.

9. Communications concerning this order should refer to it by the supplementary order number which appears in the caption hereof, and, unless otherwise directed, should be addressed to the Highway Transport Department, Office of Defense Transportation, Washington 25, D. C.

This order shall become effective August 13, 1945, and shall remain in full force and effect until the termination of the present war shall have been duly proclaimed, or until such earlier time as the Office of Defense Transportation by further order may designate.

Issued at Washington, D. C., this 13th day of August 1945.

GUY A. RICHARDSON,
Director,
Highway Transport Department,
Office of Defense Transportation.

APPENDIX 1

Hilton G. Fowler, doing business as Fowler & Williams, Scranton, Pa.
Nestor Bros., Inc., Endicott, N. Y.
Naglee Transportation, Inc., Binghamton, N. Y.
Harry J. Henson, Waverly, N. Y.
Gerald F. Moore, doing business as Moore's Truck Service, Rome, Pa.

[F. R. Doc. 45-15399; Filed, Aug. 20, 1945; 4:39 p. m.]

[Supp. Order ODT 3, Rev. 775]

CHAMPAIGN AND DANVILLE, ILL.

COORDINATED OPERATIONS OF CERTAIN CARRIERS

Upon consideration of a plan for joint action filed with the Office of Defense Transportation by the persons named in Appendix 1 hereof to facilitate compliance with the requirements and purposes of General Order ODT 3, Revised, as amended (7 F.R. 5445, 6689, 7694; 8 F.R. 4660, 14582; 9 F.R. 2793, 3264, 3357, 6778), a copy of which plan is attached hereto as Appendix 2,[1] and

It appearing that the proposed coordination of operations is necessary in order to assure maximum utilization of the facilities, services, and equipment, and to conserve and providently utilize vital equipment, materials, and supplies of the carriers, and to provide for the prompt and continuous movement of necessary traffic, the attainment of which purposes is essential to the successful prosecution of the war, *It is hereby ordered*, That:

1. The plan for joint action above referred to is hereby approved and the carriers are directed to put the plan in operation forthwith, subject to the following provisions, which shall supersede any provisions of such plan that are in conflict therewith.

2. Each of the carriers forthwith shall file a copy of this order with the appropriate regulatory body or bodies having jurisdiction over any operations affected by this order, and likewise shall file, and publish in accordance with law, and continue in effect until further order, tariffs or supplements to filed tariffs, setting forth any changes in rates, charges, operations, rules, regulations, and practices of the carrier which may be necessary to accord with the provisions of this order and of such plan; and forthwith shall apply to such regulatory body or bodies for special permission for such tariffs or supplements to become effective on the shortest notice lawfully permissible, but not prior to the effective date of this order.

3. Whenever transportation service is performed by one carrier in lieu of service by another carrier, by reason of a diversion, exchange, pooling, or similar act made or performed pursuant to the plan for joint action hereby approved, the rates, charges, rules, and regulations governing such service shall be those that would have applied except for such diversion, exchange, pooling, or other act.

4. The provisions of this order shall not be so construed or applied as to require any carrier subject hereto to perform any service beyond its transportation capacity, or to authorize or require any act or omission which is in violation of any law or regulation, or to permit any carrier to alter its legal liability to any shipper. In the event that compliance with any term of this order, or effectuation of any provision of such plan, would conflict with, or would not be authorized under, the existing interstate or intrastate operating authority of any carrier subject hereto, such carrier forthwith shall apply to the appropriate regulatory body or bodies for the granting of such operating authority as may be requisite to compliance with the terms of this order, and shall prosecute such application with all possible diligence. The coordination of operations directed by this order shall be subject to the carriers' possessing or obtaining the requisite operating authority.

5. All records of the carriers pertaining to any transportation performed pursuant to this order and to the provisions of such plan shall be kept available for examination and inspection at all reasonable times by accredited representatives of the Office of Defense Transportation.

6. Withdrawal of a carrier from participation in the plan for joint action hereby approved shall not be made without prior approval of the Office of Defense Transportation.

7. The provisions of this order shall be binding upon any successor in interest to any carrier named in this order. Upon a transfer of any operation involved in this order, the successor in interest and the other carriers named in this order forthwith shall notify, in writing, the Office of Defense Transportation of the transfer and, unless and until otherwise ordered, the successor in interest shall perform the functions of his predecessor in accordance with the provisions of this order.

8. The plan for joint action hereby approved and all contractual arrangements made by the carriers to effectuate the plan shall not continue in operation beyond the effective period of this order.

9. Communications concerning this order should refer to it by the supplementary order number which appears in the caption hereof, and, unless otherwise directed, should be addressed to the Highway Transport Department, Office of Defense Transportation, Washington 25, D. C.

This order shall become effective August 13, 1945, and shall remain in full force and effect until the termination of the present war shall have been duly proclaimed, or until such earlier time as the Office of Defense Transportation by further order may designate.

Issued at Washington, D. C., this 13th day of August 1945.

GUY A. RICHARDSON,
Director,
Highway Transport Department,
Office of Defense Transportation.

APPENDIX 1

Yellow Transit Co., Oklahoma City, Okla.
Alfred W. Osterhoff, doing business as Illini Reefer Transit, Champaign, Ill.

[F. R. Doc. 45-15400; Filed, Aug. 20, 1945; 4:36 p. m.]

[Supp. Order ODT 3, Rev. 776]

ALABAMA

COORDINATED OPERATIONS OF CERTAIN CARRIERS

Upon consideration of a plan for joint action filed with the Office of Defense Transportation by the persons named in Appendix 1 hereof to facilitate compliance with the requirements and purposes of General Order ODT 3, Revised, as amended (7 F.R. 5445, 6689, 7694; 8 F.R. 4660, 14582; 9 F.R. 2793, 3264, 3357, 6778), a copy of which plan is attached hereto as Appendix 2,[1] and

It appearing that the proposed coordination of operations is necessary in order to assure maximum utilization of the facilities, services, and equipment, and to conserve and providently utilize vital equipment, materials, and supplies, of the carriers, and to provide for the prompt and continuous movement of necessary traffic, the attainment of which purposes is essential to the successful prosecution of the war, *It is hereby ordered*, That:

1. The plan for joint action above referred to is hereby approved and the carriers are directed to put the plan in operation forthwith, subject to the following provisions, which shall supersede any provisions of such plan that are in conflict therewith.

2. Each of the carriers forthwith shall file a copy of this order with the appropriate regulatory body or bodies having jurisdiction over any operations affected by this order, and likewise shall file, and publish in accordance with law, and continue in effect until further order, tariffs or supplements to filed tariffs, setting forth any changes in rates, charges, operations, rules, regulations, and practices of the carrier which may be necessary to accord with the provisions of this order and of such plan; and forthwith shall apply to such regulatory body or bodies for special permission for such tariffs or supplements to become effective on the shortest notice lawfully permissible, but not prior to the effective date of this order.

3. Whenever transportation service is performed by one carrier in lieu of service by another carrier, by reason of a diversion, exchange, pooling, or similar act made or performed pursuant to the plan for joint action hereby approved, the rates, charges, rules, and regulations governing such service shall be those that would have applied except for such diversion, exchange, pooling, or other act.

4. The provisions of this order shall not be so construed or applied as to require any carrier subject hereto to perform any service beyond its transportation capacity, or to authorize or require any act or omission which is in violation of any law or regulation, or to permit any carrier to alter its legal liability to any shipper. In the event that compliance with any term of this order, or effectuation of any provision of such plan, would conflict with, or would not be authorized under, the existing interstate or intrastate operating authority of any carrier subject hereto, such carrier forthwith shall apply to the appropriate regulatory body or bodies for the granting of such operating authority as may be requisite to compliance with the terms of this order, and shall prosecute such application with all possible diligence. The coordination of operations directed by this order shall be subject to the carriers' possessing or obtaining the requisite operating authority.

[1] Filed as part of the original document.

5. All records of the carriers pertaining to any transportation performed pursuant to this order and to the provisions of such plan shall be kept available for examination and inspection at all reasonable times by accredited representatives of the Office of Defense Transportation.

6. Withdrawal of a carrier from participation in the plan for joint action hereby approved shall not be made without prior approval of the Office of Defense Transportation.

7. The provisions of this order shall be binding upon any successor in interest to any carrier named in this order. Upon a transfer of any operation involved in this order, the successor in interest and the other carriers named in this order forthwith shall notify, in writing, the Office of Defense Transportation of the transfer and, unless and until otherwise ordered, the successor in interest shall perform the functions of his predecessor in accordance with the provisions of this order.

8. The plan for joint action hereby approved and all contractual arrangements made by the carriers to effectuate the plan shall not continue in operation beyond the effective period of this order.

9. Communications concerning this order should refer to it by the supplementary order number which appears in the caption hereof, and, unless otherwise directed, should be addressed to the Highway Transport Department, Office of Defense Transportation, Washington 25, D. C.

This order shall become effective August 13, 1945, and shall remain in full force and effect until the termination of the present war shall have been duly proclaimed, or until such earlier time as the Office of Defense Transportation by further order may designate.

Issued at Washington, D. C., this 13th day of August 1945.

GUY A. RICHARDSON,
Director,
Highway Transport Department,
Office of Defense Transportation.

APPENDIX 1

Leroy Edwards, doing business as Ed Dingler Truck Lines, Marion, Ala.
O. J. Barton, doing business as O. J. Barton Truck Line, Marion, Ala.

[F. R. Doc. 45-15401; Filed, Aug. 20, 1945; 4:39 p. m.]

[Supp. Order ODT 3, Rev. 777]

BISMARCK AND DICKINSON, N. DAK.

COORDINATED OPERATIONS OF CERTAIN CARRIERS

Upon consideration of a plan for joint action filed with the Office of Defense Transportation by the persons named in Appendix 1 hereof to facilitate compliance with the requirements and purposes of General Order ODT 3, Revised, as amended (7 F.R. 5445, 6689, 7694; 8 F.R. 4660, 14582; 9 F.R. 2793, 3264, 3357, 6778), a copy of which plan is attached hereto as Appendix 2,[1] and

It appearing that the proposed coordination of operations is necessary in order to assure maximum utilization of the facilities, services, and equipment, and to conserve and providently utilize vital equipment, materials, and supplies, of the carriers, and to provide for the prompt and continuous movement of necessary traffic, the attainment of which purposes is essential to the successful prosecution of the war, *It is hereby ordered*, That:

1. The plan for joint action above referred to is hereby approved and the carriers are directed to put the plan in operation forthwith, subject to the following provisions, which shall supersede any provisions of such plan that are in conflict therewith.

2. Each of the carriers forthwith shall file a copy of this order with the appropriate regulatory body or bodies having jurisdiction over any operations affected by this order, and likewise shall file, and publish in accordance with law, and continue in effect until further order, tariffs or supplements to filed tariffs, setting forth any changes in rates, charges, operations, rules, regulations, and practices of the carrier which may be necessary to accord with the provisions of this order and of such plan; and forthwith shall apply to such regulatory body or bodies for special permission for such tariffs or supplements to become effective on the shortest notice lawfully permissible, but not prior to the effective date of this order.

3. Whenever transportation service is performed by one carrier in lieu of service by another carrier, by reason of a diversion, exchange, pooling, or similar act made or performed pursuant to the plan for joint action hereby approved, the rates, charges, rules, and regulations governing such service shall be those that would have applied except for such diversion, exchange, pooling, or other act.

4. The provisions of this order shall not be so construed or applied as to require any carrier subject hereto to perform any service beyond its transportation capacity, or to authorize or require any act or omission which is in violation of any law or regulation, or to permit any carrier to alter its legal liability to any shipper. In the event that compliance with any term of this order, or effectuation of any provision of such plan, would conflict with, or would not be authorized under, the existing interstate or intrastate operating authority of any carrier subject hereto, such carrier forthwith shall apply to the appropriate regulatory body or bodies for the granting of such operating authority as may be requisite to compliance with the terms of this order, and shall prosecute such application with all possible diligence. The coordination of operations directed by this order shall be subject to the carriers' possessing or obtaining the requisite operating authority.

5. All records of the carriers pertaining to any transportation performed pursuant to this order and to the provisions of such plan shall be kept available for examination and inspection at all reasonable times by accredited representatives of the Office of Defense Transportation.

[1] Filed as part of the original document.

6. Withdrawal of a carrier from participation in the plan for joint action hereby approved shall not be made without prior approval of the Office of Defense Transportation.

7. The provisions of this order shall be binding upon any successor in interest to any carrier named in this order. Upon a transfer of any operation involved in this order, the successor in interest and the other carriers named in this order forthwith shall notify, in writing, the Office of Defense Transportation of the transfer and, unless and until otherwise ordered, the successor in interest shall perform the functions of his predecessor in accordance with the provisions of this order.

8. The plan for joint action hereby approved and all contractual arrangements made by the carriers to effectuate the plan shall not continue in operation beyond the effective period of this order.

9. Communications concerning this order should refer to it by the supplementary order number which appears in the caption hereof, and, unless otherwise directed, should be addressed to the Highway Transport Department, Office of Defense Transportation, Washington 25, D. C.

This order shall become effective August 13, 1945, and shall remain in full force and effect until the termination of the present war shall have been duly proclaimed, or until such earlier time as the Office of Defense Transportation by further order may designate.

Issued at Washington, D. C., this 13th day of August 1945.

GUY A. RICHARDSON,
Director,
Highway Transport Department,
Office of Defense Transportation.

APPENDIX 1

Consolidated Freightways, Inc., Minneapolis, Minn.
Midwest Motor Express, Inc., Bismarck, N. Dak.

[F. R. Doc. 45-15402; Filed, Aug. 20, 1945; 4:39 p. m.]

[Supp. Order ODT 3, Rev. 778]

SHADYSIDE AND NEW MATAMORAS, OHIO

COORDINATED OPERATIONS OF CERTAIN CARRIERS

Upon consideration of a plan for joint action filed with the Office of Defense Transportation by the persons named in Appendix 1 hereof to facilitate compliance with the requirements and purposes of General Order ODT 3, Revised, as amended (7 F.R. 5445, 6689, 7694; 8 F.R. 4660, 14582; 9 F.R. 2793, 3264, 3357, 6778), a copy of which plan is attached hereto as Appendix 2,[1] and

It appearing that the proposed coordination of operations is necessary in order to assure maximum utilization of the facilities, services, and equipment, and to conserve and providently utilize vital equipment, materials, and supplies, of the carriers, and to provide for the prompt and continuous movement of necessary traffic, the attainment of which purposes is essential to the successful prosecution of the war; *It is hereby ordered*, That:

1. The plan for joint action above referred to is hereby approved and the carriers are directed to put the plan in operation forthwith, subject to the following provisions, which shall supersede any provisions of such plan that are in conflict therewith.

2. Each of the carriers forthwith shall file a copy of this order with the appropriate regulatory body or bodies having jurisdiction over any operations affected by this order, and likewise shall file, and publish in accordance with law, and continue in effect until further order, tariffs or supplements to filed tariffs, setting forth any changes in rates, charges, operations, rules, regulations, and practices of the carrier which may be necessary to accord with the provisions of this order and of such plan; and forthwith shall apply to such regulatory body or bodies for special permission for such tariffs or supplements to become effective on the shortest notice lawfully permissible, but not prior to the effective date of this order.

3. Whenever transportation service is performed by one carrier in lieu of service by another carrier, by reason of a diversion, exchange, pooling, or similar act made or performed pursuant to the plan for joint action hereby approved, the rates, charges, rules, and regulations governing such service shall be those that would have applied except for such diversion, exchange, pooling, or other act.

4. The provisions of this order shall not be so construed or applied as to require any carrier subject hereto to perform any service beyond its transportation capacity, or to authorize or require any act or omission which is in violation of any law or regulation, or to permit any carrier to alter its legal liability to any shipper. In the event that compliance with any term of this order, or effectuation of any provision of such plan, would conflict with, or would not be authorized under, the existing interstate or intrastate operating authority of any carrier subject hereto, such carrier forthwith shall apply to the appropriate regulatory body or bodies for the granting of such operating authority as may be requisite to compliance with the terms of this order, and shall prosecute such application with all possible diligence. The coordination of operations directed by this order shall be subject to the carriers' possessing or obtaining the requisite operating authority.

5. All records of the carriers pertaining to any transportation performed pursuant to this order and to the provisions of such plan shall be kept available for examination and inspection at all reasonable times by accredited representatives of the Office of Defense Transportation.

6. Withdrawal of a carrier from participation in the plan for joint action hereby approved shall not be made without prior approval of the Office of Defense Transportation.

7. The provisions of this order shall be binding upon any successor in interest to any carrier named in this order. Upon a transfer of any operation involved in this order, the successor in interest and the other carriers named in this order forthwith shall notify, in writing, the Office of Defense Transportation of the transfer and, unless and until otherwise ordered, the successor in interest shall perform the functions of his predecessor in accordance with the provisions of this order.

8. The plan for joint action hereby approved and all contractual arrangements made by the carriers to effectuate the plan shall not continue in operation beyond the effective period of this order.

9. Communications concerning this order should refer to it by the supplementary order number which appears in the caption hereof, and, unless otherwise directed, should be addressed to the Highway Transport Department, Office of Defense Transportation, Washington 25, D. C.

This order shall become effective August 13, 1945, and shall remain in full force and effect until the termination of the present war shall have been duly proclaimed, or until such earlier time as the Office of Defense Transportation by further order may designate.

Issued at Washington, D. C., this 13th day of August 1945.

GUY A. RICHARDSON,
Director,
Highway Transport Department,
Office of Defense Transportation.

APPENDIX 1

B. & N. Transportation, Inc., Columbiana, Ohio.
C. R. Mahoney and James C. Sprague, copartners, doing business as Mahoney Transfer, Marietta, Ohio.

[F. R. Doc. 45-15403; Filed, Aug. 20, 1945; 4:39 p. m.]

[Supp. Order ODT 3, Rev. 779]

SPOKANE AND SEATTLE, WASH.

COORDINATED OPERATIONS OF CERTAIN CARRIERS

Upon consideration of a plan for joint action filed with the Office of Defense Transportation by the persons named in Appendix 1 hereof to facilitate compliance with the requirements and purposes of General Order ODT 3, revised, as amended (7 F.R. 5445, 6689, 7694; 8 F.R. 4660, 14582; 9 F.R. 2793, 3264, 3357, 6778), a copy of which plan is attached hereto as Appendix 2,[1] and

It appearing that the proposed coordination of operations is necessary in order to assure maximum utilization of the facilities, services, and equipment, and to conserve and providently utilize vital equipment, material, and supplies of the carriers, and to provide for the prompt and continuous movement of necessary traffic, the attainment of which purposes is essential to the successful prosecution of the war; *It is hereby ordered*, That:

1. The plan for joint action above referred to is hereby approved and the carriers are directed to put the plan in operation forthwith, subject to the following provisions, which shall supersede any provisions of such plan that are in conflict therewith.

2. Each of the carriers forthwith shall file a copy of this order with the appropriate regulatory body or bodies having jurisdiction over any operations affected by this order, and likewise shall file, and publish in accordance with law, and continue in effect until further order, tariffs or supplements to filed tariffs, setting forth any changes in rates, charges, operations, rules, regulations and practices of the carrier which may be necessary to accord with the provisions of this order and of such plan; and forthwith shall apply to such regulatory body or bodies for special permission for such tariffs or supplements to become effective on the shortest notice lawfully permissible, but not prior to the effective date of this order.

3. Whenever transportation service is performed by one carrier in lieu of service of another carrier, by reason of a diversion, exchange, pooling, or similar act made or performed pursuant to the plan for joint action hereby approved, the rates, charges, rules, and regulations governing such service shall be those that would have applied except for such diversion, exchange, pooling, or other act.

4. The provisions of this order shall not be so construed or applied as to require any carrier subject hereto to perform any service beyond its transportation capacity, or to authorize or require any act or omission which is in violation of any law or regulation, or to permit any carrier to alter its legal liability to any shipper. In the event that compliance with any term of this order, or effectuation of any provision of such plan, would conflict with, or would not be authorized under, the existing interstate or intrastate operating authority of any carrier subject hereto, such carrier forthwith shall apply to the appropriate regulatory body or bodies for the granting of such operating authority as may be requisite to compliance with the terms of this order, and shall prosecute such application with all possible diligence. The coordination of operations directed by this order shall be subject to the carriers' possessing or obtaining the requisite operating authority.

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6. Withdrawal of a carrier from participation in the plan for joint action hereby approved shall not be made without prior approval of the Office of Defense Transportation.

7. The provisions of this order shall be binding upon any successor in interest to any carrier named in this order. Upon a transfer of any operation involved in this order, the successor in interest and the other carriers named in this order forthwith shall notify, in writing, the Office of Defense Transportation of the transfer and, unless and until otherwise ordered, the successor in interest shall perform the functions of his predecessor in accordance with the provisions of this order.

8. The plan for joint action hereby approved and all contractual arrangements made by the carriers to effectuate the plan shall not continue in operation beyond the effective period of this order.

9. Communications concerning this order should refer to it by the supplementary order number which appears in the caption hereof, and, unless otherwise directed, should be addressed to the Highway Transport Department, Office of Defense Transportation, Washington 25, D. C.

This order shall become effective August 13, 1945, and shall remain in full force and effect until the termination of the present war shall have been duly proclaimed, or until such earlier time as the Office of Defense Transportation by further order may designate.

Issued at Washington, D. C., this 13th day of August 1945.

GUY A. RICHARDSON,
Director,
Highway Transport Department,
Office of Defense Transportation.

APPENDIX 1

C. Paul Sandifur and Charles H. Sandifur, copartners, doing business as Cater Motor Freight System, Spokane, Wash.
Consolidated Freightways, Inc., Portland, Oreg.
Lloyd E. Eckert, doing business as Eckert Freight Lines, Seattle, Wash.
S. S. Eland and O. E. Stewart, copartners, doing business as Eland and Stewart, Seattle, Wash.
Inland Motor Freight, Spokane, Wash.
United Truck Lines, Inc., Spokane, Wash.

[F. R. Doc. 45-15404; Filed, Aug. 20, 1945; 4:40 p. m.]

[Supp. Order ODT 3, Rev. 780]

NORTH CAROLINA

COORDINATED OPERATIONS OF CERTAIN CARRIERS

Upon consideration of a plan for joint action filed with the Office of Defense Transportation by the persons named in Appendix 1 hereof to facilitate compliance with the requirements and purposes of General Order ODT 3, Revised, as amended (7 F.R. 5445, 6689, 7694; 8 F.R. 4660, 14582; 9 F.R. 2793, 3264, 3357, 6778), a copy of which plan is attached hereto as Appendix 2,[1] and

It appearing that the proposed coordination of operations is necessary in order to assure maximum utilization of the facilities, services, and equipment, and to conserve and providently utilize vital equipment, materials, and supplies, of the carriers, and to provide for the prompt and continuous movement of necessary traffic, the attainment of which purposes is essential to the successful prosecution of the war, *It is hereby ordered*, That:

1. The plan for joint action above referred to is hereby approved and the carriers are directed to put the plan in operation forthwith, subject to the following provisions, which shall supersede any provisions of such plan that are in conflict therewith.

2. Each of the carriers forthwith shall file a copy of this order with the appropriate regulatory body or bodies having jurisdiction over any operations affected by this order, and likewise shall file, and publish in accordance with law, and continue in effect until further order, tariffs or supplements to filed tariffs, setting forth any changes in rates, charges, operations, rules, regulations, and practices of the carrier which may be necessary to accord with the provisions of this order and of such plan; and forthwith shall apply to such regulatory body or bodies for special permission for such tariffs or supplements to become effective on the shortest notice lawfully permissible, but not prior to the effective date of this order.

3. Whenever transportation service is performed by one carrier in lieu of service by another carrier, by reason of a diversion, exchange, pooling, or similar act made or performed pursuant to the plan for joint action hereby approved, the rates, charges, rules, and regulations governing such service shall be those that would have applied except for such diversion, exchange, pooling, or other act.

4. The provisions of this order shall not be so construed or applied as to require any carrier subject hereto to perform any service beyond its transportation capacity, or to authorize or require any act or omission which is in violation of any law or regulation, or to permit any carrier to alter its legal liability to any shipper. In the event that compliance with any term of this order, or effectuation of any provision of such plan, would conflict with, or would not be authorized under, the existing interstate or intrastate operating authority of any carrier subject hereto, such carrier forthwith shall apply to the appropriate regulatory body or bodies for the granting of such operating authority as may be requisite to compliance with the terms of this order, and shall prosecute such application with all possible diligence. The coordination of operations directed by this order shall be subject to the carriers' possessing or obtaining the requisite operating authority.

5. All records of the carriers pertaining to any transportation performed pursuant to this order and to the provisions of such plan shall be kept available for examination and inspection at all reasonable times by accredited representatives of the Office of Defense Transportation.

6. Withdrawal of a carrier from participation in the plan for joint action hereby approved shall not be made without prior approval of the Office of Defense Transportation.

7. The provisions of this order shall be binding upon any successor in interest to any carrier named in this order. Upon a transfer of any operation involved in this order, the successor in interest and the other carriers named in this order forthwith shall notify, in writing, the Office of Defense Transportation

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of the transfer and, unless and until otherwise ordered, the successor in interest shall perform the functions of his predecessor in accordance with the provisions of this order.

8. The plan for joint action hereby approved and all contractual arrangements made by the carriers to effectuate the plan shall not continue in operation beyond the effective period of this order.

9. Communications concerning this order should refer to it by the supplementary order number which appears in the caption hereof, and, unless otherwise directed, should be addressed to the Highway Transport Department, Office of Defense Transportation, Washington 25, D. C.

This order shall become effective August 13, 1945, and shall remain in full force and effect until the termination of the present war shall have been duly proclaimed, or until such earlier time as the Office of Defense Transportation by further order may designate.

Issued at Washington, D. C., this 13th day of August 1945.

GUY A. RICHARDSON,
Director,
Highway Transport Department,
Office of Defense Transportation.

APPENDIX 1

L. Y. Haynes, doing business as Haynes Transfer, Mt. Airy, N. C.
L. G. Key, Mt. Airy, N. C.
Fred Samuel, Mt. Airy, N. C.

[F. R. Doc. 45-15405; Filed, Aug. 20, 1945; 4:40 p. m.]

[Supp. Order ODT 6A-145]

WENATCHEE AND CASHMERE, WASH.

COORDINATED OPERATIONS OF CERTAIN CARRIERS

Upon consideration of a plan for joint action filed with the Office of Defense Transportation by the persons named in Appendix 1 hereof to facilitate compliance with the requirements and purposes of General Order ODT 6A, as amended (8 F.R. 8757, 14582; 9 F.R. 2794), a copy of which plan is attached hereto as Appendix 2,[1] and

It appearing that the proposed coordination of operations is necessary in order to conserve and providently utilize vital transportation equipment, materials, and supplies; and to provide for the continuous movement of necessary traffic, the attainment of which purposes is essential to the successful prosecution of the war; *It is hereby ordered,* That:

1. The plan for joint action above referred to is hereby approved and the persons named in Appendix 1 hereof are directed to put the plan in operation forthwith, subject to the following provisions, which shall supersede any provisions of such plan that are in conflict therewith.

2. Each of the carriers shall file forthwith a copy of this order with the appropriate regulatory body or bodies having jurisdiction over any operations affected by this order, and likewise shall file, and publish in accordance with law, and continue in effect until further order, tariffs or schedules, or appropriate supplements to filed tariffs or schedules, setting forth any changes in rates, charges, rules, regulations, and practices of the carrier which may be necessary to accord with the provisions of this order and of such plan; and forthwith shall apply to such regulatory body or bodies for special permission for such tariffs, schedules, or supplements, to become effective on the shortest notice lawfully permissible, but not prior to the effective date of this order.

3. Whenever transportation service is performed by one carrier in lieu of service by another carrier, by reason of a diversion, exchange, pooling, or similar act made or performed pursuant to the plan for joint action hereby approved, the rates, charges, rules, and regulations governing such service shall be those that would have applied except for such diversion, exchange, pooling, or other act.

4. The provisions of this order shall not be so construed or applied as to require any carrier subject hereto to perform any service beyond its transportation capacity, or to authorize or require any act or omission which is in violation of any law or regulation, or to permit any carrier to alter its legal liability to any shipper, or to exempt or release any participant in the plan from the requirements of any order of the Office of Defense Transportation now or hereafter in effect. In the event that compliance with any term of this order, or effectuation of any provision of such plan, would conflict with, or would not be authorized under, the existing interstate or intrastate operating authority of any carrier subject hereto, such carrier forthwith shall apply to the appropriate regulatory body or bodies for the granting of such operating authority as may be requisite to compliance with the terms of this order, and shall prosecute such application with all possible diligence. The coordination of operations directed by this order shall be subject to the carriers' possessing or obtaining the requisite operating authority.

5. All records of the carriers pertaining to any transportation performed pursuant to this order and to the provisions of such plan shall be available for examination and inspection at all reasonable times by any accredited representative of the Office of Defense Transportation.

6. Withdrawal of a carrier from participation in the plan for joint action hereby approved shall not be made without prior approval of the Office of Defense Transportation.

7. The provisions of this order shall be binding upon any successor in interest to any carrier named in this order. Upon a transfer of any operation involved in this order, the successor in interest and the other carriers named in this order forthwith shall notify, in writing, the Office of Defense Transportation of the transfer and, unless and until otherwise ordered, the successor in interest shall perform the functions of his predecessor in accordance with the provisions of this order.

8. The plan for joint action hereby approved and all contractual arrangements made by the carriers to effectuate the plan shall not continue in operation beyond the effective period of this order.

9. Communications concerning this order should refer to it by the supplementary order number which appears in the caption hereof, and, unless otherwise directed, should be addressed to the Highway Transport Department, Office of Defense Transportation, Washington 25, D. C.

This order shall become effective August 13, 1945, and shall remain in full force and effect until the termination of the present war shall have been duly proclaimed, or until such earlier time as the Office of Defense Transportation by further order may designate.

Issued at Washington, D. C., this 13th day of August 1945.

GUY A. RICHARDSON,
Director,
Highway Transport Department,
Office of Defense Transportation.

APPENDIX 1

Wm. Brender, doing business as Wenatchee Valley Auto Freight, Leavenworth, Wash.
C. A. Newland, doing business as Cashmere Transfer, Cashmere, Wash.

[F. R. Doc. 45-15406; Filed, Aug. 20, 1945; 4:37 p. m.]

[Supp. Order ODT 6A-146]

MOSES LAKE, WASH., AREA

COORDINATED OPERATIONS OF CERTAIN CARRIERS

Upon consideration of a plan for joint action filed with the Office of Defense Transportation by the persons named in Appendix 1 hereof to facilitate compliance with the requirements and purposes of General Order ODT 6A, as amended (8 F.R. 8757, 14582; 9 F.R. 2794), a copy of which plan is attached hereto as Appendix 2,[1] and

It appearing that the proposed coordination of operations is necessary in order to conserve and providently utilize vital transportation equipment, materials, and supplies; and to provide for the continuous movement of necessary traffic, the attainment of which purposes is essential to the successful prosecution of the war; *It is hereby ordered,* That:

1. The plan for joint action above referred to is hereby approved and the persons named in Appendix 1 hereof are directed to put the plan in operation forthwith, subject to the following provisions, which shall supersede any provisions of such plan that are in conflict therewith.

2. Each of the carriers shall file forthwith a copy of this order with the appropriate regulatory body or bodies having jurisdiction over any operations affected by this order, and likewise shall file, and publish in accordance with law, and continue in effect until further order, tariffs or schedules, or appropriate supplements to filed tariffs or schedules, setting forth any changes in rates, charges, rules, regulations, and practices of the carrier which may be necessary to accord with the provisions of this order and of such plan; and forthwith shall apply to such regulatory body or bodies for special permission for such tariffs, schedules, or supplements, to become effective on the shortest notice lawfully permissible, but not prior to the effective date of this order.

3. Whenever transportation service is performed by one carrier in lieu of service by another carrier, by reason of a diversion, exchange, pooling, or similar act made or performed pursuant to the plan for joint action hereby approved, the rates, charges, rules, and regulations governing such service shall be those that would have applied except for such diversion, exchange, pooling, or other act.

4. The provisions of this order shall not be so construed or applied as to require any carrier subject hereto to perform any service beyond its transportation capacity, or to authorize or require any act or omission which is in violation of any law or regulation, or to permit any carrier to alter its legal liability to any shipper, or to exempt or release any participant in the plan from the requirements of any order of the Office of Defense Transportation now or hereafter in effect. In the event that compliance with any term of this order, or effectuation of any provision of such plan, would conflict with, or would not be authorized under, the existing interstate or intrastate operating authority of any carrier subject hereto, such carrier forthwith shall apply to the appropriate regulatory body or bodies for the granting of such operating authority as may be requisite to compliance with the terms of this order, and shall prosecute such application with all possible diligence. The coordination of operations directed by this order shall be subject to the carriers' possessing or obtaining the requisite operating authority.

5. All records of the carriers pertaining to any transportation performed pursuant to this order and to the provisions of such plan shall be available for examination and inspection at all reasonable times by any accredited representative of the Office of Defense Transportation.

6. Withdrawal of a carrier from participation in the plan for joint action hereby approved shall not be made without prior approval of the Office of Defense Transportation.

7. The provisions of this order shall be binding upon any successor in interest to any carrier named in this order. Upon a transfer of any operation involved in this order, the successor in interest and the other carriers named in this order forthwith shall notify, in writing, the Office of Defense Transportation of the transfer and, unless and until otherwise ordered, the successor in interest shall perform the functions of his predecessor in accordance with the provisions of this order.

8. The plan for joint action hereby approved and all contractual arrangements made by the carriers to effectuate the plan shall not continue in operation beyond the effective period of this order.

9. Communications concerning this order should refer to it by the supplementary order number which appears in the caption hereof, and, unless otherwise directed, should be addressed to the Highway Transport Department, Office of Defense Transportation, Washington 25, D. C.

This order shall become effective August 13, 1945, and shall remain in full force and effect until the termination of the present war shall have been duly proclaimed, or until such earlier time as the Office of Defense Transportation by further order may designate.

Issued at Washington, D. C., this 13th day of August 1945.

GUY A. RICHARDSON,
Director,
Highway Transport Department,
Office of Defense Transportation.

APPENDIX 1

C. Paul Sandifur and Charles H. Sandifur, copartners, doing business as Cater Motor Freight System, Spokane, Wash.
Consolidated Freightways, Inc., Portland, Oreg.
Lloyd E. Eckert, doing business as Eckert Freight Lines, Seattle, Wash.
S. S. Eland and O. E. Stewart, copartners, doing business as Eland and Stewart, Seattle, Wash.
Vern McGee, doing business as Moses Lake Transfer, Moses Lake, Wash.

[F. R. Doc. 45-15407; Filed, Aug. 20, 1945; 4:37 p. m.]

[Supp. Order ODT 6A-147]

CHAMPAIGN AND RANTOUL, ILL.

COORDINATED OPERATIONS OF CERTAIN CARRIERS

Upon consideration of a plan for joint action filed with the Office of Defense Transportation by the persons named in Appendix 1 hereof to facilitate compliance with the requirements and purposes of General Order ODT 6A, as amended (8 F.R. 8757, 14582; 9 F.R. 2794), a copy of which plan is attached hereto as Appendix 2,[1] and

It appearing that the proposed coordination of operations is necessary in order to conserve and providently utilize vital transportation equipment, materials, and supplies; and to provide for the continuous movement of necessary traffic, the attainment of which purposes is essential to the successful prosecution of the war; *It is hereby ordered,* That:

1. The plan for joint action above referred to is hereby approved and the persons named in Appendix 1 hereof are directed to put the plan in operation forthwith, subject to the following provisions, which shall supersede any provisions of such plan that are in conflict therewith.

2. Each of the carriers shall file forthwith a copy of this order with the appropriate regulatory body or bodies having jurisdiction over any operations affected by this order, and likewise shall file, and publish in accordance with law, and continue in effect until further order, tariffs or schedules, or appropriate supplements to filed tariffs or schedules, setting forth any changes in rates, charges, rules, regulations, and practices of the carrier which may be necessary to accord with the provisions of this order and of such plan; and forthwith shall apply to such regulatory body or bodies for special permission for such tariffs, schedules, or supplements, to become effective on the shortest notice lawfully permissible, but not prior to the effective date of this order.

3. Whenever transportation service is performed by one carrier in lieu of service by another carrier, by reason of a diversion, exchange, pooling, or similar act made or performed pursuant to the plan for joint action hereby approved, the rates, charges, rules, and regulations governing such service shall be those that would have applied except for such diversion, exchange, pooling, or other act.

4. The provisions of this order shall not be so construed or applied as to require any carrier subject hereto to perform any service beyond its transportation capacity, or to authorize or require any act or omission which is in violation of any law or regulation, or to permit any carrier to alter its legal liability to any shipper, or to exempt or release any participant in the plan from the requirements of any order of the Office of Defense Transportation now or hereafter in effect. In the event that compliance with any term of this order, or effectuation of any provision of such plan, would conflict with, or would not be authorized under, the existing interstate or intrastate operating authority of any carrier subject hereto, such carrier forthwith shall apply to the appropriate regulatory body or bodies for the granting of such operating authority as may be requisite to compliance with the terms of this order, and shall prosecute such application with all possible diligence. The coordination of operations directed by this order shall be subject to the carriers' possessing or obtaining the requisite operating authority.

5. All records of the carriers pertaining to any transportation performed pursuant to this order and to the provisions of such plan shall be available for examination and inspection at all reasonable times by any accredited representative of the Office of Defense Transportation.

6. Withdrawal of a carrier from participation in the plan for joint action hereby approved shall not be made without prior approval of the Office of Defense Transportation.

7. The provisions of this order shall be binding upon any successor in interest to any carrier named in this order. Upon a transfer of any operation involved in this order, the successor in interest and the other carriers named in this order forthwith shall notify, in writing, the Office of Defense Transportation of the transfer and, unless and until otherwise ordered, the successor in interest shall perform the functions of his predecessor in accordance with the provisions of this order.

8. The plan for joint action hereby approved and all contractual arrangements made by the carriers to effectuate the plan shall not continue in operation beyond the effective period of this order.

[1] Filed as part of the original document.

[1] Filed as part of the original document.

9. Communications concerning this order should refer to it by the supplementary order number which appears in the caption hereof, and, unless otherwise directed, should be addressed to the Highway Transport Department, Office of Defense Transportation, Washington 25, D. C.

This order shall become effective August 13, 1945, and shall remain in full force and effect until the termination of the present war shall have been duly proclaimed, or until such earlier time as the Office of Defense Transportation by further order may designate.

Issued at Washington, D. C., this 13th day of August 1945.

GUY A. RICHARDSON,
Director,
Highway Transport Department,
Office of Defense Transportation.

APPENDIX 1

Yellow Transit Co., Oklahoma City, Okla.
Alfred Osterhoff, doing business as Illini Reefer Transit, Champaign, Ill.

[F. R. Doc. 45-15408; Filed, Aug. 20, 1945; 4:36 p. m.]

[Supp. Order ODT 6A-148]

EPHRATA, WASH., AREA

COORDINATED OPERATIONS OF CERTAIN CARRIERS

Upon consideration of a plan for joint action filed with the Office of Defense Transportation by the persons named in Appendix 1 hereof to facilitate compliance with the requirements and purposes of General Order ODT 6A, as amended (8 F.R. 8757, 14582; 9 F.R. 2794), a copy of which plan is attached hereto as Appendix 2,[1] and

It appearing that the proposed coordination of operations is necessary in order to conserve and providently utilize vital transportation equipment, materials and supplies; and to provide for the continuous movement of necessary traffic, the attainment of which purposes is essential to the successful prosecution of the war; *It is hereby ordered* That:

1. The plan for joint action above referred to is hereby approved and the persons named in Appendix 1 hereof are directed to put the plan in operation forthwith, subject to the following provisions, which shall supersede any provisions of such plan that are in conflict therewith.

2. Each of the carriers shall file forthwith a copy of this order with the appropriate regulatory body or bodies having jurisdiction over any operations affected by this order, and likewise shall file, and publish in accordance with law, and continue in effect until further order, tariffs or schedules, or appropriate supplements to filed tariffs or schedules, setting forth any changes in rates, charges, rules, regulations, and practices of the carrier which may be necessary to accord with the provisions of this order and of such plan; and forthwith shall apply to such regulatory body or bodies for special permission for such tariffs, schedules, or supplements, to become effective on the shortest notice lawfully permissible, but not prior to the effective date of this order.

3. Whenever transportation service is performed by one carrier in lieu of service by another carrier, by reason of a diversion, exchange, pooling, or similar act made or performed pursuant to the plan for joint action hereby approved, the rates, charges, rules, and regulations governing such service shall be those that would have applied except for such diversion, exchange, pooling, or other act.

4. The provisions of this order shall not be so construed or applied as to require any carrier subject hereto to perform any service beyond its transportation capacity, or to authorize or require any act or omission which is in violation of any law or regulation, or to permit any carrier to alter its legal liability to any shipper, or to exempt or release any participant in the plan from the requirements of any order of the Office of Defense Transportation now or hereafter in effect. In the event that compliance with any term of this order, or effectuation of any provision of such plan, would conflict with, or would not be authorized under, the existing interstate or intrastate operating authority of any carrier subject hereto, such carrier forthwith shall apply to the appropriate regulatory body or bodies for the granting of such operating authority as may be requisite to compliance with the terms of this order, and shall prosecute such application with all possible diligence. The coordination of operations directed by this order shall be subject to the carriers' possessing or obtaining the requisite operating authority.

5. All records of the carriers pertaining to any transportation performed pursuant to this order and to the provisions of such plan shall be available for examination and inspection at all reasonable times by any accredited representative of the Office of Defense Transportation.

6. Withdrawal of a carrier from participation in the plan for joint action hereby approved shall not be made without prior approval of the Office of Defense Transportation.

7. The provisions of this order shall be binding upon any successor in interest to any carrier named in this order. Upon a transfer of any operation involved in this order, the successor in interest and the other carriers named in this order forthwith shall notify, in writing, the Office of Defense Transportation of the transfer and, unless and until otherwise ordered, the successor in interest shall perform the functions of his predecessor in accordance with the provisions of this order.

8. The plan for joint action hereby approved and all contractual arrangements made by the carriers to effectuate the plan shall not continue in operation beyond the effective period of this order.

9. Communications concerning this order should refer to it by the supplementary order number which appears in the caption hereof, and, unless otherwise directed, should be addressed to the Highway Transport Department, Office of Defense Transportation, Washington 25, D. C.

This order shall become effective August 13, 1945, and shall remain in full force and effect until the termination of the present war shall have been duly proclaimed, or until such earlier time as the Office of Defense Transportation by further order may designate.

Issued at Washington, D. C., this 13th day of August 1945.

GUY A. RICHARDSON,
Director,
Highway Transport Department,
Office of Defense Transportation.

APPENDIX 1

C. Paul Sandifur and Charles H. Sandifur, copartners, doing business as Cater Motor Freight System, Spokane, Wash.
Consolidated Freightways, Inc., Portland, Oreg.
Lloyd E. Eckert, doing business as Eckert Freight Lines, Seattle, Wash.
S. S. Eland and O. E. Stewart, copartners, doing business as Eland and Stewart, Seattle, Wash.
United Truck Lines, Inc., Spokane, Wash.
John Woodhouse, Ephrata, Wash.

[F. R. Doc. 45-15409; Filed, Aug. 20, 1945; 4:36 p. m.]

[Special Order ODT TC-1, Revocation]

CHICAGO, ILL.

COORDINATED OPERATIONS OF CERTAIN CARRIERS

Pursuant to Executive Orders 8989, as amended, 9156, 9214, and 9294, Special Order ODT TC-1, paragraphs 1 to 6, inclusive, (8 F.R. 5610) is hereby revoked effective September 1, 1945.

(E.O. 8989, as amended, 6 F.R. 6725, 8 F.R. 14183; E.O. 9156, 7 F.R. 3349; E.O. 9214, 7 F.R. 6097; E.O. 9294, 8 F.R. 221)

Issued at Washington, D. C., this 21st day of August 1945.

J. M. JOHNSON,
Director,
Office of Defense Transportation.

[F. R. Doc. 45-15440; Filed, Aug. 21, 1945; 11:02 a. m.]

OFFICE OF PRICE ADMINISTRATION.

[MPR 592, Amdt. 3 to Order 1]

GYPSUM LATH AND LINER BOARD

MODIFICATION OF MAXIMUM PRICES

An opinion accompanying this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.

Section 7.8 is amended to read as follows:

SEC. 7.8 *Modification of maximum prices for sales of gypsum lath and liner board on the Eastern Seaboard.* (a) The manufacturers' maximum prices established pursuant to Maximum Price Regulation No. 592, for gypsum lath and gypsum liner board, may be increased by adding an amount not in excess of $4.25 per M square feet to the f. o. b. plant or delivered prices where the sale is made f. o. b. a mill located within the geographical area described in (b) below; or the sale is made on a delivered basis and the delivered destination is within the geographical area defined in (b) below.

(b) This section applies to the Eastern Seaboard which means:

All of the New England States, and that portion of the State of New York east and south of the western and northern boundaries of the following counties: Essex, Warren, Saratoga, Fulton, Montgomery, Otsego, Delaware, Broome; and that portion of the State of Pennsylvania east and south of the north and western boundaries of the following counties: Susquehanna, Wyoming, Luzerne, Columbia, Montour, Northumberland, Union, Centre, Huntingdon, Bedford, Somerset; and all of the States of New Jersey, Delaware, Maryland, including Washington, D. C., and that portion of the State of West Virginia east of the west boundaries of the following counties: Grant, Pendleton; and that portion of the State of Virginia embraced in the Counties of Loudoun, Fairfax, Arlington, Prince William, Fauquier, Accomac, Northampton; and all of the States of Mississippi, Alabama, Georgia, Florida, South Carolina, and that portion of the State of North Carolina south of the northern boundaries of the following counties: Mecklenburg, Cabarrus, Stanley, Montgomery, Moore, Hoke, Cumberland, Sampson, Duplin, Jones, Craven, and Pamlico.

(c) Any reseller purchasing gypsum lath or gypsum liner board for resale in the same form from any manufacturer who has adjusted his maximum prices in accordance with (a) above, may increase his maximum prices, established under the General Maximum Price Regulation, by a dollars-and-cents amount not exceeding his actual dollars-and-cents increase in cost resulting from the increase permitted in (a) above.

(d) The maximum prices established herein shall be subject to size differentials, quantity, cash, and other discounts, transportation allowances, services, and other terms and conditions of sale at least as favorable as the seller extended or rendered on comparable sales to purchasers of the same class during March 1942.

This amendment shall become effective August 21, 1945.

Issued this 21st day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-15486; Filed, Aug. 21, 1945; 11:48 a. m.]

Regional and District Office Orders.

[Region V Order G-7 Under RMPR 251]

ROOFING ON AN INSTALLED BASIS IN KANSAS

For the reasons set forth in the opinion issued simultaneously herewith and pursuant to the authority vested in the Regional Administrator of Region V of the Office of Price Administration by section 9 of Revised Maximum Price Regulation No. 251, it is ordered:

(a) *What this order does.* This order establishes maximum prices for the sale of certain specified roofing when sold on an installed basis in the State of Kansas except for the counties of Johnson, Leavenworth, and Wyandotte.

(b) *Relationship of this order to Revised Maximum Price Regulation No. 251.* Sellers subject to this order may not use the pricing provisions set forth in sections 6, 7 and 8 of Revised Maximum Price Regulation No. 251. Except where the provisions of this order are inconsistent therewith, the other provisions of Revised Maximum Price Regulation No. 251 shall remain in full force and effect with respect to the sales of installed roofing covered by this order.

(c) *Maximum prices.* The maximum prices which any seller subject to this order may charge for the following materials when sold on an installed basis are established, as follows:

Item	Maximum price per square of 100 square feet material used
210 lb. 12" (3 tab) asphalt strip shingles	$11.00
167 lb. 11½" hexagon asphalt strip shingles	10.00
90 lb. composition roll roofing, mineral surface	6.25
105 lb. roll roofing, diamond point, mineral surface	7.50
105 lb. roll roofing, mineral surface, staggered edge	7.50

The above prices cover installed sales of these materials applied according to the manufacturer's specifications and include weather strip along eaves and gables, flashing around chimneys and vents, and Boston type hips and ridges.

Item	Maximum price per square of 100 square feet material used
Built-up roofing:	
Mop and patch	$1.50
1-15-pound felt mopped	3.50
2-15-pound felt mopped	5.00
1-30-pound felt mopped	4.50
1-30-pound and 2-15-pound felt mopped	7.00
For each additional layer of 15 lb. asphalt felt, mopped on	1.50
For each additional layer of 30 lb. asphalt felt, mopped on	2.50

The above prices of built-up roofing cover installed sales of these materials applied according to the manufacturer's specifications and include nails, mastic, and flashing around chimneys and vents.

(d) *Permitted addition.* There may be added to the maximum prices set forth in Paragraph (c) above, the following:

(i) An amount not to exceed 75¢ per square if the pitch of the roof is as much as or more than a rise measured vertically of two feet in each three feet of horizontal dimension.

(ii) An amount not to exceed 75¢ per square for any job requiring less than five squares of roofing material.

(iii) For any job installed at a job site located more than ten miles by the most direct route from the applicator's place of business, the above prices may be increased by an amount not to exceed $0.10 per square for each mile in excess of ten between the two locations. *Provided, however,* The total additions permitted by this sub-paragraph may not exceed $1.00 per square on sales of roofing applied to residential property and $5.00 per square on sales of commercial built-up roofing applied to structures other than residences.

(iv) An additional charge may be made for any construction work performed in connection with the sale of installed roofing such as the removal of old wooden shingles, the installation of new sheathing, metal or composition valleys, gable ends, dormer sides, and other operations which are not a part of the installation of the materials subject to this order. The maximum price for such additional construction work must be priced in accordance with the provisions of Revised Maximum Price Regulation No. 251 and the charge so computed shall be shown separately on the customer's invoice.

(v) For any job involving minor repair of residential roofing for which the total maximum price computed on a per square basis would be less than $5.00, a minimum charge of $5.00 may be made to cover costs of labor and material. Likewise, for any job involving minor repair of commercial built-up roofing for which the total maximum price computed on a per square basis would be less than $15.00, a minimum charge of $15.00 may be made to cover costs of labor and material.

(e) *Quoting a guaranteed price.* A seller may offer to sell a roofing job covered by this order on the basis of a guaranteed price, the seller agreeing to charge a fixed amount: *Provided, however,* That such guaranteed price must not be higher than the maximum price figured in accordance with the pricing methods and requirements of this order. Upon completion of the contract and before final payment, if requested by the purchaser, the seller must furnish the purchaser with an itemized statement showing the number of square feet and the weight, type, and unit price of each category of roofing and an explanation of the amount for incidental work.

(f) *Notification to purchaser.* Every person making sales subject to this Order shall certify on his invoice or sales tags that the price charged does not exceed the price permitted by this Order No. G-7 under Revised Maximum Price Regulation No. 251.

(g) *Application by sellers for unit prices on certain combination sales.* For any combination or types of installed roofing materials which cannot be priced according to the above schedule of specific prices and permitted increases, a price may be determined in accordance with the provisions of section 6 (a) of Revised Maximum Price Regulation No. 251, if possible, or an application for determination of a price may be made in writing to the Office of Price Administration, Wichita District Office. The Regional Administrator will authorize a pricing method either by letter or by amendment to this order.

(h) *Evasion.* Any practice or device which results in a higher price to the purchaser than is permitted by this Order No. G-7 is as much a violation as an outright over-ceiling charge and subjects the seller to the penalties provided by section 16 of Revised Maximum Price Regulation No. 251.

[1] Filed as part of the original document.

This order may be revised, amended, or revoked, either by the Regional Administrator or the Price Administrator at any time.

This Order No. G–7 shall become effective the 8th day of August 1945.

(56 Stat. 23, 765; 57 Stat. 566; Pub. Law 383, 78th Cong.; E.O. 9250, 7 F.R. 7871; and E.O. 9328, 8 F.R. 4681)

Issued at Dallas, Tex., this 8th day of August 1945.

A. J. RUISINGER,
Acting Regional Administrator.

[F. R. Doc. 45-15246; Filed, Aug. 18, 1945; 9:20 a. m.]

[Region VI Order G–16 Under RMPR 122, Amdt. 51]

SOLID FUELS IN CHIPPEWA FALLS AND EAU CLAIRE, WIS., AREA

An opinion accompanying this amendment has been issued simultaneously herewith. Order No. G–16 under Revised Maximum Price Regulation 122 is amended in the following respects:

In Appendix No. 17, which covers the Chippewa Falls and Eau Claire, Wisconsin, area, paragraph (b), VII Price schedule, is amended to read as follows:

	Delivered (per ton)
VII. Briquettes:	
1. Glen Rogers briquettes:	
a. In Chippewa Falls	$14.35
b. In Eau Claire and Altoona	13.55
2. Stott briquettes:	
a. In Chippewa Falls	14.11
b. In Eau Claire and Altoona	13.36
3. Berwind and United briquettes:	
a. In Chippewa Falls	14.20
b. In Eau Claire and Altoona	13.45

This Amendment No. 51 to Order No. G–16 shall become effective immediately.

Issued this 6th day of August 1945.

RAE E. WALTERS,
Regional Administrator.

[F. R. Doc. 45-15245; Filed, Aug. 18, 1945; 9:20 a. m.]

[Region VI Order G–16 under RMPR 122, Amdt. 52]

SOLID FUELS IN FARGO-MOORHEAD AREA

An opinion accompanying this amendment has been issued simultaneously herewith. Order No. G–16 under Revised Maximum Price Regulation No. 122 is amended in the following respects:

Appendix No. 22, which covers the Fargo-Moorhead Area, paragraph (b), VII, is amended to read as follows:

	1 ton (per ton)	Carload (per ton)	50-ton user (per ton)
VII. Briquettes:			
1. Glen Rogers	$15.70	$13.95	$14.70
2. Berwind	15.50	13.75	14.50
3. Stott	15.46	13.71	14.46
4. Lignite	14.50	12.90	13.25

This Amendment No. 52 to Order No. G–16 shall become effective immediately.

Issued this 6th day of August 1945.

RAE E. WALTERS,
Regional Administrator.

[F. R. Doc. 45-15244; Filed, Aug. 18, 1945; 9:19 a. m.]

[Region VII Rev. Order G–1 Under Gen. Order 61]

USED LUMBER IN DENVER REGION

Pursuant to the Emergency Price Control Act of 1942, as amended, the Stabilization Act of 1942, as amended, and General Order No. 61, and for the reasons set forth in the accompanying opinion, this Order No. G–1 is redesignated Revised Order No. G–1, amended and issued to read as follows:

ARTICLE I—COVERAGE OF THIS ORDER

SECTION 1. *Products, transactions, and areas covered.* This order applies to sales or purchases by any person of the categories of used lumber for which maximum prices are established in any supplement to this order, when made for delivery in the area described in such supplement; or to sales and purchases made from stock in any such area for delivery outside of the area, if no dollar-and-cents ceiling prices have been issued under General Order No. 61 for the geographical location in which delivery is made.

ARTICLE II—DEFINITIONS

SEC. 2. *Used lumber.* Used lumber means lumber and lumber products which have been recovered from, and were at one time a part of, a building, structure or fabricated item made wholly or partially of lumber.

SEC. 3. *Categories of used lumber.* Maximum prices are established in the supplements to this order for the categories of used lumber described below, including such lumber when run to standard or special patterns; but such descriptions are not intended to, and do not, include items customarily produced and sold as mouldings or millwork.

(a) *Boards.* Used lumber of less than 2" nominal thickness ("nominal thickness" means the thickness of the piece before planing. Actual thickness, after planing to produce an even and uniform surface, is generally $\frac{1}{4}$" to $\frac{3}{8}$" less than nominal thickness).

(b) *Dimension.* Used lumber of 2" nominal thickness.

(c) *Planks or small timbers.* Used lumber of over 2" and up to and including 4" nominal thickness and of 12" or less nominal width; also nominal thicknesses over 4" up to and including 6" in all nominal widths up to and including 8".

(d) *Large timbers.* Used lumber of nominal sizes larger than 6" x 8"; also nominal thicknesses of more than 2" when wider than 12".

(e) *Flooring and/or Siding.* Used lumber planed to approximately 25/32" thickness, and which has tongue and groove or other construction commonly used for flooring and/or siding other than ship-lap.

(f) *Plywood.* Three or more thin layers of lumber, glued together with the grain of each layer at an angle to that of the adjoining layer, to form a material having the general characteristics of a thin board.

(g) *Reusable shorts less than 2' in length and/or scrap lumber* is used lumber of any of the other categories described in this section which, because of defects in quality or deficiencies in size, does not meet the grade specifications in Section 4.

SEC. 4. *Grades.* The following are the grades of used lumber for which maximum prices are established by the several supplements to this order:

(a) *Grades of boards, dimension, planks, and timbers.* (1) "Shelving grade" is used clear lumber other than pitchy selects, surfaced four sides, 2' and longer, having a thickness of 4/4", 5/4", or 6/4" and a width of 10" or more, free from loose or rotten knots, knotholes, and rot, and free from all knots except pin knots not to exceed three to a piece of 6' in length or equivalent.

(2) "Prime grade" is used lumber in the form of boards, dimension, planks or timbers, which individually are at least 2 feet in length, and which are sound, strong, of uniform width and thickness, suitable for substantial construction purposes, free from loose or rotten knots, knotholes, and rot, and without other defects which might materially impair the strength of the piece.

(3) "Secondary grade" is used lumber in the form of boards, dimension, planks or timbers, which individually are at least 2 feet in length, and which though failing to qualify as prime grade are reasonably good construction lumber. They must be free from rot, but may contain loose knots, knotholes, or other defects which do not interfere with their use for construction purposes. Each piece must show more than 50 percent prime grade lumber.

(b) *Grades of flooring and siding.* (1) "Reclaimed flooring or siding" is used flooring or siding of standard 25/32" thickness, entirely free of nails or other foreign matter and with upper surface whole or free from voids or splits. A tolerance of $\frac{1}{8}$" in thickness will be permitted where flooring is worn or sanded. Not more than 25 percent of the tongue may be missing on any piece nor more than 25 percent of the lower surface representing the under part of the groove.

(2) "Unreclaimed flooring or siding" is used flooring or siding which meets the specifications for reclaimed flooring or siding except that nails or other foreign matter have not been removed.

(c) *Grades of plywood.* (1) "Prime grade" is used plywood which is firmly bonded, free from rot, splits, foreign matter and holes other than nail holes, in pieces of square or rectangular shape at least four square feet in size, and having two smooth faces suitable for painting.

(2) "Wallboard grade" is plywood which is firmly bonded, free from rot, splits, foreign matter and holes other than nail holes, in pieces square or rectangular in shape at least four square feet in size, and having at least one smooth face suitable for painting.

(3) "Secondary grade" is used plywood in pieces at least two square feet in size, reasonably free from splits, holes other than nail holes, and foreign matter, so that at least 75 percent of the piece meets the specifications for wallboard grade (except for size and shape).

SEC. 5. *Persons.* The term "person" includes an individual corporation, partnership, association, or any other organized group of persons, or their legal successors or representatives; the United States, or any government, or any of its political subdivisions, or any agency of the foregoing.

SEC. 6. *Sales.* "Sale" includes a barter, exchange, lease or transfer, and an agreement or offer to sell, barter, exchange, lease or transfer.

SEC. 7. *Established yard.* Seller's established yard means premises occupied by the seller for the purpose of regularly and continually maintaining a stock of new and/or used lumber from various unrelated sources of supply.

ARTICLE III—SPECIFIC REQUIREMENTS

SEC. 8. *Posting ceiling prices.* Every person selling used lumber for delivery in, or from stocks located in, the area covered by this order shall obtain from the Office of Price Administration at least two copies of this order and the applicable supplement thereto. One copy of such order and applicable supplement must be posted and maintained in a prominent place at or near each location in the area where used lumber is offered for sale, in such manner that it can be easily read, and that purchasers can approach it within a distance of two feet. One other copy must be kept available so that it may be shown to and read by any customer at his request.

SEC. 9. *Sales slips and receipts.* Where a sale of used lumber is covered by this order and the total price of the sale is $5 or more, the seller shall, regardless of his previous practice and whether or not requested by buyers, give to the buyer a sales slip, bill, receipt, or other written evidence of the sale, setting forth the following:

Name and address of seller_____
Buyer's name_____
Place of delivery_____
Location from which stock is sold (seller's yard or site other than seller's yard)_____
Description of items sold and itemized prices (in terms of categories, grades, lengths, quantities and any other specification affecting the price)_____
Total price_____
Additions (for delivery or other extra)_____

SEC. 10. *Records and reports.* Every person who makes a sale of used lumber shall keep a record of such sale showing the name of the buyer and place of delivery, date of the sale, the grades sold, the quantities sold and the price charged in the same detail as required in section 9. Such records shall be kept for a period of 2 years or for the duration of the Emergency Price Control Act of 1942, as amended, whichever be the shorter.

ARTICLE IV—PROHIBITED PRACTICES AND PENALTIES

SEC. 11. *Sales of used lumber at higher than maximum prices prohibited.* (a) On and after the effective date of this order, regardless of any contract or obligation, no person shall make a sale or delivery of used lumber of the varieties covered by this order and no person shall buy or receive such used lumber under a sale, at prices higher than the maximum prices fixed by the applicable supplement to this order; and no person shall agree, offer, or attempt to do any of these things.

(b) Prices lower than the maximum prices may, of course, be charged and paid.

SEC. 12. *Prohibited practices.* Any practice which is designed to get the effect of a higher than ceiling price is as much a violation of this order as a direct over-the-ceiling charge. Such practices include, but are not limited to, the following:

(a) Getting the effect of a higher price by changing the credit practices from what they were in March 1942. This includes decreasing credit periods, or making greater charges for extension of credit.

(b) Refusing to sell except in small quantities, or with or without delivery under circumstances which bring the seller an extra return.

(c) Wrongly grading used lumber for which maximum prices are fixed by the applicable supplement to this order; or incorrectly or incompletely recording the information required by section 9 to be set forth on the sales slip, receipt or other evidence of sale.

(d) Quoting a gross price above the maximum price, even if accompanied by a discount, the effect of which is to bring the net price below the maximum.

(e) Charging, paying or receiving a commission for the service of procuring, buying, selling, or locating used lumber covered by any supplement to this order, or for any related service which does not involve actual physical handling of used lumber, if the commission plus the purchase price results in a total payment by the buyer of such used lumber which is higher than the maximum price permitted by the applicable supplement to this order. For the purpose of this order, a commission is any compensation, however designated, which is paid, wholly or in part, for the procurement of lumber, and which is based directly or indirectly on the quantity, price or value of the lumber in connection with which the service is rendered.

SEC. 13. *Penalties.* (a) Any person violating any provision of this order or any provision of a supplement to this order is subject to the criminal penalties, civil enforcement actions, suits for treble damages and proceedings for suspension of license provided for in the Emergency Price Control Act of 1942, as amended.

(b) Any person making a sale of used lumber covered by this order for which the total price fixed by the applicable supplement is higher than $5 and who either fails to give the buyer a sales slip, paid bill, receipt or other evidence of sale, or although such document is given, fails to set forth in it the information required to be set forth by section 9, so that a determination can be made as to whether or not the price charged was proper, shall be limited to making a charge of $5 per M' BM for all lumber delivered under such sale. The application or enforcement of this provision to a sale or against a seller shall not exclude the application or enforcement of the penalties provided in paragraph (a) of this section.

ARTICLE V—MAXIMUM PRICES

SEC. 14. Ceiling prices for any category of used lumber for which maximum prices are not fixed in a supplement to this order are subject to the General Maximum Price Regulation.

SEC. 15. *Maximum prices*—(a) *Local sales out of the seller's established yard.* The maximum prices set forth in the applicable supplement to this order shall apply to all soles of used lumber of the categories covered by this order, when the used lumber, at the time the order is taken, is part of a stock at the seller's established yard, and delivery is made either at the yard, or by truck, within a radius of 30 miles of such yard. If rail shipment either by the seller or buyer is to be made, see paragraph (c) (2) of this section.

(b) *Local sales from site other than the seller's established yard.* When a sale is made for delivery from stock located at a site other than the seller's established yard, and delivery is made either at the site, or by truck within a radius of 30 miles of such site, the maximum prices applicable to such sale shall be $2 per M' BM less than the prices set forth in the applicable supplement to this order. If rail shipment either by the seller or buyer is to be made, see paragraph (c) (2) of this section.

(c) *Other than local sales*—(1) *When delivery is by truck.* When a sale is made for delivery by truck to the buyer at a point located farther than 30 miles from the place where the shipment originates, the maximum price applicable to such sale shall be $5 per M' BM less than the price fixed for a local sale from such place under paragraph (a) or (b) above.

(2) *When rail transportation is involved.* When a sale is made which involves shipment by rail of used lumber, either by the buyer or seller, from the seller's established yard or from a site other than such yard, the maximum price applicable to such sale shall be $5 per M' BM less than the price fixed for a local sale from such place under paragraph (a) or (b) above.

SEC. 16. *Additions for delivery.* (a) If the buyer requests delivery within a free delivery zone which the seller recognized during March 1942, the seller may not charge for making the delivery.

(b) If the buyer requests delivery outside the free delivery zone which the seller recognized during March 1942, the seller may add a charge for delivery as follows:

(1) Where delivery is by common or contract carrier, the actual amount paid to the carrier by the seller may be charged.

(2) Where delivery up to 100 miles is by truck owned or controlled by the seller, the amount added for delivery may not be higher than 10 cents per M' BM for each mile to place of delivery, but not for any part of the return trip. When truck delivery over 100 miles is to be made, the addition may not be more than 10 cents per M' BM for each mile from the point of origin to the nearest possible point of rail loading-out plus the amount of rail transportation from there to destination.

(3) A minimum charge of 75 cents may be made on any delivery, where the permissible charges do not amount to 75 cents.

(c) If the buyer elects to take delivery at the site of the lumber or at the seller's established yard, no reduction in price shall be required for that reason.

This order or any supplement hereto may be revoked, modified, or amended at any time by the Price Administrator or the Regional Administrator.

ARTICLE VI—AREA PRICING SUPPLEMENTS

Supplement I

SEC. 17. *Utah-Southern Idaho Area Supplement.* (a) "Utah-Southern Idaho Area" means all of the State of Utah and all that part of Mohave and Coconino Counties in the State of Arizona lying north of the Colorado River, and the Counties of Fremont, Jefferson, Madison, Teton, Bonneville, Bingham, Power, Bannock, Caribou, Oneida, Franklin, Bear Lake, Gooding, Lincoln, Minidoka, Jerome, Twin Falls, and Cassia in the State of Idaho.

(b) On and after the effective date of this Revised Order No. G–1, the maximum prices for used lumber of the categories and grades specified in sections 3 and 4 shall be the dollars-and-cents prices set forth in the following:

TABLE OF MAXIMUM PRICES

A. *Boards, dimension, planks, and timbers.* When cleaned of nails, bolts and other foreign material:

MAXIMUM PRICES PER THOUSAND BOARD FEET

Length	Shelving grade	Prime grade		Secondary grade	
	4 feet and longer	4 to 20 feet	Over 20 feet	4 to 20 feet	Over 20 feet
Boards	$50	$37	$39	$30	$32
Dimension	.....	37	39	30	32
Planks and small timbers	.....	39	41	32	34
Large timbers	.....	41	41	34	37

For any of the kinds and grades above specified in lengths of 2 feet and less than 4 feet the applicable price herein specified, less $6, when sold by weight on the basis of a conversion factor of 2,000 pounds per thousand board feet.

NOTE: When not so cleaned: Deduct $5 per thousand board feet from the above prices.

B. *Flooring and siding, any length.*

	Per thousand board feet
Reclaimed flooring or siding, softwood	$50.00
Unreclaimed flooring or siding, softwood	40.00
Reclaimed flooring, hardwood	50.00
Unreclaimed flooring, hardwood	35.00

C. *Plywood.*

MAXIMUM PRICES PER SQUARE FOOT SURFACE MEASURE

Thickness	Prime grade	Wallboard grade	Secondary grade
	Cents	Cents	Cents
¼ inch	3.5	3.0	2.5
⅜ inch	4.7	4.3	3.5
½ inch	6.2	5.7	4.5
⅝ inch	7.5	7.0	5.0
¾ inch	8.5	8.0	6.0

Intermediate thicknesses take the price of the next larger thickness listed.

D. *For sales amounting in total for all items to less than $10,* the prices in A, B, and C above may be increased by 10 percent.

E. *Scrap lumber*—$7 per thousand board feet when stock is at the distribution yard; $5 per thousand board feet when sold from site other than the seller's established yard.[1]

Supplement II

SEC. 18. *Colorado Area Supplement.* (a) "Colorado Area" means all of the State of Colorado.

(b) On and after the effective date of this Revised Order No. G–1, the maximum prices for used lumber of the categories and grades specified in sections 3 and 4 shall be the dollars-and-cents prices set forth in the following:

TABLE OF MAXIMUM PRICES

A. *Boards, dimension, planks, and timbers.* When cleaned of nails, bolts and other foreign material:

MAXIMUM PRICES PER THOUSAND BOARD FEET

Length	Shelving grade	Prime grade		Secondary grade	
	4 feet and longer	4 to 20 feet	Over 20 feet	4 to 20 feet	Over 20 feet
Boards	$50	$40	$42	$32	$34
Dimension	.....	40	42	32	34
Planks & small Timbers	.....	42	44	34	36
Large Timbers	.....	44	47	36	39

For any of the kinds and grades above specified in lengths of 2 feet and less than 4 feet the applicable price herein specified, less $6, when sold by weight on the basis of a conversion factor of 2,000 pounds per thousand board feet.

NOTE: When not so cleaned: Deduct $5 per thousand board feet from the above prices.

B. *Flooring and siding, any length.*

	Per thousand board feet
Reclaimed flooring or siding, softwood	$50.00
Unreclaimed flooring or siding, softwood	40.00
Reclaimed flooring, hardwood	50.00
Unreclaimed flooring, hardwood	35.00

[1] For the purpose of scrap lumber the conversion factor when sold by the ton shall be 2,000 pounds per thousand board feet.

C. *Plywood.*

MAXIMUM PRICES PER SQUARE FOOT SURFACE MEASURE

Thickness	Prime grade	Wallboard grade	Secondary grade
	Cents	Cents	Cents
¼ inch	3.5	3.0	2.5
⅜ inch	4.7	4.3	3.5
½ inch	6.2	5.7	4.5
⅝ inch	7.5	7.0	5.0
¾ inch	8.5	8.0	6.0

Intermediate thicknesses take the price of the next larger thickness listed.

D. *For sales amounting in total for all items to less than $10,* the prices in A, B and C above may be increased by 10 percent.

E. *Scrap lumber*—$7 per thousand board feet when stock is at the distribution yard; $5 per thousand board feet when sold from site other than the seller's established yard.[1]

Supplement III

SEC. 19. *Boise, Idaho Area Supplement.* (a) "Boise, Idaho Area" means all that part of the State of Idaho contained within the Counties of Adams, Valley, Lemhi, Clark, Butte, Custer, Boise, Gem, Washington, Payette, Canyon, Ada, Elmore, Owyhee, Camas, and Blaine, and the County of Malheur in the State of Oregon.

(b) On and after the effective date of this Revised Order No. G–1, the maximum prices for used lumber of the categories and grades specified in sections 3 and 4 shall be the dollars-and-cents prices set forth in the following:

TABLE OF MAXIMUM PRICES

A. *Boards, dimension, planks, and timbers.* When cleaned of nails, bolts and other foreign material:

MAXIMUM PRICES PER THOUSAND BOARD FEET

Length	Shelving grade	Prime grade		Secondary grade	
	4 feet and longer	4 to 20 feet	Over 20 feet	4 to 20 feet	Over 20 feet
Boards	$47	$35	$37	$28	$30
Dimension	.....	35	37	28	30
Planks and small timbers	.....	37	39	30	32
Large timbers	.....	39	42	32	33

For any of the kinds and grades above specified in lengths of 2' and less than 4' the applicable price herein specified, less $6, when sold by weight on the basis of a conversion factor of 2,000 pounds per thousand board feet.

NOTE: When not so cleaned: Deduct $5 per thousand board feet from the above prices.

B. *Flooring and siding, any length.*

	Per thousand board feet
Reclaimed flooring or siding, softwood	$47.00
Unreclaimed flooring or siding, softwood	37.00
Reclaimed flooring, hardwood	50.00
Unreclaimed flooring, hardwood	35.00

C. *Plywood.*

MAXIMUM PRICES PER SQUARE FOOT SURFACE MEASURE

Thickness	Prime grade	Wallboard grade	Secondary grade
	Cents	Cents	Cents
¼ inch	3.3	2.8	2.0
⅜ inch	4.4	4.0	3.0
½ inch	5.8	5.3	4.5
⅝ inch	7.0	6.5	5.0
¾ inch	7.8	7.3	6.0

Intermediate thicknesses take the price of the next larger thickness listed.

D. *For sales amounting in total for all items to less than $10,* the prices in A, B, and C above may be increased by 10 percent.

E. *Scrap lumber*—$7 per thousand board feet when stock is at the distribution yard; $5 per thousand board feet when sold from site other than the seller's established yard.[1]

Supplement IV

SEC. 20. *New Mexico Area Supplement.* (a) "New Mexico Area" means all of the State of New Mexico.

(b) On and after the effective date of this Revised Order No. G–1, the maximum prices for used lumber of the categories and grades specified in sections 3 and 4 shall be the dollars-and-cents prices set forth in the following:

TABLE OF MAXIMUM PRICES

A. *Boards, dimension, planks, and timbers.* When cleaned of nails, bolts and other foreign material:

MAXIMUM PRICES PER THOUSAND BOARD FEET

Length	Shelving grade	Prime grade		Secondary grade	
	4 feet and longer	4 to 20 feet	Over 20 feet	4 to 20 feet	Over 20 feet
Boards	$50	$38	$40	$30	$32
Dimension	.....	38	40	30	32
Planks and small timbers	.....	40	42	32	34
Large timbers	.....	42	45	34	37

For any of the kinds and grades above specified in lengths of 2' and less than 4' the applicable price herein specified, less $6, when sold by weight on the basis of a conversion factor of 2,000 pounds per thousand board feet.

NOTE: When not so cleaned: Deduct $5 per thousand board feet from the above prices.

B. *Flooring and siding, any length.*

	Per thousand board feet
Reclaimed flooring or siding, softwood	$50.00
Unreclaimed flooring or siding, softwood	40.00
Reclaimed flooring, hardwood	50.00
Unreclaimed flooring, hardwood	35.00

C. *Plywood.*

MAXIMUM PRICES PER SQUARE FOOT SURFACE MEASURE

Thickness	Prime grade	Wallboard grade	Secondary grade
	Cents	Cents	Cents
¼ inch	3.3	2.8	2.0
⅜ inch	4.4	4.0	3.0
½ inch	5.8	5.3	4.5
⅝ inch	7.0	6.5	5.0
¾ inch	7.8	7.3	6.0

Intermediate thicknesses take the price of the next larger thickness listed.

D. *For sales amounting in total for all items to less than $10,* the prices in A, B, and C above may be increased by 10 percent.

E. *Scrap lumber*—$7 per thousand board feet when stock is at the distribution yard; $5 per thousand board feet when sold from site other than the seller's established yard.[1]

Effective date. This Revised Order No. G–1 shall become effective on the 1st day of August 1945.

Issued this 1st day of August 1945.

JOSEPH W. PENFOLD,
Acting Regional Administrator.

[F. R. Doc. 45–15251; Filed, Aug. 18, 1945; 9:21 a. m.]

[Region VII Order G–5 Under RMPR 188, Amdt. 1]

GRAND JUNCTION BRICK CO.

ADJUSTMENT OF MAXIMUM PRICES

Pursuant to the Emergency Price Control Act of 1942, as amended, the Stabilization Act of 1942, as amended, and § 1499.161 (a) (2) of Maximum Price Regulation No. 188, and for the reasons set forth in the accompanying opinion, this Amendment No. 1 is issued.

1. Order No. G–5 under Maximum Price Regulation No. 188, issued by this Regional Office on April 21, 1945, is hereby amended by inserting therein a new paragraph designated (b–1), to follow immediately after paragraph (b), and reading as follows:

(b–1) *Transportation allowance.* Resellers located outside of the Grand Junction free delivery zone may add to the maximum prices for resellers, as set forth in paragraph (b), the cost of transportation actually paid by such reseller; not, however, to exceed the lowest available common carrier rate for minimum loads of 10,000 pounds.

2. *Effective date.* This Amendment No. 1 shall become effective on the 30th day of July 1945.

Issued this 30th day of July 1945.

RICHARD Y. BATTERTON,
Regional Administrator.

[F. R. Doc. 45–15243; Filed, Aug. 18, 1945; 9:19 a. m.]

[Region VII 3d Rev. Order G–24 Under RMPR 122, Amdt. 4]

SOLID FUELS IN DENVER REGION

Pursuant to the Emergency Price Control Act of 1942, as amended, the Stabilization Act of 1942, as amended, and § 1340.260 of Revised Maximum Price Regulation No. 122, and for the reasons set forth in the accompanying opinion, this Amendment No. 4 is issued.

1. Subparagraph (1) of Part II, Mines in District 19, is hereby amended to read as follows:

Operator	Subdistrict	Index no.	Size groups	Amount	Effective date
				Cts.	
(1) Colony Coal Co.: Peacock.	2	18	1 through 7	80	7–9–45
			8	85	7–9–45
			9 through 11	95	7–9–45
			12	115	7–9–45
			13	45	7–9–45
			14 through 16	50	7–9–45

2. Subparagraphs (8) and (9) of Part III, Mines in District 20, are hereby redesignated (15) and (16), respectively, and subparagraphs (6) and (7) are amended and seven new subparagraphs designated (8) to (14), both inclusive, are inserted, to read as follows:

Operator	Subdistrict	Index no.	Size groups	Amount	Effective date
(6) Deer Creek Coal Co.:			1 and 2	$0.65	7–12–45
			3 through 6	1.15	7–12–45
(a) Deer Creek	1	131	7	1.00	7–12–45
(b) Deer Creek coal.	1	116	8 and 9	.70	7–12–45
			10 through 12	.65	7–12–45
			13 through 15	.70	7–12–45
(7) American Fuel Co.: AmericanFuel	1	147	1 and 2	.65	7–12–45
			3 through 6	1.15	7–12–45
			7	1.00	7–12–45
			8 and 9	.70	7–12–45
			10 through 12	.65	7–12–45
			13 through 15	.70	7–12–45
(8) Co-op Mining Co.: Co-op.	1	148	1 and 2	.65	7–12–45
			3 through 6	1.15	7–12–45
			7	1.00	7–12–45
			8 and 9	.70	7–12–45
			10 through 12	.65	7–12–45
			13 through 15	.70	7–12–45
(9) R. Glen Davis: Castle Valley.	1	29	1 and 2	.65	7–12–45
			3 through 6	1.15	7–12–45
			7	1.00	7–12–45
			8 and 9	.70	7–12–45
			10 through 12	.65	7–12–45
			13 through 15	.70	7–12–45
(10) Days Mutual Coal Co.: Days.	1	32	1 and 2	.65	7–12–45
			3 through 6	1.15	7–12–45
			7	1.00	7–12–45
			8 and 9	.70	7–12–45
			10 through 12	.65	7–12–45
			13 through 15	.70	7–12–45
(11) Roy Johnson: Bear Canyon.	1	192	1 and 2	.65	7–12–45
			3 through 6	1.15	7–12–45
			7	1.00	7–12–45
			8 and 9	.70	7–12–45
			10 through 12	.65	7–12–45
			13 through 15	.70	7–12–45
(12) Theo. Leroy: Meeting House.	1	132	1 and 2	.65	7–12–45
			3 through 6	1.15	7–12–45
			7	1.00	7–12–45
			8 and 9	.70	7–12–45
			10 through 12	.65	7–12–45
			13 through 15	.70	7–12–45
(13) Leo D. Munk: Stump Flat.	1	150	1 and 2	.65	7–12–45
			3 through 6	1.15	7–12–45
			7	1.00	7–12–45
			8 and 9	.70	7–12–45
			10 through 12	.65	7–12–45
			13 through 15	.70	7–12–45
(14) Sea Gull Mining Co.: Sea Gull.	1	1068	1 and 2	.65	7–12–45
			3 through 6	1.15	7–12–45
			7	1.00	7–12–45
			8 and 9	.70	7–12–45
			10 through 12	.65	7–12–45
			13 through 15	.70	7–12–45

3. *Effective date.* This Amendment No. 4 shall become effective retroactively as of July 25, 1945.

Issued this 7th day of August 1945.

RICHARD Y. BATTERTON,
Regional Administrator.

[F. R. Doc. 45–15250; Filed, Aug. 18, 1945; 9:21 a. m.]

[Region VII Order G–30 Under RMPR 122]

SOLID FUELS IN DENVER REGION

Pursuant to the Emergency Price Control Act of 1942, as amended, the Stabilization Act of 1942, as amended, and §§ 1340.259 (a) and 1340.260 of Revised Maximum Price Regulation No. 122, and for the reasons set forth in the accompanying opinion, this Order No. G–30 is issued.

(a) *What this order does.* This Order No. G–30 permits dealers in Region VII for whom specific maximum prices have heretofore been established by this Regional Office by an order or orders issued under Revised Maximum Price Regula-

tion No. 122 to add to their present maximum prices as so established for the coals specified herein a sum equal to the increase granted the producer by Amendment No. 146 to Maximum Price Regulation No. 120, effective August 3, 1945.

(b) *Dealers' permitted increases.* If you are a dealer selling any kind, class, or grade of bituminous coal produced in Districts 17, 18, or 22, for which your present maximum price has been established by an order or orders issued by this Regional Office under Revised Maximum Price Regulation No. 122, you may add to such presently existing maximum prices for such coals the amounts respectively set forth in the following table:

DEALERS' PERMITTED PRICE INCREASES UNDER AMENDMENT 146 TO MAXIMUM PRICE REGULATION NO. 120

Kind	Permitted increase	
	Per ton	Per net ton
All bituminous coal produced by hand loading mines in district 17	*Cents* 5	*Cents* 3
All bituminous coal produced in district 18	13	7
All bituminous coal produced in district 22	12	6

(c) *Limitations.* This Order No. G-30 permits you, on and after the effective date hereof, to add to your present dollars-and-cents maximum prices as established under existing orders and regulations the amounts set forth in the above table as to bituminous coal of the kind specified, when loaded out and shipped by the producer on or after August 3, 1945, on your order.

(d) *Licensing.* The provisions of Licensing Order No. 1, licensing all persons who make sales under price control, are applicable to all sellers subject to this regulation or order. A seller's license may be suspended for violation of the license or of one or more applicable price schedules or regulations. A person whose license is suspended may not, during the period of suspension, make any sale for which his license has been suspended.

(e) *Right to revoke or amend.* This order may be revoked, modified, or amended at any time by the Price Administrator or the Regional Administrator.

Effective date. This Order No. G-30 shall become effective on August 6, 1945.

Issued this 7th day of August 1945.

RICHARD Y. BATTERTON,
Regional Administrator.

[F. R. Doc. 45-15249; Filed, Aug. 18, 1945; 9:21 a. m.]

[Region VII Order G-42 Under MPR 188]

H. P. WILSON & CO., ET AL.

AUTHORIZATION OF MAXIMUM PRICES

Pursuant to the Emergency Price Control Act of 1942, as amended, the Stabilization Act of 1942, as amended, and §§ 1499.158 and 1499.158a of Maximum Price Regulation No. 188, and for the reasons set forth in the accompanying opinion, this Order No. G-42 is issued.

(a) *What this order does.* This Order No. G-42 establishes maximum prices for specified commodities manufactured by H. P. Wilson & Co., of 1548 Market Street, Denver, Colorado, when sold at the specified levels.

(b) *Authorized maximum prices.* Upon and after the effective date of this Order No. G-42, the maximum prices for the following commodities manufactured by H. P. Wilson & Co., of 1548 Market Street, Denver, Colorado, in accordance with the specifications set forth in the several applications of said manufacturer now on file in this Regional Office as a part of the record in this case, shall be as follows:

(1) When sold by the manufacturer, f. o. b. shipping point, to a jobber or a wholesaler:

	Per dozen
(1) Stake body truck, model No. 101	$16.70
(2) Coal truck, model No 102	16.70
(3) Senior Hollywood bed, model No. 220	9.20
(4) Senior Hollywood bedding, model No. 220	8.60
(5) Joe Ann bed, model No. 210	10.40
(6) Joe Ann bedding, model No. 210	4.60
(7) Junior Hollywood bed, model No. 221	6.30
(8) Junior Hollywood bedding, model No. 221	5.50
(9) Bread board, model No. 10	4.25
(10) Bread board, model No. 12	3.70

(2) When sold by the manufacturer, a jobber or a wholesaler, f. o. b. shipping point, to a retailer:

	Per dozen
(1) Stake body truck, model No. 101	$18.00
(2) Coal truck, model No. 102	19.65
(3) Senior Hollywood bed, model No. 220	11.50
(4) Senior Hollywood bedding, model No. 220	10.75
(5) Joe Ann bed, model No. 210	13.00
(6) Joe Ann bedding, model No. 210	5.75
(7) Junior Hollywood bed, model No. 221	7.90
(8) Junior Hollywood bedding, Model No. 221	6.85
(9) Bread board, model No. 10	5.70
(10) Bread board, model No. 12	4.95

(3) When sold by any seller to an ultimate consumer or user:

	Each
(1) Stake body truck, model No. 101	$2.49
(2) Coal truck, model No. 102	2.59
(3) Senior Hollywood bed, model No. 220	1.59
(4) Senior Hollywood bedding, model No. 220	1.49
(5) Joe Ann bed, model No. 210	1.79
(6) Joe Ann bedding, model No. 210	.79
(7) Junior Hollywood bed, model No. 221	1.10
(8) Junior Hollywood bedding, model No. 221	.95
(9) Bread board, model No. 10	.79
(10) Bread board, model No. 12	.69

NOTE: (1) The maximum prices authorized by the above paragraphs (1) and (2) are subject to a discount of 2% for payment within 10 days from date of invoice.

(ii) The prices above specified for sales f. o. b. shipping point include all costs incident to wrapping, packing, boxing, and carting.

(c) *Notice to be given purchasers for resale.* When the manufacturer or any other seller makes a first sale under this Order No. G-42 to a person who purchases for resale, he must show upon the invoice or on a separate slip or rider attached thereto the applicable resale price or prices as set forth in paragraph (b) above.

(d) *Applicability of other regulations.* The pricing provisions of the General Maximum Price Regulation have no application to the prices established by this Order No. G-42 for sales by the manufacturer or any other seller.

(e) *Geographical applicability.* The maximum prices authorized by this Order No. G-42 for resellers are applicable only to sales made within this Region VII, which includes the States of New Mexico, Colorado, Wyoming, Montana, and Utah, and all that part of the State of Idaho lying south of the southern boundary of Idaho County, the County of Malheur in the State of Oregon, and all that part of the Counties of Mohave and Coconino in the State of Arizona lying north of the Colorado River.

(f) *Licensing.* The provisions of Licensing Order No. 1, licensing all persons who make sales under price control, are applicable to all sellers subject to this regulation or order. A seller's license may be suspended for violation of the license or of one or more applicable price schedules or regulations. A person whose license is suspended may not, during the period of suspension, make any sale for which his license has been suspended.

(g) *Right to revoke or amend.* This order may be revoked, modified, or amended at any time by the Price Administrator or the Regional Administrator.

Effective date. This Order No G-42 shall become effective on the 28th day of July, 1945.

Issued this 28th day of July 1945

RICHARD Y. BATTERTON,
Regional Administrator.

[F. R. Doc. 45-15242; Filed, Aug 18 1945, 9:19 a. m.]

[Region VII Order G-43 Under MPR 188]

ALBUQUERQUE BRICK & TILE CO

ADJUSTMENT OF MAXIMUM PRICES

Pursuant to the Emergency Price Control Act of 1942, as amended, the Stabilization Act of 1942, as amended, and § 1499.161 (a) (2) of Maximum Price Regulation No. 188, and for the reasons set forth in the accompanying opinion, this Order No. G-43 is issued.

(a) *What this order does.* This order adjusts the maximum prices for Albuquerque Brick & Tile Co., Inc. for common building brick manufactured by it at Albuquerque, New Mexico, when sold f. o. b. its plant or delivered in the customary free delivery zone in the Albuquerque area; and maximum prices for resellers who purchase from said Albuquerque Brick & Tile Co., Inc.

(b) *Maximum prices.* The maximum prices for common building brick manufactured by Albuquerque Brick & Tile Co., Inc., of Albuquerque, New Mexico, when sold f. o. b. at its plant or delivered in the customary free delivery zone of the Albuquerque area, and the maximum prices for sales of such common building brick made by resellers f. o. b. their several places of business or delivered within the respective reseller's free delivery zone out of inventory stock on hand, shall be as follows:

(1) Sales made by a manufacturer direct to consumer, $23 per M.

(2) Sales made by manufacturer to resellers, $23 per M, less a trade discount of 15%.

(3) Sales by resellers to consumers, $25 per M.

(c) *Transportation allowance.* Resellers located outside of the Albuquerque free delivery zone may add to the maximum price for resellers as above set forth in paragraph (b) the cost of transportation actually paid by such reseller; not, however, to exceed the lowest available common carrier rate for minimum loads of 10,000 pounds.

(d) *Geographical applicability.* The prices established by this Order No. G-43 for resellers are applicable only to resales made within the States of New Mexico and Colorado.

(e) *Licensing.* The provisions of Licensing Order No. 1, licensing all persons who make sales under price control, are applicable to all sellers subject to this regulation or order. A seller's license may be suspended for violation of the license or of one or more applicable price schedules or regulations. A person whose license is suspended may not, during the period of suspension, make any sale for which his license has been suspended.

(f) *Right to revoke or amend.* This order may be revoked, modified, or amended at any time by the Price Administrator or the Regional Administrator.

Effective date. This Order No. G-43 shall become effective on the 30th day of July, 1945.

Issued this 30th day of July 1945.

RICHARD Y. BATTERTON,
Regional Administrator.

[F. R. Doc. 45-15241; Filed, Aug. 18, 1945; 9:19 a. m.]

[Region VII Order G-46 Under MPR 188]

ROME CREATIONS, ET AL.

AUTHORIZATION OF MAXIMUM PRICES

Pursuant to the Emergency Price Control Act of 1942, as amended, the Stabilization Act of 1942, as amended, and §§ 1499.158 and 1499.158a of Maximum Price Regulation No. 188, and for the reasons set forth in the accompanying opinion, this Order No. G-46 is issued.

(a) *What this order does.* This Order No. G-46 establishes maximum prices for four items of stationery in boxes manufactured by Rome Creations, a partnership, when sold at the specified levels.

(b) *Authorized maximum prices.* Upon and after the effective date of this Order No. G-46, the maximum prices for the boxes of stationery designated "Destined Hour", "A Moment's Halt", "Of Thee and Me", and "Leaves of Life", respectively, manufactured by Rome Creations, a partnership composed of Richardson Rome, Calvin Williams, Leon R. Humes, and Walter J. Hultin, of 1248 Stout Street, Denver, Colorado, in accordance with the specifications set forth in the applications of said manufacturer now on file in this Regional Office as a part of the record in this case, shall be as follows:

(1) When sold by the manufacturer to a jobber or a wholesaler:

	Each
Destined Hour	$8.80
A Moments Halt	3.00
Of Thee and Me	4.50
Leaves of Life	6.30

(2) When sold by the manufacturer, a jobber, or a wholesaler, to a retailer:

	Each
Destined Hour	$10.50
A Moments Halt	3.60
Of Thee and Me	5.40
Leaves of Life	7.50

(3) When sold by any seller to an ultimate consumer or user:

	Each
Destined Hour	$17.50
A Moments Halt	6.00
Of Thee and Me	9.00
Leaves of Life	12.50

NOTES

(1) The maximum prices authorized by the above paragraphs (1) and (2) are subject to a discount of 2 10 EOM. (The designation "2/10 EOM" is a trade designation meaning if payment is made on or before 10 days after the end of the month in which the merchandise is invoiced, or if the merchandise is purchased as late as the 25th or a subsequent day of any month and payment is made on or before the 10th day of the second month thereafter, a discount of 2% may be taken by the purchaser.)

(ii) The prices above specified are not f. o. b. factory prices, but include all costs incident to wrapping, packing, boxing, and carting, and one-half of the cost of transportation charges to the buyer's customary receiving point.

(c) *Notice to be given purchasers for resale.* When the manufacturer or any other seller makes a first sale under this Order No. G-46 to a person who purchases for resale, he must show upon the invoice or on a separate slip or rider attached thereto the applicable resale price or prices as set forth in paragraph (b) above.

(d) *Applicability of other regulations.* The pricing provisions of the General Maximum Price Regulation have no application to the prices established by this Order No. G-46 for sales by the manufacturer or any other seller.

(e) *Geographical applicability.* The maximum prices authorized by this Order No. G-46 for resellers are applicable only to sales made within this Region VII, which includes the States of New Mexico, Colorado, Wyoming, Montana, and Utah, and all that part of the State of Idaho lying south of the southern boundary of Idaho County, the County of Malheur in the State of Oregon, and all that part of the Counties of Mohave and Coconino in the State of Arizona lying north of the Colorado River.

(f) *Licensing.* The provisions of Licensing Order No. 1, licensing all persons who make sales under price control, are applicable to all sellers subject to this regulation or order. A seller's license may be suspended for violation of the license or of one or more applicable price schedules or regulations. A person whose license is suspended may not, during the period of suspension, make any sale for which his license has been suspended.

(g) *Right to revoke or amend.* This order may be revoked, modified, or amended at any time by the Price Administrator or the Regional Administrator.

Effective date. This Order No. G-46 shall become effective on the 6th day of August, 1945.

Issued this 6th day of August 1945.

JOSEPH W. PENFOLD,
Acting Regional Administrator.

[F. R. Doc. 45-15248; Filed, Aug. 18, 1945; 9:21 a. m.]

[Region VII Order G-47 Under MPR 188]

MORROW GAMES, ET AL.

AUTHORIZATION OF MAXIMUM PRICES

Pursuant to the Emergency Price Control Act of 1942, as amended, the Stabilization Act of 1942, as amended, and §§ 1499.158 and 1499.158a of Maximum Price Regulation No. 188, and for the reasons set forth in the accompanying opinion, this Order No. G-47 is issued.

(a) *What this order does.* This Order No. G-47 establishes maximum prices for a dart board manufactured by James T. Morrow, doing business as Morrow Games, when sold at the specified levels.

(b) *Authorized maximum prices.* Upon and after the effective date of this Order No. G-47, the maximum prices for the game, designated "dart board", manufactured by James T. Morrow, doing business as Morrow Games, of 1411 West Colorado Avenue, Colorado Springs, Colorado, in accordance with the specifications set forth in the application of said manufacturer now on file in this Regional Office as a part of the record in this case, shall be as follows:

(1) When sold by the manufacturer, f. o. b. shipping point, to a jobber or a wholesaler, $5.75 per dozen.

(2) When sold by the manufacturer, a jobber or a wholesaler, f. o. b. shipping point, to a retailer, $7.20 per dozen.

(3) When sold by any seller to an ultimate consumer or user, $1 each.

NOTES

(1) The maximum prices authorized by the above paragraphs (1) and (2) are subject to a discount of 2% for payment within 10 days from date of invoice.

(ii) The prices above specified for sales f. o. b. shipping point include all costs incident to wrapping, packing, boxing and carting.

(c) *Notice to be given purchasers for resale.* When the manufacturer or any other seller makes a first sale under this Order No. G-47 to a person who purchases for resale, he must show upon the invoice or on a separate slip or rider attached thereto the applicable resale price

or prices as set forth in paragraph (b) above.

(d) *Applicability of other regulations.* The pricing provisions of the General Maximum Price Regulation have no application to the prices established by this Order No. G–47 for sales by the manufacturer or any other seller.

(e) *Geographical applicability.* The maximum prices authorized by this Order No. G–47 for resellers are applicable only to sales made within this Region VII, which includes the States of New Mexico, Colorado, Wyoming, Montana, and Utah, and all that part of the State of Idaho lying south of the southern bounardy of Idaho County, the County of Malheur in the State of Oregon, and all that part of the Counties of Mohave and Coconino in the State of Arizona lying north of the Colorado River.

(f) *Licensing.* The provisions of Licensing Order No. 1, licensing all persons who make sales under price control, are applicable to all sellers subject to this regulation or order. A seller's license may be suspended for violation of the license or of one or more applicable price schedules or regulations. A person whose license is suspended may not, during the period of suspension, make any sale for which his license has been suspended.

(g) *Right to revoke or amend.* This order may be revoked, modified, or amended at any time by the Price Administrator or the Regional Administrator.

Effective date. This Order No. G–47 shall become effective on the 7th day of August, 1945.

Issued this 7th day of August 1945.

RICHARD Y. BATTERTON,
Regional Administrator.

[F. R. Doc. 45–15252; Filed, Aug. 18, 1945; 9:22 a. m.]

[Region VIII Order G–8 Under RMPR 251]

PLUMBING SERVICES IN NEVADA

For the reasons set forth in an opinion issued simultaneously herewith, and under the authority vested in the Regional Administrator of the Office of Price Administration by section 9 of Revised Maximum Price Regulation No. 251, it is hereby ordered:

(a) *Geographical applicability.* This order shall apply to sellers located in the following area: The State of Nevada, except Clark County.

(b) *Maximum prices.* The maximum price of plumbing services shall be the sum of a charge for labor and the maximum price of the materials used. The maximum charge for labor shall be determined by multiplying the maximum hourly rate for each category of labor by the number of hours of labor performed in that category, as provided by subparagraph (b) (1). The maximum price of the materials used shall be determined as is provided by subparagraph (b) (2). No fees, commissions, or charges for rental or use of equipment may be charged except as may be otherwise specified in this order.

(1) *Maximum labor charge.*

(i) *The maximum hourly rate* shall be either the customer's hourly rate as specified below or the legal labor cost per hour multiplied by 155 percent, whichever is lower.

(ii) *Customers' hourly rate:*

Journeyman: $2.50.
Helper: $1.75.
Laborer: $1.40.

(iii) *Measurement of hours.* The number of hours to be charged against any job is to be counted from the time the workman leaves the shop or the previous job (whichever is later) until he completes the job, if he proceeds to another job, or until he returns to the shop, if he proceeds there directly. The hours for which charges are made shall not exceed those shown in the seller's payroll records nor those shown in records which paragraph (f) of this order requires the seller to keep.

(iv) *Overtime.* Overtime may be charged for at the same legal ratio to straight time which the seller's agreement with his employees required him to pay.

(v) *Minimum charge.* If a job requires less than one man-hour, there may be collected a minimum charge equal to the rate for one hour.

(vi) Any plumber doing his own work shall take as his labor cost the labor cost applicable to journeyman plumbers.

(2) *Materials.* The maximum price of any new materials shall be the highest price charged for such materials by the seller during March 1942, or the price published as of the date of issuance of this order in the "Current Price Service," published by Current Price Bureau, 55 New Montgomery Street, San Francisco 5, California, whichever is lower. The maximum price of any used material shall be the price provided by Maximum Price Regulations No. 465 or No. 546. For new or used materials for which a maximum price cannot be so established such price shall be the seller's landed cost (not in excess of the maximum wholesale price therefor) plus 33⅓ percent.

(c) *Definitions.* (a) "Plumbing Services" means plumbing repair, maintenance, and installation services, and includes the sale of installed plumbing materials and the installation of oil burners and feed lines. "Plumbing" means gas, water, and steam distribution or waste removal systems, including installation of oil burners and feed lines. (b) "Overtime" refers to hours of work performed at customer's request on Saturday or Sunday or between the hours of 5:00 p. m. and 8:00 a. m. Monday to Saturday. (c) "Labor Cost" means the wage rates in effect on October 3, 1942, or wage rates which have been established by proper governmental agencies.

(d) *Jobs selling for more than $200.* For jobs sold for more than $200 the maximum price shall be calculated under section 7 of Revised Maximum Price Regulation No. 251, using the sum of labor costs, direct costs, and a margin not exceeding the margin used on the most comparable job in the period January 1, 1939, to March 31, 1943, or, for sellers not in business in March 1942, a margin not exceeding 30 percent of the sum of labor and material and other direct costs. This price may not exceed the maximum price had it been computed under paragraph (b).

(e) *Guaranteed price.* A seller may offer to supply a plumbing service covered by this order on the basis of a guaranteed price, the seller agreeing to charge a fixed amount: *Provided, however,* That such guaranteed price may not exceed the maximum price established by this order.

(f) *Records and invoices.* Every person making sales subject to this order must keep a record showing the time spent by his employees on each job involving plumbing services and of the wage rate for each such employee. Such records shall be kept by the seller at his place of business and shall be available for inspection by the Office of Price Administration. In addition, every person making sales subject to this order shall furnish to the customer an invoice or sales slip on which he has itemized labor and materials and on which he has certified that the price charged does not exceed the prices permitted by this Order No. G–8 under Revised Maximum Price Regulation No. 251. Duplicates of such invoices or such sales slips shall be kept by the seller at his place of business and shall be available for inspection by the Office of Price Administration.

(g) This order supersedes sections 6, 7, 8 of Revised Maximum Price Regulation No. 251, with respect to plumbing services supplied in the described areas, except where it is otherwise provided herein.

(h) This order may be amended or revoked at any time.

(i) This order shall become effective August 7, 1945, except that it shall not apply to sales made pursuant to contracts entered into prior to such date.

Issued this 2d day of August 1945.

FRANK H. SLOSS,
Acting Regional Administrator.

[F. R. Doc. 45–15247; Filed, Aug. 18 1945; 9:20 a. m.]

[Portland Order G–19 Under 18 (c), Amdt. 1]

FIREWOOD IN PORTLAND-VANCOUVER AREA

For the reasons set forth in an opinion issued simultaneously herewith, and under the authority vested in the District Director of the Office of Price Administration by § 1499.18 (c), as amended, of the General Maximum Price Regulation and by Order of Delegation No. 75, issued by the Regional Administrator of Region VIII, *It is hereby ordered,* That Order G–19, under § 1499.18 (c) as amended of the General Maximum Price Regulation is amended as follows:

1. The table of "Adjusted Maximum Prices," paragraph (a) is amended by adding the following:

Type of firewood	Adjusted maximum prices				
	Zone I—Retail	Zone II			Zone III—Retail
		Dealer's stock pile	Retail	Wholesale	
4' green slabwood (small run)	Cord $5.50	Cord $6.50	Cord $6.75	Cord $5.50	Cord $10.00

2. Paragraph (e) "Definitions," is amended in the following respects:

a. Subparagraph (1) is amended to read as follows:

(1) The "Portland-Vancouver Area" as herein used means the City of Portland, Oregon, including the area within eight miles of the city limits thereof; the City of Vancouver, Washington, including the area within eight miles of the city limits thereof; and the City of Camas, Washington, including the area within eight miles of the city limits thereof.

b. Subparagraph (3) is amended to read as follows:

(3) "Zone II" prices established herein are adjusted maximum prices for firewood which is imported into the Portland-Vancouver Area from any point not less than eight miles nor more than forty miles from the city limits of Portland, Oregon, the city limits of Vancouver, Washington, and the city limits of Camas, Washington, when sold and delivered within the Portland-Vancouver area as herein defined; *Provided,* That "Zone II" prices shall not apply to any firewood produced, within the Portland-Vancouver Area.

c. Subparagraph (8) is amended to read as follows:

(8) "Retail prices established herein are adjusted maximum prices for the specified types of firewood sold and delivered to the premises of the ultimate consumer, other than an industrial or commercial user, in the Portland-Vancouver Area.

d. Subparagraph (9) is amended to read as follows:

(9) "Wholesale" prices established herein are adjusted maximum prices for the specified types of firewood sold by a person who buys and resells such firewood to any person, other than an ultimate consumer, f. o. b. the unloading point in the Portland-Vancouver Area.

This amendment to Order G–19 shall become effective August 1, 1945.

(56 Stat. 566, Pub. Law 383, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 1st day of August 1945.

HOSEA R. EVANS,
Acting District Director.

[F. R. Doc. 45–15302; Filed, Aug. 18, 1945; 12:01 p. m.]

[Region VIII Order G–107 Under 18 (c)]

BREAD IN ALAMEDA COUNTY, CALIF.

For the reasons set forth in the accompanying opinion and under the authority vested in the Regional Administrator of the Office of Price Administration by § 1499.18 (c) of the General Maximum Price Regulation, *It is hereby ordered:*

(a) The maximum price on all sales at wholesale of French bread and wine bread, baked in a one pound loaf, in Alameda County in the State of California, shall be the seller's maximum price, as determined under section 2 of the General Maximum Price Regulation, or nine cents, whichever is higher.

(b) The maximum price on all sales at retail of French bread and wine bread, baked in a one pound loaf, in Alameda County in the State of California, shall be the seller's maximum price as determined under section 2 of the General Maximum Price Regulation, or eleven cents, whichever is higher.

(c) For purposes of this order the following terms shall have the following meanings:

(1) "Sales at wholesale" means sales to retailers, government procurement agencies, or to commercial, industrial or institutional users.

(2) "Sales at retail" means sales to ultimate consumers, except commercial, industrial or institutional users.

(d) This order shall not apply to sales of French bread and wine bread to the Army or Navy of the United States.

(e) This order may be amended, revoked or corrected at any time.

This order shall become effective on August 6, 1945.

Issued this 31st day of July 1945.

CHAS. R. BAIRD,
Regional Administrator.

Approved: July 28, 1945.

CLINTON P. ANDERSON,
Secretary of Agriculture.

[F. R. Doc. 45–15301; Filed, Aug. 18, 1945; 12:01 p. m.]

[Phoenix Order G–1 Under RMPR 259]

MALT BEVERAGES IN PHOENIX, ARIZ., DISTRICT

For the reasons set forth in the accompanying opinion, *It is hereby ordered:*

SECTION 1. *What the order does.* In accordance with the provisions of section 4.1 (c) of RMPR 259, as amended, this order establishes a base delivery zone for wholesalers of bottled domestic malt beverages by establishing a common center point, or the geographic limits, or both, of such a zone.

SEC. 2. *Where this order applies.* The provisions of this order apply to all wholesalers located within the area within a radius of twenty miles of the intersection of Central Avenue and Washington Street in Phoenix, Arizona. This area includes, but is not limited to, the following cities and towns:

Avondale.
Cactus.
Casaba.
Cashion.
Chandler.
Coldwater.
Gilbert.
Glendale.
Goodyear.
Laveen.
Litchfield.
Marinette.
Mesa.
Peoria.
Phoenix.
Scottsdale.
Tempe.
Tolleson.
Valley Heights.

SEC. 3. *Applicability.*—(a) *Within the base delivery zone.* No wholesaler located within the base delivery zone described in section 2 of this order may charge for delivery within that zone. Such sellers' ceiling prices for sales may not exceed the ceiling prices figured in accordance with the provisions of RMPR 259, as amended.

(b) *Outside the base delivery zone.* Such sellers' located in the base delivery zone defined in section 2 of this order, may charge in addition to their ceiling prices for bottled malt beverages for delivery outside the area described in section 3 (a), in accordance with the applicable provisions of RMPR 259, as amended. The charges which may be added are:

	Permitted delivery charge (cents per case)
Distance beyond base delivery zone:	
20 miles or less	3
More than 20 miles but less than 40 miles	6
40 miles or more but less than 60 miles	9
60 miles or more but less than 80 miles	12
80 miles or more but less than 100 miles	15
100 miles or more but less than 120 miles	18
120 miles or more but less than 140 miles	21
140 miles or more	24

(c) *Wholesalers located outside the base delivery zone.* This order shall not apply to wholesalers located outside the area described in section 2 of this order.

SEC. 4. *Definitions.* Unless the context otherwise requires the definitions set forth in section 302 of the Emergency Price Control Act of 1942, as amended, and in RMPR 259, as amended shall apply to the terms used herein.

This order shall become effective July 27, 1945.

Issued this 13th day of July 1945.

HARRY W. HILL,
District Director.

[F. R. Doc. 45–15303; Filed, Aug. 18, 1945; 12:01 p. m.]

[Phoenix Order G–2 Under RMPR 259]

MALT BEVERAGES IN PHOENIX, ARIZ., DISTRICT

For the reasons set forth in the accompanying opinion, *It is hereby ordered:*

SECTION 1. *What the order does.* In accordance with the provisions of section 4.1 (c) of RMPR 259, as amended, this order establishes a base delivery zone for wholesalers of bottled domestic malt beverages by establishing a common center point, or the geographic limits, or both, of such a zone.

SEC. 2. *Where this order applies.* The provisions of this order apply to all wholesalers located within the area within a radius of twenty miles of the United States Post Office at Broadway and Scott Streets, Tucson, Arizona. This area includes, but is not limited to, the following cities and towns:

Cortaro.	Vail.
Rillito.	Wilmot.
Sahuarita.	Wrightstown.
Tanque Verde.	Xavier.
Tucson.	

SEC. 3. *Applicability.*—(a) *Within the base delivery zone.* No wholesaler located within the base delivery zone described in section 2 of this order may charge for delivery within that zone. Such sellers' ceiling prices for sales may not exceed the ceiling prices figured in accordance with the provisions of RMPR 259, as amended.

(b) *Outside the base delivery zone.* Such sellers' located in the base delivery zone defined in section 2 of this order, may charge in addition to their ceiling prices for bottled malt beverages for delivery outside the area described in section 3 (a), in accordance with the applicable provisions of RMPR 259, as amended. The charges which may be added are:

Distance beyond base delivery zone:	*Permitted delivery charge (cents per case)*
20 miles or less	3
More than 20 miles but less than 40 miles	6
40 miles or more but less than 60 miles	9
60 miles or more but less than 80 miles	12
80 miles or more but less than 100 miles	15
100 miles or more but less than 120 miles	18
120 miles or more but less than 140 miles	21
140 miles or more	24

(c) *Wholesalers located outside the base delivery zone.* This order shall not apply to wholesalers located outside the area described in section 2 of this order.

SEC. 4. *Definitions.* Unless the context otherwise requires the definitions set forth in section 302 of the Emergency Price Control Act of 1942, as amended, and in RMPR 259, as amended, shall apply to the terms used herein.

This order shall become effective July 30, 1945.

Issued this 23d day of July 1945.

HARRY W. HILL,
District Director.

[F. R. Doc. 45-15304; Filed, Aug. 18, 1945; 12:01 p. m.]

[Phoenix Order G-3 Under RMPR 259]

MALT BEVERAGES IN PHOENIX, ARIZ., DISTRICT

For the reasons set forth in the accompanying opinion, it is hereby ordered:

SECTION 1. *What the order does.* In accordance with the provisions of section 4.1 (c) of RMPR 259, as amended, this order establishes a base delivery zone for wholesalers of bottled domestic malt beverages by establishing a common center point, or the geographic limits, or both, of such a zone.

SEC. 2. *Where this order applies.* The provisions of this order apply to all wholesalers located within the area within a radius of twenty miles of the intersection of Third and Main Streets in Yuma, Arizona. This area includes, but is not limited to, the following cities and towns:

Blaisdell.	Ligurta.
Dome.	Somerton.
Gadsden.	Yuma.
Laguna.	

SEC. 3. *Applicability*—(a) *Within the base delivery zone.* No wholesaler located within the base delivery zone described in section 2 of this order may charge for delivery within that zone. Such sellers' ceiling prices for sales may not exceed the ceiling prices figured in accordance with the provisions of RMPR 259, as amended.

(b) *Outside the base delivery zone.* Such sellers' located in the Base Delivery Zone defined in section 2 of this order, may charge in addition to their ceiling prices for bottled malt beverages for delivery outside the area described in section 3 (a), in accordance with the applicable provisions of RMPR 259, as amended. The charges which may be added are:

Distance beyond base delivery zone:	*Permitted delivery charge (cents per case)*
20 miles or less	3
More than 20 miles but less than 40 miles	6
40 miles or more but less than 60 miles	9
60 miles or more but less than 80 miles	12
80 miles or more but less than 100 miles	15
100 miles or more but less than 120 miles	18
120 miles or more but less than 140 miles	21
140 miles or more	24

(c) *Wholesalers located outside the base delivery zone.* This order shall not apply to wholesalers located outside the area described in section 2 of this order.

SEC. 4. *Definitions.* Unless the context otherwise requires the definitions set forth in section 302 of the Emergency Price Control Act of 1942, as amended, and in RMPR 259, as amended shall apply to the terms used herein.

This order shall become effective July 30, 1945.

Issued this 23d day of July 1945.

HARRY W. HILL,
District Director.

[F. R. Doc. 45-15305; Filed, Aug. 18, 1945; 12:01 p. m.]

LIST OF COMMUNITY CEILING PRICE ORDERS

The following orders under Rev. General Order 51 were filed with the Division of the Federal Register August 11, 1945.

REGION I

Boston Order 8-F, Amendment 10, covering fresh fruits and vegetables in certain areas in Massachusetts. Filed 9:06 a. m.

Boston Order 9-F, Amendment 11, covering fresh fruits and vegetables in certain areas in Massachusetts. Filed 9:06 a. m.

Boston Order 10-F, Amendment 10, covering fresh fruits and vegetables in certain areas in Massachusetts. Filed 9:07 a. m.

REGION VI

Duluth-Superior District Order 1-F, Amendment 82, covering fresh fruits and vegetables in certain areas in Minnesota. Filed 9:07 a. m.

Springfield Order 13-F, Amendment 21, covering fresh fruits and vegetables in Springfield, Sangamon County, Illinois. Filed 9:07 a. m.

Springfield Order 14-F, Amendment 23, covering fresh fruits and vegetables in certain areas in Illinois. Filed 9:08 a. m.

Springfield Order 15-F, Amendment 22, covering fresh fruits and vegetables in Decatur, Macon County, Illinois. Filed 9:08 a. m.

REGION VII

Salt Lake City Order 13-F, Amendment 3, covering fresh fruits and vegetables in certain areas in Utah. Filed 9:11 a. m.

Salt Lake City Order 13-F, Amendment 4, covering fresh fruits and vegetables in certain areas in Utah. Filed 9:12 a. m.

Salt Lake City Order 13-F, Amendment 5, covering fresh fruits and vegetables in certain areas in Utah Filed 9:13 a. m.

Salt Lake City Order 13-F, Amendment 6, covering fresh fruits and vegetables in certain areas in Utah. Filed 9:13 a. m.

REGION VIII

Fresno Order 1-C, Amendment 8, covering poultry in certain counties in California Filed 9:11 a. m.

Fresno Order 1-F, Amendment 81, covering fresh fruits and vegetables in certain areas in California. Filed 9:09 a. m.

Fresno Order 2-F, Amendment 69, covering fresh fruits and vegetables in certain areas in California. Filed 9:09 a. m.

Fresno Order 3-F, Amendment 66, covering fresh fruits and vegetables in certain areas in California. Filed 9:09 a. m.

Fresno Order 4-F (Revised), Amendment 41, covering fresh fruits and vegetables in certain areas in California. Filed 9:09 a. m.

Fresno Order 6-F, Amendment 52, covering fresh fruits and vegetables in certain areas in California. Filed 9:10 a. m.

Fresno Order 7-F, Amendment 31, covering fresh fruits and vegetables in certain areas in California. Filed 9:11 a. m.

Fresno Order 35, Amendment 3, covering dry groceries in certain areas in California. Filed 9:11 a. m.

Copies of any of these orders may be obtained from the OPA Office in the designated city.

ERVIN H. POLLACK,
Secretary.

[F. R. Doc. 45-15412; Filed, Aug. 20, 1945, 4:51 p. m.]

LIST OF COMMUNITY CEILING PRICE ORDERS

The following orders under Rev. General Order 51 were filed with the Division of the Federal Register August 10, 1945.

REGION II

Altoona Order 2-F, Amendment 29, covering fresh fruits and vegetables in the entire Altoona Area. Filed 8:56 a. m.

Altoona Order 2-F, Amendment 30, covering fresh fruits and vegetables in the entire Altoona Area. Filed 8:56 a. m.

Syracuse Order 4-F, Amendment 28, covering fresh fruits and vegetables in certain areas in New York. Filed 10:35 a. m.

Syracuse Order 4-F, Amendment 29, covering fresh fruits and vegetables in certain areas in New York. Filed 10:55 a. m.

REGION III

Charleston Order 7-F, Amendment 24, covering fresh fruits and vegetables in certain counties, except Huntington and Wayne County, W. Va.. Filed 10:55 a. m.

Charleston Order 9-F, Amendment 24, covering fresh fruits and vegetables in certain areas in West Virginia. Filed 10:55 a. m.

Charleston Order 10-F, Amendment 24, covering fresh fruits and vegetables in certain areas in West Virginia. Filed 10:56 a. m.

Charleston Order 11-F, Amendment 24, covering fresh fruits and vegetables in certain counties in West Virginia. Filed 10:56 a. m.

Charleston Order 14-F, Amendment 7, covering fresh fruits and vegetables in certain areas in West Virginia. Filed 10:56 a. m.

Charleston Order 15-F, Amendment 21, covering fresh fruits and vegetables in certain areas in West Virginia. Filed 10:56 a. m.

Charleston Order 16-F, Amendment 20, covering fresh fruits and vegetables in certain areas in West Virginia. Filed 10:56 a. m.

Charleston Order 17-F, Amendment 20, covering fresh fruits and vegetables in certain areas in West Virginia. Filed 10:57 a. m.

Lexington Order 5-F, Amendment 19, covering fresh fruits and vegetables in Fayette County, Kentucky. Filed 10:57 a. m.

Lexington Order 6-F, Amendment 19, covering fresh fruits and vegetables in Kenton and Campbell Counties, Kentucky. Filed 10:58 a. m.

Lexington Order 7-F, Amendment 19, covering fresh fruits and vegetables in Boyd County, Kentucky. Filed 10:58 a. m.

Louisville Order 9-F, Amendment 9, covering fresh fruits and vegetables in certain counties in Kentucky. Filed 10:59 a. m..

Louisville Order 10-F, Amendment 9, covering fresh fruits and vegetables in certain counties in Kentucky. Filed 10:59 a. m..

Louisville Order 16-F, Amendment 2, covering fresh fruits and vegetables in certain counties in Kentucky. Filed 10:59 a. m.

REGION IV

Charlotte Order 3-F, Amendment 29, covering fresh fruits and vegetables in certain areas in North Carolina. Filed 11:00 a. m.

Columbia Order 19-O, Amendment 6, covering eggs in the South Carolina Area. Filed 9:03 a. m.

Columbia Order 20-O, Amendment 6, covering eggs in the South Carolina Area. Filed 9:03 a. m.

Columbia Order 21-O, Amendment 6, covering eggs in the South Carolina Area. Filed 9:03 a. m.

Columbia Order 22-O, Amendment 6, covering eggs in the South Carolina Area. Filed 9:03 a. m.

Birmingham Order 1-C, Amendment 8, covering poultry in the Birmingham Area. Filed 8:58 a. m.

Birmingham Order 2-C, Amendment 8, covering poultry in the Birmingham Area. Filed 8:58 a. m.

Birmingham Order 2-C, Amendment 8, covering poultry in the Birmingham Area. Filed 8:59 a. m.

Birmingham Order 3-F, Amendment 29, covering fresh fruits and vegetables in Jefferson County, Alabama. Filed 8:58 a. m.

Birmingham Order 4-F, Amendment 15, covering fresh fruits and vegetables in certain areas in the Birmingham Area. Filed 8:58 a. m.

Jackson Order of Revocation 1-C, covering poultry in the Mississippi Area. Filed 11:00 a. m.

Jackson Order of Revocation 2-C, covering poultry in the Mississippi Area. Filed 11:00 a. m.

Jackson Order 3-C, covering poultry in certain counties in the Jackson, Mississippi Area. Filed 11:00 a. m.

Jackson Order 4-C, covering poultry in certain counties in the Jackson, Mississippi Area. Filed 11:00 a. m.

Jackson Order 5-C, covering poultry in certain counties in the Jackson, Mississippi Area. Filed 11:01 a. m.

Jackson Order 6-C, covering poultry in certain counties in the Jackson, Mississippi Area. Filed 11:03 a. m.

Jackson Order 7-C, covering poultry in certain counties in the Jackson, Mississippi Area. Filed 11:03 a. m.

Miami Order 1-F, Amendment 26, covering fresh fruits and vegetables in certain cities in Florida. Filed 9:00 a. m.

Miami Order 2-F, Amendment 24, covering fresh fruits and vegetables in certain areas in the Tampa, Florida, Area. Filed 9:00 a. m.

Miami Order 1-O, Amendment 1, covering eggs in certain counties in Florida. Filed 9:01 a. m.

Miami Order 2-O, Amendment 1, covering eggs in certain counties in Florida. Filed 9:01 a. m.

Miami Order 3-F, Amendment 12, covering fresh fruits and vegetables in certain areas in Florida. Filed 9:00 a. m.

Miami Order 4-F, Amendment 12, covering fresh fruits and vegetables in Monroe County, Florida. Filed 9:01 a. m.

Miami Order 4-O, Amendment 1, covering eggs in Monroe County, Florida. Filed 9:01 a. m.

REGION V

Dallas District Order 3-F, Amendment 53, covering fresh fruits and vegetables. Filed 9:04 a. m.

Dallas Order 4-F, Amendment 1, covering fresh fruits and vegetables. Filed 9:04 a. m.

Fort Worth Order 13-F, Amendment 1, covering fresh fruits and vegetables in Tarrant County, Texas. Filed 10:53 a. m.

Fort Worth Order 14-F, Amendment 1, covering fresh fruits and vegetables in Taylor County, Texas. Filed 10:53 a. m.

Fort Worth Order 15-F, Amendment 1, covering fresh fruits and vegetables in Tom Green County, Texas. Filed 10:53 a. m.

Fort Worth Order 16-F, Amendment 1, covering fresh fruits and vegetables in McLennan County, Texas. Filed 10:54 a. m.

Fort Worth Order 17-F, Amendment 1, covering fresh fruits and vegetables in Wichita County, Texas. Filed 10:54 a. m.

Fort Worth Order 18-F, covering fresh fruits and vegetables in certain counties in Texas. Filed 10:54 a. m.

Wichita Order 5-F, Amendment 2, covering fresh fruits and vegetables in certain areas in Kansas. Filed 8:56 a. m.

REGION VI

La Crosse Order 3-F, Amendment 78, covering fresh fruits and vegetables in Eau Claire and Chippewa Falls, Wisconsin. Filed 9:04 a. m.

La Crosse Order 5-F, Amendment 77, covering fresh fruits and vegetables in Rochester, Minnesota. Filed 9:04 a. m.

Peoria Order 6-F, Amendment 4, covering fresh fruits and vegetables in certain areas in Illinois. Filed 8:57 a. m.

REGION VIII

Nevada Order 11-F, Amendment 2, covering fresh fruits and vegetables in the Reno and Sparks Area. Filed 9:02 a. m.

Nevada Order 12-F, Amendment 2, covering fresh fruits and vegetables in certain areas in Nevada. Filed 9:02 a. m.

Nevada Order 13-F, Amendment 2, covering fresh fruits and vegetables in certain areas in Nevada. Filed 9:02 a. m.

Nevada Order 14-F, Amendment 2, covering fresh fruits and vegetables in certain areas in Nevada. Filed 9:02 a. m.

Nevada Order 15-F, Amendment 2, covering fresh fruits and vegetables in certain areas in Nevada. Filed 9:02 a. m.

Phoenix Adopting Order 1-F under Basic Order 1-B, Amendment 31, covering fresh fruits and vegetables in the Tucson Area. Filed 8:57 a. m.

Phoenix Adopting Order 8-F under Basic Order 1-B, Amendment 21, covering fresh fruits and vegetables in the Cochise Area. Filed 8:57 a. m.

Sacramento Adopting Order 29-F, Amendment 27, covering fresh fruits and vegetables in certain areas in California. Filed 9:02 a. m.

Seattle Order 6-F, Amendment 47, covering fresh fruits and vegetables in the Seattle and Bremerton, Washington Area. Filed 11:04 a. m.

Seattle Order 7-F, Amendment 43, covering fresh fruits and vegetables in the Tacoma, Washington Area. Filed 11:04 a. m.

Seattle Order 8-F, Amendment 40, covering fresh fruits and vegetables in the Everett, Washington Area. Filed 11:04 a. m.

Copies of any of these orders may be obtained from the OPA Office in the designated city.

ERVIN H. POLLACK,
Secretary.

[F. R. Doc. 45-15410; Filed, Aug. 20, 1945; 4:51 p. m.]

LIST OF COMMUNITY CEILING PRICE ORDERS

The following orders under Rev. General Order 51 were filed with the Division of the Federal Register August 10, 1945.

REGION V

Houston Order 3-F, Amendment 51, covering fresh fruits and vegetables in Orange and Jefferson Counties, Texas. Filed 10:19 a. m.

Fort Worth Order 7-F, Amendment 16, covering fresh fruits and vegetables in Tarrant County, Texas. Filed 10:18 a. m.

Fort Worth Order 8-F, Amendment 16, covering fresh fruits and vegetables in Taylor County, Texas. Filed 10:18 a. m.

Fort Worth Order 9-F, Amendment 16, covering fresh fruits and vegetables in Tom Green County, Texas. Filed 10:18 a. m.

Fort Worth Order 10-F, Amendment 16, covering fresh fruits and vegetables in McLennan County, Texas. Filed 10:18 a. m.

Fort Worth Order 11-F, Amendment 16, covering fresh fruits and vegetables in Wichita County, Texas. Filed 10:18 a. m.

Houston Order 1-F, Amendment 63, covering fresh fruits and vegetables in certain areas in Texas. Filed 10:18 a. m.

Houston Order 2-F, Amendment 22, covering fresh fruits and vegetables in certain areas in Texas. Filed 10:19 a. m.

Little Rock Order 1-C, Amendment 9, covering poultry in the state of Arkansas. Filed 10:13 a. m.

Little Rock Order 1-E, Amendment 10, covering food items in the state of Arkansas. Filed 10:13 a. m.

Little Rock Order 1-F, Amendment 19, covering fresh fruits and vegetables in certain areas in Arkansas. Filed 10:19 a. m.

Little Rock Order 2-F, Amendment 65, covering fresh fruits and vegetables in Pulaski County, Arkansas. Filed 10:11 a. m.

Little Rock Order 5-F, Amendment 56, covering fresh fruits and vegetables in Garland County, Arkansas. Filed 10:11 a. m.

Little Rock Order 6–F, Amendment 55, covering fresh fruits and vegetables in Sebastian and Crawford Counties, Arkansas. Filed 10:12 a. m.

Lubbock District Order 3–F, Amendment 63, covering fresh fruits and vegetables in certain areas in Texas. Filed 10:13 a. m.

REGION VI

La Crosse Order 1–F, Amendment 83, covering fresh fruits and vegetables in Winona, Minnesota and La Crosse and Sparta, Wisconsin. Filed 10:10 a. m.

La Crosse Order 2–F, Amendment 24, covering fresh fruits and vegetables in certain areas in Wisconsin and Minnesota. Filed 10:14 a. m.

Sioux City Order 2–F, Amendment 81, covering fresh fruits and vegetables in Sioux City, Iowa and South Sioux City, Nebraska. Filed 10:15 a. m.

Sioux City Order 3–F, Amendment 20, covering fresh fruits and vegetables in certain areas in South Dakota, Nebraska and Iowa. Filed 10:16 a. m.

Sioux City Order 4–F, Amendment 20, covering fresh fruits and vegetables in certain areas in Nebraska. Filed 10:16 a. m.

REGION VIII

Los Angeles Order 1–C, covering poultry in Los Angeles, Orange and Inyo Counties. Filed 10:15 a. m.

Los Angeles Order 2–C, covering poultry in Riverside and San Bernardino Counties. Filed 10:15 a. m.

Los Angeles Order 3–C, covering poultry in certain counties in California. Filed 10:15 a. m.

Los Angeles Order 3–F, Amendment 5, covering fresh fruits and vegetables in the Los Angeles Area. Filed 10:14 a. m.

Los Angeles Order 3–F, Amendment 4, covering fresh fruits and vegetables in the Los Angeles Area. Filed 10:14 a. m.

Los Angeles Order 4–F, Amendment 4, covering fresh fruits and vegetables in the Long Beach-San Bernardino Area. Filed 10:14 a. m.

Los Angeles Order 4–F, Amendment 5, covering fresh fruits and vegetables in the Long Beach-San Bernardino Area. Filed 10:14 a. m.

Los Angeles Order 5–F, Amendment 4, covering fresh fruits and vegetables in the Santa Barbara-Ventura and San Luis Obispo Areas. Filed 10:15 a. m.

Los Angeles Order 6–F, Amendment 4, covering fresh fruits and vegetables in the Santa Barbara-Ventura and San Luis Obispo Areas. Filed 10:15 a. m.

Sacramento Adopting Order 23–C, under Basic Order 6–B, covering poultry in certain counties in California. Filed 10:16 a. m.

Sacramento Adopting Order 24–C, under Basic Order 6–B, covering poultry in certain counties in California. Filed 10:16 a. m.

San Francisco District Order 13–F, Amendment 8, covering fresh fruits and vegetables in certain areas in California. Filed 10:17 a. m.

San Francisco District Order 14–F, Amendment 8, covering fresh fruits and vegetables in certain counties in California. Filed 10:17 a. m.

San Francisco District Order 15–F, Amendment 8, covering fresh fruits and vegetables in certain counties in California. Filed 10:17 a. m.

San Francisco District Order 16–F, Amendment 8, covering fresh fruits and vegetables in certain counties in California (except Eureka). Filed 10:17 a. m.

Seattle Order 11–F, Amendment 40, covering fresh fruits and vegetables in the Olympia, Washington Area. Filed 10:11 a. m.

Seattle Order 12–F, Amendment 39, covering fresh fruits and vegetables in the Aberdeen and Hoquiam, Washington Area. Filed 10:11 a. m.

Seattle Order 13–F, Amendment 40, covering fresh fruits and vegetables in the Centralia and Chehalis, Washington Area. Filed 10:14 a. m.

Seattle Order 14–F, Amendment 40, covering fresh fruits and vegetables in the Wenatchee and East Wenatchee, Washington Area. Filed 10:14 a. m.

Copies of any of these orders may be obtained from the OPA Office in the designated city.

ERVIN H. POLLACK,
Secretary.

[F. R. Doc. 45–15411; Filed, Aug. 20, 1945; 4:51 p. m.]

SECURITIES AND EXCHANGE COMMISSION.

[File No. 70–785]

AMERICAN & FOREIGN POWER CO. INC. AND ELECTRIC BOND AND SHARE CO.

ORDER PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 17th day of August, A. D., 1945.

American & Foreign Power Company Inc. ("Foreign Power"), a registered holding company, and its parent, Electric Bond and Share Company ("Bond and Share"), which is likewise a registered holding company, have filed a declaration in connection with the above-entitled matter which is pending under the Public Utility Holding Company Act of 1935 and particularly section 12 (b) thereof and Rule U–45 thereunder regarding the following proposed transaction:

Foreign Power and Bond and Share propose to enter into an agreement for the further extension to January 22, 1946 of the maturity date of the hereinafter mentioned $3,000,000 3% Serial Note of Foreign Power, held by Bond and Share, which was due originally on January 22, 1945 and was heretofore extended to July 22, 1945. All other terms and conditions of the said note are to remain unchanged.

The Commission, on January 22, 1944, issued its order in the above-entitled matter (Holding Company Act Release No. 4855) among other things permitting the issuance by Foreign Power to Bond and Share of $30,000,000 of 3% Serial Notes consisting of four of such notes in the principal amount of $3,000,000 each, the first of which was payable on January 22, 1945 and the others of which are successively payable in the three succeeding years, and a note in the amount of $18,000,000 maturing at the end of five years.

The said order contained a condition prohibiting any payments by Foreign Power to Bond and Share with respect to the principal of any of said 3% serial notes at maturity or otherwise prior to the determination of the rank and status of the debt claim represented by them, except pursuant to permission of the Commission.

The Commission, on April 25, 1945, issued its further order in the above-entitled matter (Holding Company Act Release No. 5757) permitting Foreign Power and Bond and Share to enter into an agreement to extend the maturity of the $3,000,000 Serial Note payable January 22, 1945 to July 22, 1945, all other terms and conditions of said note remaining unchanged, and said agreement was entered into by Foreign Power and Bond and Share pursuant to said order.

Foreign Power has filed with this Commission under section 11 (e) of the Public Utility Holding Company Act of 1935 a Plan, joined in by Bond and Share, for the reorganization of Foreign Power (File No. 54–111, Holding Company Act Release No. 5388) and said Plan proposes among other things that the 3% Serial Notes in the principal amount of $30,000,000 together with other securities of Foreign Power held by Bond and Share be surrendered to Foreign Power for the considerations, among others, of the receipt by Bond and Share of cash, debentures and common stock of Foreign Power. Said Plan is pending and this Commission has not given its permission to any payment by Foreign Power or any receipt by Bond and Share with respect to the principal of said serial note due originally on January 22, 1945.

Declarants request that the Commission's order on the present declaration be entered at as early a date as possible.

The present declaration was filed on the 21st day of July, 1945, a notice of said filing was issued on the 27th day of July, 1945 and notice of said filing was given in the form and manner prescribed by Rule U–23 promulgated pursuant to said act. A request for a hearing was received by the Commission from one Samuel Okin, a holder of 9,000 shares of common stock of Bond and Share. Okin had participated in the original proceeding which eventuated in the issue of said order of January 22, 1944. No other person or persons have requested a hearing.

It appears that no new issues of substance (other than the extension of the maturity date of the note due originally on January 22, 1945) not already determined by said orders of January 22, 1944 and April 25, 1945 have been raised either by the present declaration or by Okin's petition for a hearing.

The Commission having considered said declaration and said petition and deeming a hearing unnecessary to the public interest and the interests of consumers and investors; and the Commission finding that the requirements of the applicable provisions of the act and the rules thereunder are satisfied and deeming it appropriate in the public interest that said declaration be permitted to become effective and that the effective date thereof be advanced;

It is hereby ordered, Pursuant to said Rule U–23 and the applicable provisions of said act and subject to the terms and conditions prescribed in Rule U–24, that the aforesaid declaration be, and the same hereby is, permitted to become effective forthwith.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 45–15434; Filed, Aug. 21, 1945; 9:23 a. m.]

THE UNITED GAS IMPROVEMENT CO. AND LUZERNE COUNTY GAS AND ELECTRIC CORP.

[File No. 70–1120]

NOTICE OF FILING AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 17th day of August 1945.

Notice is hereby given that a joint declaration-application has been filed with this Commission under the Public Utility Holding Company Act of 1935 by The United Gas Improvement Company (UGI), a registered holding company and a subsidiary of The United Corporation, also a registered holding company, and UGI's utility subsidiary, Luzerne County Gas and Electric Corporation (Luzerne); and

All interested persons are referred to said document which is on file in the offices of the Commission for a statement of the transactions therein proposed, which may be summarized as follows:

(1) Luzerne will issue 25,000 shares of 4¼% Preferred Stock (Cumulative) of a par value of $100 per share and will offer to the holders of its presently outstanding 43,500 shares of 5¼% Preferred Stock the privilege of exchanging such stock for the new 4¼% Preferred Stock on a share-for-share basis, up to 25,000 shares of the latter. Accrued dividends to November 1, 1945, will be paid on the 5¼% Preferred Stock

In the event that more than 25,000 shares of the 5¼% Preferred Stock are tendered for exchange, then holders of 10 shares or less will receive a like number of shares of new 4¼% Preferred Stock and pro rata distribution will be made to holders of more than 10 shares of the 5¼% Preferred Stock. In no event, however, as a result of proration will less than 10 shares of the new 4¼% Preferred Stock be issued or will any fractional shares of the same be issued in exchange.

The exchange offer shall become effective if a minimum of 20,000 shares of the 5¼% Preferred Stock are tendered; Luzerne reserving the right, however, to make the offer effective, with the consent of UGI, if a lesser number of shares are tendered.

(2) If the exchange offer become effective, Luzerne will call for redemption at $110 per share plus accrued dividends to November 1, 1945, all unexchanged shares of the 5¼% Preferred Stock outstanding.

(3) UGI will purchase from Luzerne at $110 per share any shares of the new 4¼% Preferred Stock which are not exchanged in accordance with the offer mentioned above.

(4) The charter provisions affecting the new 4¼% Preferred Stock will provide, inter alia, for an initial redemption price of $112.50 per share for the first 5 years and $110 per share thereafter; and that the holders of such stock shall have the right to elect the majority of the board of directors in the event of the accumulation of arrearages equal to four quarterly dividends and shall have special voting rights in connection with the authorization of any new stock ranking prior to or on a parity with it; the issuance, subject to certain exceptions, of debt in excess of a certain amount; and the merger or consolidation of the company.

(5) In order to provide funds for the call of unexchanged shares of 5¼% Preferred Stock, UGI will make a cash contribution to Luzerne in an amount of approximately $2,140,000 (assuming the exchange of 25,000 shares of the 5¼% Preferred Stock).

(6) Luzerne will credit the amount contributed to it by UGI to capital surplus which, together with its earned surplus, will be used to dispose of its plant adjustment account and certain deferred debit accounts.

Luzerne states that the issue and sale of the new 4¼% Preferred Stock will be expressly authorized by the Pennsylvania Public Utility Commission, the state in which Luzerne is organized and doing business.

Luzerne requests exemption from the competitive bidding requirements of Rule U-50 in connection with the issue and sale of the new 4¼% Preferred Stock.

It appearing to the Commission that it is appropriate in the public interest and in the interests of investors and consumers that a hearing be held with respect to said declaration-application and that said declaration-application shall not become effective or be granted except pursuant to further order of the Commission,

It is ordered, That a hearing on said declaration-application under the applicable provisions of the act and the rules of the Commission thereunder be held on September 6, 1945, at 10:00 a. m., e. w. t., in the office of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia, Pennsylvania. On such day the hearing room clerk in Room 318 will advise as to the room in which such hearing will be held.

It is further ordered, That Robert P. Reeder, or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearing. The officer so designated to preside at such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said act and to a trial examiner under the Commission's rules of practice.

It is further ordered, That the Secretary of the Commission shall serve notice of the aforesaid hearing by mailing a copy of this order to the Pennsylvania Public Utility Commission and on the applicants or declarants herein; and that notice of said hearing be given to all other persons by publication of this order in the FEDERAL REGISTER. Any person desiring to be heard in connection with these proceedings, or proposing to intervene herein, shall file with the Secretary of the Commission, on or before September 4, 1945, his request or application therefor, as provided by Rule XVII of the rules of practice of the Commission.

It is further ordered, That without limiting the scope of the issues presented by said declaration-application, particular attention will be directed at said hearing to the following matters and questions:

(1) Whether the proposed issue and sale of the new 4¼% Preferred Stock is solely for the purpose of financing the business of Luzerne and has been expressly authorized by the State Commission of the State in which it is organized and doing business.

(2) Whether the terms and conditions of the issue of the new 4¼% Preferred Stock are detrimental to the public interest or the interest of investors or consumers.

(3) Whether the terms and conditions of the proposed exchange offer are fair and reasonable and appropriate in the public interest and the interest of investors or consumers.

(4) Whether the exemption requested by Luzerne from the competitive bidding provisions of Rule U-50 is appropriate in the public interest and in the interest of investors and consumers.

(5) Whether the proposed accounting entries to be recorded on the books of Luzerne are consistent with sound accounting principles and conform to the standards of the act.

(6) Whether the proposed purchase by UGI of shares of Preferred Stock of Luzerne is in compliance with statutory standards and whether it is necessary or appropriate to impose any terms or conditions with respect thereto.

(7) Whether the fees, commissions or other remunerations to be paid in connection with the proposed transactions are reasonable.

(8) Generally, whether the proposed transactions comply with the applicable provisions of the act and the rules, regulations and orders promulgated thereto.

(9) Whether in the event the application and declaration shall be granted and permitted to become effective it is necessary to impose any terms or conditions to ensure compliance with the standards of the act.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 45–15433; Filed, Aug. 21, 1945; 9:23 a. m.]

[File Nos. 70–1122, 70–1129]

NEW YORK STATE ELECTRIC & GAS CORP., ET AL.

NOTICE OF FILING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 20th day of August, 1945.

In the matter of New York State Electric & Gas Corporation NY PA NJ Utilities Company, File No. 70–1122; Iroquois Gas Corporation, File No. 70–1129.

Notice is hereby given that an application and declaration have been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by NY PA NJ Utilities Company, a registered holding company, and its subsidiary, New York State Electric & Gas Corporation, and by Iroquois Gas Corporation, a sub-

sidiary of National Fuel Gas Company, a registered holding company.

Notice is further given that any interested person may, not later than August 29, 1945, at 5:30 p. m., e. w. t., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request and the nature of his interest, or may request that he be notified if the Commission should order a hearing thereon. At any time thereafter, said application and declaration, as filed or as amended, may be granted and permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated pursuant to said act, or the Commission may exempt such transactions as provided for in Rules U-20 (a) and U-100 thereof. Any such request should be addressed: Secretary, Securities and Exchange Commission, 18th and Locust Streets, Philadelphia 3, Pennsylvania.

All interested persons are referred to said application and declaration, which is on file in the office of said Commission, for a statement of the transactions therein proposed, which are summarized as follows:

New York State Electric & Gas Corporation proposes to sell to Iroquois Gas Corporation its natural gas production plants and transmission and distribution facilities located in the Village of Lancaster, in the Town of Lancaster, and in the Town of Alden, all in the State of New York, for a base consideration of $125,000 in cash, plus the reasonable value of all additions and betterments installed in connection with the gas plants between February 26, 1945, and the date of the closing of the transaction, and subject to the proration of taxes, assessments, royalties, and rents as of the date of closing. Upon consummation of the transaction Iroquois Gas Corporation proposes to apply its existing schedule of rates, which are slightly higher than the present rates of New York State Electric & Gas Corporation, to all customers served by the facilities to be acquired.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 45-15435; Filed, Aug. 21, 1945; 9:24 a. m.]

SURPLUS PROPERTY BOARD.

[SPB Reg. 3, Order 78]

IDAHO

ALLOCATION OF TRUCKS FOR DISPOSAL TO FARMERS AND FARMERS' COOPERATIVES IN CERTAIN COUNTIES

Pursuant to § 8303.4 of Surplus Property Board Regulation 3, entitled "Dispositions of Surplus Property in Rural Areas and to Farmers" (10 F.R. 5325) and in reliance upon the certificate of the Secretary of Agriculture to the Surplus Property Board that farm production is impaired or threatened to be impaired in the area named below by a shortage of trucks; *It is hereby ordered*, That:

The Department of Commerce, as disposal agency, shall allocate for disposal to farmers and farmers' cooperative associations holding certificates of the Agricultural Adjustment Agency and located in Ada, Adams, Bannock, Bear Lake, Bingham, Blaine, Boise, Butte, Bonneville, Camas, Canyon, Caribou, Cassia, Clark, Custer, Elmore, Gem, Franklin, Fremont, Gooding, Jefferson, Jerome, Lemhi, Lincoln, Madison, Minidoka, Oneida, Owyhee, Payette, Power, Teton, Twin Falls, Valley, and Washington Counties, Idaho, 148 one-and-one-half-ton cargo trucks, 22 one-half-ton WC trucks, 11 one-half-ton pickup trucks, 1 one-half-ton CR truck, 1 one-half-ton carryall truck, and 2 one-half-ton command trucks, and shall without regard to the requirements of Surplus Property Board Regulation 2 (10 F.R. 5104, 8911, 9478, 9886) take immediate steps so to dispose of such property by the methods provided in § 8303.4 (c).

This order shall become effective immediately.

SURPLUS PROPERTY BOARD,
By W. STUART SYMINGTON,
Chairman.

AUGUST 13, 1945.

[F. R. Doc. 45-15453; Filed, Aug. 21, 1945; 11:25 a. m.]

[SPB Reg. 3, Order 79]

INDIANA

ALLOCATION OF TRUCKS FOR DISPOSAL TO FARMERS AND FARMERS' COOPERATIVES IN CERTAIN COUNTIES

Pursuant to § 8303.4 of Surplus Property Board Regulation 3, entitled "Dispositions of Surplus Property in Rural Areas and to Farmers" (10 F.R. 5325) and in reliance upon the certificate of the Secretary of Agriculture to the Surplus Property Board that farm production is impaired or threatened to be impaired in the area named below by a shortage of trucks; *It is hereby ordered*, That:

The Department of Commerce, as disposal agency, shall allocate for disposal to farmers and farmers' cooperative associations holding certificates of the Agricultural Adjustment Agency and located in Gibson and Knox Counties, Indiana, 10 one-and-one-half-ton cargo and S & P trucks, and shall without regard to the requirements of Surplus Property Board Regulation 2 (10 F.R. 5104, 8911, 9478, 9886, take immediate steps so to dispose of such property by the methods provided in § 8303.4 (c).

This order shall become effective immediately.

SURPLUS PROPERTY BOARD,
By W. STUART SYMINGTON,
Chairman.

AUGUST 13, 1945.

[F. R. Doc. 45-15454; Filed, Aug. 21, 1945; 11:25 a. m.]

[SPB Reg. 3, Order 80]

MISSOURI

ALLOCATION OF TRUCKS FOR DISPOSAL TO FARMERS AND FARMERS' COOPERATIVES IN CERTAIN COUNTIES

Pursuant to § 8303.4 of Surplus Property Board Regulation 3, entitled "Dispositions of Surplus Property in Rural Areas and to Farmers" (10 F.R. 5325) and in reliance upon the certificate of the Secretary of Agriculture to the Surplus Property Board that farm production is impaired or threatened to be impaired in the areas named below by a shortage of trucks; *It is hereby ordered*, That:

1. The Department of Commerce, as disposal agency, shall allocate for disposal to farmers and farmers' cooperative associations holding certificates of the Agricultural Adjustment Agency and located in Buchanan, Platte, Clinton, Clay, Jackson, Caldwell, Ray, Lafayette, Livingston, Carroll, and Saline Counties, Missouri, 24 one-half-ton weapons carriers, and 81 one-and-one-half-ton cargo and S & P trucks, and shall without regard to the requirements of Surplus Property Board Regulation 2 (10 F.R. 5104, 8911, 9478, 9886) take immediate steps so to dispose of such property by the methods provided in § 8303.4 (c).

2. The Department of Commerce, as disposal agency, shall allocate for disposal to farmers and farmers' cooperative associations holding certificates of the Agricultural Adjustment Agency and located in Butler, Dunklin, Stoddard, Pemiscot, Scott, New Madrid, and Mississippi Counties, Missouri, 20 one-and-one-half-ton cargo trucks, and shall without regard to the requirements of Surplus Property Board Regulation 2 (10 F.R. 5104, 8911, 9478, 9886) take immediate steps so to dispose of such property by the methods provided in § 8303.4 (c).

This order shall become effective immediately.

SURPLUS PROPERTY BOARD,
By W. STUART SYMINGTON,
Chairman.

AUGUST 13, 1945.

[F. R. Doc. 45-15455; Filed, Aug. 21, 1945; 11:25 a. m.]

[SPB Reg. 8, Order 81]

INDIANA

ALLOCATION OF TRUCKS FOR DISPOSAL TO FARMERS AND FARMERS' COOPERATIVES IN CERTAIN COUNTIES

Pursuant to § 8303.4 of Surplus Property Board Regulation 3, entitled "Dispositions of Surplus Property in Rural Areas and to Farmers" (10 F.R. 5325) and in reliance upon the certificate of the Secretary of Agriculture to the Surplus Property Board that farm production is impaired or threatened to be impaired in the areas named below by a shortage of trucks; *It is hereby ordered*, That:

1. The Department of Commerce, as disposal agency, shall allocate for disposal to farmers and farmers' cooperative associations holding certificates of the Agricultural Adjustment Agency and located in Vigo, Sullivan, Knox, Gibson, Posey, Vanderburgh, Putnam, Owen, Greene, Daviess, Pike, Morgan, and Clay Counties, Indiana, 2 one-and-one-half-ton stake trucks and 32 one-and-one-half-ton cargo trucks, and shall without regard to the requirements of Surplus Property Board Regulation 2 (10 F.R. 5104, 8911, 9478, 9886) take immediate steps so to dispose of such property by the methods provided in § 8303.4 (c).

2. The Department of Commerce, as disposal agency, shall allocate for disposal to farmers and farmers' cooperative associations holding certificates of the Agricultural Adjustment Agency and located in Benton, Warren, Vermillion, Fountain, Parke, White, Tippecanoe, and Montgomery Counties, Indiana, 67 one-and-one-half-ton cargo trucks and 2 one-half-ton open cab trucks, and shall without regard to the requirements of Surplus Property Board Regulation 2 (10 F.R. 5104, 8911, 9478, 9886) take immediate steps so to dispose of such property by the methods provided in § 8303.4 (c).

This order shall become effective immediately.

SURPLUS PROPERTY BOARD,
By W. STUART SYMINGTON,
Chairman.

AUGUST 13, 1945.

[F. R. Doc. 45-15456; Filed, Aug. 21, 1945; 11:25 a. m.]

[SPB Reg. 3, Order 82]

IOWA

ALLOCATION OF TRUCKS FOR DISPOSAL TO FARMERS AND FARMERS' COOPERATIVES IN CERTAIN COUNTIES

Pursuant to § 8303.4 of Surplus Property Board Regulation 3, entitled "Dispositions of Surplus Property in Rural Areas and to Farmers" (10 F.R. 5325) and in reliance upon the certificate of the Secretary of Agriculture to the Surplus Property Board that farm production is impaired or threatened to be impaired in the areas named below by a shortage of trucks; *It is hereby ordered*, That:

1. The Department of Commerce, as disposal agency, shall allocate for disposal to farmers and farmers' cooperative associations holding certificates of the Agricultural Adjustment Agency and located in Winneshiek, Fayette, Buchanan, Des Moines, Linn, Johnson, Washington, Dubuque, Henry, Lee, Allamakee, Jackson, Clayton, Delaware, Jones, Clinton, Cedar, Muscatine, Louisa, and Scott Counties, Iowa, 68 one-and-one-half-ton cargo trucks, and shall without regard to the requirements of Surplus Property Board Regulation 2 (10 F.R. 5104, 8911, 9478, 9886) take immediate steps so to dispose of such property by the methods provided in § 8303.4 (c).

2. The Department of Commerce, as disposal agency, shall allocate for disposal to farmers and farmers' cooperative associations holding certificates of the Agricultural Adjustment Agency and located in Guthrie, Adair, Union, Ringgold, Madison, Clarke, Decatur, Warren, Lucas, Wayne, Marion, Monroe, Appanoose, Mahaska, Wapello, Davis, Keokuk, Jefferson, and Van Buren Counties, Iowa, 62 one-and-one-half-ton cargo trucks, and shall without regard to the requirements of Surplus Property Board Regulation 2 (10 F.R. 5104, 8911, 9478, 9886) take immediate steps so to dispose of such property by the methods provided in § 8303.4 (c).

This order shall become effective immediately.

SURPLUS PROPERTY BOARD,
By W. STUART SYMINGTON,
Chairman.

AUGUST 13, 1945.

[F. R. Doc. 45-15457; Filed, Aug. 21, 1945; 11:25 a. m.]

[SPB Reg. 3, Order 83]

NEBRASKA

ALLOCATION OF TRUCKS FOR DISPOSAL TO FARMERS AND FARMERS' COOPERATIVES IN CERTAIN COUNTIES

Pursuant to § 8303.4 of Surplus Property Board Regulation 3, entitled "Dispositions of Surplus Property in Rural Areas and to Farmers" (10 F.R. 5325) and in reliance upon the certificate of the Secretary of Agriculture to the Surplus Property Board that farm production is impaired or threatened to be impaired in the areas named below by a shortage of trucks; *It is hereby ordered*, That:

The Department of Commerce, as disposal agency, shall allocate for disposal to farmers and farmers' cooperative associations holding certificates of the Agricultural Adjustment Agency and located in Custer, Dawson, Gosper, Webster, Furnas, Valley, Sherman, Merrick, Buffalo, Kearney, Franklin, Nance, Greeley, Howard, Hall, Phelps, Harlan, and Adams Counties, Nebraska, 58 one-and-one-half-ton cargo trucks, 2 one-and-one-half-ton CS&P trucks, and 1 one-and-one-half-ton chassis, and shall without regard to the requirements of Surplus Property Board Regulation 2 (10 F.R. 5104, 8911, 9478, 9886) take immediate steps so to dispose of such property by the methods provided in § 8303.4 (c).

This order shall become effective immediately.

SURPLUS PROPERTY BOARD,
By W. STUART SYMINGTON,
Chairman.

AUGUST 13, 1945.

[F. R. Doc. 45-15458; Filed, Aug. 21, 1945; 11:25 a. m.]

[SPB Reg. 3, Order 84]

COLORADO

ALLOCATION OF TRUCKS FOR DISPOSAL TO FARMERS AND FARMERS' COOPERATIVES IN CERTAIN COUNTIES

Pursuant to § 8303.4 of Surplus Property Board Regulation 3, entitled "Dispositions of Surplus Property in Rural Areas and to Farmers" (10 F.R. 5325) and in reliance upon the certificate of the Secretary of Agriculture to the Surplus Property Board that farm production is impaired or threatened to be impaired in the area named below by a shortage of trucks; *It is hereby ordered*, That:

The Department of Commerce, as disposal agency, shall allocate for disposal to farmers and farmers' cooperative associations holding certificates of the Agricultural Adjustment Agency and located in Moffat, Routt, Jackson, Grand, Rio Blanco, Garfield, Eagle, Gilpin, Fremont, Summit, Clear Creek, Park, Teller, Custer, Huerfano, Pitkin, Lake, Gunnison, Chaffee, San Miguel, Ouray, San Juan, Hinsdale, Mineral, Mesa, Delta, and Montrose Counties, Colorado, 25 one-half-ton CR trucks, 50 one-and-one-half-ton cargo trucks, 11 one-and-one-half-ton CSP trucks, 1 one-half-ton WC truck and 2 one-and-one-half-ton dump trucks, and shall without regard to the requirements of Surplus Property Board Regulation 2 (10 F.R. 5104, 8911, 9478, 9886) take immediate steps so to dispose of such property by the methods provided in § 8303.4 (c).

This order shall become effective immediately.

SURPLUS PROPERTY BOARD,
By W. STUART SYMINGTON,
Chairman.

AUGUST 13, 1945.

[F. R. Doc. 45-15459; Filed, Aug. 21, 1945; 11:25 a. m.]

[SPB Reg. 3, Order 85]

WASHINGTON

ALLOCATION OF TRUCKS FOR DISPOSAL TO FARMERS AND FARMERS' COOPERATIVES IN CERTAIN COUNTIES

Pursuant to § 8303.4 of Surplus Property Board Regulation 3, entitled "Dispositions of Surplus Property in Rural Areas and to Farmers" (10 F.R. 5325) and in reliance upon the certificate of the Secretary of Agriculture to the Surplus Property Board that farm production is impaired or threatened to be impaired in the area named below by a shortage of trucks; *It is hereby ordered*, That:

The Department of Commerce, as disposal agency, shall allocate for disposal to farmers and farmers' cooperative associations holding certificates of the Agricultural Adjustment Agency and located in Chelan, King, Kittitas, Pierce and Yakima Counties, Washington, 6 one-half-ton pickup trucks, 33 one-half-ton WC trucks, 106 one-and-one-half-ton cargo trucks, 1 one-and-one-half-ton platform truck, 47 one-and-one-half-ton dump trucks, and 6 one-and-one-half-ton cab and chassis trucks, and shall without regard to the requirements of Surplus Property Board Regulation 2 (10 F.R. 5104, 8911, 9478, 9886) take immediate steps so to dispose of such property by the methods provided in § 8303.4 (c).

This order shall become effective immediately.

SURPLUS PROPERTY BOARD,
By W. STUART SYMINGTON,
Chairman.

AUGUST 13, 1945.

[F. R. Doc. 45-15460; Filed, Aug. 21, 1945; 11:26 a. m.]

[SPB Reg. 3, Order 86]

GEORGIA

ALLOCATION OF TRUCKS FOR DISPOSAL TO FARMERS AND FARMERS' COOPERATIVES IN CERTAIN COUNTIES

Pursuant to § 8303.4 of Surplus Property Board Regulation 3, entitled "Dispositions of Surplus Property in Rural Areas and to Farmers" (10 F.R. 5325) and in reliance upon the certificate of the Secretary of Agriculture to the Surplus Property Board that farm production is impaired or threatened to be impaired in the area named below by a shortage of trucks; *It is hereby ordered*, That:

The Department of Commerce, as disposal agency, shall allocate for disposal to farmers and farmers' cooperative associations holding certificates of the Agricultural Adjustment Agency and located in Baker, Barrow, Brooks, Burke, Butts, Catoosa, Clay, Crisp, Dawson, Douglas, Early, Emanuel, Gilmer, Gwinnett, Hall, Haralson, Houston, Jasper, Johnson, Laurens, Lincoln, Madison, Marion, Montgomery, Morgan, Oglethorpe, Paulding, Peach, Pickens, Pulaski, Rabun, Screven, Stephens, Talbot, Taylor, Towns, Twiggs, Walker, Washington, Wheeler, White, Whitfield, Wilcox, Wilkinson, and Worth Counties, Georgia, 88 one-half-ton weapon carrier trucks, 6 one-and-one-half-ton stake and platform trucks, 111 one-and-one-half-ton cargo trucks, 2 one-and-one-half-ton chassis, 11 one-half-ton pickup trucks, and 2 one-and-one-half-ton flat trucks, and shall without regard to the requirements of Surplus Property Board Regulation 2 (10 F.R. 5104, 8911, 9478, 9886) take immediate steps so to dispose of such property by the methods provided in § 8303.4 (c).

This order shall become effective immediately.

SURPLUS PROPERTY BOARD,
By W. STUART SYMINGTON,
Chairman.

AUGUST 13, 1945.

[F. R. Doc. 45-15461; Filed, Aug. 21, 1945; 11:26 a. m.]

[SPB Reg. 3, Order 87]

SOUTH DAKOTA

ALLOCATION OF TRUCKS FOR DISPOSAL TO FARMERS AND FARMERS' COOPERATIVES IN CERTAIN COUNTIES

Pursuant to § 8303.4 of Surplus Property Board Regulation 3, entitled "Dispositions of Surplus Property in Rural Areas and to Farmers" (10 F.R. 5325) and in reliance upon the certificate of the Secretary of Agriculture to the Surplus Property Board that farm production is impaired or threatened to be impaired in the area named below by a shortage of trucks; *It is hereby ordered*, That:

The Department of Commerce, as disposal agency, shall allocate for disposal to farmers and farmers' cooperative associations holding certificates of the Agricultural Adjustment Agency and located in Brookings, Brown, Campbell, Clark, Codington, Day, Deuel, Edmunds, Faulk, Grant, Hamlin, Hand, Kingsbury, Lake, McPherson, Marshall, Minnehaha, Moody, Roberts, Spink, and Walworth Counties, South Dakota, 102 one-and-one-half-ton Cargo, Dump, CS&P and Stake trucks, and shall without regard to the requirements of Surplus Property Board Regulation 2 (10 F.R. 5104, 8911, 9478, 9886) take immediate steps so to dispose of such property by the methods provided in § 8303.4 (c).

This order shall become effective immediately.

SURPLUS PROPERTY BOARD,
By W. STUART SYMINGTON,
Chairman.

AUGUST 13, 1945.

[F. R. Doc. 45-15462; Filed, Aug. 21, 1945; 11:26 a. m.]

[SPB Reg. 3, Order 88]

OREGON

ALLOCATION OF TRUCKS FOR DISPOSAL TO FARMERS AND FARMERS' COOPERATIVES IN CERTAIN COUNTIES

Pursuant to § 8303.4 of Surplus Property Board Regulation 3, entitled "Dispositions of Surplus Property in Rural Areas and to Farmers" (10 F. R. 5325) and in reliance upon the certificate of the Secretary of Agriculture to the Surplus Property Board that farm production is impaired or threatened to be impaired in the area named below by a shortage of trucks; *It is hereby ordered*, That:

The Department of Commerce, as disposal agency, shall allocate for disposal to farmers and farmers' cooperative associations holding certificates of the Agricultural Adjustment Agency and located in Crook, Deschutes, Lake, Klamath, Jackson, and Josephine Counties, Oregon, 8 one-half-ton W. C. trucks, 18 one-and-one-half-ton cargo trucks, and 33 one-and-one-half-ton dump trucks, and shall without regard to the requirements of Surplus Property Board Regulation 2 (10 F.R. 5104, 8911, 9478, 9886) take immediate steps so to dispose of such property by the methods provided in § 8303.4 (c).

This order shall become effective immediately.

SURPLUS PROPERTY BOARD,
By W. STUART SYMINGTON,
Chairman.

AUGUST 14, 1945.

[F. R. Doc. 45-15463; Filed, Aug. 21, 1945; 11:26 a. m.]

[SPB Reg. 3, Order 89]

IDAHO

ALLOCATION OF TRUCKS FOR DISPOSAL TO FARMERS AND FARMERS' COOPERATIVES IN CERTAIN COUNTIES

Pursuant to § 8303.4 of Surplus Property Board Regulation 3, entitled "Dispositions of Surplus Property in Rural Areas and to Farmers" (10 F.R. 5325) and in reliance upon the certificate of the Secretary of Agriculture to the Surplus Property Board that farm production is impaired or threatened to be impaired in the area named below by a shortage of trucks; *It is hereby ordered*, That:

The Department of Commerce, as disposal agency, shall allocate for disposal to farmers and farmers' cooperative associations holding certificates of the Agricultural Adjustment Agency and located in Ada, Adams, Boise, Canyon, Elmore, Gem, Owyhee, Payette, Valley, and Washington Counties, Idaho, 24 one-and-one-half-ton cargo trucks and 32 one-half-ton W. C. trucks, and shall without regard to the requirements of Surplus Property Board Regulation 2 (10 F.R. 5104, 8911, 9478, 9886) take immediate steps so to dispose of such property by the methods provided in § 8303.4 (c).

This order shall become effective immediately.

SURPLUS PROPERTY BOARD,
By W. STUART SYMINGTON,
Chairman.

AUGUST 14, 1945.

[F. R. Doc. 45-15464; Filed, Aug. 21, 1945; 11:26 a. m.]

[SPB Reg. 3, Order 90]

RHODE ISLAND, VERMONT, AND MASSACHUSETTS

ALLOCATION OF TRUCKS FOR DISPOSAL TO FARMERS AND FARMERS' COOPERATIVES IN CERTAIN COUNTIES

Pursuant to § 8303.4 of Surplus Property Board Regulation 3, entitled "Dispositions of Surplus Property in Rural Areas and to Farmers" (10 F.R. 5325) and in reliance upon the certificate of the Secretary of Agriculture to the Surplus Property Board that farm production is impaired or threatened to be impaired in the areas named below by a shortage of trucks; *It is hereby ordered*, That:

1. The Department of Commerce, as disposal agency, shall allocate for disposal to farmers and farmers' cooperative associations holding certificates of the Agricultural Adjustment Agency and located in Bristol, Kent, Newport, Providence, and Washington Counties Rhode Island, 25 one-and-one-half-ton cargo trucks, 3 one-and-one-half-ton dump trucks, 2 one-and-one-half-ton CS & P trucks, 1 one-half-ton pickup truck, and 1 one-half-ton carryall truck, and shall without regard to the requirements of Surplus Property Board Regulation 2 (10 F.R. 5104, 8911, 9478, 9886) take immediate steps so to dispose of such property by the methods provided in § 8303.4 (c).

2. The Department of Commerce, as disposal agency, shall allocate for disposal to farmers and farmers' cooperative associations holding certificates of the Agricultural Adjustment Agency and located in Orleans, Essex, Caledonia, and Lamoille Counties, Vermont, 5 one-half-ton weapon carrier trucks, 1 one-and-one-half-ton platform truck, 5 one-and-one-half-ton dump trucks, 6 one-and-one-half-ton CS & P trucks, 2 one-and-one-half-ton cargo trucks, and 2 one-half-ton pickup trucks, and shall without regard to the requirements of Surplus Property Board Regulation 2 (10 F.R. 5104, 8911, 9478, 9886) take immediate steps so to dispose of such property by the methods provided in § 8303.4 (c).

3. The Department of Commerce, as disposal agency, shall allocate for disposal to farmers and farmers' cooperative associations holding certificates of the Agricultural Adjustment Agency and located in Worcester, Middlesex, Essex, Norfolk, Plymouth, Bristol, and Barnstable Counties, Massachusetts, 7 one-and-one-half-ton dump trucks, 3 one-and-one-half-ton CS & P trucks, 1 one-and-one-half-ton cargo truck, and 1 one-and-one-half-ton platform truck, and shall without regard to the requirements of Surplus Property Board Regulation 2 (10 F.R. 5104, 8911, 9478, 9886) take immediate steps so to dispose of such property by the methods provided in § 8303.4 (c).

This order shall become effective immediately.

SURPLUS PROPERTY BOARD,
By W. STUART SYMINGTON,
Chairman.

AUGUST 14, 1945.

[F. R. Doc. 45-15465; Filed, Aug. 21, 1945; 11:26 a. m.]

[SPE Reg. 3, Order 91]

NORTH CAROLINA

ALLOCATION OF TRUCKS FOR DISPOSAL TO FARMERS AND FARMERS' COOPERATIVES IN CERTAIN COUNTIES

Pursuant to § 8303.4 of Surplus Property Board Regulation 3, entitled "Dispositions of Surplus Property in Rural Areas and to Farmers" (10 F.R. 5325) and in reliance upon the certificate of the Secretary of Agriculture to the Surplus Property Board that farm production is impaired or threatened to be impaired in the areas named below by a shortage of trucks; *It is hereby ordered*, That:

The Department of Commerce, as disposal agency, shall allocate for disposal to farmers and farmers' cooperative associations holding certificates of the Agricultural Adjustment Agency and located in Alamance, Alleghany, Alexander, Anson, Ashe, Brunswick, Caswell, Chatham, Columbus, Craven, Cumberland, Davidson, Davie, Duplin, Durham, Forsyth, Franklin, Graham, Granville, Greene, Guilford, Harnett, Hoke, Iredell, Johnston, Jones, Lee, Lenoir, Madison, Martin, Mitchell, Montgomery, Moore, Nash, New Hanover, Onslow, Orange, Pamlico, Pender, Person, Pitt, Randolph, Richmond, Robeson, Rockingham, Rutherford, Sampson, Stokes, Surry, Vance, Warren, Watauga, Wilkes, Wilson, Yadkin, and Yancey Counties, North Carolina, 150 one-half ton W. C. trucks, and shall without regard to the requirements of Surplus Property Board Regulation 2 (10 F.R. 5104, 8911, 9478, 9886) take immediate steps so to dispose of such property by the methods provided in § 8303.4 (c).

This order shall become effective immediately.

SURPLUS PROPERTY BOARD,
By W. STUART SYMINGTON,
Chairman.

AUGUST 14, 1945.

[F. R. Doc. 45-15466; Filed, Aug. 21, 1945; 11:27 a. m.]

[SPB Reg. 3, Order 92]

NEW YORK

ALLOCATION OF TRUCKS FOR DISPOSAL TO FARMERS AND FARMERS' COOPERATIVES IN CERTAIN COUNTIES

Pursuant to § 8303.4 of Surplus Property Board Regulation 3, entitled "Dispositions of Surplus Property in Rural Areas and to Farmers" (10 F.R. 5325) and in reliance upon the certificate of the Secretary of Agriculture to the Surplus Property Board that farm production is impaired or threatened to be impaired in the area named below by a shortage of trucks; *It is hereby ordered*, That:

The Department of Commerce, as disposal agency, shall allocate for disposal to farmers and farmers' cooperative associations holding certificates of the Agricultural Adjustment Agency and located in Madison, Oneida, Chenango, Cortland, Onondaga, and Tompkins Counties, New York, 29 one-and-one-half-ton cargo trucks, 4 one-half-ton weapon carrier trucks, 9 one-and-one-half-ton stake trucks, and 5 one-half-ton pickup trucks, and shall without regard to the requirements of Surplus Property Board Regulation 2 (10 F.R. 5104, 8911, 9478, 9886) take immediate steps so to dispose of such property by the methods provided in § 8303.4 (c).

This order shall become effective immediately.

SURPLUS PROPERTY BOARD,
By W. STUART SYMINGTON,
Chairman.

AUGUST 14, 1945.

[F. R. Doc. 45-15467; Filed, Aug. 21, 1945; 11:27 a. m.]

[SPB Reg. 3, Order 93]

IDAHO

ALLOCATION OF TRUCKS FOR DISPOSAL TO FARMERS AND FARMERS' COOPERATIVES IN CERTAIN COUNTIES

Pursuant to § 8303.4 of Surplus Property Board Regulation 3, entitled "Dispositions of Surplus Property in Rural Areas and to Farmers" (10 F.R. 5325) and in reliance upon the certificate of the Secretary of Agriculture to the Surplus Property Board that farm production is impaired or threatened to be impaired in the area named below by a shortage of trucks; *It is hereby ordered*, That:

The Department of Commerce, as disposal agency, shall allocate for disposal to farmers and farmers' cooperative associations holding certificates of the Agricultural Adjustment Agency and located in Ada, Adams, Bannock, Bear Lake, Bingham, Blaine, Boise, Butte, Bonneville, Camas, Canyon, Caribou, Cassia, Clark, Custer, Elmore, Gem, Franklin, Fremont, Gooding, Jefferson, Jerome, Lemhi, Lincoln, Madison, Minidoka, Oneida, Owyhee, Payette, Power, Teton, Twin Falls, Valley, and Washington Counties, Idaho, 2 one-half-ton CR trucks, 15 one-and-one-half-ton cargo trucks, 3 one-half-ton WC trucks, 4 one-half-ton pickup trucks, and 1 one-and-one-half-ton water truck, and shall without regard to the requirements of Surplus Property Board Regulation 2 (10 F.R. 5104, 8911, 9478, 9886) take immediate steps so to dispose of such property by the methods provided in § 8303.4 (c).

This order shall become effective immediately.

SURPLUS PROPERTY BOARD,
By W. STUART SYMINGTON,
Chairman.

AUGUST 16, 1945.

[F. R. Doc. 45-15468; Filed, Aug. 21, 1945; 11:27 a. m.]

[SPB Reg. 3, Order 94]

CALIFORNIA

ALLOCATION OF TRUCKS FOR DISPOSAL TO FARMERS AND FARMERS' COOPERATIVES IN CERTAIN COUNTIES

Pursuant to § 8303.4 of Surplus Property Board Regulation 3, entitled "Dispositions of Surplus Property in Rural Areas and to Farmers" (10 F.R. 5325) and in reliance upon the certificate of the Secretary of Agriculture to the Surplus Property Board that farm production is impaired or threatened to be impaired in the area named below by a shortage of trucks; *It is hereby ordered*, That:

The Department of Commerce, as disposal agency, shall allocate for disposal to farmers and farmers' cooperative associations holding certificates of the Agricultural Adjustment Agency and located in all counties, except the County of San Francisco, in California, 3 one-half-ton WC trucks, 66 one-and-one-half-ton cargo trucks, 5 one-and-one-half-ton tractor trucks, 1 one-and-one-half-ton stake truck, 1 one-and-one-half-ton CSP truck, and 1 one-and-one-half-ton dump truck, and shall without regard to the requirements of Surplus Property Board Regulation 2 (10 F.R. 5104, 8911, 9478, 9886) take immediate steps so to dispose of such property by the methods provided in § 8303.4 (c).

This order shall become effective immediately.

SURPLUS PROPERTY BOARD,
By W. STUART SYMINGTON,
Chairman.

AUGUST 16, 1945.

[F. R. Doc. 45-15469; Filed, Aug. 21, 1945; 11:27 a. m.]

WAR MANPOWER COMMISSION.

RESCISSION OF VARIOUS GENERAL ORDERS AND DIRECTIVES

Pursuant to the authority vested in me as Chairman of the War Manpower Commission by Executive Orders Nos. 9139, 9243, 9279 and 9301 (7 F.R. 2919, 7213, 10177, 8 F.R. 1825), the following War Manpower Commission General Orders and directives are hereby rescinded:

General Order No. 3, entitled "Designation of Certain Areas as Critical Labor Shortage Areas," issued February 1, 1943 (8 F.R. 1604).

General Order No. 5, entitled "Minimum Wartime Workweek—Designation of Certain Areas," issued February 22, 1943 (8 F.R. 2695).

General Order No. 6, entitled "Minimum Wartime Workweek—Designation of Certain Activities," issued February 26, 1943 (8 F.R. 2696).

General Order No. 8, entitled "Blast Furnaces, Steel Works and Rolling Mills of Iron and Steel Industry—Designation as Essential Activities," issued May 1, 1943 (8 F.R. 5789).

General Order No. 11, entitled "List of Essential Activities," issued August 14, 1943 (8 F.R. 11421), as amended.

General Order No. 12, designating the Cotton Textile Industry as subject to Executive Order No. 9301, issued April 10, 1944 (9 F.R. 4001).

Directive No. X, entitled "Transfer and Release of Federal Employees," issued September 14, 1942 (7 F.R. 7298), as amended

Directive No. XVI, entitled "Transfer and Release of Federal Employees—Miscellaneous Amendments," issued December 24, 1942 (7 F.R. 11050).

Nothing herein shall be construed to affect the reemployment rights heretofore acquired by any employee under Directives Nos. X and XVI.

The Civil Service Commission is authorized to adopt such rules and regulations and to establish such procedures as may be necessary to preserve the reemployment rights acquired by any employee under Directives Nos. X and XVI, and to carry out the provisions of Executive Order No. 9063.

PAUL V. MCNUTT,
Chairman.

AUGUST 16, 1945.

[F. R. Doc. 45-15389; Filed, Aug. 20, 1945; 2:43 p. m.]

AUG 25 '45

FEDERAL REGISTER

VOLUME 10 NUMBER 166

Washington, Thursday, August 23, 1945

Regulations

TITLE 7—AGRICULTURE

Chapter IV—Federal Crop Insurance Corporation

[Amdt. 1]

PART 414—WHEAT CROP INSURANCE REGULATIONS FOR INSURANCE CONTRACTS COVERING THE 1945, 1946, AND 1947 CROP YEARS

MISCELLANEOUS AMENDMENTS

The Wheat Crop Insurance Regulations contained in Part 414 are hereby redesignated as set forth above and are also hereby amended as follows:

1. Paragraph (a) of § 414.1 is amended to read:

§ 414.1 *Availability of wheat crop insurance.* (a) Wheat crop insurance under contracts covering the 1945, 1946 and 1947 crop years will be provided in accordance with the regulations in this part. For the 1945 crop year, however, no insurance will be provided on winter wheat. The coverage per acre of wheat crop insurance will be 50 or 75 percent of the average yield of wheat for the farm.

2. Section 414.9 is amended to read:

§ 414.9 *Amount of annual premium.* (a) The annual premiums for each insurance unit under the contract shall be the number of bushels of wheat determined by multiplying the insured acreage of wheat for the insurance unit by the premium rate per acre and by the insured interest in the crop at the time of seeding. If more than one premium rate has been established for the insurance unit, a premium shall be computed separately using the applicable acreage for each rate, and the total of the amounts so computed shall be the premium for the insurance unit. The annual premium for the insurance contract shall be the total of the premiums computed for the insured for all insurance units covered by the contract. The annual premium with respect to any insured acreage shall be regarded as earned when the wheat crop on such acreage is seeded. The minimum annual premium payable by the insured with respect to any insurance contract shall be three bushels of wheat for 1945 and two bushels of wheat for 1946 and 1947.

(b) In any area designated by the Corporation, the insured's annual premium may be reduced in any year not to exceed 50 percent, if it is determined by the Corporation, from a comparison of the insured production with the accumulated balance of premiums paid over indemnities received on consecutively insured crops for the years during which insurance was available (beginning with the 1939 crop, but excluding the 1945 crop if no application for insurance was submitted), that the risk on wheat crops produced by the insured justify such reduction: *Provided, however,* That the Corporation may determine that the premium rates for all insurance units in any or all such areas shall be adjusted to compensate for such reductions. Failure to apply for insurance in any year, except 1945, shall render any person ineligible for the benefits of this paragraph on the basis of any accumulated balance of premiums previously paid if insurance is offered in the county in which such person's farm is located and even though insurance may not be provided in the county during such year because of the limitation in § 414.1 (b) hereof: *Provided, however,* That failure to submit an application for insurance in any year will not render a person ineligible for the benefits of this paragraph, if (1) the failure to submit an application was due to service in the active military or naval service of the United States, or (2) the insured establishes to the satisfaction of the Corporation, prior to the applicable 1946 note maturity date, that failure to submit an application in any year prior to 1946 was due to the fact that wheat was not seeded in that year. Nothing in this provision shall create in the insured any right to a reduced premium as a result of the total premiums he has paid exceeding the total indemnities he has received.

(c) The insured's annual premium payment may be reduced 10 percent in 1946 or in any subsequent year immediately following five wheat crops (begin-

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NOTICE

1944 Supplement

Book 1 of the 1944 Supplement to the Code of Federal Regulations, containing Titles 1-10, including Presidential documents in full text, is now available from the Superintendent of Documents, Government Printing Office, at $3.00 per copy.

A limited sales stock of the Cumulative Supplement and the 1943 Supplement is still available as previously announced.

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ning with the 1939 or any subsequent crop) covered by insurance (which must be consecutive crops if insurance was available, except as to the 1945 crop unless the 1945 crop was covered by insurance), which have been produced by him in the county without a loss for which an indemnity was paid: *Provided, however*, That this provision shall not apply when the premium is reduced pursuant to paragraph (b) of this section. Failure to apply for insurance in any year, except 1945, shall render any person ineligible for the benefits of this paragraph if insurance is offered in the county in which such person's farm is located and even though insurance may not be provided in the county during such year because of the limitation in § 414.1 (b) hereof: *Provided, however*, That failure to submit an application for insurance in any year will not render a person ineligible for the benefits of this paragraph, if (1) the failure to submit an application was due to service in the active military or naval service of the United States, or (2) the insured establishes to the satisfaction of the Corporation, prior to the applicable 1946 note maturity date, that failure to submit an application in any year prior to 1946 was due to the fact that wheat was not seeded in that year.

3. Paragraph (b) of § 414.15 is amended to read:

(b) Where the insured fails to establish and maintain separate records of acreage or production for the component parts of a combination of two or more insurance units or portions thereof, the insurance with respect to such units under the contract may be voided by the Corporation for the year in question and the premium forfeited by the insured: *Provided, however*, That if all the component parts of the combination are insured the total of the insured production for the component parts shall be considered as the insured production for the combination, and any loss for such combination shall be determined as outlined in paragraph (a) of this section.

4. Paragraph (j) of § 414.37 is amended to read:

(j) "Insured acreage" means either the acreage reported by the insured as seeded to wheat on the insurance unit, or the acreage determined by the Corporation as actually seeded thereon, whichever the Corporation shall elect: *Provided, however*, That the Corporation reserves the right to limit the acreage to be insured in any year. Any acreage seeded to wheat on the insurance unit which is put to another use before it is too late to reseed to wheat, as determined by the Corporation, or any acreage seeded to wheat in 1946 or 1947 which is destroyed or substantially destroyed before it is too late to reseed to wheat, as determined by the Corporation, and the acreage is left idle or is fallowed until it is too late to reseed to wheat, shall not be considered insured acreage.

Adopted by the Board of Directors on August 3, 1945.

[SEAL] E. R. DUKE,
Chairman.

Approved: August 21, 1945.

CLINTON P. ANDERSON,
Secretary of Agriculture.

[F. R. Doc. 45-15507; Filed, Aug. 21, 1945; 3:30 p. m.]

[Amdt. 2]

PART 418—WHEAT CROP INSURANCE REGULATIONS FOR INSURANCE CONTRACTS COVERING THE 1946, 1947, AND 1948 CROP YEARS

MISCELLANEOUS AMENDMENTS

The Wheat Crop Insurance Regulations contained in Part 418 are hereby amended as follows:

1. Paragraphs (b) and (c) of § 418.12 are amended to read:

(b) In any area designated by the Corporation, the insured's annual premium may be reduced in any year not to exceed 50 percent, if it is determined by the Corporation, from a comparison of the insured production with the accumulated balance of premiums paid over indemnities received on consecutively insured crops for the years during which insurance was available (beginning with the 1939 crop, but excluding the 1945 crop if no application for insurance was submitted), that the risk on wheat crops produced by the insured justifies such reduction: *Provided, however*, That the Corporation may determine that the premium rates for all insurance units in any or all such areas shall be adjusted to compensate for such reductions. Failure to apply for insurance in any year, except 1945, shall render any person ineligible for the benefits of this paragraph on the basis of any accumulated balance

of premiums previously paid, if insurance is offered in the county in which such person's farm is located and even though insurance may not be provided in the county during such year because of the limitation in § 418.1 (b) hereof: *Provided, however,* That failure to submit an application for insurance in any year will not render a person ineligible for the benefits of this paragraph, if (1) the failure to submit an application was due to service in the active military or naval service of the United States, or (2) the insured establishes to the satisfaction of the Corporation, prior to the applicable 1946 note maturity date, that failure to submit an application in any year prior to 1946 was due to the fact that wheat was not seeded in that year. Nothing in this provision shall create in the insured any right to a reduced premium as a result of the total premiums he has paid exceeding the total indemnities he has received.

(c) The insured's annual premium payment may be reduced 10 percent in 1946 or in any subsequent year immediately following five wheat crops (beginning with the 1939 or any subsequent crop) covered by insurance (which must be consecutive crops if insurance was available, except as to the 1945 crop unless the 1945 crop was covered by insurance), which have been produced by him in the county without a loss for which an indemnity was paid: *Provided, however,* That this provision shall not apply when the premium is reduced pursuant to paragraph (b) of this section. Failure to apply for insurance in any year, except 1945, shall render any person ineligible for the benefits of this paragraph if insurance is offered in the county in which such person's farm is located and even though insurance may not be provided in the county during such year because of the limitation in § 418.1 (b) hereof: *Provided, however,* That failure to submit an application for insurance in any year will not render a person ineligible for the benefits of this paragraph, if (1) the failure to submit an application for insurance was due to service in the active military or naval service of the United States, or (2) the insured establishes to the satisfaction of the Corporation, prior to the applicable 1946 note maturity date, that failure to submit an application in any year prior to 1946 was due to the fact that wheat was not seeded in that year.

2. Paragraph (b) of § 418.20 is amended to read:

(b) In case of a cash settlement under a certificate of indemnity, the cash equivalent of the indemnity shall be the number of bushels of wheat specified in the certificate of indemnity multiplied by the cash equivalent price per bushel for the day the certificate of indemnity or other request of the insured for cash settlement or for determining the cash equivalent is received in the branch office of the Corporation or the expiration date of the certificate, whichever occurs first. A cash settlement under a certificate of indemnity made more than 14 days after the issuance of the certificate shall be subject to a deduction for a reasonable charge for storage and handling and the schedule of such charges shall be shown on the certificate of indemnity.

Adopted by the Board of Directors on August 3, 1945.

[SEAL] E. R. DUKE,
Chairman.

Approved: August 21, 1945.

CLINTON P. ANDERSON,
Secretary of Agriculture.

[F. R. Doc. 45-15508; Filed, Aug. 21, 1945; 3:30 p. m.]

Chapter VII—Agricultural Adjustment Agency

[ACP-1945-3]

PART 701—AGRICULTURAL CONSERVATION PROGRAM

FLAXSEED PAYMENT GOALS

Pursuant to the authority vested in the Secretary of Agriculture under sections 7 to 17, inclusive, of the Soil Conservation and Domestic Allotment Act, as amended, the 1945 Agricultural Conservation Program, as amended, is further amended as follows:

Section 701.603 (a) (2) is amended to read as follows:

§ 701.603 *Flaxseed payment*—(a) *Flaxseed goals.* * * *

(2) *State goals.* State goals are as follows:

	Acres
Illinois	1,150
Indiana	1,200
Iowa	117,000
Michigan	9,200
Minnesota	1,485,000
Missouri	16,300
Nebraska	1,900
Ohio	190
South Dakota	510,600
Wisconsin	10,800
Oklahoma	33,000
Texas	76,500
Arizona	16,000
California	129,000
Idaho	900
Kansas	198,000
Montana	486,000
North Dakota	1,903,000
Oregon	880
Washington	980
Wyoming	2,400

Done at Washington, D. C., this 21st day of August, 1945. Witness my hand and the seal of the Department of Agriculture.

[SEAL] CLINTON P. ANDERSON,
Secretary of Agriculture.

[F. R. Doc. 45-15506; Filed, Aug. 21, 1945; 3:30 p. m.]

Chapter XI—War Food Distribution Orders

[WFO 81, as Amended, Termination]

PART 1440—ESSENTIAL OILS

OIL OF PEPPERMINT

War Food Order No. 81, as amended (8 F.R. 12525; 9 F.R. 152, 4321, 4319, 7297, 9534, 11927; 10 F.R. 103, 126, 9258), together with all orders (9 F.R. 937, 11927) issued pursuant to said War Food Order No. 81, as amended, are terminated at 12:01 a. m., e. w. t., August 22, 1945.

With respect to violations, rights accrued, liabilities incurred, or appeals taken under said War Food Order No. 81, as amended, and any of the said orders issued pursuant thereto as aforesaid, prior to the effective time of this termination order, all provisions of said War Food Order No. 81, as amended, and of the said orders issued pursuant thereto in effect prior to the effective time of this termination order shall be deemed to be in full force and effect for the purpose of sustaining any proper suit, action, or other proceeding with regard to any such violation, right, liability, or appeal.

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423; E.O. 9392, 8 F.R. 14783; E.O. 9577, 10 F.R. 8087)

Issued this 21st day of August 1945.

[SEAL] CLINTON P. ANDERSON,
Secretary of Agriculture.

[F. R. Doc. 45-15510; Filed, Aug. 21, 1945; 3:31 p. m.]

[WFO 42a, Amdt. 5]

PART 1460—FATS AND OILS

INCREASED QUOTAS

War Food Order No. 42a, as amended (9 F. R. 12078, 14926; 10 F. R. 943, 3315), is further amended by deleting the table at the end of paragraph (b) (1) and substituting in lieu thereof the following:

Class of product	Permitted percentages	
	July 1 to September 30, 1945	Effective October 1, 1945
Paints, varnishes, lacquers, and other protective coatings	45	50
Linoleum, oilcloth (for floor coverings), and felt base floor coverings	45	50
Oilcloth (except for floor coverings) and all other coated fabrics	45	50
Paint containing not more than 2 pounds of fats and oils per gallon (by a manufacturer of paste water, dry casein or dry protein paint) during the base period	45	50

This amendment shall become effective at 12:01 a. m., e. w. t., July 1, 1945. With respect to violations, rights accrued, liabilities incurred, or appeals taken, prior to said date, under War Food Order No. 42a, as amended, all provisions of said order shall be deemed to remain in full force for the purpose of sustaining any proper suit, action, or other proceeding with respect to any such violation, right, liability, or appeal.

(E. O. 9280, 7 F. R. 10179; E. O. 9577, 10 F. R. 8087)

Issued this 21st day of August 1945.

[SEAL] CLINTON P. ANDERSON,
Secretary of Agriculture.

[F. R. Doc. 45-15509; Filed, Aug. 21, 1945; 3:31 p. m.]

TITLE 10—ARMY: WAR DEPARTMENT

Chapter VII—Personnel

PART 703—APPOINTMENT OF COMMISSIONED OFFICERS, WARRANT OFFICERS AND CHAPLAINS

APPOINTMENT OF WARRANT OFFICERS

Section 703.303 is amended by designating the first paragraph (a) and adding paragraph (b) as follows:

§ 703.303 *Appointments.* (a) * * *

(b) If a successful applicant is serving on active duty as a commissioned officer in the Army of the United States at the time his name is reached on the eligible list for appointment as a warrant officer, junior grade, to fill an existing vacancy, such applicant, if found physically qualified at that time, will be tendered a selection letter advising him of his selection for appointment upon honorable termination of active duty as a commissioned officer. The recipient of a selection letter whose active service as a commissioned officer terminates honorably and who applies for such appointment within 6 months after the termination of his active commissioned service will, irrespective of physical disqualification incurred or having its inception while on active duty in line of duty, be given such appointment if a vacancy within the authorized allotment for warrant officers, junior grade, Regular Army, exists at the time he applies for such appointment. To insure the existence of such vacancies, a vacancy will be reserved for the recipient of each selection letter until he applies for such appointment or notifies The Adjutant General of his intention not to enter such application, but not longer than 6 months after the termination of his active commissioned service. The date of rank upon appointment is the date of the selection letter. (55 Stat. 651; 10 U.S.C. Sup. 591-599) [AR 610-10, 28 September 1944 as amended by C1, 2 August 1945]

[SEAL] EDWARD F. WITSELL,
Major General,
Acting The Adjutant General.

[F. R. Doc. 45-15512; Filed, Aug. 21, 1945; 3:36 p. m.]

TITLE 14—CIVIL AVIATION

Chapter II—Administrator of Civil Aeronautics

[Amdt. 82]

PART 600—DESIGNATION OF CIVIL AIRWAYS

RED AND BLUE CIVIL AIRWAYS

AUGUST 8, 1945.

Acting pursuant to the authority vested in me by section 302 of the Civil Aeronautics Act of 1938, as amended, I hereby amend Part 600 of the regulations of the Administrator of Civil Aeronautics as follows:

Designation of Civil Airways: Red Civil Airway No. 54. Redesignation of Civil Airways: Blue Civil Airway No. 43.

1. By adding a new § 600.10253 to read as follows:

§ 600.10253 *Red civil airway No. 54 (Timpie, Utah to Salt Lake City, Utah).* From a point located at 40°45′ north latitude and 112°45′ west longitude to the Salt Lake City, Utah radio range station.

2. By amending § 600.10342 to read as follows:

§ 600.10342 *Blue civil airway No. 43 (Birmingham, Ala., to Nashville, Tenn.).* From the intersection of the center lines of the on course signals of the north leg of the Birmingham, Ala., radio range and the southwest leg of the Chattanooga, Tenn., radio range to a point located at 35°50′ north latitude and 86°19′ west longitude.

This amendment shall become effective 0001 e. w. t., September 1, 1945.

T. P. WRIGHT,
Administrator of Civil Aeronautics.

[F. R. Doc. 45-15526; Filed, Aug. 22, 1945; 9:33 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket No. 3660]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

BONCQUET LABORATORIES

§ 3.6 (c) *Advertising falsely or misleadingly—Composition of goods:* § 3.6 (t) *Advertising falsely or misleadingly—Qualities or properties of product or service.* In connection with the offering for sale, sale, or distribution of respondent's preparation designated "Boncquet Blood Building Tablets," "Boncquet Hemo-Tabs," or "Boncquet Tablets," or any other preparation of similar composition or possessing substantially similar properties, whether sold under the same names or under any other name, disseminating, etc., any advertisements by means of the United States mails, or in commerce, or by any means to induce, etc., directly or indirectly, purchase in commerce, etc., of said preparation, which advertisements represent, directly or through inference, (a) that said preparation is a cure or remedy for pernicious anemia or that it has any therapeutic value in the treatment of such condition; (b) that respondent's preparation contains iron in effective therapeutic amounts; (c) that respondent's preparation will regenerate or rebuild the blood; (d) that respondent's preparation will bring to normal-red-cell count the blood of persons suffering from a deficiency of red corpuscles because of anemia or other conditions; or (e) that respondent's preparation, under conditions of use, will stimulate the bone marrow to produce red blood corpuscles; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U. S. C., Sec. 45b) [Cease and desist order, Boncquet Laboratories, Docket 3660, August 7, 1945]

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 7th day of August, A. D. 1945.

In the Matter of Frederick A. Clarke, an individual, trading as Boncquet Laboratories

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission, answer thereto, testimony and other evidence taken before trial examiners of the Commission theretofore duly designated by it, report upon the evidence by Trial Examiners W. C. Reeves and John J. Keenan and exceptions filed thereto, supplemental report upon the evidence filed by Trial Examiner Miles J. Furnas, brief and supplemental brief filed in support of the complaint, and brief of respondent filed in opposition thereto (respondent not having filed supplemental brief and oral argument not having been requested); and the Commission having made its findings as to the facts and its conclusion that said respondent has violated the provisions of the Federal Trade Commission Act:

It is ordered, That the respondent, Frederick A. Clarke, an individual, trading as Boncquet Laboratories or trading under any other name, and his representatives, agents, and employees, directly or through any corporate or other device in connection with the offering for sale, sale, or distribution of his preparation designated "Boncquet Blood Building Tablets," "Boncquet Hemo-Tabs," or "Boncquet Tablets," or any other preparation of similar composition or possessing substantially similar properties, whether sold under the same names or under any other name, do forthwith cease and desist from directly or indirectly:

1. Disseminating or causing to be disseminated any advertisement by means of the United States mails or by any means in commerce as "commerce" is defined in the Federal Trade Commission Act which advertisement represents directly or through inference,

a. That respondent's preparation is a cure or remedy for pernicious anemia or that it has an therapeutic value in the treatment of such condition;

b. That respondent's preparation contains iron in effective therapeutic amounts;

c. That respondent's preparation will regenerate or rebuild the blood;

d. That respondent's preparation will bring to normal-red-cell count the blood of persons suffering from a deficiency of red corpuscles because of anemia or other conditions;

e. That respondent's preparation, under conditions of use, will stimulate the bone marrow to produce red blood corpuscles.

2. Disseminating or causing to be disseminated any advertisement by any means for the purpose of inducing or which is likely to induce, directly or indirectly, the purchase of respondent's preparation in commerce as "commerce" is defined in the Federal Trade Commission Act, which advertisement contains any of the representations prohibited in paragraph 1 hereof and the respective subdivisions thereof.

It is further ordered, That the respondent shall, within sixty (60) days after service upon him of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which he has complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 45-15532; Filed, Aug. 22, 1945; 11:06 a. m.]

TITLE 26—INTERNAL REVENUE

Chapter I—Bureau of Internal Revenue

Subchapter A—Income and Excess Profits Taxes

[T D. 5473]

PART 30—REGULATIONS UNDER THE EXCESS PROFITS TAX ACT OF 1940

PART 35—EXCESS PROFITS TAX; TAXABLE YEARS BEGINNING AFTER DECEMER 31, 1941

CREDITS AGAINST EXCESS PROFITS TAXES

Section 30.729–3 of Regulations 109 (26 CFR, 1941 Supp., Part 30) and § 35.729–3 of Regulations 112 (26 CFR, Cum. Supp., Part 35) are amended as follows:

PARAGRAPH 1. Section 30.729–3 is amended by striking out the second sentence and inserting in lieu thereof the following:

A taxpayer is allowed such a credit against the excess profits tax for taxable years beginning prior to January 1, 1941, if it claims such credit in its Federal income tax return and likewise claims such credit in its excess profits tax return. For taxable years beginning after December 31, 1940, the taxpayer is allowed such a credit against its excess profits tax if it chooses to have the benefits of such credit (or, having chosen to the contrary, changes its choice) at any time prior to the expiration of the period prescribed by statute for the making of a claim for credit or refund for such taxable year. In any case in which a credit would not be available except by reason of the provisions of section 131 (f) and the taxpayer has for a taxable year beginning prior to January 1, 1941, claimed in its Federal income tax return the benefits of section 131, it shall be deemed, for the purpose of the credit, that such taxpayer has likewise claimed in its excess profits tax return for such year the benefits of section 729 (c).

PAR. 2. Section 35.729–3 is amended by striking out the second sentence and inserting in lieu thereof the following:

If the taxpayer so chooses (or, having chosen to the contrary, changes its choice) at any time prior to the expiration of the period prescribed by statute for the making of a claim for credit or refund for the taxable year, it is allowed such a credit against the excess profits tax.

(Sec. 62 as made applicable by section 729 (a), and section 131 (f) of the Internal Revenue Code (53 Stat. 32; 54 Stat. 989; 56 Stat. 857; 26 U.S.C. 62, 798 (a) and Sup. III, 131 (f))

[SEAL] JOSEPH D. NUNAN, JR.,
Commissioner of Internal Revenue.

Approved: August 21, 1945.

JOSEPH J. O'CONNELL, JR.,
Acting Secretary of the Treasury.

[F. R. Doc. 45–15577; Filed, Aug. 22, 1945; 11:54 a. m.]

[T. D. 5474]

PART 30—REGULATIONS UNDER THE EXCESS PROFITS TAX ACT OF 1940

PART 35—EXCESS PROFITS TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1941

REVIEW BY SPECIAL DIVISION OF TAX COURT

Excess Profits Tax Regulations 109 and 112 amended to conform to Public Law 105, approved June 30, 1945.

In order to conform Regulations 109 (26 CFR, 1941 Supp., Part 30), and Regulations 112 (26 CFR, Cum. Supp., Part 35) to Public Law 105 (79th Congress, 1st Session), approved June 30, 1945, such regulations are amended as follows:

PARAGRAPH 1. There is inserted immediately preceding § 30.732–1 the following:

JOINT RESOLUTION. (Public Law 105, 79th Congress, approved June 30, 1945.)

* * * * *

SEC. 2. Section 732 (d) of the Internal Revenue Code is amended to read as follows:

(d) *Review by Special Division of Board.* The determinations and redeterminations by any division of the Board involving any question arising under section 721 (a) (2) (C) or section 722 with respect to any taxable year shall be reviewed by a special division of the Board which shall be constituted by the Chairman and consist of not less than three members of the Board. The decisions of such special division shall not be reviewable by the Board, and shall be deemed decisions of the Board.

PAR. 2. Section 30.732–1, as amended by Treasury Decision 5264, approved May 8, 1943, is further amended by changing the third sentence of the third paragraph to read as follows:

If the determinations and redeterminations by any division of The Tax Court involve any question arising under section 721 (a) (2) (C) or section 722 with respect to any taxable year, such determinations and redeterminations shall be reviewed by a special division of The Tax Court which shall be constituted by the Presiding Judge and shall consist of not less than three judges of The Tax Court.

PAR. 3. There is inserted immediately preceding § 35.732–1 the following:

JOINT RESOLUTION. (Public Law 105, 79th Congress, approved June 30, 1945.)

* * * * *

SEC. 2 Section 732 (d) of the Internal Revenue Code is amended to read as follows:

(d) *Review by Special Division of Board.* The determinations and redeterminations by any division of the Board involving any question arising under section 721 (a) (2) (C) or section 722 with respect to any taxable year shall be reviewed by a special division of the Board which shall be constituted by the Chairman and consist of not less than three members of the Board. The decisions of such special division shall not be reviewable by the Board, and shall be deemed decisions of the Board.

PAR. 4. Section 35.732–1 is amended by changing the third sentence of the third paragraph to read as follows:

If the determinations and redeterminations by any division of The Tax Court involve any question arising under section 721 (a) (2) (C) or section 722 with respect to any taxable year, such determinations and redeterminations shall be reviewed by a special division of The Tax Court which shall be constituted by the Presiding Judge and shall consist of not less than three judges of The Tax Court.

(Sec. 62 of the Internal Revenue Code (53 Stat. 32; 26 U.S.C. 62) as made applicable by section 729 (a) of the Internal Revenue Code (54 Stat. 989; 26 U.S.C. 729 (a)) and Public Law 105, approved June 30, 1945)

[SEAL] JOSEPH D. NUNAN, JR.,
Commissioner of Internal Revenue.

Approved: August 21, 1945.

JOSEPH J. O'CONNELL, JR.,
Acting Secretary of the Treasury.

[F. R. Doc. 45–15578; Filed, Aug. 22, 1945; 11:54 a. m.]

TITLE 29—LABOR

Chapter VII—War Manpower Commission

[Reg. 4, Rescission]

PART 904—TRANSFER OF WORKERS AT INCREASED RATES OF PAY

Pursuant to the authority vested in me as Chairman of the War Manpower Commission by Executive Orders Nos. 9139, 9279 and 9328 (7 F.R. 2919, 10177, 8 F.R. 4681), War Manpower Commission Regulation No. 4, as revised, (8 F.R. 11337, 9 F.R. 12917) is hereby rescinded, effective as of the date of the approval thereof by the Director of Economic Stabilization.

PAUL V. MCNUTT,
Chairman.

AUGUST 18, 1945.

Approved: August 20, 1945.

WILLIAM H. DAVIS,
Director,
Office of Economic Stabilization.

[F. R. Doc. 45–15513; Filed, Aug. 21, 1945; 3:39 p. m.]

Chapter IX—Agriculture Department
(Agricultural Labor)

[Supp. 65, Amdt. 1]

PART 1103—SALARIES AND WAGES OF AGRICULTURAL LABOR IN THE STATE OF TEXAS

WORKERS ENGAGED IN PICKING AMERICAN UPLAND COTTON IN CERTAIN COUNTIES OF TEXAS

Section 1103.1 (10 F.R. 9999) is hereby amended as follows:

1. The title of § 1103.1 shall read:

§ 1103.1 *Wages of workers engaged in picking, pulling, or snapping American Upland cotton in the Counties of Wharton, Fort Bend, Brazoria, Jackson, Colorado, Calhoun, Matagorda, Victoria, and Refugio, State of Texas.*

2. Paragraph (a) shall read:

(a) *Areas, crops and classes of workers.* Persons engaged in picking, pulling, or snapping American Upland cotton in the Counties of Wharton, Fort Bend, Brazoria, Jackson, Colorado, Calhoun, Matagorda, Victoria, and Refugio, State of Texas, are agricultural labor as defined in § 4001.1 (1) of the regulations of the Economic Stabilization Director issued on August 28, 1943, as amended (8 F.R. 11960, 12139, 16702, 9 F.R. 6035, 14547, 10 F.R. 9478, 9628).

3. Paragraph (b) shall read:

(b) *Maximum wage rates for picking, pulling, or snapping American Upland cotton.*

(1) Maximum wage rate for picking American Upland cotton—$1.75 per 100 pounds of well picked, clean, seed cotton.

(2) Maximum wage rate for pulling, or snapping American Upland cotton—$1 per 100 pounds of seed cotton.

Effective date. This Amendment 1 to Supp. 65 shall become effective at 12:01 a. m., central war time, August 22, 1945.

(56 Stat. 765 (1942), 50 U.S.C. App. 961 et seq., (Supp. IV); 57 Stat. 63 (1943); 50 U.S.C. 964 (Supp. IV); 58 Stat. 632 (1944); Pub. Law 108, 79th Cong., E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681; E.O. 9577, 10 F.R. 8087; regulations of the Economic Stabilization Director, 8 F.R. 11960, 12139, 16702, 9 F.R. 6035, 14547, 10 F.R. 9478, 9628; regulations of the War Food Administrator, 9 F.R. 655, 12117, 12611, 10 F.R. 7609, 9581; 9 F.R. 831, 12807, 14206, 10 F.R. 3177)

Issued this 22d day of August 1945.

[SEAL] WILSON R. BUIE,
Director of Labor,
U. S. Department of Agriculture.

[F. R. Doc. 45–15534; Filed, Aug. 22, 1945; 11:11 a. m.]

[Supp. 70]

PART 1105—SALARIES AND WAGES OF AGRICULTURAL LABOR IN THE STATE OF MAINE

WORKERS ENGAGED IN HARVESTING POTATOES IN CERTAIN COUNTIES OF MAINE

§ 1105.1 *Workers engaged in the harvesting of potatoes in Aroostook County and in the townships of Mount Chase, Patten, Stacyville and Davidson in Penobscot County, State of Maine.* Pursuant to § 4001.7 of the regulations of the Economic Stabilization Director relating to salaries and wages issued August 28, 1943, as amended (8 F.R. 11960, 12139, 16702; 9 F.R. 6035, 14547; 10 F.R. 9478, 9628) and to the regulations of the War Food Administrator issued March 23, 1945 (10 F.R. 3177) entitled "Specific Wage Ceiling Regulations" and based upon a certification of the Maine USDA Wage Board that a majority of the producers of potatoes in the area affected participating in hearings conducted for such purpose have requested the intervention of the Secretary of Agriculture and based upon relevant facts submitted by the Maine USDA Wage Board and obtained from other sources, it is hereby determined that:

(a) *Areas, crops and classes of workers.* Persons engaged in harvesting potatoes in Aroostook County and in the townships of Mount Chase, Patten, Stacyville and Davidson in Penobscot County, State of Maine, are agricultural labor as defined in § 4001.1 (1) of the regulations of the Economic Stabilization Director issued on August 28, 1943, as amended (8 F.R. 11960, 12139, 16702; 9 F.R. 6035, 14547; 10 F.R. 9478, 9628).

(b) *Maximum wage rates for harvesting potatoes.*

(1) For picking up potatoes—18¢ per barrel.

(2) For harvest labor other than picking up potatoes—$12 per day.

The rates specified above are exclusive of board and room. Where an employer furnishes board, or board and room, a deduction of $10 per week must be made therefor except that this deduction shall not operate to reduce the earnings of pickers below 13¢ per barrel for the period charged.

(c) *Administration.* The Maine USDA Wage Board, located at Orono, Maine, will have charge of the administration of this section in accordance with the provisions of the specific wage ceiling regulations issued by the War Food Administrator on March 23, 1945 (10 F.R. 3177).

(d) *Applicability of specific wage ceiling regulations.* This section shall be deemed to be a part of the specific wage ceiling regulations issued by the War Food Administrator on March 23, 1945 (10 F.R. 3177) and the provisions of such regulations shall be applicable to this section and any violation of this section shall constitute a violation of such specific wage ceiling regulations.

(e) This Supplement 70 shall become effective at 12:01 a. m., eastern war time, August 22, 1945.

(56 Stat. 765 (1942), 50 U.S.C. App. 961 et seq., (Supp. IV); 57 Stat. 63 (1943); 50 U.S.C. 964 (Supp. IV); 58 Stat. 632 (1944); Public Law 108, 79th Cong., E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681; E.O. 9577, 10 F.R. 8087; regulations of the Economic Stabilization Director, 8 F.R. 11960, 12139, 16702, 9 F.R. 6035, 14547, 10 F.R. 9478, 9628; regulations of the War Food Administrator, 9 F.R. 655, 12117, 12611, 10 F.R. 7609, 9581; 9 F.R. 831, 12807, 14206, 10 F.R. 3177)

Issued this 21st day of August 1945.

[SEAL] WILSON R. BUIE,
Director of Labor,
U. S. Department of Agriculture.

[F. R. Doc. 45–15535; Filed, Aug. 22, 1945; 11:11 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter IX—War Production Board

AUTHORITY: Regulations in this chapter, unless otherwise noted at the end of documents affected, issued under sec. 2 (a), 54 Stat. 676, as amended by 55 Stat. 236, 56 Stat. 177, 58 Stat. 827; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; W.P.B. Reg. 1 as amended Dec. 31, 1943, 9 F.R. 64.

PART 944—REGULATIONS APPLICABLE TO THE OPERATION OF THE PRIORITIES SYSTEM

[Priorities Reg. 3, as Amended Aug. 21, 1945]

§ 944.23 *Priorities Regulation 3*—(a) *Purpose of this regulation.* This regulation states the rules for the use of preference ratings, what kind of purchase orders or services may be rated and how a rating may be put on an order. It also places restrictions on the use of ratings and includes lists of products for which ratings may not be used at all or for which certain kinds of ratings may not be used. In general this regulation should be consulted before using a rating whether it was gotten directly from the War Production Board or from a customer.

(b) *Definitions.* For the purposes of this regulation:

(1) "Person" and "material" mean the same thing they do in Priorities Regulation 1.

(2) "Assignment" of a preference rating. A preference rating is assigned to a person when the War Production Board or someone that it has authorized issues an order or preference rating certificate giving him the right to use the rating.

(3) "Application" of a preference rating. A preference rating is applied when the person to whom it is assigned uses the rating. A rating is applied also when any governmental agency which is authorized by the War Production Board rates an order for delivery of material directly to it.

(4) "Extension" of a preference rating. A preference rating is extended when it is used by the person to whom it is applied or extended by another person.

(c) *Use of ratings in general.* (1) When a regulation, preference rating order or preference rating certificate assigns a rating to any person, either by naming him or by describing the class of persons to which he belongs (as is done in the schedules to CMP Regulation 5), that person may apply the rating to get delivery of material or the performance of certain services. Also, a person may under certain conditions extend a rating which has been applied or extended to his deliveries of material, but not one applied to services. More detailed rules as to how and when ratings may be applied or extended are set out below in this regulation.

(2) When a War Production Board order or certificate states the quantities and kinds of material or the particular services which are rated, the person to whom it is assigned may use the rating to get only that quantity and kind of material or that particular service named in the order or certificate. If the quantities of material are not stated in the order or certificate assigning the rating it may be applied only to get the minimum amount needed.

(3) No person may place rated orders for more material than he is authorized to rate even though he intends to cancel some of the orders or reduce the quantity of material ordered to the authorized amount before it is all delivered.

(d) *When AA ratings may be extended for material.* The following provisions of this paragraph (d) apply to all extensions of preference AA ratings to get deliveries of material, unless they are modified by or are inconsistent with the provisions of any particular order.

(1) A manufacturer of Class B products under the Controlled Materials plan and a holder of Form WPB–2613 (formerly PD–870) may not extend his customers' AA ratings as explained in more detail in CMP Regulation 3 and in Priorities Regulation 11B.

(2) When a person has received a AA rated order for the delivery of material, he may extend the AA rating to get the material which he will deliver on that order, or which will be physically incorporated in material which he will deliver. If the material is to be processed, this

includes the portion of it which would normally be consumed or converted into scrap or by-products in the course of processing.

(3) If a person has made delivery of material, or has incorporated it into other material which he has delivered on an AA rated order, he may extend the AA rating to replace it in his inventory. However, if after delivering the material he still has a practicable working minimum inventory he may not extend the AA rating to replace the material delivered; and if by making the delivery his inventory is reduced below this minimum, the AA rating may be extended to get only the amount necessary to restore the inventory to a practicable working minimum. Any material ordered to replace in inventory must be substantially the same as the material which the person delivered or incorporated in the material which he delivered, except for minor variations in size, shape or design.

(4) A person to whom an AA rating has been applied or extended to get material may not extend that AA rating to get containers or closures to pack the material except as permitted by any order in the Containers, Part 3270, Series (Orders P–140 and P–146 are the only ones that now permit the extension of such AA ratings). Nor may he extend such AA rating to get any material for his own plant improvement, expansion or construction, or to get machine tools or other items which he will carry as capital equipment, or to get business machines for his own use whether purchased or leased, or to get maintenance, repair or operating supplies for his own use. Other orders or regulations, such as CMP Regulation 5 and some orders in the "P" series, assign ratings which may be used by the proper persons to get maintenance, repair or operating supplies and minor capital additions.

(d–1) *AAA, MM and CC ratings.* (1) AAA and MM ratings may be extended under the same conditions as AA ratings, as described in paragraph (d), subject to the conditions of this regulation; except that manufacturers of Class B and unclassified products may extend these ratings for deliveries of production materials to them during the fourth quarter of 1945 and subsequent quarters.

(2) CC ratings may not be extended by a supplier to get production materials needed to make the item sold to his customer, or to replace in inventory materials used to make the item. A distributor, warehouse, retailer, or other person who resells the item without further fabrication may extend the CC rating where he does not have the item in inventory, but may not extend the rating to replace the item in inventory.

(e) *Additional restrictions upon use of ratings for certain materials.* Because of special circumstances which exist with respect to certain materials and products, the use of preference ratings to get items on Lists A or B attached to this regulation is restricted as follows:

(1) *Items as to which preference ratings have no effect; List A.* Any item on List A may be produced or delivered without regard to preference ratings. No person shall apply or extend any rating to get any of these items and no person selling any such item shall require a rating as a condition of sale. Any rating purporting to be applied or extended to any such item shall be void and no person shall give any effect to it in filling an order.

(2) *Items to which blanket MRO ratings do not apply; List B.* Blanket MRO ratings may not be applied to get any item on List B, except as permitted by the list. A blanket MRO rating means a rating assigned by CMP Regulation 5 or 5A, or by any other War Production Board regulation, order (including an order in the "P" series), form or certificate which assigns a rating for maintenance, repair or operating supplies without specifying the kind and quantity of the material to which the rating may be applied. Where the quantity of material is specified in terms of dollar value only, the rating is a blanket MRO rating. No person shall give any effect to any rating applied to his deliveries of any item on List B if he knows or has reason to believe that it is a blanket MRO rating. Any blanket MRO rating applied to an order for any item on List B which was not delivered before the date the item was added to the list shall be deemed void. The restrictions of this paragraph are not applicable when the blanket MRO rating is applied to get an item on the list for use on board ship, but in such a case the rating may not be extended by the person to whom it is applied.

(3) *Illustration.* A manufacturer of a product listed in Schedule II of CMP Regulation 5 is assigned a rating of AA–2 for operating supplies. He may not use the rating to buy wooden shelving for his own use since it is on List B. A contractor has received an order bearing a rating of AA–3 to install wooden shelving in an Army camp. He may extend that rating to get the wooden shelving from the manufacturer since in this case the shelving is production material as to him and not operating supplies. If, however, wooden shelving were on List A instead of List B, neither rating could be used.

(f) *Use of ratings for services*—(1) *Ratings may not be used for personal services.* Preference ratings may never be used to get labor or personal services as distinct from services performed in the course of a regular business involving the use of plant, machinery or equipment owned by the person furnishing the services. For example, ratings may be used to get a repair job done in a repair shop as explained below but may not be used to compel an individual employee to work on a repair job or to obtain the services of a consulting engineer.

(2) *Three cases where ratings may be used for services.* There are only three situations in which a preference rating may be used to get services, as distinct from the production or delivery of material:

(i) *A rating assigned for the purpose.* If the War Production Board assigns a rating to a named person to get specified services, he may use the rating for that purpose.

(ii) *For processing.* When a person has a rating which he may use to get processed material, he may (unless prohibited by another regulation or order) furnish the unprocessed material to a processor and use the same rating to get it processed.

(iii) *For repairs.* A blanket MRO rating may be applied by the person to whom it is assigned to get his plant, machinery or equipment repaired even if the repair job does not involve the delivery of repair parts or materials. See paragraph (e) (2) for definition of a blanket MRO rating. A rating assigned on Form WPB–541 (formerly PD–1A) or WPB–542 (formerly PD–3A), or any other rating which may be applied to the delivery of specific repair parts or materials, may also be applied to the installation of the repair parts or materials or to the repair job alone if it is found that installing the parts or materials is not necessary. However, in the case of ordinary plumbing, heating, electrical, automotive or refrigeration repairs, a rating may not be applied to repair work even if the rating is expressly applicable to repair parts or materials. As used in this subparagraph, "repair" means to fix a plant, machinery or equipment after it has broken down or when it is about to break down. "Repair" does not mean upkeep or maintenance service such as periodic inspection, cleaning, painting, lubricating, etc.

(3) *Ratings for services only may not be extended.* A person to whom a rating for services, as distinct from the production or delivery of material, has been applied or extended may not extend the rating for any purpose.

(g) *How to apply or extend a rating.* (1) When a person applies or extends a preference rating he must put the rating (and symbol, if appropriate) on the order together with a certification signed as prescribed in Priorities Regulation 7. He may use the standard certification set out in that regulation, or if he prefers the following:

CERTIFICATION

The undersigned purchaser hereby represents to the seller and to the War Production Board that he is entitled to apply or extend the preference ratings indicated opposite the items shown on this order, and that such application or extension is in accordance with Priorities Regulation 3 as amended, with the terms of which the undersigned is familiar.

(Name of Purchaser)

(Address)

By (Signature and Title of Duly Authorized Officer)

(Date)

The person who receives the certification shall be entitled to rely on it as a representation of the buyer unless he knows or has reason to know that it is false.

NOTE: (Subparagraphs (2) and (3) deleted April 25, 1944. They are superseded by paragraphs (o) and (p) of Priorities Regulation 7, which state the rules for placing rated orders orally or by telephone or telegraph.)

(4) When a person applies or extends a rating he shall also include on his purchase order or contract any information which may be required by any applicable War Production Board order. However, he is not required to include the serial number of the preference rating certificate assigning the rating.

(5) Each person who applies or extends a rating must keep at his regular place of business all documents including purchase orders and preference rating orders and certificates which authorize him to apply or extend the rating. These documents, orders and certificates must be kept in such a way that they can be readily segregated and furnished to representatives of the War Production Board for inspection.

(6) When either certification authorized in this paragraph (g) is used it will not be necessary to use any other certification in order to apply or extend a preference rating, nor will it be necessary to furnish a copy of any preference rating order no matter what any regulation, preference rating order or preference rating certificate says unless it expressly states that this regulation does not apply. This does not affect the requirements of Priorities Regulation No. 9 (§ 944.30) when ratings are applied to certain types of exports, in which case its terms control.

(7) No person shall knowingly purport to apply or extend a preference rating to any order unless he is entitled to do so. No person shall apply or extend a rating for material or services after he has received the material or after the services have been performed, and any person who receives such a rating shall not extend it.

(h) *Provisions applicable to extensions; deferment and grouping.* No matter what any applicable preference rating order or certificate may say,

(1) No person may extend any rating to replace inventory after three months have passed from the time he could have first extended it;

(2) When a person has two or more ratings of the same grade which were assigned by different preference rating certificates or orders he may combine them and extend them to one delivery; and

(3) When a person has two or more ratings of different grades, or where they were assigned by the same or different certificates or orders, he may extend them to deliveries under one purchase order. However, the purchase order must show the amount of each material to which a particular grade of rating is extended. If the type and quantity of the material is such that the supplier can readily determine the exact effect of the extension of the rating on his production and delivery schedule from percentage figures alone, then the purchase order may show the amount of the material to which the particular grade of rating is extended on a percentage basis; otherwise, it must be shown as a separate item. In order to avoid production or delivery of material in quantities smaller than the minimum commercially practicable a person may combine ratings of different grades and extend the rating of the lowest grade to the total production or delivery.

(i) *Restrictions in other orders.* When any person applies or extends a rating he shall be subject to any applicable rule or restriction which may be set forth in the order of the War Production Board which assigns the rating or any other order which regulates transactions in the material or the facilities for which he is using the rating. This includes restrictions as to the kind and amount of material to which ratings may be applied or extended, requirements for written approval of any particular transaction, restrictions on certain uses of material or facilities and any other rules which may be applicable to the particular transaction. However, the rules of paragraphs (g) (4) and (g) (6) apply unless some other order or certificate expressly says that they do not.

Issued this 21st day of August 1945.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

LIST A

The following items may be delivered without regard to any War Production Board preference ratings:

Chemicals of the following types manufactured or produced for exclusive use in the petroleum industry, as petroleum industry is defined in Preference Rating Order P–98–b:

a. Antioxidants (gum inhibitors) for motor fuels.

b. Chemical additives and compound bases for heavy duty gasoline engine, diesel engine and aviation engine oils.

c. Chemical additives and compound bases for hypoid gear oils.

d. Synthetic catalysts for oil cracking operation.

e. Synthetic catalysts for cumene and codimer manufacture.

f. Synthetic catalysts for petroleum isomerization operations.

g. Synthetic catalysts for petroleum sweetening operations.

Communications services.

Dental burs.

Electric energy.

Gas, manufactured combustible, of the type generally distributed by utilities.

Gas, natural.

Petroleum; restricted products as defined in Order M–201.

Silicon carbide settling tank and dust collector fines.

Steam heating, central.

Track-laying tractor repair parts.

Ice.

Tobaccos.[1]

Vegetable, fish, marine animal and animal fats and oils, whether edible or inedible and including their by-products and residues (whether resulting from refining, distillation, saponification, pressing or settling).[1]

Sulfated, sulfonated, and sulfurized fats and oils.[1]

Tall oil.[1]

Wool grease.[1]

Soap (other than metallic).[1]

Fatty acids.[1]

Food for human or animal consumption.[1]

Glycerine.[1]

Graphite crucibles.

Pig iron.

[1] Subject to War Food Order 71 (formerly FD Regulation No. 1) of the War Food Administration.

Alarm clocks.

Waste paper.

Water.

Containerboard, as defined in Order M–290.

Low and high temperature fractional distillation equipment for gas and gasoline analysis.

Roofing granules

LIST B

Blanket MRO ratings, as defined in paragraph (e) (2), may not be used to obtain the items on this list. If a rating is needed to get a specified quantity of any product on the list, application may be made on Form WPB–541 (formerly PD–1A) or on any other form which may be designated for a particular product or for use by a particular person in a War Production Board order.

Adhesive tape backed with cellophane or similar transparent material derived from cellulose.

Animal traps.

Anti-freeze, all types.

Athletic and sport equipment.

Auger Bits, Type 1 as defined in Schedule VIII to Order L–157.

Automotive maintenance equipment as defined in Limitation Order L–270.

Automotive replacement batteries as defined in Limitation Order L–180.

Automotive replacement parts as defined in Limitation Order L–158.

Award emblems, badges, buttons and other similar award pins (not including identification badges).

Bicycles.

Blowers, portable electric hand, and industrial vacuum cleaners.

Can, jar and bottle capping, closing and sealing machinery and equipment (other than screw capping machines) having a retail sales value of $25 or more, inclusive of motors.

Cast iron cooking utensils.

Cellophane and cellulose acetate film less than three one thousandths (0.003) of one inch thick.

Cellulose caps or bands of any gauge.

Chain, welded coil, sizes $\frac{5}{16}$'' and under.

Chemicals listed in Direction No. 5 of this regulation. (See that direction for MRO ratings which may be used.)

Chinaware.

Civilian defense devices: any device, equipment, instrument, preparation or other material designed or adapted for use in connection with:

a. Air raid warnings or detection of the presence of enemy aircraft; or

b. Blackouts or dimouts; or

c. The protection of civilians, either individually or collectively against enemy action or attack.

Clocks, watches and timers, including chronometers, chronographs and electrical timers, but excluding interval timers.

Clock and watch repair materials including mainsprings.[2]

Closures and closing devices required for packaging products to be shipped or delivered, as follows:

a. Closures for glass containers

b. Gummed stay and sealing tape paper and cloth

c. Paper and paperboard bottle caps, closures, and hoods.

Compressors, reciprocating type for compressing air in any size smaller than 10 horsepower, of the tank mounted design sometimes referred to as the garage or service station type of compressors (new).

Containers, fabricated (in knock-down or set-up form, whether assembled or unassembled) required for packaging products to be

[2] It is not contemplated that any preference ratings will be assigned by the War Production Board on Form WPB–541 for clock and watch repair materials including mainsprings.

shipped or delivered. For the purpose of this item the word "containers" shall not include shipping reels and skids, or any item which is specifically excluded from the following sub-items (such as "shell containers" in sub-item f.) It shall, however, include but is not limited to:

a. Bags, all types and specialty envelopes (including those made of paper, textile, combinations of materials, transparent films, metallic foils, parchment, kraft or sulphite).
b. Baskets and hampers
c. Cans, as defined in Order M–81
d. Collapsible tubes
e. Cooperage, tight and slack
f. Fibre cans, fibre tubes (except shell containers), fibre bottles, fibre mailing cases, and fibre drums.
g. Folding and set-up boxes (paperboard)
h. Gas cylinders (including only metal containers as described in Item 1 of Table 17 of Order M–293).
i. Glass containers
j. Ice cream cans (paperboard) and paraffin cartons and pails.
k. Paper cups and paper food containers, except as permitted by Order L–336.
l. Paper milk containers.
m. Steel shipping drums as defined in Order L–197
n. Wooden and fibre inner containers
o. Wooden and fibre shipping containers and parts, as defined in Order P–140.
p. Metal strapping, as covered in Order P–152.

Corrugated and solid fiber sheets, not constituting "fibre shipping containers" as defined in Order P–146.

Cutlery, as defined in any order of the L–140 series.

Domestic and commercial electric fans.

Domestic electric ranges.

Drums, hard rubber.

Electrical appliances as defined in Order L–65.

Electric irons.

Electronic heating generators.

Electronic intercommunicating systems, including public address systems.

Enameled ware, as defined by Limitation Order L–30–b.

Fans (see "Industrial air circulators, new" and "Domestic and commercial electric fans").

Filing cabinets, wooden.

Fire protective equipment, including only:
a. Fire pumps.
b. Fire sprinkler systems.

Flatware.

Frying pans

Fuel.

Furniture for any use, except furniture specifically designed for schools.

Galvanized ware and non-metal coated metal articles as governed by Limitation Order L–30–a (except for funnels, oil and gasoline cans having a capacity of from 1 to 5 gallons, inclusive, and flexible spout measures).

Glass tableware.

Glass tumblers.

Incandescent photoflash lamps.

Industrial air circulators, new (The term includes any new propeller type fan designed for desk, pedestal, wall bracket, ceiling, or floor mounting, for circulating air within a room or space without the use of ducts, and powered by an electric motor drawing more than 200 watts. Such a fan is sometimes referred to as a "man-cooler" or a "restaurant fan". It does not include propeller type fans designed for exhausting air from inside a building or room to the outside, or for supplying air from the outside to the space within, and normally mounted in a window or over a door or in a wall.)

Kitchenware, heavy duty (except ratings applied by a food processor, which includes any person engaged in the business of preparing, processing, canning, packing or packaging human or animal foods for distribution. It does not include any person who prepares food for consumption on the premises (such as a hotel, restaurant, hospital or educational institution) or distributes it at retail (such as a grocery or retail meat market)):

a. Bakery utensils;
b. Butcher benches;
c. Butcher blocks;
d. Canopies or hoods;
e. Carriers, food;
f. Carriers, tray;
g. Coffee mills and grinders;
h. Counters, cafeteria, lunch and serving;
i. Counter protectors;
j. Cutters, french fry;
k. Cutters, meat, bone and fish;
l. Dispensers, milk and cream;
m. Display racks;
n. Dough dividers;
o. Dough troughs;
p. Knife sharpeners and grinders;
q. Pans, cold;
r. Potato mashers;
s. Potato and vegetable parers or peelers;
t. Racks, bread (bakery);
u. Racks, dump (bakery);
v. Racks, pans (bakery);
w. Sandwich units;
x. Slicers, meat and bread;
y. Tables, bakers;
z. Tables, cooks, chef, salad and work;
aa. Tables, soiled and clean dish;
bb. Toaster stands;
cc. Tray stands;
dd. Trucks, food;
ee. Urn stands;

Insulation blowing machines complete (new only), and the following parts thereof:
(a) Internal combustion engines, or electric motors.
(b) Blowers.
(c) Speed reduction units.

Kitchen household and miscellaneous articles governed by Limitation Order L–30–d.

Laboratory instruments and equipment, including parts thereof. (Except ratings assigned by Preference Rating Orders P–43, P–68, P–89 and P–98–b, and ratings assigned pursuant to Order P–56; but those ratings may not be used for items on List A of Order L–144.)

Lawn mowers, including power and gang mowers.

Lockers, wooden, for offices and factories.

Medical, surgical and dental equipment and supplies (except parts for the maintenance or repair of existing equipment) including:
a. Anaesthesia and oxygen equipment and accessories;
b. Atomizers;
c. Clinical thermometers;
d. Crutches;
e. Dental consumable supplies;
f. Dental equipment and appliances (except dental lathes);
g. Diagnostic instruments and apparatus;
h. Electric light bulbs for diagnostic instruments;
i. Hearing aids;
j. Hospital and medical rubber drug sundries, except surgeons' gloves when acquired in accordance with Order R–1
k. Hospital enamelware and stainless steel ware;
l. Hypodermic needles and syringes;
m. Operating and examining room furniture;
n. Operating and examining room lights;
o. Opthalmic goods.
p. Orthopedic appliances including splints, belts and trusses;
q. Physical therapy equipment and supplies;
r. Sterilizers;
s. Surgical dressings;
t. Suture needles;
u. Sutures;
v. X-ray equipment and supplies, including X-ray tubes, X-ray valve tubes, X-ray developing hangers, X-ray timers, and similar supplies and accessories.

Medical, surgical and dental instruments.

Medicinal preparations, including vitamins.

Metal bathtubs

Monorail system and additions thereto, except one complete addition valued at less than $200.00.

Pails and tubs, wooden, including wooden mop pails.

Paper and paperboard and products manufactured therefrom and molded pulp products; excluding carbon paper, tracing paper, reproduction paper, sensitized paper, engineering graph paper, chemically treated paper for engineering use, litmus paper and filter paper and paper tags.

Paper charts for recording instruments

Pencils, mechanical.

Pencils, wood cased.

Pens, fountain.

Pen holders.

Pen nibs, steel.

Photographic film sensitized, as controlled by Order L–233

Photographic papers, sensitized, except blueprint, whiteprint, ozalid, photostat, rectigraph and other line reproduction papers. (See Direction 24 to CMP Regulation 5.)

Pins, common and safety.

Printing and publishing:
a. Printed matter including items such as letterheads, envelopes, forms and printed and ruled stationery;
b. Processed printing plates;
c. Type metal, stereotyping metal and electrotype backing-metal;
d. Printing paper, paperboard and binders board;
e. Book cloth;
f. Blankbook and loose-leaf binders, metal parts and units;
g. Mechanical bindings.

Radio transmitters, receivers and transceivers.

Refrigeration and air conditioning systems and parts, except as permitted in Direction 10 to Priorities Regulation 3.

Screen cloth, metal insect.

Scales and balances

Softwood plywood, as defined in Limitation Order L–150–a.

Tire retreading, recapping and repair equipment, including full circle and sectional air bags.

Venetian blinds.

Wooden shelving.

Woodworking machinery, Class I, as defined in Order L–311

Interpretation 1

Interpretation 1 of Priorities Regulation 3 [Revoked Nov. 17, 1943.]

Interpretation 2

EFFECT OF LISTS A AND B ON UNFILLED ORDERS

The restrictions on the use of ratings for the items on Lists A and B apply to orders for such items which had been placed before the date the item was put on the list but were not yet filled. (Issued Nov. 17, 1943.)

Interpretation 3

FIRE PROTECTIVE EQUIPMENT

The term "Fire protective equipment" on List B of Priorities Regulation 3 includes only the end items listed and does not include materials or parts required for the repair or maintenance of those items.

For example, fire pumps and fire sprinkler systems are listed and therefore may not be obtained on blanket MRO ratings, whereas a part required to repair a pump or sprinkler system may be obtained on blanket MRO ratings. Similarly, blanket MRO ratings may not be used to extend an existing sprinkler system, but such ratings may be used to repair or replace sprinkler heads which have been opened up by fire or damaged in any other way. (Issued Oct. 21, 1944.)

Interpretation 4

CMPL–224 AND GA–1456 AUTHORIZATION

Reference is made in various War Production Orders to P–19–h orders or to orders in the P–19 series, and in some of these orders the delivery of material or equipment is not allowed, unless the material or equipment is rated under a P–19–h order or an order in the P–19 series. Order P–19–h has in a large measure been superseded by CMPL–224 authorizations and this last form has in turn been superseded by form GA–1456. Consequently any reference to a P–19–h order or to an order in the P–19 series is also reference to an authorization on form CMPL–224 or CA–1456, and if the delivery of an item is permitted under a P–19–h order or an order in the P–19 series it also may be delivered under a CMPL–224 or GA–1456 authorization. (Issued Apr. 23, 1945.)

Interpretation 5

RESTRICTIONS OF OTHER ORDERS; "MASKING" TAPE

(a) *Restrictions of other orders on use of ratings or delivery.* The provisions of paragraph (c) relate only to the items which appear on the lists. When any other order of the War Production Board restricts the use of preference ratings to obtain any product, or restricts delivery of a product in any way, those restrictions are applicable even though that product is not listed in Priorities Regulation 3 (§ 944.23). This rule specifically applies to the items which were on List C before the amendment of August 10, 1943.

(b) *"Masking tape."* Blanket MRO ratings may be used to get industrial pressure sensitive adhesive tape (paper and cloth), also called "masking" tape. This type of tape is not included in "Gummed stay and sealing tape, paper and cloth."

This interpretation is not applicable to adhesive tape backed with cellophane or similar transparent materials derived from cellulose which may not be obtained with blanket MRO ratings. (Issued Dec. 18, 1943.)

Interpretation 6

EFFECT OF PREFERENCE RATING CERTIFICATE REFERRING TO PRODUCT OF A PARTICULAR MANUFACTURER

(a) When a preference rating certificate in assigning a rating to a product describes the product by its trade name or by the manufacturer's name and catalogue number, the rating may ordinarily be used to get the product from any manufacturer if the model actually obtained is substantially identical in size, operation and function with that named in the certificate.

(b) The rule stated in the preceding paragraph is consistent with the statement in paragraph (c) (2) of Priorities Regulation 3 (§ 944.23), that a preference rating may be applied only to the specific quantities and kinds of material authorized. Ordinarily a reference in a preference rating certificate to a particular product of a particular manufacturer is no more than a shorthand way of describing the product. It is safe to assume, unless the certificate clearly states otherwise, that what is being rated is a certain kind and size of product which may be obtained from any manufacturer who makes that kind and size. If it is intended to confine the rating to a particular product of a particular manufacturer, the certificate should say so explicitly. (Issued Sept. 8, 1943.)

Interpretation 7

LIMITATIONS ON THE RIGHT TO USE RATINGS TO GET MATERIALS PROCESSED

(a) *What this interpretation covers.* This interpretation explains the limitations on the use of a preference rating assigned to the delivery of a material to get material processed under paragraph (f) (2) (ii) of the regulation.

(b) *Controlled materials.* Preference ratings cannot be used to buy controlled materials (steel, copper, and aluminum in controlled material form) from a producer or warehouse and consequently no rating may be used to get material processed into a controlled material by a producer or warehouse. There is one exception to this general rule which is covered by paragraph (d–1) of CMP Regulation No. 8, which assigns a preference rating to steel producers for use in getting steel processed into a controlled material form.

(c) *Class B products.* Paragraph (g) (3) of CMP Regulation No 1 prohibits allotments of controlled materials to B product manufacturers except by the War Production Board and, as explained in Interpretation No. 16 to CMP Regulation No 1, also prohibits a customer from furnishing controlled materials to a B product manufacturer. A special exception to this general rule is provided in Direction 36 to CMP Regulation No. 1. In all cases not covered by the exception, it is improper for a person to furnish controlled materials to a B product manufacturer for processing and consequently no preference rating can be used to get such processing done. In this connection, attention is called to the fact that all products, whether Class A products or Class B products, which are bought for use as maintenance, repair, or operating supplies are treated as though they were Class B products. This is covered by paragraph (k–1) (2) of CMP Regulation No. 1. As pointed out in Interpretation No. 13 to CMP Regulation No. 1, a Class A repair part is handled on a Class B basis and therefore paragraph (g) (3) of the regulation is applicable.

(d) *Ratings not to interfere with authorized controlled material orders.* While a person who has been assigned a rating to get material may use the rating to get the use of the facilities of a controlled materials producer to have the material processed (if the material, when processed, is not a controlled material) rated orders for the use of a controlled materials producer's facilities must not interfere with the acceptance, production, or delivery of orders which he is permitted to fill under paragraph (t) (3) of CMP Regulation No. 1. Attention is called to Interpretation No. 4 to Priorities Regulation No. 1 on this subject. (Issued Nov. 18, 1943.)

Interpretation 8

ELECTRONIC INTERCOMMUNICATING SYSTEMS

List B of Priorities Regulation 3 (§ 944.23) forbids the use of blanket MRO ratings to obtain electronic intercommunicating systems. This restriction applies only to getting systems not yet installed. Therefore, blanket MRO ratings may be used to obtain repair parts and materials for existing intercommunicating systems. Also, those blanket MRO ratings which may be used for minor capital additions, may within prescribed dollar limits be used to add stations to an existing intercommunicating system to bring it to its designed capacity. Thus, if an intercommunicating system is designed for 16 stations, with only 12 stations originally installed, four stations may be added by the use of blanket MRO ratings. However, an expansion beyond the 16 stations, or any enlargement of or an extension beyond the designed capacity, may not be obtained by use of blanket MRO ratings. (Issued Feb. 27, 1945.)

Interpretation 9

CERTAIN MRO RATINGS ASSIGNED UNDER P–98–b ARE NOT BLANKET MRO RATINGS

Paragraph (e) (2) of Priorities Regulation 3 prohibits the use of a "blanket MRO rating" to get any item on List B. See that paragraph for a definition of a "blanket MRO rating". Some of the items which are on List B also appear on Schedule B of Preference Rating Order P–98–b. That schedule provides a way to get a rating for the items which appear on it so that such P–98–b ratings will not be "blanket MRO ratings". These ratings are assigned to specific purchase orders for a specific kind and quantity of the material desired.

Therefore, when a rating assigned pursuant to Schedule B of P–98–b (as evidenced by the symbol MRO–P–3) is applied to a purchase order for any item which is set out on Schedule B of that order that rating is valid, despite the fact the item is also on List B of Priorities Regulation 3.

The order does not require the purchaser to furnish a copy of his approved purchase order to the supplier, and the supplier should give effect to the rating and certification unless he knows or has reason to believe that the purchase order has not been rated as provided in Schedule B of Order P–98–b. (Issued Jan. 24, 1944.)

Interpretation 10

USE OF RATING TO OBTAIN LEASED MACHINERY

(a) A preference rating which has been assigned for the delivery of an item of machinery or equipment may be used to lease the equipment as long as the following conditions are fulfilled:

(1) The lease must be a long-term semi-permanent arrangement where both parties contemplate the comparatively permanent installation of the machine or equipment. For instance, a rating could be used to obtain a machine under lease where the lease was for one year, with provision for renewal at the end of each year, and both parties expected that the lease would be renewed from time to time. However, the rating could not be used to obtain a machine for a month's use.

(2) If the rating is limited by specific dollar amount, it may be used only to lease machinery or equipment whose fair market value is no greater than the amount specified. For example, CMP Regulation No. 5 assigns a rating for the purchase of minor capital additions not exceeding $500. This rating can be used to lease a machine if its fair market value is not more than $500.

(b) If the instrument assigning the ratings specifies a lease rather than a purchase, it is not necessary to comply with the above conditions. (Issued April 25, 1944.)

Interpretation 11

IDENTIFICATION OF BLANKET MRO RATINGS

Generally speaking, ratings accompanied by the symbol "MRO" are blanket MRO ratings when they are applied to get an item on List B of Priorities Regulation 3. Therefore, any person receiving an order for a List B item bearing a rating accompanied by the symbol "MRO" must assume that the rating is a blanket MRO rating and give it no effect, unless the person who applied or extended it demonstrates (1) that it is not a blanket MRO rating or (2) that it is an extension of a blanket MRO rating applied on an order which was filled before the item was added to List B. (See paragraph (e) (2) of Priorities Regulation 3 for definition of "blanket MRO rating.")

It should not be assumed, however, that all blanket MRO ratings are accompanied by the "MRO" symbol. Several "P" and "U" Orders assign blanket MRO ratings which are accompanied by symbols other than "MRO." For example, a blanket MRO rating is assigned

by Preference Rating Order P-68, but the symbol accompanying the rating is "S 8".

The question has been raised whether the War Production Board assigns the symbol "MRO" in connection with the assignment of a rating on Form WPB-541 (PD-1A) for a List B item. The answer to this question is "No." Therefore, no rating which was assigned on Form WPB-541 for a List B item could properly be accompanied by the "MRO" symbol. (Issued April 25, 1944.)

INTERPRETATION 12

RECORDS OF EXPORTERS

Paragraph (g) (5) of Priorities Regulation No. 3 requires each person who applies or extends a rating to keep all documents including preference rating orders and certificates which authorize him to apply or extend the rating at his regular place of business. The Foreign Economic Administration and its predecessors, the Board of Economic Warfare and the Office of Economic Warfare, have assigned preference ratings to exporters for export by endorsing appropriate legends upon export licenses. The original of every export license, however, is required by other government regulations to be surrendered to export officials at the time of shipment. Consequently, persons who receive their assignments of preference ratings on export licenses are not in a position to retain the original of the export license and thus are not required to do so by paragraph (g) (5) except only in those cases where other government regulations do not require the surrender to the government of the documents referred to. (Issued April 25, 1944.)

INTERPRETATION 13

TIME LIMIT ON USE OF RATINGS

Preference ratings may not be extended to replace material in inventory after three months from the time delivery was made to the customer. This is the rule of paragraph (h) (1) of the regulation.

When a rating is being applied (except a blanket rating such as one assigned by CMP Regulation 5) or when any rating is extended for some purpose other than to replace inventory, this may be done only within a reasonable time after the rating was received. Generally speaking, more than three months is deemed to be an unreasonable delay in the use of a rating. In a particular case there may be circumstances which make a reasonable time shorter or longer than three months. For example,

(1) A rating assigned to a construction project on a form which says when the rating expires (such as GA-1456 or CMPL 593) may be applied for material going into the project until the expiration date stated, even though more than three months may have elapsed.

(2) A rating assigned in connection with an export license may be applied as long as the license is valid and expires when the license expires or is revoked. (For explanation of this rule see Interpretation 2, Directive 27.)

(3) When a rating is applied to a long term contract (such as the construction of a ship), it may be extended for material needed to fill the contract, even though more than three months have elapsed.

(4) If the purpose for which the rating was assigned no longer exists, the rating may not be applied even though three months have not elapsed.

(5) When a rating is extended by a person to get material to deliver to his customer, or to incorporate in such material, the time within which it may be done will, in general, be controlled by the delivery date on his customer's order.

The fact that a person has not been able to get his rated order accepted by a supplier does not lengthen the time within which he may use his rating. (Issued June 23, 1944.)

INTERPRETATION 14: Revoked Apr. 23, 1945.

INTERPRETATION 15

REFERENCES IN LISTS A AND B TO ORDERS WHICH HAVE BEEN REVOKED

In many items on Lists A and B of Priorities Regulation 3 reference is made to specific WPB orders or schedules for a definition of the specific items covered by the lists. Sometimes the order or schedule referred to is revoked without any change in the listing on List A or B. When one of these orders or schedules is revoked, the listing of the item on List A or B, nevertheless, remains in full force and effect, and the item as listed on List A or B has the same meaning as before the revocation of the order. (Issued July 3, 1945.)

[F. R. Doc. 45-15400; Filed, Aug. 21, 1945; 11:52 a. m.]

PART 944—REGULATIONS APPLICABLE TO THE OPERATION OF THE PRIORITIES SYSTEM

[Priorities Reg. 24, Revocation]

Section 944.45, *Priorities Regulation 24* is hereby revoked. Preference ratings for equipment will hereafter be assigned as described in Priorities Regulation 28. This revocation does not revoke any preference ratings already assigned under this regulation, except to the extent otherwise provided in Priorities Regulation 29.

Issued this 21st day of August 1945.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 45-15489; Filed, Aug. 21, 1945; 11:52 a. m.]

PART 944—REGULATIONS APPLICABLE TO THE OPERATIONS OF THE PRIORITIES SYSTEM

[Priorities Reg. 28, as Amended Aug. 21, 1945]

RESTRICTED PRIORITIES ASSISTANCE FOR NON-MILITARY PURPOSES

Section 944.49 *Priorities Regulation 28* is amended to read as follows:

§ 944.49 *Priorities Regulation 28*—(a) *What this regulation does.* As a result of victory over Japan, military procurement has been drastically reduced. The supply of materials for non-military use is expected to increase rapidly so as to be generally adequate to meet all demands. There is consequently no further need for general priorities assistance for essential non-military needs, and WPB has announced in Priorities Regulation 29 the termination of AA ratings and the Controlled Materials Plan at the end of September. It is WPB's general policy not to grant further priorities assistance for non-military purposes. However, WPB is introducing a new non-extendible CC rating for limited priorities assistance, where required in individual cases to assist reconversion or insure the continued fulfillment of essential civilian or export needs. This includes preference ratings for all purposes other than military procurement including production, construction, capital equipment, maintenance, repair, operating supplies, and export materials. This regulation explains the conditions under which WPB will assign the CC rating.

(b) *Other procedures for assigning ratings replaced.* Preference ratings for non-military purposes will be assigned from now on only in the way and under the conditions described in this regulation which supersedes previous procedures, such as Priorities Regulation 28, Direction 5 to Order L-41, and applications under CMP. Ordinarily, WPB will not assign any further AA ratings except in a few cases, such as textiles, where WPB may continue to assign ratings in the AA series as explained in directions or amendments to the appropriate WPB orders.

(c) *Applications*—(1) *How to apply for a CC rating.* Ordinarily, application for a CC rating under this regulation will be made on Form WPB-541A (revised) at your local field office. However, WPB will accept applications on other forms which have formerly been used if adequate information is given with the application. In a few cases, WPB may announce that a form other than WPB-541A (revised) may be provided.

(2) *WPB will return applications now on hand.* Since the surrender of Japan will make priorities assistance generally unnecessary, WPB will not process applications for preference ratings and allotments of controlled materials which have already been filed under old procedures, but will return them without action, except those requiring immediate emergency assistance. If you still need a preference rating, and if you can meet the conditions described in this regulation, you may file again.

(d) *When the WPB may assign a CC rating.* It is the general policy of the WPB not to grant further priorities assistance for non-military purposes. However, the WPB may in limited cases grant CC preference ratings for specific items and quantities of materials or equipment under the following conditions: (1) The applicant is not able, without preference rating assistance, to get the item in the minimum quantity and on the latest date practicable, and (2) the item is required for at least one of the following reasons:

(i) It is a "bottleneck item", a great majority of materials being obtainable without priorities assistance, and it is needed to maintain or begin operations at the minimum economic rate or to complete construction required for reconversion or other essential needs, or

(ii) The item is needed to prevent a delay in the completion on time of military production or construction, or

(iii) The item is needed to sustain or increase production of an item or a service which is in such tight supply that it is a serious threat to the economy, or

(iv) The item is needed to eliminate serious hazard to life, health, or safety of a large number of people, or to maintain essential public or other community services, or

(v) The item is needed in an emergency to remedy an actual or imminent breakdown or to replace an item which has been destroyed by flood, fire, tornado, or other Act of God, or

(vi) Where for other reasons, failure to obtain delivery of the item would result in unreasonable and exceptional hardship.

Special consideration will be given to the needs of small business.

WPB will not grant a CC rating in cases where it would preempt an undue proportion of the limited amounts available. If a material is in such short supply that it is generally hard to obtain, WPB may provide other procedures rather than a rating under this regulation.

(f) *CC ratings for export.* Applications from Canada will be handled on the same basis as United States applications. In the case of other exports, WPB will assign a CC rating to materials where it is demonstrated that a rating is necessary for procurement of materials in this country to prevent serious injury to the minimum essential civilian economics of friendly foreign nations, or to obtain vitally needed supplies from foreign sources, or for other reasons of high public policy. Applications for such rating should be made to the Foreign Economic Administration on the forms prescribed by that agency.

Issued this 21st day of August 1945.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 45-15502; Filed, Aug. 21, 1945; 11:54 a. m.]

PART 944—REGULATIONS APPLICABLE TO THE OPERATION OF THE PRIORITIES SYSTEM

[Priorities Reg. 30, Revocation]

Priorities Regulation 30 is hereby revoked. Victory over Japan has reduced military procurement so that the procedures provided by the regulation are not required.

Issued this 21st day of August 1945.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 45-15488; Filed, Aug. 21, 1945; 11:52 a. m.]

PART 1010—SUSPENSION ORDERS

[Suspension Order S-891]

CRYSTAL SALVAGE CO.

Herman Schmerling, doing business as Crystal Salvage Company, is engaged in the business of selling lumber, secondhand plumbing fixtures, and salvage materials at 1109 Spring Garden Street, Philadelphia, Pennsylvania. Between September 9, 1944 and May 2, 1945 he applied or extended unauthorized preference ratings of AA-3 on four purchase orders for approximately 86,000 board feet of lumber placed with Lewis J. Hoffman, Philadelphia, Pennsylvania, in violation of Priorities Regulation No. 3, and such violations were the result of gross negligence.

These violations have diverted critical materials to uses not authorized by the War Production Board. In view of the foregoing, it is hereby ordered, that:

§ 1010.891 *Suspension Order No. S-891.* (a) Unless otherwise specifically authorized in writing by the War Production Board, Herman Schmerling shall not for three months from the effective date of this order apply or extend any preference ratings to obtain any lumber, regardless of the delivery date named in any purchase order to which such ratings may be applied or extended.

(b) Herman Schmerling shall cancel immediately all preference ratings which he has applied or extended on orders for lumber which have not yet been filled, except lumber already in transit for delivery to him on the effective date of this order.

(c) The restrictions and prohibitions contained herein shall apply to Herman Schmerling, doing business as Crystal Salvage Company or otherwise, his successors and assigns, or persons acting on his behalf. Prohibitions against the taking of any action include the taking indirectly as well as directly of any such action.

(d) Nothing contained in this order shall be deemed to relieve Herman Schmerling from any restriction, prohibition, or provision contained in any other order or regulation of the War Production Board, except in so far as the same may be inconsistent with the provisions hereof.

(e) This order shall take effect on August 22, 1945.

Issued this 15th day of August 1945.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 45-15557; Filed, Aug. 22, 1945; 11:18 a. m.]

PART 3175—REGULATIONS APPLICABLE TO THE CONTROLLED MATERIALS PLAN

[CMP Reg. 1, Revocation of Direction 70]

MILITARY CANCELLATIONS OF CONSTRUCTION MACHINERY AND DIESEL ENGINES

Direction 70 to CMP Regulation 1 is hereby revoked. This revocation does not affect any liabilities incurred under this direction.

Issued this 22d day of August 1945.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 45-15539; Filed, Aug. 22, 1945; 11:17 a. m.]

PART 3285—LUMBER AND LUMBER PRODUCTS

[Order L-335, Revocation of Direction 1-a]

SAWMILLS REQUIRED TO PRODUCE BOARDS AND DIMENSIONS

Direction 1-a to Order L-335 is revoked. This revocation does not affect any liabilities incurred for violation of the order or of actions taken by the War Production Board under this order. The distribution of Douglas fir, White fir, and West coast hemlock remains subject to all other applicable orders and regulations of the War Production Board.

Issued this 22d day of August 1945.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 45-15541; Filed, Aug. 22, 1945; 11:16 a. m.]

PART 3285—LUMBER AND LUMBER PRODUCTS

[Order L-335, Revocation of Direction 2]

SAWMILLS' SHIPMENTS FROM WESTERN PINE REGION

Direction 2 to Order L-335 is revoked. This revocation does not affect any liabilities incurred for violation of the order or of actions taken by the War Production Board under this order. The distribution of Ponderosa pine, sugar pine, lodgepole pine, Idaho pine and White fir (except Idaho White pine and White fir produced west of the crest of the Cascade mountain range in the States of Oregon and Washington), Western white spruce, and Engelmann spruce, remains subject to all other applicable orders and regulations of the War Production Board.

Issued this 22d day of August 1945.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 45-15542; Filed, Aug. 22, 1945; 11:16 a. m.]

PART 3285—LUMBER AND LUMBER PRODUCTS

[Order L-335, Revocation of Direction 2a]

RESTRICTION ON DELIVERY AND RECEIPTS OF WESTERN PINE LUMBER

Direction 2a to Order L-335 is revoked and all authorizations to receive restricted Western pine are revoked. This revocation does not affect any liabilities incurred for violation of the order or of actions taken by the War Production Board under this order. The distribution of Western pine remains subject to all other applicable orders and regulations of the War Production Board.

Issued this 22d day of August 1945.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 45-15543; Filed, Aug. 22, 1945; 11:16 a. m.]

PART 3285—LUMBER AND LUMBER PRODUCTS

[Order L-335, Revocation of Direction 3]

SAWMILLS' SHIPMENTS OF REDWOOD

Direction 3 to Order L-335 is revoked. This revocation does not affect any liabilities incurred for violation of the order or of actions taken by the War Production Board under this order. The distribution of redwood lumber remains subject to all other applicable orders and regulations of the War Production Board.

Issued this 22d day of August 1945.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 45-15544; Filed, Aug. 22, 1945; 11:16 a. m.]

PART 3285—LUMBER AND LUMBER PRODUCTS

[Order L-335, Revocation of Direction 4]

SAWMILLS' SHIPMENTS OF SOUTHERN YELLOW PINE

Direction 4 to Order L-335 is revoked. This revocation does not affect any liabilities incurred for violation of the order or of actions taken by the War Production Board under this order. The distribution of Southern Yellow Pine lumber remains subject to all other applicable orders and regulations of the War Production Board.

Issued this 22d day of August 1945.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 45-15545; Filed, Aug. 22, 1945; 11:16 a. m.]

PART 3290—TEXTILE, CLOTHING AND LEATHER

[Conservation Order M-328B, Schedule C, as Amended Aug. 18, 1945]

SPECIAL PROGRAM FOR COTTON FABRICS FOR CIVILIAN APPAREL ITEMS

§ 3290.120c *Schedule C to Order M-328B*—(a) *Explanation.* This schedule states the special rules in addition to those set forth in Order M-328B for manufacturers of civilian apparel made of cotton fabric to get an AA-3 preference rating for fabric to make the items listed in this schedule.

(b) *Definitions.* (1) "Fabric", unless otherwise designated, means a woven fabric twelve inches or more in width.

(2) "Cotton fabric" means any fabric containing less than 25% wool by weight, but of which the remaining fibers are 50% or more cotton by weight.

(3) "Cotton item" means an item of which more than 50% of the fabric yardage incorporated in it, exclusive of linings, bindings and trimmings, is cotton fabric.

(4) "Base period manufacturer" and "base period" mean the same as they do in M-328B except that a person who did not manufacture an item listed in this schedule during the base period at or below the maximum price set forth in the schedule shall not be a base period manufacturer.

(c) *Requirements for obtaining priorities assistance.* (1) Three copies of form WPB-3732 must be filed in making application for priorities assistance under this schedule in accordance with the rules stated in paragraph (c) of Order M-328B, except that for the fourth quarter of 1945 applications shall be postmarked not later than September 5, 1945.

(2) A person who has received a rated quota under Order M-388A pursuant to an application on Form WPB-4200 who files Form WPB-3732 (revised) for the third calendar quarter of 1945 by July 21, 1945, may, as soon as he files his application, apply an AA-3 rating for the purchase of cotton fabrics for delivery in that quarter for incorporation into the cotton items for which application is made. He may do so only for an item he made in the base period and only for 15% of his rated quota under M-388A with respect to any item. Cotton fabrics purchased under this provision shall be deducted by the manufacturer from the total quantity for which priorities assistance is ultimately granted on form WPB-3732 (revised). If the applicant does not ultimately receive a grant of the entire quantity thus rated, he shall, upon notification of his grant by the War Production Board, immediately cancel orders for any undelivered quantities which are in excess of his grant.

(3) A manufacturer receiving an allocation for an item under this schedule for a quarter must subtract from his rated quota for that item under Order M-388A for that quarter, the total yardage of fabrics for which priorities assistance is granted under this schedule to determine the quantity of fabrics which he may purchase with an AA-4 rating under his M-388A rated quota. If the quantity of fabrics for which an AA-3 rating is authorized for an item under this schedule is in excess of his AA-4 rated quota in M-388A, the manufacturer may not use an AA-4 rating under M-388A for that item.

(4) A manufacturer who files Form WPB-3732 for the fourth quarter of 1945 by September 5, 1945, may, as soon as he files his application, apply an AA-3 rating for the purchase of cotton fabric for delivery in that quarter for incorporation into the items for which application is made. He may do so only for an item he made in the base period at or below the price shown in the preference rating schedule or for which he received an allocation under this schedule, for the third quarter of 1945, and only for one-third of the yardage of fabric consumed in the production of that item during the base period or 50% of the yardage allocated to him by the War Production Board for the third quarter, whichever is smaller. Fabric purchased under this provision shall be deducted by the manufacturer from the total quantity for which priorities assistance is granted pursuant to his application on Form WPB-3732. If the applicant does not receive a grant of the entire quantity thus rated he shall upon notification of his grant by the War Production Board immediately unrate or cancel orders for any undelivered quantities which are in excess of his grant.

Manufacturers who did not produce in the base period the items applied for on Form WPB-3732 at or below the price shown in the preference rating schedule, or who do not receive an allocation for them under this schedule for the third quarter of 1945, may not use any ratings under this schedule for the fourth quarter of 1945, until the War Production Board has assigned them a quota.

(5) *Provisions in case of governmental cut-backs.* At any time during any calendar quarter a manufacturer who has received cancellations or cut-backs on military contracts or orders placed by any agency of the U. S. Government, or who during the quarter has production facilities made available, may apply to the War Production Board on Form WPB-3732 for priorities assistance to manufacture items listed in this schedule. Such applications will be approved to the extent of available materials and the need for additional production of the items applied for.

(d) *General provisions.* (1) Preference ratings assigned under this schedule may be used only to get the particular cotton fabrics shown in the fabric column of the preference rating schedule to make the cotton items specified.

(2) The fabrics must be incorporated into an item produced for sale by the manufacturer at or below the lower of the following two prices:

(i) The price at which the manufacturer is permitted to sell the item under regulations of the Office of Price Administration; or

(ii) The price specified in the Maximum Price column.

(3) If applications are received for fabric in excess of the amount of fabric which can be allocated to any item, allocations will be assigned in proportion to the manufacturer's base period production of that item. However, an equitable portion of available fabrics will be allocated to applicants who did not produce the items in the base period. If the quantity of a specific construction of fabric is requested in excess of the quantity of that construction which is available for allocation under this schedule the War Production Board may substitute other fabrics for the fabrics applied for taking into account the price of such fabrics with relationship to the price at which the manufacturers will sell the finished item.

(4) A manufacturer who is not a base period manufacturer must comply with the provisions of paragraph (c) (6) of M-328B.

(5) The quantity of cotton fabric which may be applied for by a base period manufacturer, for making an item in each price specified in his application, may not be greater than 100% of the linear yardage used by him in the base period for making that item at such specified price; except that a manufacturer may apply for a larger quantity of an item at a lower price if he decreases the quantity of an item applied for at a higher price by the same number of units.

(6) Additional priorities assistance may be given for the procurement of cotton narrow woven selvage edge tape needed for incorporation into the number of units for which priorities assistance is granted. Requests for this additional priorities assistance shall be made on Form WPB-3732 separately for each item for which application is made.

(7) Manufacturers who did not manufacture an item in the base period must produce the item in the size assortments listed opposite each item in the size assortment column. Where normal industry practice appears, the manufacturer should state his proposed sizes in the remarks section of Form WPB-3732 (revised). If his application is granted, he must comply with these size assortments.

Issued this 16th day of August 1945.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

AA-3 PREFERENCE RATING SCHEDULE NO. 1—COTTON FABRICS FOR CHILDREN'S APPAREL

NOTE: This schedule applies to the use of preference ratings for the delivery of fabric during the third quarter of 1945.

M-328A Item No.	Description of cotton item	Size range	Size assortment per dozen for other than base period manufacturers [1]	Maximum price column	Fabric column
A-9	Creepers, Rompers	6 mos.-2 yrs.	6 mo.-1-1½-2 3-3-3-3	$8.50	Carded poplin, sheeting yarn Print cloth, sley of 66 to 78 Carded broadcloth, 80 sley and less. Chambray, 4.20 yard and lighter.
A-10	Pajamas, 2-piece button-on with or without feet.	1-4	1-2-3-4 3-3-3-3	9.00 10.50	Outing flannel. Print cloth, sley of 56 to 65 (plisse).
A-11	Pajamas: 2-piece button-on with extra pants	1-4	1-2-3-4 3-3-3-3	10.50	Outing flannel.
A-11a	Pajamas; 1-piece with or without feet	2-8	2-4-6-8 2-2-4-4	9.00 10.50	Outing flannel. Print cloth, sley of 56 to 65 (plisse).
A-11b	Pajamas, 2-piece jacket sytle	2-8	2-4-6-8 2-2-3-4	$10.50	Outing flannel.
A-12	Pajamas, 2-piece jacket style	8-16	8-10-12-14-16 2-2-3-3-2	12.00 13.50	Outing flannel. Print cloth, sley of 56 to 65 (plisse).
A-13	Night gowns: Infants	0-1	Normal Industry Practice	4.50	Outing flannel. Print cloth, sley of 56 to 65 (plisse).
A-14	Night gowns: Children's	1-4	Normal Industry Practice	4.50	Outing flannel.
A-15	Night gowns: Children's	2-6x	Normal Industry Practice	7.50	Outing flannel.
A-16	Night gowns: Children's	8-16	8-10-12-14-16-2-2-3-3-2	10.50	Outing flannel.
A-17	Kimonos; Infants	0-1	Normal Industry Practice	4.50	Outing flannel Print cloth, sley o. 56 to 65 (plisse).
A-18	Gertrudes; Infants	0-1	Normal Industry Practice	4.50	Outing flannel. Print cloth, sley of 56 to 65 (plisse).
A-19	Dresses: Infants	0-1	Even	9.75	Lawns, 96 x 100. Dimity. Print cloth, sley of 62 to 65. Carded broadcloth, more than 80 sley.
A-20	Dresses, Toddlers	1-3	1-2-3 2-4-6	10.50	Lawns, 96 x 100 Pique. Print cloth, sley of 66 to 78 Carded broadcloth, more than 80 sley.
A-21	Dresses: Children's	3-6X	3-4-5-6-6X 1-2-3-3-3	10.50	Print cloth, sley of 66 to 78 Carded broadcloth, more than 80 sley. Carded poplin, sley of 88 to 99.
A-22	Dresses: Girls	7-14	Normal Industry Practice	15.75	Print cloth, sley of 66 to 78 Carded broadcloth, more than 80 sley. Carded poplin, sheeting yarn.
A-23	Slips: Toddlers	1-3	1-2-3 4-4-4	3.75	Gingham, 4.00 and heavier. Lawns, 96 x 100. Lawns, 76 x 72 Lawns, 96 x 100.
A-24	Slips: Girls, gertrude type	2-14	2-4-6-8-10-12-14 1-2-2-3-2-1-1	6.75	Lawns, 76 x 72 Print cloth, sley of 66 to 78. Carded broadcloth, 80 sley or less. Lawns, 96 x 100.
A-25	Slips: Girls, shoulder strap style	10-16	10-12-14-16 1-4-4-3	9.75	Lawns, 76 x 72. Print cloth, sley of 66 to 78 Carded broadcloth, 80 sley or less.
A-27	Blouses: Girls	2-6X	Normal Industry Practice	8.50	Dotted Swiss. Dimity. Carded broadcloth, more than 80 sley.
A-28	Blouses, Girls	7-14	7-8-10-12-14 2-2- 3- 3-2	9.75	Dotted Swiss Dimity. Print cloth, sley of 66 to 78 Carded broadcloth, more than 80 sley.
A-29	Panties, Girls	2-12	2-4-6-8-10-12 1-2-2-3- 2-2	3.75	Carded poplin, sley of 88 to 99 Print cloth, sley of 62 to 65.
A-30	Overalls and Coveralls (includes crawlers)	1-4	1-2-3-4 3-3-3-3	9.00	Print cloth, sley of 66 to 78 Carded poplin, sley of 88 to 99. Sport denim. Chambray, 4.20 and lighter. Ticking.
A-32	Overalls and Coveralls	2-8	Normal Industry Practice	10.50	Print cloth, sley of 66 to 78. Carded poplin, sley of 88 to 99. Sport denim. Chambray, 4.20 and lighter Carded poplin, sheeting yarn.
A-33	Wash suits: Boys: Toddlers	1-4	Normal Industry Practice	9.25	Pique. Carded poplin, sley of 88 to 99.
A-34	Wash suits: Boys: short pants	2-8	Normal Industry Practice	10.50	Print cloth, sley of 66 to 78. Carded broadcloth more than 80 sley Carded poplin, sley of 88 to 99.
(b)	Wash suits: Boys: long pants	2-8	Normal Industry Practice	10.50	Seersucker. Print cloth, sley of 66 to 78 Carded broadcloth, more than 80 sley. Carded poplin, sley of 88 to 99.
A-37	Shirts and Blouses: Boys	2-10	2-4-6-8-10 2-2-3-3-2	8.50	Seersucker. Print cloth, sley of 66 to 78 Carded poplin, sheeting yarn. Carded poplin, sley of 88 to 99
A-38	Shirts: Boys	11-14½	Normal Industry Practice	10.50	Print cloth, sley of 66 to 78. Carded broadcloth, more than 80 sley Carded poplin, sheeting yarn. Carded poplin, sley of 88 to 99
A-47	Pants: Boys, short	4-10	Normal Industry Practice	10.50	Suitings. Carded poplin, sheeting yarn
A-48	Pants: Boys, long	4-12	Normal Industry Practice	15.75	Suitings. Carded poplin, sheeting yarn.
A-49	Under shorts: Boys	6-16	Normal Industry Practice	3.50	Carded poplin, sheeting yarn. Print cloth, sley of 62 to 65.

[1] First line indicates size. Second line the number of each size.

AA-3 PREFERENCE RATING SCHEDULE NO. 2—COTTON FABRICS FOR CIVILIAN APPAREL

NOTE: This schedule applies to the use of preference ratings for the delivery of fabric during the fourth quarter of 1945

Item No.	Description of cotton item	Size range	Size assortment per dozen for other than base period manufacturers [1]	Maximum price column	Fabric column
1	Dresses: Misses', Women's, and Juniors'	8 to 44 10 to 20 9 to 17 46 and up	Normal Industry Practice	$24.00 27.00	Cotton and spun rayon mixtures (not containing less than 25% by weight of rayon staple), lighter than 3.60 square yards per pound Carded gingham 5.20 yards per pound and heavier. Window shade quality print cloth, 54 sq and higher, 56 sley and higher, 5.70 yards per pound and heavier on 39 inch basis.
2	Slips: Women's	38 to 44 46 and up	Normal Industry Practice Normal Industry Practice	8.50 9.75	Print cloths, sley of 52 to 78. Carded broadcloth, not more than 100 sley.
3	Nightgowns: Women's	42 and up	Normal Industry Practice	18.50	88-80 lawns. 76-72 lawns. Outing flannel, 4.50 yards per pound and lighter. Carded poplins, sley of 88 and higher. Carded broadcloth, any sley.
4	Shirts: Men's	14 to 17 17½ and up	Normal Industry Practice	16.50 19.50	Print cloths, sley of 66 to 78 Oxford, carded.
5	Shirts: Men's	14 to 17 17½ and up	Normal Industry Practice	24.00 27.00	Carded broadcloth, any sley. Shirting, jacquard, gray-dobby and colored yarn (combed). Oxfords, combed. Carded poplins, sley of 88 and higher.
6	Undershorts: Men's	28 to 44 46 and up	Normal Industry Practice	5.50 7.25	Carded broadcloth, any sley. Oxford, carded. Print cloth, sley of 62 to 78.
7	Undershorts: Men's	28 to 44 46 and up	Normal Industry Practice	8.50 9.75	Oxford, combed. Shirting, jacquard, gray-dobby and colored yarn (combed).
8	Creepers, rompers	6 mos. to 2 yrs.	6 mos. 1 1½ 2 3-3 3-3	10.50	Print cloth, sley of 62 to 72. Print cloth, sley of 56 to 65 (plisse). Carded broadcloth, not more than 100 sley. Carded poplin, sley of 88 to 100 Carded chambray, lighter than 3.90 yards per pound Print cloth, sley of 56 to 65, (plisse).
9	Pajamas: Button-on 2-piece, with or without feet or button-on with extra pants.	1 to 4	1-2-3-4 3-3-3-3	12.00	Outing flannel 4.50 yards per pound and lighter Print cloth, sley of 62 to 65. Print cloth, sley of 62 to 78 Print cloth, sley of 56 to 62 (plisse).
10	Pajamas: 1-piece with or without feet	2 to 8	2-4-6-8 2-2-4-1	12.00	Carded broadcloth, not more than 100 sley. Outing flannel, 4.50 yards per pound and lighter. Carded broadcloth, not more than 100 sley.
11	Pajamas: 2-piece jacket type	2 to 8	2-4-6-8 2-2-4-1	13.50	Outing flannel, 4.50 yards per pound and lighter. Print cloth, sley of 62 to 78 Print cloth, sley of 56 to 61 (plisse).
12	Pajamas: 2-piece jacket type	8 to 16	8-10-12-14-16 2-2-3-3-2	15.75	Carded broadcloth, not more than 100 sley. Outing flannel, 4.50 yards per pound and lighter. Print cloth, sley of 62 to 78. Print cloth, sley of 56 to 61 (plisse). Print cloth, sley of 56 to 65 (plisse). 76-72 lawns. 72-56 lawns.
13	Nightgowns: Infants'	0 to 1	Normal Industry Practice	4.50	Outing flannel, 4.50 yards per pound and lighter. Print cloth sley of 62 to 65. Print cloth, sley of 62 to 65. Print cloth, sley of 56 to 65 (plisse).
14	Nightgowns	1 to 3	Normal Industry Practice	6.00	88-80 lawns. 76-72 lawns. 72-56 lawns. Outing flannel, 4.50 yards per pound and lighter.
15	Nightgowns	2 to 8	Normal Industry Practice	8.50	88-80 lawns. 76-72 lawns. Print cloth, sley of 56 to 65, (plisse). Outing flannel, 4.50 yards per pound and lighter. Print cloth, sley of 62 to 65.
16	Nightgowns	8 to 16	8-10-12-14-16 2-2-3-3-2	12.00	88-80 lawns. 76-72 lawns. Print cloth, sley of 56 to 65, (plisse). Outing flannel, 4.50 yards per pound and lighter.
17	Kimonos: Infants'	0 to 1	Normal Industry Practice	4.50	Print cloth, sley of 62 to 65. Print cloth, sley of 56 to 65, (plisse). Outing flannel, 4.50 yards per pound and lighter.
18	Gertrudes: Infants'	0 to 1	Normal Industry Practice	4.50	Print cloth, sley of 62 to 65. 88-80 lawns. 76-72 lawns. 72-56 lawns. Outing flannel, 4.50 yards per pound and lighter.
19	Dresses: Infants'	0 to 1 yr	Even	10.50	Dimities. Carded poplin, 100 sley and less Carded broadcloth, 80 sley and less. 88-80 lawns. 76-72 lawns. 72-56 lawns. Print cloth, sley of 62 to 65. Print cloth, sley of 62 to 78. Print cloth, sley of 56 to 61, (plisse).
20	Dresses: Toddlers' and Children's	1 to 3 3 to 6x	1-2-3 2-4-6 3-4-5-6-6x 1-2-3-3-3	15.75	Piques. Print cloth, sley of 62 to 65, (plisse). Carded poplin, 100 sley and less Carded broadcloth, not more than 100 sley. 88-80 lawns. 76-72 lawns. 72-56 lawns. Carded chambray, lighter than 3.90 yards per pound. Dimities. Dotted swiss, carded undyed yarns.

[1] First line indicates size. Second line the number of each size.

AA-3 PREFERENCE RATING SCHEDULE NO. 2—COTTON FABRICS FOR CIVILIAN APPAREL—Continued

Item No.	Description of cotton item	Size range	Size assortment per dozen for other than base period manufacturers [1]	Maximum price column	Fabric column
21	Dresses: Girls'	7 to 14	Normal Industry Practice	16.50	Print cloth, sley of 62 to 78 Print cloth, sley of 56 to 65 (plisse). Carded poplin, 100 sley and less. Carded broadcloth, not more than 100 sley. Carded chambray, lighter than 3.90 yards per pound.
22	Dresses: Teen-age Girls'	10 to 16	Normal Industry Practice	18.75	Print cloth, sley of 62 to 78. Print cloth, sley of 56 to 65 (plisse). Carded poplin, 100 sley and less. Carded broadcloth, not more than 100 sley. Carded chambray, lighter than 3.90 yards per pound. Seersucker.
23	Slips: Toddlers'	1 to 3	1-2-3 4-4-4	4.50	Carded broadcloth, not more than 100 sley. 88-80 lawns. 76-72 lawns. 72-56 lawns. Print cloth, sley of 62 to 65.
24	Slips: Girls' Gertrude type	2 to 14	2-4-6-8-10-12-14 1-2-2-3-2-1-1	6.75	Print cloth, sley of 62 to 78. Carded broadcloth, not more than 100 sley. 88-80 lawns. 76-72 lawns. 72-56 lawns.
25	Slips: Girls' Shoulder strap	10 to 16	10-12-14-16 1-4-4-4	9.75	Carded broadcloth, not more than 100 sley. 88-80 lawns.
26	Blouses: Children's	2 to 6X	Normal Industry Practice	12.00	Print cloth, sley of 62 to 78. Carded poplin, 100 sley and less. Carded broadcloth, not more than 100 sley. 76-72 lawns. Dimities. Dotted swiss, carded undyed yarn.
27	Blouses: Girls'	7 to 14	7-8-10-12-14 2-2-3-3-2	13.50	Print cloth, sley of 62 to 78 Dimities. Carded poplin, 100 sley and less. Carded broadcloth, not more than 100 sley. 88-80 lawns. 76-72 lawns. Dotted swiss, carded undyed yarns.
28	Panties: Girls'	2 to 12	2-4-6-8-10-12 1-2-2-3-2-2	4.50	Carded broadcloth, not more than 100 sley. Print cloth, sley of 62 to 78. 88-80 lawns. 76-72 lawns. 72-56 lawns.
29	Overalls and coveralls	1 to 4 years 2 to 8	1-2-3-4 2-3-3-3	12.00	Print cloth, sley of 56 to 65, (plisse). Sport denims. Carded chambray, lighter than 3.90 yards per pound. Twills (other than 3 leaf). Drills. Normal Industry Practice.
30	Overalls: Crawler type	6 mos. to 2 years.	Normal Industry Practice	10.50	Print cloth, sley of 62 to 78 Print cloth, sley of 56 to 65, (plisse). Carded poplin, 100 sley and less. Carded broadcloth, not more than 100 sley. Carded chambray, lighter than 3.90 yards per pound. Carded poplin, 100 sley and less. Carded broadcloth, not more than 100 sley. Print cloth, sley of 66 to 78. Print cloth, sley of 56 to 65, (plisse). Carded chambray, lighter than 3.90 yards per pound.
31	Wash suits, boys', toddlers'	1 to 4, 2 to 8	Normal Industry Practice	15.75	Sport denim. Pique. Seersucker. Carded poplin, sheeting yarns. Drills. Twills (other than 3 leaf). Print cloth, sley of 62 to 78.
32	Boys' shirts and blouses	2 to 10	2-4-6-8-10 2-2-3-3-2	9.00	Carded poplin, 100 sley and less. Carded broadcloth, not more than 100 sley. Carded poplin, sley of 88 and higher.
33	Shirts: Boys'	11 to 14½	Normal Industry Practice	12.00	Carded broadcloth, 80 sley and higher. Print cloth, sley of 62 to 78. Drills. Twills (other than three leaf). Gabardines.
34	Pants: Boys'	4 to 10	Normal Industry Practice	13.50	Suitings (cotton; cotton and rayon, and mixtures containing less than 25% wool). Carded poplin, sheeting yarn. Carded poplin, sley of 88 and higher.
35	Undershorts: Boys'	6 to 16	Normal Industry Practice	4.25	Carded broadcloth, 80 sley and higher. Print cloth, sley of 62 to 78. Sport denim. Carded chambray, lighter than 3.90 yds lb Print cloth, sley of 62 to 78 Print cloth, sley of 56 to 65 (plisse).
36	Sun suits: Boys' and Girls'	1 to 8	Normal Industry Practice	9.00	Pique. Carded broadcloth not more than 100 sley. 88-80 lawns. 76-72 lawns. Carded poplin, 100 sley and less. Carded poplin, 100 sley and less. Carded broadcloth, 100 sley and less. Print cloth, sley of 66 to 78. Carded chambray, lighter than 3.90 yds lb. Carded poplin, sheeting yarns.
37	Wash suits: Boys' (Must be made in full size range of at least 3 to 10).	3 to 12	Normal Industry Practice	17.25	Print cloth, sley of 56 to 65 (plisse). Drills. Twills (other than three leaf). Sport denim. Pique. Seersucker.

[1] First line indicates size. Second line the number of each size.

[F. R. Doc. 45-15317; Filed, Aug. 18, 1945; 12:22 p. m.]

PART 3285—LUMBER AND LUMBER PRODUCTS

[Order L-335, Revocation of Direction 5]

SAWMILLS' SHIPMENTS OF CYPRESS (RED OR YELLOW) LUMBER

Direction 5 to Order L-335 is revoked. This revocation does not affect any liabilities incurred for violation of the order or of actions taken by the War Production Board under this order. The distribution of cypress (red or yellow) lumber remains subject to all other applicable orders and regulations of the War Production Board.

Issued this 22d day of August 1945.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 45-15546; Filed, Aug. 22, 1945; 11:18 a. m.]

PART 3285—LUMBER AND LUMBER PRODUCTS

[Order L-335, Revocation of Direction 8]

DISTRIBUTORS RECEIPTS OF LUMBER ON CERTIFIED UNRATED ORDERS AND ITS SALE ON UNCERTIFIED ORDERS AND CERTIFIED EMERGENCY REPAIR ORDERS

Direction 8 to Order L-335 is revoked. This revocation does not affect any liabilities incurred for violation of the order or of actions taken by the War Production Board under this order. The distribution of lumber remains subject to all other applicable orders and regulations of the War Production Board.

Issued this 22d day of August 1945.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 45-15549; Filed, Aug. 22, 1945; 11:17 a. m.]

PART 3285—LUMBER AND LUMBER PRODUCTS

[Order L-335, Revocation of Direction 11]

ASH SPECIALISTS

Direction 11 to Order L-335 is revoked. This revocation does not affect any liabilities incurred for violation of the order or of actions taken by the War Production Board under this order. The distribution of ash lumber remains subject to all other applicable orders and regulations of the War Production Board.

Issued this 22d day of August 1945.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 45-15551; Filed, Aug. 22, 1945; 11:17 a. m.]

PART 3285—LUMBER AND LUMBER PRODUCTS

[Order L-335, Revocation of Direction 12]

SPECIAL AUTHORIZATION NEEDED TO GET LUMBER FOR CERTAIN PRIVATELY FINANCED DWELLING PROJECTS

Direction 12 to Order L-335 is revoked. This revocation does not affect any liabilities incurred for violation of the order or of actions taken by the War Production Board under this order. The distribution of lumber remains subject to all other applicable orders and regulations of the War Production Board.

Issued this 22d day of August 1945.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 45-15552; Filed, Aug. 22, 1945; 11:18 a. m.]

PART 3285—LUMBER AND LUMBER PRODUCTS

[Order L-335, Revocation of Direction 18]

DISTRIBUTION YARDS WITH COMMON OWNERSHIP

Direction 18 to Order L-335 is revoked. This revocation does not affect any liabilities incurred for violation of the order or of actions taken by the War Production Board under this order. The distribution of lumber remains subject to all other applicable orders and regulations of the War Production Board.

Issued this 22d day of August 1945.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 45-15554; Filed, Aug. 22, 1945; 11:18 a. m.]

PART 3294—IRON AND STEEL PRODUCTION

[General Preference Order M-21, Revocation of Direction 5]

FERROCOLUMBIUM

General Preference Order M-21, Direction 5, is revoked. This revocation does not affect any liabilities incurred for violations of the direction or actions taken by the War Production Board under the direction. The restrictions on the use and delivery of ferrocolumbium remain subject to all other applicable orders and regulations of the War Production Board.

Issued this 21st day of August 1945.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 45-15494; Filed, Aug. 21, 1945; 11:52 a. m.]

PART 3294—IRON AND STEEL PRODUCTION

[General Preference Order M-21, Revocation of Direction 6]

TUNGSTEN WIRE AND MOLYBDENUM WIRE

General Preference Order M-21, Direction 6 is revoked. This revocation does not affect any liabilities incurred for violations of this direction or actions taken by the War Production Board under the direction. The restrictions on the deliveries of tungsten wire and molybdenum wire remain subject to all other applicable orders and regulations of the War Production Board.

Issued this 21st day of August 1945.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 45-15491; Filed, Aug. 21, 1945; 11:52 a. m.]

PART 3294—IRON AND STEEL PRODUCTION

[General Preference Order M-21, Revocation of Direction 7]

CHROMIUM AND CHROME METAL

General Preference Order M-21, Direction 7 is revoked. This revocation does not affect any liabilities incurred for violations of the direction or of actions taken by the War Production Board, under this direction. The use of chromium and chrome metal and deliveries thereof remain subject to all other applicable orders and regulations of the War Production Board.

Issued this 21st day of August 1945.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 45-15492; Filed, Aug. 21, 1945; 11:52 a. m.]

PART 3294—IRON AND STEEL PRODUCTION

[General Preference Order M-21, Revocation of Direction 8]

NICKEL AND NICKEL ALLOY PRODUCTS

General Preference Order M-21, Direction 8 is revoked. This revocation does not affect any liabilities incurred for violations of the direction or of actions taken by the War Production Board under this direction. The sale and delivery of nickel and nickel alloy products remain subject to all other applicable orders and regulations of the War Production Board.

Issued this 21st day of August 1945.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 45-15493; Filed, Aug. 21, 1945; 11:52 a. m.]

Chapter XI—Office of Price Administration

PART 1305—ADMINISTRATION

[Gen. RO 5[1], Amdt. 116]

FOOD RATIONING FOR INSTITUTIONAL USERS

A rationale for this amendment will be filed with the Division of the Federal Register.

A new section 12.6 is added to read as follows:

SEC. 12.6 *Petitions for loan of meat-fats points.* (a) A Group II, III, IV or VI institutional user or a person eligible to obtain allotments under Article XXVI, whose net point inventory of foods covered by Revised Ration Order 16 on hand on the date of his application is less than 25% of his July-August 1945 meal service allotment for those foods, may apply for a loan of points for foods covered by Revised Ration Order 16. The application shall be made to the Board, in writing, and must be filed not later than August 31, 1945. It shall state the name and address of the applicant, that his net point inventory of foods covered by Revised Ration Order 16 on the date of his application is less than 25% of his July-August 1945 meal service allotment for those foods, and the number of points applied for. If the Board finds that the applicant's net point inventory of foods covered by Revised Ration Order 16 on hand on the date of his application is less than 25% of his July-August 1945 meal service allotment for those foods, it may grant him a loan of points for foods covered by Revised Ration Order 16 in an amount not exceeding 25% of his meal service allotment for those foods for the July-August 1945 allotment period.

(b) Any loan granted under this section shall be charged to excess inventory, and shall be repaid in four (4) equal installments beginning with the September-October 1945 allotment period. Such payments shall be in addition to any existing payments that are now being made in reduction of excess inventory charges.

This amendment shall become effective August 22, 1945.

NOTE: All reporting and record-keeping requirements of this amendment have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 22d day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-15559; Filed, Aug. 22, 1945; 11:46 a. m.]

PART 1305—ADMINISTRATION

[Supp. Order 118, Amdt. 3]

SMALL VOLUME MANUFACTURERS RECONVERSION PRICING

A statement of considerations accompanying this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.

Supplementary Order No. 118 is amended in the following respects:

1. In Appendix D the following products and profit factors are added to List 1:

	Factor (percent)
Domestic stoves (coal and wood, oil-gas combinations, gas cooking and gas heating)	3.7
Domestic washing machines and ironers	2.6
Metal household furniture	2.4
Vacuum cleaners	4.6

2. In Appendix D the following products and profit factors are added to List 2:

	Factor (percent)
Miscellaneous hardware (excluding products under MPR 591)	5.1
Paper-mill, pulp-mill, and paper-products machinery	4.2
Printing-trades machinery and equipment	3.0
Textile machinery	6.0

[1] 8 F.R. 10002.

This amendment shall become effective August 21, 1945.

Issued this 21st day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-15518; Filed, Aug. 21, 1945; 4:43 p. m.]

PART 1305—ADMINISTRATION

[Supp. Order 119, Amdt. 3]

INDIVIDUAL ADJUSTMENTS FOR RECONVERTING MANUFACTURERS

A statement of considerations accompanying this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.

Supplementary Order No. 119 is amended in the following respects:

1. In Appendix C the following products and profit factors are added to List 1:

	Factors (per cent)
Domestic stoves (coal and wood, oil gas combinations, gas cooking and gas heating)	3.7
Domestic washing machines and ironers	2.6
Metal household furniture	2.4
Vacuum cleaners	4.6

2. In Appendix C the following products and profit factors are added to List 2:

	Factors (per cent)
Miscellaneous hardware (excluding products under MPR 591)	5.1
Paper-mill, pulp-mill, and paper-products machinery	4.2
Printing-trades machinery and equipment	3.0
Textile machinery	6.0

This amendment becomes effective August 21, 1945.

Issued this 21st day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-15519; Filed, Aug. 21, 1945; 4:43 p. m.]

PART 1439—UNPROCESSED AGRICULTURAL COMMODITIES

[RMPR 471, Amdt. 9]

LEGUME AND GRASS SEEDS

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.

Revised Maximum Price Regulation 471 is amended in the following respects:

1. A new subparagraph (7) is added to section 1 (b) to read as follows:

(7) State Certified Emerald sweetclover seed of the 1945 crop.

2. Section 5 is amended to read as follows:

SEC. 5. *Licensing.* The provisions of Licensing Order No. 1, licensing persons who make sales under price control, are applicable to sellers subject to this regulation. A seller's license may be suspended for violations of the license or of one or more applicable price schedules or regulations. A person whose license is suspended may not, during the period of suspension, make any sale for which his license has been suspended. However, no license is required of, or granted to, any producer selling legume and grass seeds produced by him.

3. A new paragraph is added at the end of section 6 (c) to read as follows:

The provisions of this paragraph (c) shall not apply to bids on or offers to purchase or purchases of thresher-run or rough cleaned red clover, sweetclover and timothy seeds.

4. Subparagraphs (1) and (2) of section 12 (c) are amended to read as follows:

(1) Except as provided in subparagraph (2) of this section, your maximum price shall be your supplier's maximum price on the sale and delivery to you, plus your transportation cost, and plus the applicable mark-up shown below:

Kind of seed:	Maximum mark-up per 100 pounds
Alfalfa:	
Northern and Central	$3.90
Southern (except when grown, sold and delivered for planting in the State of Arizona or in the State of California south of the 40th parallel)	3.90
Southern (when grown, sold and delivered for planting in the State of Arizona or in the State of California south of the 40th parallel)	3.40
Southern (when grown in the State of Arizona or in the State of California south of the 40th parallel and when sold and delivered for planting outside the State of Arizona or the State of California south of the 40th parallel with base price for Southern Alfalfa seed set forth under section 13 Appendix (a) (3))	1.90
Clover:	
Medium Red, Mammoth Red and Alsike	3.80
Sweet	2.25
Timothy	1.40

(2) If you are a wholesaler, who maintains and operates a retail store or a retail mail order house in connection with which you publish a seed catalogue, and if you sell to planters, your maximum price to planters shall be your supplier's maximum price on the sale and delivery to you, plus your transportation cost, and plus the applicable mark-up shown below:

Kind of seed:	Maximum mark-up per 100 pounds
Alfalfa:	
Northern and Central	$8.40
Southern (except when grown, sold and delivered for planting in the State of Arizona or in the State of California south of the 40th parallel)	8.90
Southern (when grown, sold and delivered for planting in the State of Arizona or in the State of California south of the 40th parallel)	6.90
Southern (when grown in the State of Arizona or in the State of California south of the 40th parallel and when sold and delivered for planting outside the State of Arizona or the State of California south of the 40th parallel with base price for Southern Alfalfa seed set forth under section 13 Appendix (a) (3))	6.90

Kind of seed—Con.	*Maximum mark-up per 100 pounds*
Clover:	
Medium Red, Mammoth Red and Alsike	$7.65
Sweet	5.25
Timothy	3.60

5. Paragraph (g) (2) (ii) of the appendix is amended to read as follows:

(ii) Sweetclover seed: Evergreen, Madrid, Spanish Willamette, and, beginning with seed of the 1946 crop, Emerald.

This amendment shall become effective August 22, 1945.

Issued this 22d day of August 1945.

CHESTER BOWLES,
Administrator.

Approved: August 18, 1945.

CLINTON P. ANDERSON,
Secretary of Agriculture.

[F. R. Doc. 45-15560; Filed, Aug. 22, 1945; 11:46 a. m.]

Chapter XVIII—Office of Economic Stabilization

[Directive 60, Amdt. 1]

PART 4004—PRICE STABILIZATION; MAXIMUM PRICES

1945 CANNED VEGETABLES

The Secretary of Agriculture and the Price Administrator having submitted to me information with respect to the need for an increase (1) in the amount of the maximum price for sales to government procurement agencies, and (2) in the amount of the subsidy payment on other sales for certain canned tomatoes of the 1945 pack, I hereby find that the measures hereinafter authorized and directed to be taken by the Department of Agriculture and the Office of Price Administration will effectuate the purpose of the Emergency Price Control Act of 1942, as amended, the Stabilization Act of 1942, as amended, and Executive Orders Nos. 9250, 9328 and 9599.

Directive No. 60 of the Office of Economic Stabilization, issued and effective June 27, 1945 (10 F.R. 8071), is hereby amended by adding a new paragraph (3) to read as follows:

(3) With respect to canned tomatoes only, the Office of Price Administration and the Department of Agriculture are further authorized and directed to increase the maximum prices fixed under (1) (c) and subsidy payments under (2) (a) by an amount equivalent to 6 cents per dozen No. 2 cans with appropriate adjustments for other container sizes, such adjustments to become effective as of July 5, 1945.

(E.O. 9250 and E.O. 9328, 3 CFR, Cum. Supp.)

Issued and effective this 20th day of August 1945.

WILLIAM H. DAVIS,
Economic Stabilization Director.

[F. R. Doc. 45-15529; Filed, Aug. 22, 1945; 9:58 a. m.]

[Directive 74]

PART 4004—PRICE STABILIZATION; MAXIMUM PRICES

MAXIMUM RAW MATERIAL COSTS; FROZEN VEGETABLES, 1945

Correction

In Schedule A to Federal Register Document 45-14802, appearing on page 10030 of the issue for Tuesday, August 14, 1945, Commodity No. 2 should read as follows:

Commodity	State or area	Dollars per ton
2. Beans, fresh lima other than Fordhook (Use Item 7 for Fordhooks).	New Jersey	$128
	Arkansas, Washington, Oregon, California, and Idaho other than southeastern	115
	New York, Pennsylvania, Delaware, Maryland, Virginia's Eastern Shore, Utah, Wyoming, and Idaho southeast	100
	All other States and areas	95

[Directive 31, Amdt. 2]

PART 4003—SUPPORT PRICES; SUBSIDIES

LIVESTOCK SLAUGHTER PAYMENTS

Directive No. 31, "Livestock Slaughter Payments" (10 F.R. 5650) is amended in the following respects:

Paragraph (a) of section 2 is amended to read as follows:

SEC. 2. *Establishment of slaughter base percentages for subsidy payments.* (a) The Office of Price Administration is authorized to establish, publish, and certify to the Reconstruction Finance Corporation, from time to time and with respect to any class or species of livestock, percentages of the total slaughter of livestock during the base period of 1944 upon which livestock slaughter payments may be made during corresponding quota periods of 1945 to any slaughterer or owner of livestock: *Provided*, That no such limitation shall be applicable with respect to (1) any slaughterer whose establishment is operated under Federal inspection, or (2) any slaughterer who has been certified under the provisions of War Food Order No. 199, as amended, either as the owner or operator of a slaughtering plant or as the owner of livestock which is slaughtered on a custom basis.

(E.O. 9250 and E.O. 9328, Pub. Law 108, 79th Cong.)

Issued this 18th day of August 1945.

Effective July 1, 1945.

WILLIAM H. DAVIS,
Economic Stabilization Director.

[F. R. Doc. 45-15537; Filed, Aug. 22, 1945; 11:13 a. m.]

Chapter XXIII—Surplus Property Board

[SPB Reg. 4, Amdt. 2]

PART 8304—DISPOSAL OF SURPLUS AERONAUTICAL PROPERTY TO EDUCATIONAL INSTITUTIONS AND STATE OR LOCAL GOVERNMENTS FOR NON-FLIGHT USE

MISCELLANEOUS AMENDMENTS

Surplus Property Board Regulation No. 4, May 4, 1945, entitled, "Disposal of Surplus Aeronautical Property to Educational Institutions for Non-Flight Use" (10 F.R. 5460, 6785) is hereby amended in the following respects:

1. The title is amended to read "Disposal of Surplus Aeronautical Property to Educational Institutions and State or Local Governments for Non-Flight Use."

2. There is added a new paragraph (i) to § 8304.1 to read as follows:

(i) "State or local government" means any State, territory or possession of the United States, the District of Columbia, and any political subdivision or instrumentality thereof.

3. The last sentence of § 8304.2 is amended to read as follows: "The Board further finds that the disposal of such surplus property to educational institutions and to State or local governments for school, classroom, or other educational use including research, experimentation and memorial uses, as provided herein, will result in substantial benefit to the United States by stimulating aeronautical interest and knowledge and thus promoting national defense, employment, production and trade."

4. The last sentence of § 8304.3 is amended to read as follows: "Disposal agencies for aeronautical property shall continuously survey all aeronautical property listed on Exhibit A which is declared surplus to them and shall give wide public notice to educational institutions and to State or local governments of such property as is determined to be commercially unsaleable in accordance with such orders."

5. Section 8304.4 is amended to read as follows:

§ 8304.4 *Disposals to educational institutions and to State or local governments.* Property listed in Exhibit A which is determined to be commercially unsaleable pursuant to § 8304.3 and orders hereunder shall be fairly and equitably disposed of by the disposal agencies to educational institutions and to State or local governments in accordance with the following rules:

(a) Charges for such property shall be the disposal cost as listed on Exhibit A opposite each type of such property.

(b) Such property shall be prepared for shipment by the agency in actual possession and delivered to the buyer at the location of the property or to a carrier at a place agreed upon with the buyer. Shipment shall be on commercial bill of lading, charges "collect."

(c) The buyer shall file with the disposal agency a certificate under oath duly notarized that such buyer is an educational institution as defined in § 8304.1 (e) or a State or local government as defined in § 8304.1 (i), that the property is being acquired to be used only for nonflight instructional, research, experimental, or memorial purposes, that it will not be used for any flight purposes, and that the property will be disposed of only as scrap and then only after it shall have been rendered completely unfit and useless except for its basic material content.

6. The first sentence of § 8304.6 is amended to read as follows: "Disposal agencies shall submit monthly reports to the Board not later than the 10th day of each month covering the disposals of aeronautical property during the preceding month to educational institutions and to State or local governments as provided in § 8304.4."

This amendment shall become effective August 24, 1945.

SURPLUS PROPERTY BOARD,
By W. STUART SYMINGTON,
Chairman.

AUGUST 10, 1945.

[F. R. Doc. 45-15579; Filed, Aug. 22, 1945; 11:56 a. m.]

TITLE 34—NAVY

Chapter 1—Department of the Navy

PART 22—MUSTERING-OUT PAYMENTS TO MILITARY PERSONNEL IN THE UNITED STATES NAVY, MARINE CORPS, AND COAST GUARD

MISCELLANEOUS AMENDMENTS

Pursuant to the authority vested in the Secretary of the Navy by the act of February 3, 1944 (58 Stat. 10) as amended by the act of December 16, 1944 (58 Stat. 812), the regulations prescribed to govern mustering-out payments to military personnel in the United States Navy, Marine Corps and Coast Guard (10 F.R. 2188) are amended to read as follows:

Add a new subparagraph (3) to § 22.1 (f) as follows:

§ 22.1 *Statutory provisions.* • • •

(f) *Exemption from taxation and claims of creditors; issuance of regulations.* • • •

(3) The Secretary of the Navy, or such subordinate officer as he may designate, is authorized to make direct payment to survivors over seventeen years of age, and to select a proper person or persons to whom mustering-out payments may be made for the use and benefit of former active members of the armed forces, or survivors thereof, as defined by § 22.1 (e), without the necessity of appointment by judicial proceedings of a legal representative of any such former member or such survivors when, in the opinion of the Secretary or his designee, the interests of persons under seventeen years of age so justify, or where the former active member or his survivors is suffering from a mental disability sufficient to make direct payment not in the best interests of such person or persons. Payments made under the provisions of this subparagraph shall constitute a complete discharge of the obligation of the United States as provided in the act of February 3, 1944, as amended; and the selection of a proper person or persons, as provided herein, and the correctness of the amount due and paid to such person or persons shall have the same finality as that accorded decisions made pursuant to § 22.1 (f) (2): *Provided*, That the provisions of this subparagraph shall not apply where a legal guardian or committee has been judicially appointed, except as to any payments made hereunder prior to the receipt of notice of appointment.

Amend subparagraph (5) of § 22.3 (a) and add new subparagraphs (6), (7) and (8) to read as follows:

§ 22.3 *Payments to survivors.*—(a) *General.* • • •

(5) *To whom payable in cases of minority.* Where a survivor, otherwise entitled to mustering-out payment, is a minor, payment will be made in accordance with the following rules:

(i) Where a legal guardian has been judicially appointed and notice of such appointment has been received prior to the issuance of payment, payment will be made only to the legal guardian, as such.

(ii) Where a survivor is seventeen years of age and over and no notice has been received that a legal guardian has been judicially appointed, payment will be made directly to the survivor.

(iii) Where a survivor is under seventeen years of age and no notice is received that a legal guardian has been judicially appointed, payment for the use and benefit of the survivor will be made to a person within the following classes: parent, adult brother, adult sister, other person who is determined, after appropriate investigation, to be qualified to act in the best interests of the survivor. Payment will be made in the order of precedence set forth unless it is considered that compliance therewith would not serve the best interests of the survivor.

(6) *To whom payable in cases of mental incompetency.* Where a survivor, otherwise entitled to mustering-out payment is prevented from receiving payment because of mental incompetency, payment will be made in accordance with the following rules:

(i) Where a legal guardian or committee of the survivor has been judicially appointed and notice of such appointment has been received prior to the issuance of payment, payment will be made only to the legal guardian, as such.

(ii) Where no notice has been received that a legal guardian has been judicially appointed, payment for the use and benefit of the survivor will be made to a person within the following classes: spouse, parent, adult child, other person who is considered, after appropriate investigation, qualified to act in the best interests of the survivor. Payment will be made in the order of precedence set forth herein unless compliance therewith would not serve the best interests of the survivor.

(7) *Evidence required for payment.* No payment will be made to a legally appointed guardian or committee of a survivor without submission of a certified copy of the instrument of appointment. Payments will not be made to a person selected under § 22.3 (a) (5) (iii) or § 22.3 (a) (6) (ii) without the submission of a written and signed agreement executed by the person selected to receive the payments for the use and benefit of the survivor containing a statement that the proceeds of payment will be used for the exclusive benefit of the survivor.

(8) *Method of payment.* All payments to survivors or to persons on their behalf will be made by checks. In the event that payments are made to a person other than the survivor, the check will be drawn to the order of (*selected payee*), and shall include in the lower left hand corner under "Object" the phraseology "for the use and benefit of (*name of survivor*)."

Amend paragraphs (b) and (c) of § 22.4 to read as follows:

§ 22.4 *Payments on behalf of persons discharged on account of mental disability.* • • •

(b) *To whom payable.* Mustering-out payments on behalf of personnel discharged on account of mental disability will be made in accordance with the following rules:

(1) Where a legal guardian or committee of the veteran has been judicially appointed and notice of such appointment is received prior to the issuance of payment, payment will be made only to the legal guardian, as such.

(2) Where no notice has been received that a legal guardian has been judicially appointed, payment may be made directly to the veteran if a written, dated, and signed statement by a registered physician is furnished to the effect that the veteran is, in the opinion of the examining physician, mentally capable to handle his own affairs. (The term "registered, practicing physician" includes staff physicians at Government hospitals.)

(3) Where no notice has been received that a legal guardian has been judicially appointed and where the veteran cannot receive payment directly under § 22.4 (b) (2), payment is authorized to be made in the following manner:

(i) Where the veteran is hospitalized in a Veterans' Administration facility, or is temporarily absent therefrom for convalescent purposes, payment for the use and benefit of the veteran will be made to the manager of the facility unless after appropriate investigation it is determined that some other person is better qualified to act in the best interests of the veteran. If a facility manager applies for payment on behalf of a mentally disabled veteran under his jurisdiction but, prior to the receipt of any one of the checks covering complete payment, the veteran is discharged from the facility, checks received after the veteran's departure will be returned to the Field Branch, Bureau of Supplies and Accounts (Mustering-Out Payment Division), Cleveland 15, Ohio, in the case of Naval and Coast Guard personnel or to the Paymaster General of the Marine Corps, Washington 25, D. C., in the case of Marine Corps personnel, accompanied by so much of the following information as is pertinent to the case of the individual concerned:

(*a*) A statement concerning the mental condition of the veteran at the time of discharge from the facility, i. e., whether considered mentally competent to handle his own affairs.

(b) The name and address of the person in whose custody the veteran was discharged from the facility.

(c) The address of the veteran if discharged into his own custody.

(ii) Where the veteran has been released to the custody of a person other than a manager of a Veterans' Administration facility, payment for the use and benefit of the veteran will be made to a person within the following classes; spouse, parent, adult child, other person who is considered, after appropriate investigation, qualified to act in the best interests of the veteran. Payment will be made in the order of precedence set forth herein unless compliance therewith would not serve in the best interest of the veteran.

(4) All payments will be made by checks. In the event that payment is to be made to a person other than the veteran, the check will be drawn to the order of (*selected payee*), and shall include in the lower left hand corner under "Object" the phraseology "for the use and benefit of (*name of veteran*)."

(c) *Evidence required for payment.* (1) No mustering-out payments shall be made to the persons named in § 22.4 (b) without:

(i) The discharge certificate, certificate in lieu of a lost discharge certificate, or statement of service issued in the name of the person on whose account payment is to be made, or in the case of commissioned personnel the original orders of separation from active Naval service, and,

(ii) Where payment is to be made to the legally appointed guardian or committee of the veteran, a certified copy of the instrument of appointment.

(iii) Where payment is to be made to the discharged veteran, a physician's statement as prescribed in § 22.4 (b) (2).

(iv) Where payment is to be made under the provisions of § 22.4 (b) (3) a written and signed statement executed by the person selected to receive the payment for the use and benefit of the veteran containing a statement that the proceeds of the payment will be used for the exclusive benefit of the veteran. Additional and/or substitute evidence is authorized and may be required in appropriate cases in the discretion of the Chief of Naval Personnel, Commandant of the Coast Guard, or Commandant of the Marine Corps, as appropriate.

Amend paragraph (f) of § 22.5 to read as follows:

§ 22.5 *Payments to veterans discharged or released from active service on or after February 15, 1944.* • • •

(f) *Procedure with respect to veterans who become mentally incompetent.* (1) In cases in which, after receipt by the veteran of the initial payment, the second and/or third installments cannot be paid to him due to his mental incompetency, payment of the remaining installments due will be made in accordance with the following rules:

(i) Where legal guardian or committee of the veteran has been judicially appointed and notice of such appointment is received prior to the issuance of payment, payment will be made only to the legal guardian, as such.

(ii) Where no notice has been received that a legal guardian has been judicially appointed, payment is authorized to be made in accordance with the manner set forth in § 22.4 (b) (3).

(iii) All payments will be made by checks. In the event that payment is to be made to a person other than the veteran, the check will be drawn to the order of the (*selected payee*), and shall include in the lower left hand corner under "Object" the phraseology "for the use and benefit of (*name of veteran*)."

(2) Application for the installments due may be filed on behalf of the veteran and must be submitted to the Bureau of Naval Personnel, Washington 25, D. C., Headquarters, Coast Guard, Washington, D. C., or Director of Personnel, Marine Corps, Washington, D. C., as appropriate. Application must be accompanied by the original discharge certificate or orders of release from active duty, and if applicable, a certified copy of the instrument appointing the guardian or committee. (See also § 22.4 with respect to payment on behalf of persons discharged on account of mental disability.)

Amend paragraph (c) of § 22.6 to read as follows:

§ 22.6 *Payments to veterans discharged or relieved from active service prior to February 15, 1944.* • • •

(c) *Procedure with respect to mentally incompetent veterans.* (1) Payment on behalf of mentally incompetent veterans discharged or released from active service under honorable conditions on or after December 7, 1941, and prior to February 15, 1944, will be made in accordance with the following rules:

(i) Where a legal guardian or committee of the veteran has been appointed judicially and notice of such appointment is received prior to the issuance of payment, payment will be made only to the legal guardian, as such.

(ii) Where no notice has been received that a legal guardian has been judicially appointed, payment is authorized to be made in accordance with the manner set forth in § 22.4 (b) (3).

(iii) All payments will be made by checks. In the event that payment is to be made to a person other than the veteran, the check will be drawn to the order of (*selected payee*), and shall include in the lower left hand corner under "Object" the phraseology "for the use and benefit of (*name of veteran*)."

(2) Application, containing the information indicated in § 22.6 (b), may be filed on behalf of the veteran and must be submitted to the Bureau of Naval Personnel, Washington 25, D. C., Headquarters, Coast Guard, Washington, D. C., or Director of Personnel, Marine Corps, Washington, D. C., as appropriate. The application must be accompanied by the original discharge certificate or orders of release from active duty and if applicable, a certified copy of the instrument appointing the guardian or committee. (See also § 22.4 with respect to payment on behalf of persons discharged on account of mental disability.)

(58 Stat. 10 as amended by 58 Stat. 812)

JAMES FORRESTAL,
Secretary of the Navy.

[F. R. Doc. 45-15528; Filed, Aug. 22, 1945, 9:58 a. m.]

TITLE 46—SHIPPING

Chapter I—Coast Guard: Inspection and Navigation

Subchapter D—Tank Vessels

MISCELLANEOUS AMENDMENTS

By virtue of the authority vested in me by R.S. 4405 and 4417a, as amended (46 U.S.C. 375, 391a), and Executive Order 9083, dated February 28, 1942 (3 CFR, Cum. Supp.), I find that an emergency exists and the following amendments to the Tank Vessel Regulations are necessary in the conduct of the war and shall be made effective as of August 21, 1945.

PART 33—LIFESAVING APPLIANCES

EQUIPMENT; LIFEBOATS, LIFE RAFTS, AND BUOYANT APPARATUS

Section 33.3-5 (k) is amended to read as follows:

§ 33.3-5 *Tank ships, life raft equipment, ocean, coastwise—T/OC.* • • •

(k) *Water light.* One automatic electric water light of an approved type. See §§ 37.9-1 and 37.9-2 of this subchapter.

Section 33.3-6 (i) is amended to read as follows:

§ 33.3-6 *Life raft equipment—T L.* • • •

(i) *Water light.* One automatic electric water light of an approved type. See §§ 37.9-1 and 37.9-2 of this subchapter.

Section 33.3-8 (c) is amended to read as follows:

§ 33.3-8 *Equipment for buoyant apparatus—TB/ALL.* • • •

(c) *Water light.* One automatic electric water light of an approved type. See §§ 37.9-1 and 37.9-2 of this subchapter.

Section 33.3-8 is amended by changing the last undesignated paragraph to read as follows:

§ 33.3-8 *Equipment for buoyant apparatus—TB/ALL.* • • •

Buoyant apparatus designed to accommodate less than 25 persons shall not be required to be equipped with an automatic electric water light. Such apparatus weighing less than 75 pounds shall not be required to have a painter for lowering.

LIFE BUOYS

Section 33.7-1 *Number required; tank ships—T/ALL* is amended by changing the phrase "water lights" to "automatic water lights of an approved type."

Effective October 1, 1945, § 33.7-4 *Attachment of water lights—TB/ALL* is deleted.

PART 34—FIRE FIGHTING EQUIPMENT

FIRE PUMPS, MAINS, HYDRANTS, AND HOSE

Section 34.2-6 is amended by the addition of a new paragraph (e) reading as follows:

§ 34.2-6 *Fire hydrants—T/ALL.* • • •

(e) The arrangement of the fire hydrants shall be limited to any position from the horizontal to the vertical pointing downward, so that the hose will lead downward or horizontally, in order to minimize the possibility of kinking. In no case will a hydrant arranged in a vertical position with the outlet pointing upward be accepted.

PART 37—SPECIFICATIONS FOR LIFESAVING APPLIANCES

ELECTRIC WATER LIGHTS

Part 37 is amended by changing the center heading immediately following § 37.8-10 "Self-Igniting Water Lights" to "Electric Water Lights."

Section 37.9-1 is amended to read as follows:

§ 37.9-1 *Automatic electric water lights—TB/ALL.* The automatic electric water light shall comply with the U. S. Coast Guard Specification for Lights (Water); Electric, Floating, Automatic (with Bracket for Mounting):[1] No battery cell shall remain in the water light after seventeen (17) months beyond the date of manufacture appearing on the cell or its jacket. Approved electric water lights not conforming to the above referred-to specification which are on board vessels prior to October 1, 1945, may be continued in service provided they are in good and serviceable condition; water lights replaced on and after October 1, 1945, shall comply with the requirements contained in this regulation.

Section 37.9-2 is amended to read as follows:

§ 37.9-2 *Removal of calcium water lights—TB/ALL.* On and after October 1, 1945, all calcium type self-igniting water lights shall be removed and replaced with automatic electric water lights of an approved type.

Section 37.9-3 *Lanyard—TB/ALL* is deleted.

Section 37.9-4 *Chemical—TB/ALL* is deleted.

Section 37.9-5 *Marking—TB/ALL* is deleted.

Section 37.9-6 *Approval—TB/ALL* is deleted.

Section 37.9-7 *Life raft water lights—TB/ALL* is deleted.

Dated: August 21, 1945.

L. T. CHALKER,
Rear Admiral, U. S. C. G.,
Acting Commandant.

[F. R. Doc. 45-15525; Filed, Aug. 22, 1945; 8:53 a. m.]

[1] A copy of the specifications is on file in the office of the Federal Register, and copies may be obtained upon request from the Commandant (EMM), United States Coast Guard Headquarters, Washington 25, D. C., or any District Coast Guard Officer.

MISCELLANEOUS AMENDMENTS

By virtue of the authority vested in me by R.S. 4405, 4426, 4429, 4433, 4471, 4488, as amended, 49 Stat. 1544, 54 Stat. 1028 (46 U.S.C. 375, 404, 407, 411, 464, 481, 367, 463a), and Executive Order 9083, dated February 28, 1942 (3 CFR, Cum. Supp.), the following amendments to the regulations are prescribed:

Subchapter F—Marine Engineering

PART 55—PIPING SYSTEMS

Section 55.19-3 is amended by deleting paragraph (o) and (p) and substituting the following therefor:

§ 55.19-3 *Detail requirements.* • • •

(o) Cast iron valves may have bolted bonnets or union bonnets. If of the latter type, the union bonnet ring shall be made of steel, bronze, or malleable iron. Cast iron valves with screwed-in or screwed-over bonnets are not permitted for any service.

(p) Screw-down valves for Class I piping shall be of the bolted or union bonnet type, or of a type where positive means is provided to prevent the bonnet from being unscrewed from the body when the stem is rotated to lift the disc.

PART 56—FUSION WELDING

RULES FOR CONSTRUCTION OF FUSION WELDED DRUMS OR SHELLS OF MARINE BOILERS AND PRESSURE VESSELS

Section 56.20-6 (a) is amended to read as follows:

§ 56.20-6 *Class II.* (a) All vessels other than boilers operating at pressures of 30 pounds per square inch above atmosphere or over, covered by this part may be included in this class, excepting those containing lethal gases or lethal liquids and/or those containing liquids operating at a temperature of 300° F., or above. The maximum pressure at which any vessel in this class may be operated is 600 pounds per square inch, and/or the maximum temperature is 700° F. The plate thickness of the shell or heads shall not exceed 1½ inches. This pressure limitation does not apply to vessels operated under hydraulic pressure at atmospheric temperature.

Subchapter G—Ocean and Coastwise: General Rules and Regulations

PART 61—FIRE APPARATUS; FIRE PREVENTION

Section 61.5 (b) (4) is amended to read as follows:

§ 61.5 *Steam fire pumps or their equivalent.* • • •

(b) *Fire pumps on steam vessels contracted for on or after July 1, 1935.* • • •

(4) Outlet openings shall have a diameter of not less than 1½" and shall be fitted with suitable hose connections and spanners. The arrangement of the fire hydrant shall be limited to any position from the horizontal to the vertical pointing downward, so that the hose will lead downward or horizontally, in order to minimize the possibility of kinking. In no case will a hydrant arranged in a vertical position with the outlet pointing upward be accepted.

Section 61.12a is amended to read as follows:

§ 61.12a *Pumps on motor vessels.* Motor vessels of fifty gross tons and over carrying passengers for hire shall be equipped with pumps for throwing water according to the tonnage as described in § 61.5 for steam vessels and equipped as prescribed in §§ 61.5 to 61.7, inclusive, as they now exist or may hereafter be amended.

Subchapter H—Great Lakes: General Rules and Regulations

PART 77—FIRE APPARATUS; FIRE PREVENTION

Section 77.5 (b) (4) is amended to read as follows:

§ 77.5 *Steam fire pumps or their equivalent.* (See § 61.5 of this chapter, as amended, which is identical with this section.)

Section 77.12a is amended to read as follows:

§ 77.12a *Pumps on motor vessels.* (See § 61.12a of this chapter, as amended, which is identical with this section.)

Subchapter I—Bays, Sounds, and Lakes Other Than the Great Lakes: General Rules and Regulations

PART 95—FIRE APPARATUS; FIRE PREVENTION

Section 95.5 (b) (4) is amended to read as follows:

§ 95.5 *Steam fire pumps or their equivalent.* (See § 61.5 of this chapter, as amended, which is identical with this section.)

Section 95.12a is amended to read as follows:

§ 95.12a *Pumps on motor vessels.* (See § 61.12a of this chapter, as amended, which is identical with this section.)

Subchapter J—Rivers: General Rules and Regulations

PART 113—BOATS, RAFTS, BULKHEADS, AND LIFESAVING APPLIANCES

Section 113.49 *Vessel's name on equipment* is deleted.

PART 114—FIRE APPARATUS; FIRE PREVENTION

Section 114.7 (b (4) is amended to read as follows:

§ 114.7 *Steam fire pumps or their equivalent.* (See § 61.5 of this chapter, as amended, which is identical with this section.)

Section 114.14a is amended to read as follows:

§ 114.14a *Pumps on motor vessels.* (See § 61.12a of this chapter, as amended, which is identical with this section.)

Dated: August 21, 1945.

L. T. CHALKER,
Rear Admiral, U. S. C. G.,
Acting Commandant.

[F. R. Doc. 45-15524; Filed, Aug. 22, 1945; 8:53 a. m.]

TITLE 49—TRANSPORTATION AND RAILROADS

Chapter II—Office of Defense Transportation

[General Order ODT 47, Revocation]

PART 500—CONSERVATION OF RAIL EQUIPMENT

PASSENGER TRAIN OPERATIONS RESTRICTED

Pursuant to Executive Order 8989, as amended, General Order ODT 47, as amended, §§ 500.50 to 500.54 (10 F.R. 525, 2409), is hereby revoked effective August 21, 1945.

(E.O. 8989, as amended, 6 F.R. 6725, 8 F.R. 14183)

Issued at Washington, D. C., this 21st day of August, 1945.

J. M. JOHNSON,
Director,
Office of Defense Transportation.

[F. R. Doc. 45-15531; Filed, Aug. 22, 1945; 10:46 a. m.]

Chapter II—Office of Defense Transportation

[Administrative Order ODT 27A, Amdt. 1]

PART 503—ADMINISTRATION

RATIONING OF NEW COMMERCIAL MOTOR VEHICLES

Pursuant to Title III of the Second War Powers Act, 1942, as amended, Executive Orders 8989, as amended, 9156, 9214, and 9294, and War Production Board Directives 21 and 36, as amended, it is hereby ordered that § 503.477 of Administrative Order ODT 27A (10 F.R. 9128), be, and it hereby is, amended to read as follows:

§ 503.477 *Applicability.* The provisions of this order shall be applicable within the continental United States and the territories and possessions of the United States except Alaska.

This amendment shall become effective September 1, 1945.

(Title III of the Second War Powers Act, 1942, as amended, 56 Stat. 177, 50 U.S.C. App. 633, 58 Stat. 827; E.O. 8989, as amended, 6 F.R. 6725, 8 F.R. 14183; E.O. 9156, 7 F.R. 3349; E.O. 9214, 7 F.R. 6097; E.O. 9294, 8 F.R. 221; WPB Directives 21 and 36, as amended, 8 F.R. 5834, 10 F.R. 9658)

Issued at Washington, D. C., this 18th day of August 1945.

J. M. JOHNSON,
Director,
Office of Defense Transportation.

[F. R. Doc. 45-15514; Filed, Aug. 21, 1945; 4:11 p. m.]

[General Permit ODT 16B-2]

PART 522—DIRECTION OF TRAFFIC MOVEMENT—EXCEPTIONS, EXEMPTIONS AND PERMITS

SHIPMENTS OF COMMERCIAL FREIGHT TO SOUTH AMERICAN REPUBLICS AND TO CARIBBEAN AREA

Pursuant to the provisions of § 502.208 of General Order ODT 16B, it is hereby authorized, that:

§ 522.658 *Shipments of commercial freight to South American Republics and to the Caribbean area.* Any person may offer for transportation, and any rail carrier may accept for transportation, and transport, to or within any port area named in Appendix A of Administrative Order ODT 17A, as amended (9 F.R. 11281, 12292, 13808; 10 F.R. 4721, 10128), or as such order may be further amended, revised, or reissued, without observing the permit requirements of General Order ODT 16B, any carload shipment of commercial freight intended for transshipment by water from any such port area to any South American Republic or to the Caribbean area: *Provided,* That such shipment is covered by a bona fide firm booking with the ocean carrier and the bill of lading and other shipping documents covering the rail transportation of such shipment contain the following certification made by the shipper: "General Permit ODT 16B-2 applies".

This General Permit ODT 16B-2 shall become effective August 22, 1945.

(E.O. 8989, as amended, 6 F.R. 6725, 8 F.R. 14183; Gen. Order ODT 16B, 9 F.R. 11279)

Issued at Washington, D. C., this 21st day of August, 1945.

J. M. JOHNSON,
Director,
Office of Defense Transportation.

[F. R. Doc. 45-15530; Filed, Aug. 22, 1945; 10:46 a. m.]

Notices

DEPARTMENT OF AGRICULTURE.

Office of the Secretary.

LIVESTOCK AND LIVESTOCK PRODUCTS

INCREASE IN SUBSIDY AUTHORIZATION

Pursuant to Public Law 164, 79th Congress, approved July 31, 1945, I hereby determine and direct that the amount of funds authorized to be expended by Commodity Credit Corporation under section 3 of the act of April 12, 1945 (Public Law 30, 79th Congress), with respect to livestock and livestock products shall be increased by $36,000,000, which amount shall be available for subsidy operations with respect to lambs and sheep.

Issued this 21st day of August 1945.

[SEAL] CLINTON P. ANDERSON,
Secretary of Agriculture.

[F. R. Doc. 45-15536; Filed, Aug. 22, 1945; 11:11 a. m.]

DEPARTMENT OF LABOR.

Wage and Hour Division.

SOUTHERN WOOD PRESERVING CO.

EXCEPTION FROM CERTAIN RECORD KEEPING REQUIREMENTS

Notice of the granting of exception to Southern Wood Preserving Company, Atlanta, Georgia, from certain record keeping requirements of the Fair Labor Standards Act of 1938.

Pursuant to section 11 (c) of the Fair Labor Standards Act of 1938, and § 516.18 of the record keeping regulations, Part 516, as amended, notice is hereby given of the granting of an exception to the Southern Wood Preserving Company, Atlanta, Georgia, relieving it of the requirement of preserving its employees' daily time cards for the period required by § 516.15 of the record keeping regulations: *Provided,* That the daily time cards are preserved for not less than ninety days; *And provided, further,* That the total number of hours worked each day by each employee is transcribed from the daily time cards to other records which will be preserved for four years as required by § 516.14 of the regulations.

This exception shall not apply with respect to the daily time cards of any employee under 16 years of age.

This exception is granted on the representations of the petitioner and is subject to revocation for cause.

Signed at New York, New York, this 17th day of August, 1945.

L. METCALFE WALLING,
Administrator.

[F. R. Doc. 45-15565; Filed, Aug. 21 1945; 2:04 p. m.]

LEARNER EMPLOYMENT CERTIFICATES

ISSUANCE TO VARIOUS INDUSTRIES

Notice of issuance of special certificates for the employment of learners under the Fair Labor Standards Act of 1938.

Notice is hereby given that special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rate applicable under section 6 of the act have been issued to the firms hereinafter mentioned under section 14 of the act, Part 522 of the regulations issued thereunder (August 16, 1940, 5 F.R. 2662, and as amended June 25, 1942, 7 F.R. 4725), and the determinations, orders and/or regulations hereinafter mentioned. The names and addresses of the firms to which certificates were issued, industry, products, number of learners, and effective and expiration dates of the certificates are as follows:

Single Pants, Shirts and Allied Garments, Women's Apparel, Sportswear, Raincoat, Robes and Leather and Sheep-Lined Garments Divisions of the Apparel Industry, Learner Regulations, July 20, 1942 (7 F.R. 4724), as amended by Administrative Order March 13, 1943 (8 F.R. 3079), and Administrative Order, June 7, 1943 (8 F.R. 7890).

The Andala Company, Coffee Street Andalusia, Alabama; cotton khaki army shirts; 10 percent (T); effective August 12, 1945, expiring August 11, 1946.

Blain Associates, Blain, Pennsylvania; women's rayon underwear; 4 learners (T); effective August 8, 1945, expiring August 7, 1946.

Fox Knapp Manufacturing Company, East Pottsville Street, Pine Grove, Pennsylvania; men's and boys' jackets and sportswear; 10 percent (T); effective August 12, 1945, expiring August 4, 1946.

Hickerson & Company, 1014 Laurel Street, Brainerd, Minnesota; mackinaws and woolen work garments; 10 percent (T); effective August 12, 1945, expiring August 11, 1946.

Nordis Sportswear, Inc., 409 Browder Street, Dallas, Texas; skirts, slacks, blouses, jackets and play suits; 20 percent (AT); effective August 8, 1945, expiring February 7, 1946.

Irving Reznick & Company, Church & Maple Streets, Salem, Illinois; cotton dresses, work garments, uniforms, sportswear, work garments; 10 percent (T); effective August 3 1945, expiring August 2, 1946.

The S & B Manufacturing Company, Andalusia, Alabama; work pants; 10 percent (T); effective August 12, 1945, expiring August 11, 1946.

Well Styled Shirt Company, Inc., 422 Park Avenue, Perth Amboy, New Jersey; men's shirts; 5 learners (T); effective August 3, 1945, expiring August 2, 1946.

Hosiery Learner Regulations, September 4, 1940 (5 F.R. 3530), as amended by Administrative Order March 13, 1943 (8 F.R. 3079).

Martinat Hosiery Mills, Inc., Valdese, North Carolina; seamless; 10 learners (AT); effective August 9, 1945, expiring February 8, 1946

Independent Telephone Learner Regulations, July 17, 1944 (9 F.R. 7125).

The American Telephone Company, Baldwin Kansas (T); effective August 15, 1945, expiring August 14, 1946.

The American Telephone Company, Dighton, Kansas (T); effective August 15, 1945, expiring August 14, 1946.

The American Telephone Company, Alma, Kansas (T); effective August 15, 1945, expiring August 14, 1946.

The American Telephone Company, Burlingame, Kansas (T); effective August 15, 1945, expiring August 14, 1946.

The American Telephone Company, Wathena, Kansas (T); effective August 15, 1945, expiring August 14, 1946.

The American Telephone Company, Valley Falls, Kansas (T); effective August 15, 1945, expiring August 14, 1946.

The American Telephone Company, Troy, Kansas (T); effective August 15, 1945, expiring August 14, 1946.

The American Telephone Company, Osborne, Kansas (T); effective August 15, 1945, expiring August 14, 1946.

The American Telephone Company, Holton, Kansas (T); effective August 15, 1945, expiring August 14, 1946.

The American Telephone Company, Hillsboro, Kansas (T); effective August 15, 1945, expiring August 14, 1946.

The American Telephone Company, Hiawatha, Kansas (T); effective August 15, 1945, expiring August 14, 1946.

The American Telephone Company, Horton, Kansas (T); effective August 15, 1945, expiring August 14, 1946.

The American Telephone Company, Wakeeney, Kansas (T); effective August 15, 1945, expiring August 14, 1946.

Central Iowa Telephone Company, Eldora, Iowa (T); effective August 12, 1945, expiring August 11, 1946.

The Southwest Telephone Company, Meade, Kansas (T); effective August 12, 1945, expiring August 11, 1946.

United Telephone Company, King City, Missouri (T); effective August 15, 1945, expiring August 14, 1946.

United Telephone Company, Lebanon, Missouri (T); effective August 15, 1945, expiring August 14, 1946.

United Telephone Company, Mound City, Missouri (T); effective August 15, 1945, expiring August 14, 1946.

United Telephone Company, Odessa, Missouri (T); effective August 15, 1945, expiring August 14, 1946.

United Telephone Company, Salem, Missouri (T); effective August 15, 1945, expiring August 14, 1946.

United Telephone Company, Tipton, Missouri (T); effective August 15, 1945, expiring August 14, 1946.

United Telephone Company, Appleton City, Missouri (T); effective August 15, 1945, expiring August 14, 1946.

United Telephone Company, Windsor, Missouri (T); effective August 15, 1945, expiring August 14, 1946.

Cigar Industry Learner Regulations, April 22, 1944 (9 F.R. 4330)

Higdon Cigar Company, Quincy, Florida; cigars; 20 percent (AT); cigar machine (operating for a learning period of 320 hours at 30 cents per hour; machine stripping for a learning period of 160 hours at 30 cents per hour; hand stripping for a learning period of 160 hours at 30 cents per hour; cigar packing for a learning period of 160 hours at 30 cents per hour; effective August 3, 1945, expiring February 2, 1946.

The employment of learners under these certificates is limited to the terms and conditions therein contained and is subject to the provisions of the applicable determinations, orders and/or regulations cited above. These certificates have been issued upon the employers' representations that experienced workers for the learner occupations are not available for employment and that they are actually in need of learners at subminimum rates in order to prevent curtailment of opportunities for employment. The certificates may be cancelled in the manner provided in the regulations and as indicated in the certificates. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of regulations, Part 522.

Signed at New York, New York, this 11th day of August 1945.

PAULINE C. GILBERT,
Authorized Representative of the Administrator.

[F. R. Doc. 45-15504; Filed, Aug. 21, 1945; 2:04 p. m.]

CIVIL AERONAUTICS BOARD.

[Docket No. 152 et al.]

RAY WILSON, INC., ET AL.; ROCKY MOUNTAIN CASE

NOTICE OF POSTPONEMENT OF ORAL ARGUMENT

In the matter of the application of Ray Wilson, Inc., et al. for certificates and amendment of certificates of public convenience and necessity under section 401 of the Civil Aeronautics Act of 1938, as amended.

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, particularly sections 401 and 1001 of said act, that oral argument in the above-entitled proceeding assigned to be held on September 10, 1945, is hereby postponed to October 1, 1945, at 10 a. m. (eastern war time) in Room 5042, Commerce Building, 14th Street and Constitution Avenue, N. W., Washington, D. C., before the Board.

Dated: Washington, D. C., August 21, 1945.

By the Civil Aeronautics Board.

FRED A. TOOMBS,
Secretary.

[F. R. Doc. 45-15558; Filed, Aug. 22, 1945; 11:26 a. m.]

FEDERAL TRADE COMMISSION.

[Docket No. 5365]

SEBASTIAN-STUART FISH CO. ET AL.

NOTICE OF HEARING

In the Matter of Sebastian-Stuart Fish Co., a corporation, and Charles R. Allen, Sr., Gene M. Allen, Charles R. Allen, Jr., Mary E. Lankford, Gene M. Allen, II, and Harris M. Allen, individuals engaged in business as partners, trading as Charles R. Allen.

Complaint. The Federal Trade Commission, having reason to believe that the parties respondent named in the caption hereof, and hereinafter more particularly designated and described, since June 19, 1936, have violated and are now violating the provisions of subsection (c) of section 2 of the Clayton Act (U.S.C. Title 15, Sec. 13) as amended by the Robinson-Patman Act, approved June 19, 1936, hereby issues its complaint, stating its charges with respect thereto as follows:

PARAGRAPH 1: Sebastian-Stuart Fish Co. is a corporation organized and existing under and by virtue of the laws of the State of Washington with its principal office and place of business located at Spokane Street Dock, Seattle, Washington.

The respondent Sebastian-Stuart Fish Co. has been and is now engaged in the business of packing, selling and distributing canned fish and fresh fish (all of which are hereinafter designated as food products) in its own name and for its own account.

This respondent is hereafter designated as the respondent seller.

PAR. 2: The respondent seller distributes and sells its food products by two separate and distinct methods. The first and principal method is by utilizing intermediaries or food brokers, who act as respondent seller's agents in negotiating the sale of respondent seller's food products at respondent seller's prices, and on respondent seller's terms, and for which services to the respondent seller such intermediaries or food brokers are paid commissions or brokerage fees.

The second method utilized by the respondent seller in distributing food products, is by the direct sale of sub-

stantial quantities of its food products directly to buyers; representative of whom is Charles R. Allen, to whom respondent seller pays, directly or indirectly, commissions or brokerage fees on such buyer's purchases of respondent seller's food products which are purchased by Charles R. Allen and other buyers in their own name and for their own account.

PAR. 3: Respondents Charles R. Allen, Sr., Gene M. Allen, Charles R. Allen, Jr., Mary E. Lankford, Gene M. Allen, II and Harris M. Allen, individuals engaged in business as partners and trading as Charles A. Allen, have their principal office and place of business located at 16 Vendue Range, Charleston, South Carolina, and also maintain branch offices and warehouses in Jacksonville, Florida, and Savannah, Georgia.

These respondents are hereinafter referred to as respondent buyers.

The respondent buyers, since June 19, 1936, have been and are now principally engaged in the business of buying in their own name, and for their own account, various types, grades and brands of food products for resale and reselling such food products for their own account.

The respondent buyer in some instances, but to a lesser degree, also acts as an intermediary or broker for certain sellers of food products for whom respondent buyer negotiates the sale of such seller's products, and at such seller's prices, and on such seller's terms.

PAR. 4. Respondent buyer, in the course and conduct of said business since June 19, 1936, has purchased a substantial portion of its food products from Sebastian-Stuart Fish Co., which firm is located in a state other than the state in which respondent buyer is located, and as a result of respondent buyer's orders and instructions, such food products have been shipped and transported across state lines by respondent seller to said respondent buyer.

The respondent buyer's purchases from respondent seller since June 19, 1936, are representative of respondent buyer's purchases of various types, grades and brands of food products from numerous other interstate sellers, upon which purchases respondent buyer has also received commissions or brokerage fees.

PAR. 5. Respondent seller Sebastian-Stuart Fish Co., since June 19, 1936, in connection with the sale of its food products in interstate commerce to respondent buyer Charles R. Allen, and to other interstate buyers for their own account for resale, as hereinbefore set forth, has transmitted, paid and delivered, and does transmit, pay and deliver, directly or indirectly, to said respondent buyer and to other said buyers for their own account, commissions, brokerage fees or other compensation or allowances in lieu thereof in substantial amounts; and the respondent buyer Charles R. Allen, since June 19, 1936, has received and accepted and is now receiving and accepting, commissions, brokerage fees and other compensation or allowances in lieu thereof in connection with said respondent buyer's interstate purchases of food products from the respondent seller and from other interstate sellers from whom respondent buyer purchases and has purchased food products in its own name and for its own account for resale.

PAR. 6: The foregoing acts of respondent seller Sebastian-Stuart Fish Co., in granting or paying commissions or brokerage fees on its sale of food products to respondent buyer Charles R. Allen and to other interstate buyers, and the foregoing acts of respondent buyer Charles R. Allen in receiving or accepting, directly or indirectly, commissions or brokerage fees on its purchases of food products from respondent seller Sebastian-Stuart Fish Company and from other interstate sellers, are in violation of subsection (c) of section 2 of the Clayton Act as amended.

Wherefore, the premises considered, the Federal Trade Commission on this 10th day of August, A. D. 1945, issues its complaint against said respondents.

Notice is hereby given you, Sebastian-Stuart Fish Co., a corporation, and Charles R. Allen, Sr., Gene M. Allen, Charles R. Allen, Jr., Mary E. Lankford, Gene M. Allen II, and Harris M. Allen, individuals engaged in business as partners trading as Charles R. Allen, respondents herein, that the 14th day of September, A. D. 1945, at 2 o'clock in the afternoon, is hereby fixed as the time, and the offices of the Federal Trade Commission in the City of Washington, D. C., as the place, when and where a hearing will be had on the charges set forth in this complaint, at which time and place you will have the right, under said act, to appear and show cause why an order should not be entered by said Commission requiring you to cease and desist from the violations of the law charged in the complaint.

You are notified and required, on or before the twentieth day after service upon you of this complaint, to file with the Commission an answer to the complaint. If answer is filed and if your appearance at the place and on the date above stated be not required, due notice to that effect will be given you. The rules of practice adopted by the Commission with respect to answers or failure to appear or answer (Rule IX) provide as follows:

> In case of desire to contest the proceeding the respondent shall, within twenty (20) days from the service of the complaint, file with the Commission an answer to the complaint. Such answer shall contain a concise statement of the facts which constitute the ground of defense. Respondent shall specifically admit or deny or explain each of the facts alleged in the complaint, unless respondent is without knowledge, in which case respondent shall so state.
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> Failure of the respondent to file answer within the time provided and failure to appear at the time and place fixed for hearing shall be deemed to authorize the Commission, without further notice to respondent, to proceed in regular course on the charges set forth in the complaint.
>
> If respondent desires to waive hearing on the allegations of fact set forth in the complaint and not to contest the facts, the answer may consist of a statement that respondent admits all the material allegations of fact charged in the complaint to be true. Respondent by such answer shall be deemed to have waived a hearing on the allegations of fact set forth in said complaint and to have authorized the Commission, without further evidence, or other intervening procedure, to find such facts to be true.
>
> Contemporaneously with the filing of such answer the respondent may give notice in writing that he desires to be heard on the question as to whether the admitted facts constitute the violation of law charged in the complaint. Pursuant to such notice, the respondent may file a brief, directed solely to that question, in accordance with Rule XXIII.

In witness whereof, the Federal Trade Commission has caused this, its complaint, to be signed by its Secretary, and its official seal to be hereto affixed, at Washington, D. C., this 10th day of August, A. D., 1945.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 45-15533; Filed, Aug. 22, 1945, 11:06 a. m.]

OFFICE OF PRICE ADMINISTRATION.

[MPR 120, Order 1443]

BROCK COAL CO., ET AL.

ORDER ESTABLISHING MAXIMUM PRICES AND PRICE CLASSIFICATIONS

For the reasons set forth in an accompanying opinion, and in accordance with § 1340.210 (a) (6) of Maximum Price Regulation No. 120; *It is ordered:*

Producers identified herein operate named mines assigned the mine index numbers, the price classifications and the maximum prices in cents per net ton, for the indicated uses and shipments as set forth herein. All are in District No. 8. The mine index numbers and the price classifications assigned are permanent but the maximum prices may be changed by an amendment issued after the effective date of this order. Where such an amendment is issued for the district in which the mines involved herein are located and where the amendment makes no particular reference to a mine or mines involved herein, the prices shall be the prices set forth in such amendment for the price classifications of the respective size groups. The location of each mine is given by county and state. The maximum prices stated to be for truck shipment are in cents per net ton f. o. b. the mine or preparation plant and when stated to be for rail shipment or for railroad fuel are in cents per net ton f. o. b. rail shipping point. In cases where mines ship coals by river the prices for such shipments are those established for rail shipment and are in cents per net ton f. o. b. river shipping point. However, producer is subject to the provisions of § 1340.219 and all other provisions of Maximum Price Regulation No. 120.

This correction to Amendment No. 30 to Revised Order No. 47 shall be effective as of August 4, 1945.

Issued this 21st day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-15484; Filed, Aug. 21, 1945; 11:49 a. m.]

[RMPR 208, Order 42]

H. W. CARTER & SONS

ADJUSTMENT OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and pursuant to section 5.9 (b) of Revised Maximum Price Regulation 208, it is ordered:

(a) *Ceiling prices for sales by H. W. Carter & Sons.* (1) On and after August 22, 1945, H. W. Carter & Sons, Lebanon, New Hampshire, may sell and deliver to any Group II Retail Seller, and any Group II Retail Seller may buy and receive, the following designated items of staple work clothing at prices not in excess of the following adjusted ceiling prices:

Col. 1	Col. 2	Col. 3	Col. 4	Col. 5
Lot No.	Type of garment	Body material	Yardage	Adjusted maximum price
			Dozen	
S-253	Bib overall	McCampbell & Co.'s Nelson 2.20 mill finish denim	51	$21.31
S-255	do	McCampbell & Co.'s Nelson Sanforized denim	43.5	25.67
S-254	do	McCampbell & Co.'s Nelson Sanforized denim	44.4	19.78
S-208	Dungaree	McCampbell & Co.'s Nelson Sanforized denim	32.4	16.78
S-129	do	McCampbell & Co.'s Nelson Sanforized denim	30.3	19.77
255	Bib overall	Deering Millikens' Peaslet Mfg. Co., 2.30, 72 x 54 white drill	51.9	21.77
205	do	Carter Mfg. Co.'s No. 28 sanforized pinchek, 5 pinstripes	42.2	18.10
100	do	Deering Millikens' Peaslet Mfg. Co., 2.30, 72 x 54 white drill	42.2	15.98

(2) The adjusted ceiling prices set forth in Column 5 of subparagraph (1) above shall apply only to garments bearing the lot numbers listed in Column 1, and which contain not less than the number of yards of specified body material indicated in Column 4.

(3) The adjusted ceiling prices set forth in subparagraph (1) above are net, and are subject to all allowances and trade practices, including practices with regard to the payment of shipping charges, customarily used by H. W. Carter & Sons during March 1942. H. W. Carter & Sons may, if it desires, sell at a gross price higher than the net ceiling prices listed in subparagraph (1): *Provided*, That (i) it states the net price, specified in subparagraph (1), on the invoice, and (ii) the amount actually collected or paid

[F. R. Doc. 45-15485; Filed, Aug. 21, 1945; 11:49 a. m.]

[IMPR 122, Amdt. 20 to Rev Order 47, Corr.]

SOLID FUELS IN WASHINGTON, D. C., AND ALEXANDRIA, VA.

ADJUSTMENT OF MAXIMUM PRICES

No. 30 to Revised Order No. 47 under Revised Maximum Price Regulation No. 122 is hereby corrected as follows:

In Item No. 1 the prices for Pennsylvania anthracite are corrected to read as follows:

Kind and size	Per Net Ton (of 2,000 lbs.)	Per Lb. (of 1,000 lbs.)
Pennsylvania anthracite:		
Egg, stove, nut	$14.75	.87 cts.
Chestnut	12.75	.75
Buckwheat No. 1	10.25	.61
Rice (Buckwheat No. 2)	9.15	.53
Barley (Buckwheat No. 3)	8.05	.45

[IMPR 122, Amdt. 21 to Rev Order 47, Corr.]

SOLID FUELS IN WASHINGTON, D. C., AND ALEXANDRIA, VA.

ADJUSTMENT OF MAXIMUM PRICES

No. 30 to Revised Order No. 47 under Revised Maximum Price Regulation No. 122 is hereby corrected as follows:

In Item No. 1 the prices for Pennsylvania anthracite are corrected to read as follows:

Kind and size	Per Ton (of 2,000 lbs.)	Per Lb. (of 1,000 lbs.)
Pennsylvania anthracite:		
Egg, stove, nut	$14.75	.87 cts.
Chestnut	12.75	.75
Buckwheat No. 1	10.25	.61
Rice (Buckwheat No. 2)	9.15	.53
Barley (Buckwheat No. 3)	8.05	.45

[F. R. Doc. 45-15486; Filed, Aug. 21, 1945; 11:49 a. m.]

[MPR 120, Order 1443, Corr.]

BROCK COAL CO., ET AL.

ORDER ESTABLISHING MAXIMUM PRICES AND PRICE CLASSIFICATIONS

1. Producers identified herein operate named mines assigned the mine index numbers, the price classifications and the maximum prices in cents per net ton, for the indicated uses and shipments as set forth herein. All are in District No. 8. The mine index numbers and the price classifications assigned are permanent but the maximum prices may be changed by an amendment issued after the effective date of this order. Where such an amendment is issued for the district in which the mines involved herein are located and where the amendment makes no particular reference to a mine or mines involved herein, the prices shall be the prices set forth in such amendment for the price classifications of the respective size groups. The location of each mine is given by county and state. The maximum prices stated to be for truck shipment are in cents per net ton f. o. b. the mine or preparation plant and when stated to be for rail shipment or for railroad fuel are in cents per net ton f. o. b. rail shipping point. In cases where mines ship coals by river the prices for such shipments are those established for rail shipment and are in cents per net ton f. o. b. river shipping point. However, producer is subject to the provisions of § 1340.219 and all other provisions of Maximum Price Regulation No. 120.

Size group Nos.	1	2	3	4	5	6	7	8	9	10	17, 18, 17	18	19	20, 21
Price classification: Rail shipments and railroad fuel	M	M	M	M	K	K	J	G	F	G	D	K	K	K
Truck shipment	395	375	350	350	335	310	275	270	320	310	350	310	310	310

WAYNE COPLEY, ROUTE No. 1, ARJAKE, KY., PARROTT HALL MINE, NO. 7 SEAM, MINE INDEX NO. 702, BOYD COUNTY, KY., 50 MILES, L. & E. RAIL SHIPPING POINT, ASHLAND, KY., F. O. G. 50, DEEP MINE, MAXIMUM TRUCK PRICE GROUP NO. 5

Price classification: Rail shipments and railroad fuel	M	M	M	M	K	K	J	G	F	G	F	G	L	L
Truck shipment	395	375	350	350	335	310	275	270	320	310	350	310	295	295

MIKE CASTORAL, POLA, KY., CITY SIDE MINE, 6 SEAM, MINE INDEX NO. 706, LETCHER COUNTY, KY., 8 MILES, 3, RAIL SHIPPING POINT, CUMBERLAND, KY., F. O. G. 50, DEEP MINE, MAXIMUM TRUCK PRICE GROUP NO. 2

Price classification: Rail shipments and railroad fuel [1]	F	E	E	D	D	C	C	A	C	A	E	E	L	L
Truck shipment	410	395	390	385	350	330	325	305	385	320	310	305	305	305

[1] Subject to the provisions of Order No. 1442 under M. P. R. 120 which was issued and effective July 23, 1945 above prices for all rail shipments plus 50 cents.

EVERETT MILLER, JOE, KY., EVERETT MILLER MINE, DOUGLAS SEAM, MINE INDEX NO. 747, WYOMING COUNTY, W. VA., 5, RAIL SHIPPING POINT, BLAND SIDING, W. VA., F. O. G. 289, DEEP MINE, MAXIMUM TRUCK PRICE GROUP NO. 4

Price classification: Rail shipments and railroad fuel	H	H	H	D	D	C	A	A	A	A	F	F	L	L
Truck shipment	395	370	365	360	335	320	310	290	270	320	310	305	305	305

VESOS MILLER, CUMBERLAND, KY., VESOS MILLER MINE, 2 SEAM, MINE INDEX NO. 735, LETCHER COUNTY, KY., 50 MILES, 4, RAIL SHIPPING POINT, CUMBERLAND, KY., F. O. G. 50, DEEP MINE, MAXIMUM TRUCK PRICE GROUP NO. 2

Price classification: Rail shipments and railroad fuel [1]	F	E	E	D	D	C	C	A	C	A	E	E	L	L
Truck shipment	410	395	390	385	350	330	325	305	385	320	310	305	305	305

[1] Subject to the provisions of order No. 1442 under M. P. R. 120 which was issued and effective July 23, 1945 above prices for all rail shipments plus 50 cents.

J. R. PARROTT, ROUTE 2, CUMBERLAND, VA., PARROTT MINE, JAWBONE SEAM, MINE INDEX NO. 748, RUSSELL COUNTY, VA., 50 MILES, 7, DEEP MINE, MAXIMUM TRUCK PRICE GROUP NO. 5

Truck shipment	395	375	350	350	335	310	275	270	---	---	---	---	---	---

ROY SMILEY, CUMBERLAND, KY., SHIPS for COAL CO. MINE, BLEAGO SEAM, MINE INDEX NO. 740, HARLAN COUNTY, KY., 50 MILES, 2, RAIL SHIPPING POINT, CUMBERLAND, KY., F. O. G. 50, DEEP MINE, MAXIMUM TRUCK PRICE GROUP NO. 1

Price classification: Rail shipments and railroad fuel	F	E	E	D	D	C	C	A	C	A	E	E	L	L
Truck shipment	410	395	390	385	350	330	325	305	385	320	310	305	305	305

WYOMING COAL & DEVELOPMENT CO., ROUTE No. 1, BOOMER, W. VA., CARROLL No. 1 MINE, DOUGLAS SEAM, MINE INDEX NO. 741, WYOMING COUNTY, W. VA., 5, RAIL SHIPPING POINT, GLENHAYES, W. VA., F. O. G. 289, DEEP MINE, MAXIMUM TRUCK PRICE GROUP NO. 4

Price classification: Rail shipments and railroad fuel	H	H	H	D	D	C	A	A	A	A	F	F	L	L
Truck shipment	395	370	365	360	335	320	310	290	270	320	310	305	305	305

shall not exceed the adjusted ceiling price specified in subparagraph (1).

(4) The adjusted ceiling prices set forth in subparagraph (1) are for first quality garments only. The maximum price for any of the listed garments which, according to H. W. Carter & Sons standards of grading during March 1942 would be considered an "imperfect" or "second" shall be the price listed in subparagraph (1) less the percentage discount customarily allowed by H. W. Carter & Sons for such garments during March 1942.

(b) *Ceiling prices for sales at retail.* On and after August 22, 1945, the ceiling prices for sales at retail of the garments listed in paragraph (a) shall be as follows:

Lot No	Type of garment	Ceiling prices (per garment) for group II retail sellers[1]	
		Sales in East and Central region	Sales in Mountain and Pacific region
8220	Bib overall	$2.36	$2.42
8230	do	2.83	2.89
8234	do	2.44	2.50
8238	Dungaree	1.90	1.94
8429	do	2.32	2.36
255	Bib overall	2.42	2.48
265	do	2.04	2.10
140	do	1.78	1.84

[1] The listed ceiling prices are for first quality garments. The ceiling price for a "second" or "imperfect" shall be the listed price less the percentage discount used in calculating ceiling prices for such garments under paragraph (a) (1) above.

(c) *Notice which H. W. Carter & Sons must send to retailers.* (1) On or after August 22, 1945, H. W. Carter & Sons, shall transmit to each retailer to whom it makes delivery of any of the garments listed in paragraph (a) of this order, the following notice:

NOTICE OF ADJUSTED CEILING PRICES

The Office of Price Administration has adjusted our ceiling prices on certain garments of staple work clothing pursuant to the provisions of Order No. 42, issued under section 5.9 (b) of Revised Maximum Price Regulation 28. In column A below you will find our adjusted ceiling prices for these garments.

Under this order the Office of Price Administration has established specific ceilings for sales at retail of these garments. Your selling prices will be found in column B or column C, depending on whether you are located in the East and Central region or the Mountain and Pacific region.[1]

Lot No.	Type of garment	Carters adjusted ceiling prices	Ceiling prices (per garment) for group II retail sellers	
			Sales in East and Central region	Sales in Mountain and Pacific region
		Col. A	Col. B	Col. C
8220	Bib overall	$21.31	$2.36	$2.42
8231	do	25.47	2.83	2.89
8234	do	21.98	2.44	2.50
8238	Dungaree	16.78	1.90	1.94
8429	do	19.77	2.32	2.36
255	Bib overall	21.77	2.42	2.48
265	do	18.44	2.04	2.10
140	do	15.98	1.78	1.84

The Office of Price Administration requires that each garment must be marked with the retail ceiling price. A garment must not be sold above the ceiling price listed above, but may be sold for less. This list must be promptly displayed to any person on request during regular business hours.

[1] H. W. Carter & Sons may transmit separate lists to customers located in each of these regions, listing only the ceiling prices applicable to sales in that region. In such case, this sentence should be omitted.

(2) The notice required to be sent by H. W. Carter and Sons, to its retail customers, as provided in this paragraph (c) and containing the information applicable to the enumerated garments included in the particular shipment, shall be transmitted with, or annexed to, the invoice, billing or other statement of price accompanying every shipment made directly to retailers by H. W. Carter and Sons after August 22, 1945, of any of the garments listed in paragraph (a) of this order. This notice, with respect to any garment for which H. W. Carter and Sons is permitted to adjust its ceiling price under this order, shall be sent by H. W. Carter and Sons in lieu of the notice required under § 5.1 (c) (1) of Revised Maximum Price Regulation 208.

(f) *Informational requirements.* In selling and delivering the garments listed in paragraph (a), all sellers must comply with all provisions of Revised Maximum Price Regulation 208, including those relating to marking, disclosure and records.

(g) On or before February 15, 1946, H. W. Carter & Sons shall file with the Office of Price Administration, Washington, D. C., (Men's Clothing Section) a copy of its profit and loss statement for the year ending December 31, 1945, together with a copy of its balance sheet as of December 31, 1945.

(h) All prayers of the application by H. W. Carter & Sons not granted herein are hereby denied.

(i) The definitions in Revised Maximum Price Regulation 208 shall apply to the terms used in this order.

(j) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective August 22, 1945.

Issued this 21st day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-15483; Filed, Aug. 21, 1945; 11:49 a. m.]

[MPR 220, Order 114]

B. B. CHEMICAL CO.

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith, and filed with the Division of the Federal Register, and pursuant to section § 1315.1558 of Maximum Price Regulation 220 and section 6.4 of the Second Revised Supplementary Regulation No. 14 to the General Maximum Price Regulation, it is ordered:

(a) *Applicability.* This order applies to all sales to the industrial users and to all sales to wholesalers of the item P1953 Bostik cement manufactured by the B. B. Chemical Company of Cambridge, Massachusetts.

(b) *Sales to industrial users.* The maximum net prices for all sales to industrial users of the commodity described in paragraph (a) of this order shall be:

$3.187 per gallon, one-gallon can, east of the Rocky Mountains.

$2.652 per gallon, five-gallon drum, east of the Rocky Mountains.

$2.327 per gallon, fifty-gallon drum, east of the Rocky Mountains.

$3.586 per gallon, one-gallon can, west of the Rocky Mountains.

$3.027 per gallon, five-gallon drum, west of the Rocky Mountains.

$2.635 per gallon, fifty-gallon drum, west of the Rocky Mountains.

Freight allowances shall be as follows: Freight prepaid and allowed up to $1.00 per one hundred pounds east of the Rocky Mountains and $4.00 per one hundred pounds west of the Rocky Mountains.

(c) *Sales to wholesalers.* Maximum net prices for all sales of the commodity described in paragraph (a) of this order to wholesalers shall be:

$2.39 per gallon, one-gallon can, east of the Rocky Mountains.

$2.122 per gallon, five-gallon drum, east of the Rocky Mountains.

$2.036 per gallon, fifty-gallon drum, east of the Rocky Mountains.

$2.69 per gallon, one-gallon can, west of the Rocky Mountains.

$2.422 per gallon, five-gallon drum, west of the Rocky Mountains.

$2.306 per gallon, fifty-gallon drum, west of the Rocky Mountains.

Freight allowances shall be as follows: Freight prepaid and allowed up to $1.00 per one hundred pounds east of the Rocky Mountains and $4.00 per one hundred pounds west of the Rocky Mountains.

(d) *Notification of maximum prices.* With or prior to the first sale to a wholesaler of the commodity priced by this order the seller shall notify such wholesaler of the maximum prices applicable to the wholesaler's sales to industrial users as established by paragraph (b) of ths order.

(e) Between 60 and 75 days after the effective date of this order, the manufacturer shall recompute his costs in the manner provided in § 1315.1557 (c) of Maximum Price Regulation 220 and report them to the Office of Price Administration.

(f) All provisions of Maximum Price Regulation 220 not inconsistent with this order shall apply to the manufacturer's sales of the commodity priced by this order. All provisions of the General Maximum Price Regulation not inconsistent with this order shall apply to wholesalers' sales to industrial users of the commodity priced by this order.

(g) This order may be amended or revoked by the Office of Price Administration at any time.

This order shall become effective August 22, 1945.

Issued this 21st day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-15482; Filed, Aug. 21, 1945; 11:48 a. m.]

[MPR 260, Order 1761]

LA BEBA CIGAR FACTORY

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion accompanying this order, and pursuant to § 1358.102 (b) of Maximum Price Regulation No. 260; *It is ordered*, That:

(a) La Beba Cigar Factory, 2102 Columbus Drive, Tampa 5, Fla. (hereinafter called "manufacturer") and wholesalers and retailers may sell, offer to sell or deliver and any person may buy, offer to buy or receive each brand and size or frontmark, and packing of the following domestic cigars at the appropriate maximum list price and maximum retail price set forth below:

Brand	Size or frontmark	Packing	Maximum list price	Maximum retail price
			Per M	*Cents*
[illegible]	Previas	50	$109.00	22
	Particulas X	50	75.00	10
	Babies	50	44.00	2 for 11
	Reales D	50	108.75	2 for 24
	Londres	50	93.75	2 for 23
	Londres Grande	50	154.00	21
	Bijous	50	75.00	10
	Lancetas	50	154.00	20
	Bostons	50	93.75	2 for 25
	Coronas	50	93.75	2 for 25

(b) The manufacturer and wholesalers shall grant, with respect to their sales of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the discounts they customarily granted in March 1942 on their sales of domestic cigars of the same price class to purchasers of the same class, unless a change therein resul's in a lower price. Packing differentials charged by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class may be charged on corresponding sales of each brand and size or frontmark of cigars priced by this order, but shall not be increased. Packing differentials allowed by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class shall be allowed on corresponding sales of each brand and size or frontmark of cigars priced by this order and shall not be reduced. If a brand and size or frontmark of domestic cigars for which maximum prices are established by this order is of a price class not sold by the manufacturer or the particular wholesaler in March 1942, he shall, with respect to his sales thereof, grant the discounts and may charge and shall allow the packing differentials customarily granted, charged or allowed (as the case may be) in March 1942 by his most closely competitive seller of the same class on sales of domestic cigars of the same March 1942 price class to purchasers of the same class.

(c) On or before the first delivery to any purchaser of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the manufacturer and every other seller (except a retailer) shall notify the purchaser of the maximum list price and the maximum retail price established by this order for such brand and size or frontmark of domestic cigars. The notice shall conform to and be given in the manner prescribed by § 1358.113 of Maximum Price Regulation No. 260.

(d) Unless the context otherwise requires, appropriate provisions of Maximum Price Regulation No. 260, shall apply to sales for which maximum prices are established by this order.

(e) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective August 22, 1945.

Issued this 21st day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-15475; Filed, Aug. 21, 1945; 11:47 a. m.]

[MPR 260, Order 1762]

EDDIE SAN JUAN CIGAR CO.

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion accompanying this order, and pursuant to § 1358.102 (b) of Maximum Price Regulation No. 260; *It is ordered*, That:

(a) Eddie San Juan Cigar Company, 2929 Banza Street, Tampa, Fla. (hereinafter called "manufacturer"), and wholesalers and retailers may sell, offer to sell or deliver and any person may buy, offer to buy or receive each brand and size or frontmark, and packing of the following domestic cigars at the appropriate maximum list price and maximum retail price set forth below:

Brand	Size or frontmark	Packing	Maximum list price	Maximum retail price
			Per M	*Cents*
Don Bifoso	Bostons	50	$64	8
	Londres	50	105	11
	Especiales	50	75	10

(b) The manufacturer and wholesalers shall grant, with respect to their sales of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the discounts they customarily granted in March 1942 on their sales of domestic cigars of the same price class to purchasers of the same class, unless a change therein results in a lower price. Packing differentials charged by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class may be charged on corresponding sales of each brand and size or frontmark of cigars priced by this order, but shall not be increased. Packing differentials allowed by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class shall be allowed on corresponding sales of each brand and size or frontmark of cigars priced by this order and shall not be reduced. If a brand and size or frontmark of domestic cigars for which maximum prices are established by this order is of a price class not sold by the manufacturer or the particular wholesaler in March 1942, he shall, with respect to his sales thereof, grant the discounts and may charge and shall allow the packing differentials customarily granted, charged or allowed (as the case may be) in March 1942 by his most closely competitive seller of the same class on sales of domestic cigars of the same March 1942 price class to purchasers of the same class.

(c) On or before the first delivery to any purchaser of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the manufacturer and every other seller (except a retailer) shall notify the purchaser of the maximum list price and the maximum retail price established by this order for such brand and size or frontmark of domestic cigars. The notice shall conform to and be given in the manner prescribed by § 1358.113 of Maximum Price Regulation No. 260.

(d) Unless the context otherwise requires, appropriate provisions of Maximum Price Regulation No. 260, shall apply to sales for which maximum prices are established by this order.

(e) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective August 22, 1945.

Issued this 21st day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-15476; Filed, Aug. 21, 1945; 11:48 a. m.]

[MPR 260, Order 1763]

LUIS ALADRO CIGAR CO.

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion accompanying this order, and pursuant to § 1358.102 (b) of Maximum Price Regulation No. 260; *It is ordered*, That:

(a) Luis Aladro Cigar Company, 2912½ 16th Street, Tampa 5, Fla. (hereinafter called "manufacturer") and wholesalers and retailers may sell, offer to sell or deliver and any person may buy, offer to buy or receive each brand and size or frontmark, and packing of the following domestic cigars at the appropriate maximum list price and maximum retail price set forth below:

Brand	Size or frontmark	Packing	Maximum list price	Maximum retail price
			Per M	*Cents*
City Limit	Corona Special	50	$123	16

(b) The manufacturer and wholesalers shall grant, with respect to their sales of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the discounts they customarily granted in March 1942 on their sales of domestic cigars of the same price class to purchasers of the same class, unless a change therein results in a lower price. Packing differentials charged by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class may be charged on corresponding sales of each brand and size or frontmark of cigars priced by this order, but shall not

be increased. Packing differentials allowed by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class shall be allowed on corresponding sales of each brand and size or frontmark of cigars priced by this order and shall not be reduced. If a brand and size or frontmark of domestic cigars for which maximum prices are established by this order is of a price class not sold by the manufacturer or the particular wholesaler in March 1942, he shall, with respect to his sales thereof, grant the discounts and may charge and shall allow the packing differentials customarily granted, charged or allowed (as the case may be) in March 1942 by his most closely competitive seller of the same class on sales of domestic cigars of the same March 1942 price class to purchasers of the same class.

(c) On or before the first delivery to any purchaser of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the manufacturer and every other seller (except a retailer) shall notify the purchaser of the maximum list price and the maximum retail price established by this order for such brand and size or frontmark of domestic cigars. The notice shall conform to and be given in the manner prescribed by § 1358.113 of Maximum Price Regulation No. 260.

(d) Unless the context otherwise requires, appropriate provisions of Maximum Price Regulation No. 260, shall apply to sales for which maximum prices are established by this order.

(e) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective August 22, 1945.

Issued this 21st day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-15477; Filed, Aug. 21, 1945; 11:50 a. m.]

[MPR 260, Order 1764]

DEMETRIO MARTINEZ

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion accompanying this order, and pursuant to § 1358.102 (b) of Maximum Price Regulation No. 260; *It is ordered*, That:

(a) Demetrio Martinez, 1815 10th Avenue, Tampa 5, Fla. (hereinafter called "manufacturer") and wholesalers and retailers may sell, offer to sell or deliver and any person may buy, offer to buy or receive each brand and size or frontmark, and packing of the following domestic cigars at the appropriate maximum list price and maximum retail price set forth below:

Brand	Size or frontmark	Packing	Maximum list price	Maximum retail price
			Per M	*Cents*
O'Hallorans & Garcia.	Panelelas	50	$75.00	10
	Cadet	50	101.25	2 for 27

(a) C. H. Pangle, 933 South Queen Street, York, Pa. (hereinafter called "manufacturer") and wholesalers and retailers may sell, offer to sell or deliver and any person may buy, offer to buy or receive each brand and size or frontmark, and packing of the following domestic cigars at the appropriate maximum list price and maximum retail price set forth below:

Brand	Size or frontmark	Packing	Maximum list price	Maximum retail price
			Per M	*Cents*
La Creda	Perfecto	50	$72	9

(b) The manufacturer and wholesalers shall grant, with respect to their sales of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the discounts they customarily granted in March 1942 on their sales of domestic cigars of the same price class to purchasers of the same class, unless a change therein results in a lower price. Packing differentials charged by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class may be charged on corresponding sales of each brand and size or frontmark of cigars priced by this order, but shall not be increased. Packing differentials allowed by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class shall be allowed on corresponding sales of each brand and size or frontmark of cigars priced by this order and shall not be reduced. If a brand and size or frontmark of domestic cigars for which maximum prices are established by this order is of a price class not sold by the manufacturer or the particular wholesaler in March 1942, he shall, with respect to his sales thereof, grant the discounts and may charge and shall allow the packing differentials customarily granted, charged or allowed (as the case may be) in March 1942 by his most closely competitive seller of the same class on sales of domestic cigars of the same March 1942 price class to purchasers of the same class.

(c) On or before the first delivery to any purchaser of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the manufacturer and every other seller (except a retailer) shall notify the purchaser of the maximum list price and the maximum retail price established by this order for such brand and size or frontmark of domestic cigars. The notice shall conform to and be given in the manner prescribed by § 1358.113 of Maximum Price Regulation No. 260.

(d) Unless the context otherwise requires, appropriate provisions of Maximum Price Regulation No. 260, shall apply to sales for which maximum prices are established by this order.

(e) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective August 22, 1945.

Issued this 21st day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-15478; Filed, Aug. 21, 1945; 11:50 a. m.]

[MPR 260, Order 1765]

C. H. PANGLE

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion accompanying this order, and pursuant to § 1358.102 (b) of Maximum Price Regulation No. 260; *It is ordered*, That:

(a) C. H. Pangle, 933 South Queen Street, York, Pa. (hereinafter called "manufacturer") and wholesalers and retailers may sell, offer to sell or deliver and any person may buy, offer to buy or receive each brand and size or frontmark, and packing of the following domestic cigars at the appropriate maximum list price and maximum retail price set forth below:

Brand	Size or frontmark	Packing	Maximum list price	Maximum retail price
			Per M	*Cents*
[illegible] After-Dinner	5½" Corona	50	$60	2 for 15

(b) The manufacturer and wholesalers shall grant, with respect to their sales of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the discounts they customarily granted in March 1942 on their sales of domestic cigars of the same price class to purchasers of the same class, unless a change therein results in a lower price. Packing differentials charged by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class may be charged on corresponding sales of each brand and size or frontmark of cigars priced by this order, but shall not be increased. Packing differentials allowed by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class shall be allowed on corresponding sales of each brand and size or frontmark of cigars priced by this order and shall not be reduced. If a brand and size or frontmark of domestic cigars for which maximum prices are established by this order is of a price class not sold by the manufacturer or the particular wholesaler in March 1942, he shall, with respect to his sales thereof, grant the discounts and may charge and shall allow the packing differentials customarily granted, charged or allowed (as the case may be) in March 1942 by his most closely competitive seller of the same class on sales of domestic cigars of the same March 1942 price class to purchasers of the same class.

(c) On or before the first delivery to any purchaser of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the manufacturer and every other seller (except a retailer) shall notify the purchaser of the maximum list price and the maximum retail price established by this order for such brand and size or frontmark of domestic cigars. The notice shall conform to and be given in the manner prescribed by § 1358.113 of Maximum Price Regulation No. 260.

(d) Unless the context otherwise requires, appropriate provisions of Maximum Price Regulation No. 260, shall apply to sales for which maximum prices are established by this order.

(e) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective August 22, 1945.

Issued this 21st day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-15479; Filed, Aug. 21, 1945; 11:49 a. m.]

[MPR 260, Order 1766]

DAN STRAIN

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion accompanying this order, and pursuant to § 1358.102 (b) of Maximum Price Regulation No. 260; *It is ordered*, That:

(a) Dan Strain, 1202 So. Main Street, Bloomington, Ill. (hereinafter called "manufacturer") and wholesalers and retailers may sell, offer to sell or deliver and any person may buy, offer to buy or receive each brand and size or frontmark, and packing of the following domestic cigars at the appropriate maximum list price and maximum retail price set forth below:

Brand	Size or frontmark	Packing	Maximum list price	Maximum retail price
			Per M	*Cents*
[illegible] After-Dinner	5½" Corona	50	$60	2 for 15

(b) The manufacturer and wholesalers shall grant, with respect to their sales of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the discounts they customarily granted in March 1942 on their sales of domestic cigars of the same price class to purchasers of the same class, unless a change therein results in a lower price. Packing differentials charged by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class may be charged on corresponding sales of each brand and size or frontmark of cigars priced by this order, but shall not be increased. Packing differentials allowed by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class shall be allowed on corresponding sales of each brand and size or frontmark of cigars priced by this order and shall not be reduced. If a brand and size or frontmark of domestic cigars for which maximum prices are established by this order is of a price class not sold by the manufacturer or the particular wholesaler in March 1942, he shall, with respect to his sales thereof, grant the discounts and may charge and shall allow the packing differentials customarily granted, charged or allowed (as the case may be) in March 1942 by his most closely competitive seller of the same class on sales of domestic cigars of the same March 1942 price class to purchasers of the same class.

(c) On or before the first delivery to any purchaser of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the manufacturer and every other seller (except a retailer) shall notify the purchaser of the maximum list price and the maximum retail price established by this order for such brand and size or frontmark of domestic cigars. The notice shall conform to and be given in the manner prescribed by § 1358.113 of Maximum Price Regulation No. 260.

(d) Unless the context otherwise requires, appropriate provisions of Maximum Price Regulation No. 260, shall apply to sales for which maximum prices are established by this order.

(e) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective August 22, 1945.

Issued this 21st day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-15480; Filed, Aug. 21, 1945; 11:49 a. m.]

[RMPR 300, Amdt. 1 to Order 14]

K. & W. RUBBER CORP.

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register and pursuant to section 8 of Revised Maximum Price Regulation 300; *It is ordered:*

Paragraph (b) of Order No. 14 under Revised Maximum Price Regulation 300 is hereby amended to read as follows:

(b) *Maximum prices.* The maximum prices for sales of the commodities described in paragraph (a) of this order shall be:

	Size	For sales to retailers and wholesalers
Large air mattresses	34" x 72"	$15.45
Small air mattresses	34" x 48"	10.50
Air pillows	11" x 14"	1.21

The maximum prices for sales to army canteens, post exchanges and commissaries shall be the maximum prices set forth above for sales to retailers and wholesalers.

The maximum prices for sales at retail of the commodities priced by this order (other than sales at retail by army canteens, post exchanges and commissaries) shall be 166⅔ percent of the net purchase price, excluding cash discounts.

The above maximum prices for all sales other than sales at retail shall be subject to cash discount of 2 percent, ten days, net thirty days. The above prices for the manufacturer's sales to wholesalers and to retailers are subject to freight terms—f. o. b. Delaware, Ohio.

This amendment shall become effective August 22, 1945.

Issued this 21st day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-15485; Filed, Aug. 21, 1945; 11:50 a. m.]

[MPR 591, Order 5]

TYLER FIXTURE CO.

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register and pursuant to section 9 of Maximum Price Regulation No. 591; *It is ordered:*

(a) The maximum net prices, f. o. b. point of shipment, for sales by any person of the following models of Frozen Food Reach-In Refrigerators manufactured by the Tyler Fixture Company, and as described in its application dated July 17, 1945, which is on file with the Building Materials Price Branch, Office of Price Administration, Washington 25, D. C. shall be:

	On sales to consumers	On sales to dealers	On sales to agency dist.
Model HU-18F—18 cu. ft. reach-in box	$595	$416.50	$357
Model HU-18D—18 cu. ft. reach-in box	595	416.50	357
Model HU-18F—18 cu. ft. reach-in box less compressor and valve	445	311.50	267
Model HU-18D—18 cu. ft. reach-in box less compressor and valve	445	311.50	267

(b) On sales by the Tyler Fixture Company the maximum net prices established in (a) above may be increased by the following amount to each class of purchaser as a charge to cover the cost of crating, when crating is actually supplied: $6.00.

(c) The maximum net prices established by this order shall be subject to discounts and allowances and the rendition of services which are at least as favorable as those which each seller extended or rendered to purchasers of the same class on comparable sales of similar commodities during March 1942.

(d) On sales by a distributor or dealer the following charges may be added to the maximum prices established in (a) above:

(1) The actual amount of freight paid to obtain delivery to his place of business. Such charges shall not exceed the lowest common carrier rates.

(2) Crating charges actually paid to his supplier but in no instance exceeding the amount noted above.

(e) Each seller of the commodity covered by this order, except a dealer, shall notify each of his purchasers, in writing, at or before the issuance of the first invoice after the effective date of this order, of the maximum prices established by this order for each such seller as well as the maximum prices established for purchasers upon resale, including allowable transportation and crating charges.

(f) The Tyler Fixture Company shall stencil on the inside of the lid or cover of the Frozen Food Reach-In Refrigerators covered by this order, the maximum net prices to consumers established by this order. The stencil shall contain sustantially the following:

OPA Maximum Resail Price $------
Plus freight and crating as provided in Order No. ---- under Maximum Price Regulation No. 591.

(g) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective August 21, 1945.

Issued this 20th day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-15516; Filed, Aug. 21, 1945; 4:44 p. m.]

[MPR 592, Amdt. 4 to Order 1]

GYPSUM LATH

MODIFICATION OF MAXIMUM PRICES

An opinion accompanying this Amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.

Order No. 1 is amended in the following respects:

1. A new section 7.9 (f) is added to read as follows:

(f) This section shall terminate December 31, 1945, unless otherwise extended by Amendment.

2. A new section 7.10 is added to read as follows:

SEC. 7.10 *Modification of maximum prices for gypsum lath manufactured in the States of California and Nevada.* (a) The manufacturers' maximum prices established pursuant to Maximum Price Regulation 592, for gypsum lath manufactured in the States of California and Nevada, may be increased by adding an amount not in excess of $0.02½ per square yard to the f. o. b. plant or delivered prices.

(b) Any reseller purchasing gypsum lath for resale in the same form from any manufacturer who has modified his maximum prices in accordance with (a) above, may increase his maximum prices by a dollars-and-cents amount not exceeding his actual dollars-and-cents increase in cost resulting from the modification permitted manufacturers in (a) above.

(c) The maximum prices established herein shall be subject to size differentials, cash, quantity and other discounts, services and other terms and conditions of sale at least as favorable as the seller extended or rendered on comparable sales to purchasers of the same class during March 1942.

(d) The manufacturers' maximum prices for sales of ⅜" gypsum lath for shipment to points in the States of Oregon and Washington as established in section 7.9 of Order No. 1 of Maximum Price Regulation 592 shall not be further increased by the increase permitted in (a) above.

This Amendment No. 4 shall become effective August 21, 1945.

Issued this 21st day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-15517; Filed, Aug. 21, 1945; 4:44 p. m.]

Regional and District Office Orders.

[Connecticut Order G-1 Under RMPR 259]

DOMESTIC MALT BEVERAGES IN CONNECTICUT

For the reasons set forth in the accompanying opinion, it is hereby ordered:

SECTION 1. *What this order does.* In accordance with the provisions of section 5.2 (c) of RMPR 259, this order establishes uniform maximum deposit charges which may be imposed by wholesalers and retailers for cases and containers in connection with sales of domestic malt beverages in bottles or cases.

SEC. 2. *Where this order applies.* The provisions of this order apply to all wholesalers and retailers located within the State of Connecticut.

SEC. 3. *Applicability.* No wholesaler or retailer located within the area where this order is applicable may require a deposit from purchasers in excess of the sum permitted by this order.

SEC. 4. *Deposit charges established by this order.* The maximum deposit charges for all sellers to which this order is applicable are as follows:

Cases with bottles:	Cents
Wooden	0.75
Carton	.60
Bottles:	
12-oz. bottles	.02
32-oz. bottles	.05

SEC. 5. *Definitions.* Unless the context otherwise requires, the definitions set forth in section 302 of the Emergency Price Control Act of 1942, as amended, and in RMPR 259, as amended, shall apply to the terms used herein.

This order shall become effective July 19, 1945.

Issued this 10th day of July 1945.

STANLEY CRUTE,
District Director.

[F. R. Doc. 45-15421; Filed, Aug. 20, 1945; 4:54 p. m.]

[Binghamton Order G-1 Under MPR 394]

KOSHER RETAIL SELLING ESTABLISHMENTS IN SULLIVAN COUNTY, N. Y.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the District Director of the Binghamton District Office of the Office of Price Administration, by section 5 (b) (7) of, and Order No. 2 under, Maximum Price Regulation No. 394, it is hereby ordered:

SECTION 1. *To whom this order applies.* This order applies to any kosher retail selling establishment or store in the county of Sullivan in the State of New York, which establishment or store is not a hotel supply house or which does not slaughter more than twenty cattle or calves per month.

SEC. 2. *What this order permits.* Each establishment to which this order applies may sell kosher retail meat cuts in any amounts at the prices specified in section 24 of Maximum Price Regulation No. 394, *Provided*, That in no event shall such kosher retail selling establishment or store sell kosher retail meat cuts to purveyors of meals in excess of 70% of its total calendar monthly dollar volume of meat sales.

SEC. 3. *What records and receipts this order requires.* Each establishment to which this order applies shall give the receipts and keep the records indicated below and make such records available for OPA inspection, in addition to other records required by Maximum Price Regulation No. 394.

(a) On all sales made to purveyors of kosher meals, you must keep records and give receipts to each respective purchaser, showing the name and address of each such purchaser, the date of each purchase, your name and address, and component items of each order including the name, weight and grade of each retail kosher meat cut and the price charged therefor.

(b) You must keep records showing the total calendar monthly dollar volume of retail meat cuts sold to all purchasers, and the total calendar monthly dollar volume of meat cuts sold to purveyors of meals during the same period.

This order may be revoked or amended at any time.

This order shall become effective July 5, 1945.

Issued this 5th day of July 1945.

HOWARD T. WARE,
District Director.

[F. R. Doc. 45-15422; Filed, Aug. 20, 1945; 4:54 p. m.]

[Region IV Order G-1 Under Rev. Supp Service Reg. 43 to RMPR 165]

VEGETABLE PACKING SERVICES IN FLORIDA

For the reasons set forth in an opinion issued simultaneously herewith, and under the authority vested in the Regional Administrator, Region IV, Office of Price Administration, by § 1499.676 (b) (2) of Revised Supplementary Service Regulation No. 43 to Revised Maximum Price Regulation No. 165, paragraph (j) of Order No. G-1 under said Revised Supplementary Service Regulation No. 43, issued by this office on April 11, 1945, is hereby amended to read as follows:

(j) This order shall become effective as of September 1, 1944.

Effective date. This amendment shall become effective as of July 10, 1945.

Issued: July 31, 1945.

ALEXANDER HARRIS,
Regional Administrator.

[F. R. Doc. 45-15430; Filed, Aug. 20, 1945; 4:56 p. m.]

[Miami Order G-1 Under RMPR 259]

DOMESTIC MALT BEVERAGES IN MIAMI, FLA., DISTRICT

For the reasons set forth in the accompanying opinion, it is hereby ordered:

SECTION 1. *What this order does.* In accordance with the provisions of section 5.2 (c) of RMPR 259, this order establishes uniform maximum deposit charges which may be imposed by wholesalers and retailers for cases and containers in connection with sales of domestic malt beverages in bottles or cases.

SEC. 2. *Where this order applies.* The provisions of this order apply to all wholesalers and retailers located within Dade, Monroe, Collier, Broward, Palm Beach, Hendry, Lee, Glades, Charlotte, Sarasota, Manatee, Hardee, DeSoto, Highlands, Saint Lucie, Okeechobee, Martin, Indian River, Osceola, Polk, Pasco, Hernando, Hillsborough, Pinellas, counties in Florida. Brewers, whether selling to retailers or not, shall not be subject to this order.

SEC. 3. *Applicability.* No wholesaler or retailer located within the area where this order is applicable may require a deposit from purchasers in excess of the sum permitted by this order.

SEC. 4. *Deposit charges established by this order.* The maximum deposit charges for all sellers to which this order is applicable are as follows:

Cases:	Cents
Wooden	27
Fibre	27
Carton	27
Containers:	
12 oz. bottle	2
Over 12 oz. bottle	4

SEC. 5. *Definitions.* Unless the context otherwise requires, the definitions set forth in section 502 of the Emergency Price Control Act of 1942, as amended, and in RMPR 259, as amended, shall apply to the terms used herein.

This order shall become effective August 13, 1945.

Issued this 13th day of August 1945.

JAMES S. THOMAS,
District Director.

[F. R. Doc. 45-15425; Filed, Aug. 20, 1945; 4:55 p. m.]

[Region V Order G-1 Under MPR 122, Amdt. 3]

SOLID FUELS IN ST. LOUIS COUNTY, MO.

Pursuant to the Emergency Price Control Act of 1942, as amended, and the authority vested in the Regional Administrator of Region V by § 1340.260 of Revised Maximum Price Regulation No. 122 and for the reason set forth in the opinion issued simultaneously herewith; *It is ordered*, That Revised Order G-1 under Revised Maximum Price Regulation No. 122 be, and the same is hereby, amended in the following respects:

1. Section (c) (1) V is amended to read as follows:

1. Egg, byproduct, top size 3", bottom size 2⅜" (produced in St. Louis, Mo.)	$12.55
2. Furnace; stove, byproduct, top size 2½", bottom size 1⅜" (produced in St. Louis, Mo.)	12.05
3. Chestnut, byproduct, top size 1½", bottom size ¾" (produced in St. Louis, Mo.)	12.05
4. Low temperature, top size no limit, bottom size ¾" (produced in St. Clair and Franklin Counties, Ill.)	9.30

2. Section (k) is amended to read as follows:

(k) *Sales slips and receipts; records.* (1) Every person selling solid fuels subject to this order shall, either at the time of, or within thirty days after the date of a sale or delivery of solid fuels governed by this order, give to his purchaser an invoice, sales slip or receipt, and shall keep an exact copy thereof for so long as the Emergency Price Control Act of 1942, as amended, remains in effect, showing the following information: the name and address of the seller and the purchaser; the kind, size and quantity of the solid fuels sold, the date of the sale or delivery and the price charged. In addition, he shall separately state on each such invoice, sales slip or receipt, the amount, if any, of the required discounts, authorized service charges and taxes which must be deducted from or which may be added to the established maximum prices; *Provided*, That a dealer who is authorized to make a special service charge for chemical or oil treatment of coal need not separately state the amount of such service charge if he clearly indicates on the invoice that such coal is so treated. This section shall not apply to sales of solid fuels in less than quarter ton lots unless requested by the purchaser.

This order shall be retroactively effective August 7, 1945.

(56 Stat. 23, 765, Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued at Dallas, Texas, this 11th day of August 1945.

W. W. ORTH,
Regional Administrator.

[F. R. Doc. 45-15428; Filed, Aug. 20, 1945; 4:55 p. m.]

[Region V Order G-2 Under RMPR 259]

DOMESTIC MALT BEVERAGES IN DALLAS REGION

For the reasons set forth in the accompanying opinion, it is hereby ordered:

SECTION 1. *What this order does.* In accordance with the provisions of section 5.2 (c) of Revised Maximum Price Regulation 259, this order establishes uniform maximum deposit charges which may be imposed by wholesalers and retailers for cases and containers in connection with sales of domestic malt beverages in bottles or cases.

SEC. 2. *Where this order applies.* The provisions of this order apply to all wholesalers and retailers located within Region V of the Office of Price Administration which is composed of the following states: Kansas, Missouri, Arkansas, Oklahoma, Louisiana and Texas.

SEC. 3. *Applicability.* No wholesaler or retailer located within the area where this order is applicable may require a deposit charge from purchasers in excess of the sum permitted by this order. Until September 15, 1945, refund for the return of empties delivered prior to the effective date of this order shall be the amount of deposit actually required for the return of such cases and containers prior to the effective date of this order, not in excess of the charges permitted under section 5.2 (c) of Revised Maximum Price Regulation 259.

SEC. 4. *Deposit charges established by this order.* The maximum deposit charges for all sellers to which this order is applicable are as follows:

Cases:	Cents each
Wooden	52
Solid fiber	27
Corrugated cartons	27
Containers:	
Bottles—12-ounce or less	2
Bottles over 12-ounce	4

SEC. 5. *Definitions.* Unless the context otherwise requires, the definitions set forth in section 302 of the Emergency Price Control Act of 1942, as amended, and in Revised Maximum Price Regulation 259, as amended, shall apply to the terms used herein.

SEC. 6. *Revocation.* Order No. 1 under section 5.2 (c) of Revised Maximum Price Regulation 259 issued August 9, 1945 is hereby revoked.

This order shall become effective August 25, 1945.

Issued this 13th day of August 1945.

W. W. ORTH,
Regional Administrator.

[F. R. Doc. 45-15426; Filed, Aug. 20, 1945; 4:55 p. m.]

[Region V Supp. Order 2 Under RMPR 122]

SOLID FUELS IN DALLAS REGION

For the reasons set forth in the opinion issued simultaneously herewith and pursuant to the authority vested in the Regional Administrator of Region V of the Office of Price Administration by § 1340.260 of Revised Maximum Price Regulation No. 122 and the Emergency Price Control Act of 1942, as amended; *It is ordered:*

(a) Dealers making sales of bituminous coal subject to general orders issued by the Regional Administrator of Region V under Revised Maximum Price Regulation No. 122, which general orders are listed in paragraph (b) of this order, may increase the maximum prices for the sizes of bituminous coal which are specifically priced in said orders by adding to the dollar and cents maximum prices established in said orders an amount not in excess of the amounts hereinafter specifically set forth:

	Per ton increase permitted (cents)
(1) From district No. 1:	
(a) Produced at underground mines or at strip mines which have been granted permission to charge the deep mine price by order of the Administrator	10
(2) From district No. 7:	
(a) Produced at all mines	4
(3) From district No. 10:	
(a) Produced at underground mines loading coal mechanically such as with loading machines or conveyors inside the mine:	
Size groups 1 to 8 inclusive	1
Size groups 9 to 29 inclusive	6
(b) Produced at strip mines:	
Size groups 1 to 8 inclusive	5
Size groups 9 to 29 inclusive	10

	Per ton increase permitted (cents)
(4) From district No. 11:	
(a) Produced at all mines	4
(5) From district No. 15:	
(a) Produced at strip mines	8
(b) Produced at all underground mines	10
(6) From district No. 17:	
(a) Produced at underground mines loading coal entirely by hand without the aid of any mechanical means such as loading machines or conveyors inside the mine	5

(b) *Orders affected.* The provisions of paragraph (a) above shall apply to the following Region V Orders as amended or revised, which have been issued under Revised Maximum Price Regulation No. 122:

Order number and area

Revised:
G–1 City of St. Louis and St. Louis County, Mo.
G–2 Cities of Kansas City, Mo., and Kansas City, Kans., and parts of the counties adjacent thereto.
G–3 City of Topeka, and parts of Shawnee County, Kans., adjacent thereto.
G–4 City of Wichita and a part of Sedgwick County, Kans., adjacent thereto.
G–5 City of St. Joseph, Mo.
G–6 Cities of Cape Girardeau, and Jackson, Mo
G–7 City of Springfield, Mo.

(c) Wherever applicable the definitions set forth in the general orders described in (b), as amended or revised, are incorporated by reference and made a part of this order.

(d) This Supplementary Order No. 2 may be revoked, amended, or corrected at any time.

This Supplementary Order shall become retroactively effective August 3, 1945.

(56 Stat. 23, 765, Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871, E.O. 9328, 8 F.R. 4681)

Issued at Dallas, Texas, this 14th day of August 1945.

W. A. ORTH,
Regional Administrator.

[F. R. Doc. 45-15427; Filed, Aug. 20, 1945; 4:55 p. m.]

[Region VI Order G–1 Under 3 (e)]

IMPORTED MEXICAN BEER IN IOWA AND NEBRASKA

For reasons set forth in the accompanying opinion and under the authority vested in the Regional Administrator of the Office of Price Administration by § 1499.3 (e) (2) of the General Maximum Price Regulation; *It is hereby ordered:*

(a) This order shall not apply to any sales of imported beer, the maximum price for which sales have been or which can be established under § 1499.2 of the General Maximum Price Regulation.

(b) That the maximum prices for sales at wholesale and retail (except for consumption on the seller's premises), not excluded by paragraph (a) above, in the states of Iowa and Nebraska of the beer imported from Mexico known as, and sold under the trade names of "Monterrey" and "Carta Blanca" are as follows:

(1) The maximum price for sales at wholesale, delivered to the purchasers' premises, state tax paid, shall be $4.80 per case for Monterrey brand, and $4.93 per case for Carta Blanca brand. A case shall consist of 24 bottles of 12 oz. each.

(2) The maximum price for sales at retail shall be 27¢ per 12 oz. bottle for Monterrey or Carta Blanca, for consumption off the retailers' premises.

(3) Sellers may require a container deposit charge of 52¢ for each wooden case, and 2¢ additional for each 12-oz. bottle. All deposits shall be refunded to the purchaser upon the return of the empty containers.

(4) Each seller at wholesale shall place in each case of beer or attach to each invoice covering the beer sold under this order, a notice substantially as follows:

NOTICE

Order No. G–1 issued by the Chicago Regional Office of the Office of Price Administration under § 1499.3 (e) (2) of the General Maximum Price Regulation fixes the maximum price of Monterrey beer and Carta Blanca beer for sale at retail for off-premise consumption at 27¢ per 12 oz. bottle for those sellers who have not, or may not establish their maximum prices for sale of these brands of beer under § 1499.2 of General Maximum Price Regulation, and fixes container deposit charges at 52¢ per wooden case, and an additional 2¢ per 12 oz. bottle. Deposits must be refunded to the purchaser upon return of the empty containers.

(c) *Definitions.* (1) "Sale at wholesale" means a sale by a person who buys a commodity and resells it, without substantially changing its form, to any person other than the ultimate consumer.

(2) "Sale at retail" means a sale or selling to an ultimate consumer.

(3) Unless the context otherwise requires, the definitions set forth in the General Maximum Price Regulation, and the Emergency Price Control Act of 1942, as amended, shall be applicable to the terms used herein.

(d) *Revocability.* This order may be revoked, amended or corrected at any time.

(e) *Effective date.* This order shall be effective July 30, 1945.

Issued this 24th day of July 1945.

R. E. WALTERS,
Regional Administrator.

[F. R. Doc. 45-15423; Filed, Aug. 20, 1945; 4:54 p. m.]

[Region VI Order G–5 Under RMPR 122, Amdt. 2]

SOLID FUELS IN TWIN CITIES AREA

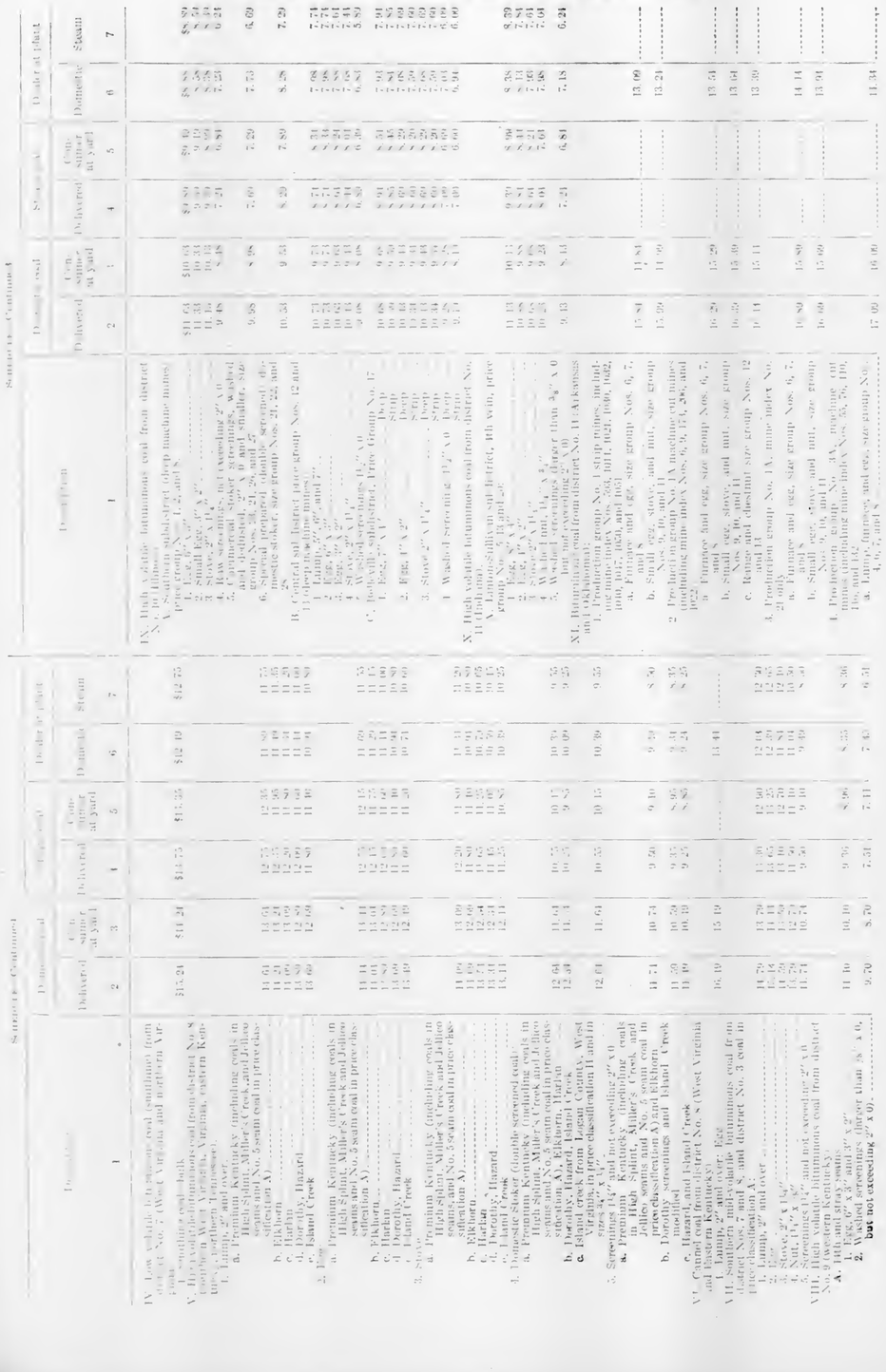
An opinion accompanying this amendment has been issued simultaneously herewith. Revised Order No. G–5 under Revised Maximum Price Regulation No. 122, as amended, is amended in the following respects:

1. Paragraph (c) (1) of the price schedule is hereby amended to read as follows:

(c) *Price schedule.* (1) Immediately below and as part of this paragraph (c) is a schedule which sets forth maximum prices for sales by direct delivery of specified sizes, kinds and quantities of solid fuels. Column 1 describes the coal for which prices are established; columns 2 and 3 show maximum prices at which sales of domestic coal may be made by the dealer; columns 4 and 5 show the maximum prices for sales of steam coal; and columns 6 and 7 show the maximum prices for yard sales to other dealers for resale. All prices are on a net ton basis, except where it is otherwise specifically stated. These prices do not apply to rail shipments from the river docks.

SCHEDULE

Description	Domestic coal		Steam coal		Dealer at plant	
	Delivered	Consumer at yard	Delivered	Consumer at yard	Domestic	Steam
1	2	3	4	5	6	7
I. High volatile bituminous coal from district Nos. 2 and 3 (northern West Virginia and western Pennsylvania):						
1. Lump, 2" and over	$13.19	$12.19	$11.25	$10.85	$10.44	$10.25
2. Egg, 3" x 2"	19.94	11.94	11.05	10.65	10.19	9.80
3. Stove, 2" x 1¼"	12.59	11.59	10.70	10.30	9.84	9.45
4. Domestic stoker	11.89	10.89	9.65	9.25	9.04	8.65
5. Screenings 1¼" and not exceeding 2" x 0	11.34	10.34	9.10	8.70	9.09	8.70
6. Modified screenings	11.49	10.49	9.25	8.85	9.21	8.85
II. High volatile bituminous coal from district No. 4 (Ohio):						
1. Hocking Valley, lump over 2"	12.94	11.94	11.00	10.60	10.19	9.80
2. Hocking valley egg 4" x 2"	12.79	11.79	10.85	10.45	10.04	9.65
3. Hocking Valley stove 2" x 1¼"	12.34	11.34	10.40	10.00	9.59	9.20
4. Hocking Valley screenings 1¼" not exceeding 2" x 0	11.29	10.24	8.95	8.55	8.99	8.60
III. Low volatile bituminous coal from district No. 7 (West Virginia and North Virginia smokeless)						
1. Lump, 2" and over and egg mixed	15.84	14.84	14.35	13.95	12.60	12.20
2. Egg, 3" x 2" and larger	16.19	15.19	14.70	14.30	12.45	12.05
3. Stove, 2" x 1¼" and larger	15.64	14.64	14.15	13.75	12.80	12.40
4. Pea or Nut, 1½" x ⅝"	14.84	13.84	12.50	11.90	12.49	11.90
5. Stoker Pea, ⅝" x ¼"	13.84	12.84	12.20	11.80	11.69	11.30
6. Unscreened Stoker (Buckwheat)	12.59	11.59	10.70	10.10	9.95	9.35
7. Screenings, ⅝" x 0 and larger	11.84	10.84	9.60	9.20	9.45	9.05
8. Run-of-mine	13.74	12.74	12.20	11.80	11.04	10.65
Coal from Mine Index No. 2, the Glen Rogers Mine of the Raleigh Wyoming Coal Company						
9. Lump, 2" and over	16.75	15.75	15.26	14.86	13.60	13.20
10. Egg, 3" x 2" and larger	17.10	16.10	15.61	15.21	14.35	13.95
11. Stove, 2" x 1¼" and larger	16.55	15.55	15.01	14.61	13.80	13.40



SCHEDULE

Description	Domestic coal		Steam coal		Dealer at plant	
	Delivered	Consumer at yard	Delivered	Consumer at yard	Domestic	Steam
1	2	3	4	5	6	7
XII. Pennsylvania anthracite:						
1. Egg, stove, and nut	$19.19	$18.19	----------	----------	$16.44	----------
2. Pea	17.49	16.49	----------	----------	14.74	----------
3. Buckwheat	15.34	14.34	$13.85	$13.45	12.99	$12.85
4. Rice	12.99	11.99	11.00	10.60	10.74	----------
XIII. Briquettes, low volatile:						
1. Glen Rogers	15.24	14.24	13.75	13.35	12.49	12.75
2. All other low volatile briquettes	15.04	14.04	13.55	13.15	12.29	12.55
XIV. Byproduct coke:						
1. Pea	14.29	13.29	12.80	12.40	11.54	11.80
2. Egg, stove, and nut	15.34	14.54	14.05	13.65	12.79	13.05
XV. Creosote coke from Republic Creosoting Co., St. Louis Park, Minn	16.34	15.34	----------	----------	13.59	----------
XVI. Packaged fuel (Pocahontas):						
A. Sales up to ¼ ton						
1. 11 10-lb. packages	----------	1.00	----------	----------	----------	----------
2. 8 15-lb. packages	----------	1.00	----------	----------	----------	----------
B. ½ ton	5.17	3.80	----------	----------	----------	----------
C. ½ ton	8.85	7.60	----------	----------	----------	----------
D. 1 ton	16.19	15.19	----------	----------	----------	----------
Petroleum						
A. ¼ ton	5.40	4.02	----------	----------	----------	----------
B. ½ ton	9.30	8.05	----------	----------	----------	----------
C. 1 ton	17.09	16.09	----------	----------	----------	----------

The prices shown in column 2 shall also apply to retail sales by manufacturers of packaged fuel. "Producers at plant" sales are not covered by this area order.

2. Paragraph (c) (3) is amended to read as follows:

(3) The maximum prices for sales of solid fuel by dealers determining or redetermining their prices under § 1340.254 (b), Rule 1, of Revised Maximum Price Regulation No. 122, as amended, when not provided for by the above schedule, shall be the maximum prices applicable to such sales under Revised Maximum Price Regulation No. 122, as amended, plus 49¢ per ton for domestic coal and 25¢ per ton for steam coal.

3. Paragraph (d) "Service Charges" is amended to read as follows:

(d) *Service charges.* Immediately below and as a part of this paragraph (d) is a schedule which sets forth maximum prices which a dealer may charge for special services rendered in connection with all sales under paragraph (c). These charges may be made only if the buyer requests such service of the dealer and only when the dealer renders the service. Such service charge shall be separately stated in the dealer's invoice.

SCHEDULE

Sacking	$4.00
Trimming, per hour	.84
Carrying from curb, per ton	.80
Labor, per hour	.84
Carrying up or down stairs, per flight per ton	.25

4. In Paragraph (1), *Definitions and explanations*, subparagraphs (3) & (12) are amended as follows:

(3) "Yard Sales" shall mean sales wherein the solid fuel is loaded at the dealer's yard into the conveyances owned, hired or controlled by the purchaser.

• • • • •

(12) "Egg, stove, nut," etc., sizes of bituminous coal received entirely by rail or barge refer to the sizes of such coal as defined in the Bituminous Coal Act of 1937, as amended, and as prepared at the mine in accordance with the applicable minimum price schedule promulgated by the Bituminous Coal Division of the United States Department of Interior, in effect as of August 23, 1943.

This Amendment No. 2 to Revised Order No. G-5 shall become effective August 1, 1945.

Issued this 31st day of July 1945.

R. E. WALTERS,
Regional Administrator.

[F. R. Doc. 45-15431; Filed, Aug. 20, 1945; 4:56 p. m.]

SECURITIES AND EXCHANGE COMMISSION.

[File No. 70-1131]

GENERAL GAS & ELECTRIC CORP.

NOTICE OF FILING AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 21st day of August, A. D. 1945.

Notice is hereby given that a declaration has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by General Gas & Electric Corporation, a registered holding company:

All interested persons are referred to the said filing which is on file in the office of the Commission for a statement of the transactions therein proposed, which may be summarized as follows:

General Gas & Electric Corporation, a subsidiary of Denis J. Driscoll and Willard L. Thorp, Trustees of Associated Gas and Electric Corporation, a registered holding company, proposes to declare and pay out of capital or unearned surplus a quarterly dividend on its $5 Prior Preferred Stock for the quarterly period ending September 15, 1945. As proposed, the amount of the dividend on the 60,000 outstanding shares of such stock will be $75,000, of which approximately $40,125 will be paid to the public holders of 32,110.9 shares. It is stated that as to the remaining 27,889.1 shares outstanding, held by the Trustees of Associated Gas and Electric Corporation, said Trustees have waived their right to the receipt, at this time, of such dividends as may otherwise be payable to them.

It appearing to the Commission that it is appropriate in the public interest and the interest of investors and consumers that a hearing be held with respect to such matter:

It is ordered, That a hearing on such matter under applicable provisions of said act and the rules of the Commission promulgated thereunder be held on September 4, 1945, at 10:00 a. m., e. w. t., at the offices of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia 3, Pennsylvania. On such date the hearing room clerk in Room 318 will advise as to the room in which such hearing will be held.

It is further ordered, That Charles S. Loblngier, or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearings in such matter. The officer so designated to preside at any such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said act and to a trial examiner under the Commission's rules of practice.

It is further ordered, That any person desiring to be heard in connection with the proceeding or proposing to intervene herein shall file with the Secretary of the Commission, on or before September 1, 1945, his request or application therefor, as provided by Rule XVII of the rules of practice of this Commission.

It is further ordered, That, without limiting the scope of the issues presented by said filing, particular attention will be directed at said hearing to the following matters and questions:

1. Whether the proposed declaration and payment of the current quarterly dividend out of the capital or unearned surplus of General Gas & Electric Corporation is appropriate in the public interest and the interest of investors;

2. Whether the action proposed to be taken complies with the applicable provisions of the Public Utility Holding Company Act of 1935 and the rules and regulations promulgated thereunder;

3. What terms or conditions, if any, should be imposed in the public interest or for the protection of investors.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 45-15527; Filed, Aug. 22, 1945; 9:33 a. m.]

FEDERAL REGISTER

VOLUME 10 NUMBER 167

Washington, Friday, August 24, 1945

Regulations

TITLE 32—NATIONAL DEFENSE

Chapter VI—Selective Service System

[No. 302]

COOPERATIVE SCHOOL REPORT

ORDER PRESCRIBING FORMS

Pursuant to authority contained in the Selective Training and Service Act of 1940, as amended, I hereby prescribe the following change in DSS Forms:

Revision of DSS Form 213, entitled "Cooperative School Report." The supply of DSS Form 213 (Revised 3/6/44) on hand will be used until exhausted.

The foregoing revision shall become a part of the Selective Service regulations effective within the continental United States immediately upon the filing hereof with the Division of the Federal Register and shall be effective outside the continental limits of the United States on the 30th day after the date of filing hereof with the Division of the Federal Register.

LEWIS B. HERSHEY,
Director.

AUGUST 8, 1945.

[F. R. Doc. 45-15590; Filed, Aug. 22, 1945; 3:45 p. m.]

[No. 303]

OCCUPATIONAL CERTIFICATION

ORDER PRESCRIBING FORMS

Pursuant to authority contained in the Selective Training and Service Act of 1940, as amended, I hereby prescribe the following change in DSS Forms:

Discontinuance of DSS Form 42-B, entitled "Occupational Certification."

The foregoing discontinuance shall become a part of the Selective Service regulations effective within the continental United States immediately upon the filing hereof with the Division of the Federal Register and effective outside the continental limits of the United States on the 30th day after the date of filing hereof with the Division of the Federal Register.

LEWIS B. HERSHEY,
Director.

AUGUST 21, 1945.

[F. R. Doc. 45-15591; Filed, Aug. 22, 1945; 3:45 p. m.]

Chapter IX—War Production Board

AUTHORITY: Regulations in this chapter, unless otherwise noted at the end of documents affected, issued under sec. 2 (a), 54 Stat. 676, as amended by 55 Stat. 236, 56 Stat. 177, 58 Stat. 827; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; W.P.B. Reg. 1 as amended Dec. 31, 1943, 9 F.R. 64.

PART 944—REGULATIONS APPLICABLE TO THE OPERATION OF THE PRIORITIES SYSTEM

[Priorities Reg. 13, as Amended Aug. 22, 1945]

SPECIAL SALES

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(a) What this regulation does.
(b) Definitions.
(c) Sales not covered by this regulation.

General Rules for All Special Sales

(d) Most special sales may be made freely; general rules.
(e) Use of material acquired with priorities assistance.
(f) Sales through an agent.

Restricted Special Sales

(g) Materials or products on List A.
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Provisions Relating to Buyers

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NOTICE

1944 Supplement

Book 1 of the 1944 Supplement to the Code of Federal Regulations, containing Titles 1–10, including Presidential documents in full text, is now available from the Superintendent of Documents, Government Printing Office, at $3.00 per copy.

A limited sales stock of the Cumulative Supplement and the 1943 Supplement is still available as previously announced.

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Explanation and Scope

§ 944.34 *Priorities Regulation 13—(a) What this regulation does.* This regulation covers special sales, which, in general, are sales of materials or products by persons who acquired or made them for use and not for sale or resale. This is more fully explained in paragraph (b) (1). Special sales may be made freely, except for materials or products on List A (Domestic) or List B (Export), and certain sales as scrap. This is the only WPB regulation on special sales, and a seller who wants to make a special sale need not look at any other WPB regulation or order unless this regulation says he must. However, all buyers must comply with applicable WPB orders on use, inventory, resale, etc., as explained in paragraph (j).

(b) *Definitions.* As used in this regulation:

(1) "Special sale" means a sale of a material or product by any person (including a Government agency) who acquired or made it for use and not for sale or resale. All sales by trustees in bankruptcy, receivers and other kinds of liquidators (in the course of liquidation as distinct from continued operation of a business) are special sales even though neither they nor their beneficiaries bought for use. All sales at public auction by general auctioneers are special sales regardless of the purpose for which the material or product was acquired. All sales of surplus materials or products by Government agencies are special sales. Transfers of materials acquired or made for use, from one plant or operating unit to another which is owned by the same person but which normally buys separately, are special sales.

(2) "Material or product" means any commodity, equipment, accessory, part, assembly or product of any kind in finished, semi-finished or raw material form.

(3) A "used" material or product is one which has been put into actual use.

(4) "Persons buying for use" include, among others, a contractor who buys with intent to incorporate the material in a building or product for a third person.

(c) *Sales not covered by this regulation.* The following types of sales are not considered special sales and are not governed by this regulation, even though they may involve materials or products acquired or made for use:

(1) A sale of a material or product by a person regularly engaged in the business of selling it. He is governed, however, by all WPB orders and regulations which apply to his business and to the material or product he is selling.

(2) Sales of plant-generated scrap, meaning scrap which is generated in the course of manufacture or is the waste of industrial fabrication. Sales of other kinds of scrap are covered by paragraph (j).

(3) Sales of rationed products which are controlled by another Government Agency.

NOTE: The subject matter of the former paragraph (c) (3) of this regulation as it read before July 5, 1945, is now contained in section C. (4) (Special orders) in the introduction to List A. Hence, references in other WPB orders to paragraph (c) (3) of this regulation are considered references to the new section C. (4).

(4) Sales of foods for humans or animals, medicines, tobacco, oils and fats, petroleum and petroleum products including natural and liquefied petroleum gases.

(5) Sales of steel, copper or aluminum in controlled material form (as defined in CMP Regulation 1) acquired or produced by a controlled material producer for the purpose of further conversion into other controlled material forms.

(6) A sale of an entire business which is transferred as a going concern to a new owner who continues to operate it in the same or substantially the same form.

(7) A sale made by a utility producer under Order U–1 or a petroleum operator under Order P–98–c.

General Rules for All Special Sales

(d) *Most special sales may be made freely; general rules.* A seller may make a special sale of most materials or products freely to anyone without WPB authorization and without requiring the buyer to apply or extend a preference rating. The only exceptions are special sales of materials or products on List A (domestic sales) and on List B (export), and certain sales as scrap, as explained in paragraphs (g), (h) and (j). In addition, all sellers are subject to the following general rules and conditions:

(1) If the seller knows that a person who wants to buy the material or product will use it for a prohibited purpose or would have more of it than he is permitted to have, the sale may not be made. The buyers' obligations are stated in paragraph (j).

(2) At special sales, preference ratings have no effect by way of obliging a holder to sell. However, if he sells at all, and the buyer properly gives a rating, the seller must honor it to the extent required by Priorities Regulation 1. For example, if two or more bidders at a public auction offer the same terms for any lot of materials or products, the seller must prefer the bidder who supplies the highest preference rating. Regardless of whether the sale is at auction, a holder need not give preference to a higher rated purchaser if a lower rated or unrated purchaser offers better terms which are not in violation of applicable OPA regulations.

(3) If a person sells a material or product under this regulation to someone who gives him a preference rating or a CMP allotment symbol or number, the seller cannot use this rating or allotment to replace the material or product he has sold. The effect of this rating or symbol or number stops when the seller receives it.

(4) If the sale relates to surplus Government-owned or Government-involved materials or products (including contractor inventories and sales by owning or disposal agencies), the seller may be subject to regulations of the Surplus Property Board.

(e) *Use of material acquired with priorities assistance.* This regulation does not change the general rule of § 944.11 of Priorities Regulation 1 that material acquired with priorities assistance must, if possible, be used for the purpose for which the assistance was given. Where such material cannot be used for this

purpose, then this regulation applies if a special sale is made.

(f) *Sales through an agent.* Where a person sells through an agent, except at public auction sales, the sale is a special sale only if it would be a special sale if made directly by the principal. If it is a special sale, the restrictions of this regulation apply to the principal and also to his agent if the latter knows or has reason to know the facts. In cases of special sales made at public auctions, the restrictions of this regulation are applicable both to the auctioneer and to his principal.

NOTE: The subject matter of the former paragraph (f) of this regulation as it read before July 5, 1945, is now contained in paragraph (j) (Provisions relating to buyers). Hence, references in other WPB orders to paragraph (f) of this regulation are considered references to the new paragraph (j).

Restricted Special Sales

(g) *Materials or products on List A.* A special sale of a material or product on List A attached to this regulation, other than a sale for export, may be made only under the conditions described in the list.

(h) *Materials or products on List B (export).* A special sale of a material or product on List B to a foreign purchaser or to a domestic purchaser who is buying for export or for resale to a foreign purchaser may be made only under the conditions described in the list. Used materials or used products, however, may be sold freely for export unless a notation on List B indicates a restriction on the sale in their used condition. Also, if an exporter, other than a controlled material distributor or warehouse, is unable to export material purchased for export, he may make a special sale of it in the domestic market under the rules of this regulation. Nothing in this regulation relieves any exporter from complying with all applicable regulations of the Foreign Economic Administration or other Government agencies who may have jurisdiction over exports.

(i) *Sales as scrap of materials or products other than plant-generated scrap.* (1) Any material or product (other than those listed below and plant-generated scrap) may be sold as scrap in a special sale if it is obsolete, unusable or not readily-salable and will be used or consumed principally as scrap although some part of it may possibly be salvaged by the scrap buyer. A person may make such a special sale as scrap without stripping, disassembling or breaking up the material or product before sale. The sale may be made either to any consumer of scrap to be used only as scrap, or to any person regularly engaged in the collection, disassembling, sorting, and disposal of that kind of scrap material, primarily for remelt or other scrap use. Subsequent sales of any salvaged materials or products by such a scrap dealer are not covered by this regulation, but are subject to any WPB orders or regulations which apply to the distribution of the particular material or product. The above does not apply to the following materials and products:

Used tin cans sold as scrap are governed by Order M-325.
Domestic mechanical refrigerators (new) may be sold as scrap only on specific WPB authorization. Apply on Form WPB-869.

(2) If the buyer by contract, warranty or otherwise has stated that the particular material or product being sold as scrap will be used or disposed of as scrap, this regulation does not relieve the buyer from compliance with that condition.

(3) The sale at low prices, even as low as scrap prices, of prime or off-grade materials or products for use or resale "as is" does not constitute a sale as scrap and such sales may not be made under this paragraph. Instead such a sale is subject to all the other rules of this regulation which apply to special sales of the particular materials or products.

(4) This paragraph permits special sales as scrap only for use or resale within the 48 States and the District of Columbia.

Provisions Relating to Buyers

(j) *Provisions relating to buyers.*—(1) *Use and quantity restrictions still apply.* The buyer at a special sale may not violate any WPB order or regulation controlling the amount of any material or product he may make or the use or disposition that he may make of it. He must also comply with any applicable order which limits the amount of any material or product he may buy (in terms of a specified quantity or quota, as distinguished from a provision requiring WPB permission for all purchases. The latter type of provision does not apply when a special sale is made unless required by this regulation). All the prohibitions in WPB orders or regulations against the use of materials or products for particular purposes remain in effect, and even though a special sale may not be restricted by this regulation, the buyer may have to get permission to use under the applicable order.

(2) *Inventories.* A person buying for use may accept delivery of any item of a material or product bought on a special sale under this regulation if his total inventory of that item is or will by virtue of accepting such delivery be not in excess of his succeeding six months' requirements. This permits a person to exceed applicable inventory limits only if he acquires the excess under this regulation. However, if thereafter he places orders for deliveries of the particular item from producers or distributors, he may not receive such further deliveries until his inventory is reduced to a practicable minimum working inventory or other applicable limit, and such orders may not call for delivery before that time. This paragraph does not apply to persons buying for resale. It also does not permit a person to stockpile in anticipation of starting or resuming civilian production except as permitted by other applicable regulations or orders. However, if any applicable WPB order or regulation permits a larger inventory than six months, this paragraph does not restrict receipts below the larger amount.

(3) *Persons buying for resale.* If a person at a special sale buys a material or product for resale, he may not resell in violation of any WPB regulation or order which applies to persons engaged in the business of selling the particular material or product. Even if the buyer for resale has not previously sold the material or product as part of his regular business, he is subject to the same restrictions in reselling as a regular wholesaler, retailer or other distributor of it under all applicable WPB regulations and orders, unless the particular regulation or order specifically states otherwise. For example, if an order requires specific WPB permission before a regular distributor of a product can sell it, any person who buys it at a special sale for resale must do what the order says.

(4) *Reports.* If any order or regulation provides that a buyer of a material or product must make any report or furnish any information either to the War Production Board or to the seller, this regulation does not excuse him from these requirements.

Miscellaneous Provisions

(k) *Records.* Any person making a sale under this regulation must keep sufficient records so that he can show that the sale was permitted under this regulation.

(l) *Revisions of Lists A and B.* Lists A and B attached to this regulation will be revised from time to time. A person wishing to sell a material or product under this regulation should be sure that he has the lists which are in effect at the time of the sale. Copies may be obtained from any field office of the WPB.

(m) *Letters and questions.* Any letters or questions about this regulation should be sent to the War Production Board in Washington 25, D. C., marked "Ref: P.R. 13".

Issued this 22d day of August 1945.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

LIST A—RESTRICTIONS ON SPECIAL SALES FOR DOMESTIC

A *General rules.* Special sales in the domestic market of materials or products in Column 1 of List A below are restricted to certain classes of buyers as indicated below in section B, and in accordance with any special rules for a particular material or product as shown on the list. The listings show in some instances the class or group of materials and do not always list all the trade names and related materials. Exceptions to the restrictions are indicated below in section C. Special sales of materials or products not listed may be made freely, but all special sales are subject to the general rules in paragraphs (d), (e) and (f) of the regulation.

B. *Classes of buyers.* Special sales of materials or products on this List A may be made to the following classes of buyers:

(1) To a producer of the same kind of material or product.

(2) To a reprocessor, unless a note in Column 4 of the list indicates to the contrary with respect to a particular material or product. A reprocessor means any person who remakes, repairs or reworks new, rejected or second-grade materials or products of the kind being sold.

(3) To a regular dealer, unless Column 3 or a note in Column 4 of the list indicates to the contrary with respect to a particular material or product. A dealer means any wholesaler or retailer regularly dealing in the materials or products of the kind being sold, and reselling them from stock or inventory to industrial users or to other persons. It also includes persons who recondition or rebuild equipment and machinery of the kind being sold for resale to industrial users. Such persons are not, however, relieved from compliance with any WPB orders or regulations which control the distribution of the material by them.

If this List A shows no restrictions on the special sale of a material or product to a regular dealer, the seller may sell it to any person for resale who gives him the following certification, provided the seller has no reason to believe that it is false.

The undersigned buyer certifies under Priorities Regulation 13 to the seller and to the WPB that he will in good faith offer for sale the material or product covered by this order in substantially the same time and manner as would a person regularly dealing in it, that he will render substantially the same type of service as would such a person, and that he will comply with all WPB regulations and orders applicable to such a person.

(Signature)

Any person giving such a certification must comply with all applicable WPB regulations and orders as he has certified he will. The standard certification provided in Priorities Regulation 7 may not be used in place of this certification.

(4) To persons buying for use subject to the restrictions indicated in Columns 2 and 4 of the list.

C. *Exceptions from the restrictions on the list.* Even if this List A shows a restriction on the special sale of a particular material or product, the sale may still be made if one or more of the following conditions apply:

(1) *Special permission.* If the list requires special authorization from the WPB in order for a sale of a particular material or product to be made, or if other conditions imposed by the list cannot be met, the seller may apply on Form WPB-1161 for special permission to sell unless the list states that some other form must be used. If Form WPB-1161 is applicable, and permission is given, it may be restricted to a specific buyer or class of buyers, or may permit the sale to any buyer for resale who gives the certification described in section B (3) above relating to dealers.

(2) *Used materials or products.* If the material or product is used, it may be sold freely to anyone unless a notation on List A indicates a restriction on its sale.

(3) *Small quantity exemption.* A special sale may be made freely if all the material or product of the same kind or type that the seller has at any one plant, operating unit or location did not cost him more than $100. In the case of any materials or products involved in a Government contract termination, this exemption applies if there is no more than $100 worth of the material or product in the termination inventory at any one location. Similarly, $100 worth (at cost) of any material or product may be sold at any single public auction, regardless of the amount of the material or product the seller has. Also, for the purpose of determining whether a particular lot of material or product is suitable for the prospective customer's use, a person may make a special sale of a sample lot, provided the amount involved (at cost to the seller) of any such sample does not exceed $20.

(4) *Special orders.* If the War Production Board by an order or in any other way has ruled that all persons engaged in a particular business may sell or exchange the materials or products between themselves, they may do so.

(5) *Disposal of contract termination inventories.* For the purpose of making a settlement of a Government contract, surplus materials or products on List A may be transferred freely from any subcontractor or prime contractor to a procuring agency or disposal agency of the Government, providing the procuring agency has so directed. However, if any material or product is later withdrawn from the contract settlement, its disposition is controlled by this List A.

(6) *Sales to Government stockpiling agencies.* A person may sell surplus materials or products on List A freely to one of the following Government Corporations or to anyone buying as agent for one of them: Commodity Credit Corporation, Defense Supplies Corporation, Metals Reserve or Rubber Reserve Company.

(7) *Transfers of surplus Government-owned materials or products.* Transfers by Government agencies of surplus materials or products, or of idle or excess materials or products not acquired for sale or resale, may be made freely to a Government Disposal Agency acting as such and may be made freely between and within the War Department, Navy Department, Maritime Commission, War Shipping Administration, Veterans' Administration, and the Defense Plant Corporation, and from the Government Disposal Agencies to any of the above.

D. *Buyers obligations.* No matter who the buyer is or how the sale is made or authorized, the buyer is always subject to the conditions and other provisions stated in paragraph (j) of the regulation.

LIST A—RESTRICTIONS ON SPECIAL SALES (DOMESTIC)

EXPLANATION OF TERMS USED

"WPB-1161" (or other designated WPB form number) means that the seller may not sell to the class of buyer listed at the head of the column without special WPB permission pursuant to application on the form specified. A note in the Remarks Column may show limited exceptions to this requirement. Section C (1) in the introduction to this list tells how to get permission.

"PR" followed by a letter and number, like "PR-AA5" means that the seller may sell only to a person in the particular class of buyer who extends to him an AA-5 or higher preference rating. These ratings cannot be used further by the seller, as explained in paragraph (d) (3) of the regulation. This regulation does not in any way assign preference ratings.

"WOP" means that the seller can sell to the class of buyer listed at the head of the column without any preference rating, allocation, allotment or other special permission being necessary.

Provisions in the Remarks Column applicable to the particular material or product must be complied with.

Materials or products (new, unless "used" is specified) (1)	Persons buying for use (2)	Wholesalers or retailers regularly dealing in the materials or products in the form held by the holder (3)	Remarks (4)
PART I—METALS AND METALLIC ORES			
NOTE: Part I amended Aug. 22, 1945.			
Antimony*	WPB-1161	WPB-1161	*No authorization required providing the buyer certifies to the seller that his aggregate purchases from all sources in any month, including the purchase in question, do not exceed 224 pounds (contained antimony).
Tin: Tin ore	WPB-1161	WPB-1161	
Uranium	WPB-1161	WOP	
PART II—CHEMICALS			
All chemicals are unlisted in List A but the uses of certain chemicals are restricted by applicable M orders. See paragraph (j).			
PART III—TEXTILE FIBERS, FABRICS, CLOTHING, LEATHER AND RELATED PRODUCTS			
NOTE: Part III amended Aug. 22, 1945. These restrictions do not apply, if the material was acquired without a priority rating or authorization from the War Production Board. Cordage (see Rope).			
Fiber:			
Cordage fibers (Manila and Agave only)	PR-AA5	PR-AA5	
Materials obtained under Conservation Order M-328-II and orders in the M-388 series.	PR-AA5	PR-AA5	
Rope*: (Manila and Agave only)	PR-AA5	PR-AA5	*"Rope" means any rope or cable, treated or untreated, composed of three or more strands each strand composed of two or more yarns. May not be sold to a reprocessor.

Materials or products (new, unless "used" is specified) (1)	Persons buying for use (2)	Wholesalers or retailers regularly dealing in the materials or products in the form held by the holder (3)	Remarks (4)
PART IV—MISCELLANEOUS MATERIALS AND PRODUCTS			
NOTE: Part IV amended Aug. 22, 1945.			
Rubber:			
Natural rubber	WPB-1161	WPB-1161	
Natural rubber latex	WPB-1161	WPB-1161	
Chlorinated rubber (natural)	WPB-1161	WPB-1161	
PART V—MACHINERY, EQUIPMENT AND COMPONENTS			
NOTE: Part V amended Aug. 22, 1945			
Mining equipment and machinery (new and used)	(*)	(*)	*Any equipment or machinery (whether mining, construction, industrial, or otherwise) acquired by a producer as defined in P-56 may be transferred only to a producer as defined in P-56, who holds a serial number under P-56, or with the written permission of the War Production Board applied for by letter to the Mining Division, Washington, D. C.
Refrigerators, domestic mechanical	WPB-867*	WPB-869	*May be sold freely to fill contracts or purchase orders for delivery to or for the account of the U. S. Maritime Commission or the War Shipping Administration for shipboard use only.

LIST B—RESTRICTIONS ON SPECIAL SALES FOR EXPORT

Special sales for export of materials and products on this List B are restricted as shown in the list in accordance with paragraph (h) of the regulation. For explanation of terms used, see List A.

Materials or products (new, unless "used" is specified) (1)	Persons buying for export or foreign purchasers (2)	Remarks (3)
PART I—METALS AND METALLIC ORES		
NOTE: Part I amended Aug. 22, 1945.		
Antimony*	WPB-1151	*No authorization required providing the buyer certifies to the seller that his aggregate purchases from all sources in any month, including the purchase in question, do not exceed 224 pounds (contained antimony).
Babbitt and tin bearing alloys:		
Containing 12 percent or less tin by weight	WPB-1161*	*No authorization required if the special sale does not exceed 1,000 pounds for one shipment.
Containing more than 12 percent tin by weight	WPB-1161	
Solder:		
Containing 30 percent or less tin content by weight	WPB-1161*	*No authorization required if the special sale does not exceed 1,000 pounds for one shipment.
Containing more than 30 percent tin by weight	WPB-1161	
Tin	WPB-1161	
Uranium	WPB-1161	
PART II—DELETED AUG. 22, 1945		
PART III—TEXTILE FIBERS, FABRICS, CLOTHING, LEATHER AND RELATED PRODUCTS		
NOTE: Part III amended Aug. 22, 1945. These restrictions do not apply if the material was acquired without a priority rating or authorization from the War Production Board.		
Animal bristles and hair	PR-AA5	
Cordage (see Rope).		
Fabrics (Woven, felted, knitted and braided):		
Burlap	PR-AA5	
Elastic (synthetic rubber)	PR-AA5	
Fibers:		
Cordage fiber, Manila, agave, jute and coir	WPB-1161	
Textile fibers, Jute	PR-AA5	
Hides, skins, furs and leather and products made primarily therefrom	WPB-1151	
Materials obtained under Conservation Orders M-328B, M-347, and orders in the M-388 series	PR-AA5	
Rope (Manila and agave only)	PR-AA5	
Tanning material, vegetable	PR-AA5	
Yarns and thread: Synthetic rubber	PR-AA5	
PART IV—MISCELLANEOUS MATERIALS AND PRODUCTS		
NOTE: Part IV amended Aug. 22, 1945.		
Rubber:		
Natural rubber	WPB-1161	
Natural rubber latex	WPB-1161	
Reclaimed	WPB-1161	
Synthetic—all types	WPB-1161	
PART V—MACHINERY, EQUIPMENT AND COMPONENTS		
NOTE: Part V amended Aug. 22, 1945.		
Mining equipment and machinery (new and used)	(*)	*Any equipment or machinery (whether mining, construction, industrial or otherwise) acquired by a producer as defined in P-56 may be transferred only to a producer as defined in P-56, who holds a serial number under P-56, or with the written permission of the War Production Board applied for by letter to the Mining Division, Washington, D. C.
Refrigerators, Domestic mechanical	WPB-867*	*May be sold freely only to fill contracts or purchase orders for delivery to or for the account of the U. S. Maritime Commission or the War Shipping Administration for shipboard use only.

DIRECTION 1: Expired June 30, 1945.

DIRECTION 2: Revoked May 31, 1945.

DIRECTION 3

SALES OF SURPLUS PROPERTY TO GOVERNMENT AGENCIES AND STATE OR LOCAL GOVERNMENTS

(a) *Purpose.* Government agencies and state or local governments are entitled to certain priorities in getting surplus property from government disposal agencies under the Surplus Property Act of 1944 and Surplus Property Board Regulation No. 2. This direction is issued to provide for these priorities and at the same time to make sure that the needs of the Armed Services, war production and essential civilian activities are met.

(b) *Applicability of WPB orders and regulations to sales under Surplus Property Board Regulation No. 2.* Disposal agencies, in making sales under Surplus Property Board Regulation No. 2, must comply with Priorities Regulation 13 and all other applicable orders, regulations or other action of the WPB, except that the requirements for the filing of rated orders are modified in the following two respects unless the WPB otherwise directs in writing.

(1) In the case of orders for any item received during the first 30 days following notice of availability under Surplus Property Board Regulation No. 2, preference may be given, to the extent indicated in that regulation to government agencies or state or local governments ahead of other purchasers placing orders bearing the same rating.

(2) In addition, to the extent indicated in that regulation, the filling of rated orders received during the above 30-day period may be postponed within the period, and the sequence in which a disposal agency received rated orders bearing the same rating during the period may be disregarded. (Issued May 16, 1945.)

[F. R. Doc. 45-15555; Filed, Aug. 22, 1945; 11:15 a. m.]

PART 944—REGULATIONS APPLICABLE TO THE OPERATION OF THE PRIORITIES SYSTEM

[Priorities Reg. 31, Amdt. 1]

BLANKET REVOCATION OF CERTAIN WPB ORDERS

Section 944.52. *Priorities Regulation 31*, is amended in the following respects:

1. By adding subparagraphs (5) and (6) to paragraph (b) to read as follows:

(5) Pending and future applications filed pursuant to the orders listed below will not be acted upon by the War Production Board after the effective date of revocation of those orders, and individual notice of this may not be given to each applicant.

(6) It is not necessary to file any reports under the orders listed below which would be due after the effective date of revocation, unless required under the rules explained in Priorities Regulation 8.

2. By adding the following orders to the list of orders revoked:

List of orders revoked and effective date of revocation

CONSUMERS DURABLE GOODS

Sec. 3291.206 L-323, Distribution of Imported Watches, August 22, 1945.

CONTAINERS

Sec. 3270.6 L-317, Fibre Shipping Containers, August 22, 1945.

Sec. 3270.4 M-313, Box-Veneer, August 22, 1945.

LUMBER

Sec. 3285.1 L-150, Softwood Plywood Scheduling, August 22, 1945.

Sec. 3285.3. L-150-a, Softwood Plywood, August 22, 1945.

PAPERBOARD

Sec. 3305.16 L-239, Folding and Set-up Boxes, August 22, 1945.

Sec. 3305.1 M-378, Paperboard, August 22, 1945.

TEXTILES

Sec. 3290.326 M-356, Synthetic fibers, yarns and fabrics, August 22, 1945.

Issued this 22d day of August 1945.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 45-15556; Filed, Aug. 22, 1945; 11:15 a. m.]

PART 1010—SUSPENSION ORDERS

[Suspension Order S-676, Stay of Execution]

LESLIE T. HEALY

Leslie T. Healy, 2636 Noble Road, Cleveland Heights, Ohio, has appealed from the provisions of Suspension Order No. S-876, issued August 7, 1945, and effective August 14, 1945, (Section 1010.876) and has requested a stay on the grounds that it would work a hardship on innocent third parties if the suspension order were not stayed. The Chief Compliance Commissioner has directed that the provisions of the suspension order be stayed pending final determination of the appeal or until further order by the Chief Compliance Commissioner.

In view of the foregoing, it is hereby ordered, that: the provisions of Suspension Order No. S-876, § 1010.876 issued August 7, 1945, and effective August 14, 1945, are hereby stayed to the extent necessary to permit Leslie T. Healy to obtain essential materials to complete the construction of dwellings authorized and approved by the Federal Housing Authority.

Issued this 21st day of August 1945.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 45-15522; Filed, Aug. 21, 1945; 4:49 p. m.]

PART 3285—LUMBER AND LUMBER PRODUCTS

[Order L-335, Revocation of Direction 1]

SAWMILLS' SHIPMENTS OF DOUGLAS FIR, WHITE FIR, NOBLE FIR, SITKA SPRUCE (EXCEPT AIRCRAFT GRADE) AND WEST COAST HEMLOCK

Direction 1 to Order L-335 is revoked. This revocation does not affect any liabilities incurred for violation of the order or of actions taken by the War Production Board under this order. The distribution of Douglas Fir, Noble Fir, White Fir, Sitka Spruce, and West Coast Hemlock remains subject to all other applicable orders and regulations of the War Production Board.

Issued this 22d day of August 1945.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 45-15540; Filed, Aug. 22, 1945; 11:15 a. m.]

PART 3285—LUMBER AND LUMBER PRODUCTS

[Order L-335, Revocation of Direction 6]

RESTRICTIONS ON DELIVERY AND RECEIPT OF CERTAIN SPECIES OF HARDWOOD LUMBER

Direction 6 to Order L-335 is revoked and all authorizations to receive restricted hardwood are revoked. This revocation does not affect any liabilities incurred for violation of the order or of actions taken by the War Production Board under this order. The distribution of #1 common or better grades (or special grades which are equivalent to #1 common or better grades) of white oak (including WHND), red oak, birch, beech, pecan, rock elm, hard maple, and tough ash remains subject to all other applicable orders and regulations of the War Production Board.

Issued this 22d day of August 1945.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 45-15547; Filed, Aug. 22, 1945; 11:16 a. m.]

PART 3285—LUMBER AND LUMBER PRODUCTS

[Order L-335, Direction 7, as Amended Aug. 22, 1945]

DELIVERIES OF CERTAIN LUMBER ON UNCERTIFIED AND UNRATED ORDERS

Direction No. 7 to Order L-335 is hereby amended to read as follows:

(a) *What this direction does.* This direction permits delivery and acceptance of lumber on uncertified and unrated orders as long as such delivery does not interfere with the filling of certified orders.

(b) *Delivery of lumber by a supplier.* Any lumber supplier (sawmill, concentration yard, or distributor) may deliver lumber to any person on uncertified and unrated orders provided such delivery does not interfere with the filling of a certified order. Any certified order without a preference rating shall be treated as an uncertified and unrated order.

(c) *Receipt of lumber on uncertified orders need not be charged against authorization.* Receipt of any lumber on uncertified and unrated orders by any consumer need not be charged against the amount of lumber he is permitted to receive, either by specific authorization on a War Production Board form, or under Order L-335.

(d) Deliveries and receipts of lumber to the extent permitted by this direction are authorized notwithstanding any contrary provisions of Order L-335.

Issued this 22d day of August 1945.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 45-15548; Filed, Aug. 22, 1945; 11:16 a. m.]

PART 3285—LUMBER AND LUMBER PRODUCTS

[Order L-335, Revocation of Direction 9]

LIMITATIONS ON RECEIPTS OF CERTAIN SPECIES AND GRADES OF LUMBER

Direction 9 to Order L-335 is revoked. This revocation does not affect any liabilities incurred for violation of the order or of actions taken by the War Production Board under this order. The distribution of lumber remains subject to all other applicable orders and regulations of the War Production Board.

Issued this 22d day of August 1945.

WAR PRODUCTION BOARD
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 45-15550; Filed, Aug. 22, 1945; 11:15 a. m.]

PART 3285—LUMBER AND LUMBER PRODUCTS

[Order L-335, Revocation of Direction 17]

SOUTHERN YELLOW PINE WHOLESALERS AND COMMISSION-MEN

Direction 17 to Order L-335 is revoked. This revocation does not affect any liabilities incurred for violation of the order

or of actions taken by the War Production Board under this order. The distribution of Southern Yellow Pine lumber remains subject to all other applicable orders and regulations of the War Production Board.

Issued this 22d day of August 1945.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 45-15553; Filed, Aug. 22, 1945; 11:15 a. m.]

PART 3290—TEXTILE, CLOTHING AND LEATHER

[Conservation Order M-328, Revocation of Direction 2]

PRODUCTION QUOTAS FOR ARMY, NAVY, MARITIME COMMISSION OR WAR SHIPPING ADMINISTRATION SOCKS

Direction 2 to Conservation Order M-328 is hereby revoked. This revocation does not affect any liabilities incurred for violation of the direction or of actions taken by the War Production Board under the direction.

Issued this 23d day of August 1945.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 45-15656; Filed, Aug. 23, 1945; 11:17 a. m.]

PART 3290—TEXTILE, CLOTHING AND LEATHER

[Conservation Order M-328, Revocation of Direction 15]

SEAMLESS KNIT GLOVES AND INSERTS FOR MILITARY REQUIREMENTS

Direction 15 to Conservation Order M-328 is hereby revoked. This revocation does not affect any liabilities incurred for violation of the direction or of actions taken by the War Production Board under the direction.

Issued this 23d day of August 1945.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 45-15658; Filed, Aug. 23, 1945; 11:18 a. m.]

PART 3290—TEXTILE, CLOTHING AND LEATHER

[General Preference Order M-388C, as Amended Aug. 23, 1945]

WOOL AND WOOL TEXTILES FOR CIVILIAN ITEMS

§ 3290.354 *General Preference Order M-388C*—(a) *Explanation.* This order is supplemental to M-388. It states the special rules applicable to civilian items made from wool materials and lists the items for which ratings are assigned.

(b) *Delivery quotas*—(1) *General rule.* (Orders rated AA-3 or higher, or AA-5, must be filled as required by Priorities Regulation 1, in addition to the quotas under this paragraph.) Every producer and importer of wool fabrics must deliver to fill AA-4 orders in the period from May 1, 1945, through June 30, 1945, inclusive, and in each subsequent calendar quarter, at least 80 percent of his total deliveries of wool fabrics (by linear yards) during the same period on both AA-4 and unrated orders. Stated another way, he must not deliver on unrated orders in any of these periods more than 20 yards of wool fabrics for each 80 yards he delivers to fill AA-4 orders in the same period. He must not discriminate against rated orders in distributing fabric widths as between rated and unrated deliveries.

(2) *Exception for 6 percent of total deliveries.* An exception to the above rule is that each producer or importer may deliver up to 6 percent of his total deliveries in the period without regard to AA-4 ratings, as long as he fills all other rated orders and complies with all other applicable orders, regulations and directions of the War Production Board.

(3) *Examples.* If a woolen mill delivers a total of 1,000,000 yards in a calendar quarter, and half of this yardage is delivered to fill orders rated AA-3 or higher, or AA-5, it has available a total of 500,000 yards of both AA-4 and unrated deliveries. Eighty percent of this total, or at least 400,000 yards, would have to be delivered on AA-4 orders, and not more than 20 percent or 100,000 yards could be delivered on unrated orders. However, if the mill delivers in the period 750,000 yards on orders rated AA-3 or higher, or AA-5, leaving 250,000 yards for unrated and AA-4 orders, he may still deliver 60,000 yards on unrated orders to the extent that these 60,000 yards are not needed to fill orders other than AA-4 or to comply with regulations, orders or directions of the War Production Board.

(4) *Rejects.* Rejects, including remnants over one yard and seconds, must be included in calculating required deliveries for rated delivery quotas under this order.

(5) *Military and other cancellations.* Material resulting from cancellations of customers' orders must also be included in calculating rated delivery quotas. However, unless otherwise ordered by the War Production Board, a producer or importer who has a contract or subcontract with the U. S. Army, Navy, Maritime Commission, War Shipping Administration or the Procurement Division of the Treasury Department which is cancelled after April 30, 1945 and for which wool fabric, wool yarn or wool is already completed or in process either in his plant or that of one of his subcontractors may deliver the completed fabric, or the fabric made from the material in process free of his rated delivery quota.

(c) *Dyeing and finishing of fabrics.* A producer of wool fabrics or importer shall dye wool fabrics which he produces or imports after May 1, 1945, only to fill accepted rated orders, or orders which are authorized under paragraph (g) of M-388, or unrated orders within the limits allowed by this order. Material must not be finished in a manner which will make it unsuitable to fill the required amounts of rated orders.

(d) *Preference rating schedules* Preference ratings are assigned in the preference rating schedules of this order. The conditions under which the ratings can be used are explained in these schedules.

Issued this 23d day of August 1945.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

AA-4 PREFERENCE RATING SCHEDULE I—WOOL CIVILIAN ITEMS

Assignment of AA-4 rating to manufacturers of listed wool apparel and other items. Preference rating AA-4 for wool fabric is assigned to manufacturers of the items shown in this schedule who qualify under M-388 and M-388C and comply with the following:

(1) This rating may be used only to get the fabric shown in the Fabric Column for the particular item and may be extended for wool material to be incorporated in the fabric, as permitted by Priorities Regulation 3.

(2) The fabric must be incorporated into an item produced for sale by the manufacturer at or below the lower of the following two prices: (i) the price at which the manufacturer is permitted to sell the item under regulations of the Office of Price Administration, or (ii) the price specified in the Maximum Price Column.

(3) The Rated Quota Column in this schedule shows for each item a quota of units of the item. This quota is a percentage of the total number of units (in all prices lines) of the same item which the manufacturer made in the corresponding quarter of 1943. He may not get more fabric with the rating in any calendar quarter than the yardage necessary to fill this quota. This is the yardage which he must show in Form WPB-4200 before using the rating, as explained in paragraph (1) (2) of M-388.

(4) The rated quotas shown below, as amended August 23, 1945, supersede the previous rated quotas of this schedule for deliveries in the third quarter of 1945. AA-4 ratings previously accepted by a supplier for delivery in that quarter within the previous quotas, to the extent permitted by Direction 3 to M-388 remain valid, but the yardage covered by such ratings must be charged to the rated quotas shown below.

(5) A manufacturer who has filed Form WPB-4200 in accordance with paragraph (1) of Order M-388 for any item with a rated quota which was increased by the amendment of M-388C on August 23, 1945, may use the increased rated quota without filing a new Form WPB-4200.

(6) A manufacturer who has received an authorization on Form WPB-4201 for any item listed in this paragraph may use the AA-4 rating to get an increased yardage in the third quarter of 1945 for that item to the extent stated, without filing a new application:

(i) For Items C-18 and C-27 he may use the rating for the yardage authorized on Form WPB-4201, plus 1/2 of that amount.

(ii) For Items C-1, C-7, C-10, and C-34 he may use the rating for the yardage authorized on Form WPB-4201, plus 5 7ths of that amount.

(iii) For Items C-13, C-17, C-19, and C-30 he may use the rating for the yardage authorized on Form WPB-4201, plus 7 8ths of that amount.

AA-4 PREFERENCE RATING SCHEDULE I—WOOL CIVILIAN ITEMS—Continued

Item number (name of item)	Size (or equivalent size designation)	Maximum price column	Rated quota column	Fabric column
C-24. Separate trousers, children's.	25 to 32	$5.00 each	75	Woolen fabric, less than 19 oz. per linear yd. Worsted fabric, less than 19 oz. per linear yd. Worsted fabric.
C-25. Separate trousers, cadets'	21 to 26	$4.00 each	75	Woolen fabric, less than 19 oz. per linear yd. Worsted fabric.
C-26. Separate trousers, junior boys', including knickers.	(3 to 12 (5 to 16	$3.00 each	75	(Woolen fabric, less than 10 oz. per linear yd. Worsted fabric.
C-27. Men's and Women's official uniforms and caps and all boys' and girls' Navy uniforms, caps or hats) as required by Government regulations, or for transportation, police, or similar uniformed service but excluding sporting and amusement industries.	All sizes		60	Worsted fabric, less than 10 oz. per linear yd. Woolen fabric, less than 10 oz. per linear yd.
C-28. Shoes, misses', women's and children's (anytime use).	All sizes		100	Worsted fabric. Woolen fabric, less than 19 oz. per linear yd.
C-29. Religious vestments, clothing and robes as required by the rules of religious sects.			100	Woolen fabric, less than 19 oz. per linear yd. Worsted fabric.
C-30. Separate coats (jackets) men's.	All sizes	$15.75 each	75	Woolen fabric, less than 19 oz. per linear yd.
C-31. Separate coats (jackets) students'.	32 to 38	$11.75 each	75	Woolen fabric, less than 19 oz. per linear yd.
C-32. Separate coats (jackets) boys'.	8 to 16	$7.75 each	75	Woolen fabric, less than 19 oz. per linear yd.
C-33. Separate coats (jackets) junior boys'.	3 to 12	$5.75 each	75	Woolen fabric, less than 19 oz. per linear yd.
C-34. Separate jackets, women's, misses' and juniors'	(36 and up (10 to 20 (8 to 17	$10.75 each*	60	Woolen fabric, less than 13 oz. per linear yd.
C-35. Separate jackets, teen age, girls'.	10 to 16	$7.75 each	75	Woolen fabric, less than 13 oz. per linear yd.
C-36. Separate jackets, girls'.	7 to 14	$6.75 each	75	Woolen fabric, less than 12 oz. per linear yd.
C-37. Separate jackets children's.	3 to 6X	$5.75 each	85	Woolen fabric, less than 12 oz. per linear yd.
C-38. Men's overcoats, ulster and double-breasted.	All sizes	$39.00 each*	75	Woolen fabric less than 40 oz. per linear yard. Worsted fabric under 40 oz. per linear yard.
C-39. Men's other than ulster or double-breasted.	All sizes	$34.20 each*	75	Woolen fabric under 19 oz. per linear yard. Worsted fabric under 19 oz. per linear yard.
C-40. Children's legging sets.	1 to 4	$9.75 each	75	Woolen fabric, less than 19 oz. per linear yard.
C-41. Children's leggings sets.	1 to 6x	$12.75 each	85	Woolen fabric less than 19 oz. per linear yard.

*The applicable maximum prices of single-asterisk items may be 10 percent higher for sizes 46 and up).

**The applicable maximum price of double-asterisk items may be 10 percent higher for sizes 17½ and up.

NOTE: 1. Weight per linear yard is based on 56-58 inches finished width.

2. When an AA-4 rating is applied to obtain wool linings or interlinings, it may only be used to get woolen fabric or lining, interlining or under-collar cloth containing at least 25 percent or more wool fiber by weight, however spun.

[F. R. Doc. 45-15659; Filed Aug. 23, 1945; 11:17 a. m.]

AA-4 PREFERENCE RATING SCHEDULE I—WOOL CIVILIAN ITEMS—Continued

The first table in the series of each Column is to be used for each numbered item opposite the item number.
NOTE: Rated quota for civilian items effective after Aug. 23, 1945.

Item number	Item column (name of item)	Size (or equivalent size designation)	Maximum price column	Rated quota column	Fabric column
C-1	Coats, women's and misses'.	(8 to 20 (10 to 20 46 and up	Under $22.75 each* Fur trimmed $45 each*	60	(Woolen fabric, less than 26 oz. per linear yd. Worsted fabric, piece dye only.
C-2	Coats, teen age, girls'	10 to 16	$13.75 each	75	Woolen fabric, less than 26 oz. per linear yd. Worsted fabric, piece dye only.
C-3	Coats, girls'	7 to 14	$12.75 each	75	Woolen fabric, less than 26 oz. per linear yd. Worsted fabric, piece dye only.
C-4	Coats, children's and small boys'.	(3 to 6X (3 to 8	$9.75 each	45	(Woolen fabric, less than 26 oz. per linear yd. Worsted fabric, piece dye only.
C-5	Coats, toddlers'	1 to 4	$7.75 each	75	Woolen fabric, less than 19 oz. per linear yd.
C-6	Coats, infants'	6 mos. to 2 yrs.	$6.75 each	75	(Woolen fabric, less than 10 oz. per linear yd.
C-7	Dresses, women's and misses', street only.	(10 to 20 (10 to 20 (38 to 44 46 and up	$12.75 each*	60	(Woolen fabric, less than 10 oz. per linear yd. Worsted fabric, piece dye only, not over 9 oz. per linear yd., in which worsted yarn content is single ply.
C-8	Dresses, teen age, girls'	10 to 16	$5.75 each	75	Woolen fabric, less than 10 oz. per linear yd. Worsted fabric, piece dye only, not over 9 oz. per linear yd. in which worsted yarn content is single ply.
C-9	Dresses, girls'	7 to 14	$5 each	75	Woolen fabric, less than 10 oz. per linear yd. Worsted fabric, piece dye only, not over 9 oz. per linear yd. in which worsted yarn content is single ply.
C-10	Suits, women's and misses'.	(8 to 17 (10 to 20 38 and up	$22.75 each*	60	(Woolen fabric, less than 16 oz. per linear yd. Worsted fabric, single twist, piece dye only.
C-11	Suits, teen age girls'	10 to 16	$12.75 each	75	Woolen fabric, less than 16 oz. per linear yd. Worsted fabric, single twist, piece dye only.
C-12	Suits, girls'	7 to 14	$10.75 each	75	Woolen fabric, less than 16 oz. per linear yd. Worsted fabric, single twist, piece dye only.
C-13	Skirts, women's, misses' and juniors'	(36 and up (10 to 20 10 to 16	$5 each*	75	(Woolen fabric, less than 12 oz. per linear yd.
C-14	Skirts, teen age, girls'	10 to 16	$4.75 each	75	Woolen fabric, less than 12 oz. per linear yd.
C-15	Skirt, girls'	7 to 14	$3.75 each	75	Woolen fabric, less than 12 oz. per linear yd.
C-16	Skirts, children's	3 to 6X	$2.50 each	85	Woolen fabric, less than 12 oz. per linear yd.
C-17	Suits, men's	All sizes	$32.25 each*	75	Worsted fabric. Woolen fabric less than 19 oz. per linear yd.
C-18	Shirts, infants'	All sizes	$1.50 each**	60	Woolen fabric, less than 32 oz. per linear yd.
C-19	Men's separate trousers	All sizes	$5.25 each*	75	Woolen fabric, less than 32 oz. per linear yd. Worsted fabric.
C-20	Overcoats, boys', students'	(10 to 20 (12 to 24 32 to 38	$14.75 each $17.50 each	75	(Woolen fabric, 32 oz. per linear yd. and lighter. Worsted fabric. Woolen fabric less than 19 oz. per linear yd.
C-21	Suits students'	8 to 16	$13.50 each	75	Woolen fabric, less than 19 oz. per linear yd. Worsted fabric.
C-22	Suits, cadet's	8 to 16	$13.50 each	75	Woolen fabric, less than 19 oz. per linear yd. Worsted fabric.
C-23	Suits, junior boys'	3 to 12	$10.00 each	75	Woolen fabric less than 19 oz. per linear yd. Worsted fabric.

PART 3290—TEXTILE, CLOTHING AND LEATHER

[Conservation Order M-328, Revocation of Direction 10]

CONVERSION TO COTTON YARNS OF AT LEAST 50% OF SPINNING MACHINERY OPERATING ON THE COTTON SYSTEM AND PRODUCING SPUN RAYON, COTTON-RAYON MIXED OR ANY OTHER MIXED OR BLENDED FIBER YARNS EXCEPT COTTON-WOOL MIXED OR BLENDED

Direction 10 to Conservation Order M-328 is revoked. This revocation does not affect any liabilities incurred for violation of the direction or of actions taken by the War Production Board under the direction. The production, distribution, purchase and use of yarns and fabrics remain subject to all other applicable regulations and orders of the War Production Board.

Issued this 23d day of August 1945.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 45-15657; Filed, Aug. 23, 1945; 11:17 a. m.]

PART 4500—POWER, WATER, GAS, AND CENTRAL STEAM HEAT

[Utilities Order U-1 as Amended Aug. 23, 1945]

UTILITIES

DEFINITIONS

(a) Definitions.

HOW TO OBTAIN MATERIAL

(b) Preference ratings.
(c) CMP allotment symbol.
(d) Certification.

RESTRICTIONS ON ORDERING MATERIAL

(e) Scheduling deliveries.
(f) Exceptions to paragraph (e).
(g) Short item deliveries.

RESTRICTIONS ON USE OF MATERIAL

(h) [Deleted Aug 23, 1945.]
(i) [Deleted Aug. 23, 1945.]
(j) [Deleted Aug. 23, 1945.]

SELLING MATERIAL

(k) Sales of material.
(l) [Deleted May 12, 1945.]

INVENTORY REDISTRIBUTION

(m) [Deleted Aug. 31, 1944.]

GENERAL PROVISIONS

(n) Appeals and use of Form WPB-2774.
(o) Records.
(p) Communications to War Production Board.
(q) Violations.
(r) Applicability of WPB regulations.
(s) Special inventory directions.
(t) Special provisions relating to Form WPB-2774 approvals issued prior to May 12, 1945.
(u) Expiration date.

SCHEDULES

Schedule A. Material Classes.
Schedule B. [Deleted Aug. 31, 1944.]
Schedule C. Limits on Practical Working Minimum Inventory.
Schedule D. [Deleted Aug. 31, 1944.]

§ 4500.1 *Utilities Order U-1*—(a) *Definitions.* (1) "Producer" means any individual, partnership, association, corporation, governmental corporation or agency, or any organized group of persons, whether incorporated or not, located in the United States, its territories, or possessions, supplying, or having facilities built for supplying, directly or indirectly for general use by the public, one or more of the following services:

(i) Electric power,

(ii) Gas, natural or manufactured, exclusive of the production and transmission of natural gas up to the point of its entry into gas transmission lines from field gathering lines,

(iii) Water, other than exclusively for irrigation purposes,

(iv) Central steam heating, or

(v) Any of the foregoing services but not for general use by the public, if a specific direction from the War Production Board entitles such person or agency to apply the ratings herein assigned. Application for such a specific direction should be made by letter to the War Production Board, Washington 25, D. C., Ref.: U-1.

(2) "Material" means any commodity, equipment, accessory, part, assembly or product of any kind.

(3) "Controlled materials" means controlled materials as defined in Schedule I of CMP Regulation 1.

(4) "Maintenance" means the upkeep of a producer's property and equipment in sound working condition. It does not include any plant addition.

(5) "Repair" means the restoration of a producer's property and equipment to sound working condition after wear and tear, damage, destruction of parts, or the like have made such property or equipment unfit or unsafe for service. It does not include any plant addition.

(6) "Plant addition" means the construction or installation of new facilities or the replacement of existing facilities with facilities of greater capacity.

(7) "Minor plant addition" means a plant addition having a net material cost of not more than $25,000. No job or project may be subdivided to come within this limit.

(8) "Major plant addition" means a plant addition having a net material cost of more than $25,000.

(9) "Net material cost" means the cost of material incorporated in plant less the cost of material removed from plant, priced in accordance with the producer's regular accounting practice.

(10) "Operating supplies" means material, other than fuel, which is used or consumed in the course of a producer's operations, except in maintenance, repair, and plant additions.

(11) "Inventory" means all material in the producer's possession, without regard to its accounting classification, excluding, however, (i) material incorporated in plant, (ii) appliances and merchandising supplies, (iii) fuel, (iv) water purification and treatment material except equipment, (v) gas chemical material, (vi) material segregated for use in major plant additions, (vii) scrap and (viii) war surplus materials purchased.

(12) "Class" means any one of those categories of material established as a basis for classification of inventory in Schedule A of this order.

(13) "War surplus materials" means material designated as surplus to the war effort and offered for sale by any Federal government agency having jurisdiction over their disposal.

How To Obtain Material

(b) *Preference ratings.* (1) A preference rating of AA-1 is hereby assigned to orders to be placed by a producer for material (other than controlled materials), for use in maintenance and repair, as operating supplies, and for minor plant additions for which the net material cost is not more than $10,000, in every class except (i) the transmission and distribution class and (ii) the meter class.

(2) A preference rating of AA-1 is hereby assigned to orders to be placed by a producer for material (other than controlled materials), for use in the repair of an actual or imminent breakdown, in (i) the transmission and distribution class and (ii) the meter class.

(3) A preference rating of AA-3 is hereby assigned to orders to be placed by a producer for material (other than controlled materials), for use in maintenance and repair, as operating supplies, and for minor plant additions, except where an AA-1 rating is assigned in paragraphs (b) (1) and (b) (2) above.

(4) Material obtained with the AA-1 rating may be used for purposes which are assigned lower ratings, but it may be replaced in inventory only by applying the lower rating to an equivalent dollar value of material in the same class. Material obtained with the AA-3 rating may be used for purposes which are assigned the AA-1 rating and may be replaced in inventory with either the AA-1 rating or an authorized AA-3 rating. The provisions of this paragraph (b) (4) supersede those of § 944.11, paragraph (a), of Priorities Regulation 1.

(5) Material in inventory in excess of a practical working minimum may be used for purposes for which no preference rating is assigned, but may not be replaced in inventory with the use of a preference rating.

(6) The preference ratings herein assigned may not be used to obtain material for major plant additions.

(7) [Deleted Aug. 23, 1945.]

(8) The preference ratings assigned by this Order U-1 are ineffective with respect to materials scheduled for delivery after September 30, 1945.

(c) *CMP allotment symbol.* (1) The CMP allotment symbol U-9 is hereby assigned to orders to be placed by a producer for controlled materials for use in maintenance and repair, as operating supplies and for minor plant additions.

(2) An order for controlled materials for use in maintenance and repair, as operating supplies, and for minor plant additions bearing the CMP allotment symbol U-9 and the certification required by paragraph (d) of this order shall be deemed an authorized controlled materials order. This CMP allotment symbol shall constitute an "allotment number or symbol" for the purpose of CMP Regulation 3.

(3) Controlled materials in inventory in excess of a practical working minimum may be used for purposes for which no CMP allotment symbol is assigned, but may not be replaced in inventory with the use of a CMP allotment symbol.

(4) The CMP allotment symbol herein assigned may not be used to obtain material for major plant additions.

(5) The CMP allotment symbol U-9 assigned by this Order U-1 is ineffective with respect to materials scheduled for delivery after September 30, 1945.

(d) *Certification.* The ratings assigned by subparagraphs (b) (1), (2) and (3) of this order and the CMP allotment symbol U-9 may be applied by a producer only by the use of a certification in substantially the following form unless an order of the War Production Board affecting a particular item of material requires some other form of certification:

Preference Rating ——, CMP Allotment symbol U-9. The undersigned producer certifies subject to the penalties of section 35 (A) of the United States Criminal Code, to the seller and to the War Production Board, that, to the best of his knowledge and belief, the undersigned is authorized under applicable War Production Board regulations or orders to place this delivery order, to receive, for utility uses under Utilities Order U-1, the material ordered, and to use the preference ratings or CMP allotment symbol which the undersigned has placed on this order.

The certifications set forth in Priorities Regulation 3 and CMP Regulations 1 and 5 may not be used but the standard form of certification provided in Priorities Regulation 7 is permissible if the producer adds a statement saying that material ordered is for utility uses under Utilities Order U-1. No certification may be used on orders placed without a preference rating or CMP allotment symbol.

Restrictions on Ordering Material

(e) *Scheduling deliveries.* (1) Except as permitted by paragraphs (f) and (g) below, no producer shall schedule for delivery to it any material to be used for maintenance and repair, as operating supplies, or for minor plant additions, unless the following condition is satisfied:

(i) The producer does not have reason to believe that its inventory of material in the same class is or will, by virtue of its acceptance of the delivery when made, become in excess of a practical working minimum. A practical working minimum inventory is that amount of material which a producer, exercising prudent operating judgment, considers the smallest quantity of material it can hold and render service in accordance with sound and economical operating standards. It may be less than the values established in Schedule C but it shall in no case exceed them.

(2) Material required for major plant additions may not be acquired or scheduled for delivery in greater quantities or on dates earlier than required for the installation.

(3) No producer may place an order for any item of material, including material for major plant additions, if the required item or a practical substitute therefor is in the producer's inventory in excess of minimum requirements for that item.

(f) *Exceptions to paragraph (e).* (1) The restrictions of paragraph (e) (1) do not apply to a producer so long as its inventory does not exceed $25,000 in value, except that such a producer must restrict its inventory to that amount of material which in the exercise of prudent operating judgment, it considers the smallest quantity it can hold and render service in accordance with sound and economical operating standards. Each purchase of material by such a producer, however, must be treated as the purchase of a "short item", and is subject to the provisions of paragraph (g) below. A producer engaged in furnishing more than one of the services named in paragraph (a) (1) may consider its inventory for each service separately for the purposes of this paragraph.

(2) The restrictions of paragraph (e) do not apply to material excepted from inventory by the definition in paragraph (a) (11).

(3) The War Production Board may from time to time establish specific limits for permissible inventory for individual producers, modifying the provisions of Schedule C.

(4) Notwithstanding the restrictions of paragraph (e) or of paragraph (g) below a producer may schedule an item of material for delivery in a minimum procurable commercial quantity, and in the case of cast iron, carbon steel, and non-metallic pipe, may schedule for delivery a carload quantity.

(g) *Short item deliveries.* Even though it cannot schedule deliveries without exceeding the limits of paragraph (e) (1), a producer may schedule for delivery material which it will require for use in maintenance and repair, as operating supplies and for minor plant additions during the ninety-day period following the date it expects to receive such material, so long as the producer's inventory of the required material, including material segregated for use in major plant additions, together with material already scheduled for delivery, will be insufficient to meet requirements during such a ninety days period.

Restrictions on Use of Material

(h) [Deleted Aug. 23, 1945.]
(i) [Deleted Aug. 23, 1945.]
(j) [Deleted Aug. 23, 1945.]

Selling Material

(k) *Sales of material.* A producer may sell material which is in its inventory or which it acquired for major plant additions to any person. However, the preference ratings or allotment symbol assigned by this order may not be used to replace in inventory material sold by a producer unless the sale is to (1) another producer, or (2) a customer of a producer for the repair of the customer's facilities, or (3) a contractor for the installation of facilities for a customer of the producer under Direction 5 to Order U-1. Producers may sell material pursuant to this paragraph (k) or in accordance with the provisions of PR-13.

(l) [Deleted May 12, 1945.]

Inventory Redistribution

(m) [Deleted Aug. 31, 1944.]

General Provisions

(n) *Appeals and use of Form WPB-2774.* Appeals from the restrictions of this order may be filed by letter with the Office of War Utilities, War Production Board, Washington 25, D. C., Ref.: U-1, stating fully the grounds for the appeal and the relief requested. If, however, the appeal involves an uprating or other special assistance to obtain material urgently required for maintenance or repair, or is for priorities assistance to obtain material for a major plant addition, the appeal should be filed on Form WPB-2774.

(o) *Records.* In addition to the records required to be kept under Priorities Regulation 1, each producer who applies the preference ratings or allotment number hereby assigned shall maintain a continuing record of inventory and of segregated material in his possession.

(p) *Communications to War Production Board.* All reports required to be filed hereunder and all communications concerning this order, shall, unless otherwise directed, be addressed to: Office of War Utilities, War Production Board, Washington 25, D. C., Ref.: U-1.

(q) *Violations.* Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States, is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priorities control and may be deprived of priorities assistance.

(r) *Applicability of WPB regulations.* This order and all transactions affected hereby are subject to all applicable regulations of the War Production Board, as amended from time to time, unless there is a conflict between this order and such regulations, in which case this order shall govern, if it specifically so provides. No producer is, however, subject to the restrictions of CMP Regulation 5 nor may any producer in any way use the preference ratings therein assigned.

(s) *Special inventory directions.* Nothing in this order is intended to supersede any special inventory base established by a specific direction from the War Production Board to a named producer. All such directions shall remain in effect unless modified by a further specific direction to the producer affected.

(t) *Special provisions.* (1) With respect to WPB-2774 authorizations issued prior to August 23, 1945 and involving not in excess of $25,000 net material cost, producers may use the preference ratings and CMP allotment symbol as-

signed in paragraphs (b) and (c) of this order in lieu of those specifically assigned on such a Form WPB–2774 authorization.

(2) Any specific denials or prohibitions related to the installation of plant additions by a named producer, issued by the War Production Board prior to August 23, 1945, are hereby revoked.

(d) *Expiration date.* This order expires September 30, 1945 unless sooner revoked.

Issued this 23d day of August 1945.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

SCHEDULE A

MATERIAL CLASSES

Material in the inventory of any producer which has an inventory, as defined in paragraph (a) (11), in excess of $25,000 shall be carried on the producer's own records and reported to the War Production Board as may be required, classified as follows:

WATER PRODUCERS

Class 1—Material for sources of supply, water treatment plants, reservoirs, elevated and pressure tanks, pumping and booster stations, including related pipe, valves, valve parts, and fittings.

Class 2—Meters.

Class 3—Transmission and distribution material (excluding meters), such as cast iron, steel, and wrought iron pipe, copper and brass pipe and tubing, lead pipe, pipe fittings, valves and valve parts, hydrants, parts for meters and hydrants, and other transmission and distribution material and supplies except pipe, valves, valve parts, and fittings included in Class 1 above.

Class 4—Other material and supplies.

GAS PRODUCERS

Class 1—Production and pumping station material.

Class 2—Meters and house regulators.

Class 3—Transmission and distribution material (excluding meters and house regulators), such as cast iron, steel and wrought iron pipe, copper and brass pipe and tubing, pipe fittings, valves and valve parts, governors and regulators, parts for meters, regulators, and governors, other transmission and distribution material and supplies.

Class 4—Other material and supplies.

ELECTRIC POWER PRODUCERS

Class 1—Generating station material.

Class 2—Switching and substation material, such as power transformers, other station equipment, parts, and material, and other material and supplies.

Class 3—Wire, cable, and bus bar, such as bare copper and aluminum, weatherproof copper, underground cable, aluminum and copper shapes.

Class 4—Wood poles and cross arms.

Class 5—Meters.

Class 6—Transmission and distribution material (excluding Classes 2, 3, 4 and 5 above), such as iron and steel poles, towers and parts, line hardware, distribution transformers, meter and transformer parts, and other line material and equipment (including insulators, lightning arrestors, etc.).

Class 7—Other material and supplies.

CENTRAL STEAM HEATING PRODUCERS

Class 1—Production plant material.

Class 2—Transmission and distribution material.

Class 3—Other material and supplies.

[Schedule B deleted Aug. 31, 1944.]

SCHEDULE C

LIMITS ON PRACTICAL WORKING MINIMUM INVENTORY [2]

For purposes of paragraph (e) (1) a practical working minimum inventory (except for producers having a total inventory of $25,000 or less, who are exempted by paragraph (f)) may in no case exceed the following dollar values:

WATER PRODUCERS [1]

Class 1—The dollar value of items of material of this class in inventory on the most recent date in 1940 on which the producer's inventory was taken, increased proportionately to the increase in system output in the twelve-month period preceding the current quarter over output in 1940.

Class 2—Four-thirds of the dollar value of authorized withdrawals in this class made during the last nine months of 1942 for use as "maintenance, repair, and operating supplies" as those terms were defined in Utilities Order U-1 as amended September 24, 1943.[1]

Class 3—Sixty per cent of the dollar value of material in this class in inventory on the most recent date in 1940 on which the producer's inventory was taken.

Class 4—Two-thirds of the dollar value of authorized withdrawals in this class made during the last nine months of 1942 for use as "maintenance, repair, and operating supplies", as those terms were defined in Utilities Order U–1 as amended September 24, 1943.[1]

GAS PRODUCERS [2]

Class 1—The dollar value of items of material of this class in inventory on the most recent date in 1940 on which the producer's inventory was taken, increased proportionately to the increase in system output in the twelve-month period preceding the current quarter over output in 1940.

Classes 2 and 3—Four-thirds of the dollar value of withdrawals in this class made during the last nine months of 1942 for use as "maintenance, repair, and operating supplies", as those terms were defined in Utilities Order U–1 as amended September 24, 1943.[1]

Class 4—Two-thirds of the dollar value of withdrawals in this class made during the last nine months of 1942 for use as "maintenance, repair, and operating supplies", as those terms were defined in Utilities Order U–1 as amended September 24, 1943.[1]

[1] These definitions are reprinted here for convenience in reference; please note that they differ from definitions used in the current order:

"Maintenance" means the upkeep of a producer's property and equipment in sound working condition.

"Repair" means the restoration of a producer's property and equipment to sound working condition after wear and tear, damage, destruction of parts, or the like have made such property or equipment unfit or unsafe for service.

"Operating supplies" means (1) material which is essential to the operation of any of the industries or services specified above and which is generally carried in a producer's inventory and charged to operating expense accounts, and (2) material for an addition to or an expansion of property or equipment (including a minor extension of lines), provided that such addition or expansion shall not include any work order, job, or project in which the cost of material shall exceed $1500 in the case of underground construction and $500 in the case of other construction, and provided that no single construction project shall be subdivided into parts in order to come below these limits.

[2] See Schedule A for complete identification of classes.

ELECTRIC POWER PRODUCERS [2]

Class 1—The dollar value of items of material of this class in inventory on the most recent date in 1940 on which the producer's inventory was taken, increased proportionately to the increase in system output in the twelve-month period preceding the current quarter over output in 1940.

Class 2—The dollar value of items of material of this class in inventory on the most recent date in 1940 on which the producer's inventory was taken.

Classes 3 and 4—Four-thirds of the dollar value of withdrawals in this class made during the last nine months of 1942 for use as "maintenance, repair, and operating supplies", as those terms were defined in Utilities Order U–1 as amended September 24, 1943.[1]

Class 5—Fifty meters at each operating headquarters plus one and three-quarters percent of the meters installed in plant on the first day of the preceding calendar quarter.

Class 6—Four-thirds of the dollar value of withdrawals in this class made during the last nine months of 1942 for use as "maintenance, repair and operating supplies", as those terms were defined in Utilities Order U–1 as amended September 24, 1943.[1]

Class 7—Two-thirds of the dollar value of withdrawals in this class made during the last nine months of 1942 for use as "maintenance, repair, and operating supplies", as those terms were defined in Utilities Order U–1 as amended September 24, 1943.[1]

CENTRAL STEAM HEATING PRODUCERS [2]

Class 1—The dollar value of items of material of this class in inventory on the most recent date in 1940 on which the producer's inventory was taken, increased proportionately to the increase in system output in the twelve-month period preceding the current quarter over output in 1940.

Class 2—Four-thirds of the dollar value of withdrawals in this class made during the last nine months of 1942 for use as "maintenance, repair and operating supplies", as those terms were defined in Utilities Order U–1 as amended September 24, 1943.[1]

Class 3—Two-thirds of the dollar value of withdrawals in this class made during the last nine months of 1942 for use as "maintenance, repair and operating supplies", as those terms were defined in Utilities Order U–1 as amended September 24, 1943.[1]

[Schedule D deleted Aug. 31, 1944.]

[F. R. Doc. 45-15661; Filed, Aug 23 1945; 11:17 a. m.]

PART 4501—COMMUNICATIONS

[Utilities Order U-2, as Amended Aug 23, 1945]

TELEPHONE SERVICE

(a) Definitions.
(b) Availability of facilities for essential uses.
(c) Limitations on additional telephones
(d) [Deleted.]
(e) [Deleted.]
(f) [Deleted.]
(g) [Deleted.]
(h) Reports.
(i) Appeals and applications.
(j) Violations.
(k) Communications.
Schedule A.
Schedule B.
Schedule C.

§ 4501.1 *Utilities Order U–2.*

(a) *Definitions.* (1) "Operator" means any individual, partnership, association, business trust, corporation, receiver, or any form of enterprise whatsoever, whether incorporated or not, the United States, the District of Columbia, any state or territory of the United States, any political, corporate, administrative or other division or agency thereof, to the extent engaged in rendering telephone communication service within, to, or from the United States, its territories or possessions.

(2) "Schedule A service" means service to the extent required for the proper discharge of duties in the direct defense, public health, welfare and security categories listed on Schedule A attached.

(3) "Merchant Marine" has the same meaning as in Section I of Public Law numbered 87, Seventy-Eighth Congress, approved June 23, 1943.

(b) *Availability of facilities for essential uses.* (1) Operators shall disconnect service when they learn that the present real user of service is not a user contemplated in the service agreement. Any such disconnections shall be considered "normal disconnections" within the meaning of paragraph (b) (2) below.

(2) Exchange line plant, exchange central office equipment, or telephone sets made available through normal disconnection or by new acquisition shall be used to take care of applications for service in the following order:

(i) Schedule A service, public pay station service and service specifically authorized by the War Production Board because of essentiality or unreasonable hardship.

(ii) Changes of address of business service within the same exchange or to another exchange of the same operator within the same metropolitan area or within such other area as is defined by the operator's established practices.

(iii) New business service for an enterprise which the operator finds is substantially owned and principally operated or managed by a veteran who applies for service within twelve months after being honorably separated or placed on terminal leave from the armed forces of the United States or the merchant marine provided such enterprise is expected to be the veteran's principal means of livelihood. The applicant for service must certify to these facts in substantially the form set forth in the Certification Form (WPBI–2545).

(iv) New business service.

(v) Changes of address of residence service within the same exchange or to another exchange of the same operator within the same metropolitan area or within such other area as is defined by the operator's established practices.

(vi) Additions to existing business service.

(vii) New residence service set forth in Schedule B.

(viii) New residence service set forth in Schedule C.

(ix) New residence service other than that included in categories (i), (vii) and (viii).

(x) Where the operator finds that immediate installation of service is essential to the protection of life, such installation may be made as an exception to the order provided in the above categories. Such service shall, however, be disconnected promptly at the termination of the emergency and the facilities used to take care of applications as otherwise specified above.

(3) Idle facilities may be reserved to the extent operators find necessary to meet promptly the known or fairly anticipated requirements for Schedule A service and to provide for essential public pay station service.

(4) To the extent necessary to meet minimum needs for Schedule A service and for essential public pay station service, operators shall make available additional exchange central office equipment or exchange line plant by regrading any service under the following provisions:

(i) Regrading is to be done only when current installations of central office equipment permit. Regrading of Schedule A service and of business service is to be done only if regraded service meets minimum service needs.

(ii) Residence service shall be regraded before business service. Any regrading shall be in the reverse order of the dates of connection at the existing locations, that is, the most recent shall be regraded first.

(5) Subject to the provisions of (b) (4) (i) and (b) (4) (ii) above, operators shall regrade existing service to the extent necessary to provide service authorized by the War Production Board because of essentiality or unreasonable hardship.

(c) *Limitations on additional telephones.* (1) Residence extension service. Operators shall not install or reconnect residence extension telephones, residence extension bells, except loud ringing bells, or residence P. B. X. telephones, nor as a substitute provide additional main lines or stations on party lines. This provision has the following exclusions and exceptions:

(i) Temporary installations of one residence extension may be made when the operator finds it essential in cases of serious illness.

(ii) For practicing physicians and surgeons, the operator may install one extension telephone to meet professional requirements. The operator may also provide a connection with an answering bureau.

(iii) The installation and reconnection in residence quarters of telephones connected to private branch exchanges serving hotels, apartment houses, etc., may be made to the extent that no more than one such telephone may be provided in any residence quarters.

(d) [Deleted Aug. 23, 1945.]

(e) [Deleted Aug. 23, 1945.]

(f) [Deleted Aug. 23, 1945.]

(g) [Deleted Aug. 23, 1945.]

(h) *Reports.* All operators affected by this order shall execute and file with the Office of War Utilities such reports as the Director, Office of War Utilities, shall from time to time require; subject to the approval of the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

(i) *Appeals and applications.* Applications for relief under this order or appeals should be filed on Form WPB–2117.

(j) *Violations.* Any person who wilfully violates any provision of the order or who, in connection with this order wilfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control, and may be deprived of priorities assistance.

(k) *Communications.* All reports required to be filed hereunder, and all communications concerning this order, shall, unless otherwise directed, be addressed to: Communications Division, Office of War Utilities, War Production Board, Washington 25, D. C., Ref.: U–2.

Issued this 23d day of August 1945.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

SCHEDULE A—CATEGORIES TO BE ACCORDED PREFERENCE IN OBTAINING SERVICE TO THE EXTENT REQUIRED FOR THE PROPER DISCHARGE OF DUTIES IN DIRECT DEFENSE, PUBLIC HEALTH, WELFARE AND SECURITY

1. *Armed forces and government.* (a) Official Army, Navy, Marine Corps and Coast Guard Units and the Veterans' Administration. Office of Civilian Defense Units.

(b) Official Federal, State, county, and municipal government services.

(c) Official agencies of foreign governments.

2. *War production and directly related activities.* (a) Business concerns furnishing material, equipment or facilities under prime or subcontracts to the Armed Forces of the United States (or their suppliers). Petroleum operators for their oil or gas producing or drilling operations. The business offices of persons who regularly perform special services for these business concerns, such as consulting engineers, chemists, lawyers, and accountants. The business offices of persons rendering special service in connection with construction of defense projects authorized by the War Production Board, such as contractors, engineers, and architects. Labor unions having bona fide collective bargaining agreements with business concerns identified in this Schedule A.

(b) Public transportation, pipe line companies, all types of public utilities.

(c) Business concerns who regularly maintain or service equipment essential to the Armed Forces, war production, public transportation, public utilities, and pipe line companies.

3. *Public health and welfare.* (a) Public or private organizations directly serving the public safety, health or welfare, such as: hospitals, clinics, sanitoria; physicians, surgeons, dentists, nurses, nurses' registries, veterinarians, ambulance services, manufacturers or distributors (wholesale and retail) of drugs, surgical, medical, hospital or dental supplies or equipment; mortuaries, burial service organizations; the American Red Cross and similar agencies.

(b) Philanthropic and eleemosynary organizations recognized as such by the Bureau of Internal Revenue, including their fund-raising offices; United Service Organizations and other similar organizations; religious establishments and their officiating clergy; Christian Science Practitioners; public and private schools.

(c) Press associations, newspapers, radio broadcasting stations.

(d) The business or management offices of new housing developments.

(e) Food processing, food distribution (wholesale and retail) and food storage organizations and producers of substantial quantities of food.

SCHEDULE B

Categories to be accorded preference in obtaining service in the order provided in paragraph (b) (2).

1. Residence service where the attending physician or surgeon certifies in substantially the form set forth in the Schedule B Certification Form (WPBI–2101) that there exists a condition of serious illness or pregnancy involving serious complications, that he must be called repeatedly at unpredictable intervals for emergency treatment and that in view of all the circumstances telephone service is essential. Such service shall be terminated within 30 days of the termination of the conditions specified above.

2. Residence service required where a person lives alone and the attending physician certifies in substantially the form set forth in the Schedule B Certification Form (WPBI–2101) that such person is confined to residence quarters for a protracted period by reason of serious illness or physical disability and that in view of all the circumstances telephone service is essential. The phrase "lives alone" includes a person who is alone all day or during the day or night working hours, except for one or more children aged fifteen years or younger or another person similarly certified to be confined to residence quarters by reason of serious illness or physical disability. Such service shall be terminated within 30 days after the termination of the conditions specified above.

SCHEDULE C

Categories to be accorded preference in obtaining service in the order provided in paragraph (b) (2).

1. Residence service for the wife of a member of the armed forces of the United States or the merchant marine who is on active duty away from home, where she is pregnant and there is no one else in her household or where her household consists only of herself and one or more children aged fifteen years or younger and under the same circumstances for a widow whose husband died since January 1, 1940 while a member of the armed forces of the United States or the merchant marine. The applicant for service must certify to these facts in substantially the form set forth in the Schedule C Certification Form (WPBI–2102).

2. Residence service for those who discontinued residence service upon entering the armed forces of the United States or the merchant marine and who apply, within twelve months after being honorably separated or placed on terminal leave from the armed forces or the merchant marine for residence service within the area indicated in paragraph (b) (2) (v). The applicant for service must certify to these facts in substantially the form set forth in the Schedule C Certification Form (WPBI–2102).

[F. R. Doc. 45–15662; Filed, Aug. 23, 1945; 11:17 a. m.]

PART 4501—COMMUNICATIONS

[Utilities Order U–3 as Amended Aug. 23, 1945]

PREFERENCE RATING ORDER (MRO) FOR TELEPHONE INDUSTRY

(a) Definitions.
(b) CMP allotment symbol and preference ratings.
(c) Use of material obtained under this order.
(d) Authority to begin construction.
(e) Restrictions on inventory.
(f) Exemptions.
(g) Sales of material.
(h) Records and reports.
(i) Applicability of regulations.
(j) Violations.
(k) Communications.
(l) Termination date of the order.

§ 4501.6 *Utilities Order U–3*—(a) *Definitions.* For the purpose of this order:

(1) "Operator" means any individual, partnership, association, business trust, corporation, receiver, or any form of enterprise whatsoever, whether incorporated or not, the United States, the District of Columbia, any state or territory of the United States, any political, corporate, administrative, or other division or agency thereof, to the extent engaged in rendering telephone communication service to the public (and such telegraph and teletypewriter service as may also be conducted by him) within, to, or from the United States, its territories, or possessions. Public law enforcement agencies and public fire protection agencies are excluded from this definition for the purpose of this order.

"Operator" also includes any persons operating a rural cooperative or mutually-owned telephone system. It further includes persons owning either a telephone or a telephone system which is connected to a telephone system rendering service to the public, so long as they do not generally use an MRO order other than Order U–3. Those who generally use another MRO order for their business operations, as, for example, railroads using Order P–142 or a manufacturer using CMP Reg. 5, are excluded from this definition.

(2) "Material" means any commodity, equipment, accessory, part, assembly or product of any kind.

(3) Without regard to accounting practices:

(i) "Maintenance" means the minimum upkeep necessary to continue a facility in sound working condition.

(ii) "Repair" means the restoration of a facility to sound working condition when the same has been rendered unsafe or unfit for service by wear and tear, damage, failure of parts or the like.

(4) "Operating supplies" means any material essential to the operator's business and used for purposes other than maintenance and repair.

(5) Without regard to accounting practices, "Operator's inventory" means the aggregate of material currently owned by an operator and not incorporated into plant or in the process of being consumed, exclusive of:

(i) At the operator's option, the dollar value of material offered for sale and listed by categories in column (b) of Form WPB–1127 for the third quarter of 1944.

(ii) Material for use on a project approved by the War Production Board on Form WPB–2774 or any alternative form, or segregated for use on construction jobs permitted by this Order.

(iii) Poles, crossarms, insulators and non-metallic conduit, furniture and fixtures; office machinery; printing, stationery and office supplies; house service supplies; and coal and petroleum products.

(b) *CMP allotment symbol and preference ratings.* (1) An operator is authorized to use the CMP allotment symbol U–9 and is assigned the preference rating of AA–1 for deliveries of material for maintenance, repair and operating supplies, except for:

(i) Telephone sets;

(ii) [Deleted Aug. 23, 1945.]

(iii) Material for a construction project where the total cost of material is more than $25,000 or the cost of material obtained under this order is more than $2,500.

(2) An operator is authorized to use the CMP allotment symbol U–9 and is assigned the preference rating AA–3 for deliveries of:

(i) Telephone sets;

(ii) Material for a construction project where the total cost of material is not more than $25,000 and the cost of material obtained under this order is more than $2,500.

(3) [Deleted Aug. 23, 1945.]

(4) An operator may apply and a supplier may extend the CMP allotment symbol or ratings in the manner provided in Priorities Regulation 3 and CMP Regulation 3, by placing on his delivery order substantially the certification set forth below in paragraph (b) (5).

(5) Utilities maintenance, repair and operating supplies certification.

CMP allotment symbol U–9, preference rating ——. The undersigned operator certifies, subject to the penalties of section 35A of the United States Criminal Code, to the seller and to the War Production Board, that, to the best of his knowledge and belief, the undersigned is authorized under applicable War Production Board regulations or orders and under all provisions of Utilities Orders U–2 and U–3, to place this delivery order, to receive the item(s) ordered for the purpose for which ordered and to use any CMP allotment symbol or rating which the undersigned has placed on this order.

(c) *Use of material obtained under this order.* (1) [Deleted Aug. 23, 1945.]

(2) Material costing not more than $50 obtained under this order on AA–1 rating or U–9 allotment symbol, may be used on any construction project permitted under this order, or authorized on Form WPB–2774 or alternative form, even though the project has been assigned a lower rating or different symbol or is unrated.

(3) Material obtained under this order which is in inventory may be used on any permitted construction project, even though the project is assigned a different allotment symbol or a lower rating either by this order or by the War Production Board on Form WPB–2774, or any alternative form. However, material so used may only be replaced in inventory by use of the different allotment symbol or the lower preference rating authorized by this order or by the War Production Board on Form WPB–2774 or alternative form.

(4) An operator, who does not furnish telephone service to the public, whose "operator's inventory" at the end of 1942 or whose use of material during 1942 did not exceed $10,000 may not, in any single case, use material obtained under this order costing more than $500 for operating supplies.

(5) No operator shall subdivide a single order, job, or project to qualify it under the dollar limitations of this Order U–3.

(6) Material obtained under this order may be used for maintenance and repair, without regard to dollar limitations on the use of material for operating supplies.

(7) The dollar limits of this order shall not prevent the use of material on hand to meet temporary traffic or emergency requirements, but where the dollar limits are exceeded the material must be returned to inventory or to its original location in plant within thirty days, unless application has been made to the War Production Board for authority to continue the use of material.

(8) The preference ratings and allotment symbol assigned by this Order U–3 are ineffective with respect to materials scheduled for delivery after September 30, 1945.

(d) [Deleted Aug. 23, 1945.]

(e) *Restrictions on inventory.* (1) No operator shall accept deliveries of material unless after the delivery his operator's inventory will not exceed a practical working minimum. A practical working minimum shall in no case be greater than 27½% of the dollar value of material used during the calendar year 1940 for all purposes exclusive of the items in paragraph (a) (5) (iii) and materials which were used for building construction. The items in (a) (5) (iii) may be accepted by an operator even if his operator's inventory exceeds 27½% of his 1940 usage of material.

(2) No operator shall accept delivery of a size, type, gauge and length of cable, wire or strand, if the operator's inventory of that size, type, gauge and length is in excess of requirements for the next ninety days. However, if an operator needs some wire, cable or strand, this provision does not forbid purchase of the minimum standard reel-length, even though the operator does not expect to use the whole reel in the next ninety days.

(f) *Exemptions.* Any operator whose operator's inventory did not exceed $25,000 at the end of 1942 is exempt from the inventory restrictions of paragraph (e) (1).

(g) *Sales of material.* Material sold between operators must be sold without a preference rating or CMP allotment symbol.

(h) *Records and reports.* Each operator acquiring maintenance, repair or operating supplies pursuant to this regulation shall keep and preserve, for a period of not less than two years, accurate and complete records of all such supplies so acquired which shall, upon request be submitted to audit and inspection by duly authorized representatives of the War Production Board. In addition, each operator affected by this order shall file such reports with the Communications Division, Office of War Utilities, as may from time to time be required by the War Production Board.

(i) *Applicability of regulations.* (1) This order and all transactions affected by it, except as expressly provided, are subject to all applicable regulations of the War Production Board, as amended from time to time.

(2) None of the provisions of CMP Regulations No. 5 or 5A shall apply to operators as defined in paragraph (a) (1) of this order, and no such operator shall obtain any material under the provisions of these regulations.

(j) *Violations.* Any person who wilfully violates any provision of this order or who, in connection with this order, wilfully conceals a material fact, or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control, and may be deprived of priorities assistance.

(k) *Communications.* All reports to be filed, appeals and other communications concerning this order should be addressed to: Communications Division, Office of War Utilities, War Production Board, Washington 25, D. C. Ref.: U–3.

(l) *Termination date of the order.* This order U–3 expires on September 30, 1945.

Issued this 23d day of August 1945.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 45–15663; Filed, Aug. 23, 1945; 11:17 a. m.]

PART 4501—COMMUNICATIONS

[Utilities Order U–4, as Amended Aug. 23, 1945]

PREFERENCE RATING ORDER (MRO) FOR TELEGRAPH INDUSTRY

(a) Definitions.
(b) CMP allotment symbol and preference ratings.
(c) Use of material obtained under this order.
(d) Authority to begin construction.
(e) Restrictions on inventory.
(f) Restrictions on purchases.
(g) Records and reports.
(h) Applicability of regulations.
(i) Violations.
(j) Communications.
(k) Expiration date of the order.

§ 4501.11 *Utilities Order U–4*—(a) *Definitions.* For the purpose of this order:

(1) "Operator" means any individual, partnership, association, business trust, corporation, receiver, or any form of enterprise whatsoever, whether incorporated or not, the United States, the District of Columbia, any state or territory of the United States, any political, corporate, administrative or other division or agency thereof, to the extent engaged in rendering wire telegraph, cable or related communications service (exclusive of telegraph and teletypewriter service rendered by operators of telephone communications systems), within, to, or from the United States, its territories or possessions, either private or public in character, which involves the transmission and reception of coded impulse signals in numerical variety not less than twenty-six. "Operator" also includes the same persons to the extent engaged in rendering telephone communication service. Public law enforcement agencies and public fire protection agencies are excluded from this definition for the purpose of this order.

(2) "Material" means any commodity, equipment, accessory, part, assembly or product of any kind.

(3) Without regard to accounting practices:

(i) "Maintenance" means the minimum upkeep necessary to continue a facility in sound working condition.

(ii) "Repair" means the restoration of a facility to sound working condition when the same has been rendered unsafe or unfit for service by wear and tear, damage, failure of parts or the like.

(4) "Operating supplies" means any material essential to the operator's business and used for purposes other than maintenance and repair.

(5) Without regard to accounting practices, "operator's inventory" means the aggregate of material currently owned by an operator and not incorporated into plant or in the process of being consumed, exclusive of:

(i) At the operator's option, the dollar values of material reported for sale by categories in Column (b) of Form WPB–1131 for the third quarter of 1944.

(ii) Material for use on a project approved by the War Production Board on Form WPB–2774 or any alternative form or segregated for use on projects permitted by this order.

(iii) Stocks of lead covered cable or bare line wire maintained by an operator for repair of major breakdowns due to storms, floods, etc., except that the dollar value of such material which may be excluded from inventory may not exceed the dollar value of material reported in Column (c) of Form WPB–1131 for the third quarter 1944.

(iv) Poles, crossarms, insulators and non-metallic conduit, furniture and fixtures; clothing (uniforms, etc.); printing, stationery and office supplies; house service supplies and coal and petroleum products.

(v) Ocean cable, grapnel rope and buoy rope.

(b) *CMP Allotment Symbol and Preference Ratings.* (1) An operator is authorized to use the CMP allotment symbol U–9 and is assigned the preference rating of AA–1 for deliveries of material for maintenance, repair and operating supplies, except for:

(i) Telephone sets;

(ii) [Deleted Aug. 23, 1945.]

(iii) Material for a construction project where the total cost of material is more than $25,000 or the cost of material

obtained under this order is more than $2,500.

(2) An operator is authorized to use the CMP allotment symbol U–9 and is assigned the preference rating AA–3 for deliveries of:

(i) Telephone sets;

(ii) Material for a construction project where the total cost of material is not more than $25,000 and the cost of material obtained under this order is more than $2,500.

(3) [Deleted Aug. 23, 1945.]

(4) An operator may apply and a supplier may extend the CMP allotment symbol or ratings in the manner provided in Priorities Regulation 3 and CMP Regulation 3, by placing on his delivery order substantially the certification set forth below in paragraph (b) (5).

(5) Utilities maintenance, repair and operating supplies certification.

CMP allotment symbol U–9, preference rating —. The undersigned operator certifies, subject to the penalties of section 35A of the United States Criminal Code, to the seller and to the War Production Board, that to the best of his knowledge and belief, the undersigned is authorized under applicable War Production Board regulations or orders, and under all provisions of Utilities Order U–4, to place this delivery order, to receive the item(s) ordered for the purpose for which ordered and to use any CMP allotment symbol or rating which the undersigned has placed on this order.

(c) *Use of material obtained under this order.* (1) [Deleted Aug. 23, 1945.]

(2) Material costing not more than $50 obtained under this order on the U–9 allotment symbol or AA–1 rating, may be used on any construction project permitted under this order, or authorized on Form WPB–2774 or any alternative form, even though the project has been assigned a different symbol, a lower rating or is unrated.

(3) Material obtained under this order which is in inventory may be used on any permitted construction project, even though the project is assigned a different allotment symbol or a lower rating either by this order or by the War Production Board on Form WPB–2774, or any alternative form. However, material so used may only be replaced in inventory by use of the different allotment symbol or the lower preference rating authorized by this order or by the War Production Board on Form WPB–2774 or alternative form.

(4) No operator shall subdivide a single order, job, or project to qualify it under the dollar limitations of Order U–4.

(5) Material obtained under this order may be used for maintenance and repair, without regard to dollar limitations on the use of material for operating supplies.

(6) The dollar limits of this order shall not prevent the use of material on hand to meet temporary traffic or emergency requirements, but where the dollar limits are exceeded the material must be returned to inventory or to its original location in plant within thirty days, unless application has been made to the War Production Board for authority to continue the use of material.

(7) The preference ratings and allotment symbol assigned by this Order U–4 are ineffective with respect to materials scheduled for delivery after September 30, 1945.

(d) [Deleted Aug. 23, 1945.]

(e) *Restrictions on inventory.* (1) No operator shall accept deliveries of material unless after the delivery his operator's inventory will not exceed a practical working minimum. A practical working minimum shall in no case be greater than 27½% of the dollar value of material used during the calendar year 1940 for all purposes exclusive of the items in paragraph (a) (5) (iv) and materials which were used for building construction. The items in (a) (5) (iv) may be accepted by an operator even if his operator's inventory exceeds 27½% of his 1940 usage of material.

(2) No operator shall accept delivery of a size, type, gauge and length of cable, wire or strand, if the operator's inventory of that size, type, gauge and length is in excess of requirements for the next ninety days. However, if an operator needs some wire, cable or strand, this provision does not forbid him to accept the minimum standard reel-length, even though the operator does not expect to use the whole reel in the next ninety days. Nor does this provision forbid him to accept ocean cable approved under paragraph (f) below.

(f) *Restrictions on purchases.* No operator shall use the allotment number assigned by this order to obtain ocean cable. An operator who needs ocean cable should apply to the Office of War Utilities on Form WPB–2774.

(g) *Records and reports.* Each operator acquiring maintenance, repair or operating supplies pursuant to this regulation shall keep and preserve, for a period of not less than two years, accurate and complete records of all such supplies so acquired which shall, upon request, be submitted to audit and inspection by duly authorized representatives of the War Production Board. In addition, each operator affected by this order shall file such reports with the Communications Division, Office of War Utilities, as may from time to time be required by the War Production Board; subject to the approval of the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

(h) *Applicability of regulations.* (1) This order and all transactions affected by it, except as expressly provided, are subject to all applicable regulations of the War Production Board, as amended from time to time.

(2) None of the provisions of CMP Regulations No. 5 or 5A shall apply to operators as defined in paragraph (a) (1) of this order, and no such operator shall obtain any material under the provisions of these regulations.

(i) *Violations.* Any person who wilfully violates any provision of this order or who, in connection with this order, wilfully conceals a material fact, or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control, and may be deprived of priorities assistance.

(j) *Communications.* All reports to be filed, appeals and other communications concerning this order should be addressed to: Communications Division, Office of War Utilities, War Production Board, Washington 25, D. C. Ref. U–4.

(k) *Termination date of the order.* This order U–4 expires on September 30, 1945.

Issued this 23d day of August 1945.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 45–15664; Filed, Aug. 23, 1945; 11:17 a. m.]

Chapter XI—Office of Price Administration

PART 1305—ADMINISTRATION

[Gen. RO 5,[1] Amdt. 115]

FOOD RATIONING FOR INSTITUTIONAL USERS

A rationale accompanying this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.

General Ration Order 5 is amended in the following respects:

Section 29.2 (b) is amended to read as follows:

(b) *Transferor must give up unused stamps, certificates, and ration checks.* The seller or transferor must give up to the Board all unused stamps, certificates, and ration checks he has for the establishment. If the establishment has ration bank accounts, he must give up to the Board ration checks payable to the Office of Price Administration for the balances in such accounts less the amount of any outstanding checks. The notice described in paragraph (a) of this section and the surrender of the stamps, certificates, and ration checks will be treated as a cancellation of the transferor's registration and allowances.

This amendment shall become effective August 27, 1945.

Issued this 23d day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45–15668; Filed, Aug. 23, 1945; 11:45 a. m.]

PART 1340—FUEL

[RMPR 122, Incl. Amdts. 1–34, Correction]

SOLID FUELS SOLD AND DELIVERED BY DEALERS

The compilation of Revised Maximum Price Regulation No. 122, issued July 6, 1945, is hereby corrected to read as follows:

In § 1340.254 (a), Rule 3 is corrected by inserting in the first paragraph, after the words "similar sale of solid fuel" and before the words "for which a maximum price," the words "most nearly like the sale of solid fuel."

This correction shall be effective as of July 11, 1945.

Issued this 23d day of August 1945.

JAMES G. ROGERS, Jr.,
Acting Administrator.

[F. R. Doc. 45–15675; Filed, Aug. 23, 1945; 11:48 a. m.]

[1] 8 F.R. 10002, 11676, 11460, 11479, 12483, 12557, 12404, 12744, 14472, 15488, 16787, 17486. 9 F.R. 401, 455, 692, 1810, 2212, 2287, 2292, 2476, 2789, 3030, 3075, 3340, 3704, 3577, 4196, 4393, 4647, 4873, 5041, 5232, 5684, 5826, 5915, 6108, 6503, 6628, 7167, 7780, 7703, 7770, 8242, 8813.

PART 1364—FRESH, CURED AND CANNED MEAT AND FISH PRODUCTS

[MPR 364,[1] Amdt. 33]

FROZEN FISH AND SEAFOOD

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.

Section 2 (b) of Maximum Price Regulation No. 364 is amended to read as follows:

(b) *Branch warehouse sales.* Where the processor receives frozen fish or seafood in carload lots at a warehouse remote from the original freezer and sells and delivers such frozen fish or seafood in less-than-carload lots from the stock of such warehouse, his maximum price f. o. b. shipping point nearest warehouse for such sales to wholesalers, government agencies, retailer-owned cooperatives or chain store warehouses is the applicable listed base price in section 13, with any appropriate adjustment for kind of package as provided in section 12, plus any transportation cost allowable under section 4, plus a mark-up of 12 percent applied to the sum of the foregoing.

However, the price established by this paragraph (b) may be charged by such processor only if:

(1) The branch warehouse is remote from the processor's principal place of business (which is not a public freezer), at which he unloads and warehouses fish and keeps two or more fulltime employees for the purpose of handling or packing fish and seafood exclusively for him, and from the stock of which he distributes and sells fish and seafood to wholesalers, retailers and purveyors of meals;

(2) The processor maintains at the branch warehouse, or in its vicinity where such warehouse is a public freezer, a plant for the distribution of fish, at which plant he unloads and warehouses fish and keeps two or more fulltime employees for the purpose of handling or packing fish and seafood exclusively for him; and

(3) The processor sells out of the stock of such plant and warehouse to retailers (other than chain store warehouses) whose sales are covered by Revised Maximum Price Regulation No. 507, and to purveyors of meals at least 20 percent of the fish or seafood he sells and distributes from such plant and warehouse.

This amendment shall become effective August 27, 1945.

Issued this 22d day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45–15593; Filed, Aug. 22, 1945; 4:44 p. m.]

PART 1381—SOFTWOOD LUMBER

[RMPR 26,[1] Amdt. 17]

DOUGLAS FIR AND OTHER WEST COAST LUMBER

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.

Subparagraph (4) of section 5 (d) of Revised Maximum Price Regulation 26 is amended to read:

(4) This section 5 (d) shall cease to be effective on whatever date W. P. B. Direction 1–a to Order L–335, as amended June 18, 1945, is withdrawn or modified except that mills may charge the adjusted maximum prices on shipments prior to November 1, 1945, of boards on orders placed by C. P. A. prior to August 15, 1945 for water shipment, which were manufactured prior to August 16, 1945, provided that prior to September 1, 1945, the mill reports such unshipped orders from C.P.A. to the Portland District Office of the Office of Price Administration, giving the quantities of boards manufactured but not shipped prior to August 16, 1945 against such orders.

This amendment shall become effective August 22, 1945.

Issued this 22d day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45–15592; Filed, Aug. 22, 1945; 4:44 p. m.]

PART 1394—RATIONING OF FUEL AND FUEL PRODUCTS

[Rev. RO 5–E,[2] Revocation]

MILEAGE RATIONING; GASOLINE RATIONING IN PUERTO RICO

A rationale accompanying this order of revocation, issued simultaneously herewith, has been filed with the Division of the Federal Register.

Revised Ration Order 5–E (§ 1394.9204) is hereby revoked, except that any violation which occurred or rights or liabilities which arose before the effective date of this order of revocation shall be governed by the order in effect at the time the violation occurred or the rights or liabilities arose.

This order of revocation shall become effective as of August 18, 1945.

Issued this 17th day of August 1945.

R. GARCIA CINTRON,
Acting Territorial Director,
Puerto Rico.

Approved:

JAMES P. DAVIS,
Regional Administrator.
Region IX.

[F. R. Doc. 45–15670; Filed, Aug. 23, 1945; 11:48 a.m.]

PART 1394—RATIONING OF FUEL AND FUEL PRODUCTS

[Rev. RO 8,[1] Revocation]

GASOLINE RATIONING REGULATIONS FOR THE VIRGIN ISLANDS

A rationale accompanying this order, issued simultaneously herewith, has been filed with the Division of the Federal Register.

Revised Ration Order 8 (§ 1394.3501) is hereby revoked, except that any violations which occurred or rights or liabilities which arose before the effective date of this order of revocation shall be governed by the order in effect at the time the violations occurred or the rights or liabilities arose.

This order shall become effective at 12:01 a. m., August 18, 1945.

Issued this 17th day of August 1945.

JACOB A. ROBLES,
Territorial Director,
Virgin Islands.

Approved:

JAMES P. DAVIS,
Regional Administrator.
Region IX.

[F. R. Doc. 45–15671; Filed, Aug. 23, 1945; 11:47 a. m.]

PART 1407—RATIONING OF FOOD AND FOOD PRODUCTS

[2d Rev. RO 3,[2] Amdt. 34]

SUGAR

A rationale accompanying this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.

Section 8.3 (b) (1) is amended to read as follows:

(1) When the entire industrial user establishment is transferred for continued operation, the seller or transferor must give up to the Board (or District Office) all unused ration evidences he has for the establishment. If the establishment has a ration bank account, he must give up the credits in such account, less the amount of any outstanding checks, in the form of his ration check payable to the Office of Price Administration and he must notify the District Office in the way required by General Ration Order 3A. The notice described in paragraph (a) of this section and the surrender of unused evidences will be treated as a can-

[1] 9 F.R. 1016, 3513, 4227, 7505, 9720, 11112, 12537; 10 F.R. 4661, 5099, 5323, 7528, 9798.

[2] 10 F.R. 6074, 7703.

[1] 10 F.R. 855, 856, 864, 1146, 2249, 2187, 2514, 2873, 3053, 3814, 3815, 4038, 4813.

[2] 9 F.R. 1433, 1534, 2233, 2626, 2828, 3031, 3513, 3579, 3847, 3944, 4099, 4350, 4474, 4880, 5220, 5254, 5426, 5346, 5166.

cellation of the transferor's registration and allotment.

This amendment shall become effective August 27, 1945.

Issued this 23d day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-15669; Filed, Aug. 23, 1945; 11:46 a. m.]

PART 1407—RATIONING OF FOOD AND FOOD PRODUCTS

[Rev. RO 16,[1] Amdt. 66]

MEAT, FATS, FISH AND CHEESES

A rationale for this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.

Section 10.5 (d) (3) is amended by deleting the parenthentical statement: "(However, if money payment for the foods transferred is made less than ten days after the transfer, points must be given up at the time the money payment is made.)"

This amendment shall become effective August 27, 1945.

Issued this 23d day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-15672; Filed, Aug. 23, 1945; 11:48 a. m.]

PART 1407—RATIONING OF FOOD AND FOOD PRODUCTS

[Rev. RO 16,[1] Amdt. 67]

MEAT, FATS, FISH AND CHEESES

A rationale accompanying this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.

Revised Ration Order 16 is amended in the following respects:

1. Section 12.1 (b) is amended to read as follows:

(b) *Purchaser of retail or wholesale establishment may get its points.* The purchaser or transferee of a retail or wholesale establishment may get and use all of the establishment's points in the same way that the seller or transferor was entitled to use them. If the establishment has a ration bank account, the transferor is to give all the establishment's points, (less the amount of any outstanding checks) to the transferee by issuing a ration check. If the establishment does not have a ration bank account, the transferor is to give to the transferee, the "stamps," "tokens," and certificates, he has and to endorse and give to the transferee any ration checks he has. (If the transferee is required to have a ration bank account, he must deposit all the points in that account. If the transferee is not required to have a ration bank account, he may endorse the checks and use them to get foods covered by this order.)

2. Section 12.1 (c) is amended to read as follows:

(c) *Seller of primary distributor establishment must give up all points to the Office of Price Administration.* A person who sells or transfers a primary distributor establishment must, within five days after the transfer, turn over to the board (or District Office, if it is registered there), all points on hand at that establishment and all in its ration bank account, less the amount of any outstanding checks. He does so by issuing and sending his certified ration check payable to the Office of Price Administration, along with his notice of the transfer. (If any of the points represent foods not yet shipped, he must attach to his notice a statement showing the amount and the person from whom he got them.)

3. Section 12.2 (b) (1) is amended to read as follows:

(1) When the entire industrial user establishment is transferred for continued operation, the seller or transferor must give up to the board (or District Office) all unused points he has for the establishment. If the establishment has a ration bank account, he must give up the points (less the amount of any outstanding checks) in the form of his ration check payable to the Office of Price Administration and he must notify the District Office in the way required by General Ration Order 3A. The notice described in paragraph (a) of this section, and the surrender of unused points, will be treated as a cancellation of the transferor's registration and allotment.

This amendment shall become effective August 27, 1945.

Issued this 23d day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-15673; Filed, Aug. 23, 1945; 11:46 a. m.]

PART 1407—RATIONING OF FOOD AND FOOD PRODUCTS

[Rev. RO 16[1], Amdt. 69]

MEAT, FATS, FISH AND CHEESE

A rationale for this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.

Revised Ration Order 16 is amended in the following respects:

1. Section 1.3 (b) is amended to read as follows:

(b) The basic forms of ration currency are the red and green stamps in War Ration Book Four and "tokens" which are designated by the Office of Price Administration to be used for the acquisition of all foods covered by this order. They are the forms in which points are generally given up by "consumers".

2. Section 2.3 (a) is amended to read as follows:

(a) *A consumer uses stamps.* A consumer gives up points, when he acquires foods covered by this order, by surrendering "stamps" from his War Ration Book Four.

3. Section 3.2 (b) is amended to read as follows:

(b) However, for the purposes of this section, a consumer may use, and a transferor may accept, only the eighteen stamps in War Ration Book Four which will become valid after the stamps which are valid for use by consumers generally at the time of the transfer. Red stamps in War Ration Book Four will become valid in the following order: A8 to Z8; A5 to Z5; A2 to Z2; A1 to Z1; Green stamps N8 to Z8, N5 to Z5; N2 to Z2; N1 to Z1.

4. Section 27.1 (a) is amended by changing the definition of "Stamp" to read as follows:

"Stamp" means a red or green stamp in, or taken from, a War Ration Book Four.

This amendment shall become effective August 21, 1945.

Issued this 21st day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-15515; Filed, Aug. 21, 1945; 4:43 p. m.]

PART 1407—RATIONING OF FOOD AND FOOD PRODUCTS

[Rev. RO 16,[1] Amdt. 57 to 2d Rev. Supp. 1]

MEAT, FATS, FISH AND CHEESES

Section 1407.3027 (e) (23) is added to read as follows:

(23) L1, M1, N1, P1, Q1 ------ From September 1, 1945, to December 31, 1945, inclusive.

This amendment shall become effective August 27, 1945.

Issued this 23d day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-15674; Filed, Aug. 23, 1945; 11:48 a. m.]

PART 1413—SOFTWOOD LUMBER PRODUCTS

[MPR 44]

DOUGLAS FIR DOORS

Correction

In section 20 (b) of Federal Register Document 45-15415, appearing at page 10287 of the issue for Wednesday, August 22, 1945, the price for "F-093S" in subparagraph 1 should read: "$1.25 per set".

[1] 10 F.R. 2521, 2875, 3223, 3549, 3556.

[1] 10 F.R. 48, 521, 857, 293, 294.

Chapter XIII—Petroleum Administration For War

[Recommendation 14, Revocation]

PART 1507—DISTRIBUTION

Section 1507.1 through § 1507.9 inclusive (Recommendation No. 14 of the Office of Petroleum Coordinator for National Defense) are hereby revoked, effective immediately.

(E.O. 9276, 7 F.R. 10091; E.O. 9319, 8 F.R. 3687)

Issued: August 22, 1945.

RALPH K. DAVIES,
Deputy Petroleum Administrator for War.

[F. R. Doc. 45-15624; Filed, Aug. 23, 1945; 10:31 a. m.]

[Recommendation 29, Revocation]

PART 1508—MARKETING

Section 1508.3 through § 1508.9 inclusive (Recommendation No. 29 of the Office of Petroleum Coordinator for National Defense) are hereby revoked, effective immediately.

(E.O. 9276, 7 F.R. 10091; E.O. 9319; 8 F.R. 3687)

Issued: August 22, 1945.

RALPH K. DAVIES,
Deputy Petroleum Administrator for War.

[F. R. Doc. 45-15625; Filed, Aug. 23, 1945; 10:31 a. m.]

PART 1508—MARKETING

[Recommendation 30, Amendment, Revocation]

Section 1508.12 through § 1508.15 inclusive (Recommendation No. 30, Amendment, of the Office of Petroleum Coordinator for War) are hereby revoked, effective immediately.

(E.O. 9276, 7 F.R. 10091; E.O. 9319, 8 F.R. 3687)

Issued: August 22, 1945.

RALPH K. DAVIES,
Deputy Petroleum Administrator for War.

[F. R. Doc. 45-15626; Filed, Aug. 23, 1945; 10:31 a. m.]

[Recommendation 46, Amendment, Revocation]

PART 1508—MARKETING

Section 1508.50 through § 1508.52 inclusive (Recommendation No. 46, Amendment, of the Office of Petroleum Coordinator for War) are hereby revoked, effective immediately.

(E.O. 9276, 7 F.R. 10091; E.O. 9319, 8 F.R. 3687)

Issued: August 22, 1945.

RALPH K. DAVIES,
Deputy Petroleum Administrator for War.

[F. R. Doc. 45-15627; Filed, Aug. 23, 1945; 10:31 a. m.]

[PAO 17, Revocation]

PART 1525—MARKETING MOTOR FUEL

Section 1525.5 (Petroleum Administrative Order No. 17) is hereby revoked, effective immediately.

(E.O. 9276, 7 F.R. 10091; E.O. 9125, 7 F.R. 2719; E.O. 9319, 8 F.R. 3687; WPB Directive No. 30, 8 F.R. 11559; sec. 2 (a), Pub. Law 671, 76th Cong.; Pub. Laws 89 and 507, 77th Cong.; Pub. Law 509, 78th Cong.)

Issued: August 22, 1945.

RALPH K. DAVIES,
Deputy Petroleum Administrator for War.

[F. R. Doc. 45-15614; Filed, Aug. 23, 1945; 10:30 a. m.]

[Petroleum Directive 62, as amended Jan. 19, 1943, Revocation]

PART 1525—MARKETING MOTOR FUEL

Section 1525.1 (Petroleum Directive 62, as amended January 19, 1943) is hereby revoked, effective September 15, 1945.

(E.O. 9276, 7 F.R. 10091; E.O. 9319, 8 F.R. 3687)

Issued: August 22, 1945.

RALPH K. DAVIES,
Deputy Petroleum Administrator for War.

[F. R. Doc. 45-15615; Filed, Aug. 23, 1945; 10:31 a. m.]

[Petroleum Directive 74, Revocation]

PART 1525—MARKETING MOTOR OIL

Section 1525.4 (Petroleum Directive 74) is hereby revoked, effective immediately.

(E.O. 9276, 7 F.R. 10091; E.O. 9319, 8 F.R. 3687)

Issued: August 22, 1945.

RALPH K. DAVIES,
Deputy Petroleum Administrator for War.

[F. R. Doc. 45-15618; Filed, Aug. 23, 1945; 10:31 a. m.]

[PDO 13, as Amended July 25, 1944, Revocation]

PART 1526—MARKETING FUEL OIL

Section 1526.3 (Petroleum Distribution Order No. 13, as amended July 25, 1944) is hereby revoked, effective immediately.

(E.O. 9276, 7 F.R. 10091; E.O. 9125, 7 F.R. 2719; E.O. 9319, 8 F.R. 3687; WPB Directive No. 30, 8 F.R. 11559; sec. 2 (a), Pub. Law 671, 76th Cong.; Pub. Laws 89 and 507, 77th Cong.; Pub. Law 509, 78th Cong.)

Issued: August 22, 1945.

RALPH K. DAVIES,
Deputy Petroleum Administrator for War.

[F. R. Doc. 45-15619; Filed, Aug. 23, 1945; 10:30 a. m.]

[PDO 14, as Amended Feb. 26, 1944, Revocation]

PART 1529—MARKETING PETROLEUM

Section 1529.2 (Petroleum Distribution Order No. 14, as amended February 26, 1944) is hereby revoked, effective immediately.

(E.O. 9276, 7 F.R. 10091; E.O. 9125, 7 F.R. 2719; E.O. 9319, 8 F.R. 3687; WPB Directive No. 30, 8 F.R. 11559; sec. 2 (a), Pub. Law 671, 76th Cong.; Pub. Laws 89 and 507, 77th Cong.; Pub. Law 509, 78th Cong.)

Issued: August 22, 1945.

RALPH K. DAVIES,
Deputy Petroleum Administrator for War.

[F. R. Doc. 45-15620; Filed, Aug. 23, 1945; 10:30 a. m.]

[PDO 20, Revocation]

PART 1529—MARKETING PETROLEUM

Section 1529.3 (Petroleum Distribution Order No. 20) is hereby revoked, effective immediately.

(E.O. 9276, 7 F.R. 10091; E.O. 9125, 7 F.R. 2719; E.O. 9319, 8 F.R. 3687; WPB Directive No. 30, 8 F.R. 11559; sec. 2 (a), Pub. Law 671, 76th Cong.; Pub. Laws 89 and 507, 77th Cong.; Pub. Law 509, 78th Cong.)

Issued: August 22, 1945.

RALPH K. DAVIES,
Deputy Petroleum Administrator for War.

[F. R. Doc. 45-15623; Filed, Aug. 23, 1945; 10:30 a. m.]

[Petroleum Directive 68, Revocation]

PART 1529—MARKETING PETROLEUM

Section 1529.1 (Petroleum Directive 68) is hereby revoked, effective immediately.

(E.O. 9276, 7 F.R. 10091; E.O. 9319, 8 F.R. 3687)

Issued: August 22, 1945.

RALPH K. DAVIES,
Deputy Petroleum Administrator for War.

[F. R. Doc. 45-15616; Filed, Aug. 23, 1945; 10:31 a. m.]

[Petroleum Directive 72, as Amended June 12, 1945, Revocation]

PART 1530—MARKETING ROAD OIL

Section 1530.1 (Petroleum Directive 72, as amended June 12, 1945) is hereby revoked, effective immediately.

(E.O. 9276, 7 F.R. 10091; E.O. 9319, 8 F.R. 3687)

Issued: August 22, 1945.

RALPH K. DAVIES,
Deputy Petroleum Administrator for War.

[F. R. Doc. 45-15617; Filed, Aug. 23, 1945; 10:30 a. m.]

[PDO 18, Revocation]

PART 1531—MARKETING NAPHTHA

Section 1531.1 (Petroleum Distribution Order No. 18) is hereby revoked, effective immediately.

(E.O. 9276, 7 F.R. 10091; E.O. 9125, 7 F.R. 2719; E.O. 9319, 8 F.R. 3687; WPB Directive No. 30, 8 F.R. 11559; sec. 2 (a), Pub. Law 671, 76th Cong.; Pub. Laws 89 and 507, 77th Cong.; Pub. Law 509, 78th Cong.)

Issued: August 22, 1945.

RALPH K. DAVIES,
Deputy Petroleum Administrator for War.

[F. R. Doc. 45-15621; Filed, Aug. 23, 1945; 10:30 a. m.]

[PDO 19, Revocation]

PART 1532—MARKETING PETROLEUM WAX

Section 1532.1 (Petroleum Distribution Order No. 19) is hereby revoked, effective immediately.

(E.O. 9276, 7 F.R. 10091; E.O. 9125, 7 F.R. 2719; E.O. 9319, 8 F.R. 3687; WPB Directive No. 30, 8 F.R. 11559; sec. 2 (a), Pub. Law 671, 76th Cong.; Pub. Laws 89 and 507, 77th Cong.; Pub. Law 509, 78th Cong.)

Issued: August 22, 1945.

RALPH K. DAVIES,
Deputy Petroleum Administrator for War.

[F. R. Doc. 45-15622; Filed, Aug. 23, 1945; 10:30 a. m.]

[PAO 1, as Amended Feb. 1, 1943, Revocation]

PART 1545—PETROLEUM SUPPLY

Section 1545.1 (Petroleum Administrative Order No. 1, as amended February 1, 1943) is hereby revoked, effective immediately.

(E.O. 9276, 7 F.R. 10091; E.O. 9125, 7 F.R. 2719; E.O. 9319, 8 F.R. 3687; WPB Directive No. 30, 8 F.R. 11559; sec. 2 (a), Pub. Law 671, 76th Cong.; Pub. Laws 89 and 507, 77th Cong.; Pub. Law 509, 78th Cong.)

Issued: August 22, 1945.

RALPH K. DAVIES,
Deputy Petroleum Administrator for War.

[F. R. Doc. 45-15613; Filed, Aug. 23, 1945; 10:30 a. m.]

Chapter XXIII—Surplus Property Board

[SPB Reg. 1, Amdt. 2]

PART 8301—DESIGNATION OF DISPOSAL AGENCIES AND PROCEDURES FOR REPORTING SURPLUS PROPERTY LOCATED WITHIN THE CONTINENTAL UNITED STATES, ITS TERRITORIES AND POSSESSIONS

Surplus Property Board Regulation No. 1, April 2, 1945, entitled "Designation of Disposal Agencies and Procedures for Reporting Surplus Property Located Within the Continental United States, Its Territories and Possessions", (10 F.R. 3764, 4356) is hereby amended by adding at the end of § 8301.3 (b) a new subparagraph numbered (5) to read as follows:

(5) Railroads, including land, trackage, rights of way, structures and equipment used or useful in connection therewith.

This amendment shall become effective August 17, 1945.

SURPLUS PROPERTY BOARD,
By W. STUART SYMINGTON,
Chairman.

AUGUST 17, 1945.

[F. R. Doc. 45-15665; Filed, Aug. 23, 1945; 11:21 a. m.]

[SPB Reg. 6, Amdt. 3]

PART 8306—SALE OF GOVERNMENT-OWNED PLANT EQUIPMENT IN CONTRACTORS' PLANTS

SPECIAL TOOLING

Surplus Property Board Regulation 6, May 21, 1945, entitled "Sale of Government-Owned Plant Equipment in Contractors' Plants" (10 F.R. 6309, 6981, 8665) is hereby amended in the following respects:

1. There is added a new paragraph (k) to § 8306.1 to read as follows:

(k) "Special tooling" means plant equipment of such special design that it has apparent value only as scrap except in the manufacture of the particular product which such equipment was specifically designed to produce; it includes only jigs, dies, fixtures, gauges, moulds and similar equipment.

2. The last sentence of the first paragraph of § 8306.2 is amended to read as follows: "Except as otherwise provided in §§ 8306.4 and 8306.7, it authorizes the disposal of such equipment only to the contractor in possession for immediate or eventual use in his civilian production."

3. There is added a new paragraph to § 8306.4 to read as follows:

In any case in which the owning agency shall make a written finding that given special tooling will have no reasonably foreseeable use for civilian production, it may dispose of such tooling hereunder to the contractor in possession at scrap prices. In any such case the contractor shall agree in writing that upon the conclusion of his war production, he will offer such tooling to the owning agency for a period of thirty (30) days at the then scrap price of such tooling and, if the owning agency does not wish to purchase such tooling, he will dispose of it as scrap.

4. Section 8306.7 is amended to read as follows:

§ 8306.7 *Plant equipment in possession of subcontractors and sublessees.* In any case where plant equipment is, in accordance with the terms of a facilities contract, located in the plant of a subcontractor or sublessee, such subcontractor or sublessee shall for the purpose hereof be considered as the contractor in possession, and owning agencies shall take all steps possible to sell such plant equipment to the sublessee or subcontractor, at his request, on terms and conditions as provided herein. In the case of special tooling, if such subcontractor or sublessee shall state that he does not desire to acquire the property, it may be disposed of by competitive bidding through sealed bids or at auction at the discretion of the owning agencies and under rules and regulations prescribed by the owning agencies. Such rules and regulations shall contain, among other provisions, the following requirements:

(a) The determination of lots shall be subject to approval by the owning agency.

(b) The owning agency shall set an upset price on each lot at which figure the bidding on each lot shall be started.

(c) The right shall be reserved by the owning agency to reject all bids.

(d) Notice shall be given by publication to all possibly interested purchasers indicating the special tooling that will be available for sale, naming a date not less than fourteen (14) days from the time of first publication when the bidding will be closed or when the auction will be held, and giving the upset price on each lot.

(e) If no acceptable bid to purchase is received, the contractor holding the covering facilities contract may be permitted to retain the property under a negotiated sale or under a lease for a period of not more than one year. Sale prices and rentals shall be determined on a basis that is fair and reasonable taking into consideration the limited sale value of the property, its special value to the purchaser or lessee, upset prices and any bids received.

The owning agency may request the advice and assistance of the Reconstruction Finance Corporation in setting upset prices and in determining acceptable sale prices and rentals. At the discretion of the owning agency, auctions, sales or leases authorized hereunder may be combined with auctions, sales or leases authorized under Special Order 17.

This amendment shall become effective August 17, 1945.

SURPLUS PROPERTY BOARD,
By W. STUART SYMINGTON,
Chairman.

AUGUST 17, 1945.

[F. R. Doc. 45-15666; Filed, Aug. 23, 1945; 11:21 a. m.]

[Special Order 17]

DISPOSAL OF SPECIAL TOOLING IN GOVERNMENT-OWNED AIRCRAFT PLANTS

Pursuant to the authority of the Surplus Property Act of 1944 (58 Stat. 765, 50 U.S.C. App. Sup. 1611), it is hereby ordered that:

1. *Definitions*—(a) *Terms defined in act.* Terms not defined in paragraph (b) of this section which are defined in the Surplus Property Act of 1944 shall in this order be given the meaning assigned to them in that act.

(b) *Other terms.* (1) "Contract" includes subcontracts and subleases and "contractor" includes subcontractors and sublessees.

(2) "Facilities contract" means a lease, rental agreement or other contract or contract provision, specifically governing the acquisition, use, or disposition of Government-owned machinery, tools, building installations, or other property furnished to or acquired by a war contractor for any war production purpose except incorporation in end products.

(3) "Scrap" means property that has no reasonable prospect of sale except for its basic material content.

(4) "Special tooling" means equipment of such special design that it has apparent value only as scrap except in the manufacture of the particular product which such equipment was specifically designed to produce; it includes only jigs, dies, fixtures, gauges, moulds, and similar equipment and as used in this order is limited to such equipment in aircraft plants.

2. *Scope.* This order is issued under the authority of section 14 (a) of the act relating to contractor inventory. It applies only to Government-owned special tooling that is located in Government-owned aircraft plants which are being operated by private contractors pursuant to facilities contracts.

3. *Owning agencies empowered to authorize retentions or disposals of special tooling.* The Board hereby empowers each owning agency to authorize any contractor with such agency or subcontractor thereunder that is in possession of any special tooling to retain or sell such property as provided in this order. Retentions or sales may be made hereunder at any time before the owning agency takes possession of special tooling or declares such tooling surplus. Nothing herein affects the authority of owning agencies to sell small lots, scrap or salvage in accordance with other regulations or orders of the Board.

4. *Sales procedures.* All disposals hereunder shall be made on the basis of competitive bidding through sealed bids or at auction at the discretion of the owning agencies and under rules and regulations prescribed by the owning agencies. Such rules and regulations shall contain, among other provisions, the following requirements:

(a) The determination of lots shall be subject to approval by the owning agency.

(b) The owning agency shall set an upset price on each lot at which figure the bidding on each lot shall be started.

(c) The right shall be reserved by the owning agency to reject all bids.

(d) Notice shall be given by publication to all possibly interested purchasers indicating the special tooling that will be available for sale, naming a date not less than fourteen (14) days from the time of first publication when the bidding will be closed or when the auction will be held, and giving the upset price on each lot.

(e) If no acceptable bid to purchase is received, the contractor in possession may be permitted to retain the property under a negotiated sale or under a lease for a period of not more than one year. Sale prices and rentals shall be determined on a basis that is fair and reasonable taking into consideration the limited sale value of the property, its special value to the purchaser or lessee, upset prices and any bids received.

The owning agency may request the advice and assistance of the Reconstruction Finance Corporation in setting upset prices and in determining acceptable sale prices and rentals. At the discretion of the owning agency, auctions, sales, or leases authorized hereunder may be combined with auctions, sales or leases authorized under § 8306.7 of Regulation No. 6.

This order shall become effective immediately.

SURPLUS PROPERTY BOARD,
By W. STUART SYMINGTON,
Chairman.

AUGUST 17, 1945.

[F. R. Doc. 45-15667; Filed, Aug. 23, 1945; 11:21 a. m.]

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

PART 5—EXPERIMENTAL RADIO SERVICES

GENERAL MOBILE RADIO SERVICES

The Commission, in meeting on August 14, 1945, adopted the following statement of policy in regard to granting authorizations permitting experimental operation in the proposed General Mobile Radio Service:

At the Commission's recent allocation hearings in Docket proceeding 6651, a number of requests were made for the allocation of frequencies for the general purpose of providing two-way radio communications with mobile units of various types. This proposed new radio service was designated as the General Mobile Radio Service and was intended to provide communication facilities both for vehicles operating within metropolitan areas and for vehicles operating primarily on intercity highways. These two classes of service were designated as "Urban Mobile" and "General Highway Mobile" radio service, respectively; 24 channels were allocated for the Urban Mobile Service in the 152–162 megacycle region and 40 channels for the General Highway Mobile Service in the 30–40 and 42–44 megacycle region.

Various suggestions were made at the allocation hearing regarding the best method of use of the limited number of frequencies that have been made available for this general mobile radio service. Representatives of the telephone industry urged that the service be rendered by communications common carriers. Representatives of transportation industries—bus, truck and taxicab—urged the allocation of varying numbers of frequencies for the private use of their respective industries. There was also a suggestion that certain of the transportation industries might coordinate their communication needs in a single system in the interest of conserving frequencies. The establishment of the new service on a regular basis thus raises important questions of policy which are being studied by the Commission and with respect to which the Commission has as yet reached no conclusions. The Committee believes it desirable, therefore, to obtain through experimentation complete factual data which will assist in the determination of sound policies. However, frequency limitations will necessarily limit the amount of experimental operation which can be permitted in the proposed service. Accordingly, the Commission announces that it will grant a limited number of authorizations permitting experimental operation in the proposed General Mobile Radio Service upon the basis of a determination, upon each application, as to whether bona fide experimentation is contemplated.

Grants will be made for experimental operations only where it is clear that the facilities are to be used to obtain factual data relative to the needs and requirements of the proposed service, and to collect information which might be useful in deciding what method of operation would best serve the public. When sufficient data has been compiled, the Commission proposes to hold a public hearing before issuing any regulations governing the rendition of this service on a regular basis.

It was emphasized that the grant of experimental authorizations will not, in any way, constitute any assurance that the licensee will be authorized to operate stations in the new service finally to be established. The Commission, having arrived at no conclusions regarding the most desirable method of use of the frequencies allocated for the General Mobile Radio Service, cautions all applicants that investment or expenditures undertaken on account of such experimental operation are incurred at the risk that frequencies will not necessarily be made available for the type of service urged in any particular experimental application.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 45-15611; Filed, Aug. 23, 1945; 9:46 a. m.]

[Order 78-D]

PART 42—PRESERVATION OF RECORDS

RETENTION OF CERTAIN MESSAGES FOR 18 MONTHS

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 14th day of August 1945;

The Commission having under consideration Part 42 of its rules relating to the preservation of records of communication carriers and the provisions of Commission Orders Nos. 78, 78–A, 78–B, and 78–C;

It is ordered, That Commission Orders Nos. 78, 78–A, 78–B, and 78–C be, and they are hereby, amended and superseded to provide as follows:

It is ordered, That each common carrier engaged in international telegraph communication by wire or radio shall retain in its files for a period of 18 months from the date of transmission or receipt, as the case may be, the original of each telegraph message, or a copy thereof, transmitted by it to any point beyond the continental United States, and a copy of each telegraph message received by it from any point beyond the continental United States;

It is further ordered, That each coastal station engaged in telegraph communication with maritime mobile stations shall retain in its files for a period of 18 months from the date of transmission or receipt, as the case may be, the original or a copy of each telegraph message transmitted by it to a maritime mobile station, and a copy of each telegraph message received by it from a maritime mobile station;

It is further ordered, That each maritime mobile station engaged in telegraph communication shall retain in its files for a period of 18 months from the date of transmission or receipt, as the case may be, the original or a copy of each telegraph message transmitted by it, and a copy of each telegraph message received by it:

Provided, however, That Part 42 shall, in other respects, remain in full force and effect, and that the provisions of this order shall be construed as imposing requirements additional to said part.

[SEAL] FEDERAL COMMUNICATIONS COMMISSION,
By T. J. SLOWIE,
Secretary.

[F. R. Doc. 45-15610; Filed, Aug. 23, 1945; 9:46 a. m.]

TITLE 49—TRANSPORTATION AND RAILROADS

Chapter I—Interstate Commerce Commission

[S. O 254-A]

PART 95—CAR SERVICE

REFRIGERATOR CARS FOR CONTAINERS

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 22nd day of August, A. D. 1945.

Upon further consideration of the provisions of Service Order No. 254 (9 F.R. 13962), and good cause appearing therefor: *It is ordered*, That:

(a) Service Order No. 254, *Refrigerator cars for containers*, be, and it is hereby, vacated and set aside.

(b) *Announcement required.* Each of the railroads affected by this order shall within fifteen (15) days from the effective date of this order, publish, file, and post a supplement to each of its tariffs affected announcing the vacation by this order on the effective date hereof, of Service Order No. 254 and stating that the provisions in said tariffs which were suspended by such order will be restored on the effective date of this order. (40 Stat. 101, sec. 402, 418, 41 Stat. 476, sec. 4, 54 Stat. 901, 911; 49 U.S.C. I (10)-(17), 15 (2))

It is further ordered, That this order shall become effective at 12:01 a. m., August 27, 1945; that a copy of this order and direction shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

By the Commission, Division 3.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 45-15634; Filed, Aug. 23, 1945; 11:00 a. m.]

[Rev. S. O. 263-A]

PART 95—CAR SERVICE

DEMURRAGE CHARGES ON TANK CARS

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 22nd day of August, A. D. 1945.

Upon further consideration of the provisions of Revised Service Order No. 263 (10 F.R. 582), as amended (10 F.R. 1794, 3239, 4158, 5858, 7123), and good cause appearing therefor: *It is ordered*, That:

(a) Revised Service Order No. 263 (10 F.R. 582), as amended (10 F.R. 1794, 3239, 4158, 5858, 7123), providing increased demurrage charges on tank cars, be, and it is hereby, vacated and set aside.

(b) *Announcement required.* Each of the railroads affected by this order shall within fifteen (15) days from the effective date of this order, publish, file, and post a supplement to each of its tariffs affected announcing the vacation by this order on the effective date hereof, of Revised Service Order No. 263, as amended, and stating that the provisions in said tariffs which were suspended by such order will be restored on the effective date of this order. (40 Stat. 101, sec. 402, 418, 41 Stat. 476, sec. 4, 54 Stat. 901, 911; 49 U.S.C. 1 (10)-(17), 15 (2))

It is further ordered, That this order shall become effective at 12:01 a. m., August 27, 1945; that a copy of this order and direction shall be served upon the State railroad regulatory bodies of all States and the District of Columbia; and upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

By the Commission, Division 3.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 45-15635; Filed, Aug. 23, 1945; 11:00 a. m.]

[S. O. 301-A]

PART 95—CAR SERVICE

RESTRICTION OF BAUXITE ORE FROM NEW YORK HARBOR AREA

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 22d day of August, A. D. 1945.

Upon further consideration of the provisions of Service Order No. 301 (10 F.R. 4109), and good cause appearing therefor: *It is ordered*, That:

(a) Service Order No. 301 (10 F.R. 4109), *Restriction of bauxite ore from New York harbor area*, be, and it is hereby, vacated and set aside.

(b) *Announcement required.* Each of the railroads affected by this order shall within fifteen (15) days from the effective date of this order, publish, file, and post a supplement to each of its tariffs affected announcing the vacation by this order on the effective date hereof, of Service Order No. 301 and stating that the provisions in said tariffs which were suspended by such order will be restored on the effective date of this order. (40 Stat. 101, sec. 402, 418, 41 Stat. 476, sec. 4, 54 Stat. 901, 911; 49 U.S.C. 1 (10)-(17), 15 (2))

It is further ordered, That this order shall become effective at 12:01 a. m., August 27, 1945; that a copy of this order and direction shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

By the Commission, Division 3.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 45-15637; Filed, Aug 23 1945; 11:00 a. m.]

[S. O. 332-A]

PART 95—CAR SERVICE

LOADING OF FREIGHT IN ARIZONA AND CALIFORNIA ON SUNDAYS AND HOLIDAYS PROHIBITED

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 22d day of August, A. D. 1945.

Upon further consideration of the provisions of Service Order No. 332 (10 F.R. 8603), and good cause appearing therefor: *It is ordered*, That:

(a) Service Order No. 332 (10 F.R. 8603), prohibiting loading of freight in Arizona and California on Sundays and holidays, be, and it is hereby, vacated and set aside.

It is further ordered, That this order shall become effective at 12:01 a. m., August 24, 1945; that a copy of this order and direction shall be served upon the State railroad regulatory bodies of the States of Arizona and California, and upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

By the Commission, Division 3.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 45-15639; Filed, Aug. 23, 1945; 11:00 a. m.]

[S. O. 110-A]

PART 97—ROUTING OF TRAFFIC

DIVERSION OF PETROLEUM IN NEW YORK HARBOR AREA

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 22d day of August, A. D. 1945.

Upon further consideration of the provisions of Service Order No. 110 (8 F.R. 2237), as amended (9 F.R. 853), and good cause appearing therefor: *It is ordered*, That:

Service Order No. 110, as amended, 49 CFR § 97.7, diversion of petroleum in New York Harbor area, be, and it is hereby, vacated and set aside.

It is further ordered, That this order shall become effective at 12:01 a. m., August 27, 1945; that a copy of this order and direction shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

By the Commission, Division 3.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 45-15633; Filed, Aug. 23, 1945; 11:00 a. m.]

Chapter II—Office of Defense Transportation

[Gen. Order ODT 3, Revised, as Amended, Revocation]

PART 501—CONSERVATION OF MOTOR EQUIPMENT

COMMON CARRIERS OF PROPERTY

Pursuant to Executive Orders 8989, as amended, and 9156; *It is hereby ordered*, That:

(1) General Order ODT 3, Revised, as amended, §§ 501.4 to 501.14, inclusive (7 F.R. 5445, 6689, 7694; 8 F.R. 4660; 9 F.R. 947, 2793, 3264, 3357, 6778), be, and it is hereby, revoked.

(2) General Permits ODT 3-1 (7 F.R. 4120), 3-2 (7 F.R. 4858), 3-3 (7 F.R. 6017), 3-4 (7 F.R. 5951), 3, Revised-5A (9 F.R. 4443), 3, Revised-6 (7 F.R. 8833), and 3, Revised-7 (8 F.R. 2290), be, and the same are, hereby revoked.

(3) Any participant in a plan for joint action placed in effect upon order of the Office of Defense Transportation pursuant to the provisions of General Order ODT 3, Revised, as amended, may at any time withdraw from such plan by serving written notice of such withdrawal upon the other parties to the plan: *Provided*, That, in any case where the plan designates a participant or other person as representative of the participants for the purpose of correspondence in respect of such plan, service of the written notice of withdrawal may be made upon such participant or other person.

Paragraphs (1) and (2) of this revocation order shall become effective November 1, 1945.

Paragraph (3) of this revocation order shall become effective August 22, 1945.

(E.O. 8989, as amended, 6 F.R. 6725, 8 F.R. 14183; E.O. 9156, 7 F.R. 3349)

Issued at Washington, D. C., this 22d day of August 1945.

J. M. JOHNSON,
Director,
Office of Defense Transportation.

[F. R. Doc. 45-15583; Filed, Aug. 22, 1945; 3:38 p. m.]

[Gen. Order ODT 6A, as amended, Revocation]

PART 501—CONSERVATION OF MOTOR EQUIPMENT

LOCAL CARRIERS OF PROPERTY COLLECTION AND DELIVERY; LOCAL CARTAGE SERVICE

Pursuant to Executive Orders 8989, as amended, and 9155; *It is hereby ordered*, That:

(1) General Order ODT 6A, as amended, §§ 501.20 to 501.30, inclusive (8 F.R. 8757, 9 F.R. 2794), be, and it hereby is, revoked.

(2) General Permits ODT 6-1 (7 F.R. 4185), 6-2 (7 F.R. 4186), 6-3 (7 F.R. 4186), 6-4 (7 F.R. 4933), 6-6 (7 F.R. 5463), 6-7 (7 F.R. 5915), and 6A-1 (8 F.R. 15745), be, and the same are hereby, revoked.

(3) Any participant in a plan for joint action placed in effect upon order of the Office of Defense Transportation pursuant to the provisions of General Order ODT 6A, as amended, may at any time withdraw from such plan by serving written notice of such withdrawal upon the other parties to the plan: *Provided*, That, in any case where the plan designates a participant or other person as representative of the participants for the purpose of correspondence in respect of such plan, service of the written notice of withdrawal may be made upon such participant or other person.

Paragraphs (1) and (2) of this revocation order shall become effective November 1, 1945.

Paragraph (3) of this revocation order shall become effective August 22, 1945.

(E.O. 8989, as amended, 6 F.R. 6725, 8 F.R. 14183; E.O. 9156, 7 F.R. 3349)

Issued at Washington, D. C., this 22d day of August 1945.

J. M. JOHNSON,
Director,
Office of Defense Transportation.

[F. R. Doc. 45-15582; Filed, Aug. 22, 1945; 3:38 p. m.]

[Gen. Order ODT 17, as Amended, Revocation]

PART 501—CONSERVATION OF MOTOR EQUIPMENT

MOTOR CARRIERS OF PROPERTY

Pursuant to Executive Orders 8989, as amended, and 9156; *It is hereby ordered*, That:

(1) General Order ODT 17, as amended, §§ 501.65 to 501.78, inclusive (7 F.R. 5678, 7694, 9623; 8 F.R. 10910, 12750; 9 F.R. 2795), be, and it is hereby, revoked.

(2) General Permits ODT 17-1 (7 F.R. 5682), 17-2 (7 F.R. 5887), 17-3 (7 F.R. 5887), 17-4 (7 F.R. 5887, 6496), 17-5A (9 F.R. 5443), 17-6 (7 F.R. 5888), 17-7 (7 F.R. 5888), 17-8 (7 F.R. 5888), 17-9 (7 F.R. 5888), 17-10 (7 F.R. 5888), 17-11A (9 F.R. 5443), 17-12A (9 F.R. 5443), 17-13 (7 F.R. 6281), 17-14A (9 F.R. 4443), 17-15 (7 F.R. 7918, 17-16 (7 F.R. 8834, 9438), 17-17 (7 F.R. 9438), 17-18 (7 F.R. 10538), 17-19 (7 F.R. 10724), 17-20 (8 F.R. 2291), 17-21 (8 F.R. 7117), 17-22 (8 F.R. 7358), 17-23 (8 F.R. 7286), 17-24 (8 F.R. 8617), 17-25A (9 F.R. 2415), 17-26 (8 F.R. 8876), 17-27 (8 F.R. 10775), 17-28 (8 F.R. 10776), 17-29 (8 F.R. 12238), 17-30 (9 F.R. 3516), and 17-31 (10 F.R. 6465) be, and they are hereby, revoked.

(3) Supplementary Orders ODT 17-1 (7 F.R. 9642), 17-2 (8 F.R. 5686), 17-3 (8 F.R. 9433), 17-4 (9 F.R. 12983), 17-5 (10 F.R. 6330), 17-6 (10 F.R. 6473), and 17-7 (10 F.R. 9483) be, and they are hereby, revoked.

(4) All approvals and directions issued by the Office of Defense Transportation in respect of plans for joint and collective action by motor carriers of property, pursuant to the provisions of General Order ODT 17, as amended, or pursuant to the Recommendation of the Director of the Office of Defense Transportation to the Chairman of the War Production Board, dated January 8, 1944, concerning the formulation of certain joint action plans by private carriers and contract carriers, as well as persons using the services of for-hire carriers (9 F.R. 707), and certified by the Chairman of the War Production Board under section 12 of Public Law No. 603, 77th Congress (56 Stat. 357), in Certificate 190 (9 F.R. 715), dated January 10, 1944, or pursuant to any other recommendation of the Director of the Office of Defense Transportation to the Chairman of the War Production Board and certified by said Chairman under said Section 12, be, and they are hereby, vacated and revoked.

(5) Any participant in a plan for joint action approved by or placed into effect upon order of, or direction by, the Office of Defense Transportation pursuant to the provisions of General Order ODT 17, as amended, or pursuant to any recommendation of the Director of the Office of Defense Transportation to the Chairman

of the War Production Board and certified by said Chairman under section 12 of Public Law No. 603, 77th Congress (56 Stat. 357), may at any time withdraw from such plan by serving written notice of such withdrawal upon the other parties to the plan: *Provided*, That, in any case where the plan designates a participant or other person as representative of the participants for the purpose of correspondence in respect of such plan, service of the written notice of withdrawal may be made upon such participant or other person.

Paragraphs (1), (2), (3), and (4) of this revocation order shall become effective November 1, 1945. Paragraph (5) of this revocation order shall become effective August 22, 1945.

(E.O. 8989, as amended, 6 F.R. 6725, 8 F.R. 14183; E.O. 9156, 7 F.R. 3349)

Issued at Washington, D. C., this 22d day of August 1945.

[SEAL] J. M. JOHNSON,
Director,
Office of Defense Transportation.

[F. R. Doc. 45-15584; Filed, Aug. 22, 1945; 3:38 p. m.]

[Gen. Order ODT 43, Revocation]

PART 501—CONSERVATION OF MOTOR EQUIPMENT

COMMON CARRIERS OF HOUSEHOLD GOODS

Pursuant to Executive Orders 8989, as amended, and 9156, General Order ODT 43, §§ 501.390 to 501.410, inclusive (9 F.R. 3261), is hereby revoked effective November 1, 1945.

(E.O. 8989, as amended, 6 F.R. 6725, 8 F.R. 14183; E.O. 9156, 7 F.R. 3349)

Issued at Washington, D. C., this 22nd day of August 1945.

J. M. JOHNSON,
Director,
Office of Defense Transportation.

[F. R. Doc. 45-15585; Filed, Aug. 22, 1945; 3:38 p. m.]

[Gen. Order ODT 44A, Amdt. 2]

PART 501—CONSERVATION OF MOTOR EQUIPMENT

RATIONING OF NEW COMMERCIAL MOTOR VEHICLES

Pursuant to Title III of the Second War Powers Act, 1942, as amended, Executive Orders 8989, as amended, 9156, 9214, and 9294, and War Production Board Directives 21 and 36, as amended, paragraph (b) of § 501.430 of General Order ODT 44A, as amended (10 F.R. 9125, 10237), is hereby amended to read as follows:

§ 501.430 *Definitions.* As used herein, the term: • • •

(b) "New commercial motor vehicle" means any light, medium or heavy motor-truck, truck-tractor or trailer, or the chassis therefor, or any chassis on which a bus body is to be mounted, and which:

(1) Was manufactured subsequently to December 31, 1942; and

(2) Was designed to be propelled or drawn by mechanical power; and

(3) Was designed for use on or off the highways for transportation of property or persons; and

(4) Was manufactured otherwise than under specifications of the United States Army or United States Navy; and

(5) Has not been transferred to any person other than a sales agency for the purpose of resale; including vehicles of the following types: trucks, truck chassis, truck-tractors, off-the-highway motor vehicles, full-trailers and semi-trailers having a load-carrying capacity of 10,000 pounds or more, bus chassis, carry-all suburbans, sedan deliveries, and cab pickups, but not including station wagons, utility sedans, coupes fitted with pickup boxes, ambulances, hearses, taxicabs and integral type buses.

This Amendment 2 to General Order ODT 44A, as amended, shall become effective August 22, 1945.

(Title III of the Second War Powers Act, 1942, as amended, 56 Stat. 177, 50 U.S.C. App. Sec. 633, 58 Stat. 827; E.O. 8989, as amended, 6 F.R. 6725; 8 F.R. 14183; E.O. 9156, 7 F.R. 3349; E.O. 9214, 7 F.R. 6097; E.O. 9294, 8 F.R. 221; War Production Board Directives 21 and 36, as amended, 8 F.R. 5834, 10 F.R. 9658)

Issued at Washington, D. C., this 22d day of August 1945.

J. M. JOHNSON,
Director,
Office of Defense Transportation.

[F. R. Doc. 45-15589; Filed, Aug. 22, 1945; 3:39 p. m.]

[Administrative Order ODT 10, as Amended, Revocation]

PART 503—ADMINISTRATION

REGISTRATION OF FREIGHT AND EMPTY AND PARTIALLY LOADED VEHICLES

Pursuant to Executive Orders 8989, as amended, 9156, 9214, and 9294, Administrative Order ODT 10, as amended, §§ 503.270 to 503.283, inclusive, (9 F.R. 2795, 13720) is hereby revoked effective November 1, 1945.

(E.O. 8989, as amended, 6 F.R. 6725, 8 F.R. 14183; E.O. 9156, 7 F.R. 3349; E.O. 9214, 7 F.R. 6097; E.O. 9294, 8 F.R. 221)

Issued at Washington, D. C., this 22d day of August 1945.

J. M. JOHNSON,
Director,
Office of Defense Transportation.

[F. R. Doc. 45-15587; Filed, Aug. 22, 1945; 3:39 p. m.]

[Administrative Order ODT 14, Revocation]

PART 503—ADMINISTRATION

SPECIAL PERMITS: PROPERTY CARRYING MOTOR VEHICLES

Pursuant to Executive Order 8989, as amended, 9156, 9214, and 9294, Administrative Order ODT 14, §§ 503.310 to 503.321, inclusive (9 F.R. 1184), is hereby revoked effective November 1, 1945.

(E.O. 8989, as amended, 6 F.R. 6725, 8 F.R. 14183; E.O. 9156, 7 F.R. 3349; E.O. 9214, 7 F.R. 6097; E.O. 9294, 8 F.R. 221)

Issued at Washington, D. C., this 22d day of August 1945.

J. M. JOHNSON,
Director,
Office of Defense Transportation.

[F. R. Doc. 45-15586; Filed, Aug. 22, 1945; 3:38 p. m.]

[Gen. Order ODT 2, Revocation]

PART 501—CONSERVATION OF MOTOR EQUIPMENT

SUBSTITUTION OF MOTOR VEHICLE FOR RAIL PASSENGER TRANSPORTATION

Correction

The first paragraph of Federal Register Document 45-15333, appearing on page 10236 of the issue for Tuesday, August 21, 1945, should read as follows:

Pursuant to Executive Order 8989, as amended (6 F.R. 6725, 8 F.R. 14183), General Order ODT No. 2, §§ 501.1 to 501.3, inclusive (7 F.R. 2952), is hereby revoked effective August 31, 1945.

[Gen. Order ODT 27, as Amended, Revocation]

PART 501—CONSERVATION OF MOTOR EQUIPMENT

INTERCITY COMMON CARRIERS OF PASSENGERS BY MOTOR VEHICLE IN PUERTO RICO

Pursuant to Executive Orders 8989, as amended, 9156, 9214, and 9294, General Order ODT 27, as amended, §§ 501.160 to 501.170, inclusive (7 F.R. 11016, 8 F.R. 14583, 9 F.R. 116), is hereby revoked effective August 23, 1945.

(E.O. 8989, 6 F.R. 6725 and 8 F.R. 14183; E.O. 9156, 7 F.R. 3349; E.O. 9214, 7 F.R. 6097; E.O. 9294, 8 F.R. 221)

Issued at Washington, D. C., this 23d day of August 1945.

J. M. JOHNSON,
Director,
Office of Defense Transportation.

[F. R. Doc. 45-15646; Filed, Aug. 23, 1945; 11:07 a. m.]

[Gen. Order ODT 28, Revocation]

PART 501—CONSERVATION OF MOTOR EQUIPMENT

LIMITATION ON SPEED OF MOTOR VEHICLES IN PUERTO RICO

Pursuant to Executive Orders 8989, as amended, 9156, and 9214, General Order ODT 28, §§ 501.180 to 501.185, inclusive (7 F.R. 11017), is hereby revoked effective August 23, 1945.

(E.O. 8989, as amended, 6 F.R. 6725, 8 F.R. 14183; E.O. 9156, 7 F.R. 3349; E.O. 9214, 7 F.R. 6097)

Issued at Washington, D. C., this 23d day of August 1945.

J. M. JOHNSON,
Director,
Office of Defense Transportation.

[F. R. Doc. 45-15647; Filed, Aug. 23 1945; 11:07 a. m.]

[Gen. Order ODT 29, as Amended, Revocation]

PART 501—CONSERVATION OF MOTOR EQUIPMENT

TAXICABS AND TAXI SERVICE IN PUERTO RICO

Pursuant to Executive Orders 8939, as amended, 9156, 9214, and 9294, General Order ODT 29, as amended, §§ 501.190 to 501.201, inclusive (7 F.R. 11017, 8 F.R. 14992), is hereby revoked effective August 23, 1945.

(E.O. 8989, as amended, 6 F.R. 6725, 8 F.R. 14183; E.O. 9156, 7 F.R. 3349; E.O. 9214, 7 F.R. 6097; E.O. 9294, 8 F.R. 221)

Issued at Washington, D. C., this 23d day of August 1945.

J. M. JOHNSON,
Director,
Office of Defense Transportation.

[F. R. Doc. 45-15648; Filed, Aug. 23, 1945; 11:07 a. m.]

[Gen. Order ODT 30, Revocation]

PART 501—CONSERVATION OF MOTOR EQUIPMENT

COMMON CARRIERS OF PROPERTY IN PUERTO RICO

Pursuant to Executive Orders 8989, as amended, 9156, and 9214, General Order ODT 30, §§ 501.210 to 501.224, inclusive (7 F.R. 11018), is hereby revoked effective August 23, 1945.

(E.O. 8989, as amended, 6 F.R. 6725, 8 F.R. 14183; E.O. 9156, 7 F.R. 3349; E.O. 9214, 7 F.R. 6097)

Issued at Washington, D. C., this 23d day of August 1945.

J. M. JOHNSON,
Director,
Office of Defense Transportation.

[F. R. Doc. 45-15649; Filed, Aug. 23, 1945; 11:08 a. m.]

[Gen. Order ODT 31, Revocation]

PART 501—CONSERVATION OF MOTOR EQUIPMENT

MOTOR CARRIERS OF PROPERTY IN PUERTO RICO

Pursuant to Executive Orders 8989, as amended, 9156, and 9214, General Order ODT 31, §§ 501.235 to 501.247, inclusive (7 F.R. 11021), is hereby revoked effective August 23, 1945.

(E.O. 8989, as amended, 6 F.R. 6725, 8 F.R. 14183; E.O. 9156, 7 F.R. 3349; E.O. 9214, 7 F.R. 6097)

Issued at Washington, D. C., this 23d day of August 1945.

J. M. JOHNSON,
Director,
Office of Defense Transportation.

[F. R. Doc. 45-15650; Filed, Aug. 23, 1945; 11:08 a. m.]

No. 167——4

[Gen. Order ODT 32, Revocation]

PART 501—CONSERVATION OF MOTOR EQUIPMENT

LOCAL DELIVERY CARRIERS IN PUERTO RICO

Pursuant to Executive Orders 8989, as amended, 9156, and 9214, General Order ODT 32, §§ 501.258 to 501.269, inclusive (7 F.R. 11024), is hereby revoked effective August 23, 1945.

(E.O. 8989, as amended, 6 F.R. 6725, 8 F.R. 14183; E.O. 9156, 7 F.R. 3349; E.O. 9214, 7 F.R. 6097)

Issued at Washington, D. C., this 23d day of August 1945.

J. M. JOHNSON,
Director,
Office of Defense Transportation.

[F. R. Doc. 45-15651; Filed, Aug. 23, 1945; 11:08 a. m.]

[Gen. Order ODT 33, Revocation]

PART 500—CONSERVATION OF RAIL EQUIPMENT

PASSENGER TRAIN OPERATIONS RESTRICTED IN PUERTO RICO

Pursuant to Executive Orders 8989, as amended, and 9214, General Order ODT 33, §§ 500.55 to 500.62, inclusive (8 F.R. 330), is hereby revoked effective August 23, 1945.

(E.O. 8989, as amended, 6 F.R. 6725, 8 F.R. 14183; E.O. 9214, 7 F.R. 6097)

Issued at Washington, D. C., this 23d day of August 1945.

J. M. JOHNSON,
Director,
Office of Defense Transportation.

[F. R. Doc. 45-15652; Filed, Aug. 23, 1945; 11:08 a. m.]

[Gen. Order ODT 34, Revocation]

PART 501—CONSERVATION OF MOTOR EQUIPMENT

CERTIFICATES OF WAR NECESSITY FOR COMMERCIAL MOTOR VEHICLES IN PUERTO RICO

Pursuant to Executive Orders 8989, as amended, 9156, 9214, and 9294, General Order ODT 34, §§ 501.280 to 501.294, inclusive (8 F.R. 3071), is hereby revoked effective August 23, 1945.

(E.O. 8989, as amended, 6 F.R. 6725, 8 F.R. 14183; E.O. 9156, 7 F.R. 3349; E.O. 9214, 7 F.R. 6097; E.O. 9294, 8 F.R. 221)

Issued at Washington, D. C., this 23d day of August 1945.

J. M. JOHNSON,
Director,
Office of Defense Transportation.

[F. R. Doc. 45-15653; Filed, Aug. 23, 1945; 11:08 a. m.]

[Gen. Order ODT 36, as Amended, Revocation]

PART 501—CONSERVATION OF MOTOR EQUIPMENT

COMMON CARRIERS OF PASSENGERS BY MOTOR VEHICLE IN LOCAL SERVICE IN PUERTO RICO

Pursuant to Executive Orders 8989, as amended, 9156, 9214, and 9294, General Order ODT 36, as amended, §§ 501.322 to 501.330, inclusive (8 F.R. 4266, 9 F.R. 116), is hereby revoked effective August 23, 1945.

(E.O. 8989, as amended, 6 F.R. 6725, 8 F.R. 14183; E.O. 9156, 7 F.R. 3349; E.O. 9214, 7 F.R. 6097; E.O. 9294, 8 F.R. 221)

Issued at Washington, D. C., this 23d day of August 1945.

J. M. JOHNSON,
Director,
Office of Defense Transportation.

[F. R. Doc. 45-15654; Filed, Aug 23, 1945; 11:08 a. m.]

Notices

FEDERAL COMMUNICATIONS COMMISSION.

[Docket No. 6775]

MACKAY RADIO AND TELEGRAPH CO. ET AL.

ORDER INSTITUTING INVESTIGATION AND SETTING HEARING DATE

In the matter of increased charges for telegraph communications from the United States, its territories and possessions, to Spanish Morocco.

At a session of the Federal Communications Commission held at its offices in Washington, D. C. on the 14th day of August, 1945;

It appearing, that R. C. A. Communications, Inc., the Commercial Cable Company, Mackay Radio and Telegraph Company, All America Cables and Radio, Inc., and The Western Union Telegraph Company have filed with the Commission revised tariff schedules effective August 20, August 22, and September 15, 1945, stating new increased charges for telegraph messages from the United States and certain of its possessions to Spanish Morocco; said tariff schedules being designated as follows:

MACKAY RADIO AND TELEGRAPH COMPANY

TARIFF F. C. C. NO. 2

19th Revised Page 75.
20th Revised Page 100.
19th Revised Page 120.
15th Revised Page 129B.
12th Revised Page 139.
18th Revised Page 164.

THE WESTERN UNION TELEGRAPH COMPANY

TARIFF F. C. C. NO. 173

7th Revised Page 26.

TARIFF F. C. C. NO. 180

16th Revised Page 35A.
1st Revised Page 67.

COMMERCIAL CABLE COMPANY

TARIFF F. C. C. NO. 2

12th Revised Page 54.
13th Revised Page 67.
11th Revised Page 76.
9th Revised Page 80B.
14th Revised Page 85.

R. C. A. COMMUNICATIONS, INC.

TARIFF F. C. C. NO. 15

16th Revised Page 71.

ALL AMERICA CABLES AND RADIO, INC.

TARIFF F. C. C. NO. 2

17th Revised Page 89F.
14th Revised Page 89G.

It further appearing, that said tariff schedules state increased charges for telegraph communications in interstate and foreign commerce; that the rights and interests of the public may be injuriously affected thereby; and it being the opinion of the Commission that the effective date of such schedules, insofar as they provide for increased charges for telegraph communications from the United States, its territories and possessions, to Spanish Morocco, should be postponed pending hearing and decision on the lawfulness of such increased charges;

It is ordered, That the Commission upon its own motion, without formal pleading, enter upon a hearing concerning the lawfulness of the charges contained in the above-cited tariff schedules, insofar as they relate to telegraph communications from the United States, its territories and possessions, to Spanish Morocco;

It is further ordered, That the operation of the above-cited tariff schedules, insofar as they provide for increased charges for and in connection with telegraph communications from the United States, its territories and possessions, to Spanish Morocco, be suspended; that the use of the charges therein stated be deferred until November 20, 1945, unless otherwise ordered by the Commission; and that during said period of suspension no changes shall be made in such charges or in the charges sought to be altered, unless authorized by special permission of the Commission.

It is further ordered, That an investigation be, and the same is hereby instituted, into the lawfulness of the rates, charges, classifications, regulations, practices, and services of R. C. A. Communications, Inc., the Commercial Cable Company, Mackay Radio and Telegraph Company, All America Cables and Radio, Inc., and The Western Union Telegraph Company, for and in connection with telegraph communication service between the United States, its territories and possessions, on the one hand, and Spanish Morocco, on the other;

It is further ordered, That in the event a decision as to the lawfulness of the charges herein suspended has not been made during the suspension period and said charges have gone into effect, all of the carriers subject to the Commission's jurisdiction participating in the service provided under the tariff provisions herein suspended, shall, until further order of the Commission, each keep accurate account of all amounts charged, collected or received by reason of any increase in charges effected thereby; that each such carrier shall specify in such accounts by whom and in whose behalf such amounts are paid; and each such carrier shall file with this Commission a report, under oath, on or before the 10th day of each calendar month, commencing December 10, 1945 showing the amounts accounted for as aforesaid during the previous calendar month;

It is further ordered, That a copy of this order be filed in the offices of the Commission with said tariff schedules herein suspended; that all carriers subject to the Commission's jurisdiction which are parties to such tariff schedules be, and they are hereby each made a party respondent to this proceeding; and that copies hereof be served upon each such party respondent;

It is further ordered, That this proceeding be, and the same is hereby assigned for hearing on the 12th day of September, 1945, beginning at 10:00 a. m. at the offices of the Federal Communications Commission in Washington, D. C.

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 45-15612; Filed, Aug. 23, 1945; 9:46 a. m.]

INTERSTATE COMMERCE COMMISSION.

[S. O. 69-A]

AUTHORIZATION OF GROUND STORAGE OF EXPORT FREIGHT AT NEW ENGLAND PORTS

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 22d day of August, A. D. 1945.

Upon further consideration of the provisions of Service Order No. 69 of February 3, 1942, and good cause appearing therefor: *It is ordered*, That:

Service Order No. 69, authorizing ground storage of export freight at New England ports, be, and it is hereby, vacated and set aside.

It is further ordered, That this order shall become effective at 12:01 a. m., August 27, 1945; that a copy of this order and direction shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

By the Commission, Division 3.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 45-15628; Filed, Aug. 23, 1945; 11:00 a. m.]

[S. O. 70-A, Special Permit 1028]

RECONSIGNMENT OF POTATOES AT CHICAGO, ILL.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph (§ 95.35, 8 F.R. 14624) of Service Order No. 70-A of October 22, 1943, permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard entirely the provisions of Service Order No. 70-A insofar as it applies to the reconsignment at Chicago, Illinois, August 18, 1945, by F. E. Baldwin & Company, of car PFE 95807, potatoes, now on the Chicago Produce Terminal to Produce Distributors, Rockford, Illinois. (C&NW).

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 18th day of August 1945.

V. C. CLINGER,
Director,
Bureau of Service.

[F. R. Doc. 45-15629; Filed, Aug. 23, 1945; 11:00 a. m.]

[S. O. 70-A, Special Permit 1029]

RECONSIGNMENT OF POTATOES AT ST. LOUIS, MO.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph (§ 95.35, 8 F.R. 14624), of Service Order No. 70-A of October 22, 1943, permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard entirely the provisions of Service Order No. 70-A insofar as it applies to the reconsignment at St. Louis, Missouri, August 18, 1945, by A. M. Macheca, of car PFE 50908, potatoes, now on the Missouri Pacific Railroad, to Cairo, Illinois, stop off Carbondale, Ill. (IC).

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 18th day of August 1945.

V. C. CLINGER,
Director,
Bureau of Service.

[F. R. Doc. 45-15630; Filed, Aug. 23, 1945; 11:00 a. m.]

[S. O. 70-A, Special Permit 1030]

RECONSIGNMENT OF GRAPES AT CHICAGO, ILL.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph (§ 95.35, 8 F.R. 14624) of Service Order No. 70-A of October 22, 1943, permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard entirely the provisions of Service Order No. 70-A insofar as it applies to the reconsignment at Chicago, Illinois, August 18, 1945, by Gamble Robinson, Limited, of car PFE 95385, grapes, now on the Chicago and North Western Railroad, to Gamble Robinson, Limited, Ottawa, Canada (MC-CP).

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 18th day of August 1945.

V. C. CLINGER,
Director,
Bureau of Service.

[F. R. Doc. 45-15631; Filed, Aug. 23, 1945; 11:00 a. m.]

[S. O. 74-A]

BULKHEADING CARS OF WATERMELONS PROHIBITED

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 22d day of August, A. D. 1945.

Upon further consideration of the provisions of Service Order No. 74 of May 21, 1942, and good cause appearing therefor: *It is ordered*, That:

(a) Service Order No. 74, prohibiting bulkheading cars of watermelons, be, and it is hereby, vacated and set aside.

(b) *Announcement required.* Each of the railroads affected by this order shall within fifteen (15) days from the effective date of this order, publish, file, and post a supplement to each of its tariffs affected announcing the vacation by this order on the effective date hereof, of Service Order No. 74 and stating that the provisions in said tariffs which were suspended by such order will be restored on the effective date of this order. (40 Stat. 101, sec. 402, 418; 41 Stat. 476, sec. 4; 54 Stat. 901, 911; 49 U.S.C. 1 (10)-(17), 15 (2))

It is further ordered, That this order shall become effective at 12:01 a. m., August 27, 1945; that a copy of this order and direction shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

By the Commission, Division 3.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 45-15632; Filed, Aug. 23, 1945; 11:00 a. m.]

[2d Rev. S. O. 300, Special Permit 40]

REFRIGERATION OF POTATOES FROM GREENPORT, LONG ISLAND, N. Y.

Pursuant to the authority vested in me by paragraph (e) of the first ordering paragraph of Second Revised Service Order No. 300 (10 F.R. 6802), permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard the provisions of Second Revised Service Order No. 300 insofar as it applies to the furnishing of standard refrigeration on cars of potatoes, shipped by F. H. Vahlsing, Inc., as follows: FGE 15710, 16337 and 35440, from Greenport, L. I., August 17, 1945, consigned to N. Geraci & Company, Inc., Tampa, Florida (LI-PRR-RF&P-SAL); PFE 76536 and ART 17863 from Bridgehampton, L. I., August 18, 1945, consigned to Sidney Alterman, Port Everglades, Florida (LI-PRR-Sou-FEC); SFRD 22687 and MDT 19338 from Greenport, L. I., August 18, 1945, consigned to N. Geraci & Company, Inc., Tampa, Florida (LI-PRR-RF&P-SAL), all to be exported to Cuba.

The waybills shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 18th day of August 1945.

V. C. CLINGER,
Director,
Bureau of Service.

[F. R. Doc. 45-15636; Filed, Aug. 23, 1945; 11:01 a. m.]

[S. O. 332, Special Permit 7]

LOADING AND BILLING OF TIN CANS

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph of Service Order No. 332 (10 F.R. 8603), permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard the provisions of Service Order No. 332 insofar as it applies to the loading and billing of tin cans Sunday, August 19, 1945.

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 18th day of August 1945.

V. C. CLINGER,
Director,
Bureau of Service.

[F. R. Doc. 45-15638; Filed, Aug. 23, 1945; 11:01 a. m.]

[Rev. S. O. 345, Special Permit 3]

REFRIGERATION OF PFE FREIGHT CAR FROM GIBBON, NEBR.

Pursuant to the authority vested in me by paragraph (g) of the first ordering paragraph of Revised Service Order No. 345 (10 F.R. 10034), permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard the provisions of Revised Service Order No. 345 insofar as it applies to standard refrigeration on PFE 60247 shipped by Plowaty Bergart, Gibbon, Nebraska, to Port Everglades, Florida, route UP-IC-NC&StL-ABC-ACL-FEC.

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 18th day of August 1945.

V. C. CLINGER,
Director,
Bureau of Service.

[F. R. Doc. 45-15640; Filed, Aug. 23, 1945; 11:01 a. m.]

[Rev. S. O. 345, Special Permit 4]

REFRIGERATION OF MDT, ART, AND PFE FREIGHT CARS AT CHICAGO, ILL.

Pursuant to the authority vested in me by paragraph (g) of the first ordering paragraph of Revised Service Order No. 345 (10 F.R. 10034), permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard the provisions of Revised Service Order No. 345 insofar as it applies to standard refrigeration at and from Chicago on MDT 16893, ART 7106 and PFE 60269 as ordered by Plowaty Bergart, shipped from Gibbon, Nebraska, August 16 routed UP-IC-NC&StL-ABC-ACL-FEC to Port Everglades, Florida.

The waybills shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commis-

sion at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 18th day of August 1945.

V. C. CLINGER,
Director,
Bureau of Service.

[F. R. Doc. 45-15641; Filed, Aug. 23, 1945; 11:01 a. m.]

[Rev. S. O. 346, Special Permit 3]

ICING OF PEAS AT CHICAGO, ILL.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph of Revised Service Order No. 346 (10 F.R. 10035), permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard the provisions of Revised Service Order No. 346 insofar as it applies to the furnishing of one additional retop icing in transit only, at Chicago, Illinois, (on Wab) not later than August 23, 1945, on car ART 21681, peas, shipped from Del Norte, Colorado, August 15, 1945, consigned to Atlantic Commission Company, Boston, Massachusetts, (Mo. Pac.-Wab. to Chicago-NYC and connections), as ordered by Hartner Produce Company, Denver, Colorado.

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 18th day of August 1945.

V. C. CLINGER,
Director,
Bureau of Service.

[F. R. Doc. 45-15642; Filed, Aug. 23, 1945; 11:01 a. m.]

OFFICE OF ALIEN PROPERTY CUSTODIAN.

[Vesting Order 5179]

FRANCES SUZANNE HANSEN

In re: Estate of Frances Suzanne Hansen, also known as Frances Herbert, deceased, File D-6-1178; E.T. sec. 12258.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

That the property described as follows: All right, title, interest and claim of any kind or character whatsoever of Thekla (Theckla) Gunther, and heirs, next of kin and distributees, names unknown, of Frances Suzanne Hansen, also known as Frances Herbert, deceased, and each of them, in and to the Estate of Frances Suzanne Hansen, also known as Frances Herbert, deceased,

is property payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

Nationals and Last Known Address

Thekla (Theckla) Gunther, Germany (Austria).

Heirs, next of kin and distributees, names unknown, of Frances Suzanne Hansen, also known as Frances Herbert, deceased, Germany (Austria).

That such property is in the process of administration by R. G. Thompson and Margaret McCaul, as Executors, acting under the judicial supervision of the Superior Court of the State of California, in and for the County of Los Angeles;

And determining that to the extent that such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC-1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on August 7, 1945.

[SEAL] JAMES E. MARKHAM,
Alien Property Custodian.

[F. R. Doc. 45-15581; Filed, Aug. 22, 1945; 12:38 p. m.]

[Vesting Order 5086]

CLARA HERZ

In re: Interest in real property and a claim owned by Clara Herz, also known as Klara Herz, as Clara Heart and as Clara Kleinberger.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

1. That the last known address of Clara Herz, also known as Klara Herz, as Clara Heart and as Clara Kleinberger, is Berlin, Germany, and that she is a resident of Germany, and a national of a designated enemy country (Germany);

2. That Clara Herz, also known as Klara Herz, as Clara Heart and as Clara Kleinberger, is the owner of the property described in subparagraph 3 hereof;

3. That the property described as follows:

a. An undivided one-half interest in and to the real property situated in the City of Knoxville, Knox County, Tennessee, particularly described in Exhibit A, attached hereto and by reference made a part hereof, together with all hereditaments, fixtures, improvements and appurtenances thereto, and any and all claims for rents, refunds, benefits or other payments arising from the ownership of such property, and

b. All right, title, interest and claim of any name or nature whatsoever of Clara Herz, also known as Klara Herz, as Clara Heart and as Clara Kleinberger, in and to any and all obligations, contingent or otherwise and whether or not matured, owing to Clara Herz, also known as Klara Herz, as Clara Heart and as Clara Kleinberger, by the City of Knoxville, Tennessee, on account of overpayment of real estate taxes, and any and all security rights in and to any and all collateral for any or all such obligations and the right to enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, a designated enemy country (Germany) or national thereof;

And determining that to the extent that such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described in subparagraph 3-a hereof, subject to recorded liens, encumbrances and other rights of record held by or for persons who are not nationals of designated enemy countries, and hereby vests in the Alien Property Custodian the property described in subparagraph 3-b hereof,

All such property so vested to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall this order be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC-1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on July 12, 1945.

[SEAL] FRANCIS J. MCNAMARA,
Deputy Alien Property Custodian.

EXHIBIT A

Real property situated in the City of Knoxville, State of Tennessee, fronting 55 feet on Jackson Street and being 150 feet in depth, the same being the westernmost plot of the lot known and described as Lot No. 280 in Sneed King & Company's Railroad Addition to Knoxville, as conveyed to Frank Heart and Marcus Heart by Isabella G. Webb under a certain warranty deed, dated March 13, 1873, and recorded on March 15, 1873, in Book 1, Vol. 3, page 71 in the Register's Office of Knox County, Tennessee, and having an area of 8/250 square feet.

[F. R. Doc. 45-15580; Filed, Aug. 22, 1945; 12:38 p. m.]

OFFICE OF DEFENSE TRANSPORTATION.

[Certain Special Orders ODT LB Series, Revocation]

DIRECTIONS GOVERNING LOCAL PASSENGER TRANSPORT

Pursuant to Executive Orders 8989, as amended, 9156, and 9294, it is hereby ordered that Special Orders ODT LB-10 (8 F.R. 3965), LB-11 (8 F.R. 5415), LB-14 (8 F.R. 14696), and LB-15A (9 F.R. 952), be, and the same are hereby, revoked effective September 1, 1945.

(E.O. 8989, as amended, 6 F.R. 6725, 8 F.R. 14183; E.O. 9156, 7 F.R. 3349; E.O. 9294, 8 F.R. 221)

Issued at Washington, D. C., this 22d day of August 1945.

J. M. JOHNSON,
Director,
Office of Defense Transportation.

[F. R. Doc. 45-15588; Filed, Aug. 22, 1945; 3:39 p. m.]

[Special Orders ODT LB-8, LB-13A, Revocation]

DIRECTIONS GOVERNING LOCAL PASSENGER TRANSPORT

Pursuant to Executive Orders 8989, as amended, 9156, and 9294, *It is hereby ordered*, That Special Orders ODT LB-8 (7 F.R. 9262) and LB-13A (9 F.R. 2926) be, and the same are hereby, revoked effective September 15, 1945.

(E.O. 8989, as amended, 6 F.R. 6725, 8 F.R. 14183; E.O. 9156, 7 F.R. 3349; E.O. 9294, 8 F.R. 221)

Issued at Washington, D. C., this 23d day of August 1945.

J. M. JOHNSON,
Director,
Office of Defense Transportation.

[F. R. Doc. 45-15643; Filed, Aug. 23, 1945; 11:07 a. m.]

[Special Order ODT MF-1, Revocation]

COMMON CARRIERS

SUBSTITUTED AND COORDINATED SERVICE IN MINNESOTA

Pursuant to Executive Orders 8989, as amended, and 9156, Special Order ODT MF-1, paragraphs 1 to 7, inclusive (9 F.R. 3402), is hereby revoked effective October 1, 1945.

(E.O. 8989, as amended, 6 F.R. 6725, 8 F.R. 14183; E.O. 9156, 7 F.R. 3349)

Issued at Washington, D. C., this 23d day of August 1945.

J. M. JOHNSON,
Director,
Office of Defense Transportation.

[F. R. Doc. 45-15644; Filed, Aug. 23, 1945; 11:07 a. m.]

[Special Order ODT R-5, Revocation]

LOUISVILLE AND NASHVILLE RAILROAD CO.

ESTABLISHMENT OF PASSENGER TRAIN SERVICE BETWEEN DESIGNATED POINTS IN TENNESSEE

Pursuant to Executive Order 8989, as amended, Special Order ODT R-5 (8 F.R. 10788), is hereby revoked effective August 23, 1945.

(E.O. 8989, as amended, 6 F.R. 6725, 8 F.R. 14183)

Issued at Washington, D. C., this 23d day of August 1945.

J. M. JOHNSON,
Director,
Office of Defense Transportation.

[F. R. Doc. 45-15645; Filed, Aug. 23, 1945; 11:07 a. m.]

OFFICE OF PRICE ADMINISTRATION.

[RMPR 122, Amdt. 32 to Rev. Order 47]

LOCUST COAL CO.

ADJUSTMENT OF MAXIMUM PRICES

For the reasons set forth in an opinion issued herewith and in accordance with § 1340.259 (a) (1) of Revised Maximum Price Regulation No. 122; *It is ordered*, That Revised Order No. 47 under Revised Maximum Price Regulation No. 122 be amended in the following respect:

Paragraph (f6) is amended to read as follows:

(f6) The prices set forth in paragraphs (c) (1), (d) and (f) for the respective areas for "direct delivery" and "yard sales" may be increased for sales of Pennsylvania anthracite produced by Locust Coal Company by no more than 60 cents per net ton in the egg, stove, nut, pea and buckwheat sizes; and by no more than 40 cents per net ton in the rice size; if:

(1) The dealer keeps Pennsylvania anthracite produced by Locust Coal Company separate in storage and delivery from any other kind of solid fuels;

(2) The dealer keeps complete and accurate records of the Locust Coal Company's anthracite for such time as this paragraph (f6) is in effect. The records shall show: the date he received the coal; the name and address of the producer; the quantity in net tons of each delivery to him of such anthracite and all invoices sent to him by the producer; and

(3) The Locust Coal Company's anthracite is produced and prepared at the Weston Breaker, Shenandoah, Pennsylvania.

This amendment shall become effective August 23, 1945.

Issued this 22d day of August 1945.

JAMES G. ROGERS, Jr.,
Acting Administrator.

[F. R. Doc. 45-15561; Filed, Aug. 22, 1945; 11:47 a. m.]

[RMPR 131, Order 30]

RELINERS, PATCHES, AND BOOTS

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to section 5a (c) of Revised Maximum Price Regulation 131, it is ordered:

(a) *Applicability.* This order applies to sales of reliners, patches, and/or boots which are made from scrap materials and which are sold to jobbers, mail order houses, and chain store systems of more than 25 units, the maximum prices on which transactions were established prior to August 7, 1945, by written order under subparagraph (5) of section 5a (c) of Revised Maximum Price Regulation 131.

(b) *Maximum prices.* Maximum prices for sales of the commodity described in paragraph (a) of this order, shall be the maximum prices heretofore authorized by written order pursuant to section 5a (c) for all wholesale sales less a minimum discount of 20 percent.

(c) The maximum prices for sales of reliners, patches, and/or boots which are made from scrap material and which are sold at retail or to vulcanizers, recappers, and retailers (not including mail order houses or chain store systems of more than 25 units) are not affected by this order.

(d) *Notification of maximum prices.* With or prior to the first delivery of any repair material covered by this order to any person who purchases for resale, the seller shall furnish such buyer a notification in writing setting forth the maximum prices established for sales to jobbers, mail order houses, and chain store

systems of more than 25 units, which are the maximum prices determined pursuant to paragraph (b) (1) above, and the applicable maximum prices for other wholesale sales and for sales at retail, which are the maximum prices heretofore authorized by written order of the Office of Price Administration under section 5a (c) of Revised Maximum Price Regulation 131.

(d) All provisions of Revised Maximum Price Regulation 131 not inconsistent with this order shall apply to sales of the commodities covered by this order.

(e) This order may be revoked or amended by the Office of Price Administration at any time.

This order shall become effective as of August 13, 1945.

Issued this 22d day of August 1945.

JAMES G. ROGERS, Jr.,
Acting Administrator.

[F. R. Doc. 45-15562; Filed, Aug. 22, 1945; 11:49 a. m.]

[RMPR 136, Order 493]

KING-SEELEY CORP.

AUTHORIZATION OF MAXIMUM PRICES

Order No. 493 under Revised Maximum Price Regulation 136. Machines, parts and industrial equipment. Central Specialty Division of the King-Seeley Corporation; Docket No. 6083-136.21-390.

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to section 21 of Revised Maximum Price Regulation 136; *It is ordered:*

(a) The maximum prices for sales of power tools and accessories by the Central Specialty Division of the King-Seeley Corporation, Ypsilanti, Michigan, shall be determined as follows:

The manufacturer shall multiply by 128.4% the maximum net price he had in effect to a purchaser of the same class just prior to the issuance of this order.

(b) The maximum prices for sales of power tools and accessories by resellers shall be determined as follows: The reseller shall add to the maximum net price he had in effect to a purchaser of the same class, just prior to the issuance of this order, the amount, in dollars-and-cents, by which his net invoiced cost has been increased due to the adjustment granted the manufacturer by this order.

(c) The Central Specialty Division of the King-Seeley Corporation shall notify each person who buys power tools or accessories for resale of the dollars-and-cents amounts by which this order permits the reseller to increase his maximum net prices. A copy of each such notice shall be filed with the Machinery Branch, Office of Price Administration, Washington 25, D. C.

(d) All requests not granted herein are denied.

(e) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective August 23, 1945.

Issued this 22d day of August 1945.

JAMES G. ROGERS, Jr.,
Acting Administrator.

[F. R. Doc. 45-15563; Filed, Aug. 22, 1945; 11:48 a. m.]

[MPR 188, Rev. Order 4105]

ART METALS

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.158 of Maximum Price Regulation No. 188; *It is ordered:*

(a) This order establishes maximum prices for sales and deliveries of certain articles manufactured by Art Metals, 212-230 Fifth Street, Bridgeport 7, Connecticut.

(1) For all sales and deliveries to the following classes of purchasers by the sellers indicated below, the maximum prices are those set forth below:

Article	Model	Maximum prices for sales by any seller to—		
		Wholesalers (jobbers)	Retailers	Consumers
Fruit juice squeezer, cast aluminum	3	*Each* $1.89	*Each* $2.37	*Each* $3.95

These maximum prices are for the article described in the manufacturer's application dated May 25, 1945.

(2) For sales by the manufacturer, the maximum prices apply to all sales and deliveries since Maximum Price Regulation No. 188 became applicable to those sales and deliveries. They are f. o. b. factory and are subject to a cash discount of 2% for payment within ten days, net thirty days.

(3) For sales by persons other than the manufacturer, the maximum prices apply to all sales and deliveries after the effective date of this order. Those prices are subject to each seller's customary terms and conditions of sale on sales of similar articles.

(4) If the manufacturer wishes to make sales and deliveries to any other class of purchaser or on other terms and conditions of sale, he must apply to the Office of Price Administration, Washington, D. C., under the Fourth Pricing Method, § 1499.158 of Maximum Price Regulation No. 188, for the establishment of maximum prices for those sales, and no sales or deliveries may be made until maximum prices have been authorized by the Office of Price Administration.

(b) The manufacturer shall attach a tag or label to every article for which a maximum price for sales to consumers is established by this order. That tag or label shall contain the following statement:

OPA Retail Ceiling Price—$3.95
Do Not Detach or Obliterate

(c) At the time of, or prior to, the first invoice to each purchaser for resale, the seller shall notify the purchaser in writing of the maximum prices and conditions established by this order for sales by the purchasers. This notice may be given in any convenient form.

(d) This order may be revoked or amended by the Price Administrator at any time.

(e) This order shall become effective on the 23d day of August 1945.

Issued this 22d day of August 1945.

JAMES G. ROGERS, Jr.,
Acting Administrator.

[F. R. Doc 45-15564; Filed, Aug. 22, 1945; 11:47 a. m.]

[MPR 188, Corr. to Order 4130]

COLUMBIA ASSOCIATES

APPROVAL OF MAXIMUM PRICES

Order No. 4130 under § 1499.158 of Maximum Price Regulation No. 188 is corrected by changing paragraph (a) to read as follows:

(a) This order establishes maximum prices for sales and deliveries of certain articles manufactured by Columbia Associates, 141 West Twenty-Fourth Street, New York 11, New York.

This correction shall become effective on the 22d day of August 1945.

Issued this 22d day of August 1945.

JAMES G. ROGERS, Jr.,
Acting Administrator.

[F. R. Doc. 45-15565; Filed, Aug. 22 1945, 11:47 a. m.]

[MPR 188, Order 4272]

CAMERON MFG. CORP.

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.159c of Maximum Price Regulation No. 188; *It is ordered:*

(a) This order establishes maximum prices for sales and deliveries of certain articles manufactured by Cameron Manufacturing Corporation, of Emporium, Pennsylvania.

(1) For all sales and deliveries to the following classes of purchasers by any person, the maximum prices are those set forth below:

Article	Maximum prices for sales to—		
	Jobbers	Retailers	Consumers
Model 6 standard slip joint pliers (6")	*Each* $0.43	*Each* $0.57	*Each* $0.86
Model 8 standard slip joint pliers (8")	.58	.77	1.16

These maximum prices are for the articles described in the manufacturer's reports dated June 4, 1945 and June 11, 1945.

(2) For sales by the manufacturer, the maximum prices apply to all sales and deliveries since Maximum Price Regulation No. 188 became applicable to those sales and deliveries. They are f. o. b. factory, and they are subject to a cash discount of two percent for payment within ten days, except that the prices for sales to consumers are net.

(3) For sales by persons other than the manufacturer, the maximum prices apply to all sales and deliveries after the effective date of this order. Those prices are subject to each seller's customary terms and conditions of sale on sales of similar articles.

(4) If the manufacturer wishes to make sales and deliveries to any other class of purchaser or on other terms and conditions of sale, he must apply to the Office of Price Administration, under the Fourth Pricing Method, § 1499.158 of Maximum Price Regulation No. 188, for the establishment of maximum prices for those sales, and no sales or deliveries may be made until maximum prices have been authorized by the Office of Price Administration.

(b) The manufacturer shall attach a tag or label to every article for which a maximum price for sales to consumers is established by this order. That tag or label shall contain the following statement with the amount properly filled in:

OPA Retail Ceiling Price—$------
Do Not Detach

(c) At the time of, or prior to, the first invoice to each purchaser for resale, the manufacturer shall notify the purchaser in writing of the maximum prices and conditions established by this order for sales by the purchaser. This notice may be given in any convenient form.

(d) This order may be revoked or amended by the Price Administrator at any time.

(e) This order shall become effective on the 23d day of August 1945.

Issued this 22d day of August 1945.

JAMES G. ROGERS, Jr.,
Acting Administrator.

[F. R. Doc. 45-15566; Filed, Aug. 22, 1945; 11:50 a. m.]

[MPR 188, Order 4273]

MINDOR PRODUCTS

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.158 of Maximum Price Regulation No. 188; *It is ordered:*

(a) This order establishes maximum prices for sales and deliveries of certain articles manufactured by Mindor Products, 958 Utica Avenue, Brooklyn, N. Y.

(1) For all sales and deliveries to the following classes of purchasers by the sellers indicated below, the maximum prices are those set forth below:

Article	Model No.	For sales by the manufacturer to—		For sales by any person to consumers
		Jobbers	Retailers	
[illegible]	201 and 202	*Each* $1.19	*Each* $1.40	*Each* $2.60

These maximum prices are for the articles described in the manufacturer's application dated June 9, 1945.

(2) For sales by the manufacturer, the maximum prices apply to all sales and deliveries since Maximum Price Regulation No. 188 became applicable to those sales and deliveries. For sales to persons other than consumers they are f. o. b. factory, 2% 10 days, net 30. The maximum price to consumers is net, delivered.

(3) For sales by persons other than the manufacturer, the maximum prices apply to all sales and deliveries after the effective date of this order. Those prices are subject to each seller's customary terms and conditions of sale on sales of similar articles.

(4) If the manufacturer wishes to make sales and deliveries to any other class of purchaser or on other terms and conditions of sale, he must apply to the Office of Price Administration, Washington, D. C., under the Fourth Pricing Method, § 1499.158 of Maximum Price Regulation No. 188, for the establishment of maximum prices for those sales, and no sales or deliveries may be made until maximum prices have been authorized by the Office of Price Administration.

(b) The manufacturer shall attach a tag or label to every article for which a maximum price for sales to consumers is established by this order. That tag or label shall contain the following statement, with the proper model number and the ceiling price inserted in the blank spaces:

Model No. ------
OPA Retail Ceiling Price—$------
Do Not Detach

(c) At the time of, or prior to, the first invoice to each purchaser for resale, the manufacturer shall notify the purchaser in writing of the maximum prices and conditions established by this order for sales by the purchaser. This notice may be given in any convenient form.

(d) Jobber's maximum prices for sales of the articles covered by this order shall be established under the provisions of section 4.5 of SR 14J.

(e) This order may be revoked or amended by the Price Administrator at any time.

(f) This order shall become effective on the 23d day of August 1945.

Issued this 22d day of August 1945.

JAMES G. ROGERS, Jr.,
Acting Administrator.

[F. R. Doc. 45-15567; Filed, Aug. 22, 1945; 11:50 a. m.]

[MPR 188, Order 4274]

CROWNFORD CHINA CO.

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.158 of Maximum Price Regulation No. 188; *It is ordered:*

(a) This order establishes maximum prices for sales and deliveries of certain articles manufactured by Crownford China Company, 45 West 25th Street, New York 10, N. Y.

(1) For all sales and deliveries to the following classes of purchasers by the sellers indicated below, the maximum prices are those set forth below:

Article	Model No.	For sales by the manufacturer to—		For sales by any person to consumers
		Jobbers	Retailers	
24" table lamp, glazed china base, hand painted and decorated	8090	*Each* $15.73	*Each* $18.50	*Each* $33.30
25" table lamp, glazed china, hand decorated base	3118	11.05	13.00	23.40

These maximum prices are for the articles described in the manufacturer's application dated February 14, 1945.

(2) For sales by the manufacturer, the maximum prices apply to all sales and deliveries since Maximum Price Regulation No. 188 became applicable to those sales and deliveries. For sales to persons other than consumers they are f. o. b. factory, 2% 10 days, net 30. The maximum price to consumers is net, delivered.

(3) For sales by persons other than the manufacturer, the maximum prices apply to all sales and deliveries after the effective date of this order. Those prices are subject to each seller's customary terms and conditions of sale on sales of similar articles.

(4) If the manufacturer wishes to make sales and deliveries to any other class of purchaser or on other terms and conditions of sale, he must apply to the Office of Price Administration, Washington, D. C., under the Fourth Pricing Method, § 1499.158 of Maximum Price Regulation No. 188, for the establishment of maximum prices for those sales, and no sales or deliveries may be made until maximum prices have been authorized by the Office of Price Administration.

(b) The manufacturer shall attach a tag or label to every article for which a maximum price for sales to consumers is established by this order. That tag or label shall contain the following statement, with the proper model number and the ceiling price inserted in the blank spaces:

Model No. ------
OPA Retail Ceiling Price—$------
Do Not Detach

(c) At the time of, or prior to, the first invoice to each purchaser for resale, the manufacturer shall notify the purchaser in writing of the maximum prices and conditions established by this order for sales by the purchaser. This notice may be given in any convenient form.

(d) Jobber's maximum prices for sales of the articles covered by this order shall be established under the provisions of section 4.5 of SR 14J.

(e) This order may be revoked or amended by the Price Administrator at any time.

(f) This order shall become effective on the 23d day of August 1945.

Issued this 22d day of August 1945.

JAMES G. ROGERS Jr.,
Acting Administrator.

[F. R. Doc. 45-15568; Filed, Aug. 22, 1945; 11:50 a. m.]

[MPR 188, Order 4275]

JUDSON W. & EVA B. COMPTON

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.158 of Maximum Price Regulation No. 188; *It is ordered:*

(a) This order establishes maximum prices for sales and deliveries of certain articles manufactured by Judson W. & Eva B. Compton, 3801 South East Belmont Street, Portland 15, Oreg.

(1) For all sales and deliveries to the following classes of purchasers by the sellers indicated below, the maximum prices are those set forth below:

Article	Model No.	For sale by the manufacturer to—		For sales to any person to consumers
		Jobbers	Retailers	
Myrtle wood lamp with 4 myrtle wood ball-shaped breaks and finished with clear lacquer	1	*Each* $5.31	*Each* $6.25	*Each* $11.25
Myrtle wood pin-up lamp finished with clear lacquer	3	5.13	6.04	10.85
Myrtle wood lamp, urn shaped and finished with clear lacquer	15	5.31	6.25	11.25

These maximum prices are for the articles described in the manufacturer's application dated March 27, 1945.

(2) For sales by the manufacturer, the maximum prices apply to all sales and deliveries since Maximum Price Regulation No. 188 became applicable to those sales and deliveries. For sales to persons other than consumers they are f. o. b. factory, 2% 10 days, net 30. The maximum price to consumers is net, delivered.

(3) For sales by persons other than the manufacturer, the maximum prices apply to all sales and deliveries after the effective date of this order. Those prices are subject to each seller's customary terms and conditions of sale on sales of similar articles.

(4) If the manufacturer wishes to make sales and deliveries to any other class of purchaser or on other terms and conditions of sale, he must apply to the Office of Price Administration, Washington, D. C., under the Fourth Pricing Method, § 1499.158 of Maximum Price Regulation No. 188, for the establishment of maximum prices for those sales, and no sales or deliveries may be made until maximum prices have been authorized by the Office of Price Administration.

(b) The manufacturer shall attach a tag or label to every article for which a maximum price for sales to consumers is established by this order. That tag or label shall contain the following statement, with the proper model number and the ceiling price inserted in the blank spaces:

Model No. ------
OPA Retail Ceiling Price—$------
Do Not Detach

(c) At the time of, or prior to, the first invoice to each purchaser for resale, the manufacturer shall notify the purchaser in writing of the maximum prices and conditions established by this order for sales by the purchaser. This notice may be given in any convenient form.

(d) Jobber's maximum prices for sales of the articles covered by this order shall be established under the provisions of section 4.5 of SR 14J.

(e) This order may be revoked or amended by the Price Administrator at any time.

(f) This order shall become effective on the 23d day of August 1945.

Issued this 22d day of August 1945.

JAMES G. ROGERS, Jr.,
Acting Administrator.

[F. R. Doc. 45-15569; Filed, Aug. 22, 1945; 11:49 a. m.]

[MPR 188, Order 4276]

W AND W FOUNDRY

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.158 of Maximum Price Regulation No. 188; *It is ordered:*

(a) This order establishes maximum prices for sales and deliveries of certain articles manufactured by the W and W Foundry, 16717 Manhattan Place, Gardena, Calif.

(1) For all sales and deliveries to the following classes of purchasers by the sellers indicated below, the maximum prices are those set forth below:

Article	Model	Maximum prices for sales by any seller to—			
		Wholesalers (jobbers)	Chain and department stores	Other retailers	[illegible]
Aluminum sauce pan, with cover, 2 quart size	350-200C	*Each* 41.70	*Each* $2.04	*Each* $2.27	*Each* $3.[illegible]
Aluminum sauce pan, with cover, 3 quart size	350-300C	2.10	2.62	2.80	4.2[illegible]
Aluminum sauce pan, with cover, 4 quart size	350-100C	2.43	2.91	3.23	4.8[illegible]
Aluminum chicken fryer, with cover	1175	2.85	3.42	3.80	5.7[illegible]
Aluminum skillet, molded handle	350-110M	1.35	1.62	1.80	2.7[illegible]
Aluminum skillet, with cover	350-110S	2.40	2.88	3.10	4.8[illegible]
Aluminum griddle	9" dia	1.15	1.38	1.53	2.3[illegible]

These maximum prices are for the articles described in the manufacturer's applications dated June 14, 1945.

(2) For sales by the manufacturer, the maximum prices apply to all sales and deliveries since Maximum Price Regulation No. 188 became applicable to those sales and deliveries. These prices are f. o. b. factory and subject to a cash discount of 2% for payment within 10 days, net 30 days.

(3) For sales by persons other than the manufacturer, the maximum prices apply to all sales and deliveries after the effective date of this order. Those prices are subject to each seller's customary terms and conditions of sale on sales of similar articles.

(4) If the manufacturer wishes to make sales and deliveries to any other class of purchaser or on other terms and conditions of sale, he must apply to the Office of Price Administration, Washington, D. C., under the Fourth Pricing Method, § 1499.158 of Maximum Price Regulation No. 188, for the establishment of maximum prices for those sales, and no sales or deliveries may be made until maximum prices have been authorized by the Office of Price Administration.

(b) The manufacturer shall attach a tag or label to every article for which a maximum price for sales to consumers is established by this order. That tag or label shall contain the following statement with the correct retail ceiling price filled in:

OPA Retail Ceiling Price—$------
Do Not Remove or Obliterate

(c) At the time of, or prior to, the first invoice to each purchaser for resale, the seller shall notify the purchaser in writing of the maximum prices and conditions established by this order, for sales by the purchaser. This notice may be given in any convenient form.

(d) This order may be revoked or amended by the Price Administrator at any time.

(e) This order shall become effective on the 23d day of August 1945.

Issued this 22d day of August 1945.

JAMES G. ROGERS, Jr.,
Acting Administrator.

[F. R. Doc. 45-15570; Filed, Aug. 22 1945; 11:48 a. m.]

[MPR 188, Order 4277]

PREFERABLE PRODUCTS CORP.

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.158 of Maximum Price Regulation No. 188; *It is ordered:*

(a) This order establishes maximum prices for sales and deliveries of certain articles manufactured by Preferable Products Corporation, 12 Howard Avenue, Brooklyn, N. Y.

(1) For all sales and deliveries to the following classes of purchasers by the sellers indicated below, the maximum prices are those set forth below:

Article	Model No.	For sale by the manufacturer to—		For sales by any person to consumers
		Jobbers	Retailers	
Bronze plated floor lamp with diffusing glass	500	*Each* $5.95	*Each* $7.00	*Each* $12.60
Bronze plated Torchiere lamp without glass reflector	600	6.60	7.75	13.95

Both lamps to be built to eliminate any fire hazards.

These maximum prices are for the articles described in the manufacturer's application dated June 20, 1945.

(2) For sales by the manufacturer, the maximum prices apply to all sales and deliveries since Maximum Price Regulation No. 188 became applicable to those sales and deliveries. For sales to persons other than consumers they are f. o. b. factory. The maximum price to consumers is net, delivered.

(3) For sales by persons other than the manufacturer, the maximum prices apply to all sales and deliveries after the effective date of this order. Those prices are subject to each seller's customary terms and conditions of sale on sales of similar articles.

(4) If the manufacturer wishes to make sales and deliveries to any other class of purchaser or on other terms and conditions of sale, he must apply to the Office of Price Administration, Washington, D. C., under the Fourth Pricing Method, § 1499.158 of Maximum Price Regulation No. 188, for the establishment of maximum prices for those sales, and no sales or deliveries may be made until maximum prices have been authorized by the Office of Price Administration.

(b) The manufacturer shall attach a tag or label to every article for which a maximum price for sales to consumers is established by this order. That tag or label shall contain the following statement, with the proper model number and the ceiling price inserted in the blank spaces:

Model No. ------
OPA Retail Ceiling Price—$------
Do Not Detach

(c) At the time of, or prior to, the first invoice to each purchaser for resale, the manufacturer shall notify the purchaser in writing of the maximum prices and conditions established by this order for sales by the purchaser. This notice may be given in any convenient form.

(d) Jobber's maximum prices for sales of the articles covered by this order shall be established under the provisions of section 4.5 of SR 14J.

(e) This order may be revoked or amended by the Price Administrator at any time.

(f) This order shall become effective on the 23d day of August 1945.

Issued this 22d day of August 1945.

JAMES G. ROGERS, Jr.,
Acting Administrator.

[F. R. Doc. 45-15571; Filed, Aug. 22, 1945; 11:48 a. m.]

[MPR 188, Order 4278]

EDISON MFG. CO.

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.158 of Maximum Price Regulation No. 188, *It is ordered:*

(a) This order establishes maximum prices for sales and deliveries of certain articles manufactured by the Edison Manufacturing Co., 6200 Franklin Avenue, Los Angeles 28, Calif.

(1) For all sales and deliveries to the following classes of purchasers by the sellers indicated below, the maximum prices are those set forth below:

Article	Model No.	Maximum prices for sales by any seller to—			
		Wholesalers (jobbers)	Retailers (6 units or more)	Retailers (less than 6 units)	Consumers
Electric fan 8"	100	*Each* $3.58	*Each* $4.99	*Each* $4.30	*Each* 6.45
Electric fan 10"	101	7.00	8.27	8.91	13.35
Electric fan 12"	102	12.18	14.40	15.40	23.26

These maximum prices are for the articles described in the manufacturer's application dated June 26, 1945. These prices include the Federal Excise Tax.

(2) For sales by the manufacturer, the maximum prices apply to all sales and deliveries since Maximum Price Regulation No. 188 became applicable to those sales and deliveries. They are f. o. b. factory and subject to a cash discount of 2% for payment within 10 days, net 30 days.

(3) For sales by persons other than the manufacturer, the maximum prices apply to all sales and deliveries after the effective date of this order. Those prices are subject to each seller's customary terms and conditions of sale on sales of similar articles.

(4) If the manufacturer wishes to make sales and deliveries to any other class of purchaser or on other terms and conditions of sale, he must apply to the Office of Price Administration, Washington, D. C., under the Fourth Pricing Method, § 1499.158 of Maximum Price Regulation No. 188, for the establishment of maximum prices for those sales, and no sales or deliveries may be made until maximum prices have been authorized by the Office of Price Administration.

(b) The manufacturer shall attach a tag or label to every article for which a maximum price for sales to consumers is established by this order. That tag or label shall contain either of the following statements with the correct order number, model-number and retail prices properly filled in:

Order No. 4278
Model No. ------
OPA Retail Ceiling Price—$------
Federal Excise Tax Included
Do Not Detach or Obliterate

or

Edison Manufacturing Company
6200 Franklin Avenue
Los Angeles 28, California
Model No. ------
OPA Retail Ceiling Price—$------
Federal Excise Tax Included
Do Not Detach or Obliterate

(c) At the time of, or prior to, the first invoice to each purchaser for resale, the seller shall notify the purchaser in writing of the maximum prices and conditions established by this order for sales by the purchaser. This notice may be given in any convenient form.

(d) This order may be revoked or amended by the Price Administrator at any time.

(e) This order shall become effective on the 23d day of August 1945.

Issued this 22d day of August 1945.

JAMES G. ROGERS, Jr.,
Acting Administrator.

[F. R. Doc. 45-15572; Filed, Aug. 22, 1945; 11:48 a. m.]

[MPR 188, Order 4279]

NEW ERA LIGHT CO.

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.158 of Maximum Price Regulation No. 188, *It is ordered:*

(a) This order establishes maximum prices for sales and deliveries of certain articles manufactured by New Era Light Company, 2121 Broadway, New York 24, N. Y.

(1) For all sales and deliveries to the following classes of purchasers by the sellers indicated below, the maximum prices are those set forth below:

Article	Model No.	For sales by the manufacturer to—		For sales by any person to consumers
		Jobbers	Retailers	
Fluorescent desk lamp in crackle brown finish with flexible shaft column	1 "Flexolite".	*Each* $5.52	*Each* $6.50	*Each* $11.70

These maximum prices are for the articles described in the manufacturer's application dated June 1, 1945.

(2) For sales by the manufacturer, the maximum prices apply to all sales and deliveries since Maximum Price Regulation No. 188 became applicable to those sales and deliveries. For sales to persons other than consumers they are f. o. b. factory, 2% 10 days, net 30. The maximum price to consumers is net, delivered.

(3) For sales by persons other than the manufacturer, the maximum prices apply to all sales and deliveries after the effective date of this order. Those prices are subject to each seller's customary terms and conditions of sale on sales of similar articles.

(4) If the manufacturer wishes to make sales and deliveries to any other

class of purchaser or on other terms and conditions of sale, he must apply to the Office of Price Administration, Washington, D. C., under the Fourth Pricing Method, § 1499.158 of Maximum Price Regulation No. 188, for the establishment of maximum prices for those sales, and no sales or deliveries may be made until maximum prices have been authorized by the Office of Price Administration.

(b) The manufacturer shall attach a tag or label to every article for which a maximum price for sales to consumers is established by this order. That tag or label shall contain the following statement, with the proper model number and the ceiling price inserted in the blank spaces:

Model No. ------
OPA Retail Ceiling Price—$------
Do Not Detach

(c) At the time of, or prior to, the first invoice to each purchaser for resale, the manufacturer shall notify the purchaser in writing of the maximum prices and conditions established by this order for sales by the purchaser. This notice may be given in any convenient form.

(d) Jobber's maximum prices for sales of the articles covered by this order shall be established under the provisions of section 4.5 of SR 14J.

(e) This order may be revoked or amended by the Price Administrator at any time.

(f) This order shall become effective on the 23d day of August 1945.

Issued this 22d day of August 1945.

JAMES G. ROGERS, Jr.,
Acting Administrator.

[F. R. Doc. 45-15573; Filed, Aug. 22, 1945; 11:48 a. m.]

[MPR 188, Order 4230]

PEERLITE MFG. & SUPPLY CO.

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.158 of Maximum Price Regulation No. 188; *It is ordered:*

(a) This order establishes maximum prices for sales and deliveries of certain articles manufactured by Peerlite Manufacturing & Supply Company, 178 Fifth Street, San Francisco 3, Calif.

(1) For all sales and deliveries to the following classes of purchasers by the sellers indicated below, the maximum prices are those set forth below:

Article	Model No.	For sales by the manufacturer to—		For sales by any person to consumers
		Jobbers	Retailers	
64" metal Junior floor lamp and shade, spun steel base, tubing and rings, white metal breaks, sprayed ivory and gold. Built to prevent fire hazards	50	*Each* $7.65	*Each* $9.00	*Each* $10.20
22" china table lamp of semiporcelain base glazed white with stretched rayon shade	102	4.25	5.00	9.00

These maximum prices are for the articles described in the manufacturer's application dated April 3, 1945.

(2) For sales by the manufacturer, the maximum prices apply to all sales and deliveries since Maximum Price Regulation No. 188 became applicable to those sales and deliveries. For sales to persons other than consumers they are f. o. b. factory, 2% 10 days, net 30. The maximum price to consumers is net, delivered.

(3) For sales by persons other than the manufacturer, the maximum prices apply to all sales and deliveries after the effective date of this order. Those prices are subject to each seller's customary terms and conditions of sale on sales of similar articles.

(4) If the manufacturer wishes to make sales and deliveries to any other class of purchaser or on other terms and conditions of sale, he must apply to the Office of Price Administration, Washington, D. C., under the Fourth Pricing Method, § 1499.158 of Maximum Price Regulation No. 188, for the establishment of maximum prices for those sales, and no sales or deliveries may be made until maximum prices have been authorized by the Office of Price Administration.

(b) The manufacturer shall attach a tag or label to every article for which a maximum price for sales to consumers is established by this order. That tag or label shall contain the following statement, with the proper model number and the ceiling price inserted in the blank spaces:

Model No. ----
OPA Retail Ceiling Price—$------
Do Not Detach

(c) At the time of, or prior to, the first invoice to each purchaser for resale, the manufacturer shall notify the purchaser in writing of the maximum prices and conditions established by this order for sales by the purchaser. This notice may be given in any convenient form.

(d) Jobber's maximum prices for sales of the articles covered by this order shall be established under the provisions of section 4.5 of SR 14J.

(e) This order may be revoked or amended by the Price Administrator at any time.

(f) This order shall become effective on the 23d day of August 1945.

Issued this 22d day of August 1945.

JAMES G. ROGERS, Jr.,
Acting Administrator.

[F. R. Doc. 45-15574; Filed, Aug. 22, 1945; 11:50 a. m.]

[MPR 188, Order 4281]

FAMOUS FLUORESCENT LIGHT CO.

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.158 of Maximum Price Regulation No. 188; *It is ordered:*

(a) This order establishes maximum prices for sales and deliveries of certain articles manufactured by Famous Fluorescent Light Company, 762 North Ogden Avenue, Chicago 22, Ill.

(1) For all sales and deliveries to the following classes of purchasers by the sellers indicated below, the maximum prices are those set forth below:

Article	Model No.	For sale by the manufacturer to—		For sale by any person to consumers
		Jobbers	Retailers	
Metal fluorescent desk lamp in brown enamel. Equipped with transformer and resister to operate on AC or DC current	115	*Each* $5.52	*Each* $6.90	*Each* $11.70

These maximum prices are for the articles described in the manufacturer's application dated June 4, 1945.

(2) For sales by the manufacturer, the maximum prices apply to all sales and deliveries since Maximum Price Regulation No. 188 became applicable to those sales and deliveries. For sales to persons other than consumers they are f. o. b. factory, 2% 10 days, net 30. The maximum price to consumers is net, delivered.

(3) For sales by persons other than the manufacturer, the maximum prices apply to all sales and deliveries after the effective date of this order. Those prices are subject to each seller's customary terms and conditions of sale on sales of similar articles.

(4) If the manufacturer wishes to make sales and deliveries to any other class of purchaser or on other terms and conditions of sale, he must apply to the Office of Price Administration, Washington, D. C., under the Fourth Pricing Method, § 1499.158 of Maximum Price Regulation No. 188, for the establishment of maximum prices for those sales, and no sales or deliveries may be made until maximum prices have been authorized by the Office of Price Administration.

(b) The manufacturer shall attach a tag or label to every article for which a maximum price for sales to consumers is established by this order. That tag or label shall contain the following statement, with the proper model number and the ceiling price inserted in the blank spaces:

Model No. ------
OPA Retail Ceiling Price—$------
Do Not Detach

(c) At the time of, or prior to, the first invoice to each purchaser for resale, the manufacturer shall notify the purchaser in writing of the maximum prices and conditions established by this order for sales by the purchaser. This notice may be given in any convenient form.

(d) Jobber's maximum prices for sales of the articles covered by this order shall be established under the provisions of section 4.5 of SR 14J.

(e) This order may be revoked or amended by the Price Administrator at any time.

(f) This order shall become effective on the 23d day of August 1945.

Issued this 22d day of August 1945.

JAMES G. ROGERS, Jr.,
Acting Administrator.

[F. R. Doc. 45-15575; Filed, Aug. 22, 1945; 11:50 a. m.]

[MPR 220, Order 115]

M. AILETCHER AND CO. ET AL.

ORDER OF REVOCATION

For the reasons set forth in an opinion issued simultaneously herewith, and filed with the Division of the Federal Register and pursuant to §§ 1315.1557 and 1315.1558 of Maximum Price Regulation 220, it is ordered:

(a) *What this order does.* This order revokes the orders specified in paragraph (b) below which had previously established the manufacturer's and resellers' maximum prices for bathing or shower caps.

(b) *Orders revoked.* The following orders under Maximum Price Regulation 220 are hereby revoked:

Order No.	Name and address of manufacturer
103	M. Ailetcher and Company, 120 Second Street, Lakewood, N. J.
105	M. L. Harvey Company, 10 East 23rd St., New York, N. Y.
106	Universal Latex & Plastics Corporation, Avenal, N. J.
108	Edelco Rubber Company, 362 Fifth Avenue, New York, N. Y.
109	S. Buchsbaum & Company, 1737 South Michigan Ave., Chicago 16, Ill.
110	White Products Company, 7 West 22nd St., New York 10, N. Y.
111	Aviatrix Company, 168 W. 23rd St., New York 11, N. Y.
112	Parker, Stearns & Company, Inc., 288-300 Sheffield Ave., Brooklyn, N. Y.

(c) Within seven days after the issuance of this order of revocation, each of the manufacturers listed in paragraph (b) shall notify each reseller who purchased from him any of the caps priced by an order listed in paragraph (b), that the order listed in paragraph (b) is revoked, effective September 11, 1945, and that the maximum price for the reseller's resales after the effective date of the revocation are established under the regulation which applied before the effective date of the order listed in paragraph (b). If such reseller is a wholesaler, such notice shall include a statement that prior to September 11, 1945, the wholesaler is required to notify each retailer who purchased from the wholesaler any of the caps priced by the order listed in paragraph (b) that the order listed in paragraph (b) is revoked, effective September 11, 1945, and that the maximum prices for the retailers' resales after the effective date of the revocation are established under the regulation which applied before the effective date of the order listed in paragraph (b).

This order shall become effective September 11, 1945.

Issued this 22d day of August 1945.

JAMES G. ROGERS, Jr.,
Acting Administrator.

[F. R. Doc. 45-15576; Filed, Aug. 22, 1945; 11:49 a. m.]

[MPR 120, Order 1412]

ELLIOT COAL MINING CO. ET AL.

ESTABLISHMENT OF MAXIMUM PRICES AND PRICE CLASSIFICATIONS

Correction

In Federal Register Document 45-12685, appearing on page 8771 of the issue for Saturday, July 14, 1945, in the table for F. C. & M. Coal Co. the price for rail shipment for Size group No. 2 should be "335".

[MPR 188, Order 4189]

U. S. ALADDIN CO.

APPROVAL OF MAXIMUM PRICES

Correction

In the table in Federal Register Document 45-14246, appearing on page 9693 of the issue for Saturday, August 4, 1945, the price to consumers for "Aluminum ladle" should be designated "*Each*".

Regional and District Office Orders.

LIST OF COMMUNITY CEILING PRICE ORDERS

The following orders under Rev. General Order 51 were filed with the Division of the Federal Register August 11, 1945.

REGION I

Boston Order 7-F, Amendment 10, covering fresh fruits and vegetables in the Boston Area. Filed 9:40 a. m.

Hartford Order 5-F, Amendment 13, covering fresh fruits and vegetables in Waterbury and Watertown, Connecticut. Filed 9:45 a. m.

Hartford Order 6-F, Amendment 14, covering fresh fruits and vegetables in the Hartford Area. Filed 9:45 a. m.

[MPR 61, Amdt. 3 to Order 2]

MEN'S MILITARY OUTSOLES, MIDSOLES, INSOLES AND CIVILIAN OUTSOLES

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register and pursuant to section 4 of Maximum Price Regulation 61, *It is ordered:*

Subparagraph (1) of paragraph (a) is amended by deleting therefrom the heading "Men's Civilian Outsoles" and the items appearing thereunder and substituting in its place the following:

MEN'S CIVILIAN OUTSOLES—REGULAR PATTERNS, KNOX OR DIE CUT

Maximum prices for 8-12 sizes, Standard Casing Irons

Grades	12	11½	11	10½	10	9½	9	8½	8	7½	7	6½	6
Fine	73	62	62	56	56	54	50	46	42	40	40	37	37
Semi-fine	63	58	58	54	54	52	49	44	46	38	38	35	35
Imperfect fine	63	58	58	54	54	52	49	44	40	38	38	35	35
No. 1 scratch	58	53	53	48	46	44	42	40	38	36	36	33	33

Above prices are in cents per pair.

Solid sizes:

8	3 cents below case price.
9	1 cent below case price.
10	1 cent above case price.
11	3 cents above case price.
12	6 cents above case price.
13	10 cents above case price.
14	14 cents above case price.
15	18 cents above case price.

Munson pattern. The maximum price for Munson Pattern, Knox or Die Cut, outsoles shall be the above prices for the applicable iron and grade plus 2 cents per pair.

This amendment shall become effective August 22, 1945.

Issued this 22d day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-15595; Filed, Aug. 22, 1945; 4:45 p. m.]

Hartford Order 7-F, Amendment 12, covering fresh fruits and vegetables in the New Haven Area. Filed 9:45 a. m.

Hartford Order 8-F, Amendment 13, covering fresh fruits and vegetable in the Bridgeport Area. Filed 9:46 a. m.

New Hampshire Order 4-O, Amendment 2, covering eggs. Filed 9:46 a. m.

Providence Order 3-F, Amendment 13, covering fresh fruits and vegetables in certain areas in Rhode Island. Filed 9:46 a. m.

Rhode Island Order 4-F, Amendment 6, covering fresh fruits and vegetables in certain areas in Rhode Island. Filed 9:45 a. m.

REGION II

Binghamton Order 2-F, Amendment 43, covering fresh fruits and vegetables in certain areas in New York. Filed 9:44 a. m.

New York Order 9-F, Amendment 23, covering fresh fruits and vegetables in the five boroughs of New York City. Filed 9:44 a. m.

New York Order 9-F, Amendment 24, covering fresh fruits and vegetables in the five boroughs of New York City. Filed 9:44 a. m.

REGION IV

Jackson Order 8-C, covering poultry in certain counties in the Jackson, Mississippi Area. Filed 9:43 a. m.

Jackson Order 9-C, covering poultry in certain counties in the Jackson, Mississippi Area. Filed 9:43 a. m.

Jackson Order 10-C, covering poultry in certain counties of the Jackson, Mississippi Area. Filed 9:43 a. m.

Jacksonville Order 9-F, Amendment 34, covering fresh fruits and vegetables in the Jacksonville, Florida Area. Filed 9:44 a. m.

Jacksonville Order 12-O, covering eggs in certain areas in Florida. Filed 9:44 a. m.

REGION V

Kansas City Order 1-F, Amendment 19, covering fresh fruits and vegetables in certain areas in Missouri. Filed 9:37 a. m.

Kansas City Order 2-F, Amendment 45, covering fresh fruits and vegetables in certain areas in Missouri. Filed 9:37 a. m.

Kansas City Order 2-F, Amendment 46, covering fresh fruits and vegetables in certain areas in Kansas and Missouri. Filed 9:37 a. m.

Little Rock Order 2-C, covering poultry in certain areas in the state of Arkansas. Filed 9:36 a. m.

Little Rock Order 2-O, covering eggs in certain areas in Arkansas. Filed 9:36 a. m.

Little Rock Order 3-C, covering poultry in certain areas in Arkansas. Filed 9:36 a. m.

Little Rock Order 3–O, covering eggs in certain areas in Arkansas. Filed 9:37 a. m.

New Orleans Order 1–W, Amendment 10, covering certain food items. Filed 9:39 a. m.

New Orleans Order 3–F, Amendment 1, covering fresh fruits and vegetables in certain areas in Louisiana. Filed 9:37 a. m.

New Orleans Order 4–F, covering fresh fruits and vegetables in certain areas in Louisiana. Filed 9:38 a. m.

New Orleans Order 25, Amendment 5, covering dry groceries in certain areas in Louisiana. Filed 9:38 a. m.

New Orleans Order 26, Amendment 8, covering dry groceries in certain areas in Louisiana. Filed 9:39 a. m.

Oklahoma City Order 3–F, Amendment 71, covering fresh fruits and vegetables in certain areas in Oklahoma. Filed 9:40 a. m.

Oklahoma City Order 3–F, Amendment 70, covering fresh fruits and vegetables in certain areas in Oklahoma. Filed 9:39 a. m.

Wichita Order 6–F, covering fresh fruits and vegetables in certain areas in Kansas. Filed 9:40 a. m.

REGION VI

Chicago Order 2–F, Amendment 72, covering fresh fruits and vegetables in certain areas in Illinois and Indiana. Filed 9:48 a. m.

Des Moines Order 1–F, Amendment 74, covering fresh fruits and vegetables in Des Moines, Polk County, Iowa. Filed 9:48 a. m.

Des Moines Order 2–F, Amendment 27, covering fresh fruits and vegetables in certain areas in Iowa. Filed 9:47 a. m.

Des Moines Order 3–F, Amendment 22, covering fresh fruits and vegetables in certain areas in Iowa. Filed 9:47 a. m.

Duluth-Superior Order 1–F, Amendment 81, covering fresh fruits and vegetables in certain areas in Minnesota. Filed 9:48 a. m.

Milwaukee Order 8–F, Amendment 19, covering fresh fruits and vegetables in Dane County, Wisconsin. Filed 9:47 a. m.

Milwaukee Order 9–F, Amendment 19, covering fresh fruits and vegetables in Fond du Lac and Sheboygan Counties, Wisconsin Filed 9:46 a. m.

Milwaukee Order 10–F, Amendment 5, covering fresh fruits and vegetables in Racine and Kenosha, Wisconsin (except) and certain other areas in Wisconsin. Filed 9:46 a. m.

Milwaukee Order 11–F, Amendment 11, covering fresh fruits and vegetables in Racine and Kenosha and Milwaukee County, Wisconsin. Filed 9:46 a. m.

Omaha Order 10–F, Amendment 17, covering fresh fruits and vegetables in Omaha, Nebraska and Council Bluffs, Iowa. Filed 9:49 a. m.

Omaha Order 11–F, Amendment 18, covering fresh fruits and vegetables in Lincoln, Nebraska. Filed 9:48 a. m.

REGION VI

Denver Order 4–F, Amendment 8, covering fresh fruits and vegetables in the Denver Area. Filed 9:42 a. m.

Denver Order 5–F, Amendment 8, covering fresh fruits and vegetables in the Pueblo Area. Filed 9:42 a. m.

Salt Lake City Order 11–F, Amendment 3, covering fresh fruits and vegetables in certain areas in Utah. Filed 9:42 a. m.

Salt Lake City Order 11–F, Amendment 5, covering fresh fruits and vegetables in certain areas in Utah. Filed 9:41 a. m.

Salt Lake City Order 11–F, Amendment 7, covering fresh fruits and vegetables in certain areas in Utah. Filed 9:40 a. m.

Salt Lake City Order 12–F, Amendment 2, covering fresh fruits and vegetables in certain areas in Utah. Filed 9:40 a. m.

Salt Lake City Order 12–F, Amendment 4, covering fresh fruits and vegetables in certain areas in Utah. Filed 9:40 a. m.

Salt Lake City Order 12–F, Amendment 4, covering fresh fruits and vegetables in certain areas in Utah. Filed 9:41 a. m.

Salt Lake City Order 12–F, Amendment 5, covering fresh fruits and vegetables in certain areas in Utah. Filed 9:41 a. m.

Salt Lake City Order 12–F, Amendment 6, covering fresh fruits and vegetables in certain areas in Utah. Filed 9:41 a. m.

Salt Lake City Order 12–F, Amendment 7, covering fresh fruits and vegetables in certain areas in Utah. Filed 9:41 a. m.

Salt Lake City Order 13–F, Amendment 2, covering fresh fruits and vegetables in certain areas in Utah. Filed 9:41 a. m.

REGION VIII

Seattle Order 1–OC, Amendment 17, covering poultry in certain counties in Washington. Filed 9:49 a. m.

Seattle Order 1–OC, Amendment 18, covering poultry in certain counties in Washington. Filed 9:49 a. m.

Seattle Order 9–F, Amendment 47, covering fresh fruits and vegetables in the Seattle and Bremerton, Washington Area. Filed 9:33 a. m.

Seattle Order 10–F, Amendment 39, covering fresh fruits and vegetables in the Bellingham, Washington Area. Filed 9:33 a. m.

Seattle Order 15–F, Amendment 38, covering fresh fruits and vegetables in the Yakima, Washington Area. Filed 9:33 a. m.

Seattle Order 33, Amendment 7, covering dry groceries in certain areas in Washington. Filed 9:49 a. m.

Copies of any of these orders may be obtained from the OPA Office in the designated city.

ERVIN H. POLLACK,
Secretary.

[F. R. Doc. 45–15596; Filed, Aug. 22, 1945; 4:45 p. m.]

LIST OF COMMUNITY CEILING PRICE ORDERS

The following orders under Revised General Order 51 were filed with the Division of the Federal Register August 11, 1945.

REGION II

Newark Order 7–F, Amendment 8, covering fresh fruits and vegetables in certain areas in New Jersey. Filed 9:19 a. m.

REGION IV

Nashville Order 6–W, covering dry groceries in the Nashville Area. Filed 9:20 a. m.

Nashville Order 19, covering dry groceries in the Nashville Area. Filed 9:19 a. m.

REGION V

New Orleans Order 2–F, Amendment 80, covering fresh fruits and vegetables in certain areas in Louisiana. Filed 9:22 a. m.

Oklahoma City Order 2–F, Amendment 19, covering fresh fruits and vegetables in certain areas in Oklahoma. Filed 9:18 a. m.

Oklahoma City Order 2–F, Amendment 20, covering fresh fruits and vegetables in certain areas in Oklahoma. Filed 9:18 a. m.

Oklahoma City Order 3–F, Amendment 69, covering fresh fruits and vegetables in certain areas in Oklahoma. Filed 9:18 a. m.

San Antonio Order 1–C, Amendment 3, covering poultry in certain counties in Texas. Filed 9:23 a. m.

San Antonio Order 2–F, Amendment 25, covering fresh fruits and vegetables in Bexar County, Texas. Filed 9:22 a. m.

San Antonio Order 3–F, Amendment 21, covering fresh fruits and vegetables in Austin County, Texas. Filed 9:22 a. m.

San Antonio Order 4–F, Amendment 21, covering fresh fruits and vegetables in Corpus Christi, Texas. Filed 9:23 a. m.

Shreveport Order 2–F, Amendment 67, covering fresh fruits and vegetables in certain areas in Louisiana. Filed 9:23 a. m.

Shreveport Order 3–F, Amendment 56, covering fresh fruits and vegetables in certain areas in Louisiana. Filed 9:23 a. m.

Tulsa Order 1–O, covering eggs in Tulsa, Oklahoma. Filed 9:24 a. m.

Tulsa Order 2–O, covering eggs in Tulsa, Oklahoma. Filed 9:24 a. m.

REGION VI

Duluth-Superior Order 2–F, Amendment 19 covering fresh fruits and vegetables in certain areas in Minnesota. Filed 9:16 a. m.

Green Bay Order 4–F, Amendment 26, covering fresh fruits and vegetables in certain areas in Wisconsin. Filed 9:16 a. m.

Green Bay Order 5–F, Amendment 26, covering fresh fruits and vegetables in certain areas in Wisconsin. Filed 9:17 a. m.

Green Bay Order 6–F, Amendment 26, covering fresh fruits and vegetables in Forest, Florence, and Marinette. Filed 9:17 a. m.

North Platte Order 1–F, Amendment 6, covering fresh fruits and vegetables in certain areas in Nebraska. Filed 9:17 a. m.

North Platte Order 2–F, Amendment 3, covering fresh fruits and vegetables in certain areas in Nebraska. Filed 9:17 a. m.

Twin Cities Revised Order 1–F, Amendment 28, covering fresh fruits and vegetables in St. Paul and Minneapolis. Filed 9:17 a. m.

Twin Cities Order (Revised), 2–F, Amendment 15, covering fresh fruits and vegetables in certain counties in Minnesota and Wisconsin. Filed 9:18 a. m.

REGION VII

Denver Order 6–F, Amendment 8 covering fresh fruits and vegetables in the Colorado Springs-Manitou Area. Filed 9:15 a. m.

Denver Order 7–F, Amendment 8, covering fresh fruits and vegetables in the Boulder-Fort Collins-Greeley Area. Filed 9:15 a. m.

Salt Lake City Order 2–C, covering poultry in certain areas in Utah. Filed 9:20 a. m.

Salt Lake City Order 2–C, Amendment 1 covering poultry in the State of Utah Filed 9:21 a. m.

Salt Lake City Order 11–F, Amendment 2 covering fresh fruits and vegetables in certain areas in Utah. Filed 9:16 a. m.

Salt Lake City Order 11–F, Amendment 6 covering fresh fruits and vegetables in certain areas in Utah. Filed 9:16 a. m.

Salt Lake City Order 23, Amendment 1 covering dry groceries in certain areas in Utah. Filed 9:20 a. m.

Salt Lake City Order 25, Amendment 1 covering dry groceries in certain areas in Wyoming, Idaho and Utah. Filed 9:20 a. m.

Copies of any of these orders may be obtained from the OPA Office in the designated city.

ERVIN H. POLLACK,
Secretary.

[F. R. Doc. 45–15597; Filed, Aug. 22, 1945; 4:45 p. m.]

[Region VIII Order G–3 Under Supp Service Reg. 43 to RMPR 165, Amdt 1]

BALING OF ALFALFA HAY IN MARICOPA COUNTY, ARIZ.

An opinion accompanying this amendment has been issued simultaneously herewith.

Order No. G–3 under Supplementary Service Regulation No. 43 to Revised Maximum Price Regulation No 165, as amended, is amended in the following respects:

1. Paragraph (c) is amended to read as follows:

(c) This order shall become effective May 3, 1945, and shall expire December 31, 1945.

This amendment to Order No. G–3 shall become effective August 13, 1945.

Issued this 8th day of August 1945.

FRANK H. SLOSS,
Acting Regional Administrator.

[F. R. Doc. 45–15429; Filed, Aug. 20, 1945; 4:56 p. m.]

[Region IV Order G–25 Under 75 (a)]

FLUID MILK IN COOK COUNTY, GA.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator, Region IV of the Office of Price Administration by § 1499.75 (a) (9) (ii) (c) (Supplementary Regulation 15) of the General Maximum Price Regulation, it is hereby ordered:

(a) *Adjustment of maximum prices for approved pasteurized fluid milk sold in the City of Adel, Georgia, and in Cook County, Georgia, by the Tifton Dairy Products Company, Inc., Tifton, Georgia.* (1) On and after August 21, 1945, the maximum prices for approved Pasteurized fluid milk sold and delivered in glass containers of one quart or less by the Tifton Dairy Products Company, Inc., Tifton, Georgia, in the City of Adel, Georgia, and in Cook County, Georgia, shall be:

	Quarts	Pints	Half-pints
	Cents	*Cents*	*Cents*
Wholesale	14	8	4
Retail	16	9	5

(2) On and after August 21, 1945, the maximum prices for approved pasteurized fluid milk in glass containers of one quart or less sold and delivered by any person who has purchased such milk at wholesale from the Tifton Dairy Products Company, Inc., in the City of Adel and in Cook County, Georgia, shall be: Quarts: 16¢; pints, 9¢; half-pints, 5¢.

(b) *Applicability of the General Maximum Price Regulation and other supplementary regulations and orders of the Office of Price Administration.* Except as otherwise provided herein, all transactions covered by this Order remain subject to all the provisions of the General Maximum Price Regulation, together with all amendments and supplementary orders, as modified by Order G–17, or other orders which may hereafter be issued. Unless the context otherwise requires, all terms used herein shall be construed in accordance with the provisions of § 1499.73a (a) (1) (ix) and § 1499.20 of the General Maximum Price Regulation and section 3 of Order G–17.

(c) This order may be revoked, amended or corrected at any time.

Issued: August 21, 1945.

ALEXANDER HARRIS,
Regional Administrator.

Approved: August 20, 1945.

T. G. STITTS,
Director of Dairy Branch, Production and Marketing Administration, Department of Agriculture.

[F. R. Doc. 45–15520; Filed, Aug. 21, 1945; 4:44 p. m.]

[Region V Order 1 Under MPR 259]

DOMESTIC MALT BEVERAGES IN DALLAS REGION

For the reasons set forth in the accompanying opinion, it is hereby ordered:

SECTION 1. *What this order does.* In accordance with the provisions of section 5.2 (c) of Revised Maximum Price Regulation 259, this order establishes uniform maximum deposit charges which may be imposed by wholesalers and retailers for cases and containers in connection with sales of domestic malt beverages in bottles or cases.

SEC. 2. *Where this order applies.* The provisions of this order apply to all wholesalers and retailers located within Region V of the Office of Price Administration which is composed of the following states: Kansas, Missouri, Arkansas, Oklahoma, Louisiana and Texas.

SEC. 3. *Applicability.* No wholesaler or retailer located within the area where this order is applicable may require a deposit charge from purchasers in excess of the sum permitted by this order.

SEC. 4. *Deposit charges established by this order.* The maximum deposit charges for all sellers to which this order is applicable are as follows:

	Cents (each)
Cases:	
Wooden	52
Solid fiber	27
Corrugated Cartons	27
Containers:	
Bottles—12-ounce or less	2
Bottles over 12-ounces	4

SEC. 5. *Definitions.* Unless the container otherwise requires the definitions set forth in section 302 of the Emergency Price Control Act of 1942, as amended and in Revised Maximum Price Regulation 259, as amended, shall apply to the terms used herein.

This order shall become effective August 25, 1945.

Issued this 9th day of August 1945.

W. A. ORTH,
Regional Administrator.

[F. R. Doc. 45–15521; Filed, Aug. 21, 1945; 4:44 p. m.]

LIST OF COMMUNITY CEILING PRICE ORDERS

The following orders under Rev. General Order 51 were filed with the Division of the Federal Register August 13, 1945.

REGION I

Montpelier Order 2–F, Amendment 12, covering fresh fruits and vegetables in certain areas in Vermont. Filed 1:52 a. m.

Montpelier Order 2–F, Amendment 13, covering fresh fruits and vegetables in certain areas in Vermont. Filed 1:52 a. m.

Rhode Island Order 3–O, covering eggs in the state of Rhode Island, except the town of New Shoreham. Filed 1:49 p. m.

Vermont Order 2–O, Amendment 2, covering eggs in the entire state of Vermont. Filed 1:52 a. m.

REGION II

Altoona Order 2–F, Amendment 31, covering fresh fruits and vegetables in the entire Altoona Area. Filed 1:50 p. m.

Baltimore Order 4–F, Amendment 49, covering fresh fruits and vegetables in certain areas in Maryland. Filed 1:53 p. m.

Baltimore Order 10–F, Amendment 5, covering fresh fruits and vegetables in the entire state of Maryland except Baltimore City Hall. Filed 1:53 p. m.

Baltimore Order 50, covering dry groceries. Filed 1:53 p. m.

Buffalo Order 3–F, Amendment 21, covering fresh fruits and vegetables in certain areas in New York. Filed 1:49 p. m.

Buffalo Order 4–F, Amendment 21, covering fresh fruits and vegetables in East Rochester, Rochester, Fairport and Pittsford. Filed 1:49 p. m.

Camden Order 3–F, Amendment 44, covering fresh fruits and vegetables in certain counties in New Jersey. Filed 1:52 p. m.

Camden Order 4–F, Amendment 44, covering fresh fruits and vegetables in the Atlantic and Cape May Counties, New Jersey. Filed 1:52 p. m.

District of Columbia Order 5–F, Amendment 21, covering fresh fruits and vegetables in certain areas in Region II. Filed 1:49 p. m.

Newark Order 7–F, Amendment 16, covering fresh fruits and vegetables in certain areas in New Jersey. Filed 1:53 p. m.

Philadelphia Order 6–F, Amendment 39, covering fresh fruits and vegetables in the city and county of Philadelphia. Filed 1:53 p. m.

Philadelphia Order 11–F, Amendment 14, covering fresh fruits and vegetables in certain counties in Pennsylvania. Filed 1:53 p. m.

Philadelphia Order 12–F, Amendment 14, covering fresh fruits and vegetables in certain counties in Pennsylvania. Filed 1:53 p. m.

Trenton Order 12–F, Amendment 20, covering fresh fruits and vegetables in certain counties in New Jersey. Filed 1:54 p. m.

Williamsport Order 2–F, Amendment 49, covering fresh fruits and vegetables in certain counties in Pennsylvania. Filed 1:49 p. m.

Williamsport Order 2–F, Amendment 50, covering fresh fruits and vegetables in certain counties in Pennsylvania. Filed 1:50 p. m.

Wilmington Order 4–F, Amendment 46, covering fresh fruits and vegetables in certain areas in Delaware. Filed 1:54 p. m.

REGION III

Cincinnati Order 4–F, Amendment 32, covering fresh fruits and vegetables in Hamilton County, Ohio. Filed 1:54 p. m.

Cincinnati Order 8–F, Amendment 2, covering fresh fruits and vegetables in certain areas in Ohio. Filed 1:54 p. m.

Detroit Order 5–F, Amendment 28, covering fresh fruits and vegetables in Wayne and Macomb Counties, Michigan. Filed 1:54 p. m.

REGION IV

Atlanta Order 6–F, Amendment 45, covering fresh fruits and vegetables in the Atlanta-Decatur Area. Filed 1:55 p. m.

Atlanta Order 7–F, Amendment 14, covering fresh fruits and vegetables in certain areas in Georgia. Filed 1:55 p. m.

Atlanta Order 10–F, Amendment 7, covering fresh fruits and vegetables in certain areas in Georgia. Filed 1:55 p. m.

Atlanta Order 30–C, Amendment 1, covering poultry in certain counties in Georgia. Filed 1:50 p. m.

Columbia Order 7–F, Amendment 12, covering fresh fruits and vegetables in the entire state of South Carolina. Filed 1:51 p. m.

Memphis Order 1–O, Amendment 4, covering eggs in the city of Memphis and the county of Shelby, Tennessee. Filed 1:50 p. m.

Miami Order 3–O, Amendment 1, covering eggs in Dade, Collier and Broward Counties, Florida. Filed 1:55 p. m.

Miami Order 5–O, Amendment 1, covering eggs in certain counties in Florida. Filed 1:55 p. m.

Miami Order 6–O, Amendment 1, covering eggs in certain counties in Florida. Filed 1:56 p. m.

Miami Order 7–O, Amendment 1, covering eggs in Broward, Collier and Dade Counties, Florida. Filed 1:56 p. m.

Nashville Order 12–F, Amendment 37, covering fresh fruits and vegetables in certain counties in Tennessee and Bristol, Virginia. Filed 1:56 p. m.

Richmond Order 6–F, covering fresh fruits and vegetables in certain areas in Virginia. Filed 1:56 p. m.

Roanoke Order 11–F, Amendment 25 covering fresh fruits and vegetables in certain areas in Virginia. Filed 1:51 p. m.

Savannah Order 2–C, Amendment 1, covering poultry in certain counties in Georgia. Filed 1:56 p. m.

Savannah Order 3–C, Amendment 1, covering poultry in certain counties in Georgia. Filed 1:57 p. m.

Savannah Order 4–C, Amendment 1, covering poultry in certain counties in Georgia. Filed 1:57 p. m.

Savannah Order 5–C, Amendment 1, covering poultry in certain counties in Georgia. Filed 1:57 p. m.

Savannah Order 6–C, Amendment 1, covering poultry in certain counties in Georgia. Filed 1:57 p. m.

Savannah Order 7–C, Amendment 1, covering poultry in certain counties in Georgia. Filed 1:57 p. m.

REGION V

Dallas Order 1–F, Amendment 73, covering fresh fruits and vegetables in Dallas County, Texas. Filed 1:51 p. m.

Lubbock Order 6–F, Amendment 1, covering fresh fruits and vegetables in Lubbock County, Texas. Filed 1:58 p. m.

Lubbock Order 7–F, Amendment 1, covering fresh fruits and vegetables in certain areas in Texas. Filed 1:58 p. m.

REGION VI

Chicago Order 2–F, Amendment 73, covering fresh fruits and vegetables in certain areas in Illinois and Lake County, Indiana. Filed 1:51 p. m.

Des Moines Order 3–F, Amendment 23, covering fresh fruits and vegetables in certain areas in Iowa. Filed 1:33 p. m.

Des Moines Order 2–F, Amendment 28, covering fresh fruits and vegetables in certain areas in Iowa. Filed 1:33 p. m.

Peoria Order 9–F, Amendment 18, covering fresh fruits and vegetables in Normal and Bloomington in the county of McLean, Illinois. Filed 1:33 p. m.

Peoria Order 10–F, Amendment 18, covering fresh fruits and vegetables in the county of Knox, Illinois. Filed 1:33 p. m.

Quad-Cities Order 1–M, covering malt beverages in certain areas in Illinois. Filed 1:49 p. m.

Quad-Cities Order 2–F, Amendment 49, covering fresh fruits and vegetables in certain areas in Iowa and Illinois. Filed 1:34 p. m.

Quad-Cities Order 2–F, Amendment 50, covering fresh fruits and vegetables in certain areas in Illinois and Iowa. Filed 1:49 p. m.

REGION VIII

Seattle Order 2–O, Amendment 5, covering eggs in certain counties in Oregon. Filed 1:51 p. m.

Copies of any of these orders may be obtained from the OPA Office in the designated city.

ERVIN H. POLLACK,
Secretary.

[F. R. Doc. 45–15676; Filed, Aug. 23, 1945; 11:45 a. m.]

[Region VIII Order G–8 Under RMPR 122]

SOLID FUELS IN SEATTLE, WASH., AREA

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of Region VIII of the Office of Price Administration by §§ 1340.259 and 1340.260 of Revised Maximum Price Regulation No. 122, as amended, it is hereby ordered:

(a) *Transactions covered.* (1) This order establishes maximum prices for "wholesale sales" by dealers whose places of business are located in the "Seattle, Washington area" to dealers located anywhere of the specified kinds and types of solid fuels set forth in the schedules and tables of Revised Order No. G–2 under Revised Maximum Price Regulation No. 122, as issued and effective May 8, 1945, or as hereafter amended; and of all other solid fuels for which the seller has properly determined his maximum prices under Revised Maximum Price Regulation No. 122 and has reported such prices to the Seattle District Office of the Office of Price Administration, as required by § 1340.262 (c) thereof; *Provided*, That this order shall have no application to wholesale sales by a dealer whose entire business consists of selling solid fuels produced by a supplier under common ownership with such dealer.

(2) Except as otherwise provided herein all provisions of Revised Maximum Price Regulation No. 122 remain in full force and effect, including those sections covering Prohibited Practices, Definitions, Enforcement, and Licensing.

(3) (i) The maximum prices established herein supersede all maximum prices for the specified kinds of sales as previously established under Revised Maximum Price Regulation No. 122. Maximum prices for other kinds of sales remain subject to Revised Maximum Price Regulation No. 122 and other orders issued thereunder.

(ii) Less than maximum prices may be charged, paid, or offered.

(iii) Maximum prices established by this order reflect minimum discounts which must be given by the dealer and such minimum discounts may not be decreased to reflect increased costs of any sort.

(b) *Maximum prices.* (1) The maximum price for a wholesale sale by a dealer located in the Seattle, Washington area of a kind and type of solid fuel listed in Revised Order No. G–2 shall be the maximum price therein established for a sale of a one-ton lot delivered to the premises of the buyer, including addition for dust treatment if applicable, less the appropriate discount as set forth below:

(i) SCHEDULE I—BITUMINOUS COALS PRODUCED IN WYOMING, UTAH, MONTANA, AND WASHINGTON

Producing district	Revised Order G–2 Table No.	Sizes	Discount per ton
District 19, Wyoming	Tables I and II	Lump, stove, and egg	$3.25
District 20, Utah	Table III	Nut	3.00
District 22, Montana	Table IV	Pea, stoker, and slack	2.75
District 23, Washington	Tables V through IX, inclusive.	Lump, egg, and nut (size groups 1 through 14).	2.75
		Pea, stoker, and slack (size groups 15 through 25).	2.50

(ii) SCHEDULE II—BITUMINOUS COALS PRODUCED IN CANADA

Crow Field	Table X	Lump, furnace, and stove-pea	$3.25
Lethbridge Field	Table XI	Stoker-pea, stoker, slack, and mine run.	2.75
Drumheller Field	Table XII		

(iii) SCHEDULE III—CANADIAN COKE

B. C. Electric Co., Vancouver, B. C.	Table XIII	All	$3.25

(2) The maximum price for a wholesale sale by a dealer located in the Seattle, Washington area of any kind or type of solid fuel not listed in Revised Order G–2, except coals produced on Vancouver Island, British Columbia, and for which the seller has properly determined his maximum prices under Revised Maximum Price Regulation No. 122 and has reported such prices to the Seattle District Office, shall be his maximum price for a one-ton lot delivered to the premises of the buyer, less the appropriate one of the following discounts:

	Per ton
Lump, stove, and egg sizes	$3.25
Nut sizes	3.00
Pea, stoker, and slack sizes	2.75

(c) *Taxes.* In addition to the maximum prices established herein, the following amount may be collected, provided it is separately stated on the invoice:

(1) The amount of the Federal tax upon the transportation of property imposed by section 620 of the Revenue Act of 1942 actually paid or incurred by the dealer, or an amount equal to the amount of such tax paid by any of his prior suppliers and separately stated and collected from the dealer by the supplier from whom he purchased.

(d) *Definitions.* As used herein, the term:

(1) "Seattle, Washington area" means that area including the City of Seattle and all of the area lying within the following boundaries: On the west, Puget Sound; on the east the western shore of Lake Washington; on the north the King-Snohomish County line and State Road No. 2–b; and on the south, State Road No. 1–L and State Road No. 5.

(2) "Wholesale sales" means all sales of less-than-carload quantities of solid fuel f. o. b. seller's yard or delivered by one dealer to another dealer.

(3) "Ton" means 2,000 pounds net weight.

(e) *Records and Reports.* Each dealer shall maintain the records required by § 1340.262 (a) and (b) of Revised Maximum Price Regulation No. 122, except that the dollars-and-cents maximum prices established by this Order G–8 need not be reported pursuant to paragraph (c) of said section.

(f) *Posting of maximum prices, sales slips, and receipts.* (1) Every dealer of solid fuels shall post at his place of business in a manner plainly visible to and understandable by the purchasing public, all of the maximum prices established herein which are applicable to his sales, and shall keep a copy of this order available for examination by any person during ordinary business hours.

(2) Every dealer subject to this order shall, either at the time of, or within thirty days after the date of a sale or delivery governed by this order, give to his purchaser an invoice, sales slip, or receipt, and shall keep an exact copy thereof for so long as this order is in effect or for so long as the Emergency Price Control Act of 1942, as amended, shall permit, whichever period is longer, showing the following information:

The name and address of the seller and the purchaser; the kind, size, and quantity of solid fuels sold, the date of the sale or delivery, and the price charged.

(g) *Petitions for amendment.* Any person seeking an amendment of any provisions of this order may file a petition for amendment in accordance with the provisions of Revised Procedural Regulation No. 1, except that the petition shall be addressed to and filed with the Regional Administrator of the Eighth Regional Office of the Office of Price Administration, San Francisco 3, California.

(h) This order may be revoked, amended, or corrected at any time.

This order becomes effective July 8, 1945.

Issued this 30th day of June 1945.

CHAS. R. BAIRD,
Regional Administrator.

[F. R. Doc. 45–15424; Filed, Aug. 20, 1945; 4:54 p. m.]

UNITED STATES COAST GUARD.

APPROVAL OF EQUIPMENT

By virtue of the authority vested in me by R.S. 4405, 4417a, 4426, 4488, and 4491, as amended, 49 Stat. 1544 (46 U.S.C. 367, 375, 391a, 404, 481, 489), and Executive Order 9083, dated February 28, 1942 (3 CFR, Cum Supp.), the following approval of equipment is prescribed:

FIRE RETARDANT MATERIAL FOR VESSEL CONSTRUCTION

Aluminum class "B" bulkhead panel filled with fiberglas insulation, over all thickness 1¾" (Dwg. No. PWB–1, dated 23 April 1945), submitted by James McCutcheon and Co., 49th Street & 5th Avenue, New York, New York.

Dated: August 21, 1945.

L. T. CHALKER,
Rear Admiral, U. S. C. G.,
Acting Commandant.

[F. R. Doc. 45–15523; Filed, Aug. 22, 1945; 8:53 a. m.]

WAR PRODUCTION BOARD.

[C–253, Amdt. 1]

DEERING, MILLIKEN & CO., INC.

CONSENT ORDER

Consent Order C–253 was issued January 19, 1945 against Deering, Milliken & Co., Inc., upon the consent of Deering, Milliken & Co., Inc., the Regional Compliance Manager and the Regional Attorney and with the approval of a Compliance Commissioner.

Deering, Milliken & Co., Inc., has requested an amendment of Consent Order C–253 and the Regional Compliance Manager and the Regional Attorney have consented in part to such amendment.

It is therefore hereby ordered, That effective October 1, 1945 Consent Order C–253 be amended so that the term "AA–3" be substituted for the term "AA–2X" in paragraph (a) of C–253. Except as so amended the order shall remain in full force and effect as originally issued.

Issued this 22d day of August 1945.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 45–15538; Filed, Aug. 22, 1945; 11:17 a. m.]

[C–406, Amdt. 1]

EAGLE PRINTING CO., INC.

CONSENT ORDER

Consent Order No. C–406 was issued on August 10, 1945 against Eagle Printing Company, Inc. publishers of the "Butler Eagle" in Butler, Pa.

By consent of Eagle Printing Company, Inc., the Regional Compliance Manager, the Regional Attorney and upon approval of the Compliance Commissioner, it is hereby ordered, That: *Consent Order C–406* be amended in the following respects:

1. The ninth line of the preamble is amended by striking out the figures 157.573 and substituting therefor the figures 83 so that it reads "• • • • caused to be used 83 tons • • • •."

2. Paragraph (a) of the order is amended to read as follows:

(a) During the third and fourth quarters of 1945, and the first and second quarters of 1946, unless otherwise specifically authorized in writing by the War Production Board, Eagle Printing Company, Inc. shall reduce its consumption of print paper in the printing of the "Butler Eagle" not less than 20.75 tons per quarter below its permissible consumption under Limitation Order L–240 as amended from time to time.

Issued this 23d day of August 1945.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 45–15655; Filed, Aug. 23, 1945; 11:18 a. m.]

AUG 29

PART I

FEDERAL REGISTER

VOLUME 10 NUMBER 168

Washington, Saturday, August 25, 1945

Regulations

TITLE 7—AGRICULTURE

Chapter XI—War Food Distribution Orders

[WFO 42, Amdt. 18]

PART 1460—FATS AND OILS

EMERGENCY QUOTAS

War Food Order No. 42, as amended (9 F.R. 12075; 10 F.R. 2679, 3315, 5060, 7961, 8685), is further amended by adding immediately after paragraph (b) (3) the following new paragraphs:

(4) In addition to the quota established under paragraph (b) (1) hereof, any manufacturer may, during the calendar quarter July 1 to September 30, 1945, use fats and oils in the manufacture of edible fat or oil products other than margarine in an amount not exceeding 2 percent of the average amount of fats and oils used in such class of products during the corresponding calendar quarters of the base period. Such additional usage shall constitute an emergency quota and may be used only under the following conditions:

(i) Any manufacturer who has facilities for the manufacture of shortening shall use such emergency quota only for the manufacture of shortening which shall be packaged in containers of not over 4 pounds;

(ii) Any manufacturer who does not have facilities for the manufacture of shortening may use such emergency quota for the manufacture of liquid oil which shall be packaged in containers of not over one gallon;

(iii) Shortening or liquid oil produced as a result of such emergency quota shall be distributed, during the calendar quarter July 1 to September 30, 1945, in those areas designated as "emergency areas" by the Office of Price Administration, Washington, D. C.;

(iv) Normal or usual deliveries, into such "emergency areas", of shortening or liquid oil chargeable to regular quota usage under paragraph (b) (1) hereof shall not be reduced;

(v) Such emergency quota shall not be considered as part of the regular quota established under paragraph (b) (1) hereof, and any unused portion of such emergency quota shall not be carried over to the fourth calendar quarter of 1945.

The delivery of shortening or liquid oil by any manufacturer in violation of any condition set forth in this paragraph shall be charged against the regular quota established under paragraph (b) (1) hereof.

This order shall become effective at 12:01 a. m., e. w. t., July 1, 1945. With respect to violations, rights accrued, liabilities incurred, or appeals taken, prior to said date, under War Food Order No. 42, as amended, all provisions of said order shall be deemed to remain in full force for the purpose of sustaining any proper suit, action, or other proceeding with respect to any such violation, right, liability, or appeal.

(E.O. 9280, 7 F.R. 10179; E.O. 9577, 10 F.R. 8087)

Issued this 21st day of August 1945.

[SEAL] CLINTON P. ANDERSON,
Secretary of Agriculture.

[F. R. Doc. 45-15511; Filed, Aug. 21, 1945; 3:31 p. m.]

[War Food Orders, Amdts.]

AMENDMENTS TO WAR FOOD ORDERS

This order amends the following War Food Orders and all orders issued under

(Continued on p. 10421)

This issue is in two parts, the second of which consists of the War Department Procurement Regulations together with the War and Navy Department Joint Termination Regulation, as amended by Change 50, August 10, 1945. Because of its unusual size, Part II will be distributed during the week of August 26.

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FEDERAL REGISTER

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NOTICE

1944 Supplement

Book 1 of the 1944 Supplement to the Code of Federal Regulations, containing Titles 1-10, including Presidential documents in full text, is now available from the Superintendent of Documents, Government Printing Office, at $3.00 per copy.

A limited sales stock of the Cumulative Supplement and the 1943 Supplement is still available as previously announced.

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1. By deleting the definition of "Director" or "Chief of AAA" wherever the same appears and substituting in lieu thereof the following: " 'Assistant Administrator' means the Assistant Administrator, in charge of regulatory matters, Production and Marketing Administration, United States Department of Agriculture."

2. By deleting the phrase "Director," "Director of Marketing Services," "Director of Supply," "Director of Basic Commodities, Commodity Credit Corporation," "Director of the Office of Materials and Facilities," "Director of Transportation," "Chief" or "Chief, Agricultural Adjustment Agency" wherever the same appears and substituting in lieu thereof the following: "Assistant Administrator."

All orders and delegations heretofore issued by the Director or Acting Director of Marketing Services, the Director or Acting Director of Supply, the Director or Acting Director of Basic Commodities, Commodity Credit Corporation, the Director or Acting Director of the Office of Materials and Facilities, the Director or Acting Director of Transportation, or the Chief or Acting Chief of the Agricultural Adjustment Agency, pursuant to authority contained in the above enumerated orders shall remain in full force and effect until expressly modified, amended, suspended, superseded, or terminated.

This order shall become effective at 12:01 a. m., E. w. t., August 20, 1945.

(E.O. 9280, 7 F.R. 10179; E.O. 9577, 10 F.R. 8087)

Issued this 23d day of August 1945.

[SEAL] CLINTON P. ANDERSON,
Secretary of Agriculture.

[F. R. Doc. 45-15739; Filed, Aug. 23, 1945; 3:13 p. m.]

[WFO 22-8, Amdt. 5]

PART 1425—CANNED AND PROCESSED FOODS

CANNED FRUITS, AND CANNED FRUIT JUICES, REQUIRED TO BE SET ASIDE DURING 1945

War Food Order No. 22-8, as amended (10 F.R. 1257, 7522, 7608, 8198, 9705), is hereby further amended by deleting Table 1 attached thereto and inserting, in lieu thereof, Table 1 attached hereto.

The provisions of this amendment shall become effective at 12:01 a. m., e. w. t., August 24, 1945. With respect to violations, rights accrued, liabilities incurred, or appeals taken under said War Food Order No. 22-8, as amended, prior to the effective time of the provisions hereof, the provisions of the said War Food Order No. 22-8, as amended, in effect prior to the effective time of the provisions hereof shall be deemed to continue in full force and effect for the purpose of sustaining any proper suit, action, or other proceeding with regard to any such violation, right, liability, or appeal.

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423; E.O. 9392, 8 F.R. 14783; E.O. 9577, 10 F.R. 8087; WFO No. 22, as amended, 8 F.R. 2243, 6397; 9 F.R. 4321, 4319, 9584; 10 F.R. 103, 126)

Issued this 23d day of August 1945.

[SEAL] C. W. KITCHEN,
Assistant Administrator, Production and Marketing Administration.

TABLE 1—CANNED FRUITS AND CANNED FRUIT JUICES

A	B	C	D	E	F	G
Product	Percentage of base pack	Type, style, variety (sequence does not denote preference)	Grade preference			Can size
			First	Second	Third	
Apples	54	Heavy Pack	Standard	Fancy		10.
Applesauce	24		Fancy	Standard		10-2.
Apricots	45	Halved, unpeeled	Choice	Standard (fancy not desired).	Pie or water pack	10-2½.
Berries [1]	62		Water Pack	(2)		10.
Blueberries	55		Water Pack	(2)		10.
Figs	48	Kadota	Choice	Fancy	Standard	10-2½.
Fruit cocktail	18		Top choice [3]	Fancy		10-2½.
Peaches	21	Yellow clingstone halved or sliced	Choice	Top std.[4]		10-2½.
		Yellow freestone, halved or sliced	Choice	Fancy		10-2½.
Pears	51	Bartlett, halved	Choice	Top std.[4]	Fancy	10-2½.
Pineapple	42	Sliced, crushed, chunks, tidbits (except cocktail tidbits).	Fancy	Choice	Standard	10-2½-2.
Pineapple juice	20		Fancy			10-3 cyl.-2.

[1] Blackberries, boysenberries, loganberries, youngberries only. Percentage applies to the combined pack of the four varieties.
[2] Syrup pack not desired.
[3] Not below 15 points for absence of defects. Not below 15 points for character, with a total minimum not below 80 points as defined in terms of U. S. grades.
[4] Top standard means 70-74 inclusive as defined in terms of U. S. grades.

[F. R. Doc. 45-15740; Filed, Aug. 23, 1945; 3:15 p. m.]

[WFO 22-9, Amdt. 5]

PART 1425—CANNED AND PROCESSED FOODS

CANNED VEGETABLES, AND CANNED VEGETABLE JUICES, REQUIRED TO BE SET ASIDE DURING 1945

War Food Order No. 22-9, as amended (10 F.R. 1260, 5761, 7155, 8199, 9706), is hereby further amended by deleting Table 1 attached thereto and inserting, in lieu thereof, Table 1 attached hereto.

The provisions of this amendment shall become effective at 12:01 a. m., e. w. t., August 24, 1945. With respect to violations, rights accrued, liabilities incurred, or appeals taken under said War Food Order No. 22-9, as amended, prior to the effective time of the provisions hereof, the provisions of the said War Food Order No. 22-9, as amended, in effect prior to the effective time of the provisions hereof shall be deemed to continue in full force and effect for the purpose of sustaining any proper suit, action, or other proceeding with regard to any such violation, right, liability, or appeal.

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423; E.O. 9392, 8 F.R. 14783; E.O. 9577, 10 F.R. 8087; WFO No. 22, as amended, 8 F.R. 2243, 6397; 9 F.R. 4321, 4319, 9584; 10 F.R. 103, 126)

Issued this 23d day of August 1945.

[SEAL] C. W. KITCHEN,
Assistant Administrator, Production and Marketing Administration.

TABLE I—CANNED VEGETABLES AND CANNED VEGETABLE JUICES

A	B	C	D	E	F	G
Product	Percentage of base pack	Type style variety (sequence does not denote preference)	Grade preferences: First	Second	Third	Can size
Asparagus	65	All green or culturally bleached	Fancy cut	Fancy spear		10-2½ 2.
Beans, lima	0	Fresh	Extra std	Top std.[1]	Fancy	10-2
Beans, snap	28	Green, cut, wax cut	Extra std	Top std.[1]	Fancy	10-2½ 2.
Beets	27	Cut, quartered, diced, sliced	Fancy	Top std.[1]		10-2½ 2.
Carrots	41	Diced	Fancy	Top std.[1]		10-2½ 2.
Corn, sweet[2]	19	White, yellow, cream style, whole kernel	Fancy	Extra std	Top std.[1]	10-2, 12 oz
Peas	18	Alaska 3, 4 sieve; sweet 3-sieve and larger, ungraded	Extra std	Top std.[1]	Fancy	10-2.
Potatoes, sweet	36	Whole pieces and mashed	Std			2½ 2.
Pumpkin or squash	26		Fancy	Top std.[1]		10-2½
Sauerkraut	24		Fancy	Top std.[1]		10-2½ 2.
Spinach	47		Fancy	Top std.[1]		10-2½ 2.
Tomatoes	36		Extra std	Top std.[1]	Fancy	10-2½ 2.
Tomato catsup	12		Fancy 29-33% solids	Fancy 33% solids or over	Fancy 25-29% solids	10-3 cyl. 2½ 2, 14 or cl. 10-3 cyl. 2.
Tomato juice	0		Fancy			10-2½ 2.
Tomato puree	0					
Tomato paste	22		Fancy			

[1] Top standard means 70-74 inclusive as defined in terms of U. S. grades.
[2] Top standard means 83-84 inclusive as defined in terms of U. S. grades.
[3] Full inside enamel cans required. Number 10 cans to be used for whole kernel only.

[F. R. Doc. 45-15741; Filed, Aug. 23, 1945; 3:15 p. m.]

TITLE 29—LABOR

Chapter VI—National War Labor Board

PART 803—GENERAL ORDERS

MISCELLANEOUS REVOCATIONS

The National War Labor Board hereby repeals the following general orders:

General Orders Nos. 1, 1A, 2, 3, 11, 26 and 31 (§§ 803.1, 803.1a, 803.2, 803.11, 803.26 and 803.31).

Approved: August 20, 1945.

(Act of October 2, 1942, C 578, 56 Stat. 765, Pub. Law 729, 77th Cong.; E.O. 9250 Oct. 2, 1942, 7 F.R. 7871; as amended by E.O. 9381, Sept. 25, 1943, 8 F.R. 13083; E.O. 9599, Aug. 18, 1945)

FRED E. DESMOND,
Acting Executive Director.

[F. R. Doc. 45-15755; Filed, Aug. 23, 1945; 5:04 p. m.]

PART 803—GENERAL ORDERS

ADJUSTMENTS IN WAGE RATES OF INDIVIDUAL EMPLOYEES

The National War Labor Board hereby amends the first paragraph of General Order No. 5 to read as follows:

§ 803.5 *Adjustments in wage rates of individual employees.* Wage adjustments may be made in wage rates of individual employees without approval of the National War Labor Board, if they are incident to the application of the terms of a wage agreement, or incident to an established wage rate schedule covering the work assignments of employees and are made as a result of:

(Act of Oct. 2, 1942, C 578, 56 Stat. 765, Pub. Law 729, 77th Cong.; E.O. 9250, Oct. 2, 1942, 7 F.R. 7871; as amended by E.O. 9381, Sept. 25, 1943, 8 F.R. 13083; E.O. 9599, Aug. 18, 1945)

Adopted: August 20, 1945.

FRED E. DESMOND,
Acting Executive Director.

[F. R. Doc. 45-15756; Filed, Aug. 23, 1945; 5:04 p. m.]

PART 803—GENERAL ORDERS

APPROVAL OF INCREASES IN COMPLIANCE WITH FAIR LABOR STANDARDS ACT

The National War Labor Board hereby amends General Order No. 7 to read as follows:

§ 803.7 *Approval of increases in compliance with Fair Labor Standards Act.* Since Title VI, section 1 of Executive Order No. 9250, dated October 3, 1942 states that "nothing in this order shall be construed as affecting the present operation of the Fair Labor Standards Act," and since statutes and orders of the duly constituted authorities of the several states fixing minimum rates for certain types of workers carry out the true purposes and intent of the Fair Labor Standards Act and are designed and intended to eliminate substandards of living within the meaning of section 2 of Title II of Executive Order No. 9250, the National War Labor Board hereby approves increases in wage and salary rates made in compliance with such statutes and orders: *Provided, however,* That if any changes in such statutes and orders are made or promulgated after April 8, 1943, increases directed thereby which would result in a wage or salary rate in excess of the rate which the War Labor Board establishes as a minimum wage rate by § 803.30, may not be made without the approval of the Board except as provided in § 803.40.

(Act of Oct. 2, 1942, C 578, 56 Stat. 765, Pub. Law 729, 77th Cong.; E. O. 9250, Oct. 2, 1942, 7 F.R. 7871; as amended by E.O. 9381, Sept. 25, 1943, 8 F.R. 13083; E.O. 9599, Aug. 18, 1945)

Adopted: August 20, 1945.

FRED E. DESMOND,
Acting Executive Director.

[F. R. Doc. 45-15757; Filed, Aug 23 1945; 5:05 p. m.]

PART 803—GENERAL ORDERS

JURISDICTION OF BOARD OVER CERTAIN SALARIES

The National War Labor Board hereby amends the first paragraph of Title III of General Order No. 9 to read as follows:

§ 803.9 *Jurisdiction of Board over salaries not in excess of $5,000 per annum.* Salary adjustments may be made in salary rates of individual employees over which the Board has jurisdiction without approval of the Board, if they are incident to the application of the terms of a salary agreement or incident to an established salary rate schedule and are made as a result of:

(Act of Oct. 2, 1942, C 578, 56 Stat. 765, Pub. Law 729, 77th Cong.; E.O. 9250, Oct. 2, 1942, 7 F.R. 7871; as amended by E.O. 9381, Sept. 25, 1943, 8 F.R. 13083; E.O. 9599, Aug. 18, 1945)

Adopted: August 20, 1945.

FRED E. DESMOND,
Acting Executive Director.

[F. R. Doc. 45-15758; Filed, Aug. 23, 1945; 5:04 p. m.]

PART 803—GENERAL ORDERS

BONUS PAYMENTS NOT SUBJECT TO APPROVAL BY BOARD

The National War Labor Board hereby amends General Order No. 10 to read as follows:

§ 803.10 *Bonus payments not subject to approval by Board.* The payment to employees, whose wage or salary adjustments are subject to the jurisdiction of the National War Labor Board, of a bonus or gift may be made without the approval of the National War Labor Board, *Provided,* That such payments will not be used in whole or in part as the basis for seeking an increase in price ceilings or for resisting otherwise justifiable reductions in price ceilings, or, in the case of products or services being furnished under contract with a Federal procurement agency, will not increase the cost to the United States.

(Act of Oct. 2, 1942, C 578, 56 Stat. 765, Pub. Law 729, 77th Cong.; E.O. 9250, Oct. 2, 1942, 7 F.R. 7871; as amended by E.O. 9381, Sept. 25, 1943, 8 F.R. 13083; E.O. 9599, Aug. 18, 1945)

Adopted: August 20, 1945.

FRED E. DESMOND,
Acting Executive Director.

[F. R. Doc. 45-15759; Filed, Aug. 23, 1945; 5:04 p. m.]

PART 803—GENERAL ORDERS

BONUS PAYMENTS TO EMPLOYEES ENTERING ARMED FORCES

The National War Labor Board hereby amends General Order No. 10-A to read as follows:

§ 803.10a *Bonus payments to employees entering armed forces.* A bonus payment made by an employer to an employee severing his employment for the immediate purpose of entering the armed forces of the United States does not require the approval of the National War Labor Board: *Provided,* That such payments will not be used in whole or in part as the basis for seeking an increase in price ceilings or for resisting otherwise justifiable reductions in price ceilings, or, in the case of products or services being furnished under contract with a Federal procurement agency, will not increase the cost to the United States.

(Act of Oct. 2, 1942, C 578, 56 Stat. 765, Pub. Law 729, 77th Cong.; E.O. 9250, Oct. 2, 1942, 7 F.R. 7871; as amended by E.O. 9381, Sept. 25, 1943, 8 F.R. 13083; E.O. 9599, Aug. 18, 1945)

Adopted: August 20, 1945.

FRED E. DESMOND,
Acting Executive Director.

[F. R. Doc. 45-15760; Filed, Aug. 23, 1945; 5:05 p. m.]

PART 803—GENERAL ORDERS

ADJUSTMENTS EQUALIZING WAGES OF MALES AND FEMALES; APPROVAL NOT REQUIRED

The National War Labor Board hereby amends General Order No. 16 to read as follows:

§ 803.16 *Adjustments equalizing wages of males and females; approval not required.* Increases which equalize the wage or salary rates paid to females with the rates paid to males for comparable quality and quantity of work on the same or similar operations, and increases in accordance with this policy which recognize or are based on differences in quality or quantity of work performed, may be made without approval of the National War Labor Board: *Provided,* That such increases will not be used in whole or in part as the basis for seeking an increase in price ceilings, or for resisting otherwise justifiable reductions in price ceilings, or, in the case of products or services being furnished under contract with a Federal procurement agency, will not increase the cost to the United States.

(Act of Oct. 2, 1942, C 578, 56 Stat. 765, Pub. Law 729, 77th Cong.; E.O. 9250, Oct. 2, 1942, 7 F.R. 7871; as amended by E.O. 9381, Sept. 25, 1943, 8 F.R. 13083; E.O. 9599, Aug. 18, 1945)

Adopted: August 20, 1945.

FRED E. DESMOND,
Acting Executive Director.

[F. R. Doc. 45-15761; Filed, Aug. 23, 1945; 5:05 p. m.]

PART 803—GENERAL ORDERS

ESCALATOR CLAUSE

The National War Labor Board hereby repeals the General Order No. 22 adopted December 8, 1942, and substitutes the following General Order No. 22 to read as follows:

§ 803.22 *Escalator clause.* No clause contained in any labor agreement, commonly known as an "escalator clause", relating to wages or salaries subject to the jurisdiction of the National War Labor Board, regardless of when the agreement was made, which provides for an increase in wage or salary rates, shall be enforced without the approval of the National War Labor Board if such increase will be used, in whole or in part, as the basis for seeking an increase in price ceilings or for resisting otherwise justifiable reductions in price ceilings, or, in the case of products or services being furnished under contract with a Federal procurement agency, will increase the cost to the United States.

(Act of Oct. 2, 1942, C. 578, 56 Stat. 765, Pub. Law 729, 77th Cong.; E.O. 9250, Oct. 2, 1942, 7 F.R. 7871; as amended by E.O. 9381, Sept. 25, 1943, 8 F.R. 13083; E.O. 9599, Aug. 18, 1945)

Adopted by Board, August 20, 1945.

FRED E. DESMOND,
Acting Executive Director.

[F. R. Doc. 45-15762; Filed, Aug. 23, 1945; 5:05 p. m.]

PART 803—GENERAL ORDERS

TERRITORIAL WAR LABOR BOARD FOR HAWAII

The National War Labor Board hereby amends section (a) (4) of General Order No. 36 to read as follows:

§ 803.36 *Territorial War Labor Board for Hawaii.* (a) • • •

(4) In acting hereunder on wage or salary adjustments, the Territorial War Labor Board for Hawaii shall comply with the terms of Executive Order 9250, dated October 3, 1942, Executive Order 9328, dated April 8, 1943, the Supplementary Directive of May 12, 1943, Executive Order 9599 of August 18, 1945, and all other Executive orders and regulations issued thereunder. The Territorial War Labor Board may make such recommendations as to appropriate policies to govern wage and salary adjustments as are adopted to the special circumstances obtaining in the Territory. Such recommendations shall be consistent with the act of October 2, 1942. They shall be submitted for consideration of the National War Labor Board which will transmit to the Director of Economic Stabilization those recommendations deemed by it advisable and necessary.

(Act of Oct. 2, 1942, C 578, 56 Stat. 765, Pub. Law 729, 77th Cong.; E.O. 9250, Oct. 2, 1942, 7 F.R. 7871; as amended by E.O. 9381, Sept. 25, 1943, 8 F.R. 13083; E.O. 9599, Aug. 18, 1945)

Adopted: August 20, 1945.

FRED E. DESMOND,
Acting Executive Director.

[F. R. Doc. 45-15763; Filed, Aug. 23, 1945; 5:04 p. m.]

PART 803—GENERAL ORDERS

AUTHORIZATION TO WAR DEPARTMENT TO PASS ON WAGE AND SALARY ADJUSTMENTS OF CIVILIAN EMPLOYEES IN HAWAII

The National War Labor Board hereby amends the first paragraph of General Order No. 37 to read as follows:

§ 803.37 *Authorization to the War Department to pass on wage and salary adjustments of civilian employees in Hawaii.* The National War Labor Board hereby supplements General Order No. 36 by delegating to the Secretary of War, or to such agency as he may designate, subject to final review by the National War Labor Board, the authority to establish wage or salary schedules for civilian employees of the War Department in the various government-owned, government-operated installations located in the Territory of Hawaii, in accordance with the provisions of the act of Congress of October 2, 1942, Executive Order 9250 dated October 3, 1942, Executive Order 9328 dated April 8, 1943, the Supplementary Directive of May 12, 1943, Executive Order 9599 of August 18, 1945 and all other Executive orders and regulations issued thereunder, subject to the following limitations:

(Act of Oct. 2, 1942, C 578, 56 Stat. 765, Pub. Law 729, 77th Cong.; E.O. 9250, Oct. 2, 1942, 7 F.R. 7871; as amended by E.O. 9381, Sept. 25, 1943, 8 F.R. 13083; E.O. 9599, Aug. 18, 1945)

Adopted: August 20, 1945.

FRED E. DESMOND,
Acting Executive Director.

[F. R. Doc. 45-15764; Filed, Aug. 22, 1945; 5:05 p. m.]

PART 803—GENERAL ORDERS

WAGE INCREASES NOT INVOLVING PRICE CEILINGS OR PRODUCTION COSTS

The National War Labor Board has adopted the following general order:

§ 803.40 *Wage increases not involving price ceilings or production costs.* (a) Employers may, through collective bargaining with duly certified or recognized representatives of the employees involved, or, if there is no such representative, by voluntary action, make wage or salary increases without the necessity of obtaining approval therefor, upon the condition that such increases will not be used in whole or in part as the basis for seeking an increase in price ceilings or for resisting otherwise justifiable reductions in price ceilings, or, in the case of products or services being furnished under contract with a Federal procurement agency, will not increase the cost to the United States.

(b) The provisions of paragraph (a) above shall be effective as of August 18, 1945, but this shall not preclude the selection by the party or parties of any earlier date as the effective date of the wage or salary increase. The provisions of this general order shall not, however, operate as an approval of any wage or salary increase put into effect before August 18, 1945, and prior to receipt of any approval required by the Stabilization Act of October 2, 1942, or the orders or regulations issued thereunder.

(c) Wage or salary increases referred to in paragraph (a) above may be made notwithstanding any previous denial or modification of an application for approval thereof by the National War Labor Board or its agencies.

(Act of Oct. 2, 1942, C 578, 56 Stat. 765, Pub. Law 729, 77th Cong.; E.O. 9250, Oct. 2, 1942, 7 F.R. 7871, as amended by E.O. 9381, Sept. 25, 1943, 8 F.R. 13083; E.O. 9599, Aug. 18, 1945)

Adopted: August 20, 1945.

FRED E. DESMOND,
Acting Executive Director.

[F. R. Doc. 45-15765; Filed, Aug. 23, 1945; 5:05 p. m.]

PART 803—GENERAL ORDERS

WAGE PROCEDURES FOR BUILDING AND CONSTRUCTION INDUSTRY

The National War Labor Board has adopted the following general order:

§ 803.41 *Wage procedures for building and construction industry.* The provisions of General Order No. 41 shall not apply to employers and employees in the building and construction industry who are subject to the jurisdiction of the Wage Adjustment Board as provided for in General Order No. 13.

Applications for the increase or decrease of wage rates in the building and construction industry, whether resulting from collective bargaining or otherwise, shall continue to be submitted to the Wage Adjustment Board for approval, as heretofore required, regardless of whether any increase will be used in whole or in part as a basis for seeking an increase in price ceilings or for resisting otherwise justifiable reductions in price ceilings or for increasing the costs to the United States.

The Wage Adjustment Board for the building and construction industry, in addition to authority vested in it by General Order No. 13, is authorized pursuant to Executive Order 9599 to approve such increase as may be necessary to correct maladjustments or inequities which would interfere with the effective transition to a peacetime economy.

This general order shall be effective as of August 18, 1945 and shall remain in effect for a period of 90 days thereafter or until further notice.

(Act of Oct. 2, 1942, C 578, 56 Stat. 765 Pub. Law 729, 77th Cong.; E.O. 9250, Oct. 2, 1942, 7 F.R. 7871; as amended by E.O. 9381, Sept. 25, 1943, 8 F.R. 13083; E.O. 9599, Aug. 18, 1945)

Adopted by Board Aug. 22, 1945.

FRED E. DESMOND,
Acting Executive Director.

[F. R. Doc. 45-15766; Filed, Aug. 23, 1945; 5:05 p. m.]

Chapter IX—Agriculture Department (Agricultural Labor)

[Supp. 69]

PART 1102—SALARIES AND WAGES OF AGRICULTURAL LABOR IN THE STATE OF CALIFORNIA

WORKERS ENGAGED IN PICKING PRUNES IN SANTA CLARA AND SAN BENITO COUNTIES, STATE OF CALIFORNIA.

§ 1102.28 *Workers engaged in picking of prunes in Santa Clara and San Benito Counties, State of California.* Pursuant to 4001.7 of the regulations of the Economic Stabilization Director relating to salaries and wages issued August 28, 1943, as amended (8 F.R. 11960, 12139, 16702; 9 F.R. 6035, 14547; 10 F.R. 9478, 9628) and to the regulations of the War Food Administrator issued March 23, 1945 (10 F.R. 3177) entitled "Specific Wage Ceiling Regulations" and based upon a certification of the California USDA Wage Board that a majority of the producers of prunes in the area affected participating in hearings conducted for such purposes have requested the intervention of the Secretary of Agriculture, and based upon relevant facts submitted by the California USDA Wage Board and obtained from other sources, it is hereby determined that:

(a) *Areas, crops and classes of workers.* Persons engaged in picking of prunes in Santa Clara and San Benito Counties, State of California, are agricultural labor as defined in § 4001.1 (1) of the regulations of the Economic Stabilization Director issued on August 28, 1943, as amended (8 F.R. 11960, 12139, 16702; 9 F.R. 6035, 14547; 10 F.R. 9478, 9628).

(b) *Definitions.* When used in this section:

(1) The term "picking" means picking prunes from the ground including the shaking of the prune trees.

(2) The term "Area I" means all that area in Santa Clara County north of the town of Coyote.

(3) The term "Area II" means all that area in Santa Clara County south of the town of Coyote and all of San Benito County.

(c) *Maximum wage rates for picking prunes.* (1) For picking prunes in Area I—$10 per ton.

(2) For picking prunes in Area II—$9 per ton.

(d) *Administration.* The California USDA Wage Board, located at 2181 Bancroft Way, Berkeley 4, California, will have charge of the administration of this section in accordance with the provisions of the specific wage ceiling regulations issued by the War Food Administrator on March 23, 1945 (10 F.R. 3177).

(e) *Applicability of specific wage ceiling regulations.* This section shall be deemed to be a part of the specific wage ceiling regulations issued by the War Food Administrator on March 23, 1945 (10 F.R. 3177) and the provisions of such regulations shall be applicable to this section and any violation of this section shall constitute a violation of such specific wage ceiling regulations.

Effective date. This section shall become effective at 12:01 a. m., Pacific war time, August 25, 1945.

(56 Stat. 765 (1942), 50 U.S.C. App. 961 et seq., (Supp. IV); 57 Stat. 63 (1943); 50 U.S.C. 964 (Supp. IV); 58 Stat. 632 (1944); Pub. Law 108, 79th Cong., E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681; E.O. 9577, 10 F.R. 8087; regulations of the Economic Stabilization Director, 8 F.R. 11960, 12139, 16702, 9 F.R. 6035, 14547, 10 F.R. 9478, 9628; regulations of the War Food Administrator, 9 F.R. 655, 12117, 12611, 10 F.R. 7609, 9581; 9 F.R. 831, 12807, 14206, 10 F.R. 3177)

Issued this 23d day of August 1945.

WILSON R. BUIE,
Director of Labor,
U. S. Department of Agriculture.

[F. R. Doc. 45-15771; Filed, Aug. 24, 1945; 11:16 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter VIII—Foreign Economic Administration

Subchapter B—Export Control

[Amdt. 82]

PART 801—GENERAL REGULATIONS

PROHIBITED EXPORTATIONS; MISCELLANEOUS COMMODITIES

Section 801.2 *Prohibited exportations* is hereby amended in the following particulars:

The group and country designation in the column headed "Gen. Lic. Country Group" and the dollar value limits in the columns headed "GLV Dollar Value Limits" and G-Post Dollar Value Limits" set opposite each of the commodities listed below are hereby amended to read as follows:

Dept. of Comm. sched. B No.	Commodity	Gen. lic. country group	GLV dollar value limits country group K	GLV dollar value limits country group G+I	G-post dollar value limits
	ENGINES, TURBINES AND PARTS, N. E. S.				
713300	Condensers, heaters, accessories and parts:				
713300	Barometric steam condensers, ejector jet surface and accessories for steam engines and boilers	None	100	25	25
713300	Other condensers, heaters, accessories and parts for steam engines	K & M	100	25	25
	CONSTRUCTION AND CONVEYING MACHINERY				
720200	Excavator parts and accessories:	K & M	100	25	25
720200	Repair parts	None	100	25	25
720300	Other excavator parts and accessories	K & M	100	25	25
720500	Dredging machinery and parts:				
720504	Dredging machinery and parts, mining	None	100	25	25
720600	Other parts for rubber-working machinery	K & M	100	25	25
720800	Other dredging machinery and parts	None	100	25	25
722800	Other road machinery and parts:				
722803	Blades and bits as repair parts for earth and rock drilling, grader and snow plow	K & M	100	25	25
722806	Points, reliefs, for paving breakers, as repair parts	None	100	25	25
722807	Repair parts for other road machinery	K & M	100	25	25
722809	Other road machinery and parts	None	100	25	25
725100	Construction equipment and parts, n. e. s.:				
725100	Columns, rock drilling, as repair parts	K	100	25	25
725100	Earth drills and parts for digging holes for posts	None	100	25	25
725100	Rock drills	K & M	100	25	25
725100	Repair parts for construction equipment, n. e. s.	K & M	100	25	25
725100	Other construction equipment and parts, n. e. s.	None	100	25	25
724100	Hoists, bell furnace, skip	K & M	100	25	25
726100	Repair parts for conveying equipment (not including repair parts for elevator equipment)	K & M	100	25	25
729100	Other conveying equipment and parts (not including cranes, hoists and winches, elevators or bucket, chain or belt conveyors)	None	100	25	25
	MINING, WELL AND PUMPING MACHINERY				
737400	Repair parts for other well-drilling apparatus (not including repair parts for petroleum well and refining equipment)	K & M	100	25	25
738400	Other well-drilling apparatus and parts (not including petroleum well and refining equipment)	None	100	25	25
735700	Deep-well turbine pumps, industrial	K & M	100	25	25
738800	Deep-well reciprocating pumps, industrial	K & M	100	25	25
738900	Pumps and parts, n. e. s.:				
738903	Oil-field pumps	K & M	100	25	25
738906	Concrete-handling and other contractor's pumps	None	100	25	25
738909	Irrigation and other farm pumps	None	100	25	25
738912	Marine-type pumps, industrial	None	100	25	25
738900	Repair parts for concrete-handling contractor's and construction pumps, n. e. s.	K & M	100	25	25
738960	Other pumps and parts, n. e. s.	None	100	25	25
	OTHER INDUSTRIAL MACHINERY				
770000	Stationary air compressors, capacity not over 25 cu. ft.:	K & M	100	25	25
770040	(Garage type, less than 10 H. P.	None	100	25	25
770042	Other				
774068	Industrial indicating, recording or controlling instruments and apparatus, n. e. s.:	None	1	1	1
774068	Dynamometers, automotive chassis	None	25	25	25
774068	Dynamometers, steam turbine	K & M	100	25	25
774068	Dynamometers, other				
774068	Other industrial indicating, recording or controlling instruments, n. e. s.	None	1	1	1
775668	Anodizing equipment and parts	K & M	100	25	25
775698	Electroplating equipment and parts	K & M	100	25	25
	OFFICE APPLIANCES				
777000	Typewriters, standard, new	K & M	100	25	25
777300	Typewriters, portable, new	K & M	100	25	25
777410	Typewriters, rebuilt	K & M	100	25	25
777500	Typewriters, other (including used)	K & M	100	25	25
777560	Typewriter parts for assembly (except ribbon spools)	K & M	100	25	25
	OTHER INEDIBLE ANIMALS AND ANIMAL PRODUCTS				
066998	Fish essence and fish for bait	K	100	25	25
	FODDERS AND FEEDS				
119660	Cull beans	None	1	1	1
119660	Cull peas	None	100	25	25
	VEGETABLES AND PREPARATIONS				
120110	Beans, dry ripe	None	1	1	1
	OTHER NONMETALLIC MINERALS, INCLUDING PRECIOUS				
540900	Grindstones	K & M	100	25	25
541108	Artificial abrasives, crude and in grains	K & M	100	25	25
541300	Wheels of artificial abrasives	K & M	100	25	25
541800	Abrasive paper and cloth	K & M	100	25	25
541900	Abrasive cloth belts	K & M	100	25	25
541900	Other abrasive paper and cloth	K & M	100	25	25
541900	Other artificial abrasives, bonds and whetstones (report artificial abrasives, crude and in grains in 541108, wheels of artificial abrasives in 541290, steel wool in 541300, and abrasive paper and cloth in 541800)				
	STEEL MILL PRODUCTS	K & M	100	25	25
604900	Tanks unlined storage, pressure, 30 cu. ft. and over	K & M	100	25	25
	IRON AND STEEL MANUFACTURES				
630015	Tanks lined cast storage, pressure, 30 cu. ft. and over	K & M	100	25	25
629988	Air bag siphons and air pressure tanks, unlined	K & M	100	25	25
629966	Elevator doors and fronts	K & M	100	25	25
	BRASS AND BRONZE MANUFACTURES				
647966	Elevator doors	K & M	100	25	25
	ELECTRICAL MACHINERY AND APPARATUS				
702710	Rotating converters under 300 kilowatts:	None	100	25	25
702710	For automotive use, 34 and less than 300	K & M	100	25	25
702710	For 35 mm. motion picture projection equipment	K & M	100	25	25
702710	For other motion picture projection equipment	K & M	100	25	25
702710	Other converters, 300 kilowatts and larger:				
702720	Rotating converters, 300 kilowatts and larger:	None	100	25	25
702720	For automotive use	K & M	100	25	25
702720	Other				
703020	Electrical indicating instruments:	None	1	1	1
703020	Dynamometers, automotive chassis	None	25	25	25
703020	Dynamometers, steam turbine	K & M	100	25	25
703020	Dynamometers, other	None	1	1	1
703020	Other electric indicating instruments, n. e. s.				
703820	Electrical testing apparatus and parts, n. e. s.:	None	1	1	1
703820	Armature growlers, automotive vehicle testing type	None	25	25	25
703820	Dynamometers, automotive chassis	K & M	100	25	25
703820	Dynamometers, steam turbine	None	100	25	25
703820	Dynamometers, other				
703820	Oscilloscopes, parts for	None	1	1	1
703820	Synchroscopes, parts for	None	25	25	25
703820	Other testing apparatus and parts, n. e. s.	None	100	25	25
707400	Ghirardelli rectifiers and parts	K & M	350	25	25
707400	Solderless machines and parts	K & M	100	25	25
707400	Solder pots, over 16 lbs.	K & M	100	25	25
707510	X-ray tubes	None	250	25	25
707550	Hoses, X-ray film loading	K & M	100	25	25
707550	Cassettes, including cassette transfer	K & M	100	25	25
707550	Chests, X-ray film	K & M	100	25	25
707550	Cones, X-ray	K & M	100	25	25
707550	Filters, X-ray	K & M	100	25	25
707550	Screens, X-ray fluoroscopic	K & M	100	25	25
707590	Other X-ray apparatus and parts, n. e. s.	None	250	25	25
709098	Electromedical therapeutic apparatus and parts, n. e. s.	K & M	100	25	25
709098	Machines, lifting	K & M	100	25	25

Dept. of Comm. schedule B No.	Commodity	Gen. lic. country group	GLV dollar value limits country groups		G-post dollar value limits
			K	G+4	
	OFFICE APPLIANCES—continued				
777600	Parts for assembly of office appliances, n. e. s. (not including parts for assembly of date stamping machines; file punches; limatimes numbering machines; automatic ticket punches; automatic ticket registers, not coin operated; and typographic numbering machines)	K & M	100	25	25
	AGRICULTURAL MACHINERY AND IMPLEMENTS				
788001	Repair parts for tracklaying tractors	K & M	100	25	25
	AUTOMOBILES, PARTS, ACCESSORIES AND SERVICE EQUIPMENT				
792700	Chains, automobile and truck tire	K	100	25	25
	CHEMICAL SPECIALTIES				
823803	Alkanolamine	K & M	100	25	25
	INDUSTRIAL CHEMICALS				
837998	Sodium metasilicate	None	25	25	25
839100	Methyl chloride gas	K & M	100	25	25
	PHOTOGRAPHIC AND PROJECTION GOODS				
914000	Film driers and processing units, X-ray	K & M	100	25	25
914000	Film driers and processing unit parts	K & M	100	25	25
914000	Hangers, developing, X-ray	K & M	100	25	25
914000	Hangers, film, X-ray	K & M	100	25	25
914000	Hangers, X-ray, parts for	K & M	100	25	25
914000	Intensifying screens, X-ray	K & M	100	25	25
914000	Intensifying screen parts, X-ray	K & M	100	25	25
914000	Tanks, developing, X-ray	K & M	100	25	25
914000	Tanks, developing, X-ray, parts for	K & M	100	25	None
914000	Other photographic apparatus and supplies				
	SCIENTIFIC AND PROFESSIONAL INSTRUMENTS, APPARATUS AND SUPPLIES				
914300	Lenses, optical	K & M	100	25	25
915000	Sterilizers	K & M	100	25	25
919098	Dynamometers, automobile chassis	None	25	25	None
919098	Dynamometers, steam turbine	None	25	25	None
919098	Dynamometers, other	K & M	100	25	25
	MISCELLANEOUS COMMODITIES, N. E. S.				
981100	Mechanical refrigerators, commercial	K	100	25	25
981200	Ice refrigerators, commercial, not including mechanical	K & M	100	25	25
981600	Soda fountains, refrigerated	K & M	100	25	25

Shipments of any of the above commodities removed from general license or whose GLV dollar value limits have been reduced, which were on dock, on lighter, laden aboard an exporting carrier, or in transit to a port of exit pursuant to an actual order for export prior to the effective date of this amendment may be exported under the previous general license provisions. Shipments of such commodities moving to a vessel subsequent to the effective date of this amendment pursuant to Office of Defense Transportation permits issued prior to such date may also be exported under the previous general license provisions. Shipments of any of the above commodities whose G–Post dollar value limits have been reduced and which were mailed prior to the effective date of this amendment may also be exported under the G–Post general license provisions previously in effect.

This amendment shall become effective immediately upon publication except that with respect to commodities removed from general license or whose GLV or G–Post dollar value limits have been reduced, it shall become effective on August 30, 1945.

(Sec. 6, 54 Stat. 714; Pub. Law 75, 77th Cong.; Pub. Law 633, 77th Cong.; Pub. Law 397, 78th Cong.; Pub. Law 99, 79th Cong.; E.O. 8900, 6 F.R. 4795; E.O. 9361, 8 F.R. 9861; Order No. 1, 8 F.R. 9938; E.O. 9380, 8 F.R. 13081; Delegation of Authority No. 20, 8 F.R. 16235; Delegation of Authority No. 21, 8 F.R. 16320).

Dated: August 20, 1945.

WALTER FREEDMAN, *Director, Requirements and Supply Branch, Bureau of Supplies.*

[F. R. Doc. 45-15736; Filed, Aug. 23, 1945; 1:32 p. m.]

[Amdt. 83]

PART 809—BLANKET LICENSE "BLT"

Part 809 *Blanket License "BLT"* is hereby amended to read as follows:

Sec.
809.1 Definitions.
809.2 General provisions.
809.3 Clearance for export.
809.4 Records.

AUTHORITY: §§ 809.1 to 809.4, inclusive, issued under sec. 6, 54 Stat. 714; Pub. Law 75, 77th Cong.; Pub. Law 633, 77th Cong.; Pub. Law 397, 78th Cong.; Pub. Law 99, 79th Cong.; E.O. 8900, 6 F.R. 4795; E.O. 9361, 8 F.R. 9861; Order No. 1, 8 F.R. 9938; E.O. 9380, 8 F.R. 13081; Delegation of Authority No. 20, 8 F.R. 16235; Delegation of Authority No. 21, 8 F.R. 16320.

§ 809.1 *Definitions.* When used in this part:

(a) "Blanket license" shall mean a document issued by the Foreign Economic Administration authorizing the exportation by the licensee of the commodities described in such document to two or more consignees or purchasers in a single country.

§ 809.2 *General provisions.* (a) Applications for blanket licenses shall be made on the form or forms and in the manner and only for such commodities prescribed by the Foreign Economic Administration.

(b) When an application for blanket license is submitted, permission to export to one or more of the consignees and purchasers named may be refused by blocking out the name of the consignee and purchaser with respect to whom the application has been denied. In such case the license shall be valid only for shipments to the remaining approved consignees and purchasers.

(c) When duly validated or approved by the Foreign Economic Administration, a blanket license authorizes the exportation to any of the consignees and purchasers named therein, or in a list attached and made a part thereof, the commodity or commodities therein described, provided that the aggregate quantity of all exports under such license to the consignees and purchasers named therein, or in a list made a part thereof, does not exceed the total quantity for which the license has been granted. Such exportation shall be permitted notwithstanding any conflicting provisions in the terms, conditions or provisions of the form on which the application for a blanket license has been made. In any case where an Import Recommendation issued by a designated government agency of the country of destination is required as a condition to the issuance of an export license for a particular commodity to a designated consignee, such commodity may not be exported to such consignee under a blanket license in quantities in excess of the amount approved for such consignee in said Import Recommendation.

(d) Insofar as consistent with the provisions of this part, all of the provisions of Part 804 of this subchapter shall apply equally to applications filed for blanket licenses and blanket licenses issued under the provisions of this Part.

(e) In determining whether any commodity is included within the blanket license procedure, the description of the commodity and not the applicable Schedule B number shall govern.

(f) The blanket license procedure shall apply only to exportations to destinations in general license country Group V or country Group K, as set forth in § 832.3 (a) of this subchapter.

§ 809.3 *Clearance for export.* (a) The provisions of § 801.7 of this subchapter requiring the presentation of an original license or other document when presenting commodities for export, shall not apply to shipments authorized for export pursuant to a blanket license, except that exportation of the following commodities may be cleared for exportation only upon presentation to collectors of customs and postmasters of the original blanket license:

Commodity and Schedule B No.
Cotton semimanufactures and cotton manufactures: 301110 thru 301500, 301600, 301800

302300 thru 312900, 314000, 316000, 317100 thru 318100, 318700 thru 318900.
Wool and manufactures: 360903 thru 368998.
Rayon, nylon and other synthetic textiles: 383007, 384008 thru 384015, 384200 thru 385770.
All commodities classified under the processing code "FOOD" in the current issue of the Comprehensive Export Schedule issued by the Foreign Economic Administration.

(b) In lieu of the presentation of an original blanket license for clearance of the exportation with the United States Collector of Customs or the United States Postmaster, except for commodities listed in paragraph (a) of this section, the exporter may present a Shipper's Export Declaration bearing the following certification:

The undersigned certifies that the commodities described herein are being exported under the provisions of BLT (Blanket) License No. ——— approved by FEA ——— (date of validation).

———
(Signed)

(c) A person exporting any commodity pursuant to a blanket license shall enter the symbol "BLT" and the number of the license on each Shipper's Export Declaration filed with the United States Collector of Customs at the port of exit or with the United States Postmaster at the place of mailing at the time of each exportation under each license.

§ 809.4 *Records.* When clearance of a shipment, other than one containing any of the commodities listed in 809.3 (a), has been made in accordance with the provisions of § 809.3 (b), the holder of the license authorizing such shipment shall endorse on the back of the license in the space reserved for entries by Collectors of Customs and Postmasters the following information:

1. Quantity ———
2. Description ———
3. Value ———
4. Consignee (this shall be placed in the space labeled "name of vessel if export is made by water").
5. Port of exit or post office of mailing.
6. Date (this date shall be the date of filing of the Shipper's Export Declaration).
7. Initials of the endorsing official.

Such license shall be held available for inspection at any time by the Foreign Economic Administration. Upon completion of shipment against such blanket license, or upon the expiration of the validity of the license, such license with the endorsements thereon as provided in this paragraph and with attachments, if any, shall be returned to the Foreign Economic Administration.

This amendment shall become effective immediately upon publication.

Dated: August 18, 1945.

S. H. LEBENSBURGER, *Director, Requirements and Supply Branch, Bureau of Supplies.*

[F. R. Doc. 45-15737; Filed, Aug. 23, 1945; 1:32 p. m.]

Chapter IX—War Production Board

AUTHORITY: Regulations in this chapter, unless otherwise noted at the end of documents affected, issued under sec. 2 (a), 54 Stat. 676, as amended by 55 Stat. 236, 56 Stat. 177, 58 Stat. 827; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; W.P.B. Reg. 1 as amended Dec. 31, 1943, 9 F.R. 64.

PART 944—REGULATIONS APPLICABLE TO THE OPERATION OF THE PRIORITIES SYSTEM

[PR 3, Interpretation 12, as Amended Aug. 24, 1945]

RECORDS OF EXPORTERS

The following amended interpretation is issued with respect to Priorities Regulation 3:

Paragraph (g) (5) of Priorities Regulation No. 3 requires each person who applies or extends a rating to keep all documents including preference rating orders and certificates which authorize him to apply or extend the rating at his regular place of business. The Foreign Economic Administration and its predecessors, the Board of Economic Warfare and the Office of Economic Warfare, have assigned preference ratings to exporters for export by endorsing appropriate legends upon export licenses. The original of every export license, however, is required by other government regulations to be surrendered to export officials at the time of shipment. Consequently, persons who receive their assignments of preference ratings on export licenses are not in a position to retain the original of the export license and thus are not required to do so by paragraph (g) (5) except only in those cases where other government regulations do not require the surrender to the government of the documents referred to. However, such persons must keep any copies of the export licenses which are returned to them for their files.

Issued the 24th day of August 1945.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 45-15786; Filed, Aug. 24, 1945; 11:32 a. m.]

PART 944—REGULATIONS APPLICABLE TO THE OPERATION OF THE PRIORITIES SYSTEM

[Priorities Reg. 25, Revocation]

SPOT AUTHORIZATIONS FOR PRODUCTION

Section 944.46 *Priorities Regulation 25* is hereby revoked. This revocation does not affect any liabilities incurred for violation of the regulation or of actions taken by the War Production Board under the regulation. All production restrictions in orders listed in Direction 1 to Priorities Regulation 25 have been revoked. Any person may produce products formerly subject to this regulation without restriction in amount.

Issued this 24th day of August 1945.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 45-15787; Filed, Aug. 24, 1945; 11:32 a. m.]

PART 944—REGULATIONS APPLICABLE TO THE OPERATION OF THE PRIORITIES SYSTEM

[Priorities Reg. 31, Amdt. 2]

BLANKET REVOCATION OF CERTAIN WPB ORDERS

Section 944.52, *Priorities Regulation 31*, is amended in the following respects:

By adding the following orders to the list of orders revoked:

LIST OF ORDERS REVOKED AND EFFECTIVE DATE OF REVOCATION

BUILDING MATERIALS

Sec. 3284.26, L–303 Metal Insect Screen Cloth, August 23, 1945.

CORKS, ASBESTOS AND FIBROUS GLASS

Sec. 3301.1, M–8–a Cork, August 23, 1945.
Sec. 3301.16, M–283 Asbestos Textiles, August 31, 1945.

PAPER

Sec. 3270.27, L–261 Grocers and Variety Bags, August 23, 1945.
Sec. 3281.91, L–279 Paper Shipping Sacks, August 23, 1945.
Sec. 3270.28, L–304 Specialty Bags (Paper), August 23, 1945.

Issued this 23d day of August 1945.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 45-15660; Filed, Aug. 23, 1945; 11:17 a. m.]

PART 944—REGULATIONS APPLICABLE TO THE OPERATION OF THE PRIORITIES SYSTEM

[Priorities Reg. 31, Amdt. 3]

BLANKET REVOCATION OF CERTAIN WPB ORDERS

Section 944.52, Priorities Regulation 31, is amended in the following respects:

1. By changing the effective date of revocation of § 3293.1067, Schedule 67 to M–300 (Phthalic Anhydride) from September 30, 1945, to August 31, 1945.

2. By changing the effective date of revocation of § 3293.1088, Schedule 88 to M–300 (Bismuth Chemicals) from September 30, 1945 to August 31, 1945.

3. By adding to the list of orders revoked the following orders:

LIST OF ORDERS REVOKED AND EFFECTIVE DATE OF REVOCATION

CHEMICALS

Section 3293.1038 Sch. 8 to M–300 Hide Glue, Extracted Bone Glue and Green Bone Glue, August 31, 1945.
Section 3293.1048 Sch. 48 to M–300 Pyrethrum, September 30, 1945.
Section 3293.1049 Sch. 49 to M–300 Rotenone, September 30, 1945.
Section 3293.1058 Sch. 58 to M–300 Penicillin, August 31, 1945.
Section 3293.1062 Sch. 62 to M–300 Primary Chromium Chemicals, September 30, 1945.
Section 3293.1079 Sch. 79 to M–300 Synthetic Ammonia, September 30, 1945.
Section 3293.1080 Sch. 80 to M–300 Nitrogen Compounds, September 30, 1945.
Section 3293.1096 Sch. 96 to M–300 Natural Resins, September 30, 1945.

Section 3293.1097 Sch. 97 to M-300 Chlorate Chemicals, August 31, 1945.

Section 3293.1098 Sch. 98 to M-300 Potash, September 30, 1945.

LUMBER

Section 3285.31 M-186 Aircraft Grades of Sitka Spruce Logs and Lumber, September 30, 1945.

Section 3285.131 M-386 Aircraft Grades of Noble Fir Logs and Lumber, September 30, 1945.

PAPER

Section 3281.64 M-241-a Conservation of Paper and Paperboard, August 24, 1945.

PETROLEUM

Section 1167.1 L-86 Liquefied Petroleum Gas Equipment, August 24, 1945.

PRINTING AND PUBLISHING

Section 3133.35 L-177 Wall Paper, August 24, 1945.

Section 3133.9 L-241 Commercial Printing and Duplicating, August 24, 1945.

Section 3133.15 L-244 Magazines and Periodicals, August 24, 1945.

Section 3133.17 L-245 Books and Booklets, August 24, 1945.

Section 3133.20 L-289 Greeting Cards and Illustrated Post Cards, August 24, 1945.

Section 3133.40 L-294 Displays, August 24, 1945.

Section 3133.50 L-340 Governmental Commercial Printing and Duplicating, August 24, 1945.

STEEL

Section 1103.11 M-292 Coke, August 24, 1945.

Issued this 24th day of August 1945.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 45-15788; Filed, Aug. 24, 1945; 11:32 a. m.]

PART 3133—PRINTING AND PUBLISHING

[Limitation Order L-240, Direction 3, as amended, August 24, 1945]

NEWSPAPERS: EXCEPTION TO DEFINITION OF "INVENTORY"

Section 3133.6 *General Limitation Order L-240, Direction No. 3* is hereby amended to read as follows:

The term "inventory" does not include print paper in transit which is shipped via the single track railroad line between Chemault and Klamath Falls, Oregon, to publishers of newspapers in California, Oregon, Nevada, and Texas who customarily receive print paper from mills in Oregon, Washington, and British Columbia.

Issued this 24th day of August 1945.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary,

[F. R. Doc. 45-15781; Filed, Aug. 24, 1945; 11:32 a. m.]

PART 3270—CONTAINERS

[Conservation Order M-115, Revocation of Direction 2]

SECOND QUARTER 1945 LEAD QUOTAS

Direction 2 to Conservation Order M-115 is revoked. This revocation does not affect any liabilities incurred for a violation of the direction or of actions taken by the War Production Board under the direction.

Issued this 24th day of August 1945.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 45-15783; Filed, Aug. 24, 1945; 11:33 a. m.]

PART 3290—TEXTILE, CLOTHING AND LEATHER

[Conservation Order M-328B, Schedule E as Amended Aug. 24, 1945]

SPECIAL PROGRAMS FOR KNITTED FABRICS FOR CIVILIAN ITEMS

§ 3290.120e *Schedule E to Order M-328B*—(a) *Explanation.* This schedule states the special rules in addition to those set forth in Order M-328B for manufacturers of civilian knitted items manufactured from or incorporating knitted fabric to get an AA-3 preference rating for knitted fabric to make the items listed in this schedule.

(b) *Definitions.* For the purpose of this schedule:

(1) "Knitted fabric" means a fabric produced by a machine knitting process.

(2) "Woolen knitted fabric" means any knitted fabric incorporating 25% or more by weight of new, reprocessed or reused wool fiber, the wool content yarns of which are spun on the woolen system.

(c) *Special requirements for obtaining priorities assistance.* (1) Four copies of Form WPB-3732 (revised) should be filed in accordance with the rules stated in paragraph (c) of Order M-328B.

(2) A base period manufacturer who files form WPB-3732 (revised) for the third calendar quarter of 1945 by July 21, 1945, may, as soon as he files his application, apply an AA-3 rating for the purchase of knitted fabric for delivery in that quarter for incorporation into the items for which application is made. He may do so only for an item he made in the base period and only for 20% of the yardage of knitted fabric applied for with respect to any item. Knitted fabric purchased under this provision shall be deducted by the manufacturer from the total quantity for which priorities assistance is ultimately granted on Form WPB-3732 (revised). If the applicant does not ultimately receive a grant of the entire quantity thus rated, he shall, upon notification of his grant by the War Production Board, immediately cancel orders for any undelivered quantities which are in excess of his grant.

(3) In making application on Form WPB-3732 (revised), each base period manufacturer must apply with respect to each item for which application is made, as follows:

(i) He must apply for fabric for each price of the item at which he produced it in the base period, unless the facilities utilized for the production of the item at a particular price in the base period are devoted to production on orders received from Government Procurement Agencies or have been sold or otherwise disposed of. When such facilities are no longer available, the applicant must explain it in the "Remarks" section of Form WPB-3732 (revised).

(ii) The quantity of an item for which application is made at each price shall be in the same proportion to the total quantity of the item applied for as the quantity produced at each similar price in the base period was to his total production of the item in the base period. For example, if an applicant made in the base period 300 dozen girls' coats, of which 100 dozen (or ⅓) were priced at $10.50 each, 100 dozen (or ⅓) at $12.75 each, and 100 dozen (or ⅓) at $15.75 each, and he wishes to apply for girls' coats under this Program, ⅓ of whatever total quantity he applies for must be at each of these base period prices. To base period prices may be added any increase subsequently granted by the Office of Price Administration.

(iii) The whole or any part of an application for an item may be shifted from a higher to a lower price than required under the above rule, but not from a lower to a higher price, unless the weighted average price of the total number of units applied for is at or below the weighted average price of the total number of units of that item delivered in the base period.

(iv) In reporting production by price on Form WPB-3732 (revised), items sold as seconds or as close-outs shall be reported under the prices it was intended they would be sold when produced.

(v) Items in this schedule not included in the category of Office of Price Administration Supplementary Order 108 are exempt from the provisions of this paragraph (c) (3).

(4) Persons applying for priorities assistance on Form WPB-3732 (revised) under this schedule may apply on Form WPB-2842 for cotton fabrics needed for incorporation into linings, facings, stays, tapes and sewing thread, and on Form WPB-541 for rayon and wool components of the items listed in this schedule. The applications should be filed with the Textile, Clothing and Leather Bureau, War Production Board, Washington 25, D. C. Applications may not be for any quantity greater than the amounts required to be incorporated into the quantity of items for which priorities assistance is requested.

(5) Manufacturers who did not produce in the base period the items applied for on Form WPB-3732 (revised) may not use any preference ratings under this schedule until the War Production Board has assigned them a quota on that form.

(d) *General Provisions.* (1) The rating assigned under this schedule may be used only to get the particular knitted fabrics shown in the knitted fabric column of the preference rating schedule to make the item specified. In addition the producer of the knitted fabric may extend the rating for the purchase of the quantities of yarn required to be incorporated into the knitted fabric sold by him on rated orders authorized by this schedule. Such ratings shall be extended as provided in Priorities Regulation 3 and Order M-328.

(2) A person other than a base period manufacturer must show, in the "Remarks" section of Form WPB-3732 (revised) for each size range of each item for which application is made, the size assortments per dozen which he proposes to produce. If his application is granted, he shall produce the item in the assortment of sizes stated on his application unless the War Production Board specifies a different assortment.

(3) No manufacturer shall purchase or accept delivery of knitted fabric to make any item for which a rating for that fabric is assigned to him under this schedule, unless he uses that rating. The provisions of this paragraph do not apply to purchases for direct or ultimate delivery to or for incorporation into any product for ultimate delivery to the United States Army or Navy, the Maritime Commission or the War Shipping Administration.

(e) *This schedule expires September 30, 1945.* Schedule E to Order M-328B shall expire on September 30, 1945, as it has been superseded for the fourth quarter of 1945 by Schedule K to Order M-328B. Any person who has filed an application on Form WPB-3732 under Schedule E for that quarter should refile again under Schedule K in accordance with the instructions for filing Form WPB-3732 under that schedule.

Issued this 24th day of August 1945.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

PREFERENCE RATING SCHEDULE NO. 1—PRODUCTION OF ITEMS MADE OF OR INCORPORATING KNITTED FABRICS

Item No.	Item column	Size (or equivalent trade designation)	Knitted fabric column
1	Coats, women's, misses' and juniors.	9 to 17 .. 10 to 20. 36 to 44. 46 and up.	Woolen knitted fabric.
2	Coats, teen age, girls'.	10 to 16..	Woolen knitted fabric.
3	Coats, girls'.....	7 to 14...	Woolen knitted fabric.
	Coats, children's....	3 to 6x ..	Woolen knitted fabric.
4	Coats, toddlers'.....	1 to 4....	Woolen knitted fabric
6	Coats, infants'.....	.....	Woolen knitted fabric.
7	Coats, boys' finger tip.	10 to 20 .. 12 to 24.	Woolen knitted fabric.
8	Men's overcoats, ulster and double breasted.	34 and up.	Woolen knitted fabric.
9	Overcoats, men's form model.	34 and up.	Woolen knitted fabric.

[F. R. Doc. 45-15784; Filed, Aug. 24, 1945; 11:33 a. m.]

PART 3292—AUTOMOTIVE VEHICLES, PARTS AND EQUIPMENT

[General Limitation Order L-2-g, as Amended Aug. 24, 1945]

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of certain materials entering into the production of passenger automobiles for defense, for private account and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense.

§ 3292.36 *General Limitation Order L-2-g*—(a) *Definitions.* As used in this order.

(1) "Automobile" means any self-propelled vehicle designed for the purpose of carrying passengers, or the chassis therefor, with a seating capacity of not more than ten. The term "automobile" includes station wagons, taxicabs, ambulances and hearses.

(2) "Person" means any individual, partnership, association, business trust, corporation, or any organized group of persons, whether incorporated or not.

(3) "Producer" means any person regularly established in the business of manufacturing automobiles.

NOTE: Paragraphs (b), (c), (d), (e) and (f), formerly (e) (1), (g), (h), (i) and (j), redesignated Aug. 24, 1945.

(b) *Prohibition on spare tires for new automobiles.* No producer shall equip any automobile with more than four new tires, nor shall any producer or any other person sell, ship or deliver any automobile equipped with more than four new tires.

(c) *Applicability of War Production Board regulations.* This order and all transactions affected thereby are subject to all applicable provisions of the regulations of the War Production Board as amended from time to time.

(d) *Violations.* Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

(e) *Reports.* Producers shall file such reports as may be required from time to time by the War Production Board.

(f) *Communications.* All reports required to be filed under this order, and all communications concerning this order, shall, unless otherwise directed, be addressed to: Automotive Division, War Production Board, Washington 25, D. C., Ref: Order L-2-g.

(g) *Duration of this order.* This order, L-2-g as amended will remain in effect until the Office of Price Administration amends Ration Order 1-A, to control the equipment of new automobiles with spare tires, at which time a revocation of this order will be issued.

Issued this 24th day of August 1945.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 45-15779; Filed, Aug. 24, 1945; 11:32 a. m.]

PART 3292—AUTOMOTIVE VEHICLES, PARTS AND EQUIPMENT

[L-2-g, Revocation of Interpretation 1]

Interpretation 1 of L-2-g is hereby revoked.

Issued this 24th day of August 1945.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 45-15780; Filed, Aug. 24, 1945; 11:32 a. m.]

PART 3294—IRON AND STEEL PRODUCTION

[General Preference Order M-21, as Amended Aug. 24, 1945]

IRON AND STEEL INCLUDING FERRO ALLOYS AND ASSOCIATED MATERIALS

§ 3294.71 *General Preference Order M-21*—(a) *Purpose and scope.* This is the basic order covering the production and distribution of steel and iron products (including alloy iron and alloy steel) listed in the attached Schedule I, pig iron, iron and steel scrap, ferro-alloys and metallic and non-metallic materials (including coke) used in the metallurgy of iron and steel, and non-ferrous products of the elements listed in the attached Schedule II. Schedule II lists the metallic and non-metallic elements, the ores and chemical compounds thereof, including scrap and secondary materials, and the ferro-alloys which are covered by this order.

(b) *Definitions.* For the purpose of this order: (1) "Steel" means carbon steel (including wrought iron), and alloy steel in the forms and shapes listed in Schedule I of this order. The term includes material sorted or salvaged from steel scrap and sold for other than remelting purposes except those uses specified in the definition of scrap. The term also includes all types of rejected or second-quality material and shearings, except:

(i) When sold as scrap for remelting; or,

(ii) When sold as scrap to a scrap dealer for sorting, processing, or, salvaging, or for resale for remelting or other permitted uses of scrap.

(2) "Alloy steel" means any steel (including stainless steel) containing any one or more of the following elements in the following amounts:

Manganese, maximum of range in excess of 1.65%

Silicon, maximum of range in excess of 0.60%

Copper, maximum of range in excess of 0.60%

Aluminum, chromium, cobalt, columbium, molybdenum, nickel, titanium, tungsten, vanadium, zirconium, or any other alloying elements in any amount specified or known to have been added to obtain a desired alloying effect.

(3) "Alloy iron" means any iron containing any one or more of the following elements in the following amounts:

Manganese, maximum of range in excess of 1.65%
Silicon, maximum of range in excess of 5.00%
Copper, maximum of range in excess of 0.60%
Aluminum, chromium, cobalt, columbium, molybdenum, nickel, titanium, tungsten, vanadium, zirconium, or any other alloying element in any amount specified or known to have been added to obtain a desired alloying effect.

(4) "Stainless steel" means heat and corrosion resisting steel containing 4% or more of chromium either with or without nickel, molybdenum, or other elements.

(5) "Iron products" means all gray and malleable iron castings (rough as cast) except pipe and pipe fittings.

The material terms defined above do not include material which has been in use or service.

(6) "Pig iron" means iron produced by smelting iron ore in a blast furnace, and containing less than 6% of silicon.

(7) "Ferro alloys" means the metallic elements, their ores and the chemical compounds thereof, usually introduced into the melt of iron and steel for the purpose of obtaining definite properties. The term includes the elements, the ores, and the chemical compounds listed in Schedule II of this order.

(8) "Scrap" means all ferrous materials, either alloyed or unalloyed, of which iron or steel is a principal component, which are the waste of industrial fabrication or objects that have been discarded on account of obsolescence, failure or other reasons, and which are not otherwise defined in this order. The principal use of scrap is remelting. Scrap obtained from used materials may be utilized for remelting, rerolling or forging. Scrap may also be used for copper precipitation, lead burning, gas cleaning, or other chemical processes. Any material which has not been in use or service and which is salvaged from sorting or processing shall not be considered scrap if sold or used for other than the above mentioned purposes. "Alloy scrap" means scrap generated from or composed of any of the alloy irons or alloy steels defined in paragraphs (b) (2), (b) (3), and (b) (4).

"Producer" (in the case of iron and steel scrap) means any person who produces scrap in the conduct of a business or other enterprise.

"Dealer" and/or "broker" (in the case of iron and steel scrap) means any person who, as principal or as agent, buys and sells scrap in the regular course of his business.

"Consumer" (in the case of iron and steel scrap) means any person who melts or uses scrap for any of the purposes mentioned above in this paragraph (b).

(9) "Producer" (in the case of iron or steel) means any person who produces iron products or steel as defined herein.

(10) "Distributor" means any person (including a warehouse, jobber, dealer, retailer, or scrap dealer) who is engaged in the business of receiving steel into one or more warehouse stocks regularly maintained by him for sale or resale in the form received, or after performing such operations as cutting to length, shearing to size, torch cutting or burning to shape, sorting and grading, pipe threading, or corrugating or otherwise forming sheets for roofing and siding; but a person who, in connection with any sale, bends, punches or performs any fabricating operation designed to prepare steel for final use or assembly, shall not be deemed a distributor with respect to such sale.

(11) "Delivery" includes deliveries received on consignment.

(c) [Deleted Aug. 24, 1945.]

(d) *Special provisions pertaining to iron and steel scrap.* Delivery of scrap to, or acceptance of such delivery by a consumer is hereby authorized without regard to the restrictions set forth in Section 944.14 of Priorities Regulation No. 1.

(e) *Appeals.* Any appeals from this order must be made by letter referring to the particular provisions appealed from and stating fully the grounds for the appeal. In emergency cases, appeals may be made by telegraph.

(f) *Special directions.* (1) The War Production Board may from time to time issue directions to any person or persons as to the type, description, amount, source, or destination of steel, alloy iron, or iron products, coke, pig iron, or scrap (including segregation of scrap) to be produced, processed, delivered, distributed, or acquired by such person or persons.

(2) The War Production Board may from time to time issue directions as to facilities and materials to be used in production, and as to any alloying element, issue directions specifying the quantities and proportions which may be used in alloy iron and alloy steel (including stainless steel), and whether and in what proportion any such element is to be an ore, a metal, a ferro-alloy, reclaimed metal, scrap, a chemical compound, or any other material containing such element.

(3) The War Production Board may make such changes in any melting schedule as it may deem appropriate, and may from time to time issue supplementary directions with regard to melting of alloy iron or alloy steel (including stainless steel).

(4) The War Production Board may from time to time issue directions to any person or persons as to the type, description, amount, source, or destination of any of the items listed in Schedule II, to be produced, processed, delivered, distributed, or acquired by such person or persons.

(g) *Reports.* All persons covered by this order shall file with the War Production Board, Washington, D. C., Reference: M-21, reports at such times and on such forms as may from time to time be prescribed, subject to the approval of the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(h) *Violations.* Any person who willfully violates any provision of this order or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States, is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priorities control and may be deprived of priorities assistance.

(i) *Communications.* All communications concerning this order shall, unless otherwise directed, be addressed to Steel Division, War Production Board, Washington 25, D. C., Reference: M-21.

Issued this 24th day of August 1945.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

SCHEDULE I

Steel:
Bars, Cold-Finished.
Bars, Hot-Rolled or Forged.
Ingots, Billets, Blooms, Slabs, Die Blocks, Tube Rounds, Sheet Bars, Tin Bar, and Skelp.
Pipe, including Threaded Couplings of the type normally supplied for Threaded Pipe.
Plates, all Plates (including Rolled Armored Plate in the form and shape to which it is rolled by the Steel Mill and prior to any subsequent fabrication), and including Nickel Clad and Stainless Clad.
Rail and Track Accessories.
Sheet and Strip.
Steel Castings (rough as cast).
Steel Forgings (rough as forged).
Structural Shapes and Piling.
Tinplate, Terneplate, and Tin Mill Black Plate.
Tubing.
Wheels, Tires, and Axles.
Wire Rods, Wire and Wire Products.
Iron products:
Gray Iron Castings (rough as cast).
Malleable Iron Castings (rough as cast).

SCHEDULE II—ALLOYING ELEMENTS AND COMPOUNDS THEREOF, FERRO-ALLOYS AND NON-FERROUS METAL ALLOYS

Chromium—In any of the following forms:
Chemical combinations containing chromium as an essential and recognizable component.
Chrome briquettes.
Chromium in combination with other elements in semi-manufactured or manufactured form, commercially suitable for use in the manufacture of steel or for other metallurgical purposes.
Chromium in elemental form.
Chromium ores and concentrates.
Chromium refractory materials.
Chromium refractories.
Chromium scrap and secondary material.
Chrom-X.
Ferro-Chromium.
Cobalt—In any of the following forms:
Belgian Congo Crudes.
Cobalt Alloys.
Cobalt concentrates.
Cobalt, metal.
Cobalt oxide, commercial.
Cobalt salts.
Cobalt scrap and secondary material.
Ferro-Cobalt.
Ferro-Alloys—Not included in other groups listed herein:
Ferro-boron.
Ferro-carbo.
Ferro-carbon-titanium.
Ferro-columbium.
Ferro-phosphorus.
Ferro-titanium.
Ferro-zirconium.
Titanium carbide.
Manganese—In any of the following forms:
Ferro-Manganese.
Ferro-Manganese-Silicon.
Manganese, metal.
Manganese ores and concentrates
Silico-Manganese.

Molybdenum—In any of the following forms:
Calcium Molybdate.
Ferro-Molybdenum.
Molybdenum, metal.
Molybdenum ores and concentrates.
Molybdenum oxide.
Molybdenum scrap and secondary material.
Molybdenum silicide.
Molybdenum sulphide.
Nickel—In any of the following forms:
Ferro-Nickels.
Monel metals.
Nickel alloys.
Nickel carbonates.
Nickel concentrates (commercially recoverable).
Nickel matte of any description.
Nickel oxides.
Nickel residues (commercially recoverable).
Nickel salts.
Nickel solutions (commercially recoverable).
Primary metallic nickel, either alloyed or unalloyed.
Speiss (commercially recoverable).
"Secondary nickel" including any nickel or alloy containing nickel prepared by any process of melting or otherwise treating nickel scrap for reuse as a raw material.
"Nickel scrap" including all materials, ferrous and non-ferrous containing 1% or more of nickel by weight, which are the by-product or waste of industrial operations, or which have been discarded on account of obsolescence, failure, or other reason, excluding scrap consisting of any alloy, the principal ingredient of which, by either weight or volume, is metallic aluminum or consisting of any alloy in which the percentage of copper metal by weight equals or exceeds 40% of all the metals and scrap of iron and steel alloys defined in this order.
Silicon—In any of the following forms:
Ferro-Silicon.
Ferro-Silicon-Aluminum.
Ferro-Silicon-Zirconium.
Silicon, metal.
Silicon-Zirconium.
Silvery pig iron.
Sil-X.
Tungsten—In any of the following forms:
Ferro-Tungsten.
Tungsten metal.
Tungsten ores and concentrates.
Tungsten oxide.
Tungsten powder.
Vanadium—In any of the following forms:
Commercial Vanadium pentoxide.
Ferro-Vanadium.
Vanadium ores and concentrates.

[F. R. Doc. 45-15782; Filed, Aug. 24, 1945; 11:32 a. m.]

Chapter XI—Office of Price Administration

PART 1360—MOTOR VEHICLES AND MOTOR VEHICLE EQUIPMENT

[RO 2A,[1] Revocation]

PASSENGER AUTOMOBILE RATIONING REGULATIONS FOR TERRITORIES AND POSSESSIONS OF U. S.

A rationale accompanying this revocation order, issued simultaneously herewith, has been filed with the Division of the Federal Register.

Ration Order 2A (§§ 1360.310 to 1360.442, inclusive) is hereby revoked, except that any violations which occurred or rights or liabilities which arose before the effective date of this order of revocation shall be governed by the order in effect at the time the violation occurred or the rights or liabilities arose.

This order of revocation shall become effective August 23, 1945.

Issued this 23d day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-15746; Filed, Aug. 23, 1945; 4:51 p. m.]

[1] 7 F.R. 1542, 1647, 1756, 2108, 2242, 2305, 2993, 3097, 3482, 4343, 5484, 6049, 6082, 6424, 6601, 6775, 6964, 7149, 8808, 8895, 9316, 10228; 8 F.R. 28, 363, 1138, 1365.

PART 1315—RUBBER AND PRODUCTS AND MATERIALS OF WHICH RUBBER IS A COMPONENT

[MPR 132, Amdt. 10]

RUBBER FOOTWEAR

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.

Maximum Price Regulation No. 132 is amended in the following respects:

1. The title of the regulation is amended to read as follows: "Rubber footwear."

2. Section 1315.61 is amended to read as follows:

§ 1315.61 *Explanation of and coverage of the regulation*—(a) *Commodities and sales covered.* This regulation establishes maximum prices for all sales in the United States of rubber footwear by the manufacturer thereof. When used in this regulation, rubber footwear means footwear containing rubber and made with a vulcanized construction.

(b) *Relationship to other regulations.* This regulation supersedes the General Maximum Price Regulation and any other regulation issued by the Office of Price Administration as to transactions covered by this regulation.

(c) *War orders.* This regulation does not apply to sales of rubber footwear pursuant to contracts with any war procurement agency of the United States government, or with any person who contracts to sell the purchased rubber footwear to any war procurement agency of the United States government.

(d) *Sales for export.* The maximum price at which a manufacturer may make any export sales of any rubber footwear subject to this regulation shall be determined in accordance with the provisions of the Second Revised Maximum Export Price Regulation or any revisions thereto. When used in this section the phrase "export sales" has the meaning given to it by section 11 (a) of the Second Revised Maximum Export Price Regulation.

3. Section 1315.61b is amended to read as follows:

§ 1315.61b *Prohibition against dealing in rubber footwear above maximum prices.* Regardless of any contract, agreement, lease or other obligation, no manufacturer shall sell or deliver rubber footwear subject to this regulation and no person shall, in the course of trade or business, buy or receive rubber footwear subject to this regulation from the manufacturer thereof at prices higher than the maximum prices established under this regulation, and no person shall agree or solicit or attempt to do any of the foregoing.

4. Section 1315.65a is amended to read as follows:

§ 1315.65a *Maximum prices for rubber footwear that cannot be priced under any other section of the regulation*—(a) *Maximum prices.* The manufacturer's maximum price for sales of any rubber footwear covered by this regulation which cannot be priced under any other section of the regulation shall be a price in line with the level of maximum prices established by this regulation specifically authorized by order of the Office of Price Administration.

(b) *Method of establishing maximum prices.* A manufacturer seeking to establish a maximum price for any footwear to be priced under this section shall file an application with the Office of Price Administration, Washington, D. C., before offering to sell such footwear. This application shall contain: (1) a description in detail of the rubber footwear to be priced; (2) detailed data as to physical properties of the footwear; (3) samples of the footwear; (4) a statement of the reasons why the footwear must be priced under this section of the regulation; (5) a unit cost analysis of the footwear including direct labor costs, direct material costs, factory overhead costs and selling and administrative costs; (6) the proposed maximum price for each class of purchaser and the terms of sale including cash discount terms, quantity discounts and freight allowances; (7) the method by which that price was determined; (8) a statement of the reasons why he believes that the proposed maximum price is in line with the level of prices established by the regulation.

(c) *Authorization of maximum prices.* After receipt of this application, the Office of Price Administration will establish by order a maximum price or a method of determining the maximum price for the rubber footwear for which application is made. The applicant shall not receive payment for any footwear priced under this section until an order establishing its maximum price has been issued by the Office of Price Administration establishing its maximum price. The Office of Price Administration may at any time adjust a maximum price (not to apply retroactively) authorized under this section so as to make it consistent with the level of maximum prices otherwise established by this regulation.

5. Section 1315.63 (a) (7) is amended to read as follows:

(7) "Rubber footwear" means footwear containing rubber and made with a vulcanized construction.

6. In § 1315.70 (a) (1) a new subdivision designated (iv) is added to read as follows:

(iv) *Maximum prices for government rejected rubber footwear.* Rubber foot-

wear that has been produced for the use of the United States or any agency thereof and that has been rejected as not meeting the purchaser's standards and that otherwise meets the requirements for pricing under one of the subdivisions (i), (ii) or (iii) above, shall be priced under the appropriate subdivision.

7. Paragraph (b) of § 1315.70 is amended to read as follows:

(b) *Manufacturers' maximum prices for waterproof rubber footwear produced after February 10, 1942, which is not covered by paragraph (a).* Manufacturers' maximum prices for waterproof rubber footwear produced after February 10, 1942, which is not covered by paragraph (a) or by § 1315.74 shall be established under § 1315.65a of this regulation.

8. Subparagraph (1) of § 1315.73 (a) is amended to read as follows:

(1) This paragraph is applicable to canvas rubber footwear named in Table II but only if such footwear is produced after December 14, 1943, and if it does not fall below the manufacturer's specifications filed with the Rubber Price Branch of the Office of Price Administration before December 31, 1943. Canvas rubber footwear that has been produced for the use of the United States Government or any agency thereof and that has been rejected as not meeting the purchaser's standards shall be priced under this paragraph if it otherwise meets the requirements for pricing under this paragraph.

9. Paragraph (b) of § 1315.73 is amended to read as follows:

(b) *Manufacturers' maximum prices for canvas rubber footwear that is not covered by paragraph (a).* Manufacturers' maximum prices for canvas rubber footwear that is not covered by paragraph (a) above or by § 1315.74 shall be established under § 1315.65a of this regulation.

10. A new section designated 1315.74 is added to read as follows:

§ 1315.74 *Manufacturers' maximum prices for rubber footwear seconds*—(a) *Applicability.* This section applies to rubber footwear which is of the same type as the firsts and the government rejected footwear that are priced under any other section of this regulation (including firsts priced by specific authorization of the Office of Price Administration under § 1315.65a), but which does not equal the requirements of the footwear thus priced.

(b) *Maximum prices for seconds.* The manufacturer's maximum prices for any of the footwear described in paragraph (a) above shall be the maximum prices for the firsts for each class of purchaser as established under this regulation less all discounts, allowances, and differentials for each class of purchaser that the manufacturer had in effect in pricing similar seconds on December 3, 1941. If these discounts, allowances and differentials are such that the manufacturer on December 3, 1941, sold similar seconds at prices that exceeded 90 percent of the net selling price of the firsts (excluding cash discounts) or if the manufacturer had no discounts, allowances, or differentials in effect for seconds on that date, the maximum prices for seconds shall be 90 percent of the maximum prices of the firsts (excluding cash discounts).

11. A new section designated § 1315.75 is added to read as follows:

§ 1315.75 *Notifications of price charged.* Every manufacturer shall give each person purchasing rubber footwear an invoice showing the date of the transaction and the price charged for each type and brand and grade of rubber footwear sold that has been priced under this regulation. The invoice shall bear the notation "seconds" in addition to the other identifying information in all cases where "seconds" are sold. If the commodity sold is one which is priced under § 1315.65a, the invoice shall identify the item by using the same designation for it that appears in the order under which it is priced.

This amendment shall become effective August 29, 1945.

NOTE: The reporting requirements of this amendment have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 24th day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-15790; Filed, Aug. 24, 1945; 11:49 a. m.]

PART 1315—RUBBER AND PRODUCTS AND MATERIALS OF WHICH RUBBER IS A COMPONENT

[RMPR 229, Amdt. 2]

RETAIL AND WHOLESALE PRICES FOR RUBBER FOOTWEAR

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.

Revised Maximum Price Regulation 229 is amended in the following respects:

1. The title of the regulation is changed to read as follows: "Retail and wholesale prices for rubber footwear."

2. The introductory paragraph of section 1 is amended to read as follows:

SECTION 1. *What this regulation does.* This regulation establishes maximum prices for all sales at retail and at wholesale of rubber footwear. However, this regulation does not apply to sales or deliveries of rubber footwear on war orders which must be priced under Maximum Price Regulation 403. When used in this regulation, the term:

3. Paragraph (a) of section 1 is amended to read as follows:

(a) "Rubber footwear" means footwear containing rubber and made with a vulcanized construction.

4. Section 5 is amended to read as follows:

SEC. 5. *Maximum prices for sales at retail of rubber footwear*—(a) *Maximum prices for sales at retail of domestically produced rubber footwear listed in Appendices A and B*—(1) *Applicability.* This paragraph applies to rubber footwear listed in Appendices A and B that is produced in the continental United States.

(2) *Method of determining the maximum retail price for each type and brand of rubber footwear listed in Appendices A and B.* The seller's maximum price for sales of each type and brand of domestically produced rubber footwear of a type that is described in Appendix A or Appendix B, shall be the maximum price set forth in Appendix A or Appendix B for that type of rubber footwear for the appropriate price class determined under subparagraph (3).

(3) *How the seller determines and redetermines the appropriate price class.* The seller shall determine and redetermine the appropriate price class for each type and brand of such rubber footwear he sells, as follows:

(i) If the seller sold the type and brand of rubber footwear being priced between September 29, 1942, and February 23, 1944, inclusive, that type and brand of footwear shall be placed in the same price class as it was under section 1315.1703 of Maximum Price Regulation 229 on February 23, 1944. The seller shall redetermine the appropriate price class where such redetermination is required by subdivision (iii) below.

(ii) If the seller did not sell the type and brand of rubber footwear being priced between September 29, 1942, and February 23, 1944, inclusive, the appropriate price class shall be determined by reference to the tables set forth in Appendix A for waterproof rubber footwear, and Appendix B for canvas rubber footwear. The seller shall compare the net price at which he purchased the rubber footwear he is pricing after February 23, 1944, with the range of net prices set forth in those tables for that type and brand of footwear. The range of net prices into which the net price which he paid falls, shall determine the appropriate price class.

(iii) The retailer must redetermine the appropriate price class by reference to the tables set forth in Appendix A or Appendix B if at any time subsequent to February 23, 1944, he purchases a type and brand of footwear in sufficiently large quantities so that the net price he pays is (a) lower than the net purchase price set forth for it in the appropriate Appendix (Appendix A or Appendix B) for the class in which it has been placed under subdivision (i) above, or (b) lower than the net purchase price used in determining the appropriate price class under subdivision (ii) above for that type and brand of rubber footwear, or (c) lower than the net purchase price used in redetermining its maximum price under this subdivision (iii).

(iv) A type and brand of rubber footwear whose price class has at any time been determined or redetermined under subdivision (i), (ii), or (iii) above, may not at any time thereafter be reclassified into a higher retail price class.

(v) *Meaning of the "net price" at which the seller purchased the rubber footwear he is pricing.* The "net price" at which the seller purchased the type and brand of rubber footwear he is pricing, means the lowest price, without cash discount, at which he purchased that type and brand after February 23, 1944 (or the list price, less all discounts, except cash discounts). Manufacturers' "seconds" clearly marked as such, shall not be considered as establishing the net price for a type and brand of rubber footwear "firsts".

(b) *Maximum prices for sales at retail of rubber footwear imported into the United States that is of a type listed in Appendix A or Appendix B and that at least equals the quality of the domestically produced footwear listed in Appendices A and B*—(1) *Maximum prices for sales at retail of such footwear that is imported into the United States by the retailer.* A retailer who wishes to establish his maximum prices for sales at retail for any rubber footwear produced outside of the continental United States and imported into the continental United States by the retailer, which is of a type listed in Appendix A or Appendix B and which at least equals the quality of the domestically produced rubber footwear listed in Appendices A and B, shall apply to the tables set forth in Appendix A for waterproof rubber footwear and Appendix B for canvas rubber footwear, the net purchase price of the footwear he is pricing in the manner provided by section 5 (a) (3) (ii). The net purchase price that shall be applied to the tables shall be the retailer's total landed costs. The range of net prices into which the net price he has paid falls, shall determine the proposed maximum price class for the footwear being priced. The retailer shall file a report with the Office of Price Administration, Washington, D. C., giving all of the information required for a report filed under section 6a (a). If, within fifteen days after the mailing of the report, the Office of Price Administration does not request further information or does not issue an order establishing a different maximum price than that proposed by the retailer, or does not object to the proposed maximum price, then (fifteen days after the mailing of the report) the retailer's proposed maximum price shall be his maximum price. The Office of Price Administration may at any time, by order, revise any maximum price established under this section so as to make it consistent with the level of maximum prices otherwise established under the regulation. The redetermination of maximum price provisions of section 5 shall be applicable to any footwear prices established under this subparagraph except that the net price that shall be used in redetermining the maximum price for the imported footwear shall be the total landed costs.

(2) *Maximum prices for sales at retail of such footwear that is imported into the United States by a wholesaler.* The maximum prices for sales at retail of imported rubber footwear which is purchased by the retailer from a wholesaler who has imported the footwear into the United States, and which is of a type listed in Appendix A or Appendix B, and which at least equals the quality of the domestically produced rubber footwear listed in Appendix A or Appendix B shall be determined (and redetermined) in the manner and in accordance with the method of pricing set forth in section 5 for sales at retail of domestically produced rubber footwear. The retailer's net purchase price that shall be applied to the tables set forth in Appendix A or Appendix B in determining the retailer's maximum price shall not exceed the wholesaler's net maximum price (excluding cash discounts) for sales to the retailer.

(c) *Maximum retail prices for seconds.* The maximum price for sales at retail of rubber footwear seconds, shall be the price derived by dividing the retailer's "net purchase price" (not exceeding the maximum price for sales to the retailer) by .65. A retailer's maximum price for "seconds" may not equal or exceed his maximum price for the "firsts". "Net price" shall have the meaning given it in section 5 (a) (3) (v).

(d) *Discounts.* The seller shall deduct from his maximum prices, as found under paragraphs (a), (b), and (c), all discounts, allowances, and other deductions that he had in effect to different classes of purchasers during the period July 1 and October 25, 1941.

5. Section 5a is deleted.

6. Section 6 is amended to read as follows:

SEC. 6. *Maximum prices for sales at wholesale of rubber footwear*—(a) *Maximum prices for sales at wholesale of domestically produced rubber footwear listed in Appendix A or Appendix B*—(1) *Maximum prices for sales of such footwear by wholesalers who sold rubber footwear between April 1 and October 25, 1941.* The maximum prices for sales of domestically produced rubber footwear listed in Appendix A or Appendix B by wholesalers who sold rubber footwear between April 1 and October 25, 1941, shall be the price stated in Appendix A or Appendix B for sales at wholesale, less all discounts, allowances, and other deductions that the wholesaler had in effect to different classes of purchasers during the period April 1 and October 25, 1941.

(2) *Maximum prices for sales of such footwear by wholesalers who did not sell rubber footwear between April 1 and October 25, 1941.* The maximum prices for sales of such rubber footwear by a seller who did not sell rubber footwear at wholesale during the period April 1 and October 25, 1941, shall be the prices stated in Appendix A or Appendix B for sales at wholesale, less the discounts, allowances, and other deductions consistent with those otherwise established under the regulation that shall be established for a wholesaler by written authorization of the Office of Price Administration. A wholesaler whose discounts, allowances, and other deductions must be determined under this paragraph shall file an application with the Office of Price Administration, Washington, D. C., giving the following information: (i) a detailed description of his proposed cash discounts, freight, quantity and other allowances, and other deductions; and (ii) the reasons why he believes the proposed discounts, allowances and other deductions are consistent with those otherwise established under the regulation.

After receipt of the application, the Office of Price Administration shall by written authorization establish the discounts, allowances, and other deductions that shall be applicable to the applicant's sales at wholesale of rubber footwear. The wholesaler shall not sell or deliver or receive payment for any rubber footwear until he has applied for and received from the Office of Price Administration, a written authorization establishing his discounts, allowances, and other deductions.

(b) *Maximum prices for sales at wholesale of imported rubber footwear that is of a type listed in Appendix A or Appendix B and that at least equals the quality of the domestically produced rubber footwear listed in Appendix A or Appendix B*—(1) *Maximum prices for sales by a wholesaler who imports such footwear into the United States*—(i) *Proposed maximum prices.* A wholesaler who wishes to establish maximum prices for his sales at wholesale of rubber footwear which is manufactured outside of the continental United States and imported into the United States by the wholesaler and which is of a type listed in Appendix A or Appendix B and which at least equals the quality of the domestically produced rubber footwear listed in those Appendices shall determine his proposed maximum price as follows:

The proposed maximum price shall be the price listed in Appendix A or Appendix B for sales at wholesale for the type of domestically produced footwear he is pricing, less the discounts, allowance, and other deductions that are applicable to the wholesaler's sales of the domestically produced footwear listed in these Appendices.

(ii) *Reports.* The wholesaler shall file a report with the Office of Price Administration, Washington, D. C., giving all of the information required for a report filed under section 6a (a). If, within fifteen days after the mailing of the report, the Office of Price Administration does not request further information, or does not issue an order establishing a different maximum price than that proposed by the wholesaler, or does not object to the proposed maximum price, then (fifteen days after the mailing of the report) the wholesaler's proposed maximum price shall be his maximum price.

(iii) *Revision of maximum prices.* The Office of Price Administration may at any time, by order, revise any proposed maximum price or any maximum price established under this section so as to make it consistent with the level of maximum prices otherwise established under the regulation. The Office of Price Administration may, by written order, adjust the maximum price of any footwear established under this section after application by the wholesaler giving the information required for reports under section 6a (a) if, in the opinion of the Administrator, it is necessary and desirable to do so to secure importation of needed rubber footwear and if such

adjusted maximum price will not result in higher prices for sales to the consumer than the general level of maximum prices for such sales otherwise established under the regulation.

(2) *Maximum prices for sales of such footwear by the wholesaler who does not import it into the continental United States but purchases it from a wholesaler-importer whose maximum prices for sales at wholesale are established by subparagraph (1).* The maximum prices for the footwear described in subparagraph (1) (i) by a wholesaler who does not import it into the United States but who purchases it from a wholesaler-importer who has established maximum prices for his (wholesaler-importer's) sales to wholesalers under subparagraph (1) above, shall be determined in the manner and in accordance with the method of pricing set forth in section 6 (a) for sales at wholesale of domestically produced rubber footwear, unless an order issued under subparagraph (1) (iii) above establishes maximum prices for such resales by the wholesaler who purchases from the wholesaler-importer.

(c) *Maximum prices for sales at wholesale of rubber footwear seconds.* The maximum prices for sales at wholesale of rubber footwear seconds shall be the wholesaler's maximum prices for the firsts, less all discounts, allowances, and differentials for each class of purchaser that the wholesaler had in effect in pricing seconds during the period April 1 and October 25, 1941. If these discounts, allowances, and differentials are such that the wholesaler during this period sold or offered for sale seconds at prices that exceeded 90 percent of the net selling price of the firsts (excluding cash discounts) to a class of purchaser, or if the wholesaler had no discounts, allowances, or differentials in effect for seconds on that date, the maximum prices for seconds shall be 90 percent of the maximum prices for the firsts (excluding cash discounts). The invoices covering sales of seconds shall bear the notation "seconds" in all cases where seconds are sold.

7. Section 6a is amended to read as follows:

SEC. 6a. *Maximum prices for sales at wholesale and at retail of rubber footwear that cannot be priced under other sections of this regulation.* The maximum prices for sales at wholesale or at retail of rubber footwear that cannot be priced under any other section of this regulation shall be a price in line with the level of maximum prices established by this regulation specifically authorized by written order of the Office of Price Administration.

(a) *Method of establishing maximum prices.* A seller seeking to establish a maximum price for any footwear to be priced under this section shall file an application with the Office of Price Administration, Washington, D. C., before offering to sell such footwear. This application shall contain: (1), a description in detail of the rubber footwear to be priced; (2), a sample of the footwear; (3), a statement of the reasons why the footwear must be priced under this section of the regulation; (4), a statement as to whether applicant sold rubber footwear at wholesale during the period April 1 and October 25, 1941; (5), the cost of the footwear to be priced, and the name and address of the supplier (for imported rubber footwear, the name and address of his supplier and an itemized breakdown of total landed costs should also be given); (6), the proposed maximum price for each class of purchaser and the cash discount, freight, and quantity allowance, and other discounts and allowances applicable to each class of purchaser; (7), the method by which that price was determined; and (8), a statement of the reasons why he believes the proposed maximum price is in line with the level of prices established by the regulation.

(b) *Approval of maximum prices.* After receipt of the application, the Office of Price Administration will establish in writing a maximum price or a method of determining the maximum prices for the footwear for which application is made. Applicant shall not sell or offer for sale any footwear to be priced under this section until an order establishing his maximum price has been issued by the Office of Price Administration. The Office of Price Administration may at any time revise any maximum price (not to apply retroactively) established under this section so as to make it consistent with the level of maximum prices otherwise established by this regulation.

8. Section 18 (a) is amended by adding thereto the following: "The continental United States" means the forty-eight states of the United States and the District of Columbia. "Domestically produced footwear" means footwear manufactured in any of the forty-eight states of the United States or in the District of Columbia.

9. The heading of Appendix A is amended to read as follows: "APPENDIX A: *Table of maximum prices per pair of certain waterproof footwear.*[1] [2] [3]"

10. Footnote 1 of Appendix A is amended to read as follows:

[1] The domestically produced rubber footwear priced at the wholesale and retail levels is the footwear that is priced at the manufacturer's level by §§ 1315.70 (a) and 1315.71 of Maximum Price Regulation 132 and that meets the requirements for pricing under one of those sections.

11. Two new footnotes designated 2 and 3 are added to Appendix A to read as follows:

[2] The maximum prices for sales at wholesale and retail of imported waterproof rubber footwear are established under sections 5 (b) and 6 (b) of this regulation and by specific authorization of the Office of Price Administration under section 6a.

[3] Customary allowances and discounts must be deducted from these wholesale and retail prices.

12. The heading of Appendix B is amended to read as follows: "APPENDIX B: *Table of maximum prices per pair of certain canvas-topped rubber-soled footwear of vulcanized construction.*[1] [2] [3]"

13. Footnote 1 of Appendix B is amended to read as follows:

[1] The domestically produced rubber footwear priced at the wholesale and retail levels is the footwear that is priced at the manufacturer's level by § 1315.73 (a) of Maximum Price Regulation 132 and that meets the requirements for pricing under that section.

14. Footnote 2 of Appendix B is amended to read as follows:

[2] The maximum prices for sales at wholesale and retail of imported waterproof rubber footwear are established under sections 5 (b) and 6 (b) of this regulation and by specific authorization of the Office of Price Administration under section 6a.

15. Footnote 3 is added to read as follows:

[3] Customary allowances and discounts must be deducted from these wholesale and retail prices.

This amendment shall become effective August 29, 1945.

NOTE: The reporting requirements of this amendment have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 24th day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-15792; Filed, Aug. 24, 1945. 11:49 a. m.]

PART 1340—FUEL

[MPR 88, Amdt. 31]

FUEL OIL, GASOLINE AND LIQUEFIED PETROLEUM GAS

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.

Maximum Price Regulation No. 88 is amended in the following respects:

1. Section 2.2 (a) is added to read as follows:

(a) *In certain tank wagon areas—Maximum tank wagon prices of P. S. 100 and P. S. 200 fuel oil.* Within the reference seller's free delivery limits in the tank wagon areas [1]Arizona) listed below maximum tank wagon prices (in cents per gallon) for P. S. 100 and P. S. 200 fuel oil, also known as stove oil, shall be as follows:

Tank wagon area	For deliveries of less than 40 gallons		For deliveries of 40 gallons or more	
	P. S. 100	P. S. 200	P. S. 100	P. S. 200
Douglas	.....	9.25	.....	8.25
Fairbanks	10.5	.....	10	.....
Ft. Huachuca	10.5	.....	10	10
Ray	12	12	10	.....
Tombstone	10.5	.....	10	.....

In any of the above tank wagon areas at any point outside the free delivery limits a seller may add the increase for the particular point specified in the reference seller's pamphlet of its October 14, 1941, posted tank wagon prices.

[1] Maximum prices to other Federal agencies shall be established by application under section 8.3.

[2] Los Angeles Area comprises Orange and Los Angeles Counties.

2. Section 2.4 (b) (1) is amended to read as follows:

(b) *Los Angeles and San Francisco Bay Areas—(1) On sales to the United States Armed Forces, Foreign Economic Administration and Federal agencies making purchases under T. P. S. contracts.*[1] (i) *F. o. b. tanker terminals in the Los Angeles Area.*[2] maximum prices for the products listed below shall be as follows:

Products	Loaded into tankers[1]	Loaded into barges[2]	Loaded into tank cars and tank truck and trailers	Loaded into buyer's drums[3]
Kerosene[4]	5.50	5.625	5.75	6.50
Diesel fuel (U. S. specification 2-102-C Grade C)	4.45	.....	.....	.....

[1] When a purchaser of the class specified herein buys loaded into tankers and the seller must use trucks, truck and trailers or cars to move the product from his refinery or terminal to the loading point at which the sale is made, his maximum price shall be the sum of his truck and trailer f. o. b. refinery or terminal price, whichever is applicable, plus the actual transportation cost from his refinery or terminal to the loading point.

[2] For single lot deliveries under 6,500 gallons add ⅛ of a cent per gallon.

[3] Prices cover only the product and the unloading, filling, stencilling and reloading of drums into transportation facilities.

[4] Includes all grades of solvent extracted or acid-treated kerosene.

(ii) *F. o. b. tanker terminals in the San Francisco Bay Area.* In the San Francisco Bay Area maximum prices for the products listed below shall be as follows:

Products	Loaded into tankers[1]	Loaded into barges[2]	Loaded into tank cars and tank truck and trailers	Loaded into buyer's drums[3]
Kerosene[4]	5.625	5.75	5.875	6.625
Diesel fuel, U. S. Specification 2-102-C Grade C)	4.575	.....	.....	.....

[1] When a purchaser of the class specified herein buys loaded into tankers and the seller must use trucks, truck and trailers or cars to move the product from his refinery or terminal to the loading point at which the sale is made, his maximum price shall be the sum of his truck and trailer f. o. b. refinery or terminal price, whichever is applicable, plus the actual transportation cost from his refinery or terminal to the loading point.

[2] For single lot deliveries under 6,500 gallons add ⅛ of a cent per gallon.

[3] Prices cover only the product and the unloading, filling, stencilling and reloading of drums into transportation facilities.

[4] Includes all grades of solvent extracted or acid-treated kerosene.

3. Section 2.4 (c) is amended as follows:

In the table of prices the following tank wagon area is added to the list of tank wagon areas, and the following prices applicable as indicated to the added tank wagon area are added in the order indicated to the respective columns of prices.

Tank wagon area	For deliveries of less than 75 gallons	For deliveries of 75 gallons or more
	Cents	Cents
La Jolla	8	7

4. Section 2.4 (e) is added to read as follows:

(e) *In certain tank wagon areas—Maximum tank wagon prices of P. S. 100 and P. S. 200 fuel oil.* Within the reference seller's free delivery limits in the tank wagon areas listed below maximum tank wagon prices (in cents per gallon) for P. S. 100 and P. S. 200 fuel oil, shall be as follows:

Tank wagon area	For deliveries of less than 75 gallons		For deliveries of 75 gallons or more	
	P. S. 100	P. S. 200	P. S. 100	P. S. 200
Alder Point	.....	10.75	.....	8.75
Blocksburg	.....	10.25	.....	8.25
Bolinas	9.5	.....	7.5	.....
Colfax	10.0	9.0	8.0	7.0
Dutch Flat	10.0	9.0	8.0	7.0
Ft. Seward	.....	10.25	.....	8.25
Oleta	9.5	.....	7.5	.....
Pt. Reyes	9.5	.....	7.5	.....
Raisin City	9.0	9.0	7.0	7.0
Ruth	.....	12.25	.....	10.25
San Rafael	9.0	8.5	8.0	7.5
South Fork	.....	9.75	.....	7.75
Trona	10.0	.....	9.0	.....
Zenia	.....	12.25	.....	10.25

5. Section 2.4 (f) is added to read as follows:

(f) *Jamesburg and Tassajara Hot Springs Circuit Points.* In that part of the Monterey tank wagon area designated as Jamesburg and Tassajara Hot Springs (California), the maximum tank wagon prices for P. S. 100 fuel oil, also known as stove oil, and P. S. 200 fuel oil also known as diesel oil shall be as follows:

Tank wagon area	P. S. 100	P. S. 200
Jamesburg	8.75	7.75
Tassajara Hot Springs	10.75	9.75

6. Section 2.35 (a) is added to read as follows:

(a) *Portland Area.* In the Portland Area[3] maximum prices for the products listed below shall be as follows:

(1) *F. o. b. tanker terminals—(i) On sales to the United States Armed Forces, Foreign Economic Administration and Federal Agencies making purchases under T. P. S. contracts.*[4]

Products	Loaded into tankers[1]	Loaded into barges[2]	Loaded into tank cars and tank truck and trailers (cents per gallon)	Loaded into buyer's drums[3]
Kerosene[4]	6.50	6.625	6.75	7.50
Diesel fuel (U. S. Specification 2-102-c Grade C)	5.05	.....	.....	.....

[1] When a purchaser of the class specified herein buys loaded into tankers and the seller must use trucks, truck and trailers or cars to move the product from his refinery or terminal to the loading point at which the sale is made, his maximum price shall be the sum of his truck and trailer f. o. b. refinery or terminal price, whichever is applicable, plus the actual transportation cost from his refinery or terminal to the loading point.

[2] For single lot deliveries under 6,500 gallons add ⅛ of a cent per gallon.

[3] Prices cover only the product and the unloading, filling, stencilling and reloading of drums into transportation facilities.

[4] Includes all grades of solvent extracted or acid-treated kerosene.

7. Section 2.45 (b) is added to read as follows:

(b) *Seattle Area.* In the Seattle Area[5] maximum prices for the products listed below shall be as follows:

(1) *F. o. b. tanker terminals—(i) On sales to the United States Armed Forces, Foreign Economic Administration and Federal Agencies making purchases under T. P. S. contracts.*[4]

Products	Loaded into tankers[1]	Loaded into barges[2]	Loaded into tank cars and tank truck and trailers (cents per gallon)	Loaded into buyer's drums[3]
Kerosene[4]	6.50	6.625	6.75	7.50
Diesel fuel (U. S. Specification 2-102-c Grade C)	5.05	.....	.....	.....

[1] When a purchaser of the class specified herein buys loaded into tankers and the seller must use trucks, truck and trailers or cars to move the product from his refinery or terminal to the loading point at which the sale is made, his maximum price shall be the sum of his truck and trailer f. o. b. refinery or terminal price, whichever is applicable, plus the actual transportation cost from his refinery or terminal to the loading point.

[2] For single lot deliveries under 6,500 gallons add ⅛ of a cent per gallon.

[3] Prices cover only the product and the unloading, filling, stencilling and reloading of drums into transportation facilities.

[4] Includes all grades of solvent extracted or acid-treated kerosene.

8. Section 3.4 (b) is amended as follows:

a. Footnote 1 to section 3.4 (b) is amended by adding the following sentence:

Where an owner or operator of a refinery has established a maximum price pursuant to this footnote such maximum price may be used by other sellers and shall be subject to the special price provisions for certain sellers set forth in sections 3.2 and 3.3.

b. Footnote 4 to section 3.4 (b) is amended by adding the following paragraph:

[3] Tanker terminals at Linnton, Willbridge, Portland, Oregon, and Vancouver, Washington, are within the Portland Area.

[4] Maximum prices to other Federal agencies shall be established by application under section 8.3.

[5] Tanker terminals at Point Wells, Edmonds, Seattle, and Tacoma, Washington, are within the Seattle Area.

The Administrator may establish by order in writing for a refiner located in Price Area K a different maximum price at his refinery than that set forth above, and such maximum price may be used by other sellers on shipments from the same shipping point and shall be subject to the special pricing provisions of certain sellers set forth in sections 3.2 and 3.3.

9. Section 4.35 (a) is amended by adding a footnote reference number 8 following the words "Portland Area" and by adding a footnote number 8 to read as follows:

[8] Tanker terminals at Linnton, Willbridge, Portland, Oregon and Vancouver, Washington are within the Portland Area.

10. Section 4.45 (a) is amended by adding a footnote reference number 8 following the words "Seattle Area" and by adding a footnote number 8 to read as follows:

[8] Tanker terminals at Point Wells, Edmonds, Seattle, and Tacoma, Washington are within the Seattle Area.

11. Section 5.1 (e) (6) is added to read as follows:

(6) *Aviation gasoline*—(i) *Delivered-at-destination tank car prices.* The maximum delivered-at-destination tank car prices[4] (exclusive of any applicable taxes incident to the sale but not the transportation of such product) to the classes of purchasers named below, for aviation gasoline of a particular grade delivered in tank cars or transport trucks, shall be the amount set forth below for the particular class of purchaser and grade of product, plus the applicable rail rate of transportation as of October 1, 1941 from Tulsa, Oklahoma, to the particular destination: *Provided*, That the maximum price of an eligible marketer shall be .125¢ per gallon higher than the ceilings established for other sellers.

Aviation gasoline: grade—	To Class 1[1] purchasers	To Class 2[2] purchasers (cents per gallon)	To Class 3[3] purchasers
62–65 octane ASTM (unleaded)	7.375	7.50	7.75
73 octane ASTM (leaded)	7.625	7.75	8.00
80 octane ASTM (leaded)	7.875	8.25	8.50

[1] Class 1 purchasers are refiners, the United States Government or any agency thereof.
[2] Class 2 purchasers are resellers (except airport dealers) not included in Class 1.
[3] Class 3 purchasers are airport dealers and consumers not included in Class 1.

(ii) *Maximum tank wagon prices and related drum prices.* The maximum tank wagon price to dealers in a particular tank wagon area for Grade[7] 73 aviation gasoline, shall be the reference tank wagon seller's normal dealer price for regular grade automotive gasoline for such tank wagon area on October 1, 1941, plus 3.3¢[8] per gallon. This maximum price is also designated as the "key price" and the maximum tank wagon or related drum[9] prices in a particular tank wagon area for the grades of aviation gasoline by classes of purchaser and levels of sale listed below, shall be the "key price" for the same tank wagon area plus or minus the applicable cents per gallon differential set forth in the following table:

Class of purchaser	Grade 62 or 65		Grade 73		Grade 80	
	Tank wagon	Drum	Tank wagon	Drum	Tank wagon	Drum
Dealer	−1	+2	(1)	+3	+1	+4
Consumer[2]	+1	+4	+2	+5	+3	+6

[1] Key price.
[2] *Discount Provision.* A consumer purchasing a total of 100 gallons or over at the tank wagon level of aviation gasolines of these grades within a calendar month shall receive a discount below the applicable maximum price of 2¢ per gallon. The full price may be charged during the calendar month in which the deliveries are made, but if the purchaser becomes eligible for the discount, it shall be paid to him within 30 days after the end of the calendar month in which the deliveries were made.

(iii) *Maximum drum prices at certain levels of sale.* The maximum drum prices either delivered-at-destination or f. o. b. shipping point, for the aviation gasolines listed in (i) above, for carload deliveries by rail (or substitutes therefor) on sales to consumers; and for either carload or less carload deliveries by rail (or substitutes therefor) on sales to resellers other than dealers, shall be a maximum price established pursuant to section 8.3.

(iv) *Upon written authorization.* Upon application in writing and for good cause shown a seller at the tank wagon level, other than a refiner, may be authorized by order in writing of the Price Administrator or his duly authorized representative, to determine his maximum tank wagon or drum prices on the basis of prices his records show he charged in the base period.

12. Section 7.2 is amended by adding "Territory of Hawaii" at the bottom of the column entitled "For any point in the State of" and by adding "Standard Oil Company of California" to the Column entitled "reference tank wagon sellers."

13. Section 7.5 (a) is amended by deleting the word "and" between the states "Oregon and Washington", inserting a comma in lieu thereof and adding "and the territory of Hawaii" immediately following "Washington."

14. Section 7.5 (c) is revoked.

This amendment shall become effective August 29, 1945.

Issued this 24th day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45–15789; Filed, Aug. 24, 1945; 11:50 a. m.]

PART 1390—MACHINERY AND TRANSPORTATION EQUIPMENT

[RMPR 136, Amdt. 10]

MACHINES, PARTS AND INDUSTRIAL EQUIPMENT

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.

Revised Maximum Price Regulation 136 is amended in the following respects:

1. Section 2 (a) (17) is added to read as follows:

(17) Porcelain covered steel table tops.

2. In section 9 (a) the last sentence is amended by inserting, after the first word, the phrase: ". . . until, but not after October 23, 1945, . . ."

3. Section 9 (d) is amended to read as follows:

(d) *"In-line" limitations.* The OPA may disapprove any maximum price determined under this section because it is not in line with the maximum prices fixed by this regulation for comparable products. The following tests shall apply in determining whether a price is "in line," or a product is comparable:

(1) Whether the price is "in line" with prices charged by the applicant for similar commodities in his own line of products;

(2) Whether standards of construction, design or performance have been promulgated by a Government Agency authorized thereto (e. g.: Bureau of Standards, Interstate Commerce Commission, etc.), or agencies representative of the industry (e. g.: National Board of Fire Underwriters, American Society of Mechanical Engineers, etc.), or have otherwise been established or accepted by the industry;

(3) Whether the industry, irrespective of (2), produces commodities which are similar or identical, to the extent that in the absence of a brand name or mark the product of one maker could not be distinguished from another's;

(4) Without reference to (2) or (3), whether the standards of performance claimed by the applicant conform substantially with performance claims of other manufacturers;

(5) Whether the commodity is basically the same as commodities produced by other manufacturers, but differs only in minor respects; in this event, consideration may be given to the variation in cost represented by the difference in design of the commodity to be priced and the nearest comparable commodity.

4. In section 10 (b) (3), the last sentence is amended by inserting, after the first word, the phrase: ". . ., until, but not after October 23, 1945, . . ."

5. Section 9 (e) is added to read as follows:

(e) *"In-line pricing."* Notwithstanding any other provision of this section, the manufacturer who does not have the information required by Form OPA No. 694–2167 may propose a maximum price for a product which is in line with the maximum prices established under this regulation for similar or comparable products. In such case, the manufacturer may submit to the Office of Price Administration, Washington 25, D. C. evidence pursuant to the criteria set forth in paragraph (d) above, instead of the report on Form OPA No. 694–2167. After receipt of the report, the Office of Price Administration may (1) approve the proposed maximum price, (2) disapprove the maximum price, (3) establish a different maximum price determined under this section, or (4) establish or give temporary approval to a maximum price and require the filing of the information required in Form OPA No. 694–2167 by order. If the Office of Price Administration fails to act within thirty days after the receipt of the report (or any verification of the facts stated in the report that may be requested), the proposed maximum price shall be deemed to be approved.

6. In section 12 (b), in the second sentence of subparagraph (1), the word "lessor" is amended to read "lessee".

7. The second sentence of section 10 (c) (3) is amended to read as follows:

"The manufacturer may add the amount of overtime premium which he expects to pay to the maximum price, except where he is figuring a maximum list price."

This amendment shall become effective August 24, 1945.

Issued this 24th day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45–15791; Filed, Aug. 24, 1945; 11:50 a. m.]

PART 1418—TERRITORIES AND POSSESSIONS

[RMPR 373, Amdt 23]

FRUITS AND VEGETABLES IN HAWAII

A statement of the considerations involved in the issuance of this amend-

[4] In the lower peninsula of the State of Michigan the maximum delivered-at-destination tank car prices to Class 2 purchasers shall be the lower of the following: The price determined above for a particular grade, or for 62–65 octane, the dealer tank wagon ceiling for grade 62 or 65 less 2.75¢ per gallon; for 73 octane, the dealer tank wagon ceiling for grade 73, less 3.5¢ per gallon; for 80 octane, the dealer tank wagon ceiling; for grade 80 less 4.0¢ per gallon.

[7] Grade refers to a gasoline meeting the prevailing industry and consumer specifications for aviation gasoline which is sold for use in aircraft engines or for special testing purposes and which has an ASTM octane number not lower than the designated grade number under which the particular grade is sold.

[8] Except that 3.6¢ per gallon shall be added in lieu of 3.3¢ per gallon in the Chicago area where the reference tank wagon seller's normal dealer tank wagon price for regular grade automotive gasoline was 9.9¢ per gallon on October 1, 1941; and except in the lower peninsula of the State of Michigan where 4.8¢ per gallon shall be added in lieu of 3.3¢ per gallon; and except in the State of Indiana where 3.7¢ per gallon shall be added in lieu of 3.3¢ per gallon.

[9] Applies to all drum sales except those for which ceilings shall be established as directed in (iii) below.

[10] 10 F.R. 6646, 7407, 7794, 7799, 8020, 8069, 8371, 8979, 9273, 9274, 9275, 9466, 9540, 9620, 9618, 9882, 9923.

ment, issued simultaneously herewith, has been filed with the Division of the Federal Register.

Section 21 is amended in the following respects:

1. The table under paragraph (c) (1) is amended by changing the prices of three items to read as follows:

	Wholesale maximum prices	Retail maximum prices
		Per lb.
Garlic	$0.33 per lb	$0.46
Onions, dry, red and yellow, (new crop)	$3.65 per 50 lb. bag	.10
Potatoes, white, size A, large	$5.30 per 100 lb. bag	.07½

2. The table under paragraph (d) (1) is amended by changing the wholesale price of "Lemons: all sizes" from $7.85 per box to $7.60 per box and the retail price from $0.15 per lb. to $0.14½ per lb.

This amendment shall become effective as of August 3, 1945.

Issued this 24th day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45–15793; Filed, Aug. 24, 1945; 11:50 a. m.]

PART 1418—TERRITORIES AND POSSESSIONS

[RMPR 395,[1] Corr. to Amdt. 6]

SOUPS IN VIRGIN ISLANDS

Amendment 6 to Revised Maximum Price Regulation 373 is corrected as follows:

Section 49 (b) Table XXXIX is corrected by changing the "Unit" size of all "Campbell Soup" items from 10½ oz. tins to 10½ or 11 oz. tins.

This correction shall be effective August 13, 1945.

Issued this 24th day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45–15794; Filed, Aug. 24, 1945; 11:50 a. m.]

Chapter XVIII—Office of Economic Stabilization

[Directive 76]

PART 4003—SUPPORT PRICES; SUBSIDIES

1945 CROP RICE

The Secretary of Agriculture has, by letter dated August 10, 1945, recommended my approval of a loan and purchase program with respect to rice of the 1945 crop to be carried out by Commodity Credit Corporation. Loans are to be made available on rough rice under the program at 90 per centum of the parity price as of July 1, 1945. An offer is to be made to purchase rough rice at the loan rate, and milled rice at comparable rates. The loan and purchase program is more fully described in the copy of the memorandum from the Director, Office of Basic Commodities, enclosed with the Secretary of Agriculture's letter.

Pursuant to the authority vested in me as Economic Stabilization Director, I hereby authorize and direct the Secretary of Agriculture to carry out the 1945 rice loan and purchase program described in the Secretary of Agriculture's letter and the memorandum enclosed therewith.

(E. O. 9250 and E.O. 9328, 3 CFR, Cum. Supp. pp. 1213, 1267; E.O. 9599, 10 F.R. 10155)

Issued and effective this 23d day of August, 1945.

WILLIAM H. DAVIS,
Economic Stabilization Director.

[F. R. Doc. 45–15768; Filed, Aug. 24, 1945; 10:18 a. m.]

[Directive 77]

PART 4003—SUPPORT PRICES; SUBSIDIES

PURCHASE OF 1945 LOAN WHEAT BY COMMODITY CREDIT CORPORATION

The Secretary of Agriculture having submitted certain information and, by his letter and enclosure of July 26, 1945 having recommended adoption of a program pursuant to which Commodity Credit Corporation would purchase wheat upon which Commodity Credit Corporation loans are outstanding on April 1, 1946, for farm-stored wheat in all areas and for warehouse-stored wheat in the Southwest, and on May 1, 1946 for warehouse-stored wheat in other areas, such purchases to be made at a price equal to the loan value of wheat plus 15 cents per bushel but not more than the ceiling price;

I hereby find that this program, more fully set out in the Secretary of Agriculture's letter and enclosure, is necessary to accomplish, with respect to wheat, the objective of section 3 of the Stabilization Act of 1942, as amended by the Stabilization Act of 1944, and extended by the Act of June 30, 1945 (Public Law 108, 79th Congress).

Accordingly, pursuant to the authority vested in me as Economic Stabilization Director, I hereby approve and direct the Department of Agriculture to carry out, through the Commodity Credit Corporation, the program described in the Secretary of Agriculture's letter and the memorandum enclosed therewith.

(E.O. 9250 and E.O. 9328, 3 CFR, Cum. Supp. pp. 1213, 1267; E.O. 9599, 10 F.R. 10155)

Issued and effective this 23d day of August, 1945.

WILLIAM H. DAVIS,
Economic Stabilization Director.

[F. R. Doc. 45–15769; Filed, Aug. 24, 1945; 10:18 a. m.]

[1] 10 F.R. 5941, 6946, 7799, 8069, 8399, 9227, 9225.

TITLE 34—NAVY

Chapter I—Department of the Navy

PART 25—CONTRACT SETTLEMENT ACT

AMENDMENT OF JOINT TERMINATION REGULATION

CROSS REFERENCE: For amendments and additions to the Joint Termination Regulation issued by the Secretary of War and Secretary of the Navy and filed with the Division of the Federal Register, November 4, 1944 (9 F. R. 13316), as amended (10 F. R. 5171), see Title 10, Chapter VIII, Subchapter C—Termination of Contracts, appearing in Part II of this issue.

TITLE 36—PARKS AND FORESTS

Chapter I—National Park Service

PART 20—SPECIAL REGULATIONS

BIG BEND NATIONAL PARK; FISHING

Part 20, Chapter I, Title 36, Code of Federal Regulations, is amended by adding a new § 20.52 to read as follows:

§ 20.52 *Big Bend National Park*—(a) *Fishing; closed waters.* All springs and ponds, and all waters within Santa Elena, Mariscal, and Boquillas Canyons, are closed to fishing.

(b) *Fishing; method.* (1) Fishing with rod and line, or with set lines, is permitted. Each person fishing may use two set lines with not more than two hooks attached to each such line.

(2) Fishing with trot lines is prohibited.

(3) Fishing from boats is prohibited.

(c) *Fishing; limit of catch.* The limit of catch per person per day shall be 20 pounds of fish and 1 fish.

(39 Stat. 535; 16 U.S.C. 3)

Issued this 20th day of August 1945.

[SEAL] OSCAR L. CHAPMAN,
Assistant Secretary of the Interior.

[F. R. Doc. 45-15767; Filed, Aug. 24, 1945; 9:40 a. m.]

TITLE 41—PUBLIC CONTRACTS

Chapter II—Division of Public Contracts

PART 201—PROCEDURE FOR STIPULATION OF CONDITIONS IN GOVERNMENT PURCHASE CONTRACTS

EMPLOYMENT OF FEMALE PERSONS UNDER 18 YEARS OF AGE

Revocation of exemption from provisions of the Walsh-Healey Public Contracts Act to permit the employment of female persons under 18 years of age in any industry.

Whereas, an exemption dated April 21, 1942 (7 F.R. 3003), and amended November 11, 1942 (7 F.R. 9399), was granted under section 6 of the Walsh-Healey Public Contracts Act (49 Stat. 2036, 41 U.S.C. Supp. III, 35), permitting, until further ordered, the award of contracts to contractors in any industry without inclusion in such contracts as required by section 1 (d) of the act the representation and stipulation:

That no * * * female person under 18 years of age * * * will be employed by the contractor in the manufacture or production or furnishing of any of the materials, supplies, articles, or equipment included in such contract;

Provided however, That employment conditions enumerated in each order are complied with by any contractor seeking to come within the exemption; and

Whereas, the Secretary of Labor, by order dated June 30, 1945 (10 F.R. 8866) revoked said exemption orders of April 21, 1942, and November 11, 1942, but permitted the continued employment after October 1, 1945, of female persons under 18 years of age who on October 1, 1945, were employed in performance of a contract subject to the Walsh-Healey Public Contracts Act; and

Whereas, modifications to the above-named exemption order were granted from time to time to individual plants upon a showing of need therefor; and

Whereas, it appears that justice and the public interest no longer will be served by the continued employment of female persons under 18 years of age in performance of contracts subject to the Walsh-Healey Public Contracts Act.

Now, therefore, pursuant to the powers vested in me by section 6 of the Walsh-Healey Public Contracts Act (49 Stat. 2036; 41 U.S.C. 35), I do hereby amend the order of the Secretary of Labor dated June 30, 1945, and order that the exemptions dated April 21, 1942, and November 11, 1942, permitting the award of contracts to contractors in any industry without the inclusion in such contracts of the representations and stipulations of section 1 (d) of the act with respect to the employment of girls between the ages of 16 and 18 years are hereby revoked, and after the effective date of this order female persons under 18 years of age may not be employed in performance of contracts subject to the act and; *It is further ordered*, That all modifications of the aforesaid exemptions are hereby revoked, except as hereinafter provided; *Provided, however*, That this supplemental revocation order shall not apply to the employment of 16 and 17-year old girls in the performance of contracts awarded on or prior to the effective date of this order; *Provided, further*, That where 16 and 17-year old girls are employed in the performance of contracts awarded on or prior to the effective date of this order, such authorized employment shall be subject to all of the conditions of the Exemption Order of April 21, 1942 (7 F.R. 3003), as amended November 11, 1942 (7 F.R. 9399), except where a modification of such order has been granted.

This order shall become effective 10 days after publication in the FEDERAL REGISTER.

Dated: August 24, 1945.

L. B. SCHWELLENBACH,
Secretary of Labor.

[F. R. Doc. 45-15770; Filed, Aug. 24, 1945; 11:08 a. m.]

TITLE 49—TRANSPORTATION AND RAILROADS

Chapter II—Office of Defense Transportation

[Gen. Order ODT 9A, Revocation]

PART 502—DIRECTION OF TRAFFIC MOVEMENT

MOVEMENT OF COAL ON GREAT LAKES

Pursuant to Executive Order 8989, as amended, General Order ODT 9A, §§ 502.5 to 502.10, inclusive (8 F.R. 6381), is hereby revoked effective August 24, 1945.

(E.O. 8989, as amended, 6 F.R. 6725, 8 F.R. 14183)

Issued at Washington, D. C., this 23d day of August, 1945.

J. M. JOHNSON,
Director,
Office of Defense Transportation.

[F. R. Doc. 45-15742; Filed, Aug. 23, 1945; 3:36 p. m.]

[Gen. Order ODT 42, Revocation]

PART 502—DIRECTION OF TRAFFIC MOVEMENT

TRANSPORTATION OF ANCHOR CHAIN WITHIN THE SWITCHING LIMITS OF PORTLAND, OREG., PROHIBITED

Pursuant to Executive Order 8989, as amended, General Order ODT 42, §§ 502.190 to 502.192, inclusive (8 F.R. 12909), is hereby revoked effective August 24, 1945.

(E.O. 8989, as amended, 6 F.R. 6725, 8 F.R. 14183)

Issued at Washington, D. C., this 23d day of August, 1945.

J. M. JOHNSON,
Director,
Office of Defense Transportation.

[F. R. Doc. 45-15743; Filed, Aug 23, 1945; 3:36 p. m.]

Notices

TREASURY DEPARTMENT.

Office of the Secretary.

[T. D. 51300]

TRADING WITH THE ENEMY ACT: COMMUNICATIONS

AMENDMENT OF ADMINISTRATION PROCEDURE

AUGUST 17, 1945.

Amendment of procedure for administering the duties imposed upon the Secretary of the Treasury by articles XI and XIII of the Executive Order 2729-A, dated October 12, 1917, under the Trading with the Enemy Act of October 6, 1917.

The President having directed that the Office of Censorship cease the censorship of international communications as of August 15, 1945, and the Director of Censorship, by reason of such direction, having notified the Secretary of the Treasury (that that office on and after August 15, 1945, will be unable to exercise the functions in accordance with the designation prescribed by Treasury Decision 50536 of December 24, 1941, pursuant to notice given by the Secretary of the Treasury to the Office of Censorship by letter dated August 17, 1945, the designation of the Office of Censorship to act as the agency of the Secretary of the Treasury relative to licensing of communications intended for or to be delivered to an enemy or an ally of an enemy under Treasury Decision 50536 is revoked. Such functions, heretofore exercised by the Office of Censorship, shall be exercised by the Treasury Department.

[SEAL] FRED M. VINSON,
Secretary of the Treasury.

[F. R. Doc. 45-15738, Filed, Aug. 23, 1945; 1:52 p. m.]

DEPARTMENT OF LABOR.

Wage and Hour Division.

LEARNER EMPLOYMENT CERTIFICATES

ISSUANCE TO VARIOUS INDUSTRIES

Notice is hereby given that special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rate applicable under section 6 of the act have been issued to the firms hereinafter mentioned under section 14 of the act, Part 522 of the regulations issued thereunder (August 16, 1940, 5 F.R. 2862, and as amended June 26, 1942, 7 F.R. 4725), and the determinations, orders and or regulations hereinafter mentioned. The names and addresses of the firms to which certificates were issued, industry, products, number of learners, and effective and expiration dates of the certificates are as follows:

Single Pants, Shirts and Allied Garments, Women's Apparel, Sportswear, Rainwear, Robes and Leather and Sheep-Lined Garments Divisions of the Apparel Industry, Learner Regulations, July 20, 1942 (7 F.R. 4724), as amended by Administrative Order March 13, 1943 (8 F.R. 3079), and Administrative Order, June 7, 1943 (8 F.R. 7890).

Assembly Dress Company, 247 South Main Street, Pittston, Pennsylvania; ladies' and children's dresses; 10 percent (T); effective August 10, 1945, expiring August 9, 1946.

A. Oestreicher, New Grove and Gilligan Streets, Wilkes-Barre, Pennsylvania; infant and children's wear; 10 percent (T); effective August 14, 1945, expiring August 13, 1946.

Onyx Blouse Co., Inc., 474 North Centre Street, Pottsville, Pennsylvania; dress shirts, collars, etc., boys' and men's shirts and blouses; 10 learners (T); effective August 19, 1945, expiring August 18, 1946.

Onyx Blouse Co., Inc., Long Avenue, Orwigsburg, Pennsylvania; dress shirts, collars, etc., boys' shirts and blouses; 10 learners (T); effective August 19, 1945, expiring August 18, 1946.

Onyx Blouse Co., Inc., Valley Street, New Philadelphia, Pennsylvania; dress shirts, collars, etc., boys' shirts and blouses; 10 learners (T); effective August 19, 1945, expiring August 18, 1946.

Knitted Wear Learner Regulations, October 10, 1940 (5 F.R. 3982), as amended by Administrative Order, March 13, 1943 (8 F.R. 3079).

Francis Fabrics, Valdese, North Carolina; polo and basque shirts; 10 learners (E); effective August 14, 1945, expiring March 13, 1946.

Hosiery Learner Regulations, September 4, 1940 (5 F.R. 3530), as amended by Administrative Order March 13, 1943 (8 F.R. 3079).

Terry Hosiery Company, 600 S. Hamilton Street, High Point, North Carolina; seamless hosiery; 5 learners (T); effective August 14, 1945, expiring August 13, 1946.

Independent Telephone Learner Regulations, July 17, 1944 (9 F.R. 7125).

Commerce Telephone Company, Commerce, Georgia (T); effective August 11, 1945, expiring August 10, 1946.

Consolidated Telephone Company, Moultrie, Georgia (T); effective August 19, 1945, expiring August 18, 1946.

Ellinwood Telephone Exchange, Ellinwood, Kansas (AT); effective August 21, 1945, expiring February 20, 1946.

Gulf States Telephone Company, Commerce, Texas (T); effective August 18, 1945, expiring August 17, 1946.

Gulf States Telephone Company, Cooper, Texas (T); effective August 18, 1945, expiring August 17, 1946.

Gulf States Telephone Company, Gatesville, Texas (T); effective August 18, 1945, expiring August 17, 1946.

Gulf States Telephone Company, Kaufman, Texas (T); effective August 18, 1945, expiring August 17, 1946.

Gulf States Telephone Company, Overton, Texas (T); effective August 18, 1945, expiring August 17, 1946.

Gulf States Telephone Company, Stephenville, Texas (T); effective August 18, 1945, expiring August 17, 1946.

Gulf States Telephone Company, Athens, Texas (T); effective August 18, 1945, expiring August 17, 1946.

Primghar Telephone Company, Primghar, Iowa (T); effective August 13, 1945, expiring August 12, 1946.

Siloam Springs Telephone Company, Siloam Springs, Arkansas (T); effective August 15, 1945, expiring August 14, 1946.

United Telephone Company, Butler, Missouri (T); effective August 15, 1945, expiring August 14, 1946.

United Telephone Company, California, Missouri (T); effective August 15, 1945, expiring August 14, 1946.

United Telephone Company, Cole Camp, Missouri (T); effective August 15, 1945, expiring August 14, 1946.

United Telephone Company, Fairfax, Missouri (T); effective August 15, 1945, expiring August 14, 1946.

United Telephone Company, Hermann, Missouri (T); effective August 15, 1945, expiring August 14, 1946.

Textile Learner Regulations, May 16, 1941 (6 F.R. 2446) as amended by Administrative Order March 13, 1943 (8 F.R. 3079).

Indiana Cotton Mills, Cannelton, Indiana; sheetings, drill and duck (cotton); 3 percent (T); effective August 18, 1945, expiring August 17, 1946.

Cigar Industry Learner Regulations, April 22, 1944 (9 F.R. 4330)

General Cigar Company, Inc., 5th and Hickory Streets, Mt. Carmel, Pennsylvania; cigars; 21 learners (AT); hand cigar making for a learning period of 960 hours at 30 cents per hour for the first 480 hours, and 35 cents per hour for remaining 480 hours; effective August 14, 1945, expiring February 13, 1946.

General Cigar Company, Inc., 7th and Poplar Streets, Benton, Kentucky; cigars; 10 percent (T); cigar machine operating for a learning period of 320 hours at 30 cents per hour; cigar packing for a learning period of 320 hours at 30 cents per hour; machine stripping for a learning period of 160 hours at 30 cents per hour; effective August 22, 1945, expiring February 21, 1946.

Regulations, Part 522—Regulations Applicable to the Employment of Learners (supra).

Caribe Diamond Works, Santurce, Puerto Rico; Scouring; 2 learners; scouring not less than 20 cents an hour for the first 520 hours; not less than 27 cents an hour for the second 520 hours; and for every hour thereafter not less than the minimum established by any applicable wage order that may be in effect at the time of the termination of the learning period; effective July 21, 1945, expiring six months from July 21, 1945.

The employment of learners under these certificates is limited to the terms and conditions therein contained and is subject to the provisions of the applicable determinations, orders and/or regulations cited above. These certificates have been issued upon the employers' representations that experienced workers for the learner occupations are not available for employment and that they are actually in need of learners at subminimum rates in order to prevent curtailment of opportunities for employment. The certificates may be cancelled in the manner provided in the regulations and as indicated in the certificates. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of regulations, Part 522.

Signed at New York, New York, this 20th day of August 1945.

ISABEL FERGUSON,
Authorized Representative of the Administrator.

[F. R. Doc. 45-15772; Filed, Aug. 24, 1945, 11:17 a. m.]

FEDERAL POWER COMMISSION.

[Docket No. G-580]

NATURAL GAS INVESTIGATION

ORDER FIXING DATES OF HEARINGS

AUGUST 21, 1945.

The Commission orders that:

(A) Public hearings herein be held commencing on September 18, 1945, at 10:00 a. m., in Kansas City, Missouri, in the City Council Room of the City Hall, 11th and Oak Streets;

(B) Public hearings be held in Oklahoma City, Oklahoma, commencing on October 9, 1945, at 10:00 a. m., in Room 609, County Court House Building;

(C) Public hearings be held in New Orleans, Louisiana, commencing on October 30, 1945, at 10:00 a. m., in Room 245, Post Office Building;

(D) Public hearings be held in Dallas, Texas, commencing on November 27, 1945, at 10:00 a. m., at a specific place to be announced subsequently.

By the Commission.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 45-15724; Filed, Aug. 23, 1945; 1:04 p. m.]

[Docket No. G-588]

UNITED FUEL GAS CO. ET AL.

ORDER FIXING DATE OF HEARING

AUGUST 21, 1945.

In the Matter of United Fuel Gas Company, Central Kentucky Natural Gas Company, Cincinnati Gas Transportation Company, Huntington Development and Gas Company, Point Pleasant Natural Gas Company and Warfield Natural Gas Company.

Upon consideration of the application, as amended, filed on March 1, 1945, by United Fuel Gas Company ("Applicant") for a certificate of public convenience and necessity pursuant to Section 7 of the Natural Gas Act, as amended, to authorize United Fuel Gas Company to acquire and operate all of the facilities, subject to the jurisdiction of the Commission, of the following companies: Central Kentucky Natural Gas Company, Cincinnati Gas Transportation Company, Huntington Development and Gas Company, Point Pleasant Natural Gas Company, and Warfield Natural Gas Company.

The Commission orders that:

(A) A public hearing be held commencing on September 19, 1945, at 10:00 a. m. (e. w. t.) in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C., respecting the matters involved and the issues presented in this proceeding.

(B) Interested State commissions may participate in said hearing as provided in § 67.4 of the provisional rules of practice and regulations under the Natural Gas Act.

By the Commission.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 45-15725; Filed, Aug. 23, 1945; 1:04 p. m.]

[Docket No. IT-5519]

BONNEVILLE PROJECT, COLUMBIA RIVER, OREG.-WASH.

ORDER CANCELLING HEARING

AUGUST 22, 1945.

It appears that:

(a) The Administrator of the Bonneville Power Project filed with the Commission for confirmation and approval, pursuant to the provisions of the Bonneville Act (50 Stat. 731), as amended, certain proposed rate schedules, proposed modifications of the general rate schedule provisions, and proposed revised Administrative interpretations entitled "Principles and Procedures To Be Followed in the Calculation of Computed Demand." Pacific Power & Light Company, Northwestern Electric Company, The Washington Water Power Company, Mountain States Power Company and Puget Sound Power & Light Company filed protests and complaints with respect to these filings by the Administrator of the Bonneville Project.

(b) On July 6, 1945, the Commission ordered a hearing be held in Spokane, Washington, on July 24, 1945, subsequently postponed to August 27, 1945, for the purpose of affording the above-named complainants, the Bonneville Power Administrator, and other interested parties an opportunity to present testimony and information relevant to the Commission's consideration of the proposed rate schedules to the extent that they modify existing schedules, the proposed modifications of the general rate schedule provisions, and the proposed revised Administrative interpretation entitled "Principles and Procedures To Be Followed in the Calculation of Computed Demand."

(c) On August 2, 1945, Pacific Power & Light Company, Northwestern Electric Company and The Washington Water Power Company by telegram notified the Commission that they would not attend the hearing. Puget Sound Power & Light Company and Mountain States Power Company on August 3 and August 7, 1945, respectively, by telegrams, advised the Commission that they would present no evidence at the hearing. On August 8, 1945, William A. Dittmer, Acting Bonneville Power Administrator, advised the Commission by telegram that inasmuch as all of the complainants have indicated that they will present no evidence at the hearing scheduled to be heard in Spokane, the hearing appears unnecessary.

(d) No other persons have requested an opportunity to present testimony or information at the hearing.

The Commission finds that: It is appropriate that the hearing be cancelled.

The Commission orders that: The hearing in this matter set for August 27, 1945, at 10:00 a. m. (P. w. t.) in Room 338, Federal Power Office Building, Spokane, Washington, be and it is hereby cancelled.

By the Commission.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 45-15726; Filed, Aug. 23, 1945; 1:04 p. m.]

[Docket No. G-652]

TENNESSEE GAS AND TRANSMISSION CO.

NOTICE OF APPLICATION

AUGUST 23, 1945.

Notice is hereby given that on August 17, 1945, Tennessee Gas and Transmission Company (Applicant) a Tennessee Corporation having its principal place of business at Houston, Texas, filed with the Federal Power Commission an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, as amended, to authorize the construction and operation of approximately 2,380 feet of 8-inch O. D. pipeline extending in a southerly direction from Applicant's main line valve No. 20 located in Section 30, A. D. Boyd Survey, Harris County, Texas, to a point of connection with the 10-inch Katy-Satsuma pipeline of United Gas Pipe Line Company.

The application recites the filing with the Commission of letters dated July 19 and July 23, 1945, respectively, requesting temporary authorization to construct and operate the above-described facilities for the purpose of obtaining up to 50,000 mcf of natural gas per day from the Katy field by means of the facilities of United Gas Pipe Line Company. Arrangements for the supply of such gas were made between The Chicago Corporation, Applicant's supplier, and United Gas Pipe Line Company.

Applicant claims that the proposed facilities are required by reason of an order of the Railroad Commission of Texas dated July 16, 1945, which order, it is asserted, seriously interferes with the continuance of deliveries of gas to Applicant from the Stratton-Agua Dulce field, which at the present time is Applicant's sole source of gas supply.

The Commission by letter of July 27, 1945, granted Applicant temporary authorization to construct and operate the proposed facilities, pending the filing of the within application, which authorization was granted without prejudice to further Commission action and upon the condition that Applicant file with the Commission weekly statements showing the daily quantities of gas delivered to Applicant through the proposed facilities.

Applicant does not propose to render any additional services by reason of the construction and operation of the facilities. Such facilities will also provide an emergency connection in order to assure maintenance of adequate service to existing customers.

The estimated total over-all capital cost of the facilities is $7,290.00.

According to the application, no additional revenue will be received by applicant and no change in its rates is contemplated.

The War Production Board supported Applicant's application for temporary authorization in order to assure the continuance of adequate service of natural gas in the Appalachian area.

While it is not the purpose of Applicant to obtain gas from the Katy field through the proposed facilities on a continuous basis, it is claimed that the facilities provide a connection for future use in the event it should again become necessary to utilize the Katy field for emergency purposes.

Any person desiring to be heard or to make any protest with reference to said application should, on or before the 10th day of September, 1945, file with the Federal Power Commission, Washington 25, D. C., a petition or protest in accordance with the Commission's provisional rules of practice and regulations under the Natural Gas Act.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 45-15777; Filed, Aug. 24, 1945; 11:30 a. m.]

INTERSTATE COMMERCE COMMISSION.

[S. O. 70-A, Special Permit 1031]

RECONSIGNMENT OF POTATOES AT KANSAS CITY, MO.-KANS.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph (§ 95.35, 8 F.R. 14624) of Service Order No. 70-A of October 22, 1943, permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard entirely the provisions of Service Order No. 70-A insofar as it applies to the reconsignment at Kansas City, Mo.-Kans., August 18, 1945, by J. C. Sewell Produce Company, of cars PFE 91982 and PFE 14949, potatoes, on the Union Pacific Railroad, to M. W. Frissell, Chicago, Illinois. (R. I. and Milwaukee, respectively).

The waybills shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 20th day of August 1945.

V. C. CLINGER,
Director,
Bureau of Service.

[F. R. Doc. 45-15773; Filed, Aug. 24, 1945; 11:25 a. m.]

[2d Rev. S. O. 300, Special Permit 41]

REFRIGERATION OF POTATOES FROM GREENPORT, LONG ISLAND, N. Y.

Pursuant to the authority vested in me by paragraph (e) of the first ordering paragraph of Second Revised Service Order No. 300 (10 F.R. 6802), permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard the provisions of Second Revised Service Order No. 300 insofar as it applies to the furnishing of standard refrigeration on car FGE 44591, potatoes, shipped August 18, 1945, by F. H. Vahlsing, Inc., from Greenport, L. I., N. Y., consigned to Margaret Ann Stores, Tampa, Florida. (LI-PRR-RF&P-SAL).

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 20th day of August 1945.

V. C. CLINGER,
Director,
Bureau of Service.

[F. R. Doc. 45-15774; Filed, Aug. 24, 1945; 11:25 a. m.]

[Rev. S. O. 345, Special Permit 5]

REFRIGERATION OF POTATOES FROM CHICAGO, ILL., AND GIBBON, NEBR.

Pursuant to the authority vested in me by paragraph (g) of the first ordering paragraph of Revised Service Order No 345 (10 F.R. 10034), permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard the provisions of Revised Service Order No. 345 insofar as it applies to the furnishing of standard refrigeration on car FGE 51325 from Chicago, Illinois, August 20, 1945, (I. C.-N. C. & St. L.), on car ART 18652 from Gibbon, Nebraska, August 18, 1945 (U. P.-C. B. & Q.-I. C.), and on PFE 92131 from Gibbon, Nebraska, August 18, 1945, (U. P.-I. C.-N. C. & St. L.), all potatoes consigned to Plowaty Bergart Company, Atlanta, Georgia, to be reconsigned there to Roger McVeigh, Port Everglades, Florida. (AB & C-ACL-FEC), for export.

The waybills shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 20th day of August 1945.

V. C. CLINGER,
Director,
Bureau of Service.

[F. R. Doc. 45-15775; Filed, Aug. 24, 1945; 11:25 a. m.]

[Rev. S. O. 346, 2d Amended Gen. Permit]

ICING OR REICING OF GREEN CORN OR PEAS

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph of Service Order No. 346 (10 F.R. 10035), permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard the provisions of paragraph (b) of Revised Service Order No. 346 insofar as it applies to the initial bunker icing or reicing in transit in bunkers of cars loaded with green corn or peas.

This general permit shall become effective at 12:01 a. m., August 21, 1945, and shall apply only to cars billed on or after that time. This general permit shall expire at 11:59 p. m., September 20, 1945.

The waybills shall show reference to this general permit.

A copy of this general permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 20th day of August 1945.

V. C. CLINGER,
Director, Bureau of Service.

[F. R. Doc. 45-15776; Filed, Aug. 24, 1945; 11:25 a. m.]

OFFICE OF DEFENSE TRANSPORTATION.

[Notice and Order of Termination 25]

WILBER TRANSFER CO.

POSSESSION, CONTROL AND OPERATION OF MOTOR CARRIERS

Pursuant to Executive Order 9462 (9 F.R. 10071), I hereby determine that possession and control of the motor carrier transportation system of Fern R. Wilber, doing business as Wilber Transfer Company by the United States is no longer necessary for the successful prosecution of the war, and it is hereby ordered, that:

1. *Termination of possession and control.* Possession and control by the United States of the motor carrier transportation system of Fern R. Wilber, doing business as Wilber Transfer Company, 116 12th Street, N. W., Rochester, Minnesota, including all real and personal property and other assets of said motor carrier, taken and assumed pursuant to Executive Order 9462 and the Notice and Order of the Director of the Office of Defense Transportation issued August 11, 1944, is hereby terminated and relinquished as of 12:01 o'clock a. m., August 24, 1945. No further action shall be required to effect the termination of Government control and relinquishment of possession hereby ordered.

2. *Communications.* Communications concerning this order should be addressed to the Office of Defense Transportation, Washington 25, D. C., and should refer to "Notice and Order of Termination No. 25".

Issued at Washington, D. C., this 23d day of August 1945.

J. M. JOHNSON,
Director,
Office of Defense Transportation.

[F. R. Doc. 45-15727; Filed, Aug. 23, 1945; 1:07 p. m.]

[Notice and Order of Termination 26]

WITTE TRANSPORTATION CO.

POSSESSION, CONTROL AND OPERATION OF MOTOR CARRIERS

Pursuant to Executive Order 9462 (9 F.R. 10071), I hereby determine that possession and control of the motor carrier transportation system of Witte Trans-

portation Company by the United States is no longer necessary for the successful prosecution of the war, and it is hereby ordered, that:

1. *Termination of possession and control.* Possession and control by the United States of the motor carrier transportation system of Witte Transportation Company, 2324 University Avenue, St. Paul, Minnesota, including all real and personal property and other assets of said motor carrier, taken and assumed pursuant to Executive Order 9462 and the Notice and Order of the Director of the Office of Defense Transportation issued August 11, 1944, is hereby terminated and relinquished as of 12:01 o'clock a. m., August 24, 1945. No further action shall be required to effect the termination of Government control and relinquishment of possession hereby ordered.

2. *Communications.* Communications concerning this order should be addressed to the Office of Defense Transportation, Washington 25, D. C., and should refer to "Notice and Order of Termination No. 26".

Issued at Washington, D. C., this 23d day of August 1945.

J. M. JOHNSON,
Director,
Office of Defense Transportation.

[F. R. Doc. 45-15728; Filed, Aug. 23, 1945; 1:07 p. m.]

[Notice and Order of Termination 27]

ACE LINES, INC.

POSSESSION, CONTROL AND OPERATION OF MOTOR CARRIERS

Pursuant to Executive Order 9462 (9 F.R. 10071), I hereby determine that possession and control of the motor carrier transportation system of Ace Lines, Inc. by the United States is no longer necessary for the successful prosecution of the war, and it is hereby ordered, that:

1. *Termination of possession and control.* Possession and control by the United States of the motor carrier transportation system of Ace Lines, Inc., Fargo, North Dakota, including all real and personal property and other assets of said motor carrier, taken and assumed pursuant to Executive Order 9462 and the Notice and Order of the Director of the Office of Defense Transportation issued August 11, 1944, is hereby terminated and relinquished as of 12:01 o'clock a. m., August 24, 1945. No further action shall be required to effect the termination of Government control and relinquishment of possession hereby ordered.

2. *Communications.* Communications concerning this order should be addressed to the Office of Defense Transportation, Washington 25, D. C., and should refer to "Notice and Order of Termination No. 27."

Issued at Washington, D. C., this 23d day of August 1945.

J. M. JOHNSON,
Director,
Office of Defense Transportation.

[F. R. Doc. 45-15729; Filed, Aug. 23, 1945; 1:07 p. m.]

[Notice and Order of Termination 28]

CERTIFIED MOTOR TRANSPORT

POSSESSION, CONTROL AND OPERATION OF MOTOR CARRIERS

Pursuant to Executive Order 9462 (9 F.R. 10071), I hereby determine that possession and control of the motor carrier transportation system of Ralph D. Holt, doing business as Certified Motor Transport by the United States is no longer necessary for the successful prosecution of the war, and it is hereby ordered, that:

1 *Termination of possession and control.* Possession and control by the United States of the motor carrier transportation system of Ralph D. Holt, doing business as Certified Motor Transport, 954 Hersey Street, St. Paul, Minnesota, including all real and personal property and other assets of said motor carrier, taken and assumed pursuant to Executive Order 9462 and the Notice and Order of the Director of the Office of Defense Transportation issued August 11, 1944, is hereby terminated and relinquished as of 12:01 o'clock a. m., August 24, 1945. No further action shall be required to effect the termination of Government control and relinquishment of possession hereby ordered.

2. *Communications.* Communications concerning this order should be addressed to the Office of Defense Transportation, Washington 25, D. C., and should refer to "Notice and Order of Termination No. 28."

Issued at Washington, D. C., this 23d day of August 1945.

J. M. JOHNSON,
Director,
Office of Defense Transportation.

[F. R. Doc. 45-15730; Filed, Aug. 23, 1945; 1:07 p. m.]

[Notice and Order of Termination 29]

MERCURY MOTOR FREIGHT LINES, INC.

POSSESSION, CONTROL AND OPERATION OF MOTOR CARRIERS

Pursuant to Executive Order 9462 (9 F.R. 10071), I hereby determine that possession and control of the motor carrier transportation system of Mercury Motor Freight Lines, Inc. by the United States is no longer necessary for the successful prosecution of the war, and it is hereby ordered, that:

1. *Termination of possession and control.* Possession and control by the United States of the motor carrier transportation system of Mercury Motor Freight Lines, Inc., 954 Hersey, St. Paul, Minnesota, including all real and personal property and other assets of said motor carrier, taken and assumed pursuant to Executive Order 9462 and the Notice and Order of the Director of the Office of Defense Transportation issued August 11, 1944, is hereby terminated and relinquished as of 12:01 o'clock a. m., August 24, 1945. No further action shall be required to effect the termination of Government control and relinquishment of possession hereby ordered.

2. *Communications.* Communications concerning this order should be addressed to the Office of Defense Transportation, Washington 25, D. C., and should refer to "Notice and Order of Termination No. 29."

Issued at Washington, D. C., this 23d day of August 1945.

J. M. JOHNSON,
Director,
Office of Defense Transportation.

[F. R. Doc. 45-15731; Filed, Aug 23 1945, 1:08 p. m.]

[Notice and Order of Termination 30]

SMITH TRANSIT CO.

POSSESSION, CONTROL AND OPERATION OF MOTOR CARRIERS

Pursuant to Executive Order 9462 (9 F.R. 10071), I hereby determine that possession and control of the motor carrier transportation system of Ralph D. Holt, doing business as Smith Transit Co. by the United States is no longer necessary for the successful prosecution of the war, and it is hereby ordered, that:

1. *Termination of possession and control.* Possession and control by the United States of the motor carrier transportation system of Ralph D. Holt, doing business as Smith Transit Co., 954 Hersey Street, St. Paul, Minnesota, including all real and personal property and other assets of said motor carrier, taken and assumed pursuant to Executive Order 9462 and the Notice and Order of the Director of the Office of Defense Transportation issued August 11, 1944, is hereby terminated and relinquished as of 12:01 o'clock a. m., August 24, 1945. No further action shall be required to effect the termination of Government control and relinquishment of possession hereby ordered.

2. *Communications.* Communications concerning this order should be addressed to the Office of Defense Transportation, Washington 25, D. C., and should refer to "Notice and Order of Termination No. 30."

Issued at Washington, D. C., this 23d day of August 1945.

J. M. JOHNSON,
Director,
Office of Defense Transportation.

[F. R. Doc. 45-15732; Filed, Aug 23, 1945, 1:08 p. m.]

[Notice and Order of Termination 31]

BYERS TRANSPORTATION CO., INC.

POSSESSION, CONTROL AND OPERATION OF MOTOR CARRIERS

Pursuant to Executive Order 9462 (9 F.R. 10071), I hereby determine that possession and control of the motor carrier transportation system of Byers Transportation Company, Inc. by the United States is no longer necessary for the successful prosecution of the war, and it is hereby ordered, that:

1. *Termination of possession and control.* Possession and control by the United States of the motor carrier transportation system of Byers Transportation Company, Inc., 2505 Broadway, Kansas City, Missouri, including all real and personal property and other assets of said motor carrier, taken and assumed pursuant to Executive Order 9462 and the Notice and Order of the Director of the Office of Defense Transportation issued August 11, 1944, is hereby terminated and relinquished as of 12:01 o'clock a. m., August 24, 1945. No further action shall be required to effect the termination of Government control and relinquishment of possession hereby ordered.

2. *Communications.* Communications concerning this order should be addressed to the Office of Defense Transportation, Washington 25, D. C., and should refer to "Notice and Order of Termination No. 31."

Issued at Washington, D. C., this 23d day of August 1945.

J. M. JOHNSON,
Director,
Office of Defense Transportation.

[F. R. Doc. 45-15733; Filed, Aug. 23, 1945; 1:08 p. m.]

[Notice and Order of Termination 32]

DENVER CHICAGO TRUCKING CO., INC.

POSSESSION, CONTROL AND OPERATION OF MOTOR CARRIERS

Pursuant to Executive Order 9462 (9 F.R. 10071), I hereby determine that possession and control of the motor carrier transportation system of Denver Chicago Trucking Company, Inc., by the United States is no longer necessary for the successful prosecution of the war, and it is hereby ordered, that:

1. *Termination of possession and control.* Possession and control by the United States of the motor carrier transportation system of Denver Chicago Trucking Company, Inc., 2501 Blake Street, Denver, Colorado, including all real and personal property and other assets of said motor carrier, taken and assumed pursuant to Executive Order 9462 and the Notice and Order of the Director of the Office of Defense Transportation issued August 11, 1944, is hereby terminated and relinquished as of 12:01 o'clock a. m., August 24, 1945. No further action shall be required to effect the termination of Government control and relinquishment of possession hereby ordered.

2. *Communications.* Communications concerning this order should be addressed to the Office of Defense Transportation, Washington 25, D. C., and should refer to "Notice and Order of Termination No. 32."

Issued at Washington, D. C., this 23d day of August 1945.

J. M. JOHNSON,
Director,
Office of Defense Transportation.

[F. R. Doc. 45-15734; Filed, Aug. 23, 1945; 1:08 p. m.]

[Notice and Order of Termination 33]

WERNER TRANSPORTATION CO.

POSSESSION, CONTROL AND OPERATION OF MOTOR CARRIERS

Pursuant to Executive Order 9462 (9 F.R. 10071), I hereby determine that possession and control of the motor carrier transportation system of Werner Transportation Company by the United States is no longer necessary for the successful prosecution of the war, and it is hereby ordered, that:

1. *Termination of possession and control.* Possession and control by the United States of the motor carrier transportation system of Werner Transportation Company, 2601 32d Avenue, South, Minneapolis, Minnesota, including all real and personal property and other assets of said motor carrier, taken and assumed pursuant to Executive Order 9462 and the Notice and Order of the Director of the Office of Defense Transportation issued August 11, 1944, is hereby terminated and relinquished as of 12:01 o'clock a. m., August 24, 1945. No further action shall be required to effect the termination of Government control and relinquishment of possession hereby ordered.

2. *Communications.* Communications concerning this order should be addressed to the Office of Defense Transportation, Washington 25, D. C., and should refer to "Notice and Order of Termination No. 33."

Issued at Washington, D. C., this 23d day of August 1945.

J. M. JOHNSON,
Director,
Office of Defense Transportation.

[F. R. Doc. 45-15735; Filed, Aug. 23, 1945; 1:08 p. m.]

OFFICE OF PRICE ADMINISTRATION.

[Rev. Supp. Order 99,[1] Order 13]

UTICA KNITTING CO.

ADJUSTMENT OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and pursuant to Revised Supplementary Order 99 and § 1372.101 (c) of Maximum Price Regulation 210, it is ordered:

(a) *Ceiling prices for sales by Utica Knitting Company.* (1) On and after August 22, 1945, Utica Knitting Company, Utica, New York, may sell and deliver, and any person may buy and receive from it, the following designated fall and winter knitted underwear manufactured by Utica Knitting Company, at prices not in excess of the following adjusted ceiling prices:

Style No.	Description	Adjusted ceiling price (per dozen)
		Net
P12	Men's peeler union suit made of 14/1 carded cotton yarn, rib knit, net weight 12 pounds per dozen (based on size 42 LSA), regular sizes 36-46:	
	LSA: Long sleeve, ankle length	$9 86
	SSA: Short sleeve, ankle length	9 34
E12	Men's ecru union suit made of 14/1 carded cotton yarn, rib knit, dyed, net weight 12 pounds per dozen (based on size 42 LSA), regular sizes 36-46 in white and random:	
	LSA: Long sleeve, ankle length	10 14
	SSA: Short sleeve, ankle length	9 62
E14	Men's union suit made of 12/1 carded cotton yarn, rib knit, dyed, net weight 14 pounds per dozen (based on size 42 LSA), regular sizes 36-46, also white and random.	
	LSA: Long sleeve, ankle length	11 05
	SSA: Short sleeve, ankle length	10 44
E16	Men's union suit made of 10/1 carded cotton yarn, rib knit, dyed, net weight 16 pounds per dozen (based on size 42 LSA), regular sizes 36-46, also in white and random.	
	LSA: Long sleeve, ankle length	11 93
	SSA: Short sleeve, ankle length	11 28
AM	Boy's ecru union suit, made of 15/1 carded cotton yarn, rib knit, dyed, net weight 8½ pounds per dozen (based on size 34 LSA), sizes 24-34, also in white and ecru:	
	LSA: Long sleeve, ankle length	7 20
	SSK: Short sleeve, knee length	6 46
A1.1	Boy's union suit made of 16/1 carded cotton yarn, rib knit, dyed, net weight 7 pounds per dozen (based on size 34 LSA), sizes 24-34, also in white and random:	
	LSA: Long sleeve, ankle length	6 47
	SSK: Short sleeve, knee length	5 83
9LBU	Boy's ecru union suit made of 14/1 carded cotton yarn, rib knit, dyed, net weight 10 pounds per dozen (based on size 34 LSA), sizes 24-34:	
	LSA: Long sleeve, ankle length	7 82
	SSK: Short sleeve, knee length	6 98½
2/1 shirt	Men's ecru shirt made of 14/1 carded cotton yarn, rib knit, dyed, net weight 8 pounds per dozen (based on size 42), regular sizes 34-46, also white and random.	6 70
2/1 drawer	Men's ecru drawer made of 14/1 carded cotton yarn, net weight 8 pounds per dozen (based on size 42), rib knit, dyed, regular sizes 30-44 extra sizes 46-50.	6 12
3/1 shirt	Men's ecru shirt made of 10/1 carded cotton yarn, net weight 10 pounds per dozen (based on size 42), rib knit, dyed, regular sizes 34-46, also in white and random.	7 41
3/1 drawers	Men's ecru drawers made of 10/1 carded cotton yarn, rib knit, dyed, net weight 8 pounds per dozen (based on size 42), regular sizes 30-44.	6 68
607U LSA	Men's random fleece union suit made of 11½ pounds, 10/1, 7 pounds 30/1, 7½ pounds 12 GH/1 carded cotton yarn, net weight 14 pounds per dozen (based on size 42), long sleeve, ankle length, sizes 36-46.	[1] 11 73
6UG LSA	Men's random union suit, made of 1/14 carded cotton yarn, net weight 14 pounds per dozen (based on size 42 LSA), sizes 36-46.	
	LSA: long sleeve, ankle length	[1] 11 50
	SSA: short sleeve, ankle length	[1] 10 87
5BU/G LSA	Boys' union suit made of 15/1 carded cotton yarn, net weight 10 pounds per dozen (based on size 34), sizes 24-34, long sleeve, ankle length, rib knit.	[1] 8 25

[1] Less 2 percent 30 days or net 60 days.

[1] 10 F.R. 6796, 8657.

(2) The adjusted ceiling prices set forth in paragraph (1) above are subject to all allowances, price differentials and other trade practices, including practices related to shipping and the payment of shipping charges and premiums for extra sizes, customarily used by Utica Knitting Company during the period from July 15, 1941 to February 10, 1942, both inclusive, on deliveries of comparable types of fall and winter knitted underwear.

(b) *Ceiling prices for sales at wholesale.* (1) On and after August 22, 1945, the ceiling price for a sale at wholesale of any of the garments enumerated in paragraph (a) of this order, shipped to the seller by Utica Knitting Company on and after that date, shall be determined in the following manner:

(i) The wholesaler shall first find his cost base for the garment being priced from the following table:

Style No.	Cost base (per dozen)	
	Regular sizes	Extra sizes
P12 LSA	$9.00	$10.25
P12 SSA	8.87½	10.12½
E12 LSA	8.50	9.75
E12 SSA	8.37½	9.62½
E14 LSA	9.37½	10.37½
E14 SSA	9.25	10.50
E16 LSA	10.00	11.25
E16 SSA	9.87½	11.12½
AM LSA	5.87½	
AM SSK	5.62½	
AL/1 LSA	5.25	
AL/1 SSK	5.00	
91BU LSA	6.25	
91BU SSK	6.00	
2/1 shirt	5.65	6.40
2/1 drawer	5.65	6.40
3/1 shirt	6.30	7.05
3/1 drawer	6.30	7.05
607U LSA	10.75	12.25
6U/G LSA	10.25	11.75
6U/G SSA	10.00	11.50
5BU/G LSA	7.50	

(ii) The wholesaler will then apply to the "cost base" for the garment being priced his "initial percentage markup" determined in accordance with the appropriate charges and premiums for extra sizes, customarily used by Utica Knitting Company during the period from July 15, 1941 to February 10, 1942, both inclusive, on deliveries of comparable types of fall and winter knitted underwear.

(b) *Ceiling prices for sales at wholesale.* (1) On and after August 22, 1945, the ceiling price for a sale at wholesale of any of the garments enumerated in paragraph (a) of this order, shipped to the seller by Utica Knitting Company on and after that date, shall be determined in the following manner:

(i) The wholesaler shall first find his cost base for the garment being priced from the following table:

Style No.	Cost base (per dozen)	
	Regular sizes	Extra sizes
P12 LSA	$9.00	$10.25
P12 SSA	8.87½	10.12½
E12 LSA	8.50	9.75
E12 SSA	8.37½	9.62½
E14 LSA	9.37½	10.37½
E14 SSA	9.25	10.50
E16 LSA	10.00	11.25
E16 SSA	9.87½	11.12½
AM LSA	5.87½	
AM SSK	5.62½	
AL/1 LSA	5.25	
AL/1 SSK	5.00	
91BU LSA	6.25	
91BU SSK	6.00	
2/1 shirt	5.65	6.40
2/1 drawer	5.65	6.40
3/1 shirt	6.30	7.05
3/1 drawer	6.30	7.05
607U LSA	10.75	12.25
6U/G LSA	10.25	11.75
6U/G SSA	10.00	11.50
5BU/G LSA	7.50	

(ii) The wholesaler will then apply to the "cost base" for the garment being priced his "initial percentage markup" determined in accordance with the appropriate rule set forth in subparagraph (3) of § 1372.102 (b) of Maximum Price Regulation 210.

(iii) The wholesaler will then add to the amount found in (ii) immediately above the sum specified below for the style of garment being priced. The resulting figure is the wholesaler's new ceiling price per dozen for the style of garment being priced.

Style number:	*Amount of adjustment (per dozen)*
P12 LSA	$0.64½
P12 SSA	.35
E12 LSA	1.23
E12 SSA	.93
E14 LSA	1.26
E14 SSA	.89
E16 LSA	1.45
E16 SSA	1.05
AM LSA	1.01
AM SSK	.63
AL/1 LSA	.91½
AL/1 SSK	.62
91BU LSA	1.18
91BU SSK	.74
2/1 shirt	.79
2/1 drawer	.35
3/1 shirt	.83
3/1 drawer	.28½
607U LSA	.73½
6U/G LSA	.94
6U/G SSA	.65
6BU/G LSA	.58½

(2) The ceiling prices established for sales at wholesale in this paragraph (b) are subject to all discounts, allowances, price differentials and other trade practices customarily used by the wholesaler during 1942 on deliveries of comparable types of fall and winter knitted underwear.

(c) *Statement which Utica Knitting Company must send to wholesalers.* (1) On and after August 22, 1945, Utica Knitting Company shall transmit to each wholesaler to whom it makes delivery, on and after that date, of any of the garments listed in paragraph (a) of this order, the following statement:

STATEMENT TO WHOLESALERS OF ADJUSTED CEILING PRICES

The OPA has adjusted our ceiling prices on certain knitted underwear garments pursuant to the provisions of Order No. 13, issued under Revised Supplementary Order 09. In Column A below you will find our adjusted ceiling prices for these garments.

Under this order the OPA has established the method by which you, as a wholesaler, are to determine your ceiling prices for these garments.

You are required by the OPA to determine your ceiling prices for the specified styles by the following method: You first find the "cost base" for the garment being priced from Column B of the following table. You then apply to this "cost base" your "initial percentage markup" (determined in accordance with the appropriate rule set forth in subparagraph (3) of § 1372.102 (b) of Maximum Price Regulation 210). You then find your new ceiling price by adding to the amount thus determined, the amount specified in Column C below for the particular style of garment being priced.

Style No.	Column A	Column B		Column C
	Utica's adjusted ceiling price (regular sizes) (per dozen)	"Cost base" to which wholesaler applies "initial percentage markups" (per dozen)		Amount of adjustment which wholesaler may add (per dozen)
		Regular sizes	Extra sizes	
P12 LSA	$9.86	$9.00	$10.25	$0.64½
P12 SSA	9.34	8.87½	10.12½	.35
E12 LSA	10.14	8.50	9.75	1.23
E12 SSA	9.62	8.37½	9.62½	.93
E14 LSA	11.05	9.37½	10.37½	1.26
E14 SSA	10.44	9.25	10.50	.89
E16 LSA	11.50	10.00	11.25	1.45
E16 SSA	11.28	9.87½	11.12½	1.05
AM LSA	7.20	5.87½		1.01
AM SSK	6.46	5.62½		.63
AL/1 LSA	6.47	5.25		.91½
AL/1 SSK	5.83	5.00		.62
91BU LSA	7.82	6.25		1.18
91BU SSK	6.96½	6.00		.74
2/1 shirt	6.70	5.65	6.40	.79
2/1 drawer	6.12	5.65	6.40	.35
3/1 shirt	7.41	6.30	7.05	.83
3/1 drawer	6.68	6.30	7.05	.28½
607U LSA	11.73	10.75	12.25	.73½
6U/G LSA	11.50	10.25	11.75	.94
6U/G SSA	10.87	10.00	11.50	.65
5BU/G LSA	8.28	7.50		.58½

Please note that, as a wholesaler, you are required by the OPA to transmit to each retailer to whom you deliver any of the garments listed above on or after August 22, 1945, a "Wholesaler's Statement to Retailers of OPA Adjustment Charge" in the following form, properly filled in by you with the information applicable to the particular garments being delivered by you to the retailer. You are required to complete this statement as follows: In Column A you shall list the ceiling prices of the particular styles being shipped which were in effect for you under MPR 210 prior to the date of this order. In Column B you shall list the new ceiling prices which you determine in accordance with the method indicated in this statement to you. In Column C you shall list the difference between the amounts in Column A and Column B below for the respective styles. This notice, when properly completed by you is to be transmitted with, or annexed to, the invoice, billing or other statement of price accompanying every shipment made by you to your retail customers of the styles shipped to you by us.

WHOLESALER'S STATEMENT TO RETAILERS OF OPA ADJUSTMENT CHARGES

The OPA, pursuant to Order No. 13 issued under Revised Supplementary Order 99, has permitted us to adjust our ceiling prices on the following garments sold and delivered by us to you on or after August 22, 1945.

Style No.	Column A	Column B	Column C
	Our old ceiling price (per dozen)	Our new ceiling price (per dozen)	Our OPA adjustment (difference between old and new ceiling prices (per dozen))
	Regular sizes / Extra sizes	Regular sizes / Extra sizes	Regular sizes / Extra sizes
P12 LSA			
P12 SSA			
E12 LSA			
E12 SSA			
E14 LSA			
E14 SSA			
E16 LSA			
E16 SSA			
AM LSA			
AM SSK			
AL/1 LSA			
AL/1 SSK			
91BU LSA			
91BU SSK			
2/1 shirt			
2/1 drawer			
3/1 shirt			
3/1 drawer			
607U LSA			
6U/G LSA			
6U/G SSA			
5BU/G LSA			

Please note that the OPA has ruled that you must price these garments in accordance with Maximum Price Regulation 580 or Maximum Price Regulation 210 (whichever regulation governs your sales of the garments listed above). In determining your ceiling prices for these garments OPA has ruled that you must use as your "net cost" under MPR 580, or your "cost base" under MPR 210, the amount set forth in Column A above. You may not, in any case, include the amount of the OPA adjustment charge set forth in Column C above in determining your ceiling prices for these garments under either of those regulations.

(2) The statement required to be sent by Utica Knitting Company to its wholesalers, as provided in this paragraph (c) and containing the information applicable to the styles of garments included in the particular shipment shall be transmitted with, or annexed to, the invoice, billing or other statement of price accompanying every shipment made by Utica Knitting Company of any of the garments listed in paragraph (a) of this order. This statement, with respect to any garment for which Utica Knitting Company is permitted an adjustment of its ceiling price under this order shall be sent by Utica Knitting Company in lieu of the statement required under § 1389.304 (as amended) of Maximum Price Regulation 221.

(d) *Statement which wholesalers must send to their retailers.* Any seller at wholesale, purchasing any of the garments listed in paragraph (a) of this order from Utica Knitting Company on or after August 22, 1945, shall transmit to each of its own customers, at the time of the delivery by it of any of these garments on or after August 22, 1945, the form of "Wholesaler's Statement to Retailers of OPA Adjustment Charge" contained in the "Statement to Wholesalers of OPA Adjustment Charge" required to be sent to its wholesalers by Utica Knitting Company under paragraph (c) above. This "Wholesaler's Statement to Retailers of OPA Adjustment Charge" shall contain the information applicable to the styles of garments included in the particular shipment and shall be transmitted with, or annexed to the invoice, billing or other statement of price accompanying every shipment made by the wholesaler after August 22, 1945 of any of the garments covered by this order. Each seller at wholesale shall complete this "Wholesaler's Statement to Retailers of OPA Adjustment Charge" as follows: In Column A he shall list the ceiling prices in effect for sales by him under Maximum Price Regulation 210 prior to this order. In Column B he shall list his new ceiling prices for the garments, determined in accordance with paragraph (b) of this order. In Column C he shall list the differences between the amounts in Column A and Column B for the respective styles.

(e) *Statement which Utica Knitting Company must send to retailers.* (1) On and after August 22, 1945, Utica Knitting Company shall transmit to each retailer to whom it makes delivery of any of the garments listed in paragraph (a) of this order, the following statement:

STATEMENT TO RETAILERS OF OPA ADJUSTMENT CHARGES

The Office of Price Administration has permitted us to add the adjustment charges set forth below to our ceiling prices on the following garments:

Style	Column A	Column B	Column C
	Old ceiling price (per dozen)	OPA adjustment charges under MPR 221 and RSO 99 (per dozen)	Amount of adjustment which retailer may add to his ceiling price (per garment)
	Regular sizes / Extra sizes		
P12 LSA	$9.00 / $10.25	$0.86	
P12 SSA	8.87½ / 10.12½	.36½	
E12 LSA	8.50 / 9.75	1.04	$0.03½
E12 SSA	8.37½ / 9.62½	1.24½	
E14 LSA	9.37½ / 10.37½	1.67½	.02
E14 SSA	9.25 / 10.50	1.19	
E16 LSA	10.00 / 11.25	1.93	.04
E16SSA	9.87½ / 11.12½	1.40½	
AM LSA	5.87½ /	1.32½	.4½
AM SSK	5.62½ /	.83½	
AL/1 LSA	5.25 /	1.22	.04½
AL/1 SSK	5.00 /	.83	
91BU LSA	6.25 /	1.57	.07
91BU SSK	6.00 /	.08½	
2/1 shirt	5.65 / 6.40	1.05	.02
2/1 drawer	5.65 / 6.40	.47	
3/1 shirt	6.30 / 7.05	1.11	.01
3/1 drawer	6.30 / 7.05	.38	
607U LSA	10.75 / 12.25	.98	
6U/G LSA	10.25 / 11.75	1.25	
6U/G SSA	10.00 / 11.50	.87	
5BU/G LSA	7.50 /	.78	

Please note that the OPA requires you to price these garments in accordance with Maximum Price Regulation 580 or Maximum Price Regulation 210 (whichever regulation governs your sales of the garments listed in this notice). In determining your ceiling prices for these garments OPA has ruled that you must use as your "net cost" under MPR 580, or your "cost base" under MPR 210, the "old ceiling price" stated in Column A above for the garment being priced and you may not include the OPA adjustment charges set forth in Column B above in computing your ceiling prices for these garments under either of these regulations.

The OPA has ruled, however, that after you have properly determined your ceiling price under MPR 580 or MPR 210 in the foregoing manner, you may then add to your ceiling price so computed the amount of the adjustment set forth for the garment in Column C of the above table.

(2) The statement required to be sent to its retailers by Utica Knitting Company, as provided in this paragraph (e), and containing the information applicable to the styles of garments included in the particular shipment, shall be transmitted with, or annexed to the invoice, billing or other statement of price accompanying every shipment made by Utica Knitting Company of any of the garments listed in paragraph (a) of this order. This statement, with respect to any garment for which Utica Knitting Company is permitted an adjustment of its ceiling price under this order shall be sent by Utica Knitting Company in lieu of the statement required under § 1389.304 (as amended) of Maximum Price Regulation 221.

(f) *Garments to which the provisions of this order shall apply.* This order shall apply only to those garments of the styles enumerated in paragraph (a) which are shipped by Utica Knitting Company on or after August 22, 1945, and before November 1, 1945.

(g) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective August 22, 1945.

Issued this 22d day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-15594; Filed, Aug. 22, 1945; 4:44 p. m.]

[Supp. Order 94, Rev. Order 67]

UNITED STATES DEPARTMENT OF COMMERCE, ET AL.

SPECIAL MAXIMUM PRICES FOR CERTAIN VITRIFIED CHINAWARE

Order 67 under Supplementary Order 94 is redesignated Revised Order 67 and is revised and amended to read as follows:

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and in accordance with Section 11 of Supplementary Order 94 it is ordered:

(a) *What this order does.* This order establishes maximum prices at which new and used vitrified chinaware hereinafter described may be sold and delivered by the United States Department of Commerce and by any subsequent reseller.

(b) *Maximum prices.* (1) Maximum prices per unit for the new vitrified chinaware, with or without insignia or decoration in heavy (thickware), medium and hotel weights more particularly described herein shall be:

(i) For sales by the Department of Commerce to dealers, the prices set forth in Column I.

(ii) For sales by the Department of Commerce to a State, municipality, county and township, for use but not for resale by the purchaser, the prices set forth in Column I.

(iii) For sales by the Department of Commerce to retailers, the prices set forth in Column II.

(iv) For sales by all persons other than the Department of Commerce to industrial or institutional users and retailers, the prices set forth in Column III.

(v) For all sales by retailers, the prices set forth in Column IV.

Item	Description (all sizes subject to the tolerances set forth in Federal Standard Stock Catalog, section IV, Part 5, Federal Specification for Chinaware, Vitrified, M-C-301a, April 21, 1943	I	II	III	IV
Boat	Gravy or Sauce, 11 oz	$0.35	$0.47	$0.50	$0.91
	Sauce 13 oz	.53	.71	.76	1.38
Bowl	1½ pt	.21	.28	.30	.55
	Salad 6"	.15	.20	.22	.40
	Salad 9" to 9½"	.64	.85	.92	1.67
	Soup 7⅞"	.17	.23	.24	.44
	Sugar 5 oz. with cover	.20	.27	.29	.53
	Sugar 17 oz. with cover	.30	.40	.43	.78
Casserole	With handles, round 8", with cover	1.35	1.80	1.94	3.53
Cover	Cake 6½"	.25	.33	.36	.65
Cup	Bouillon, 2 handles, 7½ oz	.18	.24	.26	.47
	After dinner, with handle, 2½ oz	.09	.12	.13	.24
	Coffee, with handle, 6½ oz	.17	.23	.24	.44
	Coffee, with handle, 10½ oz	.15	.20	.22	.40
	Coffee, without handle, 13 oz	.15	.20	.22	.40
	Coffee, with handle, 8 oz	.16	.21	.23	.42
Cup	Tea, Boston, 7½ oz	.13	.17	.19	.35
	Egg, double, 4 oz	.14	.19	.20	.36
	Egg or Custard, 6½ oz	.12	.16	.17	.31
Baker	2½" x 5¼"	.11	.15	.16	.29
	3" x 5¾"	.13	.17	.19	.35
	5" x 7½"	.18	.24	.26	.47
	8" x 10"	.37	.49	.53	.96
	11⅞"	.57	.76	.82	1.49
Dish	Butter Individual, 3¾" - 3½"	.035	.04½	.05	.09
	Butter, cover and drain, 5¾" to 6½"	.64	.85	.92	1.67
	Fruit, 5½" to 5¾"	.08	.11	.12	.22
	Oatmeal, 6" to 6½"	.15	.20	.22	.40
	Pickle or Celery, 7½"	.28	.37	.40	.73
	Pickle or Celery, 9¾"	.43	.57	.62	1.13
Plate	Bread and butter, 6¼" - 6½"	.09	.12	.13	.24
	Dessert or salad, 7⅛" - 7¼"	.11	.15	.16	.29

Item	Description (all sizes subject to the tolerances set forth in Federal Standard Stock Catalog, section IV, Part 5, Federal Specification for Chinaware, Vitrified, M-C-301a, April 21, 1943	I	II	III	IV
Plate—Continued	Dinner, 8"	$0.16	$0.21	$0.23	$0.42
	Dinner, 8¾"-9"	.18	.24	.26	.47
	Dinner, 9⅝"	.21	.28	.30	.55
	Dinner, 3 compartment, 10"	.58	.71	.76	1.38
	Dinner, 3 compartment, 11"	.71	.95	1.02	1.85
	Soup, 7"	.12	.16	.17	.31
	Soup, 9"	.19	.25	.27	.49
Platter	3" x 6¾"	.11	.15	.16	.29
	4" x 7"	.13	.17	.19	.35
	6" x 9⅛"	.20	.27	.29	.53
	8" x 11¾"	.28	.37	.40	.73
	10" x 13⅝"	.41	.55	.59	1.07
	12" x 15⅜"	.71	.95	1.02	1.85
	14" x 17½"	1.13	1.51	1.62	2.95
Pitcher	Cream with handle, 1½ oz	.10	.13	.14	.25
	Cream without handle, 1¾ oz	.09	.12	.13	.24
	Cream with handle, 4½ oz	.14	.19	.20	.36
	With handle, 5½ oz	.20	.27	.29	.53
	With handle, ¾ pt	.32	.43	.46	.84
	With handle, 1¼ pt. to 1½ pt	.43	.57	.62	1.13
	Hall boy, with handle, 2¾ pt	.50	.67	.72	1.31
	Hall boy, with handle, 3½ pt. to 4½ pt	.85	1.14	1.22	2.22
	Hall boy, with handle, 6 pt	1.42	1.89	2.04	3.71
	Hall boy, with handle, 8 pt	1.95	2.60	2.80	5.09
Pot	Coffee, individual, 12 oz	.60	.80	.86	1.56
	Mustard, covered without handle, 4 oz	.17	.23	.24	.44
	Mustard, covered without handle, 6½ oz	.21	.28	.30	.55
Saucer	Coffee, A. D., 4⅝"	.06	.08	.09	.16
	Coffee, 7"	.09	.12	.13	.24
	Fruit, 5⅛"	.08	.11	.12	.22
	Fruit, 5½"	.09	.12	.13	.24
	Tea, Regular, 6"	.08	.11	.12	.22
	Tea, Reinforced well, 5¾"	.08	.11	.12	.22
	Tea, wide foot, 6¼"	.08	.11	.12	.22
	Tea (Thick), 6¼"	.08	.11	.12	.22
Stand	Match, Round Hooded, 6½"	.46	.61	.66	1.20
Tray	Pin oblong, 5¼"	.17	.23	.24	.44
Tub	Ice, 9¼ pt	1.43	1.91	2.05	3.73

(2) Maximum prices for used vitrified chinaware described herein, if the article is not chipped and has the serviceability of a new article, shall be 75% of the above maximum prices.

(3) Maximum prices for new and used vitrified chinaware, if the article is chipped or does not have the serviceability of a new article, shall be 25% of the above maximum prices.

(4) All the aforesaid maximum prices, except in the case of sales at retail, are f. o. b. shipping point.

(c) *Discounts.* Every seller shall continue to maintain his customary discounts for cash.

(d) *Notification.* Any person who sells the chinaware described in paragraph (b) to a retailer shall furnish the retailer with an invoice of sale setting forth the maximum prices for sales at retail, and stating that the retailer is required by this order to conspicuously display at the place where the chinaware is offered for sale a suitable sign which plainly states the retail ceiling prices.

(e) *Tagging.* Any person who sells the chinaware described in paragraph (b) at retail shall conspicuously display at the place where it is offered for sale a suitable sign which plainly states the retail ceiling prices.

(f) *Relation to other regulations and orders.* This order with respect to the commodities it covers supersedes any other regulation or order previously issued by the Office of Price Administration.

(g) *Definitions.* (1) "Retailer" means any person who sells to a user or ultimate consumer, except industrial or institutional users.

(2) "Dealer" means any person who sells to purchasers for resale and to industrial and institutional users.

(h) *Revocation and amendment.* This order may be revoked or amended at any time.

This order shall become effective August 25, 1945.

Issued this 24th day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-15821; Filed, Aug. 24, 1945; 11:57 a. m.]

[Supp. Order 94, Order 76]

UNITED STATES DEPARTMENT OF COMMERCE, ET AL.

SPECIAL MAXIMUM PRICES FOR SADDLES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and in accordance with section 11 of Supplementary Order 94, it is ordered:

(a) *What this order does.* This order establishes special maximum prices at which new and used Army McClellan saddles may be sold and delivered by the United States Department of Commerce and by any subsequent reseller.

(b) *Maximum prices*—(1) *New saddles.* Maximum prices per new Army McClellan saddle shall be:

(i) Commerce's price to manufacturer, f. o. b. shipping point: $7.10.

(ii) Commerce's price to wholesaler, f. o. b. shipping point: $8.00.

(iii) Commerce's price to retailer, f. o. b. shipping point: $12.00.

(iv) Wholesaler's price to retailer, f. o. b. shipping point: $12.00 plus actual freight paid by the wholesaler from Commerce's point of shipment.

(v) Price for all sales at retail—$20.00 plus actual freight paid by the retailer from his supplier's point of shipment.

(2) *New shop or shelf worn saddles.* The maximum price for a new shop or shelf worn Army McClellan saddle, which is a saddle that has never been used on an animal, shall be 75% of the appropriate maximum price set forth in paragraph (b) (1) herein, *Provided*, That

(i) No part is missing which is necessary to make it fully useful for its intended purpose without further repair.

(ii) The saddle is free from rips and tears, and in all respects has the serviceability equal to but not the appearance of a new saddle.

(3) *Used saddles and new shop or shelf worn saddles not covered by paragraph (b) (2).* The maximum price for a used Army McClellan saddle, which is a saddle that has been used on an animal, and for a new shop or shelf worn saddle not covered by paragraph (b) (2) herein shall be 50% of the appropriate maximum price set forth in paragraph (b) (1) herein.

(c) *Discounts.* Every seller shall continue to maintain his customary discounts for cash.

(d) *Notification.* Any person who sells the aforesaid Army McClellan saddles to a retailer shall furnish the retailer with an invoice of sale setting forth the retailer's maximum price for each saddle, and stating that the retailer is required by this order to attach to each saddle before sale a tag or label stating the appropriate retail ceiling price.

(e) *Tagging.* Any person who sells the aforesaid Army McClellan saddles at retail shall attach to each saddle before sale a tag or label which plainly states the appropriate retail ceiling price.

(f) *Relation to other regulations and orders.* This order with respect to the commodity it covers supersedes any other regulation or order previously issued by the Office of Price Administration.

(g) *Definitions.* (1) "Retailer" means any person who normally sells to ultimate consumers.

(2) "Wholesaler" means any person who normally sells to resellers.

(h) *Revocation and amendment.* This order may be revoked or amended at any time.

This order shall become effective August 25, 1945.

Issued this 24th day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-15822; Filed, Aug. 24 1945; 11:57 a. m.]

[RMPR 436, Amdt. 6 to Order 37]

CRUDE PETROLEUM AND NATURAL AND PETROLEUM GAS

ADJUSTMENT OF MAXIMUM PRICES

An opinion accompanying this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.

Paragraph (a) of Order No. 37 to Revised Maximum Price Regulation No. 436 is amended in the following respects:

1. The following pools with the designated increases are hereby added thereto:

Pool, County, and State	*Amount of increase per 42-gallon barrel*
Nick Springs (Travis Peak), Union, Arkansas	$0.24
Maunie South, White, Illinois	.20
Graber, McPherson, Kansas	.25
Russell North, Russell, Kansas	.35
Wherry, Rice, Kansas	.25
Temple, Clare, Michigan	.02
Benson, Eddy, New Mexico	.09
Dora, Seminole, Oklahoma	.35
Loco, Stephens, Oklahoma	.25
Macomb South, Pottawatomie, Oklahoma	.35
Palacine, Stephens, Oklahoma	.20
Wellston North, Lincoln, Oklahoma	.35
Hull-Silk-Sikes-Caddo, Archer, Texas	.25
Iatan-North, Howard, Texas	.15
Loving, Stephens, Texas	.25
Olson, Crockett, Texas	.17
Smyer, Hockley, Texas	.20
Vincent (4000'-5500'), Howard, Texas	.25
Half-Moon, Park, Wyoming	.35
Maverick Springs, Fremont, Wyoming	.28
Pitchfork, Park, Wyoming	.34
Shoshone, Park, Wyoming	.35

2. The Allen (Shallow) Pool Pontotoc County, Oklahoma, is hereby redesignated to read "Allen (0'-2,000') Pontotoc County, Oklahoma.

This amendment shall become effective as of August 1, 1945.

Issued this 24th day of August 1945.

CHESTER BOWLES,
Administrator.

[F R Doc. 45-15819; Filed, Aug. 24, 1945; 11:57 a. m.]

Regional and District Office Orders.

LIST OF COMMUNITY CEILING PRICE ORDERS

The following orders under Rev. General Order 51 were filed with the Division of the Federal Register August 17, 1945.

REGION I

Providence Order 4-F, Amendment 7, covering fresh fruits and vegetables in certain areas in Rhode Island. Filed 9:33 a. m.

REGION II

Binghamton Order 2-F, Amendment 44, covering fresh fruits and vegetables in certain counties in New York. Filed 9:34 a. m.

Scranton Order 4-F, Amendment 35, covering fresh fruits and vegetables in certain counties in Pennsylvania. Filed 9:34 a. m.

REGION III

Charleston Order 7-F, Amendment 25, covering fresh fruits and vegetables in certain areas in West Virginia. Filed 9:34 a. m.

Charleston Order 9-F, Amendment 25, covering fresh fruits and vegetables in certain areas in West Virginia. Filed 9:35 a. m.

Charleston Order 10-F, Amendment 25, covering fresh fruits and vegetables in certain areas in West Virginia. Filed 9:35 a. m.

Charleston Order 11-F, Amendment 25, covering fresh fruits and vegetables in Jefferson and Morgan Counties, West Virginia. Filed 9:35 a. m.

Charleston Order 15-F, Amendment 22, covering fresh fruits and vegetables in certain counties in West Virginia. Filed 9:35 a. m.

Charleston Order 16-F, Amendment 21, covering fresh fruits and vegetables in certain counties in West Virginia. Filed 9:36 a. m.

Charleston Order 17-F, Amendment 21, covering fresh fruits and vegetables in certain counties in West Virginia. Filed 9:36 a. m.

Cleveland Order F-1, Amendment 52, covering fresh fruits and vegetables in Cuyahoga County, Ohio. Filed 9:36 a. m.

Cleveland Order 2-C, Amendment 6, covering poultry in certain counties in Ohio. Filed 9:32 a. m.

Cleveland Order 3-F, Amendment 52, covering fresh fruits and vegetables in Mahoning and Trumbull Counties, Ohio. Filed 9:32 a. m.

Cleveland Order 4-F, Amendment 52, covering fresh fruits and vegetables in Stark and Summit Counties, Ohio. Filed 9:32 a. m.

REGION IV

Birmingham Order 4-F, Amendment 16, covering fresh fruits and vegetables in certain counties in the Birmingham Area. Filed 9:33 a. m.

Charlotte Order 3-F, Amendment 30, covering fresh fruits and vegetables in certain counties in North Carolina. Filed 9:33 a. m.

Jacksonville Order 9-F, Amendment 35, covering fresh fruits and vegetables in Jacksonville, Florida. Filed 9:31 a. m.

Jacksonville Order 11-F, Amendment 17, covering fresh fruits and vegetables in certain areas in Florida. Filed 9:31 a. m.

Memphis Order 6-F, Amendment 43, covering fresh fruits and vegetables in the city and county of Memphis and Shelby, Tennessee. Filed 9:31 a. m.

Atlanta Order 6-F, Amendment 46, covering fresh fruits and vegetables in the Atlanta-Decatur Area. Filed 9:32 a. m.

Atlanta Order 7-F, Amendment 15, covering fresh fruits and vegetables in certain areas in Georgia. Filed 9:32 a. m.

Atlanta Order 8-F, Amendment 15, covering fresh fruits and vegetables in certain areas in Georgia. Filed 9:32 a. m.

Atlanta Order 9-F, Amendment 18, covering fresh fruits and vegetables in Phenix City, Alabama, and Bibb and Muscogee Counties, Georgia. Filed 9:32 a. m.

Montgomery Order 20-F, Amendment 37, covering fresh fruits and vegetables in Mobile County, Alabama. Filed 9:29 a. m.

Montgomery Order 21-F, Amendment 42, covering fresh fruits and vegetables in Montgomery County, Alabama. Filed 9:29 a. m.

Montgomery Order 22-F, Amendment 43, covering fresh fruits and vegetables in Houston County, Alabama. Filed 9:29 a. m.

Montgomery Order 24-F, Amendment 40, covering fresh fruits and vegetables in Dallas County, Alabama. Filed 9:29 a. m.

Savannah Order (Adopting) 7-F, Amendment 43, covering fresh fruits and vegetables in certain areas in Georgia. Filed 9:30 a. m.

REGION V

Dallas District Order 2-C, Amendment 5, covering poultry. Filed 9:30 a. m.

Houston District Order 1-O, Amendment 3, covering eggs in certain counties in Texas. Filed 9:31 a. m.

Copies of any of these orders may be obtained from the OPA Office in the designated city.

ERVIN H. POLLACK,
Secretary.

[F. R. Doc. 45-15747; Filed, Aug. 23, 1945; 4:52 p. m.]

SECURITIES AND EXCHANGE COMMISSION.

[File No. 70-1121]

THE NORTH AMERICAN CO.

ORDER PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 21st day of August 1945.

The North American Company, a registered holding company, has filed a declaration pursuant to the applicable provisions of the Public Utility Holding Company Act of 1935 and the General Rules and Regulations promulgated thereunder, regarding a proposal to pay on October 1, 1945, a dividend to its holders of common stock of record on September 4, 1945, payable in the common stock of Pacific Gas and Electric Company having a par value of $25 per share owned by The North American Company, at a rate of one share of such stock of Pacific Gas and Electric Company on each one hundred shares of the outstanding common stock of The North American Company. In lieu of certificates for fractions of shares of stock of Pacific Gas and Electric Company, cash will be paid at the rate of 41 cents for each 1/100th of a share of such stock of Pacific Gas and Electric Company, this rate being based on the approximate market price of $41.00 per share as of August 2, 1945, the date the proposed dividend was declared.

Said declaration having been filed on the 3d day of August 1945, and notice of filing having been duly given in the manner and form prescribed by Rule U-23 under said act and the Commission not having received a request for a hearing with respect to said declaration within the period specified in such notice, or otherwise, and not having ordered a hearing thereon; and

The North American Company having requested that the Commission issue its order on or before August 25, 1945; and

The Commission finding that the requirements of section 12 (d) and Rules U-43 and U-44 are satisfied, that no adverse findings are necessary thereunder, and that action upon said declaration should be accelerated, and the Commission deeming it appropriate in the public interest and in the interest of investors and consumers to permit said declaration to become effective;

It is hereby ordered, Pursuant to said Rule U-23 and the applicable provisions of said act and subject to the terms and conditions prescribed in Rule U-24 that said declaration be and the same is hereby permitted to become effective forthwith.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 45-15712; Filed, Aug. 23, 1945; 12:21 p. m.]

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PART II

FEDERAL REGISTER

VOLUME 10 NUMBER 168

Washington, Saturday, August 25, 1945

Regulations

TITLE 10—ARMY: WAR DEPARTMENT

Chapter VIII—Supplies and Equipment

PROCUREMENT REGULATIONS AND JOINT TERMINATION REGULATION

The following regulations in Parts 801 to 849 of this chapter comprise the complete War Department Procurement Regulations, 5 September 1942, together with the War and Navy Department Joint Termination Regulation, 20 April 1945, as amended by changes subsequent to those dates, including Change 50 dated 10 August 1945.

In Subchapters A and C the numbers to the right of the decimal point correspond to the paragraph numbers in the original regulations. In Subchapter B the first portion of the paragraph numbers in the original regulations—"7-"—has been omitted. With this exception the numbers to the right of the decimal point correspond to the paragraph numbers in the original regulations.

[SEAL] EDWARD F. WITSELL,
Brigadier General,
Acting The Adjutant General,
War Department.

W. JOHN KENNEY,
Vice Chief,
Office of Procurement and Material,
Navy Department.

AUTHORITY: Parts 801 to 849, inclusive, issued under sec. 5a, National Defense Act, as amended, 41 Stat. 764, 54 Stat. 1225, 10 U.S.C. 1193-1195; the First War Powers Act, 1941, 55 Stat. 838, 50 U.S.C. Supp., 601-622; and the Contract Settlement Act of 1944, 58 Stat. 649.

Subchapter A—Procurement

[Procurement Reg. 1]

PART 801—GENERAL INSTRUCTIONS

SUBPART A—INTRODUCTION

Sec.
801.101 Publication of Procurement Regulations.
801.102 Rescission of Army Regulations.
801.103 Rescission of other regulations, instructions and directives.

SUBPART B—DISTRIBUTION OF PROCUREMENT REGULATIONS

801.106 Distribution of Procurement Regulations.

SUBPART C—APPLICABILITY OF REGULATIONS

801.107 Authority with respect to procurement.
801.108 Applicability of these Procurement Regulations.

SUBPART D—MISCELLANEOUS PROHIBITIONS

801.109 Prohibition against voluntary service.
801.110 Prohibition against use of troop labor.
801.111 Conflicts between outside interests of officers or civilian employees and their official duties.

SUBPART E—PROPOSALS FOR LEGISLATIVE ACTION AND FOR EXECUTIVE ORDERS AFFECTING PROCUREMENT

801.113 General.
801.114 Legislation includes Executive orders.
801.115 Legislative Division, Office of the Under Secretary of War.
801.116 Proposals for legislative action affecting procurement.
801.117 Action of Legislative Division.
801.118 Congressional hearings.
801.119 Reports on legislative proposals.

SUBPART A—INTRODUCTION

§ 801.101 *Publication of procurement regulations.* Prior to July 1, 1942, it was the practice of the War Department to publish procurement regulations in the form of Army Regulations, War Department Procurement Circulars, and otherwise. As of July 1, 1942, the present numbered series of procurement regulations was issued to replace all other procurement regulations in effect as of that date. As changes in or additions to these regulations become necessary, they are currently effected by the publication of revisions.

(Continued on next page)

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§ 801.102 *Rescission of Army Regulations.* The following Army Regulations have been rescinded:

AR 5-50	AR 5-160	AR 5-240	AR 5-320
AR 5-100	AR 5-200	AR 5-260	AR 5-340
AR 5-140	AR 5-220	AR 5-300	AR 5-360

§ 801.103 *Rescission of other regulations, instructions and directives.* (a) Effective July 1, 1942, all War Department Procurement Circulars not theretofore rescinded, and the temporary series of procurement regulations with numbers followed by "T", have been rescinded.

(b) All regulations, instructions and directives inconsistent with these procurement regulations as originally issued under date of July 1, 1942, or with any revision thereof, shall be deemed rescinded as of July 1, 1942, or as of the date of such revision, as the case may be.

SUBPART B—DISTRIBUTION OF PROCUREMENT REGULATIONS

§ 801.106 *Distribution of procurement regulations.*

§ 801.106–1 *Distribution to military establishments of complete sets of procurement regulations and of revisions to complete sets.* (a) Complete sets of procurement regulations and of revisions to complete sets are distributed by Legal Branch, Office, Director of Matériel, Headquarters, Army Service Forces, Room 5C–659, The Pentagon, Washington 25, D. C.

(b) All communications pertaining to the distribution of complete sets of procurement regulations and of revisions to complete sets, including:

(1) Requests for complete sets;

(2) Requests for increase or decrease in the number of copies of revisions to be furnished;

(3) Requests for copies of particular revisions;

(4) Requests for missing pages or tab cards;

(5) Requests for change of address to which revisions are to be forwarded;

(6) Requests that mailings of revisions be discontinued; should be addressed and forwarded directly to the address mentioned in paragraph (a) of this section.

(c) Any request for complete sets should specifically indicate whether or not any addition or other change is to be made in the mailing list for future revisions.

(d) Any request which involves any increase or decrease in the number of copies of revisions to be furnished should specify not only the new number of copies desired but also the number of copies currently being furnished. In addition, any such request and any request for a change of address should specify the mailing address (as appearing on the envelope or package in which revisions are received) to which revisions currently are being forwarded.

(e) Any request which involves an increase in the number of copies of complete sets being maintained at an installation, or an increase in the number of copies of revisions to be forwarded to an installation, should be accompanied by information concerning the need for the increase.

(f) Communications (including requests mentioned in this section) pertaining to the distribution of procurement regulations may be by letter or memorandum. Such requests need not be in the form of formal requisitions.

(g) Except as indicated in § 801.106–2, no distribution is made of any individual procurement regulation in separate form.

§ 801.106–2 *Distribution to military establishments of Procurement Regulation No. 7 and Joint Termination Regulation (PR 15 in separate form).* (a) Procurement Regulation No. 7 and the Joint Termination Regulation (PR 15) are included in complete sets of Procurement Regulations and in revisions to complete sets. Section 801.106–1 relates to distribution of complete sets and revisions to complete sets. In addition, Procurement Regulation No. 7 and the Joint Termination Regulation (PR 15) and changes thereto, in separate form, are available to military establishments as indicated in paragraphs (b) and (c) of this section.

(b) Procurement Regulation No. 7 and changes thereto, in separate loose-leaf form, are distributed through Adjutant General Depots and, in case of the Army Air Forces, through ATSC District Offices and Headquarters, Air Technical Service Command, Wright Field, Dayton, Ohio. Requisitions for Procurement Regulation No. 7 and changes thereto, in separate form, should be addressed and forwarded to the appropriate distribution office and not to the address mentioned in § 801.106–1 (a).

(c) The Joint Termination Regulation (PR 15) and changes thereto, in separate loose-leaf form, are distributed through the Readjustment Distribution Center, Federal Office Building, 6th Floor, 90 Church Street, New York 7, New York. Requests for the Joint Termination Regulation and changes thereto, in separate form, should be addressed and forwarded to that office and not to the address mentioned in § 801.106–1 (a).

(d) When requesting Procurement Regulation No. 7 or the Joint Termination Regulation (PR 15), in separate form, the requesting installation should specify whether or not any addition or other change is to be made in the mailing list for the receipt of future changes to such regulations.

§ 801.106–3 *Availability of procurement regulations to private concerns.* (a) The complete procurement regulations, and the changes made by each revision, are reprinted in the FEDERAL REGISTER, which is available, at a nominal charge, from the Superintendent of Documents, Washington 25, D. C. The filing sheet of each revision to complete sets of procurement regulations lists the particular issues of the FEDERAL REGISTER in which such reprinting has taken place. In addition, the complete procurement regulations, or in certain cases particular procurement regulations, are also reprinted in certain commercial services.

(b) The Joint Termination Regulation (PR 15) and changes thereto, in separate loose-leaf form, are available in limited quantities, free of charge, to war contractors and allied organizations from the Joint Termination Regulation Distribution Center, Room 633, 90 Church Street, New York 7, New York. A mailing list is maintained by that office for the forwarding of future changes.

(c) Procurement Regulation No. 7 and changes thereto, in separate loose-leaf form, are available on a subscription basis, at a nominal charge, from the Superintendent of Documents, Washington 25, D. C. A mailing list is maintained by that office for the forwarding of future changes.

SUBPART C—APPLICABILITY OF REGULATIONS

§ 801.107 *Authority with respect to procurement.*

§ 801.107–1 *Basic statute.* Section 5a of the National Defense Act, as amended by section 2 of the act of December 16, 1940, provides in part as follows:

Hereafter the Secretary of War, in addition to other duties imposed upon him by law, shall be charged with the supervision of the procurement of all military supplies and other business of the War Department pertaining thereto and the assurance of adequate provision for the mobilization of matériel and industrial organizations essential to wartime needs, and he may assign to the Under Secretary of War and The Assistant Secretary of War such duties in connection therewith as he may deem proper. (10 U.S.C. 1193; M.L. 1939, sec. 897)

By the terms of the act of December 15, 1944 (Public Law 488, 78th Congress) the above-quoted provision will remain in force until six months after the termination of the present war or until such earlier date as Congress or the President may designate.

§ 801.107–2 *Delegations from the Secretary of War to the Under Secretary of War.* (a) On April 21, 1941, the Secretary of War issued the following order:

Pursuant to authority contained in the Act of December 16, 1940 (Public No. 891—76th Congress):

a. The duties and responsibilities placed on the Secretary of War by Section 5a of the National Defense Act, as amended, are hereby assigned to the Under Secretary of War.

b. Chiefs of branches of the Army will report directly to the Under Secretary of War regarding all matters of procurement.

c. The Under Secretary of War will continue to perform the duties and discharge the responsibilities placed on the Assistant Secretary of War by Army Regulations No. 5–5, July 16, 1932, Orders E. War Department, November 28, 1933, and all other existing orders or instructions.

d. The office heretofore designated as the Office of The Assistant Secretary of War will hereafter be designated the Office of the Under Secretary of War. All officers and civilian employees now detailed to the Office of the Under Secretary of War or the Office of The Assistant Secretary of War from the branches engaged in procurement, and all other officers and employees now on duty in the Office of the Under Secretary of War or in the Office of The Assistant Secretary of War, shall continue on such detail and duty in the Office of the Under Secretary of War.

e. During the absence or disability of the Under Secretary of War, or in the event of a temporary vacancy in that office, the duties and responsibilities of the Under Secretary of War shall be performed and discharged by The Assistant Secretary of War, and in the case of the absence or disability of both the Under Secretary of War and The Assistant Secretary of War, or in the event of a temporary vacancy in both of said offices, the duties and responsibilities of the Under Secretary of War shall be performed and discharged by the Assistant Secretary of War for Air

(b) Under date of December 30, 1941, the Secretary of War issued the following memorandum:

MEMORANDUM for the Under Secretary of War.

Subject: Delegation of Authority under Executive Order No. 9001.

The powers delegated to the War Department by Executive Order No. 9001, dated December 27, 1941, to enter into contracts and into amendments or modifications of contracts heretofore or hereafter made, and to make advance, progress, and other payments thereon, without regard to the provisions of law relating to the making, performance, amendment, or modification of contracts are hereby further delegated to the Under Secretary of War. He may, pursuant to Executive Order No. 9001, exercise such powers either personally or through such officer or officers or civilian officials of the War Department as he may direct, and he may confer upon such officers or civilian officials the power to make further delegations of such powers within the War Department.

HENRY L. STIMSON,
Secretary of War.

(c) War Department Circular 59, issued under date of March 2, 1942, provides in part as follows:

1. The President has approved a reorganization of the War Department and the Army, *effective March 9, 1942.* Pending the issuance of detailed instructions and changes in regulation, a summary description of the new organization is furnished for the information and guidance of all concerned.

• • • • • •

e. Supply arms and services and War Department offices and agencies will come under the direct command of the Commanding General, Services of Supply as indicated below:

(1) Those parts of the office of the Under Secretary of War engaged in functions of procurement and industrial mobilization.

• • • • • •

b. The mission of the Army Air Forces is to procure and maintain equipment peculiar to the Army Air Forces, and to provide air force units properly organized, trained, and equipped for combat operations. Procurement and related functions will be executed under the direction of the Under Secretary of War.

• • • • • •

7. Services of Supply. a. The duties and responsibilities placed on the Secretary of War by Section 5a of the National Defense Act, as amended, shall continue to be performed by the Under Secretary of War. The Director of Production shall continue to perform his present services reporting direct to the Under Secretary of War.

b. The Commanding General, Services of Supply, shall, on procurement and related matters, act under the direction of the Under Secretary of War and shall, on military matters, report to the Chief of Staff. The Commanding General, Services of Supply, is charged in general with the functions, responsibilities, and authorities of command authorized by law, Army Regulations, and custom over individuals and units assigned to the Services of Supply.

c. The mission of the Services of Supply is to provide services and supplies to meet military requirements except those peculiar to the Army Air Forces. Procurement and related functions will be executed under the direction of the Under Secretary of War.

d. The Services of Supply consolidates under the jurisdiction of the Commanding General, Services of Supply, the supply arms and services, certain administrative services of the War Department, certain parts of the office of the Under Secretary of War, certain boards and committees, general depots, ports of embarkation and auxiliaries, and corps areas, with such amalgamation, reallocation of duties, and reorganization as is necessary or advisable.

e. The following duties are specifically assigned to the Services of Supply:

(1) The direction and supervision of engineering research, development, procurement, storage, and distribution of supplies and equipment, except those peculiar to the Army Air Forces.

(2) The establishment of purchasing and contractual policies and procedure.

(3) Transportation and traffic control.

(4) Construction for the Army.

(5) The consolidation of programs and requirements of the Army with the programs and requirements received from Defense Aid and the Navy and procured by the Army.

§ 801.107–3 *Responsibilities of the Under Secretary of War fixed by AR 5–5.* Although Army Regulation 5–5 was rescinded as of July 1, 1942, and not reissued until April 2, 1945, the portion of that regulation relating to the responsibilities of The Assistant Secretary of War (now the Under Secretary of War), as in effect just prior to its rescission, is incorporated by reference in paragraph c of the above quoted order of the Secretary of War, dated April 21, 1941. The portion of said regulation which is thus continued in force reads as follows:

• • • • • •

b. Definition. Under section 5a, national defense act, as amended, the Assistant Secretary of War, under the direction of the Secretary of War, is charged, among other duties, with the supervision of all administrative and operative functions and installations of the Military Establishment concerned in the acquisition or production of military supplies. The types of matériel desired having been specified by the proper agencies, the responsibilities of the Assistant Secretary of War, under the statute, begin with the necessary preliminary and preparatory measures for the procurement or production of such matériel, and end with its delivery to the proper supply arms and services for issue.

c. Supervision over procurement includes preparation of plans and policies and supervision of activities concerning—

(1) Research and development of substitutes for critical and strategic materials and of materials, methods or processes, and facilities for manufacturing purposes.

(2) The procurement of materials and facilities for manufacturing purposes.

(3) Preparation of United States Army manufacturing specifications and the commercial standardization activities of the supply arms and services. See AR 850–25.

(4) Procurement of all military supplies by purchase, production, or other means, whether obtained for experimental, service test, or issue purposes; inspection, test, acceptance, and storage of supplies incident to procurement; the procurement of real estate and the construction, operation, maintenance, repair, and inspection of all establishments and facilities for the foregoing purposes.

(5) Procurement of supplies for other Government departments or for foreign governments at their request.

(6) The acquisition and use of patent rights by the War Department and the Army.

(7) The transfer or exchange of military supplies in conformity with approved policies.

(8) The renovation of matériel on a production basis at an establishment functioning under the direct control of a chief of a supply arm or service in accordance with approved policies and projects.

(9) The collection of information and compilation of data pertaining to sources of supply.

(10) The assurance of adequate and timely provisions for the mobilization of the matériel and industrial organizations essential to war-time needs, including arrangements in the supply arms and services and arrangements with the agencies outside the War Department.

(11) The Army Industrial College, Washington, D. C.

(12) Instruction in business administration at civilian institutions.

(13) Fiscal matters pertinent to procurement in accordance with instructions contained in paragraph 1b (2) and (4) of orders E, War Department, October 29, 1925.

(14) Legislation relating to procurement.

(15) Civilian personnel engaged on procurement duties.

(16) Any other matters pertaining solely to the business activities of the War Department in the procurement of military supplies. The determining factor in all cases will be whether the aspect of the particular activity concerned in the given case is incident to *procurement.* If it is, the statute places it under the supervision of the Assistant Secretary of War.

d. The Assistant Secretary of War will represent the War Department—

(1) On all interdepartmental boards for the standardization of—

(*a*) Specifications.

(*b*) Procurement procedure.

(2) On the army and Navy Munitions Board.

(3) In dealing with any interdepartmental or superdepartmental agency that may be created in connection with the allocation of matériel or industrial facilities to various uses.

(4) In arranging necessary contacts with other standardization bodies such as the American Engineering Standards Committee and the Division of Simplified Practice, Department of Commerce.

(5) On the Patents and Design Board. Sec. 10 (r), act July 2, 1926 (44 Stat. 788; U.S.C. 10:310 (r); sec. 2041, M. L., 1929).

(6) On the Advisory Air Coordination Committee.

(7) In dealing with any interdepartmental or superdepartmental agency that may be created in connection with aeronautical matters.

c. Chiefs of supply arms and services will report directly to and will correspond directly with the Assistant Secretary of War on all matters covered above.

2. *Delegated duties.* The following duties are delegated to the Assistant Secretary of War and are classified as follows:

a. Military.

(1) (*a*) Matters pertaining to the Militia Bureau and the National Guard.

(*b*) Matters pertaining to the Officers' Reserve Corps and the Organized Reserves.

(*c*) Clemency cases in mitigation or remission of sentence by courts-martial.

(2) Correspondence on the matters in (1) above will follow the usual military channels.

b. Nonmilitary. (1) (*a*) The sale or disposal of surplus supplies, equipment, plants, land, or other facilities.

(*b*) Claims, foreign or domestic, by or against the War Department, including those resulting from the operation of aircraft.

(*c*) The purchase and sale of real estate; the lease of real estate for the use of the War Department; the granting of leases or licenses to individuals, corporations, or organizations for the temporary use of land, buildings, or other property under War Department control; and easements or rights of way across military reservations, in accordance with approved policies.

(*d*) The activities relating to the National Board for the Promotion of Rifle Practice and to civilian marksmanship.

(*e*) Approval of expenditures from funds allotted, and of public vouchers for expenditures by the disbursing clerk of the War Department; approval of the program of expenditures by the National Board for the Promotion of Rifle Practice; routine expenditures from the appropriation "Contingencies of the Army"; and expenditures from "Contingencies, Military Information Division," for extraordinary expenses of military attachés and observers abroad.

(*f*) Matters relating to national military parks and national monuments.

(*g*) Matters relating to national cemeteries in the United States and abroad.

(*h*) Authorization of advertising.

(*i*) Regulations for burial expenses of deceased military personnel [AR 30–1830].

(*j*) The use of patent rights by the War Department and the Army.

(*k*) Bridge permits and extensions of time for completion of bridges.

(*l*) Disposition of engineer property pertaining to rivers and harbors.

(*m*) Permits for laying submarine cable.

(2) Correspondence on the matters in (1) above will be direct between the office of the Assistant Secretary of War and the agency or office concerned unless otherwise directed.

The foregoing provisions of this section were confirmed by paragraph 2d of Army Regulation 5–5, as reissued on April 2, 1945.

§ 801.107–4 *Orders, directives, regulations, and instructions relating to procurement policy, organization or procedure.* Under date of September 16, 1943, the Under Secretary of War addressed the following memorandum to the Commanding General, Army Air Forces and the Commanding General, Army Service Forces:

MEMORANDUM for: The Commanding General, Army Air Forces; The Commanding General, Army Service Forces.

1. Until otherwise directed, existing orders, directives, regulations and instructions with reference to procurement policy, organization or procedure, which have heretofore been issued by the Under Secretary of War, or by The Commanding General, Army Service Forces (formerly Services of Supply), or by higher authority, are applicable to the Army Air Forces as well as the Army Service Forces, unless otherwise specifically indicated.

2. Uniformity of policies and procedures in procurement and related matters will be accomplished in so far as practicable. To achieve this objective the following procedure is prescribed:

a. Prior to their issuance, important orders, directives, regulations or instructions affecting major policies on procurement or related matters will be presented to the Under Secretary of War for his approval.

b. All other orders, directives, regulations or instructions to carry out approved policies will be processed and issued by the Commanding General, Army Service Forces, without reference to the Under Secretary of War.

c. Orders, directives, regulations and instructions indicated in paragraphs a. and b. above will be issued by the Commanding General, Army Service Forces. They will be applicable to the Army Air Forces unless otherwise specifically indicated. Where so applicable, they shall, prior to their issuance, be cleared in each case with the Commanding General, Army Air Forces, through an Army Air Forces Liaison Officer designated by him. The Director, Purchases Division, Army Service Forces, will be responsible for referring such orders, directives, regulations and instructions to the Army Air Forces Liaison Officer for clearance. If the Army Air Forces disagree with the proposal in so far as it would be applicable to them, the matter will be submitted to the Under Secretary of War for decision.

d. The Commanding General, Army Service Forces, will furnish the Commanding General, Army Air Forces, with such number of copies of said orders, directives, regulations and instructions as the latter desires for redistribution to agencies under his jurisdiction.

3. This memorandum will supersede my communication dated 9 April 1942 to The Commanding General, Matériel Command, Army Air Forces and The Commanding General, Services of Supply, on the same subject. [The superseded memorandum was formerly set forth in this section].

ROBERT P. PATTERSON,
Under Secretary of War.

§ 801.107–5 *Delegations from the Under Secretary of War*—(a) *To the Commanding General, Army Service Forces.* Under date of September 15, 1942, the following memorandum was issued by the Under Secretary of War:

MEMORANDUM for the Commanding General, Services of Supply.

Subject: Delegation of Authority.

1. In confirmation of and supplementing the memorandum of the undersigned to the Commanding General, Services of Supply dated June 29, 1942 on the above subject, authority is hereby delegated to the Commanding General, Services of Supply, to act for the Secretary of War or the Under Secretary of War in clearing, approving, and taking other action in respect to contracts, change orders, supplemental agreements, advance payments, awards, letters of intent, letter contracts, letter purchase orders, leases, amendments of contracts, and other contractual instruments; to make, authorize and approve sales or contracts for the sale of equipment, supplies and material; to prescribe and modify regulations in respect of procurement; and to approve new War Department contract forms and deviations from approved forms of contracts, including all authority heretofore delegated to the undersigned by the Secretary of War pursuant to Public Law 354, 77th Congress and Executive Order 9001.

2. Without any limitation of the powers and authority hereinbefore granted, there is hereby vested in the Commanding General, Services of Supply, pursuant to and subject to the provisions of Title II of the First War Powers Act (Public Law 354, 77th Congress) and Executive Order 9001 the authority to take the following action:

a. He may enter into, amend or modify contracts, may make purchases, may place orders, and may make advance progress and other payments on such contracts, purchases and orders without regard to the provisions of law relating to the making, performance, amendment or modification of contracts.

b. The contracts hereby authorized to be made include agreements of all kinds (whether in the form of letters of intent, purchase orders, or otherwise) for all types and kinds of things and services necessary, appropriate or convenient for the prosecution of war, or for the invention, development, or production of, or research concerning any such things, including but not limited to, aircraft, buildings, vessels, arms, armament, equipment, or supplies of any kind, or any portion thereof, including plans, spare parts and equipment therefor, materials, supplies, facilities, utilities, machinery, machine tools, and any other equipment, without any restriction of any kind, either as to type, character, location or form.

c. Whenever, in the judgment of the Commanding General, Services of Supply (or of an officer or civilian employee of the War Department to whom authority has been delegated to exercise such powers), the prosecution of the war is thereby facilitated, he may amend or modify contracts heretofore or hereafter made for the purpose of (1) obtaining continued operations by contractors engaged in war production, (2) encouraging greater diligence on the part of contractors, (3) protecting contractors from the consequences of unforeseen or unexpected events, (4) adjusting contracts to new conditions and circumstances, including those created by the rules, orders, instructions and determinations of Government departments, or (5) for any other purposes for facilitating the prosecution of the war.

Such amendments and modifications of contracts may be without consideration, other than the determination that the prosecution of the war will thereby be facilitated, and may be utilized to accomplish the same things as any original contract could accomplish, irrespective of the time or circumstances of the making of or the form of the contract amended or modified, or of the amending or modifying contract, and irrespective of rights which may have accrued under the contract or the amendments or modifications thereof. The powers hereby delegated may be exercised by (1) supplemental agreements which modify or amend or settle claims by or against the United States arising under or with respect to any contracts heretofore or hereafter made; (2) agreements with contractors or obligors modifying or releasing accrued obligations of any sort, including accrued liquidated damages or liability under any surety or other bond; or (3) supplemental agreements and change orders suspending or modifying the operation of existing contracts as yet uncompleted, and providing for the payment by the Government of the damages incurred by a contractor by reason of such suspension or modification; *provided* in each instance that full performance by the contractor under such contract, or under a series of contracts between the United States and the same contractor for substantially the same goods, shall not have been completed and final payment made thereunder. The supplemental contracts hereby authorized to be made include agreements of all kinds for all types and kinds of things and services necessary, appropriate or convenient for the prosecution of the war, or for the invention, development or production of, or research concerning any such things.

d. He may waive bid, payment, performance or other bonds, and dispense with advertising for bids and competitive bidding.

3. Nothing herein shall affect the existing authority of the Commanding General, Services of Supply, as to matters relating to the Army Air Forces, the extent of which is set forth in the letter of April 9, 1942, from the Under Secretary of War to the Commanding General, Matériel Command, Army Air Forces, and to the Commanding General, Services of Supply, or any authority in respect of Army Air Force contracts and other contractual instruments, delegated to Colonel Albert J. Browning, A. U. S., by memoranda of the undersigned dated June 1, 1942, and September 15, 1942, nor shall anything herein contained be construed to limit or affect the power and authority of any commander in any theatre of operation.

4. The Commanding General, Services of Supply, or any person acting by delegation from him in the exercise of the powers hereby granted, shall have power to ratify and approve any contractual documents entered into or action taken by others, which he himself might have entered into or taken by virtue of the powers hereby granted.

5. The powers, authority and discretion hereby conferred upon the Commanding General, Services of Supply, or any portion or portions thereof, may be redelegated by him to whomsoever he may designate, including without limitation the Director, Purchases Division, Services of Supply, with the power of redelegating such powers, in whole or in part, to any officer or officers or civilian official or officials of the War Department. In any delegation of power or authority hereunder there may be included such terms and conditions, if any, as the person making such delegation may deem appropriate to ensure proper exercise of such power and authority in the interest of the United States and of the prosecution of the war.

ROBERT P. PATTERSON,
Under Secretary of War.

The memorandum of the Under Secretary of War, dated June 29, 1942, referred to in above memorandum reads as follows:

MEMORANDUM for the Commanding General, Services of Supply.

Subject: Delegation of Authority.

1. Authority is hereby delegated to the Commanding General, Services of Supply, to act for the Secretary of War or the Under Secretary of War in clearing, approving, and taking other action in respect to contracts, change orders, supplemental agreements, advance payments, awards, letters of intent, letter contracts, letter purchase orders, leases, amendments of contracts, and other contractual instruments; to approve sales of equipment, supplies and material; and to approve new War Department contract forms and deviations from approved forms of contracts, including all authority heretofore delegated to the undersigned by the Secretary of War pursuant to Public Law 354, 77th Congress and Executive Order No. 9001.

2. The Commanding General, Services of Supply, is authorized further to delegate the above powers or any portion thereof to whomsoever he may designate, with the power of redelegation.

3. The following memoranda are each hereby revoked; viz: (1) Memorandum for Mr. Albert J. Browning, dated March 13, 1942, delegating certain authority to the Chief of the Purchase Branch, Procurement and Distribution Division, Services of Supply, and (2) Memorandum for Colonel Albert J. Browning, A. U. S., dated June 2, 1942, delegating certain authority to him, as Chief of the Purchases Branch, Procurement and Distribution Division, Services of Supply. Nothing herein contained shall be construed as revoking the delegation of authority to Chiefs of Supply Services contained in Procurement Circular No. 91, dated December 29, 1941, and Procurement Circular No. 17, dated February 24, 1942, nor any delegation of authority heretofore made by the Commanding General, Services of Supply, or the Chief, Purchases Branch, Procurement and Distribution Division.

4. Nothing herein shall affect the existing authority of the Commanding General, Services of Supply, as to matters relating to the Army Air Forces, the extent of which is set forth in the letter of April 9, 1942, from the Under Secretary of War to the Commanding General, Matériel Command, Army Air Forces, and to the Commanding General, Services of Supply, or any authority in respect of Army Air Force contracts and other contractual instruments, delegated to Colonel Albert J. Browning, A. U. S., by memorandum of the undersigned, dated June 1, 1942.

ROBERT P. PATTERSON,
Under Secretary of War.

(b) *To the Chief of Staff.* Under date of January 11, 1943, the following memorandum was issued by the Under Secretary of War:

MEMORANDUM for The Chief of Staff:

1. There is hereby delegated to the Chief of Staff full power, in connection with operations subject to his direction and control, to exercise any of the authority and powers pursuant to Executive Order No. 9001 delegated to the undersigned by the Secretary of War by instrument dated December 30, 1941 [see paragraph (b) of this section] The Chief of Staff may, pursuant to Executive Order No. 9001, exercise such powers either personally or through such officer or officers or civilian officials of the War Department as he may direct and he may confer upon such officers or civilian officials the power to make further delegations of such powers within the War Department.

2. All action heretofore taken by the Chief of Staff or by the direction of the Chief of Staff, that would by this delegation be authorized, is hereby ratified and confirmed. There is hereby expressly conferred upon the Chief of Staff the power and authority to ratify and confirm any action heretofore taken by any person responsible directly or indirectly to the Chief of Staff that would by this delegation of authority be authorized.

Dated this 11th day of January, 1943.

ROBERT P. PATTERSON,
Under Secretary of War.

§ 801.107–6 *Delegations from the Commanding General, Services of Supply, to the Director, Purchases Division.* Under date of September 16, 1942, the following memorandum was issued by the Commanding General, Services of Supply:

MEMORANDUM for Director, Purchases Division.

Subject: Delegation of Authority.

In confirmation of and supplementing the memorandum of the undersigned, dated June 29, 1942, to the Chief, Purchases Branch, Procurement and Distribution Division, Services of Supply (now the Director, Purchases Division, Services of Supply), the authority delegated to the Commanding General, Services of Supply, by memorandum of the Under Secretary of War, dated September 15, 1942 to act for the Secretary of War or the Under Secretary of War in clearing, approving, and taking other action in respect to contracts, change orders, supplemental agreements, advance payments, awards, letters of intent, letter contracts, letter purchase orders, leases, amendments of contracts and other contractual instruments, to make, authorize and approve sales or contracts for the sale of equipment, supplies and material and to approve War Department contract forms and deviations from approved forms, including all authority heretofore delegated to the undersigned pursuant to Public Law 354, 77th Congress, and Executive Order 9001 (including without limitation all authority pursuant to Public Law 354 and Executive Order 9001 delegated to the undersigned by the Under Secretary of War by the memorandum dated September 15, 1942), is hereby delegated to the Director, Purchases Division, Services of Supply. The Director, Purchases Division, is authorized to delegate further the above powers, authority, and discretions or any portion thereof to any officer or officers, or civilian official or officials of the War Department he may designate, with the power of redelegation. In any delegation of power or authority hereunder there may be included such terms and conditions, if any, as the person making such delegation may deem appropriate to ensure proper exercise of such power and authority in the interest of the United States and of the prosecution of the War.

BREHON SOMERVELL,
Lieutenant General, Commanding.

The memorandum of the Commanding General dated June 29, 1942, referred to in the above memorandum reads as follows:

MEMORANDUM for Chief, Purchases Branch, Procurement and Distribution Division.

Subject: Delegation of Authority.

The authority delegated to the Commanding General, Services of Supply, by memorandum of the Under Secretary of War, dated June 29, 1942, to act for the Secretary of War or the Under Secretary of War in clearing, approving, and taking other action in respect to contracts, change orders, supplemental agreements, advance payments, awards, letters of intent, letter contracts, letter purchase orders, leases, amendments of contracts and other contractual instruments, to approve sales of equipment, supplies and material and to approve War Department contract forms and deviations from approved forms, including all authority heretofore delegated to the undersigned pursuant to Public Law 354, 77th Congress, and Executive Order 9001 (including without limitation all authority pursuant to Public Law 354 and Executive Order 9001 delegated to the undersigned by the Under Secretary of War by the memorandum dated September 15, 1942), is hereby delegated to the Director, Purchases Division, Services of Supply. The Director, Purchases Division, is authorized to delegate further the above powers or any portion thereof to any officer or officers, or civilian official or officials of the War Department he may designate, with the power of redelegation. In any delegation of power or authority hereunder there may be included such terms and conditions, if any, as the person making such delegation may deem appropriate to ensure proper exercise of such power and authority in the interest of the United States and of the prosecution of the War.

BREHON SOMERVELL,
Lieutenant General, Commanding.

§ 801.107–7 *Delegations from the Under Secretary of War to the Special Representative of the Under Secretary of War for the Army Air Forces.* Under date of September 15, 1942, the following memorandum was issued by the Under Secretary of War:

MEMORANDUM for Colonel Albert J. Browning, A. U. S., Special Representative of the Under Secretary of War.

Subject: Delegation of Authority.

1. In confirmation of and supplementing the memorandum of the undersigned to Colonel Albert J. Browning, A. U. S., dated June 1, 1942, on the above subject, authority is hereby delegated to Colonel Browning to act for the Secretary of War or the Under Secretary of War, in clearing, approving, and taking other action in respect to Army Air Force contracts, change orders, supplemental agreements, advance payments, awards, letters of intent, letter contracts, letter purchase orders, leases, amendments of contracts, and other contractual instruments; to make, authorize and approve sales or contracts for the sale of Army Air Force equipment, supplies and material; and to approve new War Department Army Air Force contract forms and

deviations from approved forms of contracts, including all authority with respect to Army Air Force contracts and agreements of all kinds heretofore delegated to the undersigned by the Secretary of War pursuant to Public Law 354, 77th Congress and Executive Order No. 9001. This memorandum, however, shall not affect the existing authority of the Commanding General, Services of Supply, as to matters relating to the Air Forces, the extent of which is set forth in the letter dated April 9, 1942 from the Under Secretary of War to the Commanding General, Matériel Command, Army Air Forces, and to the Commanding General, Services of Supply. Colonel Browning, and any person or persons designated by him as such, acting under the authority herein contained will act as "Special Representative of the Under Secretary of War."

2. Without any limitation of the powers and authority hereinbefore granted, there is hereby vested in Colonel Browning, pursuant to and subject to the provisions of Title II of the First War Powers Act (Public Law 354, 77th Congress) and Executive Order No. 9001 the authority to take the following action:

a. He may enter into, amend or modify contracts, may make purchases, may place orders, and may make advance progress and other payments on such contracts, purchases and orders without regard to the provisions of law relative to the making, performance, amendment, or modification of contracts.

b. The contracts hereby authorized to be made include agreements of all kinds (whether in the form of letters of intent, purchase orders, or otherwise) for all types and kinds of things and services necessary, appropriate or convenient for the prosecution of war, or for the invention, development, or production of, or research concerning any such things, including but not limited to, aircraft, buildings, vessels, arms, armament, equipment, or supplies of any kind, or any portion thereof, including plans, spare parts and equipment therefor, materials, supplies, facilities, utilities machinery, machine tools, and any other equipment, without any restriction of any kind, either as to type, character, location or form.

c. Whenever, in the judgment of Colonel Browning, (or of an officer or civilian employee of the War Department to whom authority has been delegated to exercise such powers), the prosecution of the war is thereby facilitated, he may amend or modify contracts heretofore or hereafter made for the purpose of (a) obtaining continued operations by contractors engaged in war production, (b) encouraging greater diligence on the part of contractors, (c) protecting contractors from the consequences of unforeseen or unexpected events, (d) adjusting contracts to new conditions and circumstances, including those created by the rules, orders, instructions and determinations of Government departments, or (e) for any other purposes for facilitating the prosecution of the war.

Such amendments and modifications of contracts may be made without consideration, other than the determination that the prosecution of the war will thereby be facilitated, and may be utilized to accomplish the same things as any original contract could accomplish, irrespective of the time or circumstances of the making of or the form of the contract amended or modified, or of the amending or modifying contract, and irrespective of rights which may have accrued under the contract or the amendments or modifications thereof. The powers hereby delegated may be exercised by (a) supplemental agreements which modify or amend or settle claims by or against the United States arising under or with respect to any contacts heretofore or hereafter made; (b) agreements with contractors or obligors modifying or releasing accrued obligations of any sort, including accrued liquidated damages or liability under any surety or other bond; or (c) supplemental agreements and change orders suspending or modifying the operation of existing contracts as yet uncompleted, and providing for the payment by the Government of the damages incurred by a contractor by reason of such suspension or modification; *Provided* in each instance that full performance by the contractor under such contract, or under a series of contracts between the United States and the same contractor for substantially the same goods, shall not have been completed and final payment made thereunder. The supplemental contracts hereby authorized to be made include agreements of all kinds for all types and kinds of things and services necessary, appropriate or convenient for the prosecution of the war, or for the invention, development or production of, or research concerning any such things.

d. He may waive bid, payment, performance, or other bonds, and dispense with advertising for bids and competitive bidding.

4. Colonel Browning, or any person acting by delegation from him in the exercise of the powers hereby granted, shall have power to ratify and approve any contractual documents entered into or action taken by others, which he himself might have entered into or taken by virtue of the powers hereby granted.

5. The powers, authority and discretion hereby conferred upon Colonel Browning, or any portion or portions thereof, may be redelegated by him to whomsoever he may designate, with the power of redelegating such powers, in whole or in part, to any officer or officers or civilian official or officials of the War Department. In any delegation of power or authority hereunder there may be included such terms and conditions, if any, as the person making such delegation may deem appropriate to ensure proper exercise of such power and authority in the interest of the United States and of the prosecution of the war.

ROBERT P. PATTERSON,
Under Secretary of War.

The memorandum of the Under Secretary of War, dated June 1, 1942, referred to in the above memorandum, reads as follows:

MEMORANDUM for Colonel Albert J. Browning, A. U. S.

Authority is hereby delegated to Colonel Albert J. Browning, A. U. S. to act for the Secretary of War and/or the Under Secretary of War in clearing, approving and taking other action in respect to Army Air Force contracts, change orders, supplemental agreements, advance payments, awards, letters of intent, letter contracts, letter purchase orders, leases, amendments of contracts and other contractual instruments; to approve sales of Army Air Force equipment, supplies and materials; and to approve new War Department Army Air Force contract forms and deviations from approved forms of Army Air Force contracts.

The foregoing authority, or any portion thereof, is likewise delegated to such person or persons as may be designated in writing by Colonel Albert J. Browning, A. U. S.

The individual acting under the foregoing authority will so act as "Special Representative of the Under Secretary of War."

The foregoing authority shall remain in full force and effect until revoked by this office.

By direction of the Secretary of War:

ROBERT P. PATTERSON,
Under Secretary of War.

§ 801.107–8 *Delegation of authority to Legal Assistant to Director of Matériel and to Chief, Legal Branch to approve contract forms.* Under date of November 12, 1943 the following memorandum was issued:

MEMORANDUM for Legal Assistant to the Director of Matériel and to the Chief, Legal Branch, Director of Matériel.

Subject: Delegation of Authority to Approve Contract Forms and Deviations from Approved Forms.

The authority delegated to the Director, Purchases Division, by the Commanding General, Services of Supply, dated September 15, 1942 and the authority delegated to me by the Under Secretary of War, dated September 15, 1942 (In respect of matters relating to the Army Air Forces) to act for the Secretary of War or the Under Secretary of War in approving War Department contract forms and deviations from approved forms is hereby further delegated to the Legal Assistant to the Director of Matériel, and to the Chief, Legal Branch, Director of Matériel, Army Service Forces, or either of them, and to any person who for the time being may be acting in either capacity.

ALBERT J. BROWNING,
Brigadier General, General Staff Corps,
Director, Purchases Division

§ 801.107–9 *Authority delegated by these procurement regulations.* These regulations to the extent, and only to the extent, that they actually confer authority upon the chiefs of the technical services and other officers or civilian officials of the War Department to exercise power to enter into contracts and into amendments or modifications of contracts heretofore or hereafter made and to make advance, progress and other payments thereon shall constitute a redelegation by the Commanding General, Army Service Forces of the authority delegated to him as set forth in § 801.107–5, and by the Special Representative of the Under Secretary of War of the authority delegated to him, as set forth in § 807.107–7. The authority granted as provided in the preceding sentence, of course, does not dispense with the necessity of obtaining any approval expressly specified in any paragraph of these procurement regulations. Authority conferred upon any of the chiefs of the technical services under any paragraph of these procurement regulations may be exercised by the chiefs of the technical services, respectively, by redelegation or otherwise, through such officer or officers or civilian official or officials of the War Department as may be designated by them or by any person authorized by them to make such designation, with such powers of delegation or successive redelegation as they may deem appropriate; subject, however, to any provisions in the particular section of this chapter.

(a) Forbidding the assignment or delegation of the authority mentioned in such section, or

(b) Imposing limitations upon the assignment, delegation or exercise of such authority.

The exercise prior to the date of these regulations of any such authority by any such officer or officers or civilian official or officials of the War Department is hereby ratified and confirmed in all respects.

§ 801.107–10 Since the regulations are generally declaratory of policy only, it will be necessary for the chief of each technical service to publish appropriate instructions on procedure.

§ 801.108 *Applicability of these procurement regulations.*

§ 801.108–1 *Preliminary definitions.* (a) The term "procurement activities", as used in § 801.108–2, includes all such activities except the acquisition and disposal of real estate so far as the latter are governed and regulated by AR 100–60, 100–61, 100–62 and 100–63. The term comprises, but is not necessarily limited to, the procurement of supplies, material and equipment and the procurement of construction work, including that on rivers and harbors.

(b) The term "Army agencies", as used in § 801.108–2, includes all personnel of the Army, except as indicated in § 801.108–6. In particular, it includes the agencies referred to in §§ 801.108–4 and 801.108–5.

(c) The term "appropriated funds", as used in § 801.108–2, comprises all such funds, including such funds allocated to, as distinguished from appropriated to, the War Department; but does not include organizational, unit or similar funds.

§ 801.108–2 These procurement regulations are applicable to all procurement activities carried on by Army agencies with appropriated funds. If a project involves both a procurement activity and acquisition or disposal of real estate governed and regulated by the Army Regulations referred to in § 801.108–1, these procurement regulations are applicable so far as the procurement activity is concerned and are inapplicable so far as the acquisition or disposal of real estate is concerned.

§ 801.108–3 *Technical services and supply services.* Pursuant to Circular No. 30, Headquarters Army Service Forces, 15 May 1943, the designation of "supply services" is changed to "technical services". This change is being made in the procurement regulations as occasion arises to reprint pages for other reasons. In the meantime, the term "supply services" should be read as "technical services".

§ 801.108–4 *Army Air Forces.* (a) The regulations have been issued with the approval of the Army Air Forces, and shall, unless otherwise specifically indicated, apply to the Army Air Forces.

(b) Whenever used herein, unless otherwise specifically indicated, the term "technical services" shall be deemed to include the Army Air Forces, and the term "chiefs of the technical services" shall be deemed to include the Commanding General, Army Air Forces. Likewise, the terms "Director, Purchases Division, Headquarters, Army Service Forces" and "Director, Readjustment Division, Headquarters, Army Service Forces", when used in connection with action to be taken in respect of the Army Air Forces, shall, unless otherwise specifically indicated, be deemed to refer to the Special Representative of the Under Secretary of War designated for that purpose.

(c) Except as specifically otherwise provided, all communications to the Army Air Forces or to the Commanding General, Army Air Forces, relating to procurement, should be addressed to the attention of the Procurement Division, Assistant Chief of Air Staff, Matériel and Services.

§ 801.108–5 *Service commands.* These regulations are applicable to the procurement activities of the service commands. Where procurement is accomplished by a service command at the direction of the chief of a technical service or his duly authorized representative, the directions will contain references to the applicable sections of the procurement regulations and will also contain supplementary instructions where appropriate. In such a case, for the purposes of these regulations, the procurement shall be regarded as procurement by the technical service concerned and the contract will be regarded as a contract of that technical service. In all other cases, except as provided in § 803.318c–2, the service command accomplishing the procurement shall act independently of any technical service and the term "technical service" and the term "service", as used in these regulations, shall be deemed to refer to the service commands and the term "chiefs of technical services" and "chiefs of services" shall be deemed to refer to the Commanding Generals of the service commands. In connection with this section see § 801.108–3.

§ 801.108–6 *Procurement, contracting, termination and renegotiation authority of commanding officers outside continental United States.* (a) In general, each commanding officer in charge of United States armed forces outside the continental United States and its territories and possessions, including Alaska, who is responsible direct to the War Department, in connection with the procurement of supplies and facilities which he may deem necessary or appropriate to facilitate the prosecution of the war and to accomplish the mission confided in him or to protect the health, safety and welfare of the forces under his command, may disregard the provisions of the procurement regulations, Army Regulations and other regulations, circulars, or instructions, and any provisions or restrictions of the laws of the United States which may be applicable within the United States or any territory or possession thereof. This matter is more fully treated in section I of Circular No. 330, War Department, 1944, as amended by section IV, Circular No. 53, War Department, 1945.

(b) Likewise, in general, commanding officers in charge of United States armed forces outside the continental United States but within the territories or possessions of the United States, including Alaska, who is responsible direct to the War Department, in connection with the procurement of supplies and facilities which he may deem necessary or appropriate to facilitate the prosecution of the war and to accomplish the mission confided in him, or to protect the health, safety and welfare of the forces under his command, may disregard the provisions of the procurement regulations, Army Regulations or other War Department regulations, restrictions, circulars or instructions, and if he finds that to do so would facilitate the prosecution of the war, may disregard any provisions of law relating to procurement: *Provided, however,* That he is not authorized to disregard any of the provisions of (1) Title II of the First War Powers Act, 1941, (2) the restrictive provisions contained in Executive Order No. 9001 or (3) except where express authority to take such action is given in a particular case, any law approved after 18 December 1941. This matter is more fully set forth in section II of Circular No. 330, War Department, 1944, as amended by section IV, Circular No. 53, War Department, 1945.

(c) Each commanding officer referred to in paragraph (a) or (b) above is authorized to exercise, within the limit of his command, subject to any applicable regulations or instructions of the Director of Contract Settlement, or of the War Department, any authority and discretion granted to the War Department under the Contract Settlement Act of 1944. The chiefs of the several technical services, subject to any such applicable regulations or instructions, are also authorized by Subchapter C, to exercise with respect to any contracts or class of contracts being administered under their direction, and made or performed outside of the continental limits of the United States or in Alaska, any such authority and discretion granted by that Act. The procedures applicable to the termination of contracts set out in Subchapter C are not applicable outside the continental United States or in Alaska, but may furnish useful suggestions as to procedures appropriately to be followed in such areas. This matter is more fully treated in section III of Circular No. 330, War Department, 1944.

(d) Authority and discretion under the Renegotiation Act of 1943 and under the Renegotiation Act of 1942 have been delegated to each commanding officer in charge of United States armed forces in Alaska or outside the continental United States, who is responsible direct to the War Department, as more fully set forth in section IV, Circular No. 330, War Department, 1944.

§ 801.108–7 *Procurement within the United States for armed forces abroad.* It is to be noted that the provisions of Circular No. 330, War Department, 1944, referred to in § 801.108–6 have no application to procurement within the United States for armed forces abroad.

SUBPART D—MISCELLANEOUS PROHIBITIONS

§ 801.109 *Prohibition against voluntary service.*

§ 801.109–1 No department or officer of the Government may accept voluntary service for the Government except in cases of sudden emergency involving the loss of human life or the destruction of property, or when a written statement is obtained that the service rendered will not be made the basis of a future claim against the Government for compensation.

§ 801.110 *Prohibition against use of troop labor.*

§ 801.110–1 Except in cases of manifest necessity or when authorized by the Secretary of War, the labor of troops will

not be used to enable the contractors to fulfill contracts.

§ 801.110–2 Whenever troop labor has been used:

(a) Authority therefore will be given in writing.

(b) A report enumerating in detail the service rendered will be forwarded to the Commanding General, Army Service Forces, Attention of Industrial Personnel Division.

(c) Full deduction will be made for the value of the service rendered.

§ 801.111 *Conflicts between outside interests of officers or civilian employees and their official duties.*

§ 801.111–1 *Basic statute.* Section 41 of the United States Criminal Code (18 U.S.C. 93) provides as follows:

No officer or agent of any corporation, joint-stock company, or association, and no member or agent of any firm, or person directly or indirectly interested in the pecuniary profits or contracts of such corporation, joint-stock company, association, or firm, shall be employed or shall act as an officer or agent of the United States for the transaction of business with such corporation, joint-stock company, association, or firm. Whoever shall violate the provisions of this section shall be fined not more than $2,000 and imprisoned not more than two years.

§ 801.111–2 *Construction of basic statute.* The general language of section 41 of the United States Criminal Code has been the subject of interpretation from time to time by The Judge Advocate General and by the Attorney General. The Judge Advocate General has been careful to point out that the question of construction presented "involves the construction and application of criminal statutes concerning which the Federal courts alone can speak with final authority." However, the substance of certain of those opinions is set forth as an aid in the construction of the statute:

(a) In Vol. 40, Op. No. 42, March 31, 1942, the Attorney General rendered an opinion concerning the use of a certain Army officer as a Liaison officer between a corporation and the War Department. It appeared that the officer was also an officer and stockholder in the corporation. In holding that the basic statute would be violated if the officer acted in that capacity, the Attorney General stated in part:

No man can serve two masters. The statute in question is clearly grounded on this assumption. Its manifest purpose is such that any attempt to reconcile it with the proposed employment runs into difficulties. Some of these difficulties are pointed out by The Judge Advocate General of the Army in his opinion on the question. Others are equally apparent.

No matter how high are the motives of the Army Officer who advises, he is likely as a realistic matter to be consciously or unconsciously influenced by the fact that his actions may benefit the corporation of which he is an officer and a stockholder. To a degree his salary as an officer of the corporation would be affected by whether his advice leads the War Department to enter into a procurement contract with his company. To a larger degree his share in the earnings of the corporation as a stockholder would be affected by his advice.

(b) In two recent opinions (SPJGA 210.4 and SPJGA 250.7) rendered respectively on May 22, 1942 and March 28, 1942 The Judge Advocate General concluded that a person holding stock in a corporation may be a "person directly or indirectly interested in the pecuniary costs or contracts of such corporation," within the meaning of the statute. It is to be emphasized, however, that these two opinions relate solely to that issue and do not constitute opinions on what constitutes the "transaction of business" with the corporation within the meaning of the statute. The construction of these words, as contained in the statute, was the subject of an opinion discussed in paragraph (c) below.

(c) Under date of December 3, 1942 (SPJGA 1942/5702) the opinion of The Judge Advocate General was requested with respect to the employment of a person as head of an agency which would have complete charge of all phases of production of certain items which were purchased by the War and Navy Departments. The prospective head of the agency had been for some years an officer of a corporation which was one of the largest producers of the items with which the agency would be concerned, but at the time of the opinion was on leave of absence without pay. It appeared, however, that under a retirement system established by the corporation he would, if he lived to a specified age, become entitled to certain annual payments. It further appeared that there was an understanding that if the agency were called upon to transact business with the corporation in question, such transactions would be conducted by other officers or employees of the agency and that if questions were presented not capable of final decision by such other officers or employees, such questions would be referred to higher authority for decision. However, it also appeared that the head of the agency would be called upon to determine questions of general policy which would affect the corporation of which he was formerly an officer along with other producers. The Judge Advocate General concluded that section 41 of the Criminal Code would not be violated by the employment of such an individual as head of the agency.

(d) In an opinion (JAG 231.27) dated February 3, 1923, the Acting Judge Advocate General throws further light on what constitutes transacting business within the meaning of section 41 of the Criminal Code. He had been requested to review the law in relation to the interest of the agents or officers of the United States in contracts with the United States with a view to the submission of proposed amendments thereto so as to permit the utilization of leading men in industry in an advisory capacity in connection with the planning and supervision of the procurement of war necessities. The opinion in part reads as follows:

The statute is to be strictly construed and criminality attaches only when an individual, being an officer, or member of a business concern or directly or indirectly interested in the profits of the concern is employed or acts as agent of the United States for the transaction of business with that concern. The Act contemplates the actual transaction of business. The negotiation of a tentative contract by an agent of the Government with a business concern in which that agent is an officer, member, or in which he is interested, although not binding upon either party until executed, in accordance with statutory authority and an appropriation sufficient for the fulfillment thereof, would probably be considered a violation of the statute if the performance of the contract was thereafter entered upon. For this reason, in the preparation of procurement plans, no person should be permitted to have a part as agent for the United States in the negotiation of tentative contracts with a concern of which he is an officer, agent or member, or in which he is pecuniarily interested. * * * It is considered that acting in a solely advisory capacity without actual participation in the negotiation or awarding of a contract or directing the awarding of a contract would not be a violation of Section 41 of the Federal Criminal Code.

§ 801.111–3 *Regulations supplementary to basic statute.* The following regulations supplementary to the statute set forth in § 801.111–1 are prescribed:

(a) No officer or employee of the War Department may act as an agent of the United States in advising, recommending, making or approving the purchase of supplies or other property, or in contracting therefor, if he would be admitted to share or receive directly or indirectly any pecuniary profit or benefit from such purchase or contract.

(b) No officer or civilian employee of the War Department shall be in direct charge of the negotiation of, or exercise authority for the final approval of, any contract with any corporation, joint-stock company, association or firm, if at any time during the period subsequent to December 7, 1936, such officer or civilian employee was employed by or engaged in a course of substantial non-Governmental business dealings with such corporation, joint-stock company, association or firm.

The Under Secretary of War is authorized to make exceptions to the regulation contained in paragraph (b) above. In particularly meritorious cases where because of the unusual training, experience or other qualifications of the officer or employee, the chief of a technical service finds that the application of the regulations contained in such paragraph would be a serious obstacle to the service in performing its mission, a request for an exemption may be forwarded to the Director, Purchases Division, Headquarters, Army Service Forces. Such requests shall be held to a minimum and when made shall be accompanied by a full statement of the circumstances which are believed to make such exemption necessary. No exemption may be made from the provisions of the statute referred to in § 801.111–1 or from paragraph (a) of this section.

SUBPART E—PROPOSALS FOR LEGISLATIVE ACTION AND FOR EXECUTIVE ORDERS AFFECTING PROCUREMENT

§ 801.113 *General.* By Circular No. 59, War Department, 1942, the Legislative and Liaison Division, War Department, is charged with supervising the preparation of legislation requested by the War Department, with preparing reports to Committees of Congress and with the maintenance of liaison necessary thereto. Said Circular No. 59 further provides that the preparation of reports on legislation affecting the Army Ground Forces, the Army Air Forces or the Army Service Forces may be assigned to the command concerned.

§ 801.114 *Legislation includes Executive orders.* The terms "legislation" and "legislative", as hereinafter used in this subpart refer to action taken or to be taken by Congress, other than the enactment of strictly appropriation items, and to all Executive orders.

§ 801.115 *Legislative Division, Office of the Under Secretary of War.* With the approval and by the authority of the Under Secretary of War, the Legislative Division Office of the Under Secretary of War, is designated as the agency charged with the coordination within that Office, the Army Service Forces and the Army Air Forces, of all legislative matters affecting procurement or related functions.

§ 801.116 *Proposals for legislative action affecting procurement.*

§ 801.116–1 Except as specifically otherwise provided in § 801.116–2, all proposals for legislative action affecting procurement or related functions, originating from any source whatsoever, will be referred to the Legislative Division, Office of the Under Secretary of War, for coordination.

§ 801.116–2 All such proposals, other than proposals for Executive orders, originating from sources outside the Office of the Under Secretary of War, the Army Service Forces or the Army Air Forces, will be referred to the Legal Branch, Purchases Division, Headquarters, Army Service Forces. The Legislative Section of that Branch will promptly review such proposals to determine which are of sufficient importance to the Office of the Under Secretary of War, the Army Service Forces, Army Air Forces, or any of them to warrant further consideration. Such of the proposals as warrant such consideration will be referred directly to the Legislative Division, Office of the Under Secretary of War, for coordination.

§ 801.117 *Action of Legislative Division.* The Legislative Division, Office of the Under Secretary of War, will, with respect to such proposals originating within the Office of the Under Secretary of War, the Army Service Forces, or the Army Air Forces:

(a) Take all necessary action to secure the views of those individuals and elements within the Office of the Under Secretary of War, the Army Service Forces and the Army Air Forces, whose responsibilities would be affected by such legislative action.

(b) Refer any questions regarding the form of the proposed legislative action to the Legal Branch, Purchases Division, Headquarters, Army Service Forces, for consideration and report.

(c) Make all necessary arrangements for proper coordination with other Government departments and agencies whose functions would be affected.

(d) If it is determined by proper authority to initiate such legislative action, coordinate the matter with the Legislative and Liaison Division, War Department.

(e) Take any other necessary or appropriate action in connection therewith.

With respect to such proposal originating from sources outside the Office of the Under Secretary of War, the Army Service Forces or the Army Air Forces, Legislative Division, Office of the Under Secretary of War will, upon receipt of such proposals, take the action described in paragraphs (a), (c) and (e) above.

§ 801.118 *Congressional hearings.* Arrangements for appropriate representation from the Office of the Under Secretary of War, the Army Service Forces and the Army Air Forces, at Congressional hearings on legislative proposals affecting procurement or related functions will be made through the Legislative Division, Office of the Under Secretary of War.

§ 801.119 *Reports on legislative proposals.* All requests from official sources, within or without the War Department, for reports on legislative proposals affecting procurement or related functions will, upon receipt by the Office of the Under Secretary of War, the Army Service Forces or the Army Air Forces, be referred to the Legislative Division, Office of the Under Secretary of War, which will secure reports from the appropriate sources within the aforesaid elements of the War Department and will forward such reports, after approval thereof by proper authority, through established channels to the sources of the requests.

[Procurement Reg. 2]

PART 802—GENERAL PURCHASE POLICIES

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SUBPART A—GENERAL

§ 802.201 *Rescission of regulations.* Army Regulations 5–140, May 22, 1940, as amended; Army Regulations 5–160, October 24, 1941, as amended; Army Regulations 5–240, February 11, 1936, as amended; and all other prior directives and instructions of whatsoever nature relating to negotiated purchases, open market purchases, procurement without advertising, and other purchasing methods are hereby rescinded.

§ 802.202 *Compliance with this part.* Unless otherwise specifically provided, compliance with any provision of this part or of any amendment thereto which requires a change in contract procedure or in any contract provision shall not be mandatory until thirty days after the issuance of such regulation or amendment.

§ 802.203 *Definitions.*

§ 802.203–1 The term "negotiation" as used in these procurement regulations includes any method of contracting or purchasing, except the formal

advertising and sealed bid procedure prescribed by section 3709, Revised Statutes.

§ 802.203–2 The term "negotiated purchases" includes all purchases made by negotiation as so defined. (See § 802.241).

§ 802.204 *Contracting authority.*

§ 802.204–1 *Basis.* War Department contracting and purchasing are now based primarily on the authority contained in the act of December 18, 1941 (Public No. 354, 77th Congress) referred to as the First War Powers Act, 1941, and Executive Order No. 9001, December 27, 1941. The earlier authority contained in sections 1 (a) and (b) of the act of July 2, 1940 (Public No. 703, 76th Congress) has also been extended, however, by section 9 of the act of June 30, 1941 (Public No. 139, 77th Congress) and by section 13 of the act of June 5, 1942 (Public No. 580, 77th Congress). (See § 802.240).

§ 802.204–2 *First War Powers Act.* Title II of the First War Powers Act, 1941, reads as follows:

SEC. 201. The President may authorize any department or agency of the Government exercising functions in connection with the prosecution of the war effort, in accordance with regulations prescribed by the President for the protection of the interests of the Government, to enter into contracts and into amendments or modifications of contracts heretofore or hereafter made and to make advance, progress and other payments thereon, without regard to the provisions of law relating to the making, performance, amendment, or modification of contracts whenever he deems such action would facilitate the prosecution of the war: *Provided*, That nothing herein shall be construed to authorize the use of the cost-plus-a-percentage-of-cost system of contracting: *Provided further*, That nothing herein shall be construed to authorize any contracts in violation of existing law relating to limitation of profits: *Provided further*, That all acts under the authority of this section shall be made a matter of public record under regulations prescribed by the President and when deemed by him not to be incompatible with the public interest.

§ 802.204–3 *Authority conferred.* Title I of Executive Order No. 9001 confers authority on the War Department under The First War Powers Act, 1941, as follows:

(a) Section 1 of the Executive order authorizes the Secretary of War "within the limits of the amounts appropriated therefor, to enter into contracts and into amendments or modifications of contracts heretofore or hereafter made, and to make advance, progress, and other payments thereon, without regard to the provisions of law relating to the making, performance, amendment, or modification of contracts" and to delegate these powers with authority to redelegate them. With respect to such delegations, see § 801.107 and following of this chapter, and especially § 801.107–9.

(b) "The contracts hereby authorized to be made include agreements of all kinds (whether in the form of letters of intent, purchase orders, or otherwise) for all types and kinds of things and services necessary, appropriate or convenient for the prosecution of war, or for the invention, development, or production of, or research concerning any such things, including but not limited to, aircraft, buildings, vessels, arms, armament, equipment, or supplies of any kind, or any portion thereof, including plans, spare parts and equipment therefor, materials, supplies, facilities, utilities, machinery, machine tools, and any other equipment, without any restriction of any kind, either as to type, character, location or form."

(c) "The War Department, the Navy Department, and the United States Maritime Commission may by agreement modify or amend or settle claims under contracts heretofore or hereafter made, may make advance, progress and other payments upon such contracts of any percentum of the contract price, and may enter into agreements with contractors and/or obligors, modifying or releasing accrued obligations of any sort, including accrued liquidated damages or liability under surety or other bonds, whenever, in the judgment of the War Department, the Navy Department, or the United States Maritime Commission respectively the prosecution of the war is thereby facilitated. Amendments and modifications of contracts may be with or without consideration and may be utilized to accomplish the same things as any original contract could have accomplished hereunder, irrespective of the time or circumstances of the making of or the form of the contract amended or modified, or of the amending or modifying contract, and irrespective of rights which may have accrued under the contract, or the amendments or modifications thereof."

(d) "Advertising, competitive bidding and bid, payment, performance, or other bonds or other forms of security, need not be required." (See Part 804 of this chapter.)

§ 802.204–4 *Restrictions on powers.* Title II of Executive Order No. 9001, 3 CFR Cum. Supp., prescribes the following regulations for the exercise of the authority thereby conferred.

(a) "Complete data shall be maintained by the War Department, the Navy Department, and the United States Maritime Commission as to all contracts and purchases which they respectively make pursuant to the act and this Executive order. The Secretary of War, the Secretary of the Navy, and the Chairman of the United States Maritime Commission shall make available for public inspection, as they may respectively deem compatible with the public interest, so much of such data as does not cover restricted, confidential, or secret contracts or purchases." (As amended by E.O. 9296, January 30, 1943, 3 CFR 1943 Supp. See Subpart I of this part.)

(b) Notwithstanding anything in the act or Executive order, the War Department, the Navy Department, and the United States Maritime Commission shall not discriminate in any act performed thereunder against any person on the ground of race, creed, color or national origin, and all contracts shall be deemed to incorporate by reference a provision that the contractor and any subcontractors thereunder shall not so discriminate. (See § 803.325.)

(c) No claim against the United States arising under any purchase or contract made under the authority of the Act shall be assigned except in accordance with the Assignment of Claims Act, 1940 (Public No. 811, 76th Congress, approved October 9, 1940). (See §§ 803.390 to 803.390–7.)

(d) Advance payments shall be made hereunder only after careful scrutiny to determine that such payments will promote the national interest and under such regulations to that end as the Secretary of War, the Secretary of the Navy, or the United States Maritime Commission may prescribe. (See §§ 803.321 to 803.321–4.)

(e) Every contract entered into pursuant to the act and Executive order must contain the warranty by the contractor against payment of commissions and contingent fees set out in § 803.323 (see § 811.1181).

(f) The cost-plus-a-percentage-of-cost system of contracting shall not be used.

(g) Provisions of law limiting profits under contracts or fixed-fees continue in effect and in no case shall the fixed fee under a cost-plus-a-fixed-fee contract exceed 7% of the estimated cost exclusive of the fee.

(h) No contract or modification or amendment thereof shall be exempt from the provisions of the Walsh-Healey Act (49 Stat. 2036) because of being entered into without advertising or competitive bidding, and the provisions of that act, the Davis-Bacon Act, as amended (49 Stat. 1011), the Copeland Act, as amended (48 Stat. 948) and the Eight Hour Law, as amended by the act of September 9, 1940 (Public No. 781, 76th Congress) if otherwise applicable apply to contracts made and performed under the authority of the act and Executive order. (See Part 809 of this chapter.)

§ 802.204–5 *Extent of authority.* By an opinion dated August 29, 1942, the Attorney General of the United States has construed the power conferred by the First War Powers Act, 1941, and Executive Order No. 9001. This opinion ruled that a proposed delegation of authority from the Under Secretary of War to the Commanding General, Army Service Forces, substantially similar to the delegation contained in § 801.107–5 was within the authority of the act and Executive order.

§ 802.205 *Purpose of regulations.* In conferring the powers under the First War Powers Act, Executive Order No. 9001 directed the war agencies to work with the War Production Board "to bring about the conversion of manufacturing industries to war production, including the surveying of the war potential of industries, plant by plant; the spreading of war orders; the conversion of facilities; the assurance of efficient and speedy production; the development and use of subcontracting to the fullest extent and conservation of strategic materials." The policies and procedures designed to carry out these procurement objectives are stated in this and the following regulations. This regulation discusses the basic principles underlying the policies and methods elaborated in the subsequent regulations, and the relation of these various policies to the procurement program as a whole.

SUBPART B—CONTRACT PLACEMENT

§ 802.220 *Scope of subpart.*

§ 802.220–1 Attainment of the essential procurement objectives with the minimum disruption of the nation's economic system, and effective use of available labor, materials and facilities, depend to a large extent on sound contract placement. This subpart states the policies to be followed and the factors to be considered in placing contracts, in selecting contractors, in scheduling deliveries and in revising delivery schedules.

§ 802.220–2 *Related regulations.* Further policies governing placement of contracts for plant facilities expansion are treated in Part 810 of this chapter. Policies governing purchasing through other services and other departments are discussed in Part 806 of this chapter, and foreign purchases are treated in Part 805. Policies governing cutbacks and curtailment of production are stated in Subchapter C of this chapter.

§ 802.221 *Purchase of used or second-hand materials.*

§ 802.221–1 *Policy.* In view of the prevalent shortages of raw materials, manufacturing facilities and labor, second-hand or used articles will be procured instead of new articles whenever (a) they are suitable in quality and design for the particular purpose involved, and (b) they can be obtained at reasonable cost with reasonable effort at the time required, unless any agency allocating such articles (such as the Machine Tool Section of the Production Division) orders otherwise.

§ 802.221–2 *Execution.* The chief of each technical service will make adequate provision to insure that all procurement officers and agencies under his direction comply with the policy stated in § 802.221–2, and will place responsibility upon a designated member of his staff for requiring compliance with that policy to the greatest extent practicable.

§ 802.221–3 *Obstacles.* Whenever a statute, order or regulation prevents the effective procurement of suitable used articles or other articles already available instead of new articles, the chief of the technical service concerned will notify the Director, Purchases Division, Headquarters, Army Service Forces, of this fact so that appropriate action may be taken pursuant to the First War Powers Act, 1941, and Executive Order 9001, or otherwise, to remove any obstruction to such procurement.

§ 802.221–4 *Purchases from disposal agencies.* (See §§ 806.613 to 806.613–8.)

§ 802.222 *Time for placing contracts and scheduling deliveries.*

§ 802.222–1 *General policies.* (a) At an earlier stage in the war program, procuring agencies were encouraged to place contracts at the earliest possible time and to require contractors to commence production or to place subcontracts immediately. That policy was desirable as long as Army procurement was directed primarily to the task of providing the initial equipment for the rapidly expanding requirements of the Army and of the United Nations. However, that phase of procurement is now approaching completion. Except for comparatively few items, procurement for the future is designed to meet estimated replacements and operational requirements. The paramount and governing policy is still to place contracts sufficiently in advance of the actual need for the supplies to assure that deliveries will be made on time and in the proper quantities. Subject to this guiding principle, conditions now make it advisable that in the placement of contracts consideration also be given (1) to restricting contract commitments to the practicable minimum both as to time and quantity, and (2) to the use of contract forms which will provide for the maximum flexibility in production rates while at the same time assuring the availability of the production facilities needed to produce all known requirements. This change of emphasis is essential if useless surpluses and costly cancellation and termination charges are to be avoided.

(b) The scheduling of deliveries to correspond more closely with actual requirements is likewise essential in the present stage of the war program. Close scheduling tends to prevent the building up of surpluses and to diminish termination claims. It is also vital to the most efficient use of available industrial capacity. If manufacturers are required to produce and deliver items long before they will actually be needed, they may be forced to increase the number of their employees abnormally or be unable to produce other items which will be needed sooner, and scarce materials may be tied up in inventory not currently needed. Thus the failure to schedule deliveries properly tends to disrupt the Army supply program and prevents industrial capacity from being used in the production of items as they are needed. Accordingly future contracts will be scheduled so that supplies will be delivered to synchronize with actual requirements, unless in a particular case efficient production requires otherwise. Existing contracts will also be reviewed with a view to rescheduling deliveries on the same basis.

§ 802.222–2 *Suggested methods for minimizing contract commitments or increasing flexibility of production rates.* In succeeding sections, certain contract procedures are outlined by which in particular cases flexibility of production rates of may be attained or contract commitments reduced in time and amount. These procedures are suggestive only; they are not all-inclusive. It is recognized that variations of these procedures and the adoption of wholly different procedures may be required in many cases. It is emphasized, however, that it is a condition to the effective use of any such procedures that procuring agencies know, well in advance, the total procurement program with which they are charged; appraise the availability of production facilities in relation to that program; and understand the production problems of their contractors.

§ 802.222–3 *Avoiding excessive "lead time"—(a) Withholding contract placement.* Where it is known that production facilities will be available and adequate for a given period, it will often be possible and prudent to withhold the placement of contracts (or of some portion of the total contracts to be placed) until shortly before the start of the actual "lead time" which is required for the particular procurement.

(b) *Controlling rate of performance.* In other instances, where it is necessary to obtain more definite assurance of the availability of production facilities, it will be feasible to place contracts well in advance of the actually required "lead time," but to provide expressly, by contract, that acquisition of materials, placement of subcontracts, or manufacture shall not commence until an agreed date, or shall proceed at a rate of speed not in excess of an agreed rate.

§ 802.222–4 *Short term contracts.* For a variety of reasons, some of which were related only to administrative convenience, procuring agencies have in the past tended to enter upon long term commitments covering all the supplies believed to be needed over a lengthy period of time. Long term commitments may be necessary where, for example, the supplies to be procured are distinctively war items and involve long range development. Long term commitments, however, are often not essential where the supplies to be procured are standard commercial items, especially if any excess production, not absorbed by the Army, is needed or may readily be absorbed by the civilian economy. In such cases commitments may well be short term and for relatively small amounts. Besides reducing outstanding commitments, this procedure will tend to bring about lower prices because allowances for contingencies are reduced when the contract period is short. It will also tend to effect savings when engineering changes are ordered.

§ 802.222–5 *Short term commitments with options of renewal.* In some cases it will be found advisable to enter into a short term initial commitment with an option or a number of successive options in the Government to extend or renew the commitment, exercisable by giving notice an agreed period of time in advance of completion of the initial commitment, sufficient for the contractor to procure the necessary materials to assure continuity of production if the option is exercised by the Government. Prices for option periods extending over any long period of time should not be made final at the time the original commitment is made. The techniques of price redetermination and price revision (see Part 812, Subparts B, C, and D, of this chapter) should be availed of where possible.

§ 802.222–6 *Cancelling future deliveries by advance notice.* Particularly in the procurement of standard commercial items, it will often be possible without hardship on contractors to provide that the Government may cancel future deliveries without liability, upon giving

notice to the contractor an agreed period of time in advance. This period of advance notice should be fixed with due regard to the contractor's problems in scheduling raw materials and component parts and avoiding excessive inventories at the effective date of cancellation. Experience has shown that many contractors will readily acquiesce in this procedure and will not claim increased prices to compensate for the contingency of cancellation. However, in some cases where the procedure here described is availed of, it may be proper to provide for a sliding scale of prices with higher prices for early than for later deliveries, in order that starting load costs may be covered if future deliveries are cancelled. As an alternative, it may be advisable to provide that prices for all or for the later deliveries shall be subject to an appropriate type of price redetermination or price revision. The contract should provide that in case the contract is cancelled for the convenience of the Government without the agreed advance notice, settlement will be made under the uniform termination article (§ 803.324 (g)) as though the contract called only for the deliveries scheduled up to the date upon which the agreed period of notice would have expired.

§ 802.222–7 *Use of "Letter of Commitment" for controlled materials or critical components.* (a) Especially in the procurement of items other than standard commercial items, the tendency to make a long term commitment has frequently been based upon the fact that the contractor must have a binding contract well in advance in order to place his orders for CMP materials, or for critical components which require a long period of manufacture. In many of these cases the time required by the prime contractor to manufacture the end item, after the CMP materials or critical components have been delivered, is relatively short, and there would be no occasion for a long term commitment were it not for the time required for the procurement of the controlled materials or the critical components. Under such circumstances it is proper to make an early commitment with a prime contractor which will empower him to purchase the controlled materials or to acquire the critical components, but to withhold placing the contract for the end item until shortly before the "lead time" actually required for the production of the end item. This plan is considered particularly effective where a surplus of facilities exists and competition is present.

(b) A form of "Letter of Commitment (Raw Materials Under CMP)" has been published as a standard form (§ 813.1328). Under this form the contractor is authorized to purchase controlled materials. The Government does not commit itself to place a production contract for the end item with the contractor who received the letter of commitment. If the letter of commitment is terminated, or a production contract is not placed with the contractor who has received the letter of commitment, the contractor is assured reimbursement of his costs upon transfer of the materials to the Government or its designee (who may be another contractor to whom a production contract is awarded). To the extent that a production contract is awarded to the contractor requiring the use of the controlled materials, the Government's obligation under the letter of commitment is correspondingly reduced.

(c) The form of letter of commitment may be accommodated by proper amendments to cases where it is desired that critical components be acquired, or critical components plus controlled materials.

(d) The form of letter of commitment here discussed is not to be considered a letter of intent or letter order within the meaning of §§ 803.303a and 803.303a–1 which deal with temporary or preliminary contract instruments (see §§ 813.1307, 813.1308, 813.1309, 813.1310) calling upon the contractor to commence production of an item, rather than merely to acquire raw materials or critical components. While the use of letters of intent or letter orders of the former type is discouraged, and the technical services are urged to supersede such instruments by definitive contacts at the earliest feasible time, the letter of commitment will be used wherever feasible in accordance with the foregoing provisions of this section, and it will not be supplanted by definitive production contracts until shortly before the commencement of the required "lead time" for production. The form of letter of commitment published at § 813.1328 includes no provision for the allowance of a profit in case of termination. Provision for a profit in such contingency may, however, be included with the prior approval of the Director, Purchases Division, Headquarters, Army Service Forces.

§ 802.222–8 *Use of special "changes" article (§ 803.329a).* The special "changes" article set forth at § 803.329a authorizes, within agreed limits, and on certain conditions, the increase or decrease of the quantity of supplies to be delivered under a contract, and the extension or acceleration of delivery schedules. This article affords a ready means of adjusting quantities and deliveries to meet actual requirements, especially in the purchase of items which do not involve a long "lead time". It is not, however, intended that the special "changes" article shall be used as a means of avoiding the regular termination procedure for large scale terminations.

§ 802.222–9 *Illustrative contract provisions.* Two sets of contract provisions are here reproduced, exemplifying certain of the techniques discussed above.

(a) *"Short term supply contract with Government options."* Under this form of contract, the Government contracts for a quantity of supplies to be delivered over a period of three months, reserving options of renewal for three successive quarterly periods. Prices for each option period are to be negotiated, and, failing agreement, are to be fixed by the contracting officer at an amount representing fair and just compensation (with a right of review under the Disputes article). The contractor is obligated to procure necessary raw materials including packing supplies during an agreed "lead time" preceding the exercise of each option and is to be paid his applicable costs plus 2% in case the Government fails to exercise the option. W. D. Contract Form No. 1 (§ 813.1301) is used with the following additional provisions:

(a) The three months for which a delivery schedule is set forth herein is hereafter referred to as the "base period" and the amount to be delivered during such period is hereafter referred to as the "base period amount."

(b) The Government further authorizes the Contractor and the Contractor agrees to take as promptly as necessary all steps required in accordance with good business practice to have available all raw materials including packing supplies so as to be able to deliver during the three months succeeding the base period a quantity of the articles contracted for equal to the base period amount.

(c) Contractor agrees that the Government shall have the option to purchase a quantity of the articles contracted for, equal to the base period amount, to be delivered F. O. B. _____ in accordance with the delivery schedule determined by the Government, within a period of three months from the last delivery date immediately preceding the said option period. Such option shall be exercised by the delivery to the Contractor by the Contracting Officer of a notice to that effect thirty days prior to said delivery date. Upon receipt of said notice, the Contractor further agrees to take as promptly as necessary all steps required in accordance with good business practice to have available all raw materials, including packing supplies, so as to be able to deliver during the three months succeeding the said option period a second additional quantity of the articles covered by this contract equal to the base period amount.

(d) The parties agree that the price for the quantity covered by such option to be delivered in accordance with the delivery schedule determined by the Government shall be agreed upon at least fifteen days prior to the last delivery date immediately preceding the said option period, or within such further period as may be agreed upon by the Contractor and the Contracting Officer, and, when agreed upon, shall be evidenced by supplemental agreement hereto.

(e) In the event that the parties fail to agree, within the time specified, as to the price of the articles so to be delivered during such three months option period, the price payable therefor shall be determined at an amount constituting fair and just compensation for such articles. Such determination shall be made by the Contracting Officer and shall be subject to review in the manner provided in Article —— (Disputes).

(f) Negotiations for the fixing of the price for the quantities to be delivered during the three month option period shall be conducted on the same basis and shall employ the same types of data as in the case of a negotiation of a price under a new contract. The Contracting Officer may request and the Contractor shall supply the same types of information as in the case of a new contract including, without limiting the foregoing, the information developed and the additional experience gained in the performance of this contract.

(g) The Contractor agrees that if the Government shall exercise the option above provided for, it shall have two additional successive options to purchase additional quantities of the articles contracted for, each equal to the base period amount, and each such quantity to be delivered F. O. B. _____ within periods of three months each immediately succeeding the preceding option periods. The manner in which these additional successive options shall be exercised and the method of determining the prices for the quantities to be delivered during such additional option periods respectively shall be as set forth with respect to the first option except that as to the last three month option, the Contractor is not authorized to incur any costs for any raw material or packing supplies for any deliveries beyond said last option period. If the Government fails to exercise any one of the aforesaid options it may not exercise any successive option.

(h) In the event the Government does not exercise any one of the options herein granted to it the Government agrees to reimburse the Contractor for all costs incurred by it in connection with having available raw materials and packing supplies as provided herein, and in addition a sum equal to 2% of such costs, and the Contractor agrees that it shall transfer title to and deliver such supplies and raw materials to or upon the order of the Government in the manner, to the extent and at the times directed by the Contracting Officer, or in the absence of such directions, shall retain such raw materials and packing supplies at prices to be agreed upon.

(i) The fixing of the contract price for any period as hereinbefore provided shall be without prejudice to the determination of any excessive profits of the Contractor upon subsequent renegotiation under the Renegotiation Act, as amended, or any contract article inserted pursuant to that Act or providing for renegotiation of the contract price to eliminate excessive profits.

(b) *"Supply contract with short term limitations."* Under this form of contract, the Government contracts for a year's quantity, but the price and delivery schedule are established in the contract for the first three month period only. Prices for the quantities directed by the Government to be delivered during each ensuing quarterly period are to be negotiated in advance of the commencement of each period, and, failing agreement, are to be fixed by the contracting officer at an amount representing fair and just compensation (with a right of review under the Disputes article). The contractor is obligated, during certain "lead" times, to procure raw materials including packing supplies and perform processing and manufacturing operations adequate to meet deliveries during the period succeeding the period for which prices are agreed to or fixed. Appropriate amendment is made of the uniform termination article (§ 803.324 (g)) restricting in certain respects the rights of the Contractor in the event of termination of the contract for the convenience of the Government. W. D. Contract Form No. 1 is used, with the following additional provisions:

(a) The three months for which delivery schedule is set forth herein is hereafter referred to as the "base period."

(b) The unit price or prices for the quantities directed by the Government to be delivered in each three month period subsequent to the expiration of the base period in accordance with the delivery schedule determined by the Government shall be fixed by agreement between the parties within 30 days but not less than 15 days immediately preceding the commencement of each subsequent period or such other time as may be agreed upon by the Contractor and the Contracting Officer, and when agreed upon shall be evidenced by Supplemental Agreement hereto. In the event that the parties fail to agree, within the specified time, upon the price of the articles so to be delivered during any such subsequent three-month period, the price payable therefor shall be determined at an amount constituting fair and just compensation for such articles. Such determination shall be made by the Contracting Officer and shall be subject to review in the manner provided in Article —— (Disputes).

(c) Negotiations for the fixing of the price for the quantities to be delivered during any three month period succeeding the base period shall be conducted on the same basis and shall employ the same types of data as in the case of a negotiation of a price under a new contract. The Contracting Officer may request and the Contractor shall supply the same types of information as in the case of a new contract including, without limiting the foregoing, the information developed and the additional experience gained in the performance of this contract.

(d) The Contractor agrees to take, and to continue to take from time to time as prices are fixed for periods succeeding the base period, as promptly as necessary all steps required in accordance with good business practice (i) to have available all raw materials including packing supplies so as to be able to deliver during the three month period succeeding the date for which unit prices shall last have been fixed, quantities equal to those for which unit prices shall last have been fixed, but not in excess thereof, and (ii) to perform processing or manufacturing operations with respect to said quantities so as to be able to deliver them during such succeeding period but not to begin such operations prior to 30 days immediately preceding the commencement of such subsequent period without the approval in advance of the Contracting Officer, and, in such event, only to the extent to which the Contracting Officer shall approve in advance.

(e) In the event that this contract shall be terminated pursuant to the provisions of Article — ("Termination at the Option of the Government") the rights of the parties as respects that portion of the contract for which unit prices shall not have been fixed shall be determined in accordance with the provisions of Article —: *Provided, however,*

(i) That the Government shall reimburse the Contractor in connection with such portion of this contract for which unit prices shall not have then been agreed upon for costs which were incurred only in connection with (a) raw materials and packing supplies for quantities to be delivered during a period of three months succeeding the period for which unit prices shall have last then been fixed and (b) the processing and manufacturing operations performed with respect to such quantities in accordance with the aforesaid provisions. If as a result of such operations the Contractor shall have completed supplies called for herein in excess of the quantity for which unit prices shall have been agreed upon, the Contractor may, but is not obligated to, transfer title and deliver such completed supplies to or upon the order of the Government in the manner, to the extent and at the times directed by the Contracting Officer. If the Contractor transfers such title and makes such delivery of completed supplies, the Government will pay therefor, but without duplication of any amounts agreed upon in accordance with this paragraph, the unit price last fixed under this contract or by Supplemental Agreement thereto; if the Contractor does not transfer title or deliver such supplies as herein set forth the Government shall not reimburse the Contractor for any costs incurred in connection therewith.

(ii) For the purposes of paragraph (d) Article — ("Termination at the Option of the Government") the contract price of all units of supplies called for by this contract, the price of which shall not have been fixed, shall be deemed to be the unit price last fixed under this contract or by Supplemental Agreement thereto.

(f) The fixing of the contract price for any period as hereinbefore provided shall be without prejudice to the determination of any excessive profits of the Contractor upon subsequent renegotiation under the Renegotiation Act, as amended, or any contract article inserted pursuant to that Act or providing for renegotiation of the contract price to eliminate excessive profits.

§ 802.222–10 *Technical services urged to devise contract provisions and procedures to carry out the foregoing program.* Subject to any approvals of higher authority required to be obtained in particular cases under this chapter (see especially §§ 803.306 to 803.306–4), the technical services are urged to devise and employ contract provisions and procedures along the lines discussed in §§ 802.222 to 802.229.

§ 802.223 *Factors governing placement of contracts.* The selection of a contractor for a particular contract from among the available qualified producers depends on a number of factors. In making such selections effect must be given to various policies expressed by the Office of War Mobilization and Reconversion, by the War Production Board (see Directive No. 2, as amended, February 10, 1945; 10 F.R. 1731), by the War Manpower Commission in its directives, and by Congress, as in the Smaller War Plants Act. These policies, their relation and relative importance are discussed in the following paragraphs, which are applicable both to the placement of new business and to the revision or reduction of existing programs.

§ 802.223–1 *Ability to perform.* Primary emphasis shall be placed upon securing performance or deliveries at the time, in the quantity, and of the quality required by the war program. As indicated in § 802.222–1, the objective is to insure delivery in time to avoid delays in the war program, but to avoid creation of unnecessary inventories.

§ 802.223–2 *War Manpower Commission labor areas.* The War Manpower Commission has divided the country into twelve regions and from time to time classifies localities in each region according to their labor supply conditions and on this basis designates them as:

Group I: Areas in which acute labor shortages exist, or are anticipated which will endanger essential production.

Group II: Areas in which labor shortages exist which may endanger essential production, or areas which are approaching a balanced demand-supply situation.

Group III: Areas in which labor supply substantially balances demand for essential production or a moderate labor surplus currently exists or is anticipated.

Group IV: Areas in which a substantial labor surplus exists or is expected to develop.

The Industrial Personnel Division, Headquarters, Army Service Forces, will advise the technical services monthly, or more often if conditions warrant, of the designations of the War Manpower Commission.

§ 802.223–3 *Production urgency committees.* There have been established in labor shortage areas certain committees termed Production Urgency Committees, with authority among other things to approve the placement of contracts in Group I labor areas as indicated in § 802.223–4a.

§ 802.223–4 *Policy and procedures as to placing contracts in labor shortage*

areas. §§ 802.223–4a through 802.223–5 set forth the policy and procedures in connection with the placement of contracts and contract supplements in labor shortage areas. The terms "contracts" and "contract supplements" as used in such sections include informal, as well as formal, commitments.

§ 802.223–4a *Group I areas*—(a) *Contracts permitted to be placed in Group I areas.* Placement of contracts in Group I areas is to be avoided so far as possible. Subject to the requirements of paragraphs (c) and (d), the only contracts or contract supplements which may be placed in a Group I area are those:

(1) Which cannot be placed elsewhere with adequate assurance of obtaining satisfactory performance and timely deliveries;

(2) Which, in the considered judgment of the chief of the technical service concerned or of his authorized representative, it is impracticable to place elsewhere;

(3) Which are placed, pursuant to § 802.224, with originating manufacturers for newly developed articles; or

(4) Which are placed with a contractor currently employing less than 100 wage earners and which will not increase employment in the contractor's plant above 100 wage earners.

(b) *Contracts not requiring clearance of Production Urgency Committees.* A contract or contract supplement of the character referred to in paragraph (a) may be placed in a Group I area without clearance of a Production Urgency Committee if the contract or contract supplement will not increase employment in the contractor's plant above the ceiling currently established by the War Manpower Commission; or, if a contractor currently employs less than 100 wage earners, will not increase employment in the contractor's plant above 100 wage earners: *Provided, however,* That the reporting procedure prescribed in paragraph (c) is to be followed in all cases when applicable.

(c) *Reporting of intended placement of contracts not requiring clearance with Production Urgency Committees.* Before placement of an unclassified contract or contract supplement having a total value of $100,000 or more, which pursuant to paragraph (b) does not require clearance of the appropriate Production Urgency Committee, the reporting requirements of this paragraph (c) will be followed. Four copies of War Production Board Form GA–861, duly completed, and having endorsed thereon the proposed contract number and the legend "Critical production—information only—no increase in labor over the ceiling currently established by the War Manpower Commission" will be transmitted to the appropriate Production Urgency Committee. These reports will be transmitted through the Army representative on the Committee, or in the case of the Army Air Forces through the Army Air Forces representative on the Committee, at least 7 days before placement of the contract or contract supplement, unless this will unduly delay production, in which case the report will be transmitted as far in advance of placement as is practicable.

(d) *Contracts requiring clearance of Production Urgency Committees.* No contract or contract supplement, of any value, which will increase employment in the contractor's plant above the ceiling established by the War Manpower Commission, may be placed in a Group I area without prior clearance of the appropriate Production Urgency Committee; except that contracts or contract supplements with a contractor currently employing less than 100 wage earners and which will not increase employment in the contractor's plant above 100 wage earners need not be so cleared. Applications for clearance of the Committee will be made to the Committee for the area in which are located the facilities of the contractor at which the work, or a major part of the work, will be done. Applications for clearance may seek approval of a single contract or of an entire program.

§ 802.223–4b *Group II areas.* The only contracts or contract supplements which may be placed in a Group II area are:

(a) Continuation contracts (or contract supplements having the same effect as continuation contracts) which will not increase employment in the contractor's plant above the ceiling currently established by the War Manpower Commission;

(b) New contracts which cannot be placed in a Group III, IV or unclassified area with adequate assurance of performance and timely deliveries;

(c) Contracts or contract supplements which, in the considered judgment of the chief of the technical service concerned or of his authorized representative, it is impracticable to place in a Group III, IV or unclassified area;

(d) Contracts placed, pursuant to § 802.224, with originating manufacturers for newly developed articles; or

(e) Contracts or contract supplements with a contractor currently employing less than 100 wage earners and which will not increase employment in the contractor's plant above 100 wage earners.

§ 802.223–5 *Policy with respect to placing of contracts in Group III, Group IV and unclassified labor areas.* There are no restrictions upon the placement of contracts in a Group III, IV or unclassified area. It is the policy of the War Department to make every effort to place a substantial amount of its business with concerns located in Group IV areas, to the extent placement there is consistent with other procurement objectives and satisfactory performance and timely deliveries can be assured.

§ 802.223–6 *Subcontracting in labor shortage areas.* (a) Prime contractors holding the bulk of the War Department contracts have received a request from the Under Secretary of War to apply principles similar to those described in §§ 802.223–4 and 802.223–5, in placing their subcontracts for the fabrication of products required by their prime contracts. When new prime contracts which may involve subcontracting are made, the prime contractors will be advised of these principles by contracting officers and will be strongly urged to apply them in placing subcontracts.

(b) Where to give effect to changes in the classification of labor supply areas occurring after the execution of a particular prime contract would decrease the efficiency or increase the cost of placing recurring subcontracts thereunder, the chief of a technical service or his duly authorized representative is authorized, pursuant to the First War Powers Act, 1941, to enter into and approve supplemental agreements to provide for the payment of any increased price to the prime contractor to cover increased costs resulting from such changes in subcontracting, in the same manner as provided in § 802.225–7 (b). It is hereby determined that supplemental agreements entered into for this purpose will facilitate the prosecution of the war.

(c) Many prime contractors are regularly receiving the monthly classification of labor market areas issued by the War Manpower Commission. Arrangements may be made to have additional prime contractors supplied with them by communicating directly with the Division of Procurement Policy, War Production Board, Washington, D. C.

§ 802.223–7 *Other factors.* When policies relating to ability to perform and labor supply have been met, contracts will be placed so as to give due weight in each instance to the following objectives:

(a) *Cost and efficiency.* Placements of contracts so as to use the minimum number of man-hours and the minimum quantity of material to make the supplies needed. In the long run this will result in the lowest cost to the Government. In the absence of actual data as to the relative efficiency of producers in utilizing manpower and material, their comparative prices are normally the best test of their relative efficiency in these respects, unless other differences between them (such as differences in their cost of transportation or in their expenditures for facilities) distort the comparison. Whenever such information is needed producers will be required to furnish actual or estimated cost data covering their production. In so far as possible contracts should provide the maximum incentive to the producer for the reduction of his costs.

(b) *Small business concerns.* Placement of contracts so as to make the most effective utilization of the small plants of the nation. To this end, as large a proportion of awards as practicable will be made to qualified small concerns, directly if feasible and, if not, through awards to larger firms which will subcontract to small concerns. To achieve these objectives, payment of a reasonable premium is authorized where necessary, in accordance with directives from time to time in effect.

(c) *Conservation of special abilities.* Conservation for the more difficult war production problems of the resources of concerns best able, by reason of engineering, managerial and physical resources, to handle them, through placement of contracts for items which involve relatively simple production problems with concerns, normally the smaller ones, which are less able to handle the more difficult problems.

(d) *New facilities.* Avoidance, so far as possible, of the creation of additional new (as distinguished from existing) machinery, equipment or facilities.

(e) *Transportation.* Conservation of transportation facilities by avoiding unnecessary crosshauling of raw, semi-finished or finished material from the point of origin to the point of consumption and by avoiding long hauling when such materials are available at a shorter distance.

(f) *More than one source of supply.* Placement of contracts so as to have for each item of supply and equipment at least two producers so located as not to be subject to the same hazard. This standard need not be adhered to if the chief of the technical service concerned shall determine (1) that such placement is impracticable or (2) that, although such placement is practicable, (i) the plant protection arrangements of the source selected are in his judgment entirely satisfactory, (ii) the source has adequate capacity for all foreseeable needs and (iii) adequate information with regard to the costs of operation of the source and the prices of comparable items are and will be available to ensure that an adequate and efficient analysis may be made of the prices to be charged to the Government for such item. In this connection, consideration will be given to the relative needs of the source selected and of proposed secondary sources for facilities and equipment to perform the contract.

No one of the six objectives stated in this section should alone be regarded as controlling. The placement or revision of contracts should reflect an evaluation of all these objectives which are applicable to the particular case.

§ 802.223–8 *Price*—(a) *With respect to labor areas (Prime Contracts).* To effectuate the policy with respect to avoiding the placement of prime contracts in critical labor areas, the technical services are authorized and directed to pay a premium price up to 15 per cent higher than the lowest of the prices bid by bidders located in Group I and Group II labor areas in any case where payment of such a premium price is necessary to avoid placing the particular prime contract in a Group I or Group II labor area.

(b) *With respect to small business concerns (Prime Contracts).* To effectuate the policy with respect to the placement of prime contracts with small concerns, the technical services are authorized and directed to pay a premium price up to 15 percent higher than the average price at which the purchase can be made by the contracting office from suitable large concerns (over 500 wage earners), regardless of the labor area or areas in which such large concerns are located, in any case where payment of such a premium price is necessary to place a prime contract with a small concern.

(c) *With respect to other policies.* The technical services are authorized and directed to pay higher prices than would otherwise be required to whatever extent such action is necessary to carry out the other policies expressed in §§ 802.223–1 to 802.223–7, inclusive, including the policies with respect to (1) avoiding placement of subcontracts in critical labor areas and (2) placement of subcontracts with small concerns.

(d) If, in the opinion of the chief of a technical service, a premium higher than 15 per cent should be paid in a particular case to achieve the purposes referred to in paragraphs (a) and (b) of this section, the proposed prime contract, with supporting data, will be submitted to the Director, Purchases Division, for approval.

(e) When a determination has been made that a contract will be placed at a premium price, such contract will be so placed with due regard for other War Department pricing policies.

(f) When the policies expressed in §§ 802.223–1 to 802.223–7, inclusive, have been met and selection among available contractors is still possible, contracts will be so placed as to obtain the lowest price for the Government.

§ 802.224 *Contracts for newly developed articles.* In placing contracts for new articles developed by a manufacturer for War Department use, the following principles will be observed:

(a) In general, a substantial proportion of initial orders for a new article should be placed with the manufacturer who developed it. Unless the chief of the technical service concerned determines such placement is not necessary (see § 802.223–7 (f)) effort should be made to place enough of the volume with other qualified producers to develop at least one other experienced source; when possible this should be a going production order and not a limited quantity educational order.

(b) When the originating manufacturer demands a price for the item substantially higher than the price for which it can be secured elsewhere, or will require substantially more facilities or tools than some other producer in order to get into production, or is already heavily loaded with orders, and the article can readily be made by one or more other producers, the contracts for the article should be placed with such producers. In such cases the originating manufacturer should be fairly paid for his developmental work as such.

§ 802.225 *Smaller War Plants policy.*

§ 802.225–1 *Smaller War Plants Act.* (a) Public Law 603—77th Congress (approved June 11, 1942) creates the "Smaller War Plants Corporation" (hereinafter referred to as "SWPC") and gives the Chairman of the War Production Board certain powers and responsibilities incident to placement of Government contracts with smaller plants. The majority of such powers have been delegated by the Chairman of the War Production Board to the Chairman of SWPC.

(b) The act gives SWPC power to enter into prime contracts with the War Department for articles, equipment, supplies or materials, or parts thereof, or work in connection therewith, and to subcontract the production of these items to small business concerns. If the Chairman of the War Production Board certifies that SWPC is competent to perform any specific Government procurement contract, the contract must be let to it on such terms and conditions as the Chairman may specify.

(c) The act also authorizes SWPC, by delegation from the Chairman of the War Production Board, to certify small business concerns or groups of such concerns to the Secretary of War with respect to capacity and credit as to a specific Government procurement contract. The War Department is directed to accept such certification as conclusive and is authorized to place the contract with the concern or group of concerns without requiring the meeting of any other requirements with respect to capacity and credit.

(d) The act recognizes that small plants are frequently unable to produce at as low a per unit cost as larger plants and that, as a consequence, it may be necessary for the Government to pay a higher per unit price for articles when obtaining them from small plants than it pays to business concerns operating large plants. War Department policy in respect to this will be prescribed by further instructions from time to time.

§ 802.225–2 *General policy.* (a) The established policy of the War Department is to place the greatest practicable volume of prime contracts and to encourage subcontracts with small business concerns or groups of such concerns without the necessity of plant certification or the taking of prime contracts by SWPC. To implement this policy, the basic program covered in §§ 802.225–3 to 802.225–9 is established in order to assist the smaller plants to participate to the greatest practicable extent in War Department contracts.

(b) It is recognized that procurement procedures vary as between technical services, and it is the policy of the War Department that procedures to be established between each technical service and SWPC will coordinate closely with the normal operations of the technical service. It is the responsibility of the chief of each technical service to establish operating procedures within his technical service with SWPC in conformity with the policies stated in §§ 802.225 to 802.225–9. Such procedures shall be established by mutual agreement between SWPC and each technical service, and shall be in writing. A copy of such agreement shall be provided the Small War Plants Branch, Purchases Division, Army Service Forces, which office is available for any assistance requested in connection with preparing the agreement.

§ 802.225–3 *Designations by, and representatives of, SWPC.* (a) To date no certifications as referred to in § 802.225–1 (c) have been made to the Secretary of War by SWPC. However, a program has been and will continue to be in effect whereby small concerns are recommended by SWPC to each contracting office of the War Department as being capable of performing contracts under particular procurements. Such recommendations are called designations, and

firms so designated are known as SWPC designees.

(b) SWPC has appointed a representative to each contracting office of the War Department. Such representative is known as a SWPC Procurement Specialist, and one of his duties is to present designations to the contracting office as set forth in § 802.225–6.

(c) SWPC has appointed a representative to the office of each technical service issuing procurement directives, and this representative is also known as a SWPC Procurement Specialist. Among his duties are those set forth in § 802.225–5.

§ 802.225–4 *Basic program.* (a) The following points of policy are established with respect to actions by the War Department in connection with SWPC, and have been agreed upon between SWPC and the War Department:

(1) This program will be undertaken on all procurements, except that procurements of secret or confidential items and those of an emergency nature may be excluded at the discretion of the chief of a technical service. "Emergency nature" relates to those situations where military necessity will not permit the processing of the procurements as outlined herein.

(2) The War Department's general definition of a small concern is an independently-owned concern employing less than 500 wage earners. Nevertheless, it is within the discretion of a contracting office, independently or upon the request of SWPC, to consider the relative size of a firm within its industry and treat it as large or small accordingly.

(3) All decisions with respect to the degree of participation of and the desired geographical location of small concerns, and to the choice of particular small concerns to participate in War Department procurements, will be reached at the contracting offices of each technical service, (or at whatever office in the technical service decisions are reached regarding the use of specific facilities).

(4) Since small concerns considered by the contracting office as suitable to bid for a procurement will normally be reviewed by SWPC to determine whether or not such firms will become SWPC designees for such procurement, it is anticipated that the final list of concerns so designated by SWPC will include many of the small concerns acceptable to the contracting office.

(b) Chiefs of technical services will designate Small War Plants officers at the contracting offices, and also at either the headquarters of the technical services or at the offices issuing procurement directives. Such officers will be charged with administering War Department policy in respect to small concerns, with working in cooperation with SWPC Procurement Specialists at such offices and with acting as specific contacts for representatives of small concerns calling at such offices. Each technical service will conduct staff supervision of contracting office procedures in connection with the small plant program.

§ 802.225–5 *Action at the office issuing procurement directives.* Opportunity will be afforded the SWPC Procurement Specialist at the office issuing procurement directives (a) to review with the proper personnel of the technical service the related parts of the Army Supply Program for the purpose of selecting products which will be generally suitable for small concerns, and (b) to examine all procurement directives (except those for secret and confidential items and those of an emergency nature, unless authorized to do so by the chief of the technical service). Where a technical service buys through district offices whose purchasing responsibility is confined to limited geographical areas, suggestions from the SWPC Procurement Specialist as to distribution to districts will be received and considered. When the SWPC Procurement Specialist indicates an interest in further action by SWPC on a procurement, this interest will be noted on the procurement directive that is sent to the contracting office. Lack of such notation of interest will not eliminate a procurement from further consideration under § 802.225–6 (a). Copies of procurement directives which have been examined (except those for secret and confidential items) will be supplied by the office issuing them to the SWPC Procurement Specialist at that office, to the extent desired by SWPC.

§ 802.225–6 *Action at the contracting office.* (a) The contracting office and the SWPC Procurement Specialist at that office will mutually decide, on all procurements (secret and confidential procurements are excluded, except where specifically authorized under § 802.225–5 (b)):

(1) Whether a particular procurement is suitable for manufacture by small concerns.

(2) The minimum portions of procurements found suitable under (1) which the contracting office will endeavor to place with designees of SWPC in compliance with §§ 802.223–1 to 802.223–8.

(3) In cases found suitable under (1) and (2), how many SWPC designations will be sought, from which SWPC regions they will be sought, and by what date such designations will be submitted to the contracting office.

(4) While emergency procurements are normally excluded under § 802.225–4 (a) (1) from further processing through SWPC, the contracting office may in its discretion allow the SWPC Procurement Specialist, if time permits, to suggest sources, when such action does not delay the procurement.

(b) Other action to be taken by the contracting office includes:

(1) A set of drawings, specifications and prints will be made available to the SWPC Procurement Specialist as soon as practicable after the SWPC Procurement Specialist requests them in connection with a particular procurement. Additional sets will be furnished, if available; and if not available, full descriptive information to the extent available will be given the SWPC Procurement Specialist.

(2) The contracting office will make available to the SWPC Procurement Specialist the names of small plant sources considered suitable by the contracting office for a particular procurement. SWPC will, under its procedures, designate or indicate reasons for refusing to designate such sources.

(3) Small concerns designated by SWPC in accordance with (a) (3) above will normally be given an opportunity to bid or negotiate. If a contracting office does not consider that a SWPC designee should receive this opportunity, the SWPC Procurement Specialist shall be given the reasons therefor.

(4) On the date established under (a) (3) the contracting office will consider not only SWPC designations that have been submitted for the particular procurement by that date but also any other sources of the contracting office's choice, and will determine which of such firms will be given an opportunity to bid or negotiate.

(5) Opportunity will be given the SWPC Procurement Specialist to make representations to the contracting office in behalf of concerns designated by SWPC for the procurement involved after final bid prices have been received but before final choice of contract placement is made. Copies of abstracts of bids, if available, on procurements in which SWPC participates under (a) (3) will be furnished at this time to the SWPC Procurement Specialist; if a copy is not available, information will be made available so that the SWPC Procurement Specialist may make his own copy.

(6) Negotiation and placement of awards will be governed by the factors enumerated in §§ 802.223–1 to 802.223–8. While the contracting office will endeavor to fulfill the percentage allotment for SWPC designees, and to place contracts with such designees for as great a percentage as is practicable, first consideration shall be, in all cases, that of securing performance or deliveries at the time, in the quantity, and of the quality required by the war program, and nothing in §§ 802.225–1 to 802.225–9 shall detract from that consideration. In considering the factor referred to in § 802.223–7 with respect to small business concerns, the contracting office may determine that the "most effective utilization of the small plants of the nation" will be accomplished, in a particular instance, by the payment of a higher price (when such price is proved to result from a justifiably higher cost) to a capable small plant in need of business as against a lower price bid by another small plant with an ample work-load.

(7) The SWPC copy of the abstract or information indicated in (5) will be noted as to awards made and signed by the contracting office.

(c) In the event the SWPC Procurement Specialist does not agree with the position taken by a contracting officer on the points enumerated in (a) and (b), or if small firms chosen by the contracting office to receive awards are considered by SWPC as not suitable to receive award under the procurement and the reasons given by SWPC for this decision are not acceptable to the contracting office, reasonable opportunity will be given SWPC, if military urgency permits, to submit the difference of opinion to the chief of procurement of the contracting office for final decision.

§ 802.225–7 *Encouraging subcontracting to small concerns.* (a) In order to promote subcontracting to small concerns, the chief of each technical service will instruct contracting personnel at all levels to bring to the attention of prospective contractors the policy of the War Department to encourage subcontracting to the greatest practicable degree. The attention of such prospective contractors will be called to the contract clauses set forth in §§ 803.367 to 803.368 of this chapter.

(b) Additional subcontracting to small concerns by existing contractors will be fostered to the degree practicable. When the chief of a technical service or his duly authorized representative determines that increased costs under such additional subcontracts are justifiable, he is authorized to enter into and approve supplemental agreements amending or modifying such existing contracts to provide for the payment of an increased price to the prime contractor to cover the increased costs of such subcontracting. Any such agreement will be made pursuant to the First War Powers Act, 1941, and Executive Order 9001, and may be made without consideration to the Government other than the promotion of the policies stated in Public Law 603, 77th Congress and § 802.225–7 (b) and (c).

(c) The procedures described in paragraph (b) above will be applied to subcontracts where it appears to be practicable to get a subcontractor to spread his load among more subcontractors.

§ 802.225–8 *Limitations*—(a) *Standardization.* While the SWPC Procurement Specialists will be afforded every practicable assistance in bringing about the further spread of work to smaller plants, consistent with the factors enumerated in §§ 802.223–1 to 802.223–8, inclusive, standardization programs on items where a flow of replacement parts is a factor will also be taken into account in connection with applying the Small War Plants policy.

(b) *Preventing abuses.* In carrying out the policy of spreading the work to smaller war plants, contracting officers must take precautions to prevent abuse of the preferred position of such plants. For instance, a smaller war plant contractor should not be allowed to subcontract substantially the entire work to a large plant at a lower price and thereby to operate virtually as a contract broker.

§ 802.225–9 *Policy matters in connection with the Smaller War Plants Acts.* Matters of procedural disagreement will be referred to the headquarters of the technical service involved for settlement with the SWPC Procurement Specialist at that headquarters. If such disagreements cannot be settled at that level, reference will be made by the technical service to the Small War Plants Branch, Purchases Division, Headquarters, Army Service Forces. All matters of basic policy relating to prime contracting and subcontracting with smaller plants will be dealt with for SWPC by its Washington headquarters and for the War Department by the Small War Plants Branch, Purchases Division, Headquarters, Army Service Forces. On such matters, contact will be between these offices.

§ 802.225a *Policies for the protection of manufacturers of materials and components.* The Procurement Policy Board of the War Production Board has adopted the following policies for the protection of manufacturers of materials and components:

(a) Manufacturers and suppliers of certain materials and components (including certain B products as defined in the Controlled Materials Plan) used in war production have been obligated to carry stocks of such materials, finished components and work in process and to enter into commitments for work and supplies for the manufacture of such materials and components, in excess of requirements under firm orders of such components actually placed with them by their war production customers.

(b) Without such inventory and commitments and without manufacture in anticipation of firm orders, the manufacturers in question would not be in a position to meet promptly the purchase orders which are placed with them by war producers, frequently on short notice or on a short-term basis. These manufacturers are thus faced with a continuing large volume of short-term war production orders requiring the maintenance of an inventory of materials, completed components and work in process, but without the protection of a back-log of legal commitments from customers necessary to cover the production cycle involved. In the event of mass termination, such manufacturers would be unable to collect costs under existing termination procedures, except to the extent that they hold orders for such materials and components.

(c) In view of the administrative difficulties involved in direct dealings with the manufacturers of materials and components, the policy is to afford protection to such manufacturers of materials and components in the following manner:

(1) Such manufacturers will look for protection to the war contractors and subcontractors with whom they deal by requiring from them adequate placement of advance orders.

(2) Prime war contractors and their subcontractors requiring use of such materials and components should place advance orders with their respective subcontractors and suppliers, from time to time (but within the total quantitative requirements of the particular contracts), sufficient to protect such subcontractors and suppliers throughout the cycle of production required to produce such materials and components.

(3) In carrying out this policy it is important to avoid the unreasonable accumulation of excess inventories either by the manufacturers of such materials and components or by the war contractors and subcontractors to whom such manufacturers sell these materials and components. Accordingly, war contractors and subcontractors should carefully schedule production and deliveries under such advance orders and require the manufacturers of such materials and components to adhere reasonably to the schedules so arranged in accordance with sound production planning. However, in the event of the termination of such advance orders, inventories of such materials, components or work in process reasonably acquired for the performance of such orders should be taken into account and paid for in the termination settlement of such orders.

(4) So far as possible, advance orders placed for such materials and components should contain the approved subcontract termination article for use in fixed price orders or subcontracts. The inclusion of this provision is intended to provide fair compensation to the manufacturer of the materials and components in the event of termination, but the absence of this provision will not operate to deprive such manufacturers of fair compensation in the event of termination of orders placed with them.

§ 802.226 *Debarred bidders.*

§ 802.226–1 *Persons disqualified.* Contracts will not be placed with persons who are on any of the following lists of debarred bidders.

(a) List of bidders debarred from bidding on War Department contracts by reason of violations of the Walsh-Healey Act. (See § 809.916 and following.)

(b) List of bidders debarred from bidding on War Department contracts by reason of violations of the Davis-Bacon Act. (See § 809.910 and following.)

(c) War Department confidential list of bidders to whom awards will not be made.

(d) The proclaimed list of blocked nationals which the Secretary of State from time to time publishes listing persons and organizations deemed to be acting directly or indirectly for the benefit of the enemy. (See § 811.1185.)

§ 802.226–2 *Distribution of lists.* The Adjutant General will distribute to the technical services lists of bidders debarred by the Comptroller General by reason of violations of the Walsh-Healey Act or the Davis-Bacon Act and copies of the War Department confidential list of debarred bidders. Copies of the proclaimed list of blocked nationals will also be made available to the chiefs of the technical services.

§ 802.226–3 *Procedures for placing bidders on confidential list*—(a) *Authority.* The Adjutant General will place a bidder upon the confidential list of bidders to whom awards will not be made (1) where the Director, Purchases Division, Headquarters, Army Service Forces, determines that the bidder has been guilty of fraud or attempted fraud against the United States, or (2) for the duration of the present war, in any instance where the Director, Purchases Division, determines that the best interests of the United States require that contracts be not awarded to the bidder. In recommending that a bidder's name be placed on the list, the chief of a technical service will submit to the Director, Purchases Division, a full report of the specific instances of the bidder's alleged dereliction together with any available evidence relating to the contract concerned and the complaint against the bidder.

(b) *Notice.* If such action has not already been taken, the Director, Purchases Division, will send to the bidder by registered mail, a notice stating (1) that a recommendation has been made that the bidder's name be placed on the War Department's confidential list of bidders to whom awards will not be made, (2) the specific contract, bid, or action of the bidder as to which complaint is made, and the specific nature of the complaint in reasonable detail, and (3) that the bidder may make a statement in writing with respect to the complaint on or before a date fixed in the notice. The bidder will not be given access to any evidence in the hands of the War Department, except in the notice and statement required by this paragraph.

(c) *Direction.* The Director may make such investigations and study of the complaint, either directly or through The Judge Advocate General or The Inspector General, as he deems proper. If the Director determines that the bidder's name should be placed on the confidential list, he will transmit to The Adjutant General (1) the complete file, including any statement filed by the bidder, together with the direction to place the bidder's name on this list, and (2) drafts of notices of the action taken to be sent by The Adjutant General to the bidder, the technical services and the Comptroller General.

§ 802.228 *Exceptions.* Upon specific request the Director, Purchases Division, Headquarters, Army Service Forces may grant authority to depart from the policies stated in this subpart. Requests for such authority stating the reasons therefor will be forwarded to the Purchases Division, Headquarters, Army Service Forces. One such specific exemption granted to The Quartermaster General is referred to in QMS paragraph 2–2–3d (June 29, 1943).

SUBPART C—CONTRACT PRICE POLICIES

§ 802.230 *Basic objectives.* Policies regarding contract prices have three main objectives: to maintain incentives for efficiency, reductions in costs and maximum production; to obtain fair prices and prevent excessive profits; and to contribute to the control of inflation.

§ 802.230–1 *Incentives.* Increasing shortages in materials and manpower imperatively require that all producers be encouraged to operate at their highest attainable efficiency with the minimum waste or misuse of materials and labor, if maximum production of war equipment is to be reached and maintained. Increased efficiency, improved methods, and lower costs mean better use of available resources and savings in labor, materials and facilities and can be encouraged by making profits depend on efficiency. This requires careful purchasing and contracting to keep prices close enough to costs so that producers must exercise careful management and ingenuity to increase production and decrease costs in order to earn a reasonable profit.

§ 802.230–2 *Profit control.* In spending public money the War Department has the duty to see that its purchases are made at fair prices. In addition, pursuant to the Renegotiation Act, the War Department is charged with the responsibility for eliminating excessive profits on renegotiable business of contractors assigned to it for renegotiation. In many cases, skillful and careful negotiation of contracts will prevent excessive profits from accruing and make their renegotiation unnecessary.

§ 802.230–3 *Inflation.* For many types of military commodities ordinary methods of price control by maximum price regulations, formulas and ceilings become extremely complex and difficult to administer, and divide procurement responsibility. At the request of the War and Navy Departments the Office of Price Administration has agreed to refrain from further extending its price control over strictly military items, and in return the War and Navy Departments have undertaken the responsibility for maintaining control of prices in this limited exempted area. (See § 811.1132–2.)

§ 802.231 *General policy.*

§ 802.231–1 *Sound pricing.* The three objectives stated in § 802.230 are all closely related and must be handled accordingly. In order to promote efficiency and prevent inflation, it is vitally necessary to obtain sound contract prices reasonably close to costs, since recapture of profits for past periods on renegotiation will not operate to control costs or inflationary tendencies. This requires effective purchasing and price supervision to obtain well-negotiated original contracts. The chief of each technical service will see that this policy is implemented and followed in his service. This will require the use of appropriate contracts and contract provisions (discussed in this subpart), adequate methods of negotiation (discussed in Subpart D of this part) and effective price supervision (discussed in Subpart E of this part).

§ 802.231–2 *Relation to contract placement policies.* This basic policy of emphasizing the price element in negotiating contracts, stated in the preceding paragraph, is not inconsistent with the relatively minor importance of price in selecting contractors, stated in § 802.-223–8. The selection of a contractor for a particular contract from among the qualified producers is based primarily on policies regarding speed and quality in performance and efficient use of manpower, materials and facilities. (See §§ 802.223–1 to 802.223–7.) In making this choice among producers the price of a particular producer as compared to other available producers is considered as less important than these other policies. When these other policies are satisfied by several producers, however, choice is based on comparative price. Moreover, the price to be fixed in the contract with the producer selected on these bases is vitally important. The fact that the war program requires that contractors be selected on bases other than comparative prices, makes it especially necessary to have sound methods of negotiation and price supervision to ensure that the contract prices agreed upon with such contractors will be close enough to their costs to encourage efficient operations, to prevent excessive profits and to restrain inflationary influences.

§ 802.232 *Cost-plus-a-fixed-fee contracts.*

§ 802.232–1 *Disadvantages.* Fixed-fee contracts have the following disadvantages:

(a) The fixed-fee contract does not encourage efficiency to the same extent as the closely priced fixed price contract. While the fixed-fee contractor is obligated to perform in an efficient manner, he does not have the same direct financial inducement to economize in the use of materials, machinery or manpower, or to keep down material and labor costs, or to use ingenuity and inventiveness in finding substitutes and improvements.

(b) Such contracts require uneconomical use of auditing and administrative personnel, both by the Government and the contractor, in checking and rechecking vouchers, in auditing and allocating costs and in adjusting accounting questions.

(c) The financial pressures which usually restrain a fixed price contractor in competing for labor and accumulating inventories do not apply to the same extent to the fixed-fee contractor.

§ 802.232–2 *Use forbidden: exceptions.* For the foregoing reasons supply contracts will not be made on a cost-plus-a-fixed-fee basis. Pending the conversion of one or more cost-plus-a-fixed-fee supply contracts in the course of performance in the contractor's plant to a fixed price basis pursuant to instructions from the Under Secretary of War, it may be necessary to use the cost-plus-a-fixed-fee form for the placement of further orders to be filled from the plant. While the cost-plus-a-fixed-fee form may be used for contracts which in substance provide for the payment of a management fee for the operation of Government-owned facilities, contracts of a service character such as modification center and airline contracts, research, experimental and development contracts, and contracts for first production quantities of articles not previously produced, such contracts will be placed on a fixed price basis whenever, in the judgment of the chief of the technical service, it is practicable to do so. Utilization of the price adjustment articles authorized by §§ 803.375 and 803.376 should aid materially in negotiating a fixed price for research and development work.

§ 802.232–3 *Conditions on use.* In the exceptional situations where the cost-plus-a-fixed-fee form is permitted by § 802.232–2 to be used for a supply contract, the following conditions will be met:

(a) When the contractor is to be reimbursed for substantially all its costs, the fixed fee represents essentially profit without risk. It should be determined not by the amount of the estimated cost, but by the extent and nature of the work supervised or the services to be performed by the contractor. Thus in fixing the fee consideration should be given, among other things, to whether the work or production involved is complicated or simple, the turnover slow or rapid, how much or little of the work will be subcontracted, and how extensive or difficult the duties of the prime contractor will be in supervising the subcontracted work.

(b) Contracts for first production quantities of articles not previously produced will include a provision for conversion as soon as practicable to a fixed price basis (see article set forth in § 803.341–3). Whenever feasible a similar provision will be included in research, experimental, and developmental contracts.

(c) The article for statutory renegotiation of the fixed-fee will be included when required by § 812.1208 (a).

(d) In no case will the fixed-fee exceed the statutory maximum of 7% for supply contracts.

§ 802.232–4 *Construction contracts.* Whenever feasible, construction contracts will be made on a fixed price rather than a fixed-fee basis.

§ 802.232a *Time and material or labor-hour contracts.* The buying of articles or services on the basis of (a) direct labor at specified hourly rates, which rates are intended to include wages, overhead and profit, and (b) material at cost, is usually referred to as the time and material or labor-hour system of purchasing. The system was developed primarily for use in those situations where it was not possible at the time of placing the order or contract to estimate accurately the amount or duration of the work or to anticipate costs with any substantial accuracy, and has been employed to some extent in the procurement by the Army or by cost-plus-a-fixed-fee contractors of (1) engineering and design services in connection with production of supplies, (2) the engineering, design and manufacture of dies, jigs, fixtures, gauges and special machine tools, (3) repair work of various kinds, and (4) outside work on regular production in emergency cases.

§ 802.232a–1 *Use discouraged.* In the light of present procurement conditions and the cost experience now accumulated the necessity for the use of this system either in direct procurement or in purchases by cost-plus-a-fixed-fee contractors has been greatly reduced. The chiefs of the services will cause the use of this system of purchasing to be restricted to those situations where no practicable alternative exists.

§ 802.232a–2 *Conditions on use.* In the restricted situations where this system is permitted to be used, the chiefs of the services will assure that reasonable precautions are taken to prevent the abuses to which it is susceptible. In this connection it is important that particular care be exercised to select firms of known integrity and efficiency and that the use of complete, clear and definite orders or contracts be insisted upon. Adequate control will also require that all time and material or labor-hour purchase orders or contracts issued by a cost-plus-a-fixed-fee prime contractor be approved or ratified by the contracting officer.

§ 802.232a–3 *Adequacy of contract provisions.* In determining the adequacy of the provisions of any such orders or contracts where their use is permitted, consideration of the following basic elements will be helpful:

(a) *Labor.* Only direct labor should be included in the billing and the types of labor or work to be included in the category of direct labor should be specified. It should also be specified that the time of non-productive personnel will not be included in direct labor. The time of partners, officers, supervisors, foremen, clerks, typists, timekeepers, material handlers, stockroom employees, tool crib attendants, cleaners, janitors, maintenance men, packers, watchmen, truck drivers, and receiving and shipping employees, would normally be considered as non-productive work.

(b) *Hourly rate.* Separate rates should be specified for (1) engineering and design, and (2) manufacturing and construction work. Separate rates should also be quoted for normal time, overtime and double time work where overtime and double time are necessary.

(c) *Costs of materials.* The materials for which reimbursement is to be made should be adequately specified and should be billed at cost and without the addition of any so-called handling charge or profit. For example, it may be specified that material cost will include only raw materials and fabricated parts entering directly into the products; that purchases made specifically for the contract may be charged at their actual price; that materials withdrawn from stores may be charged at cost under any recognized method of pricing conforming to sound accounting practices and consistently followed; and that incoming transportation charges may be included. Provision should be made for a reduction in cost of materials for cash and trade discounts, rebates and allowances and the value of resulting scrap, where the amount of such scrap is appreciable.

(d) *Overtime.* In order to prevent excessive overtime and double time a provision having substantially the effect of one of the following should be employed:

(1) Vendor (the person or firm with whom the time and material or labor-hour order is placed) should covenant that the amount of overtime and double time used on the work will be fair and reasonable and will be in accordance with the exigencies of the particular job. (This will support any claims on account of excess overtime developed by an audit.)

(2) The vendor should specify the maximum amount of overtime and double time, if any, which he anticipates will be required for the job and should agree that this amount cannot be exceeded without the prior written approval of the contracting officer or contractor, as the case may be, placing the order.

(3) The vendor should agree that no overtime or double time may be used on the work without the prior written approval of the contracting officer or contractor, as the case may be, placing the order.

(e) *Subcontracting by the vendor.* The vendor will not be permitted to derive any profit on account of subcontracting a portion of the work. Where subcontracting is contemplated or is to be permitted, it should be provided that the amount billed on account of such work will neither exceed the amount charged therefor by the subcontractor nor the rates for such work regularly agreed upon between the vendor and the subcontractor. In order to control the amount of subcontracting, provision may be made that the vendor cannot subcontract any portion of the work in excess of a stated percentage without the prior written approval of the contracting officer or contractor, as the case may be, placing the order. Provisions should be made that there can be no subcontracting by a vendor at an hourly rate which exceeds the vendor's hourly rate, without the prior written approval of the contracting officer.

(f) *Records.* Provision will be made that the vendor will maintain detailed, complete and accurate accounting records on a job order basis; that the hours of labor will be supported by individual daily job time cards preferably signed by the workers performing the services and in all cases by evidence of actual payment; that material charges will be supported by paid invoices or storeroom requisitions; and that the records will be preserved for a period of at least three years.

(g) *Invoices.* A contractor placing a time and material or labor-hour order should require the vendor to support all invoices by a certificate that the amount billed is correct and just. In this connection, a contractor placing such an order may be required to furnish a supporting certificate that the prices stated in the invoice are fair and reasonable, or are not excessive.

(h) *Audit.* Provision should be made that the representatives of the Government and the contractor placing the order, or either of them, will be permitted to inspect and audit the books and records of the vendor and will have the right to determine the correctness and propriety of the costs charged. Provision should also be made that any overcharge found will be promptly refunded.

(i) *Excessive use of unskilled labor.* The vendor may be required to covenant that employees used on the work will on the average be as efficient as the average for the departments of his plant concerned.

§ 802.232a–4 *Ceiling price.* In any case or class of cases where the chief of the service is of the opinion that the use of a ceiling price will be effective and practicable in reducing costs, a provision should be incorporated in such contracts or orders that payment will be made on a time and material basis but not in excess of a stated maximum figure.

§ 802.232a–5 *Definite hourly rate.* A definite hourly labor rate must be stated at the time of issuance in all orders intended to be priced on a time and material or labor-hour basis. In the exceptional emergency cases where work must be started before the rate is agreed upon, the complete confirming order must be issued as soon as possible and in any event prior to completion of a substantial portion of the work.

§ 802.232a–6 *Audit manual.* Reference to the Manual for Administrative

Audit of Time and Material Vendors' Charges, prepared by the Office of the Fiscal Director, will be helpful in the consideration of effective control measures in particular cases. Copies of this Manual may be obtained by addressing a request to the Publication Section, Administrative Division, Office of the Fiscal Director, Headquarters, Army Service Forces, Washington 25, D. C.

§ 802.233 *Fixed price contracts.*

§ 802.233–1 *Advantages.* The ordinary fixed price contract without provisions for adjustment gives a contractor maximum incentives for efficiency if the original price is well negotiated. It is generally suitable for contracts of reasonable duration for standard articles made by an experienced producer. It should be used wherever conditions permit.

§ 802.233–2 *Limitations.* Under war conditions, however, the ordinary fixed price contract is not practicable for certain types of cases:

(a) When the articles required are new, experimental or developmental, or unfamiliar to the contractor, the lack of cost experience may prevent the setting of a fair price when the contract is made.

(b) Even where cost experience exists, shortages of materials, priorities and allocations and changes in the quantities and rates of delivery may seriously affect the costs during performance of the contract.

§ 802.233–3 *Adaptation to war conditions.* To meet these and other situations and to facilitate the use of the fixed price contract, various provisions and policies have been developed, including the following:

(a) Termination articles.
(b) Financing provisions.
(c) Price revision articles.
(d) Adjustments and relief, without contract provisions, under the First War Powers Act.

These provisions and policies are intended to adapt the fixed price contract to war conditions, to minimize the risks of the contractor from unpredictable contingencies, and to facilitate obtaining contract prices close to costs. To the extent that the risks of unpredictable contingencies are reduced, the contractor does not need reserves or allowances against them in his price.

§ 802.234 *Termination article.* The risk of loss from termination of the contract, either for a change in the procurement program or upon cessation of hostilities, would deter contractors from making fixed price contracts or would require large allowances in the price to protect against this risk. The termination article is designed to remove this risk of loss by guaranteeing the contractor payment for all proper expenditures and costs in connection with the contract and an appropriate allowance for profit on the unfinished work in process, and by providing for expeditious settlement and payment of the amounts due. (See §§ 803.324 and 803.324–1.) These provisions reduce to the minimum any hardships on contractors resulting from necessary adjustments and reductions in the supply program.

§ 802.234a *Protection against loss from early termination.* On rare occasions, in connection with an initial contract with a contractor for a particular product or type of construction, involving a long period of preparation for the performance of the contract or unusually large development and planning costs, unusual circumstances may give rise to the request that the contractor be given special protection against loss through termination for the convenience of the Government at an early stage of the performance of the contract. In such cases, a full statement of the facts and a draft of any special contract provisions recommended will be submitted through the chief of the technical service negotiating the contract, to the Director, Purchases Division, Headquarters, Army Service Forces, for approval.

§ 802.235 *Financing provisions.* Lack of working capital or difficulties in financing would discourage contractors from undertaking fixed price contracts and necessitate the use of cost-plus-a-fixed-fee contracts. To overcome this, the War Department has arranged various methods of assisting contractors and subcontractors in financing war business. Three of these are (a) partial payments, (b) advance payments, and (c) guaranteed loans. The principles and purposes governing the use of these financing methods are discussed in §§ 803.319 to 803.321–14, 803.330 and 803.331 of this chapter. Other arrangements have been provided to assist with the financing and construction of plant facilities expansion. These are discussed in Part 810 of this chapter. Finally, the right to assign government contracts as security for financing is dealt with in §§ 803.390 to 803.390–7.

§ 802.236 *Price revision articles.* One means of adapting fixed price contracts to wartime conditions so as to achieve the basic objectives stated in § 802.230 is through the use of price revision articles. They are designed as a vehicle to protect contractors against the risks and hazards resulting from performing contracts in a war economy and in return for that protection, to enable contractors to agree to close prices. War Department policies with respect to price revision, the articles themselves, and the rules for their use and administration are set out in Part 803 of this chapter, particularly in §§ 803.370 to 803.777–4, inclusive, of Subpart H thereof. That part should be consulted before any price revision article is used or considered for use in any contract.

§ 802.236a *Escalation.* Except as and to the extent specifically provided in §§ 802.236–4, 802.236–5 and 802.236–6, of this subpart, the use in War Department contracts of articles or provisions for escalation of any kind is not authorized. The term "escalation" as used herein means any kind of automatic, self-operating or nonnegotiated price revision, whether based on indexes of any character contractors' costs, OPA maximum prices, or any other standard. The term does not include negotiated price revision under the standard articles therefor set out in §§ 803.370 to 803.777–4, inclusive, of this chapter.

§ 802.236b *Incentive contracts.* An article providing for price redetermination upon completion of the contract, with specified rates of sharing in cost savings below and extra costs above a target price, appears in § 803.379–5 of this chapter. An explanation and an illustration of the operation of the article and the conditions for its use are set out in §§ 803.378–1 to 803.378–4, inclusive.

§ 802.237 *Adjustments without contract provisions.* Paralleling the contract provisions for price revision discussed under § 802.236, and necessary to complete the price program, are the policies regarding price adjustments and other relief under Title II of the First War Powers Act and Executive Order No. 9001 in the absence of contract provisions. Thus where a contractor, who has kept down the contingency allowances in his price, suffers some unexpected risk or event, it may often be equitable and in the interests of the Government for it to adjust the contract price or other terms by supplemental agreement so as to assume some or all of any resulting increases in costs. By granting such relief to contractors in appropriate cases, either with or without consideration, the Government will reduce the necessity for large allowances in prices and encourage greater cooperation by contractors. The application of these policies is discussed in Subpart E of Part 812.

§ 802.238 *Policies on certain special items of cost.*

§ 802.238–1 *Amortization.* Under section 124 of the Internal Revenue Code, contractors who construct or acquire facilities necessary for the war effort are allowed under certain conditions to amortize the cost of them for tax purposes over a period of sixty months instead of the longer period of normal depreciation. This special tax credit was provided by Congress in order to encourage contractors to provide such facilities from their own funds rather than at Government expense. In view of this purpose, it is essential that in negotiating contracts involving the use of such facilities, the expense of such facilities be not passed on to the Government and that the price be fixed on the basis of only normal depreciation on the facilities and not at the accelerated rate of amortization permitted for tax purposes by section 124. In other words, the contractor may not treat the amortization at the accelerated rate as a cost against war contracts, but must provide for the excess over normal depreciation from his normal profit; this the tax credit greatly facilitates by leaving a larger net profit after taxes available for this purpose. Where the contractor desires the contract price to provide for a larger amount of the cost of such facilities, the Government is in effect paying for the facilities to the extent of the additional amount included in the contract. In such cases the contract must state the amount so included in the price and must contain suitable provisions to protect the interests of the Government in the facilities in accordance with § 810.1007 and following.

§ 802.238–2 *Reconversion and storage.* (a) In appropriate cases, the cost of converting plants to war production, including the removal of existing equipment and incidental building alterations, may be included in cost and therefore in the contract price and the contract may provide for payment, on termination of production for the Government, of the costs of removing Government-financed machinery and equipment, and of preparing it for storage and shipment.

(b) The Government will not bear either directly or indirectly, however, any part of the cost of reconverting the contractor's plant to commercial production (including installation of privately-owned machinery and equipment) or the cost of storing such machinery and equipment during the period between conversion and reconversion. This policy applies to all types of contracts, whether facilities contracts, cost-plus-a-fixed-fee contracts or fixed price contracts. It does not, however, prevent giving a contractor, in exceptional cases where fairness so requires, special protection against loss through early termination of the contract in accordance with § 802.234a.

§ 802.238–3 *Extraordinary risks incident to wartime operations.* In connection with both fixed price and cost-plus-a-fixed-fee contracts, the Government, pursuant to the First War Powers Act and Executive Order 9001 (see Op. J.A.G., SPJGC 1944/10016, September 5, 1944; conclusions concurred in by the Attorney General September 5, 1944), may assume particular extraordinary risks and hazards incident to war-time operations to which the contractor may be exposed, by agreeing to indemnify the contractor against loss or liability arising out of such risks and hazards. In cost-plus-a-fixed-fee contracts various contracting forms presently in use provide for such indemnification and no special approval by the Director, Purchases Division, Headquarters, Army Service Forces, for the use of these forms is required. In fixed price contracts such indemnification will be given only in rare cases and upon a clear showing of necessity. In any such fixed price contract (a) all contingencies and allowances for such risks and hazards will be excluded from the contract price and (b) such an indemnity agreement will be included only with the prior written approval of the Director, Purchases Division, Headquarters, Army Service Forces. In requesting such approval, a full statement will be submitted as to (1) the extent of the potential liability under the indemnity agreement, (2) any proposed contract maximum and minimum limits on the extent of such liability or other conditions affecting such liability, (3) the appropriated funds presently available to satisfy such liability and (4) the facts and reasons justifying such an indemnity agreement in the particular case rather than requiring the contractor to resort to insurance.

§ 802.239 *Subsidy prohibited.* None of the funds appropriated in the Military Appropriation Act, 1945 (Pub. Law 374, 78th Congress) shall be used for the payment of any subsidy on agricultural or other products. (See Section 1 of Pub. Law 374, 78th Congress, under subtitle "Subsistence of the Army".)

SUBPART D—NEGOTIATION OF CONTRACTS

§ 802.240 *Method of contracting.*

§ 802.240–1 *By negotiation.* Except as provided in § 802.240–2, all contracts and purchases made by the War Department will be made by negotiation under authority of the First War Powers Act, 1941, and Executive Order No. 9001, 3 CFR Cum. Supp., and in accordance with these procurement regulations. While this act and Executive order are construed to embody all the authority conferred by sections 1 (a) and (b) of the act of July 2, 1940 (Public Law No. 703, 76th Congress), as extended, the earlier act may also be cited as authority for contracting in appropriate cases if desired (see § 802.204–1).

§ 802.240–2 *By formal advertising.* When authorized by the Director, Purchases Division, Headquarters, Army Service Forces, contracts may be placed by formal advertising instead of by negotiations if deemed necessary in the interests of the Government.

§ 802.240–3 *Aids to negotiation.* Sound purchase control requires that the original contract be well negotiated on the basis of reliable cost experience and close estimates. To do this, all available information and aids to negotiation must be used as effectively as possible. This section deals with some of the methods and data which will assist such sound negotiation of contracts.

§ 802.241 *Methods of negotiation.*

§ 802.241–1 *General rule.* Subject to specific provisions of the regulations in this subpart, the chief of each technical service may determine the methods of negotiation to be followed by his service. Any method which, in the judgment of the chief of the technical service concerned, will result in the most efficient award of contracts and will protect the interests of the Government, is hereby authorized. Such methods may include not only face to face dealing but also informal written bids or telephone quotations, but the request for any such bids or quotations will clearly indicate that it is made under the authority of the First War Powers Act, 1941.

§ 802.241–2 *Decentralization.* The chiefs of the technical services will decentralize to their field agencies the actual work of negotiating contracts to the greatest extent consistent with efficiency and proper safeguarding of the public interest.

§ 802.242 *Use of informal bids.* Where consistent with the required speed of war procurement, notification of the proposed procurement will be given to a reasonable number of qualified producers and suppliers, and quotations secured from them.

§ 802.243 *Contractors' proposals.*

§ 802.243–1 *Value of standard proposal forms.* The use of contractors' proposals is an important method of obtaining information upon which to base a sound judgment in making awards of contracts. These proposals are particularly valuable when presented on standardized proposal forms, since a uniform method of statement facilitates comparison of all proposals received and their evaluation in the light of the principles set forth in Subpart B of this part and in ASF Manual M601.

§ 802.243–2 *Standard procurement forms prescribed for use in certain cases.*

§ 802.243–2a *When used*—(a) *Standard Procurement Form No. 3.* Whenever, in the opinion of the technical service involved, detailed cost or price information should be obtained from bidders as an aid to the adequate negotiation of contracts for supplies (excluding construction), it will employ Standard Procurement Form No. 3 and related forms (WD AGO Form 299, Mar. 1, 1945; WD AGO Form 299–1, February 1, 1945 or July 12, 1944; and WD AGO Form 299–2, March 1, 1945, referred to in § 813.1327. Within the scope of the foregoing rule, each technical service may prescribe more precisely the size and types of procurements in which Standard Procurement Form No. 3 is to be used.

(a) *Standard Procurement Form No. 4.* In simple procurements of supplies (excluding construction) for small amounts where effective competition exists, and where it is accordingly expected that awards will be made to the lowest bidders (subject to the principles set forth in Subpart B of this part), the information to be obtained from bidders may ordinarily be confined substantially to the quotation of prices. Whenever the technical service desires to obtain this limited information in the form of a written proposal, it will employ either (1) W. D. Contract Form No. 5 (§ 813.1317d), if that form of contract is otherwise suitable, or (2) Standard Procurement Form No. 4 (WD AGO Form 298), referred to in § 813.1327, followed by the execution of a suitable contract form.

§ 802.243–2b *Detailed instructions to procurement offices as to use of Form No. 3 and related forms*—(a) *Flexibility.* One important feature of Standard Procurement Form No. 3 is that it has considerable internal flexibility. The procurement office is required by the terms of the form to select and specify (within established limits), the data which the bidder is expected to furnish. Thus, the procurement office has latitude to accommodate the form to the necessities of particular procurements; for example, it may relieve the bidder of the task of compiling information which is not pertinent to the procurement or which is already known to the procurement office.

(b) *In general.* (1) Whenever feasible a preliminary survey will be made, by telephone or otherwise, to determine the prospective contractors to whom an award might be made. In this way, contractors not likely to make acceptable proposals may be eliminated without be-

ing required to expend the time and effort necessary to fill out Standard Procurement Form No. 3. Care should be taken, however, not to eliminate or exclude contractors whose proposals might possibly be acceptable, and not to act inconsistently with the policy of the Smaller War Plants Corporation. (See § 802.225).

(2) It is of the utmost importance that no contractor be asked to complete any portion of Standard Procurement Form No. 3 requiring information which will not be pertinent or useful in properly effecting the particular procurement, or which is already on file with the procurement office. This principle of selectivity will be applied to each contractor, so that in a particular procurement all of the bidders need not necessarily be asked to furnish the same information. The exclusion of such irrelevant and duplicative data is made possible by the flexible character of the form. A proper use of this feature of the form will relieve contractors of the burden of gathering and filling in unnecessary information. At the same time it will help to expedite procurements by making it possible for contractors to fill out and return their proposals more promptly. If, however, portions of the form omitted in the original request call for information which is subsequently deemed pertinent, that information may be requested by sending to the contractor additional copies of the form with an indication in the box on page 1 of the additional portions of the form to be completed.

(3) The procurement office and the contractor may, of course, make arrangements for the contractor to submit some part or parts of the information called for by the form by means of periodic reports or some other mutually satisfactory method. Such an arrangement may expedite and improve dealings with the contractor. Information so submitted should meet the substance of the requirements of the form.

(4) Although deviations from or additions to the form are not permitted without approval of higher authority (see § 802.243–3 where necessary the information obtained through use of the form may be clarified or amplified through correspondence or personal negotiation.

(5) The information submitted in or with Standard Procurement Form No. 3 will be used as a basis of negotiations with the prospective contractor, in accordnace with Part 802 and ASF Manual M 601 and any other instructions that may be in force from time to time.

(6) If a prospective contractor requests that he be notified upon rejection of his proposal, the procurement office will give such notice.

(c) *Instructions as to page 1 of Form No. 3.* (1) In the upper left-hand corner of page 1 of Standard Procurement Form No. 3, insert in the appropriate blanks the date, the request number (if any), the name and address of the procurement office, the name and address of the contractor, the preference rating to be assigned and (on the line entitled "Subject") the name or a brief description of the item or items as to which a proposal is sought.

(2) The box in the upper right-hand corner of page 1 should contain a list of all the titles of the Contractor's Proposal, or the portions of such titles which the contractor is requested to fill out or answer. It is at this point that the flexibility of the form, which has been discussed above, comes into actual operation. Care and sound judgment must be exercised in selecting the titles, or portions thereof, to be included in the box. The selection should be made only after a review has been made of the information already on hand in the procurement office, and after consideration has been given to the need for further information necessary to effect the procurement in accordance with War Department policies. In filling out the box, list only the title if all the sections thereof are to be completed; otherwise the sections themselves should be specified in the box. If the request for proposal relates to more than one kind of item, specify in the box, by item number or otherwise, the items for which cost breakdowns are to be submitted under either or both of Titles V and IX.

(3) A reference to the contract form number or some other brief description of the form of proposed contract (which may be stated in the alternative if the procurement office is uncertain as to which form of contract is to be used) should be inserted in the first blank in paragraph 1 on page 1. Mandatory clauses need not be specified. Any optional contract clauses which the procurement office desires to include in the contract should be appropriately referred to and identified in the blank space provided at the end of paragraph 1 on page 1. Such of the optional clauses as the procurement office requires to be included in the contract should be stated first and preceded by the words "No Deviation"; such of the optional clauses as the procurement office merely suggests for inclusion should be set forth in a second group and preceded by the words "Optional with Contractor". It may be desirable in some cases to attach a copy of the contract form or of the clauses.

(4) Insert in the blanks in paragraph 4 on page 1 the number of copies of the form to be completed and returned and the date for the return of the Contractor's Proposal. The date specified should give the contractor a reasonable time in which to complete and return the proposal but should be no longer than is necessary in the circumstances.

(5) The inclosures should be indicated in the lower left-hand corner, and the name of the procurement office and the signature and title of its representative should be entered on the blank lines in the lower right-hand corner, of page 1.

(d) *Instructions as to remainder of Form No. 3, and as to related forms.* (1) It should be noted that certain portions of the form following the heading "Contractor's Proposal" are required to be filled in by the procurement office. In filling out those portions and in determining the portions of the forms to be completed by the contractor, the following instructions will be observed.

(2) If the procurement office desires that the contractor's proposal be kept open for a certain number of days, that number may be inserted in the blank space provided therefor in paragraph 2 on page 2 of the form. That time should be kept to a minimum and in any event will not exceed thirty days. Otherwise the space should be left blank for completion by the contractor.

(3) In Title III (A) of Standard Procurement Form No. 3, Scope of Proposal, show the F. O. B. point in the space provided therefor and insert in the appropriate columns of the table the following information as to each item: Item number, description of item (or reference to description contained in any attachment), total quantity and unit (as pounds, yards, etc.) on the first two lines of column (3), and the Government's requested delivery schedule. The description of the item may be extended into column (3). Items for which separate prices are wanted, e. g., special packaging, should be shown as separate items in the table. If the delivery schedule for one item is the same as that for an item already specified, the schedule need not be repeated but may be indicated by the words "Same as for Item ——". In the case of spare parts, reference may be made to deliveries concurrent with the item or items to which they relate. If a proposal is desired without deviations from the request, the words "No Deviation" should be inserted in the columns for the description, total quantity and delivery schedule, or in one or more of such columns. If deviations are allowed, leave space at least equal to that used in filling out the Government's requested delivery schedule below each item. Columns (5) and (6), for the proposed unit and total prices, and column (7), for the contractor's proposed delivery schedule, should of course be left blank for completion by the contractor.

(4) Attention is invited to the space provided at the end of paragraph (c) of Title III of the "Instructions for Completing War Department Standard Procurement Form No. 3". (WD AGO Form 299–2, March 1, 1945). This space is intended for the insertion, by the procurement office, of special instructions relating to taxes in any case where the general instructions are inapplicable or inappropriate.

(5) Insert in paragraph (D) of Title III of Standard Procurement Form No. 3, a brief but adequate description of any material which the Government proposes to furnish. If more convenient, that description may be included in column (2) of the table under Title III (A). If no such material is to be furnished, insert the word "None". Where necessary, insert the words "No Deviation".

(6) Before the contractor is asked to complete Titles II and IV of Standard Procurement Form No. 3, the paragraphs appearing under those titles should be carefully checked by the contracting officer. To the extent that any of the information called for will not be useful or the procurement office already has obtained, or has made other arrangements by means of periodic reports or otherwise for obtaining, the information called for, the contractor should not be asked to complete the titles. Thus the box on page 1 of the form should list only such

of the paragraphs of Titles II and IV as will elicit new and useful information. It should be noted that some information is requested only to the extent available, and that whether the information called for by specification of paragraph 6 of Title IV is or is not to be furnished is a matter to be left to the contractor's judgment.

(7) When the contractor is asked to fill out Title V of Standard Procurement Form No. 3, Unit Cost Breakdowns, or some part or parts thereof, Column A under that title will be called for in nearly all cases, but Column B will be omitted where the contractor has not had relevant previous experience or where the procurement office already has satisfactory cost information on hand. It is permissible to insert in lines 12 through 19 any special elements of cost which are not included in the classifications appearing in the preceding lines, e. g., packaging materials or special tooling, but such insertions should be made sparingly and only when there is good reason for them. It is also permissible to work out with the contractor other classifications that are suitable for use with his cost accounting system or to make arrangements for over-all reports on his past cost experience. Where the proposal is to include more than one type of item, a continuation sheet for Title V (WD AGO Form 299–1, February 1, 1945 or July 12, 1944) should be added to each counterpart of the form for each of the additional items for which cost information is required.

(8) The supplement to Standard Procurement Form 3 includes Titles VI through X. If no part of those titles or any part thereof is specified in the box on page 1 the supplement should not be sent to the contractor.

(9) Title VI, Indirect Factory Expenses, and Title VII, General and Administrative Expenses, portions of Standard Procurement Form No. 3, should not be specified in the box on page 1 of the form unless there is reasonable cause for believing that the information to be elicited thereby will assist materially in the negotiation of the contract price, and the information is not already on file with the procurement office. Arrangements may be made with the contractor for the submission of this information in some other form or forms acceptable to both the procurement office and the contractor. Note that under each title, columns 1, 2 or 3 may be listed in the box on page 1 of the form. Use only the column or columns necessary in the particular instance.

(10) Title VIII of Standard Procurement Form No. 3, Accounting Methods, should be used only infrequently, when the information called for therein will contribute substantially to an understanding of the contractor's proposal. Where the information is considered useful, the request may be limited, by an appropriate indication in the box on page 1, to such of the lettered clauses as may be deemed appropriate in the particular instance. This title should not ordinarily be used where the contractor has supplied the information to the procurement office in connection with a reasonably recent or current procurement. Such information should be preserved in the files of the procurement office.

(11) Title IX of Standard Procurement Form No. 3, Costs of Other Items, should be specified only where the amount involved in any of the paragraphs of that title is substantial. Where necessary, the items as to which the information is sought should be specified. Note that any one or more of the paragraphs may be listed in the box on page 1 of the form. Continuation sheets used with Title V (WD AGO Form 299–1, February 1, 1945 or July 12, 1944) should be supplied where Title IX is used.

(12) Title X of Standard Procurement Form No. 3, Direct Materials, is to be used only where a few materials constitute an important element of total material cost and where the amount of subcontracting is not large in relation to total material cost. A list of the materials as to which the information is desired may be inserted by the procurement office in the space provided therefor. If Title X is specified in the box on page 1 of the form with respect to more than one item, the necessary additional copies of the supplement should be furnished to the contractor.

(13) One copy of the "Instructions for Completing War Department Standard Procurement Form No. 3" (WD AGO Form 299–2, March 1, 1945) should be sent to each contractor along with the necessary number of counterparts of Standard Procurement Form No. 3.

§ 802.243–2c Detailed instructions to contractors for completing Form No. 3 are set forth in the related form, WD AGO Form 299–2, March 1, 1945.

§ 802.243–2d Standard Procurement Form No. 4 (WD AGO Form 298) is self-explanatory.

§ 802.243–3 *Deviations from standard proposal forms permitted only with approval of higher authority.* (a) Unless authority is obtained under paragraph (b) below, Standard Procurement Forms Nos. 3 and 4 will be used without deviation or addition, and no substitute or supplementary proposal forms will be used (except that W.D. Contract Form No. 5 may be employed in lieu of Standard Procurement Form No. 4, as provided in § 802.243–2 (a). Where necessary, however, the information obtained through use of Standard Procurement Forms No. 3 or 4 may be clarified or amplified through correspondence or personal negotiation.

(b) Upon request and justification by the technical service involved, the Director, Purchases Division, Headquarters, Army Service Forces, may in particular classes of cases permit deviations from or additions to Standard Procurement Forms Nos. 3 and 4, or otherwise grant partial or complete exemptions from the requirements of §§ 802.243–2 and 802.243–3 (a). Such authority will normally be granted only where the forms do not fit the cost patterns of particular industries, and in these instances it will be required that the authorized deviations from or additions to the forms be applied uniformly to all members of the industry.

§ 802.244 *Purchase analysis.*

§ 802.244–1 *Price comparison.* Comparative prices for similar items compiled in accordance with § 802.251 will be made available to contracting officers for use in negotiating new contracts. The prices offered for new contracts should be carefully compared with previous prices for similar items, making allowance for improved methods, rates of production, type of facilities and other factors. Where proposals are obtained from several producers they should be similarly compared with each other.

§ 802.244–2 *Renegotiation information.* The chief of each technical service will insure that contracting officers make regular use of studies and other information compiled by the price adjustment and cost analysis sections and useful in negotiating with contractors, such as data on volume of business, the policies regarding overhead and reserves, rates of profit and other material. (See § 802.252.)

§ 802.244–3 *Cost analysis.* When the prices or cost estimates submitted by a producer are out of line with previous experience or other proposals and use of his facilities is necessary or desirable in accordance with the policies stated in Subpart B of this part, an analysis of the contractor's costs should ordinarily be made in order to find the causes of the higher costs or prices. Likewise where prices or cost estimates of a producer for an unfamiliar item are so low as to indicate mistakes in the estimates, a similar study should be made. Such study and analysis should be limited to the minimum necessary to obtain the required information and should be made with the least possible inconvenience to the producer (see § 802.253).

§ 802.244–4 *Check lists.* Orderly and speedy negotiations are facilitated by the use of standard negotiation check lists. Such forms should be designed to indicate the information to be obtained from the contractor and from other sources and the methods to be used in evaluating this material and in arriving at the final contract terms.

§ 802.245 *Special clauses.* The contracting officer should consider in each case whether use of any of the various articles for price adjustment discussed in Subpart C of this part and in Part 812 of this chapter is desirable. When such articles are used, the contracting officer will satisfy himself that the original price is sufficiently reduced, by eliminating or reducing contingency reserves and by lower profit margins, to justify the Government in agreeing to such adjustment provisions in favor of the contractor.

§ 802.246 *Compulsory purchases.* Where a fair contract cannot be obtained by voluntary negotiation, it may be necessary to resort to compulsory methods.

§ 802.246–1 *Mandatory orders.* Under section 9 of the Selective Training and Service Act of 1940 as amended, mandatory orders may be placed with producers requiring them to supply items of the nature and kind usually produced or readily capable of being produced by them. Payment for such items will be

at prices determined by the Secretary of War to be reasonable. While the general use of such orders is not favored they will be resorted to when necessary under the circumstances described and outlined in § 814.1450 et seq. Thus, where a qualified producer whose products are required in the war effort refuses to produce and deliver upon terms which in the opinion of the contracting officer are fair and reasonable, the issuance of a mandatory order will normally follow. Specific reference should be made to § 814.1450 et seq. for detailed procedures covering this method of procurement.

§ 802.246–2 *Requisitioning.* When articles needed in the war effort are already in existence but for one reason or another cannot be purchased after reasonable negotiation, the procedure under the requisitioning acts, as outlined in § 814.1401 et seq., should be resorted to in order to obtain the required items.

§ 802.247 *Assistance by Headquarters, Army Service Forces.* The Purchase Pricing Methods Branch, Purchases Division, Headquarters, Army Service Forces, will assist any service in preparing standard forms for proposals by contractors, evaluation sheets or check lists and other aids to effective negotiation.

§ 802.248 *Purchasing by prime contractors.*

§ 802.248–1 *Purchasing methods of cost-plus-a-fixed-fee contractors.* Cost-plus-a-fixed-fee contractors should ordinarily make their subcontracts and purchases by negotiation rather than by formal advertising. In connection with such negotiations, they will obtain informal quotations from qualified suppliers whenever feasible, but evidence of formal competition will not be required in connection with such agreements unless the contracting officer directs otherwise.

§ 802.248–2 *Adjustment of prices and terms of subcontracts and purchase orders under cost-plus-a-fixed-fee contracts* (a) The cost-plus-a-fixed-fee contractor is obligated to procure materials and services at the most advantageous prices possible, with due regard to securing prompt delivery and satisfactory performance. Under some circumstances, commercial concerns find it necessary or desirable and advantageous to adjust the price or terms of an outstanding subcontract or purchase order without legal consideration, for the benefit of the supplier. By permitting cost-plus-a-fixed-fee contractors to make similar adjustments or appropriate cases in accordance with this regulation, it is believed that they will be able to buy from their suppliers on closer prices in the first instance and that the maximum crease the price or extend more favorable terms to the subcontractor.

The chief of a technical service may amend any existing cost-plus-a-fixed-fee contract to include this provision whenever in his opinion such action will be advantageous to the Government and will facilitate the prosecution of the war.

(c) It has been determined that it will facilitate the prosecution of the war to permit cost-plus-a-fixed-fee contractors to increase the price or to make other adjustments in the terms of a subcontract or purchase order, without legal consideration therefor, pursuant to the contract provision authorized by paragraph (b) above, whenever the contracting officer specifically determines.

(1) That the price increase or other adjustment is necessary or desirable in order to continue or increase satisfactory production of essential supplies or to ensure their timely delivery; or

(2) That fair and equitable dealing with the subcontractor or supplier in accordance with sound business practice requires such price increase or other adjustment; or

(3) That the maximum use of available facilities through subcontracting will be thereby facilitated or encouraged; or

(4) That the contractor through following such a policy will be enabled to buy from its suppliers and subcontractors at closer prices in the first instance.

(d) The contracting officer may approve any such increase in price or other adjustment in the terms of a subcontract or purchase order without legal consideration only if, in the light of all the facts and circumstances in the particular case, he makes the determination required by paragraph (c) above. Whenever approval of any such adjustment is contemplated, the contracting officer shall prepare and file a complete memorandum of the circumstances involved and the reasons for the proposed approval, and shall forward a copy of this memorandum to the chief of the technical service concerned for review and concurrence. No approval shall be given by the contracting officer under the contract until concurrence of the chief of the technical service concerned has been received. Upon any such adjustment in the price or terms of a subcontract or purchase order, the contractor shall be reimbursed on the basis of the adjusted price or terms.

(e) As used herein the term "cost-plus-a-fixed-fee contract" includes a provision in a fixed-price contract for preserving facilities for the account of the [illegible] and the term "contractor" includes the [illegible]

with the performance of this responsibility by the services.

§ 802.251 *Price analysis.*

§ 802.251–1 *Functions.* The chief of each technical service will maintain within his service appropriate agencies to perform the following price analysis functions:

(a) To assemble, analyze, interpret and disseminate price data for all important items procured by the technical services and for important component items entering into the costs of such items;

(b) To prepare special price analysis reports for procurement officers; and

(c) To compile and maintain comparative price records and indices for such items and their important components.

§ 802.251–2 *Sources of data.* In performing their functions, price analysis agencies will make use of the following types of information:

(a) Contract prices for similar items, which will be compiled on a comparable basis with respect to the basic (or major) item, essential extra parts and assemblies, initial and extra equipment, Government furnished equipment and scrap salvage.

(b) Cost estimates and other relevant data from proposals submitted by contractors.

(c) Analyses of the effect of major production and engineering problems on prices and costs.

(d) Prices paid for important subcontracted items. (See § 802.254.)

(e) Breakdowns of costs of subcontractors and sub-subcontractors based on production experience.

(f) Balance sheets and operating statements and similar data for contractors and subcontractors from price adjustment sections and financial services.

(g) Information from other Government agencies such as the Office of Price Administration. (See §§ 811.1130 to 811.1135.)

(h) Where necessary, audits of [illegible] of contractors and subcontractors made by the cost analysis sections.

§ 802.251–3 *Use of price data.* (a) The price analysis agencies will prepare full analyses and reports on the comparative prices paid for important [illegible] and their components, making proper allowance for differences in [illegible] the contract, in design, [illegible] type of business, contract terms and other factors. These reports will be in such form [illegible] price adjustment sections, and will contain [illegible] recommendations for [illegible] or materials [illegible] or terms.

(b) In making [illegible] the price analysis agencies will [illegible] the [illegible] of the contractor [illegible] the cost of the [illegible] of items.

§ 802.251–4 *Functions.* When a [illegible]

make studies of the prices of such contractors.

(d) Price records on items procured by the technical service and important components will be kept in such manner as to be readily available for reporting to higher authority or to the Office of Price Administration as requested.

§ 802.251–4 *Corrective action.* When price analysis reveals that the prices of comparable items are out of line, the procurement officer directly concerned will immediately initiate measures to discover the reasons. The appropriate measures will depend upon the particular situation. The contractor or his important subcontractors may be required to furnish a breakdown of actual costs based on production experience. When these are inadequate, cost audits or spot checks may be undertaken through the financial analysis section, and studies of purchasing methods may be made in accordance with § 802.254. Unless the facts disclosed that differences in price are justified by higher costs and by the policies stated in Subpart B of this part, negotiations will be initiated for appropriate adjustments in contract or subcontract prices.

§ 802.252 *Profit analysis.* The studies, by the price adjustment sections of each technical service, of the overall costs, profits and financial position of contractors and subcontractors provide valuable data to assist contract negotiation, such as information regarding overhead, reserves, profit margins, volume of business and similar matters. The chief of each technical service will make arrangements to insure that such information is made readily available in useful form for procurement officers in conducting negotiations with such contractors and for price analysis agencies in performing their functions.

§ 802.253 *Financial analysis.*

§ 802.253–1 *Organization.* Each technical service will maintain appropriate agencies to perform financial analysis functions and to act as fact finding units with respect to costs and profits of its contracts and subcontracts for use in negotiations by contracting officers as well as in renegotiation by price adjustment sections. The chief of each technical service may assign the financial analysis functions to such place in the organization of the service as seems most convenient to him to permit their effective performance. They may not be placed in the fiscal division of the organization unless the cost of the service is small.

§ 802.253–2 *Functions.* When a [illegible]

necessary to obtain the desired information.

§ 802.254 *Supervision of subcontracts and purchases.*

§ 802.254–1 *Policy.* The Government is vitally interested in the prices of component parts and materials of the items which it procures. The prices for such component articles are reflected in prices under fixed price prime contracts and are directly reimbursed under fixed-fee contracts. If excessive, such prices encourage inefficiency, inflationary expenditures and excessive profits in the same manner as excessive prime contract prices. Accordingly, the War Department and technical services must also supervise these prices. Because the Government could not attempt to inspect or approve individual purchases under all fixed price and fixed-fee contracts, they must be supervised by more selective methods adapted to varying circumstances.

§ 802.254–2 *Methods of supervising purchases under cost-plus-a-fixed-fee contracts.* While the cost-plus-a-fixed-fee contractor is responsible for efficient buying, the lack of direct financial incentives for economy makes it essential to supervise its purchasing with respect to prices, quantities and capacity of suppliers. Experience has shown that detailed prior approval of all purchase orders and subcontracts under fixed-fee supply contracts is less efficient for this purpose than more selective methods. Accordingly the following procedure for supervision will be adopted in the case of supply contracts.

(a) The purchasing policies and methods of the cost-plus-a-fixed-fee contractor should be carefully analyzed to determine their adequacy for sound purchasing. This analysis should ascertain (1) whether prices paid are reasonable; (2) whether quantities purchased are proper; (3) whether suppliers and subcontractors are reasonably qualified, (4) whether the purchasing personnel are well-qualified and (5) whether purchasing procedures are sound and adequate.

(b) If the purchasing policies and methods are adequate with respect to prices, quantities and suppliers and are consistently followed prior approval of subcontracts and purchase orders by the representatives of the contracting officer need not be required, or may be limited to those of substantial amounts if regular selective checking to maintain control is maintained.

(c) If the purchasing methods are inadequate in one respect, steps should be taken immediately to remedy the [illegible]

method of supervision is inadequate, he may require such further supervision, including prior approval of purchase orders and subcontracts, as he deems necessary.

§ 802.254–3 *Methods of supervising purchasing by fixed price contractors.* (a) In the case of fixed price contracts, the contractor ordinarily has strong incentives to purchase at low prices in order to enhance the profit, but with high excess profits taxes and renegotiation, this incentive can be fully maintained only by keeping the prices under prime contracts close to minimum costs. For this purpose procurement officers must have adequate information on what component parts and materials should cost if well purchased and must know whether the contractor is equipped to obtain the best prices available.

(b) Price analyses in accordance with § 802.251 will supply necessary information. In that connection, the purchasing policies and methods of important fixed price contractors should be analyzed in the manner described in § 802.254–2. When such analysis or the study of the prices paid by different contractors for important component parts and materials reveals deficiencies, they should be called to the attention of the contractor with recommendations for their correction.

§ 802.254–4 *Personnel.* A selective method of control requires the use of well trained and experienced personnel with a knowledge of purchasing methods and industrial costs and prices. Each service should obtain an adequate number of qualified officers or employees to perform these functions.

§ 802.255 *Sanctions.* Whenever study or analysis reveals that the prices of a contractor or subcontractor are excessive, and he refuses to make appropriate adjustments, the facts should be reported through the chief of the technical service to the Purchases Division, Headquarters, Army Service Forces. In appropriate cases the Director may then authorize action to correct the situation by the use of compulsory orders, renegotiation, or other means.

§ 802.256 *Coordination.* Each technical service may determine the form of organization necessary to perform the foregoing functions within its service but to secure their essential coordination and their integration with procurement. That is its discretion, a centralized service may combine these functions in a single agency or system [illegible] several separate agencies. Because these various price functions are so closely related, however,

at prices determined by the Secretary of War to be reasonable. While the general use of such orders is not favored they will be resorted to when necessary under the circumstances described and outlined in § 814.1450 et seq. Thus, where a qualified producer whose products are required in the war effort refuses to produce and deliver upon terms which in the opinion of the contracting officer are fair and reasonable, the issuance of a mandatory order will normally follow. Specific reference should be made to § 814.1450 et seq. for detailed procedures covering this method of procurement.

§ 802.246–2 *Requisitioning.* When articles needed in the war effort are already in existence but for one reason or another cannot be purchased after reasonable negotiation, the procedure under the requisitioning acts, as outlined in § 814.1401 et seq., should be resorted to in order to obtain the required items.

§ 802.247 *Assistance by Headquarters, Army Service Forces.* The Purchase Pricing Methods Branch, Purchases Division, Headquarters, Army Service Forces, will assist any service in preparing standard forms for proposals by contractors, evaluation sheets or check lists and other aids to effective negotiation.

§ 802.248 *Purchasing by prime contractors.*

§ 802.248–1 *Purchasing methods of cost-plus-a-fixed-fee contractors.* Cost-plus-a-fixed-fee contractors should ordinarily make their subcontracts and purchases by negotiation rather than by formal advertising. In connection with such negotiations, they will obtain informal quotations from qualified suppliers whenever feasible, but evidence of formal competition will not be required in connection with such agreements unless the contracting officer directs otherwise.

§ 802.248–2 *Adjustment of prices and terms of subcontracts and purchase orders under cost-plus-a-fixed-fee contracts* (a) The cost-plus-a-fixed-fee contractor is obligated to procure materials and services at the most advantageous prices possible, with due regard to securing prompt delivery and satisfactory performance. Under some circumstances, commercial concerns find it necessary or desirable and advantageous to adjust the price or terms of an outstanding subcontract or purchase order, without legal consideration, for the benefit of the supplier. By permitting cost-plus-a-fixed-fee contractors to make similar adjustments in appropriate cases in accordance with this regulation, it is believed that they will be able to buy from their suppliers at closer prices in the first instance and that the maximum use of available facilities through subcontracting will be maintained.

(b) In order expressly to authorize such adjustments in accordance with this regulation, the chief of a technical service may include in any cost-plus-a-fixed-fee contract substantially the following provision:

> With the approval of the Contracting Officer, the Contractor may modify a subcontract or purchase order under this contract to increase the price or extend more favorable terms to the subcontractor.

The chief of a technical service may amend any existing cost-plus-a-fixed-fee contract to include this provision whenever in his opinion such action will be advantageous to the Government and will facilitate the prosecution of the war.

(c) It has been determined that it will facilitate the prosecution of the war to permit cost-plus-a-fixed-fee contractors to increase the price or to make other adjustments in the terms of a subcontract or purchase order, without legal consideration therefor, pursuant to the contract provision authorized by paragraph (b) above, whenever the contracting officer specifically determines.

(1) That the price increase or other adjustment is necessary or desirable in order to continue or increase satisfactory production of essential supplies or to ensure their timely delivery; or

(2) That fair and equitable dealing with the subcontractor or supplier in accordance with sound business practice requires such price increase or other adjustment; or

(3) That the maximum use of available facilities through subcontracting will be thereby facilitated or encouraged; or

(4) That the contractor through following such a policy will be enabled to buy from its suppliers and subcontractors at closer prices in the first instance.

(d) The contracting officer may approve any such increase in price or other adjustment in the terms of a subcontract or purchase order without legal consideration only if, in the light of all the facts and circumstances in the particular case, he makes the determination required by paragraph (c) above. Whenever approval of any such adjustment is contemplated, the contracting officer shall prepare and file a complete memorandum of the circumstances involved and the reasons for the proposed approval, and shall forward a copy of this memorandum to the chief of the technical service concerned for review and concurrence. No approval shall be given by the contracting officer under the contract until concurrence of the chief of the technical service concerned has been received. Upon any such adjustment in the price or terms of a subcontract or purchase order, the contractor shall be reimbursed on the basis of the adjusted price or terms.

(e) As used herein the term "cost-plus-a-fixed-fee contract" includes a provision in a fixed-price contract for procuring facilities for the account of the Government at cost (see § 803.332), and the term "contractor" includes the contractor operating under such a provision.

SUBPART E—PRICE SUPERVISION

§ 802.250 *General policy.* For the reasons stated in § 802.230, the War Department is responsible for supervising and controlling the prices of all supplies and equipment procured and of the various items and services entering into the costs of these supplies and equipment to insure that such prices are reasonable and not excessive. This subpart deals with the performance of this responsibility by the services.

§ 802.251 *Price analysis.*

§ 802.251–1 *Functions.* The chief of each technical service will maintain, within his service appropriate agencies to perform the following price analysis functions:

(a) To assemble, analyze, interpret and disseminate price data for all important items procured by the technical services and for important component items entering into the costs of such items;

(b) To prepare special price analysis reports for procurement officers; and

(c) To compile and maintain comparative price records and indices for such items and their important components.

§ 802.251–2 *Sources of data.* In performing their functions, price analysis agencies will make use of the following types of information:

(a) Contract prices for similar items which will be compiled on a comparable basis with respect to the basic (or major) item, essential extra parts and assemblies, initial and extra equipment, Government furnished equipment and scrap salvage.

(b) Cost estimates and other relevant data from proposals submitted by contractors.

(c) Analyses of the effect of major production and engineering problems on prices and costs.

(d) Prices paid for important subcontracted items. (See § 802.254.)

(e) Breakdowns of costs of subcontractors and sub-subcontractors based on production experience.

(f) Balance sheets and operating statements and similar data for contractors and subcontractors from price adjustment sections and financial services.

(g) Information from other Government agencies such as the Office of Price Administration. (See §§ 811.1130 to 811.1135.)

(h) Where necessary, audits of costs of contractors and subcontractors made by the cost analysis sections.

§ 802.251–3 *Use of price data.* The price analysis agencies will prepare full analyses and reports on the comparative prices paid for important items and their components, making proper allowance for differences in the size of the contract, in design, local wage scales, type of facilities, contract terms and other factors. These reports will be in a form usable by procurement officers and price adjustment sections and will contain any recommendations for necessary or desirable action by them.

(b) In making or revising contracts, procurement officers will consult with the appropriate price analysis section and make use of all pertinent price analyses and reports then available.

(c) The price analysis agency will cooperate closely with the price adjustment sections and will make available to them price analyses and reports for use in renegotiation. When renegotiation reveals excessive profits the price analysis agency should immediately make studies of the prices of such contractors.

(d) Price records on items procured by the technical service and important components will be kept in such manner as to be readily available for reporting to higher authority or to the Office of Price Administration as requested.

§ 802.251–4 *Corrective action.* When price analysis reveals that the prices of comparable items are out of line, the procurement officer directly concerned will immediately initiate measures to discover the reasons. The appropriate measures will depend upon the particular situation. The contractor or his important subcontractors may be required to furnish a breakdown of actual costs based on production experience. When these are inadequate, cost audits or spot checks may be undertaken through the financial analysis section, and studies of purchasing methods may be made in accordance with § 802.254. Unless the facts disclosed that differences in price are justified by higher costs and by the policies stated in Subpart B of this part, negotiations will be initiated for appropriate adjustments in contract or subcontract prices.

§ 802.252 *Profit analysis.* The studies, by the price adjustment sections of each technical service, of the overall costs, profits and financial position of contractors and subcontractors provide valuable data to assist contract negotiation, such as information regarding overhead, reserves, profit margins, volume of business and similar matters. The chief of each technical service will make arrangements to insure that such information is made readily available in useful form for procurement officers in conducting negotiations with such contractors and for price analysis agencies in performing their functions.

§ 802.253 *Financial analysis.*

§ 802.253–1 *Organization.* Each technical service will maintain appropriate agencies to perform financial analysis functions and to act as fact finding units with respect to costs and profits on its contracts and subcontracts for use in negotiations by contracting officers as well as in renegotiation by price adjustment sections. The chief of each technical service may assign the financial analysis functions to such place in the organization of the service as seems most appropriate to him to permit their effective performance; they need not be placed in the fiscal section of the technical service unless the chief of the service so decides.

§ 802.253–2 *Functions.* When a financial analysis study of any contractor is made to prepare reports for the price adjustment section, there will also be made such study as seems appropriate in each case to aid procurement officers in future contract negotiations with the contractor. In addition, whenever price analysis indicates that prices or costs of a particular contractor or subcontractor are out of line and the procurement officer so requests, the financial analysis agency will make necessary studies of any contractor or subcontractor. Such studies will be limited to the extent necessary to obtain the desired information.

§ 802.254 *Supervision of subcontracts and purchases.*

§ 802.254–1 *Policy.* The Government is vitally interested in the prices of component parts and materials of the items which it procures. The prices for such component articles are reflected in prices under fixed price prime contracts and are directly reimbursed under fixed-fee contracts. If excessive, such prices encourage inefficiency, inflationary expenditures and excessive profits in the same manner as excessive prime contract prices. Accordingly, the War Department and technical services must also supervise these prices. Because the Government could not attempt to inspect or approve individual purchases under all fixed price and fixed-fee contracts, they must be supervised by more selective methods adapted to varying circumstances.

§ 802.254–2 *Methods of supervising purchases under cost-plus-a-fixed-fee contracts.* While the cost-plus-a-fixed-fee contractor is responsible for efficient buying, the lack of direct financial incentives for economy makes it essential to supervise its purchasing with respect to prices, quantities and capacity of suppliers. Experience has shown that detailed prior approval of all purchase orders and subcontracts under fixed-fee supply contracts is less efficient for this purpose than more selective methods. Accordingly the following procedure for supervision will be adopted in the case of supply contracts.

(a) The purchasing policies and methods of the cost-plus-a-fixed-fee contractor should be carefully analyzed to determine their adequacy for sound purchasing. This analysis should ascertain (1) whether prices paid are reasonable; (2) whether quantities purchased are proper; (3) whether suppliers and subcontractors are reasonably qualified; (4) whether the purchasing personnel are well-qualified; and (5) whether purchasing procedures are sound and adequate.

(b) If the purchasing policies and methods are adequate with respect to prices, quantities and suppliers and are consistently followed, prior approval of subcontracts and purchase orders by the representatives of the contracting officer need not be required, or may be limited to those of substantial amounts, if regular selective checking is maintained instead.

(c) If the purchasing methods are inadequate in any respect, steps should be taken immediately to require the contractor to correct the deficiency, and if necessary, prior approval of subcontracts and purchase orders by the representative of the contracting officer to check on the propriety of the prices and other terms should be required until the deficiency is corrected.

(d) Periodically a report should be prepared with respect to each important contractor, stating the results of the inspection of the purchases and examination during the preceding period.

(e) If at any time the chief of a technical service finds that the selective method of supervision is inadequate, he may require such further supervision, including prior approval of purchase orders and subcontracts, as he deems necessary.

§ 802.254–3 *Methods of supervising purchasing by fixed price contractors.* (a) In the case of fixed price contracts, the contractor ordinarily has strong incentives to purchase at low prices in order to enhance the profit, but with high excess profits taxes and renegotiation, this incentive can be fully maintained only by keeping the prices under prime contracts close to minimum costs. For this purpose procurement officers must have adequate information on what component parts and materials should cost if well purchased and must know whether the contractor is equipped to obtain the best prices available.

(b) Price analyses in accordance with § 802.251 will supply necessary information. In that connection, the purchasing policies and methods of important fixed price contractors should be analyzed in the manner described in § 802.254–2. When such analysis or the study of the prices paid by different contractors for important component parts and materials reveals deficiencies, they should be called to the attention of the contractor with recommendations for their correction.

§ 802.254–4 *Personnel.* A selective method of control requires the use of well trained and experienced personnel with a knowledge of purchasing methods and industrial costs and prices. Each service should obtain an adequate number of qualified officers or employees to perform these functions.

§ 802.255 *Sanctions.* Whenever study or analysis reveals that the prices of a contractor or subcontractor are excessive, and he refuses to make appropriate adjustments, the facts should be reported through the chief of the technical service to the Purchases Division, Headquarters, Army Service Forces. In appropriate cases the Director may then authorize action to correct the situation by the use of compulsory orders, renegotiation, or other means.

§ 802.256 *Coordination.* Each technical service may determine the form of organization necessary to perform the foregoing functions within its service and to obtain their essential coordination and their integration with procurement. Thus, in its discretion, a technical service may combine these functions in a single agency or assign them to several separate agencies. Because these various price functions are so closely related, however, it is recommended that even where they are performed by several agencies in any service, all of them should be coordinated and integrated under a single head. Such an agency should supervise within the service all functions relating to contract clearance, negotiation aids, price analysis and supervision, liaison with the Office of Price Administration, renegotiation and price adjustment, and price research. This policy has been followed in Headquarters, Army Service Forces, by the creation within the Purchases Division of an Assistant Director for

Price responsible for supervising all of these functions. Creation of a similar agency in each service will facilitate coordination and cooperation between Headquarters and the services.

SUBPART F—CONTRACTING POLICY REGARDING CONSTRUCTION AND MAINTENANCE WORK

§ 802.260 *General.* Wherever possible all construction work will be performed on a contract basis, and barring that possibility for practical reasons such construction work will be performed on a hired labor basis.

§ 802.260–1 *Same; new construction.* Job construction refers to work of a type generally performed by a construction contractor, which is non-recurrent and temporary in the sense that it terminates on the completion of a specific project. In general, this includes such work as the construction of new structures or alterations of like nature to existing structures.

(a) All such new work within the meaning of the above definition will be prosecuted under contract whenever possible.

(b) When such work does not adapt itself to contracting procedure for practical reasons, it will be done by the officer in charge on a hired labor basis.

§ 802.260–2 *Same; maintenance work.* Maintenance work refers to work which is regular and recurring, and which is continuous in the sense that it is not terminable on the completion of a specific project. This includes such work as repair, adjustment, overhauling, and upkeep of existing structures or installations. The term also includes, as specified in § 809.911–5, the movement of machinery and installation of equipment, and alteration work incident thereto, performed as an incident of a supply contract. However, in making the determination required by § 809.911–7, as applied to particular machinery movement or installation work, each contracting officer concerned will give careful consideration to the desirable objective sought in the overall policy statement outlined above.

§ 802.260–3 *Same; construction or repair in restricted areas.* It is recognized that in restricted areas, because of the various factors involved, it is not often feasible to prosecute the work either under contract or on a hired labor basis. In such instances the work may be done by maintenance forces. However, every effort will be made to insure that this practice is not abused.

§ 802.260–4 *Same; termination of construction contracts.* The completion of specific construction projects, including original installation of equipment, will be made whenever possible under construction contracts.

(a) When this procedure is not practical, resort will then be made to hired labor.

(b) Completion of specific construction projects by the maintenance forces will be adopted as a last resort, and only when to do otherwise would result in interference or interruption of production, or would demand wasteful retention of a construction supervisory overhead organization.

SUBPART I—PURCHASE ACTION REPORTS

§ 802.290 *General*—(a) *Purpose.* This subpart relates to procedures established for purchase action reporting in order to comply with requirements of law and to provide a single system within the Army for reporting placement, cancellation and amendment of contracts.

(b) *Effective date.* Compliance is required, effective 1 March 1945, with the revised procedures provided in this subpart. However, in the event the new Purchase Action Report Forms W.D., A.G.O. No. 375 (original) and W.D., A.G.O. No. 376 (supplemental), which replace the old Report of Negotiated Purchase in Excess of $10,000, W.D., A.G.O. Forms No. 496 and 495, are not available by 1 March 1945, existing supplies of old forms may be used until such time as the new forms become available. Every effort will be made to utilize the new forms as early as possible.

(c) *Authority of Purchases Division as to reporting.* The Purchases Division, Headquarters, Army Service Forces, retains full authority pertaining to purchase action reporting requirements established by this subpart, despite the decentralization of some of the operating functions.

(d) *Matters to be reported.* All purchase actions, original and supplemental, as defined in § 802.291 (c) and (d), will be reported if involving the required dollar amount.

§ 802.291 *Definitions*—(a) *Technical service.* Notwithstanding the provisions of § 801.108–5 the term, "technical service", when used in this subpart, shall be deemed to include the Army Air Forces, but shall not be deemed to include any service command. The term "chief of a technical service" shall be deemed to include the Commanding General, Army Air Forces.

(b) *Service command.* The term service command" shall be deemed to include the Military District of Washington and the Northwest Service Command.

(c) *Purchase action.* A purchase action is any transaction whatsoever (including all types of awards, also mandatory orders and requisitions under Part 814) with any individual, firm, corporation or Governmental agency not under the jurisdiction of the War Department, involving the purchase or lease of goods, real estate or services of every character and description, and usually obligating Government funds; *Provided, however,* That the following are not regarded as purchase actions and therefore are not reportable:

(1) Transactions of the Army Exchange Service (see § 802.294 (c));

(2) Pay of individuals;

(3) Shipping and traveling expenses;

(4) Open-end contracts for services which are subject to open allotment as enumerated in Circular 245, W.D., 1944 and open-end contracts for the rental or lease of communications services or facilities;

(5) Indefinite quantity contracts, such as those listed in § 806.605d, which are for the use of more than one technical service or service command; and

(6) Delivery or purchase orders placed against a contract executed by another Department of the Government, such as a contract executed by the Procurement Division, Treasury Department.

Each delivery or purchase order in excess of $10,000 issued against an indefinite quantity contract of the character described in subparagraph (5) above, is considered to be a purchase action and should be reported as such on W.D., A.G.O. Form No. 375 (see § 802.295–3 (c)).

(d) *Supplemental purchase action.* A supplemental purchase action is any transaction affecting the cost of an existing purchase action by means of change order, supplemental agreement, amendment, cancellation, extension, renewal, etc.; this includes changes resulting from renegotiation, price adjustment, export differentials, etc. Changes such as adjustments due to over or under deliveries pursuant to a Variation in Quantities clause (see § 802.295–3 (a)) are not supplemental purchase actions.

(e) *Preliminary contractual agreements.* The term "preliminary contractual agreements" as used in this subpart, refers to all written agreements which do not obligate War Department funds to the full amount which it is anticipated will be obligated finally. Letter orders, letter purchase orders, letter contracts and letters of intent are examples of preliminary contractual agreements (see W.D. Contract Form No. 7, § 813.1307, as one type of such agreement). For manner of reporting, see § 802.295–1.

(f) *Open-end contract.* The term "open-end contract" as used in this subpart, means a contract in which no final completion date is set and which usually involves recurring charges for goods and services. (Contracts for gas, electricity or water may be cited as examples.) For manner of reporting, see § 802.295–2.

(g) *Indefinite quantity contracts.* For the purposes of this subpart, indefinite quantity contracts are considered to include those contracts which permit deliveries to be made in larger or smaller quantities than stated in the contract, either at the option of the contractor or of the contracting officer, and with or without a written change order modifying the contract. For manner of reporting, see § 802.295–3.

(h) *Date of award; date of action.* The "date of award" of an original purchase action is the date upon which a verbal or written notice of award thereof is given by the contracting officer to the contractor. The "date of action" with respect to a supplemental purchase action is the date upon which verbal or written notice thereof is given by the contracting officer to the contractor.

§ 802.292 *Filing of reports by stations under the jurisdiction of chiefs of technical services or commanding generals of service commands.* Stations under the jurisdiction of chiefs of technical services or commanding generals of service commands are required to file purchase action reports of the types, in the manner, and under the conditions provided in §§ 802.292–1 through 802.292–5. Stations under the jurisdiction of functional staff divisions, Headquarters, Army Service Forces, will file such reports as provided in § 802.294.

§ 802.292–1 *Stations required to report.* Except as noted below, it is the responsibility of every station (whether an exempted or non-exempted station) to which a reallocation, allotment or suballotment has been made and which is located within the continental limits of the United States or in the Northwest Service Command, to file reports of purchase actions. Such reports, however, are not required to be filed by stations under the jurisdiction of the commanding generals of the Army Ground Forces or of the Defense Commands, or stations outside the continental limits of the United States (except those in the Northwest Service Command).

§ 802.292–2 *Method of determining whether report is to be filed with chief of technical service or commanding general of service command.* The numbering of the contract being reported determines to whom the report is to be forwarded by the station concerned. A purchase action or supplemental purchase action bearing a contract number which contains the letter symbol representing a particular technical service (see § 803.309–2) will be reported to the chief of that technical service. A purchase action or supplemental purchase action bearing a contract number which contains the symbol indicating a particular service command (see § 803.318b–5) will be reported to the commanding general of that service command.

§ 802.292–3 *Original Purchase Action Reports.* (a) A Purchase Action Report (W.D., A.G.O. Form No. 375, see § 802.297–1) will be submitted for every original purchase action which involves a total cost (actual or estimated) in excess of $10,000. The original and five copies (or more if directed by appropriate authority) of such report, will be forwarded to the chief of the appropriate technical service or commanding general of the appropriate service command, not later than the fifth calendar day following the date of award of the purchase action. (See § 802.291 (h).)

(b) When a purchase action, which was not reported because it previously involved a total cost of not more than $10,000 is increased so as to involve, after such increase, a total cost (actual or estimated) in excess of $10,000, a Purchase Action Report (W.D., A.G.O. Form No. 375, see § 802.297–1) will be submitted. The original and five copies (or more if directed by appropriate authority) of such report will be forwarded to the chief of the appropriate technical service or commanding general of the appropriate service command not later than the fifth calendar day following the date of award, which, in this instance, is considered to be the date on which a written or verbal notice of the increase is given by the contracting officer to the contractor.

§ 802.292–4 *Supplemental Purchase Action Reports.* (a) Subject to the conditions set forth in this paragraph, a Supplemental Purchase Action Report (W.D., A.G.O. Form No. 376, see § 802.297–2) will be submitted for every supplemental purchase action as defined in § 802.291 (d) when, with respect to the purchase action involved (including such supplemental purchase actions, if any, as may have been reported previously),

(1) The cost of such purchase action is completely cancelled,

(2) The total cost (actual or estimated) of such purchase action is decreased to $10,000 or less, or

(3) The total cost (actual or estimated) of such purchase action is increased or decreased by more than $1,000.

The original and one copy (or more if directed by appropriate authority) of the Supplemental Purchase Action Report will be forwarded to the chief of the appropriate technical service or to the commanding general of the appropriate service command not later than the fifth calendar day following the date of action. (See § 802.291 (h).)

(b) For purposes of purchase action reporting, a decrease to $10,000 or less of the total previously reported cost (actual or estimated) involved in a purchase action will be considered and reported as a complete cancellation of such purchase action. This is so because only purchase actions involving a total cost in excess of $10,000 are reportable. If, due to a decrease to $10,000 or less in total cost involved in a purchase action, a Supplemental Purchase Action Report has been filed showing the complete cancellation of such purchase action and if subsequent changes (including termination settlements) increase such total cost to more than $10,000, a further Supplemental Purchase Action Report (W.D., A.G.O. Form No. 376) will be filed; notwithstanding the provisions of § 802.292–3 (b), such increase should not be reflected on a Purchase Action Report (W.D., A.G.O. Form No. 375).

(c) Supplemental purchase actions involving increases or decreases of $1,000 or less in the total cost (actual or estimated) of previously reported purchase actions, normally will not be reported on the Supplemental Purchase Action Report (W.D., A.G.O. Form No. 376) but will, instead, be included in the Monthly Summary Report (see § 802.292–5 and item (4) (c) in § 802.297–3a). Exceptions to this general rule concerning supplemental purchase actions of $1,000 or less are: (1) When the supplemental purchase action involves an increase in the total cost (actual or estimated) from $10,000 or less to more than $10,000; and (2) When the supplemental purchase action involves a decrease in the total previously reported cost (actual or estimated) from more than $10,000 to $10,000 or less. In the former case the entire purchase action will be reported as an original purchase action on W.D., A.G.O. Form No. 375 (see § 802.292–3 (b)), and in the latter case it will be reported as a complete cancellation on W.D., A.G.O. Form No. 376 (see paragraph (b) of this section.)

§ 802.292–5 *Monthly Summary Report of purchase actions.* (a) Within five calendar days after the close of each calendar month, one copy (or more if directed by appropriate authority) of the Monthly Summary Report (see § 802.297–3) will be submitted to the chief(s) of the appropriate technical service(s). Each Monthly Summary Report will reflect all original (W.D., A.G.O. Form No. 375) and all Supplemental (W.D., A.G.O. Form No. 376) Purchase Action Reports submitted to the chief(s) of such technical service(s) during the preceding calendar month. In addition each Monthly Summary Report will reflect the total of all supplemental purchase actions which (1) involve increases or decreases during the month under report of $1,000 or less in the cost of previously reported purchase actions and (2) are not required to be, and have not been reported on W.D., A.G.O. Forms No. 375 or 376 (See § 802.292–4 (d) and item (4) (c) in § 802.297–3a.) and have not been reported on previous Monthly Summary Reports. In preparing the Monthly Summary Report, the Purchase Action Reports (W.D., A.G.O. Form No. 375) should be classified by date of award (see § 802.291 (h)) and the Supplemental Purchase Action Reports (W.D., A.G.O. Form No. 376) and supplemental purchase actions of $1,000 or less should be classified by date of action (see § 802.291 (h)) and separate Monthly Summary Reports should be submitted for each month in which any reported action took place.

(b) No Monthly Summary Reports are required to be filed with the commanding generals of service commands.

§ 802.293 *Filing and distribution of reports by chiefs of technical services and commanding generals of service commands.* Chiefs of technical services and commanding generals of service commands are required to file purchase action reports of the types, in the manner, and under the conditions provided in § 802.293–1 through § 802.293–3. Functional staff divisions, Headquarters, Army Service Forces, will file such reports as provided in § 802.294.

§ 802.293–1 *Original and Supplemental Purchase Action Reports.* (a) Purchase Action Reports (W.D., A.G.O. Form No. 375, see § 802.297–1) and Supplemental Purchase Action Reports (W.D., A.G.O. Form No. 376, see § 802.297–2) will be forwarded by the chiefs of the technical services and commanding generals of service commands as follows:

Purchase Action Report (W.D., A.G.O. Form No. 375): 4 copies to the Department of Labor; 1 copy to the War Production Board.

Supplemental Purchase Action Report (W.D., A.G.O. Form No. 376): 1 copy to the War Production Board.

(b) In forwarding reports as provided in paragraph (a), the following addresses should be used:

Department of Labor: Mr. William R. McComb, Deputy Administrator, Room 1114, Department of Labor Building, Washington 25, D. C. Attention: Mr. A. L. Triolo.

War Production Board: War Production Board, Bureau of Program and Statistics, Room H–327, Temporary E, 6th and Adams Drive SW., Washington 25, D. C.

(c) Notwithstanding the instructions in paragraphs (a) and (b) above, all

required copies of original or Supplemental Purchase Action Reports with respect to mandatory orders and requisitions (pursuant to Part 814) will be filed by the chiefs of technical services and commanding generals of service commands with the Director, Purchases Division, Headquarters, Army Service Forces, Attention: Chief, Control Branch.

§ 802.293–2 *Monthly Summary Report.* (a) Within 10 calendar days after the close of each calendar month, one copy of the Monthly Summary Report (see § 802.297–3) will be submitted by the chief of each technical service to the Commanding General, Army Service Forces, Attention: Director, Purchases Division. Each such report will be reconciled with the Monthly Summary Reports submitted to the chief of the technical service by stations reporting to him during or for that month (see § 802.292–5). The purpose of the Monthly Summary Report submitted by the chiefs of the technical services is to provide a control over purchase action reporting and to enable Purchases Division, Headquarters, Army Service Forces, to maintain a record of the totals of all purchase actions (with a value as awarded or supplemented in excess of $10,000) as of the month in which they took place, regardless of the month during which they are reported. It is essential, therefore, that the chief of each technical service, in preparing the Monthly Summary Report, classify original Purchase Action Reports (W.D., A.G.O. Form No. 375) by date of award (see § 802.291 (h)) and Supplemental Purchase Action Reports and changes of $1,000 or less by date of action (see § 802.291 (h)), and forward to Purchases Division a separate Monthly Summary Report for each month in which any reported action took place.

(b) Commanding Generals of service commands are not required to submit Monthly Summary Reports.

§ 802.293–3 *Quarterly Report on Procurement.* The chiefs of the technical services and the commanding generals of the service commands will submit to the Commanding General, Army Service Forces, Attention: Director, Purchases Division, within twenty days from the close of each quarter of each fiscal year, one copy of the Quarterly Report on Procurement (see § 802.297–4). Purchases Division will assemble the Quarterly Reports submitted by the chiefs of the technical services and the commanding generals of the service commands into one report which will be submitted by it to Congress, pursuant to Public Law 528, 77th Congress.

§ 802.294 *Filing of reports by functional staff divisions and stations under their jurisdiction.* (a) Except as otherwise provided in paragraph (c) of this section, functional staff divisions, Headquarters, Army Service Forces, and stations under their jurisdiction, will submit reports concerning purchase actions in the same manner as chiefs of technical services and stations under the jurisdiction of the chiefs of technical services. A purchase action or supplemental purchase action bearing a contract number which contains the symbol indicating a particular functional staff division will be reported by a station to the director of that division.

(b) The director of each functional staff division will be responsible for submission by that division and stations under its jurisdiction of reports concerning purchase actions, to the same extent as the chief of a technical service is responsible for reports by that technical service and stations under its jurisdiction.

(c) Nothing in this subpart shall require the preparation or submission of any reports concerning purchase actions by Army Exchange Service.

§ 802.295 *Special instructions concerning reporting of preliminary contractual agreements, open-end contracts and indefinite quantity contracts.*

§ 802.295–1 *Preliminary contractual agreements* (see § 802.291–5). (a) A Purchase Action Report (W.D., A.G.O. Form No. 375) covering a preliminary contractual agreement, will be submitted by a reporting station not later than the fifth calendar day following the date of award (see § 802.291 (h)) under the following conditions:

(1) If the preliminary contractual agreement does not obligate funds, but the undertaking of the Government is not conditioned upon funds becoming available, and if the estimated cost involved under the preliminary contractual agreement exceeds $10,000.

(2) If the undertaking of the Government under the preliminary contractual agreement is conditioned upon funds becoming available (see, for example, the Letter of Intent which was the subject of the decision of the Comptroller General, issued under date of 22 December 1941; B–21873; 21 Comp. Gen. 605), an original Purchase Action Report will be filed when either the expenditures of the Government under such agreement total in excess of $10,000 or a final definitive contract (involving an actual or estimated cost in excess of $10,000) is executed, whichever shall first occur.

(c) If a Purchase Action Report (W.D., A.G.O. Form 375) is filed for a preliminary contractual agreement, a Supplemental Purchase Action Report (W.D., A.G.O. Form 376) will be filed not later than the fifth calendar day after completion of performance under such preliminary contractual agreement or after supplement (including execution of a final definitive contract), amendment or change order to such preliminary contractual agreement, provided in any such case that an increase or decrease in excess of $1,000 from the amount previously reported is involved. A Supplemental Purchase Action Report reflecting execution of a final definitive contract or completion of performance of the preliminary contractual agreement shall indicate this fact and shall also reconcile any difference in excess of $1,000 between the amount shown in the Supplemental Purchase Action Report with the amount reported on the original Purchase Action Report as supplemented by previous Supplemental Purchase Action Reports if any.

§ 802.295–2 *Open-end contracts.* (See § 802.291 (f)). (a) The Purchase Action Report (W.D., A.G.O. Form No. 375) for an open-end contract will include the full amount estimated to be expended for the first contract year. A Supplemental Purchase Action Report (W.D., A.G.O. Form No. 376) will be filed not later than the fifth calendar day after the close of the first contract year, reconciling the difference between the estimated and actual expenditures for such contract year, and reporting, as a separate item the estimated expenditure for the ensuing contract year. Similar Supplemental Purchase Action Reports will be filed at the end of each succeeding contract year during the life of the contract. A final Supplemental Purchase Action Report clearly marked, "Final Report," will be submitted not later than the fifth calendar day after the completion or termination of the contract, adjusting any unreported quantity and value, whether it be an increase or a decrease.

(b) Where the amount to be expended under an open-end contract cannot be estimated in advance, a Purchase Action Report (W.D., A.G.O. Form No. 375) will be filed on the basis of actual expenditures when the aggregate expenditures thereunder exceed $10,000. Supplemental Purchase Action Reports will not be rendered from time to time as additional expenditures, aggregating in excess of $1,000, are incurred. Such additional expenditures will be reported on a contract or fiscal year basis on a Supplemental Purchase Action Report filed not later than the fifth calendar day after the close of the contract or fiscal year as the case may be.

§ 802.295–3 *Indefinite quantity contracts.* For the purposes of this subpart, indefinite quantity contracts, as defined in § 802.291 (g), fall into four broad classes as follows:

(a) Those containing the standard clause entitled "Variation in Quantities" (§ 803.329) which permits the contractor to deliver 10 per cent over or under the quantity specified in the contract. In reporting this type of contract, only the original quantity and value need be stated; upon completion of deliveries no Supplemental Purchase Action Report is required even though deliveries may fall short or exceed the amount originally reported. Supplemental purchase actions (see § 802.291 (d)) involving an increase or decrease of more than $1,000, however, are required to be reported (see § 802.292–4).

(b) Those containing a clause giving the contracting officer a power by change order to increase or decrease within stated percentage limits the quantity of articles called for by the contract (see § 803.329a). This type of contract will be reported originally at the quantity and value set forth in the contract. Supplemental purchase actions involving an increase or decrease of more than $1,000 will be reported (see § 802.292–4).

(c) Those, such as listed in § 806.605 which are for the use of more than one technical service or service command. This type of contract is not regarded as a purchase action (see § 802.291 (c) (5)) and the basic contract will not be reported. A Purchase Action Report (W.D., A.G.O. Form No. 375), however, is required to be submitted for each purchase or delivery order executed under such an indefinite quantity contract and involving a total cost (actual or estimated) in excess of $10,000. Each such purchase or delivery order will be regarded as a separate purchase action and therefore will be reported on a non-cumulative basis without regard to any other such purchase or delivery order issued under the basic contract. For reference purposes, reports of such purchase or delivery orders should always indicate (in space (34)) the full contract number of the basic contract.

(d) Any other type of indefinite quantity contract. For the purposes of this subpart indefinite quantity contracts not falling within paragraphs (a), (b) or (c) above, will be considered and reported as "open-end contracts" (see § 802.295 (b)).

§ 802.296 *General instructions concerning report forms.*—(a) *Supply of forms.* (1) W.D., A.G.O. Forms No. 375 and 376 are available upon requisition from Adjutant General Depots, or in case of Army Air Force activities, from the appropriate Air Technical Service Command Depot.

(2) Forms for Monthly Summary Reports may be reproduced locally or typed as required.

(b) *Classified reports.* If the item or service covered by either an original or Supplemental Purchase Action Report is classified, proper entries should be made in all spaces (see §§ 802.297–1a and 802.297–2a) and the whole report prominently labeled with the appropriate classification and transmitted according to regulations governing classified information.

§ 802.297 *Report forms and related instructions.*

§ 802.297–1 *Purchase Action Report; W.D., A.G.O. Form No. 375.*

WAR DEPARTMENT
PURCHASE ACTION REPORT

1. Date of report		2. Par. Serial No.
3. Issuing station (name, and address)	4. Station No. service	5. Contract No. (P. O. No.)
6. To (technical service or service command concerned)	7. Type of purchase action	8. Date of award
9. Contractor (name and address)	10. Contracting as: Mfr. / Dealer	11. Contractor code / State
	12. Delivery to start	13. To be completed
14. Work performed at (name and address)	15. Inspected at	16.
	17. F. o. b.	18.
19. Subject to Walsh-Healey Act: Yes / No	20. Title of applicable industry minimum wage determination (Secretary of Labor) if any.	21. Date P. C.—13 sent

22. Item No.	23. Description of items	24. No. of units	25. Unit cost and unit	26. Total cost (indicate if estimate)

27. Total supplies and services	$
28. Government facilities provided this contract	$
29. Total amount of contract	$

Additional information required for contracts in excess of $150,000

30. Negotiators for Government	31. Negotiators for contractor
32. Reason for contractor selection (if no competition obtained)	33. Specification approval (name)
34. Remarks	

35. Name, rank, or title (type)	36. Signature

WD, AGO Form 375
1 December 1941

This form supersedes WD AGO 409, 13 December 1943, which will not be used after receipt of this revision.

§ 802.297–1a *Instructions for preparation of Purchase Action Report; W.D., A.G.O. Form No. 375.* The following numbered instructions apply to the corresponding numbers appearing on the report form reproduced in § 802.297–1.

(1) *Date of report.* This shall be the date upon which the report is prepared.

(2) *Purchase action report serial number.* This enables the contracting station and the controlling technical service or service command to reconcile their records. Inasmuch as many stations may originate purchase actions for and report them to more than one technical service, a separate serial number will be used for each such technical service. Each series of serial numbers will begin with Serial Number 1 for each new fiscal year and continue in exact sequence to the end of the fiscal year. No symbol indicating a technical service or service command need appear as part of the serial number; this will be indicated by the symbol shown in the contract number. (See §§ 803.309 and 803.318b–5. Reports made in one fiscal year for purchase actions awarded in a previous fiscal year should bear a serial number in the series of the fiscal year in which awarded.

(3) *From.* Include the name and address of the station preparing the report.

(4) *Station number and service.* This is the first part of the contract number and will include the station number and technical service or service command symbol appearing on the contract.

(5) *Contract Number (P. O. No.).* This is the final part of the contract number and will show the number assigned to the individual contract being reported. If a purchase order is being reported, the number thereof also will be indicated here.

(6) *To.* Indicate the name and address of the technical service or service command to which the report is being rendered.

(7) *Type of purchase action.* Indicate the type of contract involved. This information should state (i) whether the contract is a formal contract (namely, a contract contained in one instrument, executed by both parties, see § 803.303–2), purchase order, delivery order (see § 806.614) or letter order and (ii) whether the contract is a fixed price (lump sum) or cost-plus-a-fixed-fee contract. In addition, if the contract is a preliminary contractual agreement (see § 802.291 (c)), so indicate by the word "preliminary". If a mandatory order or requisition pursuant to Part 814 is involved, this should be indicated.

(8) *Date of award.* Indicate the date of award as defined in § 802.291 (h).

(9) *Name and address of contractor.* Insert here the name and address of the contractor as it appears on the contract. If more than one prime contractor is involved, list each one as a split award on separate Purchase Action Reports, and indicate by cross reference the Purchase Action Report Serial Numbers of all such reports.

(10) *Contracting as manufacturer or dealer.* Indicate by checking proper box whether the contractor is acting as a manufacturer or as a dealer.

(11) *Contractor code.* This space will always be left blank.

(12) *Delivery to start.* In most cases this will be the initial delivery date specified in the contract. If the contract is a construction contract, the date work is to begin should be shown. If the contract is for the purchase of real estate, the date of possession should be indicated. Where dates are dependent upon receipt of material, estimated dates are permissible but will be so indicated.

(13) *Completion date.* This will normally be the date specified in the contract for the completion of deliveries. In some cases it may be the same as the starting date or the date of award. If the date is dependent upon the receipt of material, an estimated date may be used but should be so indicated.

(14) *Work performed at.* Where the work is to be performed by the contractor and at the address indicated in space (9) the words "same as above" will be entered here. However, if the work is to be performed by a different contractor or at a different address, the name and location of the establishment or plant where the work will be performed must be stated. If the work is to be performed at more than one location, list each one and where possible indicate the approximate percentage of work to be performed at each location. If the space provided is insufficient, additional data may be inserted under "Remarks" at space (24). Where the street address as well as the name of the city is shown on the face of the contract, this should be included.

(15) *Inspection point.* The use of this space is optional with the chief of each technical service or commanding general of each service command.

(16) This space will normally be left blank. However, at the discretion of the chief of a technical service or a commanding general of a service command it may be utilized for such information as may be desired.

(17) *F.O.B. point.* Same as (15).

(18) Same as (16).

(19) *Walsh-Healey Act.* Reporting provisions of the Walsh-Healey Act (Act of June 30, 1936; 49 Stat. 2036; 41 U.S.C. 35-45) will, after 1 May 1943, be fulfilled by the proper submission of four copies of W.D., A.G.O. Form No. 375 for each original purchase action. Indicate by appropriate check mark whether or not the contract is subject to that act.

(20) *Title of applicable industry minimum wage determination.* If the purchase action comes under any industry minimum wage determination (see Part 609), the industry involved should be indicated by name.

(21) *Date P.C.-13 sent.* Enter the date on which the poster, P.C.-13, was sent to the contractor and to the plant locations. (See § 609.919–3).

(22) *Item Number.* Enter the item number for each item described in space (23). The use of space (22) is optional with the chief of each technical service and the commanding general of each service command.

(23) *Description of items.* Insert complete description of product, service, facilities, project or property. Long lists of items attached to Purchase Action Reports are not required for centralized reporting unless specifically directed by the chief of the technical service or the commanding general of the service command responsible for procurement of the item involved. Where assorted items of like nature are reported, indicate group headings, such as "various tank engine parts", "various knit clothing", etc. Such headings must briefly but specifically state the type of article purchased to enable proper classification by end product. Do not indicate only "Spare parts"; instead, state for example, "Spare parts for trucks, except engine parts".

(24) *Number of units.* Enter the number of units for each item described in space (23).

(25) *Unit cost and unit.* State the unit cost and the unit involved. In cases where a varied group of items is shown in space (23), and not detailed, indicate various unit prices in the same manner; either as a price range, i.e., $4.37 to $4.69 each, or show the word "various" for a wide range of unit prices, such as on tools.

(26) *Total cost.* If cost is estimated, write "estimated" after amount. For purchase actions involving architect-engineer, management, or similar services only, indicate as the total cost the amount payable to the contractor and chargeable against a War Department appropriation. This applies primarily to cost-plus-a-fixed-fee contracts. If, under such a contract, the contractor is to receive payment of an architect-engineer, management, or similar fee, and in addition is to receive payment for work performed or supplies furnished, each such payment will be shown as a separate item. In cases where both supply items and either land acquisition, plant expansion or tool expansion are involved in a single purchase action, a description and cost of these groups should be shown separately as well as total cost of all groups. If, the purchase action is a preliminary contractural agreement (see § 802.291 (e)), the amount for which the War Department is obligated will be shown in space (26) and the estimated full contract price entered in space (23). In all other cases the total cost (actual or estimated) will be shown in space (26).

(27) *Total supplies and services.* Enter the total of all entries in space (26).

(28) *Government facilities provided this contract.* Enter the amount of funds made available for Government facilities under the contract being reported upon. Do not include such amount in the spaces (22) through (27).

(29) *Total amount of contract.* This is a total of spaces (27) and (28).

Spaces (30) through (33) need be filled in only if original value of contract at date of award exceeds $150,000.

(30) *Negotiator for the Government.* This may or may not be the contracting officer, but in each case the name(s) of the person(s) negotiating the contract for the Government will be shown.

(31) *Negotiator for contractor.* This should include the name(s) of the person(s) representing the contractor in negotiating the contract with the Government.

(32) *Reason for contractor selection.* Enter the principal or controlling reason why the particular contractor was selected for this contract if no competition was obtained. Where the contract was awarded pursuant to competitive bidding, so state by entering the words "competitive bidding", or a similar phrase.

(33) *Specification approval.* Where standard Government specifications, such as Army, Navy, Treasury Procurement, etc., are used, enter only the name of such agency. Where other than standard specifications have been used, enter the name of the person approving the use thereof.

(34) *Remarks.* This space may be used for any pertinent remarks, including data which cannot be entered in the appropriate prior spaces. At the discretion of the chief of each technical service or commanding general of each service command, additional data, such as the monthly scheduled deliveries, may be entered here. Where the Purchase Action Report covers a contract for the acquisition of land and the original value thereof at date of award exceeds $150,000, the following additional information will be added in this space for use in the Quarterly Report on Procurement (see § 802.297–4a (c)): a brief statement as to the location; the intended use of the land; the area; and the appraised value thereof as it appears on the record.

(35) *Name, grade or title.* Type the name and grade or title of the person signing the report.

(36) *Signature.* The original of each report should be signed by some responsible officer, normally the contracting officer; copies may bear either typewritten or rubber stamped signatures.

§ 802.297–2 *Supplemental Purchase Action Report; W.D., A.G.O. Form No. 376.*

WAR DEPARTMENT SUPPLEMENTAL PURCHASE ACTION REPORT	1. Date of report	2. Par. Ser. No.
3. From (Station name and address)	4. Station No. service	5. Contract No. / Supplemental No.
6. To (Technical service or service command concerned)	7. Type of purchase action	8. Date of action
9. Contractor (Name and address)	10. Contracting as: Mfr. / Dealer	11. Contractor code
	12. Delivery to start	13. To be completed
14. Work performed at (Name and address)	15. Inspected at	16.
	17. F. O. B.	18.
19. Subj. to Walsh-Healey Act: Yes / No	20. Title of applicable industry minimum wage determination (Secretary of Labor) if any	21. Date P. C. sent

22. Item No.	23. Description of items	24. No. of units	25. Unit cost and unit	26. Total cost (Estimate)

27. Contract value of items not revised		$
28. Total contract value including this revision		$
29. Total contract value prior to this revision	$	XXXXXXXXXXXXXXX
30. Net change in contract value, this revision: ☐ increase ☐ decrease	$	XXXXXXXXXXXXXXX
31. Cash refunds prior to this revision ( ) this revision ( )		$

34. Remarks.

35. Name, grade or title (Type)	36. Signature*

WD AGO FORM 376 1 December 1944 — This Form Supersedes WD AGO 456, 15 December 1943, which will not be used after receipt of this revision.

§ 802.297–2a *Instructions for preparation of Supplemental Purchase Action Report; W.D., A.G.O. Form No. 376.* The following numbered instructions apply to the corresponding number appearing on the report form reproduced in § 802.297–2. The word "Same" used in any of the following instructions means that the correspondingly numbered instruction in § 802.297–1a applies.

(1) Same.

(2) *Purchase Action Report Serial Number.* A Supplemental Purchase Action Report will contain the same serial number as the original Purchase Action Report, followed by a letter of the alphabet in parentheses, the first Supplemental Purchase Action Report using the letter "(a)"; the second "(b)," etc.

(3)–(4) Same.

(5) Same. In addition to the contract number, there will be entered in this space the number or letter of the contract supplement represented by the supplemental purchase action (see § 803.313–1).

(6)–(7) Same.

(8) *Date of action.* The date of the supplemental purchase action, determined as stated in § 802.291 (h), will be entered. In no case will the date shown be the date of award of the original purchase action.

(9) through (21) Same.

(22) through (26) Same. Entries under spaces (22), (23), (24), (25) and (26) will be made only for the items affected by the particular supplemental purchase action being reported. All entries will be the full quantities or costs as revised—do not enter merely the net increase or decrease. In all cases, the nature of the supplemental purchase action will be indicated (space (34) may be used)—viz: quantity increase or decrease; price increase or decrease, etc. Where quantities have been changed, show the number of units added or deleted; where delivery or completion dates have been changed, indicate the changes and specify the initial delivery date of any increased quantities; where a decreased quantity represents a partial or complete termination for the convenience of the Government, or a partial or complete termination by default of contractor, so indicate; where price changes have occurred, indicate the nature of the change and whether due to a change in specifications or in costs; where prices have been affected by partial termination, so indicate.

(27) *Contract value of items not revised.* Show the contract value of all items on the contract which are not affected by the supplemental purchase action being reported.

(28) *Total contract value, including this revision.* This entry will be the sum of the entries in spaces (26) and (27).

(29) *Total contract value prior to this revision.* The entry here will be the value of the contract as previously reported (including Supplemental Purchase Action Reports, if any).

(30) *Net change in contract value, this revision.* The entry in this space will be the difference between spaces (28) and (29). Indicate by check marks in the box whether the amount shown in space (28) is an increase or a decrease.

(31) *Cash refunds prior to this revision.* Use of this space (31) is optional with the chiefs of technical services or commanding generals of service commands.

(32)–(33) Omitted from W. D., A. G. O. Form No. 376.

(34) through (36) Same (except that data on the acquisition of land is not required on Supplemental Purchase Action Reports).

§ 802.297–3 *Monthly Summary Report.*

Control Approval Symbol PDS–18

MONTHLY SUMMARY REPORT

(1) for Month of -------- 194--

(2) To: ----------

(3) From: ----------

(4) Purchase actions not previously reported for this month:

	Value Number
(a) W. D., A. G. O. Form No. 375 ----------	$
(b) W. D., A. G. O. Form No. 376:	
(i) Cancellations (decrease) ----------	$
(ii) All other reported changes---------- Increase ☐ Decrease ☐	$
(iii) Changes and supplements of $1,000 or less, each, not reported on W. D., A. G. O. Form No. 376---------- Increase ☐ Decrease ☐	$ XXXX
(c) Total of items (b) and Increase ☐ Decrease ☐	$
(5) ----------	
(6) ----------	
(7) ----------	

§ 802.297–3a *Instructions for preparation of Monthly Summary Report.* The Monthly Summary Report will be prepared on the basis of net obligations undertaken during the month and not on the basis of appropriations authorized. This report will be submitted on an 8" x 10½" sheet. The following numbered instructions apply to the corresponding numbers appearing on the report form set forth in § 802.297–3:

(1) *Month for which report submitted.* As required in §§ 802.292–5 and 802.293–2, a separate Monthly Summary Report will be submitted for each month in which any purchase action, reported during or for the preceding calendar month, took place, as determined by the "date of award" or "date of action" (space (8) on W.D., A.G.O. Forms No. 375 and 376). Enter on line (1) the month covered by the particular Monthly Summary Report for which figures are reported under item (4) below.

(2) *For stations reporting to a chief of a technical service.* Enter the name and address of the technical service to which submitted.

For chiefs of technical services. Enter "Director, Purchases Division, Headquarters, Army Service Forces".

(3) *For stations reporting to a chief of a technical service.* Enter the name and station number of the reporting station.

For chiefs of technical services. Enter the name of the technical service.

(4) *Purchase Action Reports not previously reported for this month.* All entries under item (4) will pertain to the calendar month indicated in line (1).

(a) Under "Value" enter the sum of the entries in space (29) of all W.D., A.G.O. Forms No. 375 submitted during the previous calendar month, reporting purchase actions awarded during the month indicated in line (1). Under "Number" enter the count of all such W.D., A.G.O. Forms No. 375.

(b) (i) Under "Value" enter the sum of the entries in space (29) of all W.D., A.G.O. Forms No. 376 submitted during the preceding calendar month, reporting purchase actions, the cost of which was completely cancelled during the month indicated in line (1). As provided in § 802.292–4 (b), decrease to $10,000 or less in total cost of purchase actions is considered a complete cancellation. Under "Number" include the count of all such W.D., A.G.O. Forms No. 376.

(b) (ii) Under "Value" enter the total of entries in space (30) of all W.D., A.G.O. Form No. 376 submitted during the preceding calendar month, reporting increases or decreases during the month indicated in line (1) of more than $1,000 in the total cost of purchase actions, except decreases reported in (b) (i) above. Indicate whether increase or decrease by check in proper box. Under "Number" enter the count of all such W.D., A.G.O. Forms No. 376.

(c) Under "Value" enter the mathematical sum of all supplemental purchase actions made during the month indicated in line (1) which involved an increase or decrease of $1,000 or less in total cost and which were NOT reported on W.D., A.G.O. Form Nos. 375 or 376 and have not been reported on Monthly Summary Reports previously submitted. Indicate whether increase or decrease by check in proper box. No entry is required under "Number".

(d) Under "Value" enter sum of the entries in lines (b) (i); (b) (ii); and (c). Indicate whether increase or decrease by check in proper box. Under "Number" enter the sum of the entries in lines (b) (i) and (b) (ii).

(5) *Signature.* The officer or person responsible for procurement, or for preparation of purchase action reports, will sign here.

(6) *Name, grade or title.* Type the name, and grade or title of person signing report.

(7) *Date of submission.* Enter the date the report is submitted.

§ 802.297–4 *Quarterly Report on Procurement, Control Approval Symbol PDS–19.*

§ 802.297–4a *Instructions for preparation of Quarterly Report on Procurement.* (a) The Quarterly Report on Procurement will be submitted by the chief of each technical service and the commanding general of each service command. It will include only those contracts which have an original value at the date of award in excess of $150,000. No report will be made of any contract with an original value at the date of award of $150,000 or less, even though the value of such contract may have been increased by supplements to an amount in excess of $150,000. Similarly, no report will be made of any supplements, or changes, including increases, decreases, or cancellations of contracts. If no contract in excess of $150,000 has been awarded during the quarterly period, a negative report will be submitted.

(b) The Quarterly Report will be typed on individual strips, which, after typing, will be arranged in alphabetical order by the contractors' names, then grouped into pages attached to a header strip which will be provided in advance of each quarter by the Purchases Division, Headquarters, Army Service Forces. Headers and individual strips will be assembled by the use of crinkly "draftsman's type" Scotch tape, if available. The pages shall have no more than 10" of printed and typed matter, including the header strip showing. The space on the header strip, providing for the page numbers, will never be filled in by the reporting technical service or service command. At the foot of the last page submitted for each technical service or service command, there will be typed the total dollar value of all contracts included in the report. This total will include only the total of the individual figures reported, and will not be adjusted to record supplements, changes, cancellations, etc., occurring subsequent to the initial award.

(c) Purchases Division will assemble the reports submitted to it, into one report which it will submit to Congress. Subsequent to the preparation of this completed report by Purchases Division, the pages will be returned to the submitting headquarters for disassembly and filing of the individual strips for future reference.

(d) The following information will be submitted for each contract for supply items or services included in the Quarterly Report on Procurement; subparagraphs below refer to column headings on the header strip and the space references are to W.D., A.G.O. Form No. 375 and the explanations thereof in § 802.297–1a:

(1) *Contract number, date and type of contract.* Insert full contract number,

date of award, and indicate whether the contract is fixed price, cost-plus-a-fixed-fee, unit price, letter order, letter purchase order, purchase order, etc. (Spaces (4), (5), (8) and (7).)

(2) *Item description and quantity.* Insert brief description of the item or items and the quantity of each. (Spaces (23) and (24).)

(3) *Value.* The dollar value of the contract as reported in space (29).

(4) *Name and address of the contractor and negotiator.* Insert data from spaces (9) and (31).

(5) *Name of Government negotiator.* Space (30).

(6) *Specifications.* Space (33).

(7) *Reasons for contractor selection.* Space (32).

(c) The following information will be furnished for each contract for the purchase of land included in the Quarterly Report on Procurement. The subparagraphs below refer to columns in the special header strip for land acquisitions, which will be furnished by Purchases Division upon request. The space references are to W.D., A.G.O. Form No. 375 and to the explanations thereof in § 802.297–1a.

(1) *Contract number, date and type of contract.* Spaces (4), (5), (8) and (7).

(2) *Location and intended use.* Enter a brief statement as to the location and intended use of the land. (Space (34).)

(3) *Value.* Space (29).

(4) *Name and address of contractor and negotiator.* Spaces (9) and (31).

(5) *Name of Government negotiator.* Space (30).

(6) *Area and assessed value.* State the area of the land purchased and the assessed value as it appears on the records. (Space (34).)

(7) *Reasons for contractor selection.* Space (32).

§ 802.298 *Responsibilities of chiefs of technical services and commanding generals of service commands.* The chiefs of the technical services and commanding generals of the service commands are charged with the following responsibilities:

(a) Responsibility for assuring that all reports required by this subpart to be prepared and forwarded by the stations under their jurisdiction are prepared and forwarded in accordance with §§ 802.292–1 through 802.292–5. This responsibility includes:

(1) Responsibility for controlling by means of the serial numbering system (see §§ 802.297–1a (2)) the submission of original and Supplemental Purchase Action Reports (W.D., A.G.O. Forms No. 375 and 376).

(2) Responsibility for requiring the submission of at least a sufficient number of copies of original and Supplemental Purchase Action Reports to accomplish the distribution required by § 802.293 to be made by the chiefs of technical services and the commanding generals of the service commands.

(3) Responsibility for checking by contract number to assure that duplicate reports are not received. This will include the checking of terminations and cancellations to be sure they are properly reported, as specified in § 802.292–4.

(4) Responsibility for reconciling individual Purchase Action Reports submitted by each station with the Monthly Summary Reports submitted by that station. (Does not apply to commanding generals of service commands.)

(b) Responsibility for assuring that all reports required by this subpart to be prepared and forwarded by them are prepared and forwarded in accordance with §§ 802.293–1 through 802.293–3.

(c) Responsibility for obtaining, upon request, detailed information on specific transactions when same is deemed necessary, and for prompt submission of such information to Purchase Division, Headquarters, Army Service Forces.

§ 802.299 *Special Purchase Action Report Forms.* The Quartermaster Corps and the Ordnance Department have been authorized by the Director, Purchases Division to use special forms of Purchase Action Reports and Supplemental Purchase Action Reports deviating slightly from the standard W.D., A.G.O. Forms No. 375 and 376, set forth in §§ 802.297–1 and 802.297–2. Stations under the jurisdiction of the Quartermaster General and those under the Chief of Ordnance will obtain supplies of these special forms as directed by the respective chiefs of those services.

[Procurement Reg. 3]

PART 803—CONTRACTS

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SUBPART A—GENERAL

§ 803.301 *Rescission of regulations.* Army Regulations 5–200, dated January 2, 1940, as amended, and all other prior directives and instructions of whatsoever nature relating to the making of contracts are hereby rescinded.

§ 803.301–1 *Compliance with this part.* Unless otherwise specifically provided, compliance with any provision of this part or of any amendment thereto which requires a change in contract procedure or in any contract provision shall not be mandatory until thirty days after the issuance of such regulation or amendment.

§ 803.302 *Definitions.* As used in this chapter the following terms will have the meanings assigned to them in the following sections:

§ 803.302–1 *United States and Government.* These terms are synonymous and include the War Department.

§ 803.302–2 *Contractor.* A contractor is any person, partnership, company, or corporation (or any combination of these) which is a party to a contract with the United States.

§ 803.302–3 *Contracting officer.* (a) A contracting officer is an officer or civilian official of the War Department who has been appointed by any one of the following persons, or by their direction, or in accordance with such orders and regulations as they may prescribe for their respective commands, to execute contracts on behalf of the United States:

(1) The Secretary of War;

(2) The Under Secretary of War;

(3) The Commanding General in a Theatre of Operations;

(4) The Commanding General, Army Air Forces;

(5) The Director, Purchases Division, Army Service Forces;

(6) The Chief of any Technical Service.

(b) Unless otherwise specifically provided, the words "the contracting officer," when used in this chapter or in any existing or future contract, supplemental agreement or change order, are construed to include:

(1) His duly appointed successor or authorized representative;

(2) Any and all contracting officers, acting within the scope of the orders respectively appointing them contracting officers.

(c) Representatives may be designated as follows:

(1) The Chief of a Technical Service may designate any officer or civilian official to act as representative of the contracting officer or his duly appointed successor;

(2) A commanding officer may designate any contracting officer assigned to his command or station to act as representative of any other contracting officer assigned to the same command or station, or of a contracting officer's duly appointed successor so assigned;

(3) A contracting officer, his duly appointed successor, and any representative designated pursuant to (1) or (2) of this paragraph, may respectively designate any officers or civilian officials to act as their representatives.

(d) A designation authorized by paragraph (c) may be made by instructions referring to particular contractual instruments or classes of instruments, and may, to the extent not specifically prohibited by the terms of the contractual instrument involved, empower the representative to take any or all action thereunder which could lawfully be taken by the contracting officer. In no event, however, shall a representative, by virtue only of his designation as such, be empowered to execute any contract or supplemental agreement (as distinguished from change order). Of course, if the representative is a contracting officer, he may, pursuant to the order appointing him a contracting officer, execute contracts or supplemental agreements.

(e) Any person duly appointed a contracting officer in accordance with paragraph (a) above, with authority to execute contracts on behalf of a particular technical service, service command or the Army Air Forces may execute contracts on behalf of any other service when the necessary funds, if any, have been made available.

(f) All action heretofore taken which would have been valid if this section had then been in effect, is hereby ratified and confirmed.

§ 803.302–3a *Appointment of contracting officers at installations such as ports of embarkation.* The question sometimes arises whether a contracting officer carrying on procurement activities at an installation such as a port of embarkation should be appointed by the chief of the technical service having jurisdiction of the installation, or by the chief of another technical service which may have an interest in the particular type of procurement. The following rule of administration is established: The chief of the technical service (including the Commanding General, Army Air Forces) having jurisdiction of an installation is charged with primary responsibility for appointing contracting officers to carry on procurement activities at the installation, but with the concurrence of the chief of that technical service, the chiefs of other technical services (including the Commanding General, Army Air Forces) interested in the various types of procurement may appoint such contracting officers. This

does not alter in any way the authority of the persons designated in § 803.302–3 (a) (1), (2), (3) and (5) to appoint contracting officers. (See also § 803.318b–1).

§ 803.302–4 *Disbursing officer.* A disbursing officer is the officer who has been designated to make payments under a contract.

§ 803.302–5 The following are terms used in connection with contracts:

(a) Signed number. A signed number means the instrument with the required signatures.

(b) Authenticated copy. An authenticated copy means a copy of the instrument shown to be authentic by either:

(1) Certification as a true copy,

(2) Official seal, or

(3) Photostatic process.

The signatures on such copies may be either facsimile, stamped, or typed. In lieu of copying the signatures of the parties signing the contract or supplemental agreement and of the witnesses thereto, and the corporate certification or certificate, if any, of the contracting officers as to the authority of the person who signed the original for the corporate contractor, the contracting officer or his authorized representative may execute the following certificate on the copies furnished the Fiscal Office and the Financing Disbursing Office for their use:

I certify that this is a true copy of the document properly signed and witnessed ---------- and that the corporate certifi-
(date)
cation therein was properly executed.

(c) Copy. A copy means a copy of the instrument, including the names of the contracting parties, but lacking authentication.

§ 803.302–6 *Default.* Default is the refusal or the failure of a contractor to carry out the terms of a contract.

§ 803.303 *General requirements for contracts.* (a) Every purchase transaction except those where payment is made coincidentally with receipt of supplies will be evidenced by a written contract.

(b) Where it has been administratively determined by the commanding officer as more economical and advantageous in the interest of the war effort, Class B agent officers may be appointed in procurement installations under the provisions of AR 35–320 for the purpose of making cash payments for emergency purchases and nonpersonal services not exceeding $100. The use of War Department Form No. 332 (Public Voucher—Emergency Purchases and Nonpersonal Services Not Exceeding $100), properly executed and supported by certified invoices, will be used for this purpose. War Department Form No. 332 may be closed periodically to suit local conditions and submitted to the disbursing officer for credit in the agent officers' accounts as prescribed by AR 35–320.

(c) War Department Form No. 332, when used as authorized in paragraph (b) above, will be prepared in quadruplicate (original and three memorandum copies) and distributed as follows:

(1) Original and duplicate to accountable disbursing officer, supported by certified invoices.

(2) Triplicate to accountable property officer, supported by certified invoices and the following certificate:

I certify that the supplies enumerated hereon were received by me and that payment therefor has been made by me as agent officer in cash this ------- day of ----------, 19----, from funds intrusted to me by----------, finance officer at ----------, that the nonexpendable property listed hereon (if any) will be accounted for by the ---------- property officer as ----------, and that the expendable items hereon designated thus (x) are for immediate consumption in current service in ----------

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(State purpose for which the expendable supplies are to be immediately used. For example: "Operation of motor trucks or airplanes," "troops on the march," etc.)

Allotment No. ----------

(Name, grade, and organization)
Agent Officer

(3) Quadruplicate, without attachments, to Fiscal Officer, Service Command Headquarters, for property audit files. This copy will be stamped with stamp of agent officer to indicate payment in cash or by check.

(d) When funds are expended in accordance with the procedure outlined in paragraphs (b) and (c) above, the transaction need not be evidenced by any written contract or purchase order, since payment will be made coincidentally with receipt of supplies.

§ 803.303–1 Contracts may be either formal or informal.

§ 803.303–2 A formal contract is one which is contained in one instrument executed by both parties. An illustration is War Department Contract Form No. 1 (see § 813.1301). Formal contracts may be used for any purchase transaction, regardless of amount and will be used for all purchase transactions, the contract price of which exceeds $500,000.

§ 803.303–3 For any purchase transaction, the contract price of which does not exceed $500,000, an informal contract consisting of two separate instruments, one signed by the contractor and the other signed by the contracting officer on behalf of the United States, may be used.

§ 803.303–4 (a) When a purchase order is preceded by a written quotation or is followed by a written evidence of acceptance executed by the contractor, it is to be regarded as an informal contract consisting of two instruments; and accordingly, may be used, in accordance with § 803.303–3, for any purchase transaction the contract price of which does not exceed $500,000. If the contractor's assent is not evidenced either by a written quotation or by acceptance of the purchase order in writing, the purchase order may nevertheless be used for any purchase transaction the contract price of which does not exceed $500,000 provided that the purchase order is preceded by an oral quotation or is based upon a price list.

(b) When the contractor furnishes no evidence of his assent either (1) by a written or oral quotation, (2) by a written acceptance or (3) by the publication of a price list, the purchase order may not be used for any transaction the contract price of which exceeds $5,000; but may be used for any transaction the contract price of which does not exceed $5,000.

(c) The provisions of this section and of §§ 803.301–2 and 803.301–3 are not applicable to interbranch or interdepartmental purchases (see § 806.605a and Subpart C of Part 806). Regardless of the amount involved, such purchases need not be evidenced by formal contracts. They should be evidenced by a delivery order (for suggested form see § 813.1317e, Form No. 19).

§ 803.303–5 *Numbering and distribution of contracts.* (a) The numbering of contracts is discussed in §§ 803.309 to 803.309–3 and 803.318b–5 and the distribution of contracts is discussed in Subpart D of this part.

(b) *Distribution of purchase orders.* As pointed out in § 803.303–4 (b), it is not necessary that a purchase order which does not exceed $5,000 in amount be preceded by a quotation. If the contract price exceeds $5,000, however, the following rules shall apply:

(1) If the purchase order was preceded by a written quotation signed by the contractor, or if the contractor delivered some written instrument evidencing the contractor's assent, the original of such written quotation or instrument should be forwarded to the appropriate Army Audit Branch of the General Accounting Office and a copy thereof attached to the copy of the purchase order furnished the disbursing officer.

(2) If the contractor did not furnish a written quotation or written evidence of its assent and the purchase order merely accepted an oral quotation or was based on a price list, the purchase order, as forwarded to the Army Audit Branch of the General Accounting Office, should contain a reference to the oral quotation or price list. This may consist of a simple statement such as "Pursuant to oral quotation of even date" or "Pursuant to oral quotation of ----------, 194--" or "Pursuant to ----------
(Name of contractor or other
---------- price list, dated ---------,
identification)
194--".

§ 803.303–6 *Partial payments.* It is to be noted that any type of contract, including the purchase order, may provide for partial payments upon completion of the delivery of one or more complete units called for under the contract, or upon the completion of one or more distinct items of service called for thereunder. Any existing contracts which provide for a single payment may be amended to provide for such partial payments. Likewise, prior to delivery, payments may be made on work in progress for the Government, *Provided*, That the contract contains a clause similar to one of the contract clauses set forth in §§ 803.330 and 803.331. Contracts (including purchase orders) under which it is contemplated that more than one payment will be involved must, of course, be numbered as required by § 803.309–1 and distributed in accordance with § 803.316.

§ 803.303a *Letters of intent and letter orders—(a) Use.* The use of letters of intent and letter orders was frequently necessary in the earlier stages of the war procurement program to enable contractors to start work immediately upon war contracts prior to the time when the information was available upon which a definitive contract could be negotiated and without the delay incident to contract negotiations. At the present stage of the procurement program, such temporary contractual instruments will be used only for the most cogent reasons and will be superseded at the earliest possible moment by definitive contracts. In general, such instruments should be used only (1) where it is essential to give the contractor a binding commitment to permit of preparatory work immediately and without any delay, or (2) where because of the experimental nature of the work involved or the lack of definitive information as to the volume of supplies to be ordered, the amount of work to be done, or detailed specifications, it is impossible to negotiate a definitive contract. Such instruments should not be used as a method of delaying the making of a definitive contract until a substantial portion of the contractor's performance of the contract has been completed. The standard termination provisions for inclusion in letter orders and letters of intent (see §§ 842.212–2 (b) and 842.213–3) leave room for the insertion of a date by which the definitive contract is to be executed, and also permit postponement of such date by mutual consent (see paragraph 6 (a) of contracts in §§ 813.1307 to 813.1310, inclusive). The date inserted should be the earliest date feasible under the circumstances, and postponement should not be consented to except for good cause.

(b) *Report on letters of intent, etc.* (1) On or before the 10th of each month the chief of each technical service will file with the Director, Purchases Division, Headquarters, Army Service Forces, a report entitled "Age Analysis of Outstanding Letters of Intent, Etc." (Control Approval Symbol PDS–17) and described in subparagraph (2) below. The first report shall be due September 10, 1944, for the period ending August 31, 1944. This report does not conflict with the reports of negotiated purchase actions in excess of $10,000, (Control Approval Symbol ICY–33) required by § 802.293.

(2) The reports "Age Analysis of Outstanding Letters of Intent, Etc." (Control Approval Symbol PDS–17) will be submitted original only, on an unclassified basis. For the purposes of these reports, the phrase "letters of intent, etc." shall be deemed to include letters of intent, letter orders, letter purchase orders, letter contracts, etc. Negative reports and letters of transmittal will not be submitted. Chiefs of technical services where necessary will obtain appropriate data from their procurement district offices, using the same reporting method as required for their report to the Purchases Division, Headquarters, Army Service Forces. These reports shall be in two parts and shall set forth the following information:

Part I. A tabulation, classified by month of origin, of the number of letters of intent, etc. outstanding at the close of the preceding month.

Part II. A separate listing of each letter of intent, etc. which at the close of the reporting month had been outstanding more than 90 days. This listing shall set forth:

(i) Contract number.

(ii) Name of contractor.

(iii) Date of original issuance of letter of intent, letter order, letter purchase order, etc.

(iv) The month in which it is anticipated the outstanding letter of intent, etc. will be converted to a definitive agreement.

(v) A brief statement of the reasons why each letter of intent, etc., which had been outstanding more than 90 days as of the end of the reporting period, had not been converted into a definitive contract.

(3) Letters of commitment (see W.D. Contract Form No. 28 and §§ 802.222–7 and 813.1328) will not be included in either Part I or Part II of these reports.

§ 803.303a–1 *Use of provisions for allowance of profit in standard termination provisions.* (a) The standard termination provisions (see §§ 842.212–2 (b) and 842.213–3) permit of an allowance for profit in the event of termination of a letter of intent or letter order for the convenience of the Government. Such provisions may be omitted in the discretion of the chief of the technical service. However, the chiefs of the technical services will normally include such provisions for a profit allowance (1) in letter orders and letters of intent which, because of inability on the part of the Government to furnish full specifications or essential information or other similar reason, will necessarily remain in effect for a considerable period before they can be superseded by definitive contract, and (2) in cases where the contractor is required to proceed under a letter of intent or letter order, although willing to quote a reasonable fixed price, solely because the Government for its own interest is unwilling immediately to negotiate a definitive contract.

(b) With respect to amendment of letters of intent or letter orders to include therein standard termination provisions, see § 842.213–3. With respect to allowance of profit on termination of letters of intent or letter orders, see § 845.533–4.

SUBPART B—AUTHORITY TO MAKE AWARDS, CONTRACTS, AND MODIFICATIONS THEREOF; REQUIRED APPROVALS

§ 803.304 *Definitions.*

§ 803.304–1 *Standard forms of contract.* The phrase "standard forms of contract", as used in this subpart, includes:

(a) Forms of contract which may from time to time be approved for the general use of all technical services by the Legal Assistant to the Director of Matériel or the Chief, Legal Branch, Director of Matériel, Headquarters, Army Service Forces. The following contract forms are hereby approved for such use:

(i) United States Standard forms of contract provided they comply with the requirements of Subpart H.

(ii) Long Form Supply Contract:
- Lump Sum Supply Contract (See § 813.1301).

(iii) Short Form Supply Contracts:
- Purchase Order or Delivery Order and Voucher for Purchases and Services other than Personal (See § 813.1317a).[1]
- Purchase Order (See § 813.1317b).[1]
- Government's Order and Contractor's Acceptance (See § 813.1317c).[1]
- Informal Invitation, Informal Bid, and Acceptance (See § 813.1317d).[1]
- Delivery Order (See § 813.1317e).
- Contractor's Offer and Government's Acceptance (See § 813.1317f).[1]

(iv) Construction and related contracts:
- Lump Sum Construction Contract (See § 813.1302).
- Cost-Plus-A-Fixed-Fee Construction Contract (See § 813.1303).
- Cost-Plus-A-Fixed-Fee Architect-Engineer Contract (See § 813.1304).
- Fixed-Fee Architect-Engineer-Construction-Management Services Contract (See § 813.1312).
- Lump-Sum Contract for Architect-Engineer Services (With Optional Supervision) (See § 813.1316).

(v) Letter Orders:
- Letter Order for Supplies (No Price Stated) (See § 813.1307).
- Letter Order for Supplies (Price Stated) (See § 813.1308).
- Letter Order Contract for Cost-Plus-A-Fixed-Fee Construction (See § 813.1309).
- Letter Order Contract for Lump-Sum Construction (See § 813.1310).

(vi) Supplemental Agreements for Advance payments:
- Supplemental Agreement for Advance Payments with Interest on Fixed-Price Contracts (see § 813.1320).
- Supplemental Agreement for Advance Payments with Interest on Fixed-Fee Contracts (See § 813.1321).
- Supplemental Agreement for Advance Payments with Interest on a Letter Purchase Order (See § 813.1322).
- Supplemental Agreement for Advance Payments without Interest on Fixed-Price Contracts (See § 813.1323).
- Supplemental Agreement for Advance Payments without Interest on Fixed-Fee Contracts (See § 813.1324).
- Supplemental Agreement for Advance Payments without Interest on Letter Purchase Orders (See § 813.1325).

(vii) Utility Service Forms:
- Negotiated Electric Service Contract (Connection Charge) (See § 813.1315a).
- Negotiated Utility Service Contract (No Connection Charge—Electric, Gas, Water, Sewage) (See § 813.1315b).[1]

(viii) Patent Rights Contracts:
- Contract Adjusting Royalties (See § 813.1329).
- Patent Release and License Contract (See § 813.1330).
- Patent Release and License Contract (See § 813.1331).
- Patent Release and Assignment Contract (See § 813.1332).
- Patent Release Contract (See § 813.1333).
- Patent Release Contract (See § 813.1334).

(ix) Contracts for use in connection with termination of contracts—see Part 849 of this chapter.

(x) Miscellaneous Contracts:
- Defense Supplies Corporation (See § 813.1311).
- Metals Reserve Company (See § 813.1311a).
- Defense Plant Corporation (See §§ 813.1311b and 813.1311c).
- War Supplies Limited (See § 813.1313).
- Government-Owned Equipment Rental Agreement (See § 813.1314).
- Invitation, Bid and Acceptance (Sale of Property and Waste Material) (See § 813.1326).[1]
- Contract of Sale of Property (See § 813.1326a).[1]

[1] To be used in accordance with instructions appearing in the cited section.

(x) Miscellaneous Contracts—Continued.
Letter of Commitment (Raw Materials under CMP) (See § 813.1328).

(b) Forms of contract, devised by a particular technical service, or a staff division exercising procurement functions, to meet the needs of a recurrent situation of a special type which may from time to time be approved by the Legal Assistant to the Director of Matériel or the Chief, Legal Branch, Director of Materiel, Headquarters, Army Service Forces (see § 801.107–8), for the use of that technical service or staff division. Forms so approved should be periodically revised (see § 803.301–1) to accord with requirements of these procurements regulations published following approval of the forms. If deviation from such requirements appears to be necessary, the forms should be resubmitted for approval.

(c) The forms of contract enumerated below are (January 1, 1945) in use by the various offices named. Except where the particular form was approved under paragraph (b) by memorandum or indorsement, in which case the precise terms approved together with any conditions on their use will appear from the pertinent file, it may be assumed that that version of the form was approved (subject to all requirements of the regulations in this chapter) which on January 1, 1945 was authorized by the technical service or staff division involved for use by personnel under its jurisdiction.

Office of the Chief of Chemical Warfare Service:
Short Form Research Contract (consideration nominal)
Negotiated Sale Contract
Office of the Chief of Engineers:
Engineer Form No. 84. — Release of Claim for Additional Fee
Engineer Form No. 85. — Release of Claim for Additional Fee to Extent only of Joint Venturer
W D (Engineers) Form No. 17. — Hire by Government of Plant or Equipment.
W. D. (Engineers) Form No. 520. — Contract for Reconditioning Construction and Maintenance Equipment
W D (Engineers) Form No. 715. — War Department Lease of United States Property (Military Industrial Facilities)
W D (Engineers) Form No. 843. — Contract for Dismantling, Demolition and Removal
Office of the Chief of Ordnance:
Notice of Award
Equipment Lease Form
Sale of Scrap (Allocated)
Cage Repair Contract
"Drive-Away" Carrier, Repair Services
Letter Order for Emergency Supplies
Master Facilities Lease
Contract for Spare Parts and Military Publications
Recognizing the Assignment of Contracts
Office of the Quartermaster General:
QMC Form No. 300 — Purchase Order for Use in Purchasing Certain Food Supplies.
QMC Forms No. 315, 315b, and 316 (Tentative). — Invitation, Bid and Acceptance Form for Purchasing Coal
Uniform Burial Contract QMC Form No. 1042. — Contract for Purchasing Lubricating Oils and Greases
Office of the Quartermaster General—Continued.
QMC Form No. 1013. — Contract for Warehouse Services
QMC Form No. 1029. — Federal Emergency Warehouse Association Contract
QMC Form No. 1048. — Research and Development Contract
Office of the Chief Signal Officer:
O. C. S. O. Form No. 6–D. — Purchase Order
W. D., A. G. O. Form No. 11–26 (superseding W. D. S. C. Form No. 57)[1] — General Contract for trunkline and other Communication Facilities and Services
W. D., A. G. O. Form No. 11–51 (superseding W. D. S. C. Form No. 134).[1] — Contract for Communication and Electric Time Facilities and Services
W. D., A. G. O. Form No. 11–140, June 28, 1944 (superseding W. D. S. C. Form No. 1137). — Telephone Service Order
W. D., A. G. O. Form No. 11–148 (superseding W. D. S. C. Form No. 1165).[1] — General Contract for Commercial Telephone Service Similar to that Furnished the Business Public
A. T. & T. Co. Form C276C (5–37).[1] — Application for Private Line Service or Channel
Letter Order for Supplies (No Price Stated)
Letter Contract for Motion Picture Training Film
Contract for Motion Picture Training Film
Letter Order for Stock Film and Sound Track
General Contract for Operation and Maintenance in connection with Army Telephone Systems[1]
Contract for Maintenance in Connection with Army-Owned Teletypewriter Equipment

GOVERNMENT-OWNED EQUIPMENT RENTAL AGREEMENT

Office of The Surgeon General:
S.G. Form No. 1–H. — Supply Contract
S.G. Form No. 2–D. — Long Term Supply Contract
S.G. Form No. 3–D (and Appendix "1"). — Purchase Order
S.G. Form No. 891. — Blood Plasma Contract
Contract with Universities for Courses of Instruction
Medical Research Contract (Cost Basis)
Supplemental Agreement for Use of Cellular Residue
Office of the Chief of Transportation:
TC Form No. 101. — Lease of Equipment Under Public No. 779, 77th Congress
TC Form No. 102. — Lease of Equipment, with Indemnity, Under Public No. 779, 77th Congress
TC Form No. 103. — Standard Master Ship Repair Contract
TC Form No. 104. — Freight Handling Services.
Office of the Chief of Transportation—Continued.
TC Form No. 224. — Contract for Movement of Household Goods and Effects (see Section II, Circular No 445, W.D., 1944)
(W.D., A.G.O. Form 55—123 Revised—Approved 14 October 1944).
TC Form No. 225. — Government-Owned Facilities Lease Agreement
TC Form No. 520. — Rental Agreement Loading and Handling Equipment.
Army Air Forces:
Matériel Command, Contract Form No. 2 — Fixed Price Supply Contract
Army Air Forces, Form No. 98 — Purchase Order
Letter Contract for Supplies or Services (Fixed Price)
Letter Contract for Supplies or Services (CPFF)
Cost-Plus-a-Fixed-Fee Supply Contract (CPFF) Form 3, revised)
General Airlines Service Contract (and Supplement)
Contract Pilot School
Blanket Bailment Agreement
Sale of Property (General)
Sale of Propeller Boxes
Contract for Return of Excess Parts to Manufacturers
Sale of Aircraft and Spare Parts
Blanket Agreement for Sale to Air Carriers of Components and Parts for Aircraft
Sales of Aircraft to Defense Supplies Corporation for Resale
Sale of Excess Engine Parts (two forms)
Lease of Government-owned Facilities
Special Facilities Contract
Contract for Lease of Tractors and Trailers under Public No. 779, 77th Congress
Contract for Lease of Tractors and Trailers and Indemnity Agreement under Public No. 779, 77th Congress
Laundry and Dry Cleaning Contract, Hospital Laundry Contract
Office of the Provost Marshal General:
Contract for Prisoner of War Labor
Office, Director of Personnel:
Contract for Correspondence Instruction
Contract for Radio and Phonograph Recordings
Service Commands:
Contract for Training in Medicine and Dentistry
Contract for Training in Veterinary Medicine
Training Unit Contract
Boiler Inspection Contract
Contract for Inspection and Maintenance of Automatic Fire Alarm Systems
Laundry and Dry Cleaning Contract, Hospital Laundry Contract (see ASF Circular No. 128, 1944, as amended by Section II, ASF Circular No. 159, 1945)

[1] It is emphasized that these forms should contain the standard clauses set forth in §§ 803.323 and 803.325, and General Condition 12 of W. D. Contract Form No. 47 (§ 813.1317c–2).

§ 803.304–2 *Contract.* As used in this subpart, the term "contract" means any contract except supplemental agreements and change orders and except those contracts referred to in §§ 810.1014 and 810.1015.

§ 803.304–3 *Price.* As used in this subpart, the term "price" means in the case of a lump-sum contract (or supplemental agreement or change order relating thereto), the stated price, and in the case of a cost-plus-a-fixed-fee contract (or supplemental agreement or change order relating thereto), the estimated cost plus the fixed-fee.

§ 803.304–4 *Technical service.* Whenever authority is conferred by this subpart upon a technical service, that authority may be exercised by the chief of the technical service or by any officer or officers or civilian official or officials whom he may designate, subject to such regulations as he may prescribe.

§ 803.305 *Making and approval of awards of contracts, supplemental agreements and change orders.*

§ 803.305–1 *Authority of technical services to make awards.* All awards of contracts, supplemental agreements and change orders, other than those described in § 803.305–2 may be made by the technical service concerned without approval of higher authority.

§ 803.305–2 *Awards requiring the approval of Director, Purchases Division.* (a) The following awards must be submitted for approval to the Director, Purchases Division, Headquarters, Army Service Forces:

(1) Awards of contracts (other than Architect-Engineer Management or similar contracts) involving a price of $5,000,000 or more, and awards of supplemental agreements and change orders which have the effect of increasing the price of contracts (other than Architect-Engineer, Management or similar contracts) by $5,000,000 or more.

(2) Awards of Architect-Engineer, Management or similar contracts when the construction contracts to which they relate involve a price of $5,000,000 or more, and awards of supplemental agreements and change orders affecting Architect-Engineer, Management or similar contracts when the changes being concurrently made in the construction contracts to which they relate have the effect of increasing the price of the construction contracts by $5,000,000 or more.

(b) Neither preliminary contractual agreements, such as letters of intent, letter orders and letter purchase orders, nor letters of commitment (see §§ 802.222–7, 813.1328) are required to be submitted to the Director, Purchases Division, for approval pursuant to the provisions of paragraph (a) above, regardless of the amount of funds obligated thereunder or the estimated cost of the proposed procurement. However, approval of the award of a final definitive contract, involving conversion of a preliminary contractual agreement or the use of materials or components acquired pursuant to a letter of commitment, will be obtained if required by paragraph (a) above.

§ 803.305–3 *Submission of contract, supplemental agreement or change order in lieu of award.* In lieu of submitting an award for approval under § 803.305–2, the contract, supplemental agreement or change order may itself be submitted for approval and manual execution by the Director, Purchases Division, Headquarters, Army Service Forces.

§ 803.305–4 *Information to be furnished in requesting approval of awards.* Requests for approval of awards will include the information indicated below or such parts thereof as are relevant to the particular procurements. The requests should show the extent of the consideration given to the following points in the course of the negotiation and placement of the agreement.

(a) Requests for approval of awards under § 803.305–2 (a) (1):
(1) Name and address of contractor.
(2) Location of the plant from which items are to be furnished.
(3) Quantity and brief description of items to be furnished.
(4) Unit prices and total amount to be expended.
(5) Brief summary of delivery schedules.
(6) Experience of contractor with same or similar work.
(7) New facilities required and reference to any necessary approval thereof.
(8) Whether negotiations were conducted with more than one contractor.
(9) Brief reference to the consideration and application of contract placement policies (see Part 802, Subpart B).
(10) Reference to form of contract to be used, noting and justifying any provisions requiring approval of higher authority, or referring to any such approval previously obtained (see, for example, §§ 803.306–2, 803.306–4, 803.376, and 803.378).
(11) Price information showing that a careful and thorough price analysis was made in the course of the negotiation and giving a brief narrative history of the negotiations with the contractor. This information should be given in sufficient detail to permit an appraisal of the consideration given to (i) comparative prices, (ii) components of price, and (iii) cost and price trends. (See ASF Manual M 601 "Pricing in War Contracts"; Part 802, Subpart C.)

(*a*) *Comparative prices.* The value of this information depends in large part on whether the conditions and circumstances of the procurements offered for comparison are in fact fairly comparable with those involved in the procurement approval of which is sought. The request should therefore indicate the consideration given to the various factors in the particular case which affect comparability. The following list of such possible factors is merely suggestive, not exhaustive: (*1*) Volume of production; (*2*) contractors' experience in producing the same or similar items; (*3*) Government-owned facilities and Government-furnished material; (*4*) financing provisions: (*5*) royalty payments; (*6*) risk factors, including those arising out of the length of delivery schedules; (*7*) Government's assumption of risks by means of contract provisions; (*8*) comparative price movements.

(*b*) *Components of price.* The request should reflect the types of approach used in analyzing components of price, of which the following are suggestive: (*1*) Analysis of the contractor's cost breakdowns; (*2*) comparisons of the contractor's cost estimates with his experienced costs and with the estimated and experienced costs of other suppliers of the same or similar items; (*3*) comparison of the contractor's cost estimates with the over-all operating statement for his latest fiscal year or with budgeted forecasts for the period of production; (*4*) analysis of engineering cost estimates.

The consideration given to trends in prices, in cost of materials, and in wage rates and utilization of labor should be indicated in the request.

The reasons for substantial differences in costs and prices, as well as the effect of subcontracting on costs and prices, should be summarized.

Presentation of the foregoing information should indicate that the price analysis was made with a view to effectuating, wherever possible, the War Department policy of reducing costs and prices.

(12) State whether advance payments are to be requested and indicate percentage of total price.

(13) Approximate amount of subcontracting, in dollars and in percentage of price, proposed to be done by the contractor. Where the amount or the percentage is large, a summary of the analysis of available subcontract prices and all available price comparisons for the major components should be given.

(14) Where the request for approval includes, in addition to the principal unit, spare parts or special packaging, or both, there should be a clear summary of the method of the pricing thereof. In the case of spare parts, for example, the summary may show the consideration given to the relationship between the total of the prices for all the parts used in assembling a unit and the price of an assembled unit.

(15) Where the agreement is on a cost-plus-a-fixed-fee basis, in addition to an analysis similar to that required elsewhere in this paragraph (to the extent feasible), a full statement of the reasons for the use of such type of agreement should be given (see §§ 802.232–1 through 802.232–3, inclusive), together with an explanation of the basis of calculation of the fixed fee (see § 802.232–3).

(16) A brief statement of the consideration given to (i) the results of, (ii) the information obtained in, and (iii) any forward pricing agreement in connection with any statutory renegotiation of the contractor; together with a statement of the record of the contractor in making voluntary price reductions and refunds to the Government.

(17) Any other matters having a bearing on the reasonableness of the price, which it is desired to submit.

(18) Recommendation of the chief of the technical service, or his representative, as to the action desired to be taken by the Director, Purchases Division.

(b) Requests for approval of awards under § 803.305–2 (a) (2):
(1) Name and address of contractor who is to furnish the services.
(2) Brief description of the services and place of performance.
(3) Brief statement of past performance record of the contractor.
(4) Whether negotiations were conducted with more than one contractor.
(5) Brief description of project to which the services relate.
(6) Form of agreement, with adequate reference to and justification of any provisions requiring approval of higher authority or to any such approval previously obtained.
(7) The price, and whether it is considered reasonable.
(8) If the agreement is on a cost-plus-a-fixed-fee basis, the amount of the fixed fee, and whether the fixed fee exceeds the maximum allowed under the

schedule established by the Under Secretary of War.

(9) Ratio of fixed fee to estimated gross construction cost.

(10) Whether agreement covers design only or supervision only, or both design and supervision.

(11) Whether release of claim for additional fee has been obtained with respect to all prior cost-plus-a-fixed-fee construction or architect-engineer contracts with the War Department.

(12) Recommendation of the chief of the technical service, or his representative, as to the action desired to be taken by the Director, Purchases Division.

§ 803.306 *Making and approval of contracts, supplemental agreements and change orders.*

§ 803.306–1 *Authority of technical services to make contracts.* A contract may be made by the technical service concerned without approval of higher authority (provided that approval of the award has been obtained, if such approval is required under § 803.305–2, and the contract substantially embodies the award as approved), if:

(a) The contract is written on a standard form of contract; or

(b) The contract (1) complies with the requirements of Subpart H of this part, and (2) does not contain any provision or involve any matter of policy which, in the opinion of the technical service, should be considered and passed upon by authority higher than the technical service.

§ 803.306–2 *Factors to be considered in determining whether review is necessary.* In determining whether a contract provision or matter of policy should be considered and passed upon by higher authority, consideration shall be given by the technical service to the following factors among others:

(a) Whether there is involved a conflict with a policy theretofore approved by higher authority;

(b) Whether there is involved a decision on an important question of policy which has not theretofore been passed upon by higher authority;

(c) Whether there is involved a decision on any matter in which uniformity among the several technical services appears to be desirable;

(d) Whether there is involved a decision on an important or doubtful question of law.

§ 803.306–3 *Authority of technical services to make supplemental agreements and change orders.* Except as provided in § 803.306–5 and in §§ 803.308a and 803.308g, a supplemental agreement to change order modifying a contract (other than an Architect-Engineer, Management or similar contract) may be made or issued by the technical services concerned without approval of higher authority (provided that approval of the award has been obtained if such approval is required under the provisions of § 803.305–2 and the supplemental agreement, or change order substantially embodies the award as approved), if:

(a) The technical service had authority to make the original contract pursuant to § 803.306–1, or the technical service did not have such authority but obtained approval pursuant to § 803.306–4; and

(b) The provisions and features of the supplemental agreement or change order are themselves such that the technical service would have authority to include them in an original contract pursuant to § 803.306–1.

Changes in Architect-Engineer, Management or similar contracts may also be made by the technical service concerned, provided that the requirements of paragraphs (a) and (b) above are satisfied and provided that the change being currently made in the construction contract to which the Architect-Engineer, Management or similar contract relates does not necessitate approval. Supplemental agreements converting cost-plus-a-fixed-fee contracts to a fixed price basis will be governed by the provisions of § 803.306–5.

§ 803.306–4 *Contracts, supplemental agreements and change orders requiring approval of Purchases Division.* The approval of the Purchases Division, Headquarters, Army Service Forces shall be obtained, as herein provided, in connection with all contracts other than those specified in § 803.306–1, and all supplemental agreements and change orders other than those specified in § 803.306–3. Where approval is necessary solely because one or more provisions of the contract, supplemental agreement or change order fail to comply with the requirements of Subpart H or present a matter or matters of policy which should be considered by authority higher than the technical service, the necessary approval may be obtained, prior to execution of the instrument on behalf of the technical service, on submission of the contract or the material provisions thereof to the Legal Assistant to the Director of Matériel or the Chief, Legal Branch, Director of Matériel, Headquarters, Army Service Forces, whose approval will be signified by indorsement, memorandum, letter or telegram in response to the request for approval; or on submission of the contract, supplemental agreement or change order, after execution on behalf of the technical service, for approval and manual execution by the Director, Purchases Division. In every other instance the contract, supplemental agreement or change order must be submitted, after execution on behalf of the technical service, for approval and manual execution by the Director, Purchases Division. Upon receipt of requests for the approval of deviations from the contract clauses set forth in §§ 803.365–1 to 803.365–9, the Legal Assistant to the Director of Matériel or the Chief, Legal Branch, Director of Matériel, Headquarters, Army Service Forces, will attend to all necessary clearances with the Contract Insurance Branch, Special Financial Services Division, Headquarters, Army Service Forces.

§ 803.306–5 *Supplemental agreements converting cost-plus-a-fixed-fee contracts to a fixed price basis.* (a) In all cases, supplemental agreements converting cost-plus-a-fixed-fee contracts to a fixed price basis (which for purposes of this section will include conversion to the incentive type contract—see § 803.378–5) will be made subject to the approval of the Director, Purchases Division, Headquarters, Army Service Forces. In submitting such supplemental agreements for the approval of the Director, Purchases Division, Headquarters, Army Service Forces, in addition to any information required by § 803.305–4 or other instructions as to contract clearance, a written statement should be presented (1) analyzing the price data and other similar information, if any, submitted by the contractor, (2) describing the investigations of these data and of other relevant facts which have been made by the War Department representatives, and (3) setting forth the principal factors considered in negotiating the conversion of the particular contract to a fixed price basis on the terms recommended. In the case of a partial conversion (not retroactive to the beginning of performance), the statement will indicate what steps have been taken to exclude from the proposed fixed price starting load costs for which the contractor is entitled to reimbursement or has been reimbursed under the cost-plus-a-fixed-fee portion of the contract. The records of the cost analyses and other investigations made in connection with the conversion will be preserved in the procurement office charged with the conversion negotiations or in the office of the Chief of the technical service concerned.

(b) It is the policy of the War Department to convert cost-plus-a-fixed-fee contracts to a fixed price basis as stated in the recitals quoted below in this paragraph. It has been administratively determined by the Under Secretary of War that such policy is to the advantage of the Government and that the execution of supplemental agreements effecting such conversions of cost-plus-a-fixed-fee contracts to a fixed price basis will facilitate the prosecution of the war when the contracting officer shall have satisfied himself as hereinafter provided in this paragraph and when the supplemental agreements shall have been approved as provided in paragraph (a) above. Although a fixed price, properly determined, will usually result in lower expenditure by the Government than on a cost-plus-a-fixed-fee basis, in some instances it may be to the interest of the Government to convert cost-plus-a-fixed-fee contracts for various reasons other than expected monetary saving. Therefore, the policy in favor of conversion may be carried out even in those cases where a price must be set for the first period of deliveries after the conversion which appears to be higher than the unit cost plus unit fee being paid on the cost-plus-a-fixed-fee basis at the time of the conversion. The price for the first period of deliveries after conversion may be necessitated by the increased risks to which the contractor is subject, but opportunity may exist over the life of the contract for savings to develop for the Government as a result of increased efficiency. Each supplemental agreement providing for such a conversion will be made only after the contracting officer has satisfied himself in the light of the above-mentioned policy of the War Department that the facts warrant substantially the following recitals which will be included with appropriate modifications to meet the needs of each particular case in each supplemental agreement:

Whereas, it is the policy of the War Department to convert cost-plus-a-fixed-fee contracts to a fixed price basis to the greatest extent feasible in order, among other things, (1) to develop greater efficiency in the use of manpower, materials and capacity by providing the contractor with an incentive to improve its operations, (2) to develop lower prices and costs through improvements in operating efficiency, and (3) to reduce the expense and manpower necessary for administrative work, both for the Government and for contractors; and

Whereas, it has been administratively determined by the Under Secretary of War that such policy is to the advantage of the Government and that the execution of supplemental agreements effecting such conversions of cost-plus-a-fixed-fee contracts to a fixed price basis will facilitate the prosecution of the war; and

Whereas, the conversion of this contract from a cost-plus-a-fixed-fee to a fixed price basis will implement the policy of the War Department aforementioned not only insofar as this contract is concerned but also to the extent that future contracts for supplies with the contractor may, as a result of this conversion, be placed by the Government on a fixed price basis; and

Whereas, in view of the aforementioned policy of the War Department and after consideration of all factors deemed relevant to the conversion of this contract from a cost-plus-a-fixed-fee to a fixed price basis, and after reasonable price analysis, the terms and conditions set forth in this supplemental agreement have been found to be reasonable under all the circumstances; and

Whereas, for the purposes aforesaid this supplemental agreement is entered into pursuant to the First War Powers Act, 1941, and Executive Order No. 9001.

(c) The supplemental agreement covering the conversion will be distributed as provided in §§ 803.303–5 and 803.315 et seq. The statements and other data referred to in paragraph (a) need not be submitted with the supplemental agreement to the General Accounting Office or to the finance officer, but will be retained as provided in paragraph (a) available for inspection.

(d) Prior to distribution there will be attached to each copy of the conversion supplement a certificate signed by the contracting officer stating specifically that the conversion of the contract from a cost-plus-a-fixed-fee to a fixed price basis was made after an investigation and determination that, in the judgment of the War Department, such action would facilitate the prosecution of the war.

(e) Any supplemental agreement, converting a cost-plus-a-fixed-fee subcontract to a fixed price basis, if required to be approved by the contracting officer, shall, prior to such approval, be forwarded for approval of the Director, Purchases Division, Headquarters, Army Service Forces, accompanied by the information required by paragraph (a) above.

§ 803.307 *Authority of technical service to reallocate awards and contracts.* It is recognized that, in order to promote the more efficient utilization of combined manufacturing facilities or to prevent interruption of work, it may become advisable to reallocate an award, contract, or modification thereof. Accordingly, when an award, contract, or modification thereof has been made with required approvals, and the technical service concerned thereafter determines that it is advisable to obtain the materials or services involved wholly or in part from another contractor or from two or more contractors, it is authorized without further approval to reallocate the award, contract or modification thereof in whole or in part to another contractor or to two or more contractors, and for this purpose to make appropriate awards and appropriate contracts; *Provided*, That the aggregate quantities, aggregate prices, and the terms of the awards and contracts resulting from the reallocation are substantially the same as those contained in the award, contract or modification thereof which was the subject of the reallocation.

§ 803.308 *Supplemental agreements and clauses prescribed by Subpart H.* Except as otherwise specifically provided to the contrary in any section of these procurement regulations, whenever any contract (either as originally drawn or as the same may have been modified, amended or supplemented) contains a provision covering the same subject matter as a clause prescribed by Subpart H of this part, but in a form different from that therein prescribed, it will not be necessary, in executing any supplemental agreement or change order in connection with said contract, to amend such provision either with respect to the items which are the subject of the contract or with respect to the items which are the subject of the supplemental agreement or change order.

§ 803.308a *Supplemental agreements and change orders not involving receipt of consideration.* Except as otherwise specifically provided in these regulations, approval by the Director, Purchases Division, Headquarters, Army Service Forces, will be required for each supplemental agreement or change order which does not involve the receipt by the Government of adequate legal consideration, or which modifies or releases an accrued obligation owing directly or indirectly to the Government including accrued liquidated damages or liability under any surety or other bonds. In every such case the technical service shall submit a full statement of the case and of the action recommended together with a finding by the technical service, adequately supported, that the prosecution of the war would be facilitated by the action recommended. The Director, Purchases Division, will signify his approval by manual execution of the supplemental agreement or change order, where such instrument is submitted, or where such instrument is not submitted, by memorandum, indorsement, letter or telegram in response to the request for approval. Attention is directed to the provisions of § 803.308g. The provisions of this section apply to amendments or modifications of agreements for the repayment of excessive profits executed pursuant to the Renegotiation Act, as amended, except to those amendments of such agreements authorized by § 803.308e (b).

§ 803.308b *Correction of mistakes.* Effecting amendment of contracts with the least possible delay to correct misunderstanding, mistakes, errors, and ambiguities will facilitate the prosecution of the war by expediting the procurement program and by giving contractors proper assurance that mistakes unavoidable in a war program as large and extensive as that now in progress, will be corrected expeditiously and fairly. Accordingly, mistakes may be corrected by supplemental agreement pursuant to Title II of the First War Powers Act, 1941, and Executive Order No. 9001, as follows:

(a) Each chief of a technical service may, within the time prescribed by § 803.308f, enter into a supplemental agreement correcting mistakes found by the chief of the technical service to be of the following types:

(1) Misunderstandings, mistakes, and errors of the parties to a written agreement, or ambiguities therein, the correction of which would result in benefit to the Government;

(2) Misunderstandings, mistakes and errors of the parties to a written agreement, or ambiguities therein, which consist solely of a failure to express in the written agreement the true agreement between the parties in accordance with the negotiations between them, or of a mutual mistake as to a material fact;

(3) Mistakes and errors of a contractor, even if unilateral which consist solely of the failure of the contractor, in good faith, to set forth in a bid or in a written agreement what he intended to include therein.

Except as to misunderstandings, mistakes, errors or ambiguities of the type referred to in subparagraph (1) above, the authority conferred upon the chiefs of the technical services by this paragraph (a) is subject to the following limitations:

(i) The notice of the mistake must have been given by the contractor to the contracting officer before completion of performance and before the giving of notice of termination of the contract; *Provided*, That in case of contracts for sale of government property, such notice must be given by the purchaser to the contracting officer before completion of deliveries by the government or before final payment by the purchaser, whichever is later.

(ii) The change involved must not result in an adjustment in excess of $50,000; and

(iii) Where the contract was made as a result of a formal or informal invitation to bid the change must not result, in the case of contracts for the sale of government property, in the payment by the contractor of a sum less than the amount of any bid submitted by any other bidder upon substantially the same terms and conditions, and in the case of other contracts, in the payment to the contractor of a sum in excess of the amount of any bid submitted by any other bidder upon substantially the same terms and conditions, except that, in either case, if the

contract was not originally placed on a basis of competition as to price but primarily on the basis of other considerations the limitation contained in this subdivision (iii) shall not be applicable.

This paragraph (a) does not grant any authority to the chief of a technical service to correct a mistake in an agreement for the repayment of excessive profits under the Renegotiation Act, as amended, and the correction of a mistake in any such agreement may be made only with the prior written approval of the Director, Purchases Division, Headquarters, Army Service Forces.

(b) At any time prior to the making of final payment under a termination settlement agreement entered into prior to 21 July 1944, the chief of the technical service concerned may correct mistakes, errors and ambiguities in such termination settlement agreement when such correction will result in benefit to the Government or when the change involved does not result in an adjustment in excess of $50,000. (Also see § 847.748). The authority conferred by this paragraph is not subject to any of the limitations created by paragraph (a) above or by § 803.308f. Termination settlement agreements entered into on or after July 21, 1944 may be amended as authorized by § 847.748.

(c) In any other case where the chief of a technical service determines that it will facilitate the prosecution of the war to execute a supplemental agreement to correct a mistake, he will first obtain approval of the Director, Purchases Division, Headquarters, Army Service Forces.

(d) Approval of the Director, Purchases Division, will not be required in the case of any supplemental agreement correcting a mistake, under which the Government receives adequate new legal consideration, regardless of whether the supplemental agreement involves an adjustment amounting to $50,000 or more, and regardless of the time of execution of such supplemental agreement.

Requests for approval by the Director, Purchases Division, Headquarters, Army Service Forces, of supplemental agreements to correct misunderstandings, mistakes, errors and ambiguities in contracts in accordance with the provisions of this section will be accompanied by a full statement of the circumstances including all relevant papers or copies thereof. The evidence submitted shall show that an error or mistake was made or that a misunderstanding or ambiguity exists, in what it consists, and how it occurred, the true intent of the parties, and the effect of the mistake, if not corrected, upon the financial condition of the contractor. When this section does not require that the approval of the Director, Purchases Division, be obtained, the chief of the technical service approving or executing such agreement will see that a similar statement is prepared with respect to each such supplemental agreement and that such statement and all relevant papers and evidences are carefully preserved. Attention is directed to the provisions of § 803.308g.

§ 803.308c *Contracts or supplemental agreements providing for advance payments.* The subject of advance payments is treated in Subpart G of this part. If a contract contains a clause authorizing the making of advance payments, the determination of whether the approval of the Purchases Division must be obtained under § 803.306–4 should be based upon the provisions of the contract other than the clause providing for advance payments. If the making of advance payments is authorized under a supplemental agreement, the provisions of this subpart shall be inapplicable, and only Subpart G shall be considered in determining whether approval of such supplemental agreement by any authority higher than the technical service is necessary.

§ 803.308d *Ratification of prior action.* In any case where an existing War Department contract or any section of these Procurement Regulations requires that any action affecting a War Department contract be approved by a contracting officer, chief of a technical service or other representative of the War Department in advance of the taking of such action or that it be so approved in writing by a stated time, such action may be approved or ratified in writing by such officer or representative of the War Department after such action has been taken or after such stated time. Such approval or ratification will take effect retroactively as of the date specified in the written instrument of approval or ratification. In general, cases which are appropriate for the exercise of the authority contained in this section will fall into one of two categories, namely: (a) Cases where, in the interest of expediting production and without obtaining the requisite prior approvals, action has been taken in reliance in good faith upon assurances of a person in authority, or (b) cases where the action taken without such assurances was of a nature which would have been approved had approval been sought seasonably. The prosecution of the war will be facilitated by the liberal use of the authority contained in this section.

§ 803.308e *Extension of time for performance.* (a) The chief of each technical service may authorize contracting officers designated by him to extend by supplemental agreement within the time prescribed by § 803.308f, the time fixed for performance in any contract and to waive accrued liquidated damages. Each such supplemental agreement shall be entered into pursuant to the First War Powers Act and Executive Order No. 9001. If the contractor shall be in default by reason of delay at the date thereof, such supplemental agreement shall be subject to the approval of the Director, Purchases Division, Headquarters, Army Service Forces, unless the contracting officer shall find that such delay caused no substantial damage to the Government (as distinguished from the accrual of liquidated damages under the contract). For the purposes of this section, the contractor shall not in any case be considered in default by reason of delay if such delay is excusable within the meaning of the contract. Attention is directed to the provisions of § 803.308g.

(b) The chief of the technical service to which any contract for the repayment to the Government of excessive profits, executed pursuant to the Renegotiation Act of 1942 (see § 812.1201–1 (b), has been assigned for administration, may extend by supplemental agreement the time within which any payment is to be made under such contract whenever he determines (1) that the extension is necessary to avoid an impairment of the contractor's ability to perform war contracts or subcontracts, and (2) that such action will facilitate the prosecution of the war. A copy of each such supplemental agreement, together with a full statement of the circumstances upon which the determination is based, will be forwarded to the Director, Renegotiation Division, Headquarters, Army Service Forces, upon the execution of the agreement. Each such supplemental agreement shall contain, among other things, the following provision:

> All unpaid installments hereunder may at the option of the Government be declared and thereupon shall become immediately due and payable. In the event of a default continuing for 20 days in the payment of any amount required to be paid under this agreement, interest, at the rate provided by law in the District of Columbia as the rate which is applicable in the absence of express contract as to the rate of interest, shall accrue and be payable upon each payment due hereunder from and after the due date thereof, whether original or accelerated.

(c) Supplemental agreements extending the time within which payment is to be made under any contract for the repayment to the Government of excessive profits, executed pursuant to the Renegotiation Act of 1943 (see § 812.1201–1 (a), are required to be submitted for the approval of the Director, Purchases Division, Headquarters, Army Service Forces (see § 803.308a). In submitting any such supplemental agreement for approval it shall be forwarded to the Director, Purchases Division, through the Director, Renegotiation Division, Headquarters, Army Service Forces.

§ 803.308f *Amendment of contracts after final administrative determination of amount due.* The authority granted to the chiefs of the technical services pursuant to §§ 803.308b (a), 803.308e (a), 803.379 and 803.380 will not be exercised (a) in the case of contracts for the sale of government property, after the completion of delivery by the government or final payment by the contractor, whichever is later or (b) in the case of other contracts, after the contracting officer has administratively determined the final amount due under the contract by communicating his determination to the contractor or by the approval of a final voucher therefor, except that if the contracting officer's determination is, by the terms of the contract, subject to review by the Secretary of War, or his duly authorized representative, such authority may be exercised at any time prior to final action on such review if the contractor perfects his right to such review. Attention is directed to the provisions of § 803.308g.

§ 803.308g *Supplements and change orders dealing with or directly affecting matters pending before the General Accounting Office in respect of the amended contract.* Chiefs of technical services may not approve or authorize the execution of any supplemental agreement or change order which deals with or directly affects the claim under the contract amended thereby which has been transmitted to the General Accounting Office, or any dispute under the contract which has been referred to the General Accounting Office. This limitation of authority is applicable to action taken pursuant to §§ 803.306–3, 803.306–4, 803.308a, 803.308b, 803.308e, 803.308h–4, 803.379 and 803.380 notwithstanding any authority granted to the chiefs of the technical services by those sections respectively. In requesting any approval of the Director, Purchases Division, Headquarters, Army Service Forces, required by these regulations, the chiefs of the several technical services will call attention to any matters pending before the General Accounting Office with respect to the contract in question, or any closely related contract which may be affected or dealt with by the supplementary agreement, change order, or action, approval of which is requested, and will state fully the circumstances in any such pending matter.

§ 803.308h *Defective, informal and quasi-contracts.*

§ 803.308h–1 *Statutory provisions.* Section 17 of the Contract Settlement Act of 1944 reads as follows:

> SEC. 17. (a) Where any person has arranged to furnish or furnished to a contracting agency or to a war contractor any materials, services, or facilities related to the prosecution of the war, without a formal contract, relying in good faith upon the apparent authority of an officer or agent of a contracting agency, written or oral instructions, or any other request to proceed from a contracting agency, the contracting agency shall pay such person fair compensation therefor.
>
> (b) Whenever any formal or technical defect or omission in any prime contract, or in any grant of authority to an officer or agent of a contracting agency who ordered any materials, services, and facilities might invalidate the contract or commitment, the contracting agency (1) shall not take advantage of such defect or omission; (2) shall amend, confirm, or ratify such contract or commitment without consideration in order to cure such defect or omission; and (3) shall make a fair settlement of any obligation thereby created or incurred by such agency, whether expressed or implied, in fact or in law, or in the nature of an implied or quasi contract.
>
> (c) Where a contracting agency fails to settle by agreement any claim asserted under this section, the dispute shall be subject to the provisions of section 13 of this act.
>
> (d) The Director shall require each contracting agency to formalize all such obligations and commitments within such period as the Director deems appropriate.

Regulation No. 12 of the Office of Contract Settlement, dated January 24, 1945, issued under this section 17, authorizes the War Department to make or continue in effect regulations not inconsistent with those prescribed by the Office of Contract Settlement.

§ 803.308h–2 *Investigation of claims under statute.* The chiefs of the several technical services will arrange for the prompt investigation of all claims which may come within the purview of section 17 of the Contract-Settlement Act of 1944. Claims under this section shall be in such form and supported by such documentary evidence as the chief of the technical service deems appropriate under the circumstances of individual cases. If the chief of the technical service concerned is of the opinion that any such claim is without merit or if the Director, Purchases Division, withholds approval of any claim recommended by the chief of the technical service under the provisions of § 803.308h–5, such claim will be denied by the chief of the technical service by written notice to the claimant accompanied by findings indicating the basis of the denial. The written notice and findings will be sent by registered mail, return receipt requested. Two copies of each such notice and findings, together with a copy of the claim and supporting papers and a brief statement of the circumstances of the investigation made by the technical service will be transmitted to the Judge Advocate General (attention Contract Appeals Branch, Contracts Division). Such brief statement should include the names and permanent addresses of any witnesses relied upon by the technical service in denying such claim. A copy of the findings will be forwarded by the Judge Advocate General to the Office of Contract Settlement in accordance with Regulation No. 12 of that office. Whenever the chief of the technical service is advised of the filing of an appeal or suit under section 13 of the Contract Settlement Act of 1944 with respect to a claim denied by him, he shall promptly transmit such information to the Judge Advocate General (attention Contract Appeals Branch, Contract Division).

§ 803.308h–3 *Formalization of claims under existing procedures.* Insofar as specifically authorized by other provisions of the regulations in this chapter in effect prior to the effective date of the Contract Settlement Act of 1944, the chiefs of the technical services may continue to approve and formalize instructions given or requests made in the behalf of the technical service to furnish or arrange to furnish materials, services, or facilities. Approval or formalization of instructions or requests not authorized by the regulations in this chapter prior to the effective date of the Contract Settlement Act of 1944 pursuant to section 17 of that act will be dealt with in accordance with §§ 803.308h to 803.308h–9, inclusive.

§ 803.308h–4 *Action under section 17 by the technical service.* (a) The chief of any technical service may take or approve any action authorized by subsections (a) and (b) of section 17 of the Contract Settlement Act of 1944, if there was in existence at the time of the furnishing or arranging to furnish any materials, services and facilities in question, a valid, formal contract between the Government (acting through the technical service in question) and the person claiming the benefit of section 17: *Provided*, That:

(1) Such person acted in good faith upon instructions from an officer or employee of such technical service;

(2) Such instructions were of a type which, when given could properly be embodied in a change order, supplemental agreement or other modifying instrument under such existing contract;

(3) Such person actually furnished or arranged to furnish materials, services or facilities which the Government in fact desired such person to furnish or to arrange to furnish in connection with such contract at the time such instructions were given; and

(4) Such person (i) has not been paid for such materials, services or facilities or for arranging to furnish the same, (ii) has no pending contractual arrangement for such payment by the Government, and (iii) is willing to accept in complete discharge of all liability of the Government for furnishing or arranging to furnish such materials, services or facilities an amount which the chief of the technical service considers to be not in excess of fair compensation for what such person has in fact done or furnished and which is not in excess of $500,000.

(5) No claim relating to the furnishing of such materials, services or facilities has been referred to the General Accounting Office (see § 803.308g).

(6) Final payment has not been made under the contract as theretofore formally amended in writing.

(b) The chief of the technical service also may take or approve any action authorized by section 17 (a) of the Contract Settlement Act of 1944, in case there was not in existence at the time of the furnishing or arranging to furnish any materials, services and facilities in question, a valid, formal contract, within the purview of § 803.308h–4 (a), which could properly have been the subject of timely amendment by change order, supplemental agreement or other modifying instrument making provision therefor, *Provided*, That:

(1) The person claiming the benefit of said statutory provision acted in good faith upon instructions from an officer or employee of such technical service;

(2) Such instructions were of a type which, when given could properly be embodied in a change order, supplemental agreement or other modifying instrument under such existing contract;

(3) Such person actually furnished or arranged to furnish materials, services or facilities which the Government in fact desired such person to furnish or to arrange to furnish in connection with such contract at the time such instructions were given; and

(4) Such person (i) has not been paid for such materials, services or facilities or for arranging to furnish the same, (ii) has no pending contractual arrangement for such payment by the Government, and (iii) is willing to accept in complete discharge of all liability of the Government for furnishing or arranging to furnish such materials, services or facilities an amount which the chief of the technical service considers to be not in excess of fair compensation for what such person has in fact done or furnished and which is not in excess of $50,000; and

(5) No claim relating to the furnishing of such materials, services or facilities has been referred to the General Accounting Office (see § 803.308g).

(c) Any action taken by the chief of the technical service will be embodied (1) in a supplemental agreement to the existing contract involved when the

claim is handled under authority of § 803.308h–4 (a), and (2) in a contract where the claim is handled under authority of § 803.308h–4 (b). In each case involving the payment to the contractor of more than $50,000 by reason of such a supplemental agreement or of more than $5,000 by reason of such a contract, the supplemental agreement or contract shall be subject to the prior written approval of the chief of the technical service in person or of any one or more employees or officers designated by him within the headquarters office of the technical service, or, in case of the Army Air Forces, within the headquarters office of the Army Air Forces or of one of its major component commands.

(d) The chief of the technical service will make a written report promptly to the Director, Purchases Division, Headquarters, Army Service Forces, of each action taken pursuant to the authority granted by this section which involves in excess of $500. Such report will contain the following:

(1) A copy of the supplemental agreement or contract constituting the action;

(2) A brief statement of facts and evidence upon which such action is based; and

(3) A statement of the reasons why such instructions were not formalized at the time they were given.

(e) The chief of the technical service concerned will require full records to be preserved containing the facts relevant to any action taken pursuant to this section.

(f) The chief of each technical service will take adequate steps to make certain that the grant of authority contained in this section does not lead to any relaxation of the efforts of the procurement offices within such technical service to formalize promptly all instructions and agreements with contractors as required by applicable regulations.

§ 803.308h–5 *Action by Director, Purchases Division.* (a) In any case not clearly covered by § 803.308h–4, the chief of each technical service will not grant any claim or request for relief or action under section 17 of the Contract Settlement Act of 1944 without obtaining the prior written approval of the Director, Purchases Division, Headquarters, Army Service Forces. Each recommendation for such relief or action will be accompanied by an adequate statement of the circumstances which, in the opinion of the chief of the technical service, justify such relief or action and in addition the following:

(1) A statement of the scope and nature of the investigation of the circumstances made by the technical service and signed statements by representatives of the Government and of the claimant having knowledge of the relevant circumstances, sworn to where practicable;

(2) The original or photostatic copies of any written instructions and a full statement of any oral instructions, relied upon by the claimant;

(3) Identification of any officer or agent upon whose authority to bind the War Department the claimant relied, together with a statement by the claimant that he in fact relied upon such authority;

(4) A statement of when and to whom such materials, services, or facilities were furnished or were arranged to be furnished, and of the arrangements made for furnishing them, showing whether or not at the time of furnishing or arranging to furnish such materials, services or facilities the claimant intended to be directly compensated for the same by the War Department;

(5) A finding by the chief of the technical service that the amount claimed constitutes fair compensation for the materials, services, or facilities furnished or arranged to be furnished; such finding shall be supported by (i) substantiating evidence, (ii) statement of profit allowance, if any (see § 803.308h–7 and (iii) and explanation of the scope of the investigation of the costs incurred;

(6) A statement of the reasons why the proposed action was not, at the time of the circumstances upon which the relief requested is based, promptly embodied in an appropriate supplemental agreement, change order or contract;

(7) A brief description of the contract or contracts, if any, to which such proposed relief or action is related;

(8) A statement as to whether any other claim for any part or all of the relief requested has been, or is being, submitted to any other Government agency or war contractor, and if so, of the action taken thereon;

(9) The name, address and telephone number of the person in the War Department with detailed knowledge of the facts of the case.

(b) Upon receipt of written approval by the Director, Purchases Division, of any such claim, the chief of the technical service will embody the action authorized in an appropriate contract or supplemental agreement and will send a copy of the executed instrument to the Director, Purchases Division.

§ 803.308h–6 *Form of contract or supplemental agreement.* Unless otherwise authorized by the Director, Purchases Division, Headquarters, Army Service Forces, each contract or supplemental agreement executed or proposed for execution under the authority of section 17 of the Contract Settlement Act of 1944 will contain the provisions mentioned below (in addition to provisions which may be specially pertinent to the particular case). In the case of supplemental agreements it will not, of course, be necessary to repeat any standard clause referred to below if the original contract already contains that clause.

(a) Recitals of the principal facts and circumstances which justify a finding that the action taken is within the scope of section 17 of the Contract Settlement Act of 1944, including a statement in cases of action within the scope of subsection (a) of such section 17, that the materials, services or facilities in question were related to the prosecution of the war.

(b) Recital that the execution of the contract or supplemental agreement has been authorized by or in behalf of the Secretary of War pursuant to the authority of the Contract Settlement Act of 1944.

(c) A provision enumerating and describing the materials, services or facilities which the contractor has furnished or delivered and setting forth the actual delivery schedule.

(d) A provision whereby the contractor releases and discharges the Government of and from all liabilities for furnishing or arranging to furnish the described materials, services or facilities.

(e) A provision stating that by the execution of the agreement the contractor warrants that, in furnishing the described materials, services or facilities, it complied with all provisions required by Federal law or Executive order to be incorporated in War Department contracts for procurements of this nature.

(f) The patent indemnity provisions (see § 803.335) and patent license provisions (relating to research or development work) which would apply if the procurement were being contracted for in the usual manner, modified so far as necessary in the light of the fact that the materials, services or facilities have already been furnished.

(g) The contract provisions appearing in § 803.322 (Officials Not to Benefit), § 803.323 (Covenant Against Contingent Fees), § 803.326 (Disputes), and § 813.1301, Article 23 (Definitions); and the first sentence of § 813.1301, Article 8 (Payments), and § 803.342–1 (a) (Renegotiation), to the extent such contract provisions are required if the procurement were being contracted for in the usual manner.

§ 803.308h–7 *Action by War Department Board of Contract Appeals.* The War Department Board of Contract Appeals in connection with any appeal pending before it under the "Disputes" article of a contract (see e. g. § 803.326) may authorize or direct the taking of any action pursuant to section 17 of the Contract Settlement Act of 1944 which in its opinion is required or authorized by that section.

§ 803.308h–8 *Fair compensation.* Under some circumstances, fair compensation under section 17 of the Contract Settlement Act of 1944 will consist of reimbursement for all or part of the costs incurred in furnishing or arranging to furnish materials, services or facilities. In others, a profit, in addition to costs, may be appropriate. The determination of compensation after performance obviously differs from pricing before the fact in certain important respects. Contingency allowances are of course improper. The profit allowance, if any, must be made in the light of the fact that the amount to be paid is determined after costs are known and risks have been removed.

§ 803.308h–9 *Time limitation.* Paragraph 8 of Regulation 12 of the Director, Office of Contract Settlement dated 24 January 1945 reads as follows:

8. *Contracting agencies required to formalize obligations and commitments.* Where an obligation or commitment created or incurred by a contracting agency might be invalidated because of a formal or technical defect or omission, in a prime contract or in any grant of authority to an officer or agent who ordered materials, services, or facilities related to the prosecution of the war, the agency shall formalize the obligation or commitment within ninety days from notice to its headquarters office of the existence of such formal or technical defect or omission.

For the purposes of the foregoing, the term "headquarters office" is interpreted to mean the office from which the last approval is required.

SUBPART C—FORMALITIES IN CONNECTION WITH EXECUTION OF CONTRACTS AND MODIFICATIONS THEREOF

§ 803.309 *Numbering contracts.*

§ 803.309–1 *When required.* (a) Every formal contract (see § 803.303–2) involving the receipt or expenditure of public moneys will be numbered.

(b) Every informal contract (see § 803.303–3) involving the receipt or expenditure of public moneys will be numbered when:

(1) The actual or estimated amount involved is $5,000 or more, or

(2) It is contemplated that more than one payment (or receipt) will be involved, regardless of the amount involved.

(c) The provisions of paragraph (a) are not applicable to delivery orders evidencing interbranch or interdepartmental purchases (see § 806.605a and Subpart C of Part 806 of this subchapter). Such delivery orders need only be given such designation as may be prescribed by the chiefs of the technical services. If, however, it is contemplated that any such order will involve more than one payment, it must be numbered in accordance with §§ 803.309–2 or 803.318b–5 unless the procedure prescribed in § 803.318–1 (c) is followed.

§ 803.309–2 *System.* Contract numbers will be placed in the upper right-hand corner and will consist of the following in the order named:

(a) The capital letter "W", representing the War Department.

(b) Station number representing the station or office as published in the War Department Fiscal Code.

(c) The letter or letters representing the technical service. No approved letter symbol may be changed, nor may any new letter symbol be adopted, unless approval therefor is first obtained from the Office of the Fiscal Director, Headquarters, Army Service Forces, which, before granting any such approval is required to obtain formal approval of the Comptroller General of the United States.

(d) A serial number, separated from the above by a hyphen, commencing with the number 1 and continuing in succession indefinitely without regard to the fiscal year. When the serial number reaches the limit of five digits (99,999), a new series will be used beginning with the serial number 1 and followed by the capital letter "A". Should additional series become necessary, they will be distinguished by the capital letters "B", "C", "D", etc., as may be required.

NOTE: The foregoing applies only to the numbering of technical service contracts and not to the numbering of service command contracts. As to the latter, see § 803.318b–5.

As to numbering of contracts of sale by the War Department, see § 821.113.

§ 803.309–2a *Contracts executed by Army Air Forces contracting officers.* In numbering contracts executed by Army Air Forces contracting officers, the letter symbol representing the technical service shall be the letters representing the Army Air Forces, regardless of the source of the funds being used to finance the contracts. Burial contracts, however, shall continue to be numbered as service command contracts.

§ 803.309–3 *Examples.* Based upon § 803.309–2 above, the following is the number of the first numbered contract executed by the Philadelphia Quartermaster Depot:

W–36–030 qm–1

§ 803.309–4 *Effect of War Department Fiscal Code.* (a) Under date of January 1, 1944, the War Department Fiscal Code was issued as TM 14–700.

(b) Chapter 8 of the aforementioned code sets forth list of procurement station numbers presently prescribed. These station numbers are to be used in numbering contracts (as required by §§ 803.309–2 (b) and 803.318b–5 (a) (2).

(c) It is to be noted that Chapter 7 of the aforementioned code contains code numbers designating the various technical services as well as the various service commands. These code numbers are not to be substituted, in the numbering of contracts, for the letters used to designate the technical services and the service commands (as required by §§ 803.309–2 (c) and 803.318b–5 (a) (3)), since symbol letters used in the numbering of contracts to designate the technical services must be approved, prior to their use, by the Comptroller General of the United States.

§ 803.309a *Identification of subcontracts.* Section 803.309 prescribes a numbering system for prime contracts with the War Department; it does not prescribe a numbering system for subcontracts (including purchase orders) under such prime contracts. It is desirable, however, that subcontracts be properly identified and tied-in with the prime contracts to which they respectively relate. Accordingly, contracting officers will urge contractors holding prime contracts with the War Department to include in their subcontracts, so far as practicable, a reference to the number of the prime contract involved. Prime contractors will also be asked to urge their subcontractors to include a reference to the number of the applicable prime contract in sub-subcontracts; and so on down the line. This practice will materially assist in accounting and auditing and particularly in the settlement of terminated subcontracts of all tiers.

§ 803.310 *Fiscal procedures.*

§ 803.310–1 *Allotments of funds not to be exceeded.* The authority to make contracts is subject to the proviso that allotments made for supplies will not be exceeded. Officers who are charged with making contracts will submit, prior to the incurrence of obligations, all proposed contracts to the fiscal officer for verification as to the sufficiency of funds for that purpose. Officers who are charged with the fiscal record keeping will be held strictly responsible that obligations incurred on the basis of documents submitted for determination as to the sufficiency of funds do not exceed the amounts authorized and that such obligations include no other purpose than indicated in the allotment.

§ 803.310–2 *Statements as to availability of funds.* See AR 35–840 for the statements which will be made on contracts and on purchase orders placed under existing contracts as to the funds chargeable and the sufficiency thereof.

§ 803.311 *Execution of contracts.*

§ 803.311–1 *Contracts with individuals.* A contract with an individual will be signed by the individual in his own name.

§ 803.311–2 *Contracts with an individual trading as a firm.* Such a contract will be signed by the individual in question. The following illustrates the form that such a contract will ordinarily take:

* * * * *

JOHN DOE COMPANY,
Contractor.

By ----------
John Doe (Owner)

(Business Address)

§ 803.311–3 *Contracts with partnerships.* (a) The contract may be signed in the name of the partnership by one or more of the partners. Each partner who signs will sign as one of the firm.

(b) A contract with a partnership doing business through a local representative or agent may be executed in the name of the firm by such local representative or agent.

(c) If the contract is executed in the manner specified in paragraph (b) and the contract involves a substantial contract price, there should, if practicable, be filed with the contract a properly certified copy of the power of attorney showing the authority of the representative or agent executing the contract.

§ 803.311–4 *Contracts with corporations.* (a) A contract with a corporation will have the name of the corporation written in the blank space provided therefor at the end of the contract form followed by the word "by", after which the officer or person who has been authorized to contract on behalf of the corporation will sign his name, with the designation of his official capacity.

(b) The contracting officer will in all cases endeavor to satisfy himself that the signer has authority to bind the corporation.

(c) If the contract form being used contains alternate certificates of the type set forth in § 813.1301 (Art. 24), the contracting officer will, if practicable, procure or make one of such alternate certificates.

(d) If the contract form being used does not contain alternate certificates of the type set forth in § 813.1301 (Art. 24), no such certificate need be executed, nor will the evidence specified in paragraph (c) be required.

of such a supplemental agreement or of more than $5,000 by reason of such a contract, the supplemental agreement or contract shall be subject to the prior written approval of the chief of the technical service in person or of any one or more employees or officers designated by him within the headquarters office of the technical service, or, in case of the Army Air Forces, within the headquarters office of the Army Air Forces or of one of its major component commands.

(d) The chief of the technical service will make a written report promptly to the Director, Purchases Division, Headquarters, Army Service Forces, of each action taken pursuant to the authority granted by this section which involves in excess of $500. Such report will contain the following:

(1) A copy of the supplemental agreement or contract constituting the action;

(2) A brief statement of facts and evidence upon which such action is based; and

(3) A statement of the reasons why such instructions were not formalized at the time they were given.

(e) The chief of the technical service concerned will require full records to be preserved containing the facts relevant to any action taken pursuant to this section.

(f) The chief of each technical service will take adequate steps to make certain that the grant of authority contained in this section does not lead to any relaxation of the efforts of the procurement offices within such technical service to formalize promptly all instructions and agreements with contractors as required by applicable regulations.

§ 803.308h–5 *Action by Director, Purchases Division.* (a) In any case not clearly covered by § 803.308h–4, the chief of each technical service will not grant any claim or request for relief or action under section 17 of the Contract Settlement Act of 1944 without obtaining the prior written approval of the Director, Purchases Division, Headquarters, Army Service Forces. Each recommendation for such relief or action will be accompanied by an adequate statement of the circumstances which, in the opinion of the chief of the technical service, justify such relief or action and in addition the following:

(1) A statement of the scope and nature of the investigation of the circumstances made by the technical service and signed statements by representatives of the Government and of the claimant having knowledge of the relevant circumstances, sworn to where practicable;

(2) The original or photostatic copies of any written instructions and a full statement of any oral instructions, relied upon by the claimant;

(3) Identification of any officer or agent upon whose authority to bind the War Department the claimant relied, to-

furnished and of the arrangements made for furnishing them, showing whether or not at the time of furnishing or arranging to furnish such materials, services or facilities the claimant intended to be directly compensated for the same by the War Department;

(5) A finding by the chief of the technical service that the amount claimed constitutes fair compensation for the materials, services, or facilities furnished or arranged to be furnished; such finding shall be supported by (i) substantiating evidence, (ii) statement of profit allowance, if any (see § 803.308h–7 and (iii) and explanation of the scope of the investigation of the costs incurred;

(6) A statement of the reasons why the proposed action was not, at the time of the circumstances upon which the relief requested is based, promptly embodied in an appropriate supplemental agreement, change order or contract;

(7) A brief description of the contract or contracts, if any, to which such proposed relief or action is related;

(8) A statement as to whether any other claim for any part or all of the relief requested has been, or is being, submitted to any other Government agency or war contractor, and if so, of the action taken thereon;

(9) The name, address and telephone number of the person in the War Department with detailed knowledge of the facts of the case.

(b) Upon receipt of written approval by the Director, Purchases Division, of any such claim, the chief of the technical service will embody the action authorized in an appropriate contract or supplemental agreement and will send a copy of the executed instrument to the Director, Purchases Division.

§ 803.308h–6 *Form of contract or supplemental agreement.* Unless otherwise authorized by the Director, Purchases Division, Headquarters, Army Service Forces, each contract or supplemental agreement executed or proposed for execution under the authority of section 17 of the Contract Settlement Act of 1944 will contain the provisions mentioned below (in addition to provisions which may be specially pertinent to the particular case). In the case of supplemental agreements it will not, of course, be necessary to repeat any standard clause referred to below if the original contract already contains that clause.

(a) Recitals of the principal facts and circumstances which justify a finding that the action taken is within the scope of section 17 of the Contract Settlement Act of 1944, including a statement in cases of action within the scope of subsection (a) of such section 17, that the materials, services or facilities in question were related to the prosecution of the war.

(b) Recital that the execution of the contract or supplemental agreement has been authorized by or in behalf of the Secretary of War pursuant to the au-

[illegible] officers' office" is interpreted [illegible] office from which the last [illegible] issued.

SUBPART [illegible]—FORMALITIES IN CONNECTION WITH [illegible]TION OF CONTRACTS AND MODIFICATIONS THEREOF

§ [illegible] *Numbering contracts.*

§ 803.309 *When required.* (a) Every [illegible] contract (see § 803.303–2 involving the receipt or expenditure of public moneys will be numbered.

(b) Every informal contract (see § 803.304) involving the receipt or expenditure of public moneys will be numbered if:

(1) The original or estimated amount [illegible] $500 or more, or

(2) It is contemplated that more than one payment [illegible] or receipt) will be involved, regardless of the amount involved.

(c) The provisions of paragraph (a) are not applicable to delivery orders [illegible] interbranch or interdepartmental purchases (see § 806.605a and Subpart C of Part 806 of this subchapter). Such delivery orders need only be given such designation as may be prescribed by the chiefs of the technical services. If however, it is contemplated that any such order will involve more than one payment, it must be numbered in accordance with §§ 803.309–2 or 803.318b–5 unless the procedure prescribed in § 803.318–1 (c) is followed.

§ 803.309–2 *System.* Contract numbers will be placed in the upper right-hand corner and will consist of the following in the order named:

(a) The capital letter "W", representing the War Department.

(b) Station number representing the station or office as published in the War Department Fiscal Code.

(c) The letter or letters representing the technical service. No approved letter symbol may be changed, nor may any new letter symbol be adopted, unless approval therefor is first obtained from the Office of the Fiscal Director, Headquarters, Army Service Forces, which, before granting any such approval is required to obtain formal approval of the Comptroller General of the United States.

(d) A serial number, separated from the above by a hyphen, commencing with the number 1 and continuing in succession indefinitely without regard to the fiscal year. When the serial number reaches the limit of five digits (99,999), a new series will be used beginning with the serial number 1 and followed by the capital letter "A". Should additional series become necessary, they will be distinguished by the capital letters "B", "C", "D", etc., as may be required.

NOTE: The foregoing applies only to the numbering of technical service contracts and not to the numbering of service command contracts. As to the latter, see § 803.318b–5.

letter symbol representing the technical service shall be the letters representing the Army Air Forces, regardless of the source of the funds being used to finance the contracts. Burial contracts, however, shall continue to be numbered as service command contracts.

§ 803.309–3 *Examples.* Based upon § 803.309–2 above, the following is the number of the fifth numbered contract executed by the Philadelphia Quartermaster Depot:

W 36 030 qm 1

§ 803.309–4 *Effect of War Department Fiscal Code.* (a) Under date of January 1, 1944, the War Department Fiscal Code was issued as TM 14–700.

(b) Chapter 8 of the aforementioned code sets forth list of procurement station numbers presently prescribed. These station numbers are to be used in numbering contracts (as required by §§ 803.309–2 (b) and 803.318b–5 (a) (2)).

(c) It is to be noted that Chapter 7 of the aforementioned code contains code numbers designating the various technical services as well as the various service commands. These code numbers are not to be substituted, in the numbering of contracts, for the letters used to designate the technical services and the service commands (as required by §§ 803.309–2 (c) and 803.318b–5 (a) (3)), since symbol letters used in the numbering of contracts to designate the technical services must be approved, prior to their use, by the Comptroller General of the United States.

§ 803.309a *Identification of subcontracts.* Section 803.309 prescribes a numbering system for prime contracts with the War Department; it does not prescribe a numbering system for subcontracts (including purchase orders) under such prime contracts. It is desirable, however, that subcontracts be properly identified and tied-in with the prime contracts to which they respectively relate. Accordingly, contracting officers will urge contractors holding prime contracts with the War Department to include in their subcontracts, so far as practicable, a reference to the number of the prime contract involved. Prime contractors will also be asked to urge their subcontractors to include a reference to the number of the applicable prime contract in sub-subcontracts; and so on down the line. This practice will materially assist in accounting and auditing and particularly in the settlement of terminated subcontracts of all tiers.

§ 803.310 *Fiscal procedures.*

§ 803.310–1 *Allotments of funds not to be exceeded.* The authority to make contracts is subject to the proviso that allotments made for supplies will not be exceeded. Officers who are charged with making contracts will submit, prior to the incurrence of obligations, all proposed contracts to the fiscal officer for

the amounts authorized and that [illegible] obligations include no other purposes than indicated in the allotment.

§ 803.310–2 *Statements as to availability of funds.* See AR 35–840 for the statements which will be made on contracts and on purchase orders placed under existing contracts as to the funds chargeable and the sufficiency thereof.

§ 803.311 *Execution of contracts.*

§ 803.311–1 *Contracts with individuals.* A contract with an individual will be signed by the individual in his own name.

§ 803.311–2 *Contracts with individuals trading as a firm.* Such a contract will be signed by the individual in question. The following illustrates the form that such a contract will ordinarily take:

. . . . . .

John Doe Company
(Contractor)

By ——————————
John Doe (Owner)
——————————
(Business Address)

§ 803.311–3 *Contracts with partnerships.* (a) The contract may be signed in the name of the partnership by one or more of the partners. Each partner who signs will sign as one of the firm.

(b) A contract with a partnership doing business through a local representative or agent may be executed in the name of the firm by such local representative or agent.

(c) If the contract is executed in the manner specified in paragraph (b) and the contract involves a substantial contract price, there should, if practicable, be filed with the contract a properly certified copy of the power of attorney showing the authority of the representative or agent executing the contract.

§ 803.311–4 *Contracts with corporations.* (a) A contract with a corporation will have the name of the corporation written in the blank space provided therefor at the end of the contract form followed by the word "by", after which the officer or person who has been authorized to contract on behalf of the corporation will sign his name, with the designation of his official capacity.

(b) The contracting officer will in all cases endeavor to satisfy himself that the signer has authority to bind the corporation.

(c) If the contract form being used contains alternate certificates of the type set forth in § 813.1301 (Art. 24), the contracting officer will, if practicable, procure or make one of such alternate certificates.

(d) If the contract form being used does not contain alternate certificates of the type set forth in § 813.1301 (Art. 24), no such certificate need be executed, nor will the evidence specified in paragraph (c) be required.

(e) In lieu of complying with paragraph (c) above, the contracting officer may obtain satisfactory evidence of the authority of the signer to bind the corporation and file such evidence with the contract. Such evidence will consist of extracts from the records of the corporation showing either

(1) The election or appointment of the officer executing the contract on behalf of the corporation and the grant of authority to such officer to execute the contract; or

(2) If the contract is signed by someone other than an officer of the corporation, the grant of authority to such person to execute the contract.

The above-mentioned copies will be certified by the custodian of such records, under the corporate seal (if there be one), to be true copies of the records of the corporation.

§ 803.311–5 *Contracts with joint-venturers.* Contracts are sometimes entered into with joint-venturers, consisting of a corporation and a partnership, or a partnership and an individual, etc. In such cases the contract will be signed by each participant in the joint-venture in the manner indicated for each type of participant in §§ 803.311–1, 803.311–2, 803.311–3 or 803.311–4.

§ 803.311–6 *Contracting officer's signature.* The contracting officer will sign on behalf of the United States in the space provided for his signature, and his official title will be added.

§ 803.311–7 *Approval articles.* If approval and manual execution of a contract, supplemental agreement or change order by any War Department officer or official other than the contracting officer are required pursuant to these procurement regulations or the regulations of the technical service concerned, (a) an appropriate approval article will be included in the instrument, (b) all changes and deletions shall have been made before the instrument is forwarded for such approval, and (c) the instrument shall not be valid until such approval and manual execution have been obtained.

§ 803.312 *Statement and Certificate of Award (Standard Form No. 1036).*

§ 803.312–1 When contracts are negotiated in accordance with the authority referred to in § 802.204, Standard Form No. 1036 need not be executed. (General Regulations of Comptroller General No. 51, Supp. No. 8, June 1, 1942. However, when Standard Form No. 1036 is not executed either:

(a) The notation "Negotiated Contract", signed by the officer negotiating the contract, should appear under or in close proximity to the contract symbol and number on the cover sheet of the contract or,

(b) The contract should show in the wording thereof that it was negotiated under the authority referred to in § 803.204 (Decision of Comptroller General dated July 11, 1942 (A–51607), rendered in response to letter of Acting Judge Advocate General of Navy dated June 27, 1942).

§ 803.312–2 If in exceptional cases contracts are awarded pursuant to formal advertising, Standard Form No. 1036, properly executed in accordance with instructions contained on the form, will be attached to the copy of the agreement which is furnished the General Accounting Office.

§ 803.313 *Form of supplemental agreements and change orders.*

§ 803.313–1 *Supplemental agreements.* (a) Supplemental agreements will be reduced to writing and signed by the contracting parties. Supplemental agreements will bear the same identification as the contract which is thereby modified or amended, and will be lettered or numbered, whichever method is authorized by the chief of the technical service concerned, in the order in which the modifications or amendments to the contract are issued. One continuous series of lettering or numbering as the case may be, will be used for each contract, even though it is modified or amended, both by supplemental agreements and by change orders: *Provided, however,* That a separate series of subnumbers, following the regular contract symbol, may be used to designate termination supplemental agreements, this to be preceded by the words "Termination Supplemental Agreement No. ------". For example, the first termination supplemental agreement of Contract No. W 36–030–qm–417 may be designated "Termination Supplemental Agreement No. W 36–030–qm–417 (1)".

(b) Whenever it is desired to effect a modification of more than one contract, it is permissible, in lieu of executing separate supplemental agreements for each contract, to execute a single supplemental agreement. This may be particularly desirable in effecting reductions in the total contract price of more than one contract or in the unit prices payable for items deliverable under more than one contract, (whether in conjunction with renegotiation under the provisions of the Renegotiation Act, as amended, or otherwise). Such supplemental agreements should be numbered in accordance with paragraph (a) above as a supplemental agreement to each contract modified thereby. This may be done either on the face thereof or on an exhibit thereto. The following illustrates the type of designation that should be given such a supplemental agreement:

Supplemental Agreement No.	to *Contract No.*
3	W 36–030–qm–417
4	W 36–030–qm–418
8	W 36–030–qm–419

The above designations indicate that the single supplemental agreement constitutes the third modification of contract number W 36–030–qm–417, the fourth modification of contract number W 36–030–qm–418 and the eighth modification of contract number W 36–030–qm–419.

(c) In lieu of the procedure outlined in paragraph (b), a company pricing agreement (see ASF Manual M–609) which affects a substantial number of contracts with the Government may be given a number of its own distinct from the numbers of the contracts affected thereby. If this is done, a statement will be made on the face of the company pricing agreement, or in a schedule to the agreement and referred to on the face, to the effect that the agreement modifies the prices under specified contracts, identified by number; the company pricing agreement will not be given a separate supplemental agreement number with respect to each contract affected thereby. Any supplemental agreement to a company pricing agreement, numbered in accordance with the provisions of this paragraph, will similarly indicate the contracts affected thereby.

§ 803.313–2 *Change orders.* (a) Change orders will be in the form of letters addressed to the contractor, and will specify the number of the contract concerned, the changes to be made, the increase or decrease in price and time for performance, and such other terms as may be necessary. Change orders will bear the same identification as the contract which is thereby modified or amended and will be lettered or numbered whichever method is authorized by the chief of the technical service concerned, in the order in which the modifications or amendments to the contract are issued. One continuous series of lettering or numbering as the case may be will be used for each contract, even though it is modified or amended both by supplemental agreements and by change orders.

(b) In order to avoid the work involved in duplicating change orders, the following procedure may, in the discretion of the chief of the technical service, be adopted with respect to any or all contracts:

(1) Change orders will be classified as primary change orders and secondary change orders.

(2) Primary change orders are those which specify an increase or decrease in price or make any other material change in the terms of the contract.

(3) All other change orders (including those in which an increase or decrease in price will be necessitated, but the amount of which is not known at the time of the change order) are secondary change orders.

(4) Primary change orders will be numbered in accordance with paragraph (a) above.

(5) Secondary change orders will be given only such identification as the chief of the technical service shall prescribe.

(6) Secondary change orders will not be included in the continuous series of lettering or numbering referred to in the last sentence of paragraph (a).

(7) If a secondary change order is executed and it subsequently becomes apparent that the change made thereby will result in an increase or decrease in price, a supplemental agreement will be executed to evidence such increase or decrease.

§ 803.314 *Consent of sureties to modifications.*

§ 803.314–1 *Supplemental agreements.* Subject to the provisions of § 803.314–3, if payment or performance bonds have been executed in connection with a contract or if an advance payment bond has been given in connection with an advance payment made under a contract, the consent of the surety should be obtained to any supplemental agreement modifying or amending the contract.

§ 803.314–2 *Change orders.* Likewise, subject to the provisions of § 803.314–3, the consent of such a surety should be obtained to any change order which has the effect of increasing the contract price by more than $25,000. Such consent is not necessary when the change order effects an increase in the contract price of $25,000 or less.

§ 803.314–3 *Exception to requirement of consent of surety.* The provisions of §§ 803.314–1 and 803.314–2 are subject to the qualification that the consent of a surety under a bond executed prior to the execution of a supplemental agreement, or change order is not necessary if (a) an additional bond is furnished in support of the supplemental agreement or change order and (b) such surety is also surety on the additional bond.

§ 803.314–4 *Examination of consents of sureties.* The original of each consent of surety required by §§ 803.314–1 and 803.314–2 together with the original signed number of the supplemental agreement or change order to which it relates will be forwarded through The Judge Advocate General to the General Accounting Office. The Judge Advocate General will examine the consent of surety as to form, execution and legal sufficiency and will then forward it together with the supplemental agreement or change order to the General Accounting Office for filing.

§ 803.314–5 *Form of consent of surety.* For form of consent of surety see § 804.456–8.

SUBPART D—DISTRIBUTION OF CONTRACTS AND ORDERS THEREUNDER

§ 803.315 *General.* The following general instructions are applicable to the distribution of both numbered and unnumbered contracts:

§ 803.315–1 Contracts will not be distributed until properly signed by all parties, and approved, if approval is required.

§ 803.315–2 All instructions relating to distribution of contracts are subject to the provisions of AR 380–5 and all other current instructions governing the safeguarding and disclosing of information affecting the war effort of the United States. Copies of secret or confidential contracts submitted to the General Accounting Office will be transmitted under two covers. In the case of lump sum (fixed price) contracts, each cover is to be addressed to Assistant Chief, Audit Subdivision, General Accounting Office, at the address of the appropriate Army Audit Branch (see § 803.317b). In the case of cost-plus-a-fixed-fee contracts, each cover is to be addressed to Assistant Chief, War Contract Service Section, Audit Division, General Accounting Office, Washington 25, D. C. The inner cover only will be marked "Personal and Confidential".

§ 803.316 *Numbered contracts.*

§ 803.316–1 Subject to such special instructions as may be issued by the chief of the technical service concerned, numbered contracts will be distributed as follows:

(a) The original signed number of each lump sum (fixed price) contract will be forwarded to the Army Audit Branch of the General Accounting Offices (see § 803.317b). The original signed number of each cost-plus-a-fixed-fee contract will be forwarded to the War Contract Service Section, Audit Division, General Accounting Office, Washington 25, D. C. If a surety bond or bonds were required in support of a contract, whether lump sum or cost-plus-a-fixed-fee, see § 804.409–2 (a).

(b) The duplicate signed number will be filed with the contracting officer or as directed by the chief of the technical service concerned.

(c) The triplicate signed number will be forwarded to the contractor.

(d) An authenticated copy will be forwarded to the disbursing officer for his files.

(e) Additional authenticated copies or unauthenticated copies will be distributed as directed by the chief of the technical service concerned.

§ 803.317 *Unnumbered contracts.*

§ 803.317–1 The original signed number will be furnished the disbursing officer and will be attached to the voucher on which payment is made and will accompany such voucher to the Army Audit Branch of the General Accounting Office (see § 803.317b). If a surety bond or bonds were required in support of a contract, whether lump sum or cost-plus-a-fixed-fee, see § 804.409–2 (a).

§ 803.317–2 The duplicate signed number will be forwarded to the contractor.

§ 803.317–3 An authenticated copy will be furnished the disbursing officer for his files.

§ 803.317–4 Additional copies will be prepared and distributed as directed by the chief of the technical service concerned.

§ 803.317–5 *Payments for partial deliveries under unnumbered contracts.* A contract may be entered into under which it was anticipated that delivery would be completed in a single shipment but due to subsequent unforeseen conditions and circumstances the contractor is precluded from completing such delivery and instead makes partial shipments in order to fulfill his obligation as expeditiously as practical. Under such circumstances payments, not to exceed five (5) in number on any given contract, may be made with respect to partial deliveries under unnumbered contracts, provided that the original signed contract is attached to the first payment voucher and cross references thereto noted on successive partial and final payment vouchers. Such cross references will include the following information as to the first payment voucher: the date and the disbursing officer's name and voucher number.

§ 803.317a *Supplemental agreements and change orders.* (a) Signed numbers and copies of supplemental agreements and change orders will be distributed in the same manner as is prescribed for the contracts to which they pertain and the contracting officer will note on his retained copy of the supplemental agreement or change order the date on which the contractor's number was delivered or mailed to him. When, pursuant to § 803.313–1 (b), a single supplemental agreement is executed to modify more than one contract, the following procedure will be followed:

(1) The original signed number will be forwarded to the Army Audit Branch of the General Accounting Office (see § 803.317b). If a surety bond or bonds were required in support of such modification of the contract, see § 804.409–2 (a).

(2) The duplicate signed number will be filed with the contracting officer who supervised the execution thereof or with the chief of the technical service concerned and correct copies of the supplemental agreement will be furnished to the contracting officers under all of the contracts affected by the supplemental agreement.

(3) The triplicate signed number will be forwarded to the contractor.

(4) An authenticated copy will be forwarded to the disbursing officer under each contract affected by the supplemental agreement.

(b) If the alternative procedure of numbering change orders provided for in § 803.313–2 (b) is adopted, only primary change orders will be distributed in accordance with paragraph (a) above. Secondary change orders will be given only such distribution as the chief of the technical service concerned may prescribe.

§ 803.317b *Army Audit Branches of the General Accounting Office.* In order to decentralize its work, the General Accounting Office has established an Army Audit Branch at each Army Regional Accounting Office. Accordingly, contracts, supplemental agreements and change orders, which formerly were required to be forwarded to the General Accounting Office in Washington, D. C., will in the future be forwarded to the appropriate Army Audit Branch.

§ 803.317b–1 (a) The Army Audit Branches are maintained at the various Army Regional Accounting Offices. The Army Audit Branch to which a particular contract, supplemental agreement or change order should be sent is the one located at the Army Regional Accounting Office to which the disbursing officer under the contract is required to submit his accounts (see § 803.317b–2). If a particular contract permits payment by more than one disbursing officer, and the accounts of such disbursing officers are submitted to different Army Regional Accounting Offices, copies of the contract (and of supplements and change orders) should be provided for the Army Audit Branches at each of such Army Regional Accounting Offices. In such cases, the original signed number and sufficient copies for each of the other

Army Audit Branches concerned will be submitted to the Army Audit Branch for the area in which the contracting officer is located. The latter Branch will retain the original and distribute the copies to the other Army Audit Branches.

(b) It is to be emphasized that the contracts are not to be forwarded to the Army Regional Accounting Office but to the Army Audit Branch. Using the Los Angeles area as an example, the following illustrates the proper method of addressing the contracts:

Army Audit Branch of General Accounting Office, 1206 Santee Street, Los Angeles, Calif.

§ 803.317b–2 (a) The following is a list (set forth in Section I, Circular No. 481, W.D., 1944) of the Army Regional Accounting Offices in the United States to which disbursing officers are required to submit their accounts.

Region I. Army Regional Accounting Office, 63 Vesey Street, New York 7, New York.

(a) Disbursing officers stationed in Washington, D. C., except the Disbursing Officer, Finance Office, U. S. Army, Washington 25, D. C., Transportation Division.

(b) Disbursing officers stationed in the Military District of Washington, D. C.

(c) Disbursing officers stationed within the geographical limits of the First, Second, and Third Service Commands, except those assigned to tactical organizations and mobile units.

(d) Disbursing officers stationed in the offices of the military attaches, except as otherwise directed.

(e) Disbursing officers stationed at any Atlantic base command, including Iceland but excluding the Caribbean Defense Command.

(f) Disbursing officers of task forces in the Atlantic area.

Region II. Army Regional Accounting Office, 449 West Peachtree Street, Atlanta 3, Georgia.

(a) Disbursing officers stationed within the geographical limits of the Fourth Service Command, except those assigned to tactical organizations and mobile units.

(b) Disbursing officers serving with the United States Army Forces in Central and South America.

(c) Disbursing officers located in the Caribbean Defense Command.

Region III. Army Regional Accounting Office, 366 West Adams Street, Chicago 6, Illinois.

(a) Disbursing officers who are assigned to tactical organizations and mobile units which operate within the continental limits of the United States.

(b) Disbursing officers who are stationed within the geographical limits of the Fifth, Sixth, and Seventh Service Commands.

(c) Disbursing officers of the Alaskan Department, the Northwest Service Command, and other United States Army Forces in Canada.

(d) Special disbursing agents assigned to United States Army transports whose home port is in the continental United States or in foreign theaters of operation where no theater fiscal office has been established.

(e) The Disbursing Officer, Finance Office, U. S. Army, Washington 25, D. C., Transportation Division.

Region IV. Army Regional Accounting Office, 1206 Santee Street, Los Angeles 54, California.

(a) Disbursing officers stationed within the geographical limits of the Eighth and Ninth Service Commands, except those assigned to tactical organizations and mobile units.

(b) A list of foreign theater fiscal offices which have been established in theaters of operation is also set forth in Section I, Circular No. 481, W.D., 1944.

§ 803.318 *Special cases.*

§ 803.318–1 *Purchases under contracts of Procurement Division, Treasury Department; Navy Department; Post Office Department; etc.* (a) Delivery orders covering such purchases will be distributed in accordance with § 803.317 above. If the delivery order is numbered in accordance with § 803.309 and following, it will, of course, be distributed in accordance with § 803.316–1.

(b) The chief of the technical service concerned will secure compliance with all special instructions of the respective agencies which make the contracts. For example, the regulations of the Procurement Division, Treasury Department require that a copy of all delivery orders placed under General Schedule of Supplies Contracts be forwarded to that Division.

(c) Vouchers submitted to the Army Audit Branch of the General Accounting Office (see § 803.317b) may relate to less than all of the items covered by the delivery order. If the original signed number of the delivery order has not already been so submitted, it will be submitted to said Army Audit Branch with the first voucher; and when vouchers are submitted to said Army Audit Branch covering subsequent payments, a reference will be made to the first voucher. The reference should contain the date on which the invoice covered by the first voucher was paid and the name of the disbursing officer by whom such payment was made.

SUBPART E—CONTRACT PROCEDURE WITHIN THE SERVICE COMMANDS

§ 803.318a *Organization of service commands.*

§ 803.318a–1 *Functions of the service commands.* The Commanding Generals of the service commands are the direct subordinates of the Commanding General, Army Service Forces, and are his field representatives for the performance of the administrative, housing, hospitalization, and supply functions assigned to them. (See sec. 403.01 of the Army Service Forces Manual M 301.)

§ 803.318a–2 *Relationship between the service commands and the technical services.* The former offices of the special staff (including the quartermaster, engineer, ordnance officer, and signal officer) are under the complete jurisdiction of the Commanding General of each service command, and are an integral part of his headquarters; such offices are not to be considered field offices or agencies of the technical services. The technical services act as staff agencies of the Commanding General, Army Service Forces, for the functions assigned to them in directing and supervising those functions in the service commands. Accordingly, they may issue instructions to the Commanding Generals of the service commands in their own names or under the authority of the Commanding General, Army Service Forces, but they may not exercise direct command of the subordinates in the headquarters of a Commanding General of a service command (including the quartermaster, engineer, ordnance officer, and signal officer). (See sec. 403.02 of the Army Service Forces Manual M 301.)

§ 803.318b *Contract procedure.*

§ 803.318b–1 *Appointment of contracting officers.* Commanding Generals of service commands are authorized to appoint contracting officers. Contracting officers so appointed may execute service command contracts as that term is defined in § 803.318b–2 below, as well as technical service contracts executed on behalf of a technical service as set forth in § 803.318b–3 (a) (6) to (8) below.

§ 803.318b–2 *Reasons for separate system of numbering and distribution of service command contracts.* As indicated in § 803.318a–2, as a result of the service command reorganization, much of the contracting done at Class I, II, IV and special installations located within service commands is done under the complete jurisdiction of the commanding generals of the service commands. Except as provided in § 803.318c–2 and except as staff officers of the Commanding General, Army Service Forces, the chiefs of technical services have no function to perform in connection with this contracting. Some of the contracting done at Class I, II, IV and special installations is still, however, under the jurisdiction of the chiefs of the technical services. In order clearly to differentiate contracts which are executed at such installations under the jurisdiction of the commanding generals of the service commands from those executed under the jurisdiction of the chiefs of the technical services, it is important that contracts of the former type be numbered and distributed in a manner different from technical service contracts. In the succeeding sections a separate system of numbering and distribution is provided for contracts executed under the jurisdiction of the commanding generals of the service commands. These contracts will be referred to as service command contracts.

§ 803.318b–3 *Guides to determine when a contract is a service command contract.* (a) It is difficult to lay down any general rule as a guide to determining when a contract is to be numbered and distributed as a service command contract. The following general guides may be used for making the determination with respect to contracts (other than contracts executed by Army Air Forces contracting officers, as to which, see § 803.309–2a:

(1) All contracts which are executed within a service command and which are to be paid for with funds made available to the commanding generals of the service commands by the Commanding General, Army Service Forces, are to be regarded as service command contracts and not contracts of any technical service.

(2) Contracts which are executed under the supervision of the commanding generals of the service commands and which are to be financed under an open allotment (see Chapter 5, section I, of the War Department Fiscal Code, TM 14–700), are to be regarded as service command contracts.

(3) Training contracts are to be regarded as service command contracts.

(4) Contracts for the disposition of property, by sale or otherwise, are to be designated as service command contracts unless, as in the case of contracts for the disposition of real estate, the contract is of a type over which the chief of one of the technical services exercises direct supervision. In connection with contracts for the disposition of property, see § 821.113.

(5) In addition to contracts coming within the categories enumerated in subparagraphs (1) to (4) above, all other contracts which, pursuant to the provisions of the Army Service Forces Manual or the provisions of any other regulations, are executed under the complete jurisdiction of the commanding generals of the service commands are to be regarded as service command contracts.

(6) Any type of contract which is to be financed with technical service funds is to be regarded as a technical service contract. Subparagraphs (7) and (8) below are two specific illustrations of the general rule contained in this subparagraph.

(7) When a contracting officer within a service command is requested to execute a contract on behalf of a technical service, and it is understood that such contract is to be paid for out of technical service funds, such contract is to be regarded as a technical service contract.

(8) When a given item is not available at a technical service depot, a representative of a service command may be given sufficient funds by a technical service to enable the service command to purchase the item in question. A contract executed in making such a purchase is to be regarded as a technical service contract.

(9) Prisoner of war labor contracts are not to be regarded as service command contracts. They are to be numbered as contracts of the Office of the Provost Marshal General. Thus the first contract executed at the Prisoner of War Camp, Pine Camp, N. Y., would be numbered:

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(10) Contracts for furnishing local transportation to Government and other personnel, executed in accordance with Circular No. 397, War Department, 1944 and Memorandum No. W55–15–43, issued by the Office of the Adjutant General, will be numbered as Transportation Corps contracts.

(b) In case of doubt as to whether a particular contract should be numbered and distributed as a service command contract an inquiry should be addressed to the Commanding General, Army Service Forces, Attention: Legal Branch, Director of Matériel. If time does not permit making such inquiry, the contract should be numbered as in the past, and an inquiry should be addressed to the Commanding General, Army Service Forces, Attention: Legal Branch, Director of Matériel, for advice as to how that type of contract should be numbered in the future.

(c) As indicated in § 803.318b–1 the authority of a contracting officer of a service command includes authority to execute technical service contracts of the type referred to in paragraph (a) (6) to (8) of this section.

§ 803.318b–4 *Distribution of service command contracts.* The provisions of Subpart D of this part are applicable to service command contracts. In connection with service command contracts the term "chief of the technical service" is to be read as "commanding general of the service command." Except as required by § 803.318c–2, service command contracts (as that term is defined in § 803.318b–3) should not be forwarded to the headquarters of the various technical services for legal review. If the chief of a technical service requests that copies of a particular type of service command contract be forwarded to his office in order to complete his technical records, such copies may be forwarded pursuant to § 803.316–1 (e).

§ 803.318b–5 *Numbering of service command contracts.* (a) Contract numbers will be placed in the upper right-hand corner of service command contracts and will consist of the following in the order named:

(1) The capital letter "W", representing the War Department, followed by a hyphen.

(2) The station number, that is, the station or office as published in the War Department Fiscal Code. There may be added to the station number a capital letter or other designation to indicate the branch by which the contract was executed. The following symbols will be used to designate the respective branches set opposite each symbol:

Q—Quartermaster.
S—Signal.
T—Transportation.
O—Ordnance.
E—Engineer.
M—Medical.
C—Chemical.
U—Repairs & Utilities Branch.
Tng—Training Branch.
AST—Army Specialized Training Branch.

No symbol other than those enumerated in the preceding sentences will be used unless approval for such use is obtained from the Legal Branch, Office of Director of Matériel, Headquarters, Army Service Forces. Any request for such approval should specify the reason why additional symbols are required. The Legal Branch will advise the Contract Service Section, Audit Division, General Accounting Office, Washington, D. C., of any approvals granted for the use of such additional symbols. It is to be emphasized that the use of the additional symbols authorized by this subparagraph is for the convenience of the post, camp or station and, accordingly, is optional. The use of these branch symbols may be dispensed with or, if desired, a single branch symbol (and one series of contracts) may be used for more than one, but less than all, branches at a given post, camp or station.

(3) A symbol in parentheses to indicate the service command. In the case of the nine service commands, this symbol will consist of the capital letters S. C. in parentheses followed by a hyphen and a roman numeral indicating in which service command the contract was executed. It is important that capital letters followed by periods and by the roman numeral be used in order that no confusion will arise with Signal Corps contracts which bear the symbol "sc". In the case of the Northwest Service Command and the Military District of Washington, this symbol will respectively consist of the capital letters S.C.N.W. and M.D.W., the symbol to be in parentheses.

(4) A serial number separated from the above by a hyphen, commencing with the number "1" and continuing in succession indefinitely without regard to the fiscal year.

(b) It is to be emphasized that the numbering procedure set forth in this section is applicable only to service command contracts (as the term is defined in § 803.318b–3). When technical service contracts are executed within a service command (see § 803.318b–3, particularly paragraph (a) (6) to (8), such contracts should be numbered as technical service contracts in accordance with the provisions of § 803.309–2.

(c) Serial numbers: It is desirable that separate series be commenced for service command contracts (as defined in § 803.318b–3). This should be done as promptly as possible. By adding the branch symbols authorized by paragraph (a) (2) above, separate series may be maintained for each branch of a post, camp or station.

(d) Effect of War Department Fiscal Code. See § 803.309–4.

(e) *Contract of sale.* Reference is made to § 821.113. As indicated therein when a contract of sale, as distinguished from a contract of purchase, is executed, the letter "s" will be added after the parenthesis of the symbol specified in paragraph (a) (3) of this section. The letter "s" will be so added not only in the case of contracts for the sale of property but also in the case of contracts for the sale of services.

§ 803.318b–6 *Example.* Based upon § 803.318b–5, the following is the number of the first numbered contract executed at the Quartermaster Branch at Fort Bragg, North Carolina: W–31–001Q (S.C. IV)–1. The foregoing is on the assumption that the contract is to be paid with funds allotted to the Fourth Service Command by the Commanding General, Army Service Forces.

§ 803.318b–7 *Identification of subcontracts under service command contracts.* See § 803.309a.

§ 803.318c *Service command utility contracts.*

§ 803.318c–1 Utility contracts, for the purpose hereof, whether including connection charges or not, are defined as those for the procurement of electricity, gas, water, sewage disposal, steam, railroad track maintenance and switching service, inspection and maintenance of fire alarm systems, boiler inspection and maintenance of elevators.

§ 803.318c–2 All utility contracts and changes or supplemental agreements thereto entered into by service commands which require approval of higher authority pursuant to §§ 803.306–1 through 803.306–4 will be referred by

the commanding general of the service command direct to the Office of the Chief of Engineers, Attention: Repairs and Utilities Branch, New War Department Building, Washington 25, D. C. Such contracts will be reviewed by the Office of the Chief of Engineers for engineering and rate features, matters of policy and legal sufficiency and approved or returned for revision. Prior to reference to the Chief of Engineers such contracts will be referred to the Repairs and Utilities Divisions of the service command for review of engineering and rate features. The action taken and comments made by Repairs and Utilities Divisions will be made a part of the file forwarded to the Chief of Engineers for review.

Any such utility contract or modification thereof requiring approval pursuant to §§ 803.306–1 through 803.306–4 will contain a provision that it is subject to the approval of the Chief of Engineers and will not be binding until so approved. Prior to such approval any required approval by the Purchases Division, Headquarters, Army Service Forces, will be obtained by the Chief of Engineers. Provisions of this paragraph shall not be construed to interfere with or supersede the provisions of §§ 803.394 to 803.394–5, inclusive, and in accordance with § 803.394–5 any utility contract which is of the character described in § 803.394–2 will also contain a provision that it is subject to approval by the War Department Power Procurement Officer or the Deputy War Department Power Procurement Officer and will not be binding until so approved.

§803.318c–3 See §§ 803.397–1 and 803.397–3 with respect to Army Air Forces and Engineer utility contracts, respectively.

§ 803.318c–4 *Service command utility contract procedure.* The procedure set forth in § 803.318c–2 does not affect the execution, numbering and distribution of service command utility contracts as provided for in §§ 803.318b through 803.318b–6.

SUBPART F—CONTRACT APPEALS

§ 803.318d *War Department Board.*

§ 803.318d–1 *General.* By memorandum of the Secretary of war, dated August 8, 1942, there was constituted in the Office of the Under Secretary of War a board to be known as "War Department Board of Contract Appeals". The board is hereinafter referred to as "the Board". The Board consists of three members, one of whom is designated as President of the Board. There is also a recorder. The President of the Board and the recorder are required to be persons trained in the law. The Under Secretary of War recommends appointees for membership on the Board and for the position of recorder, and nominates the President of the Board. Appointments are made by the Secretary of War. If the Under Secretary of War at any time determines that additional members of the Board are necessary in order to process appeals with reasonable despatch, he may from time to time recommend for appointment such additional members of the Board as he deems necessary, and may make recommendations for the filling of any vacancies on the Board and in the office of the recorder. Upon request of the Under Secretary of War, The Judge Advocate General is authorized to assign to the Board one or more judge advocates as trial attorneys or examiners; and if and when deemed necessary by the Under Secretary of War and upon his request, The Judge Advocate General may also assign a judge advocate as general counsel.

§ 803.318d–2 *Types of contracts, appeals from which may be taken.* In general, contracts contain two types of "disputes" clauses under which appeals may be taken. Some specifically authorize the Secretary of War to appoint as his authorized representative either individuals or "a board". (See §§ 803.326 and 803.326–1). Others do not specifically authorize the appointment of "a board". Contracts containing clauses specifically authorizing the designation of "a board" are referred to in the succeeding paragraphs as "contracts containing the standard clause". Contracts containing clauses not speciafically authorizing the designation of "a board" are hereinafter referred to as "contracts" containing the nonstandard clause".

§ 803.318d–3 *Appeals under contracts containing standard clause.* In the case of contracts containing the standard clause, appeals from decisions of contracting officers or other authorities (including the chiefs of the technical services) will be heard, considered and decided by the Board acting as the duly authorized representative of the Secretary of War, as fully and finally as the Secretary of War might do.

§ 203.318d–4 *Appeals under contracts containing the nonstandard clause.* In the case of contracts containing the nonstandard clause, appeals from decisions of contracting officers or other authorities (including the chiefs of the technical services) will be heard and considered by the Board which will report its views on such appeals to the President of the Board. The President, as the authorized representative of the Secretary of War, will then make the decision, as fully and finally as the Secretary of War might do, unless he shall not be in accord with the decision of the Board, in which case he will promptly submit the case for final determination upon the record to the Under Secretary of War. The latter will then make the decision as the duly authorized representative of the Secretary of War for that purpose.

§ 203.318d–5 *Functioning of Board.* The President of the Board from time to time may divide the Board into divisions of one or more members and assign members to such divisions. A majority of the members of the Board or of a division thereof shall constitute a quorum for the transaction of the business of the Board or of a division respectively, and the decision of a majority of the members of the Board or of a division shall be deemed to be the decision of the Board or of the division as the case may be. If a majority of the members of the division is unable to agree on a decision, or if within thirty days after a decision by a division the Board or the President thereof directs that the decision of the division be reviewed by the Board, the decision will be so reviewed; otherwise the decision of a majority of the members of the division shall become the decision of the Board. If a majority of the members of the Board is unable to agree upon a decision, the President of the Board will promptly submit the appeal to the Under Secretary of War for his decision upon the record. The Under Secretary of War is designated as the authorized representative of the Secretary of War for that purpose. A vacancy in the Board or in any division thereof shall not impair the powers nor affect the duties of the Board or division nor of the remaining members of the Board or division, respectively. The authority and procedure specified in this paragraph shall apply whether the Board be acting as the duly authorized representative of the Secretary of War under § 803.318d–3 or in an advisory capacity under § 803.318d–4.

§ 803.318d–6 *Taking testimony.* Any member of the Board or any examiner designated by the President of the Board for that purpose may hold hearings, examine witnesses, receive evidence, and report the evidence to the Board or, if the case is pending before a division, to the appropriate division.

§ 803.318d–7 *Powers of Board.* The Board has all powers necessary and incident to the proper performance of its duties and has the power with the approval of the Under Secretary of War to adopt its own methods of procedure and rules and regulations for its conduct and for the preparation and presentation of appeals. These rules and regulations are set forth in §§ 803.318e–1 to 803.318e–12.

Memorandum of the Secretary of War, dated July 4, 1944, provided that in the consideration and disposition of appeals to the Secretary of War, the Board and the President of the Board, as representatives of the Secretary of War for the disposition of appeals, shall:

(a) Exercise such delegable authority and discretion as the Secretary of War himself might exercise either through contractual power or otherwise in the consideration and disposition of appeals, to ratify or approve the acts of subordinates and to waive any contract requirement which the Secretary of War himself legally might waive, whenever in the discretion of the Board or the President of the Board, as the case may be, such action is deemed necessary or desirable to arrive at a just and equitable adjustment or disposition of the dispute involved in the appeal.

(b) Consider and administratively pass on appeals not specifically or impliedly authorized by the contract where the ruling appealed from is not thereby made final and conclusive, and the appeal is taken within the time fixed in the contract for appeals.

(c) Find and administratively determine the facts out of which a claim by a contractor arises for damages against the Government for breach of contract, without expressing opinion on the question of the Government's liability for damages.

§ 803.318d–8 *Place for holding hearings.* The office of the Board is in the office of the Under Secretary of War but hearings also may be held in such other places as the Board determines to be expedient or necessary for the proper performance of its duties.

§ 803.318d–9 *Procedure.* The Board fixes the times when and places where hearings will be held, and serves notice thereof. The parties or their representatives are entitled to be heard and introduce evidence; *Provided*, That if a transcript of the evidence taken at a hearing in the office of the chief of a technical service accompanies the record, the Board may limit the testimony before it to matters not disclosed by the transcript.

§ 803.318d–10 *Correspondence.* All correspondence pertaining to appeals to the Secretary of War is to be referred to and conducted by the Board.

§ 803.318e *Rules and regulations of Board.* The rules and regulations promulgated by the Board, and approved by the Under Secretary of War under date of September 25, 1942, are set forth in §§ 803.318e–1 to 803.318e–12. A form of notice of appeal is set forth in § 803.318e–13. As said rules and regulations or such form are amended by the Board from time to time, these paragraphs will be amended to conform.

§ 803.318e–1 *Rule I: General matters.*

1. *Correspondence.* All correspondence with the Board shall be addressed "War Department Board of Contract Appeals, Office of the Under Secretary of War, Washington, D. C."

a. *Channels of communication.* The president, any member of the Board, and the recorder thereof are authorized to correspond directly, without regard to the usual channels of communication, with any officer or other person within or without the Army, the War Department, the Ground Forces, the Army Service Forces, or the Army Air Forces, relative to any information desired by the Board, or in connection with any matters pertaining to the business of the Board. Any information obtained from such correspondence shall not be used as evidence at the hearing on any appeal without first having been submitted to the parties to the appeal.

b. *Letters.* Letters advising the appellant or other party to an appeal of the final decision of the Board on any appeal and any further correspondence regarding the appeal, including letters to the Comptroller General, may be signed by the president or recorder of the Board.

c. *Transmission of papers.* The president of the Board or the recorder thereof, by direction of the Board, is authorized to transmit directly to the chief of any technical service concerned, for appropriate action, any papers, documents, or other data pertaining to any appeal that may come to the Board, which the chief of such service is authorized under the terms of the contract finally to determine or to determine subject to appeal to the Secretary of War.

d. *Routing of correspondence.* All papers pertaining to appeals to the Secretary of War under War Department contracts, received in the War Department or any agency thereof, or any technical service, shall be transmitted directly to the War Department Board of Contract Appeals, except as provided in Rule II (§ 803.318e–2).

2. *Form, size and number of papers filed.* Appeals, notices, motions, applications, stipulations, briefs, depositions, and other papers, if typewritten, filed with the Board shall be typewritten on one side of the paper only, with margin 1½ inches on the left of the page, and, as far as practicable, shall be upon paper 8½ x 11 inches in size. The papers shall be fastened on the left side without covers or back. Six copies of each of such papers, whether typewritten or not, except stipulations and depositions, shall be filed.

3. *Number to be assigned to proceedings.* The recorder shall assign a number to each appeal coming before the Board, which number will be placed on all papers in the case.

4. *Amendments.* The Board may, in its discretion, allow any paper to be amended or corrected or any omission therein to be supplied.

5. *Service of papers.* Service of papers in all hearings, investigations, and proceedings pending before the Board may be made personally, or by mailing the same in a sealed envelope, registered, return receipt requested, with postage prepaid, addressed to the party upon whom service shall be made, and the date of the registry receipt shall be the date of service. Waiver of the service of any paper may be noted thereon or on a copy thereof, or on a separate paper, signed by the parties or their attorneys and filed with the Board. When any party has appeared by attorney, service upon the attorney will be deemed proper service upon such party.

6. *Substitution of parties.* In the event of the death of an appellant, or for other cause, including a change in the name of a corporation or other party or the succession of one party to the functions or interests of another, or in the event of a mistake in the name or title of a proper party, the Board may order substitution of the proper name or title.

7. *Motions for substitution.* All motions for substitution shall be accompanied by pertinent documentary evidence, unless the parties by stipulation filed with the Board agree to the substitution.

8. *Army Air Forces.* The term "technical services" as used in these rules, includes the Army Air Forces; and the term "chiefs of the technical services" includes the Commanding General, Army Air Forces.

§ 803.318e–2 *Rule II: Proceedings preliminary to hearings.*

1. *Appeals, how taken.* a. An appeal from the decision of a contracting officer and an appeal from the decision of the chief of a technical service must be in writing, filed with the officer from whose decision the appeal is taken, within the time allowed by the contract, unless for good cause shown, the board shall determine to consider the appeal on its merits, notwithstanding it was not filed within the time allowed by the contract.

b. *Form of appeals.* Each appeal shall state the particular provisions of the contract out of which the dispute arises; the exact nature of the dispute and the ruling of the contracting officer or other authority from which the appeal is taken, together with a statement of specific facts claimed by the appellant to sustain his position. If the appeal is insufficient in these respects it may be returned for appropriate amendment. The appeal should follow, substantially, the form annexed to these rules and must be signed and sworn to by the appellant. Six copies of the appeal should be filed.

2. *Time of filing to be endorsed.* When the appeal has been received by the contracting officer or the chief of a technical service, as the case may be, he will endorse thereon the date of filing and forward the appeal, as hereinafter provided.

3. *Findings of fact and decisions.* a. In rendering a decision on any dispute involving a question of fact, the contracting officer or the chief of a technical service, as the case may be, shall prepare and sign findings of fact, a true copy of which with his written decision, shall be promptly furnished the contractor; and in case of appeal, the officer from whose decision the appeal is taken shall forward a true copy of such findings and of the decision, as hereinafter provided.

b. *Forwarding by contracting officer.* When an appeal is taken from the decision of a contracting officer he shall promptly forward to the chief of service concerned, a true copy of his findings of fact and of his decision; the original written appeal and the required copies thereof; a transcript of any evidence taken by him; and all pertinent papers in the case.

c. *Forwarding by chiefs of Technical Services of appeals from decisions of Contracting Officer.* (1) If the appeal from the contracting officer's decision is to the Secretary of War, the chief of the technical service receiving the appeal will exercise the utmost care to see that the record is complete as required by these rules and regulations; will add to the file, if not already in it, an original duplicate or true copy of the contract, including the plans and specifications and all changes and supplemental agreements; and shall promptly forward the complete file to the War Department Board of Contract Appeals.

(2) If for any reason the complete file cannot be so forwarded within five days from the date the appeal is received, the chief of the technical service will report to the War Department Board of Contract Appeals the date on which the appeal was received in his office and the reason for the delay in forwarding the file.

(3) It will be unnecessary, hereafter, for the chiefs of the technical services to furnish the reports required by paragraph 7, of P & C General Directive No. 72, of November 7, 1941.

4. *Forwarding appeals from chiefs of services.* The chief of a technical service, within five days after the receipt of a written appeal from his decision, will forward the original written appeal and the required copies thereof to the War Department Board of Contract Appeals, together with the following papers: a copy of his findings of fact and decision; the advisory report, if there be one, of the contract settlement board in his office; a transcript of any testimony taken during the course of the proceedings; a duplicate original or a certified copy of the contract, including the plans and specifications and all changes and supplemental agreements; the findings of fact and decision of the contracting officer; and all papers and correspondence pertaining to the contract, pertinent to the consideration of the appeal.

5. *Appeals improperly filed.* If any officer or agency of the War Department should receive a written appeal which has not been filed as provided in paragraph 1, of this rule, the recipient shall, after endorsing thereon the date of its receipt, immediately transmit the appeal to the chief of the technical service concerned:

a. For appropriate action as provided in paragraph 4, of this rule, if the appeal is from the decision of such chief; or

b. If the appeal is from the decision of a contracting officer, then for transmission to the contracting officer for action as required by paragraphs 3 a. and 3 b. of this rule.

6. *Calls for papers, documents and information.* After an appeal has been filed, the Board, or any member thereof, or any person designated by the Board for that purpose, may call for the production of any papers, documents, or specific information in the possession of any of the parties, relevant to the dispute out of which the appeal arises.

§ 803.318e–3 *Rule III: Hearings.*

1. *Where held.* Hearings shall be held at the office of the Board unless otherwise directed by the Board.

2. *Notice of hearings.* a. The appellant and the representative of the Government

shall be given at least 10 days notice of the time and place of hearing.

b. Continuances will not be granted except upon written motion and for good cause shown.

3. *Request for hearing at place other than office of the Board.* If the appellant shall desire that a hearing be held at a place other than the office of the Board, he shall at the time of taking his appeal, or within a reasonable time thereafter, but before service of notice of hearing, make a request therefor, showing the name of the place where he would prefer the hearing to be held, and stating fully the reason for such request. The representative of the Government may, within 10 days after an appeal has been filed in the office of the Board, file with the Board a request for hearing at a place other than the office of the Board and shall in such request state fully the reasons therefor. If neither the appellant nor the representative of the Government request a hearing at a place other than at the office of the Board, the Board may, nevertheless, on its own motion hold a hearing at another place.

4. *Stipulating facts.* The appellant and the representative of the Government may, by stipulation in writing filed with the Board, agree upon the facts or any portion thereof involved in the appeal, which stipulation shall be regarded and used as evidence at the hearing. However, the Board may, in such case, require additional evidence.

5. *Limiting testimony.* Where there is a transcript of testimony taken in the office of the chief of any technical service, the Board may, in its discretion, limit the testimony before it to testimony relative to matters not disclosed by the transcript. In all cases the Board may limit the amount of testimony, where merely cumulative.

6. *Submission on the record to the Under Secretary of War.* Where a majority of the members of the Board are unable to agree upon a decision, and the matter is submitted on the record to the Under Secretary of War for final determination, ordinarily, no further testimony will be introduced. However, the Under Secretary of War may, in his discretion, direct that additional testimony be taken before the Board, a division thereof, or before such person as he may designate, or he may direct a re-hearing before the Board, or reconsideration by the Board.

7. *Absence of parties or counsel.* The unexcused absence of a party or his counsel at the time and place set for the hearing of any proceeding will not be the occasion for delay, but the hearing will proceed and the case will be regarded as submitted on the part of the absent party or parties.

8. *Limitation of argument.* Oral argument before the Board or any division thereof may be limited by the Board or by the division, respectively.

9. *Briefs.* The parties may file briefs in lieu of personal appearances or in connection therewith. All briefs will be filed within 20 days after conclusion of the hearing unless otherwise directed by the Board or by the division before which the appeal is pending.

10. *Oral examination of witnesses.* Witnesses before the Board or any division thereof or before any member or examiner will be examined orally under oath, unless the facts are stipulated or the Board or division thereof shall otherwise order.

§ 803.318e–4 *Rule IV: Evidence.*

1. *Copies of papers.* When books, records, papers, or documents have been received in evidence, a true copy thereof or of such part thereof as may be material or relevant may, in the discretion of the Board or of the division holding the hearings, be substituted therefor.

2. *Withdrawal of exhibits.* After a decision has become final, the Board may, upon motion, permit the withdrawal of original exhibits, or any part thereof, by the party entitled thereto, or may, on its own motion make such other disposition thereof as it deems advisable.

3. *Administration of oaths.* Any judge advocate or acting judge advocate, the president, any member or the recorder of the Board, or any officer detailed to conduct an investigation, or hold a hearing, may administer oaths to witnesses.

4. *Ex parte affidavits not evidence.* Statements in the petition, ex parte affidavits, and briefs do not constitute evidence.

§ 803.318e–5 *Rule V: Depositions.*

1. *Before whom taken. a.* Depositions to be read in evidence before the Board or any division thereof may be taken before and authenticated, by any officer, military or civil, authorized by the laws of the United States or by the laws of place where the deposition is taken, to administer oaths.

b. Form and return of deposition to Board. Each deposition shall show the docket number and the caption of the proceeding, the place and date of taking, the name of the witness, and the party by whom called. The officer taking a deposition shall enclose the original deposition and exhibits, in a sealed packet, with postage or other transportation prepaid, and direct and forward the same to the War Department Board of Contract Appeals, Office of the Under Secretary of War, Washington, D. C.

2. *Notice to take, or stipulation for taking.* When either party desires to take a deposition, unless the parties shall stipulate as to the time when and place where the deposition is to be taken and the name of the officer before whom it is to be taken and the name and address of the witness, such party shall give to the opposite party at least 10 days notice of the time when and the place where such deposition will be taken and the name and address and official title of the officer before whom it is proposed to take the deposition, as well as the name of the witness. A deposition may be taken either upon written interrogatories or upon oral examination, as may be specified in the notice. If the deposition is to be taken upon written interrogatories, copies thereof shall accompany the notice to take depositions. If the opposite party desires to submit cross interrogatories, same must be served upon the party giving the notice within 5 days from the receipt of the notice to take the deposition, or within such further time as may be allowed by the Board. In order to avoid the taking of depositions or to avoid a continuance for the purpose of taking the testimony of any witness, the parties may stipulate what the testimony of the witness would be if present, and such stipulation shall be received in evidence by the Board.

3. *Reason for taking.* A duly authenticated deposition may be read in evidence before the Board, if such deposition be taken when the witness resides, is found, or is about to go beyond the State, Territory, or District in which the Board or a division thereof is to hold a hearing, or beyond the distance of 100 miles from the place of hearing, or when it appears to the satisfaction of the Board or a division thereof, that the witness by reason of age, sickness, bodily infirmity, imprisonment, or other reasonable cause is unable to appear and testify in person at the place of hearing.

4. *Deposition not considered until offered. a.* Testimony taken by deposition will not be considered until offered and received in evidence.

b. Introduction of deposition by opposite party. A deposition taken by one party may be introduced by the opposite party, but the whole deposition must be offered unless otherwise stipulated by the parties, or directed by the Board or by the division hearing the appeal.

§ 803.318e–6 *Rule VI: Decisions and findings.*

1. *Copies to be served on parties.* Decisions and findings of the Board, including decisions of any division thereof which have become decisions of the Board, including findings on questions of fact, shall be certified under the seal of the Board and served upon the parties or their attorneys in the manner herein provided for the service of papers.

2. *Divisional opinions.* A copy of each opinion of a division shall be promptly furnished by the division to each member of the Board, and if a majority of the members of the Board, including the president, shall at any time within 30 days after the date of the decision by the division file with the recorder a statement in writing to the effect that they do not desire a review of the decision by the Board, the recorder will make an entry in the records of the Board to that effect as of the date on which a majority of the members of the Board shall have filed such statements. Thereupon the decision of the division shall become the decision of the Board, and the recorder will promptly furnish copies of the decision to the parties concerned.

§ 803.318e–7 *Rule VII: Representation.*

a. Qualifications of attorneys. Any appellant may be represented before the Board by an attorney at law who has been admitted to practice and who is in good standing, before the Supreme Court of the United States, or before the highest court of any State, Territory, possession or the District of Columbia. The Board may, in its discretion, require any person appearing as an attorney at law, to present to the Board evidence that he or she possesses the above qualifications. The statement of the attorney may be accepted as satisfying the requirement of this rule.

b. Representation in lieu of counsel. Any individual appellant may appear for himself. Any partnership appellant may be represented by one or more partners. Any corporate appellant may be represented by a bona fide officer of the corporation.

§ 803.318e–8 *Rule VIII: Transcript of proceedings.*

1. *Record of hearings.* A full and complete record shall be kept of all hearings before the Board or any division thereof.

2. *Testimony to be taken stenographically.* The testimony shall be stenographically reported, and transcripts thereof shall be made, if in the opinion of the Board or of the division holding the hearing, a permanent record of the testimony is deemed necessary. Transcripts shall be supplied to the parties and to the public by the official reporter at such rates as may be fixed by contract between the Board and the reporter.

§ 803.318e–9 *Rule IX: Rehearings.*

a. Applications for rehearings, etc. Either party may apply to the Board for a rehearing, or reconsideration as to any matter determined by the Board, and to a division of the Board as to any matter determined by that division. Rehearing, further hearing or reconsideration of a decision, may be had if in the judgment of the Board or of the members of the division in which the decision was rendered, as the case may be, sufficient reason therefor be made to appear.

b. Motions for. All motions for rehearing, or reconsideration shall set forth specifically the ground or grounds relied upon to sustain the motion, and must be filed within 10 days from the date of the service of a copy of the decision of the Board or of a division, respectively, upon the party filing the motion. All such motions will be determined upon the record and briefs submitted and without oral argument or additional evidence.

§ 803.318e–10 *Rule X: Computation of time.*

Sundays and legal holidays to be counted. Whenever these rules or any order of the Board prescribe a time within which any act may be performed, Sundays and legal holidays in the District of Columbia shall count the same as other days, except that when the time prescribed for the performance of an act expires on a Sunday or a legal holiday in the District of Columbia, such time shall extend to and include the next succeeding day that is not a Sunday or such a legal holiday: *Provided,* That when the time for performing any act is prescribed by statute, nothing in these rules shall be deemed to be a limitation or extension of the statutory time period.

§ 803.318e–11 *Rule XI: Coordination with Price Adjustment Board.*

1. *Notice to Price Adjustment Board.* Upon the filing of an appeal with the Board, the recorder thereof will promptly advise the War Department Price Adjustment Board of the pendency of the appeal, giving the name of the contractor, the contract number, the name of the contracting officer or other authority from whose decision the appeal has been taken, together with a copy of the appeal or a brief statement of the issues involved.

2. *Information regarding renegotiation.* Prior to any hearing, the Board will ascertain from the War Department Price Adjustment Board, whether any renegotiation agreement has been accomplished relating to the contract under which the appeal is pending or whether renegotiation proceedings relative to the contract are pending. If a renegotiation agreement has been entered into such agreement will be taken into consideration by the War Department Board of Contract Appeals in reaching its decision. If renegotiation proceedings are pending the Board may, in its discretion, suspend further proceedings on the appeal until the renegotiation proceedings have been concluded. A copy of each decision rendered by the Board will be furnished the War Department Price Adjustment Board.

§ 803.318e–12 *Rule XII: Effective date.*

These rules shall become effective from the date of their approval by the Under Secretary of War, and from time to time may be amended by the Board with such approval.

§ 803.318e–13 *Form of notice of appeal.*

Appeal of _____
(Contractor)
Under Contract No. _____ B. C. A. No. _____

To the SECRETARY OF WAR:

The undersigned contractor under the contract referred to above, hereby appeals to the Secretary of War from the decision of the

(here insert the name and title of the contracting officer, or the name and title of the chief of the technical service, as the case may be)

rendered on the _____ day of _____, 19____, wherein it was ruled:

(here insert the specific ruling from which the appeal is taken)

That said ruling was erroneous and that the undersigned contractor is aggrieved thereby, for the following reasons:

_____

That the dispute arises out of the following provisions of the contract:

(here insert pertinent contract provisions)

That the facts which sustain appellant's position are as follows:

(here state specific facts upon which the claimant relies to sustain the appeal)

That the dispute out of which the appeal arises has not been disposed of by mutual agreement, although appellant has made an effort to that end.

This appeal is made pursuant to Article ____ of the contract.

That the postoffice address of appellant is as follows:

_____

Dated at _____ this _____ day of _____ 19____

_____
(Contractor, appellant)

By _____
(Title of officer if a corporation, or the word "partner", if a partner signs for a partnership)

Form of verification where petitioner is an individual:

STATE OF _____
County of _____, *ss:*

_____, being first duly sworn upon his oath deposes and says that he is the appellant referred to above; that he has read the foregoing and knows the contents thereof, and that the facts therein stated are true of his own knowledge except as to matters which are therein stated on information or belief; and that as to those matters he believes the statements to be true.

_____

Subscribed and sworn to before me this _____ day of _____, 19____.

_____
Notary Public in and for the county of _____, state of _____

Form of verification where appellant is a corporation:

STATE OF _____
County of _____, *ss:*

_____, being first duly sworn upon his oath deposes and says, that he is the _____ of the above-named corporation, appellant; that he is authorized to make this oath for and on its behalf; that he has read the foregoing instrument, knows the contents thereof, and that the facts stated therein are true of his own knowledge, except as to matters which are therein stated on information or belief, and that as to those matters he believes the statements to be true.

_____

Subscribed and sworn to before me this _____ day of _____, 19____

_____
Notary Public in and for the county of _____, state of _____

Form of verification where the petitioner is a partnership:

STATE OF _____
County of _____, *ss:*

_____, being first duly sworn upon his oath deposes and says that he is a member of the above-named partnership, appellant; that he has read the foregoing instrument, knows the contents thereof, and that the facts therein stated are true of his own knowledge, except as to matters which are therein stated on information or belief, and that as to such matters, he believes the statements to be true.

_____

Subscribed and sworn to before me this _____ day of _____, 19____

_____
Notary Public in and for the county of _____, state of _____

If the appellant is represented by an attorney give his name and address.

§ 803.318f *Appeals boards within the technical services.*

§ 803.318f–1 *General.* There should exist in each technical service, a board to act as an advisor to the chiefs of the technical services with respect to appeals under contracts which authorize the chiefs of the technical services to pass upon appeals either finally or subject to further appeals by the contractor to the Secretary of War.

§ 803.318f–2 *Organization of boards.* Each board should consist of at least three members. One member of the Board, preferably with legal training, should be designated as executive secretary, to maintain a calendar of such cases as may be appealed to the chief of the service; to make a preliminary analysis of each case, and if necessary, return the file for further evidence, papers or exhibits; to maintain a record of the progress of each case; and in general, to act as executive representative of the Board and of chief of the technical service with respect to such matters. The Under Secretary of War will be informed of the name and address of every such executive secretary. Unless the chief of any technical service considers the volume of such work to be sufficient to require the full-time services of such executive secretary or other board members, they should be directed to perform such services in addition to other duties.

§ 803.318f–3 *Procedure.* In order that a uniform and orderly procedure may be followed, the following steps are prescribed in each case. The board should:

(a) Investigate and determine the facts in each case. During each such investigation, an opportunity should be afforded to the contractor, if he desires it, to present evidence in support of his contentions.

(b) Arrive at a finding of all essential facts and prepare a statement thereof for the information of the chief of the technical service concerned, and of the Under Secretary of War in cases forwarded to him for disposition. In the latter cases the report of the Board, together with the recommendation of the chief of the technical service concerned and the complete files in the case, will be forwarded to the Under Secretary of War.

(c) Based upon these findings of fact, prepare any necessary correspondence, supplemental agreements, or other documents for the action of the persons concerned.

§ 803.318f–4 In the determination of disputes, it will be the policy of all concerned to do complete and fair justice to the legitimate claims and contentions of every contractor, subject, however, to the limitation that in the absence of specific statutory authority no officer or official of the United States is vested with any power to surrender without consideration to the United States, any asset or right of the United States; every such officer and official must be controlled by the express terms of the contract in question and the applicable statutes and regulations.

§ 803.318f–5 The recommendations of the boards in question will be advisory only; the chief of the technical service concerned will not be bound by any such recommendation.

SUBPART G—GUARANTEES, LOANS AND COMMITMENTS, AND ADVANCE PAYMENTS

§ 803.319 *General.*

§ 803.319–1 *War Department policy.* It is the policy of the War Department that, in general, guarantees of loans, not in excess of 90 per cent of the principal amount of the loan, are to be employed rather than direct loans or participations in loans; and that likewise, guarantees of loans are, in general, to be employed in preference to advance payments. It is not intended entirely to supplant advance payments, especially where the technical service concerned concludes that the negotiation or performance of a particular contract will be facilitated by the use of advance payments.

§ 803.319–2 *Policy in connection with prime contractors.* Guaranteed loans to a prime contractor are particularly preferable to advance payments to such a contractor in the following situations:

(a) Where a number of technical services are involved,

(b) Where the prime contractor is at the same time a subcontractor under other prime contracts,

(c) Where the prime contractor has contracts with several branches of the government,

(d) Where the prime contractor has a large number of contracts and purchase orders.

In the above situations, guaranteed loans avoid the difficulties of segregation, accounting and supervision which are inherent in advance payments.

§ 803.319–3 *Policy in connection with subcontractors.* Guaranteed loans to subcontractors are preferable to subadvances even though the guarantee may exceed 90 per cent of the principal amount of the loan.

§ 803.319–4 *Cooperation with liaison officers.* The closest cooperation should exist between contracting officers, liaison officers (see § 803.320–4), and the Federal Reserve Banks, from the time negotiations for an award of a prime contract commence. Only in this way can there be devised the most practical method of financing from the standpoint of maximum war production by the contractor. In a given case, the most practical method of financing may be (a) private financing, (b) a guaranteed loan, (c) advanced payments, or (d) a direct Government loan; if a guaranteed loan or a direct loan, it may or may not be policed as to expenditures by the technical service most interested. That method of financing which is most conducive to maximum production should be adopted by mutual agreement between the contracting officer and the liaison officer, and it shall be the function of the liaison officer to endeavor to insure cooperation among the several technical services and with other branches of the government to this end.

§ 803.319–5 *Determination of method of financing at time of award.* In the case of prime contractors, especially those having contracts with a single technical service, the method of working capital financing most conducive to maximum production should be determined prior to the making of an award. The question of the amount of facilities necessary for such production and the method of financing such facilities should also be determined at that time. To these ends, the fiscal and production branches of procurement offices should closely cooperate both internally and, where appropriate, with the liaison officers and the Federal Reserve Banks.

§ 803.320 *Guarantees, loans and commitments under Executive Order No. 9112.*

§ 803.320–1 *Executive Order No. 9112.* Under date of March 26, 1942, Executive Order 9112 (3 CFR Cum. Supp.) was issued. It reads in part as follows:

(1) The War Department, Navy Department and the Maritime Commission are hereby respectively authorized, without regard to the provisions of law relating to the making, performance, amendment or modification of contracts, (a) to enter into contracts with any Federal Reserve Bank, the Reconstruction Finance Corporation, or with any other financing institution guaranteeing such Reserve Bank, Reconstruction Finance Corporation or other financing institution against loss of principal or interest on loans, discounts or advances, or on commitments in connection therewith, which may be made by such Reserve Bank, Reconstruction Finance Corporation, or other financing institution for the purpose of financing any contractor, subcontractor or others engaged in any business or operation which is deemed by the War Department, Navy Department or Maritime Commission to be necessary, appropriate or convenient for the prosecution of the war, and to pay out funds in accordance with the terms of any such contract so entered into; and (b) to enter into contracts to make, or to participate with any Federal Reserve Bank, the Reconstruction Finance Corporation, or other financing institution in making loans, discounts or advances, or commitments in connection therewith, for the purpose of financing any contractor, subcontractor or others engaged in any business or operation which is deemed by the War Department, Navy Department or Maritime Commission to be necessary, appropriate or convenient for the prosecution of the war, and to pay out funds in accordance with the terms of any such contract so entered into.

§ 803.320–2 *Administration.* The administration of the powers conferred upon the War Department by Executive Order 9112 are vested in the Advance Payment and Loan Branch, Office of the Fiscal Director, Headquarters, Army Service Forces. The general policies and procedures established by that Branch as well as the general contractual arrangements established by the Branch are subject to review by the Director, Purchase Division, Headquarters, Army Service Forces.

§ 803.320–3 *Financial contracting officers.* Financial contracting officers are officers or civilian officials attached to the Office of the Fiscal Director, Headquarters, Army Service Forces who have been granted authority by the Fiscal Director of said Division to execute or approve guarantees (either in the form of guarantees to save financial institutions harmless or in the form of commitments to purchase), to make direct Government loans, to enter into other financial arrangements, and to enter into commitments therefor, all pursuant to the authority conferred by Executive Order 9112; to participate in negotiations for financing; and to coordinate with the Federal Reserve Banks which act as agents of the War Department in arranging financing for businesses whose operations are necessary, appropriate or convenient for the prosecution of the war.

§ 803.320–4 *Liaison officers.* Liaison officers are officers or civilian officials attached to the Advanced Payment and Loan Branch, Office of the Fiscal Director, Headquarters, Army Services Forces, who have been detailed for duty in every city in which a Federal Reserve Bank is situated as well as in Los Angeles and Detroit. Their functions and duties are those specified in §§ 803.320–5 and 803.320–9 as well as in various other sections of this subpart.

§ 803.320–5 *Procedure for obtaining guaranteed loans.* Contractors may make applications for guaranteed loans:

(a) Through a local bank which in turn will transmit the applications to the Federal Reserve Bank in the district where the bank is located,

(b) Directly to the Federal Reserve Bank, or

(c) To a liaison officer.

It will be the duty of the liaison officer to obtain information from the procurement officers of the technical service or services concerned and from other appropriate sources as to whether the applicant's operations (existing or prospective) are necessary, appropriate, or convenient for the prosecution of the war and as to applicant's ability to perform its contracts. When liaison officers are not actually detailed to a given Federal Reserve District, the Federal Reserve Bank will perform this duty. Upon the basis of the information so obtained, the liaison officer will issue a Statement of Necessity. If the liaison officer is not satisfied that the terms and conditions of the loan will expedite production and protect the Government's interest to the fullest extent possible, the Statement of Necessity may be withheld pending the working out of satisfactory terms and conditions.

§ 803.320–6 *Loans and guarantees not requiring submission to the Advance Payment and Loan Branch, Office of the Fiscal Director.* Upon the issuance of a Statement of Necessity, a direct Government loan or a guarantee on behalf of the War Department may be completed by a Federal Reserve Bank, acting as fiscal agent of the United States on such terms and conditions as to it may seem advisable, provided that such loan or guarantee must be submitted for approval to the Advance Payment and Loan Branch, Office of the Fiscal Director, if it comes within any of the categories set forth in § 803.320–7.

§ 803.320–7 *Loans and guarantees requiring submission to the Advance Payment and Loan Branch.* Direct Government loans and guarantees coming within any of the following categories must be submitted for approval to the Advance Payment and Loan Branch, Office of the Fiscal Director, Headquarters, Army Service Forces:

(a) All direct Government loans and also all guarantees when the amount thereof plus the amount of all loans and guarantees made pursuant to Executive Order No. 9112 (including Navy Department and Maritime Commission loans and guarantees), which the contractor has then outstanding, exceed $100,000.

(b) All guarantees when the liaison officer and the Federal Reserve Bank disagree as to the terms and conditions thereof.

(c) All guarantees, regardless of the principal amount of the loan, when the guarantee is for an amount in excess of 90 percent of the principal amount of the loan.

(d) All guarantees when the Federal Reserve Bank is itself participating in the loan.

§ 803.320–8 *Execution of loan or guarantee.* If the Federal Reserve Bank does not participate in the loan, the guarantee normally will be executed by the Federal Reserve Bank as fiscal agent of the United States. If the Federal Reserve Bank does participate in the loan, the guarantee will be executed by the financial contracting officer. Direct Government loans will be executed by a financial contracting officer.

§ 803.320–9 *Cooperation of procurement officers.* When it has been determined pursuant to §§ 803.319–1 and 803.319–4 that a guaranteed loan is the method of financing most conductive to maximum war production, it is essential that the Federal Reserve Bank, the Advance Payment and Loan Branch, the liaison officers, and the financial contracting officers receive the fullest and speediest cooperation from the procurement officers of the various technical services. Procurement officers of the technical services will furnish such information relating to contracts awarded or executed by them, and as to subcontractors and orders under such contracts, as may be called for by the Federal Reserve Bank, the Advance Payment and Loan Branch, liaison officers or financial contracting officers. In order to expedite this cooperation, special units may be established in the district offices of the technical services, or existing Advance Payment Sections may be utilized for this purpose. Information normally required to be furnished will include:

(a) The need for the borrower's production, and

(b) The ability of the borrower to perform from the view point of technical production.

Obtaining information as to the borrower's financial condition is primarily the responsibility of the liaison officer and the Federal Reserve Banks. However, procurement officers of a technical service may supply such information and may make recommendations with respect thereto which will be given due weight provided that the information as to the necessity for the production and the technical ability of the borrower to perform is not delayed.

§ 803.321 *Advance payments.*

§ 803.321–1 *General policy.* Subject to the provisions of §§ 803.319–1 to 803.319–3, advance payments will be made to contractors upon their request in all cases where such action will facilitate the prosecution of the war provided that after careful scrutiny it is determined that the national interest will be promoted thereby and provided that the Government will be adequately protected.

§ 803.321–2 *Types of contracts.* Subject to the provisions of § 803.321–1, advance payments may be made in connection with agreements of all kinds (whether contracts, letter contracts, letter purchase orders or other types of agreements).

§ 803.321–3 *Advance payments under contracts executed prior to December 27, 1941.* No advance payment in excess of 30 per cent of the amount of the contract will be authorized upon a contract entered into prior to December 27, 1941, except under a supplemental agreement containing provisions for such an advance payment executed on or after December 27, 1941.

§ 803.321–4 *Security.* Advance payments shall be authorized only upon the furnishing of adequate security by the contractor. The security to be furnished will be that required under the provisions of the standard clauses or standard forms of supplemental agreements referred to in § 803.321–11. A guarantee by, or bond of, a parent corporation is desirable if the subsidiary corporation has limited financial responsibility, especially in the case of a newly formed subsidiary corporation. Whether guarantees, subordination agreements or other security devices should be required, in connection with advance payments, is within the discretion of the person having authority to approve the authorization of advance payments. Advance payments bonds will be required only in the most exceptional circumstances. (See §§ 804.406–4 and 804.407–1).

§ 803.321–4a *Release of security upon liquidation of advance payments.* The execution, upon the liquidation of advance payments, of releases and agreements to release mortgages, guarantors in guaranty agreements, sureties on advance payment bonds, and other security devices, which may be required in connection with advance payments, will facilitate the prosecution of the war. Accordingly, such releases and agreements to release may be executed pursuant to Title II of the First War Powers Act, 1941, and Executive Order 9001, by the chief of a technical service or his duly authorized representative, or by the person to whom he may delegate such authority, in those cases where such security devices have been given to secure a specific advance payment or advance payments and no other obligations to the Government, and such advance payment or advance payments have been fully liquidated.

In cases where releases or agreements to release security devices, given in connection with advance payments, cannot be executed pursuant to the authority above granted, proposed releases or agreements to release, together with recommendations as to action requested, should be submitted to the Advance Payment and Loan Branch, Office of the Fiscal Director, for prior approval and execution by the Fiscal Director or his duly authorized representative to whom authority to execute such releases and agreements to release is granted pursuant to Title II of the First War Powers Act, 1941, and Executive Order 9001.

§ 803.321–5 *Definitions.* As used in §§ 803.321–6, 803.321–7 and 803.321–14, the following terms shall have the following meaning:

(a) The amount of the contract: In the case of a lump sum contract, the contract price; in the case of a cost-plus-a-fixed-fee contract, the estimated cost exclusive of the fixed-fee.

(b) Standard contract clause: A contract clause following without substantial deviation the wording of one of the contract clauses referred to in § 803.321–11.

(c) Standard supplemental agreement: A supplemental agreement following without substantial deviation the wording of one of the forms of supplemental agreement referred to in § 803.321–11.

The determination of whether there is a substantial deviation from contract clause or from a form of supplemental agreement is within the discretion of the chief of the technical services. In general, the determining factor is whether the modification changes established policies with respect to advance payments.

§ 803.321–6 *Initial advance payments not requiring approval of Advance Payment and Loan Branch.* Chiefs of technical services are authorized, without obtaining the approval of the Advance Payment and Loan Branch, Office of the Fiscal Director, Headquarters, Army Service Forces, to approve the authorization and making of initial advance payments on contracts pertaining to their respective services, when:

(a) The amount of the contract is less than $5,000,000 and the amount of the advance payment is not in excess of 50 per cent of the amount of the contract, and

(b) The advance payment is authorized under a standard contract clause or a standard supplemental agreement.

§ 803.321–7 *Subsequent advance payments not requiring approval of Advance Payment and Loan Branch.* The chiefs of the technical services are authorized, without obtaining the approval of the Advance Payment and Loan Branch, Office of the Fiscal Director, Headquarters, Army Service Forces, to approve the authorization and making of advance payments in addition to advance payments previously authorized in connection with a given contract, when:

(a) The amount of the contract on which the subsequent advance payment is based is less than $5,000,000 and the proposed advance payment does not exceed 50 per cent of such amount, and

(b) The proposed advance payment is authorized under an approved contract clause or an approved supplemental agreement.

As used in this section, the term "amount of the contract on which the subsequent advance payment is based" means the

amount by which the amount of the contract has been increased since the date of the last authorization of an advance payment.

§ 803.321–8 *Advance payments requiring approval of Advance Payment and Loan Branch.* Unless an advance payment comes within the provisions of §§ 803.321–6 or 803.321–7, the authorization of such advance payment must be submitted for approval to the Advance Payment and Loan Branch, Office of the Fiscal Director, Headquarters, Army Service Forces. The submission to said Branch will consist of a recommendation of the chief of the technical service concerned, together with the following information:

(a) The amount proposed to be advanced.

(b) The amount of contract involved and the subject matter thereof.

(c) Whether the contract was awarded on a fixed price or on a cost-plus-a-fixed-fee basis.

(d) The terms of the proposed advance (including method and time of repayment or liquidation including, if possible, a schedule of deliveries).

(e) The national interest in making the advance.

(f) The security proposed to protect the Government against loss with the definite recommendation of the chief of the technical service as to the adequacy thereof.

(g) The financial position and the general character and responsibility of the contractor, as well as the technical ability of the contractor to perform the contract.

(h) A copy of the contractor's letter of request and any financial and budget data submitted relating to the necessity for the advance.

(i) Copy of contracting officer's report, if any, on the advance payment request.

(j) Any other information pertinent to a proper decision in the case.

(k) The date and identifying symbol of the approval of the award together with the appropriation available.

Requests for the approval of the authorization of an advance payment may be presented either during the negotiation of a contract or at any time thereafter. If the contract is available a copy thereof together with applicable letters of intent and intermediate supplemental agreements, if any, should be forwarded together with the recommendation. If a copy of the contract is not available at the time the recommendation is forwarded, such a copy should be submitted for review and filing promptly after execution.

§ 803.321–9 *Special provision with respect to advance payments under open-end provisions in connection with cost-plus-a-fixed-fee contracts.* If in connection with a cost-plus-a-fixed-fee contract, it is proposed to authorize the making of an advance payment in an amount equivalent to a percentage of the estimated cost as the same may be amended from time to time, approval of the Advance Payment and Loan Branch, Office of the Fiscal Director, Headquarters, Army Service Forces, need not be obtained unless the estimated cost of the contract exclusive of the fixed-fee at the time of the granting of such authorization is $5,000,000 or more (provided, of course, that the authorization is made under a standard contract clause or a standard supplemental agreement). If, however, it subsequently becomes apparent that the cost will be $5,000,000 or more, no further advances will be made under such authorization until such approval has first been obtained. If such approval has once been obtained, the making of advance payments, in addition to those made prior to or at the time of such approval, may be made without further approval of the Advance Payment and Loan Branch, regardless of the amount of such additional advance payments.

§ 803.321–10 *Advance payments in connection with letter contracts or letter purchase orders.* Advance payments in connection with letter contracts or letter purchase orders will be provided for by a standard supplemental agreement. There should be included in such agreement a clause relieving a subsequent performance surety of the fidelity risk involved in making advance payments in any case where it is contemplated that a performance bond will be required in connection with the more formal contract and where no advance payment bond has been required.

§ 803.321–11 *Forms of supplemental agreement and contract clauses.* The following is a list of contract clauses and forms of supplemental agreements for use in connection with the authorization of advance payments:

(a) The contract clause contained in § 803.347 will be used in providing for advance payments with interest on fixed-price contracts.

(b) War Department Contract Form No. 20 will be used in executing a supplemental agreement for advance payments with interest on fixed-price contracts. (See § 813.1320)

(c) War Department Contract Form No. 21 will be used in executing a supplemental agreement for advance payments with interest on cost-plus-a-fixed-fee contracts. (See § 813.1321)

(d) The contract clause contained in § 803.348a will be used in providing for advance payments with interest on cost-plus-a-fixed-fee contracts.

(e) War Department Contract Form No. 22 will be used in executing a supplemental agreement for advance payments with interest on a letter purchase order. (See § 813.1322)

(f) The contract clause contained in § 803.348 will be used in providing for advance payments without interest on fixed-price contracts.

(g) War Department Contract Form No. 23 will be used for executing a supplemental agreement for advance payments without interest on fixed-price contracts. (See § 813.1323)

(h) The contract clause contained in § 803.348b will be used in providing for advance payments without interest on cost-plus-a-fixed-fee contracts.

(i) War Department Contract Form No. 24 will be used for executing a supplemental agreement for advance payments without interest on cost-plus-a-fixed-fee contracts. (See § 813.1324)

(j) War Department Contract Form No. 25 will be used for executing a supplemental agreement for advance payments without interest on letter purchase orders. (See § 813.1325)

§ 803.321–12 *Interest.* Except as set forth in § 803.321–13 below, whenever an advance payment is made to a contractor by the War Department, a charge should be made for the use of the Government money so furnished. The charge should be in the nature of an interest charge computed, at convenient accounting periods, at the rate of two and one-half percent per annum on the unliquidated balance of advance payments outstanding from time to time. In the case of a fixed-price contract, the amount of the charge should be deducted from payments under the contract. In the case of a cost-plus-a-fixed-fee contract, the charge should be deducted from the amount of the fee otherwise payable to the contractor, and should not be an item of reimbursable cost under the contract.

§ 803.321–13 *Exceptions to interest requirement.* The requirement that interest be charged on advance payments shall not be applicable to advance payments:

(a) Authorized in connection with contracts which provide that the work thereunder shall be performed at cost without profit or fee to the contractor.

(b) Authorized in connection with cost-plus-a-fixed-fee contracts on which the fee is disproportionately small compared to the amount of interest that would accrue on the advance payment.

(c) Authorized in connection with contracts entered into, or contracts the terms of which had been agreed upon, prior to June 8, 1942, to the extent that such application would be inconsistent with the terms upon which such contracts were negotiated.

(d) Authorized in connection with fixed price contracts which have been converted from cost-plus-a-fixed-fee contracts provided that advances previously authorized on the cost-plus-a-fixed-fee contracts have been without interest and provided further that in negotiating the fixed prices on the converted contracts due allowance is made for the continuation of advances without interest. This does not preclude, however, the use of advances with interest in accordance with § 803.321–12 in the negotiation of the converted contracts from a cost-plus-a-fixed-fee to fixed price basis if it is preferred to negotiate the new price on the use of advances with interest.

(e) Authorized to be made without interest by specific action of the Fiscal Director, Headquarters, Army Service Forces.

(f) Authorized in connection with cost-plus-a-fixed-fee contracts which have been terminated in whole or in part to the extent that such advance payments are used for the making of partial payments to subcontractors on account of termination claims of such subcontractors. Interest will cease to accrue on that part of the advance payment balance outstanding so used from the time such partial payments are made until the time the prime contractor is reimbursed for termination settlements with such subcontractors. (See §§ 846.654–1 and 803.349a.)

§ 803.321–14 *Reports.* In connection with advance payments, the technical services will make the following report:

(a) *Individual advance payment report.* A complete report of each advance payment, except those approved by the Advance Payment and Loan Branch, Office of the Fiscal Director, Headquarters, Army Service Forces, pursuant to §§ 803.321–8 or 803.321–9, will be submitted to said Branch, for consideration, review and file. There will be submitted with the report a copy of the contract under which the advance payment was authorized or, if the advance payment was authorized under a supplemental agreement, a copy of the contract and of such supplemental agreement. The report will contain a statement of the amount of the contract, the amount of the advance payment authorized, the national interest in making the advance payment, the proposed security and a statement as to whether prior approval of withdrawal is to be required, as well as a statement of the financial responsibility of the contractor and of its ability to perform the contract. The contractor's most recent balance sheet or a Federal Reserve Bank report should also be filed.

(b) *Quarterly report.* In each year, there shall be rendered to the Advance Payment and Loan Branch, Headquarters, Army Service Forces reports for the periods ending March 31, June 30, September 30, and December 31. Each such report will be rendered fifteen days after the close of the period. There will be set forth in such reports the status of all contracts on which advance payments have been authorized. The following data should be included in the report:

(i) Contract number.
(ii) Name of contractor.
(iii) Description of contract.
(iv) Type of contract.
(v) Amount of contract as it may be changed from time to time.
(vi) Amount of advance payments authorized.
(vii) Amount of advance payments made.
(viii) Advance payments recovered.
(ix) Advance payments outstanding.
(x) Appropriation symbol.
(xi) Project number.

A special statement should be included in the report as to any contract with respect to which the completion of the contract and liquidation of the advance payments appear to be doubtful together with a statement as to the steps being taken to protect the advance payments. A report should include data previously furnished and not merely cover the period from the last report. However the report need not include contracts upon which complete liquidation of the advance payments have been made and so reported in a previous report.

(c) *Interim reports.* If at any time between the rendering of quarterly reports it appears doubtful that a contractor to whom advance payments have been made will complete the contract, a report should be rendered to the Advance Payment and Loan Branch, Office of the Fiscal Director, Headquarters, Army Service Forces, immediately. This report should include a statement of the facts in the case and of the steps being taken to protect the advance payments.

§ 803.321–15 *Advance payment for communication services and facilities in accordance with established tariffs of foreign communications companies.* In accordance with the First War Powers Act and Executive Order No. 9001, contracts covering the procurement of commercial communications services or facilities in foreign countries may authorize advance payment of charges therefor when such advance payment is provided for in established tariffs or is in accordance with rules, practices, or regulations applicable to the furnishing of similar services and facilities to the general public. It is hereby determined that the insertion of such advance payment provisions will facilitate the prosecution of the war. In connection with such advance payments, it will not be necessary to make any of the reports provided for in § 803.321–14.

SUBPART B—MANDATORY AND OPTIONAL CONTRACT PROVISIONS

§ 803.322 *Officials not to benefit.* Every contract, regardless of subject matter or amount, will contain the following clause without deviation:

Officials not to benefit. No member of or delegate to Congress or resident commissioner shall be admitted to any share or part of this contract or to any benefit that may arise therefrom, but this provision shall not be construed to extend to this contract if made with a corporation for its general benefit.

§ 803.323 *Covenant against contingent fees.* (a) Every contract, regardless of subject matter or amount (except contracts of sale) will contain the following clause without deviation:

Covenant against contingent fees. The Contractor warrants that he has not employed any person to solicit or secure this contract upon any agreement for a commission, percentage, brokerage, or contingent fee. Breach of this warranty shall give the Government the right to annul the contract, or, in its discretion, to deduct from the contract price or consideration the amount of such commission, percentage, brokerage, or contingent fees. This warranty shall not apply to commissions payable by contractors upon contracts or sales secured or made through bona fide established commercial or selling agencies maintained by the Contractor for the purpose of securing business.

(b) As to contracts of sale, see General Provision 13 of W.D. Contract Form No. 26 (§ 813.1326).

(c) Also see § 811.1181.

§ 803.324 *Uniform termination article.* (a) There is set forth below the uniform termination article prescribed by the Office of War Mobilization for use in fixed price (lump sum) supply contracts. This article will be referred to hereafter in this paragraph as the uniform article.

(b) The uniform article may be inserted in any lump sum supply contract.

(c) Every lump sum supply contract for the manufacture of supplies and equipment executed on and after February 20, 1944, except:

(1) Contracts to be completed in six months or less for an amount of less than $500,000,

(2) Contracts for an amount of less than $50,000, regardless of the date of completion and

(3) Requirement or open end contracts, will contain the uniform article without deviation.

(d) As to amendment of contracts to include the uniform article, see § 842.213.

ARTICLE ... *Termination at the option of the Government.* (a) The performance of work under this contract may be terminated by the Government in accordance with this Article in whole, or from time to time in part, whenever the contracting officer shall determine any such termination is for the best interests of the Government. Termination of work hereunder shall be effected by delivery to the contractor of a Notice of Termination specifying the extent to which performance of work under the contract shall be terminated, and the date upon which such termination shall become effective. If termination of work under this contract is simultaneous with, a part of, or in connection with, a general termination (1) of all or substantially all of a group or class of contracts made by the War Department for the same product or for closely related products, or (2) of war contracts at, about the time of, or following, the cessation of the present hostilities, or any major part thereof, such termination shall only be made in accordance with the provisions of this Article, unless the contracting officer finds that the contractor is then in gross or wilful default under this contract.

(b) After receipt of a Notice of Termination and except as otherwise directed by the contracting officer, the contractor shall (1) terminate work under the contract on the date and to the extent specified in the Notice of Termination; (2) place no further orders or subcontracts for materials, services or facilities except as may be necessary for completion of such portions of the work under the contract as may not be terminated; (3) terminate all orders and subcontracts to the extent that they relate to the performance of any work terminated by the Notice of Termination; (4) assign to the Government, in the manner and to the extent directed by the contracting officer, all of the right, title and interest of the contractor under the orders or subcontracts so terminated; (5) settle all claims arising out of such termination of orders and subcontracts with the approval or ratifications of the contracting officer to the extent that he may require, which approval or ratification shall be final for all the purposes of this Article; (6) transfer title and deliver to the Government in the manner, to the extent and at the times directed by the contracting officer (i) the fabricated or unfabricated parts, work in process, completed work, supplies and other material produced as a part of, or acquired in respect of the performance of, the work terminated in the Notice of Termination, and (ii) the plans, drawings, information and other property which, if the contract had been completed, would be required to be furnished to the Government; (7) use his best efforts to sell in the manner, to the extent, at the time, and at the price or prices directed or authorized by the contracting officer, any property of the types referred to in subdivision (6) of this paragraph: *Provided, however,* That the contractor (i) shall not be required to extend credit to any purchaser and (ii) may retain any such property at a price or prices approved by the contracting officer; (8) complete performance of such part of the work as shall not have been

terminated by the Notice of Termination; and (9) take such action as may be necessary or as the contracting officer may direct for protection and preservation of the property, which is in the possession of the contractor and in which the Government has or may acquire an interest.

(c) The contractor and the contracting officer may agree upon the whole or any part of the amount or amounts to be paid to the contractor by reason of the total or partial termination of work pursuant to this Article, which amount or amounts may include a reasonable allowance for profit, and the Government shall pay the agreed amount or amounts. Nothing in paragraph (d) of this Article prescribing the amount to be paid to the contractor in the event of failure of the contractor and the contracting officer to agree upon the whole amount to be paid to the contractor by reason of the termination of work pursuant to this Article shall be deemed to limit, restrict or otherwise determine or affect the amount or amounts which may be agreed upon to be paid to the contractor pursuant to this paragraph (c).

(d) In the event of the failure of the contractor and contracting officer to agree as provided in paragraph (c) upon the whole amount to be paid to the contractor by reason of the termination of work pursuant to this article, the Government, but without duplication of any amounts agreed upon in accordance with paragraph (c), shall pay to the contractor the following amounts:

(1) For completed articles delivered to and accepted by the Government (or sold or retained as provided in paragraph (b) (7) above) and not theretofore paid for, forthwith a sum equivalent to the aggregate price for such articles computed in accordance with the price or prices specified in the contract;

(2) In respect of the contract work terminated as permitted by this Article, the total (without duplication of any items) of (i) the cost of such work exclusive of any cost attributable to articles paid or to be paid for under paragraph (d) (1) hereof; (ii) the cost of settling and paying claims arising out of the termination of work under subcontracts or orders as provided in paragraph (b) (5) above, exclusive of the amounts paid or payable on account of supplies or materials delivered or services furnished by the subcontractor prior to the effective date of the notice of termination of work under this contract which amounts shall be included in the cost on account of which payment is made under subdivision (i) above; and (iii) a sum equal to _____% (Note 1), of the part of the amount determined under subdivision (i) which represents the cost of articles or materials not processed by the contractor, plus a sum equal to _____% (Note 2), of the remainder of such amount, but the aggregate of such sums shall not exceed 6% of the whole of the amount determined under subdivision (i), which for the purpose of this subdivision (iii) shall exclude any charges for interest on borrowings;

NOTES 1 and 2: The chief of each technical service may provide for determining the percentages to be inserted at Note 1 (which in no event will exceed 2%) and to Note 2 (which may be greater or less than or equal to 6%). The general use of 2% and 8%, respectively, as arbitrary figures is recommended in the interest of expediting the execution of contracts. Where the use of arbitrary figures is not desired for any reason, the methods to be used in arriving at the percentage to be inserted at Note 2 shall be the same as those now used in price analysis. When the intended rate of profit on the finished article covered by the contract is lower than 8%, the insertion of a lower figure at Note 2 will of course be desirable.

(3) The reasonable cost of the preservation and protection of property incurred pursuant to paragraph (b) (9) hereof; and any other reasonable cost incidental to termination of work under this contract, including expense incidental to the determination of the amount due to the contractor as the result of the termination of work under this contract.

The total sum to be paid to the contractor under subdivisions (1) and (2) of this paragraph (d) shall not exceed the total contract price reduced by the amount of payments otherwise made and by the Contract price of work not terminated. Except for normal spoilage and to the extent that the Government shall have otherwise expressly assumed the risk of loss, there shall be excluded from the amounts payable to the contractor as provided in paragraph (d) (1) and paragraph (d) (2) (i), all amounts allocable to or payable in respect of property, which is destroyed, lost, stolen or damaged so as to become undeliverable prior to the transfer of title to the Government or to a buyer pursuant to paragraph (b) (7) or prior to the 60th day after delivery to the Government of an inventory covering such property, whichever shall first occur.

(e) The obligation of the Government to make any payments under this article: (1) shall be subject to deductions in respect of (i) all unliquidated partial or progress payments, payments on account theretofore made to the contractor and unliquidated advance payments, (ii) any claim which the Government may have against the contractor in connection with this contract, and (iii) the price agreed upon or the proceeds of sale of any materials, supplies or other things retained by the contractor or sold, and not otherwise recovered by or credited to the Government, and (2) in the discretion of the contracting officer shall be subject to deduction in respect of the amount of any claim of any subcontractor or supplier whose subcontract or order shall have been terminated as provided in paragraph (b) (3) except to the extent that such claim covers (i) property or materials delivered to the contractor or (ii) services furnished to the contractor in connection with the production of completed articles under this contract.

(f) In the event that, prior to the determination of the final amount to be paid to the contractor as in this article provided, the contractor shall file with the contracting officer a request in writing that an equitable adjustment should be made in the price or prices specified in the contract for the work not terminated by the Notice of Termination, the appropriate fair and reasonable adjustment shall be made in such price or prices.

(g) The Government shall make partial payments and payments on account, from time to time, of the amounts to which the contractor shall be entitled under this Article, whether determined by agreement or otherwise, whenever in the opinion of the contracting officer the aggregate of such payments shall be within the amount to which the contractor will be entitled hereunder.

(h) For the purposes of paragraphs (d) (2) and (d) (3) hereof, the amounts of the payments to be made by the Government to the contractor shall be determined in accordance with the Statement of Principles for Determination of Costs upon Termination of Government Fixed Price Supply Contracts approved by the Joint Contract Termination Board, December 31, 1943, as amended by Regulation No. 5 of the Office of Contract Settlement dated September 30, 1944. The contractor for a period of three years after final settlement under the contract shall make available to the Government at all reasonable times at the office of the contractor all of its books, records, documents, and other evidence bearing on the costs and expenses of the contractor under the contract and in respect of the termination of work thereunder.

§ 803.324–1 Every lump-sum construction contract regardless of subject matter, except:

(a) Contracts to be completed in six months or less for an amount of less than $500,000 and

(b) Contracts for an amount of less than $50,000 regardless of the date of completion.

will contain the following clause without deviation:

ARTICLE ___. *Termination for convenience of the Government.* (a) The Government may terminate this contract in whole or in part at any time by a notice in writing from the Contracting Officer to the Contractor, specifying the date upon which such termination shall become effective and the extent to which the performance of such contract shall be terminated. Termination shall be effective upon the date and to the extent specified in said notice.

(b) Upon receipt of the notice of termination the Contractor shall except insofar as the notice directs otherwise with respect to this contract, or, in the event of partial termination, with respect to the part thereof covered by the notice:

(1) Discontinue all work and the placing of all orders for materials and facilities otherwise required for the performance thereof;

(2) Cancel all existing orders and subcontracts to the extent such orders and subcontracts are chargeable to the performance thereof;

(3) Transfer to the Government, in accordance with the directions of the Contracting Officer, all materials, supplies, work in process, facilities, equipment, machinery or tools acquired by the Contractor in connection with the performance thereof, and all plans, drawings, working drawings, sketches, specifications and information for use in connection therewith. If and as the Contracting Officer so directs or authorizes, the Contractor shall sell at a price approved by the Contracting Officer, or retain at a price mutually agreeable, any such materials, supplies, equipment, machinery, tools, or other things: *Provided, however*, That the Contractor may retain any such equipment, machinery and tools as of right if he so elects in writing, stating that he will forego reimbursement therefor. The proceeds of any such sale, or the agreed price, shall be paid or credited to the Government in such manner as the contracting officer may direct so as to reduce the amount payable by the Government under this Article;

(4) Take such action as may be necessary to secure to the Government the benefits of any rights remaining in the Contractor under orders or subcontracts chargeable thereto to the extent that such orders or subcontracts are so chargeable;

(5) Take such action as the Contracting Officer may prescribe for the protection and preservation of all property in the possession or control of the Contractor, title to which is transferable to the Government under the provisions of this article. Should the notice of termination cover only a portion of this contract, the Contractor will proceed to completion of such portions as are not terminated.

(c) Upon compliance by the Contractor with the above provisions of this Article and subject to deductions or credit for payments previously made, and without duplication of any such payments, the Government shall pay to the Contractor such sum as the Contracting Officer and the Contractor may agree by Supplemental Agreement is reasonably necessary to compensate the Contractor for his costs, expenditures, liabilities, commitments and work with respect to this contract, other than the expenditures and costs referred to in paragraph (e) of this Article. The Contracting Officer shall include in such sum such allowance for profit with respect to the contract as is reasonable under all the circumstances.

(d) If the Contracting Officer and the Contractor, within 90 days from the effective date of the notice of termination referred to in paragraph (a), or within such extended period as may be agreed upon between them, cannot agree upon the sum payable under the provisions of paragraph (c), the Government shall instead compensate the Contractor in the following manner, subject to deductions or credit for payments previously made, and without duplication thereof, and upon compliance with the provisions of paragraphs (a) and (b) of this Article:

(1) By reimbursing the Contractor for all actual expenditures and costs certified by the Contracting Officer as having been made or incurred with respect to this contract, including expenditures and costs made or incurred in connection with any portions of the contract which may have been completed prior to termination, as well as expenditures and costs made or incurred after termination in completing those portions of the contract which the Contractor may have been required by the notice of termination to complete;

(2) By reimbursing or providing for the payment or reimbursement of, the Contractor for all expenditures made or costs incurred with the prior written approval of the Contracting Officer in settling or discharging any outstanding contractual obligations or commitments incurred or entered into by the Contractor with respect to this contract; and

(3) By paying the Contractor, as a profit on this contract, insofar as a profit is realized hereunder, an amount to be computed by the Contracting Officer in the following manner:

(A) Estimate the profit which would have been realized on this contract if the contract had been completed and labor and materials costs prevailing at the date of terminations had remained in effect.

(B) Estimate, from a consideration of all relevant factors, the percentage of completion of the contract including any work performed after termination. In estimating the percentage of completion, the Contracting Officer shall estimate the percentage of the total work required by the contract which the work actually accomplished represents.

(C) Multiply the profit determined under (A) by the percentage determined under (B). The product is the amount to be paid the Contractor as profit.

(e) The Government shall pay to the Contractor such sum as the Contracting Officer and the Contractor may agree upon for expenditures made and costs incurred with the approval of the Contracting Officer (a) after the date of termination for the protection of Government property, and (b) for such other expenditures and costs as may be necessary in connection with the settlement of this contract, and in the absence of such agreement as to the amount of such expenditures and costs shall reimburse the Contractor for the same.

(f) The obligation of the Government to make any of the payments required by this Article shall be subject to any unsettled claim for labor or material and to any claim which the Government may have against the Contractor under or in connection with this contract, and payments under this Article shall be subject to reasonable deductions by the Contracting Officer on account of defects in materials or workmanship.

(g) The sum of all amounts payable under this Article, plus the sum of all amounts previously paid under this contract, shall not exceed the total contract price, adjusted in the event that this contract contains an article providing for price adjustment, on the basis of the estimate of the Contracting Officer, to the extent which would have been required by such article if this contract had been completed and labor and materials costs prevailing at the date of termination had remained in effect.

(h) Should the above provisions of this Article not result in payment to the Contractor of at least $100, then that amount shall be paid to the Contractor in lieu of any and all payments hereinbefore provided for in this Article.

(i) The Government shall promptly make partial payments to the Contractor:

(1) on account of the amounts due under paragraphs (c), (d) and (e) of this Article to the extent that, in the judgment of the Contracting Officer, such payments are clearly within the amounts due under such paragraphs, and

(2) of such amounts as the Contracting Officer may direct, an account of proposed settlements of outstanding obligations or commitments, to be made by the Contractor pursuant to paragraph (d) (2) of this Article, if such settlements shall have been approved by the Contracting Officer and subject to such provisions for escrow or direct payment to the persons entitled to receive such settlement payments as the Contracting Officer may require.

(j) Any disputes arising out of termination under this Article shall be decided in accordance with the procedure prescribed in Article * * * of this contract.

(k) Upon the making of the payments called for by this Article, all obligations of the Government to make further payments or to carry out other undertakings hereunder shall cease forthwith and forever, except that all rights and obligations of the respective parties under the Articles, if any, of this contract applicable to patent infringements and reproduction rights shall remain in full force and effect.

(l) The Government shall terminate this contract only in accordance with this Article, except as otherwise provided by law or by Article * * * (Delays-Damages). Notwithstanding Article * * * (Delays-Damages) and any defaults of the Contractor, the Government shall terminate this contract only in accordance with this Article if such termination is simultaneous with or part of or in connection with a general termination of war contracts at, about the time of, or following the cessation of the present hostilities or the end of the present war, unless the Contracting Officer finds that the defaults of the Contractor (1) have been gross or wilful and (2) have caused substantial damage to the Government.

The foregoing clause may be inserted in any contract as to which its inclusion is not mandatory.

§ 803.324–2 *Termination at the option of the Government (Short form).* The following article may be used in any supply or construction contract where neither of the articles set out in §§ 803.324 and 803.324–1 is required to be used.

ARTICLE ___. *Termination at the option of the Government.* The performance of work under this contract may be terminated by the Government whenever the Contracting Officer shall determine that such action is for the best interests of the Government. If this contract is so terminated, fair compensation, within the meaning of the Contract Settlement Act of 1944 (Public No. 395, 78th Cong.), as the same may from time to time be amended, will be provided for the contractor.

§ 803.325 *Anti-discrimination clause.* (a) Every contract, regardless of subject matter or amount, will contain (except as may be otherwise specifically permitted by the interpretations of Executive Order No. 9346 set forth in §§ 809.985 and 809.986) the following clause without deviation:

Anti-discrimination. (a) The Contractor, in performing the work required by this contract, shall not discriminate against any employee or applicant for employment because of race, creed, color, or national origin.

(b) The Contractor agrees that the provision of paragraph (a) above will also be inserted in all of its subcontracts. For the purpose of this article, a subcontract is defined as any contract entered into by the contractor with any individual, partnership, association, corporation, estate, or trust, or other business enterprise or other legal entity, for a specific part of the work to be performed in connection with the supplies or services furnished under this contract: *Provided, however*, That a contract for the furnishing of standard or commercial articles or raw material shall not be considered as a subcontract.

(b) When a prime contract is amended in accordance with § 809.986 to include the clause set forth in paragraph (a) of this section, there may be inserted in the supplemental agreement which amends the prime contract a statement substantially as follows:

The amendment made by this section * * * shall be effective as of the date of approval of this supplemental agreement and shall not be deemed to require amendment of the antidiscrimination provisions contained in any subcontract theretofore entered into unless such subcontract is subsequently modified in some other respect.

(c) The contract clause set forth in paragraph (a) of this section is required under the provisions of Executive Order No. 9346. Such Executive order is discussed in Subpart L of Part 809.

§ 803.326 *Disputes article.* (a) Every contract, regardless of subject matter, for an amount of $20,000 or more will, and every contract for an amount of less than $20,000 may (at the option of the contractor), contain the following article without deviation:

Disputes. Except as otherwise specifically provided in this contract, all disputes concerning questions of fact which may arise under this contract, and which are not disposed of by mutual agreement, shall be decided by the Contracting Officer, who shall reduce his decision to writing and mail a copy thereof to the Contractor at his address shown herein. Within 30 days from said mailing the Contractor may appeal in writing to the Secretary of War, whose written decision or that of his designated representative or representatives thereon shall be final and conclusive upon the parties hereto. The Secretary of War may, in his discretion, designate an individual, or individuals, other than the Contracting Officer, or a board as his authorized representative to determine appeals under this Article. The Contractor shall be afforded an opportunity to be heard and offer evidence in support of his appeal. The president of the board, from time to time, may divide the board into divisions of one or more members and assign members thereto. A majority of the members of the board or of a division thereof shall constitute a quorum for the transaction of the business of the board or of a division, respectively, and the decision of a majority of the members of the Board or of a division shall be deemed to be the decision of the Board or of a division, as the case may be. If a majority of the members of a division are unable to agree on a decision or if within 30 days after a decision by a division, the board or the president thereof directs that the decision of the division be reviewed by the board, the

decision will be so reviewed, otherwise the decision of a majority of the members of a division shall become the decision of the board. If a majority of the members of the board is unable to agree upon a decision, the president will promptly submit the appeal to the Under Secretary of War for his decision upon the record. A vacancy in the board or in any division thereof shall not impair the powers, nor affect the duties of the board or division nor of the remaining members of the board or division, respectively. Any member of the board, or any examiner designated by the president of the board for that purpose, may hold hearings, examine witnesses, receive evidence and report the evidence to the board or to the appropriate division, if the case is pending before a division. Pending decision of a dispute hereunder the Contractor shall diligently proceed with the performance of this contract. Any sum or sums allowed to the Contractor under the provisions of this Article shall be paid by the United States as part of the cost of the articles or work herein contracted for and shall be deemed to be within the contemplation of this contract.

(b) Where a contract has no definite termination date, or where a termination date is expressed but the contract is subject to renewal (e. g., through failure of the Government to take action to terminate or through the Government's exercise of a right to renew), it may be difficult to determine whether the contract is for an amount of $20,000 within the meaning of paragraph (a) of this section. The following rule of thumb is prescribed to resolve the difficulty in such cases: It will be assumed for the purpose of making the determination that the contract will run for a period of three years from its starting date, and the aggregate charge will be estimated on this basis. If the aggregate charge, so estimated, is $20,000 or more, the Disputes article will be included in the contract; if less than $20,000, the article may be included at the option of the contractor.

§ 803.326–1 In all contracts which contain a definition of "his duly authorized representative" in relation to the head of the department, as "any person authorized to act for him other than the contracting officer," the words "or board" will be inserted between the word "person" and the word "authorized".

§ 803.327 *Buy-American Act; contract clause.* Whenever the restrictions of the Buy-American Act are applicable to any items deliverable under a contract (see §§ 805.502 to 805.504), the contract will contain the following clause. In such cases, this clause will be inserted without deviation except that there may be added such language as is necessary to indicate to which items the clause applies.

Domestic articles. Unless the Secretary of War shall determine it to be inconsistent with the public interest, or the cost to be unreasonable, only such unmanufactured articles, materials, and supplies as have been mined or produced in the United States, and only such manufactured articles, materials, and supplies as have been manufactured in the United States substantially all from articles, materials, or supplies mined, produced, or manufactured, as the case may be, in the United States shall be delivered pursuant to this contract, except as noted in the specifications and/or other papers hereto attached. The provisions of this article shall not apply with respect to articles, materials, or supplies for use outside the United States, or if articles, materials, or supplies of the class or kind to be used, or the articles, materials, or supplies from which they are manufactured are not mined, produced, or manufactured, as the case may be, in the United States in sufficient and reasonably available commercial quantities and of a satisfactory quality.

§ 803.328 *Notice of shipments article.* All contracts for the furnishing of supplies, except contracts for the furnishing of supplies in connection with which a Government inspector, transportation officer, or other Government official at the plant or warehouse of the Contractor is charged with the duty of issuing notices of shipment, will contain a clause substantially as follows (see § 811.1182b):

ARTICLE — *Notice of Shipments.* At the time of delivery of a shipment to a carrier for transportation, the Contractor shall give such prepaid notice of shipment to the consignee establishment, and to such other persons or installations designated by the Contracting Officer, as the Contracting Officer may require. If such instructions have not been received at least 24 hours prior to such delivery to a carrier, the Contractor shall request instructions from the Contracting Officer, concerning the notice of shipment to be given.

§ 803.329 *Variation in quantities clause.* In those cases where it is desired to accept over or under deliveries due to manufacturing processes, etc., contracts may contain a clause substantially as follows:

Variation in quantities. Unless otherwise specified, any variation in the quantities herein called for, not exceeding 10 per cent, will be accepted as a compliance with the contract, when caused by conditions of loading, shipping, packing, or allowances in manufacturing processes, and payments shall be adjusted accordingly.

§ 803.329a *"Changes" article.* In any case where it is desired to include in a supply contract a provision giving the contracting officer in addition to the powers set forth in § 813.1301 (Art. 2) a power by change order (a) to increase or decrease within stated percentage limits the quantity of articles called for by the contract or (b) to accelerate or reduce the rate of delivery of the articles in the quantity called for by the contract, the following article relating to changes may be used instead of the article set forth in § 813.1301 (Art. 2).

ARTICLE ——. *Changes.* The Contracting Officer may at any time, by a written order, and without notice to the sureties make changes of any one or more of the following types:—(a) changes in the directions as to shipment and packing of any supplies; (b) increases or decreases in the quantity of supplies to be furnished hereunder, the total increase or decrease not, however, to exceed ——% of the quantity of supplies deliverable hereunder; (c) changes in the drawings or specifications, where the supplies to be furnished are to be specially manufactured in accordance with drawings and specifications; (d) extensions of the delivery schedules hereunder reducing the rate of deliveries of the supplies called for by this contract; or (e) accelerations of the delivery schedules hereunder by an increase or increases in the rate of deliveries hereunder. Unless consented to in writing by the Contractor, no change orders hereunder of the type mentioned in clause (d) of the preceding sentence shall cause decreases in the deliveries hereunder, and no change orders of the type mentioned in clause (e) of such sentence shall cause increases in the deliveries called for hereunder, amounting respectively in the aggregate in any one month to more than ——% of the quantity of supplies, the delivery of which is called for in such month by the delivery schedule originally contained in this contract. If such changes cause an increase or decrease in the amount of work under this contract or in the cost of performance of this contract or in the time required for its performance an equitable adjustment shall be made which adjustment may include in any instance an adjustment (i) in the purchase price, including (but not limited to) any adjustment in unit price fair in the light of any change in volume caused by such order, and (ii) in the delivery time or schedule, or (iii) in either the price or delivery schedule and the contract shall be modified in writing accordingly. Any claim for adjustment under this article must be asserted within 30 days from the date the change is ordered: *Provided, however,* That the Contracting Officer, if he determines that the facts justify such action, may receive, consider and adjust any such claims asserted at any time prior to the date of final settlement of the contract. If the parties fail to agree upon the adjustment to be made the dispute shall be determined as provided in Article —— (Disputes) hereof. But nothing provided in this Article shall excuse the Contractor from proceeding with the contract as changed.

When the article set forth in § 813.1301 (Art. 2) is used, the fourth sentence of the article set out above beginning with the words "Any claim for adjustment • • •" may be used, at the discretion of the Contracting Officer, in lieu of the fourth sentence (beginning with the same words) of the article set forth in § 813.1301 (Art. 2). The provisions of clauses (d) and (e) of the first sentence of the foregoing article, or either of such clauses, may be omitted in the discretion of the Contracting Officer and, in the event of any such omission, the second sentence of the article will either be omitted or appropriately modified.

§ 803.329b *Adjustments under changes article in fixed price supply contracts.*

§ 803.329b–1 *General.* (a) The "Changes" article authorized for use in fixed-price supply contracts (see § 813.1301 (Art. 2) of this chapter) permits the contracting officer by a written order to make changes in the drawings or specifications, or in the requirements as to packing and shipment. The article authorized in § 803.329a may be used in supply contracts in lieu of that authorized in § 813.1301 (Art. 2) of this chapter in which event the contracting officer is also empowered to increase or decrease within stated limits the quantities called for by the contract or to accelerate or reduce the rate of deliveries. An equitable adjustment is to be made and the contract modified accordingly.

(1) If such changes cause an increase or decrease in the amount due under the contract or in the time required for its performance (§ 813.1301 (Art. 2)), or

(2) If such changes cause an increase or decrease in the amount of work under the contract or in the time required for its performance (§ 803.329a),

If the parties fail to agree the dispute is to be determined as provided in the Disputes article.

(b) The different types of changes which may be ordered will raise different

kinds of problems in effecting the equitable adjustment required. These are discussed in §§ 803.329b–2 to 803.329b–4, inclusive.

(c) Reference is made to § 803.398b with respect to analogous problems of adjustments of fixed-price subcontracts under cost-plus-a-fixed-fee prime contracts.

§ 803.329b–2 *Types of adjustments after a change order.* There are two types of adjustments either or both of which may be required to be made as the result of a change order:

(a) Adjustments attributable to increases or decreases in the unit costs for the balance of the contract as a result of the change order, including changes in the direct costs and in the amounts as well as the allocations of indirect expenses required for the performance of the balance of the contract;

(b) Adjustments attributable to the portion of the work done prior to the change order, including items such as work in process, materials or machinery no longer usable, and subcontract or purchase order cancellation charges.

It is important that the difference between these two types of charges be clearly understood and observed in order to avoid duplication of the expenses incurred by the Government. Ordinarily it is desirable that these two types of adjustments be kept distinct, although the results may be included in a single written instrument. From the standpoint of pricing such separation is particularly desirable, since including those adjustments which are attributable to work done prior to the change order in the adjustment of unit prices tends to distort the unit prices for the purpose of pricing continuation orders and other comparable contracts. Where the two types of adjustment mentioned in (a) and (b) above are not set out in a single instrument it is important that each instrument shall indicate that it accomplishes only a part of the "equitable adjustment" contemplated as a result of the change order.

§ 803.329b–3 *Adjustments attributable to the balance of the contract.* Efficient administration of the contract requires that the charges attributable to the change in unit costs as a result of the change order be determined and adjusted as quickly as possible in order that the contractor shall assume the same risks as he assumed in negotiating the original contract price. In effecting this adjustment, consideration must be given to the factors and principles relating to the negotiation of a new contract discussed in ASF Manual M–601 "Pricing in War Contracts", with particular attention to changes in the cost factors. Any necessary adjustment will in every case be reflected in an increase or decrease of the unit price of the items to be delivered after the change became effective. The claim for this type of adjustment is similar in nature to a claim asserted by a contractor under subparagraph (f) of the Uniform Termination Article (see e. g. § 803.324). Including this adjustment in a written agreement need not be delayed pending completion of the adjustment discussed in the next paragraph. In the event that the contract in question contains the optional price adjustment article set forth in § 803.373–5 or 803.373–6, consideration will be given to the desirability of a negotiation for price adjustment under that article in lieu of the adjustment described in this section.

§ 803.329b–4 *Adjustments attributable to the work before the change order.* (a) A claim for the adjustment of charges attributable to the work done prior to the effective date of the change order is similar in nature to a claim with respect to the uncompleted portion of the contract arising upon termination under the termination article (see e. g. § 803.324). In adjusting such charges the provisions of Subchapter C of this chapter are not controlling but may be used as a guide. The adjustment of this type of charge may be reflected in a lump sum payment and should normally be so reflected where substantial amounts are involved rather than reflected in the price of the article itself.

(b) In the event that the contractor includes in his claim the cost of any property which is rendered unusable by reason of the change order, the contracting officer must safeguard the interests of the Government by assuring that the value of such property is reflected in the adjustment made by reason of the change. Any excess inventory resulting from the change order should, if practicable, be dealt with and accounted for in conformity with Part 844 of this chapter. If title is to be taken by the Government, the agreement will provide clearly what is to be done with the property. The contracting officer will take all necessary action for prompt execution of the provisions of the supplementary agreement relating to property which is to be transferred to the Government.

(c) In view of section 3 (d) of the Contract Settlement Act and § 841.111–4 of this chapter the claim of a subcontractor under a fixed-price prime contract for work cancelled in whole or in part under circumstances which require the Government to bear the cost is a termination claim. The settlement of such a termination claim will be effected in accordance with the principles and under the procedures set out in Subchapter C of this chapter (see especially Part 846). Accordingly, in effecting the adjustments of the prime contract attributable to the work done prior to change order, the prime contractor will not be permitted to include estimated sums on account of the claims of his subcontractors. Instead he will be required to effect settlements of those claims before he may be paid therefor and to agree that any sums received on account of the settlement of the claims of his immediate subcontractors, which are not paid or credited to the immediate subcontractor within 10 days after receipt thereof, will be returned to the Government (see Article 3 of § 849.981–1 of this chapter).

§ 803.329b–5 *Adjustments of changes resulting in a reduction in quantity.* A reduction in the quantity to be delivered under the contract made pursuant to the "Changes" article set forth in § 803.329a constitutes a partial termination within the meaning of the Contract Settlement Act of 1944. The use of a "Changes" article to effect a reduction in quantity and the problems incident thereto are discussed in § 842.216 of this chapter. Attention, however, is directed to the importance of safeguarding the interest of the Government in property rendered unusable because of the reduction by securing title thereto or otherwise receiving credit for the value thereof.

§ 803.330 *Partial payments article when payments are not to exceed 75 per cent of cost of property.* In those cases where it is contemplated that partial payments in an amount not to exceed 75 per cent of the cost to the contractor of the property will be made, the contract will contain an article substantially as follows:

Partial payments. Partial payments, which are hereby defined as payments prior to delivery, on work in progress for the Government under this contract, may be made upon the following terms and conditions.

(a) The Contracting Officer may, from time to time, authorize partial payments to the Contractor upon property acquired or produced by it for the performance of this contract: *Provided,* That such partial payments shall not exceed 75 per cent of the cost to the Contractor of the property upon which payment is made, which cost shall be determined from evidence submitted by the Contractor and which must be such as is satisfactory to the Contracting Officer: *Provided further,* That in no event shall the total of unliquidated partial payments (see (c) below) and of unliquidated advance payments, if any, made under this contract, exceed 80 per cent of the total contract price of supplies still to be delivered.

(b) Upon the making of any partial payment under this contract, title to all parts, materials, inventories, work in process and non-durable tools theretofore acquired or produced by the Contractor for the performance of this contract, and properly chargeable thereto under sound accounting practice, shall forthwith vest in the Government; and title to all like property thereafter acquired or produced by the Contractor for the performance of this contract and properly chargeable thereto as aforesaid shall vest in the Government forthwith upon said acquisition or production: *Provided,* That nothing herein shall deprive the Contractor of any further partial or final payments due or to become due hereunder; or relieve the Contractor or the Government of any of their respective rights or obligations under this contract.

(c) In making payment for the supplies furnished hereunder, there shall be deducted from the contract price therefor a proportionate amount of the partial payments theretofore made to the Contractor, under the authority herein contained.

(d) It is recognized that property (including, without limitation completed supplies, spare parts, drawings, information, partially completed supplies, work in process, materials, fabricated parts and other things called for herein) title to which is or may hereafter become vested in the Government pursuant to this Article will from time to time be used by or be put in the care, custody or possession of the Contractor in connection with the performance of this contract. The Contractor, either before or after receipt of notice of termination at the option of the Government, may acquire or dispose of property to which title is vested in the Government under this Article, upon terms approved by the Contracting Officer, *Provided,* That, after receipt of notice of termination,

any such property that is a part of termination inventory may be acquired or disposed of only in accordance with the provisions of the termination article of this contract and applicable laws and regulations. The agreed price (in case of acquisition by the contractor) or the proceeds received by the contractor (in case of any other disposition), shall, to the extent that such price and proceeds do not exceed the unliquidated balance of partial payments hereunder, be paid or credited to the Government as the contracting officer shall direct; and such unliquidated balance shall be reduced accordingly. Current production scrap may be sold by the Contractor without approval of the Contracting Officer but the proceeds will be applied as provided in this subparagraph (d); *Provided*, That any such scrap which is a part of termination inventory may be sold only in accordance with the provisions of the termination article of this contract and applicable laws and regulations. Upon liquidation of all partial payments hereunder or upon completion of deliveries called for by this contract, title to all property (or the proceeds thereof) which has not been delivered to and accepted by the Government under this contract or which has not been incorporated in supplies delivered to and accepted by the Government under this contract and to which title has vested in the Government under this Article shall vest in the Contractor.

(e) The article of this contract captioned "Liability for Government Property" and any other provision of this contract defining liability for Government-owned property shall be inapplicable to property to which the Government shall have acquired title solely by virtue of the provisions of this Article. The provisions of this Article shall not relieve the Contractor from risk of loss or destruction of or damage to property to which title vests in the Government under the provisions hereof.

(f) If this contract (as heretofore or hereafter supplemented or amended) contains provision for Advance Payments, and in addition if at the time any partial payment is to be made to the Contractor under the provisions of this partial payments article any unliquidated balance of advance payments is outstanding, then notwithstanding any other provision of the Advance Payments Article of this contract the net amount, after appropriate deduction for liquidation of the advance payment, of such partial payment shall be deposited in the special bank account or accounts maintained as required by the provisions of the Advance payments Article, and shall thereafter be withdrawn only pursuant to such provisions.

§ 803.331 *Partial payments article when payments are not to exceed 90 per cent of direct labor and material costs.* In those cases where it is contemplated that partial payments in an amount not to exceed 90 per cent of the direct labor and material costs to the contractor will be made, the contract will contain an article substantially as follows:

Partial payments. Partial payments, which are hereby defined as payments prior to delivery, on work in progress for the Government under this contract, may be made upon the following terms and conditions.

(a) The Contracting Officer may, from time to time, authorize partial payments to the Contractor upon property acquired or produced by it for the performance of this contract: *Provided*, That such partial payments shall not exceed 90 per cent of the direct labor and direct material costs to the Contractor of the property upon which payment is made, which costs shall be determined from evidence submitted by the Contractor and which must be such as is satisfactory to the Contracting Officer; *Provided, further*, That in no event shall the total of unliquidated partial payments (see (c) below) and of unliquidated advance payments, if any, made under this contract, exceed 80 per cent of the contract price of supplies still to be delivered.

(b) (c) (d) (e) (f) [These subparagraphs are the same as similarly lettered subparagraphs of the article contained in § 803.330 of these procurement regulations].

§ 803.331a *Amendment of contracts containing partial payments article to include substance of paragraph (d) of partial payments article in § 803.330 or § 803.331.* Any contract which contains a partial payments article similar to that set forth in either § 803.330 or 803.331 but not containing the substance of subparagraph (d) of such article may be amended to include the substance of such subparagraph (d) in such partial payments article. The addition of such paragraph is considered to be of advantage to the Government as simplifying and expediting the transfer and disposition of property acquired for or used in the performance of a contract and it has been determined that the making of such amendments will facilitate the prosecution of the war. Authority is granted to the chief of each technical service to make or to authorize the making of such amendments pursuant to the First War Powers Act and Executive Order No. 9001.

§ 803.332 *Government owned facilities.* The following article is prescribed for inclusion in fixed or unit price contracts under which the contractor is to acquire or manufacture facilities for the account of the Government or the Government is to furnish facilities to the contractor, for use in connection with the contractor's work under the contract:

Government-owned facilities. (A) In connection with its work under this contract, the contractor shall, within the shortest practicable time, acquire or manufacture for the Government's account the facilities listed in Schedule "A" attached hereto, the estimated costs of which are therein stated. (With the prior written approval of the contracting officer as to their character and estimated costs, the contractor may substitute facilities similar to those listed in Schedule "A", in which event said Schedule will be modified accordingly.[1] Such facilities shall be installed by the contractor in its plant or plants, or, if approved in writing by the contracting officer, in the plants of subcontractors. The contractor shall insert provisions in all subcontracts under which such facilities are furnished to the subcontractors whereby there will be made applicable to the Government and the subcontractors substantially the same rights and obligations in respect to such facilities as are made applicable to the Government and the contractor under this Article.

(B) Upon inspection and acceptance of the facilities by the contracting officer, and upon the contractor's furnishing satisfactory evidence that it has made payment or incurred the costs as the case may be, the Government shall reimburse the contractor for the actual costs of Schedule "A" facilities approved by the contracting officer. The term "actual costs," as used in this Article, means the following:

(1) For facilities procured by the contractor from sources other than its own manufacture:

(a) The net invoice price to it of the facilities;

(b) The costs of transportation: *Provided*, That no costs of transportation shall be separately reimbursed when the invoice price reimbursed under (1) (a) hereof includes the costs of transportation;

(2) For facilities manufactured by the contractor:

(a) The net invoice price to it of all direct materials required in manufacture;

(b) The costs of transportation: *Provided*, That no costs of transportation shall be separately reimbursed when the invoice price reimbursed under (2) (a) hereof includes the costs of transportation;

(c) The costs to it of all direct labor required in manufacture;

(d) An amount equal to —— [2] per cent of item (2) (c) hereof as an allowance for all overhead and administrative expenses. The contractor represents, based on experience, that this amount does not include any element of profit, and represents no more than actual costs allocable to manufacture.

The contractor shall install all Schedule "A" facilities at no expense to the Government in addition to the contract price.[3]

(C) In the event the contracting officer shall determine, at any time prior to installation of any item of Schedule "A" facilities, that such item is not reasonably necessary for the performance of this contract, or any other contract for the performance of which the use of that item has been authorized pursuant to paragraph (E) (2) within the time allowed for such performance, he may by written order exercise one of the following options with respect to that item:

(1) If the contractor has made no binding commitment and incurred no expense therefor of a kind reimbursable hereunder as an actual cost: The contracting officer may eliminate the item from Schedule "A" and the Government shall be relieved of any liability therefor.

(2) If the contractor has made a binding commitment or incurred expense therefor of a kind reimbursable hereunder as an actual cost: The contracting officer may direct the contractor to stop all further work and the making of all further commitments thereon and eliminate the item from Schedule "A". In that event the contractor and the contracting officer will attempt to agree on an amount which will reasonably compensate the contractor for the actual cost incurred by him with regard to such eliminated item. If no such agreement is reached within thirty (30) days after the date of elimination (or within such longer period as may at any time be mutually agreed upon), the contractor will be paid an amount, if any, which together with all sums previously paid by the Government on account of the item, shall be sufficient to reimburse the contractor for expenses paid and the settlement of any obligation incurred by the contractor thereon. In lieu of reimbursing the contractor for the settlement of obligations, the Government, in the discretion of the contracting officer, may assume such obligations or any of them. In no event shall the aggregate of reimbursement on account of the item (and of all payments previously made) together with the amount of any obligations assumed, exceed the actual costs, as herein defined, expended or incurred thereon up to the time of such elimination. The contracting officer may permit the contractor to sell or retain at prices or on terms agreed to by the Government any materials, supplies, or work in process, and the proceeds of such sale, or such agreed prices, shall be paid or credited to the Government in such manner as the contracting officer may direct. Upon payment to the contractor pursuant to this subparagraph (2), title to all materials, supplies, work in process and other things for which payment is made (except such property as may be sold or retained as above provided) will vest in the Government (if title thereto has not already vested in the Government). The Government will also become entitled to any rights under any commitment which it may assume, or for the settlement of which it shall have reimbursed the contractor.

(3) The contracting officer may direct the diversion of the item, when it shall have been acquired or its manufacture shall have been completed, to the Government or to any person designated by the contracting officer. In that event the Government shall reimburse the contractor for the actual costs of the item in accordance with the provisions of paragraph (B) hereof, with appropriate adjustment in the amount of reimbursable transportation costs. Upon diversion, the item will be eliminated from Schedule "A".

The determination of the contracting officer that an item of Schedule "A" facilities is not reasonably necessary for the performance of this contract, or any other contract for the performance of which the use of that item has been authorized pursuant to paragraph (E) (2), within the time authorized for such performance, is subject to written appeal by the contractor within ten (10) days to ---------- or his (Chief of the Technical Service) duly authorized representative, whose decision thereon shall be final and conclusive upon the parties hereto. Pending this decision, the contracting officer shall not exercise any of the above options.

(D) Except with the prior written approval of the contracting officer for each such purchase, the contractor will not purhase any Schedule "A" facilities in which it had any property interest at any time after the commencement of negotiations for this contract.

(E) (1) Title to each item of Schedule "A" facilities shall vest in the Government immediately upon inspection and acceptance thereof by the contracting officer, or at such earlier time as the contracting officer may designate in writing. Such facilities shall be deemed personal property although they may be affixed to realty.

(2) The Government hereby grants to the contractor the right to use Schedule "A" facilities, without the payment of rental therefor, in connection with its work under this contract, and, subject to the written approval of the contracting officer and upon such terms as he may prescribe, in connection with any other work for which the Government and the contractor may heretofore have contracted, or may hereafter contract. (Where the Government, pursuant to this paragraph (E) (2), has granted to the contractor the right to use Schedule "A" facilities in connection with its work on any contract other than the contract of which this Article is a part, the contractor shall at any time, upon the request of the contracting officer, enter into suitable amendments of this Article or suitable separate agreements of lease of the facilities evidencing the terms upon which the facilities are then held.)

(F) (1) The contractor shall not be liable for loss or destruction of or damage to Schedule "A" facilities title to which has vested in the Government (a) caused by any peril while the facilities are in transit off the contractor's premises, or (b) caused by any of the following perils while the facilities are on the contractor's or subcontractor's or other premises or by removal therefrom because of any of the following perils:

Fire; lightning; windstorm, cyclone, tornado; hail; explosion; riot, riot attending a strike, civil commotion; vandalism and malicious mischief; aircraft or objects falling therefrom; vehicles running on land or tracks, excluding vehicles owned or operated by the contractor or any agent or employee of the contractor; smoke; sprinkler leakage; earthquake or volcanic eruption; flood, meaning thereby rising of rivers or streams; enemy attack or any action taken by the military, naval or air forces of the United States in resisting enemy attack.

The perils as set forth in (a) and (b) above are hereinafter called "excepted perils."

(2) The contractor represents that it is not maintaining and agrees that it will not hereafter maintain insurance (including self-insurance funds or reserves) covering loss or destruction of or damage to Schedule "A" facilities caused by any excepted peril, and represents that it is not including and agrees that it will not hereafter include in any price to the Government any charge or reserve for such insurance.

(3) Upon the happening of loss or destruction of or damage to Schedule "A" facilities caused by an excepted peril, the contractor shall communicate with the contracting officer and with the Loss and Salvage Organization now or hereafter designated by the contracting officer and, with the assistance of that organization employed by the contractor to perform services in accordance with instructions or regulations of the Government (unless the contracting officer directs that no such organization be employed), shall take all reasonable steps to protect the facilities from further damage, separate the damaged and undamaged facilities, put all the facilities in the best possible order, and furnish to the contracting officer a statement of: (a) the lost, destroyed and damaged facilities, (b) the time and origin of the loss, destruction or damage, (c) all known interests in commingled property of which the facilities are a part, and (d) the insurance, if any, covering any part of or interest in such commingled property. *If and as directed by the contracting officer, the contractor shall make repairs and renovations of the damaged facilities.*[4] The contractor shall be reimbursed the expenditures made by it in performing its obligations under this subparagraph (3) (including charges made to the contractor by the Loss and Salvage Organization, except any of such charges the payment of which the Government has, at its option, assumed direct), as approved by the contracting officer and set forth in a Supplemental Agreement.

(4) With the approval of the contracting officer after loss or destruction of or damage to Schedule "A" facilities, and subject to such conditions and limitations as may be imposed by the contracting officer, the contractor may, in order to minimize the loss to the Government or in order to permit resumption of business or the like, sell for the account of the Government any item of facilities which has been damaged beyond practicable repair, or which is so commingled or combined with property of others, including the contractor, that separation is impracticable.

(5) Except to the extent of any loss or destruction of or damage to Schedule "A" facilities for which the contractor is relieved of liability under the foregoing provisions of this paragraph (F), and except for reasonable wear and tear or depreciation, the facilities (other than facilities permitted to be sold) shall be returned by the contractor to the Government, or delivered by the contractor to any designee of the Government (at the time elsewhere in this Article provided) in as good condition as when received by the contractor in connection with this contract. In aid of its obligation so to return the facilities, the contractor shall, at its own expense, maintain a program for the proper use, care and maintenance of the facilities, as well as a property control and accounting system consistent with good business practice, and make repairs and replacements.

(6) In the event the contractor is indemnified, reimbursed or compensated for any loss or destruction of or damage to Schedule "A" facilities caused by an excepted peril, it shall equitably reimburse the Government. The contractor shall do nothing to prejudice the Government's rights to recover against third parties for any such loss, destruction or damage and, upon the request of the contracting officer, shall at the Government's expense, furnish to the Government all reasonable assistance and cooperation (including the prosecution of suit and the execution of instruments of assignment in favor of the Government) in obtaining recovery.

(7) Whenever any item of Schedule "A" facilities has become unserviceable (whether under circumstances which do or which do not render the contractor liable hereunder), the contractor shall notify the contracting officer, and it may then be required by the contracting officer to dismantle and prepare the item for shipment at no expense to the Government in addition to the contract price, whereupon the item shall be removed promptly by the Government at the Government's expense.

(G) Each item of Schedule "A" facilities shall be suitably marked with an identifying mark or symbol, indicating that such item is the property of the Government. Upon completion of the installation of such facilities, the contractor shall submit to the contracting officer a detailed inventory list including a description of the identifying mark or symbol on each item.

(H) The Government shall not be responsible for damages to property of the contractor or for personal injuries to the contractor's officers, agents, servants or employees, or other persons on the premises as invitees or licensees of the contractor, arising from or incident to the use of Schedule "A" facilities, and the contractor shall save the Government harmless from any and all such claims; *provided*, that nothing in this paragraph shall be deemed to affect any liability of the Government to its own employees.

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[1] In appropriate cases the following language may be used in lieu of the sentence in the text enclosed in parentheses:

With the prior written approval of the contracting officer as to their character and estimated costs, the contractor may substitute facilities similar to those listed in Schedule "A", or the contractor may add additional facilities thereto, in which event said Schedule will be modified accordingly: *Provided, however*, That the actual costs reimbursed to the contractor pursuant to paragraph (B) below, for facilities listed in Schedule "A" or such similar facilities as the contractor may substitute therefor and such additional facilities as the contractor may add thereto, shall not exceed the sum of $----------.

[2] Insert a number or the word "no".

[3] If costs of installation are to be reimbursed to the contractor, delete this sentence and substitute the following:

"(3) For the installation of facilities acquired or manufactured hereunder, when effected by the servants, agents or employees of the contractor:

"(a) The net invoice price to it of all direct materials required for installation.

"(b) The costs of transportation: *Provided*, That no costs of transportation shall be separately reimbursed when the invoice price reimbursed under (3) (a) hereof includes the costs of transportation;

"(c) The costs to it of all direct labor required for installation;

"(d) An amount equal to —— [insert a number or the word "no"] per cent of item (3) (c) hereof as an allowance for overhead and administrative expenses. The contractor represents, based on experience, that this amount does not include any element of profit, and represents no more than actual costs allocable to installation.

"(4) For the installation of facilities acquired or manufactured hereunder, when effected by persons other than the servants, agents or employees of the contractor:

"(a) The net invoice price to it of the installation."

[4] Italicized language may be omitted in appropriate cases.

(I) The Government shall at all times have access to the premises wherein any Schedule "A" facilities are located.

(J) Except as otherwise in this Article specifically provided, the contractor shall not remove or otherwise part with the possession of any Schedule "A" facilities. The contractor shall not pledge or assign, or transfer or purport to transfer title to any of such facilities in any manner to any third person, either directly or indirectly, nor do or suffer anything to be done whereby any of such facilities shall or may be seized, taken in execution, attached, destroyed or injured. Any violation of the provisions of this paragraph or of paragraph (F) hereof shall entitle the Government forthwith to enter upon the premises wherein such facilities are found and remove the same.

(K) In the event the contracting officer shall determine, at any time after installation of any item of Schedule "A" facilities, that the item is not reasonably necessary for the performance of this contract or any other contract for the performance of which the use of such facilities has been authorized, he may serve on the contractor a written notice of his intention to remove such item. This determination is subject to written appeal by the contractor within ten (10) days to ---------- or his duly
(Chief of the Technical Service)
authorized representative, whose decision shall be final and conclusive upon the parties hereto. Pending this decision, the facilities shall remain in the contractor's plant available for use. At any time within one year after completion or termination in whole or in part of such contracts, the contracting officer may serve on the contractor a written notice of his intention to remove all the Schedule "A" facilities or any portion thereof. Within the shortest practicable time after service of a notice under this paragraph (K), and in no event later than fifteen days thereafter (unless a longer time is allowed by the contracting officer), the contractor, at no expense to the Government in addition to the contract price, will have dismantled and prepared for shipment the items affected. Upon notification from the contractor that the items are ready for shipment, the Government shall remove them at the Government's expense.

(L) If, upon the completion or termination of this contract or any other contract entered into between the Government and the contractor for the performance of which the use of Schedule "A" facilities has been authorized, no notice pursuant to paragraph (K) of intention to remove an item has been received, the contractor shall, at no expense to the Government in addition to the contract price, place the item in stand-by condition, and thereafter maintain it in such condition in its own plant for a period of ninety (90) days from the date of such completion or termination (unless a notice pursuant to paragraph (K) is received in the meantime). In lieu of placing the item in stand-by condition and maintaining it in its own plant, the contractor may store the same elsewhere at its own expense provided that the item can be quickly and readily reinstalled in the production line and production resumed within a reasonable time if necessary in the interest of the Government.

(M) Unless a notice pursuant to paragraph (K) is sooner received, the contractor shall, for a period of nine (9) months after completion of the stand-by period, store the items affected as follows:

(1) In the plant where the items are then located, or in the contractor's other plants in the same locality, if space is available thereat and storage will not materially impair the use of the plant or plants for the contractor's Government or commercial work; or

(2) If space is not available at such plant or plants or storage thereat will materially impair their use by the contractor, then at any other place or places in the vicinity selected by the contractor which are considered satisfactory by the contracting officer. However, the contractor's obligation to store under this subparagraph (2) shall cease if such other place or places cannot be obtained by the contractor, unless the Government shall itself find and designate a place or places of storage.

At the time the items are placed in storage, whether in the contractor's plant or elsewhere, the parties shall attempt to negotiate a Supplemental Agreement to this contract providing for payment to the contractor of a sum or sums agreed upon as representing the reasonable expenses of placing and maintaining the items in storage. In the absence of such agreement, the contractor shall be entitled to receive payment, under this contract, of such reasonable expenses. The contractor's obligation in respect to storage shall be contingent upon the availability of appropriated funds for payment of such reasonable expenses, and if appropriated funds are not available, the contractor shall be under no such obligation. The items affected shall have been dismantled and prepared for shipment, at no expense to the Government in addition to the contract price, within fifteen days after the expiration of the storage period, or, if no storage obligation arises, then within fifteen days after the expiration of the stand-by period (unless a longer time is allowed by the contracting officer). Upon notification from the contractor that the items are ready for shipment, the Government shall remove them at the Government's expense.

(N) The ninety (90) day stand-by period, and the nine (9) month storage period, may be eliminated, shortened or lengthened by agreement of the parties on mutually agreeable terms.

(O) [1] The Government reserves the right to furnish to the contractor f. o. b. the contractor's plant any or all the items of Schedule "A" facilities upon written notice by the contracting officer to the contractor at any time prior to the installation of such items. In such event the contracting officer shall exercise the option described in paragraph (C) (1) or (C) (2) with respect to the item, eliminate it from Schedule "A", and place it on the list of Schedule "B" facilities hereinafter provided for.

(P) [2] The Government shall furnish to the contractor f. o. b. the contractor's plant, the Government-owned facilities listed in Schedule "B" attached hereto, not later than the dates shown thereon. Subject to the right of the contractor to inspect and reject Schedule "B" facilities for good and sufficient reason prior to shipment, the contractor shall receive the same in their then condition, without warranty express or implied on the part of the Government as to serviceability or fitness for use. The contractor shall bear the costs of installation of such facilities.[3] Schedule "B" facilities shall be held by the contractor and considered and treated in the same manner as Schedule "A" facilities under and pursuant to [1] paragraphs (E) (2) and (F) to (N) inclusive of this article.

(Q) [3] The contractor has in its possession, installed and ready for use under this contract, the facilities listed in Schedule "C", title to which is in the Government. Such facilities shall be held by the contractor and considered and treated in the same manner as Schedule "A" facilities under and pursuant to paragraphs (E) (2) and (F) to (N) inclusive of this article. Any previous agreement to the contrary is hereby modified accordingly.

NOTE 1: See §§ 803.365–1a, 804.451–1, 804.493 and 827.723, and Part 810.

NOTE 2: Where it is determined that a rental should be charged (see § 810.1002) paragraph (E) (2) of the article should be appropriately modified.

NOTE 3: Attention is invited to the fact that Government bills of lading (or commercial bills of lading to be converted into Government bills of lading at destination) may be availed of to secure the benefits of land grant freight rates where title to the facilities or parts thereof is in the Government at point of origin (see paragraphs (E) (1) and (B)).

NOTE 4: In cases where facilities are hereafter to be acquired or manufactured by, or furnished by the Government to, a contractor, a clause may be included granting an option to the contractor to purchase the facilities, provided the chief of the technical service finds that such action will be in the interest of the Government. (The power to make this finding is *not* subject to delegation by the chief of the technical service, unless the Director, Purchases Division, Headquarters, Army Service Forces, specifically authorizes a delegation.) In such cases, unless otherwise authorized by the Director, Purchases Division, Headquarters, Army Service Forces, the option will contain the following features:

(i) The option will come into effect only upon the date of expiration of the standby-plus-storage period, and will cover all, but not part of, the facilities as to which a standby obligation arose and as to which no notice under paragraph (K) of intention to remove has been served upon the contractor during the standby-plus-storage standby period.

(ii) The option period will extend for not more than fifteen days after the date specified in Note 4 (i).

(iii) The option price will be the full cost of the facilities to the Government (including transportation and installation charges) less specified rates of depreciation, plus storage charges incurred under paragraph (M).

NOTE 5: Amendments may be made of existing contracts, substituting the article above set forth (or pertinent portions thereof) for provisions regarding Government-owned facilities now appearing in such contracts, subject to the following:

(i) Uniformity of treatment is considered essential. Accordingly, authority to make these amendments will not be exercised until the technical service concerned apprises all its contractors holding Government-owned facilities of the promulgation of the article above set forth and specifically informs them that they may negotiate with the Government for amendment of their contracts.

(ii) Government negotiators must recognize that contractors will typically derive substantial benefits from these amendments. For example, under the article above set forth the standby period is ninety days and storage is at Government expense, while under the article previously authorized the standby period was one year, and storage expenses were not chargeable to the Government. In general, the article above set forth facilitates the conversion of plants. Accordingly, amendments of existing contracts will be permitted only where the Government receives material and adequate consideration, measured by any difference in value to the contractor between the superseded article and the article inserted by amendment.

(iii) Except with the approval of the chief of the technical service concerned, no amendment will be permitted of an existing Government-owned facilities article which includes a purchase option, unless, as part of the amendment, the purchase option is modified to include the features mentioned in Note 4 (i), (ii) and (iii) above. (The power to give such approval is *not* subject to delegation by the chief of the technical service, unless the Director, Purchases Division, Headquarters, Army Service Forces, specifically authorizes a delegation.) The approval of the Director, Purchases Division, Headquarters, Army Service Forces, will be obtained before any existing Government-owned facilities article which does not include a purchase option, is amended to grant such option.

(iv) The technical services will maintain close supervision of all amendments under this Note 5 and will require adequate records to be prepared and preserved of the negotiations leading to the amendments.

NOTE 6: In the event that the facilities are located in an area outside the United States, where the services of the Loss and Salvage Organizations and not available, the following clause will be used in lieu of paragraph (F) (3) above:

"Upon the happening of loss or destruction of or damage to Schedule "A" facilities caused by an excepted peril, the contractor shall communicate with the contracting officer, shall take all reasonable steps to protect the facilities from further damage, separate the damaged and undamaged facilities, put all the facilities in the best possible order, and furnish to the contracting officer a statement of: (a) the lost, destroyed and damaged facilities, (b) the time and origin of the loss, destruction or damage, (c) all known interests in commingled property of which the facilities are a part, and (d) the insurance, if any, covering any part of or interest in such commingled property. *If and as directed by the contracting officer, the contractor shall make repairs and renovations of the damaged facilities.* [Italicized words may be omitted in appropriate cases.] The contractor shall be reimbursed the expenditures made by it in performing its obligations under this subparagraph (3) as approved by the contracting officer and set forth in a Supplemental Agreement."

§ 803.334 *Records of Government-owned property: contract clause.* All contracts, in connection with which property or supplies of any kind owned by the United States are furnished to a contractor for use on the contract or as guides, samples, etc., will contain the following clause without deviation:

Records of Government-owned property. The property officer, ----------, is designated as the officer to maintain the necessary property records in connection with this contract.

§ 803.335 *Patent provisions.* The patent articles set forth in §§ 803.335–1 to 803.335–8, inclusive, are for use in accordance with the policy and discretion set forth in §§ 811.1116, 811.1117 and 811.1118.

§ 803.335–1 *License under foreground patents.* Where it is proper in a development contract (see §§ 811.1116–1 to 811.1116–7, inclusive) to require the contractor to grant the Government a license under foreground patents, the appropriate contract article is as follows:

ARTICLE ... *Patent rights.* (1) Where used in this Article, and not elsewhere in this contract, the expression "Subject Invention" means each invention, improvement and discovery (whether or not patentable) conceived or first actually reduced to practice in the performance of this contract, including any subcontract hereunder, or in the performance of any research or development work relating to the subject-matter hereof which was done upon the understanding that this contract or any subcontract hereunder would be awarded; the expression "Technical Personnel" means each person employed by or working under the direction of Contractor or any subcontractor hereunder who, by reason of the nature of his duties in connection with the performance of this contract, or any subcontract hereunder, would reasonably be expected to make inventions; and the expression "Contractor's Patent Rights" means all patents and applications for patent, under which Contractor now has or may hereafter acquire the right to grant a license, to the extent that they are based upon the disclosure of inventions other than a Subject Invention.

(2) Contractor agrees to and does hereby grant to the Government an irrevocable, non-exclusive, non-transferable and royalty-free license to practice, and cause to be practiced for the Government, throughout the world, each Subject Invention in the manufacture, use and disposition according to law of any article or material, and the use of any method: *Provided, however,* That as respects any Subject Invention made by others than Technical Personnel, and as respects the practice of any Subject Invention in foreign countries, the said license shall be to the extent of Contractor's right to grant the same: *And provided further,* That nothing contained in this sentence shall be deemed to grant a license under Contractor's Patent Rights. Contractor agrees (i) to deliver to the Contracting Officer or his designee, promptly and in any event prior to final settlement, a complete written disclosure of each Subject Invention which reasonably appears to be patentable and, as to each such invention, to exert its best efforts to effect such delivery within six months after first publication, public use or sale; (ii) to designate, at the time of such delivery, whether or not said invention has been or will be claimed in a patent application, and to file or cause to be filed in due form and time an application covering each such invention affirmatively so designated; (iii) to furnish to the Contracting Officer or his designee, on request, copies or an irrevocable power to inspect and make copies of each patent application filed by or on behalf of the Contractor covering any Subject Invention; (iv) to deliver to the Contracting Officer or his designee, duly executed, such instruments of assignment, application papers and rightful oaths, prepared by the Government, as the Contracting Officer or his designee deems necessary to vest in the Government (but, as to any Subject Invention made by others than Technical Personnel, only to the extent of Contractor's right to do so) the sole and exclusive ownership in, and the right to apply for and prosecute patent applications covering, each Subject Invention which Contractor does not affirmatively designate as aforesaid (subject however to the reservation of a personal, non-exclusive and royalty-free license thereunder to Contractor); and (v) to deliver to the Contracting Officer or his designee, duly executed, such instruments of license, prepared by the Government, confirmatory of any license rights herein agreed to be granted to the Government, as the Contracting Officer or his designee may require.

(3) Contractor agrees to and does hereby grant to the Government the right to reproduce, use and disclose for any governmental purpose all or any part of the reports, drawings, blueprints, data and technical information to be delivered by Contractor to the Government under this contract: *Provided, however,* That nothing contained in this sentence shall be deemed to grant a license under any patent now or hereafter issued.

§ 803.335–2 *License under foreground and background patents.* Where it is proper in a development contract (see § 811.1116–8 to 811.1116–10, inclusive) to require the contractor to grant the Government a license under foreground and background patents, the appropriate contract article is as follows:

ARTICLE ... *Patent rights.* (1) Where used in this Article and not elsewhere in this contract, the expression "Subject Invention" means each invention, improvement and discovery (whether or not patentable) conceived or first actually reduced to practice in the performance of this contract, including any subcontract hereunder, or in the performance of any research or development work relating to the subject-matter hereof which was done upon the understanding that this contract or any subcontract hereunder would be awarded; the expression "Technical Personnel" means each person employed by or working under the direction of Contractor or any subcontractor hereunder who, by reason of the nature of his duties in connection with the performance of this contract, or any subcontract hereunder, would reasonably be expected to make inventions; and the expression "Contractor's Patent Rights" means all patents and applications for patent, under which Contractor now has or may hereafter acquire the right (without obligation to make payment to others) to grant the license hereinafter set forth, to the extent that they are based upon the disclosure of inventions (other than a Subject Invention) which relate to or are useful in connection with the manufacture or use of the subject-matter of this contract.

(2) Contractor agrees to and does hereby grant to the Government an irrevocable, non-exclusive, non-transferable and royalty-free license to practice, and cause to be practiced for the Government, throughout the world, (a) each Subject Invention in the manufacture, use and disposition according to law of any article or material, and the use of any method: *Provided, however,* That as respects any Subject Invention made by others than Technical Personnel, and as respects the practice of any Subject Invention in foreign countries, the said license shall be to the extent of Contractor's right to grant the same; and (b) each invention covered by Contractor's Patent Rights in the manufacture, use and disposition according to law of any and all ----------
and parts thereof of the type made or developed in the performance of this contract or any subcontract hereunder, and any modification or improvement thereof, but acceptance or exercise of said license shall not estop the Government at any time to contest the enforceability, validity or scope of, or the title to, any patent so licensed. Contractor agrees (i) to deliver to the Contracting Officer, or his designee, promptly and in any event prior to final settlement, a complete written disclosure of each Subject Invention which reasonably appears to be patentable and, as to each such invention, to exert its best efforts to effect such delivery within six months after first publication, public use or sale; (ii) to designate, at the time of such delivery, whether or not said invention has been or will be claimed in a patent application, and to file or cause to be filed in due form and time an application covering each such invention affirmatively designated as aforesaid; (iii) to furnish to the Contracting Officer or his designee, on request, copies or an irrevocable power to inspect and make copies of each patent application filed by or on behalf of the Contractor covering any Subject Invention; (iv) to deliver to the Contracting Officer or his designee, duly executed, such instruments of assignment, application papers and rightful oaths, prepared by the Government, as the Contracting Officer or his designee deems necessary to vest in the Government (but, as to any Subject Invention made by others than Technical Personnel only to the extent of Contractor's right to do so) the sole and exclusive ownership

[1] Delete if inapplicable.

[2] If such costs are to be reimbursed to the contractor, make appropriate changes (see paragraphs (B) (3) (a) (c) (d) and (B) (4) (a) above).

[3] Insert "subparagraphs (1) and (3 of paragraph (C) and" if contractor is to be reimbursed the costs of installation of Schedule "B" facilities.

in, and the right to apply for and prosecute patent applications covering, each Subject Invention which Contractor does not affirmatively designate as aforesaid (subject however to the reservation of a personal, nonexclusive and royalty-free license thereunder to Contractor); and (v) to deliver to the Contracting Officer or his designee, duly executed, such instruments of license, prepared by the Government, confirmatory of any license rights herein agreed to be granted to the Government, as the Contracting Officer or his designee may require.

(3) Contractor agrees to and does hereby grant to the Government the right to reproduce, use and disclose for any governmental purpose all or any part of the reports, drawings, blueprints, data and technical information to be delivered by Contractor to the Government under this contract; *Provided, however,* That nothing contained in this sentence shall be deemed to grant a license under any patent now or hereafter issued.

§ 803.335–3 *Title to foreground patents.* Where it is proper in a development contract (see §§ 811.1116–11 and 811.1116–12) to require the contractor to assign to the Government title to foreground patents, the appropriate contract article is as follows:

ARTICLE ... *Patent rights.* (1) Where used in this Article and not elsewhere in this contract, the expression "Subject Invention" means each invention, improvement and discovery (whether or not patentable) conceived or first reduced to practice in the performance of this contract, including any subcontract hereunder, or in the performance of any research or development work relating to the subject-matter hereof which was done upon the understanding that this contract or any subcontract hereunder would be awarded, unless disclosed in a patent application filed prior to the commencement of such performance; the expression "Technical Personnel" means each person employed by or working under the direction of Contractor or any subcontractor hereunder who, by reason of the nature of his duties in connection with the performance of this contract, or any subcontract hereunder, would reasonably be expected to make inventions; and the expression "Contractor's Patent Rights" means all patents and applications for patent, under which Contractor now has or may hereafter acquire the right to grant a license, to the extent that they are based upon the disclosure of inventions other than a Subject Invention.

(2) Each Subject Invention made by Technical Personnel and, to the extent of Contractor's assignable rights therein, each Subject Invention made by others than Technical Personnel, shall be the sole and exclusive property of the Government, and the Contracting Officer or his designee shall have sole power to determine to whom, and in what manner and form, consistent with law, title thereto shall be assigned and patent protection therefor shall be obtained in any country; *Provided, however,* That nothing contained in this sentence shall be deemed to grant a license under Contractor's Patent Rights. Contractor agrees (i) to deliver to the Contracting Officer or his designee, promptly and in any event prior to final settlement, a complete written disclosure of each Subject Invention which reasonably appears to be patentable and, as to each such invention, to exert its best efforts to effect such delivery within six months after first publication, public use or sale; and (ii) to deliver to the Contracting Officer or his designee, duly executed, such instruments of assignment, application papers and rightful oaths, relating to each Subject Invention title to which is to be assigned pursuant to this contract, as the Contracting Officer or his designee may require in order to enable patent applications therefor to be filed and prosecuted, and title to such applications to be assigned and recorded, in any country.

(3) Contractor agrees to and does hereby grant to the Government the right to reproduce, use and disclose for any governmental purpose all or any part of the reports, drawings, blueprints, data and technical information to be delivered by Contractor to the Government under this contract; *Provided, however,* That nothing contained in this sentence shall be deemed to grant a license under any patent now or hereafter issued.

§ 803.335–4 *Indemnity against patent risks (broad form).* Where it is proper (see § 811.1117–3) to require the contractor to indemnify the Government against all patent infringement risks, the appropriate contract article is as follows:

ARTICLE ... *Patent indemnity.* The Contractor agrees to indemnify the Government, its officers, agents, servants and employees against liability including costs and expenses for infringement upon any Letters Patent of the United States (except Letters Patent issued upon an application which is now or may hereafter be ordered to be kept secret under the provisions of the Act of October 6, 1917, as amended, 35 U.S.C. 42) occurring in the performance of this contract or arising (in respect only of inventions which are actually embodied in items manufactured or supplied hereunder, or are involved in the use, unless there be more than one practicable use, of such items) by reason of the use or disposal of such items by or for the account of the Government.

§ 803.335–5 *Indemnity against patent risks (narrow form).* Where it is proper (see § 811.1117–4) to require the contractor to indemnify the Government against all patent infringement risks except those which necessarily result from the contractor's compliance with specifications (unless originating with the contractor) forming a part of the contract or with specific written instructions given by the Contracting Officer for the purpose of directing the manner of performance thereof, the appropriate contract article is as follows:

ARTICLE ... *Patent indemnity.* (a) The Contractor agrees to indemnify the Government, its officers, agents, servants and employees, against liability including costs and expenses for infringement upon any Letters Patent of the United States (except Letters Patent issued upon an application which is now or may hereafter be ordered to be kept secret under the provisions of the Act of October 6, 1917, as amended, 35 U.S.C. 42) occurring in the performance of this contract or arising (in respect only of inventions which are actually embodied in items manufactured or supplied hereunder, or are involved in the use, unless there be more than one practicable use, of such items) by reason of the use or disposal of such items by or for the account of the Government; excepting however infringements necessarily resulting from the Contractor's compliance with specifications (unless originating with the Contractor) now or hereafter forming a part of this contract or with specific written instructions given by the Contracting Officer for the purpose of directing the manner in which the Contractor shall perform this contract.

(b) The Contractor shall diligently and promptly report to the Contracting Officer in reasonable written detail (i) each claim of patent infringement asserted with respect to, and (ii) the identity and apparent pertinence of each adversely-held domestic patent having a bearing or apparent bearing upon, the subject-matter or performance of this contract, which said claim or bearing has heretofore or shall hereafter prior to final settlement come to the attention of the Contractor's legal representatives or executive agents.

§ 803.335–6 *Authorization and assistance.* Where there is reason to believe (see § 811.1117–6) that the manufacture, use or disposal of any of the items to be supplied under a contract may create risk of patent infringement or may involve the payment of royalties (whether or not the contractor indemnifies the Government against patent infringement risks), the appropriate contract article is as follows:

ARTICLE ... *Authorization and assistance.* (a) For the purpose set forth in Section 6 of the Royalty Adjustment Act 1942 (Public No. 768, 77th Cong.; 35 U.S.C. 94), insofar as said Section 6 refers to the Act of June 25, 1910, as amended (35 U.S.C. 68), and for no other purpose whatsoever, the Government shall, without prejudice to its rights of indemnification if any be deemed to have given its authorization and consent to the use and manufacture, in the performance of this contract or of any subcontract hereunder, (1) of any patented invention embodied in the structure or composition of any article the delivery of which is accepted by the Government under this contract and (2) of any patented invention utilized in machinery, tools or methods the use of which necessarily results from compliance by the Contractor or the using subcontractor with (i) specifications or written provisions now or hereafter forming a part of this contract or (ii) specific written instructions given by the Contracting Officer for the purpose of directing the manner of such performance.

(b) The Contractor shall diligently and promptly report to the Contracting Officer in reasonable written detail (i) each claim of patent infringement asserted with respect to, and (ii) the identity and apparent pertinence of each adversely-held domestic patent having a bearing or apparent bearing upon, the subject-matter or performance of this contract, which said claim or bearing has heretofore or shall hereafter prior to final settlement come to the attention of the Contractor's legal representatives or executive agents.

(c) In case the rates or amounts of any royalties, which are directly or indirectly chargeable to the Government under this contract, are adjusted pursuant to the provisions of the Royalty Adjustment Act 1942 (Public No. 768, 77th Cong.; 35 U.S.C. 89) or in any other manner, the prices herein shall be reduced to the extent that the Contractor receives the benefit of such adjustment, or fails to take the benefit thereof after the Government has given the Contractor notice in writing not to make the payment involved, and the Contractor shall pay or credit, as the Contracting Officer may direct, the amount of such price reduction. Nothing contained in this contract shall be deemed to constitute an approval by the Government of the rates or amounts of any royalties chargeable to the Government hereunder, or to prejudice or impair the right of the Government or any department or agency thereof to adjust the rate or amount of such royalties.

Attention is directed to the fact that clause (b) of the foregoing article is a duplicate of clause (b) of the contract article set forth in § 803.335–5 above. If the contract articles set forth in this section and in § 803.335–5 are both used in the same contract, the duplicating provision of this section should be eliminated.

§ 803.335–7 *Indemnity bond.* Where the giving of bond in support of the contractor's indemnity obligation is deemed necessary (see § 804.406–5) the appropriate contract article is as follows:

ARTICLE ... *Patent infringement bond.* The Contractor shall give a bond in an amount satisfactory to the United States, the terms of which shall fully protect the Government against loss should the Contractor default in any patent indemnity obligation herein set forth.

§ 803.335–8 *Patent applications disclosing certain classified subject-matter.* Where it is proper for the Government to control the filing of patent applications disclosing top secret, secret or confidential subject-matter of a contract (see § 811.1116–13), the appropriate contract article is as follows:

While and so long as the subject-matter of this contract is classified by the War Department as "Confidential" or "Secret" or higher, Contractor agrees that, before filing or causing to be filed a patent application disclosing such subject-matter, Contractor will refer the proposed application to the Contracting Officer or his designee for a recommendation by the War Department whether such application should be ordered to be kept secret under the provisions of the Act of October 6, 1917, as amended (35 U.S.C. 42), and will faithfully observe any reasonable instructions given by the Contracting Officer or his designee in that regard which instructions may include a direction not to file the same so long as the Contracting Officer or his designee deems such action necessary in the interests of national security. It and to the extent that the subject-matter of this contract is classified by the War Deparment as "Secret" or higher, Contractor agrees upon request of the Contracting Officer or his designee to assign and convey to the Government the entire right, title and interest in and to each United States patent application, disclosing the said subject-matter or any part thereof of this contract and filed by or on behalf of Contractor, which Contractor is not obligated to assign to the Government by virtue of any other provision of this contract, the same to be held by the Government subject to reversion of the entire right, title and interest therein to Contractor upon allowance of the said application; *Provided, however,* That nothing contained in this sentence shall enlarge or diminish the rights otherwise granted to or reserved by the Government or Contractor in respect of said application or the invention covered thereby except as and to the extent herein expressly provided.

§ 803.336 *Classified contracts: disclosure of information clause.* All top secret, secret, confidential or restricted contracts will contain the following clause without deviation:

Disclosure of information. (a) It is understood that disclosure of information relating to the work contracted for hereunder to any person not entitled to receive it, or failure to safeguard all secret, confidential and restricted matter that may come to the Contractor or any person under his control in connection with the work under this contract, may subject the Contractor, his agents, employees, and subcontractors to criminal liability under the laws of the United States. See Title 1 of an Act approved June 15, 1917 (40 Stat. 217; 50 U.S.C. 31–42) as amended by an Act approved March 28, 1940 (54 Stat. 79); and the provisions of an Act approved Jan. 12, 1938 (52 Stat. 3; 50 U.S.C. 45–45d, as supplemented by Executive Order No. 8381, dated March 22, 1940, 5 F.R. 1147.

(b) The Contractor shall cause a like provision to be inserted in all subcontracts under this contract.

§ 803.337 *Classified contracts; employment of aliens clause.* All top secret, secret, confidential or restricted contracts will contain the following clause without deviation (for a further discussion of the subject of employment of aliens, see Subpart K of Part 809):

Employment of aliens. The Contractor will not permit any alien employed or to be employed by it or by any sub-bidder or subcontractor to have access to the drawings, specifications and accompanying enclosures relating to the performance of this contract, or to the models or material referred to therein, or to engineering principles, composition, subassemblies, or assemblies which are vital to the functioning or use of the article or articles forming the subject matter of this contract, without the written consent beforehand of the Secretary of War.

With respect to any classified contract, now in effect and not completely performed, which contains a provision with respect to the employment of aliens in a different form from that herein prescribed, the chiefs of technical services concerned will take steps, where they deem it necessary to do so, to amend such provision by substituting therefor the clause herein prescribed.

§ 803.337–1 *Employment of aliens in connection with contracts for aircraft, aircraft parts or aeronautical accessories.* All top secret, secret, confidential or restricted contracts which are also subject to the act approved July 2, 1926, as amended March 3, 1927, section 10 (j)–(p); 10 U.S.C. 310 (j)–(p), relating to the employment of aliens in connection with contracts for furnishing or constructing aircraft, aircraft parts or aeronautical accessories for the United States may also contain such reference to that act or its provisions as the Commanding General, Army Air Forces, deems appropriate.

§ 803.338 *Plant protection; contract clauses.* In those cases where the contracting officer deems it necessary to retain some control as to the plant protective devices in a particular plant, the contract will contain a clause substantially similar to one of those set forth below. Such a clause will not normally be necessary in construction contracts.

Plant protection. The Contractor shall maintain in and about his plant adequate plant protective devices and shall employ such watchmen, guards and other personnel as the Contracting Officer may deem necessary to prevent espionage, sabotage, and other malicious destruction or damage.

Plant protection. The Contractor shall maintain in and about his plant adequate plant protective devices and shall employ such watchmen, guards and other personnel as the Contracting Officer may deem necessary to prevent espionage, sabotage, and other malicious destruction or damage. If the Contracting Officer from time to time shall require the installation of plant protective devices or the employment of watchmen, guards or other personnel, or both, in addition to those deemed necessary by him on the date the Contractor shall commence performance of this contract, the cost of any such devices installed or the pay of any such personnel employed, or both, at the written request and upon the written authorization of the Contracting Officer, shall be reimbursed to the Contractor upon submission of vouchers approved by the Contracting Officer, provided that no reimbursement of the cost of any such installation or pay of any such personnel, or both, shall be made in excess of the cost thereof, as estimated in advance and approved in writing by the Contracting Officer.[1]

Plant protection. (a) The Contractor and each Subcontractor, at his own expense, at all times during the term of this contract, or any subcontract hereunder, shall continue all such precautions for the guarding and protection of his plant, property and work in process, as immediately prior to the date of this contract have been taken by the Contractor or Subcontractor for the protection of the plant, and shall make available such information with respect thereto as the Contracting Officer may request.

(b) The Contractor agrees to furnish the authorized Security and Safety personnel of the War Department with a survey of the existing internal security system at the Contractor's plant. The Contractor agrees, at his own expense, to make the changes set forth in Appendix . . . hereto annexed and made a part hereof to cause his existing internal security system to comply with the regulations of ----------

(Chief of Technical Service)

including the recommendations made by the appropriate War Department Internal Security personnel

(c) At any time during the term of this contract, the Contracting Officer or his duly authorized representative may require the Contractor or Subcontractor to install and maintain in and about the plant additional protective devices, equipment and personnel. The Contractor and each Subcontractor shall submit promptly to the Contracting Officer or his duly authorized representative, for prior approval as to estimated cost, detailed inventories, including the estimated cost of each item of protective devices or equipment so required to be installed and of installing the same and a detailed estimate of the cost of maintaining any such additional protective devices or equipment and personnel.

(d) The Contractor or Subcontractor shall be reimbursed upon the submission of a voucher approved by the Contracting Officer, or his duly authorized representative, for the cost of maintaining such additional personnel as may have been required under paragraph (c) hereof, and the Contractor shall be reimbursed also for all payments made by it to Subcontractors pursuant to paragraph (h) hereof. The Contractor or Subcontractor shall be reimbursed, upon the submission of a voucher approved by the Contracting Officer or his duly authorized representative, the invoice price of the additional plant protective devices or equipment so required pursuant to Paragraph (c) hereof. In addition the Contractor or Subcontractor shall be reimbursed the reasonable cost of installing such additional plant protective devices or equipment. Such reasonable cost shall include only transportation to the Contractor's or Subcontractor's plant, direct labor, and direct material necessary for the installation of the additional plant protective devices or equipment. The Government shall not be under obligation to make reimbursement of total cost of such additional plant protective devices or equipment and of installing the same in excess of the estimate approved in advance by the Contracting Officer unless payment of such excess shall be

[1] If desired an additional proviso may be added, reading substantially as follows:

Provided further that no reimbursement of the cost of any such installation or pay of any such personnel is being made to the contractor by other means.

approved or ratified by the Contracting Officer as reasonable. If the Contracting Officer and the Contractor or Subcontractor, as the case may be, are able to agree upon the amount of the cost of such additional devices or equipment, such sum shall be the amount to be reimbursed hereunder.

(e) Title to all plant protective devices and equipment added under Paragraph (c) of this Article shall be in the Government. The Contractor or Subcontractor, during the term of this contract or any extension thereof or during the term of the Subcontract or any extension thereof, at his own expense, shall maintain and keep in good condition and repair all such protective devices and equipment. If such protective devices and equipment are to be installed on premises leased by the Contractor, the Contractor shall take appropriate steps to preserve the Government's right to remove such property pursuant to Paragraph (g) of this Article.

(f) The _____
(Chief of Technical Service)
or his duly authorized representative, and authorized plant protection personnel of the War Department, at all times during the performance of this Contract or any extension thereof, or during the term of the Subcontract or any extension thereof, and until after expiration of the right of removal set forth below, shall have access to the Contractor's plant, or the plant of the Subcontractor, in order to inspect, inventory, or remove any of said plant protective devices or equipment required pursuant to Paragraph (c) hereof, and to inspect the premises with respect to compliance with all regulations and requirements concerning plant protection, including any recommendations made by the appropriate War Department Internal Security personnel.

(g) After the completion or termination of this contract and prior to final settlement thereof, the Contractor, or the Subcontractor, as the case may be, shall have the option, exercisable in writing, to purchase at the then value as fixed by the Contracting Officer, or his duly authorized representative, any special plant protective devices or equipment theretofore installed in his plant pursuant to Paragraph (c). Not later than the date of final settlement, the Contractor or Subcontractor shall notify the Contracting Officer in writing to remove any such devices or equipment as to which the option to purchase is not to be exercised, and the Government shall have the right, at any time within 180 days after the receipt of such notice, to remove at its own expense any such plant protective devices or equipment.

(h) The Contractor agrees to insert in each of his subcontracts the following provision:

"The Subcontractor agrees to be bound by the provisions of Article _____ of the
(This Article)
prime contract with the Government insofar as they are applicable to this contract. The Prime Contractor will reimburse the Subcontractor for the cost of such special devices, equipment and personnel as have been or hereafter may be added by the Subcontractor, pursuant to Paragraph (c) of Article _____, for which reimbursement has not been made by the Government direct to the Subcontractor according to the terms set forth in Paragraph (d) of Article _____"

(i) For the purpose of this Article, a subcontract is defined as any contract or agreement entered into between the Contractor and any other party, for the performance of all or any part of the work called for under this Contract.

(j) The Contractor, upon request of the Contracting Officer, shall suspend from access to work under this contract any officer or employee whose continued employment is deemed by the Contracting Officer to endanger the security of the war effort.

(k) If guard personnel are members of the Civilian Auxiliary to the Military Police or successor organization, the Contractor shall be reimbursed for such additional cost approved by the Contracting Officer as may be incurred because of compliance with regulations and orders issued by a military commanding officer in charge of the Contractor's plant guards.

§ 803.340 *Rental of gas cylinders; contract clause.* Every contract for the rental of gas cylinders will contain a clause substantially similar to one of the following:

Rental of gas cylinders (individual basis). Cylinders shall remain the property of the contractor and will be loaned, without charge, to the Government for a period of 30 days after the date of shipment of cylinders from the contractor's plant. Beginning with the first day after the expiration of the 30-day free loan period to and including the day the cylinders are released to the transportation company for return to the contractor, there will be charged and the United States agrees to pay the contractor a rental at the rate of $_____ per cylinder per day for the use of cylinders not returned to the contractor.

Rental of gas cylinders (quantity basis). Cylinders shall remain the property of the contractor and will be loaned, without charge, to the Government for a period of 30 days after the date of shipment of cylinders from the contractor's plant. Beginning with the first day after the expiration of the 30-day free loan period to and including the day the cylinders are released to the transportation company for return to the contractor, there will be charged and the United States agrees to pay the contractor a rental at the rate of $_____ per cylinder per day, computed on a quantity basis, as indicated below, for the use of cylinders not returned to the contractor. This rental charge will be computed separately for oxygen and acetylene cylinders and for each point of delivery named in the contract. A credit of 30 cylinder days will accrue for each cylinder shipped. A debit of one cylinder day will accrue for each cylinder for each day held beginning with the day after date of shipment from contractor's plant to and including the day the cylinder is released to the transportation company for return to the contractor. At the end of the contract period, in the event the total number of debits exceeds the total number of credits, rental will be charged for the difference. If the total number of credits equals or exceeds the total number of debits, no charge will be made for the use of the cylinders.

All cylinders not returned to the contractor on or before the expiration of a 90-day rental period or lost or damaged beyond repair while in the possession of the United States Government shall be paid for by the United States to the contractor at a replacement value of $_____ for each oxygen cylinder of 100 to 110 cubic feet capacity, $_____ for each oxygen cylinder of 200 to 220 cubic feet capacity, $_____ for each acetylene cylinder of 100 to 150 cubic feet capacity, and $_____ for each acetylene cylinder of 250 to 300 cubic feet capacity.

Cylinders retained or lost and so paid for shall be considered the property of the United States. But if and when located they may, at the option of the Government, be returned to the contractor, and, in such event, credit shall be allowed to the Government at the replacement value paid, less rental at the rate of $_____ per day beginning at the expiration of the 30-day loan period as aforesaid to the date upon which cylinders are turned over to carrier for return to contractor's plant.

§ 803.341–3 *Article _____. Conversion to fixed price contract.* The following article will be used in cost-plus-a-fixed-fee contracts in accordance with § 803.232–3 of this chapter:

ARTICLE _____. *Conversion to fixed price contract.* (a) The Government and the Contractor agree to convert this contract from a cost-plus-a-fixed-fee basis to a fixed price basis in accordance with this article.

(b) Within (15) days after the production of ____% of the items covered by this contract, the Contractor will submit to the Contracting Officer the following data: [1]

(1) Statements showing the cost of producing all items theretofore completed for delivery for which cost figures are available, and such other statements as the Contracting Officer may require.

(2) Estimates of the cost of producing the remainder of the contract based upon the previous cost experience of the Contractor and upon all other relevant factors.

(3) Proposed prices for the items theretofore delivered and to be delivered during the remainder of the contract.

(c) Upon the filing of the data required by section (b) hereof, the Contractor and Contracting Officer will negotiate in good faith to agree upon a price or prices for this contract on a fixed price basis. In negotiating such prices consideration may be given to all pertinent factors which have affected the Contractor's costs during the preceding period and which are likely to affect such costs during the remainder of the contract and to all pertinent factors bearing upon the profit margin which is reasonable for the Contractor to earn under the contract. The agreement to convert may make the fixed price basis applicable to the entire contract, including performance before as well as after the effective date of the conversion; and it may provide for the treatment of any advance payments and reimbursements theretofore made to the Contractor as payments under the revised contract, for appropriate credit for deliveries theretofore made by him, and for releasing to the Contractor any interest or title of the Government in any materials and property acquired for the performance of the contract. The terms of the agreement shall be evidenced by a supplemental agreement.

(d) Any conversion made or contract price fixed under this Article is without prejudice to the determination of any excessive profits of the Contractor upon subsequent renegotiation under Section 403 of the Sixth Supplemental National Defense Appropriation Act, 1942, as amended, or the contract article inserted herein pursuant to that Act.

§ 803.342 *Articles governing statutory renegotiation.* The following articles dealing with statutory renegotiation will be used in accordance with Part 812 of this chapter (§ 812.1202 et seq., § 812.1207 et seq.).

§ 803.342–1 [*Form I*] *Renegotiation pursuant to the Renegotiation Act: Form for general use.*

[1] Where it will be unduly difficult for the Contractor to submit the data in the form specified in paragraphs (1) and (2), the following form may be substituted for these paragraphs, if the Contracting Officer is satisfied that it will provide reliable and sufficient data for the purposes of the article:

"(1) Revised estimates of the cost of performing the entire contract, based upon the cost experience of the Contractor during the trial run and upon all other relevant factors, itemized in the same way as the estimated cost stated in section (b) above, and showing separately any reserves for contingencies included in the estimate."

Paragraph (3) will then be renumbered (2).

ARTICLE _____. *Renegotiation.* (a) This contract shall be deemed to contain all the provisions required by subsection (b) of the Renegotiation Act as amended by Section 701 of the Revenue Act of 1943 (Public Law No. 235, 78th Congress, enacted February 25, 1944).

(b) In compliance with said subsection (b) of the Renegotiation Act, the Contractor shall insert in the subcontracts specified in said subsection (b) either the provisions of this Article or the provisions required by said subsection (b).

§ 803.342–2 [*Form II*] *Same: Form for contracts exempt under discretionary exemption.*

ARTICLE _____. *Renegotiation.* (a) The Contractor agrees to insert in the subcontracts specified in subsection (b) of the Renegotiation Act as amended by Section 701 of the Revenue Act of 1943 (Public Law No. 235, 78th Congress, enacted February 25, 1944), either the provisions required by said subsection (b) or the following:

"Article _____. Renegotiation. (a) This contract shall be deemed to contain all the provisions required by subsection (b) of the Renegotiation Act as amended by Section 701 of the Revenue Act of 1943 (Public Law No. 235, 78th Congress, enacted February 25, 1944)

"(b) In compliance with said subsection (b) of the Renegotiation Act, the Contractor shall insert in the subcontracts specified in said subsection (b) either the provisions of this Article or the provisions required by said subsection (b)."

(b) The Contractor agrees that there may be retained by the United States from amounts otherwise due the Contractor or that the Contractor will repay to the United States, as the Secretary of War or his duly authorized representative may direct, any amounts which under subsection (b) of the Renegotiation Act he is directed to withhold from a subcontractor and which are actually unpaid at the time the Contractor receives such direction.

§ 803.342–3 [*Form III*] *Same: Form for supplemental agreements.*

ARTICLE _____. *Renegotiations.* (a) This contract shall be deemed to contain all the provisions required by subsection (b) of the Renegotiation Act as amended by Section 701 of the Revenue Act of 1943 (Public Law No. 235, 78th Congress, enacted February 25, 1944).

(b) In compliance with subsection (b) of the Renegotiation Act, the Contractor shall insert in the subcontracts specified in said subsection (b) and made by the Contractor after the date of this instrument either provisions similar to paragraphs (a) and (b) of this Article or the provisions prescribed by said subsection (b) of the Renegotiation Act.

(c) This Article applies only to the supplemental agreement by which it was added and to any supplemental agreement or change orders hereafter executed except that the Contractor may discharge any obligation under the basic contract to insert renegotiation provisions in subcontracts, by inserting therein either the provisions of paragraphs (a) and (b) of this Article or the provisions prescribed by subsection (b) of the Renegotiation Act.

§ 803.343 *Davis-Bacon Act: contract clause.* All contracts subject to the Davis-Bacon Act will contain the following clause without deviation (for a discussion of the Davis-Bacon Act and information as to the contracts which are subject to and those which are exempt from such act, see Subpart D of Part 809):

Rate of wages. (In accordance with the act of August 30, 1935, 49 Stat. 1011, as amended by the act of June 15, 1940, 54 Stat. 399 (U. S. Code, title 40, secs. 276a and 276a–1), this article shall apply if the contract is in excess of $2,000 in amount and is for the construction, alteration, and/or repair, including painting and decorating, of a public building or public work within the geographical limits of the States of the Union, the Territory of Alaska, the Territory of Hawaii, or the District of Columbia.)

(a) The contractor or his subcontractor shall pay all mechanics and laborers employed directly upon the site of the work, unconditionally and not less often than once a week, and without subsequent deduction or rebate on any account, the full amounts accrued at time of payment, computed at wage rates not less or more than those stated in the specifications (subject to Executive Order Number 9250 and the General Orders and Regulations issued thereunder) regardless of any contractual relationship which may be alleged to exist between the contractor or subcontractor and such laborers and mechanics; and the scale of wages to be paid shall be posted by the contractor in a prominent and easily accessible place at the site of the work. The contracting officer shall have the right to withhold from the contractor so much of accrued payments as may be considered necessary by the contracting officer to pay to laborers and mechanics employed by the contractor or any subcontractor on the work the difference between the rates of wages required by the contract to be paid laborers and mechanics on the work and the rates of wages received by such laborers and mechanics and not refunded to the contractor, subcontractors, or their agents.

(b) In the event it is found by the contracting officer that any laborer or mechanic employed by the contractor or any subcontractor directly on the site of the work covered by the contract has been or is being paid a rate of wages less than the rate of wages required by the contract to be paid as aforesaid, the Government may, by written notice to the contractor, terminate his right to proceed with the work or such part of the work as to which there has been a failure to pay said required wages and prosecute the work to completion by contract or otherwise, and the contractor and his sureties shall be liable to the Government for any excess costs occasioned the Government thereby.

(c) The regulations of the Secretary of Labor, referred to in article ____ (non-rebate of wages) hereof, allow certain "permissible deductions" from the wages required by this article to be paid.

The article to which cross reference is made in paragraph (c) of the above clause is that contained in § 803.344.

§ 803.343–1 *Minimum wages.* There will be contained in each contract subject to the Davis-Bacon Act (or in the specifications accompanying the contract) a clause substantially as follows:

The minimum wages to be paid laborers and mechanics on this project, as determined by the Secretary of Labor to be prevailing for the corresponding classes of laborers and mechanics employed on projects of a character similar to the contract work in the pertinent locality, are as follows:

Classification of laborers and mechanics	Minimum rates of wages per hour

Any class of laborers and mechanics not listed in the preceding paragraph, which will be employed on this contract, shall be classified or reclassified conformably to the foregoing schedule by mutual agreement between the contractor and class of labor concerned, subject to the prior approval of the contracting officer. In the event the interested parties cannot agree on the proper classification or reclassification of a particular class of laborers and mechanics to be used, the question, accompanied by the recommendation of the contracting officer, shall be referred to the Secretary of Labor for final determination. The wages specified in this schedule shall be the maximum wages to be paid, subject, however, to Executive Order No. 9250 and the General Orders and Regulations issued thereunder.

§ 803.344 *Copeland "Kick-back" Act: contract clause.* All contracts subject to the Copeland "Kick-back" Act will contain the following clause without deviation (for a discussion of the Copeland "Kick-back" Act and information as to the contracts which are subject to and those which are exempt from such act, see Subpart C of Part 809):

Nonrebate of wages. The contractor shall comply with the regulations of the Secretary of Labor pursuant to the Act of June 13, 1934, 48 Stat. 948 (U.S. Code, title 40, secs. 276b and 276c), and any amendments or modifications thereof, shall cause appropriate provisions to be inserted in subcontracts to insure compliance therewith by all subcontractors subject thereto, and shall be responsible for the submission of affidavits required of subcontractors thereunder, except as the Secretary of Labor may specifically provide for reasonable limitations, variations, tolerances, and exemptions from the requirements thereof.

§ 803.345 *Convict labor; contract clause.* All contracts, except those to which the prohibition against use or employment of convict labor is clearly inapplicable, and except those containing the clause set forth in either §§ 803.353 or 803.353–4 will contain the following clause without deviation:

Convict labor. The contractor shall not employ any person undergoing sentence of imprisonment at hard labor. This provision shall not be construed to prevent the contractor or any subcontractor hereunder from obtaining any of the supplies, or any component parts or ingredients thereof, to be furnished under this contract or any of the materials or supplies to be used in connection with the performance of this contract, directly or indirectly, from any Federal, State or territorial prison or prison industry: *Provided*, That such articles, materials or supplies are not produced pursuant to any contract or other arrangement under which prison labor is hired by or employed or used by any private person, firm or corporation.

Any contract related to the prosecution of the war which contains a convict labor provision in a different form from that herein prescribed will be amended by the contracting officer to substitute the form herein prescribed for such other form if the contractor so desires.

For discussion of the above clause as well as of the convict labor provision of the Walsh-Healey clause, see Subpart A of Part 809 of this chapter.

§ 803.346 *Eight-Hour Law of 1912; contract clause.* All contracts subject to the provisions of the Eight-Hour Law of 1912 will contain the following clause without deviation (for a discussion of the Eight-Hour Law of 1912 and information as to contracts which are subject to and

those which are exempt from such law, see Subpart B of Part 809):

Eight-hour law. No laborer or mechanic doing any part of the work contemplated by this contract, in the employ of the contractor or any subcontractor contracting for any part of said work contemplated, shall be required or permitted to work more than 8 hours in any one calendar day upon such work at the site thereof, except upon the condition that compensation is paid to such laborer or mechanic in accordance with the provisions of this article. The wages of every laborer and mechanic employed by the contractor or any subcontractor engaged in the performance of this contract shall be computed on a basic day rate of 8 hours per day and work in excess of 8 hours per day is permitted only upon the condition that every such laborer and mechanic shall be compensated for all hours worked in excess of 8 hours per day at not less than one and one-half times the basic rate of pay. For each violation of the requirements of this article a penalty of $5 shall be imposed upon the contractor for each laborer or mechanic for every calendar day in which such employee is required or permitted to labor more than 8 hours upon said work without receiving compensation computed in accordance with this article, and all penalties thus imposed shall be withheld for the use and benefit of the Government: *Provided*, That this stipulation shall be subject in all respects to the exceptions and provisions of U. S. Code, title 40, sections 321, 324, 325, and 326, relating to hours of labor, as modified by the provisions of Section 303 of Public Act No. 781, 76th Congress, approved September 9, 1940, relating to compensation for overtime.

§ 803.347 *Advance payments with interest; clause for fixed price contracts.* A clause substantially as follows will be included in fixed-price contracts when it is contemplated that advance payments with interest will be made thereon:

Advance payments. (a) At any time and from time to time, after the approval of this contract, at the request of the Contractor and subject to the approval of the ---------- or his duly authorized
(Chief of supply service)
representative, or of the person to whom authority has been delegated to make advance payments, as to the present need therefor, the Government shall advance to the Contractor sums not to exceed ----------
(Insert amount of advance payment)
---------- or -------- per centum (----%) of the contract price, as it may be amended, whichever shall be the smaller. On the unliquidated balance of the advance payments outstanding, the Contractor agrees to pay interest at the rate of two and one-half per cent per annum to be computed in accordance with the provisions of paragraph (f).

(b) As a condition precedent to the making of any advance payment or payments as hereinbefore provided, the Contractor shall furnish the Government with such adequate security as the Under Secretary of War or the person to whom authority has been delegated to make advance payments shall prescribe; *Provided:* That, if other security is not prescribed, the terms of this contract shall be considered adequate security for such advance payments; *Provided further:* That, if at any time the Under Secretary of War deems the security furnished by the Contractor inadequate, the Contractor shall furnish such additional security as shall be satisfactory to the Under Secretary of War.

(c) Until all advance payments hereunder are liquidated, all funds received as advance payments under this contract together with -------- per cent (----%) of all other cash
(Insert per cent to be deposited which shall be not less than 85%)
payments under this contract, shall be deposited in a special bank account or accounts at a member bank or banks of the Federal Reserve System, or any "insured" bank within the meaning of the Act creating the Federal Deposit Insurance Corporation (Act of August 23, 1935; 49 Stat. 684), as amended (12 U.S.C. 264), separate from the Contractor's general or other funds. Such special bank account or accounts shall be so designated as to indicate clearly to the bank their special character and purpose, and the balances in such account or accounts shall be used by the Contractor exclusively as a revolving fund for carrying out the purposes of this contract (including reimbursement to the Contractor for any reasonable amounts expended by him for such purposes), and any amendments thereto, and not for the other business of the Contractor; *Provided:* That for the purpose of determining proper disposition of funds hereunder such of the Contractor's costs as may not be directly allocable to this contract, as it may be amended, may be charged against funds deposited in the special account in that proportion which the amount of work being done under this contract, as it may be amended, approximately bears to the total amount of work being performed by the Contractor, out of which such costs also arise, but within the period to which such costs relate. When required by the --------
(Chief of
---------- or his duly authorized repre-
technical service)
sentative, or any other person to whom authority to make advance payments has been delegated, withdrawals from such special account or accounts shall be made subject to the prior written approval of the Contracting Officer or his duly authorized representative. Any balances from time to time in such special account or accounts shall secure the repayment of the advances in connection with which the special account or accounts are opened, and the Government shall have a lien upon such balances to secure the repayment of such advances which lien shall be superior to any lien of the bank or any other person upon such account or accounts by virtue of assignment to it of such contract or otherwise; *Provided:* That the bank shall be under no liability to any party hereto for the withdrawal of any funds from said special account upon checks, properly endorsed and signed by the Contractor, except that after the receipt by the bank of written directions from the ----------
(Chief of technical service)
or his duly authorized representative, the bank shall act thereon and be under no liability to any party hereto for any action taken in accordance with the said written directions. Any instructions or written directions received by the bank through the Contracting Officer upon War Department stationery and purporting to be signed by, or by the direction of, the ----------
(Chief of technical service)
or his duly authorized representative shall, insofar as the rights, duties, and liabilities of the bank are concerned, be conclusively deemed to have been properly issued and filed with the bank by the ----------
(Chief of technical service)
or his duly authorized representative.

(d) If, upon the completion of the contract, or upon its termination for other than the fault of the Contractor, the advance payments made to the Contractor have not been fully liquidated in the manner herein provided, the unliquidated balance of such advance payments shall be deducted from any payments otherwise due the Contractor, and if the sum or sums due the Contractor be insufficient to cover such balance, the deficiency shall be paid by the Contractor in cash forthwith after demand and final audit by the Government of all accounts hereunder: *Provided, however*, That in the event of such termination of the contract for other than the fault of the Contractor, such deduction shall not be made prior to final audit; unless and only to the extent that, the Contracting Officer or his duly authorized representative shall determine that such action is reasonably required in order to secure the eventual repayment in full to the Government of such unliquidated advance payments. In the event of cancellation or termination of this contract because of the fault of the Contractor, the Contractor agrees to return to the Government, upon demand, without set-off of any sums alleged to be due the Contractor, the unliquidated balance of any advance payment. Furthermore, if, in the opinion of the ----------
(Chief of technical
------ or his duly authorized representative,
service)
the unobligated balance of the advance payments made by the Government under paragraph (a) hereof exceeds the amount necessary for the current needs of the Contractor, as determined by the ----------
(Chief of technical service)
or his duly authorized representative the amount of such excess shall, upon demand made by the ---------- or his duly au-
(Chief of technical service)
thorized representative be promptly returned to the Government and will be credited against the balance due the Government on advances previously made. If the demand made in any event set forth in this subparagraph is not met upon receipt of such demand by the Contractor, the amount demanded will bear interest at the rate of six percent (6%) rather than two and one-half percent (2½%) per annum from the date of the receipt of the demand until payment is made. *Provided, however*, That such additional interest over and above the regular two and one-half percent is hereby waived as to any sum paid by the Contractor within 15 days after the amount becomes due hereunder.

(e) Except as otherwise provided herein, liquidation of the principal of any advance payment or advance payments made to the Contractor hereunder shall be made by deductions of -------- per cent (----% from any and all payments made by the Government under the terms of the contract or by means of direct repayment by the Contractor from his own free funds or from the special account or accounts: *Provided*, That if at any time, as a result of amendments to the contract or otherwise, the unliquidated balance of the principal of advance payments made exceeds -------- per cent (----%) of the balance of the total contract price then unpaid, the amount of such excess which has not then been expended or obligated shall upon demand of the ----------
(Chief of technical service)
his duly authorized representative be promptly returned to the Government by withdrawal from the special account or accounts or otherwise, and that portion of the excess which has been expended or obligated may, at the option of the Contractor, be so returned and if not so returned, shall, together with any unexpended or unobligated portion of the excess not otherwise returned to the Government, be deducted from any and all payments to be made by the Government under the contract: *Provided further*, That, if and when the contractor has, by means of deductions or otherwise, reimbursed the Government in full for payments made, any money remaining in the special bank account or accounts shall be free and clear of any lien hereunder and the bank or banks concerned shall have authority to pay same to the contractor and shall thereupon be relieved of any further obligation to the Government on account thereof.

(f) On the unliquidated balance of the advance payments outstanding, the contractor agrees to pay interest at the rate of two and one-half per cent per annum. Such interest shall be computed at the end of each calendar month on the average daily balance of the principal of the unliquidated advance payments outstanding. In determining such balance, charges on account of the advance payments to the Contractor hereunder shall be made as of the dates of the checks therefor; credits arising from deductions from payments to the Contractor under this contract shall be made, upon the issue of the check for such payment, as of the dates of shipment as indicated on the Contractor's invoice and/or Government Receiving Report; and credits arising from cash repayments to the Government by the Contractor shall be made as of the dates the checks therefor are received by the disbursing officer. As soon as such monthly computations shall have been made, the interest so determined shall be deducted from the payments otherwise due to contractor under this contract: *Provided, however*, That in no event shall deductions on account of interest exceed five per cent (5%) of the gross payment due the contractor prior to any deduction under this paragraph or paragraph (e) or any other provisions of this contract. In the event the accrued interest exceeds such five per cent, the excess of such interest shall be carried forward and deducted from subsequent payments. The interest shall not be compounded, and shall, subject to the provisions of paragraph (d) hereof, cease to accrue upon the termination of the contract for other than the fault of the contractor, or upon the date found by the Contracting Officer to be the date upon which the contractor completed his performance under the contract.

(g) The contractor shall, at all times, afford to the Contracting Officer or his duly authorized representative, proper facilities for the inspection and audit of the contractor's accounts, and the contractor hereby agrees that the Contracting Officer, or his duly authorized representative, shall have the right, so far as the contractor's rights are concerned, during business hours, to inspect and make copies of any entries in the books and records of the bank relating to the said special account.

(h) Subject to the approval of the Contracting Officer or his duly authorized representative the contractor may make payments to subcontractors and materialmen in advance out of the special account, for labor or services, or to pay for material in advance of delivery at the site of the work or at an approved storage site. Such subadvances shall not exceed ------ per cent of the subcontract price and the subcontractor or materialmen to whom such advances are made shall furnish adequate security therefor. Unless other security is furnished, covenants in subcontracts, expressly made for the benefit of the Government, providing for a subspecial account with Government lien thereon and for a Government lien on property, tangible or intangible, purchased from the special account, and imposing upon the subcontractor substantially the same duties and giving the Government substantially the same rights as are provided herein between the Government and the contractor, have been prescribed by the Under Secretary of War as minimum adequate security for such subadvances.

(i) If no surety bond is furnished as part of the security under subparagraph (b) hereof, then, upon receipt of items or materials paid for from such special account or accounts, such items or materials shall be segregated and the Government shall have a lien on such items or materials until the advance payment or payments have been fully liquidated, or until the item or items and/or materials concerned have become the property of the Government as the result of partial payments, or otherwise; *Provided:* That if segregation in any instance be impracticable and the items or materials concerned are consequently intermingled with other property of the Contractor, then and in that event the lien above provided for in favor of the Government shall extend to the intermingled mass to the amount represented by the value of the items or materials involved; and without limiting the generality of the foregoing, such lien shall continue as follows: (a) In case the contract covers construction, until such items or materials are incorporated into the building, and thereafter on the building in the construction of which the items or materials are incorporated; (b) in the case of items or materials comprising facilities, on such facilities both before and after their installation in the plant; and (c) in the case of articles contracted for, until the items or materials so paid for are fabricated into such articles, and thereafter on the articles until accepted by the Government [and the Government shall hereby likewise have an effective assignment of a security interest in all intangible property purchased, or otherwise acquired, with funds from said special account].[1] If at any time during the progress of the work under this contract it becomes necessary to deliver any item or items and/or materials upon which the Government has a lien as aforesaid to a third person, the contractor shall notify such third person of the lien herein provided and shall obtain from such third person a receipt, in duplicate, acknowledging, among other things, the existence of such lien. A copy of each receipt shall be delivered by the contractor to the contracting officer.

(j) Any assignment of moneys due or to become due under this contract shall be subordinate to the rights or claims of the Government arising under this contract or any amendment thereto by virtue of any advance payments authorized herein or otherwise; *Provided*, that, if at any time any claim arising under this contract is assigned or purportedly assigned in any manner inconsistent with the said rights of the Government, the ----------
(Chief of technical service)
or his duly authorized representative shall have the right to suspend further advance payments without notice.

§ 803.348 *Advance payments without interest.* A clause substantially as follows will be included in fixed price contracts when it is contemplated that advance payments without interest will be made thereon:

Advance payments. (a) At any time and from time to time, after the approval of this contract, at the request of the Contractor and subject to the approval of the ----------
(Chief of technical service)
or his duly authorized representative, or of the person to whom authority has been delegated to make advance payments, as to the present need therefor, the Government shall advance to the Contractor, without payment of interest therefor by the Contractor, sums not to exceed ---------- or -------- per
(Insert amount of advance payment)
centum (----%) of the contract price, as it may be amended, whichever shall be the smaller.

(b) As a condition precedent to the making of any advance payment or payments as hereinbefore provided, the Contractor shall furnish the Government with such adequate security as the Under Secretary of War or the person to whom authority has been delegated to make advance payments shall prescribe; *Provided:* That, if other security is not prescribed, the terms of this contract shall be considered adequate security for such advance payments; *Provided further:* That if at any time the Under Secretary of War deems the security furnished by the Contractor inadequate, the Contractor shall furnish such additional security as shall be satisfactory to the Under Secretary of War.

(c) Until all advance payments hereunder are liquidated, all funds received as advance payments under this contract together with ---------- per cent (----%) of all
(Insert per cent to be deposited which shall be not less than 85%)
other cash payments under this contract, shall be deposited in a special bank account or accounts at a member bank or banks of the Federal Reserve System, or any "insured" bank within the meaning of the Act creating the Federal Deposit Insurance Corporation (Act of August 23, 1935; 49 Stat. 684), as amended (12 U.S.C. 264), separate from the Contractor's general or other funds. Such special bank account or accounts shall be so designated as to indicate clearly to the bank their special character and purpose, and the balances in such account or accounts shall be used by the Contractor exclusively as a revolving fund for carrying out the purposes of this contract (including reimbursement to the Contractor for any reasonable amounts expended by him for such purposes), and any amendments thereto, and not for the other business of the Contractor; *Provided:* that for the purpose of determining proper disposition of funds hereunder such of the Contractor's costs as may not be directly allocable to this contract, as it may be amended, may be charged against funds deposited in the special account in that proportion which the amount of work being done under this contract, as it may be amended, approximately bears to the total amount of work being performed by the Contractor, out of which such costs also arise, but within the period to which such costs relate. When required by the ---------- or his duly authorized
(Chief of technical service)
representative, or any other person to whom authority to make advance payments has been delegated, withdrawals from such special account or accounts shall be made subject to the prior written approval of the Contracting Officer or his duly authorized representative. Any balances from time to time in such special account or accounts shall secure the repayment of the advances in connection with which the special account or accounts are opened, and the Government shall have a lien upon such balances to secure the repayment of such advances which lien shall be superior to any lien of the bank or any other person upon such account or accounts by virtue of assignment to it of such contract or otherwise; *Provided:* That the bank shall be under no liability to any party hereto for the withdrawal of any funds from said special account upon checks, properly endorsed and signed by the Contractor, except that after the receipt by the bank of written directions from the ----------
(Chief of
---------- or his duly authorized repre-
technical service)
sentative, the bank shall act thereon and be under no liability to any party hereto for any action taken in accordance with the said written directions. Any instructions or written directions received by the bank through the Contracting Officer upon War Department stationery and purporting to be signed by, or by the direction of, the ----------
(Chief of
---------- or his duly authorized represen-
technical service)
tative shall, in so far as the rights, duties, and liabilities of the bank are concerned, be conclusively deemed to have been properly issued and filed with the bank by the ----------
(Chief of technical service)
---------- or his duly authorized repre-
(Chief of technical service)
sentative.

(d) If, upon the completion of the contract, or upon its termination for other than the fault of the Contractor, the advance payments made to the Contractor have not been fully liquidated in the manner herein pro-

[1] The bracket provision may be inserted in the case of experimental contracts or other cases where deemed especially appropriate.

vided, the unliquidated balance of such advance payments shall be deducted from any payments otherwise due the Contractor, and if the sum or sums due the Contractor be insufficient to cover such balance, the deficiency shall be paid by the Contractor in cash forthwith after demand and final audit by the Government of all accounts hereunder: *Provided, however,* That in the event of such termination of the contract for other than the fault of the Contractor, such deduction shall not be made prior to final audit unless, and only to the extent that, the Contracting Officer or his duly authorized representative shall determine that such action is reasonably required in order to secure the eventual repayment in full to the Government of such unliquidated advance payments. In the event of cancellation or termination of this contract because of the fault of the Contractor, the Contractor agrees to return to the Government, upon demand, without set-off of any sums alleged to be due the Contractor, the unliquidated balance of any advance payment. Furthermore, if, in the opinion of the----------or his duly author-

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ized representative, the unobligated balance of the advance payments made by the Government under Paragraph (a) hereof exceeds the amount necessary for the current needs of the Contractor, as determined by the ----------or his duly authorized

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representative the amount of such excess shall, upon demand made by the----------

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representative be promptly returned to the Government and will be credited against the balance due the Government on advances previously made. If the demand made in any event set forth in this subparagraph is not met upon receipt of such demand by the Contractor, the amount demanded will bear interest at the rate of six per cent (6%) per annum from the date of the receipt of the demand until payment is made: *Provided, however,* That such payment of interest is hereby waived as to any sum paid by the Contractor within 15 days after the amount becomes due hereunder.

(e) Except as otherwise provided herein, liquidation of any advance payment or advance payments made to the Contractor hereunder shall be made by deductions of -------- per cent (----%) from any and all payments made by the Government under the terms of the contract or by means of direct repayment by the Contractor from his own free funds or from the special account or accounts: *Provided:* That if at any time, as a result of amendments to the contract or otherwise, the unliquidated balance of the principal of advance payments made exceeds -------- per cent (----%) of the balance of the total contract price then unpaid, the amount of such excess which has not then been expended or obligated shall upon demand of the ----------

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or his duly authorized representative be promptly returned to the Government by withdrawal from the special account or accounts or otherwise, and that portion of the excess which has been expended or obligated may, at the option of the Contractor, be so returned and if not so returned, shall, together with any unexpended or unobligated portion of the excess not otherwise returned to the Government, be deducted from any and all payments to be made by the Government under the contract; *Provided further,* that, if and when the Contractor has, by means of deductions or otherwise, reimbursed the Government in full for payments made, any money remaining in the special bank account or accounts shall be free and clear of any lien hereunder and the bank or banks concerned shall have authority to pay same to the Contractor and shall thereupon be relieved of any further obligation to the Government on account thereof.

(f) The Contractor shall, at all times, afford to the Contracting Officer or his duly authorized representative, proper facilities for the inspection and audit of the Contractor's accounts, and the Contractor hereby agrees that the Contracting Officer, or his duly authorized representative shall have the right, so far as the Contractor's rights are concerned, during business hours, to inspect and make copies of any entries in the books and records of the bank relating to the said special account.

(g) Subject to the approval of the Contracting Officer or his duly authorized representative the Contractor may make payments to subcontractors and materialmen in advance out of the special account, for labor or services, or to pay for material in advance of delivery at the site of the work or at an approved storage site. Such subadvances shall not exceed -------- per cent of the subcontract price and the subcontractor or materialmen to whom such advances are made shall furnish adequate security therefor. Unless other security is furnished, covenants in subcontracts, expressly made for the benefit of the Government, providing for a subspecial account with Government lien thereon and for a Government lien on property, tangible or intangible, purchased from the special account, and imposing upon the subcontractor substantially the same duties and giving the Government substantially the same rights as are provided herein between the Government and the Contractor, have been prescribed by the Under Secretary of War as minimum adequate security for such subadvances.

(h) If no surety bond is furnished as part of the security under subparagraph (b) hereof, then, upon receipt of items or materials paid for from such special account or accounts, such items or materials shall be segregated and the Government shall have a lien on such items or materials until the advance payment or payments have been fully liquidated, or until the item or items and/or materials concerned have become the property of the Government as the result of partial payments, or otherwise: *Provided,* That if segregation in any instance be impracticable and the items or materials concerned are consequently intermingled with other property of the Contractor, then and in that event the lien above provided for in favor of the Government shall extend to the intermingled mass to the amount represented by the value of the items or materials involved; and without limiting the generality of the foregoing, such lien shall continue as follows: (a) in case the contract covers construction, until such items or materials are incorporated into the building, and thereafter on the building in the construction of which the items or materials are incorporated; (b) in the case of items or materials comprising facilities, on such facilities both before and after their installation in the plant; and (c) in the case of articles contacted for, until the items or materials so paid for are fabricated into such articles, and thereafter on the articles until accepted by the Government [; and the Government shall hereby likewise have an effective assignment of a security interest in all intangible property purchased, or otherwise acquired, with funds from said special account].[1] If at any time during the progress of the work under this contract it becomes necessary to deliver any item or items and/or materials upon which the Government has a lien as aforesaid to a third person, the Contractor shall notify such third person of the lien herein provided and shall obtain from such third person a receipt, in duplicate, acknowledging, inter alia, the existence of such lien. A copy of each receipt shall be delivered by the Contractor to the Contracting Officer.

(i) Any assignment of moneys due or to become due under this contract shall be subordinate to the rights or claims of the Government arising under this contract or any amendment thereto by virtue of any advance payments authorized herein or otherwise: *Provided,* That, if at any time any claim arising under this contract is assigned or purportedly assigned in any manner inconsistent with the said rights of the Government, the ---------- or his duly

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authorized representative shall have the right to suspend further advance payments without notice.

§ 803.348a *Advance payments; cost-plus-fixed-fee contracts; with interest.* A clause substantially as follows will be included in cost-plus-fixed-fee contracts when it is contemplated that advance payments with interest will be made thereon:

Advance payments. (a) At any time and from time to time after the execution of this contract, the Government at the request of the Contractor and subject to the approval of the ---------- or his duly

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authorized representative, or the person to whom authority to make advance payments has been delegated, as to the present need therefor, shall advance to the Contractor sums not to exceed ---------- per centum (------ %) of the estimated cost of this contract (exclusive of the Contractor's fixed fee), as it may be amended from time to time. On the unliquidated balance of the advance payments outstanding, the Contractor agrees to pay interest at the rate of two and one-half percent (2½ %) per annum to be computed in accordance with the provisions of paragraph (f) hereof.

(b) As a condition precedent to the making of any advance payment or payments as hereinbefore provided, the Contractor shall furnish the Government with such adequate security as the Under Secretary of War or the person to whom authority has been delegated to make advance payments shall prescribe: *Provided,* That, if other security is not prescribed, the terms of this contract shall be considered adequate security for such advance payments; and *Provided further,* That if at any time the Under Secretary of War deems the security furnished by the Contractor inadequate, the Contractor shall furnish such additional security as shall be satisfactory to the Under Secretary of War.

(c) Until all advance payments hereunder are liquidated, all funds received as advance payments under this contract together with all funds received as reimbursements for the cost of the work under Article ------ of this contract, exclusive of the Contractor's fixed fee, shall be deposited in a special bank account, or accounts at a member bank or banks of the Federal Reserve System or any "insured" bank within the meaning of the Act creating the Federal Deposit Insurance Corporation (Act of August 23, 1935; 49 Stat. 684, as amended; 12 U.S.C. 264) separate from the Contractor's general or other funds. Such special bank account or accounts shall be so designated as to indicate clearly to the bank their special character and purpose, and the balance in such account or accounts shall be used by the Contractor exclusively as a revolving fund for carrying out the purposes of this contract and any amendments thereto, and not for other business of the Contractor. Any balances from time to time in such special account or accounts shall at all times secure the repayment of the advances in connection with which the special account

[1] The bracket provision may be inserted in the case of experimental contracts or other cases where deemed especially appropriate.

or accounts are opened, and the Government shall have a lien upon such balances to secure the repayment of such advances, which lien shall be superior to any lien of the bank or any other person upon such account or accounts by virtue of assignment to it of such contract or otherwise; *Provided:* That the bank shall be under no liability to any party hereto for the withdrawal of any funds from said special account upon checks properly endorsed and signed by the Contractor, except that after the receipt by the bank of written directions from the ---------- or his duly authorized

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representative, the bank shall act thereon and be under no liability to any party hereto for any action taken in accordance with the said written directions. Any instructions or written directions received by the bank through the Contracting Officer upon War Department stationery and purporting to be signed by, or by the direction of, the ---------- or his duly authorized

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representative, shall, insofar as the rights, duties, and liabilities of the bank are concerned, be conclusively deemed to have been properly issued and filed with the bank by the ---------- or his duly authorized representative.

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(d) It is agreed that the aggregate of the advance payments outstanding under this contract, together with funds received as reimbursement for the cost of the work by the Contractor under Article ------ of this contract, shall, at no time, exceed the total estimated cost of the work under this contract as it may be revised from time to time, and any such excess shall be immediately repaid by the Contractor to the Government or if any reimbursement is due from the Government to the Contractor, shall be deducted therefrom: *Provided, however,* That if the total cost of the work under this contract shall be in excess of the amount so paid to the Contractor, including said advance payments, the Government upon presentation of satisfactory evidence shall currently and promptly reimburse the Contractor to the extent of such excess cost (subject to any delay in the availability of appropriated funds).

(e) If, upon completion of this contract, or upon the termination thereof for other than the fault of the Contractor, the advance payments made to the Contractor in respect of this contract have not been fully liquidated in the manner herein provided, the unliquidated balance of such advance payments shall be deducted from any payments otherwise due the Contractor in respect of this contract; and if the sum or sums due the Contractor be insufficient to cover such balance, the deficiency shall be paid by the Contractor in cash forthwith after demand and final audit by the Government of all accounts hereunder in respect of this contract: *Provided, however,* That in the event of such termination of the contract for other than the fault of the Contractor, such deduction shall not be made prior to final audit unless, and only to the extent that, the Contracting Officer or his duly authorized representative shall determine that such action is reasonably required in order to secure the eventual repayment in full to the Government of such unliquidated advance payments. In the event of cancellation or termination of this contract because of the fault of the Contractor, the Contractor, notwithstanding any ultimate rights to be reimbursed, agrees to return to the Government, upon demand, without set-off of any sums alleged to be due the Contractor, the unliquidated balance of any advance payment. Furthermore, if, in the opinion of the ---------- or

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his duly authorized representative, the unobligated balance of the advance payments made by the Government under paragraph (a) hereof exceeds the amount necessary for the current needs of the Contractor, as determined by the ---------- or his

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duly authorized representative, the amount of such excess shall, upon demand by the ---------- or his duly authorized

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representative, be promptly returned to the Government and will be credited against the balance due the Government on advances previously made. If the demand made in any event set forth in this paragraph is not met upon receipt of such demand by the Contractor, the amount demanded will bear interest at the rate of six percent (6%) rather than two and one-half percent (2½ %) per annum from the date of the receipt of the demand until payment is made: *Provided, however,* That such additional interest over and above the regular two and one-half percent is hereby waived as to any sums paid by the Contractor within 15 days after the amount becomes due hereunder. If and when the Contractor has, by means of deductions or otherwise, reimbursed the Government in full for payments made, any money remaining in the special bank account or accounts shall be free and clear of any lien hereunder, and the bank or banks concerned shall have authority to pay same to the Contractor and shall thereupon be relieved of any further obligation to the Government on account thereof.

(f) On the unliquidated balance of the advance payments outstanding, the Contractor agrees to pay interest at the rate of two and one-half percent (2½ %) per annum. Such interest shall be computed at the end of each calendar month on the average daily balance of the principal of the unliquidated advance payments outstanding. In determining such balance, charges on account of the advance payments to the Contractor hereunder shall be made as of the dates of the checks therefor; credits resulting from disbursements made by the Contractor which are applied against advance payments shall be made upon the approval of the vouchers therefor by the disbursing officer, as of the dates respectively upon which the Contractor presents to the Contracting Officer or his duly authorized representative full and accurate data for the preparation of each such voucher which date shall, as to each such voucher, be certified by the Contracting Officer or his duly authorized representative on the face thereof; and credits arising from cash repayments to the Government by the Contractor shall be made as of the dates the checks therefor are received by the disbursing officer. As soon as such monthly computations shall have been made, the interest charge so determined shall be deducted from any payments on account of the fixed fee which may be made to the Contractor from time to time under this contract. In the event the accrued interest exceeds any such payment, the excess of such interest shall be carried forward and deducted from subsequent payments on account of the fixed fee. The interest shall not be compounded, and shall, subject to the provisions of paragraph (e) hereof, cease to accrue upon the termination of the contract for other than the fault of the Contractor, or upon the date found by the Contracting Officer to be the date upon which the Contractor completed his performance under the contract.

(g) The Contractor shall, at all times, afford to the Contracting Officer, or his duly authorized representative, proper facilities for the inspection and audit of the Contractor's accounts, and the Contractor hereby agrees that the Contracting Officer, or his duly authorized representative, shall have the right so far as the Contractor's rights are concerned, during business hours, to inspect and make copies of any entries in the books and records of the bank or banks relating to the said special account or accounts.

(h) Subject to the approval of the Contracting Officer or his duly authorized representative the Contractor may make payments to subcontractors and materialmen in advance out of the special account, for labor or services, or to pay for materials in advance of delivery at the site of the work or at an approved storage site. Such subadvances shall not exceed ------ percent (------%) of the subcontract price or estimated cost, as the case may be, and the subcontractor or materialmen to whom such advances are made shall furnish adequate security therefor. Unless other security is furnished, covenants in subcontracts, expressly made for the benefit of the Government, providing for a subspecial account with Government lien thereon and for a Government lien on or title to property, tangible or intangible, purchased from the special account, and imposing upon the subcontractor substantially the same duties and giving the Government substantially the same rights as are provided herein between the Government and the Contractor, have been prescribed by the Under Secretary of War as minimum adequate security for such subadvances.

(i) Any assignment of moneys due or to become due under this contract shall be subordinate to the rights or claims of the Government arising under this contract or any amendment thereto by virtue of any advance payments authorized herein or otherwise; *Provided,* That, if at any time any claim arising under this contract is assigned or purportedly assigned in any manner inconsistent with the said rights of the Government, the---------- or his duly

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authorized representative shall have the right to suspend further advance payments without notice.

§ 803.348b *Advance payments; cost-plus-fixed-fee contracts: without interest.* A clause substantially as follows will be included in cost-plus-a-fixed-fee contracts when it is contemplated that advance payments without interest will be made thereon:

Advance payments. (a) At any time and from time to time after the execution of this contract, the Government at the request of the Contractor and subject to the approval of the ---------- or his duly author-

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ized representative, or the person to whom authority to make advance payments has been delegated, as to the present need therefor shall advance to the Contractor, without payment of interest thereon by the Contractor, sums not to exceed ---------- per cent (----%) of the estimated cost of this contract (exclusive of the Contractor's fixed fee), as it may be amended from time to time.

(b) As a condition precedent to the making of any advance payment or payments as hereinbefore provided, the Contractor shall furnish the Government with such adequate security as the Under Secretary of War or the person to whom authority has been delegated to make advance payments shall prescribe: *Provided:* That, if other security is not prescribed, the terms of this contract shall be considered adequate security for such advance payments: *And provided further,* That if at any time the Under Secretary of War deems the security furnished by the Contractor inadequate, the Contractor shall furnish such additional security as shall be satisfactory to the Under Secretary of War.

(c) Until all advance payments hereunder are liquidated, all funds received as advance payments under this contract together with all funds received as reimbursements for the cost of the work under Article ------ of this contract, exclusive of the Contractor's fixed fee, shall be deposited in a special bank account or accounts at a member bank or banks of the Federal Reserve System or any "insured" bank within the meaning of the Act

creating the Federal Deposit Insurance Corporation (Act of August 23, 1935; 49 Stat. 684) as amended (12 U.S.C. 264) separate from the Contractor's general or other funds. Such special bank account or accounts shall be so designated as to indicate clearly to the bank their special character and purpose, and the balance in such account or accounts shall be used by the Contractor exclusively as a revolving fund for carrying out the purposes of this contract and any amendments thereto and not for other business of the Contractor. Any balances from time to time in such special account or accounts shall at all times secure the repayment of the advances in connection with which the special account or accounts are opened, and the Government shall have a lien upon such balances to secure the repayment of such advances, which lien shall be superior to any lien of the bank or any other person upon such account or accounts by virtue of assignment to it of this contract or otherwise; *Provided:* That the bank shall be under no liability to any party hereto for the withdrawal of any funds from said special account upon checks, properly endorsed and signed by the Contractor, except that after the receipt by the bank of written directions from the ---------- or his duly
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authorized representative, the bank shall act thereon and be under no liability to any party hereto for any action taken in accordance with the said written directions. Any instructions or written directions received by the bank through the Contracting Officer upon War Department stationery and purporting to be signed by, or by the direction of, the ---------- or his duly author-
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ized representative, shall, in so far as the rights, duties, and liabilities of the bank are concerned, be conclusively deemed to have been properly issued and filed with the bank by the ---------- or his duly au-
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thorized representative.

(d) It is agreed that the aggregate of the advance payments outstanding under this contract together with funds received as reimbursement for the cost of the work by the Contractor under Article ------ of this contract shall, at no time, exceed the total estimated cost of the work under this contract as it may be revised from time to time and any such excess shall be immediately repaid by the Contractor to the Government or if any reimbursement is due from the Government to the Contractor, shall be deducted therefrom; *Provided, however,* That if the total cost of the work under this contract shall be in excess of the amount so paid to the Contractor, including said advance payments, the Government upon presentation of satisfactory evidence shall currently and promptly reimburse the Contractor to the extent of such excess cost (subject to any delay in the availability of appropriated funds).

(e) If, upon completion of this contract, or upon the termination thereof for other than the fault of the Contractor, the advance payments made to the Contractor in respect of this contract have not been fully liquidated in the manner herein provided, the unliquidated balance of such advance payments shall be deducted from any payments otherwise due the Contractor in respect of this contract; and if the sum or sums due the Contractor be insufficient to cover such balance, the deficiency shall be paid by the Contractor in cash forthwith after demand and final audit by the Government of all accounts hereunder in respect of this contract; *Provided, however,* That in the event of such termination of the contract for other than the fault of the Contractor, such deduction shall not be made prior to final audit unless, and only to the extent that, the Contracting Officer or his duly authorized representative shall determine that such action is reasonably required in order to secure the eventual repayment in full to the Government of such unliquidated advance payments. In the event of cancellation or termination of this contract because of the fault of the Contractor, the Contractor, notwithstanding any ultimate rights to be reimbursed, agrees to return to the Government, upon demand, without set-off of any sums alleged to be due the Contractor, the unliquidated balance of any advance payment. Furthermore, if, in the opinion of the ---------- or
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his duly authorized representative, the unobligated balance of the advance payments made by the Government under paragraph (a) hereof exceeds the amount necessary for the current needs of the Contractor, as determined by the ---------- or his
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duly authorized representative, the amount of such excess shall, upon demand by the ---------- or his duly authorized
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representative, be promptly returned to the Government and will be credited against the balance due the Government on advances previously made. If the demand made in any event set forth in this paragraph is not met upon receipt of such demand by the Contractor, the amount demanded will bear interest at the rate of six percent (6%) per annum from the date of the receipt of the demand until payment is made; *Provided, however,* That such payment of interest is hereby waived as to any sum paid by the Contractor within 15 days after the amount becomes due hereunder. If and when the Contractor has, by means of deductions or otherwise, reimbursed the Government in full for payments made, any money remaining in the special bank account or accounts shall be free and clear of any lien hereunder and the bank or banks concerned shall have authority to pay same to the Contractor and shall thereupon be relieved of any further obligation to the Government on account thereof.

(f) The Contractor shall, at all times, afford to the Contracting Officer, or his duly authorized representative, proper facilities for the inspection and audit of the Contractor's accounts, and the Contractor hereby agrees that the Contracting Officer, or his duly authorized representative shall have the right so far as the Contractor's rights are concerned, during business hours, to inspect and make copies of any entries in the books and records of the bank or banks relating to the said special account or accounts.

(g) Subject to the approval of the Contracting Officer or his duly authorized representative the Contratcor may make payments to subcontractors and materialmen in advance out of the special account, for labor or services, or to pay for materials in advance of delivery at the site of the work or at an approved storage site. Such subadvances shall not exceed ------ percent (%) of the subcontract price or estimated cost, as the case may be, and the subcontractor or materialmen to whom such advances are made shall furnish adequate security therefor. Unless other security is furnished, covenants in subcontracts, expressly made for the benefit of the Government, providing for a subspecial account with Government lien thereon and for a Government lien on or title to property, tangible or intangible, purchased from the special account, and imposing upon the subcontractor substantially the same duties and giving the Government substantially the same rights as are provided herein between the Government and the Contractor, have been prescribed by the Under Secretary of War as minimum adequate security for such subadvances.

(h) Any assignment of moneys due or to become due under this contract shall be subordinate to the rights or claims of the Government arising under this contract or any amendment thereto by virtue of any advance payments authorized herein or otherwise, *Provided* That, if at any time any claim arising under this contract is assigned or purportedly assigned in any manner inconsistent with the said rights of the Government, the ---------- or his
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duly authorized representative shall have the right to suspend further advance payments without notice.

§ 803.349 *Advance payments; additional provision.* The following sentences may be inserted immediately following the second sentence of clause (c) of the Advance Payments Articles set forth in §§ 803.347 and 803.348 when (a) a contractor has more than one contract with the supply service concerned and segregation of materials and separate accounting between the contracts are difficult or impracticable and (b) the contracts to be included within the pooling arrangement run concurrently or substantially overlap each other in time of performance:

When so authorized in writing by the Contracting Officer or his duly authorized representative, funds received as advance payments under this contract and any other contract or contracts now in existence or hereafter entered into between the ----------
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---------- and the Contractor, together with
nical service)
any or all payments under this contract and such other contracts which are required to be deposited in a special account, may be considered to be a single revolving fund which may be used by the Contractor for the purposes of any or all of said contracts without regard to the origin of such funds. In such event, any provision of this contract inconsistent with the foregoing provision shall be automatically modified accordingly.

Under like circumstances a similar insertion may be made after the second sentences of Article 3 of War Department Contract Forms Numbers 20 and 23. (See §§ 813.1320 and 813.1323).

§ 803.349a *Advance payments; optional amendment to clause in § 803.348a.* (a) The following sentence may be inserted immediately following the third sentence of paragraph (f) of the advance payments article set forth in § 803.348a, either before or after termination, when it is desired to make partial payments to subcontractors in accordance with §§ 843.331 and 845.564–2 of this chapter:

When the work under this contract is terminated in whole or in part and partial payments are made to subcontractors against their termination claims out of the revolving fund set up under paragraph (c) hereof, the average daily balance of the principal of the unliquidated advance payments will be reduced for the purpose of the computation of interest by the amount of such partial payments from the time such payments are made until the contractor is reimbursed for termination settlements with such subcontractors.

(b) If the article in § 803.348a is amended as provided for in (a) above, the following new clause also should be inserted in the article:

Subject to the approval of the Contracting Officer or his duly authorized representative the Contractor may, in the event of the termination of this contract in whole or in part, make partial payments to subcontractors and suppliers out of the special account against their termination claims without regard to the provisions of paragraph (h) hereof.

(c) Under like circumstances similar insertions may be made in War Department Contract Form Number 21. (See § 813.1321.)

§ 803.350 *CPFF construction contracts; termination article.* The following clause will be incorporated in all cost-plus-a-fixed-fee construction contracts without deviation:

Termination for convenience of the Government. 1. The Government may terminate this contract at any time by a notice in writing from the Contracting Officer to the Contractor. Such termination shall be effective in the manner and upon the date specified in said notice and shall be without prejudice to any claims which the Government may have against the Contractor. Upon receipt of such notice, the Contractor shall, unless the notice directs otherwise, immediately discontinue all work and the placing of all orders for materials, facilities, and supplies in connection with performance of this contract and shall proceed to cancel promptly all existing orders and terminate all subcontracts insofar as such orders and/or subcontracts are chargeable to this contract.

2. If this contract is terminated for the fault of the Contractor, the Contracting Officer may enter upon the premises and take possession for the purpose of completing the work contemplated by this contract, of any or all materials, tools, machinery, equipment, and appliances which may be owned by or in the possession of the Contractor and all options, privileges, and rights, and may complete or employ any other person or persons to complete said work. Following such termination, rental shall be paid to the Contractor for such construction plant or parts thereof as he may own, and which the Government may retain at rates prescribed in Article ——.

3. Upon the termination of this contract, full and complete settlement of all claims of the Contractor arising out of this contract shall be made as follows:

a. The Government shall assume and become liable for all obligations, commitments, and claims that the Contractor may have theretofore in good faith undertaken or incurred in connection with said work, the cost of which would be reimbursable in accordance with the provisions of this contract; and the Contrator shall, as a condition of receiving the payments mentioned in this article, execute and deliver all such papers and take all such steps as the Contracting Officer may require for the purpose of fully vesting in the Government, the rights and benefits of the Contractor under such obligations or commitments.

b. The Government shall reimburse the Contractor for all expenditures made in accordance with Article ------ and not previously reimbursed.

c. The Government shall reimburse the Contractor for such further expenditures after the date of termination for the protection of Government property and for accounting services in connection with the settlement of this contract as are required or approved by the Contracting Officer.

d. The Government shall pay to the Contractor any unpaid balance for the rental of the Contractor's equipment in accordance with Article ------ to date of termination.

e. If the contract is terminated for the convenience of the Government, the Contractor will be paid that proportion of the prescribed fee which the work actually completed bears to the entire work under this contract less fee payments previously made. If the contract is terminated due to fault of the Contractor, no additional payments on account of the fee will be made.

f. The obligation of the Government to make any of the payments required by this Article, or by Article ------ of this contract, shall be subject to any unsettled claims in connection with this contract which the Government may have against the Contractor.

4. Prior to final settlement the Contractor shall furnish a release as required in Article ------ hereof.

§ 803.351 *OPA escalation articles.* The articles appearing in §§ 803.351–4, 803.351–5, and 803.351–6, providing for escalation upon a change in maximum prices fixed by the Office of Price Administration, are authorized for use in the contracts and upon the conditions specified in the italic heading of each of those sections.

§ 803.351–4 *Article for use in contracts for the purchase of lumber or coal.*

ARTICLE ----. *Escalation in relation to OPA ceiling prices.* The contractor represents and warrants that the prices shown herein are not in excess of the maximum prices established by the Office of Price Administration, or other authorized government agency, and in effect upon the date hereof for the supplies to be furnished hereunder. In the event such maximum price applicable to any item is increased or decreased the price payable for any subsequent delivery of such item made in accordance with the provisions of the contract, shall be increased, or decreased, by the same number of cents, or fraction thereof, per unit, that such maximum price may be increased, or decreased, up to and including the date of delivery.

NOTE: Where the foregoing article is used, the following clause may be added:

Price adjustment in relation to other factors. In the event that the establishment and maintenance by the Office of Price Administration or other Government agency of maximum prices for the type of ---------- covered by this contract is terminated during the contract period, and if during the remainder of such period changes should occur in working hours, wage scales, or other conditions of employment, which changes are a part of the general revision of such conditions [within the producing district where the coal is mined], the parties hereto, upon the request in writing of one to the other within 30 days after the effective date upon which any such change occurs, may redetermine by negotiation the unit price affected, provided that pending such negotiation the contractor shall continue deliveries hereunder. Any price redetermination as herein provided shall be applicable to all deliveries after the effective date upon which the change occurs permitting redetermination as herein provided.

§ 803.351–5 *Article for use in contracts for the purchase of basic steel products from steel mills (Schedule I of CMP Regulation 1, as amended from time to time).*

ARTICLE ----. *Escalation in relation to OPA ceiling prices.* The contractor represents and warrants that the prices shown herein are not in excess of the maximum prices established by the Office of Price Administration, or other authorized government agency, and in effect upon the date hereof for the supplies to be furnished hereunder. In the event such maximum price applicable to any item is increased the price payable for any subsequent delivery of such item made in accordance with the provisions of the contract, shall be increased by the same number of cents, or fraction thereof, per unit, that such maximum price may be increased up to and including the date of delivery. If the OPA maximum price in effect on the date of shipment of any of the supplies to be delivered hereunder is less than the price stated herein, the price payable for such supplies shall be the OPA maximum ceiling price in effect on the date of shipment.

NOTE: Where the foregoing article is used, the clause set forth in the note to § 803.351–4 may be added.

§ 803.351–6 *Article for use only in long term contracts (six months or more) for the purchase of gasoline and fuel oil (other than aviation gasoline).*

Article ----. Escalation in relation to OPA ceiling prices. The contractor represents and warrants that the prices shown herein are not in excess of the maximum prices established by the Office of Price Administration, or other authorized government agency, and in effect upon the date hereof for the supplies to be furnished hereunder. In the event such maximum price applicable to any item is increased the price payable for any subsequent delivery of such item, made in accordance with the provisions of the contract, shall be increased by the same number of cents or fractions thereof, per unit, that such maximum price may be increased up to and including the date of delivery unless such price is redetermined as hereinafter provided. In the event such maximum price is decreased, the price payable for any deliveries made subsequent to the reduction shall not be changed (except that if such maximum price shall be below the contract price, the contract price shall be reduced to the maximum price) unless such price is redetermined as hereinafter provided. Within sixty days after the date of any change in such maximum price, the contractor, if required by the contracting officer so to do, shall furnish the contracting officer with such pertinent data, as he may reasonably require showing the extent to which the factors causing such change are applicable to the supplies to be furnished. Any accounting data shall be that resulting from customary accounting practice in the industry. Upon the basis of such information the parties, by negotiation, shall redetermine the price applicable to such items, which redetermined price shall be effective from the date of the change in such maximum price until another change occurs in said maximum price. In the event of the failure of the parties to agree upon a redetermined price the contracting officer may terminate at the end of said sixty-day period (and within fifteen days thereafter) the right of the contractor to proceed with further deliveries of such item without liability upon either party except liability incurred with respect to deliveries made or orders placed prior to the date of termination. Failure on the part of the contracting officer to terminate the contract under the provisions of this paragraph shall not affect the right of the government to terminate under any other provisions of this contract.

§ 803.352 *Delays-damages clause.* Every lump-sum supply contract, regardless of subject matter except contracts for an amount of less than $5,000, will contain a clause substantially as follows:

Delays-Damages. (a) If the Contractor refuses or fails to make deliveries of the supplies within the time specified in Article --, or any extension thereof, the Government, subject to the provisions of paragraph (b) below, may, by a notice in writing from the Contracting Officer to the Contractor of its intention to terminate under this Article, terminate the right of the Contractor to proceed with delivery of the supplies or such parts thereof as to which there has been delay. In such event, the Government may (1) require the Contractor to deliver to the Government such completed supplies, partially completed supplies and materials,

parts, plans, drawings, information, and contract rights of the Contractor, (hereinafter called manufacturing material), as the Contractor has produced or acquired for the performance of such portion of this contract as to which the right to proceed with delivery is terminated, and accomplish or secure the completion or manufacture of supplies therewith; and, in addition thereto or in lieu thereof (2) purchase in the open market or secure by contract or otherwise, the manufacture and delivery of supplies similar to those called for by this contract in an amount which together with the supplies, if any, completed under (1) above shall not exceed the amount of supplies the right to proceed with delivery of which is terminated. If delivery is made pursuant to clause (1) of the preceding sentence the Government shall pay to the Contractor, less any previous payments, the following: (a) For each unit of the completed supplies accepted by the Government the unit contract price, and (b) for all partially completed supplies and manufacturing material delivered, the unit contract price for each unit of supplies completed or manufactured therewith, less the cost to the Government of completion or manufacture, but if that cost exceeds the unit contract price, the Contractor and his sureties shall be liable for such excess. If the cost to the Government of supplies procured in accordance with clause (2) above exceeds the corresponding unit price or prices under this contract, the Contractor and his sureties shall be liable for such excess.

(b) The Government shall not have a right of termination under this Article if (i) the delay of the Contractor in making deliveries is an excusable delay, as hereinafter defined, and (ii) the Contractor notifies the Contracting Officer in writing of such delay and the cause thereof, within ten days from the beginning thereof or within such further period as the Contracting Officer shall, with the approval of the Secretary of War or his duly authorized representative, prior to the date of final settlement of the contract, grant for the giving of such notice. Upon receipt of such notification from the Contractor, the Contracting Officer shall ascertain the cause of the delay, and his findings of fact thereon shall be final and conclusive on the parties hereto, subject to appeal within thirty days by the Contractor to the Secretary of War or his duly authorized representative, whose decision on such appeal as to the cause of delay shall be final and conclusive on the parties hereto. The term "excusable delay" as used in this paragraph means any delay in making deliveries which results without fault or negligence on the part of the Contractor and which is due to unforeseeable causes beyond his control including, without being limited to, acts of God or of the public enemy, any preference, priority or allocation order issued by the Government or any other act of the Government, fires, floods, epidemics, quarantine restrictions, strikes, freight embargoes, and unusually severe weather; and, unless the Contracting Officer shall determine that the materials or supplies to be furnished under a subcontract are procurable in the open market, any delay of a Subcontractor which results without fault or negligence on the part of the Contractor, and which is due to unforeseeable causes beyond the control of the Contractor, including without being limited to the types of causes above enumerated.

§ 803.352–1 If desired, paragraph (b) of the clause set forth in § 803.352 may be modified in either of the following manners:

(a) The portion of said paragraph (b) commencing with the word "and" in the fifth line and ending with the word "Contractor" in the fifteenth line of that paragraph, may be eliminated. In such event, the "(i)" in the third line of that paragraph will be eliminated, the comma after the word "defined" in the fifth line will be changed to a period, and the word "the" in the fifteenth line will be changed to "The".

(b) There may be substituted for the first sentence of said paragraph (b), the following sentence:

The Government shall not have a right of termination under this Article if (i) the delay of the Contractor in making deliveries is an excusable delay, as hereinafter defined, and (ii) the Contractor notifies the Contracting Officer in writing of such delay and the cause thereof, prior to the date of final settlement of the contract.

§ 803.352–2 If desired, the word "unforeseeable", contained in the clause set forth in § 803.352, may be omitted. If the word is omitted, and bids are being solicited informally or otherwise, and there exists some foreseeable and probable cause of delay which would be beyond the control of the contractor, care should be exercised in evaluating the various bids submitted. It is possible under those circumstances for contractor "A" to submit a bid which requires performance within a time schedule which could not possibly be adhered to if such cause of delay materialized. Under the delays-damages clause, as modified in accordance with this section, the failure to perform within the time schedule might well be construed as an excusable delay. Contractor "B", although capable of performing with as great despatch as "A" may allow for the probable cause of delay, and submit a bid calling for deliveries at a date later than that offered by "A". In evaluating the two bids, the fact that "A" has not made allowance for the probable cause of delay should be taken into account.

§ 803.352–3 For the purpose of the first sentence of paragraph (b) of the Delays-Damages clause set forth in § 803.352, and for the purpose of any like provision contained in any contract clause which has been inserted in a contract in lieu of said Delays-Damages clause, the chief of the technical service or such person as he may designate shall be deemed to be the "duly authorized representative of the Secretary of War". If desired, the term "chief of technical service or his duly authorized representative" may be substituted for the term "Secretary of War or his duly authorized representative".

§ 803.352a *Provision for liquidated damages.* Except with the permission of the chief of the technical service concerned (which may be granted with respect to contracts individually or by class), or in accordance with general instructions given by him, no contract shall provide for liquidated damages in the event of default. Where a contract provides for liquidated damages and a default takes place, action will be taken, subject to the provisions of §§ 803.308e, 803.379 and 803.380, promptly on behalf of the Government to enforce any remedies available under the contract. So far as possible, such action will be taken in such manner as will prevent the inequitable accumulation of liquidated damages.

§ 803.353 *Walsh-Healey Act; representations and stipulations.* All supply contracts subject to the Walsh-Healey Act (Act of June 30, 1936; Public Law No. 846, 74th Congress; 49 Stat 2036; 41 U.S.C. 35–45) (see § 809.916 and sections following), except as provided in § 803.353–4, will contain the following clause without deviation:

Representations and stipulations pursuant to the Walsh-Healey Act:

(a) The contractor is the manufacturer of or a regular dealer in the materials, supplies, articles, or equipment to be manufactured, or used in the performance of the contract.

(b) All persons employed by the contractor in the manufacture or furnishing of the materials, supplies, articles, or equipment used in the performance of the contract will be paid, without subsequent deduction or rebate on any account, not less than the minimum wages as determined by the Secretary of Labor to be the prevailing minimum wages for persons employed on similar work or in the particular or similar industries or groups of industries currently operating in the locality in which the materials, supplies, articles, or equipment are to be manufactured or furnished under the contract: *Provided, however,* That this stipulation with respect to minimum wages shall apply only to purchases or contracts relating to such industries as have been the subject matter of a determination by the Secretary of Labor.

(c) No person employed by the contractor in the manufacture or furnishing of the materials, supplies, articles, or equipment used in the performance of the contract shall be permitted to work in excess of 8 hours in any 1 day or in excess of 40 hours in any 1 week unless such person is paid such applicable overtime rate as has been set by the Secretary of Labor: *Provided, however,* That the provisions of this stipulation shall not apply to any employer who shall have entered into an agreement with his employees pursuant to the provisions of paragraphs 1 or 2 of subsection (b) of section 7 of an act entitled "The Fair Labor Standards Act of 1938": *Provided further,* That in the case of such an employer, during the life of the agreement referred to, the applicable overtime rate set by the Secretary of Labor shall be paid for hours in excess of 12 in any 1 day or in excess of 56 in any 1 week and if such overtime is not paid, the employer shall be required to compensate his employees during that week at the applicable overtime rate set by the Secretary of Labor for hours in excess of 8 in any 1 day or in excess of 40 in any 1 week.

(d) No male person under 16 years of age and no female person under 18 years of age and no convict labor will be employed by the contractor in the manufacture or production or furnishing of any of the materials, supplies, articles, or equipment included in the contract.

(e) No part of the contract will be performed nor will any of the materials, supplies articles, or equipment to be manufactured or furnished under said contract be manufactured or fabricated in any plants, factories, buildings, or surroundings or under working conditions which are unsanitary or hazardous or dangerous to the health and safety of employees engaged in the performance of the contract. Compliance with the safety, sanitary, and factory inspection laws of the State in which the work or part thereof is to be performed shall be prima facie evidence of compliance with this subsection.

(f) Any breach or violation of any of the foregoing representations and stipulations shall render the party responsible therefor liable to the United States of America for liquidated damages, in addition to damages for any other breach of the contract, in the sum of $10 per day for each male person under 16 years of age or each female person under 18 years of age, or each convict laborer knowingly employed in the performance of the contract, and a sum equal to the amount of any deductions, rebates, refunds or underpayment of wages due to any employee engaged in the performance of the contract; and, in addition, the agency of the United States entering into the contract shall have the right to cancel same and to make open-market purchases or enter into other contracts for the completion of the original contract, charging any additional cost to the original contractor. Any sums of money due to the United States of America by reason of any violation of any of the representations and stipulations of the contract as set forth herein may be withheld from any amounts due on the contract or may be recovered in a suit brought in the name of the United States of America by the Attorney General thereof. All sums withheld or recovered as deductions, rebates, refunds, or underpayments of wages shall be held in a special deposit account and shall be paid, on order of the Secretary of Labor, directly to the employees who have been paid less than minimum rates of pay as set forth in such contracts and on whose account such sums were withheld or recovered: Provided, That no claims by employees for such payments shall be entertained unless made within 1 year from the date of actual notice to the contractor of the withholding or recovery of such sums by the United States of America.

(g) The contractor shall post a copy of the stipulations in a prominent and readily accessible place at the site of the contract work and shall keep such employment records as are required in the Regulations under the act available for inspection by authorized representatives of the Secretary of Labor.

(h) The foregoing stipulation shall be deemed inoperative if this contract is for a definite amount not in excess of $10,000.

§ 803.353–1 *Changes in regulations under Walsh-Healey Act.* From time to time there are issued by the Secretary of Labor changes in regulations under the Walsh-Healey Act which have the effect of modifying the standard representations and stipulations which are required to be inserted in supply contracts subject to that act (see Subpart E of Part 809). Accordingly, if desired, there may be added to the representations and stipulations set forth in § 803.353 an additional paragraph as follows:

(i) The foregoing representations and stipulations shall be subject to all applicable regulations, determinations and exemptions of the Secretary of Labor now or hereafter in effect.

§ 803.353–2 *Convict labor.* For discussion of the provision with respect to convict labor contained in paragraph (d) of the representations and stipulations set forth in § 803.353, see § 809.903–2.

§ 803.353–3 *Minimum wage determinations under the Walsh-Healey Act.* (a) It is not necessary that contracts subject to the Walsh-Healey Act contain a statement as to the minimum wage determination which is applicable.

(b) Provisions of paragraph (a) above do not however, affect the requirement that the applicable minimum wage determinations, if any, be set forth in the individual purchase action report (see item 20) in § 802.297–1a.

§ 803.353–4 *Incorporation by reference of Walsh-Healey Act stipulations.* By Circular Letter No. 12–42, dated January 4, 1943, the Administrator of the Wage and Hour and Public Contracts Divisions of the Department of Labor permitted the incorporation of the Walsh-Healey Act representations and stipulations by reference. Accordingly, notwithstanding the provisions of § 803.353, such representations and stipulations may be incorporated by reference. The following language is suggested.

The representations and stipulations required by Section 1 of the Act of June 30, 1936 (Walsh-Healey Act, Public No. 846, 74th Congress) to be included in all contracts therein specified are hereby incorporated and made a part of this contract with the same force and effect as if fully set forth in the contract.

If desired, the following sentence may be added:

Such representations and stipulations shall be subject to all applicable regulations, determinations, and exemptions of the Secretary of Labor now or hereafter in effect.

(Compare § 803.353–1.)

§ 803.354 *Notice of labor disputes; contract clause.* The following clause will be contained without deviation in all contracts except (a) those to which it is clearly inapplicable, (b) those which are written on a standard form of contract, such as War Department Contract Form No. 47 (§ 813.1317c), which does not contain the clause:

Notice to the Government of labor disputes. Whenever an actual or potential labor dispute is delaying or threatens to delay the timely performance of this contract, the Contractor will immediately give notice thereof to the [1]----------
Such notice shall include all relevant information with respect to such dispute.

§ 803.355 *Assignment of rights; contract clause.* In accordance with the Assignment of Claims Act of 1940 (54 Stat. 1029) every contract which provides for payments aggregating $1,000 or more, with the exception of secret, confidential and restricted contracts, will contain the following clause without deviation:

Assignment of rights hereunder. (a) Claims for monies due or to become due the Contractor from the Government under this contract may be assigned to a bank, trust company or other financing institution, including any Federal lending agency. Any such assignment shall cover all amounts payable under this contract and not already paid, and shall not be made to more than one party, except that any such assignment may be made to one party as agent or trustee for two or more parties participating in such financing.

(b) In the event of any such assignment the assignee shall file four signed copies of a written notice of the assignment, together with one copy of the instrument of assignment, with each of the following:

(i) General Accounting Office;

(ii) the Contracting Officer;

(iii) the surety or sureties upon the bond or bonds, if any, in connection with this contract;

(iv) the officer designated in this contract to make payments thereunder.

(c) Any claim under this contract which has been assigned pursuant to the foregoing provisions of this Article may be further assigned and reassigned to a bank, trust company or other financing institution, including any Federal lending agency. In the event of such further assignment or reassignment the assignee shall file one signed copy of a written notice of the further assignment or reassignment together with a true copy of the instrument of further assignment or reassignment with the contractor; and shall file four signed copies of such written notice and one copy of such instrument with each of the parties designated in the preceding paragraph.

(d) No assignee shall divulge any information concerning the contract except to those persons concerned with the transaction.

(e) Payment to an assignee of any claim under this contract shall not be subject to reduction or set-off for any indebtedness of the assignor to the United States arising independently of this contract.

(f) Indication of the assignment of claim and of any further assignment thereof and the name of the assignee will be made on all vouchers or invoices certified by the contractor.

§ 803.356 *Provisions concerning assignment of rights under classified contracts.* Unless the omission of such provision is authorized by the chief of the technical service concerned, secret, confidential and restricted contracts will contain the following clause without deviation:

Assignment of Rights Hereunder. No claim under this contract shall be assigned

In the event that the omission of the foregoing provision is authorized as aforesaid, the contract will contain without deviation the clause set forth in § 803.355 and there shall be added thereto the following paragraphs without deviation:

(g) In no event shall copies of any plans, specifications, or other similar documents marked "Secret", "Confidential" or "Restricted" and annexed or attached to this contract be furnished to any assignee of any claim arising under this contract or to any other person not entitled to receive the same.

(h) The contractor agrees that he will obtain from the assignee an agreement signed by such assignee similar to that required by paragraph 61, AR 380–5. In such agreement the assignee shall also agree that, in case of further assignment, it will obtain a similar agreement from such assignee.

§ 803.357 *Tax articles in fixed price (lump sum) contracts.* Form of tax articles are set forth below in §§ 803.357–1 and 803.357–2. Whichever form is applicable must be used in all contracts executed on or after June 1, 1944 and may be used (in preference to the forms of articles formerly contained in such sections) in contracts executed before that date.

§ 803.357–1 *Long form tax article.* Except as otherwise stated in §§ 803.357–2 and 803.357–5 all fixed price (lump sum) contracts will include a tax article substantially in the form set forth in this section. Attention is directed to the necessity of including in each contract suitable provisions (see §§ 803.358) to specify any taxes to be excluded from or included in the contract price otherwise than as provided in such tax article. If desired, the words "of the award of this contract" or "of the bid upon the basis of which this contract was placed" may be substituted for the italicized words "of this contract" in the following article,

[1] Such officers as may be designated by the chief of the technical service concerned.

provided that such substitution is made uniformly throughout the article and that the date of the award or the date of the bid, as the case may be, is specified in the contract.

Article ----- Taxes. (a) Unless otherwise indicated in this contract, (A) the prices herein do not include any state or local sales, use or other tax from which the Contractor or this transaction of the procurement of these supplies or work is exempt, and (B) the prices herein include all applicable Federal taxes and other applicable state and local taxes in effect at the date *of this contract*. Upon request of the Contractor the Government will issue tax exemption certificates or furnish other similar proof of exemption with respect to all taxes excluded from the price.

(b) If after the date *of this contract* the Federal Government or any state or local government shall impose, remove or change (including any change by the removal by statute of an exemption available to the Contractor for the purposes of this contract) any duty, sales, use or excise tax or any other tax or charge directly applicable to the supplies or work covered hereby or the materials used in the manufacture thereof or directly upon the importation, production, processing, manufacture, construction, sale or use of such supplies, work or materials, which tax or charge must be borne by the Contractor because of a specific contractual obligation or by operation of law, or, in case of a decrease or elimination of any such tax, where the Contractor is relieved to that extent, and if in case of an increase in such an existing tax or the imposition of such a new tax the Contractor has paid such tax or charge to the Federal Government or to a state or local government, or any other person, then the prices named herein will be increased or decreased accordingly and any amount due to the Contractor as a result of such change will be charged to the Government and entered on vouchers (or invoices) as a separate item: *Provided, however*, That the Government reserves the right to issue to the Contractor in lieu of such payment a tax exemption certificate or certificates acceptable to the Federal Government or state or local government, as the case may be. The amount of any adjustment pursuant to this paragraph (b) may be determined by a written agreement between the parties hereto. Nothing contained herein shall be construed as requiring the Government to reimburse the Contractor for any Federal, state, or local income taxes, income surtaxes or excess profits taxes, transportation taxes, or taxes on property.

(c) In the case of any state or local tax or charge which the Contractor contends is chargeable to the Government because of the provisions of this Article, or any other provision of this contract, the Contractor agrees to refrain from paying any such tax or charge upon the direction of the Contracting Officer (in which event the Government will save the Contractor harmless from penalties and interest incurred through compliance with the direction of the Contracting Officer not to pay such tax); to take such steps as may be directed by the Government to cause such tax or charge to be paid under protest; to preserve and, if so directed by the Contracting Officer, to cause to be assigned to the Government any and all rights to the abatement or refund of such tax or charge; if so requested, to permit the Government to prosecute any claim, litigation or proceeding for the refund of such tax in the name of the Contractor, and to furnish to the Government all reasonable assistance and cooperation requested by the Government in any litigation or proceeding for the recovery of such tax or charge.

(d) Where any duties or taxes have been included in the contract price (including the price as adjusted under paragraph (b) of this Article) and a refund or drawback is obtained by the Contractor by reason of the export or re-export of supplies covered hereby, or of materials used in the performance of this contract, the amount of such refund or drawback will be paid over to the Government, or credited against amounts due from the Government under this contract: *Provided, however*, That the Contractor shall not be required to apply for such refund or drawback unless so requested by the Contracting Officer.

If desired the following sentence, or substantially similar language, may be added at the end of paragraph (b) of the foregoing tax article:

For the purposes of any additional procurement of supplies or work called for by any agreement supplemental hereto, the words *"date of this contract"* shall be deemed to refer to the date of such supplemental agreement.

§ 803.357–2 *Short form tax article.* (a) The short form tax article set forth below may be used, in lieu of the form set forth in § 803.357–1, (1) where the estimated time for performance does not exceed sixty days, (2) where the contract is executed on a standard form of contract (as that term is defined in § 803.304–1) which contains the short form tax article, and (3) where the contract instrument is a purchase order. The long form tax article (§ 803.357–1) may be inserted in lieu of the short form tax article in any standard form of contract which contains the short form tax article.

Article ----- Taxes. Unless otherwise indicated in this contract, (A) the prices herein do not include any state or local sales, use or other tax from which the Contractor or this transaction of the procurement of these supplies is exempt, and (B) the prices herein include all applicable Federal taxes and other applicable state and local taxes in effect at the date of this contract. Upon request of the Contractor the Government will issue tax exemption certificates or furnish other similar proof of exemption with respect to the taxes excluded from the price. Where any duties or taxes have been included in the contract price and a refund or drawback is obtained by the Contractor by reason of the export or re-export of supplies covered hereby, or of materials used in the performance of this contract, the amount of such refund or drawback will be paid over to the Government, or credited against amounts due from the Government under this contract: *Provided, however*, That the Contractor shall not be required to apply for such refund or drawback unless so requested by the Contracting Officer.

(b) Attention is again directed to the necessity of including in each contract (see § 803.358) suitable provisions to specify any taxes to be excluded from, or included in, the contract price other than as provided in such tax article.

§ 803.357–4 *State and local taxes.* State and local sales or use taxes generally do not apply to sales directly to the United States or to the use of property by the United States (see § 808.831). Special provisions may be included in any contract with respect to any state or local excise tax as to which there is doubt whether an exemption exists applicable to the transaction covered by the contract. Any such special provisions should clearly specify whether such tax is to be included in or excluded from the price and whether the Government must pay or reimburse the contractor for the tax if no exemption is applicable. Contracting officers, so far as is practicable, should take precautions to see that contractors do not include in their bid, or price any amount for (a) any state or local sales or use taxes which do not apply to sales to the Federal Government or to the use of property by the Federal Government, or (b) any other state or local taxes, exemption from which is available in the case of transactions to which the Federal Government is a party.

§ 803.357–5 *Omission of standard tax articles.* The chief of any technical service may authorize the omission of the tax articles set forth in §§ 803.357–1 and 803.357–2 from any contract where they are plainly inapplicable or inappropriate. In any class or classes of contracts for services where a major part of the cost of performance consists of payroll expense, e. g., stevedoring contracts, the chief of any technical service may authorize the inclusion of a provision for price adjustment in the event of changes in payroll taxes with respect to such services. The form of any such provision in general should be similar to the provision found in paragraph (b) of the tax article set out in § 803.357–1 but should not be made applicable to taxes other than those paid with respect to the wages of the employees of the particular contractor.

§ 803.357–6 *Customs duties.* Customs duties are Federal taxes and under the contract clauses set forth in §§ 803.357–1 and 803.357–2, will, unless otherwise indicated in the contract, be deemed to be included in the contract price. As to the right to "drawback," see §§ 805.506 to 805.506–3.

§ 803.358 *Specification of taxes included or excluded; information to bidders.* (a) The standard tax articles state that the contract prices include Federal taxes. However, as stated in Part 808 of this chapter, certain exemptions from Federal excise taxes are available to the United States. In the event any contract for the procurement of an item for which an exemption is available to the United States is executed containing one of the standard tax articles, and any Federal tax is to be excluded from the contract price, it will be necessary in such contract to show expressly and accurately the Federal tax so excluded.

(b) Likewise, where any particular state or local tax is included in or excluded from the contract price otherwise than as is stated in the standard provision of the tax article used in the contract, such contract must contain appropriate provisions indicating expressly and accurately the nature of any such particular tax.

(c) Invitations to bid, requests for proposals, specifications, instructions to bidders, and proposals should indicate expressly the types of taxes to be included in or excluded from the contract price and whether tax exemption certificates will be given or required. The tax provisions of each contract must be in conformity with any invitation to bid, specifications and proposals issued or made in connection therewith.

(d) Information with respect to Federal, state or local taxes may be found in Part 808 of this chapter.

§ 803.362 *Lump sum construction contracts; accident prevention clause.* Every lump sum construction contract, regardless of subject matter or amount, except contracts for the construction and/or repair of vessels and other floating equipment, will contain a clause substantially as follows:

Accident prevention. In order to protect the life and health of employees in the performance of this contract, the contractor will comply with all pertinent provisions of the "Safety Requirements for Excavation—Building—Construction" approved by the Chief of Engineers, December 16, 1941, as revised 15 March 1943, (a copy of which is on file in the office of the contracting officer) and as may be amended, and will take or cause to be taken such additional measures as the contracting officer may determine to be reasonably necessary for this purpose. The contractor will maintain an accurate record of and will report to the contracting officer in the matter and on the forms prescribed by the contracting officer, all cases of death, occupational disease and traumatic injury arising out of or in the course of employment on work under this contract. The contracting officer will notify the contractor of any non-compliance with the foregoing provisions and the action to be taken. The contractor shall, after receipt of such notice, immediately correct the conditions to which attention has been directed. Such notice, when served on the contractor or his representatives at the site of the work, shall be deemed sufficient for the purpose aforesaid. If the contractor fails or refuses to comply promptly, the contracting officer may issue an order stopping all of any part of the work. When satisfactory corrective action is taken, a start order will be issued. No part of the time lost due to any such stop order shall be made the subject of claim for extension of time or for excess costs or damages by the contractor.

Every fixed-fee construction contract, regardless of subject matter or amount, will contain a clause substantially similar to the foregoing except that the last sentence will be omitted.

§ 803.363 *Disposition of Government-owned property by contractors.* (a) An article substantially as follows may be inserted in Cost-plus-a-fixed-fee Contracts when authorized by the provisions of § 827.727:

It is recognized that property (including without limitation machine tool and processing equipment, manufacturing aids, raw, manufactured, scrap and waste materials), title to which is or may hereafter become vested in the Government, will be used by or will be in the care, custody or possession of the Contractor in connection with the performance of this contract. With the approval in writing of the Contracting Officer (whether such approval is given prior to or after the giving of a notice of the termination of this contract for the convenience of the Government), the Contractor may transfer or otherwise dispose of such Government-owned property to such parties and upon such terms and conditions as the Contracting Officer may approve or ratify, or, with like approval by the Contracting Officer, the Contractor may itself acquire title to such property or any of it at a price mutually agreeable. The proceeds of any such transfer or disposition of the agreed price of any property, title to which is so acquired by the Contractor, shall be applied in reduction of any payments to be made by the Government to the Contractor under this contract, or shall otherwise be paid in such manner as the Contracting Officer may direct.

(b) If desired, the article authorized in paragraph (a) may be designated as subparagraph (a) and there may be added thereto provisions substantially as follows:

(b) The Contractor is authorized to insert in any subcontract made by the Contractor on a cost-plus-a-fixed-fee basis under this contract substantially the following provision:

ARTICLE ----- Sale of Government Property—It is recognized that property (including without limitation machine tools and processing equipment, manufacturing aids, raw, manufactured, scrap and waste materials) title to which is or may hereafter become vested in the Government, will be used by or will be in the care, custody or possession of ---------- (Subcontractor) in connection with the performance of this subcontract. With the approval in writing of the Contracting Officer for the plant of ---------- (Subcontractor) (whether such approval is given prior to or after the giving of a notice of the termination of this subcontract), ---------- (Subcontractor) may transfer or otherwise dispose of such Government-owned property to such parties and upon such terms and conditions as such Contracting Officer may approve or ratify, or, with like approval by, and at a price agreeable to, such Contracting Officer, ---------- (Subcontractor) may itself acquire title to such property or any of it. The proceeds of any such transfer or disposal or the agreed price of any property, title to which is so acquired by ---------- (Subcontractor) shall, at the direction of such Contracting Officer, be applied by ---------- (Subcontractor) in reduction of any payments to be made by ---------- (Prime Contractor) under this subcontract, or shall be paid to the Treasurer of the United States, or to ---------- (Prime Contractor) for the account of the United States, in such manner as such Contracting Officer may direct.

(c) Upon approval of any transfer or other disposition of Government-owned property as provided in paragraph (b) above, which transfer or disposition is made to a transferee other than the Contractor, the Contractor shall be and hereby is released and discharged from liability for such property, if any, except that the Contractor shall be obligated to account to the Government for the proceeds of any such transfer or disposal of such property paid or credited to the Contractor pursuant to the direction of the Contracting Officer for the plant of any such subcontractor.

(c) Any existing cost-plus-a-fixed-fee contract may be amended to include an article substantially similar to that authorized by paragraph (a) above or that authorized by paragraphs (a) and (b) above.

(d) If a cost-plus-a-fixed-fee contract contains an article authorized by paragraph (a) above and it is desired, without amending such contract, to confer upon subcontractors authority to dispose of Government-owned property, the subcontracts may be amended to insert therein the article contemplated by clause (b) contained in paragraph (b) above.

§ 803.364 *Marking of shipping containers.* Every supply contract relating to supplies destined for overseas shipment will contain a clause substantially as follows (see §§ 811.1101 to 811.1101–7):

Marking of shipping containers. The Contractor will follow any directions set forth in the contract specifications concerning the marking of containers in which the supplies are to be shipped. If the contract specifications contain no such directions, the Contractor will follow such instructions on the matter as he may from time to time receive from the Contracting Officer.

§ 803.365 *Contract clauses in connection with bonds and insurance.*

§ 803.365–1 *Liability for Government-owned property; cost-plus-a-fixed-fee contracts.* In compliance with the policy expressed in § 804.434, the following article is prescribed for inclusion in cost-plus-a-fixed-fee contract (see Note 2 below).

Liability for Government-owned property. (a) Except as otherwise specifically provided, the contractor shall not be liable for loss or destruction of or damage to property of the Government in the possession or control of the contractor in connection with this contract (hereinafter called "Government property") unless such loss, destruction or damage results from wilful misconduct or failure to exercise good faith on the part of the contractor's corporate officers or other representatives having supervision or direction of the operation of the whole of the contactor's business or of the whole of any plant operated by the contractor in the performance of this contract.

(b) The contractor represents that it is not maintaining and agrees that it will not hereafter maintain insurance (including self-insurance funds or reserves) covering loss or destruction of or damage to Government property, and represents that it is not including and agrees that it will not hereafter include in any price to the Government any charge or reserve for such insurance.

(c) Upon the happening of loss or destruction of or damage to Government property caused by:

Fire; lightning; windstorm, cyclone, tornado, hail; explosion; riot, riot attending a strike, civil commotion; vandalism and malicious mischief; aircraft or objects falling therefrom; vehicles running on land or tracks, excluding vehicles owned or operated by the contractor or any agent or employee of the contractor; smoke; sprinkler leakage; earthquake, or volcanic eruption; flood, meaning thereby rising of rivers or streams; enemy attack or any action taken by the military, naval or air forces of the United States in resisting enemy attack,

the contractor shall communicate with the contracting officer and with the Loss and Salvage Organization now or hereafter designated by the contracting officer and, with the assistance of that organization employed by the contractor to perform services in accordance with instructions or regulations of the Government (unless the contracting officer directs that no such organization be employed), shall take all reasonable steps to protect the Government property from further damage, separate the damaged and undamaged Government property, put all the Government property in the best possible order, and furnish to the contracting officer a statement of: (1) the lost, destroyed and damaged Government property, (2) the time and origin of the loss, destruction or damage, (3) all known interests in commingled prop-

erty of which the Government property is a part, and (4) the insurance, if any, covering any part of or interest in such commingled property. *If and as directed by the contracting officer, the contractor shall make repairs and renovations of the damaged Government property.*[1] The contractor shall be reimbursed the expenditures made by it and approved by the contracting officer in performing its obligations under this paragraph (c) (including charges made to the contractor by the Loss and Salvage Organization, except any of such charges, the payment of which the Government has, at its option, assumed direct).

(d) In the event the contractor is indemnified, reimbursed or compensated for any loss or destruction of or damage to Government property, it shall equitably reimburse the Government. The contractor shall do nothing to prejudice the Government's rights to recover against third parties for any such loss, destruction or damage and, upon the request of the contracting officer, shall, at the Government's expense, furnish to the Government all reasonable assistance and cooperation (including the prosecution of suit and the execution of instruments of assignment in favor of the Government) in obtaining recovery.

(e) The Government shall at all times have access to the premises wherein any Government property is located.

(f) The contractor shall insert in all cost-plus-a-fixed-fee subcontracts under this contract provisions which will make applicable to the Government and the subcontractors substantially the same rights and obligations in respect to the Government property as are made applicable to the Government and the contractor under this Article.

NOTE 1: Where *facilities*, such as machinery, are furnished by the Government or acquired for Government account under cost-plus-a-fixed-fee contracts, appropriate *additional* provisions, dealing with such subjects as standby, storage and removal, may be included.

NOTE 2: (a) The Article set forth above will be included in all cost-plus-a-fixed-fee contracts executed on or after March 15, 1944.

(b) Whenever the terms of a cost-plus-a-fixed-fee contract are to be modified by the execution, on or after March 15, 1944, of a supplemental agreement, and the contract to be modified does not contain an Article identical in wording with that set forth above, the supplemental agreement will provide that the contract is modified to include the Article.

(c) In order that the services of the Loss and Salvage Organizations may be made available, widely and promptly, it is desired, in addition, that existing contracts be amended whenever practicable to incorporate the Article even when occasion does not arise to write a supplemental agreement for other reasons.

NOTE 3: See §§ 804.434–1 and 804.498 in regard to Loss and Salvage Organizations.

NOTE 4: In the event that the Government property is located in an area outside of the United States, where the services of the Loss and Salvage Organizations are not available, the following clause will be used in lieu of paragraph (c) above:

Upon the happening of loss or destruction of or damage to Government property, the contractor shall communicate with the contracting officer, shall take all reasonable steps to protect the Government property from further damage, separate the damaged and undamaged Government property, put all the Government property in the best possible order, and furnish to the contracting officer a statement of: (1) the lost, destroyed and damaged Government property, (2) the time and origin of the loss, destruction or damage, (3) all known interests in commingled property of which the Government property is a part, and (4) the insurance, if any, covering any part of or interest in such commingled property. *If and as directed by the contracting officer, the contractor shall make repairs and renovations of the damaged Government property.*[1] The contractor shall be reimbursed the expenditures made by it and approved by the contracting officer in performing its obligations under this paragraph (c).

[1] Italicized language may be omitted in appropriate cases.

§ 803.365–1a *Same; fixed or unit price contracts.* Except in the special cases discussed in § 804.451, the following article is prescribed for inclusion in fixed or unit price contracts under which Government-owned property is furnished to the contractor. (See Note 1 below). When deemed desirable by a technical service, because of the amount of Government property involved or for other reasons in the best interests of the United States, the substance of the following article may also be approved for inclusion in fixed or unit price subcontracts under either cost-plus-a-fixed-fee or fixed or unit price prime contracts. This article is not intended to cover Government-owned facilities furnished under fixed or unit price contracts or subcontracts, as to which see § 803.332.

Liability for Government-owned property. (a) Except as otherwise specifically provided, the contractor shall not be liable for loss or destruction of or damage to property of the Government in the possession or control of the contractor in connection with this contract (hereinafter called "Government property") (1) caused by any peril while the property is in transit off the contractor's premises, or (2) caused by any of the following perils while the property is on the contractor's or subcontractor's or other premises or by removal therefrom because of any of the following perils:

Fire; lightning; windstorm, cyclone, tornado, hail; explosion; riot, riot attending a strike, civil commotion; vandalism and malicious mischief; aircraft or objects falling therefrom; vehicles running on land or tracks, excluding vehicles owned or operated by the contractor or any agent or employee of the contractor; smoke; sprinkler leakage; earthquake or volcanic eruption; flood, meaning thereby rising of rivers or streams; enemy attack or any action taken by the military, naval or air forces of the United States in resisting enemy attack.

The perils as set forth in (1) and (2) above are hereinafter called "excepted perils".

(b) The contractor represents that it is not maintaining and agrees that it will not hereafter maintain insurance (including self-insurance funds or reserves) covering loss or destruction of or damage to Government property caused by any excepted peril, and represents that it is not including and agrees that it will not hereafter include in any price to the Government any charge or reserve for such insurance.

(c) Upon the happening of loss or destruction of or damage to Government property caused by an excepted peril, the contractor shall communicate with the contracting officer and with the Loss and Salvage Organization now or hereafter designated by the contracting officer and, with the assistance of that organization employed by the contractor to perform services in accordance with instructions or regulations of the Government (unless the contracting officer directs that no such organization be employed), shall take all reasonable steps to protect the Government property from further damage, separate the damaged and undamaged Government property, put all the Government property in the best possible order, and furnish to the contracting officer a statement of: (1) the lost, destroyed and damaged Government property, (2) the time and origin of the loss, destruction or damage, (3) all known interests in commingled property of which the Government property is a part, and (4) the insurance, if any, covering any part of or interest in such commingled property. *If and as directed by the contracting officer, the contractor shall make repairs and renovations of the damaged Government property.*[1] The contractor shall be reimbursed the expenditures made by it in performing its obligations under this paragraph (c) (including charges made to the contractor by the Loss and Salvage Organization, except any of such charges the payment of which the Government has, at its option, assumed direct), as approved by the contracting officer and set forth in a Supplemental Agreement.

(d) With the approval of the contracting officer after loss or destruction of or damage to Government property, and subject to such conditions and limitations as may be imposed by the contracting officer, the contractor may, in order to minimize the loss to the Government or in order to permit resumption of business or the like, sell for the account of the Government any item of Government property which has been damaged beyond practicable repair, or which is so commingled or combined with property of others, including the contractor, that separation is impracticable.

(e) Except to the extent of any loss or destruction of or damage to Government property for which the contractor is relieved of liability under the foregoing provisions of this Article, and except for reasonable wear and tear or depreciation, or the utilization of the Government property in accordance with the provisions of this contract, the Government property (other than property permitted to be sold) shall be returned to the Government in as good condition as when received by the contractor in connection with this contract. In aid of its obligation so to return the Government property, the contractor shall maintain a property control, accounting and maintenance system consistent with good business practice.

(f) In the event the contractor is reimbursed or compensated for any loss or destruction of or damage to Government property, caused by an excepted peril, it shall equitably reimburse the Government. The contractor shall do nothing to prejudice the Government's rights to recover against third parties for any such loss, destruction or damage and, upon the request of the contracting officer, shall at the Government's expense, furnish to the Government all reasonable assistance and cooperation (including the prosecution of suit and the execution of instruments of assignment in favor of the Government) in obtaining recovery.

(g) The Government shall at all times have access to the premises wherein any Government property is located.

NOTE 1: (a) The Article set forth above will be included in all fixed or unit price contracts under which Government-owned property is furnished to the contractor, executed on or after March 15, 1944.

(b) Whenever the terms of such a fixed or unit price contract are to be modified by the execution, on or after March 15, 1944, of a supplemental agreement, and the contract to be modified does not contain an Article identical in wording with that set forth above, the supplemental agreement will provide that the contract is modified to include the Article.

(c) In order that the services of the Loss and Salvage Organizations may be made available, widely and promptly, it is desired, in addition, that such existing contracts be amended whenever practicable to incorporate the Article even when occasion does not arise to write a supplemental agreement for other reasons.

NOTE 2: See §§ 804.451–1 and 804.498 in regard to Loss and Salvage Organizations.

NOTE 3: In the event that the Government property is located in an area outside of the United States, where the services of the Loss and Salvage Organizations are not available, the following clause will be used in lieu of paragraph (c) above:

Upon the happening of loss or destruction of or damage to Government property caused by an excepted peril, the contractor shall communicate with the contracting officer, shall take all reasonable steps to protect the Government property from further damage, separate the damaged and undamaged Government property, put all the Government property in the best possible order, and furnish to the contracting officer a statement of: (1) the lost, destroyed and damaged Government property, (2) the time and origin of the loss, destruction or damage, (3) all known interests in commingled property of which the Government property is a part, and (4) the insurance, if any, covering any part of or interest in such commingled property. *If and as directed by the contracting officer, the contractor shall make repairs and renovations of the damaged Government property.*[1] The contractor shall be reimbursed the expenditures made by it in performing its obligations under this paragraph (c) as approved by the contracting officer and set forth in a Supplemental Agreement.

§ 803.365–1b *Liability and insurance clauses for use in fixed price contracts for transportation services.* The contract articles set forth below shall be used under the conditions prescribed for the use of each article in fixed price contracts for services accessorial to or forming a part of a transportation movement, including contracts for freight handling, car loading and unloading, packing and crating, stevedoring, lighterage, trucking, heavy lift service, lumber handling and other contracts for terminal services not procured by means of a bill of lading.

(a) *Where eliminating cost of insurance results in savings.* Where savings to the Government may be obtained by eliminating the cost of insurance on Government property which otherwise would be added to the contract price, the contract will, unless an indemnity article for liability for extraordinary wartime risks and hazards is required, contain the article set forth in § 803.365–1 (omitting paragraph (f) and, in cases where the contract is performed on Government premises, paragraph (e)).

(b) *Where services performed by common carrier or warehouseman.* The following liability provision will be used where the services are performed by a common carrier or a common warehouseman at tariff or established rates, since such rates include a factor for the liability imposed or assumed:

Liability for Government-owned property. The Contractor's responsibility for Government property in its possession or control pursuant to the performance of this contract shall be that imposed by law.

(c) *Where savings trivial in amount, difficult of ascertainment or performed at tariff rates.* Except as otherwise provided in paragraph (b) of this section, where savings will be trivial in amount or difficult of ascertainment or where the services are performed at tariff or established rates, which rates include a factor for liability imposed or assumed, the following article will be used:

Liability for Government-owned property. The Contractor shall be liable to the Government for all loss of or damage to property of the Government in its possession or control in connection with this contract resulting from the fault or negligence of the Contractor's officers, agents, or employees.

(d) *Where contractor carries limited amount of insurance.* Where insurance covering Contractor's liability for property is carried in a limited amount and no substantial savings will accrue to the Government if this insurance is eliminated, yet if the Contractor be required to assume total liability the Contractor's insurance limits would have to be increased or additional insurance purchased, thereby increasing the cost of services, the following article will be used:

Liability for Government-owned property. (a) The Contractor shall be liable to the Government for all loss or destruction of or damage to the property of the Government in its possession or control in connection with this contract (hereinafter called "Government property") resulting from the fault or negligence of the Contractor's officers, agents, or employees: *Provided, however,* That the liability of the Contractor under this paragraph shall not exceed $(A) on account of any one accident or occurrence and that with respect to so much of any loss or destruction of or damage to Government property on account of any one accident or occurrence as exceeds $(A) the Contractor shall be liable only under the conditions set forth in subparagraph (b) hereof.

(b) Except as otherwise specifically provided, the Contractor shall not be liable for loss or destruction of or damage to Government property unless such loss, destruction or damage results from the willful misconduct or failure to exercise good faith on the part of the Contractor's corporate officers or other representatives having supervision or direction of the operation of the Contractor's business or of the whole of Contractor's operations at any place where the Contractor may perform services under this contract.

(c) The Contractor represents that it is not maintaining and agrees that it will not hereafter maintain insurance (including self-insurance funds or reserves) covering loss or destruction of or damage to Government property in excess of the maximum amount of liability provided in subparagraph (a) hereof, and represents that it is not including and agrees that it will not hereafter include in any price to the Government any charges or reserve for such insurance.

(d) Upon the happening of loss or destruction of or damage to Government property in excess of $(A) the Contractor shall communicate with the Contracting Officer and, if directed by the Contracting Officer, with the Loss and Salvage Organization now or hereafter designated by the Contracting Officer; and, with the assistance of that organization, if employed by the Contractor to perform services in accordance with instructions or regulations of the Government, shall take all reasonable steps to protect the Government property from further damage, separate the damaged and undamaged Government property, put all the Government property in the best possible order, and furnish to the Contracting Officer a statement of: (1) the lost, destroyed and damaged Government property, (2) the time and origin of the loss, destruction or damage, (3) all known interests in commingled property of which the Government property is a part, (4) the insurance, if any, covering any part of or interest in such commingled property. The Contractor shall be reimbursed the expenditures made by it and approved by the Contracting Officer in performing its obligations under this subparagraph (d) (including charges made to the Contractor by the Loss and Salvage Organization, except any of such charges, the payment of which the Government has, at its option, assumed direct).

(e) In the event the Contractor is indemnified, reimbursed or compensated for any loss or destruction of or damage to Government property, it shall equitably reimburse the Government. The Contractor shall do nothing to prejudice the Government's rights to recover against third parties for any such loss, destruction or damage and, upon the request of the Contracting Officer, shall, at the Government's expense, furnish to the Government all reasonable assistance and cooperation (including the prosecution of suit and the execution of instruments of assignment in favor of the Government) in obtaining recovery.

(f) The Government shall at all times have access to the premises wherein any Government property is located. (Omit this subparagraph if the contract is to be performed at an Army installation.)

(e) *Where Government may obtain benefit of insurance carried as part of contractor's regular operations.* If the Contractor carries as a part of its regular commercial operations insurance on property covering loss or damage caused by fire, lightning, flood, windstorm and the like, and the Government may obtain the benefit of such additional insurance protection without substantial increase in the contract price, the following provision will be added at the end of the articles prescribed in paragraphs (a) and (b), at the end of subparagraph (a) of the article prescribed in paragraph (d) of this section or (with the first seven words of the second sentence deleted) in lieu of subparagraph (a) of the article prescribed in paragraph (d) of this section, depending upon the nature of the Contractor's insurance:

The Contractor carries and will maintain as a part of its regular commercial operations insurance covering loss or destruction of or damage to property in the amount of $------. In addition to the liability hereinabove imposed, the Contractor shall be liable to the Government for any loss or damage to property of the Government in its possession or control in connection with this contract to the extent coverage is provided in such insurance.

(f) *Where extraordinary risks and hazards are involved.* In rare cases contracts which may involve extraordinary risks and hazards of loading and unloading, discharging, handling, storage, or proximity of ammunition,, explosives, gasoline, or other inherently dangerous freight may provide that the Government assumes such extraordinary risks and hazards incident to wartime operations to which the Contractor may be exposed. In such instances, where a lower contract rate may be obtained thereby and it is deemed that the assumption of such risks and hazards by the Government will facilitate the prosecution of the war, the article set forth below may be used with such minor variations as may be necessary to fit the particular situation.

[1] Italicized language may be omitted in appropriate cases.

All contracts containing such article will be submitted for prior written approval in accordance with § 802.238–3 of this chapter. No indemnity provision will be used in contracts at tariff rates with common carriers or common warehousemen.

Liability and indemnity. (a) The Contractor shall procure and maintain at all times during the continuance of this contract a policy or policies of insurance insuring the Contractor against liability for injury to, or death of any person or persons in an amount not less than $(X) in any one accident, and for liability for property damage, including but not limited to property of the Government, in an amount not less than $(Y) in any one accident. The Contractor shall have attached to and made a part of all said insurance policies a provision by the terms of which the insurer agrees to waive any and all rights of subrogation which it may have against the United States by reason of any payment under said policy or policies.

(b) The Contractor shall be liable to the Government for any loss or damage which may be sustained by the Government as a result of the fault or negligence of the Contractor's officers, agents or employees, subject, however, to the following limitations and conditions:

(i) The Contractor's liability to the Government in connection with any one accident shall be limited to the amount of $(Y) (or the amount of insurance carried by the Contractor, whichever is greater). The Contractor represents that the prices stated herein do not include the cost of insurance against the risks assumed by the Government nor any provision for a reserve to cover such risks.

(ii) The Contractor shall not be responsible to the Government for any loss or damage resulting from any act or omission of any employee of the Government or resulting from compliance by officers, agents, or employees of the Contractor with specific directions of the Contracting Officer; nor shall the Contractor be so responsible for any such loss or damage resulting from failure of the equipment supplied by the Government, unless the Contractor is negligent in the care and use of such Government furnished equipment.

(c) The services to be performed under this contract are incident to war activities of the Government and may include, in addition to services of a nature normally performed by the Contractor in peacetime commercial operations with the risks and hazards normally incident thereto, the loading, discharging, handling, presence or proximity of ammunition, explosives, gasoline or other inherently dangerous freight. It is understood that the compensation to the Contractor for the work has been established with regard only to the normal risks and hazards involved in similar services in peacetime commercial operations, and that such consideration does not include any allowance for the additional and extraordinary risks and hazards described above. To induce the contractor to undertake the performance of such services for the compensation herein provided, and thus obtained for the Government the resulting benefit of such reduced compensation, the Government will hold the Contractor harmless.

(i) Against liability to parties other than the Government because of death, bodily injury, or property damage or destruction or otherwise of any kind whatsoever, irrespective of negligence of the Contractor, its officers, agents, servants, or employees; and

(ii) For any expense, not excluded under subparagraph (4) hereof, which may be incurred by the Contractor, and which is attributable to such liability:

subject, however, to the following conditions and limitations:

(1) The undertaking of the Government shall be applicable and limited to situations where such liability arises out of, results from, or is in any way attributable to or connected with the presence or proximity of ammunition, explosives, gasoline or other inherently dangerous freight, or the loading, unloading, discharging, handling or storing of such freight by the Contractor.

(2) The undertaking of the Government shall be limited to the excess over and above $ (X), or the amount of insurance carried by the Contractor, whichever is greater, for injury to or death of persons, and $ (Y), or the amount of insurance carried by the Contractor, whichever is greater, for property damage, of the total and entire amount of such liability arising out of any single accident.

(3) The undertaking of the Government shall not be applicable and the Government shall have no obligation or liability in respect of such undertaking or otherwise, in situations in which such liability and expense is due in whole or in part to willful and deliberate disregard of instructions of the Government or to the personal failure to exercise good faith, or, insofar as the character of the work permits under wartime operations, that degree of care normally exercised under like conditions in the performance of the Contractor's peacetime commercial operations, by the elected corporate officers of the Contractor or the representative of the Contractor having supervision or direction of all operations at any place where the contractor may perform services hereunder, unless such failure to exercise such normal care is in compliance with express instructions of the Government.

(4) The Contractor shall cooperate with the Government and, upon the Government's request, shall assist in effecting settlements, securing and giving evidence, obtaining the attendance of witnesses and in the conduct of suits; and the Government shall reimburse the Contractor for actual out-of-pocket expenses incurred by it in compliance with such a request, other than the cost of maintaining the contractor's usual organization and loss of earnings, unless and to the extent such expenses are covered by a policy or policies of insurance carried by the Contractor. The Contractor shall not, except at its own cost, voluntarily make any payment, assume any obligation or incur any expense other than for such immediate medical and surgical relief to others as shall be imperative at the time of said occurrence of such event.

(5) This undertaking of the Government to hold the Contractor harmless against liability, as herein provided, shall not create or give rise to any right, privilege, or power in any person or organization, except the Contractor, nor shall any person or organization be or became entitled to join the Government as a co-defendant in any action against the Contractor brought to determine the Contractor's liability or for any other purpose: *Provided, however,* That as to any risk borne or assumed by the Government through its undertaking above set forth, the Government shall be subrogated to any claim, demand or cause of action against third persons or organizations which exists in favor of the Contractor, and the Contractor shall, if so required, forthwith execute one or more formal assignments or transfers of such claims, demands or causes of action.

(6) The undertaking of the Government shall not be applicable to the Contractor's liability arising under the applicable provisions of a federal, state, territorial or district Workmen's Compensation law.

(7) Upon the happening of any event from which the obligation of the Government to hold the Contractor harmless against liability and expenses might arise, the Contractor shall communicate with The Judge Advocate General, Washington, D. C., the Contracting Officer and with the Loss and Salvage Organization now or hereafter designated by the Contracting Officer. If claim is made or suit is brought thereafter against the Contractor as a result or because of such event, the Contractor shall immediately deliver to the Government every demand, notice, summons or other process received by it or its representatives, and the Government shall provide appropriate attachment or appeal bonds or undertakings where required in the course of such litigation.

§ 803.365–2 *Cost-plus-a-fixed-fee contract; clause concerning reimbursement for losses and insurance expenses.* Every cost-plus-a-fixed-fee contract will contain the following clause without deviation:

Allowable items of cost shall include the contractor's actual expenses incurred under his contract for:

a. Such bonds and insurance policies as have been approved or required by the Contracting Officer.

b. Losses or expenses not compensated by insurance or otherwise (including settlements made with the written consent of the Contracting Officer) actually sustained by the Contractor in connection with the work and found and certified by the Contracting Officer to be just and reasonable, unless reimbursement therefor is expressly prohibited; provided that such reimbursement shall not include any amount for which the Contractor would have been indemnified or compensated by insurance except for failure of the Contractor to procure or maintain bonds or insurance in accordance with the requirements of the Contracting Officer.

c. The cost of reconstructing and replacing any of the work or property destroyed or damaged and not covered by insurance, but expenditures under this item must have the written authorization of the Contracting Officer in advance.

d. The cost, including incidental expenses and premiums (if any), of providing such death, injury, internment, and other benefits to the Contractor's employees engaged in performing services under this contract as the Contracting Officer may approve or require

§ 803.365–3 *Cost-plus-a-fixed-fee contracts; insurance clause.* Every cost-plus-a-fixed-fee contract will contain the following clause without deviation:

Insurance. a. The Contractor shall procure and thereafter maintain such bonds and insurance in such forms and in such amounts and for such periods of time as the Contracting Officer may require in writing and shall be reimbursed for the cost thereof;

b. In every instance where this contract requires the United States to pay the premium on a bond or insurance policy, the bond or insurance policy shall contain an endorsement or other recital excluding by appropriate language any claim on the part of the insurer or obligor to be subrogated, on payment of a loss or otherwise, to any claim against the United States;

c. The Contractor shall give the Contracting Officer or his representative immediate notice in writing of any suit or action filed against the Contractor arising out of the performance of this contract and of any claim against the Contractor the cost and expense of which are reimbursable under the provisions of Article ____ hereof, and the risk of which is then uninsured or in which the amount claimed exceeds the amount of insurance coverage. The Contractor shall furnish immediately to the Contracting Officer copies of all pertinent papers received by the Contractor. Insofar as the following shall not conflict with any policy or contract of insurance, and upon request of the Contracting Officer, the Contractor shall do any and all things to effect an assignment and subrogation in favor of the Government of all Contractor's rights and claims except against the Government, arising from or growing out of such asserted claims, and, if required by the Contracting Officer, shall authorize representatives of the Government to settle and/or defend any such claim and to represent or take charge of any such litigation affecting the Contractor.

§ 803.365–4 *Cost-plus-a-fixed-fee contracts; clause concerning insertion of insurance and liability provisions in CPFF subcontracts.* Every cost-plus-a-fixed-fee contract, the terms of which do not require the incorporation by reference in cost-plus-a-fixed-fee subcontracts, of all of the terms and conditions of the prime contract in regard to insurance and liability, will contain the following clause without deviation:

Additional provisions. (1) The Contractor will include in each cost-plus-a-fixed-fee subcontract made under this contract a provision as follows:

(a) The title to all work under this subcontract, completed or in the course of manufacture or assembly in the Subcontractor's plant, shall be in the Government. Upon delivery thereof to the Subcontractor at any point within the continental limits of the United States or any place approved by the Contractor, title to all purchased materials, parts, assemblies, subassemblies, tools, machinery, equipment and supplies, for which the Subcontractor shall be entitled to be reimbursed hereunder, shall vest in the Government.

(b) The Subcontractor shall not be reimbursed for the cost of any insurance on any property of the Government.

(c) As used herein the term "Government" shall be deemed to mean the United States of America.

(2) The Contractor will, if so requested by the Contracting Officer, include in any particular cost-plus-a-fixed-fee subcontract, a provision as follows:

The Subcontractor shall procure and thereafter maintain the following insurance: ---------- (there shall be inserted the types, amounts and limits of insurance, as specified in writing by the Contracting Officer). The cost of such insurance and losses or expenses (including settlements made with the written consent of the Contracting Officer who executed the principal contract or his duly authorized successor or representative) not compensated by insurance or otherwise and found and certified by the Contractor and said Contracting Officer or his duly authorized successor or representative to be just and reasonable, actually sustained by the Subcontractor in the defense and/or discharge of such claims of others on account of death or bodily injury of persons or loss or destruction of or damage to property as may arise out of or in connection with the performance of the work under this subcontract shall be allowable items of cost hereunder; *Provided,* That such reimbursement shall not include any amount for which the Subcontractor would have been indemnified or compensated except for the failure of the Subcontractor to procure or maintain insurance in accordance with the requirements of this subcontract. The Subcontractor shall give the Contractor immediate notice in writing of any suit or action filed against the Subcontractor, arising out of the performance of this subcontract and of any claims against the Subcontractor, the cost and expense of which is reimbursable under the provisions of this subcontract pertinent to allowable items of cost, and the risk of which is then uninsured or in which the amount claimed exceeds the amount of insurance coverage. The Subcontractor shall furnish immediately to the Contractor copies of all pertinent papers received by the Subcontractor. Insofar as the following shall not conflict with any policy or contract of insurance, and upon request of the Contractor, the Subcontractor shall do any and all things to effect an assignment and subrogation in favor of the Contractor or its nominee of all Subcontractor's rights and claims, except rights and claims of the Subcontractor against the Contractor or such nominee, arising from or growing out of such asserted claim, and, if required by the Contractor, shall authorize representatives of the Contractor or of its nominee to settle and/or defend any such claim and to represent the Subcontractor in or take charge of any such litigation. Every policy for the insurance referred to in this paragraph shall contain an indorsement or other recital excluding by appropriate language any claim on the part of the insurer or obligor to be subrogated on payment of a loss or otherwise to any claim against the Contractor or the Government.

(3) Whenever a provision as set forth in paragraph (2) of this article is inserted in any subcontract, then the contractor will forthwith transmit to the Contracting Officer all notices and copies of papers received by it from the subconstractor, will make the Government its nominee for all assignments and subrogations received by it from the subcontractor thereunder and, if required by the Contracting Officer, will do everything in its power to have representatives of the Government authorized to settle and/or defend the claims therein referred to and to represent the subcontractor in or to take charge of the litigation therein referred to.

§ 803.365.5 In accordance with the instructions contained in §§ 803.365–6 to 803.365–9, inclusive, there will be inserted without deviation in Architect-Engineer-Construction-Management Service Contracts and all contracts (except supply contracts), executed under or in connection with such contracts, the appropriate clause or clauses set forth in said sections.

§ 803.365–6 In the Architect-Engineer-Construction - Management - Service-contract the following clause:

The A-E-M hereby agrees that he will procure and maintain bonds and insurance in such forms and in such amounts and for such periods of time as the Contracting Officer may require or approve. Insurance shall cover all work required by this contract, regardless of whether it is performed by the A-E-M's own forces, subcontractors, or under direct contracts with the Government, as is contemplated in Article---------- (Article containing ---------- of this contract. General Statement of Work and Services)

§ 803.365–7 In cost-plus-a-fixed-fee subcontracts, executed under Architect-Engineer - Construction - Management Service Contracts, there will be inserted without deviation the following clause:

All necessary insurance protection required under the terms of this contract will be provided by the policies maintained by the Architect-Engineer-Manager Contractor.

§ 803.365–8 In lump-sum subcontracts, executed under Architect Engineer-Construction-Management Service Contracts, there will be inserted without deviation the following clause:

(1) The Architect-Engineer-Manager Contractor will, at no cost to the Subcontractor, maintain policies providing the following insurance protection for the Subcontractor, which insurance shall apply only to operations of the Subcontractor under this subcontract and employees of the Subcontractor engaged therein and shall not apply to any other operations or employees of the Subcontractor:

(a) *Workmen's compensation.* (i) In jurisdictions where there are Workmen's Compensation Laws, either mandatory or elective, statutory coverage; and in jurisdictions where the Workmen's Compensation Law does not cover all occupational diseases, occupational disease coverage by endorsement for limits of $50,000 per person in any one case and, subject to that limit for each person, an aggregate limit of $100,000 for each year of the policy period;

(ii) In those states where there is a "per accident" limitation of coverage under paragraph 1 (b) of the policy, an endorsement will be added to provide $100,000 limit for each accident;

(iii) In those states where there is a "per person" limitation of coverage under paragraph 1 (b) of the policy, an endorsement will be added to provide $50,000 limit for each person;

(iv) In jurisdictions where there are no Workmen's Compensation Laws, Employers' Liability Insurance, including occupational disease coverage, for limits of $50,000 per person in any claim and, subject to that limit for each person, $100,000 for two or more persons in any one accident and $100,000 aggregate limit for each year of the policy period for occupational disease claims.

(b) *General liability.* Insurance with limits of $50/100,000 for bodily injury liability on the comprehensive policy form; the policy will be endorsed to include coverage for aircraft and watercraft operations by elimination of any such exclusions therein.

(c) *Automobile public liability and property damage.* Insurance with limits of $50/100,000 for bodily injury liability and $5,000 for property damage liability on the comprehensive policy form covering all owned, nonowned and hired automobiles which will be used in connection with the work to be done under the contract, and which are not for use exclusively on the premises at which the work under such contract is performed.

(2) The Subcontractor may purchase at his own expense such additional or other insurance protection as he may deem necessary. The Contracting Officer or his authorized representative may restrict access to the site of the work to such personnel of any insurance carrier providing additional or other insurance coverage referred to in this paragraph for the proper servicing of such insurance as he may deem necessary.

§ 803.365–9 In prime lump sum or unit price contracts, collateral to Architect - Engineer - Construction - Management Service Contracts, there will be inserted without deviation the following clause:

(1) The Architect-Engineer-Manager Contractor will, at no cost to the Contractor, maintain policies providing the following insurance protection for the Contractor and his Subcontractors (excluding supply subcontractors) which insurance shall apply only to operations of the Contractor and such Subcontractors under this contract and employees of the Contractor and such Subcontractors engaged therein and shall not apply to any other operations or employees of the Contractor and such Subcontractors:

(a) *Workmen's compensation.* (i) In jurisdictions where there are Workmen's Compensation Laws, either mandatory or elective, statutory coverage; and in jurisdictions where the Workmen's Compensation Law does not cover all occupational diseases, occupational disease coverage by endorsement for limits of $50,000 per person in any one case, and subject to that limit for each person, an aggre-

gate limit of $100,000 for each year of the policy period;

(ii) In those states where there is a "per accident" limitation of coverage under paragraph 1(b) of the policy, an endorsement will be added to provide $100,000 limit for each accident;

(iii) In those states where there is a "per person" limitation of coverage under paragraph 1 (b) of the policy, an endorsement will be added to provide $50,000 limit for each person;

(iv) In jurisdictions where there are no Workmen's Compensation Laws, Employers' Liability Insurance including occupational disease coverage, for limits of $50,000 per person in any claim and, subject to that limit for each person, $100,000 for two or more persons in any one accident and $100,000 aggregate limit for each year of the policy period for occupational disease claims.

(b) *General liability.* Insurance with limits of $50/100,000 for bodily injury liability on the comprehensive policy form; the policy will be endorsed to include coverage for aircraft and watercraft operations by elimination of any such exclusions therein.

(c) *Automobile liability and property damage.* Insurance with limits of $50/100,000 for bodily injury liability and $5,000 for property damage liability on the comprehensive policy form covering all owned, non-owned and hired automobiles which will be used, in connection with the work to be done under the contract, and which are not for use exclusively on the premises at which the work under such contract is performed.

(2) The contractor or his subcontractors may purchase at their own expense such additional or other insurance protection as they may deem necessary. The Contracting Officer or his authorized representative may restrict access to the site of the work to such personnel of any insurance carrier providing additional or other insurance coverage referred to in this paragraph for the proper servicing of such insurance, as he may deem necessary.

§ 803.366 *Clause concerning discounts to be contained in invitations for bids.* All invitations for bids, formal or informal, directed to more than one prospective contractor, will contain a clause substantially as follows:

Offers of prompt payment or cash discounts will not be considered in the award of contracts or purchase orders, but if such an offer is made, the Government reserves the right to take advantage of the same according to its terms in making payment.

§ 803.367 *Clause concerning subcontracting: for fixed price supply contracts.* All fixed price supply contracts, except those in which, in the opinion of the contracting officer, subcontracting (as defined in (d) below) is impracticable, will contain the following clause without deviation:

Subcontracting. (a) It is mutually understood and agreed that the policy of the Government, as declared by Congress in Public Law 603—77th Congress (the Smaller War Plants Act) is to bring about the greatest utilization of small war plants facilities which is consistent with efficient production of war materials.

(b) The Contractor agrees to accomplish the maximum amount of subcontracting to smaller war plants that the Contractor finds to be consistent with the efficient performance of all its other obligations undertaken by this contract.

(c) The Government agrees that in any renegotiation proceedings involving this contract, proper consideration will be given to the efficiency and ingenuity exhibited by the prime contractor in subcontracting to and in utilizing the facilities of, smaller war plants; to the amount of such subcontracting so accomplished; and to the amount of technical, engineering and other assistance rendered by the Contractor to such subcontractors.

(d) For the purposes of this article the term "subcontracts" includes only contracts for the production or of work upon an item, component, or asembly manufactured according to Government specifications or specifications of a prime contractor and does not include (1) any purchase of a standard commercial or catalog item, or (2) any purchase of a basic raw material, or (3) any purchase of supplies or services for the general operation of the contractor's plant, or (4) any purchase from a parent subsidiary or affiliate of the contractor.

§ 803.368 *Clause concerning subcontract; for cost-plus-a-fixed-fee supply contracts.* All cost-plus-a-fixed-fee supply contracts, except those in which, in the opinion of the Contracting Officer, subcontracting is impracticable, will contain the following clause without deviation:

Subcontracting. It is mutually understood and agreed that the policy of the Government, as declared by Congress in Public Law 603—77th Congress (the Smaller War Plants Act) is to bring about the greatest utilization of small plants which is consistent with efficient production of war materials. It is also recognized that business concerns operating small plants are frequently unable to produce certain articles at as low a per unit cost as business concerns operating large plants. Accordingly, the Contractor, with the written approval of the Contracting Officer, may, in cases where the manufacturing costs are found to be greater, pay to firms operating small plants higher prices than to firms operating large plants, to the extent determined to be reasonable in the light of the difference in their costs of manufacturing the article to be sub-contracted.

§ 803.369 *Release upon final payment under cost-plus-a-fixed-fee contracts.* To facilitate the prosecution of the war and the final settlement of war procurement contracts, authority is granted to the chiefs of technical services and their representatives, pursuant to the First War Powers Act, 1941, Executive Order No. 9001 and the Contract Settlement Act of 1944, to amend existing cost-plus-a-fixed-fee contracts, whether or not terminated or completed, but in no event after final payment thereunder has been made, to include substantially the following article, and concurrently to delete any existing provisions of such contracts which are inconsistent with the following article:

Article ____. *Release provisions.* 1. Prior to final payment and as a condition thereof the Contractor shall furnish the Government with a release of all claims against the Government arising under and by virtue of this contract, other than (a) such claims, if any, as may be specifically excepted by the Contractor from the operation of the release in stated amounts to be set forth therein, or in estimated amounts where the amounts are not susceptible of exact statement, and (b) any claim based upon responsibility of the Contractor to third parties arising out of the performance of this contract not known to the Contractor at the time of furnishing the release.

2. Even though the existence or amount thereof shall not be determined until after the furnishing of such release as is described next above, reimbursement to be made for payments made by the Contractor shall include, along with wages and salaries otherwise reimbursable, all additional amounts determined (either by approval of the Contracting Officer or by litigation as hereinafter provided) to be due and payable for overtime compensation and allowances under local, state or Federal laws in connection with such wages and salaries.

3. The Contractor shall promptly notify the Contracting Officer of any claims of the type described in paragraph 1 (b) above which are asserted subsequent to the execution of the release.

4. In the event the Contracting Officer shall determine that the best interests of the Government require that the Contractor initiate or defend litigation in connection with claims of third parties arising out of the performance of this contract, the Contractor will proceed with such litigation in good faith and the costs and expenses of such litigation, including judgments and court costs, allowances rendered or awarded in connection with suits for wages, overtime or salaries, and reasonable attorneys' fees for private counsel when the Government does not furnish Government counsel, shall be reimbursable under this contract. The term "litigation" shall include suits at law or in equity and proceedings before any Governmental agency having jurisdiction over the claim.

§ 803.370 *General cosiderations.*

§ 803.370-1 *General policy.* As announced in Part 802 of this chapter, the policy of the War Department is to enter into supply contracts on a fixed price basis whenever such a course is feasible. Fixed price contracts at close prices tend to stimulate contractors to keep down costs by making the most effective use of manpower, materials and productive equipment and thus to minimize the cost of the war in terms of those economic resources as well as in terms of monetary outlay. Every effort must be made, therefore, to place supply contracts at close prices, regardless of whether any of the Price Revision Articles set out in §§ 803.370 to 803.377, inclusive, are used. Where the use of such an article is deemed necessary, the appropriate article may and should be incorporated in the contract if the conditions prescribed for its use are satisfied. The various articles to which the foregoing statements are applicable, together with the rules governing their use, are set forth hereinafter in §§ 803.370 to 803.377, inclusive.

§ 803.370-2 *Exceptions to general policy and regulations.* In specific instances where the contracting officer is of the opinion that (a) prices submitted by prospective contractors have not been arrived at independently, or (b) reasonable prices cannot be established from cost break-downs and other available data, or (c) other circumstances require protection of the Government's interests by the use of an appropriate Price Revision Article, or a modification thereof providing for downward adjustment only, he may initiate a request through channels to the Director Purchases Division, Headquarters, Army Service Forces, for authority to deviate from the policy and regulations set forth herein. Such requests will be accompanied by (1) a full statement of all the facts and circumstances deemed to require such deviation, (2) a statement of the proposed manner and effect of the deviation, and (3) the recommendation of the chief of the technical service with respect thereto.

§ 803.370-3 *Arrangement of articles and regulations.* (a) Forms I-A, I-B and I-C provide for periodic revision of price at fixed intervals. Forms II-A and II-B provide for optional periodic revision of price upon the demand of either party. These forms constitute the basic price revision articles and are identical in provision except to the extent that their specific purposes require variations therein. The regulations common and applicable to all these forms are contained in § 803.371. Additional regulations governing the use and administration of each separate form will be found in the paragraph setting out that form.

(b) Form III, providing for revision of price on account of retroactive changes in labor conditions, and the regulations for its use and administration, are set out in § 803.374.

(c) Form IV, providing for downward price revision after completion or termination of the contract, and the regulations for its use and administration, are set out in § 803.375.

(d) Form V, providing for downward or limited upward price revision after completion or termination of the contract, and the regulations for its use and administration, are set out in § 803.376.

(e) Form VI, providing for repricing upon the happening of a specified contingency, and the regulations for its use and administration, are set out in § 803.377.

§ 803.370-4 *Relation of revision of prices under contract articles to statutory renegotiation.* (a) It is the policy of the War Department that each War Department contract should stand on its own feet insofar as the price is concerned and that, in arriving at a sound price initially or in revising the price pursuant to a contract article, no consideration should be given to the fact that the contractor may have incurred low profits or losses under other war contracts. It is recognized that where a Price Revision Article calls for a revision of the prices of items delivered during a completed fiscal period the price change may affect the billings for a period which has been included in a renegotiation settlement. It is the policy of the War Department that, except insofar as a different result is required by reason of contractual provisions which are now no longer authorized, there shall be no difference in net result to the contractor and the Government whether the price revision relating to the completed fiscal period follows or precedes the statutory renegotiation of sales for that period. This policy is given effect by a provision inserted in those Price Revision Articles which call for retroactive price revision (e. g. §§ 803.372-7 (j) and 803.373-6 (j)).

(b) In the great majority of cases the revision of prices of items delivered in the completed fiscal period can be completed before conclusion of the statutory renegotiation for that period. Contracting officers will make every effort to see that this result is attained. In the few cases where the revision of prices of items delivered in a completed fiscal period has not been completed before the conclusion of the statutory renegotiation for that period, the negotiation to establish the revised price should be carried to conclusion as promptly as possible. In determining what changes are to be made in the amounts paid or payable by or to the contractor in respect of items delivered during the completed fiscal period, the following general guides should be considered by the contracting officer:

(1) If the renegotiation resulted in a clearance notice or clearance agreement:

(i) Any reduction in price should be recovered from the contractor;

(ii) An increase in price should be allowed to the contractor if and to the extent that the office which conducted the renegotiation advises the contracting officer that excessive profits will not result therefrom.

(2) If the renegotiation resulted in a recapture of excessive profits:

(i) No increase in price should be allowed, since that would merely have the effect of increasing the excessive profits;

(ii) To the extent that the renegotiation has permitted the contractor to set up a reserve against possible downward price revisions, any reduction in price should be recovered from the contractor;

(iii) After exhaustion of any reserves against downward price revisions the contracting officer may permit the amount recaptured in renegotiation to be treated as an offset against any downward price revision to the extent that he is reasonably satisfied that the renegotiation recapture has not been applied as an offset against downward price revisions under other contracts.

§ 803.370-5 *Tabular view of price revision articles.*

NOTE: This table is designed to assist contracting officers and other procurement personnel to familiarize themselves with the price revision articles and to enable them quickly to ascertain which article appears most appropriate for a particular proposed contract. It is not designed to supplant in any way the textual regulations themselves, since the effect of each article and the conditions for its use are not stated in detail. Before any article is proposed to be used or is used in a particular case, the full text of the applicable regulations will be carefully examined and followed.

Effect of article	Conditions for use	
	Applicable to particular article	Applicable to all Form I and Form II articles
Form I-A (§ 803.372-5) Upward or downward price revision negotiated at fixed periods, with prospective effect only.	(§ 803.372-2) 1. Contract is such that both parties should be bound by price for the first period. Pricing periods range from 3 to 4 months in length. 2. Price is based on projections not extending beyond end of first period. 3. Periods should conform with operation of contractor's cost accounting system and need not be of equal length. 4. Periods may be measured in time or production or delivery of items.	(§ 803.371-1) 1. Contract is fixed price contract for supplies or services. 2. There is an absence of competition as that term is defined in § 803.371-1 (b). 3. Price is negotiated on understanding that particular article is to be included in contract and is a close price containing substantially no contingency charges. 4. Contractor employs proper estimating methods. 5. Contractor's cost accounting system is sufficiently reliable and accurate for proper operation of article. 6. One article is not to be substituted for another without express authority. 7. Alternative provisions for disagreements are provided. See §§ 803.372-2, 803.372-8, 803.373-2 and 803.373-7.
Form I-B (§ 803.372-6) Upward or downward price revision negotiated at fixed periods, with prospective effect only and with first period price based on experience under prior contract for same or similar item.	(§ 803.372-2) 1. Production under prior contract will continue to beginning of production under new contract. 2. Where new contract is of short duration, it may constitute one period. 3. Price is based on projections which do not extend beyond end of first period. 4. Periods should conform with operation of contractor's cost accounting system and need not be of equal length. 5. Periods may be measured in time or production or delivery of items.	
Form I-C (§ 803.372-7) Upward or downward price revision negotiated at fixed intervals, with retroactive revision at end of first period and prospective revision thereafter.	(§ 803.372-2) 1. Contract is such that neither party should be bound by price for first period. First period not to extend beyond 40% of production under contract. 2. Price is based on projections not extending beyond end of first period. 3. Periods should conform with operation of contractor's cost accounting system and need not be of equal length. 4. Periods may be measured in time or production or delivery of items. 5. Article may provide for one repricing, both retroactive and prospective, in appropriate cases.	

Effect of article	Conditions for use	
	Applicable to particular article	Applicable to all Form I and Form II articles
Form II-A (§ 803.373-5) Upward or downward price revision negotiated upon demand of either party, with prospective effect only, and subject to specified limitations on frequency of demands.	(§ 803.373-2) 1. Contract is such that both parties should be bound by initial price. 2. Price is based on projections extending over life of entire contract, taking into account reasonably expected cost decreases. 3. Date before which first demand cannot be made is specified. Ninety-day limitation effective thereafter may be varied by chief of technical service.	(§ 803.371-1) 1. Contract is fixed price contract for supplies or services. 2. There is an absence of competition as that term is defined in § 803.371-1 (b). 3. Price is negotiated on understanding that particular article is to be included in contract and is a close price containing substantially no contingency charges. 4. Contractor employs proper estimating methods. 5. Contractor's cost accounting system is sufficiently reliable and accurate for proper operation of article. 6. One article is not to be substituted for another without express authority. 7. Alternative provisions for disagreements are provided. See §§ 803.372-2, 803.372-8, 803.373-2 and 803.373-7.
Form II-B (§ 803.373-6) Upward or downward negotiated price revision, with first period fixed and subject to retroactive revision, and with prospective revision thereafter upon demand of either party, subject to specified limitations on frequency of demands.	(§ 803.373-2) 1. Contract is such that neither party should be bound by initial price. 2. Price is based on projections extending over life of entire contract, taking into account reasonably expected cost decreases. 3. Ninety-day limitation on frequency of demands may be varied by chiefs of technical service. 4. Percentage figure in paragraph (b) (1) of article to be kept as low as possible and never is to exceed 40%.	
Form III (§ 803.374-5) Negotiated price revision in event of retroactive changes in wages, salaries or employment conditions ordered or authorized by War Labor Board or any other authorized Government Agency.	(§ 803.374-2) 1. Contract must contain one of the Form I or Form II price revision articles. 2. Price must contain substantially no charge for changes in wages, salaries or employment conditions.	
Form IV (§ 803.375-4) Downward price revision negotiated upon contracting officer's demand after completion or termination of contract.	(§ 803.375-2) 1. Contract amount is $100,000 or less. 2. Initial price bears reasonable relationship to expected final price under contract. 3. Items are strictly developmental or experimental in character. 4. Contractor's cost accounting system is sufficient to show costs under contract.	
Form V (§ 803.376-4) Downward or limited upward price revision negotiated after completion or termination of contract.	(§ 803.376-2) 1. Maximum price does not exceed $1,000,000. 2. Contract calls for experimental or developmental items or service for tests in laboratories or field operations or similar experiments. 3. Form I-C or II-B cannot be used in contract. 4. Price is as close as circumstances permit. Maximum price bears reasonable relationship to initial price. 5. Contractor has or will establish adequate cost accounting system. 6. Prior written approval of Director, Purchases Division is required before article is used in any contract.	
Form VI (§ 803.377-2) Upward or downward price revision negotiated upon happening of specified contingent event and limited to that event and its direct effect.	(§ 803.377-2) 1. Contingency or basic assumption must be clearly stated in article. 2. Contingency must come within one of specified categories. 3. Certain events are excluded as possible contingencies. 4. Price contains no charge or allowance on account of specified contingency. 5. Article may be used even though one of Form I or Form II articles is used in same contract.	

§ 803.371 *Rules applicable to Forms I–A, I–B, I–C, II–A and II–B.*

§ 803.371–1 *Conditions for use.* None of Forms I–A, I–B, I–C, II–A and II–B will be used unless all of the following conditions are satisfied:

(a) The contract is a fixed price contract for supplies or services.

(b) The contracting officer believes that there is an absence of competition for the business to which the contract is to relate and that the prices quoted do not clearly reflect competition. The term "competition" as used herein means an actual striving by two or more persons for the particular order. It generally presupposes that available productive facilities are more than sufficient to meet the entire demand for the item in question, with the consequence that there is a free interaction between the forces of supply and demand. The term does not include formal bids or quotations which do not reflect a genuine attempt on the part of the bidders to obtain the order in actual rivalry with one another or which do not indicate independent action in arriving at the prices quoted.

(c) The price (1) is negotiated upon the express understanding that the particular Price Revision Article is to be included in the contract and (2) is a close price meeting the requirements of Army Service Forces Manual M601, "Pricing in War Contracts," and Subpart C of Part 802 of this chapter and containing substantially no charge or allowance for contingencies.

(d) The contracting officer is satisfied that the contractor employs methods of estimating its costs which accurately reflect current shop and engineering experience and proper quantity and price allowances for material, labor, machine utilization and other cost elements.

(e) The contracting officer is satisfied that the contractor has a cost accounting system of sufficient accuracy and reliability to show the cost information required by the article at the time or times provided therein.

(f) Except as otherwise specifically authorized in §§ 803.370 to 803.377, inclusive, no Price Revision Article will be substituted for another in or be deleted from an existing contract without the prior approval of the Director, Purchases Division, Headquarters, Army Service Forces.

(g) The special conditions for the use of the particular Form I or Form II article to be employed, hereinafter prescribed, are met and satisfied.

§ 803.371–2 *Rules for administration.* In negotiating a price adjustment under any of the Form I or Form II articles, the contracting officer will adhere to the following rules:

(a) The negotiations to revise prices should ordinarily take into account all changes in specifications which have been made up to the time of the negotiations.

(b) Negotiations to revise prices will be conducted upon substantially the same basis as the original negotiation of a price when like information on costs and estimates is available. The contracting officer ordinarily should not give consideration to an increase in price beyond the amount estimated to be the excess of (1) any increases in cost beyond the contractor's control over (2) any offsetting reductions in the contractor's costs. However, this rule should not be applied to deprive a contractor of a reasonable reward in the form of an increased estimated profit margin for especially efficient and economical production.

(c) The contracting officer should take into consideration the fact that increases in certain costs may be offset by decreases in others. The contracting officer should also recognize that increases in wages and in the prices of materials will not necessarily increase, immediately or proportionately, the cost of items to be delivered by the contractor. For example, some of the labor on work in process at the time of a wage increase may have been performed while lower rates of wages were in effect. Again, materials included in work in process may have been bought by the contractor before the effective date of a price increase. Similarly, the contractor may have an inventory on hand or materials on order at prices which do not reflect the current increases therein. Also, there may be offsetting savings not attributable to the efficiency of the contractor.

(d) The contractor's estimate of future costs will be considered in the light of all available data, including shop, engineering, accounting and other relevant information, which will help to check the accuracy of the estimate. When any component or components of the estimate are in question, the contracting officer should inquire into the physical facts, e. g., the number of men actually engaged in a particular operation or process, the quantity of material actually used, etc. Expense and overhead allocations are based upon an estimated amount of expense spread over an anticipated volume to be obtained. Check of the actual rate of expenditures and the actual volume being obtained should be made so that the rates used may be founded on up-to-date forecasts. The aggregate of those charges included in the prices of contracts entered into within the current period should be considered in order to avoid excessive prices through over-absorption of such charges.

(e) In addition to consideration of the contractor's cost experience under the contract and its estimates of future production costs, the contracting officer should make use of comparative prices, comparative costs and the trends of such prices and costs. If, since the making of the contract, prices have become competitive (in the sense indicated in § 803.371–1), particular weight shall be given to comparative prices, to the end that the effect of competitive forces may be fully realized for the benefit of the Government.

(f) The contracting officer should make such use and verification of the estimate and the supporting cost data submitted by the contractor as he would make with respect to similar data upon the negotiation of a price under a new contract. The verification may include the examination of the contractor's records, accounts and books and, if necessary in a particular case, may include an audit thereof, but generally the emphasis should be upon a check of the physical facts underlying the estimate (e. g., the quantity of material actually used, scrap losses, man and machine hours consumed, etc.) and the prices and rates used therein.

(g) The negotiations will be promptly instituted and concluded in strict accordance with the provisions of the particular article. Every effort will be made to come to an agreement as to revised price or prices. The provisions operative in the event of failure of the parties to agree shall be relied upon only as a last resort. If the alternative provisions of §§ 803.372–8 or 803.373–7 have been used and an order is to be entered pursuant to section 801 of the Revenue Act of 1943, the price thereunder will be fixed in accordance with Subpart I of Part 812 of this chapter.

(h) Upon the conclusion of each negotiation for price revision, the revised price or prices will be evidenced by a supplemental agreement. The supplemental agreement should clearly indicate what costs, if any, of a nonrecurrent nature have been recognized as having been paid for in prices for the preceding period or periods, so as to avoid the possibility of a second payment therefor in the event of termination at the option of the Government. This is particularly important where Form I–C or Form II–B has been used.

(i) Whenever a contract containing one of the Form I–A, I–B, I–C, II–A or II–B Price Revision Articles is modified by change order or supplemental agreement, so as to affect the rate of deliveries or quantities of items called for, the contracting officer will take care to deal with and cover explicitly any modifications in the operation of the Price Revision Article which he considers are made necessary by the modification of rates of deliveries or quantities.

§ 803.371–3 *Exemption from statutory renegotiation.* Provisions for exemption from renegotiation may be added to any Form I or Form II Article in accordance with and subject to the provisions of § 812.1205 of this chapter.

§ 803.372 *Forms I–A, I–B and I–C, for periodic pricing at fixed intervals.*

§ 803.372–1 *Nature and effect of articles.* (a) Form I–A, appearing in § 803.372–5 provides for negotiated upward or downward revision of the price at intervals fixed in paragraph (b) of the Article. Every revision is prospective only and may result in a price which is the same as, or higher or lower than, the price for the preceding period. In appropriate cases the contract may be divided into two periods, with the result that there will be only one revision of price.

(b) Form I–B, appearing in § 803.372–6 is the same as Form I–A except that specific reference is made to a prior existing contract for the same or substantially similar items or services as those called for by the new contract and the price for the first period is subject to a revision at the beginning of the period on the basis of the contractor's experience under the prior contract and all other relevant factors.

(c) Form I–C, appearing in §803.372–7 (replacing the articles formerly appearing in §§ 803.360–2 and 803.341–2), is the same as Form I–A except that the price for the first period is subject to retroactive revision at the end thereof. Every revision thereafter has a forward effect only, and any revision may result in a price which is the same as, or higher or lower than, the price previously in effect. In appropriate cases the contract may be divided into two periods, with the result that there will be only one revision of price.

§ 803.372–2 *Conditions for use of Forms I–A, I–B and I–C.* (a) Form I–A may be used where the nature of the product, the relative intricacies of manufacture, the proposed methods of production, the experience of the contractor and his labor force, the prior use of the particular plant, the ability of the contractor to make reasonably accurate estimates, and other surrounding conditions are such that the Government and the contractor should be bound by the price for the first period. Generally such circumstances exist where the contractor has had substantial prior experience in producing the item, but this is not necessarily so, as where the item is simple and an accurate cost estimate may be made at the outset. The length of the pricing periods will depend on the circumstances of each case and will normally range from 3 to 4 months each.

(b) Form I–B may be used where the conditions for the use of Form I–A are satisfied and where the production under the previous contract will continue substantially to the beginning of production under the contract containing Form I–B. The length of the pricing periods will depend upon the circumstances of each case and will normally range from 3 to 4 months each. Where the duration of the contract subject to the Form I–B Article is relatively short, it may be appropriate to provide for only one pricing period. In such case the Form I–B Article will be appropriately modified.

(c) Form I–C may be used where the conditions prescribed in paragraph (a) above for the use of Form I–A cannot be satisfied and where, in consequence, the circumstances are such that neither the Government nor the contractor should be bound by the price initially negotiated for the first period. Generally such circumstances exist where the contractor has not had substantial prior experience in producing the items, but they may exist even in cases where the contractor has had substantial experience, as in cases where specification changes, the substitution of important materials, the use of an untried plant or labor force, the intricacies of manufacturing processes, or other conditions prevent the making of sufficiently reliable cost estimates at the outset of the contract. The first pricing period under this article should be no longer than is necessary to enable the contractor to gain the experience necessary to make an accurate estimate, but in any event shall not include more than 40 per cent of the items or services called for by the contract. The Article may also be used in those cases in which one price revision, both retroactive and prospective, is deemed appropriate.

(d) When any one of the Form I Articles is used, the price for the first period will be based on projections which do not extend beyond that period.

(e) The periods selected should be made to conform, as nearly as possible, with the operation of the contractor's accounting system, so that the contractor may submit the required experienced cost information with the least possible delay and interference with routine procedures. The periods need not be of equal length.

(f) The pricing periods under any of the Form I Articles may be measured by the production or delivery of a specified number or percentage of items in lieu of calendar periods. Where this course is followed the pricing periods will conform substantially to the foregoing limitations, and the Article will be appropriately modified to reflect the change in type of period.

(g) The conditions laid down in § 803.371–1 must be satisfied before any of the foregoing Articles is used.

(h) The optional paragraph (e) (Disagreements) set out in § 803.372–8 may

be substituted for paragraph (e) (Disagreements) in Form I–A, I–B or I–C at the option of the chief of the technical service.

§ 803.372–3 *Substitution or insertion by amendment.* (a) Any of the Form I Articles may be substituted for the old form of the corresponding Article contained in an existing contract.

(b) Form I–A or I–B may be inserted in an existing contract by amendment if all the conditions for its use in a new contract are satisfied and if (1) the price is substantially reduced or (2) the quantity is increased and the article is made applicable only to the increased quantity.

(c) Form I–C may be inserted in an existing contract only with the prior written approval of the Director, Purchases Division, Headquarters, Army Service Forces.

(d) It has been determined that the insertion of Form I–A, I–B or I–C in existing contracts by supplemental agreement in conformity with the requirements of this section will facilitate the prosecution of the war.

§ 803.372–4 *Administration of Forms I–A, I–B and I–C.* (a) The price revised prospectively for any period shall be based on projections which do not extend beyond the end of that period.

(b) In administering Form I–C particular care will be taken to conclude the retroactive price revision thereunder before conclusion of an agreement or unilateral determination under the Renegotiation Act which is applicable to any part of the period subject to such retroactive price revision.

(c) The rules for administration of all the Form I and II Price Revision Articles, set out in § 803.371–2, will be followed and applied with respect to Forms I–A, I–B and I–C.

§ 803.372–5 *Text of Form I–A.*

(a) The prices fixed in Article — may be increased or decreased in accordance with this Article.

(b) *Price periods.* The Government and the Contractor agree to revise the contract prices under this contract periodically in accordance with this Article and agree that the performance of this contract will be divided into successive periods for that purpose. The first period will extend from ------ to ------; and the second and each succeeding period will extend for -------- months from the end of the preceding period. The first day of the second and each succeeding period is hereinafter referred to as "the effective date of the price revision." Fifteen days before the end of each period hereunder, except the last, or at such time or times as the Contracting Officer may fix, the Contractor shall furnish the statements and data referred to in paragraph (c) of this Article.

(c) *Submission of data.* At the time or each of the times specified or provided for in paragraph (b) of this Article the Contractor shall submit (i) a new estimate and breakdown of the unit cost and the proposed prices of the items to be delivered in the succeeding period under this contract, itemized so far as is practicable in the manner prescribed in War Department Procurement Form No. 3, (ii) an explanation of the differences between the original (or last preceding) estimate and the new estimate; (iii) such relevant shop and engineering data, cost records, overhead absorption reports and accounting statements as may be of assistance in determining the accuracy and reliability of the new estimate; (iv) a statement of experienced costs of production hereunder to the extent that they are available at the time or times of the negotiation of the revision of prices hereunder; and (v) any other relevant data usually furnished in the case of negotiation of prices under a new contract. The Government may make such examination of the Contractor's accounts, records and books as the Contracting Officer may require and may make such audit thereof as the Contracting Officer may deem necessary.

(d) *Negotiations.* (1) Upon the filing of the statements and data required by paragraph (c) of this Article, the Contractor and the Contracting Officer will negotiate promptly in good faith to agree upon prices for items to be delivered on and after the effective date of the price revision. Negotiations for price revision under this Article shall be conducted on the same basis, employing the same types of data (including, without limitation, comparative prices, comparative costs, and trends thereof) as in the negotiation of prices under a new War Department contract.

(2) After each negotiation the agreement reached will be evidenced by a supplemental agreement stating the revised prices to be effective with respect to deliveries on and after the effective date of the price revision.

(e) *Disagreements.* If within thirty days after the effective date of the price revision (or such further period as may be fixed by written agreement) the Contracting Officer and the Contractor fail to agree to revised prices for the period in question, the failure to agree shall be deemed to be a disagreement as to a question of fact which shall be disposed of in accordance with Article —. (Disputes).

(f) *Payments.* Until new prices shall become effective in accordance with this Article, the prices in force at the effective date of the price revision shall be paid upon all deliveries, subject to appropriate later revision made pursuant to paragraph (d) or (e) or (h) (2) (B) of this Article.

(g) *Reservation of Government's rights.* Any provision of this Article and any action thereunder shall be without prejudice to (1) the determination of the existence of any excessive profits of the Contractor under the Renegotiation Act; and (2) to any Order fixing the price of items to be furnished or services to be rendered hereunder made under Section 801 of the Revenue Act of 1943.

(h) *Termination provisions.* For any of the purposes of Article —. (Termination at the Option of the Government) of this contract (including without limitation, the computation of "the total contract price" and "the contract price of work not terminated") the contract price of delivered articles shall be deemed to be,

(1) for all items delivered prior to the effective date of the price revision, the contract price (giving effect to any prior revisions under this Article) applicable to each such item;

(2) for all items delivered on or after the effective date of the price revision,

(A) the contract price as revised in accordance with this Article, if such revision shall have been agreed upon; and

(B) if such revision shall not have been agreed upon, then such estimated prices as the Contractor and the Contracting Officer may agree upon as reasonable under all the circumstances and in the absence of such agreement such reasonable prices as may be determined in accordance with Article —. (Disputes).

§ 803.372–6 *Text of Form I–B.*

(a) The prices fixed in Article —, may be increased or decreased in accordance with this Article.

(b) *Price periods.* The Government and the Contractor agree to revise the contract prices under this contract periodically in accordance with this Article and agree that the performance of this contract will be divided into successive periods for that purpose. The first period will extend from ---------- to ----------; and the second and each succeeding period will extend for ---- months from the end of the preceding period. The first day of each period is hereinafter referred to as "the effective date of the price revision". Fifteen days before the beginning of the first period hereunder, or at such other time as the Contracting Officer may fix, the Contractor will furnish the statements and data referred to in paragraph (c) of this Article, which shall, however, be based on the Contractor's experience under Contract No. ----------, which also calls for the manufacture and delivery to the Government of ---------- Fifteen days before the end of the first and each succeeding period hereunder, except the last, or at such other time or times as the Contracting Officer may fix, the Contractor shall furnish the statements and data referred to in paragraph (c) of this Article, which shall be based on the contractor's experience under this contract.

(c) *Submission of data.* At the time or each of the times specified or provided for in paragraph (b) of this Article the Contractor shall submit (i) a new estimate and breakdown of the unit cost and the proposed prices of the items to be delivered in the succeeding period under this contract itemized so far as is practicable in the manner prescribed in War Department Standard Procurement Form No. 3; (ii) an explanation of the differences between the original (or last preceding) estimate and the new estimate; (iii) such relevant shop and engineering data, cost records, overhead absorption reports and accounting statements as may be of assistance in determining the accuracy and reliability of the new estimate; (iv) a statement of experienced costs of production hereunder to the extent that they are available at the time or times of the negotiation of the revision of prices hereunder; and (v) any other relevant data usually furnished in the case of negotiation of prices under a new contract. The Government may make such examination of the Contractor's accounts, records and books as the Contracting Officer may require and may make such audit thereof as the Contracting Officer may deem necessary.

(d) *Negotiations.* (1) Upon the filing of the statements and data required by paragraph (c), of this Article, the Contractor and the Contracting Officer will negotiate promptly in good faith to agree upon prices for items to be delivered on and after the effective date of the price revision. Negotiations for price revision under this Article shall be conducted on the same basis, employing the same types of data (including, without limitation, comparative prices, comparative costs, and trends thereof) as in the negotiation of prices under a new War Department contract.

(2) After each negotiation the agreement reached will be evidenced by a supplemental agreement stating the revised prices to be effective with respect to deliveries on and after the effective date of the price revision.

(e) *Disagreements.* If within thirty days after the effective date of the price revision (or such further period as may be fixed by written agreement) the Contracting Officer and the Contractor fail to agree to revised prices for the period in question, the failure to agree shall be deemed to be a disagreement as to a question of fact which shall be disposed of in accordance with Article — (Disputes).

(f) *Payments.* Until new prices shall become effective in accordance with this Article, the prices in force at the effective date of the price revision shall be paid upon all deliveries, subject to appropriate later revision made pursuant to paragraph (d) or (e) or (h) (2) (B) of this Article.

(g) *Reservation of Government's rights.* Any provision of this Article and any action thereunder shall be without prejudice (1) to the determination of the existence of any excessive profits of the Contractor under the Renegotiation Act; and (2) to any Order fixing the price of items to be furnished or services to be rendered hereunder made under Section 801 of the Revenue Act of 1943.

(h) *Termination provisions.* For any of the purposes of Article — (Termination at the Option of the Government) of this contract (including, without limitation, the computation of "the total contract price" and "the contract price of work not terminated") the contract price of delivered articles shall be deemed to be,

(1) for all items delivered prior to the effective date of the price revision, the contract price (giving effect to any prior revisions under this Article) applicable to each such item;

(2) for all items delivered on or after the effective date of the price revision;

(A) the contract price as revised in accordance with this Article, if such revision shall have been agreed upon; and

(B) if such revision shall not have been agreed upon, then such estimated prices as the Contractor and the Contracting Officer may agree upon as reasonable under all the circumstances and in the absence of such agreement such reasonable prices as may be determined in accordance with Article — (Disputes).

§ 803.372–7 *Text of Form I–C.*

(a) The prices fixed in Article — may be increased or decreased in accordance with this Article.

(b) *Price periods.* The Government and the Contractor agree to revise the contract prices under this contract periodically in accordance with this Article and agree that the performance of this contract will be divided into successive periods for that purpose. The first period will extend from ---------- to ----------; and the second and each succeeding period will extend for ---- months from the end of the preceding period. The first day of the second and each succeeding period is hereinafter referred to as "the effective date of the price revision." Fifteen days before the end of each period hereunder, except the last, or at such other time or times as the Contracting Officer may fix, the Contractor shall furnish the statements and data referred to in paragraph (c) of this Article.

(c) *Submission of data.* At the time or each of the times specified or provided for in paragraph (b) of this Article the Contractor shall submit (i) a new estimate and breakdown of the unit cost and the proposed prices of the items to be delivered in the succeeding period under this contract, itemized so far as is practicable in the manner prescribed in War Department Standard Procurement Form No. 3; (ii) an explanation of the differences between the original (or last preceding) estimate and the new estimate; (iii) such relevant shop and engineering data, cost records, overhead absorption reports and accounting statements as may be of assistance in determining the accuracy and reliability of the new estimate; (iv) a statement of experienced costs of production hereunder to the extent that they are available at the time or times of the negotiation of the revision of prices hereunder; and (v) any other relevant data usually furnished in the case of negotiation of prices under a new contract. The Government may make such examination of the Contractor's accounts, records and books as the Contracting Officer may require and may make such audit thereof as the Contracting Officer may deem necessary.

(d) *Negotiations.* (1) Upon the filing of the statements and data required by paragraph (c) of this Article, the Contractor and the Contracting Officer will negotiate promptly in good faith to agree upon prices for items to be delivered on and after the effective date of the price revision, and in the case of the first negotiation under this Article the prices for items delivered prior to the effective date of the price revision. Negotiations for price revision under this Article shall be conducted on the same basis, employing the same types of data (including, without limitation, comparative prices, comparative costs, and trends thereof) as in the negotiation of prices under a new War Department contract.

(2) After each negotiation the agreement reached will be evidenced by a supplemental agreement stating the revised prices to be effective with respect to deliveries on and after the effective date of the price revision. The supplemental agreement made upon completion of the first negotiation shall also state revised prices for items delivered prior to the effective date of the price revision.

(e) *Disagreements.* If within thirty days after the effective date of the price revision (or such further period as may be fixed by written agreement) the Contracting Officer and the Contractor fail to agree to revised prices for the period in question, the failure to agree shall be deemed to be a disagreement as to a question of fact which shall be disposed of in accordance with Article — (Disputes).

(f) *Payments.* Until new prices shall become effective in accordance with this Article, the prices in force at the effective date of the price revision shall be paid upon all deliveries, subject to appropriate later revision made pursuant to paragraph (d) or (e) or (h) (2) (B) of this Article.

(g) *Reservation of Government's rights.* Any provision of this Article and any action thereunder shall be without prejudice (1) to the determination of the existence of any excessive profits of the Contractor under the Renegotiation Act; and (2) to any Order fixing the price of articles to be furnished or services to be rendered hereunder made under Section 801 of the Revenue Act of 1943.

(h) *Termination provisions.* For any of the purposes of Article — (Termination at the Option of the Government) of this contract (including, without limitation, the computation of "the total contract price" and "the contract price of work not terminated") the contract price of delivered articles shall be deemed to be,

(1) for all items delivered prior to the effective date of the price revision, the contract price (giving effect to any prior revisions under this Article) applicable to each such item;

(2) for all items delivered on or after the effective date of the price revision,

(A) the contract price as revised in accordance with this Article, if such revision shall have been agreed upon; and

(B) if such revision shall not have been agreed upon, then such estimated prices as the Contractor and the Contracting Officer may agree upon as reasonable under all the circumstances and in the absence of such agreement such reasonable prices as may be determined in accordance with Article — (Disputes).

(i) *Termination during the first period.* In the event that this contract is terminated under Article — (Termination at the Option of the Government) or the Contractor's right to deliver is terminated under Article — (Delays—Damages), so that the last delivery under the contract as terminated is made prior to the completion of the first period as defined in paragraph (b) of this Article, the Contractor within ---- days after such last delivery shall furnish the data required by paragraph (c) of this Article and thereupon the parties shall negotiate in good faith to agree upon revised prices under this contract. The agreement reached shall be evidenced by a supplemental agreement to this contract stating the revised prices under the contract. Any failure to agree as to the revised prices shall be deemed to be a disagreement as to a question of fact which shall be disposed of in accordance with Article — (Disputes).

(j) *Effect of prior renegotiation.* If, prior to any revision of the price under this Article, any sums paid or payable under this contract in respect of items the price of which may be affected by such revision have been included as renegotiable income received or accrued by the Contractor in any fiscal period for which there has been a final determination (by agreement or unilateral determination) as to the Contractor's liability to repay to the Government excessive profits under the Renegotiation Act, appropriate weight shall be given to the results of the proceedings in renegotiation in determining the sums, if any, to be paid or credited by or to the Contractor in connection with this revision under this Article of that part of the price applicable to that fiscal period, it being the intent of the parties that the net result shall be substantially the same as it would have been if the revision had preceded such final determination.

§ 803.372–8 *Optional paragraph (b) (Disagreements) for use with Form I–A, I–B or I–C.*

(e) *Disagreements.* (1) If within 30 days after any effective date of the price revision (or such further period as may be fixed by written agreement) the Contracting Officer and the Contractor fail to agree as to revised prices, the Contractor, if it has substantially complied with the requirements of this Article as to the furnishing of statements and data, may give written notice to the Contracting Officer requiring the Government to pay the prices set forth in such notice from the time at which such price revision was to be effective under the provisions of this Article and until the beginning of the next succeeding period hereunder.

(2) The Government shall pay the prices set forth in such notice from the time such price revision was to be effective as aforesaid, unless within 30 days after the delivery of such notice there shall be served upon the Contractor an Order pursuant to Section 801 of the Revenue Act of 1943 (which may contain any terms or conditions permitted by that Section) fixing the prices to be paid for items and services to be delivered from and after the date of the Order for the balance of the contract or until a date specified in the Order. If no such Order is served on the Contractor, the prices set forth in the Contractor's notice shall be incorporated in an appropriate supplemental agreement.

(3) The Contractor's delivery of a notice pursuant to this paragraph (e) shall constitute (1) a refusal, within the meaning of Section 801, to agree to prices for the items and services to be furnished under this contract lower than those specified in the Contractor's notice, (2) a waiver and release of any right (under said Section 801 or otherwise) of the Contractor to further negotiation with any representative of the War Department as to fair and reasonable prices and (3) a consent by the Contractor that an Order may be made pursuant to Section 801 without other or further notice to the Contractor than the service of such Order. In the event of the service of such an Order, the contract shall continue in effect except as modified by said Order and the Contractor shall have the rights and remedies granted to it under paragraph (c) of said Section

801. It is agreed that the prices fixed in the Order shall also be the prices applicable from the time at which such price revision was to be effective under the provisions of this Article until the effective date of the Order.

(4) If the Contracting Officer and the Contractor fail to agree as aforesaid, and if Section 801 of the Revenue Act of 1943 shall not be in force, the Contracting Officer within 30 days after the delivery of the Contractor's notice may serve upon the Contractor a written election by which the Government agrees to pay to the Contractor fair and just compensation for all deliveries made under the contract from the time at which such price revision was to be effective under the provisions of this Article until the beginning of the next succeeding period hereunder. The written election shall specify the amount which the Contracting Officer deems to be fair and just compensation. If no written election is served upon the Contractor, the prices set forth in the Contractor's notice shall be incorporated in an appropriate supplemental agreement. If a written election is served upon the Contractor as above provided, the contract shall continue in effect as modified by such written election and the Contractor (a) shall be paid currently the amount specified by the Contracting Officer in such written election for all deliveries affected thereby and (b) may recover from the United States, by suit brought within six months after the delivery of such written election or after the completion of deliveries under this contract whichever shall last occur, the amount, if any, by which such fair and just compensation exceeds the amount so specified.

(5) If the Contracting Officer and the Contractor fail to agree and no notice has been given by the Contractor as contemplated in subparagraph (e) (1) of this Article, the Contractor shall be entitled to receive, from the time at which such price revision was to be effective under the provisions of this Article until the beginning of the next succeeding period hereunder, fair and just compensation the amount of which shall be determined as a question of fact under Article — (Disputes).

§ 803.373 *Forms II–A and II–B, for optional periodic pricing upon demand.*

§ 803.373–1 *Nature and effect of Articles.* (a) Form II–A, appearing in § 803.373–5 (formerly § 803.360a), provides for negotiated upward or downward revision of the price from time to time upon the written demand of either the Government or the Contractor, subject to specified limitations on the frequency of the demands. All revisions made under Form II–A have a prospective effect only, and upon any revision the new price may be the same as, or higher or lower than, the price theretofore in effect.

(b) Form II–B, appearing in § 803.373–6 replacing § 803.360a–1) provides for a negotiated upward or downward revision of the prices upon completion of delivery of a specified percentage of the principal items called for by the contract, without a demand by either party. Thereafter there may be upward or downward revision of the price upon written demand of either party, subject to specified limitations on the frequency of the demands, exactly as in the case of Form II–A. Any revision made pursuant to a demand after the initial period has a prospective effect only.

§ 803.373–2 *Conditions for use of Forms II–A and II–B.* (a) Form II–A may be used where the nature of the product, the relative intricacies of manufacture, the proposed methods of production, the experience of the Contractor and his labor force, the prior use of the particular plant, the ability of the Contractor to make reasonably accurate estimates, and other surrounding conditions are such that the Government and the Contractor should be bound by the initial price. Generally such circumstances exist where the Contractor has had substantial prior experience in producing the item, but this is not necessarily so, as where the item is simple and an accurate cost estimate may be made at the outset. Since price revision is not required under Form II–A unless one of the parties makes a demand therefor, the price initially fixed in a contract containing this Article may remain unchanged for the life of that contract. The price should therefore be based on projections extending over the entire life of the contract. The projections should give effect to all decreases in costs which might reasonably be expected to occur during performance of the contract. Because of the protection afforded the Contractor by the Article, however, the projections should not give effect to possible increases in costs.

(b) Form II–B may be used where the conditions prescribed in paragraph (a) above for the use of Form II–A cannot be satisfied and where, in consequence, the circumstances are such that neither the Government nor the Contractor should be bound by the price negotiated for the initial period. Generally such circumstances exist where the Contractor has not had substantial prior experience in producing the item, but they may exist even in cases where the Contractor has had substantial experience, as where specification changes, the substitution of important materials, the use of an untried plant or labor force, the intricacies of manufacturing processes, or other conditions prevent the making of sufficiently reliable cost estimates at the outset of the contract. The initial price should be based on projections which do not extend beyond the completion of the initial portion of the contract as specified in paragraph (b) of Form II–B.

(c) In the case of Form II–A the date before which the first demand may not be made will be fixed so as to preclude a first demand that may be premature, and will be inserted in the blank provided therefor in paragraph (b). In appropriate cases the 90-day limitations in paragraph (b) of Form II–A and II–B may be changed by the chief of the technical service to meet the exigencies of those cases.

(d) The percentage figures to be inserted in paragraph (b) (1) of Form II–B should be kept as low as circumstances will permit and should never exceed forty per cent.

(e) The conditions laid down in § 803.371–1 must be satisfied before either Form II–A or II–B is used.

(f) The optional paragraph (e) (Disagreements) set out in § 803.373–7 may be substituted for paragraph (e) (Disagreements) in Form II–A or II–B at the option of the chief of the technical service.

§ 803.373–3 *Substitution or insertion by amendment.* (a) Either Form II–A or II–B may be substituted for the old form of the corresponding Article contained in a preexisting contract.

(b) Form II–A may be inserted in an existing contract if all the conditions for its use are satisfied and (1) if the price is substantially reduced or (2) the quantity is increased and the Article is made applicable only to the increased quantity.

(c) Form II–B may be inserted in an existing contract only with the prior written approval of the Director, Purchases Division, Headquarters, Army Service Forces.

(d) It has been determined that the insertion of Form II–A or II–B in existing contracts by supplemental agreement in conformity with the requirement of this section will facilitate the prosecution of the war.

§ 803.373–4 *Administration of Forms II–A and II–B.* (a) Proper administration of Forms II–A and II–B requires that the contracting officer make regular periodic reviews of the contract price to ascertain whether or not a demand should be served. No demand should be made unless the contracting officer has good grounds for believing that a revision in price is necessary to protect the Government's interests. The need for such a demand may be indicated by factors such as the following: (1) Comparative prices, (2) movements or trends in such prices, (3) movements or trends in the costs of other contractors for the same or similar items or services, (4) information supplied by the Contractor in the ordinary course of business, (5) changes in market prices of materials or components, (6) changes in subcontract prices, (7) information revealed in connection with statutory renegotiation or the application of the company pricing program to the Contractor, and (8) changes in the Contractor's prices under other Government contracts.

(b) The first revised forward price under Form II–B and prices negotiated pursuant to a demand under either Article should be based on projections extending over the remaining life of the contract and should not take into account possible increases in costs.

(c) In administering Form II–B particular care will be taken to conclude the retroactive price revision thereunder before the conclusion of an agreement or unilateral determination under the Renegotiation Act which is applicable to any part of the period subject to such retroactive price revision.

(d) The rules for administration of the Form I and Form II price revision articles set out in § 803.371–2 will be followed and applied with respect to Forms II–A and II–B.

§ 803.373–5 *Text of Form II–A.*

(a) The prices fixed in Article — may be increased or decreased in accordance with this Article.

(b) *Demand for negotiation.* (1) At any time and from time to time, subject to the limitations specified in this Article, either the Government or the Contractor may deliver to the other a written demand that the parties negotiate to revise the prices under this contract. No such demand shall be made before ---------- and thereafter neither party shall make a demand having an effective date within 90 days of the effective date of any prior demand, provided, however, that this limitation shall not be applicable in the event that during any 90-day period the War Labor Board or any other similar Government agency shall authorize or order a change in wages, salaries or conditions of employment in the plants of the Contractor used in the performance of this contract. Each demand shall specify a date (identical with or subsequent to the date of the delivery of the demand) as of which the revised prices shall be effective as to the deliveries made thereon and thereafter. This date is hereinafter referred to as "the effective date of the price revision". Any demand under this Article, if made by the Contractor, shall state briefly the ground or grounds therefor and shall be accompanied by the statements and data referred to in paragraph (c) of this Article. If the demand is made by the Government, such statements and data will be furnished by the Contractor within 30 days of the delivery of the demand.

(2) In the event all remaining work under this contract, as it may from time to time be amended, shall be terminated under Article —. (Termination at the Option of the Government), no demand shall then or thereafter be made and any demand the effective date of which is less than 30 days before the effective date of such termination shall be void and of no effect.

(c) *Submission of data.* At the time or each of the times specified or provided for in paragraph (b) of this Article the Contractor shall submit (i) a new estimate and break-down of the unit cost and the proposed prices of the items remaining under this contract after the effective date of the price revision, itemized so far as is practicable in the manner prescribed in War Department Standard Procurement Form No. 3; (ii) an explanation of the differences between the original (or last preceding) estimate and the new estimate; (iii) such relevant shop and engineering data, cost records, overhead absorption reports and accounting statements as may be of assistance to determining the accuracy and reliability of the new estimate; (iv) a statement of experienced costs of production hereunder to the extent that they are available at the time or times of the negotiation of the revision of prices hereunder; and (v) any other relevant data usually furnished in the case of negotiation of prices under a new contract. The Government may make such examination of the Contractor's accounts, records and books as the Contracting Officer may require and may make such audit thereof as the Contracting Officer may deem necessary.

(d) *Negotiations.* (1) Upon the filing of the statements and data required by paragraph (c) of this Article, the Contractor and the Contracting Officer will negotiate promptly in good faith to agree upon prices for items to be delivered on and after the effective date of the price revision. Negotiations for price revisions under this Article shall be conducted on the same basis, employing the same types of data, including, without limitation, comparative prices, comparative costs, and trends thereof, as in the negotiation of prices under a new War Department contract.

(2) After each negotiation the agreement reached will be evidenced by a supplemental agreement stating the revised prices to be effective with respect to deliveries on and after the effective date of the price revision for such other later date as the parties may fix in such supplemental agreement).

(e) *Disagreements.* If, within 30 days after the date on which the statements and data are required pursuant to paragraph (b) of this Article to be filed (or such further period as may be fixed by written agreement), the

Contracting Officer and the Contractor fail to agree to revised prices, the failure to agree shall be deemed to be a disagreement as to a question of fact which shall be disposed of in accordance with Article — (Disputes), and the prices so fixed shall remain in effect for the balance of the contract notwithstanding any other provision of this Article.

(f) *Payments.* Until new prices shall become effective in accordance with this Article, the prices in force at the effective date of the price revision shall be paid upon all deliveries, subject to appropriate later revision made pursuant to paragraph (d) or (e) or (h) (2) (B) of this Article.

(g) *Reservation of Government's rights.* Any provision of this Article and any action thereunder shall be without prejudice (1) to the determination of the existence of any excessive profits of the Contractor under the Renegotiation Act, and (2) to any Order fixing the price of items to be furnished or services to be rendered hereunder made under Section 801 of the Revenue Act of 1943.

(h) *Termination provisions.* For any of the purposes of Article — (Termination at the Option of the Government) of this contract (including, without limitation, the computation of "the total contract price" and "the contract price of work not terminated"), the contract price of delivered articles shall be deemed to be,

(1) for all items delivered prior to the effective date of the price revision, the contract price (giving effect to any prior revisions under this Article) applicable to each such item;

(2) for all items delivered on or after the effective date of the price revision,

(A) the contract price as revised in accordance with this Article, if such revision shall have been agreed upon; and

(B) if such revision shall not have been agreed upon, then such estimated prices as the Contractor and the Contracting Officer may agree upon as reasonable under all the circumstances and in the absence of such agreement such reasonable prices as may be determined in accordance with Article — (Disputes).

§ 803.373–6 *Text of Form II–B.*

(a) The prices fixed in Article — may be increased or decreased in accordance with this Article.

(b) *Times for negotiation.* (1) Upon completion of delivery of ____ per cent of the (*here specify the principal items to be furnished under the contract*) to be furnished under this contract, the parties shall negotiate to revise the prices of all items theretofore and thereafter to be delivered. Within 5 days after the completion of delivery of said ____ per cent, the Contractor shall furnish to the Contracting Officer the statements and data referred to in paragraph (c) of this Article. At any time and from time to time after the completion of delivery of said ____ per cent, subject to the limitations specified in this Article, either the Government or the Contractor may deliver to the other a written demand that the parties negotiate to adjust the prices under this contract. No demand shall be made prior to 90 days after the completion of delivery of said ____ per cent an dthereafter neither party shall make a demand having an effective date within 90 days of the effective date at any prior demand, *Provided, however,* That this limitation shall not be applicable in the event that during any 90-day period the War Labor Board or any similar Government agency shall authorize or order a change in wages, salaries or conditions of employment in the plants of the Contractor used in the performance of this contract. Each demand shall specify a date (identical with or subsequent to the date of the delivery of the demand) as of which the revised prices shall be effective as to the deliveries made thereon and thereafter. This date is hereinafter referred to as "the effective date of the price revision". For the purposes of the first negotiation contemplated by this paragraph, the date of execution of this contract shall be deemed to be the effective date of the price revision. Any demand under this Article, if made by the Contractor, shall state briefly the ground or grounds therefor and shall be accompanied by the statements and data referred to in paragraph (c) of this Article. If the demand is made by the Government, such statements and data will be furnished by the Contractor within 30 days of the delivery of the demand.

(2) In the event all remaining work under this contract, as it may from time to time be amended, shall be terminated under Article — (Termination at the Option of the Government), no demand shall then or thereafter be made and any demand the effective date of which is less than 30 days before the effective date of such termination shall be void and of no effect.

(c) *Submission of data.* At the time or each of the times specified or provided for in paragraph (b) of this Article the Contractor shall submit (i) a new estimate and break-down of the unit cost and the proposed prices of the items remaining under this contract after the effective date of the price revision, itemized so far as is practicable in the manner prescribed by War Department Standard Procurement Form No. 3; (ii) an explanation of the differences between the original (or last preceding) estimate and the new estimate; (iii) such relevant shop and engineering data, cost records, overhead absorption reports and accounting statements as may be of assistance in determining the accuracy and reliability of the new estimate; (iv) a statement of experienced costs of production hereunder to the extent that they are available at the time or times of the negotiation of the revision of prices hereunder; and (v) any other relevant data usually furnished in the case of negotiation of prices under a new contract. The Government may make such examination of the Contractor's accounts, records and books as the Contracting Officer may require and may make such audit thereof as the Contracting Officer may deem necessary.

(d) *Negotiations.* (1) Upon the filing of the statements and data required by paragraph (c) of this Article, the Contractor and the Contracting Officer will negotiate promptly in good faith to agree upon prices for items to be delivered on and after the effective date of the price revision. Negotiations for price revisions under this Article shall be conducted on the same basis, employing the same types of data (including, without limitation, comparative prices, comparative costs, and trends thereof) as in the negotiation of prices under a new War Department contract.

(2) After each negotiation the agreement reached will be evidenced by a supplemental agreement stating the revised prices to be effective with respect to deliveries on and after the effective date of the price revision (or such other later date as the parties may fix in such supplemental agreement).

(e) *Disagreements.* If within 30 days after the date on which the statements and data are required pursuant to paragraph (b) of this Article to be filed (or such further period as may be fixed by written agreement) the Contracting Officer and the Contractor fail to agree to revised prices, the failure to agree shall be deemed to be a disagreement as to a question of fact which shall be disposed of in accordance with Article — (Disputes), and the prices so fixed shall remain in effect for the balance of the contract notwithstanding any other provision of this Article.

(f) *Payments.* Until new prices shall become effective in accordance with this Article, the prices in force at the effective date

of the price revision shall be paid upon all deliveries, subject to appropriate later revision made pursuant to paragraph (d) or (e) or (h) (2) (B) of this Article.

(g) *Reservation of Government's rights.* Any provision of this Article and any action thereunder shall be without prejudice to (1) the determination of the existence of any excessive profits of the Contractor under the Renegotiation Act, and (2) to any Order fixing the price of items to be furnished or services to be rendered hereunder made under Section 801 of the Revenue Act of 1943.

(h) *Termination provisions.* For any of the purposes of Article — (Termination at the Option of the Government) of this contract (including, without limitation, the computation of "the total contract price" and "the contract price of work not terminated"), the contract price of delivered articles shall be deemed to be,

(1) for all items delivered prior to the effective date of the price revision, the contract price (giving effect to any prior revisions under this Article) applicable to each such item;

(2) for all items delivered on or after the effective date of the price revision,

(A) the contract price as revised in accordance with this Article if such revision shall have been agreed upon; and

(B) if such revision shall not have been agreed upon, then such estimated prices as the Contractor and the Contracting Officer may agree upon as reasonable under all the circumstances and in the absence of such agreement such reasonable prices as may be determined in accordance with Article — (Disputes).

(i) *Termination during the initial period.* In the event that this contract is terminated under Article — (Termination at the Option of the Government) or the Contractor's right to deliver is terminated under Article — (Delays—Damages), so that the last delivery under the contract as terminated is made prior to the completion of the initial period as specified in paragraph (b) of this Article, the contractor within —— days after such last delivery shall furnish the data required by paragraph (c) of this Article and thereupon the parties shall negotiate in good faith to agree upon revised prices under this contract. The agreement reached shall be evidenced by a supplemental agreement to this contract stating the revised prices under the contract. Any disagreement as to the revised prices will be disposed of as a question of fact in accordance with Article — (Disputes).

(j) *Effect of prior renegotiation.* If, prior to any revision of the price under this Article, any sums paid or payable under this contract in respect of items the price of which may be affected by such revision have been included as renegotiable income received or accrued by the Contractor in any fiscal period for which there has been a final determination (by agreement or unilateral determination) as to the Contractor's liability to repay to the Government excessive profits under the Renegotiation Act, appropriate weight shall be given to the results of the proceedings in renegotiation in determining the sums, if any, to be paid or credited by or to the Contractor in connection with the revision under this Article of that part of the price applicable to that fiscal period, it being the intent of the parties that the net result shall be substantially the same as it would have been if the revision had preceded such final determination.

§ 803.373–7 *Optional paragraph (e) (Disagreements) for use with Form II–A or II–B.*

(e) *Disagreements.* (1) If within 30 days after the date on which the statements and data are required pursuant to paragraph (b) of this Article to be filed (or such further period as may be fixed by written agreement) the Contracting Officer and the Contractor fail to agree to revised prices, the Contractor, if it has substantially complied with the requirements of this Article as to the furnishing of statements and data, may give written notice to the Contracting Officer requiring the Government to pay the prices set forth in such notice from the time at which such price revision was to be effective under the provisions of this Article.

(2) The Government shall pay the prices set forth in such notice from the time such price revision was to be effective as aforesaid, unless within 30 days after the delivery of such notice there shall be served upon the Contractor an Order pursuant to Section 801 of the Revenue Act of 1943 (which may contain any terms or conditions permitted by that Section) fixing the prices to be paid for items and services to be delivered from and after the date of the Order for the balance of the contract or until a date specified in the Order. If no such Order is served on the Contractor, the prices set forth in the Contractor's notice shall be incorporated in an appropriate supplemental agreement.

(3) The Contractor's delivery of a notice pursuant to this paragraph (e) shall constitute (1) a refusal, within the meaning of Section 801, to agree to prices for the items and services to be furnished under this contract lower than those specified in the Contractor's notice, (2) a waiver and release of any right (under said Section 801 or otherwise) of the Contractor to further negotiation with any representative of the War Department as to fair and reasonable prices and (3) a consent by the Contractor that an Order may be made pursuant to Section 801 without other or further notice to the Contractor than the service of such Order. In the event of the service of such an Order, the contract shall continue in effect except as modified by said Order and the Contractor shall have the rights and remedies granted to it under paragraph (c) of said Section 801. It is agreed that the prices fixed in the Order shall be the prices applicable from the time at which such price revision was to be effective under the provisions of this Article.

(4) If the Contracting Officer and the Contractor fail to agree as aforesaid, and if Section 801 of the Revenue Act of 1943 shall not be in force, the Contracting Officer within 30 days after the delivery of the Contractor's notice may serve upon the Contractor a written election by which the Government agrees to pay to the Contractor fair and just compensation from the time at which such price revision was to be effective under the provisions of this Article. The written election shall specify the amount which the Contracting Officer deems to be fair and just compensation. If no written election is served upon the Contractor, the prices set forth in the Contractor's notice shall be incorporated in an appropriate supplemental agreement. If a written election is served upon the Contractor as above provided, the contract shall continue in effect as modified by such written election and the Contractor (a) shall be paid currently the amount specified by the Contracting Officer in such written election for all deliveries affected thereby and (b) may recover from the United States, by suit brought within six months after the delivery of such written election or after the completion of deliveries under this contract, whichever shall last occur, the amount, if any, by which such fair and just compensation exceeds the amount so specified.

(5) If the Contracting Officer and the Contractor fail to agree and no notice has been given by the Contractor as contemplated in paragraph (e) (1) of this Article, the Contractor shall be entitled to receive, from the time at which such price revision was to be effective under the provisions of this Article, fair and just compensation the amount of which shall be determined as a question of fact under Article — (Disputes).

§ 803.374 *Form III Price Revision Article; for retroactive changes in employment conditions.*

§ 803.374–1 *Nature and effect of Article.* This Article (formerly § 803.360b), authorized for use only in conjunction with any one of the Form I or Form II Articles, is designed to protect contractors against retroactive changes in wages, salaries, or condition of employment ordered or authorized by the War Labor Board or any other similar agency of the Government. It provides for a negotiated price revision applicable to items delivered and to be delivered under the contract between the effective date of the wage increase and the earliest possible time for price revision under the Form I or Form II Article used in the contract. Any price revision giving effect to the wage increase for deliveries made after such earliest possible time, e. g., the end of the current pricing period under the Form I–A Article, is to be negotiated under that Article.

§ 803.374–2 *Conditions for use.* (a) The contract must contain one of the Form I or Form II price revision Articles.

(b) The contract price must contain substantially no contingency allowance or charge on account of any possible change in wages, salaries or conditions of employment.

§ 803.374–3 *Insertion by amendment.* The Article may be inserted by amendment in an existing contract if and only if the following conditions are satisfied: (a) The conditions set out in § 803.374–2 are met; and either (b) the Article is inserted at the time when the quantities of items called for by the contract are increased and is limited in its application to the items added at that time, or (c) (1) the Article is inserted at the time of a price revision under one of the Form I or Form II Articles and is limited in its retroactive application to items the prices of which are then being revised and (2) the amendment is approved by the Director, Purchases Division, Headquarters, Army Service Forces. Every request for such approval by the Director, Purchases Division, shall contain a full statement of facts which justify the insertion of the Article, including estimates of (i) the Government's maximum liability under the Article, (ii) its probable liability thereunder, (iii) reference to pending or threatened labor disputes, and (iv) the amount of the price reduction made in return for the insertion of the Article. It has been determined that the insertion of Form III in existing contracts by supplemental agreement in conformity with the requirements of this paragraph will facilitate the prosecution of the war.

§ 803.374–4 *Rules for administration.* (a) The procedure prescribed by the Article will be strictly followed before any negotiations are had or any price revision is made thereunder.

(b) In the negotiations particular care will be taken to see that the price revision is applied only to such deliveries as shall have been affected by the change in employment conditions and is not applied to (1) completed items or work in process at the effective date of the order authorizing or directing the change in employment conditions, or (2) work performed but not completed by delivery during the period subject to revision under the Article.

(c) The price revision made under this Article shall be limited to items delivered and to be delivered under the contract between the effective date of the order and the earliest possible time for price revision under the Form I or Form II Article to which this Article is supplemental.

(d) Any price revision made pursuant to this Article will be evidenced by a supplemental agreement, which shall be subject to prior approval of the Director, Purchases Division, Headquarters, Army Service Forces.

§ 803.374–5 *Text of Form III.*

Article . . . . *Price revision upon change of wages or employment conditions.* (a) The prices fixed in Article—may be revised from time to time in accordance with this Article. As used in this Article, the term "adjustment in wages" shall include any adjustment in wages, salaries or conditions of employment.

(b) *Conditions precedent.* If all the following conditions are satisfied, the Contracting Officer shall enter into negotiations with the Contractor for the revision of the prices of items called for under this contract but only to the extent set forth in paragraph (c) of this Article:

(1) The Contractor shall advise the Contracting Officer in writing of any reference to the War Labor Board or to any other similar Government agency of any request on behalf of the employees of the Contractor for any adjustment in wages which may materially effect the costs of performing this contract. This advice shall be given within twenty days after the Contractor shall learn that such reference has been made. In the event that the reference has been made prior to the inclusion of this Article—in this contract and has not been finally acted upon, the written advice shall be given at the time of execution of the instrument effecting such inclusion.

(2) The Contractor, prior to the expiration of thirty days (or such greater period as may be agreed upon in writing) after the date of the order for or authorization of any adjustment in wages, but, in any event, prior to the expiration of one year after the date specified for the delivery of the last item of supplies called for by this contract as it may from time to time be amended, shall submit to the Contracting Officer the following:

A. A true copy of the order or authorization for such adjustment.

B. A written demand that the parties negotiate to revise the contract prices of items delivered and to be delivered under the contract during a period stated in the demand. That period shall not commence at a date earlier than the first day specified in the order or authorization for the adjustment in wages.[1] That period shall not extend after the earliest date after the demand as of which the contract prices of items to be delivered under this contract can be revised pursuant to Article — (Revision of Prices).

C. Estimates of the probable effects of such adjustment in wages upon the Contractor's costs of producing the items delivered or to be delivered during the period stated in the demand. These estimates shall give due effect to estimates of completed items and work in process on hand at the beginning of such period and to the fact that the full effect of such adjustment will not normally be reflected immediately in the cost of items delivered under the contract. The estimates shall be accompanied by estimates of the effect of such adjustment on the direct and indirect labor costs of the items delivered and to be delivered during the stated period.

D. Proposed revised prices for the items delivered or to be delivered under the contract during the stated period.

(c) *Negotiations.* Upon the filing of the estimates and data required by paragraph (b) (2) of this Article, the Contracting Officer and the Contractor will negotiate promptly in good faith to agree upon revised prices for the items delivered or to be delivered during the stated period, the cost of producing which has been affected by such adjustment in wages. In the negotiation the Contracting Officer and the Contractor in good faith will estimate the effect of such adjustment upon the cost of such items. It is recognized that it will not be practicable to make precise computations of the effect of any such adjustment on the Contractor's costs and therefore it is the intention of the parties that negotiation and determination of any revision in price under this Article shall be on the basis of the estimates of the effect of the adjustment. The prices payable for the items so delivered and to be delivered will be revised to reflect, to an extent which is deemed reasonable under all the circumstances, such estimated effect on costs.

(d) *Limitation on revision.* The Contractor agrees that it will not request and shall not be entitled to receive a price revision under this Article except to the extent that such adjustment in wages operates to make the price under this contract less than a fair and reasonable one under all the circumstances. In no event shall any such revision exceed the amount of the estimated effect of such adjustment in wages on the Contractor's costs hereunder during the stated period specified in the written demand mentioned in subparagraph (b) (2) B of this Article.

(e) *Supplemental agreement.* Any agreement reached under this Article will be incorporated in a supplemental agreement to this contract which shall be subject to the written approval of the Director, Purchases Division, Headquarters, Army Service Forces [in AAF contracts, substitute: "the Under Secretary of War or his duly authorized representative"] and which shall state (1) the revised prices to be effective with respect to deliveries during a specified period to be set forth in such agreement and (2) the method of adjusting the payments therefor.

(f) *Disagreements.* If within 30 days after the time for filing the estimates and data required by paragraph (b) (2) of this Article (or such further period as may be fixed by written agreement) the Contracting Officer and the Contractor fail to agree to revised prices, the failure to agree shall be deemed to be a disagreement as to a question of fact which shall be disposed of in accordance with Article — (Disputes).

(g) *Effect of Article.* Any provision of this Article and any action thereunder shall be without prejudice to (1) the determination of the existence of any excessive profits of the Contractor under the Renegotiation Act; and (2) to any Order fixing the price of articles to be furnished or services to be rendered hereunder made under Section 801 of the Revenue Act of 1943.

(h) *Effect of prior renegotiation.* If, prior to any revision of the price under this Article the final or contingent cost of retroactive wage adjustments increasing the cost of performing this contract has been included and allowed for the purpose of the final determination (by agreement or unilateral determination) for a fiscal period, as to the Contractor's liability to repay to the Government excessive profits under the Renegotiation Act, appropriate weight shall be given to the results of the proceedings in renegotiation in determining the sums, if any, to be paid or credited to the Contractor in connection with the revision of the price under this Article, it being the intent of the parties that the net result shall be substantially the same as it would have been if the revision had preceded such final determination.

§ 803.375 *Form IV Price Revision Article; retroactive price revision by mutual agreement.*

§ 803.375–1 *Nature and effect of Article.* This Article is designed for use in contracts of $100,000 or less for experimental or developmental items or services. By its terms the contracting officer is empowered, after completion or termination of the contract, to demand that the parties negotiate to reduce the entire contract price. The revision effected thereunder is wholly retroactive.

§ 803.375–2 *Conditions for use.* (a) The amount of the contract is $100,000 or less.

(b) The price initially fixed in the contract should bear a reasonable relationship to the expected final price thereunder.

(c) The items or services called for by the contract are strictly developmental or experimental in character.

(d) The contractor's cost accounting system is sufficient to show the costs under the contract.

§ 803.375–3 *Rules for administration.* (a) If the production cost figures indicate that the price was high, the contracting officer will make the demand contemplated by the Article and will proceed promptly with and conclude the revision of the price in accordance with the Article.

(b) The Contracting Officer should make such use and verification of the cost data as he would make with respect to similar data upon the negotiation of a price under a new contract. The verification may include an examination and audit of the contractor's books and records.

(c) The profit agreed to upon the revision will be dependent upon the contractor's efficiency in the performance of the contract.

(d) The revised price will be evidenced by a supplemental agreement making adequate provision to secure to the Government the benefit of the reduction.

§ 803.375–4 *Text of Form IV.*

(a) Within sixty days after the completion or termination of this contract, the Contractor will submit to the Contracting Officer a detailed statement of the costs of performing this contract. Upon the written demand of the Contracting Officer, made at any time within thirty days after the submission of such statement, the Contractor will negotiate to reduce the contract price to an amount representing fair and reasonable compensation for the performance of the contract. In such negotiations the efficiency of the contractor in production, buying and management will be given due weight.

(b) The Contractor will furnish to the Contracting Officer such other statements of actual costs of production and such other financial statements, at such times and in such form and detail, as the Contracting Officer may prescribe, and will permit such

[1] Where this Article is inserted in a contract by amendment, insert at this point an additional sentence stating the earliest date as of which this Article may apply (see paragraph (c) of this section).

audits and examinations of its books, records and accounts as the Contracting Officer may request.

(c) If within thirty (30) days after the making of such demand (or such further period as may be fixed by written agreement) the Contracting Officer and the Contractor fail to agree to a revised price, the failure to agree shall be deemed to be a disagreement as to a question of fact which shall be disposed of in accordance with Article —. (Disputes).

(d) The Government shall retain from amounts otherwise due the Contractor, or the Contractor shall repay to the Government if paid to him, any amount by which the contract price is found as a result of the application of this Article to exceed a fair and reasonable price, as the Contracting Officer may direct.

(e) Any provision of this Article and any action thereunder shall be without prejudice to (1) the determination of the existence of any excessive profits of the Contractor under the Renegotiation Act, and (2) any Order fixing the price of items to be furnished or services to be rendered hereunder made under Section 801 of the Revenue Act of 1943.

§ 803.376 *Form V Price Revision Article—for retroactive pricing with limited upward revision.*

§ 803.376–1 *Nature and effect of Article.* This Article, providing for upward and downward price revision, is authorized for use in certain limited kinds of experimental or developmental contracts which involve a maximum price of not more than $1,000,000. Under the Article a contract price is agreed upon which it is believed will tend to compel the contractor to do as efficient a job as possible in the circumstances, and at the same time a maximum price is fixed as a ceiling on any upward revision under the Article. The revision takes place after completion or termination of the contract and is of course wholly retroactive.

§ 803.376–2 *Conditions for use.* (a) The maximum price under the contract as set forth in paragraph (c) of the Article must never exceed $1,000,000.

(b) The contract must call only for experimental or developmental items or services for tests in (1) laboratories, (2) field operations, or (3) similar experiments.

(c) The items or services called for by the contract are of such a non-repetitive character as to preclude the proper use of Form I–C or II–B. (See §§ 803.371–2, 803.372–2 and 803.373–2.)

(d) The contract price shall be as close as the circumstances of the particular procurement will permit. The maximum price will bear a reasonable relationship to the initial contract price in the light of the predictability of costs.

(e) The Contractor must have or establish a cost accounting system which will show the costs of performing the contract. If the Contractor's normal cost accounting methods are not satisfactory, it will be necessary to use one of the optional alternative sentences set out in paragraph (b) of the Article, in which event it will be necessary to prescribe the cost records which the contractor is to maintain and the method of maintaining such records. Wherever possible this determination concerning the records should be made at the time the contract is initially executed, using the first optional alternative sentence and specifying in detail what is to be required of the contractor. When such determination cannot be made at once, the contracting officer may conclude that after further investigation he will be able to prescribe the appropriate cost records, in which event the second optional alternative sentence should be used; and in that case such determination should be reflected, when possible, by an agreement supplemental to the contract.

(f) Any use of the Article shall be subject to prior written approval of the Director, Purchases Division, Headquarters, Army Service Forces. The request for such approval shall show in detail full compliance with the foregoing conditions and shall include, to the extent practicable, the information called for by § 803.305–4

§ 803.376–3 *Rules for administration.* (a) The time limitations prescribed in the Article will be strictly followed.

(b) The contracting officer should make such use and verification of the cost data submitted by the contractor as he would make with respect to similar data upon the negotiation of a price under a new contract. The verification may include the examination and audit of the contractor's books and records.

(c) The negotiations under the Article may result in a revised price which is the same as, or higher or lower than, the contract price but never in a revised price in excess of the maximum price. The profit agreed to upon the revision of the price will be dependent upon the contractor's efficiency in performing the contract.

(d) The revised price will be evidenced by a supplemental agreement making adequate provision to secure to the Government the benefit of any price reduction negotiated, or for payment to the contractor of any price increase, as the case may be.

§ 803.376–4 *Text of Form V.*

(a) Because of the experimental and developmental nature of the work called for by this contract and the great uncertainty as to the cost of performance hereunder, the parties agree that the contract price fixed in Article — hereof may be increased or decreased in accordance with the provisions of this Article.

(b) Within ____ [not exceeding 60] days after the completion or termination of this contract, the Contractor will file with the Contracting Officer a statement showing, in such form and detail as the Contracting Officer may prescribe, the Contractor's cost of producing the supplies or furnishing the services called for hereunder, together with such other information as may be pertinent in the negotiations for a revised price pursuant to this Article. Such statement of cost shall fairly reflect the normal operation of the Contractor's cost system. [*First optional alternative to preceding sentence:* The Contractor will establish and maintain records of the costs of performing this contract, as follows: * * *] [*Second optional alternative:* The Contractor will establish and maintain such records of the costs of performing this contract as the Contracting Officer may require in writing.] The Contracting Officer shall have the right at all reasonable times to make or cause to be made such examinations and audits of the Contractor's books, records and accounts as he may request.

(c) Upon the filing of the statement and other pertinent information required by paragraph (b) of this Article, the Contractor and the Contracting Officer will promptly negotiate in good faith to agree upon a reasonable revised price for the entire contract which, upon the basis of such statement and other pertinent information, will constitute fair and just compensation to the Contractor for the performance of this contract. In determining the extent of any estimated allowance for profit to be taken into account in fixing such revised price, consideration will be given to the extent to which the Contractor has performed the contract with efficiency, economy and ingenuity. In no event shall the revised price exceed the sum of $------. The revised price shall be evidenced by a supplemental agreement to this contract.

(d) If within ------ [not exceeding 90] days after the completion or termination of this contract, the parties shall fail to agree upon a revised price in accordance with the provisions of this Article, the failure to agree shall be deemed to be a disagreement as to a question of fact which shall be disposed of in accordance with Article — (Disputes).

(e) In the event of a price increase the Government will pay or credit to the Contractor the amount by which the revised price shall exceed the contract price aforesaid. In the event of a decrease in price the contractor will repay or credit the amount of such decrease to the Government in such manner as the Contracting Officer may direct.

(f) For any of the purposes of Article — (Termination at the Option of the Government) of this contract (including without limitation, computation of "the total contract price" and "the contract price of work not terminated") the contract price shall be the revised contract price agreed upon under paragraph (c) of this Article or determined under paragraph (d) of this Article, as the case may be.

(g) The provisions of this Article and any revision of price made hereunder shall be without prejudice to the determination of the existence of any excessive profits of the Contractor upon subsequent renegotiation under the Renegotiation Act or any contract article inserted pursuant to that Act.

(h) *Effect of prior renegotiation.* If, prior to any revision of the price under this Article, any sums paid or payable under this contract in respect of items the price of which may be affected by such revision have been included as renegotiable income received or accrued by the Contractor in any fiscal period for which there has been a final determination (by agreement or unilateral determination) as to the Contractor's liability to repay to the Government excessive profits under the Renegotiation Act, appropriate weight shall be given to the results of the proceedings in renegotiation in determining the sums, if any, to be paid or credited by or to the Contractor in connection with the revision under this Article of that part of the price applicable to that fiscal period, it being the intent of the parties that the net result shall be substantially the same as it would have been if the revision had preceded such final determination.

§ 803.377 *Form VI Price Revision Article—for repricing upon happening of specified contingency.*

§ 803.377–1 *Nature and effect of Article.* This Article provides for an equitable adjustment of prices upon the happening of a contingency specified in the Price Revision Article. The equitable adjustment may require either an increase or decrease in the price.

§ 803.377–2 *Conditions for use.* (a) The contingency upon which the equitable adjustment is to take place will be clearly and accurately stated in the place provided therefor in paragraph (a) of the Article. Particular care will be taken to exclude from the statement of the contingency any point or matter which is not intended to be considered in making the equitable adjustment. For example, if the contingency relates to possible changes in price of a specified material, the statement will be strictly confined to that possibility and will not allow any adjustment on account of changes in the quantity of material to be used or on account of any factor other than price. The dollar estimate of the unit cost predicated on the realization of the basic assumption should also be clearly specified in the blank space, so that the difference in costs resulting from a non-realization of the basic assumption may be readily ascertained.

(b) The contingency must come within one of the following categories: (1) Cases where the Government actually fixes the price or effectively controls the entire supply of material to be used by the contractor in performance of the contract (e. g., natural or synthetic rubber); (2) cases where freight rates upon specified materials to be used by the contractor in performing the contract are changed under authority of the Interstate Commerce Commission; (3) cases where the cost of freight on specified materials to be used by the contractor in performing the contract is changed as the result of allocation or priority orders of the Government or any of its instrumentalities; (4) cases where the contractor contemplates the purchase of a single specified important material or component, which is to be used in performing the contract, from a stated source or at a stated price and such source or price is necessarily changed without fault or any voluntary action on the part of the contractor; (5) cases where the contractor's compliance with the delivery schedule of the contract is prevented as a direct or proximate result of any act of the Government or any of its instrumentalities. In each of such cases the probable effect of the happening of the contingency should be a substantial change in the contractor's costs.

(c) The Article is not authorized for use to cover any of the following contingencies: (1) Changes in taxes or duties (see § 803.357); (2) changes in wage rates or employment conditions (see § 803.374); (3) changes in OPA maximum prices of either components or end items (see § 803.351); (4) risks arising in connection with patents (see § 803.335); (5) termination of the contract in whole or in part (see § 803.324).

(d) The price must contain no charge or allowance on account of the specified contingency.

(e) In appropriate cases the Article may be included in a new contract even though such contract may also contain one of the Form I or Form II Price Revision Articles.

§ 803.377–3 *Rules for administration.* (a) The contracting officer will determine from the information supplied by the contractor and all other relevant data whether the contingency specified in the Article has occurred and the amount by which the contractor's costs have been changed thereby. The contracting officer may make such examination and audit of the contractor's books and records as he deems necessary.

(b) The adjustment in price should be sufficient to compensate the contractor or the Government for the net changes in the contractor's costs resulting from the happening of the contingency. There must be no adjustment under the Article on account of cost changes resulting from other factors.

(c) The adjustment in price will be evidenced by a supplemental agreement.

§ 803.377–4 *Text of Form VI.*

(a) *Basic assumption.* The contractor represents that the prices under this contract have been fixed on the following assumption (hereinafter called the basic assumption):

In the event that the basic assumption is not realized, in whole or in part, and that as a result the Contractor's costs vary materially from its presently anticipated costs as specified above, the parties agree that an equitable adjustment shall be made in the contract price on account of any net increase or decrease in such costs resulting from that non-realization.

(b) Within 30 days after the entire or partial nonfulfillment of the basic assumption, the Contractor shall notify the Contracting Officer in writing of the fact and extent of such occurrence, and shall also, within such time (or within such further period as the Contracting Officer may in writing allow before the date of final settlement of the contract) present in writing to the Contracting Officer any claim which it may then have for adjustment under this Article. Within 30 days after the Contractor's notification to him (or within such further time as the parties may agree upon in writing), the Contracting Officer shall present in writing to the Contractor any claim for adjustment under this Article which the Government may then have. The parties agree to negotiate in good faith concerning these claims and the amount and terms of any equitable adjustment which should be made. If the parties fail to agree whether an equitable adjustment is required under this Article, or upon the terms or amount of such adjustment, the dispute shall be disposed of as a question of fact in accordance with Article — (Disputes). But nothing provided in this Article shall excuse the Contractor from proceeding with the contract in accordance with its terms. Any adjustment hereunder shall be evidenced by a supplemental agreement to this contract. Nothing provided in this Article is intended to alter, restrict or limit the terms of Article — (Changes) or the authority of the Contracting Officer thereunder.

(c) *Warranty.* The Contractor represents and warrants that there is not included in the price hereunder any charge, allowance, or reserve for the possible non-fulfillment, in whole or in part, of the basic assumption.

(d) *Relation to Delays—Damages Article.* To the extent that performance of this contract may be delayed because of the non-realization of the basic assumption, in whole or in part, and that the Contractor shall have been unable to prevent such delay, the delay shall be deemed to be excusable for the purposes of Article — (Delays—Damages).

(e) *Reservation of Government's rights.* Any provision of this Article and any action thereunder shall be without prejudice to (1) the determination of the existence of any excessive profits of the Contractor under the Renegotiation Act, and (2) any Order fixing the price of items to be furnished or services to be rendered hereunder made under Section 801 of the Revenue Act of 1943.

(f) *Effect of prior renegotiation.* If, prior to any adjustment of the price under this Article, any sums paid or payable under this contract in respect of items the price of which may be affected by such adjustment have been included as renegotiable income received or accrued by the Contractor in any fiscal period for which there has been a final determination (by agreement or unilateral determination) as to the Contractor's liability to repay to the Government excessive profits under the Renegotiation Act, appropriate weight shall be given to the results of the proceedings in renegotiation in determining the sums, if any, to be paid or credited by or to the Contractor in connection with the adjustment under this Article of that part of the price applicable to that fiscal period, it being the intent of the parties that the net result shall be substantially the same as it would have been if the adjustment had preceded such final determination.

§ 803.378 *Incentive type contract article.*

§ 803.378–1 *General considerations.* (a) The contract Article set forth in § 803.379–5 is designed to reduce contract prices by providing contractors with an incentive to minimize the cost of performing contracts. The contractor shares with the Government the savings brought about by such reduction in costs. The contractor's profit per unit increases as costs decrease and decreases as costs increase up to a point where additional costs result in losses.

(b) Under this Article a target price, which should not exceed the sum of a realistic estimate of the total cost of performing the contract and a reasonable profit, is determined. Because of the advantage to the contractor in the opportunity to increase his profit by cost reductions and to be reimbursed up to a point for cost increases, his risk is less than under a fixed price contract; and therefore the profit margin at the target price will ordinarily be lower than that allowed for an equal fixed price. A maximum (ceiling) price which the final price cannot exceed is also set. The contractor and the Government share in the reduction in cost below that price. The final price consists of (1) the contractor's costs determined by negotiation and agreement after completion of all work under the contract and (2) a profit computed by the application of an agreed formula to the difference between the maximum (ceiling) price and such negotiated costs.

(c) The Article will be found more useful than the standard fixed-price contract in many situations. It provides a strong incentive to control and reduce costs. For contractors expecting to operate after the war it affords the opportunity to begin the restoration of efficiencies usually necessary in a competitive market. It furnishes protection to contractors who are not financially strong enough or are unwilling to accept the risk of loss which may possibly result from close fixed pricing. Contracting officers should carefully consider use of the Article in cases where satisfactory fixed prices cannot be agreed upon. The opportunity to adjust the price based on experienced costs will be found particularly adaptable in converting CPFF contracts, because it represents a less hazardous transition to a fixed-price basis.

When a contractor's volume is reduced by the termination of some but not all of its contracts, it may be expedient to insert the incentive provisions in remaining contracts; and such insertion will not be considered an amendment without consideration under § 803.308a merely because the maximum price exceeds the original fixed price. The incentive type contract is adaptable for use in contracts for first production quantities of items not previously produced. In some cases it may be feasible to utilize it in research, experimental and development contracts, particularly where considerable repetitive work is involved. In such cases provision should be made for revision of the target and maximum prices at some early point in performance of the contract.

(d) The Article is not intended to take the place of the Price Revision Article set out in §§ 803.370 to 803.377, inclusive. Rather, it is intended to provide another technique, for use in certain cases, of obtaining close prices from War Department contractors. This Article will not be used in any contract containing one of the Price Revision Articles set out in §§ 803.370 to 803.377, inclusive.

§ 803.378–2 *Conditions for use.* The Article may be used in fixed price contracts, subject to the following conditions:

(a) Sufficient experience is available to make a reasonably accurate determination of the target price.

(b) The maximum (ceiling) price is as low as possible under the circumstances and affords no protection to the contractor against extravagance and inefficiency.

(c) The formula for fixing the profit is so scaled that an effective premium is afforded for reducing costs below the estimate and a deterrent provided to discourage the contractor from increasing costs.

(d) The contracting officer is satisfied that the contractor's accounting system is sound, since final costs will be determined by negotiation and not by audit. The contract provides for the contractor to furnish detailed cost statements which can and should be supplemented by investigation whenever and to the extent deemed desirable by the contracting officer.

(e) The contract will be made subject to the approval of the Director, Purchases Division, Headquarters, Army Service Forces. The submission of the contract to him for approval will explain in detail how the foregoing conditions have been fulfilled, will analyze the target and maximum (ceiling) prices and the price data, if any, submitted by the contractor, and will contain any other information considered relevant.

§ 803.378–3 *Assistance by Purchases Division.* Purchases Division, Headquarters, Army Service Forces, has made a special study of the incentive type contract and the experience of other Government departments in its use. Contracting officers are encouraged to seek the assistance of representatives of the Purchase Division in connection with negotiation of such contracts.

§ 803.378–4 *Explanatory illustration of incentive type contract.* A case is assumed where a substantial number of a particular item have been furnished. The contracting officer has estimated that a price of $1,266,000 per unit would be fair and reasonable. Because of the uncertainty of the future the contractor has insisted on many contingency allowances and was unwilling to agree to a firm price of less than $1,335,000 per unit. An incentive contract was, therefore, resorted to which is explained by the following figures:

Target price	$1,266,000
Estimated Cost without contingencies	1,200,000
Maximum (ceiling) price	1,350,000

Formula for determining final price to include negotiated cost plus sum for profit which shall be equal to the following percentages of the amount by which negotiated cost is less than maximum (ceiling) price:

Fifty-two per cent (52%) of such amount to the extent of the first Fifty Thousand Dollars ($50,000) thereof;

Forty-eight per cent (48%) of such amount to the extent of the next Fifty Thousand Dollars ($50,000) thereof;

Thirty-two per cent (32%) of such amount to the extent of the next Fifty Thousand Dollars ($50,000) thereof;

Twenty per cent (20%) of such amount to the extent of any balance thereof.

Using various figures for the negotiated cost, the following table is illustrative of the results which would be obtained:

Negotiated final cost	Profit	Equal to—	Total final unit price to Government
		Percent	
$1,350,000	0	0	[1] $1,350,000
$1,300,000	$26,000	2	1,326,000
$1,250,000	50,000	4	1,300,000
$1,200,000	66,000	5.5	[2] 1,266,000
$1,100,000	86,000	7.82	1,186,000
$1,000,000	106,000	10.6	1,106,000
$900,000	126,000	14.0	1,026,000
$800,000 etc	146,000	18.25	946,000

[1] War Department estimated cost.
[2] Target price.
[3] Maximum (ceiling) price.

§ 803.378–5 *Text of incentive type contract article.*

ARTICLE —. *Price Redetermination.* (a) *Scope of Article.* The parties hereto agree that the price stipulated in Article — hereof is a fair and reasonable negotiated price based upon estimates made in the light of the information available to the parties at the time of the negotiation. (The prices of spare parts to be determined in accordance with Appendix A hereto shall be negotiated on the same basis.) Such price(s) shall, however, be increased or decreased as provided in this Article.

(b) *Submission of data.* After the last delivery to be made hereunder, the Contracting Officer and the Contractor shall redetermine by negotiation in the manner provided in paragraph (c) of this Article the contract price(s) (and the prices of spare parts) (exclusive of changes agreed to from time to time pursuant to the Article hereof entitled "Changes"). For that purpose, within ninety (90) days (or such longer period as the Contracting Officer may approve) after the last delivery to be made hereunder, the Contractor shall submit to the Contracting Officer, in such form and detail and accompanied by such supporting data as the Contracting Officer may require, a statement of (1) all costs incurred by the Contractor in performing the contract to such time and chargeable thereto in accordance with generally accepted and sound accounting practices consistently followed by the Contractor and (2) the estimated cost of such further performance, if any, as may be necessary to complete the contract, excluding from such statement any costs separately reimbursable to the Contractor pursuant to any provision of this contract other than the provisions of the Article hereof entitled "Changes." Such statement and supporting data shall be certified by two officers or other responsible officials of the Contractor as having been prepared in compliance with the provisions of this paragraph. One of such persons shall be a person supervising accounting under the contract. Such certification shall be in the following form:

> The undersigned, as individuals and as authorized representatives of ———— (Contractor) (hereinafter called the Contractor), hereby certify that we have examined the statement and supporting data to which this certificate is attached and that, to the best of our knowledge and belief, such statement and supporting data, except as otherwise indicated therein in the case of estimates, have been prepared from the books of account and records of the Contractor; that such books of account and records have been kept in accordance with generally accepted and sound accounting practices consistently followed by the Contractor; that they include only actual and estimated costs allocable to the performance of Contract No. ——; and that they have been prepared with the knowledge that they will be used in connection with the negotiation of the final contract price under such contract.

Variations in the foregoing form shall not be made except with the approval of the Contracting Officer.

(c) *Manner of redetermination.* The redetermination provided in paragraph (b) above shall be effected in the following manner:

(1) On the basis of such statement and supporting data and such investigation as the Contracting Officer shall deem appropriate in the circumstances, there shall be established by negotiation the average unit cost of the items to be delivered hereunder. This shall then be adjusted by deducting therefrom the aggregate amount of all increases in cost, reduced to a unit basis, and adding thereto the aggregate amount of all decreases in cost, reduced to a unit basis, as provided for pursuant to the provisions of the Article hereof entitled "Changes." In the event of failure to agree, such adjusted average unit cost shall be determined under the provisions of the Article hereof entitled "Disputes."

(2) The redetermined unit price shall be established by adding to the adjusted average unit cost, as established under subparagraph (1) above, an allowance for profit equal to the following percentages of the amount, if any, by which such adjusted average unit cost is less than the sum of $—— (the maximum price specified below):

——% of such amount to the extent of the first $—— thereof.
——% of such amount to the extent of the next $—— thereof.
——% of such amount to the extent of the next $—— thereof.
——% of such amount to the extent of any balance thereof.

In no event, however, shall such redetermined unit price exceed $——.

(3) The price of spare parts shall be redetermined by applying to the price of each spare part as it was first established hereunder (exclusive of packing and similar charges, if any) a percentage determined by dividing the total number of dollars in the redetermined unit price established pursuant to subparagraph (2) above by $—— (the base unit prices specified in Article —).

(d) *Exclusion of changes.* The price adjustment for changes determined from time to time pursuant to the Article hereof entitled "Changes" shall not be redetermined under this Article and shall be paid in addition to or shall be deducted from, as the case may be, the redetermined prices established in accordance with paragraph (c) of this Article.

(e) *Supplemental Agreement.* When such redetermined prices shall have been arrived at as hereinabove provided, the amount thereof shall be evidenced by a supplemental agreement. In the event that the redetermined prices shall be greater than the prices previously in effect, the Contractor, upon submission of invoices therefor, shall be promptly paid the amount of the increase applicable to items theretofore delivered. In the event that the redetermined prices shall be less than the prices previously in effect, the Contractor shall promptly refund to the Government the amount of the decrease applicable to items theretofore delivered, or, with the approval of the Contracting Officer, the same may be deducted from any amount thereafter payable to the Contractor under this contract.

(f) *Effect of termination.* If this contract shall be terminated pursuant to the Article hereof entitled "Termination at the Option of the Government" prior to a price redetermination under this Article and if (A) such termination shall occur after deliveries have commenced or (B) such termination shall be partial, leaving one or more items to be delivered thereafter, then in that event (i) there shall at the request of the Contractor promptly be established by negotiation between the parties an amendment to this contract, subject, in the event of failure to agree, to final determination under the provisions of the Article hereof entitled "Disputes", which shall establish such revisions, if any, in the maximum price and profit allowances specified in subparagraph (c) (2) hereof as shall be equitable under the circumstances; and (ii) upon completion of deliveries under the contract as terminated, the contract prices for items delivered shall be redetermined under the provisions of this Article on the basis of the adjusted average unit cost for such completed items, exclusive of all costs allocable to the terminated portion of this contract.

(g) *Termination under Delays-Damages Article.* In the event that this contract shall be terminated pursuant to the Article hereof entitled "Delays-Damages," prior to a price redetermination under this Article, the prices, if any, payable to the Contractor pursuant to said Delays-Damages Article shall be either (i) the prices currently in effect as of the effective date of termination, as established under paragraph (h) of this Article, or if the contracting officer shall determine in his discretion that the payment of the said prices is not in the best interest of the Government, (ii) the prices redetermined in accordance with paragraph (c) of this Article on the basis of the adjusted average unit cost for completed items, exclusive of all costs allocable to the terminated portion of the contract.

(h) *Revision of tentative contract prices.* Pending the price redetermination pursuant to the provisions of paragraph (c) of this Article, the sum of $—— specified in Article — hereof and based upon an assumed average unit cost of $——, (and the prices of spare parts to be determined in accordance with Appendix A hereto) (hereinafter called the tentative contract prices), as the same may be revised pursuant to the provisions of this paragraph, shall be deemed to be the contract prices for all purposes of this contract. If at any time after the delivery of the —— item under the contract, it appears that the average unit cost will be substantially greater or less than such assumed average unit cost, either the Contractor or the Contracting Officer may by notice to the other request negotiations for the fixing of revised tentative contract prices. If the parties are unable within thirty (30) days after the receipt of such notice to agree upon revised tentative contract prices, the dispute shall be deemed a question of fact to be determined under the Disputes Article. Within thirty (30) days after revised tentative contract prices shall have been so fixed, the amounts paid to the Contractor on the basis of the previous tentative contract prices shall be recomputed upon the basis of such prices as revised, and if such amounts so recomputed are in excess of the amounts theretofore paid, the Government will promptly pay the excess to the Contractor upon the submission of invoices therefor and, if such amounts so recomputed are less than the amounts theretofore paid, the Contractor shall promptly refund the difference to the Government or, with the approval of the Contracting Officer, the same may be deducted from any amount thereafter payable to the Contractor under this contract. The fixing of revised tentative contract prices pursuant to the provisions of this paragraph shall not limit nor affect in any way the price redetermination thereafter required to be effected pursuant to the provisions of paragraph (c) of this Article.

SUBPART I—TERMINATION OF FIXED-PRICE (LUMP SUM) CONTRACTS UPON DEFAULT OF CONTRACTOR

§ 803.379 *Steps to be taken in event of default.* The rigid enforcement of contract provisions (a) imposing liquidated damages on contractors for failure to perform within specified periods, or (b) authorizing termination of contracts for default, has been found in many instances to impede the prosecution of the war. The exercise by the several chiefs of technical services of discretion to take such action as may seem to them fair and equitable under all the circumstances will expedite the procurement of necessary war matériel and facilitate the prosecution of the war. For the foregoing reasons authority is delegated to and confirmed in the chief of each technical service to authorize the contracting officers under his command, subject to such limitations as the chief of the technical service may establish, to take any of the following courses in the event of default of the contractor:

(1) Permit the contractor to proceed and to charge the contractor with the actual damages resulting from the default. If the contract provides for liquidated damages, such damages and not actual damages must be charged.

(2) Enter into a supplemental agreement with the contractor's surety providing for the completion of performance of the contract and for payment therefor. Such supplemental agreement should clearly state that all rights against the contractor are reserved so far as the surety does not undertake to cure the effect of the defaults by the contractor.

(3) Terminate the contract:

(i) Under any provision of the contract permitting termination in the event of default, in which case the provisions of § 803.380 shall be applicable. In exercising the authority to terminate for default due regard should be given to the preservation of rights against any surety on any performance bond.

(ii) Under any contract article providing for termination for the convenience of the Government, when the defaults of the Contractor have not been gross or willful, and have not caused substantial injury to the Government, if the Contracting Officer shall find that the use of that termination article will be equitable under all the circumstances.

(4) Extend by supplemental agreement the time fixed in the contract for performance in the manner provided in § 803.308e, and within the time prescribed by § 803.308f, if the default consists of failure to perform within the time specified by the contract. In general, it is not the policy of the Government to terminate contracts for default under the stringent provisions of a delays-damages article, in a manner to bring about a forfeiture or a severe loss on the part of the contractor, merely because, at a time when the Government desires to terminate its contract for reasons not based upon the defaults of the contractor, the contractor happens to be in technical default under the contract. Attention is directed as to the provisions of § 803.308g.

§ 803.380 *Steps to be taken in event of termination because of default.* If termination is effected pursuant to a contract provision substantially similar to that set forth in §§ 803.352 or 813.1302 (Art. 9) of these procurement regulations (or any similar authorized contract provision used in lieu of either of these provisions), the chief of a technical service may, but is not required to, pursue the remedies provided for in such contract provision or available by law. In the event the contract remedies are elected, the procedure set forth in §§ 803.380a to 803.380a–7 will be followed. In lieu of making use of the contract remedies he may within the time prescribed by § 803.308f, if he finds that to do so will facilitate the prosecution of the war, make a supplemental agreement with the contractor and relieve the contractor of liability which would result from the enforcement of such remedies. Such an agreement may be entered into only with the prior approval of the Director, Purchases Division, Headquarters, Army Service Forces (obtained in the manner provided in § 803.308a except where the chief of a technical service shall find any one of the following facts:

(a) That the Government no longer has need for the supplies, services, or construction called for by the contract;

(b) That the supplies or services, undelivered because of the contractor's default, can be obtained from some source other than the contractor on a basis as favorable as that set forth in the contract or that the construction provided for in the contract can be accomplished on terms substantially as favorable to the Government as though performed under the original contract;

(c) That for reasons of policy the technical service wishes to buy supplies of the type covered by the contract on terms

more expensive or less favorable to the Government than those set forth in the terminated contract. (For example, the technical service may desire to buy from particular producers or in particular geographical areas in order to distribute war work more widely despite any extra expense involved. The excess expense in such a case should not equitably be charged to the contractor);

(d) That any excess cost charged to the contractor would be nominal;

(e) That the contractor currently employs less than 100 employees or was recommended as a prime contractor by the Smaller War Plants Division, War Production Board, has other war contracts existing or prospective, and that enforcement of the remedies provided in the contract would materially impair his ability to perform such contracts.

In any case where, pursuant to the foregoing provisions of this paragraph, a supplemental agreement relieving the contractor of liability is authorized, the chief of the technical service may, instead of entering into such a supplemental agreement, enter into a supplemental agreement (1) cancelling the contract by mutual consent without cost to the Government and (2) granting a mutual release of all claims arising out of the contract.

§ 803.380a *Procedure to be followed when remedies under delays-damages contract article are pursued.* If a contractor defaults and it is determined to pursue the remedies provided by a contract provision substantially similar to that set forth in §§ 803.352 or 813.1302 (Art. 9) of these Procurement Regulations (or any similar authorized contract provision used in lieu of either of these provisions), the following procedure will, in general, be followed:

(a) The contractor will be notified in writing that his right to proceed has been terminated.

(b) A copy of the termination notice will be furnished to the disbursing officer who will be advised to withhold further payments to the contractor pending additional instructions.

(c) Supplies or materials similar to those called for by the contract will then be procured elsewhere at as reasonable a price as practicable considering the quantity and quality required by the Government and the time in which the supplies or materials are required. In the case of a construction contract, the work will be completed according to the plans and specifications either by such other responsible contractor who offers the lowest price or by Government plant and hired labor. In either construction or supply contracts the excess cost to the Government will be charged to the contractor and the proper disbursing officer will be notified to withhold payments to cover the excess costs, pending payment thereof by the contractor.

(d) The contracting officer, immediately upon making the contract for the purchase of the materials or supplies, or for the completion of the construction contract, will request immediate remittance of the excess cost from the defaulting contractor.

(e) If the contracting officer collects the entire amount of the excess cost, he will furnish a report with reference thereto to the proper disbursing officer, transmitting the amount collected for disposition by the disbursing officer in accordance with paragraph 5*g*, AR 35–6040.

(f) If the contracting officer is unable to make collection of the entire amount of excess cost, he will furnish a complete report of the facts and circumstances to the proper disbursing officer.

If the contractor was given financial assistance by the Government (see Subpart G of this part) appropriate steps will be taken to protect the interest of the Government.

§ 803.380a–1 *Reports of default.* (a) The reports to which reference is made in § 803.380a (e) and (f) will be made on the form set forth in § 803.380a–7, or such other form as may be prescribed by the chief of the technical service; or, if the contract in question is a Treasury Procurement Supply Contract, such report will be made on Form 59 Treasury Department, Procurement Division, Branch of Supply (Report on Delinquent Contractor).

(b) The number of copies of the report to be made is as follows:

(1) It will be submitted to the disbursing officer in quadruplicate, except that when the contracting officer makes the collection in accordance with § 803.380a (d) and (e), the report will be submitted in duplicate.

(2) If the purchase was made against a defaulting contractor of the Procurement Division, Treasury Department, three additional copies will be made and submitted to the disbursing officer.

(c) The form which is suggested for use under contracts generally is self-explanatory. However, attention should be given to the following:

(1) Under "Remarks," include a statement as to the reason why the purchase was made against the defaulting contractor, substantiated by copies of correspondence and other pertinent papers, if any. If the space under "Remarks" is not sufficient, the back of the form may be used.

(2) The contracting office will sign the form in the space provided therefor under the heading "Remarks".

(d) In preparing reports covering TPS contracts on Form 59, in addition to paragraph (c) (1) and (2) of this section attention should be given to the following:

(1) Above the line noted "Item No." enter the applicable contract number and, if stated in the contract, the period governed by the contract. For example, if the item is purchased on the General Schedule of Supplies, the TPS contract number and period covered thereby would be given as TPS–8920–11/2/33 to 8/31/36.

§ 803.380a–2 *Collection of the excess cost.* (a) The disbursing officer, upon receipt of the report to which reference is made in § 803.380a (f), will effect collection of the excess cost from the defaulting contractor by deducting the amount thereof from any funds payable to the defaulting contractor.

(b) If the disbursing officer effects collection of the entire amount of excess cost due the Government in accordance with paragraph (a) of this section, he will indicate that action on the appropriate form and sign the form under the heading "Remarks" or on the back of the form, and dispose of the report as follows:

(1) The original will be attached to the voucher or other form covering the collection.

(2) The duplicate copy will be filed in the office of the disbursing officer.

(3) The triplicate and quadruplicate copies, if any, will be transmitted to the contracting officer, marked for his information only.

(4) The three additional copies to which reference is made in § 803.380a–1 (b) (2) will be transmitted to the Branch of Supply, Procurement Division, Treasury Department, in cases where collection has been made by either the disbursing officer or the contracting officer.

(c) If the disbursing officer finds it impracticable to collect the entire amount of excess cost due the Government, he will indicate his action and recommendation on the appropriate form and sign the form under "Remarks" or on the back of the form, and dispose of the report as follows:

(1) If the default was made on a War Department Contract:

(i) The original and quadruplicate copy will be transmitted to the Office of the Fiscal Director, Headquarters, Army Service Forces, the original to be forwarded to the General Accounting Office and the quadruplicate copy to be retained by the Office of the Fiscal Director, Headquarters, Army Service Forces.

(ii) The duplicate copy will be filed in the office of the disbursing officer.

(iii) The triplicate copy will be transmitted to the contracting officer with a notation to the effect that the excess cost could not be collected and that the matter has been reported to the Office of the Fiscal Director, Headquarters, Army Service Forces, for reference to the General Accounting Office.

(2) If the default was made on a contract of the Procurement Division, Treasury Department:

(i) The original, quadruplicate and the three additional copies to which reference is made in § 803.380a–1 (b) (2), will be transmitted directly to the Branch of Supply, Procurement Division, Treasury Department.

(ii) The duplicate copy will be filed in the office of the disbursing officer.

(iii) The triplicate copy will be transmitted to the contracting officer with a notation to the effect that the excess cost could not be collected and that the matter has been reported to the Procurement Division, Treasury Department.

§ 803.380a–3 In the event that collection of the excess cost is effected by means of contractor's check, money order, cash, or any means other than set-off against another account due the contractor, Standard Form No. 1044 (Schedule of Collections), properly completed, will be submitted in accordance with AR 35–780 with the required number of copies to be submitted with Form 59. In the cases to which reference is made in § 803.380a–1 (b) (2), when collection is effected, three additional copies of Standard Form No. 1044 will be made for transmission with the additional copies of the report.

§ 803.380a–4 If purchase is made against a defaulting contractor under a War Department contract and no excess cost is involved, a report on the appropriate form will be made and disposition of the report will be made as indicated in § 803.380a–2 (c). If a TPS contract is involved a report will be made on Form 59 and submitted by the contracting officer directly to the Branch of Supply, Procurement Division, Treasury Department, in triplicate.

§ 803.380a–5 A purchase or purchases against the account of a defaulting contractor must not exceed the quantity originally ordered, with consideration given, of course, to the variation clause, if any, in the contract, and must be secured on the same unit basis, such as each dozen, pound. However, this does not preclude the Government from entering into one contract with the completing contractor which includes additional needed supplies provided that the excess costs to be charged against the account of the defaulting contractor are determined as provided in the preceding sentence of this section.

§ 803.380a–6 The foregoing instructions do not apply to defaulting contracts under Navy Supply or Post Office Department Contracts. On such defaults, no action should be taken until after the matter has been submitted by the contracting officer by letter to the department concerned through the chief of the technical service. In an emergency, telegraphic submission will be in order.

§ 803.380a–7 *Form.*

REPORT ON DELINQUENT OR DEFAULTING CONTRACTOR

Service _____ Fiscal year _____

No. of contract or P. O. _____

Date _____

Original appropriation involved _____

Original order—Name of delinquent contractor—	*Purchase against account of original contractor—Name of dealer from whom purchased*
Address	Address
Order No. _____ Date _____	Order No. _____ Date _____
Quantity	Quantity
Unit Price	Unit Price
Quantity discount	Quantity discount
Time payment discount	Time payment discount
Total contract cost	Total open market cost
Total excess cost	

(Difference between contract and open market cost)

Collection made by _____

(Disbursing officer) (D. O. Symbol No.)

Schedule of Collections _____ Month _____ Year _____

Remarks.[1] _____

Signed _____

Title _____

[1] Remarks should be supported by: (a) copies of all purchase orders issued to the completing contractor as well as purchase orders directed to the defaulting contractor, (b) a citation to all vouchers making payment to the defaulting and/or the completing contractor, (c) copies of all correspondence directed to the debtor as well as those received therefrom relative to the indebtedness.

SUBPART J—MISCELLANEOUS

§ 803.390 *Assignments.*

§ 803.390–1 *Basic statutes.* There are two statutes creating restrictions on assignments of contracts with and claims against the United States. In 1940 both of these statutes were amended by the addition thereto of a paragraph making the restrictions inapplicable in certain situations. (See § 803.390–2.)

Prior to the amendment in 1940, Revised Statutes 3737 provided as follows:

> No contract or order, or any interest therein, shall be transferred by the party to whom such contract or order is given to any other party, and any such transfer shall cause the annulment of the contract or order transferred, so far as the United States are concerned. All rights of action, however, for any breach of such contract by the contracting parties are reserved to the United States. (41 U.S.C. 15.)

Prior to said amendment in 1940, Revised Statutes 3477 provided as follows:

> All transfers and assignments made of any claim upon the United States, or of any part or share thereof, or interest therein, whether absolute or conditional, and whatever may be the consideration therefor, and all powers of attorney, orders, or other authorities for receiving payment of any such claim, or of any part or share thereof, shall be absolutely null and void, unless they are freely made and executed in the presence of at least two attesting witnesses, after the allowance of such a claim, the ascertainment of the amount due, and the issuing of a warrant for the payment thereof. Such transfers, assignments, and powers of attorney, must recite the warrant for payment, and must be acknowledged by the person making them, before an officer having authority to take acknowledgments of deeds, and shall be certified by the officer; and it must appear by the certificate that the officer, at the time of the acknowledgment, read and fully explained the transfer, assignment, or warrant of attorney to the person acknowledging the same. The provisions of this section shall not apply to payments for rent of post-office quarters made by postmasters to duly authorized agents of the lessors. * * * (31 U.S.C. 203.)

§ 803.390–2 *Assignment of Claims Act of 1940.* (a) In 1940 by the enactment of the Assignment of Claims Act (Public No. 811—76th Congress), approved October 9, 1940, the restrictions created by sections 3477 and 3737 of Revised Statutes referred to in paragraph (a) above were, subject to certain conditions therein specified, made inapplicable to any case in which monies due or to become due under a contract providing for payments aggregating $1,000 or more, are assigned to a bank, trust company, or other financing institution including any Federal lending agency. The conditions specified in the act are, in general, those set forth in paragraphs (a), (b) and (c) of the standard article contained in § 803.355.

(b) Where direct payment is made to the assignee, the contractor will furnish on each voucher, invoice, or other supporting paper a statement to the effect that he recognizes the assignment, its validity, and the right of the assignee to receive payment. (See par. 2*i*, AR 35–1040.)

§ 803.390–3 *Assignments by operation of law.* It has been held that the provisions of sections 3477 and 3737 of the Revised Statutes, do not apply where a contract or claim is transferred by order of a court in receivership or bankruptcy proceedings, such an assignment, being by operation of law. (See 3 Comp. Gen. 623; 5 id. 592.)

§ 803.390–4 *Transfer of entire business.* It has been held that where an individual or corporation having a contract with or claim against the Government sells an entire business to another individual or corporation, the transferee will be recognized by the United States as the lawful successor in interest of the contractor or claimant notwithstanding the provisions of sections 3477 and 3737 of the Revised Statutes, referred to above. (9 Comp. Gen. 72, 74.)

§ 803.390–5 *Corporate mergers.* It has likewise been held that the provisions of section 3477 of the Revised Statutes are inapplicable to the transfer of a claim against the United States resulting from the merger of one corporation into another. (Seaboard Airline Railway v. U. S., 256 U. S. 655.)

§ 803.390–6 *Recognition of assignments prohibited by Revised Statutes.* Assignments or transfers of contracts and claims prohibited by sections 3477 and 3737 of the Revised Statutes are merely voidable and may be validated by the Government. Authority to validate such assignments or transfers is vested in the chiefs of the technical services.

§ 803.390–7 In connection with the assignment of claims, contracting officers will, upon request of the contractor, furnish proposed assignees information regarding the status of the contract at the time of the assignment. In so doing, the contracting officer will advise the assignee that the information is so furnished only for confidential use in connection with the assignment.

§ 803.391 *Charges for telegraph, cable, and radio messages in cost-plus-a-fixed-fee contracts.* Pursuant to the

provisions of Public Law, 4, 78th Congress, approved March 6, 1943, cost-plus-a-fixed-fee contractors and subcontractors are no longer entitled to send telegraph, cable or radio messages at government rates.

§ 803.392 *Handling defaults and threatened defaults by suppliers and subcontractors under cost-plus-a-fixed-fee prime contracts.* The following procedures are established to assure to the Government the maximum amount of protection and salvage in cases where suppliers or subcontractors of cost-plus-a-fixed-fee prime contractors fail or refuse to perform their obligations under purchase orders or subcontracts, or threaten to do so:

(a) In general, it is the responsibility of the prime contractor to administer and police his purchase orders and subcontracts; and nothing herein contained shall be construed to remove, lessen or impair such responsibility. In case of a threatened breach of contract by a supplier or subcontractor, it is the duty of the prime contractor to use all lawful means employed by businessmen in the trade to obtain performance. This will normally include the sending of a reminder to the supplier or subcontractor that compliance with contract terms is expected and that the supplier or subcontractor will be held to strict accountability for breach; personal interviews where feasible; and similar steps. It is also the duty of the prime contractor to take steps reasonably necessary to assure that he will not lose contract rights through waiver or estoppel.

(b) Where default is threatened by a supplier or subcontractor because of bona fide misunderstandings or differences between him and the prime contractor which appear to be capable of fair settlement, the prime contractor will attempt, through negotiation, to obtain such settlement. But no settlement involving any change in the terms of a purchase order or subcontract previously approved by the Contracting Officer shall be made without the written approval of the Contracting Officer.

(c) The prime contractor will notify the Contracting Officer promptly of any situation which may require the issuance of a purchase order or subcontract to another supplier or subcontractor for supplies or services covered by a purchase order or subcontract as to which default is in prospect or has occurred. Such additional purchase order or subcontract may be issued when the successful and speedy completion of the prime contractor's work is imperilled by default of a supplier or subcontractor. The prime contractor will maintain full and accurate records of cost under such additional purchase order or subcontract for the purpose, among others, or establishing a claim for damages against the defaulting supplier or subcontractor. He will also prepare and keep careful notes of all other information pertinent to the case which may be of assistance in the event of a lawsuit.

(d) Where a supplier or subcontractor has defaulted, and a claim arises in favor of the prime contractor, the latter will attempt to negotiate and settle the claim on reasonable terms whenever it appears that a fair settlement capable of prompt consummation is preferable to litigation. The prime contractor will keep the Contracting Officer informed of the progress of such settlement negotiations. The Contracting Officer shall have authority to approve a settlement and no settlement agreement will be made without his written approval.

(e) When, in the opinion of the prime contractor further efforts at settlement will be ineffectual, he will promptly so notify the Contracting Officer. If the Contracting Officer concurs in this opinion, he will reimburse the prime contractor, if the latter has not been reimbursed previously for the amount of his claim against the supplier or subcontractor and if the claim is a reimbursable one under the prime contract, and he will direct the prime contractor to execute an assignment to the United States of the claim on the defaulted purchase order or subcontract, to assemble all the papers pertinent to the claim, to make or obtain any affidavits or other records of the transaction, and to prepare any necessary report on the claim. The Contracting Officer will forward this record (in triplicate), together with his own report and recommendation (in triplicate) to the Litigation Division, Office of The Judge Advocate General, through the chief of the technical service concerned.

(f) The Judge Advocate General may from time to time in the further handling of the claim request cooperation and assistance from the prime contractor, the Contracting Officer, and the chief of the technical service concerned.

(g) If the matter is to be forwarded to the General Accounting Office by The Judge Advocate General it will be forwarded through the Office of The Fiscal Director, Headquarters, Army Service Forces.

§ 803.393 *Disclosure of information in connection with completing Selective Service affidavit.* (a) It appears that some industrial firms have been setting forth detailed information on their war production activities, including dollar value of contracts, in completing the Affidavit — Occupational Classification (Industrial) D.S.S. Form 42A, Selective Service System.

(b) The information elicited on the reverse side of this form, pertaining to activities, production, contemplated conversion and numbers of employees, should be stated in general terms only. Detailed confidential data will not be included.

(c) All companies holding War Department contracts will be informed by the chiefs of the technical services that they must avoid any inclusion of confidential war production and related data in completing above mentioned forms.

§ 803.394 *Contracts for electric power.*

§ 803.394–1 *Presidential directives.* (a) Under date of September 26, 1942, the following letter was received by the Secretary of War from the President:

September 26, 1942.

My dear Mr. Secretary:

It is of the utmost importance that the costs of the war program be held to a minimum consistent with the fullest and most rapid progress. In arranging for the electric power supply for war plants or establishments, the cheapest sources of power consistent with war requirements should be used.

Public and private power supplying agencies should be advised as far in advance as possible of the prospective location and requirements of plants or establishments on or near their systems in order that they may assist in solving the power supply problem involved at the lowest possible cost. In many instances it should be possible to lessen power costs if provision is made for power to be supplied to the consuming agencies directly from the power generating agency. If the lines of the lowest cost power supplying agency do not connect immediately with the war plants, there is no reason why connecting lines of other companies or agencies should not be utilized for a reasonable transmission charge. I am asking the Federal Power Commission to cooperate by using its emergency powers when necessary to make available transmission and other appropriate services for the effectuation of this policy.

I do not think that companies not themselves having sufficient power to supply war plants should be purchasing power from neighboring public power agencies for resale to these plants at a substantial profit. In such cases business like procedure would suggest that the power be purchased directly from the power supplying agencies and reasonable transmission charges be paid to the transmitting companies.

Adoption of my suggestion will not discriminate in favor of public or private power, but will accord with sound business practice.

Sincerely yours,

FRANKLIN D ROOSEVELT

Hon. HENRY L. STIMSON,
Secretary of War.

(b) Under date of October 22, 1942, the following letter was received by the Chairman, Federal Power Commission from the President:

October 22, 1942.

My dear Mr. Olds:

I would like the Federal Power Commission, after consultation with the procurement agencies and the War Production Board, to establish the procedure, outlined in the attached memorandum, to effectuate the policies set forth in my letter of September 26, 1942, addressed to the War Department, Navy Department, Maritime Commission, Defense Plant Corporation, Federal Housing Agency and the War Production Board.

Sincerely yours,

FRANKLIN D ROOSEVELT

Hon. LELAND OLDS, *Chairman,*
Federal Power Commission.

The following memorandum was attached to the October 22, 1942 letter from the President to Mr. Leland Olds, Chairman, Federal Power Commission.

Outline of Procedure for Purchase of Power for War Plants and Establishments:

(1) Each agency directly or indirectly responsible for power procurement to designate a Power Procurement Officer to handle all contracts and arrangements for electric power as hereinafter provided.

(2) Each agency to direct its representatives to report promptly to the Power Procurement Officer each proposed procurement of power, in excess of a reasonable minimum, which involves Government approval or any Government obligation. Such reports to include all essential facts in accordance with forms approved by the Federal Power Commission.

(3) Power Procurement Officers to refer such reports promptly to the Federal Power Commission, together with proposed contracts, for determination whether cheaper power supply is available and, if so, how it can be delivered. Federal Power Commission to issue necessary orders after consultation with War Production Board as to priorities and allocations.

(4) Federal Power Commission to determine whether proposed rates and conditions are reasonable and, if unreasonable, to fix proper terms and otherwise cooperate with Power Procurement Officers in effectuating arrangements necessary for securing power on best possible terms.

(5) Review and renegotiation of existing contracts to be in accordance with above procedure.

§ 803.394–2 *War Department Power Procurement Officer.* Pursuant to the directives from the President, set forth in § 803.394–1 the Secretary of War has designated Col. S. M. Weaver as War Department Power Procurement Officer and Major George P. Steinmetz as Deputy War Department Power Procurement Officer, with the following responsibilities for contracts of 1000 kilowatts or over for electric service to all installations where the War Department has an interest in the cost of electric service:

(a) Review of all existing contracts and initiation of such modifications or changes as are considered to be required to comply with the principles expressed in the President's directives.

(b) Review of proposed contracts and of proposed supplements to existing contracts, if such supplements extend the time, alter the contract price, or make any other substantial change in the contract terms, to assure that such contracts and supplements are consistent with the principles expressed in the President's directives.

§ 803.394–3 *Representatives of War Department Power Procurement Officer.* The Repairs and Utilities Divisions of the Service Command Engineer Offices are designated as representatives of the War Department Power Procurement Officer. These representatives will carry out, under his direction, such field activities as may be necessary in connection with contracts and supplements to contracts for electrical service to all establishments within the geographical boundaries of the Service Commands, where the War Department has an interest in the cost of electric service. Commanding Officers at all such establishments will cooperate with these representatives by making available such information as is required for their review of existing and proposed contracts and supplements.

§ 803.394–4 *Liaison with War Department Power Procurement Officer.* The Commanding General, Army Air Forces, and the chiefs of the technical services are directed to designate an officer or civilian representative to maintain liaison with the War Department Power Procurement Officer on matters pertaining to contracts for electric service. The latter should be notified of such appointment and of the address and telephone number of the person designated.

§ 803.394–5 *Required provision in contracts and supplements.* All contracts and supplements of the character referred to in § 803.394–2 will contain a provision that the contract or supplement is subject to the approval of the War Department Power Procurement Officer or Deputy War Department Power Procurement Officer and will not be binding until so approved. Such contracts and supplements which are Army Air Forces utility contracts (see § 803.397–1) will be forwarded as provided in § 803.397–1 to the War Department Power Procurement Officer for approval. Such contracts and supplements which are not Army Air Forces utility contracts (see § 803.397–1) will be forwarded through the Repairs and Utilities Division of the Service Command to the War Department Power Procurement Officer, Office of the Chief of Engineers, for approval.

§ 803.395 *Contracts within section 9, Military Appropriation Act, 1944 and 1945.*

§ 803.395–1 *Section 9, Military Appropriation Act, 1944 and 1945.* Section 9, Military Appropriation Act, 1944 (Public Law 108, 78th Congress) provides:

Whenever, during the fiscal year ending June 30, 1944, the Secretary of War should deem it to be advantageous to the national defense, and if in his opinion the existing facilities of the War Department are inadequate, he is hereby authorized to employ, by contract or otherwise, without reference to section 3709, Revised Statutes, civil service or classification laws, or section 5 of the act of April 6, 1914 (38 Stat. 335), and at such rates of compensation (not to exceed $25 per day for individuals) as he may determine, the services of architects, engineers, or firms or corporations thereof, and other technical and professional personnel as may be necessary.

Section 9, Military Appropriation Act, 1945 (Pub. Law 374, 78th Congress) provides:

Whenever, during the fiscal year ending June 30, 1945, the Secretary of War should deem it to be advantageous to the national defense, and if in his opinion the existing facilities of the War Department are inadequate, he is hereby authorized to employ, by contract or otherwise, without reference to section 3709, Revised Statutes, civil service or classification laws, or section 5 of the Act of April 6, 1914, (38 Stat. 335), and at such rates of compensation (not to exceed $25 per day and travel expenses, including actual transportation and per diem in lieu of subsistence while traveling from their homes or places of business to official duty station and return as may be authorized in travel orders or letters of appointment for individuals) as he may determine, the services of architects, engineers, or firms or corporations thereof, and other technical and professional personnel as may be necessary.

§ 803.395–2 *Effect of statutes on contracts.* Except as may be provided in other applicable statutes (see, e. g., section 12, Public Law 580, 77th Congress), the statutes above-quoted affect (a) each War Department contract for architectural, engineering, technical or professional services (1) made with any individual; or (2) made with a firm or corporation which is engaged primarily in the business of furnishing such services, and (b) each War Department contract for the employment of the services of accountants or other experts to assist in inaugurating new or changing old methods of transacting business of the Department. Except as above stated, they do not apply to any contracts with firms or corporations for services related to the development, invention, design, procurement, production, repair, or maintenance of war supplies, matériel or facilities or for research or services concerning any such supplies, matériel or facilities, or to any other type of War Department contract.

§ 803.395–3 *Approval of contracts.* Notwithstanding anything contained in Subpart B of this part, each contract of the type described in the first sentence of § 803.395–2 above, regardless of amount, and each supplemental agreement or change order making a material change in such a contract, will contain a provision stating that it is subject to the approval of the Secretary of War or Under Secretary of War and will not be binding until so approved; and such contract, supplemental agreement or change order will be forwarded by the chief of the technical service involved for approval by the Secretary of War or Under Secretary of War through the Director, Purchases Division, Headquarters, Army Service Forces. The chief of the technical service, in recommending approval, will refer specifically to the statute above quoted and will furnish a full statement of facts supporting the findings and determination required by the statute to be made by the Secretary of War (Under Secretary of War).

§ 803.395–4 *Citation of authority on contracts.* Each such contract, supplemental agreement and change order will cite as authority the statute above quoted, the First War Powers Act, 1941, and Executive Order No. 9001.

§ 803.395–5 *Compensation.* Where such contract is with an individual, it will expressly limit the compensation payable to him to not more than twenty-five dollars per day, plus additional compensation for overtime pursuant to the provisions of the War Overtime Pay Act of 1943 (Public Law 49, 78th Cong., approved 7 May 1943).

§ 803.395–6 *Approval of awards.* See § 803.396 below, requiring that the technical services obtain approval before making awards of certain contracts, supplemental agreements and change orders for "management consultant" services. As noted in § 803.396 (d), obtaining approval of such awards does not eliminate the requirement that the contracts, supplemental agreements and change orders embodying those awards be also processed under § 803.395–3 where § 803.395–3 is otherwise applicable.

§ 803.396 *Prior approval of awards of "management consultant" contracts.* (a) Notwithstanding anything contained in Subpart B, the technical services will obtain the approval of the Director, Purchases Division, Headquarters, Army Service Forces, before making an award of any contract to a corporation or firm (including a proprietorship) for "management consultant" services, or an award of any supplemental agreement or change order which involves any substantial change in the nature or the services or any substantial increase in the amount of the services to be performed under such a contract. "Management consultant" services are defined as including assistance in inaugurating new or changing old methods of transacting

business of the War Department, or in investigating, devising or developing procedures, methods, systems, forms or the like for accomplishing the business of the War Department. Assistance in developing systems of item identification, nomenclature or interchangeability of war matériel is an example of "management consultant" services within the meaning of this section. The character of the work to be performed determines whether the services involved are "management consultant" services within the meaning of this section; the question whether the proposed contractor is engaged primarily in the business of furnishing such services, and the dollar amount of the project, are irrelevant to the determination.

(b) It is the policy of the War Department that to the extent possible, firms shall not be employed to perform "management consultant" services on continuous operating activities, on projects which should be carried on by the War Department with its own personnel, or in lieu of the direct employment of individuals by the War Department or the employment of individuals as consultants. Where it is necessary to employ corporations or firms to perform "management consultant" services, the agreement should be made on a temporary basis and provision should be made for recruiting and training War Department personnel to take over the performance of such services as soon as practicable.

(c) Requests for approval of awards under this section will include the information indicated below or such parts thereof as are relevant to the particular transaction:

(1) Name and address of proposed contractor; its qualifications to perform the services; prior experience, if any;

(2) Necessity for and full description of the work to be performed;

(3) Types of personnel to be employed (for example, clerical, supervisory, engineers, draftsmen) and number of each type;

(4) Period of time required to complete the contract;

(5) Explanation of why the work cannot be accomplished by War Department personnel or by the employment of individual consultants, and steps taken to recruit such personnel;

(6) Price and justification;

(7) Reference to form of contract to be used, noting and justifying any provisions requiring approval of higher authority, or referring to any such approval previously obtained (see, for example, §§ 803.306–2 and 803.306–4.

(d) Obtaining approval of an award under this section does not eliminate the requirement that the contract, supplemental agreement or change order be approved by higher authority under § 803.395–3 if the contract, supplemental agreement or change order is of a type which must receive such approval under the provisions of § 803.395–3.

§ 803.397 *Utility contracts.*

§ 803.397–1 *Army Air Forces utility contracts.* (a) Army Air Forces utility contracts are those utility contracts, as defined in § 803.318c–1, which affect Class III installations and which (1) are not of general or regional application or (2) do not primarily affect Class I, II and IV installations. Army Air forces utility contracts are the responsibility of the Commanding General, Army Air Forces, subject, however, to the provisions of §§ 803.306–1 through 803.306–4 and §§ 803.394 through 803.394–5, inclusive. Army Air Forces commanding officers, however, may request the advice and assistance of Service Command Engineers in connection with Army Air Forces utility contracts.

(b) Any Army Air Forces utility contract requiring approval of higher authority, will be referred by the commanding officer of the Class III installation concerned through Army Air Forces command channels to the Director, Purchases Division, Headquarters, Army Service Forces. If approval of any such contract is required under §§ 803.394 through 803.394–5, inclusive, it will contain the approval provision required by § 803.394–5 and will be forwarded by the Director, Purchases Division, to the War Department Power Procurement Officer for necessary action.

§ 803.397–2 *Service command utility contracts.* Utility contracts, as defined in § 803.318c–1, other than Army Air Forces utility contracts, are the responsibility of the Commanding Generals of the service commands. In this connection see §§ 803.318c to 803.318c–4, inclusive.

§ 803.397–3 *Engineer utility contracts.* Notwithstanding the provisions of §§ 803.397–1 and 803.397–2, if utility contracts, as defined in § 803.318c–1, are required during construction at Class I, II, III or IV installations, under the jurisdiction of the Chief of Engineers, such contracts will be entered into by Engineer contracting officers and administered as Engineer contracts until transferred to Army Air Forces or service command jurisdiction.

§ 803.398 *Certification by contracting officers, under cost-plus-fixed-fee contracts, of unusual items likely to be questioned.* (a) Experience has shown that in connection with the administration of many cost-plus-fixed-fee contracts a number of items of reimbursement are claimed by contractors which are unusual in nature and consequently require special attention of the contracting officer in making his administrative determination of whether the contractor is entitled to reimbursement therefor. Because of the possibility of subsequent inquiries by the General Accounting Office concerning reimbursement of such items, the procedure prescribed in paragraph (b) below will be followed. The following are illustrations of the types of items of this nature:

Attorneys' fees
Accountants' fees
Bonuses and special payments to employees
Cafeteria and other special activity losses or expenses
Check cashing fees or other expenses in connection therewith.
Expense of recruiting employees and transporting them to the site of work
Employee morale expenses
Losses not covered by insurance
Membership fee in Associations
Publications, including technical manuals, war law and labor services
Travel expenses

(b) Where in the judgment of the contracting officer, the item claimed is of the nature described in paragraph (a) above, the contracting officer will prepare and place in his files a memorandum setting forth in detail all pertinent facts and the particular reasons for approving reimbursement, including the nature of the expenditure and the necessity for its being made in connection with the contract. This memorandum will provide a basis for justifying the contracting officer's action if the item is later questioned by the General Accounting Office.

(c) Should the item in question be the subject of either an informal inquiry or a formal exception, the reply thereto may include a copy of the memorandum above mentioned. Should the matter of clearing any question raised by the General Accounting Office require the attention of higher authority, a copy of the memorandum will be furnished to assist in such clearance.

§ 803.398a *Reimbursement under cost-plus-fixed-fee supply contracts of contributions to charitable or community organizations.* (a) Supplemental Cost Interpretation No. 9, as originally issued December 9, 1942 and as published in paragraphs 263–267 of TM 14–1000 ("Administrative Audit Procedures for Cost-Plus-A-Fixed-Fee Supply Contracts") provided for the reimbursement of CPFF supply contractors for contributions to charitable or community organizations under certain limitations. In a decision of the Comptroller General, B–35488, August 15, 1944, the allowance of contributions to charitable or community organizations was questioned, and, in the particular case, the contribution was disallowed. Disbursing officers are now being instructed not to pay vouchers representing reimbursement of costs based upon contributions, even though the contract incorporates by reference TD 5000 and the costs are allowable under the provisions of Supplemental Cost Interpretation No. 9.

(b) Nevertheless, contracting officers are not necessarily required, because of the decision of the Comptroller General, to refuse to certify vouchers for reimbursement of such contributions if contractors appear otherwise to be entitled to such reimbursement under the terms of their contracts and in accordance with Supplemental Cost Interpretation No. 9. If in any case a voucher is to be certified in accordance with Supplemental Cost Interpretation No. 9, a separate voucher covering such item only will be prepared to which there will be attached a statement that the voucher has been certified in accordance with this section. Any voucher so certified will not be submitted to the disbursing officer but will be returned to the contractor.

§ 803.398b *Adjustments of fixed-price subcontracts under cost-plus-a-fixed-fee prime contracts.* (a) The principles set out in § 803.329b–3 apply to adjustments of a fixed price subcontract under a cost-plus-a-fixed-price prime contract attributable to the balance of the work under such subcontract.

(b) In view of section 3 (d) of the Contract Settlement Act and § 841.111–4 of this chapter the claim of a fixed-price subcontractor under a cost-plus-a-fixed-fee contract for work terminated or cancelled in whole or in part under any circumstances which require the Government to bear the cost of settlement, is a termination claim. The settlement of such a termination claim will be effected in accordance with the principles and under the procedures set out in Subchapter C of this chapter (see especially Part 846 of this chapter).

(c) Approval by the contracting officer of adjustments and settlements of the character described in paragraphs (a) and (b) above will be effected to the extent required by the prime contract. In some cases the settlement of the subcontract may have been pursuant to an authorization to settle subcontracts under § 846.642 or § 846.643 of this chapter. Where the settlement has been made under such an authorization, any such approval will be taken to indicate only that the subcontract was terminated under circumstances which require the Government to bear the cost of the subcontract settlement and that the contractor has made the settlement under the authorization.

[Procurement Reg. 4]

PART 804—BONDS AND INSURANCE

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SUBPART A—GENERAL

§ 804.401 *Rescission of regulations.* Army Regulations 5–140, May 22, 1940, as amended; Army Regulations 5–220, August 7, 1940, as amended; and all other directives and instructions relating to bonds and insurance issued prior to February 1, 1943, are hereby rescinded.

§ 804.402 *Compliance with this part.* Unless otherwise specifically provided, compliance with any provision of this part or of any amendment thereto which requires a change in procedure or in any contract provision shall not be mandatory until thirty days after the issuance of such regulation or amendment.

§ 804.403 *Exceptions to requirements of this part.* Where any provisions of this part, establishes requirements the application of which is impractical in a given special case or in a particular situation, the matter should be submitted to the Insurance Branch, Fiscal Division, Headquarters, Army Service Forces with a full statement of the facts and circumstances. That Branch has authority to make exceptions to requirements set forth in this part.

§ 804.404 *Definition of "Contract Insurance Branch".* Whenever used in this part, the terms "Insurance Branch" or "Contract Insurance Branch" shall be deemed to mean the Contract Insurance Branch, Special Financial Services Division, Office of the Fiscal Director, Headquarters, Army Service Forces.

SUBPART B—BONDS

§ 804.405 *Types of bonds.* There are set forth in §§ 804.405–1 to 804.405–14, inclusive, brief descriptions of the more common types of bonds, riders, and endorsements used in connection with War Department Contracts. In certain of those sections there are contained cross references to the forms of bonds, riders, and endorsements which are contained in Subpart E of this part.

§ 804.405–1 *Bid bond.* A bid bond is a bond accompanying a bid in which the obligor obligates himself in an amount stated (the penal sum), which obligation, it is stated, is to be void if:

(a) The bid is not withdrawn after the opening within the period specified in the bid, or, if no shorter period is specified, within sixty days; and

(b) A written contract, with such bond or bonds as may be required, is executed within ten days after the prescribed forms are presented for signature. (For form see § 804.496–1.)

§ 804.405–2 *Annual bid bond.* An annual bid bond is a single bond securing all bids submitted to a designated agency

during the fiscal year. Such a bond is executed in lieu of executing separate bid bonds for each bid. (For form see § 804.496–2.)

§ 804.405–3 *Performance bond.* A performance bond is a bond which is executed in connection with a contract and which secures the performance and fulfillment of all the undertakings, covenants, terms, conditions and agreements contained in the contract. (For form see § 804.496–3.)

§ 804.405–4 *Annual performance bond.* An annual performance bond is a single bond securing the performance and fulfillment of all the undertakings, covenants, terms, conditions and agreements of all contracts executed with a designated agency during a fiscal year. Such a bond is executed in lieu of executing separate performance bonds for each contract. (For form see § 804.496–4.)

§ 804.405–5 *Payment bond.* A payment bond is a bond which is executed in connection with a contract and which secures the payment of all persons supplying labor and material in the prosecution of the work provided for in the contract. (For form see § 804.496–5.)

§ 804.405–6 *Advance payment bond.* An advance payment bond is a bond which secures the performance and the fulfillment of a contractual provision for the making of advance payments of the type described in § 803.321, et seq. (For form see § 804.496–6.)

§ 804.405–7 *Patent infringement bond.* A patent infringement bond is a bond which secures the performance and fulfillment of the undertakings contained in a patent clause of the type set forth in § 803.335–7. (For form see § 804.496–7.)

§ 804.405–8 *Fidelity bond (blanket).* A fidelity bond is a bond under which the obligor agrees to indemnify an employer up to an amount stated in the bond for losses caused by dishonesty on the part of all employees except those expressly excluded by written endorsement on the bond. (For form see § 804.496–9.)

§ 804.405–9 *Forgery bond or policy (depositor's form).* A forgery bond or policy is a bond or policy under which the obligor agrees to reimburse a purchaser and others named in the bond or policy (the insureds) to an amount stated in the bond or policy:

(a) For losses caused by the forging or altering of a check, draft, or similar instrument issued by or purported to have been issued by any of the insureds named in the bond or policy.

(b) For losses resulting from the fact that a check or draft has been obtained from the insureds through the device of impersonation. (For form see § 804.496–10.)

§ 804.405–10 *Retroactive reinstatement rider.* This rider contains a provision which is available for blanket fidelity and forgery bonds whereby after a loss has been sustained the penalty of the bond is restored to its original amount with respect to prior losses. There is contained in the bond itself a provision which automatically restores the penalty of the bond to the original amount with respect to future losses.

§ 804.405–11 *Waiver of restoration premium rider.* This rider contains a provision which is available for blanket fidelity and forgery bonds which has the effect of eliminating the premium charge for restoring the penalty of the bond after a loss has been sustained.

§ 804.405–12 *Endorsement excluding subrogation to claims against the United States.* This endorsement contains a provision which excludes any claim on the part of the surety company to be subrogated on payment of a loss or otherwise to any claim against the United States. It is required to be placed on any fidelity or forgery bond, the premium for which is either paid by the Government directly or is a reimbursable item under a cost-plus-a-fixed-fee contract.

§ 804.405–13 *Cancellation or change notice rider.* This rider contains a provision by which a surety agrees to notify certain named interested parties in the event that the bond is cancelled or changed in any other manner.

§ 804.405–14 *License or permit bond.* This is a bond which secures to a municipality or other public authority the payment of fines or the amount of any losses sustained as a result of action taken, or omitted to be taken, in violation of the terms of a license or permit. The indemnity sometimes runs to third persons in addition to the municipality.

§ 804.406 *Contract bond requirements on lump sum construction and supply contracts.*

§ 804.406–1 *Bid bonds.* Bid bonds will not be required in connection with lump sum construction and supply contracts except when the contract was placed as a result of formal advertising and the invitation to bidders specified that the contracts were to be supported by performance and/or payment bonds. On such bonds as are required the penal sum will be in an amount deemed adequate for the protection of the United States. The maximum rates of premiums on such bonds are as follows:

(a) On construction contracts not exceeding $2,500, a premium of twenty cents per $100 of bid price, the minimum premium being $1.00;

(b) On construction contracts in an amount in excess of $2,500, a flat fee of $5.00 per bond;

(c) On supply contracts not in excess of $1,250 in amount, a premium of twenty cents per $100 of bid price, the minimum premium being $1.00;

(d) On supply contracts in excess of $1,250 in amount, a flat fee of $2.50 per bond.

The charge for a bid bond is applied as a credit against the premium for the performance bond if the contractor is the successful bidder.

§ 804.406–2 *Performance bonds.* The extent to which performance bonds will be required in connection with lump sum construction and supply contracts will be determined by the chief of the technical service concerned. The requirement of performance bonds will of necessity change from time to time to meet both changing conditions and specific situations. On such bonds as are required the penal sum will be the lowest which, in the exercise of sound judgment, is deemed adequate for the protection of the United States. The maximum rates of premiums on such bonds are as follows:

(a) On lump sum construction contracts for both performance and payment bonds on the same contract with stipulated completion time not exceeding twelve months:

(1) For Class "A" construction (including dredging):

(i) $5.00 per thousand of the contract price up to $2,500,000 and $3.75 per thousand of the portion of the contract price in excess of $2,500,000; or

(ii) Where the total penal sum of the performance and payment bonds is less than 10% of the contract price, $40.00 per thousand of the aggregate penal sum of both the performance and payment bonds; and

(iii) A minimum premium in any case of $7.50 per bond.

(2) For Class "B" construction (including highways and bridges):

(i) $6.65 per thousand of the contract price up to $2,500,000 and $5.00 per thousand of the portion of the contract price in excess of $2,500,000; or

(ii) Where the total penal sum of the performance and payment bonds is less than 15% of the contract price, $45.00 per thousand of the aggregate penal sum of both the performance and payment bonds; and

(iii) A minimum premium in any case of $10 per bond.

(b) On lump sum supply contracts (for performance bonds only) a premium of $1.00 per thousand of the contract price, the premium in no event to exceed $3.00 per thousand of the penal sum of the bond and in no event to be less than $5.00.

§ 804.406–3 *Payment bonds—(a) Lump sum construction contracts.* Payment bonds will be required in connection with all lump sum construction contracts where performance bonds are required. As a general rule payment bonds will also be required in connection with all other construction contracts which exceed $2,000 in amount. However, as to contracts where performance bonds are not required, the requirement of a payment bond may in the discretion of the chief of the supply service concerned be waived when the credit of the contractor makes the requirement unnecessary. The penal sum of payment bonds executed in connection with lump sum construction contracts will be as follows:

(1) When the contract price is $1,000,000 or less, 50 percent of the contract price;

(2) When the contract price is in excess of $1,000,000 but less than $5,000,000, 40 percent of the contract price;

(3) When the contract price is $5,000,000 or more, $2,500,000.

The maximum rates of premium for payment bonds executed in connection with lump sum construction contracts will be $4.50 per thousand of contract price up to $2,500,000 and $3.35 per thousand of the portion of the contract price in excess of $2,500,000; the premium in no case to exceed 3.3 percent of the penal sum of the bond. The minimum premium will be $10.00 per bond.

(b) *Lump sum supply contracts.* Payment bonds will not be required in connection with lump sum supply contracts except where, in the opinion of the chief of the supply service concerned, the requirement of such a bond would facilitate the prosecution of the war. The penal sum of the bond will be the lowest sum which in the exercise of sound judgment is deemed reasonably adequate for the protection of the United States as the representative of the suppliers of labor and materials. The maximum rates of premium on payment bonds executed in connection with lump sum supply contracts are as follows:

(1) On lump sum supply contracts of $1,000,000 or less where the penalty of the bond does not exceed 50% of the contract price: $2.25 per thousand on 50 percent of the contract price;

(2) On lump supply contracts of $1,000,000 or less where the penalty of the bond exceeds 50 percent of the contract price: $2.25 per thousand of the penal sum of the bond;

(3) On lump sum supply contracts in excess of $1,000,000 but not in excess of $6,250,000 where the penalty of the bond does not exceed 40 percent of the contract price: $2.25 per thousand on 40 percent of the contract price;

(4) On lump sum supply contracts in excess of $1,000,000 but not in excess of $6,250,000 where the penalty of the bond exceeds 40 percent of the contract price: $2.25 per thousand of the penal sum of the bond;

(5) On lump sum supply contracts in excess of $6,250,000: $2.25 per thousand of the penal sum of the bond and in no event less than $5,625.

If both performance and payment bonds are required in connection with a supply contract, the rates set forth in §§ 804.406–2 (b) and 804.406–3 (6) represent the maximum rates of premium for each separate bond.

§ 804.406–4 *Advance payment bonds.* The extent to which advance payment bonds will be required in connection with lump sum construction and supply contracts is discretionary with the chief of the supply service concerned, but such bonds will be required only in the most exceptional circumstances. The penal sum of the bond will be the lowest sum which in the exercise of sound judgment is deemed reasonably adequate for the protection of the United States. The maximum rates of premium are as follows:

(a) On the first $2,500,000 advanced—$6.00 per thousand;

(b) On any sum advanced in excess of $2,500,000 and up to $5,000,000—$5.75 per thousand;

(c) On any sum advanced in excess of $5,000,000 and up to $7,500,000—$5.50 per thousand;

(d) On any sum advanced in excess of $7,500,000—$5.00 per thousand.

The above rates are computed on all moneys advanced, and are for bonds guaranteeing performance of contractual provisions covering advance payments only; they are not for guaranteeing the performance of any other contracts.

§ 804.406–5 *Patent infringement bonds.* (a) A patent infringement bond will not be required with respect to any contract in connection with which a performance bond has been executed.

(b) Even if a performance bond has not been executed the requirement of a patent infringement bond will be the exception rather than the rule. Where, however, a lump sum supply contract or construction contract contains a patent clause of the type set forth in § 803.335 and the financial responsibility of the contractor is unknown or doubtful, a patent infringement bond may, in the discretion of the chief of the supply service concerned, be required.

(3) On such bonds as are required, the penal sum will be the lowest which, in the exercise of sound judgment, is deemed adequate for the protection of the interests of the United States. The maximum rate of premium is $10 per thousand per annum on the penal sum of the bond. The maximum premium for the term of the bond is five annual premiums of $10 per thousand each. If the term premium is paid in advance, a discount of 20 percent is applicable.

§ 804.406–6 *Annual bid bonds.* The annual bid bond is not in general use for lump sum construction and supply contracts.

§ 804.406–7 *Annual performance bonds.* The annual performance bond is not in general use for lump sum construction and supply contracts.

§ 804.407 *Contract bond requirements for cost-plus-a-fixed-fee contracts.*

§ 804.407–1 *Bonds not required.* Bid, performance, payment advance payment, patent infringement, annual bid and annual performance bonds will not be required for cost-plus-a-fixed-fee supply contracts, construction contracts, or contracts for the operation of Government-owned plants.

§ 804.407–2 *Fidelity bonds.* Fidelity bonds will be approved in connection with cost-plus-a-fixed-fee supply contracts, construction contracts or contracts for the operation of Government-owned plants only in those cases where in the opinion of the chief of the supply service concerned it is desirable to obtain the investigating and claims facilities of a surety company and such bonds are considered to be reasonably necessary for the protection of the contractor or the Government. A Primary Commercial Blanket form of bond with a rider providing for retroactive reinstatement for prior losses in the penal sum of $10,000 will be considered sufficient. The following additional clauses will be required:

(a) A rider excluding any claim on the part of the surety company to be subrogated on the payment of loss or otherwise, to any claim against the United States;

(b) A rider providing for pro rata refund of premium in the event of cancellation by the insured;

(c) A rider providing for a notice to the chief of the supply service concerned in the event of any change in or cancellation of the bond;

(d) A rider providing for investigation of all claims;

(e) A rider providing for investigation of all Class "A" employees.

There are a variety of discounts which may be applied to blanket fidelity insurance under certain circumstances. A 30% class discount may be applicable to the class A employee premium charge, depending on the nature of the assured's contracts on hand when the bond is written or renewed. A 10% general discount may be applicable to the combined class A and class B employee premium charge for a Primary Commercial Blanket Bond, depending on the number of employees involved and the amount of the bond. An experience discount ranging as high as 25% may be applicable to the final premium, depending on the size of the premium and the amount of claims or losses incurred. Therefore, when blanket fidelity insurance is purchased, carriers should be cautioned to apply all appropriate discounts.

When, pursuant to § 804.409–3 hereof, a duplicate of the fidelity bond or policy is forwarded to the Contract Insurance Branch, it will be accompanied by (1) a statement showing what percentage of the name assured's total volume of contracts for all departments and agencies of the Government is cost-plus-a-fixed-fee, (2) a classification of the employees showing the number placed in A, B, and C classes, and (3) if available a complete computation of the premium charge or proposed premium charge. Upon receipt of this data the Contract Insurance Branch will advise the service concerned if the premium has not been correctly computed.

§ 804.407–3 *Forgery bonds.* This type of bond will be approved in connection with cost-plus-a-fixed-fee supply contracts, construction contracts or contracts for the operation of Government-owned plants only in those cases where, in the opinion of the chief of the technical service concerned, the operation of the contract requires the employment of a large number of new employees who may be inexperienced in the proper method of handling accounting matters and where the contractor concerned transacts the greater part of his business by checks. If, in such a case, it is determined that a forgery bond or policy is desirable to obtain the investigating and claims facilities of a surety company and is considered reasonably necessary for the protection of the Government or the contractor, a forgery bond or policy with a retroactive reinstatement rider may be approved in the penal sum of $10,000. This sum is considered sufficient. The clauses referred to in paragraph (a) to (d), inclusive, of § 804.407–2 will be required.

§ 804.407–4 *License and permit bonds.* These types of bonds will be approved only in those cases where in the opinion of the chief of the technical service concerned such bonds provide a necessary protection to the Government or to the

contractor against liability to third parties or where failure to provide such bonds would constitute a violation of an applicable ordinance or statute of a municipality or other public authority.

§ 804.407–5 *Endorsement excluding subrogation to claims against the United States.* In every case where a contract requires the United States to pay the premium, either directly or by way of reimbursement, on a bond, the bond will contain an endorsement or other recital excluding by appropriate language any claim on the part of the surety to be subrogated, on payment of a loss or otherwise to any claim against the United States.

§ 804.408 *General policy as to rates.* The rates referred to in §§ 804.406 to 804.406–5, inclusive:

(a) Are maximum rates. Where a surety charges less than the rates shown in said section, care should be observed that the savings resulting therefrom are reflected in the contract price.

(b) Apply to both prime contracts with the War Department and subcontracts thereunder.

(c) Apply to all bonds which were executed on or after August 28, 1942 in connection with contracts of the types referred to in § 804.406.

(d) Apply to the increased amount of any contract, the amount of which is increased on or after August 28, 1942.

(e) Are based on a stipulated completion time not exceeding twelve months on Class "A" and Class "B" construction contracts.

§ 804.408–1 *Bond premium computation on terminated contracts.* (a) Premium on the bonds described in §§ 804.406–2 and 806.406–3 (except in certain instances mentioned in such sections where the rate is applied to the penalty of the bond or bonds) is determined by multiplying the appropriate rate of premium by the final contract price, that is, the total remuneration received by the contractor after final settlement. The rule followed by the surety industry generally is as follows:

> The "contract price" on which premium is computed means the whole sum of money or other reimbursement which has passed from the owner to the contractor when final settlement between the two has been made, excluding any bonus for "time". If this sum is different from the original estimate, premium must be adjusted accordingly, either by a refund of part of the original premium by the surety if the original estimate was larger than the actual contract price, or by payment of additional premium by the contractor if the original estimate was smaller than the actual contract price. (Towner Rating Bureau bond manual—page 47.)

Accordingly, when a contract is terminated short of original estimate, the decrease in contract price requires that an adjustment in bond premium be taken into account when final settlement is made. Such adjustment (or return premium) on a contract decrease is ascertained by subtracting from the original premium the amount of premium developed in multiplying the appropriate rate by the terminated contract price. By "appropriate" rate is meant the rate that would have been used for a contract in the amount of the terminated contract price at the time the original contract was awarded. Care should be observed in connection with construction contracts in excess of $2,500,000 in amount for the reason that prior to August 28, 1942, such contracts were accorded special rates of a graduated nature, depending on the size of the contract and the performance time involved. Subsequent to August 28, 1942, special rates have been promulgated for construction contracts where performance time required more than twelve months.

(b) Premium on bonds required in support of War Department contracts other than those described in §§ 804.406–2 and 804.406–3 is determined by various methods, depending on the nature of the bond or contract involved. As a general rule, adjustment of bond premium is in order where a contract is terminated short of completion. Especially is this true where the bond premium is included in the contract price as an item of cost.

(c) Premium on fidelity and forgery bonds furnished in connection with cost-plus-a-fixed-fee contracts is paid for a certain period of time, which is generally one year. There is attached to each such bond a rider providing for pro rata refund of premium on a calendar day basis when the bond is canceled upon contract termination.

§ 804.409 *Filing and examination of bonds and consents of surety.*

§ 804.409–1 *Bonds executed in duplicate.* All bonds of the types described in §§ 804.405–1 to 804.405–14, will be executed in duplicate.

§ 804.409–2 *Forwarding of bonds and consents of surety to Judge Advocate General.* (a) The original of all surety bonds required by the various elements of the War Department (except as hereinafter provided in paragraph (c) will be forwarded to The Judge Advocate General. If such bond was required in support of a contract or modification thereof, the original signed number of the bond should be attached to the original signed number of the contract or modification thereof, as the case may be, and forwarded to The Judge Advocate General. In the event it is not practicable to forward the original number of the contract or modification, a duplicate signed number or an authenticated copy thereof should be attached to the original bond and forwarded to The Judge Advocate General. The Judge Advocate General will examine bonds as to legal sufficiency and as to form and execution. In the case of corporate sureties he will examine them to ascertain whether the corporate officials who purported to execute the bonds on behalf of the corporate sureties had authority to do so; and in the case of individual sureties he will examine them to ascertain whether the affidavit of justification and the certificate of sufficiency of the surety or sureties are in accordance with regulations. The Judge Advocate General will then forward the bond, together with any contract or modification thereof which it supports, to the proper office for filing. In this connection, it is important that the forwarding office indicate clearly the Army Audit Branch of the General Accounting Office to which the contract or modification and the bond should be sent (see §§ 803.317b–1 and 803.317b–2). The duplicate bond will be retained and filed in the office to which it pertains or which authorized its acceptance.

(b) Consents of surety will be handled in the same manner as bonds, except that for more expeditious handling they may be forwarded in blank to the Office of The Judge Advocate General which will have them executed in Washington under the Expediter Plan and then approve them.

(c) The following bonds will not be forwarded to The Judge Advocate General:

(1) Bid bonds (except annual bid bonds). The original and duplicate numbers will be retained in the office to which they pertain or which authorized their acceptance.

(2) Blanket fidelity and forgery bonds. Refer to § 804.409–3 for filing of duplicates.

(3) All bonds required by Army Regulations to be filed elsewhere than at the War Department. The orginal and duplicate will be retained in the office to which they pertain or which authorized their acceptance.

§ 804.410 *Bonds executed by receivers, trustees, administrators, guardians, or executors as principal obligors.* (a) Receivers, trustees, administrators, guardians or executors are officers of the court which appointed them. Their powers are limited to those specified in the court order appointing them. Accordingly, when a bond is executed by such an officer of a court, a duly authenticated copy of the court order showing his authority to execute the bond should be obtained.

(b) All bonds executed by such a court officer should commence substantially as follows:

> I (we) John Doe (and ----------) as executor(s) (administrator(s)) of the estate of ----------, deceased (trustee(s) of ----------) (receiver(s) of ----------) (guardian(s) of ----------).

(c) The execution should be prepared and signed by such court officer in the blank space provided for the signature of the individual obligors and should be in substantially the following form:

> John Doe (and ----------) as executor(s) (administrator(s)) of the estate of ----------, deceased (trustee(s) of ----------) (receiver(s) of ----------) (guardian(s) of ----------).

(d) In the case of a bond executed by the receiver of a corporation, the corporate seal should not be affixed inasmuch as the bond is not the bond of the corporation itself, but a bond executed by the receiver on behalf of the estate of which he is receiver.

(e) Bonds executed by a receiver or trustee which may extend beyond the term of his appointment, and all bonds executed by administrators, guardians or executors will not in general be acceptable, unless the court has entered a specific decree authorizing the type of bond in question, or unless in the general decree appointing the officer the court has specifically granted authority to execute the type of bond in question. In either event a duly authenticated copy of the court order should be attached to the copy of the bond.

§ 804.411 *Bonds executed by limited partnerships as principal obligors.* If the principal obligor is a limited partnership the individual names and residences of the general and limited partners will appear in the body of the bond with a recital that they are general and limited partners respectively. The limited partnership shall be named, the location of its business specified, and the bond shall be executed in the name of the limited partnership by all of the general partners with a recital that they are general partners and by such general partners as individuals.

SUBPART C—SURETIES ON BONDS

§ 804.415 *Definition of consent of surety.* A consent of surety is an instrument by which the surety or sureties on a bond or bonds supporting a contract:

(a) Consent to a supplemental agreement which modifies or amends the contract, or

(b) Consent to a change order making an authorized modification.

§ 804.416 *Requirement.* The circumstances under which consents of sureties are required are set forth in §§ 803.314 to 803.314–3.

§ 804.417 *Forms.* The form of consent to be used in cases where an advance payment provision was added by supplemental agreement subsequent to the original execution of the contract is set forth in § 804.496–8 (b).

The forms of consent to be used in all other cases are set forth in § 804.496–8 (a).

§ 804.417–1 *Filing and examination of consents of surety.* See § 804.409–2.

§ 804.418 *Procedure for accomplishing execution of consent or correction of bonds and consents.* There are two procedures for obtaining the execution of consents. Either may be used but it is suggested that the so-called "expediter plan" expedites the handling of these matters particularly where a number of co-sureties are involved. On occasion, use of the so-called "standard plan" has resulted in considerable delay in obtaining consents or correction of bonds. Accordingly, the expediter plan is recommended. The following is a description of the two procedures:

(a) *Expediter plan.* There has been established in Washington at the Office of the Association of Casualty and Surety Executives, Washington Building, an arrangement whereby either Mr. Howard M. Starling or Mr. Charles M. Walker, on his sole unwitnessed signature, will execute consents of surety and make corrections in bonds and consents in compliance with requests originating either in Washington or in the field offices. These representatives of the surety industry have been so empowered by all of the surety companies on the Treasury Department List and authenticated evidence of their authority as above described has been filed with Office of The Judge Advocate General and with the Section of Surety Bonds, Treasury Department. Whenever a supply service desires to avail itself of the expediter plan, it should transmit an unexecuted consent or the incorrect bond or consent in the manner described in § 804.410–2 (b) to the Office of The Judge Advocate General. That office will get in touch with Mr. Starling or Mr. Walker who will handle all the details for the surety companies concerned and will execute or correct the instrument. The Office of The Judge Advocate General will then handle the document in the manner set forth in § 803.314–4.

(b) *Standard plan.* If the expediter plan is not used, the request for a consent or for a correction of a bond or consent should be made directly to the surety company concerned or its representative.

§ 804.419 *Corporate sureties.*

§ 804.419–1 *Corporate surety acceptability requirements.* In order to be acceptable to the War Department, the corporate surety must have obtained from the Secretary of the Treasury authority to do business under the Act of August 13, 1894 (28 Stat. 279), as amended by the Act of March 23, 1910 (36 Stat. 241); 6 U. S. C. 8; M. L. 1939, sec. 534. A list of the corporations approved by the Secretary of the Treasury is published semi-annually by the Treasury Department as Form No. 356 (Section of Surety Bonds). This list indicates the maximum penal sum in which any corporate surety may underwrite any one obligation. Any corporation whose name is on this list is acceptable within the limits of such approval. The chiefs of the supply services are responsible for distributing copies of the list. It may be procured through The Judge Advocate General to whom a requisition for the requirements of each supply service should be sent semi-annually on or before March 15 and September 15.

§ 804.419–2 *Qualifications of agents and corporate sureties.* Corporate sureties should forward to The Judge Advocate General, Washington, D. C. for filing: powers of attorney or certified copies of resolutions of their Boards of Directors or Trustees authorizing their officers or agents to execute bonds, and certificates evidencing the revocation of authority previously granted to execute bonds.

§ 804.419–3 *Corporate co-sureties.* More than one corporate surety may be accepted as surety upon any recognizance, stipulation, bond, or undertaking in connection with either supply or construction contracts: *Provided*, That in no case will the liability of any such co-surety exceed the maximum penal sum in which the corporate surety is qualified to underwrite any one obligation. On bonds covering supply contracts where the amount of the bond is greater than the underwriting limitation of the corporate surety, the latter may reinsure with a corporation on the acceptable list of corporate sureties and having the required underwriting capacity. Reinsurance agreements are not acceptable in connection with construction contracts. As indicated by the forms of bonds (see §§ 804.496–3 (e), 804.496–5 (d) and 804.496–6 (e)), it is not necessary that corporate co-sureties obligate themselves for the full amount of the bond. Each corporate surety may, by setting forth the limit of its liability in the bond as a definite and specified sum, limit such liability. In all cases the liability shall be limited to the maximum penal sum in which the corporate surety is qualified to underwrite any one obligation. As further indicated by the aforementioned forms, the sureties must, however, bind themselves "jointly and severally" for the purpose of allowing a joint action or actions against any or all of them.

§ 804.420 *Individual sureties.*

§ 804.420–1 *Acceptability.* Individual sureties are acceptable for all types of bonds other than fidelity and forgery bonds: *Provided*, That they meet the requirements specified in §§ 804.420–3 and 804.420–5.

§ 804.420–2 *Number.* If individual sureties are used there shall be at least two responsible individuals on each bond.

§ 804.420–3 *Citizenship.* Except as prescribed in paragraph (b) individual sureties will be citizens of the United States.

(b) Sureties on bonds executed in foreign countries, the Canal Zone, Porto Rico, Hawaii, Alaska or any other possession of the United States, to secure the performance of contracts entered into those places need not be citizens of the United States. However unless they are citizens of the United States they must be domiciled in the country, territory or possession where the contract is to be performed.

§ 804.420–4 *Extent of liability.* The liability of each individual surety shall extend to the entire penal amount of the bond, except that when more than two sureties are furnished, the Insurance Branch, Fiscal Division, Headquarters, Army Service Forces, may authorize special provision with respect to the extent of liability.

§ 804.420–5 *Justification.* Individual sureties will each justify in an amount not less than the penal amount of the bond.

§ 804.420–6 *Stockholders as sureties.* In connection with any bond of which a corporation is the principal obligor, a stockholder of that corporation is acceptable as a surety on the bond: *Provided*, That his net worth exclusive of his stock holdings in the corporation is equal to the amount for which he justified: *And provided further*, That such fact is expressly stated in his affidavit of justification.

§ 804.421 *Partnerships as sureties.* A partnership or other unincorporated association, as such, will not be accepted as a surety. The individual members of the partnership or association may, of course, if they meet the requirements of §§ 804.420–3 and 804.420–5 qualify as sureties. Individual members of a partnership or association will not, however, be acceptable as sureties on bonds under which the partnership or association, or

any co-partner or member thereof, is the principal obligor.

§ 804.422 *Substitution or replacement of a surety.* In case of financial embarrassment, failure or other disqualifying cause on the part of a surety under a bond the chief of the supply service concerned will require the substitution of a new surety satisfactory to him.

§ 804.423 *Options in lieu of sureties on bonds.* Under the conditions set forth in §§ 804.423–1 and 804.423–2, United States bonds or notes, certified checks, money orders or currency may be deposited in lieu of furnishing sureties on bonds.

§ 804.423–1 *United States bonds or notes.* (a) Under the provisions of the act of February 24, 1919, as amended, any person required to furnish a bond executed by him as principal obligor has the option, in lieu of furnishing sureties on his bonds, of depositing United States Liberty bonds or other bonds or notes of the United States except as provided in paragraph (b) (3) below at a sum equal at their par value to the penal amount of the bond (Act of February 24, 1919, ch. 18, sec. 1320, as amended; 6 U.S.C. 15; M.L. 1939, sec. 540).

(b) Procedure: The procedure for carrying out the authority conferred by the above mentioned act, is contained in Treasury Department Circular No. 154, issued under date of February 6, 1935. In general, the procedure is as follows:

(1) The contracting officer is the "bond approving officer" who will turn over the securities deposited with him to the local disbursing officer for safekeeping. The disbursing officer will receipt for the securities in duplicate on Form D, Treasury Department Circular No. 154.

(2) Instead of retaining the securities turned over to him, the disbursing officer may deposit them with the Treasury of the United States, a Federal Reserve Bank, a branch of the Federal Reserve Bank, having the requisite facilities, or other depository duly designated for that purpose by the Secretary of the Treasury. The procedure is set forth in more detail in Treasury Department Circular No. 154.

(3) United States Savings bonds may only be pledged in lieu of furnishing sureties, when the bond approving officer is the Secretary of the Treasury. The acceptance by a War Department contracting officer of United States savings bonds is thus precluded.

(4) Treasury Certificates of Indebtedness are not acceptable in lieu of furnishing sureties.

§ 804.423–2 *Certified checks, money orders or currency.* Any person required to furnish a bond executed by him as principal obligor has the option in lieu of furnishing sureties on his bond, of depositing a certified check, a Post Office money order or currency provided that the penal sum of the bond is not in excess of $50,000. The following procedure will be followed:

(a) Certified checks or Post Office money orders will be drawn to the order of the Treasurer of the United States.

(b) Certified checks, Post Office money orders and currency accepted by the contracting officer in lieu of sureties on a bond will be promptly turned over to the local disbursing officer and deposited by him in a special deposit account. A certificate as to this action will be executed by the disbursing officer and attached to the original bond.

(c) The amount of the security deposited will be refunded to the contractor when the obligation of the bond has by its terms ceased.

SUBPART D—INSURANCE

General

§ 804.431 *General policy.* Insurance coverages will be authorized or required only in those instances where public policy or interest makes it desirable to use the organization, facilities or other services of the insurance industry, or where a commingling of property and operations or circumstances of ownership make the carrying of insurance reasonably necessary for the protection of the several interests concerned.

§ 804.432 *Exclusion of subrogation.* In every instance where a contract requires the United States to pay the premium either directly or by way of reimbursement on an insurance policy, the policy will contain an endorsement or other recital excluding by appropriate language any claim on the part of the insurer to be subrogated, on payment of a loss or otherwise, to any claim against the United States. For contract language see § 803.365–3.

Insurance in Connection with Cost-Plus-a-Fixed-Fee Contracts

§ 804.434 *Insurance on Government-owned property.* (a) No insurance covering loss or destruction of or damage to property, legal title to which is in the United States and which is to be used in connection with a cost-plus-a-fixed-fee contract, will be required or authorized without the prior approval of the Contract Insurance Branch, Special Financial Services Division, Headquarters, Army Service Forces. To implement this policy of self-insurance on government-owned property, there shall be included in the contract, the clause set forth in § 803.365–1. The policy of self-insurance rests to a large degree upon savings to the Government obtained by eliminating the cost of insurance which otherwise would be added to the contract price.

(b) Where it is considered advisable to impose specific standards of care such as an obligation to keep the facilities in good operating condition and repair and to make all necessary repairs and replacements, a clause to this effect may be included in the contract.

§ 804.434–1 *Procedure to be followed in the event of loss or destruction of or damage to property of the Government in the possession or control of contractors (or subcontractors).* (a) In the event of loss or destruction of or damage to property of the Government in the possession or control of contractors (or subcontractors), it is of the utmost importance that immediate action be taken so that the property will be conserved and production will suffer the least interruption. Contractors are generally not in a position to handle losses with maximum efficiency and War Department personnel may not be available or equipped to give all the required attention to such a problem.

(b) Accordingly upon the happening of loss or destruction of or damage to Government property, the prescribed contract article (§ 803.365–1) requires the contractor (or subcontractor) to give notice to and employ the services of a loss and salvage organization designated by the contracting officer (unless the contracting officer directs that no such organization be employed).

(c) The loss and salvage organizations referred to are the Fire Companies Adjustment Bureau, Inc., The Western Inspection and Adjustment Company, or the Underwriters Adjustment Company (hereinafter or elsewhere designated as loss and salvage organization). A list of the offices of these organizations with telephone numbers, is set forth in § 804.498. Their services will be rendered to contractors (or subcontractors) under a schedule of rates filed with the War Department and intended to cover costs without allowance for profit.

(d) Each office has been instructed to respond immediately to requests of contractors in connection with loss or destruction of or damage to Government property while at fixed locations or in course of transit, and thereafter investigate the damage or loss, prevent the accrual of further damage or deterioration, eliminate hazards to life or other property, clear debris, locate and remove property to appropriate places of storage or erect suitable shelter therefor and otherwise conserve and protect all possible salvage. In the event of catastrophic loss, the loss and salvage organizations may procure the services of others and temporarily augment their own staffs so that the loss may be handled with the utmost dispatch and efficiency. The organization so employed will report as may be appropriate to the contracting officer or to the contractor, and generally will operate under the regulations and the specific instructions of the contracting officer.

(e) The prevention of further and progressive loss to damaged property, its repair or disposal, are steps which are related and which are, in commercial practice, generally combined into one series of operations performed or directed by one organization. Where, under the prescribed contract article (§ 803.365–1) the contractor (or subcontractor) has undertaken, if and as directed by the contracting officer, to make repairs and renovations, it may be to the advantage of the Government to request the contractor to employ the loss and salvage organization to assist in repair and renovation. Similarly, under the contract clause set forth in § 803.363, assistance may be sought from the loss and salvage organization in respect to disposal of damaged Government property.

(f) In the event that the Government property is located in an area outside of the United States, where none of the above organizations has resident representatives reasonably accessible, there will be included in the contract the clause set forth in Note 4, § 803.365–1 and in the event of loss, the contracting officer will supervise and enforce the discharge of the contractor's obligations.

§ 804.435 *Waiver of Defense Plant Corporation insurance requirements.*

§ 804.435–1 Where cost-plus-a-fixed-fee contracts are being performed in facilities owned by the Defense Plant Corporation and leased to a contractor, the contractor is required by the terms of the lease to procure and maintain at his own expense fire and supplementary coverage, and general liability and automobile liability insurance for bodily injury and property damage, on special forms. The Defense Plant Corporation is named as the insured on such policies. Inasmuch as the cost of such insurance is ultimately borne by the Government as a reimbursable item of cost, arrangements have been made with the Defense Plant Corporation pursuant to which that corporation has agreed to waive its insurance requirements in specific cases where it is requested to do so by the War Department. In such cases the War Department agrees that neither the failure to carry insurance nor any ensuing damage to or destruction of the facility will relieve the War Department of its existing obligation to the Defense Plant Corporation under take-out letters.

§ 804.435–2 In all cases where a definite saving in cost to the Government can be effected by eliminating insurance requirements of the Defense Plant Corporation, the Contract Insurance Branch will be advised promptly of the following: (a) Name of contractor; (b) number of contract; (c) type of contract; (d) location of facility involved; (e) the plancor or lease number; (f) the estimated saving, if the same can be estimated; and (g) the recommendation of the chief of the technical service. For those cost-plus-a-fixed-fee contractors insured under the War Department Insurance Rating Plan, special policy forms required by Defense Plant Corporation will be terminated and the name of Defense Plant Corporation will be endorsed onto the contractor's policies as an additional insured together with a recital of the indemnity provisions of the lease agreement. The Defense Plant Corporation will be requested by the Contract Insurance Branch, in appropriate cases, to waive its insurance requirements.

§ 804.436 *Casualty insurance.* Cost-plus-a-fixed-fee contractors, including, but not limited to, constructors, architect-engineers, architect-engineer managers, operators, and suppliers will be required to procure and maintain the insurance specified in §§ 804.436–1 to 804.436–3 which, where practicable, will cover the operation of the prime contractor, cost-plus-a-fixed-fee subcontractor, and such other contractors or subcontractors for which provision is made in § 804.460.

§ 804.436–1 *Workmen's compensation insurance.* This coverage will be required as follows:

(a) In jurisdictions where there are workmen's compensation laws, either mandatory or elective:

(1) Statutory coverage, plus

(2) In jurisdictions where the workmen's compensation law does not cover all occupational diseases, occupational disease coverage by endorsement for limits of $50,000 per person in any one case; and, subject to that limit for each person, for an aggregate limit of $100,000 for each year of the policy period;

(3) In those jurisdictions where there is a "per accident" limitation of coverage under paragraph 1 (b) of the policy, an endorsement providing a $100,000 limit for each accident; and

(4) In those jurisdictions where there is a "per person" limitation of coverage under paragraph 1 (b) of the policy, an endorsement providing a $50,000 limit for each person;

NOTE: In certain states the occupational disease aggregate limit is determined by the occupational disease premium. If such basic aggregate limit is less than $100,000 the lowest multiple thereof necessary to increase the aggregate limit to $100,000 will be used.

(b) In jurisdictions where there are no workmen's compensation laws, or where workmen's compensation insurance is carried in a State Fund, which Fund does not afford complete coverage as herein required, employers' liability insurance, including occupational diseases coverage for limits of $50,000 per person in any one claim and, subject to that limit for each person, $100,000 for two or more persons in any one accident and an aggregate limit of $100,000 for each year of the policy period for occupational disease claims.

§ 804.436–2 *General liability insurance.* This insurance will be required with limits of $50/100,000 for bodily injury liability on the comprehensive policy form. The policy will be endorsed to include coverage of aircraft and water craft operations by elimination of any exclusions of such coverage contained in the policy.

§ 804.436–3 *Automobile public liability and property damage insurance.* This insurance will be required with limits of $50/100,000 for bodily injury liability and $5,000 for property damage liability on the comprehensive policy form covering all owned, non-owned, and hired automobiles which will be used in connection with the work to be done under a cost-plus-a-fixed-fee contract and which are not used exclusively on the premises at which the work under such contract is performed.

§ 804.436–4 *Self-insurance.* Self-insurance by cost-plus-a-fixed-fee contractors, in lieu of the requirements outlined in §§ 804.436–1 to 804.436–3, will not be approved except in unusual circumstances and then only after approval is obtained from the Contract Insurance Branch. Where the contractor requests and the chief of the technical service deems it desirable, that workmen's compensation insurance be provided by self-insurance, there will be submitted to the Contract Insurance Branch the following:

(a) A duly authenticated copy of the authority to self-insure from the state or political subdivision having jurisdiction, if such authority is required by law;

(b) A detailed statement of the method or plan of self-insurance to be used and of the safety, claim and medical facilities which will be provided, including the cost thereof.

§ 804.436–5 *Insurance requirements for lump-sum subcontractors.* (a) Lump-sum subcontractors will provide the contractor and the contracting officer with a certificate of insurance evidencing the fact that workmen's compensation, public liability and automobile liability and property damage insurance are carried with an acceptable insurance carrier covering operations in connection with the project, and that termination or alteration of the coverages enumerated on the certificate of insurance will not be made without ten days' prior notice of such termination or alteration to the chief of the technical service concerned. Limits of insurance should be at least equal to those required of the prime contractor. Where authenticated evidence of authority to self-insure workmen's compensation and ability to respond in damages can be shown to the satisfaction of the chiefs of the technical services, the above requirements may be waived.

(b) For the purposes of paragraph (a) the term "subcontractor" is defined as any individual, partnership, association, corporation, estate, trust or other business enterprise or legal entity which has undertaken, pursuant to a purchase order or by agreement with the prime contractor, to perform on the prime contractor's premises all or any part of the work or to make or furnish on such premises any article (other than raw materials or standard or commercial articles) required for the performance of the prime contract. By the term "prime contractor's premises" is meant the premises, under the control of the prime contractor, at which the work under the prime contract is to be performed.

§ 804.437 *Miscellaneous insurance.* The chiefs of the technical services may consider that other forms of insurance are necessary in special instances. The circumstances under which these forms of insurance may be authorized are described in §§ 804.437–1 to 804.437–10. In general, the authorization of any of these forms of insurance will be the exception rather than the rule.

§ 804.437–1 *Payroll robbery, hold-up, and safe burglary insurance.* This form of insurance will be approved only in those cases where substantial sums of money are in the care, custody, and control of the contractor in isolated areas where normal protection, which would be available in a stabilized situation, is lacking, or where a commingling of property and operations or circumstances of ownership make the carrying of insurance reasonably necessary for the protection of the several interests concerned.

§ 804.437–2 *General liability insurance for damage to property of others.* This form of insurance will be approved only in those cases where the operations conducted are of such a nature that an accident might reasonably involve extensive destruction of property belonging to

others, and it is considered desirable to obtain the experienced claims and investigating services of a reliable insurance carrier. When such insurance is authorized there will be provided a limit of $50,000 per accident and an aggregate limit of $100,000 for each year of the policy period. It is anticipated that this form of coverage will be necessary only for contractors engaged in the manufacture or handling of high explosives and in certain cases of aircraft operations.

§ 804.437–3 *Products liability insurance.* This form of insurance may be authorized in instances where a contractor under authority of its contract operates a commissary or other similar facility for dispensing food. Such insurance, when authorized, will be by endorsement to the general liability policy and will provide a limit of $50,000 per person in any one accident; and, subject to that limit for each person, $100,000 for injuries sustained by two or more persons in any one accident; and, subject to the foregoing limits, an aggregate limit of $100,000 for all accidents during each year of the policy period.

§ 804.437–4 *Contractual liability insurance.* This form of insurance is provided in the Comprehensive general liability policy where a contractor or subcontractor has assumed liability under:

(a) A lease of premises,
(b) An easement agreement,
(c) An agreement required by municipal ordinance,
(d) A sidetrack agreement, or
(e) An elevator or escalator maintenance agreement.

The chief of the technical service concerned may approve the purchase of insurance for other assumed liability where the assumption of the liability by the contractor or subcontractor has been authorized and the chief of the technical service determines that the purchase of such insurance is necessary.

§ 804.437–5 *Boiler and machinery insurance.* (a) This form of insurance will not be authorized. It may be desirable to arrange for boiler inspection service.

(b) *Boiler inspection service.* When a cost-plus-a-fixed-fee contractor is performing his contract in a plant containing a number of boilers or other pressure vessels, it is generally desirable that such boilers or other pressure vessels receive periodic inspections. This is in the interest of continuous and safe operation. Accordingly, the chief of the technical service may authorize the use of the boiler inspection service contract by such a contractor (for form see § 804.497–27). When practicable the boiler inspection service of the insurance company carrying the workmen's compensation insurance of the contractor will be used provided that such carrier has a fully qualified and experienced boiler inspection department. Otherwise, some other qualified insurance carrier will be selected.

§ 804.437–6 *Ocean or inland marine insurance.* These forms of insurance will not be required and their purchase will be authorized only on those instances where the chief of the technical service concerned determines that the procurement of such insurance is desirable or necessary for the protection of the contractor or the Government.

§ 804.437–7 *Marine war-risk insurance.* See § 804.461 and following.

§ 804.437–8 *Fidelity bonds.* See § 804.407–2.

§ 804.437–9 *Forgery bonds.* See § 804.407–3.

§ 804.437–10 *License and permit bonds.* See § 804.407–4.

§ 804.438 *Group insurance.* Group insurance plans and such other forms of insurance as are provided voluntarily to employees in order to indemnify them in the event of disabilities, dismemberments, hospitalizations or surgical treatments and to provide payments in the event of old age or death will be governed by the provisions set forth in §§ 804.438–1 to 804.438–6.

§ 804.438–1 All programs providing insurance of the character referred to in above in this section will be subject to the written authorization of the contracting officer.

§ 804.438–2 In determining proper standards for the type of group insurance benefits to be offered, unless there is substantial reason for providing otherwise, such plans will be consistent with the general employee relations policies existent throughout the contractor's organization or in conformity with approved agreements made as a result of collective bargaining with employees' representatives.

§ 804.438–3 If in the opinion of the chief of the technical service concerned the existing plan of group insurance is, in the light of § 804.438–2, undesirable for the cost-plus-a-fixed-fee contractor, there shall be forwarded a full description of the plan desired by the contractor, together with the recommendation of the chief of the technical service to the Insurance Branch, Fiscal Division, Headquarters, Army Service Forces, for appropriate decision.

§ 804.438–4 If a particular cost-plus-a-fixed-fee contractor, because his organization is of recent origin or for any other reason, has not previously provided a plan of group insurance and now desires to take out such insurance the following information will be forwarded to the Insurance Branch, Fiscal Division, Headquarters, Army Service Forces: (a) A statement as to whether such insurance is common to the industry and to the community; (b) the purposes for which the group insurance plan is needed at the particular plant; (c) any other pertinent information; and (d) the recommendation of the chief of the technical service concerned.

§ 804.438–5 Different considerations are involved for group annuities, and for other insurance not purchased under a group insurance policy. When it is desirable in the opinion of the chief of the technical service concerned to provide such insurance, a request for prior approval will be forwarded to the Insurance Branch, Fiscal Division, Headquarters, Army Service Forces, together with the following information: (a) A complete outline of the hazards involved; (b) the number of personnel involved; (c) the nature and probable duration of the coverage; (d) any other pertinent information; and (e) the recommendation of the chief of the supply service concerned.

§ 804.438–6 War Department Group Insurance Rating Plan: The War Department Group Insurance Rating Plan, which is set forth in §§ 804.440 to 804.440–18, is to be applied as provided in said paragraphs on and after March 1, 1943, in accordance with §§ 804.439 to 804.439–4.

§ 804.439 *Procedure.* The chief of each supply service concerned will require cost-plus-a-fixed-fee contractors and their subcontractors to whom this plan is applicable to:

(a) Immediately request their insuring companies to attach to the policies involved a War Department Group Insurance Rating Plan Endorsement. Copies of all such requests will be obtained, and forwarded to the Insurance Branch, Fiscal Division, Headquarters, Army Service Forces.

(b) Request the insuring companies to furnish immediately to the Insurance Branch, Fiscal Division, Headquarters, Army Service Forces, all details pertinent to underwriting properly the policies involved.

§ 804.439–1 *Effective date of plan.* A careful review of the group insurance program which is involved in each case will be made by the Insurance Branch, Fiscal Division, Headquarters, Army Service Forces, and, upon completion of such review, the supply service concerned will be advised of the date on which the War Department Group Insurance Rating Plan is to be effective in each particular case.

§ 804.439–2 *Application for plan to be made immediately.* There will be certain cost-plus-a-fixed-fee contractors and subcontractors involved in this program, particularly those whose cost-plus-a-fixed-fee operations are commingled with lump sum or private operations, for whom it will be necessary to have the group insurance program carefully correlated with existing conditions; and there may be certain legal steps involved which will have to be fully explored. It is desired, therefore, that each contractor and subcontractor involved be required to make application immediately to the insuring companies for the War Department Group Insurance Rating Plan Endorsement, irrespective of the renewal dates of their policies.

§ 804.439–3 *Applicability of plan.* It is contemplated at this time that the War Department Group Insurance Rating Plan will be applied only in connection with policies covering cost-plus-a-fixed-fee contractors' employees when the work is either 100 percent cost-plus-a-fixed-fee or when the cost-plus-a-fixed-fee operations are physically separated from other operations of the contractor, either private or lump sum. There may be cases, however, where, pursuant to a review of the commingled operations, it will be possible to apply the rating plan.

§ 804.439–4 *Review by Insurance Branch.* Prior to the final acceptance of renewals or new purchases of group insurance, all such renewal or new purchase programs, together with the pertinent data, will be referred to the Insurance Branch, Fiscal Division, Headquarters, Army Service Forces, for approval.

§ 804.440 *Description of plan.*

§ 804.440–1 *General requirements.* On and after March 1, 1943, renewal of existing group insurance policies or the purchase of new group insurance policies, so far as cost is concerned, for prime cost-plus-a-fixed-fee contractors and cost-plus-a-fixed-fee subcontractors thereof, will be authorized only if the factors which the insuring company uses for that portion of such policies covering the cost-plus-a-fixed-fee contract are not greater than the maximum factors set forth in §§ 804.400–4 to 804.440–7 except that:

(a) The provisions of §§ 804.440 to 804.440–18 shall apply only to such policies under which more than 500 employees, operating under the cost-plus-a-fixed-fee contract, have been insured either on the effective date, if such policy is issued on or subsequent to March 1, 1943, or on any renewal date on or subsequent to that date irrespective of when the policy was issued.

(b) If the contractor desires to renew existing group insurance policies or to purchase new group insurance policies with or from an insuring company which uses factors greater than herein set forth, the United States shall not make, nor be liable for, reimbursement in an amount greater than would result from calculation in accordance with the provision of §§ 804.440 to 804.440–18, but no authorization shall be granted in any case if the pool reserve (§ 804.440–7 (b)) is not established and maintained exactly as specified herein.

NOTE: If the contractor does not desire to renew existing group insurance policies with an insuring company which refuses to issue a War Department Group Insurance Rating Plan Endorsement, the contractor's cost for the terminating year will be reimbursed in accordance with his contract.

§ 804.440–2 *Experience refund.* When the amount resulting from use of all factors is less than the earned premium according to the premium rates in force for the period for which calculation is made, the excess shall be returned by the insuring company to the contractor within two months of the date of calculation, except as otherwise provided in the succeeding sections.

§ 804.440–3 *Premium limitations.* Furthermore, anything contained herein to the contrary notwithstanding, the maximum charge by the insuring company to the contractor for such insurance in any period shall be determined by applying the premium rates in the policy in effect for such period.

§ 804.440–4 *Factor No. I; total losses.* Total losses shall be the amount of drafts issued during the period of calculation subject to the following modifications:

(a) An appropriate adjustment may be included for the amount of drafts issued during the succeeding period of two months on claims occurring during the period covered by the calculation (if corresponding adjustment is made at the beginning of the period) or, an insuring company which administers its business regularly on such basis may determine as its total losses for any policy period for the purposes of this section the drafts issued on claims occurring in such period or within the succeeding two months, plus an estimate of the drafts issued on unclosed claims occurring within such period.

(b) For death claims and for total and permanent disability claims approved for payment by the insuring company but for which either no payment or only partial payment has been made, an appropriate adjustment of losses may be included so as to include the face amount of claims approved for payment, with a deduction for the commuted value of any remaining installments on disability recoveries when the face amount of the claim approved for payment has previously been included in the losses charged under this plan.

(c) For waiver of premium total and permanent disability claims, losses may be appropriately adjusted to include, in lieu of actual payments at death, an amount of $850 for each $1,000 of such claims approved, and such amount shall be increased upon death by $150 and reduced upon recovery by $850 for each such $1,000 of insurance. Two years after the completion or termination of all cost-plus-a-fixed-fee contracts effective with each insuring company under this rating plan, or after the termination of the last insurance policy effective with each insuring company under this plan, whichever occurs sooner or at such earlier date as may be considered appropriate by the Insurance Branch, Fiscal Division, Headquarters, Army Service Forces, the reserves remaining on account of all such approved claims shall be subject to revaluation by an Arbitration Committee as provided in § 804.440–11.

§ 804.440–5 *Factor No. II*—(a) *Expense and risk charges.* The maximum allowable charge for taxes, conversions, and claim administration shall be 3.75 percent of the premium at the rate effective for the period of calculation, subject to the following modifications:

(1) *Taxes.* If the estimated amount incurred by the insuring company on all its policies operating under this plan for taxes on premium, surplus, or income exceeds 2 percent of the premium, such estimated amount of taxes may be charged, subject to the approval by the Insurance Branch, Fiscal Division, Headquarters, Army Service Forces, of the items to be included and the method of calculation. With such approval, the insuring company may estimate as of January 1 of each calendar year what its average tax rate will be for the policy years ending in the coming calendar year and charge that rate on all the policy years ending in that calendar year. If the actual taxes incurred on renewals in that calendar year, computed on either an average or individual contract basis, whichever basis is used by the insuring company for charging such items on its business, generally differ from the amount produced by the estimated factor the difference shall be charged or credited by the insuring company in its calculation of the estimated average tax rate for renewal in the following calendar year. Any difference remaining after the completion or termination of the last cost-plus-a-fixed-fee contract effective with each insuring company under this rating plan, or after the termination of the last insurance policy effective with each insuring company under such plan, whichever occurs sooner, shall be credited or charged, as the case may be, before the final disposition of the pool reserve as set forth in § 804.440–7 (b).

(2) *Conversions.* An insuring company may elect to have the percentage of 3.75 percent reduced to 2.25 percent for life insurance and include in lieu of the difference the actual cost charged by the insuring company to its group department, for actual conversions under all policies operating under this plan, if such charge per $1,000 of insurance converted is no larger than such insuring company charges its group department during the period for all such conversions. However, an insuring company which so elects will be considered to have experienced a conversion rate in excess of normal, if during the period that each policy comes under this rating plan the ratio of the amount of insurance converted for such policy to the total of the amount of insurance terminated for such policy is greater than the corresponding ratio for the remainder of such insuring company's corresponding business for this period, and under such circumstances charges for insurance converted will be subject to the approval of the Insurance Branch, Fiscal Division, Headquarters, Army Service Forces. (Such elections will be made in writing to the Insurance Branch, Fiscal Division, Headquarters, Army Service Forces, and will apply to all such insuring company's business under this rating plan.)

(3) *Claim expense.* If the actual amount incurred by the insuring company for claim expense on all its policies operating under this plan exceeds the amount otherwise determined by this paragraph, the actual amount of such claim expense may be charged only if the Insurance Branch, Fiscal Division, approves the calculation. With such approval, the insuring company may estimate as of January 1 of each calendar year what its average claim expense rate will be for renewals in the coming calendar year and charge that rate on all renewals in that calendar year. If the actual claim expense incurred on renewals in that calendar year, computed on either an average or individual contract basis, whichever basis is used by the insuring company for charging such items on its business, generally differs from the amount produced by the estimated factor the difference shall be charged or credited by the insuring company in its calculation of the estimated

average claim expense rate for renewals in the following calendar year. Any difference remaining after the completion or termination of the last cost-plus-a-fixed-fee contract effective with each insuring company under this rating plan, or after the termination of the last insurance policy effective with each insuring company under such plan, whichever occurs sooner, shall be credited or charged, as the case may be, before the final disposition of the pool reserve as set forth in § 804.440–7 (b).

(4) *Plans self-administered.* Where claims drafts are issued by the contractor or the contractor's agent the amount of the maximum allowable charge for all coverages other than life insurance shall be reduced by 1.25 percent of the premium.

(b) *Other expenses and risk charges.* The maximum allowable charge for expenses not included in paragraph (a) above, or in § 804.440–6, and for the insuring company's risk charges, shall be determined by Table I as follows:

TABLE I

Percentage of Earned Premium Developed by Applying Standard Rates With Extras for Industry, Sex, Race, or Any Other Cause

Annual premium:	1st Year	Renewal
$10,000 or less	16	11
$25,000	12	7
$50,000	11	6.5
$100,000	10	5.5
$250,000	9	4.5
$500,000	7	3.5
$1,000,000	6	3
Over $1,000,000	5	2.5

(1) The annual premium in Table I shall be taken as the premium for each form of coverage under each insurance policy, except dependent coverage shall not be considered as a separate coverage.

(2) If the annual premium lies between any two of the figures in the annual premium column, the percentage shall be interpolated to the nearest tenth of one percent.

(3) The figures shown in the column headed "1st year" shall not be used on premiums other than those earned in the first 12 months that an insurance policy was effective on a company, plant, or unit.

(4) For policies which are not operated on the so-called "self-accounting plan," all percentages in the above table may be increased by 1 percent of the premium.

§ 804.440–6 *Factor No. III: Commissions.* The maximum allowance for commission charges by the insuring company in connection with payments to soliciting agents or brokers will be:

(a) *Coverage in effect prior to March 1, 1943.* For insurance plans effective before March 1, 1943, not more in amount nor longer in duration than would be provided upon the basis of commission agreements applicable to such plans and consummated prior to March 1, 1943, *Provided:*

(1) That such agreements are pursuant to customary practice of the respective insuring companies.

(2) That so-called "1st year" commissions shall not be paid on premiums other than those earned in the first 12 months that the insurance was effective on a company, plant, or unit, and that such "1st year commission treatment" was decided and entered in the home office records prior to March 1, 1943.

(3) That renewal commissions shall not be paid for longer than nine years subsequent to the expiration of the first year commissions.

(b) *New coverage.* For insurance plans effective on or after March 1, 1943, not more than the percentages in the following table as applied to earned premiums without extras for industry, race, sex, or any other cause:

TABLE II

Total combined earned premium as calculated in accordance with this paragraph:	*Maximum soliciting agent's or broker's commission (percent)*
1st $10,000	7½
Next $40,000	4
Next $50,000	2
Next $400,000	1
Over $500,000	½

In determining the percentage from the above table, an insurance plan will be considered as including all coverages issued on and after the effective date of this rating plan covering the same group of employees working in operations to which a cost-plus-a-fixed-fee contract applies. If the insurance plan so defined is handled by more than one insuring company, the maximum allowance for commission charges for all coverages combined will be the same as that which would be allowed if the insurance plan were being handled by one insuring company. The maximum percentage allowance to be used by each insuring company concerned on that portion of the insurance plan which it is handling will be the percentage based on the combined premium for all the coverages included in the plan, regardless of what insuring company handles each coverage. Commissions on "extensions", "increases in coverages", and similar actions will be paid in accordance with the scale in Table II, but premiums on which first year or renewal commissions have been paid previously shall be counted in determining the proper place in the above premium column to commence the commission computation.

(c) *Commission savings.* Any savings which an insuring company may effect by reason of paying less commission on these insurance policies than are charged to these policies shall be credited to the contractors insured in accordance with this plan in the manner determined by the Insurance Branch, Fiscal Division.

(d) *Additional commissions.* Any charges above and beyond the agreements herein specified shall not be allowable as an item of reimbursable expense unless and until approved by the Insurance Branch, Fiscal Division.

§ 804.440–7 *Factor No. IV*—(a) *Policy reserves*—(1) *Open claims.* As a maximum allowance for a reserve for claims incurred but for which no payment has been made, or for a reserve for additional payments on claims on which partial payment has been made (in addition to any amounts already charged as losses under § 804.440–4), the insuring company may retain the percentage of premiums in Table III (see subparagraph (3) of this paragraph), calculated by using minimum rates with extras for industry, race, sex, or other cause.

(2) *Final disposition.* Two years after the completion or termination of all cost-plus-a-fixed-fee contracts effective with each insuring company under this rating plan, or after the termination of the last insurance policy effective with each insuring company under this plan, whichever occurs sooner, or at such earlier date as may be considered appropriate by the Insurance Branch, Fiscal Division, the difference between the total amount charged under this rating plan by each insuring company for such reserves over the sum of (i) the amounts actually paid as the result of claims under this rating plan for which such reserves were held, and (ii) the amounts required for subsequent payments (such latter amounts to be calculated by the insuring company and submitted for the approval of the insurance Branch, Fiscal Division), shall be returned to the contractors or their successors or nominees (policies on which the insuring company has paid out an amount equal to or greater than the amount charged for policy reserves shall be excluded in making this calculation) according to the ratio that the difference between the amount of policy reserves charged on each such policy and the amount of policy reserves paid or required for subsequent payments on each such policy bears to the total of such differences, or shall be deducted by the insuring company from any settlement otherwise available from the pool reserve set forth in paragraph (b) of this section, as the case may be, but such charge shall be made to the pool reserve only if satisfactory proof is furnished the Insurance Branch, Fiscal Division, that the policy reserves, in the aggregate, set up by the insuring company at the time this rating plan became effective, were sufficient to pay all losses on claims occurring prior to the date this plan became effective with respect to such policies.

TABLE III

Forms of insurance	*Percentages of earned premium as defined in subparagraph (1) above*
Life insurance:	
(a) With permanent total disability benefit	30
(b) With premium waiver provision	15
(c) With extended death benefit	10
Indemnity for accidents or sickness	10
Indemnity for hospital confinement	[1] 10
Indemnity for surgical operations	[1] 10
Accidental death and dismemberment insurance	10

[1] For policies including maternity or obstetrical benefits for dependents of employees, an additional reserve of 25 percent of the premium for the dependent coverage (including the premium for the maternity coverage) may be held.

(3) Subject to the limitations of this plan, the policy reserves maintained shall be in strict accordance with the general practice of the insuring company.

(b) *Pool reserve*—(1) *Final disposition.* Each insuring company shall create and maintain a pool reserve which shall be available for the payment of losses (as outlined in subparagraph (2) of this paragraph) under that portion of all of its policies to which a War Department Group Insurance Rating Plan Endorsement applies. Two years after the completion or termination of all cost-plus-a-fixed-fee contracts effective with each insuring company under this rating plan, or after the termination of the last insurance policy effective with each insuring company under this plan, whichever occurs sooner, or at such earlier date as may be considered appropriate by the Insurance Branch, Fiscal Division, any portion of this reserve which has not been used for any of the purposes authorized by this rating plan shall be returned to the contractors or their successors or nominees. Such return shall be allocated to the various policies in proportion to the difference between each policy's contribution to the total pool reserve and the amounts withdrawn from such reserve to pay claims under such policy, but policies on which the insuring company has paid out an amount equal to or greater than the amount charged for the pool reserve shall be excluded in making this calculation.

(2) *Use.* If the total losses under any contractor's policy for any policy year plus one-half the maximum increase in the policy reserve permitted for the period by reason of increase in premium, or minus the decrease in policy reserve by reason of decrease in premium, to the extent that the result is not less than the premium, as the case may be, shall exceed 100 percent of the earned premium for such year calculated on the basis of minimum rates with any extras for industry, race, sex, or other cause, the insuring company shall be entitled to reimbursement for all such amounts in excess of such premium and this amount shall be added to the contribution required of this policy to the pool reserve.

(3) *Establishment and maintenance.* To establish and maintain this pool reserve, the insuring company shall, in calculating any experience refund for any year, be entitled to deduct the amount, if any, by which the larger of (i) 20 percent of the premium for the year for which such experience refund is applicable, such premium to be calculated on the basis set forth in the preceding paragraph, or (ii) the extra premium for industry accumulated from the renewal date prior to March 1, 1943, to the date of calculation, exceeds any amount actually remaining in the pool reserve from previous contributions to such reserve by this contract. The amount of such deduction for any year shall in no event exceed the amount, if any, remaining after completing the operations set out in § 804.440–8 (a) to (h), inclusive.

§ 804.440–8 *Experience rating account.* The insuring company shall maintain an experience rating account for the insurance under each policy to which this rating applies. As of each renewal date and within 60 days, this account shall be adjusted in the order indicated:

(a) Credit the actual premium.

(b) Charge losses as described in § 804.440–4.

(c) Charge one-half the maximum increase in the policy reserve permitted for the period by reason of increase in premium in accordance with § 804.440–7 (a) (3).

(d) Credit the decrease in policy reserve by reason of decrease in premiums to the extent that (b) exceeds (a).

(e) Credit from the pool reserve:

(1) In the event of an increase in policy reserve (b) plus (c) minus (a).

(2) In the event of a decrease in policy reserve (b) minus (d) minus (a).

(f) Charge expenses not greater than the maximum allowable under §§ 804.440–5 and 804.440–6.

(g) Charge deficit carried over (if any) from previous period. (In first calculation under this plan (g) shall be taken as zero. For subsequent calculations, it shall be taken as (k)).

(h) Charge an amount, if available, which if added to (c) shall not be greater than sufficient to attain one-half the maximum policy reserve for the period as set forth in § 804.440–7 (a).

(i) Charge an amount, if available, not greater than sufficient to establish and maintain the appropriate maximum amount in the pool reserve as of the end of the period in accordance with § 804.440–7 (b).

(j) Charge an amount, if available, not greater than sufficient to attain the maximum policy reserve for the period as set forth in § 804.440–7 (a).

(k) Deduct total charges from total credits. If result is positive, treat as experience refund; if result is negative, treat as deficit.

It is recommended that each insuring company maintain in connection with each policy an experience rating account, a policy reserve account, and a pool reserve account, showing the maximum allowable reserves under each account, the actual reserves set up, and all debit and credit transactions affecting these accounts.

§ 804.440–9 *Distribution of experience refund.* When an experience refund or reserve refund is made by the insuring company the contractor shall proceed in the following manner unless approval for a different procedure is given by the Insurance Branch, Fiscal Division:

(a) Any such refund shall be credited to the contractor's charge to the War Department, except that the contractor may, with the consent of the Insurance Branch, Fiscal Division, continue any practice he may have had prior to March 1, 1943, as to the application of all or any part of such refund. In any event, if the refund exceeds the contractor's contribution to the cost of the plan, the excess shall be applied for the sole benefit of the employees.

(b) In the event that unforeseen circumstances prevent such division of any refund, any or all of such monies so affected shall be payable to the United States.

§ 804.440–10 *Minimum contribution by employees.* If any contractor has a group insurance policy under which the employees' contributions are at a rate lower than specified in this section, the United States shall not make or be liable for reimbursement in an amount greater than the maximum reimbursement that could result under such plan of group insurance if the employees' contributions were at the rates herein set forth. If the group insurance was in force on March 1, 1943, the minimum rate of contributions for the purpose of this paragraph shall be the scale of contributions applicable at that time, and if the group insurance was not in force on March 1, 1943, the minimum contributions shall be the equivalent of 60¢ per month per $1,000 of group life insurance and 60¢ per month per $10 of weekly indemnity for accidents and sickness, unless a lower scale of contributions is approved by the Contract Insurance Branch, Special Financial Services Division, Office of the Fiscal Director, Headquarters, Army Service Forces.

§ 804.440–11 *Establishment of arbitration committee.* For revaluation of the reserves described in § 804.440–4 (c), and for decision relative to other reserves not returned within the time limits specified, an arbitration committee shall be selected consisting of three members, one selected by the insuring company, one by the contractor and the third by these two members, and the majority decision of this committee shall be final if approved by the Contract Insurance Branch.

§ 804.440–12 *Forwarding of data.* As soon as the insuring company has furnished to the contractor the renewal data required herein, it shall be forwarded to the Contract Insurance Branch for examination.

§ 804.440–13 *Limitation of reimbursement.* There shall be no reimbursement, or liability for reimbursement, in excess of that developed by applying generally recognized extras for sex, industry, or race (except extra higher rates in effect prior to March 1, 1943), unless such reimbursement has had approval of the Contract Insurance Branch prior to the effective date of any rates greater than above specified.

§ 804.440–14 *Termination of contract by the Government.* In the event the cost-plus-a-fixed-fee contract is terminated on the basis set forth in the preceding paragraph, or (ii) the extra premium for industry accumulated from the renewal date prior to March 1, 1943, to the date of calculation, exceeds any amount actually remaining in the pool reserve from previous contributions to such reserve by this contract. The amount of such deduction for any year shall in no event exceed the amount, if any, remaining after completing the operations set out in § 804.440–8 (a) to (h), inclusive.

§ 804.440–15 *Endorsement of policies.* All policies shall bear suitable identifying endorsement, in a form acceptable to the Contract Insurance Branch, as evidence that the War Department Group Insurance Rating Plan is applicable.

§ 804.440–16 *Effective date.* The effective date of this rating plan, as to any policy or portion thereof to which it is applicable, shall be determined by the Contract Insurance Branch, but shall not be earlier than March 1, 1943.

§ 804.440–17 If in the opinion of the Contract Insurance Branch, Special Financial Services Division, there are circumstances which would make the application of this plan inappropriate, it shall not become operative, anything contained herein to the contrary notwithstanding.

§ 804.440–18 Nothing contained herein shall be construed as regulating the charges which an insurance company can make under any policy or policies.

§ 804.441 *Benefits in event of capture or detention of employees.* Standards for the amount of benefits and the methods of providing payment to employees in the event of their capture or detention are set forth in Public Law 784, 77th Congress. This law sets forth the policy of Congress and provides that upon claims being filed as specified therein, payment or reimbursement will be negotiated through the United States Employees Compensation Commission. Where, in the opinion of the chief of the technical service concerned, it is necessary that the amount of benefits be increased over that prescribed in the statute above referred to, prior approval of the Contract Insurance Branch, Special Financial Services Division, Headquarters, Army Service Forces will be obtained. The following information will be forwarded to that Branch: (a) Reasons why such increase is necessary; (b) statement as to whether qualified employees can be obtained without providing increased benefits; (c) number of employees involved; (d) location of operations; (e) any special hazards; (f) any other pertinent information; (g) the recommendation of the chief of the technical service concerned.

§ 804.442 *Insurance in connection with cost-plus-a-fixed-fee contracts outside of the continental United States.* The foregoing §§ 804.434 to 804.441, inclusive, may not be applicable to cost-plus-a-fixed-fee contracts for work to be performed outside the continental United States. Such contracts involve questions of the applicable laws and local conditions which will be encountered in the country where the work is to be performed, as well as questions of the medical and hospital facilities for the treatment and care of employees of the contractor. Insurance companies generally are not equipped or licensed to underwrite insurance in foreign countries. In order to establish the required coordination in connection with such contracts, the chief of the technical service concerned will advise the Contract Insurance Branch, Special Financial Services Division, Headquarters, Army Service Forces, of all such contemplated work as far in advance as possible. Arrangements will then be made to have a representative of that Branch present, if practicable, during the negotiations with respect to the contract provisions pertaining to insurance liability, medical and hospital matters. The Contract Insurance Branch, will be responsible for the establishment and proper functioning of insurance facilities on such projects, and direct communication is authorized for this purpose.

Insurance in Connection With Lump Sum Contracts

§ 804.450 *General.* No insurance requirements, other than statutory requirements, will be imposed on the contractor unless in the opinion of the chief of the technical service concerned the imposition of certain insurance requirements will serve to safeguard the contractor's ability to perform the contract. If performance and payment bonds support the contract, the requirement of any insurance should be unnecessary.

§ 804.451 *Insurance on Government-owned property.* (a) The same general policy exists with respect to Government-owned property in the possession, care, custody or control of lump sum or unit price contractors as exists with respect to such property in the possession, care, custody or control of cost-plus-a-fixed-fee contractors (see § 804.434.) To implement this policy—under which the Government is in effect a self-insurer on its own property—there shall be inserted in lump sum or unit price contracts for the performance of which Government-owned property is furnished to contractors, the article set forth in § 803.365–1a, or, in case where Government-owned production machinery or other facilities are so furnished, the liability provisions of § 803.332.

(b) The contract articles referred to are intended to put the contractor in the same position he would occupy if he obtained commercial insurance policies providing broad coverage against the "expected perils" set forth in the contract article. In view of the protection thus afforded to the contractor by the Government in lieu of commercial insurance, the contractor has no liability for loss or destruction of or damage to Government-owned property caused by any "excepted peril" against which he may obtain commercial insurance, and the contractor is in fact required by the contract article to make the express representation (among others) that he is not maintaining and will not maintain insurance (including self-insurance funds or reserves) covering such liability.

(c) The policy described above rests to a large degree upon the savings to the Government obtained by the elimination of charges for commercial insurance, which savings are, of course, intended to be reflected in the contract price. When, by reason of special circumstances, it is not practicable to obtain such savings (for example, when Government interests are so far commingled with other interests as to be practically incapable of segregation) or the savings are trivial in amount, the chief of the technical service concerned may, in his discretion, determine that the general policy will not be applied. Typical cases where this determination has been made in the past are: service contracts such as laundry contracts; shoe, tent or tire repair contracts; machinery maintenance or repair contracts; fixed rate storage contracts. In such cases neither the contract article set forth in § 803.365–1a nor the liability provision of § 803.332 will be used. In lieu thereof the following will be used:

(1) Instead of the article set forth in § 803.365–1a, a clause may be used stating in substance that except for reasonable wear and tear or depreciation or the utilization of the Government-owned property in connection with the contract, the contractor shall be liable for any loss or destruction of or damage to such property.

(2) Instead of the liability provision appearing in § 803.332, a clause may be used stating in substance that except for reasonable wear and tear or depreciation, the Government-owned facilities shall be returned to the Government or delivered to the Government's designee, at the time elsewhere in the article provided, in as good condition as when received.

(d) The same general policy as exists with regard to lump-sum supply contracts applies to fixed-price contracts for services accessorial to or forming a part of a transportation movement, including contracts for freight handling, car loading and unloading, packing and crating, stevedoring, lighterage, trucking, heavy lift service, lumber handling and other contracts for terminal services not procured by means of a bill of lading. For forms of contract articles covering liability for Government-owned property, see § 803.365–1b.

§ 804.451–1 *Procedure to be followed in the event of loss or destruction of or damage to property of the Government in the possession or control of contractors (or subcontractors).* (a) Except when insurance is permitted, upon the happening of loss or destruction of or damage to property in the possession or control of contractors (or subcontractors) caused by an "excepted peril" (see §§ 803.365–1a and 803.332) the procedure to be followed is the same as that described in § 804.434–1.

(b) In connection with the disposal of damaged Government property, attention is invited to paragraph (d) of the article set forth in § 803.365–1a and paragraph (F) (4) of article set forth in § 803.332, which are comparable with § 803.363.

§ 804.452 *Waiver of Defense Plant Corporation insurance requirements.* Inasmuch as the insurance costs are included in the contract price, the provisions of §§ 804.435 to 804.435–2 are also applicable to lump sum contracts.

§ 804.453 *Lump sum contracts excluding cost of insurance.* In certain cases contracts are awarded on a basis of a contract price exclusive of the cost of the forms of insurance specified in §§ 804.436 to 804.436–3. Such contracts contain a provision pursuant to which the Government agrees to reimburse the contractor on an actual cost basis for the cost of such insurance. In such cases, the provisions of §§ 804.434 to 804.442, inclusive, of this subpart, are applicable to such insurance. The contractor may purchase at his own expense such additional or other insurance protection as he may deem necessary.

Architect-Engineer-Management Contracts

§ 804.460 *Architect - engineer - management contracts.* (a) In the interest of security and in order to obtain the most suitable and efficient arrangements with respect to insurance, hospital, and medical, loss paying and safety engineering facilities, the chief of the technical service concerned will require the contractor under an architect-engineer-management contract to provide through one insurance company specified insurance for all cost-plus-a-fixed-fee contractors and subcontractors, lump sum contractors and lump sum subcontractors other than contractors and subcontractors under supply contracts and subcontracts. Such insurance will afford the contractors and subcontractors the coverage referred to in §§ 804.436–1 to 804.436–3 (for contract provisions see §§ 803.365–5 to 803.365–8).

(b) The contractors or their subcontractors may purchase at their own expense such additional or other insurance protection as they deem necessary. When insurance carriers furnishing such additional protection request access to the site of the work for personnel engaged in servicing such insurance, the chief of the supply service concerned may deny such access, or restrict it to such of those personnel as it is, in his judgment, necessary to admit for the proper servicing of the insurance.

War Risk Insurance in Connection With Vessels or Other Floating Equipment

§ 804.461 *Master policy.* A master policy issued by the War Shipping Administration to the War Department permits the War Department to insure with the War Shipping Administration war risks or liabilities which it has assumed or for which it is obligated in connection with certain persons, vessels or other floating equipment. Declarations under this policy will be made to the War Shipping Administration by the Chief of the technical service concerned or any subordinate whom he may designate. All declarations will be numbered in sequence as reports are made. For required form of report see § 804.497–3.

§ 804.461–1 *Risks covered.* The master policy covers risks or liabilities that are assumed by or that may be imposed on the War Department:

(a) As owner, operator or owner and operator of vessels or other floating equipment;

(b) Under charters or other forms of contracts for the use by the War Department of privately owned vessels or other floating equipment;

(c) Under any form of agreement for the operation of such vessels or equipment;

(d) Under any form of agreement for the carriage by water of any person or property on a commercial basis; and

(e) Under any contract for the construction of vessels or other floating equipment for the War Department.

§ 804.461–2 *Property and interests insurable.* The persons, vessels, property, or interests that may be insured under the master policy are those set forth in section 222 of Public Law 523, 77th Congress, namely:

(a) Vessels:

(1) American vessels (including vessels under construction);

(2) Vessels registered under the law of the Philippine Islands;

(3) Foreign-flag vessels owned by citizens of the United States (as said term "citizen" is used in Public Law, 173, 77th Congress, approved July 14, 1941) or owned or controlled by or made available as described in § 804.461–1 (c) but engaged in the waterborne foreign commerce of the United States or other transportation by water or other vessel services deemed by the Maritime Commission to be in the interest of the war effort or the domestic economy of the United States, while so engaged.

(b) Cargoes shipped or to be shipped on any vessels specified in paragraph (a) above, including shipments by express or registered mail.

(c) The disbursements (including advances to masters and general average disbursements) and freight and passage moneys of such vessels.

(d) The personal effects of the masters, officers and crews of such vessels, and of other persons transported on such vessels:

(1) Personal effects of licensed officers and other persons may be covered for $500; and of unlicensed crew members for $300;

(e) Master, officers and crews of such vessels and other persons employed or transported thereon against the loss of life, personal injury or detention by an enemy of the United States following capture. ((1) Crew life: Personnel of vessels and other persons may be covered for $5,000 against loss of life and for scheduled benefits against injury. (2) Wages and bonuses: Liability for wages and bonuses of personnel of vessels may be covered against loss resulting from internment or destruction or abandonment of vessels resulting from capture, seizure, etc.)

(f) Protection and indemnity: Statutory or contractual obligation or other liabilities of such vessels or of the owner or charterer of such vessels of the nature customarily covered by insurance. (If protection and indemnity is required, report should reflect value of the vessel or approximately $150 per gross ton subject to a minimum of $50,000 per vessel.)

§ 804.461–3 The master policy does not cover:

(a) Total or constructive total loss, or partial loss (particular average) of any vessels, equipment, or property owned by the War Department;

(b) Claims for damage or service of any nature asserted by any other Government Department or Agency, or barrel by decision of the Comptroller General;

(c) Liabilities of any nature toward personnel of the military forces of the United States and other United Nations;

(d) Any losses or liabilities existing or imminent at the time any vessel, property or other interest is reported to the War Shipping Administration for coverage under this policy;

(e) Losses or liabilities of any nature excluded by the provisions of War Shipping Administration policies.

Purchase of Insurance by Cost-Plus-a-Fixed-Fee Contractors

§ 804.470 *Acceptability of insurance carrier.*

§ 804.470–1 The contractor will designate its own insurance carrier on all projects except where insurance is placed on a competitive bid basis as hereafter provided in § 804.470–2. The insurance carrier selected must meet the following minimum standards of acceptability:

(a) At least 80% of the outstanding stock of the insurance carrier must be owned by citizens of either the United States or one or more of the other United Nations; and the carrier must be wholly controlled and operated by such citizens and free from any direct or indirect Axis or Pro-Axis connections or influence.

(b) The carrier must have an unobligated minimum surplus of $350,000.

(c) In the case of a contract of casualty insurance, other than Workmen's Compensation insurance, the financial condition of the insurance carrier must be such that the policy wil not expose it in a single accident or occurrence to a loss (1) in the case of a fixed-premium carrier of more than 10% of its total capital stock and surplus, or (2) in the case of a dividend paying carrier of more than 10% of its net assets.

(d) In the case of workmen's compensation insurance, the insurance carrier shall have (1) in the case of fixed-premium carrier, a total capital and surplus of at least a million dollars, or (2) in the case of a dividend paying carrier, at least a million dollars of net assets.

§ 804.470–2 The chief of the technical service concerned will pass upon the acceptability of the insurance carrier whether selected by the contractor or chosen on a competitive basis. The chief of the technical service will obtain from the contractor the following information which will be used by him in conjunction with the standards set forth in § 804.470–1 in determining the acceptability of the carrier:

(a) The name of the insurance carrier;

(b) The jurisdiction in which the insurance carrier is organized;

(c) Whether the insurance carrier is qualified to write the required insurance in the jurisdiction in which the project is located;

(d) A statement executed by an authorized official of the insurance carrier that the insurance carrier meets the standards of acceptability set forth in § 804.470–1;

(e) The engineering, claims and medical facilities, if required, which will be provided at the project by the insurer;

(f) The latest financial statement of the insurance carrier;

(g) A separate letter which may be forwarded directly by the insurance carrier to the chief of the technical service concerned, setting forth the actual amount of each risk retained by the primary carrier and its reinsurance arrangements, including the names of all reinsurers and the amount of risk accepted by each. Such letter will embody a statement that the reinsurance arrangements will not be modified or cancelled until thirty days advance notice shall have been given to the Contract In-

surance Branch. Where a reinsurer is a foreign company or a foreign controlled company, the letter outlining the reinsurance arrangements will include a statement that the primary carrier will not divulge the name, nature or location of the risk and that if such disclosure is required to obtain payment of a reinsured loss, prior approval will be obtained from the Contract Insurance Branch before any information is given to the foreign reinsurer or foreign controlled reinsurer.

§ 804.471 *Methods of purchase of casualty insurance.* Casualty insurance required or authorized under any section of this part will be purchased in the manner specified in §§ 804.471–1 to 804.471–4.

§ 804.471–1 Where the premiums involved are estimated to amount to $300 or less the contractor will select the insurance carrier and procure the necessary insurance.

§ 804.471–2 Where the premiums involved are estimated to exceed $300, but not to exceed $5,000, the contractor will be required to purchase the insurance on a competitive bid basis. In order to secure a fair market price, at least four bids will be required, two of which will be from reliable fixed-premium carriers and two from reliable dividend paying carriers. If one bid is received from a fixed-premium paying association or syndicate and another from a dividend paying association or syndicate, such bids will be sufficient to comply with these requirements. The terms "associations" or "syndicates" refer to groups of insurance carriers which have joined together for participation in the risk involved on a predetermined basis which contemplates that they will be jointly and severally liable under the insurance policy. The chief of the technical service concerned will assure himself that all insurance purchased on a competitive bid basis is placed with the carrier or carriers offering the lowest net cost commensurate with sound protection and service before approving the policy or policies.

§ 804.471–3 (a) Except as provided in paragraph (b), where the premiums involved are estimated to exceed $5,000 the contractor will select its own insurance carrier and require the issuance of policies under the War Department Insurance Rating Plan described in §§ 804.473 to 804.489 below. An exception will be made to this requirement when the statutes of the jurisdiction involved expressly prohibits the use of this plan and permission cannot be obtained without modification of the statutes of the jurisdiction concerned.

(b) Where the operations of the contractor under a cost-plus-a-fixed-fee contract are commingled with its other operation, or where operations are being performed by the contractor under more than one cost-plus-a-fixed-fee contract with one or several of the technical services, the use of the War Department Insurance Rating Plan may not be appropriate. In such cases the chief of any technical service concerned will forward to the Contract Insurance Branch, Special Financial Services Division, Office of the Fiscal Director, Headquarters, Army Service Forces, his recommendations, and that Branch, after coordinating with any other technical services concerned, will advise as to the proper insurance requirements.

§ 804.471–4 Insurance coverages which cannot be written under the War Department Insurance Rating Plan will be purchased on the competitive bid basis or as set forth in § 804.436–4.

War Department Insurance Rating Plan

§ 804.473 *Plan in general.* The War Department Insurance Rating Plan is a comprehensive retrospective rating formula for the determination of premium specially adapted to fit the needs of the War Department. The Plan was approved for use by the War Department on May 3, 1941, and is available for use in connection with the required casualty insurance coverage as outlined in §§ 804.436–1 to 804.436–3. It may be extended to include the coverages outlined in §§ 804.437–2 to 804.437–4. The plan will be used where the cost of insurance provided by the contractor is reimbursable under the contract. The clauses which are required to be attached to policies written in connection with the plan are enumerated in § 804.475.

§ 804.474 *Duration of coverage.* The insurance will be continuous and concurrent until completion of the project or operation except that if the project or operation is of indefinite duration, the insurance to be written under the plan shall be for an initial period of twenty-four (24) months. In such event, if the project or operation continues for a longer period than twenty-four months, the policies of insurance will be renewed at the expiration of the first twenty-four months by attachment of endorsement in accordance with forms set forth in §§ 804.499 and 804.499–1, to workmen's compensation, comprehensive general liability and comprehensive automobile policies, respectively.

§ 804.475 *Endorsements to be attached to policy.* The insurance carrier selected will be required to attach the following endorsement forms to the policies issued by it:

(a) War Department Insurance Rating Plan endorsement (see § 804.497–4).

(b) General endorsement for general liability policy (see §804.497–5).

(c) General endorsement for automobile liability policy (see § 804.497–6).

(d) General endorsement for workmen's compensation and employers' liability policy (see § 804.497–7).

§ 804.476 *Rules and rates under War Department Insurance Rating Plan.* A Joint Committee representing the Association of Casualty and Surety Executives and the American Mutual Alliance established rules and rates set forth in §§ 804.477 to 804.482–1 for use in connection with policies written under the War Department Insurance Rating Plan. These rules and rates were approved by the War Department on May 13, 1941.

§ 804.477 *Rules and rates with respect to workmen's compensation.* The rules and rates adopted as set forth in § 804.476 prescribe that the Manual Rules and Rates set forth in the following paragraphs shall be used, in connection with the War Department Insurance Rating Plan, as the basis for determining the standard premium for workmen's compensation insurance with respect to projects located in the jurisdictions therein referred to:

(a) District of Columbia, Territories of Alaska and Hawaii and all states in which private insurance carriers may write insurance under the War Department Insurance Rating Plan, except the states enumerated in paragraphs (b) to (n): Manual Rules and Rates published by the National Council on Compensation Insurance.

(b) Arizona: Manual Rules and Rates promulgated by the Industrial Commission of Arizona.

(c) California: Manual Rules and Rates promulgated by the California Inspection Rating Bureau.

(d) Delaware: Manual Rules and Rates promulgated by the Delaware Compensation Rating and Inspection Bureau.

(e) Louisiana: Manual Rules and Rates promulgated by the Louisiana Casualty and Surety Rating Commission.

(f) Massachusetts: Manual Rules and Rates promulgated by the Massachusetts Rating and Inspection Bureau.

(g) Minnesota: Manual Rules and Rates promulgated by the Minnesota Compensation Rating Bureau.

(h) New Jersey: Manual Rules and Rates promulgated by the Compensation Rating and Inspection Bureau of New Jersey.

(i) New York: Manual Rules and Rates promulgated by the Compensation Insurance Rating Board.

(j) North Carolina: Manual Rules and Rates promulgated by the Compensation Rating and Inspection Bureau of North Carolina.

(k) Pennsylvania: Manual Rules and Rates promulgated by the Pennsylvania Compensation Rating and Inspection Bureau.

(l) Texas: Manual Rules and Rates promulgated by the Board of Insurance Commissioners of Texas.

(m) Virginia: Manual Rules and Rates promulgated by the Workmen's Compensation Rating Bureau of Virginia.

(n) Wisconsin: Manual Rules and Rates promulgated by the Wisconsin Compensation Rating and Inspection Bureau.

§ 804.478 *Employers' liability insurance (Mississippi).* It is prescribed that the Manual Rules and Rates of the National Bureau of Casualty and Surety Underwriters shall be used as a basis for determining the standard premium for employers' liability insurance.

§ 804.479 *Employers' liability and voluntary compensation insurance (Oregon and Washington).* It is prescribed that the Manual Rules and Rates of the National Bureau of Casualty and Surety Underwriters shall be used as the basis for determining the standard premium for employers' liability and voluntary compensation insurance.

§ 804.480 *Experience rating not to be employed.* In adopting the manual rules and rates of the existing rating organizations the Joint Committee specifically provided that experience rating should not be employed. Instead, in recognition of the differences in hazard, it adopted the following rule:

For the purpose of determining the amount of the "fixed charge" under the War Department Insurance Rating Plan, the standard premium for workmen's compensation and employers' liability insurance shall be discounted 10% before applying the appropriate percentage as prescribed in Table I of the Plan.

No discount which may be provided for in the manual rules and rates published by the National Council on Compensation Insurance or in any of the manual rules and rates referred to in §§ 804.477 to 804.480 to reflect any reduction in expense shall be applicable in determining the standard premium.

§ 804.480–1 *Modification of basic manual rules by interpretation.* With respect to workmen's compensation, employers' liability and manufacturers' and contractors' liability insurance, the Joint Rating Committee has made provision whereby the basic manual rules with regard to assignment of payroll of miscellaneous employees will be modified by interpretation as follows:

(a) The payroll of miscellaneous employees shall be assigned by audit period.

(b) The payroll of miscellaneous employees whose duties during the entire audit period were incidental to and are directly assignable to a single manufacturing classification shall be assigned to the rate for that classification unless such payroll has not been so allocated on the records in which case these employees shall be assigned as cited in the following paragraph (c).

(c) The payroll of miscellaneous unassignable employees whose duties during the audit period were incidental to two or more manufacturing classifications shall be assigned to the several manufacturing classifications in the same proportion which the payroll of the several manufacturing classifications bears to the total payroll of such manufacturing classifications.

(d) In cases where a project average rate is to be used to cover all operations, the payroll of miscellaneous employees shall be included in the rate determination and the procedure described in paragraphs (b) and (c) above shall be followed on an estimated basis for the entire period covered by the policy rather than by audit period.

§ 804.481 *Automobile bodily injury and property damage liability insurance.* (a) For insurance on projects located in the District of Columbia, the Territories of Alaska and Hawaii and all states except Louisiana, Massachusetts, North Carolina and Texas, it is prescribed that the Manual Rules and Rates of the National Bureau of Casualty and Surety Underwriters shall be used as a basis for determining the standard premium for automobile bodily injury and property damage liability insurance subject to the following modifications:

(1) All commercial automobiles shall be rated as medium class 5 regardless of the class and load capacity to which such commercial car would ordinarily be assigned except in Massachusetts where light class 4 will be applicable.

(2) All automobiles classified as private passenger automobiles under the Manual Rules and Rates shall be classified as "Class C".

(3) In lieu of the rates appearing in the Manual Rules and Rates for non-ownership bodily injury and property damage liability, standard limits rates applicable to this coverage shall be as follows, such rates to apply to the total payroll on the project:

(i) $0.06 per $1,000 for payroll for bodily injury liability effective for new and renewal policies written on or after March 1, 1943, in all states except:

Kansas effective April 30, 1943.

Indiana and North Carolina effective May 5, 1943.

Washington effective May 8, 1943.

Virginia effective May 30, 1943.

(ii) $0.05 per $1,000 of payroll for property damage liability.

(4) All automobiles owned by the Federal government and furnished for the contractors' use on a project, and all automobiles hired or purchased under rental purchase contracts shall be classified and rated in the same manner as automobiles owned by the contractor. Hired automobiles other than those hired under a rental purchase contract shall be rated in accordance with the Rules and Rates prescribed in the Manual, except that when cars are hired without chauffeurs the payroll upon which the premium will be calculated will be double the cost of hire.

(5) Neither the Experience Rating Plan nor the Automobile Fleet Plan Discount nor any other individual risk rating plan shall be used but in lieu thereof, and in recognition of the reduced hazards on these risks the manual rates including the rates set forth above shall be subject to a uniform discount of 50%.

(b) For insurance on projects located in Louisiana, Massachusetts, North Carolina and Texas, it is prescribed that the rules and rates of the organizations set forth below shall be used as a basis for determining the standard premium for automobile bodily injury and property damage liability insurance subject to the modification set forth in subparagraphs (1) to (5) above:

(1) Louisiana: The Louisiana Casualty & Surety Rating Commission.

(2) Massachusetts: Massachusetts Automobile Rating and Accident Prevention Bureau.

(3) North Carolina: North Carolina Automobile Rate and Administrative Office.

(4) Texas: The Board of Insurance Commissioners.

(c) For insurance on projects located in the states of Illinois, New Hampshire, New York, Oklahoma, Virginia and Washington, the Manual Rules and Rates of the National Bureau of Casualty and Surety Underwriters referred to in paragraph (a) above, shall be used in the form in which they are filed with and approved by the state supervising authority having jurisdiction.

(d) In the event that coverage is required for any automobiles for which passengers are carried for a consideration, such automobiles are to be rated in accordance with the Manual Rules and Rates applicable to public automobiles, subject to the 50 percent discount applicable to other classes of automobiles.

§ 804.482 *Comprehensive bodily injury liability insurance.* For insurance on projects located in the District of Columbia, the Territories of Alaska and Hawaii and all states except Louisiana and New York it is prescribed that the Manual Rules and Rates of the National Bureau of Casualty and Surety Underwriters shall be used as a basis for determining the standard premium for comprehensive bodily injury liability insurance. For insurance on projects located in the state of New York the basis for determining the standard premium shall be the Manual Rules and Rates of the National Bureau of Casualty and Surety Underwriters as approved by the New York State Insurance Department; and for insurance on projects located in Louisiana, the basis for determining the standard premium shall be the Manual Rules and Rates of the Louisiana Casualty and Surety Rating Commission. Neither the Experience Rating Plan nor any other individual risk rating plan shall be used, but instead in consideration of the reduced hazards on these risks all manual rates shall be subject to a uniform discount of 50 per cent.

§ 804.482–1 Those classifications in the Manual for which no rates appear will be submitted by the insurance carrier to the appropriate rating authority if any, for the establishment of a rate. The rate so established will be submitted to the Contract Insurance Branch, Special Financial Services Division, Office of the Fiscal Director, Headquarters, Army Service Forces. Any liability rate so established will be subject to the 50% discount applicable to other liability insurance classifications.

§ 804.483 *Insurance Advisor.* (a) In connection with the War Department Insurance Rating Plan, each contractor performing a contract in one of the several States of the United States or the District of Columbia, will select a competent and responsible Insurance Advisor. This Advisor may be a licensed insurance agent or broker or other person of comparable competence and trustworthiness. He shall not, while so employed be employed or paid any remuneration whatsoever by any insurance carrier for services rendered or benefit conferred directly or indirectly in connection with the insurance on the project to which the Insurance Service Agreement relates (see § 804.497–13). The advisor selected will be requested to submit a detailed statement of the knowledge and experience which qualifies him to act as Insurance Advisor.

(b) On projects located in States having a resident agents law which requires an advisor to be a licensed agent or broker such law will be complied with.

§ 804.483–1 Paragraph 1 of the Insurance Service Agreement, when used in connection with projects located in Massachusetts must be amended by inserting the words "being a duly licensed advisor, agent, or broker as defined in section 163, 166, and 177b of the General Laws, Chapter 175," between the words "hereinafter called the Advisor" and the words "agreement(s), in consideration of a fee".

§ 804.483–2 If the contractor desires that his regular insurance agent or broker act as Advisor but the project is so far removed that the agent or broker (not qualified as set forth above) is unable to give complete service, the agent or broker may arrange with another person or firm sufficiently near the project to render a portion of the Advisor's services. The individual or firm will qualify as an Advisor as set forth above and both parties will execute jointly the Insurance Service Agreement.

§ 804.483–3 No Insurance Advisor will be appointed in connection with projects located outside the several States of the United States and the District of Columbia.

§ 804.484 *Assignment to Government of premiums due under policies written under War Department Insurance Rating Plan upon termination or completion of cost-plus-a-fixed fee contracts.* (a) The following form will be used for the purpose of assigning to the Government the interest of a cost-plus-a-fixed-fee contractor in return premiums, premium refunds, etc., on insurance policies written under the War Department Insurance Rating Plan upon termination or completion of the contract, when the Government has assumed the payment of the contractor's obligations for premiums under such policies (see § 804.490–3).

ASSIGNMENT TO GOVERNMENT

Under Cost-Plus-A-Fixed Fee Contract No. _____ dated _____between the United States of America (hereinafter called the Government) and_____ (hereinafter called the Contractor).

The Government having assumed and become liable for the obligation of the contractor for premiums under Policies Nos._____, and _____ issued by the _____ Insurance Company, the Contractor does hereby assign, transfer and set over to the Government as of the date hereof, all of its right, title and interest in and to all return premiums, premium refunds, dividends and any other moneys due or to become due the Contractor in connection with such policies.

In witness whereof, the Contractor has executed this assignmment this _____ day of _____, 194____.

[CORPORATE SEAL]

CONTRACTOR,

_____

By_____

Attest:

_____

Secretary

Accepted:

United States of America,

By_____

Contracting Officer

(b) Appropriate detailed instructions will be given by the chiefs of technical services to contracting officers and others concerned so that the form is executed and forwarded by registered mail, return receipt requested, to the home office of the insurance company involved. The letter accompanying the form will specify that all checks to cover return premiums, etc., are to be made payable to the Treasurer of the United States.

(c) In addition to whatever copies are required for the purposes of a technical service, one copy of the executed form will be forwarded to the Contract Insurance Branch, Special Financial Services Division, Office of the Fiscal Director, Headquarters, Army Service Forces.

Special Instructions for the Preparation of Policies

§ 804.485 *Workmen's compensation policies.* Policies to evidence workmen's compensation insurance taken out in accordance with this part, will be written to provide the coverage required by this part and in accordance with the following regulations:

(a) The War Department Insurance Rating Plan is not available for use in connection with workmen's compensation insurance in the States of Nevada, North Dakota, Ohio and Washington, but the plan will be used in those states for comprehensive general liability and automobile liability and property damage if the premiums involved are estimated to exceed $5,000.

(b) In the State of Oregon the contractor will formally reject the workmen's compensation act and will then purchase insurance as prescribed in §§ 804.470 to 804.471–4. The policy will provide on a voluntary basis the benefits of the workmen's compensation act and employer's liability insurance.

(c) In the State of West Virginia the contractor will qualify with the appropriate state authority as a self-insurer and will then purchase insurance as prescribed in §§ 804.470 to 804.471–4. The policy will provide the benefits of the workmen's compensation act and employers' liability insurance.

(d) In the following states occupational diseases coverage in limits of $50/100,000 will be obtained by having this coverage endorsed on the compensation policy:

Alabama.	New Jersey.
Arizona.	New Mexico.
Colorado.	Oklahoma.
Delaware.	Oregon.
Florida.	Pennsylvania.
Georgia.	Rhode Island.
Iowa.	South Carolina
Kansas.	South Dakota.
Kentucky.	Tennessee.
Louisiana.	Utah.
Maine.	Vermont.
Montana.	West Virginia.
New Hampshire.	Wyoming.

(e) Occupational disease coverage will be obtained in the states enumerated below, as follows:

(1) Illinois: by having the employer elect in writing to accept the terms of the Occupational Diseases Act;

(2) Indiana: by having the employer elect in writing to accept the terms of the Occupational Diseases Act;

(3) Missouri: by having the employer elect in writing to bring himself within the Workmen's Compensation Act with respect to occupational diseases; and the Workmen's Compensation policy will be endorsed to indicate the carrier's acceptance of the employer's election.

(4) Virginia: by having the employer elect to provide coverage under section 2–h of the Compensation Law amendment effective 1 July 1944 which will be accomplished by having the employer reject section 2–g and elect by written declaration, filed in the offices of the Industrial Commission, State Office Building, Richmond, Virginia, on a form provided by it, to be bound by the provisions of section 2–h relating to full coverage of all occupational diseases. Coverage under paragraph 1 (b) of the Workmen's Compensation policy for occupational diseases will not be required.

(f) In the State of Missouri the contractor will have the Missouri endorsement (see § 804.497–8) attached to the compensation policy. This endorsement will be cleared in each individual case by the chief of the technical service concerned or his authorized representative with the Superintendent of Insurance of the State of Missouri.

(g) Special endorsements will be attached to policies in the following states:

Delaware (See § 804.497–9).
Massachusetts (See § 804.497–10).
Pennsylvania (See § 804.497–11).
Texas (See § 804.497–12).

§ 804.486 *Average rates for construction projects insured under the War Department Insurance Rating Plan.* Because of the multiplicity of classifications which must be used in connection with construction projects, average rates will, in all instances where practicable, be used and the following procedure will apply:

(a) The rate will be established by the board or bureau having jurisdiction.

(b) Calculation of such rate will be on the basis of the Manual Rules, Classifications and Rates administered by the board or bureau having jurisdiction.

(c) Data for establishing such rate will be secured by the carrying company from the technical service concerned and will be subject to acceptance and verification by the board or bureau having jurisdiction.

(d) Pending the submission of complete data upon which to establish such average rate the board or bureau will establish a tentative average rate based upon such information concerning the operations as may be made available.

(e) The average rate computed in accordance with (b) and (c) above will be established and promulgated to the carrier as promptly as possible, and such rate will apply only if the carrier and the War Department agree to its use.

(f) Such rate will be effective as of the inception date of the policy and may not be changed except as follows:

(1) It will be subject to revision on the anniversary date of the policy.

(2) Whenever features or operations contemplated under the project are materially changed.

(3) Whenever work which was included in the establishment of the average rate is sublet to lump-sum subcontractors whose operations are not under the War Department Insurance Rating Plan.

(4) The amended rate as established under (2) and (3) above will be effective as of the inception date of the policy.

(5) In the event that the state rates are changed as a result of a change in the law, the average rate will be modified as of the effective date of the revised state rates.

Upon promulgation by the board or bureau having jurisdiction, all average rates will be submitted to the Insurance Branch, Fiscal Division, Headquarters, Army Service Forces, for approval. Complete supporting data and the recommendation of the chief of the technical service concerned will also be submitted.

§ 804.487 *Insurance against loss or damage to property.*

§ 804.487–1 *Release form.* A non-interest release form will be used in all applicable cases where the contracting officer is required to execute an instrument in connection with insurance covering against loss or damage to property and purchased pursuant to a provision contained in a War Department contract. For form see § 804.497–1.

§ 804.487–2 *Endorsement form.* (a) Where a contract requires that the contractor shall provide and maintain insurance covering against loss or damage in a sum at least equal to the value of the property belonging to the United States which is in his possession, the form of endorsement set forth in § 804.497–2 will be used. This endorsement is designed for the purpose of clearly defining the interest of the government and of providing the manner in which losses shall be settled. Its use will not eliminate the necessity of reviewing each insurance policy submitted in order to determine that the amount of insurance conforms to requirements and that the exclusions which appear in the policy do not deprive the United States of any of its rights.

§ 804.488 *Rules and regulations of the State of Massachusetts pertaining to use of War Department Insurance Rating Plan in that state.* The Emergency Construction and Expansion Comprehensive Insurance Rating Plan on Cost-Plus-a-Fixed-Fee Contracts, dated May 3, 1941, commonly known as the War Department Insurance Rating Plan, as amended by Endorsement Forms 2A, 10A, and 30A, of May 26, 1942, is hereby permitted for use in the Commonwealth of Massachusetts under the authority of Executive Order No. 18, subject to the following rules, regulations, and modifications:

(a) This plan shall be available only when requested by the United States Government, through the War Department, the Navy Department, the Maritime Commission, or the Defense Plant Corporation, or in cooperation therewith in connection with the operations of any assured undertaking a contract of which written notice has been given to the Commissioner of Insurance of the Commonwealth of Massachusetts by the procurement officer of the United States agency in charge of the project or his representative to be on a cost-plus-a-fixed-fee basis and on other projects in connection with the prosecution of the war wherein the cost of the insurance is a direct item of expense to the United States Government by reason of a contract reimbursement agreement.

(b) Requests for permission to use the plan shall be made by the insurance carrier to the Commissioner of Insurance of the Commonwealth of Massachusetts and shall be accompanied by the written request for the use of the plan by the procurement officer of the United States agency in charge of the project or his authorized representative and also a statement from the assured giving the name and address of the licensed insurance adviser, agent, or broker.

(c) The plan shall not be used where the estimated standard premium for the insurance is less than $5,000. In cases where the standard premium on war projects is less than $5,000, each carrier shall observe the rates and rules for Workmen's Compensation Insurance which have been approved by the Massachusetts Commissioner of Insurance. Rules, rates, and classification of risks and premium charges, promulgated by the Commissioner of Insurance for Massachusetts Compulsory Motor Vehicle Insurance Policies and Bonds and Guest Occupant charges, shall be used in connection with risks involving standard premium of less than $5,000.

(d) The advisor provided for in the plan shall be a person who meets the requirements of Gen. Laws, Chapter 175, section 163, 166 or 177B, and who holds a license under one or more of said sections. No insurance carrier shall recognize an advisor unless such advisor is licensed as described above. Enclosed amendment must be attached to service agreement. (See § 804.497–10 (e)).

(e) Policies in force on May 26, 1942, may be cancelled and rewritten under this plan with the approval of the Massachusetts Commissioner of Insurance, provided that no policy written under this plan may have an effective date prior to May 26, 1942.

(f) Permission to use the plan in Massachusetts may be discontinued by the Massachusetts Commissioner of Insurance by giving ten days' written notice to the War Department or other governmental agency authorized to use this plan and to the Massachusetts Rating and Inspection Bureau as a representative of the insurance companies.

(g) Endorsement Forms 2A, 10A, and 30A, copies of which are attached hereto, shall be attached to each policy contract issued under this plan. (See §§ 804.497–5, 804.497–6 and 804.497–7.)

(h) Losses incurred under the plan are to be determined by the insurance carrier and approved by the Massachusetts Commissioner of Insurance and the Under Secretary of War or corresponding head of other governmental agency authorized to use this plan.

(i) Reserves on outstanding cases are to be determined by the insurance carrier and approved by the Massachusetts Insurance Department and the Under Secretary of War, or corresponding head of other governmental agency authorized to use this plan.

(j) The insurance carrier shall furnish to the Massachusetts Commissioner of Insurance and to the War Department a quarterly itemized statement of incurred losses.

(k) Payroll audits shall be made as soon as possible following the termination of the audit period as shown in the policy and a copy furnished to the Massachusetts Commissioner of Insurance. There shall be attached to each policy to which the War Department Insurance Rating Plan applies, War Project Endorsement form "D" shown below.

§ 804.489 *Rules and regulations pertaining to use of War Department Insurance Rating Plan in State of Texas.* (a) When policies written under the plan are submitted to the Casualty Insurance Commissioner for his approval they will be accompanied by a copy of the insurance service agreement signed by the insurance advisor and the contractor or architect-engineer. No policy will be approved unless accompanied by such agreement and such copy will be retained permanently by the Insurance Department.

(b) Workmen's Compensation insurance policies written under this plan may eliminate the wording "and elsewhere in Texas". Where such wording is eliminated the policy will not be approved until the Casualty Insurance Commissioner is submitted satisfactory evidence that the contractor and each subcontractor or the architect-engineer named in such policy will be insured by a separate Workmen's Compensation insurance policy written according to normal manual requirements for all the assured's contracting activities throughout Texas during the entire period of coverage under the Emergency Insurance Rating Plan. Concurrent policies carried by reason of this requirement may be combined for determination of premiums.

(c) Any Workmen's Compensation insurance policy concurrent with one extending coverage under the provisions of the War Department Emergency Rating Plan will provide by endorsement for a ten-day written notice by the insurance carrier or by the assured (whichever cancels the policy) to the Casualty Insurance Commissioner before such policy may be terminated by cancelation.

Settlement of Claims

§ 804.490 *Settlement under the War Department Insurance Rating Plan.*

§ 804.490–1 *Preliminary settlement.* The Rating Plan provides that within sixty days after the expiration of the policy (or within sixty days of the termination of the project) the carrier shall compute the aggregate earned standard premium and a preliminary settlement of the premium shall then be made (for form of preliminary settlement, see §§ 804.497–15 through 804.497–21). It is desired that this preliminary settlement be made prior to the termination of the contract.

§ 804.490–2 *Submission of preliminary settlement forms.* Insurance carriers will be required to submit to the contractor seven properly executed copies of the forms of preliminary settlement together with any refund which may be called for by the settlement form. The contractor will be instructed to retain one copy and to submit the remaining six copies, together with the refund, to the contracting officer. The contracting officer will make the following distribution:

(a) One copy, together with the refund, to the disbursing officer.

(b) One copy to the General Accounting Office.

(c) Two copies to the chief of the technical service concerned.

(d) Two copies to be retained by the contracting officer. The chief of the technical service will forward one copy to the Contract Insurance Branch, Special Financial Services Division, Office of the Fiscal Director, Headquarters, Army Service Forces.

§ 804.490–3 *Generally the contract in question will have been terminated by the time final settlement* (see §§ 804.497–15 to 804.497–21 is in order (eight months after completion of the project). Therefore in terminating such contracts, the chief of the technical service concerned will issue appropriate instructions to the effect that any remaining credits due in connection with the insurance or any outstanding obligations of the contractor with respect to the insurance will be assumed by the United States Government.

§ 804.490–4 *Submission of final settlement forms.* The insurance carriers will be notified to submit simultaneously (a) to the technical service concerned the number of properly completed copies of final settlement forms required by it and (b) directly to the Contract Insurance Branch, Special Financial Services Division, Office of the Fiscal Director, Headquarters, Army Service Forces one properly completed copy of such settlement form. The technical service concerned will promptly submit to the Contract Insurance Branch any information which it believes to be pertinent to the negotiations for settlement with the insurance carrier. The Contract Insurance Branch will take appropriate action to examine the final settlements, reach agreements with the carriers concerning the adjustment of losses and premiums, and secure Comprehensive Insurance Rating Plan Releases. If no changes are made in the settlement statement as submitted by a carrier, the Contract Insurance Branch will notify the technical service concerned of approval. In the event revised settlement statement is required, the Contract Insurance Branch will secure the necessary properly executed forms from the carrier and forward them to the technical service with the Contract Insurance Branch's approval of the settlement. When advised of approval by the Contract Insurance Branch, the technical service will take appropriate steps to close the account on the basis of the approved statement. The procedure prescribed in this section will be followed on and after April 29, 1944.

§ 804.490–5 *Valuation and adjustment of losses and claims.* All appropriate action will be taken by the Contract Insurance Branch, Special Financial Services Division, Office of the Fiscal Director, Headquarters, Army Service Forces, with respect to the valuation and adjustment of losses and claims.

§ 804.491 *Claims, losses and claims service under the War Department Insurance Rating Plan.*

§ 804.491–1 *Claims service by insurance carriers.* The carrier is required to provide sufficient claims facilities to afford prompt and adequate claims service to the contractor. Any complaints concerning the claims service which is rendered by a carrier in connection with a particular project will be referred for necessary action to the Contract Insurance Branch, Special Financial Services Division, Office of the Fiscal Director, Headquarters, Army Service Forces.

§ 804.491–2 *Claims settlements by insurance carriers.* (a) It is the duty of the insurance carrier to make all decisions with respect to the investigation, settlement and litigation of claims against contractors covered by its policies of insurance "to the extent of its coverage, said policies having been issued under the War Department Insurance Rating Plan."

(b) Medical benefits in excess of statutory limits: Medical benefits in excess of the statutory limits on compensation claims may be provided by the insurance carrier if in its best judgment, such extension of benefits will probably reduce disability and the ultimate cost of indemnity payments provided the carrier has received the prior written approval of the Contracting Officer or his representative; or receives the approval of the Contract Insurance Branch, Special Financial Services Division, Office of the Fiscal Director, Headquarters, Army Service Forces.

§ 804.491–3 *Insurance medical facilities, first aid and hospital (contract medical).* (a) An agreement has been effected with insurance carriers concerning the standard form endorsement and the maximum percentages to be used in the distribution of Project Site Medical (Contract Medical) cost between the contractor and the Insurance Carrier.

(b) The agreement provides for Project Site Medical Endorsement as follows:

It is agreed that "losses incurred" as defined in paragraph 1–b of the Insurance Rating Plan Endorsement, shall include —% of the amount paid as salaries to "medical personnel" employed at the project site: *Provided, however,* That such amount is subject to a maximum of —% of the Standard Premium for Workmen's Compensation and Employers' Liability coverages.

"Medical personnel" as used in this endorsement shall include: doctors, internes, nurses, technicians, and, if employed on a full-time basis to perform services normally rendered by a nurse, orderlies, and nurses' aides.

(c) The percentage of amount paid as salaries "to medical personnel" (first blank in above endorsement) is to be fixed by negotiation subject to the following maxima:

(1) Construction projects—66⅔% of such salaries.

(2) Manufacturing projects—50% of such salaries.

(3) Explosives risks—33⅓% of such salaries.

(d) The maximum percentages of Standard Premium for Workmen's Compensation and Employers' Liability coverages (second blank in above endorsement) are:

(1) Construction projects—7½% of standard premium.

(2) Manufacturing projects—10% of standard premium.

(3) Explosives risks—5% of standard premium.

(e) The endorsement set forth in paragraph (b) above is to be used when the project is entirely a construction project, a manufacturing project or an explosive risk. If the project changes from a "construction project" to either a "manufacturing project" or an "explosive risk" two endorsements will be necessary. The first, effective as of the effective date of the policies, will be the same as the endorsement described in paragraph (b) above, except that the phrase "applicable to construction operations" will be added at the end of the first paragraph of the endorsement. The second, effective as of the date of change of character of the risk, will be the same as the endorsement described in paragraph (b) above, except that the percentage of salaries will be that applicable to the new operations, and the phrase "applicable to _____ (insert 'manufacturing' or 'explosives') Operations" will be added at the end of the first paragraph of the endorsement.

(f) If the project is at the same time in part a "construction project" and in part either a "manufacturing project" or an "explosive risk" or any combination of the above, the endorsement to be used effective as of the date and during the period the project includes more than one operation will be the same as the endorsement described in paragraph (b) above except that:

(1) The percentage inserted in the first bracket will be determined on a pro rata basis determined by taking into account the existing and probable future situation as regards payroll expenditure with respect to each type of operation.

(2) The phrase "the sum of ____% of the Standard Premium for Workmen's Compensation and Employers' Liability coverages applicable to _____ (construction or _____ operations and ____% of manufacturing) the Standard Premium for Workmen's Compensation and Employers' Liability coverages applicable to _____ (manufacturing or _____ operations" replaces the phrase explosives) "____% of the Standard Premium for Workmen's Compensation and Employers' Liability coverages". When mixed operations no longer exist the endorsement will be revised in accordance with the procedure hereinbefore outlined.

(g) All policies effective July 15, 1943 and thereafter will have endorsements affixed thereto in accordance with this section. Immediate arrangements will be made by the technical service concerns to have the carriers execute and attach such endorsements to each Workmen's Compensation and Employers' Liability policy written under the War Department Insurance Rating Plan in effect prior to July 15, 1943. Copies of such endorsements will be forwarded to the Contract Insurance Branch, Special Financial Services Division, Headquarters, Army Service Forces, as soon as possible in order that final settlements now pending on a number of these contracts may be disposed of. The endorsements will be retroactive to the effective date of the policies.

(h) The percentage of Project Site Medical mentioned herein and the percentage of Standard Premium are maxima and subject to these maxima, the distribution of Medical salaries between the carrier and the contractor is subject to negotiation. If on any project arrangements were hitherto in effect whereby any carrier assumed a smaller percentage of the Project Site Medical than the maxima provided herein, the endorsements should not provide any greater percentage of such medical cost to be included by the carrier than the percentage heretofore agreed upon.

(i) In arriving at agreed percentages of medical salaries, consideration should be given to a proper allocation based upon industrial accident exposure.

§ 804.491–4 *Claims not covered by insurance policy; duty of insurance carrier.* The insurance carrier will notify the contractor promptly of any claim reported to it which, in its opinion, is not covered by the terms of the insurance policy. All such matters will be referred immediately for determination to the Insurance Branch, Fiscal Division, Headquarters, Army Service Forces.

§ 804.491–5 *Relationship of the claims representatives of the carriers to technical services.* The insurance carrier through its investigation of accidents and the handling of settlements frequently obtains and compiles data which will be helpful to the representatives of the technical service on the project. The relationship between these parties should be one of mutual assistance and cooperation. The claims representative of the insurance carrier is required to cooperate with the technical service representative when requested to do so and to supply him with such data as will be of assistance to the latter in carrying out his duties. The technical service concerned will not request the claims representative of the insurance carrier to fill out forms, copy reports, or prepare other clerical data not necessary in the performance of his duties in connection with the handling of claims.

§ 804.491–6 *Loss reports*—(a) *Quarterly loss reports.* The insurance carrier is required to submit a quarterly loss report (for form see §§ 804.497–23 and 804.497–24) every three months during the term of the policy, except for the three (3) months period immediately preceding the policy anniversary date from which date preliminary (interim) settlement is due within sixty (60) days. The insurance carrier is required to furnish the contractor with five copies of the quarterly loss report. The contractor should retain two copies and send three copies to the Contracting Officer or his representative. The Contracting Officer will retain one copy unless the chief of the technical service concerned requires him to send it to a higher echelon within the technical service, and will forward two copies to the chief of the technical service concerned. The chief of the technical service will retain one copy and forward the other to the Contract Insurance Branch. In order that maximum use may be made of these reports, they will be forwarded promptly through channels as set forth above.

(b) *Preliminary settlement.* The insurance carrier will use the approved form of preliminary settlement. (See §§ 804.497–15 to 804.497–21.) Distribution of these forms when completed will be made as set forth in § 804.490–2. The chief of the technical service concerned will obtain the approval or disapproval of these statements by the Contract Insurance Branch before any final action is taken thereon. Refunds of premium may be accepted without reference to the approval or disapproval by the Contract Insurance Branch. The chief of the technical service concerned will be notified of the action taken by the Contract Insurance Branch.

(c) *Final settlement.* The same form shall be used for final settlement as is used for preliminary settlement statements (see §§ 804.497–15 to 804.497–21). If the final settlement statement is approved by the Contract Insurance Branch, after its examination of the claims files, the chief of the technical service concerned will be so notified. If settlement is deferred, the chief of the technical service concerned will be notified. Upon consummation of final settlement with the carrier, the Contract Insurance Branch will secure the necessary corrected settlement statements from the insurance carrier.

(d) No other reports by insurance carriers concerning insured losses will be required unless requested by the Contract Insurance Branch.

§ 804.491–7 *Arbitration of losses.* If final settlement with a carrier is not feasible, by reason of dispute over losses claimed by such carrier, the Contract Insurance Branch will arrange for arbitration in accordance with the provisions of the War Department Insurance Rating Plan, and will notify the chief of the technical service concerned of the pendency of such arbitration. Upon final settlement of such losses, the chief of the technical service concerned will be notified.

§ 804.491–8 *Claims under Missouri Voluntary Workmen's Compensation Endorsement.* An agreement and release will be taken at the time settlement is made by the insurance carrier with an employee and a receipt and release will be taken at the time final payment is made. These are necessary and are required by the Insurance Commisioner of Missouri (for forms see §§ 804.497–25 and 804.497–26). The insurance carrier will be responsible for the execution of the forms.

Miscellaneous

§ 804.492 *War risk indemnity contracts.* With the passage of Public Law 784, 77th Congress, the execution of War risk indemnity contracts has become unnecessary. The authority heretofore granted in respect to the execution of such agreements is withdrawn.

§ 804.493 *Reports.* There will be forwarded promptly to the Contract Insurance Branch the following information:

(a) In connection with insurance written under the War Department Insurance Rating plan copies of all policies, audit statements, other reports of insurance carriers, (except engineering inspection reports), reports of insurance advisors and any other pertinent data.

(b) In connection with any insurance where approval of losses by the Under Secretary of War is required for the determination of premium, copies of the policies and copies of all statements, except engineering inspection reports, required of the insurance carrier.

SUBPART E—BONDS AND INSURANCE FORMS

§ 804.496 *Bond forms.*

§ 804.496–1 *Bid bond.* Standard Form No. 24 (Standard Government Form of Bid Bond (construction or supply)) is the approved bid bond form. In the preparation of the form, contracting officers are authorized, when it is deemed by them to be in the best interests of the Government, to insert in the blank space on page one, following the words "in the penal sum of" and before the word "dollars", the following clause:

an amount equal to ____ per cent of the accompanying bid of said principal, but in no event shall said penalty exceed the sum of_____

There should be inserted in the first blank space of the above clause the percentage deemed appropriate by the contracting officer, having regard to existing instructions of the chief of the supply service concerned, and in the second blank space the amount of the maximum penalty in dollars. Standard Form No. 24 reads as follows:

STANDARD GOVERNMENT FORM OF BID BOND
(NO. 24)

(Construction or Supply)

Know all men by these presents, That we, as Principal, and_____ as Surety, are held and firmly bound unto the United States of America, hereinafter called the Government, in the penal sum of _____ dollars lawful money of the United States, for the payment of which sum well and truly to be made, we bind ourselves, our heirs, executors, administrators, and successors, jointly and severally, firmly by these presents.

The condition of this obligation is such, that whereas the principal has submitted the accompanying bid, dated _____, 19____, for _____

Now, therefore, if the principal shall not withdraw said bid within the period specified therein after the opening of the same, or, if no period be specified, within sixty (60) days after said opening, and shall within the period specified therefor, or, if no period be specified, within ten (10) days after the prescribed forms are presented to him for signature, enter into a written contract with the Government, in accordance with the bid as accepted, and give bond with good and sufficient surety or sureties, as may be required, for the faithful performance and proper fulfillment of such contract, or in the event of the withdrawal of said bid within the period specified, or the failure to enter into such contract and give such bond within the time specified, if the principal shall pay the Government the difference between the amount specified in said bid and the amount for which the Government may procure the required work and/or supplies, if the latter amount be in excess of the former, then the above obligation shall be void and of no

(a) One copy, together with the refund, to the disbursing officer.

(b) One copy to the General Accounting Office.

(c) Two copies to the chief of the technical service concerned.

(d) Two copies to be retained by the contracting officer. The chief of the technical service will forward one copy to the Contract Insurance Branch, Special Financial Services Division, Office of the Fiscal Director, Headquarters, Army Service Forces.

§ 804.490-3 *Generally, the contract in question will have been terminated by the time final settlement* (see §§ 804.497-15 to 804.497-21) is in order (eight months after completion of the project). Therefore in terminating such contracts, the chief of the technical service concerned will issue appropriate instructions to the effect that any remaining credits due in connection with the insurance or any continuing obligations of the contractor with respect to the insurance will be assumed by the United States Government.

§ 804.490-4 *Submission of final settlement forms.* The insurance carriers will be notified to submit simultaneously to the technical service concerned the number of properly completed copies of final settlement forms required by it and to director in the Contract Insurance Branch, Special Financial Services Division, Office of the Fiscal Director, Headquarters, Army Service Forces (the proper), completed copy of such settlement form. The technical service concerned will promptly submit to the Contract Insurance Branch any information which it desires to be pertinent to the negotiations for settlement with the insurance carrier. The Contract Insurance Branch will take appropriate action to examine the final settlements, negotiate agreements with the carriers concerning the adjustment of losses and premiums, and accept Comprehensive Insurance Rating Plan Release. If no changes are made in the settlement statement as submitted by a carrier the Contract Insurance Branch will notify the technical service concerned of approval. If the final revised settlement statement is required, the Contract Insurance Branch will secure the necessary properly executed forms from the carrier and forward them to the technical service with the Contract Insurance Branch's approval of the settlement. Upon receipt of approval by the Contract Insurance Branch the technical service will take appropriate steps to close the contract on the basis of the approved statement. The procedure prescribed in this section will be followed on and after April 30, 1946.

§ 804.490-5 *Valuation and adjustment of losses and claims.* An appropriate record will be taken by the Contract Insurance Branch, Special Financial Services Division, Office of the Fiscal Director, Headquarters, Army Service Forces, with respect to the valuation and adjustment of losses and claims.

§ 804.491 *Claims, losses and claims service under the War Department Insurance Rating Plan.*

§ 804.491-1 *Claims service by insurance carriers.* The carrier is required to provide sufficient claims facilities to afford prompt and adequate claims service to the contractor. Any complaints concerning the claims service which is rendered by a carrier in connection with a particular project will be referred for necessary action to the Contract Insurance Branch, Special Financial Services Division, Office of the Fiscal Director, Headquarters, Army Service Forces.

§ 804.491-2 *Claims settlements by insurance carriers.* (a) It is the duty of the insurance carrier to make all decisions with respect to the investigation, settlement and litigation of claims against contractors covered by its policies of insurance "to the extent of its coverage, said policies having been issued under the War Department Insurance Rating Plan."

(b) Medical benefits in excess of statutory limits: Medical benefits in excess of the statutory limits on compensation claims may be provided by the insurance carrier if in its best judgment, such extension of benefits will probably reduce disability and the ultimate cost of indemnity payments provided the carrier has received the prior written approval of the Contracting Officer or his representative; or receives the approval of the Contract Insurance Branch, Special Financial Services Division, Office of the Fiscal Director, Headquarters, Army Service Forces.

§ 804.491-3 *Insurance medical facilities, first aid and hospital (contract medical).* (a) An agreement has been effected with insurance carriers concerning the standard form endorsement and the maximum percentages to be used in the distribution of Project Site Medical (Contract Medical) cost between the contractor and the Insurance Carrier.

(b) The agreement provides for Project Site Medical Endorsement as follows:

It is agreed that "losses incurred" as defined in paragraph 1-b of the Insurance Rating Plan Endorsement, shall include —% of the amount paid as salaries to "medical personnel" employed at the project site: *Provided, however,* That such amount is subject to a maximum of —% of the Standard Premium for Workmen's Compensation and Employers' Liability coverages.

"Medical personnel" as used in this endorsement shall include: doctors, internes, nurses, technicians, and, if employed on a full-time basis to perform services normally rendered by a nurse, orderlies, and nurses' aides.

(c) The percentage of amount paid as salaries "to medical personnel" (first blank in above endorsement) is to be fixed by negotiation subject to the following maxima:

(1) Construction projects—66⅔% of such salaries.

(2) Manufacturing projects—50% of such salaries.

(3) Explosives risks—33⅓% of such salaries.

(d) The maximum percentages of Standard Premium for Workmen's Compensation and Employers' Liability coverages (second blank in above endorsement) are:

(1) Construction projects—7½% of standard premium.

(2) Manufacturing projects—10% of standard premium.

(3) Explosives risks—5% of standard premium.

(e) The endorsement set forth in paragraph (b) above is to be used when the project is entirely a construction project, a manufacturing project or an explosive risk. If the project changes from a "construction project" to either a "manufacturing project" or an "explosive risk" two endorsements will be necessary. The first, effective as of the effective date of the policies, will be the same as the endorsement described in paragraph (b) above, except that the phrase "applicable to construction operations" will be added at the end of the first paragraph of the endorsement. The second, effective as of the date of change of character of the risk, will be the same as the endorsement described in paragraph (b) above, except that the percentage of salaries will be that applicable to the new operations, and the phrase "applicable to _____ (insert 'manufacturing' or 'explosives') Operations" will be added at the end of the first paragraph of the endorsement.

(f) If the project is at the same time in part a "construction project" and in part either a "manufacturing project" or an "explosive risk" or any combination of the above, the endorsement to be used effective as of the date and during the period the project includes more than one operation will be the same as the endorsement described in paragraph (b) above except that:

(1) The percentage inserted in the first bracket will be determined on a pro rata basis determined by taking into account the existing and probable future situation as regards payroll expenditure with respect to each type of operation.

(2) The phrase "the sum of ____% of the Standard Premium for Workmen's Compensation and Employers' Liability coverages applicable to _____ (construction or _____ operations and ____% of manufacturing) the Standard Premium for Workmen's Compensation and Employers' Liability coverages applicable to _____ (manufacturing or _____ operations" replaces the phrase explosives) "____% of the Standard Premium for Workmen's Compensation and Employers' Liability coverages". When mixed operations no longer exist the endorsement will be revised in accordance with the procedure hereinbefore outlined.

(g) All policies effective July 15 1943 and thereafter will have endorsements affixed thereto in accordance with this section. Immediate arrangements will be made by the technical service concerns to have the carriers execute and attach such endorsements to each Workmen's Compensation and Employers' Liability policy written under the War Department Insurance Rating Plan in effect prior to July 15, 1943. Copies of such endorsements will be forwarded to the Contract Insurance Branch, Special Financial Services Division, Headquarters, Army Service Forces, as soon as possible in order that final settlements now pending on a number of these contracts may be disposed of. The endorsements will be retroactive to the effective date of the policies.

(h) The percentage of Project Site Medical mentioned herein and the percentage of Standard Premium are maxima and subject to these maxima, the distribution of Medical salaries between the carrier and the contractor is subject to negotiation. If on any project arrangements were hitherto in effect whereby any carrier assumed a smaller percentage of the Project Site Medical than the maxima provided herein, the endorsements should not provide any greater percentage of such medical cost to be included by the carrier than the percentage heretofore agreed upon.

(i) In arriving at agreed percentages of medical salaries, consideration should be given to a proper allocation based upon industrial accident exposure.

§ 804.491-4 *Claims not covered by insurance policy, duty of insurance carrier.* The insurance carrier will notify the contractor promptly of any claim reported to it which, in its opinion, is not covered by the terms of the insurance policy. All such matters will be referred immediately for determination to the Insurance Branch, Fiscal Division, Headquarters, Army Service Forces.

§ 804.491-5 *Relationship of the claims representatives of the carriers to technical services.* The insurance carrier through its investigation of accidents and the handling of settlements frequently obtains and compiles data which will be helpful to the representatives of the technical service on the project. The relationship between these parties should be one of mutual assistance and cooperation. The claims representative of the insurance carrier is required to cooperate with the technical service representative when requested to do so and to supply him with such data as will be of assistance to the latter in carrying out his duties. The technical service concerned will not request the claims representative of the insurance carrier to fill out forms, copy reports, or prepare other clerical data not necessary in the performance of his duties in connection with the handling of claims.

§ 804.491-6 *Loss reports—(a) Quarterly loss reports.* The insurance carrier is required to submit a quarterly loss report (for form see §§ 804.497-23 and 804.497-24) every three months during the term of the policy, except for the three (3) months period immediately preceding the policy anniversary date from which date preliminary (interim) settlement is due within sixty (60) days. The insurance carrier is required to furnish the contractor with five copies of the quarterly loss report. The contractor should retain two copies and send three copies to the Contracting Officer or his representative. The Contracting Officer will retain one copy unless the chief of the technical service concerned requires him to send it to a higher echelon within the technical service, and will forward two copies to the chief of the technical service concerned. The chief of the technical service will retain one copy and forward the other to the Contract Insurance Branch. It is here the maximum use may be made of these reports, they will be forwarded promptly through channels as set forth above.

(b) *Preliminary settlement.* The insurance carrier will use the approved form of preliminary settlement. See §§ 804.497-15 to 804.497-21. Distribution of these forms when completed will be made as set forth in § 804.490-2. The chief of the technical service concerned will obtain the approval or disapproval of these statements by the Contract Insurance Branch before any final action is taken thereon. Refunds of premium may be accepted without reference to the approval or disapproval by the Contract Insurance Branch. The chief of the technical service concerned will be notified of the action taken by the Contract Insurance Branch.

(c) *Final settlement.* The same form shall be used for final settlement as is used for preliminary settlement statements (see §§ 804.497-15 to 804.497-21). If the final settlement statement is approved by the Contract Insurance Branch, after its examination of the claims files the chief of the technical service concerned will be so notified. If settlement is deferred, the chief of the technical service concerned will be notified. Upon consummation of final settlement with the carrier, the Contract Insurance Branch will secure the necessary completed settlement statements from the insurance carrier.

(d) No other reports by insurance carriers concerning insured losses will be required unless requested by the Contract Insurance Branch.

§ 804.491-7 *Arbitration of losses.* If final settlement with a carrier is not feasible, by reason of dispute over losses claimed by such carrier, the Contract Insurance Branch will arrange for arbitration in accordance with the provisions of the War Department Insurance Rating Plan, and will notify the chief of the technical service concerned of the pendency of such arbitration. Upon final settlement of such losses, the chief of the technical service concerned will be notified.

§ 804.491-8 *Claims under Missouri Voluntary Workmen's Compensation Endorsement.* An agreement and release will be taken at the time settlement is made by the insurance carrier with an employee and a receipt and release will be taken at the time final payment is made. These are necessary and are required by the Insurance Commissioner of Missouri (for forms see §§ 804.497-25 and 804.497-26). The insurance carrier will be responsible for the execution of the forms.

Miscellaneous

§ 804.492 *War risk indemnity contracts.* With the passage of Public Law 784, 77th Congress, the execution of War risk indemnity contracts has become unnecessary. The authority heretofore granted in respect to the execution of such agreements is withdrawn.

§ 804.493 *Reports.* There will be forwarded promptly to the Contract Insurance Branch the following information:

(a) In connection with insurance written under the War Department Insurance Rating Plan, one copy of all policies, riders, statements, other reports of insurance carriers (except engineering inspection reports, reports of insurance advisers and all other pertinent data.

(b) In connection with any insurance where approval of losses by the Under Secretary of War is required to the determination of premium, copies of the policies and copy of all statements (except engineering inspection reports) required of the insurance carrier.

SUBPART B—BONDS AND [illegible]

§ 804.496 *Bond forms.*

§ 804.496-1 *Bid bond.* Standard Form No. 24 (Standard Government Form of Bid Bond (Construction or Supply)) is the approved bid bond form. In the preparation of the form contracting officers are authorized when it is deemed by them to be in the best interests of the Government, to insert in the space provided on page one, following the words "the penal sum of" and before the word "dollars", the following clause:

an amount equal to ... per centum (...%) of the accompanying bid of said principal but in no event shall said penalty exceed the sum of _____.

There should be inserted in the above blank space of the above clause the percentage deemed appropriate by the contracting officer, having regard to existing instructions of the chief of the supply service concerned, and in the second blank space the amount of the maximum penalty in dollars. Standard Form No. 24 reads as follows:

STANDARD GOVERNMENT FORM OF BID BOND (NO. 24)

(Construction or Supply)

Know all men by these presents, that we, as Principal, and _____ as Surety, are held and firmly bound unto the United States of America, hereinafter called the Government, in the penal sum of _____ dollars lawful money of the United States, for the payment of which sum well and truly to be made, we bind ourselves, our heirs, executors, administrators, and successors, jointly and severally, firmly by these presents.

The condition of this obligation is such, that whereas the principal has submitted the accompanying bid, dated _____, 19____, for _____.

Now, therefore, if the principal shall not withdraw said bid within the period specified therein after the opening of the same, or if no period be specified, within sixty (60) days after said opening, and shall within the period specified therefor, or, if no period be specified, within ten (10) days after the prescribed forms are presented to him for signature, enter into a written contract with the Government, in accordance with the bid as accepted, and give bond with good and sufficient surety or sureties, as may be required, for the faithful performance and proper fulfillment of such contract, or in the event of the withdrawal of said bid within the period specified, or the failure to enter into such contract and give such bond within the time specified, if the principal shall pay the Government the difference between the amount specified in said bid and the amount for which the Government may procure the required work and/or supplies, if the latter amount be in excess of the former, then the above obligation shall be void and of no

(a) One copy, together with the refund, to the disbursing officer.

(b) One copy to the General Accounting Office.

(c) Two copies to the chief of the technical service concerned.

(d) Two copies to be retained by the contracting officer. The chief of the technical service will forward one copy to the Contract Insurance Branch, Special Financial Services Division, Office of the Fiscal Director, Headquarters, Army Service Forces.

§ 804.490–3 *Generally the contract in question will have been terminated by the time final settlement* (see §§ 804.497–15 to 804.497–21 is in order (eight months after completion of the project). Therefore in terminating such contracts, the chief of the technical service concerned will issue appropriate instructions to the effect that any remaining credits due in connection with the insurance or any outstanding obligations of the contractor with respect to the insurance will be assumed by the United States Government.

§ 804.490–4 *Submission of final settlement forms.* The insurance carriers will be notified to submit simultaneously (a) to the technical service concerned the number of properly completed copies of final settlement forms required by it and (b) directly to the Contract Insurance Branch, Special Financial Services Division, Office of the Fiscal Director, Headquarters, Army Service Forces one properly completed copy of such settlement form. The technical service concerned will promptly submit to the Contract Insurance Branch any information which it believes to be pertinent to the negotiations for settlement with the insurance carrier. The Contract Insurance Branch will take appropriate action to examine the final settlements, reach agreements with the carriers concerning the adjustment of losses and premiums, and secure Comprehensive Insurance Rating Plan Releases. If no changes are made in the settlement statement as submitted by a carrier, the Contract Insurance Branch will notify the technical service concerned of approval. In the event revised settlement statement is required, the Contract Insurance Branch will secure the necessary properly executed forms from the carrier and forward them to the technical service with the Contract Insurance Branch's approval of the settlement. When advised of approval by the Contract Insurance Branch, the technical service will take appropriate steps to close the account on the basis of the approved statement. The procedure prescribed in this section will be followed on and after April 29, 1944.

§ 804.490–5 *Valuation and adjustment of losses and claims.* All appropriate action will be taken by the Contract Insurance Branch, Special Financial Services Division, Office of the Fiscal Director, Headquarters, Army Service Forces, with respect to the valuation and adjustment of losses and claims.

§ 804.491 *Claims, losses and claims service under the War Department Insurance Rating Plan.*

§ 804.491–1 *Claims service by insurance carriers.* The carrier is required to provide sufficient claims facilities to afford prompt and adequate claims service to the contractor. Any complaints concerning the claims service which is rendered by a carrier in connection with a particular project will be referred for necessary action to the Contract Insurance Branch, Special Financial Services Division, Office of the Fiscal Director, Headquarters, Army Service Forces.

§ 804.491–2 *Claims settlements by insurance carriers.* (a) It is the duty of the insurance carrier to make all decisions with respect to the investigation, settlement and litigation of claims against contractors covered by its policies of insurance "to the extent of its coverage, said policies having been issued under the War Department Insurance Rating Plan."

(b) Medical benefits in excess of statutory limits: Medical benefits in excess of the statutory limits on compensation claims may be provided by the insurance carrier if in its best judgment, such extension of benefits will probably reduce disability and the ultimate cost of indemnity payments provided the carrier has received the prior written approval of the Contracting Officer or his representative; or receives the approval of the Contract Insurance Branch, Special Financial Services Division, Office of the Fiscal Director, Headquarters, Army Service Forces.

§ 804.491–3 *Insurance medical facilities, first aid and hospital (contract medical).* (a) An agreement has been effected with insurance carriers concerning the standard form endorsement and the maximum percentages to be used in the distribution of Project Site Medical (Contract Medical) cost between the contractor and the Insurance Carrier.

(b) The agreement provides for Project Site Medical Endorsement as follows:

It is agreed that "losses incurred" as defined in paragraph 1–b of the Insurance Rating Plan Endorsement, shall include —% of the amount paid as salaries to "medical personnel" employed at the project site: *Provided, however,* That such amount is subject to a maximum of —% of the Standard Premium for Workmen's Compensation and Employers' Liability coverages.

"Medical personnel" as used in this endorsement shall include: doctors, internes, nurses, technicians, and, if employed on a full-time basis to perform services normally rendered by a nurse, orderlies, and nurses' aides.

(c) The percentage of amount paid as salaries "to medical personnel" (first blank in above endorsement) is to be fixed by negotiation subject to the following maxima:

(1) Construction projects—66⅔% of such salaries.

(2) Manufacturing projects—50% of such salaries.

(3) Explosives risks—33⅓% of such salaries.

(d) The maximum percentages of Standard Premium for Workmen's Compensation and Employers' Liability coverages (second blank in above endorsement) are:

(1) Construction projects—7½% of standard premium.

(2) Manufacturing projects—10% of standard premium.

(3) Explosives risks—5% of standard premium.

(e) The endorsement set forth in paragraph (b) above is to be used when the project is entirely a construction project, a manufacturing project or an explosive risk. If the project changes from a "construction project" to either a "manufacturing project" or an "explosive risk" two endorsements will be necessary. The first, effective as of the effective date of the policies, will be the same as the endorsement described in paragraph (b) above, except that the phrase "applicable to construction operations" will be added at the end of the first paragraph of the endorsement. The second, effective as of the date of change of character of the risk, will be the same as the endorsement described in paragraph (b) above, except that the percentage of salaries will be that applicable to the new operations, and the phrase "applicable to _____ (insert 'manufacturing' or 'explosives') Operations" will be added at the end of the first paragraph of the endorsement.

(f) If the project is at the same time in part a "construction project" and in part either a "manufacturing project" or an "explosive risk" or any combination of the above, the endorsement to be used effective as of the date and during the period the project includes more than one operation will be the same as the endorsement described in paragraph (b) above except that:

(1) The percentage inserted in the first bracket will be determined on a pro rata basis determined by taking into account the existing and probable future situation as regards payroll expenditure with respect to each type of operation.

(2) The phrase "the sum of ____% of the Standard Premium for Workmen's Compensation and Employers' Liability coverages applicable to _____ (construction or manufacturing) operations and ____% of the Standard Premium for Workmen's Compensation and Employers' Liability coverages applicable to _____ (manufacturing or explosives) operations" replaces the phrase "____% of the Standard Premium for Workmen's Compensation and Employers' Liability coverages". When mixed operations no longer exist the endorsement will be revised in accordance with the procedure hereinbefore outlined.

(g) All policies effective July 15, 1943 and thereafter will have endorsements affixed thereto in accordance with this section. Immediate arrangements will be made by the technical service concerns to have the carriers execute and attach such endorsements to each Workmen's Compensation and Employers' Liability policy written under the War Department Insurance Rating Plan in effect prior to July 15, 1943. Copies of such endorsements will be forwarded to the Contract Insurance Branch, Special Financial Services Division, Headquarters, Army Service Forces, as soon as possible in order that final settlements now pending on a number of these contracts may be disposed of. The endorsements will be retroactive to the effective date of the policies.

(h) The percentage of Project Site Medical mentioned herein and the percentage of Standard Premium are maxima and subject to these maxima, the distribution of Medical salaries between the carrier and the contractor is subject to negotiation. If on any project arrangements were hitherto in effect whereby any carrier assumed a smaller percentage of the Project Site Medical than the maxima provided herein, the endorsements should not provide any greater percentage of such medical cost to be included by the carrier than the percentage heretofore agreed upon.

(i) In arriving at agreed percentages of medical salaries, consideration should be given to a proper allocation based upon industrial accident exposure.

§ 804.491–4 *Claims not covered by insurance policy; duty of insurance carrier.* The insurance carrier will notify the contractor promptly of any claim reported to it which, in its opinion, is not covered by the terms of the insurance policy. All such matters will be referred immediately for determination to the Insurance Branch, Fiscal Division, Headquarters, Army Service Forces.

§ 804.491–5 *Relationship of the claims representatives of the carriers to technical services.* The insurance carrier through its investigation of accidents and the handling of settlements frequently obtains and compiles data which will be helpful to the representatives of the technical service on the project. The relationship between these parties should be one of mutual assistance and cooperation. The claims representative of the insurance carrier is required to cooperate with the technical service representative when requested to do so and to supply him with such data as will be of assistance to the latter in carrying out his duties. The technical service concerned will not request the claims representative of the insurance carrier to fill out forms, copy reports, or prepare other clerical data not necessary in the performance of his duties in connection with the handling of claims.

§ 804.491–6 *Loss reports*—(a) *Quarterly loss reports.* The insurance carrier is required to submit a quarterly loss report (for form see §§ 804.497–23 and 804.497–24) every three months during the term of the policy, except for the three (3) months period immediately preceding the policy anniversary date from which date preliminary (interim) settlement is due within sixty (60) days. The insurance carrier is required to furnish the contractor with five copies of the quarterly loss report. The contractor should retain two copies and send three copies to the Contracting Officer or his representative. The Contracting Officer will retain one copy unless the chief of the technical service concerned requires him to send it to a higher echelon within the technical service, and will forward two copies to the chief of the technical service concerned. The chief of the technical service will retain one copy and forward the other to the Contract Insurance Branch. In order that maximum use may be made of these reports, they will be forwarded promptly through channels as set forth above.

(b) *Preliminary settlement.* The insurance carrier will use the approved form of preliminary settlement. (See §§ 804.497–15 to 804.497–21.) Distribution of these forms when completed will be made as set forth in § 804.490–2. The chief of the technical service concerned will obtain the approval or disapproval of these statements by the Contract Insurance Branch before any final action is taken thereon. Refunds of premium may be accepted without reference to the approval or disapproval by the Contract Insurance Branch. The chief of the technical service concerned will be notified of the action taken by the Contract Insurance Branch.

(c) *Final settlement.* The same form shall be used for final settlement as is used for preliminary settlement statements (see §§ 804.497–15 to 804.497–21). If the final settlement statement is approved by the Contract Insurance Branch, after its examination of the claims files, the chief of the technical service concerned will be so notified. If settlement is deferred, the chief of the technical service concerned will be notified. Upon consummation of final settlement with the carrier, the Contract Insurance Branch will secure the necessary corrected settlement statements from the insurance carrier.

(d) No other reports by insurance carriers concerning insured losses will be required unless requested by the Contract Insurance Branch.

§ 804.491–7 *Arbitration of losses.* If final settlement with a carrier is not feasible, by reason of dispute over losses claimed by such carrier, the Contract Insurance Branch will arrange for arbitration in accordance with the provisions of the War Department Insurance Rating Plan, and will notify the chief of the technical service concerned of the pendency of such arbitration. Upon final settlement of such losses, the chief of the technical service concerned will be notified.

§ 804.491–8 *Claims under Missouri Voluntary Workmen's Compensation Endorsement.* An agreement and release will be taken at the time settlement is made by the insurance carrier with an employee and a receipt and release will be taken at the time final payment is made. These are necessary and are required by the Insurance Commisioner of Missouri (for forms see §§ 804.497–25 and 804.497–26). The insurance carrier will be responsible for the execution of the forms.

Miscellaneous

§ 804.492 *War risk indemnity contracts.* With the passage of Public Law 784, 77th Congress, the execution of War risk indemnity contracts has become unnecessary. The authority heretofore granted in respect to the execution of such agreements is withdrawn.

§ 804.493 *Reports.* There will be forwarded promptly to the Contract Insurance Branch the following information:

(a) In connection with insurance written under the War Department Insurance Rating plan copies of all policies, audit statements, other reports of insurance carriers, (except engineering inspection reports), reports of insurance advisors and any other pertinent data.

(b) In connection with any insurance where approval of losses by the Under Secretary of War is required for the determination of premium, copies of the policies and copies of all statements, except engineering inspection reports, required of the insurance carrier.

SUBPART E—BONDS AND INSURANCE FORMS

§ 804.496 *Bond forms.*

§ 804.496–1 *Bid bond.* Standard Form No. 24 (Standard Government Form of Bid Bond (construction or supply)) is the approved bid bond form. In the preparation of the form, contracting officers are authorized, when it is deemed by them to be in the best interests of the Government, to insert in the blank space on page one, following the words "in the penal sum of" and before the word "dollars", the following clause:

an amount equal to ____ per cent of the accompanying bid of said principal, but in no event shall said penalty exceed the sum of_____

There should be inserted in the first blank space of the above clause the percentage deemed appropriate by the contracting officer, having regard to existing instructions of the chief of the supply service concerned, and in the second blank space the amount of the maximum penalty in dollars. Standard Form No. 24 reads as follows:

STANDARD GOVERNMENT FORM OF BID BOND (NO. 24)

(Construction or Supply)

Know all men by these presents, That we, as Principal, and_____ as Surety, are held and firmly bound unto the United States of America, hereinafter called the Government, in the penal sum of _____ dollars lawful money of the United States, for the payment of which sum well and truly to be made, we bind ourselves, our heirs, executors, administrators, and successors, jointly and severally, firmly by these presents.

The condition of this obligation is such, that whereas the principal has submitted the accompanying bid, dated _____, 19____, for _____.

Now, therefore, if the principal shall not withdraw said bid within the period specified therein after the opening of the same, or, if no period be specified, within sixty (60) days after said opening, and shall within the period specified therefor, or, if no period be specified, within ten (10) days after the prescribed forms are presented to him for signature, enter into a written contract with the Government, in accordance with the bid as accepted, and give bond with good and sufficient surety or sureties, as may be required, for the faithful performance and proper fulfillment of such contract, or in the event of the withdrawal of said bid within the period specified, or the failure to enter into such contract and give such bond within the time specified, if the principal shall pay the Government the difference between the amount specified in said bid and the amount for which the Government may procure the required work and/or supplies, if the latter amount be in excess of the former, then the above obligation shall be void and of no

effect, otherwise to remain in full force and virtue.

In witness whereof, the above-bounden parties have executed this instrument under their several seals this ____ day of _____, 19____, the name and corporate seal of each corporate party being hereto affixed and these presents duly signed by its undersigned representative, pursuant to authority of its governing body.

§ 804.496–2 *Annual bid bond.* United States Standard Form No. 34 (Revised) is the approved form of Annual Bid Bond. It reads as follows:

ANNUAL BID BOND (NO. 34)

(Supplies)

Know all men by these presents, that we _____, as Principal, and _____ as Surety, are held and firmly bound unto the United States of America, hereinafter called the Government, in such penal sum or sums, lawful money of the United States, as shall be sufficient to indemnify the Government in case of the default of the said principal as hereinafter set forth, for the payment of which sum or sums well and truly to be made, we bind ourselves, our heirs, executors, administrators, and successors, jointly and severally, firmly by these presents.

The condition of this obligation is such, that whereas the principal contemplates submitting bids from time to time during the fiscal year ending June 30, 19____, to the _____ for furnishing materials and supplies to the Government, and desires that all such bids submitted for opening during said fiscal year be covered by a single bond instead of by a separate Bid Bond for each bid:

Now, therefore, if the principal shall not withdraw any such bid within the period specified therein after the opening of the same, or, if no period be specified, within sixty (60) days after said opening, and shall within the period specified therefor, or, if no period be specified, within ten (10) days after the prescribed forms are presented to him for signature, enter into a written contract with the Government, in accordance with the bid as accepted, and give bond with good and sufficient surety or sureties, as may be required, for the faithful performance and proper fulfillment of such contract, or in the event of the withdrawal of any bid within the period specified, or the failure to enter into such contract and give such bond within the time specified, if the principal shall pay the Government the difference between the amount specified in said bid and the amount for which the Government may procure the required materials and supplies, if the latter amount be in excess of the former, then the above obligation shall be void and of no effect, otherwise to remain in full force and virtue.

In witness whereof, the above-bounden parties have executed this instrument under their several seals this _____ day of _____ 19____, the name and corporate seal of each corporate party being hereto affixed and these presents duly signed by its undersigned representative, pursuant to authority of its governing body.

§ 804.496–3 *Performance bond.* (a) Standard Form No. 25, Revised is the approved form of performance bond for use when the bond is to be executed by individual sureties, or by one corporate surety. The form is set forth in paragraph (d) below.

(b) Standard Form No. 25–B is the approved form of performance bond for use when the bond is to be executed by two or more corporate sureties. For cases involving more than six sureties, continuation sheets to sheets one and three of the form are provided. These bear the form designations, Standard Form No. 25–B1 and 25–B3. Standard Form No. 25–B is set forth in paragraph (e) below.

(c) When the aforementioned Standard Forms of performance bonds are used, there may be inserted therein the following additional clause.

Provided, however, that the foregoing obligation of the surety shall not be applicable to the liability of the principal for the return of excessive profits under the provisions of the Sixth Supplemental National Defense Appropriation Act, 1942.

(d) Performance Bond (No. 25).

PERFORMANCE BOND (NO. 25)

(Construction or Supply)

Know all men by these presents, that we, _____ as Principal, and _____ as Surety, are held and firmly bound unto the United States of America, hereinafter called the Government, in the penal sum of _____ dollars for the payment of which sum well and truly to be made, we bind ourselves, our heirs, executors, administrators, and successors, jointly and severally, firmly by these presents.

The condition of this obligation is such, that whereas the principal entered into a certain contract, hereto attached, with the Government, dated _____, 19____, for _____

Now, therefore, if the principal shall well and truly perform and fulfill all the undertakings, covenants, terms, conditions, and agreements of said contract during the original term of said contract and any extensions thereof that may be granted by the Government, with or without notice to the surety, and during the life of any guaranty required under the contract, and shall also well and truly perform and fulfill all the undertakings, covenants, terms, conditions and agreements of said contract that may hereafter be made, notice of which modifications to the surety being hereby waived, then, this obligation to be void; otherwise to remain in full force and virtue.

In witness whereof, the above-bounden parties have executed this instrument under their several seals this _____ day of _____, 19____, the name and corporate seal of each corporate party being hereto affixed and these presents duly signed by its undersigned representative, pursuant to authority of its governing body.

(e) Performance Bond (No. 25–B).

PERFORMANCE BOND (NO. 25–B)

(Construction or Supply. Corporate Co-Surety Form)

Know all men by these presents, that we, _____ as Principal, and the corporations hereinafter designated as Surety A to Surety _____, inclusive, as Sureties, are held and firmly bound unto the United States of America, hereinafter called the Government, in the penal sum of _____ dollars, for the payment of which sum well and truly to be made we bind ourselves, our heirs, executors, administrators, and successors, jointly and severally, firmly by these presents: *Provided*, That we the sureties bind ourselves in such sum "jointly and severally" as well as "severally" only for the purpose of allowing a joint action or actions against any or all of us, and for all other purposes each Surety binds itself, jointly and severally with the Principal, for the payment of such sum only as is set forth opposite its name in the following schedule:

Surety	*Name and State of incorporation*	*Limit of liability*
A		
B		
C		

Q		

The condition of this Obligation is such, that whereas the Principal entered into a certain contract, hereto attached, with the Government dated _____, 19____, for _____

Now, therefore, if the Principal shall well and truly perform and fulfill all the undertakings, covenants, terms, conditions, and agreements of said contract during the original term of said contract and any extensions thereof that may be granted by the Government, with or without notice to the Sureties, and during the life of any guaranty required under the contract, and shall also well and truly perform and fulfill all the undertakings, covenants, terms, conditions and agreements of any and all duly authorized modifications of said contract that may hereafter be made, notice of which modifications to the Sureties being hereby waived, then, this obligation to be void; otherwise to remain in full force and virtue.

In witness whereof, the above-bounden parties have executed this instrument under their several seals this _____ day of _____, 19____, the name and corporate seal of each corporate party being hereto affixed and these presents duly signed by its undersigned representative, pursuant to authority of its governing body.

§ 804.496–4 *Annual performance bond.* United States Standard Form No. 35 (Revised) is the approved form of annual performance bonds. It reads as follows:

ANNUAL PERFORMANCE BOND (NO. 35)

(SUPPLIES)

Know all men by these presents, that we _____ as principal and _____ as surety are held and firmly bound unto the United States of America, hereinafter called the Government, in the penal sum of _____ dollars for the payment of which sum well and truly to be made, we bind ourselves, our heirs, executors, administrators, and successors, jointly and severally, firmly by these presents.

The condition of this obligation is such, that whereas the principal contemplates entering into contracts from time to time during the fiscal year ending June 30, 19____, with the Government represented by _____ for furnishing materials and supplies to the Government and desires that all such contracts be covered by one bond instead of by a separate performance bond for each contract:

Now, therefore, if the principal shall well and truly perform and fulfill all the undertakings, covenants, terms, conditions, and agreements of any and all such contracts so entered into during the original term thereof and any extensions that may be granted by the Government, with or without notice to the surety, and during the life of any guaranty required under the contract, and shall also well and truly perform and fulfill all the undertakings, covenants, terms, conditions, and agreements of any and all duly authorized modifications of such contract and may hereafter be made, notice of which modifications to the surety being hereby waived, then this obligation to be void; otherwise to remain in full force and virtue.

In witness whereof, the above-bounden parties have executed this instrument under their several seals this _____ day of _____, 19____, the name and corporate seal of each corporate party being hereto affixed and these presents duly signed by its undersigned representative, pursuant to authority of its governing body.

§ 804.496–5 *Payment bond.* (a) Standard Form No. 25–A is the approved form of payment bond for use when the bond is to be executed by individual sureties, or by one corporate surety. The form is set forth in paragraph (c) below.

(b) Standard Form No. 25–C is the approved form of payment bond for use when the bond is to be executed by two or more corporate sureties. For cases involving more than six sureties, continuation sheets to sheets one and three of the form are provided. These bear the form designations, Standard Form No. 25–C1 and No. 25–C3. Standard Form No. 25–C is set forth in paragraph (d) below.

(c) Payment Bond (No. 25–A).

PAYMENT BOND (NO. 25–A)

Know all men by these presents, that we, _____ as Principal, and _____ as Surety, are held and firmly bound unto the United States of America, hereinafter called the Government, in the penal sum of _____ dollars for the payment of which sum well and truly to be made, we bind ourselves, our heirs, executors, administrators, and successors, jointly and severally, firmly by these presents.

The condition of this obligation is such, that whereas the principal entered into a certain contract, hereto attached, with the Government, dated _____, 19____, for _____

Now, therefore, if the principal shall promptly make payment to all persons supplying labor and material in the prosecution of the work provided for in said contract, and any and all duly authorized modifications of said contract that may hereafter be made, notice of which modifications to the surety being hereby waived, then this obligation to be void; otherwise to remain in full force and virtue.

In witness whereof, the above-bounden parties have executed this instrument under their several seals this _____ day of _____, 19____, the name and corporate seal of each corporate party being hereto affixed and these presents duly signed by its undersigned representative, pursuant to authority of its governing body.

(d) Payment Bond No. 25–C).

PAYMENT BOND (NO. 25–C)

(Corporate Co-Surety Form)

Know all men by these presents, that we, _____ as Principal, and the corporations hereinafter designated as Surety A to Surety ____, inclusive, as Sureties, are held and firmly bound unto the United States of America, hereinafter called the Government, in the penal sum of _____ dollars, for the payment of which sum well and truly to be made we bind ourselves, our heirs, executors, administrators, and successors, jointly and severally, firmly by these presents: *Provided*, That we the Sureties bind ourselves in such sum "jointly and severally" as well as "severally" only for the purpose of allowing a joint action or actions against any or all of us, and for all other purposes each Surety binds itself, jointly and severally with the Principal, for the payment of such sum only as is set forth opposite its name in the following schedule:

Surety	*Name and State of incorporation*	*Limit of liability*
A		
B		
C		

Q		

The condition of this obligation is such, that whereas the Principal entered into a certain contract, hereto attached, with the Government, dated _____ 19____, for _____

Now, therefore, if the Principal shall promptly make payment to all persons supplying labor and material in the prosecution of the work provided for in said contract, and any and all duly authorized modifications of said contract that may hereafter be made, notice of which modifications to the Sureties being hereby waived, then this obligation to be void; otherwise to remain in full force and virtue.

In witness whereof, the above-bounden parties have executed this instrument under their several seals this ____ day of _____ 19____, the name and corporate seal of each corporate party being hereto affixed and these presents duly signed by its undersigned representative, pursuant to authority of its governing body.

§ 804.496–6 *Advance payment bond.* (a) The approved forms of advance payment bond for use when the bond is to be executed by individual sureties or one corporate surety are set forth in paragraphs (c) and (d) below. These forms are Standard Form No. 25, Revised (Standard Government Form of Performance Bond (construction and supply)), amended by the insertion of the italicized clauses.

(b) The approved forms of advance payment bond for use when the bond is to be executed by two or more corporate sureties are set forth in paragraphs (e) and (f) below. These forms are Standard Form No. 25–B [Standard Government Form of Performance Bond (construction and supply)], amended by the insertion of the italicized clauses. For cases involving more than six sureties continuation sheets to sheets one and three of the form are provided bearing the designations "Standard Form No. 25–B1" and "Standard Form No. 25–B3."

(c) Advance Payment Bond.

ADVANCE PAYMENT BOND

(When the provisions for advance payments are contained in the basic contract)

Know all men by these presents, that we, _____ as Principal, and _____ as Surety, are held and firmly bound unto the United States of America, hereinafter called the Government, in the penal sum of _____ dollars, for the payment of which sum well and truly to be made, we bind ourselves, our heirs, executors, administrators, and successors, jointly and severally, firmly by these presents.

The condition of this obligation is such, that whereas the principal entered into a certain contract, hereto attached, with the Government, dated _____ 19__, for _____ *and whereas such contract authorizes advance payments to the contractor in the sums not to exceed $_____, or _____ per centum of the contract price, as it may be amended, whichever shall be the smaller.*

Now, therefore, if the principal shall well and truly perform and fulfill all the undertakings, covenants, terms, conditions, and agreements of said contract *relating to advance payments* during the original term of said contract and any extensions thereof that may be granted by the Government, with or without notice to the surety, and during the life of any guaranty required under the contract, and shall also well and truly perform and fulfill all the undertakings, covenants, terms, conditions and agreements of any and all duly authorized modifications of said contract *relating to advance payments* that may hereafter be made, notice of which modifications to the surety being hereby waived, then, this obligation to be void; otherwise to remain in full force and virtue.

In witness whereof, the above-bounden parties have executed this instrument under their several seals this _____ day of _____ 19____, the name and corporate seal of each corporate party being hereto affixed and these presents duly signed by its undersigned representative, pursuant to authority of its governing body.

(d) Advance Payment Bond.

ADVANCE PAYMENT BOND

(When the provisions for advance payments are contained in a supplemental agreement)

Know all men by these presents, that we _____ as the Principal, and _____ as Surety, are held and firmly bound unto the United States of America, hereinafter called the Government, in the penal sum of _____ dollars for the payment of which sum well and truly to be made, we bind ourselves, our heirs, executors, administrators and successors, jointly and severally, firmly by these presents.

The condition of this obligation is such, that whereas the principal entered into a certain contract, hereto attached, with the Government, dated _____, 19__, for _____ *and whereas the Government has entered into a contract supplemental to the aforesaid principal contract, such supplemental contract being dated _____, 19__, and authorizing advance payments to the contractor of sums not to exceed $_____ or _____ per centum of the contract price, as it may be amended, whichever shall be the smaller.*

Now, therefore, if the principal shall well and truly perform and fulfill all the undertakings, covenants, terms, conditions, and agreements of said *supplemental contract relating to advance payments* during the original term of said *supplemental contract relating to advance payments* and any extensions thereof that may be granted by the Government, with or without notice to the surety, and during the life of any guaranty required under the contract, and shall also well and truly perform and fulfill all the undertakings, covenants, terms, conditions and agreements of any and all duly authorized modifications of said *supplemental contract relating to advance payments* that may hereafter be made, notice of which modifications to the surety being hereby waived, then, this obligation to be void; otherwise to remain in full force and virtue.

In witness whereof, the above-bounden parties have executed this instrument under their several seals this ____ day of _____, 19__, the name and corporate seal of each corporate party being hereto affixed and these presents duly signed by its undersigned representative, pursuant to authority of its governing body.

(e) Advance Payment Bond.

ADVANCE PAYMENT BOND

(Corporate Co-Surety Form)

(When the provisions for advance payments are contained in the basic contract)

Know all men by these presents, That we, ---------- as Principal, and the corporations hereinafter designated as Surety A to Surety ____, inclusive, as Sureties, are held and firmly bound unto the United States of America, hereinafter called the Government, in the penal sum of ---------- dollars, for the payment of which sum well and truly to be made we bind ourselves, our heirs, executors, administrators, and successors, jointly and severally, firmly by these presents: *Provided*, That we the Sureties bind ourselves in such sum "jointly and severally" as well as "severally" only for the purpose of allowing a joint action or actions against any or all of us, and for all other purposes each Surety binds itself, jointly and severally with the Principal, for the payment of such sum only as is set forth opposite its name in the following schedule:

Surety	*Name and State of incorporation*	*Limit of liability*
A		
B		
C		

Q		

The condition of this obligation is such that whereas the Principal entered into a certain contract hereto attached, with the Government, dated ---------- 19----, for---------- *and whereas such contract authorizes advance payments to the contractor in the sums not to exceed* $----------, *or* ---------- *per centum of the contract price, as it may be amended, whichever shall be the smaller.*

Now, therefore, if the Principal shall well and truly perform and fulfill all the undertakings, covenants, terms, conditions, and agreements of said contract *relating to advance payments* during the original term of said contract and any extensions thereof that may be granted by the Government, with or without notice to the Sureties, and during the life of any guaranty required under the contract, and shall also well and truly perform and fulfill all the undertakings, covenants, terms, conditions and agreements of any and all duly authorized modifications of said contract *relating to advance payments* that may hereafter be made, notice of which modifications to the Sureties being hereby waived, then, this obligation to be void; otherwise to remain in full force and virtue.

In witness whereof, the above-bounden parties have executed this instrument under their several seals this ---------- day of ---------- 19----, the name and corporate seal of each corporate party being hereto affixed and these presents duly signed by its undersigned representative, pursuant to authority of its governing body.

(f) Advance Payment Bond.

ADVANCE PAYMENT BOND

(Corporate Co-Surety Form)

(When the provisions for advance payments are contained in a supplemental agreement)

Know all men by these presents, that we, ---------- as Principal, and the corporations hereinafter designated as Surety A to Surety ____, inclusive, as Sureties, are held and firmly bound unto the United States of America, hereinafter called the Government, in the penal sum of ---------- dollars, for the payment of which sum well and truly to be made we bind ourselves, our heirs, executors, administrators, and successors, jointly and severally, firmly by these presents: *Provided*, That we the Sureties bind ourselves in such sum "jointly and severally" as well as "severally" only for the purpose of allowing a joint action or actions against any or all of us, and for all other purposes each Surety binds itself, jointly and severally with the Principal, for the payment of such sum only as is set forth opposite its name in the following schedule:

Surety	*Name and State of incorporation*	*Limit of liability*
A		
B		
C		

Q		

The condition of this obligation is such, that whereas the Principal entered into a certain contract, hereto attached, with the Government, dated ----------, 19--, for ---------- *and whereas the Government has entered into a contract supplemental to the aforesaid principal contract, such supplemental contract being dated* ---------- *and authorizing advance payments to the contractor of sums not to exceed* $---------- *or* ---------- *per centum of the contract price, as it may be amended, whichever shall be the smaller.*

Now, therefore, if the Principal shall well and truly perform and fulfill all the undertakings, covenants, terms, conditions, and agreements of said *supplemental contract relating to advance payments* during the original term of said *supplemental contract relating to advance payments* and any extensions thereof that may be granted by the Government, with or without notice to the Sureties, and during the life of any guaranty required under the contract, and shall also well and truly perform and fulfill all the undertakings, covenants, terms, conditions and agreements of any and all duly authorized modifications of said *supplemental contract relating to advance payments* that may hereafter be made, notice of which modifications to the Sureties being hereby waived, then, this obligation to be void; otherwise to remain in full force and virtue.

In witness whereof, the above-bounden parties have executed this instrument under their several seals this ------ day of ---------- 19---, the name and corporate seal of each corporate party being hereto affixed and these presents duly signed by its undersigned representative, pursuant to authority of its governing body.

§ 804.496–6 *Patent indemnity bond.* The following is the approved form of patent indemnity bond:

Know all men by these presents, that we, ---------- as Principal, and ---------- as Surety, are held and firmly bound unto the United States of America, hereinafter called the Government, in the penal sum of ---------- dollars, lawful money of the United States, for the payment of which sum well and truly to be made, we bind ourselves, our heirs, executors, administrators, and successors, jointly and severally, firmly by these presents.

The condition of this obligation is such, that whereas the principal entered into a certain contract, hereto attached, with the Government, dated ----------, 19----, for ---------- and whereas the said principal has specifically obligated himself in said contract to hold and save the Government, its officers, agents, servants, and employees, harmless from liability of any nature or kind, including cost and expenses, for or on account of any patented or unpatented invention, article, or appliance manufactured or used in the performance of that contract, including their use by the Government of the articles therein contracted for.

Now, therefore, if the principal shall well and truly perform and fulfill the above undertaking and agreement, and shall promptly make payment of any judgment and costs obtained against the United States under the provisions of the Act of June 25, 1910 (36 Stat. 851) as amended by the Act of July 1, 1918 (40 Stat. 705) or expenses incident thereto, then this obligation to be void; otherwise to remain in full force and virtue.

In witness whereof, the above-bounden parties have executed this instrument under their several seals this ---- day of ----------, 19----, the name and corporate seal of each corporate party being hereto affixed and these presents duly signed by its undersigned representative, pursuant to authority of its governing body.

§ 804.496–8 *Consent of surety.* (a) The following form is authorized for use in all cases other than those specified in paragraph (b) below.

Consent of Surety is hereby given to the foregoing Supplemental Agreement and the surety agrees that its bond or bonds shall apply and extend to the contract as modified or amended thereby.

(b) The following form is authorized for use when advance payments are added by supplemental agreement after the original contract has been executed and the performance bond given.

The undersigned surety company (or companies), surety (or sureties) on the performance bond supporting Contract No. ---------- dated ---------- with ---------- (principal) of ---------- (city and state) ---------- hereby consent to the alteration of the contract effected by the execution of the agreement supplemental thereto dated ---------- providing for advance payments, upon the condition that it (or they) shall not be liable under such performance bond for any portion of the advance payments which is not used by the contractor for the purposes of the contract.

If, in the event of default under the contract, the surety company (or companies) is (are) permitted to perform, and in case the additional funds for full performance are not available, it is understood and agreed that the number of articles to be delivered or the services to be performed under said contract shall be reduced in the proportion that the amount of advance payment moneys not used for the purposes of the contract bears to the total contract price.

In witness whereof, the respective sureties have executed this instrument under their several seals this ---------- day of ----------, 19----, the name and corporate seal of each corporate party being hereto affixed and these presents duly signed by its undersigned representative pursuant to authority of its governing body.

(c) In appropriate cases, the words "Supplemental Agreement" contained in the above forms may be changed to "Change Order".

§ 804.496–9 *Fidelity bond.* The primary commercial blanket form of fidelity bond as standardized by the Surety Association of America or its equivalent is the approved form of fidelity bond. There should be attached thereto the following:

(a) A rider providing for retroactive reinstatement for prior losses.

(b) A rider excluding any claim on the part of the surety company to be subrogated, on payment of loss or otherwise, to any claim against the United States.

(c) A rider providing for pro rata refund of premium in event of cancellation by the Insured.

(d) A rider providing for notice to the technical service concerned in the event of any change in or cancellation of the bond.

(e) A rider providing for investigation of all Class A employees.

(f) A rider providing for investigation of all claims.

(g) (Optional) A rider eliminating a premium charge for restoring the bond penalty after losses.

§ 804.496–10 *Forgery bond.* The depositor's form of forgery bond or policy as standardized by the Surety Association of America or its equivalent is the approved form of forgery bond. There should be attached thereto the following:

(a) A rider providing for retroactive reinstatement for prior losses.

(b) A rider excluding any claim on the part of the surety company to be subrogated, on payment of loss or otherwise, to any claim against the United States.

(c) A rider providing for pro rata refund of premium in event of cancellation by the Insured.

(d) A rider providing for notice to the technical service concerned in the event of any change in or cancellation of the bond.

(e) A rider providing for the investigation of all claims.

(f) (Optional) A rider eliminating premium charge for restoring the bond penalty after losses.

§ 804.496–11 *License or permit bond.* The form of license or permit bond prescribed by statute or ordinance of the public authority having jurisdiction is the approved form of bond.

§ 804.497 *Insurance forms.*

§ 804.497–1 *Release form.* (See § 804.487–1)

---------- (Date)

To the ----------
(Name of Contractor)

(Location)

This is to certify that the United States of America has no interest under
(Type)
---------- Contract No. ----------
(Type)
---------- Contract No. ----------
---------- Contract No. ----------
with your Company in the property damaged by ---------- on ----------,
(Cause) (Date)
and situate on the premises at ----------
---------- as described in policy No. ----------
---------- of the ----------
Company; except as follows:—

The interest of the United States in the losses involved in the above mentioned contract(s) and covered by the above mentioned insurance policy amounts to $----------
(Write appropriate figure or word "None")

(Title)

§ 804.497–2 *Endorsement form.* (See § 804.487–2.)

To be attached to ---------- Dated----------
Policy No----------

1. This policy covers all property owned wholly or in part by the United States or in which the United States has any interest, legal or equitable, by way of lien, mortgage, pledge, or otherwise, while said property is on the premises of the assured as described in the policy to which this endorsement is attached. Loss if any under this policy shall be payable to the contractor and to the Treasurer of the United States as their respective interests may appear: *Provided, however*, That the United States is entitled to indemnity, in preference and priority, on all property insured hereunder and in which it has an interest.

2. This policy, with respect to the interests of the United States, shall not be altered, cancelled, or further endorsed, transferred or assigned, unless written notice to that effect shall be given, at least twenty days in advance, to the United States of America, through----------
----
(Insert name or names and addresses of Contracting Officer of the technical service involved).

3. Since this policy is hereby endorsed primarily to afford protection to the United States, and since the United States is not in a position to determine whether the assured under this policy is underinsured, any co-insurance clause of this policy as far as the interest of the United States is concerned is hereby declared to be inoperative and of no effect.

4. Inasmuch as the United States is not in control of the insured property, this policy, with respect to the interest of the United States, shall not be impaired or affected by the failure of the assured to comply with any condition or warranty contained therein.

(Name of Insurance company)
By----------

§ 804.497–3 *War risk insurance report.* A report on the following form, numbered in sequence, should be executed in duplicate and forwarded to the War Shipping Administration, Commerce Building, Room 4089, Washington 25, D. C.

The following data is submitted pursuant to the terms of the master policy with coverage commencing----------.

1. Name of vessel----------
2. Owners----------
3. Value of hull---------- $------
4. Crew life---------- $------
5. Crew effects---------- $------
6. Wages and Bonuses (annual)---- $------
7. Protection and Indemnity------ $------
8. Quote excerpt from Contract, Rental Agreement or Charter Parties, delineating responsibility of War Department.

Technical Service or Command

§ 804.497–4 *War Department Insurance Rating Plan endorsement.*

Amending Policy Numbered--------

1. It is agreed that the premiums for the policies numbered: ----------
----
----
issued by the Company affording insurance in connection with the War Department Cost-Plus-A-Fixed-Fee Contract No. --------,
(Name of Contractor)
to ----------

----

and all subcontractors performing operations on a Cost-Plus-A-Fixed-Fee basis in connection with a project at----------
----
shall be a fixed charge plus modified losses plus all actual allocated claim expense, all multiplied by the tax multiplier, subject to a maximum premium equal to the amount obtained by the application of the tax multiplier to 90% of the standard premium.

a. The premium computed in accordance with the provisions of the policies, other than this endorsement, shall be known as the "standard premium" and shall be computed in accordance with manual rules and rates which have been approved by the Under Secretary of War.

b. "Losses incurred" as used in this endorsement shall mean the sum of all losses (indemnity and medical) actually paid plus reserves for unpaid losses as determined by the Company and approved by the insured and the Under Secretary of War.

c. "Modified losses" as used in this endorsement shall mean the losses incurred converted by the application of the factor 1.12.

d. "Allocated claim expense" as used in this endorsement shall mean actual payments and reserves for legal expenses, excluding the cost of investigation and adjustment of claims by salaried employees and fee adjusters, but including attorney's fees, court costs, interest, expense for expert testimony, examination, X-ray, autopsy or medical expenses of any kind not incurred for the benefit of the injured or any other expenses incurred under the policy other than payment of indemnity or medical treatment, provided that only those items of expense which can be directly allocated to a specific claim involving litigation or possible litigation when necessary to determine the Company's liability shall be included.

e. "Fixed charge" as used in this endorsement shall mean the amount provided for fixed expenses and for losses in excess of the maximum. The fixed charge shall be determined by applying the appropriate percentage as set forth in Table I, to the sum of 90% of the standard premium for Workmen's Compensation and Employers' Liability and 100% of the standard premium for Automobile Bodily Injury Liability and Property Damage Liability coverages and all other bodily injury liability and property damage liability coverages combined.

f. TABLE I—TABLE OF FIXED CHARGES

(1) Standard Premium: [1]	(2) *Fixed charge* [2]
$5,000 or less	37.
$10,000	29.
$25,000	24.
$50,000	18. 4
$100,000	12. 5
$150,000	11. 5
$200,000	10. 5
$250,000	9. 7
$300,000	9.
$350,000	7. 5
$400,000 to $700,000	6. 5
$700,000 and over	6. 3

[1] Standard Premium to be used in determining applicable fixed Charge percentage (90% of Standard Premium for Workmen's Compensation and Employers' Liability and 100% of Standard Premium for all bodily injury liability and property damage liability coverages).

[2] Fixed charge (expressed as a percentage of standard premium stated in column 1).

If the standard premium lies between any two of the figures in the standard premium column, the Fixed Charge shall be interpolated.

g. "Tax Multiplier" as used in this endorsement shall mean the factor as set forth in Table II, to be applied to the fixed charge, to the modified losses and to the allocated claim expense in order to increase those

amounts sufficiently to provide for those taxes which are levied as a percentage of premium and for assessments for industrial commissions, rating boards and bureaus.

h. TABLE II—TABLE OF TAX MULTIPLIERS

State	Workmen's compensation and employers' liability—Tax multiplier applicable to total insurance costs	Automobile bodily injury liability and property damage liability—Tax multiplier applicable to total insurance costs	Other bodily injury liability and property damage liability—Tax multiplier applicable to total insurance costs
All States except as noted below	1.029	1.024	1.024
Alabama	1.034	1.029	1.029
Arkansas	1.050	1.024	1.024
California	1.035	1.030	1.030
Delaware	1.050	1.024	1.024
Florida	1.036	1.024	1.024
Georgia	1.053	1.024	1.024
Hawaii	1.034	1.029	1.029
Idaho	1.040	1.034	1.034
Iowa	1.034	1.029	1.029
Kansas [1]	1.029	1.024	1.024
Louisiana	1.037	1.031	1.031
Maryland [2]	1.029	1.024	1.024
Mississippi		1.034	1.034
New Jersey	1.042	1.024	1.024
New York [3]	1.040	1.024	1.024
N. Carolina	1.062	1.029	1.029
N. Dakota		1.029	1.029
Ohio		1.029	1.029
Oklahoma	1.05	1.045	1.045
Oregon		1.026	1.026
Pennsylvania	1.040	1.024	1.024
S. Carolina	1.056	1.034	1.034
S. Dakota	1.034	1.029	1.029
Tennessee	1.050	1.029	1.029
Texas	1.055	1.053	1.051
Utah	1.031	1.026	1.026
Virginia	1.034	1.031	1.031
Washington		1.026	1.026
Wyoming		1.029	1.029

[1] Kansas Compensation Act provides for levying varying fees per claim which are paid into a fund for the support of the Industrial Commission. All such fees must be added to the modified losses before applying the tax multiplier.

[2] Maryland Compensation Act provides for levying assessment per $100 of payroll for expenses of Industrial Commission. An amount equal to 3.4 cents per $100 of payroll must be added to the fixed charges before applying the tax multiplier.

[3] New York Compensation Act provides for levying an assessment on indemnity losses for expenses of the Department of Labor. An amount equal to 4.5% of the indemnity losses incurred must be added to the modified losses before applying the tax multiplier.

2. If Table II fails to provide the proper tax multiplier, the multiplier will be obtained by using the following formula:

$$\text{Tax Multiplier} = \frac{1}{1.0 - (\text{the tax loading plus } 0.8\%)}$$

In any case where the tax multiplier is obtained by use of the formula and not the table, it will not be used in the premium computation until approved by the insured and the Under Secretary of War.

3. The deposit premium shall be 15% of the estimated annual standard premium.

4. The Company shall be paid 50% of the earned standard premium on policies written on a payroll basis determined monthly by audit of the expended payrolls and 50% of the earned standard premium on all other policies determined monthly on the basis of the actual monthly exposures.

5. The Company shall furnish to the insured and to the War Department a quarterly itemized statement of incurred losses.

6. Within sixty days after termination of the policies, the Company shall compute the aggregate amount of modified losses plus all allocated claim expense times the tax multiplier, the aggregate fixed charge times the tax multiplier and the aggregate earned standard premium, and a preliminary settlement of premium shall be made.

7. Within eight months after termination of the policies, based upon a determination of loss reserves made not earlier than six months after such termination, the final settlement of premium computed in accordance with the provisions of this endorsement shall be made. If the losses so determined are not approved by the insured and the Under Secretary of War and agreement cannot be reached as to any modification thereof, the final settlement shall be deferred for a further period of six months or such further period up to twenty-four months as may be necessary to produce an approved determination of such loss reserves. In the event an approved determination of loss reserves cannot be reached by this method, the matter shall be referred for arbitration to a committee of three, one member of which shall be selected by the insured, one by the Company, and the third by those two members, and the decision of this committee shall be final upon approval by the Under Secretary of War.

8. If the policies are canceled, the earned standard premium shall be determined on a pro rata basis, but if such cancelation is effected by the insured—except for cancelation on termination of the project—the maximum premium shall be 90% of the standard premium for the original policy period, obtained by extending the earned standard premium on a pro rata basis, all increased by the provision for taxes.

ATTACHMENT

The Company may use its usual attachment clause.

NOTE: The method set forth below is to be followed in stating the Name of Employer in Item 1 of the Declarations:

Name of Employer: _____, C.P.F.F. contractor with U.S.A., and others, as described in endorsement _____
(Insert "attached" or number)

---

§ 804.497–4a *Mandatory endorsement amending War Department Insurance Policy Plan regarding approval of losses.* It is agreed that the War Department Insurance Rating Plan endorsement is hereby amended as follows:

(a) The words "the insured and" are deleted from Division b. of paragraph 1, from paragraph 2 and from the second sentence of paragraph 7.

(b) The words "Under Secretary of War" are substituted for the word "insured" in the third sentence of paragraph 7.

Accepted By _____
(Name of Insured)

§ 804.497–5 *General endorsement for general liability policy.*

Amending Policy Numbered _____

It is agreed that:

1. *Name of insured.* The name and address of the Insured are: _____

(Name and address of Contractor)
prime cost-plus-a-fixed-fee contractor under Government Contract No. _____ with the United States of America and _____

(Names and addresses of subcontractors)
cost-plus-a-fixed-fee subcontractors and all other cost-plus-a-fixed-fee subcontractors under such contract.

The prime contractor agrees to notify the Company as soon as practicable of the names of all cost-plus-a-fixed-fee subcontractors under such contract not named herein. Failure so to notify the Company shall not invalidate the insurance.

Any notice relating to this insurance mailed or delivered by the Company to the prime contractor and to the subcontractors named in the policy shall be deemed notice to all subcontractors not named in the policy.

2. *Operations covered.* Such insurance as is afforded by the policy applies to all operations in connection with the contract designated in paragraph 1 of this endorsement and all subcontracts thereunder and does not apply to any other operations of the insured.

3. *Waiver of subrogation against the United States.* The Company waives any right of subrogation against the United States of America which might arise by reason of any payment under the policy.

4. *Rate adjustment.* The rules and rates upon which the standard premium for the policy is based are subject to change at the end of each year of the policy to accord with rules and rates then in use by the Company, subject to the approval of the Under Secretary of War.

5. *Cancelation.* The cancelation condition of the policy is amended as follows:

a. The reference therein to a specified number of days is changed to thirty days.

b. This policy may be canceled by the named insured by mailing written notice to the Company stating when not less than thirty days thereafter such cancelation shall be effective.

c. Cancelation by the Company shall not be effective unless a copy of the notice of cancelation is mailed to _____

(Insert name or names and addresses of Contracting Officers of the technical service involved)

on the same day that notice of cancelation is mailed or delivered to the named insured.

d. In the event of cancelation by the named insured the Company will as soon as practicable mail notice thereof to the officer or officers named in the preceding paragraph.

6. *Aggregate limits.* As respects insurance afforded under the policy for which an aggregate limit of liability is set forth therein such limit of liability shall apply to each year of the policy period.

7. *Interpretation of cross liability.* As respects claims against any insured under this policy other insureds or the employees of other insureds shall be deemed to be members of the public.

8. *Exclusion of products liability.* The policy does not apply.

a. To the handling or use of, the existence of any condition in or a warranty of goods or products manufactured, sold, handled or distributed by the named insured, other than equipment rented to or located for use of others but not sold, if the accident occurs after the insured has relinquished possession thereof to others and away from premises owned, rented or controlled by the insured or on premises for which the classification is stated in the declarations as subject to this exclusion;

b. To operations, other than pick-up and delivery and the existence of tools, uninstalled equipment and abandoned or unused materials, if the accident occurs after such operations have been completed or abandoned at the place of occurrence thereof and away from premises owned, rented or controlled by the insured.

9. *Malpractice.* It is agreed that malpractice, error or mistake in render ng of medical, surgical, nursing or hospital services or treatment or the omission thereof shall be deemed an accident, and that all malpractice, error or mistake in the rendering or omission of such services or treatment to any one person shall be deemed one accident.

10. *Definition of "cost".* When used as a premium basis the word "cost" shall mean the total cost of all operations performed for the named insured during the policy period by independent contractors not on a cost-plus-a-fixed-fee basis, including materials used or delivered for use, except maintenance or ordinary alterations and repairs on premises owned or rented by the named insured; any other provision of the policy relating to the meaning of the word "cost" when used as a premium basis is eliminated.

11. *Premium adjustment.* The premium for this policy is to be computed in accordance with the provisions of the War Department Insurance Rating Plan Endorsement forming a part of Policy No. _____
(Insert number of Workmen's Compensation Policy)

ATTACHMENT

The Company may use its usual attachment clause.

NOTE: The method set forth below is to be followed in stating the Name of Insured in Item 1 of the Declarations:

Name of Insured _____
C. P. F. F. contractor with U. S. A., and others, as described in endorsement _____
(Insert "attached" or number)

---

§ 804.497–6 *General endorsement for automobile liability policy.*

Amending Policy Numbered _____

It is agreed that:

1. *Name of Insured.* The name and address of the Insured are: _____

(Name and address of Contractor)
prime cost-plus-a-fixed-fee contractor under Government Contract No. _____ with the United States of America and _____

(Names and addresses of subcontractors)
cost-plus-a-fixed-fee subcontractors and all other cost-plus-a-fixed-fee subcontractors under such contract.

The prime contractor agrees to notify the Company as soon as practicable of the names of all cost-plus-a-fixed-fee subcontractors under such contract not named herein. Failure so to notify the Company shall not invalidate the insurance.

Any notice relating to this insurance mailed or delivered by the Company to the prime contractor and to the subcontractors named in the policy shall be deemed notice to all subcontractors not named in the policy.

2. *Operations covered.* Such insurance as is afforded by the policy applies to all operations in connection with such contracts. Any other provision of the Policy relating to premium for such coverage is eliminated.

3. *Waiver of subrogation against the United States.* The Company waives any right of subrogation against the United States of America which might arise by reason of any payment under the policy.

4. *Rate adjustment.* The rules and rates upon which the standard premium for the policy is based are subject to change at the end of each year of the policy to accord with rules and rates then in use by the Company, subject to the approval of the Under Secretary of War.

5. *Cancelation.* The cancelation condition of the policy is amended as follows:

a. The reference therein to a specified number of days is changed to thirty days.

b. This policy may be canceled by the named insured by mailing written notice to the Company stating when not less than thirty days thereafter such cancelation shall be effective.

c. Cancelation by the Company shall not be effective unless a copy of the notice of cancelation is mailed to _____

(Insert name or names and addresses of Contracting Officers of the Supply Service involved)

on the same day that notice of cancelation is mailed or delivered to the named insured.

d. In the event of cancelation by the named insured the company will as soon as practicable mail notice thereof to the officer or officers named in the preceding paragraph.

6. *Interpretation of cross liability.* As respects claims against any insured under this policy other insureds or the employees of other insureds shall be deemed to be members of the public.

7. *Premium adjustment.* The premium for this policy is to be computed in accordance with the provisions of the War Department Insurance Rating Plan Endorsement forming a part of Policy No. _____

(Insert number of Workmen's Compensation Policy)

ATTACHMENT

The Company may use its usual attachment clause.

NOTE: The method set forth below is to be followed in stating the Name of Insured in Item 1 of the Declarations:

Name of Insured: _____
C. P. F. F. contractor with U. S. A., and others, as described in endorsement _____
(Insert "attached" or number)

---

§ 804.497–7 *General endorsement for workmen's compensation and employers' liability policy.*

Amending Policy Numbered _____

It is agreed that:

1. *Name of employer.* The name and address of this Employer are: _____

(Name and address of contractor)
prime cost-plus-a-fixed-fee contractor under Government Contract No. _____ with the United States of America and _____

(Names and addresses of subcontractors)
cost-plus-a-fixed-fee subcontractors and all other cost-plus-a-fixed-fee subcontractors under such contract.

The prime contractor agrees to notify the Company as soon as practicable of the names of all cost-plus-a-fixed-fee subcontractors under such contract not named herein. Failure so to notify the Company shall not invalidate the insurance.

Any notice relating to this insurance mailed or delivered by the Company to the prime contractor and to the subcontractors named in the policy shall be deemed notice to all subcontractors not named in the policy.

2. *Operations covered.* Such insurance as is afforded by the policy applies to all operations in connection with the contract designated in paragraph 1 of this endorsement and all subcontracts thereunder and does not apply to any other operations of the Employer.

3. *Waiver of subrogation against the United States.* The Company waives any right of subrogation against the United States of America which might arise by reason of any payment under the policy.

4. *Rate adjustment.* The rules and rates upon which the standard premium for the policy is based are subject to change at the end of each year of the policy to accord with rules and rates then in use by the Company, subject to the approval of the Under Secretary of War. This provision applies in addition to any other provision in the policy with respect to changes in rules and rates.

5. *Cancelation.* The cancelation condition of the policy is amended as follows:

a. The reference therein to a specified number of days is changed to thirty days.

b. Cancelation by the Company shall not be effective unless a copy of the notice of cancelation is mailed to _____

(Insert name or names and addresses of Contracting Officer of the Supply Service involved)

on the same day that notice of cancelation is mailed or delivered to the Employer.

c. In the event of cancelation by the Employer the Company will as soon as practicable mail notice thereof to the officer or officers named in the preceding paragraph.

6. *Aggregate limits.* As respects insurance afforded under the policy for which an aggregate limit of liability is set forth therein such limit of liability shall apply to each year of the policy period.

7. *All States coverage.* In the event the Employer is obligated to pay compensation benefits under any Workmen's Compensation law of any state or district of the United States other than a Workmen's Compensation law cited in an endorsement made a part of the policy because of injuries sustained by employees while engaged in operations for the Employer in connection with the contract designated in paragraph 1 of this endorsement and all subcontracts thereunder, the Company agrees to pay such compensation benefits under the law of any such state other than the law of a state which does not permit the writing of Workmen's Compensation insurance by private carriers.

ATTACHMENT

The Company may use its usual attachment clause.

NOTE: The method set forth below is to be followed in stating the Name of Employer in Item 1 of the Declarations:

Name of Employer: ----------, C. P. F. F. contractor with U. S. A., and others, as described in endorsement----------

---

(Insert "attached" or number)

§ 804.497–8 *Special endorsement for Missouri compensation policies written under the War Department Insurance Rating Plan.*

It is agreed that:

1. The provisions of this endorsement are applicable solely with respect to persons in the employ of this Employer who are engaged in the business operations covered by the policy and whose average annual earnings exceed $3,600.

2. In the event of personal injury or death of any such person arising out of and in the course of his employment, the company will pay, subject to the provisions of paragraphs 3, 4 and 5 hereof, on behalf of this Employer, the same compensation and the same medical, surgical, hospital and other statutory benefits to or for such injured person or to any person claiming by, through, or under him in the event of death resulting from such injury, as would be payable under the Workmen's Compensation Law of Missouri if the injury or death had been that of an employee of this Employer whose average annual earnings were $3,600.

3. In consideration of these payments and as a condition precedent thereto the injured person or any persons claiming by, through or under him shall execute a full release of all claims for damages against this Employer in the manner required by the Company and shall in addition execute an assignment to the Company of any right of action available to any of them against any person, firm, corporation or estate other than this Employer which is or may be liable for such injury or death. If death of the injured shall result after a period of disability, death being due to such injuries and any one claiming by, through or under the injured shall accept any payment provided for in this endorsement which accrues after such death, with notice or knowledge of said release and assignment, the acceptance of such payment shall operate to estop the person so accepting from asserting that such release or assignment is not binding upon him.

4. If the Company proceeds upon such assignment and recovers and collects an amount from the party at fault in excess of the amount of the payments made hereunder, the Company shall first take the necessary expenses of the procedure and shall pay any remaining balance of such excess so obtained to the person or persons executing the assignment. The Company shall have power and discretion to proceed against the party at fault or to settle with said party upon such terms as may seem desirable to the Company, either without litigation or during the pendency thereof.

5. If the injured person or any person claiming by, through or under him shall refuse to accept the payments offered under the provisions of the preceding paragraphs, then the Company may withdraw the foregoing proposal without notice, under which circumstances the Company will be no longer bound by the undertakings expressed in the preceding paragraphs. If any claim, suit or demand is made or prosecuted against this Employer or any other person or organization for damages for such injuries or death, such claim, suit or demand shall be considered as a refusal to accept such payments and the obligations of the Company as expressed in Paragraph One (b) of the Policy as well as all parts of the Policy having reference thereto, subject however, to such limitations or modifications as may be endorsed thereon, shall be available to this Employer and shall be and remain the obligations of the Company as fully and completely as if this endorsement had not been written.

THE ---------- INSURANCE COMPANY.

§ 804.497–9 *Special endorsement for Delaware compensation policies written under the War Department Insurance Rating Plan.*

The insurance shall be continuous until completion of the project or operation, except that if the project or operation is of indefinite duration and continues for a longer period than twenty-four months, at the expiration of the first twenty-four months the Rating Plan shall be applied and the policy shall be renewed and the Rating Plan again applied at the end of each twenty-four months' period, as though it were a new project or operation.

It is agreed that except for cancelation under the War Department Insurance Rating Plan Endorsement this policy shall remain in effect for a period of twelve months and shall be renewed from year to year to the completion of the contract described in this policy.

It is also agreed that the Workmen's Compensation Rules and Rates which have been approved by the Industrial Accident Board of the State of Delaware and the Under Secretary of War shall be applicable to this policy and that the rates expressed in this policy shall be subject to change in accordance with the Rate Manuals promulgated by the Delaware Compensation Rating and Inspection Bureau and approved by the Industrial Accident Board of the State of Delaware and the Under Secretary of War.

It is agreed that Workmen's Compensation losses will be valued by the Delaware Compensation Rating and Inspection Bureau in accordance with the instructions of the Industrial Accident Board of the State of Delaware as approved by the Under Secretary of War.

It is further agreed that the named insured will undertake, and the insurance carrier hereby assumes, all of the liability under the Delaware Compensation Law because of injury or death resulting therefrom to employees of subcontractors who perform any part of the work described in this policy under cost-plus-a-fixed-fee contracts. To this end the named insured agrees to notify all subcontractors that he has assumed this liability and has provided the insurance thereof.

This endorsement forms a part of Compensation

Policy No. --------

Issued to ----------

(Insurance Carrier)

Revised Draft. Nov. 5, 1941. Incl. ±2.

§ 804.497–10 *Special endorsements for Massachusetts compensation policies written under the War Department Insurance Rating Plan*—(a) *War Project Endorsement Form (D).*

The insurance company shall audit the payroll for the purpose of computing premiums under this policy as soon as possible after its final expiration and, in any event, within eight months. Payroll audits shall not be waived.

(b) *War Department Insurance Rating Plan Endorsement Form (2A).* Amending revised Form 2 (see § 804.497–4).

Clause 1 (a) is hereby amended to read as follows:

The premium computed in accordance with the provisions of the policies, other than this endorsement, shall be known as the "standard premium" and shall be computed in accordance with manual rules and rates which have been approved by the *Massachusetts Commissioner of Insurance* and the Under Secretary of War.

Clause 1 (b) is hereby amended to read as follows:

"Losses incurred" as used in this endorsement shall mean the sum of all losses (indemnity and medical) actually paid plus reserves for unpaid losses as determined by the Company and approved by the *Massachusetts Commissioner of Insurance* and the Under Secretary of War.

Clause 2 is hereby amended to read as follows:

In any case where the tax multiplier is obtained by use of the formula and not the table, it will not be used in the premium computation until approved by *insurance company* and the Under Secretary of War.

Clause 5 is hereby amended to read as follows:

The Company shall furnish to the *Massachusetts Commissioner of Insurance* and to the War Department a quarterly itemized statement of incurred losses.

Clause 7 is hereby amended to read as follows:

Within eight months after termination of the policies, based upon a determination of loss reserves made not earlier than six months after such termination, the final settlement of premium computed in accordance with the provisions of this endorsement shall be made. If the losses so determined are not approved by the *Massachusetts Commissioner of Insurance* and the Under Secretary of War and agreement cannot be reached as to any modification thereof, the final settlement shall be deferred for a further period of six months or such further period up to twenty-four months as may be necessary to produce an approved determination of such loss reserves. In the event such an approved determination of loss reserves cannot be reached by this method, the matter shall be referred for arbitration to a Committee of three, one member to be selected by the insured, one by the carrier and a third by those two members and the decision of this committee shall be final upon approval by the Massachusetts Commissioner of Insurance and the Under Secretary of War.

(c) *General Endorsement for Workmen's Compensation and Employers' Liability Policy.* Amending Workmen's Compensation Endorsement 10 (see § 804.497–7).

The second sentence of paragraph 2, clause 1, is hereby amended so as to read as follows:

Failure so to notify the Company shall not invalidate the insurance but the insurance company shall be entitled to all premiums due on account of the operations of such subcontractor.

Clause 4, is hereby amended so as to read as follows:

The rules and rates upon which the standard premium for the policy is based are subject to change at the end of each year of the policy to accord with rules and rates which the Massachusetts Commissioner of Insurance permits the Company to use, subject to the approval of the Under Secretary of War. This provision applies in addition to any other provision in the policy with respect to changes in rules and rates.

(d) *General Endorsement for Automobile Liability Policy.* Amending Automobile Liability Endorsement 30 (see § 804.497–6).

The second sentence of paragraph 2 of clause 1 is hereby amended so as to read as follows:

Failure so to notify the Company shall not invalidate insurance but the insurance company shall be entitled to all premiums due on account of the operations of such subcontractor.

(e) *War Department Amended Insurance Service Agreement* (see § 804.497–12).

Paragraph 1 of the War Department Insurance Service Agreement is hereby amended by striking out said paragraph 1 and inserting in its place the following new paragraph:

1 (We) ----------, [1] Insurance Advisor licensed under Gen. Laws, Chap. 175, Sec. 177B, [1] Insurance Agent licensed under Gen. Laws, Chap. 175, Sec. 163, [1] Insurance Broker licensed under Gen. Laws, Chap. 175, Sec. 166, hereinafter called the Party of the First Part, agree, in consideration of a sum of money to be determined as hereinafter set forth, to render complete insurance advisory service to ----------, hereinafter called the Party of the Second Part, on all insurance upon which a fixed charge is based, during the construction or operation of ----------, located at ---------- from the effective date of this Agreement continuously until final settlement of all premiums has been made.

§ 804.497–11 *Special endorsement for Pennsylvania compensation policies written under the War Department Insurance Rating Plan.*

XXIV.—SPECIAL ENDORSEMENT FOR PENNSYLVANIA COMPENSATION POLICIES WRITTEN UNDER THE WAR DEPARTMENT INSURANCE RATING PLAN

The insurance shall be continuous until completion of the project or operation, except that if the project or operation is of indefinite duration and continues for a longer period than twenty-four months, at the expiration of the first twenty-four months the Rating Plan shall be applied and the policy shall be renewed and the Rating Plan again applied at the end of each twenty-four months' period, as though it were a new project or operation.

It is agreed that except for cancelation under the War Department Insurance Rating Plan Endorsement this policy shall remain in effect for a period of twelve months and shall be renewed from year to year to the completion of the contract described in this policy.

It is also agreed that the Workmen's Compensation Rules and Rates which have been approved by the Pennsylvania Insurance Commissioner and the Under Secretary of War shall be applicable to this policy and that the rates expressed in this policy shall be subject to change in accordance with the rate Manuals promulgated by the Pennsylvania Compensation Rating and Inspection Bureau and approved by the Pennsylvania Insurance Commissioner and the Under Secretary of War.

It is agreed that Workmen's Compensation losses will be valued by the Pennsylvania Compensation Rating and Inspection Bureau in accordance with the instructions of the Pennsylvania Insurance Commissioner as approved by the Under Secretary of War.

It is further agreed that the named insured will assume liability in connection with Section 302 (b) of the Compensation Act and the Occupational Disease Act, for employees of subcontractors performing any part of the construction described in this endorsement under cost-plus-a-fixed-fee contracts, and to this end the named insured agrees to notify all subcontractors that he has assumed the position of "statutory employer" for the employees of all such subcontractors.

This endorsement forms a part of Compensation Policy No. ----------

Issued to----------

(Insurance Carrier)

§ 804.497–12 *Texas National Defense Projects*—(a) *Control Endorsement.*

Amending:

Policy No----------

and all endorsements thereto.

Whereas, the Board of Insurance Commissioners of Texas is vested with the sole and exclusive power and authority to make, fix, prescribe, establish, and promulgate insurance rates and classifications of hazards governing premiums for Workmen's Compensation and Motor Vehicle Insurance as authorized by the laws of the State of Texas, now therefore:

It is agreed that the standard premium as used in this policy or any endorsement attached to it or relating thereto shall mean a premium calculated according to the Manual rules and rates of the Board of Insurance Commissioners of Texas and the special rules and rates promulgated in connection with the War Department Emergency Insurance Rating Plan adopted by the said Board of Insurance Commissioners for use in Texas.

All premium computations provided for in this policy or in any endorsement attached to it or relating thereto shall be promptly submitted by the insurer to the Texas Casualty Insurance Commissioner and shall take effect only upon their promulgation by such Commissioner.

This endorsement, together with the policy to which it is attached and all other endorsements attached or pertaining thereto, is in the form prescribed by the Texas Board of Insurance Commissioners in accordance with statutory direction. Any contract or agreement written under the provisions of the hereinabove mentioned Rating Plan which conflicts in any wise whatsoever with the provisions of this endorsement or with the provisions of Texas law shall be void and of no effect to the extent of such conflict, except as these requirements may conflict with statutes of the United States relating to functions of the United States of America under the Constitution.

(b) *Attachment.* A company may use its usual attachment clause.

(c) *War Department Insurance Service Agreement for use in the State of Texas.*

I (We), ----------, hereinafter called First Party, agree, in consideration of a sum of money to be determined as hereinafter set forth, to render complete insurance advisory service to ---------- hereinafter called Second Party, on all insurance upon which a fixed charge is based, during the construction or operation—or both—(as the case may be) of---------- located at----------, from the effective date of this Agreement continuously until final settlement of all premiums has been made.

The complete insurance advisory service to be rendered by the First Party shall include a review of all policies of insurance; verification of all statements of premiums, losses and loss reserves submitted to the Second Party by the carrier; verification of all payroll classifications assigned to the policies, a determination that payrolls are assigned to proper classifications; and the rendering of detailed reports of findings to the Second Party, monthly.

The Second Party agrees to pay to the First Party, in consideration of the services to be rendered, a fixed charge, as hereinafter provided, which shall be determined by applying the fixed charge (expressed as a percentage of standard premiums), found in the following table to 50% of the standard premium for all policies issued to the Second Party on the War Department comprehensive rating plan.

FIXED CHARGE TABLE

A *50% of the standard premium as hereinabove defined*	*B* *Fixed charge expressed as a percentage of standard premiums stated in column A*
1st $10,000	7½
Next $40,000	4
Next $50,000	2
Next $400,000	1
Over $500,000	½

The First Party shall submit monthly to the Second Party a detailed statement of the aggregate earned standard premium and the aggregate earned fixed charge less all monthly payments of earned fixed charge to date; except that if this Agreement supersedes a previous agreement which has been terminated, the First Party shall submit to the Second Party, monthly, a detailed statement of the aggregate earned standard premium less that portion earned prior to the date of this Agreement and the aggregate earned fixed charge which shall be determined by applying to the amount of standard premium earned since the effective date of this Agreement, the earned fixed charge percent applicable to the total earned standard premium, less all payments of earned fixed charge made under this Agreement. Upon approval, the Second Party shall pay to the First Party the unpaid portion of the earned fixed charge. A final detailed statement shall be submitted the First Party upon receipt of final audit statements from the carrier and final settlement shall then be made upon approval of such audit by the War Department and the Second Party.

This agreement may be terminated by either of the parties, upon notice in writing to the other party and to the Texas Casualty Insurance Commissioner, and the termination shall be effective immediately upon notice being sent to said Commissioner. The fixed charge shall be determined in accordance with the terms of this Agreement, as of the effective date of termination, and final settlement shall then be made.

This agreement shall be effective and binding on the undersigned from and after ------

---

Executed this ------ day of ----------, A. D., 19-----.

First Party

Attest

Second Party

Attest

Approved: United States War Department

By ----------

(Contracting Officer)

§ 804.497–13 *War Department Insurance Service Agreement.*

1. ----------

(Name of Advisor)

an individual, a partnership, a corporation organized and existing under the laws of ----------, ----------

(strike out inapplicable designations and/or add appropriate designation)

of ----------

(Address of Advisor)

hereinafter called the "Advisor", agree(s), in

[1] Strike out this line if inapplicable.

consideration of a fee to be determined in the manner hereinafter set forth, to render complete insurance advisory service to _____

_____
(Name of Contractor)

of _____,
(Address of Contractor)

contractor with the United States of America under Contract No. _____ hereinafter called the "Contractor", on all insurance procured under the War Department Insurance Rating Plan with respect to the construction or operation (or both, as the case may be) of _____, located at or near _____, from the effective date of this agreement continuously until final settlement of all premiums for such insurance has been made.

2. The Advisor agrees that he will:

a. Upon request, assist the Contractor in the selection of an insurance carrier;

b. Procure insurance binders and policies and examine to determine that they are correctly written and that the required coverages are provided;

c. Upon request, assist the Contractor in establishing proper procedure and records for determining payroll classifications and for other units of exposure upon which insurance premiums are based;

d. Examine all insurance audit statements and premium invoices;

e. Visit the project or location of operations at least once each month to determine that insurance matters are being properly handled;

f. Render any other assistance of an insurance nature which the Contractor may require; and,

g. Submit to the Contractor monthly a detailed report of findings and of services performed.

3. The Contractor agrees to pay the Advisor a fee for his services, the amount of which shall be determined by applying the applicable percentages set forth in Column B below to 50% of the standard premium accruing during the period of this agreement on policies issued to the Contractor under the War Department Insurance Rating Plan. "Standard Premium" as used herein shall mean the premium for such policies computed on the basis of the manual rules and rates approved by the War Department for use in connection with the policies issued to the Contractor under the War Department Insurance Rating Plan.

FEE SCHEDULE

A *50% of the standard premium as hereinabove defined*	*B* *Fee, expressed as a percentage of standard premiums stated in column A*
1st $10,000	7½
Next $40,000	4
Next $50,000	2
Next $400,000	1
Over $500,000	½

4. The Advisor shall submit monthly a statement of the aggregate earned standard premium and the aggregate earned advisor's fee, less the amount of all fees previously earned. If, however, this agreement supersedes a previous insurance service agreement or agreements, the Advisor shall submit monthly a statement of (a) the aggregate standard premium earned during the term of all agreements; (b) the aggregate standard premium earned during the term of all previous agreements; and (c) the fee earned during the term of this agreement less all fees previously earned under this agreement. The fee earned under this agreement shall be computed by applying the basis of computation as set forth in this agreement to the aggregate standard premium earned during the term of all agreements, and deducting from the total fee thus computed, the portion thereof applicable to the aggregate standard premium earned during the term of all previous agreements. Upon approval by the Contractor of each such monthly statement, the Advisor shall be paid the earned fee. A final statement shall be submitted by the Advisor upon receipt of final audit statements from the insurance carrier and final settlement of the Advisor's fee shall be made as soon as practicable thereafter.

5. The Advisor agrees that he will neither accept employment by nor any remuneration directly or indirectly from the insurance carrier for services rendered in connection with the insurance written under the War Department Insurance Rating Plan covering operations under the contract referred to in paragraph 1 hereof.

6. This agreement may be terminated by either of the parties hereto upon notice in writing mailed to the other party stating when, not less than ten days thereafter, such termination shall be effective. Delivery of such notice shall be equivalent to mailing. In the event of termination a copy of such notice shall immediately be mailed to_____

_____
(Contracting Officer)

_____If this Agreement
(Address)

is terminated as herein provided, the Advisor's fee shall be computed in the manner provided herein on the standard premium accrued to the effective date of termination.

This agreement, executed this_____ day of _____, 194__, shall be effective and binding on the undersigned from and after _____

Attest: _____
(Insurance Advisor)

By_____
Title_____

_____
Title_____
(Affix Corporate Seal)

Witnesses as to Advisor:

_____ _____
(Name) (Address)

_____ _____
(Name) (Address)

Attest: _____
(Contractor)

By_____
Title_____

_____
Title_____
(Affix Corporate Seal)

Witnesses at to Contractor:

_____ _____
(Name) (Address)

_____ _____
(Name) (Address)

Approved:

_____
_____
(Contracting Officer)

NOTE: If a corporation, signature should be attested by a corporate officer and corporate seal affixed. In all other cases two witnesses are required.

§ 804.497–14 *Reports to be furnished by Insurance Advisors.*

(a) *Insurance advisor's monthly statement of earned fee.*

Advisor _____
Address _____
Date _____
Contractor _____ Contract No. _____
Project _____ Location _____
Insurance Carrier _____
Policy Period: From _____ to _____
Effective date of Insurance Service Agreement _____

Period _____ to _____	Aggregate Earned Standard Premium
Workmen's Compensation and O. D. Policy	$_____
Comprehensive Public Liability Policy	$_____
Comprehensive Auto Liability Policy	$_____
Total	$_____
Less 50%	$_____
Net Earned Premium Upon Which Advisor's fee is based	$_____

(b) *Computation of advisor's fee.*

(1st $10,000) $_____ @ 7½%	$_____
(Next $40,000) $_____ @ 4%	$_____
(Next $50,000) $_____ @ 2%	$_____
(Next $400,000) $_____ @ 1%	$_____
(Over $500,000) $_____ @ ½%	$_____
Total Earned Fee	$_____
Less: Fee Previously Earned	$_____
Fee Due Advisor	$_____

(The Insurance Advisor's Monthly Report of Services Rendered should follow the following topical outline and should be complete, clear and concise.)

(c) *Insurance advisor's monthly report of services rendered.*

Period _____ to _____

1. Insurance Placed and Policies Procured.
2. Policies, Binders, Endorsements, etc., Examined—Conditions Found and Action Taken.
3. Rating Procedures and Records Established.
4. Audit Statements and Premium Invoices Examined—Conditions Found and Action Taken.
5. Other Data Procured from Carriers—Comments.
6. Visits to Project.
   (a) Date.
   (b) Report of Safety Engineering Service and Facilities.
   (c) Report of Claim Service and Facilities.
   (d) Report of Hospital and Medical Service and Facilities.
   (e) Other visits—Date, Purpose and Results.
7. Other Services Rendered.
8. Recommendations: (List and be specific).

_____
(Insurance Advisor)

By _____
Title _____

§ 804.497–16 *Comprehensive Insurance Rating Plan.*

COMPREHENSIVE INSURANCE RATING PLAN

_____
(Name of carrier)

SUMMARY OF PREMIUM PREVIOUSLY BILLED

Policy Nos. _____
Name of risk _____
Location of operations _____
Policy period: from _____ to _____
Valuation date _____
Government agency _____
Government contract No. _____

Audit periods billed	Amounts previously billed at 50 percent of standard premium			
	Compensation and employers liability	Automobile bodily injury and property damage	General liability	Total
Total premium previously billed				
Standard Premium—(Previously billed) ÷ 50				

§ 804.497–15 *Computation of Earned Premium; Comprehensive Insurance Rating Plan: Exhibit 1.*

_____
(Name of Carrier)

COMPUTATION OF EARNED PREMIUM

Name of Risk _____
Location of Operations _____
Policy Numbers _____
Policy Period: from _____ to _____
Valuation Date _____
Government Agency _____
Government Contract Number _____

Item	(a) Compensation and employers' liability	(b) Automobile bodily injury and property damage	(c) General liability	(d) Total (a)+(b)+(c)
1 Standard Premium				
2 Premium Base for Determination of Fixed Charges	(1)×.06	(1)	(1)	XXXX
3 Fixed Charge Percentage				
4 Fixed Charge Amount (2)×(3)				
5 Incurred Losses				
6 Modified Losses (5)X1.1[2]				
7 Allocated Claims Expense				
8 Industrial Commission Assessments Kans., Md., or N. Y. Show Computation below				
9 Indicated Premium (4)+(6)+(7)+(8) Excluding Tax Multiplier				
10 Maximum Premium Including Tax Multiplier				XXXX
11 Tax Multiplier				
12 Gross Adjusted Premium (9)×(11) or (10)×(11) whichever is the less in total (Col. (d)).				
13 Premium Previously Billed				
14 Additional Premium due and now Payable (12)—(13) Return (13)—(12)				

CERTIFICATION FOR FINAL SETTLEMENT

This is to certify that the above bills is correct and just; that payment therefor has not been received, that the amount of the bill represents the insurance premium computed in accordance with the _____ Insurance Rating Plan attached to and made a part of the policy described therein; that _____ is entitled at this time to final settlement on said policies and that the amount hereby certified includes all premium on said policies due at this time; that the fixed charge, modified losses, allocated claims expense, together with the application of the proper tax multipliers applied to the proper computation of premium as prescribed in the _____ Insurance Rating Plan Endorsement are based upon only the work done under the contractor's obligations to the Government under contract No. _____

_____
(Name of Insurance Company)

By _____
Vice President

§ 804.497–17 *Comprehensive Insurance Rating Plan.*

Exhibit II

COMPREHENSIVE INSURANCE RATING PLAN

_____
(Name of carrier)

SUMMARY—REPORT OF LOSSES INCURRED

Name of risk _____
Location of operations _____
Government agency _____
Government contract No. _____

Policy period: from _____ to _____
Valuation date _____

Line of insurance and Policy Nos.	Type of claims	Number of claims	Losses incurred: Compensation or liability	Medical	Total losses (4)+(5)	Allocated expense	Total losses and expense (6)+(7)
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
Workmen's compensation.	Open cases						
	Closed cases						
	Contract medical*		XXXX				
	Total—Workmen's compensation						
Automobile	Open cases			XXXX			
	Closed cases			XXXX			
	Total—Automobile			XXXX			
General liability	Open cases			XXXX			
	Closed cases			XXXX			
	Total—General liability			XXXX			
Total—All lines							

*Analysis of Contract Medical as reported in column (5):

	No.	Amount
Cost incurred for Doctors		
Nurses and technicians		
Medical supplies	XXX	
Total		

I hereby certify that the above statement of losses, paid and outstanding, is correct and just; that it includes all medical and allocated claims expense; that the claims referred to therein are properly chargeable to the policy of insurance and the insured(s) enumerated in said policy and that such claims arose out of no operations other than those described in said policy.

_____ (Company)
By _____
Vice President.

§ 804.497–18 *Comprehensive Insurance Rating Plan.*

COMPREHENSIVE INSURANCE RATING PLAN

Exhibit III Page _____

_____
(Name of Carrier)
Itemized statement of workmen's compensation and employers' liability losses incurred

Name of risk _____
Location of operations _____
Government agency _____
Government contract No. _____
Policy No. _____ Policy period: from _____
Valuation Date _____ to _____

Carrier's claim No.	Name of injured or claimant	Date of accident	Description of accident for closed cases only	Losses incurred: Compensation	Medical	Allocated expense	Total (5)+(6)+(7)	
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	
Totals			Number of claims					

§ 804.497–19 *Comprehensive Insurance Rating Plan.*

COMPREHENSIVE INSURANCE RATING PLAN

Exhibit IV Page _____

_____
(Name of Carrier)
Itemized statement of losses incurred
Automobile☐ General liability☐

Name of risk _____
Location of operations _____
Government agency _____
Government contract No. _____
Policy No _____ ☐Policy period: from _____
Valuation date _____ to _____

Carrier's claim No.	Name of injured or claimant	Date of accident	Description of accident for closed cases only	LOSSES INCURRED: Bodily injury	Property damage	Allocated expense	Total (5)+(6)+(7)
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
Totals			Number of Claims				

§ 804.497–20 *Individual Report; open loss.*

INDIVIDUAL REPORT—OPEN LOSS
WORKMEN'S COMPENSATION AND EMPLOYERS' LIABILITY

Valuation date

Claim No.	Policy No.	Carrier	Project No.	Accident rate

Claimant	Average weekly wage	Weekly compensation	Estimated disability

Indemnity paid	Medical paid	Indemnity outstanding	Medical outstanding	Allocated expense incurred	Total losses and allocated expenses incurred

Detailed report of accident, injury or damage, and allocated claim expense.

Prospects regarding subrogation and action taken

War award or judgment entered in the case?

If so, name Court or Commission

Fatal loss data

Date of death

Dependents

Name	Relationship	Date of birth	No. of weeks	Rate of compensation	Amount

For use by Government agency only

§ 804.497–21 *Individual Report; open loss.*

INDIVIDUAL REPORT—OPEN LOSS

Valuation Date _____ Automobile ☐ General Liability ☐

Claim No.	Policy Number	Carrier	Project Number	Accident Date

Claimant

Incurred Loss—Bodily Injury	Incurred Loss—Property Damage	Allocated Expense Incurred	Total Loss and Allocated Expenses Incurred

Detailed Report of Accident, Injury or Damage, and Allocated Claim Expense

Prospects Regarding Subrogation and Action Taken

Was an award or judgment entered in the case?

If so, name Court

For Use by Government Agency only

§ 804.497–22 *Comprehensive Insurance Rating Plan Release.*

COMPREHENSIVE INSURANCE RATING PLAN RELEASE

This release executed this _____ day of _____ 194____, by the _____, (Insurance Company) hereinafter referred to as the insurance company.

Witnesseth that:

Whereas, the said insurance company entered into certain policies of insurance numbered _____, _____, _____, with the _____, the fixed-fee contractor with the United States of America under Government Contract No. _____, and

Whereas, the premiums for such insurance policies are to be computed on the _____ Insurance Rating Plan Endorsement, which is made a part of such policies, and

Whereas, the contract between the United States of America and the fixed-fee contractor provides that the United States of America can settle any and all claims arising thereunder, including insurance premiums, and

Whereas, it is provided in the _____ Insurance Rating Plan Endorsement that all losses, loss reserves and premiums claimed by said insurance company to be due by said contractor are to be approved by the _____ as a prerequisite to their payment by the said fixed-fee contractor, and

Whereas, the said premium has been computed in accordance with the aforementioned _____ Insurance Rating Plan Endorsement and the losses, loss reserves and premiums have been approved by the _____ or his duly authorized representative;

Now, therefore, in consideration of the sum of _____ Dollars, the said _____ (Insurance Company) does by these presents, release quitclaim and forever discharge the said _____ fixed-fee contractor, and the United States of America from any and all premiums, or claims therefor, under the aforesaid insurance policies.

In Witness whereof the _____ (Insurance Company) has caused its name to be signed and executed by _____, its Vice President, and its seal affixed and attested by _____, its Secretary, pursuant to a resolution of its Board of Directors.

Attested:

_____
(Name of Insurance Company)

_____
(Assistant Secretary)

§ 804.497–23 *Comprehensive Insurance Rating Plan; quarterly report of losses incurred.*

Carrier _____ U. S. Government agency _____ Name of project _____
Effective data _____ Insured _____ Location of operations _____
Period covered by report _____ to _____ Valuation date _____ Nature of operations _____

Line of insurance and policy numbers	Type of claims	Number of claims	Incurred indemnity losses	Incurred medical losses	Total incurred losses	Total incurred allocated expense	Total incurred losses and expense
Workmen's Compensation	Non-serious-closed claims						
	Non-serious-open claims						
	Serious-closed claims						
	Serious-open claims						
	Contract medical		XXXXXX				
	Total workmen's comp.						
Automobile	Non-serious-closed claims		XXXXXX	XXXXXX			
	Non-serious-open claims		XXXXXX	XXXXXX			
	Serious-closed claims		XXXXXX	XXXXXX			
	Serious-open claims		XXXXXX	XXXXXX			
	Total automobile		XXXXXX	XXXXXX			
Other lines	Non-serious-closed claims		XXXXXX	XXXXXX			
	Non-serious-open claims		XXXXXX	XXXXXX			
	Serious-closed claims		XXXXXX	XXXXXX			
	Serious-open claims		XXXXXX	XXXXXX			
	Total other lines		XXXXXX	XXXXXX			
Total all lines			XXXXXX	XXXXXX			

Amount of reimbursement of contract medical actually received: $ _____
Subrogation recoveries actually received: Workmen's Compensation $_____, Automobile $_____, and other lines $_____

§ 804.497–24 *Comprehensive Insurance Rating Plan; quarterly report of losses incurred.*

COMPREHENSIVE INSURANCE RATING PLAN QUARTERLY REPORT OF LOSSES INCURRED
(Itemized statement of serious claims)

Carrier ..... Name of project ..... Page .....
Period covered by report ..... to ..... Policy number .....

Carrier's claim number	Name of injured	Date of accident	Cause and nature of injury	Closed or open	Losses incurred			
					Indemnity	Medical	Allocated expense	Total

§ 804.497–25 *Missouri agreement and release.*

Agreement made the ..... day of ..... 194..., by and between ..... hereinafter referred to as the injured person, residing at ..... in ..... State of ..... and ..... Insurance Company of ....., hereinafter referred to as insurer.

Whereas, the average annual earnings of said injured person computed under the workmen's compensation law of the State of Missouri exceed $3,600 so that such law would not be applicable, and

Whereas, the injured person alleges he suffered personal injuries by accident on the ..... day of ..... 194... at or about ..... in ..... State of ..... while in the employ of ..... State of ..... hereinafter referred to as employer, and

Whereas, the employer has provided for payment of voluntary workmen's compensation benefits, herein enumerated, by contract with the insurer; *It Is Agreed:*

1. That the insurer will pay to the injured person the sum of $..... weekly, starting as of the ..... day of ....., 194..., payable bi-weekly and continuing until such time as the insurer shall have paid to the injured person an amount equal to that sum which the injured person would receive had his average annual earnings been $3,600 and had he a valid and enforceable claim for workmen's compensation benefits under the workmen's compensation law of the State of Missouri on account of the aforesaid occurrence.

2. That the insurer will provide the injured person with such medical, surgical and hospital attention as the nature of his injuries resulting from the aforesaid occurrence may require to the extent that the injured person would receive had he a valid and enforceable claim for workmen's compensation benefits under the workmen's compensation law of the State of Missouri.

3. That any difference or controversy arising between the parties with respect to this agreement shall be settled by arbitration. In such event, the injured person shall appoint one arbitrator, and the insurer shall appoint another. The arbitrators thus appointed shall agree upon and appoint a third. All parties hereby agree to be bound by the decision of any two of said arbitrators and hereby waive all rights to take any legal measures except to enforce the arbitrators' award. If the difference or controversy is essentially a medical question the arbitrators so selected shall be duly licensed physicians.

4. That in consideration of the undertakings of the insurer and the payments to be made and benefits to be provided as hereinbefore set forth, the injured person for himself, his heirs, assigns and legal representatives does hereby forever release, discharge, and acquit the aforesaid employer and the insurer, their successors and assigns, heirs and legal representatives of and from any and all causes of action, rights, remedies, claims, suits or judgments the injured person or his heirs, assigns or legal representatives now have or hereafter may have by reason of the aforesaid occurrence.

In witness whereof the parties have hereunto set their hands and seals on the date above mentioned.

.....
(Witness)

[L. S.] .....
(Injured person)
INSURANCE COMPANY,

[L. S.] By .....
.....
(Witness)

STATE OF .....,
County of ....., *ss:*

On the ..... day of ..... 194..., before me personally came ..... to me known and known to me to be the individual who executed the foregoing instrument and he acknowledged to me that he duly executed the same.

.....[1]

§ 804.497–26 *Final receipt and release; Missouri.*

I, ..., residing at ....., in ....., state of ....., hereby acknowledge receipt of ($.....) ..... dollars paid me this day by ..... Insurance Company under an agreement dated the ..... day of ....., 194...

I hereby acknowledge that to this date, including the amount mentioned above, ... Insurance Company has paid me the total sum of ($.....) ..... dollars; that ..... Insurance Company has fulfilled and carried out in all respects the terms of the aforesaid agreement and that all obligations thereunder, including any obligation to provide medical or other services, have terminated.

In consideration of all said payments and benefits and in conformity with the abovementioned agreement I, for myself, my heirs and legal representatives do hereby forever release, discharge and acquit ..... Insurance Company and ..... MY employer at the time of the accident or occurrence described in said agreement, of and from any and all causes of action, rights, remedies, claims, suits or judgments I now have or which I or my heirs or legal representatives hereafter may have by reason of the aforesaid agreement, or the accident or occurrence described therein, or under any policy of insurance ..... Insurance Company issued to my said employer.

In witness whereof I have hereunto set my hand and seal on this ..... day of ....., 194....

[L. S.] .....
Injured person

STATE OF .....,
County of ....., *ss:*

On the ..... day of ....., 194..., before me personally came ....., to me known and known to me to be the individual who executed the foregoing instrument and he acknowledged to me that he duly executed the same.

.....
Notary Public

§ 804.497–27 *Boiler inspection contract.* The following is the approved form of boiler inspection contract:

The ..... of ..... (hereinafter called the Company) hereby agrees with ....., a contractor with the United States, (hereinafter called the Contractor) to inspect boilers and pressure vessels owned, or operated, or under the control of the Contractor and contained in a plant owned, or operated, or controlled by said Contractor in its capacity as contractor with the United States, as aforesaid, under Contract No. ..... with the United States.

The location of such plant and the location of the Company's Inspection Headquarters designated for the particular plant at which said pressure vessels and boilers are to be inspected are as follows:

Name and location of plant	*Company's inspection headquarters*
Name	Person
Location	Office
Mailing Address	Mailing Address
Telephone Number	Telephone Number

This agreement is subject to the following stipulations and conditions:

1. Such inspections shall be made by duly qualified inspectors regularly employed by the Company, employing methods at least equal to the requirements of the American Society of Mechanical Engineers' Code.

2. The Contractor at its own expense shall make necessary preparations and arrangements for the making of such inspections. The Contractor shall send a written request therefor, at least ten days in advance, to the Company's Inspection Headquarters designated herein for the plant containing the object to be inspected, specifying the kind of inspection desired in each instance, and specifying the time when said inspection is to be made and describing the object to be inspected.

3. Following each inspection the Company will mail a copy of a report of such inspection to the Contractor and ..... copies thereof to the Contracting Officer of the United States at the address of the plant at which the inspection was made, which report shall set forth the conditions found as a result of the inspections.

4. Fees for such inspection service shall be as follows: The Company shall bill the Contractor on the first day of the month following the month in which the report of such inspection was rendered and such fees shall be payable on the tenth day of the month following the month in which the bill was submitted.

(a) $10.00 for each internal inspection of a water tube boiler having a rated heating surface of over 10,000 sq. ft.;

(b) $5.00 for each internal inspection of a water tube boiler having a rated heating surface of not more than 10,000 sq. ft.;

(c) $3.00 for each internal inspection of any other boiler or pressure vessel;

(d) $2.00 for each external inspection of any boiler or pressure vessel;

(e) $1.00 in District No. 1; $2.00 in District No. 2; $3.00 in District No. 3 for each visit made by the Company's Inspector to a plant at the Contractor's request whether or not an inspection is made, which "visit" fees shall be in addition to the fees specified in Sections (a), (b), (c), and (d) of this paragraph. A list of the states comprising each such district is annexed hereto.

(f) The "visit" shall mean a call at any one plant, by any one Inspector, in any one day; if one Inspector calls at one plant more than once in any one day, such calls will be considered as only one "visit".

(g) A "day" shall mean each period of twenty-four hours commencing at the time the inspector arrives at the plant.

(h) "External Inspection" shall mean an examination of a boiler or pressure vessel in operation and under pressure.

(i) "Internal Inspection" shall mean a complete internal and external examination of a boiler or pressure vessel when not in operation or under pressure.

5. The Company shall not be liable directly or indirectly for any loss or injury to property or persons resulting from any accident to, or defect in, any object; nor shall the Company be liable directly or indirectly for loss or damage of any kind arising from an inspection or a report thereof, or from the omission of an inspection or of a report whether or not such inspection or report or omission was at the request of the Contractor.

6. Either party hereto may terminate this agreement by mailing written notice thereof to the other party at the address set out herein, and, at the same time, a copy to the contracting officer at the address of the plant at which the inspection was made, at least thirty days before the effective date of such termination.

In witness whereof, The parties hereto have executed this agreement at ..... on the ..... day of ..... 194....

The ..... Company,
By .....
Vice President.

Attest: .....
Secretary.

.....
Contractor.

By .....
(Title)

Approved:

.....
Contracting Officer's Representative.

LIST OF STATES WITH DISTRICT CLASSIFICATION

	District No.
Alabama	2
Arizona	3
Arkansas	2
California	3
Colorado	3
Connecticut	1
Delaware	1
District of Columbia	1
Florida	2
Georgia	2
Idaho	3
Illinois	1
Indiana	1
Iowa	1
Kansas	3
Kentucky	2
Louisiana	2
Maine	1
Maryland	1
Massachusetts	1
Michigan	1

[1] The matter in brackets is optional.

LIST OF STATES WITH DISTRICT CLASSIFICATION

	District No.
Minnesota	1
Mississippi	2
Missouri	1
Montana	3
Nebraska	3
Nevada	3
New Hampshire	1
New Jersey	1
New Mexico	3
New York	1
North Carolina	2
North Dakota	3
Ohio	1
Oklahoma	3
Oregon	3
Pennsylvania	1
Rhode Island	1
South Carolina	2
South Dakota	3
Tennessee	2
Texas	3
Utah	3
Vermont	1
Virginia	2
Washington	3
West Virginia	2
Wisconsin	1
Wyoming	3

§ 804.498 *List of offices of loss and salvage organizations.* (See § 804.431–1).

Fire Companies Adjustment Bureau, Inc. ..... FCAB
Western Adjustment and Inspection Company ..... WAIC
Underwriters Adjusting Company ..... UAC

City and State	Organization	Office location	Telephone No.
Alabama:			
Birmingham	FCAB	213 North 21st St.	7–1121
Dothan	FCAB	103½ North Foster St.	605
Huntsville	FCAB	104 West Clinton St.	564
Mobile	FCAB	First National Annex, St. Francis St.	2–6671
Montgomery	FCAB	Shepherd Bldg.	5271
Arizona:			
Phoenix	FCAB	Luhrs Tower Bldg.	3–3157
Tucson	FCAB	301 East Congress St.	4838
Arkansas:			
El Dorado	FCAB	Marks Bldg.	1404
Fort Smith	FCAB	Kennedy Bldg.	5161
Jonesboro	FCAB	112½ West Washington St.	589
Little Rock	FCAB	Hall Bldg.	7125
Texarkana	FCAB	Texarkana National Bank Bldg.	1–346
West Memphis	FCAB	229 Broadway	83
California:			
Bakersfield	FCAB	Professional Bldg.	5–5763
Chico	FCAB	Morehead Bldg.	917
El Centro	FCAB	Bank of America Bldg.	173
Fresno	FCAB	Brix Bldg.	3–2191
Long Beach	FCAB	Ocean Center Bldg.	692–39
Los Angeles	FCAB	Fidelity Bldg.	Madison 1341
Oakland	FCAB	Bank of America Bldg.	Higate 2963
Riverside	FCAB	Bonnett Bldg.	6234
Sacramento	FCAB	Farmers & Mechanics Bldg.	2–5881
Salinas	FCAB	Bank of America Bldg.	3588
San Bernardino	FCAB	Citizens National Bank Bldg.	2157
San Diego	FCAB	First National Bank Bldg.	Franklin 3168
San Francisco	FCAB	300 Montgomery St.	Garfield 0332
San Jose	FCAB	Bank of America Bldg.	Ballard 6083
San Luis Obispo	FCAB	Security First National Bank Bldg.	1968
Stockton	FCAB	California Bldg.	5–5776
Vallejo	FCAB	710 Florida St.	3–7639
Colorado:			
Colorado Springs	FCAB	Burns Bldg.	Main 6121
Denver	FCAB	Gas & Electric Bldg.	Cherry 5481
Durango	FCAB	575 Fourth Ave.	168
Grand Junction	FCAB	246 Grand Ave.	1339
Pueblo	FCAB	Thatcher Bldg.	2670
Trinidad	FCAB	First National Bank Bldg.	388-M
Connecticut:			
Hartford	FCAB	410 Asylum St.	7–7118
New Haven	FCAB	205 Church St.	7–3138
Delaware: Wilmington	FCAB	Equitable Bldg.	4–2421
District of Columbia: Washington	FCAB	1511 K St. NW.	National 0870
Florida:			
Fort Myers	FCAB	1309 Crawford St.	787
Gainesville	FCAB	Professional Bldg.	264
Jacksonville	FCAB	112 West Adams St.	5–3387
Miami	FCAB	117 Northeast 1st Ave.	3–6501
Orlando	FCAB	307 South Orange Ave.	7126
Pensacola	FCAB	American National Bank Bldg.	6179
Tampa	FCAB	Wallace S. Bldg.	M–8337
West Palm Beach	FCAB	Citizens Bldg.	6478
Georgia:			
Albany	FCAB	Albany Theatre Bldg.	1507
Atlanta	FCAB	Trust Co. of Georgia Bldg.	Walnut 3821
Augusta	FCAB	Herald Bldg.	2–5506
Columbus	FCAB	Hill Bldg.	3–6381
Macon	FCAB	616 Mulberry St.	3336
Savannah	FCAB	35 Bull St.	2–3179
Waycross	FCAB	Bunn Bldg.	20
Idaho:			
Boise	FCAB	First National Bank Bldg.	159
Pocatello	FCAB	Carlson Bldg.	40
Illinois:			
Aurora	WAIC	Terminal Bldg.	9168–9169
Bloomington	WAIC	114½ North Main St.	6668–5
Carbondale	WAIC	Carbondale National Bank Bldg.	Main 600
Centralia	WAIC	Smith Bldg.	2485
Champaign	WAIC	Lincoln Bldg.	2400
Chicago	WAIC	175 West Jackson Blvd.	Wabash 6000
Danville	UAC	Temple Bldg.	Main 2287
Decatur	WAIC	Citizens Bldg.	5383
East St. Louis	WAIC	Goldman Bldg.	Hemlock 300
Galesburg	WAIC	Bondi Bldg.	1011 Main
Joliet	UAC	Morris Bldg.	5466

List of offices of loss and salvage organizations—Continued

City and State	Organization	Office location	Telephone No.
Illinois—Continued			
Kankakee	WAIC	City National Bank Bldg	Main 339
La Salle	WAIC	La Salle State Bank Bldg	La Salle 680
Marion	UAC	304 Market St	433
Peoria	UAC	Alliance Life Bldg	8139
Quincy	WAIC	W. C. U. Bldg	285
Rockford	UAC	Rockford Trust Bldg	Main 4099
Springfield	WAIC	Myers Bldg	4651
Waukegan	WAIC	108 South Genesee St	Majestic 1410
Indiana:			
Anderson	WAIC	Anderson Bank Bldg	8084
Bloomington	WAIC	Citizens Trust Bldg	2341
Evansville	WAIC	Hulman Bldg	5241–2–3
Fort Wayne	WAIC	Old First Bank Bldg	Anthony 1472
Gary	UAC	Gary Trust Bldg	5297
Greensburg	WAIC	Decatur County National Bank Bldg	4341
Hammond	WAIC	Lloyd Bldg	6030–6031
Indianapolis	UAC	Fletcher Trust Bldg	Market 1491
Kokomo	WAIC	Armstrong-Landon Bldg	7012
Lafayette	WAIC	Lafayette Loan & Trust Bldg	2277
Muncie	WAIC	Johnson Block	5527
New Albany	WAIC	Elsby Bldg	772
Richmond	WAIC	Second National Bank Bldg	4858
South Bend	UAC	Sherland Bldg	3–3126
Terre Haute	UAC	641 Ohio St	Crawford 2317
Vincennes	WAIC	LaPlante Bldg	740
Iowa:			
Burlington	WAIC	Tama Bldg	113
Cedar Rapids	UAC	Merchants National Bank Bldg	8352
Council Bluffs	WAIC	City National Bank Bldg	2589
Davenport	WAIC	Kahl Bldg	2–5371
Des Moines	WAIC	Liberty Bldg	3–8144
Dubuque	WAIC	Dubuque Bldg	990 and 978
Fort Dodge	UAC	State Bank Bldg	Walnut 3381
Mason City	UAC	Forresters Bldg	548
Ottumwa	WAIC	Phoenix Trust Bldg	3030
Sioux City	UAC	Badgerow Bldg	8–3720
Waterloo	UAC	Marsh Place Bldg	3337
Kansas:			
Dodge City	WAIC	First National Bank Bldg	1707
Great Bend	WAIC	Cox Bldg	289
Hutchinson	WAIC	Wolcott Bldg	375
Kansas City	WAIC	Occidental Life Bldg	Drexel 0660
Leavenworth	WAIC	Ayx Bldg	807
Norton	WAIC	611 North Grant St	740
Parsons	WAIC	1153½ South 18th St	917
Salina	WAIC	National Bank of America Bldg	475
Topeka	WAIC	Insurance Bldg	5684–5685
Wichita	UAC	Petroleum Bldg	4–7333
Kentucky:			
Ashland	WAIC	Second National Bank Bldg	Main 931
Bowling Green	WAIC	The Armory	787
Covington	WAIC	First National Bank Bldg	Hemlock 3313
Lexington	UAC	First National Bank Bldg	809
Louisville	WAIC	Starks Bldg	Jackson 5211
Madisonville	WAIC	108 North Main St	151
Middlesboro	WAIC	Peoples Bldg	73
Paducah	WAIC	Citizens Savings Bank Bldg	3618
Louisiana:			
Alexandria	FCAB	Guaranty Bank Bldg	7752
Baton Rouge	FCAB	Louisiana National Bank Bldg	3–1784
Lake Charles	FCAB	Weber Bldg	5780
Monroe	FCAB	Bernhardt Bldg	5000
New Orleans	FCAB	Maritime Bldg	MA 6881
Shreveport	FCAB	City Bank Bldg	2–7151
Maine:			
Bangor	FCAB	84 Harlow St	7348
Portland	FCAB	Masonic Temple Bldg	3–5095
Maryland:			
Baltimore	FCAB	Garrett Bldg	Plaza 0224
Cumberland	FCAB	Liberty Trust Bldg	1475
Hagerstown	FCAB	74 West Washington St	725
Salisbury	FCAB	Colonial Bldg	2220
Massachusetts:			
Boston	FCAB	141 Milk St	Hancock 6050
Boston	FCAB	Bay State Bldg	6050
Lawrence	FCAB	First National Bldg	6–8550
New Bedford	FCAB	1387 Main St	6–1836
Springfield	FCAB	310 Main St	3–8127
Worcester	FCAB	Woolworth Bldg	524

List of offices of loss and salvage organizations—Continued

City and State	Organization	Office location	Telephone No.
Michigan:			
Ann Arbor	WAIC	First National Bldg	2–5663, 5664
Battle Creek	WAIC	Michigan National Bank Bldg	2–6557
Bay City	WAIC	Bay City Bank Bldg	4524
Benton Harbor	WAIC	139 Pipestone St	6112
Dearborn	WAIC	Calvin Theatre Bldg	Dearborn 4400
Detroit	WAIC	National Bank Bldg	Cadillac 2932
Flint	WAIC	Union Industrial Bldg	2–3145, 3146
Grand Rapids	UAC	Assn. of Comm. Bldg	93108
Ishpeming	WAIC	Bell Bldg	467
Jackson	UAC	Jackson City Bank Bldg	5657
Kalamazoo	WAIC	American National Bank Bldg	6163–4
Lansing	UAC	Hollister Bldg	5–7283
Muskegon	WAIC	Hackley Union National Bank Bldg	23–181
Petoskey	WAIC	Achenbach Bldg	3581
Pontiac	UAC	Community Bank Bldg	2–5110
Port Huron	WAIC	Michigan National Bank Bldg	8141
Saginaw	WAIC	Second National Bank Bldg	2–2136, 2137
Traverse City	WAIC	State Bank Bldg	412
Minnesota:			
Brainerd	WAIC	Citizens State Bank Bldg	846
Duluth	WAIC	Lonsdale Bldg	Melrose 863, 864
Hibbing	UAC	Merchants & Miners Bank Bldg	2068
Mankato	WAIC	Medical Block Bldg	4022
Minneapolis	UAC	Northwestern Bank Bldg	Atlantic 0404
St. Paul	WAIC	Pioneer Bldg	Garfield 7405
Virginia	WAIC	First National Bank Bldg	600
Mississippi:			
Clarksdale	FCAB	McWilliams Bldg	426
Greenville	FCAB	Leyser Bldg	328
Gulfport	FCAB	Bank of Gulfport Bldg	346
Hattiesburg	FCAB	Ross Bldg	583
Jackson	FCAB	Standard Life Bldg	3–2446
Meridian	FCAB	Threefoot Bldg	1840
Tupelo	FCAB	Bank of Tupelo Bldg	1071
Missouri:			
Cape Girardeau	WAIC	110 Themis St	1488
Chillicothe	WAIC	601 Locust St	150
Independence	WAIC	First National Bank Bldg	Clifton 1777
Jefferson City	WAIC	Central Trust Bldg	2098
Joplin	UAC	Joplin National Bank Bldg	4124
Kansas City	UAC	Chambers Bldg	Harrison 3800
Springfield	WAIC	Landers Bldg	1401
St. Joseph	UAC	Corby Bldg	4–1151
St. Louis	WAIC	Pierce Bldg	Chestnut 9510
Montana:			
Billings	FCAB	Treasure State Bldg	3101
Butte	FCAB	Rialto Bldg	3281
Great Falls	FCAB	Ford Bldg	4329
Missoula	FCAB	Montana Bldg	5844
Nebraska:			
Grand Island	UAC	Masonic Bldg	578
Hastings	WAIC	Madgett Bldg	1113
Lincoln	UAC	Stuart Bldg	2–3267
Norfolk	WAIC	Bishop Block	506
North Platte	WAIC	Dickey Bldg	1568
Omaha	WAIC	Brandeis Theatre Bldg	Atlantic 6485
Scottsbluff	WAIC	Burr Bldg	323
Nevada:			
Reno	FCAB	25 East 1st St	5124
Las Vegas	FCAB	19 Boggs Bldg	1515
New Hampshire: Manchester	FCAB	1098 Elm St	5950
New Jersey:			8440
Asbury Park	FCAB	601 Bangs Ave	Journal Sq.
Jersey City	FCAB	20 Journal Square	2–3664
Newark	FCAB	31 Clinton St	Market 2–0322
Paterson	FCAB	5 Colt St	Sherwood 2–7234
New Mexico:			8838
Albuquerque	FCAB	Sunshine Bldg	238
Roswell	FCAB	J. P. White Bldg	328–J
Clovis	FCAB	708 Axtell Ave	
New York:			4–7181
Albany	FCAB	90 State St	2–4244
Binghamton	FCAB	19 Chenango St	Washington 0726
Buffalo	FCAB	Chamber of Commerce Bldg	6171
Elmira	FCAB	Hulett Bldg	6–6202
Jamaica	FCAB	161–10 Jamaica Ave	7185
Jamestown	FCAB	Wellman Bldg	386
Malone	FCAB	30 West Main St	

List of offices of loss and salvage organizations—Continued

City and State	Organization	Office location	Telephone No.
New York—Continued			
New York	FCAB	116 John St	Cortland 7–4074
Niagara Falls	FCAB	United Office Bldg	3986
Poughkeepsie	FCAB	25 Market St	2926
Rochester	FCAB	Lincoln Alliance Bank Bldg	Stone 817
Syracuse	FCAB	O. C. S. B. Bldg	2–2117
Utica	FCAB	First National Bank Bldg	2–5151
White Plains	FCAB	31 Mamaroneck Ave	9500
North Carolina:			
Asheville	FCAB	Flat Iron Bldg	2368
Charlotte	FCAB	Commercial Bank Bldg	3–3761
Goldsboro	FCAB	Bank of Wayne Bldg	232
Greensboro	FCAB	Dixie Bldg	2–0177
Raleigh	FCAB	Capital Club Bldg	2–2041
Wilmington	FCAB	Murchison Bldg	4119
Winston-Salem	FCAB	Reynolds Bldg	3–3316
North Dakota:			
Bismark	WAIC	First National Bank Bldg	469
Fargo	WAIC	First National Bank Bldg	2–2509
Grand Forks	WAIC	Widlund Block	1360
Minot	WAIC	First National Bank Bldg	851
Ohio:			
Akron	WAIC	Akron Savings & Loan Bldg	Franklin 4147–48
Ashtabula	WAIC	4635 Main Ave	6565
Cambridge	WAIC	Central National Bank Bldg	2205
Canton	WAIC	Renkert Bldg	6361–62
Cincinnati	UAC	Schmidt Bldg	Main 4830
Cleveland	UAC	Swetland Bldg	Cherry 5671
Columbus	WAIC	Huntington National Bank Bldg	Adams 3285
Dayton	UAC	Mutual Home Bldg	Fulton 5153
Defiance	WAIC	Savings & Loan Bldg	304
Findlay	WAIC	First National Bank Bldg	307
Hamilton	WAIC	First National Bank Bldg	1716
Lorain	WAIC	Broadway Bldg	6921–22
Mansfield	WAIC	Richland Trust Co. Bldg	2467–6
Marion	UAC	118 South State St	2249
Portsmouth	WAIC	Masonic Temple	1696
Sandusky	WAIC	Feick Bldg	1407
Springfield	WAIC	Tecumseh Bldg	3727
Steubenville	WAIC	National Exchange Bank Bldg	21265
Toledo	UAC	Richardson Bldg	Main 6245
Youngstown	WAIC	Mahoning Bank Bldg	4–2151–52
Oklahoma:			
Ada	FCAB	Cummings Bldg	1420
Ardmore	FCAB	Gilbert Bldg	499
Clinton	FCAB	First National Bank Bldg	630
Lawton	FCAB	Koehler Bldg	3374
McAlester	FCAB	Arnote Bldg	1276
Muskogee	FCAB	Barnes Bldg	2420
Oklahoma City	FCAB	Mercantile Bldg	3–1406
Ponca City	FCAB	First National Bank Bldg	511
Tulsa	FCAB	Hunt Bldg	4–4176
Oregon:			
Eugene	FCAB	Miner Bldg	2167
Klamath Falls	FCAB	First National Bank Bldg	4144
Portland	FCAB	Yeon Bldg	Broadway 3545
Pennsylvania:			
Allentown	FCAB	Dime Bldg	9585
Altoona	FCAB	Central Trust Bldg	9411
Du Bois	FCAB	Deposit National Bank Bldg	304
Erie	FCAB	Marine National Bank Bldg	26–797
Harrisburg	FCAB	240 North 3d St	8277
Hazleton	FCAB	Markle Bank Bldg	4094
Philadelphia	FCAB	The Insurance Exchange	Lombard 0653
Pittsburgh	FCAB	Arrott Bldg	Court 3980
Reading	FCAB	Gunster Bldg	4–5171
Scranton	FCAB	125 Adams Ave	7247
Wilkes-Barre	FCAB	Miners National Bank Bldg	2–5161
Williamsport	FCAB	First National Bank Bldg	4035
Rhode Island: Providence	FCAB	Turks Head Bldg	Gaspee 9721
South Carolina:			
Charleston	FCAB	Southern Home Bldg	7776
Columbia	FCAB	Liberty Life Bldg	6045
Florence	FCAB	Florence Trust Co. Bldg	1775
Greenville	FCAB	Woodside Bldg	4670
South Dakota:			
Aberdeen	UAC	Capital Bldg	3045
Huron	WAIC	Farmers & Merchants Bank Bldg	3434
Rapid City	WAIC	Rapid City National Bank Bldg	346
Sioux City	WAIC	National Bank of South Dakota Bldg	211
Watertown	WAIC	Woolworth Bldg	524

List of offices of loss and salvage organizations—Continued

City and State	Organization	Office location	Telephone No.
Tennessee:			
Chattanooga	FCAB	Provident Life Bldg	6–6434
Jackson	FCAB	Commercial Bldg	3949
Knoxville	FCAB	Hamilton Bank Bldg	3–0441
Memphis	FCAB	Sterick Bldg	5–2781
Nashville	FCAB	Nashville Trust Bldg	5–2708
Texas:			
Abilene	FCAB	Mims Bldg	6251
Amarillo	FCAB	Oliver-Eakle Bldg	2–2234
Austin	FCAB	Norwood Bldg	8–6468
Beaumont	FCAB	Goodhue Bldg	4005
Bryan	FCAB	First State Bank Bldg	2–8765
Corpus Christi	FCAB	Jones Bldg	7737
Dallas	FCAB	Liberty Bank Bldg	7–0901
El Paso	FCAB	Bassett Tower Bldg	Main 1172
Fort Worth	FCAB	Petroleum Bldg	2–3295
Harlingen	FCAB	Rio Grande Bldg	383
Houston	FCAB	Esperson Bldg	Charter 4–5933
Lubbock	FCAB	1312½ Avenue J	7463
Midland	FCAB	Thomas Bldg	1658
Paris	FCAB	First National Bank Bldg	1720
Port Arthur	FCAB	Adams Bldg	2–4231
San Angelo	FCAB	2213 Houston St	4671
San Antonio	FCAB	Gibbs Bldg	CA–6351
Texarkana	FCAB	Texarkana National Bank Bldg	1346
Tyler	FCAB	Citizens National Bank Bldg	4736
Waco	FCAB	Professional Bldg	44
Wichita Falls	FCAB	Waggoner Bldg	15
Utah:			6940
Ogden	FCAB	Eccles Bldg	7787
Salt Lake City	FCAB	Walker Bank Bldg	3–3928
Vermont: Rutland	FCAB	126 Merchants Row	2025
Virginia:			
Bristol	FCAB	112 Piedmont Ave	1047
Danville	FCAB	Masonic Bldg	2847
Harrisonburg	FCAB	The National Bank Bldg	784
Lynchburg	FCAB	Allied Arts Bldg	1249
Newport News	FCAB	Chapin Bldg	6–1626
Norfolk	FCAB	Citizens Bldg	4–8331
Richmond	FCAB	American Bldg	7–3521
Roanoke	FCAB	Boxley Bldg	5589
Washington:			
Seattle	FCAB	Colman Bldg	Main 4244
Spokane	FCAB	Mohawk Bldg	Main 3136
Tacoma	FCAB	Washington Bldg	Broadway 2228
Yakima	FCAB	Larson Bldg	6109
West Virginia:			
Beckley	FCAB	Raleigh County Bank Bldg	5941
Bluefield	FCAB	Bradmann Bldg	1896
Charleston	FCAB	Peoples Exchange Bldg	Capital 30–161
Clarksburg	FCAB	Union Bank Bldg	605
Huntington	FCAB	West Virginia Bldg	28366
Wheeling	FCAB	Riley Law Bldg	1856
Wisconsin:			
Appleton	WAIC	Gloudemans Bldg	7900
Eau Claire	WAIC	Market Square Bldg	21653
Fond du Lac	UAC	National Exchange Bank Bldg	5006
Green Bay	WAIC	Columbus Bldg	Adams 241
La Crosse	WAIC	Exchange Bldg	2270
Madison	WAIC	Insurance Bldg	Badger 978
Milwaukee	UAC	611 North Broadway	Daly 0672
Racine	WAIC	423 Main St	Prospect 2444
Rhinelander	WAIC	Merchants State Bank Bldg	1122
Wausau	WAIC	First American State Bank Bldg	7474
Wyoming:			
Casper	FCAB	101 West 1st St	45
Cheyenne	FCAB	Boyd Bldg	4011
Rock Springs	FCAB	Rock Springs National Bank Bldg	32
Thermopolis	FCAB	Mountain States Power Bldg	271

§ 804.499 *Extension of policy period endorsement for workmen's compensation and employers' liability policy.*

Amending Policy Numbered ------

It is **agreed that:**

1. Item 2 of the Declarations is amended to read:

Policy Period: From ------- to ------- 19--, 12:01 **A. M.**, standard time, at the address stated in Item 1, but if the operations in connection with the project insured have not been completed by the date stated above as the end of the policy period such date is amended, as of such time, to be a date two years beyond said date and suc-

cessive similar amendments are likewise made, severally effective as of the last previous date fixed for the end of the policy period, until a date is so fixed for the end of the policy period which is beyond the time the said operations have been completed.

2. Paragraph 6 of the ---------- Insurance Rating Plan Endorsement is deleted and the following substituted therefor:

Within 60 days after the date two years from the effective date of the policies the company shall compute the aggregate amount of modified losses plus all allocated claim expenses times the tax multiplier and the aggregate fixed charge times the tax multiplier and the aggregate earned standard premium (all based upon the insurance in effect for the two-year period), and a preliminary settlement of premium shall be made.

Subsequent cumulative settlements of premium shall be made within 60 days after the anniversary, as of each annual anniversary of the date two years from the effective date of the policies (each based upon modified losses, allocated claim expenses, tax multipliers, the aggregate fixed charge and the aggregate earned standard premium for the entire period of insurance up to the last anniversary), so long as the policies remain in effect.

Within 60 days after termination of the policies the company shall compute the aggregate amount of modified losses plus all allocated claim expenses times the tax multiplier, the aggregate fixed charge times the tax multiplier and the aggregate earned standard premium (all based upon the entire period of insurance), and a cumulative preliminary settlement of premium shall be made.

§ 804.499–1 *Extension of policy period endorsement for general liability policy and automobile liability policy.*

Amending Policy Numbered ------

It is agreed that Item 2 of the Declarations is amended to read:

Policy Period: From --------- to ------- 19.. 12:01 A. M., standard time, at the address stated in Item 1, but if the operations in connection with the project insured have not been completed by the date stated above as the end of the policy period such date is amended, as of such time, to be a date two years beyond said date and successive similar amendments are likewise made, severally effective as of the last previous date fixed for the end of the policy period, until a date is so fixed for the end of the policy period which is beyond the time the said operations have been completed.

[Procurement Reg. 5]

PART 805—FOREIGN PURCHASES

Sec.

805.501 Rescission of regulations.
805.502 Buy American Act.
805.503 Applicable only to food and clothing.
805.504 Procedure for complying with the Acts.
805.505 Clearance through Customs.
805.506 Drawback.
805.507 Marking of shipments.
805.509 Purchases from Canadian suppliers.
805.510 War Production Policy for Canada and the United States.

§ 805.501 *Rescission of regulations.* Army Regulations 5–340, August 10, 1936, as amended, and all other prior directives and instructions relating to the Buy American Act and foreign purchases are hereby rescinded.

§ 805.502 *Buy American Act.* Quoted.

SEC. 1. That when used in this title—

(*a*) The term "United States", when used in a geographical sense, includes the United States and any place subject to the jurisdiction thereof;

(*b*) The terms "public use", "public building", and "public work" shall mean use by, public building of, and public work of, the United States, the District of Columbia, Hawaii, Alaska, Puerto Rico, the Philippine Islands, American Samoa, the Canal Zone, and the Virgin Islands.

SEC. 2. Notwithstanding any other provision of law, and unless the head of the department or independent establishment concerned shall determine it to be inconsistent with the public interest, or the cost to be unreasonable, only such unmanufactured articles, materials, and supplies as have been mined or produced in the United States, and only such manufactured articles, materials, and supplies as have been manufactured in the United States substantially all from articles, materials, or supplies mined, produced, or manufactured, as the case may be, in the United States, shall be acquired for public use. This section shall not apply with respect to articles, materials, or supplies for use outside the United States, or if articles, materials, or supplies of the class or kind to be used or the articles, materials, or supplies from which they are manufactured are not mined, produced, or manufactured, as the case may be, in the United States in sufficient and reasonably available commercial quantities and of a satisfactory quality.

SEC. 3. (*a*) Every contract for the contruction, alteration, or repair of any public building or public work in the United States growing out of an appropriation heretofore made or hereafter to be made shall contain a provision that in the performance of the work the contractor, subcontractors, material men, or suppliers, shall use only such unmanufactured articles, materials, and supplies as have been mined or produced in the United States, and only such manufactured articles, materials, and supplies as have been manufactured in the United States substantially all from articles, materials, or supplies mined, produced, or manufactured, as the case may be, in the United States except as provided in section 2: *Provided, however,* That if the head of the department or independent establishment making the contract shall find that in respect to some particular articles, materials, or supplies it is impracticable to make such requirement or that it would unreasonably increase the cost, an exception shall be noted in the specifications as to that particular article, material, or supply, and a public record made of the findings which justified the exception.

(*b*) If the head of a department, bureau, agency, or independent establishment which has made any contract containing the provision required by subsection (*a*) finds that in the performance of such contract there has been a failure to comply with such provisions, he shall make public his findings, including therein the name of the contractor obligated under such contract, and no other contract for the construction, alteration, or repair of any public building or public work in the United States or elsewhere shall be awarded to such contractor, subcontractors, material men, or suppliers with which such contractor is associated or affiliated, within a period of three years after such finding is made public. * * * Title III, Act March 3, 1933 (47 Stat. 1520; 41 U. S. C. 10a, b, and c; M. L., 1939, sec. 742).

§ 805.502–1 *Restriction created by Appropriation Act.* (a) The Military Appropriation Act, 1945, approved June 28, 1944 (Public Law 374—78th Congress) contains a proviso that no part of any appropriation contained in that Act "shall be available for the procurement of any article of food or clothing not grown or produced in the United States or its possessions, except to the extent that the Secretary of War shall determine that articles of food or clothing grown or produced in the United States or its possessions cannot be procured of satisfactory quality and in sufficient quantities and at reasonable prices as and when needed, and except procurements by vessels in foreign waters and by establishments located outside the continental United States, except the Territories of Hawaii and Alaska, for the personnel attached thereto."

(b) The restriction created by the provision quoted in paragraph (a) will, for convenience, be referred to hereafter as the appropriation restriction.

§ 805.503 *Applicable only to food and clothing.* The Secretary of War has authority, subject to certain limitations, to make exemptions from both the Buy American Act and the appropriation restriction. Under date of March 13, 1942, the Under Secretary of War exempted from the provisions of the Buy American Act everything except certain articles of food and clothing. The appropriation restriction is applicable only to food and clothing. Hence, preference for domestic over foreign items, may be completely disregarded with respect to items other than food and clothing.

§ 805.503–1 *Exempt items of food and clothing.* In addition to exempting from the Buy American Act, all items other than food and clothing, the Under Secretary of War has exempted from both the Buy American Act and the appropriation restriction certain types of food and clothing. These are set forth in the succeeding sections.

§ 805.503–2 *Canadian purchases.* All items of food or clothing which have been mined, produced or manufactured, as the case may be, in the Dominion of Canada have been exempted.

§ 805.503–3 *Items of food and clothing exempt without regard to country of origin.* The following items of food and clothing have been exempted without regard to country of origin.

Bananas.	Fish oils.
Brazil Nuts.	Flour.
Canned corned beef.	Green olives.
Canned roast beef.	Molasses.
Chewing gum.	Orange and lemon peel.
Chocolate.	Spices.
Cigars.	Sugar.
Citron.	Tapioca.
Cocoa.	Tea.
Coffee.	Vanilla.
Dried beans.	Wheat.
Dried peas.	

§ 805.503–4 *Items of food exempt when purchased from specified countries.* The following items of food have been exempted when purchased from the countries specified.

Canned fish—Mexico.
Fish fillet—Bahama Islands.
Fresh fish—Mexico and Iceland.
Frozen fish—Iceland.
Fresh fruits—Cuba, Mexico and Puerto Rico.
Fresh vegetables—Cuba, Mexico and Puerto Rico.
Guava puree—Cuba.
Guava concentrate—Cuba.

§ 805.503–5 *Exemption of certain types of clothing.* It has been determined by the Under Secretary of War that clothing shall not be subject to the restrictions of the Buy American Act or the appropriation restriction merely because it has been manufactured from one of the following materials produced abroad.

Asbestos.	Mohair.
Cork.	Rayon.
Cotton linters	Rubber.
Cotton, long staple.	Silk.
Flax.	Sisal.
Hexseed.	Tanning materials.
Hemp	Hides (and skins).
Jute, unmanufactured.	Hog bristles.
Kapok.	Jute burlaps.
Leather.	Wool
Manila fiber.	

§ 805.503–6 *Contract clause.* The contract clause set forth in § 803.327, will be inserted in all contracts for food or clothing except contracts for the items of food or clothing enumerated in §§ 805.503–2 to 805.503–5.

§ 805.504 *Procedure for complying with the acts.* In making purchases of articles of food or clothing which are still subject to the restrictions of the "Buy American" Act, or any cognate act, the chief of the technical service concerned should make every effort to satisfy his requirements for such articles out of domestic production. In any case where the chief of the technical service finds it essential to purchase articles of food or clothing of foreign production, a recommendation should be submitted to the Director, Purchases Division, Headquarters, Army Service Forces.

§ 805.505 *Clearance through customs.* The procedure for clearing through customs materials imported by the War Department is set forth in detail in Circular No. 407, War Department, 1942. That circular also describes the circumstances under which such materials may be admitted free of duty. All personnel concerned with procurement of materials abroad should familiarize themselves with the contents of the circular.

§ 805.505–1 In connection with Circular No. 407, attention is invited to the following points:

(a) Except as indicated in paragraph (b) below, materials imported by the War Department will be consigned to the War Department or to an official of the War Department acting in his official capacity (where necessary or convenient, in care of a commercial plant or firm). In such cases the bill of lading or carrier's certificate will show the War Department or an official of the War Department as consignee.

(b) War Department Lend-Lease materials imported through an inland border point and destined to a United States port for waterborne export will be consigned as follows:

To War Shipping Administrator, as principal, for account of ----------
(Authorized agency of Lend-Lease government)

Send arrival notices to ----------
(Name and address of appropriate War Shipping Administration forwarding corporation at port of export)
and
United States Army Port Agency

(Address and port of export)

The carrier's certificate will show the War Department as owner or consignee of the materials.

(c) Materials consigned as indicated in paragraph (a) or (b) of this section will not be held at ports of entry for the filing of entry papers, but in all cases entries will be prepared as soon after release as possible and filed at the ports of entry. Materials so consigned will in no instance be forwarded in bond.

(d) All entries of materials imported by the War Department will be made in the name of the War Department.

(e) In the event materials held in customs bonded warehouse at a point within the United States are purchased by the War Department, the warehouse withdrawal will be properly endorsed to show the War Department as authorized to make withdrawal, and the withdrawal from warehouse will be made in the name of the War Department.

§ 805.506 *Drawback.*

§ 805.506–1 *Provisions of Tariff Act.* Under the provisions of the Tariff Act of 1930 (see Chapter 4, Title 19, U. S. Code) it is provided that under certain circumstances the amount of customs duties paid on merchandise imported shall be refunded as a "drawback". The most usual circumstance under which this right arises is when there are exported out of the United States articles which were manufactured or produced in the United States with the use of merchandise imported from abroad. It is provided that the full amount of the duties paid on the merchandise so used, less 1% of such duties, shall be refunded as a "drawback".

§ 805.506–2 *Customs regulations.* The problem frequently arises as to who is entitled to claim the drawback. Assume, for example, that an importer manufactures with the imported merchandise an end product which he sells to an exporter. Under the act referred to in § 805.506–1, someone is entitled to a refund of the import duties. The rule for determining whether the manufacturer or the exporter is entitled to this refund is stated in Article 1070 of the Customs Regulations. This regulation provides that a manufacturer of articles with respect to which there is a right to a drawback is not entitled to the drawback unless, on the sale or consignment of the articles, he has reserved to himself the right to claim the drawback and produces evidence that such reservation was made with the knowledge and consent of the exporter.

§ 805.506–3 *Purchase price to include custom duties.* Whenever the Government purchases articles, with respect to which there might arise a claim to a drawback, the price paid shall include the customs duties, and accordingly the manufacturer will have no claim to a drawback.

§ 805.507 *Marking of shipments.*

§ 805.507–1 All materials procured abroad will be marked as prescribed in memorandum issued under date of June 1, 1943, by the Office of The Adjutant General, file 400.161 (5–19–43 OB–S–SPMOT–M), except that materials imported through an inland border point and destined for an interior point within the United States will be marked as prescribed in § 805.507–2.

§ 805.507–2 In all cases of materials imported through an inland border point and destined for an interior point within the United States, each container included in a less than carload lot (LCL), less than truck load lot (LTL), express, parcel post, or other shipment where markings are required will be marked to indicate that the U. S. War Department or an official of the U. S. War Department acting in an official capacity is the consignee.

§ 805.509 *Purchases from Canadian suppliers.*

§ 805.509–1 *No contracts to be made directly.* The technical services shall not directly enter into contracts with contractors domiciled in the Dominion of Canada for the delivery of supplies to be produced in Canada. All such contracts will be entered into with War Supplies Limited through its Washington representatives, or, under the circumstances set forth in § 805.509–9, with North West Purchasing Limited. Such corporation will then arrange with the Canadian Department of Munitions and Supply for the purchase by that Department from Canadian contractors of the supplies covered by the contracts between the War Department and War Supplies Limited or North West Purchasing Limited, as the case may be.

§ 805.509–2 *War Supplies Limited.* War Supplies Limited is a corporation wholly owned and controlled by the Government of Canada and created under the laws of the Dominion of Canada with its principal office in the city of Ottawa, Province of Ontario. A Washington office is maintained at 1235 Fifteenth Street, N. W., (Marshall Building), telephone Executive 2020, Extensions 120, 121, 196 and 556. The representatives of the Corporation in Washington are Mr. F. G. Rounthwaite, President, and Acting General Manager and Mr. D. C. Cullen, Treasurer and Assistant Secretary.

§ 805.509–3 *Purpose of organization of War Supplies Limited.* At the time that War Supplies Limited was organized it was recognized that if the various agencies of this government were to purchase directly from Canadian manufacturers competition for supplies produced in Canada would arise between this government and the Canadian government. The result would, in all probability, be that both governments would be obliged to pay more for the supplies so obtained than would otherwise be necessary.

Such competition likewise would give rise to complications with respect to the precedence of the two governments with regard to the production of Canadian plants. It was also recognized that unless orders for the account of the United States government were placed through some agency of the Canadian government, the control over costs and profits which the Canadian Government exercises would not be effective with regard to orders so placed by this government. Accordingly War Supplies Limited was organized to centralize purchases by this government from Canadian manufacturers.

§ 805.509–4 *Procedure for negotiating contract.* If practicable, arrangements should be made through War Supplies Limited to have a representative of the subcontractor, who, it is contemplated, will actually produce the item desired, present in Washington to participate in the negotiation of the contract. In this way the prime contract and the contract with the producer can be prepared simultaneously.

§ 805.509–5 *Administration of contract.* On matters pertaining to contracts with War Supplies Limited, contact should be had with said corporation and not with the Canadian subcontractor. The only exception to this would be in those cases where the technical service is represented at the plant through inspectors or other officers, in such instances communication with the subcontractor through the resident representative is in order on inspection and technical matters. Payment checks should be issued to War Supplies Limited and addressed to that corporation at its Washington office.

§ 805.509–6 *Contract form.* The contract form set forth in § 813.1313 should be used for executing supply contracts with War Supplies Limited, subject to such additions and deletions as may be necessary in any particular case. It will be noted that no provision relative to progress or advance payment is made in the form. This matter will be considered individually in each case. In accordance with § 805.505 no duty will be paid and accordingly no duty should be included in the purchase price. If it is necessary in a particular case, there may be added to the contract form a statement to the effect that the United States Government will pay any duties necessarily imposed for the entrance of articles into the United States.

§ 805.509–7 *Guarantee by Canadian Government.* The Canadian Government, through its Secretary of State for External Affairs, has guaranteed to the United States Government all commitments, obligations and covenants which War Supplies Limited may give to any department or agency of the United States Government in connection with any contracts or orders which may be given to said corporation by any department or agency of the United States Government. The Canadian Government has likewise waived notice of any change or modification which may be made from time to time in these commitments, obligations or covenants.

§ 805.509–8 *Excess profits on contracts with War Supplies Limited.* In a letter dated September 10, 1942, addressed to the Under Secretaries of War and Navy and to the Chairman of the Maritime Commission, War Supplies Limited, stipulated in part as follows:

> All contracts with the War Department will be treated collectively and not individually, and if the aggregate profits realized by private corporations under such contracts are in excess of ten percent of cost, the amount of the excess will be refunded.
>
> . . . . .
>
> The Canadian Government will not make any profit on the aggregate of the transactions. However, it is understood that any losses to the Canadian Government on individual contracts may be recovered out of profits realized on other contracts.

The standard renegotiation clause will not be included in contracts with War Supplies Limited.

§ 805.509–9 *Purchases in Canadian Northwest.* (a) In the past, contracts with suppliers domiciled in the Dominion of Canada for the purchase of materials, machinery, machine tools, and equipment necessary for the construction and maintenance of War Department projects in the Canadian Northwest, including the Alcan highway and associated projects, were not normally made direct with the suppliers but with North West Purchasing Limited, a Canadian Crown Company incorporated by the Canadian Department of Munitions and Supply.

(b) As of August 31, 1944 North West Purchasing Limited ceased to exist as a Crown Company.

(c) Accordingly, future contracts of the type described in paragraph (a) above will be entered into with the suppliers and not with North West Purchasing Limited. Normally, however, the agency of the Department of Munitions and Supply located at Edmonton, Alberta, will be given advance notice of required purchases and will allocate and negotiate the contracts. In unusual cases clearance through the agency of the Department of Munitions and Supply may be dispensed with, under such regulations as may be issued by the Commanding General, Northwest Service Command. See also §§ 812.1205–4 and 812.1291–1.

§ 805.510 *War production policy for Canada and the United States.* Having regard to the fact that Canada and the United States are engaged in a war with common enemies, the President of the United States and the Canadian War Cabinet have, upon the recommendation of the Joint War Production Committee of Canada and the United States, approved a declaration of policy calling for a combined, all-out war production effort and the removal of any barriers standing in the way of such a combined effort. Such declaration of policy follows:

> Victory will require the maximum war production in both countries in the shortest possible time; speed and volume of war output, rather than monetary cost, are the primary objectives.
>
> An all-out war production effort in both countries requires the maximum use of the labor, raw materials and facilities in each country.
>
> Achievement of maximum volume and speed of war output requires that the production and resources of both countries should be effectively integrated, and directed towards a common program of requirements for the total war effort.
>
> Each country should produce those articles in an integrated program of requirements which will result in maximum joint output of war goods in the minimum time.
>
> Scarce raw materials and goods which one country requires from the other in order to carry out the joint program of war production should be so allocated between the two countries that such materials and goods will make the maximum contribution toward the output of the most necessary articles in the shortest period of time.
>
> Legislative and administrative barriers, including tariffs, import duties, customs and other regulations or restrictions of any character which prohibit, prevent, delay or otherwise impede the free flow of necessary munitions and war supplies between the two countries should be suspended or otherwise eliminated for the duration of the war.
>
> The two Governments should take all measures necessary for the fullest implementation of the foregoing principles.

§ 805.510–1 The President of the United States has directed the affected departments and agencies of the Government to abide by the letter and spirit of the foregoing policy so far as lies within their power. It is directed that the chief of each technical service wholeheartedly cooperate in an effort to make such policy effective in action. Manufacturing facilities available in the United States and in Canada should be placed upon an equal basis so far as awards of production orders are concerned, having in mind that time is of the essence and that, other things being equal, production of essential war materials at the earliest practicable date is the immediate aim of the Army Service Forces.

§ 805.510–2 Under the provisions of the Act of March 3, 1933 (see § 805.502), it has been determined by the Under Secretary of War to be inconsistent with the public interest to limit procurement of essential defense articles to those manufactured, mined or produced within the United States.

[Procurement Reg. 6]

PART 806—INTERBRANCH AND INTERDEPARTMENTAL PURCHASES

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SUBPART A—GENERAL

§ 806.601 *Rescission of regulations.* Army Regulations 5–300, December 10, 1936, as amended; Army Regulations 5–320, October 10, 1936, as amended; and all other prior directives and instructions relating to interbranch and interdepartmental procurement inconsistent herewith are hereby rescinded.

§ 806.602 *Definitions.*

§ 806.602–1 *Procurement.* The term "procurement" as used in this part refers to the procedure necessary to obtain a given item or class of items and includes the execution of the following functions:

(a) *Specification (Abbr. Spec.)* This function involves the responsibility for the preparation or supply of specifications in accordance with the provisions of AR 850–25 to be used in the procurement of the item or items. Specifications will be such as to provide items meeting the approved military characteristics. For items not covered by military characteristics, specifications will be such as to provide items meeting the technical requirements of the using arms and services and the services interested therein by virtue of their missions.

(b) *Determination of requirements (Abbr. Reqs.).* This function involves the determination by a technical service of its own requirements as well as the requirements of the using arms for which the technical service is responsible under existing Army Regulations. When only one service is indicated as having responsibility for determination of requirements for an item it shall be understood that said service is responsible for consolidating the requirements of all arms and services.

(c) *Provision of funds (Abbr. Funds).* This function involves the preparation of estimates, defense of estimates, and custody of funds.

(d) *Purchase (Abbr. Pur.)* This function consists of contracting for a given item or class of items or manufacturing such items in Government-owned establishments under the jurisdiction of a technical service, and includes final acceptance.

(e) *Inspection (Abbr. Insp.).* This function consists of making the inspections necessary for final acceptance of any item from the contractor.

§ 806.602–2 *Interbranch and interdepartmental procurement.* The term "interbranch procurement" refers to the procurement of items by one technical service for another technical service. The term "interdepartmental procurement" refers to the purchase of items by one department or agency of the government from another department or agency thereof.

SUBPART B—INTERBRANCH PROCUREMENT

§ 806.603 *Authority of Procurement Assignment Board.* The Procurement Assignment Board, Headquarters, Army Service Forces, is authorized to assign responsibility for all functions of procurement enumerated in § 806.602–1 in regard to any item or class of items subject to the following limitation: Prior to the assignment by the Procurement Assignment Board of the "specification" function the Board will obtain the concurrence of the Production Division, Headquarters, Army Service Forces, and prior to the assignment of the "provision of funds" function the Board will obtain the concurrence of the Budget Officer for the War Department. The Director of the Production Division and the Budget Officer will each designate a representative to participate in meetings of the Procurement Assignment Board. With respect to a given item or class of items all functions may be assigned to one technical service or apportioned among different technical services. Unless and until action is taken by the Procurement Assignment Board the responsibility for the performance of the functions enumerated in § 806.602–1 in respect to an item or class of items will remain with the technical service or technical services exercising such responsibility.

§ 806.603–1 *Army Air Forces.* When action by the Board is to be taken in regard to an item in which the Army Air Forces have a substantial interest, it will be understood that the Army Air Forces will be given an opportunity to be heard on the matter, and that if the Army Air Forces disagree with any action proposed to be taken by the Procurement Assignment Board, an effort will be made by the Board to reconcile the disagreement by a conference with a representative designated by the Commanding General, Army Air Forces; and that in the event a satisfactory agreement cannot be reached in this manner, the Board and the representative of the Army Air Forces will jointly prepare a brief setting forth their respective views on the matter, which brief will be submitted to the Under Secretary of War, who will make the final decision.

§ 806.603–2 *Purchase of an item by other than the service assigned such responsibility.* (a) Purchase of item shall be made by the services assigned responsibility for purchase of such item except under the circumstances indicated in paragraph (b), (c) and (d) of this section.

(b) When an item is required within a brief period of time and, in the judgment of the service requiring it, cannot be provided in such time by the service having responsibility for purchasing it, the item may be purchased by the requiring service: *Provided, however,* That in connection with emergency purchases of paper and paper products, the procedure established in paragraph 8, War Department Supply Bulletin SB 10–8, 1945, will be observed.

(c) Purchase may be made by a service other than the service to which responsibility for purchase of an item has been assigned, if the latter service has granted authority. This may be done by the issuance of general instructions or by consent granted with respect to a specific transaction.

(d) When items are purchased on behalf of a lump sum contractor on the understanding that an appropriate reduction will be made in the contract price, or when an item is purchased for a cost-plus-a-fixed-fee contractor which would normally be obtained by the cost-plus-a-fixed-fee contractor itself, purchase may be effected by a service other than the service having responsibility for purchasing the item.

(e) In the event that any purchase made pursuant to paragraph (b) above involves an expenditure in excess of $5,000, a prompt report of the transaction will be made to the chief of the technical service having responsibility for the purchase of the item and a copy of such report will be sent to the Procurement Assignment Board, Headquarters, Army Service Forces.

(f) Purchases made pursuant to the provisions of this paragraph will be subject to the applicable restrictions concerning local purchases and purchases of restricted or prohibited items. See § 811.1187 et seq.

§ 806.603–3 *Clearance of instructions with Board.* All instructions by Army Service Forces, Staff Divisions thereof, or Army Air Forces to be issued in War Department or Army Service Forces publications concerning:

(a) Transfer of any of the functions of procurement from one technical service to another or to or from the Army Air Forces, or

(b) Assumption of any of the functions of procurement by a technical service or the Army Air Forces;

shall be submitted for concurrence and clearance to the Procurement Assignment Board, Headquarters, Army Service Forces, before publication.

§ 806.603–5 *Transfer of responsibility for purchase.* When action by the Board centralizes the responsibility for the purchase of a given item or class of items in a technical service:

(a) Any other technical service having such an item or class of items on order will promptly compile and transmit to the service assigned such responsibility a list of all outstanding orders

for such items. These lists will indicate the following:

(1) Number and adequate description of items including specifications and applicable funds;

(2) Name and address of supplier;

(3) Unit price;

(4) Delivery dates;

(5) Status of deliveries, to be supplemented monthly;

(6) Contract or purchase order symbol; and

(7) Partial payments or advance payments already made.

(b) Unless both services agree that such transfer is undesirable, all existing contracts shall be transferred to the service to which responsibility for purchase has been assigned, effective upon a date mutually agreed upon by the participating services, but not later than 60 days after notification to the services by the Board of its action.

(c) Signed instruments and other contractual documents shall be delivered to the service to which responsibility for purchase has been assigned not later than the effective date determined in paragraph (b) of this section.

(d) The transfer shall be effeted by the execution by the original contracting service of a supplemental agreement changing the allotment number and making any other necessary changes, or by such other means as may be determined by the service to which responsibility for purchase has been assigned.

§ 806.603–6 *Procedure.* (a) All technical services requiring an item for which determinations of requirements and provisions of funds therefor have been assigned to another service, will assist the responsible technical service by furnishing to it statements of their requirements at such times as may be called for by the responsible technical service.

(b) The technical service or services having responsibility for determination of requirements will forward requisitions for requirements and allotment of applicable funds to the technical service having responsibility for purchase at such times and for such periods as may be specified by the latter.

(c) When circumstances warrant, requirements may be forwarded by the most expeditious method available through the service responsible for the determination of requirements to the service responsible for purchase, and will be confirmed by a formal requisition.

(d) Each requisition from a service responsible for determination of requirements and provision of funds will contain a certificate of availability of funds and citation of the applicable allotment number.

(e) Where items are assigned to a technical service other than the Medical Department for the requirements of the Army at large, the separate and additional requirements for such items for hospitals are not included therein. Determination of requirements and provision of funds for such separate and additional requirements for hospitals are the responsibility of the Medical Department.

§ 806.603–7 *Procurement within the United States for armed forces abroad.* It is to be noted that the action of the Procurement Assignment Board governs procurement within the United States for armed services abroad (see § 801.108–7). When an item is to be purchased for the armed forces abroad it should be purchased by the technical service to which responsibility for purchasing the item has been assigned by the Procurement Assignment Board.

§ 806.603–8 *Spare parts.* The assignments of responsibility for procurement of items or classes of items by the Procurement Assignment Board will be deemed to define in identical manner the responsibility for procurement of spare parts for all such items or classes of items, unless otherwise specifically indicated herein.

§ 806.604 *Report of actions of the Procurement Assignment Board.* (a) There is contained in Appendix I to these procurement regulations[1] a condensed record of the assignments made by the Board since the beginning of the calendar year 1942. Actions taken by the Board are reported in ASF circulars. From time to time, information as to such actions will be consolidated in the Appendix. Reference is made to the first page of the Appendix for a more complete statement as to what is covered therein.

(b) Certain actions of the Board are set forth in the sections immediately following. The Appendix, however, contains cross references to these sections.

§ 806.605 *Assignments made by Board.*

§ 806.605–1 *Assignment of fuel: charcoal, coal, coke, dust fuels, gas, gasoline, oil (fuel), wood, etc. (FSSC Class 7).*

Items	Spec.[1]	Req.	Funds	Pur.	Insp.
Gasoline with Octane Rating Higher than 80: All Uses. (This assignment covers but is not limited to the uses enumerated below, and assignments as to such uses are modified accordingly.)	AAF	AAF	AAF	AAF	AAF
Army Air Forces Aircraft. All fuels, except gasoline with octane rating higher than 80, which is covered above	AAF	AAF	AAF	AAF	AAF
Automotive, excluding fire apparatus, and vehicles required for construction activities of the Corps of Engineers:					
Gasoline	ORD	QMC	QMC	QMC	QMC
Fuel Oil Diesel	ORD	QMC	QMC	QMC	QMC
Railway:					
Gasoline	ORD	TC	TC	QMC	QMC
Fuel Oil	ORD	TC	TC	QMC	QMC
Fuel Oil Diesel	ORD	TC	TC	QMC	QMC
Coal, Coke, Firewood, etc	TC	TC	TC	QMC	TC
Marine, except for tactical equipment not operated by the Transportation Corps:					
Gasoline	ORD	TC	TC	QMC	QMC
Fuel Oil	ORD	TC	TC	QMC	QMC
Fuel Oil Diesel	ORD	TC	TC	QMC	QMC
Coal, Coke, Firewood, etc	TC	TC	TC	QMC	TC
Utility.—For Space Heating, Power, Incineration, Refrigeration, Utility Plants, Maintenance Equipment, Pumping, Fire Apparatus, Utility Shops, Cooking, Baking, Smithing, Water Heating, Process Steam, and incidental industrial uses (except for Manufacturing Arsenals, Manufacturing Depots, and for Technical Requirements at Proving Grounds):					
Gasoline	ORD	ENG	ENG	QMC	QMC
Fuel Oil	ORD	ENG	ENG	QMC	QMC
#1 Fuel Oil (Kerosene)	ORD	ENG	ENG	QMC	QMC
Coal, Coke, Charcoal, Dust Fuels, Firewood, etc	ENG	ENG	ENG	QMC	ENG
Gas, Natural or Mfgd	ENG	ENG	ENG	ENG	ENG
Construction, for activities of the Corps of Engineers:					
Gasoline	ORD	ENG	ENG	QMC	QMC
Fuel Oil	ORD	ENG	ENG	QMC	QMC
Coal, Coke, Charcoal, Dust Fuels, Firewood, etc	ENG	ENG	ENG	QMC	ENG
Gas, Natural or Mfgd	ENG	ENG	ENG	ENG	ENG
Manufacturing, for Arsenals, Manufacturing Depots, and for Technical Requirements at Proving Grounds, including all operational equipment:					
Gasoline	ORD	ALL	ALL	QMC	QMC
Fuel Oil	ORD	ALL	ALL	QMC	QMC
Coal, Coke, Charcoal, Dust Fuels, Firewood, etc	ALL	ALL	ALL	QMC	ALL
Gas, Natural or Mfgd	ENG	ALL	ALL	ALL	ALL
Fog Oil, and Incendiary Oil for Incendiary Bombs, Flame Throwers and Smoke	CWS	CWS	CWS	QMC	QMC
All Other Uses:					
Gasoline (All Types), 80 octane or less	ORD	QMC	QMC	QMC	QMC
Fuel Oil	ORD	QMC	QMC	QMC	QMC
Fuel Oil, Diesel	ORD	QMC	QMC	QMC	QMC
Coal, Coke, Charcoal, Dust Fuels, Firewood, etc	QMC	QMC	QMC	QMC	QMC

[1] The service or services (other than the Army Air Forces) assigned the function of "Specification" for the petroleum products listed above shall coordinate and clear this function with the War Department Committee on Liquid Fuels and Lubricants through the Fuels and Lubricants Division, Office of the Quartermaster General.

§ 806.605–2 *Assignment of boats, vessels and floating equipment (FSSC Class 9).*

Items	Spec.	Req.	Funds	Pur.	Insp.
All Boats, Vessels and Floating Equipment:					
Except those listed below	TC	TC	TC	TC	TC
Boats, Vessels and Floating Equipment:					
Required for river, harbor and fortification works in continental U.S.	ENG	ENG	ENG	ENG	ENG
Barrage Balloon Equipment:					
Boats, Power Driven BB	ENG	ENG	ENG	TC	TC
Boats, Catamaran BB	ENG	ENG	ENG	TC	TC
Barges, Double End BB	ENG	ENG	ENG	TC	TC
Barges, Power Driven BB	ENG	ENG	ENG	TC	TC

[1] Filed as part of the original document.

Items	Spec.	Req.	Funds	Pur.	Insp.
Corps of Engineers Tactical Equipment:					
Boats, Assault	ENG	ENG	ENG	ENG	ENG
Boats, Reconnaissance	ENG	ENG	ENG	ENG	ENG
Boats, Storm	ENG	ENG	ENG	ENG	ENG
Boats, Pneumatic	ENG	ENG	ENG	ENG	ENG
Boats, Power, Utility w/Trailer	ENG	ENG	ENG	ENG	ENG
Floats, Pneumatic	ENG	ENG	ENG	ENG	ENG
Pontons, Equipage	ENG	ENG	ENG	ENG	ENG
Corps of Engineers Construction Equipment:					
Dredges, gear, and attachments	ENG	ENG	ENG	ENG	ENG
Pile drivers, gear and attachments	ENG	ENG	ENG	ENG	ENG
Scows, dump, for use with bucket dredges	ENG	ENG	ENG	ENG	ENG
Pontoon Gear, Navy Type:[1]					
Barges and Pontoons for Bridge and Wharf Construction and Corps of Engineers Lighterage	ENG	ENG	ENG	TC	TC
Barges and Pontoons, all Other Uses	TC	TC	TC	TC	TC
Rafts, Life for Aircraft	AAF	AAF	AAF	AAF	AAF
Boats, aircraft crash rescue	AAF	AAF	AAF	TC	TC

[1] All boats, barges, vessels and floating equipment, excluding pneumatic boats, purchased by the Army from the Navy, shall be purchased from the Navy by the Transportation Corps.

Vessels over 1,000 tons D. W. are procured by Maritime Commission, with Transportation Corps responsible for determination of requirements.

§ 806.605–3 *Assignment of oils (illuminating and lubricating) greases and all lubricants (FSSC Class 14).*

Items	Spec.[1]	Req.	Funds	Pur.	Insp.
All oils, greases, lubricants, cleaning solvents (except petroleum solvents), rust preventive compounds, corrosion preventives, and hydraulic fluids for Army Aircraft, except oils, greases, and lubricants for AGF Aircraft	AAF	AAF	AAF	AAF	AAF
Agricultural sprays, including petroleum oils required for all insect and pest control	QMC[2]	QMC	QMC	QMC	QMC
Cattle Spray	QMC	QMC	QMC	QMC	QMC
Compound, rust preventives	ORD	ORD	ORD	ORD	ORD
Corrosion preventives	ORD	ORD	ORD	ORD	ORD
Cutting Oils	ORD	ALL	ALL	ALL	ALL
Kerosene (illuminating and cleaning)	ORD	QMC	QMC	QMC	QMC
Oils, greases and lubricants for all motor, armored and track laying vehicles, excluding fire apparatus and vehicles required for construction activities of the Corps of Engineers	ORD	QMC	QMC	QMC	QMC
Oils, greases and lubricants for locomotives, other rolling stock, and marine use, except for tactical equipment not operated by the Transportation Corps	ORD	TC	TC	QMC	QMC
Special lubricants and greases for Weapons, including Railroad Artillery Equipment	ORD	ORD	ORD	ORD	ORD
Recoil and hydraulic fluids	ORD	ORD	ORD	ORD	ORD
Oils, lubricants and greases for construction activities of the Corps of Engineers	ORD	ENG	ENG	QMC	QMC
Oils, lubricants and greases for Manufacturing Arsenals, Manufacturing Depots, and for all technical requirements at Proving Grounds; including all operational equipment	ORD	ALL	ALL	QMC	QMC
Oils, lubricants and greases for Utilities—For Space Heating, Power, Incineration, Refrigeration, Utility Plants, Maintenance Equipment, Pumping, Fire Apparatus, Utility Shops, Cooking, Baking, Smithing, Water Heating, Process Steam, and incidental industrial uses (except for Manufacturing Arsenals, Manufacturing Depots, and for technical requirements at Proving Grounds)—including all operational equipment	ORD	ENG	ENG	QMC	QMC
Oil, transformer and insulating	ORD	QMC	QMC	QMC	QMC
Oil, tempering	ORD	QMC	QMC	QMC	QMC
Oil, floor	ENG	QMC	QMC	QMC	QMC
Paraffine Wax—Amorphous, refined and crude, and manufactured articles	ORD	QMC	QMC	QMC	QMC
Petrolatum (medicinal)	MED	MED	MED	QMC	MED
Paraffin, refined for dental, histological and pharmaceutical use	MED	MED	MED	QMC	MED
Solvents, petroleum	ORD	QMC	QMC	QMC	QMC
Oils, lubricants and greases—all other uses	ORD	QMC	QMC	QMC	QMC

[1] The service or services (other than the Army Air Forces) assigned the function of "Specification" for the petroleum products listed above shall coordinate and clear this function with the War Department Committee on Liquid Fuels and Lubricants through the Fuels and Lubricants Division, Office of the Quartermaster General.

To the extent that the assignments of responsibility for the functions of procurement set forth in this paragraph are inconsistent with the provisions of Circular No. 33, Headquarters, Army Service Forces, 1943, the provisions of said Circular No. 33 are superseded hereby.

[2] Except responsibility for specification for Oil, Fuel Diesel No. 2 or equal, (FSSC Class 7) which is the responsibility of the Ordnance Department.

§ 806.605a *Indefinite quantity contracts executed by various technical services.* In the succeeding sections there is set forth information with respect to certain indefinite quantity contracts executed by various technical services under which all of the technical services are obliged to purchase their requirements. However, when it appears to his satisfaction that an item contracted for under an indefinite quantity contract was not purchased under such contract because the necessity of doing so was overlooked, the chief of the technical service which executed the indefinite quantity contract may ratify the purchase. This will be done, however, only where it appears that the oversight represents an isolated instance and not a continued course of neglect. A statement should be presented to the chief of the technical service setting forth all the facts, including the contract price paid as compared to that payable under the indefinite quantity contract and all facts bearing upon the failure to purchase under the indefinite quantity contract.

§ 806.605b *Indefinite quantity contract for safety glass.* As of April 1, 1945, the Ordnance Department has executed an indefinite quantity contract for safety glass in ordnance vehicles. Pertinent excerpts from this contract are set forth in Ordnance Procurement Circular No. 97–45, and in paragraph 6.068.2 of Ordnance Procurement Instructions, as amended.

§ 806.605c *Standard Master Ship Repair Contract.*

§ 806.605c–1 A form of contract for the repair and alteration of vessels has been approved as a standard form of contract and assigned the number "TC Form No. 103" (see § 803.304–1 (c)). TC Form No. 103 is the War Department version of a master contract for the repair and alteration of vessels devised jointly by the War Department, the Navy Department and the War Shipping Administration.

§ 806.605c–2 When executed with a particular contractor, TC Form No. 103 establishes the basis upon which that contractor will perform such repair and alteration work on vessels within the jurisdiction of the War Department as may be assigned to the contractor by means of job orders issued pursuant to the contract. All such work will be assigned to the contractor by means of job orders under the contract, unless the Chief of Transportation or his authorized representative grants prior approval to the use of a different method of contracting.

§ 806.605c–3 Colonel Harold S. Wright, T. C., Commanding Officer, Army War Ship Repair Contract Agency, 25 Broad Street, New York 4, N. Y. (see Memorandum No. S55–15–43, 7 June 1943, creating this Agency), has been appointed contracting officer for the execution and administration of contracts written on TC Form 103, and authority has been delegated to the Chief of Transportation to appoint a successor and additional contracting officers for the same purpose. Contracts on TC Form No. 103 will be executed only by contracting officers appointed pursuant to this section.

§ 806.605c–4 Contracting officers appointed pursuant to § 806.605c–3 above have authority to designate officers and civilian officials of the War Department as their representatives and to empower such representatives to take all action under particular contracts or groups of contracts on TC Form No. 103 which could lawfully be taken thereunder by the contracting officers themselves, including the power to issue and administer job orders.

§ 806.605c–5 Colonel Wright has designated the following as his representatives, with power to issue and administer job orders, subject to various conditions and limitations:

(a) The officer certified for the purpose by or under the direction of the Commanding General of each Service Command, the Commanding General, Army Air Forces, and the Chief of Engineers, for each installation under their respective commands.

(b) The officer certified for the purpose by the commanding officer of each port of embarkation and by each Zone and District Transportation Officer.

Certification of a contracting officer's representative may be made by name or official title. Certification is effective upon acknowledgment of receipt by Colonel Wright.

§ 806.605c–6 From time to time the Chief of Transportation will cause to be published information concerning the contracts on TC Form No. 103 which have been executed for the War Department, including the contract numbers, names and addresses of contractors, location of shipyards, contract periods, "billing rates," etc. The publications will also name the contracting officer's representatives who have been authorized to issue job orders under the contracts, and set forth instructions applicable to the issuance and administration of job orders.

§ 806.605c–7 A Joint Board, consisting of one representative each for the Secretary of War, the Secretary of the Navy and the War Shipping Administrator, has been constituted pursuant to the provisions of Article 5, subparagraphs (b) (ii) and (d) of TC Form No. 103 for the purpose of making recommendations as set forth in said subparagraphs.

§ 806.605c–8 The contracting officer for the War Department shall act jointly with the contracting officers for the Navy Department and War Shipping Administration to formulate policies and obtain uniformity of interpretation, administration and billing rates.

§ 806.605d *Indefinite quantity contracts executed by the Office of the Quartermaster General.* The tabulation set forth below contains certain information with respect to all indefinite quantity contracts executed by the Office of the Quartermaster General, which are applicable to purchases made by activities outside the jurisdiction of the Quartermaster General. More complete information as to these contracts is contained in the War Department Supply Bulletins referred to in the tabulation. These Supply Bulletins are available at Adjutant General Depots.

INDEFINITE QUANTITY CONTRACTS EXECUTED BY OFFICE OF QUARTERMASTER GENERAL

Supply bulletin number	Date	Commodity	Contract period	Contract symbol number	Contractor	Area serviced	Applicability
To be numbered..	To be issued	Books	Fiscal year 1946.	See Supply Bulletin..		Continental United States and its possessions.	General utilization by the War Department except the Medical Corps.
10-94 (and Change No. 2[1]).	18 July 44 (12 Oct. 44).	Compressed yeast.	Fiscal year 1945.	W 11-009-qm-19505...	Federal Yeast Corp., Colgate Creek-Highlandtown, P. O., Baltimore, Md.	3d Service Command	All branches of the War Department.
				W 11-009-qm-19508...	Varnum Yeast Co., 105 Cambridge St., Boston, Mass.	1st Service Command	
				W 11-009-qm-19730...	Standard Brands, Inc., 595 Madison Ave., New York, N. Y.	4th, 8th, and 9th Service Commands.	
				W 11-009-qm-19731...	Anheuser-Busch, Inc., 721 Pestalozzi St., St. Louis, Mo.	2d and 7th Service Commands Military District of Washington.	
				W 11-009-qm-19732...	Red Star Yeast & Products Co., 221 E. Buffalo St., Milwaukee, Wis.	5th and 6th Service Commands.	
To be numbered..	To be issued.	Paper rolls, for cash registers.	Fiscal year 1946.	W 28-021-qm-35736...	The National Cash Register Co., Main & K Sts., Dayton, Ohio.	See Supply Bulletin.....	All posts, camps and stations.
To be numbered...	To be issued..	Oil, engine, greases and gear lubricants.[2]	1 July 1945 to 31 Dec. 1945.	W 44-109-qm-610.....	The Texas Co.....	Continental United States, exclusive of Arizona, California, Illinois, Maryland, Massachusetts, New Jersey, North Dakota, Oregon, Pennsylvania, Vermont and Washington.	All War Department activities within continental United States (not including Alaska) for domestic consumption, exclusive of maneuvers ordered by Army Ground Force Headquarters.
				W 44-109-qm-611.....	Shell Oil Co. Inc. of California.	California, Oregon and Washington.	
				W 44-109-qm-612.....	Shell Oil Co. Inc. of New York.	Illinois.....	
				W 44-109-qm-613.....	Atlantic Refining Co.....	Maryland, Massachusetts, New Jersey, and Pennsylvania.	
		Malt.....	1 Apr. 1945 to 30 June 1945.	W-11-009-qm-46118...	Malt-Diastase Company, Wyckoff Ave. & Decatur St., Brooklyn, N. Y.	1st, 2nd and 3rd Service Commands; Military District of Washington.	All Branches of the War Department.
				W 11-009-qm-46115....	Anheuser-Busch, Inc., 721 Pestalozzi St., St. Louis, Mo.	4th Service Command.....	
				W 11-009-qm-46116....	Birk Bros. Brewing Co., Webster and Wayne Sts., Chicago, Ill.	6th Service Command.....	
				W 11-009-qm-46117...	Standard Brands, Inc., War Prod. & Supply Dept., 595 Madison Ave., New York, N. Y.	5th, 7th and 9th Service Commands.	
				W 11-009-qm-46114...	Hazelton Syrup Co., Hazelton, Pa.	8th Service Command.....	
10-193	Jan. 45.....	Ink, duplicating machine, black 1 lb. cans.	1 Feb. 1945 to 31 Aug. 1945.	W 28-021-qm-27720....	Howard Flint Ink Co., Clark Ave. & M. C. R. R., Detroit 9, Mich.	See Supply Bulletin No. 10-193.	All Branches of the War Department.

[1] Change No. 1, 15 Aug. 44, to Supply Bulletin Number 10-94 has been rescinded. Change No. 2 relates to Contract W 11-009-qm-19508.
[2] The basic contracts for greases and gear lubricants are contracts of Treasury Department, Procurement Division.

SUBPART C—INTERDEPARTMENTAL PURCHASES

§ 806.606 *Purchases under contracts of Procurement Division, Treasury Department.*

§ 806.606–1 *Basic law.* The act of March 3, 1933 provided in part as follows:

• • • Accordingly, the President shall investigate the present organization of all executive and administrative agencies of the Government and shall determine what changes therein are necessary to accomplish the following purposes: • • • To group, coordinate, and consolidate executive and administrative agencies of the Government, as nearly as may be, according to major purposes; • • • To eliminate overlapping and duplication of effort; • • • (47 Stat. 1517; 5 U. S. C. 124).

Pursuant to the above act there was issued under date of June 10, 1933, Executive Order Number 6166 which provides in part as follows:

The function of determination of policies and methods of procurement • • • of property, facilities, structures, improvements, machinery, equipment, stores, and supplies exercised by any agency is transferred to a Procurement Division in the Treasury Department, at the head of which shall be a Director of Procurement. • • • In respect of any kind of procurement • • • for any agency the Procurement Division may, with the approval of the President, (a) undertake the performance of such procurement • • • itself, or (b) permit such agency to perform such procurement • • • or (c) entrust such performance to some other agency, or (d) avail itself in part of any of these recourses, according as it may deem desirable in the interest of economy and efficiency. When the Procurement Division has prescribed the manner of procurement • • • of any thing, no agency shall thereafter procure • • • such thing in any manner other than so prescribed. The execution of work now performed by the Corps of Engineers of the Army shall remain with said corps, subject to the responsibilities herein vested in the Procurement Division. • • •

Under date of April 12, 1935 there was issued by the Procurement Division, Treasury Department, with the approval of the President, a regulation which provides in part as follows:

• • • Those supplies of which the procurement • • • is to be controlled (by the Procurement Division) • • • will be listed and communicated to the executive departments as may be necessary, and thereafter no individual procurement • • • of these articles shall take place except in emergencies. • • •

§ 806.606–2 *Requirement.* Purchases will be made from contracts of the Procurement Division, Treasury Department (General Schedule of Supplies), when so directed by the chief of the technical service concerned or when required by the terms of the contracts unless the item can not be furnished under such contracts within the time that the item is required by the technical service concerned.

§ 806.606–3 *Emergency purchases.* In any case where, pursuant to the provisions of § 806.606–2, purchases of an item listed in the General Schedule of Supplies is not made under a General Schedule of Supplies contract because the item could not be furnished under such a contract within the time that the item was required, the voucher submitted to the disbursing officer for payment shall contain a finding that:

(a) The purchase was justified because the item could not be furnished under the General Schedule of Supplies Contract within the time in which the item was required; and

(b) The purchase outside the General Schedule of Supplies Contract was necessary to facilitate the prosecution of the war and was authorized under the First War Powers Act and Executive Order No. 9001.

Such finding shall be final and conclusive. The authority to make such a finding is vested in the chiefs of the technical services and may be delegated to any officer or civilian official under their jurisdiction, including the contracting officer. It is to be emphasized that this authority is only to be used when necessary, and that it should not be construed to authorize disregard of the requirements of the General Schedule of Supplies. In all cases, the finding should consist of more than a mere conclusion. It should set forth the specific reasons why the time element made the purchase necessary.

§ 806.606–4 *Procedure.* (a) Chiefs of technical services (and commanding generals of service commands) are responsible for advising contracting officers under their jurisdiction as to the terms and conditions of all mandatory General Schedule of Supplies contracts. The commanding generals of the service commands should assume this responsibility as promptly as is practicable. In the past, the schedules have been distributed to the posts, camps and stations under the jurisdiction of the various service commands by the chiefs of certain of the technical services. This practice should not be discontinued until such time as the commanding generals of the service commands have had an opportunity to set up procedures to enable them to assume the responsibility.

(b) The schedules may be obtained from the Editorial Section, Procurement Division, Treasury Department. That Section will not, however, honor requests from posts, camps or stations or other installations, but only from the offices of the chiefs of technical services or the headquarters of the commanding generals of the service commands. Accordingly, all requests should be forwarded through channels to the appropriate headquarters.

§ 806.606–5 *Ratification of purchases not made under contracts of the Procurement Division, Treasury Department.* When it appears to his satisfaction that an item listed in the General Schedule of Supplies was not purchased under a contract of the Procurement Division, Treasury Department, because the contracting officer overlooked the necessity of purchasing under such a contract, the chief of the technical service concerned (who, in case purchase responsibility for such item has been assigned to a particular technical service, shall be the chief of such technical service) may ratify such purchase. This will be done, however, only where it appears that the oversight represents an isolated instance and not a continued course of neglect. A statement should be presented to the chief of the technical service concerned setting forth all of the facts including the contract price paid as compared to that payable under the Treasury Department contract and all facts which tend to excuse the failure to purchase under the Treasury Department contract.

§ 806.606–6 *Delivery orders under contracts of the Procurement Division, Treasury Department.* (a) Delivery orders issued under contracts of the Procurement Division, Treasury Department, will contain sufficient data to enable prompt identification by disbursing and auditing agencies of the correct listing in the proper General Schedule of Supplies. These data will include contract number, item number, and, where applicable, supplement, region or zone number.

(b) Reference is made to the discussion in § 806.614 concerning the suggested form of delivery order. As stated in § 806.614 all orders issued under contracts of the Procurement Division, Treasury Department, are included within the term "delivery orders" even though such orders are frequently referred to as "purchase orders."

(c) Each delivery order should show the name of the finance officer by whom payment will be made.

§ 806.606–7 *Mandatory schedules.* The following is a list of the classes of the General Schedule of Supplies which are mandatory by the terms of the schedules on the field services of the War Department:

Description of item and schedule of supplies	*Period*
Explosives and blasting accessories; 4 Supp. No. 1....	July 1 to December 31, 1944 (extended to June 30, 1945).
Gasoline:	
Tank wagon and drum deliveries, tank-car, transport-truck and marine deliveries; 7 and Supps., Regions 1 to 6, incl.	July 1, 1944 to June 30, 1945.
Fuel Oil:	
Tank-wagon and drum deliveries, tank-car, transport-truck, and marine deliveries; 7 and 14 and Supps. Regions 1 to 6, incl.	July 1, 1944 to June 30, 1945.
Gasoline Diesel oil and lubricating oil, service-station deliveries; 7 and 14.	July 1, 1944 to June 30, 1945.
Tire chains; 8, Supp. No. 8, Revised.....	July 1, 1944 to June 30, 1945.
Motor-vehicle accessories, etc., item 8–C–5400 clutch facings) only; 8 & 66, Supp. No. 1, Revised.	July 1, 1944, to June 30, 1945.
Automotive storage batteries; 17, Supp. No. 2, Revised..	March 16 to September 15, 1945.

Description of item and schedule of supplies	*Period*
Telephones and parts; 17, Supp. No. 6, Revised	March 1 to August 31, 1944 (extended to August 31, 1945).
Electric lamps; 17, Supp. No. 3	September 1, 1944 to August 31, 1945.
Wood furniture; 26, Part I	January 1 to December 31, 1945.
Steel furniture; 26, Part II, Revised	January 1 to December 31, 1942 (extended to December 31, 1945).
Steel insulated filing cabinets; 26, Part II, Supp. No. 1	July 1 to December 31, 1943 (extended to December 31, 1945).
Floor and window coverings; 27 Revised	October 1, 1944, to September 30, 1945.
Books; 35	December 1, 1944 to November 30, 1945.
Encyclopedia Britannica; 35	February 15 to November 30, 1945.
Machine tools (only the following items: 40–M–9–100, and 40–P–22 to 40–P–37, incl.); 40.	September 1, 1944 to August 31, 1945.
Woodworking saws; 40	July 1, 1944 to June 30, 1945.
Solvents; 51	February 1 to June 30, 1945.
Paper drinking cups; 53	July 1, 1944 to June 30, 1945.
Office equipment; 54	July 1, 1944 to June 30, 1945.
Filing cases, copy holders, and finished plates for offset duplicating machines; 54.	July 1, 1944 to June 30, 1945.
Offset duplicating supplies; 54	January 20 to June 30, 1945.
Typewriters; 54, Revised	July 1, 1941, to June 30, 1942 (extended to June 30, 1945).
Portable drinking fountains; 63	March 1, 1945 to February 28, 1946.
Feed and forage (applicable to certain D. C. installations only; 67.	June 1 to September 30, 1945.
Airplane tires and tubes; 83, Revised	April 24 to June 30, 1942 (extended to September 30, 1945).
Consolidated public utilities contracts in Baltimore, Md.; New York, N. Y.; and Philadelphia, Pa.; 101 (Electric service), 105 (Gas service).	Effective December 1, 1944 and thereafter until further notice.
Slide film prints; 103	February 1, 1945 to January 31, 1946.
Recording and transcription service; 103, Supp. No. 2, Revised.	September 1, 1944 to August 31, 1945.
Exchange allowances for typewriters; 104	March 1 to June 30, 1945.

NOTE 1: Some of the schedules listed above are mandatory only upon some of the activities of the War Department. In case of doubt as to whether it is mandatory that a particular item be procured under a schedule, the schedule itself should be consulted and provisions of the schedule should be regarded as controlling.

NOTE 2: Attention is called to the provisions of § 811.1187 *et seq.*, as to restrictions concerning local purchases and the purchases of restricted or prohibited items. Such restrictions apply to items, even though they may be listed on the General Schedule of Supplies.

§ 806.606a *Regional and District Warehouse and Supply Centers of Treasury Department, Procurement Division.*

§ 806.606a–1 *Establishment and functions of Regional and District Warehouse and Supply Centers.* Various Regional and District Warehouse and Supply Centers have been established by Treasury Department, Procurement Division in the United States. These Centers engage in procurement, storage and issue of commonly used items of supply. Items handled by these Centers in general are new items purchased by Treasury Department, Procurement Division.

§ 806.606a–2 *Stock Catalogs of Warehouse and Supply Centers.* Stock Catalogs are issued by each Regional and District Warehouse and Supply Center listing articles regularly carried by it in stock and available for issue by it. Such catalogs may be obtained from the appropriate Regional Directors, Treasury Department, Procurement Division. The addresses of such Regional Directors are as follows:

Region I: Park Square Building, Boston 16, Mass.

Region II: 50 Church Street, New York 7, N. Y.

Region III: 499 Pennsylvania Avenue NW., Washington 25, D. C.

Region IV: Commercial Arts Building, 704 Race Street, Cincinnati 2, Ohio.

Region V: 209 South LaSalle Street, Chicago 4, Ill.

Region VI: Belle Isle Building, 105 Pryor Street NE., Atlanta 3, Ga.

Region VII: P. O. Box 1407, Fort Worth 1, Tex.

Region VIII: 2605 Walnut Street, Kansas City 8, Mo.

Region IX: 1030 15th Street, 7th Floor, Denver 2, Colo.

Region X: 30 Van Ness Avenue, San Francisco 2, Calif.

Region XI: 2005 Fifth Avenue, Seattle 1, Wash.

Region XII: Iolani Palace, Honolulu 2, T. H.; Bulding "F," Munoz Rivera Park, San Juan, P. R.

§ 806.606a–3 *Authority to purchase from Warehouse and Supply Centers.* Field services of the War Department are required to purchase items through Treasury Department, Procurement Division, only to the extent provided in §§ 806.606–2 and 806.606–7. Purchase of any item from Warehouse and Supply Centers is, however, authorized, whenever desired by the responsible office, subject to such conditions and regulations, if any, as the chief of the interested technical service (who, in case purchase responsibility for such item has been assigned to a particular technical service, shall be the chief of such technical service) may prescribe. Purchase from a Warehouse and Supply Center of any item listed on a General Schedule of Supplies mandatory on the purchasing office (see § 806.606–7), or on the Schedule of Blind-Made Products (see § 806.606c) is considered a compliance with such Schedules. Similarly, purchase may be made from a Warehouse and Supply Center of an item even though such item is otherwise required to be purchased from Federal Prison Industries, Inc. (see § 806.608).

§ 806.606a–4 *Purchasing procedure.* See § 806.614 as to the appropriate form of delivery order to be used in purchasing items from Warehouse and Supply Centers. Instructions contained in the appropriate stock catalog are to be followed in purchasing items, except insofar as such instructions may be modified by § 806.614.

§ 806.606b *Stock Catalog, Washington, D. C.* This publication of the Procurement Division of the Treasury Department lists the items which are carried in stock in the warehouse of that Division in Washington, D. C., primarily to supply the needs in that city and adjacent area.

§ 806.606c *Blind-made products.*

§ 806.606c–1 *Basic law.*

• • • All brooms and mops and other suitable commodities hereafter procured in accordance with applicable Federal specifications by or for any Federal department or agency shall be procured from such nonprofit making agencies for the blind in all cases where such articles are available within the period specified at the price determined by the committee to be the fair market price for the article or articles so procured; • • • Act June 25, 1938 (52 Stat. 1196; 41 U. S. C. 46; M. L., 1939, sec. 1951).

§ 806.606c–2 *Schedule of blind-made products.* Schedule of Blind-Made Products, effective January 1, 1943, or later date, prepared under the direction of Committee on Purchases of Blind-Made Products, and issued by the Procurement Division, Treasury Department. This schedule is obtained in the same manner as other schedules of the General Schedule of Supplies (see § 806.606–4). The basic law does not apply in cases where brooms and mops are procured for use outside continental United States.

§ 806.606c–3 *General clearance.* The following general clearance dated June 3, 1942, which covers purchases until further notice is quoted for information and guidance.

Effective as of this date and continuing until rescinded, blanket clearance is hereby granted to purchase from commercial sources any item listed in the Schedule of Blind-made Products where military necessity may require the delivery of the articles needed within a period of two weeks.

Very truly yours,

ROBT. LEFEVRE,
Secretary,
Committee on Purchases of Blind-made Products.

§ 806.606c–4 *Attaching clearance to voucher.* It is to be noted that it is not necessary to attach a copy of this general clearance to the contract or voucher. It is sufficient in pertinent cases to make reference on either the contract or the voucher to General Clearance dated June 3, 1942.

§ 806.607 *Purchases under contracts of Navy Department.*

§ 806.607–1 *Requirement.* Purchases will be made from contracts of the Navy Department when so directed by the chief of the technical service concerned or when required by the terms of the contracts.

§ 806.607–2 *Procedure.* Chiefs of technical services are responsible for advising contracting officers as to the terms and conditions of all such contracts and as to whether purchases therefrom are mandatory.

§ 806.608 *Purchases from Federal Prison Industries, Inc., Department of Justice.*

§ 806.608–1 *Basic law.* The act of May 27, 1930 provides in part as follows:

The several Federal departments and independent establishments and all other Government institutions of the United States shall purchase at not to exceed current market prices, such products of the industries herein authorized to be carried on as meet their requirements and as may be available • • • (46 Stat. 392; 18 U. S. C. 744g; M. L., 1939, Sec. 1936).

Under date of December 11, 1934, there was issued Executive Order Number 6917 which provide; in part as follows:

It is hereby ordered that a corporation of the District of Columbia be and is hereby created, said corporation to be named as Federal Prison Industries, Inc. • • • The principal office of said corporation shall be in the City of Washington, District of Columbia. • • • The heads of the several executive departments, independent establishments and Government owned and Government controlled corporations shall cooperate with the corporation in carrying out its duties and shall purchase, at not to exceed current market prices, the products or services of said industries, to the extent required or permitted by law.

§ 806.608–2 *Requirement.* It is required that all items manufactured by and all services rendered by, Federal Prison Industries, Inc., be purchased from that agency except where a general or special clearance for the purchase of the items from commercial sources has been granted.

§ 806.608–3 *General clearance.* The following general clearance, dated June 1, 1945, which covers purchases for the period July 1 to December 31, 1945, indicates not only the items as to which such clearance has been granted but also those items which are available and which, accordingly, must be purchased from Federal Prison Industries, Inc.:

The UNDER SECRETARY OF WAR,
Washington, D. C.

DEAR SIR: Subject to applicable conservation and limitation orders, the following articles and services are available and can be furnished by Federal Prison Industries, Inc., from industries established under the Act of Congress approved May 27, 1930 (46 Stat. 391):

Brushes: As listed in Schedule of Products.
Canvas goods: Shell covers, canvas covers, tarpaulins, truck covers, truck curtains, barracks bags, shower curtains, miscellaneous bags, bandoleers.
Camouflage nets.
Cargo nets.
Castings: Manhole frames and covers, grates, grate bars, and gutter drains for delivery in Wisconsin, Michigan, Illinois, Indiana, Ohio, Pennsylvania, New York, New Jersey, Delaware, Maryland, West Virginia, Virginia, Kentucky and the District of Columbia.
Fiber furniture.
Laundry services required by posts and stations within 100 miles of the Federal Correctional Institution, Tallahassee, Florida, the United States Penitentiary, Alcatraz, California, the Federal Detention Headquarters, New York City, the Federal Reformatory for Women, Alderson, West Virginia, and the United States Penitentiary, Terre Haute, Indiana.
Mattresses: Cotton felt.
Metal products: Storage shelving, transfer cases, lockers, food trays, sputum cups, iron berths, bunks and hospital beds.
Milk: 1,000 lbs. per day for delivery to Fort Bliss, Texas, only.
Printing: See § 806.610 (1).
Wood furniture and specialties: Desk trays, costumers; striking tool handles as listed in Fed. Spec. NN–H–93, Grade A only; Douglas, 4C, 3C, wide arm and side chairs; stools as listed in Schedule of Products, except rotary type.

CLEARANCE

C–26980

1. Clearance is granted to purchase from other sources articles manufactured or services rendered by Federal Prison Industries, Inc., not listed above.

2. Clearance is granted to purchase from other sources articles manufactured or services rendered by Federal Prison Industries, Inc., including the items listed above, in the following cases:

(a) By contractors or contracting officers under cost-plus-a-fixed-fee construction or supply contracts;

(b) By contracting officers under fixed-price (lump sum) construction or supply contracts, wherein the Government is required to furnish certain Government materials;

(c) When immediate delivery or performance is required by the public exigency;

(d) When suitable second hand or used articles can be procured;

(e) When required in small quantities and for delivery within ten days.

3. This clearance is to cover purchases made by the War Department only, and is effective for the period July 1 to December 31, 1945, inclusive.

4. Copy of this clearance should be attached to your contract or voucher when transmitted to the General Accounting Office, or reference made thereon to this clearance number.

Very truly yours,

FEDERAL PRISON INDUSTRIES, INC.,
By (Signed) A. H. CONNER,
Associate Commissioner.

§ 806.608–4 *Attaching clearances to vouchers.* It is to be noted that it is no longer necessary to attach a copy of the clearance to the contract or voucher. It is sufficient to make reference on either the contract or the voucher to Clearance No. C–26980.

§ 806.608–5 *Procedure.* Chiefs of technical services are responsible for advising contracting officers as to the detailed procedure for placing orders with Federal Prison Industries, Inc. In general, purchase orders should be forwarded in duplicate to Federal Prison Industries, Inc., Department of Justice, Washington, D. C. Requests for special clearances should also be directed to the above agency which, in an emergency, will grant telegraphic clearance.

§ 806.608a *Purchases from State prisons and other correctional institutions.* Purchases of items manufactured or produced by State prisons may be made directly from such institutions (Op. Att. Gen. 37739, May 6, 1942, and Let. Pres. May 10, 1942. See also Executive O. 9196 dated July 9, 1942, and § 809.902 and following of this chapter). Likewise, purchases of services rendered by State prisons may be made directly from such institutions. No purchase, however, from a State prison or other correctional institution will be made of a mandatory item or service appearing in the schedules of the Federal Prisons Industries, Inc. (See § 806.608) without a prior clearance (general or special) from that agency. For purchases by Government contractors and subcontractors from Federal, State and territorial prisons or prison industries, see § 803.345.

§ 806.609 *Purchases under contracts of Post Office Department.*

§ 806.609–1 *Requirement.* Envelopes required by the military service (other than by the departmental service, War Department, Washington, D. C.) will be procured under the contracts entered into by the Post Office Department unless it is impracticable to do so.

§ 806.609–2 *Envelopes authorized for supply to the military service.* (a) The following envelopes only are authorized for supply to the military service (excluding the departmental service, War Department, Washington, D. C.) on requisitions, the item numbers corresponding to those in "Award of Contracts for Envelopes", Post Office Department:

Item No.	*Description*
17.	4⅛ by 9½ inches, Kraft, open side.
36.	5 by 11½ inches, Kraft, open side.
49.	6½ by 9½ inches, Kraft, open side.
68.	8½ by 11½ inches, Kraft, open side or open end.
93.	10 by 15 inches, Kraft, open side or open end, 5-inch flap.
111.	2½ by 4¼ inches, Kraft, open end.
122.	3¾ by 5⅜ inches, Kraft, open end.
123.	3⅞ by 7½ inches, Kraft, tag, strong eyelet at bottom, open end.
189.	3⅞ by 8⅞ inches, White, open side.
192.	4⅛ x 9½ inches, White, open side.
203.	3⅞ by 8⅞ inches, White, open side, with Opaquing Design inside.
204.	4⅛ by 9½ inches, White, open side, with Opaquing Design inside.
405.	3⅝ by 8¾ inches, Kraft, open side, window.
435.	4⅛ by 9½ inches, White, open side, window.
504.	4⅛ by 9½ inches, White, Air Mail, red and blue border.
514.	4⅛ by 9½ inches, White, Air Mail, red and blue border, lightweight with opaquing design inside.
(1)	4⅜ by 8⅛ inches, Kraft, open side, window (for War Bonds).
(1)	4½ by 8¼ inches, Kraft, open side, window (for War Bonds).

[1] There has been no Item No. assigned to this envelope.

(b) Orders for envelopes should be placed with the contractors specified in the pamphlet "Awards of Contracts for Envelopes". Such orders may be sent to the contractor directly and need not be sent through the office of the chief of the technical service concerned.

§ 806.609–3 The foregoing does not affect in any way the present methods of procuring jackets, open end, thumb notched, as required by the various tech-

nical services, the same being procured on approved requisitions as are other supplies.

§ 806.610 *Purchases from Government Printing Office.*

§ 806.610–1 All blank envelopes, blank paper, ink, glues and other supplies manufactured or carried in stock by the Government Printing Office, and which are required for use within the District of Columbia will be purchased from that office.

§ 806.610–2 All printing and blankbook work other than that referred to in § 806.610–3, shall be obtained from the Government Printing Office unless a clearance is obtained from the Public Printer to have the work done elsewhere.

§ 806.610–3 (a) Under the regulations of the Joint Committee on Printing relative to Periodicals and Field Printing, printing, binding and blankbook work which it is impracticable to have done at the Government Printing Office and which is necessary for the exclusive use of any field service outside of the District of Columbia may be procured elsewhere than at the Government Printing Office in the District of Columbia without the necessity of obtaining a clearance from the Public Printer. Such work shall be done either:

(1) By local Army-owned reproduction facilities;

(2) At United States Army Field Printing Plants authorized by the Joint Committee on Printing;

(3) By commercial firms, or

(4) By field plants, Justice Department, described under § 806.610–9.

A list of authorized War Department Field printing plants is contained in the aforementioned regulations. These regulations are distributed by The Adjutant General, Field Printing Branch, Publication Division, and should be requested through the chief of the technical service (or commanding general of the service command).

(b) Said regulations further provide that:

No field printing, even though authorized by the committee, shall be done at any field plant, • • • having machinery or equipment (including motors) which has been or may be purchased, exchanged, or transferred since May 1, 1920, without specific approval by the Joint Committee on Printing of such purchase, exchange, or transfer: *Provided*, That this regulation shall not be construed as applying to minor replacements of type or material or parts necessary in making repairs to machinery and equipment.

§ 806.610–4 The cost of the jobs produced either in Army-owned reproduction facilities or in authorized U. S. Army Field Printing Plants should be absorbed in the operating cost of such installations to be charged against the specific funds made available for their operation.

§ 806.610–5 The cost of work procured from commercial sources should be charged against the specific funds available therefor to the respective technical service expenditure of which has been authorized by The Adjutant General. Obligations for field contract printing procured from commercial concerns may be incurred, to the extent that authority has been delegated and funds made available, in accordance with the provisions of the Fiscal Code. All allotments must carry the appropriate purpose number and decimal suffix prescribed in finance circulars. Paragraph 9, AR 35–1040 prescribes the form of certificate which is required to be placed on contracts or purchase orders involving payments for printing, binding, and blankbook work procured commercially in the field. Information relative to reports required by the Joint Committee on Printing together with forms required, will be furnished by The Adjutant General to the chiefs of technical services.

§ 806.610–6 The Adjutant General is charged with the responsibility of coordinating all Army field printing. Questions concerning policies and propriety of field contract printing will be referred to The Adjutant General.

§ 806.610–7 As specified in section II, Circular No. 8, War Department, 1939, Decision A–99850 of the Comptroller General of the United States dated December 22, 1938, is construed as subjecting to the Regulations of the Joint Committee on Printing (a) stenographer's books or other articles in book form which require printing, binding or ruling operations for their manufacture, and (b) any item which requires any printing and binding operation after the receipt of the order by the vendor to fit it for the particular needs of the Government service.

§ 806.610–8 The chiefs of technical services only are authorized to communicate directly with the Government Printing Office through their properly appointed representatives.

§ 806.610–9 Federal Prison Industries, Inc., has available facilities for performing printing work for the War Department. It is to be noted that these facilities are not listed in the letter set forth in § 806.608–3 and so the use of the printing services is not mandatory. However, wherever practicable, it is desirable that use be made of these facilities. The facilities are available at three prisons and may be made use of by sending a purchase order directed to one of the following:

Warden of Federal Reformatory, El Reno, Oklahoma.

Superintendent of Industries, Leavenworth Penitentiary, Leavenworth, Kansas.

Business Manager of Industries, Atlanta Penitentiary, Atlanta, Ga.

Where the form of purchase order contains the standard convict labor clause, that clause should, of course, be deleted (§ 809.903–1 (a)).

§ 806.610–10 Bureau of the Budget Regulation No. 4 (revised) January 18, 1944, (as reprinted in Circular 69, War Department, February 16, 1944) for the purpose of conserving critical materials, establishes standards of grade, colors, copy and size for letterheads, manifold (tissue) sheets, memorandum forms, and envelopes, and sets forth numerous suggestions to promote conservation, which will be observed by all agencies to the fullest practicable extent.

§ 806.611 *Purchases from other agencies of the Government.* Property may be acquired from other agencies of the Government either in the manner set forth in § 806.612 or in the manner set forth in §§ 806.613 to 806.613–8.

§ 806.612 *Purchase of property pursuant to Public Law 670.* The act of July 20, 1942 (Public Law 670–77th Congress; 31 U.S.C. 686) amended section 7 (a) of the act of May 21, 1920 (41 Stat. 613), as amended by section 601 of the act of June 30, 1932 (47 Stat. 417) to read as follows:

Any executive department or independent establishment of the Government, or any bureau or office thereof, if funds are available therefor and if it is determined by the head of such executive department, establishment, bureau, or office to be in the interest of the Government so to do, may place orders with any other such department, establishment, bureau, or office for materials, supplies, equipment, work, or services, of any kind that such requisitioned Federal agency may be in a position to supply or equipped to render, and shall pay promptly by check to such Federal agency as may be requisitioned, upon its written request, either in advance or upon the furnishing or performance thereof, all or part of the estimated or actual cost thereof as determined by such department, establishment, bureau, or office as may be requisitioned; but proper adjustments on the basis of the actual cost of the materials, supplies, or equipment furnished, or work or services performed, paid for in advance, shall be made as may be agreed upon by the departments, establishments, bureaus, or offices concerned: *Provided*, That the War Department, Navy Department, Treasury Department, Civil Aeronautics Administration, and the Maritime Commission may place orders, as provided herein, for materials, supplies, equipment, work, or services, of any kind that any requisitioned Federal agency may be in a position to supply, or to render or to obtain by contract: *Provided further*, That if such work or services can be as conveniently or more cheaply performed by private agencies such work shall be let by competitive bids to such private agencies. Bills rendered, or requests for advance payments made pursuant to any such order, shall not be subject to audit or certification in advance of payment.

The chiefs of the technical services are authorized, pursuant to the foregoing statute, to purchase property (other than property which has been declared surplus) from other Federal agencies on payment of the estimated or actual cost thereof, but proper adjustments on the basis of the actual cost of the material, supplies, or equipment furnished, paid for in advance, shall be made as may be agreed upon mutually.

§ 806.612–1 *Powers of War Food Administration and Reconstruction Finance Corporation under Public Law 670.* The functions, powers, and duties, with respect to placing orders for materials, supplies, equipment, work, or services of any kind that any requisitioned Federal agency may be in a position to supply, or to render or to obtain by contract, which are vested in the War Department, Navy Department, Treasury Department, Civil Aeronautics Administration and the Maritime Commission under Public Law 670 (above) may also be exercised (a) by the War Food Administration, and by any constituent agency or corporation thereof, designated by the War Food Administrator (Executive Order 9418) and (b) by the Reconstruction Finance Corporation, and by any constituent, subsidiary or controlled agency or corporation thereof designated by the Reconstruction Finance Corporation. (Executive Order 9440.)

§ 806.613 *Procurement of surplus property from disposal agencies.*

§ 806.613–1 *Surplus Property Act.* The Surplus Property Act of 1944 (Public Law 457, 78th Congress) places the responsibility upon all Government agencies, in order to avoid making purchases through commercial channels when suitable items are available from surplus property disposal agencies, to consult continuously the records of surplus property maintained by the disposal agencies under the regulations of the Surplus Property Board, and to determine whether their requirements can be satisfied out of such surplus property.

§ 806.613–2 *Disposal agencies.* (a) The disposal agencies and the general types of property for which they are responsible are as follows:

Reconstruction Finance Corporation—Capital and producers goods.

Department of Commerce—Consumers goods.

U. S. Maritime Commission—Ships and Maritime property.

War Food Administration—Food and related products.

A detailed statement of the specific kinds of property assigned to each of the foregoing disposal agencies is set forth in § 829.904.

(b) The surplus property operations of Reconstruction Finance Corporation within the United States are conducted through regional offices. The addresses of these regional offices and the areas that they serve are set forth in § 829.907.

(c) The surplus property operations of the Department of Commerce within the United States are likewise conducted through regional offices. The addresses of these regionall offices and the areas that they serve are set forth in § 829.908.

(d) The surplus property operations of U. S. Maritime Commission are conducted through a centralized office, the address of which is:

United States Maritime Commission, Attention: Mr. E. W. Gorman, Assistant to the Director of the Procurement Division, Washington 25, D. C.

(e) The surplus property operations of War Food Administration are likewise conducted through a centralized office, the address of which is:

Office of Distribution, War Food Administration, Washington 25, D. C.

§ 806.613–3 *Information as to available surpluses.* Information as to available surpluses may be obtained from the regional offices of Reconstruction Finance Corporation and of Department of Commerce, and from the Washington offices of U. S. Maritime Commission and War Food Administration. Although the regional offices of Reconstruction Finance Corporation and of the Department of Commerce maintain detailed inventories only for surplus property located within their respective geographical areas, they are prepared to furnish information as to the availability of specific items of property held by other regional offices, upon request. Both Reconstruction Finance Corporation and the Department of Commerce, periodically publish listings of available surplus property, and these lists may be obtained from any of the regional offices of these disposal agencies.

§ 806.613–4 *Establishment of operational liaison with disposal agencies.* (a) In order that the War Department may utilize the surplus property of other Government agencies to the fullest extent practicable, and effectively discharge its responsibilities under the Surplus Property Act as set forth in § 806.613–1, the Commanding General, Army Air Forces, will establish and maintain operational liaison between the procuring offices of Army Air Forces and the disposal agencies in such manner and at such levels as he shall deem most effective; and chiefs of technical services (other than Army Air Forces) will establish and maintain operational liaison with the disposal agencies, as follows:

(1) Each technical service that procures food or related products of the nature assigned to War Food Administration for disposal will establish operational liaison with the Washington office of that disposal agency. Operational liaison may be established at the level of the office of the chief of service or at the level of the district procurement office of the technical service, as the chief of service deems desirable.

(2) Each technical service that procures ships or maritime products of the nature assigned to U. S. Maritime Commission for disposal will establish operational liaison with the Washington office of that disposal agency. Operational liaison may be established at the level of the office of the chief of service or at the level of the district procurement offices of the technical service, as the chief of service deems advisable.

(3) Each technical service will establish operational liaison between each of its field procurement offices and the regional offices of Reconstruction Finance Corporation and the Department of Commerce, respectively for the region in which the field procurement office is located. In addition, operational liaison between the office of the chief of service and the Washington offices of Reconstruction Finance Corporation and the Department of Commerce, may be established if the chief of service deems such operational liaison desirable.

(b) Each liaison officer shall be the focal point for the exchange of information with the disposal agencies as to contemplated Army procurements and as to the availability of surplus property to satisfy such procurements. The duties of each liaison officer shall be to review continuously the lists of surplus property published by the various disposal agencies; to be informed currently as to the items being procured by his respective procurement district office or technical service; to furnish information to the disposal agencies concerning items under procurement; to ascertain from the disposal agencies whether or not suitable items are available from surplus stock; and to transmit such information concerning available items to the proper procurement officer. All such reviews of surplus property lists and such exchanges of information as to procurements and available surplus property shall be made promptly and expeditiously so as not to delay procurement.

§ 806.613–5 *Procedure for acquiring surplus property.* In general, surplus property will be transferred with reimbursement by the War Department at a fair valuation determined by the disposal agency. Details of transfer procedure may be ascertained from the offices of the disposal agencies. See § 806.614 as to the appropriate form of delivery order to be used in acquiring surplus property from disposal agencies. However, where the property being transferred was declared surplus by another element of the War Department or by the Navy Department, non-reimbursable transfer can be arranged wherever permitted by Special Order No. 6 of the Surplus Property Board, dated May 1, 1945.

§ 806.613–6 *Direct communication with disposal agencies authorized.* Direct communication with disposal agencies is authorized in all matters pertaining to the acquisition of surplus property.

§ 806.613–7 *Readjustment Division.* Although direct communication with disposal agencies is authorized, Readjustment Division, Headquarters, Army Service Forces, is available for assistance in establishing operational liaison with the disposal agencies, and for consultation when the technical services desire assistance in their negotiations for acquisition of surplus property from the disposal agencies. All policy matters pertaining to the acquisition of surplus property from disposal agencies will be cleared with Readjustment Division, Headquarters, Army Service Forces (Section II, Circular 199, W.D. 1944).

§ 806.613–8 *Disposition of property to other Government agencies.* It is to be noted that this § 806.613 relates only to the acquisition of surplus property from the disposal agencies, and not to the reporting of surplus War Department property to the disposal agencies or to disposition of War Department property to other Government agencies. As to the latter, see Parts 821 to 829.

§ 806.614 *Form of delivery order to be used in making interdepartmental or interbranch purchases.* (a) Delivery orders are used to place orders:

(1) Under already existing contracts executed by other technical services or other departments of the Government (see §§ 806.605a, 806.606, 806.607 and 806.609) and

(2) With other departments of the Government furnishing particular services or supplies (see §§ 806.606a, 806.606b, 806.608, 806.610, 806.612 and 806.613).

(b) The term "delivery orders" is used in the procurement regulations to refer to orders of the character described in paragraph (a) above. Although orders placed under General Schedules of Supplies contract sometimes are referred to as "purchase orders", the term "delivery orders" is more accurate, since a binding contract already exists between the Government and the contractor.

(c) The following forms of delivery order may be used in making interbranch or interdepartmental purchases:

(1) W. D. Contract Form No. 383 (§ 813.1317a), [In certain cases, TM 38–403 (Station Supply Procedure) and ASF

Manual M 408 (Depot Supply Procedures) require the use of this form], or

(2) W. D. Contract Form No. 19 (§ 813.1317e).

(d) W. D. Contract Form Nos. 19 and 383, when used to place orders for services or supplies with other departments (see paragraph (a) (2) of this section), will be required to be modified to delete reference to a basic purchase agreement.

[Procurement Reg. 8]

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SUBPART A—CONTRACT TAX ARTICLES

§ 808.800 *Contract tax articles.* See §§ 803.357 and 803.358 with respect to the standard forms of tax articles.

SUBPART B—FEDERAL EXCISE TAX

§ 808.801 *Table of Federal excise taxes.* The following table lists the Federal excise taxes which are discussed in this part, together with references to the portions of the Internal Revenue Code imposing such taxes, the Treasury Regulations issued with respect to such taxes, and the sections of this part in which such taxes are more particularly described. In addition such table shows the taxes from which exemption is available on and after June 1, 1944 with respect to sales made for the exclusive use of the United States. The table does not show the exemption applying to supplies and equipment for vessels of war, including aircraft, nor other exemptions applying to private as well as Government procurement, as to which see §§ 803.811 and 808.812.

Tax	Reference to Internal Revenue Code and regulations thereunder	Section reference	Exemption of sales to United States on and after 1 June 1944
Manufacturers' excise taxes	Ch. 29, IRC; Regs. 44 and 46.	808.802 et seq.	
Tires and inner tubes	Sec. 3400, IRC; Regs. 46, Subpart D.	808.802-1	Exempt to extent provided in § 808.810 (Also see Note 1).
Automobiles, buses, trucks, etc.	Sec. 3403, IRC; Regs. 46, Subpart F.	808.802-2	Not exempt (But see Note 1).
Radio receiving sets, etc	Sec. 3404, IRC; Regs. 46, Subpart G.	808.802-3	Exempt (§ 808.810).
Refrigerators, etc	Sec. 3405, IRC; Regs. 46, Subpart H.	808.802-4	Not exempt (But see Note 1).
Sporting goods	Sec. 3406 (a) (1), IRC; Regs. 46, Subpart J.	808.802-5	Not exempt (But see Note 1).
Electric, gas or oil appliances	Sec. 3406 (a) (3), IRC; Regs. 46, Subpart L.	808.802-6	Not exempt (But see Note 1).
Photographic apparatus	Sec. 3406 (a) (4), IRC; Regs. 46, Subpart M.	808.802-7	Not exempt (But see Note 1).
Business and store machines	Sec. 3406 (a) (6), IRC; Regs. 46, Subpart O.	808.802-8	Not exempt (But see Note 1).
Electric light bulbs and tubes	Sec. 3406 (a) (10), IRC; Regs. 46, Subpart S.	808.802-9	Not exempt (But see Note 1).
Firearms, shells, cartridges	Sec. 3407, IRC; Regs. 46, Subpart I.	808.802-10	Exempt (§ 808.810).
Matches	Sec. 3409, IRC; Regs. 44, Subpart F.	808.802-11	Not exempt (But see Note 1).
Electrical energy	Sec. 3411, IRC; Regs. 46, Subpart T.	808.802-12	Not exempt (But see Note 1).
Gasoline	Sec. 3412, IRC; Regs. 44, Subpart D.	808.802-13	Not exempt (But see Note 1).
Lubricating Oils	Sec. 3413, IRC; Regs. 44, Subpart E.	808.802-14	Not exempt (But see Note 1).
Pistols and revolvers	Sec. 2700, IRC; Regs. 47	808.803	Exempt (§ 808.810).
Retailers' excise taxes	Ch. 19, IRC; Regs. 51	808.804	
Jewelry	Sec. 2400, IRC; Regs. 51, Subpart D.	808.804-1	Not exempt (But see Note 1).
Furs	Sec. 2401, IRC; Regs. 51, Subpart E.	808.804-2	Not exempt (But see Note 1).
Toilet preparations	Sec. 2402, IRC; Regs. 51, Subpart F.	808.804-3	Not exempt (But see Note 1).
Luggage	Sec. 1651, IRC Regs. 51, Subpart G.	808.804-4	Not exempt (But see Note 1).
Taxes on transportation			
Transportation of persons	Ch. 30, Subch. C, IRC; Regs. 42, Subpart F.	808.805	Exempt as to transportation upon Government transportation requests (§ 808.810).
Transportation of property	Ch. 30, Subch. E, IRC; Regs. 113.	808.806	Exempt as to transportation under Government bills of lading (§ 808.810).
Transportation of oil by pipe line	Ch. 30, Subch. A, IRC; Regs. 42, Subpart D.	808.807	Not exempt.
Telephone, telegraph, radio and cable facilities	Ch. 30, Subch. B, IRC; Regs. 42, Subpart E.	808.808	Exempt as to services furnished directly to the United States (§ 808.810).

NOTE 1: Exemption continues as to articles sold after June 1, 1944 pursuant to contracts entered into prior to June 1, 1944 or to any agreements or change orders supplemental to such contracts and bearing the same Government contract number. (See § 808.814).

This part does not purport to include all material necessary to a decision as to the scope of any of the Federal excise taxes referred to herein. In cases of doubt, the Treasury Regulations should be consulted. If additional assistance is required, it may be obtained from the Tax Division, Office of The Judge Advocate General, Washington, D. C., if not available within the technical service concerned.

§ 808.802 *Manufacturers' excise taxes.* (Chapter 29, IRC; Regulations 44 and 46; 26 CFR, Cum. Supp., Parts 314 and 316). *Rates: Various.* See following sections.

The manufacturers' excise taxes are set forth below in §§ 808.802–1 to 808.802–14, inclusive. The tax in each case, unless otherwise specified, is imposed upon articles sold by the manufacturer, producer or importer, and is equivalent to the indicated per cent of the price for which the article is sold. The rates specified are those effective since November 1, 1942, except in the case of the tax on electric light bulbs and tubes (§ 808.802–9), the rate of which was changed effective April 1, 1944.

§ 808.802–1 *Tires and inner tubes.* (Sec. 3400, IRC; Regulation 46, Subpart D; 26 CFR, Cum. Supp. 316.30–316.32):

(a) Tires wholly or in part of rubber (exclusive of metal rims or rim bases): 5 cents a pound on total weight.

(b) Inner tubes (for tires) wholly or in part of rubber: 9 cents a pound on total weight.

The term "rubber" includes synthetic and substitute rubber.

808.802–2 *Automobiles, buses, trucks trailers, motorcycles.* (Sec. 3403, IRC; Regulations 46, Subpart F; 26 CFR, Cum. Supp., 316.50–316.57).

(a) Automobile truck chassis, automobile truck bodies, automobile bus chassis, automobile bus bodies, truck and bus trailer and semitrailer chassis, truck and bus trailer and semitrailer bodies, tractors of the kind chiefly used for highway transportation in combination with a trailer or semitrailer (including in each of the above cases parts or accessories therefor sold on or in connection therewith or with the sale thereof)—5%. A sale of an automobile truck, bus, or truck or bus trailer or semitrailer, shall be considered to be a sale of the chassis and of the body.

(b) Other automobile chassis and bodies, chassis and bodies for trailers or semitrailers suitable for use in connection with passenger automobiles, and motorcycles (including in each case parts or accessories therefor sold on or in connection therewith or with the sale thereof), except tractors—7%. A sale of an automobile, trailer, or semitrailer shall be considered to be a sale of the chassis and of the body.

(c) Parts or accessories (other than tires and inner tubes and other than radios) for any of the articles enumerated in paragraphs (a) or (b)—5%. Spark plugs, storage batteries, leaf springs, coils, timers, and tire chains, which are suitable for use on or in connection with, or as component parts of, any of the articles enumerated in paragraphs (a) and (b) shall be considered parts or accessories for such articles, whether or not primarily adapted for such use.

(d) The following items are not subject to this tax:

(1) Motor-driven machines designed and adapted for use in pulling or drawing vehicles around the premises of factories and railway stations, and small trucks for handling baggage and trunks at railway stations, as distinguished from automotive vehicles, including tractors, used on highways and roads. (Sec. 316.50, Regulations 46; 26 CFR, Cum, Supp., 316.50).

(2) Parts and accessories (which term does not include tires, inner tubes and automobile radios) sold to a manufacturer of articles enumerated in paragraphs (a) and (b) above, provided an appropriate certificate of the purchaser is given to the seller, stating that the purchaser is a manufacturer of such articles. (Sec. 3403 (c), IRC; sec. 316.57, Regulations 46; 26 CFR, Cum. Supp., 316.57).

(e) Where a manufacturer sells taxpaid tires, inner tubes and automobile radios on or in connection with or with the sale of automobile trucks, other automobiles, taxable tractors, or motorcycles, he may take appropriate credit against the tax due on his sale. (Sec. 3403 (e), IRC; sec. 316.54, Regulations 46; 26 CFR, Cum. Supp., 316.54).

§ 808.802–3 *Radio receiving sets, phonographs, phonograph records and musical instruments.* (Sec. 3404, IRC; Regulations 46, Subpart G; 26 CFR, Cum. Supp.; 316.60–316.64). Rate: 10%.

(a) Radio receiving sets, automobile radio receiving sets, combination radio and phonograph set, and phonographs.

(b) Chassis, cabinets, tubes, reproducing units, power packs, antennae of the "built in" type, and phonograph mechanisms, which are suitable for use on or in connection with, or as component parts of, any of the articles enumerated in paragraph (a), whether or not primarily adapted for such use.

(c) Phonograph records,

(d) Musical instruments,

including in each case, except in the case of musical instruments, parts or accessories therefor sold on or in connection with the sale thereof.

§ 808.802–4 *Refrigerators, refrigerating apparatus and air conditioners.* (Sec. 3405, IRC; Regulations 46, Subpart H; 26 CFR, Cum. Supp., 316.70–316.73). Rate: 10%.

(a) *Refrigerators.* Household type refrigerators (for single or multiple cabinet installations) having, or being primarily designed for use with, a mechanical refrigerating unit operated by electricity, gas, kerosene, or gasoline.

(b) *Refrigerating apparatus.* Cabinets, compressors, condensors, evaporators, expansion units, absorbers, and controls for, or suitable for use as parts of or with, household type refrigerators of the kind described in paragraph (a) except when sold as component parts of complete refrigerators or refrigerating or cooling apparatus.

(c) *Air-conditioners.* Self-contained air-conditioning units.

Including in each case parts or accessories therefor sold on or in connection with the sale thereof.

§ 808.802–5 *Sporting goods.* (Sec. 3406 (a) (1), IRC; Regulations 46, Subpart J; 26 CFR, Cum. Supp., 316.90–316.91). Rate 10%.

Badminton nets.
Badminton rackets.[3]
Badminton racket frames.[3]
Badminton racket string.
Badminton shuttlecocks.
Badminton standards.
Baseballs.
Baseball bats.[2]
Baseball body protectors.
Baseball shin guards.
Baseball gloves.
Baseball mitts.
Baseball masks.
Basketballs.
Billiard tables.[3]
Billiard balls (for such tables).
Billiard cues (for such tables).
Bowling balls.
Bowling pins.
Boxing gloves.
Boxing masks.
Boxing head guards.
Boxing ear guards.
Clay pigeons.
Crocket balls.
Cricket bats.
Croquet balls.
Croquet mallets.
Curling stones.
Deck tennis rings.
Deck tennis nets.
Deck tennis posts.
Fencing equipment.
Fishing artificial lures.
Fishing baits.
Fishing creels.
Fishing flies.
Fishing reels.
Fishing rods.
Footballs.
Football harness.
Football helmets.
Golf bags.[3]
Golf balls.
Golf clubs.[4]
Gymnasium equipment.
Gymnasium apparatus.
Hockey balls.
Hockey pucks.
Hockey sticks.[4]
Indoor baseballs.
Indoor baseball bats.[2]
Indoor baseball gloves.
Indoor baseball mitts.
Lacrosse balls.
Lacrosse sticks.
Mass balls.
Polo balls.
Polo mallets.
Pool tables.[3]
Pool balls
Pool cues } for such tables.
Push balls.
Skates.
Skis.
Ski poles.
Snow shoes.
Snow toboggans.
Snow sleds.
Soccer balls.
Softball balls.
Softball bats.[2]
Softball gloves.
Softball mitts.
Squash balls.
Squash rackets.[1]
Squash racket frames.[1]
Squash racket string.
Table tennis balls.
Table tennis nets.
Table tennis paddles.
Table tennis tables.
Tennis balls.
Tennis nets.
Tennis rackets.[1]
Tennis racket frames.[3]
Tennis racket string.
Track hurdles.
Traps for throwing clay pigeons.
Vaulting cross bars.
Vaulting poles.
Vaulting standards.
Volley balls.
Volley nets.
Volley standards.
Water polo balls.
Water polo goals.
Wrestling head harness.

§ 808.802–6 *Electric, gas or oil appliances.* (Sec. 3406 (a) (3), IRC; Regulations 46, Subpart L; 26 CFR, Cum. Supp., 316.110–316.111). Rate: 10%. Electric direct motor-driven fans and air circulators; electric, gas, or oil water heaters; electric flat irons; electric air heaters (not including furnaces); electric immersion heaters; electric heating pads and blankets; electric, gas or oil appliances of the type used for cooking,

[1] Measuring 22 inches over-all or more in length.
[2] Measuring 26 inches or more in length.
[3] Measuring 45 inches over-all or more in length.
[4] Measuring 30 inches or more in length.

warming, or keeping warm food or beverages for consumption on the premises; and electric mixers, whippers, and juicers.

§ 808.802–7 *Photographic apparatus.* (Sec. 3406 (a) (4), IRC; Regulations 46, Subpart M; 26 CFR, Cum. Supp., 316.120–316.122).

(a) Cameras (except cameras weighing more than four pounds exclusive of lens and accessories) and lenses, photographic apparatus and equipment, and any apparatus or equipment designed especially for use in the taking of photographs or motion pictures or in developing, printing, or enlarging photographs or motion pictures—25%.

(b) Unexposed photographic films (including motion picture films, but not including X-ray film), photographic plates and sensitized paper—15%.

(c) A credit or refund may be allowed or made in the amount of tax paid with respect to sale of unexposed motion picture films used or resold for use in the making of news reel motion picture films. (Sec. 3443 (a) (3) (A) (v), IRC; sec. 316.121, Regulations 46; 26 CFR, Cum. Supp., 316.121)

§ 808.802–8 *Business and store machines.* (Sec. 3406 (a) (6), IRC; Regulations 46; Subpart O; 26 CFR, Cum. Supp., 316.140–316.141). Rate: 10%.

Adding machines.
Addressing machines.
Autographic registers.
Bank proof machines.
Billing machines.
Bookkeeping machines.
Calculating machines.
Card punching machines.
Cash registers, except cash registers of the type used in registering over-the-counter retail sales.
Change making machines
Check writing machines.
Check signing machines.
Check cancelling machines.
Check perforating machines.
Check cutting machines.
Check dating machines.
Other check protector machine devices.
Computing machines
Coin counters.
Dictographs.
Dictating machine record shaving machines.
Dictating machines.
Duplicating machines.
Embossing machines.
Envelope opening machines.
Erasing machines.
Fanfold machines
Fare registers.
Fare boxes.
Folding machines.
Listing machines
Line-a-time and similar machines.
Mailing machines.
Multigraph machines.
Multigraph typesetting machines.
Multigraph type justifying machines and combinations of any of the foregoing.
Numbering machines.
Portable paper fastening machines.
Pay roll machines.
Pencil sharpeners.
Postal permit mailing machines.
Punch card machines.
Sealing machines.
Shorthand writing machines.
Sorting machines.
Stencil cutting machines.
Tabulating machines.
Ticket counting machines.
Ticket issuing machines.
Typewriters.
Transcribing machines.
Time recording devices.

and combinations of any of the foregoing.

§ 808.802–9 *Electric light bulbs and tubes.* (Sec. 3406 (a) (10), IRC; Regulations 46, Subpart S; 26 CFR, Cum. Supp. 316.180–316.181). Rate: 20%. Electric light bulbs and tubes, not including articles taxable under any other manufacturers' excise tax.

§ 808.802–10 *Firearms, shells, cartridges.* (Sec. 3407, IRC; Regulations 46, Subpart I; 26 CFR Cum. Supp. 316.80–316.82). Rate: 11%. Firearms (except pistols and revolvers, as to which see § 808.803), shells and cartridges.

§ 808.802–11 *Matches.* (Sec. 3409, IRC; Regulations 44, Subpart F; 26 CFR, Cum. Supp., 314.50–314.52).

(a) Fancy wooden matches and wooden matches having a stained, dyed, or colored stick or stem, packed in boxes or in bulk—5½ cents per 1,000 matches.

(b) All matches other than those enumerated above—2 cents per 1,000 matches.

§ 808.802–12 *Electrical energy for domestic or commercial consumption.* (Sec. 3411, IRC; Regulations 46 Subpart T; 26 CFR, Cum. Supp., 316.190–316.194). Rate: 3⅓%.

(a) Tax is imposed upon electrical energy sold for domestic or commercial consumption and not for resale.

(b) The term "electrical energy sold for domestic or commercial consumption" does not include:

(1) Electrical energy sold to the United States for consumption by the legislative, executive or judicial branches of the Federal Government and agencies thereof; examples of such governmental activities are office buildings for the legislative, executive and judicial branches of the Federal Government and agencies thereof, Army camps, post exchanges, barracks and dormitories for enlisted personnel of the armed forces, military supply depots, penal institutions and hospitals; but sales of electrical energy (when separately metered) to the United States for consumption in officers' quarters or residences at military establishments or in emergency housing for war workers or Federal housing projects, constitute sales for domestic consumption (S. T. 931, Int. Rev. Bull. 1944, No. 15, p. 36);

(2) Electrical energy sold for industrial consumption, e. g., for use in manufacturing, mining, refining, shipbuilding, building construction, irrigation, etc. (Sec. 316.190, Regulations 46; 26 CFR, Cum. Supp. 316.190); or

(3) Electrical energy sold for other uses which likewise cannot be classed as domestic or commercial, such as electrical energy used by electric and gas companies, waterworks, telegraph, telephone and radio communication companies, railroads, etc. (Sec. 316.190, Regulations 46; 26 CFR, Cum. Supp., 316.190)

(c) The tax does not apply to sales of electrical energy for resale, except where the electrical energy is sold to an owner or lessee of a building for resale to the tenants therein.

(d) The tax does not apply to publicly owned electric or power plants, or to electric or power plants or systems owned and operated by cooperative or nonprofit corporations engaged in rural electrification.

§ 808.802–13 *Gasoline.* (Sec. 3412, IRC; Regulations 44, Subpart D; 26 CFR, Cum. Supp., 314.30–314.35). Rate: 1½ cents a gallon.

(a) Tax is imposed on gasoline sold by the producer or importer thereof, or by any producer of gasoline. The term "gasoline" means (1) all products commonly or commercially known or sold as gasoline (including casinghead and natural gasoline), benzol, benzene, or naphtha, regardless of their classifications or uses; and (2) any other liquid of a kind prepared, advertised, offered for sale or sold for use as, or used as, a fuel for the propulsion of motor vehicles, motor boats, or airplanes, except that it does not include any of the foregoing (other than products commonly or commercially known or sold as gasoline) sold for use otherwise than as a fuel for the propulsion of motor vehicles, motor boats, or airplanes, and otherwise than in the manufacture or production of such fuel and does not include products commonly or commercially known or sold as kerosene, gas oil, or fuel oil. Further definitions, referring to the thermometer readings, octane ratings and other specifications are found in sec. 314.30, Regulations 44; 26 CFR, Cum. Supp., 314.30.

(b) Gasoline may be sold tax free by a producer of gasoline to other producers of gasoline, provided the producers are properly registered and bonded and an appropriate certificate in this connection is furnished the seller. (Sec. 314.32, Regulations 44; 26 CFR, Cum. Supp., 314.32).

(c) Tax does not attach to products (other than those referred to in § 808.802–13 (a) (1)) sold direct for use otherwise than as fuel for the propulsion of motor vehicles, motor boats, or airplanes and otherwise than in the manufacture or production of such fuel, provided an appropriate certificate in this connection is furnished the seller. (Sec. 314.33, Regulations 44; 26 CFR, Cum. Supp., 314.33). Exemption from tax discussed in this paragraph will not be claimed, contract prices will not exclude taxes on the basis of such an exemption and proof of such an exemption will not be furnished contractors.

§ 808.802–14 *Lubricating oils.* (Sec. 3413, IRC; Regulations 44, Subpart E; 26 CFR, Cum. Supp., 314.40–314.44). Rate: 6 cents a gallon.

(a) Tax is imposed upon lubricating oils sold by the manufacturer or producer. The term "lubricating oil" includes all oils, regardless of their origin, which are sold as lubricating oil and all oils which are suitable for use as a lubricant, but does not include products of the type commonly known as grease. (Sec. 314.40, Regulation 44; 26 CFR, Cum. Supp. 314.40).

(b) Lubricating oils may be sold tax free by the manufacturer or producer thereof direct to another such manufacturer or producer for resale, provided the manufacturers are properly registered and bonded and an appropriate certificate in this connection is furnished the seller. (Sec. 314.42 Regulations 44; 26 CFR Cum. Supp. 314.42).

(c) No tax attaches where lubricating oils are sold direct for nonlubricating uses by the purchaser provided an appropriate certificate in this connection is furnished the seller. (Sec. 314.43 Regulations 44; 26 CFR, Cum. Supp., 314.43). Exemption from tax discussed in this paragraph will not be claimed, contract prices will not exclude taxes on the basis of such an exemption and proof of such an exemption will not be furnished contractors.

§ 808.802–15 *Basis and application of manufacturers excise taxes.* (a) In general, the manufacturers' excise taxes are based on the sales price. In such cases, any charges for coverings, containers, etc., are included in the sales price for purposes of computing the tax. If the amount of the sales price is adjusted upon return to the seller of coverings or containers, the tax should also be adjusted. (Sec. 316.10, Regulations 46; 26 CFR. Cum. Supp., 316.10). The tax imposed, however, is not part of the taxable price of the article. (26 CFR, Cum. Supp., 316.11). Charges for transportation, delivery, insurance, installation, and similar charges are also excluded in computing the tax. (Sec. 316.12, Regulations 46; 26 CFR, Cum. Supp. 316.12).

(b) The lease of an article is considered a sale thereof. In the case of leases or installment sales, the tax is paid proportionately upon each payment. (Sec. 316.9, Regulations 46; sec. 314.4, Regulations 44; 26 CFR, Cum. Supp., 316.9, 314.4).

(c) The tax in general attaches when title passes from the manufacturer. (Sec. 316.5, Regulations 46; sec. 314.4, Regulations 44; 26 CFR, Cum. Supp. 316.5, 314.4). If subsequent reduction is made in the sales price, credit or refund may be obtained by the manufacturer. (Sec. 316.13, Regulations 46; 26 CFR, Cum. Supp. 316.13). Claim by a manufacturer for credit or refund must show, among other things, that the tax has not been collected from the purchaser or has been repaid to him or that his written consent to the allowance of the credit or refund has been obtained. (Sec. 316.204, Regulations 46; sec. 314.64, Regulations 44; 26 CFR, Cum. Supp. 316.204, 314.64).

(d) No manufacturers' excise tax is imposed under section 3406, Internal Revenue Code (§§ 808.802–5 to 808.802–9, inclusive), with respect to any article subject to the retailers' excise tax on sale of jewelry, etc., referred to in § 808.804–1. (Sec. 3406, IRC).

§ 808.803 *Pistols and revolvers.* (Chapter 25, Subchapter A, IRC; Regulations 47; 26 CFR, and Cum. Supp., Part 302). Rate: 11%. Tax is imposed upon pistols and revolvers sold or leased by the manufacturer, producer or importer. (Sec. 2700, IRC).

§ 808.804 *Retailers' excise taxes.* (Chapter 19, IRC; Regulations 51; 26 CFR, Cum. Supp., Part 320). Rate: 20% of price for which article is sold, except where otherwise specified. (Rate is effective April 1, 1944.) Tax is imposed upon the articles specified below in §§ 808.804–1 to 808.804–4, inclusive, sold at retail. Such articles when sold to the Government for use or consumption are considered to be sold at retail.

§ 808.804–1 *Jewelry, etc.* (Sec. 2400, IRC; Regulations 51, Subpart D; 26 CFR, Cum. Supp., 320.30–320.38).

(a) All articles commonly or commercially known as jewelry, whether real or imitation; pearls, precious and semi-precious stones, and imitations thereof; articles made of, or ornamented, mounted or fitted with, precious metals or imitations thereof; watches and clocks and cases and movements therefor; gold, goldplated, silver, or sterling flatware or hollow ware, and silver-plated hollow ware; opera glasses; lorgnettes; marine glasses; field glasses; and binoculars. The rate of tax is 10% (and not 20%) of the sales price of watches selling at retail for not more than $65 and alarm clocks selling at retail for not more than $5.

(b) The tax does not apply to any article used for religious purposes, to surgical instruments, to watches designed especially for use by the blind, to frames or mountings for spectacles or eyeglasses, to a fountain pen or smokers' pipe if the only parts of the pen or the pipe which consist of precious metals are essential parts not used for ornamental purposes, or to buttons, insignia, cap devices, chin straps, and other devices prescribed for use in connection with the uniforms of the armed forces of the United States.

(c) "Opera glasses; lorgnettes; marine glasses; field glasses; and binoculars" include only those which are portable instruments. Articles known as marine glasses, field glasses and similar optical instruments which by reason of size or weight are ordinarily mounted upon tripods or other bases, are not subject to tax. (Sec. 320.36, Regulations 51; 26 CFR, Cum. Supp., 320.36).

§ 808.804–2 *Furs.* (Sec. 2401, IRC; Regulations 51, Subpart E; 26 CFR, Cum. Supp., 320.40–320.41).

(a) Articles made of fur on the hide or pelt and articles of which such fur is the component material of chief value.

(b) Where a person, who is engaged in the business of dressing or dyeing fur skins or of manufacturing, selling, or repairing fur articles, produces an article of the kind described from fur on the hide or pelt furnished, directly or indirectly, by a customer and the article is for the use of, and not for resale by, such customer, the transaction shall be deemed to be a sale at retail and the person producing the article shall be deemed to be the person selling such article at retail. The tax on such a transaction shall be computed and paid by such person upon the fair retail market value of the finished article. The Revenue Act of 1943 added, effective April 1, 1944, the provisions referred to in this paragraph.

§ 808.804–3 *Toilet preparations.* (Sec. 2402, IRC; Regulations 51, Subpart F; 26 CFR, Cum. Supp., 320.50–320.52). Perfumes, essences, extracts, toilet waters, cosmetics, petroleum jellies, hair oils, pomades, hair dressings, hair restoratives, hair dyes, aromatic cachous, toilet powders, and any similar substance, article, or preparation, by whatsoever name known or distinguished; any of the above which are used or applied or intended to be used or applied for toilet purposes.

§ 808.804–4 *Luggage.* (Sec. 1651, IRC).

(a) Trunks, valises, traveling bags, suitcases, satchels, overnight bags, hat boxes for use by travelers, beach bags, bathing suit bags, brief cases made of leather or imitation leather, and salesmen's sample and display cases.

(b) Purses, handbags, pocketbooks, wallets, billfolds, and card, pass, and key cases.

(c) Toilet cases and other cases, bags, and kits (without regard to size, shape, construction, or material from which made) for use in carrying toilet articles or articles of wearing apparel,

including in each case fittings or accessories therefor sold on or in connection with the sale thereof.

This tax first became effective April 1, 1944. For the period during which it remains in effect, the manufacturers' excise tax imposed upon luggage by section 3406 (a) (2), Internal Revenue Code, is suspended.

§ 808.804–5 *Sales in army commissaries and exchanges.* Under an agreement between the War Department and the Bureau of Internal Revenue, the latter will not attempt to collect retailers' excise taxes on sales of jewelry, furs, toilet preparations and luggage to members of the armed forces and their families and to civilian employees permanently employed on military posts, when such sales are made in army commissaries and exchanges. The War Department in turn agreed that sales of such articles in army commissaries and exchanges would not be made to casual laborers or temporary employees on military posts.

§ 808.804–6 *Basis and application of retailers' excise taxes.* (a) The retailers' excise taxes are based on the sales price. Any charges for coverings, containers, etc. shall be included in the sales price for purposes of computing the tax. If the amount of the sales price is adjusted upon return to the seller of coverings or containers, the tax should also be adjusted. (Sec. 320.6, Regulations 51; 26 CFR, Cum. Supp., 320.6). The tax imposed, however, is not part of the taxable price of the article. (Sec. 320.7, Regulations 51; 26 CFR, Cum. Supp., 320.7). Charges for transportation, delivery, insurance, installation, and similar charges are also excluded in computing the tax. (Sec. 320.8, Regulations 51; 26 CFR, Cum. Supp., 320.8)

(b) The lease of an article is considered a sale thereof. In the case of leases or instalment sales, the tax is paid proportionately upon each payment. (Sec. 320.10, Regulations 51; 26 CFR, Cum. Supp., 320.10)

(c) The tax in general attaches when title passes to the purchaser. (Sec. 320.4, Regulations 51; 26 CFR, Cum. Supp., 320.4). If subsequent reduction is made in the sales price, a credit or refund may be obtained by the seller. (Sec. 320.9, Regulations 51; 26 CFR, Cum. Supp., 320.9). Claim by a seller for credit or refund must show, among other things, that the tax has not been

collected from the purchaser or has been repaid to him or that his written consent to the credit or refund has been obtained. (Sec. 320.66; Regulations 51; 26 CFR, Cum. Supp., 320.66).

(d) In the case of any article classifiable under more than one retailer's excise tax, only one tax on such article shall be imposed. Where the rates of such tax differ, the article shall be subject to tax at the highest rate. (Sec. 1653, IRC.)

§ 808.805 *Tax on transportation of persons.* (Chapter 30, Subchapter C, IRC; Regulations 42, Subpart F; 26 CFR, Cum. Supp., 130.50–130.64).

Rate: 15% of the amount paid. Tax is imposed upon the amount paid within the United States for the transportation of persons by rail, motor vehicle, water, or air, within or without the United States, and for seating or sleeping accommodations in connection with such transportation. (Sec. 3469, IRC).

§ 808.805–1 *Basis and application of tax on transportation of persons.* (a) The taxability of a payment for transportation is determined strictly by the place of payment, i. e., whether within or without the United States. The place where the transportation service is furnished has no bearing on the tax. (Sec. 130.51, Regulations 42; 26 CFR, Cum. Supp., 130.51).

(b) Where a payment covers other charges than for transportation of a person, such other charges may be excluded in computing the tax, provided they are separable and are shown in the exact amounts thereof in the records pertaining to the transportation charge. (Secs. 130.52 and 130.54, Regulations 42; 26 CFR, Cum. Supp., 130.52 and 130.54).

(c) The tax does not apply to an amount paid for transportation of freight that includes also the transportation of caretakers or messengers for which no specific charge as such is made. (Sec. 130.54 (d), Regulations 42; 26 CFR, Cum. Supp. 130.54 (d)).

(d) The tax does not apply to transportation or facilities furnished under special tariffs providing for fares of not more than 1¼ cents per mile applicable to round trip tickets sold to personnel of the United States Army, Navy, Marine Corps, and Coast Guard traveling in uniform of the United States, or to members of the military or naval forces of any of the other United Nations traveling in uniform of such nation, at their own expense when on official leave, furlough, or pass, including authorized cadets and midshipmen (Sec. 3469 (f) (2) IRC).

(e) The tax does not apply to charges not exceeding 35 cents, certain commutation tickets, nor to transportation by motor vehicles with seating capacity of less than 10 and not operated on an established line. (Sec. 3469 (a) and (b), IRC; secs. 130.58–130.60, Regulations 42; 26 CFR, Cum. Supp., 130.58–130.60).

§ 808.806 *Tax on transportation of property.* (Chapter 30, Subchapter E, section 3475, IRC; Regulations 113; 26 CFR, Cum. Supp. Part 143). Rate: 3% of the amount paid, except that in the case of coal, the rate is 4 cents per short ton.

(a) Tax is imposed upon the amount paid within the United States for the transportation of property by rail, motor vehicle, water, or air from one point in the United States to another. The tax applies only to amounts paid to a person engaged in the business of transporting property for hire, including amounts paid to a freight forwarder, express company, or similar person, but does not include amounts paid by a freight forwarder, express company, or similar person for transportation with respect to which a tax on the transportation of property has previously been paid. In the case of property transported from a point without the United States to a point within the United States, the tax shall apply to the amount paid within the United States for that part of the transportation which takes place within the United States. The tax on the transportation of coal does not apply to the transportation of coal with respect to which there has been a previous taxable transportation.

(b) Effective December 1, 1943, amounts paid by or to the War Shipping Administration for the transportation of property by water from one point in the United States to another, except between points on the Great Lakes, are exempt from tax until approximately six months after the termination of hostilities.

(c) Effective December 1, 1943, the tax does not apply to amounts paid for the transportation of property to or from the American National Red Cross.

(d) Effective December 1, 1943, amounts paid for transportation of property to or from the government of a state, territory, or political subdivision thereof, or the District of Columbia are exempt from tax.

(e) The tax does not apply to amounts paid to the Post Office Department for the transportation of property.

(f) As to shipments on United States Government bills of lading, see § 808.810.

§ 808.806–1 *Basis and applications of tax on transportation of property*—(a) *Transportation.* The term "transportation" means the movement of property by a person engaged in the business of transporting property for hire, including interstate, intrastate, and intracity or other local movements, as well as towing, ferrying, switching, etc. In general, it includes accessorial service furnished in connection with a transportation movement, such as loading, unloading, blocking and staking, elevation, transfer in transit, ventilation, refrigeration, icing, storage, demurrage, lighterage, trimming of cargo in vessels, wharfage, handling, feeding and watering livestock, and similar services and facilities. (Sec. 143.1 (d), Regulations 113; 26 CFR, Cum. Supp., 143.1 (d)).

(b) *Coal.* The term "coal" includes anthracite, bituminous, semi-bituminous, sub-bituminous, and lignite coal, coal dust, and coke and briquettes made from coal (Sec. 143.1 (f), Regulations 113; 26 CFR, Cum. Supp., 143.1 (f)).

(c) *Baggage.* An amount paid, in connection with the transportation of persons, for the transportation of baggage, including incidental charges on account of excess weight, excess value, storage, transfer, special delivery, etc., or an amount so paid for a special baggage or express car or other conveyance is subject to the tax on the transportation of property if separable from the payment for the transportation of persons and separately shown on the records of the carrier. Otherwise the tax on the transportation of persons (see § 808.805–1) applies. (Sec. 143.1 (c), Regulations 113; 26 CFR, Cum. Supp., 143.14 (c)).

(d) *Previous taxable transportation of coal.* An amount paid for the transportation of coal is not taxable if there has been a previous taxable transportation of such coal. An amount paid for the transportation of coke or briquettes made from coal is not subject to tax provided there has been a previous taxable transportation of the coal or coal dust from which such coke or briquettes were manufactured. When a person delivers to a carrier a quantity of coal for a transportation movement, and the transportation tax has previously been paid with respect to the coal so delivered, a statement to that effect shall be endorsed on the bill of lading or other shipping papers. This endorsement shall constitute authority to the carrier not to collect tax with respect to the transportation charges due on such shipment. (Sec. 143.13 (b), Regulations 113; 26 CFR, Cum. Supp., 143.13 (b)).

§ 808.807 *Tax on transportation of oil by pipe line.* (Chapter 30, Subchapter A, IRC; Regulations 42, Subpart D; 26 CFR, Cum. Supp., 130.20–130.26.) Rate: 4½% of amount paid. Tax is imposed upon all transportation of crude petroleum and liquid products thereof by pipe line. In the event no charge is made for such transportation, or if the payment is made under a transaction which is not an arm's length one and such payment is less than the fair charge, the tax is imposed upon the fair charge for the transportation (Sec. 3460, IRC).

§ 808.808 *Telegraph, telephone, radio and cable facilities.* (Chapter 30, Subchapter B, sec. 3465, IRC; Regulations 42, Subpart E; 26 CFR, Cum. Supp., 130.30–130.46.) Rate: See following paragraphs. Rates shown therein are those effective April 1, 1944.

(a) *Telephone and radio telephone messages.* Tax is imposed at the rate of 25% of the amount paid within the United States for each telephone or radio telephone message or conversation for which the toll charge is more than 24 cents.

(b) *Telegraph, cable, and radio dispatches and messages.* Tax is imposed on the amount paid within the United States for each telegraph, cable or radio dispatch or message. In the case of each such domestic dispatch or message the rate of tax is 25%. In the case of each such international dispatch or message the rate of tax is 10%.

(c) *Leased wire, teletypewriter, or talking circuit special services.* Tax is imposed at the rate of 25% of the amount paid for leased wire, teletypewriter, or talking circuit special service, but not including an amount paid for service used exclusively in rendering a service taxable under the tax described in paragraph (d).

(d) *Wire and equipment service.* Tax is imposed at the rate of 8% of the amount paid for any wire and equipment service (including stock quotation and information services, burglar alarm or fire alarm service, and all other similar services but not including service described in paragraph (c)).

(e) *Local telephone service.* Tax is imposed at the rate of 15% of the amount paid by subscribers for local telephone service and for any other telephone service in respect of which a tax is not payable under the taxes described in paragraphs (a) to (d). Amounts paid for the installation of instruments, wires, poles, switchboards, apparatus, and equipment shall not be considered amounts paid for service.

SUBPART C—EXEMPTIONS FROM FEDERAL EXCISE TAXES

§ 808.810 *Exemption from specific Federal excise taxes as to articles sold and services furnished for the use of the United States.* Exemption is available from the following specific Federal excise taxes, to the extent indicated below, in connection with articles sold and services furnished for the use of the United States. Such exemption is available with respect to contracts entered into either prior or subsequent to June 1, 1944.

(a) Manufacturers' excise tax on radio receiving sets, phonographs, phonograph records and musical instruments. See § 808.802–3.[1]

(b) Manufacturers' excise tax on firearms, shells, cartridges. See § 808.802–10.[1]

(c) Manufacturers' excise tax on tires and inner tubes (see § 808.802–1), when such tires and tubes are sold to any person for use as component parts in the manufacture of an article which is to be sold direct to the War Department at a price not including the tax on the tires and tubes.[2]

(d) Tax on pistols and revolvers. See § 808.803.[1]

(e) Tax on telephone, telegraph, cable, radio, or leased wire services or facilities (see § 808.808), to the extent such services or facilities are furnished directly to the United States and for which payment is made directly by the United States. No exemption is available with respect to such services or facilities furnished to a contractor or other person operating under a contract to perform work on behalf of, or to furnish articles or materials to, the United States Government or any agency thereof.[3]

(f) Tax on transportation of persons (see § 808.805) with respect to payments for transportation furnished to the United States upon a United States Government transportation request.[3]

(g) Tax on transportation of property (see § 808.806), with respect to payments for transportation to or from the Government of the United States shipped on a United States Government bill of lading.[3]

§ 808.810–1 *Policy as to claiming exemption from specific Federal excise taxes listed in § 808.810.* Exclusion from contract prices of the tax on pistols and revolvers and the manufacturers' excise taxes referred to in § 808.810 is governed by the policy set forth in the Appendix to this part, except as otherwise provided in this section. Fixed price (lump sum) contractors, subcontractors, suppliers and materialmen may be authorized to purchase tires and inner tubes on a tax exclusive basis, when permitted pursuant to Treasury Decision 5114, as a variation to the policy set forth in such Appendix. Cost-plus-a-fixed fee prime contractors or subcontractors should not be permitted to purchase tires and inner tubes on a tax exclusive basis; care should be taken to determine that any fixed fee is computed without reflecting in any way any tax on tires or inner tubes.

Exemptions referred to in § 808.810 from transportation taxes are automatically secured by the use of United States Government transportation requests or bills of lading, as the case may be. Exemptions referred to in § 808.810 from communications taxes are automatically secured without the use of exemption certificates.

§ 808.811 *Exemption based upon exportation.* Exemption is available (a) from the manufacturers' excise taxes (§ 808.802 et seq.) and the retailers' excise taxes (§ 808.804 et seq.) with respect to sales for export and (b) from the tax on the transportation of property (§ 808.806) with respect to property in course of exportation. (Secs. 2406, 2705, 3449, IRC: secs. 314.25–314.27, Regulations 44; secs. 316.25–316.27, Regulations 46; secs. 320.21–320.22, Regulations 51; secs. 143.30–143.35, Regulations 113; 26 CFR, Cum. Supp., 314.25–314.27, 316.25–316.27, 320.21–320.22, 143.30–143.35.) This exemption will not be claimed. Contract prices therefore, will not exclude Federal excise taxes from which exemption is available only by reason of export and proof of exportation will not be furnished to contractors.

§ 808.812 *Exemption from manufacturers' excise taxes of sale of certain supplies and equipment for vessels of war including aircraft.* Exemption from manufacturers' excise taxes (§ 808.802, et seq.) is available with respect to the sale of an article for use as fuel supplies, ships' stores, sea stores, or legitimate equipment on vessels of war of the United States or of any foreign nation, vessels employed in the fisheries or in the whaling business or actually engaged in foreign trade or trade between the Atlantic and Pacific ports of the United States or between the United States and any of its possessions. The term "vessels of war" of the United States or of any foreign nation includes aircraft owned by the United States or by any foreign nation and constituting a part of the armed forces thereof. The terms "fuel supplies," "ships' stores," "legitimate equipment" include all articles, materials, supplies, and equipment necessary for the navigation, propulsion, and upkeep of vessels. (Sec. 3451, IRC; sec. 314.28, Regulations 44; 26 CFR, Cum. Supp., 314.28, 316.28). Under Treasury regulations this exemption, insofar as it relates to aircraft, is available only with respect to purchases made direct from manufacturers or producers and not with respect to purchases from dealers or distributors.

§ 808.812–1 *Policy as to claiming exemption described in § 808.812.* Serious administrative burdens would be imposed if the exemption described in § 808.812 were to be claimed with respect to articles of a character usable either (a) as supplies or legitimate equipment for vessels of war including aircraft or (b) otherwise. This exemption will not be claimed, contract prices will not exclude Federal excise taxes on the basis of this exemption and proof of this exemption will not be furnished to contractors, except that such action may be taken in connection with purchases of the following items:

(1) Aviation gasoline.

(2) Lubricating oil suitable only for aircraft engines.

(3) Aircraft tires and inner tubes.

(4) Aerial photographic cameras including gun cameras, lenses, apparatus, equipment, and films therefor.

§ 808.813 *Manufacturers' excise taxes; sales for further manufacture.* Exemption is available from manufacturers' excise taxes (§ 808.802 et seq.), and may be claimed by manufacturers, in the case of sale of any taxable article (other than tires, inner tubes or automobile radios) sold for use by the vendee as material in the manufacture or production of, or as a component part of, a taxable article or for resale by the vendee for such use by his vendee if such article is in due course so resold. (Also see § 808.802–2 (d) (2).) An appropriate certificate of the vendee must be given to the vendor in order to obtain this exemption. (Sec. 3442, IRC; secs. 314.20–314.23, Regulations 44; secs. 316.20–316.23, Regulations 46; 26 CFR, Cum. Supp., 314.20–314.23, 316.20–316.23). This exemption is available to a purchasing manufacturer without the necessity for any action by the War Department. The standard tax articles do not provide for the inclusion in the contract price of taxes from which such an exemption is available and such taxes should not be a component of the contract price.

§ 808.814 *Sales under contracts entered into prior to June 1, 1944, and agree-*

[1] Exemption with respect to these items was retained in the Internal Revenue Code as to sales made prior to the first day of the first month which begins six months or more after the date of termination of hostilities in the present war. (Sec. 307 (b) (2), Revenue Act of 1943.)

[2] Exemption of these items was authorized by the Secretary of the Treasury on April 29, 1944 (9 F.R. 4615, May 2, 1944) pursuant to authority vested in him by section 307 (c) of the Revenue Act of 1943 (see § 808.817). Such authorization of exemption expires at the close of the last day of the sixth full calendar month following the date of the termination of hostilities in the present war.

[3] This exemption was authorized by the Secretary of the Treasury on May 31, 1944 (9 F.R. 5998, June 2, 1944) pursuant to authority vested in him by section 307 (c) of the Revenue Act of 1943 (see § 808.817). Such authorization of exemption expires at the close of the last day of the sixth full calendar month following the date of the termination of hostilities in the present war.

ments and change orders supplemental thereto. Exemption from the manufacturers' excise taxes (§ 802.802 et seq.) and the retailers' excise taxes (§ 808.804 et seq.) remain available as to sales for the use of the United States pursuant to a contract entered into prior to June 1, 1944, or to any agreement or change order (executed prior to, on or after June 1, 1944) supplemental to such contract and bearing the same Government contract number. (Sec. 307 (b) (1), Revenue Act of 1943.) No such exemption remains available as to excise taxes on transportation and communication referred to in §§ 808.805 to 808.808, inclusive. Accordingly, exemptions from the manufacturers' and retailers' excise taxes remain available with respect to:

(a) Sales to the United States by prime contractors under fixed price contracts entered into prior to June 1, 1944, if the prices exclude the taxes on such sales, and under cost-plus-a-fixed-fee contracts entered into prior to that date; and

(b) Purchases by such prime contractors from their suppliers or subcontractors under purchase orders or subcontracts entered into prior to, on or after June 1, 1944: *Provided*, That their prime contracts contemplated tax exclusive purchases and that the purchase orders or subcontracts provide for the exclusion of the taxes from the prices of the articles purchased. (As a general rule, fixed price prime contracts entered into on and after March 1, 1943, in conformity with the policies set forth in the Appendix to this part have not contemplated tax exclusive purchases by prime contractors—see §§ 808.897 to 808.897–6, inclusive.)

§ 808.814–1 *Policy as to claiming exemptions applying to sales under contracts entered into prior to June 1, 1944, and agreements and change orders supplemental thereto.* (a) The provisions of prime contracts entered into prior to June 1, 1944, determine whether and to what extent the contract price includes or excludes Federal excise taxes and consequently whether and to what extent exemptions are to be claimed.

(b) If the price under a contract entered into prior to June 1, 1944, includes an applicable Federal excise tax, agreements or change orders supplemental to such contract and executed on or after June 1, 1944, will also include such tax in the price and such tax will be paid by the contractor. This shall not prevent, however, the claiming of any available exemptions pursuant to the provisions of this part.

(c) If the price under a prime contract entered into prior to June 1, 1944, excludes an applicable Federal excise tax, agreements or change orders supplemental thereto and executed on or after June 1, 1944 may also exclude such tax. Exemption will continue to be available from any tax so excluded. Heretofore existing policies, which are contained in the Appendix to this part, determine the extent to which exemption from any such tax may be extended to purchases by contractors.

(d) Where new contracts normally would be executed, supplemental agreements or change orders will not be used merely to avoid the payment of Federal excise taxes.

§ 808.815 *Miscellaneous exemptions.* In addition to the exemptions discussed in this subpart, certain miscellaneous exemptions, applying to private as well as Government procurement, are available from Federal excise taxes. Some of these miscellaneous exemptions are mentioned in Subpart B of this part; in some cases such Subpart B provides that those exemptions will not be claimed. Any exemption, as to which no policy is otherwise provided in this part, need not be claimed, in which event contract prices will not exclude taxes on the basis of such an exemption and proof of such an exemption will not be furnished to contractors.

§ 808.816 *Effective date of removal of other Governmental exemptions.* Prior to the Revenue Act of 1943, additional exemptions, not set forth in this subpart, were available in connection with procurement for the use of the United States. The removal by the Revenue Act of 1943 of such additional exemptions is effective as follows:

(a) Manufacturers' and retailers' excise taxes—sales made on and after June 1, 1944.

(b) Tax on transportation of persons—amounts paid on or after June 1, 1944.

(c) Tax on transportation of property—amounts paid on or after June 1, 1944.

(d) Tax on telephone, telegraph, radio and cable facilities:

(1) Messages and dispatches (§ 808.808 (a) and (b))—originating on or after June 1, 1944.

(2) Service (§ 808.808 (c) to (e))—amounts paid pursuant to bills rendered on or after June 1, 1944, for service for which no previous bill was rendered.

§ 808.817 *Power of Secretary of the Treasury to authorize exemption.* The Secretary of the Treasury may authorize exemption from the taxes imposed by Chapters 19 (retailers' excise taxes, § 808.804 et seq.), 29 (manufacturers' excise taxes, § 808.802 et seq.), or 30 (taxes on transportation and communication, §§ 808.805 to 808.808) of the Internal Revenue Code as to any particular articles or services, or class of articles or services, to be purchased for the exclusive use of the United States, if he determines that the imposition of such taxes with respect to such articles or services, or class of articles or services, will cause substantial burden or expense which can be avoided by granting tax exemption and that the full benefit of such exemption, if granted, will accrue to the United States. The authority of the Secretary of the Treasury in this regard, however, is not applicable to any contract entered into on or after the first day of the first month which begins six months or more after the date of the termination of hostilities in the present war. (Sec. 307 (c) of the Revenue Act of 1943).

§ 808.817–1 *Procedure to request exercise of authority by Secretary of the Treasury.* In cases where it is deemed necessary for the Secretary of the Treasury to authorize exemptions with respect to any particular articles or services, or class of articles or services, requests for the exercise of that authority will be forwarded through channels to the Director, Purchases Division, Headquarters, Army Service Forces. Such requests should specify in detail the reasons why the request exemption is needed.

§ 808.817–2 *Circumstances under which requests are proper.* The purpose of the removal by the Revenue Act of 1943 of various exemptions applying to the United States from Federal excise tax was to eliminate the numerous administrative procedures (and resulting need for personnel) required on the part of private contractors, procurement agencies and the Bureau of Internal Revenue in order to establish such exemptions, which if not available would not cause any net loss to the United States. It was recognized, however, that in some cases it might be determined that such removal of exemptions would impose greater net costs or administrative burdens than did the retention thereof or would cause other results adversely affecting the United States, in some serious and substantial manner. The established policy of the War Department is to request the Secretary of the Treasury to authorize exemptions only in cases of this character.

In no event will requests be made to the Secretary of the Treasury to authorize exemptions from tax if the only reason therefor is a desire to reduce the contract price or prices by the amount of the tax which, if paid, would go eventually into the Treasury. Such requests will be presented to the Secretary of the Treasury only where it is clearly established (a) that the denial of exemption with respect to purchases of particular articles or services, or classes of articles or services, for the exclusive use of the United States imposes serious administrative problems or presents substantial danger of net loss to the United States, and (b) that the full benefit of any exemption, if granted, will accrue to the United States.

§ 808.818 *Federal excise taxes not covered by this part.* This part applies only to Federal excise taxes imposed by the following chapters of the Internal Revenue Code: Chapter 19 (retailers' excise taxes—see § 808.804, et seq.), Chapter 25 (pistols and revolvers—see § 808.803), Chapter 29 (manufacturers' excise taxes—see § 808.802, et seq.) and Chapter 30 (transportation and communication—see §§ 808.805 to 808.808). When any technical service has responsibility for the procurement or purchase of any articles subject to a Federal excise tax under any other chapter of the Internal Revenue Code, such technical service may prescribe such rules, governing the securing of exemption from such tax, as it may deem proper.

SUBPART D—TAX EXEMPTION CERTIFICATE FORMS AND PROCEDURE

§ 808.820 *Applicability of this subpart.* The forms and procedures set forth in this subpart are applicable after June 1, 1944, so far as exemptions from Federal excise taxes are concerned, only with respect to the exemptions specified in §§ 808.810, 808.812 and 808.814. The policies governing the claiming of these exemptions are set forth in §§ 808.810–1, 808.812–1 and 808.814–1.

§ 808.821 *Standard tax exemption forms.* The following standard tax exemption forms have been prescribed:

	Standard Form No.
U. S. Government Tax Exemption Certificate	1094
Cover of U. S. Government tax exemption certificate book (front, outside and inside; back, outside)	1094A
Tabulation sheet (insert)	1094B
U. S. Government tax exemption identification card	1094C

§ 808.822 *U. S. Government Tax Exemption Certificate, Form 1094.* The front of U. S. Government Tax Exemption Certificate, Form 1094, is as follows:

Standard Form No. 1094—Revised
Form approved by Comptroller General U. S., June 11, 1937 (Gen. Reg. No. 86—Revised)

U. S. GOVERNMENT TAX EXEMPTION CERTIFICATE W

U. S. WAR DEPARTMENT,
WASHINGTON, D. C.

Indicate amount of tax		
Kind	Included	Excluded
Federal	xxxxxxxx	$
*State	$	$
*Local	$	$

(Use one block only, cancel others)

I certify that I have purchased for the exclusive use of the United States Government from _____
(Name and local address of vendor—Street, City, and State)

delivered at _____ (City) _____ (State)

_____ ((Description, quantity, and unit price)

which has (or have) been delivered, or which will be delivered and invoiced pursuant to purchase orders issued under contract No. _____, dated _____, and for which a tax exemption certificate has not heretofore been issued.

Date _____ Identification Card No. _____
_____ (Signature, and title of purchaser) Vehicle License No. _____

For VENDOR To be filled in ONLY when a State or local tax is included in the purchase price.
Certificate correct and just:
Name _____
By _____
Title _____

For Administrative Office
D. O. _____ Symbol _____
(Name)
Bu. Vou. No. _____ Period _____
*State and local taxes to be paid only when absolutely necessary to obtain commodity required.

§ 808.822–1 *Form 1094; where used.* U. S. Government Tax Exemption Certificate Form No. 1094 will be issued by the appropriate officer where required by the contract to supply proof of exemption with respect to those taxes which have been excluded from the contract price, as follows:

(a) All Federal excise taxes from which exemption is available on the basis of purchase for the use of the United States. See §§ 808.812 and 808.825 in connection with exemption under section 3451, Internal Revenue Code.

(b) All state and local taxes, except when a different form is required by the state or local tax authority. (See § 808.820)

§ 808.823 *Supply and reports of standard forms.* (a) Standard Forms 1094, 1094A, 1094B and 1094C will be requisitioned and distributed as prescribed in AR 310–200.

(b) Such forms will be subject to special control as prescribed in paragraph 10, AR 310–100.

(c) Submission of reports accounting for such forms is indefinitely suspended.

§ 808.824 *Who may execute tax exemption certificates.* (a) Tax exemption certificates will be executed only by those officers and Federal employees who have been supplied with a Standard Form No. 1094–C (U. S. Government tax exemption identification card).

(b) The identification card of authorized officers and employees of technical services responsible for purchasing at a post, camp, or station will be signed by the commanding officer. Identification cards supplied to other officers and Federal employees will be signed by the officer who furnishes such officer or employee with tax exemption certificates.

§ 808.825 *Aircraft and vessels of war supplies and equipment tax exemption certificate.* The following form is prescribed by Regulations 44 (Sec. 314.28) and Regulations 46 (Sec. 316.28) (26 CFR, Cum. Supp., 314.28 and 316.28):

EXEMPTION CERTIFICATE

(For use by purchasers of articles for use as fuel supplies, ships' stores, sea stores, or legitimate equipment on certain vessels (section 3451 of the Internal Revenue Code))

_____, 19____
(Date)

The undersigned purchaser hereby certifies that he is _____ of
(Owner, officer, charterer, or an authorized agent

_____ and that the article
(Name of company and vessel)

or articles specified in the accompanying order, or as specified below or on the reverse side hereof, will be used only for fuel supplies, ships' stores, sea stores, or legitimate equipment on a vessel belonging to one of the following classes enumerated in section 3451 of the Internal Revenue Code:

(Check class to which vessel belongs.)

——(1) Vessels engaged in foreign trade,
——(2) Vessels engaged in trade between the Atlantic and Pacific ports of the United States,
——(3) Vessels engaged in trade between the United States and any of its possessions,
——(4) Vessels employed in the fisheries or whaling business,
——(5) Vessels of war of the United States or a foreign nation.

If the articles are purchased for use on civil aircraft engaged in trade as specified in (1) or (3) above, state the name of the country in which the aircraft is registered _____.

The undersigned understands that if the article is used for any purpose other than as stated in this certificate, or is resold or otherwise disposed of, he must report such fact to the manufacturer. It is understood that this certificate may not be used in purchasing articles tax free for use as fuel supplies etc., on pleasure vessels, or on any type of aircraft except (a) civil aircraft employed in foreign trade or trade between the United States and any of its possessions, and otherwise entitled to exemption, and (b) aircraft owned by the United States or any foreign country and constituting a part of the armed forces thereof. It is also understood that the fraudulent use of this certificate to secure exemption will subject the undersigned and all guilty parties to a penalty equivalent to the amount of tax due on the sale of the article and upon conviction to a fine of not more than $10,000, or to imprisonment for not more than five years, or both, together with costs of prosecution. The undersigned also understands that he must be prepared to establish by satisfactory evidence the purpose for which the article was used.

_____
(Name)
_____
(Address)

The above form will be issued by the appropriate officer where *required by the contract* to supply proof of exemption with respect to the Federal excise taxes from which an exemption is available under Section 3451, Internal Revenue Code, such as for fuel supplies, ship stores and equipment for vessels of war, including aircraft of the armed forces. See § 808.812–1 as to the policy with respect to claiming this exemption.

§ 808.826 *Tax exemption certificates for issuance by contractors.* T. D. 5114, Jan. 27, 1942 (26 CFR, Cum. Supp., Part 470) authorizes exemption from the Federal excise taxes imposed by Chapters 25 and 29 of the Internal Revenue Code (taxes on pistols and revolvers and Manufacturers' excise taxes—see §§ 808.802 to 808.803, inclusive) on sales to contractors with the United States of purchase, construction and subsidiary articles. The policy with respect to this exemption is set forth in the Appendix to this part. The exemption is not available unless the contractor or subcontractor has been authorized by the contracting officer on W. D. Tax Form No. 1 (see § 808.826–1) attached to a standard Government Tax Exemption Certificate Form 1094. The forms prescribed by section 470.3 (b) of T. D. 5114 (26 CFR, Cum. Supp., 470.3 (b)) for use by contractors and subcontractors are set forth in §§ 808.826–2 and 808.826–3.

§ 808.826–1 *W. D. Tax Form No. 1: Authority of contractor and subcontractors to issue tax exemption certificates.*

W. D. Tax Form No. 1

AUTHORITY OF CONTRACTOR AND SUBCONTRACTORS TO ISSUE TAX EXEMPTION CERTIFICATES

(To be attached to a Form 1094 U. S. Tax Exemption Certificate)

_____
(Name of Contractor)
_____
(Address of Contractor)

Contract No. _____
Tax Exemption Certificate No. _____

The Contractor and/or his subcontractors (including suppliers) are authorized to issue tax exemption certificates in the form prescribed by Section 470.3 (b) of Treasury Decision 5114, approved January 27, 1942 (7 F.R. 579, January 29, 1942) as to the articles listed below, which are incorporated in or to be incorporated in the supplies or work covered by the contract referred to in the Tax Exemption Certificate to which this authority is attached.

List of Articles (If none, so state)

Description	Quantity [1]	Unit Price [1]

(Contracting Officer)

(Title)

§ 808.826–2 *Exemption certificate for use by prime contractor.*

EXEMPTION CERTIFICATE

(For use by prime contractor)

_____, 19____.
(Date)

The undersigned hereby certifies that the articles specified in the accompanying order or on the reverse side hereof are purchased from _____
(Name of vendor)
for the United States under Government contract _____;
(Number or other identification)
that he now has in his possession a certificate of exemption furnished by the United States with respect to such contract; and that such certificate authorizes him to issue this exemption certificate.

It is understood that the fraudulent use of this certificate to secure exemption will subject the undersigned and all guilty parties to a fine of not more than $10,000, or to imprisonment for not more than five years, or both, together with costs of prosecution.

_____
(Name)

_____
(Address)

§ 808.826–3 *Exemption certificate for use by subcontractor.*

EXEMPTION CERTIFICATE

(For use by subcontractor)

_____, 19____.
(Date)

The undersigned hereby certifies that the articles specified in the accompanying order or on the reverse side hereof are purchased from _____
(Name of vendor)
for incorporation in _____
(Subsidiary articles)
which are to be delivered to _____
(Subcontractor's
_____; that the price to be charged said vendee)
vendee contemplates that the aforesaid articles and the subsidiary articles are to be purchased on a tax-free basis; and that the undersigned now has in his possession an exemption certificate furnished by said vendee certifying that the above-named subsidiary articles are to be incorporated ultimately in other articles for use of the United States under Government contract _____
(Number
_____
or other identification.)

It is understood that the fraudulent use of this certificate to secure exemption will subject the undersigned and all guilty parties to a fine of not more than $10,000, or to imprisonment for not more than five years, or both, together with costs of prosecution.

_____,
(Name)

_____,
(Address)

§ 808.827 *Preparation and execution of exemption certificates.* (a) In the preparation of tax exemption certificates the typewriter will be used when practicable, otherwise ink or indelible pencil will be used. The use of ordinary lead pencil is prohibited. All blank spaces must be properly filled in or lined out, and no such exemption certificate will be delivered to a contractor unless fully and properly executed, except that the Bureau of Internal Revenue has advised that it is not necessary to state the amount of Federal tax upon the exemption certificate (Ltr. to the Chief Signal Officer from D. S. Bliss, Deputy Commissioner of Internal Revenue, 19 June 1942). The amount of tax should be stated, however, if readily available. In a case where Federal excise taxes have been excluded from the contract price of articles or supplies purchased, but the exact amount of the tax cannot be determined at that time, a blanket tax exemption certificate may be issued to cover all sales under the contract. The certificate should cover all articles purchased under such contract, including delivery orders placed thereunder by other officers. As to blanket tax exemption certificates covering purchases under contracts of the General Schedule of Supplies, see § 808.829.

(b) A separate certificate for each kind of tax (Federal, State or local) involved will be prepared. In the issuance of these certificates care must be exercised to fill in the blank spaces provided for showing on each certificate the separate amounts of the taxes involved (if known) so that the certificates may be used only for the purpose intended.

(c) Where the supplies or work covered by the contract are not taxable as such and the certificate is to be used for the purpose of obtaining exemption on the articles to be incorporated in the supplies or work covered by the contract, the amount of tax to be shown on the certificate should be stated as "None". No tax should be shown on the certificate except the tax imposed directly upon the supplies or work covered by the contract.

(d) Except as provided in paragraph (a) of § 808.828, the following statement will be written or stamped upon the face of each certificate pertaining to Federal taxes (except where a cost-plus-a-fixed-fee contract is involved): "W. D. Tax Form No. 1 attached". Tax Exemption Certificate Form No. 1094 may be modified insofar as necessary with respect to contracts for construction, alterations, improvements and repairs. The person issuing a tax exemption certificate will, in addition to his signature and title, insert on the lines provided therefor, his identification card number. (See § 808.824.)

§ 808.828 *When and how exemption certificates are issued to contractors.* At any time after the execution of the contract, a tax exemption certificate (Form 1094) and W. D. Tax Form No. 1, when appropriate, will be executed and delivered to the contractor, upon request, covering Federal excise taxes in the following cases:

(a) Where supplies are taxable under Chapter 25 or 29, and are purchased by the Government at a price which is exclusive of such tax. In such a case, the description of the supplies furnished tax free will be inserted on the tax exemption certificate. If such supplies purchased by the Government have had (or will have) incorporated therein tires, inner tubes, or automobile radios and the price paid by the Government is exclusive of the tax thereon, these items will be listed in the space headed "List of Articles" on W. D. Tax Form No. 1, which will be attached to the tax exemption certificate. This will enable the contractor, pursuant to T. D. 5114 (26 CFR, Cum. Supp., Part 470), to issue tax exemption certificates to the suppliers of such tires, inner tubes and automobile radios. It should be noted that under section 3442, Internal Revenue Code, no tax is imposed with respect to the sale of any article (except tires, inner tubes, and automobile radios) for use by the contractor in the manufacture or production of, or as a component part of an article itself taxable under Chapter 29. Accordingly, the contractor may obtain exemption from the burden of the tax on any articles exempted from tax by section 3442 in the manner provided in the Treasury Regulations (Regulation 46, especially section 316.20, 26 CFR, Cum. Supp., 316.20). Therefore, if no tires, inner tubes, or automobile radios are to be included in such supplies to be purchased from the contractor, there is no occasion for annexing W. D. Form No. 1 to the tax exemption certificate.

(b) Where the supplies purchased under the contract are not taxable under Chapter 29 but have had (or will have) incorporated therein one or more articles which are taxable under such Chapter,

§ 808.831–1 *Information as to the situation in other states* or advice with respect to particular problems in the states lised above should be obtained from the office of The Judge Advocate General by inquiry addressed to the attention of the Chief, Tax Division.

§ 808.831–2 *The instructions contained in the memoranda listed above* are modified by the privisions of § 808.832 so far as they relate to the form of certificates required on invoices of subcontractors and suppliers under cost-plus-a-fixed-fee contracts.

§ 808.832 *Certificate of non-inclusion of State or local taxes in amounts billed to cost-plus-a-fixed-fee contractors or subcontractors.* Where purchases of materials or services by cost-plus-a-fixed-fee contractors or cost-plus-a-fixed-fee subcontractors are exempt from state or local taxes, the vendor's invoices, except as provided in § 808.833, should contain the following statement:

State or local sales, use and similar taxes are not included in the amounts billed.

Where purchases by cost-plus-a-fixed-fee contractors or cost-plus-a-fixed-fee subcontractors are not exempt from state or local taxes the above statement may be omitted from vendor's invoices, but such taxes must be separately itemized.

§ 808.833 *Tax provisions of purchase orders issued by cost-plus-a-fixed-fee contractors and subcontractors.* Cost-plus-a-fixed-fee contractors and cost-plus-a-fixed-fee subcontractors may include in their purchase orders covering supplies or materials the following statement:

Any state or local sales, use, or similar tax, included in the amounts billed MUST be separately stated and itemized. It is understood, and the acceptance of this order shall constitute an agreement, that unless such taxes are separately stated and itemized, no such taxes are included in the amounts billed.

If this statement is included in the purchase order and if no state or local taxes are included in the amount billed to the cost-plus-a-fixed-fee contractor or cost-plus-a-fixed-fee subcontractor, the supplier of the supplies or materials need not include upon his invoice the statement quoted in § 808.832 that certain state or local taxes are not included in the amounts billed. However, even where the purchase order contains the statement quoted above in this paragraph, the invoice of the supplier under the purchase order must separately state and itemize all state or local sales, use or similar taxes which are in fact included in the price billed.

SUBPART F—COLLECTION AND PAYMENT OF FEDERAL EXCISE TAXES BY THE GOVERNMENT

§ 808.840 *General.* Except as provided in § 808.842, the amount of the Federal excise tax will be collected from the purchaser when articles, subject to tax under Chapter 25 (tax on pistols and revolvers—see § 808.803) or Chapter 29 (Manufacturers' excise taxes — see § 808.802, et seq.) of the Internal Revenue Code, purchased free of tax are sold to individuals or used for other than the use of the United States. Funds so collected will be deposited with the local disbursing officer together with information of the name of the contractor from whom the articles were purchased and the number of the contract under which purchase was made. In cases where the name and amount of the contract involved are not known to the sales officer, he will ascertain this information from the shipping or contracting officer or from the chief of the technical service, if necessary.

§ 808.841 *Remittances to contractor.* Funds received by a disbursing officer as payment for taxes imposed by Chapter 25 or 29 of the Internal Revenue Code will be placed in a special deposit account and remitted to the contractor monthly, or at the time the officer closes his accounts when he ceases to disburse, in order that return may be made therefor to the appropriate Collector of Internal Revenue. A copy of the report of such remittance will be forwarded to the Bureau of Internal Revenue. However, if it is impossible for the disbursing officer to determine the contractor from whom the articles subject to tax under Chapter 25 or 29 were purchased, he may remit the amount of the tax to the Collector of Internal Revenue for the district in which the disbursing officer is located with a statement that the name of the contractor is unknown.

§ 808.842 *Transfers to which §§ 808.840 and 808.841 do not apply.* In connection with the following types of transfers of Government-owned property purchased by the Government free of tax, it is not necessary that the amount of the Federal tax be collected from the purchaser and accordingly the provisions of §§ 808.840 and 808.841 are inapplicable:

(a) All sales of used property,

(b) Transfers to a cost-plus-a-fixed-fee contractor of Government-owned property for use in connection with the performance of the contract (whether the transfer is made directly by the Government or on behalf of the Government pursuant to a contract provision similar to that contained in § 803.363),

(c) Sales to a lump sum contractor of Government-owned property for use in connection with the performance of the contract,

(d) Transfers to other agencies of the Government, including transfers for disposition to the Procurement Division, Treasury Department.

§ 808.843 *Adjustment of sales price.* As indicated in § 808.842 (c), it is not necessary that on a sale of property to a lump sum contractor, the amount of the Federal tax, as such, be collected from the contractor. It is not appropriate, however, that the contractor derive the benefit arising from the fact that the Government originally acquired the property tax fee. Accordingly, in fixing the sales price to be paid to the Government by the lump sum contractor, one of the elements going into the price must be the amount of the Federal excise tax which would ordinarily be payable upon a sale of the property.

SUBPART G—ADJUSTMENTS OF CONTRACTS BECAUSE OF CHANGED FEDERAL EXCISE TAXES

§ 808.850 *Excise tax rates increased by Revenue Act of 1943.* The following excise tax rates, among others, were increased (effective April 1, 1944) by the Revenue Act of 1943.

Description of tax	Old rate	Taxable transaction [illegible] act
Retailers' excise taxes:		
Jewelry, etc. (except as to certain watches and alarm clocks)	5	10
Furs	10	20
Toilet preparations	10	20
Luggage (formerly manufacturers' excise tax)	5	10
Manufacturers' excise taxes:		
Electric light bulbs and tubes	5	10
Tax on communication:		
Telephone (over 24 cents)	10	25
Domestic telegraph, cable or radio dispatches	5	25
Leased wires, etc	10	25
Wire and equipment service	5	5
Local telephone service	10	15
Tax on transportation of persons	10	15

§ 808.851 *Excise taxes repealed by Revenue Act of 1943.* Section 310 of the Revenue Act of 1943 repealed as of April 1, 1944 the retailers' excise tax imposed by section 2400, Internal Revenue Code, with respect to "silver-plated flatware." Section 311 of the Revenue Act of 1943 revised section 3406 (a) (3), Internal Revenue Code, so as to exempt household type electric vacuum cleaners from manufacturers' excise taxes.

§ 808.852 *Excise taxes repealed by Revenue Act of 1942.* Section 611 of the Revenue Act of 1942 repealed as of November 1, 1942 excise taxes imposed by Internal Revenue Code, section 3406 (a), subsections (5), (7), (8), and (9) relating respectively to electric signs, rubber articles, washing machines and optical equipment. Sections 614 and 615 of the Revenue Act of 1942 have revised sections 3405 and 3406 (a) (6) of the Internal Revenue Code so as to exempt from excise taxation certain commercial refrigerating apparatus and cash registers of the type used in registering over-the-counter retail sales.

§ 808.853 *Contract provisions requiring adjustment by reason of changed Federal excise taxes.* The standard tax article prescribed in § 803.357–1 (as well as the provision formerly prescribed therein) for lump sum supply contracts requires certain adjustments in contract prices by reason of changes after the date of the contract or the date of the award, as the case may be, in excise taxes directly applicable to the supplies or work covered by the contract or the materials used in the manufacture thereof, all as more fully set out in paragraph (b) of such standard tax article.

§ 808.854 *Adjustments required under standard tax article by reason of increase in rates and repeal of excise taxes.* The increases in rates of excise taxes and the repeal of excise taxes mentioned in §§ 808.850 to 808.852 require adjustment under paragraph (b) of the standard tax article prescribed in § 803.357–1 or substantially similar provisions, if:

(a) Such taxes are directly applicable to the supplies or work covered by the contract or to the materials used in work or manufacture under the contract (all as more fully set forth in paragraph (b) of such standard tax article);

(b) The date of such contract or of the award, as the case may be, was prior to the date of the applicable increase or repeal; and

(c) Such taxes were included in the contract price. In the case of increase of rates, however, no adjustment will be made in excess of the amount of additional taxes or charges which the contractor is required to pay by reason of such increase. As a general rule, no adjustment will be required in connection with increase in rates of tax imposed with respect to communication and transportation.

§ 808.855 *Authority of chiefs of technical services with respect to adjustments.* To facilitate the prosecution of the war by reducing to a minimum the serious administrative burden of making adjustments referred to in § 808.854 and the time of contractors and government officers consumed in determining the amount thereof, the chiefs of the technical services are authorized pursuant to the First War Powers Act, 1941 and Executive Order No. 9001 to negotiate and enter into supplemental agreements with contractors with respect to the amount of any such adjustments after such verification and check thereof as the chiefs of the technical services severally shall prescribe. To expedite the negotiation of such adjustments the amount thereof may be determined by estimate, spot check, audit, or in any other manner deemed reasonable or appropriate by the chief of the technical service concerned. No adjustment decreasing the contract price shall be required in respect of any contract or class of contracts as to which the chief of the technical service concerned shall determine that the amount of adjustment possibly to be obtained will not be substantial or will not warrant the interference with the orderly conduct of the procurement program or the expenditure of the time and effort involved in making or determining the amount of adjustment.

§ 808.856 *Situations in which adjustment not required by reason of repeal or increase.* No adjustment of the contract price will be required by reason of the repeal or increase of rates of excise taxes if the contract provides that the contract price does not include such taxes or if the contract does not contain a provision substantially similar to paragraph (b) of the standard tax article prescribed in § 803.357–1.

§ 808.857 *Adjustments by reason of removal of exemptions by Revenue Act of 1943.* Effective June 1, 1944, certain exemptions available in connection with procurement by the United States were terminated (see § 808.815). Such exemptions, insofar as they relate to manufacturers' excise taxes (§ 808.802 et seq.) and retailers' excise taxes (§ 808.804 et seq.), remain in force as to contracts entered into prior to that date (see § 808.814) and no adjustments in contract prices are necessary by reason of termination of such exemptions. Such exemptions, however, insofar as they relate to transportation and communication taxes remain in effect only to the extent provided in § 808.810. If under a particular contract provision, adjustment is required by reason of the removal of exemptions relating to transportation and communication taxes, the provisions of § 808.855 shall apply to such adjustment.

§ 808.858 *Tax on transportation of property imposed by Revenue Act of 1942.* No increase will be made in the price payable under a contract executed prior to December 1, 1942, and containing a tax article substantially in the form of the standard tax article prescribed in § 808.357–1, by reason of the imposition of the tax on transportation of property under section 3475 of the Internal Revenue Code (Revenue Act of 1942, sec. 620) on freight charges which the contractor is bound to pay in accordance with the contract. (See Dec. Comp. Gen. B–20754, dated January 2, 1943; 22 Comp. Gen. 583).

APPENDIX—POLICY AS TO CLAIMING EXEMPTION FROM FEDERAL EXCISE TAXES AVAILABLE ON THE BASIS OF PURCHASE OF ARTICLES FOR THE USE OF THE UNITED STATES [1]

§ 808.890 *General; scope of Appendix.* This Appendix sets forth the policies which were in effect prior to June 1, 1944, as to claiming exemption from Federal excise taxes. These policies were based upon the availability of exemption on the ground of purchase for the use of the United States and therefore remain in effect on and after June 1, 1944, only in those instances where exemption with respect to sales for the use of the United States are continued beyond that date. (See §§ 808.814 and 808.814–1 with respect to exemption under contracts entered into prior to June 1, 1944, and §§ 808.810 and 808.810–1 with respect to exemption from specific taxes remaining available.

Discussion in this Appendix of statutory exemption provisions and Treasury Regulations relates to the situation existing prior to June 1, 1944, and is applicable with respect to exemptions based on sales for the use of the United States continued beyond that date.

The policy as to claiming exemptions which are available on any basis other than purchase for the use of the United States is set forth in Subpart C of this part (e. g. see § 808.811, concerning exemptions based on exportation and § 803.812, concerning exemption based on supplies and equipment for vessels of war including aircraft).

§ 808.891 *Definition of terms.* (a) The following terms are used in this Appendix as they are defined in Treasury Decision 5114, Jan. 27, 1942 (26 CFR, Cum. Supp., 470.1):

"Prime Contract" means a contract made by the United States. "Purchase article" means any article purchased as such by the United States under a prime contract. "Construction article" means any article for use as equipment, material or supplies by a prime contractor in performing a prime contract, provided, however, that payment for the article is made by the United States. "Subsidiary article" means any article, which by itself or after being combined by any persons with other articles, is incorporated in a purchase article or construction article.

(b) The following terms are defined for the purposes of this Appendix as follows:

"Subcontract" means any purchase or agreement to perform all or any part of the work, or to make or furnish any article, required for the performance of another contract or subcontract. "Article" includes any material, part, assembly, machinery, equipment or other personal property.

§ 808.892 *Statutory exemptions.* Chapters 19 (Retailers' excise taxes; see § 808.804 et seq.), 25 (pistols, revolvers and certain other firearms; see § 808.803), and 29 (Manufacturers' excise taxes; see § 808.802 et seq.) of the Internal Revenue Code impose certain excise taxes from which exemption is available if the taxable articles are sold for the use of the United States.

§ 808.893 *Exemption under Treasury Decision 5114.* In accordance with Treasury Decision 5114, dated Jan. 27, 1942 (26 CFR, Cum. Supp., Part 470), articles are exempt from taxes imposed by Chapter 25 or 29, where such articles are used or incorporated by the purchaser as material in the manufacture or production of, or a component part of, an article which is to be furnished to the United States Government, *Provided*, That (a) the price of the article does not include a tax on the sale or transfer thereof under Chapter 25 or 29 of the Internal Revenue Code, (b) the article is included at such tax-free basis in the price of the article in which it is incorporated and (c) satisfactory evidence of the exemption is furnished by tax exemption certificate (see § 808.828). With respect to prime contracts or purchases made March 1, 1943, and purchases made by subcontractors on or after that date, see policies outlined in § 808.897, et seq.

§ 808.894 *When sales deemed for use of United States.* An article is deemed to be sold for the use of the United States when it is sold (a) to the United States to be utilized by the United States or to be disposed of by the United States to a foreign Government, or (b) to a Government contractor or subcontractor (including a supplier) when the article is incorporated in an article sold to the United States or in the building or work constructed, altered, improved or repaired pursuant to a contract with the United States, or (c) to a Government contractor under a cost-plus-a-fixed-fee contract or subcontractor under a cost-plus-a-fixed-fee subcontract where the article is used as equipment, materials or supplies by the contractor or subcontractor in performing a Government prime contract or in performing a subcontract under such prime contract and payment for the article is made by the United States, whether directly or by reimbursement of the contractor or subcontractor for the cost thereof. With

[1] The matters set forth in this Appendix have limited application. See § 808.890.

respect to purchases by cost-plus-a-fixed-fee subcontractors of articles to be consumed in the performance of the subcontract (see § 808.895 (c)) tax exemption can be obtained under present rulings of the Commissioner of Internal Revenue only by the issuance of a Form 1094 by an authorized Government officer (see § 808.824). The term "incorporated in" as above refers to any process whereby an article enters into building, work or supplies or a component thereof so as to become a part thereof and is not merely consumed in such production.

§ 808.895 *Special considerations affecting tax exemption of lubricating oil and gasoline.* (a) Lubricating oil or gasoline, when incorporated in a purchase article so as to become a part thereof, constitutes a subsidiary article within the meaning of Treasury Decision 5114, and tax exemption of such oil and gasoline can be obtained pursuant to that Treasury Decision. Thus lubricating oil incorporated as the fluid in hydraulic apparatus constitutes a subsidiary article, where the hydraulic apparatus is purchased as such by the United States under a prime contract or where the hydraulic apparatus is a component part of some other article purchased as such by the United States under a prime contract. However, except as stated in paragraph (b) below, the term "subsidiary article" does not include lubricating oil consumed in the operation of machinery in manufacturing such hydraulic apparatus.

(b) Lubricating oil or gasoline is also a subsidiary article when sold to a prime contractor for use as equipment, material or supplies in the performance of his prime contract, if payment for the lubricating oil or gasoline is made by the United States, and in other cases where it can be shown that the United States clearly receives the benefit of exemption from the tax. Thus, where the prime contract involves the construction of a plant, or the operation and maintenance of a plant, either on the basis of cost-plus-a-fixed-fee or some other basis under which the tax on the gasoline or lubricating oil is not to be included in the cost chargeable to the United States, the gasoline or lubricating oil sold to the prime contractor for use in the performance of such prime contract constitutes a subsidiary article within the meaning of Treasury Decision 5114 and tax exemption of such oil and gasoline can be obtained pursuant to that decision. In such case, the gasoline or lubricating oil is deemed to be incorporated in the subject matter of the prime contract, namely, the plant construction or the plant operation.

(c) Gasoline, lubricating oil and other similar consumable supplies, used under cost-plus-a-fixed-fee contracts are exempt. However, such consumable supplies, when constituting subsidiary articles, as in paragraph (b) above, are only exempt under Treasury Decision 5114 if purchased by a prime contractor. If such consumable supplies are purchased by a cost-plus-a-fixed-fee subcontractor or subsidiary subcontractor, Form 1094 must be used in order to secure the exemption from Federal excise tax.

(d) With respect to prime contracts or purchases made after March 1, 1943, and subcontracts or purchases made by contractors or subcontractors on or after that date, see policies outlined in § 808.897 et seq.

§ 808.896 *Exemption rules as to articles subject to tax under Chapters of Internal Revenue Code other than Chapter 25 or 29.* Where any technical service has responsibility for the procurement or purchase of any articles subject to tax under Chapters of the Internal Revenue Code other than Chapter 25 or 29, as for instance Chapter 19, such technical service may prescribe such rules governing the securing of tax exemptions thereunder as it may deem proper.

§ 808.897 *Memorandum of policy, effective as of March 1, 1943, as to Federal excise tax.* The Under Secretary of War, jointly with the Under Secretary of the Navy, has issued the memorandum dated January 4, 1943, quoted below. The purpose of the policies stated therein is to reduce administrative work caused to Government departments and to contractors with respect to Federal excise tax exemptions and to eliminate confusion which has arisen particularly in connection with purchases, on a tax exempt basis in accordance with Treasury Decision 5114, by fixed price (lump sum) contractors and subcontractors, of articles and supplies for incorporation in or use in connection with supplies or work to be furnished or performed under a prime contract with the Government. The policies outlined in the memorandum have no application whatsoever to state and local taxes or exemptions thereunder or to fixed price (lump sum) prime contracts or subcontracts made prior to March 1, 1943, or to subcontracts or purchase orders thereunder. (The memorandum does not change or have any effect upon the exemption expressly provided by section 3442 (1) of the Internal Revenue Code under which contractors manufacturing taxable purchase articles may obtain subsidiary articles tax exempt in the manner provided in that section and applicable regulations—see § 808.813.) The memorandum follows:

POLICY AS TO FEDERAL EXCISE TAX EXEMPTIONS—TO BECOME EFFECTIVE MARCH 1, 1943

The War and Navy Departments adopt the following policies as to the payment of Federal excise taxes and exemptions therefrom, with respect (a) to all contracts executed by the Government after March 1, 1943, and all subcontracts thereunder and (b) to all subcontracts made after March 1, 1943, under cost-plus-a-fixed-fee prime contracts, regardless of when the prime contracts were executed. Certain terms used in this memorandum are defined in Note 1 below. The purpose of these policies is to reduce administrative work caused to Government Departments and to contractors with respect to Federal excise tax exemptions and to avoid the complications which have arisen in connection with purchases on a tax exempt basis in accordance with Treasury Decision 5114 by fixed price (lump sum) contractors and subcontractors.

1. The Government may make direct purchase of articles subject to Federal excise taxes ("purchase articles") on a price basis which either includes or excludes such taxes. In general, it will be War and Navy Department policy to make such direct purchases on a tax exclusive basis except where administrative convenience makes tax inclusive purchasing preferable.

2. In general, fixed-price (lump sum) contractors, subcontractors, suppliers and materialmen will not be authorized to purchase "construction articles", "subsidiary articles" or articles used or consumed in the performance of the prime contract or subcontract, on a tax-exclusive basis pursuant to Treasury Decision 5114, and no tax exemption certificates will be issued in respect thereof.

3. A prime contractor under a cost-plus-a-fixed-fee or cost prime contract, or any cost-plus-a-fixed-fee or cost subcontractor thereunder, may purchase any articles subject to Federal excise taxes ("construction articles", "subsidiary articles," or articles used or consumed in the performance of such prime contract or subcontract) on a price basis which either includes or excludes such taxes, *provided* that in general purchases on a tax exclusive basis shall be made by a cost-plus-a-fixed-fee subcontractor only where there is no fixed-price contractor intervening between such subcontractor and the prime contractor. Tax exemption certificates will be issued where purchases are made on a tax-exclusive basis pursuant to the policy announced in this paragraph. In general, it will be War and Navy Department policy to have such cost-plus-a-fixed-fee contractors and cost-plus-a-fixed-fee subcontractors make such purchases on a tax exclusive basis except where administrative convenience makes tax inclusive purchasing preferable. The term "cost contract" includes any contract provision on a cost basis and any contract for special additional facilities or emergency plant facilities of the Government-ownership type or substantially in the form approved by the Advisory Commission to the Council of National Defense and published in the FEDERAL REGISTER on October 19, 1940 (5 F. R. 4147, No. 205).

4. Exceptions to the policies prescribed in this memorandum may be authorized by the War or Navy Departments in order to facilitate procurement.

5. Bidders and contractors will be advised of the policies herein set forth as promptly as possible, so that they may make plans, fix prices and prepare cost analyses consistently with such policies.

6. The policies herein contained have no application to state and local taxes. These policies will likewise not necessitate any change in the policies applicable to fixed-price prime contracts and subcontracts executed prior to March 1, 1943, and subcontracts thereunder.

Dated this 4th day of January, 1943

ROBERT P. PATTERSON
Under Secretary of War
FORRESTAL
Under Secretary of the Navy

[NOTE 1: This note in the statement of policy refers to the definitions set out in § 808.891.]

§ 808.897–1 *Changes effected by memorandum of policy.* (a) Fixed price (lump sum) prime contracts made on or after March 1, 1943, for the acquisition by the War Department of articles subject to Federal excise taxes ("purchase articles") shall in general be made on a price basis which excludes such Federal excise taxes. The chief of any technical service may authorize any contract or class of prime contracts to be made on a price basis which includes such Federal excise taxes.

(b) Fixed price (lump sum) prime contractors under contracts made on or after March 1, 1943, and subcontractors under them will not in general be authorized to purchase "subsidiary articles" (see § 808.891) or articles used or consumed in the performance of the prime contract on a tax exclusive basis pursuant to Treasury Decision 5114.

(c) Where the price contract with the Government is on a cost-plus-a-fixed-fee basis, regardless of the date of the execution of the prime contract, a fixed price (lump sum) subcontractor thereunder whose subcontract is made on or after March 1, 1943, will not be authorized to purchase "subsidiary articles", or articles used or consumed in the performance of the prime contract or subcontract, on a tax exclusive basis pursuant to Treasury Decision 5114.

(d) Cost-plus-a-fixed-fee prime contractors and cost-plus-a-fixed-fee subcontractors acting under them (where no lump sum contractor intervenes between the prime contractor and the cost-plus-a-fixed-fee subcontractor) will normally purchase articles, which are subject to Federal excise tax, on a tax exclusive basis.

§ 808.897–2 *Issue of tax exemption certificates.* Except as provided in § 808.897–3, no tax exemption certificate will be issued by any officer or employee of the War Department or pursuant to Treasury Decision 5114 in a manner inconsistent with the policies provided in §§ 808.897 and 808.897–1. Nothing in this chapter, however, requires any contractor or subcontractor to forego any Federal excise tax exemption to which he may be entitled otherwise than under Treasury Decision 5114 (see, for example, sec. 3442, IRC). Where contractors are entitled to any such exemption, contracting officers should take precautions to see that prices under lump sum contracts are fixed after giving due consideration to the effect of such exemption (see § 808.813).

§ 808.897–3 *Variations from policy by chief of any technical service.* The chief of any technical service may authorize variations (consistent with applicable tax exemption laws and tax regulations) from the policies set forth in § 803.897 et seq. in any case or class of cases where he finds that such action is necessary to facilitate procurement. Any variations so authorized will be reported at once in writing to the Director, Purchases Division, Headquarters, Army Service Forces. (Variations authorized by § 808.897–5 need not be so reported.)

§ 808.897–4 *Documents to be consistent with policy.* The chief of each technical service will make necessary changes in existing bid forms, specifications, and instructions relating to bids and evaluation of contracts to carry out the policies set forth in the memorandum quoted in § 808.897. Great care should be exercised in drawing contracts and purchase orders to make certain that their provisions reflect accurately the intention of the parties with respect to taxes and that they are consistent with the policies above mentioned.

§ 808.897–5 *Exception to tax policy with respect to radio apparatus, parts and similar items.* In some instances contractors have experienced difficulty in ascertaining whether particular items and parts of certain specialized military and naval equipment fall within the category of articles enumerated in section 3404, Internal Revenue Code (see § 808.802–3). Accordingly, as an exception to the tax policy set forth in § 808.897 (see § 808.897–3), contracting officers are given authority to make prime contracts by the terms of which the prime contractor will be permitted to make purchases, on a basis exclusive of tax, of articles which are or may be subject to the tax imposed by section 3404 or section 3444 (so far as it relates to articles enumerated in section 3404), Internal Revenue Code, whether such articles (a) constitute subsidiary articles, or (b) are acquired by the prime contractor for transfer by him to the United States as purchase articles. With respect to any such purchases, the prime contractor may be authorized to issue tax exemption certificates in accordance with Treasury Decision 5114 and subject to its limitations.

§ 808.897–6 *Taxable articles manufactured by the prime contractor and included in a purchase article as a component part thereof.* The tax policy set out in §§ 808.897 and 808.897–1 is not intended to prevent the Government from buying purchase articles on a basis exclusive of any taxes on component parts of such purchase articles where such component parts (a) have been manufactured by the prime contractor himself and (b) have been included in the purchase article by such manufacturer himself. Buying such purchase articles from prime contractors on a basis exclusive of any tax imposed with respect to such component parts pursuant to the provisions of Internal Revenue Code, section 3444, is consistent with the above mentioned tax policy.

[Procurement Reg. 9]

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SUBPART A—CONVICT LABOR LAW

§ 809.901 *Basic statutes.* The public policy of the United States as to convict labor is expressed in the act of 23 February 1887 (24 Stat. 411; 18 U.S.C. 708, 709). This statute is a penal one and provides for imprisonment or fine upon conviction for its violation. See also 47 Stat. 418; 31 U.S.C. 686b; 45 Stat. 1084; 49 U.S.C. 60; 49 Stat. 494; 49 U.S.C. 61–64; 54 Stat. 1134, as amended 55 Stat. 581; 18 U.S.C. 396a.

§ 809.902 *Executive order of the President.* (a) Pursuant to the public policy prescribed by the aforementioned act of February 13, 1887, the President on May 18, 1905, issued an Executive order which provides, in substance, that all contracts which shall thereafter be entered into by officers or agents of the United States involving the employment of labor in the States composing the Union, or the Territories contiguous thereto, shall, unless otherwise provided by law, contain a stipulation forbidding, in the performance of such contracts, the employment of persons undergoing sentences of imprisonment at hard labor which have been imposed by courts of the several States, Territories, or Municipalities having criminal jurisdiction.

(b) Under date of July 9, 1942, the President issued Executive Order 9196 which "in order to remove any doubts which might otherwise exist and to insure the effective utilization of all existing productive facilities, * * * ordered that Executive Order No. 325A of May 18, 1905, be, and the same is hereby, suspended for the period of the war and for six months thereafter to the extent necessary to permit officers and agencies of the Federal Government charged with the purchase or procurement of articles necessary in the conduct of war to procure, directly or indirectly, through any contractor or subcontractor or otherwise, articles of any kind produced in any Federal, State or territorial prison, provided such articles are not produced pursuant to any contract or other arrangement under which prison labor is hired out to, or employed or used by, any private person, firm or corporation."

(c) The form of the provision to be used in contracts to which such Executive orders apply (except contracts subject to the Walsh-Healey Act as to which see §§ 803.353 and 803.353–4) is set out in § 803.345.

§ 809.903 *Application of basic statutes.*

§ 809.903–1 *Exceptions to prohibitions.* The prohibitions contained in the foregoing provisions of this subpart do not apply to the following purchases:

(a) Purchases of items manufactured, or services rendered, by Federal Prison Industries, Inc. (see § 806.608).

(b) Purchases of items manufactured or produced, or of services rendered, by State prisons or other correctional State institutions (see § 806.608a).

§ 809.903–2 *Shipment of convict-made goods.* The Assistant Solicitor General has advised the Chairman of the War Production Board that the Federal statutes prohibiting shipment of convict-made goods and subjecting such shipments to the operation of state prohibitory laws (See e. g. 54 Stat. 1134, as amended 55 Stat. 581; 18 U.S.C. 396a; 45 Stat. 1084; 49 U.S.C. 60; 49 Stat. 494; 49 U.S.C. 61–64) do not extend to convict-made goods being procured by a contractor directly or indirectly for the Federal Government, *Provided,*

(a) That there is no other source of supply readily available to him on the open market;

(b) That purchases of such articles, materials or supplies are limited to the amount necessary to fulfill specific existing contracts with the Government; and

(c) That all such purchases are made at prices substantially equivalent to the current market price of the commodity purchased.

He has also expressed the view that an order of the Secretary of Labor, dated May 26, 1942, has the effect of exempting from the operation of the convict labor provisions of the Walsh-Healey Act (49 Stat. 2036, as amended, 41 U.S.C. 35 and following) "Contracts negotiated during the present war for the purchase of prison-made goods by contractors, subcontractors or brokers when such purchases are limited as above set forth to the purchase of such goods for the purposes of existing Government Contracts." (See opinion of Attorney General, May 6, 1942; letter amplifying this opinion to the Chairman, War Production Board from the Assistant Solicitor General, date June 20, 1942.)

§ 809.903–3 *Employment.* The provisions of the statute referred to in § 809.901 do not prohibit the employment by contractors or subcontractors of persons serving sentences on parole or probation, nor to convicts who have served their terms.

SUBPART B—EIGHT-HOUR LAW OF 1912

§ 809.904 *Basic law.* The act requires that, in every contract to which it is applicable, a provision must be inserted that no laborer or mechanic doing any part of the work contemplated by the contract in the employ of a contractor or any subcontractor, shall be required or permitted to work more than 8 hours in any one calendar day upon such work unless such mechanic or laborer is compensated for all hours worked in excess of 8 hours in any one calendar day at not less than 1½ times the basic rate of pay. Act of June 19, 1912 (37 Stat. 137), as amended by section 5 (b) act of 28 June 1940 (54 Stat. 679) and section 303 act of September 9, 1940 (54 Stat. 884), 40 U. S. C. 324, 325, 325–A; M. L. 1939 and Supp. II, secs. 743, 745.

§ 809.904–1 *Form of contract provision.* The form of the provision to be used in contracts to which the act applies is set out in § 803.346.

§ 809.905 *Applicability.* The basic law applies to all War Department contracts which may require or involve the employment of laborers or mechanics either by the prime contractor or any subcontractor, with the following exceptions:

§ 809.905–1 *Exceptions.* (a) The law does not apply to supply contracts, such contracts ordinarily being subject to the Walsh-Healey Act where the amount involved is in excess of $10,000.00 (see Subpart E of this part).

(b) Where the same class of work is not, as a general rule, being performed by the Government, contracts for any of the following classes of work are not covered by the act.

(1) Contracts for transportation by land or water.

(2) Contracts for the transmission of intelligence.

(3) Contracts for the construction or repair of levees or revetments necessary for protection against floods or overflows on the navigable waters of the United States.

(4) Contracts for supplies or for such materials or articles as may usually be bought in the open market, whether such supplies, materials or articles are made to conform to particular specifications or not (except armor and armor plate).

(c) The law does not apply to contracts between the War Department and any one of the several States of the Union or the political subdivisions thereof. The law, however, is applicable to any subcontract covering any part of the work covered by such prime contract with a State (or political subdivision thereof) where it is sublet to a private contractor.

(d) The Attorney General has expressed the opinion that the basic law is not applicable to the employment of members of the crew of a dredge or like floating plant (38 Op. A.G. 150 (1934)).

SUBPART C—COPELAND ("KICKBACK") ACT

§ 809.906 *Basic law.* The act provides that whoever shall induce any person employed in work subject to the act to give up any part of the compensation to which he is entitled under his contract of employment by force, intimidation, threat of procuring dismissal from such employment or any other manner whatsoever, shall be fined not more than $5,000 or imprisoned not more than 5 years, or both. Act of 13 June 1934, (48 Stat. 948) 40 U.S.C.A. secs. 276(b) and (c) as amended by Reorganization Plan No. IV, effective June 30, 1940, (54 Stat. 1235).

§ 809.906–1 *Form of contract provision.* The form of the provision required by regulation in contracts to which the act applies is set out in § 803.344 (Title 29–A. Department of Labor Regulations 2.6). (29 CFR, Cum. Supp., 3.6).

§ 809.907 *Applicability.*

§ 809.907–1 *Character of contracts.* Generally the act applies to contracts and subcontracts regardless of amount for the construction, prosecution, completion or repair of any public building, public work, or building or work financed in whole or in part by loans or grants from the United States. The act applies to contracts for such work entered into upon a cost-plus-a-fixed-fee basis or otherwise, with or without advertising for proposals, as well as to contracts entered into upon a lump sum basis.

§ 809.907–2 *Exceptions.* (a) The act does not apply to supply contracts, such contracts ordinarily being subject to the Walsh-Healey Act where the amount is in excess of $10,000 (see Subpart E of this part); nor does it apply ordinarily to installation or maintenance work done for the account of the Government in connection with and as an incident to supply contracts.

(b) The form of provision required in § 803.344 is not required in War Department contracts with a State, or a political subdivision thereof, nor are other regulations with regard to the filing of affidavits, payroll summaries and securing authorized payroll deductions applicable to such contracts. However, the provision must be included and the regulations must be followed in subcontracts of any part of the work involved sublet by any state (or political subdivision thereof) to a private contractor.

§ 809.907–3 *Determination of applicability.* Since the primary factor for determining whether or not the act applies is the nature of the work contemplated in the contract and since this same factor is involved in determining whether or not the Davis-Bacon Act applies, reference is made to §§ 809.911 to 809.911–5, which are equally applicable to this subpart.

§ 809.908 *Procedure.* Pursuant to the provisions of the act, the Secretary of Labor has prescribed certain regulations made effective April 30, 1942 which govern the procedure to be followed in connection with contracts that are subject to the act, and the Davis-Bacon Act §§ 809.910 et seq.; also with regard to certain types of authorized deductions and the method of securing approval thereof. The substance of the pertinent regulations follows:

§ 809.908–1 *Weekly affidavit with respect to payment of wages.* Each contractor or subcontractor engaged in work subject to the act is required to furnish each week a sworn affidavit with respect to the wages paid each of its employees (which shall not be deemed to apply to persons in classifications higher than that of laborer and mechanic and those who are the immediate supervisors of such employees) engaged on the work covered by the act during the preceding weekly payroll period. The affidavit shall be executed and sworn to by the contractor or subcontractor who supervises the payment of wages and shall be in the following form:

State of _____
County of _____, ss:

I, _____ (Name of party signing affidavit), _____ (title) being duly sworn, do depose and say: That I pay or supervise the payment of the persons employed by _____ (contractor or subcontractor) on the _____ (building or work); that the attached payroll sets out accurately and completely the name, occupation, and hourly wage rate of each person so employed for the weekly payroll period from the _____ day of _____, 194__, to the _____ day of _____, 194__, the total number of hours worked by him during such period, the full weekly wages earned by him and any deductions made from such weekly wages, and the actual weekly wages paid to him; that no rebates have been or will be made either directly or indirectly to or on behalf of said _____ (contractor or subcontractor) from the full weekly wages earned as set out on the attached payroll; and that no deductions, other than the permissible deductions (as defined in the Regulations under the "Kickback" Act (48 Stat. 948) described in the following paragraph of this affidavit, have been made or will be made, either directly or indirectly, from the full weekly wages earned as set out on the attached payroll.

(Paragraph describing deductions, if any)

_____
(Signature and title)

Sworn to before me this _____ day of _____, 194__ (Title 29–A Dept. of Labor Regulations, 2.3 (b)). (29 CFR, Cum. Supp., 3.3 (b)).

§ 809.908–2 *Exemptions with respect to weekly affidavits.* Upon a written finding by the Secretary of War, the Secretary of Labor may provide reasonable limitations, variations, tolerances and exemptions from the requirements set forth in § 809.908–1, subject to such conditions as the Secretary of Labor may specify. Request for such finding shall be submitted through the chief of the technical service to the Industrial Personnel Division, Headquarters, Army Service Forces, for submission through channels to the Secretary of Labor. (Title 29–A, Department of Labor Regulations, 2.3 (c)). (29 CFR, Cum. Supp., 3.3 (c)).

§ 809.908–3 *Submission of weekly affidavits.* (a) Each weekly affidavit shall be delivered by contractor or subcontractor within seven days after the regular payment date of the payroll period to the contracting officer or such other officer as may be designated for such purpose by the chief of the technical service.

(b) After such examination and check as may be made, one affidavit and one copy of the payroll of each contractor and subcontractor engaged on Federal construction (except shipbuilding and railroad), covering the weekly payroll periods ending nearest January 15, April 15, July 15, and October 15, shall be submitted quarterly by the contracting officer or other designated officer to the U. S. Department of Labor within 14 days after the close of specified payroll period.

(c) Affidavits and payrolls for all contracts (except shipbuilding and railroads) located in the States listed below should be mailed to the addresses indicated:

State and Location of Regional Office

Alabama, Florida, Georgia, Mississippi, North Carolina, South Carolina, Tennessee, Virginia: Regional Wage Analyst, Bureau of Labor Statistics, 4th Floor, Carl Witt Building, 249 Peachtree St. NW., Atlanta Ga.

Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, Vermont: Regional Wage Analyst, Bureau of Labor Statistics, 294 Washington St., Boston, Mas.

Illinois, Indiana, Minnesota, North Dakota, South Dakota, Wisconsin: Regional Wage Analyst, Bureau of Labor Statistics, Room 1212, Merchandise Mart, 222 West North Bank Drive, Chicago, Ill.

Louisiana, Oklahoma, Texas: Regional Wage Analyst, Bureau of Labor Statistics, 1610 Mercantile Bank Bldg., Dallas, Tex.

Kentucky, Ohio, West Virginia: Regional Wage Analyst, Bureau of Labor Statistics, 133 Federal Bldg., Public Square, Cleveland, Ohio.

Colorado, Idaho, Montana, New Mexico, Utah, Wyoming: Regional Wage Analyst, Bureau of Labor Statistics, 422 Chamber of Commerce Bldg., Denver, Colo.

Michigan: Regional Wage Analyst, Bureau of Labor Statistics, Room 926; David Stott Bldg., 1150 Griswold Street, Detroit, Mich.

New York, New Jersey Counties—Bergen, Essex, Hudson, Hunterdon, Middlesex, Monmouth, Morris, Passaic, Somerset, Sussex, Union, Warren: Regional Wage Analyst, Bureau of Labor Statistics, Room 713, Parcel Post Bldg., 341 Ninth Avenue, New York, N. Y.

Delaware, District of Columbia, Maryland, Pennsylvania, New Jersey Counties—Atlantic, Burlington, Camden, Cape May, Cumberland, Gloucester, Mercer, Ocean, Salem: Regional Wage Analyst, Bureau of Labor Statistics, Room 1634, Widener Bldg., Chestnut and Juniper Sts., Philadelphia, Pa.

Arkansas, Iowa, Kansas, Missouri, Nebraska: Regional Wage Analyst, Bureau of Labor Statistics, 3000 Fidelity Bldg., Kansas City, Mo.

Arizona, California, Nevada: Regional Wage Analyst, Bureau of Labor Statistics, Room 410–412, Golden Gate Bldg., 25 Taylor St., San Francisco, Calif.

A separate office for the Southern California area is maintained at: Room 1529, Post Office and Court House Bldg., Los Angeles, Calif.

Oregon, Washington: Regional Wage Analyst, Bureau of Labor Statistics, 516 Seaboard Bldg., Seattle, Wash.

(d) In the case of shipbuilding and railroad contracts, affidavits and payrolls will be submitted for payroll periods ending nearest 15 May and 15 November to the Bureau of Labor Statistics, Washington, D. C.

§ 809.908–4 *Submission of subcontractor summaries.* Each contractor or subcontractor shall within seven days after the making of any subcontract

with another person concerning work subject to the act deliver to the contracting officer or such other officer as may be designated for such purpose by the chief of the technical service, an affidavit setting forth the name and address of his subcontractor and a summary description of the precise work subcontracted. After such examination and check as may be made, such affidavit or a copy thereof shall be transmitted by the contracting officer or other designated officer directly to the Bureau of Labor Statistics, U. S. Department of Labor, Washington, D. C., (Title 29–A, Department of Labor Regulations 2.4 (b)). (29 CFR, Cum. Supp., 3.4 (b)).

§ 809.908–5 *Authorized payroll deductions.* (a) Deductions for the following purposes are permissible:

(1) Where required by Federal, State, or local statutes or ordinances to be made by the employer from the wages earned by the employee;

(2) Bona fide prepayment of wages without discount or interest;

(3) Deductions required by court process provided that the contractor or subcontractor will not be permitted to make such a deduction in favor of the contractor, subcontractor, or any affiliated person or where collusion or collaboration exists. (Title 29–A Department of Labor Regulations 2.5 (a)). (29 CFR, Cum. Supp., 3.5 (a)).

(b) Any deduction is also permissible which in fact meets the following standards and with respect to which the contractor or subcontractor shall have made written application by registered mail to the Secretary of Labor, a copy of which application shall be sent to the contracting agency by the contractor or subcontractor setting forth all the pertinent facts, indicating that such deductions will meet the following standards:

(1) That such deduction is not prohibited by other law; and

(2) That such deduction is (i) voluntarily consented to by the employee in writing and in advance of the period in which the work was done, and that consent to the deduction is not a condition either for the obtaining of or for the continuance of employment or (ii) that such deduction is for the benefit of the employees or their labor organization through which they are represented and is provided for in a bona fide collective bargaining agreement; and

(3) That from such deduction no payment is made to, nor profit or benefit is obtained directly or indirectly by the contractor or subcontractor or any affiliated person, and that no portion of the funds, whether in the form of a commission or otherwise, will be returned to the contractor or subcontractor or to any affiliated person; and

(4) That the convenience and interest of the employees are served thereby, and that such or similar deductions have been customary in this or comparable situations. (Title 29–A Department of Labor Regulations 2.5 (b)). (29 CFR, Cum. Supp., 3.5 (b)).

(c) After application in good faith, the deduction may be made in accordance with the foregoing standards: *Provided, however,* That if the Secretary of Labor, on his own motion, or on the application of any person or agency affected by the granting of the application, shall conclude at any time, after written notice to the applicant and an opportunity for him to present his views in support of the deduction, that the deduction has not met the foregoing standards, such deductions shall cease to be "permissible" seven days after the applicant and the Federal agency concerned have been notified of the Secretary's decision. (Title 29–A Department of Labor Regulations 2.5 (c)). (29 CFR, Cum. Supp., 3.5 (c)).

(d) Upon application to and prior written permission from the Secretary of Labor and subject to the standards set forth in paragraph (b), deductions may be made by a contractor or subcontractor or any affiliated person, for membership fees in group benefit or retirement associations; for board and lodging; or for other purposes where the Secretary of Labor concludes the deduction is required by compelling circumstances: *Provided, however,* The contractor, subcontractor, or any affiliated person does not make a profit or benefit directly or indirectly from the deduction. A copy of the Secretary's decision shall be sent to the applicant and the Federal agency concerned. (Title 29–A Department of Labor Regulations 2.5 (d)). (29 CFR, Cum. Supp., 3.5 (d)).

(e) In accordance with and subject to the standards set forth in paragraph (b), general permission is granted to make payroll deductions for:

(1) The payment of the purchase price of United States Defense Stamps and Bonds and United States Tax Savings Notes;

(2) The repayment of loans to or the purchase of shares in credit unions organized and operated in accordance with District of Columbia, Federal, or State credit union statutes.

(3) Contributions to a Federal governmental or quasi-governmental agency. (Title 29–A Department of Labor Regulations 2.5 (e)). (29 CFR, Cum. Supp., 3.5 (e)).

§ 809.908–6 *Restricted payments prohibited.* In any case in which the employee does not have full and actual freedom of disposition of his wage payment, whether made in cash or by check, any restricted payment made to the employee is considered a deduction. (Title 29–A Department of Labor Regulations 2.5 (h)). (29 CFR, Cum. Supp., 3.5 (h)).

§ 809.908–7 *Lack of knowledge no defense.* Nothing in the regulations shall be construed to permit any deduction which the contractor or subcontractor knew, or in the exercise of good faith should have known, did not meet the foregoing standards. In order to insure compliance with his regulations, the Secretary of Labor may notify the contractor or subcontractor that the deduction will be permitted only if certain conditions with respect thereto are observed. The contractor or subcontractor or any affiliated person shall also comply with such general rules and regulations concerning the deductions as the Secretary of Labor shall make from time to time, notice of which shall have been given to the contractor or subcontractor or any affiliated person making the deduction and to the Federal agency concerned either directly or through publication in the FEDERAL REGISTER. (Title 29–A Department of Labor Regulations 2.5 (g)). (29 CFR, Cum. Supp., 3.5 (g)).

§ 809.908–8 *Request for advisory opinions.* The Secretary of Labor will furnish an opinion regarding the coverage of any specific project or with respect to the application of any provisions of the regulations at the request of any Federal or State agency. Request for any such opinion shall be submitted through the chief of the technical service to the Industrial Personnel Division, Headquarters, Army Service Forces, for submission through channels to the Secretary of Labor. (Title 29–A Department of Labor Regulations 2.7). (29 CFR, Cum. Supp., 3.7).

§ 809.909 *Alternative procedures for railway carriers.* By letters of October 5, 1942 and January 22, 1943 from the Secretary of Labor to the Secretary of War, a partial exemption regarding the submission of weekly reports described in § 809.908–1 was granted to railway carriers and an alternative method for obtaining permission of the Secretary of Labor to make certain types of deductions was approved. Copies of these letters may be obtained from the office of the Labor Branch, Industrial Personnel Division, Headquarters, Army Service Forces.

SUBPART D—DAVIS-BACON ACT

§ 809.910 *Basic law.* The act as amended requires as to every contract to which it applies:

(a) That a scale of minimum wages for every class of mechanics or laborers employed shall be set out in the specifications (in cases where specifications are advertised for bids).

(b) That a minimum wage scale must be included in the contract together with a stipulation that the same will be observed whether contracts are let on bids or not.

(c) The inclusion of certain additional provisions hereinafter referred to for the administration and enforcement of the required stipulations.

Act of March 3, 1931 (46 Stat. 1494), as amended by act of August 30, 1935 (49 Stat. 1011), act of June 15, 1940, (54 Stat. 399), and act of March 23, 1941 (55 Stat. 53; 40 U.S.C. 276a, a–1 to a–7), M.L. 1939 and Sup. I, sec. 746.

§ 809.910–1 *Form of contract provision.* The form of provisions required by regulation in contracts to which the act applies is set out in §§ 803.343 and 803.343–1. (Title 29–A, Department of Labor Regulations 2.6) (29 CFR, Cum. Supp., 3.6).

§ 809.911 *Applicability: Character of contracts covered.* The act as amended applies to all contracts in excess of $2000 to be performed in any of the States of the United States, the Territory of Alaska, the Territory of Hawaii or the District of Columbia, for construction, alteration or repair including painting or decorating of public buildings or public works where the same require or involve the employment of mechanics or laborers. The act applies to contracts entered into upon a cost-plus-a-fixed-fee basis or otherwise with or without advertising for bids, as well as to contracts entered into upon a lump sum basis.

§ 809.911–1 *Definition of "building" and "work."* The Secretary of Labor has, by regulation, defined the words "building" and "work" as including, generally, construction activity as distinguished from manufacturing, furnishing of materials, or servicing and maintenance work.

§ 809.911–2 *Definition of "construction," or "repair."* The Secretary of Labor has defined the above terms as used in the act and in the Copeland Act (see Subpart C of this part) as, in substance, including all types of work done under a construction contract such as altering, remodeling, painting and decorating, the transporting of materials and supplies to or from the building or work by the employees of the construction contractor or construction subcontractor and the manufacturing or furnishing of materials, articles, supplies, or equipment on the site of the building or work by persons employed at the site by the contractor or subcontractor. (Title 29–A Department of Labor Regulations 2.2 (b)) (29 CFR, Cum. Supp., 3.2 (b)).

§ 809.911–3 *Exceptions as to contracts with States.* The law does not apply to contracts between the War Department and any one of the several States of the Union or the political subdivisions thereof. The law, however, is applicable to any subcontract covering any part of the work covered by such prime contract with a State (or political subdivision thereof) where it is sublet to a private contractor.

§ 809.911–4 *Exceptions based on nature of work contemplated by contract.* The act does not apply to:

(a) Contracts for servicing and maintenance work generally (Title 29–A, Department of Labor Regulations, 2.2 (a)) (29 CFR, Cum. Supp., 3.2 (a)).

(b) Contracts for manufacturing and furnishing materials or supplies. (See Title 29–A, Department of Labor Regulations, 2.2 (a)) (29 CFR, Cum. Supp., 3.2 (a)), and servicing and maintenance work incident thereto.

(c) Contracts covering the furnishing of equipment and operating personnel for work only incidental to public work (see 19 Comp. Gen. 467, Dec. B–6009, 1 Nov. 1939.).

§ 809.911–5 *Exceptions. "Servicing and maintenance work" defined.* The terms "servicing and maintenance work" as used in paragraphs (a) and (b) of § 809.911–4, include:

(a) Movement of machinery into or out of or from one part to another part of a building or plant completed or substantially completed.

(b) Installation of machinery, machine tools or other equipment in a plant or building completed or substantially completed.

(c) Plant rearrangement and production facilities adjustment or alterations incident to (a) or (b) above.

NOTE: This definition in connection with paragraph (a) and (b) of § 809.911–4 does not relate to servicing and maintenance prosecuted by a construction contractor as a part of construction work.

§ 809.911–6 *Exceptions based on other grounds.* The act does not apply to:

(a) Contracts for construction, alteration or repair, though otherwise meeting the tests of coverage hereinabove set out, where the place of performance of the contract is not known or cannot be reasonably ascertained at the time the contract is negotiated.

(b) Contracts with railroad carriers and airline carriers engaged in interstate or foreign commerce, or subcontracts let to such carriers for the construction, alteration or repair of railways, or other facilities, insofar as such contracts involve railways or other facilities and wage rates payable to employees of such carriers operating under collective bargaining agreements with such carriers made agreeable to the provisions of the Railway Labor Act, as amended. (Letter March 14, 1942 from the Secretary of Labor to the Secretary of War; and amendment dated April 10, 1936, 49 Stat. 1189, 45 U.S.C. 161 through 188, of the "Railway Labor Act" of 1926).

§ 809.911–7 *Determination by chief of technical service.* The act contemplates an administrative determination of the application of the law to particular contracts and the War Department is authorized to make such determination. The chief of the technical service involved will determine within his own office whether the foregoing regulations require the inclusion of Davis-Bacon (and Copeland) Act provisions in any particular contract. In cases of doubt the question, accompanied by full statement of the facts, shall be referred to the Industrial Personnel Division, Headquarters, Army Service Forces, for determination.

§ 809.912 *Regulations of the Secretary of Labor.* The regulations of the Secretary of Labor described in §§ 809.908 to 809.908–8, inclusive, where pertinent, are applicable to all contracts subject to the act. Regulation No. 503 issued by the Secretary of Labor, September 30, 1935, as amended, prescribes the procedures to be followed in predetermining prevailing rates of wages.

§ 809.913 *Obtaining predeterminations of prevailing wage rates.*

§ 809.913–1 *Responsibility of the Chief of Engineers.* The Chief of Engineers is responsible for obtaining from the Secretary of Labor and for furnishing to the technical services upon request, as provided in § 809.913–2, all predeterminations of prevailing wage rates under the Davis-Bacon Act required in connection with the award of War Department contracts.

§ 809.913–2 *Responsibility of contracting officers.* Prior to entering into negotiations for awarding a contract to which the Davis-Bacon Act is applicable, the contracting officer concerned will request the Corps of Engineers to furnish the appropriate predetermination of the wage rates to be contained in the contract. The contracting officer will forward such request direct to the Division Engineer of the Corps of Engineers within whose territorial jurisdiction the work called for by the proposed contract is to be performed unless the chief of the technical service concerned directs that the request be forwarded through his office. In the latter event the request will be forwarded through the chief of the technical service concerned to the Labor Relations Branch, Personnel Division, Office of the Chief of Engineers. Since predeterminations are subject to change, contracting officers are cautioned, in any case where a predetermination previously furnished by the Corps of Engineers is apparently applicable to the proposed contract, to inquire whether such predetermination is current. (The territorial jurisdiction of the Division Engineers is coextensive with that of the service commands. For a list of the addresses of the Division Engineers with a statement of the service commands in which they are located, see § 809.989.)

§ 809.914 *Reports of violations.* Where a contracting officer finds that any laborer or mechanic employed by a contractor or subcontractor on work subject to the act has been or is being paid wages less than the wages required by the contract to be paid, the contracting officer will make a report on Standard Form No. 1093 (schedule of deductions from payment to contractors) executed as completely as possible from his records to the disbursing officer. The latter will complete the execution of the form from his records and transmit it to the office indicated on the form. (Circular letter A–34106, 28 February 1936, of the Comptroller General.)

§ 809.915 *Policy regarding construction and maintenance work.* See Subpart F of Part 802.

SUBPART E—WALSH-HEALEY PUBLIC CONTRACTS LAW

§ 809.916 *General.* The Walsh-Healey Public Contracts Law (act of June 30, 1936, 49 Stat. 2036; as amended by the act of May 13, 1942, 56 Stat. 277; 41 U.S.C. 35–45; sometimes hereinafter referred to as the act) requires the inclusion of certain representations and stipulations in contracts to which the act applies. The act further provides that the Secretary of Labor, under certain circumstances, may make exceptions to this requirement. Contracting officers are furnished with publications containing the text of the Act and certain regulations and interpretations relating thereto of the Secretary of Labor, who is charged with its administration (see § 809.917). Accordingly, this subpart is confined for the most part to matters relating to the act deemed of interest to War Department personnel not found in such publications. Provisions to be included in War Department contracts in compliance with the act may be found in §§ 803.353 to 803.353–4. The minimum wage determinations contemplated by the act made by the Secretary of Labor are set forth in §§ 809.994 et seq. Also, reference is made to § 809.903–2 for a

discussion respecting the convict labor provisions of the act and to item (19) of § 802.297–1a for a statement of procedure satisfying the requirements of the Department of Labor with respect to reporting the award of War Department contracts subject to the act.

§ 809.917 *Publications to be furnished contracting officers.* The Secretary of Labor has published a document entitled "Walsh-Healey Public Contracts Act, Rulings and Interpretations, No. 2, September 29, 1939" and a supplement thereto, published January 24, 1944, entitled "Supplement to Rulings and Interpretations No. 2." These publications contain a compilation of the text of the act, the regulations of the Secretary of Labor relating thereto, and pertinent rulings and interpretations. The chiefs of the technical services are responsible for furnishing these publications and a supply of the forms referred to therein to each of their contracting officers (it is no longer necessary to obtain Form PC–1 from the Department of Labor; see item (19) of § 802.297–1a. Information of interest not found in these publications is set forth in §§ 809.920 and 809.921.

§ 809.918 *Contracts subject to the act.* Generally, the law is applicable to every War Department contract for the purchase of supplies the amount of which exceeds $10,000. The publications furnished to contracting officers in accordance with § 809.917, as supplemented by pertinent provisions of §§ 809.920 and 809.921, define in detail the contracts to which the act applies.

§ 809.919 *General instructions.*

§ 809.919–1 *Compliance with regulations.* The regulations and instructions contained in the publications mentioned in § 809.917 as supplemented by § 809.920 and 809.921 will be complied with by all contracting officers.

§ 809.919–2 *Minimum wage determinations.* Prospective contractors will be informed of applicable minimum wage determinations, if any, in advance of or coincident with negotiating contracts. (For a list of such determinations see §§ 809.994 et seq.)

§ 809.919–3 *Furnishing of posters.* Contracting officers are responsible for seeing that contractors who are awarded contracts subject to the Walsh-Healey Act are furnished Posters, Form PC–13 (Revised March 1944) simultaneously with the making of the award, or as soon thereafter as possible. All copies of previously issued posters which bear no revision date or a revision date other than March 1944, must be destroyed and be replaced by that revised issue. These forms may be obtained from the Records, Control and Distribution Section, Room 1106, Department of Labor, Washington 25, D. C. In this connection, see § 809.917.

§ 809.920 *Interpretations not found in publications furnished contracting officers.* (a) The succeeding paragraphs of this section set forth or refer to certain interpretations of the act or of the regulations issued thereunder not found in the publications mentioned in § 809.917.

(b) Pursuant to an opinion of the Solicitor's Office, Department of Labor, released August 9, 1944, contracts which were originally $10,000 or less but are subsequently amended so as to increase the price to an amount in excess of that figure must contain the Walsh-Healey stipulations after such an amendment. This is so, irrespective of whether the amendment is the result of unilateral action by the War Department (under a change order or similar provision) or of mutual consent of the parties. With respect to contracts exceeding $10,000 which are subsequently modified to a figure of $10,000 or less, (1) the Walsh-Healey Act does not apply to any work performed thereunder after the date of modification if the reduction is effected by mutual consent of the parties, but (2) the act would apply to such work if the reduction is effected by unilateral action of the War Department authorized by the contract.

(c) Ice has been held to be a nonperishable commodity and thus contracts therefor are subject to the act.

§ 809.921 *Exceptions not stated in the publications furnished contracting officers.* (a) The succeeding paragraphs of this section set forth or refer to certain exceptions not stated in the publications mentioned in § 809.917.

(b) Individuals, corporations, or other organizations, not manufacturers or regular dealers as defined by the act, but acting at the instance of Defense Production Associations certified by the War Production Board, are exempt from the representation and stipulation required by section 1 (a) of the act.

(c) The following are excepted from the representations and stipulations of section 1 of the act:

(1) Contracts awarded to any railroad or other carrier.

(2) Contracts awarded for preserved or processed butter during the period from February 3, 1943, to the termination of the present war and three months thereafter.

(3) Contracts awarded during the present war for:

(i) Orange marmalade.

(ii) The production of training films.

(4) Contracts awarded through June 30, 1945 for dehydrated rutabagas and carrots and for the canned and dehydrated fruits and vegetables set forth on page 3 of "Supplemental to Rulings and Interpretations, No. 2" (except milk, evaporated).

§ 809.923 *Procedure for obtaining exceptions with respect to the stipulations required by the act.*

§ 809.923–1 *General.* Section 6 of the act permits the Secretary of Labor to make exceptions to the requirement that the representations and stipulations of section 1 of the act be included in War Department proposals or contracts which are subject to the act. On November 11, 1942, the Secretary of Labor granted a partial exception permitting the employment of female persons between the ages of 16 and 18, under certain conditions (see "Supplement to Rulings and Interpretations No. 2"). Section 809.923–5 prescribes the procedure to be followed where a broader exception, through a modification of the conditions attached to such partial exception is sought. Sections 809.923–2 to 809.923–4 set forth the procedure to be followed when any other exception is sought.

§ 809.923–2 *Requests for exceptions and review thereof by contracting officers.* Except as provided in §809.923–5, all requests of present or prospective War Department contractors for exceptions under section 6 of the act will be addressed to the chief of the interested technical service. Such requests of the contractor will be in writing, will be transmitted through the appropriate contracting officer, and will set forth all pertinent information, including the nature of the requested exception, the need therefor, and any action already taken by the contractor to avoid the necessity for the exception. Upon receipt of such a request from a contractor, the contracting officer and the chief of the labor branch of the service command in which the facility or facilities in question are located (hereinafter referred to as the appropriate labor officer), and, in those instances when requests are from contractors of Army Air Forces, the Army Air Forces labor officer in whose district the facility or facilities are located, will review the request in the light of:

(a) The urgency of the particular procurement;

(b) The relation of existing production schedules to War Department requirements;

(c) The relation of present and past deliveries to production schedules;

(d) The extent to which labor supply is a limiting factor in production, the reasons therefor, and in particular, the extent to which the contractor's wage scale is responsible for the labor supply problem;

(e) The steps, if any, which have been taken either by the contractor or by any government agency to resolve the labor supply problem;

(f) The extent to which factors inherent in the production processes involved necessitate the requested exception;

(g) The extent to which the productive capacity of the facility or facilities in question is being utilized for War Department procurement; and

(h) Any other pertinent data.

§ 809.923–3 *Consultation with regional directors, Department of Labor, and forwarding requests to chiefs of technical services.* (a) If the contracting officer believes that the requested exception is appropriate under the circumstances and necessary in the war effort:

(1) The appropriate labor officer will inform the appropriate regional director of the Wage and Hour and Public Contracts Divisions, United States Department of Labor, of the request for exception and the necessity therefor; and

(2) After joint consideration with such regional director, the contracting officer, if still of the opinion that the requested exception is appropriate, will transmit the request together with (i) his written recommendation relative thereto, (ii) a statement of all the information upon which the recommendation is based and (iii) a recital of the steps taken in compliance with the procedure set forth in § 809.923–2 and this section, to the chief of the interested technical service. (A list of such regional directors is given in § 809.991.)

(b) The procedure set forth in paragraph (a) of this section with respect to such regional director will be complied with unless such compliance would result in undue delay. The contracting officer and the appropriate labor officer, in consulting with the appropriate regional director, will furnish him any pertinent information in their possession which he may require for rendering a report in connection with the need for the exception to the Administrator of the Wage and Hour and Public Contracts Divisions.

§ 809.923–4 *Review and processing of requests by chief of the technical service.* If the chief of the interested technical service concurs in the recommendation of the contracting officer, after review of the request and consideration as to whether the need for an exception can be avoided by utilization of alternative facilities, he will forward the request to the Industrial Personnel Division, Headquarters, Army Service Forces, through the Purchases Division, Headquarters, Army Service Forces, together with:

(a) A statement of all pertinent data;

(b) His recommendation;

(c) A letter setting forth the need for the exception, addressed to the Secretary of Labor and prepared for the signature of the Secretary of War; and

(d) Findings of fact as required by section 6 of the act, prepared for the signature of the Secretary of War.

§ 809.923–5 *Special procedure with respect to exception relative to employment of female minors.* If a present or prospective War Department contractor requests a modification of any of the conditions attached by the Secretary of Labor to her exception of November 11, 1942, in respect to the employment of female persons between 16 and 18 years of age, mentioned in § 809.923–1, the request will be processed in the same manner as other requests for exceptions under section 6 of the act, as provided in §§ 809.923–2 to 809.923–4, except as follows:

(a) The request will be addressed to the Secretary of Labor;

(b) If the chief of the technical service believes that the requested modification is appropriate under the circumstances and necessary in the war effort, he will transmit the request directly to the Administrator, Wage and Hour and Public Contracts Divisions, United States Department of Labor, with a brief statement of the need for the modification.

SUBPART F—FAIR LABOR STANDARDS ACT OF 1938

§ 809.930 *Basic law.* (a) The act establishes minimum wages and maximum hours for employees engaged in commerce or in the production of goods for commerce, and restricts the use of child labor. Only those provisions of the act relating to minimum wages and maximum hours as they affect cost-plus-a-fixed-fee contractors are dealt with in this subpart.

(b) Section 6 (a) of the act requires every employer to pay to each of his employees (except homeworkers in Puerto Rico and the Virgin Islands) "who is engaged in commerce or in the production of goods for commerce" not less than 30 cents per hour or, if the Administrator of the Wage and Hour Division of the Department of Labor in accordance with the act shall have prescribed some other rate, not less than the rate (not in excess of 40 cents per hour) so prescribed by the Administrator.

(c) Section 7 (a) of the act prohibits every employer from employing any of his employees "who is engaged in commerce or in the production of goods for commerce" for a workweek longer than 40 hours, unless such employee receives compensation for his employment in excess of such 40-hour workweek at a rate not less than one and one-half times the regular rate at which he is employed. Employment pursuant to bona fide collective bargaining agreements providing for employment for not more than 1000 hours during any period of 26 consecutive weeks or for not more than 2080 hours during any period of 52 consecutive weeks, and employment for a period or periods of not more than 14 workweeks in the aggregate in any calendar year in an industry found by the Administrator to be of a seasonal nature will not constitute a violation of section 7 (a), if employees receive compensation for employment in excess of 12 hours in any workday or in excess of 56 hours in any workweek at a rate not less than one and one-half times the regular rate at which they are employed. Neither does section 7 (a) apply, under stated circumstances, to employees engaged in processing certain perishable products. Act of June 25, 1938, 52 Stat. 1060, 29 U. S. Code, Section 201–219 (Supp. 1939), as amended by 53 Stat. 1266; 54 Stat. 615; and Act of October 29, 1941 (77th Congress, 1st Sess.).

§ 809.931 *Exceptions.* The provisions of sections 6 and 7 of the act do not apply with respect to:

(a) Any employee employed in a bona fide executive, administrative, professional, or local retailing capacity, or in the capacity of outside salesman (as such terms are defined and delimited by regulations of the Administrator); or

(b) Any employee engaged in any retail or service establishment the greater part of whose selling or servicing is in intrastate commerce; or

(c) Any employee employed as a seaman; or

(d) Any employee of a carrier by air subject to the provisions of title II of the Railway Labor Act; or

(e) Any employee employed in the catching, taking, harvesting, cultivating, or farming of any kind of fish, shellfish, crustacea, sponges, seaweeds, or other aquatic forms of animal and vegetable life, including the going to and returning from work and including employment in the loading, unloading, or packing of such products for shipment or in propagating, processing, marketing, freezing, canning, curing, storing, or distributing the above products or byproducts thereof; or

(f) Any employee employed in agriculture; or

(g) Any employee to the extent that such employee is exempted by regulations or orders of the Administrator issued under section 14 (which permits the issue of regulations and certificates allowing learners, apprentices, messengers and individuals whose earning capacity is impaired by age, physical or mental deficiency, or injury to be employed for lower wages than those prescribed by section 6); or

(h) Any employee employed in connection with the publication of any weekly or semiweekly newspaper with a circulation of less than three thousand the major part of which circulation is within the county where printed and published; or

(i) Any employee of a street, suburban, or interurban electric railway, or local trolley or motor bus carrier; or

(j) To any individual employed within the area of production (as defined by the Administrator), engaged in handling, packing, storing, ginning, compressing, pasteurizing, drying, preparing in their raw or natural state, or canning of agricultural or horticultural commodities for market, or in making cheese or butter or other dairy products; or

(k) Any switchboard operator employed in a public telephone exchange which has less than five hundred stations.

§ 809.932 *Regulations of the Administrator.* The act provides that the Administrator shall by regulation define certain terms used in the Act and may grant certain exemptions from its provisions. Regulations issued by the Administrator, as revised from time to time, should be consulted in these respects.

§ 809.933 *Liability of employer.* Any employer who violates the provisions of section 6 or 7 of the act is liable to the employee or employees affected in the amount of their unpaid minimum wages, or their unpaid overtime compensation, and in an additional equal amount as liquidated damages; and, in the event the employee institutes suit therefor, the costs of the action and a reasonable attorney's fee as allowed by the court. Violations also may be restrained by injunction and may subject the employer to criminal penalties.

§ 809.934 *Reimbursement of cost-plus-a-fixed-fee contractors for payments in accordance with the act.* Minimum wages and overtime payments paid currently in accordance with the act are reimbursable to cost-plus-a-fixed-fee contractors as labor costs. Cost-plus-a-fixed-fee contractors also may be reimbursed, in proper cases, amounts paid in settlement of claims for overtime subsequently asserted by his employees. (See § 809.935–2 for the administrative procedure to be followed in respect of such of said subsequently asserted claims are made the subject of an investigation

by the Administrator and § 811.1120–3 for the administrative procedure to be followed to determine the position of the Government in suits for such claimed overtime brought against cost-plus-a-fixed-fee contractors.) Attention is called to the Comptroller General's decision of December 15, 1943 (B–38642, 23 Comp. Gen. 439) to the effect that amounts paid in settlement of such claims may be reimbursed even though the settlements necessitated a compromise of disputed questions of law or fact: *Provided*, That such settlements are in amounts less than the total amounts (including liquidated damages, court costs and attorneys fees) which would be required to be paid in the event the employee sued and obtained judgment and that it is administratively determined that the settlement in each instance was fully warranted as being in the best interest of the Government. Vouchers covering such payments should be supported by evidence setting forth the basis for such administrative determination and any questions of law with respect to the application of the act should be determined by the contracting officer only after thorough consideration has been given the matter by competent Government attorneys or by private attorneys engaged to represent the contractors if the former are not available, and a showing to that effect should also be made a part of the evidence submitted with the vouchers.

§ 809.935 *Investigations and inspections.*

§ 809.935–1 *Investigations and inspections of records by the Administrator.* Each employer subject to the act or any order issued thereunder must make and preserve such records of the persons employed by him and of the wages, hours and other conditions and practices of employment maintained by him, and make such reports therefrom, as the Administrator shall prescribe by regulation or order as necessary or appropriate for the enforcement of the provisions of the act or his regulations or orders thereunder. The act provides that the Administrator or his designated representatives may investigate and gather data regarding the wages, hours and other conditions and practices of employment in any industry subject to the act and may enter and inspect such places and such records, question such employees and investigate such facts, conditions, practices or matters as he may deem necessary or appropriate to determine whether any person has violated any provision of the act, or which may aid in the enforcement of the provisions of the act.

§ 809.935–2 *Investigations of cost-plus-a-fixed-fee contractors.* (a) The Under Secretary of War, by memorandum dated December 15, 1943 to the Commanding Generals of the Army Air Forces and the Army Service Forces, has directed, with respect to investigations of cost-plus-a-fixed fee contractors of the War Department, that: To the extent consistent with security and other regulations governing admission of visitors to plants and projects, representatives of the Administrator should be accorded access to the facilities and records of War Department contractors for the purpose of making investigations to determine applicability of and compliance with the act. Investigations will be conducted at such time and in such manner as to interrupt or interfere least with operations. They should be confined wherever possible to the inspection of records in the office of the contractor. Inspections of the areas in the facility where construction or production is in progress will be held to a minimum. Necessary interviewing of employees should, wherever possible, be conducted outside work hours or at such other times as will interfere least with construction or production operations.

(b) The Administrator has stated that his investigators will advise cost-plus-a-fixed-fee contractors approximately one week before they plan to arrive at the project to make an investigation under the act. The War Department representative at the plant will see that the investigation is conducted in accordance with such directive of the Under Secretary of War.

(c) If the Administrator is of the opinion that any such investigation discloses violation of section 6 or 7 of the act, he will transmit a report of the investigation to the Director, Industrial Personnel Division, Headquarters, Army Service Forces, who will transmit it to the appropriate technical service. The technical service will cause the matter to be examined into and, if such examination confirms such violation, will advise the contractor to take appropriate steps to comply with the law. The technical service promptly will report to the Director, Industrial Personnel Division, Headquarters, Army Service Forces, as to its examination into the matter and as to the action taken. If the question as to whether a violation exists depends upon a construction of a provision of the act which has not been construed by the courts or under the procedure provided in the agreement referred to in § 811.1120–3, the Judge Advocate General will be consulted as to the construction to be followed.

SUBPART G—OVERTIME WAGE COMPENSATION

§ 809.940 *Executive order.* Executive Order No. 9240, dated September 9, 1942 (7 F.R. 7159) with Section V as amended by Executive Order No. 9248, dated September 17, 1942 (7 F.R. 7419), reads as follows:

WHEREAS many labor organizations have already adopted the patriotic policy of waiving double time wage compensation or other premium pay for work on Saturday, Sunday and holidays, as such, for the duration of the war; and

WHEREAS it is desirable and necessary in the prosecution of the war, and to insure uniformity and fair treatment for those labor organizations, employers, and employees who are conforming to such wage policies that this principle be universally adopted:

NOW, THEREFORE, by virtue of the authority vested in me by the Constitution and the statutes, as President of the United States and as Commander in Chief of the Army and Navy, it is hereby ordered:

I. That the following principles and regulations shall apply for the duration of the war to the payment of premium and overtime wage compensation on all work relating to the prosecution of the war:

A. No premium wage or extra compensation shall be paid to any employee in the United States, its territories or possessions, for work on Saturday or Sunday except where such work is performed by the employee on the sixth or seventh day worked in his regularly scheduled workweek and as hereinafter provided.

(1) Where because of emergency conditions an employee is required to work for seven consecutive days in any regularly scheduled workweek a premium wage of double time compensation shall be paid for work on the seventh day.

(2) Where required by the provisions of law or employment contracts, not more than time and one-half wage compensation shall be paid for work in excess of eight hours in any day or forty hours in any workweek or for work performed on the sixth day worked in any regular scheduled workweek.

B. No premium wage or extra compensation shall be paid for work on customary holidays except that time and one-half wage compensation shall be paid for work performed on any of the following holidays only:

New Year's Day
Fourth of July
Labor Day
Thanksgiving Day
Christmas Day

and either Memorial Day or one other such holiday of greater local importance.

II. All Federal departments and agencies shall conform the provisions in all existing and future contracts negotiated, executed, or supervised by them to the policies of this order. All such departments and agencies shall immediately open negotiations to alter provisions in existing contracts to conform them to the requirements of this order.

III. Nothing in this order shall be construed as requiring a modification of the principle that every employee should have at least one day of rest in every seven days. The continuous operation of plants and machines in prosecuting the war does not require that employees should work seven consecutive days.

IV. Nothing herein shall be construed as superseding or in conflict with the provisions of the statutes prescribing the compensation, hours of work and other conditions of employment of employees of the United States.

V. All Federal departments and agencies affected by this order shall refer to the Secretary of Labor for determination questions of interpretation and application arising hereunder. In any industry or occupation in which the Secretary finds that a wage stabilization agreement approved by a Government department or agency is operating satisfactorily, or in any industry or occupation in which the Secretary finds that the nature and exigencies of operations make such action necessary or advisable for the successful prosecution of the war, the Secretary may determine that any or all of the provisions of this order shall not apply to such industry or occupation or to any classes of employees therein.

VI. The provisions of this order shall become effective October 1, 1942.

FRANKLIN D ROOSEVELT

§ 809.941 *Elimination of inconsistencies through amendment of contracts; nonreimbursement, etc.* By memorandum dated September 17, 1942, (See ASF Cir. No. 65, 1942) the Under Secretary of War acting jointly with the Under Secretary of the Navy and the Chairman of the Maritime Commission, issued instructions reading in part as follows:

2. Wherever any contract of the War Department, the Navy Department, or the Maritime Commission contains a provision which requires the payment of overtime or premium wages in a manner inconsistent with the provisions of Executive Order No. 9240, contracts will be amended to eliminate such inconsistency for the period beginning October 1, 1942, and no future contract will contain any such inconsistent provision. It is not required that any amendment be made of the usual contract articles included with respect to the provisions of the Walsh-Healey Act, the Eight Hour Law, and the Fair Labor Standards Act of 1938, all as amended.

3 On and after October 1, 1942, no reimbursement of cost will be made under any cost-plus-a-fixed-fee contract nor will any recognition be given for inclusion in the case of Navy so called 'price-minus' contracts, of any cost which represents the payment of premium or overtime compensation at rates or under circumstances which are not permitted by the foregoing order.

§ 809.942 *Interpretations of the order.* Prior to February 17, 1943, the Secretary of Labor issued various interpretations of Executive Order 9240 which were formerly incorporated in these procurement regulations. On February 17, 1943, the Secretary of Labor issued "Interpretative Bulletin No. 1 of Executive Order 9240." This bulletin contains the official interpretations of the order, effective March 1, 1943. It supersedes the former interpretations. The bulletin interpretations are set forth in the following sections. As additional interpretations are issued, this subpart will be amended to include such interpretations. All of the earlier interpretations have been deleted, although payments made prior to March 1, 1943, pursuant to these earlier interpretations should be considered to have been in compliance with the order.

§ 809.942–1 *Basic purposes of the order as stated by the Secretary of Labor.* The order was designed (a) to facilitate round-the-clock war production, (b) to discourage absenteeism found to have resulted from the practice of paying premium rates for particular days as such, and (c) to assure, in the interest of efficiency and health, observance of the principle that workers should have at least one day of rest in each week.

§ 809.942–2 *Work to which order is applicable.* The order went into effect October 1, 1942. By its terms it applies to "all work relating to the prosecution of the war." This is interpreted to mean all work performed by prime contractors on Government war contracts, by their subcontractors, and those who make the materials and supplies necessary for the performance of such contracts and subcontracts. The order was intended to extend to enterprises which are engaged in producing, processing, mining, or manufacturing products used by the Government in the prosecution of the war or products used by a Government contractor or subcontractor in the manufacture of war products. Enterprises which provide public transportation or communication facilities, storage, distribution, or warehousing facilities, are not covered by the order. Accordingly, employees of railroads, air lines, bus lines, trucking lines or other common or contract carriers, seagoing personnel, longshoremen, dock workers, and similar waterfront workers, are not within the scope of the order. Employees of telephone and telegraph companies and radio stations, engaged in the normal communication operations of such companies, as well as employees of newspapers, magazines, and other periodicals which disseminate general information to the public at large are also excluded. Employees of power and light, water, gas and other public utility companies which merely furnish power and other facilities to the general public are not covered even though some of their output is supplied to war contractors. On the other hand, a power plant operated, for example, by a war manufacturer furnishing power or light, or other services to the factory would properly be regarded as a plant facility and would be subject to the order. Also firms engaged exclusively in distribution which do not process any war products would not be covered. Accordingly, employees of wholesalers, retailers, storage warehouses and brokers would be exempt if their employers are not engaged in any processing activity. Agricultural workers and employees of Federal or State Governments, and political subdivisions thereof, are not subject to the order.

§ 809.942–3 *Classes of employees to which order is applicable.* The order should be applied on the basis of operations carried on in an individual plant. Therefore, if a particular plant is engaged in war work which is within the scope of coverage, the entire plant would be subject to the order, including production, clerical, and maintenance employees. In cases where an employer in a particular plant, is engaged both in the production of war goods and in noncovered work the order would apply to the entire plant in the absence of segregation. If an employee works an entire workweek exclusively in noncovered production, and his duties do not contribute or relate to work which is subject to the order, such an employee would not be covered by the order for that week. On the other hand, if that employee works a portion of a week in the performance of any function contributing to the production of war goods, he would be subject to the order for the entire workweek. The burden of establishing segregation is upon the employer. The order would apply to any employee engaged in covered work if his compensation is customarily or by requirements of applicable statutes or agreements related to the number of hours worked in a day or the number of days worked in a week.

§ 809.942–4 *Saturday and Sunday work.* Paragraph I A of the order prohibits premium wages or extra compensation for work performed on Saturday or Sunday as such, that is, for work performed on either of those days without reference to the number of hours or days previously worked in the workweek. Any attempt to clothe any other day in the workweek with the status of a premium day, as such, would be contrary to the order.

§ 809.942–5 *Double time for seventh day.* Paragraph I A (1) of the order requires the payment of double time for work on the seventh consecutive day worked in any regularly scheduled workweek. Under this requirement double time may be paid only if all 7 days fall within the same workweek. Double time for work performed on the seventh day should be computed at twice the straight-time rate paid for work on that day or twice the average straight-time hourly rate for the workweek, whichever is the customary method of computing overtime compensation. The employer's records should indicate which method is adopted.

§ 809.942–6 *The workweek.* A workweek consists of 7 successive days (see § 809.942–7) starting on the same calendar day each week. This is definition of a workweek under the Fair Labor Standards Act and is generally accepted by industry. The workweek may be established for the whole plant, for particular employees, or for any subdivision of the plant. The beginning of the workweek may be changed if not intended to evade the requirements of the order. The order does not call for or require any particular work or shift schedule nor does it prescribe the days or hours on which work is to be performed. It is of course highly desirable that work schedules be posted in advance, thus enabling employees to know upon what days work will be required of them.

§ 809.942–7 *The work day.* The order is to be applied on a 24-hour day basis. A 24-hour period may be established as the workday for the plant or for particular employees or departments, *Provided* such an arrangement is not designed to evade the purposes of the order. In the event no particular 24-hour period is established as the workday, the calendar day (i. e., from midnight to midnight) shall be considered as the workday. Thus, work on an established workday regardless of the number of hours worked would, for the purpose of the order, be considered as 1 day of work.

§ 809.942–8 *Exceptions as to work day.* Certain exceptions to this rule must be recognized. At times a shift may cut across 2 workdays. Only 1 of the 2 days is to be counted as a day worked, and that is the day on which the shift starts. Where an employee on particular occasions works beyond his normal shift and thereby works into the next workday, such excess hours should not be regarded as an additional day. However, if the employee continues to work into his day of rest to the extent of one-half his normal shift or is called back to work on his day of rest, that day must be counted as a day of work.

§ 809.942–9 *Effect of the order on applicable statutes and employment contracts.* Such provisions of employment contracts as are in conflict with the order are to that extent modified thereby. Employment contracts or agreements as those terms are used herein include practices established by custom or usage. Paragraph I A (2) contemplates that applicable statutes such as the Fair Labor Standards Act and the Walsh-Healy Act, or employment agreements

which provide for overtime at time and one-half on a daily or weekly basis or for the sixth day of work in a regularly scheduled workweek, shall not be disturbed by the provisions of the order. Therefore, in situations where applicable laws or employment agreements require time and one-half for overtime worked in excess of 8 hours per day or 40 hours per week, the order permits the payment of time and one-half for such overtime. Likewise, where an employment contract requires time and one-half compensation for the sixth day worked in a regularly scheduled workweek, the order permits such premium pay. If overtime compensation for hours in excess of 8 per day or 40 per week, or for the sixth day worked is not required by applicable statutes or employment agreements, nothing in the order requires the payment of such premium rates.

§ 809.942–10 *Contracts for premium pay unrelated to work on particular days as such.* It is not the purpose of the order to disturb employment contracts which contain provisions for extra compensation for onerous work, night work, or emergency work (i. e., work resulting from a sudden condition calling for immediate action); which extra compensation is in no way related to premium pay for work on Saturday, Sunday, or particular days as such. Accordingly, the order would not invalidate contracts, practices, or customs calling for more than time and one-half for hours in excess of 12 on a shift since such work is ordinarily regarded as particularly onerous. Likewise, the order would not invalidate contracts calling for premium pay for "call-in work" where the employee is summoned to duty outside his regular work schedule, and such premium rates are unrelated to work on Saturday, Sunday, or any other day as such. Furthermore, the order does not prevent the payment of shift wage differentials or bonuses, or attendance bonuses, where such payments are not in fact related to work performed on Saturday, Sunday, or particular days, as such.

§ 809.942–11 *Holidays; choice of sixth holiday.* Paragraph I B of the order has two requirements: (a) It requires time and one-half for work on the 6 holidays enumerated in the order, and (b) it forbids payment of any premium wage or extra compensation for work on any other holidays as such. A choice is afforded between Memorial Day and any other holiday of greater local importance. Failure to select a substitute holiday leaves Memorial Day as the sixth holiday under the order. The holiday chosen as a substitute for Memorial Day need not be the same holiday each year but only 6 holidays may be paid for at premium rates in the 12-month period beginning October first.

§ 809.942–12 *Holidays; computation of premium pay.* The order requires that time and one-half compensation be paid for work on designated holidays but forbids payment in excess of time and one-half. Thus, if the wages of an employee include compensation for a holiday although not worked, the additional amount which must be paid under the order for work performed on that holiday is limited to such amount, as brings the total compensation for the day to time and one-half. Compensation for work performed on a holiday should be computed at one and one-half times the straight-time rate paid for work on that day or one and one-half times the average straight-time hourly rate for the workweek, whichever is the customary method of computing overtime compensation. The employer's record should indicate which method is adopted.

§ 809.942–13 *Holidays; inclusion of holidays in computing sixth and seventh days.* For purposes of computing the seventh day of work in a workweek under the order, the designated holidays must be included in the count whether or not work is performed on such days. An idle holiday should be included in computing the sixth day worked in the workweek unless the employment contract specifies otherwise.

§ 809.942–14 *Holidays; determination of what constitutes work on holidays.* Insofar as the order requires payment of time and one-half for work on the designated holidays, it means payment of time and one-half for the hours worked on the calendar holiday, namely, hours worked between midnight at the beginning of the holiday and midnight at the close of the holiday. However, in order to give all employees equal benefit of the holiday, it is permissible to compensate employees at time and one-half for all hours worked on a shift, some part of which cuts across the calendar holiday. It is not permissible to pay the time and one-half holiday rate for more than one shift in a situation in which the employee works two shifts, both of which cut across the calendar holiday. However, employees must be paid time and one-half for at least all the hours worked on the calendar holiday. If one of the designated holidays falls on Sunday, either Sunday or Monday may be observed as the holiday, but not both.

§ 809.942–15 *Holidays; not worked.* There is no provision in the order relating to compensation on holidays not worked.

§ 809.942–16 *Holiday pay not offset against other premium pay.* The time and one-half premium pay required for work on the 6 holidays designated in the order may not be offset or credited against overtime or premium pay required for any other day or portion of the workweek by virtue of this order or applicable statute, such as the Fair Labor Standards Act, the Walsh-Healey Act, or the Federal Eight-Hour Law, but whether holiday premium pay can be credited against overtime compensation due under a contract for other hours depends on the terms of the contract. For example, an employee works 6 days of 8 hours each or a total of 48 hours in a workweek. The second day is one of the designated holidays and the 8 hours worked on that day must be paid for at time and one-half. This premium pay may not be credited or offset against the time and one-half required by statute for hours over 40 during that week. Both must be paid.

§ 809.942–17 *Seventh day pay not offset against other premium pay.* Similarly, the double time required for the seventh consecutive day worked in the workweek may not be offset or credited against overtime or premium pay required for any other day or portion of the workweek by the order or existing law. Thus, if in the example in § 809.942–16, the employee works an additional or seventh consecutive day in the same workweek, he must receive double time for that day. This double time may not be offset or credited against the holiday premium pay in this example, nor against the time and one-half due for the hours worked in excess of 40 prior to the seventh day.

§ 809.942–18 *Pyramiding not permitted of overtime or premium rates on a particular day.* On the other hand, it is contrary to the purposes of the order to allow the pyramiding of overtime or premium rates on a particular day. Thus, double time and no more may be paid for work on the seventh consecutive day worked in the workweek even though, by virtue of the employment contract or applicable statute, the hours worked on that day may exceed 8 or are in excess of 40 for the workweek or otherwise call for overtime rates of pay. For example, an employee works all 7 days of the workweek, 8 hours each day. The hours worked on the seventh day call for time and one-half under the Fair Labor Standards Act and double time under the order. The two premium rates may not be pyramided—only double time may be paid for work on that day. The same is true even though the employee works over 8 hours on the seventh day, which excess hours may also call for time and one-half. Also, since the order limits premium pay for the designated holidays to time and one-half, it would be contrary to the order to pyramid the holiday rate and the weekly overtime rate required, for example, by the Fair Labor Standards Act, in cases where the holiday itself consists of hours in excess of 40 for the week. For example, the employee works 6 days of 8 hours each. The hours worked on the last day call for time and one-half under the Fair Labor Standards Act. The last day is also a holiday designated in the order. The order limits pay on that day to time and one-half. For the same reason, where the holiday coincides with the sixth day worked in the workweek, which day by contract may also call for time and one-half, the order prevents the pyramiding of the two overtime rates. Likewise, not more than time and one-half may be paid for work on the sixth day worked in the workweek even though the hours worked on that day may be in excess of 8 for the day or 40 for the week. Even though the hours worked on the holiday in excess of 8 require time and one-half under the Walsh-Healey Act, the order limits the amount of compensation to time and one-half and prevents the pyramiding of overtime rates on the hours worked in excess of 8.

§ 809.942–19 *Absences; full days of absence.* (a) If an employee is absent for all of one of more days, such days are not to be included in computing the seventh day. The only two exceptions to this rule are a designated holiday on which no work is performed and the case where an employee reports with the reasonable expectation of work and is sent home because of a lack of work or other reason beyond his control. Such days should be counted in computing the seventh consecutive day.

(b) With respect to the inclusion of full days of absence for the purpose of determining whether a sixth day has been worked, the answer is to be found in the prevailing custom, practice, or agreement, in the plant. However, the counting of days of absence merely for the purpose of evading the prohibition in the order against premium pay for Saturday and Sunday work as such would be in contravention of the terms of the order.

§ 809.942–20 *Absences for parts of workdays.* (a) The order does not require that any particular number of hours be worked in a day for that day to be regarded as a day worked under the order.

(b) Where an employee is absent for part of a workday for a justifiable reason, the day must be counted as a day worked for the purpose of computing the seventh day of work in the workweek. Since one of the basic purposes of the order is to discourage absenteeism, days on which an employee does not work his full schedule but absents himself for a portion of the day without justifiable cause should not be counted in computing the seventh day. It is permissible, however, for the employer to allow the employee to make up the time lost by such voluntary absence during the subsequent days of the workweek, and be compensated at the rate of double time on the seventh day of the workweek for hours worked on that day. However, double time may be paid on the seventh day only for those hours worked after the time lost has been made up by the employee.

(c) In computing the sixth day worked in the workweek, the question as to inclusion of days on which the employee has been absent for a portion of the day may be determined by the prevailing custom, practice, or agreement in the plant, provided days are not counted merely for the purpose of evading the prohibitions against premium pay for Saturday and Sunday, as such.

§ 809.942–21 *Relationship of Executive Order 9240 to 9250.* Payments required or forbidden by the terms of Executive Order 9240 do not, in the opinion of the Secretary of Labor, as stated in Interpretative Bulletin No. 1, require approval of the WLB as wage increases or decreases under the terms of Executive Order 9250. In situations where changes in the wage structure or premium rates are permitted but not required by Executive Order 9240, the procedures for the approval of wage increases as stated in Subpart H of this part should be followed before such changes are initiated by the employer.

§ 809.942–22 *National War Labor Board approval requirements for premium pay on sixth day of workweek.* On May 31, 1943, the National War Labor Board adopted a resolution to the effect that, where, pursuant to the terms of a collective bargaining agreement, or the custom and practice in a plant, a premium rate or extra compensation was regularly paid, prior to October 1, 1942, for services performed on Saturday, as such, not more than time and one-half premium wage compensation may be paid without the approval of the National War Labor Board, for services performed on the sixth day of work in the regularly scheduled workweek, in accordance with the provisions of Executive Order 9240.

§ 809.943 *Exceptions to Executive Order 9240.*

§ 809.943–1 *Shipbuilding stabilization agreement.* The Secretary of Labor on February 25, 1943, pursuant to Executive Order 9248, issued an order determining that the provisions of Executive Order 9240 shall not apply after March 2, 1943, to the shipbuilding and ship repair industry.

The Secretary's order is based on a finding that the Zone Standards Agreements for the Shipbuilding and Ship Repair Industry, and the Pacific Coast Repair Agreements, approved by the Government departments and agencies concerned with shipbuilding and ship repair work, are operating satisfactorily to stabilize overtime practices in the industry. The exemption is not limited, however, to companies which are parties or subject to these wage stabilization agreements, but is applicable to the entire shipbuilding and ship repair industry.

The shipbuilding and ship repair industry, for the purposes of the Secretary's order, includes generally construction, conversion, outfitting, and repair of any floating marine structures, including floating drydocks. Many preliminary processes and the manufacture of many parts and products which are eventually used in the building of a ship are, however, not included. For example, the manufacture of prefabricated parts in steel mills or sawmills is not included in the industry.

The construction, conversion, outfitting, and repair activities which are considered within the shipbuilding and ship repair industry are those which are performed in the water, in drydocks, in basins, on ways for launching, or on the premises of a shipyard or boatyard. The exemption covers all employees of companies which are engaged in such activities, including maintenance, clerical and technical employees, and including also employees who may be assigned to work away from the shipyard such as draftsmen employed by the shipyard and temporarily stationed in the office of an independent drafting concern, working on plans for the shipyard. However, employees of "uptown shops" are not within the exemption.

§ 809.943–2 *Building trades stabilization agreement.* (a) Except as indicated in paragraph (b) below, work on construction projects subject to the Wage Stabilization Agreement for the Building and Construction Trades Industry engaged in War Construction (July 1941) is exempted from the provisions of Executive Order 9240. The Agreement is entitled "Memorandum of Agreement between the Representative of Government Agencies Engaged in Defense Construction and the Building and Construction Trades Department of the American Federation of Labor." (See Order, Secretary of Labor, September 30, 1942.)

(b) On May 22, 1943, the Secretary of Labor determined that for the duration of the war, paragraph 1 (B) of Executive Order 9240, which recognizes the following six holidays only: New Year's Day, Fourth of July, Labor Day, Thanksgiving Day, Christmas Day, and Memorial Day, and requires compensation at the rate of time and one-half for work performed on such holidays, applies to work on construction projects which is subject to the Wage Stabilization Agreement for the Building and Construction Industry: *Provided*, That the clause in the Executive order permitting the substitution of one holiday of greater local importance than Memorial Day does not apply to such work. (See Determination, Secretary of Labor, May 22, 1943.)

(c) While work covered by the Building Trades Stabilization Agreement has been exempted from the order, the holiday provisions of the order (paragraph I (B)) have been incorporated in the Stabilization Agreement by resolution of the Board of Review, which performs the function of administering the Stabilization Agreement. (Interpretative Resolution No. 2 of the Board of Review passed on November 10, 1942.)

§ 809.943–3 *Sugar processing industry.* The Secretary of Labor on March 24, 1943, pursuant to Executive Order 9248, issued an order determining that in the case of an employer engaged in the processing of sugar beets or sugar cane into sugar (but not refined sugar) or into syrup, the provisions of section 1A(1) of Executive Order 9240 (requiring the payment of double time compensation on the seventh consecutive day of a regularly scheduled workweek) shall not apply to his employees in any place of employment where he is so engaged.

§ 809.943–4 *Fish processing industry.* The Secretary of Labor on April 24, 1944, pursuant to Executive Order 9248, issued an order determining that the provisions of Executive Order 9240 shall not apply to employees engaged in the processing of fish, including the canning and reduction thereof, and operations incidental thereto, in the United States, its territories, and possessions.

§ 809.943–5 *Fruit and vegetable packing and canning industries.* The Secretary of Labor on August 25, 1943, pursuant to Executive Order 9248, issued an order determining that in the case of an employer engaged in the first processing of, or in canning or packing, perishable or seasonal fresh fruits and vegetables, the provisions of Executive Order 9240 shall not apply to his employees in any place of employment where he is so engaged.

§ 809.943–6 *Milk processing industry.* The Secretary of Labor on October 22, 1943, pursuant to Executive Order 9248, issued an order determining that in the case of an employer engaged in the first processing of milk, whey, skimmed milk, or cream into dairy products, the provisions of Executive Order 9240 shall not apply to his employees in any place of employment where he is so engaged.

§ 809.944 *Future interpretations.* Section V of Executive Order No. 9240, as amended, requires that all questions regarding its interpretations and application be referred to the Secretary of Labor. Such questions requiring action by the Secretary of Labor, insofar as they are posed by representatives of the War Department, will be directed, through channels, to the Director, Industrial Personnel Division, Headquarters, Army Service Forces, who will take any necessary steps to obtain such interpretations in appropriate cases. The Director, Industrial Personnel Division, will clear with the Director, Purchases Division, all such questions relating to contracting or procurement procedure. Interpretations of Executive Order 9240, made by the Secretary of Labor from time to time will be promptly forwarded to the chiefs of technical services, and will be summarized for inclusion in this subpart. Auditors, finance officers, and other persons reviewing War Department vouchers and payments will present to the Director, Industrial Personnel Division, through the Office of the Fiscal Director, Headquarters, Army Service Forces, all requests for instructions as to the application of the Executive order to fiscal matters.

§ 809.944–1 Requests for interpretations will be prepared in the following form and submitted in triplicate:

(a) A brief statement of the question for which interpretation is requested.

(b) A statement as to the person, official, department, or organization requesting the interpretation.

(c) Any facts or comments which are necessary for interpretation. These comments should not exceed one or two paragraphs.

SUBPART H—WAGE AND SALARY STABILIZATION

§ 809.950 *General.*

§ 809.950–1 *Scope of subpart.* This subpart deals with the national wage and salary stabilization program. The Stabilization Act of 1942, as amended (sometimes hereinafter referred to as "the Act"), authorizes and directs the President, among other things, and subject to certain limitations, (a) to issue a general order stabilizing wages and salaries affecting the cost of living on the basis, unless otherwise provided, of the levels which existed on September 15, 1942, and (b) generally to provide for the making of adjustments with respect to wages and salaries "to aid in the effective prosecution of the war or to correct gross inequities." By Executive Order No. 9250 and other directives, the President, with respect to the stabilization program, has (1) established policies, (2) defined certain functions of the National War Labor Board, and (3) delegated certain powers and responsibilities to the Economic Stabilization Director (sometimes hereinafter referred to as "the Director"). Some of these powers and responsibilities of the Director have been re-delegated by him to the National War Labor Board, the Commissioner of Internal Revenue and the War Food Administrator (sometimes hereinafter referred to respectively as "the Board", "the Commissioner", and "the Administrator"). The Board and the Commissioner, in turn, have authorized other agencies, in certain cases, to exercise their functions with respect to the stabilization program in the first instance, subject to their review. The succeeding sections discuss the broader aspects of the program and indicate, to the extent deemed of interest to War Department personnel, the functions of various agencies having jurisdiction with respect thereto. Contracting officers should be reasonably familiar with the program. However, since contracting and disbursing officers are not authorized to determine whether particular payments of wages and salaries by War Department contractors violate wage and salary stabilization policy (see §§ 809.961 and 809.962), no attempt is made in these procurement regulations to set forth in detail the various rules, regulations, orders and interpretations which have been promulgated pursuant to the act.

§ 809.950–2 *Applicable statutes, orders, regulations and rulings.* Statutes, orders, regulations and rulings respecting the stabilization program include the Stabilization Act of 1942 (entitled An Act to Amend the Emergency Price Control Act of 1942, to Aid in Preventing Inflation, and for Other Purposes), as amended by the Public Debt Act of 1943 and by the Stabilization Extension Act of 1944, the War Labor Disputes Act (relating to labor disputes which may lead to substantial interference with the war effort, to government operation of facilities under certain circumstances, and to other matters), Executive Order No. 9250 (wage stabilization order), Executive Order No. 9299 (regulations and procedure with respect to wage and salary adjustments for employees subject to the Railway Labor Act), Executive Order No. 9328 (supplemental stabilization order, the "hold-the-line" order), Executive Order No. 9370 (enforcement of orders of the Board), the regulations of the Director, the Director's policy directive of May 12, 1943, and the regulations, rulings, orders and interpretations of the various agencies having jurisdiction with respect to the stabilization program.

§ 809.950–3 *Where information may be obtained.* Any questions relating to the stabilization program may be addressed by the chiefs of the technical services to the Industrial Personnel Division, Headquarters, Army Service Forces, Washington 25, D. C. In addition, pursuant to a joint statement of the Board and the Commissioner, reliable advice relating to the national stabilization policy may be obtained from the Regional War Labor Boards (§ 809.990) and the regional offices of the Bureau of the Internal Revenue (§ 809.992).

§ 809.950–4 *Definition of wages and salaries.* For the purposes of the stabilization program, salaries and wages have been defined by the agencies charged with its administration to include all forms of direct or indirect remuneration to an employee or officer for work or personal services performed for an employer or corporation, including but not limited to bonuses, additional compensation, gifts, commissions, fees, and any other remuneration in any form or medium whatsoever (excluding insurance and pension benefits in a reasonable amount as determined by the Director). "Salaries" means remuneration for personal services computed on a weekly, monthly, annual or other comparable basis, except a wage basis. "Wages" means remuneration for personal services computed on an hourly or daily basis, a piece-work basis, or other comparable basis.

§ 809.951 *Increases and decreases in wages and salaries under the stabilization program.*

§ 809.951–1 *General.* Generally (a) no increases or decreases in wage rates (regardless of whether required by the terms of any labor agreement), (b) no increases in salaries, and (c) no decreases in salaries (if below $5,000 or if the effect of the decrease is to reduce the salary below $5,000 per annum) shall be made without the approval of the appropriate agency having jurisdiction with respect thereto (§§ 809.952–809.958). Exceptions to this requirement of approval have been made (e. g. in the case of certain employers of eight people or less), limitations have been set within which approvals may be granted, and certain increases and decreases which may be made without the specific approval of the appropriate agency in the particular case have been defined. Sections 809.951–2 to 809.951–5, inclusive, contain a general summation of the limitations upon increases and decreases in wages and salaries under the stabilization program. For further details and for a statement of the exceptions and of the increases and decreases which may be made without specific approval, heretofore mentioned, reference is made to the regulations, rulings and orders of the agencies charged with the administration of the program.

§ 809.951–2 *Limitations on wage and salary increases*—(a) *Policy.* Existing policy as to wage and salary increases (insofar as those within the jurisdiction of the Board or the Commissioner as hereinafter set forth are concerned) is expressed in § 4001.11 of the regulations of the Director as supplemented by the Director's Policy Directive of May 12, 1943 and Policy Directive on "Fringe" Adjustments of March 8, 1945. This policy may be summarized as follows:

(1) No increase in wages or salaries shall be authorized by the Board or the Commissioner, as the case may be, except in the following cases:

(i) Such increases as are clearly necessary to correct substandards of living;

(ii) Such wage or salary readjustments as may be deemed appropriate and may not have heretofore been made to compensate, in accordance with the "Little Steel Formula" (see paragraph (b) of this section), for the rise in the cost of living between January 1, 1941 and May 1, 1942;

(iii) Salary and wage adjustments necessary to adjust salaries or wages up to the minimum of the tested and going rates paid for comparable work in the same or most nearly comparable plants or establishments in the same labor market, except in rare and unusual cases in which the critical needs of war production require the setting of a wage or salary at some point above the minimum of the going wage or salary bracket;

(iv) Reasonable adjustments in wages or salaries in case of promotions, reclassifications, merit increases, incentive wages or the like: *Provided*, That such adjustments do not increase the level of production costs appreciably or furnish the basis either to increase prices or to resist otherwise justifiable reductions in prices. (The Board may approve or direct certain such adjustments irrespective of such proviso in accordance with the Director's Policy Directive on "Fringe" Adjustments of March 8, 1945).

(2) No increase in a salary rate approved by the Commissioner shall increase the level of production costs appreciably, or furnish the basis either to increase prices or to resist otherwise justifiable reductions in prices or furnish the basis of further wage or salary increases.

(3) In connection with the approval of wage or salary adjustments necessary to eliminate substandards of living or to give effect to the Little Steel Formula or in connection with the adoption of a longer workweek, there may be approved wage or salary adjustments for workers in immediately interrelated job classifications to the extent required to keep minimum differentials between immediately interrelated job classifications necessary for the maintenance of productive efficiency. Such adjustments are to be tapered off rigorously in application to higher job classifications so as to apply only in those classifications and only to the extent necessary for productive efficiency in the interrelated job classifications.

(b) *Little Steel formula.* This formula has been adopted by the Board for application generally in the case of wage increases for a group of employees. Under the formula, the Board will consider requests for general increases in straight-time wage rates up to 15 percent above the level prevailing on January 1, 1941. Thus a terminal point for general wage increases is set. The formula is usually not applicable to individual workers or to employees in particular job classifications. It will normally be applied only to groups composed of all employees in a bargaining unit, in a plant, a company or an industry, depending upon the circumstances of each case.

§ 809.951–3 *Limitations on decreases in salaries of less than $5,000.* In the case of a salary rate existing as of the close of October 3, 1942, or thereafter approved, under which an employee is paid a salary of less than $5,000 per annum for any particular work, generally no decrease shall be made by the employer below the highest salary rate paid for such work in the local area between January 1, 1942, and September 15, 1942, unless to correct gross inequities or to aid in the effective prosecution of the war. In either such event, approval of the decrease must be obtained from the appropriate agency. The words "for any particular work" as used in this section refer to the particular work of the particular employee and not merely to a particular type of work.

§ 809.951–4 *Limitations on decreases in salaries of over $5,000.* In the case of a salary rate existing as of the close of October 3, 1942, or thereafter approved, under which an employee is paid a salary of $5,000 or more per annum, decrease may be made without approval: *Provided*, That if by virtue of such decrease the new salary paid is less than $5,000 per annum, then the validity of the decrease below $5,000 shall be determined as set forth in § 809.951–3.

§ 809.951–5 *Limitations on decreases in wages.* The Board shall not approve a decrease in the wages for any particular work below the highest wages paid therefor between January 1, 1942, and September 15, 1942, unless to correct gross inequities and to aid in the effective prosecution of the war.

§ 809.952 *Functions and operation of the National War Labor Board with respect to the wage and salary stabilization program.*

§ 809.952–1 *Jurisdiction of the Board.* The jurisdiction of the Board covers (a) the final disposition of labor disputes "which may lead to substantial interference with the war effort" and (b) the approval or disapproval of voluntary wage and salary adjustments. With respect to wages and salaries, the Board (except as indicated in §§ 809.956 and 809.957) is authorized to determine whether any:

(1) Wage payments, or

(2) Salary payments to an employee where the rate at which the salary, exclusive of bonuses and additional compensation and without regard to the contemplated adjustments, computed on an annual basis, is not in excess of $5,000 per annum, and where such employee:

(i) In his relations with his employer is represented by a duly recognized or certified labor organization, or

(ii) Is not employed in a bona fide executive, administrative or professional capacity

are made in contravention of the act, or any rulings, orders or regulations promulgated thereunder.

§ 809.952–2 *Regulations, orders and rulings of the Board.* From time to time the Board has issued regulations, general orders, and other directives (a) establishing stabilization policies, with respect to wages and salaries subject to its jurisdiction, within the limits set forth in the act, the pertinent Executive orders and the Director's regulations, (b) creating Regional War Labor Boards and other subagencies to exercise its functions in the first instance subject to the Board's review, and (c) establishing procedures to be followed in cases before the Board and such subagencies. In addition, the Board has delegated to various other government agencies authority to perform certain of its duties with respect to the stabilization program. With respect to adjustments in wages and salaries subject to its jurisdiction, the orders of the Board (and of the agencies upon which it has conferred appropriate authority) take one of two forms, depending upon the nature of the proceeding involved, as follows: (1) Upon applications for voluntary wage and salary adjustments proposed by employers or submitted pursuant to agreement of employers and their employees, the Board issues so-called "permissive" rulings, permitting specified adjustments within the limits of established stabilization policy, while (2) in cases of dispute between employers and employees or their representatives, the Board issues so-called "directive orders" directing the making of specified wage and salary adjustments within such limits. For a statement of the procedure to be followed by War Department personnel in cases before the Board (or before agencies upon which it has conferred authority) in which the War Department has an interest, reference is made to § 809.963.

§ 809.952–3 *Agencies which exercise functions of the Board subject to its review*—(a) *Regional War Labor Boards.* The Board has established twelve Regional War Labor Boards together with a Territorial War Labor Board for Hawaii (Alaska has been made a part of Region XII) through which, generally, it exercises its functions in the first instance. (A list of these Regional War Labor Boards, together with a statement of the areas in which they have jurisdiction, respectively, may be found in § 809.990.) In addition, the Board has established various other subagencies and authorized them in certain types of cases, subject to the Board's review, (1) to hear and determine and to issue directive orders in labor dispute cases, and (2) to make final rulings on voluntary wage or salary adjustments. A list of certain such subagencies, together with a general designation (subject to exception) of the cases in connection with which they have been granted authority, is as follows:

(1) Non-Ferrous Metals Commission in cases affecting the stabilization of the mining, milling, smelting and refining of non-ferrous metals, referred to it by the Board or by the Regional Directors of the 9th, 10th and 12th regions of the Board. (The jurisdiction of the Non-Ferrous Metals Commission does not extend to those enterprises which supply materials and equipment to the above named industries.)

(2) Detroit Area Tool and Die Commission in cases concerning the tool and die industry in the counties of Wayne, Oakland, Macomb, Monroe, Washtenaw and Genessee in the State of Michigan.

(3) The Trucking Commission in cases involving persons employed in the fol-

lowing types of trucking operations: over-the-road (common, contract, or private carrier), local pick-up, and delivery; transfer and storage.

(4) Shipbuilding Commission in cases involving persons employed in the shipbuilding industry.

(5) West Coast Lumber Commission in cases involving the production of lumber and lumber products in Oregon, Washington, Idaho, Montana and California.

(6) The National Airframe Panel in cases involving employees of certain manufacturers of airplanes. In dispute cases this panel acts only in an advisory capacity to the Board but the panel is authorized, subject to the Board's review, to make final rulings on voluntary wage and salary adjustments within its jurisdiction in cases where the decision of the panel is unanimous.

(7) The War Shipping Panel in cases involving the shipping industry. In dispute cases this panel acts only in an advisory capacity to the Board but the panel is authorized, subject to the Board's review, to make final rulings on voluntary wage and salary adjustments within its jurisdiction in cases where the decision of the panel is unanimous.

(b) *Shipbuilding Stabilization Committee.* This committee composed of representatives of the Government, of shipbuilding management, and of shipbuilding labor, was established by General Administrative Order No. 2–57 of the War Production Board to perform certain functions with respect to the four Zone Standards Agreements, as amended. These agreements, negotiated in the four shipbuilding zones (i. e. the Pacific Coast, the Atlantic Coast, the Gulf Coast, and the Great Lakes) were originally entered into by the Office of Production Management (predecessor of the War Production Board), the Navy Department and the U. S. Maritime Commission on behalf of the Government; by the Metal Trades Department of the American Federation of Labor and by the Industrial Union of Marine and Shipbuilding Workers of America of the Congress of Industrial Organizations on behalf of labor; and by various shipbuilding companies. Subsequently the War Department indicated it would participate in Zone Standards. The agreements, as amended by proposals dated May 16, 1942 of a National Shipbuilding Conference subsequently ratified by the parties (such proposals so ratified being commonly termed the Chicago Amendments), among other things fix certain wage rates to be paid in the shipbuilding industry and provide for an annual wage review to be conducted by the Shipbuilding Stabilization Committee. Pursuant to Executive Order No. 9250, the Committee continues to exercise its functions. However, no new wage rate fixed by Zone Standards Agreement may become effective until approved by the Board which acts with respect thereto, in the first instance, through its subagency the Shipbuilding Commission. (See paragraph (a) (4) of this section.)

(c) *The Wage Adjustment Board for the Building Construction Industry.* On May 22, 1942, the War and Navy Departments, National Housing Administration, Reconstruction Finance Corporation, the Maritime Commission and the Building and Construction Trades Department of the American Federation of Labor, entered into an agreement stabilizing wage rates for all war construction work done for or financed by the United States (except non-Federal construction where state laws should govern wage rates) in the continental United States at the level in effect on July 1, 1942. Such agreement, by its terms to endure for the duration of the war, provided for the creation of a Wage Adjustment Board (1) to determine whether certain wage adjustments should be made and (2) to fix the amount of any such adjustment. The Wage Adjustment Board for the Building Construction Industry, (hereinafter referred to as the Wage Adjustment Board), has been established by order of the Secretary of Labor with authority (1) to investigate and act upon adjustments of wage rates under such agreement of May 22, 1942, and (2) to carry out the duties and functions delegated to it by the National War Labor Board. Under General Order No. 13 of the National War Labor Board, the Wage Adjustment Board continues to exercise its functions under such order of the Secretary of Labor and such agreement of May 22, 1942, insofar as the same are consistent with the terms of such General Order No. 13, and is authorized, (1) to hear and issue directive orders in labor dispute cases and (2) to make rulings on voluntary wage and salary adjustments. The jurisdiction of the Wage Adjustment Board is limited to mechanics and laborers in the building and construction industry in the continental United States and Alaska employed directly upon the site of the work, and its determinations are subject to review by the Board.

(d) *War Department Wage Administration Agency.* Pursuant to appropriate delegations of authority, the Wage Administration Section, Industrial Personnel Division, Headquarters, Army Service Forces (referred to as the War Department Wage Administration Agency when acting under such delegations), acting upon behalf of the Secretary of War, is authorized to rule upon all applications for wage and salary adjustments (insofar as approval thereof has been made a function of the Board) covering civilian employees within the continental limits of the United States employed by (1) the War Department, (2) the Army Exchange Service and (3) certain Government owned, privately operated facilities of the War Department designated in lists furnished from time to time to the Board by the War Department Wage Administration Agency. The chiefs of the technical services are responsible, respectively, for (i) designating to the War Department Wage Administration Agency the facilities which, in their opinion, should be placed upon such lists and (ii) advising the officers of their services concerned of the names of facilities which have been placed upon such lists. The War Department Wage Administration Agency has also been authorized, subject to certain limitations, to establish wage or salary schedules for civilian employees of the War Department in the various Government owned, Government operated installations located in the Territory of Hawaii. The delegations of the Board, contained in the Board's General Orders Nos. 14 and 37, are set forth in full at §§ 809.993 et seq.

§ 809.952–4 *When specific approval of Board is not required.* Reference is made to the General Orders of the Board for a definition of certain exceptions to the requirements of the stabilization program and of certain increases in wages and salaries subject to the jurisdiction of the Board which may be made without other or specific approval.

§ 809.952–5 *Preliminary inquiries as to wage and salary adjustments within the jurisdiction of the Board.* An employer or a union (or an employee, or a group of employees not represented by a union) directly concerned in a proposed wage or salary adjustment, may jointly or separately, ask the nearest designated officer of the Wage and Hour and Public Contracts Divisions of the United States Department of Labor in the region for a ruling as to whether the proposed adjustment may be made without Board approval. If said ruling is that the proposed wage or salary adjustment may be made without approval of the Board, the ruling shall be deemed to be authorative and shall remain in effect unless reversed. (For a list of the addresses of such officers, see § 809.991.)

§ 809.952–6 *Application for the Board's approval of voluntary adjustments.* Generally, each application for the Board's approval of a proposed voluntary wage or salary adjustment shall be filed with the nearest office of the Wage and Hour and Public Contracts Divisions of the United States Department of Labor in the region where the employer maintains his principal place of business. All applications shall be made upon appropriate forms prepared by the Board. (For a list of such offices see § 809.991.)

§ 809.952–7 *Procedure in dispute cases involving wages or salaries subject to the jurisdiction of the Board.* A dispute case arises out of a disagreement as to wages or working conditions, or both. The National War Labor Board usually accepts dispute cases only on certification by the U. S. Conciliation Service although the Board also has power to take cases on its own initiative. A dispute case is referred to the New Case Committee of the National Board which determines whether the case shall be retained by the National Board for disposition or referred to the appropriate regional board or industry commission for decision. Upon certification of the case to a regional board, the case is considered by a New Case Committee of the regional board and prepared for a hearing. The Committee designates a tripartite panel to hear the case or, if the parties agree, a single person is appointed. Upon conclusion of the hearing by the panel or individual, the findings are reported to the regional board which makes a decision on the panel's findings and recommendations. Arguments may be heard if the panel's report is not unanimous. A regional board may certify to the National Board any case or any question in the case upon which it desires a National Board ruling. Directive orders are issued to the parties when made, except that issuance of any provision of an order, which relates to a wage or salary adjustment, may be stayed if two or more public members of the regional board dissent from the provision and request that its issuance be stayed. In such an event a copy of the directive order and the request of stay, together with a statement of the reason for such request is transmitted to the National Board. Reconsideration of rulings and orders of regional boards may be had upon filing of petition under established rules. For a statement of procedure to be followed by War Department personnel in cases before the Board (or before agencies upon which it has conferred appropriate authority) in which the War Department has an interest, reference is made to § 809.963.

§ 809.954 *Jurisdiction and organization of the Bureau of Internal Revenue with respect to the stabilization program.*

§ 809.954–1 *Jurisdiction of the Commissioner.* The Commissioner is authorized to determine, under regulations prescribed by him with the approval of the Secretary of the Treasury, whether any salary payments (other than those under the jurisdiction of the Board, the War Food Administrator or the National Railway Labor Panel, as the case may be, as specified in §§ 809.922–1, 809.956 and 809.957) are made in contravention of the act or any regulations or rulings promulgated thereunder.

§ 809.954–2 *Salary Stabilization Unit.* There has been established within the Bureau of Internal Revenue, but independent of all other units therein, a Salary Stabilization Unit which, generally, is charged with the responsibility of exercising the Commissioner's authority and performing his duties with respect to the stabilization program. The Salary Stabilization Unit functions, generally, through Salary Stabilization Regional Offices. The head of the regional office having jurisdiction of any application is authorized to approve or disapprove it for the Commissioner, wholly or in part, and his decision is deemed to be that of the Commissioner unless and until modified or reversed as provided in the Commissioner's regulations. (For a list of such regional offices, see § 809.992.)

§ 809.954–3 *Delegation to War Department Wage Administration Agency.* The Wage Administration Section, Industrial Personnel Division, Headquarters, Army Service Forces (referred to as the War Department Wage Administration Agency when acting under the authority hereinafter mentioned) acting on behalf of the Secretary of War, has been authorized, subject to certain conditions, to rule upon all applications for salary adjustments (insofar as approval thereof has been made a function of the Commissioner) covering civilian employees within the continental limits of the United States and Alaska employed by (a) the War Department, (b) the Army Exchange Service, and (c) certain Government owned, privately operated facilities of the War Department named in lists furnished from time to time to the Commissioner by the War Department Wage Administration Agency. The chiefs of the technical services are responsible, respectively, for (1) furnishing the War Department Wage Administration Agency with the names of facilities which, in their opinion, should be placed upon such lists and (2) advising the officers of their services concerned of the names of facilities which have been placed on such lists. The Commissioner's delegation to the War Department Wage Administration Agency is set forth in full at § 809.993–3.

§ 809.954–4 *When specific approval of the Commissioner is not required.* Reference is made to the regulations of the Commissioner for a definition of certain exceptions to the requirements of the stabilization program and of certain increases in salaries subject to his jurisdiction which may be made without other or specific approval.

§ 809.954–5 *Where applications for approval of salary increases and decreases and salary rate schedules and rulings respecting exemptions within the jurisdiction of the Commissioner shall be filed.* Generally such an application shall be filed with the Salary Stabilization Regional Office in whose territorial jurisdiction the main office or principal place of business of the employer is located. (For a list of such offices see § 809.992.) Such application shall be filed on forms prescribed by the Commissioner and shall contain such information as he may require. If, however, the Commissioner has delegated to any other officer or agency (e. g. the War Department Wage Administration Agency, see § 809.954–3) his authority to approve or disapprove adjustments in salaries, then applications respecting such adjustments shall be made to the officer or agency to whom such authority has been delegated, in the form and manner prescribed by such officer or agency.

§ 809.956 *Jurisdiction of the War Food Administrator with respect to the stabilization program.* The War Food Administrator, subject to certain limitations, is authorized to determine whether any salary or wage payments to agricultural labor are made in contravention of the act or any rulings, orders or regulations promulgated thereunder. The authority of the War Food Administrator does not extend to any person whose salary payments, exclusive of bonuses and additional compensation and without regard to the contemplated adjustment, are at a rate, computed on an annual basis, which exceeds $5,000 per annum.

§ 809.957 *Jurisdiction of the National Railway Labor Panel with respect to the stabilization program.* Special procedures with respect to wage and salary adjustments for employees subject to the Railway Labor Act are established by Executive Order No. 9299.

§ 809.958 *When approval of Economic Stabilization Director required.* All wage or salary adjustments which may furnish the basis either to increase price ceilings or to resist otherwise justifiable reductions in price ceilings or which may increase production costs above the level prevailing in comparable plants or establishments, require the ultimate approval of the Economic Stabilization Director.

§ 809.959 *Territorial application.* The Board, the Commissioner and the Administrator have been authorized, under certain circumstances, to exempt from the operation of the stabilization program wages or salaries paid in any territory or possession of the United States. Pursuant to this authority, the Commissioner and the Board have provided that stabilization control shall not apply to salaries and wages under their jurisdiction, respectively, in any territory or possession of the United States, except Alaska and Hawaii.

§ 809.960 *Criminal penalties.* Section 11 of the act privides as follows:

> Any individual, corporation, partnership or association wilfully violating any provision of this Act, or of any regulation promulgated thereunder, shall, upon conviction thereof, be subject to a fine of not more than $1,000 or to imprisonment for not more than one year, or to both such fine and imprisonment.

§ 809.961 *Effect of unlawful payments (determination of costs under Government contracts and other aspects of violations).* Upon determining that a wage or salary payment has been made by an employer in contravention of the act or the regulations, rulings or orders promulgated thereunder (see § 809.962 (e)), the Board, the Commissioner or the Administrator, as the case may be, pursuant to § 4001.15 of the regulations of the Director, may certify to the Departments and agencies of the government an amount to be disregarded as hereinafter set forth. In case of such certification to the War Department, the amount so certified will be disregarded by the appropriate agency of the War Department in determining costs or expenses of such employer for such of the following purposes as may be pertinent:

(a) For the purpose of any law or regulation, including the Emergency Price Control Act of 1942, or any maximum price regulation thereunder;

(b) For the purpose of calculating deductions under the revenue laws of the United States; and

(c) For the purpose of determining costs or expenses under any Government contract.

§ 809.962 *Responsibility of War Department personnel with respect to violations as defined by Joint Statement of the Board and the Commissioner.* (a) Agencies of the War Department are not required to conduct audits, investigations, or payroll reviews merely for the purpose of ascertaining whether or not contractors have complied with Executive Order 9250 (i. e. the President's Wage Stabilization Order) or the regulations promulgated thereunder. The technical services are neither required nor authorized to determine that a prime contractor has violated the Executive Order or the Regulations thereunder (see, however, Renegotiation Regulations par. 382.3 (§ 1603.382–3 of Title 32) and the Army Renegotiation Manual par. 382.4.

(b) When, however, probable noncompliance by a prime contractor with Executive Order 9250 or the regulations thereunder is discovered by or brought to the attention of a technical service, such service should:

(1) Advise each such contractor of the particulars in which probable non-compliance appears and request that he consult the Regional War Labor Board or Salary Stabilization Regional Office which has jurisdiction over approval of wage rates in the case. (See §§ 809.990 and 809.992 for lists of regional offices.)

(2) Report such apparent violation to the Regional War Labor Board or Salary Stabilization Regional Office which has jurisdiction over approval of wage rates in the case. Any such reports should include the following information:

(i) Name and address of contractor.

(ii) Date, number and place of performance of the contract.

(iii) Résumé of facts constituting apparent violation including approved wage rates, by whom approved, wages actually paid, names or classifications of persons paid, dates of apparent improper payments, and name of party making payments if other than contractor.

(c) The technical services have the responsibility of establishing within their services appropriate procedures for the reporting of apparent violations to the proper Government agency. Such procedures should be devised to restrict contacts with such agency solely to the transmittal of a report containing the information listed in paragraph (b) of this section.

(d) No report should be supplemented by appearances or participation in hearings or other proceedings of the agency having jurisdiction in the matter except in accordance with § 809.963.

(e) Determinations of violations will be made in all cases by the National War Labor Board or the Commissioner of Internal Revenue. If the appropriate Government agency finds that a violation of Executive Order 9250 or the regulations thereunder has occurred, the Industrial Personnel Division, Headquarters, Army Service Forces, will be advised, and will issue specific instructions to the interested technical service.

(f) All responsibilities which the technical services had prior to issuance of Executive Order 9250 or of this subpart with respect to reimbursement of contractors in accordance with other laws and regulations are in no way affected by this subpart.

§ 809.963 *War Department relations with the National War Labor Board.* (a) For the purpose of coordinating War Department policy and action, the Industrial personnel Division, Headquarters, Army Service Forces will process all cases coming before the National War Labor Board in which the War Department has an interest. No other War Department representative or agency will make any statements of fact or recommendation, formally or informally, to the National War Labor Board or to any of its personnel respecting the merits of any case pending before that Board.

(b) No War Department representative or agency will make any statement of fact or recommendations to any regional war labor board or regional or area war labor panel or to any of their personnel respecting the merits of any cases pending before such board or panel except that in pending wage cases affecting War Department procurement, War Department representatives, through appropriate service command channels or as may otherwise be authorized, may request that such cases be expedited and may make statements of fact relating solely to the following issues:

(1) The importance of the product or service affected to the War Department procurement program,

(2) Where requested, the probable cost to the War Department resulting from any contemplated wage adjustment, and

(3) Whether production is on schedule, and if not, the extent to which manpower shortages, high turnover, or excessive absenteeism are a contributing factor.

(c) Certain "rare and unusual cases" specially involving "the critical needs of war production" have been excepted from the establishe l wage stabilization criteria when these needs are threatened by a manpower problem, the only solution to which entails the approval of wage rates or wage adjustments which will not be permissible under those criteria (see § 809.951–2 (a) (1) (iii)). Special procedures have been designed for the processing of these "rare and unusual" cases and adopted by the National War Labor Board, the War Production Board, the War Manpower Commission, the War Department, and other procurement or interested Government agencies. The Industrial Personnel Division, Headquarters, Army Service Forces, has been designated as the sole War Department agency with authority to certify and process such cases in which the War Department has an interest.

(d) (1) In the event that any War Department representative or agency believes that a case pending before the National War Labor Board or before an area or regional war labor board or panel should be considered within the "rare and unusual" exception, such representative or agency will advise the Industrial Personnel Division, Headquarters, Army Service Forces, and will forward to that Division, through appropriate channels, a report containing the factual foundation for its opinion. This report should include information respecting:

(i) The present wage rates, the wage adjustment being requested, and a complete statement of the nature of the request pending before the Board.

(ii) The relative importance of the product or service in the total procurement program;

(iii) The relative importance of the particular facility and the existence and location of alternative facilities, if any;

(iv) The relation of present deliveries to production schedules;

(v) The extent to which labor supply is the limiting factor in production;

(vi) The extent to which the wage schedule is responsible for labor supply problems in this facility; and

(vii) Any other pertinent information.

(2) In no event will any representative or agency of the War Department, other than the Industrial Personnel Division, Headquarters, Army Service Forces, state or recommend to the National War Labor Board that a case should be regarded as "rare and unusual."

(e) Nothing in this section shall be construed to affect the relationship between the War Department Wage Administration Agency and the Board arising out of General Orders Nos. 14 and 37 of the Board (see § 809.952–3 (d)).

SUBPART I—FORTY-EIGHT HOUR WORKWEEK

§ 809.968 *Executive Order No 9301.* The following is the full text of Executive Order No. 9301 issued under date of February 9, 1943 (8 F.R. 1825):

EXECUTIVE ORDER 9301

ESTABLISHING A MINIMUM WAR-TIME WORK WEEK OF FORTY-EIGHT HOURS

By virtue of the authority vested in me by the Constitution and statutes, as President of the United States, and in order to meet the man-power requirements of our armed forces and our expanding war-production program by a fuller utilization of our available man power, it is hereby ordered:

1. For the duration of the war, no plant, factory or other place of employment shall be deemed to be making the most effective utilization of its man power if the minimum work week therein is less than forty-eight hours per week.

2. All departments and agencies of the Federal government shall require their contractors to comply with the minimum work week prescribed in this order and with policies, directives and regulations prescribed hereunder, and shall promptly take such action as may be necessary for that purpose.

3. The chairman of the War Manpower Commission shall determine all questions of interpretation and application arising under this order and shall formulate and issue such policies, directives and regulations as he determines to be necessary to carry out this order and to effectuate its purposes. The chairman of the War Manpower Commission is authorized to establish a minimum work week greater or less than that established in Section 1 of this order or take other action with respect to any case or type of case in which he determines that such different minimum work week or other action would more effectively contribute to the war effort and promote the purposes of this order.

4. All departments and agencies of the Federal government shall comply with such policies, directives and regulations as the chairman of the War Manpower Commission shall prescribe pursuant to this order, and shall so utilize their facilities, services and personnel and take such action under authority vested in them by law as the chairman determines to be necessary to effectuate the purposes of this order and promote compliance with its provisions.

5. Nothing in this order shall be construed as superseding or in conflict with any Federal, state or local law limiting hours of work or with the provisions of any individual or collective bargaining agreement with respect to rates of pay for hours worked in excess of the agreed or customary work week, nor shall this order be construed as suspending or modifying any provision of the fair labor standards act (act of June 25, 1938; 52 Stat. 1060; 29 U.S.C. 201 et seq.) or any other Federal, state or local law relating to the payment of wages or overtime.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
Feb. 9, 1943.

§ 809.969 *Regulations of War Manpower Commission.* The following is the text of the regulations issued by the War Manpower Commission to implement the 48-hour work week.

By virtue of authority vested in me as Chairman of the War Manpower Commission by Executive Order No. 9301 establishing a Minimum Wartime Workweek of 48 hours, and by Executive Orders Nos. 9139 and 9279, I hereby prescribe the following regulations:

§ 903.1 *General policy for interpretation and application of Executive order.* Executive Order No. 9301 shall be so construed and applied as best to effectuate its fundamental purpose, which is to aid in meeting the manpower requirements of our armed forces and our expanding war production program by a fuller utilization of our available manpower. Effectuation of this purpose requires that in situations of labor shortage employers do not hire new workers when their manpower needs can effectively be met by a fuller utilization of their current labor force, and that workers who can be released by an extension of the workweek are released under circumstances which will permit and facilitate their effective utilization elsewhere in the war effort.

§ 903.2 *Application to areas and activities.* The Chairman of the War Manpower Commission will from time to time by order designate areas and activities as subject to the provisions of Executive Order No. 9301. Regional Manpower Directors may designate additional areas and activities within their respective regions as subject to the provisions of Executive Order No. 9301, if they find and by appropriate public notice so declare, that such action will aid in alleviating labor shortages which are impeding the war effort. Unless and until an area or activity has been so designated, employers therein will not be required to extend their workweek.

§ 903.3 *Delegation of authority.* Regional and Area Manpower Directors are authorized and directed to determine all questions arising within their respective regions and areas with respect to the interpretation and application of these regulations, in conformity with such procedures and instructions as the Executive Director of the War Manpower Commission may issue in implementation thereof.

§ 903.4 *Minimum wartime workweek.* "Minimum wartime workweek" as used in these regulations means a workweek of 48 hours, except in cases where a workweek of 48 hours (a) would be impracticable in view of the nature of the operations, (b) would not contribute to the reduction of labor requirements, or (c) would conflict with any Federal, State or local law or regulation limiting hours of work. In such cases "minimum wartime workweek" means the greatest number of hours (less than 48) feasible in the light of the nature of the operations, the reduction of labor requirements or the applicable Federal, State and local law or regulation, as the case may be.

§ 903.5 *Extension of workweek in designated areas and activities.* If the workweek applicable to any worker employed in any plant, factory or other place of employment in an area or an activity designated as subject to the provisions of Executive Order No. 9301, is less than the minimum wartime workweek, such workweek shall be extended to the minimum wartime workweek as follows:

(a) Whenever extension of such workweek to the minimum wartime workweek would not involve the release of any workers, the affected employer shall proceed promptly to extend the workweek to the minimum wartime workweek.

(b) Whenever the Regional or Area Manpower Director or a designated representative of either determines that extension of such workweek to the minimum wartime workweek would involve the release only of workers who can be promptly placed in suitable employment with other employers, the affected employer will be notified of such determination and thereupon shall proceed promptly to extend the workweek to the minimum wartime workweek.

(c) If extension of such workweek to the minimum wartime workweek would involve the release of some workers and the Regional or Area Manpower Director or designated representative has not determined and notified the employer that such workers can promptly be placed in suitable employment with other employers, the workweek shall not be extended except as authorized below. On or before April 1, 1943, the affected employer shall submit to the Regional or Area Manpower Director or the designated representative of either Director a statement as to the number of workers whose release would be involved and their occupational classification, together with a proposed schedule for the timing of such releases. The Regional or Area Manpower Director or designated representative will authorize a schedule for the extension of the workweek to the minimum wartime workweek and for the release of workers in terms of labor market needs and the employer shall thereupon proceed to extend the workweek in accordance with such schedule.

§ 903.6 *Restriction upon hiring of workers.* No employer shall hire any worker in an area or activity designated as subject to the provisions of Executive Order No. 9301, if the employer has failed in any manner to comply with the provisions of § 903.5 of these regulations in the plant, factory or other place of employment in which the worker would be employed.

§ 903.7 *Exclusions.* No provision of these regulations shall be construed or applied so as to require the extension of a workweek:

(a) In any establishment or other place of employment in which less than eight workers are regularly employed;

(b) In any establishment or place of employment principally engaged in agriculture;

(c) Of persons in the employ of any State or any political subdivision thereof, or any instrumentality of any one or more of the foregoing;

(d) Of youth under the age of sixteen years; or

(e) Of individuals who on account of other employment, household responsibilities, or physical limitations, are not available for full time work.

§ 903.8 *Definitions.* As used in these regulations:

(a) "Workweek" means the number of hours within a period of seven successive days, beginning with the same calendar day each week, during which workers are normally required to be on duty.

(b) "Agriculture" means those farm activities carried on by farm owners or tenants on farms in connection with the cultivation of the soil, the harvesting of crops, or the raising, feeding, or management of livestock, bees, and poultry, and shall not include any packing, canning, processing, transportation or marketing of articles produced on farms unless performed or carried on as an incident to ordinary farming operations as distinguished from manufacturing or commercial operations.

§ 809.970 *Designation of areas subject to E.O. 9301.* By authority vested in the Chairman of the War Manpower Commission by Executive Order No. 9301, establishing a minimum wartime workweek of 48 hours and in accordance with the provisions of § 903.2 of the regulations prescribed by the Chairman of the War Manpower Commission, said Chairman may designate the areas subject to the provisions of Executive Order No. 9301. A current list of the areas so designated may be secured from any office of the United States Employment Service or of the War Manpower Commission.

§ 809.971 *Designation of activities subject to E. O. 9301.* (a) The following is the text of General Order No. 6, issued by the War Manpower Commission, designating certain activities as subject to the provisions of Executive Order No. 9301.

By virtue of the authority vested in me as Chairman of the War Manpower Commission, by Executive Order No. 9301, establishing a minimum wartime workweek of 48 hours, and in accordance with the provisions of § 903.2 of the regulations prescribed by me on February 22, 1943, I hereby designate the following activities as subject to the provisions of Executive Order No. 9301:

1. The mining (including the development of ore properties) dressing, and beneficiating (milling) of the following non-ferrous metals and their ores: Aluminum, antimony, arsenic, beryllium, chrome, cobalt, columbium, copper, lead, magnesium, manganese, mercury, molybdenum, silver, tantalum, tin, titanium, tungsten, uranium, vanadium, zinc, zirconium, and all other non-ferrous metals and their ores.

2. (a) All logging operations.

(b) All operations of all sawmills, planing mills, veneer mills, plywood mills, cooperage-stock mills, cooperage establishments, shingle mills, wooden box factories and wood pulp mills.

(b) A current list of the activities subject to the provisions of Executive Order No. 9301 can be obtained from any office of the United States Employment Service or of the War Manpower Commission.

§ 809.972 *Statement re adoption of forty-eight hour week.* Under date of March 11, 1943, the National War Labor Board defined the extent of its jurisdiction in the matter of overtime pay in the light of Executive Order No. 9301, as follows:

In order to answer the many inquiries received as to the effect of Executive Order 9250 on wages and salaries in the light of the Executive Order of February 9, establishing the minimum wartime work-week of 48 hours, the National War Labor Board today issued the following statement:

1. *Effect of the order on employer's obligation to pay over-time.* Any employer who adopts a 48 hour week in compliance with Executive Order 9301 of February 9, 1943 and the regulations of the War Manpower Commission issued thereunder is under the same obligation with respect to over-time pay as if he had adopted a 48 hour week before the order was issued. That is, his obligations to pay or not to pay over-time rates is in no way affected by the order.

This interpretation is based on the following provision of section 5 of the order:

Nothing in this order shall be construed as superseding or in conflict with * * * the provisions of any individual or collective bargaining agreement with respect to rates of pay for hours worked in excess of the agreed or customary work-week, nor shall this order be construed as suspending or modifying any provision of the Fair Labor Standards Act or any other Federal, State or local law relating to the payment of wages or over-time.

2. *Necessity to secure War Labor Board approval for the payment of over-time.* Approval of the War Labor Board is not required for payment of overtime rates to wage and

salary employees for hours worked in excess of 40 made in accordance with the provisions of the Fair Labor Standards Act or any other similar Federal, State or local law or by the provisions of a collective bargaining agreement or by the employer's past custom and practice.

If none of these applies, then payment for the hours worked in excess of 40 at other than straight time rates would be a wage increase and would therefore require approval by the War Labor Board.

3. *Salaried employees.* Salaried employees within the jurisdiction of the War Labor Board, whose overtime pay is not covered by the Fair Labor Standards Act or any other similar Federal, State or local law, or by a collective bargaining agreement or their employer's past practice, may not, without the prior approval of the War Labor Board, be paid at more than straight time rates proportionate to the additional hours worked

4. Application for approval of the increases referred to above may, of course, be made, in accordance with the National War Labor Board's regular procedure, at any local office of the Wage and Hour Division of the U. S. Department of Labor (see § 809.952–6).

§ 809.973 *Interpretation of regulations.* Generally, the order and the regulations prescribe a 48-hour workweek in the areas and activities designated in general orders. However, the regulations provide for several exceptions. Whether the orders and regulations issued under the Executive order in question will affect particular concerns and what their effect will be are questions that must be determined in every case by the War Manpower Commission or its regional or local representatives. Neither contracting officers nor labor officers are authorized to interpret or construe the Executive order or the regulations. Therefore, all contractors and subcontractors presenting questions concerning the interpretation or application in particular cases of the orders and regulations will be referred to the War Manpower Commission officials in the appropriate area.

§ 809.974 *Enforcement procedure.* Until the War Manpower Commission has advised the War Department that a particular contractor is failing to comply with the order and the regulations, no action will be taken by any representative of the technical service, either to withhold contracts from such contractor or to require compliance with the order and the regulations by any such contractor. In cases where the War Manpower Commission has found that a particular War Department contractor is not complying with said order and regulations and has so advised the War Department, the chief of the technical service will be notified immediately by the Director, Industrial Personnel Division, Headquarters, Army Service Forces, and it will be the duty of the chief of the technical service or his designated representative promptly to request such contractor to comply with said order and regulations. Whenever any such contractor shall thereafter fail or refuse to comply therewith, report thereof will be made immediately by the chief of the technical service involved to the Director, Industrial Personnel Division.

§ 809.975 *Adjustments to cover increased cost of compliance.* The War Department policy in regard to adjustment for the increased cost of performance occasioned by compliance with said order and regulations is set out in the following Joint Statement of the War and Navy Departments, dated April 1, 1943:

(a) Executive Order No. 9301 and the regulations promulgated thereunder by the War Manpower Commission require all employers in certain areas and all employers in certain industries to adopt the minimum wartime workweek as defined by said regulations. The Executive order directs all procurement agencies of the Government to require their contractors to comply with the order and with the regulations.

(b) While many Government contractors and subcontractors may not be affected, the War Department and Navy Department recognize that some contractors and subcontractors will be obliged to extend the workweek of their employees and will be required to pay premium rates for the additional hours involved, with the result that their labor costs will be increased. The Departments also recognize that such compliance may result in hardship to some contractors who have cooperated with the Departments in efforts to secure prices as close to cost plus a fair profit as is possible under war conditions, and that such hardship may result in the impairment of the ability of many contractors, particularly small contractors, to continue effectively to produce war goods.

(c) Accordingly, the following policy has been adopted by the War Department and Navy Department:

(1) Where, during the course of performance of a lump sum contract or subcontract, a contractor or subcontractor has been required to increase the workweek of employees in order to comply with Executive Order No. 9301 and the regulations of the War Manpower Commission promulgated thereunder; and where, because of premium overtime rates required by Federal law or Executive order, such compliance has resulted in an increase in the cost of performance of such contract or subcontract, over and above cost of performance had such increase in the workweek not been so required; and where such increase in the cost of performance would cause hardship to such contractor or subcontractor, the War Department and Navy Department will give consideration in appropriate cases to granting relief from such hardship.

(2) Generally speaking, it will be regarded that hardship exists only in cases where the increase in the cost of performance of a War Department or Navy Department contract resulting from compliance with the order and the regulations operates to deprive the contractor of a fair profit on the contract.

(3) Where contracts under which such increases are sought relate to commodities, supplies or articles which are subject to OPA ceiling prices, any adjustment to be made must be within such ceiling prices or subject to approval in particular cases by the Office of Price Administration.

(4) Requests by subcontractors for such relief must in all cases be presented through prime contractors and adjustments, made for the benefit of subcontractors, shall be made only through prime contractors.

§ 809.975–1 *Time limit for filing requests for adjustment.* No requests for adjustments of the type above described will be considered unless they are presented to the contracting officer prior to the time the contracting officer has administratively determined the final amount due under the contract under which the request is presented by communicating his determination to the contractor or by the approval of the final voucher therefor.

§ 809.975–2 *Procedure for adjustment.* Requests for adjustment must be presented to the contracting officer of the technical service involved. Such adjustments as are made in the amount of the contract price with prime contractors will be made by supplemental agreement between the technical service and the prime contractor. No adjustment will be made by direct contract with subcontractors. The latter should make request for adjustments through their prime contractors and the amounts of such adjustments as are appropriate, made for the benefit of such subcontractors, will be included in supplemental agreements with the prime contractors.

§ 809.975–3 *Nature of showing required for adjustment.* No adjustment will be made without a proper showing which must include the following:

(a) That the contractor or subcontractor was required, by the Executive order in question as interpreted and applied to his case by the War Manpower Commission regulations, to increase the workweek of some or all of his employees.

(b) The amount of the increased labor costs incurred because of premium overtime rates involved in compliance with the minimum wartime workweek.

(c) The amount of savings, through reduced overhead costs or otherwise, resulting from the adoption of the longer workweek.

(d) The total contract price of War Department contracts or subcontracts on which an adjustment is sought; the estimated amount of net earnings before taxes that would have accrued thereon had not the increased labor costs been incurred.

§ 809.975–4 *Authority to execute supplemental agreements.* Whenever the chief of the technical service, or such person within the technical service to whom the authority so to act has been delegated by the chief of the technical service, shall find in the light of the showing made by the contractor and verified to the extent feasible within the technical service:

(a) That the increase in the cost of performance of a War Department contract or subcontract, resulting from compliance with Executive Order No. 9301 and the regulations promulgated thereunder, operates to deprive the contractor or subcontractor of a fair profit on the contract, or subcontract, and

(b) That it is appropriate, in the light of all the facts known to him, or reasonably ascertainable by him, bearing upon the earnings of the contractor or subcontractor from its war business, to grant relief;

he is authorized to enter into supplemental agreement pursuant to the First War Powers Act and Executive Order No. 9001 awarding the contractor an additional amount, not in excess of the diminution of the amount of a fair profit on such contract or subcontract, caused by such compliance.

SUBPART J—STATE LABOR LEGISLATION

§ 809.977 *War Department policy respecting State labor legislation.* It is the policy of the War Department to require its contractors to comply with all applicable State labor statutes, and the rules and regulations promulgated thereunder. This requirement applies even where a contractor, by reason of operating a government-owned facility located on territory owned by the United States, might otherwise be exempt.

§ 809.978 *Requests for relaxation of State labor legislation.* In all cases in which manufacturers engaged in war production deem necessary to the achievement of full war production the relaxation of State labor statutes or administrative orders which are restricting or are allegedly restricting war production, the following procedure will be observed:

§ 809.978–1 *Procedure for requests.* (a) The interested contractor will submit the initial request for such relaxation to the State Labor Commissioner or other State officials charged with the enforcement of labor legislation in the State or region where the plant of the manufacturer involved is located.

(b) In the event that the contractor's request for relaxation is denied, the technical service concerned may assist the contractor by supporting the request for relaxation by direct representation to the appropriate State official.

(c) The labor branches of the service commands may be called upon to render staff assistance relative to the foregoing.

(d) If the desired relaxation has not been obtained after exhausting the above procedure, and the appropriate War Department agency continues to urge its necessity, the matter may be referred through channels to the Director, Industrial Personnel Division, Headquarters, Army Service Forces, Attention: Chief, Labor Branch. Such referrals should contain the following information:

(1) Provision or provisions of law the relaxation of which is required.

(2) Extent of relaxation required.

(3) Criticalness or relative scarcity of the material.

(4) Circumstances necessitating the relaxation (such as, for example, a shortage in the local supply of skilled labor).

(5) Remedial action being taken by the manufacturer (such as, for example, training and upgrading).

(6) Efforts previously made to obtain the relaxation.

§ 809.978–2 *Refusal of requests.* Requests for assistance in obtaining a relaxation will be refused in cases in which:

(a) The contractor has not already requested the proper State authorities for such relaxation.

(b) Such relaxation is clearly unnecessary to maintain full production.

(c) The granting thereof would result in a clearly excessive increase in hours of work, in an unreasonable curtailment of rest and lunch periods, or in an undesirable impairment of working conditions.

SUBPART K—EMPLOYMENT OF ALIENS

§ 809.980 *Joint statement.* Under date of June 7, 1943, the Secretary of War, the Attorney General, the Secretary of the Navy and the Chairman of the Maritime Commission issued a joint statement on the employment of aliens. This statement reads as follows:

I. INTRODUCTORY STATEMENT

1. The protection of the war effort against espionage, sabotage, and subversive activities is paramount to all other considerations. The Departments of War, Justice and Navy, and the maritime Commission, recognize clearly the importance of meeting to the fullest possible extent the expanding military and industrial demands for manpower. The governmental agencies herein named are, therefore, making this joint statement with respect to the national policy to the end that the available manpower may be utilized by contractors and sub-contractors to the maximum degree consistent with the paramount importance of internal security.

2. The granting of full employment opportunities to all loyal and qualified workers irrespective of national origin or citizenship is urged upon and expected of all contractors and sub-contractors of the government agencies herein named. The applicable national policy was clearly stated by the President in his statement of July 11, 1942, in which he said:

Persons should not hereafter be refused employment, or persons at present employed discharged, solely on the basis of the fact that they are aliens or that they were formerly nationals of any particular foreign country. A general condemnation of any group or class of persons is unfair and dangerous to the war effort. The Federal Government is taking the necessary steps to guard against, and punish, any subversive acts by disloyal persons, citizens as well as aliens.

3. The policy and procedure herein outlined apply to the employment of aliens by Government contractors and subcontractors within the continental United States. Special regulations apply to the employment of aliens on shipboard and in territories outside of the continental United States.

II. PERMISSION TO EMPLOY AN ALIEN IS REQUIRED IN ONLY TWO CLASSES OF CASES

4. Contractors and subcontractors are required to obtain the written consent of the head of the Government department concerned, before employing aliens under the following conditions only:

(a) *Aeronautical contracts.* Written consent is required before an alien employee may be permitted to have access to the plans or specifications or the work under construction or to participate in the contract trials under contracts involving aircraft, aircraft parts, or aeronautical accessories for the United States.

(b) *Classified contracts.* Written consent is required before aliens employed by a contractor in the performance of secret, confidential, or restricted Government contracts shall be permitted to have access to the plans or specifications, or the work under such contracts, or to participate in the contract trials.

5. War and Navy Department and Maritime Commission contractors and subcontractors may employ aliens as freely as American citizens except under the specific conditions specified in paragraph 4, (a) and (b), above.

III. APPLICATION OF ANTIDISCRIMINATION CLAUSE

6. Pursuant to Executive Order No. 8802, dated June 25, 1941, an antidiscrimination clause (sometimes called "nondiscrimination" clause) has been included in all War and Navy Department and Maritime Commission contracts entered into since June 25, 1941. This clause requires the granting of full employment opportunities to all loyal and qualified workers regardless of race, creed, color, or national origin. This clause is intended to apply equally to citizens and noncitizens. For contractors or subcontractors of the War and Navy Departments, or of the Maritime Commission to require American citizenship as an essential condition for employment is considered a breach of the clause in the contract and is contrary to the national policy as expressed in the Executive order.

7. Even on aeronautical and classified contracts, if a qualified applicant whose services the contractor needs is an alien whose loyalty to the United States the contractor has no reason to doubt, the contractor is obligated to cooperate with the applicant in applying for consent to his employment. Failure to request consent for the employment of, or to employ such an alien upon securing consent, if except for his alien status he would have been employed, constitutes a breach of the anti-discrimination clause of the contract and is contrary to national policy as expressed in the Executive order. If a contractor refuses employment to a qualified and authorized alien worker, he should be prepared to present specific and sufficient reasons to avoid a charge of discrimination.

8. In no case, except those in which an individual alien is denied employment by the specific action of the War or Navy Departments or the Maritime Commission, is a contractor justified in informing an applicant that he is being refused employment because of Government regulations. The same considerations apply to removal from employment.

IV. PROCEDURE FOR REQUESTING CONSENT TO EMPLOY ALIENS FOR WORK ON AERONAUTICAL OR CLASSIFIED CONTRACTS

9. In order to obtain consent of the Head of the Government Department concerned, for the employment of an alien on an aeronautical or classified contract, the alien and the contractor are required to fill out their respective parts of an Alien Questionnaire form. The procedure in this connection is as follows:

(a) The alien may go to the nearest office of the United States Employment Service, which will furnish him with the application form and will assist him in filling out his portion of the Questionnaire. However, if the contractor has forms and office facilities conveniently available, the alien may go directly to the contractor's plant and may there fill out his portion of the Questionnaire. The Plant Security Officer is instructed to furnish to contractors the Alien Questionnaire forms. However, the form may also be secured from the local office of the United States Employment Service.

(b) When the alien's portion of the Questionnaire has been completed, the form will then be submitted to the employer who will fill out his portion of the Questionnaire. Insofar as possible, statements made by the contractor or reported by him, regarding the loyalty of the alien, should be factual rather than simply expressions of opinion.

(c) When the contractor has completed the Alien Questionnaire, (seven copies), he

will retain one copy and will deliver the others to the plant security officer. This officer will retain one copy and will forward the others to the authorized representative of the head of the department concerned.

(d) This representative, after full investigation of the loyalty of the alien applicant, makes his recommendation, pursuant to which the Secretary of War, the Secretary of the Navy, or the Chairman of the Maritime Commission grant or deny consent to employ the alien. Notice of such action is sent directly to the contractor. In the normal case, the employer should receive a decision on his request within less than two weeks from the date the application is filed with the plant security officer.

V. SIGNIFICANCE OF, AND APPEALS FROM DENIAL OF CONSENT

10. The denial of consent does not necessarily indicate a decision that the alien concerned has disloyal tendencies, but may merely mean that his loyalty to the United States has not yet been positively proved.

11. If consent is denied, the contractor should promptly so inform the alien applicant, and at the same time advise him as to possible reconsideration.

12. Reconsideration of a denial of consent may be requested by either the alien or the contractor and additional evidence of loyalty and letters of recommendation, may be sent direct to the Office of the Provost Marshal General.

13. Aliens whose applications for employment on aeronautical or classified contracts have been denied by the Secretary of War, the Secretary of the Navy, or the Chairman of the Maritime Commission, should be directed to the United States Employment Service for referral to other work.

VI. NO PENALTIES APPLY IF CONSENT IS OBTAINED BEFORE EMPLOYING ALIENS ON AERONAUTICAL AND CLASSIFIED CONTRACTS

14. Some contractors and sub-contractors have hesitated to employ aliens because of a lack of clear understanding of the statutory restrictions, and concern as to the penalty for violation thereof. It is repeated and emphasized that the only restrictions are those set forth in paragraph 4 above, and that an employer is not subject to any penalty if, in good faith, he obtains the written consent of the head of the Government department concerned before an alien is permitted to have access to the work, plans, or trials under aeronautical or classified contracts.

VII. RESPONSIBILITIES FOR PLANT SECURITY

15. The contractor is responsible for the protection of the plant against all persons who might endanger its security, regardless of their citizenship. Contractors will comply with detailed regulations concerning plant security issued from time to time by the War and Navy Departments and the Maritime Commission, including:

(a) complying with the provisions of their contracts respecting the safeguarding of all plans and specifications and all work under these contracts; (b) in any case and at any time where there is a definite indication that an employee is subversive or engaged in subversive activities, no investigation will be conducted by the employer, but the facts will be furnished to the Federal Bureau of Investigation for appropriate consideration. (Employees have the same duty of reporting in this regard as have employers.)

VIII. PRIOR STATEMENTS AND CONTRACT PROVISIONS

16. This joint statement is applicable with equal force to the employment of aliens under all existing contracts. If any clause of any existing contract prescribes greater restrictions on the employment of aliens than are hereby required or permitted, the Government will waive compliance with such clause, to the extent that it conflicts with this Statement.

17. All previous statements of the Department of War, Navy, Justice and the Maritime Commission with respect to the policy and procedure in connection with the employment of aliens, are hereby superseded insofar as they may be inconsistent with any statements contained herein.

HENRY L. STIMSON,
Secretary of War.

FRANCIS BIDDLE,
Attorney General.

FRANK KNOX,
Secretary of the Navy.

E. S. LAND,
Chairman, U. S. Maritime Commission.

§ 809.980–1 *Form of contract provision.* For the form of provision relating to employment of aliens required by regulation to be included in all top secret, secret, confidential or restricted contracts, see § 803.337.

§ 809.981 *Anti-discrimination contract clause.* The anti-discrimination clause (see § 803.325) required in contracts under the provisions of Executive Order No. 9346 issued under date of May 27, 1943 (see Subpart L of this part) prohibits discrimination against any employee or applicant for employment because of "national origin". This is construed as prohibiting discrimination based on non-citizenship as well as discrimination based on country of origin.

§ 809.982 *Procedure.* It is to be noted that under Article IV of the Joint Statement set forth in § 809.980 it is contemplated that the Alien Questionnaire, when completed, will be delivered to the plant security officer. If, at a given plant, there is no plant security officer, the questionnaire should be delivered to the Director of Internal Security at the Headquarters of the service command within the limits of which the plant is located.

SUBPART L—FAIR EMPLOYMENT PRACTICE

§ 809.984 *Executive Order No. 9346.* (a) Executive Order No. 9346 issued under date of May 27, 1943 (sometimes hereinafter referred to as the order), reaffirmed the policy of the United States "that there shall be no discrimination in the employment of any person in war industries or in Government by reason of race, creed, color, or national origin" and declared it to be "the duty of all employers, including the several Federal departments and agencies, and all labor organizations, in furtherance of this policy and of this order, to eliminate discrimination in regard to hire, tenure, terms or conditions of employment, or union membership because of race, creed, color or national origin." In addition the order provided as follows:

1. All contracting agencies of the Government of the United States shall include in all contracts hereafter negotiated or renegotiated by them a provision obligating the contractor not to discriminate against any employee or applicant for employment because of race, creed, color, or national origin and requiring him to include a similar provision in all subcontracts.

2. All departments and agencies of the Government of the United States concerned with vocational and training programs for war production shall take all measures appropriate to assure that such programs are administered without discrimination because of race, creed, color, or national origin.

(b) The order also established, in the Office for Emergency Management of the Executive Office of the President, a Committee on Fair Employment Practice, and authorized this Committee, among other things, to formulate policies to achieve the purposes of the order, to receive and investigate complaints of discrimination forbidden by its terms and to promulgate such rules and regulations as might be appropriate or necessary, to carry out the provisions of the order.

(c) The "anti discrimination" clause to be included in War Department contracts, in compliance with the order, may be found in § 803.325.

§ 809.985 *Interpretations of Executive Order No. 9346 by the Committee on Fair Employment Practice.* Pursuant to the authority vested in it by Executive Order No. 9346, the Committee on Fair Employment Practice has issued the following interpretations under the order:

(1) The words "all contracts hereafter negotiated or renegotiated" include all contracts made, amended or modified.

(2) A non-discrimination provision is required in leases, grants or easements, right of way, etc., to the same extent that it is required in other contracts.

(3) The obligation to include the non-discrimination clause exists even though the contract involves non-war activity.

(4) The obligation to include the non-discrimination clause exists even though the contract is required to be awarded to the lowest bidder.

(5) The obligation to include the non-discrimination clause exists even though the contract is between a Federal Government Agency and a State agency or subdivision of a state.

(6) The obligation to include the non-discrimination clause does not depend on the amount of money or other consideration involved in the performance of the contract.

(7) The non-discrimination provision required does not refer to, extend to or cover the activities or business of the contractor which are not related to or involved in the performance of the contract entered into.

(8) Inclusion of a non-discrimination provision is not required in contracts the performance of which does not involve the employment of persons.

(9) Inclusion of a non-discrimination provision is not required in contracts with foreign contractors for work to be performed outside the continental or territorial limits of the United States where no recruitment of workers within the said limits of the United States is involved.

(10) The non-discrimination clause is not required in contracts renewed pursuant to an option to renew in accordance with the terms, conditions and provisions contained in the original contract.

(11) The requirement that parties to contracts with the Government of the United States (or agencies of said Government) include a non-discrimination clause "in all subcontracts" is not applicable to lessors of space in buildings except in cases where the Government of the United States (or any agency thereof) is the only tenant involved, or unless a sub-contract is entered into solely for the purpose of performing an obligation (or obligations) imposed by the Government lease.

(12) The requirement that parties to contracts with the Government of the United States (or agencies of said Government) include a non-discrimination clause "in all sub-contracts" is applicable only in those cases in which the sub-contract is entered into solely for the purpose of enabling the prime contractor to fulfill an obligation (or obligations) imposed by the Government contract.

§ 809.986 *Amendment of contracts and subcontracts not containing anti-discrimination clauses.* (a) The contract clause set forth in § 803.325 is required, under the provisions of Executive Order No. 9346 to be included "in all contracts hereafter negotiated or renegotiated * * *". The inclusion of the word "renegotiated" has been interpreted as imposing the requirements set forth in paragraphs (b) and (c).

(b) Whenever the terms of a contract or contracts are to be modified by the execution of a supplemental agreement, and the contract or contracts to be modified do not contain a clause identical in wording with that set forth in § 803.325, such supplemental agreement will provide that the contract or contracts are modified to include such a clause.

(c) Normally the provisions of paragraph (b) of this section will not be applicable to renegotiation agreements executed pursuant to the Renegotiation Act referred to in Procurement Regulation No. 12 (Part 812). If, however, the renegotiation agreement expressly purports to modify the terms of specified existing contracts with respect to future deliveries, the provisions of paragraph (b) of this section will be applicable. Likewise, if the renegotiation agreement is to be followed by a supplemental agreement or agreements, modifying, with respect to future deliveries, the terms of existing contracts, such supplemental agreement or agreements will provide for the inclusion, in the contracts modified thereby, of the clause set forth in § 803.325.

(d) When a prime contract is amended in accordance with paragraphs (a) and (b) of this section, it is not necessary that the existing subcontracts be correspondingly modified. However, if the subcontracts are subsequently amended for any other reason the anti-discrimination clause contained therein should be amended to conform to the wording of paragraph (a) (1) of the clause set forth in § 803.325.

§ 809.987 *Employment of aliens.* See Subpart K of this part relating to employment of aliens, particularly § 809.981.

SUBPART M—MISCELLANEOUS

§ 809.989 *Division engineers; addresses and territorial jurisdictions.* Following is a list of the addresses of the Division Engineers of the Corps of Engineers with an indication of the service command in which each is located. The territorial jurisdiction of the Division Engineers is coextensive with that of the service commands.

New England Division: 75 Federal Street, Boston 10, Mass. First Service Command.

North Atlantic Division: 21st Floor, 270 Broadway, New York 7, N. Y. Second Service Command.

Middle Atlantic Division: Room 909, 101 E. Fayette Street, Baltimore 2, Md. Third Service Command.

South Atlantic Division: 50 Whitehall Street, P. O. Box 4114, Atlanta 2, Ga. Fourth Service Command.

Ohio River Division: 1120 Huntington Bank Building, Columbus 16, Ohio. Fifth Service Command.

Great Lakes Division: 20 North Wacker Drive, Chicago 6, Ill. Sixth Service Command.

Missouri River Division: Farm Credit Building, 19th and Douglas, Omaha 1, Nebr. Seventh Service Command.

Southwestern Division: Santa Fe Building, 1114 Commerce Street, Dallas 2, Tex. Eighth Service Command.

Pacific Division: 351 California Street, San Francisco, Calif. Ninth Service Command.

§ 809.990 *Regional War Labor Boards; geographical jurisdictions and addresses.*

Region I: Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island. 209 Washington Street, Boston 8, Mass.

Region II: New York, the Northern part of New Jersey (including following counties: Sussex, Passaic, Bergen, Warren, Morris, Essex, Hudson, Union, Middlesex, Somerset, Monmouth, Hunterdon). 220 E. Forty-second Street, New York 17, N. Y.

Region III: Pennsylvania, Maryland, Delaware, District of Columbia, Southern part of New Jersey (including following counties: Mercer, Ocean, Burlington, Atlantic, Camden, Gloucester, Salem, Cumberland, Cape May). Room 428, Stephen Girard Building, 21 So. 12th Street, Philadelphia 7, Pa.

Region IV: Virginia, Tennessee, North Carolina, Mississippi, Alabama, Georgia, South Carolina, Florida. P. O. Box 1322, Atlanta, Ga.

Region V: Ohio, Kentucky, West Virginia. Guardian Building, 629 Euclid Avenue, Cleveland 1, Ohio.

Region VI: Illinois, Indiana, Wisconsin, Minnesota, North Dakota, South Dakota. McCormick Building, 332 So. Michigan Avenue, Chicago 4, Ill.

Region VII: Missouri, Arkansas, Kansas, Iowa, Nebraska. 1100 Fidelity Building, 911 Walnut Street, Kansas City 6, Mo.

Region VIII: Texas, Oklahoma, Louisiana. Mercantile Bank Building, P. O. Box 5281, Dallas 2, Tex.

Region IX: Colorado, New Mexico, Utah, Wyoming, Idaho, Montana. 300 Paramount Building, Denver 2, Colo.

Region X: California, Nevada, Arizona. 1355 Market Street, San Francisco 3, Calif.

Region XI: Michigan. Room 230, Penobscot Building, Detroit 26, Mich.

Region XII: Washington, Oregon, Alaska. 1411—4th Avenue, Seattle 1, Wash.

Hawaii: Territorial War Labor Board. Building "E", Iolani Palace Grounds. Honolulu, T. H.

§ 809.991 *Wage and Hour and Public Contracts Divisions of the United States Department of Labor Regional Offices, geographical jurisdictions and addresses of Regional Directors.*

Region I: Massachusetts, New Hampshire, Maine, Vermont, Connecticut, Rhode Island, 294 Washington Street, Boston 8, Mass.

Region II: New York and New Jersey, 341 Ninth Avenue, New York 1, N. Y.

Region III: Pennsylvania and Delaware. 1216 Widener Building, Chestnut and Juniper Streets, Philadelphia 7, Pa.

Region IV: Virginia, West Virginia, Maryland, District of Columbia. 215 Richmond Trust Building, 627 East Main Street, Richmond 19, Va.

Region V: North Carolina, South Carolina, Georgia, Florida. 249 Peachtree Street, N. E., Atlanta 3, Ga.

Region VI: Alabama, Mississippi, Louisiana. 1007 Comer Building, 2nd Ave. and 21st St., Birmingham 3, Alabama.

Region VII: Tennessee and Kentucky. 509 Medical Arts Bldg., Nashville 3, Tenn.

Region VIII: Ohio and Michigan. 4094 Main Post Office, West Third and Prospect Avenue, Cleveland 13, Ohio.

Region IX: Illinois, Indiana, Wisconsin. 222 West North Bank Drive, Chicago 54, Ill.

Region X: North Dakota, South Dakota, Minnesota, Montana. 406 Pence Building, 730 Hennepin Avenue, Minneapolis 3, Minn.

Region XI: Kansas, Nebraska, Iowa, Missouri, Colorado, Wyoming. 911 Walnut Street, Kansas City 6, Mo.

Region XII: Texas, Oklahoma, Arkansas, New Mexico. 1100 Main Street, Dallas 2, Tex.

Region XIII: California, Arizona, Nevada, Washington, Oregon, Idaho, Utah, Hawaii, Alaska. 500 Humboldt Bank Building, 785 Market Street, San Francisco 3, Calif.

Alaska: Territorial Representative. 411 Territorial Post Office Building, Juneau, Alaska.

Puerto Rico: Territorial Representative. P. O. Box 112, San Juan 1, Puerto Rico.

§ 809.992 *Salary Stabilization Regional Offices of the Salary Stabilization Unit, Bureau of Internal Revenue, geographical jurisdictions and addresses.*

Boston: Room 1102, 44 School St., Boston 8, Mass. Serving the States of Maine, New Hampshire, Vermont, Massachusetts, Rhode Island and Connecticut.

New York: 253 Broadway, New York 7, N. Y. Serving the State of New York and the Fifth Collection District of New Jersey which includes Bergen, Essex, Hudson, Hunterdon, Middlesex, Morris, Passaic, Somerset, Sussex, Union and Warren Counties.

Philadelphia: Suite 1313, Market Street National Bank Building, NE. corner Market and Juniper Streets, Philadelphia 7, Pa. Serving the State of Pennsylvania and the First Collection District of New Jersey which includes Atlantic, Burlington, Camden, Cape May, Cumberland, Gloucester, Mercer, Monmouth, Ocean and Salem Counties.

Washington: Room 2529, Internal Revenue Building, Twelfth and Constitution Ave. NW., Washington 25, D. C. Serving the District of Columbia, Puerto Rico and the States of Delaware, Maryland, Virginia, West Virginia and North Carolina.

Atlanta: Room 717, William Oliver Bldg., 32 Peachtree St. NW., Atlanta 3, Ga. Serving the States of South Carolina, Georgia, Florida, Alabama and Tennessee.

Cleveland: Williamson Bldg., 215 Euclid Avenue, Cleveland 14, Ohio. Serving the States of Ohio and Kentucky.

Detroit: Penobscot Bldg., 645 Griswald St., Detroit 26, Mich. Serving the State of Michigan.

Chicago: Utilities Building, 327 South LaSalle St., Chicago 4, Ill. Serving the States of Illinois, Wisconsin, Minnesota, North Dakota, South Dakota and Indiana.

Kansas City: 610 R. A. Long Bldg., 928 Grand Ave., Kansas City 6, Mo. Serving the States of Missouri, Iowa, Nebraska, Kansas and Colorado.

Dallas: 701 Cotton Exchange Bldg., 608 North St. Paul Street, Dallas 1, Tex. Serving the States of Arkansas, Oklahoma, Mississippi, Louisiana, Texas and New Mexico.

Seattle: Room 312, Smith Tower Annex, 157 Yesler Way, Seattle 4, Wash. Serving the States of Washington, Oregon, Idaho, Montana, Wyoming and the Territory of Alaska.

San Francisco: Room 204 Balboa Building, 593 Market St., San Francisco 5, Calif. Serving the States of Nevada, Utah the Territory of Hawaii and the First Collection District of the State of California which includes Alameda, Alpine, Amador, Butte, Calaveras, Colusa, Contra Costa, Del Norte, Eldorado, Fresno, Glenn, Humboldt, Inyo, Kings, Lake, Lassen, Madera, Marin, Mariposa, Mendocino, Merced, Modoc, Mono, Monterey, Napa, Ne-

vada, Placer, Plumas, Sacramento, San Benito San Francisco, San Joaquin, San Mateo, Santa Clara, Santa Cruz, Shasta, Sierra, Siskiyou, Solano, Sonoma, Stanislaus, Sutter, Tulare, Tehama, Trinity, Tuolumne, Yolo, and Yuba Counties.

Los Angeles: Suite 902, Subway Terminal Building, 417 South Hill Street, Los Angeles 13, Calif. Serving the State of Arizona and the Sixth Collection District of the State of California which includes Imperial, Kern, Los Angeles, Orange, Riverside, San Bernardino, San Diego, San Luis Obispo, Santa Barbara and Ventura Counties.

Honolulu: Room 101, Federal Building, Honolulu 9, T. H.

§ 809.993 *Delegations of authority to War Department.*

§ 809.993–1 *General Order No. 14 of the National War Labor Board.* General Order No. 14, adopted by the National War Labor Board on November 24, 1942, as subsequently amended, reads as follows:

AUTHORIZATION TO THE WAR DEPARTMENT TO PASS ON WAGE AND SALARY ADJUSTMENTS FOR DESIGNATED CIVILIAN EMPLOYEES

(A) The National War Labor Board hereby delegates to the Secretary of War, to be exercised on his behalf by the Wage Administration Section within the Industrial Personnel Division, Headquarters, Army Service Forces (hereinafter referred to as the "War Department Agency"), the power to rule upon all applications for wage and salary adjustments (insofar as approval thereof has been made a function of the National War Labor Board) covering civilian employees within the continental limits of the United States, employed by:

(1) The War Department

(2) The Army Exchange Service, and

(3) Government-owned, privately-operated facilities of the War Department,

all in accordance with the further provisions of this order.

(B) There shall be a standing tripartite Appeals Committee, to consist of two representatives of the public, who shall act as co-chairmen, and two representatives each of industry and labor to be appointed by the National War Labor Board. The Committee may have such assistants as the Board may designate. The Board hereby delegates to the Appeals Committee the power to pass upon appeals from rulings by the War Department Agency under category A (3) above, and to perform such other duties as are hereinafter prescribed.

(C) In the performance of their respective duties the War Department Agency and the Appeals Committee shall comply with the terms of Executive Order No. 9250, dated October 3, 1942, Executive Order No. 9328, dated April 8, 1943, the Supplementary Directive of May 12, 1943, and all general orders and policies of the National War Labor Board announced thereunder.

Any wage or salary adjustment approved by the Agency "which may increase production costs above the level prevailing in comparable plants or establishments" shall become effective only if also approved by the Director of Economic Stabilization. Notice to this effect shall be contained in all rulings and orders issued by the War Department Agency in wage cases.

Applications for approval of voluntary wage adjustments within the jurisdiction of the War Department Agency shall state whether or not the adjustment if granted may increase production costs above the level prevailing in comparable plants or establishments. If the answer is in the affirmative, the War Department Agency shall send to the War Labor Board for processing to the Office of the Director of Economic Stabilization a copy of the application and a copy of its ruling at the time of issuance thereof, for approval as mentioned above.

The War Department Agency, without making an initial ruling thereon, may refer to the Board for decision by the Board any case which in the opinion of the Agency presents doubtful or disputed questions of sufficient seriousness and import to warrant direct action by the Board.

(D) The War Department Agency and the Appeals Committee shall transmit to the Wage Stabilization Division of the National War Labor Board copies of their respective rulings and rules of procedure as they are issued. In administering the provisions of this order the Agency shall also transmit monthly reports of its rulings to the Wage Stabilization Director of the National War Labor Board, and such additional data as said Division or the Board may from time to time deem necessary.

(E) Any ruling by the War Department Agency hereunder shall be final, subject

(1) To the National War Labor Board's ultimate power to review rulings on its own initiative, and

(2) In cases under category A (3) above, to the right of any aggrieved party, within a period of fourteen days after the issuance of the ruling, to file an appeal with the Appeals Committee.

(F) Any ruling by the Appeals Committee hereunder shall be final, subject

(1) To the National War Labor Board's ultimate power to review rulings on its own initiative, and

(2) To the right of any aggrieved party, including the War Department within a period of fourteen days after the issuance of the ruling, to petition the National War Labor Board for leave to appeal to the Board. The burden shall be upon the petitioner in such cases to show why the Board should be called upon to act.

(G) Any ruling by the War Department Agency hereunder shall be deemed to be the Act of the National War Labor Board unless and until reversed or modified by the Appeals Committee or by the Board.

(H) The term "government-owned, privately-operated facilities of the War Department" shall include for the purposes of this Order only those facilities (1) in which the War Department has contractual responsibility for the approval of pay roll costs, and (2) which are designated in lists furnished from time to time, to the Board by the War Department Agency. The Board may at any time, upon at least seven days' notice to the War Department Agency, strike from the list any facility if the Board believes that the policies of Executive Order No. 9017, Executive Order No. 9250, Executive Order No. 9328, or the Supplementary Directive of May 12, 1943, will be furthered by the Board's acting directly upon the wage and salary adjustments of such facility.

(I) Where disputes about wages and salaries arise between the private operators of said facilities and their employees, the following procedure shall be followed. The dispute shall first be referred for negotiation to the U. S. Conciliation Service. If an agreement is reached, that portion of the agreement pertaining to wages shall be submitted to the War Department Agency for approval. If no agreement is reached, the dispute shall be referred for decision to the appropriate Regional Board, subject to the regular rules of procedure of the National War Labor Board. At the same time, the War Department Agency shall be notified of the dispute and the nature of the case. On its own initiative the Agency may request the Regional Board for any further information concerning the case. When a decision has been reached by the Regional Board, copies of the Board's decision shall be sent to the War Department Agency and the Wage Stabilization Director of the National War Labor Board at the same time that copies are sent to the parties in the dispute. Within the fourteen day period allowed for filing a petition for review, the War Department Agency may request a review of the case according to the rules of procedure, as amended, of the National War Labor Board

§ 809.993–2 *General Order No. 37 of the National War Labor Board.* The National War Labor Board hereby supplements General Order No. 36 by delegating to the Secretary of War, or to such agency as he may designate, subject to final review by the National War Labor Board, the authority to establish wage or salary schedules for civilian employees of the War Department in the various government-owned, government-operated installations located in the Territory of Hawaii, in accordance with the provisions of the Act of Congress of October 2, 1942, Executive Order 9250 dated October 3, 1942, Executive Order 9328 dated April 8, 1943, the Supplementary Directive of May 12, 1943 and all other Executive orders and regulations issued thereunder, subject to the following limitations:

(a) The June 6, 1944 level of wage and salary rates prevailing in army installations in the Territory of Hawaii shall be maintained in accordance with the directions subsequently set forth in this order.

(b) Exclusive of the Hawaiian Air Depot, the approval of any wage or salary schedules resulting from job reclassifications shall not cause an overall increase in the job rates as weighted by the number of employees in each job classification in all the establishments to which that schedule is applied, to exceed five percent.

(c) Wage rates to be established through job classifications for the Hawaiian Air Depot shall be in conformity with the schedules for other War Department installations established in the Territory.

(d) The rates for any new job classifications subsequently created in any War Department installation shall bear the proper relationship to the rates for immediately interrelated job classifications in that installation.

NOTE: Pursuant to the authority vested in him by General Order No. 37 of the National War Labor Board, the Secretary of War has designated the War Department Wage Administration Agency as the agency to exercise all powers delegated to him in that order. (See § 809.952–3(d).)

§ 809.993–3 *Delegation from the Commissioner of Internal Revenue.* By letter dated December 24, 1942, the Commissioner of Internal Revenue delegated to the Secretary of War the authority to administer the provisions of Executive Order No. 9250, General Regulations of the Director of Economic Stabilization and the Salary Stabilization Regulations as they relate to salary adjustments, which come under the jurisdiction of the Commissioner of Internal Revenue, of all civilian employees employed by the War Department within the continental limits of United States and Alaska, the Army Exchange Service and Government-owned, privately-operated facilities of the War Department. The full text of the letter follows:

DECEMBER 24, 1942.

The Honorable, THE SECRETARY OF WAR.

MY DEAR MR. SECRETARY: Reference is made to your letter dated December 1, 1942, addressed to the Secretary of the Treasury, wherein it is suggested that an arrangement be adopted so that the Secretary of War may have the authority to administer the provisions of Executive Order No. 9250, General Regulations of the Director of Economic Stabilization and the Salary Stabilization Regulations, as they relate to salary adjustments which come under the jurisdiction of this office, of all civilian positions of the War Department within the continental United States and Alaska. The delegation of authority would also cover salary adjustments for personnel under the Army Exchange Service and in Government owned, privately operated plants. It is further requested that the authority delegated be exercised on behalf of the Secretary of War by the Wage Administration Section in the Civilian Personnel Division Headquarters, Services of Supply. Under the plan suggested the Wage Administration Section would have authority to act on cases covered by the policies of this office and will present to the Commissioner of Internal Revenue a request for a decision of any case not so covered. There was attached to your letter a Wage Administration Manual for ungraded civilian jobs.

In accordance with your request, there is hereby delegated to the Secretary of War, as the agent of the Commissioner, to be exercised on his behalf by the Wage Administration Section within the Civilian Personnel Division, Headquarters, Services of Supply (hereinafter referred to as the War Department Agency) authority to rule upon all applications for salary adjustments (insofar as approval thereof has been made a function of the Commissioner of Internal Revenue) covering civilian employees within the continental limits of the United States and Alaska, employed by the War Department, the Army Exchange Service and Government owned, privately operated facilities of the War Department.

This delegation is subject to the following conditions:

1. The War Department Agency, without making initial ruling thereon, may refer to the Commissioner of Internal Revenue for decision any case which in the opinion of the agency presents doubtful and disputed questions of sufficient importance to warrant direct action by the Commissioner.

2. The War Department Agency shall transmit to the Commissioner of Internal Revenue copies of its rulings and rules of procedure as they are issued and such additional data and reports as the Commissioner may from time to time deem necessary.

3. Any ruling by the War Department Agency shall be final, subject to

(a) the Commissioner's ultimate power to review rulings on his own initiative;

(b) the right of any aggrieved party to take an appeal to the Commissioner from the ruling of the War Department Agency within a period of ten days after the date of such ruling. An appeal shall be filed with the War Department Agency to be forwarded to the Commissioner for action.

Any ruling by the War Department Agency shall be deemed to be the act of the Commissioner of Internal Revenue, unless and until reversed or modified by him, and any such reversal or modification shall take effect from the date recited in the order of modification or reversal.

4. Any ruling of the War Department Agency under this delegation of authority shall be effective from the date of the receipt of the application for salary adjustment and in no case should the War Department Agency issue a ruling which would have a retroactive effect; except, however, in those cases where a salary adjustment was made in good faith and consistent with the provisions of Executive Order No. 9250, prior to the date of this letter, retroactive approval may be made if the application for approval is filed with the War Department Agency on or before January 15, 1943.

5. The "Government owned, privately operated facilities of the War Department" which are to be subject to the terms of this delegation shall be only those which are named in lists furnished from time to time to the Commissioner of Internal Revenue by the War Department Agency. The Commissioner of Internal Revenue may at any time, upon at least seven days' notice to the War Department Agency, strike from the list any facility if the Commissioner of Internal Revenue believes that the policies of the Executive Order No. 9250, the regulations promulgated by the Economic Stabilization Director and those of the Commissioner of Internal Revenue require that the Commissioner of Internal Revenue act directly upon the wage and salary adjustments of such facility.

Since the Wage Administration Section in the Headquarters, Services of Supply, has the technical staff and has made the necessary preparation to apply the provisions of the Executive Order No. 9250 and the regulations throughout the War Department, it is believed that the foregoing delegation of authority will aid in the expeditious handling of the salary adjustment program.

Very truly yours,

GUY T. HELVERING,
Commissioner.

§ 809.994 *Minimum wage determinations.* Sections 809.994–1 to 809.994–44, inclusive, contain the minimum wage determinations of the Secretary of Labor under the Walsh-Healey Public Contracts Law.

§ 809.994–1 *Knitting, knitwear and woven underwear.* The knitting, knitwear, and woven underwear industry is defined for the purposes of this determination as follows:

(a) The manufacturing, dyeing, or other finishing of any knitted fabric made from any yarn or mixture of yarns, and the manufacturing of knitted towels and cloths;

(b) The knitting from yarn or manufacturing from knitted fabric of knitted garments, sections of garments, or garment accessories except gloves, mittens, hosiery, belts manufactured from purchased knitted fabric, and any product the manufacture of which is covered by the prevailing minimum wage determination for the suit and coat branch of the uniform and clothing industry (§ 809.994–34);

(c) The manufacturing of underwear and bathing suits from any woven fabric.

Date effective. April 20, 1943.

Wage. Not less than 40 cents an hour or $16.00 for a week of 40 hours, arrived at either upon a time or piece-work basis. Learners may be employed at subminimum rates only in accordance with the present applicable regulations issued by the Administrator of the Wage and Hour Division under Fair Labor Standards Act, as amended on June 28, 1943, which were adopted for the purposes of this determination.

§ 809.994–2 *Gloves and mittens industry.* The gloves and mittens industry is defined for the purpose of this determination as that industry which manufactures gloves and mittens (except athletic gloves and mittens) from any material (other than rubber) or from any combination of materials (other than rubber).

Date effective. January 16, 1943.

Wage. 40 cents an hour or $16.00 for a week of 40 hours arrived at either upon a time or piece-work basis. Learners may be employed at subminimum rates only in accordance with the present applicable regulations issued by the Administrator of the Wage and Hour Division under the Fair Labor Standards Act, as amended on March 22, 1943, which were adopted for the purposes of this determination.

§ 809.994–3 *Seamless hosiery industry.* Manufacture or furnishing of seamless hosiery.

Date effective. July 8, 1943.

Wage. 40 cents per hour or $16.00 per week for a week of 40 hours, arrived at either upon a time or piece-work basis. Learners may be employed at sub-minimum rates only in accordance with the present applicable regulations issued by the Administrator of the Wage and Hour Division under the Fair Labor Standards Act, which were adopted for the purposes of this determination.

§ 809.994–4 *Men's hat and cap industry.* Manufacture or supply of men's hats and caps, including men's white sailor and other stitched cloth hats, men's fur-felt hats, men's uniform caps, and women's hats, men's uniform caps, and women's hats and caps of similar design and construction.

Date effective. March 2, 1944.

Wage. 67.5 cents an hour or $27.00 per week of 40 hours, arrived at either upon a time or piece-work basis.

(a) *Variation from minimum wage determination.* A tolerance of not more than 20 percent of the employees in any one factory, whose activities at any given time are subject to the provisions of the Walsh-Healey Public Contracts Act is granted for auxiliary workers in the men's hat and cap industry except that there shall be no limitation on the number or proportion of auxiliary workers employed in the uniform cap and stitched hat branches of the industry, provided that any auxiliary workers in the industry shall be paid not less than 40 cents an hour or $16 per week of 40 hours, arrived at either upon a time or piecework basis.

(b) *Definition of "auxiliary workers."* The term "auxiliary workers" as applied to the employees in the uniform cap and stitched hat branches of the industry shall include only those employees engaged in auxiliary occupations enumerated and defined as follows:

(1) *Hand clipping.* The operation of separating component parts of the article after they have been sewn.

(2) *Hand cleaning.* The operation of removing excess threads from the article or removing stains or dust.

(3) *Size stamping.* The operation of stamping the head size mark on the article.

(4) *Floor boys (girls).* One who carries items of work to and from the various departments.

(5) *Examining.* The operation of inspecting the article for imperfections during any stage of manufacture.

(6) *Sweat band, braid, and strap cutter and measuring.* The operation of measuring and cutting bands, straps and ribbons.

(7) *Turning.* The operation of turning the article inside out or outside in.

(8) *Packing.* The operation of packing the finished caps into shipping containers, spraying larvex or moth flakes; if necessary, inserting tissue paper in caps and inserting a cardboard ring stiffener to support crown of cap.

(9) *Shipping and receiving.* The operation of unloading and checking stock and preparing containers for shipment.

(10) *Waste material sorting.* The operation of separating paper from the rags whether performed in the cutting room or elsewhere.

(11) *Hand stapling.* The operation by hand pressure of a wire stapling machine to join together parts of the article, to attach labels, bows or cloth to the article or part of the article, or to join ends of a cardboard strip to form a packing ring.

(12) *Drawstring pulling.* The operation of slipping a cord or drawstring through part of a cap, hood or helmet.

(13) *Basting pulling.* The operation of pulling out basting threads.

(14) *Porter.* The operation of cleaning floors or carrying boxes.

(15) *Band and braid fitting.* The operation of placing by hand but not sewing on a cap a prepared band or braid.

(16) *Wire stiffener inserting.* The operation of slipping a wire ring into the cap.

(17) *Hand buckling.* The operation of slipping a buckle on a strap.

(18) *Visor inserting.* The operation of inserting a canvas stiffener into a cloth pocket before the visor is attached.

(19) *Pasting.* The operation of attaching a label or ticket to a part of hat with paste or glue.

(20) *Hand button inserting.* The operation of inserting, by hand, into a prepared hole a button and bending over clips to hold the button in place, or inserting a button with a threaded neck, and screwing a nut on neck to hold button firm.

(21) *Hand hole punching.* The operation of punching a hole into material by use of an ice pick or similar pointed hand instrument.

(22) *Wire cutting and ring forming.* The operation of cutting a wire to length and joining the ends to form a stiffener ring.

(23) *Hand eyeletting.* The operation by hand pressure of a machine to attach an eyelet to the article.

(24) *Hand snap fastening.* The operation by hand pressure of a machine to attach a snap fastener to the article.

§ 809.994–5 *Rainwear industry.* Manufacture or supply of men's raincoats, including vulcanized and rubberized raincoats and raincoats made from material known under the registered trademark of "Cravenette" or from fabric chemically or otherwise treated so as to render it water-resistant, of oiled waterproof cotton outer garments, and of other types of rainwear.

Date effective. December 4, 1942, except that learners may be employed at subminimum rates, in accordance with the present applicable regulations of the Administrator of the Wage and Hour Division, on or after December 4, 1942, in the performance of contracts, bids for which were solicited or negotiations otherwise commenced by the contracting agency prior to that date.

Wage. 40 cents an hour or $16 per week of 40 hours, arrived at either upon a time or piecework basis. Learners may be employed at subminimum rates only in accordance with the present applicable regulations issued by the Administrator of the Wage and Hour Division under the Fair Labor Standards Act of 1938, as amended on June 28, 1943, which were adopted for the purposes of this determination.

§ 809.994–6 *Cotton garment and allied industries.* The cotton garment and allied industries shall be understood to be that industry which manufactures or furnishes any of the following commodities:

Trousers, knickers, work pants, and breeches (except when made wholly of wool and uniform trousers and breeches made wholly or partially of wool) dress or work shirts and nightwear of any material except knit fabric; overalls, overall jackets, and one-piece overall suits; work coats and work jackets (except wool and wool-lined, and leather and sheep-lined); washable service apparel (hospital, professional, etc.; other cotton outerwear of any material except knit fabric; barrack bags; bandoleers; ammunition and cartridge belts made of textiles; canvas leggins; cot covers; fabric pouches and carriers for first aid equipment, such as: kit cantle ring straps, kit inserts, kit laces, kit pouches and kit suspenders; mattress covers; mosquito bars; and wardrobe bags with draw-strings, made of textiles.

Date effective. July 20, 1942.

Wage. 40 cents per hour or $16.00 per week of 40 hours, arrived at either upon a time or piece work basis.

Learners may be employed at subminimum rates only in accordance with the present applicable regulations issued by the Administrator of the Wage and Hour Division under the Fair Labor Standards Act, as amended on June 28, 1943, which were adopted for the purposes of this determination.

§ 809.994–7 *Men's neckwear industry.* Manufacture and supply of men's neckwear (exclusive of knitted neckwear) and of women's ties of design and construction similar to such men's neckwear.

Date effective. July 8, 1943, except that learners and apprentices may be employed at subminimum rates in accordance with the present applicable regulations of the Administrator of the Wage and Hour Division, on or after July 8, 1943, in the performance of contracts bids for which were solicited or negotiations otherwise commenced by the contracting agency prior to that date.

Wage. 50 cents per hour or $20.00 per week for a 40-hour week arrived at either upon a time or piece work basis. Learners and apprentices may be employed at subminimum rates in accordance with the present applicable regulations issued by the Administrator of the Wage and Hour Division under the Fair Labor Standards Act which were adopted for the purposes of this determination.

Establishments manufacturing products as defined in this industry shall be granted a tolerance for persons actually employed as boxers and trimmers: *Provided*, That such boxers and trimmers be paid not less than 40 cents per hour or $16.00 per week for a 40-hour week and not less than the piece rates paid to all other workers in the same occupational classification.

§ 809.994–8 *Dimension granite industry.* Including monumental stone, building stone, paving blocks, curbing, riprap, and rubble, but not crushed stone.

Date effective. January 15, 1938.

Wage. In Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, and New York—57.5 cents per hour or $23.00 per week based on a 40-hour week, arrived at either on a time or piece work basis.

In North Carolina, Virginia, South Carolina, Georgia, Florida, Alabama, Tennessee, Kentucky, Mississippi, Louisiana, Arkansas, and Texas—40 cents per hour or $16.00 per week based on a 40-hour week, arrived at either on a time or piece work basis. Effective July 8, 1944.

In Pennsylvania, New Jersey, Delaware, Maryland, District of Columbia, West Virginia, Ohio, Indiana, Illinois, Michigan, Wisconsin, Minnesota, Iowa, Missouri, Oklahoma, Kansas, Nebraska, South Dakota, North Dakota, Montana, Idaho, Wyoming, Colorado, New Mexico, Arizona, Utah, Nevada, California, Oregon and Washington—42.5 cents per hour or $17.00 per week based on a 40-hour week, arrived at either on a time or piece work basis.

Monumental stone, building stone, paving blocks, curbing, riprap, and rubble, specifically made subject to the minimum wage determination for the dimension granite industry, are exclusively products of granite quarries, and such stones when the products of other quarries are not subject to the minimum wage determination for the dimension granite industry.

§ 809.994–9 *Shoe manufacturing and allied industries.* The term "shoe manufacturing and allied industries" means:

(a) The manufacture or partial manufacture of footwear from any material and by any process except knitting, vulcanizing of the entire article or vulcanizing (as distinct from cementing) of the sole to the upper.

(b) The manufacture or partial manufacture of the following types of footwear, subject to the limitations of paragraph (a) but without prejudice to the generality of that paragraph:

Athletic shoes	Puttees, except spiral puttees
Boots	Sandals
Boot tops	Shoes completely rebuilt in a shoe factory
Burial shoes	Slippers
Custom made boots or shoes	
Mocassins	

(c) The manufacture from leather or from any shoe-upper material of all cut stock and findings for footwear, including bows, ornaments, and trimmings.

(d) The manufacture of the following types of cut stock and findings for footwear from any material except from rubber or composition of rubber, molded to shape:

Cutsoles	Shanks
Midsoles	Boxtoes
Insoles	Counters
Taps	Stays
Lifts	Stripping
Rands	Sock linings
Toplifts	Heel pads
Bases	

(e) The manufacture of heels of any material except molded rubber, but not including the manufacture of wood-heel blocks.

(f) The manufacture of cut upper parts for footwear, including linings, vamps and quarters.

(g) The manufacture of pasted shoe stock.

(h) The manufacture of boot and shoe patterns.

Date effective. July 11, 1942.

Wage. 40 cents an hour or $16.00 for a week of 40 hours, arrived at on a time or piece work basis.

Learners, handicapped workers, and apprentices may be employed in accordance with the following regulations under the Fair Labor Standards Act of 1938, which are hereby adopted for the purpose of this wage determination: Regulations Applicable to the Employment of Learners (29 CFR, Cum. Supp., Part 522); Regulations Applicable to the Employment of Handicapped Persons (29 CFR, Cum. Supp., Part 524); Regulations Applicable to the Employment of Apprentices (29 CFR, Cum. Supp., Part 521); and the Regulations Applicable to the Employment of Handicapped Clients in Sheltered Workshops (29 CFR, Cum. Supp., Part 525).

Nothing in this determination shall be interpreted as abrogating any obligation that may have been incurred under the previous determination for the men's welt shoe industry.

§ 809.994–10 *Handkerchief industry.* The handkerchief industry, for the purpose of this determination, is defined as follows: The manufacture of men's, women's and children's handkerchief, plain or ornamented, from any material.

Date effective. July 8, 1943.

Wage. 40 cents per hour or $16.00 per week of 40 hours, arrived at either upon a time or piece-work basis. Learners may be employed at subminimum rates in accordance with the present applicable regulations issued by the Administrator of the Wage and Hour Division under the Fair Labor Standards Act of 1938 which were adopted for the purposes of this determination.

§ 809.994–11 *Envelope industry.* Envelopes.

Date effective. May 12, 1938.

Wage. 42.5 cents per hour or $17.00 per week for a week of 40 hours, to be arrived at either upon a time or piece work basis.

§ 809.994–12 *Vitreous or vitrified china industry.* Vitreous or vitrified china, excluding semivitreous or semivitrified china.

Date effective. May 19, 1938.

Wage. 42.75 cents per hour or $17.10 per week for a week of 40 hours, to be arrived at either upon a time or piece work basis. The Administrator for the Public Contracts Division, Department of Labor, advises the above applies only to "tableware, kitchenware, dinnerware, and kindred lines, and not to plumbers' and sanitary supplies."

§ 809.994–13 *Leather, leather trimmed, and sheep-lined garments industry.* All leather, leather trimmed, and sheep-lined garments for men, women, or children.

Date effective. September 19, 1941.

Wage. 42.5 cents per hour or $17.00 per week of 40 hours, arrived at either upon a time or piece rate basis.

NOTE: The Administrator of Public Contracts, Department of Labor, in letter dated January 6, 1942, states that is has been determined that sheep-lined aviation helmets and leather aviation helmets come within the purview of the above determination.

§ 809.994–14 *Flint glass industry.* The flint glass industry produces such types of glassware as illuminating, table glassware, all thin blown glass, thermos bottles, chemical and laboratory ware, perfumery ware, stoppers and bottles, and the like, which character of glassware is produced by the pressed, pressed and blown, off hand and blown method, cutting and polishing; in fact, all types of glassware other than window, plate, and rolled glass, common bottles, containers, and prescription glassware.

Date effective. July 12, 1938.

Wage. 42.5 cents an hour or $17.00 per week for a week of 40 hours, arrived at either upon a time or piece work basis.

NOTE: The Department of Labor has advised that this wage determination is intended to cover all types of glassware other than window, plate and rolled glass, common bottles, containers, and prescription glassware. Among the items particularly included under this intended coverage are fiberglass and fiberglass products.

§ 809.994–15 *Luggage, leather goods, belts, and women's handbag industry.* The luggage, leather goods, belts, and women's handbag industry is defined for the purpose of this determination as follows:

(a) The manufacture from any material of luggage including, but not by way of limitation, trunks, suitcases, traveling bags, brief cases, sample cases; the manufacture of instrument cases covered with leather, imitation leather, or fabric including, but not by way of limitation, portable radio cases; the manufacture of small leather goods and like articles from any material except metal; the manufacture of women's, misses', and children's handbags, pocketbooks, purses, and mesh bags from any material except metal; but not the manufacture of bodies, panels, and frames from metal, wood, fiber, or paper board for any of the above articles.

(b) The manufacture from leather, imitation leather, or fabric of cut stock and parts for any of the articles covered in paragraph (a) of this section.

(c) The manufacture of men's, boys', women's, misses', and children's separate belts from leather, imitation leather, or other material or fabric.

Date effective. April 20, 1943.

Wage. Not less than 40 cents an hour or $16.00 per week of 40 hours, arrived at either upon a time or piece work basis. Apprentices may be employed at subminimum rates in accordance with the present applicable regulations issued by the Administrator of the Wage and Hour Division under the Fair Labor Standards Act, which were adopted for the purposes of this determination. Learners may be employed at subminimum rates in the performance of contracts for the manufacture or furnishing of articles covered by paragraph (c) in accordance with the present applicable regulations issued by the Administrator of the Wage and Hour Division under the Fair Labor Standards Act, which were adopted for the purposes of this determination.

§ 809.994–16 *Fireworks industry.* Commercial fireworks, fusees, flares, and railroad torpedoes.

Date effective. September 8, 1944.

Wage. 40 cents an hour or $16.00 per week for a week of 40 hours, arrived at either upon a time or piece work basis.

§ 809.994–17 *Wool carpet and rug industry.* Wool carpets and rugs (exclusive of rag rugs).

Date effective. October 15, 1938.

Wage. 40 cents an hour or $16.00 per week of 40 hours, to be arrived at either upon a time or piece work basis.

§ 809.994–18 *Tag industry.* Tags.

Date effective. September 23, 1941.

Wage. 40 cents an hour or $16.00 per week of 40 hours, arrived at either upon a time or piece work basis.

§ 809.994–19 *Aircraft manufacturing industry.* (a) The following illustrative list of commodities, their parts and accessories is understood to be within the scope of the aircraft manufacturing industry wage determination (included are not only those products which were originally construed to be within this industry, but also those products which have since been included by interpretation. This list is subject to revision as additional interpretation of products is made):

Airplanes
Engines, aircraft-type
Gliders
Propellers, aircraft and parts and accessories, such as—

Airplane spare parts and accessories

Accumulators, landing gear
Adapter assembly for oxygen masks
Adapters and plungers
Ailerons
Ammunition rounds counters and contractors
Axles
Beaching gear
Bomb bay tanks
Bomb hoists
Bomb rack assemblies
Bomb shackles
Booster coils
Brackets
Brake hose and hose fittings
Cabin center panel for windshield
Cable terminals
Cables, motor trigger
Clevises
Clips
Conduit and pipe fittings
Control assemblies for bomb release interval
Control equipment for turrets
Controls, air brake
Couplings
Cowlings
De-icer equipment (except rubber) for propeller, windshield and carburetor venturi: Pump, oil supply tank, control and distributing valve
Domes, plexiglas navigating
Elbows
Elevators
Fairings
Ferrules
Fins
Fittings, structural
Fixtures: master and articulated rod bearing and bushing
Flaps, wing
Flare racks
Floats
Generators
Hinges
Hoisting slings
Hooks, arresting
Hose assemblies
Housings
Hulls, seaplane
Hydraulic pressure regulators
Hydraulic windshield wipers
Jumpers, bonding
Landing gear:
Brakes
Oleo struts:
Skiis
Tires
Wheels
Levers
Locks, oleo leg
Mount assemblies:
Gun, ammunition box
Mounts:
Camera, engine, and generator
Oleo packing
Operating cylinders
Panels, wing
Pedals
Pins, fitting
Posts
Pulleys
Recoil dampeners, gun
Reservoirs
Retracting cylinders
Rudders
Seats, pilot
Shackles
Shock struts and cords
Solenoids
Spars
Sponsons
Stabilizers
Struts, shock (oleo) and parts
Supports
Switches:
Electrical, gun control
Swivels
Tabs
Tail skids
Tail surfaces
Tail wheel assemblies
Tail wheel caster knuckles
Tanks
Thimbles
Tie rods
Tips, wing
Tow target releases and drags
Trigger motors
Turnbuckles
Turret ammunition boxes and mount assemblies
Turrets
Valves
Vents
Wings

Engine parts and accessories

Adapters
Arms
Baffles
Bushings
Cages
Cams
Carburetor manifold jackets
Carburetors
Closures
Collector rings
Control systems
Counterweights
Covers, metal
Crankcases
Crankshafts

Cylinder barrels
Cylinder heads
Dowels
Drives
Filters:
Air, gasoline
Fuel injection systems
Gear boxes
Glands
Guides
Heating systems
Housings
Ignition harness
Impellers, supercharger
Intercoolers
Jets
Magnetos
Manifolds:
Intake, exhaust
Oil coolers
Oil separators
Pipes
Pistons
Plates
Priming equipment
Pumps:
Air, fuel, oil, vacuum
Radiators
Rockers
Rods
Seats, valve
Shafts
Slingers
Spacers
Spark plugs
Starters
Strainers
Studs
Sumps
Superchargers
Tappets
Temperature regulating equipment
Tubes
Valves: engine, gasoline (pilot operated, manual control, syphon)

Propeller parts

Barrels
Blades
Brackets
Brakes
Bushings
Cams
Collars
Controls
Counterweights
Cylinders
Domes
Gears
Governors
Housings
Hubs
Pistons
Spiders
Spinners

Specialized servicing equipment

Airplane mooring kits
Cable testing machines
Chock assemblies
Clubs, test
Cradle assemblies for servicing aircraft parts
Combination workstand-ladder assemblies
Dollies
Energizer assemblies
Engine heaters
External power units for hand inertia starters
Pump testing units
Special testing equipment for aircraft, engine, and propeller parts and accessories
Special tools and stand assemblies for the assembly, disassembly, and repair of aircraft and the engines, propellers, parts, and accessories therefor
Tables, propeller aligning

(b) Specifically excluded from the scope of the industry are:

Fabricated textile products: Fabric covers (including engine-warming covers); parachutes; safety belts; tow targets; wind socks.

Pyrotechnics: Engine starter cartridges; flares, signals.

Electrical and radio equipment: Batteries; electric wire and cable; intercommunication equipment; landing and navigation lights; lighting systems; radios; radio compasses.

Rubber products: Rubber de-icing equipment; flotation gear; life preservers; life rafts; bonded rubber mountings; vibration dampers; rubber utilities; tires and tubes.

Machine shop products and machinery: Bearings; bolts, nuts, rivets, screws, and washers; gas refueling systems (including refueling pumps); gears and sprockets; piston rings; springs; wire rope.

Miscellaneous products: Cameras; fire extinguishers; first aid equipment; gaskets; instruments; lavatory equipment; lighter-than-air craft.

Date effective. May 7, 1942.

Wage. 50 cents an hour or $20.00 for a week of 40 hours, arrived at on a time or piece-work basis.

§ 809.994–20 *Bobbinet industry* (See § 809.994–42 (Textile industry).)

§ 809.994–21 *Iron and steel industry.* This determination covers only pig iron, iron or steel ingots, and rolled or drawn iron or steel products as hereinafter stated, and such fabricated iron or steel products as are specifically named but does not include any unspecified coated, insulated, forged, or cast items. The definition as formulated below describes the products of the iron and steel industry and the provisions thereof do not apply to any production in open hearth and electric furnaces other than that specifically enumerated.

The iron and steel industry is defined to mean and include the business of producing and selling all or any one or more of the following products:

Axles—rolled or forged.
Bale ties—single loop.
Bars—alloy steel, hot rolled.
Bars—cold finished, carbon and alloy.
Bars—concrete reinforcing, straight lengths.
Bars—ingots, blooms and billets—iron.
Bars—merchant steel.
Bars—tool steel.
Ferro-manganese and spiegeleisen.
Girder rails and splice bars therefor.
Ingots, blooms, billets and slabs—alloy.
Ingots, blooms, billets and slabs—carbon.
Light rails—60 pounds or less per yard, and splice bars and angle bars therefor.
Standard tee rails of more than 60 pounds per yard, and angle bars and rail joints therefor, or any of such products.
Mechanical tubing.
Pig iron—foundry, high silicon silvery, malleable, open hearth basic, Bessemer, and high silicon Bessemer.
Pig iron—low phosphorus.
Pipe—standard, line pipe, and oil country tubular products.
Plates.
Posts—fence and sign.
Railroad tie plates.
Railroad track spikes.
Sheet bars.
Sheets.
Skelp.
Steel sheet piling.
Strip steel—cold rolled.
Strip steel—hot rolled.
Structural shapes.
Tube rounds.
Tubes—boiler.
Wheels—car, rolled steel.
Wire—drawn.
Wire hoops—twisted or welded.
Wire nails and staples, twisted barbless wire, barbed wire, twisted wire fence stays and wire fencing (except chain-link fencing).
Wire rods.
Wire—spring.
Wire—telephone.

Date effective.—Note. This determination was originally effective March 1, 1939, but its operation was subsequently suspended due to court proceedings. Its operation was again resumed effective May 27, 1940.

Wage. Whether arrived at on a time or piece work basis, 45 cents per hour in the locality consisting of the States of Louisiana, Arkansas, Mississippi, North Carolina, South Carolina, Florida, Oklahoma, Texas, Alabama, Tennessee, Georgia, Virginia, and West Virginia (except the counties of Hancock, Brooke, Ohio, Harrison, Monongalia, and Marshall);

60 cents per hour in the locality consisting of the States of Washington, Oregon, California, Montana, Idaho, Nevada, Wyoming, New Mexico, Utah, Colorado, and Arizona;

58½ cents per hour in the locality consisting of the States of North Dakota, South Dakota, Nebraska, Kansas, Minnesota, Iowa, Missouri, and the area in and about East Saint Louis, Illinois;

62½ cents per hour in the locality consisting of the States of Wisconsin, Illinois (except the area in and about East Saint Louis, Illinois), Michigan, Indiana, Ohio, Pennsylvania, Delaware, Maryland, Kentucky, New Jersey, New York, Connecticut, Rhode Island, Massachusetts, Vermont, New Hampshire, Maine, and that portion of the State of West Virginia comprised within the counties of Hancock, Brooke, Ohio, Marshall, Harrison, and Monongalia, and the District of Columbia.

Provided, That apprentices may be employed at lower rates if their employment conforms to the standards of the Federal Committee on Apprenticeship.

This wage determination has heretofore been interpreted to cover the following:

Plate, armor;
Strips, galvanized;
Sheets, galvanized;
Plates, galvanized;
Shapes, structural, galvanized;

and to exclude the following:

Wire, telephone, insulated;
Rods, welding, coated.

§ 809.994–22 *Tobacco industry.* The tobacco industry, for the purposes of this determination, is defined to include the manufacture of cigarettes, of chewing and smoking tobaccos, and of snuff, but to exclude the manufacture of cigars.

Date effective. December 4, 1942

Wage. 40 cents an hour, or $16 per week of 40 hours, arrived at either upon a time or piecework basis. Learners may be employed at sub-minimum rates in accordance with the present applicable regulations issued by the Administrator of the Wage and Hour Division under the Fair Labor Standards Act of 1938 which were adopted by the Secretary of Labor for the purposes of this determination.

§ 809.994–23 *Furniture industry.* This determination applies to all contracts subject to the basic law, for any of the commodities included in the determination under the wood furniture branch, the public seating branch, and the metal furniture branch of the furniture manufacturing industry.

(a) *Metal furniture branch—(1) Definition.* The metal furniture branch of the furniture manufacturing industry is defined to be that industry whose products include:

Metal office furniture: Vertical filing cabinets; horizontal sections and half sections, and bookcases; hi-line and bookshelf units; desks; tables; chairs; storage cabinets, and wardrobes.
Metal hospital furniture.
Metal household furniture.
Steel shelving: Industrial and general purpose steel shelving, miscellaneous fittings, attachments, and accessories.
Steel lockers: Box lockers; single-tier lockers, double-tier lockers; two-person and compartment lockers; miscellaneous fittings as used in schools, clubs, gymnasiums, commercial, and industrial establishments.
Visible filing equipment: Cabinets; panels.

Date effective. May 13, 1939.

Wage. 45 cents an hour or $18.00 per week of 40 hours, arrived at either upon a time or piece rate basis.

(2) *Extension of minimum wage determination.* Metal furniture branch.

Date effective. July 28, 1941.

Wage. That the minimum wage determination for the metal furniture branch of the furniture industry is extended to the manufacture of metal cabinets for printers' type; metal cabinet partitions; metal tool boxes, tool cabinets, and tool chests; metal trunks, box type; metal rotating bins; sectional bins; and metal work benches, desks, and tables.

(3) *Steel fabric springs.* It has been determined that the manufacture of steel fabric springs for metal folding cots, when to be supplied on government contracts subject to the Public Contracts Act, is covered by the metal furniture branch of the furniture manufacturing industry minimum wage determination (Cir. Let. No. 4–44, 25 March 1944, Dept. of Labor).

(b) *Public seating branch.* The public seating branch of the furniture manufacturing industry is defined to be that industry which fabricates, assembles, and installs (by those who fabricate or assemble) public seating (upholstered or unupholstered), fabricated or assembled of wood, plywood, iron, steel, non-ferrous metals or any combinations of these materials, and consisting of the following:

(1) Fixed or connected seating for such public places as theaters, auditoriums, lodges, assembly halls, shoe stores, rinks, ball parks, race tracks, stadia, and other similar buildings and structures;

(2) Pewing, chancel, choir stalls, and related furniture and accessories for ecclesiastical purposes, seats and benches for court houses, hospitals, public waiting rooms, and for other similar public purposes;

(3) Pupils' desks, pupils' tables, pupils' chairs, and school furniture for all educational purposes;

(4) Portable chairs with folding seats in both single and multiple units;

(5) Portable folding seating in single units for other than household use.

Provided, That the following are specifically not included: Tablet armchairs and school chairs fabricated and/or assembled exclusively of wood.

Date effective. August 15, 1942.

Wage. 40 cents an hour, or $16.00 for a week of 40 hours arrived at either on a time or piece work basis.

(c) *Wood furniture branch.* The wood furniture branch of the furniture manufacturing industry is defined to mean the manufacturing, assembling, upholstering, and finishing, from wood, reed, rattan, willow, and fiber, of upholstered and other household, office, lawn, camp, porch, and juvenile and toy furniture, including but without limitation porcelain top breakfast furniture and radio, phonograph and sewing machine cases and cabinets; the manufacturing and assembling from wood, of furniture parts for the above, separately, set up or knocked down including but without limitation parlor furniture frames and chairs in the white. This definition does not include the manufacture of any product covered by the prevailing minimum wage determination for the public seating branch of the furniture manufacturing industry.

The manufacturing of any products covered under this definition is deemed to begin following the delivery of the wood from the kiln or from the air-dried dimension shed.

Date effective. August 15, 1942.

Wage. 40 cents an hour, or $16.00 for a week of 40 hours, arrived at either on a time or piece work basis for the District of Columbia, and all States other than California, Washington, and Oregon; and 50 cents an hour, or $20.00 for a week of 40 hours, arrived at either on a time or piece work basis, for the States of California, Washington, and Oregon.

§ 809.994–24 *Drug and medicine industry.* Manufacture or packaging of any one or more of the following products:

(a) Drugs or medicinal preparations (other than food) intended for internal or external use in the diagnosis, treatment, or prevention of disease in, or to affect the structure or any function of, the body of man or other animals;

(b) Dentifrices, cosmetics, perfume, or other preparations designed or intended for external application to the person for the purpose of cleansing, improving the appearance of, or refreshing the person.

The foregoing shall not be deemed to include the manufacture or packaging of shaving cream, shampoo, essential (volatile) oils, glycerine, and soap, or in the milling or packaging without further processing of crude botanical drugs.

Date effective. September 19, 1941.

Wage. 40 cents per hour or $16.00 per week of 40 hours, arrived at either upon a time or piece rate basis.

§ 809.994–25 *Photographic supplies industry (excluding motion picture equipment of 35 mm. or over).* (a) The following illustrative list of commodities is understood to be within the scope of the photographic supplies industry wage determination (included are not only those products which were originally construed to be within this industry, but also those products which have since been included by interpretation. This list is subject to revision as additional interpretation of products is made):

Accessories and parts, photographic: bellows, cable releases, cones, film rewinders, filters, lenses, magazines, reels, shades, shutters, splicers, spools, synchronizers.
Cameras.
Developing and printing equipment (except photographic chemicals): contract printers, driers, dry-mounting presses, enlargers, hangers, racks, stands, straighteners, tanks, washers, wringers.
Films, sensitized or unsensitized: photographic, X-ray.
Finders, photographic: view, range.
Flashlight apparatus, photographic (except lamps).
Frames, printing, photographic.
Holders, plate, photographic.
Machines: blueprint coating and reproduction, photocopying, photographic, photostat.
Projectors and their accessories and parts (except lamps).
Screens, photographic or X-ray: intensifying, projection.
Sensitized supplies, photographic: cloths, films, papers, plates, slides.
Tripods, photographic.
Vectograph.

(b) Specifically excluded from the scope of this industry are: Blueprint, brownprint, black-line, and blackprint paper and cloth; photoengraving equipment; built-in photographic laboratory fixtures; camera mounts; dropknife type print trimmers; cameras, projectors, and photographic accessories and parts of the 35 mm. size or larger (motion picture); photographic chemicals; and lamps.

Date effective. August 14, 1939.

Wage. 40 cents an hour of $16.00 per week of 40 hours, arrived at either upon a time or piece work basis. Learners may be employed at lower rates for a period of not to exceed 60 days if the total number of such workers in any one establishment does not exceed 5 per cent of the workers on the payroll, and if such learners are paid not less than 80 per cent of the minimum wage as determined, or 32 cents an hour or $12.80 per week of 40 hours, arrived at either upon a time or piece work basis.

§ 809.994–26 *Blueprint paper coating industry.* The blueprint paper coating industry includes the manufacture or supply of blueprint, brownprint, blackprint, blackline, and other similarly sensitized papers and cloths.

Date effective. October 11, 1940.

Wage. The prevailing minimum wage determination for the photographic supplies industry, set forth in § 809.994–25, has been extended to include the blueprint paper coating industry.

Allowances or tolerances. None.

§ 809.994–27 *Soap industry.* Soap in bars, cakes, chips, and flakes, and in granulated, powdered, paste, and liquid forms, and glycerine; cleansers containing soap, scouring powders, and shaving soaps, and creams containing soap, and washing compounds containing soap.

Date effective. August 14, 1939.

Wage. 40 cents an hour or $16.00 per week of 40 hours, arrived at either upon a time or piece work basis.

§ 809.994–28 *Fertilizer industry.* Superphosphates, concentrated superphosphates, and concentrated fertilizer from superphosphates, potash, and ammoniates.

Date effective. July 8, 1944.

Wage. 40 cents per hour or $16.00 per week of 40 hours, arrived at either upon a time or piece-work basis in all States and the District of Columbia other than New Mexico, Colorado, Wyoming, Montana, Idaho, Utah, Arizona, Nevada, California, Oregon, and Washington, in which eleven States the prevailing minimum wage shall continue to be 50 cents an hour or $20.00 per week of 40 hours arrived at either upon a time or piece-work basis, in accordance with the determination of August 15, 1939.

§ 809.994–29 *"Specialty accounting" supply manufacturing industry.* The commodities covered by this determination are as follows:

(a) Autographic and/or credit registers and/or supplies thereof, such as are used in making handwritten records of various transactions.

(1) Autographic registers may be further described as a machine or device for storing, alining, registering, and issuing copies of hand written records.

(i) The accounting forms are usually folded in zigzag style, although some roll stationery is used. Such accounting forms are usually printed with the name and business of the user, but stock printed forms and plain stationery may be used. One or multiple copies of stationery may be used. Some roll and folder stationery is provided with edge perforations which engage pin sprockets for registration of forms.

(ii) The one or several carbon copies required may be arranged on rolls at right angles to rolls of stationery or such carbon sets may be interleaved with the forms and may cover the entire area or only a part of such forms.

(iii) Registers may be equipped to retain one or more copies of the transaction in a lock compartment and to issue the remaining copies. Registers may be supplied with a cash drawer, which is opened only by an operation which delivers a serially numbered form into a locked compartment.

(2) Credit registers may be further described as a cabinet or device for retaining in orderly arrangement sales tickets representing charge and other transactions.

(i) Such credit registers usually contain a set of vertical-hinged leaves, each leaf containing several numbered springs, the numbers corresponding with customers' names written on an index.

(ii) Such registers usually contain a storage and cash drawer and are sometimes supplied in combination with adding machines.

(b) Continuous form stationery, which is described as multiple sets of "business forms" with or without carbons, attached and/or folded, for use in billing machines, typewriters, and other office equipment. For example, continuous form stationery may be rolled or "fan folded" and may provide any number of copies up to the limit which will take a carbon impression. This type of stationery is usually printed according to specifications. They may be coated with carbon on the back or interleaved with carbon sheets.

(c) Sales and manifold books, which are described as bound books of multiple sets of forms for making original, handwritten records of sales and/or other transactions. For example, sales books are bound books of sales checks or tickets arranged in sets, usually either carbon coated on the back or arranged to fold or lay one or more carbon sheets between each two copies of a set. Translucent sheets are occasionally combined with carbon paper coated on both sides to reduce the number of carbon sheets. Covers may be arranged to fold in for the purpose of providing a better writing surface and may be ruled for tabulating sales. Sales books may or may not be printed.

Date effective. November 1, 1939.

Wage. 40 cents per hour or $16.00 per week of 40 hours, arrived at either upon a time or piece work basis. Apprentices may be employed at lower rates if their employment conforms with the standards of the Federal Committee on Apprenticeship.

§ 809.994–30 *Small arms ammunition, explosives, and related products industry.* The following illustrative lists of commodities are understood to be within the scope of the small arms ammunition, explosives, and related products industry wage determination (included are not only those products which were originally construed to be within this industry, but also those products which have since been included by interpretation. This list is subject to revision as additional interpretation of products is made):

(a) *Small arms ammunition.*

Without reference to size—
- Cartridges: blank
- Engine starter
- Howitzer igniting
- Without reference as to size—
  - Mortar igniting
  - Target rocket igniting
  - Primers, saluting
  - Shot shells (empty or loaded):
    - Riot gun
    - Shotgun
- Not over .50 caliber—
  - Bullets
  - Cartridges: machine gun—
    - Pistol
    - Revolver
    - Rifle
    - Submachine gun
  - Cases, cartridge, empty
  - Cores, bullet

and the primers, shot, and wads used in connection with any of the products included in either of the above groups.

Date effective. September 16, 1940.

Wage. 42.5 cents an hour or $17.00 per week of 40 hours, arrived at either upon a time or piece rate basis. Apprentices may be employed at lower rates than herein determined: *Provided*, Their employment conforms to the standards of the Federal Committee on Apprenticeship.

(b) *Explosives.*

- Ammonium picrate
- Dinitroglycol
- Dynamite: ammonia, ammonia gelatine, blasting gelatine, gelatine, nitroglycerine, low freezing
- Fulminate of mercury
- Gelignite
- Gun cotton (dry nitrocellulose)
- Lead azide
- Nitrocellulose: dry, flake
- Nitro-starch explosive, compressed
- Permissible explosives (Bureau of Mines Bulletin No. 219)
- Picric acid
- Potassium nitrate
- Potassium picrate
- Powder: black, blasting, chlorate type, fuse, nitroglycerine, pellet, smokeless cannon, smokeless gun
- Spotting charges: M1, M1A1
- Tetranitro—aniline
- Tetranitro—methane
- Tetryl
- Tolite
- Trinitro—aniline
- Trinitro—benzene
- Trinitro—cresol
- Trinitrotoluol or trinitrotoluene (TNT)
- Trinitroxylene or trinitroxylol (TNX)
- Trinol
- Trotyl

Date effective. September 16, 1940.

Wage. 57.5 cents an hour or $23.00 per week of 40 hours, arrived at either upon a time or piece rate basis. Apprentices may be employed at lower rates than herein determined: *Provided*, Their employment conforms to the standards of the Federal Committee on Apprenticeship.

(c) *Blasting caps.*

- Blasting caps
- Detonating caps

Date effective. September 16, 1940.

Wage. 47.5 cents per hour or $19.00 per week of 40 hours, arrived at either upon a time or piece rate basis. Apprentices may be employed at lower rates than herein determined: *Provided*, Their employment conforms to the standards of the Federal Committee on Apprenticeship.

§ 809.994–31 *Paper and pulp industry.* Pulp and other fiber and the primary conversion of pulp and other fiber into paper and paperboard, and in addition, the manufacture and conversion of primary paper into toilet paper and paper towels, coated book paper, and paper shipping sacks.

Date effective. Determined to be October 15, 1939.

Wage. For the States of Washington, Oregon, and California, 50 cents an hour or $20.00 per week of 40 hours, arrived at either upon a time or piece-work basis.

For all other States and the District of Columbia, 40 cents per hour or $16.00 per week of 40 hours, arrived at either upon a time or piece-work basis. Effective July 8, 1944.

The following explanation of this determination has been received from the Public Contracts Division, Department of Labor:

Except for those products listed in the determination as manufactured or converted from primary paper, this determination is limited in application to paper and paperboard manufactured from pulp and other fiber, and to pulp and other fiber of the character used in manufacturing paper and paperboard. The majority of paper and paperboard items purchased by the Government that are subject to this wage determination are classified and listed as follows:

(a) *Book paper, writing paper, and cover paper.* (1) Book paper includes antique-finish, book end, coated book, half-tone, lithograph, machine-finished sized and supercalendered, and offset papers.

(2) Cover paper includes laid cover and machine-finished cover papers.

(3) Writing paper includes bond duplicate check copies, index, internal revenue, ledger, manifold (including glazed), map, mimeograph, parchment deed, vellum finish, and postage stamp papers.

(b) *Building paper.* Felts and sheathing paper.

(c) *Ground-wood printing and specialty paper.* Blueprint paper (unsensitized), distinctive papers (public debt, securities, etc), safety papers (safety device incorporated in manufacture of paper), and tracing paper.

(d) *Newsprint paper.* Facing slips and newsprint paper.

(e) *Paperboards.* Back-lining, binders board or tarboard, bristol board, chip-board, lined boards (box, chip, marble-grained), newsboard, pressboard, red sulphite, tagboard, manila cardboard, and strawboard.

(f) *Tissue and absorbent paper.* (1) Absorbent paper includes blotting, filter, and matrix paper and board.

(2) Tissue paper includes lens tissue, paper towels, and toilet paper.

(g) *Wrapping paper.* (1) Kraft wrapping paper.

(2) Manila paper includes target paper and uncut label paper.

(3) Plate and roll wiping paper.

§ 809.994–32 *Cement industry.* Portland cements, including modified portland cement, such as portland masonry cement and portland puzzolan cement.

Date effective. March 2, 1940.

Wage. Within the States of Pennsylvania, New York, New Jersey, Maryland, West Virginia, Ohio, Delaware, Massachusetts, Connecticut, Rhode Island, Vermont, New Hampshire, and the District of Columbia, 57 cents an hour or $22.80 per week of 40 hours.

Within the States of Maine, Michigan, Indiana, Kentucky, South Dakota, North Dakota, Nebraska, and Kansas, 50 cents an hour or $20.00 per week of 40 hours.

Within the State of Illinois, 63½ cents an hour or $25.40 per week of 40 hours.

Within the States of Wisconsin, Minnesota, Iowa, Missouri, Colorado, Wyoming, Utah, Montana, Idaho, Oregon, Nevada, Arizona, and New Mexico, 55 cents an hour or $22.00 per week of 40 hours.

Within the State of Washington, 70 cents an hour or $28.00 per week of 40 hours.

Within the State of California, 62½ cents an hour or $25.00 per week of 40 hours.

Within the States of Oklahoma and Texas, 47 cents an hour or $18.80 per week of 40 hours.

Within the States of Arkansas, Louisiana, Alabama, Tennessee, Virginia, Georgia, Florida, Mississippi, North Carolina, and South Carolina, 40 cents an hour or $16.00 per week of 40 hours.

§ 809.994–33 *Structural clay products industry.* Common brick, face brick, (including glazed and enameled brick), salt glazed brick, manhole brick, structural clay tile (including glazed tile), unglazed face tile, paving brick, and clay or shale granules.

Date effective. July 8, 1944.

Wage. 40 cents per hour or $16.00 per week of 40 hours arrived at either upon a time or piece-work basis.

§ 809.994–34 *Uniform and clothing industry*—(a) *Suit and coat branch.* The suit and coat branch of the uniform and clothing industry is defined to be that industry which manufactures men's civilian suits and overcoats, tailored-to-measure uniforms including the pants, uniform overcoats, and uniform coats. Expressly excluded from this definition are shirts, single pants regardless of material, outdoor jackets, leather and sheep-lined jackets, work clothing, and washable service apparel.

Date effective. February 25, 1941.

Wage. 60 cents an hour or $24.00 per week of 40 hours, arrived at either upon a time or piece-work basis, with a 20 percent tolerance for auxiliary workers. *Provided* they be paid not less than 40 cents an hour or $16.00 per week of 40 hours.

(b) *Outdoor jackets branch.* The outdoor jackets branch of the uniform and clothing industry is defined to be that industry which manufactures wool and wool-lined jackets whether or not such jackets are properly described as mackinaws, field jackets, windbreakers, lumber jackets, peajackets, wool jumpers, or middies, blanket-lined or similar coats, or by any other similar designation.

Date effective. February 25, 1941.

Wage. 40 cents an hour or $16.00 per week of 40 hours, arrived at either upon a time or piece-work basis.

(c) *Wool trousers branch.* The wool trousers branch of the uniform and clothing industry is defined to be that industry which manufactures wool or part wool uniform trousers or breeches, except tailored-to-measure trousers.

Date effective. February 25, 1941.

Wage. 40 cents an hour or $16.00 per week of 40 hours, arrived at either upon a time or piece-work basis.

§ 809.994–35 *Die casting manufacturing industry.* The die casting manufacturing industry is defined to be that industry which manufactures die castings for sale and does not include the manufacture of die castings when incorporated into another product by the manufacture of such other products. The term "die casting" as used herein describes a casting made by forcing molten metal under pressure into a metallic mold or die.

Date effective. April 5, 1941.

Wage. 50 cents an hour or $20.00 per week of 40 hours, arrived at either upon a time or piece-work basis. Apprentices may be employed at lower rates of pay if their employment conforms to the standards of the Federal Committee on Apprenticeship. Learners may be employed at the rate of 40 cents an hour or $16.00 per week of forty hours for a period of not to exceed 60 days if the total number of employees classified as such does not exceed 5 per cent of the total number of employees in any one establishment.

§ 809.994–36 *Dental goods and equipment manufacturing industry*—(a) *Durable goods.*

Hand instruments, including forceps and pliers, broaches and cutting instruments, for dental use.
- Dental chairs
- Dental cabinets
- Equipment units
- Dental sterilizers
- Dental gas apparatus
- Dental X-ray equipment
- Dental compressors, engines, and lathes
- Dental lights
- Dental laboratory equipment, other than laboratory furniture

Date effective. September 23, 1941.

Wage. 40 cents an hour or $16.00 per week of 40 hours, arrived at either upon a time or piece-work basis.

Apprentices may be employed at lower rates of pay if their employment conforms to the standards of the Federal Committee on Apprenticeship. Learners may be employed at lower rates in accordance with the present applicable regulations issued by the Administrator of the Wage and Hour Division under the Fair Labor Standards Act of 1938.

(b) *Consumable goods.*

- Dental gold.
- Dental alloy for amalgams.
- Dental cement and filling materials.
- Teeth, porcelain and gold.
- Orthodontic appliances.
- Waxes, compounds, and investments.
- Rubber dental materials.
- Denture materials other than rubber.
- Burs, drills, and similar tools for use with handpieces.
- Abrasive points, wheels, and disks.

Date effective. July 17, 1944.

Wage. 40 cents an hour or $16.00 per week of 40 hours, arrived at either upon a time or piece-work basis.

Learners may be employed as provided in paragraph (a) of this section.

§ 809.994–37 *Scientific industrial and laboratory instruments industry.* (a) The following illustrative list of commodities, their components and spare parts is understood to be within the scope of the scientific industrial and laboratory instruments wage determination (included are not only those products which were originally construed to be within this industry, but also those products which have since been included by interpretation. This list is subject to revision as additional interpretation of products is made):

- Accelerometers
- Aerographs
- Alidades
- Almanac units, nautical
- Altimeters
- Altiperiscopes
- Ammeters
- Analyzers, exhaust gas
- Anemometers
- Apparatus, microprojection
- Astrographs
- Automatic gun control equipment
- Azimuth drums
- Balances: analytical laboratory, precision, torsion
- Balancing machines
- Bank and climb control units
- Barographs
- Barometers
- Bars, beam-compass
- Bearing circles
- Binnacles, compensating
- Binoculars
- Boards: drafting, plotting
- Boro silicate (optical glass)
- Brake testing machines, inertia
- Bulbs: resistance, thermometer
- Bunsen burners
- Centrifuge: human, small electric
- Chronograph, counter
- Clinometers, service
- Colimeters: binocular, octant
- Compasses: direction, drafting, hull vehicular, gyroscope
- Computers, gun data
- Controller assemblies
- Controls, domestic automatic (humidity, temperature)
- Curves: aircraft, altitude correction, drafting
- Dials
- Directors, ballistic cam
- Dividers, proportional
- Drafting machines
- Dynamometers
- Equipment, automatic steering
- Fathometers
- Filters, ray
- Firing control equipment
- Flight control equipment, electronic
- Fuzes: glass tube, self-indicating
- Fuze setters
- Galvanometers
- Gages: depth, pressure, temperature, vacuum (but not machinists' precision)
- Gears, steering (gyroscope)
- Generator, pulse
- Glass, optical
- Glasses, magnifying, reducing
- Gyro indicator assemblies
- Gyroscopes: directional horizon
- Hydrographs, without clocks
- Hydrometers
- Hygrothermographs and accessories
- Inclinometers
- Indicators: directional, elevation, fuel mixture, salinity, temperature, velocity, level
- Instruments: drafting, engineering, laboratory, meteorological, military, navigation, ophthalmic, surveying, aircraft, recording
- Lenses (wholly or partially ground and polished) except photographic lenses and except lenses such as are of a noncorrective type used in protective goggles
- Lettering devices
- Level vials
- Liners (paper rulers)
- Manometers: liquid, mechanical
- Map enlarging outfits
- Measures, map
- Meters: drift, electric, exposure, water velocity
- Microscopes
- Milliammeters
- Motion picture recording theodolites
- Mototracers
- Mounts: telescope, bombsight, periscope
- Octants
- Odometers
- Ophthalmic goods
- Ophthalmoscopes
- Pantographs, drafting
- Pelorus assemblies
- Pencils, drawing-instrument and parts
- Pens: barograph, drawing-instrument, thermograph
- Periscopes
- Pilots, robot
- Poles, tubular metal ranging
- Potentiometers
- Prickers, drawing-instrument
- Prisms
- Profilometers
- Projectors for air mapping
- Propeller shaft revolution indicating equipment
- Protractors
- Psychrometers, sling
- Pyrometers
- Q Meters
- Recording instruments: depth, humidity, light intensity, stress, temperature, water stage
- Reels, sounding
- Reflector, sight
- Regulators, gaseous oxygen
- Resistance coils for use on scientific instuments
- Reticles
- Retinoscopes
- Rods: Philadelphia level, stadia
- Rotors, meteorological
- Rules: drafting, slide
- Sextants
- Sights: drift, telescopic, bomb, computing
- Signal assemblies (instruments)
- Sound locaters
- Sounding equipment, echo
- Splines and weights, sets
- Stabilizers, bomb

Stadia, computer
Stadimeters
Stereophotogrammetric equipment
Stereoscope, magnifying, lens prism
Stereoscopic plotting instruments (aerial mapping projectors)
Strain measuring equipment
Sunshine detectors (recorders)
Supports: maximum and minimum thermometer, wind instrument
Switches for engine cylinder thermometers
Synchronous repeaters and transmitters
Tachometers
Tally counters
Telescopes
Temperature controls: electric, pneumatic
T-Squares
Testing sets and equipment:
Battery
Electric
Fatigue crack
Testing sets and equipment—Con
Gage, portable
Hardness
Tension
Valve spring
Wheatstone bridge type
Teststand assemblies:
Tachometer
Automatic pilot
Theodolites and tripods
Thermocouples
Thermographs
Thermometers (except clinical)
Thermostats
Torpedo computer trainer
Tracers
Trainers for pilot instruction
Transits
Transmission systems, gun data
Triangles
Tube assemblies, airspeed
Tube, pitot-static
Vanes, wind-instrument
Vibration measuring instruments
Whirling apparatus

Date effective. September 23, 1941.

Wage. 40 cents an hour or $16.00 per week of 40 hours, arrived at either upon a time or piece-work basis.

Apprentices may be employed at lower rates of pay if their employment conforms to the standards of the Federal Committee on Apprenticeship. Learners may be employed at the rate of 35 cents an hour or $14.00 per week of 40 hours for a period of not to exceed 60 days, if the total number of employees so classified does not exceed 10 per cent of the total number of employees in any one establishment in any given payroll or work week.

NOTE: The Department of Labor has issued the following interpretation of the term "optical glass" as used in the above determination:

Optical glass is a generic term applying to that type of glass which after grinding and polishing assumes definite refractive qualities and is intended to include finished products as well as blanks.

By this token, ophthalmic glass and its products, including eye glass lenses, as well as wholly or partially ground and polished lenses for any purpose other than photographic, are covered by the determination.

§ 809.994–38 *Surgical instruments and apparatus industry.* (a) The following illustrative list of commodities is understood to be within the scope of the surgical instrument and apparatus industry wage determination (included are not only those products which were originally construed to be within this industry, but also those products which have since been included by interpretation. This list is subject to revision as additional interpretation of products is made):

Adenotomes
Anastomosis buttons
Apparatus, blood transfusion
Applicators, metal surgical
Aspirators
Atomizers
Blades, surgeons'
Bougies, metal
Bronchoscopes
Catheters
Cauteries
Chisels, bone
Clamps, surgical
Clips, suture
Cranioclasts
Curettes, surgical
Cystoscopes
Depressors, tongue (metal)
Dilaters
Directors, grooved
Dissectors
Drills, bone
Drill points
Elevators, bone, periosteal, rib
Endoscopes
Forceps, surgical
Forks, tuning
Gags, mouth
Gouges
Haemacytometers
Hammers, surgical
Hemostats
Inhalers, anesthetic
Instruments, foreign body
Intubators
Irrigators
Knives, surgical
Laryngoscopes
Ligatures
Lithotomes
Mallets, surgical
Microtomes
Needles, surgical and hypodermic
Otoscopes
Pelvimeters
Perforators
Periosteotomes
Pharyngoscopes
Plates, bone
Pliers, surgical
Probangs
Probes, surgical
Proctoscopes
Rachitomes
Raspatories
Rasps, surgeons'
Razors, surgical
Retractors
Rongeurs
Saws, surgical
Scalpels
Scissors or shears, surgical
Sigmoidoscopes
Snares
Speculas
Sphygmomanometers, mecurial and aneroid
Spoons, surgical
Sterilizers
Stethoscopes
Strippers, vein
Syringes, glass or metal
Sutures
Tenacula
Thermometers, clinical
Trocars
Trephine
Trephine points
Trachea tubes
Urethroscopes
Urethrotomes
Wrenches, clubfoot

§ 809.994–39 *Evaporated milk industry.* Evaporated milk.

Date effective. November 3, 1941.

Wage. Arrived at either upon a time or piece-work basis:

In the States of Washington, Oregon, and California, 50 cents per hour or $20.00 per week of 40 hours.

In all other States and the District of Columbia, 40 cents per hour or $16.00 per week of 40 hours. Effective July 8, 1944.

§ 809.994–40 *Paint and varnish industry.* Pigments or colors, either in dry or paste form; paints mixed ready for use or in dry or paste form; varnishes, lacquers, enamels; fillers, putty, top dressings; paint and varnish removers; furniture and floor wax; and lacquer thinners.

Date effective. November 6, 1941.

Wage. Arrived at either upon a time or piece-work basis:

For the States of Virginia, North Carolina, South Carolina, Tennessee, Georgia, Florida, Alabama, Mississippi, Louisiana, and Arkansas, 40 cents an hour or $16.00 per week of 40 hours.

For all other States of the United States and the District of Columbia, 50 cents an hour or $20.00 per week of 40 hours.

§ 809.994–41 *Leather manufacturing industry.* The leather manufacturing industry is defined to be that industry which tans, curries, and finishes leather (including rawhide) from any type of hide or skin, and manufactures welting and power transmission belting when made wholly or principally of leather.

(a) *Tanning, currying, and finishing of leather (including rawhide).*

Date effective. December 17, 1941.

Wage. Arrived at either upon a time or piece-rate basis.

In the States of Maine, Vermont, New Hampshire, New York, Massachusetts, Rhode Island, Connecticut, New Jersey, Maryland, Pennsylvania, Delaware, Ohio, Indiana, Michigan, Wisconsin, Illinois, Missouri, Iowa, Minnesota, North Dakota, South Dakota, Nebraska, Kansas, New Mexico, Colorado, Wyoming, Montana, Idaho, Utah, Arizona, Nevada, California, Oregon, Washington, and the District of Columbia, 50 cents an hour or $20.00 per week of 40 hours.

In the States of West Virginia, Virginia, Kentucky, Tennessee, North Carolina, South Carolina, Georgia, Alabama, Mississippi, Florida, Arkansas, Louisiana, Oklahoma, and Texas, 40 cents an hour or $16.00 per week of 40 hours.

(b) *Welting and power transmission belting.*

Date effective. December 17, 1941.

Wage. Arrived at either upon a time or piece rate basis. 40 cents an hour or $16.00 per week of 40 hours, regardless of where manufactured.

§ 809.994–42 *Textile industry.* The term textile industry means:

(a) The manufacturing or processing of yarn or thread and all processes preparatory thereto, and the manufacturing, bleaching, dyeing, printing and other finishing of woven fabrics (other than carpets and rugs containing any wool) from cotton, flax, jute, other vegetable fiber, silk, grass, or any synthetic fiber, or from mixtures of these fibers; or from such mixtures of these fibers with wool or animal fiber (other than silk) as are specified in paragraphs (g) and (h) of this section; except the chemical manufacturing of synthetic fiber and such related processing of yarn as is conducted in establishments manufacturing synthentic fiber;

(b) The manufacturing of batting, wadding, or filling and the processing of waste from the fibers enumerated in paragraph (a) of this section;

(c) The manufacturing, bleaching, dyeing, or other finishing of pile fabrics or cords (except carpets and rugs containing any wool) from any fiber or yarn;

(d) The processing of any textile fabric, included in this definition of this industry, into any of the following products: bags; bandages and surgical gauze; bath mats and related articles; bedspreads; blankets; diapers; dish-cloths; scrubbing cloths and wash-cloths; sheets and pillow cases; tablecloths, lunch-cloths and napkins; towels; window curtains; shoe laces and similar laces;

(e) The manufacturing or finishing of braid, net or lace from any fiber or yarn;

(f) The manufacturing of cordage, rope or twine from any fiber or yarn including the manufacturing of paper yarn and twine;

(g) The manufacturing, or processing of yarn (except carpet yarn containing any carpet wool) or thread by systems other than the woolen system from mixtures of wool or animal fiber (other than silk) with any of the fibers designated in paragraph (a) of this section, containing not more than 45 percent by weight of wool or animal fiber (other than silk);

(h) The manufacturing, bleaching, dyeing, printing or other finishing of woven fabrics (other than carpets and rugs) from mixtures of wool or animal fiber (other than silk) containing not more than 25 percent by weight of wool or animal fiber (other than silk), with any of the fibers designated in paragraph (a) of this section, with a margin of tolerance of 2 percent to meet the exigencies of manufacture;

(i) The manufacturing, dyeing, finishing or processing of rugs or carpets from grass, paper, or from any yarn or fiber except yarn containing any wool but not including the manufacturing by hand of such products.

(j) The manufacture of adhesive tape of the type used with surgical gauze or bandages. (Adhesive tape for industrial purposes is not now subject to any minimum wage determination under the Walsh-Healey Act.)

Date effective. June 24, 1942.

Wage. 40 cents an hour or $16.00 for a week of 40 hours, arrived at on a time or piece work basis.

Learners may be employed at subminimum rates only in accordance with the present applicable regulations issued by the Administrator of the Wage and Hour Division under the Fair Labor Standards Act, as amended on March 22, 1943, which were adopted for the purposes of this determination.

§ 809.994–43 *Chemical and related products industry.* The following illustrative list of commodities is understood to be within the scope of the chemical and related products industry wage determination (included are not only those products which were originally construed to be within this industry, but also those products which have since been included by interpretation. This list is subject to revision as additional interpretation of products is made):

The chemical and related products industry includes:

(1) (a) Heavy, industrial, and fine chemicals, including compressed and liquefied gases, and insecticides and fungicides (1939 Census of Manufactures industries Nos. 999, 985, 933 [1])

(b) The by-products of the foregoing (1939 Census of Manufactures industries Nos. 981, 982)

(2) The manufacture of such commodities as bluing; bone black, carbon black, and lampblack; cleaning and polishing preparations, blackings, and dressings; mucilage, paste, and other adhesives (1939 Census of Manufactures industries Nos. 995, 986, 989, 996)

(a) *Illustrative list of commodities.*

Acetylene gas
Acid: boric, carbolic, oxalic
Acid wash, deck covering
Alcohol, (except wood)
Amine, alkylated
Ammonia, anhydrous
Ammonia, household
Ammonium nitrate
Auramine
Bichromate of soda
Blackings
Bleaching material
Bluing
Bone black
Burnishing ink
Cadmium lithopone lemon salt
Calcium silicate
Calomel
Carbon black
Carbon dioxide (dry ice)
Carbonate, strontium
Casein
Celluloid
Cellulose, acetate flake
Cement, mending (except rubber)
Chloroform
Cleansers (no soap)
Compounds, industrial: boiler, water treating, insulating metal treating
Creosote
Creosote oil
Deodorants (except for human use)
Developer, x-ray film
Dibutyl phthalate
Dinitrotoluene
Disinfectants: household, industrial
Dressing, fabricated leather
Dry cleaning preparations
Dry mix for welding rod coating
Dyestuffs
Ethyl cellulose
Ferro-alloys (except ferro-manganese) produced by electrochemical processes
Ferrosilicon
Fibestos, cellulose acetate
Fluorescein dye
Fungicides, agricultural
Gasket paste
Germicides
Gums, manufactured synthetic
Hexamethylene tetramine
Humidity indicators
Hydrocarbon gases
Hydrogenation catalyst
Hydroquinone
Hyperchloride
Insecticides: agricultural, household
Kolloxaline
Lamp black
Magnesium metal, when chemically compounded
Magnesium resinate
Methox
Methylbenzine
Methylbenzol
Methyl chloride
Mononitrotoluene
Mucilage
Neoprene
Nitrocellulose, wet (gun cotton)
Oxygen
Paint, desiccant detector
Paris green
Paste, adhesive
Pentaerythrite
Pentaerythritol
Penthrite
Pentolite
Pentrinite
Pentrite
Phenol (carbolic acid)
Phenylemthone
Photographic chemicals
Polish: auto, metal, stove
Polystyrene
Potash
Potassium perchlorate
Pyrethrum concentrate extract
Pyrethrum (insect powder)
Repellants: agricultural, household
Resins, synthetic
Rubber, synthetic
Scouring powder (no soap)
Sealing wax
Shoe impregnite
Soda, caustic (sodium hydroxide)
Sodium hyposulfite
Sodium nitrate, synthetic
Sodium thiosulfate
Stains, leather
Strontium oxalate
Synthetic gums
Thermite, incendiary
Thorium nitrate
Tints, household
Titanium tetrachloride
Toluene
Toluol
Washing powder (no soap)
Wax: auto, metal, stove

[1] Except water-proofing compounds.

(b) *Specifically excluded from the chemical industry.*

Cement, rubber
Compounds: caulking, damp proofing, water proofing; liquid and plastic roof coating
Ferro-manganese
Glue
Paint remover
Plastics, fabricated
Polish: floor, furniture
Rayon and allied products
Salt: table, rock
Soap
Top dressings
Varnish remover
Wax: floor, furniture

Date effective. April 28, 1942.

Wage. Arrived at either upon a time or piece work basis.

(1) 40 cents an hour or $16.00 per week of 40 hours, for the States of Maryland, Virginia, North Carolina, South Carolina, Tennessee, Arkansas, Mississippi, Alabama, Georgia, Florida, and the District of Columbia; and

(2) 50 cents an hour or $20.00 per week of 40 hours for the remaining States of the United States.

§ 809.994–44 *Aviation textile products manufacturing industry.* The aviation textile products manufacturing industry is defined for the purposes of this determination as that industry which is engaged in the manufacture of articles (other than apparel) primarily of fabric for use in connection with the aviation industry, including, but without limitation, parachutes of all types, parachute packs, parachute harnesses, safety belts, aerial delivery containers made primarily from fabrics, tow targets, and wind direction indicators of the wind-stock type; *Provided, however,* That the manufacture of canvas and duck articles for ground use, such as signaling panels, is not included.

Date effective. December 11, 1942.

Wage. 55 cents an hour or $22.00 a week of 40 hours, arrived at either on a time or piecework basis, for the States of California, Oregon, and Washington, 47½ cents an hour or $19.00 a week of 40 hours, arrived at either on a time or piecework basis, for the remaining 45 states and the District of Columbia. Workers who are in fact learners may be employed at the rate of 40 cents an hour or $16.00 a week of 40 hours during the first two weeks of their employment and at the rate of 45 cents an hour or $18.00 a week during the third and fourth weeks of their employment.

[Procurement Reg. 10]

PART 810—PLANT FACILITIES EXPANSIONS

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SUBPART A—POLICY

§ 810.1001 *General policy in regard to new facilities.* The conservation of critical material and the fullest possible

utilization of existing facilities, whether structures, machinery, or equipment, requires that preference in placing contracts should be given first to contractors who have existing buildings or machinery available, and, second, to contractors who need to acquire the least amount of additional facilities for performance of the contract. Where it has been determined that new facilities are essential, preference should be given to contractors who will themselves finance such facilities. So far as practicable, direct payment or direct reimbursement by the Government for the cost of new facilities should be confined to facilities which themselves form a separate unit (on land covered by the facilities contract or controlled by a long-term lease) or which are readily removable or separable from the contractor's existing plant without unreasonable expense or loss of value. Thus, so far as practicable, buildings should not be erected at the Government's expense on land owned by the contractor unless the Government is given an option to lease on an appropriate basis for a substantial term (e. g. ten years) after the emergency, or an option to buy land at a reasonable price, now or later determined by negotiation.

In connection with new construction projects, the measures in the following sections will be observed in order to conserve critical materials.

§ 810.1001–1 The site will be selected with a view to minimizing the requirements for additional utilities, transportation, and housing facilities. An effort will also be made to avoid the necessity of multiple-storied structures.

§ 810.1001–2 Whenever possible structures should be of a temporary nature and should be of the simplest construction consistent with the proposed use of the structure and the applicable building codes.

§ 810.1001–3 Air conditioning will be employed in only those structures or portions of structures where the manufacturing process makes such use essential. Air conditioning will not be employed for the comfort or for increasing the efficiency of personnel.

§ 810.1001–4 Construction of new facilities will, insofar as possible, be of materials the use of which is not prohibited by applicable orders of the Army-Navy Munitions Board or the War Production Board.

§ 810.1001–5 Unless otherwise specifically provided, compliance with any provision of this part or of any amendment thereto which requires a change in contract procedure or in any contract provision shall not be mandatory until thirty days after the issuance of such regulation or amendment.

§ 810.1002 *Rental or allowance for the use of Government-financed facilities.* In cases where competition in a price sense will or may exist between the contractor receiving Government-financed facilities and other manufacturers (not using comparable Government facilities on a no-rental basis), appropriate steps will be taken to equalize insofar as possible the competitive situation. To this end, a reasonable rental not less than normal depreciation during the period of use will ordinarily be charged in such cases. Where there is direct Government construction or installation of Government-owned machinery or equipment (not including construction or installation under a Defense Plant Corporation Lease), in lieu of the rental charge, cognizance may be taken of the difference in the ownership or rental status of the facilities, as between the several manufacturers, and this factor taken into account in placing the contract.

Where Government-financed facilities are employed for the performance of contracts other than those directly with the Government, a rental will usually be charged for the facilities so employed. However, where the facilities are furnished as a part of an integrated production program under which a reduction commensurate with the facilities furnished is obtained in the cost of the supplies to the Government, and the furnishing of the facilities without rental does not create an unfair competitive advantage, the rental charge need not be made. Rental may also be waived with respect to production for a foreign Government for cause deemed adequate by the chief of the technical service.

§ 810.1003 *Reconversion and storage costs.* Where, pursuant to the policy stated in § 810.1001 hereof, the Government undertakes to finance the conversion of plants to war production (including required new machinery, equipment, and building installations), the cost of such conversion may include the cost of removing existing commercial machinery, equipment, and installations, and the cost of incidental building rehabilitation and alteration. In such cases, provision may be made for payment, on termination of production for the Government, of the costs of removal of Government-financed machinery and equipment, including preparation for shipment and storage. No provision may be made, however, for the Government's bearing, either directly or indirectly, any part of the cost of reconverting the contractor's plant to commercial production (including reinstallation of privately-owned machinery and equipment), nor will the Government bear the cost of storing such machinery and equipment during the period between conversion and reconversion. This policy is equally applicable to all types of contracts, whether facilities contracts, cost-plus-a-fixed-fee contracts, or fixed-price contracts.

§ 810.1003a *Costs of removing and dismantling Government-owned facilities.* (a) The obligation to perform the operation of (1) dismantling Government owned facilities (and preparing them for shipment) and (2) removing the facilities from the contractor's plant, and the question of whether either or both of such operations shall be performed at Government expense, are not uniformly treated in War Department contracts. This is largely the result of periodic changes in standard forms. Many facilities articles and leases obligate the contractor to perform the operation of dismantling facilities at his own expense but obligate the Government to remove the facilities at the Government's expense. A few facilities contracts obligate the contractor to perform the operation of dismantling but provide for the reimbursement of his costs of doing so. Some contracts contain provisions obligating the Government to remove facilities from the contractor's plant or providing that the contractor's expense of removal will be reimbursed to it by the Government, and are silent on the dismantling, in which case "remove" and "removal" may be fairly interpreted to include dismantling.

(b) With the exception of the few instances in which it is necessary to comply with express covenants for reconversion, it is the policy of the War Department (see §§ 810.1003 and 802.238–2) that the Government will not bear any part of the cost of reconverting the contractor's plant to commercial production. In connection with the dismantling of facilities and their removal from the contractor's plant this policy is interpreted to prohibit reimbursement of the contractor (or the assumption by the Government of the obligation to perform the work) for any items of expense relating to the restoration, repair, or alteration of the premises in order to correct a condition which was created by or resulted from the installation of the facilities. (For example, reimbursement will not be made for the cost of removal of footings or filling of pits which were constructed for the installation of the facilities. Similarly, reimbursement will not be made for the costs of repairing or filling holes or apertures in floors, walls or roof which were made as an incident to installation and remain after dismantling and removal.)

(c) It is recognized, however, that incidental structural damage may in some cases be caused to the premises by the operations of dismantling the facilities or removing them from the plant. Wherever such damage is directly and intentionally caused in the process of performing an operation which the Government is obligated by the terms of the particular contract to perform (or for the performance of which the Government is obligated to reimburse the contractor) the obligation will be interpreted to include the repair of such incidental damage at Government expense. (For example, assuming the Government is obligated by the contract to remove facilities or to reimburse the contractor for doing so, the obligation would include the expense of opening or destruction and the subsequent rebuilding of a wall, partition or floor in cases where the removal of the facilities, as distinguished from their dismantling, required such opening or destruction. In case the contract obligates the Government to dismantle the facilities or to reimburse the contractor for doing so, the obligation would include the expense of the repair of any structural damage directly and intentionally caused in the process of dismantling.)

§ 810.1004 *Tax amortization.* Under the provisions of section 124 of the Internal Revenue Code, the cost of facilities incurred by a contractor may, under certain circumstances, but only for the purpose of computing taxable income (see § 802.238–1) be amortized over a period of 60 months (or in some instances, a shorter period). To obtain the benefit of such amortization, a Certificate of Necessity must first be obtained. The procedure for obtaining such certificates is set forth in Subpart D of this part. Said section 124 is inapplicable to the acquisition or construction of facilities under a plan of the type described in Plans III, IV or V in § 810.1006 below.

§ 810.1004a *Use of War Department owned machine tools and other industrial equipment for other than War Department production.*

§ 810.1004a–1 *Use by contractor under other contracts or for commercial production.* To promote the most effective possible use of Government owned machine tools and other industrial equipment which have been furnished to private concerns under War Department facilities contracts, the chief of each technical service, or his duly authorized representative, is authorized hereby to permit the use of such machine tools or equipment by the contractor under the conditions hereinafter set forth: *Provided*, That the War Department does not for the time being require such machine tools and equipment for its own production at the contractor's plant. Such use may be permitted:

(a) Where such machine tools and equipment are to be used by the contractor for the performance of other war contracts, either as a prime contractor with any Government department or agency or as a subcontractor.

(b) Where such machine tools and equipment are to be used by the contractor for the production of items determined by the Director, Production Division, Headquarters, Army Service Forces or by the chief of the technical service, or by the duly authorized representative of either of them, to be of importance in some direct and immediate manner to the prosecution of the war or to the national defense. In such cases instruments authorizing the use shall provide for a limitation of such use to a definite period of time or to a definite quantity of production.

(c) Where such machine tools and equipment are to be used by the contractor for other commercial production not directly connected with war procurement and not of the type mentioned in paragraph (b) above, *Provided*, That the instrument permitting such use expressly states that such permission is granted subject to termination at any time by the chief of the technical service or his duly authorized representative upon written notice to the contractor.

§ 810.1004a–2 *Lease agreement.* In all instances a fair and reasonable rental will be charged for the use of such machine tools and equipment in an amount determined by the chief of the technical service or his duly authorized representative to be adequate to protect the Government's interest. The lease agreement must make provision for proper repair and maintenance of such machine tools and equipment.

§ 810.1004a–4 *Statutory authority for lease.* Each instrument authorizing the lease or use of such machine tools and equipment in accordance with these regulations will be made pursuant to Public Law 703, 76th Congress (as amended by Public Law 580, 77th Congress, section 13) and to Title II of the First War Powers Act and Executive Order No. 9001.

§ 810.1004a–5 *Determination as to benefits from permitted use of machine tools and other industrial equipment.* It is hereby determined that the use to full advantage of Government owned machine tools and other industrial equipment which have been furnished to War Department contractors under facilities agreements, when such machine tools and equipment would otherwise be idle or unproductive.

(a) Will increase production required for war purposes and for the national economy, thereby promoting the interest of national defense and facilitating the prosecution of the war, and

(b) Will tend to reduce the cost to the Government of the war procurement program by obtaining fair compensation for the use of such machine tools and equipment, when idle, much of which is rapidly depreciating in value, and

(c) Will tend to enable war contractors to maintain their plants and working forces in efficient standby condition in intervals between the performance of contracts related to war procurement.

§ 810.1004a–6 *Authorized procedures not to delay circularization of idle property or declaration as surplus.* It is War Department policy to dispose promptly, in accordance with existing regulations, of all machine tools and equipment which the War Department no longer needs. The procedures authorized by the preceding paragraphs (especially § 810.1004a–1 (c)) will not delay circularization to all Government agencies of idle machine tools and other equipment (excessive at the point of use) or its declaration as surplus. The primary purpose of the authority granted by § 810.1004a–1 (c) is to provide for the effective use of machine tools and other equipment (a) during the period of circularization and pending determination of its appropriate disposition, and (b) during intervals in war production in the plant of the contractor having custody of such machine tools and equipment.

SUBPART B—METHODS FOR PROVIDING NEW FACILITIES AND PROTECTION OF THE GOVERNMENT'S INTEREST IN GOVERNMENT-FINANCED FACILITIES

§ 810.1005 *Protection of the Government's interest.* The duty of protecting the Government's interest in facilities for which the Government has paid in whole or in part rests upon the contracting officer. Where the new facilities are paid for by the contractor, and the cost thereof is not to be borne by the Government directly or indirectly, there is no problem of protecting the interest of the Government in the facilities. (See Plan I, § 810.1006.) Where the new facilities are to be financed by the Government, protection of the Government's interest therein will ordinarily be accomplished by the use of Plan II, III, IV, or V, as outlined in § 810.1006 hereof. In exceptional cases, such protection may be accomplished by the use of Special Facilities Contracts or Lease Agreements or through the use of the procedure outlined in § 810.1007 hereof.

§ 810.1006 *Methods for providing new facilities.* The following methods are typical of those which may be used for providing new facilities:

PLAN I—PRIVATE OWNERSHIP—WITH NO GOVERNMENT INTEREST

Purpose—For cases in which the contractor is not to be paid by the Government directly or indirectly for the cost of the facilities except to the extent of normal depreciation included in the price of articles sold to the Government.

Financing—Financed by the contractor.

Title—Vested in the contractor.

PLAN II—PRIVATE OWNERSHIP—WITH GOVERNMENT INTEREST (EMERGENCY PLANT FACILITIES CONTRACT)

Purpose—For cases in which the contractor is to be reimbursed by the Government and desires to retain a future interest in the facilities.

Financing—By the contractor until repaid by the Government.

Title—Vested in the contractor with option to purchase such interest as the Government may have acquired by having repaid the contractor partially or wholly for facilities.

PLAN III—GOVERNMENT OWNERSHIP—WAR DEPARTMENT CONSTRUCTION CONTRACT

Purpose—For cases in which the contractor is constructing facilities for the Government and at Government expense.

Financing—By the Government.

Title—Vested in the Government. When the facilities will constitute an addition to or an extension of an existing plant of the contractor, the contractor may be given an option to purchase the facilities.

PLAN IV—GOVERNMENT OWNERSHIP—DEFENSE PLANT CORPORATION LEASE

Purpose—For cases in which the Defense Plant Corporation pays for the facilities.

Financing—Defense Plant Corporation, upon recommendation by the War Department, enters into an Agreement of Lease with the contractor which, as agent for and in the name of Defense Plant Corporation, constructs the buildings and purchases the machinery and then leases the facilities from Defense Plant Corporation at an agreed rental. In most cases where the rental agreed upon is insufficient to reimburse Defense Plant Corporation in full over the term of the lease, part of the financing is borne by the War Department under an agreement with Defense Plant Corporation.

Title—Vested in Defense Plant Corporation, with option in contractor to buy at the end of the lease.

PLAN V—GOVERNMENT OWNERSHIP—SUPPLY CONTRACT

Purpose—For cases in which the contractor will acquire facilities (other than real estate and buildings) for the account of and to be paid for by the Government; facilities to be used by contractor to manufacture supplies under War Department supply contract; contractor responsible for return of facilities in good condition, except for reasonable wear and tear and loss due to stated perils. This type of government financing is provided for

by the article entitled Government-Owned Facilities set forth in § 803.332.

Financing—Government Funds.

Title—Vested in the Government, with option in contractor, in certain cases, to buy at cost less depreciation.

§ 810.1007 *Other methods of protecting the Government's interest in Government-financed facilities.* Where, because of special circumstances (such as the inseparability of the new facilities from existing privately owned facilities), the adoption of none of the methods set forth in § 810.1006 is practicable and the Government bears, as a part of the contract price, all or a portion of the cost of the facilities to the contractor, the contracting officer will include in the contract which provides for such payment by the Government for the facilities suitable provisions for the protection of the Government's interest in the facilities and will state in the contract the amount of such payment. Ordinarily, in such cases the provisions hereinafter set forth should all be included. However, in exceptional circumstances one or more of such provisions, with the approval of the Director, Purchases Division, Headquarters, Army Service Forces, may be omitted from the contract with or without substitution of modified provisions directed to the same end, as determined by the following sections.

§ 810.1007–1 *Maintenance of facilities.* Requirement that the contractor maintain the facilities, or an appropriate portion thereof, in good condition at its own expense for a period provided for in the contract extending beyond the period of existing supply contract, unless upon request the contracting officer releases it from such obligation;

§ 810.1007–2 *Retention of title.* Requirement that the contractor retain title to the facilities, or an appropriate portion thereof, during said period free of encumbrances not consented to in writing by the contracting officer;

§ 810.1007–3 *No material alteration.* Requirement that the contractor makes no material alteration in the nature of the facilities, or an appropriate portion thereof, without the written consent of the contracting officer;

§ 810.1007–4 *Priority to Government orders.* Requirement that the contractor give priority to Government orders during said period;

§ 810.1007–5 *Depreciation or amortization.* Requirement that the contractor shall not include in any price in any supply contract with the Government any sum for depreciation or amortization of the facilities, or an appropriate portion thereof, during said period;

§ 810.1007–6 *Release from requirements.* Provision that the contractor may at any time be released from the above requirements upon payment to the Government of a sum agreed upon between the contractor and the contracting officer as constituting fair and just return to the Government for its payment for the facilities.

Where reference is made in the above sections to "an appropriate portion" of the facilities, that portion for which payment is made by the Government is intended.

SUBPART C—PROCEDURE FOR OBTAINING CLEARANCE AND APPROVAL OF INDUSTRIAL FACILITY EXPANSIONS

§ 810.1008 *Submission of projects.* Except as provided in §§ 810.1008–3, 810.1010–2 and 810.1010–3, below, all requests for the construction, modification, expansion, or conversion of an industrial facility to be financed by the War Department or by the Defense Plant Corporation under War Department sponsorship (including those which involve only a contingent War Department liability) will be submitted by the sponsoring technical service to the Production Division, Headquarters, Army Service Forces for approval and clearance by all interested agencies, if such projects involve:

(a) Use of Expediting Production Funds, or

(b) Use of other War Department funds or Defense Plant Corporation funds and are estimated to cost in excess of $100,000, excluding costs of jigs, dies, fixtures and gages, such cost including the value of machinery and equipment to be obtained from excess stocks, as well as all new expenditures, whether financed privately or by the Government.

§ 810.1008–1 *Definition of industrial facility.* An industrial facility, as used in this part, is defined as a manufacturing plant, whether privately or Government-owned, with all necessary appurtenances thereto, including machinery and equipment, utilities, warehouses, testing buildings, and similar items. Manufacturing plants, together with the facilities required to supplement such plants, at War Department owned and operated arsenals, depots, and similar establishments, are also considered industrial facilities.

§ 810.1008–2 *Preliminary inquiry to Production Division.* In order to minimize delays and the possibilities of unfavorable action, when new facilities are first being considered, it is desirable that the initiating office communicate with the Production Division, Headquarters, Army Service Forces to ascertain the availability of existing facilities suitable for the required production.

§ 810.1008–3 *New construction, additions or alterations at Class IV installations.* All requests for new construction, additions or alterations, the cost of which exceeds $1,000, at industrial facilities in Class IV installations will be approved personally by the chief of the interested technical service (without delegation) and will be submitted for approval to the Production Division, Headquarters, Army Service Forces through the Office, Chief of Engineers. Such requests will contain the information required under § 810.1009 below to the extent applicable, and must contain complete justification for the proposed work.

§ 810.1009 *Application for approval of projects and for release of Expediting Production Funds ("site letters").* Applications for approval of any proposed facilities expansions or conversions of the type described in §§ 810.1008 and 810.1008–3 above, and for the release of Expediting Production Funds, will be made to the Production Division, Headquarters, Army Service Forces except as provided for the Army Air Forces in §§ 810.1010–2 and 810.1010–3 below. If the projects involve Expediting Production Funds in excess of $25,000, or other funds in excess of $100,000, such applications will supply the following information in quadruplicate. Items not applicable to a particular project will be so indicated.

(a) Name and location of project.

(b) Name and address of operator.

(c) Product and production rate to be created by this project.

(d) General statement of processing operations to be performed in the plant on the item to be produced and the principal types of machine tools and other machinery and equipment necessary therefor. Indicate nature of additional machine tools and other machinery and equipment included in the proposed project.

(e) General description of proposed construction or rehabilitation, if any. For new construction, state number of buildings and approximate floor space of each.

(f) Labor information as follows:

(1) Current employment in the entire plant.

(2) Expected peak employment as the result of expansions previously authorized and now under way, excluding this proposal.

(3) Labor presently engaged on production of item for which expansion is requested.

(4) Additional labor required to staff the expansion. If the project is located in a labor area in which an Area Production Urgency Committee has been established, there must be attached to the site letter a signed copy of the Form GA–862 indicating approval by the Committee.

(g) Maximum additional power required, in kilowatts, and sources of supply.

(h) Additional fuel required, quantity, and type.

(i) Statement of adequacy of water, sewage disposal, rail and highway transportation, and housing.

(j) Brief reasons for selection of this facility or site.

(k) Statement of estimated costs:

(a) Land (number of acres)	------
(b) Purchase of existing plant	------
(c) Construction and rehabilitation including installation costs of (d)	------
(d) Machine tools and other machinery and equipment	------
(e) Automotive furniture and fixtures	------
(f) Dies, jigs, fixtures and gages, and other manufacturing aids	------
(g) Contingencies, overhead, and miscellaneous	------
(h) Total (excluding portion privately financed)	------
(i) Private financing [1]	------
(j) Total cost	------

[1] Explain part of project to be privately financed.

The figures shown for machine tools and other machinery and equipment will be the value of all the tools and equipment to be physically added to the operation. There will be an indication of the portion of each which it is estimated will be secured from available excess lists.

(l) Statement of requirements for item to be produced and existing capacity for such production. Include under this heading:

(1) Total requirements for each year 1944 and 1945.

(2) List of existing producers, including those in process of expansion.

(3) Scheduled 1944 production from each.

(4) Maximum monthly capacity of each facility and month when that capacity will be reached.

(m) Method of financing. If use of Expediting Production Funds is required, make a request for a specific amount or state that such a request will be submitted separately, stating, also, how the remainder of cost, if any, is to be financed.

(n) (1) Estimated date of initial operation.

(2) Estimated date of completion of construction.

(3) Estimated date of full operation.

§ 810.1009–1 *Supplying missing information.* Where it is deemed essential, in the interest of expedition, to file any application before the complete data required above are available, the missing information will be supplied promptly in a second letter following the original application.

§ 810.1009–2 *Approval of applications.* Except for the projects of the Army Air Forces (see §§ 810.1010–2 and 810.1010–3), all applications by the technical services must be approved by the Director, Production Division, Headquarters, Army Service Forces.

§ 810.1009–3 *Projects under $25,000 involving Expediting Production Funds.* In order to simplify the procedure for processing projects in this class, the technical service should, whenever possible, submit them in groups, listing the projects, together with the amounts of funds requested for each, in a single memorandum in triplicate. The detailed information required by § 810.1009 for larger projects need not be furnished, but the following information will be furnished with respect to each project covered by the memorandum:

(a) Name and location of project.

(b) Total cost, including breakdown of cost into construction, machinery and equipment, etc.

(c) Purpose of project.

(d) Adequate information to establish essentiality.

§ 810.1010 *War Production Board clearance.* Except as provided in § 810.1011, every proposed industrial facility expansion estimated to cost in excess of $100,000 (including any portion to be privately financed and any portion of equipment to be provided from available excess) must be approved by the Facilities Committee, War Production Board.

§ 810.1010–1 *Procedure for obtaining approval of the Facilities Committee.* The following procedure is established for all projects requiring approval by the Facilities Committee:

(a) When a project has been approved by the Director, Production Division, Headquarters, Army Service Forces, the Production Division will submit the proposal to the Facilities Committee, War Production Board, for approval. It will be the responsibility of the Production Division to maintain liaison with the Facilities Committee to expedite action on proposals which have been submitted.

(b) After notification by the Production Division that the project has been cleared by all necessary agencies, the technical service will instruct the contractor (except where the work is under the jurisdiction of the Corps of Engineers) to submit to the War Production Board, through the technical service, a WPB–617 application covering the entire project if construction is involved, or a PD–3A if the proposal includes only machine tools and equipment. To these applications will be attached a copy of the memorandum of approval from the Facilities Committee, War Production Board, which will eliminate the necessity for any further check by the War Production Board as to essentiality. If a Necessity Certificate for Tax Amortization is to be requested, the application therefor will accompany the WPB–617 or PD–3A.

(c) Prior to forwarding the PD–3A to the War Production Board, the technical service will fully complete the certificate and will assign the appropriate preference rating, as established in the Army and Navy Munitions Board Priorities Directive, and will be responsible for checking the list of equipment, in order to eliminate items which can be obtained from available surpluses. If it is not practicable to submit the entire list of equipment on the initial PD–3A, a statement to that effect will be made. Subsequent PD–3A's on the project will be submitted as indicated above and will be accompanied by a list of serial numbers and amounts of PD–3A certificates previously submitted. It will not be necessary to submit Form PC–20 with PD–3A's on projects covered by this memorandum. Forms WPB–1548 (Amendment to original WPB–617's), when necessary, will be submitted through the same channels.

(d) The technical service must assure itself that the WPB–617 or PD–3A is in agreement with the information required by § 810.1009 above, or attach supporting data to justify any over-run of cost when submitting the forms to the War Production Board.

(e) The approved WPB–617 or PD–3A will be transmitted to the contractor through the technical services. To assure that this step is taken by the War Production Board, the technical service will make such a request in each case.

§ 810.1010–2 *Army Air Forces projects requiring WPB approval.* For projects of the Army Air Forces which require approval by the War Production Board and which involve Expediting Production Funds, the Army Air Forces will address and submit two originals of the application containing the information specified in § 810.1009 directly to the Facilities Committee, War Production Board, and will send the remaining two copies of the original application to the Production Division, Headquarters, Army Service Forces, for its information and record. The Facilities Committee will notify the Army Air Forces directly of the action taken, sending an information copy to the Production Division, Headquarters, Army Service Forces.

§ 810.1010–3 *Army Air Forces projects not requiring WPB approval.* When projects of the Army Air Forces do not require approval of the War Production Board but involve Expediting Production Funds, the Army Air Forces will make application for such funds to the Under Secretary of War through the Production Division, Headquarters, Army Service Forces, including in such application the following certification as to necessity, signed for the Commanding General, Army Air Forces, by the Chief, Resources Division, Office, Assistant Chief of Air Staff, Matériel, Maintenance and Distribution, or one of his superior officers:

> It is hereby certified that the items of expenditure herein referred to are essential to enable this facility to attain the production capacity required of it in order to meet the peak requirements of the currently authorized aircraft program.

The merits of such projects will not be reviewed by the Production Division, Headquarters, Army Service Forces.

§ 810.1011 *Increased costs and continuing capital expenditures.*

§ 810.1011–1 *Increased costs only.* Increases in costs of projects previously approved by Headquarters, Army Service Forces, or by the Under Secretary of War, which are due to a low initial estimate and do not involve a change in the scope of the project or production output, do not require approval of the War Production Board but do require clearance by the Production Division, Headquarters, Army Service Forces. All such applications of the technical services must include a clear statement of the particular factors justifying the increased costs, and will be subject to the approval of the Production Division, Headquarters, Army Service Forces, except as indicated under § 810.1010–3.

§ 810.1011–2 *Continuing capital expenditures.* Applications may be made by a technical service for approval of continuing capital expenditures required in connection with an existing project theretofore sponsored by or transferred to sponsorship of such technical service. Such application shall state:

(a) The estimated costs of the additional capital facilities required for a specified current or ensuing quarter year (giving breakdown thereof in accordance with § 810.1009 (k) above), together with estimated dollar amount required for the next succeeding three quarter-years, the total amount of such four quarter-years not to exceed five percent of the total estimated cost of the project as heretofore approved;

(b) The necessity for such continuing capital expenditures; and

(c) The method of financing thereof, the amount of Expediting Production

Funds, if any, required therefor, and the manner in which the balance of such expenditures will be financed:

Such application shall be submitted to the Production Division, Headquarters, Army Service Forces, and, except as indicated under § 810.1010–3, shall be subject to approval by the Division. Approval of the War Production Board of such application is not required, regardless of the amount.

§ 810.1011–3 *Conditions of approval.* Approval of applications for continuing capital expenditures shall be subject to the following terms and conditions:

(a) Expenditures shall be limited to items normally classified as capital charges and shall not be used for items which may properly be charged to maintenance, repairs, or operations;

(b) Expenditures shall be only for construction, alterations, extension, machinery, equipment, or other facilities required to round out or improve operating efficiency, balance production, or otherwise develop maximum utilization of the existing project;

(c) Expenditures shall not be used for any new structure, the estimated cost of which exceeds $25,000, nor for camouflage or any new administration buildings or cafeterias, but may be used for alterations or extensions of existing facilities of this character.

(d) New construction, additions or alterations at Class IV installations, the estimated cost of which exceeds $1,000, will be processed in accordance with the provisions of § 810.1008–3 above regardless of the other provisions of this section.

(e) When a project which has been financed solely with Expediting Production Funds has been completed, the technical service must immediately return all unexpended funds in excess of 3% of the total cost of the project. The funds retained may be used for continuing capital expenditures, in which case the technical service must notify the Production Division, Headquarters, Army Service Forces of the amount being so held. The use of such excess funds will be subject to the terms and conditions outlined in paragraphs (a) through (d) above.

§ 810.1012 *Application for release of Expediting Production Funds.* When a project requires release of Expediting Production Funds, application therefor shall be made in accordance with § 810.1009 (m) above. When a project for which Expediting Production Funds are requested has received approvals herein required to be given by the Production Division, Headquarters, Army Service Forces, the War Production Board, or both, or has been certified in behalf of the Commanding General, Army Air Forces, in accordance with § 810.1010–3 above, the Production Division, Headquarters, Army Service Forces, will submit the project, with all supporting information, to the Under Secretary of War for approval and release of Expediting Production Funds.

§ 810.1013 *Notice of approvals.* In all cases involving approval by the Production Division, Headquarters, Army Service Forces, or release of Expediting Production Funds, the Production Division, Headquarters, Army Service Forces, will advise the interested technical service in writing when the project has received all necessary approvals.

§ 810.1014 *Obtaining the letter of commitment in connection with Defense Plant Corporation lease agreements.* Where the proposed expansion is to be financed through a Defense Plant Corporation lease agreement, the letter of commitment from the War Department to the Defense Plant Corporation will be submitted to the Under Secretary of War. Such submission will be through the Office of the Under Secretary of War, Attention: Contracts and Facilities, and will be accompanied by a brief statement of the nature, location, estimated cost and productive capacity of the project, together with a statement that the project is essential and that the estimated cost thereof is believed reasonable.

§ 810.1015 *Approval of contracts or agreements required in certain cases.* The following contracts will be submitted to the Director, Purchases Division, Headquarters, Army Service Forces, for approval:

(a) All Emergency Plant Facilities Contracts.

(b) All Special Facilities Contracts.

(c) Contracts containing provisions which are required to be submitted under § 810.1007.

(d) Supply contracts containing "Government-Owned Facilities" clauses which deviate in substance from § 803.332 or any provision of which is required to be submitted under the notes to § 803.332.

(e) Separate lease agreements referred to in § 823.304 (b) except those which are (1) written on a standard form of contract for lease of equipment (see § 803.304–1), or (2) embody substantially the provisions of § 803.332, and do not contain any provisions which is required to be submitted under the notes to § 803.332.

§ 810.1015a *Termination or cancellation of Emergency Plant Facilities contracts.* Whenever it is desired to effect termination or cancelation of an Emergency Plant Facilities contract and permit the contractor to acquire all or any part of the interest of the Government in the facilities, the matter will be submitted in detail for the approval of the Under Secretary of War, through the Director, Purchases Division, Headquarters, Army Service Forces.

SUBPART D—AMORTIZATION DEDUCTION AND CERTIFICATES OF NECESSITY

§ 810.1016 *Amortization deduction.* For Federal income tax purposes, the cost of construction, reconstruction, erection, installation or acquisition of facilities may, pursuant to section 124 of the Internal Revenue Code, be amortized over a period of 60 months (or a shorter period under certain circumstances) when a Certificate of Necessity has been issued certifying that such construction, reconstruction, erection, installation or acquisition of facilities is necessary in the interest of national defense during the emergency period. (See § 810.1004.) The procedure for obtaining such a certificate is set forth in the following sections.

§810.1016–1 *Transfer of authority to issue certificates to War Production Board.* Prior to December 17, 1943, the Secretary of War and the Secretary of Navy were authorized to issue such certificates. However, on that date and by Executive Order No. 9406, "* * * the functions, powers and duties of the Secretary of War and the Secretary of the Navy with respect to the certification, pursuant to section 124 (f) of the Internal Revenue Code * * * [were] transferred to the Chairman of the War Production Board."

§ 810.1016–2 *Issuance of certificates prior to effective date of transfer.* Executive Order No. 9406 provided that the regulations of the Secretary of War and the Secretary of the Navy in effect prior to October 5, 1943 should govern the issuance of Certificates of Necessity for all applications therefor describing facilities, the beginning of the construction, reconstruction, erection, installation, or the date of acquisition of which was prior to October 5, 1943. The order also indicated that the Secretary of War and the Secretary of Navy would act upon applications for certificates filed with either of them before December 17, 1943, describing facilities, the beginning of the construction, reconstruction, erection, installation, or date of acquisition of which was prior to October 5, 1943. All other applications for certificates are to be filed with and pursuant to regulations of the War Production Board.

§ 810.1016–3 *Automatic ineligibility.* Any application for a necessity certificate which was filed after April 5, 1944 for facilities which were acquired prior to October 5, 1943 is automatically ineligible because of the lapse of more than six (6) months between their date of acquisition and the date of filing the application therefor. Furthermore, any application for a certificate for a facility which was acquired after October 5, 1943 with respect to which no predetermination had been made is likewise automatically ineligible by reason of the promulgation, on that date, of the predetermination requirement, i. e., that the necessity for such a facility be determined by the certifying authority before its acquisition. (See Executive Order No. 9406, 3 CFR 1943 Supp.)

§ 810.1017 *Regulations.* Pursuant to Executive Order No. 9406, regulations governing the Certificates of Necessity have been promulgated by the Chairman of the War Production Board and appear in Part 910 of Title 32. Copies of such regulations may be obtained from the War Production Board.

§ 810.1018 *Policy and procedure.* Sections 810.1018–1 through 810.1018–4, inclusive, summarize the policy and procedure with regard to Certificates of Necessity as prescribed in the War Production Board regulations referred to above. Sections 810.1018–5 and 810.1018–6, inclusive, set out the procedure within

the War Department except with regard to applicants with whom the Army Air Forces are principally concerned.

§ 810.1018–1 *General.* Certificates of Necessity will be issued only where the facilities to be constructed or acquired are (a) clearly necessary to the war effort and (b) it is to the advantage of the Government that they be privately financed. In general, it may be stated that whenever the Government cannot readily take title to a proposed facility, it is to the advantage of the Government that such a facility be privately financed, i. e., in cases of plant rehabilitation, attached structural additions and equipment such as brick furnaces.

§ 810.1018–2 *Applications for certificates.* Applications for Certificates of Necessity, from and after December 17, 1943, will be made in triplicate on the form prescribed and provided by the War Production Board (Form WPB 3467) together with six copies of Appendix A thereto, which form is likewise prepared and provided by the War Production Board. All such applications must precede the construction, reconstruction, erection, installation or acquisition of a facility in order that the certifying authority may determine whether such construction, reconstruction, erection, installation, or acquisition is necessary, within the meaning of section 124 of the Internal Revenue Code. Where priority assistance or specific authorization of the War Production Board is necessary to effect acquisition, the application for a Certificate of Necessity and the application for priority assistance or specific authorization must be filed together.

§ 810.1018–3 *Filing application.* Applications for certificates will be filed directly with the War Production Board in Washington, D. C., as prescribed by paragraph (7) of the aforesaid regulations. An application will be deemed to be filed when it is received at the office of the War Production Board in Washington, D. C.

§ 810.1018–4 *Data required.* Where possible, all information called for on the standard form of application must be clearly and concisely given and it must be executed in the manner and by the person prescribed therein.

§ 810.1018–5 *Processing applications.* The War Production Board, in order to obtain recommendations as to the desirability of issuing the certificate, may transmit a copy of the application to the Production Division, Headquarters, Army Service Forces, which maintains liaison between the War Production Board and the technical services in matters pertaining to amortization. In such cases, the Production Division will forward a copy of the application to the chief of the technical service concerned with a request for report and recommendation. The chief of the technical service concerned will transmit this copy of the application to the officer most appropriately qualified for investigation and report.

§ 810.1018–6 *Reports on applications.* Fifteen days after this receipt of the application, the reporting officer will transmit his report to the Production Division, Headquarters, Army Service Forces, through such channels as the chief of the technical service may prescribe. When the report cannot be furnished in the prescribed time, the reporting officer will transmit a statement assigning the reasons for the delay. In all cases, the report must contain a recommendation as to the granting or denial of the Certificate of Necessity.

§ 810.1019 *War Department policy regarding certificates.* Only in extraordinary cases will an affirmative recommendation for the issuance of a certificate be made. While it is recognized that some additional facility expansions will be necessary, it is the policy of the War Department that they be accomplished either by Government financing, the purchase or lease of Government-owned facilities, or private financing without amortization.

§ 810.1019–1 The need for this policy was emphasized by the Under Secretary of War on August 14, 1943 in a memorandum to the Commanding General, Army Air Forces, and Commanding General, Army Service Forces, in which he stated:

> The need of material and manpower for production of munitions has required curtailment in the creation of new facilities. This applies to expansion of industrial facilities as well as others, and makes it imperative that such expansion be curtailed. * * *
>
> Reporting officers (of the Technical Services and Army Air Forces reporting on applications for Necessity Certificates) should recommend in each case that an Application for a Necessity Certificate be denied unless they are able to establish definitely that the needs of the Army Supply Program can not be effectively obtained without additional facilities of the type which are the subject of the application.

By a similar memorandum dated May 8, 1945, the Under Secretary of War has directed that, in view of the unconditional surrender of the German forces in Europe, particular attention be given to the foregoing provision that only in extraordinary cases will an affirmative recommendation for the issuance of a certificate be made.

[Procurement Reg. 11]

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SUBPART A—MARKINGS OF CONTAINERS

§ 811.1102 *Numbering of compressed gas cylinders.* See in this connection AR 850–60 (September 29, 1942) covering the safe handling, storing, shipping and using of compressed gas cylinders.

§ 811.1102–1 *Specifications of Interstate Commerce Commission.* Cylinders for compressed gases must be made under specifications of the Interstate Commerce Commission. Deviations from those specifications are permitted in certain cases. Those specifications require identification of the cylinders by a serial number and by an identification symbol.

§ 811.1102–2 *Assignment of serial numbers.* The serial numbers which are to be used by the purchasing officers of the War Department will be assigned by the Director, Purchases, Division, Headquarters, Services of Supply, to the chief of the supply service concerned upon request. Letters should be prefixed and suffixed to those serial numbers to indicate type and size of cylinder as indicated below.

§ 811.1102–3 *Identification symbol.* The registered identification symbol of the War Department is WD.

§ 811.1102–4 *Maintenance of records.* Chiefs of supply services will furnish to their field agencies such serial numbers as may be required from those assigned as indicated in § 811.1102–2. A record will be maintained of the numbers that have been actually used by their field agencies, together with a record of cylinders which have been manufactured or purchased.

§ 811.1102–5 *Markings on cylinders.* Ordinary markings for a cylinder are illustrated by the following example:

ICC–3A480 (Specification mark)
KM1234H (Serial No.)
WD (Symbol)

Any special markings desired on cylinders are permissible but must be specified as "additional marks" and must not interfere with the ordinary marks as above noted.

NOTE: The mark ICC–3A480 means that the cylinder has been made under specification 3A with service pressure 480 lbs. per square inch, and that it is limited to use for gas with pressure not over 480 lbs. per square inch at 70° F., and not over 480×5/4=600 lbs. per square inch at 130° F.

§ 811.1102–6 *Safety devices.* Cylinders must be fitted with safety devices of approved type as required by regulations of the Interstate Commerce Commission. Manufacturers of cylinders and valves are familiar with those requirements.

§ 811.1102–7 *Types of cylinders*—(a) *Anhydrous ammonia.* Cylinders for anhydrous ammonia should preferably be of types ICC–4 or ICC–4A480. Type ICC–3A480 is also authorized but will probably be found more expensive.

(b) *Chlorine.* Cylinders for chlorine will be type ICC–3A480.

(c) *Hydrogen sulphide.* Cylinders for hydrogen sulphide should preferably be of type ICC–4B480. Types ICC–3A480, ICC–3B480, and ICC–4A480 are also authorized but will probably be found more expensive.

(d) *Methyl chloride; sulphur dioxide.* Cylinders for methyl chloride and for sulphur dioxide should preferably be of type ICC–4B300. Types ICC–3A300, ICC–3B300, ICC–4A300, and ICC–4 are also authorized but will probably be found more expensive.

(e) *Acetylene.* Cylinders for acetylene will be of type ICC–8.

(f) *Oxygen and other nonliquefied gas; carbon dioxide; nitrous oxide.* High pressure cylinders, for oxygen and other nonliquefied gas, and for carbon dioxide and nitrous oxide, should preferably be of type ICC–3A2015. Type ICC–3A1800 is also authorized but is less efficient and not less expensive. Cylinders of 75 lbs. and 100 lbs. capacity for carbon dioxide and nitrous oxide will be of type ICC–3A2300.

(g) *Compressed gases (except acetylene).* Cylinders of type ICC–3E are also authorized for all compressed gases except acetylene. These will be less than 2 inches outside diameter and not over 12 inches long, exclusive of neck.

(h) *Phosgene; mustard gas; other highly poisonous gases.* Cylinders for phosgene, mustard gas, and other highly poisonous materials (class A poison under regulations of the Interstate Commerce Commission) will be of type ICC–3D480 except as follows: Chlorpicrin, or mixtures of chlorpicrin with nonpoisonous liquid or gas, and monochloracetone, are authorized in any cylinder, except type ICC–8, of sufficient strength. See note under § 811.1102–5.

§ 811.1102–8 *System of serial numbers.* The use of serial numbers, together with letters prefixed and suffixed thereto will conform with the following:

(a) *High pressure cylinders made under Interstate Commerce Commission specification 3A for service pressure, 1,800 lbs. per square inch and higher.*

Prefix:	Required for cylinders–
A	2⅛" i.d. x 7⅜" (approximately).
C	3⅛" i.d. x 13" (approximately).
D	3⅛" i.d. x 16¾" (approximately).
DE	3⅛" i.d. x 21¼" (approximately).
E	3⅛" i.d. x 25¾" (approximately).
EE	4⅛" i.d. x 26" (approximately).
EP	5" i.d. x 26" (approximately).
F	5" i.d. x 51" (approximately).
FG	6⅝" i.d. x 43" (approximately).
G	8" i.d. x 51" (approximately).
H	8½" i.d. x 51" (approximately).
J	of internal capacity of 2,750 cu. in. up to and including 4,100 cu. in.
JC	For 75 pounds of carbon dioxide.
L	Having internal capacity of over 4,100 cu. in.
LC	For 100 pounds of carbon dioxide.

Examples: E1234; H1234; etc.

NOTE: Suffix letters to serial numbers are not to be used.

(b) *High pressure cylinders made under Interstate Commerce Commission specification 3E.* Serial numbers will not be used. Cylinders will be, in all cases, not over 1.99 inches outside diameter and not over 12 inches long, exclusive of neck.

(c) *Acetylene cylinders made under Interstate Commerce Commission specification 8.* Prefix W required in all cases.

Suffix letters required in all cases, dependent on rated gas capacity (approximately) as follows:

Suffix	Rated gas capacity required (approx.) feet
B	50
C	100
H	150
J	250
K	300

Examples: W1234H; W1234K; etc.

(d) *Low pressure cylinders made under Interstate Commerce Commission specifications 3A, 3B, 3C, 4, 4A, 4B, and 4C for service pressure not over 480 lbs. per square inch.*

Prefix:	Required for cylinders marked—
KC	ICC–3A150
KP	ICC–3A240
KJ	ICC–3A300
KM	ICC–3A480
NC	ICC–3B150
NP	ICC–3B240
NJ	ICC–3B300
NM	ICC–3B480
OA	ICC–3C90
OC	ICC–3C150
OF	ICC–3C240
OJ	ICC–3C300
P	ICC–3D480
RC	ICC–4A150
RF	ICC–4A240
RJ	ICC–4A300
RM	ICC–4A480
S	ICC–4
TC	ICC–4B150
TF	ICC–4B240
TJ	ICC–4B300
TM	ICC–4B480
UA	ICC–4C90
UC	ICC–4C150
UF	ICC–4C240
UJ	ICC–4C300

Suffix letters also required, dependent on size, as follows:

Water capacity (pounds):	Suffix required
Below 4	None
4 to 7.99	A
8 to 11.99	B
12 to 15.99	C
16 to 19.99	D
20 to 39.99	E
40 to 59.99	F
60 to 79.99	G
80 to 99.99	H
100 to 129.99	K
130 to 159.99	M
160 to 229.99	P
230 to 319.99	S
320 to 399.99	U
400 to 499.99	W
500 to 749.99	Y
750 to 1000.00	Z

Example: KM1234K for a cylinder marked ICC–3A480 of 125 pounds water capacity; etc.

§ 811.1102–9 *Cylinders originally made for other agencies.* Cylinders, new or second hand, originally made for any agency other than the War Department, including commercial firms, may be purchased when authorized by chiefs of technical services. In such cases, the following procedure will be followed:

(a) Cylinders shall have been manufactured or retested within 12 months prior to date of delivery except as follows: Acetylene cylinders, Interstate Commerce Commission specification 8, less than 5 years old; cylinders made under Interstate Commerce Commission specification 3E.

(b) Cylinders of less than 12 pounds water capacity (332.8 cu. in.), will be marked with an added mark WD. Report of such purchase will be made to the chief of the technical service concerned giving the following data: Name of agency or firm from which purchased, contract or purchase order number and date, list of serial numbers, and the corresponding identification symbols (see § 811.1102–1); also statement that the symbol WD has been applied. Example of such marking is as follows:

Original marks	*Added marks*
ICC–3A2015 75578 XYZ	WD

(c) Cylinders of 12 pound water capacity (332.8 cu. in.) and above will be marked with added marks WD and the War Department serial numbers with prefix and suffix letters as prescribed herein. Report of such purchase will be made to the chief of the technical service concerned, giving the following data: Name of agency or firm from which purchased; contract or purchase order number and date; serial numbers of War Department applied (including prefix and suffix letters), listed consecutively; corresponding original serial numbers; original identification symbols; statement that the symbol WD and War Department serial numbers have been applied. Example of such marking is as follows:

Original marks	*Added marks*
ICC–4B240 17652 XYZ	WD TF1234K

(d) The added marks will be stamped plainly into the metal at some convenient point so that they will not obscure or be confused with the original marks.

(e) If such cylinders are required for export and it is not practicable in the time available to stamp the added marks, any or all of the procedure specified in the foregoing paragraphs may be omitted.

§ 811.1102–10 *Packing compressed gases, filling limit.* The Interstate Commerce Commission has amended section 303 (j) (3) of its regulations by adding the following note:

NOTE: Because of the present emergency and until further order of the Commission, ICC–3A cylinders may be charged with compressed gases, other than liquefied or dissolved gases, to a pressure 10 percent in excess of their marked service pressures. (7 F.R. 2911).

SUBPART B—PATENTS

§ 811.1109 *Interchange of patent rights and industrial information.*

§ 811.1109–1 *General.* Under the Lend-Lease Act (55 Stat. 31) and the International Reciprocal Aid Agreements under the Act (see §§ 811.1111 and 811.1111–1 below), it is established as the policy of the United States that full and complete dissemination be made of inventions, manufacturers' processes, technical information, designs and patent rights between the United States and our Allies with proper safeguards for security and the protection of the industrial property rights of citizens of the United States. Any such exchange shall be for the war purposes and for the duration of the war.

§ 811.1109–2 Under the Agreements each Government will bear the cost of procurement from its own nationals. Accordingly, insofar as practicable, the procurement of the information and rights referred to in the foregoing § 811.1109–1 for use by our Allies should be on the same basis as procurement for such use by the United States.

§ 811.1109–3 Contractors who would be interested should be advised of the fact that under the Agreements referred to in §§ 811.1111 and 811.1111–1 below, licenses under United States patents and applications for patents owned by nationals of the signatories to the said Agreements can be secured.

§ 811.1109–4 Requests by our Allies forwarded to the War Department for military items other than those pertaining to aeronautics will be received by the Director, International Division, Headquarters, Army Service Forces, who will refer such requests to the appropriate service to effect such procurement. Military items pertaining to aeronautics will be received by the Chief, International Section, Matériel Division, Office of Assistant Chief of Air Staff, Matériel, Maintenance and Distribution, Army Air Forces.

§ 811.1110 *Agreement with the United Kingdom for the interchange of patent rights and industrial information.*

§ 811.1110–1 *General.* Under date of August 24, 1942 an Agreement was entered into between the United States of America and the United Kingdom with relation to the interchange of patent rights, information, inventions, designs or processes (Executive Agreement Series 268).

§ 811.1110–2 *Terms of agreement.* The following is a summary of the terms of the agreement.

(a) Each government, insofar as it may lawfully do so, will, upon request, procure and make available to the other government, patent rights, information, inventions, designs or processes requested by the other government.

(b) Each government will bear the cost of the procurement from its own nationals.

(c) All patent rights so acquired will be for the purposes of and until the termination of the war only.

(d) Information, inventions, designs, or processes will be acquired upon such terms as may most expeditiously make such information available for the purposes of the war, with provision, to the extent practicable, for the limitation of the use thereof, for the purpose of and until the termination of the war.

(e) The agreement is deemed to have been in effect and operation as from January 1, 1942.

(f) The obligations of the United Kingdom pursuant to section 7 of the Lend-Lease Act (55 Stat. 31) as such obligations may be interpreted by the President or by the courts are to be performed by the United Kingdom.

(g) Each government agrees to take such steps as it deems practicable to ensure the appropriate degree of military secrecy in manufacture and use.

(h) License agreements or other contractual obligations existing on January 1, 1942 are not deemed to be within the scope of the agreement.

(i) The agreement provides that under certain conditions the United Kingdom will indemnify the United States on any claim brought by British nationals arising out of the use of items obtained under the agreement. Prompt notice of any such claim of infringement will be given to the appropriate representative of the United Kingdom as provided in § 811.1110–9 below.

§ 811.1110–3 *Handling of requests by the United Kingdom.* Requests by the United Kingdom for military items other than those pertaining to aeronautics will be handled as follows:

(a) The request will be submitted to the Director, International Division, Headquarters, Army Service Forces, in an original and 8 copies. The information contained therein will be similar to that contained in the form set forth in § 811.1110–10 below.

(b) The International Division will refer the request to the appropriate technical service for procurement. Such procurement shall be effected pursuant to §§ 811.1109–2 and 811.1110–6 of this and otherwise, as may be directed by the chief of such technical service.

(c) In the event that the technical service is of the opinion that it is impracticable or for any reason undesirable to procure and transfer the item desired to the United Kingdom, or if in the opinion of the technical service concerned licenses under another patent or patents should also be obtained, a full report embodying the relevant circumstances and the recommendation of the technical service shall be submitted to the Director, International Division, Headquarters, Army Service Forces.

(d) Financing items under the Agreement will be done in accordance with established procedure for lend-lease procurement. The extent to which such funds are used for the purposes set forth herein should be currently reported on form DDA–7 "Statement of Defense Articles procured from appropriations made to the President for Lend-Lease purposes and other appropriations and delivered to Foreign Governments" under the Lend-Lease Act (55 Stat. 31).

(e) A form of license to be used in procuring items under the agreement, together with certain conditions as to its use, is set forth in a Resolution adopted October 7, 1944, by the Joint British-American Patent Interchange Committee. Copies of this resolution may be obtained from the Legal Branch, Office of the Director of Matériel, Headquarters, Army Service Forces. Licenses substantially deviating from such form, or the conditions specified, will be cleared with the Legal Branch.

(f) The transfer of technical information to the United Kingdom government under the agreement is governed by the provisions of War Department Memorandum W 380–44, dated February 25, 1944, as amended July 24, 1944.

§ 811.1110–4 *Handling of requests by the United States to the United Kingdom.* Requests by the United States for military items other than those pertaining to aeronautics will be handled as follows:

(g) Requests will normally originate in a technical service, and will be submitted to the International Division together with a full description of the item requested, the organization originating the request, its intended use and other relevant particulars.

(h) The International Division will prepare S. O. S. I. D. Form Number 4 (Reverse Request for Patent Rights, Information, Inventions, Designs or Processes), will forward the request to the appropriate representative of the United Kingdom and will send copies thereof to the Office of Lend-Lease Administration and the technical service originating the request. A sample of such form is set forth in § 811.1110–10.

(c) The International Division will follow up the request and arrange for the delivery to the requesting technical service of the item requested.

§ 811.1110–5 *Handling of requests for aeronautical items.* Requests by the United Kingdom and by the United States for aeronautical items will be handled as provided in §§ 811.1110–3 and 811.1110–4 except that the duties therein assigned to the Director, International Division, Headquarters, Army Service Forces will be performed by the Chief, International Branch, Matériel Division, Office of Assistant Chief of Air Staff, Matériel and Services, Headquarters, Army Air Forces.

§ 811.1110–6 *Consultation with patent and technical officers.* Officers charged with procurement should consult with the patent and technical officers of the technical service in reaching a determination as to the amount, if any, to be paid for the item requested. The patent officer will ascertain whether the United States has the right without further payment to transfer the item requested. Advice with respect to the foregoing may be obtained from the Chief, Patents Division, Office of The Judge Advocate General.

§ 811.1110–7 *Acquainting contractors of rights under agreement.* The technical services should bring to the attention of such contractors as would be interested the right, under the agreement, to have secured for their use in war production licenses under patents of the United States or of the United Kingdom owned by British nationals.

§ 811.1110–8 *Questions of policy or procedure under agreements.* All questions of policy or procedure arising under the agreement as well as under the agreement referred to in §§ 811.1111 and 811.1111–1 below, shall be referred to the Director, Purchases Division, Headquarters, Army Service Forces.

§ 811.1110–9 *Notice of claim of infringement.* As stated in § 811.1110–2 (i) above, prompt notice of any claim of infringement should be given (a) to the Director, International Division, Headquarters, Army Service Forces, or to the Chief, International Branch, Matériel Division, Office of the Assistant Chief of Air Staff, Matériel and Services, Headquarters; Army Air Forces, as the case may be, for the purposes specified in § 811.1110–2 (i), and (b) to the Chief, Patents Division, Office of The Judge Advocate General for record purposes.

§ 811.1110–10 *Form of request by the United States to the United Kingdom.* The sample of the form referred to in the foregoing § 811.1110–4 (b) above is as follows:

S. O. S. I. D. FORM 4

No._____

REQUISITION TO UNITED KINGDOM FROM UNITED STATES

Date_____

British Ref. No._____

1. Description of Patent Rights, Information, Inventions, Designs or Processes desired (Use continuation sheet if necessary)

_____

2. Will any accompanying drawings information or explanations be necessary?_____ If so, state:_____

3. Are any personal technical services required or will they be required in the future? State when and the nature of the services:

_____

4. Where and for what purpose will the patent rights, information, inventions, designs, or processes be used?_____

5. State reasons for request:

§ 811.1111 *List of lend-lease and reciprocal aid agreements.* The published lend-lease and reciprocal aid agreements are as follows:

LEND-LEASE AGREEMENTS	Date
Australia	(1)
Belgium	June 16, 1942
Bolivia	Dec. 6, 1941
Brazil	Mar. 3, 1942
Canada	(2)
Chile	Mar. 2, 1943
China	June 2, 1942
Colombia	Mar. 17, 1942
Costa Rica	Jan. 16, 1942
Cuba	Nov. 7, 1941
Czechoslovakia	July 11, 1942
Dominican Republic	Aug. 2, 1941
Ecuador	Apr. 6, 1942
El Salvador	Feb. 2, 1942
Ethiopia	Aug. 9, 1943
French Committee of National Liberation [3]	Sept. 25, 1943
Greece	July 10, 1942
Guatemala	Nov. 16, 1942
Haiti	Sept. 16, 1941
Honduras	Feb. 28, 1942
Iceland	Nov. 21, 1941
Liberia	June 8, 1943
Mexico	Mar. 18, 1943
Netherlands	July 8, 1942
New Zealand	(1)
Nicaragua	Oct. 16, 1941
Norway	July 11, 1942
Paraguay	Sept. 20, 1941
Peru	Mar. 11, 1942
Poland	July 1, 1942
United Kingdom	Feb. 23, 1942
U. S. S. R.	June 11, 1942
Uruguay	Jan. 13, 1942
Venezuela	Mar. 18, 1942
Yugoslavia	July 24, 1942
RECIPROCAL AID AGREEMENTS	
Australia	Sept. 3, 1942
Belgium	Jan. 30, 1943
French Committee of National Liberation [3]	Sept. 3, 1942 Sept. 25, 1943
Liberia	Apr. 10, 1944
Netherlands	June 14, 1943
New Zealand	Sept. 3, 1942
United Kingdom	Sept. 3, 1942

[1] No master lend-lease agreement has been concluded with either Australia or New Zealand, but in the reciprocal aid agreements entered into with these countries, they accepted the principles of the lend-lease agreement with the United Kingdom as applicable to their lend-lease relations with the United States.

[2] In an exchange of notes dated November 30, 1942, Canada accepted the underlying principles of Article VII of the master agreement.

[3] Territory under the jurisdiction of the French National committee was declared eligible to receive lend-lease aid on 11 November 1941, and a reciprocal aid agreement was entered into with the Committee on 3 September 1942. French North and West Africa were declared eligible to receive lend-lease aid on 13 November 1942. On 25 September 1943, a lend-lease modus vivendi agreement governing lend-lease aid and reciprocal aid was entered into with the French Committee of National Liberation, successor to the French National Committee and to the Haut Commandement en Chef Civile et Militaire established in French North and West Africa after the events of November 1942.

PATENT INTERCHANGE AGREEMENT

Agreement between the United States and the United Kingdom of Great Britain and Northern Ireland on the Interchange of Patent Rights, Information, Inventions, Designs, or Processes, 24 August 1942; Executive Agreement Series No. 268.

§ 811.1111–1 Copies of the agreements referred to above as well as agreements entered into with other governments are available upon request to the State Department in Washington, D. C.

§ 811.1111–2 *Claims or information concerning infringement of United States patents owned by nationals of lend-lease and reciprocal aid countries.* Where it appears that an invention covered by a patent or an application for a patent of the United States has without license been used or manufactured by the United States, or by any person, firm or corporation for the United States with its authorization and consent, and the patent owner is a national of any of the countries listed in this § 811.1111, or where claim of such use or manufacture is made by or on behalf of such national, the chief of the technical service to whose attention the matter comes will give prompt notice thereof to the Director, International Division, Headquarters, Army Service Forces, with a request to obtain as reciprocal aid from the government of which the patent owner is a national such release and license, assignment, waiver, authority or agreement concerning the matter or may be necessary to protect the interests of the United States. In cases of this nature arising in the Army Air Forces, the notice and request will be addressed to the Chief, International Branch, Matériel Division, Office of Assistant Chief of Air Staff, Matériel and Services, Headquarters, Army Air Forces.

§ 811.1112 *Adjustment of royalties for use of inventions.*

§ 811.1112–1 *Definitions.* Where used in §§ 811.1112 to 811.1114 hereof, inclusive, the following terms have the meanings here assigned to them:

(a) "The act" means the Royalty Adjustment Act 1942 (Public No. 768, 77th Congress; 35 U.S.C. 89–96).

(b) "Notice" means the written notice specified in section 1 of the act and described in § 811.1112–3.

(c) "Order" means the order of the Secretary of War specified in section 1 of the act and described in § 811.1112–4.

(d) "Director" means the Director (or in his absence the Acting Director), Purchases Division, Headquarters, Army Service Forces. In respect of any action taken by the Army Air Forces, the term "Director" means the Special Representative of the Under Secretary of War (see § 801.108–4 (b)).

(e) "Delegate" means the offices and boards specified in § 811.1112–10, together with any other office, board or individual to whom any of the powers, duties and authorities of the Secretary of War under the act have been or may be delegated.

(f) "Originating technical service" means (1) the technical service (as defined in § 801.108–4 (b)) of the delegate which has given notice under the act, or (2) the technical service which has been directed by the Director to take necessary action in relation to a notice contemplated or given.

(g) "Licensor" includes the grantor in a patent license agreement as well as the transferor of the entire right, title and interest in and to a patented or unpatented invention upon consideration including future payments based upon the extent of manufacture, use, sale or other disposition of the invention.

(h) "Licensee" includes the grantee in a patent license agreement as well as the transferee of the entire right, title and interest in and to a patented or unpatented invention upon consideration including future payments based upon the extent of manufacture, use, sale or other disposition of the invention.

§ 811.1112–2 *Basic statute.* The act makes provision for adjusting royalties for the use of inventions for the benefit of the United States, in aid of the prosecution of the war, and for other purposes. §§ 811.1112–3 to 811.1112–8, inclusive, contain a summary of the provisions of the act as applied to the war Department. Sections 811.1112–9 to 811.1115–22, inclusive, contain the rules and regulations prescribed thereunder for exercise of such of the powers, duties and authorities of the Secretary of War under the act as have been or may hereafter be delegated by him.

§ 811.1112–3 *Applicability and notice.* Whenever an invention, whether patented or unpatented, is manufactured, used, sold or otherwise disposed of for the United States under the conditions set forth in the act and the license includes provisions for the payment of royalties, the rates or amounts of which are believed to be unreasonable or excessive by the Secretary of War, the Secretary of War shall give notice of such fact to the licensor and the licensee. By definition, the manufacture, use, sale or other disposition of an invention, whether patented or unpatented, by a contractor, subcontractor, or any person, firm, or corporation for the Government and with the authorization or consent of the Government is construed as manufacture, use, sale or other disposition for the United States.

§ 811.1112–4 *Fixing of rates and order.* The act further provides that within a reasonable time after the effective date of the notice, in no event less than ten days, the Secretary of War shall by order fix and specify such rates or amounts of royalties, if any, as he shall determine are fair and just, taking into account the conditions of wartime production, and shall authorize the payment thereof by the licensee to the licensor on account of such manufacture, use, sale or other disposition. Either the licensor or the licensee may, if he so requests within ten days from the effective date of the notice, present within thirty days from the date of his request, in writing or in person, any facts or circumstances which may in his opinion have a bearing upon the rates of amount of royalties, if any, to be determined, fixed, and specified as aforesaid. Any order fixing the rates and amounts of any royalties shall be issued within a reasonable time after such presentation.

§ 811.1112–5 *Prohibition against payment of excessive royalties.* The licensee shall not after the effective date of the notice (upon receipt of notice, or five days after the mailing thereof, whichever date is earlier) pay to the licensor, nor charge directly or indirectly to the United States, a royalty in excess of that subsequently specified in the order. It is provided that, whenever a reduction in the rates or amounts of royalties is effected by order, the reduction shall inure to the benefit of the Government by way of a corresponding reduction in the contract price to be paid directly or indirectly for such manufacture, use, sale, or other disposition of such inventions, or by way of refund if already paid to the licensee.

§ 811.1112–6 *Remedies of licensor.* The act contains certain provisions as to the remedies of the licensor, which, in general, limit him to a suit against the United States in the Court of Claims or a District Court of the United States.

§ 811.1112–7 *Settlement of claims.* The Secretary of War is authorized, before suit has been instituted against the United States, to enter into an agreement with the owner or licensor of an invention, in full settlement and compromise of any claim accruing under the provisions of the Act or any other law, and for compensation to be paid such owner or licensor based upon future manufacture, use, sale, or other disposition of said invention.

§ 811.1112–8 *Authority of Secretary of War to delegate powers and issue regulations under act.* The Secretary of War is authorized in his discretion and under such rules and regulations as he may prescribe, to delegate any powers conferred by the act to such qualified and responsible officers, boards, agents or persons as he may designate or appoint. He is also authorized to issue such rules and regulations and to require such information as may be necessary and proper to carry out the provisions of the act. In accordance with the provisions of the act, rules and regulations have been issued, the terms of which are set forth in §§ 811.1112–9 to 811.1115–22, inclusive.

§ 811.1112–9 *Powers, duties and authorities under the act which have been delegated.* The following powers, duties and authorities, conferred by the act upon the Secretary of War, have been delegated to the officers and boards listed in §811.1112–10 and may be delegated to such officers and civilian employees as are hereafter appointed to exercise the same by the Commanding General, Army Service Forces or the Commanding General, Army Air Forces, for exercise thereof, in matters properly before them, under the direction of the Under Secretary of War and pursuant to such rules and regulations under the act as may from time to time be prescribed by or in behalf of the Secretary of War:

(a) To determine that notice should be given and to give notice of the fact that the rates or amounts of royalties are believed to be unreasonable or excessive; and to withdraw any such notice previously given by the delegate or by a delegate of lower rank in his service: *Provided*, That no such notice shall be withdrawn unless the licensor(s) shall have first agreed substantially as follows:

> The undersigned hereby consents to the withdrawal of the notice issued * * * [date of notice] * * * under the Royalty Adjustment Act 1942 (Public No. 768, 77th Congress; 35 U.S.C. 89–96) and in consideration of such withdrawal hereby releases any and all claims or demands now held by the undersigned against the United States, or any officer or agent thereof, arising out of the issuance of said notice.

but in particular cases for good cause shown the Director may authorize substantial deviation from or omission of the foregoing consent and release.

(b) After notice, to receive and hear such facts and circumstances as may be presented by the licensee or licensor, and such other facts and circumstances as are relevant to an evaluation of the factors specified in § 811.1112–11, and to recommend appropriate action;

(c) To fix and specify, by order, fair and just rates or amounts of royalties, and to authorize the payment thereof, if any royalty be allowed, by the licensee to the licensor, subject, however, to the approval of such order by the Director;

(d) To execute contracts on behalf of the United States, before suit against the United States has been instituted, with the owner or licensor of an invention, or of the Letters Patent therefor, effecting a voluntary adjustment of royalties charged or chargeable to the United States, or in settlement and compromise of any claim against the United States accruing to such owner or licensor under the provisions of the act or any other law by reason of the manufacture, use, sale or other disposition of an invention or for compensation to be paid such owner or licensor based upon future manufacture, use, sale or other disposition of such invention, subject, however, to the approval of the Director in each case where that approval is required by §§ 811.1113–3 (d) or (e), 811.1113–7 (a), 811.1114–1 or 811.1115–14 hereof.

The foregoing powers, duties and authorities shall not be redelegated by any delegate under the general authority to redelegate conferred in § 801.107–9.

§ 811.1112–10 *Delegations.* (a) The powers, duties and authorities described in (a), (b), (c) and (d) of § 811.1112–9 have been delegated to each of the following offices, boards, agents or persons as indicated in the following tabulation:

Delegate	Powers, duties and authorities described in subparagraphs—			
	(1)	(2)	(3)	(4)
Commanding General, Army Service Forces	X	X	X	X
Commanding General, Army Air Forces	X	X	X	X
Assistant Chief of Air Staff, M & S	X	X	X	X
Chief, Procurement Division, Office of Assistant Chief of Air Staff, M & S	X	X	X	X
Director, AAF, Air Technical Service Command	X	X	X	X
Director, Purchases Division, Headquarters, ASF	X	X	X	X
Royalty Adjustment Board, AAF, Air Technical Service Command	X	X	X	X
Assistant Air Judge Advocate, Headquarters, Army Air Forces	X	X	....	X
Chiefs of the Technical Services, ASF	X	X	X	X
Royalty Board, Office of the Chief of Ordnance	X	X	X	....
All District Chiefs of Ordnance Procurement Districts	....	....	....	X
All Deputy District Chiefs of Ordnance Procurement Districts	....	....	....	X
Commanding Officer, Frankford Ordnance Arsenal	....	....	....	X
Commanding Officer, Picatinny Ordnance Arsenal	....	....	....	X
Commanding Officer, Rock Island Ordnance Arsenal	....	....	....	X
Commanding Officer, Springfield Ordnance Armory	....	....	....	X
Commanding Officer, Watertown Ordnance Arsenal	....	....	....	X
Commanding Officer, Watervliet Ordnance Arsenal	....	....	....	X
Assistant Chief, Engineering and Technical Service, Office of the Chief Signal Officer	....	X	X	....
Patents and Inventions Counsel, Legal Division, Office of the Chief Signal Officer	X	....	....	X
Royalty Adjustment Board, Office of the Quartermaster General	X	X	X	X
Royalty Adjustment Board, Office of the Chief of Engineers	X	X	....	X
Chief, Patent Section, Legal Branch, Office of Chief of Chemical Warfare Service	X	....	....	....
Royalty Adjustment Board, Office of the Surgeon General	X	X	....	X
Chief, Legal Division, Office of the Chief of Transportation	X	X	....	....

(b) There have been delegated to the Commanding General, Army Service Forces, and to the Commanding General, Army Air Forces, the power, duty and authority to designate and appoint certain commissioned officers of the Army and civilian employees of the War Department, within their respective commands and jurisdictions, for the exercise by them, either individually or as a member of a board, of any of the powers, duties and authorities now or hereafter set forth in § 811.1112–9, and to amend, modify or revoke any such designation or appointment heretofore or hereafter made within their respective commands or jurisdictions. The foregoing powers of designation and appointment have been redelegated respectively to the Director (for the Army Service Forces) and to the Chief of Air Staff, the Assistant Chief of Air Staff Matériel and Services, and the Chief, Procurement Division, Office of Assistant Chief of Air Staff, Matériel and Services (for the Army Air Forces).

(c) If the Chief of a technical service desires that any of the powers, duties and authorities set forth in § 811.1112–9 be further delegated to any officer or employee within his command or jurisdiction, or that a board to receive such delegation be created within his service or command, a request to that effect may be transmitted to the appropriate delegate under paragraph (b) hereof.

(d) Where any of the powers, duties and authorities set forth in § 811.1112–9 have been or are hereafter delegated to a board, the said board shall, unless otherwise provided in the instrument of delegation, consist of three officers or employees of the service or command concerned, who shall be designated and appointed as provided in paragraph (b) hereof. Unless otherwise provided in the instrument of delegation, (1) a majority of said board shall determine its action, (2) any instrument or contract whatsoever evidencing action taken by the board may be signed in its name by any member of the board, and (3) any two members of such board shall constitute a quorum.

§ 811.1112–11 *Factors to be considered before notice is given and in the making of an order.* (a) Before notice is given there will be taken into account so far as practicable, and in the making of any order there will be taken into account, the following factors:

(1) The conditions of wartime production;

(2) The production and use of the invention prior to any increase due to wartime procurement, including:

(i) Any established royalty rate.

(ii) The volume on which royalty was paid,

(iii) The yearly aggregate royalty paid, and

(iv) The circumstances under which the licensing and the establishment of the royalty rate occurred;

(3) The character of the invention and any patent protection therefor, the value of its contribution to the art in which it is used, and the character and expense of research and development that have been devoted to the invention;

(4) The extent of use and proposed use of the invention by other departments or agencies of the Government and the amounts of royalties involved in the aggregate in such use; and

(5) All other considerations which are ordinarily and properly taken into account in determining fair and just royalties, or which appear to be appropriate to the particular case.

(b) In determining fair and just rates or amounts with respect to royalties to which the act applies, there will be taken into account:

(1) The amounts of royalties (directly or indirectly charged or chargeable to the United States) which were paid to and received by the licensor when the conditions of wartime production affected the procurement in question during years or fractions thereof prior to the date when unpaid royalties began to accrue, except that such royalties which were or will be included in licensor's renegotiable receipts under the Renegotiation Act for any year or fraction thereof will not be regarded as having been excessive in amount for such prior year or years, but the result arrived at in renegotiation for such prior year or years shall not be binding upon the delegate in any way in determining fair and just rates or amounts under the act; and

(2) The fact that the royalty rates were agreed to in the absence of arm's-length dealing between licensor and licensee, except that the fact that the licensor is an officer, director or stockholder of a corporate licensee shall not warrant disregard of the licensee's separate corporate entity.

§ 811.1112–12 *Duties of the technical services.* Subject to the rules and regulations set forth in §§ 811.1112 to 811.1114–3, inclusive, the chiefs of the technical services are, in matters properly before them and acting under the direction of the Under Secretary of War, under the duty of causing the powers, duties and authorities delegated under the Act to be exercised in such manner and at such times as may be necessary to prevent unreasonable or excessive royalties from being charged to the War Department. This duty may be discharged pursuant to such instructions as may be issued by the chiefs of the technical services for the guidance of their respective services and delegates therein.

§ 811.1112–13 *Policy of the War Department in the administration of the act.* The policy of the War Department is (a) that, so far as practicable, a licensor shall not be subjected to duplicating interrogation by two or more technical services in relation to his royalty receipts from the use of a particular invention or series of related inventions; and (b) that, so far as practicable, each licensor shall, where such royalties are believed to be unreasonable or excessive, be given fair opportunity to effect a voluntary adjustment thereof before notice is given. The regulations set forth in § 811.1112–14 and in §§ 811.1113 to 811.1113–12, inclusive, are designed to effectuate this policy.

§ 811.1112–14 *Procedure in the giving of notice.* (a) An initial inquiry may be sent to a licensor or a licensee requesting all or any part of the following and no more: (1) The names and addresses of licensor and licensee(s), (2) a copy of the license agreement, (3) a list of patents and patent applications involved, and (4) a statement of the royalties or amounts per item as fees for technical services or engineering assistance received (or paid) under such license during each year for the years 1936 to date of inquiry. Such inquiry shall include a provision to relieve the addressee from compiling information previously supplied upon an inquiry of any other branch of the War Department or of any other department or agency of the Government by permitting the addressee to respond by sending a copy of the reply to the previous inquiry or the name and address of the person who made the previous inquiry. Such inquiry to a licensee shall not be sent to any contractor who has furnished the same information upon the War Department Standard Procurement Form.

(b) If, upon consideration of the reply to the initial inquiry, further investigation is believed to be advisable, a memorandum shall, before the licensor is further interrogated in relation to the matter, be transmitted to the Director requesting clearance to do so. The office of the Director may thereupon grant such clearance as appears proper in the light of the information which the records of that office contain regarding the issuance by any other technical service of the War Department or by any other department or agency of the Government of a notice in the same matter, or the consideration which has been or is being given to the issuance of such a notice. The request for clearance shall state the name and address of licensor, and the inventive subject matter, and so far as known and practicable the name(s) and address(es) of the licensee(s) and the numbers of the patent(s) and patent application(s) concerned. A clearance once given remains in force till modified or revoked by the Director.

(c) If, upon such investigation as appears proper (after clearance from the Director), the delegate having the matter in hand believes that the royalties in question are not unreasonable or excessive, he shall transmit to the Director a report (in triplicate) stating his findings and conclusions, including so far as practicable the data specified in § 811.1112–27.

(d) If, upon such investigation as appears proper (after clearance from the Director), the delegate having the matter in hand believes that the royalties are unreasonable or excessive, he shall (unless he has previously been expressly authorized by the Director to omit such action) afford licensor fair opportunity to effect a voluntary adjustment thereof. Where, in the opinion of the delegate, fair opportunity has been afforded and a satisfactory adjustment cannot be effected, such delegate thereupon may issue notice in respect of the royalties in question, subject however to the requirements of §§ 811.1112–15 and 811.1112–16 hereof. Where, however, the delegate believes that circumstances exist making it necessary or desirable in the interests of the War Department that notice should be given without first affording licensor an opportunity to effect a voluntary adjustment, the delegate may issue notice in such case provided he has first obtained from the Director authority to do so.

§ 811.1112–15 *Procedure when a department or agency, other than the War Department, is concerned.* Inasmuch as any order entered by or under the authority of the Secretary of War affects only those royalties which are charged or chargeable to the War Department, every reasonable effort shall be made before and after the giving of any notice, to determine what, if any, departments or agencies of the Government other than the War Department are or may be concerned in the payment of royalties for the same invention. If, at any time after clearance has been given as provided in § 811.1112–14 (b), it appears that a department or agency other than the War Department is so concerned, the service having the matter in hand shall forthwith communicate with such other department or agency and shall thereafter coordinate all further proceedings with such department or agency.

§ 811.1112–16 *Procedure when more than one technical service of the War Department is concerned.* Any delegate to whom the authority referred to in § 811.1112–9 (a) has been or may hereafter be delegated shall exercise such authority, under the direction of the Director, in respect to all such royalties which are charged or chargeable to any and all technical services of the War Department. If, at any time after clearance has been given to a technical service as provided in § 811.1112–14 (b), it appears that more than one technical service of the War Department is concerned, that fact shall be reported forthwith to the Director and shall be accompanied by a recommendation of the reporting service as to the service believed to be in the best position to carry on the proceeding. The Director may thereupon give directions as to how, and by whom, the authority referrred to in paragraphs (a), (b), (c), (d) and (e) of § 811.1112–9 shall be exercised on behalf of the Secretary of War.

§ 811.1112–17 *Form of the notice.* The following form of notice is approved for use subject to such deviations as may be necessary or appropriate in any given case:

[Letterhead of Delegate]

In the Matter of

---------- [et al.]
Licensor(s)

and

---------- [et al.]
Licensee(s)

NOTICE

To: Licensor(s) and Licensee(s): You and each of you will hereby take Notice, that:

Pursuant to the Royalty Adjustment Act 1942 (Public No. 768, 77th Congress; 35 U.S.C., 89–96), Notice is hereby given that the royalties which are charged or chargeable directly or indirectly to the War Department on account of the manufacture, use or sale to or for the United States of the alleged inventions relating to ----------
[subject-matter]
by virtue of the license agreement(s) between ----------, as licensor, and the following licensees, are believed to be unreasonable or excessive:

[Names of all licensees]

This Notice becomes effective upon its receipt by you or five (5) days after the mailing hereof, whichever dates is the earlier.

The licensor or any licensee, if he so requests within ten (10) days from the effective date of this Notice, may within thirty (30) days from the date of such request present in writing or in person any facts or circumstances which may, in his opinion, have a bearing upon the rates or amounts of royalties, if any, to be determined, fixed and specified.

From and after the effective date of this notice and until the making of an order under said Act, each licensee is hereby directed (a) not to pay to licensor any royalties under said license(s) which are charged or chargeable directly or indirectly to the War Department and (b) to segregate said royalties from licensee's general funds and safely keep the same until such time as the disposition thereof is directed by such order.

The foregoing Notice is hereby given in behalf of the Secretary of War.

By direction of the Under Secretary of War:

[Signature (and title) of delegate]

The foregoing Notice is directed to the following: [Names and addresses of all licensors and licensees] ----------

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The foregoing notice shall be forwarded by registered mail, return receipt requested, to the last known address of each licensee and licensor named therein.

§ 811.1112–18 *Forwarding of copies of notice.* Copies of all notices issued shall be forwarded forthwith to:

(a) The Chief of each technical service of the War Department.

(b) The Director (in triplicate).

§ 811.1112–19 *Withdrawal of notice previously given.* (a) Notice under the act once given by any delegate shall not be vacated or withdrawn, in whole or in part, otherwise than under the provisions of and in the manner prescribed in § 811.1112–9 (a). Upon execution by a licensor of the form of consent and release specified in § 811.1112–9 (a), three copies of the instrument vacating and withdrawing the notice and one copy duly executed by the licensor of the said form of consent and release shall be promptly transmitted to the Director.

(b) In the event a licensor refuses to execute said form of consent and release or an approved deviation therefrom and the Director has not authorized the omission thereof, an order shall be made and submitted for approval in the manner hereinafter specified.

§ 811.1112–20 *Form of the order.* The following form of order is approved for use subject to such deviations as may be necessary or appropriate in any given case and subject to the instructions contained in § 811.1112–21:

WAR DEPARTMENT

WASHINGTON

Royalty Adjustment Order No. W—

In the Matter of

[Insert name of each Licensor]
Licensor(s),

and

[Insert name of each Licensee]
Licensee(s).

War Department Contract Nos.

[Insert the identifying number of each War Department contract, if ascertained, which it is believed will be affected by the order; if no contract is ascertained, omit the above heading]

Contractor:

[Insert names of Contractors in respect of each of the above identified contracts; if no contract is identified, omit the above heading]

Whereas, pursuant to authority contained in the Royalty Adjustment Act 1942, Public No. 768, 77th Cong.; 35 U.S.C., 89–96, written notice was given on or about the ----------
[Insert date of notice] to ----------[Insert name of each licensor]----------(individually and collectively hereinafter called "Licensor") and to ----------[Insert name of each licensee]---------- (individually and collectively hereinafter called "Licensee") that the royalties, provision for the payment of which by Licensee to Licensor is included

in the [license(s) dated ----------] [licenses specified in Column 4 of Schedule A annexed hereto and by this reference made a part hereof],[1] and which said royalties are charged or chargeable directly or indirectly to the War Department for or on account of the manufacture, use or sale to or for the United States of certain alleged inventions [pertaining to ----------] [specified in Columns 1, 2 and 3 of said Schedule A], were believed to be unreasonable or excessive, and that until the making of an order herein no royalties were to be paid by Licensee to Licensor under the license(s) above referred to which are charged or chargeable directly or indirectly to the War Department, and

Whereas, Licensor and Licensee, upon their request, have presented in writing and in person such facts and circumstances as they desired having a bearing upon the rates or amounts of royalties to be determined, fixed and specified by order pursuant to said Act;

Now, therefore, pursuant to the authority of and for the purposes set forth in said Act, and upon taking into account the facts and circumstances presented as aforesaid, the conditions of wartime production, and such other facts and circumstances as are proper to be considered in determining a fair and just rate or amount of royalties in the premises, it is hereby ordered as follows, viz:

(1) That fair and just rates or amounts of royalties for the manufacture, use, sale or other disposition to or for the War Department of the said alleged inventions are hereby determined, fixed and specified to be [----------] [the rates or amounts set forth in Column 5 of said Schedule A];

(2) That, until further order, Licensee is hereby authorized to pay to Licensor, on account of the manufacture, use, sale or other disposition of said alleged inventions to or for the War Department heretofore occurred, or hereafter occurring while Sections 1 and 2 of said Act remain in force, royalties, if any, at the rates or in the amounts determined, fixed and specified in paragraph (1) hereof, and no more, under

(a) The said license(s) [dated ----------] [identified in Column 4 of said Schedule A], [and]

(b) Any license between them, entered into on or after the effective date of said notice and so long as Sections 1 and 2 of said Act remain in force, which in any respect continues, supplements, modifies or supersedes [the license] [any of the licenses] referred to in subparagraph (a) hereof, [and

(c) Any license between them, entered into on or after the effective date of said notice and prior to the date of this Order, which grants rights to practice the said alleged inventions;] [2]

[Alternate A]

(3) That Licensee is hereby directed to pay over to the Treasurer of the United States (through ----------), and at the same time and place to deliver a statement in writing signed by Licensee showing the amount and manner of computation thereof, the balance, in excess of the royalties authorized by paragraph (2) next above, of all royalties specified in the licenses referred to in said paragraph (2) which were due to Licensor and were unpaid on the effective date of said notice, and of all royalties which since said date have become and are now due to Licensor, and of all royalties which may hereafter become due to Licensor as and when the same fall due for payment to Licensor, for or on account of the manufacture, use, sale or other disposition of said alleged inventions to or for the War Department heretofore occurred or hereafter occurring while sections 1 and 2 of said Act remain in force, and demand is hereby made for payment forthwith of the monies now due which are so directed to be paid; and

[Alternate B]

(3) That Licensee is hereby directed

(a) To pay over to the Treasurer of the United States (through ----------), and at the same time and place to deliver a statement in writing signed by Licensee showing the amount and manner of computation thereof, the balance, in excess of the payments authorized by paragraph (2) next above, of all royalties specified in the licenses referred to in said paragraph (2) which were due to Licensor and were unpaid on the effective date of said notice, and of all royalties which since said date have accrued or may hereafter accrue in respect of supplies, equipment, materials or parts thereof delivered to or for the War Department prior to the tenth (10th) day next following the receipt of this order by the Licensee, and demand is hereby made for payment forthwith of the monies so directed to be paid; and

(b) To reduce the contract price of all supplies, equipment, materials and parts thereof delivered to or for the War Department on and after the tenth (10th) day next following the receipt of this order by the Licensee to the extent necessary to secure to the Government the full benefit of the reduction in royalties effected by this order; and

(4) That reservation is hereby expressly made of the right to amend, modify, revoke or extend this Order and of the right of the head of any department or agency of the Government, including but not limited to the War Department, to take such other, further and different action as may be authorized by any statute of the United States with respect to the subject matter

It is recommended that the Secretary of War make the foregoing Order.

[Signature (and title) of the delegate who recommends the making of the order, if different from the delegate who signs next below]

The foregoing Order is hereby made.

[Signature (and title) of a delegate under § 811.1112–9 (c)]

The foregoing Order is hereby approved in behalf of the Secretary of War.

By direction of the Under Secretary of War:

[Leave two lines blank]

Director, Purchases Division, Headquarters, Army Service Forces[3]

Dated: Washington, D. C., ----------, 194–.

NOTE: Schedule A appears in the following form:

SCHEDULE A

Column 1	Column 2	Column 3	Column 4			Column 5	
Title or short description of invention	Patent Nos. or app. ser. Nos.	Issue dates or filing dates	Instrument(s) in which royalties are stipulated			Fair and just royalties	
			Effective date	*Licensor*	*Licensee*	*Rate*	*Amount*

§ 811.1112–21 *Preparation of the order.* The following instructions are prescribed for use in the preparation of suitable orders in various types of cases, based upon use of the form of order set forth in § 811.1112–20, without prejudice to such other deviations from that form as may be necessary and appropriate in any given case.

(a) Schedule A is to be used only when it is impracticable to include the same information in the text of the order.

(b) To the extent that the licensee is a War Department prime contractor, the order shall (unless the Director otherwise directs) be drawn in such manner as to require that the benefits of any adjustment of royalties accruing after the date of the order will inure to the War Department in the form of a corresponding price reduction. To accomplish this purpose, Alternate B of clause (3) of the form of order as given in § 811.1112–20 would be used. Clauses (1), (2) and (4) would be used substantially as set forth.

(c) To the extent that the licensee is a subcontractor for the War Department, or for the War Department and other departments, the order may be drawn in such manner as either (1) to effect reduction of the price paid to the licensee for articles or services furnished by licensee to or for War Department contractors or subcontractors where by reason of contract provisions or otherwise there is assurance that the benefits of the order will be transmitted by such contractors or subcontractors to the War Department, or (2) to effect running recapture of excess royalties from the licensee by direct payment by him to the Treasurer of the United States when and as royalty payments fall due. In either case provision will be made requiring the licensee to pay over to the Treasurer of the United States the balance, in excess of royalty payments allowed by the order, of the accumulated fund in the hands of the licensee on the date of the order.

(d) In a case of the kind mentioned in paragraph (c) above,

(1) If it is believed preferable to effect price reductions, Alternate B of clause (3) of the form given in § 811.1112–20 would be used.

(e) If it is believed preferable to make running recapture of excess royalties from the licensee when and as royalty payments fall due, without price reduction, Alternate A of clause (3) of the form given in § 811.1112–20 would be used.

In either of these cases clauses (1), (2) and (4) of the form would be used substantially as set forth.

(e) Normally subclause (c) of clause (2) of the form given in § 811.1112–20 would be omitted. Subclause (c) is intended for use solely in those cases where the identified license specified in subclause (a) is limited by its terms so as to convey rights for the performance of one or more specified War Department contracts and no others, or is for a fixed term expiring during the pendency of proceedings, and where it is deemed likely that prior to issuance of the order another license has been or will be entered into between licensor and licensee conveying rights under the same inventions for the performance of subsequent War Department contracts.

(f) Appropriate provisions may be inserted in special cases, for example, where there are a plurality of licensees and the amount of royalties found to be fair and just is a fixed maximum sum to be received by licensor within each specified (e. g. annual) period, or where the War and Navy Departments make contemporaneous orders each referring to the other, etc.

§ 811.1112–22 *Submission of order for approval.* In submitting an order to the Director for approval, the delegate or originating technical service shall prepare and transmit to the Director the following papers:

(a) A memorandum or transmittal showing action taken in compliance with the applicable requirements of § 811.1112–14;

(b) Two copies of each notice issued (additional to any copies previously transmitted);

(c) Two copies of the transcript or minutes of the hearing if any held on the request of, and two copies of any papers not incorporated in such transcript submitted by, licensor or licensee;

(d) Two copies of any additional data basically relied upon;

(e) Three copies of an official report, statement or memorandum containing the following information:

(1) The date on which the notice is found to have become effective under the statute;

(2) The manner in which and the extent to which the invention is being utilized by or for the War Department;

(3) If the invention is patented, or the subject of a patent application, the number of all patents and patent applications pertaining thereto;

(4) The identifying number of each War Department contract, so far as known, whose price is reduced by the order;

(5) The parties, terms, date and a copy, if obtainable (unless a copy is included among the papers mentioned in paragraph (c), of each instrument of license which is affected by the order;

(6) Statements of:

(i) Total royalties received, preferably annually from 1936 to the latest period available.

(ii) Segregation of royalties between Government and non-Government during the period when the conditions of wartime production affected the procurement in question so far as readily ascertainable from the licensees concerned.

(iii) The amounts of royalties already paid to the licensor, if any, which were or will be included in licensor's renegotiable receipts under the Renegotiation Act and action taken or to be taken under the Renegotiation Act with respect thereto, so far as readily ascertainable from the Price Adjustment Section to which the licensor has been assigned for renegotiation.

(7) The facts and circumstances upon which are based the conclusion set forth in the order that the rates or amounts of royalty, if any, fixed in the order are deemed fair and just taking into account the conditions of wartime production and other pertinent facts and circumstances;

(8) A statement of estimated savings or benefits to the War Department if the order be approved; and

(9) A statement of reasons why it is deemed desirable under the circumstances that the future benefits of the order shall inure to the War Department in the form (as the case may be) of price reduction or running recapture of excess royalties from the licensee; and a statement of the methods proposed for supervision and control of the course adopted.

(f) The order signed by the delegate or delegates exercising authority in the matter.

§ 811.1112–23 *Copies to the Chief, Patents Division, Office of The Judge Advocate General.* One copy of each of the documents mentioned in § 811.1112–22 (a) to (f), inclusive, shall be forwarded to the Chief, Patents Division, Office of The Judge Advocate General, concurrently with the transmittal of copies of the same documents to the Director.

§ 811.1112–24 *Procedure upon approval of an order.* Upon approval and execution of an order by the Director, the following procedure will be observed subject to such deviation as may be necessary and proper:

(a) The Director will transmit to The Adjutant General the original order, and sufficient copies thereof for certification, together with one copy of each of the papers mentioned in § 811.1112–22 (b), (c) and (d).

(b) The Adjutant General will retain, as the War Department's permanent file in the matter, the original of the order (§ 811.1112–22 (f)), and the copies transmitted to him of the papers mentioned in § 811.1112–22 (b) to (e), inclusive; and he will certify the required number of copies of the order (one for each party named therein as licensor or licensee) and transmit the same to the Director, who will forward them to the originating technical service or delegate.

(c) The originating technical service or delegate will forward a certified copy of the order to each party named therein at his last known address, by registered mail, return receipt requested.

(d) The Director will cause to be distributed a copy of the order to each of the following:

The General Accounting Office.
Navy Department.
Treasury Department.
Maritime Commission.
Defense Plant Corporation.
Office of Strategic Services.
Director, Renegotiation Division, Headquarters, Army Service Forces.
Chief, Patents Division, Office of The Judge Advocate General.
Chief patent officer of each of the technical services.
Air Judge Advocate.
All Royalty Adjustment Boards.

§ 811.1112–25 *Monies recovered from licensees or licensors.* Monies received by any technical service of the War Department from any source, either as a result of an order or pursuant to an agreement effecting a voluntary adjustment of royalties, shall be paid to the Treasurer of the United States and deposited to the credit of Miscellaneous Receipts under Treasury Symbol No. 214238, "Refund of Royalties." Provision may be made in any order, or any contract adjusting royalties (see § 811.1113) for transmittal of remittances through any designated officer.

§ 811.1112–26 *Rehearing or reconsideration.* Any delegate who recommended or made an order may reconsider such order, permit the licensor or licensee to present further facts or circumstances having a bearing upon the matters dealt with therein, and recommend or make an order supplemental thereto within the scope of the delegate's existing authority as set forth in §§ 811.1112–9 or 811.1112–10.

§ 811.1112–27 *Action required upon a determination that royalties are fair and reasonable.* (a) In every case which has been cleared for investigation under § 811.1112–14 (b) where the delegate having the matter in hand finds upon investigation that the royalties in question are fair and reasonable, a closing report shall be transmitted to the Director (in triplicate), including so far as practicable the following information:

a. Name(s) and address(es) of licensor(s).
b. Name(s) and address(es) of licensee(s).
c. Identification of patents or applications for patent, or other rights involved.
d. Brief description of the subject matter of the invention involved.
e. If several patents or applications are involved, which, if any, dominate the Government procurement involved and which, if any, are not involved therein.
f. Date of the license agreement, a copy thereof or a brief summary of its provisions, including the scope and limitations of grant, all royalty provisions and price fixing provisions, if any.
g. Summary of any pertinent interviews or correspondence with or statements submitted by the licensor, or a statement that the licensor was not interrogated.
h. Statements of:
(i) Total royalties received, preferably annually from 1936 to the latest period available.
(ii) Segregation of royalties between Government and non-Government, during the period when the conditions of wartime production affected the procurement in question so far as readily ascertainable from the licensees concerned.
(iii) The amounts of royalties already paid to the licensor, if any, which were or will be included in licensor's renegotiable receipts under the Renegotiation Act and action taken or to be taken under the Renegotiation Act with respect thereto, so far as readily ascertainable from the Price Adjustment Section to which the licensor has been assigned for renegotiation.
i. Reasons for concluding that royalties are fair and reasonable, and a statement of any relevant facts in support thereof.

[1] As to use of Schedule A see § 811.1112–21 (a).

[2] As to use of subclause (c), see § 811.1112–21 (e).

[3] In the case of orders originating in the Army Air Forces the legend should be as follows:

[Leave two lines blank]
Special Representative of the Under Secretary of War

§ 811.1113 *Voluntary adjustments of royalties effected before an order is made.*

§ 811.1113–1 *Available procedures for voluntary adjustments.* The delegate having the matter in hand may, subject to such rules and regulations governing the exercise of delegated powers under the act as have been or may from time to time be prescribed by or on behalf of the Secretary of War, negotiate a voluntary adjustment of royalties before an order is made, in any of the following manners:

(a) Before notice under the act has been given:

(1) By receiving a supplemental agreement entered into between licensor and licensee(s) and executed by each of them;

(2) By receiving a unilateral agreement executed by licensor (see § 811.1113–9); or

(3) By causing the United States to execute a contract with licensor alone, or with licensor and all licensees materially affected, in the manners provided in §§ 811.1113–3 to 811.1113–8.

(b) *After notice under the act has been given (but before an order is made).* In any of the manners above set forth provided, in addition, the notice is withdrawn in the manner provided in § 811.1112–9 (a).

§ 811.1113–2 *Delegate not to prejudice the Government's rights.* Where prior to the making of an order the licensor voluntarily agrees to reduce the rates or amounts of any royalties which are charged or chargeable to the War Department, and the Government does not execute the agreement which effects such reduction, the delegate or technical service having the matter in hand shall not, in correspondence or otherwise, purport to agree that the Secretary of War or the head of any other department or agency of the Government will for any period forbear to exercise his powers under the act.

§ 811.1113–3 *Voluntary adjustments executed by the Government.* (a) Contracts which effect a voluntary adjustment of royalties may, provided no order has been made under the act and under the conditions stated in the following subparagraphs, be executed on behalf of the United States. Such contracts may be prepared in substantial conformity with War Department Contract Form No. 29 (see § 813.1329 hereof). The following paragraphs apply whether or not that form is used.

(b) If entered into before a notice under the act has been given, such contract (1) may include as parties (in addition to the United States) either the licensor alone, or the licensor and all licensees materially affected, (2) shall be executed on behalf of the United States by a delegate having authority in the matter, and (3) does not require approval of the Director except where that approval is expressly required by paragraphs (d), (e) or (f) below or by § 811.1113–7 (a). If the contract is with licensor alone, the provisions of § 811.1113–8 apply; if the contract is with licensor and licensee(s), the provisions of § 811.1113–7 apply.

(c) If entered into after a notice under the act has been given (but before an order is made), such contract is subject to the provisions of paragraph (b) above, and in addition shall contain or be accompanied by a signed consent or release substantially conforming to the form thereof set forth in § 811.1112–9 (a), unless the Director has authorized a deviation from or omission of the same.

(d) No such contract shall, without the approval of the Director, contain any provision which would prejudice or impair in any way the right of the head of any department or agency of the Government to make other or further adjustment of the rate or amount of royalties specified in the original license or in the contract adjusting the royalties (see article 6 in § 813.1329).

(e) There is no power in the Secretary of War or any of his delegates to bind the head of any department of the Government other than the War Department to forbear from further adjusting the rates or amounts of royalties which are charged or chargeable to such other departments than the War Department. If such contract provides that no further adjustment of the rates or amounts of royalties will be made for any specified period after the date of the contract, the contract must be executed by or on behalf of the head of each department or agency to which such royalties may be charged or chargeable, must be approved in behalf of the War Department by the Director, and may be approved by him provided the total amount of royalties which will be charged to the War Department or to all departments or agencies thus bound is a fixed amount or an amount determinable at the time the contract is executed, and there is reason to believe that such amount is not and will not become unreasonable or excessive.

(f) The Director may exempt from renegotiation all royalties to be collected pursuant to the terms of such contract, in cases among others where the profits to be derived from the contract can be determined with reasonable certainty at the time of execution thereof in behalf of the Government and in the opinion of the Director the royalties to be retained by the licensor will not yield excessive profits to him. (See § 812.1205–5 (a)). In requesting the Director's approval of such a contract, the delegate shall state the profits to be derived from the contract by the licensor, his conclusion that such profits will not be excessive and his reasons for such conclusion.

§ 811.1113–4 *Contract articles providing for royalty, refund or price reduction.* (a) It is contemplated that, in the use of War Department Contract Form No. 29, the royalty adjustment would ordinarily take effect as of some convenient past date (for example, the beginning of one of the quarterly royalty periods provided in the license) and that the adjustment will apply to all government royalties accruing since that date. Provision is made in Form No. 29 for a definition of the term "subject royalties" in such manner that, when the agreed past date is inserted in one of the definitions forming a part of the contract (see especially subparagraphs (e) and (f) of § 813.1329, Art. 1), the term "subject royalties" may then be used in other articles of the contract without repeating the definition. The contract articles appearing below are intended for use only when accompanied by the definitions set forth in § 813.1329, Art. 1, with an agreed date inserted.

(b) The following contract articles providing for royalty refund or price reduction, when accompanied by the definitions of terms used therein as set forth in Article 1 of § 813.1329, are appropriate for use in the manner set forth in §§ 811.1113–7 to 811.1113–9 below:

ARTICLE ____. *Refund of royalties.*

A. Licensor agrees (i) forthwith to deliver to [name and address of officer or board] a written report signed by Licensor showing the amount and manner of computation of that part of the subject royalties which have prior to the date of this contract been received by Licensor and, (ii) to pay to the Treasurer of the United States, at the same time and place, so much of said part of the subject royalties as are in excess of the reduced royalties specified in Article 2 hereof.

B. Licensor agrees that, forthwith upon receipt by Licensor on or after the date of this contract of any of the subject royalties, Licensor shall (i) deliver to [name and address of officer or board] a written report signed by Licensor showing the amount and manner of computation of said royalties, and (ii) pay to the Treasurer of the United States, at the same time and place, so much of the said subject royalties as are in excess of the reduced royalties specified in Article 2 hereof.

C. Licensor agrees to and does hereby authorize and direct Licensee [or, the licensee named in said license] (i) to deliver to [name and address of officer or board] a written report signed by Licensee showing the amount and manner of computation of that part of the subject royalties which are due for payment by Licensee to Licensor and have not been paid prior to the date of this contract and, (ii) to pay to the Treasurer of the United States, at the same time and place, so much of said part of the subject royalties as are in excess of the reduced royalties specified in Article 2 hereof.

D. Licensor agrees to and does hereby authorize and direct Licensee [or, the licensee named in said license], as and when any of the subject royalties fall due for payment to Licensor on or after the date of this contract, (i) to deliver to [name and address of officer or board] a written report signed by Licensee showing the amount and manner of computation of the said subject royalties and (ii) to pay to the Treasurer of the United States, at the same time and place, so much of the said subject royalties as are in excess of the reduced royalties specified in Article 2 hereof.

E. Licensee agrees (i) forthwith to deliver to [name and address of officer or board] a written report signed by Licensee showing the amount and manner of computation of that part of the subject royalties which are due for payment to Licensor and have not been paid prior to the date of this contract and (ii) to pay to the Treasurer of the United States, at the same time and place, so much of said part of the subject royalties as are in excess of the reduced royalties specified in Article 2 hereof.

F. Licensee agrees that, as and when any of the subject royalties fall due for payment to Licensor on or after the date of this contract, licensee shall (i) forthwith deliver to [name and address of officer or board] a written report signed by Licensee showing the amount and manner of computation of the said subject royalties and (ii) pay to the Treasurer of the United States, at the same time and place, so much of the said subject royalties as are in excess of the reduced royalties specified in Article 2 hereof.

ARTICLE ____. *Refund of royalties and price reduction.*

G. (a) Licensee agrees (i) to deliver to [name and address of officer or board] a written report signed by Licensee showing the amount and manner of computation of that part of the subject royalties not heretofore paid to Licensor, which have heretofore accrued or many hereafter accrue in respect of supplies, equipment, materials or parts thereof delivered prior to_____, 194__ [date when price reduction is to become effective] and (ii) to pay to the Treasurer of the United States, at the same time and place, so much of said part of the subject royalties as are in excess of the reduced royalties specified in Article 2 hereof.

(b) Licensee agrees (i) to reduce the contract price of all supplies, equipment, materials and parts thereof delivered to the Government on and after the date set forth in clause (a) of this Article, to the extent necessary to secure to the Government the full benefit of the reduced royalties specified in Article 2 hereof, and (ii) to pay or credit to the Government, as the Contracting Officer concerned may direct, the amount of such price reduction.

§ 811.1113–5 *Contract articles providing for release of infringement claims.* In preparing royalty adjustment contracts which contain definition of the term "said inventions" (see clauses (a) and (b) of § 813.1329, Art. 1), the following contract articles are appropriate for release of infringement claims in the cases specified below:

(a) If the license whose royalties are being adjusted is *non-exclusive*, the following contract article is appropriate whether or not licensee is a party to the contract:

ARTICLE ____. *Release of past infringement.* Licensor hereby releases each and every claim and demand which Licensor now has or may hereafter have against the Government, its officers, agents, servants and employees, for infringement of any patent covering the said inventions by reason of the manufacture, use or sale of any article or material or the use of any process prior to the date of this contract or the use or sale thereafter of any article or material so manufactured.

(b) If the license, whose royalties are being adjusted is exclusive, the following contract article is appropriate provided both Licensor and Licensee are parties to the contract:

ARTICLE ____. *Release of past infringement.* Licensor and Licensee hereby jointly and severally release each and every claim and demand which they or either of them now have or may hereafter have against the Government, its officers, agents, servants and employees, for infringement of any patent covering the said inventions by reason of the manufacture, use or sale of any article or material or the use of any process prior to the date of this contract or the use or sale thereafter of any article or material so manufactured.

§ 811.1113–6 *Mandatory contract articles in royalty adjustment agreements executed by the Government.* (a) The "Officials not to Benefit" article (§ 803.322) and the "Covenant against Contingent Fees" article (§ 803.323) are required in every royalty adjustment contract which is executed by the Government.

(b) The "Anti-discrimination" article (§ 803.325) is required in contracts executed by the Government except where the performance of the contract does not involve the employment of persons.

(c) The "Assignment of Rights" article (§ 803.355) is required if the contract is executed by the Government and provides for payments by the Government aggregating $1,000 or more (see §803.355).

§ 811.1113–7 *Contracts between the Government, the licensor and the licensee.* (a) Where the licensee uses the licensed inventions solely in connection with articles which he sells directly to the Government, and the licensee is party to the contract adjusting the royalties, the contract shall (unless the Director otherwise directs) provide that the future benefits of the royalty adjustment shall inure to the Government in the form of a corresponding price reduction. In such case the appropriate contract articles are articles A and G of § 811.1113–4.

(b) Where the licensee uses the licensed inventions solely in connection with articles which he sells to contractors or subcontractors for the Government, the contract may provide either (1) for price reduction (using articles A and G of § 811.1113–4, the latter suitably modified in subclause (b) thereof to provide that the price reduction applies to deliveries "to contractors and subcontractors for the Government"), or (2) to effect running recapture from licensee of excess royalties (using articles A, E and F of § 811.1113–4.

(c) If licensee uses the licensed inventions in part in connection with articles which he sells directly to the Government and in part in connection with articles which he sells to contractors and subcontractors for the Government, the contract may provide either (1) for segregation by licensee of the two aspects of his business, with price reduction applied to the first-mentioned part and running recapture from licensee of excess royalties applied to the second-mentioned part, or (2) for running recapture from licensee of excess royalties in respect of both parts without price reduction or segregation. In such cases the appropriate contract articles are those mentioned in paragraphs (a) and (b) above, suitably modified as circumstances require.

(d) Attention is called to the provisions of §§ 811.1113–5 and 811.1113–6 relating to release of infringement claims and mandatory articles in royalty adjustment contracts to which both the licensee and the Government are party.

§ 811.1113–8 *Contracts between the Government and the licensor which are not executed by the licensee.* (a) Where the excessive portion of the future royalties is to be refunded by the licensor, and the licensee is not a party to the contract, the appropriate contract articles are articles A and B of § 811.1113–4.

(b) Where the excessive portion of future royalties is to be refunded by the licensee, and the licensee is not a party to the contract, the appropriate contract articles are articles A, C and D of § 811.1113–4.

(c) Contracts executed by the Government and the licensor, and not executed by the licensee, are not appropriate where the license is exclusive and a release of past infringement claims is to be obtained, since an exclusive licensee should join in giving such a release.

(d) Attention is called to the provisions of § 811.1113–6 relating to the use of mandatory articles in royalty adjustment contracts to which the Government is a party.

§ 811.1113–9 *Unilateral agreements executed by licensor alone.* Voluntary adjustments of royalty may be informally and expeditiously accomplished by a form of unilateral agreement executed by the licensor alone and not by the licensee or the Government. Such agreements may be prepared using War Department Contract Form No. 29 as a basis, subject to the following modifications:

(a) The preamble and "Now, Therefore" clauses should be rewritten in form appropriate to a unilateral agreement.

(b) The first "Whereas" clause of § 813.1329 should be modified to substitute the name and address of licensee in place of the word "Licensee".

(c) The second and third "Whereas" clauses of § 813.1329 should be used without substantial change. It is advisable to recite (as in the third "Whereas" clause) that licensor has requested the Secretary of War to forebear from giving notice under the act, in order that there will be consideration for the licensor's promise.

(d) The fourth "Whereas" clause of § 813.1329 should be omitted.

(e) In § 813.1329, Art. 3 the appropriate articles would be those specified in paragraphs (a) or (b) of § 811.1113–8.

(f) The provisions of § 813.1329, Articles 5 and 7 should be omitted.

(g) Provision should be made at the foot of the contract for execution by licensor alone.

§ 811.1113–10 *Action required when royalties have been voluntarily adjusted.* When royalties chargeable to the War Department have been voluntarily adjusted with the participation of any delegate, he or the chief of the technical service concerned shall promptly report the adjustment to the Director. Such report is required whether or not the United States is party to any contract in connection therewith, and whether or not the Director's approval is required for such contract. The report shall include:

(a) A memorandum of facts (in triplicate), containing so far as practicable and appropriate the information listed in § 811.1112–27 and, in addition, a statement of:

(1) The nature and extent of the adjustment.

(2) Estimated benefits to the Government.

(3) Methods proposed for supervision or control of the Government's interest.

(4) Future action contemplated.

(b) Sufficient copies of the agreement for distribution by the Director to interested agencies (a total number equal to the number of licensors and licensees, plus three).

(c) Three copies of the withdrawal of notice (if a notice had previously been given) and three copies (one duly exe-

cuted by the licensor) of the consent and release specified in § 811.1112–9 (c).

(d) If the adjustment is embodied in a contract executed on behalf of the Government and requiring approval of the Director, the contract shall be transmitted in form ready for signature by the Director accompanied by the recommendations of the delegate or technical service having the matter in hand.

§ 811.1113–11 *Copies to the Chief, Patents Division, Office of The Judge Advocate General.* In the case only of an adjustment which is embodied in a contract executed on behalf of the Government and requiring approval of the Director, a copy of each document required in that case by § 811.1113–10 to be transmitted to the Director, shall be forwarded to the Chief, Patents Division, Office of The Judge Advocate General, concurrently with the transmittal of the originals thereof to the Director.

§ 811.1113–12 *Numbering and distribution.* (a) It is unnecessary to number royalty adjustment agreements, notwithstanding the provisions of § 803.309.

(b) The executed original of every royalty adjustment agreement (whether or not executed by the Government) will be forwarded to the Chief, Audit Division, Room 506, General Accounting Office, Washington 25, D. C., under the following conditions:

(1) If such agreement provides that the Government is to make or receive the payment of an amount determinable at the time of the execution of the contract (such as, for example, refund of royalties already accrued or received), the agreement will be forwarded immediately.

(2) If such agreement provides that the Government is to make or receive the payment of money upon the happening of or in an amount which is contingent upon a future event (such as, for example, refund of royalties to accrue or to be received), the agreement will be forwarded immediately or upon the happening of any event which requires the payment or receipt of moneys under the agreement.

(c) If such an agreement contains any provision granting to the Government an interest (such as an assignment or license) in or under patents or applications for patents, the agreement is required by Executive Order No. 9424, February 18, 1944, to be recorded in the United States Patent Office. Such recording will be carried out in the manner provided in paragraph 4 of AR 25–10. An agreement providing for a waiver of royalties under existing private licenses, even for a limited time, is subject to the foregoing.

(d) If a royalty adjustment agreement contains provisions such as to require both that it be forwarded to the General Accounting Office (paragraph (b) above) and that it be recorded in the Patent Office (paragraph (c) above), and the War Department has in its possession no more than one executed original thereof, such original shall first be transmitted for recording in the Patent Office (in compliance with paragraph 4 of AR 25–10) with a request that it be returned, and upon return thereof said original shall then be forwarded to the General Accounting Office. Hereafter the representative of the War Department shall, if possible, secure an executed original and an executed duplicate original of all documents required to be forwarded under paragraph (b) and recorded under paragraph (c) above, and the executed duplicate original shall be used for complying with paragraph 4 of AR 25–10.

§ 811.1114 *Agreements in settlement and compromise after an order is made and before suit against the United States has been instituted.* (See § 811.1112–7.)

§ 811.1114–1 *Approval required.* Every agreement in settlement and compromise of a claim against the United States accruing in consequence of the making of an order under the Act is subject to the approval of the Director.

§ 811.1114–2 *Submission for approval.* (a) The contract in an appropriate number of copies each executed by all necessary parties and by a delegate on behalf of the United States, shall be transmitted to the Director ready for execution by him, accompanied by a report containing:

(1) A full statement of all relevant facts and circumstances, and

(2) The recommendations of the chief or deputy chief of the originating technical service that the contract be approved.

(b) One copy of the proposed agreement and of the report accompanying the same shall be forwarded to the Chief, Patents Division, Office of The Judge Advocate General, concurrently with the transmittal of the originals thereof to the Director.

§ 811.1114–3 *Numbering and distribution.* (See § 811.1113–12.)

§ 811.1115 *Investigation of, and licenses, assignments and releases eliminating claims for, the unauthorized use of inventions.*[1]

§ 811.1115–1 *Applicable statutes.* (a) The act of June 25, 1910 as amended (35 U.S.C. 68, 94) (hereinafter called "the Act of 1910") provides that wherever an invention covered by a patent of the United States is without license used or manufactured by the United States or by any person, firm or corporation for the United States and with its authorization and consent,[2] the patent owner's remedy shall (except as hereinafter stated) be by suit against the United States in the Court of Claims for recovery of his reasonable and entire compensation for such use or manufacture. The benefits of the foregoing statute do not inure to any patentee or the assignee of any patentee, who when he makes such claim is in the employment or service of the Government, nor does the foregoing statute apply in respect of any patent based upon an invention made during the time the inventor was in the employment or service of the Government.

(b) Section 4900, Revised Statutes, as amended (35 U.S.C. 49) (hereinafter called "the Patent Marking Statute"), precludes the recovery by a patent owner of damages or profits for infringement occurring prior to (1) the date of marking the patented article with the word "Patent" together with the number of the patent or with the word "Patented" and the day and year the patent was granted or (2) the date on which the patent owner notified the alleged infringer of the claimed infringement (whichever date is earlier), except (i) in the case of a patent exclusively for a process or (ii) in the event neither the owner nor any licensee of the owner has made or sold the patented article.

(c) The act of October 6, 1917, as amended (35 U.S.C. 42) (hereinafter called "the Secrecy Order Act"), provides that the owner of a patent application, which has been ordered by the Commissioner of Patents to be kept secret, who has faithfully obeyed such order and who has tendered his invention to the Government for its use, shall, if and when he ultimately receives a patent, have the right to sue for compensation in the Court of Claims, such right to compensation to begin from the date of the use of the invention by the Government.

(d) The act of July 2, 1926, as amended (10 U.S.C. 310 (i)) (hereinafter called "the Air Corps Act"), provides that whenever a design, whether or not inventive in character, relating to aircraft or any components thereof is used or manufactured by or for any department of the Government without just compensation, the owner of such design may within four years from the date of such use file suit against the United States in the Court of Claims for recovery of his reasonable and entire compensation for such use and manufacture.

(e) Section 188, Revised Statutes (5 U.S.C. 91) (hereinafter called "the Act requiring reports to the Attorney General"), requires that a department, or the officer or agent of a department which is authorized to adjust a claim, shall, after suit has been brought in the Court of Claims and upon request by the Attorney General, without delay furnish the Attorney General with a full statement, in writing, of all facts, circumstances, and evidence touching the claim in the possession or knowledge of such department, officer, or agent.

(f) The act of October 31, 1942 (35 U.S.C. 91) (hereinafter called "the Royalty Adjustment Act"), provides that the head of any department or agency of the Government which has ordered, authorized, or consented to the manufacture, use, sale, or other disposition of an invention (whether patented or unpatented) by or for the Government is authorized to enter into an agreement with the owner thereof, before suit against the United States has been instituted, in full settlement and compromise of any claim against the United States accruing by reason of such manufacture, use, sale, or other disposition of the invention. This statute grants power and authority

[1] Section 811.1115 to 811.1115–22, inclusive, became effective December 12, 1944.

[2] See SPJGP 1943/881, Feb. 8, 1943, Page 75, Volume II, Bulletin of The Judge Advocate General, February 1943.

to settle claims or liabilities arising under the acts referred to in paragraphs (a) and (c) above, and to settle claims or liabilities arising under the act referred to in paragraph (d) above insofar as they are based upon a design which is believed to be inventive in character.

(g) Section 3477, Revised Statutes as amended (31 U.S.C. 203), provides that all transfers and assignments of any claim (except certain contract claims) upon the United States are absolutely null and void unless made, among other things, after the allowance of the claim, the ascertainment of the amount due and the issuing of a warrant for the payment thereof. In view of certain decisions construing this statute, its provisions will, so far only as concerns claims made under the statutes referred to in paragraphs (a), (c) and (d) of this section, be deemed:

(1) Inapplicable to claims arising under the Act of 1910 for compensation on account of articles manufactured for the United States, and articles and methods used in production for the United States (except articles made by the United States); and

(2) Applicable to all other claims arising under the statutes referred to in paragraphs (a), (c), and (d), such for example as claims under the act of 1910 for compensation on account of articles manufactured by the United States, or claims under the Secrecy Order Act or the Air Corps Act for compensation on account of articles manufactured by or for the United States.

§ 811.1115–2 *Definitions.* Where used in §§ 811.1115–3 to 811.1115–22 hereof, inclusive, the following terms have the meaning here assigned to them:

(a) "Director" means the Director (or in his absence the Acting Director), Purchases Division, Headquarters, Army Service Forces. In respect of any action taken by the Army Air Forces, the term "Director" means the Special Representative of the Under Secretary of War (see § 801.108–4 (b)).

(b) "Chief, Patents Division" means the Chief, Patents Division, Office of The Judge Advocate General.

(c) "Delegate" means any officer, board, agent or person to whom the powers, duties and authorities set forth in paragraphs (d) and (e) of § 811.1112–9 have been delegated.

(d) "Such claim" and "such a claim" means a claim which has in fact been asserted or a claim which it may reasonably be anticipated will be asserted under the statutes or any of them referred to in paragraphs (a) and (c) of § 811.1115–1 and under the statute referred to in § 811.1115–1 (d) insofar as said claim is based upon a design which is believed to be inventive in character.

§ 811.1115–3 *Delegation of authority to and duties of delegates.* The Secretary of War has delegated (§ 811.1112–10) to certain officers, boards and persons (herein called "delegate") the duty and authority, before suit against the United States has been instituted, to negotiate and to enter into contracts of settlement and compromise of such a claim against the United States. Each delegate, in matters properly before him, is charged with the duty of taking appropriate action with respect to every case (i) where such a claim has been made or (ii) where such a claim may be reasonably anticipated under such statutes, promptly after knowledge thereof is brought to his attention. Such action includes the following:

(a) Writing the claimant or his representative acknowledging receipt of the communication in which such claim is asserted. An authorized form of acknowledgment is set forth in § 811.1115–10;

(b) Transmitting directly to the Chief, Patents Division, a copy of the communication in which any such claim is asserted or reported (delegates in the Army Air Forces shall, in addition, transmit a copy to the Air Judge Advocate);

(c) Requesting clearance from the Director to investigate and settle each such claim pursuant to § 811.1115–6;

(d) Investigating each such claim upon clearance from the Director, and if deemed appropriate by the delegate, settling the same pursuant to §§ 811.1115–4, 811.1115–7 and 811.1115–10 to 811.1115–22;

(e) Preparing and transmitting to the Chief, Patents Division, and to the Director, pursuant to § 811.1115–8, a report containing the full statements required by the act requiring reports to the Attorney General (§ 811.1115–1 (e)) with respect to each such claim in which no settlement is effected; and

(f) Making the required distribution of each contract of settlement or partial settlement of such claim pursuant to § 811.1115–15.

§ 811.1115–4 *Policy of the War Department.* The policy of the War Department is that so far as practicable (a) one delegate shall represent the War Department in the investigation or settlement of each such claim; (b) where a contract includes an obligation for the payment of a running royalty, no department shall be committed to such obligation unless the contract has been signed in behalf of each other department or agency of the Government similarly obligated (see §§ 811.1115–18 and 813.1331), (c) where a contract includes a release of such claim, the release shall whenever practicable, be for the benefit of all departments and agencies of the Government (see §§ 811.1113–5, 813.1330, Art. 3, 813.1331, Art. 5, 813.1332, Art. 2, 813.1333, Art. 1, and 813.1334, Art. 2; (d) where a contract includes a royalty-free or a paid-up license for future procurement, such license shall be for the benefit of all departments and agencies of the Government (see §§ 811.1115–17, 811.1115–21, 813.1330, Art. 1 and 813.1334, Art. 1); (e) where a contract includes a release of such a claim or a license, the effect of which is to release or discharge a contractor in whole or in part from an obligation to indemnify the Government (see § 803.335), such contractor shall be a party to the contract and appropriate action shall be taken to the end that the contractor shall pay all money consideration flowing to the claimant or potential claimant which is attributable to that part of the release or license which benefits the contractor; (f) each contract shall contain an appropriate "Non Estoppel" clause preserving to the Government all defenses in any infringement action unless all potential claims under the patent against the Government are disposed of by the contract (see §§ 811.1115–17 through 811.1115–21, inclusive; and (g) the investigation and report necessary for compliance with the Act requiring reports to the Attorney General (see §§ 811.1115–8 and 811.1115–9) shall be completed with respect to each such claim (whether or not covered by an agreement of indemnity) a complete settlement of which is not effected.

§ 811.1115–5 *Duties of the chiefs of the technical services.* The chief of each technical service shall issue necessary instructions to all officers and employees of his service to provide for prompt transmittal to the chief legal or patent officer in the headquarters of his service, or in the case of the Army Air Forces to the chief legal or patent officer in the headquarters of the Army Air Forces or in the headquarters of any of the major commands of the Army Air Forces charged with duties of procurement, of all reports of claims and of potential claims relating to the manufacture or use of inventions or designs by or for the Government. If such legal or patent officer is not a Delegate, he shall transmit each such report to a Delegate in his service or command together with his recommendations for appropriate action. Such reports may be received by contracting officers from contractors under clause (b) of §§ 803.335–5 and 803.335–6.

§ 811.1115–6 *Procedure for obtaining clearance.* Promptly after receipt of a notice or report of such claim the delegate shall request from the Director clearance to investigate and to settle the same, and shall contemporaneously forward a copy of such request to the Chief, Patents Division. Delegates in the Army Air Forces shall also forward a copy of such request to the Office of the Air Judge Advocate. The Chief, Patents Division, shall determine from his files, from the Government Register of Patent Rights (Executive Order No. 9424, Feb. 18, 1944) and from the Department of Justice whether any technical service or any other department or agency of the Government has investigated or settled, or received a report or notice of, a claim pertaining to the same subject-matter and shall notify the Director of the results of such determination. The Director shall then grant such clearance as appears proper upon consideration of the information received from the Chief, Patents Division, and any supplemental information contained in the Director's files. The Director shall send a copy of such clearance to the Chief, Patents Division, and to the chief patent officer of each of the technical services, and each such officer shall promptly investigate the procurement in his service and notify the Delegate to whom clearance has been issued of the interest, if any, of his service in the matter and of any pertinent information

contained in his files. Each request for clearance shall include, (a) the name and address of each claimant or prospective claimant, (b) the name and address of each contractor and subcontractor who is believed to have performed the alleged infringing acts (to the extent disclosed by a cursory search in the headquarters of the delegate), (c) the number of each patent and patent application concerned, (d) a description of the alleged infringing subject-matter (in sufficient detail to permit other technical services to determine therefrom whether they have an interest in the matter), and (e) a copy of the communication from the claimant, if any.

§ 811.1115–7 *Foreign claimants.* In cases where the claimant is a national of a Government which is party to a Mutual Aid Agreement with the United States Government, the delegate, after clearance has been obtained from the Director, shall promptly proceed as set forth in § 811.1111–2.

§ 811.1115–8 *Report where no settlement is made.* A final written report of investigation, including recommendations and conclusions of the delegate, will be made by him to the Chief, Patents Division, with respect to each such claim in which settlement is believed to be inadvisable or which the delegate has been unable to settle upon terms deemed reasonable by him. Each such report shall be clearly marked "Confidential—Legal Memorandum for the Guidance of Administrative Officials". Delegates in the Army Air Forces shall forward such report to the Chief, Patents Division, through the Office of the Air Judge Advocate. A copy of such report shall be forwarded by the delegate to the Director and to the chiefs of all interested technical services concurrently with transmittal of the original to the Chief, Patents Division. This final report, which is to serve as a basis for compliance with the act requiring reports to the Attorney General (§ 811.1115–1 (e)), will include so far as practicable and relevant all of the following information:

(a) Numbers and dates of all contracts and subcontracts for procurement of the item in question, together with the name and address of each contractor and subcontractor concerned, and the text of each contractor's agreement, if any, to indemnify the Government against liability for infringement, or a statement that there is no such indemnity agreement. This information is to include contracts of other technical services and other departments or agencies of the Government involved, if any.

(b) Extent and dates of alleged infringement.

(c) Statement of whether the Government by a duly authorized agent or official has given its authorization or consent to the manufacture or use of the article, material, design, or process upon which Such Claim is or will be based. (See SPJGP 1943 881 Feb. 8, 1943 page 75, Vol. II, Bulletin of The Judge Advocate General, Feb. 1943.)

(d) Statement of effective date of marking or of notice under the Patent Marking Statute, if pertinent (see § 811.1115–1 (b)).

(e) Copies of patents alleged to be infringed or, in case of Such a Claim which arises under the Air Corps Act (§ 811.1115–1 (d)), claimant's description of his design.

(f) Result of title search, including examination of Government Register of Patent Rights (Executive Order No. 9424, Feb. 18, 1944; par. 4, AR 25–10).

(g) A full and complete description of the alleged infringing device, material, design or process, accompanied where practicable with adequate specimens, photographs or drawing thereof.

(h) Report of date and extent of prior art searches in each of the following categories:

(1) Prior art patents and publications.

(2) Pending applications filed by the service conducting the investigation.

(3) Prior public uses.

(i) Copies of prior art patents and publications and full and complete description (and where practicable a specimen, photograph or sketch) of prior uses relied upon by the delegate.

(j) Statement of the extent to which royalties, if any, have been adjusted by the War Department under the Royalty Adjustment Act (§§ 811.1112, 811.1113 and 811.1114).

(k) Statement of whether or not the manufacture or use of the invention occurred while the owner of the patent was in the employment or service of the Government.

(l) Statement of whether or not the patent was based upon an invention made during the time the inventor was in the employment or service of the Government.

(m) Names and adresses of prospective witnesses (fact and expert) and, where pertinent to validity or infringement, signed statements of witnesses. Where a witness refuses to sign a statement, a statement of the interviewing officer setting forth the facts which the witness may be expected to state if called to testify.

(n) Conclusions regarding infringement and reasons therefor.

(o) Conclusions regarding validity and reasons therefor.

(p) Conclusions regarding Government liability, the estimated money value of the claim and an estimate of future procurement involving possible increase of the claim.

(q) Summary of unsuccessful negotiations for settlement, if any.

(r) Recommendations.

§ 811.1115–9 *Action of the Chief, Patents Division, upon receipt of the delegate's final report.* (a) Upon receipt from a delegate of a final report under § 811.1115–8, the Chief, Patents Division shall promptly review the same. In each case where a communication has been received in which such a claim is asserted, the Chief, Patents Division shall write a letter to the claimant or his representative stating the final conclusions of the War Department upon such claim and shall send copies thereof to the Director, the delegate and the chief of each interested technical service.

(b) If, upon reading the final report, the Chief, Patents Division, deems it advisable, he shall make a search of one or more of the following possible sources of additional prior art; and if the results of such search so indicate, he shall make a supplemental report, stating conclusions supplemental to the conclusions stated in the delegate's final report:

(1) Patent applications which are the subject of secrecy orders under the Secrecy Order Act (see § 811.1115–1 (c) in which the inventions have been tendered to the Government for its use.

(2) Patent applications filed by technical services other than the investigating service.

(3) To the extent available, patent applications filed by other departments or agencies of the Government.

Two copies (three copies in Army Air Forces cases) of such supplemental report shall be sent to the Director who shall transmit one of said copies to the Delegate and also, in cases arising in the Army Air Forces, one to the Air Judge Advocate.

(c) If, upon reading the Delegate's final report, the Chief, Patents Division, disagrees with the conclusions regarding infringement or validity, he shall make a supplemental report stating his supplemental conclusions. Two copies (three copies in Army Air Forces cases) of such report shall be transmitted to the Director who shall transmit copies thereof as provided in paragraph (b) above.

(d) Upon completion of the final report, the Chief, Patents Division, shall advise the Attorney General thereof.

§ 811.1115–10 *Correspondence with claimant.* No delegate shall concede in writing, addressed to any claimant, potential claimant, or the representative of either, the merit or value of such claim except insofar as such concession may be embodied in an agreement executed by the United States in settlement and compromise thereof in compliance with §§ 811.1115–4, 811.1115–7, and 811.115–12 to 811.1115–22, inclusive. Upon receipt of a notice of infringement, the delegate shall acknowledge receipt thereof. The following form of letter is authorized for that purpose, subject to such modifications as may be required by the nature of the claim presented:

[Letterhead of Delegate]

[Date]

JOHN DOE,
Title Guarantee Building,
Miami, Florida.

DEAR SIR: Your letter to ---------- dated ----------, 1944, stating that United States Letters Patent No. ----------, granted (date of patent), to (patentee's full name), of (city and state), for "(title of invention)", is (are) infringed by (item or process) allegedly being used by the (War Department), has been referred to this office for necessary action and reply.

I am directed by the Secretary of War to inform you that the matter presented in your letter will be carefully investigated and that you will be informed of the War Department's conclusions upon completion of such investigation.

To aid in such investigation, it is requested that you furnish this office as promptly as possible (if readily available)

(1) a copy of the file wrapper and contents of the patent(s) in question, (2) copies of all patents and publications cited by the Patent Office during the prosecution of the application(s) for such patent(s), (3) the names and addresses of licensees, if any, (4) copies of license agreements, (5) a brief statement of any litigation in which the patent(s) have been or are now involved, and (6) a list of all notices of infringement which you have sent to alleged infringers of the patent (except the alleged infringers included in your statement of litigation), including but not limited to any other departments and agencies of the Government.

Very truly yours,

[Signature of Delegate]

§ 811.1115–11 *Disclosure of information.* In order that settlements advantageous to the Government may be secured, any delegate holding the powers, duties, and authorities of § 811.1112–9 (d), and any authorized representative of such delegate, may, in the performance of his official duties and when he has reason to believe that such action would be to the advantage of the United States, disclose to the claimant, potential claimant, or authorized representative of either, any fact or matter of evidence which appears to bear upon his claim or its value, except as consideration of military security may indicate such disclosure to be inadvisable (SPJGA 1944/11256, Oct. 25, 1944, and SPJGA 1945/2553, Mar. 9, 1945).

§ 811.1115–12 *Available procedures for the settlement and partial settlement of such claims.* The delegate having the matter in hand may, subject to the availability of appropriations and allotments of funds in his service and subject to such rules and regulations governing the exercise of delegated powers as are or may from time to time be prescribed in this section and §§ 811.1113 and 811.1114 and 811.1115, settle such claim:

(a) By causing the United States to execute a contract of license, assignment, release, release and license or release and assignment with the legal and equitable owner(s) providing for a payment or payments aggregating more than one ($1.00) dollar to be made by the Government (see §§ 811.1115–17 to 811.1115–20, inclusive, and suggested forms contained in W. D. Contract Forms Nos. 30, 31, 32, and 33), or

(b) By receiving from the legal and equitable owners, or by causing the United States to execute a contract of license, assignment, release, release and license, or release and assignment which does not provide for payments aggregating more than one ($1.00) dollar to be made by the Government (see § 811.1115–21 and suggested form contained in W. D. Contract Form No. 34), or

(c) By receiving from the legal and equitable owner(s) a release of all claims against the Government for past infringement in connection with a voluntary adjustment of royalties under § 811.1113–5 (for use in W. D. Contract Form No. 29).

§ 811.1115–13 *Fiscal procedures.* (a) An agreement to pay a fixed amount for the purchase of a paid-up license (W. D. Contract Form No. 20) (with or without release), or an assignment (W. D. Contract Form No. 32) (with or without release), or a release (W. D. Contract Form No. 33) either by way of lump-sum payment or an amount determinable at the time of execution of the contract, is subject to the provisions of §§ 803.310–1 and 803.310–2.

(b) An agreement to pay running royalties on future procurement proportioned to use (W.D. Contract Form No. 31) is not subject to §§ 803.310–1 or 803.310–2, nor need the period of payment be limited to the period for which existing appropriations are available.[1]

(c) Funds are available for the fiscal year 1945 for the payment for releases, licenses and assignments entered into in accordance with the procedures authorized in §§ 811.1115–4, 811.1115–7 and 811.1115–10 to 811.1115–22, inclusive; *Provided, however,* That no payment shall be made for the release of such claim or any portion of such claim the liability for which is barred by the statute of limitations or by other statute. [Section 16, Public Law 374, 78th Congress (Military Appropriations Act, 1945)]

§ 811.1115–14 *Contracts requiring the Director's approval.* Any contract of the type mentioned in § 811.1115–12 may be executed or received on behalf of the Government by a delegate without approval of the director, except in the following cases where such approval is required:

(a) Where the contract provides for total payments by the Government aggregating $500,000 or more, or

(b) Where the approval of the Director is required by the provisions of §§ 811.1115–17, 811.1115–18, 811.1115–19, 811.1115–20 or 811.1115–21.

§ 811.1115–15 *Numbering and distribution.* (a) Licenses, assignments and releases shall be numbered in the circumstances specified in § 803.309.

(b) The original of every license, assignment and release except those which do not involve the payment of money to the contractor shall be forwarded by delegate to the Chief, Audit Division, Room 506, General Accounting Office, Washington 25, D. C.

(c) The original or executed duplicate original of every license, assignment and release shall be transmitted by the delegate to the Chief, Patents Division, for recording in the United States Patent Office in the manner specified in paragraphs (c) and (d) of § 811.1113–12.

(d) A copy of each license, assignment and release shall be transmitted by the delegate to the Director and a copy of each license which provides for the payment of running royalties shall also be transmitted by the delegate to each of the chiefs of the technical services for the attention of the chief legal or patent officer thereof. Receipt of such copy shall place the recipient chief of a technical service on notice that future procurement of the licensed subject-matter requires the payment of royalties to the licensor (see §§ 811.1115–18 (f) and 813.1331, Art. 2). Chiefs of the technical services shall notify or cause to be notified procurement and price analysis offices affected.

§ 811.1115–16 *Mandatory contract articles in licenses, assignments and releases.* (a) The "Officials Not to Benefit" article (§ 803.322) and the "Covenant against Contingent Fees" article (§ 803.323) are required in every license, assignment and release which is executed by the Government.

(b) The "Anti-Discrimination" article (§ 803.325) and the "Assignment of Rights" article (§ 803.355) are required as specified by § 811.1113–6 (b) and (c).

(c) The "Renegotiation" article (§ 803.342–1) is required if the contract is executed by the Government and if it involves an estimated amount of over $100,000 (§ 812.1203–2), unless the contractor's receipts are exempted from renegotiation under the provisions of the following paragraph (d).

(d) the chief of a technical service may exempt from renegotiation the receipts of a contractor under any individual license, assignment or release granted or conveyed to the Government if the aggregate payments under the contract for its duration or for any stated period is either (1) a fixed amount determinable at the time of execution of the contract, or (2) limited by the contract to a maximum amount determinable at the time of execution of the contract (see § 812.1205–5 (b)), and such aggregate receipts are less than $5,000,000. If the chief of a technical service decides under § 812.1205–5 (b) that the contractor's receipts under such a contract should be exempted from renegotiation, Alternate A of § 813.1330, Art. 5 shall be used without deviation. All contracts which contain the article of Alternate A of § 813.1330, Art. 5 must be executed or approved by a delegate who also holds delegated power to exempt from renegotiation under § 812.1205–5 (b) (see also § 812.1205–9 (b)).

§ 811.1115–17 *Paid-up licenses.* The following instructions apply to all paid-up licenses entered into in behalf of the War Department, the money payment for which is more than one dollar ($1.00) (War Department Contract Form No. 30 (§ 813.1330) is suggested as a form for use in such cases):

(a) In the event that the scope (but not term) of the license grant is substantially less than that contained in § 813.1330, Art. 1 (except for foreign rights) the license must be approved by the Director if it provides for payments by the Government aggregating $25,000 or more.

(b) In the event that the scope of the "Non Estoppel" article is substantially less than that contained in § 813.1330, Art. 2 the license must be approved by the Director unless (1) the scope of the license article is not substantially less than that contained in § 813.1330, Art. 1 (except for foreign rights), (2) the scope of the release is not substantially less

[1] The Comptroller General has ruled (MS Comp. Gen. A–76676, dated May 5, 1937) that such an agreement takes effect only in connection with and to the extent of future procurement under the license, and if such procurement is within appropriations and allotments then existing they will cover the royalty agreed to be paid in respect thereto.

than that contained in § 813.1330, Art. 3 (except for the words in brackets) and (3) the term of the license is not less than that contained in Alternate A of § 813.1330, Art. 1. (This is to prevent estoppel in the event of a later suit against the Government for alleged infringement of the licensed patents.)

(c) A release of past infringement may be omitted from the license and covered by a separate contract (see, for example, W. D. Contract Form No. 33). However, when a release of substantially less scope than that contained in § 813.1330, Art. 3 (except for the words in brackets) is included in a license, the contract must be approved by the Director if it provides for payments by the Government aggregating $25,000 or more.

(d) The term of the license as provided by Alternate A of § 813.1330, Art. 1 may be shortened to any extent deemed appropriate by the delegate (subject, however, to the director's approval, under paragraph (b) above, if the scope of the "Non Estoppel" article is substantially less than that contained in § 813.1330, Art. 2. Alternates B, C, D and E of § 813.1330, Art. 1. are suggested.

§ 811.1115–18 *Licenses providing for the payment of running royalties.* The following instructions apply to all licenses entered into in behalf of the War Department which provide for the payment of running royalties (War Department Contract Form No. 31. § 813.1331, is suggested as a form for use in such cases):

(a) In the event that the scope (but not term) of the license grant is substantially less than that contained in § 813.1331, Art. 1 (except for foreign rights) the license must be approved by the director if it contemplates or permits payments by the Government of $25,000 or more in any calendar year.

(b) In the event that the scope of the "Non Estoppel" article is substantially less than that contained in § 813.1331, Art. 4 the license must be approved by the Director. (This is because the license applies only to the War Department, it is terminable, and the article is required to prevent estoppel in the event of a later suit against the Government for alleged infringement.)

(c) The instructions of § 811.1115–17 (c) apply as to scope of the release.

(d) The instructions of § 811.1115–17 (d) apply as to the use of the alternate term articles except that the words "unless sooner terminated as elsewhere herein provided" must be added to the article selected from § 813.1330, Art. 1. The article at § 813.1321, Art. 1 corresponds to Alternate A of § 813.1330, Art. 1 with such addition.

(e) In the event that the scope of the "Protection against Unjust Payments" or the "Reserved Rights" articles are substantially less than that contained in § 813.1331, Art. 3 and Art. 8 respectively, the license must be approved by the Director if it contemplates or permits payment by the Government of $25,000 or more in any calendar year.

(f) The article which provides for the computation of royalties (see § 813.1331, Art. 2 may be of varying scope but it must contain a provision designating the chief of the technical service of the Delegate as the officer designated to make reports to the contractor of the extent of use of the licensed subject-matter by the entire War Department, and such chief shall be charged with the responsibility of obtaining from all technical services the information necessary to make the required reports and the corresponding vouchers to make the required payments (see § 813.1331, Art. 2 (b). This article must not commit departments other than the War Department to pay royalties except to the extent that the license is signed in behalf of such other departments so obligated (see § 811.1115–4). In the event military security prohibits the disclosure of the quantity of production by reports or payments to the Licensor the Delegate may negotiate an appropriate substitute for the suggested "Royalties" article, for example, agreed lump-sum yearly or half-yearly payments with final settlement in accordance with actual production to be made within six months after termination of hostilities. Alternate A of § 813.1331, Art. 2 is suggested for running royalties based upon a percentage of the cost of the articles or materials and Alternate B of § 813.1331, Art. 2 is suggested for running royalties based upon a fixed amount per item.

§ 811.1115–19 *Paid-up assignments.* The following instructions apply to all assignments entered into in behalf of the War Department, the money payment for which is more than one dollar ($1.00) (War Department Contract Form No. 32 (§ 813.1332) is suggested as a form for use in such cases):

(a) In the event that the scope of the assignment grant is substantially less than that contained in § 813.1332, Art. 1 (except for foreign rights) the assignment must be approved by the Director if it provides for payments by the Government aggregating $25,000 or more.

(b) When a release of substantially less scope than that contained in § 813.1332, Art. 2 (except for the words in brackets) is included in an assignment, the contract must be approved by the Director if it provides for payments by the Government aggregating $25,000 or more.

(c) In the event that the scope of the "Non Estoppel" article is substantially less than that contained in § 813.1332, Art. 3, the assignment must be approved by the Director unless (1) the scope of the assignment article is not substantially less than that contained in § 813.1332, Art. 1 (except for foreign rights) and (ii) the scope of the release article is not substantially less than that contained in § 813.1332, Art. 2 (except for the words in brackets). (This is to prevent estoppel in the event of a later suit against the Government for alleged infringement of the patents.)

(d) To facilitate proof of the contract the acknowledgment of each contractor should preferably be executed by a notary public or other officer authorized to administer oaths under section 1750 of the Revised Statutes (22 U.S.C. 131) (see Rule 185 of the rules of practice in the United States Patent Office).

§ 811.1115–20 *Paid-up releases.* The following instructions apply to all paid-up releases entered into in behalf of the War Department, the money payment for which is more than one dollar ($1.00) (War Department Contract Form No. 33 (§ 813.1333) is suggested as a form for use in such cases):

(a) In the event that the scope of the release is substantially less than that contained in § 813.1333, Art. 1 (except for the words in brackets) the contract must be approved by the Director if it provides for payments by the Government aggregating $15,000 or more.

(b) In the event that the scope of the "Non Estoppel" article is substantially less than that contained in § 813.1333, Art. 2 the release must be approved by the Director unless (1) the scope of the release is not substantially less than that contained in § 813.1333, Art. 1 (except for the words in brackets) and (2) the Government has secured in a separate document either (i) a license (for the full term of the licensed patents and patents issued on the licensed applications, see Alternate A of § 813.1330, Art. 1) the scope of which is not substantially less than that contained in Art. 1 (except for foreign rights) or (ii) an assignment the scope of which is not substantially less than that contained in § 813.1332, Art. 1 (except for foreign rights). (This is to prevent estoppel in the event of a later suit against the Government for alleged infringement.)

§ 811.1115–21 *Free licenses, assignments and releases.* The following instructions apply to all licenses, assignments and releases received or executed in behalf of the War Department, the money payments for which aggregates one dollar ($1.00) or less (War Department Contract Form No. 34 (§ 813.1334) is suggested as a form for use in such cases):

(a) It is unnecessary for the Government to execute such a contract but in the event that it is executed by the Government the appropriate mandatory articles must be included (see § 811.1115–16).

(b) In the event that the "Non Estoppel" article is omitted or its scope is substantially less than that contained in § 813.1334, Art. 2, the license, assignment or release must be submitted to the Director for approval (whether or not the contract is prepared for execution in behalf of the Government) unless the Government has secured (1) a release the scope of which is not substantially less than that contained in § 813.1334, Art. 2 (except for the words in brackets) and (2) a license for the full term of the licensed patents and patents issued on the licensed applications (see § 813.1334, Art. 1) or an assignment the scope of which is not substantially less (except for foreign rights) than that contained in §§ 813.1332, Art. 1, and 813.1334, Art. 1, respectively.

(c) In negotiating such contracts the Delegate will endeavor to obtain license, assignment and release grants of the scope of the grants contained in §§ 813.1332, Art. 1, and 813.1334, Art. 1, and Art. 2, respectively, but any deviations deemed necessary and appropriate by the Delegate may be made without approval of the Director, except in the cases specified in paragraph (b) above.

(d) War Department Contract Form No. 34 (§ 813.1334) is recommended for a combined free release and license. This form may be readily amended to cover a license, an assignment, an assignment and release, or a release.

§ 811.1115–22 *Submission of contracts for approval by the Director.* When a license, release or assignment requires the Director's approval it shall be transmitted with a memorandum of facts (in triplicate) signed by the delegate. Such memorandum shall include the following:

(a) A copy of the patent(s) and patent application(s) involved (if practicable).

(b) A brief statement of the delegate's conclusions regarding validity and infringement and the reasons therefor.

(c) A statement of the extent of Government use of the invention(s) including the estimated money value of the claim, if any, and an estimate of future procurement, if any, involving possible increase of the claim.

(d) Reference to sections of the regulations in this chapter which require the Director's approval of the contract.

(e) Recommendation that the contract be approved and the reasons therefor.

§ 811.1116 *Patent rights provisions of a development contract.* The policy of the War Department in regard to the patent rights provisions of a development contract is set forth in §§ 811.1116–1 to 811.1116–13, inclusive, below. This policy is to be executed within the discretion of the chiefs of the technical services pursuant to the delegation of authority contained in § 811.1118. While the policy stated in § 811.1116–13 is applicable chiefly to a development contract, it is also applicable to a contract which is not a development contract.

§ 811.1116–1 The expression "development contract" as used in this section, means a contract, change order or commitment which contemplates that research or experimental testing or production or the development or further development of an item or method, is to be performed for the Government, either as the sole object of the contract or to an extent beyond that normally incident to the performance of a supply contract for the class of item involved.

§ 811.1116–2 In a development contract (except as described in §§ 811.1116–8 and 811.1116–11 below) the War Department normally requires the contractor to grant to the Government a royalty-free license under foreground patents (as described below). Such license will normally include all inventions, conceived or first actually reduced to practice in the performance of the contract or subcontract or of any research or development work done upon the understanding of the award thereof, made by persons employed by or working under the direction of the contractor or subcontractor who, by reason of the nature of their duties in connection with the performance of the contract or subcontract, would reasonably be expected to make inventions; and as to such inventions made by other persons the license will normally be only to the extent of the contractor's right to grant the same. Patents based upon all such inventions are here referred to as "foreground patents". It is recognized that certain inventions, otherwise falling within the foregoing category, which have been constructively (but not actually) reduced to practice before commencement of the "performance" above described, may be excluded from the category of foreground patents in appropriate cases, as for example where the development work contemplated by the contract is not necessary to demonstrate the practicability of such inventions.

§ 811.1116–3 So far as concerns domestic practice of the inventions of foreground patents, such license normally will extend for the life of any patent involved, will not be limited to any particular governmental purpose and will include rights of disposal for any purpose authorized by law (see § 811.1118 (d)); but as to foreign practice of such inventions the license will normally be only to the extent of the contractor's right to grant the same.

§ 811.1116–4 The foregoing policy applies regardless of the source of funds allotted to the contract, regardless of whether the contract is administratively known as a development contract, and regardless of whether it is in other respects a contract for supply, construction, architect-engineer services, management services, equipment rental, bailment, or the like; but it is recognized that exceptions may properly be made in special cases, for example, where license provisions adequate to protect the Government are included in other contractual arrangements, where the commitment consists of a Letter of Intent issued in contemplation of subsequent formalization of a definitive contract containing suitable license provisions, and so forth.

§ 811.1116–5 Where a development contract contains provision granting to the Government a license under foreground patents, the War Department will normally require the inclusion of provisions (a) requiring the contractor to report each invention subject to said license in such form and time as will enable the War Department to determine whether it is in the interests of the Government to have its license rights confirmed and protected by the filing of a patent application, (b) requiring the contractor to state whether or not he will file the application on such invention and, if such application is filed by him or on his behalf, obligating him to supply the War Department with the means of keeping itself informed as to the progress of the prosecution thereof, (c) requiring the contractor, if he states he will not file such application, to transfer to the Government the ownership of the invention and of the right to file and prosecute applications therefor, subject to a reserved license thereunder to the contractor, but as to inventions of this kind made by others than persons of the class described in § 811.1116–2 the said requirement will normally be only to the extent of the contractor's right to make such transfer, and (d) requiring the contractor to deliver confirmatory instruments of license when requested by the War Department.

§ 811.1116–6 If a development contract contemplates that reports, drawings, blueprints, data or other technical information are to be delivered by the contractor to the Government, the War Department will normally require assurance of its right to reproduce, use and disclose the same for governmental purposes.

§ 811.1116–7 An appropriate patent rights provision complying with the requirements contained in §§ 811.1116–2 to 811.1116–6, inclusive, is set forth in § 803.335–1.

§ 811.1116–8 Where a development contract requires the contractor to develop and produce the prototype of an item of equipment differing radically in structure or mode of operation from any item previously made, and the Government is to pay substantial sums for an expected major developmental program in building and testing such item (and the contract is not one where it would be appropriate to require the Contractor to assign to the Government title to the foreground patents, see § 811.1116–11), the War Department normally requires the contractor to grant to the Government, in addition to the license under foreground patents above mentioned, a limited royalty-free license under the contractor's background patents (as described below).

§ 811.1116–9 The license referred to in § 811.1116–8 normally will include all patents (other than foreground patents), under which the contractor has or prior to final settlement may acquire the right (without obligation to make payments to others) to grant the license in question, relating to or useful in connection with the manufacture or use of the subject matter of the contract (herein called "background patents"); and will be limited to the practice of the inventions thereof by or for the Government in the manufacture, use and disposition, according to law, of the subject-matter of the contract, and parts, modifications and improvements thereof.

§ 811.1116–10 An appropriate patent rights provision granting license rights under both foreground and background patents, as contemplated by §§ 811.1116–8 and 811.1116–9, is set forth in § 803.335–2.

§ 811.1116–11 In certain types of development contracts it is unfair to third parties, or contrary to the public interest, to permit the contractor to retain ownership of foreground patents. Examples are where the contractor has assembled a group of research scientists through the cooperation of other like manufacturers or institutions in furtherance of the war effort, and retention of foreground patents by the contractor would be unfair to cooperating manufacturers or institutions; where

the subject-matter is expected to be maintained in high classification in peacetime and no commercial applications are foreseen; and where the contractor, working in close cooperation with research personnel of the Government or of another contractor, is to produce the prototype of an item of equipment differing radically in structure or mode of operation from any item previously made, which said item of equipment has already been developed largely or wholly by research personnel not connected with the contractor. In such contracts the War Department normally requires the contractor to assign to the Government title to the foreground patents.

§ 811.1116–12 An appropriate patent rights provision meeting the requirements of contracts of the types mentioned in § 811.1116–11 is set forth in § 803.335–3.

§ 811.1116–13 Where a contract (whether or not a development contract) relates to subject-matter which is classified as top secret, secret or confidential, it will normally contain, the contract provision set forth in § 803.335–8.

§ 811.1117 *Patent risk provision.* A summary of the applicable statute governing the remedy of the patent owner where a patented invention is without license used or manufactured by or for the United States is set forth in § 811.1117–1. The policy of the War Department in regard to the allocation of ultimate risk of patent infringement liability is set forth in §§ 811.1117–2 to 811.1117–8. This policy is to be executed within the discretion of the chiefs of the technical services pursuant to the delegation of authority contained in § 811.1118.

§ 811.1117–1 The act of June 25, 1910 as amended (35 U. S. C. 68, 94) provides that whenever an invention covered by a patent of the United States is without license used or manufactured by the United States, or by any person, firm or corporation for and with the authorization and consent of the United States, the patent owner's remedy shall (except in certain cases) be by suit against the United States in the Court of Claims for recovery of his reasonable and entire compensation for such use or manufacture. The provisions of §§ 803.335–4 to 803.335–7, inclusive, and §§ 811.1117–2 to 811.1117–8, inclusive, relate to the contract articles which, as between the Government and the contractor, allocate the ultimate risks created by the above statute and provide for matters cognate thereto.

§ 811.1117–2 Whether the Government will accept all patent infringement risks, or require the contractor to indemnify the Government against all or some part of those risks, depends in every case on the nature of the particular item to be supplied. Where a contract calls for the supply of several items the risk may be allocated in one manner as to some items and in a different manner as to other items.

§ 811.1117–3 Some items are in all respects made to the contractor's own specifications, or are standard commercial items of a type regularly dealt in as such by the contractor, and are not made to Government-furnished specifications (except "performance" specifications) in any material respect. In the procurement of such items the War Department will normally require the contractor to indemnify the Government against all patent infringement risks involved therein. For this purpose the contract will normally contain the contract article set forth in § 803.335–4. It may, in addition, contain the contract article set forth in § 803.335–6.

§ 811.1117–4 Other items are, from the standpoint of structure or composition, in part made as described in § 811.1117–3 above and in some other part made to meet Government-furnished specifications (other than "performance" specifications). In the procurement of such items the War Department will normally require the contractor to indemnify the Government against all patent infringement risks involved therein except those which necessarily result from the contractor's compliance with specifications (unless originating with the contractor) forming a part of the contract or with specific written instructions given by the contracting officer for the purpose of directing the manner of performance under the contract. For this purpose the contract will normally contain the contract article set forth in § 803.335–5, and in addition, the contract article set forth in § 803.335–6.

§ 811.1117–5 Other items are in all respects made to meet Government-furnished specifications (other than "performance" specifications), or are in every substantial respect different from any item which has ever regularly been dealt in as a standard commercial item by the particular contractor, and are not made to the contractor's own specifications in any material respect. In the procurement of such items the War Department will normally not require the contractor to indemnify the Government against any part of the patent infringement risks involved therein. For this purpose the contract will normally contain the contract article set forth in § 803.335–6, and normally will not contain either of the contract articles set forth in §§ 803.335–4 or 803.335–5.

§ 811.1117–6 In every contract where there is reason to believe that the manufacture, use or disposal of any of the items to be supplied will create risk of patent infringement (and without regard to whether the contract contains either of the indemnity clauses of §§ 803.335–4 or 803.335–5, or no indemnity clause), or may involve the payment of royalties, the contract will normally contain the contract article set forth in § 803.335–6 which specifies the conditions under which the Government's authorization and consent is to be given, and provides for assistance in discovering patent liabilities and for securing to the Government the benefit of royalty reductions.

§ 811.1117–7 Provision whereby the contractor agrees to indemnify the Government against all or any of the patent infringement risks involved may be included in or omitted from any particular contract or specified class of contracts where, within the discretion of the chief of the technical service concerned (see § 811.1118 below), such action is necessary or appropriate to facilitate procurement.

§ 811.1117–8 Where the giving of bond in support of the contractor's indemnity obligation is deemed necessary (see § 804.406–5), the contract will normally contain the contract article set forth in § 803.335–7.

§ 811.1118 *Discretion of the chiefs of technical services.* In executing the policy stated in §§ 811.1116–1 to 811.1116–13, and §§ 811.1117–2 to 811.1117–8, inclusive, the chief of each technical service shall have the following authority:

(a) He may issue such instructions for the guidance of his service as may be appropriate to effectuate the policy above referred to.

(b) He may, in particular contracts or specified classes of contracts, authorize deviations from the policy, or the omission or alteration of any of the contract articles set forth in § 803.335, whenever in his judgment such action is necessary or appropriate to facilitate procurement subject to the limitations set forth in paragraphs (c) and (d) below.

(c) No provision whereby the Government expressly agrees to indemnify the contractor against liability for patent infringement shall be included in any contract except with the express written approval of the Director, Purchases Division, Headquarters, Army Service Forces; but this paragraph does not apply to the use of contract articles, such as that set forth in § 803.335–6, specifying the conditions under which the Government's authorization and consent is to be given.

(d) No provision whereby the domestic practice by or for the Government of foreground patents is either (1) limited in term to less than the life of any patent involved, or (2) limited as respects user to any particular governmental purpose, or (3) limited as respects disposition otherwise than according to law, shall be included in any development contract, except with the express written approval of the Director, Purchases Division, Headquarters, Army Service Forces; but this subparagraph does not apply to the use in bailment contracts of a provision whereby such practice is limited to a term running at least for the duration of the war and six months.

(e) He may redelegate the powers granted to him under this paragraph to the chief legal officer and to the chief patent officer in the headquarters of his service, except that the Commanding General, Army Air Forces may redelegate such power to any officer within the headquarters of the Army Air Forces and within the headquarters of any of the major commands of the Army Air Forces.

SUBPART C—LITIGATION AND RELATED MATTERS

§ 811.1120 *Procedure for handling litigation involving cost-plus-a-fixed-fee contractors.*

§ 811.1120–1 *General.* It is of the utmost importance that The Judge Advocate General be promptly notified of the institution of all legal actions in which the interests of the United States are involved, including legal actions against cost-plus-a-fixed-fee contractors and subcontractors. This will make it possible to take steps to remove legal actions instituted in state courts to the federal courts and to otherwise protect the interests of the Government. Information furnished to The Judge Advocate General must be full and complete and not fragmentary.

§ 811.1120–2 *Procedure.* The following procedure is prescribed with respect to legal actions involving cost-plus-a-fixed-fee contractors and subcontractors:

(a) Such contractors should be advised that immediately upon receipt of process in any legal action filed against them, they must furnish a copy of all papers to the contracting officer or appropriate War Department representative. This will be in addition to any similar requirement of any outstanding insurance policy.

(b) Information and papers should be forwarded, as provided in paragraphs (c) through (e) below, with respect to each legal action against cost-plus-a-fixed-fee contractors and subcontractors, except

(1) Any legal action based upon an alleged liability that is fully covered by insurance, either under the usual type of insurance policy or under the War Department Insurance Rating Plan (see § 804.473), if the insurance company agrees to accept full responsibility for the defense of the action and for the payment of any judgment that may be rendered against the defendant, or

(2) Any legal action upon a claim which is within the provisions of a self-insurance plan approved pursuant to § 804.436–4, if the self-insurance plan provides for the handling of such action by an attorney compensated on an annual retainer basis.

(c) Immediate report of the legal action will be made direct to The Judge Advocate General, Washington, D. C., by the War Department representative in charge of the project or activity out of which the action arises. Such report will be expedited and, where necessary, will be made by telegraph or teletype with prompt confirmation by mail. Each report will give all pertinent facts concerning the action. In the usual case, these facts will include the following:

(1) Name of parties to the action.

(2) Its nature.

(3) Correct designation of the court in which the action is brought.

(4) When and on whom service was made.

(5) Time when answer must be filed or other action taken by the defense.

(6) Nature of the principal defense to the suit.

(7) The relation of the defendant to the United States.

(8) Amount claimed; to what extent, if any, such amount is covered by insurance.

(d) Copies in triplicate of all suit papers and a statement of available facts will be forwarded immediately to The Judge Advocate General, Washington, D. C. If a board of inquiry is convened to investigate, or acts on the case, copies of all reports of the board's proceedings and findings will be included in the papers transmitted. Any other information in the possession of the chief of the technical service concerned, which may be requested by The Judge Advocate General, will be immediately transmitted to him. Requests for Government representation will not be made to the Department of Justice by War Department field representatives but will be made directly to The Judge Advocate General, who has the duty of maintaining all War Department legal liaison with the Department of Justice and other Government departments. Violations of this procedure will cause confusion and prevent proper coordination in the handling of litigation with the Department of Justice.

(e) An agreement for representation should be signed by the cost-plus-a-fixed-fee contractor or other defendant and three copies thereof should be forwarded to The Judge Advocate General, Washington, D. C. Such agreement should read as follows:

The undersigned hereby requests the Attorney General of the United States to designate counsel to defend on behalf of the undersigned the action entitled _____ v. _____. It is agreed that the assumption by the Attorney General of the defense of said action does not alter or increase the obligations of the United States under United States Contract No. _____. It is further agreed that such representation will not be construed as a waiver or estoppel of any rights which any interested party may have under said contract.

§ 811.1120–3 *Procedure to determine legal position to be taken in suits based upon the Fair Labor Standards Act of 1938.* (a) In order that any differences of opinion between the War or Navy Departments and the Department of Labor as to the legal position which should be taken by the Government in suits against cost-plus-a-fixed-fee contractors based upon the Fair Labor Standards Act may be resolved, the War Department, the Navy Department, the Department of Labor and the Department of Justice have entered into the following agreement as to the administrative procedures to be followed to determine the position to be taken by the Government in such suits:

MEMORANDUM OF AGREEMENT ON UNIFORM ADMINISTRATIVE PROCEDURES

1. *Purposes:* The procedures herein outlined are provided in order to:

(a) Secure in the disposition of litigated claims settled and uniform application of the Fair Labor Standards Act to the types of work performed by cost-plus-a-fixed-fee contractors.

(b) Obtain either an effective and economical defense by the Department of Justice against claims under the Fair Labor Standards Act, or the quick payment of such claims, depending upon whether such claims are determined pursuant to these procedures to be valid or invalid; and

(c) Establish a method for handling claims which is fair and equitable in protection of the claimant, the United States, and the cost-plus-a-fixed-fee contractor.

2. *Definitions:* For purposes of this agreement, the term—

(a) "Contracting Agency" means the War Department, or the Navy Department, as the case may be.

(b) "Cost-Plus-a-Fixed-Fee Contractor" means a contractor who has entered into a contract with a contracting agency, acting in its own behalf, or in behalf of the United States, pursuant to which the contracting agency, or the United States, is obligated to pay the labor costs of the work performed under the contract.

(c) "Claim" means a suit based upon the Fair Labor Standards Act for additional payments for work performed for a cost-plus-a-fixed-fee contractor; and the term "claimant" means a person by whom or on whose behalf such suit is instituted.

3. *Prompt Investigation, Determination, and Payment of a Valid Claim:* Claims will be immediately investigated by the contracting agency. If in the judgment of the contracting agency the claim should be paid, the United States Attorney will be promptly notified and he will effect settlement of the claim and disposition of the suit. If such is not the judgment of the contracting agency, the claim, together with the contracting agency's recommendation and report of the investigation, will be referred to the appropriate regional office of the Wage and Hour Division for such further and prompt investigation as may be necessary, and for determination. Contemporary or joint investigations will be held by both agencies when found feasible.

4. *Review of Determination of the Regional Office of the Wage and Hour Division:* Within ten days after notice of the determination of the regional office of the Wage and Hour Division, the contracting agency may, if dissatisfied with, and unwilling to settle on the basis of the determination of the regional office of the Wage and Hour Division, appeal to the Wage and Hour Administrator for his final determination of the claim. If part or the whole of the claim is found valid by the Administrator, the United States Attorney will effect settlement of the claim and disposition of the suit accordingly, except that if the contracting agency should conclude that the determination of the Administrator is in its view so clearly unsound as to render assent thereto improper, such agency may elect not to be bound by such determination and to proceed as provided in Paragraph 5.

5. *Participation of the Department of Justice in Discussions:* At the instance of either contracting agency or of the Administrator, the Department of Justice will, if the case appears sufficiently important and the legal issues sufficiently doubtful, join in any discussion among the parties preceding the determination of the Administrator, and will informally accord to the parties the benefits of its views on the legal issues. It is understood that the Department of Justice is not intended to act as an appellate tribunal and that requests for its participation in discussions will be limited to the few important and doubtful cases. Each case in which a contracting agency has elected, pursuant to Paragraph 4, not to be bound by a determination of the Administrator shall be made the subject of discussion with the Department of Justice. Whenever any such case is the subject of discussion with the Department of Justice that Department may determine the Government's litigation position. If the Department of Justice makes such determination the action of all parties hereto with respect to the disposition of the particular case shall be in accord with the determination of the issues so made. In the event the Department of Justice declines in such cases to make such determination of the issues, the Department may decide not to provide further legal representation in any litigation of such case, in which event the cost-plus-a-fixed-fee contractor shall be represented by private counsel and neither the Administrator nor the contracting agency nor any of their representatives shall appear or participate in the litigation.

6. *Suits on Claims Against Cost-Plus-a-Fixed-Fee Contractors To Be Handled by the Department of Justice:* The Department of Justice will have its United States Attorneys appear for cost-plus-a-fixed-fee contractors in all suits on claims filed against them, and will seek extensions of time sufficient to permit the foregoing procedures to operate. Subject to the Attorney General's usual discretion to avoid untenable positions in court, the conduct of such litigation will be in conformity with the administrative determinations made pursuant to such procedures.

7. *Duration:* The procedures provided in this agreement are recognized as experimental in nature, and any signatory hereto shall be free to withdraw from this agreement. In the absence of such withdrawal, the procedures shall endure until the purposes set forth in Paragraph 1 are accomplished.

(b) The Under Secretary of War by memorandum dated December 15, 1943, to the Commanding Generals of the Army Air Forces and the Army Service Forces, with reference to the above agreement, directed that:

To carry out the purposes of the agreement the procedure set forth below will be followed:

(1) The Judge Advocate General will be notified, as provided in AR 410-5 and other applicable regulations, promptly upon receipt of notice that suit based upon the Fair Labor Standards Act has been filed against a War Department cost-plus-a-fixed-fee contractor. He will request the Attorney General to direct the United States District Attorney to appear in the suit on behalf of the contractor and to obtain the extension of time contemplated by Paragraph 5 of the agreement.

(2) The Judge Advocate General will determine the position of the War Department in respect of such suits, to the same extent as in other cases referred to him under AR 410-5, and will further determine which cases should be appealed by the War Department to the Wage and Hour Administrator or the Attorney General, pursuant to the provisions of the attached agreement. He will also represent the War Department in all such appeals.

(c) In conformity with the above agreement and directive, upon notification of the institution of a suit based upon the Fair Labor Standards Act against a cost-plus-a-fixed-fee contractor as provided in paragraph (b) of this section, the Judge Advocate General will request the Attorney General to direct the United States District Attorney to appear in the suit on behalf of the contractor and to obtain the extension of time contemplated by paragraph 5 of the agreement. The technical service promptly will make or cause to be made such investigation as may be necessary to ascertain the precise nature of the work performed by the complaining employee during the period for which he seeks additional compensation, and promptly will report such information and such other information as the Judge Advocate General may request to the Judge Advocate General with the technical service's recommendation as to the position to be taken by the War Department in respect of the suit. Such investigation as to the nature of the employee's employment during the period may be made in collaboration with an investigator of the Wage and Hour Division of the Department of Labor in any case in which the technical service deems this appropriate.

(d) The Judge Advocate General will determine which claims in litigation shall be referred to the Department of Labor for the further investigation and for determination as permitted by paragraphs 3 and 4 of the agreement and which claims shall be referred by the War Department to the Department of Justice as permitted by paragraph 5 of the agreement, and will represent the War Department in connection therewith.

(e) In those cases in which the Department of Justice determines the legal position to be taken by the Government and decides that the claim should be litigated, it will conduct the litigation in accordance with the course of action determined upon as provided in the agreement. Should the Department of Justice refuse to determine the legal position to be taken by the Government and should the Judge Advocate General decide that the claim should be litigated, he will so advise the technical service in order that private counsel may be engaged to represent the contractor. Attention is called to 22 Comp. Gen. 993 to the effect that cost-plus-a-fixed-fee contractors in proper cases may be reimbursed the reasonable and necessary costs, including attorneys' fees, incurred in the defense of such suits. (See also the Comptroller General's opinion to the Secretary of War of December 15, 1943 (B-38642) affirming such position).

(f) The Judge Advocate General will advise the technical services as to claims which it has been determined should be compromised rather than litigated. Attention is called to the Comptroller General's opinion to the Secretary of War of December 15, 1943 (B-38642) to the effect that the War Department properly may, upon proper administrative determination as therein indicated that the settlement in each instance was fully warranted as being in the best interest of the Government, reimburse contractors for payments to employees in settlement of claims for overtime asserted in section 7 of the Fair Labor Standards Act, in amounts less than the total amounts which would be required to be paid in the event adverse judgments were obtained, even if the consummation of the settlement necessitated adjustment of disputed questions as to the amounts of overtime involved as well as questions pertaining to the application of the act.

§ 811.1121 *Reports of criminal conduct in connection with War Department contracts.* (a) There has been set up in the Criminal Division of the Department of Justice a special unit whose duty it is to take appropriate action as expeditiously as possible in all cases in which criminal conduct is shown to exist in connection with contracts entered into by the Government with business concerns in connection with the war program.

(b) The Under Secretary of War desires that a report be made to his office of any instances of criminal conduct in connection with War Department contracts. A report of such an instance should contain a full statement of the facts indicating criminal conduct. Such reports to the Under Secretary of War should be transmitted through channels to the Director, Purchases Division, Headquarters, Army Service Forces, for submission to the Office of the Under Secretary.

§ 811.1122 *Joint action with Navy with respect to contingent fees.* (a) The Director, Purchases Division, Headquarters, Army Service Forces, has been designated to coordinate with the appropriate representatives of the Navy on problems involving the subject of contingent fees and excessive compensation of sales representatives for obtaining Government prime contracts and subcontracts thereunder.

(b) The Director, Renegotiation Division, Headquarters, Army Service Forces, will be in charge of relations with the Navy in the matter of renegotiation of brokers and commission and selling agents under section 403 of the Sixth Supplemental National Defense Appropriation Act, 1942 as amended. Such brokers and agents, so far as subject to statutory renegotiation (See Public Law 149, 78th Congress) are assigned for that purpose to the Service and Sales Renegotiation Section, Procurement Legal Division, Office of the Under Secretary of the Navy with the exception of those engaged in the sale of textiles and foodstuffs which are assigned to the Price Adjustment Section of the Quartermaster General (See Joint Renegotiation Manual, pars. 133, 202.2, 203.4, 336). Information coming to the attention of War Department personnel indicating that commissions or other compensation may have been paid to a broker or selling agent subject to statutory renegotiation will be reported to the Assignment and Statistics Branch, Renegotiation Division, Headquarters, Army Service Forces.

(c) The chief of each technical service shall designate an officer primarily charged with the duty of coordinating the activities of such service with those of the other technical services, in matters relating to contingent fees and excessive sales expenses of contractors. The name of the officer so designated shall be furnished to the Director, Purchases Division, Headquarters, Army Service Forces, by memorandum, giving the full name, title, position, mailing address, and telephone extension number of such representative.

SUBPART D—PRICE AND RATIONING REGULATIONS

CROSS REFERENCE: For tabulation of price and rationing regulations of the Office of Price Administration, see Appendix—Tabulation of Documents in Chapter XI of Title 32.

§ 811.1130 *General.*

§ 811.1130-1 *Scope of this subpart.* This subpart deals primarily with certain problems arising from or associated with the relation of the maximum price and rationing regulations issued by the Office of Price Administration (hereinafter sometimes referred to as OPA) to War Department purchases and sales. It discusses separately (a) price regulations in general, (b) problems primarily associated with purchases, (c) information pertinent to sales, and (d) matters relating to rationing. (For a further discussion as to OPA matters primarily relating to War Department sales, see § 821.111 et seq.) The discussion is introductory and is not intended to be complete. Complete details and the text of OPA regulations and orders may be found in the FEDERAL REGISTER, or may be procured from any OPA office. Should these sources fail, inquiries should be sent through the chief of the technical service concerned to the OPA Branch, Purchases Division, Headquarters, Army Service Forces, Washington 25, D. C.

§ 811.1130-2 *Function of OPA Branch.* (a) Because of penalties imposed by the Emergency Price Control Act of 1942, as amended, upon contractors who violate price ceilings, contractors must proceed with caution in the acceptance of contracts. To expedite procurement and sales, it is important that War Department personnel be familiar with the problems involved and able, whenever possible, to be of assistance or guidance to contractors. It is an important function of the OPA Branch to undertake the solution of specific problems.

(b) Whenever contact or negotiation is necessary between one of the services and the Office of Price Administration on any price regulation or rationing problem which involves a general policy or might affect more than one of the services, the negotiations will be conducted through the Chief, OPA Branch, Purchases Division.

§ 811.1131 *OPA price regulations in general.*

§ 811.1131-1 *General.* (a) The Office of Price Administration, pursuant to the Emergency Price Control Act of 1942, as amended, and appropriate delegations of authority, establishes ceiling prices for certain sales of commodities and services. These ceilings are established either by (1) Price Schedules; (2) Maximum Price Regulations; (3) Temporary Maximum Price Regulations; (4) the General Maximum Price Regulation; or (5) other directives. Certain exemptions from price control have been granted and methods for obtaining relief provided, as discussed more fully hereafter.

(b) Definition of commodity: By statutory definition, the term commodity, as to which a ceiling price may be established, includes, with certain exceptions set forth in the statute, commodities, articles, products, materials and services.

§ 811.1131-2 *Specific Price Regulations (Price Schedules and Maximum Price Regulations).* The distinction between price schedules and maximum price regulations is historical only. Both are price regulations, essentially similar in nature, and are hereafter referred to without distinction as specific price regulations. They establish ceiling prices for the commodities or services specified therein.

§ 811.1131-3 *The General Maximum Price Regulation (GMPR).* The General Maximum Price Regulation (hereafter referred to as GMPR) places a price ceiling on practically all commodities and services sold or rendered by manufacturers, wholesalers and retailers, if not covered by specific price regulations (see §§ 811.1131-5 and 811.1132-6 for exemptions). In general, ceiling prices on items covered by this regulation are based on the highest prices charged in March, 1942. Other formulae are used in the event the March 1942 method is inapplicable. Specific price regulations, as to the specific articles or services covered therein, take precedence over the GMPR, whether issued prior or subsequent to the GMPR.

§ 811.1131-4 *The service regulation: MPR 165.* As above noted (§ 811.1131-3) all services (along with commodities) were brought under control of the OPA by the GMPR. Effective August 19, 1942, Maximum Price Regulation 165 brought under specific control a long list of services, leaving those not specifically listed still covered by the GMPR, subject to exemptions (see § 811.1132-6).

§ 811.1131-5 *Exemptions*—(a) *General.* OPA has granted exemption of certain purchases and sales from price control. In some cases, specific commodities and services have been exempted from all price control. In other cases, though in general the commodities and services are subject to price ceilings, some purchases and sales thereof, depending on the identity of the buyer or seller, or on other special considerations, have been exempted.

(b) *How exemptions are effected.* (1) In the case of commodities and services covered by the GMPR, exemptions are granted respectively by OPA Revised Supplementary Regulation No. 1 and OPA Supplementary Regulation No. 11.

(2) In the case of commodities or services covered by specific price regulations, exemptions are granted by the terms of the regulation itself, either (i) by specific terms or (ii) by incorporating in the regulation by reference terms of other directives.

(3) In addition to the foregoing methods, exemptions may be granted in specific cases or otherwise by the terms of various OPA orders.

(4) When determining whether or not an exemption exists, the language apparently granting the exemption must be carefully examined, bearing in mind particularly that although certain transactions may be exempt from price control by the GMPR, they still may be subject to control by specific price regulations unless such regulations, or orders issued supplementary thereto, specifically exempt them.

(c) *Particular exemptions of interest.* Reference is made to certain exemptions of primary interest in connection with purchases (see §§ 811.1132-2 to 811.1132-6) and sales (see § 811.1134-2).

§ 811.1131-6 *Procedure for obtaining relief*—(a) *General.* The OPA has provided methods for obtaining relief with respect to price control, in proper cases, by way of elevation of ceiling prices, exemption, or otherwise.

(b) *Obtaining higher maximum price.* (1) OPA Procedural Regulation No. 6, effective July 3, 1942, as amended (§§ 1300.401-1300.414 of Title 32), sets forth the procedure to be followed (except where other OPA regulations specifically otherwise provide) to obtain higher maximum prices for commodities or services under Government contracts or subcontracts. In substance, the regulation provides that (i) any seller who has entered into or proposes to enter into a Government contract, or a subcontract thereunder, who believes that his maximum price or prices impedes or threatens to impede the production, manufacture or distribution of a commodity or the supply of a service which is essential to the war program and which is or will be the subject of such contract or subcontract, may apply for adjustment of his maximum price or prices; (ii) any government agency may appear as an interested party in the case of any such application; (iii) upon the filing of an application for adjustment, or within five days prior thereto and until final disposition of the application, contracts may be entered into or proposals and bids submitted at the higher price or prices requested in the application, and deliveries may be made under such contracts, except that the seller may not receive and the buyer may not pay the amount by which the price exceeds the maximum price unless and until an order granting a higher price has been issued; (iv) the seller shall include in any sale, contract to sell, or offer to sell at the price requested in the application the following: The maximum price for the commodity or service in question; a statement that the quoted price is subject to the approval of the Office of Price Administration; and a statement that an appropriate application has been filed, or will be filed within five days with the Office of Price Administration, and (v) applications involving War Department contracts exceeding $5,000,000 in value must be filed with the OPA in Washington, D. C. (Other applications, (with a few exceptions) may be filed either with the appropriate regional office of the OPA or with the OPA in Washington, D. C.)

(2) Special procedure to obtain higher maximum prices is provided by amendments to MPR 136, (Machines and Parts and Machinery Services), effective April 12, 1943 and June 25, 1943, respectively, to which reference is made for complete details. This procedure is available to any person who has entered into a "war contract", defined as a contract for the sale of a machine or part purchased for the ultimate use of the armed forces of the United States or for lend-lease purposes, or for use in the production or manufacture of any such commodity. Provision is also made for adjustments of the maximum prices of machinery services.

(c) *Certain specific cases.* For methods of obtaining relief in certain cases primarily relating to purchases (see §§ 811.1132-3 to 811.1132-5).

§ 811.1131-7 *Dissemination of information by chiefs of technical services.*

Whenever the Office of Price Administration makes an industry-wide revision of ceiling prices on any item purchased by the War Department, or other revision in ceiling prices affecting products purchased by the War Department, the chief of the technical service involved will notify all contracting officers.

§ 811.1132 *Purchases.*

§ 811.1132–1 *General.* Sections 811.1132 to 811.1132–10 deal with OPA matters primarily relating to purchases. (For a discussion as to sales see § 811.111 et seq.; §§ 811.1134–1 to 811.1134–3. Interested personnel should, in addition, be familiar with the preceding sections of this subpart.

§ 811.1132–2 *Exemptions of purchases by virtue of War Department-OPA Agreement, September 1942.* Among the exemptions from price control heretofore granted by the OPA by methods indicated in § 811.1131–5 are transactions involving certain so-called military items. By agreement between the OPA and the War Department, military items exempt in September 1942 will remain exempt. However, under this agreement, OPA has reserved the right to resume control over exempt items if it develops that the War Department is unable to control prices effectively through its own procurement policies.

§ 811.1132–3 *Exemptions of secret contracts and subcontracts*—(a) *Exemption.* OPA Supplementary Order No. 42, which applies to all specific price regulations and to the GMPR, exempts from price control sales and deliveries of any commodity or service made under a contract or subcontract properly certified as secret to the OPA (see paragraph (c) of this section for proper certification).

(b) *Period of exemption.* The exemption applies only for such period as is necessary for the preservation of secrecy. The purchasing agency certifying the contract as secret must notify the contractor or subcontractor and the OPA whenever the contract or subcontract ceases to be secret. Upon receipt of such notification by the contractor or subcontractor, the exemption will end. (See paragraph (c) of this section for proper notification.)

(c) *Procedure.* The certification mentioned in paragraph (a) of this section, made by a representative of the purchasing agency, shall set forth the date of the secret contract or subcontract and its number or other designation. It shall not name the commodity or service covered thereby or the name or address of the contractor. The notice mentioned in paragraph (b) of this section shall identify the contract and state that it is no longer secret. Both the certificate and the notice shall be sent to: The Security Officer, Office Services Division, Office of Price Administration, Federal Office Building No. 1, Washington 25, D. C.

§ 811.1132–4 *Exemption of developmental contracts*—(a) *Definition of developmental.* A contract or subcontract is deemed by the terms of OPA Revised Supplementary Regulation No. 1, to be "developmental" if the manufacturer or supplier thereunder requires a period of time for the accumulation of sufficient production experience to permit him to make a fair estimate of his manufacturing costs, or if the purchaser thereunder requires a period of time to select a product, or both.

(b) *Exemption.* OPA Revised Supplementary Regulation No. 1 (insofar as ceiling established by the GMPR are concerned) and many specific price regulations grant exemptions from price control in connection with developmental contracts and subcontracts properly certified as being "developmental". The exemptions are not automatic, but are conditioned on complying with the procedure set forth in paragraph (d) of this section. Also, not all developmental contracts are exempt, even when such procedure is followed, so in each case the pertinent OPA regulations should be consulted.

(c) *Period of exemption.* Any exemption of a developmental contract or subcontract applies only so long as the period necessary for development continues. The OPA reserves the right, after consultation with the certifying Government agency, to determine when the developmental period shall expire (for services, MPR 165 fixes a maximum time limit of 90 days).

(d) *Procedure.* (1) To obtain exemption of a developmental contract or subcontract, where exemption is provided for (see paragraph (b) of this section) it is necessary that the contract or sub-contract be certified by the War Department as being developmental and that the contractor or subcontractor file a report within ten days after entering into the contract or subcontract. The certificate, with blank spaces filled in appropriately may be in the following form:

> In accordance with the provisions of Maximum Price Regulation No. ------ Section ------ [or the General Maximum Price Regulation] the following contract is hereby certified as developmental: Contract No. ------ Date of Contract ---------- Name and address of supplier---------- ----------Commodity covered ----------

The report, to be filed by the contractor or subcontractor must describe the product or service, the terms of the contract or subcontract (including pricing provisions) and the production plans of which the contract or subcontract is a part, and must estimate the duration of the developmental work. Both the certificate and the contractor's report should be sent (the certificate in duplicate) to the Office of Price Administration, Washington 25, D. C. Attention: War Goods Price Coordinator.

§ 811.1132–5 *Exemption of emergency purchases*—(a) *Exemption.* OPA Revised Supplementary Regulation No. 1 (insofar as ceilings established by the GMPR are concerned) and many specific price regulations grant exemptions from price control of "emergency purchases" made by the War Department. The exemptions are not automatic, but are conditioned on complying with the procedure set forth in paragraph (c) of this section. Also, not all emergency purchases are exempt, even when such procedure is followed, so in each case, the pertinent OPA regulations should be consulted.

(b) *Definition.* To satisfy the definition of "emergency" for purposes of the exemption (1) the subject matter of the purchase must be needed at once, and (2) at least a portion of the purchase must be capable of immediate delivery (or performance in the case of services) either from stock or after a short period of production. In any case, the emergency exemption is applicable only to the quantity immediately deliverable. The exemption will not apply to contracts or agreements for future delivery.

(c) *Procedure.* To obtain exemption of an emergency purchase, where exemption is provided for (see paragraph (a) of this section, the purchasing officer must certify that it was imperative to secure the commodity or service immediately and that it was impossible to secure, or unfair to require, immediate delivery or performance at the maximum price which would otherwise be applicable. The certificate must set forth, in addition, (1) the name and address of the seller, (2) the date of purchase, (3) the date of delivery, (4) a description of the commodity or service purchased, (5) the quantity purchased, (6) the price, and (7) a brief statement of the facts giving rise to the emergency situation which necessitated the purchase at a price higher than the applicable maximum price. The certificate must be filed with the OPA in Washington within five days (ten days in the case of services) after the purchase is made. It should be sent in duplicate to: Office of Price Administration, Washington 25, D. C., Attention: War Goods Price Coordinator. (No report is required in the case of services unless the total price thereof exceeds $500.00, and a similar exemption is extended in some specific price regulations to emergency purchases.)

§ 811.1132–6 *Other exemptions of primary interest in connection with purchases*—(a) *General.* Attention is called in this section to certain exemptions from price control by the GMPR (but not necessarily from control by specific price regulations: see § 811.1131–5 (b) (4)) not specified in preceding sections, of primary interest in connection with purchases.

(b) *Commodities.* The following exemptions as to commodities are established by OPA Revised Supplementary Regulation No. 1, which provides in part that the GMPR shall not apply to sales or deliveries of the following commodities or in the following transactions:

(1) Aviation gasoline and components, synthetic rubber and components, toluene manufactured from petroleum and agricultural components used in the manufacture of furfural, under the conditions and to the extent stated in the regulation.

(2) Sales and deliveries to the United States or its agencies of the following commodities:

(i) Aircraft, ammunition, armored trains, artillery, balloon barrage equipment, bombs, bomb sights, caissons, fire control equipment, gas masks, grenades, gun sights, military bridges, mines, mortars, projectiles, pyrotechnics, small arms, ships and boats, and torpedoes;

(ii) Amphibians, armed vehicles, automobiles, tanks, trailers and trucks, when sold for military purposes;

(iii) Component parts and subassemblies of any product excepted under (i) and (ii), regardless of the person to whom sold or delivered, including all metallic and non-metallic component parts, adjuncts and accessories which have been machined or fabricated but not including raw or unfinished materials or any other materials which are in such form as to permit their use in the manufacture of products other than those excepted under (i) and (ii);

(iv) Military propellants and explosives;

(v) The following Army field and emergency rations and commodities: completed rations; C; D; K; Five-in-One; Mountain; Bail Out; Combat; Jungle; Life Raft; Corned Beef Hash (5½ lb. can); Meat and Vegetable Hash (6 lb. 12 oz. can); Chili Con Carne, and Ten-in-One.

(3) Dehydrated vegetables sold to the Armed Forces of the United States.

(4) The list of exemptions in this paragraph is not complete. Interested personnel are referred to the text of OPA Revised Supplementary Regulation No. 1.

(c) *Services.* The exemptions mentioned in paragraph (a) of this section are established, as to services, by OPA Supplementary Regulation No. 11 (which also has been incorporated by reference into the so-called Service Regulation MPR 165; see § 811.1131–4). It provides, in part, that the GMPR shall not apply to compensation for the following services:

(1) The lubrication, painting, rental, storage, washing, operation, repair, conversion, modification, maintenance or other services of aircraft, including maintenance of or repairs to engines, parts, accessories, instruments and other equipment used in connection with aircraft.

(2) The list of exemptions in paragraph (c) of this section is not complete. Interested personnel are referred to the texts of OPA Supplementary Regulation No. 11 and Maximum Price Regulation No. 165.

§ 811.1132–7 *Responsibility of contracting officers as to purchases.* (a) Contracting officers, in executing contracts covering procurement of commodities or purchases unless otherwise specifically directed, are not required to verify the prices charged by any vendor or contractor against the maximum prices fixed in accordance with the Emergency Price Control Act of 1942, and in the absence of actual knowledge of violation of price limitations, they may assume that prices charged do not exceed maximum prices. Likewise, in connection with cost-plus-a-fixed-fee contracts, contracting officers in approving items for reimbursement are not responsible for determining whether the costs of materials, supplies, tools, equipment or machinery exceed the maximum prices thus fixed. In the interests of economical purchasing, however, contracting officers are expected to exert reasonable effort to be familiar with the OPA regulations that apply to the commodities and services which they buy.

(b) Where a contracting officer is definitely informed that the price or proposed price of a commodity or service is in excess of the OPA maximum, he should proceed as follows:

(1) Try to negotiate a reduction in the price to conform to the OPA standard;

(2) If such a reduction proves impossible, endeavor to have the contractor file an application for an adjustment of the established maximum price with OPA under §§ 1300.401–1300.414 of Title 32 (see § 811.1131–6);

(3) If necessary, and if immediate deliveries can be made, make emergency purchases for immediate delivery in excess of the OPA maxima, complying with the requirements set forth in § 811.1132–5;

(4) If recourse to the foregoing methods proves unsuccessful and the contracting officer believes an impairment of production of essential war material is threatened, report should be made at once to the chief of the technical service concerned and the services of the OPA Branch enlisted to remove the impediment.

(5) As a last resort, the statutes provide for the requisition of needed articles already in existence, and for mandatory orders to compel the supply of essential military items. For the conditions and procedures governing the use of these methods, see Part 814.

§ 811.1132–8 *Acceptance of contractor's certification in connection with purchases.* The action of certifying and disbursing officers in connection with such price limitations is governed by Fiscal Directive SPBFA-11A, June 19, 1942, providing as follows:

1. The certification now required on Standard Form No. 1034-revised, as used in connection with payments made to vendors or contractors for purchases or services rendered other than personal will be continued in use and is a proper and sufficient warranty of compliance by the vendor or contractor with the price ceilings established in accordance with the provisions of the Emergency Price Control Act of 1942, Public Law 421, approved January 30, 1942.

2. In the absence of actual knowledge of violation of price limitations, certifying officers may rely upon the certificate of the vendor or contractor as to the correctness of the prices charged and will not be required to verify such prices against maxima established by the Office of Price Administration. Disbursing Officers may rely upon their records and the certificate of the vendor or contractor and will not be required to verify such maxima prices.

3. Disbursing officers will make payment in accordance with the above outlined procedure.

The form of certification (Standard Form 1034) is as follows:

> I certify that the above bill is correct and just; that payment therefor has not been received; that all statutory requirements as to American production and labor standards, and all conditions of purchase applicable to the transactions have been complied with; and that State or local sales taxes are not included in the amounts billed.

The words "the above bill is correct and just" and "all conditions of purchase applicable to the transactions have been complied with" constitute a proper and sufficient warranty by the vendors and contractors that the prices billed are within any applicable price ceilings established by the OPA. Accordingly, no additional certificate or statement by the vendors and contractors with respect to maximum prices should be required. Also, no special certificate accompanying quotations, or warranty in the contract with respect to compliance with price regulations will be required.

§ 811.1132–9 *Exemption from liability of contracting and finance officers in connection with purchases.* Supplementary Order No. 7, entitled "Removal of Liability of War Procurement Agencies and Governments whose Defense is Vital to the defense of the United States," effective July 11, 1942, provides that prohibitions contained in maximum price regulations against buying or receiving a commodity or service at a price higher than the permitted maximum shall not apply to (a) any War Procurement Agency of the United States or any contracting or paying finance officer thereof or (b) the Government of any country whose defense is deemed by the President to be vital to the defense of the United States under the terms of the Act of March 11, 1941. It provides further that any such War Procurement Agencies or contracting or paying finance officers of any such government or agency, shall be relieved of any criminal or civil liability imposed by a maximum price regulation or by the Emergency Price Control Act of 1942. The OPA statement of considerations involved in the issuance of Supplementary Order No. 7 states such purchases are typically not purchases "in the course of trade or business" within the meaning of the act.

§ 811.1132–10 *Non-exemption of contractors holding War Department contracts.* The OPA has advised, however, that this exemption is applicable only to Government contracting officers in connection with Government purchases and does not extend to purchases made by contractors even when operating under cost-plus-a-fixed-fee contracts, and even though purchases made by them are reimbursable by the Government. Cost-plus-a-fixed-fee contractors, as well as all other prime contractors, are buyers "in the course of trade or business" within the meaning of section 4 (a) of the Emergency Price Control Act of 1942, as amended, and are, therefore, subject to the prohibitions of that section.

§ 811.1132–11 *Procedure to recover amounts paid in excess of applicable OPA maximum prices*—(a) *General.* It is possible, in view of the wide variety and large volume of War Department procurement, that on occasion the War Department inadvertently may pay prices in excess of applicable OPA maximum prices. The Emergency Price Control Act of 1942, as amended, gives the War Department, under such circumstances, certain rights of recovery against the contractors concerned. Likewise, in certain cases the War Department may have claims for refunds arising out of contracts entered into pursuant to OPA Procedural Regulation No. 6, prior to the

amendment thereof effective May 17, 1943, which then permitted payments in excess of current maximum prices pending OPA decision as to increases in such maximum prices. The succeeding paragraphs of this section set forth War Department procedure to be followed under any of these circumstances.

(b) *Payments in excess of OPA ceilings without OPA authorization.* Where it has been clearly determined that the War Department has paid a price in excess of an applicable OPA maximum price without OPA authorization, the contracting officer concerned (unless he has been advised that the OPA intends to seek recovery on account of the violation) will take the following action:

(1) Immediately seek a refund of the full amount of the overcharge from the contractor.

(2) If the contractor fails to make such refund, request the appropriate disbursing officer to offset the amount of the overcharge against any funds due the contractor by the War Department under the contract involved or any other appropriate contract of which the contracting officer or the disbursing officer has knowledge.

(3) The contracting officer may acknowledge receipt of a refund. However, in view of certain rights in connection with violations granted to the OPA by the act, the contracting officer, upon receiving a refund, shall not give the contractor concerned any instrument purporting to release the government's claim against the contractor.

In the event the contracting officer has been advised that the OPA intends to seek recovery on account of the violation, the War Department itself will take no action to effect recovery of the overcharge but will furnish the OPA with all pertinent information which the latter may request. If the contracting officer has attempted but has been unable to effect collection of the full amount of the overcharge, he will refer the matter, together with all pertinent information, to the nearest OPA office, with a request that recovery be sought by the OPA.

(c) *Claims for refunds arising out of contracts.* Where the War Department pursuant to OPA Procedural Regulation No. 6, prior to the amendment thereof effective May 17, 1943, paid a price in excess of an applicable OPA maximum price under the terms of a contract providing substantially that the contractor should refund to the War Department the excess paid over such applicable maximum price under certain conditions, and the claim of the War Department for a refund under such terms of the contract has matured, the contracting officer concerned will take the following action:

(1) Immediately seek payment from the contractor of the full amount of the refund owing to the War Department under the terms of the contract;

(2) If the contractor fails to make such payment, request the appropriate disbursing officer to offset the amount of such refund against any funds due the contractor by the War Department under the contract involved or any other appropriate contract of which the contracting officer or the disbursing officer has knowledge.

In the event the contracting officer is unable to effect collection of the full amount of such refund, the claim, together with all pertinent information, will be forwarded through the Purchases Division, Headquarters, Army Service Forces, to the Office of the Fiscal Director, Headquarters, Army Service Forces, pursuant to paragraph 15, AR 35–730.

(d) *Disposition of refunds.* Any refund received by a contracting officer pursuant to paragraph (b) (1) or (c) (1) of this section will be delivered by him to the nearest disbursing officer through the fiscal officer of the installation concerned for disposition as an expenditure refund in accordance with TM 14–702 "Fiscal Accounting for Field Installations." Similar disposition as expenditure refunds will be made of amounts collected by offset pursuant to paragraphs (b) (2) and (c) (2) of this section.

§ 811.1134 *Sales.*

§ 811.1134–1 *General.* For a general discussion of OPA matters primarily relating to War Department sales other than by Army stores, see § 821.111 *et seq.* (See §§ 811.1132 to 811.1132–11 for a discussion of purchases.) Interested personnel should in addition be familiar with §§ 811.1130 to 811.1131–6.

§ 811.1134–2 *Exemption of sales by Army Stores (OPA Supplementary Order No. 27).* OPA Supplementary Order No. 27, effective November 14, 1942, as amended, exempted sales and deliveries of any commodity or service by the War Department through its sales stores, including commissaries, Army canteens, and post exchanges, from all OPA price regulation. The OPA retained the right, however, to make price regulations applicable to such sales.

§ 811.1134–3 *Other OPA regulations pertaining to sales.* If officers making sales on behalf of the War Department have any problems with relation to ceiling prices in connection with such sales which are not covered by the provisions of these procurement regulations including § 821.111–2 *et seq.*, solution of such problems should be reached through contact with appropriate OPA officials or by reference of the problems to the Chief, OPA Branch, Purchases Division, as provided in § 811.1130–2.

§ 811.1135 *Rationing regulations*—(a) *General.* The OPA issues regulations covering the rationing of scarce consumer goods. These regulations do not restrict Army purchases of the goods concerned, but to control illegal sales ("black markets") sellers of rationed goods, whether sales are made to the Army or otherwise, are required by OPA, upon replacement of their stocks, to produce so-called "ration evidences" obtained from their customers. Accordingly, Army procurement officers, in purchasing rationed goods, furnish the seller with ration evidences for the goods purchased, or otherwise cooperate with OPA policies.

(b) *Applicable OPA directives.* Sugar (Ration Order 3), processed foods (Ration Order 13), meats, fish, fats, and cheese (Ration Order 16), gasoline (Ration Order 5c), fuel oil in part of the United States (Ration Order 11), and shoes (Ration Order 17), have been subjected to rationing. Procedures under the rationing system are established by OPA General Ration Orders 3, 3A, 3B, 5 and 11.

(c) *Where certain War Department instructions may be found.* Interested personnel may find instructions in the following War Department publications covering the general subjects indicated:

1. Circular Letter 30, OQMG, 13 February 1943 and supplements thereto—ration banking accounts;
2. Circular 36, W. D., 1945—food rationing;
3. Circular 291, W. D., 1943; Circular 59, W. D., 1944—non-rationed food items containing rationed commodities;
4. Circulars 246, 282, 363, 389, 492, W. D., 1944—Certain petroleum products; and
5. Circulars 255, 390, 399, W. D., 944 and 19 W. D., 1945—Shoes.

SUBPART E—CONTROLLED MATERIALS PLAN

CROSS REFERENCE: For tabulation of Controlled Materials Plan regulations of the War Production Board, see Appendix—Tabulation of Documents in Chapter IX of Title 32.

§ 811.1140 *Revision of existing supply contracts to conform to production schedules authorized under Controlled Materials Plan.*

§ 811.1140–1 *Effect of reduced allotments of materials.* Under the Controlled Materials Plan (CMP) some Army suppliers from time to time will receive allotments of controlled materials which are less than the materials necessary to meet the production schedules in effect under existing contracts. Normally, the production schedule authorized on Form CMP–10 will reflect these reduced quantities. In cases where the end item schedule has not been reduced in line with the reduced allotments, a letter is sent to the contractor explaining the factors (for example, changed specifications, reduced requirements of spare parts, and prior allocations) which will enable him to meet the required production schedule with the materials allotted to him.

§ 811.1140–2 *Coordination with CMP officers.* Schedules of production authorized on Form CMP–10 are controlling and must be put into effect by appropriate contract adjustments. CMP officers have been instructed to inform contracting officers of revised schedules, and whenever practicable to consult with them concerning the distribution of any reduced allotment among the various contractors concerned. Close coordination between contracting officers and CMP officers is required in order that changes in or amendments of outstanding contracts may be promptly effected where made necessary by revision in schedules.

§ 811.1140–3 *Protection of contractor.* Under the usual "Delays-Damages" article (see § 803.352) in most War Department contracts, the delay of a contractor is treated as excusable if it is without fault or negligence on the part of the contractor and is due to "unforeseeable causes beyond his control, including any preference, priority, or allocation order issued by the Government." A possible statutory exemption from liability for delay is also to be found in a clause of Title III of the Second War Powers Act, 1942, reading as follows:

(7) No person shall be held liable for damages or penalties for any default under any contract or order which shall result directly or indirectly from compliance with this subsection (a) or any rule, regulation, or order issued thereunder, notwithstanding that any such rule, regulation, or order shall thereafter be declared by judicial or other competent authority to be invalid.

Nevertheless, a contractor is entitled to the protection of an amendment to his contract to reflect accurately the changes in the production schedule which are made necessary or appropriate by the reduction in allotments. Such changes will be effected promptly by appropriate supplemental agreement (or change order where a change order can effect the necessary adjustment).

§ 811.1140–4 *Adjustment of schedules in contracts.* Appropriate adjustment of a contract to conform to reduced schedules made necessary under the Controlled Materials Plan or otherwise may in many cases be made under contract provisions already in effect, if the contract contains such provisions (see, for example, §§ 803.329, 803.329a and 803.351–3). Where a contract contains no provision permitting such an adjustment, the chief of the technical service concerned is authorized to amend the contract by supplemental agreement, inserting one or more of the contract articles contained in §§ 803.329, 803.329a and 803.351–3 so as to provide in the contract itself authority for the making of any later adjustments made necessary by changes in the CMP allotments (see § 812.1233).

§ 811.1140–5 *Upward adjustment of price.* Where a reduction in allotments so changes or interrupts the contractor's operations as substantially to increase the unit costs of any of the items procured, an equitable adjustment in the contract price in addition to a modification of the production schedule is also authorized to be made, either under an appropriate contract provision providing such an adjustment or by supplemental agreement (see § 812.1233).

§ 811.1140–6 *Downward adjustment of price.* In cases where production schedules are to be stepped up as a result of a speedier flow of materials under a CMP allotment, the contract will be appropriately amended to accomplish this result. Where an increase in allotment so accelerates the contractor's operations as to produce a substantial saving in unit costs, contracting officers will, where possible, negotiate a reduction in unit price in connection therewith (see §812.1251–2).

§ 811.1141 *Allotment of materials for new contracts.* Under the Controlled Materials Plan, it is essential that each new contract let be accompanied by a sufficient allotment of material to enable the contractor to enter into production as called for under the contract. Consequently, before a contract is let or a letter contract or letter of intent executed, contracting officers should coordinate with CMP officers to make sure that controlled materials are expected to be available in the quantity required, and that each contractor is asked to submit an estimate of the controlled materials required along with his proposal or bid. Upon the execution of a contract, arrangements should be made with CMP officers to issue allotments as required to meet the production schedules of the contract.

SUBPART F—CONTRACTS INVOLVING RUBBER OR SYNTHETIC RUBBER

§ 811.1150 *Agreement with Rubber Reserve Company.* (a) Rubber Reserve Company, a subsidiary of Reconstruction Finance Corporation, owns and controls the supply of all natural rubber and substantially all synthetic rubber in this country. Effective June 1, 1943 Rubber Reserve Company found it necessary to increase its price for natural rubber from 22½ cents per pound to 40 cents per pound, but reduced its prices for synthetic rubber to 36 cents per pound for GRS (Buna S); 33 cents per pound for GRI (Butyl); and 45 cents per pound for GRM (Neoprene Type GN).

(b) In order to avoid the necessity of adjusting the outstanding contracts of the War Department and subcontracts therunder based on a price for natural rubber of 22½ cents per pound and in order to facilitate transition from natural to synthetic rubber and to simplify future procurement of rubber products, the War Department has made an agreement with Rubber Reserve Company to pay directly to it part of the cost of such natural and synthetic rubber used for War Department purposes and thereby to maintain lower, stable, prices to rubber manufacturers for such natural and synthetic rubber.

(c) Under this agreement Rubber Reserve Company will supply natural and synthetic rubber to War Department contractors and subcontractors upon payment by them to Rubber Reserve Company at the following rates per pound.

Type	Price per pound (cents)
Natural	22½
GRS Synthetic (Buna S)	18½
GRI Synthetic (Butyl)	15½
GRM Synthetic (Neoprene Type GN)	27½

These rates apply to natural, GRS and GRI Synthetic used after June 1, 1943 and to GRM synthetic used after August 1, 1943.

(d) The War Department will pay Rubber Reserve Company the difference between these amounts and the prices fixed by Rubber Reserve Company specified in paragraph (a) above, or such lower prices as the Rubber Reserve Company may fix from time to time. This contract will remain in force until June 30, 1945, unless extended by the War Department or terminated on ninety days' notice before that date.

§ 811.1151 *Administration of agreement.* (a) To simplify administration of this agreement with Rubber Reserve Company the Ordnance Department is handling the contract on behalf of the entire War Department and will administer it for all of the technical services.

(b) Rubber Reserve Company will obtain from rubber manufacturers reports of the amount of natural and synthetic rubber used on account of War Department contracts and subcontracts and will bill the War Department monthly through the Ordnance Department on the basis of these reports showing the amount due with respect to the contracts and subcontracts of each technical service.

(c) The chief of each technical service has been directed to make available to the Ordnance Department by special allotment or otherwise sufficient funds to cover the estimated amounts payable to Rubber Reserve Company under this agreement with respect to its contracts and subcontracts up to June 30, 1945. The Chief of Ordnance is authorized to issue such directives or instructions to the chiefs of the other technical services as he deems necessary for the administration of the agreement and the furnishing of such allotments.

§ 811.1152 *Effect of agreement on contracts involving natural rubber.* (a) Since natural rubber will continue to be supplied to rubber manufacturers by Rubber Reserve Company at 22½ cents per pound as heretofore, existing contracts made on this basis will not need to be adjusted.

(b) Likewise, future contracts involving the use of natural rubber can continue to be made on the same basis of 22½-cent rubber, as heretofore.

§ 811.1153 *Existing contracts involving synthetic rubber.* (a) The prices for synthetic rubber specified in the agreement between Rubber Reserve Company and the War Department are substantially lower than the prices previously in effect for the same types of synthetic rubber.

(b) Accordingly, the prices under existing contracts involving the use of synthetic rubber and made on the basis of the prices in effect before the agreement, should be promptly adjusted to reflect the reduced prices for such synthetic rubbers.

(c) By its Circular No. 21 dated May 31, 1943, the Rubber Reserve Company has directed all rubber manufacturers to report to it all existing contracts made on the basis of prices for natural or synthetic rubber higher than those fixed by the agreement with the War Department and has directed such rubber manufacturers promptly to adjust their prices under such contracts to reflect the reduced prices for synthetic.

§ 811.1154 *Conversion from use of natural rubber to use of synthetic.* (a) At the present time the cost of processing synthetic rubber is greater than the cost of processing natural rubber for many types of articles. The lower price per pound for synthetic rubber as compared to natural rubber will offset to the extent of the price differential the additional costs of processing such synthetic rubber.

(b) In the cast of certain types of commodities such as tires, the shift from natural to synthetic rubber involves an

additional factor affecting costs of production. When such commodities are made from natural rubber it is often possible to use a substantial amount of reclaimed rubber which is much less expensive than either natural or synthetic. When the same commodities are made from synthetic rubber, however, it is at present not feasible to use reclaimed rubber to the same extent or at all. Consequently, synthetic must be substituted not only for the natural rubber but also for the reclaimed rubber in such cases.

(c) When it becomes necessary to amend the specifications under existing contracts under the "changes" article to substitute synthetic rubber for natural rubber, the contract price must be equitably adjusted in accordance with that article. In fixing this adjustment it is necessary to take into account, (1) any additional costs of processing synthetic in place of natural rubber; (2) the lower price per pound of synthetic as compared with natural rubber; (3) the extent to which reclaimed rubber is superseded by synthetic; (4) any other factors relevant in the particular case. Accordingly, the adjustment under any particular contract will depend primarily on the circumstances with respect to processing and the ratio of natural and reclaimed rubber in the particular type of commodity.

(d) Likewise, when new contracts are made for the manufacture from synthetic rubber of commodities previously made from natural rubber, the proper price will depend on the consideration of the same factors discussed in paragraph (c).

§ 811.1155 *Price adjustment provisions.* In order to assure rubber manufacturers that they may fix their prices on the basis of the cost for natural and synthetic rubber specified in the agreement between the War Department and Rubber Reserve Company the price revision article contained in § 803.377–4 may be used in contracts involving natural or synthetic rubber.

SUBPART H—MISCELLANEOUS MATTERS

§ 811.1180 *Discounts in purchasing.*

§ 811.1180–1 *General rule.* Frequently contractors include in their bids offers of discounts for cash or prompt payment. In view of the volume of purchasing being presently done, it is frequently not practicable to effect prompt payment and thus take advantage of these provisions. It is therefore apparent that if these offers were taken into account in deciding whether to award a contract to one contractor rather than another, the decision to award the contract to one might be made on the basis of an offer of a cash discount the benefit of which the Government would never receive. The rule has therefore been established that offers of a discount for cash or prompt payment will be disregarded in deciding between two possible contractors.

§ 811.1180–2 *Example.* Let us assume that bids are solicited, informally, or otherwise, and two contractors submit bids. Contractor A quotes a price of $1.00 per unit with an offer of a 10% discount for prompt payment. Contractor B quotes a price of $1.10 per unit. Disregarding A's offer of a 10% discount, the contracting officer nevertheless decides that the contract will be awarded to contractor A because his unit price of $1.00 is lower than that quoted by contractor B. The question now arises whether the rule set forth in § 811.1180–1 requires that A's offer of discount for prompt payment should be disregarded. The answer obviously is that it should not be disregarded. The discount provision should be included in the contract. It was disregarded in making the decision to award the contract to A, but once the contract was awarded to A, the Government should take advantage of all of the terms offered by contractor A.

§ 811.1180–3 *Ratification of past action.* Because of the misunderstanding of previous regulations, it appears that in some instances contracting officers have felt that it was necessary, under the circumstances set forth in § 811.1180–2, to omit from the contract any provision with respect to discounts. Their action in doing so is hereby ratified.

§ 811.1180–4 *Fiscal aspects of discounts.* Although as provided in § 811.1180–1, offers of discounts for cash or prompt payment are to be disregarded in deciding between two possible contractors, in many cases contracts awarded or invoices pursuant to such contracts will provide for such discounts. In such cases advantage should be taken of such discounts and procedures should be established to aid in reaching this result; provided interference does not result in the payment of accounts or transactions which do not provide for discounts. The preferred form of procedure for the taking of discounts is one in which originals and copies of purchase instruments involving discounts and used internally by the procurement office are suitably stamped "Discount—Expedite" by the initiating office and the discount terms shown on such instruments are underscored or circled in red to invite the attention of all concerned to the possible priority status of the instrument and allied documents. For fiscal aspects of cash discounts, see AR 35–6200.

§ 811.1181 *Contingent fees.* In connection with purchases and subcontracting by cost-plus-a-fixed-fee contractors, the vendor or subcontractor involved should not be permitted to pay third-party intermediaries a commission, percentage, brokerage, or contingent fee based upon the amount of the order or subcontract where the services performed by such intermediaries are merely the obtaining of the order of, if additional services are in fact performed by such intermediaries, the fees are disproportionate. To accomplish the foregoing it is essential that the attention of contracting officers be directed to the necessity of taking effective administrative measures so as to bring such practices to light with a view to their elimination. In some cases the prime contractor may be directed to require the disclosure by the vendor or subcontractor, as a condition to award, of any contingent or broker's fee or commission which may be included in the price quoted by such vendor or subcontractor.

In many cases third-party intermediaries and others in similar categories are capable of and do perform valuable services in connection with the purchasing and subcontracting, for which they are entitled to a return. In such cases it is not the purpose to limit the opportunities to obtain increased production by prohibiting altogether the use of such intermediaries by vendors and subcontractors. The purpose to be accomplished, however, is to prevent the abuses inherent in the inclusion in the purchase price or subcontract price of a commission, percentage, brokerage, or contingent fee in an amount not related to the services performed and the payment of such fees where the only service performed is the obtaining of the order for the vendor or subcontractor.

§ 811.1182 *Track-scaling of loaded railroad cars.* Provisions should not be inserted in construction or supply contracts in which payment for the materials or supplies is based on "railroad weights." The result of inserting such a provision is frequently to require railroads to incur unnecessary delay and expense in arriving at such weights, sometimes necessitating back-hauling for track-scaling. The railroads through territorial weighing bureaus enter into agreements with many of their shippers under which the railroads accept the invoice-weight of the shipper subject to periodical checks and test weights. This avoids the necessity for track-scaling the car. All reference to "railroad weights" will be omitted from requests for quotations or estimates and from the resulting contracts or orders for all materials and supplies including coal. Particular care should be taken to insure that the words "railroad weights" do not appear in the Schedule of Supplies (Schedule A) of future contracts or in any "Instructions to Bidders" or Purchase Conditions. In lieu of the words "railroad weights", there will be inserted the words "weights acceptable to railroad for freight charge purposes." Outstanding construction and supply contracts containing the words "railroad weights" should be amended to change those words to the wording indicated above. Reference is made to AR 55–150 for the terms of the War Department Traffic Weight Agreement entered into by the War Department with representatives of certain carriers.

§ 811.1182a *Ordering of less than full carloads to be avoided.* In view of the shortage of transportation facilities, it is apparent that it is wasteful to have a railroad car move with less than a full load. Therefore, unless other factors make such action unwise, supplies should be ordered in amounts equal to one or more full carloads; and the practice of ordering amounts that will result in the loading of a portion of a railroad car should be avoided.

§ 811.1182b *Notice of shipment by contractors.* (a) It is important that proper notices of shipment be dispatched by contractors to consignee establishments (especially in the case of shipments destined for ports of embarkation) and, in certain cases, also to other persons, or installations. The "Notice of Shipments" article (§ 803.328) to be inserted in supply contracts requires a notice of shipment to be sent to whomever the contracting officer may designate, and in the form, by the means, and on the occasions required by him.

(b) The main sources of instructions concerning notices of shipment are paragraph 7 of AR 55–105, as amended, paragraph 33 of TM 38–415 and section V, Circular No. 379, War Department, 1944 (the latter two references relate to shipments to ports of embarkation). Other general and special instructions on the subject of notices of shipment are also issued from time to time by certain of the technical services. The chiefs of the technical services will bring to the attention of all contracting officers the requirements of the pertinent publications and instructions referred to above, and will implement them with such supplementary instructions as they deem advisable.

(c) Contracting officers should be fully informed concerning the notices of shipment to be required so that they may issue proper instructions to contractors which will avoid the sending of unnecessary notices by contractors and last-minute requests by contractors for instructions. For instance, since the contractor will not ordinarily be required to dispatch a notice in the case of shipments of less than one carload (or equivalent), proper instructions should be given sufficiently in advance so that contractors making such small shipments will not be required to make unnecessary and burdensome calls upon contracting officers for directions. It is suggested that form instructions to contractors, concerning the notices of shipment required to be given, be prepared and furnished by contracting officers to contractors sufficiently in advance of shipments. Where form instructions are not feasible, contractors should be instructed to notify the contracting officers at least 24 hours in advance of the scheduled delivery to a carrier, so that appropriate instructions may be given. Instructions to contractors should require that in the case of classified shipments all classified information be omitted from the notice and such general terminology substituted therefor as is permissible under security regulations, and may also require, in the case of classified shipments, that the contracting officer shall approve the exact form of notice before it is sent by the contractor. Since the types and details of notices to be sent may be subject to frequent change, it is not deemed desirable to specify in the contract article itself the details of when and by what method notices are to be sent and what information they should contain.

§ 811.1182c *Land grant deductions.* (a) Through land grant deductions (see section 65, Title 49, United States Code) and the "equalization" of such deductions by competing rail carriers and many motor carriers, the War Department is able to move a substantial portion of its freight and express traffic at rates considerably lower than corresponding commercial rates.

(b) In order that land grant deductions may legally be obtained on any shipment, the Government should be the owner thereof during the particular movement involved.

(1) Thus, in order to obtain the benefit of such deductions on deliveries by fixed price prime contractors, the contracts should be made so that the Government takes title at point of origin and pays transportation charges direct to the carrier.

(2) The provisions of cost-plus-a-fixed-fee prime contracts are generally adequate to insure that title to deliveries made thereunder may be taken in the name of the Government at origin. CPFF prime contracts also generally contain provisions under which title to materials and supplies shipped by subcontractors and suppliers to the prime contractor may be taken in the name of the Government at origin. See W.D. Contract Form No. 3, § 813.1303, Art. II, paragraph 3. Many CPFF prime contracts also contain provisions directing or authorizing the inclusion in CPFF subcontracts thereunder of provisions by which title to materials and supplies shipped to such subcontractors may be taken in the name of the Government at origin. See § 803.365–4. Care should be taken that CPFF prime contracts and CPFF subcontracts thereunder contain adequate contractual provisions on these points, and that where a right exists to take title in the name of the Government at origin, such right is exercised in appropriate cases.

(c) In cases where the benefits of land grant deductions are to be obtained, normally Government bills of lading should be furnished to the shippers. In exceptional cases (see AR 55–150) shippers may be instructed to use commercial collect bills of lading, marked "To be converted to Government bill of lading at destination."

(d) Attention is invited to the fact that an F.O.B. origin shipment is consistent with a right to inspect and reject at destination, if such right is reserved by proper contract language. See § 813.1301, Art. 4.

(e) It is the general policy of the War Department to take advantage of land grant deductions. However, since this policy rests upon the definite savings to be obtained, it is not necessary to seek land grant deductions where savings will not be realized, for example, where the difference between origin and destination prices is equal to or less than the freight charges which would be payable by the War Department, and in such cases delivery to destination within the United States at contractor's expense is permissible. Further, obtaining land grant deductions is not required where the administrative or other difficulties involved will definitely, demonstrably and materially interfere with or delay procurement.

(f) The Transportation Corps, ASF, is charged with the responsibility for transportation of War Department property and functions as in substance the "traffic department" of the War Department. When doubt arises as to the desirability or economy from a traffic standpoint of an F. O. B. origin versus F. O. B. destination basis, the matter should be referred to the Traffic Control Division, Office of the Chief of Transportation, for advice.

§ 811.1183 *Procurement of spare parts.* Certain restrictions and procedures have been prescribed with respect to the procurement of spare parts. Such restrictions and procedures are set forth in Circular No. 434, War Department, 1944.

§ 811.1184 *Contracts with foreign nationals.*

§ 811.1184–1 By virtue of Executive Order No. 8389, April 10, 1940, as amended, and Treasurye Department regulations issued pursuant thereto, the award of contracts in which certain foreign countries or nationals thereof have any interest is prohibited.

§ 811.1184–2 The above prohibition does not apply to contracts with individuals, partnerships, associations, corporations, or other organizations which have been granted a general or special license by the Secretary of the Treasury.

§ 811.1184–3 Whenever a contracting officer has reason to believe that any prospective contractor is subject to the above prohibition he should inquire of the chief of the technical service concerned or the nearest Federal Reserve Bank as to the eligibility of the prospective contractor.

§ 811.1185 *Contracts with blocked nationals.*

§ 811.1185–1 The Secretary of State from time to time publishes lists of persons and organizations deemed to be acting directly or indirectly for the benefit of the enemy. Copies of these lists will be made available to the chiefs of the technical services.

§ 811.1185–2 No contract will be knowingly awarded to any person or organization so listed.

CROSS REFERENCE: For tabulation of Proclaimed Lists of Blocked Nationals filed with the Division of the Federal Register, see Chapter III of Title 22.

§ 811.1186 *Limitation on purchase of arms, ammunition and implements of war.*

§ 811.1186–1 No purchase of arms, ammunition, or implements of war shall be made on behalf of the United States by any officer, executive department, or independent establishment of the Government from any person who shall have failed to register under the provisions of subsection 12 (g) of Public Resolution of November 4, 1939 (Pub. Res. No. 54—76th Cong., 54 Stat. 10; 22 U. S. C. 452; M. L. 1939, sec. 2207a–12).

§ 811.1186–2 Articles which are considered arms, ammunition and implements of war will be proclaimed from time to time by the President. Chiefs of the technical services concerned will publish such information to the con-

tracting officers concerned and secure compliance with the above limitation.

§ 811.1187 *Restrictions on purchases of selected items.* The purchase of various items or classes of matériel and supplies has been restricted or prohibited due to shortages of such items or classes of equipment or of materials used in the construction thereof and for other reasons. Certain of these items or classes are mentioned below together with a reference to the War Department circulars setting forth the restrictions or prohibition. These circulars must be examined for a more detailed statement of the items and classes of matériel and supplies affected and of the nature of the restriction or prohibition.

1. Office furniture and equipment. See section IV, Circular No. 38, War Department, 1945.

2. Interoffice communication systems, sound recording equipment and public address systems. See section I, Circular No. 2, War Department, 1944.

3. Farm machinery and equipment. See section VI, Circular No. 204, War Department, 1944, as amended by section III, Circular No. 217, War Department, 1944.

4. Spare parts. See § 811.1183.

§ 811.1187a *Restrictions on local purchases.* (a) Detailed provisions respecting restrictions upon and procedures required to be followed in connection with local purchases (including local purchases from appropriated as well as unappropriated funds) are set forth in section VII, Circular 310, War Department, 1944.

(b) Reference is also made to Section IV, Circular No. 209, War Department, 1943, as amended by section I, Circular No. 361, War Department, 1944, dealing with local purchase of items of ordnance supply, such as spare parts, tools, accessories, shop equipment and supplies.

(c) It is essential that local purchases be kept to a minimum in order not to impinge on matériel and supplies intended for civilian economy. Local purchases are generally less economical, often result in an accumulation of nonstandard supplies which have limited use and tend to create excesses of standard items in depot stocks.

(d) Responsibility for controlling local purchases is a continuing command function in all echelons and at all installations. It shall be exercised vigorously and systematically.

§ 811.1188 *Advertising.*

§ 811.1188–1 *Basic statutes.* (a) No advertisement, notice, or proposal for any Executive Department of the Government, or for any Bureau thereof, or for any office therewith connected, shall be published in any newspaper whatever, except in pursuance of a written authority for such publication from the head of such Department; and no bill for any such advertising, or publication, shall be paid, unless there be presented, with such bill, a copy of such written authority. (R. S. 3828; 44 U.S.C. 324; M. L., 1939, sec. 1772)

(b) Hereafter all advertisements, notices, proposals for contracts, and all forms of advertising required by law for the several departments of the Government may be paid for at a price not to exceed the commercial rates charged to private individuals, with the usual discounts; such rates to be ascertained from sworn statements to be furnished by the proprietors or publishers of the newspapers proposing so to advertise: *Provided*, That all advertising in newspapers since the tenth day of April, eighteen hundred and seventy-seven, shall be audited and paid at like rates; but the heads of the several departments may secure lower terms at special rates whenever the public interest requires it. Act June 20, 1878 (20 Stat. 216; 44 U.S.C. 322; M. L., 1939, sec. 1770).

(c) First War Powers Act: The Judge Advocate General, in an opinion dated August 4, 1943 (SPJGC 1943/10580) has expressed the view "that compliance with the provisions of section 3828 of the Revised Statutes would limit and restrict the freedom of action granted by the First War Powers Act, 1941, to facilitate the prosecution of the war, and that the operation of such statute to the extent that it limits the broad authority granted by the First War Powers Act, 1941, is suspended thereby."

§ 811.1188–2 *Delegation of authority.* (a) The responsibility for authorizing advertising has been assigned by the Secretary of War to the Under Secretary of War (see § 801.107–3). Pursuant to section V, Circular 181, War Department, June 10, 1942, this responsibility was further delegated "subject to the direction of the Under Secretary of War, to the Commanding General, Army Air Forces, so far as [it relates] to supplies or equipment peculiar to the Army Air Forces; and subject to the same direction, so far as [it relates] to all other supplies and equipment, to the Commanding General, Services of Supply, or to such person or persons as they may designate." The authority so delegated is hereby further delegated to the chiefs of the technical services.

(b) The responsibility for authorizing advertising through the medium of newspapers or otherwise, which is delegated to the chiefs of the technical services by paragraph (a), is not to be confused with the responsibility for authorizing the placing of contracts by formal advertising rather than by negotiation. This latter responsibility is vested in the Director, Purchases Division, Headquarters, Army Service Forces (see § 802.240–2).

§ 811.1188–3 *Ratification.* Prior to the promulgation on September 3, 1943, of § 811.1188–2, the chiefs of the technical services had not expressly been delegated authority to authorize advertising. The Judge Advocate General, however, in the opinion referred to in § 811.1188–1 expressed the view that the delegations set forth in § 801.107–6 gave the Director, Purchases Division, Headquarters, Army Service Forces authority to approve advertising; and that the action of the chiefs of the technical services in authorizing advertising may "be ratified by the Director of the Purchases Division, if it is determined that such action facilitated the prosecution of the war". Accordingly, if any advertising was done subsequent to June 29, 1942, and prior to September 3, 1943, without approval of the Director, Purchases Division, Headquarters, Army Service Forces (or some higher authority) a request may be made to said Director that such advertising be ratified; the request should be accompanied by a full statement of the facts and a determination by the chief of the technical service that such advertising facilitated the prosecution of the war. Advertising done on or subsequent to September 3, 1943, may be authorized or ratified by the Chiefs of the technical services, without the necessity of submission to the Director, Purchases Division, Headquarters, Army Service Forces.

§ 811.1189 *Certificate required in procurement with respect to motor-propelled passenger-carrying vehicles.* All procuring instruments covering the purchase of supplies, equipment, spare parts, accessories or services, for use in the operation, maintenance, or repair of motor-propelled passenger-carrying vehicles will bear the following certificate:

None of the supplies or services covered by this instrument are to be used in violation of the legal restrictions quoted in Circular No. 340, War Department, 1944.

[Procurement Reg. 12]

PART 812—RENEGOTIATION AND PRICE ADJUSTMENT

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§ 812.1200 *Scope of part.*

§ 812.1200–1 *General.* This part deals with policies, procedures and contract provisions relating to the adjustment of prices under War Department contracts and subcontracts thereunder pursuant to the Renegotiation Act of 1943 (Subpart A), price adjustments without contract provisions and relief under the First War Powers Act (Subpart E), audits and inspections under Title XIII of the Second War Powers Act (Subpart H) and Title VIII of the Revenue Act of 1943 (Subpart I). The material relating to the use and administration of price revision contract articles, which formerly appeared in Subparts B, C and D, has been revised and now appears in Subpart H of Part 803 of this chapter.

§ 812.1200–2 *Regulations rescinded.* Temporary Procurement Regulations 10–T and 17–T, issued April 30, 1942, and May 11, 1942, by Headquarters, Army Service Forces, and all directives and instructions relating to contract provisions for revision and renegotiation of contract prices, issued prior to July 1, 1942 have been rescinded (see § 801.103 of this chapter).

SUBPART A—STATUTORY RENEGOTIATION

§ 812.1201 *Definitions; scope of subpart.*

§ 812.1201–1 *Definitions.* As used in this part, the following terms have the meaning set forth below:

(a) "Renegotiation Act of 1943"; "1943 act": These terms mean section 403 of the Sixth Supplemental National Defense Appropriation Act, 1942 (Public Law 528, 77th Congress, approved April 28, 1942) as amended by section 701 of the Revenue Act of 1943 (Public Law 235, 78th Congress, enacted February 25, 1944) and as effective with respect to fiscal years ending after June 30, 1943;

(b) "Renegotiation Act of 1942"; "1942 act": These terms mean section 403 of the Sixth Supplemental National Defense Appropriation Act, 1942, as amended through July 14, 1943, and as further amended by those provisions of section 701 of the Revenue Act of 1943 which are made effective as if they had been a part of section 403 of the Sixth Supplemental National Defense Appropriation Act, 1942, as amended, on the date of its enactment. (See Public Law 235, 78th Congress, sec. 701 (d).)

(c) "Statutory renegotiation": This term means renegotiation pursuant to the provisions of the Renegotiation Act of 1943.

(d) "Department": This term means the War, Navy, and Treasury Departments, the Maritime Commission, the War Shipping Administration, the Defense Plant Corporation, Metals Reserve Company, Defense Supplies Corporaton and Rubber Reserve Company.

(e) "Secretary": This term means the Secretary of the War, Navy, and Treasury Departments, the Chairman of the Maritime Commission, the Administrator of the War Shipping Administration, and the Boards of Directors of the Defense Plant Corporation, Metals Reserve Company, Defense Supplies Corporation and Rubber Reserve Company.

(f) "War Contracts Board": This term means the War Contracts Price Adjustment Board established by the Renegotiation Act of 1943.

§ 812.1201–2 *Scope of subpart.* This subpart A discusses the various aspects of statutory renegotiation. Sections 812.1202 to 812.1205–9 deal with the provisions of the Renegotiation Act of 1943 (§ 812.1201–1 (a)) and the exemptions and exclusions therefrom. Sections 812.1207 to 812.1210 discuss the contract articles for statutory renegotiation and their use. Sections 812.1213 and 812.1214–5 deal generally with the policies and procedures governing statutory renegotiation. Renegotiation pursuant to the Renegotiation Act of 1942 (§ 812.1201–1 (b) is not discussed herein. For the text of the 1942 act and the procedures, policies and interpretations thereunder, reference is made to the Joint Renegotiation Manual and the Army Renegotiation Manual, Part I, which are applicable to fiscal years ending before June 30, 1943.

Renegotiation Statute and Exemptions

§ 812.1202 *Statutory provisions.*

§ 812.1202–1 *Renegotiation Act of 1943.* For the complete text of the 1943 act, reference is made to the renegotiation regulations issued by the War Contracts Board.

§ 812.1202–2 *Section 3806 of the Internal Revenue Code.* Section 3806 of the Internal Revenue Code referred to in subsection (c) (2) of the 1943 act provides that the amount of federal income and excess profits taxes paid or payable with respect to any excessive profits must be credited against the amount of such profits in computing the amount to be refunded by the contractor or subcontractor, or otherwise recovered.

§ 812.1203 *Effect of 1943 act.*

§ 812.1203–1 *Coverage.* (a) The 1943 act applies to all contracts made by the Departments and subcontracts thereunder, with the exceptions stated under §§ 812.1203–4, 812.1204 and 812.1205. With those exceptions the 1943 act directs the War Contracts Board to renegotiate with every contractor with a Department, and every subcontractor under a contract with a Department, whenever in its opinion the profits received or accrued under such contracts or subcontracts may reflect excessive profits, whether or not the contract or subcontract contains a renegotiation article (subsection (c) (1)).

(b) Subcontracts as defined in the 1943 act include purchase orders or agreements to perform all or any part of the work, or to make or furnish any article, material, part, assembly, machinery, equipment or other personal property (except office supplies), required for the performance of another contract or subcontract, and any agreements to procure such contracts or subcontracts. Such subcontracts are not limited to those made by the prime contractor but include those made by subcontractors and lower tiers of subcontractors unless specifically exempt (subsection (a) (5)).

§ 812.1203–2 *Contract articles.* With certain exceptions discussed under §§ 812.1204 and 812.1205, the 1943 act requires that each prime contract over $100,000 contain a contract article dealing with renegotiation. (See §§ 812.1207 et seq., 803.342–1, 803.342–2, and 803.342–3. As stated in § 812.1203–1, contracts or subcontracts which do not include a renegotiation article are nevertheless subject to the 1943 act unless such contracts or subcontracts are expressly excluded.

§ 812.1203–3 *Administration of renegotiation.* In connection with the provisions of the 1943 act relating to its administration and the application of such provisions, reference is made to the renegotiation regulations to be issued by the War Contracts Board and the supplementary instructions issued thereunder.

§ 812.1203–4 *Exclusions.* (a) The 1943 act is inapplicable to any contract or subcontract on which final payment was made before April 28, 1942.

(b) The 1943 act is inapplicable if the aggregate amount received or accrued by the contractor or subcontractor and all persons under the control of or controlling or under common control with it under contracts with the Departments and subcontracts thereunder during its fiscal year ending after June 30, 1943, will not exceed $25,000 from subcontracts for procuring contracts or subcontracts or $500,000 from all other contracts with the Departments or subcontracts thereunder.

(c) Certain contracts or subcontracts are exempt or may be exempted from the provisions of the 1943 act under subsec-

tion (i) of such act. These exemptions are discussed in §§ 812.1204 and 812.1205.

§ 812.1203–5 *Expiration of the act.* Subsection (h) of the 1943 act provides that it shall apply only to profits from contracts and subcontracts which are attributable to performance prior to the "termination date" of the act. Reference is made to subsection (h) of the 1943 act and to the renegotiation regulations issued by the War Contracts Board for the definition of "termination date" and the determination of the profits which are deemed attributable to performance prior to such date.

§ 812.1204 *Mandatory exemptions from statutory renegotiation.* In addition to the treatment of such mandatory exemptions in this section et seq., reference is made to § 812.1290, concerning rulings of War Contracts Board relating to exclusions or mandatory exemptions from statutory renegotiation. This matter is treated at length in the Renegotiation Regulations issued by the War Contracts Board.

§ 812.1204–1 *Contracts with governmental agencies.* (a) In this section the term "other Government Agency" includes (1) any department, bureau, agency or governmental corporation of the United States, (2) any territory, possession or state or any agency thereof, and (3) any foreign government or any agency thereof.

(b) The 1943 act does not apply to (1) any contract between a Department and any other Government agency; (2) any contract between a contractor with a Department or a subcontractor thereunder, and any other Government agency; (3) any contract made by the other Government agency in connection with a contract with one of the Departments, or one of their contractors, or subcontractors, unless the other Government agency is acting merely as an agent for the Department concerned (subsection (i) (1) (A) of the 1943 act).

(c) Accordingly, no article for statutory renegotiation under the 1943 act will be included in any such contract or subcontract.

(d) With respect to contracts with War Supplies Limited, see § 805.509–8.

(e) See § 812.1290–1 for ruling by the War Contracts Board relating to the governmental agency exemption.

§ 812.1204–2 *Contracts and subcontracts for products of natural deposits and timber.* (a) By subsection (i) (1) (B), the 1943 act does not apply to

(B) any contract or subcontract for the product of a mine, oil or gas well, or other mineral or natural deposit, or timber, which has not been processed, refined, or treated beyond the first form or state suitable for industrial use.

(b) Contracts hereafter made with the War Department solely for the product of a mine, oil or gas well, or other mineral or natural deposit or timber, should include the standard renegotiation article, if otherwise required, unless it is clear that the product is exempt under this subsection. If the application of this exemption is uncertain, the following provision may be added at the end of the article:

If any regulation issued pursuant to subsection (i) (2) of the Renegotiation Act interprets and applies subsection (i) (1) (B) to exempt from the provisions of said Act, contracts for any product or products covered by this contract, then the contract price for such product or products, if separately stated herein, shall not be subject to renegotiation under this article.

(c) See § 812.1290–2 for ruling by the War Contracts Board relating to the raw material exemption.

§ 812.1204–3 *Contracts and subcontracts for agricultural commodities.* (a) By subsection (i) (1) (C), the 1943 Act does not apply to

(C) any contract or subcontract for an agricultural commodity in its raw or natural state, or if the commodity is not customarily sold or has not an established market in its raw or natural state, in the first form or state, beyond the raw or natural state, in which it is customarily sold or in which it has an established market. The term "agricultural commodity" as used herein shall include but shall not be limited to—

(i) commodities resulting from the cultivation of the soil such as grains of all kinds, fruits, nuts, vegetables, hay, straw, cotton, tobacco, sugar cane, and sugar beets;

(ii) natural resins, saps and gums of trees;

(iii) animals such as cattle, hogs, poultry, and sheep, fish and other marine life, and the produce of live animals, such as wool, eggs, milk and cream.

(b) Contracts hereafter made with the War Department solely for an agricultural commodity should include the standard renegotiation article, if otherwise required, unless it is clear that the commodity is exempt under this subsection. If the application of this exemption is uncertain, the following provision may be added at the end of the article:

If any regulation issued pursuant to subsection (i) (2) of the Renegotiation Act interprets and applies subsection (i) (1) (C) to exempt from the provisions of said Act, contracts for any product or products covered by this contract, then the contract price for such products or products, if separately stated herein, shall not be subject to renegotiation under this article.

(c) See § 812.1290–2 for ruling by the War Contracts Board relating to the agricultural exemption.

§ 812.1204–4 *Contracts and subcontracts with certain religious, charitable and educational organizations.* (a) Subsection (i) (1) (D) provides that the 1943 act shall not apply to

(D) any contract or subcontract with an organization exempt from taxation under section 101 (6) of the Internal Revenue Code.

(b) Contracts hereafter made by the War Department with any charitable, religious or educational organization should include the standard renegotiation article, if otherwise required. If the contracting organization claims the benefit of this exemption, the following provision may be added at the end of the article:

This article shall be inapplicable if it is determined that the Contractor is exempt from the provisions of the Renegotiation Act by reason of subsection (i) (1) (D) of said Act.

§ 812.1204–5 *Construction contracts awarded as a result of competitive bidding.* (a) By subsection (i) (1) (E), the 1943 act does not apply to

(E) any contract with a Department awarded as a result of competitive bidding, for the construction of any building, structure, improvement, or facility.

(b) The War Contracts Board has issued an interpretation and application of this exemption (see § 812.1290–3).

(c) Accordingly, no renegotiation article will be inserted in any construction contract which meets the conditions of this exemption. If the application of this exemption is uncertain, the renegotiation article should be inserted in the contract although the following provision may be added:

If by regulation issued pursuant to subsection (i) (2) of the Renegotiation Act, subsection (i) (1) (E) is interpreted and applied to exempt this contract from the provisions of said Act, then the contract price stated herein shall not be subject to renegotiation under this article.

§ 812.1204–6 *Subcontracts under exempt contracts or subcontracts.* (a) Subsection (i) (1) (F) provides that the 1943 act shall not apply to

(F) any subcontract, directly or indirectly under a contract or subcontract to which this section does not apply by reason of this paragraph.

(b) Accordingly, it is not necessary to insert in a contract or subcontract which is exempt by reason of subsection (i) (1) of the 1943 act (§§ 812.1204–1 to 812.1204–5, inclusive) a provision requiring a renegotiation article to be inserted in subcontracts made thereunder.

(c) If a renegotiation article is inserted in a contract or subcontract and the application of subsection (i) (1) to such contract or subcontract is uncertain, the renegotiation article, if otherwise required, should be inserted by the contractor or subcontractor in all subcontracts made by him. However, the provision set forth in § 812.1209 may be added at the end of the article.

(d) See § 812.1290–4 for ruling by the War Contracts Board relating to the exemption of subcontracts under exempt contracts or subcontracts.

§ 812.1204–7 *Subcontracts for office supplies.* The definition of "subcontract" contained in subsection (a) (5) (A) of the 1943 act specifically excludes therefrom subcontracts for office supplies. See § 812.1290–5 for ruling by the War Contracts Board relating to articles included within the term "office supplies".

§ 812.1204–8 *Interpretation and application of mandatory exemptions.* Subsection (i) (2) of the 1943 act provides that the War Contracts Board is authorized to interpret and apply the exemptions discussed in §§ 812.1204–1, 812.1204–2, 812.1204–3, 812.1204–5 and 812.1204–6 with respect to fiscal years ending after June 30, 1943.

§ 812.1205 *Discretionary power to exempt certain contracts and subcontracts.* In addition to the treatment of such discretionary exemptions in this section, et seq., reference is made to

§ 812.1291 et seq. concerning rulings of War Contracts Board relating to discretionary exemptions from statutory renegotiation. This matter is treated at length in the Renegotiation Regulations issued by the War Contracts Board.

§ 812.1205–1 *Statutory provisions.* Subsection (i) (4) of the 1943 act provides that the War Contracts Board, in its discretion, may exempt from some or all of the provisions of such Act individually or by general classes or types:

(a) Any contract or subcontract to be performed outside the United States or in Alaska;

(b) Any contracts or subcontracts, the profits from which can be determined with reasonable certainty when the contract price is established;

(c) Any contract or subcontract to the extent that the contract provisions are otherwise adequate to prevent excessive profits;

(d) Any contract or subcontract for a standard commercial article if competitive conditions with respect to the making of such contract or subcontract will reasonably protect the Government against excessive prices. The term "standard commercial article" is defined by subsection (a) (7) of the 1943 act;

(e) Any contract or subcontract if there is effective competition with respect to the contract or subcontract price;

(f) Any subcontract or group of subcontracts if it is not administratively feasible to segregate the profits attributable to the subcontract or group of subcontracts from profits on business not subject to renegotiation.

§ 812.1205–2 *Discretionary power to exempt certain contracts and subcontracts by general classes or types.* The authority to exempt by general classes or types contracts and subcontracts of the kind described in subsection (i) (4) of the 1943 Act is vested in the War Contracts Board and has not been delegated by it except for certain limited authority primarily with respect to royalties (see § 812.1205–5 (a)).

§ 812.1205–3 *Discretionary power to exempt certain individual contracts or subcontracts.* (a) The Director, Purchases Division, Headquarters, Army Service Forces, may exempt from statutory renegotiation any individual contract or subcontract of the types specified in § 812.1205–1 in connection with the placement of such contract or subcontract or any amendment or revision thereof. Such authority of the Director, Purchases Division, relates to contracts entered into pursuant to the authority of the Secretary of War or the War Department and subcontracts under any such contracts (including in the case of the 1943 Act subcontracts under any such contracts which are also subcontracts under contracts with other Departments).

(b) The chief of a technical service may exempt any such individual contract or subcontract from statutory renegotiation only where express authority to do so is granted (1) by the provisions of the regulations in this chapter. (See e. g. §§ 812.1205–4 (a), 812.1205–5 (b), 812.1205–6, 812.1205–7 (a), 812.1205–8), or (2) by special delegation from the Director, Purchases Division, Headquarters, Army Service Forces.

(c) When an individual contract is to be exempted from renegotiation pursuant (1) to paragraphs (a) and (b) above or other provisions of regulations, in this chapter or (2) to any special delegation of authority, the renegotiation article (Form II) described in § 803.342–2 will be used in the contract so exempted, unless all subcontracts thereunder have also been so exempted. Each contract or subcontract exempted or under which any part of the performance is exempted from statutory renegotiation must contain an explicit statement to that effect and also a statement showing the extent of the exemption, by whom it was granted and the provision of the 1943 act upon which it is based, with appropriate findings of the existence of facts necessary to support the exemption.

(d) When a prime contract is exempted from renegotiation the statement in the contract as to the exemption will contain a statement whether or not and to what extent subcontracts thereunder are to be exempted from renegotiation.

(e) A written report of each exemption granted will be made to the Director, Renegotiation Division, Headquarters, Army Service Forces (through the Director, Purchases Division and the chief of the technical service) giving:

(1) The name of the contractor or subcontractor;

(2) The number and date of the contract or subcontract;

(3) The contract price;

(4) The nature of the work, supplies, or other items furnished under the contract or subcontract;

(5) Sufficiently detailed information to indicate whether the requirements of the provisions of this part pursuant to which the exemption is granted, have been complied with.

§ 812.1205–4 *Contracts and subcontracts outside of the United States.* (a) The chief of a technical service is authorized, in his discretion, to exempt from some or all of the provisions of the 1943 Act any individual contract with his technical service, or any subcontract thereunder, which is to be performed outside of the territorial limits of the continental United States, or in Alaska. This authority applies to contracts and subcontracts heretofore or hereafter made or performed and includes subcontracts under any such contracts which are also subcontracts under contracts with other Departments or technical services.

(b) Reference is made to Circular No. 330, War Department, 1944, regarding delegation of exemption authority to commanding officers outside continental United States and in Alaska.

§ 812.1205–5 *Contracts and subcontracts relating to patents or inventions.* (a) The Director, Purchases Division, Headquarters, Army Service Forces, may exempt pursuant to subsection (i) (4) of the 1943 Act from some or all of the provisions of the 1943 Act any contracts or subcontracts with respect to patents or inventions, which contracts or subcontracts are license agreements, assignments, releases of, or covenants not to sue with respect to, claims for the manufacture or use of inventions, and any contracts or subcontracts for royalties charged or chargeable directly or indirectly to the United States which royalties are the subject of a royalty adjustment contract either pursuant to Public Law 768, 77th Congress, Chapter 634—2d Session, or otherwise: *Provided, however,* That each exemption made under paragraph which relates to general classes or types of contracts or subcontracts shall be limited to the contracts or subcontracts of specific contractors or subcontractors to whom amounts are or may be paid or payable under such contracts or subcontracts.

(b) The chief of a technical service may exempt from some or all of the provisions of the 1942 or 1943 Act any individual contract received or entered into by such technical service granting to the Government or its allies a license under a patent or an invention or transferring a patent or an invention to the Government, or releasing the Government or its allies from claims for the manufacture or use of inventions, if the aggregate payments under the contract for its duration or for any stated period are either (1) a fixed amount determinable at the time of the execution of the contract, or (2) limited by contract to a maximum amount determinable at the time of the execution of the contract, and if, in his opinion, the fixed amount or maximum amount will not yield excessive profits to the contractor or subcontractor.

§ 812.1205–7 *Exemption of individual contracts and subcontracts for less than $5,000,000.* (a) A chief of a technical service may exempt from statutory renegotiation, any individual contract or subcontract for an amount of less than $5,000,000 of the types specified in § 812.1205–1. Such authority of each chief of a technical service relates to contracts entered into pursuant to the authority of the Secretary of War or the War Department and subcontracts under any such contracts (including in the case of the 1943 Act subcontracts under any such contracts which are also subcontracts under contracts with other departments). Such exemption shall be granted only in connection with the placement of such contract or subcontract, or any amendment or revision thereof. Exemption from statutory renegotiation of any contract or subcontract for $5,000,000 or more shall be granted only with the approval of the Director, Purchases Division, Headquarters, Army Service Forces. Any request for the approval of an award of a contract for $5,000,000 or more (see § 803.305–2) where it is proposed to exempt the contract from statutory renegotiation will disclose that fact.

(b) The authority conferred by paragraph (a) above will be exercised in any particular case by the chief of a technical service or by anyone to whom such authority has been redelegated only when:

(1) Articles or services the same or substantially similar to those called for in

the contract or subcontract have been produced or rendered by the contractor for a period of at least six months prior to the commencement of production or the rendering of service under the contract or subcontract;

(2) It appears to the person exercising such authority, in the light of the circumstances then known to him, that the total costs of performance to be exempted under the contract or subcontract can be estimated with reasonable accuracy at the time the contract price therefor is established;

(3) A price analysis has been made and the contract or subcontract price, in the opinion of the person exercising such authority, is established in accordance with the principles enunciated in Army Service Manual M–601 ("Pricing in War Contracts"), if and so far as applicable, and is considered fair and reasonable in the light of prices being currently paid for comparable articles or services and other relevant circumstances;

(4) The contract contains no provision for price revision other than standard articles authorized in this chapter;

(5) If the contract contains any of the articles set forth in §§ 803.372–7 and 803.373–6 of this chapter or formerly set forth in §§ 803.341–1, 803.341–2, 803.360a (a) and 803.360–2 of this chapter, the initial period of production has been completed; and

(6) If the contract contains either of the articles set forth in § 803.375–4 (formerly § 803.342a) and § 803.376–4 of this chapter, the price is finally determined.

(c) In determining whether to grant exemption from renegotiation the person exercising such authority will normally consider the following further factors among others:

(1) Whether and to what extent contingency allowances or charges have been excluded from estimated costs in fixing the price and, so far as included in costs, have been disclosed, segregated and justified in the contractor's proposal;

(2) Whether in the light of circumstances known to the person exercising such authority, the contemplated profit margin and profit are relatively low;

(3) Whether in the light of the probable term of the contract the whole period of performance can properly be exempted from statutory renegotiation; and

(4) Whether, if the contractor's costs are an important factor in price analysis in the particular case, the contractor's cost accounting system is based upon sound and accepted accounting principles consistently applied.

(d) If the contract involves a period of performance of over six months, the person exercising authority to exempt should consider whether some approved price revision provision (e. g. the article set out in §§ 803.372–5 or 803.373–5) should not be included in the contract and the exemption limited in length appropriately.

(e) Each proposed exemption should ordinarily be discussed informally with the Price Adjustment Section of the procurement office which is placing the contract.

(f) Where a contract contains a periodic pricing article (see §§ 803.372–5, 303.372–6 and 803.372–7) or an article like those set forth in §§ 803.373–5 and 803.373–6, exemption from renegotiation should not be granted with respect to the entire contract but only until the next succeeding price revision. At the conclusion of the first pricing period under the articles set forth in §§ 803.372–7 and 803.373–6, exemption from renegotiation for the initial pricing period may be granted retroactively at the time of the amendment of the contract to fix the price for the next succeeding period, if such exemption from renegotiation is warranted in accordance with this chapter.

§ 812.1205–8 *Exemptions of individual contracts within stated classifications where profits can be determined with reasonable certainty when the contract price is established.* (a) In connection with the placement, revision or amendment of any contract or subcontract falling within a classification set forth below, the chief of each technical service is authorized to exempt from statutory renegotiation (pursuant to section (i) (4) of the 1943 act) any individual contract falling within such classification or the subcontracts thereunder or any individual subcontract falling within such classifications:

(1) *Foods:* contracts and subcontracts for such types of foods as the Quartermaster General may from time to time determine to be perishable (see § 812.-1292).

(2) *Clothing and equipage:* contracts and subcontracts for clothing and equipage, including footwear.

(3) *Textiles or textile products.* Contracts and subcontracts for textiles or textile products.

Such authority of each chief of a technical service relates to contracts entered into pursuant to the authority of the Secretary of War or the War Department and subcontracts under any such contracts (including in the case of the 1943 Act subcontracts under any such contracts which are also subcontracts under contracts with other departments).

(b) The authority conferred by paragraph (a) will be used only where the person exercising such authority is of the opinion in the individual case, in the light of circumstances then known to him:

(1) That the profits to be derived from any such contract or subcontract can be determined with reasonable certainty when the contract price is established;

(2) That negotiations fixing the price under any contract or subcontract to be exempted have taken place or will take place in general consistently with the pricing principles set forth in Army Service Manual M–601, (if and so far as applicable); and

(3) That the price set or to be set is fair and reasonable.

(c) Attention is directed to the fact that this section does not authorize the chief of any technical service to exempt all contracts of the types listed herein as a class or by groups. It merely authorizes the exemption of individual contracts and the subcontracts thereunder or individual subcontracts falling within the above mentioned classifications. The provisions of the memorandum formerly quoted in § 812.1204–8 (as amended November 12, 1943) are no longer in effect.

§ 812.1205–9 *Redelegation of authority to exempt individual contracts and subcontracts from renegotiation.* (a) The Director, Purchases Division, Headquarters, Army Service Forces, may delegate and authorize successive redelegations of the authority conferred upon him by §§ 812.1205–3 (a) and 812.1205–5 (a).

(b) The chief of a technical service may delegate and authorize successive redelegations of the authority conferred upon him by §§ 812.1205–3 (b), 812.1205–4 (a), 812.1205–5 (b), 812.1205–7 (a), and 812.1205–8.

Contract Articles for Renegotiation

§ 812.1207 *Articles authorized.* Standard forms of contract articles approved for use in accordance with this part are set forth in § 803.342–1 (Form I), § 803.342–2 (Form II), § 803.342–3 (Form III) of this chapter. Except as expressly authorized in this part or subsequent instructions, deviations from the standard articles will not be used.

§ 812.1208 *Use of articles.* (a) Form I will be used in all fixed price or cost-plus-a-fixed-fee contracts made after March 26, 1944, involving an estimated amount of more than $100,000 unless such contract is exempt under subsection (i) (1) of the 1943 Act (§ 812.1204) or is exempted pursuant to subsection (i) (4) (§ 812.1205).

(b) If a contract involving an estimated amount of more than $100,000 and made after March 26, 1944, is exempted pursuant to subsection (i) (4) of the 1943 act (§ 812.1205), Form I will not be used and Form II will be inserted, unless all subcontracts thereunder are also exempt. If the contract is exempt under subsection (i) (1) of the 1943 act (§§ 812.1204–1 to 812.1204–5, inclusive), no renegotiation article will be inserted.

(c) Form III will be inserted (in addition to any renegotiation article contained in the original contract as amended) in each supplemental agreement (including change orders) involving an estimated amount of more than $100,000 unless such supplemental agreement is exempt, or unless the original contract as amended contains Form I or Form II. If the supplemental agreement is exempt under subsection (i) (1) of the 1943 act (§§ 812.1204–1 to 812.-1204–5, inclusive), no renegotiation article need be inserted. If the supplemental agreement has been exempted pursuant to subsection (i) (4) of the 1943 act (§ 812.1205 et seq.), Form II will be used, unless all subcontracts thereunder are also exempt, and section (c) of Form III will be added.

§ 812.1209 *Optional provisions in subcontracts.* Where a contractor with the War Department or a subcontractor under a prime contract with the War Department is required by his contract or subcontract to insert a renegotiation article in his subcontracts, and there is doubt (a) whether an agreement or order which he proposes to make or place is a subcontract under the Renegotiation Act, or (b) whether it is exempt from renegotiation under subsection (i) of the Renegotiation Act, he should insert the prescribed renegotiation article in the agreement or order, but may add the following additional provision at the end of the article:

This article shall apply to this contract only if it is a "subcontract" subject to renegotiation under the Renegotiation Act.

§ 812.1210 *Use of other articles.* Statutory renegotiation under the contract articles discussed in this section is for the purpose of eliminating excessive profits and is handled by the War Contracts Price Adjustment Board, the War Department Price Adjustment Board and Price Adjustments Sections. As authorized by the 1943 act, it is conducted on an over-all basis for the contractor's fiscal year rather than by individual contracts, although the Board may renegotiate by individual contracts at the request of the contractor or subcontractor. Various other articles discussed in Subpart H of Part 803 of this chapter, designed to provide for revision of the price of the specific contract to meet various types of conditions, may be used in addition to the contract articles for statutory renegotiation.

Statutory Renegotiation; Policy and Procedure

§ 812.1213 *Administration of statutory renegotiation.*

§ 812.1213–1 *Agencies responsible.* Statutory renegotiation under the 1942 and 1943 acts, and under contract provisions inserted pursuant to such acts, is conducted by the War Contracts Board, Price Adjustment Boards or Price Adjustment Sections and not by contracting officers.

§ 812.1213–2 *Procedure and principles.* The procedure and principles to be followed in renegotiation pursuant to the 1943 act, pertaining to fiscal years ending after June 30, 1943, are prescribed by the War Contracts Board and the Chairman, War Department Price Adjustment Board and will be published respectively as "Renegotiation Regulations" and "Army Renegotiation Manual, Part II".

§ 812.1214 *Effect of statutory renegotiation on price adjustments by contracting officers.*

§ 812.1214–1 *Restrictions during and after statutory renegotiation.* While renegotiation pursuant to the 1943 Act is in progress or after it has been concluded with respect to a fiscal period of a contractor, contracting officers will not, except as contemplated in § 812.1214–4, accept or seek price reductions or refunds in lieu thereof, which will affect the sales or earnings of the contractor for such fiscal period without the prior consent of the Price Adjustment Board or Section which is conducting or has conducted such statutory renegotiation.

§ 812.1214–2 *Inquiry by contracting officers regarding statutory renegotiation.* Before accepting price reductions or refunds in lieu thereof and before initiating or continuing negotiations seeking reductions or refunds from a contractor, and at reasonable intervals during the continuance of such negotiations, contracting officers will make inquiry of the contractor of the Price Adjustment Board or Section to whom the contractor is assigned for statutory renegotiation to determine whether such renegotiation is in progress or has been concluded with respect to the fiscal period of the contractor which will be affected by the reductions or refunds proposed.

§ 812.1214–3 *When statutory renegotiation is in progress.* Statutory renegotiation shall be deemed to be in progress for a fiscal period of a contractor upon the mailing of the notice of time and place of a conference to be held with respect thereto as required by subsection (c) (1) of the 1943 act.

§ 812.1214–4 *Price adjustments not restricted.* Nothing herein contained shall preclude a contracting officer from at any time:

(a) Proposing and arranging adjustments in prices or fees in individual contracts containing express provision for revision, redetermination or renegotiation of prices or fees, other than a provision for statutory renegotiation, or

(b) Making price adjustments to compensate for changes made by the Government in specifications, design, quantities to be delivered, delivery schedules, or similar matters, or

(c) Accepting the benefit of the price reductions resulting from maximum price regulations of the Office of Price Administration or orders of other Government price fixing agencies, or

(d) Negotiating with respect to the prices to be included in new contracts in connection with the making thereof, or

(e) Proposing and arranging price reductions or refunds in lieu thereof which will not affect the sales or earnings of the contractor for any fiscal period for which statutory renegotiation is in progress or has been previously concluded.

§ 812.1214–5 *Provision in supplemental agreements making price adjustment.* The contract price as revised, renegotiated or redetermined by the contracting officer or as voluntarily reduced will still be subject to statutory renegotiation under the 1943 Act and any contract article pursuant thereto. Unless the revised, renegotiated or redetermined price is expressly exempted from statutory renegotiation pursuant to § 812.1205 through § 812.1205–9, the supplemental agreement or other instrument affecting the adjustment in price or fixed-fee will therefore include a provision substantially as follows:

The adjustment hereby made in the contract price is without prejudice to the determination of any excessive profits of the contractor upon subsequent renegotiation under the Renegotiation Act, or any contract article inserted pursuant to that act.

SUBPART E—PRICE ADJUSTMENTS WITHOUT CONTRACT PROVISIONS

§ 812.1250 *Scope of subpart.*

§ 812.1250–1 *Amendment of contract term.* As is emphasized in Parts 802 and 803 of this chapter, war conditions frequently require adjustment of contract terms to prevent unfairness to the contractor or the Government. While the provisions discussed in Subpart H of Part 803 of this chapter are sufficiently flexible to meet many kinds of changes, they do not cover all contingencies, and many contracts do not contain these provisions. Accordingly, contracts must often be amended to adapt them to new or unexpected developments.

§ 812.1250–2 *Sources of amendments of contract terms.* Such amendments arise from two main sources: (a) Changes in the procurement program arising from changes in war equipment or in the relative needs for various types of equipment or from other causes; (b) unexpected difficulties by the contractor in performing the contract. This section deals with policies and methods governing both classes of amendment.

§ 812.1251 *Amendments with consideration.*

§ 812.1251–1 *Price adjustment upward.* The chief of a technical service may amend contracts to increase or modify the price or other contract terms in order to adjust contracts to new conditions:

(a) Whenever the amendment changes the contract specifications, delivery schedules, conditions of manufacture or similar contract terms.

(b) Whenever the amendment restricts or modifies the right of the contractor to perform the contract as he sees fit or on the basis most advantageous to him. Examples are cases where a contractor, who is not bound to do so by his existing contract, agrees to use particular methods of manufacture, substitute materials, specified or costlier sources of supply or subcontractors, or other specified methods or devices to conform with Government policy. (See, for example, § 802.225–6).

(c) Wherever the amendment modifies the volume or rate of production so as to affect adversely the contractor's costs (see, for example, § 803.307).

(d) In any other case where the amendment is to the advantage of the Government and is based on legal consideration.

The chief of the technical service may make any such amendments in accordance with § 803.306–3 and following without the approval of higher authority, except as expressly required in those sections.

§ 812.1251–2 *Price adjustment downward.* Not all such amendments will require an increase in the price and some will justify a reduction in the price. For example, where the contract is amended to increase production or the rate of production under the contract, the costs of production may be reduced. Inasmuch as many of the fixed expenses have been provided for by the original volume, they

should not be charged at all or to the same extent against the increased or accelerated production, and this saving will often more than offset any added costs involved in the increased volume or accelerated rate of production. Accordingly, the effects of any increase, speed-up or other change should be carefully analyzed in each case in order to obtain the proper adjustment.

§ 812.1252 *Amendments without consideration.*

§ 812.1252–1 *Authority.* Under the First War Powers Act, 1941 and Executive Order No. 9001 the War Department has power to amend and modify contracts without consideration whenever such amendments will facilitate the prosecution of the war. (See § 802.204, and Opinion of The Attorney General dated August 29, 1942). The following paragraphs do not delegate to the technical services any authority to make amendments without consideration. Such amendments will be made only in accordance with §§ 803.306–4, 803.308a and 803.308b or express authority conferred by other provisions of this chapter (such as § 803.380).

§ 812.1252–2 *General policy.* The general policy is to amend contracts to meet changed conditions whenever such action will facilitate the prosecution of the war. A liberal policy of granting amendments in appropriate cases will (a) assist in obtaining close prices and reasonable cost estimates without excessive allowances in the price for contingencies against unforeseen risks, and (b) insure maximum cooperation and production by assuring contractors of fair treatment. By this policy it is believed that the costs of War Department procurement as a whole will be materially reduced and that the efficiency of production will be substantially increased. The general principles for carrying out this policy are stated in the following sections.

§ 812.1252–3 *Basic principle.* Any amendment without consideration under authority of the First War Powers Act must be based upon a finding that such action will facilitate the prosecution of the war.

Precise rules for deciding whether this finding is justified in a particular case cannot be prescribed, for in each instance the determination is a matter of sound judgment on the basis of all of the facts, but certain guides can be given as to the matters which should be considered and the type of circumstances where relief may be appropriate.

§ 812.1252–4 *Types of cases.* While it is obviously impossible to predict or classify all of the grounds upon which amendments without consideration may be appropriately made, examples of certain types or classes of cases where such relief may be proper are as follows:

(a) Where a contractor has suffered or is threatened with loss or diminished profit on a particular contract as a result of a mutual mistake or a bona fide mistake by the contractor alone as to existing fact (for example, through a clerical error or reasonable misunderstanding as to specifications), the contract price or terms should generally be corrected in accordance with the provisions of § 803.308b of this chapter.

(b) Where a contractor suffers a loss or a diminished profit on a particular contract as a result of Government action, the character of the Government action will generally determine whether any adjustment will be made and its extent.

(1) Where the governmental action is directed primarily at the contractor and is taken by the Government in its capacity as the other contracting party, the price may be equitably adjusted to compensate the contractor for the effect of the action if fairness so requires. Thus where such action by the representatives of the Government, although not creating any liability on its part, increases the cost of performance, or contributes to difficulty encountered by the contractor, considerations of fairness may make appropriate some equitable adjustment of the price or terms.

(2) Even when the action is not taken by the Government primarily in its capacity as the other contracting party, fairness may sometimes require an equitable adjustment in the contract price or other terms, depending on the nature of the action, the circumstances and the effect on the contractor.

(3) An increase granted by the Office of Price Administration in the maximum prices established by that Office for materials or component parts required for the manufacture of the articles called for by the contract will not be considered in and of itself sufficient justification for granting an adjustment in price.

(c) Where special circumstances of the war or enemy action have materially affected the conditions of performance of a contract, and the contractor in fixing his prices has not provided contingency reserves adequate to meet them, appropriate amendment or equitable adjustment of the contract may be justified.

(d) Where an actual or threatened loss on a war contract, however caused, will impair the productive capacity or efficiency of a contractor whose continued operation as an efficient source of supply is, in the judgment of the War Department, important to the war effort, the contract will generally be equitably adjusted to the extent necessary to avoid such impairment of his operations insofar as they are important to the war effort.

(e) Where substitution of new contract procedures or provisions will eliminate administrative difficulties, reduce Government costs, expedite production or auditing, aid accounting, save time and expense or simplify procurement, the contract may be so modified even though the Government in a particular instance may receive no other substantial advantage from the modification (see for example §§ 803.324 and 803.324–1).

The foregoing types of situations are enumerated as a guide to contracting officers in submitting cases for amendment without consideration. The grounds described are not mutually exclusive. In some instances several of them will exist, and action on one may be justified although the conditions on the other are not met, or the combined effect of all the grounds of relief may be such as to lead to action under the statute. Whether relief will be granted in a particular case depends, of course, on its special facts and on whether the granting of relief in that case or in that class of cases will facilitate the prosecution of the war. This enumeration is not exhaustive and other types of circumstances may meet the conditions necessary for such relief.

§ 812.1252–5 *Time of amendments.* All applications for contract adjustments under the First War Powers Act should be handled as promptly as possible after the occasion for relief arises. If action is delayed until the contractor has completed performance the relief may be ineffective, if granted, or may be denied as a matter of administrative judgment. As a general rule relief will be granted less readily in the later stages of contracts. Accordingly, whenever a request for such action is made or it appears likely that it will be made, the technical service should immediately make an investigation to obtain the necessary facts and submit the case without delay. Speedy action will often greatly increase the value of the adjustment to the contractor, and the knowledge of contractors that such relief will be granted expeditiously will aid the Government in obtaining closer pricing and achieving the other desired objectives of this policy.

§ 812.1252–6 *Preparation of cases.* In view of the special nature of the power to be exercised, the technical service will develop the facts in each case adequately and prepare a report to be submitted with any request for approval by higher authority and preserved in the records of the technical service. In general, the report should contain information of the following types, so far as relevant to the particular case, and any other pertinent facts likely to assist in considering the proposed relief:

(a) Brief description of the contract involved:

(1) Date and length of contract; items, delivery schedules, and prices.

(2) Special clauses for price adjustments; for partial or advance payments; or other special clauses.

(3) Government-owned, Emergency Plant, or Defense Plant facilities involved, and methods employed to protect any Government interest in facilities of contractor.

(b) Factors creating need for relief:

(1) Nature of item (standard, new or experimental).

(2) Previous experience of contractor with similar production.

(3) Changes in conditions or Government action affecting contractor's costs.

(4) Cost experience of the contractor under the contract, and relation to original estimates.

(5) Reserves or allowances against such contingencies included in original price.

(c) Extent of relief needed:

(1) Financial position of contractor, with supporting balance sheets and profit and loss statements.

(2) Estimates of future costs under contract.

(3) Extent of completion, and amounts paid.

(4) Other war contracts and business of contractor.

(5) Views of contractor on relief appropriate.

(6) Effect of granting relief on profits of the contractor, and comparison with prices and contracts of other contractors.

(7) Effect of refusing relief.

(d) Importance of contract or contractor to the prosecution of the war:

(1) Size of contract and need for item.

(2) Other available sources of supply in comparison with contractor.

(3) Quality of performance by contractor (rate of production, delays, rejections).

(4) Probable future orders to contractor; or other war work.

(e) A statement showing whether or not any claim relating to the case is pending before the General Accounting Office.

(f) Statement by the chief of technical service himself, or by an officer specially designated by him to review requests for relief of this type and to make recommendations thereon in his behalf, stating:

(1) The exact relief recommended.

(2) That in his opinion the granting of the relief recommended will facilitate the prosecution of the war (see §812.1252–3).

(3) The scope of the investigation of the circumstances made by the technical service.

(4) The extent of his own review of the facts.

(5) The name, address, and telephone number of the person in the War Department with detailed knowledge of the facts of the case.

§ 812.1252–7 *Approvals by Purchases Division, Headquarters.* All necessary approval by higher authority will be obtained in each instance in accordance with §§ 803.306–4, 803.308a, 803.308b and other sections of this chapter.

SUBPART H—AUDITS AND INSPECTIONS UNDER TITLE XIII OF THE SECOND WAR POWERS ACT

§ 812.1260 *Basic statute.* Title XIII of the Second War Powers Act (Public 507, 77th Congress) provides as follows:

Sec. 1301. The provisions of section 10(1) of an Act approved July 2, 1926 (44 Stat. 787; 10 U. S. C. 310(1)) (giving the Government the right to inspect the plant and audit the books of certain Contractors), shall apply to the plant, books, and records of any contractor with whom a defense contract has been placed at any time after the declaration of emergency on September 8, 1939, and before the termination of the present war: *Provided*, That, for the purpose of this title, the term "defense contract" shall mean any contract, subcontract, or order placed in furtherance of the defense or war effort: *And provided further*, That the inspection and audit authorized herein, and the determination whether a given contract is a "defense contract" as defined above, shall be made by a governmental agency or officer designated by the President, or by the Chairman of the War Production Board.

Sec. 1302. For the purpose of obtaining any information or making any inspection or audit pursuant to section 1301, any agency acting hereunder, or the Chairman of the War Production Board, as the case may be, may administer oaths and affirmations and may require by subpena or otherwise the attendance and testimony of witnesses and the production of any books or records or any other documentary or physical evidence which may be deemed relevant to the inquiry. Such attendance and testimony of witnesses and the production of such books, records, or other documentary or physical evidence may be required at any designated place from any State, Territory, or other place subject to the jurisdiction of the United States: *Provided*, That the production of a person's books, records, or other documentary evidence shall not be required at any place other than the place where such person resides or transacts business, if, prior to the return date specified in the subpena issued with respect thereto, such person furnishes such agency or the Chairman of the War Production Board, as the case may be, with a true copy of such books, records, or other documentary evidence (certified by such person under oath to be a true and correct copy) or enters into a stipulation with such agency or the Chairman of the War Production Board, as the case may be, as to the information contained in such books, records, or other documentary evidence. Witnesses shall be paid the same fees and mileage that are paid witnesses in the courts of the United States. No person shall be excused from attending and testifying or from producing any books, records, or other documentary evidence or certified copies thereof or physical evidence in obedience to any such subpena, or in any action or proceeding which may be instituted under this section, on the ground that the testimony or evidence, documentary or otherwise, required of him may tend to incriminate him or subject him to a penalty or forfeiture; but no individual shall be subject to prosecution and punishment or to any penalty or forfeiture for or on account of any transaction, matter, or thing concerning which he is compelled to testify or produce evidence, documentary or otherwise, after having claimed his privilege against self-incrimination, except that any such individual so testifying shall not be exempt from prosecution and punishment for perjury committed in so testifying. Such agency or the Chairman of the War Production Board shall not publish or disclose any information obtained under this title which such agency or the Chairman of the War Production Board deems confidential or with reference to which a request for confidential treatment is made by the person furnishing such information, unless such agency or the Chairman of the War Production Board determines that the withholding thereof is contrary to the interest of the national defense and security; and anyone violating this provision shall be guilty of a felony and upon conviction thereof shall be fined not exceeding $1,000, or be imprisoned not exceeding two years, or both.

Sec. 1303. In case of contempt by, or refusal to obey a subpena issued to, any person, any agency acting hereunder, or the Chairman of the War Production Board, as the case may be, may invoke the aid of any court of the United States within the jurisdiction of which any investigation or proceeding under this title is carried on, or where such person resides or carries on business, in requiring the attendance and testimony of witnesses and the production of books, records, or other documentary or physical evidence. And such court may issue an order requiring such person to give testimony or produce any books, records, or other documentary or physical evidence touching the matter under investigation or in question; and any failure to obey such order of the court may be punished by such court as contempt thereof. All process in any such case may be served in the judicial district whereof such person is an inhabitant or wherever he may be found. Any person who shall, without just cause, fail or refuse to attend and testify or to answer any lawful inquiry or to produce books, records, or other documentary or physical evidence, if in his power to do so, in obedience to the subpena of any agency acting hereunder, or the Chairman of the War Production Board, as the case may be, shall be guilty of a misdemeanor, and, upon conviction, shall be subject to a fine of not more than $5,000, or to imprisonment for a term of not more than one year, or both.

Sec. 1304. For purposes of this title the term "person" shall include any individual, partnership, association, business trust, corporation, or any organized group of persons, whether incorporated or not.

§ 812.1261 *Executive order.* Under date of April 10, 1942, Executive Order 9127 was issued under the basic statute. This Executive order reads as follows:

EXECUTIVE ORDER 9127

Designating the departments and agencies to inspect the plants and audit the books and records of defense contractors under Title XIII of the Second War Powers Act, 1942.

By virtue of the authority vested in me by the Constitution and laws of the United States, and particularly by Title I of the First War Powers Act, 1941, and Title XIII of the Second War Powers Act, 1942, as President of the United States and Commander in Chief of the Army and Navy of the United States, and in order to prevent the accumulation of unreasonable profits, to avoid waste of Government funds, and to implement other measures which have been undertaken to forestall price rises and inflation, it is hereby ordered as follows:

1. I hereby designate the War Production Board, the War Department, the Navy Department, the Treasury Department, the United States Maritime Commission, and the Reconstruction Finance Corporation as the governmental agencies authorized to inspect the plant and to audit the books and records, as provided by Title XIII of the said Second War Powers Act, 1942. Such inspection and audit and the determination whether a given contract is a defense contract, as defined in Title XIII of the Second War Powers Act, 1942, may be made in the case of (a) any contractor with whom a defense contract has been placed by such agency, or, in the case of the Reconstruction Finance Corporation by any corporation created or organized by it, at any time after the declaration of emergency on September 8, 1939, and before the termination of the present war, and in the case of (b) any subcontractor performing work required by any such defense contract. The Chairman of the War Production Board is authorized to issue rules and regulations and to establish policies to coordinate and govern the War Department, the Navy Department, the Treasury Department, the United States Maritime Commission, and the Reconstruction Finance Corporation in exercising the functions vested in them by this order.

2. The authority herein conferred may be exercised by the Chairman of the War Production Board, the Secretary of War, the Secretary of the Navy, the Secretary of the Treasury, the United States Maritime Commission, and the Board of Directors of the Reconstruction Finance Corporation, respectively, or in their discretion and by their direction, respectively, may be exercised also by and through any officer or officers or civilian officials of their respective departments and agencies designated by them for those purposes. The Chairman of the War Production Board, the Secretary of War, the Secretary of the Navy, the Secretary of the Treasury, the United States Maritime Commission, or the Board of Directors of the Reconstruction Finance Corporation may authorize such

officer or officers or civilian officials of their respective departments or agencies to make further delegations of such powers and authority within their respective departments and agencies.

3. In inspecting any plant engaged in producing, manufacturing, processing, constructing, altering, or repairing any defense article of a secret, confidential, or restricted nature, or which is produced, manufactured, processed, constructed, altered or repaired in accordance with or under any secret process, formula, patent, or invention, and in auditing the books and records in connection with any such defense contract, such inspection shall be regarded as secret, confidential, or restricted, as the case may be, and all reports, records, papers, documents, and writings relating to such inspection or audit shall be marked or stamped as secret, confidential, or restricted, as the case may be, and shall be handled in accordance with regulations prescribed and in force in the department or agency concerned relating to the handling of secret, confidential, or restricted matters, reports, records, papers, documents, and writings.

4. The power to administer oaths or affirmations and to issue subpoenas for the attendance of witnesses or the production of books, records, or other documentary or physical evidence deemed relevant to the inquiry, conferred by section 1302, and, through the Department of Justice, the power to invoke the aid of any court of the United States, conferred by section 1303, Title XIII, of said Second War Powers Act, may be exercised, performed, or carried out by the Chairman of the War Production Board, the Secretary of War, the Secretary of the Navy, the Secretary of the Treasury, any member of the United States Maritime Commission or the Chairman of the Board of Directors of the Reconstruction Finance Corporation, as the case may be, or by such other officer or officers or civilian officials as may be authorized, empowered or directed by any of them so to do for his respective department or agency.

5. Nothing herein shall affect or limit the authority and power conferred upon or granted to the Chairman of the War Production Board by Title XIII of said Second War Powers Act, 1942.

FRANKLIN D ROOSEVELT

APRIL 10, 1942.

§ 812.1262 *Delegations of authority under Title XIII of the Second War Powers Act, 1942.* Under date of May 2, 1944 the Secretary of War executed the following delegation of authority:

DELEGATION OF AUTHORITY UNDER TITLE XIII OF THE SECOND WAR POWERS ACT AND EXECUTIVE ORDER NO. 9127

By virtue of the authority vested in me by Title XIII of the Second War Powers Act, 1942 (Public Law No. 507, 77th Congress, approved March 27, 1942) and by Executive Order No. 9127 issued April 10, 1942, I hereby authorize and empower each of the officials designated in the attached list entitled "Group I" and authorize and empower each of the persons named in the attached list entitled "Group II" to exercise for the War Department the authority conferred upon me by Title XIII of said Act and by said Executive Order and either of them. In Group II, designation of rank is that now or formerly held and designation of service or location is that now or formerly applicable to the named individual. Such designations of rank, service or location are merely descriptive and are not in limitation of the authority hereby given to each named individual.

The memorandum for the Under Secretary of War dated 12 August 1943, on the subject "Delegation of Authority Under Title XIII of the Second War Powers Act" and all subdelegations thereunder are hereby superseded, but no action heretofore taken thereunder shall be affected.

[s] HENRY L. STIMSON,
Henry L. Stimson,
Secretary of War.

GROUP I

List of Officials Designated in Connection with Delegation of Authority by the Secretary of War Under Title XIII of the Second War Powers Act and Executive Order No. 9127.

The Commanding General, Army Air Forces.
The Commanding General, Matériel Command, Army Air Forces.
The Commanding General, Army Service Forces.
The Director, Purchases Division, Hqs. Army Service Forces.
The Chief, Chemical Warfare Service.
The Chief of Engineers.
The Chief of Ordnance.
The Quartermaster General.
The Chief Signal Officer.
The Surgeon General.
The Chief of Transportation.

Such designation of officials designates each individual now or hereafter holding any such official position.

GROUP II

Various persons are named in the list entitled "Group II" attached to the foregoing delegation of authority. In case information is desired as to the name of any person or persons contained in such Group II, this information is available from the chiefs of the technical services or the Renegotiation Division, Headquarters, Army Service Forces.

§ 812.1263 *Preliminary steps before audit or subpena.* (a) No audit is to be made without first advising the War Production Board. Communications on this subject should be addressed to Chief, Contract Review Branch, Procurement Policy Division, War Production Board, 4th and Independence Avenue, SW., Washington 25, D. C. It is the intent of this notification to prevent conflict and duplication of audit with other Departments. Approval from the War Production Board should therefore be obtained before proceeding.

(b) Before proceeding to investigate contracts under the authority of Title XIII of the Second War Powers Act, 1942, and Executive Order No. 9127, the authorized official should sign a statement as to the existence of "Defense Contracts" under such act and order.

(c) These preliminary steps are directed in the interest of orderly administration, but no failure to take such steps will invalidate action under such act and order.

SUBPART I—MANDATORY PRICING AND REPRICING OF ARTICLES AND SERVICES

§ 812.1270 *Statutory basis for mandatory pricing and repricing.* Section 801 of Title VIII of the Revenue Act of 1943 ("Repricing of War Contracts") provides as follows:

(a) As used in this section the terms "Department," "Secretary," and "article" shall have the same meanings as in subsection (a) of the Renegotiation Act. [See Revenue Act of 1943, sec. 701; see § 812.1201.]

(b) When the Secretary of a Department deems that the price of any article or service of any kind, which is required by his Department or directly or indirectly required, furnished, or offered in connection with, or as a part of, the performance or procurement of any contract with his Department or of any subcontract thereunder, is unreasonable or unfair, the Secretary may require the person furnishing or offering to furnish such article or service to negotiate to fix a fair and reasonable price therefor. If such person refuses to agree to a price for such article or service which the Secretary considers fair and reasonable, the Secretary by order may fix the price payable to such person for furnishing such article or service after the effective date of the order, whether under existing agreements or otherwise. The order may prescribe the period during which the price so fixed shall be effective and such other terms and conditions as the Secretary deems appropriate.

(c) Any person aggrieved by an order fixing a price under this section may sue the United States in any appropriate court. In such suit, such person shall be entitled to recover from the United States the amount of any difference between (1) fair and just compensation for the articles and services furnished under the terms of the order and (2) the price fixed for such articles and services by the order; but if the prices so fixed by the order are found to exceed fair and just compensation for such articles and services, such person shall be liable to the United States in such suit for the amount of this excess. Any such suit shall be brought within six months after the order by the Secretary on which it is based, or after the expiration of the period or periods specified in such order, whichever last occurs. Such a suit shall not stay the order involved.

(d) Whenever any person wilfully refuses or wilfully fails to furnish any such articles or services at the price fixed by an order of the Secretary in accordance with this section, the President shall have power to take immediate possession of the plant or plants of such person and to operate them in accordance with Section 9 of the Selective Training and Service Act of 1940 as amended.

(e) The authority and discretion herein conferred upon the Secretary of each Department may be delegated in whole or in part by him to such individuals or agencies as he may designate in his Department, or in any other Department with the consent of the Secretary of that Department, and he may authorize such individuals or agencies to make further delegations of such authority and discretion.

(f) Every purchase order or agreement, or contract to make or furnish any article or service of any kind, which is required by a Department or directly or indirectly required, furnished, or offered in connection with, or as a part of, the performance or procurement of any contract with such Department or of any subcontract thereunder, shall, if made thirty days or more after the date of the enactment of this Act, be deemed to contain a provision under which the person making or furnishing such article or service agrees that notwithstanding other provisions of the purchase order, agreement, or contract, he shall be entitled to receive for such article or service only the fair and just compensation provided for in subsection (c).

§ 812.1271 *Delegations of authority.* The Secretary of War has assigned and delegated all of the powers, functions, duties and discretion conferred upon him by section 801 to the Under Secretary of War.

§ 812.1271–1 Under date of May 17, 1944, the Under Secretary of War issued the following memoranda:

(a) Memorandum for The Commanding General, Army Service Forces.

Subject: Delegation of authority under Section 801 of the Revenue Act of 1943.

1. The Secretary of War has assigned and delegated to me all of the powers, functions, duties and discretion conferred upon him by Section 801 of the Revenue Act of 1943.

2. I hereby delegate to you with respect to the Army Service Forces and to procurement dealt with by the Army Service Forces the powers, functions, duties and discretion conferred upon the Secretary of War by Section 801 of the Revenue Act of 1943, and by him delegated to me.

3. The Commanding General, Army Service Forces, may prescribe, by Procurement Regulations, manuals, or otherwise, rules and regulations, which have been cleared with the Army Air Forces in the manner provided in paragraph 107.4 of War Department Procurement Regulations, governing the exercise throughout the War Department of the authority granted to the Secretary of War under Title VIII of the Revenue Act of 1943, and, without any limitation of the generality of the foregoing, such rules and regulations may require that (a) matters arising under said Title VIII of the Revenue Act of 1943 be submitted for approval or instructions to, and (b) that any proposed redelegations of such authority be subject to the approval of, the Director, Purchases Division, Headquarters, Army Service Forces, or whomsoever the Director, Purchases Division, may designate.

4. Any of the powers, functions, duties and discretion hereby delegated to you may be exercised by you through such officers, civilian employees or agencies of the War Department as may be designated in writing by you or by any person whom you have authorized to make such designation with such powers or delegation and successive redelegation as you may deem appropriate.

ROBERT P. PATTERSON,
Under Secretary of War.

(b) Memorandum for Brigadier General Albert J. Browning, Special Representative of the Under Secretary of War and to any person acting for the time being as such Special Representative.

Subject: Delegation of authority under Section 801 of the Revenue Act of 1943.

1. The Secretary of War has assigned and delegated to me all of the powers, functions, duties and discretion conferred upon him by Section 801 of the Revenue Act of 1943.

2. I hereby delegate to you with respect to the Army Air Forces and to procurement dealt with by the Army Air Forces the powers, functions, duties and discretion conferred upon the Secretary of War by Section 801 of the Revenue Act of 1943 and by him delegated to me, provided, however, that any regulations, directives, or instructions of general application issued by you shall be subject to and in conformity with such rules and regulations as may be issued pursuant to paragraph 3 of a memorandum for the Commanding General, Army Service Forces, subject as above, dated 17 May 1944.

3. Any of the powers, functions, duties and discretion hereby delegated to you may be exercised by you through such officers, civilian employees or agencies of the War Department as may be designated in writing by you or by any person whom you have authorized to make such designation with such powers of delegation and successive redelegation as you may deem appropriate.

4. Any person acting at any time as Director, Purchases Division, Headquarters, Army Service Forces, may exercise all the powers, functions, duties and discretion hereby delegated, and act as my Special Representative.

ROBERT P. PATTERSON,
Under Secretary of War.

§ 812.1271–2 *Authority delegated by these procurement regulations.* Subject to any restrictions provided by these procurement regulations (see § 812.1271–3) or by manuals, rules or regulations issued pursuant to paragraph 3 of the memorandum for the Commanding General, Army Service Forces, dated May 17, 1944 (see § 812.1271–1 (a)) upon the exercise of the authority delegated in this section, there are hereby delegated to each of the chiefs of the technical services the powers, functions, duties, and discretion heretofore delegated by paragraph 2 of the memoranda set forth in § 812.1271–1 from the Under Secretary of War to the Commanding General, Army Service Forces and to his Special Representative. The powers, functions, duties and discretion herein delegated may be exercised by the chiefs of the technical services through such officers, civilian employees or agencies under their supervision as may be designated in writing by them or by any person authorized by them to make such designation, with such powers of delegation or redelegation as they deem appropriate.

§ 812.1271–3 *Limitation upon redelegation of authority.* All redelegations of the authority delegated by § 812.1271–2 made by the chiefs of the technical services will be subject to the prior written approval of the Director, Purchases Division, or whomsoever he may designate, except:

(a) Redelegations to persons in the headquarters offices of the Army Air Forces,

(b) Redelegations to persons in the headquarters offices of the major commands within the Army Air Forces, and

(c) Redelegations to persons in the headquarters offices of the chiefs of the technical services of the Army Service Forces.

§ 812.1272 *Definitions.* When used in this subpart:

(a) The term "section 801" means Title VIII, section 801 of the Revenue Act of 1943.

(b) The term "article" means article and service or "article or service" as may be appropriate.

(c) The term "deems that a price is unfair or unreasonable" means is of the opinion or tentative judgment, in the light of available and pertinent information, that the price is unfair or unreasonable.

(d) The term "subcontract" means any contract, purchase order or other agreement to make or furnish any article or to perform any service required for the performance, directly or indirectly, for, or in connection with, the performance of any contract with the War Department.

(e) The term "Director, Purchases Division" means the Director, Purchases Division, Headquarters, Army Service Forces, acting as such or, in respect of Army Air Force matters, as the Special Representative of the Under Secretary of War, or any person whom he may have authorized to act for him.

(f) The term "chief of a technical service" has the meaning set out in §§ 801.107–9, 801.108–4, 801.108–5, except that delegations of the authority conferred by section 801 shall be subject to the limitations and restrictions stated in §§ 812.1271–2 and 812.1271–3 and shall include any person to whom he has delegated, with the approval provided for in § 812.1271–3, the authority delegated to him under section 801; and the term "technical service" shall be deemed to include the plural as well as the singular when consistent with the context.

§ 812.1273 *Scope of statute.*

§ 812.1273–1 Section 801 authorizes the Secretary of War, in any case in which he deems the price of any article or service which is directly or indirectly required by the War Department to be unreasonable or unfair (a) to require the person furnishing or offering to furnish such article or service to negotiate to fix a fair and reasonable price therefor and (b), in the event such person refuses to agree to a price which the Secretary of War considers fair and reasonable, to fix by order the price payable to such person for furnishing such article or service after the effective date of the order.

§ 812.1273–2 Section 801 authorizes such action with respect to prices of specific articles (which are defined by the statute as "any material, part, assembly, machinery, equipment, or other personal property") and services (which include among others, engineering and other services furnished by a licensor in connection with a patent license)—rather than with respect to total contract values or profits which may be realized under the contract. The authority conferred is exercisable with respect to the prices of such articles or services (a) generally; or (b) under the terms or circumstances of a particular contract, subcontract or procurement; or (c) of a particular type or quality or in a particular quantity; or (d) under other particular circumstances.

§ 812.1273–3 The authority conferred by the section may be exercised to obtain fair and reasonable prices for any article or service required by the War Department, either directly from a prime contractor or indirectly from a subcontractor of any tier; and whether being furnished under a prime contract or subcontract entered into either before or after the enactment of the section (February 25, 1944) or being offered in connection with or as a part of the performance or procurement of any such prime contract or subcontract. There is no need to include in contracts or subcontracts heretofore or hereafter executed any special contract article making reference to section 801. Exercise of the authority conferred by the section is not dependent upon the presence of any such contract article. As an additional support to action under the section, however, subsection (f) thereof provides that contracts and subcontracts made after March 25, 1944, shall "be deemed to contain a provision under which the person making or furnishing such article or service agrees that, notwithstanding other provisions of the purchase order, agreement, or contract, he shall be entitled to receive for such article or service only the fair and just compensation provided for in subsection (c)."

§ 812.1273–4 The authority conferred by the section may be exercised with respect to articles or services being furnished under or in connection with fixed price prime contracts or subcontracts or cost-plus-a-fixed-fee prime contracts or subcontracts.

§ 812.1273–5 An exercise of any authority conferred by the section with respect to any article or service does not preclude a later and further exercise of such authority in respect of the same article or service.

§ 812.1273–6 The statutory requirement that a person so furnishing or offering to furnish such article or service negotiate to fix a fair and reasonable price therefor upon notice from the Secretary of War so to do also requires, by necessary implication, that such person furnish such data and information within his possession as may be pertinent to the determination of such fair and reasonable price. The obligation of the contractor in this respect also may be enforced in appropriate situations by action under Title XIII of the Second War Powers Act (see § 812.1260 et seq.).

§ 812.1273–7 Any order of the Secretary of War fixing a fair and reasonable price for any article or service may prescribe the period during which the price so fixed shall be effective and, in addition, may prescribe such other terms and conditions in connection therewith as the Secertary of War deems appropriate. The price fixed by any such order is effective only with respect to such articles or services (a) as are furnished after the effective date of the order and (b) as to which the order is stated to be applicable.

§ 812.1273–8 The authority and discretion conferred by the section upon the Secretary of War may be delegated in whole or in part to such individuals or agencies in the War Department or, with the consent of the Secretary of that Department, in any other Department, and he may authorize such individuals or agencies to make further delegations of such authority and discretion. The Secretary of War has delegated such authority and discretion as provided in § 812.1271.

§ 812.1274 *General application of the statute.*

§ 812.1274–1 Section 801 gives support to the War Department's established policy of obtaining fair and reasonable prices from its contractors and permits the extension of that policy to subcontractors of any tier. The enactment of section 801 will in no way modify the War Department's policy of endeavoring to obtain fair and reasonable prices through voluntary negotiation based upon all available and pertinent information and conducted in accordnce with any applicable principles set forth in these Procurement Regulations and Army Service Forces Manual M–601. The authority conferred by the section will be invoked only after every reasonable effort to obtain fair and reasonable prices by voluntary negotiation has been exhausted. In cases where voluntary negotiation is unavailing, however, the authority conferred by the section will be exercised without delay.

§ 812.1274–2 The authority of the section when invoked will be exercised in such manner as to promote, rather than impair, existing and prospective cooperative and mutually beneficial relations between the War Department and its contractors and subcontractors. To this end, contract prices which were fair and reasonable at the time they were negotiated will not be made the subject of renegotiation or repricing pursuant to section 801 so long as the conditions which indicated such price then to be fair and reasonable remain substantially unchanged. Further, all reasonable efforts consistent with accomplishment of the objectives of the section will be made to minimize the occasions upon which any contractor or subcontractor will be required, pursuant to the provisions of the section, to negotiate with respect to the price of any article or service being directly or indirectly furnished by him to any of the technical services of the War Department and the other Departments of the Government. In order to establish reasonable control in this respect all proposed Requirements to Negotiate under the section for the time being will be required to be cleared with the Director, Purchases Division, before service.

§ 812.1274–3 Accomplishment of the objectives of the section do not require a review of all existing contracts and subcontracts to ascertain the fairness and reasonableness of the prices included therein. Such a review would not be feasible with the available manpower nor is it necessary in many instances. However, such prices will be reviewed whenever it is believed that they may no longer be fair and reasonable on the basis of indications from:

(a) Further information as to comparative or individual prices or costs, or price or cost trends;

(b) The results of statutory renegotiation of the contractor or subcontractor;

(c) A review of prices as result of voluntary repricing of a contract;

(d) Information received as to subcontractors' prices upon negotiation of prime contracts; and

(e) Other appropriate occasions.

It is the responsibility of the individual technical services to maintain and improve general procedures for reviewing and analyzing prices to the extent necessary to carry out the War Department's pricing policy.

§ 812.1274–4 Since the price which the section authorizes the Secretary of War to fix by order is one which he considers to be fair and reasonable under the circumstances of the procurement, or the terms and conditions of the order, no such order will be issued in any case in which there is insufficient information available or obtainable to permit of the fixing of a price which reasonably can be justified as being a fair and reasonable price at the time fixed.

§ 812.1274–5 The fair and reasonable price which will be incorporated in any section 801 order which may be issued will be one arrived at through proper application of appropriate pricing principles (see e. g. Army Service Forces Manual M–601) and one deemed to be fair, both to the contractor and the Government, under all the terms and circumstances of the particular procurement. In general it should be a price which a buyer, ready and willing to buy, but under no compulsion to buy, would pay by voluntary agreement to a seller ready and willing to sell, but under no compulsion to sell. It should give appropriate consideration to any risks to be assumed by the Government and the contractor, respectively, in the particular case. It should be high enough to constitute reasonable compensation under all the circumstances for the benefits to be received by the Government, provided the contractor performs the contract with prudence and in accordance with good production practice. It should be low enough to give the contractor reasonable incentive to efficient and economical performance.

§ 812.1275 *Voluntary negotiation with respect to prices deemed to be unfair or unreasonable.* Whenever a technical service deems that the price of any article or service under an existing prime contract with the technical service is unfair or unreasonable to the Government, the contractor will be asked voluntarily to negotiate for a fair and reasonable price therefor; and whenever a technical service deems that the price of any article or service being furnished by a subcontractor for use in the performance of a prime contract with such technical service, or a subcontract thereunder, is unfair or unreasonable, the technical service will urge and assist the prime contractor or subcontractor voluntarily to negotiate with such subcontractor an appropriate reduction in such price.

§ 812.1276 *Mandatorily requiring negotiation.*

§ 812.1276–1 *By prime contractors.* (a) Whenever a technical service deems that the price of any article or service under an existing prime contract with the technical service is unfair or unreasonable to the Government and the contractor refuses to enter into, or promptly to continue to conclusion, voluntary negotiation of a fair and reasonable price therefor, the technical service will prepare a Requirement to Negotiate Fair and Reasonable Prices substantially in the form set forth in § 812.1282, and will transmit to the Director, Purchases Division, a copy thereof together with a memorandum of the chief of the technical service setting forth in reasonable detail (1) the reasons why the existing price is deemed to be unfair or unreasonable for future deliveries; (2) the extent of the efforts made voluntarily to negotiate a fair and reasonable price therefor; (3) so far as the technical service has information in this respect, a statement as to the extent to which the contractor is furnishing the article or service or other articles or services to other technical services and other Departments of the Government; (4) why it is believed, if such is the case, that negotiation should be conducted solely with respect to the article and service sought to be repriced by the technical service rather than with respect to all the articles or services being furnished by the contractor to the War Department. No such Requirement to Negotiate will be served upon the contractor until the Director, Purchases Division, shall have approved such service.

(b) In the event it is determined, after consultation with other technical services and, in appropriate cases, other Departments, that the negotiation should be conducted also with respect to articles or services being furnished by the contractor to other technical services or Departments, the Director, Purchases Division, will so advise the technical service transmitting the Requirement to Negotiate. He also will advise whether representatives of such other technical services or Departments will participate in the negotiation or whether the technical service alone will conduct the negotiation. In such latter event, the Director, Purchases Division, will obtain and transmit to the technical service such delegation of authority as may be necessary or appropriate to permit it to act for such other Departments.

(c) Service of the Requirement to Negotiate, when approved by the Director, Purchases Division, will be made in the manner provided in § 812.1281.

(d) Negotiations with the contractor pursuant to any such Requirement to Negotiate will be conducted in accordance with any applicable principles set forth in these Procurement Regulations, in Army Service Forces Manual M 601 and any instructions of the Director, Purchases Division, as to the particular case. The contractor will be given reasonable opportunity to furnish such data and information in his possession as may be pertinent to the fixing of a fair and reasonable price as defined in § 812.1274–5.

§ 812.2176–2 *By subcontractors.* (a) Whenever a technical service deems that the price of any article or service being furnished by a subcontractor for use in the performance of a prime contract with such technical service, or a subcontract thereunder, is unfair or unreasonable and the subcontractor refuses to enter into, or promptly to continue to conclusion, voluntary negotiation of a fair and reasonable price, the technical service will prepare a Requirement to Negotiate Fair and Reasonable Prices, substantially in the form set forth in § 812.1282. and will transmit to the Director, Purchases Division, a copy thereof. This will be accompanied by a memorandum of the chief of the technical service setting forth the information mentioned in § 812.1276–1, unless the technical service, before entering into, or during the course of, voluntary negotiation with the subcontractor concludes that other articles and services which the subcontractor is furnishing directly or indirectly to the War Department should also be repriced, in which event the chief of the technical service will also state the reasons for such belief and will list the other technical services or Departments of the Government which he believes may be interested in such repricing. No such Requirement to Negotiate will be served upon the subcontractor until the Director, Purchases Division, shall have approved such service.

(b) Service of the Requirement to Negotiate, when approved by the Director, Purchases Division, will be made as provided in § 812.1281 and negotiation for a fair and reasonable price will be conducted in accordance with § 812.1276–1 (d).

(c) In the event it is determined, after consultation with other technical services and, in appropriate cases, other Departments, that the negotiation should be conducted with respect to articles or services being furnished to other technical services or Departments, the Director, Purchases Division, will advise the technical service to this effect and to the extent other technical services and Departments will participate in such negotiation. In the event it is determined that the repricing should be on an overall basis, the Director, Purchases Division, may assign the subcontractor to any of the technical services for such overall repricing and will advise such technical service of the scope and conduct of the negotiation.

§ 812.1276–3 *In connection with placement of prime contracts and subcontracts.* Persons with whom a technical service seeks to place a prime contract for any article or service who refuse to negotiate or agree to a price therefor which the technical service deems to be fair and reasonable normally will not be served with Requirement to Negotiate a fair and reasonable price, nor will the price of the article or service normally be fixed by a section 801 order. In such cases resort usually will be had to a mandatory order under section 9 of the Selective Training and Service Act of 1940 (see § 814.1450 et seq.), even where the contractor refuses to accept a contract solely because of disagreement as to price. However, if a prime contractor or subcontractor (a) should desire and be willing to agree to all the other desired terms of the procurement, and (b) be further willing to agree in writing that the price shall be fixed by a section 801 order and (c) that the price so fixed shall be applicable to all deliveries under the contract, the chief of the technical service may execute or approve the execution of such an agreement. In that even the technical service promptly will prepare an appropriate Order Fixing Fair and Reasonable Prices, substantially in the form set forth in § 812.1283 and will transmit a copy thereof together with a memorandum of the chief of the technical service setting forth the information provided for in § 812.1278 (a) and, in addition, a statement as to why such procedure was believed desirable. Service of such order, when authorized by the Director, Purchases Division, will be made as provided in § 812.1281.

§ 812.1277 *Agreements resulting from voluntary or mandatory negotiation.* If negotiation conducted voluntarily or pursuant to any such Requirement to Negotiate with any prime contractor or subcontractor results in agreement as to a reduced price which the technical service participating in the negotiation (and, in the case of negotiations with a subcontractor, the prime contractor or subcontractor to whom the article or service is being furnished) considers to be fair and reasonable, such agreement as to reduced price will be incorporated in such supplemental agreement or agreements with the prime contractor and, in the case of a reduction in a subcontractor's price, such agreement or agreements with the subcontractor, the prime contractor or subcontractor to whom the article or service is being furnished and the technical service, as shall be appropriate to effect such reduction. Such agreement or agreements shall provide such direct or indirect benefit to the United States of the reduction as the technical service shall deem appropriate under the circumstances of the particular case. It is recognized that in some cases it will be neither practicable nor to the interest of the Government to attempt to carry the reduction through to a reduction in price under the affected prime contract or contracts with the War Department and in such cases other appropriate arrangements should be made to secure to the United States, so far as reasonably feasible, the benefits of such price reduction. The technical service may consult with the Director, Purchases Division, as to the nature and terms of any such proposed agreement and will so consult with him before making an agreement with a subcontractor which provides for rebates or preferential discounts on articles or services furnished indirectly by him for war use. In any case in which the technical service ascertains or is advised that the article or service repriced also is being furnished by the prime contractor or subcontractor directly or indirectly to any other technical service not participating in the negotiation and the reduction is effective with respect to the articles or services being furnished to such other technical service, such other technical service will be advised of the reductions effected and, to the extent practicable in the particular case, the nature and terms of any proposed agreement between the technical service and a subcontractor will be discussed with such other technical service before the agreement is executed. Direct communication with other technical services is authorized for this purpose. Copies of all such agreements between the technical service and a subcontractor will be transmitted to the Director, Purchases Division, for purposes of record.

§ 812.1278 *Issuance of order fixing fair and reasonable price.* (a) If (1) voluntary negotiation conducted in accordance with § 812.1275 clearly indicates a reduced price for the article or service being repriced to be fair and reasonable and the prime contractor or subcontractor refuses to enter into, or unreasonably delays the execution of, an appropriate agreement or agreements effecting such reduction in price, or (2) a

prime contractor or any subcontractor refuses to enter into, or to continue to conclusion, negotiation under section 801 for a fair and reasonable price, or unreasonably or unnecessarily delays the beginning or conclusion of such negotiations, or refuses to enter into or unreasonably delays the execution of an appropriate agreement effecting the reduction in prices which the technical service considers to be fair and reasonable, then an appropriate Order or appropriate Orders Fixing Fair and Reasonable Prices, substantially in the form set forth in § 812.1283 will be prepared and transmitted to the Director, Purchases Division, together with a memorandum of the chief of the technical service setting forth in reasonable detail (i) the nature and extent of the negotiation had with the contractor or subcontractor, (ii) a summary statement and analysis of the data considered in arriving at the price so proposed to be fixed by order; (iii) the price which the contractor or subcontractor demands and the basis of his objections to the price which the technical service deems to be fair and reasonable and (iv) such considerations as he believes justify the price desired to be fixed by order, with such discussion of the terms and conditions of the contract or of the proposed order as may be pertinent thereto. No such order will be served until such service is approved by the Director, Purchases Division.

(b) The price to be fixed by any such order will be one which is fair and reasonable in view of all the terms and conditions of the existing contract or contracts under which it is being furnished (if the price is being fixed with relation to such contract or contracts) and the terms and conditions to be included in the order. The order will fix the price for the longest period for which a fair and reasonable price reasonably can be projected under the applicable terms and conditions and circumstances and, where feasible, for the remaining period of any contract or contracts under which the article or service is being furnished and with relation to which the price is being fixed. Articles and services customarily furnished under short term contracts or purchase orders normally will not be repriced with respect to any particular contract or order but will be repriced generally in view of the terms and conditions upon which they are usually procured, which terms and conditions will be incorporated as terms and conditions of the order.

(c) All section 801 orders will reserve to the Secretary of War the right at any time to refix the price under section 801 as to future deliveries, either upon his own initiative or upon request of the contractor or subcontractor supported by data indicating that, because of changed circumstances since the effective date of the order, the price fixed is no longer fair and reasonable.

(d) Service of each such order, when approved by the Director, Purchases Division, will be made as provided in § 812.1281.

(e) In any case in which a price was fixed by a section 801 order with respect to a particular contract and the terms and conditions of such contract are subsequently so changed as equitably to require an adjustment in the fixed price, the chief of the technical service may make an equitable adjustment of the price fixed by the order either (1) by a change order in accordance with the "Changes" article of the contract if any (see e. g., §§ 803.329a, 813.1301 (Art. 2)), (2) by the service of an amended section 801 order on the contractor refixing the price to effect such equitable adjustment, or (3) by supplemental agreement, as shall be appropriate in the particular case. Such amended section 801 orders need not be submitted to the Director, Purchases Division, before service so long as they merely make adjustments in the price necessitated by changes in the specifications, quantities, delivery schedules and similar terms of the contract and so long as the adjustment in the price is clearly related only to such changes. In any other case in which a technical service believes that the price fixed by a section 801 order is too high or too low and is therefore no longer fair and reasonable and in any case in which a contractor or subcontractor upon whom such an order has been served requests a refixing of the price in view of changed circumstances, the chief of the technical service will so advise the Director, Purchases Division, with recommendation as to the action to be taken. The Director, Purchases Division, may authorize such upward or downward revision of the price fixed by the order as may be appropriate.

§ 812.1279 *Notification of technical services of service of order.* The Director, Purchases Division, promptly will notify the technical services of the fact that he has approved service of a section 801 order which may affect procurements being made or which may be made by them. Such technical services promptly will effect such modifications in their outstanding prime contracts as may be appropriate by reason of such orders.

§ 812.1280 *Preservation of data upon which orders are based.* In each case in which a fair and reasonable price is fixed by order the technical service will maintain a complete file of the data and information and the various factors considered in arriving at such fair and reasonable price in order that all such matters will be readily available in the event that the contractor institutes court action to contest the fairness of the price fixed.

§ 812.1281 *Method of service.* (a) Where practicable, each Requirement to Negotiate an order will be served by hand by a commissioned officer or a United States Marshal or Deputy Marshal upon the contractor or subcontractor. If the contractor or subcontractor is a partnership, such service will be made upon a partner thereof; if a corporation, upon any officer or agent authorized to act for, or bind, or accept service for, such corporation. If personal service is impracticable or will involve unreasonable delay, service may be made by mailing by registered mail, return receipt requested, the Requirement to Negotiate or order, addressed to the company at its usual place of business.

(b) Promptly after service of a Requirement to Negotiate or order, the officer making service thereof will execute an affidavit as to the time and method of service, the original of which, together with the registered mail receipt, if any, will be attached to the true copy of the Requirement to Negotiate or order, as served, to be retained in the files of the technical service.

(c) Where a Requirement to Negotiate or order affects particular contracts which have been assigned or with respect to which bonds have been furnished, it will be desirable to make service of a copy of the Requirement to Negotiate or order upon the assignee or surety, as the case may be.

§ 812.1282 *Form of requirement to negotiate fair and reasonable prices.* The following form will be used, with any necessary variations, to notify a contractor or subcontractor that he must negotiate for fair and reasonable prices under section 801:

REQUIREMENT TO NEGOTIATE FAIR AND REASONABLE PRICES

Date:_____

Contractor's Name_____
Address_____

GENTLEMEN: The price being charged or quoted by you for the following articles and services:

[Fill in description of articles or services] which are required directly or indirectly by the War Department and being [furnished by you under the following contracts] [offered by you]:

[Fill in description of contract, subcontract or purchase order.] [1]

is deemed to be unreasonable or unfair.

You are advised that you are hereby required, under the authority conferred by Section 801 of the Revenue Act of 1943, to negotiate to fix a fair and reasonable price for such article and service. A duly authorized representative of the Secretary of War will meet with you or your representatives

at_____ on_____
(place) (date)

at_____ to engage in such negotiation.
(time)

You are directed to bring to such meeting, and all further meetings for this purpose, or to make available, all data and information in your possession which are or may be pertinent to the determination of such fair and reasonable price.

Said Section 801 provides that if you refuse to agree to a price for such article or service which the Secretary of War, or his representative, considers fair and reasonable, the price thereof may be fixed by order. You are advised that your refusal to negotiate, or any unreasonable delay on your part in concluding the negotiation or in consummating appropriate agreements incorporating an agreed price will be construed as a refusal to agree to a fair and reasonable price.

By authority of the Secretary of War:

_____
(Signature of authorized representative)

_____
(Grade, service, office and address)

[1] In any case in which the price is to be negotiated with respect to the terms and conditions of a particular contract, subcontract or purchase order, reference should appropriately be made to such contract subcontract or purchase order.

§ 812.1283 *Form of order fixing fair and reasonable price.* The following is a suggested form to be used, with any necessary variations, to fix fair and reasonable prices under the authority of section 801:

ORDER FIXING FAIR AND REASONABLE PRICES

Date _____
Contractor's Name_____
Address_____

GENTLEMEN: Pursuant to the authority conferred upon the Secretary of War by Section 801 of the Revenue Act of 1943, and duly delegated to me, I hereby fix the following prices for the following articles and services which are required directly or indirectly by the War Department and being furnished or offered by you in connection with War Department procurement:

Articles and Services	*Prices*
_____	_____
_____	_____
_____	_____

which respective prices I consider to be fair and reasonable under the terms and conditions hereafter stated.

Such fixed prices will be effective in respect of all deliveries of such articles and all performance of such services during the period beginning _____ 194____ (hereafter referred to as the effective date of this Order) and ending _____

Such prices will be effective as to all such deliveries or performance made under the following conditions, upon which the price was based, and you shall neither charge nor receive higher price than those so fixed for, or in respect of, any such deliveries or performance.

(Here list the terms and conditions in the light of which the prices were fixed. If they were fixed with relation to and in the light of the provisions of a particular contract or subcontract and are to be effective as to deliveries thereunder, this will be stated. If they were fixed generally, without relation to any particular contract or subcontract, but in the light of the terms and conditions stated in the order this will be stated. The terms and conditions of the order in this respect should be as specific as practicable under the circumstances of the case).

The Secretary of War expressly reserves the right to re-fix any price fixed hereby at any time during the period for which such price is stated above to be effective. In the event you believe at any time that conditions affecting any price hereby fixed have so substantially changed since the effective date of this Order as to make such price no longer fair and reasonable, you may submit to the undersigned any information and data which in your opinion indicates both the appropriateness of re-fixing such price for future deliveries and the price which you believe to be fair and reasonable for such deliveries, together with the request that such price be so re-fixed.

You are notified that the price fixed herein, and the terms and conditions stated, are based solely upon Section 801 of the Revenue Act of 1943, and will not to any degree preclude other and further action under other Federal statutes, including the Renegotiation Act, Executive Orders, or regulations issued pursuant thereto, nor does it alter in any way, except as herein expressly provided, the provisions of any contract or subcontract to which you are a party.

By authority of the Secretary of War:

_____
(Signature of authorized representative)

_____
(Grade, service, office and address)

APPENDIX

§ 812.1289 *Reference to renegotiation regulations.* Renegotiation regulations adopted by the War Contracts Price Adjustment Board cover, among other things, rulings, interpretations, and applications concerning exemptions from statutory renegotiation. Such renegotiation regulations are sometimes referred to as "RR" in this appendix.

§ 812.1290 *Rulings of War Contracts Price Adjustment Board relating to exclusions or mandatory exemptions from statutory renegotiation.*

§ 812.1290–1 *Interpretation and application of the mandatory exemption relating to contracts and subcontracts with other Governmental agencies.* RR 334.1 and 343.2 provide as follows:

343.1 *Statutory exemption.* Subsection (1) (1) (A) of the 1943 Act provides that it shall not apply to:

(A) any contract by a Department with any other department, bureau, agency, or governmental corporation of the United States or with any Territory, possession, or State, or any agency thereof or with any foreign government or any agency thereof;

343.2 *Interpretation and application of exemption.* The War Contracts Board has adopted the following interpretation:

(1) Under this provision of the act [subsection (1) (1) (A) of the 1943 Act] no contract between one of the Departments and any other federal, local or foreign government agency is subject to renegotiation. A municipal corporation, whether acting in a proprietary or governmental capacity, is considered to be an agency of a State for the purposes of this exemption.

(2) Contracts between such other agencies or governmental corporations and private contractors, and subcontracts thereunder, are likewise not subject to renegotiation, except in those instances where the agency or governmental corporation is acting as a direct agent for a Department. In these instances, the contract is deemed to be with the Department for which the agency or governmental corporation is acting as direct agent, and not with the agency or governmental corporation, and accordingly, if otherwise subject to renegotiation, is not exempted.

(3) Certain of the agencies and governmental corporations referred to sometimes place orders called "pool" orders. Under this type of order the agency or corporation orders large quantities of a particular item from a manufacturer. Before delivery under this order the manufacturer may sell all or a portion of the items to a Department or to a Departmental contractor or subcontractor and the order of the governmental corporation or agency is reduced to the extent of these purchases by others. In such cases the sales by the manufacturer to a Department or to a Departmental contractor or subcontractor are not exempt from renegotiation.

§ 812.1290–2 *Interpretation and application of the mandatory exemption relating to contracts for certain raw materials and agricultural commodities.* RR 344.1 and 344.2 provide as follows:

344.1 *Raw materials.* (1) *Statutory exemption.* Subsection (1) (1) (B) of the act provides that it shall not apply to—

(B) any contract or subcontract for the product of a mine, oil or gas well, or other mineral or natural deposit, or timber, which has not been processed, refined, or treated beyond the first form or state suitable for industrial use;

(2) *Interpretation and application of exemption.* In determining whether or not a particular product is an "exempted product" under the exemption in subsection (1) (1) (B) of the act, the following principles shall govern—

(a) *Exempted products.* The phrase "other mineral or natural deposit" shall be interpreted to include only mineral or natural deposits of a wasting or depletable character similar to products "of a mine, oil or gas well." Accordingly, water, sea water and air, and products derived therefrom, are not considered to be other mineral or natural deposits within the meaning of the act, and contracts or subcontracts therefor, or for products derived therefrom, shall be subject to renegotiation.

(b) *State at which exemption terminates.* In general a product will be considered to be an exempted product until it has arrived at its dispersal point, i.e., the point at which a substantial proportion of the product is used by the ultimate consumer, or by industries other than the industry of origin. The industry of origin includes not only the primary industry of extraction or severance, but also any processing, refining or treatment directly supplementing its extraction or severance or to produce one or more of the chemical elements or compounds present in it in the state in which it may be found in abundance in nature; but excludes other processing, refining or treatment to produce various end products for the ultimate consumer, or a substantial variety of products which vary materially in size, shape or content from the original product.

(c) *Combination of several materials.* Where substantial quantities of two or more materials or ingredients are combined to produce a product for industrial use, the product resulting from such combination is considered to be non-exempt, unless the other material or materials are used as a catalyst, carrying agent or in some other subordinate capacity in connection with processing, refining or treatment of the principal product which is in the course of preparation for its first industrial use.

(d) *Different processes.* Where a product is made in substantial quantities by two or more different processes, one of which would result in the exemption of the product under the above tests and the other would result in its inclusion, such a product will be considered to be renegotiable only where made by a process which would result in its inclusion.

(e) *By-products.* Where a process for making a product or material subject to renegotiation under the above tests also produces by-products, such by-products shall be treated as subject to renegotiation since any benefits resulting from use or sale of such by-products operate in substance to reduce the cost of the principal product. The principle of the preceding sentence is inapplicable to by-products which would otherwise be exempt under this paragraph (2). In the case of by-products resulting from processes principally designed to produce an "exempted product" under the above tests, such by-products shall be treated as "exempted products" if they are not further processed, refined or treated. If further processing, refining or treatment of such by-products takes place, the status of the ultimate product resulting will be determined in accordance with the general principles set forth above.

(3) A list of products which, subject to the foregoing interpretation are considered exempt, is set forth [below] in [RR] paragraph 841.

RR 841 provides as follows:

841 *Raw material exemption.* Pursuant to subsection (1) (2) of the 1943 Act the

War Contracts Board has issued the following regulation concerning the exemption of contracts and subcontracts for certain products of the kind described in subsection (1) (1) (B) of the 1943 Act.

(1) The term "exempted products", as used in this regulation, shall mean any of the following products:

Aggregates including such items as washed or screened sand, gravel or crushed stone.
Alumina; aluminum sulfate; aluminum ingots and pigs.
Asphalt, natural.
Antimony ore, crude; antimony ore, concentrated; antimony metal; antimony oxide; antimony sulfide.
Arsenic, crude; arsenic powder; arsenious oxide (white arsenic).
Asbestos rock; asbestos fibre.
Bauxite, crude; calcined or dried bauxite; bauxite abrasive grains.
Bentonite, dried, crushed, granulated and pulverized.
Beryl ore and concentrates; beryllium oxide; beryllium metal; beryllium master alloys.
Bismuth metal.
Borax.
Cadmium flue dust; cadmium oxide; cadmium balls and slabs.
China clay; kaolin; fire clay; brick and tile made from clays other than kaolin, china and fire clay.
Chlorine and hydrogen produced directly by electrolysis of salt brine.
Chromium ore and ferrochrome; chromite not processed beyond the form or state suitable for use as a refractory; bichromates.
Coal, prepared; run-of-mine coal.
Cobalt oxide; cobalt anodes, shot and rondelles.
Columbium ore and concentrates; columbium oxide; ferrocolumbium.
Copper ore, crude; copper ore, concentrated; copper matte; blister copper; copper billets, cathodes, cakes, ingots, ingot bars, powder, slabs and wirebars.
Corundum ore and concentrates; corundum grain.
Cryolite ore and concentrates.
Diaspore; diaspore brick.
Diatomaceous silica, lump, block, brick and powder.
Dolomite, crushed dolomite.
Feldspar, crude and ground.
Ferrosilicon.
Fluorspar ore; fluorspar fluxing gravel; lump ceramic ground fluorspar; acid grades of fluorspar.
Fuller's earth.
Gas, natural, not processed or treated further than the processing or treating customarily occurring at or near the well.
Graphite ore and concentrates; flake graphite; graphite fines, lump and chip; graphite powder.
Gypsum, crude; calcined gypsum.
Indium metal.
Industrial diamonds.
Iridium metal, including ingot and powder.
Iron ore, crude; pig iron.
Kyanite ore and concentrates; kyanite brick.
Lead ore; refined lead bars, ingots and pigs; antimonial lead bars, ingots and pigs.
Limestone; crushed limestone.
Magnesite; dead burned magnesite.
Magnesium-bearing minerals, including brucite; magnesium oxide; magnesium chloride; metallic magnesium, pigs and ingots.
Mercury ore; mercury metal.
Manganese ore; ferromanganese, including spiegeleisen; silicomanganese.
Mica, crude, hand-cobbed; block mica; sheet mica, including splittings; wet or dry ground mica.
Molybdenum ore and concentrates; molybdenum oxide; calcium molybdate; ferromolybdenum.
Monel ore; monel matte; monel ingots, pigs, and shot, produced from monel matte.
Natural gasoline; casinghead gasoline; residue gas.
Nickel ore and concentrates; nickel matte; nickel oxide; nickel ingots, cathodes and shot.
Oil, crude, not processed or treated further than the processing or treating customarily occurring at or near the well.
Osmium metal, including ingot and powder.
Palladium metal, including ingot and powder.
Phosphate rock; elemental phosphorus; ferrophosphorus; phosphorus pentoxide and phosphoric acid derived directly by treatment of phosphate rock; superphosphate.
Platinum ore and concentrates; platinum metal, including ingot and powder.
Pumice, lump.
Quartz crystal, raw
Radium bromide; radium sulfate; radium gas.
Rhodium metal, including ingot and powder.
Ruthenium metal, including ingot and powder.
Salt, rock; evaporated salt; soda ash, ammonia and electrolytic caustic soda and bicarbonate of soda when derived directly by treatment of brine.
Sea shells; oyster shells; clam and reef shells.
Selenium metal.
Silver, refined, including bars, shot, powder and grains.
Sodium aluminate.
Stone, rough dimension.
Sulfur, crude.
Sulfuric acid; oleum (other than sulfuric acid or oleum produced from crude sulfur or any other product having an industrial use).
Standing timber, logs, logs sawed into length, and logs with or without bark.
Talc, crude, ground and sawed.
Tantalum ore and concentrates; tantalum double fluoride
Tellurium metal
Tin ore and concentrates; refined pig tin.
Titanium-bearing ores and concentrates, including ilmenite and rutile; titanium oxide; ferrotitanium.
Tungsten ore and concentrates; sodium tungstate; ferrotungsten; tungsten metal, including powder; tungstic oxide; tungstic acid.
Uranium ores and concentrates; uranium oxide.
Vanadium ores and concentrates; sodium vanadate; vanadium pentoxide; ferrovanadium.
Whiting; chalk lump.
Zeolites derived from Glauconite.
Zinc ores and concentrates; zinc anodes, bars, oxide, powder and slabs.
Zirconium ores and concentrates.

(2) Subject to the provisions of paragraph 3 hereof, it is determined that each of the exempted products is "the product of a mine, oil or gas well, or other mineral or natural deposit, or timber, which has not been processed, refined, or treated beyond the first form or state suitable for industrial use" within subsection (1) (1) (B) of the Renegotiation Act. The provisions of such Act shall not apply to contracts and subcontracts for any of the exempted products.

(3) This determination is made under the principles set forth in paragraph 344.1 of the Renegotiation Regulations, including subdivision (2) (d) thereof. The products listed under paragraph 1 of this regulation are exempt only when they represent products of a mine, oil or gas well, or other mineral or natural deposit, which have not been processed, refined or treated beyond the first form or state suitable for industrial use and are not exempt if manufactured from raw materials which do not fall within the above description or which have at some prior stage been processed, refined or treated beyond such first form or state suitable for industrial use. For example, magnesium products derived from sea water, products manufactured from the atmosphere, secondary aluminum pigs and ingots, and other similar products are not considered exempted products.

(4) This determination applies to fiscal years ending after June 30, 1943.

(5) This regulation may be amended from time to time, revising, amending or supplementing the list of exempted products contained in paragraph 1 hereof.

RR 344.2 provides as follows:

344.2 *Agricultural commodities*—(1) *Statutory exemption.* Subsection (1) (1) (C) of the 1943 Act provides that it shall not apply to—

(C) Any contract or subcontract for an agricultural commodity in its raw or natural state, or if the commodity is not customarily sold or has not an established market in its raw or natural state, in the first form or state, beyond the raw or natural state, in which it is customarily sold or in which it has an established market. The term "agricultural commodity" as used herein shall include but shall not be limited to—

(i) Commodities resulting from the cultivation of the soil such as grains of all kinds, fruits, nuts, vegetables, hay, straw, cotton, tobacco, sugar cane, and sugar beets;

(ii) Natural resins, saps and gums of trees;

(iii) Animals such as cattle, hogs, poultry, and sheep, fish and other marine life, and the produce of live animals, such as wool, eggs, milk and cream;

(2) *Interpretation and application of exemption*—(a) *Applicability.* This provision of the 1943 Act is retroactive as if it were a part of the Renegotiation Act on the date of its enactment, April 28, 1942.

(b) *Interpretation.* The purpose of this provision is to exempt from renegotiation farmers, fruit growers, livestock raisers, fishermen and other basic producers of agriculturer commodities and those who trade in such products or handle or transport them without processing them; it is not intended to exempt canners, processors, manufacturers and others who acquire products of this type from the basic producer and process them to a higher form or state. In order to qualify for exemption the product contracted for must be an agricultural commodity in its raw or natural state, or if such a commodity is not customarily sold or does not have an established market in its raw or natural state in the first form or state beyond the raw or natural state in which it is customarily sold or in which it has an established market.

(c) *Application.* A commodity will be deemed to be an agricultural commodity in its raw or natural state only so long as it has not undergone some process of treatment or fabrication. In the case of fruits, vegetables, and other like products this state does not ordinarily extend beyond the state in which such products are harvested. In the case of livestock, it terminates at the time the animal is slaughtered. Where an agricultural commodity is not customarily sold or does not have an established market in its raw or natural state as above defined and is no longer in such state the exempt status of such commodity will terminate with the state in which the commodity is first customarily sold or has an established market, and, with the exception of the produce of live animals which are specifically exempted, the exemption will not apply to any derivative products which are derived from such commodity in the state in which it is first sold, whether as a result of division, separation or further treatment or processing. For the purposes of determining whether an agricultural commodity is customarily sold or has an established market, regard will be given to the entire field in which such commodity is produced or marketed rather than to sections or local practices; and varieties, types or classes of the commodity will be disregarded. Profits or losses from sales of agricultural commodities in their exempt form or state, including sales of futures in such commodities, are excluded from consideration in renegotiation. The War Contracts Price Adjustment Board has determined the form or state at which the exemption terminates in the case of each of the agricultural commodities set forth [below] in [RR] paragraph 844 and will continue to determine and publish from time to time additions to this list.

RR 844 provides as follows:

844. *List of exempted agricultural commodities.* Determination of the War Contracts Price Adjustment Board of the exemption from renegotiation of contracts and subcontracts for agricultural commodities under section 403 (1) (1) (C) of the Renegotiation Act of 1943.

1. Pursuant to the authority conferred upon the War Contracts Price Adjustment Board by Section 403 (1) (2) of the Renegotiation Act of 1943, the Board hereby determines that under subsection (1) (1) (C) of such section, relating to the exemption of contracts or subcontracts for agricultural commodities, the form or state indicated in the following list, is the last form or state at which the exemption applies:

Agricultural Commodity and Last Form or State at Which Exemption Is To Apply
Beans and peas, dry: Threshed.
Beeswax: In the comb, or in bulk (not packed).
Berries, edible: Fresh.
Cinchona bark: As bark (unprocessed).
Coffee: Beans (green).
Corn: As grain (shelled).
Cotton: Ginned (in the bale).
Cottonseed: Unprocessed (as they come from the gin).
Cream, fluid: As sold from farms (not pasteurized).
Drugs (botanical): Crude (unground, unprocessed, unstandardized, unpurified) as customarily sold by the basic producer.
Eggs: In the shell (raw).
Fiber flax straw: Deseeded (baled or unbaled).
Flaxseed (linseed): As seed (unprocessed).
Fruits, edible: Fresh.
Gum opium: As gum in its natural state.
Hay: Baled or unbaled.
Hemp fiber: In bales.
Honey: Crude or "country run."
Jute and sisal fiber: In bales.
Livestock: On the hoof.
Milk, raw fluid: As sold from farms (not pasteurized).
Peanuts: In the shell (raw).
Pine gum: Not distilled or purified.
Poultry: Alive.
Rice: Rough, unpolished (as it comes from the thresher).
Sugar beets: As beets.
Sugar cane: As cane.
Tobacco: Not processed beyond the form or state at which farmers ordinarily sell it.
Tree nuts, edible: In the shell (raw).
Vegetables: Fresh.
Vegetable seeds: Not processed beyond the form or state at which they may be used as seeds.
Wheat, rye, oats and barley: As threshed grain
Wool: In the grease (as clipped from live animals).

2. This determination is made under the the principles set forth in paragraph 344.2 of the Renegotiation Regulations including subdivision (2) (b) thereof.

3. This determination applies to all receipts or accruals under any contract or subcontract for the commodities listed in paragraph 1 of this Regulation regardless of the date when such contract or subcontract was made.

4. This Regulation may be amended from time to time, revising, amending or supplementing the list of exempted commodities contained in paragraph 1 hereof.

RR 344.5 provides as follows:

344.5 *Packaging materials and containers.* If there are delivered to a Department end products, contracts for which are exempted from renegotiation under subsections (1) (1) (B) or (C) of the 1943 Act relating to certain raw materials or agricultural commodities, the exemption of the end products extends to and includes the packages or containers in which the end products are delivered to the Department.

§ 812.1290–3 *Interpretation and application of the mandatory exemption relating to construction contracts.* This section deals with the mandatory exemption relating to construction contracts. For the discretionary exemption relating to construction contracts, see § 812.1291–4.

RR 346.1 and 346.2 provide as follows:

346.1 *Statutory exemption.* Subsection (1) (1) (E) of the 1943 Act provides that it shall not apply to—

(E) Any contract with a Department awarded as a result of competitive bidding, for the construction of any building, structure, improvement, or facility.

346.2 *Interpretation and application of exemption.*

(1) This section of the 1943 Act is applicable only to amounts received or accrued for fiscal years ending after June 30, 1943 (regardless of the date when the contract was made) under any contract which meets all of the following conditions:

(a) The contract is a contract with a Department (i. e., is a prime contract). The exemption has no direct applicability to subcontracts—but see [RR] paragraphs 347 [reprinted in § 812.1290–4] and 356.2 [reprinted in § 812.1291–5] for the principles governing exemption of subcontracts under prime contracts as to which this exemption is applicable.

(b) The contract is for the construction of a building, structure, improvement or other similar facility. A contract will be deemed to be for the construction of a building, structure, improvement or similar facility if the subject matter of the contract is the construction or installation of the whole or any integral part of a building, structure, improvement or similar facility. The exemption has, however, no applicability to contracts for the furnishing of materials or supplies, as such, even if such materials or supplies are to be used in the construction of a building, structure, improvement or similar facility; nor has the exemption any applicability to contracts for the furnishing of machinery or equipment which has or may have a productive function in connection with processing.

(c) The contract was awarded as a result of competitive bidding. A contract will be deemed to have been awarded as a result of competitive bidding only if (i) there has been published advertising or such other solicitation for bids as would open the bidding to all qualified bidders who could have been reasonably expected to bid on a job of the size, character and location concerned, (ii) bids are received from two or more independent, responsible and qualified bidders in actual competition with each other, (iii) the contract is let to the lowest qualified bidder, and (iv) the contract price was not in excess of the low bid received.

(2) In distinguishing a contract for the construction of a building, structure, improvement or similar facility from a contract for the furnishing of machinery or equipment as described in subdivision (1) (b) of this paragraph, regard is to be had to the subject matter of the contract. To the extent that the subject matter of the contract involves the furnishing or the furnishing and installation of machinery or equipment which has or may have use in processing, within the principles stated in [RR] paragraph 333.3, the contract will not be deemed to be a contract for the construction of a building, structure, improvement or similar facility, but will be regarded as a contract for the furnishing of machinery or equipment, in accordance with the principles set forth in paragraphs 335.2 (2) and 335.2 (5) of these [Renegotiation] Regulations. In a case where the construction or installation of the whole or any integral part of a building, structure, improvement or similar facility and the furnishing of machinery or equipment are embraced within a single contract, the undertaking for the construction or installation of the whole or any integral part of the building, structure, improvement or similar facility may be severed from the undertaking to furnish the machinery or equipment and an appropriate finding made as to that portion of the entire contract which may properly be deemed exempt.

(3) If a construction contract is exempt from renegotiation under the provisions of this paragraph 346.2, all modifying instruments thereto providing for additional or different construction of buildings, structures, improvements or facilities to be performed at or adjacent to the site of the original project are considered a part of the original construction contract and therefore are exempt from renegotiation: *Provided, however,* That the aggregate contract prices of all such modifying instruments do not exceed one-third of the contract price of the original construction contract.

(4) Determination whether this exemption is applicable to any particular prime contract shall be made, upon the basis of the principles referred to in the preceding subdivisions of this paragraph, by the renegotiation agency of the Department or Service conducting the renegotiation in which such contract is involved, except as provided in 347.2 (2). The renegotiation agency of each Department or Service shall maintain a central file with respect to determinations made by it as to the exempt or non-exempt status of prime contracts.

§ 812.1290–4 *Interpretation and application of the mandatory exemption relating to subcontracts under exempt contracts or subcontracts.* RR 347.1 and 347.2 provide as follows:

347.1 *Statutory exemption.* Subsection (1) (1) (F) of the 1943 Act provides that it shall not apply to

(F) Any subcontract, directly or indirectly under a contract or subcontract to which this section does not apply by reason of this paragraph.

347.2 *Interpretation and application of exemption.* (1) It should be noted that the exemption applies only where the subcontract is under a contract or subcontract exempted by paragraph (1) of subsection (1) of the 1943 Act. Thus, subcontracts under prime contracts or subcontracts exempted under the discretionary exemptions authorized by subsection (1) (4) of the 1943 Act, the exemption measured by renegotiable volume under subsection (c) (6), or any other exemption or exclusion contained in the 1943 Act, are not exempted by this provision.

* * * * *

(3) Subcontracts for the furnishing of packaging materials and containers in which there are delivered materials or products which are exempt from renegotiation under the provisions of subsections (1) (1) (B) or

(C) of the 1943 Act relating to certain raw materials or agricultural commodities or which are otherwise exempt under paragraph (1) (1) of the 1943 Act (see [RR] paragraphs 333.3 (1), 333.4 (1), 344.5 and 347.2 (1)) constitute subcontracts under exempt prime contracts and are exempt from renegotiation under the provisions of subsection (1) (1) (F) of the 1943 Act.

§ 812.1290–5 *Interpretation of office supplies.* RR 333.4 (3) provides in part as follows:

Office supplies are interpreted to include paper, ink, typewriter ribbons, binders, covers, blotters, paper clips, staples and other items of consumable character, as well as related items of relatively short life and minor cost, such as pens, pen holders, pencils, blotter pads and calendars; they do not include office furniture, machinery and equipment, such as desks, chairs, lamps, rugs, waste baskets, filing cases, typewriters and calculating, recording, reproducing and dictating machines.

§ 812.1291 *Rulings of War Contracts Price Adjustment Board relating to discretionary exemptions from statutory renegotiation.*

§ 812.1291–1 *Discretionary exemption relating to contracts and subcontracts to be performed outside of the United States.* RR 351.1 and 351.2 provide as follows:

351.1 *Statutory authority.* Subsection (1) (4) of the 1943 Act authorizes the War Contracts Price Adjustment Board, in its discretion, to exempt from some or all of the provisions of the act

(A) Any contract or subcontract to be performed outside of the territorial limits of the continental United States or in Alaska.

351.2 *Exemption.* (1) Each contract or subcontract to be performed outside the territorial limits of the continental United States, outside the territories of Alaska and Hawaii, outside the Panama Canal Zone, and outside the other territories and island possessions of the United States shall be exempt from the provisions of the Renegotiation Act of 1943 unless it shall be determined by the War Contracts Board or by any authority to whom power to exempt individual contracts under subsection (1) (4) (A) of the 1943 Act has been or may be delegated or redelegated;

(a) That administrative difficulties do not make impracticable the renegotiation of such contract or subcontract,

(b) That the procurement program of the United States in foreign countries will not be adversely affected by such renegotiation, and

(c) That such renegotiation will not otherwise be contrary to the interests of the United States.

(2) In determining whether the procurement program of the United States in foreign countries or the interests of the United States generally will be adversely affected by such renegotiation, it is considered desirable that representatives of the Department of State of the United States be consulted, if practicable; such consultation shall not, however, be essential to the valid renegotiation of any contractor or subcontractor.

(3) Such determination may be made at any time whether before or after the execution of the contract or subcontract and whether or not it contains a renegotiation clause.

§ 812.1291–2 *Discretionary exemption relating to contracts and subcontracts for profits determinable when price established; real estate, public utilities, perishable goods.* (1) RR 352.1 and 352.2 provide as follows:

352.1 *Statutory authority.* Subsection (1) (4) of the 1943 Act authorizes the War Contracts Price Adjustment Board, in its discretion, to exempt from some or all of the provisions of the Act

(B) any contracts or subcontracts under which, in the opinion of the Board, the profits can be determined with reasonable certainty when the contract price is established, such as certain classes of agreements for personal services, for the purchase of real property, perishable goods, or commodities the minimum price for the sale of which has been fixed by a public regulatory body, of leases and license agreements, and of agreements where the period of performance under such contract or subcontract will not be in excess of thirty days;

352.2 *Exemptions.* (1) In the opinion of the War Contracts Price Adjustment Board, the profits from the following contracts or portions thereof can be determined with reasonable certainty when the contract price is established, and such contracts or portions thereof are accordingly exempted from the provisions of the Renegotiation Act to the extent herein provided:

(a) Contracts and subcontracts for the sale or lease of any interest in real estate (see [RR] paragraph 335.1), or

(b) Contracts and subcontracts for the sale or exchange of tangible property used in the trade or business of the vendor, with respect to which depreciation is allowable under section 23 (l), or amortization is allowable under section 124, of the Internal Revenue Code (not including stock in trade of the vendor or other property which would properly be included in the inventory of the vendor if on hand at the close of his fiscal year, or property held by the vendor primarily for sale in his trade or business), or

(c) Contracts for the sale of vessels and their equipment, other than contracts for the construction of vessels,

(d) Such portion of contracts for the lease of vessels and their equipment, which provides (as in bareboat charters), for a rental for the bare use of the vessel and its equipment (herein called the "use rate"), or which provides (as in time charters) for a use rate, as distinguished from compensation for the services to be rendered by the contractor under the time charter (herein called the "service rate"): *Provided*, That where the time charter contains no segregation of the contract price between the use rate and the service rate, the apportionment of the contract price between the use rate and the service rate may be made by the Department conducting the renegotiation. In connection with such apportionment consideration may be given to the Report of the Advisory Board on Just Compensation, established by the President on October 15, 1943, by Executive Order 9387, which report dated December 7, 1943, established rules of general applicability for the guidance of the War Shipping Administration in determining just compensation to be paid for all vessels requisitioned, purchased, chartered or insured by the said Administration and General Order 37 of the War Shipping Administration (8 F.R. 3806), and any supplements and amendments thereto, to the extent the same may be applicable to such vessels and their equipment. Nothing contained in this subparagraph (d) shall be deemed to exempt from renegotiation contracts commonly known as "space charters" or the service rate in time charters, regardless of whether the vessel involved was requisitioned by the Government or any agency thereof.

(2) The words "when the contract price is established" in subsection (1) (4) (B) of the Renegotiation Act and in the preceding subdivision of this paragraph are a qualification upon the scope of the exemption, and contemplate that the contract or subcontract price shall be established at the time the contract or subcontract is entered into. Accordingly, this exemption extends only to contracts and subcontracts under which the price is a fixed or determinable amount at the time the contract or subcontract is entered into, and does not apply to any contract or subcontract under which the price, at the time the contract or subcontract is entered into, is contingent upon a subsequent event or is thereafter to be determined by reference to a variable element (as, for example, the lessee's sales or profits).

(3) For an exemption relating to certain contracts and subcontracts involving public utilities, see [RR] paragraph 842 [reprinted in subparagraph (2) below]. For an exemption relating to perishable foods, see [RR] paragraph 843 [reprinted in subparagraph (3) below].

(2) RR 842 provides as follows:

842 *Public utility exemptions.*

842.1 *Public utilities; electric power.* (1) Pursuant to subsection (1) (4) of the Renegotiation Act of 1943 (including subsection (1) (4) (B) and (1) (4) (F)) the following classes and types of contracts and subcontracts are exempt to the extent provided in this paragraph from all of the provisions of the Renegotiation Act of 1943:

(a) Any contract or subcontract with a public utility for the delivery of electric power of less than 1,000 kilowatts of contractual demand, except that if the actual demand was 1,000 kilowatts or more at any time during any particular fiscal year, amounts received or accrued under such contract or subcontract for such fiscal year shall not be exempt from renegotiation by reason of this subparagraph (a).

(b) Any subcontract with a public utility for the delivery of electric power without regard to the contractual or actual demand, except that

(i) If such subcontract for electric power is with a contractor having a contract with a Department providing for the reimbursement by a Department of substantially all costs of the contractor incurred under such subcontract for electric power, or

(ii) If a Department has contracted to pay or guarantee the payment of substantially all amounts payable under such subcontract for electric power,

then in either such case such subcontract for electric power shall not be exempt from renegotiation by reason of this subparagraph (b).

(2) Amounts received or accrued under any contract or subcontract with a public utility with respect to the construction or installation of facilities for the generation, transmission or distribution of electric power shall not be exempt from renegotiation by reason of this paragraph 842.1 even though such contract or subcontract also calls for the delivery of electric power.

842.2 *Public utilities; gas.* (1) Pursuant to subsection (1) (4) of the Renegotiation Act of 1943 (including subsection (1) (4) (B) and (1) (4) (F)) the following classes and types of contracts and subcontracts are exempt to the extent provided in this paragraph from all of the provisions of the Renegotiation Act of 1943:

(a) Any contract or subcontract with a public utility for the delivery of gas, except that if the amounts received or accrued under any such contract or subcontract during any particular fiscal year were $50,000 or more, amounts received or accrued under such contract or subcontract for such fiscal year shall not be exempt from renegotiation by reason of this subparagraph (a). (If such fiscal year is a fractional part of twelve months, the $50,000 amount shall be reduced to the same fractional part thereof for the purposes of this subparagraph (a).)

(b) Any subcontract with a public utility for the delivery of gas without regard to the amounts received or accrued thereunder during any fiscal year, except that

(i) If such subcontract for gas is with a contractor having a contract with a Department providing for the reimbursement by a Department of substantially all costs of the contractor incurred under such subcontract for gas, or

(ii) If a Department has contracted to pay or guarantee the payment of substantially all amounts payable under such subcontract for gas,

then in either such case such subcontract for gas shall not be exempt from renegotiation by reason of this subparagraph (b).

(2) Amounts received or accrued under any contract or subcontract with a public utility with respect to the construction or installation of facilities for the generation, transmission or distribution of gas shall not be exempt from renegotiation by reason of this paragraph 842.2 even though such contract or subcontract also calls for the delivery of gas.

842.3 *Public utilities; transportation.* Pursuant to subsection (1) (4) of the Renegotiation Act of 1943 (including subsection (1) (4) (B) and (1) (4) (F)) the following classes and types of contracts and subcontracts are exempt from all of the provisions of the Renegotiation Act of 1943:

(1) Contracts and subcontracts with common carriers to furnish transportation by railroad, motor vehicle, pipe line or air, when made at published rates or charges, fixed, approved or subject to regulation as to the reasonableness thereof by a public regulatory body, or when made at rates or charges which the Department conducting the renegotiation in its discretion shall determine to be no higher than such published rates or charges for transportation of a comparable character.

(2) Contracts and subcontracts with common carriers to furnish inland or coastal transportation by water, when made at published rates or charges, fixed, approved or subject to regulation as to the reasonableness thereof by the Interstate Commerce Commission, or when made at rates or charges which the Department conducting the renegotiation in its discretion shall determine to be no higher than such published rates or charges for transportation of a comparable character.

(3) Contracts and subcontracts with freight forwarders when made at published rates or charges, fixed, approved or subject to regulation as to the reasonableness thereof by the Interstate Commerce Commission.

842.4 *Public utilities; communications.* Pursuant to subsection (1) (4) of the Renegotiation Act of 1943 (including subsection (1) (4) (B) and (1) (4) (F)) the following classes and types of contracts and subcontracts are exempt from all of the provisions of the Renegotiation Act of 1943:

(1) Contracts and subcontracts with telephone, telegraph, cable and radio companies to furnish the service of transmitting messages, other communications services or communications facilities, when made at published rates or charges, fixed, approved or subject to regulation as to the reasonableness thereof by a public regulatory body, or when made at rates or charges which the Department conducting the renegotiation in its discretion shall determine to be no higher than such published rates or charges for services or facilities of a comparable character.

842.5 *Public utilities. Furnishing of water or removal of sewage.* (1) Pursuant to subsection (1) (4) of the Renegotiation Act of 1943 (including subsection (1) (4) (B) and (1) (4) (F)) the following classes and types of contracts and subcontracts are exempt to the extent provided in this paragraph from all of the provisions of the Renegotiation Act of 1943:

(a) Any contract or subcontract with a public utility for the furnishing of water, steam or the removal of sewage, except that if the amounts received or accrued under any such contract or subcontract during any particular fiscal year were $10,000 or more, amounts received or accrued under such contract or subcontract for such fiscal year shall not be exempt from renegotiation by reason of this subparagraph (a). (If such fiscal year is a fractional part of twelve months, the $10,000 amount shall be reduced to the same fractional part thereof for the purposes of this subparagraph (a)).

(b) Any subcontract with a public utility for the furnishing of water, steam or the removal of sewage without regard to the amounts received or accrued thereunder during any fiscal year, except that:

(i) If such subcontract for water, steam or the removal of sewage is with a contractor having a contract with a Department providing for the reimbursement by a Department of substantially all costs of the contractor incurred under such subcontract for water, steam or the removal of sewage, or

(ii) If a Department has contracted to pay or guarantee payment of substantially all amounts payable under such subcontract for water, steam or the removal of sewage, then in either such case such subcontract for water, steam or the removal of sewage shall not be exempt from renegotiation by reason of this subparagraph (b).

842.6 *Subcontracts.* Pursuant to subsection (1) (4) of the Renegotiation Act of 1943 (including subsection (1) (4) (B) and (1) (4) (F)) the following classes and types of contracts and subcontracts are exempt from all of the provisions of the Renegotiation Act of 1943.

(1) Subcontracts under any contracts or subcontracts exempted pursuant to paragraphs 842.1 through 842.5 inclusive.

842.7 *Scope of exemptions.* All of the exemptions made under paragraphs 842.1 through 842.6, inclusive, apply to contracts and subcontracts of the specified classes and types, whether heretofore or hereafter made or performed, and whether or not they contain renegotiation provisions.

(3) RR 843 provides as follows:

843. *List of exempted foods.* Determination of the War Contracts Price Adjustment Board of the exemption from renegotiation of contracts and subcontracts for perishable foods under Section 403 (1) (4) (B) of the Renegotiation Act of 1943.

Pursuant to the authority conferred upon the War Contracts Price Adjustment Board by Section 403 (1) (4) (B) of the Renegotiation Act of 1943, concerning the exemption of contracts and subcontracts for certain perishable goods from renegotiation under the Renegotiation Act of 1943, the War Contracts Price Adjustment Board hereby determines that the foods set forth in the list attached hereto and designated as Exhibit 1 are perishable; and that, in the opinion of the Board, the profits under contracts and subcontracts for the purchase of such foods can be determined with reasonable certainty when the contract price is established; and that contracts and subcontracts, heretofore or hereafter made, for the purchase of such foods are hereby declared to be exempt from all of the provisions of the Renegotiation Act of 1943.

EXHIBIT 1

Fresh fruits: Apples, apricots, bananas, berries (blue and black), cantaloupes, cherries, cranberries, grapes, grapefruit, honeydew melons, lemons, limes, oranges, pears, peaches, plums, strawberries, tangerines, watermelons, and other miscellaneous fresh fruits.

Fresh vegetables: Asparagus, beans, lima, beans, string, beets, broccoli, cauliflower, corn, cucumbers, egg plant, endive (chicory), greens (collards, etc.), kale, lettuce, onions, green, onions, dry, parsley, parnsips, peas, peppers, green, potatoes, Irish, potatoes, sweet, radishes, spinach, squash, tomatoes, turnips and rutabagas, mushrooms, rhubarb, and other miscellaneous fresh vegetables.

Dairy products: Butter (except canned), cheese (except processed canned), ice cream; ice cream mix in unsealed containers, fresh fluid milk and fresh fluid cream.

Poultry: Chicken (except canned), turkey (except canned) and other poultry (except canned).

Meats: Beef (except canned and dehydrated), pork (except canned and dehydrated), lamb and mutton (except canned and dehydrated), veal (except canned and dehydrated), smoked or processed meats (except canned and dehydrated), other meats (except canned and dehydrated), lard and lard substitutes and offals (except canned and dehydrated).

Fish and sea foods: Fresh or frozen and salted or smoked (except canned).

Frozen vegetables.

Frozen fruits.

Bread and other bakery products (except biscuits, crackers, cracker meal, breakfast cereals, hard bread and zwieback).

Potato chips.

Compressed yeast.

Shell eggs.

Margarine.

Any other perishable food of a similar nature which may be determined from time to time by any of the Departments to be of the same general character as the items specifically set forth on the above list: *Provided, however*, That any items so added shall be reported to the Secretary of the War Contracts Price Adjustment Board.

§ 812.1291–3 *Discretionary exemption relating to contracts and subcontracts for standard commercial articles.* RR 845 provides as follows:

845. *Standard commercial article exemption.*

845.1 *Fiscal years ending after June 30, 1943 and prior to July 1, 1944.* (RR 845.1 is omitted from Procurement Regulations.)

845.2 *Fiscal years ending after June 30, 1944 and prior to July 1, 1945.* (1) Pursuant to the authority given to the War Contracts Price Adjustment Board by subsection (1) (4) of the Renegotiation Act of 1943, the Board, under the provisions of subsection (1) (4) (D) of the 1943 Act, has exempted from renegotiation amounts received or accrued during fiscal years ending after June 30, 1944 and prior to July 1, 1945 under contracts or subcontracts for the making or furnishing of the following articles:

(a) Iron scrap and steel scrap; non-ferrous metal scrap; woolen waste, including woolen rags and clips, new and old; scrap rubber; waste paper; cotton or linen rags, including old bagging and old rope; and textile waste; sold by dealers or brokers.

(COMMENT: The exemption of these articles as standard commercial articles applies only to dealers and brokers in these articles and is not to be construed as affecting, in any way, users of these articles (in particular, manufacturers who use these articles), nor does it affect manufacturers who may produce and sell these articles as a by-product in the course of their operation. Neither does the exemption cover sales of these articles in any form other than as scrap or waste.)

(b) Reserved.

(c) Reserved.

(d) Reserved.

(e) Paper of the following types and grades, sold by paper mills; Groundwood and free sheet uncoated and coated book papers (including but not limited to free sheet and groundwood offset, envelope and tablet papers); Mimeograph and duplicating (both groundwood and free sheet); Bond, writing and ledger, including opaque circular; Manifold and onion skin; Cover and text; Index and Bristol; Map paper (except wet-strength map paper); Post card paper; Blue print base stock.

(f) Paper and paper products sold by merchants.

(COMMENT: This exemption does not apply to sales of paper or paper products which have been manufactured, converted or processed by the seller or by any person under the control of or controlling or under common control with the seller.)

(g) Ready mixed concrete.

(h) Portland cement.

(i) Wheat flour.

(COMMENT: This exemption applies only to sales by the person milling the flour. Wheat flour includes granular flour and farina; whole wheat flour; products of the milling of durum wheat including whole durum flour and semolina; and blends of the foregoing. Bleached, bromated, enriched, phosphated and self-rising flour are considered flour for purposes of this exemption.)

(j) Quick and hydrated lime.

(k) Dead-burned dolomite.

(l) Dead-burned magnesite made from dolomite stone, seawater or brine.

The Board had previously exempted these same articles from renegotiation for fiscal years ending after June 30, 1943 and prior to July 1, 1944. However, the exemption of "paper of the following types and grades, sold by paper mills * * *" for the fiscal years ending 1944–1945 now includes a parenthetical limitation on map paper reading "* * * (except wet-strength map paper) * * *" which limitation was not in effect for the preceding fiscal years ending 1943–1944.

§ 812.1291–4 *Discretionary exemption relating to contracts and subcontracts when effective competition is likely to exist; construction contracts.* This section deals with the discretionary exemption. For the mandatory exemption relating to construction contracts, see § 812.1290–3.

RR 355 provides as follows:

355 *Contracts and subcontracts when effective competition is likely to exist.*

355.1 *Statutory authority.* Subsection (1) (4) of the 1943 Act authorizes the War Contracts Price Adjustment Board, in its discretion, to exempt from some or all of the provisions of the act.

(E) any contract or subcontract if, in the opinion of the Board, competitive conditions affecting the making of such contract or subcontract are such as are likely to result in effective competition with respect to the contract or subcontract price.

355.2 *General interpretation of exemption.* The War Contracts Board will make exemptions under this provision only as to classes or types of contracts on the basis of the subject matter with which the contract or subcontract is concerned. Exemptions by the Board will be based upon broad national conditions and considerations and will be limited to those fields where, in the opinion of the Board, not only do competitive conditions exist, but the competition is such that it may be presumed to be effective in the sense of producing fair and reasonable prices for the Government and in generally eliminating excessive profits.

355.3 *Application of exemption to construction contracts and subcontracts entered into subsequent to June 30, 1943, and before January 1, 1944.* (1) The War Contracts Board has found that competitive conditions affecting the making of construction contracts and subcontracts entered into subsequent to June 30, 1943, were such as to result in effective competition with respect to the contract or subcontract price where all of the following conditions exist,

(a) The contract or subcontract is for the construction of a building, structure, improvement or similar facility. A contract or subcontract will be deemed to be for the construction of a building, structure, improvement or similar facility if the subject matter thereof is the construction or installation of the whole or any integral part of a building, structure, improvement or similar facility. The exemption has, however, no applicability to contracts or subcontracts for the furnishing of materials or supplies, as such, even if such materials or supplies are to be used in the construction of a building, structure, improvement or similar facility; nor has the exemption any applicability to contracts or subcontracts for the furnishing of machinery or equipment which has or may have a productive function in connection with processing;

(b) The contract or subcontract did not constitute a substitute for or a revision or extension of an existing contract or subcontract entered into on or before June 30, 1943;

(c) The work covered by the contract was substantially the same as the work for which the bids were requested;

(d) Bids were received from two or more independent, responsible and qualified bidders in actual competition with each other; and

(e) The contract or subcontract was let to the lowest qualified bidder, at a price not in excess of the low bid;

or where the subcontract is a construction contract which (i) meets the conditions prescribed in subparagraph (a) above, and (ii) is a subcontract under a contract or subcontract exempt from renegotiation under the foregoing provisions of this paragraph 355.3. Accordingly, the War Contracts Price Adjustment Board, in accordance with subsection (1) (4) of the Renegotiation Act, has exempted such contracts and subcontracts from all of the provisions of the Act.

(2) In distinguishing a contract or subcontract for the construction of a building, structure, improvement or facility from a contract or subcontract for the furnishing or installation of machinery or equipment, the principles of [RR] paragraph 346.2 (2) [reprinted in § 812.1290–3] will be followed.

(3) If a construction contract or subcontract is exempt from renegotiation under the provisions of this paragraph 355.3, all modifying instruments thereto providing for additional or different construction of buildings, structures, improvements or similar facilities at or adjacent to the site of the original project are considered a part of the original construction contract or subcontract and therefore are exempt from renegotiation, *Provided, however,* That the aggregate contract prices of all such modifying instruments do not exceed one-third of the contract price of the original construction contract or subcontract.

(4) Determination whether this exemption is applicable to any particular prime contract shall be made, upon the basis of the principles referred to in the preceding subdivisions of this paragraph, by the renegotiation agency of the Department or Service conducting the renegotiation in which such prime contract is involved. The renegotiation agency of each Department or Service shall maintain a central file with respect to determinations made by it as to the exempt or non-exempt status of prime contracts. In any case in which the renegotiable status of a construction subcontract is dependent upon the applicability or nonapplicability of the provisions of this paragraph 355.3 to a prime contract, the procedure to be followed shall be the same as is provided in [RR] paragraph 347.2 (2). If the exempt or non-exempt status of a construction subcontract is not dependent upon the status of a prime contract, then the renegotiation agency of the Department or Service conducting the renegotiation in which such subcontract is involved shall determine the exempt or non-exempt status of such subcontract.

355.4 *Application of exemption to construction contracts and subcontracts entered into subsequent to December 31, 1943.* The War Contracts Board has found that competitive conditions affecting the making of construction contracts and subcontracts entered into subsequent to December 31, 1943, were such as to result in effective competition with respect to the contract or subcontract price, and accordingly, the Board, in accordance with subsection (1) (4) of the 1943 Act, has exempted such contracts and subcontracts from all of the provisions of the 1943 Act. The term "construction contracts and subcontracts" as used herein shall be construed in accordance with the principles set forth in subparagraphs (1) (a) and (2) of [RR] paragraph 355.3.

§ 812.1291–5 *Discretionary exemption relating to subcontracts where not administratively feasible to determine and segregate profits.* RR 356.1 and 356.2 provide as follows:

356.1 *Statutory authority.* Subsection (1) (4) of the 1943 Act authorizes the War Contracts Price Adjustment Board, in its discretion, to exempt from some or all of the provisions of the act.

(F) Any subcontract or group of subcontracts not otherwise exempt from the provisions of this section, if, in the opinion of the Board, it is not administratively feasible in the case of such subcontract or in the case of such group of subcontracts to determine and segregate the profits attributable to such subcontract or group of subcontracts from the profits attributable to activities not subject to renegotiation.

356.2 *Exemption.* (1) The War Contracts Board has found that it is not administratively feasible to determine and segregate the profits attributable to activities subject to renegotiation from those not so subject in the case of the following subcontracts:

(a) Subcontracts directly or indirectly under a prime contract to which the provisions of [RR] paragraph 346.2 [reprinted in § 812.1290–3] are applicable as to only a portion of the amounts received or accrued therefrom, due to the fact that a portion of such amounts were received or accrued in a fiscal year ending prior to July 1, 1943;

(b) Subcontracts directly or indirectly under any modifying instrument of the general type described in [RR] paragraph 346.2 (3) [reprinted in § 812.1290–3] (regardless of whether such modifying instrument is exempted under that paragraph) which modifies a contract to which the provisions of [RR] paragraph 346.2 are applicable; and

(c) Subcontracts for the construction of a building, structure, improvement or other similar facility directly or indirectly under any modifying instrument of the general type described in [RR] paragraph 355.3 (3) [reprinted in § 812.1291–4] (regardless of whether such modifying instrument is exempted from renegotiation under [RR] paragraph 355.3).

The War Contracts Board has therefore exempted the foregoing subcontracts from all the provisions of the 1943 Act.

(2) Since the powers of the War Contracts Board under subsection (1) (4) (F) ([RR] paragraph 356.1) are applicable only to amounts received or accrued for fiscal years ending after June 30, 1943, the exemptions made by this paragraph 356.2 are applicable only to amounts received or accrued under such subcontracts for fiscal years ending after June 30, 1943.

(3) In determining whether a subcontract is one for the construction of a building, structure, improvement or other similar facility, the principles of [RR] paragraph 346.2 shall be applied.

Reference is also made to RR 842 set forth in § 812.1291–2 (b).

§ 812.1292 *Determination by the Quartermaster General of perishable commodities.* Under date of April 13, 1944, The Quartermaster General issued a list of foods determined to be perishable pursuant to the authority conferred upon him by § 812.1205–8. This list is not reproduced here for the reason that all items on such list are included in the list of perishable foods set out in § 812.1291–2 (c).

[Procurement Reg. 13]

PART 313—FORMS OF CONTRACTS

Sec.

813.1301	W.D. Contract Form No. 1.
813.1302	W.D. Contract Form No. 2.
813.1303	W.D. Contract Form No. 3.
813.1304	W.D. Contract Form No. 4.
813.1305	W.D. Contract Form No. 5.
813.1306	W.D. Contract Form No. 6.
813.1307	W.D. Contract Form No. 7.
813.1308	W.D. Contract Form No. 8.
813.1309	W.D. Contract Form No. 9.
813.1310	W.D. Contract Form No. 10.
813.1311	W.D. Contract Form No. 13A.
813.1311a	W.D. Contract Form No. 13B.
813.1311b	W.D. Contract Form No. 13C.
813.1311c	W.D. Contract Form No. 13D.
813.1312	W.D. Contract Form No. 12.
813.1313	W.D. Contract Form No. 13.
813.1314	W.D. Contract Form No. 14.
813.1315	Utility contract forms.
813.1315a	W.D. Contract Form No. 15.
813.1315b	W.D. Contract Form No. 27.
813.1316	W.D. Contract Form No. 16.
813.1317	Short forms.
813.1317a	W.D. Contract Form No. 383, revised June 26, 1944 (W.D. Forms Nos. 383, 383a, 383b and 383c); Short Form.
813.1317b	W.D. Contract Form No. 18 (W.D. Form No. 18); Short Form, revised November 11, 1944.
813.1317c	W.D. Contract Form No. 47 (W.D. Forms Nos. 47 and 47–a); Short Form, revised April 1, 1944.
813.1317d	W.D. Contract Form No. 5; Short Form.
813.1317e	W.D. Contract Form No. 19.
813.1317f	W.D. Contract Form No. 6; Short Form.
813.1320	W.D. Contract Form No. 20.
813.1321	W.D. Contract Form No. 21.
813.1322	W.D. Contract Form No. 22.
813.1323	W.D. Contract Form No. 23.
813.1324	W.D. Contract Form No. 24.
813.1325	W.D. Contract Form No. 25.
813.1326	W.D. Contract Form No. 26.
813.1326a	W.D. Contract Form No. 26A.
813.1327	Standard Procurement Form No. 3 and related forms (W.D., A.G.O. Forms Nos. 299, 299–1, 299–2).
813.1327a	Standard Procurement Form No. 4.
813.1328	W.D. Contract Form No. 28.
813.1329	W.D. Contract Form No. 29.
813.1330	W.D. Contract Form No. 30 (Paid-Up Release and License).
813.1331	W.D. Contract Form No. 31 (Release and License, running royalty basis).
813.1332	W.D. Contract Form No. 32 (Release and Assignment Involving a Money Payment).
813.1333	W.D. Contract Form No. 33 (Release Involving a Money Payment).
813.1334	W.D. Contract Form No. 34 (Royalty-Free Release and License Involving No Money Payment) (See § 811.1115 (u).)

NOTE: See Part 803, Subparts B and G, defining the scope of authority to use the forms of contracts set forth below.

It should be noted that many of the clauses in the forms are not included in full text, but by reference to sections of Part 803, Subpart H. These clauses will be included in contracts written on the forms only in compliance with the sections referred to. There will also be included in contracts written on the forms such of the other Subpart H clauses, not expressly mentioned in the forms, as are required in the particular case.

In certain cases it may be necessary to make certain editorial changes in Subpart H clauses so that certain words or phrases used throughout the contract will be in conformity.

In certain instances, especially in the case of the short forms of contracts (see § 813.1317 and following), the forms contain shorter or modified versions of some of the clauses set forth in Subpart H of Part 803. In such cases the use of the shorter or modified forms of clauses is to be deemed authorized, notwithstanding the provisions of said Subpart H.

§ 813.1301 *W. D. Contract Form No. 1.*

Contract No. --------

SUPPLY CONTRACT WAR DEPARTMENT

Contractor and address:----------
Contract for:----------
Amount: $----------
Location: ----------
Payment:----------

To be made by ---------- United States Army, at ----------

The supplies and services to be obtained by this instrument are authorized by, are for the purposes set forth in, and are chargeable to the following allotments, the available balances of which are sufficient to cover the cost of the same:

This contract is authorized by the following laws:

CONTRACT FOR SUPPLIES

This contract, entered into this ------ day of ----------, 194----, by the United States of America (hereinafter called the Government) represented by the Contracting Officer executing this contract, and --------

---

---

[1] a corporation organized and existing under the laws of the State of ----------
[2] a partnership consisting of ----------

---

[3] an individual trading as ----------

---

of the city of ---------- in the State of ---------- (hereinafter called the Contractor), witnesseth that the parties hereto do mutually agree as follows:

ARTICLE 1. *Scope of this contract.* The contractor shall furnish and deliver --------

---

for the consideration stated ----------

---

in strict accordance with the specifications, schedules and drawings, all of which are made a part hereof and designated as follows:

Deliveries shall be made as follows:

ART 2. *Changes.* Where the supplies to be furnished are to be specially manufactured in accordance with drawings and specifications, the Contracting Officer may at any time, by a written order, and without notice to the sureties, make changes in the drawings or specifications. Changes as to shipment and packing of all supplies may also be made as above provided. If such changes cause an increase or decrease in the amount due under this contract, or in the time required for its performance, an equitable adjustment shall be made and the contract shall be modified in writing accordingly. Any claim for adjustment under this article must be asserted within 10 days from the date the change is ordered, provided, however, that the Contracting Officer, if he determines that the facts justify such action, may receive and consider, and with the approval of the Secretary of War or his duly authorized representative, adjust any such claim asserted at any time prior to the date of final settlement of the contract. If the parties fail to agree upon the adjustment to be made the dispute shall be determined as provided in Article 11 hereof. But nothing provided in this article shall excuse the Contractor from proceeding with the contract as changed.

[NOTE: (1) For alternative form of this Article, see § 803.329a.

(2) For the purposes of the fourth sentence of this Article, and for the purpose of any like provision contained in any contract clause which has been inserted in a contract in lieu of the above article, the chief of the technical service or such person as he may designate shall be deemed to be the "duly authorized representative of the Secretary of War".]

ART. 3. *Extras.* Except as otherwise herein provided, no charge for extras will be allowed unless the same have been ordered in writing by the Contracting Officer and the price stated in such order.

ART. 4. *Inspection.* (a) All material and workmanship shall be subject to inspection and test at all times and places and, when practicable, during manufacture. In case any articles are found to be defective in material or workmanship, or otherwise not in conformity with the specification requirements, the Government shall have the right to reject such articles, or require their correction. Rejected articles, and/or articles requiring correction, shall be removed by and at the expense of the Contractor promptly after notice so to do. If the Contractor fails to promptly remove such articles and to proceed promptly with the replacement and/or correction thereof, the Government may, by contract or otherwise replace and/or correct such articles and charge to the Contractor the excess cost occasioned the Government thereby, or the Government may terminate the right of the Contractor to proceed as provided in Article 5 of this contract, the Contractor and surety being liable for any damage to the same extent as provided in said Article 5 for terminations thereunder.

(b) If inspection and test, whether preliminary or final, are made on the premises of the Contractor or subcontractor, the Contractor shall furnish, without additional charge, all reasonable facilities and assistance for the safe and convenient inspections and tests required by the inspectors in the performance of their duty. All inspections and tests by the Government shall be performed in such a manner as not to unduly delay the work. Special and performance tests shall be as described in the specifications. The Government reserves the right to charge to the Contractor any additional cost of inspection and test when articles are not ready at the time inspection is requested by the Contractor.

(c) Final inspection and acceptance of materials and finished articles will be made after delivery, unless otherwise stated. If final inspection is made at a point other than the premises of the Contractor or subcontractor, it shall be at the expense of the Government except for the value of samples used in case of rejection. Final inspection shall be conclusive except as regards latent defects, fraud, or such gross mistakes as amount to fraud. Final inspection and acceptance or rejection of the materials or supplies shall be made as promptly as practicable, but failure to inspect and accept or reject materials or supplies shall not impose liability on the Government for such materials or supplies as are not in accordance with the specifications. In the event public necessity requires the use of materials or supplies not conforming to the specifications, payment therefor shall be made at a proper reduction in price.

[1] Delete all lines which do not apply.

ART. 5. *Delays—damages.* (Insert § 803.352).

ART. 6. *Responsibility for supplies tendered.* The Contractor shall be responsible for the articles or materials covered by this contract until they are delivered at the designated point, but the Contractor shall bear all risk on rejected articles or materials after notice of rejection. Where final inspection is at point of origin but delivery by Contractor is at some other point, the Contractor's responsibility shall continue until delivery is accomplished.

ART. 7. *Increase or decrease.* Unless otherwise provided herein, no increase or decrease in the total number of articles contracted for under Article I hereof, will be accepted, without the prior written approval of the Contracting Officer. (Or insert § 803.329)

ART. 8. *Payments.* The Contractor shall be paid, upon the submission of properly certified invoices or vouchers, the prices stipulated herein for articles delivered and accepted or services rendered, less deductions, if any, as herein provided. Unless otherwise specified, payments will be made on partial deliveries accepted by the Government when the amount due on such deliveries so warrants; or, when requested by the Contractor, payments for accepted partial deliveries shall be made whenever such payments would equal or exceed either $1,000 or 50 percent of the total amount of the contract.

ART. 9. *Officials not to benefit.* (Insert § 803.322)

ART. 10. *Covenant against contingent fees.* (Insert § 803.323)

ART. 11. *Disputes.* (Insert § 803.326)

ART. 12. *Termination for convenience of the Government.* (Insert § 803.324)

ART. 13. *Renegotiation.* (See § 803.342 and Part 812)

ART. 14. *Walsh-Healey Act.* (Insert § 805.353 or 803.353-4)

ART. 15. *Notice to Government of labor disputes.* (Insert § 803.354)

ART. 16. *Prison-made materials.* (Insert § 803.345)

ART. 17. *Anti-discrimination.* (Insert § 803.325)

ART. 18. *Assignment of claims.* (Insert § 803.355 or 803.356)

ART. 19. *Notice of shipments.* (Insert § 803.328)

ART. 20. *Federal, State, and local taxes.* (Insert § 803.357)

ART. 21. *Domestic articles.* (Insert § 803.327)

ART. 22. *Subcontracting.* (Insert § 803.367)

ART. 23. *Definitions.* (a) The term "Secretary of War" as used herein shall include the Under Secretary of War, and the term "his duly authorized representative" shall mean any person or board authorized by the Secretary of War to act for him other than the Contracting Officer.

(b) Except for the original signing of this contract, and except as otherwise stated herein, the term "Contracting Officer" as used herein shall include his duly appointed successor or his authorized representative.

ART. 24. *Alterations.* The following changes were made in this contract before it was signed by the parties hereto:

In witness whereof, the parties hereto have executed this contract as of the day and year first above written.

THE UNITED STATES OF AMERICA,

By _____

_____
(Official title)

_____
(Contractor)

By _____

_____
(Business Address)

Two Witnesses:

_____

_____
(Address)

_____

_____
(Address)

I _____, certify that I am the Secretary of the corporation named as Contractor herein; that _____, who signed this contract on behalf of the Contractor was then _____ of said corporation; that said contract was duly signed for and on behalf of said corporation by authority of its governing body and is within the scope of its corporate powers.

In witness whereof, I have hereunto affixed my hand and the seal of said corporation this _____ day of _____, 194--.

[CORPORATE SEAL]

_____
(Secretary)

I hereby certify that, to the best of my knowledge and belief, based upon observation and inquiry, _____ who signed this contract for the _____; had authority to execute the same, and is the individual who signs similar contracts on behalf of this corporation with the public generally.

_____
Contracting Officer.

(a) *Additional articles.* The following additional articles may be inserted in supply contracts in appropriate cases:

ARTICLE ____. *Final inspection with performance tests.* (a) No acceptance of the articles contracted for herein shall be regarded as final until such article shall have passed such final inspection as may be prescribed by _____,[1] or his duly authorized representative, and which shall include the following, but without limitation:

1. Inspection of each article upon arrival at the site of final inspection, for damage in transit, which damage shall be at the risk of the Contractor.

2. Such special and performance tests as are described in the specifications.

3. Inspection of components for failure due to such performance tests.

(b) When, during said performance tests, failure occurs due to faulty material or workmanship for which the Contractor is responsible, and such failure is of such magnitude that additional performance tests are required after the necessary repairs or replacements have been made, the cost of such additional performance tests will be borne by the Contractor. The _____[1] or his duly authorized representative, will decide in each case whether additional performance tests are required, and his decision in this regard shall be final and conclusive.

(c) The Contractor is authorized to have a representative present during the performance tests of any of the articles delivered under this contract.

(b) Where final acceptance cannot be made without some test after delivery, such as a proof test or a performance test, use the following in place of Article 8:

ARTICLE ____. *Payment.* The Contractor shall be paid as follows:

(a) _____ percent of the unit contract price of the supplies contracted for, upon submission of properly certified invoices therefor, and after delivery thereof; *Provided*, That any advance payments, or partial payments, made under this contract shall be liquidated by appropriate deductions from all payments made under this paragraph (a).

(b) _____ percent of the unit contract price on each unit delivered, after final tests and final acceptance thereof; but in any event payment will be made within six (6) months after such delivery, if not rejected within such time and if the units delivered comply with the specifications in all respects other than such as are determinable only by final tests; *Provided further*, If any advance payments or partial payments proportionately chargeable against such units remain unliquidated, appropriate deductions shall be made from payments made under this paragraph (b).

(c) In cases where it clearly appears from previous favorable experience with the particular contractor that the withholding until final test of a percentage of the unit price of each article delivered is unnecessary for the protection of the Government, the following clause may be used in lieu of that set forth in paragraph (a) of this section, under such limitations or restrictions as may be prescribed by the chief of the technical service concerned:

ARTICLE ____. *Payment.* The Contractor shall be paid as follows:

(a) Upon the submission of properly certified invoices or vouchers, the unit prices stipulated herein, less deductions, if any, as herein provided, for articles delivered which comply with specifications in all respects other than such as are determinable only by final test.

(b) The last _____ percent (____%) of the total contract price for the articles contracted for hereunder shall be withheld by the Government until final test and final acceptance of all such articles; but, in any event, payment of the amount withheld by the Government will be made within six (6) months after delivery of all such articles, if not rejected within such time and if all the articles delivered comply with specifications in all respects other than such as are determinable only by final tests.

(c) Any unliquidated advance or partial payments made under this contract (if this contract provides for such payments) shall be liquidated by proportionate deductions from payments otherwise due hereunder. Any payments (whether by way of direct payment or by liquidation of advance or partial payments) made against the delivery of articles which are rejected upon final test shall be credited or refunded to the Government as directed by the Contracting Officer.

(d) At any time before the completion of this contract the Contracting Officer, by written change order, may (but shall in no event be obliged to) reduce the percentage specified in paragraph (b) above.

ARTICLE____. *Material to be furnished by the Government.* (a) The Government shall deliver to the Contractor at_____, for use in the manufacture of the supplies to be furnished under the terms of this contract, the following material:

(b) Upon the completion or termination of this contract, the Contractor shall deliver to the Government, f. o. b. _____ any of said material, exclusive of scrap or wastage, not used in connection with this contract.

(c) In consideration of a reduction of $_____ per unit in the price of the supplies hereunder, which reduction has been taken account of in the unit contract price stated in Article _____ above, title to all scrap or wastage resulting from the processing of the materials referred to in paragraph (a) hereof shall be and remain in the Contractor.

[1] (c) The Contractor shall provide and maintain adequate facilities in which he shall store and keep all scrap or wastage resulting from the use of said materials furnished by the Government. Title to all such scrap or wastage shall remain in the Government.

ARTICLE _____. *Neutrality Act.* (a) Subsection 12 (g) of the Joint Resolution approved by the President, November 4, 1939, provides:

"No purchase of arms, ammunition, or implements of war shall be made on behalf of the United States by any officer, executive department, or independent establishment of the Government from any person who shall have failed to register under the provisions of this joint resolution."

(b) Prior to the execution of this contract, the Contractor shall furnish a certified or photostatic copy of its Certificate of Registration with the Department of State, which copy shall be attached to the copy of this contract on file in the office of the chief of the technical service concerned.

§ 813.1302 *W. D. Contract Form No. 2.*

Contract No._____

CONSTRUCTION CONTRACT
WAR DEPARTMENT

Contractor and Address_____
Contract for_____
Amount: $_____
Location _____
Payment_____
To be made by_____
United States Army, at_____

The supplies and services to be obtained by this instrument are authorized by, are for the purposes set forth in, and are chargeable to the following allotments, the available balances of which are sufficient to cover the cost of the same:

_____

This contract is authorized by the following laws:

CONTRACT FOR CONSTRUCTION

This contract, entered into this_____ day of _____, 194___, by the United States of America (hereinafter called the Government) represented by the Contracting Officer executing this contract, and

_____

_____

_____

[1]a corporation organized and existing under the laws of the State of_____

[1] partnership consisting of_____

_____

_____

[1]an individual trading as_____

_____

_____

of the city of_____In the State of _____ (hereinafter called the Contractor), witnesseth that the parties hereto do mutually agree as follows:

ARTICLE 1. *Statement of work.* The contractor shall furnish the materials, and perform the work for_____

_____

_____

for the consideration of_____

_____

_____

in strict accordance with the specifications, schedules, and drawings, all of which are made a part hereof and designated as follows:

_____

_____

The work shall be commenced_____ and shall be completed_____

ART. 2. *Specifications and drawings.* The contractor shall keep on the work a copy of the drawings and specifications and shall at all times give the contracting officer access thereto. Anything mentioned in the specifications and not shown on the drawings, or shown on the drawings and not mentioned in the specifications, shall be of like effect as if shown or mentioned in both. In case of difference between drawings and specifications, the specifications shall govern. In any case of discrepancy in the figures, drawings, or specifications, the matter shall be immediately submitted to the contracting officer, without whose decision said discrepancy shall not be adjusted by the contractor, save only at his own risk and expense. The contracting officer shall furnish from time to time such detail drawings and other information as he may consider necessary, unless otherwise provided.

ART. 3. *Changes.* The contracting officer may at any time, by a written order, and without notice to the sureties, make changes in the drawings and/or specifications of this contract within the general scope thereof. If such changes cause an increase or decrease in the amount due under this contract, or in the time required for its performance, an equitable adjustment shall be made and the contract shall be modified in writing accordingly. Any claim for adjustment under this article must be asserted within 10 days from the date the change is ordered: Provided, however, that the contracting officer, if he determines that the facts justify such action, may receive and consider, and with the approval of the Secretary of War or his duly authorized representative, adjust any such claim asserted at any time prior to the date of final settlement of the contract. If the parties fail to agree upon the adjustment to be made the dispute shall be determined as provided in Article 15 hereof. But nothing provided in this article shall excuse the contractor from proceeding with the prosecution of the work so changed.

ART. 4. *Changed conditions.* Should the contractor encounter, or the Government discover, during the progress of the work subsurface and/or latent conditions at the site materially differing from those shown on the drawings or indicated in the specifications, or unknown conditions of an unusual nature differing materially from those ordinarily encountered and generally recognized as inhering in work of the character provided for in the plans and specifications, the attention of the contracting officer shall be called immediately to such conditions before they are disturbed. The Contracting Officer shall thereupon promptly investigate the conditions, and if he finds that they do so materially differ the contract shall with the written approval of the Secretary of War or his duly authorized representative, be modified to provide for any increase or decrease of cost and/or difference in time resulting from such conditions.

ART. 5. *Extras.* Except as otherwise herein provided, no charge for any extra work or material will be allowed unless the same has been ordered in writing by the contracting officer and the price stated in such order.

ART. 6. *Inspection.* (a) All material and workmanship (if not otherwise designated by the specifications) shall be subject to inspection, examination, and test by Government inspectors at any and all times during manufacture and/or construction and at any and all places where such manufacture and/or construction are carried on. The Government shall have the right to reject defective material and workmanship or require its correction. Rejected workmanship shall be satisfactorily corrected and rejected material shall be satisfactorily replaced with proper material without charge therefor, and the contractor shall promptly segregate and remove the rejected material from the premises. If the Contractor fails to proceed at once with the replacement of rejected material and/or the correction of defective workmanship the Government may, by contract or otherwise, replace such material and/or correct such workmanship and charge the cost thereof to the contractor, or may terminate the right of the contractor to proceed as provided in Article 9 of this contract, the contractor and surety being liable for any damage to the same extent as provided in said Article 9 for terminations thereunder.

(b) The Contractor shall furnish promptly without additional charge, all reasonable facilities, labor, and materials necessary for the safe and convenient inspection and test that may be required by the inspectors. All inspection and tests by the Government shall be performed in such manner as not unnecessarily to delay the work. Special, full size, and performance tests shall be as described in the specifications. The Contractor shall be charged with any additional cost of inspection when material and workmanship are not ready at the time inspection is requested by the contractor.

(c) Should it be considered necessary or advisable by the Government at any time before final acceptance of the entire work to make an examination of work already completed, by removing or tearing out same, the contractor shall on request promptly furnish all necessary facilities, labor, and material. If such work is found to be defective in any material respect, due to fault of the contractor or his subcontractors, he shall defray all the expenses of such examination and of satisfactory reconstruction. If, however, such work is found to meet the requirements of the contract, the actual cost of labor and material necessarily involved in the examination and replacement, plus 15 percent, shall be allowed the contractor and he shall, in addition, if completion of the work has been delayed thereby, be granted a suitable extension of time on account of the additional work involved.

(d) Inspection of material and finished articles to be incorporated in the work at the site shall be made at the place of production, manufacture, or shipment, whenever the quantity justifies it, unless otherwise stated in the specifications; and such inspection and acceptance, unless otherwise stated in the specifications, shall be final, except as regards latent defects, departures from specific requirements of the contract and the specifications and drawings made a part thereof, damage or loss in transit, fraud, or such gross mistakes as amount to fraud. Subject to the requirements contained in the preceding sentence, the inspection of material and workmanship for final acceptance as a whole or in part shall be made at the site.

ART. 7. *Materials and workmanship.* Unless otherwise specifically provided for in the specifications, all workmanship, equipment, materials, and articles incorporated in the work covered by this contract are to be of the best grade of their respective kinds for the purpose. Where equipment, materials, or articles are referred to in the specifications as "equal to" any particular standard, the contracting officer shall decide the question of equality. The Contractor shall furnish to the contracting officer for his approval the name of the manufacturer of machinery, mechanical and other equipment which he contemplates incorporating in the work, together with their performance capacities and other pertinent information. When required by the specifications, or when called for by the Contracting Officer, the Contractor shall furnish the Contracting Officer for approval full information concerning the materials or articles which he contemplates incorporating in the work. Samples of materials shall be submitted for approval when so directed. Machinery, equipment, materials, and articles installed or used without such approval shall be at the risk of subsequent rejection. The contracting officer may require the contractor to remove from the work such employee as the Contracting Officer deems incompetent, careless, insubordinate, or otherwise objectionable, or whose continued employment on the work is deemed by the Contracting Officer to be contrary to the public interest.

ART. 8. *Superintendence by Contractor.* The Contractor shall give his personal superintendence to the work or have a competent foreman or superintendent, satisfactory to the Contracting Officer, on the work at all

[1] The chief of the technical service concerned.

[1] This paragraph will be used as a substitute for the above paragraph (c), in appropriate cases, where the Government desires the return of the scrap or wastage.

[1] Delete all lines which do not apply.

times during progress, with authority to act for him.

ART. 9. *Delays—damages.* If the contractor refuses or fails to prosecute the work or any separable part thereof, with such diligence as will insure its completion within the time specified in article 1, or any extension thereof, or fails to complete said work within such time, the Government may, by written notice to the contractor, terminate his right to proceed with the work or such part of the work as to which there has been delay. In such event the Government may take over the work and prosecute the same to completion, by contract or otherwise, and the contractor and his sureties shall be liable to the Government for any excess cost occasioned the Government thereby. If the contractor's right to proceed is so terminated, the Government may take possession of and utilize in completing the work such materials, appliances, and plant as may be on the site of the work and necessary therefor; *Provided*, That the right of the contractor to proceed shall not be terminated under this article because of any delays in the completion of the work due to unforeseeable causes beyond the control and without the fault or negligence of the contractor, including, but not restricted to acts of God, or of the public enemy, acts of the Government (including, but not restricted to any preference, priority or allocation order), acts of another contractor in the performance of a contract with the Government, fires, floods, epidemics, quarantine restrictions, strikes, freight embargoes, and unusually severe weather or delays of subcontractors due to such causes, if the contractor shall within 10 days from the beginning of any such delay (unless the contracting officer, with the approval of the Secretary of War or his duly authorized representative, shall grant a further period of time prior to the date of final settlement of the contract) notify the contracting officer in writing of the causes of delay, who shall ascertain the facts and the extent of the delay and extend the time for completing the work when in his judgment the findings of fact justify such an extension, and his findings of fact thereon shall be final and conclusive on the parties hereto, subject only to appeal within 30 days, by the contractor to the Secretary of War or his duly authorized representative, whose decision on such appeal as to the facts of delay and the extension of time for completing the work shall be final and conclusive on the parties hereto.

ART. 10. *Permits and responsibility for work.* The Contractor shall, without additional expense to the Government, obtain all required licenses and permits and be responsible for all damages to persons or property that occur as a result of his fault or negligence in connection with the prosecution of the work, and shall be responsible for all materials delivered and work performed until completion and final acceptance. Upon completion of the contract the work shall be delivered complete and undamaged.

ART. 10.[1] *Permits and responsibility for work.* The Contractor shall obtain all required licenses and permits. He shall be responsible for all damages to persons that occur as a result of his fault or negligence in connection with the prosecution of the work. Except for "Government property", as defined in Article—(Liability for Government-owned Property), the responsibility for which is as stated in said article, the Contractor shall be responsible for all loss or destruction of or damage to property that occurs as a result of his fault or negligence in connection with the prosecution of the work, and shall be responsible for all materials delivered and work performed until completion and final acceptance. Upon completion of the contract the work shall be delivered complete and undamaged.

ART. 11. *Labor.* (a) (Insert § 803.346.)

(b) *Overtime rates and shifts.* Where a single shift is worked, eight hours of continuous employment, except for lunch periods, shall constitute a day's work beginning on Monday and through Friday of each week. When work is required in excess of eight hours in any one day or during the interval from 5:00 p. m. Friday to 7:00 a. m. Monday, such work shall be paid for at 1½ times the basic rate wages. No premium wage or extra compensation shall be paid for work on customary holidays except that time and one-half wage compensation shall be paid for work performed on any of the following days only: New Year's Day, Fourth of July, Labor Day, Thanksgiving Day, Christmas Day, and Memorial Day. Where two or more shifts are worked, five consecutive days of 7½ consecutive hour shifts, from Sunday midnight to Friday midnight shall constitute a regular week's work. The pay for a full shift period shall be a sum equivalent to eight times the basic hourly rate, and for a period less than the full shift shall be the corresponding proportional amount which the time worked bears to the time allocated to the full shift period. Any time worked from Friday midnight to Sunday midnight or in excess of regular shift hours shall be paid for at 1½ times the basic rate of wages. Wherever found to be practicable, shifts should be rotated.[1]

(c) (Insert clause in § 803.345.)

ART. 12 *Covenant against contingent fees.* (Insert clause in § 803.323.)

ART. 13. *Other contracts.* The Government may award other contracts for additional work, and the Contractor shall fully cooperate with such other Contractors and carefully fit his own work to that provided under other contracts as may be directed by the Contracting Officer. The Contractor shall not commit or permit any act which will interfere with the performance of work by any other contractor.

ART. 14. *Officials not to benefit.* (Insert clause in § 803.322.)

ART. 15. *Disputes.* (Insert article in § 803.326.)

ART. 16. *Payments to contractor.* (a) Unless otherwise provided in the specifications, partial payments will be made as the work progresses at the end of each calendar month, or as soon thereafter as practicable, on estimates made and approved by the Contracting Officer. In preparing estimates the material delivered on the site and preparatory work done may be taken into consideration.

(b) In making such partial payment there shall be retained 10 percent on the estimated amount until final completion and acceptance of all work covered by the contract; *provided, however*, That the contracting officer, at any time after 50 percent of the work has been completed, if he finds that satisfactory progress is being made, may make any of the remaining partial payments in full; *and provided further*, That on completion and acceptance of each separate building, vessel, public work, or other division of the contract, on which the price is stated separately in the contract, payment may be made in full, including retained percentages thereon, less authorized deductions.

(c) All material and work covered by partial payments made shall thereupon become the sole property of the Government, but this provision shall not be construed as relieving the contractor from the sole responsibility for all materials and work upon which payments have been made or the restoration of any damaged work, or as a waiver of the right of the Government to require the fulfillment of all of the terms of the contract.

(d) Upon completion and acceptance of all work required hereunder, the amount due the Contractor under this contract will be paid upon the presentation of a properly executed and duly certified voucher therefor, after the Contractor shall have furnished the Government with a release, if required, of all claims against the Government arising under and by virtue of this contract, other than such claims, if any, as may be specifically excepted by the contractor from the operation of the release in stated amounts to be set forth therein.

ART. 17. *Rate of wages.* (Insert clauses in §§ 803.343 and 803.343-1.)

ART. 18. *Termination for convenience of the Government.* (Insert clause in § 803.344-1.)

ART. 19. *Nonrebate of wages.* (Insert clause in § 803.344.)

ART. 20. *Taxes.* (Insert article in § 803.357)

ART. 21. *Additional security.* Should any surety upon any bond furnished in connection with this contract become unacceptable to the Government, or if any such surety shall fail to furnish reports as to his financial condition from time to time as requested by the Government, the Contractor must promptly furnish such additional security as may be required from time to time to protect the interests of the Government or of persons supplying labor or materials in the prosecution of the work contemplated by the contract.

ART. 22. *Loading and unloading cars.* The Contractor shall load promptly all railroad cars furnished for loading upon his order and shall unload from railroad cars promptly upon arrival all shipments consigned to him, and shall provide storage facilities and other facilities necessary for these purposes; and the contractor shall not order railway cars for loading unless they can be loaded promptly and shall not cause or permit shipments to be consigned to him unless they can be unloaded from railroad cars promptly upon arrival.

ART. 23. *Assignment of claims.* (Insert § 803.355.)

ART. 24. *Renegotiation.* (See § 803.342 and Part 812.)

ART. 25. *Anti-discrimination.* (Insert clause in § 803.325.)

ART. 26. *Notice to the Government of labor disputes.* (Insert clause in § 803.354.)

ART. 27. *Accident prevention.* (Insert clause in § 803.362.)

ART. 28. *Definitions.* (a) The term "Secretary of War" as used herein shall include the Under Secretary of War, and the term "his duly authorized representative" shall mean any person or board authorized by the Secretary of War to act for him other than the Contracting Officer.

(b) Except for the original signing of this contract, and except as otherwise stated herein, the term "Contracting Officer" as used herein shall include his duly appointed successor or his authorized representative.

ART. 29. *Alterations.* The following changes were made in this contract before it was signed by the parties hereto:

[1] This Alternate Article 10 will be inserted instead of the standard Article 10 when the contract contains § 803.365–1a. In such event, § 803.365–1a will be modified to commence as follows:

"Except as otherwise specifically provided, the Contractor shall not be liable for loss or destruction of or damage to "Government property," (i. e., property of the Government in the possession or control of the Contractor in connection with this contract, other than property furnished by the Contractor title to which is vested in the Government by reason of the provisions of Article 16 (c) hereof entitled "Payments to Contractor") (1) caused by any peril • • •".

[1] Clause (b) will be omitted in all contracts for the construction, alteration, or repair of vessels and floating equipment.

In witness whereof, the parties hereto have executed this contract as of the day and year first above written.

THE UNITED STATES OF AMERICA,

By _____

_____

(Official Title)

_____

(Contractor)

By _____

_____

(Business Address)

Two Witnesses:

_____

_____

(Address)

_____

_____

(Address)

I _____, certify that I am the Secretary of the corporation named as Contractor herein; that _____ who signed this contract on behalf of the Contractor was then _____ of said corporation; that said contract was duly signed for and on behalf of said corporation by authority of its governing body and is within the scope of its corporate powers.

In witness whereof, I have hereunto affixed my hand and the seal of said corporation this _____ day of _____, 194__.

[CORPORATE SEAL]

_____

(Secretary)

I hereby certify that, to the best of my knowledge and belief, based upon observation and inquiry, _____ who signed this contract for the _____ had authority to execute the same, and is the individual who signed similar contracts on behalf of this corporation with the public generally.

_____

Contracting Officer.

§ 813.1303 *W. D. Contract Form No. 3.*

Contract No._____

FIXED FEE CONSTRUCTION CONTRACT
WAR DEPARTMENT

Contractor and address_____
Contract for construction of_____
Location _____
Fixed fee_____
Estimated construction cost exclusive of fixed fee_____
Payment _____
To be made by _____ U. S. Army at _____

The supplies and services to be obtained by this instrument are authorized by, are for the purposes set forth in, and are chargeable to the following procurement authorities, the available balances of which are sufficient to cover the cost of the same_____

_____

This contract is authorized by the following laws:

FIXED FEE CONSTRUCTION CONTRACT

This contract, entered into this_____ day of _____, 194__, by The United States of America (hereinafter called the Government) represented by the Contracting Officer executing this contract, and

_____

_____

_____

[1]a corporation organized and existing under the laws of the State _____

_____

[1]a partnership consisting of_____

_____

_____

_____

[1]an individual trading as _____ of the City of _____ in the State of _____ (hereinafter called the Contractor), witnesseth that:

Whereas, the Government desires to engage the services of a Contractor to perform the work and services hereinafter set forth; and

Whereas, the accomplishment of the said work under a fixed-fee contract entered into after negotiations approved by the Secretary of War, and without advertising for proposals, is authorized by law and will facilitate the prosecution of the war; and

Whereas, as a result of such negotiations, the Secretary of War has directed that the Government enter into a fixed-fee contract with the Contractor for the accomplishment of the said work:

Now, therefore, the parties hereto do mutually agree as follows:

ARTICLE I. *Statement of work.* 1. The Contractor shall, in the shortest possible time, furnish the labor, materials, tools, machinery and equipment, facilities, supplies not furnished by the Government, and services, and do all things necessary for the completion of the following work: _____

_____

_____

all in accordance with the drawings and specifications or instructions contained in Appendix "A" hereto attached and made a part hereof, or to be furnished hereafter by the Contracting Officer and subject in every detail to his supervision, direction and instructions.

2. The Contractor shall also perform management services which shall include, among other functions, the scheduling and/or purchasing of items of materials and equipment to avoid any delays in the prosecution of the work hereunder. The Contractor shall advise and consult with the subcontractors on this project and shall direct and supervise their work, subject to the provisions of Article VII; and shall, subject to the direction of the Contracting Officer, store materials and equipment for use in connection with the project.

3. It is estimated that the construction cost of the work listed in Section 1 of this Article will be_____

_____

dollars. ($_____), exclusive of the Contractor's fee, and that the work herein contracted for will be ready for utilization by the Government on or before _____ It is expressly understood, however, that neither the Government nor the Contractor guarantee the correctness of either of these estimates. In consideration of his undertaking under this contract the Contractor shall receive the following:

a. Reimbursement for expenditures as provided in Article II.

b. Rental for Contractor's equipment as provided in Article II.

c. A fixed fee in the amount of_____

_____

dollars ($_____) which shall constitute complete compensation for the Contractor's services including profit and all general overhead expenses.

4. When in the opinion of the Contracting Officer it is to the best interest of the Government, the Contractor shall when so ordered or authorized, subcontract any or all items or classifications of work required under this contract or subsequently added thereto. Such subcontracting of work, or the performance thereof with the Contractor's own forces, regardless of the amount and/or extent of work performed or subcontracted, all with the prior written approval or order of the Contracting Officer, shall entail no adjustment in the fixed fee stipulated in Section 3c of this Article. The fixed fee stipulated in Section 3c of this Article has been determined in the light of the fact that all of the work may be subcontracted pursuant to the foregoing provision. Such fee includes compensation for the services which may be rendered by the Contractor in the negotiation, supervision, and coordination of any work subcontracted and the responsibilities assumed by the Contractor in connection therewith, and is deemed to be reasonable, regardless of the amount or extent of work performed or subcontracted.

5. The Contracting Officer may at any time by written order issue additional instructions, require additional work or services or direct the omission of work or services covered by this contract. If such changes cause a material increase or decrease in the amount or character of the work to be done under this contract an equitable adjustment of the amount of the fixed fee to be paid the Contractor shall be made and the contract shall be modified in writing accordingly. Any claim for adjustment under this Article must be asserted within 10 days from the date the change is ordered (unless the Contracting Officer, with the approval of the Secretary of War or his duly authorized representative, shall grant a further period of time prior to the date of final settlement of the contract). Nothing provided in this Article shall excuse the Contractor from proceeding with the prosecution of the work so changed. There shall be no adjustment in the amount of the fixed fee as provided herein, nor any claim therefor because of any errors and/or omissions made in computing the estimated cost of the construction of the work under this contract or where the actual cost varies from the estimated cost.

ART. II. *Cost of the work.*—1. *Reimbursement for contractor's expenditures.* The Contractor shall be reimbursed in the manner hereinafter described for such of his actual expenditures in the performance of the work as may be approved or ratified by the Contracting Officer and as are included in the following items:

a. All labor, materials, tools, machinery, equipment, supplies, services, utilities, power, and fuel necessary for either temporary or permanent use for the benefit of the work.

b. All subcontracts made in accordance with the provisions of this contract.

c. Rental actually paid by the Contractor, at rates not to exceed those approved by the Contracting Officer, for construction plant in sound and workable condition exceeding $300 in value as may be necessary for the proper and economical prosecution of the work. Each contract for the rental of construction plant or parts thereof by the Contractor from third parties shall be in a form prescribed by the Contracting Officer and shall be subject to his approval and shall include provisions 1. that title to such construction plant or parts thereof free of all liens and encumbrances shall vest in the Government when and if the total rental paid and/or accrued to the lessor for any item of construction plant or parts thereof shall equal the approved value thereof plus one percent (1%) of the approved value per month for each contract month or fraction thereof such piece of equipment shall have been in use, and that on demand the lessor will deliver to the Contracting Officer such evidences of title as he shall demand; and 2. that at any time prior to termination of such rental agreement, the Government may at its option purchase any piece of equipment by paying the lessor the difference between the valuation of such piece of equipment plus one percent (1%) of the approved value per month for each contract month or part thereof such piece of equipment shall have been in use, and the total rental theretofore paid for such piece of equipment provided, however, that either of such provisions may be omitted from such rental agreements if the omission is approved by the Chief of the Technical Service.

d. Unloading and assembling at the site of the work of construction plant owned or rented by the Contractor; transportation thereof to the place or places where it is to be used in connection with said work, dismantling, unloading and return transportation to the point of original shipment or equivalent mileage, but in no event will the payment made for return transportation exceed the payment made for transportation to the job site unless such excess cost results solely from an increase of freight rates, or

[1] Delete all lines which do not apply.

is required by Government transfer of such equipment to another site more distant from the point of origin than the site of the work set out in Article I hereof. Charges for transportation over distances in excess of 500 miles must have the written authorization of the Contracting Officer in advance. Loading at the site of origin and unloading when returned to the original shipping point or other return shipping point will not be paid by the Government and is not a reimbursable item.

e. Repairs and repair parts as are not included in the rental or are not made necessary by the fault or negligence of the Contractor or his employees.

f. Transportation charges on materials and supplies.

g. Transportation and traveling expenses to the work of the necessary field forces for the economical and successful prosecution of the work, and return when such services are no longer required; expenses of procuring labor and expediting the production and transportation of material and equipment. Expenditures under these items shall be either authorized or approved in writing by the Contracting Officer.

h. Salaries of resident engineers, superintendents, timekeepers, foremen, and other field employees of the Contractor in connection with the work. In case the full time of any field employee of the Contractor is not applied to the work, his salary shall be included in this item only in proportion to the actual time applied thereto. No person shall be assigned to service by the Contractor as superintendent of construction, chief engineer, chief purchasing agent, chief accountant, or similar position in the Contractor's field organization, or as principal assistant to any such person, until there has been submitted to and approved by the Contracting Officer a statement of the qualifications, experience, and salary of the person proposed for such assignment. The payment of any excess salary over such scheduled amounts shown in the approved salary schedule, Appendix C, attached hereto and made a part hereof shall not be reimbursable, unless and until the Chief of the Technical Service has so approved in writing.

i. Buildings, trade fixtures and equipment required for necessary field offices, commissaries, hospitals, and other facilities, and the cost of maintaining and operating such field offices, commissaries, hospitals and other facilities; provided that the Contractor may enter into a contract with any third party or parties for the operation of the commissaries, hospitals, or other facilities provided for herein, in which event such contract shall be reduced to writing and the terms thereof subject to the prior written approval of the Contracting Officer.

j. Temporary rights in land required in connection with the work.

k.–n. (Insert clauses *a* to *d*, § 803.365–2.)

o. Payments from his own funds made by the Contractor under the Social Security Act, and any disbursements required by law, which the Contractor may be required on account of this contract to pay on or for any plant, equipment, process, organization, materials, supplies, or personnel; and, if approved in writing by the Contracting Officer in advance, permit and license fees and royalties on patents used, including those owned by the Contractor.

p. If the Contractor and/or his representative shall be required to travel, the Government will reimburse the Contractor for the transportation, including Pullman where necessary, and will allow for such travel Six Dollars ($6.00) per day in lieu of all other expenses. Transportation by automobile on such required travel shall be reimbursed at the rate of Five Cents ($.05) per mile as representing the actual cost of such transportation.

All travel shall be either authorized or approved in writing by the Contracting Officer. Should the Contractor, or any representative thereof, remain in a travel status in excess of six (6) days at any one time, not including the time consumed in travel the cost for such excess travel status shall be at the expense of the Contractor, unless otherwise ordered in writing by the Contracting Officer.

q. When specifically approved in advance by the Contracting Officer, a reasonable allowance for work done in the Contractor's general offices exclusively for and directly chargeable to the work.

r. Disbursements incident to payment of payrolls, including but not limited to the cost of disbursing cash, necessary guards, cashiers, and paymasters. If payments to employees are made by check, facilities for cashing checks must be provided without expense to employees, and the Contractor shall be reimbursed therefor.

s. In the event the Contracting Officer shall determine that the best interests of the Government require that the Contractor initiate or defend litigation in connection with claims of third parties arising out of the performance of this contract, the Contractor will proceed with such litigation in good faith and the costs and expenses of such litigation, including judgments and court costs, allowances rendered or awarded in connection with suits for wages, overtime or salaries, and reasonable attorneys' fees for private counsel when the Government does not furnish Government counsel, shall be reimbursable under this contract.

t. Such other items not expressly excluded by other provisions of this contract as should, in the opinion of the Contracting Officer, be included in the cost of the work. When such an item is allowed by the Contracting Officer, it shall be specifically certified as being allowed under this Subsection.

u. All expenditures for which reimbursement has not been made pursuant to Letter Contract dated _____, a copy of which is attached hereto. Such Letter Contract is hereby merged and superseded by this contract.[1] This Subsection u shall be deemed to be included herein if and only if this contract is preceded by a Letter Contract.

2. *Rental for construction plant owned by Contractor:*

a. Rental shall be paid to the Contractor for construction plant in sound and workable condition, owned and furnished by him for the proper and economical prosecution of the work, as shown in the attached "Appendix B" hereby made a part hereof, at rental rates prescribed by the Under Secretary of War in "Uniform Rental Rates for Contractor-Owned Construction Plant", August 27, 1941.

b. In the event the Contractor, with the approval of the Contracting Officer, furnishes additional equipment that is not included in "Appendix B", rental for such equipment will be paid in accordance with the said "Uniform Rental Rates for Contractor-Owned Construction Plant."

c. Except as otherwise specified herein, rental shall begin on the date of delivery of the construction plant to a common carrier for shipment to the site of the work, as evidenced by bill of lading or other satisfactory evidence covering such shipment. In the event the construction plant is conveyed by the Contractor, the rental shall start at the time transportation to the site begins; however, the rental paid shall not exceed that for the equivalent time of shipment by common carrier.

d. If such construction plant is not in sound and workable condition, to the satisfaction of the Contracting Officer, when delivered at the site of the work, the rental period therefor shall not begin until the construction plant shall have been placed in sound and workable condition at the expense of the Contractor, and rental therefor shall not be paid for any prior period.

e. If such construction plant cannot be placed in sound and workable condition within reasonable time to the satisfaction of the Contracting Officer, no transportation charges for the shipment thereof, to or from the site of the work, shall be paid.

f. The approved value of the construction plant as shown in "Appendix B" shall be deemed binding unless the Contracting Officer shall, within twenty days after such plant has been set up and working modify or change such valuation. In the event a change is made in the valuation of the construction plant, a corresponding change shall be made in the rental rate in accordance with said "Uniform Rental Rates for Contractor-Owned Construction Plant." Thereafter the valuation and the related rental rate shall be binding unless the rental is modified as specified below.

g. Furnish within 15 days of the date of the receipt of written notice from the Contracting Officer, construction plant listed in "Appendix B" provided that the date upon which the Contractor is required to furnish such plant shall not precede the date on which such construction plant is listed as available in said "Appendix B". In the event the Contractor fails to furnish construction plant as required by such notice, the additional cost of acquiring replacement construction plant from any source other than the Contractor shall be paid by the Contractor and shall not be a reimbursable expenditure.

h. Rental for time consumed for repairs, in excess of the time normally required for such repairs as determined by the Contracting Officer, shall be deducted from the rental in the amount of one-thirtieth of the monthly rental rate for each day determined to be in excess. When in the opinion of the Contracting Officer the amount of repairs or maintenance is excessive, a deduction shall be made from the rental.

i. The payment of rental shall cease on a date to be established in a written notice by the Contracting Office; to the Contractor, that the Construction plant is no longer required. The date of release thus established shall include an allowance for the time necessary for final repairs, dismantling and loading for shipment.

GENERAL

3. Title to all materials, tools, machinery, equipment and supplies for which the Contractor shall be entitled to reimbursement under Article II shall vest in the Government at such point or points as the Contracting Officer may designate in writing; provided that the right of final inspection and acceptance or rejection of such materials, tools, machinery, equipment and supplies at such place or places as he may designate in writing is reserved to the Contracting Officer, provided further that, upon such final inspection, the Contractor shall be given written notice of acceptance or rejection as the case may be. In the event of rejection, the Contractor shall be responsible for the removal of the rejected property within a reasonable time.

4. The work shall be executed in the best and most workmanlike manner by qualified, careful, and efficient workers, in strict conformity with the best standard practices.

5. Except as otherwise authorized by the Contracting Officer, all materials shall be of the best quality of their respective kinds. If the Contracting Officer requires that the Contractor submit for prior approval samples of materials proposed for use in the work covered by this contract, the Contractor shall make no commitments for such materials until the submitted sample has been approved by the Contracting Officer.

[1] This contract will bear same date as letter contract.

6. During the performance of this contract, the work shall be under the full-time resident direction of the Contractor, if an individual; of one or more principal partners if the Contractor is a partnership; or in case the Contractor is a corporation, association, or similar legal entity, one or more senior officers thereof; provided however that the Contractor, whether an individual, a partnership, a corporation, or other legal entity, may be represented in the direction of the work by some person of a class other than those specified above, if the Contracting Officer gives his approval. In any event the Contractor shall not be entitled to be reimbursed for any salary, wages or like compensation paid for such direction of the work, whether performed by an individual, a partner, a corporate officer or other representative.

7. a. The Government reserves the right to furnish any materials, construction equipment, machinery, tools, or services, including communication services necessary for the completion of the work. The Contractor shall cause all equipment, machinery, and tools to which title is vested in the Government to be suitably marked with an identifying mark or symbol indicating that such items are the property of the United States. The Contractor shall maintain at all times, in a manner satisfactory to the Contracting Officer, records showing the disposition and/or use of all equipment, machinery, tools and materials purchased for the work and for which he has been reimbursed by the Government or which have been furnished by the Government. Upon the completion of this contract or upon demand, the Contractor shall return such equipment, machinery, tools and unused materials to the place designated by the Contracting Officer.

b. (Insert article in § 803.365–1)

8. The Government reserves the right to pay directly to common carriers any or all freight charges on construction plant, materials, and supplies.

9. The Government reserves the right to pay directly to the persons concerned all sums due from the Contractor for labor, materials, or other charges.

10. No salary of the Contractor, partners or corporate officers of the Contractor's organization shall be included in the cost of the work. No part of the expense incurred in conducting the Contractor's main office or regularly established branch offices, and no overhead expense of any kind, except as specifically authorized in Section 1 of this Article, shall be included in the cost of the work; nor shall any interest on capital employed or on borrowed money be included in the cost of the work.

11. The Contractor shall, to the extent of his ability, take all cash and trade discounts, rebates, allowances, credits, salvage, commissions, and bonifications, and when unable to take advantage of such benefits he shall promptly notify the Contracting Officer with the reason therefor. In determining the actual net cost of articles and materials of every kind required for the purpose of this contract, there shall be deducted from the gross cost thereof all cash and trade discounts, rebates, allowances, credits, commissions, and bonifications which have accrued to the benefit of the Contractor or would have so accrued but for the fault or neglect of the Contractor. Such benefits lost through no fault or neglect on the part of the Contractor, or lost through fault of the Government, shall not be deducted from gross costs.

12. All revenue received by the Contractor from the operations of the hospital, commissaries, or other facilities, or from rebates, discounts, refunds, etc., shall be accounted for by the Contractor and, except for any reasonable compensation accruing to a third party or parties for the operation of commissaries, hospitals, or other facilities, applied in reduction of the cost of the work.

13. (Insert clause in § 803.365–3).

ART. III. *Payments*—1. *Reimbursement for cost.* The Government will currently reimburse the Contractor for expenditures made in accordance with Article II upon certification to and verification by the Contracting Officer of the original signed pay-rolls for labor, the receipted invoices for materials, and such other documents as the Contracting Officer may require. Generally, reimbursement will be made weekly but may be made at more frequent intervals if the conditions so warrant.

2. *Rental for Contractor's equipment.* Rental as provided in Article II for such construction plant or parts thereof as the Contractor may own and furnish shall be paid monthly upon presentation of proper vouchers.

3. *Payment of the fixed-fee.* Ninety percent (90%) of the fixed-fee set out in Article I shall be paid as it accrues, in monthly installments based upon the percentage of the completion of the work as determined from estimates submitted to and approved by the Contracting Officer. Final payment upon completion of the work and its final acceptance shall be made in accordance with Section 5. If the contract is terminated by the Government, payment shall be made in accordance with Article VI.

4. *Payments by Contractor.* If bills for purchase of material, machinery or equipment, or pay rolls covering employment of laborers or mechanics incurred by the Contractor or by any subcontractor hereunder are not paid promptly by the Contractor or subcontractor as the case may be, the Contracting Officer may, in his discretion, withhold from payments otherwise due the Contractor an amount equivalent to the amount of any such bill or payroll. Should the Contractor neglect or refuse to pay such bills or pay-rolls or to direct any subcontractor to pay such bills or pay-rolls within five (5) days after notice from the Contracting Officer so to do, the Government shall have the right to pay such bills or pay-rolls directly, and in such event a deduction equal to five percent (5%) of the amount so paid directly shall be made from the Contractor's fee.

5. *Final payment.* a. Upon completion of the work and its final acceptance in writing by the Contracting Officer, the Government shall pay to the Contractor the unpaid balance of the cost of the work determined under Article II, and of the fee, less any sum that may be necessary to settle any unsettled claims in connection with this contract, or any claim the Government may have against the Contractor. The Contracting Officer shall accept the completed work with reasonable promptness.

b. Prior to final payment and as a condition thereof the Contractor shall furnish the Government with a release of all claims against the Government arising under and by virtue of this contract, other than (1) such claims, if any, as may be specifically excepted by the Contractor from the operation of the release in stated amounts to be set forth therein, or in estimated amounts where the amounts are not susceptible of exact statement, and (2) any claim based upon responsibility of the Contractor to third parties arising out of the performance of this contract not known to the Contractor at the time of furnishing the release.

c. Even though the existence or amount thereof shall not be determined until after the furnishing of such release as is described next above, reimbursement to be made for payments made by the Contractor shall include, along with wages and salaries otherwise reimbursable, all additional amounts determined (either by approval of the Contracting Officer or by litigation as provided in Subsection s, Section 1, Article II,) to be due and payable for overtime compensation and allowances under local, state or Federal laws in connection with such wages and salaries.

d. The Contractor shall promptly notify the Contracting Officer of any claims of the type described in clause (2) of Subsection b of this Section which are asserted subsequent to the execution of the release.

ART. IV. *Records and accounts inspection and audit.* 1. The Contractor agrees to keep records and books of account, showing the actual cost to him of all items of labor, materials, equipment, supplies, services, and other expenditures of whatever nature for which reimbursement is authorized under the provisions of this contract. The system of accounting to be employed by the Contractor shall be such as is satisfactory to the Contracting Officer.

2. The Contracting Officer shall at all times be afforded proper facilities for inspection of the work and shall at all times have access to the premises, work and materials, to all books, records, correspondence, instructions, plans, drawings, receipts, vouchers, and memoranda of every description of the Contractor pertaining to said work except such documents as have been submitted in support of reimbursement vouchers; and the Contractor, without additional compensation therefor, shall preserve such papers to such extent and for such period as may be required by law.

3. Any duly authorized representative of the Contractor shall be accorded the privilege of examining the books, records, and papers of the Contracting Officer relating to the cost of the work for the purpose of checking and verifying such cost.

4. In order to avoid so far as possible duplication in accounting and auditing functions performed by the Contractor and the Government, it is agreed that the following accounting and auditing functions shall be performed by the Government exclusively:

a. Time checking (not time keeping) in the field, or in the Contractor's plant.

b. Audit of original pay-rolls of the Contractor (or such portions thereof as are applicable), where such pay-rolls are prepared by the Contractor.[1]

c. Checking of equipment rentals and the preparation and delivery of properly approved rental rolls to the Contractor for payment.[2]

d. Such other accounting and auditing functions as may be effectively performed by Government employees and to which the Contracting Officer and the Contractor may mutually agree in writing.

5. It is further agreed that if any of the accounting and auditing functions performed exclusively by the Government do not adequately discharge such accounting and auditing functions to the satisfaction of the Contractor, the Contractor, with the approval in writing of the Contracting Officer, may perform such additional checking and auditing as may be so approved. The Contractor shall be reimbursed for the cost of such additional accounting and auditing functions as are so approved.

ART. V. *Special requirements.*

1. The Contractor hereby agrees that he will:

a. Procure and maintain such bonds and insurance in such forms and in such amounts and for such periods of time as the Contracting Officer may require.

b. Procure all necessary permits and licenses; obey and abide by all applicable laws, regulations, ordinances, and other rules of the United States of America, of the State, Territory, or political subdivision thereof where-

[1] Where pay-rolls are prepared by the Government the audit thereof by the Government will be concurrent with such preparation.

[2] If not applicable, this section will be omitted.

in the work is done, or of any other duly constituted public authority.

c. Reduce to writing, unless this provision is waived in writing by the Contracting Officer, every contract in excess of Two Thousand Dollars ($2,000) made by him for the purpose of the work hereunder for services, materials, supplies, machinery, equipment, or for the use thereof; insert therein a provision that such contract is assignable to the Government; make all such contracts in his own name, and not bind or purport to bind the Government or the Contracting Officer thereunder. No purchase in excess of $2,000 shall be made or placed without the prior approval of the Contracting Officer.

d. Enter into no subcontract for any portion of the work, except in the form prescribed by the Chief of Technical Service with the written approval of the Contracting Officer. Subcontracts are defined as contracts entered into by the Contractor with others which involve the performance, wholly or in part at the site of the work, of some part of the work described in Article I hereof.

e. At all times during the progress of the work, keep at the site thereof a duly appointed and qualified representative who shall receive and execute on the part of the Contractor such notices, directions, and instructions as the Contracting Officer may give.

f. The Contracting Officer may require the Contractor to dismiss from work such employee or employees as the Contracting Officer deems incompetent, careless, or insubordinate or whose continued employment is deemed inimical by the Contracting Officer to the public interest. The Contractor shall make every reasonable effort in the selection of his employees and in the prosecution of the work under this contract, to safeguard plot drawings and schematic drawings furnished him and drawings and specifications, and to prevent the theft or unauthorized use of the same.

g. Furnish sufficient technical, supervisory and administrative personnel to insure the prosecution of the work in accordance with a progress schedule approved by the Contracting Officer. If, in the opinion of the Contracting Officer, the Contractor falls behind a progress schedule approved by the Contracting Officer, the Contractor shall take such steps as may be necessary to improve his progress and the Contracting Officer may direct him to increase working days, or hours of labor per day. Failure to promptly comply with such directions shall be deemed sufficient cause to terminate the contract for the fault of the Contractor.

h. Immediately upon termination of third-party rental agreement, make all repairs to equipment rented thereunder which are required to be made by the terms of such rental agreements and remove such equipment from the site of the work. In cases where such repairs and removal cannot promptly be made, the Contractor shall notify the Contracting Officer of the reasons for such delay.

ART. VI. *Termination of contract by Government.* (Insert clause in § 803.350).

ART. VII. *Contracting officer's decisions.* The extent and character of the work to be done by the Contractor shall be subject to the general supervision, direction, control and approval of the Contracting Officer to whom the Contractor shall report and be responsible.

ART. VIII. *Disputes.* (Insert article in § 803.326).

ART. IX. *Convict labor.* (Insert clause in § 803.345).

ART. X. *Labor.*

1. (Insert clause in § 803.343).
2. (Insert clause in § 803.346).
3. All wage rates, including compensation for overtime under Section 2 of this Article, for laborers and mechanics engaged in work under this contract shall be approved in writing by the Chief of the Supply Service or a representative expressly designated by him for that purpose, and any amount paid by the Contractor to any laborer or mechanic in excess of the wage rate approved for such laborer or mechanic by the Chief of the Supply Service or a representative expressly designated by him for that purpose shall be at the expense of the Contractor and shall not be reimbursed by the Government. When, in connection with the audit and check by the Contracting Officer or his authorized representative, of the Contractor's pay rolls prior to reimbursement as contemplated in Section 1 of Article II hereof, it is found that one or more laborers and/or mechanics have been paid wages at rates in excess of the wage rates approved as herein provided, the reimbursement made to the Contractor on account of such pay rolls will not include any such excess payments.
4. (Insert clause in § 803.325).
5. (Insert clause in § 803.344).

ART. XI. *Accident prevention.* (Insert clause in § 803.362).

ART. XII. *Notice to Government of labor disputes.* (Insert clause in § 803.354).

ART. XIII. *Officials not to benefit.* (Insert clause in § 803.322).

ART. XIV. *Covenant against contingent fees.* (Insert clause in § 803.323).

ART. XV. *Contractor's organization and methods.*

Upon the execution of this contract, the Contractor shall submit to the Contracting Officer a chart showing in general the executive and administrative organization, duties and personnel to be employed in connection with the work under the contract; the data so furnished shall be supplemented as additional information becomes available.

ART. XVI. *Loading and unloading cars.*

The Contractor shall load promptly all railroad cars furnished for loading upon his order and shall unload from railroad cars promptly upon arrival all shipments consigned to him, and shall provide storage facilities and other facilities necessary for these purposes; and the Contractor shall not order railway cars for loading unless they can be loaded promptly and shall not cause or permit shipments to be consigned to him unless they can be unloaded from railroad cars promptly upon arrival.

ART. XVII. *Assignment of claims.* (Insert clause in § 803.355)

ART. XVIII. *Renegotiation.* (See § 803.342 and Part 812)

ART. XIX. *Definitions.*

1. The term "Secretary of War" as used herein shall include the Under Secretary of War; and the term "Chief of Supply Arm or Service" shall mean the Chief of.....

2. The term "his duly authorized representative" shall mean any person or board authorized by the Secretary of War or the Chief of the Supply Service, as the case may be, to act for him, other than the Contracting Officer.

3. Except for the original signing of this contract, and except as otherwise stated herein, the term "Contracting Officer" as used herein shall include his duly appointed successor or his authorized representative.

4. The term "construction plant" shall include any part thereof.

ART. XX. *Approval required.* This contract shall be subject to the approval of ---------- and shall not be binding unless so approved.

ART. XXI. *Alterations.* The following changes were made in this contract before it was signed by the parties hereto:

In witness whereof, the parties hereto have executed this contract as of the day and year first above written:

THE UNITED STATES OF AMERICA,

By ----------

(Official Title)

Witnesses as to signature of Contractor:

---------- ----------

(Contractor)

(Address)

By ----------

---------- ----------

(Business Address)

(Address)

I ----------, certify that I am the Secretary of the corporation named as Contractor herein; that ---------- who signs this contract on behalf of the Contractor was then ---------- of said corporation; that said contract was duly signed for and on behalf of said corporation by authority of its governing body and is within the scope of its corporate powers.

In witness whereof, I have hereunto affixed my hand and the seal of said corporation this ------ day of ---------- 19....

[CORPORATE SEAL] ----------

(Secretary)

I hereby certify that, to the best of my knowledge and belief based upon observation and inquiry, ----------, who signed this contract for ---------- had authority to execute the same, and is the individual who signs similar contracts on behalf of this corporation with the public generally.

Contracting Officer.

APPENDIX B TO CONTRACT NO.

[All equipment available.....except where otherwise specified]

Quantity	Item: Complete description, capacity, and identifying Nos.	Total purchase cost or fair value	Rental rate $... month, week or day

APPENDIX C

There is set forth below the present key employees proposed to be furnished under this contract indicating their names, description of work to be performed, an expression as to whether the salaries are based on a weekly, monthly or annual basis, and the maximum salary agreed upon to be paid for services in the position indicated for personnel now employed.

Name	Position	Salary based on weekly (W), monthly (M) or annual basis	Maximum salary agreed to be paid under contract

For the purposes of this Appendix C it is understood that—

1. "Non-manual employees" are those employees who are not "laborers and mechanics" within the meaning of the Davis-Bacon Act. The term "non-manual employees" includes all occupations not involving manual labor directly in connection with construction work. Custodial employees are included within the term "non-manual employees". The following is a list (not all inclusive) of typical "non-manual" occupations:

Accountants.
Architects.
Auditors.
Axemen.
Bookkeepers.
Chainmen.
Checkers.
Chiefs of Party.
Clerks.
Cooks.
Draftsmen.
Engineers.
Executives of any kind.
Guards.
Levelmen.
Material Checkers.
Material Clerks.
Messengers.
Office Machine Operators.
Office Managers.
Project Managers.
Purchasing Agents.
Rodmen.
Stenographers.
Stewards.
Storekeepers.
Superintendents.
Telephone Operators.
Timecheckers.
Timekeepers.
Tool Checkers.
Transitmen.
Typists.
Waiters.
Watchmen.
Waterboys.

2. Non-manual employees will be classified in the following groups:

a. Group "A". Employees whose base salaries are $53.31 or less per week.

b. Group "B". Employees whose base salaries are over $53.31 and not over $90.00 per week.

c. Group "C". Employees whose base salaries are over $90.00 per week.

d. Group "D" Trade foremen employed by construction contractors.

3. The base salaries of all employees in Groups "A" and "B" are based on a work week of 40 hours. The base salaries of all employees in Group "C" are based on a minimum work week of 48 hours.

4. No offer of employment will be made to any prospective employee for work of the same general classification and responsibility as his present employment at a rate exceeding his present salary.

5. The base salary of a person not in the employ of the contractor prior to the execution of this contract will not be approved at a rate in excess of the maximum prescribed for the job classification in the approved salary schedule attached.

6. The base salary of a person in the employ of the contractor prior to the execution of the contract will not be approved at a base salary in excess of that paid immediately prior to execution plus such increases as the contractor customarily grants for work away from the home office, except that, in cases where the classifications of such a person is changed incident to or during his assignment to the project, the salary range in the approved salary schedule shall govern.

7. *With regard to overtime payments.* a. Group "A" employees will be paid at the rate of time and one-half for all work which they are required to perform in excess of 40 hours during the first six days of any regularly scheduled work week, and at the rate of two times straight time for work which they are required to perform on the seventh consecutive day of such work week.

b. Group "B" employees will be paid at the rate of straight time for all work which they are required to perform in excess of 40 hours per week.

c. Group "C" employees will work any necessary number of hours (including work on Sundays) without payment of additional compensation.

d. Group "D" employees normally employed on an hourly basis will be granted the same overtime pay as the laborers and mechanics under their supervision. Group "D" employees employed on a weekly or monthly basis will be governed by the overtime provisions applicable to employees in Groups "A", "B", or "C".

8. *With regard to holiday payments:*

a. No deductions from weekly or monthly base salaries of employees in Groups "A", "B", and "C" shall be made for approved absences on customary holidays, and no premium wage or extra compensation shall be paid for work on such holidays, except that employees in Group "A" who are required to work on the holidays specified below, shall be paid at the rate of one and one-half times the straight time rate:

New Year's Day.
July Fourth.
Labor Day
Thanksgiving Day.
Christmas Day.
Memorial Day.

b. Group "D" employees normally employed on an hourly basis will be granted the same overtime pay as the laborers and mechanics under their supervision. Group "D" employees employed on a weekly or monthly basis will be governed by the holiday provisions applicable to Groups "A", "B", or "C."

9. *Work on the seventh consecutive day:*

a. Since it is the policy to provide that each worker will have one day of rest in seven, operations shall be arranged so as to permit one scheduled day of rest in each seven for all employees not engaged in an executive or supervisory capacity.

b. Only in situations of emergency will approval be granted to work, on the seventh consecutive day or more than 48 hours in any scheduled work week, those employees who are not engaged in executive or supervisory capacities. The Contracting Officer will obtain the prior approval of the Division Engineer or his designated representative before approving work in such cases.

10. *Leave privileges:* All employees of Groups "A", "B", "C", and those employees of Group "D" who are employed on a weekly or monthly basis, shall accrue leave with pay at the rate of two days per month for each month of service in lieu of any sick or vacation allowance, subject to the following rules:

a. Leave granted for any reason in excess of two days per month will not be reimbursable.

b. Leave may be granted by the contractor, with the approval of the Contracting Officer, at such time or times as may be deemed in the best interests of the Government. Leave may be granted during the course of employment or at the completion of employment.

c. No leave will be accrued to any employee in excess of 48 days.

d. Unearned leave may not be advanced.

e. Employees separated because of their own misconduct (including such causes as insubordination, drunkenness on the job, theft, etc.) shall forfeit any leave which they may have accrued at the time of separation.

f. Employees who resign, or are involuntarily separated for causes not due to their misconduct, shall be entitled to all leave to and including date of separation.

g. Employees shall be charged with leave only for absence on days upon which they would normally be on duty.

h. The minimum charge for leave shall be one hour. Leave granted for less than one full day shall be proportionately charged.

i. Leave may not be granted for days of disability because of accidents which are covered by compensation insurance.

11. *Approved salary schedule:*

NON-MANUAL EMPLOYEES OF COST-PLUS-A-FIXED-FEE PRINCIPAL AND SUBCONTRACTORS

Job classification	Salary ranges			
	Weekly		Monthly	
	From	To	From	To
Executive and office engineers:				
Architect, Chief	$92.31	$150.00	$400.00	$650.00
Architect Supt., Chief	44.31	103.85	192.00	450.00
Architect Supt.	35.54	67.38	154.00	292.00
Architect Supt., Asst.	31.15	53.31	135.00	231.00
Computer	35.54	92.31	154.00	400.00
Designer, Chief	67.38	115.38	292.00	500.00
Designer, Architectural	44.31	103.85	192.00	450.00
Designer, Engineering	44.31	103.85	192.00	450.00
Draftsman, Chief	53.31	103.85	231.00	450.00
Draftsman	26.54	53.31	115.00	231.00
Engineer, Chief	92.31	150.00	400.00	650.00
Engineer, Asst. Chief	92.31	138.46	400.00	600.00
Engineer, Departmental	92.31	138.46	400.00	600.00
Engineer, Office	67.38	115.38	292.00	500.00
Engineer, Junior	26.54	44.31	115.00	192.00
Specification Writer, Chief	67.38	115.38	292.00	500.00
Specification Writer	44.31	92.31	192.00	400.00
Field engineers:				
Axeman	18.64	19.62	60.00	85.00
Chainman	17.77	26.54	77.00	115.00
Chief of Party	35.54	67.38	154.00	292.00
Engineer, Chf. Construction	92.31	138.46	400.00	600.00
Engineer, Construction	53.31	115.38	231.00	500.00
Inspector, Chief	35.54	67.38	154.00	292.00
Inspector	26.54	53.31	115.00	231.00
Instrument Man	31.15	53.31	135.00	231.00
Rodman	22.15	31.15	96.00	135.00
Surveyor, Chief	44.31	103.85	192.00	450.00
Construction personnel:				
Equipment Manager	92.31	138.46	400.00	600.00
Estimator, Chief	53.31	103.85	231.00	450.00
Estimator	35.54	53.31	154.00	231.00
Expediter, Chief	44.31	103.85	192.00	450.00
Expediter	26.54	53.31	115.00	231.00
Labor Relations Manager	53.31	115.38	231.00	500.00
Master Mechanic	53.31	115.38	231.00	500.00
Material Checker	22.15	35.54	96.00	154.00
Paymaster	35.54	92.31	154.00	400.00
Paymaster, Asst	26.54	53.31	115.00	231.00
Personnel Manager	35.54	103.85	154.00	450.00
Priorities Manager	35.54	103.85	154.00	450.00
Priorities Manager, Asst	35.54	53.31	154.00	231.00
Project Manager	115.38	173.08	500.00	750.00
Project Manager, Asst.	53.31	115.38	231.00	500.00
Purchasing Agent	53.31	138.46	231.00	600.00
Purchasing Agent, Asst	35.54	53.31	154.00	231.00
Sanitary and Safety Manager	44.31	92.31	192.00	400.00
Storekeeper, Chief	53.31	92.31	231.00	400.00
Storekeeper, Asst	26.54	53.31	115.00	231.00
Superintendent, General	115.38	173.08	500.00	750.00
Superintendent, Asst. Gen	92.31	138.46	400.00	600.00
Superintendent	92.31	138.46	400.00	600.00
Superintendent, Asst	53.31	92.31	231.00	400.00
Timekeeper, Chief	35.54	92.31	154.00	400.00
Timekeeper, Asst. Chief	26.54	44.31	115.00	192.00
Timekeeper	17.77	35.54	77.00	154.00
Traffic Manager	53.31	92.31	231.00	400.00
Traffic Manager, Asst.	35.54	53.31	154.00	231.00
Office and miscellaneous personnel:				
Accountant	35.54	92.31	154.00	400.00
Accountant, Asst	35.54	53.31	154.00	231.00
Attorney and Notary	44.31	67.38	192.00	292.00
Auditor	53.31	126.92	231.00	550.00
Auditor, Asst	53.31	92.31	231.00	400.00
Blue Print Operator	31.15	39.92	135.00	173.00
Bookkeeper	26.54	48.92	115.00	212.00
Cashier	35.54	53.31	154.00	231.00
Chauffeur	17.77	26.54	77.00	115.00
Chief Clerk	26.54	53.31	115.00	231.00
Clerk	17.77	35.54	77.00	154.00
Doctor	44.31	92.31	192.00	400.00

NON-MANUAL EMPLOYEES OF COST-PLUS-A-FIXED-FEE PRINCIPAL and SUBCONTRACTORS—Con.

Job classification	Salary ranges			
	Weekly		Monthly	
	From	To	From	To
Office and miscellaneous Personnel—Con.				
Fire Chief	$44.31	$92.31	$192.00	$400.00
Fire Chief, Asst.	35.54	53.31	154.00	231.00
Fireman	35.54	53.31	154.00	231.00
Guard	35.54	53.31	154.00	231.00
Janitor	17.77	22.15	77.00	96.00
Messenger	22.15	35.54	96.00	154.00
Nurse	17.77	35.54	77.00	154.00
Office Boy	17.77	26.54	77.00	115.00
Office Machine Operator	17.77	26.54	77.00	115.00
Office Manager	53.31	103.85	231.00	450.00
Office Manager, Asst.	35.54	67.38	154.00	292.00
Receptionist	17.77	26.54	77.00	115.00
Safety (First Aid) Man	44.31	92.31	192.00	400.00
Secretary	17.77	31.15	77.00	135.00
Statistician	53.31	92.31	231.00	400.00
Statistician, Asst.	44.31	53.31	192.00	231.00
Stenographer	17.77	26.54	77.00	115.00
Stenotypist	17.77	31.15	77.00	135.00
Telephone Operator	17.77	26.54	77.00	115.00
Typist	14.31	22.15	62.00	96.00
Watchman	17.77	31.15	77.00	135.00

§ 813.1304 *W. D. Contract Form No. 4.*

Contract No. W-------

FIXED FEE ARCHITECT-ENGINEER CONTRACT WITH OPTIONAL SUPERVISION, WAR DEPARTMENT

Architect-engineer and address: ----------
Contract for architect-engineer services in connection with ----------
Location ----------
Fixed fee for title I $----------
for title II $----------
Estimated construction cost exclusive of fixed fee ----------
Payment ------- To be made by----------

The supplies and services to be obtained by this instrument are authorized by, are for the purpose set forth in, and are chargeable to the following procurement authority or authorities, the available balances of which are sufficient to cover the cost of the same:

This contract is authorized by the following Laws:

FIXED FEE ARCHITECT-ENGINEER CONTRACT WITH OPTIONAL SUPERVISION

This contract, entered into this ------ day of ----------, 19-----, by The United States of America (hereinafter referred to as "the Government"), represented by the Contracting Officer executing this contract, and------
---

---

[1] a corporation organized and existing under the laws of the State of ----------
---
[1] a partnership consisting of ----------

---
[1] an individual trading as ----------
in the City of ----------
State of ----------
(hereinafter referred to as "the Architect-Engineer"), witnesseth that:

Whereas, the accomplishment of the hereinafter described work and services is authorized by law and will facilitate the prosecution of the war; and

Whereas, it is deemed by the Secretary of War to be advantageous to the war effort to employ the Architect-Engineer to render services as hereinafter set forth for the preparation of necessary reports, designs, drawings, specifications, and other documents; and, at the option of the Government, for technical supervision of the construction of the project described in Article I–A hereof; and

Whereas, the Secretary of War has authorized the Government to negotiate this Cost-Plus-A-Fixed-Fee Architect-Engineer contract:

Now, therefore, the parties hereto do mutually agree as follows:

TITLE I

ARTICLE I–A. *Description of Project.* 1. The project shall be located at or near and is generally described as follows:

ART. I–B. *Statement of Architect-Engineer services.* The Architect-Engineer shall, in the shortest reasonable time, establish and maintain an office at or near the site of the work under the full-time resident direction of the Architect-Engineer; of one or more principal partners if the Architect-Engineer is a partnership or in case the Architect-Engineer is a corporation, association, or similar legal entity, one or more corporate officers thereof; or a responsible representative approved by the Contracting Officer; and the Architect-Engineer shall perform the following services (in addition to such services which may be required to be performed under Title III of this Contract):

a. Make all necessary topographical and other surveys and maps; arrange for and supervise necessary test borings and other subsurface investigations: *Provided, however,* That this provision is not to be deemed to require the Architect-Engineer to make real estate or boundary surveys.

b. Prepare, subject to the approval of the Contracting Officer, preliminary studies, sketches, and layout plans and reports including estimates of cost of the proposed project and of all structures, utilities and appurtenances thereto.

c. Adapt Government designs, drawings, specifications and standards for buildings and other structures as necessary to meet the requirements of the approved layout of the proposed project, and prepare detailed designs, specifications and drawings in required form for which Government designs are incomplete or unavailable.

d. Obtain necessary permits and approvals from all local, State, and Federal authorities. Should it become necessary in the performance of the work and services for the Architect-Engineer to secure the right of ingress and egress to perform any of the work required by this contract on properties not owned or controlled by the Government, the Architect-Engineer shall secure the consent of the owner, his representative, or agent, prior to effecting entry on such property. In the event the owner requires the payment of any fee for a license to enter upon and/or use such property, the Architect-Engineer, when so directed by the Contracting Officer, shall pay such fee and obtain a receipt therefor.

e. Prepare estimates of material quantities required to construct the project.

f. When preliminary drawings are approved in writing by the Contracting Officer, prepare final designs, detailed working drawings and specifications in accordance with Government standards necessary for the effective coordination and efficient execution of the construction work and revise such drawings and specifications if necessary. Unless otherwise directed or authorized by the Contracting Officer, drawings will be prepared in pencil on tracing paper or pencil tracing cloth of approved quality by such methods and of such quality of workmanship as will permit the revision of such drawings for record purposes and the making of satisfactory reproductions thereof. Drawings shall be prepared in ink on linen only where satisfactory results cannot be obtained otherwise. Prepare copies of the specifications and sets of full size copies of working drawings in such manner and in such numbers as the Contracting Officer may require. There shall be included in the specifications all provisions which the Contracting Officer may direct to have incorporated therein relating to the negotiating or awarding of contract or contracts, conditions under which the work shall be done, and any special provisions required by statute or existing War Department regulations or instructions.

g. Prepare an estimate of the cost of the proposed project based on the approved designs, drawings and specifications therefor

h. Establish a permanently monumented base line, with elevations, tied into North American Datum, unless specifically exempted by written instructions of the Contracting Officer.

i. Check and approve all shop and working drawings submitted in connection with the construction work to assure that they conform with approved drawings.

j. Assist the Contracting Officer in preparing invitations for offers, analyzing and evaluating proposals for a construction contract or contracts based upon the approved drawings and specifications.

ART. I–C. *Period of service.* The Architect-Engineer shall complete all work and services under Title I of this contract except work and services required under subsection i of Article I–B, within -------- months after the date of this contract, but such services will extend thereafter, without additional fee, until the services set forth in Article I–B are complete or otherwise terminated.

ART. I–D. *Fixed fee and reimbursement of expenditures.* 1. In consideration for his undertakings under this Title I, the Architect-Engineer shall be paid the following:

a. A fixed fee in the amount of----------
---------- Dollars ($----------) which shall constitute complete compensation under this Title I for the Architect-Engineer's services, including the services of the resident partners or corporate officers, or the representative referred to in Article I–B and also all general overhead expenses except as otherwise herein expressly provided. Payments on account of the fixed-fee shall be made as provided in Article III–G hereof.

b. Reimbursement for expenditures as specified in Article III–E hereof.

TITLE II

At any time prior to six months after satisfactory completion and acceptance of the work and services to be furnished under Title I except subsection i of Article I–B, the Government, at its option, may direct, by a written order, the Architect-Engineer to perform the work and services provided under this Title II. Upon receipt of such direction, the Architect-Engineer shall proceed with such work and services.

ART. II–A. *Services to be furnished by Architect-Engineer.* 1. The Architect-Engineer shall perform the following services:

a. Furnish all governing lines, bench marks and grades essential to the construction of the project.

b. Supervise the work included in this contract to assure the construction of every part of the work in accordance with the approved drawings and specifications within the areas and boundaries designated for the project.

c. Make such field and laboratory tests of concrete and concrete aggregates and other materials at the site or at any time or place as the Contracting Officer may require. Inspect and report to the Contracting Officer in writing as to the conformity or nonconformity of the workmanship and materials to specifications; and on the progress of the project.

(1) When so directed by the Contracting Officer, arrange for, by subcontract or otherwise, and supervise tests and inspections of materials and workmanship by commercial testing laboratories or other similar agencies, either at such laboratories or at the points of manufacture or fabrication of materials. The cost of such tests and inspection shall be reimbursable and subcontracting thereof shall entail no adjustment in the fixed fee.

d. Furnish for the approval of the Contracting Officer:

(1) Labor estimates, to be prepared with the assistance of the Contractor, showing the approximate numbers, trades and dates required to meet the approved construction schedule.

(2) In addition to the requirements of Article III–L, semimonthly progress reports in approved form showing the progress of the construction work and any deviation from the approved construction schedule.

e. Upon termination or completion of this contract, as determined by the Contracting Officer, and before final payment of the fixed-fee, the Architect-Engineer shall:

(1) Prepare record drawings to show construction as actually accomplished. These record drawings shall be prepared by correcting drawings as prepared for construction purposes or, where construction drawings cannot be satisfactorily revised for record purposes, by preparation of appropriate new drawings. All such drawings shall be prepared in pencil on tracing paper or pencil tracing cloth of approved quality unless otherwise directed or authorized by the Contracting Officer. Drawings shall be prepared in ink on linen only where satisfactory results cannot be obtained otherwise.

(2) Supervise the testing of operating units designed by the Architect-Engineer to assure their conformance with specifications and furnish all engineering services necessary to secure such conformance.

(3) Prepare instructions for the proper operation and maintenance of all utilities and operating equipment designed by him.

(4) Assist in preparation of the completion report for the project.

f. Prepare such partial and final estimates of quantities and values of construction work performed under lump sum and unit price contracts and/or subcontracts as may be necessary to provide the data required under the payment provisions of such contracts and/or subcontracts.

g. Perform such other services as may be required under the provisions of Title III hereof.

ART. II–B. *Period of service.* The period of service of the Architect-Engineer under this Title II is estimated as ---------- months from receipt of order to proceed thereunder, but will extend thereafter until the services set forth herein are complete or otherwise terminated. If for any reason the time required of the Architect-Engineer under this Title II is extended for more than thirty (30) calendar days beyond that estimated in this Article, there shall be an equitable adjustment in the Architect-Engineer fixed fee, as may be agreed upon between the Architect-Engineer and the Contracting Officer.

ART. II–C. *Fixed-fee and reimbursement of expenditures.* 1. In consideration for his undertakings under this Title II, the Architect-Engineer shall be paid the following:

a. Fixed-Fee in the amount of ----------
---------- dollars ($--------) which shall constitute complete compensation under this Title II for the Architect-Engineer's services, including the services of the resident partners or corporate officers, or the representative referred to in Article I–B, and all general overhead expenses except as otherwise herein expressly provided. Payment on account of the fixed-fee shall be made as provided in Article III–G hereof.

b. Reimbursement for expenditures as specified in Title III.

TITLE III

The provision of this title shall apply to this entire contract, to-wit: To Title I and likewise to Title II, should Title II become operative as provided therein.

ART. III–A. *Additional services to be performed by Architect-Engineer.* 1. Without additional compensation the Architect-Engineer shall perform the following services:

a. The Architect-Engineer, or any member of the organization, when requested, shall consult and advise with the Contracting Officer on any questions which may arise in connection with the service furnished under this contract.

b. Prepare schedules and charts showing the sequence of operations in the construction of each of the several portions of the work.

c. Prepare estimates showing the quantities of critical and important materials and length of time after award of the construction contract when such materials will be required on the site.

d. Perform all other architectural and engineering services within the scope of this contract, required by the Contracting Officer.

ART. III–B. *Records and accounts, inspection and audit.* 1. *Records and books of account.* The Architect-Engineer agrees to keep records and books of account, showing the actual cost to him of all items of labor, material, equipment, supplies, services, and other expenditures of whatever nature for which reimbursement is authorized under the provisions of this contract. The system of accounting to be employed by the Architect-Engineer shall be such as is satisfactory to the Contracting Officer.

2. *Access to records by Contracting Officer and Architect-Engineer.* The Contracting Officer shall at all times be afforded proper facilities for inspection of the work and shall at all times have access to the premises, work and materials, to all books, records, correspondence, instructions, plans, drawings, receipts, vouchers, and memoranda of every description of the Architect-Engineer pertaining to said work except such documents as are submitted in support of reimbursement vouchers; and the Architect-Engineer, without additional compensation therefor, shall preserve such papers to such extent and for such period as may be required by law. Likewise, any duly authorized representative of the Architect-Engineer shall be accorded the privilege of examining the books, records, and papers of the Contracting Officer relating to the actual cost of the work for the purpose of checking and verifying such cost.

3. *Auditing functions.* In order to avoid so far as possible duplication in accounting and auditing functions performed by the Architect-Engineer and the Government, it is agreed that the following accounting and auditing function shall be performed by the Government exclusively.

a. Time Checking in the field or in the Architect-Engineer's plant (not time keeping).

b. Audit of original payrolls of the Architect-Engineer (or such portions thereof as are applicable), where such payrolls are prepared by the Architect-Engineer.[1]

c. Checking of equipment rentals and the preparation and delivery of properly approved rental rolls to the Architect-Engineer for payment.

d. Such other accounting and auditing functions as may be effectively performed by Government employees and to which the Contracting Officer and the Architect-Engineer may mutually agree in writing.

4. *Discharge of functions.* It is further agreed that if any of the accounting and auditing functions performed exclusively by the Government do not adequately discharge such accounting and auditing functions to the satisfaction of the Architect-Engineer, the Architect-Engineer with the approval in writing of the Contracting Officer, may perform such additional checking and auditing as may be so approved. The Architect-Engineer shall be reimbursed for the cost of such additional accounting and auditing functions as are so approved.

ART. III–C. *Equipment and services to be furnished by the Government.* 1. The Government shall provide for the use of the Architect-Engineer's field organization during the period covered by this contract, all office and drafting room space, supplies, equipment, facilities, and services necessary for the proper performance of work hereunder.

a. If any of the foregoing articles, equipment, services or other items required by the Architect-Engineer's field organization are not promptly made available by the Government, the Architect-Engineer, when such action is approved by the Contracting Officer, shall procure such items and the Architect-Engineer shall be reimbursed for expenses incurred in connection therewith, provided that direct payment by the Government shall be made as prescribed in Article III–E, Section 2 hereof for any communication services mentioned in that Article which the Architect-Engineer procures. Unless procurement on a rental basis is approved in advance by the Contracting Officer, all items of office equipment which the Architect-Engineer procures under this section shall be purchased and title thereto shall vest in the Government. Third party rental agreements made for items covered by this provision shall be terminable at the option of the Government and, except for third-party owned motor-propelled vehicles, shall not contain a recapture clause.

2. Except as to property the liability for which is fixed by any other instrument or agreement or by some other provision of this contract, the Architect-Engineer shall not be liable for loss or destruction of or damage to property of the Government in the possession or control of the Architect-Engineer in connection with this contract unless such loss, damage or destruction results from wilful misconduct or failure to exercise good faith on the part of the Architect-Engineer's corporate officers or other representatives having supervision or direction of the operation of the whole of the Architect-Engineer's business or of the whole of any plant operated by the Architect-Engineer in the performance of this contract.

3. In the event office space at or near the site of the work is not provided by the Government in sufficient time to permit the work and services described herein to be performed efficiently and expeditiously, the Architect-Engineer, if approved in advance in writing by the Contracting Officer, may rent or lease such space at a convenient location, or if such rented or leased space is not available, may arrange by subcontract or otherwise for the construction of a temporary structure or stuctures to meet his immediate needs, on Government owned or controlled property or on privately owned property leased for such purpose.

ART. III–D. *Estimated cost of construction.* 1. The present preliminary estimated construction cost of the project on which the services of this contract are based is approximately----------Dollars ($--------) exclusive of Architect-Engineer's fixed-fee. It is expressly understood, however, that neither the Government nor the Architect-Engineer guarantees the correctness of this estimate.

ART III–E. *Reimbursement for expenditures.* 1. In addition to the payment of the fixed-

[1] Delete all lines which do not apply.

[1] Where payrolls are prepared by the Government the audit thereof by the Government will be concurrent with such preparation.

fee as specified herein, the Architect-Engineer will be reimbursed for such of his actual expenditures in the performance of the work as may be approved or ratified by the Contracting Officer and as are included in the following items:

a. Actual salaries or wages paid to principal assistant engineers, engineers, architects and other technical, administrative and field employees of the Architect-Engineer directly engaged in the work including those in both his home and field office. The payment of any excess over the scheduled amounts shown in the approved salary schedule, Appendix "C" attached hereto and made a part hereof, shall not be reimbursable, unless and until the Chief of the Technical Service has so approved in writing.

b. In case the full time of one or more employees of the Architect-Engineer is not applied to the work hereunder, the salaries or wages of such employees shall be included in this item only in proportion to the actual time applied thereto.

c. Travel: (1) If the Architect-Engineer and/or his representatives shall be required to travel, the Government will reimburse the Architect-Engineer for the transportation, including Pullman where necessary, and will allow the traveler Six Dollars ($6.00) per day in lieu of all other expenses.

(2) All travel shall be either authorized or approved in writing by the Contracting Officer. Should the Architect-Engineer, or any representative thereof, remain in a travel status in excess of six (6) days at any one time, not including the time consumed in travel the cost for such excess travel status shall be at the expense of the Architect-Engineer unless otherwise ordered in writing by the Contracting Officer.

(3) Authorized transportation by automobile shall be reimbursed at the rate of Five Cents ($.05) per mile as representing the actual cost of such transportation.

d. Payment from his own funds made by the Architect-Engineer under the Federal Social Security Act and any applicable state or local taxes, fees or charges which the Architect-Engineer may be required to pay from his own funds on account of this contract.

e.-h. (Insert clauses a to d set forth in § 803.365–2).

i. Subcontracts, when approved by the Contracting Officer. Unless otherwise expressly provided for in this contract, subcontracting of any services covered by this contract shall be subject to a decrease in the fixed fee by an equitable adjustment on the basis of the decrease in services due to such subcontracting.

j. Temporary rights in land required in connection with the work and services hereunder, when approved in writing by the Contracting Officer.

k. Expenditures made by the Architect-Engineer under the provisions of Article III-C and III-F of this contract.

l. Such other items as should in the opinion of the Contracting Officer, be included in the cost of the work, *provided* that when such items are allowed by the Contracting Officer, they shall be specifically certified as being allowed under this subsection.

m. All expenditures for which reimbursement has not been made pursuant to Letter Contract dated _____, a copy of which is attached hereto. Such Letter Contract is hereby merged and superseded by this contract.[1] This subparagraph *m* shall be deemed to be included herein if and only if this contract is preceded by a Letter Contract.

n. Rental for equipment owned and furnished by the Architect-Engineer, subject to such rental rates, terms and conditions as may be approved by the Contracting Officer; provided that the necessity for the use of such equipment is approved in advance by the Contracting Officer; and provided, further, that such equipment shall not be subject to recapture.

o. Rental paid by the Architect-Engineer for third-party-owned motor-propelled vehicles. Each agreement for the rental of such equipment shall be in a form prescribed by the Contracting Officer, shall be subject to his approval and shall include provisions (1) that title to such equipment free of all liens and encumbrances shall vest in the Government when and if the total rental paid and/or accrued to the lessor for any item of equipment shall equal the approved value thereof plus one per cent (1%) of the approved value per month for each contract month or fraction thereof such piece of equipment shall have been in use, and that on demand the lessor will deliver to the Contracting Officer such evidences of title as he shall demand; and (2) that at any time prior to termination of such rental agreement, the Government may at its option purchase any piece of equipment by paying the lessor the difference between the valuation of such piece of equipment plus one per cent (1%) of the approved value per month for each contract month or part thereof such piece of equipment shall have been in use, and the total rental theretofore paid for such piece of equipment, provided, however, that either of such provisions may be omitted from such rental agreements if the omission is approved by the Chief of the Technical Service.

p. Fees for necessary permits and licenses under subparagraph *d* of Article I-B hereof.

q. Expenses of procuring necessary field forces and the transportation and traveling expenses to the work of such personnel (including personnel already in the employ of the Architect-Engineer) for the economical and successful prosecution of the work, and return when such services are no longer required; expenditurea under these items shall be either authorized or approved in writing by the Contracting Officer.

r. Reimbursement under this Article shall include all actual expenditures directly chargeable to the work and services provided herein performed at the Architect-Engineer's home office, its field office, or elsewhere.

s. In the event the Contracting Officer shall determine that the best interests of the Government require that the Architect-Engineer initiate or defend litigation in connection with claims of third parties arising out of the performance of this contract, the Architect-Engineer will proceed with such litigation in good faith and the costs and expenses of such litigation, including judgments and court costs, allowances rendered or awarded in connection with suits for wages, overtime or salaries, and reasonable attorneys' fees for private counsel when the Government does not furnish Government counsel, shall be reimbursable under this contract.

2. No salary, wages or like compensation of the Architect-Engineer, partners or corporate officers of the Architect-Engineer's organization and no salary, wages or like compensation of the resident manager referred to in Article I-B shall be included in the cost of the work; nor shall any interest on capital employed or on borrowed money be included in the cost of the work.

ART. III–F. *Expert technical assistance.* 1. When in the judgment of the Contracting Officer the complexity and nature of the project are such as to require expert technical assistants, or services, or advice in connection with special phases of the work such as site planning, aerial surveys, manufacturing processes, or other problems of a highly technical character, the Architect-Engineer may obtain by subcontract, or otherwise, when so ordered by the Contracting Officer, such supplemental professional services as are necessary for the proper performance of this contract. The obtaining of such supplemental professional services shall entail no adjustment of the fixed-fee.

2. The provisions of the above section shall not apply to the usual professional services normally furnished by Architect-Engineers, including but not limited to topographic surveys, design of water supply and sewerage systems, power plants and other utilities, structures and foundations. If, in the opinion of the Contracting Officer, it is essential for the proper prosecution of the work that the Architect-Engineer obtain expert technical advice or consulting services in connection with those classes of service not included in section 1 above, the cost of obtaining such advice or service shall not be reimbursable except for the salaries of employees of such consultants, when assigned to the work on a full-time basis.

ART. III–G. *Method of payment.* 1. Payments to the Architect-Engineer are to be made as follows:

a. At intervals of not less than two weeks, the Architect-Engineer shall prepare a statement of the actual salaries paid, as hereinbefore mentioned, during the preceding period of two weeks, together with a statement of all other reimbursable expenses and including an estimate of the portion of the Architect-Engineer's fixed-fee earned. These statements, with original certified payrolls, receipted bills for all expenses including materials, rentals, supplies and equipment, and all other supporting data as may be required, shall be delivered to the Contracting Officer. The approved amounts of such statements shall be the basis for the preparation of the public voucher.

b. Payments of reimbursable cost items and of 90% of the amount of the Architect-Engineer's fee earned shall be made on vouchers approved by the Contracting Officer on standard forms, as soon as practicable after the submission of statements, supported by original certified payrolls, receipted bills for all expenses including materials, supplies and equipment, rentals, and all other supporting data. Upon completion of the project and its final acceptance the Architect-Engineer shall be paid the unpaid balance of any money due the Architect-Engineer hereunder.

c. Prior to final payment and as a condition thereof the Architect-Engineer shall furnish the Government with a release of all claims against the Government arising under and by virtue of this contract, other than (1) such claims, if any, as may be specifically excepted by the Architect-Engineer from the operation of the release in stated amounts to be set forth therein, or in estimated amounts where the amounts are not susceptible of exact statement, and (2) any claim based upon responsibility of the Architect-Engineer to third parties arising out of the performance of this contract not known to the Architect-Engineer at the time of furnishing the release.

d. Even though the existence or amount thereof shall not be determined until after the furnishing of such release as is described next above, reimbursement to be made for payments made by the Architect-Engineer shall include, along with wages and salaries otherwise reimbursable, all additional amounts determined either by approval of the Contracting Officer or by litigation (as provided in Subsection r, Section 1, Article III–F) to be due and payable for overtime compensation and allowances under local, state or Federal laws in connection with such wages and salaries.

e. The Architect-Engineer shall promptly notify the Contracting Officer of any claims of the type described in clause (2) of Subsection c of this section which are asserted subsequent to the execution of the release.

f. In the event that the Government does not exercise the option under Title II of this contract within 30 days after the satisfactory completion and acceptance by the Contracting Officer of the work done by the Architect-Engineer under Article I–B, subsections *a* through *h* inclusive, the Architect-Engineer shall be paid the unpaid balance of any money due for work done under said Article I–B, subsections *a* through *h* inclusive.

ART. III–H. *Drawings and other data to become property of Government.* 1. All drawings, designs and specifications are to become the property of the Government on completion as outlined in this contract, and the Government shall have full right to use said drawings, designs and specifications as instruments for the purpose of constructing under contract or otherwise any buildings or other structures for the sole use of the Government when and where the Government may designate, without any claim on the part of the Architect-Engineer for additional compensation.

2. All notes, designs, drawings and other data concerning the project shall be delivered to the Government whenever requested by the Contracting Officer and, furthermore, access to such data shall be restricted to trusted and duly authorized representatives of the Government and of the Architect-Engineer.

ART. III–I. *The Contracting Officer's decisions.* 1. The extent and character of the work to be done by the Architect-Engineer shall be subject to the general supervision, direction, control, and approval of the Contracting Officer, to whom the Architect-Engineer shall report and be responsible.

ART. III–J. *Disputes.* (Insert article in § 803.326)

ART. III–K. *Changes in work or services.* 1. The Contracting Officer may at any time by written order issue additional instructions, require additional work or services or direct the omission of work or services covered by this contract. If such changes cause a material increase or decrease in the amount or character of the work and services to be done under this contract an equitable adjustment of the amount of the fixed fee to be paid the Architect-Engineer shall be made and the contract shall be modified in writing accordingly. Any claim for adjustment under this Article must be asserted within 10 days from the date the change is ordered (unless the Contracting Officer, with the approval of the Secretary of War or his duly authorized representative, shall grant a further period of time prior to the date of final settlement of the contract). Nothing provided in this Article shall excuse the Architect-Engineer from proceeding with the prosecution of the work so changed. There shall be no adjustment in the amount of the fixed fee as provided herein, nor any claim therefore because of any errors and/or omissions made in computing the estimated cost of the work under this contract or where the actual cost varies from the estimated cost.

ART. III–L. *Termination for cause or for convenience of the Government.* 1. The Government may terminate this contract at any time and for any cause by a notice in writing from the Contracting Officer to the Architect-Engineer. Upon receipt of such notice the Architect-Engineer shall, unless the notice directs otherwise, immediately discontinue all work and the placing of all orders for materials, facilities and supplies in connection with performance of this contract and shall proceed to cancel promptly all existing orders and terminate work under subcontracts insofar as such orders and or work are chargeable to this contract.

2. Upon the termination of this contract, full and complete settlement of all claims of the Architect-Engineer arising out of this contract shall be made as follows:

a. The Government shall assume and become liable for all obligations, commitments, and claims that the Architect-Engineer may have theretofore in good faith undertaken or incurred in connection with said work and in accordance with the provisions of this contract; and the Architect-Engineer shall, as a condition of receiving the payments mentioned in this Article, execute and deliver all such papers and take all such steps as the Contracting Officer may require for the purpose of fully vesting in the Government the rights and benefits of the Architect-Engineer under such obligations or commitments.

b. The Government shall reimburse the Architect-Engineer for all expenditures made in accordance with Article III–E and not previously reimbursed.

c. The obligations of the Government to make any of the payments required by this Article, or by Article III–G of this contract, shall be subject to any unsettled claims for labor or material or any claim the Government may have against the Architect-Engineer.

3. If the contract is terminated for the convenience of the Government, the Architect-Engineer will be paid promptly that proportion of the prescribed fixed-fee which the work actually performed bears to the total work called for under this contract, less fixed-fee payments previously made, and the Government shall further reimburse the Architect-Engineer for such essential expenditures, made after the date of termination, for the protection of Government property and for accounting services in connection with the settlement of this contract, as the Contracting Officer may approve.

4. If the contract is terminated due to the fault of the Architect-Engineer, no further payments on account of the fixed-fee will be made.

ART. III–M. *Progress reports and changes in personnel.*

1. The Architect-Engineer shall promptly, after the execution of the contract, prepare and submit to the Contracting Officer, for approval, a schedule showing the order in which the Architect-Engineer proposes to carry on the work, with dates on which he will start the several salient features of the work and the contemplated dates for completing the same. The schedule shall be in the form of a progress chart at suitable scale as to indicate with symbols the percentage completed at any time. The Architect-Engineer shall correct the progress schedule at the end of each week and shall immediately deliver to the Contracting Officer three copies of the same.

2. The Architect-Engineer shall furnish sufficient technical, supervisory and Administrative personnel to insure the prosecution of the work in accordance with the approved progress schedule. If, in the opinion of the Contracting Officer, the Architect-Engineer falls behind the prograss schedule, the Architect-Engineer shall take such steps as may be necessary to improve his progress and the Contracting Officer may direct him to increase working days per week, or hours of labor per day and failure to promptly comply with such directions shall be deemed sufficient cause to terminate the contract.

3. When in the opinion of the Contracting Officer the Architect-Engineer's personnel and/or overhead is excessive for the proper performance of this contract, reductions thereof shall be made as required by the Contracting Officer.

ART. III–N. *Convenant against contingent fees.* (Insert clause in § 803.323)

ART. III–O. *Officials not to benefit.* (Insert clause in § 803.322)

ART. III–P. *Assignment of claims.* (Insert clause in § 803.355)

ART. III–Q. *Anti-discrimination.* (Insert clause in § 803.325)

ART. III–R. *Convict labor.* (Insert clause in § 803.345)

ART. III–S. *Dismissals.* 1. The Contracting Officer may require the Contractor to dismiss from work such employee or employees as the Contracting Officer deems incompetent, careless, or insubordinate or whose continued employment is deemed inimical by the Contracting Officer to the public interest. The Architect-Engineer shall make every reasonable effort in the selection of his employees and in the prosecution of the work under this contract to safeguard plot drawings and schematic drawings furnished him, and drawings and specifications, and to prevent the theft or unauthorized use of the same.

ART. III–T. *Accident prevention.* (Insert clause in § 803.362)

ART. III–U. *Insurance.* (Insert § 803.365–3)

ART. III–V. *Renegotiation.* (See § 803.342 and Part 812)

ART. III–W. *Approval required.*

1. This contract shall be subject to the approval of _____ and shall not be binding unless so approved.

ART. III–X. *Definitions.*

1. The term "Chief of the Supply Service" refers to the head of a service of the War Department, viz., the Chief of Engineers, the Chief of Ordnance, or the Chief of Chemical Warfare Service.

2. The terms "Secretary of War" and "Chief of the Supply Service" shall include their duly authorized representatives as the case may be other than the Contracting Officer.

3. The terms "Secretary of War" and "Chief of Engineers" shall include any person or board authorized by the Secretary of War or the Chief of the Supply Service, as the case may be, to act for him, other than the Contracting Officer.

4. Except for the original signing of this contract, the term "Contracting Officer" as used herein shall include his duly appointed successor or his authorized representative.

ART. III–Y. *Alterations.*

The following changes were made in this contract before it was signed by the parties hereto:

In witness whereof, the parties hereto have executed this contract as of the day and year first above written.

THE UNITED STATES OF AMERICA,

By _____
_____
(Contracting Officer)

ARCHITECT-ENGINEER,

By _____
Title: _____
Business Address: _____

Witnesses as to signature of Architect-Engineer:

_____
_____
(Address)
_____
_____
(Address)

CERTIFICATION

I, _____ do hereby certify that I am the duly qualified _____ of the corporation named herein as Architect-Engineer; that _____ who signed this contract on behalf of the Architect-Engineer was then _____ of said corporation; that said contract was duly signed for and in behalf of said corporation by authority of its governing body, and is within the scope of its corporate powers.

In witness whereof, I have hereunto affixed my hand and the seal of the _____ this _____ day of _____, 194__.

_____
[CORPORATE SEAL]

[1] This contract will bear same date as letter contract.

APPENDIX "C"

There is set forth below the present key employees proposed to be furnished under this contract indicating their names, description of work to be performed, an expression as to whether the salaries are based on a weekly, monthly or annual basis, and the maximum salary agreed upon to be paid for services in the position indicated for personnel now employed.

Name	Position	Salary based on weekly (W) monthly (M) or annual basis.	Maximum salary agreed to be paid under contract.

For the purposes of this Appendix "C" it is understood that

1. "Non-manual employees" are those employees who are not "Laborers and mechanics" within the meaning of the Davis-Bacon Act. The term "Non-manual employees" includes all occupations not involving manual labor directly in connection with construction work. Custodial employees are included within the term "non-manual employees." The following is a list (not all inclusive) of typical "non-manual" occupations:

Accountants.
Architects.
Auditors.
Axemen.
Bookkeepers.
Chainmen.
Checkers.
Chiefs of Party
Clerks.
Cooks.
Draftsmen.
Engineers.
Executives of any kind.
Guards.
Levelmen.
Material Checkers.
Material Clerks.
Messengers.
Office Machine Operators.
Office Managers.
Project Managers.
Purchasing Agents.
Rodmen.
Stenographers.
Stewards.
Storekeepers.
Superintendents.
Telephone Operators.
Timecheckers.
Timekeepers.
Tool Checkers.
Transitmen.
Typists.
Waiters.
Watchmen.
Waterboys.

2. Non-manual employees will be classified in the following groups:

a. Group "A." Employees whose base salaries are $53.31 or less per week.

b. Group "B." Employees whose base salaries are over $53.31 and not over $90.00 per week.

c. Group "C." Employees whose base salaries are over $90.00 per week.

d. Group "D." Trade foremen employed by construction contractors.

3. The base salaries of all employees in Groups "A" and "B" are based on a work week of 40 hours. The base salaries of all employees in Group "C" are based on a minimum work week of 48 hours.

4. No offer of employment will be made to any prospective employee for work of the same general classification and responsibility as his present employment at a rate exceeding his present salary.

5. The base salary of a person not in the employ of the Architect-Engineer prior to the execution of this contract will not be approved at a rate in excess of the maximum prescribed for the job classification in the approved salary schedule attached.

6. The base salary of a person in the employ of the Architect-Engineer prior to the execution of the contract will not be approved at a base salary in excess of that paid immediately prior to execution plus such increases as the Architect-Engineer customarily grants for work away from the home office, except that, in cases where the classifications of such a person is changed incident to or during his assignment to the project, the salary range in the approved salary schedule shall govern.

7. *With regard to overtime payments:*

a. Group "A" employees will be paid at the rate of time and one-half for all work which they are required to perform in excess of 40 hours during the first six days of any regularly scheduled work week, and at the rate of two times straight time for work which they are required to perform on the seventh consecutive day of such work week.

b. Group "B" employees will be paid at the rate of straight time for all work which they are required to perform in excess of 40 hours per week.

c. Group "C" employees will work any necessary number of hours (including work on Sundays) without payment of additional compensation.

d. Group "D" employees normally employed on an hourly basis will be granted the same overtime pay as the laborers and mechanics under their supervision. Group "D" employees employed on a weekly or monthly basis will be governed by the overtime provisions applicable to employees in Group "A," "B" or "C."

8. *With regard to holiday payments:*

a. No deductions from weekly or monthly base salaries of employees in Groups "A," "B," and "C" shall be made for approved absences on customary holidays, and no premium wage or extra compensation shall be paid for work on such holidays, except that employees in Group "A" who are required to work on the holidays specified below, shall be paid at the rate of one and one-half times the straight time rate:

New Year's Day.
July Fourth.
Labor Day.
Thanksgiving Day.
Christmas Day.
Memorial Day.

b. Group "D" employees normally employed on an hourly basis will be granted the same overtime pay as the laborers and mechanics under their supervision. Group "D" employees employed on a weekly or monthly basis will be governed by the holiday provisions applicable to Group "A", "B", or "C".

9. *Work on the seventh consecutive day.*

a. Since it is the policy to provide that each worker will have one day of rest in seven, operations shall be arranged so as to permit one scheduled day of rest in each seven for all employees not engaged in an executive or supervisory capacity.

b. Only in situations of emergency will approval be granted to work, on the seventh consecutive day or more than 48 hours in any scheduled work week, those employees who are not engaged in executive or supervisory capacities. The Contracting Officer will obtain the prior approval of the Division Engineer or his designated representative before approving work in such cases.

10. *Leave privileges.* All employees of Groups "A", "B", "C", and those employees of Group "D" who are employed on a weekly or monthly basis, shall accrue leave with pay at the rate of two days per month for each month of service in lieu of any sick or vacation allowance, subject to the following rules:

a. Leave granted for any reason in excess of two days per month will not be reimbursable.

b. Leave may be granted by the Architect-Engineer, with the approval of the Contracting Officer, at such time or times as may be deemed in the best interests of the Government. Leave may be granted during the course of employment or at the completion of employment.

c. No leave will be accrued to any employee in excess of 48 days.

d. Unearned leave may not be advanced.

e. Employees separated because of their own misconduct (including such causes as insubordination, drunkenness on the job, theft, etc.) shall forfeit any leave which they may have accrued at the time of separation.

f. Employees who resign, or are involuntarily separated for causes not due to their misconduct, shall be entitled to all leave to and including date of separation.

g. Employees shall be charged with leave only for absence on days upon which they would normally be on duty.

h. The minimum charge for leave shall be one hour. Leave granted for less than one full day shall be proportionately charged.

i. Leave may not be granted for days of disability because of accidents which are covered by compensation insurance.

11. *Approved salary schedule:*

NON-MANUAL EMPLOYEES OF COST-PLUS-A-FIXED-FEE PRINCIPAL AND SUBCONTRACTORS

Job classification	Salary range: Weekly From	Weekly To	Monthly From	Monthly To
Executive and office engineers:				
Architect, Chief	$92.31	$150.00	$400.00	$650.00
Architect Supt., Chief	44.31	103.85	192.00	450.00
Architect Supt.	35.54	67.38	154.00	292.00
Architect Supt., Asst.	31.15	53.31	135.00	231.00
Computer	35.54	92.31	154.00	400.00
Designer, Chief	67.38	115.38	292.00	500.00
Designer, Architectural	44.31	103.85	192.00	450.00
Designer, Engineering	44.31	103.85	192.00	450.00
Draftsman, Chief	53.31	103.85	231.00	450.00
Draftsman	26.54	53.31	115.00	231.00
Engineer, Chief	92.31	150.00	400.00	650.00
Engineer, Asst. Chief	92.31	138.46	400.00	600.00
Engineer, Departmental	92.31	138.46	400.00	600.00
Engineer, Office	67.38	115.38	292.00	500.00
Engineer, Junior	26.54	44.31	115.00	192.00
Specification Writer, Chief	67.38	115.38	292.00	500.00
Specification Writer	44.31	92.31	192.00	400.00
Field Engineers:				
Axeman	18.64	19.62	80.00	85.00
Chainman	17.77	26.54	77.00	115.00
Chief of Party	35.54	67.38	154.00	292.00
Engineer, Chf. Construction	92.31	138.46	400.00	600.00
Engineer, Construction	53.31	115.38	231.00	500.00
Inspector, Chief	35.54	67.38	154.00	292.00
Inspector	26.54	53.31	115.00	231.00
Instrument Man	31.15	53.31	135.00	231.00
Rodman	22.15	31.15	96.00	135.00
Surveyor, Chief	44.31	103.85	192.00	450.00
Construction personnel:				
Equipment Manager	92.31	138.46	400.00	600.00
Estimator, Chief	53.31	103.85	231.00	450.00
Estimator	35.54	53.31	154.00	231.00
Expediter, Chief	44.31	103.85	192.00	450.00
Expediter	26.54	53.31	115.00	231.00
Labor Relations Manager	53.31	115.38	231.00	500.00
Master Mechanic	53.31	115.38	231.00	500.00
Material Checker	22.15	35.54	96.00	154.00
Paymaster	35.54	92.31	154.00	400.00
Paymaster, Asst	26.54	53.31	115.00	231.00
Personnel Manager	35.54	103.85	154.00	450.00
Priorities Manager	35.54	103.85	154.00	450.00
Priorities Manager, Asst.	35.54	53.31	154.00	231.00
Project Manager	115.38	173.08	500.00	750.00
Project Manager, Asst.	53.31	115.38	231.00	500.00
Purchasing Agent	53.31	138.46	231.00	600.00
Purchasing Agent, Asst	35.54	53.31	154.00	231.00
Sanitary and Safety Manager	44.31	92.31	192.00	400.00
Storekeeper, Chief	53.31	92.31	231.00	400.00
Storekeeper, Asst.	26.54	53.31	115.00	231.00
Superintendent General	115.38	173.08	500.00	750.00
Superintendent, Asst. Gen	92.31	138.46	400.00	600.00
Superintendent	92.31	138.46	400.00	600.00

NON-MANUAL EMPLOYEES OF COST-PLUS-A-FIXED-FEE PRINCIPAL AND SUBCONTRACTORS—Con.

Job classification	Salary range: Weekly From	Weekly To	Monthly From	Monthly To
Construction personnel—Continued				
Superintendent, Asst.	$53.31	$92.31	$231.00	$400.00
Timekeeper, Chief	35.54	92.31	154.00	400.00
Timekeeper, Asst. Chief	26.54	44.31	115.00	192.00
Timekeeper	17.77	35.54	77.00	154.00
Traffic Manager	53.31	92.31	231.00	400.00
Traffic Manager, Asst.	35.54	53.31	154.00	231.00
Office and Miscellaneous personnel:				
Accountant	35.54	92.31	154.00	400.00
Accountant, Asst.	35.54	53.31	154.00	231.00
Attorney and Notary	44.31	67.38	192.00	292.00
Auditor	53.31	126.92	231.00	550.00
Auditor, Asst.	53.31	92.31	231.00	400.00
Blue Print Operator	31.15	39.92	135.00	173.00
Bookkeeper	26.54	48.92	115.00	212.00
Cashier	35.54	53.31	154.00	231.00
Chauffeur	17.77	26.54	77.00	115.00
Chief Clerk	26.54	53.31	115.00	231.00
Clerk	17.77	35.54	77.00	154.00
Doctor	44.31	92.31	192.00	400.00
Fire Chief	44.31	92.31	192.00	400.00
Fire Chief, Asst.	35.54	53.31	154.00	231.00
Fireman	35.54	53.31	154.00	231.00
Guard	35.54	53.31	154.00	231.00
Janitor	17.77	22.15	77.00	96.00
Messenger	22.15	35.54	96.00	154.00
Nurse	17.77	35.54	77.00	154.00
Office Boy	17.77	26.54	77.00	115.00
Office Machine Operator	17.77	26.54	77.00	115.00
Office Manager	53.31	103.85	231.00	450.00
Office Manager, Asst.	35.54	67.38	154.00	292.00
Receptionist	17.77	26.54	77.00	115.00
Safety (First Aid) Man	44.31	92.31	192.00	400.00
Secretary	17.77	31.15	77.00	135.00
Statistician	53.31	92.31	231.00	400.00
Statistician, Asst.	44.31	53.31	192.00	231.00
Stenographer	17.77	26.54	77.00	115.00
Steadyquist	17.77	31.15	77.00	135.00
Telephone Operator	17.77	26.54	77.00	115.00
Typist	14.31	22.15	62.00	96.00
Waterman	17.77	31.15	77.00	135.00

§ 813.1305 *W. D. Contract Form No. 5.* See § 813.1317d.

§ 813.1306 *W. D. Contract Form No. 6.* See § 813.1317f.

§ 813.1307 *W. D. Contract Form No. 7.*

LETTER ORDER FOR SUPPLIES (NO PRICE STATED)

Contract No. _____
(Negotiated)
Date _____
Place _____
Contractor _____
Address _____

GENTLEMEN: 1. An order is hereby placed with you for the manufacture and delivery to the Government of the following supplies:

_____
_____
_____

2 You are directed, upon your acceptance of this order, to proceed immediately to furnish the necessary materials, jigs, dies, fixtures and gages, and other machinery and equipment,[1] and to commence the manufacture of the supplies called for in paragraph 1, and to pursue such work with all diligence to the end that the supplies may be delivered to the Government at the earliest practicable date.

3. All applicable articles (other than the article "Termination for the Convenience of the Government") now required by Federal Law, Executive Order, or War Department Procurement Regulations to be included in contracts for supplies of the kind herein described are incorporated herein by reference.

4. By your acceptance hereof, you undertake without delay to enter into negotiations with the War Department looking to the execution of a definitive contract which will follow in the main War Department Contract Form No. 1[2] and will include all applicable articles then required by Federal Law, Executive Order and War Department Procurement Regulations to be included in contracts for supplies of the kind herein described. The definitive contract will also contain a detailed delivery schedule and prices, terms and conditions as agreed to by the parties, which may or may not be at variance with the provisions of this order.

5. Pending the execution of a definitive contract, each expenditure, order, subcontract or commitment made by you in furtherance of the performance of this order—

(a) for machinery or equipment other than jigs, dies, fixtures or gages, or

(b) for an amount in excess of _____ Dollars ($_____), will be subject to the written approval of the Contracting Officer, and you are not authorized to expend or obligate, in furtherance of your performance hereunder, more than _____ Dollars ($_____) in the aggregate.

6. (a) In case a definitive contract is not executed by _____, 19__ (or any subsequent date at any time mutually agreed upon) because of the inability of the parties to agree upon a definitive contract, this order will terminate on the stated date or such subsequent date, as the case may be.

(b) The Government may at any time terminate this order in whole or in part for its convenience by giving you written notice of such termination.

(c) In the event of any termination pursuant to either paragraph 6 (a) or paragraph 6 (b) of this order, you and the Contracting Officer will attempt to agree by negotiation upon a settlement estimated by the parties to be the aggregate amount (less payments previously made to you) of the costs incurred by you in the performance of this order and the amounts paid or to be paid by you or for your account in settling with the approval of the Contracting Officer your obligations for commitments made in the performance of this order. *In case of termination pursuant to paragraph 6 (b), such negotiated settlement may include a reasonable allowance for profit.* Any such negotiated settlement shall be embodied in a Supplemental Agreement.

(d) If you and the Contracting Officer are not able to agree upon such a negotiated settlement within 90 days after the effective date of the termination (or within such longer period as at any time may be mutually agreed upon), the Government binds itself (without duplication of any of the following payments or of payments previously made) to reimburse you for the costs incurred by you in the performance of this order and for any amounts paid by you or for your account in settling with the approval of the Contracting Officer your obligations for commitments made in the performance of this order. In lieu of reimbursing you for expenditures made by you in settling any of your obligations for commitments, the Government, in the discretion of the Contracting Officer, may assume such obligations or any of them. The total of such reimbursement (and of all payments previously made), together with the amount of any obligations assumed, shall not exceed the amount above specified.

If such termination shall take place pursuant to paragraph 6 (a) of this order no allowance of profit will be made to you. If termination shall take place for the convenience of the Government pursuant to paragraph 6 (b) of this order, such allowance of profit will be made to you with respect to the work done by you prior to the effective date of the termination as the Contracting Officer may find to be reasonable under all the circumstances.

(e) The Government may permit you to sell or retain at prices or on terms agreed to by the Government any equipment, completed supplies, materials or work in process and the proceeds of any such sale, or such agreed prices, shall be paid or credited to the Government in such manner as the Contracting Officer may direct.

(f) Upon payment or reimbursement to you pursuant to paragraph 6 (c) or 6 (d) of this order, title to all equipment, completed supplies, work in process, materials, plans, information, and other things, for which you are so paid or reimbursed (except such property as may be sold or retained by you as above provided) will vest in the Government (if title thereto has not already become vested in the Government). The Government will also become entitled to any rights under any commitment which it may assume, or for the settlement of which it shall have reimbursed you.

(g) Any dispute which arises under this paragraph 6 regarding a matter of fact (*including any dispute (1) as to whether termination has in fact taken place for the convenience of the Government or because of the inability of the parties to agree upon a definitive contract, or (2) as to the extent of any allowance of a profit in the event of a termination for the convenience of the Government*) will be treated and resolved as a dispute under the "Disputes" article[3] incorporated in this order by reference.

(h) Partial payments on account of any amount admittedly due to you pursuant to this paragraph 6 may be made by the Government at any time in the discretion of the Contracting Officer.

7. After your acceptance hereof, partial and advance payments, in accordance with regulations from time to time applicable, may be made to you upon your application.

8. The sums to be expended by the Government hereunder are chargeable to the following allotments, the available balances of which are sufficient to cover the same:

_____

9. Your acceptance of this order will be indicated by affixing your signature to this letter and two copies thereof and mailing or delivering the executed original and one executed copy to the Contracting Officer not later than _____ 194__. Such acceptance will constitute this order a contract on the terms set forth herein.

10. This instrument is authorized by and has been negotiated under the First War

[1] As to cases where it is anticipated that the contractor will have to purchase machinery or equipment (other than jigs, dies, fixtures and gages) in an estimated amount of more than $100,000, see § 810.1008.

[2] With appropriate modifications, this letter order may also be used where the definitive contract is to be written on a fixed-price contract form for supplies other than W. D. Contract Form No. 1.

[3] Where the letter order is for an amount less than $20,000, the "Disputes" article will not have been incorporated by reference by virtue of paragraph 3 or 6 (g) of the letter order, since contracts in such amount are not required to contain that article (see § 803.326). In that event the language of the letter order will be appropriately modified expressly to incorporate by reference either the "Disputes" article set forth in § 803.326 or that contained in General Provision 12 of W.D. Contract Form No. 18 (§ 813.1317b (b)).

Powers Act, 1941, and Executive Order No. 9001.

[SEAL] UNITED STATES OF AMERICA,
By _____
_____
(Official Title)
Accepted _____, 19____.
_____
(Contractor)
By _____
(Title)
_____
(Address)

§ 813.1308 *W. D. Contract Form No. 8.*

LETTER ORDER FOR SUPPLIES (PRICE STATED)

Contract No. _____
(Negotiated)
Date _____
Place _____

Contractor _____
Address _____

GENTLEMEN: 1. An order is hereby placed with you for_____
(Quantity and Item)
at a unit price of _____ Dollars ($_____).

2. Deliveries on this order shall begin on or about _____, 19__, and shall be completed on or before _____, 19__. Pending execution of a definitive contract, payment will be made at the price above mentioned for each item of supplies delivered and accepted, upon the submission of properly certified invoices or vouchers.

3. All applicable articles (other than the article "Termination for the Convenience of the Government") now required by Federal law, Executive Order, or War Department Procurement Regulations to be included in contracts for supplies of the kind herein described are incorporated herein by reference.

4. By your acceptance hereof, you undertake without delay to enter into negotiations with the War Department looking to the execution of a definitive contract which will follow in the main War Department Contract Form No. 1[1] and will include all applicable articles then required by Federal law, Executive Order and War Department Procurement Regulations to be included in contracts for supplies of the kind herein described. The definitive contract will also contain a detailed delivery schedule and prices, terms and conditions as agreed to by the parties, which may or may not be at variance with the provisions of this order.

5. Pending the execution of a definitive contract, each expenditure, order, subcontract or commitment made by you in furtherance of the performance of this order for an amount in excess of _____ Dollars ($_____) will be subject to the written approval of the Contracting Officer, and you are not authorized to expend or obligate, in furtherance of your performance hereunder, more than _____ Dollars ($_____) in the aggregate.

6. (a) In case a definitive contract is not executed by _____, 19____ (or any subsequent date at any time mutually agreed upon) because of the inability of the parties to agree upon a definitive contract, this order will terminate on the stated date or such subsequent date, as the case may be.

(b) The Government may at any time terminate this order in whole or in part for its convenience by giving you written notice of such termination.

(c) In the event of any termination pursuant to either paragraph 6 (a) or paragraph 6 (b) of this order, you and the Contracting Officer will attempt to agree by negotiation upon a settlement estimated by the parties to be the aggregate amount (less payments previously made to you) of the unit price above specified for all completed supplies, the costs incurred by you with respect to the uncompleted portion of this order, and the amounts paid or to be paid by you or for your account in settling with the approval of the Contracting Officer your obligations for commitments made with respect to such uncompleted portion of this order. *In case of termination pursuant to paragraph 6 (b), such negotiated settlement may include a reasonable allowance for profit.* Any such negotiated settlement shall be embodied in a Supplemental Agreement.

(d) If you and the Contracting Officer are not able to agree upon such a negotiated settlement within 90 days after the effective date of the termination (or within such longer period as at any time may be mutually agreed upon), the Government binds itself (without duplication of any of the following payments or of payments previously made):

(1) To pay you the unit price above specified for all completed supplies;

(2) To reimburse you for the costs incurred by you with respect to the uncompleted portion of this order and for any amounts paid by you or for your account in settling with the approval of the Contracting Officer your obligations for commitments with respect to such uncompleted portion of this order, the Government, in the discretion of the Contracting Officer, may assume such obligations or any of them.

If such termination shall take place pursuant to paragraph 6 (a) of this order no allowance of profit will be made to you (except as the payment of the unit price for completed supplies may include a profit). If termination shall take place for the convenience of the Government pursuant to paragraph 6 (b) of this order, such allowance of profit (in addition to any profit included in paying the unit price for completed supplies) will be made to you with respect to the work done by you on uncompleted supplies prior to the effective date of the termination as the Contracting Officer may find to be reasonable under all the circumstances.

(e) The Government may permit you to sell or retain at prices or on terms agreed to by the Government any equipment, completed supplies, materials or work in process and the proceeds of any such sale, or such agreed prices, shall be paid or credited to the Government in such manner as the Contracting Officer may direct.

(f) Upon payment or reimbursement to you pursuant to paragraph 6 (c) or 6 (d) of this order, title to all equipment, completed supplies, work in process, materials, plans, information, and other things, for which you are so paid or reimbursed (except such property as may be sold or retained by you as above provided) will vest in the Government (if title thereto has not already become vested in the Government). The Government will also become entitled to any rights under any commitment which it may assume, or for the settlement of which it shall have reimbursed you.

(g) Any dispute which arises under this paragraph 6 regarding a matter of fact (*including any dispute (1) as to whether termination has in fact taken place for the convenience of the Government or because of the inability of the parties to agree upon a definitive contract, or (2) as to the extent of any allowance of a profit in the event of a termination for the convenience of the Government*) will be treated and resolved as a dispute under the "Disputes" article[1] incorporated in this order by reference.

(h) Partial payments on account of any amount admittedly due to you pursuant to this paragraph 6 may be made by the Government at any time in the discretion of the Contracting Officer.

7. After your acceptance hereof, partial and advance payments, in accordance with regulations from time to time applicable, may be made to you upon your application.

8. The sums to be expended by the Government hereunder are chargeable to the following allotments, the available balances of which are sufficient to cover the same: ____
_____

9. Your acceptance of this order will be indicated by affixing your signature on this letter and two copies thereof and mailing or delivering the executed original and one executed copy to the Contracting Officer not later than _____, 19__. Such acceptance will constitute this order a contract on the terms set forth herein.

10. This instrument is authorized by and has been negotiated under the First War Powers Act, 1941, and Executive Order No. 9001.

[SEAL] UNITED STATES OF AMERICA,
By _____
_____
(Official Title)
Accepted _____, 19____.
_____
(Contractor)
By _____
(Title)
_____
(Address)

§ 813.1309 *W. D. Contract Form No. 9.*

LETTER ORDER FOR COST PLUS A FIXED FEE CONSTRUCTION

Contract No._____
(Negotiated)
Date_____
Place _____

_____
(Contractor)

_____
(Address)

GENTLEMEN: 1. An order is hereby placed with you to furnish the equipment and materials (except such as are furnished by the Government) and perform the work necessary for the construction and completion of:
_____
_____
The cost of the project is now estimated to be _____ Dollars ($_____), exclusive of any fee to you.

2. The work shall be started immediately upon your acceptance hereof and shall be completed within _____ months thereafter. Your acceptance hereof shall operate as a notice to you to proceed.

3. All applicable articles (other than the article "Termination for the Convenience of the Government") now required by Federal law, Executive Order, or War Department Procurement Regulations to be included in contracts for work of the kind herein described are incorporated herein by reference.

4. By your acceptance hereof, you undertake without delay to enter into negotiations with the War Department looking to the execution of a definitive contract which will follow in the main War Department Contract Form No. 3[1] and will include all applicable articles than required by Federal law, Executive Order and War Department Procurement Regulations to be included in contracts for work of the kind herein described. The definitive contract will also contain detailed terms and conditions as agreed to by the parties, which may or may not be at variance with the provisions of this order.

5. Pending the execution of a definitive contract, each expenditure, order, subcontract or commitment made by you in furtherance of the performance of this order for an amount in excess of _____ Dollars ($_____) will be subject to the written approval of the Contracting Officer, and you are not authorized to expend or obligate, in furtherance of your performance hereunder, more than _____ Dollars ($_____) in the aggregate. Subject to the foregoing limitations, reimbursements will be made to you in the manner described and for the items set forth in War Department Contract Form No. 3 as reimbursable items when approved or ratified by the Contracting Officer.

6. (a) In case a definitive contract is not executed by _____, 19__ (or any subsequent date at any time mutually agreed upon) because of the inability of the parties to agree upon a definitive contract, this order will terminate on the stated date or such subsequent date, as the case may be.

(b) The Government may at any time terminate this order in whole or in part for its convenience by giving you written notice of such termination.

(c) In the event of any termination pursuant to either paragraph 6 (a) or paragraph 6 (b) of this order, you and the Contracting Officer will attempt to agree by negotiation upon a settlement estimated by the parties to be the aggregate amount (less payments previously made to you) of the costs incurred by you in the performance of this order and the amounts paid or to be paid by you or for your account in settling with the approval of the Contracting Officer your obligations for commitments made in the performance of this order. *In case of termination pursuant to paragraph 6 (b), such negotiated settlement may include a reasonable allowance for profit.* Any such negotiated settlement shall be embodied in a Supplemental Agreement.

(d) If you and the Contracting Officer are not able to agree upon such a negotiated settlement within 90 days after the effective date of the termination (or within such longer period as at any time may be mutually agreed upon) the Government binds itself (without duplication of any of the following payments or of payments previously made) to reimburse you for the costs incurred by you in the performance of this order and for any amounts paid by you or for your account in settling with the approval of the Contracting Officer your obligations for commitments made in the performance of this order. In lieu of reimbursing you for expenditures made by you in settling any of your obligations for commitments, the Government, in the discretion of the Contracting Officer, may assume such obligations or any of them. The total of such reimbursement (and of all payments previously made), together with the amount of any obligations assumed, shall not exceed the amount above specified.

If such termination shall take place pursuant to paragraph 6 (a) of this order no allowance of profit will be made to you. If termination shall take place for the convenience of the Government pursuant to paragraph 6 (b) of this order, such allowance of a fee will be made to you with respect to the work done by you prior to the effective date of the termination as the Contracting Officer may find to be reasonable under all the circumstances; but such fee shall in no event exceed ____ per cent (____%) of so much of the estimated cost set forth in paragraph 1 as is allocable to such work.

(e) The Government may permit you to sell or retain at prices or on terms agreed to by the Government any equipment, materials or work in process and the proceeds of any such sale, or such agreed prices, shall be paid or credited to the Government in such manner as the Contracting Officer may direct.

(f) Upon payment or reimbursement to you pursuant to paragraph 6 (c) or 6 (d) of this order, title to all equipment, work in process, materials, plans, information, and other things, for which you are so paid or reimbursed (except such property as may be sold or retained by you as above provided) will vest in the Government (if title thereto has not already become vested in the Government). The Government will also become entitled to any rights under any commitment which it may assume, or for the settlement of which it shall have reimbursed you.

(g) Any dispute which arises under this paragraph 6 regarding a matter of fact (*including any dispute (1) as to whether termination has in fact taken place for the convenience of the Government or because of the inability of the parties to agree upon a definitive contract, or (2) as to the extent of any allowance of a fee in the event of a termination for the convenience of the Government*) will be treated and resolved as a dispute under the "Disputes" article[1] incorporated in this order by reference.

(h) Partial payments on account of any amount admittedly due to you pursuant to this paragraph 6 may be made by the Government at any time in the discretion of the Contracting Officer.

7. After your acceptance hereof, partial and advance payments, in accordance with regulations from time to time applicable, may be made to you upon your application.

8. The sums to be expended by the Government hereunder are chargeable to the following allotments, the available balances of which are sufficient to cover the same ____
_____

9. Your acceptance of this order will be indicated by affixing your signature on this letter and two copies thereof and mailing or delivering the executed original and one executed copy to the Contracting Officer not later than _____
_____, 19__. Such acceptance will constitute this order a contract on the terms set forth herein.

10. This instrument is authorized by and has been negotiated under the First War Powers Act, 1941, and Executive Order No. 9001.

[SEAL] UNITED STATES OF AMERICA,
By _____
_____
(Official Title)
Accepted _____, 19____.
_____
(Contractor)
By _____
(Title)
_____
(Address)

§ 813.1310 *W. D. Contract Form No. 10.*

LETTER ORDER FOR LUMP SUM CONSTRUCTION

Contract No. _____
(Negotiated)
Date _____
Place _____
(Address)

Contractor _____
Address _____

GENTLEMEN: 1. An order is hereby placed with you to furnish the equipment and materials and perform the work necessary for the construction and completion of _____
_____

2. The work shall be started immediately upon your acceptance hereof and shall be completed within ____ months thereafter. Your acceptance hereof shall operate as a notice to you to proceed.

3. All applicable articles (other than the article "Termination for the Convenience of the Government") now required by Federal law, Executive Order, or War Department Procurement Regulations to be included in contracts for work of the kind herein described are incorporated herein by reference.

4. By your acceptance hereof, you undertake without delay to enter into negotiations with the War Department looking to the execution of a definitive contract which will follow in the main War Department Contract Form No. 2[1] and will include all applicable articles then required by Federal law, Executive Order and War Department Procurement Regulations to be included in contracts for work of the kind herein described. The definitive contract will also contain detailed terms and conditions as agreed to by the parties, which may or may not be at variance with the provisions of this order.

5. Pending the execution of a definitive contract, each expenditure, order, subcontract or commitment made by you in furtherance of the performance of this order for an amount in excess of _____ Dollars ($_____) will be subject to the written approval of the Contracting Officer, and you are not authorized to expend or obligate, in furtherance of your performance hereunder, more than _____Dollars ($_____) in the aggregate.

6. (a) In case a definitive contract is not executed by _____, 19__ (or any subsequent date mutually agreed upon) because of the inability of the parties to agree upon a definitive contract, this order will terminate on the stated date or such subsequent date, as the case may be.

(b) The Government may at any time terminate this order in whole or in part for its convenience by giving you written notice of such termination.

(c) In the event of any termination pursuant to either paragraph 6 (a) or paragraph 6 (b) of this order, you and the Contracting Officer will attempt to agree by negotiation upon a settlement estimated by the parties to be the aggregate amount (less payments previously made to you) of the costs incurred by you in the performance of this order and the amounts paid or to be paid by you or for your account in settling with the approval of the Contracting Officer your obligations for commitments made in the performance of this order. *In case of termination pursuant to paragraph 6 (b), such negotiated settlement may include a reasonable allowance for profit.* Any such negotiated settlement shall be embodied in a Supplemental Agreement.

(d) If you and the Contracting Officer are not able to agree upon such a negotiated settlement within 90 days after the effective date of the termination (or within such longer period as at any time may be mutually agreed upon), the Government binds itself (without duplication of any of the following payments or of any payments previously made) to reimburse you for the costs incurred by you in the performance of the order and for any amounts paid by you or for your account in settling with the approval of the Contracting Officer your obligations for commitments made in the performance of this order. In lieu of reimbursing you for the expenditures made by you in settling any of your obligations for commitments, the Government, in the dis-

[1] With appropriate modifications, this letter order may also be used where the definitive contract is to be written on a fixed-price contract form for supplies other than W.D. Contract Form No. 1.

[1] Where the letter order is for an amount less than $20,000, the "Disputes" article will not have been incorporated by reference by virtue of paragraph 3 or 6 (g) of the letter order, since contracts in such amount are not required to contain that article (see § 803.326). In that event the language of the letter order will be appropriately modified expressly to incorporate by reference either the "Disputes" article set forth in § 803.326 or that contained in General Provision 12 of W.D. Contract Form No. 18 (§ 813.1317b (b)).

[1] With appropriate modifications, this letter order may also be used where the definitive contract is to be written on W.D. Contract Form No. 4 or 12.

[1] With appropriate modifications, this Letter Order may also be used where the definitive contract is to be written on W. D. Contract Form No. 16.

cretion of the Contracting Officer, may assume such obligations or any of them. The total of such reimbursement (and of all payments previously made), together with the amount of any obligations assumed, shall not exceed the amount above specified.

If such termination shall take place pursuant to paragraph 6 (a) of this order no allowance of profit will be made to you. If termination shall take place for the convenience of the Government pursuant to paragraph 6 (b) of this order, such allowance of profit will be made to you with respect to the work done by you prior to the effective date of the termination as the Contracting Officer may find to be reasonable under all the circumstances.

(e) The Government may permit you to sell or retain at prices or on terms agreed to by the Government any equipment, materials or work in process and the proceeds of any such sale, or such agreed prices, shall be paid or credited to the Government in such manner as the Contracting Officer may direct.

(f) Upon payment or reimbursement to you pursuant to paragraph 6 (c) or 6 (d) of this order, title to all equipment, work in process, materials, plans, information, and other things, for which you are so paid or reimbursed (except such property as may be sold or retained by you as above provided) will vest in the Government (if title thereto has not already become vested in the Government). The Government will also become entitled to any rights under any commitment which it may assume, or for the settlement of which it shall have reimbursed you.

(g) Any dispute which arises under this paragraph 6 regarding a matter of fact (*including any dispute (1) as to whether termination has in fact taken place for the convenience of the Government or because of the inability of the parties to agree upon a definitive contract, or (2) as to the extent of any allowance of a profit in the event of a termination for the convenience of the Government*) will be treated and resolved as a dispute under the "Disputes" article[1] incorporated in this order by reference.

(h) Partial payments on account of any amount admittedly due to you pursuant to this paragraph 6 may be made by the Government at any time in the discretion of the Contracting Officer.

7. After your acceptance hereof, partial and advance payments, in accordance with regulations from time to time applicable, may be made to you upon your application.

8. The sums to be expended by the Government hereunder are chargeable to the following allotments, the available balances of which are sufficient to cover the same:

---

9 Your acceptance of this order will be indicated by affixing your signature on this letter and two copies thereof and mailing or delivering the executed original and one executed copy to the Contracting Officer not later than _____, 19____. Such acceptance will constitute this order a contract on the terms set forth herein.

---

[1] Where the letter order is for an amount less than $20,000, the "Disputes" article will not have been incorporated by reference by virtue of paragraph 3 or 6 (g) of the letter order, since contracts in such amount are not required to contain that article (*see* § 803.326). In that event the language of the letter order will be appropriately modified expressly to incorporate by reference either the "Disputes" article set forth in § 803.326 or that contained in General Provision 12 of W. D. Contract Form No. 18 (§ 813.1317b (b)).

10. This instrument is authorized by and has been negotiated under the First War Powers Act, 1941, and Executive Order No. 9001.

[SEAL] UNITED STATES OF AMERICA,
By _____
_____
(Official Title)

Accepted _____, 19____.
_____
(Contractor)
_____
(Title)
_____
(Address)

§ 813.1311 *W. D. Contract Form No. 13A.*

Contract No. _____

CONTRACT (SUPPLIES) WAR DEPARTMENT AND DEFENSE SUPPLIES CORPORATION

(A Subsidiary of Reconstruction Finance Corporation)

Contract for_____
Amount _____
Location_____
Payment: To be made by_____,
U. S. Army, at_____.

The supplies and services to be obtained by the instrument are authorized by, are for the purposes set forth in, and are chargeable to the following allotments, the available balances of which are sufficient to cover the cost of the same _____
_____

This contract is authorized by the following laws _____
_____

CONTRACT FOR SUPPLIES

This Contract, entered into this _____ day of _____, 19____, by the United States of America (hereinafter called the Government), represented by the Contracting Officer executing this contract, and Defense Supplies Corporation (hereinafter called the Contractor), a corporation organized pursuant to Section 5 (d) of the Reconstruction Finance Corporation Act, as amended, with its principal office in Washington, D. C., witnesseth that the parties agree as follows:

ARTICLE 1. *Scope of this Contract.* (Insert Article 1, § 813.1301).

ART. 2. *Changes.* (Insert Article 2, § 813.1301.)

ART. 3. *Extras.* (Insert Article 3, § 813.1301)

ART. 4. *Inspection.* (Insert Article 4, § 813.1301)

ART. 5. *Delays—damages.* (Insert § 803.352)

ART. 6. *Responsibility for supplies tendered.* (Insert Article 6, § 813.1301)

ART. 7. *Increase or decrease.* (Insert Article 7, § 803.1301)

ART. 8. *Payments.* (Insert Article 8, § 813.1301)

ART. 9. *Officials not to benefit.* (Insert clause in § 803.322)

ART. 10. *Covenant against contingent fees.* (Insert § 803.323)

ART. 11. *Disputes.* (Insert article in § 803.326)

ART. 12. *Termination for convenience of the Government.* (Insert article in § 803.324)

ART. 13. *Notice of shipments.* (Insert clause in § 803.328)

ART. 14. *Subcontractor.* (Insert Article 18, § 813.1313)

ART. 15. *Anti-discrimination.* (Insert clause in § 803.325)

ART. 16. *Convict labor.* (Insert clause in § 803.345)

ART. 17. *Definitions.* (Insert § 813.1301, Art. 23.)

ART. 18. *Alterations.* (Insert § 813.1301, Art. 24.)

In witness whereof, the parties hereto have executed this contract as of the day and year first above written.

UNITED STATES OF AMERICA,
By _____
_____
(Official Title)
_____
(Contractor)
By _____
_____
(Business Address)

Two Witnesses:
_____
_____
(Address)
_____
_____
(Address)

§ 813.1311a *W. D. Contract Form No. 13B.*

Contract No. _____

CONTRACT (SUPPLIES) WAR DEPARTMENT AND METALS RESERVE COMPANY

(A subsidiary of Reconstruction Finance Corporation)

Contract for: _____
Amount: _____
Location: _____
Payment: To be made by _____
_____ U. S. Army, at_____
_____.

The supplies and services to be obtained by the instrument are authorized by, are for the purposes set forth in, and are chargeable to the following allotments, the available balances of which are sufficient to cover the cost of the same: _____
_____

This contract is authorized by the following laws: _____
_____
_____

CONTRACT

Subject and pursuant to the terms and conditions hereinafter stated and contained in the Exhibit hereto attached and made a part hereof:

Seller: Metals Reserve Company, 811 Vermont Avenue, N.W., Washington 25, D. C. (hereinafter called "Contractor"), agrees to sell and deliver,

Buyer: United States of America (hereinafter called "Government"), represented by the Contracting Officer executing this contract, agrees to buy and receive,

Material: _____
_____
Quantity: _____
_____
Quality: _____
_____

Price and Delivery: _____ per _____ f. o. b. railroad cars or trucks at _____ in accordance with delivery schedule attached. The Government is to prepare bills of lading, except where the material is sold on a delivered basis at destination designated by the Government.

Weighing, Sampling and Analysis: _____

Payment: Promptly upon receipt of Contractor's invoice with certificates of weights and analysis, if any, attached.

Cancellation: Notwithstanding any other provision hereof, the obligation of the Contractor to deliver any balance of _____ which might be undelivered after _____ may be canceled by Contractor after _____, upon written notice to the Government, provided the Contractor is not in default. Such cancellation shall be effective upon receipt of such notice.

Executed in Quadruplicate.

Dated:

METALS RESERVE COMPANY,
Contractor.
By _____
UNITED STATES OF AMERICA.
By _____
_____
(Official title)

NOTE: Exhibit to be attached to W. D. Contract Form No. 13B (§ 813.1311a).

EXHIBIT

ART. 1. *Changes.* (Insert § 803.329a.)
ART. 2. *Extras.* (Insert § 813.1301, Art. 3.)
ART. 3. *Inspection.* (Insert § 813.1301, Art. 4.)
ART. 4. *Delays—Damages.* (Insert § 803.352.)
ART. 5. *Responsibility for supplies tendered.* (Insert § 813.1301, Art. 6.)
ART. 6. *Payments.* (Insert § 813.1301, Art. 8.)
ART. 7. *Officials not to benefit.* (Insert § 803.322.)
ART. 8 *Covenant against contingent fees.* (Insert § 803.323.)
ART. 9. *Disputes.* (Insert § 803.326.)
ART. 10. *Termination at the option of the Government.* (Insert article from § 803.324.)
ART. 11. *Notice of shipments.* (Insert § 803.328.)
ART. 12 *Subcontracting.* (Insert § 803.367.)
ART. 13. *Anti-discrimination.* (Insert § 803.325.)
ART 14. *Convict labor.* (Insert § 803.345.)
ART. 15. *Assignment of rights hereunder.* No claim under this contract shall be assigned
ART. 16. *Disclosure of information.* (Insert § 803.336.)
ART. 17. *Employment of aliens.* (Insert § 803.337.)
ART. 18. *Definitions.* (Insert § 813.1301, Art. 23.)
ART. 19. *Alterations.* (Insert § 813.1301, Art. 24.)

§ 813.1311b *W. D. Contract Form No. 13C.* Sale of property by Defense Plant Corporation to War Department.

Contract No. _____

CONTRACT
(SUPPLIES)
WAR DEPARTMENT
and
DEFENSE PLANT CORPORATION

Contract for_____
Amount _____
Location _____
Payment: To be made by _____
_____

The supplies and services to be obtained by the instrument are authorized by, are for the purposes set forth in, and are chargeable to the following allotments, the available balances of which are sufficient to cover the cost of the same _____
_____

This contract is authorized by the following laws: _____
_____
_____

This contract, entered into this _____ day of _____, 194_, by and between the United States of America (hereinafter called the Government), represented by the Contracting Officer executing this contract, and Defense Plant Corporation (hereinafter called the Seller), a corporation created by Reconstruction Finance Corporation pursuant to section 5d of the Reconstruction Finance Corporation Act, as amended, witnesseth that the parties hereto do mutually agree as follows:

ARTICLE 1. *Scope of this contract.* The Seller shall sell and deliver and the Government shall buy and accept the property listed in the following schedule, in consideration of the price stated therefor: *Provided, however,* That if at the time of delivery of any such property to the Government a maximum price lower than that stated below shall have been established by the Office of Price Administration and shall be in effect and expressly applicable to such deliveries notwithstanding the existence of a prior contract calling for a higher price, the price hereunder for the items so delivered shall be reduced to such maximum price.

[Schedule of Property and Price]

ARTICLE 2. *Delivery.* Delivery to the Government shall be f. o. b. point of origin, and the Government shall remove the property within_____days after notification to it of the approval of the sale by the Seller.

ARTICLE 3. *Payment.* Payment by check to the order of the Seller will be made to the Seller as follows: Within thirty (30) days after receipt by the Government of invoice therefor.

ARTICLE 4. *Responsibility for property sold.* (a) The Government has had ample opportunity for full inspection of the property prior to the execution of this sales agreement and agrees to accept the property "as is". The Seller makes no guarantee, warranty, or representation as to the number, quantity, kind, size, weight, quality, character, description, or condition of the property, or its fitness for any particular purpose.

(b) The Government assumes all liability for the property after notification to it of approval of the sale. The seller will exercise its usual care for protection of the property up to the time limit of removal but will not be responsible for any loss or damage for any cause whatsoever. Title to the property shall vest in the Government immediately upon notification to it of approval of the sale.

ARTICLE 5. *Officials not to benefit.* (Insert § 803.322.)

ARTICLE 6. *Covenant against contingent fees.* (Insert § 803.323, substituting "Seller" for "Contractor").

ARTICLE 7. *Definitions.* The term "Contracting Officer" as used herein shall include his duly appointed successor or his authorized representative.

In witness whereof, the parties hereto have executed this contract as of the day and year first written.

THE UNITED STATES OF AMERICA,
By _____
_____
(Official Title)

DEFENSE PLANT CORPORATION,
By _____

Two Witnesses:
_____
_____
(Address)
_____
_____
(Address)

I, _____, certify that I am the_____ of the Corporation named as Seller herein; that_____, who signed this contract on behalf of the Seller was then_____ of said Corporation; that said contract was duly signed for and on behalf of said Corporation by authority of its governing body and is within the scope of its corporate powers.

_____

§ 813.1311c *W. D. Contract Form No. 13D.* Sale of property to Defense Plant Corporation.

Contract No. _____

CONTRACT OF SALE OF PROPERTY

WAR DEPARTMENT
and
DEFENSE PLANT CORPORATION

Contract for Sale of: _____
Amount: _____
Location of Property: _____

This contract, entered into this _____ day of _____, 194_, by and between the United States of America (hereinafter called the Government), represented by the Contracting Officer executing this contract, and _____, acting for and on behalf of the Defense Plant Corporation (hereinafter called the Purchaser), a corporation created by Reconstruction Finance Corporation, pursuant to section 5d of the Reconstruction Finance Corporation Act, as amended, witnesseth that the parties hereto do mutually agree as follows:

ARTICLE 1. *Scope of this contract.* The Government shall sell and deliver and the Purchaser shall buy and accept the property listed in the following schedule, in consideration of the price stated therefor: *Provided, however,* That if at the time of delivery of any such property to the Purchaser a maximum price lower than that stated below shall have been established by the Office of Price Administration and shall be in effect and expressly applicable to such deliveries notwithstanding the existence of a prior contract calling for a higher price, the price hereunder for the items so delivered shall be reduced to such maximum price.

[Schedule of Property and Price]

ARTICLE 2. *Delivery.* Delivery to the Purchaser shall be f. o. b. point of origin, and the Purchaser shall remove the property within _____ days after notification to it of the approval of the sale by the Government.

ARTICLE 3. *Payment.* Payment will be made within thirty (30) days after receipt by the Purchaser of bill, invoice, or voucher, by check to the order of the Treasurer of the United States or as otherwise directed in said bill, invoice, or voucher.

ARTICLE 4. *Responsibility for property sold.* (a) The Purchaser has had ample opportunity for full inspection of the property prior to the execution of this sales agreement, and agrees to accept the material "as is." The Government makes no guarantee, warranty, or representation as to the number, quantity, kind, size, weight, quality, character, description, or condition of the property, or its fitness for any particular purpose.

(b) The Purchaser assumes all liability for the property after notification to it of approval of the sale. The Government will exercise its usual care for protection of the property up to the time limit of removal, but will not be responsible for any loss or damage for any cause whatsoever. Title to the property shall vest in the Purchaser immediately upon notification to it of approval of the sale.

ARTICLE 5. *Officials not to benefit.* (Insert §§ 803.322 or 813.1326a (b), Article 13).

ARTICLE 6. *Covenant against contingent fees.* (Insert § 813.1326a (b), Article 12).

ARTICLE 7. *Definitions.* The term "Contracting Officer" as used herein shall include his duly appointed successor or his authorized representative.

In witness whereof, the parties hereto have executed this contract as of the day and year first written.

THE UNITED STATES OF AMERICA,
By _____
(Official Title)
Acting for and on behalf of Defense Plant Corporation
By _____
Two witnesses:
_____
_____
(Address)
_____
_____
(Address)

I, _____, certify that I am the _____ of the corporation executing this contract; that _____ who signed this contract on behalf of said corporation, was then _____ of said corporation; that said contract was duly signed by said corporation by authority of its governing body and is within the scope of its corporate powers, and that said corporation is acting for and on behalf of Defense Plant Corporation.

_____

§ 813.1312 *W. D. Contract Form No. 12.*

Contract No. _____

FIXED FEE ARCHITECT - ENGINEER - CONSTRUCTION-MANAGEMENT SERVICES CONTRACT

WAR DEPARTMENT

Architect - Engineer - Construction - Manager and Address _____
Contract for Architect - Engineer - Construction-Management Services in connection with _____
Location _____
Fixed fee _____
Estimated construction cost exclusive of fixed fee:
Payment: To be made by _____
at _____

The supplies and services to be obtained by this instrument are authorized by, are for the purpose set forth in, and are chargeable to the following procurement authorities, the available balances of which are sufficient to cover the cost of the same:

_____

This contract is authorized by the following laws:

FIXED - FEE ARCHITECT - ENGINEER - CONSTRUCTION MANAGEMENT SERVICES CONTRACT

This contract, entered into this _____ day of _____, 194__, by the United States of America (hereinafter called the "Government"), represented by the Contracting Officer executing this contract, and _____

_____

_____

_____

[1] a corporation organized and existing under the laws of the State of _____

_____

[1] a partnership consisting of _____

_____

_____

_____

[1] an individual trading as _____ of the City of _____ in the State of _____ (hereinafter for brevity called the "A-E-M"), witnesseth that:

Whereas, the Government desires to engage the services of an architect-engineer-manager to perform such architect-engineering services as are hereinafter described, the construction of certain portions of the work, and management services for the entire project; and

[1] Delete all lines which do not apply.

Whereas, the accomplishment of the work by the A-E-M under a cost-plus-a-fixed-fee contract, entered into after negotiations approved by the Secretary of War, and without advertising for proposals, is authorized by law and will facilitate the prosecution of the war; and

Whereas, as a result of such negotiations, the Secretary of War has directed that the Government enter into such contract with the A-E-M for the accomplishment of the work hereinafter described:

Now, therefore, the parties hereto do mutually agree as follows:

ARTICLE I. *Statement of work.* 1. The A-E-M shall, in the shortest reasonable time, furnish the labor, materials, tools, machinery and equipment, facilities, supplies not furnished by the Government, and services, and do all things necessary for the completion of the following described work:

_____

_____

_____

all in accordance with the drawings and specifications or instructions contained in Appendix "A" hereto attached and made a part hereof, or to be furnished hereafter by the Contracting Officer and subject in every detail to his supervision, direction and instructions.

ART. II. *General statement of work and services.* 1. The A-E-M shall render all architect-engineering and other services incident to design, inspection and supervision of the project, more specifically described in Article I hereof.

2. Insofar as is practicable, where such action will not, in the opinion of the A-E-M, result in delay in completion of the facilities, all construction work shall be accomplished by contracts, either on lump sum or unit price basis awarded and entered into by the Government after negotiations therefor with the assistance of the A-E-M.

3. The A-E-M shall, in the shortest reasonable time, prepare adequate plans, specifications, bills of material and estimates covering:

a. Items of materials and equipment.

b. Any and all items of construction work for which contracts may be awarded on lump sum or unit price basis.

c. All other items of construction work for which lump sum or unit price contracts are not awarded.

4. When drawings and specifications are sufficiently complete with respect to any portion of construction work, which in the judgment of the A-E-M and the Contracting Officer may be contracted for on lump sum or unit price basis, the A-E-M shall furnish complete bid documents, conforming to law and regulations, for the letting of such contracts by the Government, and shall assist the Contracting Officer in evaluating proposals, and shall render such other services in connection with the award of contracts, based upon such approved drawings and specifications, as the Contracting Officer may require.

5. The A-E-M shall furnish or assemble such necessary force of superintendents, foremen, skilled workmen and laborers, construction tools and equipment and shall construct all items of construction work required by this contract for which contracts are not awarded by the Government on lump sum or unit price basis, except that the A-E-M may with the prior approval of the Contracting Officer subcontract in his own name for the performance of construction work on a lump sum, unit price, or fixed-fee basis when this method will in his opinion result in decreasing the time of completion of the project and/or the cost to the Government. Cost-plus-a-fixed-fee subcontracts will be entered into only after a written determination with reasons therefor by the A-E-M, and the approval of the Contracting Officer.

6. The A-E-M shall provide the necessary office space, at the site of the work for the representatives of the Contracting Officer and himself.

ART. III. *Statement of Architect-Engineer services.* 1. The A-E-M shall, in the shortest reasonable time, establish and maintain an office at or near the site of the work under the full-time resident direction of the A-E-M, if an individual; of one or more principal partners if the A-E-M is a partnership; or in case the A-E-M is a corporation, association or similar legal entity, one or more senior officers thereof; provided, however, that the A-E-M, whether an individual, a partnership, a corporation, or other legal entity may be represented in the direction of the work by some person or persons of a class other than those specied above, if the Contracting Officer gives his approval. It is agreed that there shall be ____ representative(s) of the A-E-M for the purposes above mentioned. The A-E-M shall perform the following services:

a. Make all necessary topographical and other surveys and maps; arrange for and supervise necessary test borings and other subsurface investigations. Provided, however, that this provision is not to be deemed to require the A-E-M to make real estate surveys.

b. Prepare, subject to the approval of the Contracting Officer, preliminary studies, sketches, and layout plans and reports including estimates of cost of the proposed project and of all structures, utilities and appurtenances thereto.

c. Adapt and modify Government designs, drawings, specifications and standards for buildings and other structures as necessary to meet the requirements of the approved layout of the proposed project, and prepare detailed designs, specifications and drawings in required form for which Government designs are incomplete or unavailable.

d. Obtain necessary permits and approvals from all local, State and Federal authorities. Should it become necessary in the performance of the work and services for the A-E-M to secure the right of ingress or egress to perform any of the work required by this contract on properties not owned or controlled by the Government, the A-E-M shall secure the consent of the owner, his representative, or agent, prior to effecting entry on such property. In the event the owner requires the payment of any fee for a license to enter upon and/or use such property, the A-E-M, when so directed by the Contracting Officer, shall pay such fee and obtain a receipt therefor.

e. Prepare estimates of material quantities required to construct the project.

f. When preliminary drawings are approved in writing by the Contracting Officer, prepare final designs, detailed working drawings and specifications in accordance with Government standards necessary for the effective coordination and efficient execution of the construction work and revise such drawings and specifications if necessary. Unless otherwise directed or authorized by the Contracting Officer, drawings will be prepared in pencil on tracing paper or pencil tracing cloth of approved quality by such methods and of such quality of workmanship as will permit the revision of such drawings for record purposes and the making of satisfactory reproductions thereof. Drawings shall be prepared in ink on linen only where satisfactory results cannot be obtained otherwise. Prepare copies of the specifications and sets of full size copies of working drawings in such manner and in such numbers as the Contracting Officer may require. There shall be included in the specifications all provisions which the Contracting Officer may direct to have incorporated therein relating to the awarding of the construction contracts, contemplated by Section 2 of Article II, conditions under

which the work shall be done, including a provision that the contractors (lump sum and unit price contractors and lump sum subcontractors) and all persons employed directly or indirectly under such construction contracts, will utilize the hospital and first-aid facilities furnished by the A-E-M, and any special provisions required by statute or existing War Department regulations or instructions.

g. Prepare an estimate of the cost of the proposed project based on the approved designs, drawings and specifications therefor, and furnish for the approval of the Contracting Officer:

(1) Schedules and charts showing the proposed sequence of operations in the construction of each of the several portions of the work.

(2) Estimates showing the amounts of critical and important materials and dates when such materials will be required on the site.

(3) Labor estimates, to be prepared with the assistance of other construction contractors, contemplated by Section 2 of Article II, showing the approximate numbers, trades and dates required to meet the schedule in (1) above.

(4) In addition to the requirements of Article XXVI, semi-monthly progress reports in approved form showing the progress of the construction work and any deviation from the approved construction schedule.

h. Establish a permanently monumented base line, with elevations, tied into the North American Datum, unless specifically exempted by written instructions of the Contracting Officer. Furnish all governing lines, bench marks and grades essential to the construction of the project.

i. Supervise the work included in this contract to assure the construction of every part of the work in accordance with the approved drawings and specifications within the areas and boundaries designated for the project.

j. Check and approve all shop and working drawings submitted in connection with the construction work to assure that they conform with approved drawings.

k. Make or cause to be made such field and laboratory tests of concrete and concrete aggregates and other materials at the site or at any time or place as the Contracting Officer may require. Inspect and report to the Contracting Officer in writing as to the conformity or nonconformity of the workmanship and materials to specifications; and on the progress of the project.

(1) When so directed by the Contracting Officer, arrange for, by subcontract or otherwise, and supervise tests and inspections of materials and workmanship by commercial testing laboratories or other similar agencies, either at such laboratories or at the points of manufacture or fabrication of materials. The cost of such tests and inspection shall be reimbursable and the subcontracting thereof shall entail no adjustment in the fixed fee. Subcontracting of any other architect-engineer services, unless otherwise expressly provided for in this contract, shall be subject to a decrease in the fixed fee by an equitable adjustment on the basis of the decrease in services due to such subcontracting.

l. Upon termination or prior to completion of this contract, as determined by the Contracting Officer, and before final payment of the fixed-fee, the A-E-M shall:

(1) Prepare record drawings to show construction as actually accomplished. These record drawings shall be prepared by correcting drawings as prepared for construction purposes or, where construction drawings cannot be satisfactorily revised for record purposes, by preparation of appropriate new drawings. All such drawings shall be prepared in pencil on tracing paper or pencil tracing cloth of approved quality unless otherwise directed or authorized by the Contracting Officer. Drawings shall be prepared in ink on linen only where satisfactory results cannot be obtained otherwise.

(2) Supervise the testing of operating units designed by the A-E-M to assure their conformance with specifications and furnish all engineering services necessary to secure such conformance.

(3) Prepare instructions for the proper operation and maintenance of all utilities and operating equipment designed by the A-E-M.

m. Without additional compensation the A-E-M, or any member of the organization, when requested, shall consult and advise with the Contracting Officer on any questions which may arise in connection with the work.

n. Prepare partial and final estimates of quantities and values of work done under lump sum and unit price contracts and subcontracts necessary to provide data required under the payment provisions of such contracts and subcontracts.

o. Perform all other architectural and engineering services within the scope of this contract required by the Contracting Officer.

ART. IV. *Statement of construction services.* 1. The A-E-M shall, in the shortest practicable time, furnish the services, labor, materials, tools, machinery, equipment, facilities and supplies not furnished by the Government and do all things necessary for the construction of that portion of the project not performed by the Government or performed under the contracts as contemplated by Sections 2 and 5 of Article II, all in accordance with the approved drawings and specifications.

ART. V. *Statement of management services.* 1. The A-E-M shall furnish management services to assure the satisfactory completion of the project. Such services shall include, among other functions, the preparation of contract documents, and scheduling such contracts as to units of work, time of completion, and other salient phases so as to assure the orderly prosecution of the work. Such services shall also extend to the scheduling and/or purchasing of items of materials and equipment to avoid any delays in the prosecution of the work hereunder. The A-E-M shall advise and consult with the construction contractors on this project and shall direct and supervise their work, subject to the provisions of Article XVII; and shall, when directed or authorized by the Contracting Officer, procure and store materials and equipment for use in connection with the project.

ART. VI. *Estimated cost, fee and performance period.* 1. It is estimated that the cost of the construction of the project will be _____ Dollars ($_____) exclusive of the A-E-M's fee, and that the work herein contracted for will be ready for utilization by the Government_____ It is expressly understood, however, that neither the Government nor the A-E-M guarantees the correctness of either of these estimates.

2. In consideration for his undertaking under this contract the A-E-M shall receive the following:

a. Reimbursement for expenditures as provided in Article XI.

b. Rental for A-E-M's equipment as provided in Article XI.

c. A fixed fee in the amount of _____ Dollars ($_____) which shall constitute complete compensation for the A-E-M's services, including profit and all general overhead expenses.

3. When in the opinion of the Contracting Officer it is to the best interests of the Government, the A-E-M shall when so ordered or authorized, subcontract any or all items or classifications of construction work required under this contract or subsequently added thereto, for which contracts are not awarded by the Government on a lump sum or unit price basis. Such subcontracting of construction work, or the performance thereof with the A-E-M's own forces, regardless of the amount and/or extent of work performed or subcontracted, all with the prior written approval or order of the Contracting Officer, and such awarding of contracts for construction work hereunder by the Government on a lump sum or unit price basis, irrespective of the amount and extent thereof, shall entail no adjustment in the fixed fee stipulated in Section 2 *c*, of this Article VI. The fixed fee stipulated in Section 2 *c*. of this Article VI has been determined in the light of the fact that all of the construction work may be subcontracted or contracts for such work may be awarded by the Government on a lump sum or unit price basis. Such fee includes compensation for the services which may be rendered by the A-E-M in the negotiation, supervision, and coordination of any construction work subcontracted or for which contracts have been awarded by the Government on a lump sum or unit price basis and the responsibilities assumed by the A-E-M in connection therewith, and is deemed to be reasonable, regardless of the amount or extent of construction work performed, subcontracted, or for which contracts are awarded by the Government on a lump sum or unit price basis.

ART. VII. *Changes.* 1. The Contracting Officer may at any time by written order issue additional instructions, require additional work or services or direct the omission of work or services covered by this contract. If such changes cause a material increase or decrease in the amount or character of the work and services to be done under this contract an equitable adjustment of the amount of the fixed fee to be paid the Architect-Engineer shall be made and the contract shall be modified in writing accordingly. Any claim for adjustment under this Article must be asserted within 10 days from the date the change is ordered (unless the Contracting Officer, with the approval of the Secretary of War or his duly authorized representative, shall grant a further period of time prior to the date of final settlement of the contract). Nothing provided in this Article shall excuse the Architect-Engineer from proceeding with the prosecution of the work so changed. There shall be no adjustment in the amount of the fixed fee as provided herein, nor any claim therefor because of any errors and/or omissions made in computing the estimated cost of the work under this contract or where the actual cost varies from the estimated cost.

ART. VIII. *Title to work.* 1. Title to all materials, tools, machinery, equipment and supplies for which the A-E-M shall be entitled to reimbursement under Article XI shall vest in the Government at such point or points as the Contracting Officer may designate in writing, provided that the right of final inspection and acceptance or rejection of such materials, tools, machinery, equipment and supplies at such place or places as he may designate in writing is reserved to the Contracting Officer; provided further that, upon such final inspection, the A-E-M shall be given written notice of acceptance or rejection as the case may be. In the event of rejection, the A-E-M shall be responsible for the removal of the rejected property within a reasonable time.

ART. IX. *Workmanship and materials.* 1. The work shall be executed in the best and most workmanlike manner by qualified, careful and efficient workers, in strict conformity with the best standard practices. Except as otherwise authorized by the Contracting Officer all materials shall be of the best quality of their respective kinds. If the Contracting Officer requires that the A-E-M submit for

prior approval samples of materials proposed for use in the work covered by this contract, the A-E-M shall make no commitments for such materials until the submitted sample has been approved by the Contracting Officer.

ART. X. *Expert technical assistance.* 1. When in the judgment of the Contracting Officer the complexity and nature of the project are such as to require expert technical assistants, or services, or advice in connection with special phases of the work such as site planning, aerial surveys, manufacturing processes, or other problems of a highly technical character, the A-E-M may obtain by subcontract or otherwise, when so ordered by the Contracting Officer, such supplemental professional services as are necessary for the proper performance of this contract. The obtaining of such supplemental professional services shall entail no adjustment of the fixed-fee.

2. The provisions of the above section shall not apply to the usual professional services normally furnished by Architect-Engineers, including but not limited to topographic surveys, design of water supply and sewerage systems, power plants and other utilities, structures and foundations. If, in the opinion of the Contracting Officer, it is essential for the proper prosecution of the work that the A-E-M obtain expert technical advice or consulting service in connection with those classes of service not included in section 1 above, the cost of obtaining such advice or service shall not be reimbursable except for the salaries of employees of such consultants, when assigned to the work on a full-time basis.

ART. XI. *Cost of the work.* 1. *Reimbursement for A-E-M expenditures.* The A-E-M shall be reimbursed in the manner hereinafter described for such of his actual expenditures in the performance of the work as may be approved or ratified by the Contracting officer and as are included in the following items:

a. All labor, materials, tools, machinery, equipment, supplies, services, utilities, power and fuel necessary for either temporary or permanent use for the benefit of the work.

b. All subcontracts made in accordance with the provisions of this contract.

c. Rental actually paid by the A-E-M at rates not to exceed those approved by the Contracting Officer, for construction plant in sound and workable condition exceeding $300 in value as may be necessary for the proper and economical prosecution of the work. Each contract for the rental of construction plant or parts thereof by the A-E-M from third parties shall be in a form prescribed by the Contracting Officer and shall be subject to his approval and shall include provisions (1) that the lessor shall deliver to the Government title to such construction plant or parts thereof free of all liens and encumbrances when and if the total rental paid and or accrued to the lessor for any item of construction plant or parts thereof shall equal the approved value thereof plus one percent (1%) of the approved value per month for each contract month or fraction thereof such piece of equipment shall have been in use, and (2) that any time prior to termination of such rental agreement, the Government may at its option purchase any piece of equipment by paying the lessor the difference between the valuation of such piece of equipment plus one percent (1%) of the approved value per month for each contract month or part thereof such piece of equipment shall have been in use, and the total rental theretofore paid for such piece of equipment. *Provided, however,* That either of such provisions may be omitted from such rental agreements if the omission is approved by the Chief of the Technical Service.

d. Unloading and assembling at the site of the work of construction plant owned or rented by the A-E-M; transportation thereof to the place or places where it is to be used in connection with said work, dismantling, loading and return transportation to the point of original shipment or equivalent mileage, but in no event will the payment made for return transportation exceed the payment made for transportation to the job site unless such excess cost results solely from an increase of freight rates, or is required by Government transfer of such equipment to another site more distant from the point of origin than the site of the work set out in Article I hereof. Charges for transportation over distances in excess of 500 miles must have the written authorization of the Contracting Officer in advance. Loading at the site of origin and unloading when returned to the original shipping point or other return shipping point will not be paid by the Government and is not a reimbursable item.

e. Repairs and repair parts for construction plant, except such as are included in the rental and those made necessary by defects in such plant, or parts thereof, or by the fault or negligence of the A-E-M or his employees.

f. Transportation charges on materials and supplies.

g. Transportation and traveling expenses to the work of the necessary field forces for the economical and successful prosecution of the work, and return when such services are no longer required; expenses of procuring labor and expediting the production and transportation of material and equipment. Expenditures under these items shall be either authorized or approved in writing by the Contracting Officer.

h. Salaries of engineers, resident engineers, principal assistant engineers, architects, superintendents, timekeepers, foremen, technical, administrative employees and other field employees of the A-E-M in connection with the work. In case the full time of any field employee of the A-E-M is not applied to the work, his salary shall be included in this item only in proportion to the actual time applied thereto. No person shall be assigned to service by the A-E-M as superintendent of construction, chief engineer, chief purchasing agent, chief accountant, or similar positions in the A-E-M's field organization, or as principal assistant to any such person, until there has been submitted to and approved by the Contracting Officer a statement of the qualifications, experience, and salary of the person proposed for such assignment. The payment of any excess salary over such scheduled amounts shown in the approved salary schedule, Appendix "C", attached hereto and made a part hereof, shall not be reimbursable, unless and until the Chief of the Technical Service has so approved in writing.

i. Buildings, trade fixtures and equipment required for necessary field offices, commissaries, hospitals, and other facilities, and the cost of maintaining and operating such field offices, commissaries, hospitals and other facilities; provided that the A-E-M may enter into a contract with any third party or parties for the operation of the commissaries, hospitals, or other facilities provided for herein, in which event such contract shall be reduced to writing and the terms thereof subject to the prior written approval of the Contracting Officer.

j. Temporary rights in land required in connection with the work.

k.–n. (Insert a. to d. of clause in § 803.-365–2).

o. Payments from his own funds made by the A-E-M under the Social Security Act, and any disbursements required by law which the A-E-M may be required on account of this contract to pay on or for any plant, equipment, process, organization, materials, supplies, or personnel; and, if approved in writing by the Contracting Officer in advance, permit and license fees and royalties on patents used including those owned by the A-E-M.

p. (1) If the A-E-M or any representative thereof, shall be required to travel, the Government will reimburse the A-E-M for the transportation, including Pullman where necessary and will allow for such travel Six Dollars ($6.00) per day in lieu of all other expenses. Transportation by automobile on such required travel shall be reimbursed at the rate of Five Cents ($.05) per mile as representing the actual cost of such transportation.

(2) All travel shall be either authorized or approved in writing by the Contracting Officer. Should the A-E-M, or any representative thereof, remain in a travel status in excess of six (6) days at any one time, not including the time consumed in travel, the cost of such excess travel status shall be at the expense of the A-E-M, unless otherwise ordered in writing by the Contracting Officer.

q. When specifically approved in advance by the Contracting Officer, a reasonable allowance for work covered by Article IV performed in the A-E-M's general offices exclusively for and directly chargeable to the work.

r. Disbursements incident to payment of payrolls, including but not limited to, the cost of disbursing cash, necessary guards, cashiers, and paymasters. If payments to employees are made by check, facilities for cashing checks must be provided without expense to employees, and the A-E-M shall be reimbursed therefor.

s. Expenditures made by the A-E-M under the provisions of Subsection *d* of Section 1 of Article III and Article X.

t. In the event the Contracting Officer shall determine that the best interests of the Government require that the A-E-M initiate or defend litigation in connection with claims of third parties arising out of the performance of this contract, the A-E-M will proceed with such litigation in good faith and the costs and expenses of such litigation, including judgments and court costs, allowances rendered or awarded in connection with suits for wages, overtime or salaries, and reasonable attorneys' fees for private counsel when the Government does not furnish Government counsel, shall be reimbursable under this contract.

u. Such other items not expressly excluded by other provisions of this contract as should, in the opinion of the Contracting Officer, be included in the cost of the work. When such an item is allowed by the Contracting Officer, it shall be specifically certified as being allowed under this Subsection.

If this contract was preceded by a Letter Contract, the following provision shall be deemed to be included herein:

v. All expenditures for which reimbursement has not been made pursuant to Letter Contract dated _____, a copy of which is attached hereto. Such Letter Contract is hereby merged and superseded by this contract.[1]

2. *Rental for construction plant owned by A-E-M. a.* Rental shall be paid to the A-E-M for construction plant in sound and workable condition, owned and furnished by him for the proper and economical prosecution of the work, as shown in the attached "Appendix B" hereby made a part hereof, at rental rates prescribed by the Under Secretary of War in "Uniform Rental Rates for Contractor-Owned Construction Plant", August 27, 1941.

b. In the event the A-E-M, with the approval of the Contracting Officer furnishes additional equipment that is not included in "Appendix B", rental for such equipment will be paid in accordance with said "Uniform Rental Rates for Contractor-Owned Construction Plant."

c. Except as otherwise specified herein, rental shall begin on the date of delivery of the construction plant to a common carrier for shipment to the site of the work, as evidenced by bill of lading or other satisfactory evidence covering such shipment. In the event the construction plant is conveyed by the A-E-M, the rental shall start at the time transportation to the site begins; however, the rental paid shall not exceed that for the equivalent time of shipment by common carrier.

d. If such construction plant is not in sound and workable condition to the satisfaction of the Contracting Officer, when delivered at the site of the work, the rental period therefor shall not begin until the construction plant shall have been placed in sound and workable condition at the expense of the A-E-M, and rental therefor shall not be paid for any prior period.

e. If such construction plant cannot be placed in sound and workable condition within reasonable time to the satisfaction of the Contracting Officer, no transportation charges for the shipment thereof, to or from the site of the work, shall be paid.

f. The approved value of the construction plant as shown in "Appendix B" shall be deemed binding unless the Contracting Officer shall, within twenty days after such plant has been set up and working, modify or change such valuation. In the event a change is made in the valuation of the construction plant, a corresponding change shall be made in the rental rate in accordance with said "Uniform Rental Rates for Constructor-Owned Construction Plant". Thereafter the valuation and the related rental rate shall be binding unless the rental is modified as specified below.

g. Furnish within 15 days of the date of the receipt of written notice from the Contracting Officer, construction plant listed in Appendix "B" provided that the date upon which the A-E-M is required to furnish such plant shall not precede the date on which such construction plant is listed as available in said Appendix "B". In the event the A-E-M fails to furnish construction plant as required by such notice, the additional cost of acquiring replacement construction plant from any source other than the A-E-M shall be paid by the A-E-M and shall not be a reimbursable expenditure.

h. Rental for time consumed for repairs, in excess of time normally required for such repairs as determined by the Contracting Officer, shall be deducted from the rental in the amount of one-thirtieth of the monthly rental rate for each day determined to be in excess. When in the opinion of the Contracting Officer the amount of repairs or maintenance is excessive, a deduction shall be made from the rental.

i. The payment of rental shall cease on a date to be established in a written notice by the Contracting Officer to the A-E-M that the construction plant is no longer required. The date of release thus established shall include an allowance for the time necessary for final repairs, dismantling and loading for shipment.

GENERAL

3 *Reservations by Government. a.* The Government reserves the right to furnish any materials, construction equipment, machinery, tools, or services, including communication services necessary for the completion of the work. The A-E-M shall cause all equipment, machinery, and tools to which title is vested in the Government to be suitably marked with an identifying mark or symbol indicating that such items are the property of the United States. The A-E-M shall maintain at all times, in a manner satisfactory to the Contracting Officer records showing the disposition and/or use of all equipment, machinery, tools, and materials purchased for the work and for which he has been reimbursed by the Government or which have been furnished by the Government. Upon the completion of this contract or upon demand, the A-E-M shall return such equipment, machinery, tools, and unused materials to the place designated by the Contracting Officer.

b. (Insert article in § 803.365–1).

c. The Government reserves the right to pay directly to common carriers any or all freight charges on construction plant, materials and supplies.

d. The Government reserves the right to pay directly to the person concerned all sums due from the A-E-M for labor, materials, or other charges.

4. *Salaries of corporate officers, etc.* No salary, wages, or like compensation of the A-E-M, partners or corporate officers of the A-E-M's organization and no salary, wages or like compensation of the resident managers referred to in Section 1 of Article III shall be included in the cost of the work. No part of the expense incurred in conducting the A-E-M's main office or regularly established branch offices, and no overhead expense of any kind, except as specifically authorized in Section 1 of this Article, shall be included in the cost of the work; nor shall any interest on capital employed or on borrowed money be included in the cost of the work.

5. *Discounts.* The A-E-M shall, to the extent of his ability, take all cash and trade discounts, rebates, allowances, credits, salvage, commissions, and bonifications, and when unable to take advantage of such benefits he shall promptly notify the Contracting Officer of the reason therefor. In determining the actual net cost of articles and materials of every kind required for the purpose of this contract, there shall be deducted from the gross cost thereof all cash and trade discounts, rebates, allowances, credits, commissions, and bonifications which have accrued to the benefit of the A-E-M or would have so accrued but for the fault or neglect of the A-E-M. Such benefits lost through no fault or neglect on the part of the A-E-M, or lost through fault of the Government, shall not be deducted from gross costs.

6. *Revenue.* All revenue received by the A-E-M from the operations of the hospital, commissaries, or other facilities, or from rebates, discounts, refunds, etc., shall be accounted for by the A-E-M and, except for any reasonable compensation accruing to a third party or parties for the operation of commissaries, hospitals, or other facilities, applied in reduction of the cost of the work.

ART. XII. *Payments*—1. *Reimbursement for cost.* The Government will current reimburse the A-E-M for expenditures made in accordance with Article XI upon certification to and verification by the Contracting Officer of the original signed payrolls for labor, the receipted invoices for materials, or such other documents as the Contracting Officer may require. Generally, reimbursement will be made weekly but may be made at more frequent intervals if the conditions so warrant.

2. *Rental for A-E-M's equipment.* Rental as provided in Section 2, Article XI for such construction plant or parts thereof as the A-E-M may own and furnish shall be paid monthly upon presentation of proper vouchers.

3. *Payment of the fixed-fee.* Ninety percent (90%) of the fixed-fee set out in Article VI shall be paid by the Government as it accrues, in monthly installments based upon the percentage of the Completion of the work as determined from estimates submitted to and approved by the Contracting Officer. Final payment upon completion of the work and its final acceptance shall be made in accordance with Section 5 of this Article. If the contract is terminated by the Government, payment shall be made in accordance with Article XVI.

4. *Payments by A-E-M.* If bills for purchase of material, machinery or equipment, or pay-rolls covering employment of laborers or mechanics incurred by the A-E-M or by any subcontractor hereunder are not paid promptly by the A-E-M or subcontractor as the case may be, the Contracting Officer may, in his discretion, withhold from payments otherwise due the A-E-M an amount equivalent to the amount of any such bill or payroll. Should the A-E-M neglect or refuse to pay such bills or payrolls or to direct any subcontractor to pay such bills or payrolls within five (5) days after notice from the Contracting Officer so to do, the Government shall have the right to pay such bills or payrolls directly, and in such event a deduction equal to five percent (5%) of the amount so paid directly shall be made from the A-E-M's fee.

5. *Final payment.* a. Upon completion of the work and its final acceptance in writing by the Contracting Officer, the Government shall pay to the A-E-M the unpaid balance of the cost of the work determined under Article II, and of the fee, less any sum that may be necessary to settle any unsettled claims in connection with this contract, or any claim the Government may have against the A-E-M. The Contracting Officer shall accept the completed work with reasonable promptness.

b. Prior to final payment and as a condition thereof the A-E-M shall furnish the Government with a release of all claims against the Government arising under and by virtue of this contract, other than (1) such claims, if any, as may be specifically excepted by the A-E-M from the operation of the release in stated amounts to be set forth therein, or in estimated amounts where the amounts are not susceptible of exact statement, and (2) any claim based upon responsibility of the A-E-M to third parties arising out of the performance of this contract not known to the A-E-M at the time of furnishing the release.

c. Even though the existence or amount thereof shall not be determined until after the furnishing of such release as is described next above, reimbursement to be made for payments made by the A-E-M shall include, along with wages and salaries otherwise reimbursable, all additional amounts determined (either by approval of the Contracting Officer or by litigation as provided in Subsection t, Section 1, Article XI) to be due and payable for overtime compensation and allowances under local, state or Federal laws in connection with such wages and salaries.

d. The A-E-M shall promptly notify the Contracting Officer of any claims of the type described in clause (2) of Subsection b of this Section which are asserted subsequent to the execution of the release.

ART XIII. *Records and Accounts, Inspection and Audit.* 1. *Records and books of account.* The A-E-M agrees to keep records and books of account, showing the actual cost to him of all items of labor, materials, equipment, supplies, services, and other expenditures of whatever nature for which reimbursement is authorized under the provisions of this contract. The system of accounting to be employed by the A-E-M shall be such as is satisfactory to the Contracting Officer.

2. *Access to records by Contracting Officer and A-E-M.* The Contracting Officer shall at all times be afforded proper facilities for inspection of the work and shall at all times have access to the premises, work and materials, to all books, records, correspondence, instructions, plans, drawings, receipts, vouchers, and memoranda of every description of the A-E-M pertaining to said work except such documents as are submitted in support of reimbursement vouchers; and the A-E-M shall preserve such papers, without additional compensation therefor, to such extent and for such period as may be required by law. Likewise, any duly authorized representative of the A-E-M shall be accorded the privilege of examining the books, records, and papers of the Contracting Officer relating to the actual cost of the work for the purpose of checking up and verifying such cost.

3. *Auditing functions.* In order to avoid so far as possible duplication in accounting

[1] This contract will bear same date as letter contract.

and auditing functions performed by the A-E-M and the Government, it is agreed that the following accounting and auditing functions shall be performed by the Government exclusively:

a. Time checking (not time keeping) in the field or in the A-E-M's Plant.

b. Audit of original pay rolls of the A-E-M (or such portions thereof as are applicable), where such pay rolls are prepared by the A-E-M.[1]

c. Checking of equipment rentals and the preparation and delivery of properly approved rental rolls to the A-E-M for payment.[2]

d. Such other accounting and auditing functions as may be effectively performed by Government employees and to which the Contracting Officer and the A-E-M may mutually agree in writing.

4. *Discharge of functions.* It is further agreed that if any of the accounting and auditing functions performed exclusively by the Government do not adequately discharge such accounting and auditing functions to the satisfaction of the A-E-M, the A-E-M, with the approval in writing of the Contracting Officer, may perform such additional checking and auditing as may be so approved. The A-E-M shall be reimbursed for the cost of such additional accounting and auditing functions as are so approved.

ART. XIV. *Drawings and other data to become property of Government.* 1. All drawings, designs and specifications are to become the property of the Government on completion thereof as outlined in this contract, and the Government shall have full right to use said drawings, designs and specifications as instruments for the purpose of constructing, under contract or otherwise, any buildings or other structures for the sole use of the Government when and where the Government may designate without any claim on the part of the A-E-M for additional compensation.

2. All notes, designs, drawings and other data concerning the project shall be delivered to the Government whenever requested by the Contracting Officer and, furthermore, access to such data shall be restricted to trusted and duly authorized representatives of the Government and of the A-E-M.

ART. XV. *Special requirements.* 1. (Insert clause b in § 803.365–3.)

2. (Insert clause c in § 803.365–3.)

3. The A-E-M hereby agrees that he will:

a. (Insert clause in § 803.365–6.)

b. Procure all necessary permits and licenses; obey and abide by all applicable laws, regulations, ordinances, and other rules of the United States of America, of the State, Territory, or political subdivision thereof wherein the work is done, or of any other duly constituted public authority.

c. Reduce to writing, unless this provision is waived in writing by the Contracting Officer, every contract in excess of two thousand dollars ($2,000) made by him for the purpose of the work hereunder for services, materials, supplies, machinery, equipment, or for the use thereof; insert therein a provision that such contract is assignable to the Government; make all such contracts in his own name, and not bind nor purport to bind the Government or the Contracting Officer thereunder. No purchase in excess of two thousand dollars ($2,000) shall be made or placed without the prior approval of the Contracting Officer.

d. Enter into no subcontract for any portion of the construction work except in the form prescribed by the Chief of the Technical Service, with the written approval of the Contracting Officer. Subcontracts are defined as contracts entered into by the A-E-M with others which involve the performance, wholly or in part at the site of the work, of some part of the work described in this contract.

e. The Contracting Officer may require the A-E-M to dismiss from work such employee or employees as the Contracting Officer deems incompetent, careless or insubordinate, or whose continued employment is deemed inimical by the Contracting Officer to the public interest. The A-E-M shall make every reasonable effort in the selection of his employees and in the prosecution of the work under this contract to safeguard plot drawings and schematic drawings furnished him and drawings and specifications, and to prevent the theft or unauthorized use of the same.

f. Immediately upon termination of third-party rental agreements, make all repairs to equipment rented thereunder which are required to be made by the terms of such rental agreements and shall remove such equipment from the site of the work. In cases where such repairs and removal cannot promptly be made, the A-E-M shall notify the Contracting Officer of the reasons for such delay.

ART. XVI. *Termination of contract by the Government.* (Insert the clause in § 803.350)

ART. XVII. *The Contracting Officer's decisions.* 1. The services rendered and the work done by the A-E-M shall be subject to the supervision and approval of the contracting officer to whom the A-E-M shall report and be responsible.

ART. XVIII. *Disputes.* (Insert article in § 803.326)

ART. XIX. *Convict Labor.* (Insert clause in § 803.345)

ART. XX. *Labor.* 1. (Insert clauses in §§ 803.343 and 803.343–1)

2. (Insert clause in § 803.346)

3. *Excess wage rates on overtime compensation.* All wage rates, including compensation for overtime under Section 2 of this article, for laborers and mechanics engaged in work under this contract shall be approved in writing by the Chief of the Technical Service or a representative expressly designated by him for that purpose, and any amount paid by the A-E-M to any laborer or mechanic in excess of the wage rate approved for such laborer or mechanic by the Chief of the Technical Service or a representative expressly designated by him for that purpose shall be at the expense of the A-E-M and shall not be reimbursed by the Government. When, in connection with the audit and check by the Contracting Officer or his authorized representative, of the A-E-M's pay rolls prior to reimbursement as contemplated in section 1 of Article XI hereof, it is found that one or more laborers and/or mechanics have been paid wages at rates in excess of the wage rates approved as herein provided, the reimbursement made to the A-E-M on account of such pay rolls shall not include any such excess payments.

4. (Insert clause in § 803.325)

5. (Insert clause in § 803.344)

ART. XXI. (Insert clause in § 803.362)

ART. XXII. *Notice to Government of labor disputes.* (Insert clause in § 803.354)

ART. XXIII. *Officials not to benefit.* (Insert clause in § 803.322)

ART. XXIV. *Covenant against contingent fees.* (Insert clause in § 803.323)

ART. XXV. *A-E-M's organization and methods.* 1. Upon the execution of this contract, the A-E-M shall submit to the Contracting Officer a chart showing in general the executive and administrative organization, duties and personnel to be employed in connection with the work under contract; the data so furnished shall be supplemented as additional information becomes available.

ART. XXVI. *Progress reports and changes in personnel.* 1. The A-E-M shall promptly, after the execution of this contract, prepare and submit to the Contracting Officer, for approval, a schedule showing the order in which the A-E-M proposes to carry on the work, with dates on which he will start the several salient features of the work and the contemplated dates for completing the same. The schedule shall be in the form of a progress chart at suitable scale so as to indicate with symbols the percentage completed at any time. The A-E-M shall correct the progress schedule at the end of each week and shall immediately deliver to the Contracting Officer three copies each of the same.

2. The A-E-M shall furnish sufficient technical, supervisory and administrative personnel to insure the prosecution of the work in accordance with the approved progress schedule. If in the opinion of the Contracting Officer, the A-E-M falls behind the progress schedule, the A-E-M shall take such steps as may be necessary to improve his progress, and the Contracting Officer may direct him to increase working days per week, or hours of labor per day. When in the opinion of the Contracting Officer, the A-E-M's personnel and/or overhead is excessive for the proper performance of this contract, reductions thereof shall be made as required by the Contracting Officer. Failure to promptly comply with such directions shall be deemed sufficient cause to terminate this contract for the fault of the A-E-M.

ART. XXVII. *Loading and unloading railway cars.* 1. The A-E-M shall load promptly all railroad cars furnished for loading upon his order and shall unload from railroad cars promptly upon arrival all shipments consigned to him and shall provide storage facilities and other facilities necessary for these purposes; and the A-E-M shall not order railway cars for loading unless they can be loaded promptly and shall not cause or permit shipments to be consigned to him unless they can be unloaded from railroad cars promptly upon arrival.

ART. XXVIII. *Assignment of claims.* (Insert clause in § 803.355)

5. No assignee shall divulge any information concerning the contract, or contained therein, except to those persons authorized by the Contracting Officer.

If this contract is classified as Secret, Confidential, or Restricted, the foregoing provisions of this Article shall not be applicable, and the following provision shall be deemed to be substituted therefor:

1. Neither this contract, nor any interest therein, or claim thereunder, shall be assigned or transferred by the A-E-M to any party or parties.

ART. XXIX. *Renegotiation.* (See § 803-342 and Part 812.)

ART. XXX. *Approval required.* 1. This contract shall be subject to the approval of the ---------- and shall not be binding unless so approved.

ART. XXXI. *Definitions.* 1. The term "Chief of the Supply Service" refers to the head of a service of the War Department, e.g., the Chief of Engineers.

2. The terms "Secretary of War" and "Chief of the Supply Service" shall include their duly authorized representatives as the case may be other than the Contracting Officer.

3. The term "his duly authorized representative" shall mean any person or board authorized by the Secretary of War or the Chief of the Supply Service, as the case may be, to act for him, other than the Contracting Officer.

4. For the original signing of the contract and modification thereof, the term "Contracting Officer" as used herein shall be deemed to include the Contracting Officer in the Office of the Chief of Engineers appointed for that purpose by the Chief of Engineers. For all other purposes, the term "Contracting Officer" shall mean the District Engineer of the United States Engineer District in which the contract work is being performed, his successor or duly authorized representative.

5. The term "construction plant" shall include any part thereof.

ART. XXXII. *Alterations.* The following changes were made in this contract before it was signed by the parties hereto:

In witness whereof, the parties hereto have executed this contract as of the day and year first above written.

THE UNITED STATES OF AMERICA.

By ----------

---------- (Contracting Officer)

A-E-M

By ----------

Witnesses as to signature of A-E-M:

---------- (Address)

---------- (Address)

CERTIFICATION

I, ----------, do hereby certify that I am the duly qualified ---------- of the corporation named herein as Architect-Engineer-Construction-Manager; that ---------- who signed this contract on behalf of the Architect-Engineer-Construction-Manager was then ---------- of said corporation; that said contract was duly signed for and in behalf of said corporation by authority of its governing body, and is within the scope of its corporate powers.

In witness whereof, I have hereunto affixed my hand and the seal of the---------- this ---------- day of----------, 194--.

[CORPORATE SEAL]

APPENDIX "B"

Contract No. ----------

(All equipment available ----------
except where otherwise specified)

Quantity	Item: Complete description, capacity, and identifying Nos.	Total purchase cost or fair value	Rental Rate $... month, week or day

APPENDIX "C"

There are set forth below the present key employees proposed to be furnished under this contract indicating their names, description of work to be performed, an expression as to whether the salaries are based on a weekly, monthly or annual basis, and the maximum salary agreed upon to be paid for services in the position indicated for personnel now employed.

Name	Position	Salary based on weekly (W) monthly (M) or annual basis	Maximum salary agreed to be paid under contract

For the purposes of this appendix "C" it is understood that

1. "Non-manual employees" are those employees who are not "laborers and mechanics" within the meaning of the Davis-Bacon Act. The term "non-manual employees" includes all occupations not involving manual labor directly in connection with construction work. Custodian employees are included within the term "non-manual employees." The following is a list (not all inclusive) of typical "non-manual" occupations:

Accountants.	Office Machine Operators.
Architects.	Office Managers.
Auditors.	Project Managers.
Axemen.	Purchasing Agents.
Bookkeepers.	Rodmen.
Chainmen.	Stenographers.
Checkers.	Stewards.
Chiefs of Party.	Storekeepers.
Clerks.	Superintendents.
Cooks.	Telephone Operators.
Draftsmen.	Timecheckers.
Engineers.	Timekeepers.
Executives of any kind.	Tool Checkers.
Guards.	Transitmen.
Levelmen.	Typists.
Material Checkers.	Waiters.
Material Clerks.	Watchmen.
Messengers.	Waterboys.

2. Non-manual employees will be classified in the following groups:

a. Group "A". Employees whose base salaries are $53.31 or less per week.

b. Group "B". Employees whose base salaries are over $53.31 and not over $90.00 per week.

c. Group "C". Employees whose base salaries are over $90.00 per week.

d. Group "D". Trade foremen employed by construction contractors.

3. The base salaries of all employees in Groups "A" and "B" are based on a work week of 40 hours. The base salaries of all employees in Group "C" are based on a minimum work week of 48 hours.

4. No offer of employment will be made to any prospective employee for work of the same general classification and responsibility as his present employment at a rate exceeding present salary.

5. The base salary of a person not in the employ of the A-E-M prior to the execution of this contract will not be approved at a rate in excess of the maximum prescribed for the job classification in the approved salary schedule attached.

6. The base salary of a person in the employ of the A-E-M prior to the execution of the contract will not be approved at a base salary in excess of that paid immediately prior to execution plus such increases as the A-E-M customarily grants for work away from the home office, except that, in cases where the classifications of such a person is changed incident to or during his assignment to the project, the salary range in the approved salary schedule shall govern.

7. *With regard to overtime payments.* a. Group "A" employees will be paid at the rate of time and one-half for all work which they are required to perform in excess of 40 hours during the first six days of any regularly scheduled work week, and at the rate of two times straight time for work which they are required to perform on the seventh consecutive day of such work week.

b. Group "B" employees will be paid at the rate of straight time for all work which they are required to perform in excess of 40 hours per week.

c. Group "C" employees will work any necessary number of hours (including work on Sundays) without payment of additional compensation.

d. Group "D" employees normally employed on an hourly basis will be granted the same overtime pay as the laborers and mechanics under their supervision. Group "D" employees employed on a weekly or monthly basis will be governed by the overtime provisions applicable to employees in Group "A", "B", or "C".

8. *With regard to holiday payments.* a. No deductions from weekly or monthly base salaries of employees in Groups "A", "B", and "C" shall be made for approved absences on customary holidays, and no premium wage or extra compensation shall be paid for work on such holidays, except that employees in Group "A" who are required to work on the holidays specified below, shall be paid at the rate of one and one-half times the straight time rate:

New Year's Day.	Thanksgiving Day.
July Fourth.	Christmas Day.
Labor Day.	Memorial Day.

b. Group "D" employees normally employed on hourly basis will be granted the same overtime pay as the laborers and mechanics under their supervision. Group "D" employees employed on a weekly or monthly basis will be governed by the holiday provisions applicable to Group "A", "B", or "C".

9. *Work on the seventh consecutive day:*

a. Since it is the policy to provide that each worker will have one day of rest in seven, operations shall be arranged so as to permit one scheduled day of rest in each seven for all employees not engaged in an executive or supervisory capacity.

b. Only in situations of emergency will approval be granted to work, on the seventh consecutive day or more than 48 hours in any scheduled work week, those employees who are not engaged in executive or supervisory capacities. The Contracting Officer will obtain the prior approval of the Division Engineer or his designated representative before approving work in such cases.

10. *Leave privileges:* All employees of Groups "A", "B", "C", and those employees of Group "D" who are employed on a weekly or monthly basis, shall accrue leave with pay at the rate of two days per month for each month of service in lieu of any sick or vacation allowance, subject to the following rules:

a. Leave granted for any reason in excess of two days per month will not be reimbursable.

b. Leave may be granted by the A-E-M, with the approval of the Contracting Officer, at such time or times as may be deemed in the best interests of the Government. Leave may be granted during the course of employment or at the completion of employment.

c. No leave will be accrued to any employee in excess of 48 days.

d. Unearned leave may not be advanced.

e. Employees separated because of their own misconduct (including such causes as insubordination, drunkenness on the job, theft, etc.) shall forfeit any leave which they may have accrued at the time of separation.

f. Employees who resign, or are involuntarily separated for causes not due to their misconduct, shall be entitled to all leave to and including date of separation.

g. Employees shall be charged with leave only for absence on days upon which they would normally be on duty.

h. The minimum charge for leave shall be one hour. Leave granted for less than one full day shall be proportionately charged.

i. Leave may not be granted for days of disability because of accidents which are covered by compensation insurance.

[1] Where pay rolls are prepared by the Government the audit thereof by the Government will be concurrent with such preparation.

[2] If not applicable, this section will be omitted.

11. *Approved salary schedule:*

NON-MANUAL EMPLOYEES OF COST-PLUS-A-FIXED-FEE PRINCIPAL AND SUBCONTRACTORS

Job classification	Salary ranges			
	Weekly		Monthly	
	From	To	From	To
Executive and office engineers:				
Architect, Chief	$92.31	$150.00	$400.00	$650.00
Architect Supt., Chief	44.31	103.85	192.00	450.00
Architect Supt	35.54	67.38	154.00	292.00
Architect Supt., Asst	31.15	53.31	135.00	231.00
Computer	35.54	92.31	154.00	400.00
Designer, Chief	67.38	115.38	292.00	500.00
Designer, Architectural	44.31	103.85	192.00	450.00
Designer, Engineering	44.31	103.85	192.00	450.00
Draftsman, Chief	53.31	103.85	231.00	450.00
Draftsman	26.54	53.31	115.00	231.00
Engineer, Chief	92.31	150.00	400.00	650.00
Engineer, Asst. Chief	92.31	138.46	400.00	600.00
Engineer, Departmental	92.31	138.46	400.00	600.00
Engineer, Office	67.38	115.38	292.00	500.00
Engineer, Junior	26.54	44.31	115.00	192.00
Specification Writer, Chief	67.38	115.38	292.00	500.00
Specification Writer	44.31	92.31	192.00	400.00
Field engineers:				
Axeman	18.64	19.62	69.00	85.00
Chainman	17.77	26.54	77.00	115.00
Chief of Party	35.54	67.38	154.00	292.00
Engineer, Chf. Construction	92.31	138.46	400.00	600.00
Engineer, Construction	53.31	115.38	231.00	500.00
Inspector, Chief	35.54	67.38	154.00	292.00
Inspector	26.54	53.31	115.00	231.00
Instrument Man	31.15	53.31	135.00	231.00
Rodman	22.15	31.15	96.00	135.00
Surveyor, Chief	44.31	103.85	192.00	450.00
Construction personnel:				
Equipment Manager	92.31	138.46	400.00	600.00
Estimator, Chief	53.31	103.85	231.00	450.00
Estimator	35.54	53.31	154.00	231.00
Expediter, Chief	44.31	103.85	192.00	450.00
Expediter	26.54	53.31	115.00	231.00
Labor Relations Manager	53.31	115.38	231.00	500.00
Master Mechanic	53.31	115.38	231.00	500.00
Material Checker	22.15	35.54	96.00	154.00
Paymaster	35.54	92.31	154.00	400.00
Paymaster, Asst	26.54	53.31	115.00	231.00
Personnel Manager	35.54	103.85	154.00	450.00
Priorities Manager	35.54	103.85	154.00	450.00
Priorities Manager, Asst	35.54	53.31	154.00	231.00
Project Manager	115.38	173.08	500.00	750.00
Project Manager, Asst	53.31	115.38	231.00	500.00
Purchasing Agent	53.31	138.46	231.00	600.00
Purchasing Agent, Asst	35.54	53.31	154.00	231.00
Sanitary and Safety Manager	44.31	92.31	192.00	400.00
Storekeeper, Chief	53.31	92.31	231.00	400.00
Storekeeper, Asst	26.54	53.31	115.00	231.00
Superintendent, General	115.38	173.08	500.00	750.00
Superintendent, Asst. Gen	92.31	138.46	400.00	600.00
Superintendent	92.31	138.46	400.00	600.00
Superintendent, Asst	53.31	92.31	231.00	400.00
Timekeeper, Chief	35.54	92.31	154.00	400.00
Timekeeper, Asst. Chief	26.54	44.31	115.00	192.00
Timekeeper	17.77	35.54	77.00	154.00
Traffic Manager	53.31	92.31	231.00	400.00
Traffic Manager, Asst	35.54	53.31	154.00	231.00
Office and miscellaneous personnel:				
Accountant	35.54	92.31	154.00	400.00
Accountant, Asst	35.54	53.31	154.00	231.00
Attorney and Notary	44.31	67.38	192.00	292.00
Auditor	53.31	126.92	231.00	550.00
Auditor, Asst	53.31	92.31	231.00	400.00
Blue Print Operator	31.15	39.92	135.00	173.00
Bookkeeper	26.54	49.82	115.00	212.00
Cashier	35.54	53.31	154.00	231.00
Chauffeur	17.77	26.54	77.00	115.00
Chief Clerk	26.54	53.31	115.00	231.00
Clerk	17.77	35.54	77.00	154.00
Doctor	44.31	92.31	192.00	400.00
Fire Chief	44.31	92.31	192.00	400.00
Fire Chief, Asst	35.54	53.31	154.00	231.00
Fireman	35.54	53.31	154.00	231.00

NON-MANUAL EMPLOYEES OF COST-PLUS-A-FIXED-FEE PRINCIPAL AND SUBCONTRACTORS—Continued

Job classification	Salary ranges			
	Weekly		Monthly	
	From	To	From	To
Office and miscellaneous personnel—Con.				
Guard	$35.54	$53.31	$154.00	$231.00
Janitor	17.77	22.15	77.00	96.00
Messenger	22.15	35.54	96.00	154.00
Nurse	17.77	35.54	77.00	154.00
Office Boy	17.77	26.54	77.00	115.00
Office Machine Operator	17.77	26.54	77.00	115.00
Office Manager	53.31	103.85	231.00	450.00
Office Manager, Asst	35.54	67.38	154.00	292.00
Receptionist	17.77	26.54	77.00	115.00
Safety (First Aid) Man	44.31	92.31	192.00	400.00
Secretary	17.77	31.15	77.00	135.00
Statistician	53.31	92.31	231.00	400.00
Statistician, Asst	44.31	53.31	192.00	231.00
Stenographer	17.77	26.54	77.00	115.00
Stenotypist	17.77	31.15	77.00	135.00
Telephone Operator	17.77	26.54	77.00	115.00
Typist	14.31	22.15	62.00	96.00
Watchman	17.77	31.15	77.00	135.00

§ 813.1313 *W. D. Contract Form No. 13.*

Contract No. _____

CONTRACT (SUPPLIES) WAR DEPARTMENT WAR SUPPLIES LIMITED

Contract for _____ Amount $____

Place _____

The Finance Officer, United States Army, _____, is designated as the officer to make payments in accordance with this contract.

The supplies and services to be obtained by this instrument are authorized by, are for the purposes set forth in, and are chargeable to the following allotments, the available balances of which are sufficient to cover cost of same _____

_____ This contract is authorized by the following laws:

This contract, entered into this _____ day of _____, 19__, by the United States of America, hereinafter called the Government, represented by the Contracting Officer executing this contract, and War Supplies Limited, a corporation organized and existing under the laws of the Dominion of Canada, hereinafter called the Contractor, with its principal office of the city of Ottawa, Province of Ontario, witnesseth that the parties hereto do mutually agree as follows:

ARTICLE 1. *Standard of payment.* All prices, costs and amounts set out or referred to in this contract are in United States Dollars.

ART. 2. *Scope of this contract.* (Insert Article 1, § 813.1301)

ART. 3. *Changes.* (Insert Article 2, § 813.1301)

ART. 4. *Extras.* (Insert Article 3, § 813.1301)

ART. 5. *Inspection.* (a) All material and workmanship shall be subject to inspection and test at all times and places and, when practicable, during manufacture. In case any articles are found to be defective in material or workmanship, or otherwise not in conformity with the specification requirements, the Government shall have the right to reject such articles, or require their correction. Rejected articles, and/or articles requiring correction, shall be removed by and at the expense of the Contractor promptly after notice so to do. If the Contractor fails to promptly remove such articles and to proceed promptly with the replacement and/or correction thereof, the Government may, by contract or otherwise replace and/or correct such articles and charge to the Contractor the excess cost occasioned the Government thereby, or the Government may terminate the right of the Contractor to proceed as provided in Article 6 of this contract, the Contractor being liable for any damage to the same extent as provided in said Article 6 for terminations thereunder.

(b) If inspection and test, whether preliminary or final, are made on the premises of the Contractor or subcontractor, the Contractor shall furnish, without additional charge, all reasonable facilities and assistance for the safe and convenient inspections and tests required by the inspectors in the performance of their duty. All inspections and tests by the Government shall be performed in such a manner as not to unduly delay the work. Special and performance tests shall be as described in the specifications. The Government reserves the right to charge to the Contractor any additional cost of inspection and test when articles are not ready at the time inspection is requested by the Contractor.

(c) Final inspection and acceptance of materials and finished articles will be made after delivery, unless otherwise stated. If final inspection is made at a point other than the premises of the Contractor or subcontractor, it shall be at the expense of the Government except for the value of samples used in case of rejection. Final inspection shall be conclusive except as regards latent defects, fraud, or such gross mistakes as amount to fraud. Final inspection and acceptance or rejection of the materials or supplies shall be made as promptly as practicable, but failure to inspect and accept or reject materials or supplies shall not impose liability on the Government for such materials or supplies as are not in accordance with the specifications. In the event public necessity requires the use of materials or supplies not conforming to the specifications, payment therefor shall be made at a proper reduction in price.

ART. 6. *Delays-damages.* (Insert clause in § 803.352)

ART. 7. *Responsibility for supplies tendered.* (Insert Article 6, § 813.1301)

ART. 8. *Increase or decrease.* Unless otherwise provided herein, no increase or decrease in the total number of articles contracted for under Article 2 hereof, will be accepted, without the prior written approval of the Contracting Officer. (or insert clause in §803.329)

ART. 9. *Payments.* (Insert Article 8, § 813.1301)

ART 10. *Officials not to benefit.* (Insert clause in § 803.322)

ART. 11. *Covenant against contingent fees.* (Insert clause in § 803.323)

ART. 12. *Disputes.* (Insert clause in § 803.326)

ART. 13. *Termination at the option of the Government.* (a) The performance of work under this contract may be terminated by the Government in whole, or from time to time in part, whenever the Contracting Officer shall determine that any such termination is for the best interests of the Government. Termination hereunder shall be effected by delivery to the Contractor of a Notice of Termination specifying the extent to which performance of work under the contract shall be terminated, and the date upon which such termination shall become effective.

(b) After receipt of a Notice of Termination, and except as otherwise directed by the Contracting Officer, the Contractor shall (1) terminate work under the contract on the date and to the extent specified in the Notice of Termination; (2) place no further orders or subcontracts for materials, services or facilities except as may be necessary for completion of such portions of the work under the contract as may not be terminated; (3) terminate all orders and subcontracts to the extent that they relate to the performance of any work terminated by the Notice of Termination; (4) settle all claims arising out of such termination of orders and subcontracts to the extent provided in and in accordance with the principles and procedures agreed upon between the War and Navy Departments and the Contractor by letter dated January 8, 1945, as the same may from time to time be amended; (5) assign to the Government in the manner and to the extent directed by the Contracting Officer, all of the right, title and interest of the Contractor under any of the orders or subcontracts so terminated with respect to which it may have been determined that the termination claims thereunder will be settled and paid by the Government; (6) deliver to the Government any plans, drawings, information and other property which, if the contract had been completed, would be required to be furnished to the Government; and (7) complete performance of such part of the work as shall not have been terminated by the Notice of Termination.

(c) The amount or amounts to be paid to the Contractor by reason of the total or partial termination of work under this contract shall be determined in accordance with the principles laid down in the agreement dated January 8, 1945, as the same may be from time to time amended, between the War and Navy Departments and the Contractor relating to the settlement of termination claims under contracts between the War or Navy Departments and the Contractor, or under orders or subcontracts relating to the performance of any such contracts, and the Government shall pay to the Contractor the amount or amounts so determined.

(d) The Government shall make partial payments and payments on account, from time to time, of the amounts to which the Contractor shall be entitled under this Article, whenever in the opinion of the Contracting Officer the aggregate of such payments shall be within the amount to which the Contractor will be entitled hereunder.

(e) The obligation of the Government to make any payments under this Article shall be subject to deductions in respect of any claim which the Government may have against the Contractor in connection with this contract.

ART. 14. *Assignment of claims.* (Insert clause in § 803.355)

ART. 15. *Notice of shipments.* (Insert clause in § 803.328)

ART. 16. *Patents.* The Contractor shall hold and save the Government, its officers, agents, servants, and employees harmless from liability of any nature or kind, including costs and expenses, for or on account of any invention, article, or appliance patented under the laws of Canada, manufactured or used in the performance of this contract, including their use by or for the Government.

The Government shall hold and save the Contractor, its representatives, agents, and subcontractor harmless from all liability under judgments by courts of competent jurisdiction, that may be obtained against the Contractor, its representatives, agents, and subcontractors, because of the use of any invention patented under the laws of the United States, specifically prescribed and authorized in writing by the Government as necessary for the performance of this contract, or the use of any invention patented under the laws of the United States which necessarily flows from the nature of the thing being produced or procured under this contract, but not otherwise: *Provided*, That such United States Letters Patent so used are not owned or controlled by the Canadian Government, the Contractor, its representatives, subcontractors, or persons in privity with the Contractor: And *Provided Further*, That immediate notice of any demand, liability, or legal proceedings arising from such use is given in writing by the Contractor to the Contracting Officer, and reserving to the Government the right to intervene in any such demand or proceeding and in its discretion to defend same or make settlement thereof, and the Contractor shall furnish all information in its possession and all assistance of its employees, representatives, or agents requested by the Government.

ART. 17. *Patent licenses.* The Contractor agrees to, and does hereby, in consideration of the terms and in consideration of payments to be made by the Government under this contract, grant unto the Government a non-exclusive, irrevocable, non-transferable, royalty-free license to make, have made, and use for governmental purposes, and to sell or otherwise dispose of in accordance with law, machines, articles or compositions of matter, embodying any and all inventions made or developed in the course of carrying out the work contemplated by this contract whether patented or unpatented, and to practice or cause to be practiced any methods or processes, whether patented or unpatented, which are developed in carrying out the provisions of this contract: *Provided*, That nothing contained in this Article shall impose any obligation upon the Contractor to license or otherwise make available to the Government any invention, method or process, which is not owned or controlled by the Contractor or by the Canadian Government.

ART. 18. *Subcontractor.* It is understood and agreed that the supplies and materials to be furnished under this contract will be manufactured and/or supplied by the _____ at its factory (Name of subcontractor) located at _____. The (City in which plant is located) performance of any of the work by any other subcontractor is prohibited, except by the specific approval of the Contracting Officer in advance.

ART. 19. *Governing laws.* This contract will be construed according to the laws of the United States of America.

ART. 20. *Definitions.* (a) The term "Secretary of War" as used herein shall include the Under Secretary of War, and the term "his duly authorized representative" shall mean any person or board authorized by the Secretary of War to act for him other than the Contracting Officer.

(b) The term "Contracting Officer" as used herein shall include his duly appointed successor or his authorized representative.

ART. 21. *Alterations.* The following changes were made in this contract before it was signed by the parties hereto:

_____

_____

IN WITNESS HEREOF, the parties hereto have executed this contract as of the day and year first above written.

THE UNITED STATES OF AMERICA,

By _____

_____

(Official Title)

Two witnesses:

_____ _____

_____ _____

_____

(Contractor)

_____

(Business Address)

§ 813.1314 *W. D. Contract Form No. 14.*

Rental Agreement No. _____

Contract No. _____

RENTAL AGREEMENT — GOVERNMENT - OWNED CONSTRUCTION OR ROAD MAINTENANCE EQUIPMENT

Lessee and address _____

Equipment to be used in connection with project located at _____

Payment _____

To be made to _____, United States Army, at _____

This contract is authorized by the following laws _____

GOVERNMENT-OWNED EQUIPMENT RENTAL AGREEMENT

This agreement, entered into this _____ day of _____ 194____, by the United States of America (hereinafter called the Government), represented by the Contracting Officer executing this contract, and _____

_____

[1] a corporation organized and existing under the laws of the State of _____

[1] a joint venture consisting of _____

_____

[1] a partnership consisting of _____

_____

[1] an individual trading as _____

_____

of the City of _____ in the State of _____ (hereinafter called the Lessee), witnesseth that;

[2] Whereas, the Lessee has entered into Contract No. W _____ or may enter into a contract (hereinafter, in either event, called the principal contract) with the Government to construct for the Government _____

at or near _____ (hereinafter referred to as the project); and

[2] Whereas, the Lessee has entered into Subcontract No. _____ to Contract No. W _____, such subcontract hereinafter, for the purposes of this Agreement, being referred to as the "principal contract", to construct _____

_____

at or near _____ (hereinafter referred to as the project); and

Whereas, the Government owns certain equipment as set forth in Schedule A, attached hereto and made a part hereof, located at _____; and

Whereas, the equipment is not now required by the Government for use on other projects within _____ and the Lessee desires to lease the same; and

Whereas, the leasing of the equipment to expedite performance of the principal contract by the Lessee is deemed necessary by the War Department to facilitate the prosecution of the war; and

Whereas, the Secretary of War has authorized the execution of this lease on behalf of the United States;

Now, therefore, the parties hereto do mutually agree as follows:

SECTION 1. The Government hereby leases to the Lessee the equipment listed in Schedule A, attached hereto and made a part hereof; which equipment the Lessee shall use in the performance of the principal contract at the project. This equipment is the property of the Government and is now located at _____. Schedule A may be supplemented from time to time whenever equipment is added to or withdrawn from the scope of this lease. Each such supplement shall be signed on behalf of the Lessee and the Government.

[1] Delete all lines which do not apply.

[2] Use whichever "Whereas" clause is appropriate, depending upon whether the Lessee is a lump sum or unit price prime contractor, or a lump sum or unit price subcontractor.

SEC. 2. Upon notification by the Contracting Officer that the equipment is ready for delivery, the Lessee agrees to receive the same without delay at the present location thereof, in its present condition, as is, without any warranty, express or implied, on the part of the Government as to condition or serviceability.

SEC. 3. The term of this lease shall begin on _____ and shall end upon the return of the equipment to the Government at _____ or at such other place as the Contracting Officer may designate, but in no event to exceed the time necessary to complete the Lessee's principal contract.

SEC. 4. This lease may be terminated by the Government by giving _____ day's written notice at any time after _____ days from the date of this lease.

SEC. 5.[1] The Lessee agrees that he will pay rental at the rate and at the times prescribed in Schedule A, and that such rental may be deducted from the payments due or to become due to the Lessee under the terms of the principal contract. Such deductions will be made monthly on or about the 10th of the month for the previous calendar month if practicable. The rental period shall begin on the date of commencement of the term of this lease and shall cease on the termination of the lease, as defined in Section 3.

SEC. 5.[1] The rental period shall begin on the date of commencement of the term of this lease and shall cease on the termination of this lease, as defined in Section 3 hereof. The Lessee shall pay rental at the rate prescribed on Schedule A. The rental accrued at the end of any calendar month shall be paid to the Government on or before the 10th day of the following month.

SEC. 6. Title to the equipment leased hereunder is and shall remain in the Government.

SEC. 7. The Lessee at its own expense will maintain the equipment in good repair and make all necessary replacements during the term of this lease. Any replacement of parts shall be by parts recommended by the manufacturer of the equipment or approved by the Contracting Officer. All fuel and lubricants will be furnished by the Lessee. The obligations under this section shall continue until the equipment shall have been delivered to a common carrier for return to the Government.

SEC. 8. The Lessee shall not remove any of the equipment from the project without the prior written approval of the Contracting Officer or his duly authorized representative. The Lessee shall not pledge, assign, transfer, sublet or part with the possession of any of the equipment in any manner to any third party either directly or indirectly, except that this provision shall not preclude the Lessee from permitting the use of the equipment by a third party with the prior written approval of the Contracting Officer or his duly authorized representative; and the Lessee shall not do or suffer anything whereby any of the equipment shall or may be seized, taken in execution, attached, removed, destroyed or injured.

SEC. 9. The Lessee shall not, without the prior written approval of the Contracting Officer or his duly authorized representative, use any of the equipment for any purpose other than performance of the principal contract at the project, in furtherance of the national war effort. Upon failure of the Lessee to comply with this provision, the Contracting Officer may terminate this lease upon twenty-four hours' notice communicated to the Lessee or its agent at its address as set forth in Section 21, and upon such termination the Contracting Officer or his duly authorized representative may require the immediate return of the equipment.

SEC. 10. The equipment shall be returned to the Government upon the expiration or termination of this lease in as good condition as when delivered to Lessee, reasonable wear and tear excepted. If in the opinion of the Contracting Officer, or his duly authorized representative the Lessee shall have failed to comply with the requirements of the lease in this respect, the Lessee shall pay to the Government as damages the amount necessary to place the equipment in as good condition as when delivered to Lessee, reasonable wear and tear excepted, or if such equipment can not be placed in such condition, Lessee shall pay an amount equivalent to the value of such equipment as stipulated in Schedule A, less the sum of the amount determined by the Contracting Officer to represent reasonable wear and tear, and the scrap value of such equipment.

SEC. 11. Between the time of delivery of the equipment to the Lessee at _____ and the time of its return to the Government at _____ or at such other place as the Contracting Officer may designate pursuant to sections 3 and 12, the Lessee shall be solely responsible for any loss or destruction of the equipment, irrespective of whether such loss or destruction results from the failure of the Lessee to exercise reasonable care. Such responsibility shall be measured by the value of the equipment as set forth in Schedule A, less the amount determined by the Contracting Officer to represent reasonable wear and tear for the period during which such equipment was used. The Lessee shall take all necessary steps to protect the interest of the Government in the equipment. Without limiting the generality of the foregoing, the Contracting Officer may require, and in that event the Lessee shall, at its own expense, take specific measures, including but not limited to the procurement of insurance, as directed by the Contracting Officer, to protect the interests of the Government.[1]

SEC. 12. The Lessee agrees to reimburse the Government immediately upon presentation of a statement thereof, for all packing and handling costs, and further agrees to pay all transportation charges on the equipment from _____ to the job site of the project at _____. Upon expiration or termination of this lease, the Lessee agrees to pay all packing, handling and transportation charges necessary for the return of the equipment to the Government at _____, or at such other place as the Contracting Officer may designate; but the Lessee's responsibility for return transportation charges shall not exceed the amount required to return the equipment to _____

SEC. 13. The equipment is rented without operators. Any operator deemed incompetent by the Contracting Officer shall be removed from the equipment.

SEC. 14. The Contracting Officer shall furnish to the Lessee without charge, upon request, copies of such drawings, specifications, instructions, or the like as the Lessee may require for the operation or repair of the equipment and as may be on file at _____. This is for the sole purpose of enabling the Lessee to maintain the equipment in serviceable condition, and does not constitute a license or authority initially to manufacture, use or sell any articles covered by unexpired United States Letters Patent as shown or described in such copies.

SEC. 15. The Government shall not be responsible for damages to property of the Lessee or property of others, or for personal injuries to the Lessee's officers, agents, servants or employees, or to other persons, arising from or incident to the use of the equipment herein leased, and the Lessee shall save the Government harmless from any and all such claims; provided, that nothing contained in this section 15 shall be deemed to affect any liability of the Government to its own employees.

SEC. 16. At all times the Contracting Officer or his duly authorized representative shall have access to the job site whereon any of the equipment is situated, for the purpose of inspecting or inventorying the same, or for the purpose of removing the same in the event of the termination of this lease.

SEC. 17. (Insert clause § 803.322)

SEC. 18. The Lessee warrants that he has not employed any person to solicit or secure this lease upon any agreement for a commission, percentage, brokerage, or contingent fee. Breach of this warranty shall give the Government the right to annul the lease, or at its option, to recover from the Lessee the amount of such commission, percentage, brokerage, or contingent fee, in addition to the consideration herein set forth. This warranty shall not apply to commissions payable by the Lessee upon contracts or leases secured or made through bona fide established commercial agencies maintained by the Lessee for the purpose of doing business.

SEC. 19. (Insert article in § 803.326, omitting last sentence).

SEC. 20. This agreement shall be subject to the written approval of _____ and shall not be binding until so approved.

SEC. 21. All notices to either of the parties to this lease shall be sufficient if mailed in a sealed postpaid envelope addressed as follows:

To the Lessee—

_____
(Name)

_____
(Address)

To the Government—

_____
(Name)

_____
(Title)

_____
(Address)

SEC. 22. (Insert article 22, § 813.1301)

SEC. 23. *Alterations.* The following changes were made in this contract before it was signed by the parties hereto:

In witness whereof, the parties hereto have executed this contract as of the day and year first above written.

THE UNITED STATES OF AMERICA.

By _____
_____
(Official Title)

_____
(Contractor)

By _____
_____
(Business Address)

Two Witnesses:

_____
_____
(Address)

_____
_____
(Address)

I _____, certify that I am the Secretary of the corporation named as Contractor herein; that _____ who signed this contract on behalf of the Contractor was then _____ of said corporation; that said contract was duly signed for and on behalf of said corporation by authority of its governing body and is within the scope of its corporate powers.

In witness whereof, I have hereunto affixed my hand and the seal of said corporation this _____ day of _____, 194__.

[CORPORATE SEAL] _____
(Secretary)

I hereby certify that, to the best of my knowledge and belief, based upon observation and inquiry, _____, who signed this contract for the _____, had authority to execute the same, and is the individual who signs similar contracts on behalf of this corporation with the public generally.

_____
(Contracting Officer)

CONSENT OF SURETIES

We, the bondsmen for the due performance of the contract for the performance of which equipment has been rented to the Lessee, hereby give our full consent to the foregoing Equipment Rental Agreement and agree that our bond or bonds shall apply to and cover the due performance of the contract as modified and extended thereby.

_____ [SEAL]
(Individual surety)

_____ [SEAL]
(Individual surety)

_____
(Corporate surety)

By _____
_____

In the presence of:

_____
_____

Attest:

[CORPORATE SEAL]

_____

SCHEDULE A—RATES OF RENTAL

[Amendments of Maximum Price Regulation 134 of the Office of Price Administration have necessitated certain changes in the model Schedule which previously appeared at this point. The Office of the Chief of Engineers will issue detailed instructions on this subject matter and will periodically revise such instructions to accord with any further regulations of the Office of Price Administration.]

§ 813.1315 *Utility contract forms.*

§ 813.1315a *W. D. Contract Form No. 15—(a) Explanatory notes.* (1) The form set out in this section is available for use by Procuring Agencies for the procurement of electric, gas, water or sewage service when a connection charge to cover additional facilities necessary to furnish such services is included. Particular attention is directed to the footnotes accompanying the form.

(2) In cases where the amount of a connection charge cannot be agreed upon or where a contractor refuses to install additional facilities on other than an actual cost basis, a provision may be substituted for provision 4 of Article I of the form, reading as follows:

4. *Reimbursement for cost of facilities.* (a) The Government agrees to pay the contractor, as a connection charge, after receipt of satisfactory evidence of completion of the facilities, the costs thereof, without profit to the contractor, after deducting the agreed net salvage value of said facilities which is _____ Dollars. The Government is to receive a refund of the amount so paid as provided in paragraph 5 of this Article.

(b) The costs of the facilities shall include all items of costs and expenses properly chargeable to the work, including but not limited to acquisition of any necessary rights of way, easements or other interests in real property, labor, materials, transportation, insurance, overhead charges properly allocable to the work, supervision, surveys, permits, rental of tools, equipment and machinery employed in the work, together with such other items of expense as should, in the opinion of the Contracting Officer be included in the cost of the work. The Government shall promptly reimburse the contractor as provided herein upon receipt of properly certified invoices, in quadruplicate, approved by the Contracting Officer: *Provided, however,* That in no event shall the total amount paid by the Government to the contractor exceed the sum of _____ Dollars.

(c) In so far as practicable, all original time cards or pay rolls, material records and accounts, for all charges and expenditures for which reimbursement will be claimed from the Government, shall be made available to the Government on request for the purpose of checking and auditing the cost invoice. Also, in so far as practicable, separate records shall be maintained by the contractor of all items and accounts which will constitute the basis of information from which invoices for reimbursement will be prepared.

(d) The Government reserves the right to terminate this contract at any time prior to completion of the facilities herein provided for. In the event the Government exercises such right, fair compensation with respect to such facilities, exclusive of profit, within the meaning of the Contract Settlement Act of 1944 (Public No. 395, 78th Cong.), as the same may be amended from time to time, will be provided for the Contractor.

(3) In the blank space in provision 5 of Article I, insert the highest percentage of refund which can be negotiated. In all cases such percentage should be sufficient to provide for an estimated complete refund in not to exceed five years and should not be less than 10% in any case. If a percentage of 10% or more is unobtainable, such will constitute a material deviation from the contract form.

(4) In the case of electric and gas service, Special Provisions A and B (§ 813.1315b (b)), to be attached to and made a part of the contract in accordance with provision 1 (a) of Article II of the form, will be modified as follows:

(i) *Electric service.* Revise provision 7 of Special Provision A of § 813.1315b (b) to read:

7. *Renegotiation.* (a) Unless the provisions of subparagraph (b) or (c) of this paragraph 7 are applicable to this contract, (1) this contract shall be deemed to contain all the provisions required by subsection (b) of the Renegotiation Act, as amended by section 701 of the Revenue Act of 1943 (Public Law 235, 78th Congress, enacted February 25, 1944); and (2) in compliance with said subsection (b) of the Renegotiation Act, the Contractor shall insert in the subcontracts specified in said subsection (b) either the provisions of this article or the provisions required by said subsection (b).

(b) This contract, as to all amounts received under it, shall be exempt from statutory renegotiation if the Contractor hereunder is a department, bureau, agency, or governmental corporation of the United States, or any Territory, possession or State, or any agency thereof, or any foreign Government or agency thereof.

(c) This contract, but only as to amounts received under it for the delivery of electric power, shall be exempt from statutory renegotiation if it is made with a public utility for the delivery of electric power of less than 1000 kilowatts of contractual demand except that if the actual demand was 1000 kilowatts or more at any time during any particular fiscal year, amounts received or accrued under this contract for such fiscal year shall not be exempt from renegotiation by reason of anything contained in this subsection (c).

(ii) *Gas service.* Revise provision 8 of Special Provision B § 813.1315b (b) to read:

8. *Renegotiation.* (a) Unless the provisions of subparagraphs (b), (c) or (d) of this paragraph 8 are applicable to this contract, (1) this contract shall be deemed to contain all the provisions required by subsection (b) of the Renegotiation Act, as amended by section 701 of the Revenue Act of 1943 (Public Law 235—78th Congress, as amended February 25, 1944); and (2) in compliance with said subsection (b) of the Renegotiation Act, the Contractor shall insert in the subcontracts specified in said subsection (b) either the provisions of this article or the provisions required by said subsection (b).

(b) This contract, as to all amounts received under it, shall be exempt from statutory renegotiation if the Contractor hereunder is a department, bureau, agency or Governmental corporation of the United States or any Territory, possession or State, or any agency thereof, or any foreign Government or agency thereof.

(c) This contract, but only as to amounts received under it for the delivery of gas, shall be exempt from statutory renegotiation if the gas to be supplied hereunder is the product of a gas well which has not been processed, refined or treated beyond the first form or state suitable for industrial use.

(d) This contract, but only as to amounts received under it for the delivery of gas, shall be exempt from statutory renegotiation if it is made with a public utility, except that if the amounts received or accrued hereunder for the delivery of gas during any particular fiscal year were $50,000 or more, amounts received or accrued hereunder for such fiscal year shall not be exempt from renegotiation by reason of anything contained in this subparagraph (d). If such fiscal year is a fractional part of twelve months the $50,000 amount shall be reduced to the same fractional part thereof for the purpose hereof.

(5) In the case of electric, gas, water and sewage service provisions 5, 7, 6 and 4, respectively, of Special Provisions A, B, C and D (§ 813.1315b (b)) to be attached to and made a part of the contract in accordance with Provision 1 (a) of Article II of the form, will be modified to read:

Notice of intention to terminate service under this contract shall be at the option of the Government and shall be given in writing by the Contracting Officer to the Contractor not less than thirty (30) days in advance of the effective date of termination.

(b) *Contract form.*

W. D. contract form No. 15. (Caption Sheet)

Contract No. W_____
Date_____

WAR DEPARTMENT

Negotiated Service Contract[1]

(Including a connection charge)

Contractor and address_____

_____

(Station or Premises to be served)

_____

(City) (County) (State)

Premises are:
( ) Government-owned.
( ) Government-leased.
Symbol Number of Lease_____
Name of Lessor_____
Estimated annual service cost_____
Connection charge_____
Estimated annual refund_____
Bills will be rendered to_____
Payment will be made by Finance Officer, United States Army, at _____

[1] The first form of section 5 will be used when the equipment rental agreement is between the Government and a lump sum or unit price prime contractor; the second form when the agreement is with a lump sum or unit price subcontractor.

[1] Note that the provisions of this standard form of contract deviate from the requirements of § 803.365—1. Such deviation has been specifically authorized.

[1] Insert designation of service involved, that is, either electric, gas, water or sewage.

The facilities, supplies and services to be obtained by this instrument are authorized by, are for the purposes set forth in, and are chargeable to allotments below enumerated, the available balances of which are sufficient to cover the cost thereof:

Applicable allotments, having available balances sufficient to cover the cost will be stated on the procuring instruments or invoices.

Contract No. W --------

This contract, entered into this ---------- day of ----------, 194--, by and between The United States of America (hereinafter called the "Government"), represented by the Contracting Officer executing this contract and [1] ---------- (hereinafter called the "Contractor"),

Witnesseth that:

Whereas, the Contractor is engaged in the business of supplying [2] ---------- service to private and public consumers; and

Whereas, the Government and the Contractor are entering into this contract for the supply by the Contractor to the Government of the above service for the operation of ---------- ---------- known as ---------- (hereinafter called the "Project"); and

Whereas, in order that the Contractor may supply the above service in accordance with the terms of this contract and within the time specified, it is necessary for the Contractor to provide the facilities described and enumerated in Appendix "A" attached hereto, and generally referred to hereinafter as Contractor's New Facilities; and

Whereas, due to the present uncertainty as to the amount of such service which the Government will use, and as to the length of time the Project will be operated, the Government is willing to compensate Contractor in the form of a connection charge for the cost of the facilities required to furnish services;

Now, therefore, in consideration of the premises and of the mutual agreements herein contained, to be performed by the parties hereto respectively, it is agreed as follows:

ARTICLE I—FACILITIES. CONNECTION CHARGE AND REFUND PROVISIONS

1. *Facilities to be provided.* The Contractor shall proceed to acquire or construct all necessary equipment, materials and rights of way needed for Contractor's New Facilities, which are described more fully in Appendix A attached hereto and made a part hereof. It is estimated that such facilities will be completed on or before ----------. It is expressly understood however that neither the Contractor nor the Government guarantees the correctness of this estimate but will use its best effort to acquire or construct the facilities within the time specified.

2. *License for facilities.* The Government hereby grants to the Contractor a license to enter upon and use a site or sites to be agreed upon between the parties hereto upon which the Contractor shall install, operate and maintain the Contractor's New Facilities to be located on Government property; and such license shall continue in effect until such time as the Government shall order the removal of Contractor's New Facilities located thereon: *Provided*, That after Contractor's New Facilities are ordered removed Contractor shall have ninety (90) days within which to comply with the Government order and if such facilities are not removed within said ninety (90) day period, title thereto shall vest in the Government without further action, and no claim for damages against the Government or its officers or agents shall be created by or made on account thereof: *And provided further*, That if the Government orders removal to another location on the Project, for the convenience of the Government, then the Government may be required to pay the cost of such removal and relocation and shall likewise license Contractor to use such land as may be necessary for the relocation. The license hereby granted by the Government to the Contractor shall be free of any rental or other charges.

3. *Contractor's employees.* Upon request the names of the employees of the Contractor whose services Contractor proposes to retain in the construction, operation and maintenance of that portion of Contractor's New Facilities located within the boundaries of the Project shall be submitted to the Commanding Officer, or his authorized representative, in advance of actual employment for such purposes, together with pertinent information within the knowledge of Contractor as to the character, background and international political sympathies or affiliations of such employees, and the Commanding Officer, or his representative, shall reject or approve the employment of such persons within the confines of the Project as he may deem proper in the interests of the Government. Employees so approved shall be designated as such by a method to be agreed upon by the Contractor and the Commanding Officer of the Project.

4. *Payment for cost of facilities.* (a) In consideration of the estimated costs to be incurred by the Contractor and the uncertain duration of the Project the Government agrees to pay the Contractor, as a connection charge, after receipt of satisfactory evidence of completion of the facilities, the sum of $------ less the net salvage value of said facilities in the amount of $------. The net connection charge to be paid by the Government is $------. The Government is to receive a refund of the amount so paid as provided in paragraph 5 of this article.

(b) The Government reserves the right to terminate this contract at any time prior to completion of the facilities herein provided for. In the event the Government exercises such right, fair compensation with respect to such facilities, exclusive of profit, within the meaning of the Contract Settlement Act of 1944 (Public No. 395, 78th Cong.), as the same may be amended from time to time, will be provided for the Contractor.

5. *Refund agreement.* (a) In consideration of the fact that the Contractor is to be paid a connection charge for the facilities provided hereunder, and the further consideration that title to said facilities is to be and remain in the Contractor, it agrees to allow the Government on each monthly bill for service supplied as hereinafter provided, a credit of [3] -------- of the gross amount of such bills as rendered, said credits to be made monthly and continue until such time as the accumulated credits equal the amount of the connection charge, unless this contract shall have been previously terminated, except that if a new contract for the supply of such service shall be entered into between the parties hereto within a period of fifteen months from the date of such termination, the deductions shall resume and continue as above provided.

(b) Anything in this contract to the contrary notwithstanding, no refund shall be made the Government or credit allowed on Government bills, after fifteen (15) years from the date of this contract.

6. *Ownership, operation, maintenance, and removal of facilities to be provided hereunder.* (a) The facilities to be supplied by the Contractor as hereinbefore provided, notwithstanding the payment by the Government therefor less the net salvage thereof, shall be and remain the property of the Contractor and shall, at all times during the life of this contract or any renewals thereof, be operated and maintained by the Contractor at its expense, and all taxes and other charges in connection therewith, together with all liability arising out of the construction, operation or maintenance of said facilities shall be the obligation of the Contractor.

(b) Upon termination of the service provisions of this contract, Contractor may, of its own volition, remove any of its New Facilities constructed under and by virtue of this contract; *Provided, however*, That at any time within fifteen (15) months from the date of termination such facilities so removed will be reinstalled by Contractor without cost to the Government, upon receipt of sixty (60) days written notice from the Government, and provided a new service contract is executed between the parties hereto. This provision shall not give the Government the right to have such facilities reinstalled without cost to the Government in the event the Government "orders" removal as provided under paragraph 2 of this Article.

ARTICLE II—SERVICE PROVISIONS

1. *Service.* (a) The Contractor agrees to furnish the service required hereunder at the Project, beginning on ---------- 19--, and thereafter until further notice, and at the rates and other terms set forth in provision 2 of the Article or attached hereto and, in accordance with Special Provisions numbered 1 to ---------- inclusive, attached hereto and made a part hereof.[4]

(b) The Government agrees that the service to be supplied under the terms of this contract shall be used only in connection with activities within the boundaries of the Project as presently located or as such boundaries may be extended in the future.

2. *Rates.*

ARTICLE III—GENERAL PROVISIONS

1 *Convict labor.* (Insert § 803.345.)

2. *Eight-hour law.* (Insert § 803.346) with proviso at end reading: "*Provided further*, That this stipulation is only applicable to laborers or mechanics engaged in installation of the facilities provided for in Article I hereof."[5]

3. *Officials not to benefit.* (Insert § 803-322).

4. *Disputes.* (Insert General Provision 12 of W. D. Contract Form No. 383, § 813.1317a (b).)

5. *Covenant against contingent fees.* (Insert § 803.323.)

6. *Anti-discrimination.* (Insert § 803.325.)

7. *Assignment of rights.* If this contract is for an amount of $1,000 or more, claims for monies due or to become due to the Contractor from the Government hereunder may be assigned to a bank, trust company, or other financing institution, including any Federal lending agency, in accordance with the Assignment of Claims Act of 1940 (Public No. 811, 76th Cong.). Payment to an assignee of any claim hereunder shall not be subject to reduction or set-off for any indebtedness of the assignor to the United States arising independently of this contract.

8. *Service regulations.* The matter of meters, meter accuracy, reliability of service, and all other similar matters not stipulated in this contract, shall be governed by the rules applicable and on file with the public regulatory body having jurisdiction in said matters.

9 *Change of rates.* If during the life of this contract the public regulatory body having jurisdiction receives for file in authorized manner rates that are higher or rates that are lower than those stipulated herein for like conditions of service, the Contractor hereby agrees to continue to furnish service as stipulated in this contract, and the Government hereby agrees to pay for such service at the higher or lower rates from and after the date when such rates are made effective. Such revised rate schedule, in sextuplicate, shall be promptly furnished to the Contracting Officer by the Contractor for attachment to this contract.

10. *Payments.* For and in consideration of the faithful performance of the stipulations of this contract, the Contractor shall be paid by the designated disbursing officer for service herein contracted for, at the rates and under the terms and conditions herein set forth. The Contractor hereby declares that said rates are not in excess of the lowest rates now available to any prospective customer under like conditions of service, and agrees that during the life of this contract the Government shall continue to be billed on the lowest available rate for similar conditions of service. Recognition is given to the fact that the Government fiscal year ends on June 30. Payments hereunder shall be contingent upon the availability of appropriations therefor, and shall not be made in advance of service rendered. All bills for service shall be paid without penalty or interest and the Government shall be entitled to any discounts customarily applicable to payment of bills by all customers of the Contractor.

11 *Definitions.* (Insert Article 23, § 813.1301.)

12. *Changes.* The Contracting Officer may at any time, with the consent of the Contractor, by a written order, make changes in this contract within the general scope thereof. If such changes cause an increase or decrease in the amount due under this contract, an equitable adjustment shall be made, and the contract shall be modified in writing accordingly.

13. *War Powers Act.* This contract is authorized by and negotiated under the First War Powers Act and Executive Order 9001.

14 *Alterations.* The following changes were made in this contract before it was signed by the parties hereto:

In witness whereof, the parties hereto have executed this contract as of the day and year first above written:

THE UNITED STATES OF AMERICA,
By ----------

(Official Title)

(Contractor)
By ----------

(Business Address)
Witnesses as to signature of Contractor:

(Address)

(Address)

[1] Insert name of Contractor. If a corporation, the name should be followed by "a Corporation organized and existing under the laws of the State of ----------", with principal office at ----------". If other than a corporation, the name should be followed by appropriate descriptive matter: e. g. see § 813.1301.

[2] Insert designation of service involved, that is, either electric, gas, water or sewage.

[3] Insert negotiated percentage of credit. See § 813.1315a, explanatory note (3).

[4] Attach whichever of Special Provisions A, B, C, or D set forth in § 813.1315b (b) is applicable to the service involved, modified when necessary as indicated in paragraph (a) (4) of this section and, in all cases, as indicated in paragraph (a) (5) of this section.

[5] If the contract is with any one of the several states of the Union or the political subdivisions thereof, Provision 2 of Article III will be changed to read "Eight-Hour Law—The Contractor agrees to incorporate in any subcontract entered into for furnishing the facilities covered by Article I of this contract the following provision: (here insert the contract provision required by § 803.346)." In this connection see § 809.905-1 (c).

I ----------, certify that I am the ---------- Secretary of the corporation named as Contractor herein; that ---------- who signed this contract on behalf of the Contractor was then ---------- of said corporation; that said contract was duly signed for and on behalf of said corporation by authority of its governing body and is within the scope of its corporate powers.

In witness whereof, I have hereunto affixed my hand and the seal of said corporation this ------ day of ----------, 19----.

[CORPORATE SEAL] ----------
(---------- Secretary)

I hereby certify that, to the best of my knowledge and belief, based upon observation and inquiry, ----------, who signed this contract for ---------- had authority to execute the same, and is the individual who signs similar contracts on behalf of this corporation with the public generally.

(Contracting Officer)

APPENDIX A

NOTE: This Appendix should contain a description of the facilities to be provided, including a small map showing their location and route, and small drawings or sketches of the type of facilities involved.

§ 813.1315b *W. D. Contract Form No. 27*—(a) *Explanatory notes.* The forms set out in this section are available for use by Procuring Agencies for the procurement of electric, gas, water or sewage service (without connection charge) as follows:

(1) Where the estimated annual expenditure under the contract is $1,000 or less, the form set out in paragraph (b) of this section will be used without any of the Special Provisions contained in the succeeding paragraphs.

(2) Where the estimated annual expenditure under the contract exceeds $1,000, the form set out in paragraph (b) of this section will be used together with Special Provisions, as follows:

(i) Contracts for Electric Service; Special Provision A.

(ii) Contracts for Gas Service; Special Provision B.

(iii) Contracts for Water Service; Special Provision C

(iv) Contracts for Sewage Service; Special Provision D

(b) *Contract forms.*

Contract No. W --------

NEGOTIATED UTILITY SERVICE CONTRACT

(No connection charge—Electric gas water sewage service [1])

(Station or premises to be served) (City)

(County) (State)

Premises are:
( ) Government-owned.
( ) Government-leased.
Symbol Number of Lease ----------
Name of Lessor ----------
Bills will be rendered to ----------
at ----------
Payment will be made by Finance Officer, United States Army, at ----------
Estimated annual cost hereunder: $------
This contract is authorized by the following laws: First War Powers Act, 1941 (Public No. 354, 77th Cong.), and Executive Order No. 9001.

[1] Delete inapplicable words.

The supplies and services to be obtained by this instrument are authorized by, are for the purposes set forth in, and are chargeable to the appropriations indicated below:

Applicable allotments, having available balances sufficient to cover the cost, will be stated on the procuring instruments or invoices (see General Provision 2).

CONTRACTOR'S PROPOSAL

Date----------

At the request of the United States the undersigned offers and agrees to furnish required----------service, beginning on---------- 194--, and thereafter until further notice (see Special Provisions, if any), for the use of the United States at the location shown above, in accordance with the rates and other terms set forth below or attached hereto; General Provisions on the reverse side hereof; and Special Provisions numbered 1 to ---- inclusive (if attached and made part hereof in accordance with the footnote entitled "Special Provisions" [2]).

(Contractor)

(Address)
By ----------
Title ----------
Authorized to make this proposal

GOVERNMENT'S ACCEPTANCE

The foregoing Proposal is accepted this ------ day of ----------, 194--.

UNITED STATES OF AMERICA,
By ----------
Title ----------
Contracting Officer

RATES

[Reverse side of § 803.1315b (b)]

GENERAL PROVISIONS

1. *Service regulations.* The matter of meters, meter accuracy, reliability of service, and all other similar matters not stipulated in this contract, shall be governed by the rules applicable and on file with the public regulatory body having jurisdiction in said matters.

2. *Payments.* For and in consideration of the faithful performance of the stipulations of this contract, the Contractor shall be paid by the designated disbursing officer for service herein contracted for, at the rates and under the terms and conditions herein set forth. The Contractor hereby declares that said rates are not in excess of the lowest rates now available to any prospective customer under like conditions of service, and agrees that during the life of this contract the Government shall continue to be billed on the lowest available rate for similar conditions of service. Recognition is given to the fact that the Government fiscal year ends on 30 June. Payments hereunder shall be contingent upon the availability of appropriations therefor, and shall not be made in advance of service rendered. All bills for service shall be paid without penalty or interest and the Government shall be entitled to any discounts customarily applicable to payment of bills by all customers of the Contractor.

3. *Changes of rates.* If during the life of this contract the public regulatory body hav-

[2] *Special provisions.* When the estimated annual expenditure under this contract is more than $1000, Special Provisions A (Electric Service), B (Gas Service), C (Water Service), or D (Sewage Service) shall be attached and made part hereof.

ing jurisdiction receives for file in authorized manner rates that are higher or rates that are lower than those stipulated herein for like conditions of service, the Contractor hereby agrees to continue to furnish service as stipulated in this contract, and the Government hereby agrees to pay for such service at the higher or lower rates from and after the date when such rates are made effective. Such revised rate schedule, in sextuplicate, shall be promptly furnished to the Contracting Office by the Contractor for attachment to this contract.

4. *Contractor's equipment.* The Government shall provide, free of cost, suitable locations on the premises to be supplied for the installation of the meters and any other equipment of the Contractor necessary to furnish service hereunder, all of which facilities shall be and remain the sole property of the Contractor and shall, at all times during the life of this contract, be operated and maintained by the Contractor at its expense; and all taxes and other charges in connection therewith, together with all liability arising out of the negligence of the Contractor in the construction, operation or maintenance of said facilities shall be assumed by the Contractor. Authorized representatives of the Contractor will be allowed access to the facilities of the Contractor at suitable times to perform the obligations of the Contractor with respect to said facilities. The Contractor shall have the right to remove its property within a reasonable time after termination of this contract, provided termination is not due to fault of the Contractor.

5. *Officials not to benefit.* (Insert § 803.322)

6. *Convict labor.* The Contractor shall not employ any person undergoing sentence of imprisonment at hard labor.

7. *Covenant against contingent fees.* (Insert § 803.323.)

8. *Anti-discrimination.* (Insert § 803.325.)

9. *Assignment of rights.* If this contract is for an amount of $1,000 or more, claims for monies due or to become due to the Contractor from the Government hereunder may be assigned to a bank, trust company, or other financing institution, including any Federal lending agency, in accordance with the Assignment of Claims Act of 1940 (Public No. 811, 76th Cong.) Payment to an assignee of any claim hereunder shall not be subject to reduction or set-off for any indebtedness of the assignor to the United States arising independently of this contract.

10. *Definitions.* Except for the original signing of this contract, and except as otherwise stated herein, the term "Contracting Officer" as used herein shall include his duly appointed successor or his authorized representative.

SPECIAL PROVISIONS A: ELECTRIC SERVICE

Attached to and made part of Contract No. W---------

1. *Estimated service requirements.*
Estimated maximum demand----------kw.
Estimated annual consumption----------kwh.
(The Government is in no way obligated to use nor is it restricted to the above estimated requirements.)

2. *Point of delivery.* The point of delivery of service shall be----------

3. *Description of electric service.* Contractor will supply ----------phase, ----------wire, ---------- cycle, alternating current at----------volts.

4. *Metering and billing.* Service will be measured at----------volts by----------watthour meter(s) and----------demand meter(s), to be furnished, installed, maintained, calibrated and read by the Contractor. The readings of the meters will be:
Billed separately.[1]
Combined for billing purposes.[1]

5. *Termination.* Notice of intention to terminate this contract shall be at the option of the Government and shall be given in writing by the Contracting Officer to the Contractor not less than thirty days in advance of the effective date of termination.

6. *Approval.* If the estimated maximum demand stated in paragraph 1 above is 1000 KW or more, this contract shall be subject to the approval of the War Department Power Procurement Officer and shall not be binding until so approved.

7. *Renegotiation.* (a) Unless the provisions of subparagraph (b) of this paragraph 7 are applicable to this contract, (1) this contract shall be deemed to contain all the provisions required by sub-section (b) of the Renegotiation Act as amended by section 701 of the Revenue Act of 1943 (Public Law No. 235, 78th Congress, enacted February 25, 1944); and (2) in compliance with said sub-section (b) of the Renegotiation Act, the Contractor shall insert in the subcontracts specified in said sub-section (b) either the provisions of this Article or the provisions required by said sub-section (b).

(b) This contract shall be exempt from statutory renegotiation if (1) the contractor hereunder is a department, bureau, agency or governmental corporation of the United States, or any Territory, possession or State or any agency thereof, or any foreign Government or agency thereof; or (2) made with a public utility for the delivery of electric power of less than 1000 kilowatts of contractual demand except that if the actual demand was 1000 kilowatts or more at any time during any particular fiscal year, amounts received or accrued under this contract for such fiscal year shall not be exempt from renegotiation by reason of anything contained in this sub-paragraph (b) (2).

8. *Disputes.* (Insert General Provision 12 of W. D. Contract Form No. 383, § 813.1317a (b).)

9. *Alterations and additions.*

SPECIAL PROVISIONS B: GAS SERVICE

Attached to and made part of Contract No. W ---------

1. *Estimated service requirements.*
Estimated maximum demand: ---------- MCF per hour.
Estimated annual consumption: -------- MCF.
(The Government is in no way obligated to use nor is it restricted to the above estimated requirements.)

2. *Point of delivery.* The point of delivery of gas shall be ----------

3. *Quality of gas.* The Contractor will supply commercially clean and dry gas with a heat content at 14.7 pounds per square inch absolute and 60 degrees Fahrenheit of not less than ------ British thermal units per cubic foot. Deduction for failure to provide gas at the agreed heat value shall be made as follows: One per cent net of the average price per 1000 cubic feet of gas for each one per cent below the agreed heat value.

4. *Unit of measure.* A "cubic foot of gas", for the purpose of this contract, is the amount of gas necessary to fill a cubic foot of space when the gas is at a base pressure of ------ ounces per square inch above atmospheric pressure and at a base temperature of 60 degrees Fahrenheit, and the gas volumes shall be computed into such units. It is agreed that the gas shall be assumed to obey Boyle's law and no correction shall be made for any variation from this law; that the atmospheric pressure is ------ pounds per square inch; and that the flowing temperature is 60 degrees Fahrenheit.

5. *Metering and billing.* Gas will be measured by ---------- meters to be furnished, installed, maintained, calibrated and read by the Contractor. The readings of the meters will be:
(number and type)
Billed separately.[1]
Combined for billing purposes.[1]

When orifice meters are used to measure gas furnished hereunder, such meters shall be of standard manufacture and shall be installed and operated in accordance with the manufacturer's specifications and recommendations. Computations of gas deliveries shall be made in accordance with the manufacturer's recommendations and shall be corrected for the specific gravity of the gas, which shall be determined by spot specific gravity tests made monthly or at more frequent intervals if required, or by a recording gravitometer.

Upon request of the Contracting Officer or his representative, the Contractor will submit to the Government records and charts from its metering equipment, together with calculations therefrom, for the Government's inspection and verification, subject to return by the Government within ten days after receipt thereof, after which return the charts and records shall be kept on file by the Contractor for the mutual use of both parties for such period and to such extent as may be required by law.

6. *Pressure.* [1] Contractor will maintain at the point of delivery a regulated pressure within ten per cent of the pressure requested by the Contracting Officer but shall not be required to maintain more than ---------- pounds or less than ---------- pounds per square inch gauge.

[1] Contractor will supply gas from its low pressure distribution system at a pressure between ---------- and ---------- ounces per square inch gauge.

7. *Termination.* Notice of intention to terminate shall be at the option of the Government and shall be given by the Contracting Officer not less than thirty days in advance of the effective date of termination

8. *Renegotiation.* (a) Unless the provisions of subparagraph (b) of this paragraph 8 are applicable to this contract, (1) this contract shall be deemed to contain all the provisions required by subsection (b) of the Renegotiation Act as amended by section 701 of the Revenue Act of 1943 (Public Law No. 235, 78th Congress, enacted February 25, 1944); and (2) in compliance with said subsection (b) of the Renegotiation Act, the Contractor shall insert in the subcontracts specified in said subsection (b) either the provisions of this Article or the provisions required by said subsection (b).

(b) This contract shall be exempt from statutory renegotiation if:

(1) The Contractor hereunder is a department, bureau, agency or governmental corporation of the United States, or any Territory, possession or State, or any agency thereof, or any foreign Government or agency thereof; or

(2) The gas to be supplied hereunder is the product of a gas well which has not been processed, refined, or treated beyond the first form or state suitable for industrial use; or

(3) Made with a public utility for the delivery of gas, except that if the amounts received or accrued hereunder during any particular fiscal year were $50,000 or more, amounts received or accrued hereunder for such fiscal year shall not be exempt from renegotiation by reason of anything contained in this subparagraph (b) (3). (If such fiscal year is a fractional part of twelve months, the $50,000 amount shall be reduced to the same fractional part thereof for the purposes hereof.)

9. *Disputes.* (Insert General Provision 12 of W. D. Contract Form No. 383, § 813.1317a (b).)

10. *Alterations and additions.*

SPECIAL PROVISIONS C: WATER SERVICE

Attached to and made part of Contract No. W---------

1. *Estimated service requirements.* Estimated daily maximum demand: ----------
Estimated annual consumption: ----------
(The Government is in no way obligated to use nor is it restricted to the above estimated requirements.)

2. *Point of delivery.* The point of delivery of water shall be ----------

3. *Description of water service.* The Contractor shall have ---------- gallons per minute of water continuously available at the point of delivery at a pressure of not less than ---------- pounds per square inch gauge.

4. *Quality of water.* The Contractor will supply clear, potable water safe for human consumption in accordance with standards adopted by the United States Public Health Service for drinking and culinary water supplied by common carriers in interstate commerce and such revisions thereof as may be made from time to time.

5. *Metering and billing.* Water will be measured by ---------- meters owned, calibrated and maintained by ----------
(number and size)
The readings of the meters will be:
Billed separately.[1]
Combined for billing purposes.[1]

6. *Termination.* Notice of intention to terminate this contract shall be at the option of the Government and shall be given in writing by the Contracting Officer to the Contractor not less than thirty days in advance of the effective date of termination.

7. *Renegotiation.* (a) Unless the provisions of subparagraph (b) of this paragraph 7 are applicable to this contract, (1) this contract shall be deemed to contain all the provisions required by subsection (b) of the Renegotiation Act as amended by section 701 of the Revenue Act of 1943 (Public Law No. 235, 78th Congress, enacted February 25, 1944); and (2) in compliance with said subsection (b) of the Renegotiation Act, the Contractor shall insert in the subcontracts specified in said subsection (b) either the provisions of this Article or the provisions required by said subsection (b).

(b) This contract shall be exempt from statutory renegotiation if:

(1) The contractor hereunder is a department, bureau, agency or governmental corporation of the United States, or any Territory, possession or state, or any agency thereof, or any foreign Government or agency thereof; or

(2) Made with a public utility for the furnishing of water, except that if the amounts received or accrued hereunder during any particular fiscal year were $10,000 or more, amounts received or accrued hereunder for such fiscal year shall not be exempt from renegotiation by reason of anything contained in this subparagraph (b) (2). (If such fiscal year is a fractional part of twelve months, the $10,000 amount shall be reduced to the same fractional part thereof for the purposes hereof.)

8. *Disputes.* (Insert General Provision 12 of W. D. Contract Form No. 383, § 813.1317a (b).)

9. *Alterations and additions.*

SPECIAL PROVISIONS D: SEWAGE

Attached to and made part of Contract W---------

1. *Estimated service requirements.*
Estimated annual volume ----------
(The Government is in no way obligated to deliver nor is it restricted to the above estimated requirements.)

2. *Service to be rendered.* Contractor shall furnish a sanitary sewer connection and sanitary sewerage service as required by the Government and shall receive, carry, treat and dispose of all sanitary sewage originating at the project in such amounts as the Government desires to release into Contractor's sewer system and in a manner and by such means as will constitute no hazard to the public health. Contractor shall operate its sewage disposal and treatment facilities in conformity with applicable laws, rules, and regulations promulgated by State and Federal governmental authorities.

3. *Point of delivery.* The sewage shall be delivered to Contractor by the Government at ----------

4. *Termination.* Notice of intention to terminate this contract shall be at the option of the Government and shall be given in writing by the Contracting Officer to the Contractor not less than thirty days in advance of the effective date of termination.

5. *Renegotiation.* (a) Unless the provisions of subparagraph (b) of this paragraph 5 are applicable to this contract, (1) this contract shall be deemed to contain all the provisions required by subsection (b) of the Renegotiation Act as amended by section 701 of the Revenue Act of 1943 (Public Law No. 235, 78th Congress, enacted February 25, 1944); and (2) in compliance with said subsection (b) of the Renegotiation Act, the Contractor shall insert in the subcontracts specified in said subsection (b) either the provisions of this Article or the provisions required by said subsection (b).

(b) This contract shall be exempt from statutory renegotiation if:

(1) The contractor hereunder is a department, bureau, agency or governmental corporation of the United States, or any Territory, possession or state, or any agency thereof; or

(2) Made with a public utility for the removal of sewage, except that if the amounts received or accrued hereunder during any particular fiscal year were $10,000 or more, amounts received or accrued hereunder for such fiscal year shall not be exempt from renegotiation by reason of anything contained in this subparagraph (b) (2). (If such fiscal year is a fractional part of twelve months, the $10,000 amount shall be reduced to the same fractional part thereof for the purposes hereof.)

6. *Disputes.* (Insert General Provision 12 of W. D. Contract Form No. 383, § 813.1317a (b)).

7. *Alterations and additions.*

[1] Delete inapplicable language.

[1] Delete all lines which do not apply.

§ 813.1316 *W. D. Contract Form No. 16.*

Contract No. ----------

LUMP SUM CONTRACT FOR ARCHITECT-ENGINEER SERVICES

(With Optional Supervision)

WAR DEPARTMENT

Architect-engineer & address----------
Services in connection with----------
Location----------
Amount: For Title I $----------
For Title II $----------
Payment: To be made by--------, U. S. Army, at----------

The supplies and services to be obtained by this instrument are authorized by, are for the purposes set forth in, and are chargeable to, the following allotments, the available balances of which are sufficient to cover the cost of the same:

This contract was negotiated under and is authorized by the following laws:

LUMP SUM CONTRACT FOR ARCHITECT-ENGINEER SERVICES

(With Optional Supervision)

This Contract, entered into this---------- day of----------, 19----, by the United States of America (hereinafter called the "Government"), represented by the Contracting Officer executing this contract and----------

---

[1] a corporation organized and existing under the laws of the State of----------

---

[1] a partnership consisting of----------

---

[2] an individual trading as----------
in the City of----------
State of----------
(hereinafter called the "Architect-Engineer").

Witnesseth that:

Whereas, the accomplishment of the hereinafter described work and services is authorized by law and will facilitate the prosecution of the war; and

Whereas, the Government desires to engage the Architect-Engineer to render services as hereinafter set forth for the preparation of necessary reports, designs, drawings, specifications and other documents; and, at the option of the Government, for technical supervision of the construction of the project described in Article I-A hereof; and

Whereas, the Secretary of War has directed ----------
to negotiate this Architect-Engineer Contract:

Now, therefore, the parties hereto do mutually agree as follows:

TITLE I

ARTICLE I-A. *Description of project.* 1. The Architect-Engineer shall, upon receipt of notice to proceed, perform all the services required under this contract for the project generally described as follows:

(hereinafter referred to as "the project"), located at or in the vicinity of ---------- and more specifically described in Appendix "A" which is attached hereto and made a part hereof.

ART. I-B. *Statement of architect-engineer services.* The Architect-Engineer shall perform the following services:

1. Make such topographical and other surveys and maps as are specified in Appendix "A"; supervise necessary test borings and other subsurface investigations required by the Contracting Officer, but the cost of such borings and investigations shall be borne by the Government. This provision is not to be deemed to require the Architect-Engineer to make real estate surveys.

2. Establish a permanently monumented base line, with elevations, tied into the North American Datum.

3. Prepare, subject to the approval of the Contracting Officer, preliminary studies, sketches, and layout plans and reports including estimates of cost of the proposed project and of all structures, utilities and appurtenances thereto. But if more than three sets of such studies, sketches, plans, or reports are required because of changes initiated by the Contracting Officer, an adjustment in the contract price will be made as provided in Article III-E.

4. Adopt Government designs, drawings, specifications and standards for buildings and other structures as necessary to meet the requirements of the approved layout of the proposed project, and prepare detailed designs, specifications and drawings in required form for buildings and other structures for which Government designs are incomplete or unavailable.

5. When preliminary drawings are approved in writing by the Contracting Officer, prepare final designs, detailed working drawings and specifications in accordance with Government standards necessary for the effective coordination and efficient execution of the construction work and revise such drawings and specifications if necessary. All such drawings may be prepared in pencil on tracing paper or pencil tracing cloth of approved quality by such methods and of such quality of workmanship as will permit the making of satisfactory reproductions thereof and the revision of such drawings for record purposes. Prepare and furnish ---------- copies of the specifications and ---------- sets of full size copies of working drawings; in the event additional copies are required the Government shall pay the cost thereof. There shall be included in the specifications all provisions which the Contracting Officer may direct

[1] Delete all lines which do not apply.

[2] Delete inapplicable language.

to have incorporated therein relating to the advertising, negotiating, or awarding of construction contract or contracts, conditions under which the work shall be done, and any special provisions required by statute or existing War Department regulations or instructions.

6. Obtain necessary permits and approvals from all local, State and Federal authorities. Should it become necessary in the performance of the work and services for the Architect-Engineer to secure the right of ingress and egress to perform any of the work required by Title I hereof on properties not owned or controlled by the Government, the Architect-Engineer shall, if practicable, secure the consent of the owner, his representative, or agent, prior to effecting entry on such property. In the event the owner requires the payment of any fee for a license to enter upon and/or use such property, the Architect-Engineer, when so directed by the Contracting Officer, shall pay such fee and obtain a receipt therefor. The expenditures covering such fees shall constitute a reimbursable item under this contract, and the Architect-Engineer, upon presentation of a voucher therefor, duly supported by proper receipts attached thereto, shall be reimbursed for the full amount thereof.

7. Prepare an estimate of the cost of the proposed project based upon the approved designs, drawings and specifications therefor.

8. Prepare schedules and charts showing the sequence of operations in the construction of each of the several portions of the work.

9. Prepare estimates showing the quantities of critical and important materials and length of time after award of the construction contract when such materials will be required on the site.

10. Assist the Contracting Officer in preparing invitations for bids or proposals analysing and evaluating bids or proposals for a construction contract or contracts based upon the approved drawings and specifications.

11. Check and approve all shop and working drawings submitted by the Constructor in connection with the construction work to assure that they conform with approved drawings.

12. During the construction period the Architect-Engineer shall furnish such advice as may be requested and an approved representative shall make _____ visits to the site of the work at periods required by the Contracting Officer; additional visits, if made, shall be paid for at _____ Dollars ($_____) per day in full satisfaction therefor. In the event that the option of Title II is exercised, the provisions of this paragraph shall not apply.

ART. I–C. *Progress schedule.* 1. The Architect-Engineer shall, promptly after the execution of this contract, prepare and submit to the Contracting Officer, for approval, a schedule showing the order in which the Architect-Engineer proposes to carry on the work, with dates on which he will start the several salient features of the work and the contemplated dates for completing the same. Such schedule shall provide for completion of all work hereunder within the contract time. The schedule shall be in the form of a progress chart at suitable scale so as to indicate with symbols the percentage completed at any time. The Architect-Engineer shall correct the progress schedule at the end of each week and shall immediately deliver three copies to the Contracting Officer.

2. The Architect-Engineer shall furnish sufficient technical, supervisory and administrative personnel to insure the prosecution of the work in accordance with the approved progress schedule.

ART. I–D. *Period of service.* 1. The Architect-Engineer shall complete all work and services under Title I of this contract except work and services required under Article I–B, sections 11 and 12, within _____ months after receipt of notice to proceed.

ART. I–E. *Payment.* 1. In consideration of the performance of his undertakings under this Title I, the Architect-Engineer shall be paid the sum of _____ Dollars ($_____), which shall constitute complete payment for all services required to be performed under this Title I and all expenditures which may be made and expenses incurred except as are otherwise expressly provided herein.

TITLE II

At any time prior to six months after satisfactory completion and acceptance of the work and services to be furnished under Title I except Article I–B, sections 11 and 12, the Government, at its option, may direct, by a written order, the Architect-Engineer to perform the work and services provided under this Title II. Upon receipt of such direction, the Architect-Engineer shall proceed with such work and services.

ART. II–A. *Services to be furnished by Architect-Engineer.* The Architect-Engineer shall perform the following services:

1. Furnish all governing lines, bench marks and grades essential to the construction of the project.

2. Furnish a Resident Engineer and staff of assistants and other personnel to supervise the construction to assure that every part of the work is done in accordance with the approved drawings and specifications and within the areas and boundaries designated for the project. The Architect-Engineer will furnish _____ man-months of inspection service as required by the Contracting Officer.

3. Make all field tests at the site of the work and report to the Contracting Officer in writing as to the conformity or nonconformity of the materials and equipment and workmanship to specifications. The Architect-Engineer shall evaluate reports on such other tests of materials and equipment as may be required by the Contracting Officer, but the cost of such tests shall be borne by the Government.

4. Prepare, with the assistance of the Constructor, labor estimates showing the approximate numbers, trades and dates required to meet the approved construction schedule.

5. Prepare weekly progress reports in approved form showing the progress of the construction work and any deviation from the approved construction schedule.

6. Prepare, when required by the Contracting Officer, the partial and final construction estimates for payment.

7. Without additional compensation the Architect-Engineer or any member of the organization, when requested, shall consult and advise with the Contracting Officer on any questions which may arise in connection with the work under this contract.

8. Upon termination or completion of this contract as determined by the Contracting Officer, and before final payment, the Architect-Engineer shall:

a. Prepare record drawings to show construction as actually accomplished. These record drawings shall be prepared by correcting drawings as prepared for construction purposes or, where construction drawings cannot be satisfactorily revised for record purposes, by preparation of appropriate new drawings. All such new drawings shall be prepared in pencil on tracing paper or pencil tracing cloth of approved quality.

b. Assist the Contracting Officer in the preparation of the completion report for the project.

c. Supervise the testing of operating units to assure their conformance with specifications and furnish all engineering services necessary to secure such conformance.

d. Prepare instructions for the proper operation and maintenance of all utilities and operating equipment designed by the Architect-Engineer.

ART. II–B. *Period of service.* 1. The period of service of the Architect-Engineer under Title II of this Contract shall be _____ months from receipt of the order to proceed, but the Government may extend such period as provided in Article III–E of this Contract.

ART. II–C. *Payment.* 1. In consideration of the performance of his undertakings under this Title II the Architect-Engineer shall be paid the sum of _____ Dollars ($_____), which shall constitute complete payment for all services required to be performed under this Title II and all expenditures which may be made and expenses incurred except as are otherwise provided herein.

TITLE III

The provisions of this Title shall apply to this entire contract, to wit: to Title I and likewise to Title II should Title II become operative as provided herein.

ART. III–A *Method of payment.* 1. Estimates shall be made semi-monthly of the amount and value of the work and services performed by the Architect-Engineer under this contract, determined in accordance with Appendix "A" attached hereto and made a part hereof.

2. Upon approval of such estimate by the Contracting Officer payment upon vouchers approved by the Contracting Officer shall be made to the Architect-Engineer as soon as practicable of 90% of the amount as determined above, less all previous payments.

3. In the event that the Government does not exercise the option under Title II of this contract within 30 days after the satisfactory completion and acceptance by the Contracting Officer of the work done by the Architect-Engineer under Article I–B, sections 1 through 10 inclusive, the Architect-Engineer shall be paid the unpaid balance of any money due for work done under said sections.

4. Upon satisfactory completion of the construction work and its final acceptance the Architect-Engineer shall be paid the unpaid balance of any money due hereunder. Prior to such final payment under the contract, or prior to settlement upon termination of the contract, and as a condition precedent thereto, the Architect-Engineer shall execute and deliver to the Contracting Officer a release of all claims against the Government arising under or by virtue of this contract, other than such claims, if any, as may be specifically excepted by the Architect-Engineer from the operation of the release in stated amounts to be set forth therein.

ART. III–B. *Drawings and other data to become property of Government.* 1. All notes, designs, drawings, specifications and other technical data are to become the property of the Government on completion as outlined in this contract, and the Government shall have full right to use those instruments for the purpose of constructing under contract or otherwise any buildings or other structures for the sole use of the Government when and where the Government may designate, without any claim on the part of the Architect-Engineer for additional compensation.

2. All notes, designs, drawings, specifications and other technical data concerning the project shall be delivered to the Government whenever requested by the Contracting Officer, and, furthermore, access to such data shall be restricted to trusted and duly authorized representatives of the Government and of the Architect-Engineer.

ART. III–C. *Contracting officer's decisions.* 1. The extent and character of the work to be done by the Architect-Engineer shall be subject to the general supervision, direction, control and approval of the Contracting Officer to whom the Architect-Engineer shall report and be responsible. In the event that there should be any dispute with regard to the extent and character of the work to be done, the decision of the Contracting Officer shall govern, but the Architect-Engineer shall have the right of appeal as provided in Article III–D.

ART. III–D. *Disputes.* (Insert article in § 803.326)

ART. III–E. *Changes.* 1. The Contracting Officer may at any time, by a written order, and without notice to the sureties, make any changes in this contract which may either increase or decrease the services hereunder. If such changes cause an increase or decrease in the services required under this contract, or in the time required for its performance, an equitable adjustment shall be made and the contract shall be modified in writing accordingly. Any claim for adjustment under this article must be asserted within 10 days from the date the change is ordered: *provided, however,* That the Contracting Officer, if he determines that the facts justify such action, may receive and consider, and with the approval of the Secretary of War or his duly authorized representative, adjust any such claim asserted at any time prior to the date of final settlement of the contract. If the parties fail to agree upon the adjustment to be made, the dispute shall be determined as provided in Article III–D, but nothing provided in this article shall excuse the Architect-Engineer from proceeding with the prosecution of the work so changed.

ART. III–F. *Termination.* 1. The Government may terminate this contract at any time and for any cause by a notice in writing from the Contracting Officer to the Architect-Engineer. Upon receipt of such notice the Architect-Engineer shall, unless the notice directs otherwise, immediately discontinue all work.

2. If the contract is terminated for the convenience of the Government, payment to the Architect-Engineer will be made promptly for that proportion of the services required under the contract which the work actually performed bears to the total work required under the contract, less any payments previously made.

3. If this contract is terminated because of the failure on the part of the Architect-Engineer to fulfill his undertakings under this contract, the Government may take over the work and prosecute the same to completion by contract or otherwise, and the Architect-Engineer shall be liable to the Government for any excess cost occasioned to the Government thereby.

ART. III–G. *Covenant against contingent fee.* (Insert clause in § 803.323)

ART. III–H. *Officials not to benefit.* (Insert clause in § 803.322)

ART. III–I. *Assignment of claims.* (Insert clause in § 803.355)

ART. III–J. *Convict labor.* (Insert clauses in § 803.345 or § 803.356)

ART. III–K. *Dismissals.*

1. Should the continued employment, under this contract, of any person in the Architect-Engineer's organization be deemed by the Contracting Officer to be prejudicial to the interests of the Government, that person shall be immediately removed from the work. The Architect-Engineer shall make every reasonable effort in the selection of his employees and in the prosecution of the work under this contract to safeguard all drawings and specifications, and to prevent the theft or unauthorized use of the same.

ART. III–L. *Workmen's compensation laws.* 1. The Act of June 25, 1936 (49 Stat. 1938, 1939; 40 U. S. C. 290), provides that the several states have authority to make their Workmen's Compensation Laws applicable to contracts for the construction, alteration or repair of a public building or public work of the United States, and the several states are vested with the power and authority to enforce such state laws on lands of the United States.

ART. III–M. *Accident prevention.* 1. The Architect-Engineer will maintain an accurate record of, and will report to the Contracting Officer in the manner and on the forms prescribed by the Contracting Officer, all causes of death, occupational disease, and traumatic injury arising out of or in the course of employment on work under this contract.

ART. III–N. *Anti-discrimination.* (Insert clauses in § 803.325).

ART. III–O. *Renegotiation pursuant to section 403 of the Sixth Supplemental National Defense Appropriation Act, 1942, as amended.* (Insert article in § 803.342–1).

ART. III–P. *Definitions.* (Insert article 22, § 813.1301)

ART. III–Q. *Approval.* 1. This contract shall be subject to the written approval of the _____ and shall not be binding unless so approved.

ART. III–R. *Alterations.* 1. The following changes were made in this contract before it was signed by the parties hereto:

In witness whereof, the parties hereto have executed this contract as of the day and year first above written:

THE UNITED STATES OF AMERICA,
By _____
_____
(Official Title)
_____
(Architect-Engineer)
By _____
_____
(Business Address)

Witnesses as to signature of Architect-Engineer:
_____
_____
(Address)
_____
_____
(Address)

I _____, certify that I am the _____ Secretary of the corporation named as Architect-Engineer herein; that _____ who signed this contract on behalf of the Architect-Engineer was then _____ of said corporation; that said contract was duly signed for and on behalf of said corporation by authority of its governing body and is within the scope of its corporate powers.

In witness whereof, I have hereunto affixed my hand and the seal of said corporation this _____ day of _____, 19____.

[CORPORATE SEAL] _____
(_____ Secretary)

I hereby certify that, to the best of my knowledge and belief, based upon observation and inquiry, _____, who signed this contract for _____ had authority to execute the same, and is the individual who signs similar contracts on behalf of this corporation with the public generally.

_____
(Contracting Officer)

§ 813.1317 *Short forms.* In § 813.1317a and immediately following, there are set forth certain short forms of contracts for procuring supplies or services, to be used in accordance with the "explanatory notes" applicable to each.

§ 813.1317a *W. D. Contract Form No. 383, revised June 26, 1944 (W. D. Forms Nos. 383, 383a, 383b and 383c); Short Form—*(a) *Explanatory note.* W. D. Contract Form No. 383, revised 26 June 1944, comprising W. D. Forms Nos. 383, 383a, 383b and 383c, will be used in compliance with instructions appearing in TM 38–403 (Station Supply Procedure), which supersedes ASF Manual M403; and in ASF Manual M408 (Depot Supply Procedure).

(b) *Contract forms.*

War Department Form No. 383
Form Prescribed by Comptroller General, U. S. June 26, 1944.

PURCHASE ORDER ☐ OR DELIVERY ORDER ☐ (Indicate by ×)
AND VOUCHER FOR PURCHASES AND SERVICES OTHER THAN PERSONAL
WAR DEPARTMENT

Date _____ Insert Name and Address of Procuring Office _____

Delivery order No.	Contract No.	Purchase order No.	Requisition No.	Purchase authority	D. O. Vou. No.

TO:	SHIP TO:	Paid by
Vendor: Return white copy with vendor's certificate completed or white copy with certified or original and two copies of your invoice	Payment will be made by Finance Officer	
To:	At:	(For use of paying office)

F. o. b.	(Del. date(s))	Discount terms	The officer(s) whose signature(s) appear below certify that the available balance of funds chargeable (indicated below under accounting classification) is sufficient.

If purchase order: This instrument is negotiated under authority of the First War Powers Act, 1941, and Executive Order No. 9001, 27 December, 1941. In accordance with your price list/oral quotation written quotation of _____ 194_, please furnish the following, subject to the terms and conditions stated on both sides of this form.
If delivery order: Please furnish the following in accordance with basic purchase agreement identified above. The provisions on the reverse side of this form do not apply when used as delivery order.

Item No.	Articles or services	Quantity ordered	Unit	Unit price	Amount	Quantity received
	Total					

Vendor's certificate: I certify that the above bill is correct and just, that payment therefor has not been received; that all statutory requirements as to American production and labor standards, and all conditions of purchase applicable to the transactions have been complied with and that State or local sales taxes are not included in the amounts billed.

(Vendor must NOT use this space)

Differences .....

Payee (sign original only) [1]

Per ..... Title .....

Account verified: correct for .....

(This certificate not required when a like certificate is made by payee on attached bill or bills)

Vendor's invoice No.

(Signature or initials)

Pursuant to authority vested in me, I certify that the above articles were received in good condition, after due inspection, acceptance, and delivery prior to payment as required by law, or the services were performed as stated, that they were procured without written contract, in open market, or as indicated above and were necessary for the public service and that the prices charged are just and reasonable and in accordance with the agreement.

Signature ..... Title .....

Accounting classification

Appropriation (including limitation) symbol	Appropriation title	Station code	Limitation or project amount	Appropriation amount

Check No. ..... dated ..... 19.. for $..... on Treasurer of the United States in favor of Payee named above.
Cash, $..... on ..... 19..
Payee .....

[1] When a voucher is signed or receipted in the name of a company or corporation, the name of the person writing the company or corporate name, as well as the capacity in which he signs, must appear. For example "John Doe Company, per John Smith, Secretary" or "Treasurer" as the case may be.

Per .....

Title .....

[Reverse side of W. D. Form No. 383]

GENERAL PROVISIONS APPLYING TO THIS ORDER

1. *Payments.* The Contractor shall be paid, upon the submission of properly certified invoices or vouchers, the prices stipulated herein for articles delivered and accepted or services rendered, less deductions, if any, as herein provided. If the Contracting Officer permits, (a) payments may be made on partial deliveries accepted by the Government when the amount due on such deliveries so warrants; or, (b) when requested by the Contractor, payments for accepted partial deliveries may be made whenever such payments would equal or exceed either $1,000 or 50% of the total amount of the contract.

2. *Inspection.* Whether or not an inspection point is specified herein, all material and workmanship shall be subject to inspection and test at all times and places (including inspection and test after arrival at destination) and, when practicable, during manufacture. In case any articles are found to be defective in material or workmanship, or otherwise not in conformity with the specification requirements, the Government shall have the right to reject such articles, or require their correction. Final inspection shall be conclusive except as regards latent defects, fraud, or such gross mistakes as amount to fraud. In the event public necessity requires the use of materials or supplies not conforming to the specifications, payment therefor shall be made at a proper reduction in price.

3. *Variation in quantities.* (Insert § 803.329)

4. *Notice of shipments.* (Insert § 803.328)

5. *Taxes.* (Insert § 803.357–2)

6. *Walsh-Healey Act.* If this contract is for an amount in excess of $10,000, the representations and stipulations required by Section 1 of the Act of June 30, 1936 (Walsh-Healey Act, Public No. 846, 74th Cong.), to be included in all contracts therein specified, are hereby incorporated and made a part of this contract with the same force and effect as if fully set forth in the contract. Such representations and stipulations shall be subject to all applicable regulations, determinations, and exemptions of the Secretary of Labor now or hereafter in effect.

7. *Eight-hour law.* This General Provision 7 shall apply if General Provision 6 is not applicable. (Insert § 803.346)

8. *Anti-discrimination.* (Insert § 803.325)

9. *Convict labor.* The Contractor shall not employ any person undergoing sentence of imprisonment at hard labor.

10. *Changes.* Where the supplies to be furnished are to be specially manufactured in accordance with drawings and specifications, the Contracting Officer may at any time, by a written order, and without notice to the sureties, if any, make changes in the drawings or specifications. Changes as to shipment and packing of all supplies may also be made as above provided. If such changes cause an increase or decrease in the amount due under this contract, or in the time required for its performance, an equitable adjustment shall be made and the contract shall be modified in writing accordingly.

11. *Delays; damages.* If the Contractor refuses or fails to perform this contract within the time specified, or any extension thereof, the Government may, by written notice, terminate the right of the Contractor to proceed with deliveries or with such part or parts thereof as to which there has been delay, and may hold the Contractor liable for any damage caused the Government by reason of such termination. The right of the Contractor to proceed with the performance of this contract shall not be terminated under this General Provision 11 if the delay is due to causes beyond the control and without the fault or negligence of the Contractor, including without being limited to, any preference, priority, or allocation order issued by the Government or any other act of the Government.

12. *Disputes.* Except as otherwise specifically provided in this contract, all disputes concerning questions of fact which may arise under this contract, and which are not disposed of by mutual agreement, shall be decided by the Contracting Officer, who shall reduce his decision to writing and mail a copy thereof to the Contractor. Within 30 days from said mailing the Contractor may appeal to the Secretary of War, whose decision or that of his designated representative, representatives, or board shall be final and conclusive upon the parties hereto. Pending decision of a dispute hereunder the Contractor shall diligently proceed with the performance of this contract.

13. *Assignment of rights hereunder.* This General Provision 13 shall apply if this contract is for $1,000 or more, unless this contract is marked secret, confidential, or restricted. (Insert § 803.355.)

14. *Officials not to benefit.* Insert § 803.322.)

15. *Covenant against contingent fees.* (Insert § 803.323.)

16. *Termination at the option of the Government.* The performance of work under this contract may be terminated by the Government whenever the Contracting Officer shall determine that such action is for the best interests of the Government. If this contract is so terminated, fair compensation, within the meaning of the Contract Settlement Act of 1944 (Public No. 395, 78th Cong.), as the same may from time to time be amended, will be provided for contractor

17. *Definitions.* Except for the original signing of this contract, and except as otherwise stated herein, the term "Contracting Officer" as used herein shall include his duly appointed successor or his authorized representative.

SHIPPING INSTRUCTIONS

A. Mark each package with complete destination, Delivery Order or Purchase Order number, name of Contractor, commodity, quantity, Delivery Order or Purchase Order item number, package number.

B. Packing list must accompany each shipment, showing package number and contents.

C. If purchase is f. o. b. destination, delivery charges are absorbed in the prices. If purchase is f. o. b. origin, delivery charges are excluded from the prices and Government bill of lading will be used, or commercial bill of lading will be used and exchanged for Government bill of lading at destination.

War Department Form No. 383a
Form Prescribed by Comptroller General, U. S.
June 26, 1944

PURCHASE ORDER ☐ OR DELIVERY ORDER ☐ (Indicate by ×)
AND VOUCHER FOR PURCHASES AND SERVICES OTHER THAN PERSONAL

WAR DEPARTMENT

Date .....

Insert Name and Address of Procuring Office .....

Delivery order No.	Contract No.	Purchase order No.	Requisition No.	Purchase authority	D. O. Ver. No.

To: Ship to:

Paid by

Vendor: Return white copy with vendor's certificate completed or white copy with certified original and two copies of your invoice.

Payment will be made by Finance Officer At:

(For use of paying office)

F. o. b.	Del. date(s)	Discount terms

The officer(s) whose signature(s) appear below certify that they have the authority of law to execute this instrument and that the accounting classification is sufficient.

Date .....

Delivery Order Officer

If purchase order: This instrument is negotiated under authority of the First War Powers Act, 1941, and Executive Order No. 9001, 27 Dec. 1941. In accordance with your price list, oral quotation, written quotation of ..... 194.., please furnish the following, subject to the terms and conditions stated on both sides of this form. If delivery order: Please furnish the following in accordance with the provisions on the reverse hereof. Invoices must be submitted in accordance with the provisions on the reverse side of this form (do not supply when used as delivery order.

Item No.	Articles or services	Quantity ordered	Unit price	Amount	Quantity received
	Total				

Memorandum:

(Vendor must NOT use this space)

Differences .....

Account Verified: correct for .....

(Signature or initials)

Vendor's Invoice No.

Inspection report: I certify that the items listed in Quantity Received column above were inspected by me, and that they conform to the contract requirements, and that the services specified in the contract were actually rendered.

Receiving report: I certify that the items listed in Quantity Received column above were received by me in the condition noted, on the date stated, and that the same have been taken up on the property accounts at this station.

(Title) ..... Inspecting Officer

Date(s) received .....

Accountable Officer

Accounting classification

Appropriation (including limitation) symbol	Appropriation title	Station code	Limitation or project amount	Appropriation amount

Check No. ..... dated ..... 19.. for $ ..... on Treasurer of the United States in favor of Payee named above.
Cash, $ ..... on ..... 19.. Payee ..... (Sign original only)

Property Voi. No. .....

Title .....

[Reverse side of W. D. Form No. 383a]

This is the same as the reverse side of W. D. Form No. 363.

War Department Form No. 363a
Form Prescribed by Comptroller General, U. S., June 26, 1944

PURCHASE ORDER ☐ OR DELIVERY ORDER ☐ (Indicate by ×)
AND VOUCHER FOR PURCHASES AND SERVICES OTHER THAN PERSONAL

WAR DEPARTMENT

(Continuation sheet—Original)

Sheet of .....

Date .....

Delivery Order No. ..... Contract No. ..... Purchase order No. ..... Requisition No. ..... Purchase authority .....

Item No.	Articles or services	Quantity ordered	Unit	Unit price	Amount	Quantity received
	Total					

(5) If the uniform article concerning "Termination at the Option of the Government" (§ 803.324) or the statutory renegotiation article (§ 803.342–1) is necessary or desirable, W. D. Form No. 47–a (see § 813.1317c (b)) may be used as a continuation sheet to W. D. Form No. 18. If the uniform termination article (§ 803.324) is included, General Provision 16 (short-form "Termination at the Option of the Government") on the reverse side of W. D. Form No. 18 should be deleted.

(6) W. D. Form No. 18 will be requisitioned as prescribed in AR 310–200. Requisitioning agencies should specify bond, tissue, or ditto in requisitioning the form.

(b) *Contract form.*

W. D. FORM NO. 18—REVISED 11 NOVEMBER 1944 (FRONT)

NOTE: Forms printed in the FEDERAL REGISTER are for information only, and do not follow the exact format prescribed by the issuing agency.

W. D. Form No. 18
11 November 1944

WAR DEPARTMENT PURCHASE ORDER

Date.....

Contract No. (If any) W-.....
Order No.....
Above numbers must appear on all packages and papers relating to this order.

W. D. establishment, office or station, and address

Payment will be made by Finance Officer, U. S. Army, at.....

To: .....
(Contractor)
.....
(Address)
.....
(Factory address)

The supplies and services to be obtained by this instrument are authorized by, are for the purposes set forth in, and are chargeable to the following allotments, the available balances of which are sufficient to cover the cost thereof:

Ship to:

In accordance with your price list/oral quotation/written quotation of ..... Please furnish the following on the terms specified on both sides of this page and on the attached sheets including delivery f. o. b. .....
Methods of presenting invoices or vouchers, and of packing, marking, and shipping, shall be as provided herein, except as otherwise directed by the Contracting Officer.
Schedule of deliveries .....
Inspection points .....

Item No.	Supplies or services	Quantity	Unit	Unit price	Amount
	Total				

This order is authorized by and negotiated under the First War Powers Act, 1941 (Public, 354, 77th Cong.), and Executive Order No. 9001 (Dec. 27, 1941).
Attached sheets numbered .....

UNITED STATES OF AMERICA

By.....
Title.....
Contracting Officer.

[Reverse side of W. D. Form No. 18—Revised 11 November 1944]

GENERAL PROVISIONS

The General Provisions of W.D. Form No. 18 are the same as the General Provisions appearing on the reverse side of W.D. Form No. 383 (see § 813.1317a (b)).

§ 813.1317c *W. D. Contract Form No. 47 (W. D Forms Nos. 47 and 47–a); Short Form, Revised April 1, 1944—(a) Explanatory notes.* (1) This form was formerly known as W. D. Contract Form No. 17. It has been renumbered as W. D. Contract Form No. 47 to make the "W. D. Contract Form No." conform to the "W. D. Form No."

(2) W. D. Contract Form No. 47 comprising W. D. Forms Nos. 47 and 47–a, is available for optional use by the technical services (including the service commands) for procuring any supplies or services, regardless of the number or period of deliveries or of the number of payments involved, where

(i) The amount of the purchases does not exceed $500,000; and

(ii) No special contract form is available and suitable for the particular type of procurement; and

(iii) No special contract provisions are required, the insertion of which in the particular case would unduly complicate the form; and

(iv) Signature by the contractor evidencing acceptance of the order is not required, and is not desired. Signature by the contractor is not required where (*a*) the amount of the order is not in excess of $5,000 or (*b*) the amount of the order is in excess of $5,000 but not in excess of $500,000 and the order is preceded by an oral or written quotation or is based upon a price list.

(3) Where the price is not in excess of $5,000 the line reading "In accordance with your price list /oral quotation/written quotation of _____", appearing on the front side of the form, will be deleted by the contracting officer. Otherwise the contracting officer will delete those words which do not apply, and insert the date.

(4) Each technical service may insert (either on continuation sheets or in the blank space provided on the reverse side of W. D. Form No. 18, or in any other space on the form) special provisions covering (i) methods of presenting invoices or vouchers, and (ii) methods of packing, shipping, and marking. Continuation sheets may also be used as extensions of columns on the form.

War Department Form No. 302
Form prescribed by Comptroller General, U. S., June 26, 1941.

PURCHASE ORDER ☐ OR DELIVERY ORDER ☐ (Indicate by X)

AND VOUCHER FOR PURCHASES AND SERVICES OTHER THAN PERSONAL

WAR DEPARTMENT

Date.....

(Continuation Sheet—Memorandum)

Delivery Order No.	Contract No.	Purchase order No.	Requisition No.	Purchase authority	Sheet of

Item No.	Articles or services	Quantity ordered	Unit	Unit price	Amount	Quantity received
	Total					

(i) The amount of the purchase does not exceed $1,000,000; and

(ii) No special contract form is available and suitable for the particular type of procurement; and

(iii) No special contract provisions are required the inclusion of which in the particular case would unduly complicate the form.

(3) The form calls for execution both by the Contracting Officer and the contractor. When so executed, it should be complete in itself, without reference to other documents such as proposal or bid forms.

(4) When filled in, signed by the Contracting Officer, and delivered to the contractor, the form (W. D. Form No. 47 alone, or both W. D. Forms Nos. 47 and 47–a, with or without further continuation sheets) constitutes an offer by the Government to contract on the terms set forth. So far as the information is available at the time the form is delivered to the Contractor, all applicable blanks should be filled in. Where a particular matter is not known at the time the form is delivered to the Contractor (for example, "Ship To" or "Schedule of Delivery"), the blank should be filled in with appropriate language indicating how such information will be subsequently furnished.

(5) When signed by the contractor in the space marked "Contractor's Acceptance" and returned to the Government in the time allowed, the form becomes a binding contract provided the contractor has not made any changes by way of deletion, interlineation or addition, thus departing from the terms of the offer. Contractors should be instructed to inform the Contracting Officer of any changes which appear to be required, so that amendments may be made and initialed by both parties, or a corrected form issued.

(6) General Provision No. 2 (Inspection) provides that "whether or not an inspection point is specified herein," inspection may occur at all times and places, etc. A line is provided on the face of W. D. Form No. 47 for insertion of inspection point.

(7) General Provision 3 (Variation in Quantities) permits a variation of 10% "unless otherwise specified." Statement of a permitted variation other than 10% may be inserted in any space on the form or on a continuation sheet.

(8) Methods of presenting invoices or vouchers, and of packing, marking and shipping will be as specified in any space on the form or on a continuation sheet, except as otherwise directed by the Contracting Officer.

(9) Continuation sheets may be used as extensions of columns on the form (for example, the column marked "Supplies or Services"), or for inclusion of any further contract clauses which may be necessary or advisable (for example, the clause on subcontracting, § 803.367, or patents clauses, § 803.335 et seq.).

(10) W. D. Forms 47 and 47–a will be requisitioned as prescribed in AR 310–200. Requisitioning agencies should specify bond or tissue in requisitioning these forms.

(b) *Contract forms.*

W. D. Form No. 47
Revised 1 April 1944

WAR DEPARTMENT
GOVERNMENT'S ORDER AND CONTRACTOR'S ACCEPTANCE

Date.....

W. D. establishment, Office or station, and address:

.....
.....
.....

To:.....
(Contractor)
.....
(Address)
.....
(Factory Address)

SHIP TO:.....
.....

Contract No. (If any) W-.....

Order No.....
Above numbers must appear on all packages and papers relating to this order.

Payment will be made by Finance Officer, U. S. Army, at.....

The supplies and service, to be obtained by this instrument are authorized by, are for the purposes set forth in, and are chargeable to the following allotments, the available balances of which are sufficient to cover the cost thereof:

This contract is authorized by and negotiated under the First War Powers Act, 1941 (Public 354, 77th Cong.), and Executive Order No. 9001 (Dec. 27, 1941).

GOVERNMENT'S ORDER

Please furnish the following on the terms specified on both sides of this page and on the continuation sheets, if any attached hereto, including delivery f. o. b. .....
Acceptance must be received by the Government within..... days after the date first above written.
Methods of presenting invoices or vouchers, and of packing, marking, and shipping, shall be as provided herein, except as otherwise directed by the Contracting Officer.
Inspection points.....
Schedule of delivery.....

Item No.	Supplies or Services	Quantity	Unit	Unit Price	Amount
	Total				

CONTRACTOR'S ACCEPTANCE

Accepted this.....day of.....194..

By.....

Title.....
(Authorized to accept this order)

UNITED STATES OF AMERICA,

By.....

Title.....
Contracting Officer.

[Reverse side of W. D. Contract Form No. 47]

GENERAL PROVISIONS

1. *Payments.* (Insert Article 8, § 813.1301.)

2. *Inspection.* Whether or not an inspection point is specified herein, all material and workmanship shall be subject to inspection and test at all times and places (including inspection and test after arrival at destination) and, when practicable, during manufacture. In case any articles are found to be defective in material or workmanship, or otherwise not in conformity with the specification requirements, the Government shall have the right to reject such articles, or require their correction. Final inspection shall be conclusive except as regards latent defects, fraud, or such gross mistakes as amount to fraud. In the event public necessity requires the use of materials or supplies not conforming to the specifications, payment therefor shall be made at a proper reduction in price.

3. *Variation in quantities.* (Insert clause in § 803.329.)

4. *Notice of shipments.* (Insert § 803.328). NOTE: Certain outstanding printed forms contain an earlier form of Notice of Shipments article which is authorized for use on such forms so long as the stock lasts.

5. *Taxes.* (Insert clause in § 803.357–2.)

6. *Walsh-Healey Act.* If this contract is for an amount in excess of $10,000, the representations and stipulations required by Section 1 of the Act of June 30, 1936 (Walsh-Healey Act, Public No. 846, 74th Cong.) to be included in all contracts therein specified are hereby incorporated and made a part of this contract with the same force and effect as if fully set forth in the contract. Such representations and stipulations shall be subject to all applicable regulations, determinations, and exceptions of the Secretary of Labor now or hereafter in effect.

7. *Eight-Hour Law.* This General Provision 7 shall apply if General Provision 6 is not applicable. (Insert § 803.346.)

8. *Anti-Discrimination.* (Insert clause in § 803.325.)

9. *Convict labor.* The Contractor shall not employ any person undergoing sentence of imprisonment at hard labor.

10. *Changes.* Where the supplies to be furnished are to be specially manufactured in accordance with drawings and specifications, the Contracting Officer may at any time, by a written order, and without notice to the sureties, if any, make changes in the drawings or specifications. Changes as to shipment and packing of all supplies may also be made as above provided. If such changes cause an increase or decrease in the amount due under this contract, or in the time required for its performance, an equitable adjustment shall be made and the contract shall be modified in writing accordingly.

11. *Delays—Damages.* If the Contractor refuses or fails to perform this contract within the time specified, or any extension thereof, the Government may, by written notice, terminate the right of the Contractor to proceed with deliveries or with such part or parts thereof as to which there has been delay, and may hold the Contractor liable for any damage caused the Government by reason of

such termination. The right of the Contractor to proceed with the performance of this contract shall not be terminated under this General Provision 11 if the delay is due to causes beyond the control and without the fault or negligence of the Contractor, including without being limited to, any preference, priority, or allocation order issued by the Government or any other act of the Government.

12. *Disputes.* Except as otherwise specifically provided in this contract, all disputes concerning questions of fact which may arise under this contract, and which are not disposed of by mutual agreement, shall be decided by the Contracting Officer, who shall reduce his decision to writing and mail a copy thereof to the Contractor. Within 30 days from said mailing the Contractor may appeal to the Secretary of War, whose decision or that of his designated representative, representatives, or board shall be final and conclusive upon the parties hereto. Pending decision of a dispute hereunder the Contractor shall diligently proceed with the performance of this contract.

13. *Assignment of rights hereunder.* This General Provision 13 shall apply if this contract is for $1,000 or more, unless this contract is marked secret, confidential, or restricted. (Insert clause in § 803.355.)

14. *Officials not to benefit.* (Insert clause in § 803.322.)

15. *Covenant against contingent fees.* (Insert clause in § 803.323.)

16. *Definitions.* Except for the original signing of this contract, and except as otherwise stated herein, the term "Contracting Officer" as used herein shall include his duly appointed successor or his authorized representative.

W. D. Form No. 47–a

(Revised 1 April 1944)

Continuation Sheet No. ____ of Continuation Sheets

Articles on this continuation sheet should be included or deleted in accordance with applicable regulations. If Article "A" is included, fill in blanks appearing in paragraph (d) (2) thereof as prescribed in regulations.

A. *Termination at the option of the Government.* (Insert the article from § 803.324).

B. *Renegotiation.* (Insert article in 803.342.342–1.)

§ 813.1317d *W. D. Contract Form No. 5; Short Form*—(a) *Explanatory notes.* (1) W. D. Contract Form No. 5 is available for optional use by the technical services (including the service commands) for procuring any supplies or services, regardless of the number or period of deliveries or of the number of payments involved, where:

(i) The amount of the purchase does not exceed $1,000,000; and

(ii) No special contract form is available and suitable for the particular type of procurement; and

(iii) No special contract provisions are required, the inclusion of which in the particular case would unduly complicate the form.

(2) Each technical service will insert, under "Special Provisions" appearing on the reverse side of the first sheet, appropriate clauses covering "Methods of Presenting Invoices or Vouchers" and "Methods of Packing, Shipping and Marking," and such other clauses as may be necessary or advisable (for example, the clause on subcontracting, § 803.367, and patents clauses, § 803.335 et seq.).

(b) *Contract forms.*

W. D. Contract Form No. 5.

WAR DEPARTMENT

INFORMAL INVITATION, INFORMAL BID, AND ACCEPTANCE

Date ____ Contract No. (If any) W. ____

W. D. establishment, office or station, and address: ____ Order No. ____

These numbers must appear on all packages and papers relating to this order.

Invitation No. ____

The supplies and services to be obtained by this instrument are authorized by, are for the purposes set forth in, and are chargeable to the following allotments, the available balances of which are sufficient to cover the cost thereof:

This contract is authorized by and negotiated under the First War Powers Act, 1941 (Public 354, 77th Cong.), and Executive Order No. 9001 (Dec. 27 1941).

For methods of presenting invoices or vouchers, see Special Provision 1.

Payment will be made by Finance Officer, U. S. Army at ____

INFORMAL INVITATION

Sealed informal bids, in ____, subject to the terms specified on both sides of this page and on the continuation sheets numbered ____ to ____ inclusive, attached hereto, will be received at this office until ____ o'clock, ____ m., ____, 194__, for furnishing the supplies or services listed, including delivery f. o. b. ____

Each sheet must show the name of the bidder.

(Insert the clause in § 803.366)

Methods of packing, marking and shipping shall be as provided herein except as otherwise directed by the Contracting Officer.

Inspection points: ____

Ship to: ____

Schedule of deliveries: ____

Item No.	Supplies or services	Quantity	Unit	Unit price	Amount
	Total				

UNITED STATES OF AMERICA,

By ____ Contracting Officer

Title ____

INFORMAL BID

Date ____

In compliance with the above informal invitation for bids, and subject to all the conditions thereof, the undersigned offers, and agrees, if this bid be accepted within ____ calendar days from the date of the opening, to furnish any or all of the items upon which the undersigned has quoted prices, at the price set opposite each item. It is understood that the Government reserves the right to reject any and all bids regardless of whether the same constitute the lowest bids.

Bidder ____ Address ____

By ____

Title ____

authorized to make this bid.

ACCEPTANCE BY GOVERNMENT

Accepted as to items numbered: ____

Date ____

UNITED STATES OF AMERICA,

By ____ Contracting Officer

Title ____

[Reverse side of W. D. Contract Form No. 5]

This is the same as reverse side of W. D. Contract Form No. 383 (see § 813.1317a).

[Sheet to be added when applicable]

This is the same as the added sheet for W. D. Contract Form No. 47 (see W. D. Contract Form No. 47–a (§ 813.1317c)).

§ 813.1317e *W. D. Contract Form No. 19.*

WAR DEPARTMENT

DELIVERY ORDER

Date ____ Delivery Order No. ____

W.D. establishment, office or station, and address: ____ This delivery order applies to the following basic purchase agreement:

Contract (or purchase order) No. ____

To: ____

Address: ____

Factory Address: ____

For methods of presenting invoices or vouchers, see basic purchase agreement.

Payment will be made by Finance Officer, U. S. Army at ____

Ship to: ____

Schedule of deliveries: ____

The supplies and services to be obtained by this instrument are authorized by, are for the purposes set forth in, and are chargeable to the following allotments, the available balances of which are sufficient to cover the cost thereof:

Please furnish the following on the terms specified in the basic purchase agreement identified above, including delivery, f.o.b. ____

Methods of packing, marking and shipping shall be as provided in the basic purchase agreement, except as otherwise directed by the Contracting Officer.

Inspection points: ____

Item No.	Supplies or services	Quantity	Unit	Unit price	Amount
	Total				

Contractor is requested to acknowledge receipt of this Delivery Order to the issuing office.

By ____ UNITED STATES OF AMERICA,

Contracting Officer

Title ____

§ 813.1317f *W. D. Contract Form No. 6; Short Form*—(a) *Explanatory notes.* (1) W. D. Contract Form No. 6 is available for optional use by the technical services (including the service commands) for procuring any supplies or services, regardless of the number or period of deliveries or of the number of payments involved, where:

(i) The amount of the purchase does not exceed $1,000,000; and

(ii) No special contract form is available and suitable for the particular type of procurement; and

(iii) No special contract provisions are required, the inclusion of which in the particular case would unduly complicate the form.

(2) Each technical service will insert, under "Special Provisions" appearing on the reverse side of the first sheet, appropriate clauses covering "Methods of Presenting Invoices or Vouchers" and "Methods of Packing, Shipping and Marking," and such other clauses as may be necessary or advisable (for example, the clause on subcontracting, § 803.367, and patents clauses, § 803.335 et seq.).

(b) *Contract form.*

W. D. Contract Form No. 6 WAR DEPARTMENT

CONTRACTOR'S OFFER AND GOVERNMENT'S ACCEPTANCE

W. D. establishment, office or station and address: ____ Contract No. (If any) W. ____

Order No. ____

These numbers must appear on all packages and papers relating to this order.

The supplies and services to be obtained by this instrument are authorized by, are for the purposes set forth in, and are chargeable to the following allotments, the available balances of which are sufficient to cover the cost thereof:

This contract is authorized by and negotiated under the First War Powers Act, 1941 (Public 354, 77th Cong.), and Executive Order No. 9001 (Dec. 27 1941).

For methods of presenting invoices or vouchers see Special Provision 1.

Payment will be made by Finance Officer U. S. Army at ____

CONTRACTOR'S OFFER

Date ____

Confirming negotiations, the undersigned offers to furnish any or all of the following on the terms specified on both sides of this page and on the continuation sheets numbered ____ to ____ inclusive, attached hereto, including delivery f. o. b. ____

Government's acceptance must be received within ____ days from the date shown above.

Methods of PACKING, MARKING and SHIPPING shall be as provided herein except as otherwise directed by the Contracting Officer.

Inspection points: ____

Ship to: ____

Schedule of deliveries: ____

Item No.	Supplies or services	Quantity	Unit	Unit price	Amount
	Total				

Contractor

By ____ Address ____

Title ____

(authorized to make this offer)

ACCEPTANCE BY GOVERNMENT

Accepted as to items numbered: ____ Date ____

UNITED STATES OF AMERICA,

By ____

Title ____ Contracting Officer

[Reverse side of W.D. Contract Form No. 6]

This is the same as reverse side of W.D. Contract Form No. 383 (see § 813.1317a).

[Sheet to be added when applicable]

This is the same as the added sheet for W.D. Contract Form No. 47 (see W.D. Contract Form No. 47–a (§ 813.1317c)).

§ 813.1320 *W. D. Contract Form No. 20.*

WAR DEPARTMENT

Supplemental Contract to Contract No. ____ and Contract No. ____, etc.

(Name of technical service)

Whereas, under date of ____ (Insert date of original contract) a contract numbered ____, was (Insert number of original contract) entered into between the United States of America by ____ (Insert name, rank, and branch of Contracting Officer) U. S. Army, as Contracting Officer, acting by authority of the Secretary of War, hereinafter referred to as the Government, and ____ (Insert name of contractor) a corporation organized and existing under the laws of the State of ____ hereinafter referred to as the Contractor, providing for the construction of ____ (the furnishing of ____) (Insert number of units for amount of equipment purchased) by the Contractor, and

Whereas, it is provided by Section 201, Title II of Public Act No. 354, 77th Congress, approved December 18, 1941, that the President may authorize any department or agency of the Government exercising functions in connection with the prosecution of the war effort to enter into contracts and to make advance, progress, and other payments thereon, whenever he deems such action would facilitate the prosecution of the war; and

Whereas, by Executive Order 9001 issued December 27, 1941, the President has authorized the War Department to make such advance payments; and

Whereas, the making of advance payments to the Contractor is deemed necessary by the War Department to facilitate the prosecution of the war,

Now therefore, this supplemental contract is entered into this ____ day of ____, 194__, between the Government and the Contractor, said parties agreeing to and with each other as follows:

ARTICLE 1. At any time and from time to time, after the approval of this supplemental contract, at the request of the Contractor and subject to the approval of the ____ or his (Chief of technical service) duly authorized representative, or of the person to whom authority has been delegated to make advance payments, as to the present need therefor, the Government shall advance to the Contractor sums not to exceed ____ or (Insert amount of advance payment) ____ per cent (____%) of the principal contract price (or principal contract prices), as it (they) may be amended, whichever shall be the smaller. On the unliquidated balance of the advance payments outstanding, the Contractor agrees to pay interest at the rate of two and one-half percent (2½%) per annum to be computed in accordance with the provisions of Article 6 hereof.

ART. 2. As a condition precedent to the making of any advance payment or payments as hereinbefore provided, the Contractor shall

furnish the Government with such adequate security as the Under Secretary of War or the person to whom authority has been delegated to make advance payments shall prescribe: *Provided*, That, if other security is not prescribed, the terms of this supplemental contract shall be considered adequate security for such advance payments; and *Provided further*, That if at any time the Under Secretary of War deems the security furnished by the Contractor inadequate, the Contractor shall furnish such additional security as shall be satisfactory to the Under Secretary of War.

ART. 3. Until all advance payments hereunder are liquidated, all funds received as advance payments under this supplemental contract together with ----------
(Insert percent to be deposited which shall be not less than 85%)
percent (---%) of all other cash payments under the principal contract (or principal contracts), shall be deposited in a special bank account or accounts at a member bank or banks of the Federal Reserve System, or any "insured" bank within the meaning of the Act creating the Federal Deposit Insurance Corporation (Act of August 23, 1935; 49 Stat. 684, as amended; 12 U. S. C. 264), separate from the Contractor's general or other funds. Such special bank account or accounts shall be so designated as to indicate clearly to the bank their special character and purpose, and the balance in such account or accounts shall be used by the Contractor exclusively as a revolving fund for carrying out the purposes of the principal contract (or principal contracts), (including reimbursement to the Contractor for any reasonable amounts expended by him for such purposes), and any amendments thereto, and not for the other business of the Contractor: (*Provided:* That it is understood that all funds deposited in the said special account created hereunder may be used by the Contractor for the purposes of either or all of the principal contracts without regard to the origin of such payments; and) [1] *Provided:* That for the purpose of determining proper disposition of funds hereunder such of the Contractor's costs as may not be directly allocable to the principal contract (or principal contracts), as it (or they) may be amended, may be charged against funds deposited in the special account in that proportion which the amount of the work being done under the principal contract (or principal contracts), as it (they) may be amended, approximately bears to the total amount of work being performed by the Contractor, out of which such costs also arise, but within the period to which such costs relate. When required by the ----------
(Chief of technical service)
his duly authorized representative, or by other person to whom authority to make advance payments has been delegated, withdrawals from special account or accounts shall be made subject to the prior written approval of the Contracting Officer or his duly authorized representative. Any balances from time to time in such special account or accounts shall secure the repayment of the advances in connection with which the special account or accounts are opened, and the Government shall have a lien upon such balances to secure the repayment of such advances, which lien shall be superior to any lien of the bank, or any other person, upon such account or accounts by virtue of assignment to it on the principal contract (or contracts) or otherwise, *Provided:* That the bank shall be under no liability to any party hereto for the withdrawal of any funds from said special account upon checks, properly endorsed and signed by the Contractor, except that after the receipt by the bank of written directions from the ---------- or his duly
(Chief of technical service)
authorized representative, the bank shall act thereon and be under no liability to any party hereto for any action taken in accordance with the said written directions. Any instructions or written directions received by the bank through the Contracting Officer upon War Department stationery and purporting to be signed by, or by the direction of, the ---------- or his duly
(Chief of technical service)
authorized representative, shall, insofar as the rights, duties, and liabilities of the bank are concerned, be conclusively deemed to have been properly issued and filed with the bank by the ----------or his duly
(Chief of technical service)
authorized representative.

ART. 4. If, upon completion of the principal contract (or of any of the principal contracts), or upon the termination thereof for other than the fault of the Contractor, the advance payments made to the contractor in respect of such contract have not been fully liquidated in the manner herein provided, the unliquidated balance of such advance payments shall be deducted from any payments otherwise due the Contractor in respect of such contract; and if the sum or sums due the Contractor be insufficient to cover such balance, the deficiency shall be paid by the Contractor in cash forthwith after demand and final audit by the Government of all accounts hereunder in respect of such contract: *Provided, however*, That in the event of such termination of the contract for other than the fault of the Contractor, such deduction shall not be made prior to final audit unless, and only to the extent that, the Contracting Officer or his duly authorized representative shall determine that such action is reasonably required in order to secure the eventual repayment in full to the Government of such unpaid advance payments. In the event of cancellation or termination of the principal contract (or of any of the principal contracts) because of the fault of the Contractor, the Contractor, notwithstanding any ultimate rights to be reimbursed, agrees to return to the Government, upon demand, without set-off of any sums alleged to be due the Contractor, the unliquidated balance of any advance payment. Furthermore, if, in the opinion of the ---------- or his
(Chief of technical service)
duly authorized representative, the unobligated balance of the advance payments made by the Government under Article 1 hereof exceeds the amount necessary for the current needs of the Contractor, as determined by the ---------- or his
(Chief of technical service)
duly authorized representative the amount of such excess shall, upon demand by the ---------- or his
(Chief of technical service)
duly authorized representative, be promptly returned to the Government and will be credited against the balance due the Government on advances previously made. If the demand made in any event set forth in this Article is not met upon receipt of such demand by the Contractor, the amount demanded will bear interest at the rate of six percent (6%) rather than two and one-half percent (2½%) per annum from the date of the receipt of the demand until payment is made: *Provided, however*, That such additional interest over and above the regular two and one-half percent is hereby waived as to any sums paid by the Contractor within 15 days after the amount becomes due hereunder.

ART. 5. Except as otherwise provided herein, liquidation of the principal of any advance payment or advance payments made to the Contractor hereunder shall be made by deductions of ---------- percent (---%) from any and all payments made by the Government under the terms of the principal contract (or principal contracts) or by means of direct repayments by the Contractor from his own free funds or from the special account or accounts: *Provided:* That if at any time, as a result of amendments to the principal contract (or principal contracts) or otherwise, the unliquidated balance of the principal of advance payments made exceeds ---------- percent (---%) of the balance of the total contract price then unpaid, the amount of such excess which has not then been expended or obligated shall upon demand of the ----------
(Chief of technical service)
or his duly authorized representative be promptly returned to the Government by withdrawal from the special account or accounts or otherwise, and that portion of the excess which has been expended or obligated may, at the option of the Contractor, be so returned and if not so returned, shall, together with any unexpended or unobligated portion of the excess not otherwise returned to the Government, be deducted from any and all payments to be made by the Government under the principal contract (or principal contracts): *Provided further:* That if and when the Contractor has, by means of deductions or otherwise, reimbursed the Government in full for payments made, any money remaining in the special bank account or accounts shall be free and clear of any lien hereunder and the bank or banks concerned shall have authority to pay same to the Contractor and shall thereupon be relieved of any further obligation to the Government on account thereof.

ART. 6. On the unliquidated balance of the advance payments outstanding, the Contractor agrees to pay interest at the rate of two and one-half percent (2½%) per annum. Such interest shall be computed at the end of each calendar month on the average daily balance of the principal of the unliquidated advance payments outstanding. In determining such balance, charges on account of the advance payments to the Contractor hereunder shall be made as of the dates of the checks therefor; credits arising from deductions from payments to the Contractor under the principal contract or principal contracts shall be made, upon the issue of the check for such payment, as of the dates of shipment as indicated on the Contractor's invoice and/or Government Receiving Report, and credits arising from cash repayments to the Government by the Contractor shall be made as of the dates the checks therefor are received by the disbursing officer. As soon as such monthly computations shall have been made, the interest so determined shall be deducted from the payments otherwise due the Contractor under this contract, *Provided, however*, That in no event shall deductions on account of interest exceed five percent (5%) of the gross payment due the Contractor prior to any deduction under this Article or Article 5 or any other provisions of this contract. In the event the accrued interest exceeds such five percent, the excess of such interest shall be carried forward and deducted from subsequent payments. The interest shall not be compounded, and shall, subject to the provisions of Article 4 hereof, cease to accrue upon the termination of the contract for other than the fault of the Contractor, or upon the date found by the Contracting Officer to be the date upon which the Contractor completed his performance under the contract.

ART. 7. The Contractor shall, at all times, afford to the Contracting Officer, or his duly authorized representative, proper facilities for the inspection and audit of the Contractor's accounts, and the Contractor hereby agrees that the Contracting Officer, or his duly authorized representative, shall have the right, so far as the Contractor's rights are concerned, during business hours, to inspect and make copies of any entries in the books and records of the bank or banks relating to the said special account or accounts.

[1] This proviso to be used where agreement is supplemental to two or more contracts.

ART. 8. Subject to the approval of the Contracting Officer or his duly authorized representative the Contractor may make payments to subcontractors and materialmen in advance out of the special account, for labor or services, or to pay for materials in advance of delivery at the site of the work or at an approved storage site. Such subadvances shall not exceed ------ percent (---%) of the subcontract price and the subcontractor or materialmen to whom such advances are made shall furnish adequate security therefor. Unless other security is furnished, covenants in subcontracts, expressly made for the benefit of the Government, providing for a subspecial account with Government lien thereon and for a Government lien on property, tangible or intangible, purchased from the special account, and imposing upon the subcontractor substantially the same duties and giving the Government substantially the same rights as are provided herein between the Government and the Contractor, have been prescribed by the Under Secretary of War as minimum adequate security for such subadvances.

ART. 9. If no surety bond is furnished as part of the security under Article 2 hereof, then, upon receipt of items or materials paid for from such special account or accounts, such items or materials shall be segregated and the Government shall have a lien on such items or materials until the advance payment or payments have been fully liquidated, or until the item or items and/or materials concerned have become the property of the Government as the result of partial payments, or otherwise; *Provided*, That, if segregation in any instance be impracticable and the items or materials concerned are consequently intermingled with other property of the Contractor, then and in that event the lien above provided for in favor of the Government shall extend to the intermingled mass to the amount represented by the value of the items or materials involved; and, without limiting the generality of the foregoing, such lien shall continue as follows: (a) In case the contract covers construction, until such items or materials are incorporated into the building, and thereafter on the building in the construction of which the items or materials are incorporated; (b) in the case of items or materials comprising facilities, on such facilities, both before and after their installation in the plant; and (c) in the case of articles contracted for, until the items or materials so paid for are fabricated into such articles, and thereafter on the articles until accepted by the Government [; and the Government shall hereby likewise have an effective assignment of a security interest in all intangible property purchased, or otherwise acquired with funds from said special account][1] If at any time during the progress of the work under the principal contract (or principal contracts) it becomes necessary to deliver any item or items and/or materials upon which the Government has a lien as aforesaid to a third person, the Contractor shall notify such third person of the lien herein provided and shall obtain from such third person a receipt, in duplicate, acknowledging, inter alia, the existence of such lien. A copy of each receipt shall be delivered by the Contractor to the Contracting Officer.

ART. 10. Any assignment of moneys due or to become due under the principal contract (or principal contracts) shall be subordinate to the rights or claims of the Government arising under the principal contract (or principal contracts) or any amendment thereto by virtue of any advance payments authorized herein or otherwise: *Provided*, That, if at any time any claim arising under the principal contract (or principal contracts) is assigned or purportedly assigned in any manner inconsistent with the said rights of the Government, the ---------- or his duly author-
(Chief of supply service)
ized representative shall have the right to suspend further advance payments without notice.

ART. 11. Except as hereby amended, all the terms and conditions of the contract (or contracts) affected shall remain unmodified and in full force and effect and shall also apply in carrying out the provisions of this agreement.

In witness whereof, the parties hereto have executed this supplemental contract on the day and year first above written.

THE UNITED STATES OF AMERICA,
By ----------

(Official Title)

(Contractor)
By ----------

(Business Address)
Two Witnesses:

(Address)

(Address)

I ----------, certify that I am the Secretary of the corporation named as Contractor herein; that ---------- who signed this supplemental contract on behalf of the Contractor was then ---------- of said corporation; that said supplemental contract was duly signed for and on behalf of said corporation by authority of its governing body and is within the scope of its corporate powers.

In witness whereof, I have hereunto affixed my hand and the seal of said corporation this ------ day of ----------, 19---.

[CORPORATE SEAL] ----------
(Secretary)

I hereby certify that, to the best of my knowledge and belief, based upon observation and inquiry, ----------, who signed this supplemental contract for ---------- had authority to execute the same, and is the individual who signs similar contracts on behalf of this corporation with the public generally.

(Contracting Officer)

[1] The bracketed provision may be inserted in the case of experimental contracts or other cases where deemed especially appropriate.

§ 813.1321 *W. D. Contract Form No. 21.*

WAR DEPARTMENT

Supplement Contract to Contract No. ----

(Name of technical service)
Whereas, under date of ----------
(Insert date of original contract) ---------- was entered into between the United States of America by ----------
(Insert number of original contract)
(Insert name, rank, and branch of contracting officer)

U. S. Army, as Contracting Officer, acting by authority of the Secretary of War, hereinafter referred to as the Government, and ----------
(Insert name of Contractor)
a corporation organized and existing under the laws of the State of ----------, hereinafter referred to as the Contractor, providing for the construction of ----------
(the furnishing of ----------
(Insert number of units or amount of equipment purchased)
by the Contractor, and

Whereas, it is provided by Section 201, Title II of Public Act No. 354, 77th Congress, approved December 18, 1941, that the President may authorize any department or agency of the Government exercising functions in connection with the prosecution of the war effort to enter into contracts and to make advance, progress, and other payments thereon whenever he deems such action would facilitate the prosecution of the war; and

Whereas, by Executive Order 9001, issued December 27, 1941, the President has authorized the War Department to make such advance payments; and

Whereas, the making of advance payments to the Contractor is deemed necessary by the War Department to facilitate the prosecution of the war,

Now, therefore, this supplemental contract is entered into this ------ day of ----------, 194--, by the Government and the Contractor, said parties agreeing to and with each other as follows:

ART. 1. At any time and from time to time after the execution of this supplemental contract, the Government at the request of the Contractor and subject to the approval of the ---------- or his duly au-
(Chief of technical service)
thorized representative, or the person to whom authority to make advance payments has been delegated, as to the present need therefor shall advance to the Contractor sums not to exceed ---------- per centum (------%) of the estimated cost of the principal contract (exclusive of the Contractor's fixed fee), as it may be amended from time to time. On the unliquidated balance of the advance payments outstanding, the Contractor agrees to pay interest at the rate of two and one-half percent (2½%) per annum to be computed in accordance with the provisions of Article 6 hereof.

ART. 2. As a condition precedent to the making of any advance payment or payments as hereinbefore provided, the Contractor shall furnish the Government with such adequate security as the Under Secretary of War or the person to whom authority has been delegated to make advance payments shall prescribe: *Provided*, That, if other security is not prescribed, the terms of this supplemental contract shall be considered adequate security for such advance payments; and *Provided further:* That if at any time the Under Secretary of War deems the security furnished by the Contractor inadequate, the Contractor shall furnish such additional security as shall be satisfactory to the Under Secretary of War.

ART. 3. Until all advance payments hereunder are liquidated, all funds received as advance payments under this supplemental contract together with all funds received as reimbursements for the cost of the work under Article -------- of the principal contract, exclusive of the Contractor's fixed fee, shall be deposited in a special bank account or accounts at a member bank or banks of the Federal Reserve System or any "insured" bank within the meaning of the Act creating the Federal Deposit Insurance Corporation (Act of August 23, 1935; 49 Stat. 684, as amended; 12 U. S. C. 264) separate from the Contractor's general or other funds. Such special bank account or accounts shall be so designated as to indicate clearly to the bank their special character and purpose, and the balance in such account or accounts shall be used by the Contractor exclusively as a revolving fund for carrying out the purposes of the principal contract and any amendments thereto, and not for other business of the Contractor. Any balances from time to time in such special account or accounts shall at all times secure the repayment of the advances in connection with which the special account or accounts are opened, and the Government shall have a lien upon such balances to secure the repayment of such advances, which lien shall be superior to any lien of the bank or any other person upon

such account or accounts by virtue of assignment to it of such contract or otherwise; *Provided:* That the bank shall be under no liability to any party hereto for the withdrawal of any funds from said special account upon checks properly endorsed and signed by the Contractor, except that after the receipt by the bank of written directions from the ---------- or his
(Chief of technical service)
duly authorized representative, the bank shall act thereon and be under no liability to any party hereto for any action taken in accordance with the said written directions. Any instructions or written directions received by the bank through the Contracting Officer upon War Department stationery and purporting to be signed by, or by the direction of, the ---------- or his
(Chief of technical service)
duly authorized representative, shall, insofar as the rights, duties, and liabilities of the bank are concerned, be conclusively deemed to have been properly issued and filed with the bank by the ----------
(Chief of technical service)
or his duly authorized representative.

ART. 4. It is agreed that the aggregate of the advance payments outstanding under this supplemental contract, together with funds received as reimbursement for the cost of the work by the Contractor under Article ------- of the principal contract shall, at no time, exceed the total estimated cost of the work under the principal contract as it may be revised from time to time, and any such excess shall be immediately repaid by the Contractor to the Government or if any reimbursement is due from the Government to the Contractor, shall be deducted therefrom: *Provided, however,* That if the total cost of the work under the principal contract shall be in excess of the amount so paid to the Contractor, including said advance payments, the Government upon presentation of satisfactory evidence shall currently and promptly reimburse the Contractor to the extent of such excess cost (subject to any delay in the availability of appropriated funds).

ART. 5. If, upon completion of the principal contract, or upon the termination thereof for other than the fault of the Contractor, the advance payments made to the Contractor in respect of such contract have not been fully liquidated in the manner herein provided, the unliquidated balance of such advance payments shall be deducted from any payments otherwise due the Contractor in respect of such contract; and if the sum or sums due the Contractor be insufficient to cover such balance, the deficiency shall be paid by the Contractor in cash forthwith after demand and final audit by the Government of all accounts hereunder in respect of such contract: *Provided, however,* That in the event of such termination of the contract for other than the fault of the Contractor, such deduction shall not be made prior to final audit unless, and only to the extent that, the Contracting Officer or his duly authorized representative shall determine that such action is reasonably required in order to secure the eventual repayment in full to the Government of such unliquidated advance payments. In the event of cancellation or termination of the principal contract because of the fault of the Contractor, the Contractor, notwithstanding any ultimate rights to be reimbursed, agrees to return to the Government upon demand, without set-off of any sums alleged to be due the Contractor, the unliquidated balance of any advance payment. Furthermore, if, in the opinion of the ----------
(Chief of technical service)
duly authorized representative, the unobligated balance of the advance payments made by the Government under Article 1 hereof exceeds the amount necessary for the current needs of the Contractor, as determined by the ----------
(Chief of technical service)
duly authorized representative, the amount of such excess shall, upon demand by the ----------
(Chief of technical service)
authorized representative, be promptly returned to the Government and will be credited against the balance due the Government on advances previously made. If the demand made in any event set forth in this Article is not met upon receipt of such demand by the Contractor, the amount demanded will bear interest at the rate of six percent (6%) rather than two and one-half percent (2½%) per annum from the date of the receipt of the demand until payment is made: *Provided, however,* That such additional interest over and above the regular two and one-half percent is hereby waived as to any sums paid by the Contractor within 15 days after the amount becomes due hereunder. If and when the Contractor has, by means of deductions or otherwise, reimbursed the Government in full for payments made, any money remaining in the special bank account or accounts shall be free and clear of any lien hereunder, and the bank or banks concerned shall have authority to pay same to the Contractor and shall thereupon be relieved of any further obligation to the Government on account thereof.

ART. 6. On the unliquidated balance of the advance payments outstanding, the Contractor agrees to pay interest at the rate of two and one-half percent (2½%) per annum. Such interest shall be computed at the end of each calendar month on the average daily balance of the principal of the unliquidated advance payments outstanding. In determining such balance, charges on account of the advance payments to the Contractor hereunder shall be made as of the dates of the checks therefor; credits resulting from disbursements made by the Contractor which are applied against advance payments shall be made upon the approval of the vouchers therefor by the disbursing officer, as of the dates respectively upon which the contractor presents to the contracting officer or his duly authorized representative full and accurate data for the preparation of each such voucher which date shall, as to each such voucher, be certified by the contracting officer or his duly authorized representative on the face thereof; and credits arising from cash repayments to the Government by the Contractor shall be made as of the dates the checks therefor are received by the disbursing officer. As soon as such monthly computations shall have been made, the interest charge so determined shall be deducted from any payments on account of the fixed fee which may be made to the Contractor from time to time under this contract. In the event the accrued interest exceeds any such payment, the excess of such interest shall be carried forward and deducted from subsequent payments on account of the fixed fee. The interest shall not be compounded, and shall, subject to the provisions of Article 5 hereof, cease to accrue upon the termination of the contract for other than the fault of the Contractor, or upon the date found by the Contracting Officer to be the date upon which the Contractor completed his performance under the contract.

ART. 7. The Contractor shall, at all times, afford to the Contracting Officer, or his duly authorized representative, proper facilities for the inspection and audit of the Contractor's accounts, and the Contractor hereby agrees that the Contracting Officer, or his duly authorized representative, shall have the right so far as the Contractor's rights are concerned, during business hours, to inspect and make copies of any entries in the books and records of the bank or banks relating to the said special account of accounts.

ART. 8. Subject to the approval of the Contracting Officer or his duly authorized representative the Contractor may make payments to subcontractors and materialmen in advance out of the special account, for labor or services, or to pay for materials in advance of delivery at the site of the work or at an approved storage site. Such subadvances shall not exceed ------ percent (------%) of the subcontract price or estimated cost, as the case may be, and the subcontractor or materialmen to whom such advances are made shall furnish adequate security therefor. Unless other security is furnished, covenants in subcontracts, expressly made for the benefit of the Government, providing for a subspecial account with Government lien thereon and for a Government lien on or title to property, tangible or intangible, purchased from the special account, and imposing upon the subcontractor substantially the same duties and giving the Government substantially the same rights as are provided herein between the Government and the Contractor, have been prescribed by the Under Secretary of War as minimum adequate security for such subadvances.

ART. 9. Any assignment of moneys due or to become due under this contract shall be subordinate to the rights or claims of the Government arising under this contract or any amendment thereto by virtue of any advance payments authorized herein or otherwise: *Provided,* That, if at any time any claim arising under this contract is assigned or purportedly assigned in any manner inconsistent with the said rights of the Government, the ---------- or his duly authorized representative shall have the right to suspend further advance payments without notice.

ART. 10. Except as hereby amended, all the terms and conditions of the contract affected shall remain unmodified and in full force and effect and shall also apply in carrying out the provisions of this supplemental agreement.

In witness whereof, the parties hereto have executed this supplemental contract on the day and year first above written.

THE UNITED STATES OF AMERICA
By ----------

(Official Title)

(Contractor)
By ----------

(Business Address)
Two Witnesses:

(Addresses)

(Addresses)

I ----------, certify that I am the Secretary of the corporation named as Contractor herein; that ---------- who signed this supplemental contract on behalf of the Contractor was then ---------- of said corporation; that said supplemental contract was duly signed for and on behalf of said corporation by authority of its governing body and is within the scope of its corporate powers.

In witness whereof, I have hereunto affixed my hand and the seal of said corporation this ---------- day of ----------, 19----.

(Corporate Seal) ----------
(Secretary)

I hereby certify that, to the best of my knowledge and belief, based upon observation and inquiry, ----------, who signed this supplemental contract for ---------- had authority to execute the same, and is the individual who signs similar contracts on behalf of this corporation with the public generally.

(Contracting Officer)

§ 813.1322 *W. D. Contract Form No. 22.*

WAR DEPARTMENT

Supplemental Contract to Letter Purchase Order No. ----------
(Name of service)
Whereas, under date of ----------
(Insert date of ----------, a letter purchase order, purchase order)
numbered ----------, was
(Insert number of purchase order)
entered into between the United States of America by ----------
(Insert name, rank and branch of ----------, U. S. Army, as Contracting Officer)
ing Officer, acting by authority of the Secretary of War, hereinafter referred to as the Government and ----------,
(Insert name of Contractor)
(hereinafter called the Contractor), a corporation organized and existing under the laws of the state of ----------, providing for the construction of ----------
---------- (the furnishing of ----------
(Insert number of ---------- by the units or amount of equipment purchased)
Contractor, and

Whereas, it is provided by Section 201, Title II of Public Act No. 354, 77th Congress, approved December 18, 1941, that the President may authorize any department or agency of the Government exercising functions in connection with the prosecution of the war effort to enter into contracts and to make advance, progress and other payments thereon, whenever he deems such action would facilitate the prosecution of the war; and

Whereas, by Executive Order 9001, issued December 27, 1941, the President has authorized the War Department to make such advance payments; and

Whereas, the making of advance payments to the Contractor is deemed necessary by the War Department to facilitate the prosecution of the war,

Now, therefore, this supplemental contract is entered into this ---------- day of ----------, 194--, by the Government and the Contractor, said parties agreeing to and with each other as follows:

ARTICLE 1. At any time and from time to time after the approval of this supplemental contract, the Government at the request of the Contractor and subject to the approval of the ----------
(Chief of supply service)
or his duly authorized representative, or of the person to whom authority has been delegates to make advance payments, as to the present need therefor, shall advance to the Contractor sums not to exceed ------ percent (------%) of that amount authorized for expenditure or obligation under Paragraph 2 of such Letter Purchase Order as such amount may be modified or changed from time to time. On the unliquidated balance of advance payments outstanding, the Contractor agrees to pay interest at the rate of two and one-half percent (2½%) per annum to be computed in accordance with the provisions of Article 6 hereof.

ART. 2. As a condition precedent to the making of any advance payment or payments as hereinbefore provided, the Contractor shall furnish the Government with such adequate security as the Under Secretary of War, or the person to whom authority has been delegated to make advance payments, shall prescribe; *Provided:* That, if other security is not prescribed, the terms of this supplemental contract shall be considered adequate security for such advance payments, and *Provided further:* That if at any time the Under Secretary of War deems the security furnished by the Contractor inadequate, the Contractor shall furnish such additional security as shall be satisfactory to the Under Secretary of War.

ART. 3. Until all advance payments hereunder are liquidated, all funds received as advance payments under this contract shall be deposited in a special bank account or accounts at a member bank or banks of the Federal Reserve System, or any "insured" bank within the meaning of the Act creating the Federal Deposit Insurance Corporation (Act of August 23, 1935; 49 Stat. 684 as amended; 12 U. S. C. 264), separate from the Contractor's general or other funds. It is not contemplated that any reimbursement shall be made under the Letter Purchase Order until the more formal contract contemplated by Paragraph 2 of the Letter Purchase Order is entered into, or such Letter Purchase Order is terminated by reason of default of the Contractor, or failure to enter into such more formal contract. Such special bank account or accounts shall be so designated as to indicate clearly to the bank their special character and purpose, and the balance in such account or accounts shall be used by the Contractor exclusively as a fund for carrying out the purposes of the Letter Purchase Order and any amendments, revisions or changes thereto and not for other business of the Contractor. Withdrawals from such special bank account or accounts shall be subject to the prior written approval of the Contracting Officer unless he shall otherwise direct. Any balances from time to time in such special account or accounts shall at all times secure the repayment of the advances and all interests which may accrue thereon, in connection with which the special account or accounts are opened, and the Government shall have a lien upon such balances to secure the repayment of such advances and the payment of all interest which may accrue thereon which lien shall be superior to any lien of the bank or any other person upon such account or accounts by virtue of assignment to it of such contract or otherwise: *Provided,* That the bank shall be under no liability to any party hereto for the withdrawal of any funds from said special account upon checks, properly endorsed and signed by the Contractor, except that after the receipt by the bank of written directions from the ----------
(Chief of supply service)
or his duly authorized representative, or the Contracting Officer or his duly authorized representative, the bank shall act thereon and be under no liability to any party hereto for any action taken in accordance with the said written directions. Any instructions or written directions received by the bank through the Contracting Officer upon War Department stationery and purporting to be signed by, or by the direction of the --------
(Chief of supply service)
---------- or his duly authorized representative, shall, insofar as the rights, duties, and liabilities of the bank are concerned, be conclusively deemed to have been properly issued and filed with the bank by the ---------- or his duly authorized representative.

ART. 4. At such time as the more formal contract contemplated by Paragraph 2 of the Letter Purchase Order is entered into, a provision will be made for advance payments not to exceed that percentage of the contract price agreed upon under such more formal contract as shall be deemed necessary by the Contracting Officer in order to provide the Contractor with adequate working capital to carry on the work contemplated by the Letter Purchase Order, as it may be modified or changed; *Provided:* That it is agreed that the Contractor shall continue to pay interest under the provisions of such more formal contract at the rate of two and one-half percent (2½%) per annum on the unliquidated balance of advance payments outstanding, computed in accordance with existing regulations, and *Provided:* That if such percentage should exceed fifty percent (50%) of such contract price, or such contract price should exceed five million dollars ($5,000,000.00) the contract shall be subject to the approval of higher authority in accordance with existing regulations of the War Department, and *Provided:* That the terms of such advance payment agreement shall be strictly in accordance with standard provisions now authorized under existing regulations. Such provisions shall treat such advances as may be made hereunder as though they were made pursuant to such more formal contract and shall provide for the liquidation of advances made hereunder accordingly.

ART. 5. If upon termination of the Letter Purchase Order for other than the fault of the Contractor, the advance payments made to the Contractor and all interest which may have accrued thereon in respect of such contract have not been fully liquidated in the manner herein provided, the unliquidated balance of such payments and accrued interest shall be deducted from any payments otherwise due the Contractor in respect of such contract; and if the sum or sums due the Contractor be insufficient to cover such balance, the deficiency shall be paid by the Contractor in cash forthwith after demand and final audit by the Government of all accounts hereunder in respect of such contract; provided, however, that in the event of such termination of the contract for other than the fault of the contractor, such deduction shall not be made prior to final audit unless, and only to the extent that, the Contracting Officer or his duly authorized representative shall determine that such action is reasonably required in order to secure the eventual repayment in full to the Government of such unliquidated advance payments. In the event of cancellation or termination of the principal contract because of the fault of the Contractor, or its termination due to failure to enter into the more formal contract contemplated by Paragraph 2 of the Letter Purchase Order, the Contractor notwithstanding any ultimate rights to be reimbursed, agrees to return to the Government, upon demand, without set-off of any sums alleged to be due the Contractor, the unliquidated balance of any advance payments and any interest which may have accrued thereon; *Provided:* That the Contractor may retain in the account an amount sufficient to meet the outstanding obligations incurred by it in good faith pursuant to authorization by the Contracting Officer under Paragraph 2 of the Letter Purchase Order until assumption and discharge of such obligations by the Government or final disallowance thereof. Furthermore, if, in the opinion of the ----------
(Chief of supply service)
or his duly authorized representative the unobligated balance of the advance payments made by the Government under Article 1 hereof exceeds the amount necessary for the current needs of the Contractor, as determined by the ----------
(Chief of supply service)
or his duly authorized representative, the amount of such excess shall, upon demand by the ----------
(Chief of supply service)
or his duly authorized representative, be promptly returned to the Government and will be credited against the balance due the Government on advances previously made. If the demand made in any event set forth in this Article is not met upon receipt of such demand by the Contractor, the amount demanded will bear interest at the rate of six percent (6%) rather than at the rate of two and one-half percent (2½%) per annum from the date of the receipt of the demand until payment is made: *Provided, however,* That such additional interest over and above the regular two and one-half percent (2½%)

is hereby waived as to any sum paid by the Contractor within 15 days after the amount becomes due hereunder. If and when the Contractor, has, by means of deductions or otherwise, reimbursed the Government in full for payments made and all interest which may have accrued thereon, any money remaining in the special bank account or accounts shall be free and clear of any lien hereunder and the bank or banks concerned shall have authority to pay same to the Contractor and shall thereupon be relieved of any further obligations to the Government on account thereof.

ART. 6. On the unliquidated balance of the advance payments outstanding, the Contractor agrees to pay interest at the rate of two and one-half per cent (2½%) per annum. Such interest shall be computed at the end of each calendar month on the average daily balance of the principal of the unliquidated advance payments outstanding. In determining such balance, charges on account of the advance payments to the Contractor hereunder shall be made as of the dates of the checks therefor. It is agreed that pending the execution of the more formal contract contemplated by Paragraph 2 of the Letter Purchase Order that the Contractor may, if he so elects, make direct repayment to the Government on account of advances made out of his own free funds, or may be required to make repayment out of the special account or otherwise as provided by Article 5. Credits arising out of such cash repayments shall be made as of the dates the checks therefor are received by the disbursing officer. As soon as such monthly computations shall have been made the interest charge shall be allowed to accrue, and shall not be payable until such time as provision is made for such payment under the provisions of the more formal contract contemplated by Paragraph 2 of the Letter Purchase Order, except as provided by Article 5 hereof. The interest shall not be compounded, and shall, subject to the provisions of Article 5, cease to accrue upon the termination of the contract for other than the fault of the Contractor.

ART. 7. The Contractor shall, at all times, afford to the Contracting Officer, or his duly authorized representative, proper facilities for the inspection and audit of the Contractor's accounts, and the Contractor hereby agrees that the Contracting Officer, or his duly authorized representative, shall have the right so far as the Contractor's rights are concerned, during business hours, to inspect and make copies of any entries in the books and records of the bank or banks relating to the said special account or accounts.

ART. 8. Subject to the approval of the Contracting Officer, or his duly authorized representative, the Contractor may make payments to subcontractors, suppliers and/or materialmen in advance out of the special account, for labor or services, or to pay for materials in advance of delivery at the site of the work or at an approved storage site. Such subadvances shall not exceed _____ percent (_____%) of the subcontract price or estimated cost, as the case may be, and the subcontractor, supplier and/or materialman to whom such advances are made shall furnish adequate security therefor. Unless other security is furnished, covenants in subcontracts, expressly made for the benefit of the Government, providing for a subspecial account with Government lien thereon and for a Government lien on or title to property, tangible or intangible, purchased from the special account, and imposing upon the subcontractor substantially the same duties and giving the Government substantially the same rights as provided herein between the Government and the Contractor, have been prescribed by the Under Secretary of War as minimum adequate security for such subadvances.

ART. 9. The title to all work, completed or in the course of construction, preparation or manufacture under such Letter Purchase Order shall be in the Government. Likewise, upon delivery at the site of the work, at an approved storage site or other place approved by the Contracting Officer and upon inspection and acceptance in writing by the Contracting Officer, title to all materials, tools, machinery, equipment, and supplies for which the Contractor shall be entitled to reimbursement under the provisions of Paragraph 2 of the Letter Purchase Order shall vest in the Government. For the purposes of this supplemental contract, these provisions as to title being vested in the Government, are for security with respect to such advances as may be made hereunder, and shall cease and determine when the more formal contract contemplated by paragraph 2 of the Letter Purchase Order is executed, unless specifically continued in effect by such more formal contract. These provisions as to title being vested in the Government shall not operate to relieve the Contractor from any duties imposed under the terms of the Letter Purchase Order, the more formal supplemental contract, or any other supplements thereto.

ART. 10. Except as hereby amended, all the terms and conditions of the Letter Purchase Order affected shall remain unmodified and in full force and effect and shall also apply in carrying out the provisions of this supplemental agreement.

In witness whereof, the parties hereto have executed this Supplemental Contract on the day and year first above written.

THE UNITED STATES OF AMERICA,

By _____
_____
(Official Title)
_____
(Contractor)

By _____
_____
(Business Address)

Two Witnesses:

_____
_____
(Address)

_____
_____
(Address)

I _____, certify that I am the Secretary of the corporation named as Contractor herein; that _____ who signed this supplemental contract on behalf of the Contractor was then _____ of said corporation; that said supplemental contract was duly signed for and on behalf of said corporation by authority of its governing body and is within the scope of its corporate powers.

In witness whereof, I have hereunto affixed my hand and the seal of said corporation this _____ day of _____ 19__.

[CORPORATE SEAL] _____
(Secretary)

I hereby certify that, to the best of my knowledge and belief, based upon observation and inquiry, _____ who signed this supplemental contract for _____ had authority execute the same, and is the individual who signs similar contracts on behalf of this corporation with the public generally.

_____
(Contracting Officer)

§ 813.1323 *W. D. Contract Form No. 23.*

WAR DEPARTMENT

Supplemental Contract to Contract No. ____ and Contract No. ____ etc.

_____
(Name of technical service)

Whereas, under date of _____ (Insert date of original contract) a contract, numbered _____ (Insert number of original contract) was entered into between the United States of America by _____ (Insert name, rank, and Branch of _____, U. S. Army, as Contracting Officer)

Contracting Officer, acting by authority of the Secretary of War, hereinafter referred to as the Government, and _____ (Insert Name of Contractor) a corporation organized and existing under the laws of the State of _____, hereinafter referred to as the Contractor, providing for the construction of _____ (the furnishing of _____ (Insert number of units or _____) by the Contractor, and (amount of equipment purchased)

Whereas, it is provided by Section 201, Title II of Public Act No. 354, 77th Congress, approved December 18, 1941, that the President may authorize any department or agency of the Government exercising functions in connection with the prosecution of the war effort to enter into contracts and to make advance, progress and other payments thereon, whenever he deems such action would facilitate the prosecution of the war; and

Whereas, by Executive Order 9001 issued December 27, 1941, the President has authorized the War Department to make such advance payments; and

Whereas, the making of advance payments to the Contractor is deemed necessary by the War Department to facilitate the prosecution of the war,

Now, therefore, this supplemental contract is entered into this _____ day of _____, 194__, between the Government and the Contractor, said parties agreeing to and with each other as follows:

ART. 1. At any time and from time to time, after the approval of this supplemental contract, at the request of the Contractor and subject to the approval of the _____ (Chief of technical service) or his duly authorized representative, or of the person to whom authority has been delegated to make advance payments, as to the present need therefor, the Government shall advance to the Contractor, without payment of interest therefor by the Contractor, sums not to exceed _____ (Insert amount of advance payment) or _____ percentum (_____%) of the principal contract price (or principal contract prices), as it (they) may be amended, whichever shall be the smaller.

ART. 2. As a condition precedent to the making of any advance payment or payments as hereinbefore provided, the Contractor shall furnish the Government with such adequate security as the Under Secretary of War or the person to whom authority has been delegated to make advance payments shall prescribe: *Provided*, That, if other security is not prescribed, the terms of this supplemental contract shall be considered adequate security for such advance payments: *Provided further*, That if at any time the Under Secretary of War deems the security furnished by the Contractor inadequate, the Contractor shall furnish such additional security as shall be satisfactory to the Under Secretary of War.

ART. 3. Until all advance payments hereunder are liquidated, all funds received as advance payments under this supplemental contract together with _____ percent (Insert % to be deposited (_____%) of all cash payments under which shall be not less than 85%)

[1] Where it is desired to combine advance payments for several principal contracts under one supplemental agreement this clause must be repeated for each contract concerned.

the principal contract (or principal contracts), shall be deposited in a special bank account or accounts at a member bank or banks of the Federal Reserve System or any "insured" bank within the meaning of the Act creating the Federal Deposit Insurance Corporation (Act of August 23, 1935; 49 Stat. 684, as amended; 12 U. S. C. 264), separate from the Contractor's general or other funds. Such special bank account or accounts shall be so designated as to indicate clearly to the bank their special character and purpose, and the balances in such account or accounts shall be used by the Contractor exclusively as a revolving fund for carrying out the purposes of this supplemental contract and the principal contract (or principal contracts), (including reimbursement to the Contractor for any reasonable amounts expended by him for such purposes), and any amendments thereto, and not for the other business of the Contractor; *(Provided:* That it is understood that all funds deposited in the said special account created hereunder may be used by the Contractor for the purposes of either or all of the principal contracts without regard to the origin of such payments)[1]; and *Provided*, That for the purpose of determining proper disposition of funds hereunder such of the Contractor's costs as may not be directly allocable to the principal contract, (or principal contracts), as it (or they) may be amended, may be charged against funds deposited in the special account in that proportion which the amount of the work being done under the principal contract (or principal contracts), as it (they) may be amended, approximately bears to the total amount of work being performed by the Contractor, out of which such costs also arise, but within the period to which such costs relate. When required by the _____ (Chief of technical service) or his duly authorized representative, or any other person to whom authority to make advance payments has been delegated, withdrawals from special account or accounts shall be made subject to the prior written approval of the Contracting Officer or his duly authorized representative. Any balances from time to time in such special account or accounts shall secure the repayment of the advances in connection with which the special account or accounts are opened, and the Government shall have a lien upon such balances to secure the repayment of such advances which lien shall be superior to any lien of the bank, or any other person, upon such account or accounts by virtue of assignment to it of the principal contract (or contracts) or otherwise; *Provided:* That the bank shall be under no liability to any party hereto for the withdrawal of any funds from said special account upon checks, properly endorsed and signed by the Contractor, except that after the receipt by the bank of written directions from the _____ (Chief of technical service) or his duly authorized representative, the bank shall act thereon and be under no liability to any party hereto for any action taken in accordance with the said written directions. Any instructions or written directions received by the bank through the contracting officer upon War Department stationery and purporting to be signed by, or by the direction of, the _____ (Chief of technical service) or his duly authorized representative, shall, in so far as the rights, duties, and liabilities of the bank are concerned, be conclusively deemed to have been properly issued and filed with the bank of the _____ (Chief of technical service) or his duly authorized representative.

[1] This proviso to be used where agreement is supplemental to two or more contracts.

ART. 4. If, upon completion of the principal contract (or of any of the principal contracts), or upon the termination thereof for other than the fault of the Contractor, the advance payments made to the Contractor in respect of such contract have not been fully liquidated in the manner herein provided, the unliquidated balance of such advance payments shall be deducted from any payments otherwise due the Contractor in respect of such contract; and if the sum or sums due the Contractor be insufficient to cover such balance, the deficiency shall be paid by the Contractor in cash forthwith after demand and final audit by the Government of all accounts hereunder in respect of such contract; provided, however, that in the event of such termination of the contract for other than the fault of the Contractor, such deduction shall not be made prior to final audit unless, and only to the extent that, the Contracting Officer or his duly authorized representative shall determine that such action is reasonably required in order to secure the eventual repayment in full to the Government of such unliquidated advance payments. In the event of cancellation or termination of the principal contract (or of any of the principal contracts) because of the fault of the Contractor, the Contractor agrees to return to the Government, upon demand, without setoff of any sums alleged to be due the Contractor, the unliquidated balance of any advance payment. Furthermore, if, in the opinion of the _____ (Chief of technical service) or his duly authorized representative, the unobligated balance of the advance payments made by the Government under Article 1 hereof exceeds the amount necessary for the current needs of the Contractor, as determined by the _____ (Chief of technical service) or his duly authorized representative, the amount of such excess shall, upon demand made by the _____ (Chief of technical service) or his duly authorized representative, be promptly returned to the Government and will be credited against the balance due the Government on advances previously made. If the demand made in any event set forth in this Article is not met upon receipt of such demand by the Contractor, the amount demanded will bear interest at the rate of six percent (6%) per annum from the date of the receipt of the demand until payment is made; *Provided*, however, that such payment of interest is hereby waived as to any sum paid by the Contractor within 15 days after the amount becomes due hereunder.

ART. 5. Except as otherwise provided herein, liquidation of any advance payment or advance payments made to the Contractor hereunder shall be made by deductions of _____ per cent (___%) from any and all payments made by the Government under the terms of the principal contract (or principal contracts) or by means of direct repayment by the Contractor from his own free funds or from the special account or accounts: *Provided:* That if at any time, as a result of amendments to the principal contract (or principal contracts) or otherwise, the unliquidated balance of the principal of advance payments made exceeds _____ per cent (___%) of the balance of the total contract price then unpaid, the amount of such excess which has not then been expended or obligated shall demand of the _____ (Chief of technical service), or his duly authorized representative be promptly returned to the Government by withdrawal from the special account or accounts or otherwise, and that portion of the excess which has been expended or obligated may, at the option of the Contractor, be so returned and if not so returned, shall, together with any unexpended or unobligated portion of the excess not otherwise returned to the Government, be deducted from any and all payments to be made by the Government under the principal contract (or principal contracts); *Provided further;* That, if and when the Contractor has, by means of deductions or otherwise, reimbursed the Government in full for payments made, any money, remaining in the special bank account or accounts shall be free and clear of any lien hereunder and the bank or banks concerned shall have authority to pay same to the Contractor and shall thereupon be relieved of any further obligation to the Government on account thereof.

ART. 6. The Contractor shall, at all times, afford to the Contracting Officer, or his duly authorized representative, proper facilities for the inspection and audit of the Contractor's accounts, and the Contractor hereby agrees that the Contracting Officer, or his duly authorized representative shall have the right, so far as the Contractor's rights are concerned, during business hours, to inspect and make copies of any entries in the books and records of the bank or banks relating to the said special account or accounts.

ART. 7. Subject to the approval of the Contracting Officer or his duly authorized representative the Contractor may make payments to subcontractors and materialmen in advance out of the special account, for labor or services, or to pay for materials in advance of delivery at the site of the work or at an approved storage site. Such subadvances shall not exceed _____ percent (___%) of the subcontract price and the subcontractor or materialmen to whom such advances are made shall furnish adequate security therefor. Unless other security is furnished, covenants in subcontracts, expressly made for the benefit of the Government, providing for a subspecial account with Government lien thereon and for a Government lien on property, tangible or intangible, purchased from the special account, and imposing upon the subcontractor substantially the same duties and giving the Government substantially the same rights as are provided herein between the Government and the Contractor, have been prescribed by the Under Secretary of War as minimum adequate security for such subadvances.

ART. 8. If no surety bond is furnished as part of the security under Article 2 hereof, then, upon receipt of items or materials paid for from such special account or accounts, such items or materials shall be segregated and the Government shall have a lien on such items or materials until the advance payment or payments have been fully liquidated, or until the item or items and/or materials concerned have become the property of the Government as the result of partial payments, or otherwise; *Provided:* That, if segregation in any instance be impracticable and the items or materials concerned are consequently intermingled with other property of the Contractor, then and in that event the lien above provided for in favor of the Government shall extend to the intermingled mass to the amount represented by the value of the items of materials involved; and, without limiting the generality of the foregoing, such lien shall continue as follows: (a) in case the contract covers construction, until such items or materials are incorporated into the building, and thereafter on the building in the construction of which the items or materials are incorporated; (b) in the case of items or materials comprising facilities, on such facilities both before and after their installation in the plant; and (c) in the case of articles contracted for, until the items or materials so paid for are fabricated into such articles, and thereafter on the arti-

cles until accepted by the Government; [and the Government shall hereby likewise have an effective assignment of a security interest in all intangible property purchased, or otherwise acquired with funds from said special account].[1] If at any time during the progress of the work under the principal contract (or principal contracts) it becomes necessary to deliver any item or items and/or materials upon which the Government has a lien as aforesaid to a third person, the Contractor shall notify such third person of the lien herein provided and shall obtain from such third person a receipt, in duplicate, acknowledging, among other things, the existence of such lien. A copy of each receipt shall be delivered by the Contractor to the Contracting Officer.

ART. 9. Any assignment of moneys due or to become due under the principal contract (or principal contracts) shall be subordinate to the rights or claims of the Government arising under the principal contract (or principal contracts) or any amendment thereto by virtue of any advance payments authorized herein or otherwise; *Provided:* that, if at any time any claim arising under the principal contract (or principal contracts) is assigned or purportedly assigned in any manner inconsistent with the said rights of the Government, the _____ or

(Chief of technical service)

his duly authorized representative shall have the right to suspend further advance payments without notice.

ART. 10. Except as hereby amended, all the terms and conditions of the contract (or contracts) affected shall remain unmodified and in full force and effect and shall also apply in carrying out the provisions of this supplemental contract.

In witness whereof, the parties hereto have executed this supplemental contract on the day and year first above written.

THE UNITED STATES OF AMERICA,
By _____
_____
(Official Title)
_____
(Contractor)
By _____
_____
(Business Address)
Two Witnesses:
_____
_____
(Address)
_____
_____
(Address)

I _____, certify that I am the Secretary of the corporation named as Contractor herein; that _____ who signed this supplemental contract on behalf of the Contractor was then _____ of said corporation; that said supplemental contract was duly signed for and on behalf of said corporation by authority of its governing body and is within the scope of its corporate powers.

In witness whereof, I have hereunto affixed my hand and the seal of said corporation this _____ day of _____, 19__.

[CORPORATE SEAL] _____
(Secretary)

I hereby certify that, to the best of my knowledge and belief, based upon observation and inquiry, _____ who signed this supplemental contract for _____ had authority to execute the same, and is the individual who signs similar contracts on behalf of this corporation with the public generally.

_____
(Contracting Officer)

[1] The bracketed provision may be inserted in the case of experimental contracts or other cases where deemed especially appropriate.

§ 813.1324 *W. D. Contract Form No. 24.*

WAR DEPARTMENT

Supplemental Contract to Contract No ____
_____
(Name of technical service)

Whereas, under date of _____
(Insert date of _____, a contract numbered, original contract)
_____, was entered into between the United States of America by _____
(Insert name, rank and Branch _____ as Contracting Officer, of Contracting Officer)
acting by authority of the Secretary of War, as party of the first part, and_____
_____
(Insert name of Contractor)
(hereinafter called the Contractor), a corporation organized and existing under the laws of the State of _____ providing for the construction of _____ (the furnishing of_____) by the Contractor, as party of the second part, and

Whereas, it is provided by Section 201, Title II of Public Act No. 354, 77th Congress, approved December 18, 1941, that the President may authorize any department or agency of the Government exercising functions in connection with the prosecution of the war effort to enter into contracts and to make advance, progress and other payments thereon whenever he deems such action would facilitate the prosecution of the war; and

Whereas, by Executive Order 9001, issued December 27, 1941, the President has authorized the War Department to make such advance payments; and

Whereas, the making of advance payments to the Contractor is deemed necessary by the War Department to facilitate the prosecution of the war,

Now, therefore, this Supplemental contract is entered into this _____ day of _____, 194__, by the Government and the Contractor, said parties agreeing to and with each other as follows:

ARTICLE 1. At any time and from time to time after the execution of this supplemental contract, the Government at the request of the Contractor and subject to the approval of the _____

(Chief of technical service)

or his duly authorized representative, or the person to whom authority to make advance payments has been delegated, as to the present need therefor shall advance to the Contractor, without payment of interest thereon by the Contractor, sums not to exceed _____ percent (_____ %) of the estimated cost of the principal contract (exclusive of the Contractor's fixed fee), as it may be amended from time to time.

ART. 2. As a condition precedent to the making of any advance payment or payments as hereinbefore provided, the Contractor shall furnish the Government with such adequate security as the Under Secretary of War or the person to whom authority has been delegated to make advance payments shall prescribe; *Provided:* That, if other security is not prescribed, the terms of this supplemental contract shall be considered adequate security for such advance payments; and *Provided further*, That if at any time the Under Secretary of War deems the security furnished by the Contractor inadequate, the Contractor shall furnish such additional security as shall be satisfactory to the Under Secretary of War.

ART. 3. Until all advance payments hereunder are liquidated, all funds received as advance payments under this supplemental contract together with all funds received as reimbursements for the cost of the work under Article _____ of the principal contract, exclusive of the Contractor's fixed fee, shall be deposited in a special bank account or accounts at a member bank or banks of the Federal Reserve System or any "insured" bank within the meaning of the Act creating the Federal Deposit Insurance Corporation (Act of August 23, 1935; 49 Stat. 684) as amended (12 U. S. C. 264) separate from the Contractor's general or other funds. Such special bank account or accounts shall be so designated as to indicate clearly to the bank their special character and purpose, and the balance in such account or accounts shall be used by the Contractor exclusively as a revolving fund for carrying out the purposes of the principal contract and any amendments thereto and not for other business of the Contractor. Any balances from time to time in such special account or accounts shall at all times secure the repayment of the advances in connection with which the special account or accounts are opened, and the Government shall have a lien upon such balances to secure the repayment of such advances, which lien shall be superior to any lien of the bank or any other person upon such account or accounts by virtue of assignment to it of such contract or otherwise; *Provided:* That the bank shall be under no liability to any party hereto for the withdrawal of any funds from said special account upon checks, properly endorsed and signed by the Contractor, except that after the receipt by the bank of written directions from the _____

(Chief of technical service)

or his duly authorized representative, the bank shall act thereon and be under no liability to any party hereto for any action taken in accordance with the said written directions. Any instructions or written directions received by the bank through the Contracting Officer upon War Department stationery and purporting to be signed by, or by the direction of, the_____

(Chief of technical service)

or his duly authorized representative, shall, in so far as the rights, duties, and liabilities of the bank are concerned, be conclusively deemed to have been properly issued and filed with the bank by the _____

(Chief of technical _____ or his duly authorized representative. service)

ART. 4. It is agreed that the aggregate of the advance payments outstanding under the supplemental contract together with funds received as reimbursement for the cost of the work by the Contractor under Article _____ of the principal contract shall, at no time, exceed the total estimated cost of the work under the principal contract as it may be revised from time to time and any such excess shall be immediately repaid by the Contractor to the Government or if any reimbursement is due from the Government to the Contractor, shall be deducted therefrom: *Provided, however*, That if the total cost of the work under the principal contract shall be in excess of the amount so paid to the Contractor, including said advance payments, the Government upon presentation of satisfactory evidence shall currently and promptly reimburse the Contractor to the extent of such excess cost (subject to any delay in the availability of appropriated funds).

ART. 5. If, upon completion of the principal contract, or upon the termination thereof for other than the fault of the Contractor, the advance payments made to the Contractor in respect of such contract have not been fully liquidated in the manner herein provided, the unliquidated balance of such advance payments shall be deducted from any payments otherwise due the Contractor in respect of such contract; and if the sum or sums due the Contractor be insufficient to cover such balance, the deficiency shall be paid by the Contractor in cash forthwith after demand and final audit by the Government of all accounts hereunder in respect of such contract: *Provided, however*, that in the event of such termination of the contract for other than the fault of the Contractor, such deduction shall not be made prior to final audit unless, and only to the extent that, the Contracting Officer or his duly authorized representative shall determine that such action is reasonably required in order to secure the eventual repayment in full to the Government of such unliquidated advance payments. In the event of cancellation or termination of the principal contract because of the fault of the Contractor, the Contractor, notwithstanding any ultimate rights to be reimbursed, agrees to return to the Government, upon demand, without set-off of any sums alleged to be due the Contractor, the unliquidated balance of any advance payment. Furthermore, if, in the opinion of the _____

(Chief of technical service)

or his duly authorized representative, the unobligated balance of the advance payments made by the Government under Article 1 hereof exceeds the amount necessary for the current needs of the Contractor, as determined by the _____

(Chief of technical service)

or his duly authorized representative, the amount of such excess shall, upon demand by the _____

(Chief of technical service)

or his duly authorized representative, be promptly returned to the Government, and will be credited against the balance due the Government on advances previously made. If the demand made in any event set forth in this Article is not met upon receipt of such demand by the Contractor, the amount demanded will bear interest at the rate of six percent (6%) per annum from the date of the receipt of the demand until payment is made: *Provided, however*, That such payment of interest is hereby waived as to any sum paid by the Contractor within 15 days after the amount becomes due hereunder. If and when the Contractor has, by means of deductions or otherwise, reimbursed the Government in full for payments made, any money remaining in the special bank account or accounts shall be free and clear of any lien hereunder and the bank or banks concerned shall have authority to pay same to the Contractor and shall thereupon be relieved of any further obligation to the Government on account thereof.

ART. 6. The Contractor shall, at all times, afford to the Contracting Officer, or his duly authorized representative, proper facilities for the inspection and audit of the Contractor's accounts, and the Contractor hereby agrees that the Contracting Officer, or his duly authorized representative, shall have the right so far as the Contractor's rights are concerned, during business hours, to inspect and make copies of any entries in the books and records of the bank or banks relating to the said special account or accounts.

ART. 7. Subject to the approval of the Contracting Officer, or his duly authorized representative, the Contractor may make payments to subcontractors and materialmen in advance out of the special account, for labor or services, or to pay for materials in advance of delivery at the site of the work or at an approved storage site. Such subadvances shall not exceed _____ percent (____%) of the subcontract price or estimated cost, as the case may be, and the subcontractor or materialmen to whom such advances are made shall furnish adequate security therefor. Unless other security is furnished, covenants in subcontracts, expressly made for the benefit of the Government, providing for a subspecial account with Government lien thereon and for a Government lien on or title to property, tangible or intangible, purchased from the special account, and imposing upon the subcontractor substantially the same duties and giving the Government substantially the same rights as are provided herein between the Government and the contractor, have been prescribed by the Under Secretary of War as minimum adequate security for such sub-advances.

ART. 8. Any assignment of moneys due or to become due under this contract shall be subordinate to the rights or claims of the Government arising under this contract or any amendment thereto by virtue of any advance payments authorized herein or otherwise; Provided that, if at any time any claim arising under this contract is assigned or purportedly assigned in any manner inconsistent with the said rights of the Government, the _____ or his duly authorized representative shall have the right to suspend further advance payments without notice.

ART. 9. Except as hereby amended, all the terms and conditions of the Contract affected shall remain unmodified and in full force and effect and shall also apply in carrying out the provisions of this supplemental agreement.

In witness whereof, the parties hereto have executed this Supplementary Agreement on the day and year first above written.

THE UNITED STATES OF AMERICA,
By _____
_____
(Official Title)
_____
(Contractor)
By _____
_____
(Business Address)
Two Witnesses:
_____
_____
(Address)
_____
_____
(Address)

I _____, certify that I am the Secretary of the corporation named as Contractor herein; that _____ who signed this supplemental contract on behalf of the Contractor was then _____ of said corporation; that said supplemental contract was duly signed for and on behalf of said corporation by authority of its governing body and is within the scope of its corporate powers.

In witness whereof, I have hereunto affixed my hand and the seal of said corporation this _____ day of _____, 19__.

[CORPORATE SEAL] _____
(Secretary)

I hereby certify that, to the best of my knowledge and belief, based upon observation and inquiry, _____ who signed this supplemental contract for _____ had authority to execute the same, and is the individual who signs similar contracts on behalf of this corporation with the public generally.

_____
(Contracting Officer)

§ 813.1325 *W. D. Contract Form No. 25.*

WAR DEPARTMENT

Supplemental Contract to Letter Purchase Order No._____

Whereas, under date of _____
(Insert date of _____, a letter purchase order, original contract)
numbered _____, was entered into between the United States of America by _____
(Insert name, _____
rank and Branch of Contracting Officer) U. S. Army, as Contracting Officer, acting by authority of the Secretary of War, hereinafter referred to as the Government, and _____,
(Insert name of Contractor)
a corporation organized and existing under the laws of the State of _____,

hereinafter referred to as the Contractor, providing for construction of _____ (the furnishing of _____) by the
(Insert number of units or _____ amount of equipment purchased)
Contractor, and

Whereas, it is provided by Section 201, Title II of Public Act No. 354, 77th Congress, approved December 18, 1941, that the President may authorize any department or agency of the Government exercising functions in connection with the prosecution of the war effort to enter into contracts and to make advance, progress and other payments thereon whenever he deems such action would facilitate the prosecution of the War; and

Whereas, by Executive Order 9001, issued December 27, 1941, the President has authorized the War Department to make such advance payments; and

Whereas, the making of advance payments to the Contractor is deemed necessary by the War Department to facilitate the prosecution of the war,

Now, therefore, this supplemental contract is entered into this _____ day of _____, 194__, between the Government and the Contractor, said parties agreeing to and with each other as follows:

ARTICLE 1. At any time and from time to time, after the approval of this supplemental contract, the Government at the request of the Contractor and subject to the approval of the _____ or his duly
(Chief of supply service)
authorized representative, or of the person to whom authority has been delegated to make advance payments, as to the present need therefor, shall advance to the Contractor, without payment of interest thereon by the Contractor, sum not to exceed _____ percent (____%) of the amount authorized for expenditure or obligation under Paragraph 2 of suc:. Letter Purchase Order as such amount may be modified or changed from time to time.

ART. 2. As a condition precedent to the making of any advance payment or payments as hereinbefore provided, the Contractor shall furnish the Government with such adequate security as the Contracting Officer shall prescribe; *Provided:* That, if other security is not prescribed, the terms of this supplemental contract shall be considered adequate security for such advance payments; and *Provided further:* That if at any time the Under Secretary of War deems the security furnished by the Contractor to be inadequate, the Contractor shall furnish such additional security as shall be satisfactory to the Under Secretary of War.

ART. 3. All sums received as advance payments under this supplemental contract shall be deposited in a special bank account or accounts at a member bank or banks of the Federal Reserve System or any "insured" bank within the meaning of the Act creating the Federal Deposit Insurance Corporation (Act of August 23, 1935; 49 Stat. 684, as amended; 12 U. S. C. 264) separate from the Contractor's general or other funds. It is not contemplated that any reimbursement shall be made under the Letter Purchase Order until the more formal contract contemplated by Paragraph 2 of the Letter Purchase Order is entered into, or such Letter Purchase Order is terminated by reason of default of the Contractor, or failure to enter into such more formal contract within the date of expiration set forth in Paragraph 6 of the Letter Purchase Order or any duly authorized extensions thereof. Such special bank account or accounts shall be so designated as to indicate clearly to the bank their special character and purpose, and the balance in such account or accounts shall be used by the Contractor exclusively as a fund for carrying out the purposes of the Letter Purchase Order and any amendments, revisions or

changes thereto and not for other business of the Contractor. Withdrawals from such special bank account or accounts shall be subject to the prior written approval of the Contracting Officer unless he shall otherwise direct. Any balances from time to time in such special account or accounts shall at all times secure the repayment of the advances in connection with which the special account or accounts are opened, and the Government shall have a lien upon such balances to secure the repayment of such advances, which lien shall be superior to any lien of the bank or any person upon such account or accounts by virtue of assignment to it of such contract or otherwise; *Provided:* That the bank shall be under no liability to any party hereto for the withdrawal of any funds from said special account upon checks, properly endorsed and signed by the Contractor, except that after the receipt by the bank of written directions from the _____

(Chief of supply service)

or his duly authorized epresentative, or the Contracting Officer or his duly authorized representative, the bank shall act thereon and be under no liability to any party hereto for any action taken in accordance with the said written directions. Any instructions or written directions received by the hank through the Contracting Officer upon War Department stationery and purporting to be signed by, or by the direction of the _____ or his duly authorized service)

ized representative, or the Contracting Officer or his duly authorized representative shall, insofar as the rights, duties, and liabilities of the bank are concerned, be conclusively deemed to have been properly issued and filed with the bank by the _____

(Chief of supply service)

or his duly authorized representative.

ART. 4. At such time as the more formal contract contemplated by Paragraph 2 of the Letter Purchase Order is entered into, provision will be made for advance payments not to exceed that percentage of the contract price agreed upon under such more formal contract as shall be deemed necessary by the Contracting Officer in order to provide the Contractor with adequate working capital to carry on the work contemplated by the Letter Purchase Order, as it may be modified or changed; *Provided:* That if such percentage should exceed fifty percent (50%) of such contract price, or such contract price should exceed five million dollars ($5,000,000.00) the contract shall be subject to the approval of higher authority in accordance with existing regulations of the War Department, and *Provided:* That the terms of such advance payment agreement shall be strictly in accordance with standard provisions now authorized under existing regulations. Such provisions shall treat such advances as may be made hereunder as though they were made pursuant to such more formal contract and shall provide for the liquidation of advances made hereunder accordingly.

ART. 5. If upon termination of the Letter Purchase Order for other than the fault of the Contractor, the advance payments made to the Contractor in respect of such contract have not been fully liquidated in the manner herein provided, the unliquidated balance of such advance payments shall be deducted from any payments otherwise due the Contractor in respect of such contract; and if the sum or sums due the Contractor be insufficient to cover such balance, the deficiency shall be paid by the Contractor in cash forthwith after demand and final audit by the Government of all accounts hereunder in respect of such contract; provided, however, that in the event of such termination of the contract for other than the fault of the Contractor, such deduction shall not be made prior to final audit unless, and only to the extent that, the Contracting Officer or his duly authorized representative shall determine that such action is reasonably required in order to secure the eventual repayment in full to the Government of such unliquidated advance payments. In the event of cancellation or termination of the principal contract because of the fault of the Contractor, or its termination due to failure to enter into the more formal contract contemplated by Paragraph 2 of the Letter Purchase Order on or before the date of expiration set forth in Paragraph 6 of the Letter Purchase Order, or any duly authorized extensions thereof, the Contractor, notwithstanding any ultimate rights to be reimbursed, agrees to return to the Government, upon demand, without set-off of any sums alleged to be due the Contractor, the unliquidated balance of any advance payment or advance payments made hereunder; *Provided:* That the Contractor may retain in the account an amount sufficient to meet the outstanding obligations incurred by it in good faith pursuant to authorization by the Contracting Officer under Paragraph 2 of the Letter Purchase Order until assumption and discharge of such obligations by the Government or final disallowance thereof. Furthermore, if, in the opinion of the _____

(Chief of supply service)

_____ or his duly authorized representative, the unobligated balance of the advance payments made by the Government under Article 1 hereof exceeds the amount necessary for the current needs of the Contractor, as determined by the _____

(Chief of supply service)

_____ or his duly authorized representative, the amount of such excess shall, upon demand made by the _____

(Chief of supply service)

_____ or his duly authorized representative, be promptly returned to the Government and will be credited against the balance due the Government on advances previously made. If the demand made in any event set forth in this article is not met upon receipt of such demand by the Contractor, the amount demanded will bear interest at the rate of six percent (6%) per annum from the date of the receipt of the demand until payment is made; *Provided, however:* That such payment of interest is hereby waived as to any sum paid by the Contractor within 15 days after the amount becomes due hereunder. If and when the Contractor has, by means of deductions or otherwise, reimbursed the Government in full for payments made, any money remaining in the special bank account or accounts shall be free and clear of any lien hereunder and the bank or banks concerned shall have authority to pay same to the Contractor and shall thereupon be relieved of any further obligations to the Government on account thereof.

ART. 6. The Contractor shall at all times, afford to the Contracting Officer, or his duly authorized representative, proper facilities for the inspection and audit of the Contractor's accounts, and the Contractor hereby agrees that the Contracting Officer, or his duly authorized representative shall have the right so far as the Contractor's rights are concerned, during business hours, to inspect and make copies of any entries in the books and records of the bank or banks relating to the said special account or accounts.

ART. 7. Subject to the approval of the Contracting Officer, or his duly authorized representative, the Contractor may make payments to subcontractors, suppliers, and/or materialmen in advance out of the special account, for labor or services, or to pay for materials in advance of delivery at the site of the work or at an approved storage site. Such subadvances shall not exceed _____ percent (_____%) of the subcontract price or estimated cost, as the case may be, and the subcontractor, supplier and/or materialman to whom such advances are made shall furnish adequate security therefor. Unless other security is furnished, covenants in subcontracts, expressly made for the benefit of the Government, providing for a special account with Government lien thereon and for a Government lien on or title to property, tangible or intangible, purchased from the special account, and imposing upon the subcontractor substantially the same duties and giving the Government substantially the same rights as are provided herein between the Government and the Contractor, have been prescribed by the Under Secretary of War as minimum adequate security for such sub-advances.

ART. 8. The title to all work, completed or in the course of construction, preparation or manufacture under such Letter Purchase Order shall be in the Government. Likewise, upon delivery at the site of the work, at an approved storage site or other place approved by the Contracting Officer and upon inspection and acceptance in writing by the Contracting Officer, title to all materials, tools, machinery, equipment, and supplies for which the Contractor shall be entitled to reimbursement under the provisions of Paragraph 2 of the Letter Purchase Order shall vest in the Government. For the purposes of this supplemental contract, these provisions as to title being vested in the Government, are for security with respect to such advances as may be made hereunder, and shall cease and determine when the more formal contract contemplated by paragraph 2 of the Letter Purchase Order is executed, unless specifically continued in effect by such more formal contract. These provisions as to title being vested in the Government shall not operate to relieve the Contractor from any duties imposed under the terms of the Letter Purchase Order, the more formal supplemental contract, or any other supplements thereto.

ART. 9. Except as hereby amended, all the terms and conditions of the Letter Purchase Order affected shall remain unmodified and in full force and effect and shall also apply in carrying out the provisions of this supplemental contract.

In witness whereof, the parties hereto have executed this supplemental contract on the day and year first above written.

THE UNITED STATES OF AMERICA

By _____

_____

(Official Title)

_____

(Contractor)

By _____

_____

(Business Address)

Two Witnesses:

_____

_____

(Address)

_____

_____

(Address)

I _____, certify that I am the Secretary of the corporation named as Contractor herein; that _____ who signed this supplemental contract on behalf of the Contractor was then _____ of said corporation; that said supplemental contract was duly signed for and on behalf of said corporation by authority of its governing body and is within the scope of its corporate powers.

In witness whereof, I have hereunto affixed my hand and the seal of said corporation this _____ day of _____, 19___.

[CORPORATE SEAL] _____

(Secretary)

I hereby certify that, to the best of my knowledge and belief, based upon observation and inquiry, _____ who signed this supplemental contract for _____ had authority to execute the same, and is the individual who signs similar contracts on behalf of this corporation with the public generally.

_____

(Contracting Officer)

§ 813.1326 *W. D. Contract Form No. 26*—(a) *Explanatory notes.* (1) W. D. Contract Form No. 26 is available for use for sales by the Government of all types of Government-owned property (except sales of real estate or of buildings or improvements to be severed from real estate) where formal or informal competitive bids are desired or required. The form is intended for use in sales of scrap, waste, and salvage material as well as serviceable and repairable property.

(2) W. D. Contract Form No. 26 may be reproduced by the technical services. It is designed so that the Invitation, Bid and Government's Acceptance can be reproduced on one side of the page, and the General Provisions on the other. The Alternate and Additional Provisions and the Schedule of Property to be Sold may be reproduced on continuation sheets. No physical change or deletion need be made in the General Provisions in cases in which changes or omissions in the articles of the General Provisions are desired; such changes and omissions need only be noted in paragraph 4 of the Invitation. Additional and Alternate Articles should be designated by letters (rather than numbers) and specified in the appropriate place in paragraph 1 of the Invitation.

(3) The use of W. D. Contract Form No. 26 is mandatory for all sales of salvage, scrap, and waste material in place of W. D. Q.M.C. Form No. 327, wherever the securing of bids is authorized or required; to the extent required to conform herewith, TM 38-505 ("Salvage in Zone of Interior"), paragraph 55 and Appendices III and IV are rescinded. The form is available for use in cases of other sales, in accordance with § 821.113, and it is highly desirable that it be used wherever practicable. Subject to Procurement Regulations (e.g. § 803.306), Army Regulations, Technical Manuals (e.g. TM 38-505), and other War Department publications, the technical services (including the service commands) are authorized to permit or require changes or omissions in the General Provisions and the Alternate and Additional Provisions of the form, and to add appropriate Additional Provisions.

(4) It is suggested that the "Instructions to Contracting Officers" be reproduced as part of the form, with such additions and changes as may be required by the needs of the particular technical service. It is also suggested that General Provision 21 (Certificate of Compliance with OPA Regulations) be reproduced on a separate sheet and called to the attention of bidders where applicable, since the certificate requires the bidder's signature.

(b) *Contract form.*

WAR DEPARTMENT

INVITATION, BID AND ACCEPTANCE (SALE OF PROPERTY AND WASTE MATERIAL)

W. D. establishment, office or station, and address:

_____

Invitation No. _____

Contract No. _____

Office Ident. No. _____

Order No. (if any) _____

This contract is authorized by and negotiated under Public No. 703, 76th Congress, as extended, First War Powers Act, 1941, Executive Order No. 9001, Surplus Property Act of 1944, and other statutes.

INVITATION

Date _____

1. Written bids in _____ subject to the terms and conditions specified in this Invitation, in the General Provisions on the reverse side hereof, and in the alternate and additional provisions lettered ____ _____ will be received at this office until _____ o'clock _____ M. _____ 194____, for the purchase of the property listed in the schedule of property to be sold on the accompanying sheets numbered _____

Bids [1] will be inclosed in a sealed envelope plainly marked "Bid for Sale of Government Material, Invitation No. _____ to be opened at _____."

(Time and date)

Bids [2] will be opened publicly at _____ (place)

at _____ (time)

2. Payment will be delivered or mailed to:

_____

_____

3. Inspection dates (See General Provision 5): _____

_____

4. Changes made in general provisions:

BID

Date _____

In compliance with the above invitation for bids, and subject to all the terms and conditions thereof, the undersigned offers and agrees to purchase any or all of the items upon which the undersigned has quoted prices, at the price set opposite each item. Bid guarantee in the amount of ____ (See General Provision 1) is inclosed herewith.

Bidder _____ Address _____

By _____ _____

(Signature of person authorized to sign this bid)

Title _____ _____

GOVERNMENT'S ACCEPTANCE

Date _____

Accepted as to items numbered _____

_____

_____

UNITED STATES OF AMERICA,

By _____

Title _____

(Contracting Officer)

Total (Estimated) Amount of Receipts $1_____

GENERAL PROVISIONS

1. *Deposits to accompany bid.* Unless otherwise specified, bids must be accompanied by cash, certified check, bond, or postal money order made payable to the Treasurer of the United States in the amount of at least twenty per cent (20%) of the total sum of the bid. If the bidder does not receive an award, or if the deposit exceeds the total sum bid on the items accepted by the Government, such remittance or the excess thereof will be promptly returned to the bidder or Purchaser. In other cases, the amount inclosed with the bid will be retained as guarantee for the faithful performance of all the terms and conditions of the purchase: *Provided, however,* That if the contract, by its terms, cannot be performed in less than thirty (30) days the Purchaser shall have the option of substituting a performance bond, acceptable to the Contracting Officer, for the deposit being held as a performance guarantee.

2. *Rejection of bids.* The Government reserves the right to reject any or all bids, regardless of whether the same constitute the highest bids, to waive any informality in bids, and unless otherwise specified by the bidder, to accept any item or items in the bid.

3. *Time for Government's acceptance.* Unless otherwise specified herein, the bidder will allow thirty (30) days from the last date for the receiving of bids (as specified in the Invitation) for acceptance of its bid by the Government.

4. *Terms of bid.* Unless otherwise specified, bids must be submitted on the basis of the unit specified for the item in the Schedule, and bids may be submitted on any or all items. In case of error in the extension of prices in the bid, the unit prices will govern. Each sheet of the bid should show the name of the bidder.

5. *Inspection.* Bidders are invited and urged to inspect the property to be sold prior to submitting bids. Property will be available for inspection at the times specified in the Invitation. No labor will be furnished for such purpose. In no case will failure to inspect be considered ground for a claim.

6. *Sale of property "as is".* Unless otherwise specified, all property is sold "as is"; the Government makes no guaranty, warranty or representation, express or implied, as to the kind, size, weight, quality, character, description or condition of any of the property, or its fitness for any use or purpose; this is not a sale by sample.

7. *Sale of property "where is"; delivery.* Unless otherwise specified, the property is sold "where is", delivery shall be at the present location of the property, and removal shall be accomplished by the Purchaser at its expense; unless the Purchaser removes the property from such location within 10 days (or such other time as may be specified herein) after the date of the Government's Acceptance, the Government shall have the right to dispose of the property and hold the Purchaser responsible for any loss incurred by the Government as a result of the failure to pay for or remove the property; the time of removal, and such other details of removal as may not be provided for herein, shall be arranged with the Contracting Officer. Unless otherwise specified herein, payment in full must be made prior to removal of any property or immediately subsequent to weighing if weighing is necessary pursuant to General Provision 9.

8. *Adjustment for variation in quantity.* Unless otherwise specified, the quantities of the various items listed in the Schedule of Property to be Sold are approximate only. Any variation between the quantity stated for any item and the quantity of such item actually delivered to the Purchaser will be adjusted on the basis of the unit price quoted for such item prior to final payment.

9. *Weighing.* Where weighing is necessary to determine price hereunder, the Purchaser shall arrange for, and pay all expenses of weighing material, whether removal is by truck or by rail, including all switching charges incurred. In case of removal by truck, weighing shall be on (a) Government scales, or (b) other certified scales in the vicinity of present location or (c) certified scales in the vicinity of Purchaser's establishment, at the option of the Contracting

[1] Delete if sealed bids are not desired.

[2] Delete if a public opening is not appropriate.

Officer, and under his supervision. When removal is by rail, weighing shall be on railroad track scales or by other means acceptable to railroad for freight charge purposes. The weights thus determined shall govern payment.

10. *Responsibility for property sold.* The Purchaser assumes all responsibility and liability for the property after the date of the Government's Acceptance. The Government will exercise its usual care for protection of the property up to the time limit of removal, but will not be responsible for any loss or damage from any cause whatsoever.

11. *Title.* Title to the items of property sold hereunder shall vest in the Purchaser as and when full payment is made therefor.

12. *Payment.* If a deposit has been made, it will be applied against the total balance due. Payment of the balance, or of the full amount due from the Purchaser where no deposit has been required, shall be made by cash, or by certified check, bank draft, postal money order, or irrevocable letter of credit, payable to the Treasurer of the United States, in accordance with the Delivery provisions hereof.

13. *Covenant against contingent fees.* The Purchaser warrants that it has not employed any person to solicit or secure this contract upon any agreement for a commission, percentage, brokerage, or contingent fee. Breach of this warranty shall give the Government the right to annul the contract, or at its option, to recover from the Purchaser the amount of such commission, percentage, brokerage or contingent fee, in addition to the consideration herein set forth. This warranty shall not apply to commissions payable by the Purchaser upon contracts or purchases secured or made through bona fide established commercial agencies maintained by the Purchaser for the purposes of doing business.

14. *Officials not to benefit.* No member of or delegate to Congress or resident commissioner shall be admitted to any share or part of this contract or to any benefit that may arise therefrom, but this provision shall not be construed to extend to this contract if made with a corporation for its general benefit.

15. *Anti-discrimination.* (a) The Purchaser, in performing the work required by this contract, shall not discriminate against any employee or applicant for employment because of race, creed, color, or national origin.

(b) The Purchaser agrees that the provisions of paragraph (a) will also be inserted in all of its subcontracts. For the purpose of this article, a subcontract is defined as any contract entered into by the Purchaser with any individual, partnership, association, corporation, estate, or trust or other business enterprise or other legal entity, for a specific part of the work to be performed in connection with the sale of property under this contract: *Provided, however,* That a contract for the furnishing of standard or commercial articles or raw materials shall not be considered as a subcontract.

16. *Price adjustment.* If at the time of payment for any of the property by the Purchaser, a maximum price lower than that quoted shall have been established by the Office of Price Administration or other duly constituted authority and shall be in effect and expressly applicable to this sale, the price of such property shall be reduced to such maximum price.

17. *Compliance with OPA and WPB orders and regulations, etc.* The Purchaser warrants and represents that this transaction is, and all of its future transactions with the property sold hereunder will be, in compliance with applicable orders and regulations of the Office of Price Administration and the War Production Board or similar authority. The Purchaser also warrants and represents that it has not directly or indirectly entered into any agreement or arrangement, express or implied, of any nature which will affect full and free competitive bidding upon any of the items of property sold hereunder.

18. *Scrap warranty.* The Purchaser agrees that as to any item awarded to it at prices not in excess of applicable Office of Price Administration ceiling prices for scrap it will sell and ship or use the same only as scrap, either in its existing condition or after further preparation and only in conformity with all applicable orders and regulations of the Office of Price Administration and the War Production Board.

19. *Disputes.* Except as otherwise specifically provided in this contract, all disputes concerning questions of fact which may arise under this contract, and which are not disposed of by mutual agreement, shall be decided by the Contracting Officer, who shall reduce his decision to writing and mail a copy thereof to the Purchaser. Within thirty (30) days from said mailing the Purchaser may appeal to the Secretary of War, whose decision or that of his designated representative, representatives, or board shall be final and conclusive upon the parties hereto. Pending decision of a dispute hereunder the Purchaser shall diligently proceed with the performance of this contract.

20. *Definitions.* Except for the original signing of this contract, and except as otherwise stated herein, the term "Contracting Officer" as used herein shall include his duly appointed successor or his authorized representative.

21. *Certificate of compliance with OPA regulations.* No bid will be considered unless the following certificate is completed and executed by the bidder. Bidders will strike out inapplicable words.

Certificate: The bidder represents and certifies to the United States of America:

That the prices to be paid for the goods purchased under this bid and contract do not exceed one of the following:

(a) The maximum price applicable to purchases by the bidder, from usual sources of supply, of the goods in the quantity and at the place of delivery specified in this bid, or

(b) The maximum selling price applicable to sales by the bidder, in its capacity as a manufacturer, producer or processor of the same goods, disregarding minor differences in specifications or design, in the quantity and at the place of delivery specified in this bid.

ALTERNATE AND ADDITIONAL PROVISIONS

(NOTE: Explanatory notes do not form any part of this contract.)

A. *Adjustment for variation in quantity.* As to any item for which a price per unit is specified in the Schedule of Property to be Sold, the Purchaser agrees to accept and pay at the quoted unit price for any number of units delivered or offered for delivery by the Government, up to and including _____per cent (%) more or less than the estimated quantity stated in the schedule.

NOTE: The foregoing article, properly completed, may be included, in substitution for Article 8 of the General Provisions, where it is deemed desirable and is authorized by applicable regulations, technical manuals, and other War Department publications. The contract should *not* contain both Article 8 of the General Provisions and the foregoing Article A of the Alternate and Additional Provisions.

B. *Delivery.* Delivery to Purchaser shall be f. o. b. (cars) (truck) (wharf) at present location. Unless the Purchaser shall remove the property within _____ days after date of the Government's acceptance, or unless proper shipping instructions are received within the same time limit, the Government shall have the right to dispose of the property and to hold the Purchaser responsible for any loss incurred by the Government as a result of the Purchaser's failure to comply with the contract. If necessary, the time of removal, and other details of removal, shall be arranged with the Contracting Officer. Unless otherwise specified herein, payment in full must be made prior to removal of the property, or immediately subsequent to weighing, if weighing is necessary pursuant to General Provision 9.

NOTE: The foregoing article, properly completed, may be included, in substitution for Article 7 of the General Provisions, where it is deemed desirable and is authorized by applicable regulations, technical manuals, and other War Department publications. The contract should *not* contain both Article 7 of the General Provisions and the foregoing Article B of the Alternate and Additional Provisions.

C. *Sales of an indefinite quantity of scrap, waste or salvage*—(1) *Contract period.* This contract will extend from _____ (or from the date of the Government's Acceptance if subsequent thereto) through _____, both dates inclusive, unless sooner terminated under the provisions of this contract.

(2) *Quantity.* The quantities of the various items listed are based upon the best information available and in each case represent the estimated and not the actual amounts which will be available for delivery during the period stated herein. Except as otherwise stated herein, the fact that specific quantities available for delivery vary from the quantities listed herein will not relieve the Government of its obligation to deliver to the Purchaser the actual amount to be sold hereunder and will not release the Purchaser from his obligation to purchase all such amounts.

(3) *Termination.* This contract shall remain effective until date of expiration, provided that it may be earlier terminated at the convenience of the Government upon thirty (30) days' notice in writing given by the contracting officer to the Purchaser.

(4) *Delivery.* Delivery hereunder shall be as follows: _____

(5) *Payment.* Payment will be made on or before the _____ day of each month for the materials received during the preceding month.

(6) *Changes in maximum prices.* In the event that the schedule of maximum prices prescribed by the Office of Price Administration or similar authority covering any of the items sold hereunder is changed during the life of the contract, the prices to be paid thereafter by the Purchaser shall be increased or decreased by a percentage equivalent to the percentage of increase or decrease in the maximum price for such items.

NOTE: (1) The foregoing clauses, properly completed, will be included in sales of an indefinite quantity of scrap, waste or salvage to be delivered over a given period of time.

(2) General Provisions 16 (*Price adjustment*) will be omitted whenever Article C (6) (*Changes in maximum prices*) is included.

(3) Care should be taken to delete or change other General Provisions (e.g. *Delivery*) which may be inapplicable or inconsistent.

(4) Additional clauses may be inserted, as required by local conditions, and authorized by applicable regulations, technical manuals, and other War Department publications.

D. *Use warranty.* The Purchaser represents and warrants that it will use or consume the property included in Items _____ in the United States for manufacturing, construction, maintenance or repair purposes, and the Purchaser agrees that if it does not use or consume any of the items, it will not resell them at a profit.

NOTE: This provision, properly completed, must be included where such a warranty is required by Parts 823 or 844.

E. *Additional provisions.*

NOTE: Sufficient space should be left for this article.

SCHEDULE OF PROPERTY TO BE SOLD

Location _____

_____

Item No.	Article and description	Quantity	Unit	Price bid per unit	Total price bid	Remarks

Sheet No.

Bidder's signature _____
Invitation No. _____

INSTRUCTIONS TO CONTRACTING OFFICERS

1. This form may be used for sales by the Government of all types of Government-owned property (except sales of real estate or of buildings or improvements to be severed from real estate) where competitive bids are desired or required.

2. No changes should be made in any of the General Provisions except as authorized by the technical services or other appropriate authority. All changes made in the General Provisions or articles omitted therefrom, should be noted in Paragraph 4 of the Invitation. Articles of the Alternate and Additional Provisions to be inserted or added must be listed in Paragraph 1 of the Invitation

3. Subject to War Department Procurement Regulations, instructions as to the inclusion or addition of articles in particular types of sales may be issued by the technical services, service commands, and other commands having jurisdiction over sales by the Government of Government-owned property. These sources, as well as applicable technical manuals (e.g. TM 38–505, "Salvage in Zone of Interior") and other War Department publications, should be consulted.

4. Article E (Additional provisions) of the alternate and additional provisions may be used for such authorized additional clauses, e.g. special clauses used in the sale of scrap returned to the United State from overseas, explosive scrap, greases and kitchen wastes, tin cans, tires, waste paper, etc.

5. If the sale is by a salvage officer of surplus property, as authorized in certain cases by Subchapter B and Part 844 of Subchapter C, and TM 38–505 ("Salvage in Zone of Interior"), the description of the items of such property on the Schedule of Property to be Sold will clearly state that the sale pertains to the sale of surplus property, and the words "Sale of Surplus Property" will also be stamped, printed or written on the Invitation.

6. General provision 21 (Certificate of compliance with OPA regulations) must be completed and signed by the bidder, where applicable (see Subchapter B and Part 844 of Subchapter C).

§ 813.1326a *W. D. Contract Form No. 26A*—(a) *Explanatory notes.* (1) W. D. Contract Form No. 26A is available for use for negotiated sales by the Government of all types of Government-owned property, except (i) sales to the Defense Plant Corporation or other Government agencies and departments, and (ii) sales of real estate or of holdings or improvements to be severed from real estate. It is highly desirable in cases in which a negotiated sales form is desired that W. D. Contract Form No. 26A be used wherever practicable.

(2) W. D. Contract Form No. 26A may be reproduced by the technical services. Subject to Procurement Regulations (e. g. § 803.306), Army Regulations, technical manuals, and other War Department publications, the technical services are authorized to permit or require changes or omissions in the articles of the form and to add additional provisions.

(3) It is suggested that the "Instructions to Contracting Officers" be reproduced as part of the form, with such additions and changes as may be required by the needs of the particular technical service.

(b) *Contract form.*

Contract No. _____
Office Ident. No. _____

CONTRACT OF SALE OF PROPERTY
WAR DEPARTMENT

_____

War Department establishment, office or station

_____

Address

Purchaser: _____
Purchaser's address: _____
Contract for sale of _____
Amount: $ _____
Location of property: _____

This contract is authorized by and negotiated under Public No. 703, 76th Congress, as extended, First War Powers Act, 1941, Executive Order No. 9001, Surplus Property Act of 1944, and other statutes.

This contract, entered into this _____ day of _____ 194__, by and between the United States of America (hereinafter called the Government) represented by the Contracting Officer executing this contract, and

_____

(Name of Corporation, Firm or Individual)

_____

*a corporation organized and existing under the laws of the State of _____
*a partnership consisting of _____

_____

*an individual trading as _____

_____

of the city of _____
in the State of _____
(hereinafter called the Purchaser) witnesseth that the parties hereto do mutually agree as follows:

NOTE: Reference numerals 1 to 11 are to the numbered Instructions to Contracting Officers following.

[1] *Article 1. Property to be sold.* The Government agrees to sell and the Purchaser to buy and accept the following items of property, described and located as set forth below or in attached sheets numbered _____ (and incorporated herein), in the quantities and at the unit prices set forth below or in the attached sheets and for the estimated total price of _____.

Article 2. Price adjustment. If at the time of payment for any of the property by the Purchaser, a maximum price lower than that stated herein shall have been established by the Office of Price Administration or other duly constituted authority and shall be in effect and expressly applicable to this sale, the price of such property shall be reduced to such maximum price.

[2] *Article 3. Adjustments for variation in quantity.* The quantities of the various items listed in Article 1 or the attached sheets are approximate only. Any variation between the quantity stated for any item and the quantity of such item actually delivered to the Purchaser will be adjusted on the basis of the unit price for such item, either prior to final payment, or thereafter, provided notice of such variation is communicated to the Contracting Officer within thirty (30) days after delivery of the property.

[2] *Article 3A. Adjustment for variation in quantity.* If a price of an item per unit is stated in Article 1 or the attached sheets, the Purchaser agrees to accept and pay at the stated unit price for any number of units delivered or offered for delivery by the Government up to and including _____ per cent (%) more or less than the estimated quantity stated in Article 1 or the attached sheets.

[3] *Article 4. Delivery.* All property is sold "where is" and delivery to the Purchaser shall be at the present location of the property. If the property is not already in the custody of the Purchaser, the Purchaser shall remove it from such location within _____ days after receipt of notification of execution of this contract by the Contracting Officer (or if approval of this contract by higher authority is required by the terms hereof, within _____ days after receipt of notification of such approval) and removal shall be accomplished by the Purchaser at its expense. If the property is not so removed the Government shall have the right to dispose of the property and to hold the Purchaser responsible for any loss incurred by the Government as a result of the failure to pay for or remove the property. The time of removal, and other details of removal will be arranged with the Contracting Officer if not otherwise specified herein. If the property is already in the custody of the Purchaser, delivery will be deemed to take place upon the date of execution of this contract by the Contracting Officer, or, if approval of this contract by higher authority is required by the terms hereof, on the date of such approval. Full payment shall be made prior to delivery to or removal by the Purchaser, or immediately subsequent to weighing if weighing is necessary pursuant to Article 7.

[3] *Article 4A. Delivery.* Delivery to the Purchaser shall be f. o. b. (cars) (truck) (wharf) at present location. Unless the Purchaser shall remove the property from such location within _____ days after receipt of notification of execution of this contract by the Contracting Officer (or if approval of the contract by higher authority is required by the terms hereof, within _____ days after receipt of notification of such approval), or unless proper shipping instructions are received within the above-specified time limits, the Government shall have the right to dispose of the property and to hold the Purchaser responsible for any loss incurred by the Government as a result of the failure to pay for or to remove the property, or to provide proper shipping instructions. If necessary, the time of removal, and other details of removal, will be arranged with the Contracting Officer. Full payment shall be made prior to delivery to or removal by the Purchaser, or immediately subsequent to weighing if weighing is necessary under Article 7.

[4] *Article 5. Sale of property "as is".* Unless otherwise expressly provided herein, the purchaser agrees to accept the property "as is"; the Government makes no guaranty, warranty, or representation, express or implied, as to the kind, size, weight, quality, character, description or condition of the materials, or their fitness for any use or purpose; this is not a sale by sample.

*Delete lines which do not apply.

[4] *Article 5A. Inspection by purchaser prior to acceptance.* All property shall be subject to inspection and acceptance by the Purchaser within a period of -------- days after delivery. In the event any such property is found not to conform to (Government) (standard commercial) specifications, the Purchaser shall have the right to reject any of such property. Any of such property rejected by the Purchaser because of failure to conform with (Government) (standard commercial) specifications will be subject to the following disposition at the discretion of the Government after a confirming inspection has been made by a Government inspector:

1. To be replaced by the Government, at Government expense, by similar or other items meeting (Government) (standard commercial) specifications;

2. To be returned at Government expense and an equitable adjustment made in the purchase price;

3. To be retained by Purchaser and an equitable adjustment made in the purchase price.

If upon the expiration of the required ------- day period allowed the Purchaser for the rejection of the property, as provided above, there has been no communication of notice in writing to the Contracting Officer of any rejections, the Purchaser will be considered as having made final inspection and acceptance, and Purchaser will have no right to reject any item thereafter. Any dispute as to failure of any property to conform to specifications will be determined in accordance with Article 18 (*Disputes*).

Article 6. Responsibility for property sold. The Purchaser assumes all responsibility and liability for the property after notification of execution of the contract by the Contracting Officer, or of approval of the contract by higher authority if such approval is required by the terms hereof. The Government will exercise its usual care for protection of the property up to the time limit of removal, but will not be responsible for any loss or damage from any cause whatsoever.

Article 7. Weighing. Where weighing is necessary to determine price hereunder, Purchaser shall arrange for, and pay all expenses of weighing material, whether removal is by truck or by rail, including all switching charges incurred. In case of removal by truck, weighing shall be on (a) Government scales, or (b) other certified scales in the vicinity of present location or (c) certified scales in the vicinity of Purchaser's establishment, at the option of the Contracting Officer and under his supervision. When removal is by rail, weighing shall be on railroad track scales or by other means acceptable to railroad for freight charge purposes. The weights thus determined shall govern payment.

Article 8. Title. Title to the property shall vest in the Purchaser upon full payment therefor, or upon execution of this contract by the Contracting Officer or, if such approval is necessary, upon approval of this contract by higher authority, whichever date is latest.

[5] *Article 9. Payment.* Payment shall be made as follows: ----------

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Payment will be made by cash or by certified check, cashier's check, bank draft or postal money order made payable to the Treasurer of the United States. Payment will be made to ----------

Article 10. Compliance with OPA and WPB orders and regulations. The Purchaser warrants and represents that this transaction is, and all of its future transactions with the property covered hereby will be, in compliance with applicable orders and regulations of the Office of Price Administration and the War Production Board or similar authority.

[6] *Article 11. Certificate of compliance with OPA regulations.* The Purchaser represents and certifies to the United States of America that the prices paid or to be paid for the goods purchased or to be purchased under this contract do not exceed one of the following:

(a) The maximum price applicable to purchases by the Purchaser from usual sources of supply, of the goods in the quantity and at the place of delivery specified in this contract; or

(b) The maximum selling price applicable to sales by the Purchaser, in its capacity as a manufacturer, producer or processor of the same goods, disregarding minor differences in specifications or design, in the quantity and at the place of delivery specified in this contract.

Article 12. Covenant against contingent fees. The Purchaser warrants that it has not employed any person to solicit or secure this contract upon any agreement for a commission, percentage, brokerage or contingent fee. Breach of this warranty shall give the Government the right to annul the contract, or at its option, to recover from the Purchaser the amount of such commission, percentage, brokerage, or contingent fee, in addition to the consideration herein set forth. This warranty shall not apply to commissions payable by the Purchaser upon contracts or purchases secured or made through bona fide established commercial agencies maintained by the Purchaser for the purposes of doing business.

Article 13. Officials not to benefit. No member of or delegate to Congress or resident commissioner shall be admitted to any share or part of this contract or to any benefit that may arise therefrom, but this provision shall not be construed to extend to this contract if made with a corporation for its general benefit.

Article 14. Anti-discrimination. (a) The Purchaser, in performing the work required by this contract, shall not discriminate against any employee or applicant for employment because of race, creed, color, or national origin.

(b) The Purchaser agrees that the provisions of paragraph (a) will also be inserted in all of its subcontracts. For the purpose of this article, a subcontract is defined as any contract entered into by the Purchaser with any individual, partnership, association, corporation, estate, or trust, or other business enterprise or other legal entity, for a specific part of the work to be performed in connection with the sale of property under this contract; *Provided, however*, That a contract for the furnishing of standard or commercial articles or new material shall not be considered as a subcontract.

[7] *Article 15. Scrap warranty.* With respect to all scrap covered by this contract, the Purchaser represents and warrants to the United States that such property was offered as scrap, purchased by it as scrap, and that it will sell or ship or use it as scrap either in its existing condition or after further preparation and only in conformity with all applicable regulations and orders of the Office of Price Administration and the War Production Board.

[8] *Article 16. Sale to war contractors.* (a) The Purchaser represents and warrants that it is either (1) a manufacturer or supplier having one or more war contracts or subcontracts thereunder and that the sale will be for the purpose of facilitating the performance of such war contracts or war production, or (2) a supplier of war contractors who certifies that such property will be channelled directly into use by a war contractor to facilitate the performance of such contract or contracts or war production.

(b) The Government, acting through its authorized representatives, has determined that the sale to the Purchaser to be made hereunder will facilitate the prosecution of the war.

[9] *Article 17. Use warranty.* The Purchaser represents and warrants that it will use or consume the property covered hereby in the United States for manufacturing, construction, maintenance or repair purposes, and the Purchaser agrees that if it does not use or consume any of the items, it will not resell them at a profit.

Article 18. Disputes. Except as otherwise specifically provided in this contract, all disputes concerning questions of fact which may arise under this contract, and which are not disposed of by mutual agreement, shall be decided by the Contracting Officer, who shall reduce his decision to writing and mail a copy thereof to the Purchaser. Within 30 days from said mailing the Purchaser may appeal to the Secretary of War, whose decision or that of his designated representative, representatives, or board shall be final and conclusive upon the parties hereto. Pending decision of a dispute hereunder the Purchaser shall diligently proceed with the performance of this contract.

Article 19. Definitions. Except for the original signing of this contract, and except as otherwise stated herein, the term "Contracting Officer" as used herein shall include his duly appointed successor or his authorized representative.

[10, 11] *Article 20. Alterations and additions.* (1) This contract consists of Articles -----

(2) The following changes in and additions to the contract were made before it was signed by the parties hereto:

In witness whereof, the parties hereto have executed this contract as of the day and year first above written.

THE UNITED STATES OF AMERICA.

By ----------

---------- (Official Title)

---------- (Purchaser)

By ----------

---------- (Business Address)

Two Witnesses:

---------- ----------

---------- ----------

(Address) (Address)

NOTE: Type or print names under all signatures.

I ---------- certify that I am the Secretary of the corporation named as Purchaser herein; that ---------- who signed this contract on behalf of the Purchaser was then ---------- of said corporation; that said contract was duly signed for and on behalf of said corporation by authority of its governing body and is within the scope of its corporate powers.

In witness whereof, I have hereunto affixed my hand and the seal of said corporation this -------- day of ---------- 194--.

[SEAL] ----------

(Secretary)

I hereby certify that, to the best of my knowledge and belief, based upon observation and inquiry, ----------, who signed this contract for the ---------- had authority to execute the same, and is the individual who signs similar contracts on behalf of this corporation with the public generally.

(Contracting Officer)

INSTRUCTIONS TO CONTRACTING OFFICERS

A. This form may be used for negotiated sales by the Government of *all* types of Government-owned property, except (a) sales to the Defense Plant Corporation or other Government agencies and departments, and (b) sales of real estate or of buildings or improvements to be severed from real estate.

B. No changes should be made in any of the contract articles except as authorized by Procurement Regulations, the technical services or other appropriate authority. Articles which are inapplicable and are not to be included in the contract should be deleted (See e. g. Instructions 2–9). Inapplicable portions of printed articles should be lined out or deleted (See e. g. Instruction 4). Both the printed and the additional articles included in the contract should be expressly listed in Article 20.

C. Subject to War Department Procurement Regulations, instructions as to the inclusion or addition of articles in particular types of sales may be issued by the technical services, service commands and other commands, having jurisdiction over sales by the Government of Government-owned property. These sources, as well as applicable technical manuals (e. g. TM 38-505 "Salvage in Zone of Interior") and other War Department publications, should be consulted.

* * * * * *

1. If the sale is by a salvage officer of surplus property, in the cases authorized by Subchapter B or Part 844 of Subchapter C, or TM 38-505 ("Salvage in Zone of Interior"), Article 1 will clearly state that the contract pertains to the sale of surplus property.

2. Either Article 3 or Article 3A, or neither, but not both, may be incuded, subject to the instructions mentioned in paragraph C of these instructions.

3. Either Article 4 or Article 4A, but not both, may be included, subject to the instructions mentioned in paragraph C. Both may be omitted if other provisions concerning delivery are included in the contract.

4. Either Article 5 or Article 5A, or neither, but not both, may be included, subject to the instructions mentioned in paragraph C. If some or all warranties of description or quality are not to be negatived, appropriate portions of Article 5 may be omitted or deleted.

5. Care should be taken to insert Payment provisions which do not conflict with other provisions of the contract, e. g. the applicable Delivery article.

6. Article 11 should be included in all sales to which the certificate set forth in §§ 821.-111-4 or 844.436-4 is applicable.

7. Article 15 should be included in sales of scrap, in accordance with Parts 824 and 844.

8. Article 16 must be included in sales to war contractors authorized by Part 823.

9. Article 17 must be included where required by Parts 823 or 844.

10. Article 20 should be used (1) for indicating the printed articles and the additional articles included in the contract (2) for inserting additional articles, and (3) for recording alterations made in the standard articles.

11. If approval of higher authority is to be obtained before the contract becomes effective, an additional provision to this effect should be inserted.

§ 813.1327 *Standard Procurement Form No. 3 and related forms (WD AGO Forms 299, 299–1, 299–2).* The instructions for the use of these forms, which formerly appeared in this section, are now set forth at § 802.243–2. These forms are no longer reproduced in procurement regulations. WD AGO Form 299 was revised on March 1, 1945; Form 299–1 was revised on February 1, 1945; and Form 299–2 was revised on March 1, 1945. Form 299 (July 12, 1944) and Form 299–2 (August 31, 1944) will not be used after the revised forms are available. Since revised Forms 299 and 299–2 differ materially from the earlier versions, the revised forms should always be used together; that is to say, the August 31, 1944 edition of Form 299–2 should not be used with the March 1, 1945 edition of Form 299 and the March 1, 1945 edition of Form 299–2 should not be used with the July 12, 1944 edition of Form 299. Form 299–1 (July 12, 1944) may be used until existing stocks are exhausted. The revised forms will be requisitioned and distributed as prescribed in AR 310–200. They will be identified as follows for requisition purposes:

WD Standard Procurement Form No. 3—WD AGO Form 299, Mar. 1, 1945;

Continuation Sheet, Title V, WD AGO Form 299–1;

Instructions for Completing WD Standard Procurement Form No. 3–WD AGO Form 299–2, March 1, 1945.

Detailed instructions to procurement offices as to the use of these forms are set forth in § 802.243–2b.

§ 813.1327a *Standard Procurement Form No. 4.* See § 802.243, which prescribes the use of this form in certain cases. This form is no longer reproduced in procurement regulations. It was revised on February 1, 1945, but the edition of July 20, 1944 may be used until existing stocks are exhausted. The form will be requisitioned and distributed as prescribed in AR 310–200. It will be identified as WD AGO Form 298 for requisition purposes.

§ 813.1328 *W. D. Contract Form No. 28.*

CROSS REFERENCE: See § 802.222–7.

LETTER OF COMMITMENT (RAW MATERIALS UNDER CMP)

Contract No. ---------- Date ----------

(Negotiated)

---------- Place ----------

(Contractor)

(Address)

Gentlemen:

1. The operation of the Controlled Materials Plan makes it necessary that raw materials subject to that plan be ordered in advance in order to insure the availability of such materials in the event that the Government may decide to place supply contracts with you in the future for ---------- ---------- (description of item). It is likely that in some instances your allotment authority under CMP will extend through ----------, 19--, which date may be beyond the completion date of your present supply contract or contracts.

2. You are directed, upon your acceptance of this commitment, to place purchase orders for materials under CMP, required in the production of ----------, immediately upon receipt of your allotment authority in furtherance of which you are authorized to expend or obligate not more than ---------- Dollars ($---------).

3. All applicable articles (other than the article "Termination for the Convenience of the Government") now required by Federal law, Executive Order, or War Department Procurement Regulations to be included in contracts of the kind herein described are incorporated herein by reference.

4. (a) In the event that supply contracts are placed looking to the utilization of all or a part of the raw materials acquired hereunder, there will be executed simultaneously with the execution of such supply contract or contracts a supplemental agreement to this Letter of Commitment either extinguishing or reducing, as the case may be, the amount obligated under this Letter of Commitment to the extent that such materials are to be utilized in the performance of such supply contract or contracts.

It is understood that the issuance of this Letter of Commitment, and its acceptance by you, do not create any obligation on the part of the Government to place supply contracts with you looking to the utilization of all or part of the materials under CMP ordered by you under your allotment authority.

(b) The Government may at any time terminate this commitment in whole or in part for its convenience by giving you written notice of such termination. In the event of such termination the Government's liability shall extend only to costs incurred and commitments made for materials under CMP to be delivered through, but not beyond ----------, but in no event shall the total amount paid or reimbursed the contractor exceed the amount above specified.

(c) In the event that you are not awarded a new supply contract or continuation contract enabling you to utilize all or a part of the materials under CMP ordered by you under your allotment authority, you will be so notified and this Letter of Commitment terminated in accordance with paragraph 4 (b) above. Thereupon, you and the Contracting Officer will attempt to agree by negotiation upon a settlement estimated by the parties to be the aggregate amount of the costs incurred by you in the performance of this commitment and the amounts paid or to be paid by you or for your account in settling with the approval of the Contracting Officer your obligations for commitments made in the performance of this agreement. Any such negotiated settlement shall be embodied in a Supplemental Agreement.

(d) If you and the Contracting Officer are not able to agree upon such a negotiated settlement within 90 days after the effective date of the termination (or within such longer period as at any time may be mutually agreed upon), the Government binds itself to reimburse you for the costs incurred by you in the performance of this commitment and for any amounts paid by you or for your account in settling with the approval of the Contracting Officer your obligations for commitments made in the performance of this agreement. In lieu of reimbursing you for expenditures made by you in settling any of your obligations for commitments, the Government, in the discretion of the Contracting Officer, may assume such obligations or any of them.

(e) The Government may permit you to sell or retain at prices or on terms agreed to by the Government any materials, and the proceeds of any such sale, or such agreed amounts, shall be paid or credited to the Government in such manner as the Contracting Officer may direct.

(f) Upon payment or reimbursement to you pursuant to paragraph 4 (c) or 4 (d) of this commitment, title to all materials for which you are so paid or reimbursed (except such property as may be sold or retained by you as above provided) will vest in the Government. The Government will also become entitled to any rights under any commitment which it may assume, or for the settlement of which it shall have reimbursed you.

(g) Any dispute which arises under this paragraph 4 regarding a matter of fact will be treated and resolved as a dispute under the "Disputes" article incorporated in this commitment by reference.

(h) Partial payments on account of any amount admittedly due to you pursuant to this paragraph 4 may be made by the Government at any time in the discretion of the Contracting Officer.

5. The sums to be expended by the Government hereunder are chargeable to the following allotments, the available balances of which are sufficient to cover the same:

---

6. Your acceptance of this commitment will be indicated by affixing your signature on this letter and two copies thereof and mailing or delivering the executed original and one executed copy to the Contracting Officer not later than _____, 19____. Such acceptance will constitute this commitment a contract on the terms set forth herein.

7. This instrument is authorized by and has been negotiated under the First War Powers Act, 1941, and Executive Order No. 9001.

UNITED STATES OF AMERICA,
By _____
_____
(Official Title)

[CORPORATE SEAL]
Accepted _____, 19____
_____
(Contractor)
By _____
(Title)
_____
(Address)

§ 813.1329 *W. D. Contract Form No. 29.*

WAR DEPARTMENT CONTRACT ADJUSTING ROYALTIES

Contract No. _____
Negotiated

This contract, entered into this _____ day of _____, 194____, by the United States of America (hereinafter called the Government), represented by the officer executing this contract, and_____ _____ (hereinafter called Licensor), a corporation organized and existing under the laws of the State of _____ [1] a partnership consisting of _____ _____ [1] an individual trading as _____ of the City of _____ in the State of _____, and _____ _____ (hereinafter called Licensee), a corporation organized and existing under the laws of the State of _____ [1] a partnership consisting of _____ _____ [1] an individual trading as _____, of the City of _____ in the State of _____ witnesseth that

Whereas, on or about the _____ day of _____, 19____, Licensor and Licensee entered into an instrument of license, providing in part as follows:

[Quote clause granting license and royalty provisions of license.]

Whereas, said royalties are charged or chargeable to the Government in connection with procurement of supplies, equipment or materials delivered or to be delivered to or for the War Department, and the Secretary of War has made inquiry whether said royalties are unreasonable or excessive and contemplates giving notice under the Royalty Adjustment Act in respect thereto [or, the Secretary of War believing said royalties to be unreasonable and excessive has, on or about the _____ day of _____, 19____, given notice in respect thereto under the Royalty Adjustment Act];

Whereas, Licensor has [or Licensor and Licensee have] requested the Secretary of War to forebear from giving notice under the Act [or, has requested the Secretary of War to forebear, from making an order under the Act] and, in consideration of and during the continuance of such forebearance, Licensor is [or Licensor and Licensee are] willing to adjust the rates or amounts of said royalties in the manner and to the extent herein set forth; and

Whereas, this contract is authorized by Sec. 3 of the Royalty Adjustment Act;

[1] Delete all lines which do not apply.

Now, therefore, the parties have agreed as follows:

ARTICLE 1. *Definitions.* Where used in this contract, the following terms have the meanings here assigned to them, viz.:

(a) "Said license" means the instrument of license dated _____, 19__ above mentioned;

(b) "Said inventions" means each and all of the inventions whose practice is licensed in and by said license;

(c) "The Act" and "the Royalty Adjustment Act" means the Royalty Adjustment Act 1942 (Public No. 768, 77th Congress; 35 U.S.C. 89-96);

(d) "Notice under the Act" means the notice contemplated by Section 1 of the Act;

(e) "Period of this contract" means the period of time beginning the _____ day of _____, 19____ [insert date as of which the royalty adjustment is to take effect] and ending when the head of any department or agency of the Government gives notice under the Act that the reduced royalties specified in this contract are believed to be unreasonable or excessive, but in any event ending six months after the termination of all wars in which the United States are now engaged;

(f) "Subject royalties" means royalties at the rates or in the amounts specified in said license, and in any other license heretofore granted by _____ accrued and hereafter accruing in respect to the practice of said inventions during the period of this contract, which said royalties are charged or chargeable directly or indirectly to the Government; and

(g) "Secretary of War" includes any officer or board exercising the powers, duties and authorities of the Secretary of War under the Act in respect of said license or said inventions.

ART. 2. *Royalty reduction.* [Use following in case of reduction in royalty rates]:

Licensor agrees that the subject royalties shall be and they are hereby reduced to _____% in lieu of the rates specified in said license.

[Use following in case of a ceiling upon future receipts and refund by Licensor]:

Licensor agrees that the subject royalties shall be and they are hereby continued at the rates set forth in said license; *Provided, however*, That the maximum of subject royalties to be retained by Licensor shall not exceed the sum of _____ [ceiling] _____ for each quarter year period commencing _____ [date] _____ and that all excess of subject royalties over said maximum for each quarter year shall be paid to the Treasurer of the United States as hereinafter provided.

ART. 3. *Royalty refund* (see §§ 811.1113-4, 811.1113-7 and 811.1113-8).

ART. 4. *Release of past infringements* (see § 811.1113-5).

ART. 5. *Withdrawal of notice and release* (for use only if a notice under the Act has previously been given).

The notice under the Act, heretofore on or about the _____ day of _____, 19____ issued on behalf of the Secretary of War in respect of the royalties specified in said license, is hereby withdrawn and Licensor consents to such withdrawal and, in consideration thereof, hereby releases any and all claims or demands now held by the Licensor against the United States, or any officer or agent thereof, arising out of the issuance of said notice.

ART. 6. *Reserved Rights.* Nothing herein contained shall limit the right of the head of any department or agency of the Government, including but not limited to the Secretary of War, to give notice [or, further notice] under the Act if at any time it is believed that the reduced royalties specified in Article 2 hereof are unreasonable or excessive, nor shall the Government be deemed to have approved the rates or amounts of said reduced royalties or be estopped at any time to contest the enforceability, validity or scope of, or the title to, any patent in respect of which said royalties are payable.

ART. 7. *General provisions.*

(a) *Officials not to benefit* (see § 811.1113-6 (a)).

(b) *Covenant against contingent fees* (see § 811.1113-6 (a)).

(c) *Anti-discrimination* (see § 811.1113-6 (b)).

(d) *Assignment of rights hereunder* (see § 811.1113-6 (c)).

ART. 8. *Successors and assigns.* This contract shall be binding upon the parties, their successors and assigns, and shall not be affected in the event that any provision of the act or the application thereof to any person or circumstances is held invalid

In witness whereof, the parties hereto have executed this contract as of the day and year first above written.

THE UNITED STATES OF AMERICA,
By _____
(Signature (and title) of delegate)
Two witnesses:
_____ _____
(Licensor)
_____ _____
(Address) (Business address)
_____ _____
(Licensee)
_____ _____
(Address) (Business address)

The foregoing contract is hereby approved in behalf of the Secretary of War.[2]

By direction of the Under Secretary of War:

_____
_____
[Leave two lines blank]
[2] Director, Purchases Division Headquarters, Army Service Forces.

§ 813.1330 *W. D. Contract Form No. 30 (Paid-up Release and License).*

Contract No._____
Negotiated

WAR DEPARTMENT

PATENT RELEASE AND LICENSE CONTRACT

This contract, entered into this _____ day of _____ 194__, by the United States of America (hereinafter called the Government), represented by the officer executing this contract, and _____ _____ (hereinafter called Contractor),[1] a corporation organized and existing under the laws of the State of _____ [1] a partnership consisting of _____ [1] an individual trading as _____ of the City of _____ in the State of _____ witnesseth that

Whereas, Contractor warrants that it has the right to grant the within license and release, and the Government desires to procure the same.

Whereas, this contract is authorized by Section 3 of the Act of October 31, 1942 (Public No. 768, 77th Congress, 35 U.S.C. 89-96).

Now, therefore, in consideration of the grant, release and agreements hereinafter recited the parties have agreed as follows:

ARTICLE 1. *License.* (See § 811.1115-17 (a).)

Contractor agrees to and does hereby grant and convey to the Government, an irrevocable, non-exclusive, non-transferable and paid-up license under the following patent(s) (and application(s) for patent) to practice and cause to be practiced for the Government any and all of the inventions

[2] To be added if the contract is subject to approval by the Director, see § 811.1113-3 (b). Agreements originating in the Army Air Forces should carry the legend specified for an order, see § 812.1112-20.

thereof in the manufacture, use and disposition of any article or material, and in the use of any method, in accordance with law:

U. S. Patent No.	Date	Application Serial No.	Filing Date

[together with corresponding foreign patents and applications for patent, insofar as Contractor has the right to grant licenses thereunder]

Term. (See § 811.1115-17 (d))

[Alternate A]

The license hereby granted shall remain in full force and effect for the full term of the patent(s) referred to above [and any and all patents hereafter issued on applications for patent referred to above].

[Alternate B]

The license hereby granted shall terminate on the _____ day of _____, 19____; *Provided, however*, That said termination shall be without prejudice to the completion of any contract entered into by the Government prior to said date of termination or to the use or disposition thereafter of any articles or materials manufactured by or for the Government under this license.

[Alternate C]

The license hereby granted shall terminate on the date six months after the cessation of hostilities in all wars in which the United States are now engaged; *Provided, however*, That said termination shall be without prejudice to the completion of any contract entered into by the Government prior to said date of termination or to the use or disposition thereafter of any articles or materials manufactured by or for the Government under this license.

[Alternate D]

The license hereby granted shall remain in full force and effect for the full term(s) of the patent(s) referred to above (and any and all patents hereafter issued on applications for patent referred to above) except that said license shall, as respects solely the right to manufacture and to use in manufacture in foreign countries, and not any other rights under said license, terminate on the date six months after the cessation of hostilities in all wars in which the United States are now engaged; *Provided, however*, That said termination shall be without prejudice to the completion of any contract entered into by the Government prior to said date of termination or to the use or disposition thereafter of any articles or materials manufactured by or for the Government under this license.

[Alternate E]

The license hereby granted shall remain in full force and effect for the full term(s) of the patent(s) referred to above (and any and all patents hereafter issued on applications for patent referred to above) except that said license shall, as respects foreign countries, terminate on the date six months after the cessation of hostilities, in all wars in which the United States are now engaged; *Provided, however*, That said termination shall be without prejudice to the completion of any contract entered into by the Government prior to said date of termination or to the use or disposition thereafter of any articles or materials manufactured by or for the Government under this license.

ARTICLE 2. *Non-Estoppel.* (See § 811.1115-17 (b)).

Contractor agrees that the Government shall not be estopped at any time to contest the enforceability, validity or scope of, or the title to any patent or patent application herein licensed.

ARTICLE 3 *Release of past infringement.* (See § 811.1115-17 (c)).

Contractor agrees to and does hereby release each and every claim and demand to which the Government, its officers, agents, servants and employees are now or may hereafter be liable on account of infringement by or for the Government, occurring prior to the date of this contract, of [(1)] any of the patents and applications for patent specifically identified in this contract [, and (2) any other patent or application for patent now owned or hereafter acquired by Contractor, insofar as and to the extent only that such other patent or application covers the manufacture, use or disposition of (description of subject matter)].

ARTICLE 4. *Payment.*

Contractor shall be paid the sum of _____ _____ ($_____) Dollars in full compensation for the rights herein granted and agreed to be granted.

ARTICLE 5. *Renegotiation.* (Use § 803.342-1 or the following, see § 811.1115-16 (c) and (d)).

[Alternate A]

The Government agrees that all amounts now or hereafter received or accrued under this contract shall be exempt from statutory renegotiation under the Renegotiation Act of 1943, as amended. This exemption is granted by the officer executing this contract in behalf of the Government pursuant to authority contained in section 403 (i) (4) of the Renegotiation Act of 1943 and duly delegated to him. It is found that the profits to be derived from this contract can be determined with reasonable certainty at the time of execution hereof in behalf of the Government. In the opinion of the officer executing this contract in behalf of the Government the contract price established hereby will not yield excessive profits to the Contractor.

ARTICLE 6. *General provisions*—(a) *Officials not to benefit.* (Use § 803.322, see § 811.1115-16 (a)).

(b) *Covenant against contingent fees.* (Use § 803.323, see § 811.1115-16 (a)).

(c) *Anti-discrimination.* (See § 811.1115-16 (b)).

(d) *Assignments of rights.* (Use § 803.355 if the Government is to pay $1,000 or more, see § 811.1115-16 (b)).

ARTICLE 7. *Successors and assigns.* This agreement shall be binding upon Contractor, its successors and assigns, but nothing contained in this Article shall authorize an assignment of any claim upon the Government otherwise than as permitted by law.

In witness whereof, the parties hereto have executed this contract as of the day and year first above written.

[SEAL] THE UNITED STATES OF AMERICA,
By _____
[Signature (and title) of delegate]
_____
By _____
_____
(Business Address)
Two witnesses
_____
_____
(Address)
_____
_____
(Address)

[1] The foregoing contract is hereby approved in behalf of the Secretary of War.

[1] By direction of the Under Secretary of War:

_____
[Leave two lines blank]

[1] Director, Purchases Division, Headquarters, Army Service Forces.

[1] To be added if the contract is subject to approval by the Director, see § 811.1115-14. In contracts originating in the Army Air Forces, substitute "Special Representative of the Under Secretary of War" for "Director, Purchases Division, Headquarters, Army Service Forces."

§ 813.1331 *W. D. Contract Form No. 31 (Release and License, running royalty basis).*

Contract No._____
Negotiated

WAR DEPARTMENT

PATENT RELEASE AND LICENSE CONTRACT

This contract, entered into this _____ day of _____ 194__, by the United States of America (hereinafter called the Government), represented by the officer executing this contract, and_____ _____ (hereinafter called the Contractor), [1] a corporation organized and existing under the laws of the State of _____ [1] a partnership consisting of _____ [1] an individual trading as _____ of the City of _____ in the State of _____ witnesseth that

Whereas, Contractor warrants that it has the right to grant the within license and release, and the War Department desires to procure the same.

Whereas, this contract is authorized by Section 3 of the Act of October 31, 1942 (Public No. 768, 77th Congress, 35 U.S.C. 89-96).

Now, therefore, the parties have agreed as follows:

ARTICLE 1. *License.* (See § 811.1115-18 (a)).

Contractor agrees to and does hereby grant and convey to the Government, as represented by the Secretary of War, an irrevocable, non-exclusive, non-transferable license under the following patent(s) [and application(s) for patent] to practice by the War Department and cause to be practiced for the War Department any and all of the inventions thereof in the manufacture, use and disposition of any article or material, and in the use of any method, in accordance with law:

U. S. Patent No.	Date	Application Serial No.	Filing Date

[together with corresponding foreign patents and applications for patent, insofar as Contractor has the right to grant licenses thereunder].

Term. (See §§ 811.1115-18 (d) and second paragraph of Article 1, § 813.1330).

[Alternate A]

The license hereby granted shall remain in full force and effect for the full term(s) of the patent(s) referred to above [and any and all patents hereafter issued on applications for patent referred to above], unless sooner terminated as elsewhere herein provided.

ARTICLE 2. *Royalties.* (See § 811.1115-18 (f)).

[Alternate A]

(a) Royalties shall accrue under this contract in favor of Contractor, subject to payment thereof at the times and subject to the limitation hereinafter stated on all articles or materials embodying or manufactured by the use of any or all of the inventions licensed herein, upon acceptance thereof by the War Department (whether made by or for the War Department), at the rate of _____% of the Cost (as hereinafter defined) of such articles or materials to the Government. "Cost", as used in this paragraph means (1) in respect of articles or materials purchased by or for the War Department, the purchase price of such articles or materials, except that in cost-plus-a-fixed-fee contracts it means the estimated cost as defined in such contract, and (2) in respect of articles or materials made by the War Department, the actual cost of direct labor and materials without allowance for overhead or supervision.

(b) The [chief of technical service] shall, on or before the 60th day next following the end of each half-yearly period ending June 30 and December 31 during which royalties

[1] Delete all lines which do not apply.

have accrued under this license, deliver to Contractor a report in writing stating the number of articles and the amounts of materials accepted by the War Department during said half-yearly period on which royalties have accrued under this contract, and the Cost thereof.

(c) Royalties which have accrued under this contract during each half-yearly period ending June 30 and December 31 shall be paid to Contractor, provided appropriations therefor are available, within 60 days next following the end of each such period; *Provided, however*, That the Government shall not be obligated to pay, in respect of any such half-yearly period, an amount greater than _____ ($_____) Dollars.

(d) Each department and agency of the Government other than the War Department shall have the right to adopt this license at any time by sending written notice of such adoption to the Contractor and to the [Chief of Technical Service] and royalties which accrue by practice by or for such department or agency of the inventions licensed herein shall be included in the reports and payments made under paragraphs (b) and (c) above, such royalties to be at the rate specified in paragraph (b) above and to be included in computing the Government's total half-yearly obligation as set forth in paragraph (c) above.

[Alternate B]

(a) Royalties shall accrue under this contract in favor of Licensor, subject to payment thereof at the times and subject to the limitation hereinafter stated, on all articles and materials embodying or made by the use of any or all of the inventions licensed herein, upon acceptance thereof of the War Department (whether made by or for the War Department), at the rate of _____ (___¢) cents per [name of item].

(b) The [chief of technical service] shall, on or before the 60th day next following the end of each half-yearly period ending June 30 and December 31 during which royalties have accrued under this license, deliver to Licensor a report in writing stating the number of articles and the amounts of materials accepted by the War Department during said half-yearly period on which royalties have accrued under this contract.

(c) Royalties which have accrued under this contract during each half-yearly period ending June 30 and December 31 shall be paid to Licensor, provided appropriations therefor are available within 60 days next following the end of each such period: *Provided, however*, That the Government shall not be obligated to pay, in respect of any such half-yearly period, an amount greater than _____ ($_____) Dollars.

(d) Each department and agency of the Government other than the War Department shall have the right to adopt this license at any time by sending written notice of such adoption to the Contractor and to the [Chief of Technical Service] and royalties which accrue by practice by or for such department or agency of the inventions licensed herein shall be included in the reports and payments made under paragraphs (b) and (c) above, such royalties to be at the rate specified in paragraph (b) above and to be included in computing the Government's total half-yearly obligation as set forth in paragraph (c) above.

ARTICLE 3. *Protection against unjust payments.* (See § 811.1115–18 (e)).

(a) If any license has been or shall hereafter be granted under substantially the same patents and authorizing substantially the same acts which are authorized under this contract within the United States, on royalty terms which are in any respect more favorable to the licensee than those contained herein, the Government shall be entitled to the benefit of such more favorable terms with respect to all royalties accruing under this license after the date such more favorable terms become effective, and Contractor shall promptly notify the Secretary of War in writing of the granting of such more favorable terms.

(b) The Government shall have the right, notwithstanding any other provision of this contract, to terminate the within license by giving notice in writing to Contractor specifying a date when such termination is to be effective; termination of said license in the manner aforesaid may, as specified in such notice, take effect either in whole or insofar as said license applies to any specified service or command of the War Department, or to any specified article, material or method, or to the extent that rights are granted under any specified patent or the specified claims of any patent; and if any part of the said license is thus terminated the rights of the Government to enjoy or to terminate other parts thereof shall be in no wise prejudiced thereby.

(c) In the event any claim of any patent hereby licensed is construed or held invalid by decision of a court of competent jurisdiction, the requirement to pay royalties under this contract insofar as it arises solely by reason of such claim, and any other claim not materially different therefrom, shall be interpreted in conformity with the court's decision as to the scope or validity of such claims: *Provided, however*, That in the event such decision is modified or reversed on appeal, the requirement to pay royalties under this license shall be interpreted in conformity with the final decision rendered on such appeal.

ARTICLE 4. *Non-Estoppel.* (See § 811.1115–18 (b)).

Contractor agrees that the Government shall not be estopped at any time to contest the enforceability, validity or scope of, or the title to, any patent or patent application herein licensed, but this provision shall not be deemed to modify or avoid the obligation of the Government to pay royalties as elsewhere herein provided.

ARTICLE 5. *Release of past infringement.* (See § 811.1115–18 (c)).

Contractor agrees to and does hereby release each and every claim and demand to which the Government, its officers, agents, servants and employees are now or may hereafter be liable on account of infringement by or for the Government, occurring prior to the date of this contract, of [(1)] any of the patents and applications for patent specifically identified in this contract [, and (2) any other patent or application for patent now owned or hereafter acquired by Contractor, insofar as and to the extent only that such other patent or application covers the manufacture, use or disposition of (description of subject-matter)[.

ARTICLE 6. *General provisions.* (a) *Officials not to benefit.* (Use § 803.322, see § 811.1115–16 (a)).

(b) *Covenant against contingent fees.* (Use § 803.323, see § 811.1115–16 (a)).

(c) *Anti-discrimination.* (See § 811.1115–16 (b)).

(d) *Assignment of rights.* (Use § 803.355 if the Government is to pay $1,000 or more, see § 811.1115–16 (b)).

ARTICLE 7. *Renegotiation.* (Use § 803.342–1 or Article 5, § 813.1330, see § 811.1115–16 (c) and (d)).

ARTICLE 8. *Reserved rights.* (See § 811.1115–16 (e)).

Nothing herein contained shall limit the right of the head of any other department (as hereinafter defined) to give notice under the Royalty Adjustment Act (Public Law No. 768, 77th Congress; 35 U.S.C., 89–96) if at any time it is believed that royalties payable by others under the patents herein licensed, and which are charged or chargeable to the Government in connection with the procurement of supplies, equipment, or materials by any other department are unreasonable or excessive, nor shall the head of any other department be deemed to have approved the rates or amounts of royalties specified herein. "Any other department" as used in this paragraph means all departments and agencies of the Government other than the War Department.

ARTICLE 9. *Successors and assigns.*

This agreement shall be binding upon Contractor, its successors and assigns, but nothing contained in this Article shall authorize an assignment of any claim upon the Government otherwise than as permitted by law.

In witness whereof, the parties hereto have executed this contract as of the day and year first above written.

THE UNITED STATES OF AMERICA,

By _____
[Signature (and title) of delegate]

By _____

_____
(Business Address)

Two witnesses

_____

_____
(Address)

_____

_____
(Address)

[1] The foregoing contract is hereby approved in behalf of the Secretary of War.

[2] By direction of the Under Secretary of War:

_____
[Leave two lines blank]
[2] Director, Purchases Division, Headquarters, Army Service Forces

§ 813.1332 *W.D. Contract Form No. 32 (Release and Assignment Involving a Money Payment).*

Contract No. _____
Negotiated

WAR DEPARTMENT

PATENT RELEASE AND ASSIGNMENT CONTRACT

This contract, entered into this _____ day of _____, 194_ by the United States of America (hereinafter called the Government), represented by the officer executing this contract, and _____ (hereinafter called Contractor) [2] a corporation organized and existing under the laws of the State of _____ [2] a partnership consisting of _____ [2] an individual trading as _____ of the City of _____ in the State of _____ witnesseth that

Whereas, Contractor warrants that it has the right to grant the within assignment and release, and the Government desires to procure the same.

Whereas, this contract is authorized by Section 3 of the Act of October 31, 1942 (Public No. 768, 77th Congress, 35 U.S.C. 89–96).

Now, therefore, in consideration of the assignment, release and agreements hereinafter recited the parties have agreed as follows:

ARTICLE 1. *Assignment.* (See § 811.1115–19 (a)).

Contractor agrees to and does hereby sell, assign, and transfer to the Government and its assigns, as represented by the Secretary of War, the entire right, title and interest in and to the following patent(s) [and application(s) for patent], in and to the invention(s) thereof, and in and to all claims and demands whatsoever for infringement thereof heretofore occurred, the same to be held and enjoyed by the Government through its duly appointed representatives to the full end of the term of said patent(s) [and to the full end of the term(s) of all patents which may be granted upon said application(s) for patent or upon any division, renewal or continuation thereof] as fully and entirely as the same would have been held by Contractor had this assignment not been made:

U. S. Patent No.	Date	Name of Inventor
_____	_____	_____
_____	_____	_____
U. S. Application Serial No.	Filing Date	Name of Inventor
_____	_____	_____
_____	_____	_____

[together with corresponding foreign patents and applications for patent, insofar as Contractor has the right to assign the same].

ARTICLE 2. *Release of past infringement.* (See § 811.1115–19 (b).)

Contractor agrees to and does hereby release each and every claim and demand to which the Government, its officers, agents, servants and employees are now or may hereafter be liable on account of infringement by or for the Government, occurring prior to the date of this contract, of [(1)] any of the patents and applications for patent specifically identified in this contract [, and (2) any other patent or application for patent now owned or hereafter acquired by Contractor, insofar as and to the extent only that such other patent or application covers the manufacture, use or disposition of (description of subject-matter)].

ARTICLE 3. *Non-Estoppel.* (See § 811.1115–19 (c)).

Contractor agrees that the Government shall not be estopped at any time to contest the enforceability, validity or scope of, or the title to any patent or patent application herein assigned.

ARTICLE 4. *Payment.*

Contractor shall be paid the sum of _____ ($_____) Dollars in full compensation for the rights herein granted and agreed to be granted.

ARTICLE 5. *Renegotiation.* (Use § 803.342–1 or Article 5 § 813.1330, see § 811.1115–16 (c) and (d)).

ARTICLE 6. *General provisions.* (a) *Officials not to benefit.* (Use § 803.322, see § 811.1115–16 (a)).

(b) *Covenant against contingent fees.* (Use § 803.323, see § 811.1115–16 (a)).

(c) *Anti-discrimination.* (See § 811.1115–16 (b)).

(d) *Assignment of rights.* (Use § 803.355 if the Government is to pay $1,000 or more, see § 811.1115–16 (b)).

ARTICLE 7. *Successors and assigns.*

This agreement shall be binding upon Contractor, its successors and assigns, but nothing contained in this article shall authorize an assignment of any claim upon the Government otherwise than as permitted by law.

In witness whereof, the parties hereto have executed this contract as of the day and year first above written.

THE UNITED STATES OF AMERICA,

By _____
[Signature (and title) of delegate]

By _____

_____
(Business Address)

Two Witnesses

_____

_____
(Address)

_____

_____
(Address)

[1] To be added if the contract is subject to approval by the Director, see § 811.1115–14. In contracts originating in the Army Air Forces, substitute "Special Representative of the Under Secretary of War" for "Director, Purchases Division, Headquarters, Army Service Forces".

[2] Delete all lines which do not apply.

[1] The foregoing contract is hereby approved in behalf of the Secretary of War.

[2] By direction of the Under Secretary of War:

_____
[Leave two lines blank]
[2] Director, Purchases Division, Headquarters, Army Service Forces

§ 813.1333 *W. D. Contract Form No. 33 (Release Involving a Money Payment).*

Contract No. _____
Negotiated

WAR DEPARTMENT

PATENT RELEASE CONTRACT

This contract, entered into this _____ day of _____, 194_ by the United States of America (hereinafter called the Government), represented by the officer executing this contract, and _____ (hereinafter called Contractor) [2] a corporation organized and existing under the laws of the State of _____ [2] a partnership consisting of _____ [2] an individual trading as _____ of the City of _____ in the State of _____ witnesseth that

Whereas, Contractor is the owner of the entire right, title and interest in, to and under the following patent(s) [and application(s) for patent] (hereinafter called Contractor's Patents) and in, to and under all rights of action for infringement thereof:

U. S. Patent No.	Date	Application Serial No.	Filing Date

Whereas, Contractor warrants that it has the right to grant the within release, and the Government desires to procure the same.

Whereas, this contract is authorized by Section 3 of the act of October 31, 1942 (Public, No. 768, 77th Congress, 35 U.S.C. 89–96).

Now, therefore, in consideration of the release and agreements hereinafter recited the parties have agreed as follows:

ARTICLE 1. *Release.* (See § 811.1115–20 (a)).

Contractor agrees to and does hereby release each and every claim and demand to which the Government, its officers, agents, servants and employees are now or may hereafter be liable on account of infringement by or for the Government, occurring prior to the date of this contract, of [(1)] any of the patents and applications for patent specifically identified in this contract [, and (2) any other patent or application for patent now owned or hereafter acquired by Contractor, insofar as and to the extent only that such other patent or application covers the manufacture, use or disposition of (description of subject-matter)].

ARTICLE 2. *Non-Estoppel.* (See § 811.1115–20 (b))

Contractor agrees that the Government shall not be estopped at any time to contest the enforceability, validity or scope of, or the title to any patent or patent application covered by this release.

ARTICLE 3. *Payment.*

Contractor shall be paid the sum of _____ ($_____) Dollars in full compensation for the release herein granted.

ARTICLE 4. *Renegotiation.* (Use § 803.342–1 or Article 5, § 813.1330, see § 811.1115–16 (c) and (d))

ARTICLE 5. *General provisions.*

(a) *Officials not to benefit.* (Use § 803.322, see § 811.1115–16 (a)).

(b) *Covenant against contingent fees.* (Use § 803.323, see § 811.1115–16 (a)).

(c) *Assignment of rights.* (Use § 803.355 if the Government is to pay $1,000 or more, (See § 811.1115–16 (b)).

ARTICLE 6. *Successors and assigns.*

This agreement shall be binding upon Contractor, its successors and assigns, but nothing contained in this Article shall authorize an assignment of any claim upon the Government otherwise than as permitted by law.

In witness whereof, the parties hereto have executed this contract as of the day and year first above written.

[SEAL] THE UNITED STATES OF AMERICA,

By _____
[Signature (and title) of delegate]

_____

By _____

_____
(Business Address)

Two witnesses

_____

_____
(Address)

_____

_____
(Address)

[1] The foregoing contract is hereby approved in behalf of the Secretary of War.

[2] By direction of the Under Secretary of War:

_____
[Leave two lines blank]
[2] Director, Purchases Division, Headquarters, Army Service Forces

§ 813.1334 *W. D. Contract Form No. 34 (Royalty-Free Release and License Involving No Money Payment.)* (See § 811.1115–21.)

WAR DEPARTMENT

PATENT RELEASE AND LICENSE CONTRACT

This contract, made this _____ day of _____, 194_, by _____ (hereinafter called Contractor), [2] a corporation organized and existing under the laws of the State of _____ [2] a partnership consisting of _____ [2] an individual trading as _____ of the City of _____ in the State of _____ in favor of the United States of America (hereinafter called the Government), as Promisee, witnesseth that

Whereas, to further the prosecution of the war, aid the national defense and promote the common welfare, numerous patent owners have, upon request of the Government, granted and are continuing to grant releases and royalty-free licenses to the Government to practice the inventions secured by their patents and applications for patents (hereinafter called "such inventions"),

Whereas, the Government has utilized many such inventions for the purposes aforesaid and is desirous of obtaining further releases and royalty-free licenses including this release and license, and

Whereas, this contract is authorized by Section 3 of the Act of October 31, 1942 (Public No. 768, 77th Congress, 35 U. S. C. 89–96).

Now, therefore, in consideration of the premises and of the grant by other patent owners of like releases and licenses to the Government, Contractor has agreed as follows:

ARTICLE 1. *License.* (See § 811.1115–21 (b)).

[Without limiting any rights which the Government may have obtained by virtue of prior contracts or by operation of law or otherwise,] Contractor agrees to and does hereby grant and convey to the Government

an irrevocable, non-exclusive, non-transferable and royalty-free license under the following patent(s) [and application(s) for patent]to practice and cause to be practiced for the Government any and all of the inventions thereof in the manufacture, use and disposition of any article or material, and in the use of any method, in accordance with law:

U. S. Patent No.	Application Date	Filing Serial No.	Date

[together with corresponding foreign patents and applications for patent, insofar as Contractor hes the right to grant licenses thereunder].

Term. (See §§ 811.1115–21 (b) and second paragraph of Article 1, § 813.1330).

The license hereby granted shall remain in full force and effect for the full term of the patent(s) referred to above [and any and all patents hereafter itssued on applications for patent referred to above].

ARTICLE 2. *Release of past infringement.* (See § 811.1115–21 (b))

Contractor agrees to and does hereby release each and every claim and demand which Contractor now has or may hereafter have against the Government, its officers, agents, servants and employees, on account of infringement by or for the Government, occurring prior to the date of this contract, of [(1)] any of the patents and applications for patent specifically identified in this con- act [, and (2) any other patent or application for patent now owned or hereafter acquired by Contractor, insofar as and to the extent only that such other patent or application covers the manufacture, use or disposition of (description of subject matter)].

Non-Estoppel. (See § 811.1115–21 (b))

Contractor agrees that the Government shall not be estopped at any time to contest the enforceability, validity or scope of, or the title to, any patent or patent application herein licensed.

Successors and assigns. This contract shall be binding upon Contractor, its successors and asigns.

In witness whereof, Contractor has executed this contract as of the day and year first above written.

[SEAL] _____
(Name of Contractor)
By _____
Its _____
_____
(Business Address)
Two Witnesses
_____
_____
(Address)
_____
_____
(Address)

[Procurement Reg. 14]

PART 814—REQUISITIONING OF PERSONAL PROPERTY

SUBPART A—GENERAL

Sec.
814.1401 Authority to requisition.
814.1402 All requisitioning by or on behalf of the Army to be in accordance with this part.
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SUBPART H—MANDATORY ORDERS

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814.1453 Placing of mandatory orders.
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814.1458 Execution of voluntary agreements.
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814.1460 Forms.

SUBPART A—GENERAL

§ 814.1401 *Authority to requisition.* Authority to requisition personal property is conferred under (a) the act of October 10, 1940 (54 Stat. 1090), as amended by the act of July 2, 1942 (56 Stat. 467) and by the act of June 28, 1944 (Public Law 379, 78th Congress); (b) the act of October 16, 1941 (55 Stat. 742), as amended by the act of March 27, 1942 (56 Stat. 181), by the act of June 30, 1943 (Pub. Law 104, 78th Congress) and by the act of June 28, 1944 (Public Law 378, 78th Congress) and (c) Executive Orders Nos. 8942 (6 F. R. 5909), 9024 (7 F. R. 329), 9040 (7 F. R. 527), 9138 (7 F. R. 2919), 9280 (7 F. R. 10179), 9294 (8 F. R. 221), 9322 (8 F. R. 3807) and 9334 (8 F. R. 5423). By such Executive orders the President delegated to various persons, including the Secretary of War, the power to initiate requisitions under the act. The Secretary of War, by order dated December 11, 1941, assigned to the Under Secretary of War the functions, powers and duties so delegated to him. As a result of such delegation and assignment, the Under Secretary of War makes final determination as to the existence of statutory authority to requisition property desired to be requisitioned by the War Department and, if the Proposal to requisition and the proposed disposal of the property is approved by the Army and Navy Munitions Board and in proper cases, by the Chairman of the War Production Board, the War Food Administrator or the Office of Defense Transportation, issues the Requisition. He also makes final administrative determination as to the amount of compensation to be paid for property requisitioned by the War Department.

§ 814.1402 *All requisitioning by or on behalf of the Army to be in accordance with this part.* All property to be requisitioned by or on behalf of the Army under the authorities referred to in § 814.1401 will be requisitioned as provided in this part, unless authority to requisition the property otherwise has been specifically granted. However, the procedure prescribed by this part relates only to requisitioning under such authorities and does not apply to, or prescribe procedure for, any other methods of requisitioning or commandeering which may be available to officers in theaters of operations.

§ 814.1403 *Policy in respect of requisitioning property.* Requisitioning will not be used as a substitute for purchasing. However, if purchasing is not feasible, because there is doubt as to the ownership of the property, or the owner refuses to sell or refuses to sell at a reasonable price, or for any other reason, requisitioning will be resorted to in those cases permitted by the authorities referred to in § 814.1401. Such authorities and this part provide an expeditious method of obtaining the property and, to promote such end, each step in the procedure outlined herein will be expedited.

§ 814.1404 *Definitions.* As used in this part:

(a) "Property" means personal property, and includes all items of property which have been, or may be, requisitioned under the authorities referred to in § 814.1401.

(b) "Chief Requisition Officer" means any person designated by the chief of a technical service to act on his behalf with respect to all requisitions initiated by such technical service. The chief of each technical service promptly will, if he has not already done so, designate one or more Chief Requisition Officers, and advise the Legal Branch, Director of Matériel, of such designation. Any change in such designation will also similarly be reported promptly.

(c) "Initiating Requisition Officer" means the contracting officer (as defined in Part 803) or other person who would have purchased the property had it been possible to obtain the property by purchase, or such other person as a Chief Requisition Officer may designate or approve as the person to perform the functions herein provided to be performed by the Initiating Requisition Officer.

(d) "Serving Officer" means any officer, agent or employee of the United States designated in the Statement accompanying a Proposal to requisition as the person or persons to make personal service of the Requisition.

(e) "Initial Compensation Officer" means the person designated by a Chief Requisition Officer preliminarily to determine fair and just compensation for property requisitioned, which person may be the Initiating Requisition Officer or any other person who, because of his familiarity with the value of the property or his being stationed at or near the residence or whereabouts of the persons entitled to receive such compensation, or otherwise, is deemed to be an appropriate person initially and preliminarily to determine fair and just compensation.

(f) "Legal Branch, Director of Matériel" means the Legal Branch, Director of Matériel, Headquarters, Army Service Forces, Washington, D. C.

SUBPART B—ACQUISITION OF PROPERTY BY REQUISITION

§ 814.1405 *Statutory authority to requisition property.* (a) The act of October 10, 1940, as amended, authorizes the taking of property by requisition when it is determined that:

(1) The property is military or naval equipment or munitions, or component parts thereof, or machinery, tools, or materials, or supplies necessary for the manufacture, servicing, or operation thereof;

(2) The property was ordered, manufactured, procured, or possessed for export purposes, and that the exportation thereof has been prohibited or curtailed in accordance with the provisions of section 6 of the act of July 2, 1940 (54 Stat. 714) as amended by the Act of June 30, 1942 (56 Stat 463, 50 U.S.C. App. 701), by the Act of July 1, 1944 (Public Law 397; 78th Congress) or by any other law; and

(3) It is necessary in the interest of national defense or prosecution of the war to requisition and take over the property for use or operation by the United States or in its interest.

(b) The Act of October 16, 1941, as amended, authorizes the taking of property, other than fire arms possessed by an individual for his personal protection or sport, possession of which is not prohibited by existing law, by requisition, if the taking will not impair or infringe in any manner the right of any individual to keep and bear arms, when it is determined that:

(1) The property is military or naval equipment, supplies, or munitions, or component parts thereof, or machinery, tools, or materials necessary for the manufacture, servicing, or operation of such equipment, supplies, or munitions;

(2) The use of the property is needed for the defense of the United States;

(3) Such need is immediate and impending and such as will not admit of delay or resort to any other source of supply; and

(4) All other means of obtaining the use of the property for the defense of the United States upon fair and reasonable terms have been exhausted.

§ 814.1406 *Initiation of requisition proceedings.*

§ 814.1406–1 *Preparation of proposal and statement by Initiating Requisition Officer.* Having satisfied himself as to the existence of statutory authority to requisition the property, the Initiating Requisition Officer will prepare and execute a Proposal and Statement in the appropriate one of the forms set forth in §§ 814.1417 and 814.1418; the form set forth in § 814.1417 being used if the property is to be requisitioned under the 1940 act and the form set forth in § 814.1418 being used if the property is to be requisitioned under the 1941 act. Copies of such forms of Proposals and Statement may be obtained from the Chief Requisition Officer or from the Legal Branch, Director of Matériel but, to expedite the proceedings, the Initiating Requisition Officer may type or otherwise appropriately reproduce such forms. The following will be observed in the preparation of Proposals and Statements regardless of which form is used, to the extent practicable under the particular circumstances of each case:

(a) The property proposed to be requisitioned will be described accurately, and, in the fullest detail possible as to size, shape, quantity, quality, finish, etc., in order that a complete, correct and precise description of the property may be set forth in the Requisition.

(b) The names and addresses of the owner or owners of the property, of all persons who may claim an interest in the property or a right to share in the compensation to be paid (such as common carriers, warehousemen, forwarders and others having possessory liens, and collectors of customs, mortgagees, conditional sale vendors and the like), together with a statement of their respective interests or possible interests will be included appropriately in the Proposal, and the nature and extent of the inquiry made to ascertain such persons and their interests or possible interests, which will be as thorough as may be practicable consistent with the speed of action required, will be set forth in the Statement.

(c) The allotment, appropriation or fund specified in the Statement will be charged with an amount clearly sufficient to represent full, fair and just compensation for the property.

(d) The persons designated as available to serve the Requisition if it issues will be persons who will be available to, and will, personally serve the Requisition as provided in § 814.1408. Two or more persons should be designated in each case to assure that at least one of them will be available to serve the Requisition when it issues

(e) Directions for disposition of the property will be as full and explicit as necessary to permit the Serving Officer to make the desired disposition of the property immediately upon service of the Requisition.

(f) The facts indicating statutory authority to requisition the property will be set forth in detail sufficient to permit an independent determination of the existence of statutory authority to be made by higher authority. The Proposal and Statement in this and other respects may incorporate by reference statements contained elsewhere in them or in written memoranda or correspondence annexed to the Statement as exhibits.

§ 814.1406–2 *Transmittal of Proposal and Statement.* The original and one copy of the Proposal and Statement will be forwarded by the Initiating Requisition Officer to the chief of his technical service, addressed to the attention of the Chief Requisition Officer, and seven copies thereof will be forwarded to the Legal Branch, Director of Matériel.

§ 814.1406–3 *Approval of Proposal and Statement by Chief Requisition Officer; preparation of Requisition, Notices of Requisition and Instructions to Serving Officer.* The Chief Requisition Officer will, if the proposed requisitioning is approved by him on behalf of his technical service and if he concurs in the statements and certifications made by the Initiating Requisition Officer in the Proposal and Statement, designate the Initial Compensation Officer, endorse his approval on the original of the Proposal and forward it in the most prompt method available to the Legal Branch, Director of Matériel. He will also prepare (a) six copies of a proposed Requisition for signature, (b) Notices of Requisition in the form of that set forth in § 814.1422, in as many copies as will be required by the Serving Officer for service, plus four additional, and (c) such instructions to the Serving Officer, as to the person or persons upon whom the Requisition and such Notices of Requisition should be served, as to any investigation and inquiry to be made by the Serving Officer to ascertain other persons who may have, or assert, any interest in the property, or otherwise, as may be appropriate in the particular case and, unless the Chief Requisition Officer has been advised otherwise, will forward the same to the Legal Branch, Director of Matériel, in such manner as to be received by it within twenty-four hours after it shall have received the original of the Proposal and Statement. If negotiable documents of title relating to the property are outstanding and the whereabouts thereof is known such documents should be included in the Requisition as a part of the property to be requisitioned.

§ 814.1407 *Clearance of the Proposal and issue of the Requisition.* The Legal Branch, Director of Matériel, will endeavor to obtain all necessary clearances to, and approvals of, the Proposal. If the requisition issues, it and such notices of requisition will be forwarded to the Serving Officer named in the statement of service. A copy of the proposal and statement and of such instructions of the

Chief Requisition Officer will also be forwarded to the Serving Officer for his information. If the Requisition is so forwarded by the Legal Branch, Director of Matériel, the Chief Requisition Officer will be advised promptly of the forwarding thereof and a copy of the Proposal and statement, conformed to show such approvals, will be transmitted to him.

§ 814.1408 *Method of serving the Requisition and duties of the Serving Officer in connection therewith.*

§ 814.1408–1 *Method of serving Requisition; transmittal of documents of title.* The Serving Officer will personally serve the Requisition upon the possessor or custodian of the property by exhibiting to (but not leaving with) such possessor or custodian the original manually signed Requisition and by leaving with such possessor or custodian (a) a copy of the Requisition, with the Receipt on the reverse thereof duly completed and executed, and (b) a notice of requisition, in the form of that set forth in § 814.1422, appropriately completed. Upon service of the Requisition the Serving Officer will complete and execute the Return of Service appearing on the reverse of the original manually signed copy and will take possession of the property on behalf of the United States and dispose of it as directed in the Statement. Negotiable documents of title requisitioned will be forwarded to the Initial Compensation Officer designated in the proposal.

§ 814.1408–2 *Method of serving Notices of Requisition.* The Serving Officer will also promptly serve an appropriately completed Notice of Requisition upon each of the other persons designated in such instructions of the Chief Requisition Officer. Such Notices of Requisition similarly will be personally served if feasible; otherwise, service thereof will be made by registered letter mail, return receipt requested, addressed to the last known address of the person being served.

§ 814.1408–3 *Ascertainment by Serving Officer of other possible claimants to compensation; transmittal of Return of Service and of Report of Serving Officer.* The Serving Officer will promptly make such further investigation and inquiry as to additional persons, who may have, or assert, an interest in the property or a right to be compensated by reason of its taking as shall have been directed by the Chief Requisition Officer in such instructions or as appears appropriate in the particular case and will forward to the Chief Requisition Officer who signed the Proposal (a) the original manually signed Requisition, with the receipt and return on the reverse thereof duly completed, and (b) a Report of Serving Officer in the form of that set forth in § 814.1423, with exhibits. Simultaneously the Serving Officer will forward conformed copies of such documents to (1) the Legal Branch, Director of Matériel, and (2) the Initial Compensation Officer.

§ 814.1409 *Further service of Notices of Requisition.* The Chief Requisitioning Officer promptly will make, or cause to be made by the Serving Officer, the Initiating Requisition Officer, the Initial Compensation Officer or others such further investigation to determine the persons entitled to receive the fair and just compensation to be paid for the property as may be required in the particular case and promptly will serve, or cause to be served, Notices of Requisition upon all such persons not theretofore served. Service thereof will be made as provided in § 814.1408–2 and record of the service thereof will be kept by the Chief Requisition Officer. The Initial Compensation Officer and the Legal Branch, Director of Matériel, will be advised by the Chief Requisition Officer of any additional Notices of Requisition so served by him or on his behalf.

SUBPART C—DETERMINATION AND PAYMENT OF FAIR AND JUST COMPENSATION

§ 814.1410 *Statutory obligation to pay fair and just compensation.* The act of October 10, 1940, as amended, provides that fair and just compensation shall be paid to the owner of the property; and the act of October 16, 1941, as amended, provides that fair and just compensation determined in accordance with the provisions for just compensation of the fifth amendment of the Constitution of the United States, shall be paid to the person entitled to receive such compensation. If either such "owner" or such "person entitled to receive" compensation is unwilling to accept the amount so determined, the acts direct that he shall be paid 50% of such amount and shall be entitled to sue the United States for such additional sum as, when added to the sum so paid to him, he considers to be fair and just compensation for the property; the 1940 act providing however that judicial recovery "shall be confined to the fair market value" of the property "without any allowance for prospective profits, punitive or other damages."

§ 814.1411 *Determination of person or persons entitled to receive fair and just compensation.* Determination of the person or persons entitled to receive the fair and just compensation to be paid for the property will be made by the Chief Requisition Officer or, if there are conflicting claims of ownership which the Chief Requisition Officer is unable to resolve, by the War Department Board of Contract Appeals. Persons claiming the right to such compensation will be required to furnish such evidence of their right thereto as may be required to permit compensation safely to be paid to them and as may be appropriate in the particular case. The Chief Requisition Officer will consider persons owning, or having a lien or other property interest in, the property at the time of taking to be an "owner" or a "person entitled to receive" compensation as such terms are used in the acts. In cases where there were possessory or recorded liens against, or other ownership interest in, the property outstanding at the time of its taking, especially if the validity thereof depend upon the beneficial owner having acquiesced in their creation, the beneficial owner will be asked to agree to the validity of such liens or interest and to the portion, if any, of the fair and just compensation properly payable to the holders thereof.

§ 814.1412 *Preliminary determination of fair and just compensation.*

§ 814.1412–1 *Preliminary determination of compensation by Initial Compensation Officer.* Promptly after the requisitioning of the property and after consultation, to the extent feasible, with all persons entitled to receive such compensation (the place or places of such consultation to be determined with due regard to the residence or whereabouts of such persons) the Initial Compensation Officer will preliminarily determine the fair and just compensation to be paid for the property.

§ 814.1412–2 *Basis for such determination by Initial Compensation Officer.* Such preliminary determination will be in an amount determined to be the fair market value of the property (i. e., of the actual articles or materials taken) as of the time and place of taking but not in excess of the applicable ceiling or fixed price, if any, established by the Office of Price Administration, or value otherwise established by law, and in effect at the time of the taking.

§ 814.1412–3 *Report of Initial Compensation Officer.* The Initial Compensation Officer promptly will transmit to the Chief Requisition Officer (a) his report stating the amount so preliminarily determined by him to be fair and just compensation for the property; that such amount represents the fair market value of the property at the time and place of the taking of the property; and that it is within such ceiling or fixed price and (b) the copy of the Requisition, and the copy of the Report of the Serving Officer transmitted to him by the Serving Officer. If such report is not so transmitted within thirty (30) days after the taking of the property, the Initial Compensation Officer will also state therein the reasons why he was unable to transmit it within such thirty-day period.

§ 814.1412–4 *Procedure to be followed if amount so determined is acceptable to persons entitled to compensation.* If the amount of fair and just compensation so determined by the Initial Compensation Officer is acceptable to the person or persons entitled to receive compensation on account of the taking of the property, the Initial Compensation Officer will request each of such persons to execute and acknowledge, in triplicate, a Stipulation and Release, in the form of that set forth in § 814.1431, modified as may be appropriate, and will transmit such copies thereof with the report required by § 814.1412–3. If the Chief Requisition Officer approves, on behalf of his technical service, of the amount so preliminarily determined to be fair and just compensation for the property, is satisfied that such Stipulation and Releases are appropriate under the circumstances and duly executed, and that the persons executing them are the persons, and the only persons, entitled to receive fair and just compensation for the property, he will transmit to the Legal Branch, Director of Matériel, one original of each such Stipulation and Release and a duly executed Certificate of Ownership and Fair and Just Compensation, in the form of that set forth in § 814.1430, modified as may be appropriate.

§ 814.1412–5 *Conditions under which Notice to Present Claims and other documents will be served and method of service.* If the amount of fair and just compensation so preliminarily determined by the Initial Compensation Officer is not acceptable to the person or persons entitled to receive compensation on account of the taking of the property, or if there is uncertainty as to the person or persons entitled to receive such compensation, the Chief Requisition Officer will, to the extent practicable, serve, or cause to be served, upon each of the persons upon whom a Notice of Requisition was served, a Notice to Present Claims, with instructions, a form of Proof of Claim, with an appropriate form of verification, and a form of Disclaimer, in the respective forms of those set forth in §§ 814.1424 to 814.1428, inclusive. Such documents will be served either personally or by registered mail, return receipt requested, addressed to the last known address of the person being served, and a record of the time and method of such service will be preserved in the files of the Chief Requisition Officer. The Chief Requisition Officer will transmit to the Legal Branch, Director of Matériel, an original of each such Proof of Claim and Disclaimer received by him.

§ 814.1412–6 *Determination of compensation by Chief Requisition Officer and service of Notice of Preliminary Determination.* Promptly after the expiration of the thirty-day period, or such extension thereof as he may grant, for filing Proofs of Claims, the Chief Requisition Officer will make or cause to be made on behalf of his technical service determination of fair and just compensation for the property and will, to the extent practicable, give notice of such determination to all persons known or believed to be entitled to share in such compensation; such notice to be incorporated in a Notice of Preliminary Determination in the form of that set forth in § 814.1429 and to be given by personal service or by registered mail, return receipt requested, addressed to the last known addresses of such persons. Simultaneously therewith a copy of such Notice of Preliminary Determination will be forwarded to the Legal Branch, Director of Matériel. In making such determination the amount preliminarily determined by the Initial Compensation Officer, the objections made thereto by the claimants, evidence of fair and just compensation supplied by the claimants and all other pertinent factors will be given appropriate consideration.

§ 814.1412–7 *Consideration of objections of claimants to amount of compensation so determined; reaffirmation or revision of determination; subsequent procedure if amount is acceptable to claimants.* Any person having an interest in the property may, within thirty (30) days after service of such Notice of Preliminary Determination, or such additional period of time as the Chief Requisition Officer shall permit, file written objections thereto with the Chief Requisition Officer specifying in reasonable detail the grounds of his objections. After full consideration of such objections, if any, and such consultation or communication with the objecting and other claimants and with members of his technical service in respect of them as may be appropriate, the Chief Requisition Officer will either affirm his previous determination or make a new determination of fair and just compensation for the property and will request the person or persons entitled to receive such compensation to execute and acknowledge, in triplicate, a Stipulation and Release in the form of that set forth in § 814.1431, modified as may be appropriate. If such Stipulation and Releases are so executed, the Chief Requisition Officer will transmit to the Legal Branch, Director of Matériel, one original of each thereof and a duly executed Certificate of Ownership and Fair and Just Compensation in the form of that set forth in § 814.1430, modified as may be appropriate.

§ 814.1412–8 *Submission to Board of Contract Appeals.* If the amount of fair and just compensation so determined is not acceptable to the person or persons entitled to receive compensation on account of the taking of the property or if there are conflicting claims of ownership which the Chief Requisition Officer is unable to resolve, he will, if the Legal Branch, Director of Matériel, advises that the Under Secretary of War desires the recommendation of the War Department Board of Contract Appeals, submit the matter to the Board as provided in § 814.1432. Copy of the submission to the Board will be forwarded to the Legal Branch, Director of Matériel.

§ 814.1412–9 *Proceedings before Board of Contract Appeals.* All claimants will be entitled to a hearing before the Board in accordance with the rules of procedure prescribed by the Board and a stenographic transcript of the hearings before the Board and copies of all written evidence will be preserved.

§ 814.1412–10 *Determination by Board of Contract Appeals.* After hearing, the Board will make recommendation as to the amount of fair and just compensation to be paid for the property or, if requested so to do and such is possible, determination as to the person or persons entitled to receive such compensation and will simultaneously forward copies of its decision in the matter to the Chief Requisition Officer and to the Legal Branch, Director of Matériel. In the event the Board is unable to determine the person or persons entitled to receive the fair and just compensation to be paid for the property it will make its recommendation as to what further disposition should be made of the matter.

§ 814.1412–11 *Procedure after hearing by Board of Contract Appeals.* If the person or persons entitled to receive fair and just compensation for the property has or have been determined, the Chief Requisition Officer will request such person or persons to accept the amount so determined as fair and just compensation for the property and to execute and acknowledge, in triplicate, a Stipulation and Release in the form of that set forth in § 814.1431, and if such Stipulation and Releases are executed, will transmit to the Legal Branch, Director of Matériel, one original of each thereof and a duly executed Certificate of Ownership and Fair and Just Compensation, in the form of that set forth in § 814.1430, modified as may be appropriate. If the person or persons entitled to receive the fair and just compensation for the property has or have not been determined or if such person or persons has or have been determined but refuse to execute such Stipulation and Releases, the Chief Requisition Officer will transmit to the Legal Branch, Director of Matériel, such a duly executed Certificate of Ownership and Fair and Just Compensation, modified as may be appropriate.

§ 814.1413 *Final determination of fair and just compensation.* Fair and just compensation for the property will be finally determined by the Under Secretary of War and, when so determined, the original and a duplicate original of the Award thereof will be transmitted to the Chief Requisition Officer for forwarding to the disbursing officer for payment in those cases in which the persons entitled to receive the compensation have been determined. Should it be impossible to determine the person or persons entitled to receive such compensation, the proper appropriation or fund will be charged with the amount of the Award and the Chief Requisition Officer will be advised as to the further disposition to be made of the matter.

§ 814.1414 *Payment of fair and just compensation.* The disbursing officer to whom an Award has been transmitted will make payment as provided in the Award except that if the person or persons entitled to receive the compensation shall refuse to accept the amount so awarded as full and complete compensation for the property taken, or for his interest therein, the disbursing officer shall pay to him but 50% of the amount so awarded to him. Coincident with any such payment the disbursing officer will have the payee execute, in triplicate, an Acknowledgment of Receipt of such payment or a Stipulation, Release and Receipt, as shall be appropriate, in the form of that forwarded to him with such Award. Two executed copies of such Acknowledgement of Receipt or of such Stipulation, Release and Receipt will be returned by the disbursing officer to the Chief Requisition Officer, who will forward one executed copy to the Legal Branch, Director of Matériel.

SUBPART D—RETURN OF REQUISITIONED PROPERTY AND DISPOSITION OF PROCEEDS OF REQUISITIONED PROPERTY

§ 814.1415 *Return of requisitioned property to former owner under certain conditions.* The Act of October 16, 1941, as amended, provides that whenever it is determined that property requisitioned under that Act and retained is no longer needed for the defense of the United States it shall, if the original owner desires the property and pays the fair value thereof, be returned to such owner and that, in any event, property so acquired and retained shall, if such owner desires

the property and pays the fair value thereof, be returned to him not later than December 31, 1945. Should a technical service determine that property requisitioned by it and retained is no longer needed for the defense of the United States it shall advise the Legal Branch, Director of Matériel, which will prescribe the procedure to be followed in effecting its return.

§ 814.1416 *Disposition of proceeds from property requisitioned and sold or disposed of under 1940 act.* The act of October 10, 1940, as amended, provides that any moneys received by the United States as the proceeds of any sale or other disposition of property requisitioned thereunder or any portion thereof shall be deposited to the credit of the appropriation out of which was paid the cost to the Government of the property thus sold or disposed of, and the same shall immediately become available for the purpose named in the original appropriation.

SUBPART E—REQUISITION FORMS

§ 814.1417 *Form of Proposal and Statement under the 1940 act.*

PROPOSAL

For Requisitioning and Disposal of Property under the

Act of October 10, 1940, As Amended

1. Description of the property: (In as great detail as possible, specifying quantity, quality, shapes, sizes, etc. The specifications may be set forth in an attached statement.)
2. Present location of the property:

Name of Holder	*Address*

3. Beneficial owner of the property (if known):

Name	*Address*

4. All other persons known to or who may have an interest in the property or who may claim a right to share in the award of compensation:

Name	*Address*	*Nature of Interest or Claim*

5. Use or intended use or disposition of the property by present owner:
6. Person or persons to whom it is proposed to sell or otherwise dispose of the property upon its being requisitioned:
7. Use to be made of the property by persons described in 6:
8. The property was ordered, manufactured, procured or possessed for export and intended for shipment to the country stated below (state the prohibition or curtailment of export):
9. The undersigned hereby declares and certifies that all of the facts set forth above and in the annexed Statement are true to the best of his knowledge and belief and that, upon the basis thereof, he believes that:

(a) such property is of the type which may be requisitioned under the Act of October 10, 1940, as amended;

(b) it is necessary in the interest of national defense to requisition and take over such property for the use or operation by the United States or in its interest; and

(c) it is in the public interest that such property be sold or disposed of as above provided.

This certificate is executed by a duly authorized officer of _____
(Technical Service)
this _____ day of _____, 194__.
_____
_____
_____
(Name, title and address of Initiating Requisition Officer)

This Proposal and the annexed Statement are in all respects approved on behalf of the
_____
(Chief of the Technical Service)
and _____ is hereby designated the Initial Compensation Officer.
_____
_____
_____
(Name, title and address of Chief Requisition Officer)

STATEMENT

1. It is necessary in the interest of national defense or prosecution of war to requisition the property described in the annexed Proposal for the use or operation by the United States or in its interest, for the following reasons:
2. It is in the public interest that such property be sold or disposed of as provided in the Proposal, for the following reasons:
3. The following negotiable documents of title, relating to the property are outstanding and held by the following persons (if known):

Name	*Address*

4. Such property was not purchased for the following reasons:
5. The nature and extent of inquiry made to ascertain possible owners of, and claimants of interest in, the property was:
6. The ceiling or fixed price, if any, established by the Office of Price Administration, or otherwise established by law, applicable to the property is $_____, the applicable price regulation or schedule being (if known):
7. The fair market value of the property, as indicated by the following recent sales of similar property at or near the situs of the property, is believed to be:
8. Payment for the property will be made by the United States from the appropriation (or funds) _____
_____
_____
the available balance of which is sufficient to cover the cost of the same. The appropriation (or funds) indicated has been obligated for such payment in the amount of $_____
9. Name and address of finance officer who should be designated to make payment of the approved award of compensation:

Officer	*Address*

10. Cost and charges incurred subsequent to the execution of the Requisition, and relating to the requisitioned property, should be referred for payment to:

Office	*Address*

11. The following officers, agents, or employees of the United States are available to serve personally the Requisition at or near the situs of the property:

Name and Title	*Street Address*	*City and State*

12. When the property has been requisitioned, the Serving Officer is hereby directed to make the following disposition of the property:
13. The full name, title and address of the Initiating Requisition Officer signing the Proposal is:
_____
_____
_____
_____

§ 814.1418 *Form of Proposal and Statement under the 1941 act.*

PROPOSAL

For Requisitioning and Disposal of Property under the

Act of October 16, 1941, As Amended

1. Description of the property: (In as great detail as possible, specifying quantity, quality, shapes, sizes, etc. The specifications may be set forth in an attached statement.)
2. Present location of the property:

Name of holder	*Address*

3. Beneficial owner of the property (if known):

Name	*Address*

4. All other persons known to have, or who may have, an interest in the property or who may claim a right to share in the award of compensation:

Name	*Address*	*Nature of Interest or Claim*

5. Use or intended use or disposition of the property by the present owner:
6. Person or persons to whom it is proposed to sell or otherwise dispose of the property upon its being requisitioned:

Name	*Address*

7. Use to be made of the property by person or persons described in 6:
8. The undersigned hereby declares and certifies that all of the facts set forth above and in annexed STATEMENT are true to the best of his knowledge and belief and, that, upon the basis thereof, he believes that:

a. The property described is of the type which may be requisitioned under the Act of October 16, 1941, as amended;

b. Such property is needed for the defense of the United States;

c. The need for such property is immediate and impending and such as will not admit of delay or resort to any other source of supply;

d. All other means of obtaining the use of such property for the defense of the United States upon fair and reasonable terms have been exhausted;

e. Such property is not a firearm possessed by an individual for his personal protection or sport, the possession of which is not prohibited by existing law;

f. The taking of such property will not impair or infringe in any manner the right of any individual to keep or bear arms.

This certificate is executed by a duly authorized officer of _____
(Technical Service)
this _____ day of _____, 194__.
_____
_____
_____
(Name, title and address of Initiating Requisition Officer)

This Proposal and the annexed Statement are in all respects approved on behalf of
_____
(Chief of the Technical Service)
and _____ is hereby designated the Initial Compensation Officer.
_____
_____
_____
_____
(Name, title, and address of Initiating Requisition Officer)

STATEMENT

1. The use of the property described in the annexed Proposal is needed for the defense of the United States for the following reasons in addition to those stated in item 7 of the Proposal:
2. The need for such property is immediate and impending and such as will not admit of delay or resort to any other source of supply for the following reasons:
3. All other means of obtaining the use of such property for the defense of the United States upon fair and reasonable terms have been exhausted as indicated by the following:
4. The requisitioning of the property will have the following effect upon the business of the owner (if known):
5. The following negotiable documents of title relating to the property are outstanding and held by the following persons (if known):

Name	*Address*

6. The nature and extent of the inquiry made to ascertain possible owners of, and claimants of interest in, the property, was:
7. The ceiling or fixed price, if any, established by the Office of Price Administration, or otherwise established by law, applicable to such property is $_____, the applicable price regulation or schedule being (if known):
8. The fair market value of the property, as indicated by the following recent sales of similar property at or near the situs of the property, is:
9. Payment for the property will be made by the United States from the appropriation (or funds) _____
_____
the available balance of which is sufficient to cover the cost of the same. The appropriation (or funds) indicated has been obligated for such payment in the amount of $_____
10. Name and address of finance officer who should be designated to make payment of the approved award of compensation.

Officer	*Address*

11. Cost and charges incurred subsequent to the execution of the Requisition, and relating to the requisitioned property, should be referred for payment to:

Office	*Address*

12. The following officers, agents, or employees of the United States are available to serve personally the Requisition at the location of such property:

Name and Title	*Street Address*	*City and State*

13. When the property has been requisitioned, the Serving Officer is hereby directed to make the following disposition of the property:
14. The full name, title, and address of the Initiating Requisition Officer signing this Proposal is:
_____
_____
_____

§ 814.1419 *Form of Requisition under the 1940 act.*

REQUISITION BY THE UNITED STATES OF AMERICA UNDER ACT OF OCTOBER 10, 1940, AS AMENDED

War Department Requisition No. _____

To:

It having been determined in the manner provided for in the Act of October 10, 1940 (54 Stat. 1090), as amended, and the Executive Orders thereunder, that it is necessary in the interest of national defense to requisition and take over for the use or operation by the United States or in its interest the following property:
_____
_____
And all approvals required by such Executive Orders having been given, you are therefore authorized and commanded to take said property and the possession thereof for the purposes above specified; to receipt for the same in the name of the United States; to dispose of the same as directed; and to the end that, among other things, fair and just compensation therefor may be ascertained, to make return of all things done and proceedings had in the execution of this requisition.

All persons having any claim to or interest in any of the above-described property are directed to give notice of their claims at once to _____ who will prescribe the form and manner of presenting such claims.

Washington, D. C., _____, 194__
_____
_____

§ 814.1420 *Form of Requisition under the 1941 act.*

REQUISITION BY THE UNITED STATES OF AMERICA UNDER ACT OF OCTOBER 16, 1941, AS AMENDED

War Department Requisition No. _____

To:

It having been determined in the manner provided for in the Act of October 16, 1941 (55 Stat. 742), as amended, and the Executive Orders thereunder that the use of the following property is needed for the defense of the United States; that such need is immediate and impending and such as will not admit of delay or resort to any other source of supply; and that all other means of obtaining the use of such property for the defense of the United States upon fair and reasonable terms have been exhausted:
_____
_____
And all approvals required by such Executive Orders having been given, you are therefore authorized and commanded to take said property and the possession therefor for the purposes above specified; to receipt for the same in the name of the United States; to dispose of the same as directed; and, to the end that, among other things, fair and just compensation therefor may be ascertained, to make return of all things done and proceedings had in the execution of this requisition.

All persons having any claim to or interest in any of the above-described property are directed to give notice of their claims at once to _____ who will prescribe the form and manner of presenting such claims.

Washington, D. C., _____, 194__
_____
_____

§ 814.1421 *Form of the Receipt and the Return on reverse of the Requisition.*

THE RECEIPT

Received from _____
at _____
on the ____ day of _____, 194__, in _____ condition, the property covered by the Requisition on the reverse hereof, except as indicated below.

THE UNITED STATES OF AMERICA,
By _____
Title _____

THE RETURN

The Requisition on the reverse hereof was served by me by showing the Original to, and leaving a copy thereof with
_____ at _____ this _____ day of _____, 194__.

And in the name of the United States I also give to _____ a receipt for the property, taking possession of the same.

_____
Title _____

EXCEPTIONS AND REMARKS

_____
_____

§ 814.1422 *Form of Notice of Requisition.*

NOTICE OF REQUISITION

War Department Requisition No. _____

To all persons known to have or claim an interest in the property described below:

Please take notice that the property described below was on _____, 194__, requisitioned and taken over for the defense of the United States:

which property at the time of the taking was located at _____

If you had or claimed any interest in such property at the time it was requisitioned you are required to give notice of your claim at once to:
who will prescribe the form and manner of presenting such claim.

Notice of the requisitioning of such property is being given to:
_____
_____
_____

If you know of any other person, firm or corporation which had, or may claim, any interest in the requisitioned property you should so advise at once, specifying in detail the name and address of such person, firm or corporation and the nature of such interest.

Date _____, 194__
_____
_____
(Chief Requisition Officer)

§ 814.1423 *Form of Report of Serving Officer.*

REPORT OF SERVING OFFICER

War Department Requisition No. _____

The undersigned hereby reports and certifies that:

1. The above-numbered War Department Requisition, dated _____, authorizing the taking for the defense of the United States of the following property:
_____
was by me served in person by exhibiting the original manually signed Requisition to, and by leaving a copy thereof (with the Receipt on the reverse thereof duly completed and signed) with, _____
_____;
2. Notices of Requisition, a conformed copy of which as served is annexed, were by me served in person upon:

Name	Address

and were by me served by registered mail, return receipt requested, upon:

Name	Address

which receipts, when returned, will be forwarded by me to _____
(Chief Requisition Officer who signed the proposal)

3. Inquiry made by me indicates that the following persons in addition to those enumerated in paragraph 2 above may have, or assert an interest in the property at the time it was requisitioned or a right to be compensated by reason of its taking.

Name	Address	Nature of Interest

4. The nature and extent of such inquiry was:

5. Such inquiry included (did not include) search of appropriate recording and registry records to ascertain the existence of recorded liens against the property.

6. All the property described in the Requisition was taken thereunder except: _____ _____ which was not taken for the following reasons:

_____

7. The following is a more detailed description of the property taken than that set forth in the Requisition:

_____

8. The property taken was disposed of as follows:

_____

9. The condition of the property at the time it was taken was (state fully any factors of condition which may assist in determining the amount of compensation to be paid):

_____

10. Before requisitioning, the property was used as follows:

_____

11. The cost of the property to the owner was:

_____

12. The age of the property at the time the Requisition was served was:

_____

13. The owner had taken depreciation on the property for tax purposes to the extent of:

_____

14. The following negotiable documents of title relating to the property were transmitted to the Initial Compensation Officer designated in the Proposal:

_____

Dated:

_____

_____
(Name and title of Serving Officer)

§ 814.1424 *Form of Notice to Present Claims.*

NOTICE TO PRESENT CLAIMS

War Department Requisition No. _____

To all persons known to have or claim an interest in the property described below:

Please take notice that the property described below was on _____, 194__, requisitioned and taken over for the defense of the United States:
which property at the time of the taking was located at _____

If you had or claimed any interest in such property at the time it was requisitioned you are required to file a claim specifying in detail the nature of your interest. Proof of Claim in the attached form must be filed in triplicate.

If you did not have or claim any interest in such property you are required to file a Disclaimer in the form attached. Such Disclaimer must be filed in triplicate.

Such documents MUST be filed within thirty days of the service hereof with:

_____
unless he extends in writing the time for such filing.

Notice of this requisition has been given to:

_____

_____

_____

_____

If you know of any other person, firm or corporation which had, or may claim, an interest in the requisitioned property you should so advise at once, specifying in detail the name and address of such person, firm or corporation and the nature of such interest.

Dated: _____, 194__

_____

_____

§ 814.1425 *Instructions for the preparation and submission of documents.*

1. Each Proof of Claim and Disclaimer will be filed in triplicate as directed in the annexed Notice to Present Claims.

2. Such documents and all other papers filed will be typewritten on one side of the page only with a margin of 1½" at the top and on the left side of the page.

3. A good quality of white paper stock 8" x 10½" shall be used.

4. Each page will be numbered at the bottom.

5. Each document having more than one page will be secured with a fastener at the top of the page.

6. Proofs of Claim will be in the form prescribed, will contain all the averments indicated in the prescribed form and will be executed and verified as therein prescribed. Disclaimers will be in the prescribed forms and will be duly executed and acknowledged.

7. Claimant will attach to his Proof of Claim such evidence of the title or interest in the requisitioned property which claimant claimed at the time of taking, such as bills of sales, warehouse receipts, trust receipts, etc., or otherwise; such evidence of his payment for the property; and such evidence as to the propriety of the amount of his claim, such as invoices, etc., as shall be appropriate in the particular case. Documents so attached should be originals or photostat copies.

8. If Claimant is a corporation or an association, there will be annexed to the Proof of Claim certified copy of a duly adopted resolution of its Board of Directors or Trustees authorizing the filing of the Proof of Claim. If Claimant is a foreign Government, or an individual desiring to act through an attorney-in-fact, a form of power of attorney which will be acceptable will be supplied on request.

§ 814.1426 *Form of proof of claim.*

In the matter of: (Here insert the name of the person, firm or corporation on whose behalf this proof of claim is being filed)	War Department Requisition No. ____

PROOF OF CLAIM

(Here insert full name and address of claimant and, if a corporation, its principal place of business and state of incorporation) hereby files proof of claim with the United States and avers:

1. That claimant is entitled to fair and just compensation in the amount of $_____ on account of the taking by the United States, on the _____ day of _____, 194____, under War Department Requisition No. _____, of the following personal property:

_____

_____

(If the description or quantity of the property claimed to have been taken differs from the description and quantity as stated in the Requisition, set forth the differences in a concise and clear manner.)

2. That claimant had, on the date of such taking, the following right, title and interest in and to such property:

(State fully claimant's interest in the property at the time of taking; i. e., whether he was the sole owner or claimed some other interest in the property; how and when such interest was acquired; etc.; also referring to documents evidencing claimant's title, annexing original or photostat copies thereof).

3. That no other persons had any right, title or interest in the property at the time of such taking thereof by the United States except:

_____

(If no exceptions so state; otherwise state names and addresses of all other persons having an interest in the property, describing the nature of their respective interests.)

4. That the amount claimed above as fair and just compensation for the interest in the property which claimant avers above was arrived at as follows:

_____

_____

5. That claimant is the present owner of this claim and that neither this claim nor any interest in it has been transferred, sold, pledged or assigned; and, that if such claim or any part thereof is otherwise paid or satisfied, claimant will give prompt notice thereof.

6. _____ is hereby authorized to represent and act for claimant in this proceeding in all respects, including authority to agree as to the amount representing fair and just compensation for the property.

7. Wherefore, claimant requests that fair and just compensation be determined in accordance with the applicable laws, Executive Orders, regulations and rules.

Dated at _____, State of _____
this _____ day of _____, 194____

_____
(Name of Claimant and, if a corporation, partnership, or other entity, name of person authorized to sign, with designation of his title)

Address: _____
Name and address of attorney, if any: _____

§ 814.1427 *Forms of verification.*

§ 814.1427–1 *Form of verification by an individual.*

State of _____
County of _____
City of _____

(Insert here name of claimant), being first duly sworn, deposes and says that he is the claimant in the above entitled proceeding; that he has read the foregoing Proof of Claim and knows the contents thereof, and that the averments in said Proof of Claim are true of his own knowledge, except as to matters which are therein stated on information or belief, and that as to those matters, he believes the averments to be true.

_____

Subscribed and sworn to before me this _____ day of _____, 194____

_____
Notary Public in and for the _____
_____ of _____, State of _____

§ 814.1427–2 *Form of verification by a corporation.*

State of _____
County of _____
City of _____

(Insert here name of officer or director of the corporation), being first duly sworn, deposes and says that he is the (insert title) of the (insert name of corporation), claimant in the above entitled proceeding; that he is authorized to, and does make this affidavit in its behalf; that he has read the foregoing Proof of Claim and knows the contents thereof, and that the averments in said Proof of Claim are true of his own knowledge, except as to matters which are therein stated on information or belief, and that as to those matters, he believes the averments to be true.

_____

Subscribed and sworn to before me this _____ day of _____, 194____

_____
Notary Public in and for the _____
_____ of _____, State of _____

§ 814.1427–3 *Form of verification by, or on behalf of a foreign government.*

State of _____
County of _____
City of _____

_____, being first duly sworn, deposes and says that he is the duly constituted authorized representative of _____ _____ a foreign government, that he has read the foregoing Proof of Claim and knows the contents thereof and that the averments in said Proof of Claim are true of his own knowledge except as to the matters therein stated on information and belief, and that as to those matters he believes the averments to be true.

_____
Official Title

Subscribed and sworn to before me this _____ day of _____, 194____

_____
Notary Public in and for the _____ of _____, State of _____

§ 814.1428 *Form of Disclaimer.*

DISCLAIMER

War Department Requisition No. _____

_____
(Insert name)

having received due notice of the service of the War Department Requisition No. _____, dated _____ does hereby disclaim any right, title or interest in or to the property taken under such Requisition and any claim for compensation on account of its such taking.

Dated: _____

_____, 194__

(Attest:

_____

_____)[1]

_____

(Add appropriate Acknowledgement of Execution and Authority to Execute.)

§ 814.1429 *Form of Notice of Preliminary Determination of Fair and Just Compensation.*

NOTICE OF PRELIMINARY DETERMINATION OF FAIR AND JUST COMPENSATION

War Department Requisition No. _____

TO ALL PERSONS KNOWN TO CLAIM AN INTEREST IN THE PROPERTY DESCRIBED BELOW:

Please take notice that the following preliminary determination has been made with respect to the property described below which was requisitioned by the United States.

Description of Property: _____

_____

_____

Preliminary determination of fair and just compensation therefor: _____

_____

_____

which sum is hereby offered to the person or persons entitled thereto as their interests may appear.

This determination relates only to the aggregate amount of compensation. Payment can be made only to persons who show, to the satisfaction of the Requisitioning Authority, that they are entitled thereto.

If you have any objection to the above preliminary determination, such objection must be made in writing within 30 days of the date hereof and must specify in detail the grounds for such objection.

All communications should bear the reference number appearing above and should be addressed to:

Dated: Washington, D. C.

_____, 194____

_____

_____
(Chief Requisitioning Officer)

[1] Omit if not a corporation.

§ 814.1430 *Form of Certificate of Ownership and Fair and Just Compensation.*

CERTIFICATE OF OWNERSHIP AND FAIR AND JUST COMPENSATION

War Department Requisition No. _____

The undersigned hereby reports and certifies:

1. That the following property was taken for the defense of the United States under the above-numbered Requisition:

2. That he has determined, on behalf of his technical service or service command, $_____ to be fair and just compensation for the property, which amount is within/exceeds the applicable ceiling or fixed price for such property established by the Office of Price Administration, or otherwise established by law; and that such amount was determined and arrived at as follows:

3. That the following inquiry was made to ascertain the former owners of, and claimants of interest in, the property:

_____

as a result of which Notices of Requisition were served upon the following persons:

Name	*Address*	*Nature of Interest or Possible Interest*
_____	_____	_____
_____	_____	_____

4. That he has determined that the following are the only persons who owned, or had any interest in, the property at the time it was so taken:

Name	*Address*	*Nature of Interest*
_____	_____	_____
_____	_____	_____

such determination being based upon the following:

_____

5. That Notice of Preliminary Determination of Fair and Just Compensation for the property was duly served upon:

_____

6. That the undersigned has determined that the fair and just compensation for the property should, and may safely, be paid to the following persons in the following amounts:

Name	*Address*	*Amount*
_____	_____	_____
_____	_____	_____

7. That the following of such persons have agreed to accept such respective sums in full satisfaction and discharge of their respective claims for fair and just compensation on account of the taking of the property, as evidenced by the Stipulation and Releases annexed hereto:

_____

Upon the foregoing, the undersigned recommends that $_____ be determined to be fair and just compensation for the property taken for the defense of the United States under War Department Requisition No. _____ and that an Award of Fair and Just Compensation be made directing that such amount be paid by _____, as disbursing officer, from allotment or appropriation _____, to the persons enumerated, and in the respective amounts stated, in paragraph 6 hereof.

Dated:

_____

_____
(Chief Requisitioning Officer)

§ 814.1431 *Form of Stipulation and Release.*

In the Matter of the Claim of: (Insert Name of Claimant)	War Department Requisition No. _____

STIPULATION AND RELEASE

It is hereby stipulated and agreed by _____ to and with the United States of America:

1. That War Department Requisition No. _____, which was duly issued pursuant to and in conformity with the Act of _____, as amended, was duly served on _____ by _____ on _____, 194__ and a due and proper receipt given by the United States for the property taken thereunder; and that due and proper Notice of Requisition thereof was served upon the undersigned;

2. That the property authorized to be taken by said War Department Requisition No. _____, and no other property, was taken by the United States, such property authorized to be taken and taken being:

_____

which property at the time of its taking, was located at _____

_____;

[13. That the undersigned stipulates and agrees that $_____ represents, and is, full, fair and just compensation for such property:]]

4. That, at the time such property was requisitioned, the undersigned had, and hereby warrants to the United States that it had, the following interest in such property:

(If the sole owner thereof, state "full right, title and interest therein, free of all liens and incumbrances of every nature.")

[[and that, at such time, the following other persons and no others, had an interest in such property and therefore are entitled to receive the following proportional amounts of such fair and just compensation:

Name *Address* *Interest* *Amount*]]

_____ _____ _____ _____

_____ _____ _____ _____

5. That the undersigned agrees to accept $_____, without interest, in full and complete settlement and satisfaction of its said interest in such property and of all claims which it has or may have against the United States and its officers, agents and employees on account of the requisitioning of such property;

[6. And that, upon payment by the United States to the undersigned of such $_____, the undersigned will, and it hereby does, agree to indemnify and save harmless the United States from and against any and all claims which may be asserted against the United States, its officers, agents and employees for compensation on account of such taking by the United States of such property [other than claims by the persons, and not in excess of the respective amounts, referred to in paragraph 4 above]; and if it shall hereafter be determined by final judgment or decree of a court of competent jurisdiction that the United States is obligated to pay to any person, other than the undersigned [and those persons referred to in paragraph 4 above] compensation on account of its such taking of such property [or obligated to pay to the persons, or any of them referred to in said paragraph 4, compensation in an amount greater than that there provided,] the undersigned, upon demand, will reimburse the United States the amount of all payments so made by it pursuant to such judicial determination and its costs and expenses in connection with such judicial proceedings, but in no event shall the undersigned reimburse, or be obligated to reimburse, the United States more than $_____ in the aggregate:]

7. And that the undersigned does hereby forever absolve, release and discharge the United States, its officers, agents and employees, and each of them from and of any and all claims which the undersigned has, may have, or could have, by reason of the taking of such property by requisition, for compensation on account of its taking and otherwise;

Provided that, the foregoing indemnity agreement and release are conditioned upon the payment to the undersigned by the

United States of $----------, without interest.

Attest:

(Appropriate Acknowledgment of Execution and Authority to Execute to be Added.)

NOTES (1) The matter in double brackets may be omitted if the person executing is a lien claimant or a person other than the beneficial owner.

(2) The matter in single brackets should be omitted if there is but a single person entitled to receive the fair and just compensation.

§ 814.1432 *Form of Submission to War Department Board of Contract Appeals.*

SUBMISSION TO WAR DEPARTMENT BOARD OF CONTRACT APPEALS

War Department Requisition No. --------

The War Department Board of Contract Appeals is requested to make recommendation as to:

(a) The fair and just compensation (and/or)

(b) The person or persons entitled to receive the fair and just compensation to be paid for the property taken for the defense of the United States under War Department Requisition No. ----------

1. The following is a complete and accurate description of the property taken under the Requisition:

2. The property was taken on ---------- and, at the time of taking, was located at ---------- In the possession or custody of----------:

3. Fair and just compensation for the property was preliminarily determined by the Initial Compensation Officer to be $---------- and by the Chief Requisition Officer to be $---------- The preliminary determination of the Chief Requisition Officer was subsequently revised to $---------- and was preliminarily determined to be payable to the following persons in the following amounts:

4. The following claimants have made the following objections to the amount so preliminarily determined to be payable to them: and the Chief Requisition Officer is of the following opinion with respect to such objections:

5. There was/was not in effect at the time of the taking of such property the following ceiling/fixed price, established by ----------, which ceiling/fixed price was applicable to sales of such property:

6. The undersigned is in doubt as to the persons entitled to receive the fair and just compensation to be paid for the property for the following reasons:

7. The following original documents are submitted herewith:

(1) Requisition, with Receipt and Return endorsed on the reverse thereof.

(2) Notice of Requisition which was served upon:

(3) Report of Serving Officer.

(4) Notice to File Claims.

(5) Report of the Initial Compensation Officer

(6) Proofs of Claim filed by:

(7) Disclaimers filed by:

(8) Notice of preliminary determination of fair and just compensation which was served on:

(9) Written objections to such preliminary determination filed by:

8. Correspondence from the Board in respect of this matter should be addressed to:

9. The Board's decision in the matter should be delivered to ----------

and to the Legal Branch, Director of Matériel, Headquarters, Army Service Forces.

(Chief Requisition Officer)

Dated ----------

Approved ----------

(Chief of Technical Service)

SUBPART H—MANDATORY ORDERS

§ 814.1450 *Authority to place mandatory orders.*

§ 814.1450–1 *Basic statute.* Section 9 of the Selective Training and Service Act of 1940 (54 Stat. 892; 50 U. S. C. A. 309) provides:

The President is empowered, through the head of the War Department or the Navy Department of the Government, in addition to the present authorized methods of purchase or procurement, to place an order with any individual, firm, association, company, corporation, or organized manufacturing industry for such product or material as may be required, and which is of the nature and kind usually produced or capable of being produced by such individual, firm, company, association, corporation, or organized manufacturing industry.

Compliance with all such orders for products or material shall be obligatory on any individual, firm, association, company, corporation, or organized manufacturing industry or the responsible head or heads thereof and shall take precedence over all other orders and contracts theretofore placed with such individual, firm, company, association, corporation, or organized manufacturing industry, and any individual, firm, association, company, corporation, or organized manufacturing industry or the responsible head or heads thereof owning or operating any plant equipped for the manufacture of arms or ammunition or parts of ammunition, or any necessary supplies or equipment for the Army or Navy, and any individual, firm, association, company, corporation, or organized manufacturing industry or the responsible head or heads thereof owning or operating any manufacturing plant, which, in the opinion of the Secretary of War or the Secretary of the Navy shall be capable of being readily transformed into a plant for the manufacture of arms or ammunition, or parts thereof, or other necessary supplies or equipment, who shall refuse to give to the United States such preference in the matter of the execution of orders, or who shall refuse to manufacture the kind, quantity, or quality of arms or ammunition, or the parts thereof, or any necessary supplies or equipment, as ordered by the Secretary of War or the Secretary of the Navy, or who shall refuse to furnish such arms, ammunition, or parts of ammunition, or other supplies or equipment, at a reasonable price as determined by the Secretary of War or the Secretary of the Navy, as the case may be, then, and in either such case, the President, through the head of the War or Navy Departments of the Government, in addition to the present authorized methods of purchase or procurement, is hereby authorized to take immediate possession of any such plant or plants, and through the appropriate branch, bureau, or department of the Army or Navy to manufacture therein such product or material as may be required, and any individual, firm, company, association, or corporation, or organized manufacturing industry, or the responsible head or heads thereof, failing to comply with the provisions of this section shall be deemed guilty of a felony, and upon conviction shall be punished by imprisonment for not more than three years and a fine not exceeding $50,000.

The compensation to be paid to any individual, firm, company, association, corporation, or organized manufacturing industry for its products or material, or as rental for use of any manufacturing plant while used by the United States, shall be fair and just. *Provided*, That nothing herein shall be deemed to render inapplicable existing State or Federal laws concerning the health, safety, security, and employment standards of the employees in such plant.

The power of the President under the foregoing provisions of this section to take immediate possession of any plant upon a failure to comply with any such provisions, and the authority granted by this section for the use and operation by the United States or in its interests of any plant of which possession is so taken, shall also apply as hereinafter provided to any plant, mine, or facility equipped for the manufacture, production, or mining of any articles or materials which may be required for the war effort or which may be useful in connection therewith. Such power and authority may be exercised by the President through such department or agency of the Government as he may designate, and may be exercised with respect to any such plant, mine, or facility whenever the President finds, after investigation, and proclaims that there is an interruption of the operation of such plant, mine, or facility as a result of a strike or other labor disturbance, that the war effort will be unduly impeded or delayed by such interruption, and that the exercise of such power and authority is necessary to insure the operation of such plant, mine, or facility in the interest of the war effort: *Provided*, That whenever any such plant, mine, or facility has been or is hereafter so taken by reason of a strike, lock-out, threatened strike, threatened lock-out, work stoppage, or other cause, such plant, mine or facility shall be returned to the owners thereof as soon as practicable, but in no event more than sixty days after the restoration of the productive efficiency thereof prevailing prior to the taking of possession thereof: *Provided further*, That possession of any plant, mine, or facility shall not be taken under authority of this section after the termination of hostilities in the present war as proclaimed by the President, or after the termination of the War Labor Disputes Act; and the authority to operate any such plant, mine, or facility under the provisions of this section shall terminate at the end of six months after the termination of such hostilities as so proclaimed.

§ 814.1450–2 *Delegation of statutory authority.* (a) By Executive Orders Nos. 8629 (6 F.R. 191), 9024 (7 F.R. 329), 9040 (7 F.R. 527), and 9125 (7 F.R. 2719) the Chairman of the War Production Board was authorized to perform the functions and exercise the authority vested in the President by section 9. By Executive Orders Nos. 9280 (7 F.R. 10179) and 9334 (8 F.R. 5423), the War Food Administrator was authorized to perform such functions and to exercise such authority with respect to food for human and animal consumption.

(b) The Secretary of War has assigned his powers, functions and duties under section 9 to the Under Secretary of War.

(c) The Chairman of the War Production Board has directed and empowered the Under Secretary of War to place orders pursuant to section 9 for such products or material, other than food intended for human or animal consumption, as the War Department may require; and the War Food Administrator has directed and empowered the Under Secretary of War to place orders pursuant to section 9 for food subsistence items.

(d) Under date of May 22, 1944, the Under Secretary issued the following memorandum.

Memorandum for The Commanding General, Army Service Forces.

Brigadier General Albert J. Browning, Special Representative of the Under Secretary of War.

Subject: Authority to place orders pursuant to Section 9 of the Selective Training and Service Act of 1940.

1. The Secretary of War has assigned to me the authority and discretion conferred upon him by Section 9 of the Selective Training and Service Act of 1940.

2. Under date of 7 February 1944 the Chairman of the War Production Board addressed to me the following letter:

"Under and by virtue of authority vested in me by Executive Order No. 9024, dated January 16, 1942, No. 9040, dated January 24, 1942 and No. 9125, dated April 7, 1942, which confer upon me power to exercise the authority vested in the President by section 9 of the Selective and Service Training Act of 1940, I hereby direct and empower you, in addition to the present authorized methods of purchase or procurement, to place orders pursuant to said Act with any individual, firm, association, company, corporation or organized manufacturing industry, for such product or material, other than food intended for human or animal consumption, as the War Department may require and which is of the nature and kind usually produced or capable of being produced by such individual, firm, company, association, corporation or organized manufacturing industry.

"Any order placed in accordance herewith shall take precedence over all other orders and contracts, except that where preference ratings, orders, or regulations issued by or with the authority of the War Production Board under Title III of the Second War Powers Act, 1942, are applicable, it shall take precedence in accordance with such preference ratings, orders or regulations.

"Any powers herein conferred upon you may be exercised by you through such officers or civilian employees of the War Department as may be designated in writing by you or by any person whom you have authorized to make such designation, with such powers of delegation and redelegation as you may deem appropriate."

3 Under date of 28 February 1944 the War Food Administrator addressed to me the following letter:

"Pursuant to the authority conferred by Executive Order No. 9280 dated December 5, 1942, and Executive Order No. 9334 dated April 19, 1943, which vested, in the War Food Administrator, control over the Nation's food program, including purchase and procurement of food by Federal agencies, I hereby direct and empower you, in addition to the present authorized methods of purchase or procurement, until further notice, to place orders pursuant to section 9 of the Selective Training and Service Act of 1940 for food subsistence items with any individual, firm, association, company, corporation, or organized manufacturing industry.

"Any order placed in accordance herewith shall take precedence over all other orders and contracts, except that where preference or priority ratings, orders or regulations issued by or with the authority of the War Food Administrator under Title III of the Second War Powers Act, 1942, are applicable, it shall take precedence in accordance with such preference or priority ratings, orders or regulations.

"Any powers herein conferred upon you may be exercised by you through such officers or civilian employees of the War Department as may be designated in writing by you or by any person whom you have authorized to make such designation, with such powers of delegation and redelegation as you may deem appropriate."

4. I hereby direct and empower each of you in addition to the present authorized methods of purchase or procurement, to place orders pursuant to section 9 of the Selective Training and Service Act of 1940 in accordance with said section 9 and the authority so conferred upon me by the Chairman of the War Production Board and, in the case of the Commanding General, Army Service Forces, in accordance with the authority so conferred upon me by the War Food Administrator. The authority hereby conferred will be exercised by the Commanding General, Army Service Forces, as to procurement by the Army Service Forces and by my Special Representative as to procurement by the Army Air Forces and, in each case, subject to and in conformity with any rules and regulations issued pursuant to paragraph 5 of this memorandum. Any person acting at the time as Director, Purchases Division, Headquarters, Army Service Forces, may exercise the authority herein conferred upon, and act as, my such Special Representative.

5. The Commanding General, Army Service Forces, may prescribe by Procurement Regulations, manuals, or otherwise, rules and regulations, which have been cleared with the Army Air Forces in the manner provided in paragraph 107.4[1] of War Department Procurement Regulations, governing the exercise of the authority hereby conferred and, without limitation of the generality of the foregoing, such rules and regulations may require that (a) proposed orders shall be submitted for approval to, and (b) proposed redelegations of authority under this memorandum shall be subject to approval of the Director, Purchases Division, Headquarters, Army Service Forces, or whomsoever he may designate. Subject to such rules and regulations, my said Special Representative may prescribe rules and regulations governing the placement of such orders by the Army Air Forces.

6. Subject to any rules and regulations issued in accordance with paragraph 5 of this memorandum, any of the powers herein conferred upon you may be exercised by you through such officers or civilian employees of the War Department as may be designated in writing by you or by any person whom you have authorized to make such designation, with such powers of delegation and redelegation as you may deem appropriate.

ROBERT P. PATTERSON,
Under Secretary of War.

§ 814.1450–3 *Authority delegated by this chapter.* Subject to any restrictions provided by this chapter (see e.g. § 814.1450–4) or by manuals, rules or regulations issued pursuant to paragraph 5 of the memorandum of the Under Secretary of War set forth in § 814.1450–2 upon the exercise of the authority delegated in this section, there are hereby delegated to each of the chiefs of the technical services the authority to place orders pursuant to section 9 heretofore delegated by the Under Secretary of War to The Commanding General, Army Service Forces and to the Special Representative of the Under Secretary of War (see § 814.1450–2). The powers herein delegated may be exercised by the chiefs of the technical services through such officers, civilian employees or agencies under their supervision as may be designated in writing by them or by any person authorized by them to make such designation, with such powers of delegation or redelegation as they may deem appropriate.

[1] § 801.107–4.

§ 814.1450–4 *Limitation upon redelegation of authority.* All redelegations of the authority delegated by § 814.1450–3 made by the chiefs of the technical services will be subject to the prior written approval of the Director, Purchases Division, Headquarters, Army Service Forces, or whomsoever he may designate, except:

(a) Redelegations to persons in the headquarters offices of the Army Air Forces;

(b) Redelegations to persons in the headquarters offices of the major commands within the Army Air Forces; and

(c) Redelegations to persons in the headquarters offices of the chiefs of the technical services of the Army Service Forces.

§ 814.1451 *Definitions.* When used in this subpart:

(a) The term "chief of technical service" has the meaning set out in §§ 801.107–9, 801.108–4 and 801.108–5, except that further delegations of the authority granted by § 814.1450–3 shall be subject to the limitations and restrictions stated in §§ 814.1450–3 and 814.1450–4;

(b) The term "Director, Purchases Division," means the Director, Purchases Division, Headquarters, Army Service Forces; acting as such or, in respect of Army Air Forces matters, as Special Representative of the Under Secretary of War, or any person whom he may have authorized to act for him.

§ 814.1452 *Policy.* (a) Consistent with the War Department's policies of procuring the products and materials which it requires voluntarily and on a normal contractual basis, diligent efforts to negotiate a voluntary order or contract on reasonable terms will be made before resort is had to mandatory order. However, where such efforts are unavailing, a mandatory order will be placed in appropriate cases as provided in this subpart without delay. The policies governing placement of voluntary orders and contracts will similarly govern placement of mandatory orders, to the extent they are applicable.

(b) Appropriate inquiry and investigation in each case will be made to ascertain (1) that the products or materials proposed to be procured by mandatory order are of the nature and kind usually produced, or capable of being produced, by the proposed producer; and (2) that the proposed producer owns or operates a plant equipped for, or capable of being readily transformed into a plant for, the manufacture of the required products or materials in the quantities, with the specifications and under the conditions of the proposed order.

(c) Before any mandatory order is placed, careful consideration will be given to the necessity for the procurement and to the quantities and the specifications of the products or materials to be procured thereby in order to obviate, to the greatest extent possible, subsequent necessity of changing or cancelling the order. Care also will be exercised to provide, both in the mandatory order and in any change order, for delivery

schedules which reasonably can be met in view of the preference rating, if any, assigned to the order and the ability of the proposed producer to obtain the materials and labor required to perform the order. After the order is placed, the technical service will give the producer such reasonable assistance in obtaining the materials and labor required for the performance of the order as he may request.

§ 814.1453 *Placing of mandatory orders.*

§ 814.1453–1 *Placing of mandatory orders.* (a) Any person who has been delegated authority to place mandatory orders (see §§ 814.1450–3 and 814.1450–4 may place, and may instruct and authorize contracting officers to execute and serve or cause to be served, mandatory orders under section 9 for any product or material, except food for human or animal consumption other than food subsistence items, which his technical service is authorized to procure, under the following circumstances:

(1) With any individual, partnership, company or corporation, (but not an organized manufacturing industry) which has refused to accept a voluntary order or contract for such product or material, in any case in which he shall have determined:

(i) That (*a*) every reasonable effort to negotiate a voluntary order or contract with the proposed producer for the required product or material has been made; (*b*) that the terms of such voluntary order or contract were fair and reasonable under the ascertainable circumstances of the particular procurement; and (*c*) that, if the refusal to accept such voluntary order or contract was based upon price, the price offered, in his opinion and that of the chief price analyst of his technical service, or the person performing such function, was in light of pertinent data and information possessed by the technical service and furnished by the proposed producer, a reasonable price for the procurement;

(ii) That the proposed producer owns or operates a plant within the United States which is equipped, without transformation, (see subparagraph (2) of this paragraph and paragraph (b) of this section) for procedure where transformation is necessary to produce, and is producing or is capable of producing therein, the required product or material in the quantities with the specifications and under the conditions of the proposed order (see § 814.1452 (b));

(iii) That the product or material to be obtained by the order cannot be obtained from any other source with adequate assurance of satisfactory performance and timely deliveries; and

(iv) That the total value of the procurement will not exceed $5,000,000.

Orders may be placed under such circumstances without further approval of higher authority.

(2) Under such other circumstances as the Director, Purchases Division, shall have approved. Such approval will be obtained in any case in which the technical service desires to place, and believes section 9 authorizes the placing of, a mandatory order with persons or under circumstances other than those stated in subparagraph (1) of this paragraph.

(b) Requests for the approval required by paragraph (a) (2) of this section will state the nature of the product or material; the proposed producer; the major terms of the proposed order, including the total value of the procurement; the efforts made to negotiate a voluntary contract or order, and if the refusal to accept such contract or order was based on price, the price offered and the reasons why it is believed to be a reasonable price; why the proposed producer is believed to be capable of producing, including his ability to obtain the required materials and labor, the product or material; the location of his plant; the reasons why it is believed that such plant is equipped without transformation to manufacture the product or material in accordance with the terms of the proposed order, or, if transformation is necessary, the facts which will justify a determination by the Under Secretary of War that the plant is one capable of being readily transformed into a plant for the manufacture of the product or material; whether the product or material can be obtained elsewhere with adequate assurance of satisfactory performance and timely deliveries; and such other information as may be pertinent in the particular case.

(c) Requests for the approval required by paragraph (a) (2) of this section will be transmitted, by or with the approval of the chief of the technical service, by written memorandum unless the need for the product or material is so urgent as to indicate more prompt action, in which event the required information may be transmitted by teletype or telegraph message or by telephone.

(d) Approval of the Director, Purchases Division, of the placing of any mandatory order under paragraph (a) (2) of this section, if given, will be by written memorandum or indorsement, by teletype or telegraph message or by telephone and the mandatory order may thereupon be placed in accordance therewith. All such mandatory orders will be placed in accordance with any conditions or provisions of such approval.

§ 814.1453–2 *Placing of change orders.* Any person who has been delegated authority to place mandatory orders (see §§ 814.1450–3 and 814.450–4) may instruct and authorize contracting officers to execute and serve, or cause to be served, upon any person then producing under a mandatory order, change orders which decrease the quantites, or change the specifications or delivery schedules or the delivery, packing, marking and shipping instructions stated in such mandatory order, in any case in which he shall have determined (a) that the provisions of the change order are necessary in the interest of the war effort, and (b) that the producer is capable of producing the product or material called for by the mandatory order, as modified by such change order, and without a transformation of his plant. No such change order will increase the quantities stated in the mandatory order or so substantially change the specifications as to alter the basic nature of the original procurement.

§ 814.1454 *Provisions of mandatory orders.*

§ 814.1454–1 *General.* (a) Mandatory orders will be in the form of order set forth in § 814.1460–1 with such minor modifications therein as may be appropriate under the circumstances of the particular procurement. No substantial changes therein will be made without approval by or on behalf of the Director, Purchases Division.

(b) Change orders will be substantially in the form set forth in § 814.1460–2.

(c) The blank relating to date in paragraph 5 of the mandatory order will be the earliest date which the producer practicably can supply such data.

§ 814.1454–2 *Assignment of preference rating.* Mandatory orders will be assigned the same preference rating as would have been assigned if a voluntary contract were placed for the product and materials, and in the same manner (see item 4 of § 814.1460–1).

§ 814.1454–3 *Numbering and distribution of mandatory orders.* Mandatory orders, change orders, and supplemental agreements to mandatory orders will be numbered and distributed in the same manner as voluntary contracts. (See Part 803, Subparts C and D.)

§ 814.1455 *Financing of the producer.* Should the producer require financing in connection with the performance of the order, in an appropriate case such financing may be provided by a direct Government loan or a guaranteed loan to the producer in conformity with the provisions of §§ 803.319 and 803.320 of this chapter.

§ 814.1456 *Service of mandatory orders.*

§ 814.1456–1 *Method of service.* Where practicable, each mandatory order and change order will be served by hand by a commissioned officer or a United States Marshal or Deputy Marshal upon the proposed producer. If the proposed producer is a partnership, such service will be made upon a partner thereof; if a corporation, upon any officer or agent authorized to act for, bind, or accept service for such corporation. If personal service is impracticable or will involve unreasonable delay, service may be made by mailing, by registered mail, return receipt requested, the mandatory order or change order, addressed to the proposed producer at its usual place of business. The copy of the mandatory order or change order so served will be a duplicate number thereof.

§ 814.1456–2 *Return of service.* Promptly after service of a mandatory order or change order the officer making service thereof will execute a certificate as to the time and method of service, the original of which, together with the registered mail receipt, if any, will be attached to the true copy of the mandatory order or change order, as served, to be retained in the files of the technical service.

§ 814.1456–3 *Report of service.* Promptly after service of a mandatory order or change order there will be transmitted through channels to the Director, Purchases Division, (a) a copy of the order as served, (b) a copy of such certificate of service and (c) unless already transmitted under § 814.1453–1 (b), a report containing the data called for by that section. In case of the Army Air Forces transmittal will be through the Army Air Forces, Procurement Liaison Branch, Purchases Division, Headquarters, Army Service Forces.

§ 814.1457 *Determination of reasonable price.*

§ 814.1457–1 *General.* Persons with whom a mandatory order is placed are entitled to fair and just compensation for the products or materials ordered thereby and are required, under the penalties provided in section 9 of the Selective Training and Service Act (see § 814.1450–1 (a)), to furnish such products or materials at a reasonable price as determined by the Secretary of War. Such reasonable price will be determined, as hereinafter provided, as promptly as practicable after the placing of the order and the technical service will act with utmost expedition to the end that such price may be fixed, and the producer notified thereof at the earliest practicable date and, whenever possible, prior to the date of the first deliveries scheduled under the order. In each case such reasonable price will be fixed on a unit price basis and will be stated in terms of unit prices.

§ 814.1457–2 *Determination by agreement.* All reasonable attempts will be made promptly upon the placing of a mandatory order voluntarily to negotiate with the producer, in accordance with any applicable principles set forth in this chapter and Army Service Forces Manual M 601, unit prices for the products or materials to be furnished under the order. Unless the mandatory order has been superseded by a voluntary agreement as permitted by § 814.1458, and if the producer is willing promptly to agree to prices which the chief of the technical service or whomsoever he may designate, deems reasonable under the circumstances of the procurement, an agreement, supplemental to the mandatory order, will be entered into and executed by the contracting officer and producer, (a) setting forth such agreement as to prices, (b) stating that such prices constitute fair and just compensation for the products or materials delivered or to be delivered under the order and (c) containing a waiver by the producer of a determination of reasonable price by the Secretary of War.

§ 814.1457–3 *Transmittal of price data.* Unless such agreement as to unit prices is promptly reached and entered into, there will be transmitted through channels to the Director, Purchases Division, such data and information as shall be necessary to permit such reasonable price to be determined by the Under Secretary of War. Such data and information will include the price and other data submitted by the producer, the technical services' analysis and evaluation of such data, the prices which the producer has requested, the prices being paid to, and the experienced and estimated costs of, other producers for the same or comparable products and materials, and the delivery schedules relating thereto, all then available and pertinent information as to the producer's probable cost of producing the products and materials, a statement of past negotiations with the producer for the same or comparable products and materials, and such other information as shall be appropriate. Such data and information will be accompanied by the recommendation of the chief of the technical service as to the unit prices which he deems reasonable for the products and matrials to be furnished under the order.

§ 814.1457–4 *Determination of price.* Upon the basis of the data and information so submitted and all other available data the reasonable unit prices for the products and materials will be determined by the Under Secretary of War, and the chief of the technical service promptly will be advised as to such determination.

§ 814.1457–5 *Supplement to order stating price.* The contracting officer, by letter signed by him and making reference to the mandatory order by number, promptly will advise the producer as to the reasonable prices so determined.

§ 814.1457–6 *Redetermination of price as a result of change orders.* In any case in which a change order to a mandatory order (which has not been superseded by a voluntary agreement as permitted by § 814.1458 so modifies the procurement as equitably to require an adjustment in unit prices theretofore determined either by agreement with the producer or by the Under Secretary of War, as above provided, such unit prices will be redetermined in respect of the products or materials to be affected by such change order and still to be furnished under the mandatory order. Such unit prices will be redetermined by agreement as provided in § 814.1457–2, if the producer is willing to agree to prices which the chief of the technical service deems reasonable and to enter into an agreement of the nature described in § 814.1457–2; otherwise they will be redetermined by the Under Secretary of War. In such latter event, there will be transmitted to the Director, Purchases Division, all data and information necessary for such redetermination by the Under Secretary of War, together with the recommendation of the chief of the technical service as to such unit prices as provided in § 814.1457–3 and the producer will be advised of the redetermined prices, as provided in § 814.1457–5.

§ 814.1457–7 *Redetermination of price upon termination in whole or in part.* In the event a mandatory order is terminated in whole or in part for the convenience of the Government prior to completion of deliveries thereunder, (a) the products and materials completed before the effective date of such termination will be paid for at the unit prices determined as above provided, and (b) fair and just compensation for the work done in connection with the uncompleted portion of the order as far as terminated, including reasonable termination costs (see item 15 of § 814.1460–1), will be determined by agreement with the producer if he is willing to agree to compensation which the chief of the technical service, or whomsoever he may designate, deems to be fair and reasonable for the work done in connection with the uncompleted portions of the order; otherwise such fair and just compensation will be determined by the Under Secretary of War. In such latter event there will be transmitted to the Director, Purchases Division, all data and information necessary for such determination by the Under Secretary of War, together with the recommendation of the chief of the technical service as to the amount which he deems to be such fair and just compensation, and the producer will be advised of such determination as provided in § 814.1457–5.

§ 814.1458 *Execution of voluntary agreements.* A mandatory order may, at any time after it has been served and prior to the completion of payments thereunder, be superseded by and merged into a voluntary contract, if the producer is willing to enter into such a voluntary contract on terms satisfactory to the chief of the technical service. Such voluntary contract shall require only such approvals as would then be required if the procurement had been originally made by voluntary contract and no mandatory order issued.

§ 814.1459 *Non-compliance with mandatory orders.* Should any person upon whom a mandatory order has been served refuse to comply with the terms thereof in any respect, the chief of the technical service placing such order promptly will advise the Director, Purchases Division, as to the nature of such non-compliance and of the reasons therefor given by the producer, and will make recommendation as to the action which he believes should be taken against the producer on account of such non-compliance.

§ 814.1460 *Forms.*

§ 814.1460–1 *Form of mandatory order.*

WAR DEPARTMENT MANDATORY ORDER

Preference Rating_____ Date_____
No_____

To: (Name)
(Address)

1. Pursuant to the authority conferred upon the President of the United States by section 9 of the Selective Training and Service Act of 1940, (54 Stat. 892, as amended by 57 Stat. 164; 50 U. S. C. 309); pursuant to [Executive Order Nos. 9024 (7 F.R. 329), 9400 (7 F.R. 527) and 9125 (7 F.R. 2719)][1]; and under authority from the [Chairman of the War Production Board][2] and the Secretary of War, the War Department hereby places an order with you for the furnishing and delivery of the products and materials hereinafter described, which are of the na-

[1] If the order relates to food subsistence items, the matter in brackets will read: Executive Order Nos. 9280 (7 F.R. 10179) and 9334 (8 F.R. 5423).

[2] If the order relates to food subsistence items, the matter in brackets will read: War Food Administrator.

ture and kind usually produced or capable of being produced by you, and which are required by the War Department.

2. You are hereby ordered to proceed forthwith with the manufacture of such products and materials.

3. Compliance with this order is obligatory. Reference is hereby made to the penalties and other remedies available to the Government provided by said section 9 for a refusal to comply herewith.

4. This order shall take precedence over all other orders and contracts except that where preference ratings, orders or regulations issued by or with the authority of the War Production Board or the War Food Administration under Title III of the Second War Powers Act, 1942, are applicable, it shall take precedence in accordance with such preference ratings, orders or regulations. Preference rating ---------- has been assigned to this order. Claimant Agency Allotment Symbol ---------- is applicable to any class B items covered hereby. This symbol is assigned for identification purposes only, its use is governed by CMP Regulations and it cannot be used to obtain Controlled Materials.

5. You are entitled to fair and just compensation for the products and materials ordered hereby. The Contracting Officer, or his authorized representative, will promptly negotiate with you reasonable prices for such products and materials and until ---------- or such later date as he

(date)

may permit in writing, you may submit to him at ---------- such price or

(place)

other data as you believe pertinent to the determination of such reasonable prices. In the event agreement is reached with you as to such prices, an appropriate agreement supplemental to this order providing for such prices and waiving determination thereof by the Secretary of War will be executed with you; otherwise determination of such reasonable prices will be made by or on behalf of the Secretary of War, which, if accepted by you will be the measure of fair and just compensation to which you are entitled. In no event, however, will the prices for such products and materials exceed the ceiling or other prices for such products or materials established by the Office of Price Administration or otherwise established by law and in effect at the time of delivery.

6. This order may be superseded by and merged into a voluntary contract at any time, in the event you are willing to agree to terms for the procurement which the Contract Officer deems reasonable.

7. The Finance Officer, United States Army, at ---------- is designated as the Officer to make payments hereunder. The supplies and services to be obtained by this instrument are authorized by, are for the purposes set forth in, and are chargeable to the following allotments, the available balances of which are sufficient to cover the cost thereof:----------

---

(Here state allotments)

8. *Scope of the order.* You are ordered to furnish and deliver the following products and materials:

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in strict accordance with the specifications, schedules and drawings annexed hereto, all of which are made a part hereof and designated as follows:

Delivery thereof shall be made as follows:

Packing, marking and shipping will be as follows:

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9. *Changes.* The Government may at any time, by written order of the Contracting Officer, change the quantities, specifications and delivery schedules, and the delivery, packing, marking and shipping instructions, stated in paragraph 1 hereof, and this mandatory order shall thereupon be modified to the extent and in the manner provided in such change order. If any such change equitably requires an adjustment in the reasonable prices for the products and materials still to be delivered under the order, theretofore agreed to or determined as above provided, such reasonable prices will be modified by negotiation with you or, if agreement cannot be reached, redetermined by or on behalf of the Secretary of War. Unless you submit to the Contracting Officer a written request for such adjustment in price within ---------- days after receipt of each such change order, it will be assumed that the reasonable prices theretofore determined are satisfactory to you despite such change order.

10. *Inspection.* The Government may make inspection and test the material and workmanship incorporated in said products and materials at all times and places including, when practicable, during the manufacture, and may make inspection of the finished products or materials prior to or after delivery thereof. Special and performance tests shall be as described in the specifications. You shall furnish all reasonable facilities and assistance for the safe and convenient conduct for such inspections and tests as are to be made on your premises. Finished products and materials rejected because not complying with this order shall be removed by you at your expense unless the Contracting Officer or his representative determines that public necessity requires the acceptance thereof, in which event the reasonable price otherwise payable therefore will be reduced accordingly. Acceptance of products and materials not conforming to this mandatory order, modified as may be by any such change orders, shall in no way excuse you from the penalties provided by section 9 of the Selective Training and Service Act of 1940, as amended, or make unavailable any of the remedies or provisions of said section.

11. *Compliance with provisions of applicable laws and Executive orders.* Nothing contained in this order shall be deemed to render inapplicable in the performance hereof existing State or Federal laws concerning the health, safety, security, and employment standards of the employees in your plant. All provisions required by Federal law or Executive Order to be incorporated in War Department contracts in procurements of this nature are made applicable to, and shall be complied with in, the performance of this order.

12. *Notice to Government of labor disputes.* Whenever an actual or potential labor dispute is delaying or threatens to delay the timely performance of this order, you shall immediately give notice thereof to ---------- ----------. Such notice shall include all available pertinent information with respect to such dispute.

13. *Taxes.* Unless otherwise indicated in this order, the reasonable prices for the products and materials to be furnished hereunder (A) will not include allowance for any State or local sales, use or other tax in effect at the date of this order from which you or this transaction of the procurement of these supplies is exempt but (B) will include allowance for all Federal and all other State and local taxes in effect at the date of this order and applicable to the procurement of the supplies and materials covered by this order.

Upon your request the Government will issue tax exemption certificates or furnish other similar proof of exemption with respect to all taxes for which such allowance is not made.

14. *Payments.* You will be paid, upon the submission of properly certified invoices or vouchers, the prices determined hereunder as provided for in this order for the products and materials delivered and accepted, less deductions, if any, as herein provided. Unless otherwise specified, payments will be made on partial deliveries accepted by the Government when the amount due on such deliveries so warrants; or when requested by you, payments for accepted partial delivery shall be made whenever such payments would equal or exceed either $1,000 or 50 per cent of the total amount of this procurement.

15. *Termination at the option of the Government.* This order may be terminated by the Government in whole or in part whenever such termination is deemed in the best interests of the Government. In the event of any such termination you will be paid fair and just compensation for compliance with this order prior to the effective date of such termination. You will also be paid fair and just compensation for any reasonable cost incidental to the termination of work under this order in accordance with the directions of the contracting officer. The amount of fair and just compensation payable under this paragraph 15 may be determined by negotiation and agreement between you and the contracting officer but in the absence of such agreement shall be determined by the Undersecretary of War.

16. The term "contracting officer" as used in this order means the undersigned representative of the United States or his duly appointed successor or authorized representative or any officer or employee of the United States designated by or in behalf of the chief of ---------- to be contracting

(technical service)

officer with respect to this procurement.

THE UNITED STATES OF AMERICA

By ----------

(Official Title)

§ 814.1460–2 *Form of Change Order.*

Date ----------
Change Order ----------
to Mandatory Order No. ----

WAR DEPARTMENT MANDATORY CHANGE ORDER

To: (Name)
(Address)

1. Pursuant to the authorities stated in War Department Mandatory Order No.------, served upon you ----------, and in conformity with paragraph 9 thereof the following changes are made in paragraph 3 of such Mandatory Order:
which is hereby modified accordingly.

2. You are hereby ordered forthwith to furnish and deliver the products and materials called for by such Mandatory Order in accordance therewith and this Change Order.

THE UNITED STATES OF AMERICA,

By ----------

(Official Title)

[Procurement Reg. 16]

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SUBPART A—INTRODUCTION

§ 816.1601 *General.* The priorities system is a vital control in war production. It is the means by which one program is preferred over another program when a conflict in delivery dates develops and the production of one item must be placed before that of another item. In this manner the more urgent need is given precedence over the lesser need.

§ 816.1602 *War Production Board.* Since priorities relate not only to military procurement, but also to indirect military and civilian procurement, the War Production Board has been given the primary authority to prescribe and administer the priorities system and the distribution of materials among competing claimants.

§ 816.1603 *Army and Navy Munitions Board.* The Army and Navy Munitions Board (ANMB), under delegated authority from the War Production Board, coordinates the extension of preference ratings by the Army, Navy, certain government agencies, and foreign governments.

§ 816.1604 *Scope of part.* (a) These instructions do not affect interpretations of the ANMB Priorities Directive or authorizations granted thereunder. They deal principally with procedural phases of priorities and are offered as a guide to military personnel charged with the responsibility of applying the priorities system to military procurement. Since any system of this type must have flexibility, instructions such as these cannot remain static. Therefore, provision is made for the insertion of changes, as they occur, so that the instructions will at all times correctly reflect current conditions.

(b) These instructions replace and supersede Priorities Instructions dated February 18, 1942, and Priority-Allocation Instructions numbered from 1 to 11 inclusive, all of which should be destroyed, but they do not invalidate internal operating procedures and interpretations established by the individual military agencies which are not in conflict with these instructions. Priority-Allocation Instruction No. 12 (Post Exchanges), however, remains in full force and effect.

§ 816.1605 *Clearance of instructions.* It is to be especially noted that letters of interpretation or instruction concerning priorities procedures, for general distribution within technical services, must be submitted to the Production Division, Headquarters, Army Services Forces, for approval. This is necessary in order to avoid any interpretations or instructions which are not in keeping with basic priorities procedures and which tend to depart from uniformity.

§ 816.1606 *Regulations relating to priorities.* Every officer responsible for priorities should study carefully this regulation and the basic principles of the priorities system as set forth in:

WPB Priorities Regulation No. 1.
WPB Priorities Regulation No. 3.
WPB Priorities Regulation No. 12.
WPB Priorities Regulation No. 18.
CMP Regulation No. 3.
CMP Regulation No. 5.
WPB Directive No. 23.

Copies of the above may be obtained from a War Production Board office.

§ 816.1607 *Compliance with regulations.* The success of any plan or system is dependent upon the extent of cooperation of the various units operating under it. Therefore, it is the policy of the Army to require strict adherence to all regulations, orders, directives, and instructions issued in connection with priorities. Every authenticating official who knowingly issues or causes to be issued a preference rating certificate which is found to be improper or unauthorized, either as to form or substance, will be held strictly accountable for his actions, and the certificate will be subject to revocation.

§ 816.1608 *Special priority procedures.* Special procedures have been established for the assignment of preference ratings for procurement by and for Post Exchanges and Army Specialized Training Program.

SUBPART B—DEFINITIONS

§ 816.1610 *Definitions.* For the purpose of this part definitions set forth below are established:

"Priorities directive." The ANMB Priorities Directive is a determination of relatve urgency of military programs and projects.

"Priority" is the degree of precedence given to an order or contract to obtain completion, delivery, or performance on a particular date at the expense, if necessary, of competing contracts or orders of lower priority held by the same supplier or facility.

"Preference rating" is a symbol (AA-1, AA-2, etc.) assigned to a contract, order, award, or letter of intent, to establish the degree of precedence.

"Original preference rating" is the rating assigned by a certificate or WPB preference rating order to delivery of an end item, construction of a project, or use of a facility.

"Extended preference rating" is the rating applied or used by a prime con-

tractor or subcontractor for delivery of components or materials.

"Preference rating certificate" is the instrument by which preference ratings are assigned.

"Emergency or special rating" is a rating higher than that authorized by the ANMB Priorities Directive or WPB orders, and is granted only in special cases of utmost urgency by the ANMB or WPB.

"Prime contract" is a contract or order placed by the Army or Navy, or by an approved foreign government, directly with an individual, firm, or corporation to supply military or naval material, equipment, or facilities.

"Prime contractor" is the individual, firm or corporation with whom the Army or Navy, or an approved foreign government, has placed a prime contract.

"Subcontract" is a contract or order placed with a supplier by an individual, firm, or corporation holding a prime contract or another subcontract for material or services to be incorporated in a prime contract.

"Subcontractor" is the individual, firm, or corporation with whom a prime contractor, or another subcontractor, has placed a purchase order or subcontract for materials or services to be incorporated in a prime contract.

"Authentication" is the execution, evidenced by the signature of the duly authorized official of the contractor, of the authentication statement on Form PD–3A.

"Countersignature" is the validating of a PD–3A preference rating certificate, by the signature of a duly authorized U. S. Government Official.

"Certification" is a representation by the holder of a preference rating, endorsed upon his purchase order, by means of which he extends the rating to his supplier in accordance with the terms of Priorities and CMP Regulations.

"Material" means any commodity, equipment, accessory, part, component, assembly, or product of any kind.

"Material physically incorporated" includes all commodities, accessories, parts and assemblies, or other products which are physically or chemically incorporated in the end item. Excluded are facilities, machine tools, capital equipment and repair, maintenance, and operating supplies.

"Machine tool" means any non-portable power driven, metal working machine listed in Exhibit A of War Production Board Order E–1–b, with certain exclusions set forth in that order.

"Productive capital equipment" is capital equipment (excluding machine tools) which physically processes or otherwise acts upon or handles materials or items physically incorporated in end products, or which is necessary to operate such equipment, such as cranes, furnaces, chemical tanks, turbines, generators, and machinery.

"Construction capital equipment" is equipment which is physically used in construction of projects or which otherwise acts upon or handles material or items to be physically incorporated in a construction project; such as power shovels and concrete mixers.

"Non-productive or administrative capital equipment" is capital equipment which is necessary for the operation of the administrative side of a manufacturing plant, military installation, or for a construction project, such as office equipment, plant protective equipment, and equipment for the health and well being of employees.

"Expansion" is the creation of new facility capacity by addition to existing equipment or one or more units or the installation of equipment where none existed before.

"Replacement" is a necessary installation of a similar unit of equipment of similar size to take the place of a unit previously installed and which has become useless through wear and tear or accident and which cannot be repaired.

"Training aid or device" is defined as equipment used exclusively and directly for the training of military personnel. This does not include housing, messing, administrative, or other similar operating equipment or supplies or items of individual issue or use. It includes such items as link trainers, bombing trainers, single items of mechanical equipment (or parts thereof) of ships, planes, and ordnance.

"Army, Technical Services, Services, or Military." The terms Army, Technical Services, Services and Military, as used herein, include in all cases the Technical Services, the Army Air Forces and the Service Commands. Attention is called to § 801.108–4 and 801–108–5 which are applicable to this part.

SUBPART C—DETERMINATION OF PREFERENCE RATINGS

§ 816.1611 *Preference ratings as strategic decisions.* The Joint Chiefs of Staff of the Army, Navy, and Air Forces periodically prepare a statement of the strategic urgencies of the various parts of the Military Program. Their decisions are based on their knowledge of the type of munitions needed for the various phases of the war. For example, weapons which can be used against the enemy are more urgent than construction projects in the continental United States.

§ 816.1612 *Army and Navy Munitions Board Priorities Directive.* The strategic decisions of the Joint Chiefs of Staff are converted into industrial preference ratings and are published as the Army and Navy Munitions Board Directive. This document becomes the basis of all preference ratings assigned by the Army, Navy, and agencies under Army and Navy Munitions Board priority jurisdiction. It is a basic instrument universally required for the operation of the military priorities system.

§ 816.1613 *Overall preference rating structure.* The ANMB Priorities Directive is incorporated into the general priorities structure established by the WPB. Consequently, ratings assigned on PD–3A certificates or military CMP allotment forms (where permitted) are directly related to preference ratings assigned under CMP and Priorities Regulations, on PD–1A Forms, and under "P", "L", "M", and "E" orders.

§ 816.1614 *Implementation of the ANMB Directive.* (a) As the ANMB Priorities Directive is a broad policy document, it is necessary to issue detailed instructions to the Services responsible for procurement. Considerable flexibility is allowed the technical services in the implementation of the Priorities Directive. Separate instructions, approved by the Production Division, Headquarters, Army Service Forces are issued from time to time by the respective services of the Army.

(b) In cases where quantitative limitations are imposed in the Priorities Directive, quarterly accounting is required. It is, therefore, customarily necessary for the offices in the field to report the dollar value of ratings assigned in the various preference rating groups under specific accounting instructions. Certain services which have programmed their preference ratings for procurement and have secured advance approval, have been relieved from accounting.

§ 816.1615 *Compliance.* (a) Since preference ratings are based on war strategy, it is imperative to comply strictly with the ratings provided in the Priorities Directive. Failure to comply may easily retard vitally important programs.

(b) Compliance is also important because an incorrect rating may be extended. Extensions average 10 per contract and consequently an incorrect rating may actually result in 11 incorrect ratings. Enforcing compliance with these Instructions and with the ANMB Priorities Directive is the responsibility of the chiefs of technical services. The WPB is responsible for enforcing compliance by industry, and military personnel should report violations to WPB field offices whenever discovered.

§ 816.1616 *Preference rating structure.* (a) The current ANMB Priorities Directive and WPB documents establish the relative urgencies among programs, schedules, profits, and items of procurement as outlined below:

AAA	AA–3
AA–1	AA–4
AA–2	AA–5
AA–2X	

(b) Special means of securing higher-than-routine ratings including AAA are explained in Subpart M of this part, and application should be made through the responsible Service when such assistance is imperative.

SUBPART D—USE OF PREFERENCE RATING CERTIFICATE, FORM PD–3A

§ 816.1620 *Use of Form PD–3A.* (a) WPB Form PD–3A is used for assigning preference ratings to "military" prime contracts and is issued exclusively by the military organizations.

(b) Form PD–3A also is used to assign preference ratings to military procurement by or for designated foreign governments, both for purchases by the technical services and by the designated foreign governments.

(c) A private contractor's procurement of machine tools and all types of capital equipment may be rated by a PD–3A certificate if the equipment is necessary for the completion of a military prime contract or subcontract. However, unless military purposes will constitute the major use of the equipment, the contractor should apply for a rating to the WPB on a PD–1A or other appropriate form. The PD–1A certificate is the civilian counterpart of the PD–3A certificate.

(d) All correspondence dealing with Form PD–3A should contain reference to the serial number of the certificate and preference rating assigned, also the contract number or purchase order number, as well as the name of the service concerned.

§ 816.1621 *Cases where PD–3A is not applicable.* Where an item is covered by a WPB Limitation Order which specifically states that a special form (other than the PD–3A will be used) the appropriate WPB form should be completed. Before issuing a PD–3A certificate for capital equipment, it is the responsibility of the purchasing and contracting officer or countersigning official to ascertain whether or not the equipment being procured is subject to any of the "L" or "M" order provisions, also to determine whether or not a PD–3A certificate may be used. WPB orders are described in Subpart O. A list of WPB Orders and Forms is available in a printed publication entitled "Priorities" which may be obtained from the War Production Board, Publications Section, Washington, D. C., and which is published monthly.

§ 816.1622 *Supplies of Form PD–3A.* Supplies of Form PD–3A should be obtained from the nearest WPB Regional or District Office.

§ 816.1623 *Copies of Form PD–3A.* The countersigning officer's copy of Form PD–3A is considered the official file copy and must be retained for six months after the completion of the contract covered. The copy marked for the Army and Navy Munitions Board may be destroyed and the War Production Board copy is required only for certificates requiring approval under Directive No. 23, explained in Subpart G of this part. Copies designated for the chief of service should be promptly dispatched.

SUBPART E—PREPARATION OF PREFERENCE RATING CERTIFICATE FORM PD–3A, FOR PRODUCTION CONTRACTS, SPOT PURCHASES, CONSTRUCTION PROJECTS, AND CAPITAL EQUIPMENT

§ 816.1628 *Preparation of Preference Rating Certificate, Form PD–3A, for production contracts, spot purchases, construction projects, and capital equipment.* The various sections of the PD–3A certificate should be completed as follows:

(a) *Government Contract No.* The complete number of the contract or purchase order for the items covered by the certificate should be given in this space. Orders placed under Treasury Procurement Schedules must include not only the order number, but the number of the TPS contract as well. Where the PD–3A is issued to cover items in a "Letter of Intent" the date of such letter, and adequate identification symbol of such letter, shall be placed in this subpart. If the space provided is not sufficient for giving information about the "Letter of Intent", a footnote should be indicated and the complete information added at the bottom of the certificate.

(b) *Issued To.* The name of the "prime contractor" with whom the Army or Navy contract was placed is inserted here. When a PD–3A is issued for capital equipment being purchased by a military prime or subcontractor the name of the purchaser of the equipment is shown.

(c) *Address.* The address must be that one of the company where the PD–3A Form will be filed and where it can be inspected, if known, otherwise the principal office of the company.

(d) *Government Agency Placing Contract.* This section must show the name and address of the Technical Service which issued the related prime contract, purchase order, or "Letter of Intent."

(e) *Required Delivery Date.* The required delivery date must be shown as indicated by the contract involved. The delivery date must be a date subsequent to the date the preference rating certificate is issued. A preference rating certificate which does not show an actual required delivery date is not valid and shall not be honored. Such terms as "at once", "as soon as possible", "immediately", etc., are not adequate. A firm shall not accept as valid a certificate which does not carry a specific required delivery date.

(f) *Quantity Each Shipment, Dollar Value Each Shipment.* The quantity and dollar value of each shipment required by the contract should be shown in sufficient detail to provide proper control.

(g) *Description.* (1) A sufficient description of the items called for in the prime contract should be made to identify the type of material being procured or service to be performed. When the certificate assigns a rating to the construction project it should be clearly described, and the machine tools and capital equipment to be installed should be itemized wherever possible. A contractor is authorized to extend a preference rating covering a construction project only for construction capital equipment specifically listed on the PD–3A certificate or on purchase orders issued subsequently when duly approved.

(2) Wherever the contract is a secret or confidential document and the inclusion of such information in the PD–3A certificate can be considered as divulging secret or confidential information, the term, "Special" should be used in the columns calling for quantity, value, and description in lieu of such information. This procedure will make unnecessary marking the certificate "Secret" or "Confidential" and will eliminate special handling and safekeeping. However, it is considered that in most instances the secret or confidential nature of a contract is in the specifications of the items called for and not in the fact that any one firm is manufacturing any specified quantity of a particular item for any particular delivery. Since the preference rating certificate will be the property only of government officials and the prime contractor, it is felt that the above procedure is adequate in most cases.

(h) *Authentication.* The authentication is designed to make Form PD–3A applicable to authorized purchases of machine tools and capital equipment, in addition to its primary purpose of rating a prime contract. When used in connection with a prime contract, this certification merely states that the information shown on the PD–3A Form is correct as it relates to the prime contract which it covers. The issuing Government Official should countersign the certificate and forward the original to the contractor except in the case of machine tools and capital equipment. The contractor, by executing the authentication, will indicate his acceptance of the rating assigned before he commences extension of the rating covered by the certificate. Only the original copy of the certificate need be manually signed. The copies should carry the typed or stamped name and address of the Government official and the date on which the countersignature was made.

(i) *Preference Rating.* The issuing Government Official will indicate herein the preference rating applicable to the contract as determined by the current Priorities Directive.

(j) *ANMB Code or Authority.* This section should make reference to the specific instrument authorizing the rating being assigned, if covered by special authority.

(k) *Urgency Standing No.* Where the certificate covers machine tools the applicable urgency standing number, if any, should be stated.

SUBPART F—RATING PRODUCTION CONTRACTS AND SPOT PURCHASES

§ 816.1631 *Definition.* All contracts which are not specifically covered in Priorities Instructions on; Construction; Capital Equipment and Machine Tools; Maintenance, Repair, and Operating Supplies; are classified for priority purposes as Production Contracts or Spot Purchases.

§ 816.1632 *Application of ratings to production contracts and spot purchases.* Ratings are applied to Production Contracts and Spot Purchases in the following ways:

(a) CMP "A" products may be rated on PD–3A certificates or on CPM allotment forms. The rating is applicable to the authorized production schedule and may be used by the contractor to secure materials (except controlled materials) and "B" products physically incorporated in the end item and necessary to execute the authorized production.

(b) CMP "B" products and all other products except "A" products, and no-controlled materials, are rated on PD–3A certificates. Ratings assigned to non-classified products may be used by the contractor to secure materials and products physically incorporated in the end item and necessary to carry out the production required by the contract except that manufacturers operating under Priorities Regulation 11–B may only extend the rating received from the War Production Board. A "B" product producer must extend the ratings assigned on the allotment form by which he receives materials and may not extend his customer's rating.

§ 816.1633 *Preference ratings assigned to production contracts.* Preference ratings assigned to production contracts may not be extended to secure capital equipment.

§ 816.1634 *Indefinite contracts.* Since Priorities Regulation No. 1 states that preference ratings may be assigned only to contracts bearing definite delivery dates preference ratings may not be assigned to long term contracts issued by the Army which are indeterminate as to amount or estimated as to delivery and under which deliveries are made subject to purchase orders issued subsequently by the using activity. Preference rating certificates should be issued by the ordering officer when placing specific amounts under such contracts. In the event that this restriction results or threatens to result in undue delay in performance of a contract, application for special assistance may be made to the Production Division, Headquarters, Army Service Forces, through the chief of the technical service covered.

SUBPART G—RATING CAPITAL EQUIPMENT AND MACHINE TOOLS

§ 816.1635 *General procedure.* Army Procurement Officers are responsible for assigning preference ratings to capital equipment and machine tools purchased by the Services or by military contractors. Current military policies require careful consideration of each equipment purchase, and officers are responsible for determining that capital equipment is actually necessary and that other facilities are not available. In addition, War Production Board Directive No. 23 requires approval by WPB field offices of priority actions involving capital equipment and machine tools with specific exceptions listed below:

(a) Where the capital equipment or machine tools are to be incorporated in command construction, as defined in War Production Board Directive No. 23. This exception is limited to equipment and tools for incorporation at the time of construction and does not include subsequent replacements, repairs, or additional equipment for command construction.

(b) Where the total value of the items rated by the instrument does not exceed $500.

(c) Where the instrument is countersigned outside the forty-eight states, District of Columbia and the Dominion of Canada.

(d) In the case of emergency purchases under the circumstances specified in Directive No. 23, paragraph (d) (3).

(e) Where the equipment or tools are for use on board ship, including floating dry docks, or for use outside the forty-eight states, and the District of Columbia for military purposes. The term "Military Purposes" includes all equipment or tools furnished to military organizations for use by military personnel of any nation.

(f) Where the capital equipment is for military operations. This would include all organizational and operational equipment for use in military establishments or by military personnel. It does not include machine tools, except machine tools to be installed in mobile equipment.

(g) Administrative capital equipment.

(h) Other cases excepted by the War Production Board. This exception may be used to cover purchases classified for purposes of military security.

§ 816.1636 *Use of Form PC–20.* Where WPB approval is required, the original and three (3) copies of Form PD–3A and one copy of PC–20 for each specific type of Capital Equipment or Machine Tool will be forwarded to the WPB Field Office. Form PC–20 is not required for administrative capital equipment nor where productive equipment is to be incorporated in a project which has been approved by War Production Board or the Army on a PD–3A or WPB–617 Form on which the equipment involved was specifically listed.

§ 816.1637 *Procedures for securing approval.* Various procedures are in operation for the review and approval of applications for assigning preference ratings to capital equipment and machine tools. Since these procedures are integrated with the administrative controls of the services, special instructions will apply to the routing, and to the military and WPB approval arrangements.

§ 816.1638 *Validation of certificates.* On all preference rating certificates coming within the scope of Directive No. 23, the statement, "Approved for Issuance", signed by the appropriate WPB official, must appear. Or, where such approval statement does not appear, the following statement may be placed on the instrument by the Army representative: "Under the terms of Directive 23, this instrument is valid without WPB approval indorsement". Cases where the approval of the War Production Board need not appear on the document include those cases covered by the specified exceptions, those cases where WPB is limited to, but has failed to take action within ten days, and those cases where the WPB has approved the transaction on a document other than the original. These provisions are applicable where contracts or purchase orders bearing a delegation of authority indorsement are used in lieu of PD–3A certificates.

SUBPART H—RATING CONSTRUCTION PROJECTS

§ 816.1639 *General.* War Production Board Directive No. 23 requires that construction projects, except command construction and certain specified exceptions, may be rated only by the War Production Board. Command construction may be rated on Form PD–3A Preference Rating Certificates by Army contracting officers.

§ 816.1640 *Command construction.* Command construction may be rated on PD–3A certificates by the Army contracting and procurement officers in the field. These certificates do not require the approval of the Army and Navy Munitions Board or of the War Production Board.

(a) Command construction, as defined in Directive No. 23, consists of projects ordered built by either the Chief of Staff, U. S. Army, or the Chief of Naval Operations, U. S. Navy, viz.: air fields; military housing; alien housing; facilities for the repair of finished items of munitions; overseas or theater of operations construction; seacoast fortifications; ports and depots; camouflage and other passive defense projects (whether or not owned and operated by the Army or Navy); emergency flood control projects having a value of less than $100,000; military hospitals; maneuver, training and staging areas and proving grounds.

§ 816.1641 *Other construction.*

§ 816.1641–1 In addition to using PD–3A certificates for command construction, the Corps of Engineers may issue PD–3A certificates, under delegated authority, for all construction supervised by the Corps of Engineers which is owned, leased, or operated by the War Department.

§ 816.1641–2 Construction other than that included in the above, may be assigned preference ratings only by the War Production Board. Applications for preference ratings should be submitted on Form WPB–617. If the application covers a project of less than $2 ,000 it may be rated by a War Production Board field office.

§ 816.1641–3 Application for amendments not exceeding $10,000 to outstanding P–19–h certificates that were issued by the Army and Navy Munitions Board, will be processed by the Army and Navy Munitions Board. Applications on Form PD–200b (WPB–1548) for such amendments will not be submitted to the War Production Board, but will be submitted through military channels to the Army and Navy Munitions Board.

§ 816.1641–4 A PD–3A certificate for command construction or a WPB–617 Form for other construction projects, may include the capital equipment and machine tools for the project and the rating may be extended to such tools or equipment where they are specifically listed on the form. The urgency standing number of all machine tools so included should be indicated where applicable.

§ 816.1641–5 Applications for preference ratings for construction projects must be prepared in accordance with the requirements of the ANMB List of Prohibited Items for Construction dated 8 November 1943.

§ 816.1642 *Procedures for securing approval.* Various procedures are in operation for the review and approval of applications assigning preference ratings to construction projects. Since these procedures are integrated with the administrative controls of the services, special instructions issued by the service concerned will apply to the routing, and to the military and WPB approval arrangements.

SUBPART I—MAINTENANCE, REPAIR AND OPERATING SUPPLIES

§ 816.1648 *MRO Procurement by the Army.* (a) Maintenance, repair, and operating supply items, referred to as MRO, including capital additions not exceeding $500 in value, may be assigned preference ratings by following a simplified procedure which is based on CMP Regulations 5 and 7. A preference rating may be assigned by placing on the purchase order or contract for maintenance, repair, and operating supply items, the preference rating, identification symbol, and certification statement, as follows:

AA–1–W–MRO. The use of the preference rating or symbol on this order by the undersigned as a procuring Claimant Agency is authorized under applicable CMP Regulations.

This method of rating purchases may not be used in connection with regularly programmed MRO items which are those included in the Army Supply Program and which are rated by the PD–3A procedure.

(b) The quantity limitations of paragraph f of CMP Regulation 5 are not applicable to purchases of MRO by the Army.

(c) Priorities Regulation No. 3 of the War Production Board includes a list of items to which preference ratings may not be assigned by use of the certification statement of CMP Regulation No. 5 shown above. If it is necessary to assign a rating to an item on List B of Priorities Regulation No. 3, a PD–3A certificate and an AA–1 rating as specified in the ANMB Priorities Directive may be used.

§ 816.1649 *MRO Procurement by private contractors.* All private contractors, whether they are prime contractors or subcontractors, are governed exclusively by CMP Regulation 5 in their procurement of MRO. A service may not issue a preference rating certificate to a private contractor for MRO of the private contractor.

SUBPART J—PREFERENCE RATINGS FOR CONTRACTS BY OR FOR FOREIGN GOVERNMENTS

§ 816.1652 *Cash purchases.* The Army and Navy Munitions Board is responsible for assigning priority ratings on preference rating certificate, Form PD–3A, to prime contracts of foreign governments covering items being procured by cash purchase for the direct use of the military forces of such foreign governments.

§ 816.1653 *International Aid Requisitions.* The technical services are responsible for assigning ratings on preference rating certificate, Form PD–3A, to prime contracts placed by the Technical Services as procuring agencies pursuant to approved International Aid Requisitions filed with the War Department.

SUBPART K—EXTENSION OF PREFERENCE RATINGS

§ 816.1656 *Procedure.* (a) Preference ratings, irrespective of the manner of their original acquisition or assignment, are applied or extended by indorsing on a purchase order an appropriate certification.

(b) Where, under the provisions of CMP Regulation No. 3 or CMP Regulation No. 1, the purchase order must bear an allotment number or symbol, the certification prescribed in CMP Regulation No. 3 will be used. In all other cases, except those noted in the following paragraph, the certification set forth in Priorities Regulation No. 3 will be used. CMP Regulation No. 7 provides a standard certification which may be used in place of either of the two certifications mentioned above.

(c) Certain orders of the War Production Board in the "P" series require that a special certification or preference rating be used with respect to the extension of preference ratings to specified products or materials. Also Priorities Regulation No. 9 prescribes special requirements with respect to the application of preference ratings to certain items for export. The provisions of these orders must be complied with.

§ 816.1657 *To what ratings may be extended.* (a) Ratings may be extended to: (1) Materials and parts which will be physically incorporated into material to be delivered, including commodities which are normally consumed or converted into scrap or by-products in the course of processing. (2) Material and parts necessary to restore inventory to a practical working minimum level to the extent that deliveries from it pursuant to the rating have been made.

(b) Ratings may also be extended for the use of facilities or for repair work under the circumstances prescribed in Priorities Regulation No. 3.

§ 816.1658 *Combining ratings.* (a) Any person who has received the same preference rating by different preference rating certificates or orders, or extensions, may combine these ratings and extend them to a single delivery on a single properly certified purchase order. Preference ratings of different grades whether received by the same or different preference rating certificates or orders, or extensions, may also be extended on a single purchase order. The amount of material to which each rating is extended must be shown separately or if the material involved is of such type that the supplier can determine the effect of the extension of the rating on his own production and delivery schedules, the amount may be shown on a percentage basis.

(b) Each rating extended in combination may apply to no greater quantity of materials than if the ratings were extended by a separate instrument. However, ratings of different grades may be combined and the rating of the lowest grade extended to the total.

§ 816.1659 *B Product producers.* B Product producers may not extend the ratings received with orders but must use the ratings assigned on their allotment forms.

§ 816.1660 *Copies of preference rating extensions.* Copies of purchase orders used to extend preference ratings need not be sent to the army offices involved nor to the War Production Board.

SUBPART L—RERATING PROCEDURES

§ 816.1665 *General.* (a) Priorities Regulation No. 12 covers the rerating of contracts and purchase orders. Reratings may be made upward or downward and include any change from one category to another. For example, a contract changed from AA–2X to AA–1, or from AA–1 to AA–2X comes within the scope of this regulation. Extensions may be made of upward reratings for delivery of material which will itself be delivered on a rerated delivery or physically incorporated into material to be so delivered, including material consumed or converted into scrap or by-products as the result of processing. Also reratings may be extended for material necessary to bring inventory up to a practicable working minimum whenever, as a result of delivery on the rerating, the inventory has been impaired below that minimum.

(b) When contracts are rerated downward, extensions of the new rating must be made to all uncompleted deliveries under the original contract. This must be done within five business days following the date the downward rerating is received.

§ 816.1666 *Rerating of prime contracts.* Contracting procurement and inspecting officials may rerate prime contracts for supply items and construction projects only upon specific instructions from the office of the chief of the technical service. Form PDL–2102 shall be used exclusively for this purpose, including prime contracts under the jurisdiction of the Army Air Forces. "A" products may be rerated on allotment forms.

§ 816.1667 *Rerating of subcontracts.* (a) Prime contractors and subcontractors may rerate subcontracts or portions thereof either by Form PD–4Y, or by furnishing the supplier with a duplicate purchase order carrying the appropriate indorsement for the new rating as provided in Priorities Regulation No. 3, or by letter or telegram, listing the specific purchase orders, original ratings and new ratings. If the latter course is followed, such letter or telegram should be filed with the original purchase orders. The rerating shall cover only the undelivered quantities of materials specifically raised to new levels by means of the rerating certificates PDL–2102, PD–4Y, telegram, letter, or new purchase order received by the prime or subcontractor.

(b) PD–4Y is reproducible and samples may be obtained at WPB field offices. No duplicate copies of PD–4Y certificates issued by contractors are required by WPB.

§ 816.1668 *Rerating of authorized schedules under CMP allotments.* As to those "A products where no allotment is being made at the time, the rerating will be accomplished by a letter substantially in the following form: "The authorized schedule carrying allotment number ----, as shown on the (advance) allotment previously sent to you, is hereby rerated and assigned the following preference rating."

§ 816.1669 *Extensions of reratings.* A rerating of a delivery may not be extended to anything to which the original rating could not be extended such as materials for plant improvement, expansion or constructions, to machine tools or other capital equipment.

§ 816.1670 *General provisions.* (a) No person is required by reason of rerating, to terminate or interrupt a production schedule if such termination or interruption would mean a substantial loss in production: *Provided*, That rescheduling may not be delayed for more

than forty days after such rerating is received.

(b) No person shall, by reason of a rerating, divert material specially produced for an order bearing a rating higher than A-2 and deliver the same under the higher rerated order if such material is completed at the time the rerating is received or is scheduled for completion within fifteen days thereafter, unless such diversion is specifically directed by the War Production Board, or unless the new rating is AAA.

(c) Single forms of PDL–2102, or PD–4Y may be used to rerate deliveries to be made under different contracts with the same contractor and may specify different new ratings for separate deliveries to be made under the same contract.

(d) Reratings are retroactive to the effective date of the original rating.

(e) It must be emphasized that PDL–2102 and PD–4Y are not certificates covering original ratings. They are not to be used to acquire new or additional deliveries.

SUBPART M—SPECIAL RATING PROCEDURE AND SCHEDULING ASSISTANCE

§ 816.1675 *Definition.* (a) A special rating is AAA or any rating which is higher than the rating authorized in the current ANMB Priorities Directive. This higher rating is assigned only by the Recording Secretary of the WPB or by delegated authority under certain circumstances.

(b) A special rating is not to be assigned under any circumstances by contracting, procurement, and inspecting officials. Such officials should not instruct suppliers to rearrange production or delivery schedules in anticipation of the receipt of the actual special rating authorization.

§ 816.1676 *Considerations preliminary to applying for a special rating.* (a) If a special rating is granted, delay will occur in the production of some other essential items which have actually been rated as more essential by high strategic authorities. Such a sacrifice should be requested only when the interruption is small and does not entail a lengthy delay to the items which will be displaced. In many cases special rating does more than merely divert a like amount from some other project. This is because the disruption of the manufacturing schedule may drastically cut the production of the entire plant.

(b) The choke point or bottleneck should be located. Only the most directly affected contract need be investigated. It should be determined whether the inability of the supplier to deliver with the present rating is because of higher rated orders on his own books or is due to delay in securing materials or components from sub-suppliers. A special rating should only be sought for the particular items causing the delay and only for the quantity of the item necessary to alleviate the situation.

(c) Accurate, complete and up to the minute information must be furnished with respect to the orders which will be set back and the amount of delay of those orders, if the authorization is granted. In cases where order boards of suppliers are extremely complicated or consist of large numbers of small items, the maximum time lost by the displacement may be acceptable where the subject request is minute in comparison with the capacity of the industry to produce. It is essential that one of the following be clearly established:

(1) Whose orders, what programs, what items, will be delayed and to what extent?

(2) No orders be delayed over ------ days or -------- man hours.

(3) In cases of standard production items the ratio of the quantity requested to the total daily or weekly production may be given.

(d) A showing must be made that the specifications do or do not provide for approved alternates, and if they do, that all possible sources for the approved substitutes have been exhausted, with a statement of the sources contacted. For specifications on a performance basis, a similar showing must be made.

§ 816.1677 *Procedure for applying for a special rating.* (a) When it is necessary to apply for a special rating, the following procedure is applicable: All applications except those by contractors of the Army Air Forces covering "A" or "B" Products, and all other products, should be made through the office of the chief of the technical service. The application should be accompanied by WPB Form SR–1 (12–11–42) in triplicate and such additional copies as may be required by services. All information and data requested by the form should be supplied. Attention is directed to paragraphs 3, 5, 6, 8, and 9 of the form, the answers to which must be definite. The paragraph headed, "Basic Cause of Need for Rating," in addition to other causes, should show specifically the amount of delay, both in time and quantity, which will occur if the special rating is not authorized. The office of the chief of the technical service should show specifically that the granting of the special rating is necessary in order to meet the requirements in both time and quantity of the Army program involved.

(b) In the case of applications filed by contractors in the Air Programs of the Army Air Forces, the following procedure shall apply: The contractor shall fill out an ASU–16 Report of Critical Shortage. This report will then be authenticated by the AAF resident representative concerned. The report is then sent to the Army Air Forces District Procurement Office in the District in which the contractor is situated. If the shortage cannot be relieved in the District Office, the papers are forwarded to the Aircraft Scheduling Unit or to the Office of the Assistant Chief of Air Staff, M. M. & D., depending on the nature of the item. The SR–1 Form above referred to is filled out as set forth in the preceding paragraph and filed with the Special Rating Branch through the Army Air Forces Washington Office.

§ 816.1678 *Advice as to action taken on application.* (a) If, after investigation, it is decided to assign the special rating, the WPB will send a telegram in the name of the Recording Secretary to the applicant named in paragraph 1 of the SR–1 Form. This telegram will authorize the application of the special rating only to the quantities of items specified in the telegram. The applicant should be instructed to immediately extend the rating upon receipt to his supplier. Telegrams will also be sent to the supplier in cases where it appears that the war effort can be expedited by such action but in all such cases these telegrams will be addressed to the individual who is shown as fully cognizant of the facts involved.

(b) In all cases the sponsoring technical service will be advised of the action taken upon the application for special rating by an appropriate indorsement to the transmittal communication. If the application is approved a copy of the WPB telegram granting the special rating will be inclosed with the indorsement. If the application is denied or other action taken rather than authorizing the requested special rating, a complete explanation for such action will be set forth in the indorsement. The technical service will promptly notify the applicant of the action taken upon an application when the special rating is not authorized in order that any suggested action may be followed and reconsideration requested if further details can be submitted which would warrant further consideration by the Special Rating Section.

§ 816.1679 *Requests for special scheduling.* (a) Requests for scheduling assistance for items covered by General Scheduling Order M–293 or other scheduling orders which are not available on their present production schedule to meet the requirement in either time or quantity for Army Supply Program may be submitted to the WPB through the interested technical service.

(b) These applications for scheduling assistance may be submitted on the above mentioned SR–1 Form in the same manner as requests for special ratings and will be considered by the Special Rating Section to determine the urgency of the requirements.

SUBPART N—RELATION OF PRIORITIES TO MATERIAL ALLOCATION SYSTEMS

§ 816.1685 *Systems for controlling scarce materials.* (a) Systems controlling the distribution of scarce materials, like preference ratings, are an essential part of the general scheme of effecting precedence. The most important of the procedures for controlling the distribution of materials is the Controlled Materials Plan. Only a brief review of that plan can be given in this subpart and interested officers are referred to the War Production Board CMP Regulations and the instructions on CMP issued by Army Service Forces.

(b) The Controlled Materials Plan is a system for the distribution of three common denominator materials—steel, copper, and aluminum. The available supply of these materials is divided among the Claimant Agencies (Army Service Forces, Navy, Civilian Requirements,

etc.) quarterly and is allotted to manufacturers by one of two methods: All products containing controlled materials are divided into two classifications. "A" and "B" Products. "B" Products are listed in the official War Production Board "B" Product List. All products containing controlled materials not found on the official "B" Product List are "A" Products. Materials are distributed for the manufacture of "A" Products in the following manner: The manufacturer upon receiving a contract for the production of "A" Products, customarily submits an application for an allotment of the controlled materials necessary to complete the contract. The procuring agency which placed the contract makes the manufacturer an allotment of controlled materials which are necessary based on the application and an analysis of a bill of material contents. In like manner, the prime contractor in placing subcontracts for "A" Product components passes on to his subcontractor a sufficient portion of the allotment he has received to enable his subcontractors to complete their components.

(c) A manufacturer of "B" Products files with the appropriate WPB Industry Division quarterly an application for an allotment of materials necessary for the manufacture of "B" Products by the applicant during the quarter. An allotment is made to the manufacturer by the Industry Division on a CMPL–150 Form. The "B" Product manufacturer would pass on a portion of this allotment to his suppliers of "A" Product components in the same manner as a prime contractor producing "A" Products. Allotments are not made by the purchaser to manufacturers of "B" Products whether the "B" Products are end items or components of other "A" or "B" Products.

(d) A similar procedure of direct allotment is provided for construction projects and there are special procedures for certain products in which one Claimant Agency has a predominant interest, for small warehouse purchases, and for small orders. The procedure for obtaining MRO under CMP has been referred to in subpart I of this part and is covered by CMP Regulation No. 5.

(e) A preference rating is always assigned to the authorized production schedule for an "A" Product. An "A" Product manufacturer may receive his preference rating on the allotment form or on a PD-3A certificate. This preference rating is extendible by the "A" Product manufacturer to his suppliers for all materials and components necessary to carry out the authorized production schedule, except the controlled materials.

(f) The "B" Product manufacturer shows upon his CMP-4B application the preference ratings applicable to the contracts for which he is requesting an allotment of materials. He receives his preference rating or ratings on the CMPL-150 Form and these preference ratings may be extended to his suppliers. Ordinarily the preference rating assigned to the "B" Product manufacturer on the CMPL-150 Form will conform to the pattern of the ratings of the contracts held by the manufacturer. The ratings received by the B Product manufacturer from his customers may not be extended (except AAA) but the "B" Product manufacturer in making deliveries to his customers must make these deliveries in accordance with the ratings received from the customers.

§ 816.1686 *Relationship of ratings to material control systems.* (a) The effect of a preference rating with respect to contracts for "A" Products is modified by the Controlled Materials Plan to the extent that a lower rated order for an "A" Product once accepted by the manufacturer may not be displaced by a higher rated order (except AAA) subsequently placed. That is, a manufacturer may not accept a contract rated lower than AAA if deliveries on the contract would prevent him from making scheduled deliveries on a rated contract for "A" Products previously accepted by the manufacturer.

(b) Orders for controlled materials are accepted by producers of controlled materials in the order in which they are presented. Preference ratings are not applicable to such orders and are disregarded in scheduling the production and delivery of controlled materials. Controlled materials are obtainable only if orders are accompanied by allotment symbols indicating that they are part of an allotment made by an authorized agency in the manner above described.

(c) Although CMP modifies the effect of preference ratings upon the production and delivery of "A" Products and controlled materials, it does not otherwise alter the operation of the preference rating system. For example, even under CMP, preference ratings control the production and delivery of "B" Products, of products unclassified as "A" or "B" Products, and of non-controlled materials. All procuring agencies and manufacturers, including "A" Product manufacturers, are dependent upon their preference ratings to obtain these products and materials.

§ 816.1687 *Optional procedure under Priorities Regulation No. 11–B.* An optional procedure for distributing noncontrolled materials has been established by WPB Priorities Regulation No. 11–B. This regulation provides that a manufacturer of products unclassified as either "A" or "B" Products may make application to the appropriate Industry Division of the WPB on a PD-870 Form for a preference rating for specified quantities of non-controlled materials. The authorization to the manufacturer is accompanied by preference ratings which are extendible by the manufacturer to his suppliers. A manufacturer operating under Priorities Regulation No. 11–B may not extend the ratings he receives from his customers. However, the rating received with his allotment will conform to the ratings of the contracts held by him if above certain base ratings.

SUBPART O—SUMMARY OF WPB ORDERS

§ 816.1690 *Summary of WPB orders.* (a) P-Orders are Preference Rating Orders. "Blanket" Preference Rating Orders are used to avoid paperwork by assigning ratings which may be used for more than one delivery to obtain a variety of materials not specified in the assignment of the rating. A "P" Order saves time which would be required to assign hundreds of identical ratings on individual application forms (such as PD–1A or PD–3A), when it has been determined that a certain end-use should be assigned a specific rating without restriction.

(b) P-Orders are of two general types. The "open-end" type which assigns a rating to deliveries of all material required for the production of a named end-product. There is no restriction on the quantity of material which may be obtained by use of the rating and, as a rule, any person whose operations fit into the rated category may use the rating. This type of order is seldom issued. The "pre-audit" type of P-Order gives closer control. It also assigns a blanket rating, but the rating may be used only to obtain the quantity and types of material specifically authorized after proper periodic application to the War Production Board, as set forth in the P-Order.

(c) L-Orders are Limitation Orders, and like P-Orders, are economic controls which control end-product output. Unlike P-Orders (which promote production of needed end-products), the L-Orders restrict or prohibit the manufacture of less needed end-products. The most typical L-Order is a horizontal cut which limits each manufacturer of the regulated product to a certain percentage of his production during a base period (usually a pre-war year). An L-Order may prohibit or regulate manufacture, sale, purchase, delivery, acceptance of delivery, etc. L–Orders were used to stop the production and regulate the sale of automobiles, refrigerators, etc. Other L-Orders provide standardization and simplification practices, providing that certain end-products (e. g., bicycles) may be produced only in accordance with specifications set forth in the L-Order.

(d) M-Orders are material orders. They govern the distribution or use of raw materials, e. g., copper, iron and steel, lumber, paper, etc. One type of M-Order is the "Conservation Order" which provides, for example, that copper or steel may not be used in certain listed end-products. Other M-Orders are called "General Preference Orders". These exercise a great variety of controls and are difficult to classify. The following are the most usual provisions found in M-Orders: (1) A general inventory restriction and a rule that war orders must be filled first; (2) a rule that certain listed uses shall have preference in obtaining the regulated material; (3) a rule that all purchase orders must be filed with WPB and the distribution of the material held subject to close check, with perhaps the establishment of a "kitty" or reserve pool; (4) a requirement that suppliers must report their potential supply to WPB and users report their prospective demands, permitting WPB to compare the total supply with the demand; (5) a complete allocation order, providing that no person shall deliver or take delivery of the restricted material except as specifically authorized by the War Production Board.

(e) E-Orders are Equipment Orders. They are similar in principle to the M-Orders but are used to regulate the distribution of certain vital manufacturing equipment, such as machine tools.

(f) T-Orders are Transportation Orders. This type of order regulates shipments of certain listed end-products, by tank cars and tank trucks. Its purpose is to prevent unnecessary cross-hauling.

(g) U-Orders are Utilities Orders. They perform the same functions as P-Orders, L-Orders, and M-Orders, in the field of "utilities," electric power, gas, water, steam, telephone, and telegraph.

(h) R-Orders are Rubber Orders and regulate the use of rubber.

(i) S-Orders are Suspension Orders. They impose specific penalties for violations of WPB orders and regulations. They may be used to stop or limit the business operations of a concern which has failed to comply with regulations issued in the interest of the war effort.

§ 816.1691 *Appeals from L, M, and R-Orders.* Relief from the restrictions of these orders may be obtained in individual cases by (a) specific WPB authorization, or (b) by appeals to WPB. The applicable L, M, and R-Orders state which or both methods may be used. Where under the second method the applicant takes an appeal to WPB involving items or material being procured to or for the account of the Army, such appeal is referred to the Army and Navy Munitions Board for a recommendation as to its military essentiality before final action is taken by WPB. The appeal is placed with WPB not by the technical service, but by the processor of the restricted material or producer of the prohibited item. To assure appropriate military review of such appeals and support, where necessary, it is important that the applicant identify the appeal as involving military procurement. In the case of a prime or subcontractor, the military prime contract involved should be identified by the appropriate symbols of the contract, Letter of Intent, or purchase order to indicate the military end item.

§ 816.1692 *Index to orders.* All WPB orders are indexed in the monthly publication, "Priorities", obtainable from the War Production Board Publications Section, Washington, D. C.

SUBPART P—PREFERENCE RATINGS FOR PROCUREMENT FROM NONAPPROPRIATED FUNDS

§ 816.1695 *Procurement of items purchased with nonappropriated funds.* See section IV, Circular No. 459, W. D., 1944 dealing with the issue of Preference Rating Certificates, WPB Form PD-3A, for the procurement of items being purchased with nonappropriated funds.

Subchapter B—Disposition of Property

[Procurement Reg. 7]

PART 821—GENERAL

Sec.

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§ 821.100 *Rescission of instructions.* This subchapter and the regulations, manuals and other instructions to which it makes reference, include all outstanding instructions of the War Department on the subject of the disposition of personal property, title to which is in the Government, or to which the Government has the contractual right to acquire title, except termination inventory as defined in § 841.121–21 and property which is treated as termination inventory under the provisions of § 844.400–2. All other instructions are hereby rescinded. Instructions of the technical services are not affected hereby, but will be promptly conformed to this subchapter.

§ 821.101 *Subjects not covered.* This subchapter does not rescind or otherwise affect TM 38–220 or other publications concerning Stock Control for military property. It does not relate to the disposition of real property, which is governed by Circular No. 8, W.D., 1944 as amended by Circular No. 306, W.D., 1944 and Section II, ASF Circular No. 28, 1944. Apart from the provisions of Part 827, regarding action in connection with surplus property reported to disposal agencies, it does not relate to the disposition of termination inventory as defined in § 841.121–21, or to property which is treated as termination inventory under the provisions of § 844.400–2, which disposition is governed by Subchapter C of this chapter. It does not relate to the repair or reclamation of personal property which is governed by Circular No. 7, W.D., 1944 as amended by section IV, Circular No. 90, W.D., 1944 and Section IV, Circular No. 239, W.D. 1944. It does not relate to the disposition of the proceeds of sales of property, as to which see AR 35–780 and AR 35–6660. It does not relate to the redistribution or disposition of any property located outside of the continental limits of the United States nor to dispositions to foreign governments. The policies and procedures governing the disposition of property which has been turned over to a salvage officer or salvage organization are covered by §§ 824.4 to 824.9 [1] and TM 38–505.

[1] 9 F.R. 5034, 14045; 10 CFR, 1944 Supp., 824.4 to 824.9.

§ 821.102 *Definitions.* The following terms, when used in this subchapter, have the meanings indicated:

"Military property" consists of all supplies and equipment held for issue or issued, to or for troops, military posts within the United States, and theaters of operation; and includes tactical supplies and equipment, subsistence items and property required by tables of allowances, tables of basic allowances, and tables of equipment.

"Non-military property" is all property other than military property, termination inventory as defined in § 841.121–21 and property which is treated as termination inventory under the provisions of § 844.400–2.

"Serviceable property" is property other than scrap or waste which is suitable for use in its existing condition.

"Non-repairable property" is unserviceable property which cannot in the best interests of the Government be mended or restored to serviceability, and scrap and waste; and includes, but is not limited to, any obsolete non-military items, and industrial materials, industrial equipment, components, and assemblies (whether partially or completely fabricated, processed or assembled and whether new, used or deteriorated), which have no reasonable use except as scrap.

"Excess property" in the case of military property, is any property in excess of the maximum stock level authorized for a particular organization, supply point or technical service; and, in the case of non-military property, is any property in excess of the immediate and definitely forseeable needs of a particular industrial installation or other function, activity, project or industrial operation in connection with which the property was acquired.

"Surplus property" is property declared by competent authority to be, or deemed to be, in accordance with the provisions of this subchapter, in excess of the immediate or definitely foreseeable needs of the entire War Department.

"Negotiation" means any method of reaching an agreement on the terms of sale, except the formal sealed bid procedure contemplated by section 3709, R. S. with respect to purchases. (There is no statutory requirement for the formal sealed bid procedure in the case of sales of government property. See Opinions of The Judge Advocate General, dated March 19, 1941, SPJGC 1941, and March 30, 1943, SPJGC 1943, 3449).

§ 821.103 *Statement of War Department policy.* The demands of the war production program require that the material resources of the nation be used with the utmost efficiency. This can only be accomplished if the accumulation of excess property is avoided and if idle property is put to productive use at the earliest possible moment. Accordingly, it is the policy of the War Department to prevent the acquisition or retention of excess property by the War Department. It is likewise the policy of the War Department to effect the prompt return of temporarily idle non-military property to productive use. The guiding policy of the War Department is to employ all the material resources at its command in the manner which will most effectively facilitate the prosecution of the war. To this end property will be freely redistributed under the authority granted in Part 823. In any event, excess property will be redistributed as promptly as possible. Accordingly, the chiefs of technical services will comply with existing provisions for the review of military property. All affected thereby will strictly observe the requirements of ASF Manual M–413, Supply Control System, July 20, 1944. In addition, chiefs of technical services will maintain constant and active review of all non-military property on hand or in the process of manufacture, to determine the essentiality of such property for the prosecution of approved functions, activities, projects or industrial operations.

§ 821.103–1 *War Department policy on direct sales.* Under regulations prescribed by the Surplus Property Board, general responsibility for disposal of surplus Government property has been assigned to certain disposal agencies, as more fully explained in Part 827 of this chapter. It is the policy of the War Department to have these disposal agencies dispose of surplus War Department property to the fullest extent provided by the regulations of the Surplus Property Board, and to limit direct disposal by the War Department to those categories for which the War Department is clearly responsible. Accordingly, sales by the War Department will be limited to the following:

(a) Sales of termination inventories and other property in hands of war contractors as provided in Subchapter C of this chapter.

(b) Sales of nominal quantities of surplus property as provided in § 827.701 of this chapter.

(c) Sales to war contractors, other government agencies and other limited classes of transferees as provided in Part 823 of this chapter.

(d) Sales of salvage, scrap and waste.

§ 821.104 *Designation of Redistribution and Salvage Officer.* The chief of each technical service will designate a Redistribution and Salvage Officer in his office who will have responsibility for coordinating the activities of the technical service as to salvage activities; as to the determination of what items of non-military property are excess within the technical service; as to the determination of what items of military property should be processed for declaration by competent authority as surplus; and as to the acquisition and use by the technical service of military and non-military items available from other technical services. The Director, Readjustment Division, Headquarters, Army Service Forces, will be promptly notified of the appointment, or change in the appointment of such officer.

§ 821.105 *Establishment of disposal boards.* (a) The chiefs of the technical services will establish in their field installations, disposal boards for reviewing and taking appropriate action with respect to proposed transactions required to be reviewed by this subchapter.

(b) Disposal boards will consist of not less than three members. The members thereof may perform other functions, provided the prompt review of property disposal matters is not hindered and the personnel are qualified by training and experience to afford adequate review with respect to such matters.

(c) Records of the proceedings of disposal boards will be maintained by the offices or installations in which they are established. Cases submitted for review will be accompanied by information pertinent to the transaction, particularly as to the following: number of offers or bids solicited and reviewed, and the amounts thereof; condition of the property; status of the buyer with respect to the use to be made of the property, and any other information necessary to show that the market has been adequately tested and that the sale should be made at the price and in the quantities stated.

(d) Disposal boards are not authorized to waive or to modify the price policies of the Surplus War Property Administration relating to the disposition of property made under this regulation, and will not approve sales which are not in conformity with the price policies.

§ 821.106 *Disposal board at chief of service level.* Disposal boards may be established in the offices of the chiefs of technical services, or in the case of the Army Air Forces, in the headquarters office of a command, to review and take appropriate action with respect to property transactions as to which review at that level is authorized by this subchapter (see §§ 823.301–4 (b) and 824.401–2) or by Subchapter C of this chapter.

§ 821.107 *Extraordinary cases.* Proposed sales or scrapping determinations involving unusual problems or difficulties may be presented for the consideration and advice of the Director, Readjustment Division, Headquarters, Army Service Forces.

§ 821.108 *Reports.*

§ 821.108–1 *Monthly report of redistribution and disposal of excess and surplus serviceable property.* (a) Commanding generals of each numbered service command and the Military District of Washington will submit to the Director, Readjustment Division, Headquarters, Army Service Forces, a consolidated monthly report on redistribution and disposal of excess and surplus serviceable property.

(b) Each procurement office reporting to the chief of a technical service will submit to the chief of the technical service a monthly report of redistribution and disposal of excess and surplus serviceable property. Chiefs of technical services will issue instructions as to the omission of certain sections of the form not applicable to their procurement offices.

(c) The chief of each technical service will submit to the Director, Readjustment Division, Headquarters, Army Service Forces, a consolidated monthly report on redistribution and disposal of excess and surplus serviceable property, together with reports for each procurement office reporting to him.

§ 821.108–2 *Report form.* Reports will be submitted on W. D., A. G. O. Form No. 256, revised December 1, 1944. Control Approval Symbol RCS–5 has been assigned to this report. This form will be used by all echelons required to submit the report.

§ 821.108–3 *Date for submitting report.* Report will be submitted monthly and will be filed with the Director, Readjustment Division, Headquarters, Army Service Forces, on or before the 12th day of the month following that for which the report is made.

§ 821.108–4 *Preparation of the report.* Record costs may be used without inclusion of amounts for storage, transportation, handling, or other overhead costs. In the absence of record costs, estimates may be made on the basis of known costs of similar items or other available information. All dollar amounts should be reported to the nearest full dollar with cents omitted. Specific instructions as to preparation of the report together with a sample of the report form are included in §§ 829.910 and 829.910–1.

§ 821.109 *Direct correspondence authorized.* Direct correspondence is authorized among all levels of the technical services and representatives of other government agencies in respect of redistribution of available property under this subchapter.

§ 821.110 *Methods of sale.* All sales of property under this subchapter, including sales made by cost-plus-a-fixed-fee contractors pursuant to § 823.306, will be made by negotiation in a manner to assure such competition (by taking written bids, making oral inquiry, or otherwise) as is practicable in the circumstances, and consistent with economy, efficiency and the expeditious completion of the proposed sale. The negotiating officer will make every effort to effect the sale in such manner and for such further uses as will most effectively facilitate the prosecution of the war. Sales at ceiling or established market prices and sales under § 823.301 need not be delayed for the purpose of soliciting competitive bids.

§ 821.111 *Compliance with OPA and WPB regulations.*

§ 821.111–1 *General.* All sales or other transfers (except transfers within the Government) of property made under the authority of this subchapter or otherwise, shall conform to applicable orders and regulations of the War Production Board and the Office of Price Administration.

§ 821.111–2 *WPB regulations.* Officers responsible for disposal of War Department property may rely upon a representation by the buyer to the effect that the purchase is being made in compliance with all War Production Board regulations affecting the buyer, unless they have knowledge or reason to believe that such representation is false. Such a representation should be incorporated in each written contract of sale.

§ 821.111–3 *Exemptions from OPA price ceilings.* Price ceilings established by the Office of Price Administration do not apply to a sale (other than a sale of food or of a commodity originally purchased solely for the purpose of resale in substantially the same form or for stockpiling) where the sale is:

(a) To another Government agency (§§ 823.307 to 823.310–1);

(b) To any foreign government or agency thereof;

(c) To a contractor (but not to a subcontractor) for use in carrying out his price contract with a Government agency (§ 823.301);

(d) To any relief organization for donation or export sale (§ 823.302);

(e) Of a single item or group of items where the sales price estimated to be obtainable for all substantially similar items available for sale at the place of sale does not exceed $300 (§ 827.701);

(f) Of personal property when sold together with an interest in land or buildings in a single transaction;

(g) Of all or substantially all the Government-owned contents of a factory or plant to the owner, lessee, or operator; or to any other single buyer purchasing for use;

(h) Of building installations, facilities, appurtenances, equipment and personal property attached to the land (except standing timber);

(i) Of scrap metal to a dealer in such material purchasing solely for resale, *Provided:*

(1) That the dealer certifies that he is purchasing such material for resale and that in reselling he will not exceed the applicable OPA maximum prices, and

(2) That the seller has no reason to doubt the accuracy of the dealer's certificate.

§ 821.111–4 *Reliance on buyers' certificates.* Unless contracting officers have reason to doubt the accuracy of the certificate hereinafter set forth, they may make any sale (other than of food or of a commodity originally purchased solely for the purpose of resale in substantially the same form or for stockpiling), without verifying OPA ceiling prices, in reliance upon a certificate in the following form executed by the buyer:

> The undersigned hereby certifies that the price paid (to be paid) (to be credited to the Government) for the goods purchased (to be purchased) (to be retained by the undersigned) under (identify contract, bid or quotation) does not exceed one of the following:
>
> (a) The maximum price applicable to purchases by the undersigned, from usual sources of supply, of the goods in the quantity and at the place of delivery specified in such contract (bid, quotation), or
>
> (b) The maximum selling price applicable to sales by the undersigned, in its capacity as a manufacturer, producer or processor of the same goods, disregarding minor differences in specifications or design, in the quantity and at the place of delivery specified in such contract (bid, quotation).

§ 821.111–6 *OPA assistance.* In the event a proposed sale is not exempt from OPA price ceilings (see § 821.111–3), and is not to be made in reliance upon a certificate (see § 821.111–4), contracting officers may call upon the members of the price staff of any OPA office for aid in determining the OPA maximum price, if any, applicable thereto.

§ 821.111–7 *Information obtainable.* If assistance of OPA officials is not available, interested personnel may refer to the terms of OPA Supplementary Order No. 94 for a recital of various exemptions not discussed and various instructions as to methods of determining OPA price ceilings too numerous to set forth in detail in this chapter.

§ 821.111–8 *Liability for violations.* The OPA grants exemption to War Department officials and employees and to contractors making sales in reliance upon certificates, as set forth in § 821.111–4, from any liability for the violation of any OPA maximum price ceilings, unless the seller has reason to doubt the accuracy of such certificates.

§ 821.112 *Federal excise taxes on property sold.* Where property which is subject to Federal excise tax is sold, provisions governing the collection of such taxes found in Subpart F of Part 808 will be observed.

§ 821.113 *Contract formalities including numbering and distribution.* (a) All contracts for the sale of property made under the authority of Part 823, all contracts for an amount in excess of $1,000 and all contracts for an amount in excess of $500 which are not to be performed within sixty days shall be evidenced by a written contract prepared in substantially the form set forth in §§ 813.1326 or 813.1326a, or in such other form as may be approved by the Director, Readjustment Division, Headquarters, Army Service Forces, or, in the case of sales by salvage officers, in the form authorized or required by applicable regulations. All other sales shall be evidenced (1) by any such written contract or (2) on accounting forms now or hereafter prescribed by the chiefs of technical services concerned, subject to the approval of the Fiscal Director, Headquarters, Army Service Forces.

(b) The provisions of §§ 803.309 to 803.309–3 and 803.318b–5 relating to the numbering of contracts are applicable to contracts for the sale of property except that in connection with such contracts a separate series of numbers will be used in which the letter "S" will be added immediately after the letters representing the technical service concerned.

(c) Contracts for the sale of property will be distributed in the same manner as other contracts (see Subpart D of Part 803) except that (1) when a sale of War Department property is made under a contract or agreement the officer or agent of the War Department by whom funds are received as a result thereof will, in turning the funds over to a disbursing officer, accompany such remittance with a copy of the contract or agreement covering the terms of the sale; and (2) the original signed number of each unnumbered contract of sale will be forwarded to the General Accounting Office instead of being sent to the disbursing officer, as in the case of unnumbered contracts of purchase.

(d) A copy of each contract of sale of military property, the original cost of which exceeded $2,000 will be distributed to the Chairmen of the Military Affairs Committees of the House and Senate within twenty-four hours after a contract has been made.

§ 821.114 *Coordination with Property Officer.* All transfers or sales of property under authority herein contained must be coordinated with the Property Officer involved for compliance with applicable property accountability regulations.

§ 821.115 *Information as to sales of War Department property.* It is the policy of the War Department to have the facts on all public sales of War Department property kept available at the point of sale for public inspection during normal business hours for any proper purpose. The facts on sales to war contractors will likewise be kept available for inspection by the interested parties.

§ 821.115–1 *Furnishing information to periodicals.* When sales are made on written invitations to bid, copies of invitations and information as to awards may be transmitted to periodicals for publicity purposes, or to persons who request invitations for the purpose of advising their clients. In any event, copies of written invitations to bid and information as to awards will be kept available at the point of sale for inspection by representatives of periodicals or other interested parties during normal business hours for any proper purpose.

§ 821.115–2 *Information as to declarations of surplus.* (a) Information as to declarations of surplus property by the War Department, including the reasons why the property became surplus, is a matter of public interest and such information must be made available to the public to the fullest extent practicable.

(b) Under no circumstances will the War Department ask or expect a Disposal Agency to dispose of property declared surplus by the War Department under any conditions other than normal full publicity.

(c) In those cases where the Readjustment Division, Headquarters, Army Service Forces, upon the basis of information received from the chiefs of the technical services, considers that proposed declarations of surplus involve substantial or unusual amounts or types of property, Readjustment Division will prepare the statement of the pertinent facts, including the reasons why the property became surplus, which it will process through normal channels for release by the Bureau of Public Relations. Chiefs of technical services will cooperate with Readjustment Division in the preparation of such statements.

§ 821.115–3 *Advance information.* (a) War Department personnel, military and civilian, will refrain from furnishing prospective buyers advance information as to surplus property, and from any other action tending to prefer any buyer or class of buyers over other buyers. Information which should not be divulged includes information that property is excess at a certain locality, or will shortly be declared surplus or be reported to a given disposal agency, or that it has been so reported. Information which may properly be divulged includes such information as that a certain disposal agency has been designated to dispose of particular types of property, that certain property is being advertised for sale by a certain agency, or that a salvage officer is currently accepting bids for specified property. Negative information, such as that no property of a type in question has been declared surplus, may also be given.

(b) The foregoing is not to be construed as limiting the provisions of § 821.115–2 as to furnishing disposal agencies with information on declarations of surplus; or as to the official release of such information through the Bureau of Public Relations. Furnishing information to War Department personnel for use in connection with their official duties is not prohibited.

§ 821.116 *Sales to War Department personnel.* Except as authorized by Part 823, or by AR 30–2290, §§ 824.4 to 824.9[1], TM–38–505, or other War Department publication, no sales of Government-owned property will be made to any official or employee of the War Department nor any officer, enlisted man, or civilian employee of the Army.

§ 821.117 *Assistance in obtaining surplus property.* War Department personnel, military and civilian, whether or not engaged in surplus property activities, will not render assistance to individuals in obtaining surplus property, except (a) Such assistance as is incident to making authorized War Department sales or to the disposal of termination inventories and (b) Such assistance as is involved in making proper response to inquiries, as provided in § 821.115–3 (a).

PART 823—DISPOSITION OF PROPERTY FOR PURPOSES DIRECTLY RELATED TO THE PROSECUTION OF THE WAR

823.300 Scope of part.
823.301 Sale to contractors.
823.302 Sales to Red Cross and U.S.O.
823.303 Other sales in aid of war production.
823.304 Leases.
823.305 Leases under other statutes.
823.306 Disposition by contractors.
823.307 Transfer to other Federal agencies.
823.308 Transfer to other War Department Components.
823.309 Transfers to and from Navy.
823.310 Transfers to Civil Aeronautics Administration.
823.311 Transfers with reimbursement.
823.312 Transfers without reimbursement.
823.313 Procedure for transfers without reimbursement.
823.314 Gifts and loans of drawings and other property.
823.315 Exchange of property.
823.316 Donations to schools engaged in pre-induction or aeronautical industrial training.
823.317 Sales to contractors for return in kind.
823.318 Miscellaneous sales under specific statutes and Army Regulations.

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[1] 9 F.R. 5034, 14045; 10 CFR, 1944 Supp., 824.4 to 824.9.

§ 823.300 *Scope of part.* This part relates to the disposition of property for the purpose of enabling it to be used directly in the prosecution of the war. Such disposition may be made of both military and non-military property, without regard to its serviceability or state of supply. The authority herein granted may be exercised without first obtaining from the Chief of Staff a certificate under the act of June 28, 1940, Title I, section 14–a (54 Stat. 681, 10 U.S.C. 1262a). The authority to dispose of property under this part is subject to the provisions of Part 827 which limit the disposition of property after reporting to a disposal agency as surplus.

§ 823.301 *Sales to contractors.*

§ 823.301–1 *Sale to war contractors.* The chiefs of the technical services are authorized, when it is determined by them that such action will facilitate the prosecution of the war, to make contracts by negotiation for the sale of, and to sell to manufacturers and suppliers having war contracts, including employees and suppliers of war contractors, and to employees of the Government engaged in war production, any machine tool equipment, processing equipment, uniforms, safety clothing and equipment, plant protective clothing and other special articles necessary to persons employed in or otherwise connected with war industries or establishments, manufacturing aids, raw materials, manufactured materials or other materials or facilities presently owned or hereafter acquired by the Government. Such sales, however, shall be made only for the purpose of facilitating the performance of war contracts or war production. Sales to war contractors ordinarily will be made for cash. However, property (except non-repairable property) may be sold to war contractors on credit not exceeding sixty days. Contracts executed in accordance with this paragraph will recite that they are entered into pursuant to the First War Powers Act and Executive Order 9001.

§ 823.301–2 *Pricing policy.* (a) Sales under § 823.301–1 of all property, other than the property referred to in paragraph (b) hereof, will be made at prices that are fair and reasonable, having due regard for the circumstances of the sale and the nature, condition, quantity, and location of the property.

(b) Sales under § 823.301–1 of all used standard general-purpose machine tools and all used standard machines included in the following classifications of the Standard Commodity Classification (excluding special machines), will be made at prices determined in accordance with Surplus War Property Administration Regulation No. 3 and Surplus Property Board Special Order No. 2 (see § 829.905–4):

Major Group 34, Code 34—40,000 to, but not including, 47,000.
Major Group 34, Code 34—49,000 to, but not including, 70,000.
Major Group 34, Code 34—74,000 to, but not including, 74,900.
Major Group 33, Code 33—6300 through 6620, inclusive.
Major Group 33, Code 33—6800.
Major Group 33, Code 33—6910.
Major Group 33, Code 33—6920.
Major Group 33, Code 33—7210.
Major Group 33, Code 33—7220.
Major Group 33, Code 33—7260.

§ 823.301–4 *Review of sale.* (a) Sales made under § 823.301–1, other than sales made in accordance with § 823.301–3 (b) and sales made to a cost-plus-a-fixed-fee contractor for the account of the Government, will be subject to prior review and approval of a Disposal Board, established in accordance with § 821.105 in all cases where the cost (estimated if not known) of the property to be disposed of in the sale (1) exceeds $100,000 and it is proposed to sell below such cost, less freight and handling charges, or (2) exceeds $10,000 and it is proposed to sell at more than 25 percent below such cost, less freight and handling charges.

(b) Chiefs of technical services may require or permit review by Disposal Boards established pursuant to § 821.106 where the cost (estimated if not known) of the property to be disposed of exceeds $500,000 and it is proposed to sell at more than 25 percent below such cost.

§ 823.302 *Sales to Red Cross and U.S.O.* The chiefs of the technical services are authorized to make contracts by negotiation and to sell to the Red Cross and the United Service Organization any military, subsistence, or other supplies or property which the chief of the technical service finds is needed by such institution in connection with its activities with the Army: *Provided,* That no such sale of military property will be made without the prior approval of the Commanding General, Army Service Forces (Distribution Division), or in the case of the Army Air Forces property, the Commanding General, Army Air Forces, or his delegate or delegates. All such contracts will recite that they are entered into pursuant to the First War Powers Act and Executive Order No. 9001.

§ 823.303 *Other sales in aid of war production.*

§ 823.303–1 *Aircraft and related property.* The Commanding General, Army Air Forces, is authorized to effect sales of aircraft and related property whenever it is determined by him that such sales are incident to war production or to the rendition of services which facilitate war production; *Provided,* That such sales are made in accordance with allocations or assignments of the Munitions Assignment Board or the Joint Munitions Allocations Committee or its subcommittee, Joint Allocation (Air).

§ 823.303–2 *Other property.* The chiefs of technical services are authorized to effect sales other than those authorized by §§ 823.301, 823.302 or 823.303–1, whenever it is determined by them that such sales are incident to war production or to the rendition of services which facilitate war production; *Provided,* That such determination is approved by the Director, Readjustment Division, Headquarters, Army Service Forces.

§ 823.303–3 *Pricing policy and review.* When a determination and allocation have been made pursuant to § 823.303–1 or a determination has been made and approved pursuant to § 823.303–2, the

sale will be made in accordance with the pricing policy established by § 823.301–3 and will be subject to prior review and approval by a disposal board, in the same manner and in the same situations as required in the case of sales made under § 823.301 by the provisions of § 823.301–4.

§ 823.304 *Leases.* Under the First War Powers Act, 1941, and Executive Order No. 9001, and section 1 of the act of July 2, 1940 (Public No. 703, 76th Congress) as continued in effect by section 13 of the act of June 5, 1942 (Public No. 580, 77th Congress), the chiefs of the technical services are authorized, when it is determined by them that such action will facilitate the prosecution of the war:

(a) To include in supply contracts the Government-Owned Facilities article prescribed in § 803.332, subject to the regulations set forth as notes to § 803.332 and to other applicable sections of the regulations in this chapter. (See Part 810 of this chapter for approvals of higher authority which must be obtained in certain cases);

(b) To enter into separate lease agreements (i.e., agreements not made part of supply contracts), as authorized by Part 810 of this chapter.

§ 823.305 *Leases under other statutes.* Authority for the execution of lease agreements may be found in certain statutes other than those mentioned in § 823.304. See AR 850–30 for the terms of those statutes.

§ 823.306 *Disposition by contractors.* (a) The chiefs of the technical services are authorized, when it is determined by them that insertion of such provision will facilitate the prosecution of the war or is necessary to carry out the purposes specified in section 1 of the act of July 2, 1940 (Public Law 703, 76th Congress, 54 Stat. 712), to insert in cost-plus-a-fixed-fee contracts, and subcontracts heretofore or hereafter executed, the clause set forth in § 803.363, and any property may be disposed of by contractors pursuant to such clause.

(b) Sales pursuant to the clause set forth in § 803.363 ordinarily will be made for cash. However, a contractor may sell property (except non-repairable property) on credit, not exceeding 60 days, at the risk of the Government, if the approval of the contracting officer is first obtained. Such authorization to sell on credit shall be subject to the condition that the contracting officer obtain in advance from the contractor an assignment or a written agreement to assign to the Government at any time on the request of the contracting officer, but in any event before approval of the final voucher of the contract, all the contractor's right, title and interest in claims against buyers arising out of such sale. (See § 844.445 for credit sales of termination inventory.)

§ 823.307 *Transfer to other Federal agencies.* Any property not declared or deemed surplus, may upon the requisition of another Federal agency made pursuant to section 7 (a) of the act of May 21, 1920 (41 Stat. 613) as amended by section 601 of the act of June 30, 1932 (47 Stat. 417) and by the act of June 20, 1942, (Public Law 670, 77th Congress, 56 Stat. 661, 31 U.S.C. 686) be transferred to such agency in accordance with said section: *Provided*, That military property will be transferred only with the approval or pursuant to regulations of the Commanding General, Army Service Forces (Distribution Division), or, in the case of the Army Air Forces, the Commanding General, Army Air Forces, or his delegate or delegates.

§ 823.308 *Transfer to other War Department components.* Any property may, by direction of the chief of the technical service having control thereof, be transferred to another War Department component which has need of such property and makes request therefor, provided that military property will be transferred only with the approval or pursuant to regulations of the Commanding General, Army Service Forces (Distribution Division), or, in the case of military property of the Army Air Forces, the Commanding General, Army Air Forces, or his delegate or delegates. Regulations prescribed by the Commanding General, Army Service Forces, governing the transfer of military property of Army Service Forces between War Department components are set forth in ASF AG Letter SPX 300.8 (November 13, 1943) OB-P-SPDDP-MB-A, November 18, 1943, Subject: Policy Governing Transfer of Military Property between Technical Services.

§ 823.309 *Transfers to and from Navy.* Upon request from the Navy, any property may be transferred to the Navy with the approval of the chief of the technical service concerned and any property requested by the chief of the technical service concerned may be accepted from the Navy. Such transfers of property to the Navy will be made only with the approval or pursuant to regulations of the Commanding General, Army Service Forces (Distribution Division), as to military property of Army Service Forces, and the Commanding General, Army Air Forces, or his delegate or delegates, as to military property of the Army Air Forces.

§ 823.310 *Transfers to Civil Aeronautics Administration.* Any property may, by direction of the chief of the technical service having control thereof, be loaned or transferred to the Administrator of Civil Aeronautics upon written request from him stating that the property will be used in carrying out the purposes of the Civilian Pilot Training Act of 1939 as amended 49 U. S. C. 756). Such transfers will be made only with the approval or pursuant to regulations of the Commanding General, Army Service Forces (Distribution Division), as to military property of Army Service Forces, and the Commanding General, Army Air Forces, or his delegate or delegates, as to military property of the Army Air Forces.

§ 823.310–1 *Transfers to the Veterans' Administration.* Any property may, by direction of the chief of the technical service having control thereof, be transferred to the Veterans' Administration upon written request, stating that the property is needed for authorized hospital care for veterans. (See Title I, Public Law 346, 78th Congress.) Such transfers will be made only with the approval or pursuant to regulations of the Commanding General, Army Service Forces, Distribution Division, as to military property of Army Service Forces, and the Commanding General, Army Air Forces, or his delegate or delegates, as to military property of the Army Air Forces.

§ 823.311 *Transfers with reimbursement.* Transfers of property under § 823.307 will be effected with reimbursement pursuant to the statutes therein cited. Transfers of property permitted under §§ 823.308 and 823.309 will be effected with reimbursement of, or transfer or allotment of funds to, the transferor by the transferee:

(a) Where property is transferred to any War Department agency for use in connection with civil functions administered by the War Department, or;

(b) In any case where the property is procured by the transferor for the transferee:

(1) By assignment of sole purchase responsibility;

(2) Under procurement pooling arrangements;

(3) Under any arrangement for procurement by the transferor expressly upon the prior requisition of the transferee.

§ 823.312 *Transfers without reimbursement.* Transfers of property permitted under § § 823.308 and 823.309 under circumstances other than those specified under § 823.311, and transfers of property permitted under § § 823.310 and 823.310–1, will be effected without any reimbursement of, or transfer or allotment of funds to, the transferor by the transferee, for either the cost of the property or of packing, handling, or transportation.

§ 823.313 *Procedure for transfers without reimbursement.* Officers authorized to transfer or direct the transfer of property without reimbursement under § 823.312 will prepare written orders, listing in detail the property to be transferred, copies of which will be furnished to the Accountable Property Officer and the receiving officers. Such orders will contain a request that the authority directing the transfer be advised of any discrepancies between the order and the property shipped or received. A copy of such orders will be used as a valid debit or credit voucher to property accounts. It will not be necessary to list for fiscal or property accounting purposes dollar values of property transferred without reimbursement.

§ 823.314 *Gifts and loans of drawings and other property.* (a) The chiefs of the technical services are authorized, without further approval, to give or lend drawings, manufacturing and other information and samples of supplies and equipment to be manufactured or furnished, to contractors and private firms which are or may likely be manufacturers or furnishers of supplies and equipment for the use of the War Department under approved production plans.

(b) Whenever they determine that such action will facilitate the prosecution of the war, the chiefs of technical services are authorized to give or lend, by appropriate written agreement reciting such determination, to organizations engaged in experimental research, testing, or developing, such items and any other material, supplies or equipments for use in connection therewith: *Provided*, That if in the case of a gift the estimated value of the property in question exceeds $1,000, or, in the case of a loan, $50,000, the approval of the Director, Readjustment Division, Headquarters, Army Service Forces, will first be obtained.

(c) The Commanding General, Army Air Forces, whenever he determines that such action will facilitate the prosecution of the war, may authorize the transfer, loan, bailment or lease, by appropriate written agreement reciting such determination, of aircraft, aircraft engines, or aircraft equipment or matériel, without limitation as to the value thereof, to Army Air Forces contractors for the purpose of experimental research, testing or development, training of contractor's personnel, or urgent transportation requirements of such contractors in connection with the performance of their war contracts.

§ 823.315 *Exchange of property.* The chiefs of technical services are authorized to make any exchanges of property which are authorized by the following statutes: 39 Stat. 635, 10 U.S.C. 1271; 40 Stat. 43, 849, 10 U.S.C. 1272; 38 Stat. 1064, 10 U.S.C. 1273; 38 Stat. 1161, 41 U.S.C. 26; 50 Stat. 64, 5 U.S.C. 118d; 53 Stat. 739, 10 U.S.C. 1271 (a); 44 Stat. 680, 10 U.S.C. 1209, 1210, act of July 2, 1940, Public 703, 76th Congress, as extended by the act of June 5, 1942, Public 580, 77th Congress; section 203 of the act approved June 26, 1943, Public Law No. 90, 78th Congress; section 203 of the act approved June 27, 1944, Public Law 358, 78th Congress. Any other exchanges will be submitted for the approval of the Director, Readjustment Division, Headquarters, Army Service Forces.

§ 823.316 *Donations to schools engaged in pre-induction or aeronautical industrial training.* Under the authority conferred upon the Secretary of War by the act of May 26, 1928 (45 Stat. 753, 20 U.S.C. 94) and the act of February 28, 1936 (49 Stat. 1147, 10 U.S.C. 1258), the chiefs of the technical services have been authorized to donate property of the classes specified in paragraph (d) to educational institutions under the following conditions:

(a) To be eligible for donations, an institution must:

(1) Be operated by a State or political subdivision thereof, or must be certified by a State department of education, State board for vocational education, or a similar State authority responsible for the supervision of education, to be an institution not operated for profit and having a standard curriculum in the fields for which it offers training;

(2) Provide a regular course of instruction which will require the use of the property;

(3) Use the property in a pre-induction training program recommended by the Director of Military Training, Army Service Forces or an aeronautical industrial training program recommended by the Assistant Chief, Air Staff, Personnel, Headquarters, Army Air Forces; and

(4) Provide adequate facilities to maintain the property.

(b) Requests for the donation of property to educational institutions will be forwarded, in the case of property to be used in pre-induction training, to the commanding general of the service command in which the institution is located (attention: Pre-Induction Training Officer) and, in the case of property to be used in aeronautical industrial training, to the commanding general of the area air technical service command in which the institution is located. The commanding general of the service command or the area air technical service command may approve the request if he determines that:

(1) All efforts to supply the property from salvage have been exhausted;

(2) The request is reasonable and proper in view of the training to be given; and

(3) The institution meets the standards set forth in paragraph (a) above.

(c) If the commanding general of the service command or the area air technical service command approves the request, he shall prepare the specific findings required by paragraph (b) above and shall forward them, together with his recommendation, to the chief of the technical service having control of the property to be donated (attention: Redistribution and Salvage Officer), when such property is to be donated by the Army Service Forces, and to the Director, Air Technical Service Command, Wright Field, Ohio, when such property is to be donated by the Army Air Forces. The chief of the technical service or the Director, Air Technical Service Command, if the request is approved by him, will direct the appropriate installations to ship the property to the educational institution concerned and will include in such direction a citation of this section.

(d) The following property may be donated under the authority of this section:

(1) Obsolete or excess machinery, mechanical equipment and tools;

(2) Aircraft, aircraft parts, instruments or engines which are obsolete or impaired to the extent that repair would not be economical.

However, under no circumstances will any donation be made which will result in current procurement to replace the property donated, nor will property be considered available for donation after it has been reported as surplus to a Disposal Agency. Aircraft, aircraft parts, instruments or engines will be donated only upon the execution of an agreement by the donee that the property donated will not be used in actual flying.

(e) No property will be shipped until receipt of payment by the donee of all expenses necessary for packing, handling and delivery to the carrier. Property shipped by carrier will be on commercial bill of lading with transportation charges collect. Copies of shipping documents listing the property supported by shipping directions described in paragraph (c) above will constitute valid credit vouchers to the property accounts. No further accounting for the property will be required. Two lists of the property donated will be forwarded to the commanding general of the service command or the area air technical service command who recommended the donation.

§ 823.317 *Sales to contractors for return in kind.* (a) The chiefs of technical services are authorized to sell property from War Department stocks to prime contractors for the purpose of maintaining or expediting production, under agreements by such contractors to replace the items delivered with identical articles procured by the contractors or to make payment therefor, in the form prescribed in this section. Property from War Department stocks will be made available to prime contractors under the authority of this section only when the property is needed by the contractor to maintain or expedite the production rate under the prime contract, and when the contractor has outstanding subcontracts for the acquisition of identical articles which can be used to replace the War Department stock. The property sold to a contractor under the authority of this section will not exceed in estimated value an amount equal to 5% of the total amount of the principal contract.

(b) The following procedure will be followed in making property available to contractors under the authority of this section:

(1) Requests for the delivery of property under this section will be addressed to the chief of the technical service or his delegate, and signed by the contracting officer for the contract involved. The request will state the specific quantity or number of articles desired, and will give technical service number and nomenclature, and will specify the time within which the articles will be replaced. The request will also state fully the reasons and circumstances under which the request is made.

(2) The chief of technical service will notify the contracting officer of the approval or disapproval of the request, and will advise him of the depot from which the property will be delivered, if the request is approved. The chief of the technical service will direct the depot from which the property is to be delivered to make delivery to the contractor, upon receipt of notice from the contracting officer as provided in subparagraph (5) below. The instructions to the depot will require that a special property record be maintained for each such transaction, and that the depot arrange for adequate inspection of the property at the time of its delivery at the contractor's plant, and for inspection of the replacement items upon their delivery to the War Department by the contractor.

(3) Upon approval by the chief of technical service, the contracting officer will arrange with the contractor for the execution of a supplemental agreement in the following form, which agreement will recite that it is executed pursuant to the First War Powers Act and Executive Order No. 9001:

ARTICLE .... In consideration of the sale and delivery by the United States to

the contractor of the articles listed on Exhibit A, the contractor agrees:

(1) to replace said articles by delivery to the United States of identical articles at the place or places designated by the contracting officer on or before _____, or
(Date)

(2) failing the replacement of said articles on said date, to pay to the United States an amount to be determined by the contracting officer, which will include the cost to the government of the articles, and all packing, handling and other costs.

(3) that said articles will be used by the contractor only for the performance of the contract; and

(4) that the amount of $_____ shall be withheld by the United States until said articles are replaced or the value thereof determined by the contracting officer in accordance with this agreement.

(5) that if an advance payment is outstanding under the prime contract, the advance payment lien shall attach to the said articles listed in Exhibit A, and any amounts to be withheld as provided in (4) above, shall be withheld only from amounts remaining due after the deduction of liquidation payments required by the advance payment article.

(4) The contracting officer will specify an amount, not exceeding 5% of the total amount of the principal contract, to be withheld which in his opinion is adequate to cover the cost to the government of the articles to be delivered to the contractor.

(5) Upon the execution of such supplemental agreement, the contracting officer will (i) promptly transmit a copy thereof to the finance officer, with a request that the specified amount be withheld until receipt of notice of replacement or instructions to make a final deduction, and (ii) notify the Depot Supply Officer that he is authorized to deliver the articles.

(6) Three copies of the shipping document covering the property delivered to the contractor will be forwarded by the depot to the contracting officer. Two copies will be signed by the contractor acknowledging receipt of the property. One copy will be retained by the contracting officer and the other forwarded to the Depot Supply Officer. The third copy will be retained by the contractor.

(7) The following notation will be typed on the shipping document and signed by the contractor:

Receipt from the United States Government of the property listed hereon for use on Contract No. _____ is hereby acknowledged. It is agreed that replacement of this property will be made in kind on or before _____ (date) or payment made therefor in accordance with said contract.

_____ _____
(Date) (Signature of the contractor)

(8) The Depot Supply Officer will notify the contracting officer when the replacement has been made and accepted, and the contracting officer will transmit such notice to the finance officer.

(9) If the property is not replaced in kind by the contractor on or before the date specified in the supplemental agreement, the Depot Supply Officer will report such fact to the contracting officer who will take action to obtain the replacement of the property or will notify the finance officer of the amount payable to the government under the agreement, advising the Depot Supply Officer of the completed action. In the event of payment by the contractor in lieu of replacement, the written advice of the contracting officer to the Depot Supply Officer that settlement has been effected will constitute a valid credit voucher to the Depot Supply Officer's property account.

§ 823.318 *Miscellaneous sales under specific statutes and Army regulations.* The chiefs of the technical services are authorized to sell or otherwise dispose of any property which is not determined to be surplus pursuant to this regulation, in accordance with the provisions of AR 45–75, AR 45–80, AR 30–2280, AR 30–2290, AR 500–60, and AR 850–100. Property determined to be surplus will be disposed of only in accordance with this subchapter.

PART 824—DISPOSITION OF NON-REPAIRABLE PROPERTY

Sec.
824.400 Scope of part.
824.401 Non-military property other than current production scrap.
824.402 Current production scrap.
824.403 Sale of non-repairable property by or to contractors.
824.404 Military property, and non-military property not certified under § 824.401.
824.405 Designation of salvage officer.
824.406 Disposition by salvage officers.
824.407 Sale of certain additions and improvements.
824.408 Aluminum scrap.
824.409 Scrap (other than aluminum) after VE-Day.
824.410 Preparation for shipment.

§ 824.400 *Scope of part.* This part provides the authority and procedures for disposing of non-repairable property.

§ 824.401 *Non-military property other than current production scrap.* (a) Government-owned non-military property other than current production scrap may be classified as non-repairable by the submission of a list of the property involved to an authorized officer and the execution thereon by such officer of the following certificate:

It is my opinion that the property listed hereon is (include (1) or (2), whichever is appropriate)

(1) Used or damaged beyond economic repair.

(2) Obsolete or so specialized in design or otherwise of such a nature that it has no reasonable use except as scrap

and is therefore properly classified as non-repairable non-military property in accordance with the provisions of Procurement Regulation No. 7, and that its condition is not due to fault or neglect.

Where the property is new but nevertheless properly classified as non-repairable, as will be the case with many obsolete items and items of work in process, the phrase following the last comma may be omitted.

The certifying officer will inspect the property or require the submission of such statement of fact and report of inspection as he deems necessary as a basis for the execution of the certificate.

(b) A copy of such list with the certificate will be furnished to the accountable property officer, and will operate as a credit voucher discharging accountability.

(c) Property so certified, except property in the possession of a contractor which is to be disposed of under § 824.403, will be turned over to a salvage officer with a copy of the list and certificate.

(d) Non-repairable property in the possession of a contractor may be either (1) sold to or by the contractor when authorized pursuant to the provisions of § 824.403, below, or (2) turned over to a salvage officer for disposal. In either case, if the property is required to be accounted for under War Department Technical Manuals 14–910, "Manual for Cost-Plus-A-Fixed-Fee Supply Contracts," and 14–911, "Accounting for Government Property Furnished Under Fixed-Price Contracts," the certificate prescribed in paragraph (a), above, will not be required. In such cases the credit voucher to the property account will consist of a copy of the list of property turned over to a salvage officer or approved by the contracting officer for sale by the contractor, supported by the contracting officer's written advice to the accountable property officer as prescribed in paragraph 103 of TM 14–910 and paragraph 80 of TM 14–911, respectively, or if there is no question as to the responsibility of the contractor for the condition of the property, supported by a written order of the contracting officer directing transfer to the salvage officer or approving the sale by the contractor.

(e) Non-repairable property will not be mutilated except when such mutilation is required for reasons of security or safety.

§ 824.401–1 *Review and approval of scrapping.* Government-owned non-military property (other than that worn out through fair wear and tear) will not be classified as non-repairable property under § 824.401 without the prior review and approval of a local disposal board if the cost (estimated if not known) of the property so classified exceeds $50,000. Property will not be subdivided for the purpose of avoiding this limitation.

§ 824.401–2 *Review at chief of service level.* Disposal boards established pursuant to § 821.106 may review classification of Government-owned non-repairable property under § 824.401, where the cost of such property (estimated if not known) exceeds $500,000.

§ 824.402 *Current production scrap.* Current production scrap, which is industrial scrap resulting from the fabricating or processing of raw materials (such as chips, cuttings, borings, and short ends of ferrous and non-ferrous metals, clippings and cuttings from wool and cotton fabric, residues from chemicals and plastics, rubber and treated fabric offal, glass, paper and lumber offal, damaged and unsuitable packing materials and containers), other than that disposed of by a cost-plus-a-fixed-fee contractor under contract provisions, will be turned over to a salvage officer, without the certification required under § 824.401.

§ 824.403 *Sale of non-repairable property by or to contractors.* Any non-military property in the possession of a cost-plus-a-fixed-fee or fixed price contractor, which has been classified as non-repairable pursuant to § 824.401, may be sold by the contracting officer to the contractor, or retained or sold by the contractor with the approval of the contracting officer.

§ 824.404 *Military property, and non-military property not certified under § 824.401.* Military property, and non-military property which cannot be certified under § 824.401, may be classified as non-repairable and turned over to a salvage officer in accordance with the provisions of AR 35–6640, and War Department Circular No. 7, 1944.

§ 824.405 *Designation of salvage officer.* Chiefs of technical services may designate the salvage officer to receive and dispose of non-repairable non-military property.

§ 824.406 *Disposition by salvage officers.* All property turned over to a salvage officer in accordance with this part will be disposed of in accordance with AR 700–25 §§ 824.4 to 824.9,[1] TM 38–505, and any other applicable regulations.

§ 824.407 *Sale of certain additions and improvements.*

§ 824.407–1 *Property salable as scrap or salvage after removal.* (a) The chief of a technical service may negotiate contracts for the sale of, and may sell to the contractor in possession, conduits, wiring, fencing, partitions, connections, fixtures, foundations and other additions and improvements which the Government, presently or at some future date, is authorized or required to remove from the contractor's premises, or is obligated to reimburse the contractor for such removal, whenever such property would be salable only as scrap or salvage after removal.

(b) Where the estimated costs of removal which the Government is required to bear (including any costs of dismantling or preparation for shipment and any cost of repairing damage to the contractor's plant to the extent that the Government may be liable therefor in accordance with § 810.1003a of this chapter) exceeds the estimated recoverable scrap of salvage value after removal, the contract of sale may provide for leaving the property in place in consideration of the contractor's releasing the Government of all obligation to remove the property or make reimbursement therefor. When property is left in place pursuant to any such agreement, the transaction will be subject to prior review by a local disposal board, and will be accomplished by a supplement to the contract under which the obligation to remove arises. The supplement will recite that it is executed under the First War Powers Act and Executive Order 9001.

§ 824.407–2 *Other property.* The authorization contained in § 824.407 extends to connections, fixtures, and similar property, which may be salable other than as scrap or salvage after removal, whenever:

(a) Such property is attached to or used in connection with additions and improvements salable under § 824.407–1; and

(b) It is impracticable or against the best interests of the Government to sever the connections, fixtures, and similar property, as, for example, where such property is an integral part of the addition or improvement, or physically so attached to the addition or improvement that severance would not be feasible or would affect adversely the sales price; and

(c) The cost of such connections, fixtures, and similar property represents a relatively minor part of the total cost of all the property to be sold, the entirety of which would be regarded substantially as scrap or salvage after removal. (Costs may be estimated if not known.)

§ 824.407–3 *Limitations on authorization.* The authorization contained in § 824.407 is subject to the following limitations:

(a) Sales will be made at the best price obtainable, with due regard to the value of the items to the contractor, the probable cost of removing the items, and the estimated proceeds of sale to any other buyer after deducting the estimated cost of removal.

(b) Where the total cost, estimated if not known, of the items involved in any proposed sale exceeds $1,000, such sale will not be made without the prior approval of a disposal board.

(c) Machine tools and other production equipment may not be sold under the authority contained in § 824.407.

§ 824.408 *Aluminum scrap.*

§ 824.408–1 *Minimum prices.* (a) Surplus War Property Administration Regulation No. 5 prescribes minimum prices for the sale of various grades of aluminum scrap, except: (1) quantities of 10,000 lbs. or less available for sale at any one place; (2) scrap resulting from termination inventories, where the total claim of the contractor or subcontractor, before disposal credits, is less than $10,000; (3) borings and turnings, regardless of quantity.

(b) The following minimum prices are prescribed, f. o. b. shipping point, for the grades indicated:

	Cents per lb.
(1) All segregated solids	6
(2) All mixed solids	5
(3) Any scrap solids mixed with foreign materials	4
(4) bsolete aircraft; completed or partially completed subassemblies	2½
(5) Wrecked aircraft	1¼

(c) Aluminum scrap which is not exempt from the minimum price provisions referred to in paragraph (a) of this section and which cannot be sold at or above the minimum prices provided in paragraph (b) of this section, will be shipped to aluminum scrap storage areas operated by Metals Reserve Company, a subsidiary of Reconstruction Finance Corporation. Shipments will be made in accordance with the instructions contained in § 824.408–2.

§ 824.408–2 *Shipment to storage areas.* (a) Prior to making shipments of aluminum scrap to storage areas pursuant to § 824.408–1 (c), shipping instructions, will be requested by mail, telephone or telegraph from the regional office of Reconstruction Finance Corporation for the region in which the scrap is located. A list of these offices is contained in § 829.907. Requests will be addressed to the attention of Metals Reserve Company Agent and will indicate the approximate weight of the scrap for which shipping instructions are sought. The Metals Reserve Company Agent will issue appropriate shipping instructions upon receipt of such request.

(b) Each shipment will be evidenced by War Department shipping documents, indicating the total weight shipped, and will be accomplished on government Bills of Lading. If shipments are made by rail, flat bottom gondola cars will be used.

§ 824.409 *Scrap (other than aluminum) after VE-Day.* (a) It is anticipated that on VE-Day, scrap other than aluminum, resulting from contract terminations only, may not be salable at contractors' plants in time to assure prompt plant clearance. In order to relieve this situation certain emergency storage areas are being prepared and will be ready to receive such scrap on VE-Day.

(b) On and after VE-Day, scrap, other than aluminum, resulting from contract terminations, which cannot be sold within the 60-day limit prescribed by § 844.413 will be reported to the commanding general of the service command in which it is located. The commanding general of the service command will issue shipping instructions for shipment of such scrap to one of its emergency scrap storage areas.

(c) The commanding general of the service command will establish informal liaison with the local procurement offices of the technical services to estimate the probable rate of scrap shipment to emergency scrap storage areas.

(d) Establishment of these emergency storage areas does not relieve contracting officers or contractors of the responsibility for taking all reasonable action to dispose of termination inventory scrap during the 60-day limit referred to in paragraph (b).

§ 824.410 *Preparation for shipment.* Non-repairable property shipped to storage areas under §§ 824.408 and 824.409 will be loaded and shipped as such and will not be crated, skidded or otherwise prepared for shipment.

PART 825—DISPOSITION OF SERVICEABLE MILITARY PROPERTY

Sec.
825.500 Scope of part.
825.501 Declaration of surplus.
825.502 Mutilation and disposition of certain military property that is unsuitable for civilian use.
825.503 Disposition of surplus.

§ 825.500 *Scope of part.* This part provides authority and procedures in addition to those in Parts 823 and 824 for the disposition of military property. In this connection, attention is called to the policy of the War Department requiring prompt disposition of excess property as stated in § 821.103.

[1] 9 F.R. 5034, 14045; 10 CFR, 1944 Supp., 824.4 to 824.9.

§ 825.501 *Declaration of surplus.* The chiefs of the technical services are authorized to declare serviceable military property surplus with the approval of, or subject to regulations prescribed by, the Commanding General, Army Service Forces (Requirements and Stock Control Division), or the Commanding General, Army Air Forces, or his delegate or delegates, as to property of the Army Air Forces, and to dispose of such property in the manner provided in this part notwithstanding the provisions of section 14a, Chapter 440, of Title 1 of the act of June 28, 1940 (54 Stat. 681, 10 U.S.C. 1262a). The regulations prescribed by the Commanding General, Army Services Forces, governing the declaration of military property as surplus are set forth in Section II, ASF Circular No. 407, 1944, and ASF Manual M–416, "Stock Control Manual for Depots", November 17, 1944.

§ 825.502 *Mutilation and disposition of certain military property that is unsuitable for civilian use.* Because of their peculiarly military characteristics, certain items such as lethal weapons, ammunition, certain aeronautical equipment, classified articles (see AR 380–5), and distinctive articles of the uniform, cannot be released for civilian use when they are declared surplus, but must be mutilated and scrapped, disarmed, stripped of their military characteristics, altered and declassified, or otherwise made suitable for non-military use before they are disposed of. When such items are declared surplus, the authority declaring them surplus will give specific directions for the mutilation, alteration, disarming, stripping, cannibalization or other action to be accomplished before disposal; and will give further specific directions as follows:

(a) If, in his judgment, the items, or the residue thereof, will have no reasonable use except as scrap after such mutilation, etc., he will direct that the items, or the residue thereof, be turned over to the local salvage officer for disposal as scrap in accordance with applicable salvage regulations. (See AR 35–6520, Par. 17b, for accounting procedure.)

(b) If, in his judgment, the items or any part thereof will have value for civilian use after such mutilation, etc., he will direct that they be disposed of as surplus after the accomplishment of such mutilation, etc.

§ 825.503 *Disposition of surplus.* Military property declared surplus and not directed to be disposed of as scrap will be disposed of in accordance with Part 827. (See AR 35–6520, Par. 17a for accounting procedure.)

PART 826—DISPOSITION OF SERVICEABLE NON-MILITARY PROPERTY

Sec.
826.600 Scope of part.
826.601 Redistribution.
826.602 Circularization.
826.603 Deviation from procedures.

SUBPART A—PRODUCTION EQUIPMENT AND UTILITY EQUIPMENT

826.610 Application.
826.611 Part 1 property owned by War Department.
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SUBPART C—PROPERTY OTHER THAN PRODUCTION AND UTILITY EQUIPMENT, CONSTRUCTION EQUIPMENT AND CONTROLLED MATERIALS

826.630 Application.
826.631 Local redistribution.
826.632 Circularization.
826.633 Determination of surplus.
826.634 Action to be taken on stockpile materials.

SUBPART D—CONTROLLED MATERIALS

826.640 Application.
826.641 Local redistribution.
826.642 Redistribution assistance by chief of service.
826.643 Determination of surplus.
826.644 Action to be taken on stockpile materials.

§ 826.600 *Scope of part.* This part provides authority and procedures for disposing of nonmilitary property in addition to those set forth in Parts 823 and 824. In this connection attention is called to the policy of the War Department set forth in § 821.103 requiring constant and active review of non-military property on hand and in the process of manufacture and prompt disposition of excess property.

§ 826.601 *Redistribution.* Non-military property is composed largely of production and construction equipment and materials used in the manufacture of items of issue, and in construction. When such property becomes idle or excess, it can most effectively be returned to productive use through vigorous effort of the local establishment having jurisdiction of the property, with assistance of the chief of the technical service concerned when local effort has not resulted in redistribution within a reasonable period. Property that cannot be redistributed by such means within a reasonable period (which should not exceed 60 days) after it becomes idle or excess should be reported to a disposal agency, in order that it may be offered for disposal in the broadest industrial market. Accordingly, when it has been determined that items of non-military property are not required for immediate or definitely foreseeable need at the point of use, action will be immediately taken to redistribute such items within the technical service concerned or to return the property to a direct war use in accordance with Part 823. When such items cannot be redistributed immediately to fill known requirements the procedures established in this part will be promptly instituted and vigorously pursued.

§ 826.602 *Circularization.* Although circularization of non-military property, other than part 3 property, is not required, it may be used in those cases where it is considered to be an effective aid to redistribution. When so used, circularization should be accomplished on a selective basis; only important and substantial items of property should be included and only those offices likely to have requirements for the particular property should be circularized. In no event should circularization be permitted to limit local redistribution efforts or delay the disposal as surplus of property that cannot promptly be redistributed.

§ 826.603 *Deviation from procedures.* The Director, Readjustment Division, is authorized to permit deviation from the procedures established in this part.

SUBPART A—PRODUCTION EQUIPMENT AND UTILITY EQUIPMENT

§ 826.610 *Application.* The procedures established in this subpart are applicable to idle production and utility equipment. However, such procedures will not apply to property comprised in complete War Department owned industrial installations that have been placed in stand-by or reported as excess under WD Circular 8, 1944, as amended by WD Circular 89, 1945.

§ 826.610–1 *Production and utility equipment.* Production and utility equipment (hereinafter referred to as Part 1 property) includes the following:

Machine tools.
Metal working machinery.
Cleaning and spraying equipment.
Compressors and vacuum pumps.
Industrial pumps.
Industrial conveying machinery.
Engines and turbines, general purpose.
Heat exchanges.
Optical machinery.
Industrial cranes and hoists.
Thermal driers and dehydrators.
Fans, blowers, and exhausters, industrial types.
Pressure and vacuum filters.
Power boilers and pressure vessels.
Electric motors, integral horsepower, and electric motor controls.
Power conversion equipment.
Foundry equipment.
Heat treating equipment.
Packaging machinery.
Industrial scale and weighing equipment.
Industrial laboratory equipment.
Industrial trucks, tractors, trailers, and stackers.
Welding and cutting equipment, industrial types.
Crushing, pulverizing, screening, and mixing equipment and machinery, industrial types.
Special industry machinery (specialized machinery for food products, pulp and paper, printing trades, rubber working, petroleum, ceramics, glass, shoemaking, textile, tanning, pharmaceutical, chemical, and other special industries).
Major items of equipment used in the generating, processing, transmission, or distribution of electricity, gas, and water, and in the disposal of sewage.

§ 826.610–2 *Surveys of Part 1 property.* The chief of the technical services will make energetic and continuous surveys of Part 1 property in order to ascertain promptly when such property is idle. Part 1 property will be considered idle when it is no longer required for war purposes by the contractor or the War Department installation in possession thereof; however, mere lack of immediate use will not constitute idleness if there is a definitely foreseeable need for the item in connection with the prosecution of the war. Efforts should be made to consolidate production on as few items of Part 1 property as possible consistent with production efficiency, in order to render other items idle and available for redistribution.

§ 826.611 *Part 1 property owned by War Department.*

§ 826.611–1 *Applicability.* The procedures prescribed by § 826.611 will apply to Part 1 property except any item (a) the cost of which (estimated if not known) is less than $350; (b) which is classified as "X" in accordance with the classification of condition prescribed by the Surplus Property Board; or (c) which was manufactured prior to 1930.

§ 826.611–2 *Industrial Equipment Redistribution Board.* The Industrial Equipment Redistribution Board (hereinafter in this Subpart A referred to as "the Board") has been established by a memorandum between the War and Navy Departments and the Defense Plant Corporation, April 24, 1945. The chiefs of the technical services (except The Quartermaster General and The Surgeon General) will each designate one representative (and one alternate to act in his absence) stationed in the Military District of Washington to serve as members of the Board. The Quartermaster General and The Surgeon General may, if they desire, each designate one officer to serve on the Board. The Director, Readjustment Division, Headquarters Army Service Forces, will designate one officer to act as vice chairman of the Board.

§ 826.611–3 *Duties of the Board.* The Board will study operating procedures, forms and practices in connection with the redistribution and reporting of Part 1 property and will take necessary action or make appropriate recommendations to assure the maximum utilization of such property in war production or for national defense. It will direct its efforts toward eliminating the purchase by the Government of new Part 1 property when requirements can be supplied from Government-owned idle property.

§ 826.611–4 *Redistribution.* The chief of the owning technical service will determine and take whatever action is necessary to redistribute idle War Department owned Part 1 property (other than items excepted by § 826.611–1) within the technical service. The period of such redistribution will be limited to 20 days from the time when such property was determined to be idle. Circularization, if any, will not be made to other technical services.

§ 826.611–5 *"War Available" reports.* If War Department owned Part 1 property is not redistributed or definitely assigned for immediate transfer to war production by the owning technical service within the 20 day period prescribed by § 826.611–4, it will be reported to the Board as "War Available" on suitable Kardex forms approved by the Board (address: Industrial Equipment Redistribution Board, % Defense Plant Corporation, 811 Vermont Avenue, NW., Washington 25, D. C.). Each such form shall include only one item of Part 1 property and its accessories, and shall be prepared as fully and accurately as possible with particular attention to matters of description and condition. Redistribution efforts may be continued after reporting property to the Board as "War Available": *Provided, however,* That no property so reported may be transferred, except to storage, or returned to production without the approval of the Board. When Part 1 property is reported to the Board, the owning technical service will indicate which, if any, items it requires for future modernization, stand-by, or War Department industrial reserve, in the event that such items are not redistributed by the Board for immediate war use. If a technical service moves any property to storage after it has been reported to the Board as "War Available," it will notify the Board promptly of the change in location.

§ 826.611–6 *War Available Equipment File.* The Board will maintain a War Available Equipment File of Part 1 property reported to it by the technical services. Property reported to the Board as "War Available" will be available for redistribution through the Board for a period not to exceed 40 days from the date of its receipt of such report: *Provided, however,* That the Board may extend such redistribution period for an additional period not to exceed 20 days.

§ 826.611–7 *Screening requirements.* The Board member of each technical service will screen his service's requirements for Part 1 property against the War Available Equipment File and such records of surplus equipment as are maintained centrally by the Reconstruction Finance Corporation. Under the jurisdiction of the Board, the Joint Army-Navy Screening Staff will review War Production Board 542 (formerly PD–3A) certificates, as provided in WPB Directive 23 as amended, and available order boards of equipment manufacturers, and will screen these war equipment requirements against the War Available Equipment File and such records of surplus equipment as are maintained centrally by the Reconstruction Finance Corporation.

§ 826.611–8 *Requests for transfer.* When the Board ascertains a requirement for items which can be supplied from the War Available Equipment File, it will direct that the member representing the requiring technical service submit in behalf of his service a written request for transfer of the items, together with appropriate instructions, to the owning technical service or Bureau via the Board. If any item selected from the War Available Equipment File proves, upon inspection by the requiring service not to be in satisfactory condition, the Board will be so advised. Upon receipt of a request for transfer of an item, indorsed by the Board, the owning technical service will promptly transfer the item in accordance with Part 823 of this subchapter, even though the owning technical service or Bureau has earmarked the item for future modernization, stand-by or War Department industrial reserve.

§ 826.611–9 *Release of Part 1 property.* If any Part 1 property reported to the Board as "War Available" has not been redistributed by the Board within the designated period, it will be released by the Board and reported back to the owning technical service.

§ 826.611–10 *Idle Part 1 property.* Idle Part 1 property need not be reported to the Board as "War Available" when:

(a) The contractor submits an application for removal of the property pursuant to § 848.863 and the technical service reports the property promptly to a disposal agency as surplus; however, in such cases, the technical service will forward to the Board a copy of the surplus report transmitted to the disposal agency; or

(b) The technical service agrees to sell the property to the contractor pursuant to § 848.861–3 or § 848.864–4.

If, subsequent to its report of property to the Board as "War Available", a technical service receives an application from the contractor for removal of the property and it wishes to report such property promptly as surplus to a disposal agency, or if the contractor agrees to purchase the property, the Board will be notified thereof, and will immediately release any of the property covered by such removal or purchase application for which redistribution instructions cannot be furnished.

§ 826.611–11 *"Freezing" idle Part 1 property.* When a technical service contemplates that a facility should be maintained intact for possible further war production or, where appropriate, for disposal as an integrated unit, it may "freeze" idle Part 1 property and need not report it to the Board as "War Available"; however the "freeze" will not constitute actual "stand-by", which requires other action in accordance with WD Circular 8, 1944, as amended. Where Part 1 property is thus "frozen," the owning technical service will report to the Board the name and address of the plant or installation in which such property is located, together with information as to the nature of the property and purposes for which its retention intact is desired.

§ 826.612 *Determination of surplus.* When Part 1 property, excluded from the Board's redistribution procedure as set forth in § 862.611, becomes idle and is determined to be excess to the needs of the owning service, it will be deemed surplus without further action and will be disposed of by the technical service in accordance with Part 827. When Part 1 property subject to redistribution by the Board is released by the Board and reported back to the owning technical service in accordance with § 826.611–9, it will be disposed of by the technical service in accordance with Part 827.

§ 826.613 *Interim procedure.* Part 1 property which has not been reported as surplus to a disposal agency prior to the issuance of this regulation will not be so reported unless it has first been reported to the Board as "War Available"

and released by the Board in accordance with § 826.611–9: *Provided, however,* That Part 1 property which has already been circularized may be reported as surplus without being reported to the Board as "War Available", if the technical service forwards a copy of such surplus report to the Board.

§ 826.614 *Authorized stand-by and War Department industrial reserve.* Prior to the cessation of hostilities, items of Part 1 property, other than those suitable solely for production of purely military items, will not be held in stand-by or War Department industrial reserve without the prior approval of the Director, Production Division, Headquarters Army Service Forces, or, in the case of Part 1 property of the Army Air Forces, the Commanding General, Army Air Forces.

§ 826.615 *Part 1 property owned by Defense Plant Corporation.*

§ 826.615–1 *Applicability.* The provisions of §§ 826.615 to 826.615–3 will not apply to complete Defense Plant Corporation projects for which redistribution procedures are established by paragraph 4b, WD Memorandum W5–44, January 25, 1944.

§ 826.615–2 *Procedure.* The following procedure has been agreed upon between the War Department and the Defense Plant Corporation with respect to Part 1 property owned by Defense Plant Corporation and sponsored by a technical service (including Production Division, Headquarters Army Service Forces (referred to in this § 826.615 as Production Division) when it is the sponsor):

(a) The DPC Supervising Engineer will cooperate with the local representative of the sponsoring service (in the case of a technical service) or the Director, Production Division, to ascertain when such property is idle.

(b) The Defense Plant Corporation will prescribe a standard form upon which contractors will indicate such idle property. The standard form will be filed by the contractor with the DPC Supervising Engineer who will inform the contractor as to the number of copies to be made. The Supervising Engineer will deliver the original and two copies of the form to the local representative of the sponsoring service (in the case of a technical service) or to the Director, Production Division.

(c) Upon receipt of a duly executed standard form, the local representative will forward the original and two copies to the chief of the technical service, who will determine whether such property is required by the service or may be released to the Defense Plant Corporation as no longer required by such service. When Production Division is the sponsor, the determination will be made by the Director, Production Division. The determination will be made within a period of 20 days from the time when the form is submitted to the local representative of the service or to the Director, Production Division. If the property is not redistributed or definitely assigned for immediate war production by the sponsoring technical service or the Production Division, the chief of the technical service or the Director, Production Division, will acknowledge its release on the original copy of the form and will forward the original to the Defense Plant Corporation through the Board. The Board will attempt to redistribute the property in accordance with the procedures prescribed in § 826.611 so far as they are applicable. If redistribution cannot be accomplished, the form will be turned over to the Defense Plant Corporation and will constitute a formal release by the War Department.

(d) When the property is not required by the sponsoring technical service or the Production Division for an immediate war production requirement but is required for authorized future modernization, stand-by, or War Department industrial reserve, the release prescribed by paragraph (c) above will not be executed; however, the forms will nevertheless be forwarded to Defense Plant Corporation through the Board with notation to indicate the intention to withhold the property for future modernization, stand-by, or War Department industrial reserve. The Board will attempt to redistribute the property for immediate war production and, if thus redistributed, it will so notify the sponsoring technical service or the Production Division.

§ 826.615–3 *Determination of requirements pursuant to § 826.615–2.* The chief of a sponsoring technical service and the Director, Production Division, will expedite the determination of requirements pursuant to § 826.615–2 when notified by the Defense Plant Corporation that the contractor in possession has:

(a) Offered to purchase of Part 1 property; or

(b) Requested removal of such property pursuant to section 12 (g) of the Contractor Settlement Act of 1944.

In such cases, the chief of the sponsoring service and the Director, Production Division, will not defer action upon a release for a period in excess of 10 days from receipt by the local representative of the service or by the Director, Production Division, of a request for release accompanied by a schedule of the property and by a notification from Defense Plant Corporation as aforesaid.

SUBPART B—CONSTRUCTION EQUIPMENT

§ 826.620 *Application.* The procedures established in this subpart are applicable to construction equipment, which includes all construction equipment of a standard type not so restricted in design as to render it unsuitable for non-military use of a recurring nature. Such construction equipment includes, but is not limited to, drilling and boring equipment, earth and rock, including core drills, rock drills, churn drills, earth borers and horizontal augers; power cranes and shovels, drag lines, buckets, stiff-leg derricks, and dredges; scrapers, maintainers, and graders; tractors, track-laying and wheel types; tractor-mounted construction equipment including angledozers, bulldozers, and power control units; winches and hoists, contractors' elevating, road brooms, concrete buggies and carts, bins, centerline marking equipment, road discs, ditchers, aggregate dryers, joint and crack filling machinery, road forms, form tamping machines, mud jacks, portable snow loaders, tamping rollers, scarifiers, concrete towers, contractors' crawler wagons, and similar equipment; construction material mixers, spreaders, pavers, surfacers, finishers, tampers, vibrators, and related construction machinery; construction material processing equipment, including asphalt plants and portable crushers. Such property will be referred to as "part 2 property".

§ 826.621 *Local redistribution.* When part 2 property is determined to be excess, the local establishment having jurisdiction thereof will promptly initiate action to redistribute the property for military supply requirements or current construction needs, or other purposes in accordance with Part 823.

§ 826.622 *Redistribution assistance by chief of service and Chief of Engineers.* When local efforts have not resulted in redistribution of an item of part 2 property within 30 days after it is determined to be excess, the local establishment will immediately refer it to the chief of the technical service concerned and to the Chief of Engineers (attention: Redistribution and Salvage Officer) for redistribution assistance. The chief of the technical service of origin, if he so desires, may direct that such reference be made prior to the expiration of 30 days after the property is determined to be excess. Redistribution efforts of the local establishment will be continued after such reference, and the reference will not be permitted to delay or limit local redistribution efforts. The Chief of Engineers is specifically charged with acquiring items of part 2 property that are not redistributed within the technical service of origin which are suitable for troop use or tactical operations.

§ 826.623 *Determination of surplus.* Items of part 2 property that have not been redistributed within 60 days after they have been determined to be excess will be deemed surplus, without further action, and will be immediately disposed of by the local establishment in accordance with Part 827. If, at any time prior to the expiration of such 60-day period, the chief of the technical service of origin, with the concurrence of the Chief of Engineers, considers that further redistribution efforts are not warranted, he may direct the local establishment to dispose of the property in accordance with Part 827, without awaiting the expiration of the 60-day period.

§ 826.624 *Storage of surplus part 2 property.* After it has been reported to a disposal agency as surplus, part 2 property may be turned over to the Corps of Engineers for storage pending disposal. When a technical service desires to turn over part 2 property to the Corps of Engineers, the local establishment having jurisdiction of the equipment will notify the division engineer of the Corps of Engineers nearest to the location of the equipment, who will issue shipping instructions. The technical service requesting storage will prepare and ship the property in accordance with such shipping instructions. All costs of packing, handling and transportation will be borne by the technical service requesting storage. When unserviceable property is shipped to the Corps of Engineers, the property must be listed on a separate shipping document bearing the following statement on all copies thereof:

All property listed hereon is in an unserviceable condition.

Appropriate inspection by those concerned with determination of responsibility for its condition has been made.

Signed_____
Accountable shipping officer.

Accountability will be transferred to the Corps of Engineers without transfer of funds. Transfer will be coordinated with the interested accountable property officer for compliance with applicable regulations in regard to the transfer of accountability for property. The technical service requesting storage will notify the disposal agency of the change of location of the property, and will submit a copy of such notification, together with a copy of the report of surplus, to the storing establishment.

SUBPART C—PROPERTY OTHER THAN PRODUCTION AND UTILITY EQUIPMENT, CONSTRUCTION EQUIPMENT AND CONTROLLED MATERIALS

§ 826.630 *Application.* The procedures established in this subpart are applicable to property other than production and utility equipment (part 1 property), construction equipment (part 2 property), and Controlled Materials (part 4 property). Such property will be referred to as "part 3 property".

§ 826.630–1 *Certain property excepted.* This subpart does not apply to property peculiar to aircraft production to the extent that any of the provisions hereof may be inconsistent with the procedures established for the redistribution of such property by or under the direction of the Aircraft Resources Control Offices of the Aircraft Production Board or the Surplus War Property Administration.

§ 826.631 *Local redistribution.* When part 3 property is determined to be excess, the local establishment having jurisdiction thereof will promptly initiate action to redistribute the property for military supply requirements or current production or construction needs, or other purposes in accordance with Part 823.

§ 826.631–1 *Nominal quantities.* Unless requirements therefor are known to exist, or can be quickly ascertained, single items or groups of items, where the cost, estimated if not known, of all substantially similar items in excess at any one time and at any one place does not exceed $100, will be deemed surplus, without further action, and disposed of in accordance with § 827.701.

§ 826.632 *Circularization.* When local efforts have not resulted in redistribution of part 3 property within 30 days after it is determined to be excess, circularization will be immediately initiated, except as hereinafter provided. The chief of the technical service concerned, if he so desires, may waive circularization, or may direct that circularization be initiated prior to the expiration of the 30 days after the property is determined to be excess.

§ 826.632–1 *Preparation of circularization lists.* (a) Circularization lists will be on 8 x 10½ paper and will contain the following information:

(1) Name of issuing office together with the station identification number and appropriate letter symbol of the technical service concerned.

(2) Serial number of list. Each issuing office will serially number each list circularized beginning with the number 1.

(3) Date of circularization, which will be the date of transmittal required under § 826.632–2.

(4) Serial number of items or lots. Each item or lot will be serially numbered.

(5) Description of items or lots. Description will comprise such information as would be required by the controlling technical service if it were procuring the property, including, when pertinent, name of manufacturer, manufacturer's catalog number if available, identification numbers, location, age, condition, quantity and cost per unit, estimated, if not known.

(6) Specific instructions by which an interested agency may be guided in negotiating sale or transfer of property reported. Names, mail and telephone addresses of officers authorized to carry on negotiations, will be included in each list circularized.

(b) For the purpose of convenient abbreviation in communications regarding property circularized, items may be identified by code, which will include in sequence, the station identification number and the letter symbol of the issuing office, serial number of list, serial number of item. For example a particular lot of valves listed as the second item of the third list circularized by an office of Ordnance Department, having station identification number "12345" would be identified as "12345–Ord–3–2".

§ 826.632–2 *Transmittal of lists.* Circularization lists of part 3 property will be transmitted to the offices listed in § 829.902. As soon as practicable, the chiefs of technical services will ascertain informally from each other and from the Navy Department the type and kinds of property likely to be included in part 3 property circularization lists in which each has an interest and thereafter circularization will be limited to those services which have indicated an interest in the type of property being circularized.

§ 826.632–3 *Items not to be circularized.* (a) Nominal quantities, as specified in § 826.631–1, will not be included in circularization lists of part 3 property.

(b) Items that are peculiar to the technical service of origin will not be circularized. Determination as to what items are peculiar to the technical service and its contractors will be made by the chief of the technical service concerned. In those cases where the peculiarity of the item is not obvious, determination should be based upon informal inquiry as outlined in § 826.632–2. The chief of the technical service will advise the offices responsible for circularization of part 3 property as to the items or classes of items that are to be withheld from circularization under this paragraph. Such items, and items not circularized pursuant to § 626.632, will be deemed surplus, without further action, when determined to be excess to the technical service concerned, and will be disposed of in accordance with part 827 of this chapter.

§ 826.633 *Determination of surplus.* Items of part 3 property, other than items of materials listed in § 829.909 (herein referred to as "stockpile materials") in excess of the minimum quantities therein indicated at any one location, that have not been redistributed within 30 days after the transmittal of circularization lists under § 826.632–2, will be deemed surplus, without further action, and will be immediately disposed of by the local establishment having jurisdiction thereof in accordance with Part 827.

§ 826.634 *Action to be taken on stockpile materials.*

§ 826.634–1 *Report of stockpile materials.* Stockpile materials in excess of the minimum quantities indicated in § 829.909 at any one location, that have not been redistributed within 30 days after the transmittal of circularization lists under § 826.632–2, will be immediately reported to the chief of the technical service having jurisdiction thereof and will be held for disposition instructions. Such request for instructions will be made in triplicate by the local establishment having jurisdiction over the property on W. D., A. G. O. Form 257. A sample of this form, together with instructions for its preparation, is set forth in § 829.909–1. Copies of the form may be requisitioned from Adjutant General depots.

NOTE: On W.D., A G.O. Form 257, as now printed, the reference in the 3d line at the top of the page to §§ 822.210, 826.603 and 829.909 should be read as §§ 826.634, 826.644 and 829.909; and in the space provided for Second Indorsement, the reference to §§ 822.210–2 (b) and 822.210–2 (c) should be changed to §§ 826.634–2 (b) and 826.634–2 (c), respectively.

§ 826.634–2 *Action by chief of service.* Upon receipt of W. D., A. G. O. Form 257 covering any lot of stockpile materials, the chief of technical service concerned will take the following action:

(a) Execute First Indorsement thereto and forward two copies to the Director, Production Division, Headquarters, Army Service Forces, who has been designated by the Under Secretary of War as the administrator of War Department stockpile materials, for disposition instructions.

(b) If the Director, Production Division, issues instructions to hold the material for stockpile, the chief of technical service concerned will:

(1) Arrange for permanent storage of the material;

(2) Issue appropriate instructions to the field installation concerned to accomplish permanent storage;

(3) Advise the Director, Production Division, of the location and manner of storage;

(4) Dispose of the material only upon specific authorization of the Director, Production Division.

(c) If the Director, Production Division, issues instructions not to hold the material for stockpile, it will be deemed surplus, without further action, and the chief of technical service concerned will issue instructions to the local establishment of origin to dispose of the material in accordance with Part 827.

SUBPART D—CONTROLLED MATERIALS

§ 826.640 *Application.* The procedures established in this subpart are applicable to Controlled Materials; that is, steel, copper, copper-base alloy and aluminum, in mill-product forms, as listed in War Production Board CMP Regulation No. 1. Such property will be referred to as "part 4 property".

§ 826.640–1 *Certain property excepted.* This subpart does not apply to property peculiar to aircraft production to the extent that any of the provisions hereof may be inconsistent with the procedures established for the redistribution of such property by or under the direction of the Aircraft Resources Control Office of the Aircraft Production Board or the Surplus War Property Administration.

§ 826.641 *Local redistribution.* When part 4 property is determined to be excess, the local establishment having jurisdiction thereof will promptly initiate action to redistribute the property for military supply requirements or current production or construction needs, or other purposes in accordance with Part 823.

§ 826.641–1 *Nominal quantities.* Unless requirements therefor are known to exist, or can be quickly ascertained, single items or groups of items, where the cost, estimated if not known, of all substantially similar items (e. g., all tool steel, all structural shapes, all carbon steel bars, all copper strip, all aluminum tubing) in excess at any one time and at any one place does not exceed $100, will be deemed surplus, without further action, and disposed of in accordance with § 827.701.

§ 826.642 *Redistribution assistance by chief of service.* When local efforts have not resulted in redistribution of part 4 property within 30 days after it is determined to be excess, the local establishment will immediately refer the property to the chief of the technical service concerned for redistribution assistance. The chief of the technical service concerned, if he so desires, may direct that such reference be made prior to the expiration of 30 days after the property is determined to be excess. For the purpose of such reference, the property will be listed in substantially the form set forth in § 829.901–1 for steel, § 829.901–2 for copper and copper-base alloy, and § 829.901–3 for aluminum. Nominal quantities, as specified in § 826.641–1, will not be referred to the chief of service. Redistribution efforts of the local establishment will be continued after such reference, and the reference will not be permitted to delay or limit local redistribution efforts.

§ 826.643 *Determination of surplus.* Items of part 4 property, other than stockpile materials in excess of the minimum quantities indicated in § 829.909 at any one location, that have not been redistributed within 30 days after reference to the chief of the service under § 826.642, will be deemed surplus, without further action, and will be immediately disposed of by the local establishment having jurisdiction thereof in accordance with Part 827.

§ 826.644 *Action to be taken on stockpile materials.* Stockpile materials in excess of the minimum quantity indicated in § 829.909 at any one location that have not been redistributed within 30 days after reference to the chief of service under § 826.642, will be immediately reported to the chief of the technical service having jurisdiction thereof and held for disposition instructions. Such request for instructions will be made in triplicate by the local establishment having jurisdiction over the property on W. D., A. G. O. Form 257. Upon receipt of such request, further action will be taken in accordance with the provisions of § 826.634–2.

PART 827—DISPOSAL OF SURPLUS PROPERTY

Sec.
827.700 General.
827.701 Disposal of nominal quantities.
827.702 Reporting to Disposal Agency.
827.703 Report forms.
827.704 Transmittal of reports.
827.705 Action after reporting.
827.706 Withdrawals and adjustments in prior reports.
827.707 Disposal by Disposal Agency.
827.708 Shipment after disposal.
827.709 Fiscal procedures.
827.710 Clearance for sale by War Department.

§ 827.700 *General.* Under its Regulation No. 1, as amended, effective May 1, 1945, the Surplus Property Board has assigned responsibility for disposal of surplus property among disposal agencies as indicated in § 829.904 of this chapter, and has established procedures for reporting surplus property to these disposal agencies. When property has been determined to be surplus under the procedures established under Parts 825 and 826 of this chapter, action will be promptly taken to dispose of nominal quantities of property in accordance with § 827.701 and to report the remaining surplus property to the appropriate disposal agencies in accordance with § 827.702.

§ 827.701 *Disposal of nominal quantities.* (a) Single items or groups of items of surplus property, where the cost, estimated if not known, of all substantially similar items in surplus at any one time and at any one place does not exceed $100, are termed "nominal quantities". Nominal quantities will ordinarily be turned over to the local salvage officer (or to the contracting officer where there is no salvage officer) for disposition, except that nominal quantities may be reported and turned over to a disposal agency with the prior approval of the Regional Office of the disposal agency concerned if the disposal agency is in position to effect expeditious disposition without delaying disposition of other property.

(b) Disposition of such property by the local salvage officer will be made in accordance with these regulations and with regulations applicable to the disposition of salvage; however, all documents relating to sales will be marked clearly to indicate sale of surplus property. Disposition of such property by the contracting officer will be made in accordance with these regulations and with regulations prescribed by the chief of the technical service concerned.

§ 827.701–1 *Standard for determination of substantially similar items.* (a) Determinations as to what are "substantially similar items" are not the responsibility of the salvage officer but of the agency directing the transfer to salvage. The standards to be applied in making such determinations are as follows:

(1) Property will not be subdivided or subjected to refined classifications for the purpose of avoiding reporting to disposal agencies.

(2) "Substantially similar items" are items which are used or are usable for the same immediate purpose. Items may be substantially similar although not interchangeable in use; and they may not be substantially similar although they have the same general use. Items may be substantially similar although they differ in size, weight, color, capacity, composition, quality, or design. Additional evidence of substantial similarity exists if the items are commonly considered in ordinary business practice as being in the same class, or if the items are normally salable through the same channels, or if the trade names of the items are the same, or if the items are interchangeable in use. Examples: All shoes are substantially similar items. Raincoats are not substantially similar to shoes, for, while both are items of clothing and serve the same general purpose, they are not employed for the same immediate purpose. All AC motors under 1 hp. are substantially similar items. All AC motors over 1 hp. are substantially similar items (the same grouping would apply to DC motors). All fixed resistors are substantially similar. All variable resistors are substantially similar.

(b) The phrase "at any one time" used in paragraph (a) should be construed to mean the time at which the responsible officer has determined the items to be turned over to a salvage officer or reported to the disposal agency. Developments subsequent to the time of the decision need not influence a determination of nominal quantities.

(c) The phrase "at any one place" used in paragraph (a) should be construed to mean one installation, plant, factory, or location.

§ 827.701–2 *Assistance to be rendered by Service Commands.* When requested, the Commanding Generals of Service Commands should, to the extent considered practicable by them and within the limits of their existing facilities, assist the technical services in the disposition of nominal quantities and salvage originating at nearby industrial plants and installations under the jurisdiction of the technical services. Where convenient this assistance will include physical receipt of the nominal quantities and salvage.

§ 827.701–3 *Accountability.* Accountability for nominal quantities will terminate when the accountable officer is in possession of a copy of a property turn-in slip listing the property and which copy has been signed by the salvage officer. The property turn-in slip will describe the property in sufficient detail to furnish a commercial description. Records of surplus property will be maintained by salvage officers by items (Technical Service or Army Air Forces classification) and quantity, either by keeping jacket-files or by posting to detailed records.

§ 827.702 *Reporting to disposal agency.* Surplus property other than that required to be disposed of under § 827.701 will be promptly reported to disposal agencies. Reports of surplus property shall fully set forth any legal restrictions upon the authority of the Government affecting its disposition, including any restrictions upon the disposal or use thereof arising from any patents or any contract relating thereto. Reports of surplus property shall designate any such property known to have been processed, produced or donated by the American Red Cross. The removal, in accordance with applicable directives regulations, technical orders or other instructions, of needed parts, components and appliances from items deemed surplus, and any mutilation thereof pursuant to § 825.502 of this chapter will be accomplished prior to the reporting thereof to the disposal agency, and thereafter only with the concurrence of the disposal agency. Reports will be made as follows:

§ 827.702–1 *Ships, small watercraft and related property.* Surplus ships of commercial design or susceptible to commercial use will be reported to the United States Maritime Commission, Attention: Commodore E. J. Moran, Director, Division of Small Vessel Procurement, Washington 25, D. C. Before reporting, detailed instructions as to descriptive matter and other information to be supplied will be obtained from that office. Small watercraft and other property assigned to the Maritime Commission as set forth in § 829.904 will be reported to the United States Maritime Commission, Attention: Mr. E. W. Gorman, Assistant to the Director of the Procurement Division, Washington 25, D. C.

§ 827.702–2 *Aircraft and related property.* (a) Surplus aircraft, gliders and Link trainers which have been reported to Headquarters, Army Air Forces, in accordance with Army Air Force Regulation No. 65–86, dated June 14, 1944, or any amendments thereto, will be reported by Headquarters, Army Air Forces to Reconstruction Finance Corporation, Attention: Surplus Property Director, Washington 25, D. C.

(b) Surplus Aircraft Equipment, Components and Parts in supply (as distinguished from items of Government Furnished Equipment in Government Furnished Equipment warehouses and items included in termination inventories) included in the following classes listed in Army Air Forces T.O. No. 00–35A–1, and supplements thereto, will be reported to Reconstruction Finance Corporation, Surplus Property Division, Chamber of Commerce Building, Springfield, Ohio.

01–B.
01–C.
01–D.
01–E.
01–F.
01–G.
01–H.
01–I.
01–J.
01–K.
01–L.
01–M.
01–N.
01–P.
01–Q.
01–R.
01–S.
01–T.
01–U.
02–A.
02–B.
02–C.
02–D.
02–E.
02–F.
02–G.
02–H.
02–I.
02–J.
02–K.
02–L.
02–M.
02–N.
02–P.
02–Q.
03–A.
03–B.
03–C.
03–D.
03–E.
03–G.
03–H.
03–I.
08–J all except batteries.
04–A.
04–B.
04–D.
05–C.
05–E.
08–B—Only items peculiar to aircraft.
11–A.
11–B.
11–D.
11–E.
15.
18.
19–A—Only aircraft towing gear, (excluding tractors), special maintenance dollies, stands, slings, clamps and supports. Engine transportation cradles, chocks, and wheel blocks. Hydraulic wings, nose and axle and tail jacks. Special airplane ladders. Ground type aircraft engine heaters. Mooring kits.
26—Only items originally in classes which are reportable to Reconstruction Finance Corporation in accordance with par. 7–904.
28–A, all except Link trainers.
28–B.
28–C.
30–A—Only instructional aids for equipment assigned to Surplus War Aircraft Division, RFC.
30–B.
30–C.
30–D.
30–E.

(c) Surplus items listed hereunder, whether they are government furnished equipment in government furnished equipment warehouses or items included in termination inventories, will be reported to Reconstruction Finance Corporation, Surplus Property Division, Chamber of Commerce Building, Springfield, Ohio.

1. Engines.
2. Propellers.
3. Brakes.
4. Wheels.
5. Skids.
6. Floats.
7. Carburetors.
8. Struts.
9. Magnetos.
10. Pumps—(other than fuel and oil).
11. Valves—(other than AN, AC and NAF standard part numbers).
12. Flight instruments.
13. Engine instruments.
14. Automatic flight control equipment.
15. Instrument and navigation training equipment.
16. Aircraft towing gear.

(e) Except as otherwise provided above, surplus property in supply or in Government furnished equipment warehouses will be reported to the Regional Office of the Reconstruction Finance Corporation or Department of Commerce, for the region in which the property is located in accordance with the assignments set forth in § 829.904 of this chapter and surplus property included in termination inventories will be reported to the Regional Office of the Reconstruction Finance Corporation for the region in which the property is located.

§ 827.702–3 *Food and related property.* Surplus food and related property assigned to War Food Administration as set forth in § 829.904 will be reported to the Office of Distribution, War Food Administration, Washington 25, D. C.

§ 827.702–4 *Military property other than aircraft, food and ships.* Military property other than aircraft and related property, food, ships and maritime property will be reported to Reconstruction Finance Corporation or Department of Commerce, in accordance with the assignments set forth in § 829.904 of this chapter, except that housing of a portable, demountable or prefabricated nature (except house trailers) will be reported to the National Housing Agency, Washington 25, D. C. (Structures of a portable, demountable, or prefabricated nature, including quonset and similar huts, when declared surplus separate from any sites thereof, will be reported to Reconstruction Finance Corporation.) By far the greater part of such property will consist of items of the type assigned to Department of Commerce for disposal. Where it is considered impracticable to segregate items of military property assigned to Reconstruction Finance Corporation, they may be included in reports to Department of Commerce.

Reports will be made to the Regional Office of the appropriate disposal agency for the region in which the property is located. The addresses of the Regional Offices of the Reconstruction Finance Corporation and Department of Commerce, respectively, and the territories within their jurisdiction, are set forth in §§ 829.907 and 829.903 of this chapter.

Surplus military property under the jurisdiction of technical services of Army Service Forces (see ASF Manual M–416, November 17, 1944) which is in stock at depots and at installations below depot level will be reported by the depot. The station at which the property is located will be notified promptly of this action. Installations below depot level will furnish the appropriate depot with information necessary for the reporting of surplus property in stock below depot level. Surplus military property under the jurisdiction of commanding generals of Army Service Forces service commands see Section II, ASF Circular No. 407, 1944) will be reported by the service commander.

§ 827.702–5 *Non-military property—*(a) *Subpart A property (Production and utility equipment) and Subpart D property (Controlled materials).* Subpart A property (other than industrial trucks, tractors, trailers and stackers) and Subpart D property will be reported to the Regional Office of Reconstruction Finance Corporation for the region in which the property is located. Industrial trucks, tractors, trailers and stackers will be reported to the Regional Office of Department of Commerce, for the region in which the property is located.

(b) *Subpart B property; construction equipment.* Surplus Subpart B property will be reported to the Regional Office of the Department of Commerce for the region in which the property is located.

(c) *Subpart C property.* Surplus Subpart C property other than aircraft and related property, food, ships and maritime property, and housing property will be reported to Reconstruction Finance Corporation or to the Department of Commerce in accordance with the assignments set forth in § 829.904 of this chapter. Reports will be transmitted to the Regional Office of the appropriate disposal agency for the region in which the property is located. The assignment of those items likely to be included in Subpart C are as follows:

Department of Commerce

Paper and paper products.
Cotton, wool and linen basic textiles, and fabricated textile products.
Basic metal products as follows:
- Barbed and twisted wire.
- Woven wire and chain link fencing and fence posts.
- Insect screening.
- Wire springs.
- Wire hoops.
- Chain and attachments.
- Nails, tacks and staples.
- Bolts, nuts, screws, rivets, washers, turnbuckles, eyelets and grommets.
- Strapping.
- Builders basic hardware and casket, furniture, and trunk and luggage hardware.

Glass, pottery and ceramic basic materials and products.
Rubber fabricated materials and products.
Containers, closures and packing materials.
Agricultural machinery and implements.
Motor vehicles, engines, parts, components, assemblies and accessories.
Plumbing and heating materials and equipment.
Commercial and household electric appliances, lamps and dry cell and storage batteries.
Commercial and domestic air-conditioning and refrigerating equipment.
Hand tools and mechanics measuring tools.
Office machines, typewriters, cash registers, calculating and computing scales.
Furniture and fixtures.
Professional and scientific instruments and apparatus.
Apparel and footwear.

Reconstruction Finance Corporation

Leather, and boot and shoe cut stock and findings.
Lumber, veneer, plywood and millwork.
Petroleum and petroleum products.
Chemicals.
Paints, varnishes, lacquers, japans, thinners, pigments, driers, fillers and related products.
Ferro and nonferrous additive alloys.
Nonferrous metals (except aluminum, copper and copper-base alloy).
Fabricated structural iron and steel and architectural metalwork.
Storage tanks.
Insulated wire and cable.
Basic non-metallic structural products.
Abrasives.
Asbestos basic products.
Graphite and carbon basic products.
Refractories.
Mechanical power-transmission equipment and bearings.
Electric motors, fractional horsepower.
Electrical building supplies.
Communication equipment.
Railroad transportation equipment.
Indicating, recording and controlling instruments.

§ 827.703 *Report forms.* All reports of surplus property to disposal agencies will be made on Form SPB–1, titled, "Declaration of Surplus Personal Property to Disposal Agency". Copies of this form, together with instructions for its preparation, are set forth in § 829.905 of this chapter. This form is available in Adjutant General Depots. Existing stocks of Forms SWPA–1 and SWPA–1 (A) may be used, in lieu of Form SPB–1, until May 31, 1945.

§ 827.704 *Transmittal of reports.* Reports of surplus property made to disposal agencies on Form SPB–1 will be filed in triplicate at the office of the appropriate disposal agency. An information copy of each report covering machine tools or production equipment (as defined in § 826.610–1 of this chapter), regardless of cost, and of each report covering other types of property where the total cost of the property included in the report is $25,000 or more, will be transmitted at the time of declaration to the Director, Readjustment Division, Headquarters, Army Service Forces. The information copy to the Readjustment Division need not be accompanied by a letter of transmittal. Where the total cost of the property included in a report is $25,000 or more, an additional copy of the report will be sent to Readjustment Division, attached to the report required by § 829.910 of this chapter.

§ 827.705 *Action after reporting.* After the property has been reported to a disposal agency, the field installation concerned will hold the property subject to disposition instructions from the disposal agency. The disposal agency will send one copy of the disposition instructions to the custodian, and one copy to the reporting agency shown on the declaration.

§ 827.706 *Withdrawals, and adjustments in prior reports.* (a) Property which has been reported to a disposal agency may be withdrawn for further use by the technical service of origin or for transfer to another component of the War Department or to another Government agency to which transfer without reimbursement is permitted under § 823.312 of this chapter, with the consent of the disposal agency to which the property was reported. Transfer between Government agencies of property already reported to a disposal agency as surplus may be accomplished without reimbursement or transfer of funds under the circumstances outlined in Special Order 6 of the Surplus Property Board, dated May 1, 1945.

(b) Withdrawal of property under this paragraph will be effected by transmitting to the disposal agency Form SPB–1.1 titled, "Adjustment of Prior Declaration of Surplus Personal Property". This form will also be used in reporting any modifications or adjustments in prior declarations. Form SPB–1.1 will be prepared and transmitted in the same manner as Form SPB–1. If a withdrawal covers all the items included in a previous declaration, the phrase "All items to be withdrawn" may be inserted in Column (b) instead of listing the items.

(c) Any approved withdrawals, corrections, adjustments or modifications involving a change in total cost of $25,000 or more, will be reported to Readjustment Division, Headquarters, Army Service Forces, by attaching a copy of Form SPB–1.1 to the report required by § 829.910 of this chapter.

§ 827.707 *Disposal by disposal agency.* The disposal agencies will dispose of all property reported as surplus that is not withdrawn under § 827.706 (except as provided in § 827.710). Disposal may be effected directly from War Department storage or after removal to storage facilities of the disposal agencies. All echelons will extend the fullest cooperation to the disposal agencies in this connection. Liaison will be promptly established between field establishments handling surplus property and the field agencies of the disposal agencies. Provisions will be made for furnishing additional information to disposal agencies and exhibiting the property to the fullest extent practicable upon request of a disposal agency.

§ 827.708 *Shipment after disposal.* When property has been disposed of by a disposal agency, or when the disposal agency takes custody of the property prior to disposal, the disposal agency will issue appropriate shipping instructions, sending one copy to the custodian and one copy to the reporting agency as indicated in § 827.705. Upon receipt of shipping instructions, the field installation concerned will prepare and load the property for shipment, and arrange for shipment of the property, as directed by the disposal agency. The expense of preparation and loading for shipment will be borne by the field installation concerned, without reimbursement by the disposal agency. The use of War Department transportation facilities in moving surplus property into storage facilities of a disposal agency is authorized when the use of such transportation facilities will not interfere with the normal military functions of the installation concerned. Payment of transportation expenses incurred in moving surplus property into storage facilities of a disposal agency by means other than War Department transportation facilities is authorized where transfer to a disposal agency will be expedited or is otherwise required. Expenses of transportation direct to a purchaser from a disposal agency will not be borne by the War Department. When requested by the disposal agency, copies of bills of lading and other shipping documents and advice as to date of shipping will be furnished to disposal agencies. The War Department is not required to, and should not, repair, recondition or reprocess surplus property. Where, however, parts, attachments or accessories have been removed temporarily from an item of production equipment, reassembly will be accomplished prior to reporting, if the parts, attachments or accessories are excess to the needs of the owning agency and are on hand or readily available, and if the cost of reassembly is not excessive.

§ 827.709 *Fiscal procedures.* The War Department will not be reimbursed for surplus property delivered to or upon the direction of a disposal agency. Where, at the direction of a disposal agency, surplus property is delivered to a disposal agency, other Government agency, or buyer, an authenticated copy of the delivery order received from the disposal agency together with the receipt of the common carrier or transportation agency will constitute a valid credit voucher to the property account for the material so delivered; or, in those cases where bills of lading are not prepared in sufficient quantity to provide the property officer with a memorandum copy bearing receipt of the carrier, or transportation agency, the authenticated copy of the delivery order from the disposal agency may be cross referenced to receipt of common carrier or transportation agency on file at the station. In the case of direct delivery to the buyer, his written acknowledgment of receipt on the delivery order will constitute a valid credit voucher to the property account for the material so delivered. Whenever the delivery order is not complete in detail as to quantity and nomenclature of the items ordered to be delivered, a shipping document will be originated and a copy filed in support of the delivery order.

§ 827.710 *Clearance for sale by War Department.* When special circumstances, such as danger of deterioration or sanitary or other hazard, or urgent requirement for storage space for military supplies, make immediate sale by the War Department desirable, application may be made to the appropriate disposal agency for clearance of the property for direct sale by the War Department. Such applications will only be made through or with the approval of the Director, Readjustment Division, Headquarters, Army Service Forces.

§ 827.710–1 *Sale after clearance.* Property which a disposal agency has cleared for sale may be sold by negotiated sale. The chief of the technical service obtaining clearance may direct that the property be sold by a particular officer, or that it be sold in a particular manner. In the absence of such directions, sales will be made by the local salvage officer in accordance with regulations applicable to the sale of salvage, except that all documents relating to such sales will be clearly marked to indicate sale of surplus property.

PART 829—APPENDIX

Sec.
829.901–1 Form of circularization list for Part 4A property.
829.901–2 Form of circularization list for Part 4B property.
829.901–3 Form of circularization list for Part 4C property.
829.902 Offices to receive Part 1 and 3 circularization lists.
829.904 Assignment of property to disposal agencies.
829.905 Surplus Property Board Report Forms.
829.907 Reconstruction Finance Corporation—offices of Disposing Loan Agencies and regions covered
829.908 Regional offices of Department of Commerce.
829.909 Stockpile materials.
829.910 Monthly report of redistribution and disposal of excess and surplus serviceable property.

§ 829.901–1 *Form of circularization list for part 4A property.*

Report of excess steel, Part 4A — List No. ____ Page ____
Reporting station ____ Date transmitted to WPB ____
Station No. ____ Address ____ Reported to ____
(Regional Office, WPB)
Officer in charge of disposition ____ Location of property ____

(On additional pages show Part 4A, list number and page number only)

Code No. (1)	Pieces	Total weight (lbs.)	Size	Length (L) or coil (C)	Form and shape	Aise, NF, SAE, WD, or brand	Finish (2)	Physical properties (3)	Clean or rusty

(1) Show station, service, list and part code at top of column (e. g. 123-Ord-4A-12-), followed by item numbers only.
(2) (3) Use symbols: CDG&P-Cold Drawn Ground, Polished (2); HRA&P-Hot Rolled Annealed, Pickled (2); HRT&P-Hot Rolled Turned, Polished (2); HR-Hot Rolled (2); HRA-Hot Rolled Annealed (2); CR-Cold Rolled (2); CD-Cold Drawn (2); FQ-Forging Quality (3); HT-Heat Treated (3).

§ 829.901–2 *Form of circularization list for part 4B property.*

Report of excess copper and copper base alloy, Part 4B — List No. ____ Page ____
Reporting station ____ Date transmitted to WPB ____
Station No. ____ Address ____ Reported to ____
(Regional Office, WPB)
Officer in charge of disposition ____ Location of property ____

(On additional pages show Part 4B, list number and page number only)

Code No. (1)	Item and specification	Pieces	Total weight (lbs.)	Size	Length (L) or coil (C)	Form	Temper	Original manufacturer

(1) Show station, service, list and part code at top of column (e. g. 123-Ord-4B-12-), followed by item number only.

§ 829.901–3 *Form of circularization list for part 4C property.*

Report of excess Aluminum, Part 4C — List No. ____ Page ____
Reporting station ____ Date transmitted to WPB ____
Station No. ____ Address ____ Reported to ____
(Regional Office, WPB)
Officer in charge of disposition ____ Location of property ____

(On additional pages show Part 4C, list number and page number only)

Code No. (1)	Alloy and Temper	Pieces	Total weight (lbs.)	Dimensions and/or standard extrusion die No.	Form and shape	Specification	Original manufacturer

(1) Show station, service, list and part code at top of column (e. g. 123-Ord-4C-12-), followed by item numbers only.

§ 829.902 *Offices to receive part 1 and 3 circularization lists.*

	Number of copies
Readjustment Division, Headquarters, Army Service Forces, The Pentagon, Washington 25, D. C.	2
OFFICE OF THE CHIEF OF ORDNANCE	
Redistribution and Salvage Officer, Office of the Chief of Ordnance, Room 2-E-424, The Pentagon, Washington 25, D. C.	3
Birmingham Ordnance District, 700 Frank Nelson Building, Birmingham 1, Ala.	1
Boston Ordnance District, Room 1501-1516 Federal St., Boston 10, Mass.	1
Chicago Ordnance District, 38 South Dearborn St., Chicago 3, Ill.	1
Cincinnati Ordnance District, The Big Four Bldg., Cincinnati 1, Ohio	1
Cleveland Ordnance District, 1006 Terminal Tower Bldg., Cleveland 13, Ohio	1
Detroit Ordnance District, 1832 National Bank Bldg., Detroit 32, Mich.	1
New York Ordnance District, Room 1815, 80 Broadway, New York 5, N. Y.	1
Philadelphia Ordnance District, 150 South Broad St., Philadelphia 2, Pa.	1
Pittsburgh Ordnance District, 1202 Chamber of Commerce Bldg., Pittsburgh 19, Pa.	1
Rochester Ordnance District, 1238 Mercantile Bldg., Rochester, N. Y.	1
San Francisco Ordnance District, 402 Empire Hotel, San Francisco, Calif.	1
St. Louis Ordnance District, 3663 Lindell Blvd., St. Louis 8, Mo.	1
Springfield Ordnance District, 95 State St., Springfield 3, Mass.	1
Commanding Officer, Frankford Arsenal, Philadelphia 2, Pa.	1
Commanding Officer, Picatinny Arsenal, Dover, N. J.	1
Commanding Officer, Redstone Arsenal, Huntsville, Ala.	1
Commanding General, Rock Island Arsenal, Rock Island, Ill.	1
Commanding Officer, Springfield Armory, Springfield 1, Mass.	1
Commanding Officer, Watertown Arsenal, Watertown, Mass.	1
Commanding General, Watervliet Arsenal, Watervliet, N. Y.	1
Office, Chief of Ordnance-Detroit, Attn.: Redistribution Division (SPOMC-M), Union Guardian Building, Detroit 32, Mich.	2
Field Director of Ammunition Plants, 3637 Lindell Blvd., St. Louis 8, Mo.	1
Small Arms Ammunition Sub-Office, N. Y. Ayer Bldg., West Washington Square, Philadelphia 6, Pa.	1
OFFICE OF THE CHIEF OF ENGINEERS	
Redistribution and Salvage Officer, Office of the Chief of Engineers, Room 6257 New War Bldg., 21st and Virginia Ave. NW., Washington 25, D. C.	8
Division Engineer, Great Lakes Division, 20 North Wacker Drive, Chicago 6, Ill.	1
Division Engineer, Lower Mississippi Valley Division, P. O. Box 80, Vicksburg, Miss.	1
Division Engineer, Middle Atlantic Division, Room 909, 101 East Fayette St., Baltimore 2, Md.	1
Division Engineer, Missouri River Division, Farm Credit Bldg., 19th and Douglas, Omaha 1, Nebr.	1
Division Engineer, New England Division, 75 Federal St., Boston 10, Mass.	1
Division Engineer, North Atlantic Division, 21st Floor, 270 Broadway, New York 7, N. Y.	1
Division Engineer, Northwest Division, 114, #12 128th St., Edmonton, Alberta, Canada	1
OFFICE OF THE CHIEF OF ENGINEERS—Con.	
Division Engineer, Ohio River Division, 1120 Huntington Bank Bldg., Columbus 16, Ohio	1
Division Engineer, Pacific Division, 351 California St., San Francisco 19, Calif.	1
Division Engineer, South Atlantic Division, 50 Whitehall St., Atlanta 2, Ga.	1
Division Engineer, Southwestern Division, Santa Fe Bldg., 1114 Commerce St., Dallas 2, Tex.	1
Division Engineer, Upper Mississippi Valley Division, Syndicate Trust Bldg., 915 Olive St., St. Louis 1, Mo.	1
Area Engineer, P.O. Box 1111, Clinton, Tenn.	1
Area Engineer, P.O. Box 265, Church St., New York, N. Y.	1
Area Engineer, P.O. Box 1712, Wilmington, Del.	1
Area Engineer, P.O. Box 2277, Boston, Mass.	1
Area Engineer, P.O. Box 530, Pasco, Wash.	1
OFFICE OF THE CHIEF OF CHEMICAL WARFARE SERVICE	
Redistribution and Salvage Officer, Office of the Chief of Chemical Warfare Service, Room 2207, Building T-7, Annex 1, Gravelly Point, Va.	2
Commanding General, Edgewood Arsenal, Edgewood, Md.	1
Commanding General, Pine Bluff Arsenal, Pine Bluff, Ark.	1
Commanding General, Rocky Mountain Arsenal, Denver 2, Colo.	1
Commanding Officer, Huntsville Arsenal, Huntsville, Ala.	1
Commanding Officer, Boston CW Procurement District, Room 500, 75 Federal St., Boston 10, Mass.	1
Commanding Officer, Chicago CW Procurement District, Room 1600, Civic Opera Bldg., 20 North Wacker Drive, Chicago 6, Ill.	1
Commanding Officer, Dallas CW Procurement District, Mercantile Bank Bldg., 106 Ervay St., Dallas 1, Tex.	1
Commanding Officer, Pittsburgh CW Procurement District, American Bank Bldg., 6th Ave. and Grant St., Pittsburgh 19, Pa.	1
Commanding Officer, New York CW Procurement District, 292 Madison Ave., New York, N. Y.	1
Commanding Officer, San Francisco CW Procurement District, Room 201, 1355 Market St., San Francisco, Calif.	1
Commanding Officer, Indianapolis CW Depot, 2060 Northwestern Ave., Indianapolis 7, Ind. (Part 3 only)	1
OFFICE OF THE CHIEF OF TRANSPORTATION	
Redistribution and Salvage Officer, Office of the Chief of Transportation, Washington 25, D. C.	1
Property Disposal Officer, Procurement Division, OCT, Cincinnati 2, Ohio	2
Transportation Corps Supply Officer, Marietta Transportation Corps Depot, Marietta, Pa.	1
Transportation Corps Supply Officer, Montgoery Transportation Corps Depot, Montgomery, Ala.	1
Transportation Corps Supply Officer, Voorheesville Transportation Corps Depot, Voorheesville, N. Y.	1
Chief, Chicago Procurement Office, TC 201, N. Wells St., Chicago 6, Ill.	1
Chief, New Orleans Procurement Office, TC, P. O. Box 1510, New Orleans 5, La.	1
Chief, New York Procurement Office, TC, 25 Broad St., New York 4, N. Y.	1
Chief, San Francisco Procurement Office, TC, 461 Market St., San Francisco 6, Calif.	1
OFFICE OF THE CHIEF OF TRANSPORTATION—Continued	
Commanding General, Boston Port of Embarkation, Boston 10, Mass.	1
Commanding General, Charleston Port of Embarkation, Charleston, S. C.	1
Commanding General, Hampton Roads port of Embarkation, Newport News, Va.	1
Commanding Officer, Los Angeles Port of Embarkation, Wilmington, Calif.	1
Commanding General, New Orleans Port of Embarkation, New Orleans 12, La.	1
Commanding General, New York Port of Embarkation, Brooklyn 9, N. Y.	1
Commanding General, San Francisco Port of Embarkation, Fort Mason, Calif.	1
Commanding General, Seattle Port of Embarkation, Seattle 4, Wash.	1
OFFICE OF THE CHIEF SIGNAL OFFICER	
Director, Requirements Division, Procurement & Distribution Service, Office of the Chief Signal Officer, Washington 25, D. C.	1
Chief, Communications Engineering Br., Army Communications Service, Office of the Chief Signal Officer, Room 4D279 Pentagon Building, Washington 25, D. C.	1
Commanding Officer, Signal Security Agency, Army Communication Service, Office of the Chief Signal Officer, Pentagon Building, Room 3C340, Washington 25, D. C.	1
Commanding Officer, Signal Corps Photographic Laboratory, Army War College, Washington 25, D. C.	1
Chief, Special Activities Branch, Office Service Division, Office of the Chief Signal Officer, Pentagon Building, Room 3C283, Washington 25, D. C.	1
Commanding Officer, Storage and Issue Agency, 128 North Broad Street, Philadelphia 2, Pa. Attn: Redistribution and Salvage Officer	3
Officer in Charge, Plant Engineering Agency, SPSLP-82, Architects Building, 17th and Sansom Streets, Philadelphia 3, Pa.	1
Commanding Officer, Philadelphia Sig. C. Procurement District, 128 North Broad Street, Philadelphia 2, Pa.	3
Officer in Charge, Philadelphia Signal Corps, Production Field Office, Architects Building, 17th and Sansom Streets, Philadelphia 3, Pa.	1
Officer in Charge, Sig. C. Ground Sig. Maintenance Br., Architects Building, 17th and Sansom Streets, Philadelphia 3, Pa.	1
Commanding Officer, Monmouth Sig. C. Procurement District, Bradley Beach, N. J.	1
Commanding General, Eastern Sig. C. Training Center, Fort Monmouth, N. J.	1
Commanding Officer, Signal Corps Ground Signal Agency, Shark River Hills Hotel, Bradley Beach, N. J., Attn: Redistribution and Salvage Officer	1
Commanding Officer, Signal Corps Photographic Center, 35-11 35th Avenue, Long Island City 1, N. Y.	1
Officer in Charge, New York Sig. C. Production Field Office, 165 Broadway, New York 6, N. Y.	1
Commanding Officer, Army Experimental Station, Pine Camp, N. Y.	1
Officer in Charge, Los Angeles Sig. C. Production Field Office, Rm. 1009, Pacific National Bldg., 315 West Ninth Street, Los Angeles 15, Calif.	1
Director, Western Div., Sig. C. Photographic Center, 1421 North Western Avenue, Los Angeles, Calif.	1
Officer in Charge, Chicago Sig. C. Production Field Office, 1 North LaSalle Street, Chicago 2, Ill.	1

	Number of copies
OFFICE OF THE CHIEF SIGNAL OFFICER—Con.	
Commanding Officer, Holabird Signal Depot, Baltimore, Md., Attn: Training Branch	1
Commanding General, Camp Crowder, Mo.	1
Commanding Officer, Alaska Communication System, Seattle, Wash.	1
OFFICE OF THE QUARTERMASTER GENERAL	
Redistribution and Salvage Officer, Office of the Quartermaster General, Room 1049 Temporary A Building, 2d and T Sts. SW., Washington 25, D. C.	5
Commanding Officer, Jersey City Quartermaster Depot, 34 Exchange Pl., Jersey City 2, N. J. Attn.: Excess Utilization Section, Buying and Purchase Branch, Procurement Division	2
OFFICE OF THE SURGEON GENERAL	
Redistribution and Salvage Officer, Army Medical Purchasing Office, 52 Broadway, New York 4, N. Y.	1
ARMY AIR FORCES	
Redistribution and Salvage Officer, Office, Asst. Chief of Air Staff, M. M. & D., Army Air Forces, Room 5-C-867, The Pentagon, Washington 25, D. C.	1
Chief of Property Disposal Section, Readjustment Division, Air Technical Service Command, Wright Field, Dayton, Ohio	3
District Supervisor, Eastern Procurement District, Attention: Redistribution & Salvage Officer, 67 Broad St., New York, N. Y.	1
District Supervisor, Central Procurement District. Attention: Redistribution and Salvage Officer, 8505 West Warren Ave., Detroit, Mich.	1
District Supervisor, Midwestern Procurement District. Attention: Redistribution and Salvage Officer, Municipal Airport, P. O. Box 117, Wichita, Kans.	1
District Supervisor, Western Procurement District. Attention: Redistribution and Salvage Officer, 3636 Beverly Blvd., Los Angeles, Calif.	1
District Supervisor, Midcentral Procurement District. Attention: Redistribution and Salvage Officer, 111 West Jackson Blvd., Chicago, Ill.	1
District Supervisor, Southeastern Procurement District. Attention: Redistribution and Salvage Officer, 86 Edgewood Ave. NE., Atlanta, Ga.	1
Chief of Disposal Section, Supply Division, Air Technical Service Command, Wright Field, Dayton, Ohio	20
NAVY DEPARTMENT	
Chief of the Bureau of Supplies and Accounts, Navy Department. Attention: S. P. D.-17, Washington 25, D. C.	20
Officer-in-Charge, P. O. Box "NN"—Chicago 90, Illinois, Attn: Surplus Materials Section	2

§ 829.904 *Assignment of property to disposal agencies.* Assignment of property to Disposal Agencies is set forth in this section as published in Surplus Property Board Regulation No. 1, Order 1, under the following prefatory notes:

ASSIGNMENT OF SURPLUS PROPERTY

Under its Regulation No. 1, the Surplus Property Board hereby assigns to the Government disposal agencies named below such items or types of surplus property located in the continental United States as are listed under the name of each agency. The items or types of surplus property listed below under the name of each disposal agency are included within the class of surplus property assigned to each agency for disposal in Regulation No. 1. The code numbers used herein are those of the Standard Commodity Classification (U. S. Government Printing Office) to Volume I of which reference must be made for a complete list of the items or types of surplus property assigned by means of the code number.

PART 1—CRUDE MATERIALS

R. F. C.	Department of Commerce	War Food Administration
	01 Live animals, other than food animals.	01 Live animals, except nonfood animals. 02 Crude animal products, edible.
03 Crude animal products inedible, except fibers.		
		04 Crude vegetable products, edible.
05-5 Crude rubber and allied gums. 05-52 Lac. 05-7 Crude medicinal herbs, roots, barks, and other plant parts, except U. S. P., N. F., and similar grades. 05-93 Crude cork. 05-94 Loofa sponges.		05 Crude vegetable products, inedible, except fibers (except as indicated).
06 Fibers, vegetable and animal, unmanufactured (except domestically produced wool and mohair).		06-1 Cotton. 06-22 Flax (only domestic production). 06-23 Hemp (cannabis sativa). 06-5 Wool and related specialty hair (domestically produced wool and mohair only).
07 Coal, crude petroleum, and related crude hydrocarbons. 08 Metallic ores, tailings, concentrates and their unrefined metallic products. 09 Crude non-metallic minerals, except coal and petroleum.		

PART 2—BASIC MATERIAL AND PRODUCTS

11 Leather. 12 Boot and shoe cut stock and shoe findings.		
13 Wood basic materials, except pulpwood (except as indicated).	13-92 Rattan, willow and bamboo stock.	13-97 Handles.
14-1 Pulpwood. 14-2 Paperbase stocks except pulp. 14-3 Woodpulp. 14-4 Other pulp. 14-6 Building paper. 14-8 Building board.	14 Pulp, paper and paper board (except as indicated). 14-21 Waste paper (located in Washington, D. C.).	
15-2 Jute basic textiles. 15-66 Curled hair (similar to 06-7). 15-71 Silk semimanufactures. 15-72 Silk yarn. 15-81 Rayon, nylon, etc., semimanufactures. 15-82 Rayon nylon, etc., yarn. 15-912 Jute cordage except sizes less than one-quarter inch cross-sectional diameter. 15-913 Soft fiber cordage except sizes less than one-quarter inch cross-sectional diameter. 15-914 Hard fiber cordage and twine (all).	15 Textile basic manufactures (except as indicated).	
16-52 Industrial molasses.		16 Food and beverage basic materials (except as indicated).
17-6 Floral absolutes, concretes and mixtures of essential and floral oils. 17-7 Waxes, animal and vegetable.	17-5 Essential oils (packaged for veterinary or medicinal use only).	17 Oils, fats, waxes and derivatives, animal and vegetable (except as indicated).
18 Petroleum and coal products except raw materials for chemical industries.		

PART 3—END PRODUCTS

19 Chemicals.		19-271 Rosins. 19-272 Turpentine. 19-274 Pine oil. 19-275 Pine pitch. 19-276 Pine tar.
21 Iron, and iron and steel scrap (except as indicated). 22 Steel (except as indicated).	21-632 Cast iron soil pipe. 21-6419 Soil pipe fittings. 22-52 Barbed and twisted wire.	

PART 3—END PRODUCTS—Continued

R. F. C.	Department of Commerce	Maritime Commission
21 Petro and nonferrous additive alloys.	24-82 Gold and gold-base alloys basic shapes and forms.	
24 Nonferrous metals (except as indicated).	25-12 Brick, tanks.	
25 Fabricated metal basic products (except as indicated).	25-31 Miscellaneous basic hardware.	25-31 Power boilers, marine.
	25-34 Motor vehicle hardware.	25-53 Marine basic hardware (rigging hardware and chain attachments).
	25-56 Casket hardware.	
	25-57 Furniture hardware.	
	25-58 Trunk and luggage hardware.	
	25-59 Miscellaneous hardware, etc.	
	25-61 Industrial vehicle bodies.	
	25-64 Combat vehicle bodies.	
	25-65 Insect screening.	
	25-75 Woven wire fencing.	
	25-77 Wire mesh, tanks and staples.	
	25-78 Welded rings.	
	25-7901 Wire chain.	
	25-7903 Chain link fencing.	
	25-7905 Wire hooks.	
	25-91 Chain and attachments.	
	25-94 Industrial fasteners, rivets, etc.	
	25-98 Cut nails, locks and spikes.	
	25-99 Miscellaneous fabricated products.	
	26-3 Glass basic products.	
26 Nonmetallic mineral basic products—chiefly structural (except as indicated).	27-1 Glass basic products (except 3 items):	
27 Nonmetallic mineral basic products—chiefly nonstructural (except as indicated).	27-1401 Railroad signal lenses.	
	27-162 Radio tubes (glass only).	
	27-16 Insulators.	
	27-32 Asbestos and asbestos products.	
	27-33 Asbestos woven or molded friction material.	
	27-376 Asbestos paper pipe covering insulation.	
	27-381 Pipe covering institution.	
	27-92 Pottery supplies.	
	27-93 Pottery.	
	27-94 Ceramic products.	
	29-1 Rubber fabricated materials (except item 29-12 reclaimed rubber); all materials to be used as components of end products (except items 29-22 plastic electrical fittings; plastic construction and maintenance products, less 29-24 plastic window screening; and 29-24 plastic signs).	
	29-5 Imitation gem and ornamental stones.	
	29-91 Button blanks, moulds and other parts.	
	29-92 Beads, bugles, and spangles.	
	29-95 Carpet and wormcut.	
31 General purpose industrial machinery and equipment (except as indicated).	31-211142 Compressors, air portable, skid or wheel mounted, two stage, powered by gasoline or diesel engines.	
	31-222—31-225 Pumps, portable, centrifugal, plunger diaphragm or submersible, powered by gasoline, diesel or electric motors ordinarily used in construction tractors.	
	31-229 Hand pumps.	
	31-31 Crushers jaw, roll and crushing plants portable type (except 31-3156 pipe-type stamp mills and 31-3166 pipe-type ball).	
	31-32 Screening plants, portable type.	
	31-3203 Screens rotary, vibrator and gravity type.	
	31-466—31-4901 Conveyors, construction material, portable types, and portable units.	
	31-760 Derricks.	
	31-782 Winches (except fixed shipboard exclusive marine winches).	
	31-4, Industrial accessories.	
	32 Industrial equipment, to the extent that the items are for use in connection with motor vehicles.	
	32-112 Battery charging generators (except aircraft).	32-112 Battery charging generators (except aircraft).
	32-42 Starter motors (except aircraft).	
	32-46 Motor gasoline engines (except internal).	
	32-51 Fuses.	
	32-53 Lamp sockets.	
	32-7 Lamps (except 32-73 aviation service lamps).	
	32-8 Electric appliances, household and commercial.	
	32-91 Dry cell batteries.	
	32-92 Storage batteries.	
	33-122 Feeding and bending machines.	
	33-123 Heading, slotting and seaming machines.	
	33-127 Juice extractors.	
	33-1313 Milk extractors.	
	33-1322 Butter cutters.	
	35-133 Ice cream freezing machinery.	
	35-1903 Commercial laundry machinery.	
	35-1904 Food products machinery of general purpose.	
	35-54 Tire repairing machinery and equipment.	
	35-7 Dry cleaning machinery.	
	35-753 Bakery ovens.	
	35-755 Automobile service station equipment.	
35 Special industry machinery.	35 Agriculture machinery and implements.	
	36 Construction, mining, excavating and related machinery (except as indicated).	
	37 Tractors.	
	38 Office machines.	
	39-11 Laundry equipment.	
	39-51 Home cleaning machines.	
	39-54 Dishwashing machinery.	
	39-4 Calculating and computing scales.	
	39-43 Coin operated scales.	
	39-44 Counter scales, household.	
	39-45 Spring scales.	
	39-60 Coin operated machines.	
	39-91 Lawnmowers.	
	44-1 Radio broadcast receivers.	
	42-8 Flight equipment for personnel.	
	43 Ships, small water craft and miscellaneous equipment thereof, machinery (except items 43-21 battleships, 43-22 cruisers, 43-23 aircraft carriers, 43-24 destroyers and 43-25 submarines).	
	45 Motor vehicles.	
	47 Miscellaneous transportation equipment.	
	51 Plumbing and heating equipment.	
	52 Air conditioning and refrigeration equipment (except as indicated).	
	53 Lighting fixtures (except as indicated).	53-2 Marine fixtures.
	54 Furniture and fixtures.	
	75 Photographic goods and processed motion pictures (except as indicated).	
	96 Optical instruments and apparatus.	
14 Railroad transportation equipment.		
	31-582 Fixed shipboard exclusive marine winches.	
	31-583 Anchors and buoys.	
	31-584 Capstans.	

PART 3—END PRODUCTS—Continued

R. F. C.	Department of Commerce	Maritime Commission
57 Indicating, recording and controlling instruments, watches and clocks (except as indicated).	57-112 Glass stemmed laboratory thermometers.	57-65 Compasses and accessories (fixed shipboard types).
	57-113 Glass stemmed clinical thermometers.	57-66 Azimuths, sextants and octants.
	57-114 Household and commercial thermometers.	57-691 Taff Rail Logs.
	57-119 Thermometers not elsewhere classified.	59-16 Water safety equipment.
	57-14 Heating and ventilating controls and accessories.	
	57-33 Barometers (domestic household types).	
	57-34 Refrigeration controls.	
	57-56 Taximeters and parking meters.	
	57-65 Compasses and accessories (except fixed shipboard types and aircraft types).	
	58 Professional and scientific instruments and apparatus.	
59-15 Hazard measuring devices.	59 Miscellaneous equipment (except as indicated).	
59-18 Machine guards.		
59-20 Water purification equipment except 59-241, hose water softeners.		
59-3 Sewage disposal equipment.		
59-55 Sprinkler system components.		
59-77 Railroad signal controls.		
59-78 Industrial process supervisory systems.		
		War Food Administration.
		61 Food, manufactured.
		62 Feed, manufactured.
		63 Beverages and ice.
		64 Tobacco manufactures.
	65 Drugs and medicines (except as indicated).	65-481 Marine liver oil, derivatives, and preparations, except marine liver oil concentrates in solution, m.g.
		65-68 Vitamins, vitamin-active compounds and preparations containing one and more than one vitamin, m.g.
	66 Toiletries, cosmetics, soap, and household chemical preparations.	
	67 Apparel, except footwear.	
	68 Footwear.	
	69 Fabricated textile products except apparel.	
	71 End products of leather except apparel, footwear and luggage.	
	72 Converted paper products and pulp goods.	
73-13 Books and pamphlets (instructional aids for equipment assigned to RFC).	73 Products of printing and publishing industries (except as indicated).	
73-7481 High pressure cylinders.	74 Rubber end products.	
	75 End products of metal industries (except as indicated).	
		Maritime Commission
76-21 Lasts for boots and shoes.	76 Finished wood products, except furniture and rail work (except as indicated).	75-953 Cargo nets, wire rope.
76-22 Last sole patterns.		75-954 Wire rope slings.
		76-93 Rafts, floats, belts and buoys.
	77 End products of glass, clay and stone.	
	79 Miscellaneous end products of manufacturing industries (except as indicated).	79-974 Life preservers.
	81 Small arms and components.	79-975 Buoys
	83 Small arms ammunition and specifically adapted components.	

82 Artillery, Naval Guns, Mortars and Components.
84 Artillery, Naval, and Mortar Ammunition and specifically Adapted Components.
85 Aerial Bombs and specifically Adapted Components.
86 Miscellaneous Ammunition and Related Products.
87 Common Components of Ammunition.
88 Fire Control Equipment.

Such components and accessories within these groups as have civilian utility are assigned to the appropriate disposal agencies handling the classes of property within which such components and accessories fall.

The assignments made to each disposal agency in the manner detailed above, through the use of the Standard Commodity Classification code numbers, are intended to be in aid of and supplementary to the assignment of the general classes of property made in § 8301.3 of Regulation No. 1 of the Surplus Property Board. If, therefore, items fall within a general class of property assigned by Regulation No. 1 but the items are not listed in the Standard Commodity Classification, they are assigned to the disposal agency to which the general class of property is assigned. Similarly, where Order No. 1 assigns an item of property to one disposal agency (for example, winches) and the Standard Commodity Classification does not disclose that certain types of that same item are within the general class of property assigned to another disposal agency (for example, marine winches) such types shall be disposed of by the latter disposal agency.

§ 829.905 *Surplus Property Board report forms.*[1]

§ 829.907 *Reconstruction Finance Corporation; offices of disposing loan agencies and regions covered.*

ATLANTA REGION

Healey Building, Atlanta 3, Georgia.
Georgia, Alabama, Tennessee, Florida.

BOSTON REGION

10 Post Office Square, Boston 9, Massachusetts.
Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut—(except Fairfield County).

CHARLOTTE REGION

Wilson Building, 109 West 3rd Street, Charlotte 1, N. C.
North Carolina, South Carolina.

CHICAGO REGION

208 South LaSalle Street, Chicago 4, Illinois.
Illinois—except 44 Southern counties in St. Louis Region, Indiana—except 24 Southern counties in St. Louis Region, Wisconsin—except 26 Northern counties in Minneapolis Region, Iowa.

CLEVELAND REGION

Federal Reserve Bank Bldg., Cleveland 1, Ohio.
Ohio; Kentucky—56 Eastern counties: Bath, Bell, Boone, Bourbon, Boyd, Bracken, Breathitt, Campbell, Carter, Clark, Clay, Elliott, Estill, Fayette, Fleming, Floyd, Garrard, Grant, Greenup, Harlan, Harrison, Jackson, Jessamine, Johnson, Kenton, Knott, Knox, Laurel, Lawrence, Lee, Leslie, Letcher, Lewis, Lincoln, McCreary, Madison, Magoffin, Martin, Mason, Menefee, Montgomery, Morgan, Nicholas, Owsley, Pendleton, Perry, Powell, Pulaski, Pike, Robertson, Rockcastle, Rowan, Scott, Whitley, Wolfe, Woodford; Pennsylvania—19 Western Counties: Allegheny, Armstrong, Beaver, Butler, Clarion, Crawford, Erie, Fayette, Forest, Greene, Indiana, Jefferson, Lawrence, Mercer, Somerset, Venango, Warren, Washington, Westmoreland; West Virginia—6 Northwestern counties: Brooke, Hancock, Marshall, Ohio, Tyler, Wetzel.

DALLAS REGION

Cotton Exchange Bldg., Dallas 1, Texas.
Texas—except 95 counties in San Antonio and Houston Regions; Oklahoma—8 Southeastern counties: Atoka, Bryan, Choctaw, Coal, Johnston, McCurtain, Marshall, Pushmataha; New Mexico—except 13 counties in Denver Region; Arizona—5 Southeastern counties: Cochise, Graham, Greenlee, Pima, Santa Cruz.

DENVER REGION

Boston Building, Denver 2, Colorado.
Colorado; New Mexico—13 Northern counties: Bernalillo, Colfax, Harding, McKinley, Mora, Rio Arriba, Sandoval, San Juan, San Miguel, Santa Fe, Taos, Union, Valencia.

DETROIT REGION

607 Shelby Street, Detroit 26, Michigan.
Michigan—except Upper Peninsula listed under Minneapolis Region.

HOUSTON REGION

Rusk Building, 723 Main St., Houston 2, Texas.
Texas—43 Southeastern counties: Anderson, Angelina, Austin, Bastrop, Brazoria, Brazos, Burleson, Calhoun, Chambers, Cherokee, Colorado, Fayette, Fort Bend, Galveston, Grimes, Hardin, Harris, Houston, Jackson, Jasper, Jefferson, Lavaca, Lee, Liberty, Madison, Matagorda, Montgomery, Nacogdoches, Newton, Orange, Polk, Refugio, Sabine, San Augustine, San Jacinto, Shelby, Trinity, Tyler, Victoria, Walker, Waller, Washington, Wharton.

KANSAS CITY REGION

Federal Reserve Bank Bldg., Kansas City 6, Missouri.
Kansas; Missouri—19 Western counties: Andrew, Atchison, Barton, Bates, Buchanan, Cass, Clay, Clinton, De Kalb, Gentry, Holt, Jackson, Jasper, McDonald, Newton, Nodaway, Platte, Vernon, Worth; Oklahoma—except 8 Southeastern counties listed in Dallas Region.

[1] Filed with the Division of the Federal Register.

LOS ANGELES REGION

Pacific Mutual Building, Los Angeles 14, Calif.

California—9 Southern counties: Imperial, Inyo, Los Angeles, Orange, Riverside, San Bernardino, San Diego, Santa Barbara, Ventura; Arizona—except 5 Southeastern counties in Dallas Region.

MINNEAPOLIS REGION

McKnight Building, Minneapolis 1, Minn.

Minnesota; North Dakota; South Dakota; Michigan—Upper Peninsula, counties of: Alger, Baraga, Chippewa, Delta, Dickinson, Gogebic, Houghton, Iron, Keweenaw, Luce, Mackinac, Marquette, Menominee, Ontonagon, Schoolcraft; Wisconsin—26 Northern counties: Ashland, Barron, Bayfield, Buffalo, Burnett, Chippewa, Douglas, Dunn, Eau Clare, Florence, Forest, Iron, La Crosse, Lincoln, Oneida, Pepin, Pierce, Polk, Price, Rusk, St. Croix, Sawyer, Taylor, Trempealeau, Vilas, Washburn.

NEW ORLEANS REGION

Richards Bldg., 837 Gravier St., New Orleans 12, La.

Louisiana, Mississippi.

NEW YORK REGION

70 Pine Street, New York 5, New York.

New York, Connecticut—Fairfield County, New Jersey—except 9 Southern counties in Philadelphia Region.

OMAHA REGION

Woodman of the World Bldg., Omaha 2, Nebraska.

Nebraska, Wyoming.

PHILADELPHIA REGION

1528 Walnut Street, Philadelphia 2, Pa.

Delaware; Pennsylvania—except 19 Western counties in Cleveland Region; New Jersey—9 Southern counties: Atlantic, Burlington, Camden, Cape May, Cumberland, Gloucester, Mercer, Ocean, Salem.

PORTLAND REGION

Pittock Block, Portland 5, Oregon.

Oregon—except Klamath and Lake counties; Montana; Washington—except 16 Western counties in Seattle Region; Idaho—10 Northern counties: Benewah, Bonner, Boundary, Clearwater, Idaho, Kootenai, Latch, Lewis, Nez Perce, Shoshone.

RICHMOND REGION

Richmond Trust Bldg., 7th and Main Streets, Richmond 19, Va.

Maryland, Virginia, District of Columbia, West Virginia—except 6 Northwestern counties in Cleveland Region.

ST. LOUIS REGION

Victoria Bldg., 407 North 8th Street, St. Louis 2, Mo.

Missouri—except 19 Western counties in Kansas City Region; Illinois—44 Southern counties: Adams, Alexander, Bond, Brown, Calhoun, Clay, Clinton, Crawford, Edwards, Effingham, Fayette, Franklin, Gallatin, Green, Hamilton, Hardin, Jackson, Jasper, Jefferson, Jersey, Johnson, Lawrence, Macoupin, Madison, Marion, Massac, Monroe, Montgomery, Morgan, Perry, Pike, Pope, Pulaski, Randolph, Richmond, St. Clair, Saline, Scott, Union, Wabash, Washington, Wayne, White, Williamson; Indiana—24 Southern counties: Daviess, Dubois, Gibson, Clark, Crawford, Floyd, Greene, Knox, Martin, Pike, Posey, Spencer, Harrison, Jackson, Perry, Sullivan, Vanderburg, Warrick, Jefferson, Lawrence, Orange, Scott, Washington, Switzerland; Arkansas; Kentucky—except 56 Eastern counties in Cleveland Region.

SALT LAKE CITY REGION

Dooly Bldg., Salt Lake City 1, Utah.

Utah; Idaho—except 10 Northern counties in Portland Region; Nevada—4 Eastern counties: Clark, Elko, Lincoln, White Pine.

SAN ANTONIO REGION

Alamo National Bldg., San Antonio 5, Texas.

Texas—52 Southern counties: Aransas, Atascosa, Bandera, Bee, Bexar, Blanco, Brewster, Brooks, Caldwell, Cameron, Comal, De Witt, Dimmit, Duval, Edwards, Frio, Gillespie, Goliad, Gonzales, Guadalupe, Hays, Hidalgo, Jim Hogg, Jim Wells, Karnes, Kendall, Kenedy, Kerr, Kimble, Kinney, Kleburg, La Salle, Live Oak, Llano, McMullen, Mason, Maverick, Medina, Nueces, Presidio, Real, San Patricio, Starr, Terrell, Travis, Uvalde, Van Verde, Webb, Willacy, Wilson, Zapata, Zavalla.

SAN FRANCISCO REGION

200 Bush Street, San Francisco 4, Calif.

California—except 9 Southern counties in Los Angeles Region; Nevada—except 4 Eastern counties in Salt Lake City Region; Oregon—2 counties (Klamath and Lake).

SEATTLE REGION

Dexter-Horton Bldg., Seattle 1, Washington.

Washington—16 Western counties: Clallam, Grays Harbor, Island, Jefferson, King, Kitsap, Kittitas, Lewis, Mason, Pacific, Pierce, San Juan, Skagit, Snohomish, Thurston, Whatcom.

§ 829.908 *Regional Offices of Department of Commerce.*

Region I: Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island and Vermont: Office of Surplus Property, Department of Commerce, Park Square Building, Boston 16, Mass.

Region II: New Jersey and New York: Office of Surplus Property, Department of Commerce, 350 Fifth Avenue—62d Floor, New York 1, N. Y.

Region III: District of Columbia, Delaware, Maryland, Pennsylvania and Virginia: Office of Surplus Property, Department of Commerce, 499 Pennsylvania Avenue NW, Washington 25, D. C.

Region IV: Indiana, Kentucky, Ohio, and West Virginia: Office of Surplus Property, Department of Commerce, 704 Race Street, Cincinnati 2, Ohio.

Region V: Illinois, Michigan, Minnesota, North Dakota, South Dakota, and Wisconsin: Office of Surplus Property, Department of Commerce, 209 South LaSalle Street, Chicago 4, Ill.

Region VI: Alabama, Florida, Georgia, Mississippi, North Carolina, South Carolina, and Tennessee: Office of Surplus Property, Department of Commerce, Belle Isle Building, 105 Pryor Street NE, Atlanta 3, Ga.

Region VII: Arkansas, Louisiana, Oklahoma and Texas: Office of Surplus Property, Department of Commerce, 609 Neil P. Anderson Building, Fort Worth 2, Tex.

Region VIII: Iowa, Kansas, Missouri, and partment of Commerce, 2005 Fifth Avenue, Nebraska: Office of Surplus Property, Department of Commerce, 2605 Walnut Street, Kansas City 8, Mo.

Region IX: Colorado, New Mexico, Utah, and Wyoming: Office of Surplus Property, Department of Commerce, 1030 15th Street, 7th Floor, Denver 2, Colo.

Region X: Arizona, California, and Nevada: Office of Surplus Property, Department of Commerce, 30 Van Ness Ave., San Francisco 2, Calif.

Region XI: Idaho, Oregon, Montana, and Washington: Office of Surplus Property, Department of Commerce, 1746 Arctic Building, Seattle 1, Wash.

§ 829.909 *Stockpile materials.*

Material, Minimum Quantity and Specific Types and Grades

Agar; 250 pounds; Medical Department supply catalog, item numbers 10460, 10460-12, 10460-32, 10460-40, 10460-48, 10460-53, 10460-88, 1K90020, 10460-46 bulk Agar

Aluminum ingot; 50,000 pounds; primary or secondary refined metal (99% minimum Al).

Antimony; 25 short tons; refined metal, needle antimony, antimony sulfide, antimony ores and concentrates.

Asbestos:

Rhodesian chrysolite; 5 short tons; commercial grades C & G/1, C & G 2 Unfabricated.

South African amosite; 5 short tons; commercial grades B-1, B-3, D 3, 3DM-1 Unfabricated.

Bauxite; 25 long tons; commercial grade A.

Beryl; 5 short tons; beryl ore (minimum 8% BeO), beryllium oxide, beryllium metal.

Bismuth; 5 pounds; bismuth metal, pharmaceutical compounds.

Cadmium; 5 pounds; metal in sticks, ingots, slabs, ball anodes or other refined forms.

Calcite, optical; 100 pounds; clear, flawless crystals, minimum 1½" di.

Chromite:

Chemical grade; 25 long tons; commercial ore or concentrates. Dry chromium chemicals.

Metallurgical grade; 25 long tons; ore (42% minimum Cr_2O_3, 2.8 minimum Cr/Fe ratio), ferrochromium, chromium metal.

Refractory grade; 25 long tons; all commercial grades.

Chalk, English; 10 short tons; any.

Clay, English China; 10 short tons; all commercial grades.

Cobalt; 2,000 pounds cobalt content; refined metal, oxide, ores, concentrates, crudes.

Columbite; 500 pounds columbite content; ore (45% minimum Cb_2O_5, ferrocolumbium).

Copper; 25 short tons; all primary copper refinery forms. Ingot and other heavy mill forms. Also cartridge (70-30) brass ingot, mill forms.

Cordage fibers: Manila and sisal; 400 pounds or 1 bale; fiber or new cordage.

Corundum; 10,000 pounds; ore or grain.

Cryolite, natural; 25 long tons; natural ore.

Diamonds, industrial; no minimum; stones (unset), powder, dust.

Diamond dies; no minimum; finished dies.

Emery; 25 short tons; ore or grain. Turkish or Greek origin only.

Emetine; 100 ounces; Medical Department supply catalog; item numbers 11720, A320800, A320830, A321000, A321010. Emetine in bulk.

Ergot; 250 pounds; material in bulk quantities.

Fluorspar: Acid or metallurgical; 25 short tons; commercial grades.

Graphite: Amorphous lump, 97% minimum; 5 short tons; any amorphous lump (97% minimum C).

Crystalline fines; 25 short tons; Madagascar; or domestic grades A, 1A and 1B, smaller than 60 mesh.

Flake; 5 short tons; Madagascar flake, 60 mesh or larger.

Hyoscine; 25 ounces; hyoscine hydrobromide in bulk or standard packages.

Indium; 100 troy ounces; metal in refinery forms. Plating salts.

Iodine; 2,000 pounds; crude iodine.

Jewel bearings: Instrument rings, sapphire vees, watch rings, and other instrument and watch jewels; no minimum; set or unset.

Kapok; 100 pounds; raw fiber.

Kyanite, Indian; 25 short tons; ore.

Lead; 25 short tons; antimonial, common or corroding grade metal in all refinery forms. Ores and concentrates.

Magnesium Ingot; 50,000 pounds; primary or secondary refined metal.

Manganese:

Battery grade; 25 long tons; commercial battery ore, lump or pulverized battery mixes not acceptable.

Metallurgical grade; 25 long tons; ore (45% minimum Mn).

Mercury; 10 flasks; metallic or contained in chemicals.

Mica:

Muscovite block and film, good stained and better; no minimum; commercial grade, larger than 1 square inch.

Muscovite block, stained and lower; no minimum; commercial grade, larger than 1 square inch.

Muscovite splittings; no minimum; commercial grades, unbonded.

Phlogopite (amber) splittings; no minimum; commercial grades, unbonded.

Phlogopite (amber) block; no minimum; commercial grade, larger than 1 square inch.

Molybdenum; 10,000 pounds molybdenum content; molybdenum concentrates, oxide, calcium molybdate, ferromolybdenum, ammonium molybdate, molybdenum powder.

Monazite; 5 short tons; ore.

Nickel (including monel); 10,000 pounds nickel content; refined metal in any form.

Pepper; 1,000 pounds; commercial grades, ground or unground.

Platinum group metals:

Iridium; no minimum; refined iridium or alloys with other platinum group metals. Crudes or semi-refined forms.

Osmium; no minimum; refined osmium or alloys with other platinum group metals. Crudes or semi-finished forms.

Palladium; no minimum; refined palladium or alloys with other platinum group metals. Crudes or semi-refined forms.

Platinum; no minimum; refined platinum or alloys with other platinum group metals. Crudes or semi-refined forms.

Rhodium; no minimum; refined rhodium or alloys with other platinum group metals. Crudes or semi-refined forms.

Ruthenium; no minimum; refined ruthenium or alloys with other platinum group metals. Crudes or semi-finished forms.

Quartz crystals: radio grade; no minimum; oscillator plates and blanks (active) NBS grades 1 2 and 3 crude quartz crystals.

Quebracho; 5 long tons; extract in bulk.

Quinidine sulfate; 25 ounces; Medical Department supply catalog, item No. 13870, material in bulk.

Quinine; 100 ounces; Medical Department supply catalog, item numbers 13900, 13910, 13900-12, 13900-03, 13900-05, A-717000, A-716500, A-716600. Quinine sulfate or hydrochloride in bulk.

Rubber: Crude rubber and natural rubber, latex; 5 long tons; any.

Rutile; 5 short tons; ore or concentrates.

Sapphire (Natural and synthetic); no minimum; any suitable for jewel bearings.

Selenium; 1,000 pounds; commercial forms or compounds.

Shellac; 10,000 pounds; bulk shellac of all grades (dry flake).

Strontium, celestite; 25 short tons; ores.

Talc:

Steatite, block or lava; 10 short tons; quality suitable for electronic tube spacers, minimum 3-pound pieces.

Talc—Continued.

Steatite, ground; 5 short tons; any.

Tantalite; 100 pounds tantalite content; tantalite ore, potassium tantalum fluoride, tantalum oxide, tantalum metal powder.

Tin; 100 pounds; concentrates. Pig tin.

Tungsten; 10,000 pounds tungsten content; ores and concentrates (55% minimum WO_3), commercial ferrotungsten, tungsten powder.

Vanadium; 10,000 pounds vanadium content; vanadium oxide (70% minimum V_2O_5), ferrovanadium.

Wool; 300 pounds; raw wool, greasy or cleaned.

Zinc; 25 short tons; slab zinc, all grades. Zinc ores and concentrates, zinc oxide.

Zirconium: Baddeleyite and zircon; 5 short tons; ores or concentrates.

§ 829.909–1 *W.D., A.G.O. Form 257.*

STOCKPILE MATERIALS—REQUEST FOR DISPOSITION INSTRUCTIONS

(See instructions on reverse side. See also §§ 822.210, 826.603, 826.609)

1. From: (Requesting Field Installation).	2. To: (Responsible Chief of Service).			3. Date.
Request is made that disposition instructions be obtained for the following lot of material.				
4. Material.	5. Subgroup.	6. Quantity.	7. Analysis. State whether an actual analysis or guaranteed max. or min.	
8. Type or grade.	9. Physical form and size.		Element	Percent Weight
10. Source of analysis shown in 7.	11. Specification purchased under.			
12. Original producer or source.	13. Condition of material.			
14. Present location (city).	15. Kind and condition of packaging.			
16. Comments or additional descriptive information.				
17. Inclosures.	18. Name, position and signature of person preparing report.			

FIRST INDORSEMENT

19. From (Chief of Service).	20. To: The Director, Production Division, Headquarters Army Service Forces, Attn: Chief, Materials Branch.	21. Date.	22. Lot No.
Request is made for a determination as to whether subject lot of material is to be held for stockpile or disposed of as surplus.			
23. Name, position and signature of person making indorsement for chief of service.			

SECOND INDORSEMENT

24. From: The Director, Production Division, Headquarters Army Service Forces.	25. To: (Chief of Service).	26. Date.
Person who determines suitability for stockpile will initial proper action and strike out other.	Subject lot of material is to be held for stockpile. Action required by § 822.210-2 (b) will be taken. This form will be returned with 3rd Indorsement completed.	
	Subject lot of material is not desired for stockpile. Action required by § 822.210-2 (c) will be taken. 3rd Indorsement need not be completed.	
27. Name, position and signature of person recommending action.	28. For the Director, Production Division. Chief, Materials Branch.	

THIRD INDORSEMENT

29. From: (Chief of Service).	30. To: The Director, Production Division, Headquarters Army Service Forces. Attn: Chief, Materials Branch.	31. Date.
Subject lot of material has been placed in permanent storage as directed by 2nd Indorsement. The following refers to permanent storage location. Any necessary future movement will be similarly reported. Material will not be disposed of without authorization.		
32. Name and location of storage point.	33. How stored.	
34. Custodian.	35. Kind and condition of packaging.	
36. Name, position and signature of person making indorsement for chief of service.		

W.D. A.G.O. Form 257
13 June 1944.

INSTRUCTIONS

A separate request will be filed for each lot of material. A lot is defined as any quantity to which the same analysis or other measure of quality applies. Report all material at a given location if the total of all lots at that location equals or exceeds the minimum shown in § 829.909.

In completing items 4 thru 16, any available Government records, or contractor's or supplier's records made available to the Government, will be referred to in order that the information will be as complete and specific as possible. A proper determination of suitability for stockpiling will depend upon having specific information. No actual analysis or other tests, other than visual inspection, need be carried out in order to complete the information.

The following instructions refer to the corresponding items in the request form and indorsements thereto:

4 and 5—Use terminology as in § 829.909, col. 1. Leave 5 blank if not applicable.

6—State quantity of lot in commercial unit and show unit. State whether quantity applies to the gross weight or to the contained weight of the material named in 4.

7—Show an actual analysis of record, or a guaranteed analysis, if available, and state which. If none available, so state.

8—Where 4 is a generic term, show here the commercial name of the actual subject mate-

rial. 1. e. where 4 is "vanadium," 8 might be "fused black vanadium oxide" or "ferrovanadium".

10—Quote the source or authority for the analysis shown in 7.

11—Where 7 is not available, show a recognized specification under which the material was purchased.

17—Inclose any inspection records or other documents which would add to the information shown in 4 thru 16.

22—The chief of service will serial number, upon receipt, all lots of a given material and sub-group handled thru his office, regardless of the originating field installation. This will be used for reference in any necessary separate communications.

33—State whether stored in the open (and if so, whether on the ground or on a pavement), in an open shed or in an enclosed building. State also, where applicable, any precautions taken to prevent loss or damage by the elements.

34—Responsible War Department Office or Officer.

35—Repeat item 15 unless material has been packed or repacked or unless condition of packages has changed.

Three copies of each request will be sent by the requesting field installation to the responsible Chief of Service. After completing 1st indorsement, Chief of Service will forward two copies to the Director, Production Division, Headquarters Army Service Forces.

§ 829.910 *Monthly report of redistribution and disposal of excess and surplus serviceable property.*

Tech. service or service command / Procurement office or installation	REDISTRIBUTION AND DISPOSAL OF SERVICEABLE PROPERTY EXCESS AND SURPLUS	Control approval symbol RCS–5 / Month

Line No.	STATUS AND TYPE OF ACTION	Cost
	Section I.—Available excess and surplus:	
1	Available for redistribution and disposal first of month	
2	Made available during month	
	a. Military property	
	b. Contract termination property	
	c. Other nonmilitary property	
3	Withdrawn from available excess and surplus	
	a. Redistributed within reporting agency	
	b. Transfers to war reserve and stockpile	
	c. Transfers to salvage	
4	Adjustments	
5	Balance before disposal (Line 1+2−3, + or −4)	

	Section II.—Disposals and redistributions:	Cost	Selling price
6	Transferred to other War Department components		
7	Transferred to Navy Department		
8	Transferred to other Federal agencies		
9	Sold to Red Cross and U. S. O.		
10	Sold to contractors		
11	Sold or retained by CPFF contractors		
12	Other disposals		
13	Total War Department disposal and redistribution (Lines 6 through 12).		
14	Transfers to or on order of disposal agencies (Line 22, Col. d)		
15	Total redistribution and disposal (Line 13+14)		
16	Available for redistribution and disposal end of month (Line 5—15)		

	Section III.—Disposal agencies summary—Cost of property:						
	Disposal Agency	On hand first of month (a)	Reported month (b)	Withdrawn month (c)	Disposals month (d)	On hand end of month (e)
17	Treasury Dept.					
18	R. F. C.					
19	R. F. C. (Aircraft)					
20	Maritime Comm.					
21	War Food Admin.					
22	Total					

	Section IV.—Contractor-owned termination inventory:	Cost	Disposal credits
23	Inventory on hand first of month		
24	Inventories reported during month		
25	Serviceable property retained or sold by contractor		
26	Property sold or retained by contractor as scrap		
27	Title taken by Government		
28	Inventory on hand end of month		

Remarks:

WD AGO Form 356
1 December 1944
This form supersedes WD AGO Form 356, 1 June 1944, which will not be used after receipt of this revision.

§ 829.910–1 *Instructions as to monthly report of redistribution and disposal of excess and surplus serviceable property.* There are set forth in the succeeding subparagraphs instructions with respect to the information to be contained on the various lines of the report form. Subparagraph (I–1) contains instructions with respect to section I, line 1, Subparagraph (II–2) contains instructions with respect to section II, line 2, etc.

(I–1) Enter the cost of excess and surplus serviceable property of all types on hand at the beginning of the month available for redistribution and disposal. This figure will be identical with that reported on Line 16 of the report for the preceding month.

(I–2) Enter the cost of additional excess and surplus property made available for redistribution or disposal during the month, subdivided as to: (a) Military property; (b) Contract Termination property; and (c) Other non-military property. Such subdivisions will be made in accordance with the following definitions:

(a) Military property to be reported will consist of all excess and surplus property except salvage, including all items in excess of the disposal level, and all other items processed as excess and surplus. In Army Service Forces, the chiefs of technical services are responsible for complete reporting of all technical service excess and surplus military property regardless of the echelon where physically stored, except for such property as to which authority to redistribute and declare surplus has been delegated to the commanding generals of service commands (ASF Circular No. 407, 1944).

(b) Contract termination property will include Government-owned property made available for redistribution or disposal due to contract termination, including (1) Government free issue and Government furnished equipment on fixed price contracts; (2) property made available under terminated CPFF contracts; and (3) that portion of contractor-owned property to which title has been taken by the Government.

(c) Other non-military property will consist of that which becomes excess or surplus for other reasons and from other sources.

(I–3) Enter the cost of property withdrawn from available excess and surplus serviceable property during the month for the following reasons: (a) Redistributed within the reporting agency; (b) Transfers to war reserve and stockpile; (c) Transfers to salvage. Such subdivisions will be made in accordance with the following definitions:

(a) Property redistributed within the reporting technical service or service command during the month.

(b) Military property transferred to war reserve in accordance with Supply Control procedures.

(c) The cost of excess or surplus property previously included on Lines 1 or 2 which was abandoned or transferred to salvage officers for disposal. This will include residual costs of assemblies from which parts have been sold or used, costs of nominal quantities turned over to salvage officers for disposal in accordance with § 827.701, and property abandoned in accordance with § 844.453–3.

(I–4) Enter any adjustments made necessary by errors in previously reported figures which are required to correct the amount shown as available for disposal on Line 5. Explain such adjustments on the back of the report or on an attached sheet. Credit figures will be prefixed by a minus (—) sign.

(I–5) Enter the balance before disposal—that is, Line 1 plus Line 2 minus Line 3, plus or minus any adjustments shown on Line 4. This represents the estimated cost of property available for disposal outside of the reporting agency prior to disposals and redistributions during the month.

(II–6) Enter the cost of excess property transferred to other War Department components. (§ 823.308)

(II–7) Enter the cost of excess property transferred to the Navy Department. (§ 823.309)

(II–8) Enter the cost of excess property transferred to other Federal agencies. (§§ 823.307, 823.310)

(II–9) Enter the cost of excess property sold to Red Cross and USO and the selling price received. (§ 823.302)

(II–10) Enter the cost of excess property sold to contractors and the selling price received, including sales made under the provisions of §§ 823.301, 823.317 and 824.403 and sales of Government-owned termination inventory and other Government-owned property in the hands of fixed price war contractors which are handled in accordance with § 844.400–2.

(II–11) Enter the cost of excess property sold or retained by cost-plus-a-fixed-fee contractors and the selling price received, including sales made under the provisions of §§ 823.306 and 824.403, and sales to cost-plus-a-fixed-fee contractors of Government-owned termination inventory and other Government-owned property in the hands of cost-plus-a-fixed-fee war contractors which are handled in accordance with § 844.400–2.

(II–12) Enter the cost of excess property disposed of by any other method. Explain the nature of such transactions in the space provided for remarks or on an attached sheet. If sales of property are involved, show cost and selling price for each type of transaction.

(II–13) Enter the total of Lines 6 through 12.

(II–14) Enter the cost of surplus property disposed of by disposal agencies during the month as shown on Line 22, Column (d).

(II–15) Enter the total of Lines 13 and 14.

(II–16) Enter the balance available for disposal at the end of the month (Line 5 minus Line 15).

(III–17 through 22). *Disposal agencies summary.*

(a) Enter in Column (a) the cost of surplus property reported to disposal agencies in previous months but not shipped to them or on their order at the first of the reporting month. This figure must agree with the corresponding entry in Column (e) of the preceding month's report.

(b) Enter in Column (b) the cost of surplus property reported to disposal agencies during the month on declaration Form SPB–1. A copy of each declaration where the total cost of the property included in the declaration exceeds $25,000 will be attached to the report.

(c) Enter in Column (c) the cost of approved withdrawals from disposal agencies during the month, when withdrawal takes place prior to shipment to or on order of the disposal agencies, and of adjustments of prior declarations. A copy of each Form SPB–1.1 (Adjustment of Prior Declaration of Surplus Personal Property) where the cost of the adjustment or withdrawal is $25,000 or more will be attached to the report.

(d) Enter in Column (d) the cost of surplus property transferred to or on the order of disposal agencies during the month.

(e) Enter in Column (e) the cost of surplus property declared to disposal agencies but not transferred to them or on their order at the end of the month. Column (e) represents the cost of all property reported to disposal agencies for which shipping instructions have not yet been received and must equal Columns (a) plus (b) minus (c) minus (d). Failure to effect this balance, due to errors on previous reports, will be adjusted in Column (c) and explained in the space provided for remarks or on an attached sheet.

(f) If accountability is transferred to another service after it has been included in Column (b), such transfers will be treated as a withdrawal in Column (c) in the month in which the transfer is made. The service picking up accountability will also record the addition in Column (b). The amounts of such transfers-out and transfers-in will be noted in the space provided for remarks by both the transferring and receiving service.

(g) Corrections due to reporting to incorrect disposal agencies, including termination inventory reported to Reconstruction Finance Corporation which is transferred to Treasury Department, will be reflected in Column (b) for the correct agency and in Column (c) for the incorrect agency in the month in which the correction is made.

(IV–23) Enter the cost of contractor-owned termination property reported on inventory listings (submitted in connection with contract termination) which have not been disposed of at the first of the month. (This figure must agree with the corresponding entry in IV–28 of the preceding month's report.)

(IV–24) Enter the cost of contractor-owned property reported on inventory listings in connection with contract terminations during the month.

(IV–25) Enter the cost of contract termination property sold or retained by the contractor during the month as other than scrap and the realization through disposal credits resulting from such transactions.

(IV–26) Enter the cost of contract termination property sold or retained by the contractor as scrap and the realization through disposal credits resulting from such transactions.

(IV–27) Enter the cost of contractor-owned property resulting from contract termination, title to which was taken by the Government during the month.

(IV–28) Enter balance of contractor-owned property yet to be disposed of (Line 23, plus Line 24, minus Line 25, minus Line 26, minus Line 27).

Subchapter C—Termination of Contracts

[Procurement Reg. 15]

PART 841—GENERAL PROVISIONS

SUBPART A—INTRODUCTORY MATERIAL

Sec.
841.111 Applicability of subchapter.
841.112 Authority for subchapter.
841.113 Arrangement of subchapter.
841.114 Relation of subchapter to Joint Termination Accounting Manual.
841.115 Amendments of subchapter.
841.116 Public distribution of publications on contract termination.
841.117 Regulations of the Office of Contract Settlement and other Government agencies.

SUBPART B—DEFINITIONS OF TERMS

841.121 Definitions.
841.122 Determining amount of claim or settlement.

SUBPART C—BASIC POLICIES

841.130 Scope.
841.131 Objectives of the act.
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841.133 Expeditious settlements.
841.134 Settlements with subcontractors.
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SUBPART D—ADMINISTRATION OF TERMINATIONS

Sec.
841.140 Scope.
841.141 Office of Contract Settlement.
841.142 Departmental responsibility for termination policy.
841.143 Delegation of authority.
841.144 Authority to supplement and deviate from this subchapter.
841.145 Termination personnel.
841.146 Freedom of Government officers and employees from personal liability.
841.147 Assistance to contractors.
841.148 Supervision of administration.
841.149 Existing contracts not impaired.

SUBPART A—INTRODUCTORY MATERIAL

§ 841.111 *Applicability of subchapter.* [JTR 111]

§ 841.111–1 *General.* The War and Navy Departments have jointly adopted the regulations in this subchapter to establish uniform policies and procedures for administering the termination of war contracts, termination settlements, interim financing and related matters. [JTR 111.1]

§ 841.111–2 *Services and bureaus covered.* The regulations in this subchapter are applicable to the following:

The Army Service Forces including the technical services and the service commands;
The Army Air Forces;
All Bureaus, Boards and Offices of the Navy Department, including Navy field purchasing activities;
The United States Marine Corps.
The United States Coast Guard.

[JTR 111.2]

§ 841.111–3 *Application outside the United States.* (a) All war contracts of the War or Navy Departments made or to be performed outside the continental limits of the United States or in Alaska are exempted from the provisions of the Contract Settlement Act of 1944, except to the extent that some or all of the provisions of the act are made applicable to any such contract or class of contracts (1) by any commanding officer pursuant to War Department Circular No. 330, (2) by the chief of any bureau of the Navy Department, or (3) by this subchapter.

(b) In terminating and settling war contracts made or to be performed outside the continental limits of the United States or in Alaska, any commanding officer or the chief of any service or bureau is not required to conform to the provisions of this subchapter (unless this subchapter has been made expressly applicable under paragraph (a) above), but may do so to such extent as he deems appropriate. [JTR 111.3]

§ 841.111–4 *Terminations covered.* (a) This subchapter applies to terminated war contracts, including subcontracts terminated by a war contractor either as a result of termination or modification of a prime contract, or under any other circumstances which may require the Government to bear the cost of settling the terminated subcontract.

(b) This subchapter does not apply to the termination or cancelation of a war contract for default of the contractor. Where any war contract is terminated for default, subcontracts thereunder terminated other than for default of the

subcontractor are within the provisions of the act and of this subchapter for the benefit of subcontractors.

(c) The application of this subchapter to quantity changes made under so-called "changes" articles or similar contract provisions or by agreement is stated in § 842.216. [JTR 111.4]

§ 841.111–5 *Action on defective, informal, and quasi contracts not covered.* This subchapter does not cover any action under section 17 of the Contract Settlement Act of 1944, relating to defective, informal and quasi contracts. War Department regulations on this subject are found at § 803.308h of this chapter and Navy Department regulations are found at paragraph 11,111 and following of Navy Procurement Directives. [JTR 111.5]

§ 841.112 *Authority for subchapter.* The authority of the War and Navy Departments to terminate prime contracts for the convenience or at the option of the Government is based upon their general authority to make contracts and to amend them in the interests of the Government, and upon their authority under Public Law 703, 76th Congress, as extended, and the First War Powers Act of 1941. The Contract Settlement Act of 1944 confers on the Departments express authority to settle termination claims by agreement, by arbitration, and by determination without agreement, in accordance with the provisions of that act, and authorizes the making and amending of contracts to carry out the provisions of the act. The act authorizes the Director of Contract Settlement and the Departments to make regulations thereunder. This subchapter is based upon the authority under these laws and the regulations of the Director. [JTR 112]

§ 841.113 *Arrangement of subchapter.* [JTR 113]

§ 841.113–1 *General plan.* (a) Terminations for the convenience of the Government under any type of contract involve the same general problems. Parts 841 to 847, inclusive, of this subchapter prescribe procedures generally applicable to such terminations. These procedures apply to terminations of all fixed-price contracts, cost-plus-a-fixed-fee contracts, letter orders and other preliminary contractual instruments, with the exceptions stated in these parts and in Part 848. Terminations of construction contracts require certain variations from the standard procedures and special provisions with respect to them are prescribed in Part 848.

(b) To clarify the presentation and to facilitate reference, each part has been divided into several subparts dealing with related topics. Each of the following parts and most of the subparts are preceded by a short section stating the scope of the part or subpart in order to indicate the general arrangement of the subchapter. [JTR 113.1]

§ 841.113–2 *Content of parts.* The arrangement of the parts is as follows:

(a) This part covers preliminary matters relating to this subchapter, definitions of terms, basic policies, and the administration of terminations.

(b) Part 842 prescribes the procedures for planning termination and for stopping work under terminated prime contracts.

(c) Part 843 deals with interim financing for a war contractor pending settlement of his termination claim.

(d) Part 844 discusses the disposition of termination inventories of war contractors in connection with settlements.

(e) Part 845 contains basic policies and procedures common to settlement of both prime contracts and subcontracts.

(f) Part 846 covers the procedures peculiar to settlements with subcontractors both by the prime contractor or intermediate subcontractor and directly by the Government.

(g) Part 847 covers the procedures peculiar to settlements with prime contractors.

(h) Part 848 contains special procedures of limited application for particular types of war contracts and for particular war contractors.

(i) Part 849 contains forms and instructions, relating to termination, for use in accordance with this subchapter. [JTR 113.2]

§ 841.113–3 *Numbering of original document.* The numbering of individual paragraphs is not consecutive and is designed to permit additional paragraphs to be inserted later within the appropriate section and part. The number of a particular paragraph shows the section and part where it is found and also whether it is subordinate to a preceding paragraph. The first digit of the number indicates the section and the second digit the part in which the paragraph is found. Where the number of a paragraph ends with a digit preceded by a decimal point (as 113.3), this indicates that it is part of the general subject covered by the basic paragraph (as 113). [JTR 113.3]

NOTE: In order to conform the Joint Termination Regulation to the numbering system used in the Code of Federal Regulations, the following changes have been made: Sections in the original regulation have been treated as code parts, parts as code subparts, and paragraphs as code sections. Thus Section I becomes Part 841, Section II becomes Part 842, part 1 of any section becomes Subpart A, part 2 becomes Subpart B, etc. Paragraphs in the original regulations become sections, with the number to the right of the decimal point corresponding to the original paragraph number, except that where paragraph numbers also contain a decimal point the point is changed to a dash. The original paragraph numbers appear in brackets following text affected.

§ 841.113–4 *Cross references.* Unless specifically stated otherwise, cross references in this subchapter specify sections, subparts or parts of this subchapter. [JTR 113.4]

§ 841.114 *Relation of subchapter to Joint Termination Accounting Manual.*[1] [JTR 114]

§ 841.114–1 *Application of Manual.* The Office of the Fiscal Director, Headquarters, Army Service Forces, and the Cost Inspection Service, Bureau of Supplies and Accounts, Navy Department, have prepared a Joint Termination Accounting Manual for Fixed-Price Supply Contracts. This Manual is prescribed for use by accounting personnel of all agencies of the War and Navy Departments in making accounting reviews or examinations in connection with settlements of terminated fixed-price supply contracts or subcontracts, including fixed-price supply subcontracts under cost-plus-a-fixed-fee prime contracts. It is also suitable for use by war contractors in the accounting examination of their subcontractors' settlement proposals. [JTR 114.1]

§ 841.114–2 *Manual inapplicable to portions of contract already on a cost basis.* Some fixed-price supply contracts provide that certain facilities shall be furnished on a cost basis. The Joint Termination Accounting Manual is not applicable to such portions of any contract. The audit procedures for such costs are stated for the War Department in Manual, "TM 14–1000, Administrative Audit Procedures for Cost-Plus-A-Fixed-Fee Supply Contracts", and for the Navy Department in the "Revised Cost Inspection Manual". [JTR 114.2]

§ 841.114–3 *Manual not directed to contracting officers.* The Joint Termination Accounting Manual is not directed to contracting officers although they should be familiar with it. The reports and procedures prescribed by the Manual will not limit or affect the authority of the contracting officer to negotiate termination settlements. [JTR 114.3]

§ 841.115 *Amendments of subchapter.* (a) This subchapter will be amended from time to time by the War and Navy Departments jointly. Recommendations for amendments should be submitted through channels (1) in the War Department, to the Readjustment Division, ASF, or (2) in the Navy Department, to the Industrial Readjustment Branch, OP&M.

(b) Unless otherwise specifically provided, compliance with any amendment of this subchapter shall not be mandatory until 30 days after the date of issuance of such amendment, but compliance therewith is authorized from the date of issuance. [JTR 115]

§ 841.116 *Public distribution of publications on contract termination.* War contractors may obtain without cost copies of this regulation and amendments, and also certain other publications on contract terminations, issued by the War Department, Navy Department, or the Office of Contract Settlement, by a written request to the Readjustment Distribution Center (formerly the Joint Army-Navy Termination Regulation Distribution Office), Federal Office Building, 6th Floor, 90 Church Street, New York 7, New York. [JTR 116]

SUBPART B—DEFINITIONS OF TERMS

§ 841.121 *Definitions.* As used in this subchapter, the following terms shall have the following meanings. [JTR 121]

§ 841.121–1 *The act.* The term "the act" means the Contract Settlement Act of 1944 (Public Law 395, 78th Congress, approved July 1, 1944). [JTR 121.1]

[1] Filed with the Division of the Federal Register.

§ 841.121–2 *Chief of service or bureau.* The term "chief of service or bureau" includes (a) the chief of any technical service of the Army Service Forces, the Commanding General, Army Air Forces, and the Commanding General of any service command; (b) the chief of any bureau, board or office of the Navy Department, the Commandant, U. S. Marine Corps, and the Commandant, U. S. Coast Guard; and (c) except as otherwise expressly provided, any duly authorized representative of any of the foregoing. [JTR 121.2]

§ 841.121–3 *Common item.* The term "common item" means any material which is normally usable both in connection with a terminated war contract and in connection with other work of the war contractor. [JTR 121.3]

§ 841.121–4 *Continued portion of contract.* The term "continued portion of the contract" means that portion of a partially terminated war contract which is not already completed at the effective date of termination, and which the war contractor must continue to perform. [JTR 121.4]

§ 841.121–5 *Contracting officer.* The term "contracting officer" means (a) the officer or employee who signs the prime contract in behalf of the Government or who is designated as such in the prime contract, and (b) any duly appointed successor or authorized representative of such a contracting officer. In the case of the War Department, the term includes all persons within the definition contained in § 803.302–3 of this chapter. [JTR 121.5]

§ 841.121–6 *Effective date of termination and date fixed for termination.* The terms "effective date of termination" and "date fixed for termination" mean the date upon which the notice of termination first requires the war contractor (a) to reduce or stop deliveries under his contract, or (b) if no deliveries are being made or are called for under the contract, to reduce or stop performance under the contract. [JTR 121.6]

§ 841.121–7 *Industrial Readjustment Branch, OP&M.* The term "Industrial Readjustment Branch, OP&M" means the Vice Chief of the Office of Procurement and Material, Navy Department. [JTR 121.7]

§ 841.121–8 *Interim financing.* The term "interim financing" includes advance payments, partial payments, loans, discounts, advances, and commitments in connection therewith, and guaranties of loans, discounts, advances, and commitments in connection therewith and any other type of financing made in contemplation of or related to termination of war contracts. [JTR 121.8]

§ 841.121–9 *Material.* The term "material" includes any article, commodity, machinery, equipment, accessory, part, component, assembly, work in process, maintenance, repair and operating supplies, and any product of any kind. [JTR 121.9]

§ 841.121–10 *Navy material inspector.* The term "Navy material inspector" means (a) an Inspector of Naval Material, a Naval Inspector of Ordnance, a Supervisor of Shipbuilding, an Inspector of Machinery, a Bureau of Aeronautics Representative, an Officer in Charge of Construction, or (b) any designated representative of any of the foregoing, or (c) any other officer designated by the chief of a bureau to perform the functions of Navy material inspector under this subchapter. [JTR 121.10]

§ 841.121–11 *Other work.* The term "other work" means any work, whether Government or commercial, being done by a war contractor other than that related to the terminated war contract under discussion. [JTR 121.11]

§ 841.121–12 *Prime contract.* The term "prime contract" means any contract, agreement, purchase order, letter of intent, letter contract, or other preliminary contractual instrument, heretofore or hereafter entered into by the War or Navy Department and connected with or related to the prosecution of the war. [JTR 121.12]

§ 841.121–13 *Prime contractor.* The term "prime contractor" means any holder of one or more prime contracts. [JTR 121.13]

§ 841.121–14 *Readjustment Division, ASF.* The term "Readjustment Division, ASF" means the Director, Readjustment Division, Headquarters, Army Service Forces, or, with respect to the Army Air Forces, means the Director, as Special Representative of the Under Secretary of War. [JTR 121.14]

§ 841.121–15 *Retain or retention.* The terms "retain" or "retention" include any purchase, by the war contractor in possession, of termination inventory in which the Government has title or other interest, as well as the retention of termination inventory to which the contractor has title. [JTR 121.15]

§ 841.121–16 *Subcontract.* The term "subcontract" means any contract, agreement, or purchase order, and any preliminary contractual instrument, heretofore or hereafter entered into to perform any work, or to make or furnish any material, to the extent that such work or material is required for the performance of any one or more prime contracts or of any one or more other subcontracts. [JTR 121.16]

§ 841.121–17 *Subcontractor.* The term "subcontractor" means any holder of one or more subcontracts. [JTR 121.17]

§ 841.121–18 *Terminated portion of the contract.* The term "terminated portion of the contract" means that portion of a terminated war contract which does not relate either (a) to completed work or material delivered and accepted under the war contract or (b) to any continued portion of the war contract. [JTR 121.18]

§ 841.121–19 *Termination, terminate, and terminated.* The terms "termination", "terminate", and "terminated" refer to the termination or cancelation, in whole or in part, of work under a prime contract for the convenience or at the option of the Government (except for default of the prime contractor) or of work under a subcontract for any reason except the default of the subcontractor. [JTR 121.19]

§ 841.121–20 *Termination claim.* The term "termination claim" or "claim" means any claim or demand by a war contractor for fair compensation for the termination of any war contract and any other claim under a terminated war contract, which this regulation authorizes to be asserted and settled in connection with any termination settlement. [JTR 121.20]

§ 841.121–21 *Termination inventory.* The term "termination inventory" means any materials (including a proper part of any common items) properly allocable to the terminated portion of a war contract, except any machinery or equipment subject to a separate contract or contract provision specifically governing the use or disposition thereof. [JTR 121.21]

§ 841.121–22 *War contract.* The term "war contract" means a prime contract or a subcontract. [JTR 121.22]

§ 841.121–23 *War contractor.* The term "war contractor" means any holder of one or more war contracts. [JTR 121.23]

§ 841.122 *Determining amount of claim or settlement.* When any action under this subchapter depends upon the amount of a termination claim or settlement, then, unless specifically provided otherwise, in determining the amount of the claim or settlement, (a) credits for retention or disposal of termination inventory allocated to the claim and advance or partial payments shall not be deducted from the gross claim or settlement; but (b) amounts payable for completed articles or work at the contract price, for the discharge of termination claims of subcontractors and for interest shall be deducted. When the action is authorized or required before the amount of the claim or settlement is finally determined, the amount may be estimated. [JTR 122]

SUBPART C—BASIC POLICIES

§ 841.130 *Scope.* This subpart summarizes the basic policies of this subchapter designed to implement the objectives of the act, and refers to the provisions of the subchapter carrying out these policies. [JTR 130]

§ 841.131 *Objectives of the act.* Section 1 of the act declares that the objectives of the act are:

(a) To facilitate maximum war production during the war, and to expedite reconversion from war production to civilian production as war conditions permit;

(b) To assure to prime contractors and subcontractors, small and large, speedy and equitable final settlement of claims under terminated war contracts, and adequate interim financing until such final settlement;

(c) To assure uniformity among Government agencies in basic policies and administration with respect to such termination settlements and interim financing;

(d) To facilitate the efficient use of materials, manpower, and facilities for war and civilian purposes by providing prime contractors and subcontractors with notice of termination of their war contracts as far

in advance of the cessation of work thereunder as is feasible and consistent with the national security;

(e) To assure the expeditious removal from the plants of prime contractors and subcontractors of termination inventory not to be retained or sold by the contractor;

(f) To use all practicable methods compatible with the foregoing objectives to prevent improper payments and to detect and prosecute fraud.

[JTR 131]

§ 841.132 *Prompt cessation of work.* The purpose of terminating war contracts is to prevent unnecessary expense to the Government and waste of materials, manpower and facilities. To accomplish this purpose, prime contracts to be terminated must be carefully selected, and their termination must be well planned. In addition, all work under the terminated prime contract, whether performed by the prime contractor or by a subcontractor, must be stopped promptly, unless the contracting officer permits some work in process to be completed in accordance with §§ 842.241–2 and 842.241–3. Part 842 of this chapter prescribes the procedures to carry out these objectives. [JTR 132]

§ 841.133 *Expeditious settlements.* When a war contract is terminated, the basic objective is to make a fair and prompt settlement with the war contractor to compensate him for the work done and the preparations made for the terminated part of the contract. This can be done most effectively by negotiated agreement based on adequate information. The termination claims and data submitted by war contractors must be intelligently reviewed but detailed auditing must be reduced to the minimum in order to avoid delay and waste of accounting personnel. Part 845 prescribes the general policies and procedures designed for this purpose. Part 847 states in detail the procedures applicable to settlements with prime contractors. [JTR 133]

§ 841.134 *Settlements with subcontractors.* To assure subcontractors fair and speedy settlements of their claims, prime contractors and intermediate subcontractors must be pressed to make settlements with their subcontractors promptly, and, in some cases, the Government must undertake to make such settlements. In addition to the general policies and procedures prescribed in Part 845, procedures peculiar to subcontracts are prescribed in Part 846. [JTR 134]

§ 841.135 *Inventory disposition.* The prompt disposition of termination inventory is essential. Unless the war contractor desires to retain it, the termination inventory must be promptly disposed of or taken over by the Government. Expeditious disposition of termination inventories also makes them available for other productive use as soon as possible. Part 844 of this chapter deals with this subject. [JTR 135]

§ 841.136 *Interim financing.* The act entitles war contractors to adequate interim financing pending the final settlement of their claims. Speedy settlements will reduce the need for such interim financing, but many war contractors will require it. Accordingly, the provisions of the act for partial payments and guaranteed loans must be fully applied in accordance with Part 843. [JTR 136]

§ 841.137 *Importance of uniform procedures.* Uniformity of procedures will facilitate the prompt and equitable settlement of war contracts. It will enable war contractors concerned with more than one Department or with more than one service or bureau within either Department to use substantially the same methods in terminating and settling war contracts pertaining to any of them. Such uniformity will permit war contractors to set up their own internal arrangements for this work on a more efficient basis. It will also assist the Departments in giving all war contractors fair and equal treatment. The chief of each service or bureau will see that termination procedures employed in his service or bureau carry out the policy of uniformity stated in this section. [JTR 137]

§ 841.138 *Prevention of fraud.* [JTR 138]

§ 841.138–1 *Statutory provisions.* (a) Sections 19 (c) and (d) of the act impose severe penalties on any person who directly or indirectly makes or presents to any Government agency any claim, statement, or account, knowing the same to be false, or to be based on any false statement or entry, or who covers up or conceals any material fact, or who uses or engages in any other fraudulent device for the purpose of securing or obtaining for any person any benefit from any Government agency in connection with the award, performance, termination or settlement of a contract with the United States or with any other person, or who enters into an agreement, combination, or conspiracy so to do.

(b) Sections 16 (b) and 18 (e) of the act relate to settlements induced by fraud, and provide for appropriate action in such cases. [JTR 138.1]

§ 841.138–2 *Duty to report fraud.* (a) Where, at any time prior to settlement, any contracting officer or any other officer or employee of the War or Navy Department has reason to believe that there has been a violation of section 19 (c) or (d) of the act in respect of the termination claim of any war contractor, he shall take no further action thereon, either by negotiation or otherwise, but shall immediately prepare a report of all known pertinent facts without additional investigation. Unless intent to defraud clearly appears, it should not be concluded that there has been a violation of the act with respect to claims concerning which there may be a reasonable difference of opinion.

(b) Where any contracting officer or any other officer or employee of the War or Navy Department has reason to believe that any settlement of a termination claim was induced by fraud, he likewise shall immediately prepare a report of the pertinent facts.

(c) Where any war contractor has reason to believe that there has been a violation of section 19 (c) or (d) of the act in respect of the termination claim of any war contractor, or that any settlement of a termination claim was induced by fraud, he should, without further investigation, immediately prepare and submit a report of all known pertinent facts to the appropriate contracting officer.

(d) To enable the Department of Justice to make the necessary investigation as soon as possible after discovery of the suspected fraud, all reports and documents in connection therewith shall be prepared in quadruplicate. In the War Department, such reports and documents shall be transmitted through channels to the Readjustment Division, ASF, for submission to the Under Secretary of War and for transmission in duplicate by his office to the Department of Justice. In the Navy, such reports and documents shall be transmitted directly to counsel for the bureau executing the prime contract, who shall in turn promptly forward three copies thereof with any recommendations to the Office of the General Counsel of the Navy Department for further transmittal in duplicate to the Department of Justice. One copy of the report shall be transmitted by the Office of the General Counsel for information to the Industrial Readjustment Branch, OP&M. [JTR 138.2]

SUBPART D—ADMINISTRATION OF TERMINATIONS

§ 841.140 *Scope.* This subpart outlines the respective functions of the Director of Contract Settlement, the Readjustment Division, ASF, and Industrial Readjustment Branch, OP&M, and the chief of each service or bureau. [JTR 140]

§ 841.141 *Office of Contract Settlement.* [JTR 141]

§ 841.141–1 *Creation.* The act establishes an Office of Contract Settlement headed by the Director of Contract Settlement, and a Contract Settlement Advisory Board composed of the Director and representatives of the principal contracting agencies and of the Department of Justice. [JTR 141.1]

§ 841.141–2 *Regulations of Director.* (a) The act empowers the Director to issue general orders or general regulations prescribing policies, principles, methods, procedures, and standards to govern the exercise of the authority and discretion and the performance of the duties and functions of the various Government agencies under the act. [JTR 141.2]

§ 841.141–3 *Liaison with Office.* The Readjustment Division, ASF, and the Industrial Readjustment Branch, OP&M, will maintain liaison between the War and Navy Departments and the Office of the Director of Contract Settlement, and will clear all matters of policy arising in connection with that office. [JTR 141.3]

§ 841.142 *Departmental responsibility for termination policy.* [JTR 142]

§ 841.142–1 *War.* (a) The duty of formulating policy with respect to terminations has been vested in the Director, Readjustment Division, Headquarters, Army Service Forces, acting under the supervision of the Director of Matériel in matters relating to the Army Service Forces, and as the Special Representative of the Under Secretary of War in matters relating to the Army Air Forces.

(b) Staff supervision of terminations in the Army Service Forces is assigned to the Director of Matériel who will coordinate the activities of all headquarters staff divisions relating to this subject through the Readjustment Division, ASF. With respect to the Army Air Forces, staff supervision of terminations is vested in the Commanding General, Army Air Forces who acts with respect to such matters through the Assistant Chief of Air Staff, Matériel and Services.

(c) Within policies prescribed by the Readjustment Division, ASF, the Office of the Fiscal Director has staff responsibility for developing and coordinating procedures for termination accounting and auditing, and the training of personnel for these purposes. On matters affecting the Army Air Forces, the Fiscal Director coordinates with the Commanding General of the Army Air Forces. [JTR 142.1]

§ 841.142–2 *Navy.* Responsibility for the establishment, supervision, and coordination of all policies and procedures with respect to terminations is vested in the Vice Chief of the Office of Procurement and Material. [JTR 142.2]

§ 841.142–3 *Interdepartmental coordination.* A Joint Army-Navy Termination Committee, composed of the Director, Readjustment Division, ASF, his designee, and two designees of the Vice Chief of the Office of Procurement and Material, will coordinate the policies and procedures of the War and Navy Departments with respect to termination matters on which the two Departments have undertaken joint activities. When instructions or statements of policy are issued in either Department on matters which have been coordinated by the Committee, the statement may be made, in appropriate cases, that such matters have been coordinated with the representative of the other Department. [JTR 142.3]

§ 841.142–4 *Interdepartmental audit coordination.* With respect to the accounting aspects of terminations, the formulation of procedures in the two Departments is coordinated by a Joint Army-Navy Audit Committee, composed of a representative of the Office of the Fiscal Director, Hq. ASF, and a representative of the Cost Inspection Service, Bureau of Supplies and Accounts. This committee acts in an advisory capacity on accounting matters to the Joint Army-Navy Termination Committee referred to in § 841.142–3. Within policies formulated in accordance with §§ 841.142–1 and 841.142–2, it coordinates among the services of the War Department and Cost Inspection Service in the Navy Department the formulation of termination accounting and auditing procedures, the training of personnel in termination accounting, and the activities of the local audit coordination committees described in § 848.834. [JTR 142.4]

§ 841.143 *Delegation of authority.* (a) The policy of the War and Navy Departments is to delegate to the chiefs of the several services and bureaus the administration of contract terminations as fully as possible.

(b) The chief of each service or bureau may exercise the authority to terminate contracts and the authority and discretion under the Contract Settlement Act of 1944 to the extent necessary to carry out this subchapter. No approval of any higher authority is required for any action authorized or prescribed by this subchapter unless the subchapter expressly so requires.

(c) The chief of each service or bureau may redelegate any authority or discretion granted to him by this regulation, with or without authority to make successive redelegations (1) within his service or bureau, except where action is explicitly required to be taken by such chief himself or by a specified officer or employee within his service or bureau, or (2) to the chief of another service or bureau: *Provided*, That no such delegation shall be made to the chief of another service or bureau without his consent. In connection with the redelegation of authority between services or bureaus, direct communication between the chiefs of the services or bureaus and their representatives is authorized. [JTR 143]

§ 841.144 *Authority to supplement and deviate from this subchapter.* [JTR 144]

§ 841.144–1 *Supplementary procedures.* Subject to the provisions of §§ 841.137 and 841.144–4, the chief of each service or bureau may prescribe supplementary procedures for his service or bureau, consistent with the provisions of this subchapter. Such supplementary procedures shall not modify or restrict the general application of this subchapter except as to matters specifically within the discretion of the chief of the service or bureau under this subchapter. [JTR 144.1]

§ 841.144–2 *Authority of service or bureau to vary procedures.* (a) Subject to the basic policies stated in §§ 841.131 to 841.138, inclusive, and to the provisions of § 841.144–4, the chief of each service or bureau may authorize variations from the procedures herein prescribed in any case or class of cases, unless such variation involves a substantial deviation from this subchapter.

(b) In determining whether a substantial deviation is involved, the chief of the service or bureau will consider whether the variation:

(1) Conflicts with a policy stated in this subchapter;

(2) Involves a decision on an important question of policy which has not theretofore been passed upon by higher authority;

(3) Involves a decision on any matter in which uniformity among the several services and bureaus is desirable;

(4) Involves a decision on an important or doubtful question of law, cost interpretation, accounting practice or fiscal policy;

(5) Will tend to set a precedent which may be undesirable in other cases.

(c) In any case where a substantial deviation from this subchapter is involved, such deviation may be made only with the approval of the Readjustment Division, ASF, or the Industrial Readjustment Branch, OP&M, which will obtain any appropriate concurrences which in its judgment are desirable. [JTR 144.2]

§ 841.144–3 *Authority of Readjustment Division, ASF, and Industrial Readjustment Branch, OP&M.* The Readjustment Division, ASF, or the Industrial Readjustment Branch, OP&M, may authorize:

(a) Any deviation from the provisions of this subchapter in any case or class of cases;

(b) Such action or procedures as it deems appropriate in any case or class of cases where this subchapter does not adequately cover the problems raised. [JTR 144.3]

§ 841.144–4 *Clearance of service and bureau regulations and directives.* (a) All directives of general application proposed to be issued under this subchapter by the chief of a bureau of the Navy Department, or pursuant to his authority, shall be submitted for approval, before issuance, to the Industrial Readjustment Branch, OP&M.

(b) The chief of each service of the War Department will report to the Readjustment Division, ASF, all regulations of general application issued by him or pursuant to his authority under this subchapter and shall submit for approval, before issuance, any such regulation which proposes to modify a form prescribed in Part 849. [JTR 144.4]

§ 841.145 *Termination personnel.* [JTR 145]

§ 841.145–1 *War.* The chief of each service will provide, so far as possible, in each contracting office, district office, or area office which is delegated authority with respect to termination settlements, adequate and competent technical, legal, accounting and other personnel to protect the interests of the Government. [JTR 145–1]

§ 841.145–2 *Navy.* (a) The chief of each bureau engaged in contract termination or property disposition shall establish with respect to activities under his jurisdiction a unit or units which shall have the responsibility for, and the supervision of, contract termination and property disposition. The Chief of the Bureau of Supplies and Accounts shall establish similar units for purchasing activities in the field.

(b) The chiefs of the several bureaus and the Director of the Inspection Administration of the Office of Procurement and Material shall establish, in the several field inspection activities of the Navy Department, units which shall have the responsibility for, and supervision of, the contract termination and property disposition functions of Navy material inspectors.

(c) The Director of the Cost Inspection Service shall establish in such of its offices as he shall deem necessary a unit to coordinate the functions of that office concerning contract termination. He shall also designate representatives to act

as liaison officers with the termination units established in accordance with paragraphs (a) and (b) of this section. Such representatives shall act as advisors to such units with respect to the establishment of procedures for the review of termination claims, the application of accepted accounting principles, and all other accounting problems resulting from terminations. Except where other qualified accounting personnel is regularly used by a bureau, the Cost Inspection Service has the responsibility of making office accounting reviews of settlement proposals as required by this subchapter and, to the extent requested by contracting officers, of making any field accounting reviews or audits.

(d) The Director of the Navy Material Redistribution and Disposal Administration, of the Office of Procurement and Material, (herein referred to as the "NMR&DA") shall designate representatives to act as liaison officers with the termination units established in accordance with paragraphs (a) and (b) of this section. The NMR&DA is the central agency for the disposition, storage and removal of termination inventory for the entire Naval establishment. [JTR 145.2]

§ 841.146 *Freedom of Government officers and employees from personal liability.* [JTR 146]

§ 841.146–1 *For payments.* (a) Section 15 (a) of the act provides as follows:

SEC. 15. (a) Whenever any payment is made from Government funds to any war contractor or other person as an advance, partial or final payment on any termination claim, or pursuant to any loan, guaranty, or agreement for the purchase of any loan, or any commitment in connection therewith, entered into by the Government, no officer or other Government agent authorizing or approving such payment or settlement, or certifying the voucher for such payment, or making the payment in accordance with a duly certified voucher, shall be personally liable for such payment, in the absence of fraud on his part. In settling the accounts of any disbursing officer the General Accounting Office shall allow any such disbursements made by him notwithstanding any other provisions of law.

(b) This provision relieves any Government officer or agent authorizing, approving, certifying, or making payment on any termination claim or on any interim financing, or authorizing or approving any settlement, from personal financial liability for such payment except for his own fraud. Thus, an officer or employee will not be personally liable for mistakes of judgment or errors made in good faith in connection with termination payments or settlements or interim financing. [JTR 146.1]

§ 841.146–2 *For property disposal.* Section 26 (a) of the Surplus Property Act of 1944 (Public Law 457, 78th Congress, approved October 3, 1944) provides as follows:

SEC. 26. (a) Where any property is disposed of in accordance with this Act and any regulations prescribed under this Act, no officer or employee of the Government shall (1) be liable with respect to such disposition except for his own fraud or (2) be accountable for the collection of any purchase price which is determined to be uncollectible by the agency responsible therefor.

[JTR 146.2]

§ 841.147 *Assistance to contractors.* [JTR 147]

§ 841.147–1 *Statutory provision.* Section 20 (f) of the act provides as follows:

(f) Any contracting agency may authorize or direct its officers and employees, as a part of their official duties, to advise, aid, and assist war contractors in preparing and presenting termination claims, in obtaining interim financing, and in related matters, to such extent as it deems desirable. Such advice, aid, or assistance shall not constitute a violation of Section 109 of the Criminal Code (18 U.S.C. 198) or of any other law, provided the officer or employee does not receive therefor benefit or compensation of any kind, directly or indirectly, from any war contractor.

[JTR 147.1]

§ 841.147–2 *Duty to assist.* To expedite settlements, war contractors must understand the policies and procedures applicable to terminations. As a part of their official duties, officers and employees engaged in termination activities for the War and Navy Departments will advise, aid and assist war contractors in preparing and presenting termination claims, in obtaining interim financing, and in related matters, but will not accept therefor, benefit or compensation of any kind, directly or indirectly, from any war contractor. The chief of any service or bureau may prescribe methods for the giving of such advice, aid or assistance by officers or employees under his supervision, and may impose such restrictions thereon as he deems necessary. [JTR 147.2]

§ 841.148 *Supervision of administration.* (a) The act places directly on the War and Navy Departments and other contracting agencies responsibility for protecting the Government's interest in making termination settlements and interim financing. The Comptroller General is authorized to investigate completed settlements for the purpose of (1) determining whether payments conform to the settlement, or the settlement was induced by fraud, and (2) reporting to Congress on whether the settlement methods and procedures used by the contracting agencies are designed to achieve expeditious and fair settlements and are followed with care and efficiency and adequately protect the interest of the Government.

(b) The chief of each service or bureau will establish procedures for regular checks by his office of the administration of terminations by each procurement office or termination unit under his direction, including review of samples of settlements and interim financing, to insure that its termination settlements are being made expeditiously, are fair to the Government and to war contractors, and conform to existing regulations.

(c) The chief of each service or bureau will be prepared to report periodically on the procedures established by him to discharge his responsibilities under this section and on the results of the checks on individual procurement offices or termination units. [JTR 148]

§ 841.149 *Existing contracts not impaired.* In accordance with section 20 (e) of the act, the act and this subchapter do not impair or modify any war contract or any term or provision of any war contract or any assignment of any claim under a war contract, without the consent of the parties thereto, if the war contract, or the term, provision, or assignment thereof, is otherwise valid. [JTR 149]

PART 842—PROCEDURES FOR TERMINATING PRIME CONTRACTS

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§ 842.200 *Scope of part.* This part covers the preliminary procedures and planning involved in the termination of prime contracts, the preparation of the notice of termination, and the steps to be taken by the contracting officer and prime contractor immediately after the service of the notice of termination. [JTR 200]

SUBPART A—AUTHORITY FOR TERMINATIONS

§ 842.210 *Scope.* This subpart deals with the authority to terminate prime contracts either under contract articles giving the Government that option or in the absence of such contract provisions. [JTR 210]

§ 842.211 *Authority of service or bureau to terminate.* [JTR 211]

§ 842.211–1 *War.* The chief of each service may terminate, in accordance with the provisions of this subchapter, any prime contract under his administration regardless of the amount of such contract and even though the contract expressly requires the approval of the Secretary of War for its termination. [JTR 211.1]

§ 842.211–2 *Navy.* As a general rule, the chief of the bureau which executed a prime contract has the responsibility for its termination, in accordance with the provisions of the subchapter. In those cases, however, where a bureau other than the bureau which executed a contract participated in the negotiation or preparation thereof, or where the materials covered by a contract are part of a general procurement program of such other bureau, the chief of that other bureau may assume the responsibility for the termination of the contract, in accordance with the provisions of this subchapter. The assumption of such responsibility must be exercised either before or promptly after the decision has been made to terminate the contract and should be accomplished by notification to the bureau which executed the contract, which shall take all action necessary to effect the transfer of authority and responsibility. The transfer of responsibility from the chief of the bureau which executed the contract shall not be effected until the notification has been received by that bureau. [JTR 211.2]

§ 842.212 *Prime contract articles for termination.* [JTR 212]

§ 842.212–1 *Use of provisions.* In the larger prime contracts the Government has generally reserved the right to terminate the contract in accordance with a termination article. The forms of the termination articles used in such contracts have changed from time to time. In considering the rights of the Government with respect to the termination of any prime contract, the terms of the termination article should be examined with care. [JTR 212.1]

§ 842.212–2 *Current approved forms of termination articles.* (a) The following are approved forms of termination articles for prime contracts with the War or Navy Department:

(1) The uniform article for fixed-price supply contracts set forth in § 849.931 of this subchapter;

(2) The uniform article for cost-plus-a-fixed-fee supply contracts set forth in § 849.932 of this subchapter.

(b) For the War Department, the following additional forms of termination articles are approved forms for prime contracts:

(1) The form for fixed-price construction contracts set forth in § 849.933 of this subchapter;

(2) For cost-plus-a-fixed-fee construction contracts, the uniform article set forth in § 849.932 of this subchapter is the approved form;

(3) The form for letter orders for supplies with no price stated or for letter orders for fixed-price or cost-plus-a-fixed-fee construction contained in § 849.935–1;

(4) The form for letter orders for supplies with the price stated contained in § 849.935–2;

(5) Forms for laundry contracts and other types of service contracts have been specially approved from time to time.

(6) A short-form article, set forth in § 849.939, for use in any fixed-price supply or construction contract where neither of the articles above referred to in paragraphs (a) (1) and (b) (1) is required to be used.

(c) For the Navy Department, the approved forms of termination articles for classes of contracts, such as construction contracts, vessel contracts, letters of intent or other preliminary contractual instruments, for which the use of the uniform articles specified in paragraph (a) is not required, are the forms currently in use by the several bureaus as approved by counsel for such bureau. Such counsel will not approve the uniform termination articles specified in paragraph (a) of this section for use in any letter of intent or other preliminary contractual instruments, but may approve an appropriate termination article therefor containing a provision allowing such profit on termination as may be reasonable under the circumstances.

(d) As used in this subchapter, the term "approved termination articles" refers to the articles specified in paragraphs (a), (b) and (c) of this section. [JTR 212.2]

§ 842.212–3 *Deviations from approved termination articles.* (a) No deviations from the form of approved termination articles shall be made without the approval (1) for the War Department, of the Director, Purchases Division, Headquarters, Army Service Forces, or the Legal Assistant, or Chief, Legal Branch, Office of Director of Matériel, Headquarters, Army Service Forces, or (2) for the Navy Department, of the Office of the General Counsel.

(b) Any deviation from an approved article or any substitute therefor authorized under paragraph (a) shall be considered as an approved article for the purpose of this subchapter. [JTR 212.3]

§ 842.213 *Amendments of prime contracts to insert current approved termination articles.* [JTR 213]

§ 842.213–1 *General policy.* (a) Where any war contract does not provide for or provides against fair compensation for its termination, section 6 (g) of the act requires the Departments to agree to, authorize, approve, or ratify, its amendment to provide for such fair compensation.

(b) The approved termination articles currently authorized provide fair compensation for termination. Amendments of prime contracts to include such approved articles, whether or not they contain earlier forms of termination articles, will facilitate prompt settlements, promote uniform procedures, avoid delay and administrative difficulties, and carry out the objectives of the act.

(c) Accordingly, whenever practicable, each service or bureau will give prime contractors an opportunity to amend outstanding prime contracts to include the latest form of appropriate approved termination article. [JTR 213.1]

§ 842.213–2 *Amendments of fixed-price and cost-plus-a-fixed-fee prime contracts.* The chief of any service or bureau may amend any fixed-price or cost-plus-a-fixed-fee prime contract at any time to insert therein the current approved termination article appropriate for that type of contract. Wherever practicable, such amendments will be made before giving formal notice of termination, but may be made after the notice is given. [JTR 213.2]

§ 842.213–3 *Amendment of letter orders.* (a) As used in this section the term "letter order" includes letter contracts, letters of intent and letter purchase orders.

(b) The chief of any service or bureau may amend any letter order to include therein the appropriate approved termination article. Whenever practicable, such amendments will be made before the giving of notice of termination, but may be made after the notice is given.

(c) The execution of a definitive contract will not be delayed by the amendments authorized by this section. (See § 845.533–4) [JTR 213.3]

§ 842.213–4 *Procedure for amendment.* (a) Each amendment pursuant to §§ 842.213–2 and 842.213–3 will recite that it is made pursuant to the Contract Settlement Act of 1944. A form of supplemental agreement appropriate to amend prime contracts for this purpose is set out in § 849.937.

(b) Before making any such amendment, each surety or guarantor should be notified, if the surety or guarantee agreement so requires, and the assent of any assignee, who has given notice under the Assignment of Claims Act, should be obtained where possible. [JTR 213.4]

§ 842.214 *Authority to terminate prime contracts without termination articles.* [JTR 214]

§ 842.214–1 *Termination by agreement.* When the Government desires to terminate a prime contract containing no termination article, the chief of the

service or bureau may agree with the contractor for the termination of the contract and for its settlement upon such terms as he deems for the best interest of the Government, and consistent with the provisions of this subchapter. [JTR 214.1]

§ 842.214–2 *Termination without agreement.* (a) If such a prime contract cannot be terminated by agreement, the chief of the service or bureau concerned may authorize the contracting officer to order the contractor to discontinue further performance. In the Navy Department, the chief of a bureau will exercise this authority only after the matter has been referred to counsel for the bureau for advice and the preparation of the termination notice.

(b) With the notice to discontinue performance or promptly thereafter, the contractor shall be requested to amend his contract to include the appropriate termination article pursuant to § 842.213. If he does so, he should be notified to terminate the contract under the article as of the effective date of the order to discontinue performance and his termination claim should be settled in accordance with the article.

(c) If the contractor refuses so to amend, the chief of the service or bureau shall record and preserve a statement of the circumstances and reasons leading to the action and of the grounds on which such action was determined to be in the interests of the Government. In such cases, the chief of the service or bureau may settle with the contractor by agreement in accordance with § 842.214–1.

(d) Where the contractor refuses to agree to a settlement, the chief of the service or bureau will prepare and deliver findings of the amount due on the termination claim in accordance with the formula contained in the appropriate approved termination article and the procedure prescribed in Subpart E of Part 847. [JTR 214.2.]

§ 842.215 *Terminations of prime contracts where default exists.* [JTR 215]

§ 842.215–1 *Terminations during hostilities.* Notwithstanding any default under a prime contract, the chief of the service or bureau charged with its administration may terminate the contract under the contract article providing for termination for the convenience of the Government, instead of for default, whenever he considers (a) that any default of the contractor has not been gross or willful and has not caused substantial injury to the Government, and (b) that the use of that termination article will be equitable under all the circumstances. [JTR 215.1]

§ 842.215–2 *Terminations of complete programs or at the end of hostilities.* (a) Under the uniform prime contract termination articles, the contract must be terminated in accordance with the article even though the prime contractor is in default, if the termination is simultaneous with, a part of, or in connection with, a general termination:

(1) Of all or substantially all of a group or class of contracts made by the War or Navy Department for the same product or for closely related products, or

(2) Of war contracts at or about the time of or following the cessation of the present hostilities, or any large part thereof,

unless the contracting officer finds that the contractor is then in gross or willful default under the contract.

(b) Certain of the other or earlier forms of termination articles contain somewhat similar provisions applicable to terminations at the cessation of hostilities.

(c) The chief of any service or bureau will follow the contract provisions referred to in paragraphs (a) and (b) above, whenever they become applicable. [JTR 215.2]

§ 842.216 *Reductions in quantity under "Changes" articles or by agreement; changes in specifications.* [JTR 216]

§ 842.216–1 *When reductions permitted.* (a) Certain War and Navy Department prime contracts contain a special "Changes" article which authorizes the Government, under certain conditions, to reduce by a change order the quantity of supplies to be delivered under the contract. Such a reduction is a method of termination, and is subject to the provisions of §§ 842.233, 842.234 and 842.235, requiring clearance with the War Production Board.

(b) Where a reduction in the quantity of supplies to be delivered under a prime contract appears likely to involve substantial or complicated problems regarding termination inventories or claims by subcontractors, such reduction should ordinarily be effected as a partial termination pursuant to the termination article contained in the contract. Where no such substantial or complicated problems exist, such a reduction in the quantity of supplies may be effected under the special "Changes" article or any similar article.

(c) Where a prime contract does not contain such a "Changes" article, reductions may be made under the same conditions by supplemental agreement with the consent of the contractor. Before making any such agreement, each surety or guarantor should be notified, if the surety or guarantee agreement so requires, and the assent of any assignee, who has given notice under the Assignment of Claims Act, should be obtained where possible. [JTR 216.1]

§ 842.216–2 *Compensation for such reductions.* (a) When any such reduction is made under a "Changes" article or by supplemental agreement, the prime contractor may be compensated therefor by an equitable adjustment in the contract price without conforming to the procedures in this subchapter; but the provisions of this subchapter may be used as a guide in making the adjustment.

(b) Such an equitable adjustment should compensate the contractor fairly for the reduction, taking into account the types of costs, allocable to the reduction, recognized by the Statement of Principles for Determination of Costs upon Termination of Fixed-Price Supply Contracts (§ 845.551). The adjustment may be a lump sum or a change in the unit price or both. In the War Department, the adjustment should be made in conformity with the procedures prescribed in § 812.1231 of this chapter. Any excess inventory resulting from such a reduction should, if practicable, be dealt with and accounted for in conformity with Part 844.

(c) The act and this subchapter shall apply to the termination and settlement of subcontracts resulting from such reductions, and to the termination inventory involved in such subcontracts.

(d) In the event of failure to agree on the adjustment in any such case, the contracting officer will make formal findings of the amount due substantially in accordance with ¶ 847.750 and following, insofar as applicable. Since such reduction constitutes a termination under the act, the prime contractor will be entitled to appeal from such findings or sue in accordance with section 13 of the act.

(e) Where the adjustment involves a payment of more than $25,000, computed in accordance with § 841.122, it is subject to review under § 845.582. [JTR 216.2]

§ 842.216–3 *Changes in specifications.* (a) Any modification of a war contract pursuant to its terms for the purpose of changing plans and specifications, without substantially reducing its extent, is exempted from the provisions of the act and of this subchapter, except to the extent that the chief of the service or bureau, in his discretion, may require that the provisions of the act or of this subchapter shall apply.

(b) The act and this subchapter shall apply to the termination and settlement of subcontracts resulting from such modifications, and to the termination inventory involved in such subcontracts. [JTR 216.3]

§ 842.217 *Use of suspensions of performance.* [JTR 217]

§ 842.217–1 *Statutory provision.* Section 11 (b) of the act provides as follows:

Whenever a contracting agency hereafter directs a prime contractor to cease or suspend all or a substantial part of the work under a prime contract, without terminating the contract, then, unless the contract provides otherwise, (1) the contracting agency shall compensate the contractor for reasonable costs and expenses resulting from such cessation or suspension, and (2) if the cessation or suspension extends for thirty days or more, the contractor may elect to treat it as a termination by delivering written notice of his election so to do to the contracting agency, at any time before the contracting agency directs the prime contractor to resume work under the contract.

[JTR 217.1]

§ 842.217–2 *Where suspensions authorized.* (a) Arbitrary suspension of performance of work under contracts generally causes undue hardship to affected war contractors and increased costs to the Government, gives rise to injurious uncertainty in the minds of management and labor, and otherwise creates confusion and disorganization harmful to the war effort and to the national economy. Contracting officers should not direct a prime contractor to suspend performance while attempting to decide requirements for continuing production or as a temporary expedient in connection with the solution of other administrative problems. Suspensions will, therefore, be ordered only to the limited extent permitted by paragraph (b) below, and every precaution will be taken to insure that each suspension is in fact in the public interest in the light of the factors set out above and not merely an administrative convenience.

(b) Contractors may be directed to suspend performance of work only where:

(1) A termination has definitely been decided upon, but time is needed in which to determine whether the termination should be effected as a termination for default or for the convenience of the Government; or

(2) Complete, or a substantial part of, performance under the contract is needed, but cessation of performance for a period not unreasonable under the circumstances is necessary or deemed to be in the best interest of the Government, provided that the written approval (in the case of the War Department) of the head of the local procurement district, depot, or other office, or (in the case of the Navy Department) of the chief or assistant chief of the bureau, acting personally, will be required for the continuance of any suspension (subject to § 842.217–3 (c)) issued under this subparagraph for more than five days after receipt of a request by the contractor for its revocation; or

(3) Prior approval of the Readjustment Division, ASF, or the Industrial Readjustment Branch, OP&M, is obtained. [JTR 272.2]

§ 842.217–3 *Terms of suspension.* (a) Where a suspension is ordered, the contracting officer should:

(1) Discuss with the prime contractor the nature and terms of the suspension and reduce such terms to writing;

(2) Limit the duration of the suspension to the shortest practicable period; and

(3) Avoid delay in reaching any decision which may be required as to the necessity, nature, or scope of a termination.

(b) If possible, the contracting officer should negotiate with the contractor a supplemental agreement covering the terms of the suspension. If the prime contract does not already contain a termination article substantially in the form currently approved, the agreement should insert the appropriate approved article.

(c) Unless the prime contract or supplemental agreement provides otherwise, the contractor may elect to treat any suspension, extending for thirty days or more, as a termination. Whether the contract is reinstated or terminated, the reasonable costs of the contractor caused by the suspension should be paid either pursuant to an appropriate supplemental agreement or as a part of the termination settlement.

(d) The contracting officer shall not suspend performance of work under a contract before clearance with, or notice to, the War Production Board, if required by § 842.233. [JTR 217.3]

SUBPART B—ADVANCE PREPARATIONS FOR TERMINATION SETTLEMENTS

§ 842.220 *Scope.* This subpart deals with advance preparations for termination settlement, consisting of discussions, informal arrangements and pretermination settlement agreements with war contractors. [JTR 220]

§ 842.221 *Responsibility for advance preparations.* [JTR 221]

§ 842.221–1 *Value of advance preparations.* (a) Advance preparations for termination lead to prompt and equitable settlement of terminated contracts, and are therefore designed to facilitate the prompt transition from terminated war production to other war production or to civilian production upon the partial or final cessation of hostilities. It is vital to the present war effort and the future economy of the country that this transition be accomplished with the greatest possible speed.

(b) Settlements of terminated war contracts involve many decisions and actions of war contractors and the Government. Diligent efforts must be made, before actual terminations, to agree on both the financial and property disposition aspects of the termination settlement.

(c) Such advance preparations will speed the diversion of personnel, inventory and facilities to other war production or to civilian production, and will facilitate interim financing, plant clearance, and prompt settlement of termination claims, with resulting avoidance of unemployment. [JTR 221.1]

§ 842.221–2 *Types of advance preparations.* The three types of advance preparations are:

(a) Discussions with contractors of termination procedures and problems, and the preparation by contractors of internal termination plans and procedures. (See § 842.222.)

(b) Tentative understandings or informal arrangements embodied in memoranda not binding upon the Government or the contractor. (See §§ 842.223, 842.225 and 842.226.)

(c) Pretermination settlement agreements which are formal, binding agreements covering elements of the termination settlement. (See §§ 842.224, 842.225, 842.226 and 842.227.) [JTR 221.2]

§ 842.221–3 *Scope of advance preparations.* Except in those specific cases where such activity would interfere with production, all services and bureaus are responsible for conducting advance preparations to the greatest extent practicable. Discussions with contractors should lead to the preparation of a written termination plan by each contractor, and to informal arrangements covering elements of termination settlements. Thereafter, to the greatest extent practicable, advance preparations should be extended to the negotiation of pretermination settlement agreements. [JTR 221.3]

§ 842.221–4 *Coordination of advance preparations.* The local termination coordination committees appointed under Subpart C of Part 848 can be of material assistance to all the services and bureaus in carrying out advance preparations for termination settlement without unnecessary duplication of effort. The chairman of each committee should coordinate planning and contractor education so that every war contractor in the area will be covered by at least one of the services or bureaus and made aware of the benefits to be derived from advance preparations. The termination coordination committees should serve as clearing houses for disseminating information to contractors regarding informal arrangements and pretermination settlement agreements. [JTR 221.4]

§ 842.221–5 *Navy Department procedures.* In the Navy Department, certain functions of the contracting officer in respect of the termination and settlement of war contracts, interim financing, disposition of property and related matters have been assigned to the Navy Material Redistribution and Disposal Administration, Navy material inspectors and Cost Inspection Service. The foregoing representatives of the contracting officer shall have corresponding authority and responsibility in connection with advance preparations for termination settlement, including the authority to enter into informal arrangements pursuant to § 842.223. In addition, the NMR&DA (as well as the bureaus), is authorized on behalf of the Navy to enter into pretermination settlement agreements which determine what material or classes of material (with the exception of Government-furnished material and equipment and production and supply items) shall be considered to be scrap (as defined in § 842.225–6) and grant authority to the contractor to retain or sell or to approve retention or sale by a subcontractor of such material, or provide for the storage or removal of such material not retained by the war contractor or otherwise disposed of, or make any other disposition thereof, provided that the agreements shall allow not less than fifteen days from the effective date of termination within which the bureaus may request items for their own purposes prior to any disposition thereof. [JTR 221.5]

§ 842.222 *Discussions with contractors.* [JTR 222]

§ 842.222–1 *Purpose of discussions.* Both the Government and the contractor will benefit from a thorough discussion of anticipated terminations. Contracting officers will become more familiar with the records and termination problems of contractors, and contractors will become more familiar with termination procedures and the character of the information which they must furnish to the Government on termination. [JTR 222.1]

§ 842.222–2 *Scope of discussions.* A number of the specific matters which should be discussed with contractors are listed in § 842.222–3. The subjects listed in § 842.225 as appropriate matters for informal arrangements or pretermination settlement agreements should also

be discussed as early as possible. [JTR 222.2]

§ 842.222–3 *Specific subjects of discussions with contractors*—(a) *Termination article.* War contractors should become thoroughly familiar with the termination articles in their contracts. Contracts which do not contain approved termination articles should be amended to insert them wherever possible.

(b) *Termination organization.* Each contractor should form a termination section headed by an individual of executive level, and provide necessary legal, accounting and other assistance.

(c) *Training of personnel.* An adequate staff should be trained in all the operations involved in the prompt settlement of claims and disposal of inventory, such as the preparation of settlement proposals, taking of inventories, disposal of property, and negotiations with subcontractors.

(d) *Government regulations and forms.* Contractor personnel concerned with terminations should become thoroughly familiar with this regulation, the Termination Accounting Manual, and standard forms for notice of termination, instructions to contractors, settlement proposals, and interim financing. Each contractor should see that sufficient copies of these documents are available.

(e) *Accounting system.* Contractors should review their accounting systems to make sure that they will have available all data required in filling out the standard settlement proposal forms. Contracting officers and Government accounting personnel should, to the extent practicable, become familiar with each contractor's accounting policies and procedures.

(f) *Production control.* The contractor and the contracting officer should consider the normal "production cycle", representing the length of time taken to complete the finished unit from initial operations, and the "lead time", representing the time from the placement of orders with subcontractors and suppliers until raw materials and components are received in the contractor's plant. This will permit an approximation of the character and quantity of inventory and commitments that the contractor will have upon termination.

(g) *Contractor's inventory forms.* The contractor should arrange for an ample supply of all forms needed to record inventory and costs.

(h) *Records of contractor.* The records of the contractor should be reviewed to assure that they afford the basis for proper identification and allocability of all property acquired for the contract and all subcontracts thereunder, and for determining the cost of all property that may be included in termination inventories. The records of the contractor and the contracting officer regarding Government-owned materials and production equipment should be brought up to date and reconciled. The contractor should be encouraged to set up and maintain proper records of his post-termination expenses.

(i) *Disposal of property by the contractor.* In general, it is the policy of the Government to encourage war contractors to retain or sell as much termination inventory as possible at prices which conform to regulations of the Surplus Property Board.

(1) *Diversion to other contractors.* Where production of the terminated end-product will be continued by other contractors, diversion to them should be accomplished, if a saving to the Government may be effected, even though termination of subcontracts will result.

(2) *Return to suppliers.* Arrangements should be made to list the standard items which the contractor will return to original suppliers upon termination. In many cases it will be desirable to ascertain in advance from such suppliers the extent to which such returns can probably be negotiated.

(3) *Special arrangements.* Contractors should be informed of any special arrangements of the nature referred to in § 844.452–3, covering the disposition of certain specific items of material, and should be instructed as to compliance with such arrangements.

(4) *Other sales by contractors.* The manner in which the contractor will offer items of termination inventory for general sale should be considered, and appropriate authorizations for sales without further approval of the contracting officer should be granted.

(j) *Packaging.* Plans should be made by the contractor to assure adequate personnel, equipment and materials for packaging those items of termination inventory to be taken over by the service or bureau concerned. Packaging specifications should be supplied, and the desirability of deviation from standard specifications in the case of low-value items, such as scrap and salvage, should be considered.

(k) *Interim financing.* Each contractor should make an estimate of his financial needs during the period between termination and final settlement and ascertain in advance the most suitable method of interim financing. Contracting officers should advise contractors about the availability of partial payments, guaranteed loans and funds for the benefit of subcontractors; and the necessary application forms should be secured. If a guaranteed loan will be required, the contractor should discuss it with his bank. [JTR 222.3]

§ 842.222–4 *Planning by subcontractors.* The list of subjects enumerated in § 842.222–3 for discussions with war contractors applies in general to both prime contractors and subcontractors. It is particularly important that subcontractors be able, in advance of termination, to identify accurately the prime contracts to which their subcontracts relate, and the names and offices of the Government officers charged with administering them. They should also be familiar with their rights and duties under this subchapter, and under the notices and instructions which they should expect to receive upon termination. [JTR 222.4]

§ 842.222–5 *Planning by higher tier war contractors.* The most thorough planning by subcontractors will not expedite the settlement of their claims without the cooperation of their customers. Advance planning by prime contractors and higher tier subcontractors should cover the following specific matters in addition to those listed in § 842.222–3.

(a) *Identification of subcontracts.* All war contractors should examine their subcontracts with a view to establishing their allocability to the contracts to which they relate. Order forms, invoices and other supporting documents should be made readily available to support subcontract charges.

(b) *Termination article.* The termination provisions in subcontracts should be reviewed, and, where appropriate, the approved subcontract termination article (§ 849.936) should be inserted.

(c) *Forms and instructions.* Contractors should prepare a list of subcontracts to be terminated upon termination of their own contracts, and should have on hand all necessary forms. Contractors should see that their subcontractors are familiar with the requirements of the instructions to subcontractors (§ 849.944–3).

(d) *Review procedure.* Contractors should ascertain the nature and extent of, and establish internal procedures for carrying out, any required review of settlement proposals and contemplated dispositions of termination inventory of subcontractors.

(e) *Settlement of subcontractors' claims.* War contractors authorized under § 846.642 to make final settlement of claims of $10,000 or less or to make partial payments should be encouraged to exercise this authority widely.

(f) *Interim financing.* War contractors should also be encouraged (1) to study and assist in solving the financial needs of their subcontractors, (2) to pay immediately for all completed articles delivered under the subcontract, (3) to make other payments to subcontractors without awaiting payment by the Government and (4) to process promptly applications for partial payments for their subcontractors. [JTR 222.5]

§ 842.223 *Informal arrangements.* (a) Discussions with a contractor should frequently lead to understandings concerning particular elements of the termination settlement, which should be reduced to informal memoranda. Such memoranda are not binding, are subject to change by either party and should so state clearly.

(b) In the case of prime contractors, informal memoranda should be signed by the contractor and the contracting officer. They may set forth any tentative agreements reached on the pricing, disposition or retention of inventory, particular cost elements, or any other aspects of the termination settlement.

(c) Discussions with subcontractors may lead to informal arrangements between the subcontractor and his customer, with the tentative approval of the contracting officer. Such approvals constitute indications by the contracting officer that, as advised at the time the memorandum is made, he would approve the arrangement if embodied in a settlement agreement between the subcontractor and his customer.

(d) Immediately upon termination all tentative arrangements previously made

should be reviewed by the interested parties. If no new factors or considerations have made the arrangement inadvisable, the tentative understandings may be promptly confirmed or adjusted. A tentative memorandum may provide for a specific method by which such confirmation or adjustment may be accomplished. Widespread use of this procedure will materially reduce the time required after termination for plant clearance and final settlement and payment of contractors' claims. [JTR 223]

§ 842.224 *Pretermination settlement agreements.* [JTR 224]

§ 842.224–1 *Regulations of Office of Contract Settlement.* (a) General Regulation No. 3 of the Office of Contract Settlement added to Directive Order No. 2 of the Office of War Mobilization the following paragraph:

> Any Department or Agency of the Government may embody in any contract a special agreement to pay the contractor, as fair compensation for the termination of the contract, amounts specified in the contract or to be readily computed according to specified methods, standards or bases appropriate to the particular contract and set out therein, in lieu of any other compensation therefor, whenever the Department or Agency determines (1) that the available data permit a reasonable forecast, consistent with sound commercial standards, of the factors involved in determining what will be fair compensation for termination in the case or class of cases and (2) that such agreement will substantially facilitate settlements, plant clearance, reconversion from war to civilian production or the efficient use of materials, manpower and facilities or will otherwise promote the objectives of the Contract Settlement Act of 1944. Such special agreements may be included in original contracts or may be inserted in contracts by amendment made before their termination and, when so included or inserted, are hereby determined to provide a method for determining fair compensation for the termination of such contracts.

(b) Regulation No. 6 of the Office of Contract Settlement states that a similar policy will be applied to subcontract pretermination settlement agreements. [JTR 224.1]

(c) Regulation No. 9 of the Surplus Property Board provides:

> To the maximum extent practicable decisions for the retention or disposal by contractors of all types of contractor inventories shall be made in advance of termination by means of pretermination agreements or otherwise. Provisions may be included in pretermination agreements for the determination of what property shall be considered to be scrap and for the retention or disposal of all types of property by the contractor. Pretermination agreements may also provide for the care and handling and removal of contractor inventories and for the classes of property that the owning agency will take over.

[JTR 224.1]

§ 842.224–2 *Price provisions in pretermination settlement agreements.* The following provisions apply to pretermination agreements entered into on and after July 1, 1945:

(a) Any property, except scrap, which is to be retained by the contractor for his own use, may be retained at prices that are fair and reasonable and not less than the proceeds that could reasonably be expected to be obtained if the property were offered for sale. The agreement shall contain in connection with each such retention a written representation from the contractor that he intends to use or consume the property for manufacturing, construction, maintenance or repair purposes, and that he is not retaining it for the purpose of reselling it at profit.

(b) Any property, except scrap, which is to be retained by the contractor not for his own use may be retained at either (1) prices that are fair and reasonable and not less than the proceeds that could reasonably be expected to be obtained if the property were offered for sale, but in no event less than 50% of cost (estimated if not known); or (2) market prices.

(c) Any property to be retained by the contractor as scrap may be retained at market prices with or without a scrap warranty.

(d) All prices referred to in this paragraph may be determined either as of the time of the agreement or the time of termination. [JTR 224.2]

§ 842.224–3 *Required conditions.* (a) Before entering into any pretermination settlement agreement, the contracting officer should determine (1) that the available data assure reasonable accuracy of the information on which the agreement is based, and (2) that the agreement will advance one or more of the objectives of the act. When the agreement involves a forecast of the factors involved in determining fair compensation, the available data must permit a reasonable forecast, consistent with sound commercial standards, of such factors. Many agreements can be made, however, that do not settle the actual methods, standards or bases for determining fair compensation, but fix specific elements that enter into the determination of a fair settlement. In each case, the required data, considered in the light of the contractor's records and his reliability and experience, must justify a judgment that the determinations made by the agreement will contribute to a fair settlement upon termination.

(b) Each pretermination settlement agreement which determines the amount payable to the contractor as fair compensation for termination shall provide that the gross amount, exclusive of any sum payable for post-termination expenses, shall not exceed the total contract price, less payments otherwise made or to be made under the contract. [JTR 224.3]

§ 842.224–4 *Permissible provisions.* (a) Pretermination settlement agreements may provide that they shall become operative, or may be modified or cancelled, only upon stated conditions. Each such agreement should clearly state, for example, whether it becomes operative only upon total or upon a defined, partial termination; and whether the agreement shall be modified or cancelled after execution, but before termination of the contract by such events as change orders, variations in volume of production, passage of time or completion of a specified portion of the contract.

(b) Where the passage of time might substantially affect the fairness of an agreement, especially as to unit costs, retention values, rates of overhead or profit and special facilities, a provision for periodic adjustment of the settlement terms by negotiation or by an agreed formula may properly be included. The contractor will not be given the option to choose, after notice of termination, between the pretermination settlement agreement and settlement under other authorized termination provisions.

(c) A pretermination settlement agreement may provide that the contractor will make no charge because of termination if he is given notice by a specified period of time before the effective date of termination. The purpose of such notice shall be to give the contractor adequate time to plan his work so as to avoid termination charges. The Government, however, shall not bind itself to give such advance notice.

(d) A suggested form of pretermination settlement agreement appears in § 849.934. This form, which is for use in connection with fixed-price supply contracts containing the uniform termination article, is furnished solely as an example and is not designed to cover the many types of situations which may be presented. [JTR 224.4]

§ 842.224–5 *Settlements on behalf of more than one service or bureau.* The Readjustment Division, ASF, may authorize the chief of any service or bureau to execute a pretermination settlement agreement with a war contractor on behalf of any or all services of the War Department; and the Industrial Readjustment Branch, OP&M, may grant such authority on behalf of any or all bureaus of the Navy Department. [JTR 224.5]

§ 842.224–6 *Applicability of this subchapter and Joint Termination Accounting Manual.* The principles of this subchapter relating to negotiated termination settlements, and the Joint Termination Accounting Manual shall be employed as general guides, insofar as applicable, in making decisions and determinations concerning any pretermination settlement agreements. [JTR 224.6]

§ 842.225 *Specific matters which may be covered by informal arrangements and by pretermination settlement agreements.* The following list includes important matters, some or all of which may be the subject of either informal arrangements or binding settlement agreements. [JTR 225]

§ 842.225–1 *Stop-work points.* The contractor and the contracting officer should ascertain and agree upon the points or stages at which production is to be stopped upon termination in accordance with § 842.241–3 (a). [JTR 225.1]

§ 842.225–2 *Method of taking inventory.* Advance arrangements should be made as to the place and method of taking and verifying inventories and preparing satisfactory termination inventory schedules. Proper short cuts in counting inventory should be considered, such as estimates, weighing instead of counting and using book inventory subject to appropriate check. Arrange-

ments should be made for concurrent verification of inventory by the contracting officer, particularly as to those items to be scrapped, retained by the contractor, or immediately diverted to other work of the contractor or to other contractors. Agreement should be reached as to what constitutes a "satisfactory" schedule with respect to classification and description. Items to be scrapped, sold, or retained by the contractor, diverted to other war contractors, transferred to the Government for war production, or otherwise disposed of promptly upon termination, need be described only to the extent required to substantiate the contractor's charges and to meet the requirements of such disposal; they need not be described in the detail required for inventory to be taken over and reported to a disposal agency. [JTR 225.2]

§ 842.225–3 *Categories of anticipated termination inventory.* Termination inventory anticipated as being on hand at termination should be studied, and agreement reached on the items to be:

(a) Retained by the contractor at cost or less than cost but at more than scrap prices;

(b) Retained at scrap prices by the contractor;

(c) Disposed of by the contractor to original vendors or others;

(d) Transferred to the Government;

(e) Covered by a storage agreement. [JTR 225.3]

§ 842.225–4 *Property required by Government.* Termination inventory required by the Government for any reason should be ascertained at the earliest possible date. Where lists of critical items desired by a service or bureau are available, they should be used as a basis for advance arrangements. Generally, a determination can be made that certain items will not be required, and a tentative understanding reached. In general, the Government will require raw materials only where the supply is critical, and, as to spare parts, will require only completed components and assemblies. Chiefs of services and bureaus should supply contracting officers, prior to termination wherever possible, with a current list of critical items, as a basis for advance arrangements. [JTR 225.4]

contractor. Subject to any applicable

§ 842.225–5 *Retention of property by* War Production Board regulations, retention of termination inventory by the contractor is encouraged. Retention values should be negotiated at a fixed price or by a definite formula for computation of such price. The price at which items may be retained will be subject to the price policies set forth in Subpart D of Part 844. [JTR 225.5]

§ 842.225–6 *Scrap.* (a) For the purpose of this subpart the term "scrap" shall mean property that has no reasonable prospect of sale except for its basic material content.

(b) All scrap determinations shall be submitted for disposal board review and approval as provided in § 842.227–2. [JTR 225.6]

§ 842.225–7 *Transfer of property to the Government.* Arrangements should be made for packaging, shipping and storing termination inventory to be taken over by the Government. [JTR 225.7]

§ 842.225–8 *Unit costs of termination inventory.* Agreement may be reached as to the unit costs of each item or class of inventory on termination, including raw materials and work-in-process at the appropriate stop-work stages permitted by § 842.241–3 (a). Such unit costs may be negotiated as definite figures on the basis of the contractor's prior cost experience; or if such costs cannot be forecast with reasonable accuracy, provision may be made for adjustment upward or downward, in accordance with any agreed formula. Such formula should be designed to cover any special factors, such as wage changes, market fluctuations, or changes in production volume arising from cut-backs or increases in production, which would materially affect termination inventory costs. Cost of work-in-process, at the appropriate stop-work stages, may be forecast and negotiated on any agreed basis of standard, average or estimated costs. Agreement upon unit costs, retention values, settlement expenses, and rates of general and administrative expense and profit represents a "count and multiply" type of agreement, requiring only an extension of agreed-on prices to the number of units on hand on termination to arrive at the amount of the termination claim. The suggested form of agreement set forth in § 849.984 is of this type. [JTR 225.8]

§ 842.225–9 *Advance agreement on total-cost basis.* In cases where it is impracticable to negotiate unit costs of anticipated termination inventory, arrangements or agreements may provide that the total-cost basis shall be used. [JTR 225.9]

§ 842.225–10 *Allocation of common inventory to specific terminations.* Where raw materials and work in the early stages of process cannot be identified with specific contracts or orders, rules governing allocability as between civilian and war business, terminated and continued war business, and similar questions, may be decided on. [JTR 225.10]

§ 842.225–11 *Special facilities.* Arrangements or agreements may be made regarding capital items which are determined to be special facilities within the meaning of the Statement of Cost Principles, § 845.551–2 (f). The cost to be allowed and the method of protecting the Government's interest should be specifically covered in accordance with Subpart G of Part 844. [JTR 225.11]

§ 842.225–12 *Government-owned production equipment.* Advance arrangements should cover the following:

(a) *Idle equipment.* A list of the equipment that will become idle as a result of termination should be prepared in satisfactory form for plant clearance purposes.

(b) *Acquisition by the contractor.* The contractor should indicate those items that he wishes to acquire at the prices established under applicable War and Navy Department regulations, and the contracting officer should determine whether such items can be released. The method of financing such acquisition should be considered.

(c) *Removal.* The contractor should be given definitive instructions as to the dismantling, packaging, shipment and storage of those items that he does not wish to acquire or that the Government is unwilling to release. [JTR 225.12]

§ 842.225–13 *Starting load costs and similar items.* Arrangements or agreements should cover the methods of determining and allocating such costs as starting load, engineering, and tooling expenses. [JTR 225.13]

§ 842.225–14 *Factory overhead and general and administrative expense.* The rates of factory overhead and general and administrative expense may be agreed upon and, in appropriate cases, made subject to periodic adjustment. [JTR 225.14]

§ 842.225–15 *Profit.* The rate or method of computing profit may be determined. [JTR 225.15]

§ 842.225–16 *Pretermination and post-termination settlement expenses.* Arrangements or agreements may be made covering the amount of, or the methods of determining and allocating, the costs of maintaining a termination organization and the expenses incurred in advance preparations for termination settlement, as well as the amount or method of computing the amount of post-termination settlement expenses. [JTR 225.16]

§ 842.225–17 *Interim financing by means of partial and advance payments*—(a) *Prime contractors' charges.* Advance arrangements or agreements covering methods of computing fair compensation on termination will assist a prime contractor in applying for an immediate, cost-supported or controlled partial payment in accordance with Subpart E of Part 843. An agreement may establish the basis upon which the contractor's estimate is to be prepared, and, if prepared in accordance with such basis, the percentage of the estimate that will be paid as a partial payment, but not the amount of the estimate or of the partial payment. Where unit costs of termination inventory have been agreed to in advance, an estimate of costs based upon the amount of inventory customarily in the contractor's plant at then prevailing rates of production should be submitted in advance to the contracting officer, and currently revised to facilitate prompt approval by the contracting officer on the date of termination.

(b) *Subcontractors' charges.* Arrangements may be made for establishing a fund in the hands of higher tier contractors from which partial and final payments may be made to subcontractors, in accordance with § 843.364. [JTR 225.17]

(c) *Use of advance payments for interim financing.* Under the conditions stated in §§ 843.331 and 843.332, advance payment funds in special accounts may be utilized for the payment of subcontractors' charges and those of the contractor. [JTR 225.17]

§ 842.226 *Advance preparations for subcontract termination.* [JTR 226]

§ 842.226–1 *Informal arrangements.* Informal arrangements and pretermination settlement agreements between war contractors affecting subcontracts will be recognized on substantially the same conditions as those applicable to prime contracts.

Contracting officers, in cooperation with prime contractors, should encourage advance arrangements covering elements of subcontractors' settlements. [JTR 226–1]

§ 842.226–2 *Pretermination settlement agreements* (a) Pretermination settlement agreements between the Government and prime contractors may not be used to relieve such contractors of their obligations with respect to subcontractors' claims. Where a prime contractor's pretermination settlement agreement with the Government deals with subcontractors' claims, it shall contain an undertaking by the contractor promptly to pay fair compensation to subcontractors in accordance with the standards prescribed by this subchapter.

(b) Pretermination settlement agreements between war contractors and their subcontractors will be recognized as binding on the Government upon approval by the Government to the extent and upon the conditions stated in § 842.227, or when they are made pursuant to the terms of a pretermination settlement agreement between the Government and the prime contractor.

(c) When a pretermination settlement agreement between a war contractor and his subcontractor has been made binding on the Government by the approval of one service or bureau, any other service or bureau may rely upon that approval and, without making any independent review of any provisions so approved, may approve other pretermination settlement agreements or other settlements between the subcontractor and the same or other customers which contain or give effect to the same provisions. Such action may appropriately be taken with respect to provisions of general application to all claims of the subcontractor, such as those determining overhead or profit rates or classifying items of termination inventory. [JTR 226.2]

§ 842.226–3 *Direct pretermination settlement agreements with common subcontractors.* (a) The Government may enter into direct pretermination settlement agreements with subcontractors producing the same or similar articles under different prime contracts, and may prescribe therein the method of determining the termination charges of such subcontractors. Such agreements may be entered into only to the extent that, in accordance with paragraph (b) below, authority has been granted to the service or bureau executing the agreement to make it applicable in the settlement of the prime contracts to which such subcontracts relate.

(b) The Readjustment Division, ASF, may authorize the chief of any service or bureau to execute such a pretermination settlement agreement with subcontractors on behalf of any or all services of the War Department; and the Industrial Readjustment Branch, OP&M, may grant such authority on behalf of any or all bureaus of the Navy Department.

(c) Such agreements with subcontractors may establish as fair compensation amounts specified in the agreement or to be readily computed according to methods, standards or bases appropriate to such subcontracts. Subcontract settlements made in accordance with such agreements will be recognized by the Government in the settlement of the prime contract to which such subcontract relates, but no such agreement shall bind any higher tier contractor without his consent. [JTR 226.3]

§ 842.227 *Approval of pretermination settlement agreements.* [JTR 227]

§ 842.227–1 *Approval by review board.* Each pretermination settlement agreement shall, before approval or execution by the contracting officer, be examined by a review board in the service or bureau of that contracting officer. Such board may be a settlement review board established under § 845.581, or such other board of three or more members as may be specially created by the chief of the service or bureau. The function of the board shall be to determine the over-all reasonableness of the agreement, and the adequacy of the protection of the Government's interests. If the review board disapproves any proposed agreement, the contracting officer shall not approve or execute it without the approval of the head of the office in which the board is established. [JTR 227.1]

§ 842.227–2 *Approval by disposal board.* Where a pretermination settlement agreement provides for the retention or disposal of any termination inventory by the contractor, or for a scrap determination, regardless of the cost of the property involved, such agreement shall be subject to prior review and approval by a disposal board established under § 844.449. [JTR 227.2]

§ 842.227–3 *Approval by Readjustment Division or Industrial Readjustment Branch.* In addition to the approval required under §§ 842.227–1 and 842.227–2, a pretermination settlement agreement requires approval of the Readjustment Division, ASF, or the Industrial Readjustment Branch, OP&M where the agreement:

(a) Has the effect of substantially determining the entire matter of fair compensation, and the undelivered portion of the contract is more than $5,000,000 at the time of execution; or

(b) Provides for the payment of any amount for loss on special facilities as defined in § 845.551–2 (f); or

(c) Determines, from estimates based on the contractor's production cycle, or otherwise, the precise quantities of termination inventory which will be assumed to be on hand at any given time, and on which, therefore, the settlement is to be based; or

(d) Provides for the additional processing or continuation of production of any work-in-process for the account of the Government after the effective date of termination, except to the extent provided in § 842.241–3 (a); or

(e) Is a direct pretermination settlement agreement with a war contractor under § 842.224–5 or § 842.226–3; or

(f) Relates to reimbursement of costs or adjustment of the fee under a cost-plus-a-fixed-fee contract. [JTR 227.3]

§ 842.227–4 *Form for submitting agreements for approval.* Every request for approval under § 842.227–3 will include such of the following information as is relevant:

(a) Name and address of contractor.

(b) Numbers and dates of the contracts or orders covered by the agreement, estimated dates of completion, and delivery schedules.

(c) Location of the principal plant furnishing the items.

(d) Quantity and brief description of items being furnished.

(e) Unit price or prices and total amount to be expended under the contracts or orders.

(f) Experience of contractor with the type of production involved.

(g) Copy of the pretermination settlement agreement.

(h) Recommendation of the chief of the service or bureau.

(i) Such other information as the contracting officer deems proper. [JTR 227.4]

SUBPART C—DISTRIBUTION OF CUTBACKS

§ 842.230 *Scope.* This subpart deals with policies and procedures governing the translation of cutbacks in procurement schedules into terminations or revisions of specific contracts. Such policies and procedures are based on, and follow the requirements of, (a) a directive dated January 20, 1945 issued by the Director, Office of War Mobilization and Reconversion, entitled "Policies of Contract Curtailment, Non-renewal and Termination", and (b) Directive No. 40 of the War Production Board, entitled "Clearance and Consultation on Cutbacks". This subpart includes the steps to be taken in planning contract terminations, clearing such plans with the War Production Board where this is required, and informing the prime contractors' employees and the general public where substantial releases of manpower or facilities may result. The preparation of the notice of termination and its delivery to the prime contractor are covered in Subpart D. [JTR 230]

§ 842.231 *Responsibility for planning cutbacks.* [JTR 231]

§ 842.231–1 *Need for planning.* (a) When the supply programs of the armed forces change due to strategic changes, new technical developments, scarcity of materials, or other similar factors, procurement schedules must often be curtailed either by terminating outstanding prime contracts or by reducing the rate of deliveries scheduled under such contracts, or by both methods.

(b) In reducing procurement schedules and in terminating war contracts, it is essential, to the greatest extent practicable:

(1) To shift any manpower, facilities, and materials released into other war production;

(2) To minimize disruption of the national economy;

(3) To reduce or eliminate termination claims, by enabling war contractors to change over to other production with minimum delay or loss of productive capacity;

(4) To provide prime contractors with notice of termination as far in advance of the cessation of work thereunder as is feasible and consistent with the national security, without permitting unneeded production or performance, in order to enable the contractor and his employees to prepare for the termination of work.

(c) The chief of each service or bureau will carefully plan all cutbacks under his administration in such manner as to meet these objectives. [JTR 231.1]

§ 842.231–2 *Review boards.* The chief of each service (except the Army Air Forces) and the chief of each bureau will establish one or more boards of review composed of not less than three responsible officers or employees to review proposed terminations of contracts and reductions in individual delivery schedules. Such a board shall review each such cutback required to be cleared by the War Production Board (CPAD), which involves a selection of facilities and a reduction of more than $500,000 in the total value of the items to be delivered under all prime contracts with that service or bureau for substantially similar procurement items (a) in the current month or in any one of the succeeding 11 months, or (b in the case of Navy Department ship construction, in the current month or any succeeding month. The chief of the service or bureau in his discretion may require proposed cutbacks involving smaller amounts to be submitted to a review board. In the Army Service Forces such Boards shall review all cutbacks which may result in the complete or partial closing of government-owned plants and transmit the action of the board to the Commanding General ASF (Director, Production Division) for approval. [JTR 231.2]

§ 842.231–3 *Records to be maintained.* The chief of each service or bureau will maintain adequate records of all cutbacks, evidencing the application to each case of the procedures prescribed by this regulation and especially of the policies specified in §§ 842.232 and 842.241. It is recommended that such records be maintained on the PEC Form B prescribed in § 842.233–4, whenever practicable, whether or not a report for the case is required to be made on that form under § 842.233–4. [JTR 231.3]

§ 842.231–4 *Navy procedures.* In obtaining information as a basis for applying the policies specified in §§ 842.232 and 842.241, each bureau should consult directly with appropriate divisions or sections in the Office of Procurement and Material and in the Shore Establishments and Civilian Personnel Division of the Secretary's Office. Such divisions and sections in OP&M include the Materials and Products Control Officer and the Labor Relations Division of the Production Branch, the Finance Division and Industry Cooperation Division of the Procurement Branch, and in Shore Establishments and Civilian Personnel, the Industrial Manpower Section of the Employment Branch. [JTR 231.4]

§ 842.232 *Factors in selecting prime contracts for termination.* [JTR 232]

§ 842.232–1 *General application of factors.* (a) When a cutback in a procurement program will require the termination of less than all outstanding prime contracts related to the program, the service or bureau concerned will select the particular prime contracts to be terminated in the light of all applicable factors within its knowledge.

(b) The prime consideration is the retention of facilities with capacity to produce known and contingent future requirements. A list of the other factors to be considered is given in the following sections. Not all of these factors will apply to each case, but all that are pertinent should be considered. Readily determinable factors, such as relative costs, should not be over-emphasized to the exclusion of those less tangible in nature.

(c) To the fullest extent possible, the service or bureau should take into account the bearing of all pertinent factors upon subcontractors; for example, in regard to critical labor areas or the use of transportation facilities, the location of the prime contractor may be less important than the location of major subcontractors. [JTR 232.1]

§ 842.232–2 *Costs.* Prime contracts affording lower unit costs to the Government should be retained where other factors are equal, but the obvious importance of this factor and the ease with which it can be applied must not result in disregarding other pertinent factors. As in the case of initial procurement, prime contracts may be retained even though involving higher prices than the contracts terminated, whenever necessary to give due weight to other factors. The cost factor will, however, grow in importance as manpower, transportation and other shortages are overcome. [JTR 232.2]

§ 842.232–3 *Facilities useful for other production.* (a) Facilities which can be utilized for other war production or for essential civilian production should be released in preference to terminating war contracts at plants not readily adaptable for such other production. In addition to physical facilities, the availability of engineering and other technical staffs able to effect speedy change-over should be considered in this regard.

(b) Where the released facilities will not be required for other war production or essential civilian production, preference should be given to those able to reconvert to other civilian production for which labor and material are available. This consideration may be particularly important where a war contractor is located in a single industry community dependent on the business of the contractor. [JTR 232.3]

§ 842.232–4 *Financial condition.* Prime contractors requiring Government financial assistance in the form of guaranteed loans or advance payments at substantial credit risk may ultimately be of greater expense to the Government than prime contractors with a higher contract price per unit. [JTR 232.4]

§ 842.232–5 *Government-owned versus privately owned facilities.* Privately owned plants not normally engaged in production of a military character will be given first priority of release from war production in order to facilitate their reconversion to civilian production, due consideration being given to the wishes of the contractors. Government-owned plants will be kept in operation or reserve until their production is clearly no longer required for military needs. However, where a plant is located in an isolated section with no opportunity for displaced workers, the exercise of wise administrative discretion may prompt other action. [JTR 232.5]

§ 842.232–6 *Location in critical labor areas.* Manpower shortages in critical labor areas designated by the War Manpower Commission as Group I or Group II Areas should be relieved by terminating war contracts for materials being produced in such areas to the greatest extent possible. Particular attention should be given to the location of the principal subcontractors as well as prime contractors. [JTR 232.6]

§ 842.232–7 *Performance.* (a) War contractors' records for meeting or anticipating required schedules should be reviewed.

(b) Reports of technical inspectors and other data indicating quality of product should be weighed.

(c) War contractors with a record of economic use of critical materials, machinery and equipment and efficient utilization of labor should be retained in preference to those with a record of over-ordering or waste, or of labor hoarding, rapid labor turnover, or excessive absenteeism.

(d) Where practicable, companies responsible for the development and engineering of specialized products will be retained in their manufacture in preference to those companies which are merely licensed for their manufacture. [JTR 232.7]

§ 842.232–8 *Pro rata partial terminations.* Where all other factors are in substantial balance, a cutback may be spread pro rata over all affected prime contracts by partial terminations. The possibility that the operations of some war contractors may be reduced below an economic production rate must, however, be taken into account in this connection. [JTR 232.8]

§ 842.232–9 *Security.* The security factor should be considered, based on location and dispersion. [JTR 232.9]

§ 842.232–10 *Smaller war plants.* Independent smaller concerns within the scope of the Smaller War Plants Act (Public Law 603, 77th Congress) should be retained to the fullest extent possible except where the prime contractor would prefer termination in order to be released for permitted civilian production. Similar preference should be accorded prime contractors with a large number of subcontractors in the Smaller War Plants category. [JTR 232.10]

§ 842.232–11 *Stage of completion.* War contracts not yet in production or in earlier stages of production should be terminated in preference to contracts nearing completion, in order to avoid waste in scrapping work in process and to reduce termination claims. [JTR 232.11]

§ 842.232–12 *Stand-by facilities.* Facilities retained should have existing or potential capacity for production of known and contingent future requirements. Safeguarding of future requirements normally will require maintenance in operation of more than one source of supply for any important nonstock item. [JTR 232.12]

§ 842.232–13 *Transportation.* The burden on transportation facilities should be minimized by retention of war contractors accessible to raw materials, purchased components and destination, in preference to contractors requiring cross-hauls or long distance deliveries. [JTR 232.13]

§ 842.232–14 *Type of contract.* Fixed-price prime contracts should be retained in preference to cost-plus-a-fixed-fee prime contracts, other factors being equal, where both types of prime contracts are outstanding under a procurement schedule. [JTR 232.14]

§ 842.233 *Approval of large cutbacks by the War Production Board; notification of smaller cutbacks.* [JTR 233]

§ 842.233–1 *General.* (a) Pursuant to instructions of the Director, Office of War Mobilization and Reconversion, the Production Executive Committee of the War Production Board has adopted uniform policies to govern termination of contracts in order to give reasonable notice to management and labor of such terminations. The contracting agencies are required to obtain approval of their proposed large cutbacks and terminations, excluding subsistence and other specifically exempted programs, from the Production Executive Committee and not to make them effective until such approval is obtained. To insure complete coordination in the field of cutbacks or other production adjustments, the Production Executive Committee has established under its direction the Production Readjustment Committee on which the armed services and numerous other government agencies are represented. The Production Executive Committee has further established (1) uniform procedures and report forms to be used by the contracting agencies and (2) an administrative group operating under the Production Readjustment Committee, known as the Current Production Adjustments Division. The Director of this Division rules on distribution of cutbacks, subject to appeal in accordance with § 842.233–4 (c).

(b) The procedures and forms described in the following sections apply except where the Production Executive Committee of the War Production Board authorizes deviations or alternative procedures for special cases or classes of cases. The forms used for clearing and reporting cutbacks are designated as PEC Forms A, B, C, and D, and will be used in accordance with §§ 842.233–3, 842.233–4, 842.233–5, and 842.233–6. [JTR 233.1]

§ 842.233–2 *Definition of cutbacks.* For the purpose of these reports a "cutback" means a revision of delivery schedules under contract that (a) eliminates all or part of the items to be delivered under one or more prime contracts, or (b) reduces the rate of deliveries scheduled for any period: it does not include changes in items to be delivered, resulting from changes in plans and specifications. Items, parts, or materials that are alike in their principal specifications or that are usually procured together or grouped in one procurement program are regarded as one item or material for the purposes of the reports. Orders to Government-owned plants shall be treated as prime contracts for the purpose of the foregoing definition and for making reports. [JTR 233.2]

§ 842.233–3 *PEC Form A, preliminary advice of current cutbacks.* (a) PEC Form A will be filed for a proposed cutback which will involve a reduction of more than $500,000 in the total value of items to be delivered under all prime contracts with that service or bureau for substantially similar procurement items (1) in the current month or any one of the succeeding 11 months or (2) in the case of Navy Department ship construction, in the current month or any succeeding month.

(b) In determining whether cutbacks require submission of PEC Form A, only the amounts actually under contract (as distinguished from scheduled procurement not yet placed under contract) will be considered; the value of items of Government-furnished equipment will be excluded from such consideration; and in cases where programmed items are assembled from separately procured components, the determination will be confined to consideration of all prime contracts for each separately procured component.

(c) The form shall be submitted as soon as a cutback has been determined upon or has advanced to a stage where it is sufficiently firm and definite with respect to quantities to be considered by the Current Production Adjustments Division. The form is a preliminary advice and is not to be delayed pending determination of the revised schedules or selection of the particular prime contracts to be terminated. [JTR 233.3]

§ 842.233–4 *PEC Form B, detailed advice of current cutbacks.* (a) PEC Form B will be filed showing data for each plant currently producing an item for which a report of a cutback is made on PEC Form A, whether or not the particular plant is affected by the cutback, except that in cutbacks in ammunition component programs, the procedure prescribed in § 842.233–7 is followed in lieu of filing PEC Form B. PEC Form B is a detailed advice of a cutback upon the basis of which approval of the War Production Board is obtained.

(b) The form shall be submitted as soon as possible after proposed contract terminations or proposed revisions of individual contract delivery schedules have been determined upon, and shall be accompanied by a statement of the factors supporting the proposed distribution of the cutback among the plants producing the item. Pending receipt of a ruling from the War Production Board on PEC Form D, no formal notice of termination, notice to suspend work or change order shall be sent to any prime contractor.

(c) Any ruling of the Current Production Adjustments Division may be appealed to the Production Readjustment Committee, and any ruling of the latter may be appealed to the Production Executive Committee, as provided in §§ 842.234–1 (a), 842.234–2 (b) and 842.234–3 (b). In any case where, because of unusual circumstances in the opinion of the service or bureau, action at variance with a ruling of the War Production Board must be taken, justification therefor by the service or bureau concerned will be presented (through the channels and in the manner established in § 842.235) to the Chairman of the Production Readjustment Committee within ten days after such action.

(d) Where the cutback involves no selection of facilities, such as complete terminations or reductions in production of any item produced by a single facility, the service or bureau may request (through channels) that the filing of PEC Form B be waived. In such instances, an estimate of labor to be released by the cutback, and the name and location of the district or other local officer responsible for notifying the facility affected, will be entered on PEC Form A in order that the Current Production Adjustments Division, in granting such a waiver, may be informed of the effect of the cutback and arrange for coordination with the district or other local officer prior to initiating its discussions with the facility. If the Current Production Adjustments Division agrees to the waiver of PEC Form B in such instances, a formal notice of termination, notice to suspend work, or change order to the facility will be deferred until the district or other local officer has contacted the local representative of the War Production Board, or until the service or bureau is advised that such prior coordination is unnecessary. [JTR 233.4]

§ 842.233–5 *PEC Form C, notification of termination or revision of contract delivery schedules.* (a) A report on PEC Form C shall be filed for each contract termination or change in delivery schedule under any one outstanding prime contract which reduces the total value of items to be delivered in the current month or any one of the succeeding 11 months by over $100,000.

(b) Where the proposed termination or change in delivery schedule is not made pursuant to a recommendation or clearance on PEC Form D, the report on PEC Form C must be received by:

(1) The Current Production Adjustments Division, in the case of Washington action by a service or bureau; or

(2) The regional or district office of the War Production Board, in the case of field action by a service or bureau

at least 48 hours (exclusive of Sundays) before a formal notice of termination, order to suspend work, or change order is sent to the prime contractor. In order to comply with this requirement, adequate time, in addition to the 48 hours, must be allowed for transmittal. No approval or other action on the report is required before the termination notice, order to suspend work or change order is sent.

(c) Where the proposed termination or change in delivery schedule is made pursuant to a clearance or recommendation on PEC Form D, notice to the prime contractor may be sent forthwith after receipt of PEC Form D, and the notification on PEC Form C may be filed promptly thereafter. [JTR 233.5]

§ 842.233–6 *PEC Form D, rulings as to cutbacks by War Production Board.* PEC Form D will be used by the War Production Board for its rulings with respect to proposed cutbacks submitted for approval on PEC Form B, or PEC Form A when filing on PEC Form B has been waived. After receipt of PEC Form D by the service or bureau, formal notice to the war contractor of termination, order to suspend work, or change order may be sent forthwith, subject to the provisions of § 842.235. [JTR 233.6]

§ 842.233–7 *Clearance of cutbacks of ammunition components.* (a) A report on PEC Form B will not be submitted in connection with cutbacks involving ammunition component programs. The distribution of cutbacks will be determined at meetings attended by all interested contractors, representatives of the service or bureau, and a representative of the Current Production Adjustments Division authorized to act for such Division on all matters before the meetings and to approve verbally the action decided on at the meeting.

(b) Such meetings will not be called earlier than three days after submission of PEC Form A. Maximum advance notice of the time and place of the meeting will be given to the Current Production Adjustments Division by the member thereof representing the service or bureau concerned. Verbal approval of the action of the meeting by the Current Production Adjustments Division representative will have the effect of the issuance of a PEC Form D (§ 842.233–6) which will be issued later in confirmation of such verbal approval. PEC Form C will be submitted in accordance with § 842.233–5. [JTR 233.7]

§ 842.234 *Procedures for filing PEC Forms.* [JTR 234]

§ 842.234–1 *Army Service Forces.* (a) All liaison with the War Production Board in connection with the filing of PEC Forms A and B, the prosecution of appeals from rulings on cutbacks, and the receipt from the War Production Board of PEC Form D will ordinarily be handled by Headquarters, ASF (Director, Production Division). PEC Form C will be prepared by the responsible service and forwarded directly to the prescribed list of recipients. In special cases, such as the meetings on cutbacks of ammunition components (§ 842.233–7), direct liaison between the Current Production Adjustments Division and the service concerned may be authorized.

(b) Where a report on PEC Form A becomes necessary because of a change in Programmed Procurement for items which appear in specific quantities in Monthly Progress Report—section 22–G—Procurement Program—Ground, or Monthly Progress Report—section 22–A—Procurement Program—Air (Summary of Army Supply Program—Air, Part C) which constitute "contract items" (items procured in the form listed in the foregoing Procurement Programs as distinguished from items assembled from separately procured components), PEC Form A will be prepared and submitted by Headquarters, ASF (Director, Production Division).

(c) Where a report on PEC Form A becomes necessary because of a cutback of an item (or items) which appears in specific quantities in the Monthly Progress Report—section 22–G—Procurement Program—Ground, or Monthly Progress Report—section 22–A—Procurement Program—Air (Summary of Army Supply Program—Air, Part C), but represents an assembly of components which constitute the items of procurement, a report will be prepared by the service which let the contract for the components affected. PEC Form A will also be prepared by the responsible service where a report on that form is necessary because of a cutback in an item which is included in a dollar value category of secondary items in Monthly Progress Report 22–G or because of a cutback in material schedules or nonprogrammed procurement. A case number will be assigned by Headquarters, ASF, (Director, Production Division) and the space provided for it will be left blank on the forms filled in by the service.

(d) The responsible service will prepare PEC Forms B and C in all cases. In cases where PEC Form A is prepared by Headquarters ASF, the service will be requested verbally to prepare PEC Form B. A copy of the PEC Form A filed in the case will be transmitted to the service in confirmation of such verbal request.

(e) PEC Forms A and B originating with the services shall be forwarded in quadruplicate to Headquarters, ASF (Director, Production Division), which will transmit them to the War Production Board. PEC Form B shall be accompanied by a statement of the factors considered in accordance with § 842.232. In the case of reports submitted on PEC Form B, Headquarters, ASF, will promptly notify the service of approval of the proposed distribution of the cutback or of any War Production Board recommendation for an alternative course of action, upon receipt of PEC Form D.

(f) In addition to the reports submitted to Headquarters, ASF, the services will distribute copies of PEC Form C directly to headquarters offices and to appropriate district, state or regional offices of the War Production Board, the War Manpower Commission and the Smaller War Plants Corporation in whose territory the plant to be cut back is located. [JTR 234.1]

§ 842.234–2 *Army Air Forces.* (a) Unless the Chief, Resources Division AC/AS, M & S, prescribes otherwise in special cases, PEC Forms A and B shall be executed by the Air Technical Service Command and transmitted to the Resources Division, AC/AS, M & S, in quadruplicate. PEC Form C shall be prepared by the Air Technical Service Command and communicated by teletype to the Resources Division, AC/AS, M & S.

(b) All contacts with the War Production Board (including the prosecution of all appeals from rulings) shall be handled by the Office of the Chief, Resources Division, AC/AS, M & S, which will be responsible for transmitting required PEC forms to the War Production Board and which will promptly notify the Air Technical Service Command of the approval of Form D by the War Production Board. Case numbers shall be assigned by the Air Technical Service Command. [JTR 234.2]

§ 842.234–3 *Navy.* (a) The bureau concerned will prepare PEC Forms A, B and C in all cases. Where one bureau purchases for another the reports shall be prepared by the bureau responsible for the decision as to the particular prime contracts to be terminated or contract delivery schedules to be revised. Required reports on PEC Form A shall be prepared immediately upon receipt by a bureau of notice of a decision by the Chief of Naval Operations that a procurement program shall be cut back or upon the making of such a decision within the bureau. Case numbers will be assigned by the bureau.

(b) All PEC forms shall be forwarded in triplicate to the Industrial Readjustment Branch, OP&M, which will transmit them to the War Production Board and handle all contacts (including the prosecution of all appeals from rulings) with the Current Production Adjustments Division and its related committees. In the case of reports submitted on PEC Form A or B, the Industrial Readjustment Branch will promptly notify the bureau of approval of the proposed distribution of the cutback or of any War Production Board directive for an alternative course of action, upon receipt of PEC Form D.

(c) In order that Navy material inspectors may be informed of contemplated terminations and changes in delivery schedules which would affect contractors under their cognizance, the bureau concerned will advise the inspectors by telephone or TWX at the time PEC Forms A, B and C are transmitted to OP&M. The inspectors should not, until authorized to do so, disclose to any contractor the fact that the termination of his contract is under consideration, and should not disclose any proposed termination to anyone other than representatives of the Naval establishment concerned or of other interested Government agencies, such as the War Production Board and the War Manpower Commission. [JTR 234.3]

§ 842.234–4 *Joint procurement.* Where the War Department procures for the Navy Department, or vice versa, or another agency procures for either of them, reports on PEC Forms A, B and C, where required, will be filed by the contracting service or bureau, or other agency. In such cases, the service or bureau which originates advice of a cutback in its requirements shall instruct the contracting service, bureau or other agency to file any necessary PEC forms. [JTR 234.4]

§ 842.235 *Cutback procedures; explanations to war contractors and workers; the War Production Board "seven-day" rule.* (a) When employment will probably be substantially reduced as a result of a termination or reduction in delivery schedules under a cutback, the service or bureau concerned shall arrange to inform the prime contractor and his employees as far in advance as possible. Particular care should be taken to include in the letter or other notification as detailed a statement of the reasons for the cutback as appears advisable. The service or bureau concerned should also urge the prime contractor to include a statement of the reasons for the cutback in a notification to the workers and their union representative, and to request his subcontractors to take similar action. The prime contractor and subcontractors should likewise be urged to cooperate with the War Manpower Commission by making known their new net labor requirements and allowing United States Employment Service representatives to conduct job interviews at their plants if sufficiently large numbers of workers are to be displaced.

(b) In effecting terminations of contracts or reductions in delivery schedules, services or bureaus will arrange to give seven days' notice thereof before deliveries of the items contracted for must be curtailed whenever a proposed termination or reduction in delivery schedules will result in a substantial release of workers from a plant and will involve a cutback of over $100,000 per month in the current month or any one of the succeeding 11 months in one establishment. This requirement of notice is subject to the provisions of § 842.241–3, which will be strictly complied with. In any case where compliance with § 842.241–3 or other conditions make it impossible to give such notice, authorization to take immediate action will be obtained from the War Production Board, or action will be taken and a justification will be presented to the Chairman of the Production Readjustment Committee before, or within 10 days after, the actual curtailment in deliveries.

(c) The requirement set out in paragraph (b) above relates only to the delivery of items contracted for under prime contracts and does not apply (1) to curtailments of deliveries of component parts, subassemblies, and the like, in excess of the number necessary to complete the reduced quantities of prime contract items, or (2) to deliveries by subcontractors. In no case will the Government be responsible for continued production of such component parts, subassemblies and the like, or for deliveries by subcontractors, beyond the reduced requirements of the prime contract. However, every effort will be made to give notice of termination or reduction in delivery schedules of the prime contract sufficiently far in advance to permit seven days' notice to be given before curtailment of deliveries of component parts, subassemblies, and the like, or of deliveries by subcontractors.

(d) In the case of the Army Service Forces, all requests for authority to waive the seven days' notice of termination, required under paragraph (b) above, will be prepared by the service concerned and transmitted to Headquarters, ASF (Director, Production Division) for approval and submission to the War Production Board; and termination action will not be instituted by the service except upon advice from Headquarters, ASF (Director, Production Division) of the approval of the War Production Board. Similarly, in any case where the chief of the service deems immediate termination action necessary, prior approval of the contemplated action will be obtained from Headquarters, ASF (Director, Production Division) which will, pursuant to paragraph (b) above, submit to the War Production Board a statement of justification based on information furnished by the service.

(e) In the Army Air Forces, all requests for authority to waive the seven days' notice of termination, required under paragraph (b) above, will be prepared by the Air Technical Service Command and transmitted to the Office of the Chief, Resources Division, AC/AS, M&S, for approval and submission to the War Production Board, and termination action will not be instituted by the Air Technical Service Command, except upon advice from such office. Similarly, in any case where the Air Technical Service Command deems immediate termination action necessary, prior approval of the contemplated action will be obtained from the Office of the Chief, Resources Division, AC/AS, M&S, which will, pursuant to paragraph (b) above, submit to the War Production Board a statement of justification based upon information furnished by the Air Technical Service Command.

(f) In the Navy Department, all requests for authority to waive the seven days' notice of termination will be prepared by the bureaus concerned and transmitted to the Industrial Readjustment Branch, OP&M, for approval and submission to the War Production Board; and termination action will not be instituted by the bureau until informed by the Industrial Readjustment Branch, OP&M, of the approval of the War Production Board. Similarly, in any case where the chief of the bureau deems immediate termination action necessary, prior approval of the contemplated action will be obtained from the Industrial Readjustment Branch, OP&M, which will, pursuant to paragraph (b) above, submit to the War Production Board a statement of justification prepared by the bureau.

(g) In cases where arrangements for special notification of termination appear necessary because of the size of the labor layoff, and in every case where "major case" procedure is ordered by the Current Production Adjustments Division, notice of the cutback will not be given to the contractor (subject, however, to the provisions of § 842.243–1) until after a representative of the service or bureau has consulted with the appropriate field representative of the War Production Board to discuss the probable effect of the cutback and proposed suitable action. [JTR 235]

§ 842.236 *Official press statements.* [JTR 236]

§ 842.236–1 *PEC statements.* The Production Executive Committee of the War Production Board has established an Information Subcommittee which includes representatives of the War and Navy Departments. This subcommittee prepares a Production Adjustment Statement for release to press and radio regarding cutbacks reported on PEC Form B and individual terminations reported on PEC Form C whenever it considers this advisable. The service or bureau concerned shall assist the War or Navy Department representative by supplying him with the information necessary to enable the subcommittee to prepare the Production Adjustment Statement. [JTR 236.1]

§ 842.236–2 *War Department field release of PEC statement.* The Production Adjustment Statement will accompany the official termination notice to the appropriate War Department field office to be released by the field public relations officer, only after the plant has been officially notified and in turn has notified its employees. The field public relations officer is authorized to confer with plant managements, War Manpower Commission and War Production Board field officials and to make additions to the Statement to conform to local conditions, such as amount of labor to be released and to be hired elsewhere in the area, and then to issue the statement to local press and radio. [JTR 236.2]

§ 842.236–3 *Navy Department field release of PEC statement.* The Statement will be forwarded to the Navy material inspector cognizant of the plant involved and to the appropriate public relations officer. Such personnel in the field will make such changes as may be needed to conform to local circumstances, clear the changes with the Public Relations Office in Washington, and after the affected plants have been notified, and in turn notified their employees, issue the statement locally. [JTR 236.3]

§ 842.236–4 *War Department local press statements.* (a) Where a revision is handled locally and reported on PEC Form C by the local field office, and where no PEC Form B report has been made, the PEC does not have sufficient time upon receipt of the Form C to prepare and transmit a statement. In such cases, and in cases where the revision is not reported to PEC on any form, the public relations officer is authorized to prepare and issue the necessary Production Adjustment Statement locally on his own initiative if the amount of labor to be released warrants such action.

(b) Commanding officers of procurement districts and service command installations should release in their communities information on contract settlement and property disposal operations of their organizations. The public should

generally be advised of the reasons for terminations as well as the policies and procedures established for expeditious settlement of the resulting claims and the disposal of the related property. Any information released locally must, however, conform to the policies of higher authority. Emphasis will be laid on the necessity for continued production under currently outstanding contracts and the part contributed to this end by rapid settlement of terminated contracts.

(c) Personnel responsible for release of this information will have access to the records of settlements and will be advised of all pertinent operations within the local organization. In individual cases, public releases will be made only after notification of the prime contractor and the appropriate notification of his employees and subcontractors.

(d) Releases dealing with proposed policies of contract settlement and property disposal which have not become law, or which have not been incorporated in appropriate regulations, must have prior approval of the Readjustment Division, ASF. Other releases do not require such approval. [JTR 236.4]

§ 842.236–5 *Navy Department statements in absence of PEC statements.* When, in the opinion of the chief of the bureau concerned, any case not required to be reported on PEC Form B or C is of sufficient public interest, the office of the chief of the bureau will prepare an official statement to serve as the basis for a press release announcing the cutback and the reasons for it. This statement should include the name and location of the plant or facility affected, the effective date of the cutback, the end item or items affected, and the probable effect on future employment. After appropriate clearance for public release, such statement will be furnished to the cognizant Navy material inspector for release in the affected locality. [JTR 236.5]

§ 842.237 *Post V-J Day procedures.* (a) This section outlines the procedures to be followed after the declaration of V-J Day. This paragraph is based on, and follows the requirements of, paragraphs (p) and (s) of Directive No. 40 of the War Production Board, as amended 21 June 1945.

(b) The procedures for clearance and consultation on cutbacks set forth in §§ 842.233 through 842.236 will cease to be effective at V-J Day.

(c) Except as permitted under the policies and procedures outlined in § 842.241–3, production of items or quantities beyond military needs will be discontinued as rapidly as is possible after the declaration of V-J Day.

SUBPART D—PREPARATION AND DELIVERY OF TERMINATION NOTICE

§ 842.240 *Scope.* This subpart deals with the planning of an individual termination and with preparing and delivering the termination notice. The preceding subpart prescribed the procedures to be followed in deciding on and clearing the termination. [JTR 240]

§ 842.241 *Determining the time for termination.* [JTR 241]

§ 842.241–1 *Planning of termination.* Careful planning before exercising the Government's right to terminate any type of prime contract will greatly simplify the termination settlement, will avoid confusion and expense to war contractors and the Government and will tend to expedite settlement. This preliminary study should make certain that the notice of termination orders discontinuance or changes in the future performance by the contractor in accordance with the best interests of the Government. [JTR 241.1]

§ 842.241–2 *Need for components.* Before terminating a prime contract, the chief of the service or bureau should consider whether any subassemblies or components of the end product covered by the prime contract are within the requirements of the procurement program for maintenance or spare parts for completed units, and should permit completion of such items or parts to cover reasonable prospective needs. Such needs should also be considered in determining how to dispose of work in process or parts on hand. [JTR 241.2]

§ 842.241–3 *Discontinuance of production.* (a) Production should not be continued for items or quantities beyond military needs, and processing of such items will be stopped immediately, regardless of their state of completion, except that additional processing, including the introduction of new material, may be permitted to the stage deemed by the contracting officer to be necessary for reasons of safety, or to clear or avoid damage to production equipment, or to avoid immediate complete spoilage of work in process having a definite commercial value. To the greatest extent practicable, contracting officers should agree with contractors in advance of termination upon the points or stages at which work under the terminated war contract is to be stopped in order to comply with the policy stated above. Otherwise the termination notice should specify such points or stages.

(b) Any agreement made in advance of termination which provides for retention of work in process by the contractor shall provide for halting production for the purpose of checking inventories at the stage at which production would otherwise have been stopped under paragraph (a), except where inventories may be so checked without halting production.

(c) In exceptional cases, the contracting officer may authorize continued processing to a stage necessary to get a usable end product or component where the available data or actual commitments of responsible persons make it apparent that an undue loss to the Government on the production to date will be prevented thereby, *Provided*, That:

(1) The contracting officer, after diligent effort, has been unable to agree with the contractor in advance of termination for the retention of work in process at a reasonable figure which, in the opinion of the contracting officer from available data, is greater than the net proceeds that could reasonably be expected to be obtained if the work in process were offered for general sale and would result in a saving in the amount which would otherwise have been payable by the Government as fair compensation for the termination of the contract;

(2) The contracting officer considers on the basis of available data that the realizable value of work in process, if work on it were stopped immediately, plus the cost of additional processing would be less than the value of the end product or component; and

(3) The continuation of production in the specific instance is approved in writing (in the case of the War Department) by the head of the local procurement district, depot or other office, or (in the case of the Navy) by the chief of the bureau.

Under no circumstances will processing be continued for the purpose of completing surplus items on a speculative basis.

(d) Under a statement of policy adopted by the Procurement Policy Board of the War Production Board, there has been established a centralized system for coordinating information regarding terminations of war contracts and making known such information, normally through the War Production Board, to other contracting agencies. The purpose of the system is to enable the transfer of production from the terminating agency to an agency having a current procurement requirement for the product. The responsibility for the administration of the system, including the supplying and screening of information concerning terminations by other contracting agencies, is centered, within the War Department, in the Production Division, Headquarters, Army Service Forces and the Resources Division, M. & S., Headquarters, Army Air Forces, and within the Navy Department in the Production Branch, O. P. & M. Each service or bureau will be notified by the offices in the respective departments administering the system whenever another contracting agency intends to negotiate with a contractor for a direct contract for the terminated portion of the contractor's production. Normally a War or Navy Department contract to be terminated or modified will actually be terminated or modified by the service or bureau without regard to whether or not another contracting agency may have requirements for the product. The production will usually be obtained under a new contract by the agency desiring it. To the extent that any such contract is made by another contracting agency, there should, of course, be an appropriate reduction in the termination claim of the affected contractor. Nothing in this Procurement Policy Board policy in any way supersedes or limits the obligation of the services and bureaus to discontinue promptly production for items or quantities beyond military needs, and to effect prompt settlement of the termination claims of war contractors.

(e) Where any end product is desired by any other responsible government agency for any use, or by any responsible civilian agency for use in civil relief for liberated and occupied countries, the work in process should be completed to the extent desired by such agencies whenever they have arranged in advance to take over specific contracts at the contract price.

(f) The policies and procedures outlined in this section are based upon, and reflect, regulations dated October 24, 1944, issued by the Director, Office of War Mobilization and Reconversion, entitled "Termination of War Contracts—Processing of Uncompleted Items; Retention of Work-in-Process by Contractor; Taking Over of Contracts by Other Agencies or Governments". [JTR 241.3]

§ 842.241–4 *Obtaining data from local representatives.* In some cases the effect of a proposed termination cannot be fully analyzed in the office of the chief of the service or bureau concerned. Local procuring offices, material inspectors, plant agents, expediters and others who have been concerned in the plants of the prime contractor and subcontractors with the administration of the war contracts to be terminated will ordinarily possess first hand information as to the status of production, production methods and other details about such contracts. In deciding on the point of termination, the contracting officer should obtain the necessary information from these readily available sources, and from the pretermination conference described in § 842.242. Where representatives in the field consider a proposed termination unwise, they should not hesitate to ask its reconsideration. [JTR 241.4]

§ 842.242 *Conference with prime contractor before termination.* [JTR 242]

§ 842.242–1 *When to be held.* (a) Unless the proposed termination does not involve factors of any complexity, or special circumstances make it impractical, the contracting officer should hold a conference with the prime contractor before termination. Where practicable, such a conference should usually be held before a report is filed on PEC Form B or C pursuant to §§ 842.233 and 842.234. This conference will supplement any previous advance planning discussions with the contractor under § 842.222.

(b) In the more important cases it may be advisable to confer with all interested prime contractors and principal subcontractors, so that each may contribute all pertinent information in his possession as a basis for decision as to terminating or adjusting delivery schedules of particular contracts.

(c) This conference should be considered as the start in the process of negotiating a speedy settlement. Frequently, it will eliminate problems which might otherwise delay or complicate the final settlement. [JTR 242.1]

§ 842.242–2 *Subjects for discussion.* In such a conference, if held, such of the following points should be discussed as may be appropriate under the circumstances:

(a) The reasons which make a termination necessary;

(b) Appropriate effective date of termination;

(c) Work in process which may advantageously be completed;

(d) Status of performance of prime contract and subcontracts, with a view to determining which, if any, subcontracts should be retained and completed;

(e) Problems of labor relations and unemployment which may result;

(f) Financial problems of the prime contractor and subcontractors which may arise in connection with the termination;

(g) Procedures to be followed by the prime contractor upon the effective date of the termination;

(h) A program for property disposition and scrapping;

(i) Other work which may be substituted for that which is to be terminated;

(j) The matters specified in § 842.254–2. [JTR 242.2]

§ 842.243 *Preparation of termination notice.* [JTR 243]

§ 842.243–1 *Standard forms of notice.* (a) The prime contractor may be notified to terminate by a letter notice or by telegraphic notice followed by a letter notice.

(b) Standard forms of telegraphic notice are set out in § 849.941 of this chapter.

(c) Standard forms of letter notice for fixed-price and cost-plus-a-fixed-fee contracts containing approved prime contract termination articles or other similar articles are set out in § 849.942 of this chapter.

(d) Where the chief of the service or bureau determines that any portion of the standard form of notice is inappropriate for any case or class of cases, he may omit or vary that portion.

§ 842.243–2 *Instructions for preparing notice.* In using the standard forms prescribed by § 849.942 of this chapter, the following information should be clearly stated:

(a) The effective date of termination. This shall not be earlier than the date the letter notice or preceding telegraphic notice is delivered to the business address of the prime contractor unless the contractor agrees to an earlier date. Where a temporary suspension of work is followed by a termination, the date of the suspension of work should ordinarily be designated as the effective date of termination if the contractor so agrees.

(b) The performance to be discontinued and, if the termination is partial, the portion of the contract to be continued.

(c) Any subcontracts which are not to be terminated.

(d) Any special directions which can then be given as to the protection of Government property in the custody of the prime contractor or any subcontractor.

(e) Any special directions or limitations, which can then be stated, with respect to the sale or retention of any termination inventory by the prime contractor or any subcontractor or its transfer to the Government. [JTR 243.2]

§ 842.244 *Detailed instructions to prime contractors for delivery with notice.* A standard form of instructions to advise the prime contractor as to the course of action to be followed by him immediately upon receipt of the termination notice is set out in § 849.943. In every case the contracting officer should prepare and furnish to the prime contractor with the termination notice, or with the confirmation thereof, a copy of these instructions modified or supplemented to the extent the contracting officer deems necessary for the particular case. In the interest of uniformity of procedure, the language of the form should not be changed except for substantial reasons arising in a particular case. With these instructions, the contracting officer should send to the prime contractor copies of the suggested forms of termination notices and instructions to subcontractors set out in § 849.944. [JTR 244]

§ 842.245 *Service of termination notice.* (a) In order to enable the prime contractor to terminate his own work and that of subcontractors in an efficient and orderly manner, the termination notice shall be given as far in advance of the cessation of work thereunder as is feasible and consistent with the national security without permitting unneeded production or performance.

(b) In all cases, the termination notice should be served in written form, preferably by delivery by hand, registered mail or telegram. Where the notice of termination is sent by telegram, it should be confirmed by letter. A signed acknowledgment of receipt of the notice should be obtained from the prime contractor wherever possible, and when this is not possible, a written record of proof of delivery shall be made.

(c) Copies of the notice of termination shall be sent to any assignee, who has filed a proper notice of assignment, and any guarantor or surety, of the prime contractor with respect to the terminated contract, and to the appropriate disbursing officer, and to such other officers and agents of the Departments as to the chief of the service or bureau may direct.

(d) Upon termination of Navy prime contracts, copies of the termination notice shall also be transmitted promptly to the cognizant Navy material inspector, to the Director, Cost Inspection Service, Bureau of Supplies and Accounts, and to the Chief, Finance Division, Office of Procurement and Material. When a notice of termination of a Navy prime contract is sent to the prime contractor by telegram, the copy to the cognizant Navy material inspector should likewise be sent by telegram or TWX, and followed by a copy of the letter termination notice. [JTR 245]

SUBPART E—IMMEDIATE ACTION AFTER TERMINATION

§ 842.250 *Scope.* This subpart describes the duties of the prime contractor and the contracting officer immediately after the service of the notice of termination with respect to the stoppage of work and the planning of the termination settlement. [JTR 250]

§ 842.251 *Immediate duties of prime contractor under notice.* [JTR 251]

§ 842.251–1 *Stoppage of work.* The prime contractor must discontinue the making of subcontracts and must take all necessary steps to stop work as promptly as practicable on and after the effective date of the termination notice, except that the prime contractor may continue any part of the work for his own account, unless the notice expressly provides otherwise. The contractor is not entitled to any compensation, or reimbursement of costs, for work done after he should have stopped work, or for work continued for his own account. The contractor should immediately call to the attention of the contracting officer any special circumstances which make it necessary or desirable to continue some or all of the work for the account of the Government in order to avoid waste of materials or work in process, or injury to the plant or other property. [JTR 251.1]

§ 842.251–2 *Completion of continued portion.* The prime contractor must complete any continued portion of the prime contract in accordance with the termination notice. He should promptly submit to the contracting officer any requests for equitable adjustment in the terms and prices for the performance of the continued portion of the contract, and any evidence showing changes in the probable cost of such performance which will result from the partial termination and will not be taken into account in the termination settlement. Such an equitable adjustment in the price or terms of the continued portion shall not be used to compensate the contractor for his termination claim. [JTR 251.2]

§ 842.251–3 *Termination of subcontracts.* (a) Except as the termination notice provides otherwise, the prime contractor must take steps to terminate, with or without the consent of the subcontractors, all unperformed or partially performed subcontracts related to the terminated portion of the prime contract, except that he may continue any such subcontracts for his own account unless the notice expressly provides otherwise. Such subcontracts must be terminated as promptly as practicable on and after the effective date of the termination notice or, if the termination notice so provides, at such later times as the contracting officer may direct. The prime contractor will notify his subcontractors of the termination as far in advance of the effective date as possible. Subcontractors in turn should be required to pass along the same requirements to their immediate subcontractors. If any subcontractor continues work after it should have been stopped, neither he nor the prime contractor is entitled to compensation or reimbursement from the government for such work.

(b) In the notice of termination, the prime contractor will inform his subcontractors of the number of the prime contract to which their subcontracts relate, and the name and address of the contracting officer administering the prime contract. Each subcontractor will, in turn, include such information in the notice terminating any next lower tier subcontract.

(c) The prime contractor should take such action as the contracting officer may direct to secure to the Government by assignment or otherwise the benefit of his rights under subcontracts in accordance with § 846.614. [JTR 251.3]

§ 842.251–4 *Termination inventory.* (a) The prime contractor and each subcontractor must use reasonable care, and in addition take such action as the contracting officer may direct or approve, to protect and preserve property in his possession in which the Government has or may acquire an interest, and to reduce or prevent loss or damage to the Government.

(b) As soon as practicable after the termination, the prime contractor should develop and present to the contracting officer a program for the disposition of termination inventory both by the prime contractor and by the various tiers of subcontractors, and should issue instructions to and through its immediate subcontractors as to the methods of carrying out the program. [JTR 251.4]

§ 842.251–5 *Notice of suits.* (a) The prime contractor should promptly notify the contracting officer in writing of any legal proceedings against the contractor, based upon any subcontract or commitment related to the terminated prime contract, which are pending on the date of the termination notice or are brought at any time thereafter.

(b) The contracting officer should give notice through channels of all such litigation with his recommendation thereon (1) in the War Department, to the Litigation Division, Office of The Judge Advocate General, (2) in the Navy Department, to the Office of the General Counsel. That office will decide whether to assume control of any such case and defend against the claim by suitable arrangement with the prime contractor. [JTR 251.5]

§ 842.251–6 *Preparation of settlement proposal.* The prime contractor must proceed promptly to prepare his proposal for settlement of his termination claim, and necessary supporting schedules. He should also take steps to obtain promptly similar proposals and schedules from his subcontractors. [JTR 251.6]

§ 842.252 *Treatment of completed articles.* [JTR 252]

§ 842.252–1 *Acceptance of completed articles under contract.* (a) The termination notice for a fixed price supply prime contract should exclude from the terminated portion of the contract any completed articles accepted and delivered after the termination.

(b) Promptly after giving the prime contractor notice of termination, the contracting officer shall take steps to inspect and accept all completed articles which comply with the provisions of the prime contract and which do not represent unreasonable anticipation of production schedules, unless the contracting officer directs other disposition of such articles.

(c) The production of completed articles in advance of schedules will not be considered unreasonable where such production (1) was requested or approved by the Government, or (2) was required for economic or efficient performance of the contract and was done in good faith.

(d) The contractor may obtain payment for articles so accepted and delivered by invoicing them at the contract price in the usual manner and omitting them from his termination claim. [JTR 252.1]

§ 842.252–2 *Inclusion in settlement.* (a) Where acceptable completed articles are not delivered and invoiced under the contract, the contractor may include such articles in his settlement proposal at the contract price appropriately adjusted for any saving of freight or other charges, together with any credits for their disposition or retention.

(b) The contractor can obtain prompt payment on account of such articles before final settlement of his claim either through a partial payment under § 843.353 or through a partial final settlement under § 845.515–2. [JTR 252.2]

§ 842.253 *Designation and authority of principal representatives of contracting officer.* [JTR 253]

§ 842.253–1 *Designation in War Department.* In the War Department, the contracting officer will designate one or more persons to act as his principal representative in connection with each termination. [JTR 253.1]

§ 842.253–2 *Authority in War Department.* (a) Such representatives should be given either general or limited authority:

(1) To approve partial payments for the prime contractor and his subcontractors under Part 843 of this chapter;

(2) To approve the disposition or retention of termination inventory, where required;

(3) To approve settlements with subcontractors up to some stated amount;

(4) To act upon miscellaneous minor questions in connection with the termination settlement;

(5) To negotiate a settlement subject to any required approval.

(b) Generally it is good practice to state in writing the scope of the authority of the principal representative of the contracting officer. In appropriate cases, to avoid misunderstanding, a copy should be furnished to the prime contractor and subcontractors. In any case the prime contractor should be clearly advised that such representative is not authorized to agree finally upon a settlement with the prime contractor. [JTR 253.2]

§ 842.253–3 *Designation and responsibility of Navy material inspectors.* The Navy material inspector cognizant of a particular war contractor is a general representative of a Navy contracting officer in the field. He is authorized to perform the specific duties outlined in this section, unless the contracting officer specifically limits or withdraws such authority in a particular case. The contracting officer may limit or withdraw the authority of a Navy material inspector where extraordinary circumstances make this advisable, and the contracting officer may delegate such authority to other persons. The Navy material inspector's responsibilities include the following:

(a) Instructing the prime contractor and subcontractors in the general principles stated in this subchapter in order to enable them properly to prepare their settlement proposals;

(b) Conferring with the prime contractor when conferences are held under §§ 842.242 and 842.254;

(c) Examining applications by war contractors for partial payments, as set forth in §§ 843.351–3 and 843.362, and approving such applications in accordance with §§ 843.314–2 (c), 843.351–3 and 843.362;

(d) Acting as the representative of the contracting officer in the handling of termination inventories as set forth in § 844.415–2;

(e) In the case of an inspector cognizant of the prime contractor, selecting for approval and approving subcontract settlements as set forth in § 846.644;

(f) Examining settlement proposals of the prime contractor and subcontractors as set forth in §§ 846.645–2 and 847.721–4. [JTR 253.3]

§ 842.254 *Initial conference with the prime contractor after termination.* [JTR 254]

§ 842.254–1 *Importance of conference.* (a) Where a termination is substantial, a conference should ordinarily be held with the prime contractor at the time of service of the termination notice, or as promptly as possible thereafter, to develop a definite program for making the settlement. This conference is an important step in the negotiation of the settlement. Analysis of the problems of the particular case and agreement on the general basis for preparing the contractor's claim will reduce the amount of accounting review and facilitate final settlement. Every effort should be made in this conference to dispose of as many questions as possible by agreement.

(b) All interested groups in the office of the contracting officer should be represented at this conference. Normally, this will include the principal representative of the contracting officer and appropriate negotiating, technical, engineering, legal, property disposal, and accounting personnel.

(c) In substantial terminations, it may be desirable to have at the conference major subcontractors of the prime contractor. [JTR 254.1]

§ 842.254–2 *Scope of conference.* (a) If no conference was held before termination, the contracting officer should make certain that the prime contractor understands fully his obligations under the termination article as stated in § 842.251. He should emphasize:

(1) The duty of the prime contractor to review and settle claims of subcontractors;

(2) The responsibilities of the prime contractor and subcontractors for the prompt preparation of settlement proposals, and prompt disposition of termination inventory;

(3) The responsibilities to the War Manpower Commission and employees stated in § 842.235.

(b) This conference should establish, at least tentatively:

(1) The general principles for settlement and the basic terms on which the particular settlement is to be made;

(2) The information to be furnished by the prime contractor;

(3) The methods to be followed in disposing of termination inventory, and wherever practicable, definite authority to dispose of specific items or classes of items;

(4) The accounting or other investigations to be undertaken;

(5) The need of the prime contractor and his subcontractors for interim financing and a program for furnishing such financing. [JTR 254.2]

§ 842.255 *Time schedule for settlement.* (a) A time schedule for the specific steps required for the settlement of the claim will facilitate its orderly settlement. This schedule should be worked out at the initial conference if possible, and should fix the following:

(1) The time for submission of any application by the prime contractor for partial payments.

(2) The period within which the prime contractor will ascertain whether any of his subcontractors require partial payments or other types of interim financing.

(3) The time for submission of the prime contractor's inventory schedules. Generally, these should be submitted within 30 days, but where practicable, partial inventories should be submitted earlier.

(4) A schedule for submission by subcontractors of their inventory schedules and settlement proposals.

(5) The time for submission by the prime contractor of a partial proposal covering his own charges.

(6) The time for submission of the prime contractor's final settlement proposal, including the charges of all subcontractors. Generally this should be submitted within 60 days except in complicated cases.

(7) The time for the accounting review of the settlement proposal and for negotiation of the final settlement. Generally, the proposed date for final settlement should not be more than 90 days after the date fixed for termination.

(b) The prime contractor should promptly prepare a complete list of his immediate subcontractors and make certain that he has notified them all to file with him their inventory schedules and settlement proposals in accordance with the time schedule. As inventory schedules and settlement proposals are received from subcontractors, the contracting officer and prime contractor should adjust the time schedules for subsequent action. [JTR 255]

§ 842.256 *Modification of termination instructions.* The contracting officer may at any time rescind, modify, or revise the instructions in the termination notice. If the contractor has materially changed his position in reliance upon such earlier instructions, he shall be reasonably compensated for any resulting expenses by termination charges. [JTR 256]

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§ 843.300 *Scope of part.* This part sets forth the policies and procedures

applicable to interim financing of war contractors pending settlement of their termination claims. [JTR 300]

SUBPART A—GENERAL POLICY AND ADMINISTRATION

§ 843.310 *Scope.* This subpart states the general policies relating to interim financing, enumerates the methods available for such financing and describes the basic organization. [JTR 310]

§ 843.311 *Basic policy on interim financing.* Section 8 of the act requires that adequate interim financing be provided for all war contractors, pending settlement of their termination claims, within thirty days after proper application therefor. Contracting officers should be informed, and should inform war contractors, regarding the types of interim financing available. [JTR 311]

§ 843.312 *Methods of interim financing.* The following methods of interim financing are available:

(a) Guaranteed V-Loans for contractors still in war production (§§ 843.321 to 843.323);

(b) Guaranteed T-Loans for use on termination (§§ 843.324 to 843.326);

(c) Advance payments authorized prior to termination or additional advances authorized thereafter (§ 843.330 and following);

(d) Partial payments (§ 843.340 and following). [JTR 312]

§ 843.313 *Choice of method.* Interim financing should be provided through partial payments, upon request of the war contractor, whenever administratively practicable. Where war contractors have numerous contracts with several agencies, services or bureaus, or are primarily subcontractors, guaranteed loans may be a more practicable method of initially financing the war contractor's termination claims. [JTR 313]

§ 843.314 *Administration of interim financing.* [JTR 314]

§ 843.314–1 *Within the War Department.* (a) Subject to review by the Director of Matériel, or by the Director of the appropriate Division under his supervision, the Fiscal Director or his authorized representatives may establish policies and procedures to govern the Federal Reserve Banks, Financial Contracting Officers, and Liaison Officers in exercising their authority and discretion under this subchapter and to govern interim financing by advance payments under this regulation. The Advance Payment and Loan Branch, Special Financial Services Division, Office of the Fiscal Director, Headquarters, Army Service Forces, will administer such policies and procedures.

(b) The Fiscal Director may act for the War Department as a Financial Contracting Officer and may designate other persons to act as such Financial Contracting Officers under this section. Any person authorized to act for the War Department as a Financial Contracting Officer under Executive Order No. 9112 may also exercise the authority of a Financial Contracting Officer under this section.

(c) Any Financial Contracting Officer may exercise all authority and discretion conferred upon the War Department under section 8 (g) and section 10 of the act. Such Financial Contracting Officers may also exercise the authority and discretion of Liaison Officers under this part.

(d) Interim financing by advance and partial payments will be made in accordance with this subchapter. [JTR 314.1]

§ 843.314–2 *Within the Navy Department.* (a) The Vice Chief of the Office of Procurement and Material, and the Assistant Chief in Charge of Procurement, and the Chief, Deputy Chief and Assistant Chief of the Finance Division of the Procurement Branch may each exercise all authority and discretion conferred on the Secretary of the Navy or the Navy Department:

(1) By or pursuant to section 10 of the act, or

(2) By or pursuant to sections 8 and 9 of the act with respect to interim financing made through (i) loans, (ii) advance payments made before termination, and (iii) advance payments made after termination to any war contractor having at the time of such termination an existing agreement with the Navy Department under which advance payments have been made or authorized in connection with the performance of any war contract.

(b) The chief of each bureau may exercise all authority and discretion conferred on the Secretary of the Navy or the Navy Department with respect to interim financing by means of partial payments pursuant to sections 8 and 9 of the act in conformity with such policies and procedures as may be prescribed by the Industrial Readjustment Branch, OP&M, and subject to paragraph (c) below.

(c) Navy material inspectors who are Inspectors of Naval Material, Naval Inspectors of Ordnance, Supervisors of Shipbuilding, or Naval Inspectors of Machinery may approve any partial payment upon proper application therefor filed by a war contractor without further approval: *Provided*, That:

(1) The inspector finds that the amount of the partial payment requested plus:

(i) Unliquidated partial payments previously made to the applicant, and unliquidated advance and progress payments previously made to the applicant and not to be liquidated by the partial payment applied for; and

(ii) All credits for the disposal or retention of the applicant's termination inventory

does not exceed $25,000 (exclusive of amounts authorized to be included in the application by §§ 843.355 or 843.368–2) for any applicant therefor under any one termination claim;

(2) The inspector has cognizance of the applicant prime contractor, or of the prime contractor to whose contract the termination claim of the applicant subcontractor, of whatever tier, is allocable. The authority set forth herein does not include the authority:

(i) To approve applications for partial payments by war contractors whose termination claims are being settled under a company-wide settlement program;

(ii) To approve an application for partial payment on account of a termination claim under any war contract which the chief of any bureau, by written notice to the Vice Chief of the Office of Procurement and Material and to the Inspector concerned, shall have specifically excepted from the provisions of this paragraph;

(iii) To approve applications for partial payments into a fund for the benefit of subcontractors under § 843.364; or

(iv) To approve direct partial payments under § 843.366. [JTR 314.2]

§ 843.314–3 *Contract Financing Section in service or bureau.* Each procurement office of a service and each bureau, which has not established a Contract Financing Section or similar unit, shall promptly establish such a section. Such sections should have personnel competent to advise contractors and Government personnel engaged in termination settlements with respect to the various types of interim financing available. Their duties and responsibilities with respect to the administration of interim financing are to be prescribed by the chiefs of the procurement offices or bureaus. [JTR 314.3]

§ 843.314–4 *Finance officers in Navy material inspectors' offices.* Each contract termination unit established under § 841.145–2 (b) within the offices of Navy material inspectors should have personnel competent to advise contractors and Government personnel engaged in termination settlements with respect to the various types of interim financing available. [JTR 314.4]

§ 843.314–5 *Application of existing procedures.* Except to the extent inconsistent with this subchapter, procedures applicable to loans, guarantees and advance payments under the First War Powers Act and Executive Orders 9001 and 9112 shall apply to the administration of loans, guarantees and advance payments under the act. (For the War Department, see §§ 803.319 to 803.321 inclusive, of this chapter). [JTR 314.5]

§ 843.315 *Protection of other financing.* Whenever a prime contract is about to be terminated, the service or bureau responsible for the termination, if requested, shall provide the office or officer administering outstanding advance payments or guaranteed loans of the contractor with all information necessary for the purpose of administering such outstanding financing. In the case of loans guaranteed by the War Department, such information will be given to the Liaison Officer assigned by the Advance Payment and Loan Branch, Headquarters, Army Service Forces, to the Federal Reserve Bank for the district. In the case of advance payments made by, and loans guaranteed by, the Navy Department, such information shall be given to the Finance Division, OP&M. [JTR 315]

§ 843.316 *Penalty on overstatement of claims.* [JTR 316]

§ 843.316–1 *Statutory provision.* Section 8 (d) of the act provides that in case of an overstatement by any war contractor of the amount due on his termination claim or claims in connection with any interim financing (furnished or guaranteed by or on behalf of a contracting agency) under the act, such contractor shall pay to the United States as a penalty an amount equal to 6% of the overstatement. This provision applies to an overstatement of the amount due on account of the applicant's termination claims contained in an application for a loan, guaranteed loan, advance payment or partial payment and in any certificate by the war contractor in connection therewith. The penalty imposed by this section of the act is not to be confused with the penalty imposed by section 9 (b) in connection with excess advance or partial payments (§ 843.346). The penalty for overstatement arises whether or not any excess payment results therefrom, but does not arise unless interim financing is furnished to the contractor. This penalty may be suspended or modified by the Director of Contract Settlement, if, in his opinion, the imposition thereof would be inequitable. [JTR 316.1]

§ 843.316–2 *Suspension or modification of penalty.* (a) Under Regulation No. 13 of the Office of Contract Settlement, authority has been delegated to the head of each contracting agency, with power of redelegation, to suspend or modify and determine the dollar amount of the penalty provided in section 8 (d) of the act, in accordance with the standards prescribed therein.

(b) The chief of any service or bureau is authorized (and may delegate his authority, with or without power of successive redelegation) to suspend or modify and determine the dollar amount of the penalty provided in section 8 (d) of the act, whenever, in connection with any interim financing furnished or guaranteed by or on behalf of the War or Navy Department, any war contractor overstates the amount due on his termination claim or claims, and the chief of the service or bureau determines the penalty would be inequitable, in accordance with the following principles:

(1) Where the war contractor overstates the amount due on account of the termination charges set forth in an application for a partial payment for his own account, then, unless the chief of the service or bureau shall determine that the overstatement was made in bad faith, the penalty would be inequitable if greater than, and should be reduced to, six percent (6%) of the amount by which the total partial payments made to the war contractor on account of his own termination claim exceed the amount of the final settlement of that claim. For purposes of this paragraph, in determining "total partial payments", there shall be deducted from the gross amount of partial payments any amounts thereof paid to him on account of claims of his subcontractors, and there shall be added to such gross amount (i) all credits for the disposal or retention of inventory at the date of the submission of the last application for partial payment, and (ii) all progress and advance payments unliquidated at the date of the receipt of the last partial payment; and in determining "the amount of the final settlement" of the war contractor's own termination claim, there shall be deducted from the gross amount of the settlement of his entire termination claim all amounts approved on account of settlements with his subcontractors.

(2) Where the war contractor overstates the amount due on account of his termination charges:

(i) In connection with a loan, made or guaranteed by the Government, or

(ii) In connection with a request for a partial payment to enable the war contractor to establish a fund from which partial and final payments may be made to subcontractors (§ 843.364–2), or

(iii) In connection with an application for a controlled partial payment (§ 843.356), or for the use for interim financing purposes of funds provided in accordance with procedures governing advance payments for production purposes or otherwise on account of the contract price,

the penalty would be inequitable unless the chief of the services or bureau shall determine that the overstatement was made in bad faith.

(c) The amount of the penalty if any, should be determined at the time of the settlement, and the final settlement agreement, formula determination or arbitration award, as the case may be, should provide for the payment of any liability of the war contractor on account of the penalty. [JTR 316.2]

§ 843.317 *Collection and settlement of interim financing.* [JTR 317]

§ 843.317–1 *Agencies authorized.* (a) The Financial Contracting Officers attached to the Office of the Fiscal Director, ASF, of the War Department, and the Finance Division, OP&M, of the Navy Department are authorized to settle claims arising from or related to any loan made or guaranteed by the War or Navy Department, in contemplation of or related to termination of war contracts.

(b) In the case of the War Department, the chief of the service making any advance payment in contemplation of or related to termination of any war contract, and in the case of the Navy, the Finance Division, OP&M, is authorized to settle claims arising from or related to any such advance payment.

(c) The chief of the service or bureau making, authorizing, or ratifying any partial payment to any war contractor under the act is authorized to settle claims arising from or related to any excess partial payment. [JTR 317.1]

§ 843.317–2 *Extent of authority.* (a) Any representative of the War or Navy Department who is authorized, under the First War Powers Act, Executive Order 9001 or 9112, or under the act, to collect or settle claims arising from or related to advance or partial payments, or direct or guaranteed loans, may exercise such authority with respect to such interim financing whether made, acquired, or authorized before or after the effective date of the act.

(b) The authority, under section 8 (g) of the act, to settle claims arising from or related to interim financing is deemed to apply to any financing heretofore provided through V or VT guaranteed loans, and to any financing provided under the 1944 V-Loan Guarantee, if the terms of the loan covered by such 1944 V-Loan Guarantee provide for borrowings upon the basis of receivables, inventories or other charges under terminated contracts as well as unterminated contracts. [JTR 317.2]

SUBPART B—GUARANTEED LOANS

§ 843.320 *Scope.* This subpart describes the various types of guaranteed loans and their use for financing war contractors having termination claims. [JTR 320]

§ 843.321 *Basis of guaranteed loan program.* (a) Guaranteed loans for production authorized by Executive Order 9112 under the First War Powers Act include termination protection as a feature additional to their production aspect. The Contract Settlement Act of 1944 specifically authorizes the making of guaranteed loans for termination.

(b) Under the guaranteed loan arrangement, a financing institution makes a loan to its customer under a guarantee from the War Department, the Navy Department or any other Government agency authorized to guarantee loans. Guaranteed loans are made primarily to war contractors who wish to secure financing on a company-wide basis. Such loans afford a convenient medium for financing borrowers who hold subcontracts, or numerous prime contracts, or prime contracts with several contracting agencies.

(c) Under both Executive Order 9112 and the act, the Federal Reserve Banks are authorized to act in behalf of the War and Navy Departments as fiscal agents of the United States in connection with the guaranteed loan program. [JTR 321]

§ 843.322 *Previous forms of V and VT-Loans.* (a) The early forms of guarantee agreement provided protection on termination by requiring the financing institution to suspend the maturity of loans outstanding and by requiring the guarantor, instead of the borrower, to pay interest thereon, on the basis of the ratio which the borrower's terminated war contracts bore to his unterminated war contracts. These forms also provided protection to financing institutions in the event of termination by providing a "step-up" of the guaranteed percentage based on a similar ratio.

(b) A similar form of guarantee agreement was also used to cover the so-called VT-Loans. The guaranteed percentage did not exceed 90 percent, except in unusual cases, and the "step-up" provision was eliminated. [JTR 322]

§ 843.323 *1944 V-Loan Guarantee.* [JTR 323]

§ 843.323–1 *Simplified form.* A simplified form of guarantee agreement known as the 1944 V-Loan Guarantee has now been authorized. Under it the distinction between V- and VT-Loan has been eliminated; provisions for waiver

of interest and suspension of maturity, and for the "step-up" of guarantee are omitted. [JTR 323.1]

§ 843.323–2 *When V-Loan made.* These V-Loans are available only when the borrower is engaged in a business which is deemed necessary, appropriate, or convenient for the prosecution of the war, and needs some financing in addition to his own working capital to enable him to perform war contracts. [JTR 323.2]

§ 843.323–3 *Guarantees and fees.* If the circumstances justify it, the percentage of guarantee may exceed 90 per cent. The banks are allowed to charge a commitment fee of not in excess of one-fourth of 1 percent or a flat fee of $50. The guarantor does not share in the commitment fee and a reduced schedule of guarantee fees has been adopted. [JTR 323.3]

§ 843.323–4 *Protection on termination.* V-Loans are designed primarily to finance war production. The war contractor can, however, obtain termination protection under a V-Loan if the financing institution makes loans, or a firm commitment to lend, on the basis of a loan formula providing for borrowings based on receivables and inventories under terminated, as well as unterminated, war contracts and upon amounts payable to subcontractors under terminated war contracts. This is the formula used in most of the outstanding V and VT-Loans under old forms. [JTR 323.4]

§ 843.324 *Procedure for T-Loans.* [JTR 324]

§ 843.324–1 *Standard forms.* Regulation No. 1 of the Office of Contract Settlement dated August 18, 1944 (§ 849.922–1), prescribes a standard form of guarantee agreement for T-Loans and approves a standard form of loan agreement for T-Loans, together with Explanatory Notes in connection with these forms. [JTR 324.1]

§ 843.324–2 *Negotiation of loan.* A war contractor may arrange for a T-Loan before any of his contracts have been terminated. He should make application to his local bank and provide the bank with adequate information as to his financial condition and his war production contracts. The bank and the war contractor then agree, in the light of this information, as to the additional terms, if any, which are to be inserted in the standard form of termination loan agreement. This agreement provides for borrowings based upon receivables and inventory under contracts terminated in whole or in part and upon amounts paid or concurrently to be paid in settlement of subcontractors' termination claims. [JTR 324.2]

§ 843.324–3 *Borrowing under T-Loan.* (a) In order to borrow, the contractor must present a certificate as to the amount of his termination claims in the form shown in § 849.952–3. If the bank believes that the amount shown in the certificate is substantially overstated, it may refuse to make advances to the extent of such overstatement. The borrower must present similar certificates every three months while the loan is outstanding, and both the bank and the guarantor have the right to require the borrower to reduce the amount of the loan outstanding if, in their opinion, the amount thus outstanding substantially exceeds the value of the borrower's claims.

(b) The borrower must reduce the loan as payments or credits are received on his termination claims and as he disposes of or elects to retain inventory allocable to the terminated contracts listed on Exhibit C of the loan agreement as a basis for borrowing. To comply with the act, the entire loan must mature within thirty days after final payment of all of the borrower's termination claims, on which the loan is based. [JTR 324.3]

§ 843.325 *Procedure for T-Loan guarantee.* [JTR 325]

§ 843.325–1 *Application for guarantee.* (a) When the terms of the credit have been agreed upon by the war contractor and his local bank, the bank applies for a guarantee to the Federal Reserve Bank on a standard form (§ 849.952–5). The Federal Reserve Bank will examine the application and the proposed loan agreement and will recommend terms upon which the guarantee should be authorized in accordance with § 843.326.

(b) If the application indicates that a preponderance of the borrower's war contracts is with the War Department or is related to its contracts, the application will be referred to the War Department Liaison Officer assigned to the Reserve Bank by the Office of the Fiscal Director, Headquarters, Army Service Forces. If the preponderance of the borrower's war contracts is with the Navy Department, or is related to Navy prime contracts, the application and recommendations of the Federal Reserve Bank will be forwarded to the Finance Division, OP&M, Navy Department, Washington, D. C.

(c) The War Department Liaison Officer or the Navy Finance Division, as the case may be, will determine whether or not the borrower is eligible for a guaranteed loan under the terms of the act, and will examine the application, the recommendations of the Reserve Bank and other relevant data. [JTR 325.1]

§ 843.325–2 *Procedure for guarantee by War Department.* (a) If the War Department is to guarantee the T-Loan, the guarantee agreement will be authorized and executed according to substantially the same procedure followed for V-Loans except as provided in paragraph (b) below.

(b) Where the amount of the loan, together with all other outstanding loans to the same borrower, made or guaranteed by the War Department, or any other contracting agency, does not exceed (1) $500,000 if the requested guarantee does not exceed 90 per cent, or (2) $100,000 if the requested guarantee does not exceed 95 per cent, the Federal Reserve Bank, after consulting the Liaison Officer, is authorized to execute and deliver the guarantee agreement on behalf of the War Department, unless the Liaison Officer objects, or unless the Reserve Bank will make or participate in the proposed loan. Where the Reserve Bank is so disqualified, the Liaison Officer may execute and deliver the guarantee agreement, if designated by the Fiscal Director as a Financial Contracting Officer for this purpose.

(c) Where the conditions prescribed by paragraph (b) are not fulfilled or the guarantee of the loan is refused, the application must be referred through channels to the Office of the Fiscal Director, Army Service Forces, Washington, D. C. for approval or review by a Financial Contracting Officer. [JTR 325.2]

§ 843.325–3 *Procedure for guarantee by Navy Department.* (a) If the Navy Department is to guarantee the T-Loan, the guarantee agreement will be authorized and executed according to substantially the same procedure followed for V and VT-Loans.

(b) The Federal Reserve Bank will forward the application and accompanying documents, together with its recommendations, to the Finance Division, OP&M. The Finance Division will issue the necessary authorization to the Reserve Bank, subject to § 843.325–4. [JTR 325.3]

§ 843.325–4 *Execution of guarantee agreements by Federal Reserve Banks.* (a) The Federal Reserve Banks, acting as fiscal agents of the United States, are authorized to execute all guarantee agreements on behalf of the War and Navy Departments, unless the Reserve Bank is to make or participate in the loan.

(b) If the Reserve Bank is so disqualified in any case, the guarantee agreement will be executed for the War Department, by a Financial Contracting Officer or Liaison Officer authorized to act as Financial Contracting Officer for that purpose, or for the Navy Department, by the Finance Division, OP&M. [JTR 325.4]

§ 834.326 *Factors to be considered by guarantor.* (a) Regulation No. 1 (§ 849.922–1) prescribes the general policies to be followed by the Reserve Banks and the guarantor in guaranteeing T-Loans. Such guarantee will not be refused if the borrower is or has been engaged in performing an operation connected with or related to war production, except in such classes of cases as may hereafter be prescribed by the Director.

(b) Conditions other than those required under the standard loan agreement will be prescribed only in exceptional circumstances and when they are clearly necessary to protect the Government's interest. There will be no objection to additional conditions agreed upon by the borrower and the financing institution, if such conditions are not unreasonable and not inconsistent with the standard loan agreement.

(c) The requested percentage of guarantee will not ordinarily be questioned unless it exceeds 90 per cent, but a higher percentage of guarantee will be authorized if the circumstances clearly justify it and if other means of interim financing are not promptly available.

(d) In general, officers of the War and Navy Departments authorized to approve or object T-Loan guarantees will rely on the information submitted by the Federal Reserve Banks and upon their recommendations, unless further investigation appears necessary under the known circumstances of the particular case. [JTR 326]

SUBPART C—USE OF ADVANCE PAYMENTS FOR INTERIM FINANCING

§ 843.330 *Scope.* This subpart deals with the use of advance payments for termination financing. [JTR 330]

§ 843.331 *Authority to use advance payments for interim financing.* [JTR 331]

§ 843.331–1 *Amounts on deposit.* Where funds are on deposit in an advance payment account under a war contract at the time of its termination, the contracting officer for the War Department, or the Finance Division, OP&M, for the Navy Department, may continue to authorize withdrawal of such funds to make payments chargeable to the contract pending settlement of the termination claim: *Provided*, That the contracting officer or Finance Division determines that the unliquidated balance of advance payments allocable to the contract does not exceed the total amount to be paid under the contract, including the termination charges. In making such determination, the contracting officer or Finance Division may rely on such information as may be on hand or may be furnished by the contractor upon request. If the contract specifically entitles the contractor to such withdrawals, the contracting officer or Finance Division shall permit them. [JTR 331.1]

§ 843.331–2 *Amounts previously authorized.* When an advance payment has been authorized, but all or part thereof has not been paid to the contractor directly or by deposit in the advance payment account, before termination, the contracting officer or Finance Division may, or if the contract so requires shall, permit authorized payments to be made directly or by deposit in the advance payment account, and permit withdrawals from the account, in accordance with the terms of the contract: *Provided*, That the contracting officer or the Finance Division determines that the unliquidated balance of all advance payments allocable to the contract will not exceed the total amount to be paid under the contract, including the termination charges. [JTR 331.2]

§ 843.331–3 *Authorizing additional amounts.* (a) Advance payments, in addition to those authorized prior to termination, should generally not be authorized after termination. Instead, the contractor should apply for a partial payment in an amount sufficient to liquidate outstanding advance payments and provide him with such additional interim financing as he may need.

(b) However, the contracting officer or the Finance Division may authorize additional payments after termination whenever it is not practicable to liquidate outstanding advance payments by a partial payment within the time in which interim financing is required, or other circumstances, such as the existence of pooled accounts for financing both terminated and unterminated contracts, make advance payments the most practicable method for interim financing. The additional advance payments so authorized after termination generally should not exceed ninety per cent of the total amounts estimated to be payable under the contract, including the termination charges, less any unliquidated balances of advance payments previously made.

(c) In the case of the War Department, reports on such additional authorizations will be submitted to the Advance Payment and Loan Branch in the same manner as reports on advance payments required under § 803.321–14 (a) of this chapter. In the case of the Navy, such additional authorizations will be reported by the Finance Division to the Industrial Readjustment Branch, OP&M. [JTR 331.3]

§ 843.331–4 *Advance payments on partially terminated contracts.* Where advance payments have been authorized in connection with a contract which has been partially terminated, amounts on deposit in the advance payment account may be used to pay termination charges as well as expenses in connection with performance, and additional advance payments may be authorized, in accordance with procedures governing advance payments for production purposes. [JTR 331.4]

§ 843.331–5 *Estimate of claims.* In order that the determinations required by §§ 843.331–1, 843.331–2 and 843.331–3 (b) may be made, the contractor shall submit an estimate of his own termination charges and, if the advance payments are also to be used to make partial or final payments to subcontractors, an estimate of his subcontractors' termination claims. In the case of contracts with the War Department, such estimate will be submitted to the contracting officer, and in the case of contracts with the Navy, the estimate will be submitted to the officer charged with the duty of countersigning checks on the advance payment account, who will forward the estimate to the Finance Division, OP&M, with his comments. [JTR 331.5]

§ 843.332 *Use of advance payments for making partial and final payments to subcontractors.* The contractor may use funds on deposit in an advance payment account to make partial and final payments to his subcontractors on account of their termination claims, subject to the terms of the contract and to the following provisions:

(a) Partial payments may be made only upon specific approval of the applications therefor by the contracting officer, or pursuant to authority delegated by the contracting officer to make such partial payments without approval; final payments may be made only upon settlements which have been approved by the contracting officer, or which have been made pursuant to § 846.643, or to authority delegated by the contracting officer to the contractor.

(b) Partial payments may be made only upon the basis of an application in the form prescribed by, and executed in accordance with, General Regulation No. 2 of the Office of Contract Settlement (see § 849.953).

(c) The contractor shall not, without the approval of the contracting officer, make any partial payment to, or payment on account of a partial or final settlement with, any subcontractor for the benefit of a lower tier subcontractor if, to the knowledge of any director, officer or employee of the contractor having direct control or supervision over withdrawals from the advance payment account, such subcontractor or any intervening subcontractor is unable or unwilling for any reason to pay or credit to his subcontractors any payments received for their benefit.

(d) The contractor shall obtain and preserve in connection with each partial or final payment such evidence of receipt thereof as the contracting officer may require.

(e) The contractor shall, upon request, present to the contracting officer the original of any application for a partial payment and any receipt for partial or final payment obtained pursuant to paragraph (d). If he has been unable to obtain such receipt for a partial payment, the contractor shall use his best efforts to supply such information with respect to such partial payment as may be necessary to protect the Government's interest therein.

(f) The contractor shall, upon request, present to the contracting officer a monthly statement setting forth the following information with respect to each partial payment made from the advance payment account during the preceding month: (1) The date of such payment; (2) the number of the subcontractor's invoice pursuant to which such payment was made; (3) identification of the prime contract to which such payment is allocable; (4) the name and address of the payee; and (5) the date and manner of approval or authorization of such payment. [JTR 332]

§ 843.333 *Discharge of lien.* Where termination inventory upon which the Government has a lien to secure advance payments is properly retained or disposed of by the contractor in accordance with this subchapter, the lien thereon is discharged by payment to the Government of the proceeds of the disposal, or of an amount equivalent to the agreed credit for retention, in reduction of the advance payment outstanding, or by depositing such proceeds or amount in the advance payment account. [JTR 333]

SUBPART D—GENERAL PROVISIONS FOR PARTIAL PAYMENTS

§ 843.340 *Scope.* This subpart covers general matters applicable to interim financing of war contractors by means of partial payments on account of termination claims. [JTR 340]

§ 843.341 *Authority.* Partial payments are authorized by sections 8 and 9 of the act and by General Regulation No. 2 promulgated by the Office of Contract Settlement on September 8, 1944. A partial payment must be made to a war contractor within thirty days after proper application therefor. [JTR 341]

§ 843.342 *Partial payment defined.* (a) The term "partial payment" means a payment on account on a termination claim, made without prejudice to the amount of the final settlement and repayable if excessive.

(b) A partial payment is to be distinguished from a payment on a partial final settlement, which, in general, cannot be recovered by the Government in the absence of fraud. [JTR 342]

§ 843.343 *Types of partial payment authorized.* The following types of partial payments are authorized:

(a) Immediate partial payment based on the contractor's estimates (§ 843.352); or

(b) Cost-supported partial payment based on the contractor's settlement proposal or other adequate statement of costs (§ 843.353); or

(c) Controlled partial payment to be deposited in a special controlled account and to be released as particular items of cost become established and are presented for payment (§ 843.356); or

(d) Partial payments into a fund for the benefit of subcontractors (§ 843.364–2).

Successive applications may be filed for partial payments of any type. [JTR 343]

§ 843.344 *Deductions in computing amount of partial payments.* (a) Except as provided in paragraph (b) below, in determining the amount of a partial payment of any type to be made, there shall be deducted from the gross amount otherwise payable under this subchapter any unliquidated balances of advance and partial payments theretofore made to the war contractor, which are allocable to the terminated war contract or the terminated portion of the war contract and the amounts of all credits arising from the sale or retention of property as to which costs or estimated costs were included in the application. The sum of any such credits and unliquidated balances and of all partial payments made on the same termination claim shall not exceed any limitation imposed by this regulation or by the act on the amount of a partial payment of any particular type.

(b) Where any unliquidated balances of advance payments are to be liquidated with the proceeds of the partial payment, pursuant to § 843.331–3 (a), such balances should not be so deducted from the gross amount otherwise payable under this subchapter. [JTR 344]

§ 843.345 *Recognition of assignments.* Partial payments shall be made in such a manner as not to impair or modify any valid assignment of a claim under a war contract without the consent of the parties thereto. Contracting officers are required to see that partial payments are made consistently with the terms of a signments known to them. They may rely, however, on the statement in the application that no assignments are outstanding in the absence of actual knowledge to the contrary or notice given in accordance with the Assignment of Claims Act of 1940. [JTR 345]

§ 843.346 *Effect of overpayments.* Section 9 (b) of the act provides that any partial payment in excess of the amount finally determined to be due on the termination claim shall be treated as a loan from the Government to the war contractor receiving it, payable upon demand, together with a penalty computed at the rate of 6 per cent per annum, from the date such excess payment is received to the date on which such excess is repaid. Where credits for dispositions of termination inventory reduce the termination claim below outstanding partial payments, the penalty for excess payments applies from the date the outstanding partial payments first become excessive. This penalty is in addition to the penalty for overstatement discussed in § 843.316. [JTR 346]

SUBPART E—PARTIAL PAYMENTS FOR THE BENEFIT OF PRIME CONTRACTORS

§ 843.350 *Scope.* This subpart describes the types of partial payments that will be made for the benefit of prime contractors and the procedures relating thereto. [JTR 350]

§ 843.351 *Submission of applications.* [JTR 351]

§ 843.351–1 *General.* In general, prime contractors will file applications for partial payments on substantially the form of application prescribed by General Regulation No. 2 of the Office of Contract Settlement (see § 849.953). Except as authorized by § 843.355, the charges on which the application is based include only the prime contractor's own costs. [JTR 351.1]

§ 843.351–2 *War Department procedure.* A prime contractor under a War Department contract shall file his application in duplicate with the contracting officer under his contract. [JTR 351.2]

§ 843.351–3 *Navy Department procedure.* (a) A prime contractor under a Navy Department contract will file his application in triplicate with the Navy material inspector who is cognizant of the prime contractor.

(b) Where the inspector cognizant of the prime contractor is authorized pursuant to § 843.314–2 (c) to approve a partial payment on such application, he will, upon receipt of such an application in triplicate, immediately forward one copy to the contracting officer clearly marked to denote that action on the application will be taken by the inspector; he will then process the application and will authorize the partial payment to the extent that he approves it. The inspector will immediately inform the contracting officer of the disposition of any such partial payment application.

(c) In all other cases, the inspector will immediately forward one copy of the application to the contracting officer, without comment, to be followed within seven (7) days by an additional copy with his comments. The contracting officer will refer the application, with the comments of the inspector, to the Contract Financing Section in the bureau or its representative for investigation and recommendation as to the amounts to be authorized and conditions to be imposed. Such recommendations will be made within seven (7) days from the receipt of the application and comments. The contracting officer will authorize the partial payment to the extent that he approves it. The Contract Financing Section will immediately inform the inspector cognizant of the prime contractor of the disposition of such partial payment application and of the amount of any payment made. [JTR 351.3]

§ 843.352 *Immediate partial payments.* [JTR 352]

§ 843.352–1 *When used.* It is recognized that many contractors may desire or need partial payments within a short time after termination and before partial or complete settlement proposals can be prepared. For this purpose immediate partial payments are authorized. A prime contractor applying for an immediate partial payment will set forth in Column B of the Application Form (§ 849.953) his best estimate of the amount due on his own charges. [JTR 352.1]

§ 843.352–2 *Amount to be allowed.* Subject to the limitations of §§ 843.344 and 843.352–4, the contracting officer (or authorized Navy material inspector) should promptly grant the application for partial payment in the largest amount he believes to be reasonable under all the circumstances known to him. In deciding the amount to be paid, the prime contractor's application should be considered in the light of his general reputation, the relation between the amount requested and the amount certified by the contractor as due, and any other relevant information. In the absence of known factors militating against the payment requested, contracting officers (or authorized Navy material inspectors) are authorized to make their determinations of the amounts to be paid solely on the basis of the prime contractor's application. [JTR 352.2]

§ 843.352–3 *Minimum amount of payment.* An immediate partial payment will be made in each case for at least 75 per cent of the contract price of completed articles not delivered, plus 75 per cent of the contractor's estimated costs of raw materials, purchased parts, supplies, direct labor and overhead allocable to the terminated portion of the contract (but not including the cost of special facilities or other items deemed likely to be of a controversial character, and not including profit), unless (a) the contracting officer (or authorized Navy material inspector) has reason to believe that the application for immediate partial payment was not filed in good faith, or that the amount requested is excessive, or that protection of the Government's interests requires denial of the application or payment in a lesser amount, or (b) unless the contractor requests payment in a lesser amount. This provision for minimum partial payments shall not be construed to limit the responsibility of the contracting officer (or authorized Navy material inspector) to make partial payments in the largest amount believed reasonable under the provisions of § 843.352–2. [JTR 352.3]

§ 843.352–4 *Maximum amount of payment.* Immediate partial payments based on a prime contractor's estimates shall not exceed 90 per cent of the amount certified in the application as due on account of the contractor's own costs allocable to the terminated portion of the contract. [JTR 352.4]

§ 843.353 *Cost-supported partial payments.* [JTR 353]

§ 843.353–1 *When used.* This type of partial payment may be used after the contractor has submitted a partial or complete settlement proposal, supported by the data prescribed for the submission of termination claims, or has otherwise submitted substantial accounting data. A contractor applying for such a cost-supported partial payment will set forth his cost data in Column A of the Application Form (§ 849.953). [JTR 353.1]

§ 843.353–2 *Amount to be allowed.* Where the contractor has submitted substantial accounting data, and a preliminary review of such data indicates that the application is proper and is supported by the data submitted, the contracting officer (or authorized Navy material inspector) shall authorize payment of such amounts as he believes to be:

(a) An amount equal to 100 per cent of the amount payable, at the contract price, on account of undelivered acceptable items completed prior to the termination date under the terms of the contract, or completed thereafter with the approval of the contracting officer (or authorized Navy material inspector); plus

(b) An amount equal to 90 per cent of the cost of raw materials, purchased parts, supplies, direct labor, and manufacturing overhead allocable to the terminated portion of the war contract; plus

(c) A reasonable percentage of other allowable costs, including administrative overhead, allocable to the terminated portion of the war contract not included in the foregoing; plus

(d) Such additional amounts, if any, as the contracting officer (or authorized Navy material inspector) deems necessary to provide the war contractor with adequate interim financing.

The amount of any partial payment made under this section shall not exceed the amount which, in the opinion of the contracting officer (or authorized Navy material inspector), is due to the contractor by reason of the termination. [JTR 353.2]

§ 843.354 *Disbursement of partial payments to prime contractors.* A partial payment to a prime contractor under §§ 843.352, 843.353, 843.355, will be made on the basis of a voucher or invoice certified by the contractor and approved by the contracting officer (or authorized Navy material inspector) in a specific amount by noting thereon the following, "Payment in the amount of $-------- approved." The certification of the voucher or invoice by the prime contractor shall include the following two provisions:

(a) The payment covered by this voucher is a partial payment on account of the contractor's termination claim under contract No. -------- made pursuant to Section 9 of the Contract Settlement Act of 1944 and expressly subject to subsection (b) of that section.

(b) I certify that the above bill is correct and just; that payment has not been received; that all statutory requirements as to American production and labor standards, and all conditions of purchase applicable to the transaction have been complied with; and that State or local sales taxes are not included in the amount billed.

(Paragraph (b) is the certificate printed on the Form 1034 voucher). [JTR 354]

§ 843.355 *Partial payments to prime contractors on account of final settlements with, or partial payments to, subcontractors.* (a) A prime contractor may include in his application for a partial payment, a request for:

(1) The amount paid or payable to his immediate or remote subcontractors under subcontract settlements approved by the contracting officer or made pursuant to a delegation of authority to the prime contractor; or

(2) The amount of any partial or final payments made from a fund created for the benefit of subcontractors, pursuant to § 843.364–4; or

(3) The amount of any partial payment made pursuant to authority to make partial payments in amounts up to $10,000 granted to the prime contractor under § 843.368 or pursuant to other authorization by the contracting officer.

(b) In applying for a partial payment for any of the foregoing purposes, the prime contractor should list the amount required as Other Costs on line 7 of column A of the application form, and should support the application by a list showing the partial payments which have been so made and their amounts, and, in the case of final payments to subcontractors, a list showing the subcontracts settled and their amounts. [JTR 355]

§ 843.356 *Controlled partial payments.* [JTR 356]

§ 843.356–1 *When used.* If a prime contractor is of doubtful financial responsibility, or if his records are known to be inadequate, the contracting officer (or authorized Navy material inspector) may require that any immediate or cost-supported partial payment be made to the contractor through the medium of a controlled account. [JTR 356.1]

§ 843.356–2 *Administration.* Such controlled partial payments shall be originally authorized by the execution of a supplemental agreement to the terminated contract substantially in the form set forth in § 849.954. Moneys will be deposited in a controlled account in the name of the prime contractor and will be made subject to withdrawal only in accordance with the agreement. The funds in the controlled account shall be made subject to a lien in favor of the Government to protect its interest. Under the general direction of the contracting officer, personnel of the Contract Financing Section will supervise the administration of the controlled account. [JTR 356.2]

SUBPART F—PARTIAL PAYMENTS FOR THE BENEFIT OF SUBCONTRACTORS

§ 843.360 *Scope.* This subpart covers partial payments for the benefit of subcontractors made either through the prime contractor or directly. [JTR 360]

§ 843.361 *Methods of making partial payments to subcontractors.* (a) Partial payments may be made available to subcontractors by the following methods:

(1) By payment to the prime contractor on the application of the subcontractor transmitted through the contractual chain, in accordance with § 843.363.

(2) By payment by the prime contractor or higher tier subcontractor from a fund in accordance with § 843.364.

(3) By direct payment from the Government to the subcontractor in accordance with § 843.366.

(4) By controlled partial payments in accordance with § 843.367.

(b) The provisions of §§ 843.352 and 843.353 regarding the types and amounts of partial payments for the benefit of prime contractors also apply to partial payments for the benefit of subcontractors. [JTR 361]

§ 843.362 *Submission of application.* (a) A subcontractor will file his application for a partial payment, in substantially the prescribed form (§ 849.953), with the war contractor liable to him, except where direct payment is authorized by § 853.366–1.

(b) A war contractor receiving the application of a subcontractor will take the action with respect thereto required by the application form. If the war contractor receiving such an application is also a subcontractor, he will forward the application to his customer; and, if the war contractor receiving such an application is a prime contractor, he will forward it to the responsible War Department contracting officer or to his cognizant Navy material inspector, as the case may be; unless, in either case, the war contractor receiving such an application has been delegated the authority to take action thereon.

(c) In the Navy Department the prime contractor will submit any application of a subcontractor in triplicate to the Navy material inspector cognizant of the prime contractor. Where the inspector is authorized, pursuant to § 843.314–2 (c), to approve a partial payment on such application, he will immediately forward one copy to the contracting officer, clearly marked to denote that action thereon will be taken by the inspector; and he will then process the application and will authorize the partial payment to the extent that he approves it. The inspector will immediately inform the contracting officer of the disposition of any such partial payment application. In all other cases he will immediately forward one copy of the application to the contracting officer, without comment, to be followed within seven (7) days by an additional copy with his comments, and the procedure prescribed in § 843.351–3 for prime contractors' applications will be followed. [JTR 362]

§ 843.363 *Payments transmitted through the contractual chain.* [JTR 363]

§ 843.363–1 *How made.* The prescribed form of application for immediate or cost-supported partial payment requires that applications by subcontractors be reviewed by the war contractor directly liable on the claims to be financed and all higher tier war contractors, including the prime contractor. Unless payment is made by a reviewing war contractor pursuant to authorization from the contracting officer, the application is transmitted to the contracting officer (or authorized Navy material inspector). In signing the form of recommendation, each war contractor undertakes promptly to pay over to his immediate subcontractor or credit against amounts owing from the applicant the amount received on the application. The contracting officer (or authorized Navy material inspector) should expedite requests of subcontractors in view of the requirement of the act that partial payments be made available to such subcontractors within 30 days after receipt by the contracting agency of proper application therefor. [JTR 363.1]

§ 843.363–2 *Disbursement.* A partial payment for the benefit of a subcontractor under § 843.363–1 will be made on the basis of a voucher or invoice certified by the prime contractor and approved by the contracting officer (or authorized Navy material inspector) in a specific amount by noting thereon the following, "Payment in the amount of $_____ approved." In addition to the Form 1034 certificates, the voucher or invoice shall include substantially the following provisions:

The payment covered by this voucher is a partial payment on account of the contractor's termination claim under contract No. _____, made pursuant to section 9 of the Contract Settlement Act of 1944 and expressly subject to subsection (b) of that section.

Where the prime contract has not been terminated, and the subcontract termination resulted from an amendment or change order relating to the prime contract or from other circumstances entitling the subcontractor to interim financing under the act, the foregoing voucher provisions should be appropriately modified. [JTR 363.2]

§ 843.364 *Funds for the benefit of subcontractors.* [JTR 364]

§ 843.364–1 *Purpose of funds.* War contractors having large numbers of subcontracts should endeavor to anticipate the needs of their subcontractors and be prepared to meet their requirements promptly. To aid in accomplishing this end, partial payments or direct loans may be made to war contractors to enable them, in advance of subcontractors' requests, to set up funds from which prompt partial and final payments may be made to subcontractors on their termination claims. [JTR 364.1]

§ 843.364–2 *Fund created by partial payments to war contractors.* (a) Any war contractor who has been authorized to make final subcontract settlements under § 846.642, and who has numerous subcontractors, may apply for partial payments on account of particular war contracts to create a fund for the benefit of subcontractors.

(b) Such an application need not be on the form prescribed by the Office of Contract Settlement, but may be in the form of a letter to the contracting officer containing a certificate of the contractor that the approximate amount of all subcontractors' charges allocable to the terminated contract or contracts is not less than a specified figure.

(c) A partial payment to set up a fund for the benefit of subcontractors will be made to a war contractor only upon his agreement, among other things, to keep all monies received for such purpose in an account separate from his other funds, and to make prompt partial and final payments to subcontractors under authority of this regulation or when otherwise specifically authorized or approved by the Government. [JTR 364.2]

§ 843.364–3 *Disbursement of partial payments for the benefit of subcontractors.* Partial payments to a war contractor for the benefit of subcontractors under § 843.364–2 will be made on the basis of a voucher or invoice certified by the war contractor and approved by the contracting officer in a specified amount by noting thereon the following: "Payment in the amount of $_____ approved." In addition to the Form 1034 certificates, the voucher or invoice shall include substantially the following provisions:

The payment covered by this voucher is a partial payment on the contractor's termination claim under Contract No. _____ on account of termination claims of subcontractors under that contract. The payment is made pursuant to section 9 of the Contract Settlement Act of 1944 and expressly subject to subsection (b) of that section. The contractor agrees to keep this payment and all other payments received for the same purpose in an account separate from his other funds and to use this payment only for the purpose of making prompt partial and final payments to subcontractors when such payments are authorized or approved by the Government. Any amount not so used shall be repaid to the Government upon demand, with interest at the rate of 6% per annum from the date of demand to the date of repayment.

[JTR 364.3]

§ 843.364–4 *Fund created by direct loan to war contractors.* (a) Any war contractor who has been authorized to make final subcontract settlements under § 846.642, and who has numerous subcontractors, may apply for a direct loan to create a fund for the benefit of subcontractors.

(b) If the preponderance of the current dollar value of the contractor's war contracts is with the War Department or is under War Department prime contracts, the application for the loan should be made to the Advance Payment and Loan Branch, Special Financial Services Division, Office of the Fiscal Director, Hq., ASF, via a contracting officer of the service under which the applicant has the greatest current dollar value of war contracts. If such preponderance is with the Navy Department or is under Navy Department prime contracts, the application should be made to the Finance Division, OP&M.

(c) An application for a direct loan shall be in the form of a letter. Such letter shall (1) indicate the amount of the loan requested, (2) list the services and bureaus under which the applicant holds war contracts and the approximate current dollar value of such contracts under each of such services or bureaus, (3) indicate any outstanding advance payments or loans to the applicant, (4) estimate the number and total amount of subcontract termination claims which it is anticipated will be settled or partially paid by the applicant during the next 90 days, (5) enclose a certified copy of the applicant's balance sheet and operating statement for the latest fiscal year and for the latest period subsequent to such fiscal year, and, if the contractor has an outstanding loan, any necessary consents of financing institutions to the additional borrowing, and (6) indicate the name of the bank or banks which it is proposed to use as a depositary for the fund.

(d) Among the considerations to be taken into account in determining whether the applicant qualifies or should be recommended for a fund to be created by a direct loan are the following:

(1) Whether establishment of the fund will result in more expeditious settlement and payment of termination claims of subcontractors than is possible under other procedures.

(2) Whether the contractor already has available advance payments to make prompt partial and final payments to his subcontractors on account of their termination claims.

(3) Whether the contractor has an efficient termination organization and can quickly process both his own settlement proposals and those of his subcontractors.

(4) The volume of the contractor's war business and termination claims, both actual and anticipated.

(5) The contractor's financial condition and general reputation.

(e) (1) In the War Department the contracting officer with whom the application is filed will forward the application, together with his recommendations thereon (including a specific statement concerning each of the matters referred to in paragraph (d) hereof to the extent known) through channels to the Advance Payment and Loan Branch for approval. If the contracting officer's recommendation is favorable, the application will be accompanied by 8 copies of the loan agreement, in substantially the form set forth in § 849.955, and 4 copies of the voucher required by § 843.364–5, both executed by the contractor, together with 8 copies of the depository agreement executed by the bank. The amount of the application for a loan as recommended by the contracting officer will be inserted in the loan agreement and in the voucher, but the name of the Financial Contracting Officer and the contract number shall be left blank for insertion upon approval by the Advance Payment and Loan Branch.

(2) In the Navy Department, the Finance Division, OP&M, before approving the application, will obtain the recommendations of the Assistant Chief of Procurement and Material for Industrial Readjustment.

(f) Upon approval of the application, an agreement in substantially the form set forth in § 849.955 will be executed by a Financial Contracting Officer in the War Department, or by the Chief, Deputy Chief or Assistant Chief of the Finance Division, OP&M, in the Navy Department. [JTR 364.4]

§ 843.364–5 *Disbursement of direct loans for the benefit of subcontractors.* In making a direct loan to a war contractor for the benefit of subcontractors, payment will be made to the war contractor on the basis of a voucher which (a) contains a Form 1034 certificate signed by the war contractor and (b) is approved by a person authorized under the preceding paragraph to execute the agreement. A confirmed copy of the agreement will be attached to the first voucher by the approving officer. In addition, the voucher shall include substantially the following provision:

The payment covered by this voucher is a payment pursuant to the Agreement for Subcontractors' Payment Fund, No. _____, dated _____, authorized by the Contract Settlement Act of 1944 and the Joint Termination Regulation.

[JTR 364.5]

§ 843.364–6 *Administration of fund created by direct loan.* Subject to the general supervision and control of the Advance Payment and Loan Branch in the War Department or the Finance Division, OP&M, in the Navy Department, the fund created by a direct loan will be administered by the chief of the service or bureau designated in the loan agreement, who will render such reports as may be required by the Fiscal Director, in the case of the War Department, or by the Finance Division, OP&M, in the case of the Navy Department. [JTR 364.6]

§ 843.365 *Protection of payments to subcontractors.* Whenever a war contractor is deemed to be insolvent or in imminent danger of insolvency, or for any other reason is deemed to be unable or unwilling to pay over to his subcontractors any partial payment received for their benefit, contracting officers should take appropriate steps to assure receipt of such partial payment by the subcontractor who applied therefor. For this purpose, direct payment may be made to the subcontractor under § 843.366 or the controlled account procedure described in § 843.367 may be used. [JTR 365]

§ 843.366 *Direct payment.* [JTR 366]

§ 843.366–1 *When authorized.* The contracting officer under the applicable prime contract shall make immediate or cost-supported partial payments directly to a subcontractor upon receipt by the contracting officer of an application in the prescribed form, submitted directly by the subcontractor, whenever:

(a) The contracting officer has undertaken to settle directly the termination claim or claims of the subcontractor; or

(b) The subcontractor furnishes;

(1) Evidence that use of the procedures set forth in §§ 843.363 and 843.364 would cause unwarranted delay in his receipt of a partial payment; and

(2) A certificate by the war contractor in the next higher tier, containing the material in the first paragraph of the certificate in Article VI of the Standard Form of Application (§ 849.953), and consenting to the direct payment to the subcontractor, unless sufficient other information justifying such partial payment is submitted by the applicant to the contracting officer.

In cases covered by paragraph (b), the subcontractor will also submit through contractual channels a copy of his application marked "Information Copy, Direct Payment Requested"; any intervening war contractor desiring to take exception to such direct payment will so notify the contracting officer. [JTR 366.1]

§ 843.366–2 *Disbursement.* A partial payment to a subcontractor under § 843.366–1 will be made on the basis of a voucher or invoice certified by the subcontractor applying therefor and approved, by the contracting officer under the applicable prime contract, in a specific amount by noting thereon the following, "Payment in the amount of $_____ approved." In addition to the Form 1034 certificates, the voucher or invoice shall include substantially the following provisions:

The payment covered by this voucher is a partial payment on account of the termination claim of the payee as a subcontractor under contract No. _____ between the United States of America and _____, made pursuant to section 9 of the Contract Settlement Act of 1944 and expressly subject to subsection (b) of that section.

[JTR 366.2]

§ 843.367 *Controlled partial payments for subcontractors.* (a) When the controlled partial payment procedure is used for the benefit of a subcontractor, the contracting officer will enter into a supplemental agreement with the prime contractor in substantially the form set forth in § 849.954, and containing the provisions relating to subcontractors set forth in brackets on that form.

(b) Payments from the controlled account shall be made directly to the subcontractor for whose benefit the partial payment is made or through intervening subcontractors, as the contracting officer shall deem appropriate. Such controlled payments may be made without the certificates of intervening contractors, provided that sufficient other information justifying such payments is available.

§ 843.368 *Authority to make partial payments; procedures for reimbursement of partial and final payments.* [JTR 368]

§ 843.368–1 *Delegation of authority to make partial payments.* Authorization under § 846.642 to war contractors to make final settlements with subcontractors should generally include an express authorization to make partial payments not exceeding 10,000 (including all previous unliquidated partial payments and advances) to any applicant therefor under any one termination claim. War contractors who have been so authorized to make partial payments should make such payments available to subcontractors on substantially the terms and conditions prescribed by this subchapter. In such cases, partial payments may be made in accordance with the terms of the authorization and without obtaining the contracting officer's approval of the particular payment. [JTR 368.1]

§ 843.368–2 *Partial payments to war contractors on account of final settlement with, or partial payments to, lower tier subcontractors.* A war contractor may include in his application for a partial payment any of the amounts provided for in the case of prime contractors by § 843.355, and under like conditions. [JTR 368.2]

§ 843.369 *Effect of payments to subcontractors.* (a) Where any partial payment by a war contractor to a subcontractor is authorized or approved by the contracting officer, the war contractor making it is not liable for the repayment of any excess in the absence of fraud on his part; such excess is treated as a loan from the Government to the subcontractor receiving the payment, repayable by the subcontractor directly to the Government together with the penalty imposed by section 9 (b) of the act.

(b) Where any partial payment made by a war contractor without prior authority or approval is subsequently ratified by the contracting officer, that payment has the same effect, under section 9 (b) of the act, as a partial payment made with his specific approval.

(c) Releases from a controlled account may be considered as authorizations, approvals or ratifications only when specifically so stated by the contracting officer.

(d) A partial payment made pursuant to a general delegation of authority under § 843.368 has the same effect as a payment made with the specific approval of the contracting officer. [JTR 369]

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§ 844.400 *Scope of part.* (a) This part states the policies and procedures governing the submission of inventory schedules, plant clearance, and the disposition of contractor inventory. The provisions of this part apply to all types of contractor inventory, except where the context indicates that it applies only to a particular type (for example, termination inventory).

(b) In the case of the War Department, contractor inventory which is plant equipment is dealt with only in Subpart F of Part 848. Part 844 applies to plant equipment only to the extent that Subpart F of Part 848 expressly makes it applicable. In the case of the Navy Department, plant equipment is dealt with in Property Disposition Directive No. 7.

(c) Retentions and sales of contractor inventory in accordance with pretermination agreements are governed by the provisions of § 842.224. Such retentions and sales are outside the scope of this part.

(d) Certain other parts of this subchapter relate to the disposition of contractor inventory under special programs of the War and Navy Departments. For example, see Subpart B of Part 842, Advance Preparations for Termination Settlements; Subpart B of Part 848, Consolidated Termination Program for Selected Contractors; and Subpart E of Part 848, Direct Settlement of War Contracts on a Company-Wide Basis. [JTR 400]

§ 844.400–2 *"Material treated as termination inventory".* Material formerly treated as termination inventory under this section is now included in the definition of contractor inventory (see § 844.411–3). Whenever the term "material treated as termination inventory under § 844.400–2" is used in this Subchapter (e. g. § 849.987–1) it refers to material furnished by the Government for incorporation in end items. [JTR 400.2]

SUBPART A—GENERAL POLICIES

§ 844.410 *Scope.* This subpart contains provisions of general application to contractor inventory. [JTR 410]

§ 844.411 *Special terms.* Certain terms, in addition to those defined in § 841.121, have a special meaning as applied to the disposition of contractor inventory. As used in this part, these terms are as follows. [JTR 411]

§ 844.411–1 *Best price obtainable.* In the case of a sale or retention for resale, the term the "best price obtainable" means the highest price offered which is adequate in the light of a reasonable knowledge or test of the market, having due regard for current prices for any raw materials or products for which quotations are published and to the circumstances, nature, condition, quantity, and location of the particular property. In the case of a retention for use, the term "best price obtainable" means a price that is fair and reasonable and not less than the net proceeds that could reasonably be expected to be obtained if the item were offered for sale at such time. [JTR 411.1]

§ 844.411–2 *Care and handling.* The term "care and handling" includes completing, repairing, converting, rehabilitating, operating, maintaining, preserving, protecting, insuring, storing, packing, handling, and transporting, and in the case of property which is dangerous to public health or safety, destroying, or rendering innocuous, such property. [JTR 411.2]

§ 844.411–3 *Contractor inventory.* The term "contractor inventory" (as used in this subchapter and as defined in the Surplus Property Act) means (a) any property related to a terminated contract of any type with the owning agency or to a subcontract thereunder; (b) any property acquired under a contract pursuant to the terms of which title is vested in the Government, and in excess of the amounts needed to complete performance thereunder; and (c) any property which the Government is obligated to take over under any type of contract as a result of any change in the specifications or plans thereunder. Contractor inventory includes, but is broader than, termination inventory, as the term is defined in § 821.121–21, and in the Contract Settlement Act, and also includes any Government-owned material in the war contractor's plant, either before or after expiration of a contract, which is no longer required for the purpose for which it was supplied. [JTR 411.3]

§ 844.411–4 *Cost.* (a) The "cost" of contractor-owned material is the cost to the war contractor, as stated in his inventory schedule, provided that such cost is computed upon a reasonably acceptable basis. Generally, such cost will be the actual or estimated cost of raw material, purchased parts, and supplies plus direct labor and factory overhead for work in process and manufactured parts. Cost may be estimated if necessary, and the contracting officer may rely on the estimates of the war contractor.

(b) The "cost" of Government-owned materials is the cost to the Government, estimated if not known. [JTR 411.4]

§ 844.411–5 *Disposal agency.* The term "disposal agency" means any Government agency designated by the Surplus Property Board pursuant to the Surplus Property Act to dispose of surplus property. [JTR 411.5]

§ 844.411–6 *Owning agency.* The term "owning agency" is defined in the Surplus Property Act as "the executive department, the independent agency in the executive branch of the Federal Government, or the corporation (if a Government agency) having control of such property otherwise than solely as a disposal agency". As used in this part, "owning agency" means the War Department or the Navy Department. [JTR 411.6]

§ 844.411–7 *Plant clearance period.* The term "plant clearance period" means the period within which the owning agency is required to remove or make arrangements for storage of contractor inventory to be cleared from a war contractor's plant. The plant clearance period begins upon receipt by the owning agency of an inventory schedule in form satisfactory for storage or removal purposes. It ends sixty days thereafter, or on such later date as may be agreed to by the contractor, or on such earlier date as the owning agency takes possession of contractor inventory. [JTR 411.7]

§ 844.411–8 *Possession.* The owning agency takes "possession" of contractor inventory upon:

(a) The execution of a standard storage agreement in accordance with § 844.465–2; or

(b) The execution of a final settlement agreement with a war contractor in accordance with § 844.465–3 or 846.662; or

(c) The execution of a special storage agreement with a subcontractor in accordance with § 844.465–4; or

(d) Removal by the Government in accordance with § 844.466. [JTR 411.8]

§ 844.411–9 *Retention for use.* The term "retention for use" means a retention of contractor inventory that a war contractor intends to use or consume for his own manufacturing, construction, maintenance, or repair purposes and not for resale in its existing form, at a profit. Such retention must be accompanied by the use representation, except as provided in § 844.445–3. For the definition of "retention" see § 821.121–15. When unqualified, the words "retain" and "retention", mean both a retention for resale and a retention for use. [JTR 411.9]

§ 844.411–10 *Reviewing authority.* (a) For the War Department the term "reviewing authority" means the local disposal board established under Subchapter B for the purpose of reviewing dispositions and determinations that property is unserviceable, scrap or salvage. It also includes any disposal board established under Subchapter B in the office of the chief of a service, or, in the Army Air Forces, in the headquarters of a Command.

(b) For the Navy Department, the term "reviewing authority" means a disposal board established by the NMR&DA for the purpose of reviewing dispositions of material and determinations that property is unserviceable, scrap or salvage, where review is required. It also includes any disposal board established by the chief of a bureau to review disposition transactions made by direction of a contracting officer of the bureau (or by a Navy material inspector under his authority) where such review is required.

§ 844.411–11 *Salvage.* The term "salvage" means property that is in such a worn, damaged, deteriorated or incomplete condition, or is of such a specialized nature, that it has no reasonable prospect of sale for use as a unit, but has some value in excess of its basic material content because it may contain serviceable components. Salvage includes used containers and cable reels. It should be noted that property is not "salvage" merely because it is worn, damaged, deteriorated, incomplete, or of a specialized nature. [JTR 411.11]

§ 844.411–12 *Scrap.* The term "scrap" means property that has no reasonable prospect of sale except for its basic material content. [JTR 411.12]

§ 844.411–13 *Scrap warranty.* The term "scrap warranty" means a written warranty by a buyer that property purchased or retained as scrap will in fact be sold or used by the buyer only as scrap. The scrap warranty shall read as follows:

> The undersigned represents and warrants to the United States that the property covered by this agreement was offered as scrap, that he is purchasing or retaining it only as scrap and that he will sell and ship or use it only as scrap, either in its existing condition or after further preparation, and only in conformity with all applicable regulations and orders of the Office of Price Administration and the War Production Board.

[JTR 411.13]

§ 844.411–14 *Serviceable property.* The term "serviceable property" means property that has reasonable prospect of sale for use as a unit either in its existing form or after minor repairs; it includes raw materials, primary forms and shapes, and mill products. [JTR 411.14]

§ 844.411–15 *Small lot.* The term "small lot" means any item or group of items where the cost of all substantially similar items available for sale at any one location, listed on any one inventory schedule, does not exceed $300. [JTR 411.15]

§ 844.411–16 *Substantially similar items.* The term "substantially similar items" means items which serve the same immediate purpose. Substantially similar items include items which are commonly considered in ordinary business practice as being in the same class, although they differ in size, weight, color, capacity, composition, quality, or design, and are not interchangeable in use. [JTR 411.16]

§ 844.411–17 *Surplus.* The term "surplus" refers to property determined to be surplus to the needs and responsibilities of the owning agency. Surplus property is declared to a disposal agency or disposed of in accordance with § 844.452. [JTR 452]

§ 844.411–18 *Unserviceable material.* The term "unserviceable material" means scrap, salvage, and other material that has no reasonable prospect of sale for use as a unit either in its existing form or after minor repairs. [JTR 411.18]

§ 844.411–19 *Use representation.* The term "use representation" means a written representation in the following form:

> The undersigned represents to the United States that the material covered by this agreement is retained or purchased by him, as the case may be, for his manufacturing, construction, maintenance, or repair purposes and that he intends to use or consume the material for said purposes, and that he is not retaining or purchasing the material with the intention of reselling in its existing form at a profit.

[JTR 411.19]

§ 844.412 *Disposition of contractor inventory.* [JTR 412]

§ 844.412–1 *Relation to settlement.* Under the Contract Settlement Act, when a war contract is terminated the war contractor is entitled to fair compensation, including the cost of material allocable to the terminated portion of the contract. As an incident to the allowance of such fair compensation, the war contractor is required either to deliver the material for which compensation is allowed or to credit in the termination settlement the agreed value of material retained and the proceeds of material sold. [JTR 412.1]

§ 844.412–2 *General policy.* (a) In order to further the objectives of the Surplus Property Act, the Surplus Property Board has empowered the War and Navy Depatments to authorize any war contractor to retain or sell contractor inventory in accordance with Regulation No. 9 of the Board (Part 8309 of Title 32).

(b) The policy of the Government is to encourage war contractors to retain for use at the best price obtainable as large amounts as possible of all types of contractor inventory for their manufacturing, construction, maintenance, or repair purposes. The policy of the Government also is to authorize sales by war contractors under circumstances which will yield the best price obtainable by competitive bidding, or by negotiation in certain cases.

(c) All types of contractor inventory are to be treated alike, for purposes of disposition. [JTR 412.2]

§ 844.412–3 *Retentions by subcontractors.* Regulation No. 9 of the Surplus Property Board (Part 8309 of Title 32) provides that it is the policy of the Board that subcontractors shall be permitted to retain, as against their upper tier contractors, such contractor inventories as they desire, and that exceptions to this policy shall be permitted only in cases where contract rights of upper tier contractors make it necessary. This policy is called to the attention of war contractors in Instructions to Prime Contractors (§ 849.943) and Instructions to Subcontractors (§ 849.944). Representatives of the War and Navy Departments will use their best efforts to carry out the policies set forth in this section, consistent with the contract rights of upper tier contractors. Under this subchapter upper tier contractors have authority, in certain cases, to approve retentions and sales of contractor inventory by their subcontractors, in order to expedite the settlement of claims and the disposition of material. Such approval should be granted promptly for retentions and sales in accordance with this part. [JTR 412.3]

§ 844.412–4 *Disposition not to delay settlement or removal.* The Contract Settlement Act provides that the contracting officer shall not delay a termination settlement beyond the plant clearance period for the purpose of awaiting disposal by the war contractor or by the Government of any termination inventory. In carrying out the policy of expeditious plant clearance, removal of termination inventory should not be im-

peded by concentration of effort on disposition of the inventory. [JTR 412.4]

§ 844.413 *Plant clearance.* (a) Section 12 of the Contract Settlement Act provides that a war contractor may submit a statement listing items of his termination inventory which he desires the Government to remove. This statement (inventory schedule) must be prepared in the form and detail and must be submitted in the manner prescribed in this subchapter. Within sixty days, or such longer time as may be agreed, after the war contractor submits a termination inventory schedule in satisfactory form, the Government is under a duty to store or to remove the listed items not retained or sold. This regulation follows Regulation No. 10 of the Office of Contract Settlement with respect to plant clearance. (See Part 8051 of Title 32)

(b) The policy of the War and Navy Departments is to clear plants of all types of contractor inventory within the plant clearance period, subject to the qualifications stated in § 844.460. [JTR 413]

§ 844.414 *Supply contract provisions on retentions and sales.* [JTR 414]

§ 844.414–1 *Fixed-price prime contracts.* The uniform termination article for use in fixed-price supply prime contracts provides in part as follows:

(b) After receipt of a Notice of Termination and except as otherwise directed by the contracting officer, the contractor shall • • • (6) transfer title and deliver to the Government in the manner, to the extent and at the times directed by the contracting officer (i) the fabricated or unfabricated parts, work in process, completed work, supplies and other material produced as a part of, or acquired in respect of the performance of, the work terminated in the Notice of Termination, and other property which, if the contract had been completed, would be required to be furnished to the Government; (7) use his best efforts to sell in the manner, to the extent, at the time, and at the price or prices directed or authorized by the contracting officer, any property of the types referred to in subdivision (6) of this paragraph provided, however, that the contractor (i) shall not be required to extend credit to any purchaser and (ii) may retain any such property at a price or prices approved by the contracting officer; • • •

Many earlier termination articles contained similar provisions. [JTR 414.1]

§ 844.414–2 *Cost - plus - a - fixed - fee prime contracts.* The uniform termination article for use in cost-plus-a-fixed-fee supply prime contracts contains provisions substantially the same as the provisions of the fixed-price contract article quoted in § 844.414–1. Under cost-plus-a-fixed-fee prime contracts, as well as certain fixed-price prime contracts which provide specifically therefor, title to the property acquired in connection with the performance of the contract is vested in the Government. Such property may, however, be retained or sold by the prime contractor as set forth in § 844.432–2. [JTR 414.2]

§ 844.414–3 *Subcontracts.* The approved termination article for fixed-price supply subcontracts provides in part as follows:

(c) With the consent of the buyer, the seller may retain at an agreed price or sell at an approved price any completed articles, or any articles, materials, work in process or other things the cost of which is allocable or apportionable to this order • • •, and will credit or pay the amounts so agreed or received as the buyer directs. As directed by the buyer, the seller will transfer title to, and make delivery of, any such articles, materials, work in process or other things not so retained or sold. Appropriate adjustment will be made for delivery costs or savings therein.

[JTR 414.3]

§ 844.415 *Diversion of contractor inventory to continuing war contracts.* [JTR 415]

§ 844.415–1 *General policy.* The policy of the Government, upon termination of war contracts, is to divert contractor inventory to continuing war production. Whenever a saving to the Government would result, such inventory should be employed on other war contracts of the contractor or sold to another war contractor, even if this necessitates the termination of subcontracts. The allocability to the terminated contract of common items and of material diverted to other war contracts of the contractor will be determined in accordance with § 845.555. Section 845.556 describes the methods of compensating the war contractor for the costs incurred. Diversions for war production under the authority of this section may be made without regard to the requirements applicable to sales stated in § 844.445. [JTR 415.1]

§ 844.415–2 *Government-owned material.* Government-owned contractor inventory remaining after termination of a war contract should be diverted by a sale, or a transfer of accountability to continuing cost-plus-a-fixed-fee or other war contracts which by their provisions vest title to material in the Government, or should be diverted by sale or as Government-furnished material or equipment to fixed-price war contractors. [JTR 415.2]

§ 844.415–3 *Determination of price.* For the purpose of determining the price at which material is retained or sold, charges for the termination of subcontracts may be taken into consideration. (See § 845.556.) Such charges, however, shall not be considered for purposes of determining whether the price conforms to the applicable price policy or whether approval or review of a retention or sale is required. [JTR 415.3]

§ 844.416 *Scope of authority of contracting officer and his representatives.* [JTR 416]

§ 844.416–1 *Within the War Department.* (a) The contracting officer is authorized to act for the War Department in making and approving dispositions of contractor inventory, subject to review by a reviewing authority in certain cases as provided in § 844.449. The functions assigned the contracting officer under this part, may be delegated by him or may be divided by the service among any military or civilian personnel, such as termination contracting officers, property disposal officers, accountants, inspectors, and others. As used in this part, the term "contracting officer" includes all such persons.

(b) The contracting officer, on his own initiative or at the request of a war contractor, may authorize a local representative to act for him in the district or geographical area in which the war contractor's plant is located. [JTR 416.1]

§ 844.416–2 *Within the Navy Department.* (a) In the Navy Department certain functions of the contracting officer relating to the handling of contractor inventory are specifically assigned to the Navy Material Redistribution and Disposal Administration or to Navy material inspectors. As used in this part, the term "contracting officer" includes the representatives of the NMR&DA and Navy material inspectors authorized to perform these functions.

(b) The NMR&DA has general authority to make or approve those dispositions of contractor inventory which the Navy Department is permitted by law or required by this subchapter to make or approve (including disposition of material as scrap or salvage), and to arrange for storage or removal of contractor inventory not retained by the war contractor or otherwise disposed of, subject only to the authority of the contracting officer to make or approve certain dispositions set forth in paragraphs (c) and (d). A retention or sale of contractor inventory made or approved by the NMR&DA is subject to review by a reviewing authority in certain cases as provided in § 844.449.

(c) Property Disposition Directive No. 1, Navy Procurement Directive paragraph 15001 and following, grants to the chiefs of the several bureaus and the Commandant, U. S. Marine Corps, and the Commandant, U. S. Coast Guard, authority to execute certain transfers or contracts for the sale of property. They are further authorized to delegate their authority to such persons as they may designate. A Navy contracting officer may execute any transfer of property within the scope of authority delegated to him pursuant to Property Disposition Directive No. 1.

(d) The Navy contracting officer may make or approve a retention by the war contractor in possession or a sale to another war contractor of contractor inventory, if any such war contractor will execute a use representation as defined in § 844.411–9. Such a retention or sale made or approved by a contracting officer is subject to review and approval by a bureau disposal board in certain cases as provided in § 844.449. The Navy contracting officer may also require transfer to the Government of items which the bureau wishes to acquire for construction, production or supply purposes. A Navy contracting officer is not authorized to make or approve dispositions of contractor inventory except as set forth in paragraphs (c) and (d).

(e) The Navy material inspector cognizant of a particular war contractor is a general representative of the contracting officer in the field, unless the contracting officer specifically limits or withdraws such authority in a particular case. The Navy material inspector cognizant of a war contractor is not authorized to make or approve dispositions of the contractor's inventory unless authorized or directed by the contracting officer to make or approve dispositions within the contracting officer's authority. The cognizant Navy material inspector's specific responsibilities in connection with the handling of contractor inventories include the following:

(1) He will notify the local representative of the NMR&DA immediately after receipt of a copy of the termination notice in each case where it appears that action may be required to be taken for the disposition of contractor inventory, so that the NMR&DA representative can carry out any possible disposition operations with the war contractor prior to submission of inventory schedules and can render assistance in the determination of whether inventory schedules are satisfactory in form.

(2) He is authorized to receive inventory schedules from the war contractor and to advise the war contractor in their preparation. He will deliver copies of such schedules to the local NMR&DA representative for disposition purposes.

(3) He is authorized to determine when inventory schedules are satisfactory in form for storage or removal purposes and will notify the local representative of the NMR&DA of the receipt of such schedules, in order that storage or removal arrangements may be made within the plant clearance period. The Navy material inspector will, whenever possible, seek the advice of the local NMR&DA representative in examining inventory schedules to determine whether they are satisfactory in form.

(4) He will see that the war contractor lists Government-owned material and production and supply items separately, and he will transmit schedules listing such material in accordance with instructions from the contracting officer or cognizant bureau.

(5) He will arrange for the removal or transfer of items of contractor inventory required by the bureau for production or supply purposes.

(6) He will arrange with the contractor for the packaging and handling of contractor inventory removed from the war contractor's plant or stored with the contractor.

(7) He will verify items listed on an inventory schedule when such items are to be removed from the war contractor's premises or stored under a storage agreement.

(8) He will, in connection with the preparation of his comments on the settlement proposal, give the contracting officer and the local NMR&DA representative his comments as to whether the material claimed to be termination inventory is properly allocable to the terminated war contract. [JTR 416.2]

SUBPART B—SUBMISSION OF INVENTORY SCHEDULES

§ 844.420 *Scope.* This subpart covers the preparation and submission of inventory schedules (a) to support the war contractor's settlement proposal, (b) to facilitate the disposition of contractor inventory, and (c) to provide the information necessary for plant clearance. [JTR 420]

§ 844.421 *Schedules not required with Form 1a.* Whenever the proposal for settlement of a terminated fixed-price war contract is to be submitted on Form 1a, no inventory schedules are required. This form is to be used only if the war contractor will retain or dispose of all termination inventory and the net amount of the proposed settlement is less than $1,000. The war contractor will state briefly on the form the nature of the inventory, how much of it was sold and how much retained, and the manner in which sales prices and the value of inventory retained were determined. Acceptance of a settlement proposal on this form will constitute approval of the price which the war contractor offers for the entire inventory, including the proceeds of any sales which he has made. [JTR 421]

§ 844.422 *Prescribed forms of inventory schedules.* [JTR 422]

§ 844.422–1 *Termination inventory resulting from terminated fixed-price supply war contracts.* The following inventory schedules (reproduced in § 849.962) have been approved by the Office of Contract Settlement for use with the Standard Forms for settlement proposals under fixed-price war supply contracts (other than Form 1a):

Form 2a—Metals (in mill product form).
Form 2b—Raw Materials (other than metals), Purchased Parts, Finished Components, Finished Product, and Miscellaneous.
Form 2c—Work in Process.
Form 2d—Dies, Jigs, Fixtures, etc., and Special Tools.

[JTR 422.1]

§ 844.422–2 *Other types of contractor inventory.* (a) The inventory schedules referred to in § 844.422–1 shall be used by war contractors, for purposes of disposal or plant clearance, in connection with terminated cost-plus-a-fixed-fee war contracts and for listing other types of contractor inventory, unless otherwise directed by the chief of a service or bureau. However, plant equipment which is not a part of termination inventory will be listed on Forms 5 and 5a of the Office of Contract Settlement.

(b) Where the forms are used for such purposes, the certificate set forth in § 849.962–3 should be modified, as applied to items title to which has passed to the Government, to eliminate the statement by the contractor that the quantities are not in excess of the reasonable quantitative requirements of the terminated portion of the contract and that title is tendered to the Government.

(c) The contracting officer may permit the war contractor to eliminate the cost data wholly or in part from the inventory schedules originally submitted, but in such event the contracting officer should supply the cost data on surplus property to be declared to a disposal agency. [JTR 422.2]

§ 844.423 *Time and purpose of submitting inventory schedules.* [JTR 423]

§ 844.423–1 *In support of settlement proposal.* To support the war contractor's settlement proposal on a Standard Form (other than Form 1a), complete inventory schedules must be submitted with the final settlement proposal or prior to its submission, except as otherwise provided in § 845.526. [JTR 423.1]

§ 844.423–2 *To facilitate disposition.* In order to obtain prompt approval of recommendations that material is unserviceable or scrap, or of proposed retentions or sales of material, a war contractor may submit inventory schedules at any time. Schedules may be submitted before submission of the settlement proposal, and should not be delayed in order to supply complete cost data on items of work in process where this is not readily available. In such cases estimated costs may be given. The war contractor may group items which he considers unserviceable, as provided in § 844.425–2. Cost data on raw materials and purchased parts are generally available and should be given. Partial schedules may be submitted provided that they cover substantial portions of the contractor inventory. [JTR 423.2]

§ 844.423–3 *To start the running of the plant clearance period.* The plant clearance period shall be deemed to commence, as to items listed on an inventory schedule, on the date the contracting officer (in the case of the Navy, the cognizant Navy material inspector) receives the schedule in form which he determines to be satisfactory for storage or removal purposes in accordance with § 844.427. In order to start the running of the plant clearance period a war contractor may submit an inventory schedule at any time. For this purpose, partial schedules may be submitted provided that they cover substantial portions of the contractor inventory. [JTR 423.3]

§ 844.424 *To whom schedules submitted.* [JTR 424]

§ 844.424–1 *By prime contractors.* Prime contractors will submit inventory schedules for all purposes to their contracting officers. Navy prime contractors will submit their schedules via their cognizant Navy material inspectors. [JTR 424.1]

§ 844.424–2 *By subcontractors.* (a) In all cases, subcontractors will submit inventory schedules to the next higher tier contractor. When the termination claim of a subcontractor under a Navy prime contract is $10,000 or more, computed according to § 841.122, the subcontractor will submit his schedules via his cognizant Navy material inspector, who will forward copies of such schedules to the next higher tier war contractor and to the local representative of NMR&DA.

(b) In addition, where the contracting officer or a reviewing authority must approve a proposed determination or disposition of material by a subcontractor, the subcontractor under a War Department prime contract will transmit to the contracting officer copies of the pertinent schedule. Such a schedule may be limited to a list of items to be included in the proposed determination or disposition. In the case of the Navy, the NMR&DA is responsible for approving a determination or disposition.

(c) The next higher tier contractor will not forward inventory schedules which he receives from a subcontractor except:

(1) As directed to do so by the contracting officer; or

(2) In support of the subcontractor's settlement proposal, if the settlement with the subcontractor is forwarded for review or approval pursuant to § 846.644.

(d) If a subcontractor wishes to start the running of the plant clearance period for material which he desires the Government to store or to remove, he must submit copies of inventory schedules, satisfactory in form as provided in § 844.427, to the contracting officer or to his local authorized representative. In the case of the Navy, such schedules shall be submitted to the Navy material inspector cognizant of the subcontractor. On request, the contracting officer will inform a subcontractor of the name and address (1) in the case of the War Department, of the contracting officer's authorized representative, if one has been appointed, for the district in which the subcontractor's plant is located, or (2) of the subcontractor's cognizant Navy material inspector. (In most cases the termination notice to the subcontractor will include the name and address of the contracting officer and the number of the prime contract.) [JTR 424.2]

§ 844.425 *Requirements as to form of inventory schedules.* [JTR 425]

§ 844.425–1 *General.* Contractor inventory must be listed on the appropriate schedules referred to in § 844.422. Detailed instructions for the use of the schedules are contained in the "Instructions for Use of Standard Contract Settlement Proposal Forms," set forth in § 849.964. Each schedule must state the contract number of the prime contract. All material listed on a schedule must be at the same location. Government-owned material (including Government-furnished material and equipment) should be separately listed and marked to show that the items are Government-owned. Material subject to special arrangements for disposal, as set forth in § 844.452–3, or items on a production and supply list of a service or bureau, should also be separately listed. Where several war contracts are grouped for termination settlement purposes, the contracts shall be identified, but the schedules need not separate material by contracts. [JTR 425.1]

§ 844.425–2 *Description of items.* (a) The inventory schedules must contain a separate listing of each item of material included, except as provided in paragraphs (b) and (c) of this section. An adequate description of the items listed is essential to enable prospective purchasers to identify particular items, and to accomplish efficient removal or storage of contractor inventory. A commercial description of all metals and of other items believed to have commercial value must be given; stock numbers and prefixes, manufacturers' part numbers, and standard catalog reference numbers should be supplied. For other items, the war contractor need furnish only such description as is sufficient to enable the contracting officer or next higher tier contractor to approve a disposition. In describing items listed on inventory schedules, the war contractor shall be guided by the "Handbook of Standards for Describing Surplus Property," prepared by the War Production Board.

(b) The war contractor need not itemize on an inventory schedule material he believes unserviceable or scrap, provided he segregates the material and prepares a list adequate for purposes of determination that the material is unserviceable or scrap. This list should provide a general record of the material and its cost. If the material is determined to be unserviceable or scrap, the war contractor, with the approval of the contracting officer (in the case of the Navy, the NMR&DA), may make a single descriptive entry for all of it on his inventory schedule and may indicate only its total cost.

(c) Items having a cost of less than $100 each need not be listed separately. These may be grouped together under a "sundry" caption with only a general description of the types of items, provided their aggregate cost does not exceed $5,000, or 20 percent of the total inventory cost, whichever is less. For this purpose, the term "item" means all substantially similar articles in the inventory at any one location. Such listing will be deemed satisfactory in form for storage or removal purposes, provided that at least twenty days before the end of the plant clearance period, the war contractor submits a supplementary schedule listing such items, not to be retained or disposed of, with an adequate description and classification in accordance with paragraph (a) of this section and § 844.425.3. [JTR 425.2]

§ 844.425.3 *Classification of items.* (a) A classified arrangement of listed items is required to start the running of the plant clearance period, except in the case of work in process, and material having no commercial value. Detailed instructions for classifying items on the inventory schedules are set forth in Appendix A to the "Instructions for Use of Standard Contract Settlement Proposal Forms" (§ 849.964).

(b) War contractors may submit inventory schedules which do not contain the prescribed classification of listed items. This will expedite the submission of a settlement proposal and avoid classifying items which may be disposed of. Such a schedule will not start the running of the plant clearance period until a supplementary schedule is submitted containing the prescribed classification. [JTR 425.3]

§ 844.425–4 *Recommendations of war contractors.* War contractors should make scrap recommendations by inserting an "S" in column 7 of the inventory schedules, as stated in the instruction for use of inventory schedules (§ 849.964). Under Regulation No. 9 of the Surplus Property Board (Part 8309 of Title 32) contractor inventory may be determined to be unserviceable without a separate determination that any particular material may be scrap. Where the war contractor considers that material is unserviceable, but not necessarily scrap, he should insert the letter "X" in column 3 of the inventory schedules (column 7, in the case of Form 2c) opposite the description of the material. [JTR 425.4]

§ 844.426 *Inventory schedule certificate.* [JTR 426]

§ 844.426–1 *Certificate to accompany all schedules.* Each inventory schedule or set of schedules submitted together must be accompanied by a certificate in the form set forth in Appendix B to the "Instructions for Use of Standard Contract Settlement Proposal Forms" (§ 849.964). [JTR 426.1]

§ 844.426–2 *Tender of title.* Government officers may rely upon the representation of the war contractor in his certificate that title to material listed in the attached schedules is tendered free and clear of all liens and encumbrances. Unless otherwise agreed, the Government will not accept title until the War or Navy Department takes possession of contractor inventory. [JTR 426.2]

§ 844.426–3 *Statement of storage space.* Where the war contractor indicates in the prescribed form of certificate that he is willing to negotiate with the Government to store all or part of the material listed, he should attach a statement of the approximate amount he is willing to store on acceptable terms. [JTR 426.3]

§ 844.426–4 *Change of certificate accompanying unclassified schedules.* Whenever unclassified schedules are submitted as provided in § 844.425–3, the statements regarding storage or removal by the Government and tender of title by the war contractor contained in the second paragraph of the prescribed form of certificate should be omitted. [JTR 426.4]

§ 844.427 *Acceptance of schedules as satisfactory in form for storage or removal.* [JTR 427]

§ 844.427–1 *Meaning of satisfactory in form.* (a) Inventory schedules must be submitted in satisfactory form to start the running of the plant clearance period. Such schedules must meet the general requirements referred to in § 844–425–1, must contain an adequate description and classification of items listed in accordance with §§ 844.425–2 and 844.425–3, and must be accompanied by the prescribed certificate referred to in § 844.426.

(b) In addition, in order to obligate the Government to store or remove termination inventory, subcontractors shall supply a certificate from the next higher tier contractor that in his opinion the termination inventory listed in the schedules is allocable to the subcontractor's terminated contract, unless the contracting officer (or, in the case of the Navy, the cognizant Navy material inspector) agrees to accept, in lieu of such certificate, other evidence of allocability which he deems satisfactory. If commencement of the plant clearance period will be delayed unduly by having to procure such a certificate, the subcontractor need not include the certificate with his original submission of inventory schedules, but may submit it at a later date. However, the Government will be under no obligation to remove termination inventory until twenty days after receipt of the certificate (or other satisfactory evidence of allocability) or until the end of the plant clearance period, whichever is the later.

(c) Acceptance of an inventory schedule as satisfactory in form for storage or removal purposes will not affect the Government's right to require additional information on any listed item, to contest the allocability of any item, or to exclude any listed item on any proper ground. [JTR 427.1]

§ 844.427–2 *Return of schedules not found satisfactory.* (a) The contracting officer (in the case of the Navy, the cognizant Navy material inspector) to whom a schedule is submitted will determine whether it is satisfactory in form for purposes of storage or removal by the Government of items listed. If the officer to whom a schedule is submitted considers that it is not satisfactory in form for purposes of storage or removal, he will return the schedule within ten days from the time he receives it, with a brief statement of its deficiencies. The schedule will be deemed to have been returned on the date it is mailed or delivered by hand to the war contractor. Except as provided in paragraph (b) of this section, if a schedule is not so returned to the war contractor within ten days of its receipt, the schedule will be considered satisfactory in form for purposes of storage or removal and the plant clearance period will commence to run from the date the schedule was first received.

(b) Where an unclassified schedule is submitted without the certificate required by § 844.426–1, or where a schedule, whether classified or unclassified, is submitted with a certificate, but the certificate has been modified in accordance with § 844.426–4, no action need be taken to return the schedule as not satisfactory in form for storage or removal purposes. [JTR 427.2]

§ 844.428 *Notification to war contractor of disposition of material.* Every effort should be made by the contracting officer and the war contractor to determine which items of contractor inventory the Government will require for its own use, and which items can be otherwise disposed of prior to the submission of inventory schedules. If practicable, within twenty days after the contracting officer (in the case of the Navy, the cognizant Navy material inspector) receives an inventory schedule, the war contractor will be notified which items the owning agency will require for its use. Such notice should be given at the time of termination, where practicable. Except where the war contractor is authorized to dispose of contractor inventory without approval of the contracting officer, he will also be notified, if practicable, within such twenty-day period, which items may be disposed of as unserviceable or as scrap, and which items the war contractor will be permitted to retain for his own use at prices agreed upon. The authority of the contracting officer to approve disposal of material however, is not limited to such twenty-day period. [JTR 428]

SUBPART C—GENERAL PROVISIONS RELATING TO AUTHORITY TO MAKE AND APPROVE DISPOSITIONS

§ 844.430 *Scope.* This subpart contains the general provisions relating to the authority of war contractors and representatives of the War and Navy Departments to make and approve dispositions of contractor inventory. The price policies and conditions applicable to specific situations are stated in subpart D. [JTR 430]

§ 844.431 *Basic policy.* (a) Regulation No. 9 of the Surplus Property Board (see Part 8309 of Title 32) empowers owning agencies to authorize war contractors to dispose of contractor inventory, and establishes certain price policies governing the disposition of contractor inventory.

(b) In disposing of contractor inventory war contractors and representatives of the owning agency should attempt to realize as much as possible. Whenever approval of retentions and sales is required, compliance with the price policies is a matter to be determined according to the best judgment of the contracting officer or of the next higher tier war contractor approving the retention or sale, subject to the approval of a reviewing authority where required. Officers authorized to make and approve retentions and sales will be supported by higher authority in the exercise of their honest judgment. [JTR 431]

§ 844.432 *Authority and responsibility of war contractors to dispose of contractor inventory.* [JTR 432]

§ 844.432–1 *Basic authorization.* Pursuant to Regulation No. 9 of the Surplus Property Board (Part 8309 of Title 32), war contractors are authorized to retain or to sell contractor inventory in accordance with the provisions of this part. In certain cases, as provided in this part, subcontractors are authorized to retain or sell contractor inventory with the approval of their next higher tier contractor. In such cases, the next higher tier contractors are authorized to and should approve retentions or sales by their subcontractors which meet the requirements set forth in this part. [JTR 432.1]

§ 844.432–2 *War contractor's authority, where title is in the Government.* (a) Where Government-owned material or material acquired or produced under a cost-plus-a-fixed-fee war contract or other war contract which provides that title to it shall vest in the Government, is in the possession of the war contractor, he may dispose of it in accordance with this subchapter.

(b) Certain contracts of these types provide that the proceeds of any such disposition shall be applied in reduction of payments to be made under the war contract. The uniform termination article for cost-plus-a-fixed-fee contracts (§ 849.932) contains such a provision with respect to termination inventory. Where any contract of this type does not contain such provision, it should be amended to include it. The Instructions to Prime Contractors (§ 849.943) provide that the contractor is authorized to dispose of Government-owned material, and to credit the proceeds against the termination claim, and that if the contract does not provide for such disposition and credit, it will be deemed to be amended accordingly upon the contractor's exercise of this authority.

(c) Where the contract contains such a provision or has been amended in accordance with paragraph (b), the proceeds of any retention or other disposition of such Government-owned inventory may be applied to reduce the amount otherwise payable under the contract, unless the contracting officer otherwise directs. Where the contract does not contain such a provision and is not amended in accordance with paragraph (b), such proceeds must be paid over to the Government and covered into the Treasury as miscellaneous receipts. [JTR 432.1]

§ 844.432–3 *General restrictions on war contractor's authority.* The authority of a war contractor to dispose of contractor inventory or to authorize or approve a disposition by a subcontractor is subject to the following general restrictions, in addition to the restrictions specifically set forth in this part:

(a) Any applicable Government restrictions upon the disposition of secret, confidential, or restricted material, or existing contract provisions regarding the disposition of material under the contract, or any restriction on the disposition of material subject to a lien, shall govern such disposition, notwithstanding the provisions of this subchapter.

(b) The contracting officer may require any item of contractor inventory to be transferred to the Government. He will do so in the case of critical items or other items which the Government wishes to acquire for production or supply purposes.

(c) The contracting officer may require that no disposition of Government-furnished equipment and material be effected without his approval, and he may specify methods for preparing and routing inventory schedules of such equipment or material.

(d) If a service or bureau has entered into a special agreement with a disposal agency covering the disposition of certain classes of contractor inventory, the war contractor may not dispose of such material except as provided in §844.452–3.

(e) War contractors shall not sell contractor inventory to persons known by them to be officers, enlisted personnel or civilian employees of the War or Navy Department.

(f) A war contractor will not retain or sell his contractor inventory, nor approve a retention or sale by his subcontractor, unless the price is the best price obtainable and one that he would approve if reimbursement by the Government were not involved.

(g) The authority of a subcontractor to retain or sell contractor inventory

with the approval of the next higher tier contractor does not extend (1) to a sale by a subcontractor to the next higher tier war contractor or to an affiliate of such war contractor, or (2) to a retention or sale by a subcontractor affiliated with the next higher tier contractor. Such sales require the specific approval of the contracting officer. For this purpose a contractor is considered to be affiliated with another person if they are under common control or if there is any common interest between them, by reason of stock ownership or otherwise, which is sufficient to create a reasonable doubt that the bargaining between them is completely at arm's length. The decision of the war contractor as to this question may be accepted by the contracting officer in the absence of information to the contrary.

(h) The authority granted to war contractors to retain or sell, or to approve retention or sale by a subcontractor, of contractor inventory, does not include the authority to destroy or abandon worthless material or to approve destruction or abandonment of worthless property without the approval of the contracting officer (in the case of the Navy, the local NMR&DA officer or the Navy material inspector when the war contractor submits his claim properly on Form 1a) or disposal board, required by § 844.447–2. [JTR 432.3]

§ 844.432–4 *Revocation of war contractor's authority.* The contracting officer may at any time revoke or restrict the authority of a war contractor to make or approve sales and retentions of contractor inventory. The revocation or restriction will not operate retroactively. The contracting officer may cancel such revocation. [JTR 432.4]

§ 844.432–5 *Finality of authorized dispositions.* Authorized retentions or sales of contractor inventory which meet the requirements of this part, including dispositions which do not require the approval of the contracting officer, will be accepted by the Government as final and conclusive, in the absence of fraud. [JTR 432.5]

§ 844.433 *Authority of War and Navy Departments to dispose of contractor inventory.* [JTR 433]

§ 844.433–1 *General.* The War and Navy Departments, before taking possession, may dispose of contractor inventory title to which is in the Government or tendered to the Government, in the following cases.

(a) Redistribution within War or Navy Department, in accordance with §844.433–2;

(b) Dispositions under the Surplus Property Act:

(1) Dispositions for war production purposes, in accordance with § 844.433–3;

(2) Sales of scrap, salvage, waste, small lots, emergency disposals, and destruction or abandonment of worthless property, in accordance with Surplus Property Board Regulation No. 9 (Part 8309 of Title 32) (see Subpart D).

(3) Sales of plant equipment in accordance with Surplus Property Board Regulation No. 6 (Part 8306 of Title 32).

(c) Dispositions under statutory authority other than the Surplus Property Act, in accordance with § 844.433–4. [JTR 433.1]

§ 844.433–2 *Redistribution within War or Navy Department*—(a) *Within the War Department.* To accomplish redistribution of contractor inventory for authorized production or supply requirements, contracting officers should cooperate fully with district organizations and industry integrating committees, and take such independent action as may be proper under the circumstances. Circularization, however, is not required. The chief of a service will furnish contracting officers lists of items which are to be referred to him for redistribution assistance. If no such lists are furnished, the contracting officer will exercise his judgment in referring significant items to the chief of the service. The chief of the service will give prompt consideration to the utilization of such items within his own service, and, informally, may bring selected items to the attention of other services. Redistribution efforts by the chief of a service under this section will not be permitted to delay or to limit local disposition, except as the chief of service may direct.

(b) *Within the Navy Department.* To accomplish redistribution of contractor inventory, but avoid unnecessary circularization, each bureau shall endeavor to inform its contracting officers and Navy material inspectors of the types of material needed for its production and supply requirements. Where such lists are used, the disposition procedures set forth in this Subpart D may be appropriately modified with the approval of the Industrial Readjustment Branch, OF&M, except that the requirements for removal and storage set forth in Subpart F must be met. The NMR&DA will be responsible for general redistribution among the bureaus and activities of the Navy Department. The NMR&DA may, to the extent deemed desirable by it, circularize inventory schedules among the bureaus, or effect such redistribution as is practicable by its Material Redistribution and Disposal Offices in the field through local action with Navy material inspectors or other local representatives of the Navy Department. [JTR 433.2]

§ 844.433–3 *Dispositions for war production purposes.* Nothing in Regulation No. 9 of the Surplus Property Board (Part 8309 of Title 32) applies to retentions or disposals of property for war production purposes. The War and Navy Departments may dispose of, and authorize the disposition of, contractor inventory for war production purposes. Such dispositions will be governed, in the War Department, by Part 823 of Subchapter B and, in the Navy Department, by Property Disposition Directive No. 1. [JTR 433.3]

§ 844.433–4 *Dispositions under statutory authority other than the Surplus Property Act.* (a) Section 34 of the Surplus Property Act provides that "this act shall not impair or affect any authority for the disposition of property under any other law, except that the Board may prescribe regulations to cover any disposition of surplus property under any such authority." Regulation No. 9 of the Surplus Property Board applies only to dispositions under the Surplus Property Act.

(b) Under statutory authority other than the Surplus Property Act, transfers to Government agencies, sales, donations, loans, exchanges, and other dispositions of contractor inventory, title to which is in the Government, will be made in the case of the War Department, in accordance with Subchapter B and, in the case of the Navy Department, in accordance with Property Disposition Directive No. 1. [JTR 433.4]

§ 844.434 *Approval of dispositions.* [JTR 434]

§ 844.434–1 *Authority of contracting officer.* Whenever a disposition of contractor inventory requires the approval of the contracting officer, such approval may be given for a particular transaction, or advance approval may be given where prices or stated discounts from costs have been determined for selected items or selected classes of material. [JTR 434.1]

§ 844.434–2 *Authority of war contractors to approve dispositions by subcontractors.* (a) War contractors are authorized to approve retensions and sales of small inventories in accordance with § 844.444.

(b) The contracting officer may authorize a war contractor, regardless of the amount of his claim, to approve retentions and sales by his subcontractor, where the cost of the material to be disposed of in a single disposition does not exceed $10,000. Such retentions and sales are subject to review under the conditions stated in § 844.449. No disposition will be divided into separate transactions for the purpose of avoiding the limit fixed for a single disposition. The contracting officer may establish conditions and fix limits under which the war contractor may approve disposition of specific classes of material, individual items, or lots. The authority granted under this section to approve dispositions of contractor inventory includes the authority to determine that material is unserviceable, whenever such determination is required.

(c) Any authority granted to a war contractor under this section shall be subject to the restrictions set forth in § 844.432–3, and shall be exercised only in accordance with requirements and price policies set forth in subpart D. [JTR 434.1]

§ 844.439 *Regulations of other agencies.* [JTR 439]

§ 844.439–1 *War Production Board regulations.* Priority Regulation No. 13 of the War Production Board imposes certain restrictions on the disposition of termination inventory. War contractors and contracting officers shall comply with that regulation. Representatives of the War and Navy Departments, however, are not responsible for policing a war contractor's compliance with War Production Board regulations in the case of dispositions of contractor-owned termination inventory by the contractor. In approving such dispositions by the contractor, such representatives may rely on the contractor to comply with any applicable regulations. Representatives of the War and Navy Departments responsible for making or approving dispositions of Government-owned termination inventory may rely upon the buyer's statement that a purchase is in compliance with all War Production Board regulations affecting the buyer, unless there is reason to believe that such representation is false. This representation should be incorporated in each written contract of sale [JTR 439.1]

§ 844.439–2 *Regulations of Office of Price Administration*—(a) *General.* All dispositions of contractor inventory are subject to OPA Supplementary Order No. 94, which establishes price regulations covering retentions and sales of contractor inventory.

(b) *Retention or sale of contractor inventory at acquisition cost.* (1) A retention or sale of any item of raw material, supplies, component parts, semi-processed and semi-fabricated material in a contractor inventory not exempt and not made in reliance upon a certificate, nevertheless complies with OPA regulations if made at a price not exceeding acquisition cost (although a sale may be made at a price in excess of acquisition cost if it complies with OPA regulations).

(2) "Acquisition cost" of contractor inventory means the purchase price, plus freight, if any, paid by the war contractor for the item, and may be averaged. Freight charges which cannot be definitely assigned or allocated to the item may be estimated. Where the item has been fabricated or processed by the war contractor, direct labor costs plus the appropriate allocable factory overhead (which may be estimated if actual figures are not available) may be added to the acquisition cost. For purposes of determining compliance with OPA regulations, the cost shown by war contractors on termination inventory schedules may be accepted by contracting officers as representing acquisition cost. The acquisition cost of property furnished to the war contractor by the Government may be estimated, if the actual cost is unknown or cannot reasonably be ascertained.

(c) *Exemptions from price ceilings.* Price ceilings established by the Office of Price Administration do not apply to a sale of contractor inventory (other than a sale of food) where the sale is:

(1) To another Government agency;

(2) To any foreign government or agency thereof;

(3) To a prime contractor (but not to a subcontractor) for use in carrying out his prime contract with a Government agency;

(4) To any relief organization for donation or export sale;

(5) Of a single item or group of items where the sale price estimated to be obtainable for all substantially similar items available for sale at the place of sale does not exceed $300;

(6) Of scrap metal to a dealer in such material purchasing solely for resale, provided that:

(i) The dealer certifies that he is purchasing such material for resale and that in reselling he will not exceed the applicable OPA maximum prices, and

(ii) The seller has no reason to doubt the accuracy of the dealer's certificate.

(d) *Reliance on buyer's certificate.* Unless war contractors and contracting officers have reason to doubt the accuracy of the certificate hereinafter set forth, they may make any sale of contractor inventory (other than of food), without verifying OPA ceiling prices, in reliance upon a certificate in the following form executed by the buyer:

> The undersigned hereby certifies that the price paid (to be paid) (to be credited to the Government) for the goods purchased (to be purchased) (to be retained by the undersigned) under (identify contract, bid or quotation) does not exceed one of the following:
>
> (a) The maximum price applicable to purchases by the undersigned, from usual sources of supply, of the goods in the quantity and at the place of delivery specified in such contract (bid, quotation), or
>
> (b) The maximum selling price applicable to sales by the undersigned, in its capacity as a manufacturer, producer or processor of the same goods, disregarding minor differences in specifications or design, in the quantity and at the place of delivery specified in such contract (bid, quotation).

[JTR 439.2]

SUBPART D—PRICE POLICIES AND CONDITIONS APPLICABLE TO SPECIFIC DISPOSITIONS

§ 844.440 *Scope.* (a) This subpart sets forth the price policies and conditions applicable to sales and retentions in specific situations, and states the requirements for review. Any specific sale or retention by a war contractor is subject to the general restrictions on his authority set forth in § 884.432–3.

(b) The table preceding this subpart summarizes the price policies and requirements for each type of retention and sale of contractor inventory by war contractors. This table is a general guide only.[1] [JTR 440]

§ 844.441 *Determinations not required in certain cases.* A determination that material is unserviceable, scrap or salvage is not required in connection with the following types of retentions or sales:

(a) Retentions and sales at cost, in accordance with § 844.442.

(b) Retentions and sales of sundry items, in accordance with § 844.443.

(c) Retentions and sales of small inventories, in accordance with § 844.444.

(d) Retentions and sales of small lots, in accordance with § 844.445–2.

(e) Retentions for use, in accordance with § 844.445–3. [JTR 441]

§ 844.442 *Retentions and sales at cost.* (a) War contractors may retain or sell any contractor inventory at cost, without the approval of the contracting officer or the next higher tier contractor. Reasonable freight, packing, and handling charges on items sold may be included in the termination claim.

(b) For purposes of this section, the cost of completed articles deliverable under the contract is the contract price. [JTR 442]

[1] Filed with the Division of the Federal Register.

§ 844.443 *Retentions and sales of sundry items under $100.* War contractors may retain or sell any item of contractor inventory at the best price obtainable, where the total cost of the item does not exceed $100: *Provided*, That the aggregate cost of all items so retained or sold does not exceed $5,000, or 20 per cent of the total inventory cost, whichever is less. The term "item", as used in this section, includes all substantially similar articles at any one location listed on any one inventory schedule. Such retentions and sales may be made without the approval of the contracting officer or next higher tier contractor. [JTR 443]

§ 844.444 *Retentions and sales of small inventories.* [JTR 444]

§ 844.444–1 *When termination claim is submitted on Form 1a.* (a) A war contractor may retain or sell contractor inventory at the best price obtainable whenever his termination claim is properly submitted on Form 1c, in accordance with this subchapter. However, material furnished by the Government for incorporation in end items may not be sold under the authority of this section unless the cost of such material to be sold and the amount of the net termination claim total less than $1,000.

(b) No approval of a specific retention or sale is necessary. Acceptance of the prime contractor's settlement proposal by the contracting officer constitutes approval of the price offered by the prime contractor for the entire inventory. Acceptance of a subcontractor's settlement proposal by the next higher tier contractor constitutes approval of the price offered for the entire inventory, and in such cases approval by the contracting officer is not required. [JTR 441.1]

§ 844.444–2 *When termination claim is less than $10,000.* (a) A prime contractor may retain or sell any contractor inventory at the best price obtainable with the approval of the contracting officer, whenever the prime contractor's termination claim is less than $10,000 computed according to § 841.122.

(b) A subcontractor may retain or sell any contractor inventory at the best price obtainable, with the approval of the next higher tier contractor, and without the approval of the contracting officer, whenever the subcontractor's termination claim is less than $10,000, computed according to § 841.122.

(c) Completed articles not delivered under the contract, and material furnished by the Government for incorporation in end items may not be retained or sold under the authority of this section, unless the cost of such articles and material to be retained or sold and the amount of the contractor's termination claim, computed according to § 841.122, total less than $10,000. [JTR 444.2]

§ 844.445 *Retentions and sales by war contractors when termination claim is $10,000 or more.* [JTR 445]

§ 844.445–1 *General.* This section applies when the termination claim is $10,000 or more, computed according to § 841.122. It contains certain general provisions which have special ap-

plication to such claims (§§ 844.445–2 and 844.445–3). [JTR 445.1]

§ 844.445–2 *Retentions and sales of small lots.* War contractors may retain or sell small lots of substantially similar items at the best price obtainable. Such retentions and sales require the approval of the contracting officer (in the case of the Navy, the NMR&DA), or the next higher tier contractor authorized under § 844.434–2 to approve his subcontractor's retentions and sales. The decision of the person first authorized to make the determination as to which items are substantially similar shall be accepted, except in the event of an obvious error. Small lots shall not be assembled for purposes of a consolidated sale. [JTR 445.2]

§ 844.445–3 *Retentions for use.* (a) The war contractor may retain for use any contractor inventory at the best price obtainable, with the approval of:

(1) The contracting officer; or

(2) The next higher tier contractor authorized under § 844.434–2 to approve his subcontractor's retentions and sales.

Retentions for use are subject to review under the conditions stated in § 844.449. Although no formal determination is required as to whether the material is serviceable or unserviceable, its nature and condition are relevant in determining whether the contractor is retaining the material at the best price obtainable.

(b) The war contractor retaining contractor inventory for use will execute a use representation, except in the following cases:

(1) Retentions at cost, in accordance with § 844.442.

(2) Retentions of sundry items, in accordance with § 844.443; and

(3) Retentions of small lots, in accordance with § 844.445–2. [JTR 445.3]

§ 844.445–4 *Retentions and sales by war contractors of unserviceable material on the basis of competitive bidding.*—(a) *General.* A war contractor may retain or sell unserviceable material, when his termination claim is $10,000 or more, as provided in this § 844.445–4. Such retentions and sales shall be made on the basis of competitive bidding, except in the cases mentioned in §§ 844.441 and 844.445–5.

(b) *Determinations that material is unserviceable.* (1) A war contractor may not sell or retain for resale contractor inventory as unserviceable material under the authority of this section unless it is first determined to be unserviceable.

(2) Unless material affirmatively appears serviceable, it shall be considered unserviceable. The contracting officer (in the case of the Navy, the NMR&DA) will determine which items of contractor inventory are unserviceable, and will notify the war contractor, in writing, of such determination. War contractors have no authority to determine that material is unserviceable, except as permitted under § 844.434–2. However, war contractors should assist Government personnel by recommending that certain items be considered unserviceable, and by noting such recommendations on their inventory schedules.

(3) The Reconstruction Finance Corporation has set up a system of field consultants who may be called upon for assistance in determining whether contractor inventory is serviceable or unserviceable. The services of such consultants may be obtained by application to the regional offices of the Reconstruction Finance Corporation. War contractors and representatives of the War and Navy Departments should, so far as practicable, confer with and be guided by such consultants. The Reconstruction Finance Corporation, or other appropriate disposal agency, may certify in writing to the contracting officer (in the case of the Navy the NMR&DA) at any time before the material has been physically transferred to the disposal agency and either before or after the owning agency has taken possession, that the material is in its judgment scrap. In addition, the disposal agency may certify in writing to an owning agency that all material of any specified class is in its judgment scrap when such material is part of any war contractor's contractor inventory. In either case, when material is covered by such a certificate, the contracting officer (in the case of the Navy the NMR&DA) may authorize the contractor to dispose of the material or class of material without further review, in accordance with the provisions of this section. Such certificate takes the place of any scrap determination which might otherwise be required.

(4) Unless a scrap certificate has been given by a disposal agency, determination that material, included in any one inventory schedule and located at any one place, is unserviceable must be approved by a reviewing authority pursuant to § 844.449, when the cost of such material is $25,000 or more.

(c) *Requirements for competitive bidding.*—(1) *Invitations to bid.* Competitive bidding will be initiated by the issuance of invitations to bid. An invitation to bid will contain a list of material available for sale. It will state the location of the material, when it may be inspected, when and where bids will be opened, and the terms and conditions of sale. The material will be described in sufficient detail to secure intelligent competition from bidders. Lots will be offered in such reasonable quantities as to permit all bidders, small as well as large, to compete on equal terms. Different types of material will be physically segregated whenever practicable.

(2) *Public notice.* Invitations to bid will be distributed to both large and small prospective purchasers to insure wide public notice concerning the sale. In cases in which the quantity or type of material offered justifies advertising in newspapers or trade publications, that medium of publication may be used.

(3) *Interval between notice and sale.* The material will not be sold less than seven days after the first distribution of the invitations to bid. During that period an opportunity will be afforded to inspect the material at reasonable times.

(4) *List of prospective bidders.* The war contractor, within forty-eight hours after invitations to bid have been issued, will provide the contracting officer (in the case of the Navy, the local NMR&DA officer) with a list of the names and addresses of prospective bidders to whom invitations to bid have been furnished, a copy of the invitation to bid, and a copy of any published advertisement. The contracting officer (in the case of the Navy, the local NMR&DA officer) may add names and addresses to the list of persons invited to bid. If the war contractor intends to bid he will include his own name on this list

(5) *Formalities of bids.* Each bidder will enclose his bid in duplicate in a sealed envelope addressed as directed in the invitation to bid. If the war contractor wishes to retain without a use representation all or part of the material included in the invitation to bid, he must place his bid in a sealed envelope and transmit a copy to the contracting officer (in the case of the Navy, the local NMR&DA officer) in advance of the opening of bids.

(6) *Acceptance of bids.* Bids will be opened at the place and time specified in the invitation to bid. The war contractor shall accept the highest bid unless he considers it to the best interests of the Government to accept a lower bid. In such case he shall furnish the contracting officer (in the case of the Navy, the local NMR&DA officer) a statement of reasons for accepting the lower bid. The war contractor shall reserve the right to reject any or all bids and, unless otherwise specified by the bidder, to accept any item in the bid.

(7) *Approval of contracting officer.* The acceptance of any bid is subject to the approval of the contracting officer (in the case of the Navy, the local NMR&DA officer), or the next higher tier contractor authorized under § 844.434–2 to approve his subcontractor's retentions and sales. The contracting officer will give such assistance to the war contractor in carrying out the procedures prescribed in this section as may reasonably be requested. [JTR 445.4]

§ 844.445–5 *Retentions and sales of scrap without competitive bidding.* (a) War contractors may retain or sell scrap without competitive bidding (but with a scrap warranty) in exceptional cases or classes of cases: *Provided*, That:

(1) A determination has been made by the contracting officer (in the case of the Navy the NMR&DA), approved by the reviewing authority, that the material is scrap, and that it is to the best interest of the Government to dispose of it by negotiated sale; or

(2) A scrap certificate has been given by the disposal agency, as provided in § 844.445–4 and a determination has been made by the owning agency, approved by the reviewing authority, that it is to the best interest of the Government to dispose of it by negotiated sale.

(b) Retentions and sales under this section require the approval of the contracting officer (in the case of the Navy, the local NMR&DA officer), or the next higher tier contractor authorized under § 844.434–2 to approve his subcontractor's retentions and sales. [JTR 445.5]

§ 844.445–6 *Retentions and sales of serviceable material.* (a) The retentions and sales referred to in § 844.441 do not come within the application of this section.

(b) When the war contractor's termination claim is $10,000 or more, he may retain serviceable material or sell serviceable material to any buyer, at the best price obtainable, but not less than 50% of cost.

(1) Where the cost of serviceable material that will be available for sale at any one time at any one location is less than $10,000, the war contractor may retain or sell such material without the necessity of advertising.

(2) Where the cost of serviceable material that will be available for sale at any one time at any one location is $10,000 or more, the contractor shall publish a notice in a newspaper of general circulation in the locality. The notice shall indicate in general terms the types of material that are expected to be available for sale and shall name a date (not less than seven days from the date of first publication of the notice) on or after which such material will be available for sale. On and after the date of sale fixed in the notice the war contractor may sell the material or portions thereof. He shall conduct sales in the manner in which a reasonably prudent business man would dispose of property in normal commercial transactions, endeavoring to secure the maximum return consistent with expedtious disposition. So far as feasible, lots will be offered in such reasonable quantities as to permit all bidders, small as well as large, to compete on equal terms. Where the war contractor intends to offer to retain the material without a use warranty, he shall, at the time of publication of the notice, file with the contracting officer (in the case of the Navy, the local NMR&DA officer) a statement of the price he offers for the material.

(c) If contractor inventory cannot be disposed of within a reasonable time on the terms stated in paragraph (b), sales may be made at the best price obtainable to any buyer who furnishes a use representation.

(d) Retentions or sales under this section require the approval of the contracting officer (in the case of the Navy, the NMR&DA), or the next higher tier contractor if authorized under § 844.434–2 to approve his subcontractor's retentions and sales. Such retentions and sales shall be subject to review under the conditions stated in § 844.449. [JTR 445.5]

§ 844.446 *Sales by War and Navy Departments.* [JTR 446]

§ 844.446–1 *General.* (a) Under the Uniform Termination Article, war contractors are required to use their best efforts to sell termination inventory. The policy of the War and Navy Departments is to assist war contractors in disposing of contractor inventory, so that the owning agency will not have to take possession of such material.

(b) The owning agency may dispose of small lots and scrap and salvage in contractor inventory. Generally it should not be necessary to exercise this authority. It may be exercised when the contracting officer (in the case of the Navy, the NMR&DA) considers that such action is to the best interest of the government. In sales by the owning agency under the authority of this section, the contractor's tender of title will be accepted, and the material will be sold as government-owned property. The proceeds of such sales will be paid to the government and covered into the Treasury as miscellaneous receipts. [JTR 446.1]

§ 844.446–2 *Small lots.* Contracting officers (in the case of the Navy, the NMR&DA) may sell small lots of substantially similar items at the best price obtainable. The decision of the first person authorized to make the determination as to which items are substantially similar shall be accepted, unless there is an obvious error. Small lots shall not be assembled for the purpose of a consolidated sale. [JTR 446.2]

§ 844.446–3 *Scrap and salvage.* (a) The contracting officer (in the case of the Navy, the NMR&DA) will sell scrap and salvage in contractor inventory by competitive bidding, in all but the exceptional cases covered by paragraph (b). Before such a sale, a determination must be made in each instance by the contracting officer (in the case of the Navy, the local NMR&DA officer) that the material is scrap or salvage. When the cost of such material, located at one place at one time, is $25,000 or more, the scrap or salvage determination must be approved by a reviewing authority pursuant to § 844.449. The contracting officer (in the case of the Navy, the NMR&DA) may, if he considers it in the best interests of the Government, require a scrap warranty in any case where material is sold as scrap.

(1) In the War Department, the procedures for competitive bidding are stated in TM 38–505.

(2) In the Navy Department, the procedures for competitive bidding are stated in the NMR&DA Handbook.

(b) In exceptional cases or classes of cases, contracting officers (in the case of the Navy, the NMR&DA) are authorized to sell scrap and salvage in contractor inventory, by negotiated sale, at the best price obtainable. Before such a sale a determination must be made in each instance by the contracting officer (in the case of the Navy, the local NMR&DA officer), approved by a reviewing authority, (1) that the material to be sold is scrap or salvage and (2) that it would be in the best interests of the Government to dispose of it by negotiated sale. The buyer in all such sales of scrap shall furnish a scrap warranty. [JTR 446.3]

§ 844.446–4 *Material certified as scrap by disposal agency.* When material has been certified as scrap by a disposal agency as provided in § 844.445–4, the contracting officer (in the case of the Navy, the NMR&DA) may forthwith, and without further review, dispose of the material or class of material in accordance with the provisions of § 844.446–3. [JTR 446.4]

§ 844.446–5 *Release of scrap warranty.* The scrap warranty may be released in behalf of the Government by the contracting officer (in the case of the Navy, by the NMR&DA) under the following conditions:

(a) The consideration to the Government for the release shall be the difference between (1) the amount at which the material was retained or sold as scrap and (2) an amount not less than that which would be accepted if the material were then to be sold or retained for purposes other than use as scrap. The latter amount shall be determined under the price policies set forth in this subpart, with review and approval in appropriate cases as provided in § 844.449.

(b) The release of the scrap warranty in behalf of the Government will be given by the Government and the consideration paid to the Government, even though the contract containing the warranty was not made directly with the Government. [JTR 446.5]

§ 844.446–6 *Information on sales by War and Navy Departments.* (a) The policy of the War and Navy Departments is to have the facts on all sales of contractor inventory by the owning agency available at the point of sale for public inspection during customary business hours for any proper purpose.

(b) When sales are made on written invitations to bid, copies of invitations and information as to sales may be transmitted to periodicals for publicity purpose, to Smaller War Plants Corporation, and to persons who request invitations for the purpose of advising their clients. In any event, copies of written invitations to bid and information as to sales will be open to inspection by representatives of periodicals and other interested persons during customary business hours for any proper purpose. [JTR 446.6]

§ 844.447 *Dispositions of special types of material.* [JTR 447]

§ 844.447–1 *Contractor inventory where there is no contract termination.* Contractor inventory of the types described in subparagraph (b) and (c) of the definition of that term in § 844.411–3 may be in the possession of a war contractor, although there has been no termination of his contract. Where the cost of such material available for sale at any one time at any one location is less than $10,000, it may be disposed of at the best price obtainable, with the approval of the contracting officer (in the case of the Navy, the NMR&DA). Where the cost of such material available for sale at any one time at any one location is $10,000 or more, it may be disposed of in accordance with § 844.445. [JTR 447.1]

§ 844.447–2 *Destruction or abandonment of worthless contractor inventory.* The contracting officer, or the war contractor (with the approval of the contracting officer) may destroy or abandon any worthless contractor inventory. Whenever the cost of the material is more than $1,000, before approving the destruction or abandonment, the contracting officer (in the case of the Navy, the

local NMR&DA officer) must certify to a reviewing authority that:

(a) Reasonable efforts have been made to dispose of the material without success by offering it to at least three persons dealing in that type of material, or that such offer would be useless;

(b) In his opinion the material is worthless, or that the cost of sale would exceed the proceeds thereof; and

(c) The material should be destroyed or abandoned. In such cases, the written approval of the reviewing authority for the proposed destruction or abandonment must be obtained. [JTR 447.2]

§ 844.447–3 *Special attachments to tools owned by Reconstruction Finance Corporation.* The contracting officer (in the case of the Navy, the NMR&DA) may transfer to the Reconstruction Finance Corporation (Office of Defense Plants) without reimbursement, special attachments which are attached to machines or machine tools owned by the Reconstruction Finance Corporation. In such cases the contracting officer (in the case of the Navy, the NMR&DA) shall first determine that such special attachments have no commercial value separate from the machines to which they are attached or that the cost of the care and handling and disposition of such special attachments, separate from the machines to which they are attached, would exceed the estimated proceeds of such disposition. [JTR 447.3]

§ 844.447–4 *Aluminum scrap.* Retentions and sales of aluminum scrap are subject to the pricing policies and other provisions set forth in Regulation 5 of the Surplus War Property Administration (Part 8305 of Title 32). [JTR 447.4]

§ 844.447–5 *Production equipment.* (a) Certain contractor-owned machine tools and other production equipment are contractor inventory, but not plant equipment as that term is defined in Regulation No. 6 of the Surplus Property Board (Part 8306 of Title 32). War contractors may retain or sell such production equipment:

(1) With the approval of the contracting officer; or

(2) With the approval of the next higher tier contractor authorized under § 844.434–2 to approve his subcontractor's retentions and sales.

(b) Dispositions of production equipment, except small lots and small inventories, will be made in accordance with the following price policies:

(1) All retentions and sales of used standard general-purpose machine tools as defined in Surplus War Property Administration Regulation 3 (see Part 8303 of Title 32), and all used standard machines listed in § 8306.5 (a) of Surplus Property Board Regulation 6 shall be made at prices in accordance with Regulation No. 3, Order No. 2 of the Surplus Property Board (see Exhibit D of Regulation 6) (see Part 8306 of Title 32).

(2) All other production equipment of the types not subject to a fixed price schedule will be retained or sold in accordance with the provisions of this subpart. [JTR 447.5]

§ 844.447–6 *Small lots of material peculiar to aircraft.* In the case of the Navy Department, the NMR&DA may sell any item or group of identical items of material peculiar to aircraft, title to which has been tendered to the Government, at the best price obtainable, when the cost of such items available for sale at any one time at any one location does not exceed $100. [JTR 447.6]

§ 844.448 *Sales on credit.* (a) A war contractor may sell contractor inventory on credit at his own risk. With the approval of the contracting officer (in the case of the Navy, the NMR&DA) a war contractor also may sell contractor inventory on credit, not to exceed sixty days, at the risk of the Government.

(b) The war contractor who makes a sale on credit at the risk of the Government will assign to the Government, at any time on request of the contracting officer, all his right, title, and interest in any claims for the unpaid balance of the purchase price, arising out of such sale. If the Government has not received an assignment of claims arising from such a sale, upon final settlement the owning agency will deduct from the amount of the settlement, as a disposal credit, a sum equal to the amount remaining unpaid upon the sale.

(c) War contractors will not make settlements with subcontractors who have unpaid claims for sales on credit at the risk of the Government, unless such claims have been assigned to the Government and the debtor has been notified of such assignment. A war contractor who makes a settlement with a subcontractor without procuring such assignment will not be credited with the proceeds of the sale in his termination settlement. [JTR 448]

§ 844.449 *Review of determinations and dispositions.* [JTR 449]

§ 844.449–1 *Establishment of reviewing authority.* (a) In the case of the War Department, the review required under this section will be accomplished by disposal boards established under Subchapter B:

(b) In the case of the Navy, the NMR&DA shall establish disposal boards for the purpose of reviewing dispositions of any material and determinations that material is unserviceable, scrap or salvage. The number of boards required, their location and their membership shall be as determined by the Director of the NMR&DA. The chiefs of bureaus shall also establish at least one disposal board in each bureau to review disposition transactions made by direction of a contracting officer of the bureau (or by a Navy material inspector under his authority), where such review is required. [JTR 449.1]

§ 844.449–2 *Determinations subject to review.* The reviewing authority must approve the following determinations:

(a) A determination that material, included in any one inventory schedule at any one location, is unserviceable, when the cost of such material is $25,000 or more;

(b) A scrap or salvage determination, where material is to be sold by the owning agency by competitive bidding, and the cost of such material located at one place at one time is $25,000 or more;

(c) A determination that material is scrap and that it would be in the best interests of the Government for the war contractor to dispose of it by negotiated sale;

(d) A determination that material to be sold by the owning agency is scrap or salvage and that it would be in the best interests of the Government to dispose of it by negotiated sale;

(e) A determination that contractor inventory should be destroyed or abandoned where the cost is more than $1,000. [JTR 449.2]

§ 844.449–3 *Dispositions subject to review.* (a) Retentions for use in accordance with § 844.445–3 and retentions and sales of serviceable material in accordannce with § 844.445–6 are subject to prior review and approval by a reviewing authority where:

(1) The cost of the material to be disposed of by the retention or sale exceeds $100,000 and it is proposed to retain or to sell such material below such cost, less freight and handling charges; or

(2) The cost of the material to be disposed of by the retention or sale exceeds $10,000 and it is proposed to retain or to sell such material at more than 50 per cent below such cost, less freight and handling charges.

(b) For the purpose of determining whether or not a retention or sale shall be submitted for the review and approval of a reviewing authority, simultaneously negotiated retentions or sales of different items to a single buyer, or of the same item to several buyers, shall be considered as a single disposition.

(c) In the case of the War Department, the chief of a service may require prior review and approval by a disposal board, established in his office under § 821.106 of Subchapter B, or, in the case of the Army Air Forces, in the headquarters office of a Command, where the cost of the material to be disposed of by the retention or sale exceeds $500,000 and it is proposed to retain or sell such material at more than 50 per cent below such cost.

(d) The reviewing authority is not authorized to waive or to modify the price policies stated in this Regulation relating to the disposition of contractor inventory, and will not approve retentions or sales which are not in conformity with the price policies. [JTR 449.3]

§ 844.449–4 *Dispositions not subject to review.* The following retentions, sales, or transfers may be made or approved without review, except as may be required by the chief of a service or bureau:

(a) Retentions or sales at cost, as permitted under § 844.442;

(b) Sales of unserviceable material by competitive bidding, as provided in §§ 844.445–4 and 844.446–3;

(c) Sales by negotiation of scrap and salvage (although the scrap or salvage determination and the determination to sell by negotiated sale are subject to review);

(d) Retentions or sales in connection with settlements based on proposals submitted on Form 1a;

(e) Retentions or sales made at specific prices established by, or with the approval of, the Surplus Property Board; including retentions on sales of production equipment at fixed prices in accordance with § 844.447–5;

(f) Sales to a cost-plus-a-fixed-fee war contractor for the account of the Government;

(g) Transfers between services or bureaus of the War or Navy Department, or to another Government agency, whether or not the transfer of funds is required;

(h) Declaration of surplus material to a disposal agency. [JTR 449.4]

SUBPART E—DISPOSITION OF TERMINATION INVENTORY ON SETTLEMENT AND DISPOSITION OF SURPLUS CONTRACTOR INVENTORY

§ 844.450 *Scope.* This subpart covers the disposition of termination inventory upon final settlement with the prime contractor and the methods for accounting for termination inventory by the prime contractor and subcontractors. This subpart also covers the disposition of surplus contractor inventory. [JTR 450]

§ 844.451 *Disposition of termination inventory on settlement.* [JTR 451]

§ 844.451–1 *Accounting for termination inventory on settlement with prime contractor.* Upon final settlement with the prime contractor, all termination inventory of the prime contractor and his subcontractors, whether contractor-owned or Government-owned, must be accounted for in one of the following ways:

(a) By retention by the war contractor and the application of the agreed value in reduction of his claim, or otherwise to the credit of the Government.

(b) By sale (including retentions for resale and return to suppliers) and application of the proceeds in reduction of the war contractor's claim, or otherwise to the credit of the Government.

(c) By destruction or abondonment with the approval of the contracting officer or his representative in accordance with § 844.447–2.

(d) By removal by the Government, evidenced by a receipt in accordance with § 849.971.

(e) By storage by the Government with the war contractor under a storage agreement in accordance with § 844.465.

(f) By storage by the war contractor at the risk and expense of the Government in accordance with § 844.464.

(g) By temporary storage with the war contractor under the settlement agreement with the prime contractor, in accordance with § 844.465–3 or under a special agreement with the subcontractor in accordance with § 844.465–4.

(h) By disposition in accordance with the terms of a contract with the Government. [JTR 451.1]

§ 844.451–2 *Evidence required on settlement with prime contractor.* (a) Upon final settlement of the prime contractor's termination claim, evidence that all termination inventory has been accounted for in accordance with § 844.451–1 may be established in such manner as the contracting officer deems satisfactory.

(b) In the case of claims under $1,000 properly submitted on Standard Form 1a, the contracting officer or any war contractor may accept the submission of such Form itself as satisfactory evidence that the termination inventory covered thereby has been so properly accounted for.

(c) In the case of all other claims, the contracting officer may accept the prime contractor's certification in the final settlement agreement that (1) all of his termination inventory has been properly accounted for and (2) he has received from each of his immediate subcontractors, other than those whose claims were properly submitted on Form 1a, a certificate substantially in the form set forth in § 849.973. It is contemplated (in the case of all claims other than those properly submitted on Form 1a) that each such immediate subcontractor will obtain a similar certificate in turn from each of his immediate subcontractors, and so on, down the line, to the lowest tier subcontractor. In order, therefore, to accomplish prompt settlement of the prime contractor's termination claim against the Government, and of all war contractors' claims of any tier included therein, every war contractor should obtain this certificate (in the case of all claims other than those properly submitted on Form 1a) from each of his immediate subcontractors whose termination claim is included in the war contractor's termination claim. [JTR 451.2]

§ 844.451–3 *Disposition of termination inventory on settlement with subcontractor.* Unless otherwise authorized by the contracting officer, upon settlement of the termination claim of a subcontractor, the settlement agreement made with the subcontractor by the next higher tier war contractor shall identify clearly by reference to inventory schedules all termination inventory which has not been disposed of. Such inventory schedules must be in form satisfactory for purposes of storage or removal by the Government as provided in § 844.427 and must be submitted to the contracting officer (in the case of the Navy, to the cognizant Navy material inspector) upon, or prior to, settlement of the prime contractor's termination claim. All termination inventory should be accounted for in accordance with § 844.451–1 upon, or prior to, settlement by a subcontractor with his next higher tier war contractor; and all such inventory must be accounted for in accordance with that paragraph before reimbursement will be made by the Government to the prime contractor for the amount of the settlement of the subcontractor's claim. [JTR 451.3]

§ 844.451–4 *Undelivered termination inventory.* (a) In the event that any termination inventory not disposed of is lost, destroyed, damaged, or for any reason cannot be delivered by the war contractor at the time of settlement of his termination claim, such termination inventory shall be accounted for as termination inventory retained by the war contractor, and its fair value shall be deducted from his termination claim, except as provided in § 845.542–2 and in paragraph (b) below.

(b) If in accordance with § 844.464 a war contractor has stored any termination inventory at the risk and expense of the Government prior to the execution of a final settlement agreement, and at the date of execution of the settlement agreement any such termination inventory properly allocable to the terminated war contract has been lost, destroyed or damaged, or for any reason cannot be delivered by the war contractor, no charge for the fair value of such termination inventory shall be deducted from the termination claim unless the loss, damage, destruction or inability of the war contractor to deliver such termination inventory is due to his failure to exercise reasonable care in the storage of such termination inventory. [JTR 451.4]

§ 844.452 *Surplus contractor inventory.* [JTR 452]

§ 844.452–1 *General.* (a) When the owning agency takes possession of contractor inventory, the material loses its identity as contractor inventory, for purposes of disposition, and is treated as any other property of the War and Navy Departments. It is deemed surplus unless it is to be retained for production or supply purposes or is to be disposed of under statutory authority other than the Surplus Property Act.

(b) Surplus contractor inventory, like any other surplus property, may be disposed of in the following cases:

(1) Disposition for war production purposes;

(2) Disposition of scrap, salvage, and waste;

(3) Disposition of small lots;

(4) Destruction or abandonment in the interest of health, safety, or security;

(5) Emergency disposals in the interest of health, safety, or security.

These dispositions are governed, in the case of the War Department, by Subchapter B and TM 38–505 and in the case of the Navy Department, the Property Disposition Directive No. 1 and the NMR&DA Handbook.

(c) The basic policy of the War and Navy Departments is that the maximum amount of surplus material be declared to the agencies designated by the Surplus Property Board for disposal of surplus property. [JTR 452.1]

§ 844.452–2 *Declaration to disposal agency in absence of special arrangements.* (a) In the absence of special arrangements of the nature referred to in § 844.452–3, surplus contractor inventory (except stockpile materials, scrap and salvage, and small lots) will be reported to the Regional Office of the Reconstruction Finance Corporation for the region in which the material is located.

(b) Material in process of storage or removal at the time of execution of a final settlement agreement with the prime contractor will not be reported until it has reached its destined place of storage.

(c) In the case of the War Department, declarations to disposal agencies are governed by Part 827 of Subchapter B.

(d) In the case of the Navy Department, when surplus contractor inventory is declared to a disposal agency, the material shall be listed in triplicate on Form

SPB–1, or on mechanical accounting lists or inventory schedules (Forms 2a, 2b, 2c and 2d) attached to Form SPB–1 as a cover transmittal sheet. [JTR 452.2]

§ 844.452–3 *Declaration to disposal agency under special arrangements.* Special arrangements have been entered into under a Memorandum of Understanding between the Army Air Forces, the Navy, Army Signal Corps, and Defense Supplies Corporation, as agent for the Reconstruction Finance Corporation, covering disposition of certain electronic components, parts, and equipment. Other such special arrangements may be made with the approval of the Readjustment Division, ASF, or the Industrial Readjustment Branch, OP&M. A war contractor whose contractor inventory is subject to such arrangements will be notified by the contracting officer. The terms of such arrangements will be observed in disposing of contractor inventory affected thereby and in declaring items thereof to a disposal agency as surplus. [JTR 452.3]

§ 844.452–4 *Action after declaring surplus contractor inventory.* (a) The contracting officer (including, in the case of the Navy, the NMR&DA) will not make or approve dispositions of contractor inventory after it has been declared to a disposal agency as surplus, except as provided in paragraph (b) and except that scrap may be sold upon receipt of a scrap certificate from a disposal agency. Such certification may be given at any time before the material is transferred physically to the disposal agency.

(b) After surplus contractor inventory is declared to a disposal agency, further action will be taken only in accordance with Part 827 of Subchapter B in the case of the War Department, or Property Disposition Directive No. 4 and the NMR&DA Handbook in the case of the Navy. [JTR 452.4]

§ 844.452–5 *Disposition of stockpile materials*—(a) *Within the War Department.* When any of the stockpile materials listed in § 829.909 of Subchapter B are included in contractor inventory in quantities equal to or in excess of the minimum quantities therein indicated and are not disposed of prior to the War Department taking possession, they will be reported to the chief of service having jurisdiction over the contractor inventory, and held for disposition instructions Requests for such instructions will be made in triplicate by the field installation concerned on W. D., A. G. O., Form 257, in accordance with § 829.909–1 of Subchapter B. Copies of the form may be requisitioned from Adjutant General depots. It is imperative to expedite action under this paragraph to avoid double handling of stockpile materials. Upon receipt of W. D., A. G. O. Form 257 covering any lot of stockpile materials, the chief of service will execute a first endorsement thereto and forward two copies to the Director, Production Division, ASF. The Director, Production Division, ASF, is responsible for the issuance of disposition instructions. If instructions are issued to hold the material for stockpile, the chief of service will: (1) Arrange for permanent storage of the material; (2) issue instructions to the appropriate field installation to accomplish permanent storage; (3) advise the Director, Production Division, of the location and manner of storage; and (4) dispose of the material only upon specific authorization of the Director, Production Division. If instructions are issued not to hold the material for stockpile, the chief of service will direct the appropriate field installation to dispose of the material as surplus.

(b) *Within the Navy Department.* The NMR&DA is responsible for reporting stockpile materials to the Office of Procurement and Material for disposition instructions. [JTR 452.5]

SUBPART F—PLANT CLEARANCE: REMOVAL AND STORAGE

§ 844.460 *Scope.* (a) This subpart provides instructions for plant clearance, the removal and storage of contractor inventory, and indicates the conditions under which the storage is administered by the owning agency and by the disposal agency.

(b) This subpart applies only with the approval of the contracting officer to:

(1) Government-owned material no longer required or in excess of the amounts needed to complete performance of a war contract; and

(2) Material no longer required for the performance of a war contract as a result of any change in the specifications or plans thereunder. [JTR 460]

§ 844.461 *Duty to clear contractor's plant within sixty days.* (a) Where contractor inventory is not otherwise disposed of, the Government will store such material with the war contractor or will remove it from the war contractor's premises, within sixty days (or such longer time as may be agreed to by the contractor) after receipt of inventory schedules satisfactory in form.

(b) The owning agency has the final responsibility for the removal or storage of material not otherwise disposed of. However, when contractor inventory is declared surplus the disposal agency will be requested to make storage arrangements with the war contractor or furnish shipping instructions to a designated storage point. Such requests, so far as practicable, shall be made sufficiently in advance of the required date of plant clearance to allow for preparation for storage and shipment by that date. In the event it is not possible for the disposal agency to make the requested storage arrangements, the owning agency shall arrange for storage of the material.

(c) The owning agency is responsible for packaging and preparing material for storage and for initial shipping to storage, whether storage arrangements are made by the owning agency or the disposal agency. After material is stored with the war contractor under a storage agreement executed by a disposal agency or shipped in accordance with shipping instructions issued by the disposal agency, accountability for the material and any subsequent care and handling is the responsibility of the disposal agency.

(d) In the Navy Department, the cognizant bureau is responsible for the removal of material retained by the bureau for production and supply purposes. The NMR&DA is responsible for furnishing storage space for such material, when requested by the bureau. In addition, the NMR&DA is responsible for the removal of all other contractor inventory not disposed of and for the execution of all agreements covering the storage of surplus contractor inventory with the contractor or elsewhere, and for the execution of all agreements covering the storage of production and supply items other than with the contractors. The cognizant bureau will execute agreements with the contractor covering (1) the storage of items which the bureau desires to have retained at the war contractor's plant for possible use under future procurement contracts, (2) the storage of production and supply items pending issuance of shipping instructions, and (3) the storage of items where the contractor will perform work or services other than handling, packaging, and preservation, in addition to the storage of material. The NMR&DA will assist the bureaus in determining the form of such agreements, storage charges and similar matters. [JTR 461]

§ 844.462 *Transfer of title to contractor inventory.* Title to contractor inventory, not already owned by the Government, is transferred to the Government when the owning agency takes possession of such material or accepts the contractor's tender of title. [JTR 462]

§ 844.463 *Contractor's right to store at his own risk.* Unless the contract contains contrary provisions and such provisions have not been waived, a war contractor may at any time remove from his plant and store on his own premises or elsewhere any items of contractor inventory at his own risk. The war contractor will use reasonable care in the transportation and preservation of material so removed and stored, and will comply with any directions or specifications covering removal, preservation, transportation and storage which may be issued by the contracting officer (including, in the case of the Navy, the NMR&DA). The war contractor is entitled to be reimbursed for the reasonable cost of (a) necessary or appropriate transportation, preservation, protection and storage, and (b) compliance with any directions or specifications in connection therewith issued by the contracting agency. Ordinarily, charges for storage of contractor inventory prior to the expiration of the plant clearance period will not be deemed a reasonable settlement expense. The war contractor should give the contracting officer twenty days prior notice of his intention to remove any substantial portion of the contractor inventory. (See Regulation No. 10 of the Office of Contract Settlement, Part 8051 of Title 32). [JTR 463]

§ 844.464 *War contractor's right to remove and store for account and at risk of Government.* (a) Where neither the owning agency nor a disposal agency enters into a storage agreement with a war contractor or removes termination inventory within the plant clearance period, the war contractor may remove and store for the account and at the risk and expense of the Government any termination inventory not otherwise disposed of, stored, or removed; subject, however, to the requirements stated in paragraphs (b) and (c) below.

(b) The war contractor will deliver to the contracting officer (in the case of the Navy, to his cognizant Navy material inspector):

(1) Twenty days' notice in writing in advance of the date fixed for removal; and

(2) A certified statement that the inventory schedule, as originally submitted or as modified, or a revised schedule, represents a concurrent physical inventory of the items to be removed.

Notice of removal may be delivered before or after the expiration of the plant clearance period, but submission of such notice will not shorten the period.

(c) War contractors will use reasonable care in the transportation and preservation of material removed and stored, regardless of any contract provision requiring a lesser degree of responsibility for the care and preservation of material during performance of the contract. Material will be prepared for removal in accordance with § 844.466–1 governing the preparation of material for removal by the owning agency.

(d) Prior to the date fixed for removal of the material by the war contractor, the contracting officer (in the case of the Navy, the cognizant Navy material inspector) should, to the extent practicable, verify the material on the schedule as to quantities and condition and as to its allocability to the terminated war contract. Under section 12 (d) of the act, if the contracting officer fails to check such material at or before the time of its removal, a certificate of the war contractor, specifying the material on the schedule which has been removed, and submitted to the contracting officer within thirty days after the date fixed for removal, will constitute prima facie evidence against the Government as to the quantities and condition of the material removed, and the fact of its removal. [JTR 464]

§ 844.465 *Storage by the owning agency.* [JTR 465]

§ 844.465–1 *General.* (a) The owning agency may store contractor inventory before it is declared surplus in facilities operated by the services, bureaus, or other Government agencies. If storage space is not available immediately in such facilities, and other storage space cannot be obtained through the Space Control Committee of the Surplus Property Board, the owning agency may store contractor inventory with the terminated war contractor or other war contractors in commercial warehouses. It is recognized also that the owning agency will be compelled to store temporarily in cases where the disposal agency is unable to assume immediately its responsibility for the care and handling of surplus material. Open storage may be utilized, depending upon the character of the material to be stored. The Surplus War Property Administration "Guide for Storage of Plant Equipment, Termination Materials, and other Property" should be consulted in determining the type of storage and the preparation of contractor inventory therefor.

(b) War contractors will package and mark contractor inventory prior to its removal for storage as prescribed in § 844.466–1, unless directed otherwise by the owning agency. [JTR 465.1]

§ 844.465–2 *Storage by owning agency with war contractor under standard storage agreements.* (a) Agreements with war contractors for the storage of contractor inventory will normally be made substantially in accordance with either one of the two forms of standard storage agreements set forth in § 849.972. If a storage agreement is entered into with a prime contractor under a cost-plus-a-fixed-fee contract or other contract pursuant to which title is already vested in the Government, the provisions for transfer of title and allocability should be deleted from the form of storage agreement. Where a storage agreement made with a subcontractor, appropriate changes will be made in the recitals and in the first two articles of the forms in § 849.972.

(b) The form of standard storage agreement set forth in § 849.972–1 will be used for storing contractor inventory which has no immediate use and which is not salable at a price approaching its original cost. Salvage, semi-fabricated parts and components, and non-usable raw materials are the types of material that will usually be stored under this form of agreement which limits the responsibility of the war contractor for the material stored. His liability under this agreement is merely to provide space for the material to be stored and to see that it is not lost or damaged because of his wilful misconduct or lack of good faith.

(c) The form of standard storage agreement set forth in § 849.972–2 will be used whenever the contractor inventory to be stored has a value for use or sale substantially in excess of its value as unserviceable material. Usable raw materials, fabricated components and parts, and completed items which have a value for future use or sale will be stored under this form of agreement. This form of agreement imposes a duty on the war contractor to exercise reasonable care in the storage and preservation of the material.

(d) If a standard storage agreement is executed with the war contractor, the contracting officer (in the case of the Navy, the NMR&DA) may permit contractor inventory to be left in bins or otherwise unpackaged, provided the items are properly tagged or marked to identify them with the listings on the inventory schedules. [JTR 465.2]

§ 844.465–3 *Temporary storage under settlement agreement with prime contractor.* (a) In certain cases it is impracticable to provide for removal or for storage under a standard form of storage agreement, of all contractor inventory of the prime contractor not disposed of at the time of execution of the final settlement agreement. In such cases the settlement agreement shall provide for the transfer of title to the Government of the contractor-owned inventory in substantially the form set forth in §§ 849.981–1 and 849.981–2 as the third form of Article 1. The material so transferred to the Government shall be clearly identified by reference to inventory schedules or a separate list of the material.

(b) If there are discrepancies between the quantities, weights and conditions of the items listed and of those actually found, the prime contractor will reimburse the Government for the fair value of items lost, destroyed, damaged or short. No discrepancies, however, shall be taken into account unless they exceed tolerances which are reasonable tolerances in accordance with good commercial inventory practice and the contractor has failed to exercise such care as a reasonably careful owner of similar property would exercise. [JTR 465.3]

§ 844.465–4 *Temporary storage with subcontractor.* (a) In certain cases all contractor inventory of a subcontractor is not disposed of before, or at the time, the settlement of his claim becomes final and conclusive upon the Government, and it may be impracticable to provide for the removal of such remaining inventory or for its storage under a standard form of storage agreement. In such cases the remaining inventory may be temporarily stored with the subcontractor by an agreement between the owning agency and the subcontractor. This agreement will be executed on or after the date of the final settlement agreement between the subcontractor and his next higher tier war contractor. It will contain substantially the provisions prescribed by § 844.465–3.

(b) In the case of a subcontract under a War Department prime contract, such temporary storage may also be provided for by an agreement between the subcontractor and the war contractor liable to him. Such agreement shall contain substantially the provisions prescribed by § 844.465–3. Where the subcontract settlement is authorized, approved, or ratified by the War Department, the War Department thereafter will look only to the subcontractor storing the inventory for such inventory or its value, provided the war contractor making the settlement with him assigns to the Government his rights under the storage agreement and promptly submits a list of the property to the contracting officer. [JTR 465.4]

§ 844.466 *Removal by the Government.* [JTR 466]

§ 844.466–1 *Preparation of material for removal.* (a) Where items are to be removed, the war contractor will prepare them for removal in accordance with instructions of the contracting officer. In the case of the Navy, the instructions will be given by the NMR&DA with respect to items which are to be removed for storage by the NMR&DA or by the disposal agency, and by the Navy material inspector with respect to items which are to be removed for the cognizant bureau.

(b) Such instructions will require that all contractor inventory, other than scrap, be crated, baled, or otherwise packaged, and that each container or bale be marked or tagged to show the war contractor's name, the terminated war contract number, the page number of the inventory schedule, and the item number. In general, only one type of product or material will be packed in the same container or bundle; miscellaneous assortments of items in the same container will be avoided. Packaged kits and sets, however, need not be unpacked, sorted, and repacked. Where a single item of inventory is to be moved in more than one container or bundle, each container or bundle should show its number and the total number in the series, as for example, 1 of 5; 2 of 5; etc. If available, the Surplus Property Board declaration number, or disposal agency identification number assigned to the declaration, will be shown in the markings or on the tags, in lieu of the contract number. Strict observance of these packaging and marking requirements is essential to efficient handling of contractor inventory.

(c) The war contractor will be allowed reimbursement in the termination settlement, or under a subsequent agreement, for reasonable costs incurred in the care and handling of items for sale or removal in accordance with instructions of the contracting officer, except as to any part of such costs which the war contractor is obligated by contract to pay. [JTR 466.1]

§844.466–2 *Receipt for material removed.* (a) When contractor-owned inventory is removed from a war contractor's premises, the contracting officer (in the case of the Navy, the cognizant Navy material inspector) will furnish the war contractor with a receipt in the form provided in § 849.971. Such a receipt constitutes the Government's acceptance of the contractor's tender of title, free and clear of all liens and encumbrances. This receipt does not affect the right of the Government to require additional information, contest the allocability of any item, and exclude any item on any proper ground. If it is determined, prior to final settlement by the Government of the termination claim under the prime contract, that any of such property is not so allocable, or should be excluded, then the Government will be liable to the contractor with respect to such property only, at the election of the Government, (1) for the return of the property or like property to the Contractor at the risk and expense of the contractor, or (2) for its disposal value at the time of its removal, or (3) for the proceeds realized by the Government from its disposal.

(b) When Government-owned contractor inventory is removed from a war contractor's premises, the owning agency will use the form of receipt provided in § 849.971. In such case the provisions in paragraph (a) pertaining to acceptance of title have no application.

(c) Whenever feasible, the receipt will be executed on copies of the inventory schedules to be retained by the war contractor. The receipt may be stamped on copies of the Vendor's Shipping Document. [JTR 466.2]

§ 844.467 *Verification of material for storage or removal by the Government.* (a) The contracting officer (in the case of the Navy, the cognizant Navy material inspector) will be responsible for verification of items listed on an inventory schedule when such items are to be removed from the war contractor's premises or stored under a storage agreement.

(b) Ordinarily, one hundred per cent verification is not required. The extent of selective checks should depend upon the size of the inventory, the nature of the property, past experience with the war contractor, and any other relevant factors. The verification should include a check to disclose defective material or rejects. Quantities, conditions, and weights shown on inventory schedules ordinarily will be accepted if they are substantially correct. For property accounting purposes, personnel making selective counts of material as herein provided will note the items selected and the results of their counts on one copy of the schedule and in every case these copies, properly authenticated by Government representatives charged with supervision, of the selective count, will be furnished (1) in the case of the War Department to the contracting officer and then to the interested accountable property officer or, (2) in the case of the Navy, to the Navy material inspector.

(c) If a storage agreement is entered into with a war contractor, the war contractor and the contracting officer (in the case of the Navy, the cognizant Navy material inspector) will make a joint verification of the inventory schedules.

(d) Under cost-plus-a-fixed-fee war contracts and other contracts pursuant to which title is already vested in the Government, the contracting officer will arrange for the taking of a physical inventory. In the case of War Department contracts, such inventory will be taken as prescribed in section X of the War Department TM 14–910 and section X of War Department TM 14–911. [JTR 467]

§ 844.468 *Storage responsibilities of disposal agencies.* [JTR 468]

§ 844.468–1 *General.* Under the Surplus Property Act the disposal agencies are responsible for the care and handling of surplus property declared to them by the owning agencies. SPB Special Order No. 3 postpones this responsibility, but provides that the disposal agencies shall assume responsibility for the care and handling of as much of such property as possible with the facilities and personnel available to them. This order also states that the disposal agencies shall prepare actively for the assumption of complete responsibility for such care and handling. [JTR 468.1]

§ 844.468–2 *Liaison with Regional Offices of Reconstruction Finance Corporation.* It is essential that the local representatives of the owning agency and the Reconstruction Finance Corporation establish the closest possible working relationship. Local representatives of the Reconstruction Finance Corporation should be consulted as to the storage and removal, as well as to the disposition of contractor inventory. [JTR 468.2]

§ 844.468–3 *Shipping instructions by Reconstruction Finance Corporation.* (a) The Reconstruction Finance Corporation will not issue definitive shipping instructions until it receives a declaration of surplus covering the material to be shipped. This should not prevent the Regional Office of the Reconstruction Finance Corporation from furnishing advance information as to shipping schedules to the Owning agencies. By this means it will be possible to establish tentative shipping schedules which will be confirmed by definitive shipping instructions when the declaration of surplus and the formal request for shipping instructions are submitted to the Reconstruction Finance Corporation.

(b) In the case of the War Department, requests for shipping instructions are governed by Part 827 of Subchapter B. The Navy Department will request shipping instructions from the Reconstruction Finance Corporation on forms RFC WD–4 and 5 (Revised). Copies of form RFC WD–4 (Request for shipping instructions) and form RFC WD–5 (Shipping instructions), with instructions for their use, may be obtained from Regional Offices of the Reconstruction Finance Corporation.

(c) Upon receipt of requests from the owning agency for shipping instructions, the disposal agency will arrange for the storage or removal of surplus contractor inventory by issuing shipping instructions. [JTR 468.3]

§ 844.468–4 *Storage with contractor by disposal agency.* If the disposal agency cannot arrange for the removal and storage of surplus contractor inventory, the disposal agency will execute a storage agreement covering the storage of the surplus contractor inventory with the war contractor. [JTR 468.4]

§ 844.468–5 *Sales by disposal agency.* In certain cases the disposal agency may arrange for immediate sale upon receipt of a surplus declaration and will issue shipping instructions for the movement of surplus contractor inventory from the war contractor's plant to the purchaser within the plant clearance period. [JTR 468.5]

§ 844.468–6 *Material assigned to Department of Commerce.* In general, the Reconstruction Finance Corporation will issue shipping instructions and provide for the storage of surplus contractor inventory of the type assigned to the Department of Commerce for disposal. [JTR 468.6]

SUBPART G—SPECIAL TOOLING AND SPECIAL FACILITIES

§ 844.470 *Scope.* This subpart deals with certain methods for protecting the Government's interest in contractor-owned special tooling and special facilities. [JTR 470]

§ 844.471 *Protection of Government's interest in special tooling.* [JTR 471]

§ 844.471–1 *Definition of special tooling.* The term "special tooling" includes jigs, dies, fixtures, moulds, gauges and other similar equipment acquired or produced by the war contractor specially for the war contract or for the contract and other war contracts. The term does not relate to buildings, building equipment, and machine tools, nor tools such as cutting tools and hand tools which usually lose their utility through wear and tear rather than through obsolescense. [JTR 471.1]

§ 844.471–2 *Duty of protecting the Government's interest.* The provision, which is contained in the Statement of Principles for Determination of Costs (see § 845.551–2), relating to costs of special tooling allowable under terminated fixed-price contracts, requires protection of the interests of the Government either by transfer of title or by some other appropriate means. [JTR 471.2]

§ 844.471–3 *Methods of protecting the Government's interest.* (a) In most cases it will not be desirable for the Government to take title to special tooling. Generally, the contractor should be permitted to retain the special tooling, and the contracting officer should protect the Government's interest (1) by taking into consideration, in determining the rate of amortization, the use of the special tooling on other work of the contractor; (2) by obtaining a proper disposal credit in the settlement agreement as provided by paragraph (b) below; and (3) where there is a possibility that the tooling may be needed for Government purposes within a reasonable period, by appropriate arrangements for the use of the tooling.

(b) If the tooling is retained by the contractor or sold to a third party, its value or the proceeds of any sale should be treated as a disposal credit in the contractor's settlement proposal and not as a reduction of the cost of the special tooling subject to amortization. When the rate of amortization takes into account the continuing work of the war contractor, the disposal credit should not include the value of the tooling to the contractor for use on other work but only its ultimate disposal value. However, where the disposal value consists only of scrap and it has been the contractor's consistent practice to credit all tool scrap to overhead, such practice will be acceptable without applying the scrap value as a disposal credit. [JTR 471.3]

§ 844.472 *Protection of Government's interest in special facilities.* [JTR 472]

§ 844.472–1 *Definition of special facilities.* The term "special facility", as used in this subpart, means a facility acquired by the contractor solely for the performance of the contract, or for the contract and other war contracts, which is not of the same type or utility as those used in the contractor's other business. A machine which is standard for one contractor may be "special" in the hands of a contractor who does not use such a machine in his other business. The term "special facility" does not include jigs, tools, dies and fixtures of the type referred to as "special tooling" in § 844.471–1. [JTR 472.1]

§ 844.472–2 *Methods of protecting the Government's interest.* The methods for protecting the Government's interest in special facilities are discussed fully in Termination Cost Memorandum No. 9 of the Office of Contract Settlement (8004.9 of Title 32) [JTR 472.2]

SUBPART I—WAR DEPARTMENT ACCOUNTABILITY FOR TERMINATION INVENTORY

§ 844.490 *Scope.* This subpart applies only to the War Department. It prescribes special procedures with respect to the assumption and maintenance of accountability for termination inventory which the War Department is obligated to acquire. The procedures prescribed in this subpart, where appropriate, may also be applied with respect to the assumption and maintenance of accountability for all types of contractor inventory except as to plant equipment governed by the provisions of Subpart F of Part 848. [JTR 490]

§ 844.491 *Accountability defined.* With respect to termination inventory, the term "accountability" means the duty of maintaining records as prescribed herein, covering those items included in the inventory schedule, to which the Government is obliged to take title, and to Government furnished material, accountability for which is transferred under the provisions of § 844.493–2, and the disposition made thereof. In this connection, neither officers designated as accountable property officers nor contracting officers have responsibility, within the meaning of Army regulations pertaining to property, for termination inventory in possession of war contractors or of commercial warehousemen, unless such officers have been charged specifically with the care and safekeeping of the material. [JTR 491]

§ 844.492 *Designation of accountable property officers.* (a) Subject to such procedures as the chiefs of services may prescribe for purposes of uniformity, contracting officers under terminated prime contracts, the settlement of which will involve the acquisition by the Government of termination inventory, will request commanding officers of procurement districts or similar agencies to designate accountable property officers to be charged with the assumption and maintenance of accountability for termination inventory so acquired. Commanding officers of procurement districts or similar agencies will accomplish such designation and advise the contracting officer thereof. In all cases of terminated fixed price contracts, accountable property officers so appointed will be officers assigned to the property disposal functions for terminated contracts. The same accountable property officer may be designated for more than one contract and, insofar as practicable, only one accountable property officer will be designated at an installation concerned with property disposal activities as contemplated in this part. Any delegation of the property disposal function with respect to termination inventory to another agency or procurement district will also include the property accounting function as prescribed herein.

(b) An extra copy of each Standard Form No. 1034 covering payment under a final settlement agreement will in all cases be prepared and furnished to disbursing officers for the purposes hereinafter stated. Contracting officers, as the chief of service prescribes, (1) will show on each copy of Standard Form No. 1034 covering payment under a final settlement agreement, or on schedules attached thereto, the designation of the account name, and station of every accountable property officer charged with the assumption of accountability for termination inventory taken over by the Government in connection with that settlement, including termination inventory taken over from subcontractors, if any, or (2) will clearly state on the face of all copies of the Standard Form No. 1034 that acquisition of property by the Government is or is not involved in the settlement covered thereby. In the event the latter alternative is followed, the contracting officer subsequently will furnish the fiscal director of the service command in which the accountable property officer for the prime contractor is stationed advice of the account, name, and station of every accountable officer concerned with termination inventory involved therein. The fiscal director of the service command, upon receipt of a copy of a Standard Form No. 1034 covering a final settlement which indicates that the acquisition of property by the Government is involved will be required to ascertain that the listing of accountable officers is subsequently received. In any case, whether the procedure outlined in either (1) or (2) are followed, the fiscal director of the service command to which the list of accountable property officers is furnished will notify any other interested service command fiscal director of the accounts and stations of any accountable property officers included on such list located within the territorial limits of that service command.

(c) Where pursuant to prior regulations, officers other than those assigned to property disposal functions have been charged with the accountability function with respect to termination inventory, transfers of accountability to officers assigned to property disposal functions will be effected only with respect to material stored with war contractors or commercial warehousemen. The accountability function in all other cases will continue in the present accountable property officers until satisfactory conclusion of each case.

(d) Commanding officers of War Department installations where termination inventory is stored awaiting disposition instructions will designate officers to be accountable for such property. At installations where officers have previously been designated to be accountable for supplies stocked at the installations, such officers will also be assigned the accountability function with respect to termination inventory unless operational and organizational conditions render such action inadvisable.

(e) Where a new property account is established because of the designation of an accountable property officer as herein prescribed, a copy of the pertinent order

will be furnished to the fiscal director of the service command having jurisdiction over the new account. [JTR 492]

§ 844.493 *Assumption of accountability.* [JTR 493]

§ 844.493–1 *Termination inventory acquired from war contractors.* Accountability for termination inventory, the title to which is transferred from a war contractor to the Government, will be assumed by accountable property officers designated in accordance with the provisions of § 844.492. Accountability will vest in such officers for all items included on the adjusted inventory schedules to which the Government takes title in accordance with §§ 844.482 and 844.411–8. As a basis for the assumption of accountability for such items, the inventory schedules will be supported by the following documents:

(a) As to material stored with a war contractor, by a conformed copy of the storage agreement executed by the contracting officer;

(b) As to material removed from a war contractor's premises prior to execution of the final settlement agreement, by an authenticated copy of the acknowledgment of receipt furnished to the contractor pursuant to § 844.466–2, together with any supporting lists or schedules; and

(c) As to material the title to which is transferred to the Government in a final settlement agreement with the prime contractor or in a special agreement with a subcontractor, but pursuant to such agreement is left on the war contractor's premises, by conformed copies of the schedules of such material referred to in the agreement executed by the contracting officer. [JTR 493.1]

§ 844.493–2 *Government furnished termination inventory.* The contracting officer or his representative responsible for the property disposal function in connection with a terminated war contract under which Government property previously has been furnished to the contractor by the War Department, will forward to the officer holding accountability for such Government material, lists thereof on inventory schedules or on other suitable forms. When the material is not to be promptly removed from the contractor's premises, the officer presently holding accountability for the material will transfer accountability therefor in accordance with § 844.495–1 to the accountable officer designated for the terminated contract. Except as set forth above, existing accountability instructions will be observed. [JTR 493.2]

§ 844.494 *Property accounting records.* [JTR 494]

§ 844.494–1 *Purposes.* The War Department maintains property accounting records of termination inventory (a) to provide a means for accounting for the material, and (b) to facilitate the physical handling and authorized disposition of the material. [JTR 494.1]

§ 844.494–2 *Records to be maintained.* (a) Property accounting records as contemplated herein will be dependent upon and included in the files pertaining to the property disposal function. Such records must clearly set forth all items included on inventory schedules, to which the Government accepts title, and to Government furnished material, accountability for which is transferred under the provisions of § 844.493–2, and the disposition made thereof. For this purpose a file will be established for each contract, or group of contracts where two or more contracts are grouped for termination settlement purposes. All documents pertaining to accountability for termination inventory will be included in the file. These documents will be assigned property voucher numbers in a single series for each accountable property officer's account and recorded in a voucher register showing date, description of document and contract number.

(b) In lieu of establishing an individual record for each item or termination inventory, inventory schedules are authorized to be used as work sheets. This is for the purpose of reflecting the disposition of the items listed thereon or the authorized transfer of accountability therefor. Under this procedure, as relief from accountability is accomplished, the assigned credit voucher number and the quantity will be entered opposite the particular item on the schedule. Where there are numerous transactions with respect to a particular item, auxiliary records (stock record cards or other suitable forms) will be established, or the transactions will be recorded on the schedules so as to provide a complete and accurate accounting for the original quantity of the item. In order to avoid a duplication of records for the property disposal and property accounting functions, the records prescribed herein will be utilized for both purposes. [JTR 494.2]

§ 844.494–3 *Cost - plus - a - fixed - fee prime contracts.* In the case of cost-plus-a-fixed-fee prime contracts, title to the material acquired in connection with performance of the contract is already vested in the Government and accountability has been established. When this material becomes termination inventory, and where such action will simplify the task of record keeping, the procedures outlined in § 844.494–2 (b) may be applied. [JTR 494.3]

§ 844.494–4 *Storage installations.* With respect to termination inventory stored at War Department installations awaiting disposition instructions, a jacket file system of record keeping may be maintained for that type of property. Under this jacket file method of accounting, files will be maintained similar to those required by § 844.494–2. These records must provide for showing storage area location (aisle, bay, etc.) for each item appearing on the termination inventory schedules, so as to permit prompt location of any items. [JTR 494.4]

§ 844.495 *Relief from accountability.* [JTR 495]

§ 844.495–1 *Shipments of termination inventory on War Department order.* (a) As to authorized shipments of termination inventory which require transfer of accountability to another accountable property officer and those with respect to a sale by the War Department, copies of properly completed Vendor's Shipping Documents, War Department Shipping Documents, or Shipping Tickets, whichever form is in current use at the installation concerned, will serve as valid credit vouchers to the applicable property account. Where, however, the shipment is made in connection with a sale by the War Department, in addition, the procedures prescribed in section II, AR 35–6660 (AR 35–6665 when published) with respect to sales of property will be observed. Where practicable, to avoid duplicating the listing of items on the shipping document, a copy of the inventory schedule or applicable portion thereof will be appended.

(b) Where Vendor's Shipping Document forms are used, the certificates appearing thereon which are usually required to be executed for purposes of payment will be deleted inasmuch as payment will be supported by the termination settlement agreement, and not by the Vendor's Shipping Document.

(c) Distribution of copies of completed shipping document forms, regardless of type, will be the same as is prescribed for the War Department Shipping Document except that where shipment is made to a War Department installation, a copy of the shipping document will be forwarded for property audit purposes by the shipping accountable property officer to the fiscal director of the service command in which the consignee is located. Only in respect to shipping documents initiated in connection with sales (see paragraph (a), above) will the distribution require the furnishing of copies to disbursing officers.

(d) All copies of shipping documents prepared for shipments of termination inventory must bear the notation "Termination Inventory." In addition, shipping documents covering shipments of termination inventory from storage under a storage agreement with a war contractor or from storage in a commercial warehouse, must bear the notation "Shipped from Storage" and must indicate the station of the contracting officer under the storage or warehouse agreement involved.

(e) When copies of inventory schedules or applicable portions thereof are appended to shipping documents to avoid duplicating the listing of material, reference in the body of the shipping document to the schedules must be sufficient to permit positive identification in the event such schedules become detached. If items are listed individually on shipping documents, the page number of the inventory schedule and the item number on the page will be included in listing each item on the shipping document.

(f) When termination inventory, other than work in process, in an unserviceable condition is to be shipped, requiring transfer of accountability to another accountable property officer, or in connection with a sale by the War Department, the property will be listed on a separate shipping document and the following statement will be included thereon:

The property listed hereon is in an unserviceable condition. Appropriate inspection by those concerned with determination of responsibility for its condition has been made.

(Signed) _____
Accountable Shipping Officer.

[JTR 495.1]

§ 844.495–2 *Shipment of termination inventory on disposal agency order.* Where, at the direction of a disposal agency, termination inventory is delivered to a disposal agency, other Government agency, or buyer, an authenticated copy of the delivery order received from the disposal agency cross-referenced to the receipt of the common carrier or transportation agency on file at the station, will constitute a valid credit voucher to the property account for the material so delivered. Where bill of lading files are not maintained at the same station as that of the accountable property officer, he will secure from the transportation officer an authenticated memorandum copy of the bill of lading for association with the related disposal agency order. In the case of direct delivery to the buyer, his written acknowledgment of receipt on the delivery order will constitute a valid credit voucher to the property account for the material so delivered. Whenever the delivery order is not complete in detail as to quantity and nomenclature of the items ordered to be delivered, a shipping document will be originated and a copy filed in support of the delivery order. [JTR 495.2]

§ 844.495–3 *Losses in storage.* (a) Instances of losses of or damage to termination inventory in storage under storage agreements with war contractors or commercial warehousemen will be reported to the contracting officer under the applicable agreement for appropriate action with respect to the liability, if any, of the contractor or warehousemen under the terms of the storage agreement. The contracting officer will advise the accountable property officer in writing of (1) the amount of the loss, (2) his findings with respect to the war contractor's or warehouseman's liability, (3) the amount of liability acknowledged by the war contractor or by the warehousemen, (4) what action has been initiated to collect amounts which may be due the Government, and what disposal instructions have been issued in the case of damaged property. The contracting officer's written advice will in all cases, regardless of the nature of the findings, serve as an acceptable credit voucher to the accountable property officer's account for the material: *Provided*, That where damaged property is to be disposed of, accountability instructions applicable to such disposition will be observed.

(b) Instances of losses of or damage to termination inventory in storage at War Department installations awaiting disposition instructions will require action as prescribed in War Department Technical Manual 14–904 (Accounting for Lost, Damaged or Destroyed Property). [JTR 495.3]

§ 844.495–4 *Discrepancies disclosed upon removal of termination inventory acquired under final settlement agreement.* Relief from accountability for discrepancies disclosed upon removal from a war contractor's premises of termination inventory, the title to which has previously been transferred to the Government by terms of the final settlement agreement, will be accomplished in accordance with the procedure set forth in § 844.495–3 (a). [JTR 495.4]

§ 844.495–5 *Disposition of scrap.* (a) Where termination inventory taken over by the War Department is subsequently determined to be scrap under the provisions of § 844.446–3, the contracting officer will furnish the interested accountable property officer with a list of such material together with written indication of the scrap determination and disposition instructions. In cases where material is shipped to a salvage officer, a copy of the shipping document, supported by the above mentioned lists and written instructions of the contracting officer together with receipt of the common carrier or transportation agency (or cross reference thereto under circumstances outlined in § 844.495–2), will constitute a valid credit voucher to the account. When the material is turned over to a local salvage officer on an informal list, the salvage officer's acknowledgment of receipt of material and the written instructions of the contracting officer will be considered a valid credit voucher to the property account. Where sales of such scrap are made by the contracting officer, the instructions set forth in § 844.495–1 (a) will be observed.

(b) Where termination inventory taken over by the War Department is destroyed or abandoned pursuant to the provisions of § 844.447–2, an authenticated copy of the contracting officer's authorization listing the items to be destroyed or abandoned, will constitute a valid credit voucher to the property account. [JTR 495.5]

§ 844.496 *Discrepancies incident to shipment.* [JTR 496]

§ 844.496–1 *Receiving procedures.* (a) At War Department installations and commercial warehouses receiving shipments of termination inventory for storage awaiting disposition instructions, bundles, bales, cartons, and other packages, comprising such shipments, will ordinarily not be opened to verify quantities. However, the provisions of paragraph 23b, AR 55–150 with respect to determining whether carriers have fulfilled their obligations under bill of lading agreements, will be observed. This will involve verification of the number of bundles, bales, cartons, and other packages or, in the case of bulk shipments where the unit of measure is other than by weight, the quantities involved. In every case an inspection will be made to determine evidence of damage. If discrepancies are disclosed, action will be taken in accordance with §§ 844.496–2 and 844.496–3.

(b) At War Department installations receiving items of termination inventory for use or consumption at such installations or for stocking and subsequent issue to other activities of the War Department, usual receiving and accountability procedures will be followed. [JTR 496.1]

§ 844.496–2 *Termination inventory received at War Department installations.* (a) Shortages or damage disclosed in shipments of termination inventory received at War Department installations will require action at such installations as set forth in this section.

(b) If the material was shipped from storage under the terms of a storage agreement with a war contractor or commercial warehouseman, the prescribed Report of Survey procedure will be followed. This procedure is set forth in paragraph 4 of AR 35–6540 and in War Department Technical Manual 14–904. Where it has been determined in the survey proceedings that the shortages or damages cannot be attributed to receiving station personnel and there is any question as to liability of the war contractor or warehouseman the instructions contained in paragraphs 174 and 182, TM 14–904 will be observed.

(c) If the material was removed and shipped by the Government from a war contractor's premises without passing through intervening storage under a storage agreement with such contractor, and it appears that the carrier or other transportation agency may be liable for the shortages or damage or that the discrepancies are attributable to receiving station personnel, the Report of Survey will be processed as prescribed in (b) above. Where it is obvious that the delivering carrier or other transportation agency is not responsible for the shortage or damage, nor the receiving station personnel, or where there is an overage, except as hereinafter provided in this paragraph the discrepancies will be listed on WD QMC Form No. 445 (Over, Short & Damaged Report) prepared in triplicate. One copy will be attached to the receiving voucher and two copies will be forwarded to the station initiating the shipment, marked for the attention of the contracting officer under the terminated contract. The contracting officer upon receipt of the O. S. & D. report will, in the event the shortages are, in his opinion, excessive or of sufficient importance (1) direct that Government personnel intensify their check, (2) consider the advisability of requesting an investigation of the conduct of the contractor, or (3) initiate such other action as he may deem advisable. In any event, he will advise the receiving accountable property officer in writing of the action taken or the reason for non-action. One of the copies of the O. S. & D. report received by the contracting officer may be used in accomplishing this advice. The burden will be upon the receiving accountable property officer to determine that he has been furnished such written advice with respect to each O. S. & D. report initiated by him except those relating to overages. With respect to discrepancies which are determined to be inconsequential as defined in paragraph 137a., War Department Technical Manual 14–904, appropriate notation will be made on the debit voucher copy of the shipping document and the preparation and distribution of O. S. & D. reports in such cases will not be required. [JTR 496.2]

§ 844.496–3 *Termination inventory received at commercial warehouses.* The procedures outlined in § 844.496–2 will be observed in connection with shortages or damage disclosed in shipments of termination inventory received by commercial warehouses. Officers accountable for such material will request commercial warehousemen to report all discrepancies and furnish such information with respect thereto as may be required in complying with the provisions of § 844.496–2 [JTR 496.3]

§ 844.496–4 *Discrepancies reported by Government agencies outside the War Department.* (a) With respect to shipments of termination inventory to Government agencies outside the War Department which are covered by Government bills of lading providing for payment of freight charges by the War Department, the shipping accountable officer, when discrepancies in shipments are reported to him, will be charged with the administrative duty of adjusting the reported discrepancies by observing the procedures set forth in § 844.496–2, where appropriate, or in the case of shipments from War Department storage installations by initiating Report of Survey-Discrepancies Incident to Shipment (WD AGO Form No. 15–1). In all cases, receiving agencies will be requested by shipping accountable property officers to furnish all information and data necessary to complete the action set forth above.

(b) With respect to shipments of termination inventory to Government agencies outside the War Department, the freight charges upon which are to be paid by an agency other than the War Department, where discrepancies in shipment are reported to the shipping accountable property officer and it has been determined that the shortages or damage are not the delivering carrier's responsibility and cannot be attributed to receiving agency personnel, the instructions set forth in paragraph (a) above, will be observed. In regard to shipments as outlined in this paragraph, receiving agencies are responsible for resolving any question as to liability of a delivering carrier or receiving agency peronnel and initiating action with respect to the enforcement of liability, if any. Shipping accountable property officers will cooperate with the receiving agency in obtaining information and data necessary to carry out these functions. [JTR 496.4]

§ 844.497 *Direct settlement on company-wide basis.* (a) Where direct settlement of war contracts on a company-wide basis has been authorized pursuant to Subpart E of Part 848 and the designated officer is in the War Department, the instructions contained in this subpart, are applicable to all termination inventory the title to which is accepted by the Government in connection with the settlement. In such cases, the designated officer will take the action required of contracting officers as set forth in this subpart.

(b) Where War Department contracts are involved in a direct settlement program and the designated officer is in the Navy Department, the instructions contained in this subpart are not for application. (See § 848.855–9 (d)). Under Navy Department procedures, officers of the War Department holding accountability for Government property previously furnished to the assigned war contractor will be furnished with a certified copy of a Navy expenditure invoice evidencing disposition of such property. This certified copy of the invoice will be utilized as an authorized credit voucher to the account of the interested accountable property officer. [JTR 497]

§ 844.498 *Accountability for material neither stored with war contractor nor removed from war contractor's premises.* Where material owned by a war contractor and claimed by him to be allocable to the terminated contract is neither removed from his premises upon demand nor stored with him pursuant to an agreement, accountability will not be established until such time as the material is removed by the Government, a storage agreement with the war contractor is executed, or the Government by other means accepts the property, as, for example, in the final settlement agreement. [JTR 498]

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§ 845.500 *Scope of part.* This part deals with the policies and principles common to settlements with prime contractors and subcontractors. The procedures peculiar to settlements with subcontractors are covered by Part 846 and the procedures peculiar to settlements with prime contractors are covered in Part 847. [JTR 500]

SUBPART A—METHODS OF SETTLEMENT

§ 845.510 *Scope.* This subpart discusses generally the various methods of settling termination claims of both prime contractors and subcontractors and provides guides for the selection of a particular method. [JTR 510]

§ 845.511 *Basic objective.* The basic objective both of the act and the approved contract termination articles is to provide war contractors with fair compensation for their termination claims as expeditiously as possible in order to facilitate maximum war production during the war and to expedite reconversion from war production to civilian production as war conditions permit. [JTR 511]

§ 845.512 *Authorized methods of settlement.* [JTR 512]

§ 845.512–1 *Statutory provisions.* The act provides that fair compensation to war contractors shall be determined (a) by agreement with the war contractor, (b) by determination without agreement, (c) by any combination of these two methods, or (d) by arbitration. [JTR 512.1]

§ 845.512–2 *Contract provisions.* The uniform termination articles for prime contracts and subcontracts and earlier similar articles also provide for fixing fair compensation to war contractors (a) by negotiated agreement, (b) by determination based on a formula, or (c) by any combination of these two methods. [JTR 512.2]

§ 845.513 *Settlement by agreement.* The negotiated agreement is the most expeditious and most satisfactory method of settling termination claims. This method will be used for settlement whenever feasible. Other methods of settlement will be resorted to only when a termination claim cannot be fairly settled by agreement. [JTR 513]

§ 845.514 *Settlement by determination without agreement.* (a) When any termination claim cannot be wholly settled by agreement, the claim or unsettled part will be settled by determination without agreement.

(b) Where the Government is making the settlement, the determination will be made in accordance with § 847.750 and following.

(c) Where a war contractor is making the settlement with his subcontractor, the provisions of § 846.625 will govern. [JTR 514]

§ 845.515 *Settlement by combined methods; partial negotiated settlement.* [JTR 515]

§ 845.515–1 *Approvals of subcontract settlements and dispositions of inventory.* During the course of negotiations, the contracting officer from time to time will approve subcontract settlements and dispositions of termination inventory and credits arising therefrom in order to expedite or facilitate the settlement. Such approvals shall be final according to their terms, for the purpose of settling the terminated war contract involved. [JTR 515.1]

§ 845.515–2 *Minimum partial settlements.* (a) Ordinarily, the contracting officer should not attempt to make partial settlements covering particular items of the prime contractor's proposal during the course of the negotiations. To do so may delay or impede the negotiation of the complete final settlement. Such settlements may be made, however, to cover payments for completed articles which are a part of the termination claim.

(b) Whenever he considers it appropriate, the contracting officer may agree with the prime contractor on a partial settlement fixing an amount which the Government agrees to be the minimum amount due on the entire claim without determining that this amount is due on particular elements of the claim or that additional amounts may not be due. This will assure the contractor that he will not be required to refund any part of this minimum amount, but otherwise leaves the final amount due on the entire claim to be negotiated. [JTR 515.2]

§ 845.515–3 *Partial settlement upon failure to negotiate complete settlement.* (a) When the contracting officer after diligent effort has not been able to negotiate a complete settlement of the termination claim, he may negotiate a partial settlement agreement covering the issues on which agreement can be reached whenever:

(1) Such issues are clearly separable, and

(2) The agreement will not prejudice the interest of the Government in disposing of the unsettled part of the claim.

(b) The remainder of the claim will then be settled by determination without agreement. [JTR 515.3]

§ 845.516 *Settlement by arbitration.* (a) Section 13 (c) of the act authorizes the contracting agency and the contractor by agreement to submit the termination claim to arbitration. The chief of the service or bureau may authorize this method to be used whenever he believes that the basic objectives of the act will be better served by its use than by resort to the other methods provided.

(b) War contractors are authorized to resort to arbitration under general law in accordance with § 846.625 [JTR 516]

§ 845.517 *Settlement of two or more claims jointly.* With the consent of the war contractor, the contracting officer or officers concerned may make or approve the joint settlement of two or more termination claims of the same contractor under several war contracts with the same or different services or bureaus. In such cases, accounting work should be consolidated to the greatest extent practicable. One settlement agreement covering the several contracts or several settlement agreements may be used. The agreement should apportion the total amount of the settlement among the several contracts on some reasonable basis, but precise allocations to the particular contracts are not required. [JTR 517]

SUBPART B—SETTLEMENT PROPOSALS FOR FIXED-PRICE CONTRACTS

§ 845.520 *Scope.* This subpart states the information required for negotiated settlements between the Government and prime contractors, and between war contractors and their subcontractors, and describes the forms for presenting settlement proposals. [JTR 520]

§ 845.521 *General information required for negotiation.* [JTR 521]

§ 845.521–1 *Need for information.* In settling the termination claim of a war contractor by agreement, the Government or the war contractor making the settlement must have adequate information to support the claim as a basis for the negotiations. This information must be sufficient to permit a sound business negotiation for a fair settlement. It may be presented in various ways, as indicated in § 845.523. Whichever of these methods is followed, it is essential to bear in mind that the purpose is not to make an exact determination of costs or a detailed application of any formula, but rather to provide adequate data for the exercise of sound and informed business judgment in reaching a settlement. [JTR 521.1]

§ 845.521–2 *Nature of information needed.* The information in the war contractor's proposal for settlement should support the amount he requests to compensate him fairly for the termination of the contract, without recognizing any profit on work not done. Ordinarily, this amount should cover the work done and preparations and commitments made for the terminated portion, plus a reasonable profit on the work done, and post-termination expenses, less any credits for the proceeds or value of any termination inventory retained or disposed of by the war contractor, but it should not include any amount for completed articles invoiced at the contract price in accordance with § 842.252. [JTR 521.2]

§ 845.521–3 *Duty to submit promptly.* (a) Each war contractor should prepare and submit his own claim as promptly as possible without waiting for the claims of his subcontractors. Likewise, a war contractor should promptly transmit up the contractual chain all his settlements with his subcontractors which require approval by the Government.

(b) War contractors who delay unreasonably in submitting their claims will lose interest on them for the period of the delay in accordance with § 845.572–3 (d). [JTR 521.3]

§ 845.522 *Standard forms for war contractors' proposals for settlement.* [JTR 522]

§ 845.522–1 *Purpose of standard forms.* (a) In order to expedite the preparation and review of settlement proposals, the Director of Contract Settlement has prescribed Standard Forms for settlement proposals under fixed price war supply contracts. The Forms are for use by prime contractors of all departments and agencies of the Government and by their subcontractors.

(b) The forms are designed to present the information required both for settlement of the claim and for disposal of termination inventory. [JTR 522.1]

§ 845.522–2 *Proposal forms for claims under $1,000* The Short Form (Form 1a) is for settlement proposals amounting to

less than $1,000 after deducting disposal credits for the entire inventory. It consists of a single sheet without supporting schedules. [JTR 522.2]

§ 845.522–3 *General proposal forms.* The general forms intended for use in settlement proposals, regardless of amount, consist of the following:

(a) Form 1: Designed primarily for settlement proposals on the inventory basis, supported by the inventory and accounting schedules referred to in §§ 845.522–4 and 845.522–5.

(b) Form 1b: Designed for settlement proposals on the total cost basis, supported by the inventory and accounting schedules referred to in §§ 845.522–4 and 845.522–5. [JTR 522.3]

§ 845.522–4 *Termination inventory schedules.* Termination inventory schedules for use in supporting settlement proposals on Forms 1 and 1b are as follows:

(a) Form 2a: For metals (in mill product form);

(b) Form 2b: For raw materials (other than metals), purchased parts, finished components, finished products, and miscellaneous;

(c) Form 2c: For work in process;

(d) Form 2d: For dies, jigs, fixtures, and special tools. [JTR 522.4]

§ 845.522–5 *Schedule of accounting information.* This form (Form 3) is used in presenting accounting information to facilitate accounting reviews and to reduce the need for field examinations. [JTR 522.5]

§ 845.522–6 *Specimen forms.* The standard forms and instructions for their use are reproduced in §§ 849.961 to 849.964, inclusive. These forms have been filled out with hypothetical figures to illustrate their method of use. [JTR 522.6]

§ 845.523 *Bases for presenting information for negotiated settlement.* [JTR 523]

§ 845.523–1 *General.* (a) There are various bases for presenting information for negotiating a settlement. The standard forms described in §§ 845.522 are predicated on some of these bases. The following sections discuss the bases and indicate which bases are appropriate for a particular standard form.

(b) Under a fixed-price contract, the contractor does not ordinarily have to prove his costs except on an over-all basis for renegotiation. He should, therefore, not be required to state his costs in unreasonable detail on termination, and should be permitted to use actual, standard, average, or estimated costs in preparing his proposal. Contractors should not be obliged to maintain unduly elaborate cost accounting systems for fixed-price contracts merely because they may be terminated. [JTR 523.1]

§ 845.523–2 *Inventory basis.* (a) Under the inventory basis, costs applicable to the terminated portion of the war contract will be determined essentially by pricing the inventory in detail at purchase or manufacturing cost and adding costs of settling with subcontractors and any other applicable costs. To the costs thus ascertained, the profit allowance, if any, is added.

(b) This method is especially practicable when the inventory consists largely of purchased materials and parts on which little or no work has been performed. It should also be used when dependable unit cost information is available for the pricing of work in process.

(c) This basis can be used in presenting settlement proposals on Short Form 1a and General Form 1. [JTR 523.2]

§ 845.523–3 *Total cost basis.* (a) Where the inventory method is not practicable, or will unduly delay settlement, an alternative method of computing the war contractor's own charges may be used. The costs chargeable to the entire contract to date of termination are summarized and a profit allowance, if any, is added. All payments previously made and to be made by the Government for completed units are then deducted. This is known as the "total cost method."

(b) If it is determined that the war contractor would have suffered a loss on the entire contract had it been completed, procedure under the inventory method remains unchanged, but no part of the loss on the completed portion should be included. Under the total cost method, however, the procedure is then as follows: from the total costs of the contract are deducted the payments for completed units adjusted upward to reflect the fact that the indicated cost of these units exceeds their contract price. Thus, if a 6 percent loss on cost were indicated, the contract price of the completed units would represent 94 percent of the indicated cost. By dividing the contract price by .94, the indicated cost of the completed units can be determined. The deduction of the higher amount will leave only the estimated cost applicable to the terminated portion of the contract.

(c) This basis may be used in presenting settlement proposals on Short Form 1a or General Form 1b. [JTR 523.3]

§ 845.523–4 *Percentage of completion basis.* (a) In submitting a proposal on Short Form 1a, the war contractor may base his proposal on a percentage of the contract price based on the estimated percentage of completion of work under the war contract, where that method will provide fair compensation for termination.

(b) In addition, the contracting officer may authorize this basis of settlement in any other case. Where the settlement exceeds $10,000 (computed in accordance with § 841.122), the case will be reported to the chief of the service or bureau, with a brief explanation of the nature of the case and the reason for authorizing this basis of settlement.

(c) Whenever the chief of any service or bureau considers that fair settlement in any other class of cases will be expedited by using this basis of settlement, he is authorized by general regulations to modify or permit deviation from the procedures prescribed by this subchapter to the extent necessary to permit such basis to be used. The chief of the service or bureau will promptly submit each such general regulation in writing to the Readjustment Branch, OP&M, in accordance with § 841.144–4, with a brief statement as to the reasons for its issuance. [JTR 523.4]

§ 845.523–5 *Other bases.* (a) In submitting a proposal on Short Form 1a, the war contractor may calculate his proposal by any alternative method which will provide fair compensation for termination.

(b) In addition, whenever the chief of any service or bureau considers that fair settlement in any other case or class of cases will be expedited by a basis for settlement other than those described in §§ 845.523–2 to 845.523–4, inclusive, he will submit to the Readjustment Division, ASF, or, Industrial Readjustment Branch, OP&M, a report recommending an alternative basis for such settlement, and requesting authority for its use in the particular case or class of cases.

(c) Any alternative method and standard shall be designed to compensate the war contractor fairly for the preparations made and work done on the terminated portion of the contract, including a reasonable profit on such preparations and work. [JTR 523.5]

§ 845.524 *Use of Form 1a (Short Form).* [JTR 524]

§ 845.524–1 *When used.* Form 1a may be used for submitting a claim, whenever:

(a) The contractor proposes to dispose of or retain all the termination inventory allocable to the terminated contract; and

(b) The net amount of the proposed settlement is less than $1,000 after deducting all credits for the disposal or retention of the entire inventory. [JTR 524.1]

§ 845.524–2 *Instructions for use.* (a) Neither the inventory schedules nor the schedule of accounting information referred to in §§ 845.522–4 and 845.522–5 need be submitted with Form 1a.

(b) The claim may be prepared on an inventory basis, total cost basis, or percentage of completion basis, or may be calculated by any other method that will provide fair compensation for the preparations made and work done for the terminated portion of the contract, including a reasonable profit on such preparations and work.

(c) Generally, if the claim is prepared on a cost basis, it may include:

(1) Costs incurred which are properly allocable to the terminated portion of the contract under recognized commercial accounting practices, including direct and indirect manufacturing, selling, and distribution, administrative and other costs incurred.

(2) Amounts of reasonable settlements of claims of subcontractors allocable to the terminated portion of the contract.

(3) Reasonable costs of preserving and protecting termination inventory in the possession of the war contractor and reasonable expenses of settling the claim.

(4) A reasonable profit with respect to the preparations made and the work done for the terminated portion of the contract, but no profit with respect to work which has not been done.

(d) Detailed instructions for the use of this form are set forth on the reverse thereof and reproduced in § 849.964. [JTR 524.2]

§ 845.525 *Use of general proposal forms.* [JTR 525]

§ 845.525–1 *When used.* (a) Form 1 may be used for any settlement proposal under a fixed-price war contract, other than one on the total cost basis, regardless of the amount of the claim.

(b) Form 1b may be used only for a settlement proposal submitted on the total cost basis. [JTR 525.1]

§ 845.525–2 *Instructions for use of Forms 1 and 1b* (a) Form 1 is designed primarily for presenting proposals on the inventory basis, described in § 845.523–2. This basis should be used wherever practicable. The form may be used, however, for a proposal prepared on any other basis except the total cost basis.

(b) Where the inventory method is not practicable, war contractors may present their proposals on Form 1b on a total cost basis described in § 845.523–3. For purposes of property accountability and disposition, however, the contractor must submit inventory schedules listing all the termination inventory. Form 1b is not generally distributed but will be provided by any Government contracting office on request.

(c) Normally, proposals submitted on either Form 1 or 1b should cover all elements of the termination claim, including the contractor's own charges and settlements with subcontractors. However, to expedite approval and payment, partial proposals covering either all the war contractor's own costs, or his settlements with subcontractors, or his settlement expenses, may be filed separately as they are prepared. Otherwise, the war contractor will not submit portions of his own costs separately without the approval of the customer or contracting officer.

(d) Where the proposal is submitted on either Form 1 or Form 1b, the proposal must be supported by the Termination Inventory Schedules (Forms 2a, 2b, 2c, and 2d) and usually by a Schedule of Accounting Information (Form 3) referred to in §§ 845.522–4 and 845.522–5. [JTR 525.2]

§ 845.525–3 *Use of inventory forms.* (a) The termination of inventory schedules may be filed either with or in advance of the settlement proposal. They serve several purposes:

(1) To support the amount of inventory costs included in the settlement proposal; and

(2) To aid in arranging for the removal, storage, sale or other disposition of the termination inventory.

(b) Where inventory schedules covering substantial portions of the inventory can be prepared before other portions are completed, the partial inventory should be filed in order to expedite property removal and disposal.

(c) When schedules are submitted before submission of the settlement proposal, no additional schedules need be submitted with the settlement proposal. In submitting the settlement proposal, however, Schedule G should show and explain retentions or sales of termination inventory made or approved after submission of the inventory schedule and before submission of a settlement proposal, in order to reconcile the disposal credits shown on the inventory schedules with the settlement proposal. If the adjustments are numerous, it is suggested that the war contractor submit revised schedules. [JTR 525.3]

§ 845.525–4 *Schedule of accounting information.* The war contractor is required to file the Schedule of Accounting Information (Form 3) only once in connection with any termination, and need not file it if:

(a) The proposal is submitted on the Short Form (Form 1a); or

(b) The contracting officer or customer has waived its filing; or

(c) The contractor has already filed the form with the contracting officer or customer in connection with a previous termination. In that case, the contractor must file a statement showing any changes in the accounting information contained in the earlier form. [JTR 525.4]

§ 845.525–5 *Detailed instructions* Detailed instructions for the use of the Standard Contract Settlement Proposal Forms and the supporting schedules issued by the Office of Contract Settlement are reproduced in § 849.964. [JTR 525.5]

§ 845.526 *Departures from standard forms or use of other forms.* [JTR 526]

§ 845.526–1 *Deviations from forms.* All prime contractors and subcontractors are required to use the Standard Forms in submitting proposals for settlement of claims under terminated fixed-price war supply contracts, except as otherwise provided in this subchapter. Minor deviations from the requirements of the forms are permissible, without special approval, but any war contractor must obtain prior approval of the contracting officer or the customer for any substantial deviations. However, a war contractor receiving approval for deviations may not require his subcontractor to submit their proposals on other than the prescribed standard forms. [JTR 526.1]

§ 845.526–2 *Other forms.* Where the standard forms are not appropriate for any type of contract or for the basis of any class of proposals, the chief of any service or bureau, subject to § 841.144 may authorize modifications of the standard forms or some other suitable form for presenting such proposals. [JTR 526.2]

SUBPART C—BASIS FOR NEGOTIATED SETTLEMENT OF FIXED-PRICE CONTRACTS

§ 845.530 *Scope.* This subpart discusses the general principles governing negotiated settlements. The specific procedures applicable solely to settlements with subcontractors are stated in Part 826, and the procedures peculiar to settlement between the Government and prime contractors are stated in Part 827. [JTR 530]

§ 845.531 *General standards for negotiated settlement.* (a) The primary objective in negotiating a settlement is to agree on an amount to compensate the war contractor fairly and fully for the work done and the preparations made for the terminated portion of the contract, with such allowance for profit thereon as is reasonable under the circumstances.

(b) Such fair compensation for termination is inherently a matter of judgment and therefore cannot be measured exactly. In a given case, various methods may be equally appropriate for arriving at fair compensation; and differing amounts, resulting from reasonable variations of method and of sound judgment, may all be regarded as constituting fair compensation.

(c) Cost and accounting data may provide guides for ascertaining fair compensation but are not rigid measures of it. Other types of data, criteria, or standards may furnish equally reliable guides to fair compensation. Settlement by agreement should be facilitated to the maximum extent feasible. The amount of record keeping, reporting, and accounting, in connection with settlement of termination claims, will be reduced to the minimum compatible with the reasonable protection of the public interest. [JTR 531]

§ 845.532 *Standards for negotiated settlements based on costs and profits.* [JTR 532]

§ 845.532–1 *Application.* In negotiating the amount to be paid the contractor as fair compensation for his claim, it is not necessary to agree on the separate items to be allowed either for costs or profit. The parties may agree upon a total amount without agreeing on the particular elements entering into this amount. However, where the negotiation of the total amount is based on the consideration of costs and profit, the principles stated in §§ 845.532–2 to 845.533–4, inclusive, should be observed. [JTR 532.1]

§ 845.532–2 *Consideration of costs.* (a) The cost principles set forth in § 845.551 reflect certain policies regarding the types of costs which should ordinarily be taken into account in determining fair compensation for the termination of a war contract. Costs of the types allowed by these principles should be considered in a negotiated settlement based on costs. Conversely, such a settlement should not be made a means for reimbursing expenditures of the types excluded by these principles.

(b) Cost data should be considered as a basis for a business negotiation of a prompt and equitable settlement rather than for an attempt at an exact determination of costs. For the purpose of expediting settlements, costs should be estimated and approximated on reasonable bases, to the fullest extent practicable. Differences should be compromised and questions of doubt settled by agreement.

(c) The scope and function of cost principles and cost data, as outlined above, are not changed by the issuance of Termination Cost Memorandums by the Director of Contract Settlement pursuant to General Regulation No. 14 (see § 845.552–3). These Memorandums are designed to promote greater uniformity in the interpretation of the cost princi-

ples, but the principles themselves, insofar as they apply to negotiated settlements, are intended only as a general guide and not in any way as an inflexible rule. [JTR 532.2]

§ 845.533 *Allowance for profit on fixed-price contracts.* [JTR 533]

§ 845.533–1 *General.* (a) The contractor should be allowed a profit only on preparations made and work done for the terminated portion of the contract (excluding any allowance of profit on post-termination and settlement expenses, such as protection, preservation and disposition of termination inventory, settlement of the prime contract and any subcontracts thereunder, and like costs). Subject to this limitation, any reasonable method may be used to arrive at a fair profit. The most satisfactory criterion of a fair profit is ordinarily what the parties agreed upon, as evidenced by the amount of profit:

(1) Which both parties agreed upon or consented to at the time the contract was negotiated; or

(2) Which the contractor would have earned had the contract been completed; or

(3) Which the contractor agreed to accept in the event the contract was terminated.

(b) Ordinarily, ascertaining the profit the contractor would have earned, if the contract had been completed, would be complicated, time consuming, and in practice would frequently be inaccurate. Generally, the best substitute for this criterion will be the amount of profit which the parties agreed upon at the outset. Accordingly, in arriving at a reasonable profit, whether determined separately or as a part of the whole amount of the settlement, the following sections should be considered. [JTR 533.1]

§ 845.533–2 *Proportion of agreed profit.* (a) One method of arriving at a fair profit on the terminated portion of the contract is to allow the contractor the same proportion of the dollar amount of the profit which both parties agreed upon or contemplated at the time the contract was negotiated as the work performed by him on the terminated portion of the contract bears to the work contemplated by the entire contract.

(b) This proportion does not necessarily depend on the ratio of the costs incurred on the terminated portion to the total estimated costs, nor on the ratio of materials acquired for the terminated portion to the total materials needed. Thus, where the contractor has acquired materials not processed by him, these costs are not a fair index of the proportion of the work done by him. These factors should be considered, but the primary test is the extent and difficulty of the work done by the contractor (including engineering work, production scheduling, planning, technical study and supervision, arrangement and supervision of subcontracts, as well as other services) as compared with the total work required of him by the contract. Engineering estimates of the percentage of completion should not ordinarily be required but should be properly considered if available.

(c) Where the contract has required the arrangement of subcontracts and the supervision of their performance, this work should be considered in estimating the extent of completion, but the profit should not be measured by the amount of his payments to subcontractors for their termination claims. [JTR 533.2]

§ 845.533–3 *Approximate formula profit.* Where the application of the principles stated in § 845.533–2 is impracticable in any case or would delay its settlement, or where it appears that the contractor would not have realized a profit on the contract if it had been completed, another method may be used to determine the amount of profit. This method is to approximate the amount of the profit which the contractor would be entitled to receive under the formula contained in his contract if the parties had failed to agree. [JTR 533.3]

§ 845.533–4 *Profits on letter orders.* Where a letter order, letter contract, or other preliminary contractual instrument contains a provision allowing such profit on termination as is reasonable under the circumstances, no profit will be allowed to the war contractor if he has delayed the execution of a definitive contract for an unreasonable period without proper cause. [JTR 533.4]

§ 845.534 *Other principles.* [JTR 534]

§ 845.534–1 *Avoiding useless litigation.* To avoid forcing the contractor to unnecessary litigation to establish his legal rights against the Government under the uniform article, it will be appropriate in any case, where the contractor so desires, to approximate in the settlement the amount prescribed by the formula in that article. [JTR 534.1]

§ 845.534–2 *Overall limit on settlements.* The gross amount of the settlement, excluding sums paid to compensate for post-termination expenses and services, should not exceed the contract price, minus payments otherwise made or to be made under the contract. [JTR 534.2]

§ 845.535 *Price adjustment articles.* [JTR 535]

§ 845.535–1 *Effect of War Department price adjustment articles after termination.* (a) Many fixed-price supply contracts contain articles providing that, upon the occurrence of specified events, the contract prices of the items thereafter to be delivered will be readjusted either by negotiation or by formula (e. g., §§ 803.372–5, 803.372–6, 803.372–7, 803.373–5, 803.373–6, 803.377–4 and the articles formerly appearing in §§ 803.339, 803.360–1, 803.360–2, 803.360a, 803.360a–1, and 803.361 of this chapter). Other price adjustment articles provide that upon the occurrence of specified events the contract price of the items theretofore delivered as well as thereafter to be delivered will be adjusted either by negotiation or by formula (e. g., §§ 803.372–7, 803.373–6 and the articles formerly appearing in §§ 803.341–1, 803.341–2, 803.360–2 and 803.360a–1). Where the contract is terminated after the occurrence of an event giving rise to a right to a negotiation or computation looking to a price adjustment but before its completion, the adjustment negotiations or computations will normally be carried promptly to conclusion by the parties.

(b) Some price adjustment articles (e. g., Part 803, §§ 803.370 to 803.377–4, and former §§ 803.360–1, 803.360–2, 803.360a and 803.360a–1 of this chapter) specifically recognize the possibility of termination, and set out the effect to be given to these articles in the event of a formula settlement under the uniform termination article. In the case of a contract containing such an article, consideration should be given, in negotiating a settlement, to the rights of either party to a price adjustment. The negotiated settlement should not be used, however, to effect an adjustment in the price of items delivered in any period as to which there would have been no adjustment if the contract had continued to completion.

(c) In certain price adjustment articles providing for retrospective as well as prospective price adjustment (e. g. the standard articles formerly set out in §§ 803.341–1 and 803.341–2) there is no provision with respect to the relation between price adjustment and termination. If a contract containing such an article is terminated before the event giving rise to a right to a computation or negotiation looking to a price adjustment has occurred, neither party has any right to an adjustment of the contract price of articles delivered prior to termination. In such event, however, the limitations on certain types of cost contained in paragraph (i) in the Statement of Principles for Determination of Costs (§§ 845.551 and 845.551–2) shall apply only to the extent that such limitations would have applied if the contract had been completed and adjustment of the price had been negotiated or determined. In negotiating a settlement with respect to the terminated portion of the contract, due allowance may be made for high initial costs, if any, in accordance with the principle set forth in § 845.551–3. Furthermore, where weight is to be given to the indicated rate of profit on such a contract, consideration should be given to the fact that the contract contained a price adjustment article. The procedure set out in § 845.523–3 (b) shall not be applied in the case of contracts which contain an article permitting upward price adjustment and having retrospective effect, if the contract is terminated before the occurrence of the event giving rise to negotiation or determination of such price adjustment.

(d) Price adjustments and negotiations or computations relating thereto should, wherever practicable, be concluded prior to, and reflected in, the final settlement agreement. Care should be taken to exclude from the negotiated settlement of a termination claim any costs which have already been explicitly recognized as having been paid for in price for completed periods under a price adjustment article. See § 803.371–2 (h). [JTR 535.1]

§ 845.535–2 *Effect of Navy Department price adjustment articles after termination.* (a) Certain Navy Department fixed price contracts contain articles providing for the readjustment of contract prices by negotiation or

otherwise upon the occurrence of a specified event (the date of occurrence of which is hereinafter referred to as the "target date"). Where a contract contains such an article which specifically prescribes the effect to be given thereto upon termination, the provisions of paragraphs (b) and (c) below shall not apply.

(b) This paragraph applies to terminated fixed price contracts which contain the Uniform General Price Redetermination Article approved for use in Navy fixed price contracts, or any substantially similar article providing for the downward redetermination of contract prices by negotiation or otherwise upon the target date. This paragraph does not apply to any contract under which the price redetermination has been effected prior to the date fixed for termination.

(1) In the absence of unusual circumstances, where the contracting officer finds that, by reason of a termination, the target date will never be reached, the contracting officer shall not exercise any privilege he may have of accelerating the target date, and the termination settlement shall waive the Government's rights under the redetermination article.

(2) Where settlement of a termination claim is completed before redetermination is effected, the settlement agreement shall reserve to the Government any right it may have to redetermination, unless settled and released, or waived, as provided in subparagraph (1) above or paragraph (c) below.

(c) Where performance of work under a terminated contract has been substantially completed, and a termination settlement is effected on the total cost basis (Form 1b) prior to redetermination of price under any redetermination article, any claim of the contractor or the Government under the redetermination article, shall, wherever possible, be settled and released as part of the termination settlement. Redetermination shall not, however, be delayed substantially beyond the original or accelerated target date solely in order to permit the contractor to file his termination claim on Form 1b.

(d) Except as otherwise provided in this section, the readjustment or redetermination of prices shall proceed upon the terms and conditions stated in the contract, regardless of any termination thereof. [JTR 535.2]

§ 845.537 *Application to subcontracts.* Settlements of subcontracts will be approved or recognized where they are based on the principles stated in this subpart, except that the contracting officer may take into account the profit which he would have agreed to pay in procuring directly the same or a similar item, instead of the profit determined in accordance with § 845.533. [JTR 537]

§ 845.538 *Application of principles to war contracts without uniform termination article.* In settling by negotiation any terminated war contract which does not contain and is not amended to insert the uniform fixed-price termination article, the contracting officer or war contractor settling the claim should apply the principles stated in this subpart to the extent appropriate in the light of the provisions of the particular contract. [JTR 538]

SUBPART D—BASIS FOR FORMULA SETTLEMENT OF FIXED-PRICE CONTRACTS

§ 845.540 *Scope.* Under the uniform termination articles for fixed price supply prime contracts and subcontracts, if the parties fail to agree on the amount payable for termination, the amount will be determined under a formula prescribed by the uniform article which is substantially the same in both the prime contract and subcontract forms. This subpart discusses the amounts allowed under this formula. The procedure for making such formula settlements under prime contracts is prescribed in Subpart E of Part 847. Subcontract settlements without agreement are discussed in § 846.625. [JTR 540]

§ 845.541 *Items allowed by formula for fixed-price contracts.* [JTR 541]

§ 845.541–1 *Completed articles.* The war contractor is entitled to the contract price for all articles or services which have been completed in accordance with the contract and not theretofore paid for, and which do not represent unreasonable anticipation of production schedules, unless the parties agree on other disposition of such articles. (See § 842.252–1 (c).)

§ 845.541–2 *Contractor's own charges.* The war contractor is entitled to the actual costs incurred by him which are properly allocable to the terminated portion of the war contract under recognized commercial accounting practices, except costs allocable to completed articles paid for at the contract price. For this purpose, the principles for determining costs stated in § 845.551 apply to formula settlements under the uniform fixed-price prime contract article by its terms, and will be recognized by the Government as representing "recognized commercial accounting practices" under the uniform subcontract article. [JTR 541.2]

§ 845.541–3 *Subcontractors' claims.* The war contractor is entitled to the costs of settling and paying claims under terminated subcontracts allocable to the terminated portion of the war contract. For the purpose of computing the allowance for profit, the amounts paid or payable to subcontractors for materials delivered or services furnished by them before the effective date of termination should be treated as a part of the war contractor's own charges and not as part of the cost of settling termination claims of subcontractors. [JTR 541.3]

§ 845.541–4 *Post-termination and settlement expenses.* (a) The war contractor is entitled to his reasonable costs of preserving and protecting termination inventory in his possession, and any other reasonable costs incidental to the termination of work.

(b) He is also entitled to reasonable costs of obtaining settlement of the amount due on his termination claim. [JTR 541.4]

§ 845.541–5 *Allowance for profit.* As an allowance for profit on the terminated portion of the contract, the war contractor is entitled to percentages fixed in the contract on the costs of materials not processed by him and on the remainder of his costs, but the aggregate allowance for profit shall not exceed 6% of the whole of such costs. For the purpose of computing such profit, his costs shall not include any charge for interest on borrowings or for amounts paid by him in settling termination claims of subcontractors (see § 845.541–3). [JTR 541.5]

§ 845.541–6 *Limitation on aggregate amount.* The total amount payable to the contractor under §§ 845.541–1, 845.541–2, 845.541–3 and 845.541–5, before deducting disposal credits, shall not exceed the total contract price less payments otherwise made or to be made under the contract. [JTR 541.6]

§ 845.542 *Deductions under formula for fixed-price contracts.* [JTR 542]

§ 845.542–1 *Disposal credits.* From the amount payable under § 845.541, there shall be deducted the agreed price for any part of the termination inventory retained by the war contractor, and the proceeds of sale of any materials sold by him, which have not otherwise been paid or credited to the Government or customer. [JTR 542.1]

§ 845.542–2 *Deduction for property undeliverable due to loss or damage.* Under the uniform article for prime contracts, the risk of loss of termination inventory, except for normal spoilage, remains on the prime contractor until transfer of such property to the Government or to a buyer, or until 60 days after delivery to the Government of an inventory schedule covering it, whichever occurs first, unless the Government has expressly assumed such risk. Under the formula, if any such property is destroyed, lost, stolen or damaged so as to become undeliverable within these periods, any amounts payable for such property shall be deducted from the amounts otherwise payable to the prime contractor under § 845.541. [JTR 542.2]

§ 845.542–3 *Other offsets.* Under the uniform article for prime contracts, the amount payable to the prime contractor under § 845.541 is subject to deduction for any other claim which the Government may have against the prime contractor in connection with the contract. [JTR 542.3]

§ 845.542–4 *Unliquidated financing.* Under the uniform article for prime contracts, the amount payable to the prime contractor under § 845.541 is subject to deduction for all unliquidated partial or progress payments, payments on account theretofore made to the contractor, and unliquidated advance payments. [JTR 542.4]

§ 845.542–5 *Withholding of amounts for subcontractors.* Under the uniform article for prime contracts, the contracting officer in his discretion may deduct from the amount otherwise payable under § 845.541 the amount of any termination claim of any subcontractor to the extent that it does not cover ma-

terials delivered to the contractor, or services furnished to him for the production of completed articles. (See § 846.668) [JTR 542.5]

§ 845.543 *Application of other contract formulas.* Where any war contract contains a formula for determining the amount due if terminated, different from that prescribed in the uniform article for fixed-price contracts, the provisions of the formula in the particular contract will be followed in determining the amount due for its termination when the parties do not settle the claim by agreement, unless the formula fails to provide fair compensation in accordance with the act. [JTR 543]

SUBPART E—PRINCIPLES FOR DETERMINING COSTS

§ 845.550 *Scope.* (a) By order dated January 8, 1944, the Director of War Mobilization issued a statement of principles for determination of costs upon termination of Government fixed-price supply contracts. By order of the Director of Contract Settlement dated September 30, 1944, this statement of principles was amended in certain respects. The text of this statement of principles, as amended, is set forth in § 845.551 of this subpart, and the instructions for the application of these principles are stated in § 845.552.

(b) This subpart also contains other instructions as to costs, including those applicable to settlements of cost-plus-a-fixed-fee contracts and subcontracts. [JTR 550]

§ 845.551 *Statement of principles for determination of costs upon termination of fixed-price supply contracts.* [JTR 551]

§ 845.551–1 *General principles.*

General principles. The costs contemplated by this Statement of Principles are those sanctioned by recognized commercial accounting practices and are intended to include the direct and indirect manufacturing, selling and distribution, administrative and other costs incurred which are reasonably necessary for the performance of the contract, and are properly allocable or apportionable, under such practices, to the contract (or the part thereof under consideration). The general principles set out in this Statement are subject to the application of any special provisions of the contract. Certain costs are specifically described below [in § 845.551–2] because of their particular significance, and, as in the case of other costs, should be included to the extent that they are allocable to or should be apportioned to the contract or the part thereof under consideration.

[JTR 551.1]

§ 845.551–2 *Particular allowed costs.*

(a) *Common inventory.* The costs of items of inventory which are common to the contract and to other work of the contractor.

(b) *Common claims of subcontractors.* The claims of subcontractors which are common to the contract and to other work of the contractor.

(c) *Depreciation.* An allowance for depreciation at appropriate rates on buildings, machinery and equipment and other facilities including such amounts for obsolescence due to progress in the arts and other factors as are ordinarily given consideration in determining depreciation rates. Depreciation as defined herein shall not include loss of useful value of the type covered by subparagraph (f).

(d) *Experimental and research expense.* General experimental and research expense to the extent consistent with an established pre-war program, or to the extent related to war purposes.

(e) *Engineering and development and special tooling.* Costs of engineering and development and of special tooling: *Provided*, That the contractor protects any interests of the Government by transfer of title or by other means deemed appropriate by the Government.

(f) *Loss on facilities—Conditions on allowance.* In the case of any special facility acquired by the contractor solely for the performance of the contract, or the contract and other war production contracts, if upon termination of the contract such facility is not reasonably capable of use in the other business of the contractor having regard to the then condition and location of such facility, an amount which bears the same proportion to the loss of useful value as the deliveries not made under the contract bear to the total of the deliveries which have been made and would have been made had the contract and the other contracts been completed: *Provided*, That no amount shall be allowed under this paragraph unless upon termination of the contract title to the facility is transferred to the Government, except where the Government elects to take other appropriate means to protect its interests.

(g) *Special leases.* (1) Rentals under leases clearly shown to have been made for the performance of the contract, or the contract and other war production contracts, covering the period necessary for complete performance of the contract and such further period as may have been reasonably necessary; (2) costs of reasonable alteration of such leased property made for the same purpose; and (3) costs of restoring the premises, to the extent required by reasonable provisions of the lease; less (4) the residual value of the lease: *Provided*, That the contractor shall have made reasonable efforts to terminate, assign, or settle such leases or otherwise reduce the cost thereof.

(h) *Advertising.* Advertising expense to the extent consistent with a pre-war program or to the extent reasonable under the circumstances.

(i) *Limitation on costs described in subparagraphs (d), (e), (f), (g) and (h).* In no event shall the aggregate of the amounts allowed under subparagraphs (d), (e), (f), (g) and (h) exceed the amount which would have been available from the contract price to cover these items, if the contract had been completed, after considering all other costs which would have been required to complete it.

(j) *Interest.* Interest on borrowings.

(k) *Settlement expenses.* Reasonable accounting, legal, clerical and other expenses necessary in connection with the termination and settlement of the contract and subcontracts and purchase orders thereunder, including expenses incurred for the purpose of obtaining payment from the Government only to the extent reasonably necessary for the preparation and presentation of settlement proposals and cost evidence in connection therewith.

(l) *Protection and disposition of property.* Storage, transportation and other costs incurred for the protection of property acquired or produced for the contract or in connection with the disposition of such property.

[JTR 551.2]

§ 845.551–3 *Initial costs.*

Initial costs. Costs of a non-recurring nature which arise from unfamiliarity with the product in the initial stages of production should be appropriately apportioned between the completed and the terminated portions of the contract. In this category would be included high direct labor and overhead costs, including training, costs of excessive rejections and similar items.

[JTR 551.3]

§ 845.551–4 *Excluded costs.*

Excluded costs. Without affecting the generality of the foregoing provisions in other respects, amounts representing the following should not be included as elements of cost:

(a) Losses on other contracts, or from sales or exchanges of capital assets; fees and other expenses in connection with reorganization or recapitalization, anti-trust or federal income-tax litigation, or prosecution of federal income tax claims or other claims against the Government (except as provided in paragraph (k) [§ 845.551–2]); losses on investments; provisions for contingencies and premiums on life insurance where the contractor is the beneficiary.

(b) The expense of conversion of the contractor's facilities to uses other than the performance of the contract.

(c) Expenses due to the negligence or willful failure of the contractor to discontinue with resonable promptness the incurring of expenses after the effective date of the termination notice.

(d) Costs incurred in respect to facilities, materials or services purchased or work done in excess of the reasonable quantitative requirements of the entire contract.

[JTR 551.4]

§ 845.551–5 *Use of contractor's accounting methods.*

To the extent that they conform to recognized commercial accounting practices and the foregoing Statement of Principles, the established accounting practices of the contractor as indicated by his books of account and financial reports will be given due consideration in the preparation of statements of cost for the purposes of this article.

[JTR 551.5]

§ 845.551–6 *Other costs.*

The failure specifically to mention in this statement any item of cost is not intended to imply that it should be included or excluded.

[JTR 551.6]

§ 845.552 *Application of statement of principles.* [JTR 552]

§ 845.552–1 *Application to formula settlements.* (a) The cost principles stated in § 845.551 apply to formula settlements of termination claims under the uniform articles for fixed price supply prime contracts and subcontracts.

(b) Paragraph (h) of the uniform article for prime contracts specifies that the statement of cost principles shall be followed in applying the formula. When issued, the uniform article referred to the statement issued by the Director of War Mobilization on January 8, 1944. The statement of cost principles as amended on September 30, 1944 is somewhat simpler to apply and administer. In the interest of uniformity, however, in applying the formula under a contract with the uniform clause, the contracting officer will follow the statement of cost principles as amended, whether or not the contract refers to the earlier form of the statement. If the contractor so desires, the contracting officer shall amend the contract to refer to the revised statement.

(c) In applying the formula under the fixed price supply subcontract article, the Government will consider the statement of principles as representing "recognized commercial accounting practices." For this purpose, any subcontractor will be allowed the benefits of the amended form of the Statement whether his subcontract was made before or after its amendment. [JTR 552.1]

§ 845.552–2 *Application to negotiated settlements.* In settlements of prime contracts and subcontracts by agreement, the statement of principles will be taken into account to the extent stated in § 845.552–2. [JTR 552.2]

§ 845.552–3 *Interpretation in both formula and negotiated settlements.* (a) To promote uniformity in the interpretation of the statement of cost principles, the Director of Contract Settlement has issued General Regulation No. 14, including termination cost memorandums numbered 1 through 9. Additional memorandums will be issued as required from time to time.

(b) These memorandums represent an acceptable standard of accuracy in the accounting treatment of the costs to which they relate. They are intended to serve as accounting aids to personnel of prime contractors, subcontractors, and contracting agencies. Their function is to interpret, not to expand, the statement of cost principles; and accounting data may be accepted when determined on bases different from those set forth in the memorandums if such bases represent recognized commercial accounting practices and yield equitable results. [JTR 552.3]

§ 845.553 *Continuing costs after effective date of termination.* In some instances, it may be impossible to discontinue certain costs and expenses in connection with the performance of a war contract immediately after the effective date of termination in spite of all reasonable efforts by the war contractor to stop work promptly in accordance with the notice of termination. Where the war contractor proceeds as rapidly as is practicable, after receiving such notice, to discontinue such costs in accordance therewith, reimbursement for such costs should not be denied merely because they were incurred after the effective date of termination. However, a war contractor will not be reimbursed for "interest on borrowings" (§ 845.551–2 (j)) to the extent that such interest accrues after the effective date of termination. [JTR 553]

§ 845.554 *Allocation of advance planning expenses.* Where a contractor incurs reasonable preliminary expenses to plan or prepare in advance for termination, such expenses may be allocated on any fair basis to contracts terminated thereafter. [JTR 554]

§ 845.555 *Determination of allocability.* [JTR 555]

§ 845.555–1 *General basis.* Material claimed to be termination inventory must be properly allocable, both as to type and quantity, to the terminated war contract. In the case of a prime contract, the contracting officer must determine allocability. In the case of a subcontract, the next higher tier war contractor must determine allocability, subject to approval by the contracting officer when his approval of the settlement is required. [JTR 555.1]

§ 845.555–2 *Common items.* (a) Items which are reasonably usable on other work of the war contractor because they are materials, parts or components, common in nature to both the terminated contract and other work of the contractor, should not be listed on termination inventory schedules nor should any costs with respect thereto be included in his settlement proposal, to the extent that the items are reasonably applicable to the contractor's other work. The foregoing provision is not intended to prevent a war contractor from listing properly allocable items which cannot be used on other work except at a loss to the contractor. The determination of whether or not items are reasonably usable on other work of the contractor and without loss should be made as of the effective date of termination.

(b) In the settlement of a terminated contract common items properly allocable thereto may be taken into consideration in determining the amount to be paid, on the same basis as other termination inventory, and such items may be retained, sold or otherwise disposed of in the same way as other termination inventory in accordance with Part 844. For further instructions regarding common items, see Termination Cost Memorandum No. 3, Regulation No. 14 of the Office of Contract Settlement (Part 8604 of Title 32).

§ 845.555–3 *Allocability among several terminated contracts.* Where the chief of a service or bureau determines that termination inventory or terminated subcontracts allocable to two or more terminated war contracts cannot be allocated accurately among such contracts without unreasonable delay or effort by the war contractor or the Government, he may authorize the allocation of such inventory or subcontracts among such contracts on any reasonable basis without attempting to determine accurately the amount allocable to each contract. [JTR 555.3]

§ 845.555–4 *Material in excess of CMP and other WPB regulations.* Materials may be determined to be allocable to a terminated war contract without deciding whether they exceed any amount permitted under CMP or other regulations or orders of the War Production Board. The War Production Board is responsible for enforcing its regulations and orders. Contracting officers do not have such responsibility. [JTR 555.4]

§ 845.556 *Diversion of material and subcontracts to continuing war contracts.* [JTR 556]

§ 845.556–1 *General.* It is the policy of the Government, upon the termination of war contracts, to utilize material or subcontracts for continuing war production. A war contractor should, whenever practicable, divert termination inventory and subcontracts under terminated war contracts to his other war contracts or to those of another war contractor. Diversions should be made to continuing war contracts (a) with the War or Navy Department in accordance with this subchapter, or (b) with any other Department of the Government in accordance with this subchapter and any applicable regulation of such other Department. [JTR 556.1]

§855.556–2 *Diversion of contractor-owned material.* (a) Where a war contractor diverts material to any of his continuing war contracts, its cost may be included in the settlement of the terminated contract and a value agreed upon for its retention. In the event of subsequent termination of the continuing contract, the agreed value may be included in arriving at the cost of the material chargeable to the continuing contract. The material so diverted will be considered allocable to the continuing contract, if it is later terminated, to the extent that such material is within the reasonable quantitative requirement for completion of that contract, even though production schedules are anticipated or exceeded as a result of such diversion.

(b) Where a war contractor terminates subcontracts as a result of the diversion of material from a terminated war contract to his continuing war contracts, the charges incurred by reason of the termination of such subcontracts may be dealt with in either of the following ways:

(1) The war contractor may take such termination charges into consideration when calculating the amount at which he will agree to retain the materials for diversion to the continuing contract. If the continuing contract is later terminated, such agreed value plus such termination charges may be included in arriving at the cost of the material chargeable to the continuing war contract.

(2) The termination charges may be included in the termination claim under the original terminated war contract, in which event they shall not be considered in determining any agreed value at which the material is diverted to the continuing contract, nor shall they be included in arriving at the cost of the material to be included in a later termination settlement of the continuing war contract.

(c) If the price at which material is diverted to a continuing war contract cannot readily be agreed upon in advance of delivery owing to considerations beyond the control of the war contractor and induced by the nature of the transaction, diversion of the material may nevertheless be made. In such case, provisions may be made for pricing by mutual agreement at a future time not beyond the expiration of the continuing war contract, or the termination settlement thereof if it is subsequently terminated.

(d) Where termination inventory is transferred to another war contractor for use in connection with a fixed-price war contract, the transaction constitutes a sale rather than a diversion. If a saving to the Government may be effected, however, such transfer of material may be made even if it necessitates the termination of subcontracts of the other war contractor, and the cost of such termi-

nation may be taken into consideration in arriving at the proper price at which the material may be transferred, or may be paid by the Government when the contracting officer so determines. [JTR 556.2]

§ 855.556–3 *Diversion of Government-owned material.* Government-owned material remaining after termination of a war contract should be diverted by sale or by a transfer of accountability to continuing cost-plus-a-fixed-fee or other war contracts which by their provisions vest title to material in the Government, or should be diverted as Government-furnished material or equipment to fixed-price war contracts. [JTR 556.3]

§ 855.556–4 *Diversion of subcontracts.* (a) War contractors should, so far as practicable, divert subcontracts from terminated war contracts to continuing war contracts of the same or other war contractors where a saving to the Government may be effected and where the material covered by the subcontracts will be within the reasonable quantitative requirements for the completion of the continuing contract.

(b) Where the transfer of a subcontract to a continuing contract of the same war contractor necessitates the termination of existing subcontracts under the continuing contract, the termination charges thereon may be included in the war contractor's termination claim under the original terminated war contract.

(c) If the transfer of a subcontract to a continuing war contract of another war contractor necessitates the termination of existing subcontracts under the continuing contract, the termination charges may either (1) be reimbursed by the Government to the continuing war contractor with the approval of the contracting officer for that contract, or (2) be assumed by the war contractor under the original terminated war contract and included in his termination claim when this may be accomplished with the agreement of all parties concerned. [JTR 556.4]

§ 845.558 *Cost principles for cost and cost-plus-a-fixed-fee contracts.* In effecting a settlement of terminated cost and cost-plus-a-fixed-fee contracts, and of the cost portion of a terminated fixed-price contract, the provisions of the particular contract governing the types of reimbursable costs will determine what costs are properly allowable. Some cost-plus-a-fixed-fee contracts embody Treasury Decision 5000 in their definition of costs, which definition is, in some material respects, different from the definition contained in § 845.551. [JTR 558]

SUBPART F—BASIS FOR SETTLEMENT OF COST-PLUS-A-FIXED-FEE CONTRACTS

§ 845.560 *Scope.* This subpart discusses special procedures applicable to the settlement of terminated cost-plus-a-fixed-fee prime contracts and subcontracts. Except to the extent inconsistent with this subpart, all other provisions of this subchapter are applicable to terminated cost-plus-a-fixed-fee contracts unless the context indicates otherwise. [JTR 560]

§ 845.560–1 *Types of contracts.* (a) The provisions of this subpart shall be applicable to the following:

(1) Cost and cost-plus-a-fixed-fee war contracts;

(2) That portion of a fixed-price prime contract which is on a reimbursable cost basis, where the estimated cost of that portion exceeds 50 per cent of the fixed-price portion, if the cost portion is terminated either in whole or in part or if the fixed-price portion is terminated in whole; and

(3) Letter orders, letter contracts, letters of intent and letter purchase orders which provide for current reimbursement of allowable costs.

(b) The provisions of this subpart shall not apply to any cost-plus-a-fixed-fee subcontract where any higher tier contract is not a cost-plus-a-fixed-fee contract. [JTR 560.1]

§ 845.560–2 *Pending cases.* The provisions of this subpart shall apply to pending cases, but action taken in accordance with the procedures in effect at the time the action was taken shall be deemed to constitute compliance with any comparable provisions of this subpart. Where the chief of any service or bureau determines that the use of any of the procedures set forth in this subpart will unduly delay the final settlement of a case pending on February 8, 1945, he may apply to the Readjustment Division, ASF, or the Industrial Readjustment Branch, OP&M, for authority to be relieved from the application of these procedures. [JTR 560.2]

§ 845.560–3 *Use of terms.* As used in this subpart, the following terms shall have the following meanings:

(a) *Cost-plus-a-fixed-fee contract.* The term "cost-plus-a-fixed-fee contract" means the types of contracts described in § 845.560–1.

(b) *Form 1034 cost vouchers.* The term "Form 1034 cost vouchers" means any voucher (including, in the Navy Department, vouchers on S&A Form 77) covering payment of costs to a war contractor, except vouchers covering only the following:

(1) Post-termination expenses; or

(2) Advance, progress, or partial payments; or

(3) Payments on partial or complete settlement agreements or on settlements by determination; or

(4) Payments to subcontractors of the types described in subparagraphs (1), (2), or (3) of this paragraph.

(c) *Reimbursed costs.* The term "reimbursed costs' means payments on Form 1034 cost vouchers to a war contractor for costs audited and allowed by the War or Navy Department up to the time of payment of the last Form 1034 cost voucher under the contract, whether or not subsequently recovered from the contractor as the result of a General Accounting Office exception. Payments in excess of audited and allowed costs, including progress payments on unsettled overhead, shall not be regarded as reimbursed costs.

(d) *Fixed-fee.* The term "fixed-fee" means any compensation under the contract in the nature of a fixed-fee for the contractor's services or a bonus for savings in cost or early delivery. [JTR 560.3]

§ 845.561 *Procedures prior to termination which are necessary to prompt settlement in the event of termination.* [JTR 561]

§ 845.561–1 *Prompt submission and audit of Form 1034 cost vouchers.* The contractor should present promptly to the service or bureau Form 1034 cost vouchers for all costs incurred in connection with the performance of a cost-plus-a-fixed-fee contract. This is essential in order that the service or bureau and the General Accounting Office may carry out their audits on a current basis and, so far as practicable, settle controversial or doubtful issues. Where the contractor, in the opinion of the contracting officer, does not present his costs with reasonable promptness, it may be necessary to reduce advance payments or other Government financing in order to protect adequately the Government's interests. In those cases where overhead is involved, progress payments against current overhead may be discontinued by the contracting officer in the War Department or the Cost Inspection Service in the Navy Department, to the extent necessary to insure prompt presentation of final vouchers. [JTR 561.1]

§ 845.561–2 *Clearance of informal inquiries.* Every effort will be made during performance of the contract to provide satisfactory answers to all informal inquiries raised during the course of audit by the General Accounting Office. Clearance of informal inquiries is of special importance in view of the procedure that a Notice of Exception (Standard Form 1100) will be issued by the General Accounting Office where a satisfactory reply has not been made within 60 days from the date of the inquiry. [JTR 561.2]

§ 845.561–3 *Submission of reclaim vouchers in the War Department.* Where deductions or refunds have been made to clear exceptions and the contractor desires to make a further claim for the amount deducted or refunded, the claim may be submitted in the form of a reclaim voucher. The voucher, if approved by the contracting officer, must be certified and supported by all available and necessary documentary evidence, including (a) questions raised by the informal inquiry and replies, if any, (b) copy of notice of exception (Standard Form 1100) and replies thereto, (c) any revision to the exception together with replies made to the revised exception, and (d) any additional evidence not theretofore submitted in support of the claim for reimbursement. The Fiscal Director, ASF, has instructed all disbursing officers that, prior to termination, where payment on the reclaim voucher is not made promptly, they should forward such reclaim voucher and supporting information to his office, prior to payment either for submission to the Comptroller General for advance decision, or for other appropriate action. After termination, the reclaim voucher will be sent by the disbursing officer in every case, prior to payment, to the Office of the Fiscal Director. [JTR 561.3]

§ 845.562 *General principles governing settlement of terminated contracts.* [JTR 562]

§ 845.562–1 *Necessity for complete and final settlement.* (a) As in the case of fixed-price contracts, it is the policy of the War and Navy Departments that the settlement of a terminated cost-plus-a-fixed-fee contract be complete and final. Settlement should be by agreement to the maximum extent feasible, but any contracts that cannot be settled by agreement must be settled by determination, as provided in § 845.568. Where agreement can be reached on only part of the issues, a settlement agreement covering these issues should be negotiated, subject to the provisions of § 845.515–3, and the remainder of the claim settled by determination.

(b) Each complete and final settlement, either by agreement or determination, will include not only unreimbursed costs and fixed-fee but also, for the purpose of finality, reimbursed costs under the contract. Upon final settlement all termination inventory must be accounted for as provided in § 844.451–1. [JTR 562.1]

§ 845.562–2 *Procedure required for settlement.* (a) No settlement covering reimbursed costs may be made except pursuant to the procedure set forth in § 845.563. This procedure requires notice to the General Accounting Office after payment of the last Form 1034 cost voucher submitted under the contract. The General Accounting Office is requested in the notice to furnish information as to any outstanding exceptions by an interim audit status letter sent promptly after receipt of the notice and by a final audit status letter sent on or prior to the date 60 days from receipt of the notice. The date 60 days from receipt of the notice or the date of receipt of the final audit status letter, whichever is earlier, is referred to in this subpart as the "audit status date". Within the period of 30 days after the audit status date a final effort is to be made to clear outstanding exceptions.

(b) Where there have been no reimbursed costs under the contract, the procedure set forth in § 845.563 need not be followed. In such cases, all claims of the Government or the contractor in connection with the terminated contract will be settled as provided in § 845.564. [JTR 562.2]

§ 845.562–3 *Partial termination.* (a) Where a cost-plus-a-fixed-fee contract is terminated in part, a settlement covering only the terminated portion will not be practicable unless it is clearly severable from the balance of the contract. Except as provided in paragraph (c) below, therefore, all costs will continue to be presented in the same manner, as prior to the notice of partial termination, until the contracting officer determines that performance (as distinguished from termination activity) is complete or that performance on any continued portion is only on subsidiary items or spare parts, or is otherwise not substantial, at which time the procedure set forth in § 845.563 will be followed.

(b) As promptly as practicable after a partial termination, unless the contract otherwise provides, subcontracts terminated as a result of the partial termination should be settled as provided in § 845.569 and the fixed-fee should be adjusted in accordance with § 845.566.

(c) Where the contracting officer determines that the terminated portion is clearly severable from the balance of the contract, the terminated portion and any related claims likewise severable and appropriate for settlement in connection with the terminated portion may be settled separately, in accordance with § 845.563 if the settlement includes reimbursed costs, or in accordance with § 845.564 if the settlement does not include reimbursed costs. [JTR 562.3]

§ 845.563 *Procedure where settlement includes reimbursed costs.* [JTR 563]

§ 845.563–1 *Action to be taken upon issuance of notice of termination.* (a) When a notice of partial or complete termination is issued, the office issuing the notice will, at the time of issuance, send a copy thereof to the General Accounting Office.

(b) The contracting officer will proceed immediately to take all possible preliminary steps looking toward a final settlement agreement, including approval of subcontract settlements under § 845.569, the consideration of accounting reports submitted pursuant to § 845.567–3, disposition of termination inventory, and discussion of points at issue. No final settlement agreement which includes reimbursed costs will be made, however, until the provisions of §§ 845.563 to 845.563–6, inclusive, have been complied with. [JTR 563.1]

§ 845.563–2 *Discontinuance of vouchers.* (a) Upon the effective date of complete termination, or in the case of a partial termination upon receipt of notice from the contracting officer that performance is complete or that performance on any continued portion is only on subsidiary items or spare parts or is otherwise not substantial, the contractor shall promptly discontinue the presentation of Form 1034 cost vouchers, except reclaim vouchers submitted under § 845.561–3, and except as provided in paragraph (b) below.

(b) Although discontinuance of the use of Form 1034 cost vouchers will permit speedier settlement, a contractor may elect to continue presenting costs on Form 1034 cost vouchers. A contractor who continues presentation of Form 1034 cost vouchers may at any time thereafter elect to discontinue the use of such vouchers. A contractor will not, however, be permitted during the same period of time to use both Form 1034 cost vouchers and settlement proposals in presenting his costs, except that during the continued use of Form 1034 cost vouchers a contractor may present settlement proposals which are to serve as a basis for the negotiation of a partial settlement authorized by § 845.564–2 (a).

(c) The contractor's election to discontinue the use of Form 1034 cost vouchers shall be made in such manner as the contracting officer (in the case of the Navy, the Cost Inspection Service) may require. A contractor who elects to discontinue Form 1034 cost vouchers will not be permitted to resume the use of such vouchers.

(d) After discontinuance of Form 1034 cost vouchers, the contractor will present unreimbursed costs on the settlement proposal form prescribed in § 845.565. On the basis of such settlement proposals, partial settlements may be made from time to time as provided in § 845.564–2 (b). [JTR 563.2]

§ 845.563–3 *Preparation of information for General Accounting Office.* (a) After the discontinuance of Form 1034 cost vouchers in accordance with § 845.563–2, the contracting officer, (in the case of the Navy, the Cost Inspection Service) will notify the appropriate disbursing officer in writing of the bureau voucher number of the last Form 1034 cost voucher submitted to him for payment.

(b) The disbursing officer will promptly prepare a list of all Form 1034 vouchers paid under the contract, showing:

(1) D. O. voucher number;

(2) Amount of voucher;

(3) Date of payment;

(4) Disbursing officer's name and symbol; and

(5) Total amount of voucher paid.

(c) In the War Department, within a period of 5 days from the date of payment of the last Form 1034 cost voucher, the disbursing officer will transmit to the contracting officer the information listed in paragraph (b) above. The contracting officer should verify the total number of vouchers listed with the total number indicated in the records of the procurement office and, if any discrepancies exist, request the disbursing officer to reconcile them. [JTR 563.3]

§ 845.563–4 *Notice to General Accounting Office of audit status date.* (a) As promptly as practicable after payment of the last Form 1034 cost voucher other than reclaim vouchers submitted under § 845.561–3, the contracting officer (in the case of the Navy, the disbursing officer) will transmit to the General Accounting Office by registered mail (return receipt requested) a notice fixing as the audit status date (1) the day 60 days from the date of receipt of the notice by the General Accounting Office or (2) the date of receipt of the final audit status letter, whichever is earlier. The notice shall contain the information set forth in the standard form of notice which is reproduced in § 849.985. Instructions for the use of this form are prescribed in § 849.985–1.

(b) In the War Department, a copy of the notice will be sent by the contracting officer directly to the Office of the Fiscal Director, ASF. In the Navy, copies of the notice will be sent to the contracting officer and Cost Inspection Service. [JTR 563.4]

§ 845.563–5 *Clearance of exceptions and reclaim voucher after termination.* (a) The General Accounting Office has advised the War and Navy Departments that:

(1) During the first 30 days of the audit status period the General Account-

ing Office will continue to issue informal inquiries before issuing exceptions and during the last 30 days of the audit status period only exceptions will be issued;

(2) Final audit status letters will contain exceptions only, with the result that informal inquiries either will be converted to exceptions at the time of issuance of that letter or will be deemed to have been cleared;

(3) Upon receipt of replies to exceptions the General Accounting Office will furnish prompt notice that the reply is satisfactory or will promptly issue a revised exception; and

(4) No exceptions (other than pro forma exceptions) will be issued after the audit status date.

(b) It is essential that the contracting officer (in the case of the Navy, the Cost Inspection Service) answer promptly exceptions and informal inquiries issued prior to the audit status date with respect to reimbursed costs which the contractor desires to include in the settlement. Informal inquiries should be answered not later than 5 days after the end of the first 30 days of the audit status period. Neither informal inquiries nor exceptions will be answered by advising the General Accounting Office as to the disposition to be made of the particular item in the final settlement, since no representative of the War or Navy Department can properly make such a representation prior to execution of the final settlement agreement.

(c) In the War Department, the answer to informal inquiries will be submitted to the General Accounting Office field representative. In the case of exceptions, the contracting officer will (1) submit the original of the reply to the Finance Officer for direct transmission to the Office of the Fiscal Director, ASF, and (2) forward signed copies to the General Accounting Office field representative and to the chief of the service. In the Navy, the answer to informal inquiries and exceptions will be made by Cost Inspection Service.

(d) After the audit status date a final attempt should be made by the War and Navy Departments to clear reclaim vouchers and exceptions with respect to reimbursed costs which the contractor desires to include in the settlement, and the General Accounting Office will advise promptly whether or not such items are cleared. Every effort should be made to effect such clearance within a period of 30 days, but this period may be extended by the contracting officer (in the Navy, after consultation with Cost Inspection Service) if it appears that further efforts to clear exceptions and reclaim vouchers will not unduly delay the final settlement. [JTR 563.5]

§ 845.563–6 *Authority to proceed with final settlement agreement.* (a) Subject to any final efforts to clear exceptions and reclaim vouchers in accordance with § 845.563–5 (d), the contracting officer may proceed with the final settlement agreement at any time after receipt of the final audit status letter, and if the final audit status letter has not been received on or before the seventh day following the audit status date he may proceed at any time thereafter on the basis that there are no outstanding exceptions. The contracting officer may include in the final settlement agreement all claims of the Government and the contractor under the terminated contract (whether or not audited by the General Accounting Office) except that no amount will be allowed in the settlement for reimbursed costs which are the subject of:

(1) An exception which is shown to be outstanding in a final audit status letter received on or before the seventh day following the audit status date, and which remains uncleared; or

(2) An exception cleared by deduction or refund and as to which the contractor has not presented a reclaim voucher; or

(3) A reclaim voucher not authorized for payment by the General Accounting Office.

(b) The contracting officer may, if the contractor so requests, refer any costs not authorized for inclusion in the settlement agreement under paragraph (a) above to the Readjustment Division, ASF, or the Industrial Readjustment Branch, OP&M, who may apply to the Under Secretary of War or the Secretary of the Navy for instructions. The final settlement agreement will give effect to such instructions.

(c) In negotiating the settlement, the provisions of the particular contract governing the types of reimbursable costs shall constitute the basis of negotiation. The contracting officer will have for his consideration the accountant's report submitted in accordance with § 845.567–3. Differences of opinion between the parties to the settlement as to the interpretation of the provisions of the contract and their application to the circumstances of the particular case should be settled by agreement whenever feasible. The negotiated settlement, however, will not be made the means of reimbursing contractors for costs which under the provisions of the contract are not allowable. No unreimbursed cost will be allowed which is identical in nature to an item of the contractor's own costs (as distinguished from reimbursement by the contractor of a cost incurred by a cost-plus-a-fixed-fee subcontractor) required to be excluded from the settlement under the provisions of this section. [JTR 563.6]

§ 845.564 *Procedure where settlement includes no reimbursed costs.* [JTR 564]

§ 845.564–1 *Where there have been no reimbursed costs under the contract.* Where there have been no reimbursed costs under the contract, a settlement of all claims of the Government or the contractor in connection with the terminated contract may be made without following the procedure prescribed in § 845.563. In negotiating the settlement, the provisions of the particular contract governing the types of reimbursable costs shall constitute the basis of negotiation. [JTR 564.1]

§ 845.564–2 *Partial settlements.* In addition to the authority to make a partial settlement upon failure to negotiate a complete settlement, as provided in § 845.515–3, and to furnish interim financing as provided in Part 843, partial settlements may be made without following the procedure prescribed in § 845.563, as follows:

(a) The contracting officer may make a settlement agreement at any time after partial or complete termination of the contract where the settlement includes only post termination expenses, fixed-fee, and settlements with subcontractors made pursuant to §§ 845.569–1 and 845.569–3.

(b) Where the contractor submits settlement proposals in accordance with § 845.565, the contracting officer may make partial settlements on the basis of such proposals from time to time in substantially the form prescribed in § 849.983–2. Under such partial settlements the Government and the contractor may agree upon a minimum amount due on the unreimbursed part of the claim without determining that this amount is due on particular elements of the claim or that additional amounts may not be due, leaving the final amount due on the entire claim subject to final negotiation or determination. No such partial settlement shall impair the right of recovery by the Government from the contractor of the amount of any claim or offset, whether or not it was in existence at the time of such partial settlement or any payment thereunder. [JTR 564.2]

§ 845.565 *Submission of settlement proposals.* (a) Except in those cases where the contractor elects to continue to present costs on Form 1034 cost vouchers as provided in § 845.563–2 (b), unreimbursed costs and fixed fee will be presented on the form set out in § 849.965, designated "Settlement Proposal for Use on Terminated Cost and Cost-Plus-a-Fixed-Fee Contracts".

(b) Settlement proposals will serve as the basis for interim financing and the negotiation of partial or complete settlements. They will not be sent to the disbursing officer inasmuch as no payments will be made directly on the basis of these proposals.

(c) Each partial settlement proposal should be numbered serially beginning with the number "1", and a separate number series will be maintained by the contractor for each cost-plus-a-fixed-fee contract. [JTR 565]

§ 845.566 *Adjustment of fixed-fee.* (a) The fee under a terminated cost-plus-a-fixed-fee contract should be adjusted on the basis of percentage of completion or other basis prescribed by the contract.

(b) Where the adjustment is to be made on the basis of the percentage of completion (which is equivalent to determining the amount of work performed on the contract), considerations similar to those set forth in § 845.533–2 should be applied in making the adjustment. In addition to the factors set forth in § 845.533–2 and any other relevant factors applicable to the particular case, it will be appropriate, unless the contract expressly provides otherwise, to consider the work done by the contractor in terminating the contract, in settling claims of subcontractors, and in disposing of termination inventory. A break-down of costs incurred by major classifications will usually furnish the contracting officer with a starting basis for judging the character and extent of the work done although such costs may not necessarily measure correctly the importance of such work in the performance of the contract. The ratio of costs incurred to the total estimated costs of performing the contract is only one factor in computing the percentage of completion of the contract, which may be either greater or less than that indicated by the ratio of costs incurred, depending upon the evaluation by the contracting officer of the considerations referred to above. [JTR 566]

§ 845.567 *Accounting procedures.* [JTR 567]

§ 845.567–1 *General.* As in the case of fixed-price settlements, accounting reports are advisory only. [JTR 567.1]

§ 845.567–2 *Review procedures.* The procedures and requirements for the accounting review of reimbursed costs are set forth (a) in the War Department, in TM 14–1000 "Administrative Audit Procedures for Cost-Plus-A-Fixed-Fee Supply Contracts" and (b) in the Navy, in the "Revised Cost Inspection Manual." Additional sections are also included in both of these manuals to deal with the different requirements applicable in the review of unreimbursed costs under terminated cost-plus-a-fixed-fee contracts. [JTR 567.2]

§ 845.567–3 *Accountant's report.* (a) The accountant will submit reports to the contracting officer covering partial settlement proposals of the contractor in accordance with the requirements of the individual service or bureau. When the war contractor has submitted a final settlement proposal, the accountant will prepare and submit to the contracting officer a final report to assist him in negotiating a final lump sum settlement. The report will list and comment on any uncleared General Accounting Office exceptions. [JTR 567.3]

§ 845.568 *Settlement by determination.* Where all or any part of the termination claim under a cost-plus-a-fixed-fee contract has not been settled by agreement, it will be determined by the contracting officer in accordance with the provisions of the contract governing the types of reimbursable costs, using the procedures for a formula settlement under a fixed-price supply contract insofar as applicable (Subpart E of Part 847). [JTR 568]

§ 845.569 *Settlement of subcontracts.* [JTR 569]

§ 845.569–1 *Fixed-price subcontracts.* Fixed-price subcontracts, terminated in whole or in part as a result of the termination or modification of a cost-plus-a-fixed-fee contract or under any other circumstances which require the Government to bear the cost of settling the terminated subcontract, will be settled as promptly as practicable in accordance with the provisions of Part 846. This procedure shall apply to any cost portion of a fixed-price subcontract, whether such portion is terminated or completed, subject to the provisions of the particular contract governing the types of reimbursable costs. [JTR 569.1]

§ 845.569–2 *Cost-plus-a-fixed-fee subcontracts where settlement includes reimbursed costs.* (a) Where the settlement of a terminated cost-plus-a-fixed-fee subcontract includes reimbursed costs, the settlement will be made in accordance with the provisions of § 845.563–6. If subcontract costs which have been reimbursed by the prime contractor are required under § 845.563–6 to be excluded from the agreement settling the prime contract, such costs and any unreimbursed costs identical in nature must likewise be excluded from the agreement settling the subcontract. The contracting officer in charge of the settlement of the prime contract may, however, if the parties to the subcontract settlement so request, refer any costs not authorized for inclusion in the settlement agreement for instructions as provided in § 845.563–6 (b). [JTR 569.2]

(b) Where the subcontract is terminated at a time when all or substantially all performance under the prime contract is completed, establishment of a separate audit status date for the subcontract will not be necessary, since the audit status date for the prime contract will serve as the audit status date for the subcontract. At the time when the contracting officer is authorized to proceed with the settlement of the prime contract under the provisions of § 845.563–6, the parties will proceed with final settlement of the subcontract.

(c) Where the subcontract is terminated prior to the time when all or substantially all performance under the prime contract is completed, settlement of the subcontract should not be delayed until the audit status date of the prime contract. In such cases a separate audit status date for the subcontract may be established when the contracting officer determines that performance under the subcontract is complete or that performance on any continued portion is only on subsidiary items or spare parts, or is otherwise not substantial. Upon such determination, (1) the subcontractor may request the prime contractor to discontinue inclusion of specific items of subcontract costs in Form 1034 cost vouchers, or (2) with the consent of the subcontractor, the contracting officer may proceed to settle the subcontract directly as provided in § 845.569–4. In either case no settlement which includes reimbursed costs will be made until the procedure set forth in §§ 845.563–2 to § 845.563–6, inclusive, has been followed with respect to the subcontract. As applied to the subcontract, this procedure includes preparation and transmission of a list of all Form 1034 cost vouchers under the prime contract covering specific items of costs incurred under the subcontract, establishment of an audit status date for the subcontract after payment of the last Form 1034 cost voucher covering a specific item of subcontract cost, and clearance of exceptions and reclaim vouchers pertaining to the subcontract. In the Navy, the Cost Inspection Service will assist the disbursing officer in obtaining the information necessary to prepare the list of vouchers.

(d) In submitting costs, the subcontractor shall use the settlement proposals prescribed in § 845.565 in those cases where the prime contractor discontinues the presentation of Form 1034 cost vouchers covering specific items of subcontract costs, or where direct settlement is being made with the subcontractor. On the basis of costs so submitted, partial settlements may be made with the subcontractor from time to time as provided in § 845.564–2 (b), if authorized or approved by the contracting officer. [JTR 569.2]

§ 845.569–3 *Cost-plus-a-fixed-fee subcontracts where settlement includes no reimbursed costs.* Where the subcontract settlement is of a type which includes no reimbursed costs, settlement of the subcontract may be made in accordance with § 845.564. [JTR 569.3]

§ 845.569–4 *Direct settlement of cost-plus-a-fixed-fee subcontracts.* With the written approval (in the case of the War Department) of the head of the local procurement district, depot, or other office, or, (in the case of the Navy) of the chief of the bureau settling the related prime contract, the contracting officer may settle directly all claims of a subcontractor under a terminated cost-plus-a-fixed-fee subcontract in accordance with the procedures set forth in §§ 845.569–2 and 845.569–3 and the applicable provisions of Subparts E and F of Part 846, in any case in which such action is deemed necessary or desirable. [JTR 569.4]

§ 845.569–5 *Navy Department procedure for payment of subcontract settlements.* If the particular prime contract does not provide for recognition of a subcontract settlement authorized or approved by the contracting officer, as a reimbursable item, the contract should be amended to so provide before the amount of settlement is presented by the prime contractor to a cost inspector for reimbursement. [JTR 569.5]

SUBPART G—INTEREST

§ 845.570 *Scope.* This subpart sets forth the methods of computing interest on termination claims of prime contractors and subcontractors pursuant to section 6 (f) of the act. [JTR 570]

§ 845.571 *Statutory provisions.* Section 6 (f) of the act provides for allowing interest on the amount due and unpaid from time to time on any termination claim at the rate of 2½ per cent per annum, with certain exceptions, stated in § 845.572–3 (d) and (e). [JTR 571]

§ 845.572 *Interest on termination claims of prime contractors.* [JTR 572]

§ 845.572–1 *"Date fixed for termination."* For the purpose of computing interest, the term "the date fixed for termination" shall have the meaning stated in § 841.121–6. [JTR 572.1]

§ 845.572–2 *"Amount due on termination claim."* For the purpose of computing interest, the term "amount due on the termination claim" means the amount determined to be due for fair compensation for the termination of the contract, less:

(a) The amount of any credits for retention or disposal of termination inventory; and

(b) Amounts paid or payable to subcontractors, except to the extent that payment is made by the prime contractor out of his own funds, as provided in § 845.572–3 (a). [JTR 572.2]

§ 845.572–3 *Computation of interest.* Interest on the amount due on the termination claim shall be computed for a period beginning on July 21, 1944 or 30 days after the date fixed for termination, whichever date is later, and ending with the date of final payment to the contractor, with the following exceptions:

(a) Interest shall commence to accrue on partial or final payments made by the prime contractor to subcontractors out of the prime contractor's own funds, as of the date of payment. In applying this provision, funds furnished by the Government to the prime contractor for the purpose of making payments to subcontractors shall not be considered as the prime contractor's "own funds".

(b) Interest shall cease to accrue on the amount due on the termination claim to the extent, and as of the date, of advance, progress or partial payments made on account of such claim after termination.

(c) Interest shall not accrue on the amount due on the termination claim to the extent, and for the period, that any advance, progress or partial payment made on account of the contract prior to termination remains unliquidated, where, under the terms of such payment, the contractor was not at any time liable for interest thereon.

(d) If the contractor unreasonably delays submission and settlement of his claim, no interest shall accrue for the period of such delay. Ordinarily a period of 60 days is considered reasonable for submission of the claim, and a longer period is considered an unreasonable delay, unless the contracting officer determines otherwise.

(e) If the contractor appeals or sues after a formula settlement, interest shall cease to accrue 30 days after the delivery to him of the findings, unless the amount allowed by the findings is increased upon the appeal or suit. [JTR 572.3]

§ 845.572–4 *Deduction of waived interest.* (a) If interest for the period after termination or after July 21, 1944, whichever is later, on any advance payment made by the Government, has been waived for the benefit of the contractor, the amount of the interest so waived allocable to the terminated contract or the terminated part of the contract shall be deducted from the interest otherwise payable on the termination claim. No excess of waived interest over statutory interest is to be deducted from the contractor's termination claim.

(b) If a war contractor has obtained a waiver of interest on a V or VT-loan for a period after July 21, 1944, he shall not include interest on account of his own termination claim in any settlement proposal with respect to any terminated contract which served as a basis for such waiver. The war contractor's right to interest upon such claims may be reserved by appropriate provisions in the settlement agreement. When the war contractor is no longer entitled to such waiver of interest, he may file a consolidated claim for interest in connection with all claims under terminated contracts which served as a basis for the waiver. This consolidated claim should be submitted separately from all other termination claims on the form set forth in § 849.966–1, and pursuant to the instructions set forth in § 849.966–2. Copies of this form may be obtained from any Federal Reserve Bank. [JTR 572.4]

§ 845.573 *Method of providing for interest in settlement agreements with prime contractors.* [JTR 573]

§ 845.573–1 *General.* In addition to the principal sum payable thereunder, each settlement agreement will provide for payment of interest computed substantially in accordance with the provisions of § 845.572 and §§ 845.573 to 845.573–3, inclusive, unless claim for interest is waived. Except as provided in § 845.572–4 (b), the settlement agreement will contain a release of all claims of the contractor for interest on the termination claim. (See, e. g., § 849.981–1, Article 4b). [JTR 573.1]

§ 845.573–2 *Where date of payment is estimated.* In including an allowance for interest in the settlement agreement, the date of payment may be estimated at not more than 20 days after the date of settlement. Where the date of payment is estimated, the settlement agreement will provide for the total amount of interest up to the estimated date of payment. (See, e. g., § 849.981–1, Article 4b. [JTR 573.2]

§ 845.573–3 *Where date of payment is not estimated.* Where the date of payment is not estimated, the settlement agreement will provide for the total amount of interest up to the date of settlement and an amount of interest per day thereafter until final payment. (See, e. g., § 849.981–1, Article 4b, footnote 3.) [JTR 573.3]

§ 845.574 *Payment by disbursing officer.* (a) Where any settlement agreement provides for an amount of interest per day from the date of settlement to the date of final payment, the voucher or invoice for the amount of settlement will state the amount due per day from the date of settlement, leaving the total amount to be computed by the disbursing officer.

(b) In such cases, the disbursing officer will compute the amount due for interest under the agreement from the date of settlement to the date he sends the check to the war contractor, and will enter the amount on the voucher, and include the total sum in the check. [JTR 574]

§ 845.575 *Interest on termination claims of subcontractors.* (a) Each war contractor, in settling with his subcontractors, shall allow interest on substantially the same basis and conditions as are applicable to a prime contractor. In allowing interest to subcontractors, the date of final payment should generally be estimated, but may not be estimated at more than 30 days after the date of settlement.

(b) In approving, ratifying, authorizing or making termination settlements with subcontractors, the contracting officer shall allow interest on the termination claim of the subcontractor on substantially the same basis and conditions as are applicable to a prime contractor. [JTR 575]

§ 845.576 *Disputes.* Any dispute as to the application of the statutory provision or this subchapter to the computation of interest in a particular case may be negotiated and settled by agreement. [JTR 576]

§ 845.577 *Review of computation.* The war contractor or contracting officer settling any claim will make such check of any computation of interest submitted to him as he deems necessary under the circumstances. [JTR 577]

SUBPART H—SETTLEMENT REVIEW BOARDS

§ 845.580 *Scope.* This subpart deals with the review of settlement agreements by settlement review boards within the Departments. [JTR 580]

§ 845.581 *Creation of settlement review boards.* The chief of each service or bureau shall establish one or more settlement review boards. Each board shall be composed of at least three responsible officers or civilian employees of the War or Navy Department. So far as practicable, in view of the volume of cases and the availability of qualified personnel, such a board should be established in each office authorized to negotiate final settlements. The duties of such boards may be assigned to the members of any boards or sections already in existence or charged with other duties. No person shall serve as a member of the settlement review board in reviewing a settlement in which he participated. [JTR 581]

§ 845.582 *Duty of board to review settlements.* [JTR 582]

§ 845.582–1 *Settlements required to be reviewed.* The settlement review board will examine, before its approval or execution by the contracting officer, each proposed settlement made by the Government or made by any war contractor with his subcontractor:

(a) Which provides for payment to any prime contractor or to any subcontractor of an amount in excess of $25,000, computed in accordance with § 841.122; or

(b) Which adjusts the fixed-fee upon the complete or partial termination of a cost-plus-a-fixed-fee prime contract or subcontract where the estimated cost of the terminated portion exceeds $50,000; or

(c) Which does not require review under paragraph (a) or (b), but which the chief of a service or bureau requires to be submitted for review by the board. [JTR 582.1]

§ 845.582–2 *Optional review.* Any contracting officer, in his discretion, may submit to the board any proposed settlement or matter in connection therewith at any time and generally should submit any novel or special problem upon which he desires the advice of the board. [JTR 582.2]

§ 845.582–3 *Settlements and agreements not subject to review.* (a) Unless the chief of a service or bureau prescribes otherwise, the contracting officer may make partial payments under Part 823 without obtaining the approval of the review board.

(b) The settlement review board will rely on and will not review any action of a disposal board with respect to any disposition of termination inventory, but may consider the allocability of such inventory to the termination claim.

(c) To the extent that a settlement agreement is based upon a preterminating settlement agreement which has been approved by the appropriate settlement review board, it is not required to be reviewed by any such board, except for the purpose of determining whether the preterminating settlement is properly reflected therein.

(d) Settlements based on proposals properly submitted in accordance with § 845.524–1 on Form 1a are not subject to review or approval by a settlement review board. [JTR 582.3]

§ 845.583 *Scope of review by board.* (a) The sole function of the settlement review board is to determine the over-all reasonableness of the proposed settlement from the standpoint of protecting the Government's interest. The board is not intended to examine in detail every element entering into the determination of the amount to be paid. In order to determine, however, that negotiations have been conducted competently and in the light of adequate information, it will frequently be appropriate for the board to inquire into specific selected items of the proposed settlement.

(b) The board may vary the scope and intensity of the review according to the reliability of the contractor, the size and complexity of the proposed settlement, and any other relevant factors. Whenever review is required for subcontract settlements involving $25,000 or less, the board may, and generally should, limit its review to an inquiry as to whether the prime contractor or any intermediate subcontractor adequately examined the claim and whether it is reasonable to rely on the examination so made.

(c) Where the adjustment of the fixed-fee under a terminated cost-plus-a-fixed-fee war contract made pursuant to a contract formula and not by negotiated agreement is submitted for review, the function of the board in reviewing the adjustment will be to advise the contracting officer with respect to its reasonableness.

(d) The board may act upon records submitted by the contracting officer or may require the submission of additional information. [JTR 583]

§ 845.584 *Effect of action by review board.* [JTR 584]

§ 845.584–1 *Action by the board.* The review board will submit to the contracting officer a written recommendation with respect to each proposed settlement or other matter considered by the board. The review board must act promptly on all matters submitted for its consideration or approval. Under section 6 (c) of the act, failure of any review board to act upon any settlement within thirty days after its submission to the board operates as approval by the board. [JTR 584.1]

§ 845.584–2 *Necessity for further approval.* (a) If the review board disapproves any proposed settlement, the contracting officer shall not execute it or approve it unless the head of the office in which the board is established approves the settlement.

(b) Where the proposed settlement exceeds $500,000 in amount, or such lesser amount as the chief of the service or bureau may prescribe, the contracting officer shall submit it, after approval by the review board, (1) in the War Department, to such higher authority as the chief of the service may prescribe, or (2) in the Navy Department, to the chief or assistant chief of the bureau, acting personally. The contracting officer shall not execute or approve the settlement until its approval by such authority.

(c) Except as provided in this section, the contracting officer may execute or approve the settlement agreement upon its approval by the review board. [JTR 584.2]

PART 846—SETTLEMENTS OF SUBCONTRACT CLAIMS

Sec.
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§ 846.600 *Scope of part.* This part deals with policies and procedures particularly applicable to settlements with subcontractors and Part 847 with those particularly applicable to settlements with prime contractors. Part 845 covers the policies and procedures which apply generally to settlements with both subcontractors and prime contractors. [JTR 600]

SUBPART A—OBLIGATION OF WAR CONTRACTOR TO SETTLE SUBCONTRACTORS' CLAIMS

§ 846.610 *Scope.* This subpart discusses the obligation of the prime contractor and of each intermediate subcontractor to settle the claims of his subcontractors, and the procedure when he is unable to settle. [JTR 610]

§ 846.611 *Rights of subcontractors against Government.* Under the uniform termination article for fixed-price supply prime contracts, and earlier similar articles, subcontractors have no contractual rights directly against the Government upon the termination of a prime contract. The rights of such subcontractors are against the prime contractor or intermediate subcontractor who is directly obligated to them on the subcontract which they hold. The extent of these rights will depend upon the terms of the subcontract in question. As explained in § 846.660 and following, however, the Government in its discretion may undertake to settle the claims of subcontractors directly. [JTR 611]

§ 846.612 *Duty of prime contractor to settle termination claims of subcontractors.* [JTR 612]

§ 846.612–1 *Under fixed-price contracts.* Upon termination of a fixed-price prime contract, the prime contractor and each subcontractor is responsible for settling the termination claims of his im-

mediate subcontractors, subject to the approval of the contracting officer when required. [JTR 612.1]

§ 846.612–2 *Under cost-plus-a-fixed-fee contracts.* (a) Many cost-plus-a-fixed-fee contracts contain a termination article providing expressly that the prime contractor must settle the termination claims of his subcontractors. The uniform termination article for cost-plus-a-fixed-fee contracts contains this provision. Under terminated contracts containing an article of this type, the prime contractor is required to settle with his subcontractors.

(b) Under the termination article in some cost-plus-a-fixed-fee prime contracts, the Government agrees to assume the obligations of the prime contractor upon termination. In terminating such contracts, the contracting officer will make every effort to obtain the full cooperation of the prime contractor in settling such obligations. The prime contractor remains liable upon his subcontracts and other obligations, and is under a duty to lend all reasonable assistance in their settlement. The policy of the War and Navy Departments is to encourage the prime contractor to settle the termination claims of subcontractors in order to expedite payments to them.

(c) Upon termination of a contract containing either type of article, the prime contractor will take steps promptly to obtain settlement proposals for any terminated fixed-price subcontracts. In the case of cost-plus-a-fixed-fee subcontracts, the prime contractor will obtain the accounting data and vouchers necessary to permit (1) the negotiation of a settlement of such contract, or (2) final determination and payment of the reimbursable costs under such subcontract and any necessary adjustment of the fixed-fee thereunder. [JTR 612.2]

§ 846.613 *Inability of prime contractor to settle subcontract claims.* [JTR 613]

§ 846.613–1 *Exclusion from settlement.* Where the prime contractor cannot settle one or more terminated subcontracts on a fair basis which the contracting officer will approve (where his approval is required), the Government and the prime contractor may agree to exclude the amounts due to such subcontractors from the negotiated settlement, and to leave to later determination the amount due with respect to such subcontracts. [JTR 613.1]

§ 846.613–2 *Assumption by Government.* In appropriate cases, with the written approval of the head of the procurement office or bureau administering the settlement, acting personally or through a representative designated for the purpose, the Government in the settlement agreement with the prime contractor may assume and agree to pay the obligation of the prime contractor with respect to such unsettled subcontracts, so far as related to the terminated portion of the prime contract. [JTR 613.2]

§ 846.613–3 *Terms of assumption.* Where the Government assumes the obligation of the prime contractor on any subcontract claim, the final settlement agreement or other supplemental agreement shall contain an article substantially in the form set forth in § 849.988–1. The maximum amount to be paid on the subcontract settlement shall be so fixed that the total payments under the terminated prime contract shall not exceed any maximum limit set for payments under the applicable termination article or under this subchapter. [JTR 613.3]

§ 846.613–4 *Application to subcontracts in lower tiers.* Where a subcontractor of any tier cannot settle with one or more of his subcontractors in the next tier below him, arrangements similar to those described in §§ 846.613–1 to 846.613–3, inclusive, may be made, with the written consent of the prime contractor and of all intervening subcontractors. [JTR 613.4]

§ 846.614 *Assignment of rights under subcontracts.* [JTR 614]

§ 846.614–1 *Obligation to assign under uniform fixed-price contract articles.* (a) Paragraph (b) (4) of the uniform fixed price termination article provides that the prime contractor shall assign to the Government, in the manner and to the extent directed by the contracting officer, all the right, title and interest of the prime contractor under the subcontracts terminated by reason of their relationship to the work terminated by the termination notice.

(b) This provision was designed to assure the Government's right to require the transfer to it of the property and rights under the subcontract acquired by the prime contractor from his subcontractors through payments for which the prime contractor is reimbursed by the Government. Accordingly, paragraph (b) (4) is not to be construed as requiring transfer to the Government of other rights of the prime contractor against the subcontractor (such as set-offs or counterclaims) for which no Government reimbursement is made to the prime contractor.

(c) In this connection it was recognized in the preparation of the uniform article that uniform provisions could not be drawn which would provide adequately in all cases for the disposition of patent rights involved in prime contracts or subcontracts, and the article is not intended to forbid the inclusion in contracts of separate provisions covering the disposition of such rights on termination. [JTR 614.1]

§ 846.614–2 *Obligation to assign under other articles.* Most current or earlier approved termination articles contain a similar provision requiring the prime contractor, at the direction of the contracting officer, to transfer to the Government his rights and benefits under terminated subcontracts as a part of the termination settlement. [JTR 614.2]

§ 846.614–3 *When assignments to be required.* Ordinarily the contracting officer will not require the prime contractor to assign rights under terminated subcontracts to the Government unless the contracting officer considers that the Government will obtain some pecuniary or administrative advantage from such assignment and specifically directs the contractor to make it. [JTR 614.3]

SUBPART B—BASES OF SETTLEMENT OF SUBCONTRACTS

§ 846.620 *Scope.* This subpart deals with the use of the approved fixed-price subcontract termination article as a basis for settlement, and also discusses the basis for settling terminated subcontracts which do not contain this article. The general bases for settling both prime contracts and subcontracts are discussed in Part 845. [JTR 620]

§ 846.621 *Approved subcontract termination article.* (a) The approved subcontract termination article is set out in § 849.936. This article provides fair compensation for termination in accordance with the act. The settlement of subcontracts will be greatly facilitated by the use of this subcontract article in first tier or more remote fixed-price subcontracts for the manufacture of supplies. When this article is employed, the term "recognized commercial accounting practices", as used in the article, will be considered as equivalent to the Statement of Principles for Determination of Costs upon Termination of Government Fixed-Price Supply Contracts (§ 845 551).

(b) Governmental policies applicable to the uniform prime contract termination article will also be recognized as applying to the subcontract article. These include the policy against reimbursing contractors at the contract rate on termination for completed undelivered articles which represent unreasonable anticipation of production schedules (see §§ 842.252 and 845.541–1) and the policy against taking advantage of technical defaults when the real reason for termination is the termination of a prime contract by the Government (see § 842.215).

(c) For the sake of brevity, the approved subcontract article omits certain provisions of the uniform fixed-price termination article for prime contracts. Any war contractor may incorporate any of these omitted provisions in particular subcontracts for which they are appropriate.

(d) If the parties so desire, they may substitute for the first sentence of paragraph (a) of the approved subcontract article a provision for termination at the option of the buyer. Likewise, in paragraph (b) (2) (ii) of the article, they may reduce the figure of 2 per cent or may change the figure of 8 per cent to figures which are fair and reasonable under the circumstances of the particular subcontract; but the overall limit of 6 per cent must not be increased. [JTR 621]

§ 846.622 *Use of approved subcontract termination article.* [JTR 622]

§ 846.622–1 *Original subcontracts.* At the time of making any fixed-price subcontract for the manufacture of supplies, any prime contractor or subcontractor may insert in it the approved subcontract termination article (§ 849.936), if it is appropriate. Where any subcontract is a requirement or open end contract, the article should be made to apply only to termination before the purchase of any minimum quantity contracted for, or to a termination of a firm order issued under the subcontract. [JTR 622.1]

§ 846.622–2 *Amendments of subcontracts to insert approved termination article.* The approved subcontract termination article (§ 849.936) may be inserted by amendment at any time in any fixed-price subcontract for the manufacture of supplies for which it is appropriate. [JTR 622.2]

§ 846.623 *General procedures for settlement.* In settling subcontract claims, war contractors will follow the principles and policies stated in Part 845 of this subchapter. In negotiating settlements of termination claims of subcontractors, the provisions of Subparts B and C of Part 845 apply to fixed-price subcontracts, and the provisions of Subpart F of Part 845 apply to cost-plus-a-fixed-fee subcontracts. So far as practicable, the contracting officer should make certain that the prime contractor and subcontractors are familiar with these principles. [JTR 623]

§ 846.624 *Settlement of subcontracts without approved article.* [JTR 624]

§ 846.624–1 *General rule.* Where, at the time of settlement, a subcontract does not contain the approved article, a settlement based upon a reasonable estimate by the parties of the aggregate amounts which would be due under subparagraphs (1), (2) and (3) of paragraph (b) of the approved subcontract article, will be considered fair and reasonable. Likewise, any settlement conforming to the principles stated in Subpart C of Part 845 will be considered fair and reasonable. [JTR 624.1]

§ 846.624–2 *Special cases.* (a) In some instances, because of the terms of the particular subcontract being settled, the Government will be under an obligation either to make reimbursement for, or to assume the defense against, a demand by a subcontractor which is greater in amount than would be recognized by the principles stated in § 846.624–1.

(b) On the submission to the contracting officer for his approval of a settlement which provides for the payment of such an amount, the contracting officer will decide whether the settlement should be approved or ratified, or whether the Government should protect the prime contractor or intermediate subcontractor from the asserted liability. In general, the contracting officer should recognize the settlement where the terms of the subcontract were negotiated in good faith and do not unreasonably increase the rights of the subcontractor. [JTR 624.2]

§ 846.625 *Settlement of subcontract claims without agreement.* [JTR 625]

§ 846.625–1 *Recognition of judgments of subcontractors against war contractors.* (a) Where a subcontractor obtains a final judgment against a war contractor on a termination claim, the contracting officer should treat the amount of the judgment as the cost of settling the claim of the subcontractor, to the extent he deems it properly allocable to the prime contract, if:

(1) The subcontract does not contain unusual termination provisions unreasonably increasing the common law rights of the subcontractor, and

(2) The war contractor made reasonable efforts to settle with the subcontractor, and

(3) The war contractor gave prompt notice of the suit to the contracting officer and offered the Government control of its defense; and diligently defended the suit, or assisted the Government to defend it.

(b) The uniform cost-plus-a-fixed-fee prime contract termination article contains specific provisions to substantially the same effect (paragraph (d) (2) (B)).

(c) Where the foregoing conditions are not met, the contracting officer should allow the war contractor such part of the judgment as he considers a fair amount for settling the termination claim under the subcontract. [JTR 625.1]

§ 846.625–2 *Recognition of arbitration awards.* Where a war contractor and his subcontractor submit a termination claim to arbitration under general law, the contracting officer will recognize the amount of the award as the cost of settling the claim of the subcontractor, to the extent he deems it properly allocable to the prime contract, under the same conditions applicable to a judgment under § 846.625–1. [JTR 625.2]

§ 846.625–3 *Decision by appeal board.* (a) Section 13 (f) of the act authorizes any war contractor and his subcontractor, by agreement, to submit any dispute between them regarding any termination claim to the Appeal Board established under the act.

(b) The procedure for submitting such disputes is set forth in Regulation No. 15 of the Office of Contract Settlement.

(c) Under the act, any decision of the Appeal Board in such proceedings is final and conclusive as to the parties submitting the dispute and may not be questioned by the Government in settling any related claim, in the absence of fraud or collusion. [JTR 625.3]

§ 846.626 *Termination inventory of subcontractor.* All termination inventory of a subcontractor must be accounted for in accordance with § 844.451. [JTR 626]

SUBPART C—REVIEW OF SUBCONTRACT SETTLEMENT PROPOSALS BY WAR CONTRACTORS

§ 846.630 *Scope.* This subpart deals with the duty of a war contractor, in settling with his immediate subcontractors, to review their settlement proposals. [JTR 630]

§ 846.631 *Responsibility of subcontractors presenting claims.* In submitting his settlement proposal to the war contractor liable to him, a subcontractor is under a duty to prepare his proposal accurately in accordance with the terms of the subcontract. Each war contractor should advise his immediate subcontractors that the proposals submitted by them may be examined by Government accountants and that the materials covered by the subcontracts may be inspected by Government inspectors. This puts the subcontractor on notice that his claim will be used by the war contractor in compiling his own settlement proposal for submission, directly or indirectly, to the Government. [JTR 631]

§ 846.632 *Duty of war contractor to review settlement proposals of subcontractors.* (a) Each war contractor is primarily responsible for reviewing or examining in an appropriate manner all settlement proposals submitted to him by his immediate subcontractors. In making such review or examination, the war contractor should exercise the same standard of care that a business man would employ in the conduct of his own affairs.

(b) The contractor is required to examine the claims of his subcontractors (except the claims against them by their subcontractors) to an extent he considers adequate under the circumstances. In submitting his own claim, he must certify that he has so examined such claims, and that the settlements of his subcontractors' own charges are fair and reasonable, are allocable to the terminated portion of his contract, were negotiated in good faith, and are not more favorable to the subcontractors than he would make if reimbursement by the Government were not involved.

(c) The contractor must also certify that he has received from all his immediate subcontractors certificates with respect to their claims and that they are substantially in the form of his own certificate where the claims are for more than $1,000. With respect to the settlements with more remote subcontractors, the contractor must certify that he has no knowledge leading him to doubt their reasonableness or their allocability to his contract. [JTR 632]

§ 846.633 *Methods of review by contractors.* [JTR 633]

§ 846.633–1 *Office review.* (a) As a minimum, each war contractor will have qualified personnel make an office review of each settlement proposal submitted by his immediate subcontractors. This review may be made by accounting, engineering, legal or other qualified personnel, and should include an accounting review where the net amount of the proposed settlement, after deducting all disposal credits, is $1,000 or more.

(b) The reviewing personnel will prepare a memorandum of each office review and upon request by the contracting officer will make a copy thereof available to Government personnel. [JTR 633.1]

§ 846.633–2 *Responsibility for examination beyond office review.* Each war contractor should determine, in the first instance, to what extent he should examine any settlement proposal submitted by any of his immediate subcontractors, beyond the office review. In making this decision, he should consider:

(a) The amount and complexity of the proposed settlement,

(b) The report of the office review,

(c) Available reports of independent public accountants, and

(d) Any information available from personnel familiar with the operations under the subcontract. [JTR 633.2]

§ 846.633–3 *Types of examination beyond office review.* Where the war contractor determines that the subcontract claim should be further examined after the office review, he may take the following types of action, among others:

(a) The subcontractor may be requested to submit additional data or explanations in writing.

(b) The war contractor may have his reviewing personnel visit the subcontractor's plant to discuss his claim, with such examination of his records as may be appropriate.

(c) An examination may be made by qualified accounting personnel in accordance with the procedures outlined in the Termination Accounting Manual. [JTR 633.3]

§ 846.634 *Reports of reviews.* The war contractor settling the claim will retain in his files a copy of any report by reviewing personnel covering any office review or other examination, together with a copy of the subcontractor's settlement proposal. He will make these records available to the Government for any subsequent review requested by the contracting officer, or other authorized Government personnel [JTR 634]

SUBPART D—REVIEW OF SUBCONTRACT SETTLEMENTS BY GOVERNMENT PERSONNEL

§ 846.640 *Scope.* This subpart discusses the obligation of prime contractors and intermediate subcontractors to submit settlements with their subcontractors to Government personnel for review and approval. [JTR 640]

§ 846.641 *Provisions for approval.* [JTR 641]

§ 846.641–1 *Statutory provisions.* Section 7 (a) of the act directs the contracting agencies to limit or omit their review of settlements with subcontractors to the maximum extent compatible with the public interest. It also confers on the agencies broad authority to approve, ratify and authorize such settlements, to vary the scope and intensity of any review of them, and to authorize war contractors to make such settlements without review when the agency considers such action proper. [JTR 641.1]

§ 846.641–2 *Prime contract provisions.* Under the uniform fixed-price supply article, and certain other articles, the prime contractor must settle termination claims of subcontractors and must obtain approval or ratification of the contracting officer if he so requires. Other termination articles do not expressly require subcontract settlements to be approved by the contracting officer in a negotiated settlement. Nevertheless, because such articles provide that the prime contractor will be reimbursed for such of his costs as are "reasonably necessary", many prime contractors desire approval by contracting officers before making subcontract settlements. In addition, such articles generally require approval by the contracting officer of such settlements as a condition of reimbursing the prime contractor in a settlement by formula. [JTR 641.2]

§ 846.642 *Authority of war contractors to make final subcontract settlements of $10,000 or less without approval.* [JTR 642]

§ 846.642–1 *Policy.* (a) Under section 7 (a) of the act, contracting agencies are directed to authorize war contractors to make settlements with subcontractors without review by the contracting agency whenever the reliability of the war contractor, the amount or nature of the claims, or other reasons, appear to the agency to justify such action.

(b) In order to expedite settlements, the authority under the following sections will be used to the maximum extent practicable. [JTR 642.1]

§ 846.642–2 *Granting of authority.* (a) Whenever the chief of a service or, in the case of the Navy, the cognizant Navy material inspector, is satisfied that a war contractor will make adequate reviews of subcontractors' termination claims and proposals for retention or sale of termination inventory, he will authorize the contractor to make final settlements of his terminated subcontracts in accordance with this § 846.642. The authorization will follow substantially the form set forth in § 849.987–1. Authorizations granted hereunder by cognizant Navy material inspectors will be granted on behalf of all the bureaus of the Navy Department.

(b) In granting an authorization hereunder, the chief of any service or the cognizant Navy material inspector will ascertain from the war contractor whether he requires authorizations from other services or from the Navy Department and will notify such other services or the cognizant Navy material inspector by direct communication (1) that his service or the Navy Department has granted an authorization and (2) that the contractor reported a need for an additional authorization.

(c) Any service or Navy material inspector may grant an authorization hereunder in reliance upon the determination made by the first service or by the Navy Department and without making any independent check as to the adequacy of the contractor's review procedures. [JTR 642.2]

§ 846.642–3 *Extent of authority.* (a) In the absence of unusual circumstances, the service or the cognizant Navy material inspector should authorize the war contractor to settle any fixed price subcontract terminated by him as a result of the termination or modification of a prime contract with the service or any bureau of the Navy Department, or under any other circumstances which require the service or any such bureau to bear the cost of settling the terminated subcontract.

(b) Under the authorization, the war contractor may settle finally any subcontract claim whenever:

(1) The settlement involves not more than $10,000, after deducting (from the gross claim) amounts payable for completed articles or work at the contract price and settlements with lower tier subcontractors previously authorized under § 846.642 or § 846.643 or approved by the contracting officer, but without deducting other subcontract claims or disposal credits; and

(2) All the termination inventory under the subcontract, the cost of which is included in the claim of the subcontractor, is retained by the subcontractor or is sold by the war contractor or the subcontractor at the best price obtainable (see § 844.411–1) and the value or proceeds credited on the settlement, or is transferred to the Government with the consent of the contracting officer or his representative; and

(3) The settlement bears a certificate substantially as set forth in the form of authorization (§ 849.987–1).

(c) The contracting officer should not consent to the transfer of termination inventory to the Government unless it cannot be sold at an acceptable price within the period specified in § 844.413. In determining what is an acceptable price, he should fully consider the shipping and handling difficulties in delivering small amounts of property to the Government.

(d) Where the war contractor is affiliated with any subcontractor, he should not settle any claim of that subcontractor under the authorization. For this purpose, a contractor is considered to be affiliated with a subcontractor if they are under common control or if there is any common interest between them, by reason of stock ownership or otherwise, which is sufficient to create a reasonable doubt that the bargaining between them is completely at arm's length. The decision of the war contractor as to this question may be accepted by contracting officers of the Government in the absence of information to the contrary.

(e) The authority which may be delegated to war contractors under §§ 846.642 to 846.642–7, inclusive, to approve retentions or sales by a subcontractor of termination inventory does not include (1) the authority to approve retentions or sales of completed articles not delivered under the contract or of material treated as termination inventory in accordance with § 844.400–2, unless the cost of such articles and such material to be retained or sold and the amount of the subcontractor's termination claim, computed according to § 841.122, total less than $10,000; or (2) the authority to approve abandonment or discarding of worthless property without the approval of the contracting officer (in the case of the Navy, the local NMR&DA officer) or disposal board, required by § 844.447–2.

(f) All authorizations granted under § 846.642, substantially in the form prescribed by § 849.987–1 on November 1, 1944, shall be deemed to have been amended to conform to the revised form prescribed by § 849.987–1 on April 20, 1945, without further action by any service or bureau or war contractor. However, war contractors holding authorizations in the form prescribed on November 1, 1944, may, upon request, obtain from contracting officers revised, written authorizations in the form prescribed on April 20, 1945. [JTR 642.3]

§ 846.642–4 *Consolidation of claims.* Any number of separate settlements of $10,000 or less may be made with a single subcontractor. Claims which would normally be included in a single settlement proposal, such as a series of separate orders for the same item under one war contract, should be consolidated wherever possible, and must not be divided in such a way as to bring them within the authorization provided for in §§ 846.642 to 846.642–7, inclusive. [JTR 642.4]

§ 846.642–5 *Recognition of authorized settlements.* Where a war contractor settles in good faith with a subcontractor in accordance with an authorization hereunder, the Government will recognize the settlement, including credits for retention or disposal of termination inventory, as final and conclusive for the purpose of settling the terminated prime contract or adjusting the continuing prime contract (whether modified or not) to which the subcontract is allocable. Higher tier contractors shall also rely on such settlements. Such settlements are not subject to review under § 846.644 or § 845.582. [JTR 642.5]

§ 846.642–6 *Selective review.* (a) The chief of each service or the cognizant Navy material inspector who grants an authorization hereunder is responsible for making a selective review of settlements to determine whether the war contractor is making adequate reviews and fair settlements and whether his authority to settle without approval shall remain in effect. In the War Department, to avoid duplication of effort, the chief of each service may designate a single contracting officer or other official or office to make the selective review for the entire service.

(b) All contracting officers and Government personnel engaged in negotiating settlements with a war contractor holding an authorization should report to the appropriate authority of the service or to the cognizant Navy material inspector any irregularities or other information coming to their attention regarding the adequacy of the contractor's review procedures. [JTR 642.6]

§ 846.642–7 *Revocation of authority.* (a) The chief of a service or the cognizant Navy material inspector may revoke any authorization granted by him (or, in the Navy, heretofore granted by the chief of any bureau) by written notice to the war contractor and should do so promptly whenever he determines that the contractor's review procedures are not adequate or that improper settlements are being made. The revocation of an authorization shall take effect only from the date of receipt of written notice by the war contractor. The chief of the service or, in the case of the Navy, the cognizant inspector, will report each such revocation to the Readjustment Division, ASF, or the Industrial Readjustment Branch, OP&M, in accordance with § 849.895–1.

(b) Except as provided in this section, authorizations heretofore granted by the chief of any bureau of the Navy Department are not affected. [JTR 642.7]

§ 846.643 *Authority of war contractors to make final subcontract settlements under $1,000 without approval.* [JTR 643]

§ 846.643–1 *Authority.* Where a war contractor in good faith approves a settlement proposal properly submitted to him on Form 1a by his immediate subcontractor, the Government will recognize the settlement, including credits for retention or disposal of inventory, as final and conclusive for the purpose of settling the terminated prime contract or adjusting the continuing prime contract (whether modified or not) to which the subcontract is allocable, unless this authority has been revoked under § 846.643–2. [JTR 643.1]

§ 846.643–2 *Revocation.* Whenever, by selective checks or from other information, the chief of any service or bureau determines that the settlements by any war contractor under § 846.643–1 do not adequately protect the interests of the Government, he may revoke such authority of the war contractor to settle subcontracts under the jurisdiction of his service or bureau by so notifying the war contractor in writing. Such settlements made by the war contractor after delivery of such notice will be subject to review by the Government. The chief of the service or bureau will report each such revocation to the Readjustment Division, ASF, or the Industrial Readjustment Branch, OP&M, in accordance with § 848.898–1. [JTR 643.2]

§ 846.644 *When subcontract settlements to be reviewed and approved.* [JTR 644]

§ 846.644–1 *Mandatory review.* The contracting officer settling a terminated prime contract will require the prime contractor to submit to him for approval or ratification:

(a) Each settlement with a subcontractor in any tier which involves $10,000 or more (computed in accordance with § 841.122), and

(b) Such other settlements with subcontractors in any tier as the contracting officer may select in accordance with § 846.644–2. [JTR 644.1]

§ 846.644–2 *Selection of subcontract settlements for review and approval.* (a) The contracting officer may require the submission to him, for approval or ratification, of any settlement with any subcontractor in any tier unless made under the authority of §§ 846.642 or 846.643. Ordinarily, however, the contracting officer will be able to review and approve subcontract settlements involving less than $10,000 (computed in accordance with § 841.122) only in selected cases. In this connection the contracting officer will be guided:

(1) By the necessity for obtaining speedy and final settlement as well as the protection of the interests of the Government, and

(2) By the policy of the War and Navy Departments to rely to a high degree on the investigation made by the reviewing contractor of the basis for the settlement.

(b) From time to time, the contracting officer should require the submission to him, for his approval or ratification, of selected subcontract settlements in addition to those required to be submitted under § 846.644–1 (a). The contracting officer should make such selections in such manner as:

(1) To satisfy himself, by reviewing a reasonable number of their settlements, that the general procedures and personnel employed by any war contractor negotiating settlements in relatively large amounts are adequate to protect the interest of the Government, and

(2) To insure the exercise of good faith and reasonable care by other war contractors through the selective check of the methods and procedures of some of them. In selecting settlements made by such other war contractors for submission, the contracting officer should consider whether their methods and procedures have been otherwise reviewed and any other relevant information readily available to him.

(c) Settlements so selected will be reviewed in accordance with standards prescribed in § 846.646. [JTR 644.2]

§ 846.644–3 *Optional submission for approval.* The prime contractor may submit any settlement with a subcontractor in any tier to the contracting officer for his approval or ratification. [JTR 644.3]

§ 846.644–4 *Selection and approval of subcontract settlements by Navy material inspector.* (a) The Navy material inspector cognizant of the prime contractor is authorized, as the representative of the contracting officer, to approve or ratify all subcontract settlements which do not exceed $25,000 (computed in accordance with § 841.122), unless the contracting officer specifically limits or withdraws such authority in a particular case as provided in § 842.253–3. When a subcontract settlement exceeds $25,000, the inspector will forward it to the contracting officer for his approval, and for submission to a review board in accordance with §§ 845.582 and following.

(b) The Navy material inspector cognizant of the prime contractor is responsible for selecting settlements for review and approval in accordance with § 846.644–2. The contracting officer will not himself make such selection unless extraordinary circumstances make this advisable. [JTR 644.4]

§ 846.645 *Method of submitting subcontract settlement for approval.* [JTR 645]

§ 846.645–1 *General procedure.* (a) The prime contractor should submit subtract settlements requiring approval to the contracting officer for approval or ratification from time to time as promptly as possible. In doing so, he should either:

(1) Include the amount of the settlement in a partial or final settlement proposal on the appropriate standard proposal form, or

(2) Submit the subcontract settlement separately, accompanied by certificates of the war contractor settling the claim, intervening war contractors, and the prime contractor, in the forms prescribed by the standard proposal forms.

(b) In either case, the subcontract settlement should be accompanied by the settlement proposal on which it is based. [JTR 645.1]

§ 846.645–2 *Navy procedure for submitting subcontract settlement proposals and settlements.* (a) When his settlement proposal is less than $10,000, computed in accordance with § 841.122, a subcontractor under a terminated Navy prime contract shall submit the proposal directly to the next higher tier war contractor.

(b) In all other cases, he shall submit his settlement proposal to the next higher tier war contractor via the Navy material inspector cognizant of the particular subcontractor and may also forward additional copies directly if he desires.

(c) Where the settlement proposal is submitted via the cognizant Navy material inspector, the inspector should review it in the manner provided in § 847.-721–4 and promptly forward it with his comments to the Navy material inspector cognizant of the next higher tier war contractor, for submission to such war contractor for negotiation of a settlement.

(d) In submitting any subcontract settlement under a Navy prime contract in accordance with § 846.645–1, the higher tier war contractor shall attach a copy of the comments on the subcontractor's settlement proposal by the Navy material inspector cognizant of the subcontractor, if the proposal was submitted via such inspector. A subcontractor forwarding a subcontract settlement for approval or ratification, may forward it with his certificate directly to the next higher tier war contractor and need not transmit it via his cognizant Navy material inspector.

(e) The prime contractor will submit to his cognizant Navy material inspector all subcontract settlements which are required, or which he desires, to be approved or ratified, unless the contracting officer specifically directs otherwise in a particular case. [JTR 645.2]

§ 846.646 *Standards for approval of subcontract settlements.* (a) When a subcontract settlement is submitted to him for approval or ratification, the contracting officer should satisfy himself:

(1) That the settlement was arrived at in good faith and is not unreasonable in amount, and

(2) That the allocation to the prime contract of the charges included in the settlement is based on reasonable grounds.

(b) In determining whether to approve or ratify it, the contracting officer may examine the individual settlement. However, whenever the contracting officer is satisfied that the proposed settlement has received an adequate review, he will be warranted in approving or ratifying the settlement on the basis of the certificates of the prime contractor and intermediate subcontractors in accordance with § 846.645. The contracting officer may satisfy himself that the general procedures of any war contractor are adequate either by checking other settlements made by the war contractor or in any other appropriate manner. [JTR 646]

§ 846.647 *Subcontract settlements not submitted for approval.* The contracting officer may make a final settlement with the prime contractor without examining individual settlements with subcontractors other than those required to be submitted or voluntarily submitted for approval or ratification under § 846.644 unless special circumstances indicate the need for such examination. Any subcontract settlement shall become final and not subject to examination except as stated in § 846.648, if the settlement itself, or another settlement in which it is included, has been approved or ratified. [JTR 647]

§ 846.648 *Finality of subcontract settlement.* [JTR 648]

§ 846.648–1 *Statutory provisions.* Pursuant to section 7 (a) of the act, any settlement between a war contractor and his subcontractor which is authorized, approved or ratified by the contracting agency is final and conclusive as to the amount due except (a) to the extent otherwise agreed in the settlement; (b) for fraud; (c) upon renegotiation under the Renegotiation Act; or (d) by mutual agreement before or after payment. The act provides that no war contractor shall be liable to the United States on account of any amounts paid on such settlements, except for his own fraud. [JTR 648.1]

§ 846.648–2 *Amendment of subcontract settlement.* (a) Where a subcontract settlement has become final and conclusive on the Government for the purpose of settling the terminated prime contract or adjusting the continuing prime contract (whether modified or not) to which the subcontract is allocable, the contracting officer, except as provided in paragraph (b) below, will recognize as final and conclusive any amendment of such subcontract settlement, where:

(1) The amendment will result in benefit to the Government; or

(2) The Government's interests will not be affected by the amendment; or

(3) The amendment is expressly provided for in the subcontract settlement; or

(4) There has been a mistake, as defined in § 847.748–1 (b) (3), between the parties to the subcontract settlement; or

(5) Written approval is obtained (in the case of the War Department) from the head of the local procurement district, depot or other office, or (in the case of the Navy Department) from the chief of the bureau settling the related prime contract, upon his determination that the amendment will promote the purposes of the act.

(b) Where the amendment is made pursuant to subparagraph (4) or (5) of paragraph (a) above, the subcontract settlement, as amended, will be subject to approval by the contracting officer and review by a settlement review board to approval by the contracting officer tract settlement by §§ 846.644 and 845.-582.

(c) Amendment of a subcontract settlement after final settlement of the related prime contract will be made only in accordance with the procedures set forth in § 847.748 relating to amendment of prime contracts. [JTR 648.2]

SUBPART E—PROTECTION OF SUBCONTRACTORS

§ 846.650 *Scope.* This subpart deals with special procedures for protecting subcontractors where the prime contractor is unable to meet his obligations. The requirements of Regulation No. 17 of the Office of Contract Settlement entitled "Protection of Termination Claims of Subcontractors" are effectuated in this subpart and Subpart F of this part. [JTR 650]

§ 846.651 *Supervision of payments to prime contractor for subcontractors.* [JTR 651]

§ 846.651–1 *Statutory provisions.* Section 7 (b) of the act provides:

(b) Whenever any contracting agency is satisfied of the inability of a war contractor to meet his obligations, it shall exercise supervision or control over payments to the war contractor on account of termination claims of subcontractors of such war contractor to such extent and in such manner as it deems necessary or desirable for the purpose of assuring the receipt of the benefit of such payments by the subcontractors.

[JTR 651.1]

§ 846.651–2 *When duty to supervise arises.* (a) The contracting officer shall be under no duty to make an investigation of the financial condition of any war contractor until he has received a request for protection from one or more subcontractors. If such request is made to him, the contracting officer shall take such steps as he considers reasonable to investigate the financial condition of the war contractor concerned. The identity of the contractor making the request shall not be disclosed except to Government personnel concerned with such investigation.

(b) In determining whether a war contractor is unable to meet his obligations, the contracting officer is required to act only on the basis of substantial evidence indicating that the contractor is insolvent or bankrupt or is involved in pending proceedings in insolvency, bankruptcy, receivership or corporate reorganization, or is in imminent danger of such proceedings. [JTR 651.2]

§ 846.651–3 *Methods of supervision.* Whenever the contracting officer is satisfied that a prime contractor, or a subcontractor with whom a direct settlement is made, is unable to meet his obligations, he shall:

(a) Follow substantially the procedure outlined in § 843.367 in making payments to the war contractor on account of termination claims of subcontractors, or

(b) Make such payments through a trustee or escrow agent, or

(c) Settle directly the termination claims of subcontractors in accordance with Subpart F of this part.

In his discretion, the contracting officer may take action under this paragraph in other cases where he deems it necessary or desirable for the protection of subcontractors. [JTR 651.3]

§ 846.652 *Supplemental payments to subcontractors.* [JTR 652]

§ 846.652–1 *Statutory provision.* Section 7 (f) of the Act provides:

(f) If any contracting agency determines that in the circumstances of a particular case equity and good conscience require fair compensation for the termination of a war contract to be paid to a subcontractor who has been deprived of and cannot otherwise reasonably secure such fair compensation, the contracting agency concerned may pay such compensation to him although such compensation already has been included and paid as part of a settlement with another war contractor.

[JTR 652.1]

§ 846.652–2 *Scope of statutory provision.* The payment that may be made under this provision is limited to fair compensation for the termination of a war contract. It does not include a payment on account of a claim for completed articles delivered or services performed pursuant to the subcontract or on account of any other claim that may arise under the terminated contract. [JTR 652.2]

§ 846.652–3 *Circumstances requiring payment.* Payment may be made under this provision only when it is not reasonably practicable for the subcontractor applying therefor to secure fair compensation for the termination of his contract from the war contractor liable to him, or from any other party, or by application of any of the procedures provided in § 846.651–3. In addition, the chief of a service or bureau must determine that in the circumstances of the particular case equity and good conscience require such payment. The determination will call for the exercise of sound judgment on the facts of each case. For example, many contractors, at the instance of representatives of the Government and in order to expedite war production, assumed risks in dealing with previously unknown or with over-extended customers, contrary to their normal peacetime practice. In such cases, considerations of fairness may make it appropriate to make payments to subcontractors who could not otherwise obtain fair compensation for the termination of their subcontracts. On the other hand, payments should not be made under section 7 (f) of the act to subcontractors who incurred the risk of non-payment in the course of normal business dealings. [JTR 652.3]

§ 846.652–4 *Request for authority to make supplemental payments.* Whenever the chief of a service or bureau considers that a subcontractor is entitled to receive a payment of fair compensation under the provisions of section 7 (f) of the act, he shall forward to the Readjustment Division, ASF, or the Industrial Readjustment Branch, OP&M, a report stating the essential facts of the case and the reasons for requesting the approval of such a payment. No such payment shall be made without such approval. [JTR 652.4]

SUBPART F—DIRECT SETTLEMENT OF SUBCONTRACTS BY GOVERNMENT

§ 846.660 *Scope.* This subpart deals with the direct settlement and payment by the Government of termination claims of subcontractors in individual cases. It does not apply to direct settlement on a company-wide basis pursuant to Subpart E of Part 848. The requirements of Regulation No. 17 of the Office of Contract Settlement entitled "Protection of Termination Claims of Subcontractors" are effectuated in this subpart and the preceding Subpart E of this part. [JTR 660]

§ 846.661 *Authority to settle subcontract claims directly under contract provisions therefor.* Where the Government by a termination article or other contract provision or by a settlement agreement has agreed to assume the obligations of a war contractor to any subcontractor, the contracting officer may settle the termination claim of the subcontractor directly, in accordance with the contract provision. [JTR 661]

§ 846.662 *Authority to settle subcontract claims directly where no contract provisions therefor.* [JTR 662]

§ 846.662–1 *Statutory provisions.* Section 7 (d) of the act authorizes the War and Navy Departments to settle directly termination claims of subcontractors to the extent that such action is deemed necessary or desirable for the expeditious and equitable settlement of such claims, and prescribes certain procedures to be followed for this purpose. [JTR 662.1]

§ 846.662–2 *Methods of direct settlement.* As used in this part, unless the context clearly indicates otherwise, the terms "settle directly" or "direct settlement" refer to:

(a) The negotiation or determination by a contracting agency of the amount due on account of the termination claim of a subcontractor and the payment of such amount to the subcontractor, or

(b) The payment to a subcontractor of the amount which has been determined to be due on his termination claim by a settlement which was made under any other authorized procedure and adopted and assumed by the contracting agency. [JTR 662.2]

§ 846.662–3 *When required.* Whenever the contracting officer is satisfied that a war contractor is, or is in serious danger of becoming, unable to meet his obligations, and where he considers that action under paragraph (a) or (b) of § 846.651–3 would fail to assure prompt payment of the termination claims of subcontractors of that war contractor, the contracting officer shall settle directly, subject to the provisions of § 846.662–5, the termination claims of such subcontractors. The duties of the contracting officer with respect to investigation of the financial condition of a war contractor, and the determination that a war contractor is, or is in serious danger of becoming, unable to meet his obligations shall be determined in accordance with § 846.651–2. [JTR 662.3]

§ 846.662–4 *When authorized.* (a) The contracting officer may settle directly the termination claim of any subcontractor in any other case in which such action is deemed necessary or desirable for the expeditious and equitable settlement of such claim.

(b) In the War Department such direct settlement, in cases where it is not required by contract or § 846.662–3, shall be limited to direct payment (§ 846.662–2 (b)) unless written permission to negotiate or determine directly the amount due on account of the termination claim has been granted by the head of the local procurement district, depot or other office. [JTR 662.4]

§ 846.662–5 *Limitation of authority.* The authority under § 846.662 shall not be used to settle any claim other than the claim or demand for fair compensation for the termination of the subcontract. [JTR 662.5]

§ 846.663 *Procedures in making direct settlement with subcontractors.* [JTR 663]

§ 846.663–1 *General.* In general, in any case where direct settlement with subcontractors is undertaken under § 846.622, the settlement and disbursement procedures specified for settlement with prime contractors shall be followed to the extent applicable. [JTR 663.1]

§ 846.663–2 *Acceptance of responsibility for direct settlement.* (a) Before undertaking to settle directly the termination claim of a subcontractor under § 846.662, the contracting officer shall send a written notice to the subcontractor in substantially the form set forth in § 849.988–2 or § 849.988–3, depending upon the method of direct settlement to be undertaken. Upon execution by the subcontractor of the consent provision of such notice, the Government shall become liable for the settlement of his claim to the extent and upon the conditions specified in such notice.

(b) The contracting officer shall also send written notice of the assumption of responsibility to the war contractor liable to the subcontractor on account of the termination of the subcontract which the Government is undertaking to settle. Such notice shall be in substantially the form set forth in § 849.988–4 or § 849.988–5, depending upon the method of direct settlement to be undertaken. [JTR 663.2]

§ 846.663–3 *Allocability.* In making direct settlement with a subcontractor under § 846.662 the contracting officer may apply the provisions of § 848.855–8, relating to the determination of allocability in the settlement of subcontract claims under company-wide settlement. [JTR 663.3]

§ 846.663–4 *Limitations on amount payable under prime contract.* Direct settlement with a subcontractor may be made under § 846.662 without regard to any limitation on the amount payable by the Government to the prime contractor. [JTR 663.4]

§ 846.663–5 *Set-offs, assignments and insolvency.* (a) The contracting officer may settle directly with a subcontractor under § 846.662 without regard to any assignment by, or insolvency or bankruptcy of, higher tier war contractors, and without regard to set-offs between contractors in the contractual chain. Such direct settlement shall be made without deduction for claims which the Government may have against the prime contractor or any other higher tier war contractor.

(b) Set-offs which the Government may have against the subcontractor with whom direct settlement is made shall be protected to the same extent that set-offs against prime contractors are protected in making payments on account of their termination claims.

(c) Payments to a subcontractor in direct settlement of his termination claim shall be made consistently with the terms of any assignments executed by that subcontractor of which the disbursing officer has knowledge. The disbursing officer may rely, however, on the subcontractor's statement with respect to outstanding assignments in the absence of actual knowledge to the contrary or notice given in accordance with the Assignment of Claims Act of 1940. [JTR 663.5]

§ 846.663–6 *Partial and final settlement agreements.* (a) When direct settlement of a claim of a subcontractor is accomplished by the first method mentioned in § 846.662–2 and the amount due is established by direct negotiation between the subcontractor and the contracting officer, a final settlement agreement will be executed substantially in the form set forth in § 849.988–6.

(b) When the contracting officer has undertaken to pay directly to a subcontractor an amount which has been determined to be due by agreement between the subcontractor and the next higher tier war contractor, the voucher or invoice shall be supported by the notice to the subcontractor (§ 849.988–3) on which the subcontractor has executed the consent provision. No formal direct settlement agreement is required. [JTR 663.6]

§ 846.663–7 *Release or assignment of claim.* (a) As a condition of the direct settlement of his claim by the Government under § 846.662, the subcontractor is required, upon final settlement, either to assign his termination claim to the Government or to release the Government and his purchaser from his liability thereon. The contracting officer ordinarily should obtain a release, but he should secure an assignment of the subcontractor's claim whenever he considers it necessary to protect any interest that the Government may have.

(b) The form of final settlement agreement for cases in which the amount is determined by direct negotiation with the subcontractor (§ 849.988–6) and the consent provision of the notice by which the Government adopts and assumes a settlement made under another procedure (§ 849.988–3) contain alternative clauses providing for either a release or an assignment.

(c) When the assignment of a claim is received from a subcontractor under a War Department prime contract, the contracting officer will forward the assignment directly to the Judge Advocate General, Attention: Chief, Litigation Division, Washington, D. C.; and he will forward a report of the action taken through channels to the Readjustment Division, ASF. In the Navy Department, the assignment will be forwarded directly to the Disbursing Division, Bureau of Supplies and Accounts, Washington, D. C.; and a report of the action taken will be forwarded directly to the Industrial Readjustment Branch, OP&M. [JTR 663.7]

§ 846.664 *Payments only if liability otherwise exists.* (a) Except for payments under § 846.652, and except to the extent required in order to give effect to the provisions of § 846.663–5, payments shall be made to subcontractors under Subpart E and this subpart only in cases where the Government would otherwise be required to bear the cost of settling the terminated subcontract.

(b) Where payment has been made to a prime contractor or a higher tier war contractor on account of any portion of the termination claim of a subcontractor, an additional payment on account of the same portion of that claim may be made only in accordance with § 846.652, or to the extent that the prior payment has been recovered by the Government. Where a sum has been paid to a prime contractor on account of the termination claim of a subcontractor but has not been paid to the subcontractor, Article 3 of the final settlement agreement with the prime contractor (§§ 849.981–1, 849.983–1) requires the prime contractor, upon request, to return to the Government the amount so payable to his subcontractor. Sums returned pursuant to this provision, or otherwise recovered, may be paid to the subcontractors in direct settlement of their termination claims. [JTR 663.7]

§ 846.668 *Application of payments to benefit of prime contractor.* (a) The uniform termination articles for fixed-price and cost-plus-a-fixed-fee prime contracts provide that, with certain exceptions, the obligation of the Government to make payments under the article shall be subject, in the discretion of the contracting officer, to deduction for the amount of any termination claim of any subcontractor. The purpose of this provision is to permit the withholding of sums owing by the prime contractor to his subcontractors, in order to assure their receipt by the subcontractor. In any case where this provision is used, the prime contractor is entitled to have the withheld sum applied for his benefit in such a way as to exonerate him, to that extent, from the claim of the subcontractor.

(b) Other forms of approved termination articles contain similar provisions of various types, which are construed in the same manner. [JTR 668]

PART 847—SETTLEMENT OF PRIME CONTRACT CLAIMS

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§ 847.700 *Scope of part.* This part deals with the procedures peculiar to the settlement by the Government of the claims of prime contractors. The policies and procedures applicable to both prime contract and subcontract settlements are stated in Part 845. Those peculiar to subcontract settlements are stated in Part 846. [JTR 700]

SUBPART A—PREPARATION FOR SETTLEMENT

§ 847.710 *Scope.* The principles and forms for presenting claims of war contractors are discussed in Subpart B and Subpart F of Part 845. This subpart deals with the general responsibility of the contracting officer for negotiating the settlement and contains further provisions applicable to the preparation of claims under prime contracts. [JTR 710]

§ 847.711 *Responsibility of contracting officer for settlement.* [JTR 711]

§ 847.711–1 *General.* (a) The responsibility for negotiating the settlement rests on the contracting officer. To discharge this responsibility, he, or someone representing him, should take complete charge of all steps leading up to the final settlement agreement, to the maximum extent practicable. He should familiarize himself completely with all available information concerning the particular termination, and should consider, as far in advance as possible, all accounting, legal, and other problems which are likely to arise in the course of the negotiation.

(b) He should take advantage of all information available to him relating to the terminated contract or the business of the contractor, including information developed by cost analyses, inspections, accounting reviews, or other investigations of the contractor's affairs which may have been conducted by the service or bureau to which he is assigned. He should actively supervise the disposition of termination inventory, the settlement of subcontract claims and the preparation of the prime contractor's settlement proposal.

(c) Before termination, where practicable and authorized by Subpart B to Part 842, and from time to time throughout the settlement proceedings, he should arrive at agreements and understandings by negotiation with the contractor which will expedite the final settlement of the claim. It is his responsibility to see that the prime contractor is diligent in carrying out his obligations and in preparing the claim and to facilitate this by eliminating as many controversial questions as possible in advance of the filing of the claim. [JTR 711.1]

§ 847.711–2 *Settlement team.* (a) For each important settlement, there should be a settlement team composed of qualified personnel with business, legal, engineering, accounting, disposal and other special training necessary to handle the various aspects of the settlement as they arise.

(b) In the War Department, the contracting officer or his principal representative will designate the members of the settlement team.

(c) In the Navy Department, the settlement teams in the field will consist of the Navy material inspector cognizant of the prime contractor or of a particular subcontractor, officers of the Cost Inspection Service and of the NMR&DA, and other qualified personnel. [JTR 711.2]

§ 847.711–3 *Action by settlement team.* (a) The members of the settlement team should not delay action until the prime contractor submits his claim. They should work with him continuously in disposing of termination inventory, in making and approving subcontract settlements, and in preparing his own settlement proposal, and should assist him to the maximum extent feasible in order to facilitate settlement. By cooperating during the preparation of the claim, the settlement team can frequently prevent delay, eliminate unnecessary work, and settle questions so as to expedite the preparation of the claim and the final settlement.

(b) The Navy settlement team in the field shall take all action with respect to the settlement which does not require submission to the contracting officer for his personal determination, and shall submit its recommendations to him with respect to other matters, in accordance with this subchapter. [JTR 711.3]

§ 847.712 *Responsibility of prime contractor to submit his settlement proposal.* [JTR 712]

§ 847.712–1 *General.* The prime contractor will file his settlement proposal with the contracting officer in the War Department or the cognizant Navy material inspector in the Navy Department as promptly as possible, on the forms and in the manner prescribed by Subpart B of Part 845 for fixed-price supply contracts and by Subpart F of Part 845 for cost-plus-a-fixed-fee prime contracts. [JTR 712.1]

§ 847.712–2 *Partial proposals.* Before the final proposal is submitted, the prime contractor, from time to time, should submit to the contracting officer in the War Department or his cognizant Navy material inspector any subcontract settlements which require approval. Likewise, any proposals for disposition or retention of termination inventory which require approval should be promptly submitted to the contracting officer or to NMR&DA. In this way, a substantial part of the claim can be definitely settled and finally acted on before the final settlement of the whole claim. [JTR 712.2]

§ 847.712–3 *Delay in submitting proposal.* If the prime contractor delays settlement of his claim by failure to file the settlement proposal or otherwise, the act requires the suspension of interest on his claim for the period of such delay. A period of 60 days will be considered as a reasonable time for submitting the settlement proposal, and any longer period an unreasonable delay, unless the contracting officer is satisfied that the contractor has been diligent in preparing his claim. [JTR 712.3]

§ 847.713 *Effect of settlement proposal.* The settlement proposal together with the supporting schedules constitute the basic representation of the prime contractor as to his termination claim. In submitting it to the Government, the contractor represents that the facts stated are true in accordance with his certificate. For any false certificates, he is subject to the penalties described in § 841.138. [JTR 713]

SUBPART B—REVIEW OF PRIME CONTRACT SETTLEMENT PROPOSALS

§ 847.720 *Scope.* In negotiating a settlement, the contracting officer should have as a guide reports prepared by qualified Government personnel on the prime contractor's settlement proposal. This subpart deals with the preparation and use of the reports for this purpose. [JTR 720]

§ 847.721 *Function of contracting officer as to review.* [JTR 721]

§ 847.721–1 *General responsibility.* (a) The contracting officer is responsible for passing upon the prime contractor's settlement proposal and settling with the contractor. For this purpose he must decide to what extent accounting and other personnel should review and verify the contractor's proposal.

(b) Contracting officers will reduce accounting examinations of termination claims to the minimum consistent with protecting the interests of the Government. Whenever practicable, they will rely on reasonable reviews of contractors' data rather than on detailed examinations. Wherever examinations appear to be necessary, they will be made in accordance with the principles of selective auditing.

(c) The accounting examination in connection with the settlement of the cost portion of a fixed-price contract should be in accordance with the usual administrative audit as carried out in the War or Navy Department for cost-plus-a-fixed-fee contracts. [JTR 721.1]

§ 847.721–2 *Use of accounting personnel.* In connection with termination settlements, Government accounting personnel will make such investigations, reviews, and examinations, as the contracting officer may direct or request for the purpose of determining whether the settlement proposal conforms with the termination provisions of the prime contract and is supported by the prime contractor's records and other evidence. [JTR 721.2]

§ 847.721–3 *Use of inspection, engineering and other personnel.* (a) Government inspectors, engineers and other personnel will frequently have information on: (1) The general reliability of the prime contractor; (2) the quality of his production; (3) the approximate quantity and physical condition of the then existing termination inventory, including raw materials, work in process, purchased parts and completed items; (4) whether the material for which reimbursement is claimed is reasonably allocable to the prime contract being terminated; (5) the fairness of the pricing on raw material and purchased parts, as determined by spot checks to the extent deemed necessary; (6) other significant items included in the proposal which, in their opinion, are incorrect or doubtful.

(b) The contracting officer should use such personnel to make investigations, reviews, and comments on the settlement proposal submitted by the prime contractor. [JTR 721.3]

§ 847.721–4 *Function of Navy material inspector.* (a) In the Navy Department, the material inspector cognizant of the prime contractor shall examine as promptly as possible each settlement proposal submitted to him and shall forward it to the contracting officer together with any comments which he believes will assist the contracting officer in negotiating with the prime contractor. Such comments should cover particularly the matters specified in § 847.721–3.

(b) In order to prepare the comments under this section, the Navy material inspector may request a representative of the Cost Inspection Service to furnish accounting advice on any items in the settlement proposal. The material inspector does not determine, however, the extent to which representatives of Cost Inspection Service will make a field accounting review of the settlement proposal.

(c) The material inspector is not expected to make a detailed count of inventory unless the contracting officer so requests, but should make such selective checks as he deems necessary to verify the substantial accuracy of the quantities stated. [JTR 721.4]

§ 847.722 *Office review.* [JTR 722]

§ 847.722–1 *When required.* In order to protect the Government's interests, qualified personnel will make at least an office review of each settlement proposal submitted by a prime contractor. Where the net amount of the proposal is $1,000 or more, such review will include an office accounting review. [JTR 722.1]

§ 847.722–2 *Basis of office review.* The office review is based upon supporting evidence submitted by the prime contractor with his settlement proposal and other information available in the office making the settlement. In general, the reviewing personnel analyze and test the information submitted by the contractor to determine inconsistencies or other indications that the items included are overstated or inapplicable. [JTR 722.2]

§ 847.722–3 *Scope of office accounting review.* Each office accounting review will be made in accordance with the provisions of the Joint Termination Accounting Manual. [JTR 722.3]

§ 847.722–4 *Report of office review.* Upon completion of the office review, the accountant or other reviewing personnel will furnish the contracting officer an appropriate report stating his conclusions as to the adequacy of the supporting information and the indicated reliability of the data submitted by the prime contractor. [JTR 722.4]

§ 847.723 *Examination beyond office review.* [JTR 723]

§ 847.723–1 *Use of further examination.* After such consultation with the reviewing personnel as he deems appropriate, the contracting officer will decide and instruct the accounting or other personnel what further examination, if any, is to be made of the termination claim. In making this decision, he should consider the following factors, among others:

(a) The amount and complexity of the proposed settlement.

(b) The conclusions as a result of the office review.

(c) Available reports of independent public accountants.

(d) Any information available from War or Navy Department personnel, familiar with the operations under the prime contract.

The contracting officer may properly rely upon the advice of the accounting or other reviewing personnel as to the extent of any such further examination required in any case. [JTR 723.1]

§ 847.723–2 *Types of additional examination.* Among the types of additional investigation which may prove to be appropriate are the following:

(a) The prime contractor may be requested to submit additional data or explanations.

(b) Government personnel may be instructed to visit the contractor's plant to discuss the proposal and to make any necessary reference to the accounting or other records, or other examination.

(c) Government accounting personnel may be requested to make an examination in accordance with the procedures outlined in this subchapter and in the Joint Termination Accounting Manual. [JTR 723.2]

§ 847.723–3 *Procedures for examination.* While the contracting officer is responsible for deciding whether or not further accounting or other examination is to be made, the accounting or other technical personnel will determine the procedures for actually making such examinations on the basis of their judgment and technical knowledge. [JTR 723.3]

§ 847.724 *Report to contracting officer.* [JTR 724]

§ 847.724–1 *Report of additional examination required.* Where any additional examination is made, the reviewing personnel will submit written reports to the contracting officer in an appropriate manner. [JTR 724.1]

§ 847.724–2 *Information regarding profit.* When the contracting officer so requests, the accountant will furnish him with accounting information on which to make a determination of an appropriate profit allowance. Accounting personnel should not make recommendations as to profit, unless requested to do so. [JTR 724.2]

§ 847.725 *Coordination with other accounting functions.* [JTR 725]

§ 847.725–1 *Coordination with renegotiation accounting.* Where accounting work has been done for renegotiation, it should be used so far as practicable to avoid duplication of effort. [JTR 725.1]

§ 847.725–2 *Consolidation of termination accounting for several prime contracts.* (a) Where two or more contracts with the same prime contractor are being terminated at one time, the termination accounting should be consolidated to the greatest extent practicable and the total costs apportioned to the various contracts on some reasonably satisfactory basis, in accordance with § 845.517.

(b) In the case of certain contractors, the responsibility for making the accounting review for all termination settlement proposals has been assigned to one service or bureau under the consolidated termination program. The procedures governing this program are discussed in Subpart B of Part 848. [JTR 725.2]

§ 847.725–3 *Use of previous termination settlements.* Where the prime contractor has had other termination claims settled, they should be reviewed, where practicable, for any pertinent information to insure that the same accounting policies are consistently followed in the various settlements. [JTR 725.3]

SUBPART C—NEGOTIATION OF FINAL SETTLEMENT AGREEMENT

§ 847.730 *Scope.* This subpart deals with the negotiation of the final settlement under a terminated prime contract. The principles to be observed are stated in Subpart C of Part 845 for fixed-price contracts, and Subpart F of Part 845 for cost-plus-a-fixed-fee contracts. [JTR 730]

§ 847.731 *Authority of contracting officer.* The contracting officer is authorized to settle termination claims and to make supplemental agreements relating to terminated prime contracts, consistently with this subchapter. [JTR 731]

§ 847.732 *Conduct of negotiation conferences with prime contractor.* The duty of the contracting officer will have required constant negotiation of elements of the settlement throughout the proceedings. These negotiations will usually culminate in one or more final conferences with the contractor. Ordinarily legal, accounting, technical and property disposition advisers will participate in these negotiations. Where the contracting officer has designated a representative to take charge of all or a part of the settlement, such representative will conduct the negotiations unless the contracting officer deems it appropriate, in the light of the complexity of the termination, or the problems to be discussed at the particular conferences, to participate personally, in which case the recommendations of his principal representative should carry special weight in the ultimate settlement. [JTR 732]

§ 847.733 *Use of accounting and other reports.* The accounting and other reports do not control the contracting officer in negotiating the amount of fair compensation for the termination. He will consider such reports together with all other relevant information and criteria in determining the amount of a proper settlement in accordance with the principles stated in Subpart C of Part 845. He will give such weight to the reports, and qualify their computations to such extent, as he considers reasonable under all the circumstances. [JTR 733]

SUBPART D—SETTLEMENT AGREEMENTS

§ 847.740 *Scope.* When the contracting officer and the prime contractor reach an agreement as to the total amount payable to the contractor on his termination claim, they will proceed to make a supplemental agreement for the settlement. This subpart deals with the terms and execution of such an agreement. [JTR 740]

§ 847.741 *Authority for settlement agreement.* The settlement agreement will recite that it is made pursuant to the Contract Settlement Act of 1944. Before making any such settlement agreement, each surety or guarantor should be notified, if the surety or guarantee agreement so requires, and the assent of any assignee, who has given notice under the Assignment of Claims Act, should be obtained where possible. [JTR 741]

§ 847.742 *General provisions of final settlement agreements.* [JTR 742]

§ 847.742–1 *Form for fixed-price prime contracts.* Forms of settlement agreements for fixed-price supply and construction prime contracts are contained in § 849.981. [JTR 742.1]

§ 847.742–2 *Form for cost-plus-a-fixed-fee contracts.* The forms of settlement for cost-plus-a-fixed-fee prime contracts are contained in § 849.983. [JTR 742.2]

§ 847.742–3 *Use of standard forms.* The final settlement agreement for a termination claim shall conform substantially to the appropriate prescribed form. [JTR 742.3]

§ 847.742–4 *Scope of agreements.* In the case of final settlement agreements for use after complete termination, all claims, rights, and obligations of either party (other than those expressly excepted and reserved) arising under the terminated war contract should be discharged and released by the agreement. [JTR 742.4]

§ 847.743 *Deductions and reservations in settlement agreement.* [JTR 743]

§ 847.743–1 *Renegotiation.* The settlement agreement will specifically reserve all rights and liabilities, if any, of the Government and the prime contractor under the Renegotiation Act. [JTR 743.1]

§ 847.743–2 *Deductions for damaged property and defects.* A reasonable deduction should be made for damaged property, defective materials and workmanship in termination inventory transferred to the Government, or retained or sold with the approval of the contracting officer in connection with the termination settlement, unless this factor has otherwise been taken into account in the negotiation. [JTR 743.2]

§ 847.743–3 *Deductions for Government claims in connection with the contract.* The agreement should cover any set-offs and counterclaims which the Government may have in connection with the terminated prime contract. [JTR 743.3]

§ 847.743–4 *Disposal credits.* The agreement or the settlement itself should credit to the Government the sales price or agreed price of any termination inventory sold or retained by the prime contractor in connection with the termination settlement. [JTR 743.4]

§ 847.743–5 *Provisions to protect subcontractors.* In the discretion of the contracting officer, the amount of the settlement may cover, or may be made subject to deduction to meet, any unsettled subcontract claims. In accordance with §§ 846.613 and 846.662, the agreement may make such provisions for direct payments to such subcontractors, escrow payments or otherwise, as the contracting officer may deem proper, to ensure the payment of such claims. [JTR 743.5]

§ 847.743–6 *Reserved rights.* Where rights of the Government and of the prime contractor are to be reserved and are not to be affected by the settlement agreement, the agreement should specify the extent of such reserved rights. For example:

(a) Rights and liabilities of either party under contract provisions relating to reproduction rights, patent infringements, inventions, applications for patent and patents, including rights to assignments, invention reports and licenses, covenants of indemnity against patent risks and bonds for patent indemnity obligations, together with all rights and liabilities under any such bond.

(b) Rights of the Government to take the benefit of any adjustments of royalties under the Royalty Adjustment Act (Public Law No. 768, 77th Congress, approved October 31, 1942) and to take the benefit of agreements reducing or otherwise affecting royalties paid or payable in connection with the performance of the contract.

(c) Rights and liabilities of either party under options, covenants not to compete, covenants of indemnity, and facilities agreements.

(d) Rights and liabilities relating to the settlement of any subcontractor's termination claim which the Government may have undertaken to settle directly. [JTR 743.6]

§ 847.743–7 *Maximum limit.* The agreement shall not provide for payment in excess of any maximum limit on compensation stipulated in the applicable termination article, or in this subchapter (see § 845.534–2), except with the approval of the Readjustment Division, ASF, or the Industrial Readjustment Branch, OP&M. [JTR 743.7]

§ 847.743–8 *Offsets and credits for payments previously made.* All other offsets against the amount payable on the termination claim and all advance, progress, partial and other payments previously made under the terminated prime contract will be taken into account appropriately. [JTR 743.8]

§ 847.743–9 *Anticipated litigation under cost-plus-a-fixed-fee prime contract.* Where there is substantial risk of later litigation (e. g., actions under the Wages and Hours Act, State taxes) affecting reimbursable costs under a terminated cost-plus-a-fixed-fee prime contract, the agreement may expressly except such items from the releases. [JTR 743.9]

§ 847.744 *Approval of settlement agreement.* [JTR 744]

§ 847.744–1 *Settlement review board.* If so required by § 845.582, the contracting officer will submit the proposed settlement agreement to the settlement review board for its review and approval before its execution on behalf of the Government. [JTR 744.1]

§ 847.744–2 *Other approval.* (a) Where the agreement involves more than $500,000, the contracting officer shall submit it for approval by such higher authority as may be required under § 845.584–2.

(b) A settlement agreement for a War Department prime contract does not require approval by the Director of Purchases Division, Headquarters, Army Service Forces, even though the amount of the settlement exceeds $5,000,000, unless it contains provisions requiring such approval under other sections of this chapter, such as §§ 803.306 to 803.308h, inclusive, of this chapter. [JTR 744.2]

§ 847.747 *Payment under settlement agreements.* [JTR 747]

§ 847.747–1 *Basis of payment.* When a termination claim has been settled by agreement, a voucher or invoice showing the amount agreed upon, less amounts previously paid thereon, will be prepared and certified in accordance with § 847.747–2, and presented to the disbursing officer for payment. The voucher or invoice will be supported by a copy of the settlement agreement. [JTR 747.1]

§ 847.747–2 *Form of certificate.* (a) The contractor will make the usual Form 1034 certificate on a voucher or invoice for final payment under a settlement agreement.

(b) The Comptroller General has prescribed the following new form of administrative certificate for such cases:

Pursuant to authority vested in me, I certify that the within payment is due and payable under the terms of the attached settlement agreement, and that the title to all propery, if any, to be transferred to the Government under this agreement has been transferred.

(c) In such cases, the new form of certificate should be printed or typed on the reverse side of the Standard Form No. 1034 -Revised, with a reference stating "See decision of the Comp. Gen. 27 Sept. 1944, A–49009, A–51607, and A–51624". The form of administrative certificate on the face of the voucher should be stricken out, and the words "Certificate on Reverse Hereof" should be substituted. The words "payment in full in accordance with the attached settlement agreement" should be included in the description under "Articles or Services" on the face of the voucher. [JTR 747.2]

§ 847.748 *Amendments to settlement agreements.* [JTR 748]

§ 847.748–1 *Authority for amendments.* (a) Section 6 (c) of the act provides that where settlement of all or any part of any termination claim is made by agreement, the settlement shall be final and conclusive except, among other things, (1) to the extent otherwise agreed in the settlement or (2) by mutual agreement before or after payment.

(b) Subject to § 847.748–2, the contracting officer may, before or after final payment, amend any final settlement agreement made by a service or bureau on or after July 21, 1944, whenever:

(1) The amendment will result in benefit to the Government; or

(2) The amendment is expressly provided for in the agreement; or

(3) There has been a mistake or error in the written agreement consisting solely of a failure to express the true agreement between the parties in accordance with negotiations between them, or of a mutual mistake as to a material fact. The failure of a contractor to present or to present accurately, and of the Government to allow, a claim based on a cost incurred by the contractor or on a liability to which the contractor was subject, whether by reason of ignorance of such cost or liability or of its extent or for other reasons, shall not be regarded as a mutual mistake within the meaning of this section; or

(4) The chief of the service or bureau determines that such amendment will promote the purposes of the act, and the approval of the Readjustment Division, ASF, or the Industrial Readjustment Branch, OP&M, is first obtained. In such cases, the request for approval should contain a full presentation of the relevant circumstances.

(c) Each amendment entered into pursuant to paragraph (b) above shall recite that it is made pursuant to the act.

(d) The contracting officer may, before or after final payment, amend any final settlement agreement made by a service or bureau prior to July 21, 1944 only:

(1) Where the amendment will result in benefit to the Government; or

(2) Where the amendment is authorized by, and approved in accordance with, §§ 803.308a, 803.308b, or 812.1252 of this chapter, or by Navy Procurement Directives, paragraphs 11,401 and following, 11,441 and following, and 11,461 and following; or

(3) Where the amendment is otherwise authorized by law or applicable regulations.

(e) No amendment entered into pursuant to paragraph (d) above shall recite that it is made pursuant to the act. [JTR 748.1]

§ 847.748–2 *Review of amendments.* Where the amendment is made pursuant to (3) or (4) of § 847.748–1 (b), the settlement agreement, as amended, will be subject to review by the appropriate settlement review board, whether or not the original settlement agreement was required to be reviewed. [JTR 748.2]

SUBPART E—PROCEDURE FOR FORMULA SETTLEMENTS UNDER FIXED-PRICE CONTRACTS

§ 847.750 *Scope.* This subpart discusses the procedure for settling a termination claim when the contracting officer and the prime contractor fail to agree upon a settlement. [JTR 750]

§ 847.751 *When formula settlement used.* [JTR 751]

§ 847.751–1 *Failure of negotiations.* When, after diligent efforts to negotiate a settlement, any termination claim under a prime contract has not been settled by agreement or has been so settled only in part, the contracting officer will determine the amount due by formula. Whenever a prime contractor is unreasonably delaying a negotiated settlement by inaction or otherwise, the contracting officer will take action promptly to settle the claim by formula, especially where the interests of subcontractors may be adversely affected by the delay of the prime contractor. [JTR 751.1]

§ 847.751–2 *Demand by prime contractor.* Where a prime contractor has submitted his termination claim in substantially the form prescribed by this subchapter, he may make a written demand for findings of the amount due on his claim or the unsettled part thereof, under section 13 (a) of the act. Upon such demand, he is then entitled to such findings within ninety days after his demand. Section 13 (c) (3) of the act makes it clear, however, that the contractor is expected to negotiate in good faith for the settlement of his claim before demanding such findings. [JTR 751.2]

§ 847.751–3 *Application to subcontracts.* (a) Where the Government has expressly undertaken by agreement or under the act to settle directly the termination claim of a subcontractor, the subcontractor may demand findings with respect to his claim in accordance with section 13 (a).

(b) Likewise, such a subcontractor is entitled to appeal or sue under the act in the same manner and under the same restrictions as apply to prime contractors.

(c) Unless the Government has expressly undertaken to settle directly a subcontract claim, the subcontractor has no right to proceed against the Government under section 13 of the act. [JTR 751.3]

§ 847.752 *Procedure for proving amount due on the claim.* [JTR 752]

§ 847.752–1 *Kind of proof required.* Where a settlement is made by formula, the prime contractor has the burden of establishing, by proof satisfactory to the contracting officer, the amount due him on his termination claim. The contracting officer should generally accept photostatic or other copies of documents and records, and should not require original documents unless their authenticity is in dispute. [JTR 752.1]

§ 847.752–2 *Submission of evidence.* (a) The contracting officer will give the prime contractor not less than fifteen days' notice by registered mail to produce, on or before a stated date, his written evidence bearing on the amount due. The contractor may submit such vouchers, verified transcripts of books of account, affidavits and audit reports, and other documents as he may wish. The contracting officer may require the contractor to submit such additional documents and data as he considers necessary in the particular case, and may cause such accounting and other investigations and audits to be made as he deems appropriate.

(b) If the contractor wishes to present oral testimony, or if the contracting officer wishes testimony presented on behalf of the Government or by independent experts, or wishes to examine persons whose affidavits or reports have been submitted, the contracting officer, in his discretion, may hold a hearing, after due notice in writing to the contractor. In all cases, the contractor should be given full opportunity to submit, within a reasonable time, such additional documents, records and other evidence as he deems appropriate to support his claim. [JTR 752.2]

§ 847.752–3 *Preservation of evidence.* The contracting officer shall retain in the files of the office to which he is attached all written evidence and other data relied upon by him in making his findings and determination, except that copies of original books of account need not be made, and such books of account may be returned to the contractor with other original papers and documents in view of the contractor's obligation to preserve them for examination in accordance with section 19 (a) of the act. [JTR 752.3]

§ 847.753 *Basis of formula determination.* [JTR 753]

§ 847.753–1 *Items allowed.* The contracting officer will determine the amount due on the claim on the basis of the formula in the termination article of the contract, without duplicating amounts included in negotiated partial settlements. Where the contract does not contain any formula, the contracting officer will determine the amount due on the basis of the formula in the appropriate approved termination article. The items included in the formula of the uniform article for fixed-price supply prime contracts are discussed in Subpart D of Part 845. In applying the formula, the cost principles stated in § 845.551 will be followed in determining costs. [JTR 753.1]

§ 847.753–2 *Finality of approved action.* In making a formula settlement, the contracting officer will not re-examine settlements with subcontractors made with his approval, or within delegated authority, before or after the breakdown of negotiations, and will allow the costs of such settlements to the contractor under the applicable termination article as part of the formula settlement. Similarly the contracting officer will treat as final for the formula settlement any other action (such as dispositions of property) taken by the contractor before or after the breakdown of negotiations in reliance upon the approval of the contracting officer, or under delegated authority. [JTR 753.2]

§ 847.753–3 *Making of findings.* After reviewing the information in his own office and any additional data or evidence furnished by the prime contractor, the contracting officer will make his findings on the issues still in dispute and will transmit a copy of such findings to the contractor by registered mail. Where the contractor has properly demanded findings under section 13 (a) of the act, such findings must be delivered to him within ninety days after the receipt of the demand. The contracting officer may submit his proposed findings to the contractor for comment before making them final where he considers that such action may facilitate agreement or limit the area of disagreement. The findings will refer the contractor to his right of appeal within the Department and his right of appeal or suit in accordance with section 13 of the act. [JTR 753.3]

§ 847.753–4 *Report.* Where all or any part of a claim is settled by formula, the contracting officer will promptly forward to the chief of the service or bureau, and (directly) to the Readjustment Division, ASF, or the Industrial Readjustment Branch, OP&M, a copy of the findings prepared in accordance with § 847.754, together with a statement of the issues in dispute and the basis of the contracting officer's findings on such issues. [JTR 753.4]

§ 847.754 *Form of findings.* [JTR 754]

§ 847.754–1 *General.* The contracting officer will include in his findings the material prescribed by the following sections. [JTR 754.1]

§ 847.754–2 *Contractor's own costs.* The contractor's own costs to be paid under the formula settlement will be summarized. Ordinarily, this summary should substantially conform to the summary on the standard proposal forms contained in §§ 849.962 to 849.963, inclusive, should be supported by such additional schedules and analyses as the contracting officer deems appropriate. [JTR 754.2]

§ 847.754–3 *Allowance for profit.* The findings should show the amount allowed by the contracting officer for profit. If the prime contract contains the uniform termination article, this item of profit should show separately (a) the amount allowed with respect to the cost of articles or materials not processed by the contractor, and (b) the amount allowed with respect to other costs of the contractor. If the contract contains any other form of termination article, the contracting officer will include in the findings a statement showing the method used in computing the profit allowed in accordance with the contract provision. [JTR 754.3]

§ 847.754–4 *Disposal credits.* If disposal credits are substantial or cannot be appropriately explained in the summary, the findings should include a supporting schedule. [JTR 754.4]

§ 847.754–5 *Subcontract settlements.* All settlements with immediate subcontractors should be listed with the name and address of each subcontractor and the amount of each settlement as approved by the contracting officer or otherwise authorized. [JTR 754.5]

§ 847.754–6 *Settlement expenses.* A schedule should be included for settlement and post-termination expenses, including the cost of preserving and protecting the property. This schedule will show briefly the major items by classification, with a description where necessary to clarify the figures. [JTR 754.6]

§ 847.754–7 *Aggregate amount due.* The total amount found to be due to the prime contractor will be stated. Any amounts payable to the contractor in connection with a partial negotiated settlement should be listed separately for purposes of information. [JTR 754.7]

§ 847.754–8 *Certificate of contracting officer.* The contracting officer should support his findings by a certificate stating that in his judgment the amount determined to be due for the termination is fair and equitable. [JTR 754.8]

§ 847.755 *Appeal from findings within the War and Navy Departments.* [JTR 755]

§ 847.755–1 *When allowed or required.* Under section 13 (c) of the act, the contractor in his discretion may resort to any procedure provided by the War or Navy Department for appeal from such formula findings within the time specified in his contract, or if no time is specified, within thirty days after the delivery of the findings to him. Furthermore, if so required by regulations of the Director, he must take such an appeal before resorting to appeal or suit under the act. No such regulations have as yet been issued by the Director. Any such findings revised upon appeal within the Department will, as revised, be treated as the findings of the Department for the purpose of any subsequent appeal or suit under the act. [JTR 755.1]

§ 847.755–2 *Modification of disputes article.* (a) Section 13 (c) of the act modifies the usual Disputes article as applied to termination settlements. Until the Director orders otherwise, the prime contractor may appeal from the findings of the contracting officer directly to the Appeal Board established by the act or may sue, without appeal within the Department. In either case the findings of the War or Navy Department are prima facie correct but are not conclusive even as to questions of fact.

(b) If the contracting officer refuses to make a negotiated settlement of all or any part of a termination claim, his action is not subject to appeal, either under the Disputes article or otherwise. However, if the prime contractor demands findings on his claim in accordance with section 13 (a) of the act, and they are not delivered to him within 90 days after his demand, he is entitled to appeal or sue without such findings. [JTR 755.2]

§ 847.755–3 *Effect of failure to appeal.* If the prime contractor does not take an appeal from the findings of the contracting officer within the time specified in the Disputes article of the contract, or within the thirty days, they become the findings of the War or Navy Department with respect to the amount due to the contractor on his termination claim or the unsettled part thereof. [JTR 755.3]

§ 847.755–4 *Duty of contracting officer on appeal.* (a) If the contractor appeals within the War or Navy Department from the decision of the contracting officer, the contracting officer will transmit (in the War Department, through channels; in the Navy, through the office of counsel for the bureau concerned) to the appeals agency specified in the contract, a true copy of his findings, a statement of the issues in dispute and the basis of the contracting officer's findings on such issues, and any other documents and papers required by the rules of the appeals agency. In his discretion, he may also submit such other schedules, office reviews, audit reports and records as he deems appropriate.

(b) The determination by the appeals agency becomes the determination of the Department with respect to the termination claim or unsettled part thereof. [JTR 755.4]

§ 847.756 *Appeal outside the Department.* [JTR 756]

§ 847.756–1 *Right of appeal.* If the contractor does not accept the decision of the appeals agency within the Department, the act allows him to appeal to the Appeal Board established by section 13 of the act, or to bring suit against the United States in the Court of Claims or in the United States District Court in accordance with subsection (20) of section 24 of the Judicial Code. This must be done within ninety days after delivery to him of the findings by the Department, or, if he appeals in the Department, within ninety days after the decision on his appeal, or within one year after his demand for findings, if they are not delivered. [JTR 756.1]

§ 847.756–2 *Duty of contracting officer on appeal.* (a) Immediately upon receipt of notice of the filing of an appeal, the contracting officer will forward all documents required to be preserved in accordance with § 847.752–3, or copies thereof, together with a statement of the issues in dispute and the basis of the contracting officer's findings on such issues, in the case of the War Department, directly to the Office of the Judge Advocate General, and in the case of the Navy, to counsel for the bureau.

(b) Direct comunication is authorized between the Office of the Judge Advocate General, ASF, and other offices within the War Department having information relative to such appeals. [JTR 756.2]

§ 847.756–3 *Appeal Board procedure.* Pursuant to sections 4 (b) (1) and 13 (d) (3) of the act, the Director of Contract Settlement has issued Regulation No. 15, which establishes rules of practice and procedure for the Appeal Board of the Office of Contract Settlement. [JTR 756.3]

§ 847.756–4 *Effect of findings on appeal.* In any suit or appeal, the findings of the Department are prima facie correct, and the burden is on the contractor to establish that the amount due on his claim exceeds the amount allowed by the findings of the Department. [JTR 756.4]

§ 847.757 *Notice and effect of appeals.* [JTR 757]

§ 847.757–1 *Effect on authority to settle.* The pendency of any appeal within the Department or before the statutory Appeal Board does not affect the authority of the chief of the service or bureau to settle the termination claim or any part thereof by a negotiated agreement with the war contractor at any time before the appeal is decided. [JTR 757.1]

§ 847.757–2 *Notice of appeal.* The chief of the service or bureau will notify the Readjustment Division, ASF, or the Industrial Readjustment Branch, OP&M, of each appeal which is taken to an appeals agency within the Department, and of each suit under section 13 (b) of the act. [JTR 757.2]

§ 847.758 *Payments under formula settlements.* [JTR 758]

§ 847.758–1 *Payment on account.* (a) Within thirty days after delivering to the contractor the findings in a formula settlement, the contracting officer will authorize a partial payment to the contractor of 90 per cent of the amount determined to be due, after deducting from the 90 per cent the amount of any outstanding interim financing applicable to the contract. Such payments shall be subject to § 843.345. Before approving such a partial payment, the contracting officer may require the contractor to submit a duly certified voucher or invoice therefor.

(b) Any such partial payment shall be made upon a voucher or invoice containing substantially the following statement:

The payment covered by this voucher is made pursuant to section 13 (a) of the Con-

tract Settlement Act of 1944 and is a partial payment of the amount due on the contractor's termination claim under Contract ----------, as determined by the War [or Navy] Department in findings dated ---------- This payment shall be applied against the amount finally payable by the Government to the contractor on such claim. If this payment, together with all other payments made on such claim, exceeds the amount finally payable to the contractor on such claim, the contractor agrees to repay the excess to the Government on demand.

(c) The contracting officer will furnish the disbursing officer with a certificate showing the amount determined by the findings to be due on the termination claim. [JTR 758.1]

§ 847.758–2 *Final payment.* (a) When the amount due the contractor on his termination claim has been finally determined, a voucher or invoice showing the amount so determined to be due, less amounts previously paid thereon, will be prepared in the usual form and will be presented to the disbursing officer for payment.

(b) The voucher or invoice should contain substantially the following statement:

The payment covered by this voucher is a full and final payment of the amounts due on the contractor's termination claim under Contract ----------, as determined pursuant to section 13 (a) of the Contract Settlement Act of 1944 by the ---------- [War or Navy Department, Appeal Board, Court of Claims, District Court] in findings dated ----------

(c) There will be attached to the voucher or invoice a certificate showing the amount determined to be due on the claim by the findings or decision referred to therein. [JTR 758.2]

SUBPART F—RECORDS OF SETTLEMENT

§ 847.760 *Scope.* This subpart specifies the records to be retained by the service or bureau, and those to be retained by war contractors, and fixes the responsibility for their maintenance by the service or bureau. [JTR 760]

§ 847.761 *Retention of records by Government.* [JTR 761]

§ 847.761–1 *Duty to retain.* The chief of each service or bureau will assure that adequate records are kept to substantiate termination settlements. The chief of each service or bureau, acting in accordance with applicable directives, will prescribe the manner in which termination settlement records are to be kept. Whenever practicable, termination settlement records for each settlement should be maintained in a single file. [JTR 761.1]

§ 847.761–2 *Period of retention.* Such records will be kept for at least (a) five years after final settlement of the terminated contract, or (b) five years after disposition of termination inventory relating to such contract, or (c) five years after termination of hostilities in the present war, as proclaimed by the President or by a concurrent resolution of the two Houses of Congress, whichever applicable period is longest. Thereafter such records will be destroyed only in accordance with applicable law and regulations. [JTR 761.2]

§ 847.761–3 *Records required to be retained.* Unnecessarily voluminous files should not be accumulated, particularly in the case of small settlements. The records or information listed below should be retained in the files of the Department in each case, to the extent applicable. Where any of this information is included in the Standard Proposal Forms filed by the contractor (see §§ 849.961 to 849.963, inclusive), or in other retained records, separate records of such information are not required.

(a) Copies of the prime contract, partial and final settlement agreements, and any other supplemental agreements material to the termination settlement, including any which adds or amends the termination article.

(b) Copies of the notice of termination, and termination instructions.

(c) Copies of settlement proposals submitted by the prime contractor, including all supporting statements, schedules and certificates.

(d) Copies of subcontract settlements expressly approved or ratified by the contracting officer, and copies of any reports of reviews of subcontract settlements by Government personnel.

(e) Records of partial payments or other interim financing, including applications in support thereof.

(f) Copies of authorizations to war contractors for final settlement of their subcontractors' claims and for the disposition of termination inventory, and of any revocation thereof.

(g) Reports of accounting or other reviews for the Government.

(h) Records of disposal of termination inventory, Government-furnished equipment and facilities, and of any credits arising therefrom, and copies of any storage agreements.

(i) Memoranda of important conferences with the contractor at which decisions were made affecting the settlement.

(j) Short report by the contracting officer prepared upon the conclusion of negotiations with the prime contractor, indicating the major considerations which led to his conclusion that the amount provided for in the settlement agreement was fair and reasonable.

(k) Recommendations or decisions by settlement review boards, property disposal boards and appeal boards.

(l) Copy of any findings made pursuant to section 13 (a) of the act as to the amount due on termination, with the additional records required by § 847.752–3.

(m) Copies of any final reports or recommendations of legal, accounting, property disposition and other technical personnel with respect to the settlement or the negotiation thereof.

(n) Documents and significant correspondence with regard to counterclaims, set-offs, litigation, and other matters affecting the settlement.

(o) Cutback records required by § 842.231–3.

(p) Copies of any delegation of authority by the contracting officer to any representative with respect to the settlement and of any revocation thereof.

(q) Any other records which the contracting officer deems necessary in a particular case. [JTR 761.3]

§ 847.761–4 *Application to direct settlements with subcontractors.* In the case of direct settlements with subcontractors, the same records will be maintained as prescribed in § 847.761–3 for settlements with prime contractors. [JTR 761.4]

§ 847.761–5 *Regulation No. 19 of the Office of Contract Settlement.* This section implements Regulation No. 19 of the Office of Contract Settlement (Part 8076 of Title 32). [JTR 761.5]

§ 847.762 *Examination of records by General Accounting Office.* [JTR 762]

§ 847.762–1 *Statutory provision.* Section 16 (c) of the act provides in part as follows:

The Comptroller General may investigate the settlements completed by each contracting agency for the purpose of reporting to the Congress from time to time on:

(1) Whether the settlement methods and procedures employed by such agency are of a kind and type designed to result in expeditious and fair settlements in accordance with and subject to the provisions of this Act and the orders and regulations of the Director;

(2) Whether such methods and procedures are followed by such agency with care and efficiency; and

(3) Whether such methods and procedures adequately protect the interest of the Government.

[JTR 762.1]

§ 847.762–2 *Arrangements for examination.* In carrying out its examination of records incident to the statutory authority set forth in § 847.762–1, it is the policy of the War and Navy Departments to assist the General Accounting Office in every way practicable. In order to facilitate this policy, the following informal understanding has been reached with the General Accounting Office:

(a) Representatives of the General Accounting Office will make arrangements for such examinations in advance, in the case of the War Department, with the responsible district office of the service involved, and, in the case of the Navy, with the contracting officer.

(b) Records will be reviewed at the places where such records are made available by the War and Navy Departments and will not be removed from such location by the General Accounting Office. [JTR 762.2]

§ 847.763 *War contractors' records.* (a) Section 19 (a) of the act makes it unlawful for any person willfully to secrete, mutilate, obliterate or destroy, or cause to be secreted, mutilated, obliterated or destroyed, any records of a war contractor relating to a war contract of $25,000 or more, or any records of a war contractor or any purchaser relating to any disposition of termination inventory, where the consideration involved is $5,000 or more, until (1) five years after such disposition of termination inventory; or (2) five years after the final settlement of such war contract; or (3) five years after the termination of hostilities in the present war, whichever applicable period is longer.

(b) The uniform termination articles for fixed price and cost-plus-a-fixed-fee supply contracts require the contractor, for a period of three years after final settlement under the contract, to make available to the Government, at all reasonable times at the office of the contractor, all its books, records, documents and other evidence bearing on the costs and expenses of the contractor under the contract and in respect of the termination of work thereunder. These articles will require preservation of records in cases, if any, not covered by the act, for the period stated.

(c) General Regulation No. 11 of the Office of Contract Settlement authorizes destruction of war contractors' records upon compliance with its provisions relating to the making and retention of photographs and microphotographs. [JTR 762]

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§ 848.800 *Scope of part.* Parts 841 to 847, inclusive, of this subchapter prescribe the procedures generally applicable to terminations. This part deals with certain variations from these procedures or supplements to them in the case of special classes of war contracts or war contractors. It also deals with reporting procedures required for termination. [JTR 800]

SUBPART A—CONSTRUCTION CONTRACTS

§ 848.810 *Scope.* The policies and procedures prescribed by Parts 841 to 847 apply to terminations of war contracts for construction, except to the extent inappropriate because of the nature of these terminations. This subpart deals with the principal variations from the general procedures. [JTR 810]

§ 848.811 *Procedure for suspensions of performance under construction contracts.* [JTR 811]

§ 848.811–1 *Suspensions under war contracts.* The provisions of § 842.217, restricting the use of suspensions of performance, apply to construction contracts for military purposes. [JTR 811.1]

§ 848.811–2 *Suspensions under civil works contracts.* The provisions of § 842.217 do not apply to River and Harbor and Flood Control construction contracts. When work is suspended under such fixed-price construction contracts, the supplemental agreement made under § 842.217–3 will be subject to the approval of the Chief of Engineers, and will provide:

(a) For compensating the contractor for all completed work and for the expense of demobilizing his plant and organization;

(b) For adjusting the contract price applicable to the remainder of the work under the contract, if and when the Government requests its resumption; and

(c) For terminating the contract for the convenience of the Government, if the contracting officer and the contractor disagree as to the adjusted contract price for the remainder of the work which the Government desires resumed. [JTR 811.2]

§ 848.812 *Basis of settlement for fixed-price construction contracts.* [JTR 812]

§ 848.812–1 *General.* The approved termination article for fixed-price prime contracts for construction differs from the approved articles for fixed-price prime contracts for supplies primarily in the basis of settlement. Under the construction article, the settlement covers not merely the terminated portion of the contract as under the supply contract article, but also covers all completed work done under the contract as well. Thus the settlement, whether by agreement or by formula, compensates the contractor for all the work done up to the time of termination, and for his preparations to complete the contract and for his post-termination expenses. [JTR 812.1]

§ 848.812–2 *Mobilization costs.* In all fixed-price construction contracts there is a "mobilization cost" which is similar in many respects to "starting load costs" under fixed-price supply contracts. [JTR 812.2]

§ 848.813 *Negotiated settlement.* [JTR 813]

§ 848.813–1 *Methods.* In negotiating a settlement under a terminated fixed-price construction contract, the policies and procedures prescribed in Subpart C of Part 845 apply except that the compensation will cover all work previously done, as stated in § 848.812–1. [JTR 813.1]

§ 848.813–2 *Profit allowance.* As under a supply contract, the prime contractor under a fixed-price construction contract is not allowed any profit on work not done before termination. In determining the profit allowance, the contracting officer should take into account the factors stated in § 845.533 but should apply them to all work previously done under the contract. [JTR 813.2]

§ 848.814 *Formula settlement for terminated fixed-price prime contract for construction.* [JTR 814]

§ 848.814–1 *Under War Department article.* Under the fixed-price construction contract article of the War Department, if the contracting officer and the prime contractor do not agree within 90 days on the amount payable for the termination, the contractor is entitled to the following amounts:

(a) The costs incurred by him with respect to the contract, including those for completed portions of the contract;

(b) The cost of settling subcontracts;

(c) A percentage of the estimated profit on the total contract, based on the extent of completion of work under it; and

(d) Post termination expense for the protection of property and for settlement.

The total amount shall not exceed the total contract price, and is subject to deduction for any payments previously made, any unsettled claims for labor or materials, and any claim of the Government under the contract. [JTR 814.1]

§ 848.814–2 *Under Navy Department article.* Under the fixed-price construction contract article of the Navy Department, the prime contractor is entitled to the following amounts:

(a) The contract price adjusted downward equitably to reflect the elimination of the terminated portion of the work without including any allowance for anticipated profit on the terminated work or for expenses covered by (b) below;

(b) His costs incident to termination and not covered by the adjusted price, including the cost of any property transferred to the Government and the cost of its protection, and any other reasonable expenses incident to termination, approved by the contracting officer, plus a profit of 6 percent on the total of these items; and

(c) The costs of settling terminated subcontracts. The total amount shall not exceed the total contract price, and is subject to deduction for any payments previously made to the contractor, and any unsettled claims for labor or materials or any claims of the Government under the contract. [JTR 814.2]

§ 848.815 *Basis of settlement for cost-plus-a-fixed-fee construction contracts.* The procedures prescribed by Subpart E of Part 845 for settling terminated cost-plus-a-fixed-fee contracts apply to terminated cost-plus-a-fixed-fee construction contracts. [JTR 815]

SUBPART B—CONSOLIDATED TERMINATION PROGRAM FOR SELECTED CONTRACTORS

§ 848.820 *Scope.* This subpart deals with the consolidated termination program established by the War and Navy Departments for selected contractors, the designation of offices under that program, and their functions. [JTR 820]

§ 848.821 *Scope of consolidated termination program.* [JTR 821]

§ 848.821–1 *Nature and purpose of the program.* (a) The consolidated termination program (hereafter in this subpart sometimes called "the program") provides for the assignment of selected contractors to particular services of the War Department or offices of the Navy Department for accounting reviews of settlement proposals and disposition of termination inventories.

(b) The purpose of the program is to avoid the duplication of accounting and property disposal work which results when a number of services, bureaus, or war contractors have supply contracts with a particular war contractor and make independent accounting reviews and property disposal decisions relative to termination claims arising under such contracts. [JTR 821.1]

§ 848.821–2 *Procedures for consolidated termination program.* (a) The special feature of the program is reliance by one service or bureau upon the accounting reports and property disposal decisions of another service or bureau and reliance by contractors upon the work of Government personnel. The other provisions of this subchapter are applicable to claims handled under the program, except to the extent inconsistent with this subpart.

(b) Where the office designated in accordance with § 848.822 delays unduly in submitting an accounting or property disposal report, or where such reports are not considered satisfactory by the contracting officer, he may report the facts to the Readjustment Division, ASF, or the Industrial Readjustment Branch, OP&M. [JTR 821.2]

§ 848.821–3 *Cooperation on pretermination planning.* The designated office (a) will cooperate with contracting officers engaged with assigned contractors in advance preparations for termination under Subpart B of Part 842; (b) will make such accounting reviews of proposals for pretermination settlement agreements, and reviews of the property disposal actions involved therein, as may reasonably be requested by any such contracting officer; and (c) to the extent practicable, will work out pretermination arrangements with the assigned contractor relating to the methods and procedures used in the preparation of settlement proposals and the disposition of property under the consolidated termination program. [JTR 821.3]

§ 848.822 *Assignment of contractors.* [JTR 822]

§ 848.822–1 *Qualification of contractors.* Contractors who make written application in accordance with § 848.822–2 will be selected for participation in the program, subject to the limitations imposed by the availability of Government personnel, and to the following considerations:

(a) Whether the assignment will result in more expeditious settlement of termination claims than under the usual procedures;

(b) Whether the contractor has a large number of War or Navy Department prime contracts or subcontracts for similar articles sold to numerous different war contractors;

(c) Whether the contractor has or will have such a large volume of termination claims that utilization of government personnel will be economical; and

(d) Whether the contractor has demonstrated that he can efficiently process both his own settlement proposals and those of his subcontractors. [JTR 822.1]

§ 848.822–2 *Application of contractors.* Written applications of contractors for assignment under the program should generally be filed with the chairman of the termination coordination committee for the area in which the contractor is located, but may be filed with any service or bureau. Each such application will contain the following information:

(a) (1) Name of contractor and its subsidiaries.

(2) Address of principal office.

(3) Name and location of contractor's plants, including subsidiaries.

(4) Statement of the plants and subsidiaries to which this program will be applicable.

(5) A brief description of the major products being manufactured, indicating the services or bureaus for which they are manufactured.

(b) (1) The total number and dollar amount of all prime contracts with Government contracting agencies.

(2) The percentage of such total number and dollar amount of prime contracts applicable to each service or bureau.

(c) (1) The number and dollar amount, estimated if necessary, of all subcontracts relating to prime contracts with Government contracting agencies.

(2) The percentage, estimated if necessary, of such total number and dollar amount of subcontracts applicable to each service and bureau.

(d) (1) The approximate number of, and dollar amount of the terminated portions of, both prime contracts and subcontracts terminated to date, and during the preceding 4 months.

(2) The percentage, estimated if necessary, of such number and dollar amount applicable to each service and bureau.

(e) (1) The approximate number of, and dollar amount of the terminated portions of, war contracts terminated which have not been settled to date.

(2) The percentage, estimated if necessary, of such number and dollar amount applicable to each service and bureau.

(f) If more than one plant or company is to be included under the program, the information requested in (b) through (e) should be set forth for each such plant or company.

(g) A statement that all termination claims of the contractor under War or Navy Department prime contracts or subcontracts of any tier thereunder will be handled under the program, except as provided in § 848.827.

(h) A statement that the contractor will make all reasonable efforts to bring about the prompt settlement and payment of the termination claims of subcontractors under the terminated war contracts of the contractor. In furtherance of this undertaking the contractor will agree:

(1) To make prompt reviews, where necessary, of the termination claims of his subcontractors, undertake to negotiate the settlement of such claims, and process them in accordance with applicable regulations;

(2) To accept and promptly to exercise any authority granted to him by statute, regulation or special authorization from a contracting agency, (i) to settle the termination claims of his subcontractors, (ii) to take appropriate action with respect to termination inventories of such subcontractors, or (iii) to make partial payments to such subcontractors;

(3) To make application for a fund under § 843.364 in the event that the claims of his subcontractors under any terminated contract are substantial and that partial or final payments to such subcontractors cannot otherwise be made without unreasonable delay;

(4) To make partial payments out of such fund to such subcontractors promptly after receipt of proper application therefor, in all cases in which the assigned contractor is entitled to receive payment or credit from the Government in the full amount of such payment, and, in other cases, promptly to take appropriate action under applicable regulations by completing and forwarding the prescribed forms on each application of such subcontractors for partial payments. [JTR 822.2]

§ 848.822–3 *Recommendation of termination coordination committee.* (a) When an application is filed with a termination coordination committee, the committee will arrange to have it investigated. Normally, this investigation will be conducted by the service of the War Department having the predominant interest in the applicant's war contracts, as indicated by the application, or where the Navy Department has such predominant interest, by the appropriate local office of the Navy Department. After such investigation, the application will be forwarded, in accordance with paragraph (b) below, with the recommendation of the committee. Such recommendation shall include:

(1) Plants of the contractor and its subsidiaries to be assigned.

(2) The department to which the contractor is to be assigned and, in case of assignment to the War Department, the designated office or offices.

(3) A brief description of the functions, personnel and operations of any resident officers of the War and Navy Departments previously assigned to the contractor.

(4) A brief description of the termination organization in each plant of the contractor and its subsidiaries. The promptness with which subcontractors' claims are being processed and paid and the contractor's efficiency with respect to the presentation of his claim and disposal of inventories should be indicated.

(b) The recommendation, with the original of the contractor's application attached, will be forwarded for review, coordination and approval to the Readjustment Division, ASF, or the Industrial Readjustment Branch, OP&M, depending on which department is recommended to handle the assigned contractor. In the case of the War Department, the recommendation will be forwarded through the channels of his service (1) by the member of the committee to whose service the contractor is recommended for assignment, or, if there be no such member, (2) by the chairman. In the case of the Navy Department, the recommendation will be forwarded by the appropriate Navy member of the committee.

(c) Information copies of the recommendation and the contractor's application will be forwarded directly to the Readjustment Division, ASF, and the Industrial Readjustment Branch, OP&M.

(d) In the case of the War Department, applications filed with the chief of a service will ordinarily be referred to the representative of that service on the appropriate termination coordination committee for recommendation in accordance with this section. If that service has no representative on that committee, such applications will be forwarded to the Readjustment Division, ASF, which will arrange for necessary investigation and coordination. In the case of the Navy Department, applications filed with the chief of a bureau will be forwarded to the Industrial Readjustment Branch, OP&M, which will arrange for necessary investigation and coordination. [JTR 822.3]

§ 848.822–4 *Selection of contractors.* (a) The Readjustment Division, ASF, and the Industrial Readjustment Branch, OP&M, will review and coordinate recommendations with the services or offices involved. They will then assign contractors, or, in some cases appropriate divisions thereof, to individual services or to the Navy Department.

(b) When a war contractor has been assigned to a designated office, that office will notify the contractor in writing of the selection and of the scope of the work to be handled by the designated office for the services and bureaus. Information copies of the notice will be forwarded to the Readjustment Division, ASF, and the Industrial Readjustment Branch, OP&M.

(c) Contractors selected prior to the effective date of this regulation will be requested to take action with respect to the claims of their subcontractors in accordance with § 848.822–2 (h). [JTR 822.4]

§ 848.822–5 *Designated office.* (a) In the War Department, the chief of the service to which the contractor has been assigned will designate a single office within his service responsible for all work required to expedite the settlement of termination claims of the assigned contractor in accordance with the provisions of this regulation. Specifically, the designated office will be responsible for the following:

(1) Conducting all activities related to accounting matters as set forth in § 848.824.

(2) Conducting all activities related to the disposal of property, as set forth in § 848.825, including the determination of the existence of inventory and its allocability to the terminated contract. When a War Department office checks the existence and allocability of inventory to a terminated Navy Department prime contract or subcontract, such office may request the cognizant Navy material inspector to furnish such reasonable technical assistance as may be necessary. Similarly, such assistance may be requested from other services of the War Department where terminated prime or subcontracts of such services are involved.

(3) Expediting, with the assistance of property disposal, accounting and other personnel, the conclusion of agreements as to general policies and methods governing the preparation and submission of individual claims and the disposition of termination inventories; insuring the effective continuing operation of the program under such agreements; and effecting promptly any changes in such agreements made necessary by changing conditions. In this connection, the designated office will devote particular attention to furnishing guidance and assistance in matters not specifically within the normal scope of accounting and disposal personnel by furnishing opinions or decisions on which such personnel may rely as a basis for their recommendations or determinations.

(4) Supervising and coordinating the activities of all personnel involved, with the objectives of expediting the filing of claims by the contractor and of processing the claims within a minimum period of time subsequent to filing.

(b) In the Navy Department, the designated office will consist of the following:

(1) The Cost Inspection Service, which will be responsible for designating a Cost Inspection Service Office to conduct activities set forth in paragraph (a) (1) above.

(2) The Material Redistribution and Disposal Administration, which will be responsible for designating a Field Disposal Office to conduct activities set forth in paragraph (a) (2) above except that determination of the existence of inventory and its allocability to the terminated contracts will remain the responsibility of the material inspector.

(3) The Material Inspection Service, which will designate the cognizant Inspection Office to be responsible for activities designated in paragraph (a) (3) and (4) above. This office will also check the existence and quantity of inventories, spot check the price of raw materials and purchased parts, and determine the allocability of inventories to the terminated contract. When an Inspection Office checks the existence of inventory and its allocability to a terminated War Department prime contract or subcontract thereunder, the Inspection Office may request the appropriate War Department office to furnish such reasonable technical assistance as may be necessary. [JTR 822.5]

§ 848.822–6 *Responsibility with respect to contracts terminated prior to assignment.* The designated office shall have no responsibility with respect to terminations incurred prior to the date of assignment to the program. Such office may, however, upon request of the terminating service, assume responsibility for processing such prior terminations in accordance with this subchapter. [JTR 822.6]

§ 848.823 *Authority for direct communication.* When a contracting officer desires information regarding a claim

involving a contractor assigned to a designated office under this program, his request for such information will be made directly to that designated office. Any designated office is authorized to communicate directly with war contractors, contracting officers or appropriate offices of the services or bureaus as to any matters relating to the terminated contracts of the assigned contractor. [JTR 823]

§ 848.824 *Accounting review of settlement proposals of war contractors.* [JTR 824]

§ 848.824–1 *Procedures.* (a) All settlement proposals of the assigned contractor will be filed with the designated office, except as provided in § 848.827. That office will make office accounting reviews of such proposals, and will make further accounting reviews as requested by a contracting officer or by a higher tier war contractor. Even without, or in advance of, such requests, the designated office will make field accounting reviews, where such examination would be made in accordance with the established practice of the designated office. [JTR 824.1]

(b) The Joint Termination Accounting Manual applies to the review and examination of settlement proposals under the consolidated termination program in the same manner as any other settlement proposals.

(c) With respect to subcontractors' settlement proposals included as part of the assigned contractor's settlement proposal, the designated office may make office accounting reviews. Where field accounting reviews of such subcontractors' settlement proposals are required to be made by Government personnel, arrangements for such reviews will be made by the designated office. [JTR 824.1]

§ 848.824–2 *Recognition of accounting reports.* Contracting officers, prime contractors, and subcontractors under prime contracts of the War and Navy Departments will accord accounting reports made under this program the same recognition as accounting reports prepared by their own personnel. [JTR 824.2]

§ 848.825 *Property disposal functions of designated office.* [JTR 825]

§ 848.825–1 *Responsibility and authority for disposal.* (a) The designated office in the case of a contractor assigned to the War Department, or the NMR&DA in the case of a contractor assigned to the Navy Department, shall have the authority and responsibility with respect to termination inventories, whether arising under War or Navy Department prime contracts or subcontracts thereunder, which the contracting officer for the War Department, or the NMR&DA for the Navy Department, has under Part 844 of this subchapter, except as modified by this subpart. When the designated office is in the War Department, and the prime contract is a War Department contract, such authority and responsibility of the designated office shall also extend to termination inventories of subcontractors of the assigned contractor, other than another assigned contractor and his lower tier subcontractors. When the designated office is in the Navy Department, or the prime contract is a Navy Department contract, the designated office shall have no authority or responsibility with respect to termination inventories of subcontractors of the assigned contractor.

(b) A designated office, required to take action under this section (1) shall take such action in accordance with the procedure of the War Department service to which the contractor is assigned, or of the Navy Department; and (2) may arrange to have such action taken by another office within its service or its Department.

(c) Property disposal personnel of the designated office shall promptly begin disposal action with respect to termination inventory to the extent possible before receipt of a copy of the inventory schedules, except items included in production or supply lists or significant materials referred to in § 848.825–6; and for the purpose of such disposal action, reliance will be placed on the contractor's representations as to allocability.

(d) The responsibility and authority of the designated office with respect to disposal of termination inventory as set forth in paragraphs (a) and (b) above include the approval of sales and retentions by the contractor, and the reporting to disposal agencies and removal and storage, in accordance with Part 844, of those portions of the termination inventories which have not otherwise been disposed of. When the designated office is in the War Department, such authority and responsibility shall also include any required review by a disposal board of property disposal action. When the designated office is in the Navy Department, any required review shall be made in accordance with usual Navy Department procedures.

(e) Where the designated office is in the War Department, the provisions of Subpart I of Part 844 shall apply to termination inventory, title to which has been taken by the Government, and accountability for such property will be established by an accountable property officer in the service of the designated office. In such cases, however, where the termination inventory includes Government-owned property previously furnished to the contractor by the War Department, the requirements of § 844.493–2 will be observed. Where the designated office is in the Navy Department, the records prescribed in Subpart I of Part 844 will not be required, even though the inventory relates to War Department contracts.

(f) Whenever the disposal of termination inventory allocable to a prime contract included in the consolidated termination program requires the shipment thereof at the expense of the Government, Government bills of lading shall be issued, and the cost thereof shall be charged in the department of which the designated office is a part without regard to whether or not the termination inventory in question is allocable to terminated prime contracts of the War Department or the Navy Department or to the prime contracts of any other Governmental agency. [JTR 825.1]

§ 848.825–2 *Recognition of property disposition reports.* Contracting officers, prime contractors, and subcontractors under prime contracts of the War or Navy Department will recognize and accept as final and conclusive for all purposes the prices and other terms and conditions on which any termination inventory has been retained, disposed of or otherwise properly accounted for by the assigned contractor with the approval of the designated office. [JTR 825.2]

§ 848.825–3 *Survey.* When a war contractor is assigned to a designated office, property disposal personnel of that office should make a comprehensive survey of the war contractor's procedures for property disposal. [JTR 825.3]

§ 848.825–4 *Preparation of inventory schedules.* The designated office (in the case of the Navy, the cognizant Navy material inspector) will advise the contractor in the preparation of his inventory schedules. Contractors will be required to list on separate schedules the items of material included in production and supply lists which the contracting officer or the Navy material inspector has previously furnished to the contractor. Contractors will submit inventory schedules for both War and Navy Department contracts directly to the designated office (in the case of the Navy, the cognizant Navy material inspector). [JTR 825.4]

§ 848.825–5 *Examination of inventory schedules.* The designated office will determine whether inventory schedules are in satisfactory form for storage and removal purposes. [JTR 825.5]

§ 848.825–6 *Disposal of inventory.* Approval by the designated office of dispositions of inventory submitted by the contractor is subject to the following limitations:

(a) *Production and supply items.* Production and supply items are materials which the War or Navy Department requires for its own use. A list of such items required by the Navy Department is included in the Navy Material Inspection Service Manual on Contract Termination. (This Manual may be obtained by designated offices from the Readjustment Distribution Center, formerly the Joint Army-Navy Termination Regulation Distribution Office, 90 Church Street, New York 7, New York.) Lists of items required by services of the War Department may be published from time to time. The designated office shall not dispose, or approve the disposition, of items included in production and supply lists, but shall forward copies of the inventory schedules listing such items to the contracting service or, in the case of Navy contracts, to the Navy material inspector cognizant of the contractor, to be handled in accordance with the procedures applicable to the disposition of such items. If no shipping instructions have been received ten days before expiration of the plant clearance period, the designated office shall proceed with removal and storage of the production and supply items.

(b) *Material subject to special arrangements.* Each service or bureau which has a special arrangement under § 844.452–3 or Chapter 10 of the Navy Material Inspection Service Manual on Contract Termination with respect to the disposition of termination inventory will furnish the designated office with copies or summaries thereof, together with instructions and procedures to be followed, and no action with respect to any such termination inventory shall be taken except in accordance therewith; but if no shipping instructions have been received ten days before expiration of the plant clearance period, the designated office shall proceed with removal and storage of such inventory.

(c) *Significant materials.* (1) The designated office will exercise its judgment as to what significant items of material, if any, in addition to those included in paragraphs (a) and (b), should be submitted to the contracting service or bureau for consideration. In the case of War Department contracts, the designated office shall report the existence and quantities of such items directly to the contracting service, and, in the case of Navy Department contracts, to the cognizant Navy material inspector, with a request that disposition instructions be sent promptly to the designated office, if such items are desired.

(2) The designated office shall take no action with respect to the disposition of such significant materials for a period of fifteen days from the date of reference. If at the expiration of such period the designated office has not received disposition instructions covering such materials, and in no event later than the expiration of the plant clearance period, it shall proceed with their disposition. [JTR 825.6]

§ 848.826 *Reporting and routing procedures.* [JTR 826]

§ 848.826–1 *War Department procedure.* In the case of contracts assigned to a designated office in the War Department, property disposal personnel of that office will prepare a report covering the following points:

(a) Approval of inventory schedules as to form.

(b) The extent of examinations made to verify the existence of materials included in the inventory schedules.

(c) Comments as to the allocability of that material to the terminated contract.

(d) A summary of disposal actions which have been taken with respect to the inventory, including approvals of sales or diversions by the contractor, scrapping determinations, and property to which title has been taken for the Government. [JTR 826.1]

§ 848.826–2 *Navy Department procedure.* (a) In the case of contractors assigned to the Navy Department, the Navy material inspector will approve inventory schedules as to form, and forward them to the Field Disposal Officer and Field Accounting Officer. He will then determine and report to those officers on the quantity and existence of such materials, their allocability to the contract and the pricing of the raw materials and purchased parts. The Field Accounting Officer will attach the inventory schedules to the reviewed settlement proposal and forward them to the Navy material inspector.

(b) The Field Disposal Officer will report to the Navy material inspector immediately on property dispositions made prior to the receipt of the approved schedules, and, at the time disposal action is completed, but in no event later than the end of the plant clearance period, will report to such inspector on credits established, approvals of sales or retentions by the contractor, scrapping determinations, and property which has been stored or removed. [JTR 826.2]

§ 848.826–3 *Forwarding of settlement proposals.* (a) Where a claim relates to a War Department prime contract, the settlement proposal, with the inventory schedules and accounting and property disposal reports attached, will be forwarded to the contracting officer. Where a claim relates to a subcontract under a War Department prime contract, the proposal, with the schedules and reports attached, will be delivered to the assigned contractor for transmission to his customer.

(b) Where a claim relates to a Navy Department prime contract, or to a subcontract under a Navy Department prime contract and the amount of the claim exceeds $10,000, the settlement proposal, with the inventory schedules and accounting and property disposal reports attached, will be forwarded to the Navy material inspector cognizant of the assigned contractor.

(c) Where a claim not exceeding $10,000 relates to a subcontract under a Navy Department prime contract, the settlement proposal, and related accounting and property disposal reports attached, will be delivered to the assigned contractor for transmission to his customer. [JTR 826.3]

§ 848.827 *Limitations on authority of designated office.* (a) In exceptional cases the contracting officer under a prime contract may limit the authority of a designated office with respect to that contract and subcontracts thereunder. Each such case shall be reported immediately by the designated office to the Readjustment Division, ASF, and to the Industrial Readjustment Branch, OP&M.

(b) Accounting personnel of a designated office in the War Department shall have no responsibility with respect to any cost-plus-a-fixed-fee contracts except those of the service of the designated office. Accounting personnel of the designated office in the Navy Department shall have no responsibility with respect to any War Department cost-plus-a-fixed-fee contracts.

(c) Material to which the Government has title under cost-plus-a-fixed-fee contracts or other contracts shall be disposed of as provided in § 844.432–2.

(d) Settlement proposals and proposed property disposal actions may be submitted by the assigned contractor as a subcontractor to the designated office, notwithstanding the fact the higher tier war contractor has authority to take final action with respect thereto. Nothing in this subpart, however, shall impair any such authority of a higher tier war contractor, or prevent the assigned contractor from submitting any settlement proposal or proposed property disposal action to such higher tier war contractor where that contractor has authority to enter into a final settlement agreement or to authorize property disposal action without further approval.

(e) The designated office shall have no responsibility with respect to the removal of plant equipment (as defined in Subpart H of Part 844) covered by facilities contracts of other services of the War Department or bureaus of the Navy Department. [JTR 827]

§ 848.828 *List of assigned contractors.* A list of the contractors assigned under the consolidated termination program (and of those assigned under the program for company-wide settlement of termination claims) is set forth in Appendix D.[1] This list will be revised from time to time as additional contractors are brought into either program. [JTR 828]

§ 848.829 *Maritime Commission claim.* (a) The Maritime Commission has requested that, to the extent deemed feasible by the War and Navy Departments, claims under its prime contracts and subcontracts thereunder be included in the consolidated termination program. Such claims may be included by the Readjustment Division, ASF, in the case of a contractor assigned to a service of the War Department, and by the Industrial Readjustment Branch, OP&M, in the case of a contractor assigned to the Navy Department.

(b) Where claims of an assigned contractor under Maritime Commission contracts have been included in the program, the designated office shall take action thereon in accordance with this subpart. If the designated office is in the War Department, it may apply thereto the procedures applied to claims under contracts of its service. If the designated office is in the Navy Department, it may apply thereto Navy Department procedures.

(c) Where a claim relates to a Maritime Commission prime contract, the settlement proposal, with the inventory schedules and accounting and property disposal reports attached, will be forwarded by the designated office to the contracting officer. Where a claim relates to subcontracts under a Maritime Commission prime contract, the proposal, with the schedules and reports attached, will be delivered by the designated office to the assigned contractor for transmission to his customer, and a copy thereof will be forwarded directly to the contracting officer under the prime contract.

(d) The designated office may take action in accordance with § 848.825 with respect to termination inventory under Maritime Commission prime contracts and subcontracts thereunder, unless and except to the extent that the Maritime Commission has furnished a list of items of termination inventory required by the Commission for its own use. Items appearing on any such list shall be forwarded to the Maritime Commission in accordance with its shipping instructions. If no shipping instructions have

[1] Filed with the Division of the Federal Register.

been received ten days before the expiration of the plant-clearance period, the designated office shall proceed with the removal and storage of such items. [JTR 829]

SUBPART C—TERMINATION COORDINATION COMMITTEES; AUDIT COORDINATION COMMITTEES

§ 848.830 *Scope.* This subpart deals (a) with the termination coordination committees established by the War and Navy Departments for the coordination of activities and interchange of information relative to contract terminations in particular areas and (b) with the termination functions of the audit coordination committees established by the two Departments in particular areas. [JTR 830]

§ 848.831 *Termination coordination committees.* [JTR 831]

§ 848.831–1 *Organization of committees.* Each termination coordination committee is composed, for the War Department, of representatives of the services having district or regional procurement offices in the area served by the committee, and, for the Navy Department, of representatives, functioning in that area, of the Material Inspection Service, Navy Material Redistribution and Disposal Administration and Industry Cooperation Division, OP&M (all referred to in §§ 848.831–2 and 848.832 as "services"). The chairman of each audit coordination committee in the area is an ex-officio member of the termination coordination committee. Representatives of other contracting agencies may also participate as members of such committees. The responsibility for designating the chairman of each termination coordination committee is vested, for the War Department, in the services designated by the Readjustment Division, ASF, and for the Navy Department, in the Industrial Readjustment Branch, OP&M. [JTR 831.1]

§ 848.831–2 *Where formed.* (a) There are set forth in § 848.837: (1) the areas for which termination coordination committees have been formed, and (2) the responsibility for the designation of the chairmen, by reference to a service of the War Department, or to the Navy Department.

(b) Where the local office of a service operates in more than one of the areas listed in § 848.837, representatives should be appointed by that office to the termination coordination committee for each area. [JTR 831.2]

§ 848.832 *Functions of termination coordination committees.* (a) The termination coordination committees shall perform within their respective areas the following functions:

(1) Exchange information regarding termination problems of mutual interest to the different services.

(2) Coordinate the activities of the services in the training of contractor personnel on termination matters and the dissemination of public information regarding this regulation and termination procedures.

(3) Coordinate advance preparations with contractors for termination.

(4) Recommend to the Readjustment Division, ASF, and the Industrial Readjustment Branch, OP&M, in accordance with §§ 848.822–3 and 848.833, the designation of contractors for the consolidated termination program described in Subpart B of this part.

(5) Coordinate such other termination activities as may be specifically directed or approved by the Readjustment Division, ASF, or the Industrial Readjustment Branch, OP&M.

(b) The chairman of each termination coordination committee is responsible for performance by the committee of the foregoing functions. Each committee will have a full-time secretary appointed by the chairman from the personnel of his service. Under the direction of the chairman, the secretary shall furnish information regarding the committee's activities to interested Government personnel and contractors.

(c) The functions of the committees will be performed through subcommittees on specific subjects, such as training and information, pretermination planning, and interim financing.

(d) Any accounting matter, within the functions of the audit coordination committees, as described in § 848.835, will be referred to the audit coordination committee for the area through its chairman.

(e) It is not within the authority of the termination coordination committees to issue their own interpretations of this subchapter or to perform any functions otherwise assigned by this subchapter. [JTR 832]

§ 848.833 *Correspondence.* (a) Committee recommendations for the assignment of contractors under the consolidated termination program will be forwarded by the committee representative of the service or of the Navy Department to which assignment is recommended, through its regular channels. An information copy of each recommendation will be sent directly to the Readjustment Division, ASF, and to the Industrial Readjustment Branch, OP&M. All other formal communications from or to a termination coordination committee will be addressed to or initiated by the chairman of the committee through the regular channels of his service or of the Navy Department. An information copy of any communication from the committee will be sent directly to the Readjustment Division, ASF, and to the Industrial Readjustment Branch, OP&M, but action will be taken only after receipt through regular channels of the original communication. Two copies of the minutes of each meeting will be sent directly to the Readjustment Division, ASF, and to the Industrial Readjustment Branch, OP&M.

(b) Inquiries to higher authority relating to individual cases or problems of operation or administration which are the specific responsibility of the chief of a service or bureau should not be initiated by or forwarded through a termination coordination committee, but should be initiated by the interested office of that service or bureau and forwarded through its regular channels. [JTR 833]

§ 848.834 *Audit coordination committees.* [JTR 834]

§ 848.834–1 *Organization of committees.* Each audit coordination committee is composed of an accounting representative of each of the services of the War Department and of the Cost Inspection Service of the Navy Department (all referred to in § 848.834 through § 848.836 as "services") in each area in which such services desire representation. Accounting representatives of other contracting agencies may also participate as members of such committees. [JTR 834.1]

§ 848.834–2 *Where formed.* (a) The areas for which audit coordination committees have been formed are the same as those listed in § 848.837.

(b) No new committee will be organized and no committee will be dissolved without written authority from the Joint Army-Navy Audit Committee described in § 841.142–4. [JTR 834.2]

§ 848.835 *Functions of audit coordination committees.* [JTR 835]

§ 848.835–1 *General.* In addition to the duties with respect to continuing war contracts assigned to the audit coordination committees, each such committee shall make appropriate local arrangements for the interchange of accounting information among the services, and to the fullest extent feasible, will otherwise coordinate their termination accounting activities so as to minimize duplication of dealings with contractors. In carrying out this program, the audit coordination committees should endeavor to develop the desired coordination on the most flexible basis, taking into consideration local conditions. [JTR 835.1]

§ 848.835–2 *Assistance to termination coordination committees.* Upon request by any subcommittee of the termination coordination committee for an area, the audit coordination committee serving the same area shall assign one of its members to advise that subcommittee on accounting matters. [JTR 835.2]

§ 848.835–3 *Control file.* Each audit coordination committee will establish a control office and maintain therein a control file of all contractors in the area served by the committee concerning which a service has compiled accounting information. The control file will be designed to show what accounting work, if any, has been performed by each service represented on the committee with respect to:

(a) Pre-termination accounting surveys and agreements;

(b) Field examinations of contractors' termination settlement proposals;

(c) Audits of cost-plus-a-fixed-fee contracts;

(d) Unit cost studies and examinations made in connection with forward pricing;

(e) Audit and distribution of overhead under Master Ship Repair and Alteration and similar type contracts;

(f) Renegotiation of contracts; and

(g) Any other reviews in which the accounting information compiled is deemed sufficiently important to warrant listing. [JTR 835.3]

§ 848.835–4 *Access to information.* Access to accounting information and work papers in the possession of a service will be granted only to representatives of the War or Navy Department or other contracting agencies; except that such information and papers may be made available to another war contractor to the extent, and subject to the limitations and conditions, which the contractor to which the information relates may in writing authorize. Nothing in this section shall authorize or require any departure from any applicable regulations relating to the disclosure of classified information. [JTR 835.4]

§ 848.835–5 *Physical possession of accounting information.* The audit coordination committees shall not have physical possession of or control over accounting information. Such information should remain in the possession of the service which compiled it. Representatives of other services or contracting agencies should arrange with the service having the information to review it in the office of that service. [JTR 835.5]

§ 848.835–6 *Elimination of duplication.* Before undertaking termination accounting work with respect to a war contractor, a service should normally inquire of the local control office to determine what accounting information regarding that contractor is available in the offices of other services. Existing pertinent accounting information should be utilized in order to eliminate duplication of effort. [JTR 835.6]

§ 848.835–7 *Reliance on accounting information.* The accounting information obtained by a service through the audit coordination committee from another service will be accorded the same recognition as information compiled by the accounting personnel receiving such information. [JTR 835.7]

§ 848.835–8 *Limitation of functions.* The functions of the audit coordination committees with respect to terminations are limited to those described in §§ 848.835 to 848.835–7, inclusive, and do not include any administrative responsibility with respect to particular contractors. It remains the duty of the service responsible for termination settlement (or accounting matters related thereto), or in the case of contractors assigned under the consolidated termination program, the designated office, to determine questions of accounting policy and procedure. [JTR 835.8]

§ 848.836 *Correspondence.* All correspondence relating to the functions and operations of an audit coordination committee will be transmitted by the chairman of that committee through the regular channels of his service to the Joint Army-Navy Audit Committee described in § 841.142–4. An information copy of each letter will be sent directly to the Office of the Fiscal Director, Headquarters, ASF, and to the Director, Cost Inspection Service, Bureau of Supplies and Accounts, Navy Department. [JTR 836]

§ 848.837 *Areas for which committees formed.* (a) This section sets forth: (1) the areas for which termination coordination committees and audit coordination committees have been formed, and (2) the responsibility for the designation of the chairmen of the termination coordination committees, by reference to a service of the War Department, or to the Navy Department:

Atlanta——Navy Department

States of North Carolina, South Carolina, Georgia, Florida, Tennessee, Alabama, and Mississippi.

Boston——Navy Department

States of Maine, New Hampshire, Vermont, Rhode Island, and Massachusetts except the counties of Berkshire, Hampshire, Hampden, and Franklin in western Massachusetts.

Chicago——Ordnance Department

State of Iowa; counties of Crawford, Richland, Grant, Iowa, Lafayette, Green, and Rock in the State of Wisconsin; counties of Hancock, McDonough, Fulton, Mason, Sangamon, Macon, Moultrie, Coles, and Clark and all counties north thereof in the State of Illinois; and the counties of Benton, White, Carroll, Cass, Miami, Wabash, Huntington, Wells, and Adams and all counties north thereof in the State of Indiana.

Cincinnati——Ordnance Department

State of Kentucky; that portion of the State of Ohio which is south of the counties of Mercer, Auglaise, Shelby, Champaign, Madison, Franklin, Fairfield, Licking, Muskingum, Guernsey, and Belmont; and that portion of the State of Indiana which is south of the counties of Benton, White, Carroll, Cass, Miami, Wabash, Huntington, Wells, and Adams.

Cleveland——Ordnance Department

That portion of the State of Ohio which is north of the counties of Darke, Miami, Clark, Fayette, Pickaway, Hocking, Perry, Morgan, Noble, Belmont, and Jefferson.

Detroit——Ordnance Department

That portion of the State of Michigan which is between Lakes Michigan and Huron (the area known as the Lower Peninsula).

Dallas——Chemical Warfare Service

States of Louisiana, Texas, and Oklahoma and the counties of Howard, Sevier, Little River, Miller, Lafayette and Hempstead in the State of Arkansas.

Denver——Army Air Forces

States of Colorado, New Mexico, and Wyoming.

Kansas City——Army Air Forces

States of Kansas and Nebraska; and the counties of Benton, Carroll, Madison, Franklin, Sebastian, Crawford, Washington, and Polk of the State of Arkansas; and the counties of McDonald, Barry, Stone, Christian, Greene, Dade, Lawrence, Newton, Jasper, Barton, Mercer, Grundy, Livingston, Carroll, Saline, Pettis, Benton, Hickory, Dallas, Polk, Cedar, and Vernon of the State of Missouri.

Los Angeles——Army Air Forces

State of Arizona; Clark County in Nevada; and the southern part of the State of California including the counties of Santa Barbara, Kern, and San Bernardino, and all counties south thereof.

Milwaukee——Navy Department

State of Wisconsin except the counties of Crawford, Richland, Grant, Iowa, Lafayette, Green, Rock, and except all counties west of Iron, Vilas, Oneida, Lincoln, Marathon, Wood, Juneau, and Sauk; and that portion of the State of Michigan known as the Upper Peninsula.

Minneapolis-St. Paul——Corps of Engineers

States of Minnesota, North Dakota, and South Dakota and the counties of Douglas, Bayfield, Ashland, Burnett, Washburn, Sawyer, Price, Polk, Barron, Rusk, Taylor, St. Croix, Chippewa, Pierce, Pepin, Eau Claire, Clark, Buffalo, Trem-Aleau, Jackson, La-Crosse, Monroe, Dunn, and Vernon in the State of Wisconsin.

New York——Army Air Forces

Lower New York State consisting of the counties of Ulster, Dutchess, Sullivan, Orange, Putnam, Rockland, Westchester, Bronx, New York, Kings, Richmond, Queens, Nassau, and Suffolk; and that portion of the State of New Jersey north of Mercer, Burlington, and Ocean Counties.

Philadelphia——Quartermaster Corps

States of Delaware, Virginia, District of Columbia and the State of Maryland excluding the counties of Garrett and Allegheny; and the counties of Mercer, Burlington, Ocean, and all counties south thereof in the State of New Jersey; and that portion of the State of Pennsylvania which is East of the counties of Potter, Clinton, Centre, Huntingdon and Franklin.

Pittsburgh——Ordnance Department

State of West Virginia; the counties of Garrett and Allegheny in the State of Maryland; the counties of Potter, Centre, Clinton, Huntingdon, Franklin, and all counties west thereof in the State of Pennsylvania; and the counties of Jefferson and Belmont in the State of Ohio.

Rochester——Army Air Forces

State of New York except the counties of Ulster, Dutchess, Sullivan, Orange, Putnam, Rockland, Westchester, Bronx, New York, Kings, Richmond, Queens, Nassau, and Suffolk in lower New York State.

St. Louis——Ordnance Department

State of Arkansas except the counties of Benton, Carroll, Madison, Franklin, Sebastian, Crawford, Washington, Polk, Howard, Sevier, Little River, Miller, Lafayette, and Hempstead; that portion of the State of Missouri which is east of the counties of Mercer, Grundy, Livingston, Carroll, Saline, Pettis, Benton, Hickory, Dallas, Greene, Christian, and Stone; and that portion of the State of Illinois south of the counties of Hancock, McDonough, Fulton, Mason, Sangamon, Macon, Moultrie, Coles, and Clark.

San Francisco——Navy Department

State of Utah; State of Nevada except Clark County; and the northern part of the State of California including the counties of San Luis Obispo, Kings, Tulare, Inyo, and all counties north thereof.

Seattle——Army Air Forces

States of Washington, Oregon, Idaho, and Montana.

Springfield, Mass——Ordnance Department

State of Connecticut and the counties of Berkshire, Hampshire, Hampden, and Franklin in western Massachusetts.

SUBPART D—TERMINATION OF WAR CONTRACTS WITH WAR SUPPLIES LIMITED (CANADA)

§ 848.840 *Scope.* This subpart contains the procedures and policies to be followed upon termination at the option of the Government of prime contracts between any service or bureau and War Supplies Limited. These procedures and policies are set forth in and are con-

sistent with a letter of understanding dated January 8, 1945 signed by the Secretary of the Navy, the Under Secretary of War, and the President of War Supplies Limited. War Supplies Limited is referred to in this subpart as the "Corporation". These procedures and policies supersede anything to the contrary contained in any termination provision forming part of any contract between the War or Navy Department and the Corporation. [JTR 840]

§ 848.841 *Application of the Contract Settlement Act of 1944 and this subchapter.* Neither the act nor this subchapter applies to war contracts of the War or Navy Department made or to be performed outside the continental limits of the United States, except to the extent that, as set forth in § 841.111–3, some or all of the provisions thereof are made applicable to any such contracts. The termination and settlement of prime contracts between the War or Navy Department and the Corporation are governed by this subchapter to the extent set forth in this subpart. Except as set forth in §§ 848.843–3, 848.843–4 and 848.843–5, the termination and settlement of subcontracts under such contracts will be governed by the policies and procedures of the Canadian Government rather than those set forth in this subchapter. [JTR 841]

§ 848.842 *Termination article.* A special termination article, set forth in § 849.938, is provided for fixed-price supply contracts between the Corporation and the War or Navy Department. This article will be inserted in all such contracts at the time of execution, and may be included by amendment in such existing contracts, either prior or subsequent to the service of a notice of termination. [JTR 842]

§ 848.843 *Procedures for settlement.* [JTR 843]

§ 848.843–1 *Notice of termination.* (a) The service or bureau will send appropriate notice of termination of a Corporation contract and related documents to the Washington office of the Corporation at 1205 15th Street, N.W., Washington, D. C.

(b) The service or bureau and the Corporation will agree on the number of copies of each instrument required for files and distribution. [JTR 843.1]

§ 848.843–2 *Settlement by the Corporation.* (a) Except as provided in § 848.843–3, the Corporation, acting through the Canadian Department of Munitions and Supply, will settle and pay the termination claims of its subcontractors (including United States subcontractors) in accordance with the principles and procedures applied generally by the Canadian Government in the termination at its option of its own war contracts. In the case of United States subcontractors, the Corporation may rely on such assistance in checking, verifying and certifying claims and inventories as may be available from the representatives of the War and Navy Departments, if any, located in the United States subcontractors' plants. Such assistance will be made available by the services and bureaus, on request, to the extent that it is possible to do so without substantially impairing the performance by such representatives of their other functions.

(b) The service or bureau will review with the Corporation the progress of any termination settlement if advice has not been received of its completion within three months after the effective date of the termination. [JTR 843.2]

§ 848.843–3 *Settlement by service or bureau.* (a) Upon notice to the Corporation, a service or bureau may settle directly or settle and pay directly termination claims of United States subcontractors to the extent that such service or bureau deems such action necessary or desirable for the expeditious and equitable settlement of such claims. In such cases, the service or bureau shall obtain any necessary authority in accordance with §§ 846.661, 846.662, and 846.667, and in effecting such settlements shall follow to the extent applicable the procedures of § 846.663. The service or bureau will promptly report to the Corporation the amount of each such direct settlement and any amount which it has elected to pay directly upon such settlements.

(b) Whenever a United States subcontractor requests a service or bureau to settle or settle and pay its termination claim, the service or bureau may agree to do so in accordance with the provisions of this section.

(c) To assist the service or bureau to make direct settlements with United States subcontractors, the Corporation will upon request, notify the service or bureau of any set-off or counterclaim that it or any nigher tier Canadian customer may have against the particular United States subcontractor; will assign to the service or bureau all its interest under any United States subcontract to be settled by such service or bureau; will use its best efforts to obtain any necessary consent of any Canadian war contractor to such direct settlement; and will render, and endeavor to cause Canadian war contractors to render, such further assistance as may be requested. [JTR 843.3]

§ 848.843–4 *Termination inventory on settlement by the Corporation.* (a) Except as provided in paragraph (b) below, any termination inventory in the plants of subcontractors shall be retained, disposed of, or otherwise accounted for under the policies and procedures of the Canadian Government.

(b) A United States subcontractor may retain or dispose of termination inventory at prices considered reasonable by the Corporation. Where, at any time after the termination of a United States subcontract, it appears likely to the Corporation or to the subcontractor that, after final settlement, there will be any such termination inventory not so retained or disposed of, the subcontractor may prepare inventory schedules, in the form and manner required by § 844.427, in order to start the plant clearance period referred to in § 844.413. Such schedules will be submitted, in the case of the War Department, to the contracting officer of the service with which the Corporation executed the prime contract, and in the case of the Navy, to the Navy material inspector cognizant of the subcontractor. After the submission of such schedules, the responsibility for the removal and storage of the termination inventory therein listed will be that of the service or bureau. Such responsibility shall be governed by and fulfilled in accordance with the applicable provisions of Part 844.

(c) Except as provided in paragraph (b) above, or unless otherwise agreed, no termination inventory (except articles completed and on hand at the effective date of termination) will be turned over to the War or Navy Department as part of any termination settlement with the Corporation. The object will be to express the whole obligation of the War or Navy Department on the termination of each contract with the Corporation as a specified dollar amount. [JTR 843.4]

§ 848.843–5 *Termination inventory on settlement by service or bureau.* Where the service or bureau settles directly the termination claims of a United States subcontractor, his termination inventory shall be dealt with and accounted for in accordance with Part 844. [JTR 843.5]

§ 848.843–6 *Certificate.* On the basis of settlements made by the Corporation and any settlements made (but not paid) by the service or bureau, the Corporation will determine the net amount, if any, which is fairly and reasonably owing by the War or Navy Department on account of a terminated prime contract and will certify this amount to the service or bureau on the form of certificate set forth at § 849.989–1. [JTR 843.6]

§ 848.843–7 *Settlement agreement.* On the basis of the certificate the service or bureau will prepare a settlement agreement in the form set forth at § 849.989–2. The settlement agreement will be executed by both parties, and payment, if any, will be made thereon in usual course. [JTR 843.7]

§ 848.844 *Basis of settlement.* [JTR 844]

§ 848.844–1 *General basis of certificate.* (a) The net amount certified by the Corporation for payment will, in general, be based upon the net amounts found to be due under settlements made with subcontractors, other than those United States subcontractors whose claims are to be paid directly by the War or Navy Department, (so far as such amounts are properly allocable to the terminated contract between the Corporation and the War or Navy Department), less appropriate credits for retention or disposal of termination inventory, tools and equipment.

(b) The amount of any such credit may be established either by appraisal or by actual sale, as the Corporation in its discretion in each instance may deem proper. In no event, however, will the amount determined to be owing by the War or Navy Department include any charges, costs, or expenses which under any agreement between the Corporation or the Canadian Government and the War or Navy Department are not to be included as factors of cost. [JTR 844.1]

§ 848.844–2 *Effect of certificate.* The certificate by the Corporation will be accepted as the basis for the settlement agreement with the Corporation without further inquiry by the service or bureau, except as further inquiry may be made pursuant to § 848.844–3, and except that any formal or patent errors, discrepancies or omissions in the certificate may be resolved directly by such service or bureau by agreement with the Corporation. [JTR 844.2]

§ 848.844–3 *Resolution of substantial issues.* Any service of the War Department will refer through channels to the Readjustment Division, ASF, and any bureau of the Navy Department will refer to the Industrial Readjustment Branch, OP&M, any substantial issues, whether of a general or specific nature, which may arise in connection with the termination of contracts with the Corporation. The Readjustment Division, ASF, and the Industrial Readjustment Branch, OP&M, will resolve any such issues, where necessary, by agreement with the Corporation. [JTR 844.3]

§ 848.844–4 *Profit restrictions.* All payments made by the War or Navy Department to the Corporation on account of terminated contracts will remain subject to the basic agreement set forth in a letter September 10, 1942, from the Corporation to the Under Secretaries of War and Navy and to the Chairman of the Maritime Commission with reference to the limitation of profits derived under contracts placed by the War or Navy Department with the Corporation. [JTR 844.4]

SUBPART E—DIRECT SETTLEMENT OF WAR CONTRACTS ON A COMPANY-WIDE BASIS

§ 848.850 *Scope.* This subpart deals with the direct settlement on a company-wide basis of termination claims of war contractors assigned to the War or Navy Department for settlement pursuant to Regulation No. 16 of the Office of Contract Settlement. The procedures described in this subpart do not apply to the direct settlement of individual subcontracts under Subpart F of Part 846 of this subchapter. [JTR 850]

§ 848.851 *Definitions.* As used in this subpart, the following terms shall have the following meanings. [JTR 851]

§ 848.851–1 *Applicable prime contract.* The term "applicable prime contract" means the terminated prime contract that is being settled, or where a subcontract in any tier is being settled, the prime contract to which that subcontract relates. [JTR 851.1]

§ 848.851–2 *Assigned contractor.* The term "assigned contractor" means a war contractor assigned, under § 848.853, to a service or bureau for company-wide settlement. [JTR 851.2]

§ 848.851–3 *Company-wide settlement.* The term "company-wide settlement" means the direct settlement on a company-wide basis of termination claims of an assigned contractor by the chief of a service or bureau who is authorized to act for all services of the War Department, all bureaus of the Navy Department, and (in some cases) for other contracting agencies, with respect to terminated war contracts of the assigned contractor. [JTR 851.3]

§ 848.851–4 *Customer.* The term "customer" means the purchaser from an assigned contractor under a subcontract. [JTR 851.4]

§ 848.851–5 *Designated officer.* The term "designated officer" means the chief of the service or bureau authorized to conduct company-wide settlement with an assigned contractor, or his duly authorized representative. In the case of the Navy Department, a Navy material inspector may be a designated officer, in which case he shall exercise all powers and have all responsibilities of a chief of a bureau so designated under this subpart. [JTR 851.5]

§ 848.851–6 *Other contracting agency.* The term "other contracting agency" means a contracting agency, as defined in section 3 (g) of the act, other than the War Department and the Navy Department, on behalf of which the War or Navy Department has been authorized to settle terminated war contracts of an assigned contractor pursuant to Regulation No. 16 of the Office of Contract Settlement. [JTR 851.6]

§ 848.852 *Authority.* [JTR 852]

§ 848.852–1 *Statutory authority.* Section 7 (c) of the act provides that the Director shall prescribe policies and methods for the settlement as a group, or otherwise, by a contracting agency of termination claims of a war contractor under contracts with one or more services or bureaus within an agency, with other agencies, or with other war contractors, to the extent he deems such action necessary or desirable for the expeditious and equitable settlement of such claims. The Director is also authorized, after consulting with the contracting agencies concerned, to provide for assignment of war contractors to a contracting agency for such settlement. [JTR 852.1]

§ 848.852–2 *Regulation No. 16 of Office of Contract Settlement.* Regulation No. 16 of the Office of Contract Settlement directs the contracting agencies to conduct a program of company-wide settlement for the purpose of facilitating expeditious and equitable settlement and payment of termination claims of certain war contractors holding large numbers of subcontracts. [JTR 852.2]

§ 848.852–3 *Authority of designated officer.* (a) The designated officer is authorized to settle the termination claims of the assigned contractor arising under prime contracts of the War or Navy Department or other contracting agency, or under subcontracts in any tier that were terminated as a result of the modification or termination for the convenience or at the option of the Government of any prime contract of the War or Navy Department or other contracting agency or under other circumstances which require the Government to bear the cost of settling the terminated subcontract.

(b) When the designated officer is in the Navy Department, the Cost Inspection Service, Bureau of Supplies and Accounts, will designate a field accounting officer, and the Navy Material Redistribution and Disposal Administration (NMR&DA) will designate a field disposal office, to perform respectively the accounting and property disposal work. The designated officer has primary responsibility for the expeditious and equitable settlement of the termination claims of the assigned contractor in accordance with the provisions of this regulation. The field accounting office and the field disposal office will perform their respective functions with respect to accounting reviews and property disposition matters, but the designated officer shall have authority to coordinate their functions in order to expedite settlement and property disposal.

(c) The designated officer of the War Department, or the designated officer, NMR&DA and Navy Material inspector, in the case of a contractor assigned to the Navy Department, shall have the authority and responsibility with respect to termination inventory under war contracts of the assigned contractor and his lower tier subcontractors (other than another assigned contractor and his lower tier subcontractors, or a contractor subject to the provisions of Subpart B of this part) which the contracting officer for the War Department, or the contracting officer, NMR&DA and Navy Material inspector for the Navy Department has under Part 844. [JTR 852.3]

§ 848.853 *Assignment of contractors.* [JTR 853]

§ 848.853–1 *Regulation No. 16 of Office of Contract Settlement.* (a) Pursuant to Regulation No. 16 of the Office of Contract Settlement, a committee composed of representatives of the Office of Contract Settlement and the War and Navy Departments, after consultation with the contracting agencies concerned, will select the war contractors for company-wide settlement, will assign each of those contractors to a contracting agency, and will specify the contracting agencies on behalf of which the designated agency shall have authority to settle termination claims of the assigned contractor. Applications for assignment may be filed with any contracting agency.

(b) Regulation No. 16 declares that, in general, expeditious and equitable settlement of termination claims will be advanced by company-wide settlement in the case of those contractors:

(1) Who are subcontractors under numerous war contracts for the production of articles for different purchasers;

(2) Whose volume of war business and termination claims, actual and anticipated, is sufficiently large to make such settlement lead to the economical utilization of Government personnel;

(3) Whose terminated war contracts are of such character that they can efficiently be settled by one contracting agency on behalf of other contracting agencies; and

(4) Who have efficient termination organizations.

Among contractors who meet these conditions, preference is to be given to those upon whom large numbers of lower tier

subcontractors depend for payment of their claims. [JTR 853.1]

§ 848.853–2 *Applications of contractors.* A contractor applying to the War Department for company-wide settlement will file its application with the Readjustment Division, ASF. A contractor applying to the Navy Department will file its application with the Industrial Readjustment Branch, OP&M. Each such application will contain the following:

(a) (1) Name of contractor.

(2) Address of principal office.

(3) Number and location of contractor's plants.

(4) Statement of the plants (including those of subsidiaries, if any) to which this program will be applicable.

(5) A brief description of the major products being manufactured.

(6) The total number and dollar amount of the undelivered portion, estimated if necessary, of all prime contracts held by the contractor.

(7) The percentage of such total number and dollar amount of prime contracts applicable to each contracting agency, and to each service or bureau.

(8) The number and dollar amount estimated if necessary, of the undelivered portion of all subcontracts held by the contractor.

(9) The percentage, estimated if necessary, of such total number and dollar amount of the undelivered portion of all subcontracts applicable to each contracting agency, and to each service or bureau.

(10) The approximate number of, and dollar amount of the terminated portions of, both prime contracts and subcontracts, terminated to date, and during the past four months.

(11) The percentage, estimated if necessary, of such total number and dollar amount applicable to each contracting agency, and to each service or bureau.

(12) The approximate number of, and dollar amount of the terminated portions of, war contracts which have not been settled to date.

(13) The percentage, estimated if necessary, of such number and dollar amount of unsettled terminations applicable to each contracting agency, and to each service or bureau.

(14) The approximate number of subcontractors, and the approximate number and dollar amount of the undelivered portion of all the subcontracts, under the war contracts of the contractor.

(15) Such other information regarding the contractor's war business as, in the judgment of the contractor, will show that his assignment for company-wide settlement is appropriate and will make possible a proper assignment of the contractor to a service or bureau for company-wide settlement.

(b) If more than one plant is to be included under the program, the information listed in (a) above as to each such plant.

(c) A statement by the contractor that he is willing to enter into a master agreement for company-wide settlement substantially in the form set forth in § 849.986–1, and that he has a termination organization capable of complying with the provisions of this subpart. [JTR 853.2]

§ 848.853–3 *Processing of applications.* (a) Each application of a contractor for company-wide settlement will normally be referred to a service or bureau for investigation and recommendation. Where desirable, the assistance and advice of the appropriate termination coordination committee should be secured. When a service or bureau recommends that a contractor be assigned for company-wide settlement, its recommendation shall include:

(1) Plants of the contractor to be assigned.

(2) The service or bureau to which the contractor should be assigned.

(3) A brief statement describing the functions, personnel, and operations of any resident officers of the War and Navy Departments previously assigned to the contractor.

(4) A brief statement describing the contractor's termination organization. The promptness with which subcontractors' claims are being processed and paid, and the contractor's efficiency with respect to the presentation of his own claims, should be indicated.

(b) The application of a contractor, together with any recommendation of a service or bureau regarding him, will be referred by the Readjustment Division, ASF, or the Industrial Readjustment Branch, OP&M, to the committee appointed pursuant to Regulation No. 16 of the Office of Contract Settlement. [JTR 853.3]

§ 848.853–4 *Assignment of designated officer.* When a contractor has been assigned to the War Department by the committee, the Readjustment Division, ASF, will assign that contractor to a designated officer. When a contractor has been assigned to the Navy Department, the Industrial Readjustment Branch, OP&M, will assign that contractor to a designated officer. [JTR 853.4]

§ 848.854 *Master agreement for company-wide settlement.* (a) Prior to the commencement of company-wide settlement, the assigned contractor and the designated officer will enter into a master agreement for company-wide settlement substantially in the form set forth in § 849.986–1. That agreement shall be numbered and distributed as a contract of the designated officer. By that agreement, the contractor undertakes not to file settlement proposals with any contracting officer other than the designated officer, and not to seek compensation from any customer for the termination of any war contract, except in the case of contracts that have been excluded from company-wide settlement pursuant to Article 3 of that agreement.

(b) The form of master agreement set forth in § 849.986–1 may be varied to meet the needs of particular cases in accordance with the principles stated in § 841.144–2. Any deviation from that form shall be considered substantial if it changes Article 2, relating to the scope of the settlement; Article 4, relating to the basis of settlement; or Article 5, relating to settlements with and payments to subcontractors.

(c) As promptly as possible after the execution of a master agreement with an assigned contractor, the Readjustment Division, ASF, and the Industrial Readjustment Branch, OP&M, will publish notice of such agreement in such manner as to inform all contracting officers that termination claims of the assigned contractor are to be settled on a company-wide basis. A list of the contractors assigned under this program (and of those assigned under the consolidated termination program) is set forth in Appendix D.[1] This list will be revised from time to time as additional contractors are brought into either program. [JTR 854]

§ 848.855 *Procedure.* [JTR 855]

§ 848.855–1 *General.* Each termination claim of the assigned contractor that is settled under the program shall be settled in accordance with the procedures applicable to the settlement of prime contract claims in the service or bureau of the designated officer, except as such procedures are modified by the provisions of this subpart. [JTR 855.1]

§ 848.855–2 *No-cost settlements.* Where the assigned contractor determines that he will present no claim on account of the termination of a prime contract, the designated officer will be responsible for the execution of a no-cost settlement agreement (§§ 849.981–3 and 849.981–4 of this subchapter), unless such an agreement has previously been executed. Where the assigned contractor determines that he will present no claim on account of the termination of a subcontract, he will normally conclude a no-cost settlement with his customer, but the designated officer may enter into no-cost settlement agreements relating to subcontracts where he considers it advisable. [JTR 855.2]

§ 848.855–3 *Notice of termination.* In accordance with Article 3 of the master agreement, the assigned contractor, within fifteen days (or such other time as the master agreement may provide) after receipt of a notice of termination of any prime contract or of any subcontract on account of which he intends to file a claim, will furnish a copy or abstract of such notice of termination to the designated officer. [JTR 855.3]

§ 848.855–4 *Notice to contracting officer under prime contract.* Immediately upon receipt of such notice, the designated officer will notify the contracting officer under the applicable prime contract, using substantially the form of notice set forth in § 849.986–2 of this subchapter. [JTR 855.4]

§ 848.855–5 *Exclusion of claims.* The master agreement gives the Government the option to exclude any termination claim from the scope of company-wide settlement, and provides that this option must be exercised within 30 days (or such longer period as the parties may agree) after receipt by the designated officer of notice that the contract has been terminated. This option will be exercised by the designated officer if he determines that the claim should be excluded (a) in the interest of continued war production or (b) by reason of the complexity

[1] Filed with the Division of the Federal Register.

or special character of the contract or (c) for some other substantial reason. In deciding whether or not to exclude a claim, he will consider the advice of the contracting officer under the applicable prime contract, and he will exclude the claim if he is advised by that contracting officer that such exclusion is in the interest of continued war production. Where a claim is to be excluded, the assigned contractor should be notified in writing as promptly as possible. [JTR 855.5]

§ 848.855–6 *Notice to customer.* As soon as the designated officer has determined that a subcontract termination claim of the assigned contractor is to be included in the program, or earlier in the discretion of the designated officer, a notice will be sent to the customer substantially in the form set forth in § 849.986–3 of this subchapter. Such notice will be sent by the designated officer or by the assigned contractor with the indorsement of the designated officer. [JTR 855.6]

§ 848.855–7 *Settlement proposals.* The assigned contractor will submit to the designated officer his settlement proposals and inventory schedules on the standard forms, except as otherwise authorized by the designated officer. In the Navy Department, the procedures and functions of the Navy material inspector with respect to settlement proposals and inventory schedules shall be those established in §§ 842.253–3, 844.416–2, 846.644–4, 847.721–4 except as otherwise provided in this subpart, or as directed by the designated officer. The designated officer may permit items of termination inventory, general and administrative overhead, post-termination expenses, and profit, which are chargeable to two or more contracts, to be appropriately apportioned among the several contracts on such reasonable basis as he may determine. Settlement proposals shall not include any charge on account of completed articles delivered by the assigned contractor (or shipped, but not received) prior to termination, or thereafter in accordance with the notice of termination. [JTR 855.7]

§ 848.855–8 *Allocability.* (a) Except in the situation described in paragraph (b) below, the designated officer shall satisfy himself, on the basis of such evidence as he deems sufficient, that the terminated subcontract on which a termination claim of the assigned contractor is based is a war contract and that the terminated portion thereof is allocable to the terminated or modified portion of a prime contract. This requirement may be met:

(1) In the case of a termination claim not in excess of $25,000 without deducting disposal credits or claims of subcontractors, by a copy of a notice of termination from the customer of the assigned contractor substantially in the form set forth in §849.944–2 or a certificate of the customer substantially in the form set forth in § 849.986–4. Further evidence of such allocability should not be required unless there is reason to believe that the subcontract of the assigned contractor was not directly or indirectly required for the performance of the terminated or modified portion of a prime contract.

(2) In the case of a termination claim in excess of $25,000, by a certificate substantially in the form set forth in § 849.986–4 from the prime contractor and each intervening subcontractor as to the subcontract immediately under his contract in the contractual chain. The assigned contractor should secure such certificates in the ordinary case, but other affirmative evidence of allocability may be accepted in the discretion of the designated officer.

(b) Where the subcontract on which the claim is based was not terminated as a result of the modification or termination for the convenience or at the option of the Government of a prime contract, but was terminated under other circumstances which require the Government to bear the cost of settling the terminated subcontract, appropriate proof of those circumstances should be required.

(c) The allocability of the costs and termination inventory of the assigned contractor to his terminated subcontract shall be established in the same manner as under other settlement procedures. [JTR 855.8]

§ 848.855–9 *Disposal of property.* (a) Except as provided in paragraph (b) below, the designated officer of the War Department, or the designated officer, NMR&DA and Navy material inspector, in the case of a contractor assigned to the Navy Department, should begin to effect the disposal of termination inventories as early as possible and without awaiting the submission of settlement proposals or inventory schedules. For the purpose of taking property disposal action, reliance will be placed on the contractor's representations as to allocability.

(b) Disposition of termination inventory in accordance with paragraph (a) above shall be subject to the following limitations:

(1) *Production and supply items.* Disposition or approval of disposition of production and supply items shall be made in accordance with the procedure specified for such items in § 848.825–6 (a).

(2) *Materials subject to special arrangements.* Materials held under special arrangements pursuant to § 844.452–3 of this subchapter will be disposed of in accordance with the procedures established by § 848.825–6 (b); but if no shipping instructions have been received ten days before the expiration of the plant clearance period, disposition thereof shall proceed in accordance with Part 844 of this subchapter.

(3) *Other materials requested by the contracting officer.* Any other materials requested by the contracting officer under the applicable prime contract shall be disposed of in accordance with such request to the extent that such materials have not otherwise been disposed of before the receipt of such request. Disposition of termination inventory shall not be delayed pending receipt of such a request.

(4) *Significant materials.* The designated officer of the War Department, or the Navy material inspector in the case of a contractor assigned to the Navy Department, will exercise his judgment as to what significant items of material, if any, in addition to those included in subparagraphs (1) and (2), should be submitted to the contracting officer under the applicable prime contract for consideration. The existence and quantities of such items shall be reported directly by the designated officer to the contracting officer with a request that disposition instructions be sent to him promptly if such items are desired. No action with respect to the disposition of such materials shall be taken for a period of fifteen days from the date of reference. Thereafter, and in no event later than expiration of the plant clearance period, disposition of such materials shall proceed in accordance with Part 844 of this subchapter.

(c) Where any disposal action is dependent upon the amount of a contractor's claim or the cost of the inventory, the claim or inventory under each terminated war contract of the assigned contractor shall be considered separately unless termination inventories under two or more claims have been so physically intermingled that the separate disposal of each inventory is not considered feasible, in which case they shall be considered as one inventory.

(d) The designated officer of the War Department, or the NMR&DA in the case of a contractor assigned to the Navy Department, will be responsible for taking all necessary action under § 844.452 of this subchapter with respect to that portion of the termination inventory which is not disposed of, and for the storage and removal thereof. Where the designated officer is in the War Department, accountability for the termination inventory of the assigned contractor shall be taken in accordance with Subpart I of Part 844 of this subchapter by an accountable property officer in the service of the designated officer. Where the designated officer is in the Navy Department, the records prescribed in that subpart will not be required, although the inventory relates to War Department contracts, but NMR&DA shall proceed in accordance with Chapter VIII of the NMR&DA Handbook.

(e) Whenever the disposal of termination inventory allocable to a prime contract included in company-wide settlement requires the shipment thereof at the expense of the Government, Government bills of lading shall be issued, and the cost thereof shall be charged in the department of which the designated officer is a member without regard to whether or not the termination inventory in question is allocable to terminated prime contracts of the War Department or the Navy Department or to the prime contracts of any other Governmental agency. [JTR 855.9]

§ 848.855–10 *Review of settlement proposals.* The designated officer shall have the same responsibility and discretion with respect to the review of settlement proposals of the assigned contractor that a contracting officer has in the

case of settlement proposals of prime contractors under Subpart B of Part 847 of this subchapter, and the same duty with respect to the negotiation of final settlement agreements that a contracting officer has under Subpart C of Part 847 of this subchapter. Accounting reviews of settlement proposals submitted under the company-wide settlement program should not be in greater detail than under ordinary procedures. [JTR 855.10]

§ 848.855–11 *Settlement agreements.* Each settlement reached by negotiation shall be embodied in a final settlement agreement, which shall be numbered and distributed as a supplement to the master agreement. Each such agreement may relate to one or more contracts, and shall contain substantially the provisions of the appropriate prescribed form or forms of settlement agreement (§§ 849.981, 849.983, and 849.988–6 of this subchapter) adapted to meet the needs of the particular case. Where the agreement settles a claim under a subcontract, it will contain either a release of the Government and the customer from liability on account of the termination of the subcontract, or an assignment of the claim to the Government. At the time of final settlement of a subcontract claim, the designated officer will decide which alternative to adopt. Ordinarily he should obtain a release, but he should secure an assignment of the subcontractor's claim whenever he considers it necessary to protect any interest that the Government may have. Assignments shall be forwarded and reported in accordance with § 846.663–7 (c) of this subchapter. [JTR 855.11]

§ 848.855–12 *Contract price limitation.* Termination claims under subcontracts of an assigned contractor may be settled and paid without regard to any limitation on the amounts payable by the Government under the applicable prime contracts. [JTR 855.12]

§ 848.855–13 *Copy of settlement to contracting officer and customer.* The designated officer shall forward to the contracting officer under the applicable prime contract an executed original of each final settlement agreement or of findings determining the amount due in the case of a formula settlement. Where feasible, in order to facilitate duplication, the stencils or other duplicating medium used in producing the settlement agreement shall also be forwarded to the contracting officer under the applicable prime contract. Where a subcontract is settled, a copy of the final settlement agreement or of findings determining the amount due shall be forwarded to the customer. [JTR 855.13]

§ 848.855–14 *Reviews.* Any required review of settlements or property disposal actions by an assigned contractor or his subcontractors (other than another assigned contractor and his lower tier subcontractors or, in the case of property disposal actions, a contractor subject to the provisions of Subpart B of this part) shall be accomplished by boards established in the service, bureau, or office of the designated officer. In the Navy Department, required reviews of property disposal actions shall be made by a disposal board or boards established pursuant to Part 844 of this subchapter, and where a Navy material inspector is the designated officer, a settlement review board shall be established in his office, which board shall exercise all the functions with respect to the review of settlement proposals set forth in §§ 845.581 to 845.584–2 of this subchapter. [JTR 855.14]

§ 848.856 *Authority and responsibility with respect to contracts of assigned contractors.* [JTR 856]

§ 846.856–1 *Designated officer.* The designated officer shall have all the powers and duties with respect to the settlement of the termination claims (to be included in company-wide settlement) of an assigned contractor which this regulation grants to, or imposes upon, the contracting officer under the applicable prime contract or the chief of the service or bureau of such contracting officer. In the case of war contracts of other contracting agencies, the designated officer shall also have all the powers with respect to the settlement of termination claims thereunder which are granted to the War or Navy Department by or pursuant to regulations of the Director of Contract Settlement, and shall exercise those powers and perform those duties in accordance with this subchapter. Without limiting the generality of the foregoing:

(a) The designated officer shall take action in connection with the advance preparations for termination of assigned contractors in accordance with Subpart B of Part 842. Nothing in this subpart, however, shall impair the validity or alter the effect of any such advance preparations, including pretermination settlement agreements, made by an assigned contractor prior to his assignment under the program, but the designated officer may exercise any powers reserved to the Government to amend such pretermination settlement agreements.

(b) Subject to the provisions of this subchapter, the designated officer shall have authority to grant to an assigned contractor authorizations to settle claims of his subcontractors, to take action with respect to termination inventories of such subcontractors, and to make partial payments to such subcontractors under all his War and Navy Department prime contracts and subcontracts thereunder.

(c) The designated officer may rely on copies of contractual instruments, notices of termination and other records and documents in the possession of the assigned contractor. [JTR 856.1]

§ 848.856–2 *Contracting officer under applicable prime contract.* After delivery of the notice of termination of a war contract of an assigned contractor that is to be included in company-wide settlement, the contracting officer under the applicable prime contract shall have authority and responsibility in connection with the settlement thereof only with respect to (a) the matters mentioned in the notice from the designated officer (§ 849.986–2 of this subchapter), (b) any matters relating to the cancellation or modification of the notice of termination, and (c) any other matters with respect to which the designated officer requests his advice or assistance. [JTR 856.2]

§ 848.856–3 *War contractor.* (a) Nothing in this subpart shall impair or modify any authority granted to an assigned contractor or to his subcontractors by or pursuant to this subchapter to negotiate final settlements, to approve the disposition of termination inventory, or to make partial payments. Use of any such authority by the customer or other higher tier contractor will not be required in connection with any termination claim of the assigned contractor that is included in direct settlement, since the assigned contractor agrees in Article 2 of the master agreement (§ 849.986–1 of this subchapter) that he will submit his termination claims only to the designated officer.

(b) The assigned contractor agrees, in Article 5 of the master agreement (§ 849.986–1 of this subchapter), to exercise diligently any authority granted to him with respect to settlements with, termination inventories of, and partial payments to his subcontractors. Where approval or other action by a contracting officer is required on any such matters, the designated officer has authority to grant such approval or take such action. Accordingly, all termination claims of subcontractors that should be included in a termination claim of an assigned contractor settled under this subpart should be finally settled without any action by a contractor above the assigned contractor in the contractual chain or by any contracting officer other than the designated officer. [JTR 856.3]

§ 848.856–4 *Action in case of excluded contracts and price adjustments.* Where a terminated war contract of an assigned contractor is excluded from company-wide settlement in accordance with § 848.855–5 of this subchapter, the designated officer (in the Navy Department, the officers named in § 848.852–3 (b) of this subchapter) shall, nevertheless, proceed with the accounting and property disposal work in connection with such contract in the manner, and with the effect, set forth in Subpart B of this part, except to the extent that the contracting officer under the applicable prime contract may limit his authority. At the request of that contracting officer, the designated officer shall also render any reasonable assistance with respect to equitable adjustments resulting from change orders under prime contracts of the assigned contractor. [JTR 856.4]

§ 848.857 *Payments under terminated contracts of assigned contractors.* [JTR 857]

§ 848.857–1 *Interim financing.* The designated officer shall have the authority and responsibility with respect to interim financing for the assigned contractor and his subcontractors (other than another assigned contractor and his lower tier subcontractors) which the contracting officer under the applicable prime contract has under Part 843 of this subchapter, except with respect to termination claims that are excluded from company-wide settlement. [JTR 857.1]

§ 848.857–2 *Set-offs.* Settlements of the termination claims of assigned contractors and payments thereunder shall be made without regard to any set-offs that may exist between contractors in the contractual chain. Set-offs in favor of the Government shall be protected by appropriate withholding only when such set-offs are against the assigned contractors, and only to the same extent that set-offs against prime contractors are protected under usual disbursement procedures. [JTR 857.2]

§ 848.857–3 *Assignments and insolvency.* Settlements of the termination claims of assigned contractors, and payments thereunder, shall be made without regard to any assignment by, or insolvency or bankruptcy of, higher tier war contractors. Payments under terminated contracts of an assigned contractor shall be made consistently with the terms of known assignments executed by that contractor. The designated officer may rely, however, on the contractor's statement with respect to outstanding assignments in the absence of actual knowledge to the contrary or notice given in accordance with the Assignment of Claims Act of 1940. [JTR 857.3]

§ 848.857–4 *Disbursements.* (a) Partial and final payments on account of the termination claims of an assigned contractor shall be made by a disbursing officer of the contracting agency that entered into the applicable prime contract on the basis of vouchers or invoices approved by the designated officer.

(b) Where the applicable prime contract is a contract of any service of the War Department, the designated officer will forward the voucher or invoice, with supporting documents, to the disbursing officer designated to make payments on termination claims of the assigned contractor. One such disbursing officer will be designated for each assigned contractor. That officer will make all payments to the assigned contractor on account of his termination claims under War Department prime contracts or subcontracts thereunder included in a company-wide settlement.

(c) Where the applicable prime contract is a contract of any bureau of the Navy Department, the designated officer will forward the voucher or invoice, with supporting documents, to the Termination Branch, Disbursing Division, Bureau of Supplies and Accounts, Navy Department, Washington 25, D. C. That Branch will make all payments to the assigned contractor on account of his termination claims under Navy Department prime contracts or subcontracts thereunder.

(d) Where the applicable prime contract is a contract of another contracting agency, the designated officer will forward the voucher or invoice, with supporting documents, in accordance with instructions to be furnished to the designated officer by that other contracting agency. [JTR 857.4]

§ 848.858 *Direct communication authorized.* Designated officers, other contracting officers, and interested offices of the services and bureaus may communicate directly with each other on any matters related to the settlement of termination claims of assigned contractors. [JTR 858]

§ 848.859 *Cooperation.* Each service or bureau interested in any contract which a designated officer of another service or bureau is authorized to settle will cooperate, to the fullest extent possible, with the designated officer, and will deliver information relating to such contract, make available the services of personnel, and furnish other assistance, as requested. [JTR 859]

SUBPART F — GOVERNMENT-OWNED PLANT EQUIPMENT UNDER WAR DEPARTMENT CONTRACTS

§ 848.860 *Scope.* This subpart applies only to the War Department. It deals with the policies and procedures of the War Department with respect to the removal, storage, maintenance, sale or other disposition of Government-owned plant equipment covered by a War Department facilities contract. These policies and procedures are based in part upon the requirements of section 12 (g) of the Act, section 14 (a) of the Surplus Property Act and Regulation No. 6 of the Surplus Property Board dated 24 May 1945 (Part 6306 of Title 32). [JTR 860]

§ 848.860–1 *Property excluded.* This subpart does not deal with plant equipment (a) owned by Reconstruction Finance Corporation as successor to Defense Plant Corporation, (b) covered by Emergency Plant Facilities Contracts (see 5 F.R. 4147) or other contracts under which the War Department has a contractual right to acquire title so long as title has not passed to the Government, except under the conditions set out in § 848.864–2 (f), (c) located in a Government-owned plant, except as provided in § 848.860–2 (d), (d) furnished under training school contracts, or (e) which is or is treated as contractor inventory under the provisions of Part 844. [JTR 860–1]

§ 848.860–2 *Definitions.* (a) *"Plant equipment".* The term "plant equipment" means any Government-owned machinery, tools, special tooling, and equipment and any other Government-owned property, which is located in a war contractor's plant and is covered by a War Department facilities contract, except land and buildings located on land owned by or leased to the Government.

(b) *Idle plant equipment.* The term "idle plant equipment" means plant equipment which is no longer required by a war contractor in possession for performance of any war contracts. Plant equipment not actually in use will not be considered idle so long as it is reasonably expected that it will be required in the completion of performance of such contracts.

(c) *Facilities contract.* The term "facilities contract" means an oral or written lease, rental agreement or other contract or subcontract, or provisions of a supply, construction, or other contract or subcontract, specifically governing the acquisition, use, retention, storage, maintenance or disposition of Government-owned plant equipment furnished to or acquired by the war contractor by or from the Government (directly or through an intervening war contractor) for any war production purpose except incorporation in end products.

(d) *Contractor's plant.* The term "contractor's plant" includes the structures, buildings or premises in or upon which the war contractor performs his war production and which are (1) owned by the war contractor or (2) leased by the war contractor from a party other than the Government. The term will also include a building or structure owned by the Government and leased to a war contractor, provided that such building or structure is on land (i) owned by the war contractor or (ii) leased by the war contractor from a party other than the Government. The chief of the service may make some or all of the provisions of this subpart, except § 848.864–2, applicable to readily severable plant equipment located in any plant leased by a war contractor from the Government.

(e) *Contracting officer.* The term "contracting officer" shall include his representatives as defined in § 844.416–1.

(f) *Intervening war contractor.* The term "intervening war contractor" means any higher tier war contractor or subcontractor under whom the war contractor holds the plant equipment.

(g) *Application.* The term "application" means an application for disposition of plant equipment, together with supporting schedules, submitted in accordance with § 848.863.

(h) *Option.* The term "option" shall include any right given to the war contractor under a facilities contract to acquire title to plant equipment whether on specified terms or upon terms to be negotiated, including any right of first refusal.

(i) *Dismantle or dismantling.* The terms "dismantle" or "dismantling" include severance of the plant equipment when it is attached to the contractor's plant. [JTR 860.2]

§ 848.861 *General policies.* [JTR 861]

§ 848.861–1 *Plant clearance.* (a) Section 12 (g) of the act provides that whenever a war contractor no longer requires for the performance of any war contract any Government-owned machinery, tools and equipment installed in his plant for the performance of a war contract, the war contractor may demand their removal and, upon receipt of such demand in writing, the Government, upon such conditions as may be prescribed under the Act, will remove such machinery, tools and equipment within a period of 60 days unless the Government and the war contractor, by a facilities contract or otherwise, have made or make other provisions for the retention, storage, maintenance or disposition of such machinery, tools and equipment.

(b) General Regulation No. 4 of the Office of Contract Settlement, dated 28 September 1944 (Part 8050 of Title 32), promulgated to implement section 12 (g) of the act, requires the Government under certain conditions to remove Government-owned machinery, tools and equipment from the private plants of war

contractors when no longer needed by such contractors for war production or for national defense and which are not to be retained by them. Regulation No. 4 further requires the owning agencies to waive or release, upon such terms and conditions as may be deemed appropriate, existing obligations under facilities contracts for the retention of such equipment in war contractors' plants to the extent consistent with the necessity for retention for war production or national defense purposes.

(c) Upon application of the war contractor, the War Department will remove readily severable plant equipment if the contracting officer determines that:

(1) The retention of the plant equipment in place is not required for war production or in the interests of national defense;

(2) the Government has no right to have such plant equipment held in standby or storage, or such rights have expired or have been waived pursuant to § 848.861–3; and

(3) the war contractor has fulfilled his contractual obligations as to dismantling and preparation of the plant equipment for storage and shipment.

Such removal will be effected whether or not the contractor has fulfilled his obligations as to the care and maintenance of the plant equipment; however, such removal shall not relieve the war contractor of any liability for failure to perform such obligations.

(d) The War Department will permit the severance of plant equipment, which is not readily severable, only if the contracting officer shall have given prior written authorization therefor. Such authorization shall be given if such plant equipment is required for redistribution for war production or in the interests of national defense. Such authorization may be given if (1) the estimated net proceeds to the Government from the plant equipment when severed will substantially exceed the estimated cost to the Government of the severance and removal, including the cost of repairing any damage to the war contractor's plant to the extent that the Government may be liable therefor in accordance with § 848.861–2, or (2) the war contractor in possession has requested such authorization and the plant equipment is of such a nature or is so attached to or embodied in the war contractor's plant, that the Government's failure to remove it will materially interfere with his other war production or reconversion to civilian production. Plant equipment, after severance pursuant to such authorization, will be removed in accordance with the policies and procedures set forth in this subpart with respect to readily severable plant equipment. [JTR 861.1]

§ 848.861–2 *Costs of dismantling and removing plant equipment.* (a) The obligation to perform the operation of (1) dismantling plant equipment, (2) preparing and preserving it for storage, (3) preparing it for shipment and (4) removing it from the war contractor's plant, and the question of whether any or all of such operations shall be performed at Government expense, are not uniformly treated in facilities contracts. This is largely the result of periodic changes in standard forms. Many facilities articles and leases obligate the war contractor to perform the operation of dismantling plant equipment at his own expense but obligate the Government to remove the plant equipment at the Government's expense. A few facilities contracts obligate the war contractor to perform the operation of dismantling but provide for the reimbursement of his costs of so doing. Some contracts contain provisions obligating the Government to remove plant equipment from the war contractor's plant or provide that the war contractor's expense of removal will be reimbursed to him by the Government, and are silent on the dismantling and preparing for shipment in which case "remove" and "removal" may fairly be interpreted to include dismantling and preparing for shipment. Similarly, the contract, while providing that the war contractor shall prepare for shipment, may be silent on other matters, in which case "prepare for shipment" may fairly be interpreted to include dismantling.

(b) The War Department will bear the cost of severance of plant equipment which is not readily severable in the following cases only:

(1) Where the facilities contract expressly requires the Government to bear the cost of severance and such severance has been authorized pursuant to § 848.861–1; or

(2) Where the facilities contract is silent as to who shall bear the cost of severance and such severance has been authorized by the contracting officer (i) for purposes of redistribution for war production or in the interests of national defense, or (ii) because the estimated net proceeds to the Government of the plant equipment when severed will substantially exceed the costs of severance and removal.

(c) Except to the extent that the facilities contract expressly imposes such costs on the war contractor, the War Department will bear the costs of dismantling, preparation for storage or shipment and removal of (1) all plant equipment which is readily severable and (2) plant equipment which is not readily severable, but which has in fact been severed with the authorization of the contracting officer under § 848.861–1 if the authorization has been given (i) for purposes of redistribution for war production or in the interests of national defense or (ii) because the estimated net proceeds to the Government of the plant equipment when severed will substantially exceed the costs of severance and removal.

(d) With the exception of the few instances in which it is necessary to comply with express covenants for reconversion, it is the policy of the War Department (see §§ 802.238–2 and 810.1003 of this chapter) that the Government will not bear any part of the cost of reconverting the contractor's plant to commercial production. In connection with the dismantling of plant equipment and its removal from the contractor's plant, this policy is interpreted to prohibit reimbursement of the contractor (or the assumption by the Government of the obligation to perform the work) for any items of expense relating to the restoration, repair, or alteration of the premises in order to correct a condition which was created by or resulted from the installation of the plant equipment. (For example, reimbursement will not be made for the cost of removal of footings or filling of pits which were constructed for the installation of the plant equipment. Similarly, reimbursement will not be made for the costs of repairing or filling holes or apertures in floors, walls or roofs which were made as an incident to installations and remain after dismantling and removal.)

(e) It is recognized, however, that incidental structural damage may in some cases be caused to the premises by the operations of dismantling the plant equipment or removing it from the plant. Wherever such damage is directly and intentionally caused in the process of performing an operation which the Government is obligated by the terms of the particular contract to perform (or for the performance of which the Government is obligated to reimburse the contractor), the obligation will be interpreted to include the repair of such incidental damage at Government expense. (For example, assuming the contract is construed to require the Government to remove but not to dismantle plant equipment or to reimburse the contractor for doing so, the obligation would include the expense of opening or destroying and the subsequent rebuilding of a wall, partition or floor in cases where the removal of the plant equipment, as distinguished from its dismantling, required such opening or destruction. In case the contract obligates the Government to dismantle the plant equipment or to reimburse the contractor for doing so, the obligation would include the expense of the repair of any structural damage directly and intentionally caused in the process of dismantling.) [JTR 861.2]

§ 848.861–3 *Waiver of storage and stand-by rights.* (a) In order to expedite plant clearance, contracting officers will waive or modify the Government's stand-by and storage rights where:

(1) There has been no determination by the chief of the service or bureau that retention of the plant equipment at the war contractor's plant is necessary for war production or in the interest of nation defense; and

(2) The war contractor requires the space presently occupied by such plant equipment for other war production or for reconversion to civilian production; and

(3) Adequate space and transportation facilities are available to effect removal of the plant equipment. In addition the contracting officer, without waiving such rights, may permit the war contractor to remove plant equipment from its present location to another location in his plant if the space presently occupied is needed for other war production or for reconversion to civilian production.

(b) Prior to the receipt of an application, the Government's storage and stand-by rights may be waived upon such terms and conditions and with or without consideration, as the chief of the service may direct. After receipt of the application the waiver of such rights in accordance with paragraph (a) will be without consideration. [JTR 861.3]

§ 848.862 *Advance preparations.* At the earliest practicable time, and prior to the time when the plant equipment becomes idle contracting officers should initate discussions and, where appropriate, enter into agreements with war contractors on the following matters:

(a) The preparation of satisfactory schedules of plant equipment to be submitted with the application for disposition. In this connection it is necessary that as far as possible comparison and correlation be made of the property records of the war contractor, the property records of the accountable property officer and the facilities contract under which the plant equipment is held. Wherever possible, differences in the descriptions of an item of plant equipment should be reconciled and eliminated. To the greatest extent possible, resolution of problems of liability for losses of and damage to plant equipment should be made in advance of the time for mass plant clearance.

(b) The methods of facilitating the verification of schedules of plant equipment to be removed and the inspection for condition required by § 848.866. In particular, wherever possible, arrangement should be made for the inspection by Government personnel of power-driven plant equipment while still under power.

(c) Determinations as to which plant equipment will be required by the Government for purposes of supply, war production or War Department industrial reserve.

(d) Determinations as to exercise or waiver of options as well as the method of financing in case the option is exercised.

(e) Determinations as to the items of plant equipment to be removed, the approximate date or dates of removal, and the estimated storage requirements therefor. In this connection inquiry should be made concerning the storage space available at the war contractor's plant, the duration of its availability and if storage is not required by the facilities contract the terms upon which the contractor is willing to make it available.

(f) Determinations as to what items of plant equipment may be disposed of to the contractor in possession pursuant to § 848.864–2 and what items of plant equipment, not readily severable, may be abandoned pursuant to § 848.864–4.

(g) Determinations in respect to plant equipment that may be treated as unserviceable and subsequent disposition thereof as set out in § 848.864–3.

(h) Determinations in respect to preparation for shipment or storage pursuant to SWPA Manual "Guide for the Storage of Plant Equipment and Termination Material" and arrangements for the procurement of materials required in connection therewith.

(i) The waiver of rights under the facilities contract to stand-by or storage referred to in § 848.861–3. [JTR 862]

§ 848.863 *Procedures relating to applications for disposition of plant equipment.* [JTR 863]

§ 848.863–1 *When applications are submitted.* (a) War contractors in possession of idle plant equipment will submit applications for disposition of such plant equipment, including supporting schedules, promptly after it becomes idle. However, applications for the removal of plant equipment which is not readily severable may be submitted only after severance of such plant equipment pursuant to the authorization of the contracting officer under § 848.861–1 (d). Preparation and submission of applications will not be delayed because of contract provisions for stand-by or storage, but the plant clearance period will not be deemed to run as to plant equipment which the Government requires the war contractor to hold in stand-by or storage pursuant to the facilities contract. Where substantial portions of the plant equipment become idle at one time, partial applications may be submitted. War contractors should not, however, repeatedly submit partial applications covering minor amounts of plant equipment.

(b) The receipt of an application by the contracting officer in satisfactory form as provided in § 848.863–4 will start the running of the plant clearance period as to the items of plant equipment which have been listed in the removal schedules: *Provided*, That a waiver of option rights has been executed by the war contractor.

(c) When items of plant equipment submitted on a purchase schedule are not approved for purchase, they must be relisted by the war contractor on a removal schedule in order to start the running of the plant clearance period as to such items. [JTR 863.1]

§ 848.863–2 *To whom applications are submitted.* A prime facilities contractor will submit applications to his contracting officers. A facilities subcontractor will submit his application through the intervening war contractor unless the rights and obligations of the intervening war contractor with respect to the plant equipment have been extinguished. The subcontractor will forward an information copy directly to the contracting officer, but the plant clearance period will not commence to run until the contracting officer has received the application from the intervening war contractor. [JTR 863.2]

§ 848.863–3 *Action by intervening war contractor.* Where an intervening war contractor receives an application for the disposition of plant equipment, he will execute the waiver contained therein or will indicate thereon his intention to exercise any option he may have to acquire any of the plant equipment listed thereon. Thereupon, he will promptly forward the application to the contracting officer. [JTR 863.3]

§ 848.863–4 *Requirements as to form.* Applications will be submitted on Office of Contract Settlement Form 5 and 5a which are reproduced in §849.974–1 and in accordance with the instructions set forth therein. The information required by that Form and such instructions must be furnished in a manner satisfactory to the contracting officer. Deviations from the form may be permitted by the contracting officer. [JTR 863.4]

§ 848.863–5 *Acceptance of applications.* The contracting officer upon receipt of an application (other than an information copy forwarded under § 848.863–2) will determine promptly whether it is satisfactory in form. If the application is not satisfactory, he will return it, together with a statement of its deficiencies, to the war contractor in possession of the plant equipment directly, or if appropriate, to the intervening war contractor, within ten days after its receipt. The application will be deemed to have been returned on the date it is mailed, or delivered by hand, to such war contractor. If the application has not been returned within ten days after its receipt, it will be considered satisfactory in form for purposes of plant clearance. [JTR 863.5]

§ 848.863–6 *Notice to war contractor in possession.* Within twenty days after he receives an application satisfactory in form, the contracting officer will notify the war contractor in possession which items the Government:

(a) Requires to be dismantled and prepared for storage or shipment in accordance with instructions furnished (where practicable the shipping instructions should be furnished within the twenty day period);

(b) Is willing to dispose of to the war contractor in possession:

(1) In accordance with the terms of the the option;

(2) In accordance with § 848.864–2;

(c) Requires to be placed in standby or stored with the war contractor pursuant to the facilities contract; or

(d) Is willing to dispose of to an intervening war contractor pursuant to his option under the facilities contract with the Government.

Within the same period the contracting officer will notify the intervening war contractor whether the Government is willing to dispose of any items to him which he expressed a desire to acquire under his option. [JTR 863.6]

§ 848.863–7 *Redistribution within the War Department.* Idle plant equipment under a War Department facilities contract will be redistributed by the service concerned for supply, war production, War Department industrial reserve or other authorized purposes in accordance with Part 826 of Subchapter B. [JTR 863.7]

§ 848.864 *Disposition of plant equipment.* [JTR 864]

§848.864–1 *Sales pursuant to options.* (a) Many facilities contracts give the war contractor an option to purchase plant equipment and other facilities furnished thereunder. Such options may be exercised in conformity with the terms therof except as provided in paragraph (d) below. If those terms do not

provide a specific price or a formula by which a specific price may be determined, sales may be made in accordance with the pricing policies set forth in § 848.864–2 (b).

(b) When the facilities contract provides that the option may be exercised only at the conclusion of a stand-by or storage period, the war contractor's right to exercise such option will be accelerated whenever the Government waives its rights to stand-by or storage pursuant to § 848.861–3.

(c) When an intervening war contractor (1) has exercised such an option with respect to any item of plant equipment and (2) has performed all acts required of him under the facilities contract which are necessary to the passage to him of title to such item, then, upon written notice from the contracting officer to the war contractor in possession, (i) the obligation of the Government with respect to the removal of such item from the plant of the war contractor in possession shall cease and (ii) the war contractor in possession shall look to such intervening war contractor for the removal of such item.

(d) Where, in order to permit a war contractor in possession to purchase plant equipment located in his plant, an intervening war contractor waives his option rights with respect to such plant equipment, such waiver shall not affect the right of the intervening war contractor, under that option or otherwise to purchase other plant equipment covered by the same option. If an intervening war contractor refuses to waive his option rights with respect to any plant equipment which a war contractor in possession desires to purchase under § 848.864–2, or otherwise prevents such purchase, the contracting officer shall not sell such plant equipment to the intervening war contractor except strictly in accordance with the terms of the option rights of such intervening war contractor.

(e) An application by any war contractor for the removal of any item of plant equipment shall include a waiver of any rights of such war contractor to exercise any option to purchase such item of plant equipment. [JTR 864.1]

§ 848.864–2 *Sales to war contractors in possession not pursuant to options—*(a) *Sales authorized.* Subject to any contractural rights of intervening war contractors which have not been waived, any item of plant equipment may be sold under authority of Surplus Property Board Regulation No. 6 and this § 848.864–2 to a war contractor in possession of such plant equipment whether or not it is idle; *Provided,* That:

(1) The following items of plant equipment may not be sold:

(i) Plant equipment which, to the knowledge of the contracting officer, is required by the Government for war production or in the interests of national defense;

(ii) Plant equipment of the types listed on Exhibit A of Surplus Property Board Regulation No. 6, unless the war contractor in possession employs less than 500 wage earners;

(iii) Plant equipment in the possession of the Aluminum Company of America or any of its subsidiaries, unless written approval of the sale has been obtained from the Surplus Property Board through the Director, Readjustment Division, ASF;

(2) Where the plant equipment is idle, the contracting officer has complied with the requirements of § 848.863–7;

(3) Care should be taken to avoid sales of individual items of plant equipment which are integral parts of a balanced production-line installation, when such sales would substantially lessen the utility or ultimate sales value of the installation.

(4) The price at which the plant equipment is to be sold has been established in accordance with the pricing policy set out in paragraph (b);

(5) The sale has been approved by a disposal board if required by paragraph (d);

(6) The contract of sale is not executed after (i) the plant equipment has been reported to a disposal agency as surplus in accordance with § 848.864–6 or (ii) the War Department has taken possession of the plant equipment (for example, by executing an agreement for its storage as contemplated in § 848.865–4, or by allowing the contractor to store it for the account and risk of the Government as contemplated in § 848.865–3 or by executing a receipt therefor as contemplated in § 848.865–8);

(7) If the cost to the Government of the plant equipment to be sold is $1,000,000 or more, the contract of sale will not be executed until receipt by the contracting officer of a favorable reply from the Attorney General to the report required by paragraph (c);

(8) The contract of sale complies with paragraph (e); and

(9) The sale is in accordance with all applicable regulations of the War Production Board and the Office of Price Administration:

(b) *Pricing policies.* All sales of plant equipment to war contractors in possession shall be made in accordance with the following pricing policies:

(1) All sales of used standard general-purpose machine tools as defined in Surplus War Property Administration Regulation No. 3 (see Part 8303 of Title 32) and of used standard machines listed in § 8306.5 (a) of Surplus Property Board Regulation No. 6 (Title 32) shall be made at prices in accordance with said Regulation No. 3 and Surplus Property Board Special Order No. 2 (see Exhibit D of said Regulation No. 6).

(2) All sales of plant equipment for which fixed prices are not established by applicable pricing regulations shall be sold at the fair value thereof. Plant equipment which is readily severable shall in no event be sold at prices which are less than the net proceeds that could reasonably be expected to be obtained by the Government if the property were offered for sale to the public generally. In order to prevent windfalls to the war contractor or the owner of the plant in respect of plant equipment not readily severable, primary consideration shall be given to the value of the plant equipment to such war contractor or owner for the purpose for which it is to be used. In this connection consideration shall be given to the cost of purchasing and installing plant equipment of equal value to such war contractor or owner for such purpose.

(3) In determining fair value consideration shall be given, where appropriate, to such factors as original cost, replacement and reproduction cost (new), observed depreciation and obsolescence, estimated depreciation resulting from application of the depreciation rates which the Bureau of Internal Revenue would normally apply for income tax purposes, current market value of similar items, age and extent of prior use, location, quantity and condition of the items, and any other pertinent factors. In the case of plant equipment which is not readily severable, consideration should, however, also be given to the estimated proceeds which would be realized and the estimated expenses which the Government would be required to bear if the plant equipment were to be dismantled, removed and offered for sale to the public generally.

(4) In estimating reproduction or replacement cost (new), it shall be assumed that adequate trained supervision, labor and suitable materials are available. Allowances for overtime and for extensive change orders during construction should be excluded. The contracting officer may employ appraisers to the extent deemed necessary or desirable.

(5) In the case of the sale of any plant equipment which is not governed by a fixed price schedule the contracting officer may request the advice and assistance of the Reconstruction Finance Corporation in the establishment of the price required by subparagraph (2). The request may be addressed to the regional office of the Reconstruction Finance Corporation for the region in which the property is located.

(c) *Submission of data to the Attorney General.* In any case where it is proposed to dispose of items of plant equipment which cost the Government $1,000,000 or more, the contracting officer will immediately prepare and forward to the Director, Readjustment Division, ASF, a report of such proposal for transmission to the Attorney General as contemplated by section 20 of the Surplus Property Act of 1944. This report will contain the following information:

(1) Name of the contractor in possession.

(2) A copy of the facilities contract under which the plant equipment to be sold is held and all supplemental agreements thereto. (Schedules attached to the facilities contract may be omitted).

(3) General description of all plant equipment held by the purchaser under the particular facilities contract.

(4) Description of the plant equipment proposed to be sold and the cost thereof to the Government.

(5) Statement as to whether any item of plant equipment proposed to be sold is included within paragraph (a) (1) (2) of this section.

(6) Statement as to the location of each item of plant equipment to be sold and whether the land on which it is located is owned by the purchaser or is leased by the purchaser from a party other than the Government. If the land is leased to the purchaser summarize briefly the provisions relating to duration and termination of the lease.

(7) Statement as to whether the plant equipment to be sold is idle and (i) if idle, whether it is currently being held in standby or (ii) if not idle, whether a notice of complete termination of war contracts being performed with the plant equipment has been served or whether complete cessation of work under such contracts is otherwise imminent.

(8) The amount of the offer or proposed sale price and all other terms and conditions of the proposed sale, to the extent available at the time of submission.

(9) A statement that the purchaser has represented that he plans to use the items purchased in his production.

(10) A brief statement by the purchaser as to what in general he intends to produce with the plant equipment proposed to be sold.

(d) *Review by disposal board.* (1) All sales of plant equipment will be subject to review and approval by disposal boards established as described in § 844.449–1 except as follows:

(i) Sales of plant equipment as specific prices fixed by (b) (1).

(ii) Sales where the cost, estimated if necessary, of the plant equipment sold is not in excess of $25,000.

(2) If review and approval are required under paragraph (1), the chief of a service may require an additional prior review and approval by a disposal board, established in his office under § 821.106 of this chapter, or, in the case of the Army Air Forces, in the headquarters office of a command, where the cost (estimated if necessary) of the material to be disposed of by the sale exceeds $500,000 and it is proposed to sell such material at more than 25 percent below such cost.

(e) *Provisions in contracts of sale.* Every contract of sale made pursuant to this section will contain (1) a recitation that it is made under the authority of section 14 (a) of the Surplus Property Act and regulations issued thereunder, (2) a waiver by the purchaser of any purchase options, rights of refusal or similar privileges with reference to other plant equipment which the contractor may have under the same facilities contract, and (3) an article substantially in the following form:

Representation as to use in production. The Purchaser represents that he intends that all property being acquired under this contract shall be used in his production and that he is not acquiring any of such property for the purpose of reselling it, directly or indirectly, at a profit.

(f) *Property covered by Emergency Plant Facilities Contracts.* (1) Where property in the possession of a war contractor is covered by an Emergency Plant Facility Contract under which:

(i) The expense of construction or equipment is initially borne by the contractor;

(ii) The Government reimburses him for the expense by monthly payments over a specified period;

(iii) Title does not pass to the Government until full reimbursement has been made; and

(iv) Reimbursement may be accelerated at the option of the Government;

such property shall be deemed to be plant equipment for the purposes of this section except in cases where the Government owns or where on completion of the payments the Government will own, or have a leasehold interest in, land on which buildings or other facilities have been constructed or installed pursuant to the contract.

(2) The war contractor in possession of property deemed to be plant equipment pursuant to subparagraph (1) above may acquire such plant equipment free and clear of the Government's right under the contract to obtain title: *Provided,* That (i) all the requirements of paragraphs (a) through (e) have been complied with and (ii) the written approval of the Director, Readjustment Division, ASF, shall have first been obtained. Requests for such approval will be submitted through channels and will contain a full statement of all pertinent information. [JTR 864.2]

§ 848.864–3 *Determinations and dispositions of unserviceable plant equipment and small lots.* The contracting officer will make prompt determinations and dispositions of unserviceable plant equipment and will dispose of small lots of plant equipment in accordance with the provisions of Subpart D of Part 844. [JTR 864.3]

§ 848.864–4 *Discard or abandonment of worthless items.* (a) The contracting officer may discard or abandon items of plant equipment when he determines that they are worthless; *provided, however,* That if the cost, estimated if necessary, of the items to be discarded or abandoned exceeds $1,000, the written approval of a disposal board established as described in § 844.449–1 is first obtained upon a certification in accordance with paragraph (a) hereof.

(b) Plant equipment which is not readily severable from the war contractor's plant and which has no substantial value to the war contractor, may be considered worthless if the estimated cost of dismantling, removal and sale of such plant equipment (including the cost of repairing any damage done to the war contractor's plant to the extent that the Government may be liable therefor) exceeds the estimated net return to the Government upon sale of such plant equipment when dismantled and removed.

(c) If the cost of the items to be discarded or abandoned as worthless exceeds $1,000, the contracting officer will certify to a disposal board (1) that reasonable efforts have been made to dispose of the items without success by offering them to at least three persons dealing in such items, or that such offer would be useless; (2) that in his opinion the items are worthless, or that the costs of sale and any other expenses which the Government is required to bear would exceed the estimated proceeds of such sale; and (3) that in his opinion the items should be discarded or abandoned. Where plant equipment is not readily severable and is to be discarded or abandoned as worthless it will not be necessary to offer such plant equipment to dealers in accordance with clause (1). [JTR 864.4]

§ 848.864–5 *Procedures as to certain scrambled facilities.* (a) As used in this section the term "structure" is defined to mean plant equipment which:

(1) Is held under a War Department facilities contract;

(2) Is not readily severable;

(3) Is (i) a separate building or (ii) a complete structural addition to a building in which the Government otherwise has no interest, such as a wing, and in which a war contractor carries on part or all of his war production:

(b) Any structure which cost the Government $50,000 or less will be disposed of by the contracting officer. A contracting officer of a service other than the Corps of Engineers will obtain the advice and assistance of the Division Engineers having jurisdiction over the area in which the structure is located in any case where it is desirable to ascertain the value of the structure or the cost of its severance and removal.

(c) Where the contracting officer of a service other than the Corps of Engineers considers it necessary or desirable for the Government to take any action under this Part with respect to a structure having a cost to the Government in excess of $50,000 or with respect to other plant equipment located within such a structure, except redistribution of plant equipment for the purpose of supply, war production, War Department industrial reserve or modernization of arsenals, he shall submit the matter through channels to the Director, Readjustment Division, for instructions as to the extent to which the Chief of Engineers is to participate in such action. He shall also send a copy of his submission to the Chief of Engineers through the Division Engineer having jurisdiction over the area in which the structure is located.

(d) Notwithstanding paragraph (c) any application for disposition of a structure or plant equipment located therein will be filed with the contracting officer as contemplated by § 848.863. [JTR 864.5]

§ 848.864–6 *Other sales and transfers.* (a) A sale of plant equipment may be made to any person if the chief of the service determines that such sale will facilitate the prosecution of the war or will be for the purpose of war production. The pricing policies set forth in § 848.864–2 will be applicable to such sales.

(b) Transfers of plant equipment may be made to another service or bureau or to another Government agency. Such transfers shall be made at the fair value as fixed by the chief of the service, unless transfer without reimbursement or transfer of funds is otherwise authorized by law. (See Part 823 of this chapter). In this connection Surplus Property Board Special Order No. 12, June 16, 1945, authorizes owning agencies to transfer to Reconstruction Finance Cor-

poration (as successor to Defense Plant Corporation) without reimbursement special attachments which are attached to machines or machine tools owned by it in any case when the contracting officer determines that such special attachments have no commercial value separate from the machines to which they are attached, or that the cost of the care and handling and disposition of such special attachments, separate from the machines to which they are attached, would exceed the estimated proceeds of disposition.

(c) Items of idle plant equipment, which have not been disposed of under the preceding provisions of §§ 848.864 to 848.864–6, inclusive, or which are not to be disposed of under Subpart D of Part 844 as unserviceable or as small lots, shall be deemed to be surplus and shall be promptly reported to the appropriate disposal agency in accordance with Part 827 of this chapter. [JTR 864.6]

§ 848.865 *Removal and storage.* [JTR 865]

§ 848.865–1 *Dismantling.* (a) Where dismantling of plant equipment is required in connection with its removal or storage, the work incident to such dismantling should be done by the war contractor in possession unless otherwise directed by the contracting officer. (See § 848.861–2 as to who shall bear the expense of dismantling.)

(b) When plant equipment is dismantled the war contractor will use reasonable care to prevent injury or damage to the plant equipment in effecting such dismantling and, to the extent that inspection of the plant equipment by the Government is required by § 848.866, he will allow the contracting officer a reasonable opportunity to inspect the plant equipment before it is dismantled.

(c) Where the contractor is unable to dismantle the plant equipment, the contracting officer shall make appropriate arrangements therefor. Contracting officers of services other than the Corps of Engineers may obtain the advice and assistance of the appropriate Division Engineer in any case involving the severance or removal of plant equipment which is not readily severable. [JTR 865.1]

§ 848.865–2 *War contractor's right to remove and store at his own expense.* A war contractor may remove any idle plant equipment from his plant and store it elsewhere at his own risk and expense at any time before the expiration of the plant clearance period provided that:

(a) Any provisions to the contrary in the facilities contract have been waived; and

(b) The plant equipment is not required to be held in place for war production or in the interests of national defense; and

(c) If the plant equipment is not readily severable its severance has been authorized by the contracting officer under § 848.861–1 (d).

In order to ascertain whether the plant equipment is required by the Government for such purposes, and except as the facilities contract may otherwise provide, the war contractor will give the contracting officer twenty (20) days' notice in writing of his intention to remove and if upon the expiration of such period the contracting officer has not advised him that the plant equipment is required to be held in standby or furnished him with shipping instructions, the plant equipment may be removed by him from his plant as provided in such notice. [JTR 865.2]

§ 848.865–3 *War contractor's right to store for account and risk of Government.* The war contractor may store idle plant equipment for the account and at the risk and expense of the Government in his own plant or elsewhere if (a) prior to the end of the plant clearance period the Government does not enter into a storage agreement with him or remove the idle plant equipment which the Government is obligated under the principles stated in § 848.861–1 to remove, and (b) he has fulfilled all unwaived contractual obligations as to dismantling and preparation for extended storage or shipment and as to standby and storage. In such case he shall exercise reasonable care in its transportation and preservation. The war contractor must deliver to the contracting officer: (1) twenty (20) days' notice in writing in advance of the date fixed for removal; and (2) a certified statement that the removal schedule in the application as originally submitted, or as modified in such statement, represents a concurrent physical inventory of the items to be removed. Notice of removal may be delivered before or after the expiration of the plant clearance period, but submission of the notice will not shorten such period. [JTR 865.3]

§ 848.865–4 *Storage by the Government.* (a) Where under the principles stated in § 848.861–1 the Government is obligated to remove idle plant equipment from a war contractor's plant, such plant equipment, when it is surplus, will, if possible, be removed directly to installations operated by disposal agencies. Where there is a shortage in transportation or storage space, and the war contractor is willing, the contracting officer may store such plant equipment with the war contractor.

(b) Where storage arrangements cannot be made under paragraph (a), the contracting officer will arrange to store the plant equipment in installations operated by the services or with other contractors or commercial warehouses.

(c) All plant equipment, except scrap and salvage items stored with the war contractor, must be packed, crated, and marked as prescribed in § 848.865–7 prior to its being placed in storage. When plant equipment is stored with the war contractor, it may be left unpacked and uncrated, provided that it is properly tagged or marked to identify it with the facilities contract under which it is currently being furnished and provided that it is properly preserved. [JTR 865.4]

§ 848.865–5 *Storage with contractor under standard storage agreement.* Agreements with war contractors for the storage of idle plant equipment should be made substantially in accordance with the form of standard storage agreement set forth in § 849.974–3. [JTR 865.5]

§ 848.865–6 *Compensation for storage.* When storage of the plant equipment is desired by the Government pursuant to § 848.865–5 the war contractor will be compensated for such storage only to the extent that it exceeds the period, if any, during which the war contractor is then obligated to store such plant equipment without compensation. [JTR 865.6]

§ 848.865–7 *Preparation for shipment or storage.* (a) Preparation for shipment or storage except in the case of scrap and salvage, ordinarily includes preserving, packing, boxing, crating, tagging and marking. Contracting officers will inform war contractors of the manner in which plant equipment is to be prepared for shipment or storage. They may prescribe standard specifications, usual commercial practice or any other standards dictated by the Government's requirements in the particular case. The SWPA Manual "Guide for the Storage of Plant Equipment and Termination Material" will be used as a guide for determining the manner in which plant equipment is to be prepared for shipment or storage. If the facilities contract contains no provisions covering the manner of preparation for shipment or storage or if the manner prescribed by the provisions does not meet the then requirements of the Government, the contracting officer will arrange with the war contractor to modify the contract provisions with regard to preparation for shipment or storage in accordance with the Government's then requirements.

(b) Where the facilities contract provides exacting standards or specifications covering preparation for shipment or storage and it appears in the interest of the Government that they be relaxed, the contracting officer may waive in whole or in part the obligation of the contractor to prepare for shipment in accordance with such provisions: *Provided, however,* That where the war contractor has been compensated for such performance, an adjustment by him will be made in favor of the Government. [JTR 865.7]

§ 848.865–8 *Acknowledgment of receipt for plant equipment removed.* When plant equipment is removed from a war contractor's plant by the Government, the contracting officer will furnish the war contractor with a receipt for the plant equipment removed which will include a statement of any respects in which the plant equipment is defective. The receipt will be executed substantially in accordance with the form provided in § 849.974–2. Whenever feasible such receipt will be executed on copies of the removal schedules of the application to be retained by the war contractor. Whenever the plant equipment is removed from the war contractor's plant in lots, copies of the covering shipping documents may be used for the purpose of the receipt or reference may be made in the receipt to item identification numbers on the removal schedules. As the form of receipt provided in § 849.974–2 may operate as a release of the war contractor by the Government with respect to items of plant equipment covered thereby, the receipt will not be delivered until the procedures prescribed in § 848.866 have been carried out to the satisfaction of the contracting officer. [JTR 865.8]

§ 848.866 *Verification of plant equipment for storage or removal by the Government.* (a) The contracting officer will be responsible for verification of the quantities and condition of items listed on the war contractor's application of items listed on the war contractor's application for disposition of plant equipment as to which the contractor has demanded removal. This verification is to be made in order to ascertain whether the items listed on the war contractor's application for disposition are items furnished under the facilities contract and whether the Government is receiving the quantities listed in the condition required by the facilities contract. The verification will be made prior to the time of dismantling, wherever practicable, and in any event prior to execution of the receipt provided for in § 848.865–8 or of a storage agreement made pursuant to § 848.865–5. Where practicable, verification will be made of compliance with requirements as to preparation for shipment or storage and of the accuracy of the tagging and marking of the plant equipment when prepared for shipment or storage, including verification of the number of packages listed on shipping documents at the time of shipment. The shipping documents should be checked against the removal schedule to ascertain that credit is not allowed on the shipping documents for items not listed or removal schedules unless shipment of the items has been verified and the removal schedules corrected.

(b) Ordinarily one hundred per cent verification is not required. The extent of selective checks as to quantities and condition prior to dismantling, tagging and marking of items prepared for shipment or storage and as to quantities listed on shipping documents should depend upon the original cost of particular items, the number of items to be checked, the nature of the plant equipment, past experience with the war contractor in possession, previous inspection by Government representatives the reliability of the war contractor's inspection organization, the results of the checks performed, and any other relevant factors. The verification will include an inspection for condition as provided in paragraph (c) with respect to each item not certified by the contractor to be operating or capable of operating satisfactorily on the operation for which it was originally procured.

(c) Wherever items of plant equipment are inspected for condition, the inspection will include but will not be confined or limited to the following types of examination: (1) visual examination for evidence of damage to major elements; (2) visual examination of exposed wearing surfaces for evidence of abuse or lack of reasonable care; (3) reasonable check as to the functioning of operating controls (under power, if not disconnected). Ordinarily the inspection for condition will not require (i) dismantling for inspection, (ii) power, performance or accuracy tests, or (iii) precision measurements. In every case where the contracting officer or the representative making an inspection for condition is of the belief that an item of plant equipment may not be in the condition required by the contract, he will arrange with the contractor for a joint inspection of such item.

(d) Personnel making selective checks of plant equipment as herein provided will note the items selected and the results of their checks as to quantities and condition on one copy of the removal schedules or on supplemental schedules to be attached thereto, referencing the item number on the removal schedules. In every case such copy, properly authenticated by Government representatives charged with supervision of the selective checks, will be furnished to the contracting officer who will retain such authenticated copy as part of the permanent file. [JTR 866]

§ 848.867 *Property accounting requirements.* [JTR 867]

§ 848.867–1 *Written advice with regard to defective items.* As provided in paragraph 103 of TM 14–910, War Department Industrial Property Accounting Manual for Cost-Plus-A-Fixed-Fee Supply Contracts, or paragraph 80 of TM 14–911, Accounting for Government Property Under Fixed Price Contracts, the contracting officer will advise the accountable property officer in writing as to the items of plant equipment listed on the removal schedule which are not in the condition required by the contract, and his findings as to the contractor's liability therefor under the applicable contract provisions. [JTR 967.1]

§ 848.867–2 *Movement of items from the war contractor's plant.* Movement of items of plant equipment on War Department order from the war contractor's plant will require the preparation of shipping documents, or other forms authorized for use in lieu thereof, as prescribed in paragraph 97, TM 14–910, or paragraph 77a, TM 14–911. Movement on disposal agency order will require the action prescribed in § 844.495–2. Shipping documents covering shipments of plant equipment hereunder will be marked "Plant Clearance Equipment". In addition, those documents covering shipments of such equipment from storage under a storage agreement with a war contractor, or from storage in a commercial warehouse, must bear the notation "Shipped from Storage," and must indicate the station of the contracting officer under the storage or warehouse agreement involved. Instances of losses of or damage to plant equipment in storage under storage agreements with war contractors or commercial warehousemen require action as provided in § 844.495–3 (a) of this subchapter. [JTR 867.2]

§ 848.867–3 *Discrepancies incident to shipment.* Discrepancies incident to shipment of plant equipment removed from a war contractor's plant will require action as prescribed in § 844.496 of this subchapter. [JTR 867.3]

§ 848.867–4 *Sale of items of plant equipment.* When items of plant equipment are sold, the contracting officer will furnish the accountable property officer with a list of the items sold, making reference to the sales document. Such list must make reference to the voucher on which deduction was made in case the proceeds are deducted from amounts due the war contractor. In the event direct payment is to be made by the war contractor and in cases of sales by the contracting officer to third parties, the procedures prescribed in section II, AR 35–6660 (AR 35–6665, when published) with respect to sales of property will be observed. [JTR 867.4]

§ 848.867–5 *Plant equipment scrapped, abandoned or transferred to Defense Plant Corporation.* (a) Where plant equipment is determined to be unserviceable in accordance with Subpart D of Part 844, lists of such items together with the written determination of the contracting officer will be furnished to the accountable property officer and the instructions set forth in §§ 848.867–4 or 844.495–5 (a), whichever is appropriate will be observed.

(b) Where items of plant equipment are discarded or abandoned pursuant to the provisions of § 844.864–4 or transferred to Reconstruction Finance Corporation as successor to Defense Plant Corporation pursuant to the provisions of § 848.864–6 (b), a list of such items together with the written determination of the contracting officer to discard, abandon or transfer the equipment will be furnished to the accountable property officers. Such lists and written determination will constitute a valid credit voucher to the property accounts for the items involved. Where under the provisions of § 848.864–4 the approval of a disposal board is required, an authenticated copy of such approval will be attached to the written determination of the contracting officer. [JTR 867.5]

§ 848.867–6 *Storage under a storage agreement.* A copy of each storage agreement, together with a list of the items to be stored and their quantities and condition, will be furnished by the contracting officer to the accountable property officer designated in the storage agreement. In the event such officer is different from the officer holding accountability prior to execution of the storage agreement, the contracting officer will also furnish a list of items under the storage agreement to such former officer in order that shipping documents may be accomplished to reflect the transfer of accountability. [JTR 867.6]

§ 848.867–7 *Final accounting procedures.* (a) In the event that removal of all of the plant equipment furnished under a facilities contract is demanded by a war contractor, the contracting officer may consider the inspection and verification as provided in § 848.866 as meeting the requirements of a physical inventory of the property as prescribed in paragraph 105, TM 14–910 or paragraph 84, TM 14–911.

(b) Upon removal, storage or other disposition of all of the items of plant equipment indicated by the war contractor as being in his possession or control, the contracting officer will request from

the accountable property officer a report in duplicate of all items which his records indicate have not been accounted for under the contract. Compliance with such request may be considered as satisfying the requirements of paragraph 105 of TM 14–910 and paragraph 84 of TM 14–911, for a report of shortages at contract termination or completion.

(c) One copy of the report required in paragraph (b) will be furnished by the contracting officer to the war contractor who will be afforded an opportunity to furnish evidence that the items have been previously returned to the Government and allowed a reasonable length of time in which to make a search for the items to be accounted for. Copies of documents evidencing disposition, as provided herein, of any items accounted for by this means will be furnished to the accountable property officer. The contracting officer will then advise the accountable property officer in writing with respect to all items remaining to be accounted for after the action outlined above has been completed, and the provisions of paragraph 103, TM 14–910 or paragraph 80, TM 14–911, whichever is applicable, will be observed. [JTR 867.7]

§ 848.868 *Settlement of liability for losses of and damage to plant equipment.* (a) If a facilities contract is included in a supply, construction or other contract which has been terminated in whole or in part, or if a separate facilities contract has been terminated in whole or in part, the liability of the war contractor for loss of and damage to plant equipment furnished to or acquired by the war contractor under the facilities contract may be settled by negotiation in and as a part of any negotiated settlement of such terminated contract. (See § 841.121–19.) Where not settled by agreement, it may be settled in accordance with the provisions of the contract, using the procedures for a formula settlement under a fixed-price supply contract insofar as applicable (see Subpart E of Part 827).

(b) In any case where the procedure described in paragraph (a) is not or cannot be availed of, the amount and extent of the liability of the war contractor for shortages and defective condition of plant equipment furnished under the facilities contract will be disposed of by mutual agreement of the parties or by the decision of the contracting officer in accordance with the Disputes Article (see § 803.326) or other applicable provisions of the contract. Any determination of fact by the contracting officer will be subject to appeal by the war contractor under the Disputes Article or other applicable provisions of the contract. The contracting officer will arrange for the remission by the war contractor of the amount of the liability or for the deduction of such amount from any sums which may be due the war contractor under the contract or will advise the appropriate Government office to effect collection of the sum owed by the war contractor. [JTR 868]

§ 848.869 *Authority to contract.* Wherever in this subpart the Government is authorized or required to bear expenses incurred or to be incurred or to make arrangements for dismantling, preservation and preparation for storage or shipment, removal, storage, repair of damage or any other work to be done with respect to any plant equipment in connection with the clearance of a war contractor's plant, the chief of the service is authorized to negotiate and enter into contracts therefor. In addition the chief of the service is authorized to amend or modify existing contracts whenever such action is rendered necessary or desirable by action taken under and in accordance with the provisions of this Part. Each such contract, or amendment or modification of an existing contract, will recite that it is executed pursuant to section 12 (g) of the act. The necessary funds will be procured from the service administering the prime facilities contract under which the plant equipment concerned is held. [JTR 869]

SUBPART H—REPORTS ON PROPERTY DISPOSITION

§ 848.880 *Scope.* This subpart covers the preparation and submission of reports concerning the disposition of property and related matters. [JTR 880]

§ 848.883 *Report of sales of plant equipment.* [JTR 883]

§ 848.883–1 *General description.* Government-owned plant equipment to be reported on sales reports shall include all Government-owned plant equipment in privately owned plants and Government-owned plants including emergency plant facilities, excluding only (a) plant equipment in permanent industrial installations of the Army and Navy such as arsenals, proving grounds, shore establishments, and similar permanent installations, (b) plant equipment in Army and Navy installations used or useful for activities of the Army and Navy other than the production of matériel, munitions, and supplies, (c) plant equipment declared surplus, (d) plant equipment outside the continental limits of the United States, and (e) plant equipment classified as scrap or salvage. Sales of items of Government-owned plant equipment, costing $350 or more, falling in the classes in Schedule B to Surplus Property Board Regulation No. 6, shall be reported separately for each such class. In addition, a line entry shall be made for each sale of other Government-owned plant equipment, including Schedule B items costing less than $350. These sales will be identified as "other sales" and will not be classified by commodity classification. For this class of sale, therefore, fill in only Columns (a), (b), (c), (d), (h) and (i) on the Forms SPB–9 described in § 848.833–2. [JTR 833.1]

§ 848.883–2 *Form.* In the War Department the chief of each service shall submit on or before the 12th day of August 1945, and of each succeeding month, to the Readjustment Division, ASF, the original and three copies of a Form SPB–9 for each sale to a single purchaser of plant equipment accomplished during the preceding month, together with a transmittal sheet showing the number of original SPB–9 reports attached, and the total cost and sales price of property listed thereon. Reports Control Symbol AA–M2–34 has been assigned to this report. This form is available at A. G. Depots. [JTR 883.2]

§ 848.883–3 *Block and column entries.* The following information will be entered in the respective columns of Form SPB–9:

Block 2. State the name and address of the reporting agency.

Block 3 Indicate the month covered by the report.

Block 4 Indicate the date on which the SPB–9 form was transmitted to the office of the chief of service.

Block 5 Enter the complete name and address of purchaser. Reports of sales in the month to a single purchaser should be assembled consecutively.

Block 6 The name of the reporting officer should be typed in this block in addition to his signature. If continuation sheets are used, it is necessary to sign only the top sheet.

Column (a) Item Number. Assign each entry a consecutive item number. Where consecutive items on a single page repeat information identical with the stub information of a preceding item, repetition of such stub information is not necessary.

Column (b) Enter the number of the relative facilities contract. Write "none" if there is no relative facilities contract number. The facilities contract number need be given only in the case of Class 1 and Class 2 sales described in the instructions for Column (d) below.

Column (c) Indicate "yes" if a waiver of options was obtained. Indicate "no" if a waiver of options was not obtained. If a facilities contract does not contain an option provision, state "no option." This information is necessary only in the case of Class 1 sales described in the instructions for Column (d) below.

Column (d) Enter the code number for the class of purchaser or sales as follows: (The prime or sub-contractor referred to in class of sales 1 and 2 is the holder of the prime or sub-facilities contract).

Code No.	*Class of sale or purchaser*
1	Government-owned plant equipment in contractors' plants sold to prime contractors in possession.
2	Government-owned plant equipment in contractors' plants sold to sub-contractors in possession.
3	Government-owned plant equipment in contractors' plants sold to others.
4	Sales of plant equipment in emergency plant facilities.
5	All other sales by owning agencies of Government-owned plant equipment.

Columns (e) and (f) Description and Standard Commodity Classification. Enter a short description, such as one key word or an abbreviation of one or more words, and the code number of the commodity classification as shown in Exhibit B to Surplus Property Board Regulation 6 where the item sold is within these classifications. Sales of other classes of plant equipment are to be reported as "other sales." In these cases do not enter a Standard Commodity Classification code number, but fill in Columns (a), (b), (c), (d), (h), and (i).

Column (g) Enter the number of units sold.

Column (h) Enter the total cost of the number of units sold. The cost of units sold should be the procurement cost in dollars (estimate if not known) for the units entered in Column (g). For machine tools and other metal working machinery and production equipment, costs should be reported f. o. b. manufacturer or vendor to owning agency.

Column (i) Enter the sales price for the units reported on each line. It will be necessary in some cases to estimate the sales price since there may be lump or bulk sales.

Column (j). Indicate by code the price policy under which the sale was made as follows:

Code No.	*Price policy*
1	Priced under a fixed price schedule under paragraphs (a) and (b) of the pricing policy contained in Surplus Property Board Regulation 6 to be coded only in the case of classes 1 and 2 sales as described in the instructions for Column (d) above).
2	Priced as readily severable plant equipment under paragraph (c) of the pricing policy contained in Surplus Property Board Regulation 6 (to be coded only in the case of classes 1 and 2 sales as described in the instructions for Column (d) above).
3	Priced as non-severable plant equipment under paragraph (d) of the pricing policy contained in Surplus Property Board Regulation 6 (to be coded only in the case of classes 1 and 2 sales as described in the instructions for Column (d) above).
4	Priced in accordance with option provisions in a facilities contract.
5	All clases 3, 4, and 5 sales described in the instructions for Column (d) above.

[JTR 883.3]

SUBPART I—MONTHLY REPORTS ON STATUS OF TERMINATIONS

§ 848.890 *Scope.* This subpart covers the preparation and submission of monthly reports covering settlement of terminated war contracts and related matters. [JTR 890]

§ 848.891 *Responsibility for submitting reports.* [JTR 891]

§ 848.891–1 *Reports within War Department.* In the War Department, the chief of each service shall submit each month to the Readjustment Division, Headquarters, Army Service Forces, an original and one copy of each report in the manner prescribed in §§ 848.892 to 848.898–2, inclusive. Each such report shall be submitted on or before the 10th day of the month following the one reported upon, except that reports on plant clearance, as prescribed in § 848.897, shall be filed on or before the 12th day of the month [JTR 891.1]

§ 848.891–2 *Reports within Navy Department.* In the Navy Department, reports shall be submitted as follows:

(a) Each Bureau shall submit:

(1) The report on the status of terminated fixed price contracts (see § 848.892).

(2) The report on the status of terminated cost-plus-a-fixed-fee contracts (see § 848.893).

(3) The partial payment report (Subparts A, B, and C only, see § 848.894).

(4) The report on subcontract settlement delegations (see § 848.895).

(5) The report on findings and appeals (see § 848.896).

(b) The Finance Division, OP&M, shall submit the partial payment report (Subpart D only, see § 848.894–3).

(c) NMR&DA shall submit:

(1) The report on plant clearance (see § 848.897).

(2) The report on the consolidated termination and company-wide settlement programs (see § 848.898).

(d) The Bureau reports and the Finance Division, OP&M, report shall be submitted to the Industrial Readjustment Branch, OP&M, on or before the 10th of the month following the one reported upon; the NMR&DA reports shall be submitted to the Property Disposition Branch, OP&M, on or before the 15th of the month following the one reported upon. [JTR 891.2]

§ 848.891–3 *How amounts to be shown.* In all reports, amounts will be shown to the nearest whole dollar. [JTR 891.3]

§ 848.892 *Report on status of terminated fixed-price contracts.* [JTR 892]

§ 848.892–1 *General description.* This report will list all fixed price prime contracts (except facilities contracts and agreements reached by the use of change orders) terminated for the convenience or at the option of the Government, the settlement of which was effected during the month or was pending at the end of the month, regardless of the amount of the contract, where formal notice of its termination has been given. It will also list all claims under terminated fixed price subcontracts (whether under fixed price or cost-plus-a-fixed-fee contracts) the settlement of which has been assumed by the Government, and will summarize terminations of a company-wide settlement contractor arising from termination of subcontracts held by him with another war contractor in accordance with instructions under §848.892–6. [JTR 892.1]

§ 848.892–2 *Form.* (a) In the War Department, this report will be submitted on W.D., A.G.O. Form No. 505, Control Approval Symbol PDE–10. This form is available at AG Depots.

(b) In the Navy Department, this report will be submitted on NAVEXOS Form Nos. 753, 754 and 755. The forms are available in the Industrial Readjustment Branch, OP&M, Navy Department, Washington 25, D. C. Part I of this report will be submitted on Form NAVEXOS 755; Part II on Form NAVEXOS 753; and Part III on Form NAVEXOS 754 (see § 848.892–3). [JTR 892.2]

§ 848.892–3 *Arrangement.* (a) The reports will be prepared to show separately the results in each War Department procurement office or Navy Department termination unit. Each assigned contractor under the company-wide settlement program will be considered as a separate procurement office or termination unit.

(b) The reports will be prepared in the various parts and sections described below. The terminations listed within each section will be arranged in chronological order based on the effective date of termination. Part One will not be required by the War Department.

PART ONE

Section I. Terminations initiated during the month.

Section II. All other terminations, including transfers-in (terminations received for settlement from another terminating office) reported for the first time, regardless of the effective date of termination.

PART TWO

Section I. Terminations settled during the month. All dates and amounts for terminations in this group must agree with the corresponding data on the final settlement proposal form and the supplemental agreement. In the event that a settlement with a prime contractor excludes certain subcontract claims, pursuant to § 846.613–1 of this subchapter, which are not assumed by the Government for direct settlement, the names of the excluded subcontractors and the reason for their exclusion will be noted.

Section II. Terminations rescinded during the month.

Section III. Terminations transferred-out (terminations transferred from the terminating office to another office for settlement) during the month. See § 848.892–6 (b) (2) for handling of "company-wide settlement" transfers. In the War Department, the chief of the service is responsible for "zero balancing" all intra-service transfers.

PART THREE

Section I. Terminations in process of settlement. For the Navy Department, this will include cases in Section II of Part I but not in Section I thereof.

Section II. Suspense Terminations, which are those as to which the terminated contract is—

(a) in litigation.

(b) before a Board of Appeals at a higher level than the terminating service or bureau,

(c) a War Supplies, Ltd. termination pending three months or more after the effective date of termination; or

(d) unsettled for reasons beyond the control of the service or bureau, including those cases under appeal in the Court of Claims, a U. S. District Court, or a U. S. Circuit Court of Appeals.

[JTR 892.3]

§ 848.892–4 *Columnar entries.* (a) The following information will be entered in the respective columns of the report form:

Column 1—*Number.* The number of the terminated contract.

Column 2—*Name of Contractor.*

Column 3—*Item.* Sufficient information will be given to permit identification of the item or items, the production of which has been terminated.

Column 4—*Partial or Complete.* Partial terminations should be indicated by "P" and complete terminations by "C". A partial termination is one in which only a part of the uncompleted portion of the contract is terminated and the balance is to be continued after the effective date of termination. A complete termination is one in which the entire uncompleted balance of a contract is terminated.

Column 5—*Date of Termination Notice.* The date on which the contractor was notified of the proposed termination by the responsible office or bureau.

Column 6—*Effective Date of Termination.* The date specified in the notice of termination as the effective date. In the event that no date is specified in the notice, the best estimate will be used until final information is obtained.

Column 7—*Amount of Contract.* The total amount of the contract, including supplements. If a contract is partially terminated and later terminated with respect to the continued portion, each such termination will normally be treated as a separate transaction (see § 848.892–6 (a)), but the value is to be listed in this column in parentheses.

Column 8—*Total Contract Price of Items Cancelled.* The best estimate is to be used until final figures can be ascertained. Final figures must agree with the amount shown as "Not to be completed" on the settlement proposal form.

Column 9—*Contractor's Claim—Date of Filing.* The date on which the prime contractor's claim for his own charges was received by the contracting agency. In the case of the Navy, this is the date on which the claim is received by the cognizant Navy material inspector. Settlement proposals, which are improper as to form and which will therefore be returned to the contractor for revision or correction without submission to the contracting officer, should not be reported. In the event of interim proposals, show the original date prefixed by "I". The date of the most recent interim proposal or of the final proposal will be shown below this original date prefixed by "I" or "F", whichever is applicable. Addition or adjustment of interest in the final settlement proposal does not constitute a change in date of filing.

Column 10—*Contractor's Claim—Amount Exclusive of Subcontractors.* The dollar amount of the prime contractor's own charges. This amount will be Line 13 plus Line 16 of Settlement Proposal Form 1, Line 2 plus Line 3 of Settlement Proposal Form 1a, and Line 13 plus Line 15 of Settlement Proposal Form 1b. If interest is added in final settlement in excess of that shown on the settlement proposal, the corresponding addition should be made to the amount of the proposal. The difference between the amount of final claim and the amount entered in Column 17 for completed cases will represent the net change resulting from negotiation. Where the contractor submits interim proposals, the latest amount proposed to date will be shown opposite the most recent proposal date, and previous proposal figures will be omitted.

Column 11—*Subcontractors' Claims—Submitted—Number.* The number of first tier subcontractors' claims submitted by the prime contractor to the office administering the termination, or settled by the prime contractor under delegation of authority. This will not include "no cost" settlement agreements made by prime contractors with their subcontractors.

Column 12—*Subcontractors' Claims—Submitted—Amount.* The total dollar amount of all first tier subcontractors' claims submitted by the prime contractor to the office administering the termination. The amount of subcontractors' claims must be as shown on Line 14 of Settlement Proposal Form 1 or 1b.

Column 13—*Subcontractors' Claims—Approved—Number.* The number of first tier subcontractors' claims which have been approved by the contracting officer or his representative, or by prime contractors where authority has been granted to settle without Government approval.

Column 14—*Partial Payments—For Benefit of Prime Contractor.* The total amount of partial payments made to the prime contractor solely for his use and benefit.

Column 15—*Partial Payments—For Benefits of Subcontractors.* The total amount of partial payments made for the use and benefit of subcontractors, whether such amounts are paid to the prime contractor for the account of subcontractors or are paid direct to subcontractors.

Column 16—*Details of Final Settlement—Date.* The date on which the supplemental agreement incorporating the final settlement is received by the contracting officer, signed by both the contractor and the contracting officer. Where approval by the chief of the service or bureau is required, the transaction must be considered as pending until this approval is received.

Column 17—*Details of Final Settlement—Gross Amount Excluding Subcontractors.* The gross amount of the settlement agreement including expenses subsequent to termination but excluding that portion of the contractor's settlement represented by settlements with subcontractors. Differences between Columns 10 and 17 represent negotiated reductions between the contractor's final claim (see Column 10 above) and the final settlement.

Column 18—*Details of Final Settlement—Amount Subcontractors.* The amount payable to subcontractors by the prime contractor, and included in the final settlement. Differences between Columns 12 and 18 represent negotiated reduction made by the contracting officer in the subcontractors' settlements previously approved by the prime contractor and submitted to the contracting officer for approval.

Column 19—*Details of Final Settlement—Disposal Credits.* Enter the amount credited to the Government by the prime contractor for receipts from sales or retention of termination inventory included in his gross settlement proposal.

Column 20—*Details of Final Settlement—Net Amount of Settlement.* The net settlement of the proposal. This is Column 17 plus 18 minus 19.

Column 21—*Details of Final Settlement—Amount Allowed for Property Taken over by the Government.* The amount included in the net settlement, shown in Column 20, required to reimburse the contractor for the cost of his inventory taken over by the Government. When an exact cost cannot be assigned to this inventory, as in some settlements on a total cost basis, the best possible estimate will be given. Do not include the value of, or loss on, items scrapped, retained, abandoned, or disposed of by contractor.

(b) For War Department terminations in process of settlement, the space occupied by Columns 16, 17, 18, 19, 20, and 21 will be used to explain briefly the status of plant clearance and settlement action. As to plant clearance, each termination must show one of the following remarks:

(1) No inventory involved
(2) Awaiting inventory list
(3) Inventory clearance in process
(4) Inventory cleared

As to settlement action, each termination must show one of the following remarks:

(1) Awaiting information from contractor as to cost or "no cost" settlement
(2) Awaiting claim
(3) Awaiting office review or audit
(4) Negotiating (use only where accounting review is completed)
(5) Awaiting supplemental agreement

(c) For Navy Department terminations in process of settlement, the remarks column of NAVEXOS 754 shall show such remarks as are requested by the Industrial Readjustment Branch, OP&M, from time to time.

(d) Other pertinent remarks will be added when they are of assistance in explaining the status of the termination settlement. In the case of suspense terminations (Part Three, Section II of the Report) a brief statement should be added explaining why the termination cannot be settled by the contracting officer. Where this information appears in the findings and appeals report (§ 848.896) a cross reference to such report will be sufficient.

(e) In terminations involving subcontractors, it is desirable to show the total number of first tier subcontractors from whom claims are expected so as to provide a comparison between probable subcontractors' claims and those submitted to date as shown in Column 11. [JTR 892.4]

§ 848.892–5 *Summary.* (a) A summary will be prepared for each report in both numbers and dollars.

(b) In the War Department, this report will be submitted on WD, AGO Form No. R 5056, Control Approval Symbol RCC–22.

(c) In the Navy Department, this report will be submitted on NAVEXOS Form 2091.

(d) *Line entries.* The following information will be entered in the respective lines of the form:

Line 1—*In process of settlement—Amount per last report.* This will agree with Line 11 of the previous month's report.

Line 2—*In process of settlement—Suspense per last report.* This will agree with Line 14 of previous month's report.

Line 3—*Adjustments in last report—(Dollars only).* Net adjustments during the current month in the contract price of items cancelled in Lines 1 and 2 above. The service terminating a prime contract shall make no reduction in the reported amount of any prime contract due to the assumption by another designated officer of the settlement responsibility in company-wide settlements of a subcontract allocable to such a prime contract.

Line 4—*Added this month.* Terminations listed on this month's report for the first time regardless of the effective date of termination. This will exclude transfers-in.

Line 5—*Transferred-in (Other procurement offices of same service).*

Line 6—*Transferred-in (Company-wide settlement).* Those transfers-in from other services will be entered.

Line 7—*Total—Lines 1 through 6.*

Line 8—*Settled this month.*

Line 9—*Rescinded this month.*

Line 10—*Transferred-out (Other procurement offices of same service).*

Line 11—*Transferred-out (Company-wide settlement).*

Line 12—*Total—Lines 8 through 11*

Line 13—*In process of settlement—Amount this report.* This group will be subdivided as below.

Line 13a—*Less than four months.* This group includes terminations with effective dates which have not yet been reached, those effective during the month of report and any of the preceding three months.

Line 13b—*4 through 6 months.* This group includes terminations with effective dates falling in the fourth, fifth and sixth month preceding the month of report

Line 13c—*7 through 12 months.* This group includes terminations with effective dates falling in the seventh, eighth, ninth, tenth, eleventh and twelfth month preceding the month of report.

Line 13d—*Over 12 months.* This group includes those terminations with effective dates falling in a month earlier than the twelfth month preceding the month of report

Line 13e—*Total.* Lines 13a through 13d

Line 14—*In process of settlement—Suspense this report.*

Line 15—*Total in process.* Line 13e plus Line 14. Also Line 7 minus Line 12.

[JTR 892.5]

§ 848.892–6 *Special cases*—(a) *Successive partial terminations.* (1) Where successive partial terminations are made under one prime contract, each such termination will be treated as a separate transaction, unless it is intended to settle all partial terminations in one settlement agreement.

(2) When a further termination is made against a contract which has already been partially terminated and it is intended to settle all partial terminations in one supplemental agreement, the previous terminations should be listed under the "Rescinded" section of the report. The total terminations to date under the contract will be picked up as a single termination under the date of the latest termination.

(b) *Company-wide settlements.* (1) The designated officer engaged in the company-wide settlement of an assigned contractor shall prepare a separate monthly contract termination status report with respect to the termination of such assigned contractor.

(2) As to prime contracts:

(i) The terminating agency will report the termination as a "termination in process of settlement" until such time as transfer to the designated officer has been effected, after which it will be reported as a "termination in process of settlement" by the designated officer.

(ii) At the time of transfer to the designated officer, the service or bureau terminating the contract will notify the designated officer of the contract price of items cancelled, the effective date of termination, and other pertinent data. The designated officer will acknowledge receipt and notify the service or bureau as to the month in which the termination will be picked up on the designated officer's Monthly Contract Termination Status Report. Upon receipt of this advice, such service or bureau will list the termination as transferred-out in the month indicated in the acknowledging letter.

(3) As to claims of a company-wide settlement contractor arising from termination of subcontracts held by him with another war contractor which are assumed by the Government for direct settlement

(i) Claims settled during the month will be reported on a single line immediately below the prime contract terminations reported as settled during the month. A notation will be made across Columns 3, 4, 5, 6, 7, and 8 as follows: "Subcontract Claims Awaiting Settlement Under Company-wide Settlement Program". The number of subcontract claims submitted will be entered in Column 11; the amount of these claims will be entered in Column 12; the number of subcontract claims approved will be entered in Column 13; the net settlement will be entered in Columns 18 and 20; and the amount allowed for property taken over by the Government in Column 21. All such subcontract claims will be entered on the report on a net basis after exclusion of disposal credits.

(ii) Claims awaiting settlement will be reported on a single line immediately below the prime contract terminations pending settlement at the end of the month. A notation will be made across Columns 3, 4, 5, 6, 7, and 8 as follows: "Subcontract Claims Awaiting Settlement Under Company-wide Settlement Program". The number of subcontract claims submitted will be entered in Column 11; the amount of these claims in Column 12; the number of claims approved but not yet settled in Column 13; and any partial payments thereon in Column 15.

(iii) A summary report will be submitted showing an analysis of the information included in (i) and (ii), above, in the manner prescribed by § 848.889.

(c) *Terminations under the consolidated termination program.* Settlement of contracts held by companies under the consolidated termination program will be reported by the terminating service or bureau.

(d) *Subcontract settlements negotiated or reviews made by office other than terminating office (War Department only).* Where settlement negotiation as to certain subcontract settlements are conducted by an office other than the terminating office within the same service, the office terminating the prime contract will retain reporting responsibility except in the case of company-wide settlements, and of subcontract claims assumed by the Government.

(e) *Settlements excluding certain subcontractors.* Where a prime contractor's claim has been completely settled except for one or more subcontract claims which are assumed by the Government for direct settlement (including those assumed under company-wide settlement or which are excluded from the settlement by agreement with the prime contractor pursuant to § 846.613–1) the prime contract and all such subcontracts as are settled with it will be reported as settled. The entire contract price of items cancelled under the prime contract will be reported as settled.

(f) *Subcontract claims assumed by the Government.* Each such obligation assumed by the Government, excluding those assumed under the company-wide settlement program, will be reported as a separate termination and treated as a termination of a prime contract made upon the effective date of the notice of termination from the higher tier contractor. Columns 7 and 8 of the fixed price form or Column 7 of the CPFF form will be marked "Sub Claims Assumed", and no amounts will be entered.

(g) *Revisions in dates and amounts previously reported.* Whenever dates or amounts shown are revised from those shown on the immediately preceding report, the revised figures will be preceded by "R" except as to the date of filing claim. All dates and amounts applicable to terminations settled must be in agreement with the corresponding data on the final settlement proposal form.

(h) *Corrections of previously reported settlements.* When corrections are made in terminations previously reported as settled (Part Two, Section I of the report), a separate sheet of the status report form headed "Corrections" will be submitted. For each correction to be made, the information as shown in all columns of the report as originally submitted will be shown with the corrected figures immediately below those originally submitted. [JTR 892.6]

§ 848.893 *Report on status of terminated cost-plus-a-fixed-fee contracts.* [JTR 893]

§ 848.893–1 *General description.* This report will list all cost-plus-a-fixed-fee prime contracts terminated for the convenience or at the option of the Government, the settlement of which was effected during the month or was pending at the end of the month, regardless of the amount of the contract. The report will include prime contract terminations accomplished according to "Changes Articles". [JTR 893.1]

§ 848.893–2 *Form.* (a) In the War Department, this report will be submitted on W.D., A.G.O. Form No. 0405, Control Approval Symbol RCC 21. The form is available at AG Pentagon Depot, Washington 25, D. C.

(b) In the Navy Department, this report will be submitted on NAVEXOS Form No. 2094 (but Columns 8 through 11 will not be used, and Columns 17, 18, and 19 will not be filled in until the audit status date). The form is available at the Industrial Readjustment Branch, OP&M. [JTR 893.2]

§ 848.893–3 *Arrangement.* See § 848.892–3. [JTR 893.3]

§ 848.893–4 *Columnar entries.* (a) The following information will be entered in the respective columns of the report form. Columns 14 to 22, inclusive, will be entered for complete terminations and for severable partial terminations only.

Column 1—*Contract Number.*

Column 2—*Contractor's Name and Location of Facility.*

Column 3—*Item.* Sufficient information will be given to permit identification of the item or items, the production of which has been terminated.

Column 4—*Partial or Complete.* Partial terminations should be indicated by "P" and complete terminations by "C". A partial termination is one in which only a part of the uncompleted portion of the contract is terminated and the balance is to be continued after the effective date of termination. A complete termination is one in which the entire uncompleted balance of a contract is terminated.

Column 5—*Date of Termination Notice.* The date on which the contractor was notified of the proposed termination by the responsible office or bureau.

Column 6—*Effective Date of Termination.* The date specified in the notice of termination as the effective date. In the event that no date is specified in the notice, the best estimate will be used until final information is obtained.

Column 7—*Estimated Value of Work or Items Cancelled.* Estimated value of the terminated portion of the contract.

Column 8—*Subcontracts Terminated—Number.* The total number of subcontracts terminated, i. e., the number on which stop work orders were issued under the termination.

Column 9—*Subcontracts Terminated—Settled Without Claim—Number.*

Column 10—*Subcontracts Terminated—Settled With Claim—Number.*

Column 11—*Subcontracts Terminated—Settled With Claim—Amount.*

Column 12—*Partial Payment for Benefit of Prime Contractor.* The total amount of partial payment made to the prime contractor solely for his use and benefit, including the amount of withdrawals from advance payment accounts authorized for termination financing under Subpart C of Part 843 of this subchapter.

Column 13—*Partial Payments for Benefit of Subcontractors.* The total amount of partial payments made for the use and benefit of subcontractors, whether such amounts are paid to the prime contractor for the account of the subcontractor or are paid direct to subcontractors.

Column 14—*Date of Discontinuation of Vouchers.* The date on which the contractor's election to discontinue the use of cost vouchers becomes effective. So long as voucher reimbursement continues, this column will be left blank. For terminations where there have been no reimbursed costs, enter "no reimbursed costs".

Column 15—*Audit Status Date.* The audit status date referred to in the notice to the GAO requesting date on uncleared exceptions.

Column 16—*Estimated Amount to be paid Contractor.* The estimated reimbursement yet to be made for past and future expenses, and unpaid balance of fee, including amounts to be paid in connection with settlement of subcontract claims.

Column 17—*GAO Exceptions Outstanding—Number.* The number of GAO exceptions outstanding against cost vouchers at the end of the month.

Column 18—*GAO Exceptions Outstanding—Amount.* The amount of GAO exceptions outstanding against cost vouchers at the end of the month.

Column 19—*Vouchers Paid.* The amount of reimbursement made to the contractor on cost vouchers prior to discontinuance of cost vouchers pursuant to § 845.563–2.

Column 20—*Settlement Proposal—Date of Filing.* In the event of partial proposals, the date should be prefixed by "P". Final proposals should be prefixed by "F". The date of the first and of the most recent proposal should be shown.

Column 21—*Settlement Proposal—Amount.* The amount of the contractor's settlement proposal, before deductions of previous payments to contractors (Line 13 minus Line 14 of Column 4 of the Settlement Proposal Form). When interim proposals are submitted by the contractor, the amount of the total submitted to date will be shown opposite the most recent proposal date and previous proposal figures will be omitted.

Column 22—*Amount of Final Settlement.* The amount of the settlement agreement applicable to the settlement proposal submitted by the contractor before deduction of previous payments. Any variation between amounts in Columns 21 and 22 represent negotiated adjustments.

Column 23—*Date of Settlement.* For complete termination, this is the date on which the supplemental agreement incorporating the final settlement is received by the contracting officer, signed by both the contractor and the contracting officer. For partial terminations, this is the date of the adjustment of fixed fee or final settlement of all subcontractor claims whichever is later.

(b) (1) For War Department reports only, either on an attached sheet or immediately below the entries described above, beginning in Column 1 and extending across the page, remarks pertinent to each termination in process will be shown. Remarks will contain the following information:

(i) Status of plant clearance;

(ii) Status of GAO audit, including number of vouchers yet to be audited by GAO;

(iii) Status of overhead audit by service, if overhead audit is required;

(iv) Number of vouchers to be finalized upon settlement of the terminated contract;

(v) The date and number of the final and last cost voucher;

(vi) The number of final GAO exceptions cleared by deductions on which reclaim vouchers will be submitted, and the amount involved in such vouchers;

(vii) Estimated date of final settlement.

(2) Navy Department reports shall also contain such remarks as are requested by the Industrial Readjustment Branch, OP&M, from time to time.

(c) In the case of suspense terminations (Part Three, Section I of the report) a brief statement should be added explaining why the termination cannot be settled by the contracting officer. Where this information appears in the findings and appeals report (§ 848.896) a cross reference to such report will be sufficient. [JTR 893.4]

§ 848.893–5 *Summary.* See § 848.892–5. [JTR 893.5]

§ 848.893–6 *Special cases.*—(a) *Successive partial terminations.* See § 848.892–6 (a).

(b) *Terminations under the consolidated termination program.* See §848.892–6 (c).

(c) *Settlements negotiated or reviews made by office other than terminating office (War Department only).* See § 848.892–6 (d).

(d) *Settlements excluding certain subcontractors.* See § 848.892–6 (e).

(e) *Subcontract claims assumed by Government.* See § 848.892–6 (f).

(f) *Revisions in dates and amounts previously reported.* See § 848.892–6 (g). [JTR 893.6]

§ 848.894 *Report on partial payments.* [JTR 894]

§ 848.894–1 *General description.* This report will summarize the receipt, approval, reduction, or rejection during the month of partial payment applications in connection with terminations pending settlement, and withdrawals from advance payment accounts for use as partial payment. This report will not include transactions under § 843.364–4. [JTR 894.1]

§ 848.894–2 *Form.* (a) In the War Department, this report will be submitted on W. D., A. G. O. Form No. 271 (Termination Partial Payment Status Report), Control Approval Symbol RCC–12. The form is available at AG Depots.

(b) In the Navy Department, this report will be submitted on Form No. OCS–R4. This form is available at the Industrial Readjustment Branch, OP&M. [JTR 894.2]

§ 848.894–3 *Line entries.* **(a) The following information will be entered in the respective lines of the War Department report form:**

Line 1—*Applications on Hand—1st of Month (Prime Contractor).* This will include the number and amount of applications for partial payments originated in the name of a prime contractor, whether for his own benefit or for the establishment of a fund from which payments may be made to subcontractors. The number and amount of applications shown on this line must agree with that shown on Line 8 of the previous month's report.

Line 2—*Applications Received During Month (Prime Contractor).* This will include the number and amount of applications received during the month of the type described in Line 1.

Line 3—*Total.* Line 1 plus Line 2.

Line 4—*Applications Approved During Month (Prime Contractor).* The number of applications approved and the amount actually approved for payment. If this is less than the amount originally applied for, the reduction will be shown on Line 5.

Line 5—*Applications Reduced During Month (Prime Contractor).* The amount by which the total payments under all applications approved during the month were less than the payments requested in such applications. This amount plus the amount shown on Line 4 will equal the total originally applied for under all applications approved during the month.

Line 6—*Applications Rejected or Withdrawn During Month (Prime Contractor).* The number and amount of applications rejected or withdrawn in their entirety during the month.

Line 7—*Total.* Line 4 plus Line 5 plus Line 6.

Line 8—*Applications on Hand—End of Month (Prime Contractor).* The number and amount of applications (at amount of original application) on hand at the end of the month. The dollar amount shown in this column should equal Line 3 minus Line 7.

Line 9—*Applications on Hand—End of Month—Received Prior to 1st of Month (Prime Contractor).* The number and amount of applications included in Line 8 which were received in the contracting office prior to the first of the month.

Line 10—*Applications on Hand—1st of Month (Subcontractor).* This will include the number and amount of applications for partial payments originated in the name of a subcontractor. The number and amount of applications shown on this line must agree with that shown on Line 17 of the previous month's report.

Line 11—*Applications Received During Month (Subcontractor).* This will include the number and amount of applications received during the month of the type described on Line 10.

Line 12—*Total.* Line 10 plus Line 11.

Line 13—*Applications Approved During Month (Subcontractor).* The number and amount of applications actually approved for payment. If this is less than that originally applied for, the reduction will be shown in Line 14.

Line 14—*Applications Reduced During Month (Subcontractor).* The amount by which the total payments under all applications approved during the month were less than the payments requested in such applications. This amount plus the amount shown in Line 13 will equal the total originally applied for under all applications approved during the month.

Line 15—*Applications Rejected or Withdrawn During Month (Subcontractor).* The number and amount of applications rejected or withdrawn in their entirety during the month.

Line 16—*Total.* Line 13 plus Line 14 plus Line 15.

Line 17—*Applications on Hand—End of Month (Subcontractor).* The number and dollar amount of applications (at amount of original application) on hand at the end of the month. The dollar amount shown in this column should equal Line 12 minus Line 16

Line 18—*Applications on Hand—End of Month—Dated Prior to 1st of Month (Subcontractor).* The number and amount of subcontractor applications included in Line 17 for which the date of application (not the date of receipt in the contracting office) was prior to the first of the month for which the report is prepared.

Line 19—*Withdrawals from Advance Payment Funds and Controlled Accounts for Purpose of Partial Payments (Complete Termination).* The number and amount of withdrawals from advance payment and controlled accounts for purposes of termination partial payments in accordance with Part 843 of this subchapter. The information entered on this line will be restricted to advance payment withdrawals for purposes of termination partial payments applicable to complete terminations.

(b) In preparing the Navy Department report, the line entries shall be made in accordance with the definitions and instructions that accompany Form OCS–R4. [JTR 894.3]

§ 848.894–4 *Supporting list.* (a) The War Department form will be supported by a list of applications included in Lines 9 and 18 above, showing as to each:

(1) Name of subcontractor.

(2) Name of prime contractor and contract number of prime contract.

(3) Date of application.

(4) Date application received by contracting officer.

(5) Dollar amount of application.

(6) Name of administering district.

(7) Reason for delay.

(b) In the Navy, the report form will also be supported by the following lists:

(1) A list of payments approved during the month as to which the amount of the payment plus prior unliquidated partial, progress, and advance payments and credits from the disposal or retention of inventory included in the applicant's own charges is less than 75% of the applicant's own charges. This list shall show:

(i) Contract number.

(ii) Name of contractor.

(iii) Amount of payment requested.

(iv) Amount of payment approved.

(2) A list of overpayments outstanding and not referred to collection agencies at end of month. This list shall show:

(i) Contract number.

(ii) Name of contractor.

(iii) Amount of overpayment outstanding.

(iv) Date overpayment was established. [JTR 894.4]

§ 848.895 *Report on subcontract settlement delegations.* [JTR 895]

§ 848.895–1 *General description.* This report will list all war contractors to whom a service or the Navy Department has, pursuant to § 846.642–2, delegated authority to make final settlement of terminated subcontracts, or as to whom it has revoked such authority, pursuant to § 846.642–7 or § 846.643–2, during the month. [JTR 895.1]

§ 848.895–2 *Form.* No standard form is prescribed in either the War or Navy Departments. The report will be headed "Subcontract Settlement Delegations". In the War Department, the report will show Control Approval Symbol RCT–10. [JTR 895.2]

§ 848.895–3 *Contents.* The report will consist of a list, in alphabetical order, setting forth:

(a) The name and address of each war contractor to whom the service or the Navy Department has during the month, pursuant to § 846.642–2, delegated authority to make final settlement of terminated subcontracts, together with a statement as to whether (1) such delegations cover only specific contracts (enter contract numbers), under the service or the Navy Department, or cover all contracts (each type to be listed in separate groups), and (2) the service or the Navy Department made such delegation on its own authority, or in reliance on a prior delegation to another service or to the Navy Department, in which latter case the name of such other service or of the Navy Department shall be given.

(b) The name and address of each war contractor as to whom the service or the Navy Department has during the month, pursuant to § 846.642–7 or § 846.643–2, revoked authority to make final settlement of terminated subcontracts, together with the reasons for such revocation.

(c) The date each delegation was granted or revoked. [JTR 895.3]

§ 848.896 *Report on findings and appeals.* [JTR 896]

§ 848.896–1 *General description.* A separate report will be submitted for each dispute or which findings have been ordered pursuant to section 13 of the Contract Settlement Act (including disputes arising under section 17 of the Contract Settlement Act) regardless of whether a prime contractor or subcontractor is involved, or whether or not a termination is involved. Cases should be first reported in the month during which findings were ordered, and should be reported monthly through the month in which the findings are accepted, or other settlement is accomplished, or in which the contractor makes an external appeal. [JTR 896.1]

§ 848.896–2 *Form.* In the War and Navy Departments, this report will be submitted on Form OCS–R5, Budget Bureau No. 17–RO17. This form is available at the Readjustment Division, Headquarters, Army Service Forces, and at the Industrial Readjustment Branch, OP&M. [JTR 896.2]

§ 848.896–3 *Contents.* (a) The following information will be entered in the respective lines of the report form:

Line 1—*Type of dispute.* Enter a check mark under "a" if the dispute has arisen under Section 17 of the Act and under "b" if the dispute has arisen under other sections. If the dispute involves other sections as well as Section 17, check both "a" and "b".

Line 2—*Contract number.* The complete contract number.

Line 3—*Name of contractor.* The full name of the contractor holding the contract.

Line 4—*Business address of contractor.* The usual business address of the contractor. The location of the plant where the contract was being performed should also be shown under "a" if this location is different from the usual business address.

Line 5—*Item(s) cancelled.* The item, or type or class of items, being produced under the contract.

Line 6—*Effective date of termination.* The date specified in the notice of termination as the effective date.

Line 7—*Contract Price of Items Cancelled.* The dollar amount of the contract price of the terminated items. The original estimate should be entered under "a", while the latest estimate should be entered under "b".

Line 8—*Contractor's claim.* The dollar amount claimed by the contractor as representing his charges applicable to the portion of the contract not to be completed. The claim, as it stood at the date findings were ordered, should be entered under "a", and the latest claim should be entered under "b"

Line 9—*Date findings ordered.* The date on which the contracting agency determined to prepare written findings on an unsettled claim or the date of receipt by the contracting agency of the contractor's demand for such findings. The date should be entered under "a" if the findings were ordered at the request of the contractor, and under "b" if ordered through a determination of the contracting agency. A summary of the disagreement between the contractor and the contracting agency should be given under Line 13 (Remarks).

Line 10—*Findings.* The delivery of written findings. The date on which the original findings were mailed and the amount of the findings should be entered under "a", and the date and amount of any subsequent revision in the findings should be entered under "b". If more than one revision is made in the findings, the latest revision should be entered under "b", and interim revisions under Line 13 (Remarks). Modification in findings made during review by higher echelons within the procurement agency should be considered as a revision in the findings rather than an internal appeal.

Line 11—*Internal appeals.* Appeal by the contractor from the conclusions of the written findings, through the appeals machinery of the procurement agency. The date of such appeal should be entered under "a", the date of action on such appeal under "b", and the amount determined under "c". (See Line 10 for reporting revisions in findings arising during review by higher echelons within the procurement agencies.) Other pertinent results of internal appeals should be summarized under Line 13 (Remarks). Disputes submitted to arbitration or mediation under section 13 (e) or 13 (f) of the Contract Settlement Act will also be considered as internal appeals. The report prepared for the month in which the dispute is submitted to arbitration or mediation should show under Line 13 a statement to the effect that the case is being submitted to arbitration or mediation, the date on which the dispute was submitted to arbitration or mediation, the name and address of the arbitrator, and the nature of the dispute.

Line 12—*Acceptance of findings or other settlement.* Settlement of the claim at any stage short of external appeal. The date of such acceptance or other settlement should be entered under "a" and the amount of the settlement under "b". When settlement is accomplished by means of arbitration or mediation, a statement should be included under Line 13 giving a concise summary of the dispute.

Line 13—*Report on findings and appeals—Remarks.* Wherever Lines 9, 11 and 12 request that pertinent information or a concise summary be furnished as to the nature of the dispute, sufficient data should be included to indicate as precisely as practicable the character of the controversy and the points at issue, with particular emphasis on questions of law or policy. The purpose of this is to furnish information as to the kind and type of disputes which may be hampering settlements by negotiation.

(b) It should be noted that information for Lines 2 and 7 of this section may

not be available for cases arising under section 17 of the Contract Settlement Act. [JTR 896.3]

§ 848.897 *Report on plant clearance.* [JTR 897]

§ 848.897–1 *General description.* This report will summarize (a) clearance requests received during the month, (b) clearance requests completed during the month, (c) clearance requests pending at the end of the month, and (d) the period of time required to complete clearance under clearance requests or the period of time for which clearance has been pending under clearance requests. Clearance requests covering contractor inventory will be recorded separately from those covering Government-owned plant equipment. The plant clearance figures for the reports on consolidated terminations, and the reports on company-wide settlements shall be included. The reporting agency will be the service or bureau which has the disposal responsibility regardless of the original terminating agency. It should be noted that the plant clearance status of Government-owned plant equipment is to be reported only by the agency owning the equipment. [JTR 897.1]

§ 848.897–2 *Form.* (a) In the War Department, this report will be submitted on W. D., A. G. O. Form No. 294, Control Approval Symbol RCC 11. This form is available at AG Depots.

(b) In the Navy Department, this report will be submitted on Form No. OCS–R6, Budget Bureau No. 17–RO18. This form is available at the Property Disposal Branch, OP&M. [JTR 897.2]

§ 848.897–3 *Line entries and definitions.* (a) The following information will be entered in the respective lines of the War Department report form, subdivided as between clearance requests received from prime contractors and subcontractors, and as between contractor inventory and Government-owned plant equipment.

Line 1—*Number of Clearance Requests—Pending—1st of Month.* The number of clearance requests pending at the first of the month. This must agree with Line 7 on the preceding month's report.

Line 2—*Number of Clearance Requests—Received.* The number of clearance requests received during the month.

Line 3—*Number of Clearance Requests—Total Before Disposition.* Line 1 plus Line 2.

Line 4—*Number of Clearance Requests—Returned to Contractor.* The number of clearance requests returned to the contractor during the month.

Line 5—*Number of Clearance Requests—Completed.* The number of clearance requests which were completed.

Line 6—*Number of Clearance Requests—Total Disposition.* Line 4 plus Line 5.

Line 7—*Number of Clearance Requests—Pending—End of Month.* The number of clearance requests on hand at the end of the month which had not been completed. (Line 3 minus Line 6.)

Line 8—*Clearance Requests Completed—Within 40 Days.* The number of clearance requests completed during the month within 40 days after date of receipt.

Line 9—*Clearance Requests Completed—41 Through 60 Days.* The number of clearance requests completed during the month in 41 through 60 days after date of receipt.

Line 10—*Clearance Requests Completed—Over 60 Days—Within Waiver.* The number of clearance requests completed during the month which required more than 60 days to complete but which were completed within a period covered by a waiver.

Line 11—*Clearance Requests Completed—Over 60 Days—Beyond Waiver.* The number of clearance requests completed during the month which requires more than 60 days to complete, for which no waiver was obtained or which were completed beyond the period covered by a waiver.

Line 12—*Clearance Requests Completed—Total Completed.* The sum of Lines 8, 9, '0 and 11. This total must agree with Line 5.

Line 13—*Clearance Requests Pending—40 Days or Less.* The number of clearance requests pending at the end of the month which had been pending for 40 days or less after date of receipt.

Line 14—*Clearance Requests Pending—41 Through 60 days.* The number of clearance requests pending at the end of the month which had been pending for 41 through 60 days after date of receipt.

Line 15—*Clearance Requests Pending—Over 60 Days—Within Waiver.* The number of clearance requests pending at the end of the month which had been pending for more than 60 days, but within a period covered by a waiver.

Line 16—*Clearance Requests Pending—Over 60 Days—Beyond Waiver.* The number of clearance requests pending at the end of the month which had been pending for more than 60 days, and for which no waiver had been obtained or which were pending beyond the period covered by a waiver.

Line 17—*Clearance Requests Pending—Total Pending.* The sum of Lines 13, 14, 15 and 16. This total must agree with Line 7.

Line 18—*Residual Cost—60 Day Items—Within Waiver.* The approximate cost of items not yet removed included in clearance requests (Line 15) which had been pending for more than 60 days but not beyond the period covered by a waiver. For Government-owned plant equipment, the cost F. O. B. Manufacturer will be used for this purpose.

Line 19—*Residual Cost—60 Day Items—Beyond Waiver.* The approximate cost of inventory not yet removed included in clearance requests (Line 16) which had been pending for more than 60 days and for which no waiver was obtained, or which were pending beyond the period covered by a waiver. For Government-owned equipment, the F. O. B. cost will be used.

Line 20—*Residual Cost—Total 60 Day Residual Cost.* The sum of Lines 18 and 19. This represents the approximate cost of inventory not yet removed included in all clearance requests which had been pending over 60 days.

(b) In preparing the War Department report, the following definitions will apply.

(1) *Contractor inventory.* Termination inventory and property to which termination inventory procedures are applicable (§ 844.400–2) but excluding Government-owned plant equipment.

(2) *Government-owned plant equipment.* Government-owned machinery, tools, equipment and readily severable facilities to which plant clearance policies as to Government-owned facilities (§ 848.861–1) are applicable.

(3) *Clearance requests.* A listing by prime contractor or subcontractor of specific items of property to be removed from his plant unless otherwise disposed of. In the case of Government-owned plant equipment, this is the removal schedule. Purchase schedules will not be considered as clearance requests. Items submitted on purchase schedules which are disapproved by the contracting officer will be picked up when the removal schedule covering these items is presented.

(4) *Clearance request completed.* Removal from the plant of the contractor or subcontractor concerned of the last item of inventory included in a clearance request. For this purpose, removal is effected by physical removal by the Government (or issuance of shipping instructions), approval of retention of inventory by the contractor or subcontractor, approval of sale by a contractor or subcontractor to a third party, execution of a storage agreement between the Government and the contractor or subcontractor, or on the physical removal (after 60 days and after the expiration of the notice period) by the prime contractor or subcontractor to another location for storage at Government expense. In the cases where the contractor or subcontractor moves termination inventory to another location for storage at own expense, clearance is not achieved until one of the above defined actions is completed.

(5) *Waiver.* Execution of a written agreement between the prime contractor or subcontractor and the contracting officer to extend the 60 day clearance period.

(c) In preparing the Navy Department report, the line entries shall be made in accordance with the definitions and instructions that accompany Form OCS–R6. [JTR 897.3]

§ 848.897–4 *Supporting list.* In both the War and Navy Department, the plant clearance report will be supported by a list of clearance requests which, at the end of the month, had been pending for more than 60 days. As to each such request, the following information will be submitted:

(a) Name and address of contractor.

(b) Contract number if request is from a prime contractor.

(c) Name and address of prime contractor, and number of prime contract if request is from a subcontractor).

(d) Approximate cost of property not yet removed.

(e) Reason for delay.

(f) Action being taken to complete clearance.

(g) Expiration date of waiver, if waiver obtained. [JTR 897.4]

§ 848.898 *Report on consolidated termination and company-wide settlement programs.* [JTR 898]

§ 848.898–1 *General description.* (a) In the War Department this report will summarize Governmental action during the month as to terminated war contracts held by contractors assigned to a designated office under the consolidated termination program.

(b) In the Navy Department this report will summarize Governmental action during the month as to terminated war contracts held by contractors assigned to a designated office under the consolidated termination program, or to a designated officer for company-wide settlement. [JTR 898.1]

§ 848.898–2 *Form.* (a) In the War Department, this report will be submitted on W. D., A. G. O. Form No. 436, Control Approval Symbol RCC 18. Instructions for completing this form are set forth in ASF Circular No. 247, 1945, and Army Air Forces ATSC letter of March 28, 1945.

(b) In the Navy Department, present instructions apply. The instructions as to a progress report or property disposal are set forth in OP&M letter to NMR&DA dated February 19, 1945, the contents of which were forwarded to MRDO's by NMR&DA circular letter 47–45. Reports covering accounting reviews shall continue to be furnished by Cost Inspection Service. [JTR 898.2]

§ 848.899 *Report on company-wide settlement subcontractor analysis.* [JTR 899]

§ 848.899–1 *General description.* This analysis will summarize terminations of a company-wide settlement contractor arising from termination of subcontracts held by him with another war contractor. [JTR 899.1]

§ 848.899–2 *Form.* (a) In the War Department this analysis will be submitted on WD AGO Form R–5075, Reports Control Symbol RCC–24. In the case of the Army Service Forces, the analysis will be forwarded with the Summary of Monthly Contract Termination Status Reports, and in the case of the Army Air Forces will be forwarded with the Air Technical Service Command Monthly Contract Termination Status Report.

(b) In the Navy Department, the report will be submitted on Navexos Form No. 2204. [JTR 899.2]

§ 848.899–3 *Line entries.* The following information will be entered in the respective lines of WD AGO Form R–5075 and Navexos Form No. 2209:

SECTION I. Subcontractor terminations settled.

Line 1 *Settled without claim.* Enter the number of terminations settled without claim and the contract price of items canceled by these terminations.

Line 2 *Settled with claim, less than 4 months.* Enter the number, the contract price of items canceled, amount of claim, and amount of settlement for terminations settled within 4 months of the effective date of termination.

Line 3 *Settled with claim; 4 through 6 months.* Enter the number, contract price of items canceled, amount of claim, and amount of settlement for terminations settled in 4 through 6 months after the effective date of termination.

Line 4 *Settled with claim; 7 through 12 months.* Enter the number, contract price of items canceled, amount of claim, and amount of settlement for terminations settled in 7 through 12 months after the effective date of termination.

Line 5 *Settled with claim; over 12 months.* Enter the number, contract price of items canceled, amount of claim, and amount of settlement for terminations settled in more than 12 months after the effective date of termination.

Line 6 *Settled with claim; total.* Enter the sum of lines 2 through 5 of columns (b), (c), (d), and (e). The amounts in columns (b), (d), and (e) must agree with the summary figures in columns (11), (12), and (18) of WD AGO Form 505, Reports Control Symbol FDE–10, as provided in paragraph 892.6.

SEC. II. Subcontractor terminations in process of settlement; with claim.

Line 1 *In process with claim; less than 4 months.* Enter the number of terminations, the contract price of items canceled, the amount of claim, and the number and amount of partial payments for terminations which have been in process of settlement less than 4 months after the effective date of termination.

Line 2 *In process with claim; 4 through 6 months.* Enter the number of terminations, the contract price of items canceled, the amount of claim, and the number and amount of partial payments for terminations which have been in process of settlement 4 through 6 months after the effective date of termination.

Line 3 *In process with claim; 7 through 12 months.* Enter the number of terminations, the contract price of items canceled, the amount of claim, and the number and amount of partial payments for terminations which have been in process of settlement 7 through 12 months after the effective date of termination.

Line 4 *In process with claim; over 12 months.* Enter the number of terminations, the contract price of items canceled, the amount of claim, and the number and amount of partial payments for terminations which have been in process of settlement over 12 months after the effective date of termination.

Line 5 *In process with claim; total.* Enter the sum of lines 1 through 4 of columns (b), (c), (d), (e), and (f). The amounts in columns (b), (d), and (f) must agree with the summary figures in columns 11, 12, and 15, WD AGO Form 505, Reports Control Symbol FDE–10, as provided in paragraph 892.6.

SEC. III Subcontractor terminations in process of settlement; without claim.

Line 1 *In process without claim; less than 4 months.* Enter the number and contract price of items canceled and number and amount of partial payments for terminations in process less than 4 months after the effective date of termination for which no claim has been received.

Line 2 *In process without claim; 4 through 6 months.* Enter the number and contract price of items canceled and number and amount of partial payments for terminations in process 4 through 6 months after the effective date of termination for which no claim has been received.

Line 3 *In process without claim; 7 through 12 months.* Enter the number and contract price of items canceled and number and amount of partial payments for terminations in process 7 through 12 months after the effective date of termination for which no claim has been received.

Line 4 *In process without claim; over 12 months.* Enter the number and contract price of items canceled and number and amount of partial payments for terminations in process over 12 months after the effective date of termination for which no claim has been received.

Line 5 *In process without claim; total.* Enter the sum of line 1 through 4 of columns (b), (c), (d), and (e).

Remarks: The following will be entered in this section:

a. Amount allowed for property taken over by the Government. This will agree with column 21 of the Monthly Contract Termination Status Report, § 848.892–6 (b) (3) (i).

b. Number of Claims approved. This will agree with column 13 of the Monthly Contract Termination Status Report, § 848.892–6 (b) (3) (i).

c. Any other pertinent information pertaining to this report.

[JTR 899]

PART 849—FORMS AND INSTRUCTIONS

Sec.
849.900 Scope of part.

SUBPART C—TERMINATION ARTICLES AND RELATED FORMS

849.930 Scope.
849.931 Uniform termination article for fixed price supply prime contracts.
849.932 Uniform termination article for cost-plus-a-fixed-fee prime contracts.
849.933 War Department termination article for fixed-price construction prime contracts.
849.935 War Department termination articles for preliminary contractual instruments.
849.936 Approved termination article for fixed-price supply subcontracts.
849.937 Form of supplemental agreement to insert or amend termination article.
849.938 Termination article for fixed price supply prime contracts with War Supplies Limited.
849.939 Short-form termination article for certain fixed-price supply and construction contracts.

SUBPART D—FORMS RELATING TO TERMINATION NOTICE AND INSTRUCTIONS

849.940 Scope.
849.941 Forms of telegraphic termination notice to prime contractors.
849.942 Forms of letter termination notice to prime contractors.
849.943 Instructions to prime contractors on termination.
849.944 Forms of notice and instructions for subcontractors.

SUBPART E—FORMS RELATING TO INTERIM FINANCING

849.950 Scope.
849.951 Forms for 1944 V-Loan guarantee agreement and explanatory notes.
849.952 T-Loan forms.
849.953 Specimen forms of application for partial payment.
849.954 Form of supplemental agreement for controlled partial payments.
849.955 Form of Agreement for Subcontractors' Payment Fund.

SUBPART F—FORMS FOR SETTLEMENT PROPOSALS

849.960 Scope.
849.961 Specimen proposal on Short Form (Form 1a).
849.962 Specimen proposal on Form 1 with supporting schedules (Forms 2 and 3).
849.963 Specimen proposal on Form 1b (Total cost basis).
849.964 Instructions for use of standard proposal forms.
849.965 Settlement proposal for use on terminated cost and cost-plus-a-fixed-fee contracts.
849.966 Proposal for settlement of interest claims where interest on a V- or VT-loan has been waived.

SUBPART G—FORMS RELATING TO PROPERTY DISPOSITION

849.970 Scope.
849.971 Form of receipt for the removal of contractor inventory from contractors' plants.
849.972 Forms for standard storage agreements.
849.973 Certificate to be furnished by subcontractor regarding disposition of allocable termination inventory.
849.974 Forms relating to removal of plant equipment held under facilities contracts.

SUBPART H—FORMS RELATING TO SETTLEMENT

Sec.
849.980 Scope.
849.981 Settlement agreement for fixed-price prime contracts.
849.983 Settlement agreements for cost-plus-a-fixed-fee contracts.
849.984 Pretermination settlement agreement.
849.985 Form of notice to General Accounting Office of audit status date.
849.986 Forms relating to direct settlement on a company-wide basis.
849.987 Forms for settlements of subcontracts by war contractors.
849.988 Forms relating to direct settlement with subcontractors.
849.989 Settlements of contracts with War Supplies Limited.

§ 849.900 *Scope of part.* This part contains forms and instructions relating to termination for use in accordance with this subchapter. [JTR 900]

SUBPART C—TERMINATION ARTICLES AND RELATED FORMS [1]

§ 849.930 *Scope.* This subpart contains forms of approved termination articles for various types of prime contracts and certain related forms. It also contains the approved termination article for fixed-price subcontracts. [JTR 930]

§ 849.931 *Uniform termination article for fixed price supply prime contracts.*

ART. ___. *Termination at the Option of the Government.* (a) The performance of work under this contract may be terminated by the Government in accordance with this Article in whole, or from time to time in part, whenever the contracting officer shall determine any such termination is for the best interests of the Government. Termination of work hereunder shall be effected by delivery to the contractor of a Notice of Termination specifying the extent to which performance of work under the contract shall be terminated, and the date upon which such termination shall become effective. If termination of work under this contract is simultaneous with, a part of, or in connection with, a general termination (1) of all or substantially all of a group or class of contracts made by the War [Navy] Department for the same product or for closely related products, or (2) of war contracts at, about the time of, or following, the cessation of the present hostilities, or any major part thereof, such termination shall only be made in accordance with the provisions of this Article, unless the contracting officer finds that the contractor is then in gross or willful default under this contract.

(b) After receipt of a Notice of Termination and except as otherwise directed by the contracting officer, the contractor shall (1) terminate work under the contract on the date and to the extent specified in the Notice of Termination; (2) place no further orders or subcontracts for materials, services or facilities except as may be necessary for completion of such portions of the work under the contract as may not be terminated; (3) terminate all orders and subcontracts to the extent that they relate to the performance of any work terminated by the Notice of Termination; (4) assign to the Government, in the manner and to the extent directed by the contracting officer, all of the right, title and interest of the contractor under the orders or subcontract so terminated; (5) settle all claims arising out of such termination of orders and subcontracts with the approval or ratifications of the contracting officer to the extent that he may require, which approval or ratification shall be final for all the purposes of this Article; (6) transfer title and deliver to the Government in the manner, to the extent and at the times directed by the contracting officer (i) the fabricated or unfabricated parts, work in process, completed work, supplies and other material produced as a part of, or acquired in respect of the performance of, the work terminated in the Notice of Termination, and (ii) the plans, drawings, information and other property which, if the contract had been completed, would be required to be furnished to the Government; (7) use his best efforts to sell in the manner, to the extent, at the time, and at the price or prices directed or authorized by the contracting officer, any property of the types referred to in subdivision (6) of this paragraph: *Provided, however*, That the contractor (i) shall not be required to extend credit to any purchaser and (ii) may retain any such property at a price or prices approved by the contracting officer; (8) complete performance of such part of the work as shall not have been terminated by the Notice of Termination; and (9) take such action as may be necessary or as the contracting officer may direct for protection and preservation of the property, which is in the possession of the contractor and in which the Government has or may acquire an interest.

(c) The contractor and the contracting officer may agree upon the whole or any part of the amount or amounts to be paid to the contractor by reason of the total or partial termination of work pursuant to this Article, which amount or amounts may include a reasonable allowance for profit, and the Government shall pay the agreed amount or amounts. Nothing in paragraph (d) of this Article prescribing the amount to be paid to the contractor in the event of failure of the contractor and the contracting officer to agree upon the whole amount to be paid to the contractor by reason of the termination of work pursuant to this Article shall be deemed to limit, restrict or otherwise determine or affect the amount or amounts which may be agreed upon to be paid to the contractor pursuant to this paragraph (c).

(d) In the event of the failure of the contractor and contracting officer to agree as provided in paragraph (c) upon the whole amount to be paid to the contractor by reason of the termination of work pursuant to this Article, the Government, but without duplication of any amounts agreed upon in accordance with paragraph (c), shall pay to the contractor the following amounts:

(1) For completed article delivered to and accepted by the Government (or sold or retained as provided in paragraph (b) (7) above) and not theretofore paid for, forthwith a sum equivalent to the aggregate price for such articles computed in accordance with the price or prices specified in the contract;

(2) In respect of the contract work terminated as permitted by this Article, the total (without duplication of any items) of (i) the cost of such work exclusive of any cost attributable to articles paid or to be paid for under paragraph (d) (1) hereof; (ii) the cost of settling and paying claims arising out of the termination of work under subcontracts or orders as provided in paragraph (b) (5) above, exclusive of the amounts paid or payable on account of supplies or materials delivered or services furnished by the subcontractor prior to the effective date of the notice of termination of work under this contract which amounts shall be included in the cost on account of which payment is made under subdivision (i) above; and (iii) a sum equal to _____ % [1] of the part of the amount determined under subdivision (i) which represents the cost of articles or materials not processed by the contractor, plus a sum equal to _____ % [2] of the remainder of such amount, but the aggregate of such sums shall not exceed 6% of the whole of the amount determined under subdivision (i), which for the purpose of this subdivision (iii) shall exclude any charges for interest on borrowings;

(3) The reasonable cost of the preservation and protection of property incurred pursuant to paragraph (b) (9) hereof, and any other reasonable cost incidental to termination of work under this contract, including expense incidental to the determination of the amount due to the contractor as the result of the termination of work under this contract.

The total sum to be paid to the contractor under subdivisions (1) and (2) of this paragraph (d) shall not exceed the total contract price reduced by the amount of payments otherwise made and by the contract price of work not terminated. Except for normal spoilage and to the extent that the Government shall have otherwise expressly assumed the risk of loss, there shall be excluded from the amounts payable to the contractor as provided in paragraph (d) (1) and paragraph (d) (2) (i), all amounts allocable to or payable in respect of property, which is destroyed, lost, stolen or damaged so as to become undeliverable prior to the transfer of title to the Government or to a buyer pursuant to paragraph (b) (7) or prior to the 60th day after delivery to the Government of an inventory covering such property, whichever shall first occur.

(e) The obligation of the Government to make any payments under this article: (1) shall be subject to deductions in respect of (i) all unliquidated partial or progress payments, payments on account theretofore made to the contractor and unliquidated advance payments, (ii) any claim which the Government may have against the contractor in connection with this contract, and (iii) the price agreed upon or the proceeds of sale of any materials, supplies or other things retained by the contractor or sold, and not otherwise recovered by or credited to the Government, and (2) in the discretion of the contracting officer shall be subject to deduction in respect of the amount of any claim of any subcontractor or supplier whose subcontract or order shall have been terminated as provided in paragraph (b) (3) except to the extent that such claim covers (i) property or materials delivered to the contractor or (ii) services furnished to the contractor in connection with the production of completed articles under this contract.

(f) In the event that, prior to the determination of the final amount to be paid to the contractor as in this article provided, the contractor shall file with the contracting officer a request in writing that an equitable adjustment should be made in the price or prices specified in the contract for the work not terminated by the Notice of Termination, the appropriate fair and reasonable adjustment shall be made in such price or prices,

[1] Subparts A and B are reserved.

[1] [2] In the War Department the chief of each service may provide for determining the percentages to be inserted at Note 1 (which in no event will exceed 2%) and at Note 2 (which may be greater or less than or equal to 6%). The general use of 2% and 8%, respectively, as arbitrary figures is recommended in the interest of expediting the execution of contracts. Where the use of arbitrary figures is not desired for any reason, the methods to be used in arriving at the percentage to be inserted at Note 2 shall be the same as those now used in price analysis. When the intended rate of profit on the finished article covered by the contract is lower than 8%, the insertion of a lower figure at Note 2 will of course be desirable.

In the Navy Department the percentages to be inserted at Notes 1 and 2 are 2% and 8% without variation.

(g) The Government shall make partial payments and payments on account, from time to time, of the amount to which the contractor shall be entitled under this Article, whether determined by agreement or otherwise, whenever in the opinion of the contracting officer the aggregate of such payments shall be within the amount to which the contractor will be entitled hereunder.

(h) For the purposes of paragraphs (d) (2) and (d) (3) hereof, the amounts of the payments to be made by the Government to the contractor shall be determined in accordance with the Statement of Principles for Determination of Costs upon Termination of Government Fixed Price Supply Contracts approved by the Joint Contract Termination Board, December 31, 1943, as amended by Regulation No. 5 of the Office of Contract Settlement dated September 30, 1944.[1] The contractor for a period of three years after final settlement under the contract shall make available to the Government at all reasonable times at the office of the contractor all of its books, records, documents, and other evidence bearing on the costs and expenses of the contractor under the contract and in respect of the termination of work thereunder.

[JTR 931]

§ 849.932 *Uniform termination article for cost-plus-a-fixed-fee prime contracts.*

ARTICLE ___. *Termination by the Government.*

(a) *Notice of Termination of Contractor's Right to Proceed.* The performance of work under this contract may be terminated by the Government in whole, or from time to time in part, (1) whenever the contractor shall default in performance, or shall so fail to make progress in the prosecution of the work hereunder as to endanger performance (which shall be considered as a default for purposes of this contract) of this contract in accordance with its terms, and shall fail to cure such fault or failure within a period of ten days (or such longer period as the contracting officer may allow) after receipt from the contracting officer of a notice specifying the fault or failure, or (2) whenever for any reason the contracting officer shall determine any such termination is for the best interests of the Government. If termination of work under this contract is simultaneous with, a part of, or in connection with, a general termination (1) of all or substantially all of a group or class of contracts made by the _____ Department for the same product or for closely related products, or (2) of war contracts at, about the time of, or following, the cessation of the present hostilities, or any major part thereof, the termination shall not be for the default of the contractor, unless the contracting officer finds that the contractor is then in gross or willful default under this contract. Termination of work hereunder shall be effected by delivery to the contractor of a Notice of Termination specifying whether termination is for the default of the contractor or at the option of the Government, the extent to which performance of work under the contract shall be terminated, and the date upon which such termination shall become effective.

(b) *Certain obligations of the contractor.* After receipt of a Notice of Termination and except as otherwise directed by the contracting officer, the contractor shall (1) terminate work under the contract on the date and to the extent specified in the Notice of Termination; (2) place no further orders or subcontracts for materials, services or facilities except as may be necessary for completion of such portions of the work under the contract as may not be terminated; (3) terminate all orders and subcontracts to the extent that they relate to the performance of any work terminated by the Notice of Termination; (4) assign to the Government, in the manner and to the extent directed by the contracting officer, all of the right, title and interest of the contractor under the orders or subcontracts so terminated; (5) settle, with the approval or ratification of the contracting officer to the extent that he shall require such approval or ratification (which approval or ratification shall be final for all the purposes of this Article), all subcontracts (whether fixed-price or cost-plus-a-fixed-fee), obligations, commitments, liabilities and claims, the cost of which would be reimbursable in accordance with the provisions of this contract in whole or in part; (6) transfer title (to the extent that title has not already been transferred) and deliver to the Government in the manner, to the extent and at the times directed by the contracting officer (i) the fabricated or unfabricated parts, work in process, completed work, supplies and other material produced as a part of or acquired in respect of the performance of, the work terminated in the Notice of Termination, (ii) the plans, drawings, information and other property which, if the contract had been completed, would be required to be furnished to the Government, and (iii) the jigs, dies, fixtures, and other special tools and tooling acquired or manufactured for the performance of this contract for the cost of which the contractor has been or will be reimbursed under this contract; (7) use his best efforts to sell in the manner, to the extent, at the time, and at the price or prices directed or authorized by the contracting officer, any property (whether or not title thereto has been transferred to the Government for security or otherwise) of the types referred to in subdivision (6) of this paragraph: *Provided, however*, That the contractor (i) shall not be required to extend credit to any purchaser and (ii) may retain any such property at a price or prices approved by the contracting officer: *And Provided further*, That the proceeds of any such transfer or disposition shall be applied in reduction of any payments to be made by the Government to the contractor under this contract or shall otherwise be paid in such manner as the contracting officer may direct; (8) complete performance of such part of the work as shall not have been terminated by the Notice of Termination; and (9) take such action as may be necessary or as the contracting officer may direct for the protection and preservation of property which is in the possession of the contractor and in which the Government has or may acquire an interest. The contractor shall proceed immediately with the prosecution of the work required under this contract notwithstanding any delays in connection with the adjustment of the fixed fee in accordance with this Article.

(c) The contractor and the contracting officer may agree upon the whole or any part of the amount or amounts, including an amount with respect to the fixed fee payable under this contract, payable in connection with the contractor's claim under the contract in the event of the total or partial termination of work pursuant to this Article.

(d) In the event of the failure of the contractor and contracting officer to agree as provided in paragraph (c) upon the whole amount to be paid to the contractor in connection with the termination of work pursuant to this Article, the Government, but without duplication of any amounts agreed upon in accordance with paragraph (c), shall pay to the contractor the following amounts:

(1) All costs and expenses reimbursable in accordance with this contract, not previously paid to the contractor for the performance of this contract prior to the effective date of the Notice of Termination and such of these costs as may continue for a reasonable time thereafter with the approval of or as directed by the contracting officer (which approval shall not be unreasonably withheld): *Provided, however*, That the contractor shall proceed as rapidly as practicable to discontinue such costs.

(2) The cost (so far as not included in payments under subparagraph 1 above) of settling and paying claims either arising out of the termination of work under subcontracts or orders or with respect to any other obligations, commitments and liabilities the cost of which would be reimbursable in accordance with the provisions of this contract or arising in connection with the termination of this contract in whole or in part and properly chargeable to this contract: *Provided:*

(A) Any such claim has been settled by negotiation or otherwise and (1) the contracting officer has approved or authorized such settlement in writing or (2) such settlement of a fixed-price subcontract or order calls for payment of an amount not in excess of the amount which would be payable under paragraph (b) of the Approved Termination Provision for Use in Fixed Price Orders or Subcontracts for the Manufacture of Supplies under Government War Contracts, as amended by General Regulation No. 6 of the Director of Contract Settlement [§ 849.936]; or

(B) A final judgment has been rendered against the contractor by a court of competent jurisdiction determining the liability of the contractor with respect to any such claim, and the contractor has (1) given the contracting officer prompt notice of the initiation of the proceedings in which judgment was rendered and offered in writing to give the Government complete control of the defense of the proceedings, and (2) diligently defended the suit or, in the event that the Government has assumed control of the defense of the proceedings, rendered such reasonable assistance as has been requested by the Government: *And provided further*, That with respect to a judgment determining the liability of the contractor under any subcontract or order one of the following conditions is satisfied:

(i) The contracting officer has approved in writing such subcontract or order of the provisions of such subcontract or order dealing with the rights of the parties thereto upon its termination in whole or in part;

(ii) Such subcontract or order (if fixed price) provides in the event of termination thereof in whole or in part for payments to the subcontractor or supplier of an amount not in excess of the amount which would be payable under paragraph (b) of the Approved Termination Provision referred to in paragraph (d) (2) (A) above.[1]

(3) Any other reasonable cost, approved or ratified by the contracting officer (which approval or ratification shall not be unreasonably withheld), incidental to the termination of work under this contract, including legal, accounting, clerical and other costs and expenses (taking into account a reasonable allocation of executive, administrative, and office expenses of the contractor properly allocable to the termination of such work) incidental to:

(i) Termination of subcontracts or orders hereunder;

[1] See § 845.551.

[1] Where existing contracts are being amended to include this articles, the following subparagraph (iii) may be inserted following subparagraph (d) (2) (B) (ii):

"(iii) * * *; or

"(iii) such subcontract or order was entered into prior to the effective date of this amendment and contains no provision dealing with the rights of the parties in the event of its termination, or if it contains a termination provision, such provision does not unreasonably increase the common-law rights of the subcontractor, provided that in either case the approval by the contracting officer to such subcontract or order was not required by the terms of this contract."

(ii) Cessation of work in accordance with the Notice of Termination and the determination of the amounts due to subcontractors and other third parties;

(iii) Obtaining payment from the Government, but only to the extent reasonably necessary for the preparation and presentation of settlement proposals and cost evidence in connection therewith, provided that termination is not due to default of the contractor, and;

(iv) Protection, disposition, removal, storage, and transportation (including delivery costs into and out of storage resulting from directions of the contracting officer), pursuant to paragraphs (b) (7) and (b) (9) hereof, of property in which the Government has or may acquire an interest under this contract (including any Government furnished equipment).

(4) A portion of the fixed fee payable under the contract, determined as follows:

(i) In the event of the termination of this contract at the option of the Government and not for the default of the contractor, there shall be paid a percentage of the fee equivalent to the percentage of the completion of work contemplated by the contract, less fixed fee payments previously made hereunder;[2]

[(i) In the event of the termination of this contract at the option of the Government and not for the default of the contractor, there shall be paid a portion of the fee set forth in Article —, less fixed fee payments previously made hereunder, computed as follows:

(a) *For completed work.* That portion of the total fixed fee which the number of completed articles delivered to and accepted by the Government bears to the total number of completed articles called for under the contract; plus,

(b) *For work in process.* A sum equal to __% [here insert same percentage originally used in computing fixed fee] of the costs and expenses reimbursable in accordance with this contract for the performance of this contract prior to the effective date of the notice, including the amount or amounts due for supplies or materials delivered or services furnished by a subcontractor but exclusive of any cost attributable to completed articles delivered and accepted and the cost of articles not processed by the contractor.[3]]

[2] This form of subparagraph (d) (4) (i) is for War Department use.

Where the fee to be paid the contractor is based upon units of production, appropriate changes should be made in subparagraph (d) (4) (i) to provide for the payment of all fixed fees which have accrued at the effective date of the Notice of Termination, less fixed fee payments previously made.

Where existing contracts are being amended to include this Article, the following subparagraph may be inserted at the end of subparagraph (d) (4) (i):

"In addition to the payment of a fee based upon a percentage of the completion of the contract as above provided, the contracting officer in his discretion may allow to the contractor an additional amount (not in excess of the total fee payable under the contract less all amounts paid on account of the fixed fee) as compensation for the services performed by the contractor in connection with the termination of this contract at the option of the Government, including, without limitation, services rendered in connection with the disposition of property in which the Government has or may acquire an interest and the settlement of the liability of the contractor to subcontractors and third parties. In computing the amount of any such additional payment, the contracting officer shall take into account the efficiency and reasonable value of such services performed by the contractor."

[3] This form of subparagraph (d) (4) (i) is for Navy Department use.

(ii) In the event of the termination of this contract due to the fault of the contractor, the total fixed fee payable to the contractor under this contract shall be such proportionate part of the fee (or, if this contract calls for articles of different types such part of the fee which is reasonably allocable to the type of article under consideration) as the total number of articles delivered to and accepted by the Government bears to the total number of articles of a like kind called for by this contract.[4]

If the amount so determined is less than the total payment of fixed fee theretofore made to the contractor the contractor shall repay to the Government the excess amount thereof.

(c) *Amendment of contract to adjust fixed fee in event of partial termination.* In case only a part of this contract is terminated the fixed fee payable with respect to the work to be performed shall be equitably adjusted and such adjustment shall be reduced to writing as an amendment to this contract prior to final settlement hereunder.

(f) *Partial payments.* The Government shall make advance and partial payments and payments on account, from time to time, of the amounts to which the contractor shall be entitled under this Article, whether determined by agreement or otherwise, whenever in the opinion of the contracting officer the aggregate of such payments shall be within the amount to which the contractor will be entitled hereunder. Any such partial payment or payments in the discretion of the contracting officer, may be made to the contractor or directly to, or in escrow for, any subcontractor or third party.

(g) *Limitations on the liability of the Government.* The obligation of the Government to make any payments under this Article (1) shall be subject to deductions in respect of (i) all unliquidated partial or progress payments, payments on account theretofore made to the contractor and unliquidated advance payments, (ii) any claim which the Government may have against the contractor in connection with this contract, and (iii) the price agreed upon or the proceeds of sale of any materials, supplies or other things retained by the contractor or sold, and not otherwise recovered by or credited to the Government, and (2) in the discretion of the contracting officer, shall be subject to deductions in respect of any claim of any subcontractor or supplier whose subcontract or order shall have been terminated as provided in paragraph (b) (3) except to the extent that such claim covers (i) property or materials delivered to the contractor, or (ii) services furnished to the contractor in connection with the production of completed Articles under this contract.

(h) *Contractor's records.* Unless a longer period is otherwise provided for in this contract, or by applicable statute, the contractor for a period of five years after final settlement under the contract shall make available to the Government at all reasonable times at the office of the contractor all of its books, records, documents, and other evidence bearing on the costs and expenses of the contractor under the contract and in respect of the termination of work thereunder.

[JTR 932]

[4] In lieu of subparagraph (d) (4) (ii), the chief of a service or bureau may authorize the use of any other appropriate provision for revision or adjustment of the fixed-fee by reason of the default of the contractor. He may also authorize inclusion in this article or elsewhere in the contract appropriate provisions relating to excusable delay and the right of the Government to take over the property and plant in the event of default.

§ 849.933 *War Department termination article for fixed-price construction prime contracts.*

ARTICLE ... *Termination for convenience of the Government.*

(a) The Government may terminate this contract in whole or in part at any time by a notice in writing from the Contracting Officer to the Contractor, specifying the date upon which such termination shall become effective and the extent to which the performance of such contract shall be terminated. Termination shall be effective upon the date and to the extent specified in said notice.

(b) Upon receipt of the notice of termination the Contractor shall except insofar as the notice directs otherwise with respect to this contract, or, in the event of partial termination, with respect to the part thereof covered by the notice:

(1) Discontinue all work and the placing of all orders for materials and facilities otherwise required for the performance thereof;

(2) Cancel all existing orders and subcontracts to the extent such orders and subcontracts are chargeable to the performance thereof;

(3) Transfer to the Government, in accordance with the directions of the Contracting Officer, all materials, supplies, work in process, facilities, equipment, machinery or tools acquired by the Contractor in connection with the performance thereof, and all plans, drawings, working drawings, sketches, specifications and information for use in connection therewith. If and as the Contracting Officer so directs or authorizes, the Contractor shall sell at a price approved by the Contracting Officer, or retain at a price, mutually agreeable, any such materials, supplies, equipment, machinery, tools, or other things: *Provided, however,* That the Contractor may retain any such equipment, machinery and tools as of right if he so elects in writing, stating that he will forego reimbursement therefor. The proceeds of any such sale, or the agreed price, shall be paid or credited to the Government in such manner as the contracting officer may direct so as to reduce the amount payable by the Government under this Article.

(4) Take such action as may be necessary to secure to the Government the benefits of any rights remaining in the Contractor under orders or subcontracts chargeable thereto to the extent that such orders or subcontracts are so chargeable;

(5) Take such action as the Contracting Officer may prescribe for the protection and preservation of all property in the possession or control of the Contractor, title to which is transferable to the Government under the provisions of this article.

Should the notice of termination cover only a portion of this contract, the Contractor will proceed to completion of such portions as are not terminated.

(c) Upon compliance by the Contractor with the above provisions of this Article and subject to deductions or credit for payments previously made, and without duplication of any such payments, the Government shall pay to the Contractor such sum as the Contracting Officer and the Contractor may agree by Supplemental Agreement is reasonably necessary to compensate the Contractor for his costs, expenditures, liabilities, commitments and work with respect to this contract, other than the expenditures and costs referred to in paragraph (e) of this Article. The Contracting Officer shall include in such sum such allowance for profit with respect to the contract as is reasonable under all the circumstances.

(d) If the Contracting Officer and the Contractor, within 90 days from the effective date of the notice of termination referred to in paragraph (a), or within such extended period as may be agreed upon between them, cannot agree upon the sum payable under the provisions of paragraph (c), the Government shall instead compensate the Contractor in the following manner, subject to deductions or credit for payments previously made, and without duplication thereof, and upon compliance with the provisions of paragraphs (a) and (b) of this Article:

(1) By reimbursing the Contractor for all actual expenditures and costs certified by the Contracting Officer as having been made or incurred with respect to this contract, including expenditures and costs made or incurred in connection with any portions of the contract which may have been completed prior to termination, as well as expenditures and costs made or incurred after termination in completing those portions of the contract which the Contractor may have been required by the notice of termination to complete.

(2) By reimbursing or providing for the payment or reimbursement of, the Contractor for all expenditures made or costs incurred with the prior written approval of the Contracting Officer in settling or discharging any outstanding contractual obligations or commitments incurred or entered into by the Contractor with respect to this contract; and

(3) By paying the Contractor, as a profit on this contract, insofar as a profit is realized hereunder, an amount to be computed by the Contracting Officer in the following manner:

(A) Estimate the profit which would have been realized on this contract if the contract had been completed and labor and materials costs prevailing at the date of terminations had remained in effect.

(B) Estimate, from a consideration of all relevant factors, the percentage of completion of the contract including any work performed after termination. In estimating the percentage of completion, the Contracting Officer shall estimate the percentage of the total work required by the contract which the work actually accomplished represents.

(C) Multiply the profit determined under (A) by the percentage determined under (B). The product is the amount to be paid the Contractor as profit.

(e) The Government shall pay to the Contractor such sum as the Contracting Officer and the Contractor may agree upon for expenditures made and costs incurred with the approval of the Contracting Officer (a) after the date of termination for the protection of Government property, and (b) for such other expenditures and costs as may be necessary in connection with the settlement of this contract, and in the absence of such agreement as to the amount of such expenditures and costs shall reimburse the Contractor for the same.

(f) The obligation of the Government to make any of the payments required by this Article shall be subject to any unsettled claim for labor or material and to any claim which the Government may have against the Contractor under or in connection with this contract, and payments under this Article shall be subject to reasonable deductions by the Contracting Officer on account of defects in materials or workmanship.

(g) The sum of all amounts payable under this Article, plus the sum of all amounts previously paid under this contract, shall not exceed the total contract price, adjusted in the event that this contract contains an article providing for price adjustment, on the basis of the estimate of the Contracting Officer, to the extent which would have been required by such article if this contract had been completed and labor and materials costs prevailing at the date of termination had remained in effect.

(h) Should the above provisions of this Article not result in payment to the Contractor of at least $100, then that amount shall be paid to the Contractor in lieu of any and all payments hereinbefore provided for in this Article.

(i) The Government shall promptly make partial payments to the Contractor

(1) on account of the amounts due under paragraphs (c), (d) and (e) of this Article to the extent that, in the judgment of the Contracting Officer, such payments are clearly within the amounts due under such paragraphs, and

(2) of such amounts as the Contracting Officer may direct, an account of proposed settlements of outstanding obligations or commitments, to be made by the Contractor pursuant to paragraph (d) (2) of this Article, if such settlements shall have been approved by the Contracting Officer and subject to such provisions for escrow or direct payment to the persons entitled to receive such settlement payments as the Contracting Officer may require.

(j) Any disputes arising out of termination under this Article shall be decided in accordance with the procedure prescribed in Article * * * of this contract.

(k) Upon the making of the payments called for by this Article, all obligations of the Government to make further payments or to carry out other undertakings hereunder shall cease forthwith and forever, except that all rights and obligations of the respective parties under the Articles, if any, of this contract applicable to patent infringements and reproduction rights shall remain in full force and effect.

(l) The Government shall terminate this contract only in accordance with this Article, except as otherwise provided by law or by Article * * * (Delays-Damage). Notwithstanding Article * * * (Delays-Damages) and any defaults of the Contractor, the Government shall terminate this contract only in accordance with this Article if such termination is simultaneous with or part of or in connection with a general termination of war contracts at, about the time of, or following the cessation of the present hostilities or the end of the present war, unless the Contracting Officer finds that the defaults of the Contractor (1) have been gross or wilful and (2) have caused substantial damage to the Government.

[JTR 933]

§ 849.935 *War Department termination articles for preliminary contractual instruments.* [JTR 935]

§ 849.935–1 *Form of termination article for letter order for supplies (no price stated) or for letter order for fixed price or cost-plus-a-fixed-fee construction.*[1]

ARTICLE ... (a) In case a definitive contract is not executed by _____, 19__ (or any subsequent date at any time mutually agreed upon) because of the inability of the parties to agree upon a definitive contract, this order will terminate on the stated date or such subsequent date, as the case may be.

(b) The Government may at any time terminate this order in whole or in part for its convenience by giving you written notice of such termination.

(c) In the event of any termination pursuant to either paragraph 6 (a) or paragraph 6 (b) of this order, you and the Contracting Officer will attempt to agree by negotiation upon a settlement estimated by the parties to be the aggregate amount (less payments previously made to you) of the costs incurred by you in the performance of this order and the amounts paid or to be paid by you or for your account in settling, with the approval of the Contracting Officer, your obligations for commitments made in the performance of this order. In case of termination pursuant to paragraph 6 (b), such negotiated settlement may include a reasonable allowance for profit. Any such negotiated settlement shall be embodied in a Supplemental Agreement.

(d) If you and the Contracting Officer are not able to agree upon such a negotiated settlement within 90 days after the effective date of the termination (or within such longer period as at any time may be mutually agreed upon), the Government binds itself (without duplication of any of the following payments or of any payments previously made) to reimburse you for the costs incurred by you in the performance of this order and for any amounts paid by you or for your account in settling, with the approval of the Contracting Officer, your obligations for commitments made in the performance of this order. In lieu of reimbursing you for expenditures made by you in settling any of your obligations for commitments, the Government, in the discretion of the Contracting Officer, may assume such obligations or any of them. The total of such reimbursement (and of all payments previously made), together with the amount of any obligations assumed shall not exceed the amount above specified.

If such termination shall take place pursuant to paragraph 6 (a) of this order no allowance of profit will be made to you. If termination shall take place for the convenience of the Government pursuant to paragraph 6 (b) of this order, such allowance of *profit* [a fee] will be made to you with respect to the work done by you prior to the effective date of the termination as the Contracting Officer may find to be reasonable under all the circumstances, [but such fee shall in no event exceed _____ percent (__%) of so much of the estimated cost set forth in paragraph 1 as is allocable to such work].

(e) The Government may permit you to sell or retain at prices or on terms agreed to by the Government any equipment, completed supplies, materials or work in process and the proceeds of any such sale, or such agreed prices, shall be paid or credited to the Government in such manner as the Contracting Officer may direct.

(f) Upon payment or reimbursement to you pursuant to paragraph 6 (c) or 6 (d) of this order, title to all equipment, completed supplies, work in process, materials, plans, information, and other things, for which you are so paid or reimbursed (except such property as may be sold or retained by you as above provided) will vest in the Government (if title thereto has not already become vested in the Government). The Government will also become entitled to any rights under any commitment which it may assume, or for the settlement of which it shall have reimbursed you.

(g) Any dispute which arises under this paragraph 6 regarding a matter of fact (including any dispute (1) as to whether termination has in fact taken place for the convenience of the Government or because of the inability of the parties to agree upon a definitive contract, or (2) as to the extent of any allowance of a profit [or fee] in the event of a termination for the convenience of the Government) will be treated and resolved as a dispute under the "Disputes" article incorporated in this order by reference.[2]

[1] In using this form for cost-plus-a-fixed-fee construction letter orders, the words in italics should be omitted and the words in brackets should be included. In using the form for letter orders for supplies with no price stated or for fixed price construction, the words in italics should be included and the words in brackets should be omitted.

[2] Where the letter order is for an amount less than $20,000, the "Disputes" article will not have been incorporated by reference by virtue of paragraph 3 or 6 (g) of the letter order, since contracts in such amount are not required to contain that article. In that event the language of the letter order will be appropriately modified expressly to incorporate by reference either the "Disputes" article set forth in § 803.326 or that contained in General Provision 12 of W. D. Contract Form No. 18.

(h) Partial payments on account of any amount admittedly due to you pursuant to this paragraph 6 may be made by the Government at any time in the discretion of the Contracting Officer.

[JTR 935.1]

§ 849.935–2 *Form of termination article for letter order for supplies with price stated.*

ARTICLE ___. (a) [Same as § 849.935–1 (a)]
(b) [Same as § 849.935–1 (b)]
(c) In the event of any termination pursuant to either paragraph 6 (a) or paragraph 6 (b) of this order, you and the Contracting Officer will attempt to agree by negotiation upon a settlement estimated by the parties to be the aggregate amount (less payments previously made to you) of the unit price above specified for all completed supplies, the costs incurred by you with respect to the uncompleted portion of this order, and the amounts paid or to be paid by you or for your account in settling, with the approval of the Contracting Officer, your obligations for commitments made with respect to such uncompleted portion of this order. In case of termination pursuant to paragraph 6 (b), such negotiated settlement may include a reasonable allowance for profit. Any such negotiated settlement shall be embodied in a Supplemental Agreement.

(d) If you and the Contracting Officer are not able to agree upon such a negotiated settlement within 90 days after the effective date of the termination (or within such longer period as at any time may be mutually agreed upon), the Government binds itself (without duplication of any of the following payments or of payments previously made):

(1) To pay you the unit price above specified for all completed supplies;

(2) To reimburse you for the costs incurred by you with respect to the uncompleted portion of this order and for any amounts paid by you or for your account in settling, with the approval of the Contracting Officer, your obligations for commitments with respect to such uncompleted portion of this order. In lieu of reimbursing you for expenditures made by you in settling any of your obligations for commitments with respect to the uncompleted portion of this order, the Government, in the discretion of the Contracting Officer, may assume such obligations any of them.

If such termination shall take place pursuant to paragraph 6 (a) of this order no allowance of profit will be made to you (except as the payment of the unit price for completed supplies may include a profit). If termination shall take place for the convenience of the Government pursuant to paragraph 6 (b) of this order, such allowance of profit (in addition to any profit included in paying the unit price for completed supplies) will be made to you with respect to the work done by you on uncompleted supplies prior to the effective date of the termination as the Contracting Officer may find to be reasonable under all the circumstances.

(e) [Same as § 849.935–1 (e)]
(f) [Same as § 849.935–1 (f)]
(g) [Same as § 849.935–1 (g)]
(h) [Same as § 849.935–1 (h)]

[JTR 935.2]

§ 849.936 *Approved termination article for fixed-price supply subcontracts.*

ARTICLE ___. (a) The buyer may terminate work under this order in whole or in part at any time by written or telegraphic notice, whenever (1) the Government requests the termination of this order or (2) a contract between the buyer and a third person, including the Government, requiring for its performance articles or services of the kind or type covered by this order is terminated, in whole or in part, or amended, so as to eliminate or reduce such requirements. Such notice shall state the extent and effective date of such termination; and, upon the receipt thereof, the seller will, as and to the extent directed by the buyer, stop work under this order and the placement of further orders or subcontracts hereunder, terminate work under orders and subcontracts outstanding hereunder, and take any necessary action to protect property in the seller's possession in which the buyer has or may acquire an interest.

(b) If the parties cannot by negotiation agree within a reasonable time upon the amount of fair compensation to the seller for such termination, the buyer in addition to making prompt payment of amounts due for articles delivered or services rendered prior to the effective date of termination, will pay to the seller the following amounts without duplication:

(1) The contract price for all articles or services which have been completed in accordance with this order and not previously paid for.

(2) (i) The actual costs incurred by the seller which are properly allocable or apportionable under recognized commercial accounting practices to the terminated portion of this order, including the cost of discharging liabilities which are so allocable or apportionable, and (ii) a sum equal to 2% of the part of such costs representing the costs of articles or materials not processed by the seller, plus a sum equal to 8% of the remainder of such costs, but the aggregate of such sums shall not exceed 6% of the whole of such costs. For the purpose of subdivision (ii) such costs shall exclude any charge for interest on borrowings and shall exclude the cost of discharging liabilities for parts, materials and services not received by the seller before the effective date of termination.

(3) The reasonable costs of the seller in making settlement hereunder and in protecting property in which the buyer has or may acquire an interest.

Payments made under this paragraph (b), exclusive of payments under subparagraph (3), shall not exceed the aggregate price specified in the order, less payments otherwise made or to be made.

(c) With the consent of the buyer, the seller may retain at an agreed price or sell at an approved price any completed articles, or any articles, materials, work in process or other things the cost of which is allocable or apportionable to this order under paragraph (b) (2) above, and will credit or pay the amounts so agreed or received as the buyer directs. As directed by the buyer, the seller will transfer title to, and make delivery of, any such articles, materials, work in process or other things not so retained or sold. Appropriate adjustment will be made for delivery costs or savings therein.

(d) The provisions of this Article ___ shall not limit or affect the right of the buyer to terminate this order for the default of the seller.

[JTR 936]

§ 849.937 *Form of supplemental agreement to insert or amend termination article.*

This supplemental agreement entered into this _____ day of _____, 194__, by the United States of America, hereinafter called "the Government" represented by _____ (Authorized officer) _____ executing this contract and _____ hereinafter called "the Contractor",

Witnesseth that:

Whereas, the Contractor and the Government have entered into Contract No. _____ under date of _____, 194__, [together with certain amendments and supplements thereto]; and

Whereas, it is desirable to amend said contract so that termination thereof for the convenience of the Government and a settlement of the rights of the parties by reason of any such termination may be effected expeditiously, without undue expense, and with a minimum of administrative delay and inconvenience, and

Whereas, this Supplemental Agreement is entered into pursuant to authority contained in the Contract Settlement Act of 1944,

Now, therefore, the parties do agree to amend the aforesaid contract and the same is hereby amended by

(Here make such change in the contract as may be necessary to insert the appropriate approved article for termination at the convenience of the Government.)

[JTR 937]

§ 849.938 *Termination article for fixed-price supply prime contracts with war supplies limited.*

ARTICLE ___. *Termination at the option of the Government.* (a) The performance of work under this contract may be terminated by the Government in whole, or from time to time in part, whenever the Contracting Officer shall determine that any such termination is for the best interests of the Government. Termination hereunder shall be effected by delivery to the Contractor of a Notice of Termination specifying the extent to which performance of work under the contract shall be terminated, and the date upon which such termination shall become effective.

(b) After receipt of a Notice of Termination, and except as otherwise directed by the Contracting Officer, the Contractor shall (1) terminate work under the contract on the date and to the extent specified in the Notice of Termination; (2) place no further orders or subcontracts for materials, services or facilities except as may be necessary for completion of such portions of the work under the contract as may not be terminated; (3) terminate all orders and subcontracts to the extent that they relate to the performance of any work terminated by the Notice of Termination; (4) settle all claims arising out of such termination of orders and subcontracts to the extent provided in and in accordance with the principles and procedures agreed upon between the War and Navy Departments and the Contractor by letter dated January 8, 1945, as the same may from time to time be amended; (5) assign to the Government in the manner and to the extent directed by the Contracting Officer, all of the right, title and interest of the Contractor under any of the orders or subcontracts so terminated with respect to which it may have been determined that the termination claims thereunder will be settled and paid by the Government; (6) deliver to the Government any plans, drawings, information and other property which, if the contract had been completed, would be required to be furnished to the Government; and (7) complete performance of such part of the work as shall not have been terminated by the Notice of Termination.

(c) The amount or amounts to be paid to the Contractor by reason of the total or partial termination of work under this contract shall be determined in accordance with the principles laid down in the agreement dated January 8, 1945, as the same may be from time to time amended, between the War and Navy Departments and the Contractor relating to the settlement of termination claims under contracts between the War or Navy Departments and the Contractor, or under orders or subcontracts relating to the performance of any such contracts, and the Government shall pay to the Contractor the amount or amounts so determined.

(d) The Government shall make partial payments and payments on account, from time to time, of the amounts to which the Contractor shall be entitled under this Article, whenever in the opinion of the Contracting Officer the aggregate of such payments shall be within the amount to which the Contractor will be entitled hereunder.

(e) The obligation of the Government to make any payments under this Article shall be subject to deductions in respect of any claim which the Government may have against the Contractor in connection with this contract.

[JTR 938]

§ 849.939 *Short-form termination article for certain fixed-price supply and construction contracts.* The following short form of termination article may be used in accordance with § 842.212–2.

ARTICLE _____ *Termination at the option of the Government.* The performance of work under this contract may be terminated by the Government whenever the Contracting Officer shall determine that such action is for the best interests of the Government. If this contract is so terminated, fair compensation, within the meaning of the Contract Settlement Act of 1944 (Public No. 395, 78th Cong.), as the same may from time to time be amended, will be provided for the contractor.

[JTR 939]

SUBPART D—FORMS RELATING TO TERMINATION NOTICE AND INSTRUCTIONS

§ 849.940 *Scope.* This subpart contains forms for telegraphic and letter notice of termination, and instructions to prime contractors on termination. It also recommends forms of such notice and instructions to subcontractors.

§ 849.941 *Forms of telegraphic termination notice to prime contractors.* [JTR 941]

§ 849.941–1 *Telegraphic notice to fixed-price prime contractors.* The following form of notice will be used in accordance with § 842.243.

NYZ CORPORATION
New York, New York

Your contract No._____ is hereby terminated effective [Here insert "Immediately" or "On_____ 194__" (inserting the date), or "As soon as you have delivered thereunder including previous deliveries the following items" (listing items), or "On _____ 194__, on which date you will reduce delivery rate as follows" (inserting instructions as to reduced rate of delivery).] Immediately stop all work. Terminate subcontracts and place no further orders except to extent [Here insert, if applicable, "Necessary to perform any portion thereof not terminated hereby or"] that you or a subcontractor wish to retain and continue for own account any work in process or other materials. Telegraph similar instructions to all subcontractors and suppliers. If this termination will result in release of labor, facilities, or production tools, you are requested to notify contracting officer named below [In the case of the Navy, substitute "Your cognizant inspector"] immediately and cooperate with him in arranging meeting with WPB and WMC. Letter and instructions follow.

Captain JOHN DOE,
Contracting Officer.

[JTR 941.1]

§ 849.942 *Forms of letter termination notice to prime contractors.* [JTR 942]

§ 849.942–1 *Letter termination notice to prime contractors under fixed-price (lump sum) supply or construction contracts.* The following form of termination notice will be used in accordance with §§ 842.243 to 842.245, inclusive.

LETTER TERMINATION NOTICE TO PRIME CONTRACTORS UNDER TERMINATED FIXED-PRICE (LUMP SUM) SUPPLY OR CONSTRUCTION CONTRACTS

[At the top of the Notice set out all special details relating to the particular termination: e. g., name and address of company, number of prime contract terminated, service or bureau involved, appropriation or allotment, etc.

Two alternative forms of paragraph No. 1 are set out below. If this written termination notice confirms a telegraphic notice previously sent, use the first of the alternative paragraphs No. 1 below. If no previous telegraphic notice has been sent, use the second.]

1. *Effective date of termination.* This letter will confirm the Government's telegram to you dated _____, 194__, terminating [in part] your Contract No. _____ (hereinafter sometimes referred to as "the Contract") for the convenience of the Government. Such termination is effective on the date and in the manner stated in such telegram, reference to which is hereby made [or copy of which is attached hereto.] (*or*)

1. *Effective date of termination.* You are notified that your Contract No. _____ (hereinafter sometimes referred to as "the Contract") is hereby terminated [in part] for the convenience of the Government. Such termination will be effective:

[Here insert either "immediately upon your receipt of this Notice" *or* "on_____, 194__" (inserting the date), *or* "as soon as you have delivered under the Contract the following number of each of the items listed below, including those heretofore delivered, to wit: _____" *or* "on _____, 194__, on which date you are hereby directed to reduce the rate of delivery under the Contract as follows:" (here insert instructions as to reduced rate of delivery).][1] If this termination will result in a release of labor, facilities, or production tools, you are requested to notify the Contracting Officer named below [In the case of the Navy, substitute "your cognizant inspector"] immediately and coperate with him in arranging a meeting with representatives of the War Production Board and the War Manpower Commission.

2. *Enclosed instructions.* Enclosed herewith is a statement entitled "Instructions to Prime Contractors under Terminated Fixed-Price (lump sum) Supply or Construction Contracts", which outlines certain of your principal rights and obligations. Prompt settlement of your claim depends in large measure on your thorough cooperation in following the procedure outlined in these Instructions. Your attention is called particularly to section 2 of such Instructions which sets forth your duties in regard to stopping work and giving notice to your subcontractors.

3. *Disposal of termination inventory.* (a) You are authorized and urged to retain or dispose of all termination inventory in accordance with section 4 of the Instructions, except for the following property:

[Here list all property which the Government wishes to take over, or desires to have used for a particular purpose, and give full instructions relating thereto. Also set forth any special instructions for disposal or protection of property.]

(b) In connection with final settlement of your claim (other than a "no-cost" settlement, see paragraph 6 below), it will be necessary to establish that all your termination inventory and that of your subcontractors has been properly accounted for, as provided in the Joint Termination Regulation of the War and Navy Departments, § 844.446–1. You should, therefore, advise each of your immediate subcontractors that, in connection with his settlement with you (other than a "no-cost" settlement, see paragraph 5 below, or a settlement based on a properly submitted Standard Form 1a of the Office of Contract Settlement) he should furnish you a certificate in substantially the form prescribed in the Joint Termination Regulation, § 849.973.

4. *Completed articles.* Acceptable completed articles which have been shipped prior to the effective date of termination, and such other completed articles as are accepted and delivered after the effective date of termination in accordance with directions of the Contracting Officer, will be treated for all purposes as articles delivered under the contract. The termination notice will be appropriately amended, whenever necessary, to reinstate such completed articles in the unterminated portion of the contract. You will, therefore, invoice such completed articles under the contract in the usual way and not include them in your termination inventory. All other completed articles will be included in your termination inventory. You will be advised by the service or bureau (in the Navy by your cognizant Navy material inspector) as to what completed articles, if any, will be accepted for delivery under the contract.

5. *Settlements with subcontractors.* (a) Your rights and duties in settling the claims of your immediate subcontractors are outlined in Section 6 of the Instructions.

[Add the following two sentences where appropriate.]

There is enclosed herewith an authorization to you to settle claims of your immediate subcontractors of $10,000 or less and to make partial payments. Its use will facilitate settlements.

(b) In order to speed up final settlements with your fixed-price subcontractors, you should send to each either with, or as soon as possible after, the notice of termination—(1) a set of the Standard Forms of the Office of Contract Settlement for use by all fixed-price war supply contractors in submitting settlement proposals and (2) a copy of a "No-Cost" Subcontract Settlement Agreement for use by a subcontractor who wishes to waive any termination claim against you (Joint Termination Regulation, § 849.987–2). If you do not already have copies of these documents, they will, upon request, be promptly furnished you by the Contracting Officer named below [or appropriate Navy material inspector]. In no event should the sending of the notice of termination be delayed.

6. *Submission of settlement proposal.* (a) The Government desires to settle your termination claim by negotiation and on such terms as will speedily and fairly compensate you therefor. To assist you in prompt submission of your settlement proposal, there is enclosed one set of the Standard Forms of the Office of Contract Settlement.

[Include the following subparagraph (b) unless it appears clearly inappropriate in view of the size of the prime contract terminated or for other obvious reasons known to the Contracting Officer. If this subparagraph is included, there should be enclosed three copies of the "No-Cost" Prime Contract Settlement Agreement referred to therein.]

(b) If you wish to waive any termination claim against the Government, please sign

[1] The language within the brackets is designed principally for supply contracts. In the case of construction contracts, the following alternative language is recommended: [Here insert either "immediately upon your receipt of this Notice" or "on_____, 194__" (inserting the date), or "as soon as you have completed the following work:" (here state the work to be completed.)]

and return all three copies of the enclosed "No-Cost" Prime Contract Settlement Agreement (Joint Termination Regulation, § 849.981–3). One copy signed by the Contracting Officer will be returned for your files.

[Include the following paragraph 7 in the case of terminated prime contracts containing a patent provision requiring the contractor to make a disclosure of, and to deliver to the Government instruments of license or assignment respecting, all inventions, discoveries and patent applications made by the contractor in performing the contract.]

7. *Patents.* Your attention is also called to the provisions of the Contract requiring you to make a disclosure of, and to deliver to the Government instruments of license or assignment respecting, all inventions, discoveries and patent applications made by you in the performance of the Contract. You are urged to forward such disclosures and instruments of license or assignment to the Contracting Officer promptly, inasmuch as these contractual obligations should be complied with before execution of the final settlement agreement.

8. The office named below will be in charge of the settlement of your claim. As to any matters not covered by this Notice or by the Instructions, you should consult the Office named below [or the appropriate Navy material inspector].

9. Please acknowledge receipt of this Notice and indicate intent to file or not to file a claim, as shown below.

Enclosures:

Contracting Officer

Name of Office

Address

Acknowledgment of notice and intent to file or not to file a claim

The undersigned hereby acknowleges receipt of a signed copy of the foregoing Notice ---------- 194--, and [strike out whichever is inapplicable] { intends / does not intend } to file a termination claim. Two copies of this Notice, both signed, are herewith returned.

Name of Contractor

By ----------

Title

[JTR 942.1]

§ 849.942–2 *Letter termination notice to prime contractors under cost-plus-a-fixed-fee supply contracts.* The following form of termination notice will be used in accordance with §§ 842.243 to 842.245, inclusive. With appropriate changes, this form may be used for construction contracts.

LETTER TERMINATION NOTICE TO PRIME CONTRACTORS UNDER COST-PLUS-A-FIXED-FEE SUPPLY CONTRACTS

[At the top of the Notice set out all special details relating to the particular termination: e. g., name and address of company, number of prime contract terminated, service or bureau involved, appropriation or allotment, etc.

Two alternative forms of paragraph No. 1 are set out below. If this written termination notice confirms a telegraphic notice previously sent, use the first of the alternative paragraphs No. 1 below. If no previous telegraphic notice has been sent, use the second.]

1. *Effective date of termination.* This letter will confirm the Government's telegram to you dated ----------, 194--, terminating [in part] your Contract No. ------ (hereinafter sometimes referred to as "the Contract") for the convenience of the Government. Such termination is effective on the date and in the manner stated in such telegram, reference to which is hereby made [or copy of which is attached hereto.] (*or*)

1. *Effective date of termination.* You are notified that your Contract No. ---------- (hereinafter sometimes referred to as "the Contract") is hereby terminated [in part] for the convenience of the Government. Such termination will be effective:

[Here insert either "immediately upon your receipt of this Notice" or "on----------, 194--" (inserting the date), or "as soon as you have delivered under the Contract the following number of each of the items listed below, including those heretofore delivered, to wit: ----------" or "on ----------, 194--, on which date you are hereby directed to reduce the rate of delivery under the Contract as follows:" (here insert instructions as to reduced rate of delivery).] If this termination will result in a release of labor, facilities, or production tools, you are requested to notify the Contracting Officer named below immediately and cooperate with him in arranging a meeting with representatives of the War Production Board and the War Manpower Commission.

2. *Enclosed instructions.* Enclosed herewith is a statement entitled "Instructions to Prime Contractors under Terminated Cost-Plus-a-Fixed-Fee Supply Contracts", which outlines certain of your principal rights and obligations. Prompt settlement of your claim depends in large measure on your thorough cooperation in following the procedure outlined in these Instructions. Your attention is called particularly to section 2 of such Instructions which sets forth your duties in regard to stopping work and giving notice to your subcontractors.

3. *Disposal of termination inventory.* (a) You are authorized and urged to retain or dispose of all termination inventory in accordance with section 4 of the Instructions, except for the following property:

[Here list all property which the Government wishes to take over, or desires to have used for a particular purpose, and give full instructions relating thereto. Also set forth any special instructions for disposal or protection of property.]

(b) In connection with final settlement of your claim, it will be necessary to establish that all your termination inventory and that of your subcontractors has been properly accounted for, as provided in the Joint Termination Regulation of the War and Navy Departments, § 844.446–1. You should, therefore, advise each of your immediate subcontractors that, in connection with his settlement with you (other than a "no-cost" settlement, see paragraph 4 below, or a settlement based on a properly submitted Standard Form 1a of the Office of Contract Settlement) he should furnish you a certificate in substantially the form prescribed in the Joint Termination Regulation, § 849.973.

4. *Settlements with subcontractors.* (a) Your rights and duties in settling the claims of your immediate subcontractors are outlined in section 6 of the Instructions.

[Add the following two sentences where appropriate.]

There is enclosed herewith an authorization to you to settle claims of your immediate subcontractors of $10,000 or less and to make partial payments. Its use will facilitate settlements.

(b) In order to speed up final settlements with your fixed-price subcontractors, you should send to each—either with, or as soon as possible after the notice of termination—(1) a set of the Standard Forms of the Office of Contract Settlement for use by all fixed-price war supply contractors in submitting settlement proposals and (2) a copy of a "No-Cost" Subcontract Settlement Agreement for use by a subcontractor who wishes to waive any termination claim against you (Joint Termination Regulation, § 849.987–2). If you do not already have copies of these documents, they will, upon request, be promptly furnished you by the Contracting Officer named below [or appropriate Navy material inspector]. In no event should the sending of the notice of termination be delayed.

[Include the following paragraph 5 in the case of terminated prime contracts containing a patent provision requiring the contractor to make a disclosure of, and to deliver to the Government instruments of license or assignment respecting, all inventions, discoveries and patent applications made by the contractor in performing the contract.]

5. *Patents.* Your attention is also called to the provisions of the Contract requiring you to make a disclosure of, and to deliver to the Government instruments of license or assignment respecting, all inventions, discoveries and patent applications made by you in the performance of the Contract. You are urged to forward such disclosures and instruments of license or assignment to the Contracting Office promptly, inasmuch as these contractual obligations should be complied with before execution of the final settlement agreement.

6. The office named below will be in charge of the settlement of your claim. As to any matters not covered by this Notice or by the Instructions, you should consult the Office named below [or the appropriate Navy material inspector].

7. Please acknowledge receipt of this Notice as indicated below.

Enclosures:

Contracting Officer

Name of Office

Address

Acknowledgment of notice

The undersigned hereby acknowledges receipt of a signed copy of the foregoing Notice ----------, 194----. Two copies of this Notice, both signed, are herewith returned.

Name of Contractor

By----------

Title

[JTR 942.2]

§ 849.943 *Instructions to prime contractors on termination.* [JTR 943]

§ 849.943–1 *Instructions to prime contractors under terminated fixed-price (lump sum) supply or construction contracts.*

INSTRUCTIONS TO PRIME CONTRACTORS UNDER TERMINATED FIXED-PRICE (LUMP SUM) SUPPLY OR CONSTRUCTION CONTRACTS

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1. Introductory.
2. Termination procedure policy.
3. Effective date of termination and date fixed for termination.
4. Incorporation of uniform termination article for fixed-price supply contracts.
5. Necessity for prompt action.
6. Confirmation of oral approval.
7. Application of these instructions.

SECTION 2—ACTION TO BE TAKEN UPON RECEIPT OF NOTICE OF TERMINATION

8. Cessation of work and notification to your immediate subcontractors in compliance with the Notice of Termination.
(a) Discontinuance of work.
(b) Notice to subcontractors.
(c) Form of notice and instructions to subcontractors.
(d) Completed articles.
(e) Pending legal proceedings.
(f) Other action.

9. Initial conference with representatives of contracting officer.
10. Notice to workers and cooperation with War Manpower Commission.

SECTION 3—PREPARATION OF SETTLEMENT PROPOSAL

11. Submission of proposal and supporting papers.
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12. Contract obligations of contractors with respect to disposal of inventory.
13 Preparation of inventory schedules.
(a) Supply contracts.
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14. Methods of disposing of termination inventory.
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19. Review of settlement proposals of subcontractors.
(a) Extent of review.
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20. Settlement of immediate subcontractors' claims.
(a) Settlements under $1,000.
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21. Retention, sale or other disposal of inventories by subcontractors.
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(b) Claims under $10,000.
(c) Completed articles and material treated as termination inventory; abandonment of worthless property.

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22 Partial payments.
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28. Contracting officer.
29. Delay in filing claim; improper filing.
30. Modifications of instructions.

SECTION 1—INTRODUCTION

1. *Introductory.* These Instructions summarize your principal rights and obligations arising out of the termination of your Contract. They are based upon the Contract Settlement Act of 1944, the Surplus Property Act of 1944 and Government regulations issued under these acts. Please read and follow them carefully. For more complete details on matters covered by these Instructions and for information on matters not covered by these Instructions, you should consult the Joint Termination Regulation, issued by the War and Navy Departments.

2. *Termination procedure policy.* It is the policy of the Government, wherever possible, to settle termination claims by negotiation. Negotiated settlements must, however, be supported by adequate data, and the prompt submission of properly supported settlement proposals will facilitate speedy and equitable final settlements.

3. *Effective date of termination and date fixed for termination.* The terms "effective date of termination" and "date fixed for termination" mean the date upon which your notice of termination first requires you (1) to reduce or stop deliveries under your Contract, or, (2) if no deliveries are being made or are called for under the Contract, to reduce or stop performance under the Contract. Payment of interest, if any, on your termination claim will be calculated by reference to this date.

4. *Incorporation of uniform termination article for fixed-price supply contracts.*[1] If your terminated Contract does not contain the Government's uniform termination article for fixed-price supply contracts, it is requested that if practicable you promptly notify the Contracting Officer named in your notice of termination in order to arrange at once for amending the Contract to include it. This article embodies Government policy on terminations for convenience, and unless the special circumstances of your case make its use unnecessary, amendment of your Contract to include it will greatly facilitate a fair and speedy settlement. Such amendment may be made now, even though your Contract has been terminated.

5. *Necessity for prompt action.* One of the primary objectives of the Contract Settlement Act of 1944 is "to assure to prime contractors and subcontractors, small and large, speedy and equitable final settlement of claims under terminated war contracts, and adequate interim financing until such final settlement." In large measure the speed with which the Government can settle your claim depends upon your vigorous cooperation in taking quickly all necessary steps to submit it in proper form.

6. *Confirmation of oral approval.* Whenever in these instructions, or in the termination article which forms a part of your Contract, the approval of the Government is required as to any action to be taken by you, you should, for your records, require written confirmation of any such approval which has been given orally.

7. *Application of these instructions.* In general, these Instructions apply to subcontractors as well as prime contractors, except that the subcontractor stands in the same relationship to the contractor to or for whom he is delivering materials or performing services as that in which the prime contractor stands to the Government. To assist in effecting termination settlements, the War and Navy Departments have prepared the Joint Termination Regulation referred to above, which may be obtained by war contractors free of charge from the Readjustment Distribution Center, 6th Floor, 90 Church Street, New York City.

[1] This paragraph will not apply in the case of construction contracts.

SECTION 2—ACTION TO BE TAKEN UPON RECEIPT OF NOTICE OF TERMINATION

8. *Cessation of work and notification to your immediate subcontractors in compliance with the Notice of Termination.* In order to comply with your Notice of Termination, and to stop performance in compliance with its terms, you should take the following steps:

(a) *Discontinuance of work.* You should stop all work, make no further shipments, and place no further orders in connection with the Contract, except (1) to the extent necessary to perform any portion thereof not terminated by the Notice, or (2) to the extent that you may wish to retain and continue any work in process or other materials for your own account, or (3) to the extent the Contracting Officer authorizes you to continue work-in-process for reasons of safety, or to clear (or avoid damage to) equipment or to avoid immediate complete spoilage of work-in-process having a definite commercial value, or otherwise to prevent undue loss to the Government. (If you believe the authorization referred to in subparagraph (3) above is necessary or advisable, you should immediately notify the Contracting Officer by telephone or personal conference and obtain instructions.) You should keep adequate records of your compliance with this paragraph 8 (a) showing (i) the date you received your Notice of Termination, (ii) the effective date of such termination and (iii) the extent of completion of performance on such effective date.

(b) *Notice to subcontractors.* You should give notice of termination to each of your immediate subcontractors (including suppliers) who will be affected by the termination of your Contract. In such notice (see the form referred to in (c) below) you should (1) give him the number of your Contract with the Government, (2) state that it has been terminated (or terminated in part, if that is the case) for the convenience of the Government, (3) give him the name and address of the Contracting Officer in charge of your claim, (4) instruct him to stop all work, to make no further shipments, to place no more orders, and to terminate all subcontracts under his contract with you (subject to the same exceptions stated in paragraph 8 (a)), (5) direct him to submit his settlement proposal promptly in order to speed up settlement of his termination claim and (6) request him to give similar notice and instructions to his immediate subcontractors. The notice and instructions referred to in (6) should include (i) the name of the Contracting Officer in charge of the claim and his address, (ii) the contract number of the terminated prime contract, and (iii) a request that a similar notice of termination (showing in each case the contract numbers of the terminated prime contract and intermediate subcontracts) be passed down the line promptly to subcontractors of lower tiers, in order that subcontractors of all tiers may receive due notice of termination and be in position to identify their claims and secure prompt settlement thereof.

In any case where to include the number of a terminated prime contract or subcontract would be impracticable or would delay the sending of a notice of termination, this information may be omitted, but should, if possible, be supplied thereafter.

(c) *Form of notice and instructions to subcontractors.* You are requested to send in triplicate to each of your immediate subcontractors (including suppliers), if any, holding fixed-price (lump sum) supply contracts, a form of Termination Notice substantially in the form inclosed herewith. There is also inclosed a recommended form of "Instructions to Subcontractors holding Terminated Fixed-Price (Lump Sum) Supply Subcontracts" to accompany the Notice sent to them.

(d) *Completed articles.*[1] You should notify the Contracting Officer of the number of articles completed under the Contract and still on hand, and arrange with him for their delivery or other disposal.

(e) *Pending legal proceedings.* You should notify the Contracting Officer of any pending legal proceedings which relate to any subcontracts or purchase orders under the terminated Contract or which have resulted in or which are intended to obtain, a lien or encumbrance on any termination inventory other than termination inventory you propose and are authorized to purchase, retain or dispose of. (The Contracting Officer should also be promptly notified of any such proceedings brought after receipt of the Notice.)

(f) *Other action.* You should take such other action as may be required by the Contracting Officer or under the termination article contained in your Contract.

9. *Initial conference with representatives of contracting officer.* If your claim is for a small amount and appears free from complications, it is preferable to settle any questions by correspondence or telephone rather than by a conference. Otherwise, as soon as possible after receipt of the Notice, you should arrange for a conference with the representatives of the Contracting Officer, at which you should be prepared to present a rough estimate of your inventory and of the principal items of your claim, and to indicate, as fully as possible, what property you desire to retain, what can be sold to others and what, in your opinion, should be scrapped. At this conference the basis of settlement should be at least tentatively determined, and a clear understanding should be reached as to what information is to be furnished by you, what methods are to be followed in disposing of property, what accounting or other investigation is to be undertaken, and what arrangements, if any, are to be made for interim financing.

10. *Notice to workers and cooperation with War Manpower Commission.* Contractors are urged by the Government, and requested to urge their subcontractors in all cases where the termination is likely to result in the release of a substantial number of workers, to notify the workers and their union representatives, if any, that the contract was terminated for the convenience of the Government, and to cooperate with the War Manpower Commission by making known their new net labor requirements and allowing the United States Employment Service representative to conduct job interviews at the plant.

SECTION 3—PREPARATION OF SETTLEMENT PROPOSAL

11. *Submission of proposal and supporting papers.* Work on your Settlement Proposal should be begun promptly after receipt of your Notice of Termination. Unless otherwise authorized by the Contracting Officer, you should submit your proposal on the appropriate Standard Forms of the Office of Contract Settlement (Forms 1, 1a, and 1b) which are uniform for all Government Departments and agencies and which are for use by all war contractors under fixed-price war supply contracts. (To the extent applicable these forms may also be used for construction contracts.) Copies of these forms may be obtained from the Contracting Officer, together with complete Instructions for their use, as prescribed by the Office of Contract Settlement.

(a) *Particular forms to be used*—(i) *Form 1a, Claims Under $1,000.* If your Settlement Proposal is submitted on the basis that you will retain or dispose of all the inventory allocable to the terminated portion of the contract at the best prices obtainable, and if the net amount of the proposed settlement after deducting all credits for retention or disposal is less than $1,000, you may submit your settlement proposal on Form 1a. This is a short form requiring no separate inventory schedules.

(ii) *Other forms.* For larger claims, other forms, supported by separate inventory schedules, are provided and their method of use is fully stated in the Instructions which accompany them.

(b) *Elements of your claim and methods of submission.* As a rule, your Settlement Proposal will consist of (1) your costs and profit allocable to the terminated portion of the Contract, (2) your post-termination or settlement expenses, and (3) the charges of your subcontractors. Normally your Proposal when submitted, should be complete and cover all elements of your claim. In order to expedite settlement, however, you may submit interim proposals covering either (1) *all* your own costs or (2) your post-termination or settlement expenses or (3) settlements with subcontractors.

SECTION 4—DISPOSAL OF TERMINATION INVENTORY

12. *Contract obligations of contractors with respect to disposal of inventory.* (a) "Termination inventory" means any materials (including a proper part of any common materials and including Government-owned materials) properly allocable to the terminated portion of a war contract, except any machinery or equipment held under a separate contract or contract provision specifically governing its use or disposition.

(b) By the terms of most termination articles for use in fixed-price contracts the contractor is obligated, if and as the Contracting Officer directs or authorizes, to sell at a price approved by the Contracting Officer or retain at a price mutually agreeable, all termination inventory.

(c) You are hereby authorized to dispose of Government-owned termination inventory on the same conditions applicable to inventory owned by you and to credit the proceeds of such disposition against your termination claim, unless the Contracting Officer directs otherwise. If your Contract does not now provide for such disposition and credit, it will be deemed to be amended accordingly, upon your exercise of this authority.

13. *Preparation of inventory schedules*—(a) *Supply contracts.* If your Settlement Proposal is for less than $1,000 and is submitted on Form 1a (see Section 3 above), you need not submit separate inventory schedules. Otherwise, your inventory should be listed on the Schedules and in accordance with the Instructions issued for this purpose by the Office of Contract Settlement. (These are Forms 2a, 2b, 2c and 2d and "Instructions for Use of Standard Contract Settlement Proposal Forms".) These schedules, which may be filed either with, or in advance of, your Settlement Proposal serve three principal purposes—(1) to support the amount of inventory costs included in your Settlement Proposal; (2) to facilitate the disposition of termination inventory; and (3) to provide the information necessary for storage or removal by the Government.

(b) *Common items.* Items which are reasonably usable on your other work because they are materials, parts, or components common in nature to both the terminated contract and your other work, should not be listed on the Schedules, nor should any costs with respect thereto be included in the Settlement Proposal, to the extent that the items are reasonably applicable to your other work. You may list any properly allocable items which cannot be used on your other work except at a loss, whether items are reasonably useable on your other work and without loss is to be determined as of the effective date of the termination of your contract.

(c) *Construction contracts.* To the extent applicable, the same inventory schedules may be used as in the case of supply contracts.

14. *Methods of disposing of termination inventory*—(a) *General policies.* (1) Except as to items which the Government has advised you that it wishes to take over, or as to which it has given you contrary instructions, it is the policy of the Government to encourage contractors either to retain termination inventories or to dispose of them at the best price obtainable. Such retention or disposition is subject to applicable War Production Board regulations and to regulations and orders (as set forth in Part 844 of the Joint Termination Regulation) of the Surplus Property Board, the Office of Price Administration and other Government agencies.

(2) If you propose to retain or sell termination inventory, the price should be the best price obtainable, as defined in paragraph 411.1 of the Joint Termination Regulation, and one that you would approve if you were dealing solely for your own account. In the case of a sale or retention for resale, the term "best price obtainable" means the highest price offered which is adequate in the light of a reasonable knowledge or test of the market, having due regard for current prices for any raw materials or products for which quotations are published and to the circumstances, nature, condition, quantity, and location of the particular property. In the case of a retention for use, the term "best price obtainable" means a price that is fair and reasonable and not less than the net proceeds that could reasonably be expected to be obtained if the item were offered for sale at such time.

(b) *Authority to dispose of termination inventory without Government approval.* In the following cases, no approval by the Government is required for a retention or sale and in the absence of fraud your action will be accepted as final and conclusive:

(1) *Retention or sale of items at inventory cost.* You may retain or sell without Government approval any item of inventory at its cost as stated in your inventory schedules: *Provided*, That such cost is computed upon a reasonably acceptable basis; in the case of items sold, you may include in your termination claim reasonable freight, packing and handling charges, if any.

(2) *Disposition of items under $100.* You may retain or sell, without Government approval, any item of inventory at the best price obtainable where the total cost of the item does not exceed $100, as stated in your inventory schedules: *Provided*, That the aggregate cost of all items so retained or sold does not exceed $5,000 or 20 per cent of your total inventory cost, whichever is less. The term "item" includes all substantially similar articles at any one location listed on any one inventory schedule.

(c) *All other dispositions.* Except as permitted by paragraphs 14 (b) (1) and 14 (b) (2) above, dispositions of your termination inventory required the approval of the Contracting Officer or the authorized Navy representative.

(d) *Proceeds.* The approved price of retention, sale or other disposition will constitute a credit in reduction of your termination claim unless paid to the Government.

15. *Transfer of termination inventory and subcontracts to continuing war contracts*—(a) *Transfers.* Whenever practicable, and where a saving to the Government may be accomplished, you should effect transfers of termination inventory to continuing war contracts even if such transfers necessitate the cancellation of subcontracts already placed under the continuing war contract. Similarly, you should effect transfers of subcontracts for materials, equipment, supplies, and services from terminated contracts to continuing war contracts, where the property or services covered by the subcontracts transferred may be utilized in performance of the continuing war contract.

[1] This subparagraph will not apply in the case of construction contracts.

(b) *Reimbursement of costs.* In the case of termination inventory so transferred, you will be reimbursed for its cost upon settlement of either the terminated contract or the continuing contract, if later terminated. In the case of subcontracts so transferred, you will be reimbursed for the reasonable costs of such transfer. Detailed information as to methods of reimbursement in both cases may be found in Part 844 of the Joint Termination Regulation or may be obtained from the Contracting Officer.

SECTION 5—PLANT CLEARANCE AND REMOVAL OF FACILITIES[1]

16. (a) *Plant clearance; the 60-day period.* In order to arrange for plant clearance, you may from time to time submit inventory schedules to the Government on the Standard Forms above mentioned. (Forms 2a, 2b, 2c and 2d.) These schedules will constitute your statement showing the materials claimed to be termination inventory which, if not otherwise disposed of prior to settlement, you desire to have removed by the Government from your plant. The obligation of the Government under the Contract Settlement Act of 1944 to remove or arrange for storage of any items of termination inventory will not arise until sixty days or such longer time as may be agreed, from the time when these schedules containing a listing of such items are filed with the Contracting Officer or your Navy material inspector, in accordance with applicable instructions, in satisfactory form, and with the required certificate.

(b) *Contractor's right to remove and store.* If for any reason the Government does not, within such sixty-day period (or longer as agreed on), either remove such materials or enter into an agreement with you for their storage, you may at any time thereafter (using reasonable care in transportation and preservation) remove and store them for the account and at the risk and expense of the Government. You may do so, however, only if you have first delivered to the Contracting Officer or your Navy material inspector (1) 20 days' notice in writing of the date fixed for removal and (2) a statement showing the quantities and condition of the materials so to be removed, certified on your behalf to represent a concurrent physical inventory. At any time after the effective date of termination, you are authorized to remove and store at your own expense and risk any items of termination inventory.

(c) *Removal of facilities.* It is the policy of the Government, in accordance with the provisions of section 12 (g) of the Contract Settlement Act of 1944 and Regulation 4 of the Office of Contract Settlement, to provide for the orderly and expeditious removal from private plants of Government-owned machinery, tools, or other equipment which is no longer required for war production or for the national defense. If you have any such equipment in your plant, you should notify the Contracting Officer.

SECTION 6—CONTRACTOR INVENTORY

17. *Contractor inventory.* In addition to the material allocable to your terminated contract, you may have in your plant material which is "contractor inventory." The term "contractor inventory" (as used in the Joint Termination Regulation and as defined in The Surplus Property Act) means (1) any property related to a terminated contract of any type with the owning agency or to a subcontract thereunder; (2) any property acquired under a contract pursuant to the terms of which title is vested in the Government, and in excess of the amounts needed to complete performance thereunder; and (3) any property which the Government is obligated to take over under any type of contract as a result of any change in the specifications or plans thereunder. Contractor inventory includes, but is broader than, termination inventory, as that term is defined in the Joint Termination Regulation § 841.121–21 and in the Contract Settlement Act, and also includes any Government-owned material in the war contractor's plant, either before or after expiration of a contract, which is no longer required for the purpose for which it was supplied. You should consult Part 844 of the Joint Termination Regulation as to the disposal and removal of this type of material.

SECTION 7—SUBCONTRACTORS AND SUPPLIERS

18. *Settlement proposals to be obtained from subcontractors.* Section 7 refers solely to fixed-price subcontractors and suppliers. (You should consult the Contracting Officer as to procedures relating specially to settlement of cost-plus-a-fixed-fee subcontracts.)

Fixed-price subcontractors are required to use the Standard Forms in submitting their proposals in accordance with the Instructions for their use.

19. *Review of settlement proposals of subcontractors*—(a) *Extent of review.* It is your responsibility in the first instance to review or examine all settlement proposals delivered to you by your immediate subcontractors. Your duty in this regard is similar to that of the Government in passing upon the settlement proposals submitted by you. You are required at least to cause an office review to be made of each such proposal (which should include an accounting review where the net amount of the claim is $1,000 or more); and you should make a written report of each such review, to be furnished to the Government if requested.

(b) *Extent of responsibility.* You should in every case make such examination as is reasonable under all the circumstances and you will be held to the standard of scrutiny that a prudent business man would ordinarily employ in the conduct of his own affairs. You will not be required to warrant the accuracy of the facts presented by the subcontractors; but you will be required to certify that, on the basis of a review or examination which you believe to be adequate, you are of the opinion that settlements of the charges of your immediate subcontractors are fair and reasonable, are allocable to the terminated portion of your Contract, were negotiated in good faith and are not more favorable to the subcontractors than you would make if reimbursement by the Government were not involved.

20. *Settlement of immediate subcontractors' claims*—(a) *Settlements under $1,000.* Where an immediate fixed-price subcontractor submits to you a settlement proposal properly made out on standard Form 1a, you are authorized, without further action by the Government, to make a final settlement with such subcontractor. If you make such a settlement (which must involve a net amount of less than $1,000 after deducting property disposal credits), you will also, in so doing, approve the subcontractor's credits for retention or disposal of inventory.

(b) *Other settlements.* Each settlement of $10,000 and over with a subcontractor of any tier must be submitted to the Contracting Officer or your Navy material inspector for approval. In computing the size of a settlement for purposes of this paragraph, you should deduct (from the gross settlement) amounts payable for completed articles or work at the contract price and subcontract claims, but not disposal credits. Any settlement under $10,000 may be required to be submitted to the Contracting Officer or your Navy material inspector for approval or ratification; unless such settlements are so required to be separately submitted, they will be approved as a part of your own settlement. Notwithstanding the foregoing, if you have received an authorization to make final settlements of your subcontracts, any settlements made pursuant to the authorization will be recognized by the Government as final and conclusive for the purpose of settling the prime contract to which such subcontracts are allocable.

(c) *Government review and inspection.* You should notify your immediate subcontractors that, even in cases where you have authority to make a final settlement, their statement of claim may be examined by Government accounting personnel and the materials may be inspected by Government inspectors.

21. *Retention, sale, or other disposal of inventories by subcontractors*—(a) *General policies.* The same general policies applicable to retention, sale, or other disposal of prime contractor termination inventory (as stated in paragraph 14 above) apply in the case of termination inventory in the hands of subcontractors. It is the policy of the Government that subcontractors be permitted to retain, as against their upper tier contractors, such termination inventories as they desire except in cases where contract rights of upper tier contractors prevent such retention. You should inform your immediate subcontractors of this policy, and should request them in turn to inform their subcontractors.

(b) *Claims under $10,000.* Subject to the provisions of subparagraph (c) below, where a subcontractor's claim (based on his own charges and estimated if necessary) is under $10,000, you are authorized, without further action by the Government, to give final approval to retention, sale or other disposition of such subcontractor's termination inventory. Such sale, retention, or other disposition may be made at the best price obtainable, as defined in paragraph 14 (a) (2) of these instructions. In computing the size of a claim for purposes of this paragraph, you should deduct (from the gross claim) amounts payable for completed articles or work at the contract price and subcontract claims, but not disposal credits. In the absence of fraud, any such retention, sale or other disposition will be accepted by the Government as final and conclusive, unless the sale is to you, or the subcontractor or buyer is affiliated with you. The authority outlined herein regarding approvals of property disposition may be revoked (but not retroactively) where the best interests of the Government require it.

(c) *Completed articles and Government-furnished material; abandonment of worthless property.* The authority granted in paragraph (b) above does not include (i) the authority to retain or sell, or to approve retentions or sales of, completed articles not delivered under the contract and material furnished by the Government for incorporation in end items, unless the cost of such articles and such material to be retained or sold, and the amount of the subcontractor's claim, computed according to § 841.122 of the Joint Termination Regulation, total less than $10,000; or (ii) the authority to destroy or abandon, or to approve destruction or abandonment of, worthless property without the approval of the contracting officer (in the case of the Navy, the local NMR&DA officer) or disposal board, as required by § 844.447–2 of the Joint Termination Regulation.

SECTION 8—INTERIM FINANCING

22. *Partial payments.* Partial payments may be made to you, pending the settlement of your termination claim, by either (1) an immediate partial payment before you have had an opportunity to prepare an adequate inventory or statement of costs, or (2) a cost-supported partial payment as promptly as possible after submission of a partial or complete settlement proposal with the prescribed supporting data. Application for any such payment should be made to the Contracting Officer. This application should be on the prescribed form, which may be obtained from him.

[1] This section will normally not be applicable to construction contracts.

(a) Immediate partial payments are based on your estimate of your own costs, and application for any such payment must be accompanied by your certificate that the estimated amount of your own costs allocable to the contract and due as of the date of the certificate is not less than a specified figure, after deducting either your costs with respect to any inventory which you intend to retain, or the agreed price at which you are to retain it. The amount of any such payment, together with all previous unliquidated advance or partial payments applicable to your own costs will not exceed 90% of the figure specified in the certificate.

(b) Cost-supported partial payments are based on partial or complete settlement proposals, and application for any such payment must be accompanied by one or more such proposals, supported by the data required for the submission of a termination claim or by reference to a previously submitted claim.

23. *Advance payments.* Where funds are on deposit in any advance payment account at the time of termination, the Contracting Officer or the Finance Division, OP&M, for the Navy Department may continue to authorize withdrawal of such funds to make payments chargeable to the account in accordance with applicable regulations. Likewise, amounts previously authorized, but not paid prior to the termination, may be used on termination subject to the same limitations. If your Contract is partially terminated, amounts on deposit in the advance payment account may be used to pay termination charges as well as expenses in connection with performance, and additional advance payments may be authorized, in accordance with procedures governing advance payments for production purposes.

24. *Penalty on overpayments and overstatements.* To the extent that any partial or advance payment is in excess of the amount finally determined to be due on the termination claim, it will be treated as a loan from the Government, payable on demand, together with a penalty computed at the rate of 6% per annum from the date when it was made to the date of repayment. In addition, the Contract Settlement Act imposes a penalty of 6% on any overstatement of the amount due on a termination claim in connection with interim financing.

25. *Loans.* A new type of loan, known as a T loan, guaranteed by the Government, is available for the financing of war inventories and receivables pending final settlement of termination claims. If you wish to obtain such a loan, you should first consult your local bank. Guaranteed V bank loans are also available to contractors still in war production.

SECTION 9—RECORDS AND PENALTIES

26. *Penal provisions.* Section 19 (a) of the Contract Settlement Act of 1944 makes it a crime, punishable by fine and imprisonment, for any person willfully to secrete, mutilate, obliterate or destroy * * *

"(i) Any records of a war contractor relating to the negotiation, award, performance, payment, interim financing, cancelation or other termination, or settlement of a war contract of $25,000 or more; or

"(ii) Any records of a war contractor and any purchaser relating to any disposition of termination inventory in which the consideration received by any war contractor or any Government agency is $5,000 or more,

"until (1) five years after such disposition of termination inventory by such war contractor or Government Agency, or (2) five years after the final settlement of such war contract, or (3) five years after the termination of hostilities in the present war as proclaimed by the President or by a concurrent resolution of the two Houses of Congress, whichever applicable period is longer."

The Act also imposes severe penalties for false or fraudulent statements made in connection with the settlement and payment of termination claims.

SECTION 10—MISCELLANEOUS

27. *Expenses subsequent to termination.* You should submit to the Contracting Officer for his approval all costs incurred by you after the effective date of the Notice (a) for the protection of Government property, or (b) for other expenditures in connection with the terminated contract. (See the termination article in your contract.) You must take adequate precautions to protect property in your possession in which the Government has or may have an interest.

28. *Contracting officer.* In most cases the Contracting Officer will act through, and be assisted by, members of his staff, who may include material inspectors, disposal officers, accountants, and other technical experts. The Contracting Officer will probably appoint one of them as the negotiator in charge of your settlement, who will conduct the negotiations with you, but will not be authorized to agree finally on the terms of settlement without the approval of the Contracting Officer. He will, however, have such authority as may be delegated to him by the Contracting Officer to approve dispositions of property, settlements with subcontractors, and other terms of final settlement.

In the Navy Department, Navy material inspectors [1] act as general representatives of Navy Contracting Officers in the field. You should consult your War Department Contracting Officer or Navy material inspector for advice and assistance in termination matters and should submit to him your settlement proposals, inventory schedules, applications for partial payments and subcontract settlements requiring Government approval.

29. *Delay in filing claim; improper filing.* Under the Contract Settlement Act of 1944 interest on a termination claim is not payable during the period of any unreasonable delay in settlement caused by the Contractor. Failure to file your claim in accordance with applicable instructions within 60 days after the date fixed for termination may result in suspending the accrual of interest thereafter until such claim is properly filed, unless the Contracting Officer extends such period for good cause. Failure to file your claim properly will also substantially delay its allowance. No charges will be allowed you to the extent that they are found to have resulted from your failure to take action, pursuant to your Notice of Termination or these Instructions, within a time which was reasonable under all the circumstances.

30. *Modifications of instructions.* The directions in your Notice of Termination and these Instructions may be modified from time to time.

[JTR 943.1]

§ 849.943–2 *Instructions to prime contractors under cost-plus-a-fixed-fee supply contracts.* Instructions to contractors in substantially the following form, with table of contents for convenient reference, will accompany each notice of termination of a cost-plus-a-fixed-fee supply contract for the convenience or at the option of the Government. With appropriate changes, this form may be used for construction contracts.

SECTION 1—INTRODUCTION

1. Introductory.
2. Termination procedure policy.
3. Effective date of termination and date fixed for termination.
4. Incorporation of uniform termination article for CPFF supply contracts.
5. Necessity for prompt action.
6. Confirmation of oral approval.
7. Application of these instructions.

SECTION 2—ACTION TO BE TAKEN UPON RECEIPT OF NOTICE OF TERMINATION

8. Cessation of work and notification to your immediate subcontractors in compliance with the Notice of Termination.
(a) Discontinuance of work.
(b) Notice to subcontractors.
(c) Form of notice and instructions to subcontractors.
(d) Completed articles.
(e) Pending legal proceedings.
(f) Other action.
9. Notice to workers and cooperation with War Manpower Commission.

SECTION 3—SETTLEMENT PROCEDURE

10. Complete termination.
(a) Negotiated settlement procedure in joint termination regulation.
(b) Discontinuance of vouchers.
(c) Proposal forms to be used.
(d) Partial settlements.
11. Partial termination.

SECTION 4—DISPOSAL OF TERMINATION INVENTORY

12. Contract obligations of contractors with respect to disposal of inventory.
13. Preparation of inventory schedules.
14. Methods of disposing of termination inventory.
(a) General policies.
(b) Authority to dispose of termination inventory without Government approval.
(1) Retention or sale of items at cost.
(2) Disposition of items under $100.
(c) All other dispositions.
(d) Proceeds.
15. Transfer of termination inventory and subcontracts to continuing war contracts.
(a) Transfers.
(b) Costs of transfer.

SECTION 5—PLANT CLEARANCE AND REMOVAL OF FACILITIES

16. (a) Plant clearance: The 60-day period.
(b) Contractor's right to remove and store.
(c) Removal of facilities.

SECTION 6—CONTRACTOR INVENTORY

17. Contractor inventory.

SECTION 7—SUBCONTRACTORS AND SUPPLIERS

18. Settlement proposals to be obtained from subcontractors.
19. Review of settlement proposals of subcontractors.
(a) Extent of review.
(b) Extent of responsibility.
20. Settlement of immediate subcontractors' claims.
(a) Settlements under $1,000.
(b) Other settlements.
(c) Government review and inspection.
21. Retention, sale, or other disposal of inventories by subcontractors.
(a) General policies.
(b) Claims under $10,000.
(c) Completed articles and Government furnished material; abandonment of worthless property.

SECTION 8—INTERIM FINANCING

22. Partial payments.
(a) Immediate partial payments.
(b) Cost-supported partial payments.
23. Advance payments.
24. Penalty on overstatements and overpayments.
25. Loans.

SECTION 9—RECORDS AND PENALTIES

26. Penal provisions.

[1] The term "Navy material inspector" includes an Inspector of Naval Material, a Naval Inspector of Ordnance, a Supervisor of Shipbuilding, a Naval Inspector of Machinery, a Bureau of Aeronautics Representative and an Officer in Charge of Construction.

SECTION 10—MISCELLANEOUS

27. Expenses subsequent to termination.
28. Contracting officer.
29. Delay in filing claim; improper filing.
30. Modifications of instructions.

SECTION 1—INTRODUCTION

1. *Introductory.* These Instructions summarize your principal rights and obligations arising out of the termination of your Contract. They are based upon the Contract Settlement Act of 1944, the Surplus Property Act of 1944, and Government regulations issued under these acts. Please read and follow them carefully. For more complete details on matters covered by these Instructions and for information on matters not covered by these Instructions, you should consult the Joint Termination Regulation, issued by the War and Navy Departments.

2. *Termination procedure policy.* It is the policy of the Government, wherever possible, to settle termination claims by negotiation. Negotiated settlements must, however, be supported by adequate data, and the prompt submission of properly supported settlement proposals will facilitate speedy and equitable final settlements.

3. *Effective date of termination and date fixed for termination.* The terms "effective date of termination" and "date fixed for termination" mean the date upon which your notice of termination first requires you (1) to reduce or stop deliveries under your Contract, or, (2) if no deliveries are being made or are called for under the Contract, to reduce or stop performance under the Contract. Payment of interest, if any, on your termination claim will be calculated by reference to this date.

4. *Incorporation of uniform termination article for CPFF supply contracts.* If your terminated Contract does not contain the uniform termination article for cost-plus-a-fixed-fee supply contracts, it is requested that if practicable you promptly notify the Contracting Officer named in your notice of termination in order to arrange at once for amending the Contract to include it. This article embodies Government policy on terminations for convenience, and unless the special circumstances of your case make its use unnecessary, amendment of your Contract to include it will greatly facilitate a fair and speedy settlement. Such amendment may be made now, even though your Contract has been terminated.

5. *Necessity for prompt action.* One of the primary objectives of the Contract Settlement Act of 1944 is "to assure to prime contractors and subcontractors, small and large, speedy and equitable final settlement of claims under terminated war contracts, and adequate interim financing until such final settlement." In large measure the speed with which the Government can settle your claim depends upon your vigorous cooperation in taking quickly all necessary steps to submit it in proper form.

6. *Confirmation of oral approval.* Whenever in these instructions, or in the termination article which forms a part of your Contract, the approval of the Government is required as to any action to be taken by you, you should for your records, require written confirmation of any such approval which has been given orally.

7. *Application of these instructions.* In general, these Instructions apply to subcontractors as well as prime contractors, except that the subcontractor stands in the same relationship to the contractor to or for whom he is delivering materials or performing services as that in which the prime contractor stands to the Government. To assist in effecting termination settlements, the War and Navy Departments have prepared the Joint Termination Regulation referred to above, which may be obtained by war contractors free of charge from the Readjustment Distribution Center, 6th Floor, 90 Church Street, New York City.

SECTION 2—ACTION TO BE TAKEN UPON RECEIPT OF NOTICE OF TERMINATION

8. *Cessation of work and notification to your immediate subcontractors in compliance with the Notice of Termination.* In order to comply with your Notice of Termination, and to stop performance in accordance with its terms you should take the following steps:

(a) *Discontinuance of work.* You should stop all work, make no further shipments, and place no further orders in connection with the Contract, except (1) to the extent necessary to perform any portion thereof not terminated by the Notice, or (2) to the extent that you may wish to retain and continue any work in process or other materials for your own account, or (3) to the extent the Contracting Officer authorizes you to continue work-in-process for reasons of safety, or to clear (or avoid damage to) equipment, or to avoid immediate complete spoilage of work-in-process having a definite commercial value, or otherwise to prevent undue loss to the Government. (If you believe the authorization referred to in subparagraph (3) above is necessary or advisable, you should immediately notify the Contracting Officer by telephone or personal conference and obtain instructions.)

You should keep adequate records of your compliance with this paragraph 8 (a) showing (i) the date you received your Notice of Termination (ii) the effective date of such termination and (iii) the extent of completion of performance on such effective date.

(b) *Notice to subcontractors.* You should give notice of termination to each of your immediate subcontractors (including suppliers) who will be affected by the termination of your Contract. In such notice (see the form referred to in (c) below) you should (1) give him the number of your Contract with the Government, (2) state that it has been terminated (or terminated in part, if that is the case) for the convenience of the Government, (3) give him the name and address of the Contracting Officer in charge of your claim, as set forth below, (4) instruct him to stop all work, to make no further shipments, to place no more orders, and to terminate all subcontracts under his contract with you (subject to the same exceptions stated in paragraph 8 (a)), (5) direct him to submit his settlement proposal promptly in order to speed up settlement of his termination claim and (6) request him to give similar notice and instructions to his immediate subcontractors. The notice and instructions referred to in (6) should include (i) the name of the Contracting Officer in charge of the claim and his address, (ii) the contract number of the terminated prime contract, and (iii) a request that a similar notice of termination (showing in each case the contract numbers of the terminated prime contract and intermediate subcontracts) be passed down the line promptly to subcontractors of lower tiers, in order that subcontractors of all tiers may receive due notice of termination and be in position to identify their claims and secure prompt settlement thereof.

In any case where to include the number of a terminated prime contract or subcontract would be impracticable or would delay the sending of a notice of termination, this information may be omitted, but should, if possible, be supplied thereafter.

(c) *Form of notice and instructions to subcontractors.* You are requested to send in triplicate to each of your immediate subcontractors (including suppliers), if any, holding fixed-price (lump sum) supply contracts, a form of Termination Notice substantially in the form enclosed herewith. There is also inclosed a recommended form of "Instructions to Subcontractors Holding Terminated Fixed-Price (Lump Sum) Supply Subcontracts" to accompany the Notice sent to them.

(d) *Completed articles.* You should notify the Contracting Officer of the number of articles completed under the Contract and still on hand, and arrange with him for their delivery or other disposal.

(e) *Pending legal proceedings.* You should notify the Contracting Officer of any pending legal proceedings which relate to any subcontracts or purchase orders under the terminated Contract or which have resulted in or which are intended to obtain, a lien or encumbrance on any termination inventory other than termination inventory you propose and are authorized to purchase, retain or dispose of. (The Contracting Officer should also be promptly notified of any such proceedings brought after receipt of the Notice.)

(f) *Other action.* You should take such other action as may be required by the Contracting Officer or under the termination article contained in your Contract.

9. *Notice to workers and cooperation with War Manpower Commission.* Contractors are urged by the Government, and requested to urge their subcontractors in all cases where the termination is likely to result in the release of a substantial number of workers, to notify the workers and their union representatives, if any, that the contract was terminated for the convenience of the Government, and to cooperate with the War Manpower Commission by making known their new net labor requirements and allowing the United States Employment Service representative to conduct job interviews at the plant.

SECTION 3—SETTLEMENT PROCEDURE

10. *Complete termination*—(a) *Negotiated settlement procedure in joint termination regulation.* For a complete statement of the procedure applicable to the settlement of your contract, it is suggested that you refer to the detailed provisions of the Joint Termination Regulation, especially Subpart F of Part 845.

(b) *Discontinuance of vouchers.* If any costs have been reimbursed under your contract, prompt discontinuance of Form 1034 vouchers will permit more rapid clearance with the General Accounting Office and will, therefore, materially expedite the settlement of your contract. If you elect to discontinue the use of Form 1034 vouchers, however, you may not thereafter resume the use of such vouchers.

(c) *Proposal forms to be used.* After discontinuance of Form 1034 vouchers, your costs which have not theretofore been reimbursed by the Government, and your claim for fixed-fee, will be presented on the form "Settlement Proposal For Use on Terminated Cost and Cost-Plus-A-Fixed-Fee Contracts". Copies of this form may be obtained from the contracting officer. Such settlement proposals will serve as the basis for interim financing and the negotiation of partial or complete settlements. Each partial settlement proposal will be numbered serially beginning with the number "1", and you should maintain a separate number series for each cost-plus-a-fixed-fee contract.

(d) *Partial settlements.* Partial settlements may be made with you from time to time after submission of one or more partial proposals. Under such partial settlements the Government will agree with you upon a minimum amount due on the entire claim without determining that this amount is due on particular elements of the claim, leaving the final amount due on the entire claim subject to final negotiation.

11. *Partial termination.* Unless the contracting officer determines that the terminated portion of your contract is to be settled separately, you should continue to present your costs in the same manner as prior to termination until performance of the contract is complete or performance of any con-

tinued portion is only on subsidiary items or spare parts, or is otherwise not substantial. At that time the procedure applicable in the case of a complete termination will be used.

SECTION 4—DISPOSAL OF TERMINATION INVENTORY

12. *Contract obligations of contractors with respect to disposal of inventory.* (a) "Termination inventory" means any materials (including a proper part of any common materials and including Government-owned materials) properly allocable to the terminated portion of a war contract, except any machinery or equipment held under a separate contract or contract provision specifically governing its use or disposition.

(b) By the terms of clause (b) (7) of the Uniform Termination Article for use in Cost-Plus-A-Fixed-Fee Supply Contracts, the contractor is obligated, after receipt of the notice to use his best efforts to sell, in the manner, to the extent, at the time, and at the price or prices directed or authorized by the Contracting Officer, the fabricated or unfabricated parts, work in process, completed work, supplies and other material produced as a part of, or acquired in respect of the performance of, the work terminated by the notice, except that the contractor is not required to extend credit to any purchaser, and may retain any such property at a price or prices approved by the Contracting Officer or authorized Navy representative.

(c) In disposing of Government-owned termination inventory, you are hereby authorized to credit the proceeds of such disposition against your termination claim, unless the Contracting Officer directs otherwise. If your Contract does not now provide for such disposition and credit, it will be deemed to be amended accordingly, upon your exercise of this authority.

13. *Preparation of inventory schedules.* Termination inventory schedules for use by war contractors under fixed-price war supply contracts are prescribed by the Office of Contract Settlement (Forms 2a, 2b, 2c and 2d). These same schedules shall be used by contractors under cost-plus-a-fixed-fee supply contracts for purposes of disposal, storage, or removal of termination inventory. You should consult the Contracting Officer as to the extent of information to be submitted.

14. *Methods of disposing of termination inventory*—(a) *General policies.* (1) Except as to items which the Government has advised you that it wishes to take over, or as to which it has given you contrary instructions, it is the policy of the Government to encourage contractors either to retain termination inventories or to dispose of them at the best price obtainable. Such retention or disposition is subject to applicable War Production Board regulations and to regulations and orders (as set forth in Part 844 of the Joint Termination Regulation) of the Surplus Property Board, the Office of Price Administration and other Government agencies.

(2) If you propose to retain or sell termination inventory, the price should be the best price obtainable, and one that you would approve if you were dealing solely for your own account. In the case of a sale or retention for resale, the term the "best price obtainable" means the highest price offered which is adequate in the light of a reasonable knowledge or test of the market, having due regard for current prices for any raw materials or products for which quotations are published and to the circumstances, nature, condition, quantity, and location of the particular property. In the case of a retention for use, the term "best price obtainable" means a price that is fair and reasonable and not less than the net proceeds that could reasonably be expected to be obtained if the item were offered for sale at such time.

(b) *Authority to dispose of termination inventory without Government approval.* In the following cases, no approval by the Government is required for a retention or sale and in the absence of fraud your action will be accepted as final and conclusive:

(1) *Retention or sale of items of inventory cost.* You may retain or sell without Government approval any item of inventory at its cost as stated in your inventory schedules provided that such cost is computed upon a reasonably acceptable basis; in the case of items sold, you may include in your termination claim reasonable freight, packing and handling charges, if any.

(2) *Disposition of items under $100.* You may retain or sell, without Government approval, any item of inventory at the best price obtainable where the total cost of the item does not exceed $100, as stated in your inventory schedules: *Provided*, That the aggregate cost of all items so retained or sold does not exceed $5,000 or 20 per cent of your total inventory cost, whichever is less. The term "item" includes all substantially similar articles at any one location listed on any one inventory schedule.

(c) *All other dispositions.* Except as permitted by paragraphs 14 (b) (1) and 14 (b) (2) above, dispositions of termination inventory require the approval of the Contracting Officer or the authorized Navy representative.

(d) *Proceeds.* The approved price of retention, sale or other disposition will constitute a credit in reduction of your termination claim, unless paid to the Government.

15. *Transfer of termination inventory and subcontracts to continuing war contracts*—(a) *Transfers.* Whenever practicable, and where a saving to the Government may be accomplished, you should effect transfers of termination inventory to continuing war contracts even if such transfers necessitate the cancellation of subcontracts already placed under the continuing war contract. Similarly, you should effect transfers of subcontracts for materials, equipment, supplies, and services from terminated contracts to continuing war contracts, where the property or services covered by the subcontracts transferred may be utilized in performance of the continuing war contract.

(b) *Costs of transfer.* In the case of termination inventory and subcontracts so transferred, you will be paid for your reasonable costs, if any, involved in such transfer. Detailed information as to methods of reimbursement may be found in Part 844 of the Joint Termination Regulation or may be obtained from the Contracting Officer.

SECTION 5—PLANT CLEARANCE AND REMOVAL OF FACILITIES

16. (a) *Plant clearance: The 60-day period.* In order to arrange for plant clearance, you may from time to time submit to the Government inventory schedules on the Standard Forms above mentioned (Forms 2a, 2b, 2c and 2d). These schedules will constitute your statement showing the materials claimed to be termination inventory which, if not otherwise disposed of prior to settlement, you desire to have removed by the Government from your plant. The obligation of the Government under the Contract Settlement Act of 1944 to remove or arrange for storage of any items of termination inventory will not arise until sixty days, or such longer time as may be agreed, from the time when these schedules containing a listing of such items, are filed with the Contracting Officer or your Navy material inspector in accordance with applicable instructions, in satisfactory form, and with the required certificate.

(b) *Contractor's right to remove and store.* If for any reason the Government does not within such sixty-day period (or longer as agreed on), either remove such materials or enter into an agreement with you for their storage, you may at any time thereafter (using reasonable care in transportation and preservation) remove and store them for the account and at the risk and expense of the Government. You may do so, however, only if you have first delivered to the Contracting Officer or your Navy material inspector (1) 20 days' notice in writing of the date fixed for removal and (2) a statement showing the quantities and condition of the materials so to be removed, certified on your behalf to represent a concurrent physical inventory. At any time after the effective date of termination, you are authorized to remove and store at your own expense and risk any items of termination inventory.

(c) *Removal of facilities.* It is the policy of the Government, in accordance with the provisions of section 12 (g) of the Contract Settlement Act of 1944 and Regulation 4 of the Office of Contract Settlement to provide for the orderly and expeditious removal from private plants of Government-owned machinery, tools or other equipment which is no longer required for war production or for the national defense. If you have any such equipment in your plant, you should notify the Contracting Officer.

SECTION 6—CONTRACTOR INVENTORY

17. *Contractor inventory.* In addition to the material allocable to your terminated Contract, you may have in your plant material which is "contractor inventory." The term "contractor inventory" (as used in the Joint Termination Regulation and as defined in the Surplus Property Act) means (1) any property related to a terminated contract of any type with the owning agency or to a subcontract thereunder; (2) any property acquired under a contract pursuant to the terms of which title is vested in the Government, and in excess of the amounts needed to complete performance thereunder; and (3) any property which the Government is obligated to take over under any type of contract as a result of any change in the specifications or plans thereunder. Contractor inventory includes, but is broader than, termination inventory, as that term is defined in the Joint Termination Regulation § 841.121-21 and in the Contract Settlement Act, and also includes any Government-owned material in the war contractor's plant, either before or after expiration of a contract, which is no longer required for the purpose for which it was supplied. You should consult Part 844 of the Joint Termination Regulation as to the disposal and removal of this type of material

SECTION 7—SUBCONTRACTORS AND SUPPLIERS

18. *Settlement proposals to be obtained from subcontractors.* Fixed-price subcontractors are required to use the Standard Form in submitting their proposals in accordance with the Instructions for their use. In the case of cost-plus-a-fixed-fee subcontracts, the procedure for settlement set forth in section 3 for the settlement of your Contract will in general be applicable.

19. *Review of settlement proposals of subcontractors*—(a) *Extent of review.* It is your responsibility in the first instance to review or examine all settlement proposals delivered to you by your immediate subcontractors. Your duty in this regard is similar to that of the Government in passing upon the settlement proposals submitted by you. You are required at least to cause an office review to be made of each such proposal (which should include an accounting review where the net amount of the claim is $1,000 or more); and you should make a written report of each such review, to be furnished to the Government if requested.

(b) *Extent of responsibility.* You should in every case make such examination as is reasonable under all the circumstances and you will be held to the standard of scrutiny that a prudent business man would ordinarily employ in the conduct of his own affairs. You will not be required to warrant the accuracy of the facts presented by the subcontractors; but you will be required to certify that, on the basis of a review or examination which you believe to be adequate, you are of the opinion that settlements of the charges of your immediate subcontractors are fair and reasonable, are allocable to the terminated portion of your Contract, were negotiated in good faith, and are not more favorable to the subcontractors than you would make if reimbursement by the Government were not involved.

20. *Settlement of immediate subcontractors' claims*—(a) *Settlements under $1,000.* Where an immediate fixed-price subcontractor submits to you a settlement proposal properly made out on Standard Form 1a, you are authorized, without further action by the Government, to make a final settlement with such subcontractor. If you make such a settlement (which must involve a net amount of less than $1,000 after deducting property disposal credits), you will also, in so doing, approve the subcontractor's credits for retention or disposal of termination inventory.

(b) *Other settlements.* Each settlement of $10,000 and over with a subcontractor of any tier must be submitted to the Contracting Officer or your Navy material inspector for approval. In computing the size of a settlement for purposes of this paragraph, you should deduct (from the gross settlement) amounts payable for completed articles or work at the contract price and subcontract claims, but not disposal credits. Any settlement under $10,000 may be required to be submitted to the Contracting Officer or your Navy material inspector for approval or ratification; unless such settlements are so required to be separately submitted, they will be approved as a part of your own settlement. Notwithstanding the foregoing, if you have received an authorization to make final settlements of your subcontracts, any settlements made pursuant to the authorization will be recognized by the Government as final and conclusive for the purpose of settling the prime contract to which such subcontracts are allocable.

(c) *Government review and inspection.* You should notify your immediate subcontractors that, even in cases where you have authority to make a final settlement, their statement of claim, may be examined by Government accounting personnel and the materials may be inspected by Government inspectors.

21. *Retention, sale, or other disposal of inventories by subcontractors*—(a) *General policies.* The same general policies applicable to retention, sale, or other disposal of prime contractor termination inventory (as stated in paragraph 14 above) apply in the case of termination inventory in the hands of subcontractors. It is the policy of the Government that subcontractors be permitted to retain, as against their upper tier contractors such termination inventories as they desire except in cases where contract rights of upper tier contractors prevent such retention. You should inform your immediate subcontractors of this policy, and should request them in turn to inform their subcontractors.

(b) *Claims under $10,000.* Subject to the provisions of subparagraph (c) below, where a subcontractor's claim (based on his own charges and estimated if necessary) is under $10,000, you are authorized, without further action by the Government, to give final approval to retention, sale or other disposition of such subcontractor's termination inventory. Such sale, retention, or other disposition may be made at the best price obtainable, as defined in paragraph 14 (a) (2) of these Instructions. In computing the size of a claim for purposes of this paragraph, you should deduct (from the gross claim) amounts payable for completed articles or work at the contract price and subcontract claims, but not disposal credits. In the absence of fraud, any such retention, sale or other disposition will be accepted by the Government as final and conclusive, unless the sale is to you, or the subcontractor or buyer is affiliated with you. The authority outlined herein regarding approvals of property disposition may be revoked (but not retroactively) where the best interests of the Government require it.

(c) *Completed articles and Government furnished material; abandonment of worthless property.* The authority granted in paragraph (b) above does not include (i) the authority to retain or sell, or to approve retentions or sales of, completed articles not delivered under the Contract, and material furnished by the Government for incorporation in end items unless the cost of such articles and such material to be retained or sold and the amount of the subcontractor's claim, computed according to § 841.122 of the Joint Termination Regulation, total less than $10,000; or (ii) the authority to destroy or abandon or to approve destruction or abandonment of, worthless property without the approval of the Contracting Officer (in the case of the Navy, the local NMR&DA officer) or disposal board as required by § 844.447.2 of the Joint Termination Regulation.

SECTION 8—INTERIM FINANCING

22. *Partial payments.* Partial payments may be made to you, pending the settlement of your termination claim, by either (1) an immediate partial payment before you have had an opportunity to prepare an adequate inventory or statement of costs, or (2) a cost-supported partial payment as promptly as possible after submission of a partial or complete settlement proposal with the prescribed supporting data. Application for any such payment should be made to the Contracting Officer. This application should be on the prescribed form, which may be obtained from him.

(a) Immediate partial payments are based on your estimate of your own costs, and application for any such payment must be accompanied by your certificate that the estimated amount of your own costs allocable to the contract and due as of the date of the certificate is not less than a specified figure, after deducting any required credits. Your estimate of your costs need not be limited to the partial proposals already filed, but may include other amounts due you for which partial proposals have not yet been filed. The amount of any partial payment, together with all previous unliquidated advance or partial payments applicable to your own costs, will not exceed 90% of the figure specified in the certificate.

(b) Cost-supported partial payments are based on partial or complete settlement proposals, and application for any such payment must be accompanied by one or more such proposals, supported by the data required for the submission of a termination claim or by reference to a previously submitted claim.

23. *Advance payments.* Where funds are on deposit in any advance payment account at the time of termination, the Contracting Officer or the Finance Division, OP&M, for the Navy Department, may continue to authorize withdrawal of such funds to make payments chargeable to the account, in accordance with applicable regulations. Likewise, amounts previously authorized, but not paid prior to the termination, may be used on termination subject to the same limitations. If your Contract is partially terminated, amounts on deposit in the advance payment account may be used to pay termination charges as well as expenses in connection with performance, and additional advance payments may be authorized, in accordance with procedures governing advance payments for production purposes.

24. *Penalty on overstatements and overpayments.* To the extent that any partial or advance payment is in excess of the amount finally determined to be due on the termination claim, it will be treated as a loan from the Government, payable on demand, together with a penalty computed at the rate of 6% per annum from the date when it was made to the date of repayment. In addition, the Contract Settlement Act imposes a penalty of 6% on any overstatement of the amount due on a termination claim in connection with interim financing.

25. *Loans.* A new type of loan, known as a T loan, guaranteed by the Government, is available for the financing of war inventories and receivables pending final settlement of termination claims. If you wish to obtain such a loan, you should consult your local bank. Guaranteed V bank loans are also available to contractors still in war production.

SECTION 9—RECORDS AND PENALTIES

26. *Penal provisions.* Section 19 (a) of the Contract Settlement Act of 1944 makes it a crime, punishable by fine and imprisonment, for any person wilfully to secrete, mutilate, obliterate, or destroy • • •

"(1) Any records of a war contractor relating to the negotiation, award, performance, payment, interim financing, cancelation or other termination, or settlement of a war contract of $25,000 or more;

or

"(ii) Any records of a war contractor and any purchaser relating to any disposition of termination inventory in which the consideration received by any war contractor or any Government agency is $5,000 or more.

"until (1) five years after such disposition of termination inventory by such war contractor or Government Agency, or (2) five years after the final settlement of such war contract, or (3) five years after the termination of hostilities in the present war as proclaimed by the President or by a concurrent resolution of the two Houses of Congress, whichever applicable period is longer."

The Act also imposes severe penalties for false or fraudulent statements made in connection with the settlement and payment of termination claims.

SECTION 10—MISCELLANEOUS

27. *Expenses subsequent to termination.* You should submit to the Contracting Officer for his approval all costs incurred by you after the effective date of the Notice (a) for the protection of Government property, or (b) for other expenditures in connection with the terminated contract. (See the termination article in your contract.) You must take adequate precautions to protect property in your possession in which the Government has or may have an interest.

28. *Contracting Officer.* In most cases, the Contracting Officer will act through, and be assisted by, members of his staff, who may include material inspectors, disposal officers, accountants, and other technical experts. The Contracting Officer will probably appoint one of them as the negotiator in charge of your settlement, who will conduct the negotiations with you, but will not be authorized to agree finally on the terms of settlement without the approval of the Contracting Officer. He will, however, have such authority as may be delegated to him by the Contracting Officer to approve dispositions of property, settlements with subcontractors, and other terms of final settlement.

In the Navy Department, Navy material inspectors[1] act as general representatives of Navy Contracting Officers in the field. You should consult your War Department Contracting Officer or Navy material inspector for advice and assistance in termination matters and should submit to him your settlement

[1] The term "Navy material inspector" includes an Inspector of Naval Material, a Naval Inspector of Ordnance, a Supervisor of Shipbuilding, a Naval Inspector of Machinery, a Bureau of Aeronautics Representative and an Officer in Charge of Construction.

proposals, inventory schedules, applications for partial payments and subcontract settlements requiring Government approval.

29. *Delay in filing claim; improper filing.* Under the Contract Settlement Act of 1944 interest on a termination claim is not payable during the period of any unreasonable delay in settlement caused by the Contractor. Failure to file your claim in accordance with applicable instructions within 60 days after the date fixed for termination may result in suspending the accrual of interest thereafter until such claim is properly filed, unless the Contracting Officer extends such period for good cause. Failure to file your claim properly will also substantially delay its allowance. No charges will be allowed you to the extent that they are found to have resulted from your failure to take action, pursuant to your Notice of Termination or these Instructions, within a time which was reasonable under all the circumstances.

30. *Modifications of instructions.* The directions in your Notice of Termination and these Instructions may be modified from time to time.

[JTR 943.2]

§ 849.944 *Forms of notice and instructions for subcontractors.* [JTR 944]

§ 849.944–1 *Telegraphic termination notice to subcontractors.* Substantially the following form of notice is recommended for use where it is desired to notify any fixed-price (lump sum) supply subcontractor of the termination of a subcontract and to send such notice by telegram or teletype:

XYZ CORPORATION,
New York, New York.

Your contract with us No. ____ is hereby terminated effective [Here insert "immediately" or "on ---------- 194--" (inserting the date), or "as soon as you have delivered thereunder including previous deliveries the following items" (listing items), or "on ---------- 194--, on which date you will reduce delivery rate as follows" (inserting instructions as to reduced rate of delivery).] Immediately stop all work Terminate all subcontracts and place no further orders except to extent [Here insert, if applicable, "necessary to perform any portion thereof not terminated hereby or"] that you or a subcontractor wish to retain and continue for own account any work in process or other materials. Telegraph similar instructions to all subcontractors and suppliers. [Insert where applicable "This termination is necessitated by Government's termination of prime contracts under which your contract is a subcontract."] If this termination will result in release of labor, facilities, or production tools, you are requested to notify your nearest WPB office immediately. Letter and instructions follow.

Name of Contractor

[JTR 944.1]

§ 849.944–2 *Letter termination notice for use by prime contractors in terminating fixed-price (lump sum) supply subcontracts.* A notice in substantially the following form is recommended for use by prime contractors in terminating by letter fixed-price (lump sum) supply subcontracts. This form is intended for cases where termination of the subcontract is required by termination of the prime contract. Appropriate changes should be made by prime contractors in using this form where termination of a subcontract becomes necessary without termination of the prime contract.

LETTER TERMINATION NOTICE TO SUBCONTRACTORS HOLDING FIXED-PRICE (LUMP SUM) SUBCONTRACTS

[At the top of the notice set out all special details relating to the particular termination: e. g., name and address of company, contract number of terminated prime contract, contract number or other designation of terminated subcontract, service or bureau involved, name and address of contracting officer administering prime contract, etc.

If this written termination notice confirms a telegraphic notice previously sent to your subcontractor, use the first of the alternative paragraphs No. 1 below. If no previous telegraphic notice has been sent, use the second.]

1. *Effective date of termination.* This letter will confirm our telegram to you dated ----------194--, terminating [in part] our contract (or order) with you No.-------. This action was necessitated by the fact that our Government Contract No.------ was terminated by the Government for its convenience, and our contract (or order) with you is a subcontract to perform work or to make or furnish material required for the performance of said Government Contract. The effective date of such termination is stated in our telegram, reference to which is hereby made [or copy of which is attached]. (Or)

1. *Effective date of termination.* Our Government Contract No.------ has just been terminated by the Government for its convenience. Our contract (or order) with you, No.-------- is a subcontract to perform work or to make or furnish material required for the performance of said Government Contract, and is therefore terminated hereby. Such termination will be effective:

[Here insert either "immediately upon your receipt of this Notice" or "on ----------, 194--" (inserting the date), or "as soon as you have delivered under said contract (or order) the following number of each of the items listed below, including those heretofore delivered, to wit: ---------- or "on ----------, 194--, on which date you are hereby directed to reduce the rate of delivery under said contract (or order) as follows:" (here insert instructions as to reduced rate of delivery).] If this termination will result in the release of labor, facilities, or production tools, you are requested to notify your nearest War Production Board office immediately.

2. *Inclosed instructions.* Inclosed herewith is a short statement entitled "Instructions to Subcontractors Holding Terminated Fixed-Price (Lump Sum) Supply Subcontracts", which was furnished to us by the Government and which outlines briefly your principal rights and obligations not covered by this Notice. You should read and follow carefully these Instructions.

3. *Disposal of termination inventory.* (a) You are authorized and urged to retain or dispose of all termination inventory in accordance with Section 4 of the Instructions, except for the following property: [Here list all property which the signer wishes, or has been advised that the Government wishes, to take over and give full instructions relating thereto.]

(b) In connection with final settlement of your claim (other than a "no-cost" settlement, see paragraph 5 (c) below), it will be necessary to establish that all your termination inventory and that of your subcontractors has been properly accounted for, as provided in the Joint Termination Regulation of the War and Navy Departments, § 844.451–1. If your claim is properly submitted on Standard Form 1a of the Office of Contract Settlement, you need not furnish further evidence of this fact unless notified to the contrary. In all other cases you should be prepared to furnish us a certificate in substantially the form prescribed in the Joint Termination Regulation, § 849.973, and you should advise each of your immediate subcontractors who intends to make a claim (other than a claim properly submitted on Standard Form 1a) that he should be prepared to furnish you a similar certificate.

4. *Completed articles.* Completed articles which have been shipped but not received prior to the effective date of termination will be considered for all purposes as articles delivered prior to such effective date, and should, therefore, be invoiced in the usual way and not included in your termination claim.

5. *Submission of settlement proposal.* (a) We wish, and have been urged by the Government, to settle your termination claim by negotiation and on such terms as will speedily and fairly compensate you therefor. To assist you in prompt submission of your Settlement Proposal, there is inclosed herewith one set of the Standard Forms of the Office of Contract Settlement for use by all fixed-price war supply contractors. Additional copies for your own use and for your subcontractors, if any, may be obtained from us or from the Government office named below, which will be in charge of the settlement of the prime contract. [In the case of the Navy, substitute "from your cognizant Navy material inspector."]

(b) Your settlement proposal, supporting inventory schedules, if any, application for partial payment, and all related papers should be submitted to us, in the absence of contrary instructions. [In the case of the Navy, add a statement requiring the submission of any settlement proposal of $10,000 or more via the subcontractor's cognizant Navy material inspector.]

[Include the following subparagraph (c) unless it appears clearly inappropriate in view of the size of the subcontract terminated or for other obvious reasons known to the contractor sending the notice of termination. If this subparagraph is included, there should be inclosed two copies of the "No-Cost" Subcontract Settlement Agreement referred to therein.]

(c) If you do not wish to present a termination claim against us, please sign and return both copies of the inclosed form of "No-Cost" Subcontract Settlement Agreement (Joint Termination Regulation, § 849.987–2). One copy signed by us will be returned for your files.

6. *Government office in charge.* The following Government office is in charge of the settlement of the prime contract:

---------- ----------
Name of Office Name of Contracting Officer

Address

7. *Acknowledgment of notice.* Please acknowledge receipt of this Notice and indicate intent to file or not to file a claim as shown below.

Enclosures:

Name of Contractor

By----------
Title

ACKNOWLEDGMENT OF NOTICE AND INTENT TO FILE OR NOT TO FILE A CLAIM

The undersigned acknowledges receipt of a signed copy of the foregoing Notice on ----------, 194-- and [strike out whichever is inapplicable] { intends / does not intend } to file a termination claim. Two copies of this Notice, both signed, are herewith returned.

Name of Subcontractor

By----------
Title

[JTR 944.2]

§ 849.944–3 *Instructions for use by prime contractors in terminating fixed-price (lump sum) supply subcontracts.* Instructions in substantially the following form are recommended for use by prime contractors in terminating fixed-price (lump sum) supply subcontracts. This recommended form of instructions should be sent to prime contractors along with their own letter notice of termination.

INSTRUCTIONS TO SUBCONTRACTORS HOLDING TERMINATED FIXED-PRICE (LUMP SUM) SUPPLY SUBCONTRACTS

1. *Introductory.* These Instructions summarize your principal rights and obligations arising out of the termination of your subcontract. They are based upon the Contract Settlement Act of 1944, the Surplus Property Act of 1944, and Government regulations issued under those acts. For more complete details on matters covered by these Instructions and for information on matters not covered by these Instructions, you should consult the Joint Termination Regulation, issued by the War and Navy Departments, which may be obtained by war contractors free of charge from the Readjustment Distribution Center, 6th Floor, 90 Church Street, New York City.

2. *Cessation of work and notification to your immediate subcontractors in compliance with the Notice of Termination.* In order to comply with your Notice of Termination, and to stop performance in accordance with its terms, you should take the following steps:

(a) Stop all work, make no further shipments, and place no further orders in connection with your subcontract (or order) except (1) to the extent necessary to perform any portion thereof not terminated by the Notice, or (2) to the extent that you may wish to retain and continue any work in process or other materials for your own account, or (3) to the extent the Contracting Officer authorizes you to continue work-in-process for reasons of safety, or to clear (or avoid damage to) equipment or to avoid immediate complete spollage of work-in-process having a definite commercial value, or otherwise to prevent undue loss to the Government. (If you believe the authorization referred to in subparagraph (3) above is necessary or advisable, you should immediately notify the responsible Contracting Officer of the Government by telephone or personal conference and obtain instructions.

You should keep adequate records of your compliance with this paragraph 2 (a) showing (i) the date you received your Notice of Termination, (ii) the effective date of such termination, and (iii) the extent of completion of performance on such effective date.

(b) Give notice of such termination to each of your immediate subcontractors (including suppliers) who will be affected thereby. In such notice you should (1) give him the number of the terminated prime contract, (2) state that it has been terminated [or partially terminated] for the convenience of the Government, (3) give him the name and address of the Contracting Officer, as set forth in your Notice of Termination, (4) instruct him to stop all work, to make no further shipments, to place no more orders, and to terminate all subcontracts, in connection with his subcontract with you (subject to the same exceptions stated in paragraph 2 (a)), (5) direct him to submit his settlement proposal promptly in order to speed up settlement of his termination claim, and (6) request him to give similar notice and instructions to his immediate subcontractors. (The form of any notice of termination sent by you and by any subcontractor of a lower tier should follow closely the form of your Notice of Termination, with only those changes required by the facts of a particular case.)

(c) Notify us of the number of articles completed under your subcontract and arrange with us for their delivery or other disposal. All completed articles, accepted and delivered after the effective date of termination, will be treated as articles delivered under your subcontract. They should, therefore, be invoiced in the usual way and not included in your termination claim.

3. *Settlement with your subcontractors.* You are requested to settle with all of your immediate subcontractors without delay. In general, the policies and procedures applicable to our settlement with you apply to your settlements with your subcontractors.

(a) *Settlements under $1,000.* Where an immediate subcontractor submits to you a settlement proposal properly made out on Standard Form 1a of the Office of Contract Settlement (i. e., a proposal which involves less than $1,000 after deducting property disposal credits) you are authorized, without further action by the Government or by us, to make a final settlement with such subcontractor.

(b) *Other settlements.* Each settlement of $10,000 and over with a subcontractor of any tier must be separately approved by the Government. In computing the size of a settlement for purposes of this paragraph, you should deduct (from the gross settlement) amounts payable for completed articles or work at the contract price and subcontract claims, but not disposal credits. Any settlement under $10,000 may be required to be submitted to the Government for approval or ratification; unless such settlements are so required to be separately submitted, they will be approved as a part of your own settlement. Notwithstanding the foregoing, if you have received an authorization to make final settlements of your subcontracts, any settlements made pursuant to the authorization will be recognized by the Government as final and conclusive for the purpose of settling the prime contract to which such subcontracts are allocable.

(c) Any settlement, even though final, may be examined by Government accounting personnel and termination inventory thereunder may be inspected by Government inspectors.

4. *Disposal of termination inventory*—(a) It is the policy of the Government that subcontractors be permitted to retain, as against their upper tier contractors, such termination inventories as they desire. You are urged to retain your inventory or to dispose of it. Such retention or sale must be subject to regulations and orders of the War Production Board, the Surplus Property Board, the Office of Price Administration and other Government agencies. You should inform your immediate subcontractors of this policy, and should request them in turn to inform their subcontractors.

(b) *Preparation of inventory schedules.* Where your settlement proposal is for less than $1,000 and properly submitted on Form 1a, you need not submit separate inventory schedules. Otherwise, your inventory should be listed on the Inventory Schedules prescribed for all fixed-price war supply contractors by the Office of Contract Settlement (Standard Forms 2a, 2b, 2c and 2d).

(c) *Authority to dispose of termination inventory without approval.* In the following cases, no approval is required for a retention or sale, and in the absence of fraud your action will be accepted as final and conclusive:

(1) *Retention or sale of items at inventory cost.* You may retain or sell, without approval, any item of inventory at its cost as stated in your inventory schedules: *Provided*, That such cost is computed upon a reasonably acceptable basis; in the case of items sold, you may include in your termination claim reasonable freight, packing and handling charges, if any.

(2) *Disposition of items under $100.* You may retain or sell, without approval, any item of inventory at the best price obtainable where the total cost of the item does not exceed $100, as stated in your inventory schedules: *Provided*, That the aggregate cost of all items so retained or sold does not exceed $5,000 or 20 percent of your total inventory cost, whichever is less. The term "item" includes all substantially similar articles at any one location listed on any one inventory schedule.

(d) *Claims under $10,000.* Subject to the provisions of subparagraph (e) below, where your claim (based on your own charges and estimated if necessary) is under $10,000, you may sell, retain, or otherwise finally dispose of any item of termination inventory, subject only to our approval unless the sale is to us or unless you are affiliated with us. In computing the size of your claim for purposes of this paragraph, you should deduct (from your gross claim) amounts payable for completed articles or work at the contract price and subcontract claims, but not disposal credits. In the absence of fraud, any such retention, sale or other disposition will be accepted by the Government as final and conclusive.

In the case of your immediate subcontractors, you may approve the sale, retention or other disposition of their termination inventory upon the same terms as those stated in this paragraph.

(e) *Completed articles and Government furnished material; Abandonment of worthless property.* The authority granted in paragraph (d) above does not include (1) the authority to retain or sell, or to approve retentions or sales of, completed articles not delivered under the contract and material furnished by the Government for incorporation in end items unless the cost of such articles and such material to be retained or sold, and the amount of the subcontractor's claim, computed according to paragraph 122 of the Joint Termination Regulation, total less than $10,000; or (ii) the authority to destroy or abandon or to approve destruction or abandonment of worthless property without the approval of the Contracting Officer (in the case of the Navy the local NMR&DA officer) or disposal board as required by § 804.447–2 of the Joint Termination Regulation.

(f) *Other dispositions.* Other dispositions of termination inventory should be approved by the Contracting Officer or authorized Navy representative.

5. *Plant clearance*—(a) *The 60-day period.* In order to arrange for plant clearance, you may from time to time submit inventory schedules to the Contracting Officer or your Navy material inspector (with a copy to us) on the Standard Forms above mentioned (Forms 2a, 2b, 2c and 2d). These schedules will constitute your statement showing the materials claimed to be termination inventory which, if not otherwise disposed of prior to settlement, you desire to have removed by the Government from your plant. The obligation of the Government under the Contract Settlement Act of 1944 to remove or arrange for storage of any items of termination inventory will not arise until sixty days, or such longer time as may be agreed, from the time when these schedules containing a listing of such items are filed with the Contracting Officer or your Navy material inspector in accordance with applicable instructions, in satisfactory form, and with the required certificate.

(b) *Contractor's right to remove and store.* If for any reason the Government does not, within such sixty-day period (or longer as agreed on), either remove such materials or enter into an agreement with you for their storage, you may at any time thereafter (using reasonable care in transportation and preservation) remove and store them for the account and at the risk and expense of the Government. You may do so, however, only if you have first delivered to the Contracting Officer or your Navy material inspector, (1) 20 days' notice in writing of the date fixed for removal and (2) a statement showing the quantities and condition of the materials so to be removed, certified to represent a concurrent physical

inventory. At any time after the effective date of termination, you are authorized to remove and store at your own expense and risk any items of termination inventory.

6. *Removal of facilities.* It is the policy of the Government, in accordance with the provisions of section 12 (g) of the Contract Settlement Act of 1944, and Regulation No. 4 of the Office of Contract Settlement to provide for the orderly and expeditious removal from private plants of Government-owned machinery, tools or equipment which is no longer required for war production or for the national defense. If you have any such equipment in your plant, you should notify the Contracting Officer.

7. *Contractor inventory.* In addition to the material allocable to your subcontract, you may have in your plant material which is "contractor inventory." The term "contractor inventory" (as used in the Joint Termination Regulation and as defined in the Surplus Property Act) means (1) any property related to a terminated contract of any type with the owning agency or to a subcontract thereunder; (2) any property acquired under a contract pursuant to the terms of which title is vested in the Government, and in excess of the amounts needed to complete performance thereunder; and (3) any property which the Government is obligated to take over under any type of contract as a result of any change in the specifications or plans thereunder. Contractor inventory includes, but is broader than, termination inventory, as that term is defined in the Joint Termination Regulation § 841.121–21 and in the Contract Settlement Act, and also includes any Government-owned material in the war contractor's plant, either before or after the expiration of a contract, which is no longer required for the purpose for which it was supplied. You should consult Part 844 of the Joint Termination Regulation as to the disposal and removal of this type of material.

8. *Interim financing.* It is the policy of the Government, pending the settlement of your claim, to provide you with adequate interim financing, within 30 days after proper application. Such financing may be effected by one or more of the following methods:

(a) A new simplified type of guaranteed T Loan, solely for use on termination, is now available;

(b) For contractors still in war production guaranteed V Loans may be arranged;

(c) Contractors will be given liberal partial payments while their terminated contracts are in process of settlement, which may be either (1) immediate payments based on an estimate of the amount due, or (2) cost-supported payments based on a statement of costs;

(d) Advance payments authorized prior to termination may, where the agreement so provides, be used with the approval of the Contracting Officer, or the Finance Division, OP&M, for the Navy Department, to pay for items included in your termination claim.

Further information may be secured from the Contracting Officer and may be found in the Joint Termination Regulation, Part 843.

9. *Delay in filing claim; improper filing.* Under the Contract Settlement Act of 1944 interest on a termination claim is not payable during the period of any unreasonable delay in settlement caused by the Contractor. Failure to file your claim in the proper form within 60 days after the date fixed for termination may suspend the accrual of interest thereafter until the claim is properly filed. Failure to file your claim properly will also substantially delay its allowance. In preparing it, you should remember that its allowance will normally create a cost to be reimbursed to the prime contractor by the Government; that your statement of costs may be subject to Government examination; and that any items listed on your inventory schedules may be subject to Government inspection. No charges will be allowed you to the extent that they are found to have resulted from your failure to take action, pursuant to your Notice of Termination or these Instructions, within a time which was reasonable under all the circumstances.

10. *Effective date of termination and date fixed for termination.* The terms "effective date of termination" and "date fixed for termination" mean the date upon which your notice of termination first requires you (1) to reduce or stop deliveries under your contract, or, (2) if no deliveries are being made or are called for under the contract, to reduce or stop performance under the contract. Payment of interest, if any, on your termination claim will be calculated by reference to this date.

11. *Pending legal proceedings.* You should notify us of any pending legal proceedings which relate to any subcontracts or purchase orders under your terminated subcontract or which have resulted in or which are intended to obtain, a lien or encumbrance on any termination inventory other than termination inventory you propose and are authorized to retain or dispose of.

12. *Destruction of records.* The Contract Settlement Act of 1944, Section 19 (a), makes it a crime, punishable by fine and imprisonment, to destroy wilfully, within a period extending for at least five years after the end of the war, (a) any records of a war contractor which relate to a war contract of $25,000 or more, or (b) any records of a war contractor or purchaser which relate to termination inventory involving $5,000 or more. The Act also imposes severe penalties for false and fraudulent statements made in connection with the settlement and payment of termination claims.

13. *Incorporation of "Approved Termination Provision".* The Government has issued a standard form of contract article called "Approved Termination Provision for Use in Fixed-Price Orders or Subcontracts for the Manufacture of Supplies under Government War Contracts"; (This form appears in the Joint Termination Regulation, § 849.936.) This provision embodies Government policy on termination of fixed-price subcontracts. If your subcontract does not contain the provision, you may raise with us the question of amending your subcontract to include it.

14. *Contracting officer.* The Contracting Officer means the Government officer in charge of the settlement of the prime contractor's claim. In most cases he will act through, and be assisted by, members of his staff, who may include material inspectors, disposal officers, accountants, and other technical experts. In the Navy Department, Navy material inspectors,[1] act as general representatives of Navy Contracting Officers in the field. You should consult us for advice and assistance in termination matters. Where necessary, however, the Contracting Officer or your Navy material inspector is also available to help you.

15. *Modification of instructions.* The directions in your Notice of Termination and these Instructions may be modified from time to time.

[JTR 944.3]

SUBPART E—FORMS RELATING TO INTERIM FINANCING

§ 849.950 *Scope.* This subpart contains forms, instructions and explanatory notes to forms, relating to guaranteed loans and partial payments in connection with termination. [JTR 950]

[1] The term "Navy material inspector" includes an Inspector of Naval Material, a Naval Inspector of Ordnance, a Supervisor of Shipbuilding, a Naval Inspector of Machinery, a Bureau of Aeronautics Representative, and an Officer in Charge of Construction.

§ 849.951 *Forms for 1944 V-Loan Guarantee Agreement and explanatory notes.* [JTR 951]

§ 849.951–1 *Form of agreement.* [JTR 951.1]

NOTE: Forms printed in the FEDERAL REGISTER are for information only and do not follow the exact format prescribed by the issuing agency.

Form of September 15, 1944

1944 V-LOAN GUARANTEE AGREEMENT

No. _____

The War Department of the United States, Navy Department of the United States, United States Maritime Commission (herein called "Guarantor"), acting through the Federal Reserve Bank of _____ as fiscal agent of the United States, and the Financing Institution, as hereinafter defined, hereby agree each with the other as follows:

SECTION 1. *Definitions.* As used in this agreement:

(A) The words "Financing Institution" shall mean _____

_____

(B) The word "Borrower" shall mean ____

_____

(*Name*)

of _____

(*Address*)

the said Borrower being engaged in a business or operation which is deemed by the Guarantor to be necessary, appropriate or convenient for the prosecution of the war.

(C) The words "the loan" shall mean a financing arrangement between the Financing Institution and the Borrower, the terms and conditions of which are briefly described as follows:

(The description of the loan shall include the following items in the following order: Type of loan (straight loan or revolving credit), principal amount (maximum amount of credit in the case of a credit), interest rate, and maturity (latest maturity in the case of a credit). Provisions as to collateral and other protective provisions prescribed by the Guarantor should also be described here, or, if preferred, by referring to an annexed loan agreement or other similar instrument; but the terms and the provisions of such agreement or instrument should not be made a part of or incorporated in the guarantee agreement.)

_____

_____

_____

_____

_____

(D) The word "obligation" shall mean the instrument or instruments evidencing the Borrower's indebtedness under the loan and any renewals or extensions thereof.

(E) The term "guaranteed percentage" shall mean (1) _____ per cent, or (2) the percentage specified above as increased by an adjustment thereof under section 8 or section 9 of this agreement.

(F) The term "unguaranteed percentage" shall mean the difference between 100 per cent and the guaranteed percentage.

(G) The words "collateral for the loan" shall mean all collateral or security specified in the description of the loan under paragraph (C) of this section or taken or accepted in substitution for such specified collateral or security, and any collateral or security hereafter taken or accepted for the specific protection of the loan.

(H) The words "interest in the obligation" shall mean the amount of the obligation owned by the Guarantor or by the Financing Institution, as the case may be.

(I) The word "Holder" shall mean the party to this agreement which has possession of the obligation and shall be determined in accordance with the provisions of sections 4 and 10 of this agreement.

(J) The words "Reserve Bank" shall mean the Federal Reserve Bank of _____ as fiscal agent of the United States acting on behalf of the Guarantor in accordance with the provisions of Executive Order No. 9112 of March 26, 1942, and as applicable provisions of law.

(K) A "war production contract" shall mean any contract (other than a contract solely for the construction or acquisition of facilities to be used by the Borrower) made or order accepted by the Borrower for the sale or furnishing by the Borrower of materials, equipment, supplies, facilities, or services or for the processing or treatment by the Borrower of materials, which (a) constitutes a prime contract with the War Department, Navy Department, or Maritime Commission or (b) constitutes a contract made or order accepted by the Borrower to aid directly or indirectly in the performance of any prime contract with any of said Government agencies.

SEC. 2. *Guarantee as to sharing of losses and expenses.* (A) All losses of principal and interest on the loan, and all expenses as defined in paragraph (D) of this section, shall be shared ratably by the Guarantor and the Financing Institution in accordance with the guaranteed percentage and the unguaranteed percentage, respectively, as such losses, expenses and percentages exist on the date of settlement between the Financing Institution and the Guarantor, regardless of whether or not any purchase has been made under this agreement.

(B) The date of settlement between the Financing Institution and the Guarantor shall be such date as may be agreed upon by the parties or, if no such date is agreed upon, the thirtieth day after the date on which either party to this agreement receives from the other party a written request for such settlement, but no such request will be made by the Guarantor prior to maturity nor prior to the time when the amount of the ultimate losses and expenses appears to be determinable with reasonable certainty.

(C) In determining losses under paragraph (A) of this section, all amounts which, on the date of settlement, have not been paid shall be regarded as losses even though they may appear to be recoverable thereafter. All net recoveries realized after the date of settlement, from whatever source realized, shall be shared ratably by the Guarantor and the Financing Institution on the basis prescribed in this section.

(D) For the purposes of this section, expenses shall mean all reasonable out-of-pocket expenses (including reasonable counsel fees incurred by the Financing Institution or the Reserve Bank prior to but not after any purchase under this agreement) which relate to the enforcement of the loan or the preservation of the collateral and which are incurred during the period of any default in the payment of principal or interest, and which have not been recovered from the Borrower.

SEC. 3 *Agreement to purchase.* (A) Upon written demand or demands made by the Financing Institution on the Reserve Bank at any time prior to the date of settlement between the Guarantor and the Financing Institution, the Guarantor will purchase from the Financing Institution, on the tenth (10th) day after the receipt by the Reserve Bank of such a demand, the guaranteed percentage of the unpaid principal amount of the loan, less any amounts which have been previously purchased by the Guarantor under any provision of this agreement and have not been repaid. Such purchases will be made by the Guarantor from time to time either as a whole or in such portions as may be demanded in writing as above specified.

(B) Any purchase by the Guarantor pursuant to any provision of this agreement shall be made at the Reserve Bank, and the amount that the Guarantor shall pay shall be the face amount of the portion of the unpaid principal amount of the obligation so purchased, as of the date of the demand, plus all unpaid accrued interest on such portion, with appropriate adjustment for guarantee fees, computed as of the date of purchase. Such purchase shall be made for cash, except that if the Guarantor owns an interest in any obligation which has been issued under a revolving credit arrangement and if, at or before the maturity of such obligation, the Reserve Bank receives written demand from the Financing Institution for the purchase of the same or a lesser amount of a new obligation to be issued in place of such maturing obligation, payment for the portion of the new obligation purchased pursuant to such demand will be made by the Guarantor by surrendering, at or before maturity, its interest in the maturing obligation, in the amount of the demand by the Financing Institution and without regard to the ten day period specified in paragraph (A) of this section.

SEC. 4. *Administration of loan and possession of obligation and collateral.* (A) Prior to any purchase under this agreement, the Financing Institution shall administer the loan and shall hold the obligation and the collateral for the loan. Whenever the Guarantor becomes the owner of any part of the loan under this agreement, the Financing Institution shall continue to administer the loan and to hold said obligation and collateral, and shall forthwith deliver to the Reserve Bank a certificate reciting that the Financing Institution holds said obligation and collateral for the account of the Guarantor to the extent of the Guarantor's interest therein. In any such case, however, upon written demand by the Reserve Bank, the Financing Institution shall forthwith endorse the obligation to the Reserve Bank without recourse or warranty and shall assign the collateral (or its interest therein if such collateral cannot be assigned because it is held for the account of more than one Financing Institution) to the Reserve Bank without recourse or warranty, except as to the genuineness of the signature of the Borrower to any instrument, and shall forthwith deliver to the Reserve Bank possession of the obligation and of the collateral (or an assignment of its interest therein as above provided). Thereupon the Reserve Bank shall issue to the Financing Institution a certificate reciting that the Reserve Bank holds said obligation and collateral for the account of the Financing Institution to the extent of the Financing Institution's interest therein. Thereafter the Guarantor, through the agency of the Reserve Bank, shall administer the loan and shall hold said obligation and collateral for the account of the Guarantor and the Financing Institution as their interests in the obligation may appear. The Guarantor and the Financing Institution shall at all times during the existence of this agreement have the right to examine and inspect said obligation and collateral.

(B) Whenever the Guarantor becomes the Holder of the obligation, the Financing Institution will at any time at the written request of the Guarantor furnish to the Guarantor such instruments as may be reasonably necessary or appropriate to enable the Guarantor to administer the loan and enforce the obligation and collateral for the loan in accordance with the terms of the loan.

(C) Nothing contained in this or any other section of this agreement shall be construed to prevent the Financing Institution from offering the obligation as collateral for advances by a Federal Reserve Bank, if such obligation is otherwise eligible and acceptable as collateral for such advances.

SEC. 5. *Ratable application of collections.* All amounts at any time paid or credited on the obligation, from whatever source realized, shall be applied ratably for the benefit of the Financing Institution and the Guarantor according to their respective interests in the obligation. All amounts so paid or credited upon the obligation after the date of a demand by the Financing Institution or the Guarantor, as the case may be, for a purchase under this agreement and prior to the date of such purchase shall be applied as above provided according to such respective interests of the Guarantor and the Financing Institution as such interests exist immediately after such purchase. The Holder of the obligation and collateral shall receive all payments from the Borrower in connection with the obligation and shall promptly remit to the other party to this agreement such other party's share thereof.

SEC. 6. *Application of proceeds of collateral and other assets.* (A) There shall first be applied to the full payment of the loan before they are applied to the payment of other indebtedness of the Borrower to the Financing Institution: (1) All proceeds of any collateral for the loan; and (2) all proceeds of accounts receivable and of inventories (including finished products and work in process) arising under the Borrower's war production contracts, to the extent that such accounts receivable or inventories are taken or appropriated by the Financing Institution, except war production contracts under which claims may heretofore have been, or may with the written consent of the Guarantor hereafter be, specifically assigned to the Financing Institution as security solely for other indebtedness of the Borrower to the Financing Institution. If any funds on deposit, or other amounts payable to the Borrower by the Financing Institution, or other assets of the Borrower (except those described in clause (2) above) which are not specifically pledged as security for any indebtedness shall be taken or appropriated by the Financing Institution, the Financing Institution shall apply such funds and the proceeds of such other assets pro rata against the then unpaid balance of the loan and the then unpaid balance of such other indebtedness of the Borrower to the Financing Institution. Funds on deposit, amounts payable, and other assets shall not be considered to be specifically pledged for any indebtedness, within the meaning of this section, if the right of the Financing Institution to apply the proceeds thereof to such indebtedness exists only by virtue of the right of banker's lien or setoff or only by virtue of a "spreader", "overlap" or "cross-lien" provision in any note or loan agreement.

(B) There shall first be applied by the Guarantor to the full payment of the loan, before they are applied to the payment of other indebtedness of the Borrower to the Guarantor, all proceeds obtained by the Guarantor from: (1) accounts receivable and inventories (including finished products and work in process) arising under the Borrower's war production contracts, and (2) any right of priority accruing to the Guarantor on account of any claim by the Guarantor against the Borrower, and (3) any right of setoff in respect of amounts due to the Borrower on any war production contract (except a right of setoff arising out of a claim under the same contract); except that the foregoing shall not apply to any pledge, lien, or other security taken by the Guarantor as collateral for an advance payment or loan by the Guarantor to the Borrower.

SEC. 7. *Actions as to obligation or collateral.* The Holder shall not, without the prior written consent of the other party to this agreement, (a) make or consent to any material alteration in the terms of the loan or collateral for the loan; (b) make or consent to any release, sale, transfer, further pledge, subordination or substitution of any of said collateral for the loan; or (c) give any consent or waiver under any provision of the loan restricting the use of funds of the Borrower. However, the consent of the other party shall not be necessary with respect to any release or substitution of such collateral required or authorized by the terms of the loan as such terms are described in paragraph (C) of section 1 of this agreement or

in any instrument referred to therein, and no notice of any such action need be given to the other party. The Holder, unless prior objection thereto shall have been made in writing by the other party, may extend the term of the loan, but, without the prior written consent of the other party, not more than once and for not more than sixty (60) days, but notice of any such extension shall be thereafter promptly transmitted to the other party. The taking of additional collateral or security shall not be considered a material alteration in the terms of the loan or collateral for the loan.

SEC. 8. *Refusal of guarantor to consent to accelerated maturity.* The Financing Institution, if it be the Holder, shall not exercise any option to accelerate the maturity of the obligation without the prior written consent of the Guarantor. If such an option exists (whether or not conditioned upon the giving of notice to the Borrower) on the part of the Holder to accelerate the maturity of the obligation and (a) the Guarantor fails to give its written consent, within ten (10) days after the Reserve Bank shall have received a written request from the Financing Institution to do so, to the acceleration of the maturity of the obligation or (b) if the Guarantor be the Holder and does not, within ten (10) days after the Reserve Bank shall have received a written request from the Financing Institution that the Guarantor do so, initiate appropriate action to accelerate the maturity of the obligation, the guaranteed percentage shall thereupon, in either event, effective ten (10) days after the receipt of such request, be 100 per cent. The Guarantor may, after giving notice to the Financing Institution, exercise any option to accelerate the maturity of the obligation without obtaining the consent of the Financing Institution, and the loan shall so provide.

SEC. 9. *Failure to sue or consent to suit.* The Financing Institution, if it be the Holder, shall not, without the prior written consent of the Guarantor, bring suit to enforce payment of the obligation or any installment thereof, or directly or indirectly institute bankruptcy, receivership or insolvency proceedings against the Borrower, or foreclose on or otherwise enforce realization of the collateral by exercise of a power of sale or by legal proceedings; but the Guarantor, if it be the Holder, after giving notice to the Financing Institution, may take any action specified in this sentence without obtaining the consent of the Financing Institution. If at any time all or any portion of the principal or interest of said obligation is due and unpaid and (a), while the Financing Institution is the Holder, the Guarantor fails to give its written consent within ten (10) days after the Reserve Bank shall have received a written request from the Financing Institution to do so, to the taking of any action specified in the preceding sentence or (b) if the Guarantor be the Holder and does not, within thirty (30) days after the Reserve Bank shall have received a written request from the Financing Institution that the Guarantor take action as aforesaid, take the action requested or one of the other steps specified in the preceding sentence, the guaranteed percentage shall thereupon in either event, effective ten (10) days or thirty (30) days, as the case may be, after the receipt of such request, be 100 per cent.

SEC. 10. *Voluntary purchase by Guarantor.* Whenever the Guarantor elects, it may purchase, and the Financing Institution shall sell to it, the guaranteed percentage of the unpaid principal amount of the obligation, less any amounts which have been previously purchased by the Guarantor under any provision of this agreement and have not been repaid; but no such purchase shall be made except ninety (90) days or more after the original advance on the loan or shall become effective until ten (10) days (or such lesser period as the Guarantor may specify) after the Guarantor shall have sent to the Financing Institution a demand for such purchase by telegram or registered mail. In the event of any purchase under this section, the Guarantor shall, at the request of the Financing Institution, or may, at its own option, immediately become the Holder in the manner provided in section 4 without the written demand therein specified.

SEC. 11. *Reports as to Borrower's condition.* The Holder shall promptly notify the other party of any default in the payment of principal, or of any default which shall continue for ten (10) days in the payment of interest, on the part of the Borrower. As long as the Financing Institution has any interest in the loan, each party shall notify the other party of any other default on the part of the Borrower in connection with the loan, or of any unfavorable change in the financial condition or in the business of the Borrower or in the collateral for the loan, of which such party has acquired actual knowledge in connection with the administration of said loan and which in its opinion at the time is material. The Financing Institution shall, upon the request of the Reserve Bank, furnish to the Reserve Bank any other information relating to the financial condition of the Borrower and the progress of the loan which it has acquired in connection with the administration of said loan.

SEC. 12. *Fees payable to guarantor.* The Financing Institution shall pay to the Reserve Bank at the end of each monthly or quarterly period, as fixed by the Reserve Bank, an amount equal to _____ per cent of any interest payable by the Borrower on the average daily amounts of that part of the unpaid principal of the obligation which the Guarantor was obligated during such period to purchase upon demand of the Financing Institution.

SEC. 13. *Effect of violation of agreement.* (A) If the Financing Institution shall violate, or fail to comply with, any of the terms of this agreement or any of the terms or conditions of the loan or shall through gross negligence make a material misrepresentation of fact in the application therefor, or in anything constituting a part of the application, it shall become liable to the Guarantor in an amount equal to the damages sustained by the latter by virtue of such violation, failure to comply, or misrepresentation; but the Guarantor shall not be relieved by such violation, failure to comply, or misrepresentation from any of its obligations to the Financing Institution under the terms of this agreement.

(B) In the absence of gross negligence on the part of the Financing Institution:

(1) No invalidity or ineffectiveness of any collateral or of any assignment thereof accepted by the Financing Institution; and

(2) No action or omission to act on the part of the Financing Institution in reliance on a statement or certificate signed by an appropriate officer or member of the Borrower with respect to the financial condition, business or operations of the Borrower or the purpose for which funds of the Borrower have been or are intended to be used;

shall constitute a violation of, or failure to comply with, any of the terms of this agreement or any of the terms or conditions of the loan on the part of the Financing Institution. No invalidity of any provision of the loan agreement (or other similar instrument), if any, referred to herein, arising from statute or decision of any court, shall in any way relieve the Guarantor hereunder.

SEC. 14. *Interpretation of agreement.* (A) This agreement constitutes the entire contract between the Guarantor and the Financing Institution, and no claim of waiver, modification, consent, or acquiescence with respect to any of the provisions of this agreement shall be made against either party except on the basis of a letter or other written instrument executed by or on behalf of such party.

(B) No provision of the loan agreement (or other similar instrument), if any, shall increase, limit or vary the rights or obligations of the Financing Institution, the Guarantor or the Borrower under this agreement.

SEC. 15. *Prohibition against assignment.* This agreement shall not be assignable by either party, but this shall not prevent the Financing Institution from granting to other financing institutions participations in the obligation, *Provided, however,* That the Guarantor shall recognize and deal only with the Financing Institution.

SEC. 16. *Officials not to benefit.* No member of or delegate to Congress or resident commissioner shall be admitted to any share or part of this contract or to any benefit that may arise therefrom, but this provision shall not be construed to extend to this contract if made with a corporation for its general benefit.

In witness whereof, the parties have caused this agreement to be executed on their behalf by their duly authorized agents this _____ day of _____, 194--.

WAR DEPARTMENT OF THE UNITED STATES,
NAVY DEPARTMENT OF THE UNITED STATES,
UNITED STATES MARITIME COMMISSION

[SEAL]

By Federal Reserve Bank of _____
As fiscal agent of the United States

By _____
(*Name*) (*Title*)

_____
(*Financing Institution*)

By _____
(*Name*) (*Title*)

Attest:

_____
(*Name*) (*Title*)

[JTR 951.1]

§ 849.951–2 *Explanatory notes to 1944 V-Loan Guarantee Agreement.*

Form of September 15, 1944

EXPLANATORY NOTES WITH RESPECT TO THE 1944 V-LOAN GUARANTEE AGREEMENT

1. The Guarantee Agreement is issued pursuant to the authority contained in the First War Powers Act, 1941, Executive Order 9112, the Act of June 11, 1942 (56 Stat. 351), the Contract Settlement Act of 1944, and other pertinent provisions of law.

2. Generally the Guarantee Agreement is to be used only in cases where a Borrower is engaged in war production and has a present need for funds to finance such war production. The Borrower may obtain termination protection to the extent that the Financing Institution agrees to permit borrowings against cancelled war production contracts. If a Borrower shows the need of borrowings for production purposes as well as for releasing working capital on terminated contracts or on the terminated portions of contracts, the borrowings will ordinarily be limited only by the loan formula and the maximum amount of the credit. Where a Borrower shows no need for borrowing for production purposes other than to purchase tax notes, V-Loan financing will not generally be made available.

3. The form of 1944 V Guarantee Agreement is to be standard in all cases. In appropriate circumstances, however, the definition of "war production contract" contained in section 1 (K) may be varied after submission of the matter to Washington for approval. No other special provision or condition modifying the guarantee agreement will be permitted in any circumstances except after joint consultation between the guaranteeing agencies.

4. It is contemplated that there will usually be a Loan Agreement between the Borrower and the Financing Institution and that each Loan Agreement will contain a borrowing formula based upon war production contracts. The loan formula shall relate to unterminated war production contracts, or to both unterminated and terminated war production contracts. In any case where the loan formula permits borrowings with respect to terminated war production contracts, the loan may contain provisions substantially similar to the report and "paydown" provisions of Paragraphs 7 (c) and 8 of the standard Termination Loan Agreement. The term "terminated war production contracts," unless otherwise defined in the loan agreement, will include a war production contract *in its entirety* which has been terminated in whole or in part.

5. In general, whenever it is agreed to extend a guaranteed loan originally under the 1942 or 1943 form of guarantee agreement, the consent of the Guarantor to such extension will be given only if the Borrower and the Financing Institution agree to accept the 1944 V-Loan Guarantee Agreement. However, if upon maturity of such a loan the Borrower needs only a relatively short extension to complete his war production contracts or, if such a loan matures prior to January 1, 1945 and time is needed to arrange for refinancing, the Guarantor will generally agree to an extension without the adoption of the new form of guarantee agreement, provided that (1) the maturity of the loan is extended for a total period of not more than six months; (2) no substantial modifications are made in the terms of the loan (except modifications requested by the Guarantor); and (3) the Borrower agrees to forego the benefits of section 6 of the 1942 or 1943 form of guarantee agreement. In addition, in any case in which it deems it necessary, the Guarantor may permit an extension without the adoption of the new form of guarantee agreement for such period of time as may appear to be required in order to effect an orderly liquidation of the loan.

6. The fact that the 1944 V-Loan Guarantee Agreement form does not contain a provision analogous to Section 5 of previous V-Loan guarantee forms will be taken into consideration by the Services in negotiating the guaranteed percentage under the new form.

7. There is no provision in the 1944 V-Loan Guarantee Agreement form for suspension of maturity upon cancellation of war contracts. However, as appears from Note 2 above, the Borrower may obtain certain termination protection. Moreover, if, at the maturity of a loan, settlement of terminated contracts has not been completed, the Services still have a responsibility under the Act to provide interim financing for the remainder of the settlement period.

[JTR 951.2]

§ 849.952 *T-Loan Forms.* [JTR 952]

§ 849.952–1 *T-Loan Guarantee Agreement.*

NOTE: Forms printed in the FEDERAL REGISTER are for information only, and do not follow the exact format prescribed by the issuing agency.

Form of September 1, 1944

T-LOAN GUARANTEE AGREEMENT

No. ____

The _____ (herein called "Guarantor"), acting through the Federal Reserve Bank of _____ as fiscal agent of the United States (herein called "Reserve Bank"), and the Financing Institution hereby agree as follows:

SECTION 1. *Definitions.* (A) "Financing Institution" shall mean _____

(B) "Borrower" shall mean _____
(Name)

of _____
(Address)

(C) "The loan" shall mean the financing arrangement between the Financing Institution and the Borrower which is described in Appendix I annexed hereto. In case of any conflict or inconsistency between the provisions of this agreement and the provisions of Appendix I or any other similar instrument, the provisions of this agreement shall control.

(D) "Obligation" shall mean the instrument or instruments evidencing the Borrower's indebtedness under the loan.

(E) "Guaranteed percentage" shall mean ___%

SEC. 2. *Guarantee as to sharing of losses and expenses.* (A) All losses on the loan (i. e., all amounts of principal and interest which are due and unpaid), and all unreimbursed expenses as defined in Paragraph (B) of this section, shall be shared ratably, on the date of settlement, by the Guarantor and the Financing Institution in accordance with the guaranteed and unguaranteed percentages, respectively. All net recoveries after the date of settlement shall be shared on the same basis. The date of settlement shall be the thirtieth (30th) day after the date on which either party, after the maturity of the loan, receives from the other party a written request for such settlement, or any other date agreed on by the parties.

(B) Expenses shall mean all reasonable out-of-pocket expenses (including reasonable counsel fees incurred by the Financing Institution or the Reserve Bank prior to but not after any purchase under this agreement) which relate to the enforcement of the loan or the preservation of the collateral and which are incurred during the period of any default in the payment of principal or interest.

SEC. 3. *Agreement to purchase.* The Guarantor will at any time and from time to time prior to the date of settlement purchase such portion of the obligation as may be demanded in writing by the Financing Institution, by paying to the Financing Institution, on the tenth (10th) day after the receipt by the Reserve Bank of such a demand, the unpaid principal amount of the portion of the obligation to be purchased, as of the date of the demand, plus all unpaid accrued interest on such amount, with appropriate adjustment for guarantee fees, computed as of the date of purchase: *Provided,* That in no event shall the total amount of the portion of the obligation owned by the Guarantor exceed the guaranteed percentage.

SEC. 4. *Voluntary purchase by guarantor.* The Guarantor may, at any time upon its demand, purchase the guaranteed percentage of the obligation, less any amounts previously purchased under this agreement and not repaid, and shall pay therefor on the basis stated in section 3. In such event, at the option of the Financing Institution or the Guarantor, the Financing Institution shall forthwith transfer possession of the obligation and collateral in the manner provided in section 5.

SEC. 5. *Administration of loan and possession of obligation and collateral.* (A) The Financing Institution shall administer the loan until it transfers possession of the obligation and collateral to the Reserve Bank as provided below, and thereafter the Guarantor shall administer the loan. Whenever the Guarantor purchases any part of the obligation, the Financing Institution shall forthwith deliver to the Reserve Bank a certificate evidencing the Guarantor's ownership interest in the obligation and collateral. In any such case, however, upon written demand by the Reserve Bank, the Financing Institution shall forthwith transfer to the Reserve Bank, without recourse or warranty except as to the genuineness of the Borrower's signature to any instrument, such possession of, title to, and rights to enforce the obligation and all collateral therefor as it may have. Thereupon the Reserve Bank shall issue to the Financing Institution a certificate evidencing the Financing Institution's ownership interest in the obligation and collateral. Either party administering the loan may (1) release and dispose of collateral and proceeds thereof, and permit substitution therefor, all in accordance with the terms of the loan, and (2) after five days' written notice to the other party, bring any action to enforce the loan.

(B) Nothing in this agreement shall prevent the Financing Institution from transferring the obligation as collateral for advances by a Federal Reserve Bank.

SEC. 6. *Ratable application of collections.* All amounts at any time paid or credited on the obligation, from whatever sources realized, shall be applied ratably for the benefit of the Financing Institution and the Guarantor according to their respective ownership interests in the obligation. Except as may be provided in the loan, the Financing Institution shall not be required to credit on the obligation the proceeds of any banker's lien or right of set-off with respect to funds of the Borrower (exclusive of proceeds of contracts on Exhibit C to Appendix I) or of other assets, to the extent that the Financing Institution has provided that such lien, right of set-off or other assets shall be security for other indebtedness of the Borrower to it.

SEC. 7. *Fees payable to guarantor.* The Financing Institution shall pay to the Reserve Bank at the end of each monthly or quarterly period, as fixed by the Reserve Bank, an amount equal to _____ per cent of any interest payable by the Borrower on the average daily amounts of that part of the unpaid principal of the obligation which the Guarantor was obligated during such period to purchase upon demand of the Financing Institution.

SEC. 8. *Effect of violation of agreement.* (A) If the Financing Institution shall violate, or fail to comply with, any of the terms of this agreement or any of the terms or conditions of the loan or shall through gross negligence make a material misrepresentation of fact in the application therefor, or in anything constituting a part of the application, it shall become liable to the Guarantor in an amount equal to the damages sustained by the latter by virtue of such violation, failure to comply, or misrepresentation; but the Guarantor shall not be relieved by such violation, failure to comply, or misrepresentation from any of its obligations to the Financing Institution under this agreement.

(B) In the absence of gross negligence on the part of the Financing Institution, (1) no invalidity or ineffectiveness of any collateral or of any assignment thereof accepted by the Financing Institution, and (2) no action or omission to act on the part of the Financing Institution in reliance on a statement or certificate signed by an appropriate officer or member of the Borrower with respect to the financial condition, business or operations of the Borrower, shall constitute a violation of, or failure to comply with, any of the terms of this agreement or any of the terms or conditions of the loan on the part of the Financing Institution. No invalidity of any provision of the loan arising from statute or decision of any court shall in any way relieve the Guarantor hereunder.

SEC. 9. *Officials not to benefit.* No member of or delegate to Congress or resident commissioner shall be admitted to any share or part of this contract or to any benefit that may arise therefrom, but this provision shall not be construed to extend to this contract if made with a corporation for its general benefit.

In witness whereof, the parties have caused this agreement to be executed on their be-

half by their duly authorized agents this ------ day of ----------, 194--.

(Guarantor)

[SEAL] By FEDERAL RESERVE BANK OF
---
as Fiscal Agent of the United States.

By ---
(Name) (Title)

(Financing Institution)

(Name) (Title)

Attest:

(Name) (Title)

[JTR 952.1]

§ 849.952–2 *Termination Loan Agreement.*

NOTE: Forms printed in the FEDERAL REGISTER are for information only, and do not follow the exact format prescribed by the issuing agency.

Form of September 1, 1944

APPENDIX I—TERMINATION LOAN AGREEMENT

Under Guarantee Agreement No.------

(herein called "Financing Institution") will grant credit to ---
---
of ---
(herein called "Borrower"), up to a maximum principal amount of $---------- at any one time outstanding, by lending to the Borrower at any time and from time to time on promissory notes in the form annexed hereto as Exhibit A and in accordance with the terms and conditions of this agreement.

1. *Definitions.* All terms defined in the Contract Settlement Act of 1944 and in the Guarantee Agreement shall have the same meaning when used in this agreement. "Terminated war contract" shall mean a war contract, in its entirety, which has been terminated in whole or in part. "The Contracts" shall mean such terminated war contracts, if any, as may now be listed on Exhibit C annexed, and as the Borrower may from time to time add thereto by supplement approved by the Financing Institution.

2. *Maturity.* The loan shall mature thirty (30) days after final payment of the amounts due, upon final and conclusive settlement, on the war contracts of the Borrower or upon ----------, 194--, whichever is earlier, and all notes issued hereunder shall thereupon become due and payable. If any note of shorter maturity is issued, the Borrower may from time to time until the maturity of the loan again borrow hereunder the unpaid amount of such note, subject to the provisions of Paragraph 6 hereof. The Borrower may at any time by written notice reduce the maximum principal amount of the loan in multiples of $----------.

3. *Interest.* The Borrower shall pay interest as prescribed in Exhibit A.

4. *Commitment fee and expenses.* The Borrower shall pay quarterly a commitment fee at the rate of ------% per annum on the average daily unused balance of the maximum principal amount of the loan. The Borrower shall reimburse the Financing Institution for reasonable out-of-pocket expenses incurred in connection with the loan and the application therefor.

5. *Collateral.* Prior to or contemporaneously with any borrowing hereunder, the Borrower, except and to the extent that the Financing Institution otherwise agrees in writing, will assign to the Financing Institution as security for the loan all moneys due and to become due on the Contracts. At any time upon request of the Financing Institution or the Guarantor, the Borrower will furnish additional security by assigning to the Financing Institution the moneys due and to become due on any or all of its terminated war contracts which by using its best efforts the Borrower can assign and which have not been previously assigned hereunder. All proceeds of assignments made hereunder and of any other collateral taken by the Financing Institution for the loan shall be applied to the indebtedness under the loan. Except to secure borrowing hereunder, except as provided in Exhibit D, and except to secure partial payments made to the Borrower by any contracting agency, the Borrower will not (a) assign, or suffer to remain assigned, moneys due or to become due on any of the Contracts, or (b) mortgage, pledge, or otherwise encumber, or suffer to remain encumbered for more than ------ days, any inventory allocable to the Contracts.

6. *Conditions of borrowing.* The Financing Institution shall not be required to make any advance hereunder (a) unless the Borrower furnishes to the Financing Institution a loan formula certificate in the form annexed hereto as Exhibit B, dated not more than -------- days before the date of the proposed borrowing, which shows a borrowing base, calculated in accordance with the percentages therein specified, of not less than the amount that will be outstanding after the proposed borrowing, or (b) if any event exists which constitues or which, except for notice or lapse of time or both, would constitute a default specified in this agreement, or (c) to the extent that the Financing Institution has reason to believe that the borrowing base stated in the loan formula certificate is substantially overstated in value and has so notified the Borrower in writing, provided that the Financing Institution may rely upon the borrowing base shown in the loan formula certificate.

7. *Reports.* The Borrower shall maintain proper records and accounts, permit such inspection thereof, and furnish such statements and reports, including audit reports, as the Financing Institution or the Guarantor may from time to time reasonably request. In any event, within three (3) months after the initial borrowing and not less than quarterly thereafter the Borrower shall furnish to the Financing Institution periodic reports in triplicate made up as follows:

(a) A balance sheet, certified by an appropriate officer or member of the Borrower, as of a date not more than ------ days prior to the date of furnishing the report.

(b) A loan formula certificate in the form of Exhibit B, dated not more than ------ days before the date of furnishing the report, unless such a certificate has been furnished within thirty (30) days before such date.

(c) A statement of the nature, amounts, and dates of all payments on any assigned terminated war contracts and on the Contracts, whether or not assigned, in cash or by offset or otherwise (except any offset theretofore deducted in any loan formula certificate) between the date of the initial borrowing or the last date covered by the last report, whichever is later, and a date not more than fifteen (15) days prior to the date of such a statement. Payments shall be deemed to include the proceeds of collateral taken for the loan, or proceeds of, or specific credit with respect to, any sale, retention or other disposition of inventory allocable to such contracts, approved or authorized by the proper authority, and the cost or proceeds, whichever is greater, of any such inventory which the Borrower has definitively elected to retain without specific credit therefor.

8. *Reduction of notes.* The Borrower shall pay down the unpaid principal amount of the notes by an amount equal to: (a) All payments, as described in Paragraph 7 (c), within three (3) days from the date of any such payment or within such further time as the Financing Institution may prescribe; and (b) any excess of outstanding borrowings over the borrowing base shown in the most recent loan formula certificate, upon the date of furnishing such certificate, provided that, while the Financing Institution may rely upon the borrowing base shown in such certificate, such borrowing base shall be decreased to the extent that the Financing Institution or the Guarantor has reason to believe that it is substantially overstated in value and has so notified the Borrower in writing, in which event the Borrower shall pay, in addition, an amount equal to any excess resulting from such decrease, within ten (10) days after the mailing of such notice.

9. *Maintenance of working capital.* The Borrower shall maintain net current assets, as determined in accordance with generally accepted principles of accounting and including in current liabilities all borrowings outstanding hereunder, of not less than $----------.

10. *Insurance.* The Borrower shall maintain insurance on its property in such amounts and against such risks as is customarily maintained by similar businesses operating in the same vicinity.

11. *Other provisions.* The parties hereto agree to any additional provisions appearing in Exhibit D annexed.

12. *Events of default.* The occurrence of any one of the following events shall constitute a default hereunder:

(a) Any statement, representation, warranty, certificate, schedule or report furnished by the Borrower in connection with the loan shall prove to have been materially false at the date thereof.

(b) Nonpayment of the principal of any of the notes outstanding hereunder when due; or nonpayment of interest or any commitment fee within ten (10) days after the date thereof.

(c) Breach by the Borrower of any other provision of this agreement.

(d) The Borrower shall be adjudicated a bankrupt or a trustee or a receiver shall be appointed for the Borrower or of a substantial part of its property in any involuntary proceeding, or any court shall have taken jurisdiction of the property of the Borrower or of a substantial part thereof in any involuntary proceeding for the reorganization, dissolution, liquidation or winding up of the Borrower, and such trustee or receiver shall not be discharged or such jurisdiction relinquished or vacated or stayed on appeal or otherwise stayed within thirty (30) days, or the Borrower shall file a petition or answer, not denying jurisdiction, in voluntary bankruptcy or under Chapter X or Chapter XI of the Federal Bankruptcy Act or any similar law, State or Federal, whether now or hereafter existing, or such a petition filed against the Borrower shall be approved and not vacated or stayed within thirty (30) days, or shall make an assignment for the benefit of creditors, or shall admit in writing its inability to pay its debts generally as they become due, or shall consent to the appointment of a receiver or trustee or liquidator of all of its property or a substantial part thereof, or shall have failed within thirty (30) days to bond or otherwise discharge any attachment or to pay any judgment which is unstayed on appeal.

If there shall occur any default as defined in item (a) above or if there shall occur and be continuing any default as defined in item (b) or (c) above, then upon the election of the Financing Institution or the Guarantor, evidenced by written notice to the Borrower, or if there shall occur any default as defined in item (d) above, then forthwith and without any election, the obligation, if any, of the Financing Institution to extend further credit shall terminate and all notes outstanding hereunder shall become due and payable without presentment, demand, protest or notice of any kind, all of which are hereby expressly waived.

In witness whereof, the parties have caused this agreement to be executed on their behalf by their duly authorized agents, this ------ day of ----------, 194--.

(Financing Institution)

By ---
(Name) (Title)

(Borrower)

By ---
(Name) (Title)

[JTR 952.2]

§ 849.952–3 *Exhibits to Termination Loan Agreement.*

NOTE: Forms printed in the FEDERAL REGISTER are for information only, and do not follow the exact format prescribed by the issuing agency.

Form of September 1, 1944

Exhibits to termination loan agreement dated ----------, 194--.

(If additional provisions are to be included in the Loan Agreement in accordance with Paragraph 11 thereof, they should appear in an Exhibit D which should be attached hereto.)

EXHIBIT A

FORM OF NOTE

Place ---
Date ----------, 194--

On or before ----------, 194--, for value received, ---
hereby promises to pay to the order of

(Financing Institution)
at ---
(Address)
the principal sum of ---
DOLLARS ($----------) in lawful money of the United States, and to pay interest thereon from the date hereof at the rate of ------ per cent per annum, prior to maturity, payable on the ------ day of each ---------- and after maturity by acceleration or otherwise at the rate of ------ per cent per annum.

This note evidences a borrowing made under and is subject to the terms of a Loan Agreement dated ----------, 194--, between the undersigned and the payee hereof.

By ---
(Name) (Title)

EXHIBIT B

LOAN FORMULA CERTIFICATE

Pursuant to the Loan Agreement between the undersigned and ---
dated ----------, 194--, the undersigned hereby certifies to the best of its knowledge and belief as follows:

1. (a) Principal amount of borrowings now outstanding ---------- $--------
(b) Principal amount of proposed borrowing, less outstanding borrowings to be refunded--- $--------
Total ---------- $--------

2 The following amounts have been calculated as of ------, 194-- (not more than 30 days prior to the date of this certificate) with respect to terminated war contracts listed on or added to Exhibit C, in accordance with accepted principles of accounting and without duplications:

(a) ------% of accounts receivable from Governmental contracting agencies aggregating not less than $-------- ------ $--------
(b) ------% of accounts receivable from others aggregating not less than $-------- ---------- $--------
(c) ------% of reimbursable expenditures for inventory, including only direct labor, cost of raw materials, purchased parts and supplies, and manufacturing and administrative overhead aggregating not less than $-------- ---------- $--------
(d) ------% of reimbursable amounts for subcontract settlements paid or to be paid concurrently from any new borrowing for which this certificate is furnished aggregating not less than $-------- ---------- $--------
Total---------- $--------
Less—
(aa) Unliquidated advance payments, progress and partial payments, and any other offsets, and any amounts included in (a), (b), (c), or (d) above which have been disallowed by the contracting agency-------- $--------
Borrowing base---------- $--------

3. No amount is included in (a), (b), (c), or (d) above with respect to any item on which a termination claim can be based which exceeds the amount of such item in the Borrower's most recent termination claim, if any has been filed. There has been no change in the amount stated in Paragraph 2 since the date therein specified which would materially decrease the borrowing base.

4. No event exists which constitutes, or which except for notice or lapse of time or both would constitute, a default specified in the Loan Agreement.

(Borrower)

By ---
(Name) (Title)

Dated ----------, 194--

EXHIBIT C

TERMINATED WAR CONTRACTS

The Borrower certifies that, to the best of its knowledge and belief, the following are terminated war contracts as defined in the Loan Agreement between ---
---
and---
dated ----------, 194----:

Contract or order number	Date of contract or order	Name of other contracting party	Date of notice of termination	Estimated amount of termination claim	End use of product

---
(Borrower)

By ---
(Name) (Title)

Dated ----------, 194--

[JTR 952.3]

§ 849.952–4 *Explanatory notes regarding T-Loan guarantee and loan agreements.*

Form of September 1, 1944

EXPLANATORY NOTES

Approved by the Director of Contract Settlement with Respect to Standard Forms of T-Loan Guarantee Agreement and Termination Loan Agreement

GUARANTEE AGREEMENT

Opening paragraph. (1) The guarantee agreement is issued pursuant to the authority contained in the Contract Settlement Act of 1944, the First War Powers Act, 1941, Executive Order, 9112, the Act of June 11, 1942 (56 Stat. 351), and other pertinent provisions of law. No changes in the guarantee agreement will be permitted except in the most unusual cases and then only with the concurrence of the Board of Governors of the Federal Reserve System.

(2) Pursuant to section 10 (a) (1) of the Contract Settlement Act of 1944, the Guarantor in its authorization or through its local representative will notify the Federal Reserve Bank in writing that the Borrower is or has been engaged in performing an operation deemed by the Guarantor to be connected with or related to war production.

SECTION 1 (A). (3) If one Financing Institution is authorized, as agent for a number of participants, to execute a guarantee agreement in their behalf, the participants should be referred to as "each bank, trust company or other financing institution which is or shall be a party to the loan described in Appendix I annexed hereto" or by some other appropriate reference showing the several nature of the agreement.

SEC. 1 (C). (4) Since the guarantee agreement covers only the loan described in Appendix I, any material alteration in the terms of the loan should be made only with the written consent of the Guarantor in order that the loan, as altered, will be covered by the guarantee.

SEC. 1 (E). (5) The requested percentage of guarantee will not ordinarily be questioned by the Federal Reserve Bank or the Guarantor if it does not exceed 90 per cent.

SEC. 2 (B). (6) Counsel fees incurred by the Financing Institution after a purchase cannot be shared by the Guarantor because of the provisions of 5 U.S.C. 314.

SEC. 3. (7) It is contemplated that a purchase made by the Guarantor under this section shall be for cash. However, if the Guarantor owns an interest in any obligation which has been issued under a revolving credit arrangement, and if, at or before the maturity of such obligation, the Reserve Bank receives written demand from the Financing Institution for the purchase of the same or a lesser amount of a new obligation to be issued in place of such maturing obligation, the payment for the portion of the new obligation purchased pursuant to such demand will be made by the Guarantor by surrendering, at or before maturity, its interest in the maturing obligation, in the amount of the demand by the Financing Institution and without regard to the ten-day period specified in this section.

SEC. 5 (A). (8) Under the first sentence the Guarantor may, after a purchase and transfer, administer the loan either directly or through the agency of the Reserve Bank. It is contemplated that such administration will usually be conducted by the Reserve Bank.

SEC. 6. (9) All amounts paid or credited on the obligation after the date of the demand by the Financing Institution or the Guarantor, as the case may be, for a purchase under this agreement and prior to the date of such purchase will be applied, as provided in this section, according to the respective interests of the Guarantor and the Financing Institution as such interests exist immediately after the purchase.

(10) Subject to any special provision which may be contained in Exhibit D, the Financing Institution may make other loans to the Bor-

rower for the purpose of financing war production or reconversion to civilian business or for other purposes, provided the proceeds of the Contracts (as the term "the Contracts" is defined in Paragraph 1 of Appendix I) or inventory allocable to the Contracts are not pledged as security for such loan. The Financing Institution as security for the side loan may take other collateral and provide that the side loan shall not be required to share with the guaranteed loan any banker's lien or right of setoff with respect to funds of the Borrower, exclusive of proceeds of the Contracts, on general deposit with the Financing Institution or specifically pledged as security for such side loan.

SEC. 7. (11) A schedule of guarantee fees will be prescribed by the Board of Governors of the Federal Reserve System with the concurrence of the Director of Contract Settlement.

SEC. 8. (12) The word "certificate" in Paragraph (B) (2) includes any certificate furnished by the Borrower in connection with the loan formula.

General. (13) Whenever a number of days is specified in the Guarantee Agreement or in the Loan Agreement the word "days" shall be deemed to mean calendar days.

LOAN AGREEMENT

Opening paragraph. (14) If the Borrower and the Financing Institution have agreed upon a non-firm commitment, the words "in its sole discretion" may be inserted before the word "grant". The second sentence of Paragraph 2 applies even in the case of a non-firm commitment and in such a case no figure should be inserted in Paragraph 4.

(15) In the case of a straight loan, the words "at any one time outstanding", should be stricken out.

(16) The note to be used should contain the provisions which appear in the form annexed as Exhibit A to the standard loan agreement, with the blanks appropriately filled in, and may contain such additional provisions, not inconsistent therewith or with the terms of the loan agreement, as the Financing Institution and the Borrower may agree. The note may, for example, contain provisions for sale of collateral in the event of default, allowance for attorneys' fees, etc.

PARAGRAPH 1. (17) The following terms are defined in Section 3 of the Contract Settlement Act of 1944:

"(a) The term 'prime contract' means any contract, agreement, or purchase order heretofore or hereafter entered into by a contracting agency and connected with or related to the prosecution of the war; and the term 'prime contractor' means any holder of one or more prime contracts.

"(b) The term 'subcontract' means any contract, agreement, or purchase order heretofore or hereafter entered into to perform all or any part of the work, or to make or furnish any material to the extent that such material is required for the performance of any one or more prime contracts or of any one or more other subcontracts; and the term 'subcontractor' means any holder of one or more subcontracts.

"(c) The term 'war contract' means a prime contract or a subcontract; and the term 'war contractor' means any holder of one or more war contracts.

"(d) The terms 'termination', 'terminate', and 'terminated' refer to the termination or cancellation, in whole or in part, of work under a prime contract for the convenience or at the option of the Government (except for default of the prime contractor) or of work under a subcontract for any reason except the default of the subcontractor.

* * * * *

"(g) The term 'contracting agency' means any Government agency which has been or hereafter may be authorized to make contracts pursuant to section 201 of the First War Powers Act, 1941, and includes the Reconstruction Finance Corporation and any corporation organized pursuant to the Reconstruction Finance Corporation Act (47 Stat. 5), as amended, the Smaller War Plants Corporation, and the War Production Board.

"(h) The term 'termination claim' means any claim or demand by a war contractor for fair compensation for the termination of any war contract and any other claim under a terminated war contract, which regulations prescribed under this Act authorize to be asserted and settled in connection with any termination settlement.

"(m) The term 'final and conclusive,' as applied to any settlement, finding, or decision, means that such settlement, finding, or decision shall not be reopened, annulled, modified, set aside, or disregarded by any officer, employee, or agent of the United States or in any suit, action, or proceeding except as provided in this Act."

With respect to the definition contained in paragraph (g) above, the Director of Contract Settlement will from time to time issue a list of "contracting agencies" indicating those which are currently guaranteeing loans under this Act through the agency of the Federal Reserve Banks.

(18) It will be noted that the definition of "terminated war contract" contained in Paragraph 1 of the loan agreement is broad enough to permit borrowings against receivables and inventory under that part of a partially cancelled contract still remaining to be performed; that under Paragraph 5 assignment of all moneys due and to become due under the entire contract may be required; and that the provisions of Paragraphs 7 (c) and 8 apply to all payments under the contract.

(19) *Current commitments on uncancelled contracts.* If the Financing Institution and the Borrower desire to enter into a firm commitment for the financing of nonterminated contracts existing on the date of execution of the loan agreement and if such contracts become terminated, a provision may be added to Exhibit D listing such nonterminated war contracts with an agreement by the Financing Institution that such contracts may, upon termination, be added to Exhibit C without further approval. The addition of terminated war contracts to Exhibit C shall be made by serially numbered supplements filed in five copies with the Financing Institution. The supplements shall be in the same form as Exhibit C with the following added at the lower left hand corner thereof.

Approved: _____, 194__

_____
(Financing Institution)

By _____
(Name) (Title)

If the Financing Institution approves of a supplement, it shall sign all copies, retain one for its files, return one to the Borrower, and send the other three copies to the Reserve Bank.

(20) Since the termination loan agreement is designed to finance termination claims rather than production, the Financing Institution may find it advisable to decline to permit inclusion in Exhibit C of contracts which have been terminated only to a minor extent when the effect of their inclusion would probably be to make the proposed borrowing in substantial part a loan for production purposes. The Financing Institution may refuse to permit addition to the list of terminated war contracts contained in Exhibit C of such contracts as are by their terms not assignable, or may require as a condition of the addition of such contracts to the list that the Borrower obtain an appropriate amendment permitting such assignment. It should be noted that prime contracts providing for payments aggregating less than $1,000 are not assignable under the Assignment of Claims Act of 1940.

PAR. 2. (21) The notes may be made payable on demand, or may be 90-day notes, or may have such other maturity, not more than three years after the date of the agreement, as the Financing Institution and the Borrower may agree.

(22) Irrespective of whether or not the Financing Institution is under an obligation under the terms of the agreement to extend further credit, the second sentence of Paragraph 2 is intended to give the Borrower the right to borrow again, from time to time, up to the amount of the notes which have been given in consideration of the loan until the final maturity date inserted in Paragraph 2 or until the notes are finally paid pursuant to Paragraph 8 or otherwise, whichever first occurs.

PAR. 3. (23) The maximum interest rate, as prescribed by the Board of Governors of the Federal Reserve System with the concurrence of the Director, is 4½ per cent per annum simple interest, and interest may not be charged at a greater rate either before or after maturity.

PAR. 4. (24) The maximum commitment fee, as prescribed by the Board of Governors of the Federal Reserve System with the concurrence of the Director, is ¼ of 1 per cent per annum based on the average daily unused balance of the maximum principal amount of the loan, or a flat fee of not to exceed $50 without regard to the amount or maturity of the commitment. Accordingly, the commitment fee, if any is charged, may not exceed this maximum. If a flat fee is charged, the first sentence of the Paragraph should be changed to read: "The Borrower shall pay on _____ a commitment fee of $_____".

(25) No termination fee, service fee, or other fee of a similar character, except charges covering out-of-pocket expenses of a financing institution, may be charged.

(26) Out-of-pocket expenses do not include any overhead expenses.

PAR. 5. (27) The obligation imposed upon the Borrower to make assignments includes the obligation to execute such documents and take such action in connection therewith as the Financing Institution may reasonably require, including, in the case of subcontracts, the giving of such notice to the purchasers as may be necessary to perfect the assignments.

(28) The extent to which assignments should be required prior to or contemporaneously with any borrowing under the first sentence of this Paragraph will depend upon the credit standing of the Borrower and upon the practical problems of assignment which may exist in a particular case. The Financing Institution may, by an appropriate writing, agree to except specific contracts from the requirement of assignment, in which case notice of the contracts so excepted should be given to the Reserve Bank. The Financing Institution may also provide in Exhibit D for a general exception. For example, Exhibit D may provide that contracts on Exhibit C as to which the "Estimated Amount of Termination Claim" is less than $_____ need not be assigned unless subsequently requested by the Financing Institution or the Guarantor. If such a provision is included in Exhibit D the dollar amount of contracts so excluded may, if the Borrower's credit is strong enough to warrant, be made sufficiently high so that Paragraph 5 will in effect merely constitute a covenant to assign upon request of the Financing Institution or the Guarantor.

(29) In the case of a weak credit, the Financing Institution should include in Exhibit D, a covenant reading substantially as follows:

"At any time upon request of the Financing Institution or the Guarantor, the Borrower will pledge or mortgage as further security for the loan all or any inventory applicable to the Contracts."

Any pledge pursuant to such a covenant should contain a provision for release of inventory so pledged to the extent of payment to the Financing Institution of the cost or proceeds thereof, as the case may be, in accordance with the terms of Paragraph 8 of the loan agreement.

(30) Under the last sentence of this Paragraph, the Financing Institution and the Borrower in suitable cases may agree to a provision in Exhibit D permitting the existence of liens to secure advance payments.

(31) The number of days during which an encumbrance may be permitted to remain on inventory of the Borrower without creating a default, which is to be inserted in the last sentence of this Paragraph, will depend primarily upon the credit standing of the Borrower.

PAR. 6. (32) The Financing Institution shall promptly submit to the Reserve Bank two copies of the loan formula certificate furnished by the Borrower at the time of the initial borrowing. In the event of a serious dispute between the Financing Institution and the Borrower as to whether the borrowing base is substantially overstated in value, for the purposes of this Paragraph or of Paragraph 8, the parties may, if they mutually desire, request the Guarantor to consider the matter. If at the time of any borrowing, or at any other time, additional security not referred to in the application or loan agreement and not previously reported is furnished, a report thereof should be promptly made by the Financing Institution to the Reserve Bank.

PAR. 7. (33) The Financing Institution may, for example, deem it desirable to require under the first sentence of this Paragraph the furnishing of profit and loss statements, an analysis of surplus, data as to claims under the Borrower's terminated war contracts, and statements as to the insurance required to be maintained by the Borrower under Paragraph 10.

(34) One copy of each of the statements to be furnished under subparagraphs (a), (b) and (c) may be retained by the Financing Institution, and two copies should be forwarded to the Reserve Bank, which will retain one copy and forward the other to the Guarantor or such person as the Guarantor may designate.

(35) Under the definition of payments, a number of different situations are contemplated:

(a) There may be a sale of inventory specifically approved or authorized by the proper authority. In such case, the payment will be the amount of the proceeds; the date of payment will be the date of receipt of the proceeds by the Borrower.

(b) There may be a retention of inventory approved or authorized by the proper authority with a specific credit allowed on any claim filed. In such case, the payment will be the amount of the credit allowed; the date of payment will be the date of the allowance of the credit.

(c) There may be a sale of inventory approved or authorized by the proper authority under a blanket authority to dispose of inventory at not less than cost or at not less than a stated percentage of cost. In such case, the amount of the payment will be the amount of the proceeds; the date of payment will be the date the proceeds of the sale are received by the Borrower.

(d) There may be a definitive election to retain inventory not approved or authorized by the proper authority with a specific credit against the Borrower's claim where claim has been filed or against his potential claim where none has been filed. Such a definitive election to retain occurs when the Borrower relinquishes the right to include the cost of such inventory in his claim and may be evidenced by written notice to the proper authority, by sale of the inventory without specific credit, by incorporation of inventory in civilian products, or by other means. In such case the amount of the payment will be the cost of the inventory or, if the act of election is a sale, the proceeds of the sale if that is greater than cost; the date of payment will be the date when the definitive act of election was made.

In the case of a prime contract the "proper authority" to approve or authorize dispositions or retentions of property is the contracting agency. In the case of subcontracts the "proper authority" may be the purchaser or the contracting agency or both depending on the circumstances and the applicable regulations. The word "cost" refers to the Borrower's cost or expenditures used in computing the borrowing base.

PAR. 8. (36) The Government does not undertake responsibility for assisting in the financing of civilian inventory under the provisions of the Contract Settlement Act of 1944. Therefore, the Financing Institution, if it prescribes a period in excess of three days, should prescribe a reasonably short period within which the payments required by Paragraph 8 are to be made. The Financing Institution may prescribe different periods for payments arising out of the several classes of events upon the happening of which payments are required to be made, and may prescribe a period of grace for small payments. If the credit of the Borrower is not strong, prompt payment should be required, particularly in the event of inventory retention.

(37) If either the Financing Institution or the Guarantor notifies the Borrower of an overstatement pursuant to clause (b) of Paragraph 8, it should forthwith notify the other party to the Guarantee Agreement.

PAR. 9. (38) If the Borrower has subsidiaries and if it is desired to use *consolidated* net current assets as a basis, this should be specified in Exhibit D. In this event, consideration should be given to whether or not any restrictions imposed upon the parent should also be applied to the subsidiaries.

PAR. 11. (39) The standard form of loan agreement is designed for use in connection with a straight loan or a revolving credit, a firm commitment or a loan under which the Financing Institution is not obligated to extend further credit, a single bank credit arrangement or a multi-bank credit arrangement, and for a strong credit or a weak credit. It is recognized that the Financing Institution and the Borrower may wish to add in Exhibit D further provisions appropriate for the particular financing arrangement between them.

(40) Conditions other than those required under Appendix I will be prescribed by the Guarantor or the Federal Reserve Bank only in exceptional circumstances and when they are clearly necessary to protect the Government's interest; but it is expected that the Financing Institution, in the case of a weak credit, will ordinarily insist upon the inclusion of the provision quoted in Explanatory Note (29). Additional conditions for inclusion in Exhibit D may be agreed upon by the Borrower and the Financing Institution and, if not unreasonable or inconsistent with the standard termination loan agreement, such conditions will not be objected to by the Guarantor or the Reserve Bank.

(41) The Guarantor will have no objection to the insertion of a provision requiring the Borrower to apply first to the Financing Institution before obtaining any other loans. The Financing Institution may also insert an additional provision prohibiting other borrowings, without the consent of the Financing Institution, or placing a ceiling thereon.

(42) In order that additional terms may be clearly distinguished from the provisions of the standard form, all such additional terms should be set forth in Exhibit D or in a rider attached thereto.

(43) In any case where either the Financing Institution or the Guarantor exercises its option under the Loan Agreement to terminate the credit and accelerate the notes, it should forthwith notify the other party to the Guarantee Agreement.

Exhibit B—Paragraph 2

(44) In general, the percentages in the loan formula certificate agreed upon by the Financing Institution and the Borrower will not be questioned by the Federal Reserve Bank or the Guarantor.

(45) If a breakdown between manufacturing and administrative overhead is available, it should be furnished by the Borrower, and in this case the words "and administrative" may be omitted from item (c) and an additional item relating solely to administrative overhead may be added. Similarly, where circumstances warrant, there may also be added a separate item relating to other reimbursable expenditures, provided that a breakdown of such item is furnished and approved. In any of the above cases, the additional items will be lettered (e), (f), etc. If a further breakdown of expenditures is desired, as between fixed-price and cost-plus-a-fixed-fee contracts or as between prime contracts and subcontracts or as between approved and unapproved subcontract settlements, this may be accomplished by similar procedure.

(46) With reference to (aa), amounts "disallowed by the contracting agency" include any part of a termination claim disallowed pursuant to Section 3 of the Act regardless of whether the Borrower has taken an appeal, except to the extent that such appeal is sustained.

Exhibit B—Paragraph 3

(47) It is expected that in all cases the Borrower will exercise due diligence in filing termination claims as promptly as possible. Due to the widely varying factors involved, such as the number of Borrower's cancelled contracts and the relative simplicity or complexity of preparing his claims, it is not deemed feasible to prescribe any uniform time within which claims must be filed. However, where the Financing Institution and the Borrower can agree in advance upon a reasonable time for filing claims, they can of course provide for such a limitation in Exhibit D.

[JTR 952.4]

§ 849.952–5 *Application by financing institution for T–Loan guarantee.*

Form of September 1, 1944

NOTE: Forms printed in the FEDERAL REGISTER are for information only, and do not follow the exact format prescribed by the issuing agency.

APPLICATION BY FINANCING INSTITUTION FOR T (TERMINATION) LOAN GUARANTEE

To Federal Reserve Bank of _____
Fiscal Agent of the United States

_____
(Date)

1. Name and location of financing institution _____

2. Name and location of prospective borrower _____

3. Maximum principal amount of loan $_____

4. Specify or describe war contracts excepted from initial assignment of collateral pursuant to Paragraph 5 of Loan Agreement: (See Explanatory Note No. 28.) _____

5. Present indebtedness of borrower to financing institution, if any, and statement as to whether it is proposed to refund such indebtedness _____

6. If a substantial portion of the stock of borrower or of financing institution is controlled by the other, or a substantial portion of the stock of both is controlled by the same interests, or if there are any officers or directors common to both, describe such rela-

tionship briefly _____

7. Each copy of application should be accompanied by:

(a) copy of the proposed guarantee agreement and loan agreement, including exhibits,

(b) copy of balance sheet and operating statement for latest fiscal period certified by borrower (audited statements to be furnished if available),

(c) copy of latest available balance sheet and operating statement since close of fiscal period.

8. (a) If borrower is a Prime Government war contractor, give the following information with respect to each prime contract:

Govt. agency with which prime contract is held	Date of contract	Contract number	Is contract a fixed price contract? Cost plus fixed fee contract?	Unexpected amount of uninterminated contracts	Estimated claims on terminated contracts	Nature of product

8. (b) If borrower is a Subcontractor, give the following information with respect to each subcontract:

Name and address of concern issuing subcontract	Subcontract or purchase order number	Govt. agency for which products are being provided and prime contract number if known to borrower	Unexpected amount of uninterminated subcontracts or purchase orders	Estimated claims on terminated subcontracts or purchase orders	Nature of product

9. Statement of financing institution's opinion or belief with respect to each of the following:

(a) whether borrower's general war production record has been satisfactory with special reference to rejection experience,

(b) borrower's general character and reputation,

(c) adequacy of accounting records and inventory control,

(d) unusual aspects of financial statements, and

(e) other information which financing institution would ordinarily take into account in considering a loan to borrower, including respects, if any, in which borrower's financial background has been unsatisfactory

(*Attach rider if space inadequate*)

_____

_____

_____

_____

_____

10. Borrower has been advised that financing institution is applying for this guarantee in the amount and subject to the terms indicated in the proposed loan agreement.

_____
(Full name of financing institution)

By _____
(Signature) (Title)

[JTR 952.5]

§ 849.953 *Specimen forms of applications for partial payment.* [JTR 953]

§ 849.953–1 *Specimen application for immediate partial payment (front).*

NOTE: Forms printed in the FEDERAL REGISTER are for information only and do not follow the exact forms prescribed by the issuing agency.

Form Approved.
Bureau of the Budget No. 17-R009.

Form 4
Office of Contract Settlement

(See Certificates and Instructions on Reverse Side)

APPLICATION FOR PARTIAL PAYMENT

[For use by prime contractor or subcontractor under terminated war supply contract]

SECTION I. This application applies to (check one):
☒ A prime contract with the Government, or
☐ Subcontract or purchase order No(s). _____
with _____
(Name of contractor who sent Notice of Termination)
_____
(Address)

If contractor has V, VT, or T loans or has assigned moneys due under the contract, give name and address of:
Financing Institution. None.
Guarantor _____
_____
Assignee _____
_____

John Doe Manufacturing Co.

1234 Blank Street,

Dayton 12, Ohio.

Govt. Agency: Army Signal Corps.
Govt. Prime Contract No. W-001-SC-678.
Contractor's Reference No. AB 640.
Effective date of termination: October 10, 1944.

Amount requested, $60,000.

This is application No. 1, under this termination.

SECTION II. Status of Contract or Order at Effective Date of Termination

Products covered by terminated contract or purchase order		Finished: Previously shipped and invoiced	Finished: On hand: Payment to be received through invoicing	Finished: On hand: Included in this application	Unfinished or not commenced: To be completed	Unfinished or not commenced: Not to be completed	Total covered by contract or order
Generators	Quan.	700	20	10	----------	270	1,000
	$	700,000	20,000	10,000	----------	270,000	1,000,000
_____	Quan.						
	$						
_____	Quan.						
	$						

SECTION III. Applicant's Own Termination Charges (Exclusive of his Subcontractors' Charges)

Item	Date settlement proposal submitted	Date of this application
	Charges as listed in settlement proposal (A)	Best estimate of costs incurred to date of this application (not included under (A)) (B)
1. Acceptable finished product (at contract price)	$	$10,000
2. Work in process		20,000
3. Raw materials, purchased parts, and supplies		22,000
4. General and administrative expense		1,000
5. Total (sum of lines 1, 2, 3, and 4)	$	$53,000
6. Tools, dies, jigs, fixtures, etc.		7,000
7. Other costs		10,000
8. Settlement expenses		[illegible]
9. Total of lines 5, 6, 7, and 8	$	$[illegible]

AMOUNTS RECEIVED

a.	Unliquidated partial, progress, and advance payments received prior to termination	$10,000
b.	Unliquidated partial, progress, and advance payments received after termination for own use	0
c.	Credits from disposal or retention of inventory included in above charges	10,000
d.	Total (sum of lines *a*, *b*, and *c*)	$20,000
e.	Amount of partial payment requested	60,000
f.	Total (sum of lines *d* and *e*)	$80,000

SECTION IV. Agreement of Applicant

Under Section 9 (b) of the Contract Settlement Act of 1944, the amount of any partial payment made to the applicant in excess of the amount finally determined to be due on its termination claim shall be treated as a loan from the Government, payable upon demand with a penalty payable by the applicant at the rate of 6 percent per annum from the date of the excess payment to the date of repayment. Accordingly, in requesting a partial payment, the applicant recognizes its obligation to establish promptly the amount due and to protect the interest of the Government pending final settlement, and in consideration of any partial payment which may be made, agrees as follows:

(1) *Prompt Preparation of Claim.*—The applicant will, with all reasonable dispatch, prepare and file its statement of costs and inventory lists on the prescribed forms, and will make every reasonable effort to expedite final settlement of the termination claim and the claims of its subcontractors.

(2) *Disposal and Retention of Inventory.*—Whenever the amount of any proceeds hereafter received by the applicant on the disposal of termination inventory, plus the cost or agreed value, as the case may be, of any termination inventory which the applicant hereafter elects to retain, exceeds 10 percent of the amount stated by the applicant in this application as the amount of his charges (Section III, line 9), and the amount of such credits has not been included as a receipt (Section III, line *c*), the applicant within 10 days will notify the contracting agency of the amount of credits on account of such inventory disposal or retention.

(3) *Repayment.*—The applicant will repay to the Government upon demand together with interest from the date of such demand at the rate of 6 percent per annum, the whole or any part of the partial payment to be made hereunder, if:

(*a*) A statement of costs and inventory lists on the prescribed forms, as provided in subparagraph 1 above, have not been filed within 3 months after the receipt of the partial payment for which request is herein made, or within such extended period as may be allowed by the Government;

(*b*) The contracting agency shall find that the applicant's estimate under Section III above (own costs) is overstated by reason of the disposal or retention of termination inventory subsequent to the date of this application or for any other reason;

(*c*) The applicant withdraws the whole or any part of its claim.

Demand for repayment may be made under subparagraphs (*b*) and (*c*) only as to that portion of the partial payment that, in the opinion of the contracting agency, has become excessive.

When the space provided for any information is insufficient, attach separate supporting schedules.

[JTR 953.1]

§ 849.953–2 *Specimen application for immediate partial payment (reverse).*

SECTION V. Certificate of Applicant

The undersigned certifies that the amount of his own charges (exclusive of subcontractors' charges) due as of the date of this application and allocable to the terminated portion of its contract No. W–001–SC–678, dated Jan. 2, 1944, with Army Signal Corps, is not less than $100,000; that, to the best of applicant's knowledge, the amounts received are as set forth above; and that the applicant has not assigned any moneys payable under this contract, except as set forth above.

Name of contractor: John Doe Manufacturing Co. Date: October 11, 1944.

Signer: G. K. MacDougall. Title: President.

SECTION VI. Recommendation of First Reviewing Contractor

The undersigned states that it has examined this application and has considered the applicant's general reputation. It has no reason to doubt the accuracy of the information contained in this application or that the amount certified by the applicant as due will constitute a proper charge to be included in the undersigned's termination claim against _____. It recommends that the requested partial payment be made.

The undersigned agrees that it will promptly pay over to the applicant or credit against amounts owing from the applicant any amount received for the benefit of the applicant under this application, and that it will repay to the Government on demand any amount not so paid or credited.

Name of contractor_____
Date_____
Signer _____
Title_____

SECTION VII. Recommendations of Other Reviewing Contractors

Each of the undersigned states that it has no reason to doubt that the amount of the partial payment requested, and recommended above is due the applicant and will constitute a proper charge in the termination claim of the undersigned.

Each of the undersigned agrees that it will promptly pay over to its immediate subcontractor or credit against amounts owing from such subcontractor any amount received for the benefit of the applicant under this application, and that it will repay to the Government on demand any amount not so paid or credited.

Contractor	*Signature of officer, partner, or owner*	*Date*	*Identification of your contract*
1. _____	_____	_____	_____
2. _____	_____	_____	_____
3. _____	_____	_____	_____
4. _____	_____	_____	_____
5. _____	_____	_____	_____
6. _____	_____	_____	_____

INSTRUCTIONS

1. *Use of form.* This application form is for use by all war contractors, either prime contractors or subcontractors, under either fixed-price or cost-plus-a-fixed-fee contracts in obtaining partial payments on their termination claims. If applicant is a cost-plus-a-fixed-fee contractor, the form may be so modified as to conform to his accounting system but must furnish the required cost information.

2. *Immediate partial payments based on estimates.* (*a*) Where a contractor has not had adequate time to prepare his settlement proposal, an "immediate partial payment" may be requested based on the contractor's estimate of his own charges. In applying for a payment of this type, the contractor should fill in the information required in column B of section III. If his accounting system is not adaptable to the cost information required by Section III, he should append to the application a comparable schedule of his estimated costs on such basis as his accounting system permits. Supporting data, including financial statements, may be submitted but are not required unless specifically requested by the contracting agency.

(*b*) The estimates need be no greater than the contractor believes adequate to support his request for partial payment. Low estimates furnished for the purpose of an immediate partial payment will in no way prejudice the contractor in the final settlement of his claim or in subsequent requests for additional partial payments. Successive applications for partial payments may be filed.

3. *Cost-supported partial payments.* Upon the submission of a settlement proposal, or at any time thereafter, a "cost-supported partial payment" may be requested based on the settlement proposal and accounting data supporting it. In applying for a payment of this type, the contractor should fill in the information required by column A of Section III. In addition, he should attach a copy of the settlement proposal.

4. *Certificate of applicant.* The amount certified in section V as the amount of the contractor's charges should be the total that appears in section III, line 9. If some of the charges are cost-supported and others are estimated, appropriate entries may be made in both columns A and B, and the amount certified should then be the sum of the two figures in line 9.

5. *Property disposal credits.* In stating costs or estimated costs, the applicant should not include charges with respect to property which he intends to retain at no cost to the Government. Any credits that have resulted from the sale or retention of property as to which costs or estimated costs have been included in any application for a partial payment on this termination claim will be entered in Section III, line *c*.

6. *Obligations to subcontractors.* Attention is called to the fact that the cost of delivered completed articles may not be included in the termination claim of the producer of those articles. War contractors are obligated to pay at the contract price for completed articles shipped to them by their subcontractors and suppliers prior to the termination of and in accordance with the provisions of the subcontracts or purchase orders calling for delivery of those articles. When necessary, prime contractors and subcontractors should apply for partial payments on their termination claims for the purpose of enabling them to meet such obligations promptly.

7. *Applications of subcontractors.* Subcontractors applying for a partial payment will submit this application to the contractor immediately above them. Unless that contractor has been authorized by the contracting agency to make a partial payment without obtaining specific approval in each case, he will attach his recommendation on the form provided in section VI and forward the application through the contractors above him to the contracting agency. Contractors above the immediate reviewing contractor will fill in the form of recommendation set forth in section VII and forward the application. If any contractor disapproves of the amount of the requested partial payment, or believes that he cannot properly sign the form of recommendation, he should attach a statement setting forth the reasons for his refusal to sign the form and his recommendation. In the case of an application for a cost-supported partial payment, the settlement proposal need not be forwarded beyond the first reviewing contractor unless expressly requested.

8. *Signatures.* A person other than an officer, partner, or owner may sign the application or recommendation where properly authorized, but in such a case, a copy of his authority should be attached.

9. The Contract Settlement Act of 1944 provides penalties for overstatements of amounts owing to the contractor in connection with interim financing and for excessive payments (sections 8 (d) and 9 (b)). Penalties for fraud are provided for in section 19 of the act.

When the space provided for any information is insufficient, attach separate supporting schedules.

[JTR 953.2]

§ 849.953–3 *Specimen application for cost-supported partial payment (front).*

AMOUNTS RECEIVED	
a. Unliquidated partial, progress, and advance payments received prior to termination	$260, 160
b. Liquidated partial, progress, and advance payments received after termination for own use	613, 367
c. Credits from disposal or retention of inventory included in above charges	
d. Total (sum of lines a, b, and c)	$261, 367
e. Amount of partial payment requested	12, 000
f. Total (sum of lines d and e)	$273, 367

SECTION IV. Agreement of Applicant

Under Section 9 (h) of the Contract Settlement Act of 1944, the amount of any partial payment made to the applicant in excess of the amount finally determined to be due on its termination claim shall be treated as a loan from the Government, payable upon demand without a penalty. Payable by the applicant without a partial payment, the applicant recognizes that the excess payment to be the date of repayment, and agrees to pay interest on the amount of such excess payment from the date of the Government's demand to the date of repayment. In the event of default in the payment of any amount due the Government pending final settlement of its obligation hereunder, the applicant agrees that the amount of any proceeds hereafter received by the applicant which could be used to repay the amount due and to protect the interest of the Government pending final settlement of the termination claim and the claims of its subcontractors may be withheld by the applicant for such purpose.

(1) *Prompt Preparation of Claim.*—The applicant will, with all reasonable dispatch, prepare and file its statement of costs and inventory lists on the prescribed forms, and will make every reasonable effort to expedite final settlement of the termination claim and the claims of its subcontractors.

(2) *Disposal and Retention of Inventory.* Without the consent of the contracting agency, which consent will not be withheld if the amount of any proceeds hereafter received by the applicant which could be used to repay the amount due and to protect the interest of the Government pending final settlement of the termination claim and the claims of its subcontractors, plus the cost or agreed value, as the case may be, of any termination inventory which the applicant hereafter elects to retain, exceeds 10 percent of the amount stated by the applicant in this application as the amount of this charges (Section III, line 9) and the amount of such credits on account of such inventory disposal or retention (Section III, line 9) and the amount of credits on account of such inventory disposal or retention will repay to the Government upon demand, together with interest from the date of such demand at the rate of 6 percent per annum, the whole or any part of the partial payment to be made hereunder, if, and to the extent that, such excess payments exceed 10 percent.

(3) *Repayments.*—The applicant will repay to the Government upon demand, together with interest from the date of such demand at the rate of 6 percent per annum, the whole or any part of the partial payment to be made hereunder, if, and to the extent that, such excess payments exceed 10 percent.

(a) A statement of costs and inventory lists on the prescribed forms, as provided in subparagraph 1 above, have not been submitted within 3 months after the receipt of the partial payment for which request is herein made, or within such extended period as may be allowed by the Government;

(b) The contracting agency shall find that the applicant's estimate under Section III above (own costs) is overstated by reason of the disposal or retention of termination inventory subsequent to the date of this application or for any other reason;

(c) The applicant withdraws the whole or any part of its claim.

Demand for repayment may be made under subparagraphs (b) and (c) only as to that portion of the partial payment that, in the opinion of the contracting agency, is excessive.

When the space provided for any information is insufficient, attach separate supporting schedules.

amount certified by the applicant as due will constitute a proper charge to be included in the undersigned's termination claim against the United States.

It recommends that the requested partial payment be made.

The undersigned agrees that it will promptly pay over to the applicant or credit against amounts owing from the applicant any amount received for the benefit of the applicant under this application, and that applicant will repay to the Government on demand any amount not so paid or credited.

Name of contractor _____ Date _____

Signer _____ Title _____

SECTION VII. Recommendations of Other Reviewing Contractors

Each of the undersigned states that it has no reason to doubt that the amount of the partial payment requested, and recommended above is due the applicant and will constitute a proper charge in the termination claim of the undersigned.

Each of the undersigned agrees that it will promptly pay over to its immediate subcontractor or credit against amounts owing from such subcontractor any amount received for the benefit of the applicant under this application, and that it will repay to the Government on demand any amount not so paid or credited.

Contractor	Signature of officer, partner, or owner	Date	Identification of your contract
1.			
2.			
3.			
4.			
5.			
6.			

[JTR 953.3]

§ 849.953–4 *Specimen application for cost-supported partial payment (reverse).*

SECTION V. Certificate of Applicant

The undersigned certifies that the amount of his own charges (exclusive of subcontractors' charges) due as of the date of this application and allocable to the terminated portion of the contract No. W-001-SC-100 dated July 20, 1943, with Army Signal Corps, is not less than $303,998; that, to the best of applicant's knowledge, the amounts received are as set forth above; and that the applicant has not assigned any moneys payable under this contract, except as set forth above.

Name of contractor, Young Manufacturing Company; Date, November 20, 1944.

Signer, HENRY MYERS; Title, President.

SECTION VI. Recommendation of First Reviewing Contractor

The undersigned states that it has examined this application and has considered the applicant's general reputation. It has no reason to doubt the accuracy of the information contained in this application or that the

NOTE: Forms printed in the FEDERAL REGISTER are for information only and do not follow the exact format prescribed by the issuing agency. (*See Certificates and Instructions on Reverse Side*)

Form Approved.
Bureau of the Budget No. 17-R169

Form 4. Office of Contract Settlement.

APPLICATION FOR PARTIAL PAYMENT

(For Use by Prime Contractor or Subcontractor Under Terminated War Supply Contract)

Section I. This application applies to (check one):
☒ A prime contract with the Government, or
☐ Subcontract or purchase order No(s). _____

with _____
(Name of contractor who sent Notice of Termination)

_____ (Address)

If contractor has V, VT, or T loans or has assigned moneys due under the contract, give name and address of:

Financing Institution. None.

Guarantor _____

Assignee _____

Contract Settlement, Dayton 12, Ohio

Contractor	Young Manufacturing Company
Plant	1234 South East Street
	Dayton 12, Ohio
Govt. Agency	Army Signal Corps
Govt. Prime Contract No.	W-001-SC-100
Contractor's Reference No.	YB 411
Effective date of termination	October 4, 1944
Amount requested, $12,000	
This is application No.	3 under this termination.

SECTION II. Status of Contract or Order at Effective Date of Termination

Products covered by terminated contract or purchase order	Finished: On hand: Previously shipped and invoiced	Finished: On hand: Payment to be received through invoicing	Finished: On hand: Included in this application	Finished: Unfinished or not completed: To be completed	Finished: Unfinished or not completed: Not to be completed	Total cost incurred by contractor on contract or order
SG 322 M Instruments	Quan. 1,240	200			(50)	2,400
	$ 1,304,000	220,000			1,090,000	2,600,000
	Quan.					
	$					
	Quan.					
	$					

SECTION III. Applicant's Own Termination Charges (Exclusive of his Subcontractors' Charges)

Item	Date settlement proposal submitted	Date of this application	Charges as listed in settlement proposal (A)	Best estimate of costs incurred to date of this application (Not included under (A)) (B)
			$	$
1. Acceptable finished product (at contract price)			129,115	
2. Work in process			91,636	
3. Raw materials, purchased parts and supplies			8,774	
4. General and administrative expense			1,033	
5. Total (sum of lines 1, 2, 3, and 4)			$232,558	$
6. Tools, dies, jigs, fixtures, etc			17,941	
7. Other costs			1,041	
8. Settlement expenses			2,764	
9. Total (sum of lines 5, 6, 7, and 8)			$254,304	$

INSTRUCTIONS

1. *Use of form.* This application form is for use by all war contractors, either prime contractors or subcontractors, under either fixed-price or cost-plus-a-fixed-fee contracts in obtaining partial payments on their termination claims. If applicant is a cost-plus-a-fixed-fee contractor, the form may be so modified as to conform to his accounting system but must furnish the required cost information.

2. *Immediate partial payments based on estimates.* (a) Where a contractor has not had adequate time to prepare his settlement proposal, an "immediate partial payment" may be requested based on the contractor's estimate of his own charges. In applying for a payment of this type, the contractor should fill in the information required in column B of Section III. If his accounting system is not adaptable to the cost information required by Section III, he should append to the application a comparable schedule of his estimated costs on such basis as his accounting system permits. Supporting data, including financial statements, may be submitted but are not required unless specifically requested by the contracting agency.

(b) The estimates need be no greater than the contractor believes adequate to support his request for partial payment. Low estimates furnished for the purpose of an immediate partial payment will in no way prejudice the contractor in the final settlement of his claim or in subsequent requests for additional partial payments. Successive applications for partial payments may be filed.

3. *Cost-supported partial payments.* Upon the submission of a settlement proposal, or at any time thereafter, a "cost-supported partial payment" may be requested based on the settlement proposal and accounting data supporting it. In applying for a payment of this type, the contractor should fill in the information required by column A of Section III. In addition, he should attach a copy of the settlement proposal.

4. *Certificate of applicant.* The amount certified in Section V as the amount of the contractor's charges should be the total that appears in Section III, line 9. If some of the charges are cost-supported and others are estimated, appropriate entries may be made in both columns A and B, and the amount certified should then be the sum of the two figures in line 9.

5. *Property disposal credits.* In stating costs or estimated costs, the applicant should not include charges with respect to property which he intends to retain at no cost to the Government. Any credits that have resulted from the sale or retention of property as to which costs or estimated costs have been included in any application for a partial payment on this termination claim will be entered in Section III, line c.

6. *Obligations to subcontractors.* Attention is called to the fact that the cost of delivered completed articles may not be included in the termination claim of the producer of those articles. War contractors are obligated to pay at the contract price for completed articles shipped to them by their subcontractors and suppliers prior to the termination of and in accordance with the provisions of the subcontracts or purchase orders calling for delivery of those articles. When necessary, prime contractors and subcontractors should apply for partial payments on their termination claims for the purpose of enabling them to meet such obligations promptly.

7. *Applications of subcontractors.* Subcontractors applying for a partial payment will submit this application to the contractor immediately above them. Unless that contractor has been authorized by the contracting agency to make a partial payment without obtaining specific approval in each case, he will attach his recommendation on the form provided in Section VI and forward the application through the contractors above him to the contracting agency. Contractors above the immediate reviewing contractor will fill in the form of recommendation set forth in Section VII and forward the application. If any contractor disapproves of the amount of the requested partial payment, or believes that he cannot properly sign the form of recommendation, he should attach a statement setting forth the reasons for his refusal to sign the form and his recommendation. In the case of an application for a cost-supported partial payment, the settlement proposal need not be forwarded beyond the first reviewing contractor unless expressly requested.

8. *Signatures.* A person other than an officer, partner, or owner may sign the application or recommendation where properly authorized, but in such a case, a copy of his authority should be attached.

9. The Contract Settlement Act of 1944 provides penalties for overstatements of amounts owing to the contractor in connection with interim financing and for excessive payments (Sections 8 (d) and 9 (b)). Penalties for fraud are provided for in Section 19 of the Act.

When the space provided for any information is insufficient, attach separate supporting schedules

[JTR 953.3]

§ 849.954 *Form of supplemental agreement for controlled partial payments.*

This supplemental agreement, entered into pursuant to the Contract Settlement Act of 1944 (hereinafter called "the Act"), this _____ day of _____, 194__, between the United States of America (hereinafter called "the Government") acting through _____ Department and represented by _____ executing this agreement, and _____ _____ (hereinafter called "the Contractor").

Witnesseth that:

Whereas, the Government has terminated for its convenience an agreement with the Contractor designated as Contract No. _____, dated _____ 194__, hereinafter referred to as "the Contract"; and

Whereas, pursuant to the provisions of the Act, and the General Regulation No. 2 issued thereunder, the Contractor has filed an application dated _____ (hereinafter referred to as "the Application") for a partial payment on account of its claim arising from the termination of the Contract; and

Whereas, the Contractor in the Application has represented to the Government, and does hereby represent, that according to his best estimate, at least the sum of $_____ is due the Contractor by reason of the termination of the Contract, and the Government desires to make a payment to the Contractor pending the final determination of the amount payable by reason of such termination, [and]

[Whereas, pursuant to the provisions of the Act and the regulations issued thereunder, the following holders of subcontracts under the Contract have applied for partial payments on account of their respective claims arising from the termination of such subcontracts, such subcontractors (sometimes hereinafter referred to as "the Applicant Subcontractors") being listed below together with a description of the subcontracts, and the amounts of the respective applications for partial payments:

1 Name of applicant subcontractor	2 Name of contractor of next higher tier (purchaser)	3 Date of subcontract, & contract number, if any	4 Date of application	5 Amount applied for

and]

[Whereas, the Applicant Subcontractors in their applications have represented to the Government that according to their best estimates at least the respective amounts of partial payments applied for are due them by reason of the termination of the Contract and the above-described subcontracts thereunder.]

[Whereas, pursuant to the provisions of the Act and the regulations issued thereunder, the Government proposes to make partial payments to the Applicant Subcontractors, in the manner hereinafter provided, pending final determination of the respective amounts due them, by making a partial payment or partial payments to the Contractor on account of the claims of the Applicant Subcontractors and requiring that the Contractor shall promptly pay over such amounts to the Applicant Subcontractors; and]

Now therefore, the parties hereto do mutually agree as follows:

ARTICLE 1. A true copy of the Application is attached hereto and made a part hereof; and the representations, agreements and covenants of the Contractor set forth therein shall be deemed to be inducements to, and consideration for, the agreement of the Government as set forth herein.

ART. 2. Upon the submission by the Contractor of a proper invoice or voucher therefor, the Government will pay to the Contractor, subject to the provisions of Article 3, the sum of $_____. Upon applications filed by the Contractor and the submission of proper invoices or vouchers therefor, the Government may hereafter pay additional sums to the Contractor as partial payments on the Contractor's termination claim under the Contract, which additional payments shall, at the option of the Government, be subject to the terms of this agreement, and shall [, except as provided in Article 5 hereof,] be applied against the amount finally determined to be payable by the Government to the Contractor on such termination claim.

ART. 3. All partial payments made hereunder shall be made by check payable to the Contractor for deposit in a special bank account or accounts (hereinafter referred to as "the Account") at a Member Bank or Banks of the Federal Reserve System or "an insured Bank" within the meaning of the Act creating the Federal Deposit Insurance Corporation (Act of July 23, 1935; 49 Stat. 684) as amended (12 USC 264). No part of such payments shall be mingled with other funds of the Contractor prior to the withdrawal thereof from the account as hereinafter provided. Prior to the making of any partial payment in accordance with the terms of this agreement, the Contractor shall secure from the bank or banks in which the payment is to be deposited an agreement substantially as follows:

"(Letterhead of Depositary Bank)"

"(Contracting Office,
Bureau or Service)"
---------- Department
Washington, D. C.
Gentlemen:

"In consideration of the depositing in an account with the undersigned to be designated '---------- Controlled Termination Account', hereinafter referred to as 'the Account', the amount of $----------, constituting a partial payment to ---------- on its termination claim under Government Contract No. ------ pursuant to the provisions of Supplemental Agreement No. ---------- dated ----------, 194--, receipt of a copy of which supplemental agreement is hereby acknowledged, and of such further amounts as may from time to time be deposited in said account, the undersigned agrees to grant to ---------- as Contracting Officer for the Government, or his duly authorized representative, or to such other person as the Secretary of the ---------- Department may designate (any of the persons mentioned above being hereinafter included within the term 'Contracting Officer') access to the books and records maintained by the undersigned with respect to such account at all reasonable times and for all reasonable purposes, including (but without limiting the generality thereof) the inspection or copying of such books and records and any and all memoranda, checks, correspondence or documents appertaining thereto, and agrees to preserve said books and records for a period of five (5) years after the closing of said account or five (5) years after termination of hostilities in the present war, whichever period is longer. The undersigned further agrees to be bound by the provisions of said supplemental agreement relating to the deposit and withdrawal of funds in the Account, but shall not be responsible for the application of funds withdrawn from said Account upon the signature and countersignature filed with the Bank unless notified prior to such withdrawal by the Contracting Officer to suspend withdrawals therefrom. The undersigned shall act upon any written instructions from the Contracting Officer, and shall be under no liability to any person for any action taken in accordance with such instructions.

"The undersigned further agrees that the Government shall have a lien upon the credit balance in the Account, which lien shall be superior to any lien or claim of the undersigned with respect to the Account. In the event of appointment of a receiver, liquidator, or custodian for the property, or any substantial portion thereof, of the Contractor or any depository bank, or in the event of institution with respect to the Contractor or such bank of any insolvency proceedings or the service of any writ of attachment, levy of execution or the commencement of other legal proceedings against the Account, the undersigned will, if it has knowledge of such event, promptly notify the Chief of the ---------- (Bureau or Service), of ---------- Department, thereof.

---------- Bank
By----------"

ART. 4. Each withdrawal from the Account shall be made only by check of the Contractor countersigned by ---------- as Contracting Officer for the Government or his duly authorized representative, or such other person as the Secretary of the ---------- Department may designate (any of the persons mentioned above being included within the term "Contracting Officer"). Such countersignature may be of blanket checks to cover a number of approved expenditures. The Contracting Officer will authorize withdrawals from the Account from time to time as particular items of cost or payments to subcontractors, which are included in the Contractor's termination claim, are established, but, in the absence of express agreement in writing, authorization of a withdrawal for purposes of payment to a subcontractor, [other than to an Applicant Subcontractor,] shall not constitute authorization or approval of the payment to the subcontractor for purposes of Section 9 (b) of the Act. The amount of any funds paid into the Account for the benefit of a subcontractor by the Contractor will be promptly paid to such subcontractor, unless, and to the extent that, the Contracting Officer should authorize the Contractor to withhold and credit all or a part of such amount, in which case the amount so withheld shall promptly be credited to such subcontractor.

ART. 5. (a) Each partial payment to the Contractor made as provided herein shall be considered as payment of an amount due on the Contractor's termination claim under the terminated contract, and the interest payable by the Government under Section 6 (d) of the Act upon such amount shall cease to accrue upon the making of such payments. [, except that if the amount paid to the Contractor for the account of any Applicant Subcontractor, and duly paid or credited to such subcontractor, should prove to be excessive, the amount due the Contractor shall not be reduced on account of such excess, and the interest payable to the Contractor shall not cease to accrue upon such excess.]

(b) If such payments exceed the amount finally determined to be due on the termination claim, the Contractor agrees to repay the excess [after deducting any excess payments to Applicant Subcontractors arising out of payments to the Contractor for their account] to the Government on demand, together with a penalty computed at the rate of 6% per annum from the date such excess arises to the date such excess is repaid or is otherwise extinguished. In the event that an excess payment results:

(1) From a credit arising in favor of the Government by reason of the disposal or retention of property by the Contractor or any subcontractor [, except an Applicant Subcontractor], such excess shall be deemed to have arisen at the time of such disposal or retention;

(2) From payment by the Government directly to a subcontractor of the termination claim of such subcontractor, such excess shall be deemed to have arisen 30 days after notification to the Contractor of his liability with respect to the claim of such subcontractor;

(3) From the withdrawal of a claim or a part thereof, such excess shall be deemed to have arisen when the payment, or the portion thereof attributable to the part of the claim which was withdrawn, was made, but if, in the opinion of the Contracting Officer, the filing of the claim or the inclusion of the withdrawn portion was reasonable, he may designate the date of withdrawal as the date on which such excess arose.

ART. 6. The Government shall have a first lien upon the balance at any time in the Account, superior to any lien or right of the bank or other person, to secure any repayment due to the Government or the proper application of any amount thereof for the benefit of a subcontractor or subcontractors of the Contractor, as the case may be. In the event of appointment of a receiver, liquidator, or custodian for the property or any substantial portion thereof, of the Contractor or any depository bank, or in the event of the institution with respect to the Contractor or such bank of any insolvency proceedings, or the service of any writ of attachment, levy of execution, or the commencement of other legal proceedings against the Account, the Contractor shall promptly notify the Chief of the ---------- (Bureau or Service) of such event.

ART. 7. The Contractor hereby authorizes and instructs the depository bank or banks, upon the written request of the Contracting Officer, to transfer to the Government the credit balance in the Account, without liability to any person for such transfer.

ART. 8. Upon final settlement of the termination claim of the Contractor, any funds remaining in the Account which the Contractor is not obligated, under this Agreement or the final settlement agreement, to repay to the Government or to pay to a subcontractor, shall be free and clear of any claim of the Government whatsoever and may be withdrawn by the Contractor without countersignature or other restriction. Upon final settlement, the Government shall give prompt notice to the bank to such effect.

In witness whereof, the parties hereto have executed this agreement as of the day and year first above written.

The United States of America, acting through ---------- Department.

(Contractor)
By ----------
(Title)
By ----------
(Title)

[JTR 954]

§ 849.955 *Form of agreement for subcontractors' payment fund.* The following form will be used in accordance with § 843.364–4:

This agreement entered into pursuant to the Contract Settlement Act of 1944 (hereinafter called the Act) as of this ---------- day of ----------, 1945, by and between the United States of America (hereinafter called the Government) represented by ---------- (hereinafter called the Financial Contracting Officer, which term as used herein shall include his successor or duly authorized representative, and ---------- a ---------- corporation (hereinafter called the Contractor.

Witnesseth that:

Whereas the Contractor is a war contractor; and

Whereas it is deemed desirable by the parties to provide a fund to enable the Contractor to make prompt partial and final payments to its subcontractors on account of certain termination claims;

Now, therefore, the parties hereto mutually agree as follows:

(1) *Definitions.* All terms defined in the Act shall have the same meaning when used in this agreement. The term "Administrative Officer" shall mean ---------- or his successor or duly authorized representative.

(2) *Establishment of fund.* The Government shall, upon receipt of a properly certified voucher or vouchers, make payment or payments to the Contractor in the aggregate amount of $---------- Such additional sums may be paid to the Contractor hereunder as the Financial Contracting Officer may approve as necessary or appropriate for the purposes hereof.

(3) *Special account.* All payments so made shall be deposited in a special account with such bank or banks as may be selected by the Contractor and approved by the Administrative Officer. No part of the funds in the special account shall be mingled with other funds of the Contractor prior to withdrawal therefrom as hereinafter provided. The Government shall have a lien upon the credit balance in the special account superior to any lien or right of the bank or any other person, which lien shall secure repayment of amounts paid to the Contractor under paragraph (2) hereof. Before receiving any payment under paragraph (2), the Contractor shall transmit to the Administrative Officer an agreement from each bank in which a special account is to be established, substantially in the form annexed hereto. If required by the Administrative Officer, withdrawals from the special account shall, upon notice to the depositary bank, be made subject to prior written approval of the person designated in such notice.

(4) *Use of funds.* The Contractor shall, subject to the provisions of paragraph (5) and (6) hereof, use the funds in the special account to make prompt partial and final payments on account of the termination claims of subcontractors under such of the Contractor's war contracts as are prime contracts with the War Department and the Navy Department or with any other Government agency which has delegated authority to settle the Contractor's war contracts to the War and Navy Department, or are subcontracts under prime contracts with such contracting agencies; provided that the Contractor shall not be required to use the funds in the special account to make partial or final payments on account of the termination claim of a subcontractor, with respect to which the Contractor will not have a termination claim. The Contractor shall make partial payments from the special account only (i) upon specific approval of subcontractors' applications therefor by a properly authorized Government representative or (ii) pursuant to authority delegated by the Government to the Contractor to make such partial payments without such approval and shall make final payments from the special account only upon settlements which have been (i) approved by a properly authorized Government representative or (ii) made pursuant to authority delegated by the Government to the Contractor. The Contractor shall not use the funds in the special account for any other purpose unless specifically authorized by the Financial Contracting Officer.

(5) *Limitation on withdrawals.* The Contractor shall not, without the specific approval of the Administrative Officer, make any partial or final payment from the special account to any subcontractor for the benefit of a lower-tier subcontractor if, to the knowledge of any director, officer or employee of the Contractor having direct control or supervision over withdrawals from the special account, such subcontractor or any intervening subcontractor is unable or unwilling to pay or credit to such lower-tier subcontractor any payments received for his benefit.

(6) *Reimbursement of fund.* On or before the tenth day of each quarter the Contractor shall, unless otherwise authorized by the Administrative Officer, submit partial payment applications, pursuant to the procedures set forth in the Joint Termination Regulation of the War and Navy Departments, covering all payments made by the Contractor from the special account during the preceding quarter and not included in any settlement proposal theretofore submitted. An amount equal to all payments received pursuant to such applications, together with any amounts received by or credited to the Contractor upon partial or final settlements representing payments from the special account on account of subcontractors' claims, shall promptly upon such receipt or credit be deposited by the Contractor in the special account. If the Contractor uses the funds in the special account to make a partial or final payment on the termination claim of a subcontractor on account of which the Contractor will not have a termination claim, the Contractor shall reimburse the special account for such payment on or before the tenth day of the quarter following the quarter in which it is determined that the Contractor will not have a termination claim.

(7) *Repayment of fund.* The Contractor may at any time repay to the Government all or any part of the amounts paid to the Contractor by the Government under paragraph (2) hereof. The Government may at any time, immediately after notice to the Contractor, withdraw all or any part of the balance in the special account by check payable to the Treasurer of the United States and signed solely by the Administrative Officer, the amounts so withdrawn to be applied against the Contractor's obligation to repay to the Government the amounts paid to the Contractor under paragraph (2) hereof. Upon final and conclusive settlement of all of the Contractor's prime contracts and subcontracts with respect to which the Contractor has made payments from the special account, or within three years after the date of this agreement, whichever is earlier, the Contractor shall repay to the Government all amounts paid to the Contractor by the Government under paragraph (2) hereof and not theretofore repaid. The Contractor shall have the right to set off against its obligations to make such repayment any and all amounts due to the Contractor from the Government on account of any payment made from the special account.

(8) *Interest.* Except as provided in paragraph (11) hereof, the Contractor shall not be required to pay interest to the Government on account of the sums paid by the Government to the Contractor pursuant to paragraph (2) hereof. The Contractor agrees that no interest will be charged for its own account on the amount of any termination claim paid from the special account for any period of time after such payment.

(9) *Records.* The Contractor shall obtain and preserve appropriate evidence of receipt of, and adequate records with respect to, each partial or final payment made or reimbursed from the special account or deposited therein. The Contractor shall, upon request, furnish to the Government the original of any subcontractor's application for a partial payment, the original evidence of receipt for any partial or final payment made or reimbursed from the special account, and a report in reasonable detail as to the information contained in such records.

(10) *Reports.* On or before the tenth day of each month the Contractor shall furnish to the Administrative Officer, a report setting forth in such reasonable detail as the Administrative Officer may require the amount in the special account at the end of the preceding month and the amounts deposited in and withdrawn from the account during such month. The Contractor shall also report with respect to any partial payment previously made by the Contractor from the special account which has, during the preceding month, proved to be in excess of the amount finally determined to be due on the termination claim of the subcontractor to whom or for whose benefit such partial payment was made. The Contractor shall from time to time furnish such financial statements as the Administrative Officer may request.

(11) *Default.* Upon default by the Contractor in (a) making repayment as provided in paragraph (7) hereof, (b) observance of the covenants or conditions of paragraphs (4) or (6) hereof, and continuance of such default for a period of five days after written notice to the Contractor from the Government, or (c) observance of any of the other covenants or conditions of this agreement, and continuance of such default for a period of fifteen days after written notice to the Contractor from the Government, or (d) upon appointment of a trustee, receiver or liquidator for all or a substantial part of the Contractor's property, or institution of any insolvency, bankruptcy, reorganization, arrangement or liquidation proceedings by or against the Contractor, then and in any such event the total amount paid to the Contractor by the Government under paragraph (2) hereof and not theretofore repaid shall become immediately due and payable to the Government without further notice or demand, and shall thereafter bear interest at the rate of six percent per annum until paid.

(12) *Officials not to benefit.* No member of or delegate to Congress or resident commissioner shall be admitted to any share or part of this agreement or to any benefit that may arise therefrom, but this provision shall not be construed to extend to this agreement if made with a corporation for its general benefit.

In witness whereof, etc.

FORM OF BANK AGREEMENT REQUIRED BY PARAGRAPH (3) OF AGREEMENT FOR SUBCONTRACTORS' PAYMENT FUND

(Letterhead of Depositary Bank)

(Date) ----------

In consideration of the making of payments by the Government to ---------- pursuant to the provisions of contract No. ------, dated ----------, receipt of a copy of which is hereby acknowledged, and the depositing of such payments, in whole or in part, in an account with the undersigned to be designated "---------- Special Subcontractors' Payment Account", the undersigned hereby agrees to grant to the Administrative Officer (as defined in such contract) access to the books and records maintained by the undersigned with respect to such account at all reasonable times and for all reasonable purposes, including (but without limiting the generality thereof) the inspection or copying of such books and records and any and all memoranda, correspondence or documents appertaining thereto, and agrees to preserve said books and records as required by Section 19 of the Contract Settlement Act of 1944. The undersigned agrees to be bound by the provisions of said contract relating to the deposit and withdrawal of funds in the Special Account, but shall not be responsible for the application of funds withdrawn from said account.

The undersigned agrees that the Government shall have a lien upon the credit balance in said account to secure repayment of amounts paid to the Contractor by the Government under paragraph (2) of said contract, which lien shall be superior to any lien or claim of the undersigned with respect to such account. In the event of the service of any writ of attachment, levy of execution or commencement of garnishment proceedings with respect to the Special Account, the undersigned will promptly notify the Administrative Officer thereof.

----------Bank
By ----------

[JTR 955]

SUBPART F—FORMS FOR SETTLEMENT PROPOSALS

§ 849.960 *Scope.* (a) This subpart contains the standard contract settlement proposal forms with instructions for their use and other settlement proposal forms.

(b) The standard forms have been filled out with hypothetical data. However, it must be clearly understood that the figures and names are provided only to illustrate the use of the forms, and the amounts and relationships shown are not significant. Furthermore, the methods shown of arriving at some of the charges were selected from several acceptable methods. Other acceptable methods are equally available and may be more suitable under given circumstances. In regard to the description column of the inventory schedules the amount of information required will vary considerably to meet the disposal officer's needs. [JTR 960]

§ 849.961 *Specimen proposal on Short Form (Form 1a).* [JTR 961]

§ 849.961–1 *Form 1a (front).*

NOTE: Forms printed in the FEDERAL REGISTER are for information only, and do not follow the exact format prescribed by the issuing agency.

Form Approved.
BUDGET BUREAU NO. 17–R002.

Form 1a
OFFICE OF CONTRACT SETTLEMENT

SHORT FORM SETTLEMENT PROPOSAL

For Use by Prime Contractor or Subcontractor Under Terminated Fixed-Price War Supply Contract

To be used only where you propose to retain or dispose of all inventory (items 1 and 2) and amount of your net proposal (item 6) is less than $1,000

This proposal applies to (check one):
☐ A prime contract with the Government, or
☒ Subcontract or purchase order No. (x) RM 20022B, with Reliable Manufacturing Co. 777 Fisher Road, Chicago 28, Illinois.
If moneys payable under the contract have been assigned, give name and address of assignee First Bank and Trust Co., Dearborn 12, Michigan.

Small Manufacturing Company,
717 West Avenue,
Dearborn 11, Michigan.
Govt. Agency Army-Ordnance.
Govt. Prime Contract No. W–210-Ord–280.
Contractor's Reference No. O–28.
Effective date of termination October 4, 1944.

Status of Contract or Order at Effective Date of Termination

Products covered by terminated contract or purchase order		Finished			Unfinished or not commenced		Total covered by contract or order
		Previously shipped and invoiced	On hand: Payment to be received through invoicing	On hand: Included in this proposal	To be completed (Partial termination only)	Not to be completed	
X 210 gears M2	Quan.	3,000		150		1,850	5,000
	$	6,000		300		3,700	10,000
	Quan.						
	$						
	Quan.						
	$						

PROPOSED SETTLEMENT

(Include only items allocable to terminated portion of contract)

1. Charge for acceptable finished product not covered by invoicing		$300
2. Charge for work in process, raw materials, etc., on hand		637
3. Other charges, including settlement expenses, settlements with subcontractors, etc.		142
		$1,079
4. Total charges		
5. Deduct—Your offer for entire inventory included in items 1 and 2 (including proceeds of any sales)		203
6. Net settlement		$876

Give below a brief explanation of how you arrived at the amounts shown in items 2, 3, and 5. State the amount of profit and the allowance for interest included in this proposal. State briefly the nature of the inventory, how much of it was sold and how much retained, and the manner in which sale prices and the value of inventory retained were determined.
You should retain all papers and records relating to the proposal for possible examination by your customer or the contracting officer.

Item 2

Raw material on hand—gear castings at purchase cost		$497
Work in process—gears:		
Material	$68	
Labor	33	
Manufacturing overhead	39	140
Total—Line 2 above		$637

Item 5

Settlement with subcontractor, S. K. B. Co., Peckville, Ohio		$140
Interest		2
Profit		0
Total—Line 3 above		$142

(See reverse side also.)

CERTIFICATE

The undersigned certifies that the above Proposed Settlement includes only charges allocable to the terminated portion of the contract or purchase order, that the total charges (Item 4) and the deduction for the inventory retained or disposed of (Item 5) are fair and reasonable, and that this proposal has been prepared with knowledge that it will, or may, be used directly or indirectly as the basis for settlement of a claim or claims against the United States or an agency thereof. Other charges (Item 3) include an allowance for interest on this claim to 60 days from the date hereof, and no additional interest will be claimed unless a revised settlement proposal is submitted.

SMALL MANUFACTURING COMPANY,
By ALAN D. MARK,
President.

October 13, 1944.

When the space provided for any information is insufficient, use reverse of this sheet or attach a separate schedule

(SEE INSTRUCTIONS ON REVERSE SIDE)

[JTR 961.1]

§ 849.961–2 *Form 1a (reverse).*

INSTRUCTIONS

1. This settlement proposal should be submitted to the contracting officer, if you are a prime contractor, or to your customer, if you are a subcontractor.

2. You should review any provisions of your contract relating to termination. The Contract Settlement Act of 1944 provides for the payment of fair compensation for termination of war contracts, and regulations of Government contracting agencies contain detailed information relating to termination claims. Your claim for fair compensation may be prepared on a cost basis, or on the basis of a percentage of the contract price representing the estimated percentage of completion of work under the terminated contract, or may be calculated by any other method that will provide fair compensation for the preparations made and work done for the terminated portion of the contract, including a reasonable profit on such preparations and work.

3. Generally, if your settlement proposal is prepared on a cost basis, it may include, under items 2 and 3, the following:

(a) *Costs.* Costs incurred which are reasonably necessary and are properly allocable to the terminated portion of your contract under recognized commercial accounting practices, including direct and indirect manufacturing, selling and distribution, administrative, and other costs and expenses incurred.

(b) *Settlements with subcontractors.* Reasonable settlements of claims of subcontractors allocable to the terminated portion of your contract.

(c) *Settlement expenses.* Reasonable costs of preserving and protecting termination inventory in your possession and of settling your claim.

(d) *Profit.* A reasonable profit with respect to the preparations you have made and work you have actually done for the terminated portion of your contract. No profit should be included with respect to work which has not been done.

4. If you use this form, your net proposal must be less than $1,000, and you must retain or dispose of all the termination inventory at the best price obtainable. The Government may examine your books and records relative to this proposal, and if you are a subcontractor, your customer must be satisfied with respect to it. Acceptance of this proposal will constitute approval of the price which you offer for the entire inventory, including the proceeds of any sales which you have made.

5. Reference is made to Section 19 of the Contract Settlement Act of 1944 relating to the retention of records and working papers, and to any similar provisions of your contract, and to the provisions of Section 19 of the Act imposing penalties for the filing of fraudulent claims.

Item 5

Inventory retained:		
Gear castings—cost $497, adaptable to purchase order 6236 of Huff Manufacturing Co. with 5 extra machining operations at an estimated additional cost of $295		$200
Inventory sold to Standard Junk Co.:		
Work in process, and acceptable finished product not covered by invoicing, at current scrap price		3
		$203

[JTR 961.2]

§ 849.962 *Specimen proposal on Form 1 with supporting schedules (Forms 2 and 3).* [JTR 962]

§ 849.962–1 *Proposal Form 1 (front).*

NOTE: Forms printed in the FEDERAL REGISTER are for information only, and do not follow the exact format prescribed by the issuing agency.

Form Approved. (Read Instructions for Use of Standard Contract Settlement Proposal Forms) Form 1
Budget Bureau No. 17–R001. Office of Contract Settlement

SETTLEMENT PROPOSAL

[For use by prime contractor or subcontractor under terminated fixed price war supply contract]

This proposal applies to (check one):
☒ A prime contract with the Government, or
☐ Subcontract or purchase order No(s). .....
with .....
(Name of contractor who sent Notice of Termination)
.....
(Address)
If moneys payable under the contract have been assigned, give name and address of assignee: None.
Is Form 3 (Schedule of Accounting Information) attached? If not, explain..... Yes ☒ No ☐

Young Manufacturing Company.
1234 South East Street.
Dayton 12, Ohio
Govt. Agency: Army Signal Corps.
Govt. Prime Contract No. W–001–sc–100.
Contractor's Reference No. YB411.
Effective date of termination: October 4, 1944.
This is proposal No. 1 under this termination and is deemed to be ☐ interim, or ☒ final. (Check one.)

Status of Contract or Order at Effective Date of Termination

Products covered by terminated contract or purchase order		Finished			Unfinished or not commenced		Total covered by contract or order
		Previously shipped and invoiced	On hand: Payment to be received through invoicing	On hand: Included in this proposal	To be completed (partial termination only)	Not to be completed	
SC 322 M instruments	Quan.	1,240	200			960	2,400
	$	1,364,000	220,000			1,056,000	2,640,000
	Quan.						
	$						
	Quan.						
	$						

PROPOSED SETTLEMENT

No.	Item	Use Columns 2 and 3 only where previous proposal has been filed (See Instructions): Total previously proposed	Use Columns 2 and 3 only where previous proposal has been filed (See Instructions): Increase or (decrease) by this proposal	Total proposed to date	Leave blank
	(1)	(2)	(3)	(4)	(5)
1	Metals (from Form 2a)			28,425	
2	Raw materials (other than metals) (from Form 2b)			21,503	
3	Purchased parts (from Form 2b)			25,369	
4	Finished components (from Form 2b) (See Sch. A)			19,399	
5	Miscellaneous (from Form 2b)				
6	Work in process (from Form 2c) (See Sch. A)			179,115	
7	Dies, jigs, fixtures and special tools (Form 2d)			17,630	
8	Other costs (from Schedule B)			1,080	
9	General and administrative expenses (from Sch. C)			8,774	
10	Total (Items 1 to 9, inclusive)			301,235	
11	Profit (explain in Schedule D)			15,062	
12	Settlement expenses (from Schedule E)			2,763	
13	Total (Items 10 to 12 inclusive)			319,060	
14	Settlements with subcontractors (from Schedule F)			7,297	
15	Acceptable finished product (from Form 2b)				
16	Allowance for interest to be determined at time of final settlement				
17	Total (Items 13 to 16, inclusive)			326,357	
18	Disposal credits (from Schedule G)			61,507	
19	Partial, advance, or progress payments (from Sch. H)			200,000	
20	Total credits (Items 18 and 19)			261,507	
21	Net settlement (Item 17 less Item 20)			64,790	

CERTIFICATE

The undersigned, individually and as an authorized representative of the contractor, certifies that he has examined this Settlement Proposal and that, to the best of his knowledge and belief: (1) AS TO CONTRACTOR'S OWN CHARGES—The Proposed Settlement (exclusive of charges set forth in Item 14) and supporting schedules and explanations have been prepared from the books of account and records of the contractor in accordance with recognized commercial accounting practices; they include only those charges allocable to the terminated portion of this contract; they have been prepared with knowledge that they will, or may, be used directly or indirectly as the basis of settlement of a claim or claims against the United States or an agency thereof; and that charges as stated are fair and reasonable. (2) AS TO SUBCONTRACTORS' CHARGES—(a) The contractor has examined, or caused to be examined, to an extent it considers adequate in the circumstances, the claims of its immediate subcontractors (exclusive of claims filed against such immediate subcontractors by their subcontractors); (b) the settlements on account of immediate subcontractors' own charges are fair and reasonable, said charges are allocable to the terminated portion of this contract and said settlements were negotiated in good faith and are not more favorable to its immediate subcontractors than those which the contractor would make if reimbursement by the Government were not involved; (c) the contractor has received from all its immediate subcontractors appropriate certificates with respect

SCHEDULE E—SETTLEMENT EXPENSES (Item 12)

Item	Explanation	Amount	Leave Blank
Crating lumber		432	
Packing materials		87	
Cost of taking inventory		1,752	
Charges for clerical help from termination unit		532	
Total—Item no. 12 of summary		2,743	

SCHEDULE F—SETTLEMENTS WITH IMMEDIATE SUBCONTRACTORS AND SUPPLIERS (ITEM 14)

Name and address of Subcontractor	Brief description of product canceled	Amount of Settlement	Leave Blank
Electronic Research Co., 1939 Factory St., Buffalo, N. Y.	Dynamotors 6V; ip Type D400 (paid Nov. 10, 1944).	5,222	
National Wire Inc., 1443 W. St., Pittsburgh, Pa.	Wire, 2x2 phosphor bronze #12 YB (paid Dec. 20, 1944).	50	
Supply Mfg. Co., 2000 Hill St., Jacksonville, Mich.	Circuit breakers 2 Volt Type, 104D (unpaid).	2,023	
Total Item no. 14 of summary		7,295	

SCHEDULE G—DISPOSAL OR OTHER CREDITS (Item 18)

Description	Amount	Leave Blank
Total from column 8—Form 2a	19,370	
Total from column 8—Form 2b (Raw Materials)	17,354	
Total from column 8—Form 2b (Purchased Parts)	11,027	
Total from column 8—Form 2b (Finished Components)	8,875	
Total from column 8—Form 2c	1,024	
Total from column 8—Form 2d	294	
Sale of facility—See Schedule B, above		
Total Item No. 18 of summary	61,367	
(If practicable, show separately the amount of disposal credits applicable to acceptable finished product included in Item 15)		

SCHEDULE H—PARTIAL ADVANCE OR PROGRESS PAYMENTS (Item 19)

Date	Explanation	Amount	Leave Blank
October 30, 1944	Partial payment	100,000	
November 15, 1944	Partial payment	100,000	
Total—Item No. 19 of summary		200,000	

When the space provided for any information is insufficient, attach separate supporting schedules.

[JTR 962.2]

§ 849.962–3 *Certificate for termination inventory schedules.*

YOUNG MANUFACTURING COMPANY, SETTLEMENT PROPOSAL—CONTRACT W–001–sc–100, TERMINATION INVENTORY SCHEDULE CERTIFICATE

The contractor hereby certifies that the attached Termination Inventory Schedules, pages 1 to 43, inclusive, have been prepared in accordance with applicable instructions; that the inventory described therein is allocable to the designated contract and is located at the places specified; that the quantities are not in excess of the reasonable quantitative requirements of the termination portion of the contract; and that the prices shown in column 8 (contractor's offer, or proceeds of authorized sale) are fair and reasonable and comply with Government price regulations.

The attached Schedules constitute the contractor's statement showing the materials claimed to be termination inventory which, if not otherwise disposed of, the contractor desires to have removed by the Government within 60 days from the receipt hereof by the Government, or such shorter period as may be prescribed under the Contract Settlement Act of 1944, or such other period as may be agreed upon. Subject to such prior disposition, title to such materials is hereby tendered to the Government and is warranted to be free and clear of all liens and encumbrances.

Upon request of the Government, the contractor will negotiate to store at the Government's expense all or part of the inventory listed in the attached Schedules.

YOUNG MANUFACTURING COMPANY,
By HENRY MYERS, *President.*

The supervisory accounting official is:
J. Gilon, *Controller.*

NOVEMBER 20, 1944.

[JTR 962.3]

§ 849.962–4 *Termination Inventory Schedule Form 2a (Metals).*

NOTE: Forms printed in the FEDERAL REGISTER are for information only, and do not follow the exact format prescribed by the issuing agency.

Form Approved,
Budget Bureau No. 17–R004.

TERMINATION INVENTORY SCHEDULE—METALS (IN MILL PRODUCT FORM)

(Use Form 2b for castings and forgings)

Form 2a
Office of Contract Settlement

This schedule applies to (check one):
☒ A prime contract with the Govt., or ☐ Subcontract(s) or purchase order(s) with
(Name of contractor who sent Notice of Termination)
(Address)
for
(Product covered by terminated contract or order)
Govt. Prime Contract No. W–001–sc–100. Contractor's Ref. No. YB411.

Property Classification (See Instructions): Red Brass

Young Manufacturing Company.
1234 South East Street
Dayton 12, Ohio.
Location of material: Same.

Leave Blank	Item No.	Form, Shape, Rolling treatment. Where applicable type of edge	Heat treatment, Temper, Hardness, Finish, etc.	Specifications, and Alloy or other Variable Designation in the Specification	Dimensions: Thickness	Dimensions: Width	Dimensions: Length Ft.	Dimensions: Length In.	Condition (Use Code. See Instructions)	Quantity	Unit of measure	Cost: Unit	Cost: Total	S=Scrap recommended	Contractor's offer (C), or Proceeds of authorized sale (A) [1]	Leave Blank
		(Example. HR coiled strip, CR flat sheets hex rod tubing in straight lengths, etc.; slit edge, rounded edge, etc.)	(Example: Annealed and pickled, ½ hard, polished, etc.)	(Example: 00–T–951–D B16–42, Alloy 7, Grade B)	Wall for tubing, class for pipe, type for copper water tube	O. D. for tube, diameter of rod, size for pipe, mfrs. die No. for extruded shapes										
	(1)	(2a)	(2b)	(2c)	(2d)	(2e)	(2f)		(3)	(4)	(4a)	(5)	(6)	(7)	(8)	
	1	HR coiled strip, slit edge.	½ hard, plain pickled.	U. S. Army 57 160 R. L. Br.	.0126″	6″	42 coils	lb.	N1	1,462	lb	.195	285		285 A	
	2	CR flat sheet, sawed edges.	Hard, polished one side.	do	.125″	24″	5	6	N1	5,600	lb	.415	2,324		1,860 C	
	3	Hard drawn round wire in coils.	HD	ASTM. B–134–42T alloy 3.		.032″	6600 (20 lbs.) coils	0	N1	2,000	lb	.230	460			
	4	Seamless tube (coils).	Soft	Navy 44T15b Gr. 1	.022″	.312″	50 coils	0	N3	10,000 (778 lb.)	ft	.395	307		150 C 560 lbs.	
	5	S. P. S. pipe	Semiannealed	Fed. WW–P351 extra GrA, ex strong heavy.		1½	12	0	N1	7,200	ft	.451	3,247			
				Total—Page 1									6,623		2,295	
				Total—Pages 2 through 6									21,802		17,075	
				Total item No. 1 of Form 1.									28,425			
				Carried forward to Schedule G–Form 1.											19,370	

ED. NOTE: In respect to all inventory schedules—Instead of the form of summary shown here, where necessary there will be a separate summary sheet listing the page totals of columns 6 and 8 tieing in with the amounts shown on Form 1.

[1] Use col. 8 for contractor's offer and for proceeds of an authorized sale. Indicate former by "C" and latter by "A" after dollar amount. Show quantity (on a second line) if less than col. 4.

Page 1 of 43 pages.

NOTE: See Instructions, par. 25, concerning certificate.
See Instructions, par. 26, concerning Govt. owned property.

[JTR 962.4]

SCHEDULE A—ANALYSIS OF INVENTORY COST (Items 4 and 6)

Furnish the following information (unless not reasonably available) in respect of inventories of finished components and work in process included in this proposal:

Item Loss on Facilities	Explanation	Amount	Leave Blank
1 Cincinnati 12″ x 36″ cylindrical grinder, Type KK—Total cost $2,700. Cost applicable to terminated portion of contract:	960 / 2,400 x $2,700	$1,080	
This machine was purchased specifically for and is usable only on this contract. It was sold for $240 as approved by the contracting officer. The disposal credit is reported on Schedule C, below.			

	Total direct labor	Total direct materials	Total in direct reserve	Tota
Finished Components	8,024	3,387	7,988	19,399
Work in Process	67,805	43,810	67,500	179,115

SCHEDULE B—OTHER COSTS (Item 8)

SCHEDULE C—GENERAL AND ADMINISTRATIVE EXPENSES (Item 9)

Details of expenses 6 mo. to Sept. 30, 1944	Method of allocation	Amount	Leave Blank
Officer's salaries	Total manufacturing cost incurred six months ended Sept. 30, 1944—10,337,218	8,774	
Office salaries			
Social security taxes	For cent of general and administrative expense to mfg. cost in		
Traveling expenses			
Telephone & telegraph	Total items No. 1 through No. 8 of summary		
Professional services			
Insurance premiums	3% of 292,461—Item No. 9 of summary—Art. 3. Operations under contract in this proposal		
Stationery and postage			
Taxes			
Miscellaneous			
Total			

SCHEDULE D—PROFIT (Item 11)

Explanation	Amount	Leave Blank
Total—Item No. 10 of summary	301,235	15,062
5% thereof—Item No. 11 of summary		
Profit rate contemplated on bid proposal		
[1] Note: If profit is otherwise computed under Par. 23(b) (2) of General Regulation No. 7 of the Office of Contract Settlement, the basis of computation will be given		

§ 849.962–5 *Termination Inventory Schedule Form 2b (Raw materials).*

NOTE: Forms printed in the FEDERAL REGISTER are for information only, and do not follow the exact format prescribed by the issuing agency.

Form Approved.
Budget Bureau No. 17–R005.

TERMINATION INVENTORY SCHEDULE

Form 2b
Office of Contract Settlement

☒ Raw materials ☐ Purchased parts ☐ Finished components ☐ Finished product ☐ Miscellaneous
(Other Than Metals)
This schedule applies to (check one):
☒ A prime contract with the govt., or ☐ Subcontract(s) or purchase order(s)
with _____
(Name of contractor who sent Notice of Termination)
_____
(Address)
for _____
(Product covered by terminated contract or order)
Govt. Prime Contract No. W-601-sc-100 Contractor's Ref. No. YB411

Property Classification (See Instructions) } Plastics (Primary Forms)
Young Manufacturing Company
1234 South East Street
Dayton 12, Ohio
Location of material. Same

Leave blank	Item No.	DESCRIPTION. If property has commercial value, furnish full commercial description (see Instructions). Otherwise, furnish description sufficient to enable contracting officer to determine appropriate disposition thereof. Where practicable, show manufacturer's name, address, and catalog No. Where cols. 2a and 2b are not applicable, write across dotted lines.	Govt. part or Drawing No. and Rev. No.	How packed (Bulk, bbls., crates, (etc.,)	Condition (Use code. See instructions)	Quantity	Unit of measure	COST (For finished product, show contract price instead of cost) Unit	Total	S = Scrap recommended	Contractor's offer (C), or Proceeds of authorized sale (A)[1]	Leave blank
	(1)	(2)	(2a)	(2b)	(3)	(4)	(4a)	(5)	(6)	(7)	(8)	
	1	Polystyrene Rod-Exphenolite #872D, ¼" diameter 2'6" lengths—Exphenolite Co. Boston, Mass.			N1	420	ft.	.40	168			
	2	Polystyrene Sheets-Exphenolite #872E, 3/16" x 12" x 16", Exphenolite Co.			N1	75	pcs.	11.20	840		840A	
	3	Polystyrene Sheets-Exphenolite #872D, 2½" x 4" x 4" Exphenolite Co.			N1	352	pcs.	.93	327		327A	
	4	Polystyrene Tube-Exphenolite #80X, 1¼" O. D. 1⅛" Wall x 18" Exphenolite Co.			N1	75	ft.	2.33	174			
	5	Polystyrene Strip-Exphenolite #82R, 1/16" x ½" x 12" Exphenolite Co.			N1	251	ft.	.38	96			
		Total—page 7							1,605		1,167	
		Total—pages 8 and 9							19,809		16,183	
		Total item No. 2 of Form 1							21,503			
		Carried forward to Schedule G-Form 1									17,350	

[1] Use col. 8 for contractor's offer and for proceeds of an authorized sale. Indicate former by "C" and latter by "A" after dollar amount. Show quantity (on a second line) if less than col. 4.

NOTE: See Instructions, par. 25, concerning certificate.
See Instructions, par. 26, concerning GOVT. owned property.

[JTR 962.5]

§ 849.962–6 *Termination Inventory Schedule Form 2b (Purchased parts).*

NOTE: Forms printed in the FEDERAL REGISTER are for information only, and do not follow the exact format prescribed by the issuing agency.

Form Approved.
Budget Bureau No.17–R005.

TERMINATION INVENTORY SCHEDULE

Form 2b
Office of Contract Settlement

☐ Raw materials (other than metals) ☒ Purchased parts ☐ Finished components ☐ Finished product ☐ Miscellaneous
This schedule applies to (check one):
☒ A prime contract with the govt., or ☐ Subcontract(s) or purchase order(s) with
_____
(Name of contractor who sent Notice of Termination)
_____
(Address)
for _____
(Product covered by terminated contract or order)
Govt. Prime Contract No. W-601 sc-100 Contractor's Ref. No. YB411.

Property classification (See instructions) } Capacitors.
Young Manufacturing Company
1234 South East Street
Dayton 12, Ohio.
Location of material, Same.

Leave blank	Item No.	DESCRIPTION. If property has commercial value, furnish full commercial description (see Instructions). Otherwise, furnish description sufficient to enable contracting officer to determine appropriate disposition thereof. Where practicable, show manufacturer's name, address, and catalog No. Where cols. 2a and 2b are not applicable, write across dotted lines.	Govt. part or Drawing No. and Rev. No.	How packed (bulk, bbls., crates, etc.)	Condition (use code, see instructions)	Quantity	Unit of measure	Cost (For finished product, show contract price instead of cost) Unit	Total	S = Scrap recommended	Contractor's offer (C), or Proceeds of authorized sale (A)[1]	Leave Blank
	(1)	(2)	(2a)	(2b)	(3)	(4)	(4a)	(5)	(6)	(7)	(8)	
	1	Capacitor; fixed; 6 mmfd; ±.5% mica; 500 VDCW; molded case; 13/16" lg x 5/16" wide x 11/64" thick, two 1⅜" lg #20 axial tinned brass leads. S. & C. Electric Co., Chicago, type #C-151.		B o x 50.	N1	250	pcs.	.60	150		13C	
	2	Capacitor; fixed; 8 mmfd ±10% Mica; 1000 VDCW; molded case; 4/64" lg x 2 36/64" wide x 4/16" thick, two 2¼" lg .031" dia. Wire leads. S. & C. Electric Co., type C28b.		B o x 100.		200	"	90	180		1 0A	
	3	Capacitor; Variable; Air, 6.5 to 140 mmfd (antenna tuning) J. S. Doe Co., Dayton, Ohio. dwg-18A3504.		B o x 10.	N1	53	"	10.00	530			
	4	Capacitor; fixed paper; single section 50,000 mmfd; ±10%; 200 VDCW, two 1⅜" lg wire leads; J. S. Doe Co., dwg #C1820.		B o x 100.	N1	500	"	.40	200		40 C 100 pcs.	
	5	Capacitor; fixed paper; 10,000 mmfd, 200 VDCW; ±10%, Hermetically sealed; mineral oil impregnated metal case, 1 13/16" lg x 15/16" wide x 1 3/16" thick; two 1 3/16" long solder lug terminals spaced 2" apart. S. & C. Electric Co., type #C811.		B o x doz.	N1	800	"	1.03	824			
		Total, Page 10							1,884		335	
		Total, Pages 11 through 14							23,425		13,320	
		Total item No. 3 of Form 1							25,309			
		Carried forward to Schedule G–Form 1									13,675	

[1] Use col. 8 for contractor's offer and for proceeds of an authorized sale. Indicate former by "C" and latter by "A" after dollar amount. Show quantity (on second line) if less than col. 4.

NOTE: See Instructions, par. 25, concerning certificate.
See Instructions, par. 26, concerning Govt. owned property.

[JTR 962.6]

§ 849.962–7 *Termination Inventory Schedule Form 2b (Finished components).*

NOTE: Forms printed in the FEDERAL REGISTER are for information only, and do not follow the exact format prescribed by the issuing agency.

Form Approved.
Budget Bureau No. 17–R005.

TERMINATION INVENTORY SCHEDULE

Form 2b
Office of Contract Settlement

☐ Raw Materials (other than metals) ☐ Purchased parts ☒ Finished components ☐ Finished product ☐ Miscellaneous
This schedule applies to (check one):
☒ A prime contract with the govt., or ☐ Subcontracts (s) or purchase order(s) with
_____
(Name of contractor who sent Notice of Termination)
_____
(Address)
for _____
(Product covered by terminated contract or order)
Govt. Prime Contract No. W-601-sc-100. Contractor's Ref. No. YB411.

Property classification (See instructions) { No commercial value.
Young Manufacturing Company
1234 South East Street
Dayton 12, Ohio
Location of material: Same.

Leave blank	Item No.	Description. If property has commercial value, furnish full commercial description (see Instructions). Otherwise, furnish description sufficient to enable contracting officer to determine appropriate disposition thereof. Where practicable, show manufacturer's name, address, and catalog No. Where cols. 2a and 2b are not applicable, write across dotted lines.	Govt. part or drawing No. and Rev. No.	How packed (Bulk, bbls., crates, etc.	Condition (Use code. See instructions)	Quantity	Unit of measure	Cost (For finished product show contract price instead of cost.) Unit	Total	S = Scrap recommended	Contractor's offer (C) or proceeds of authorized sale (A)[1]	Leave blank
	(1)	(2)	(2a)	(2b)	(3)	(4)	(4a)	(5)	(6)	(8)	(8)	
	1	D–2466 Bracket, Brass	A 49863–1			500	pcs.	.60	540	S		
	2	D–2849 Collar, Steel	A 632B–2		X	520	pcs.	1.10	572			
	3	D–8302 Frame, Alum.	B 6292–4			250	pcs.	1.47	368	S		
	4	D–9247 Connector, Copper	A 49621–B			2,200	pcs.	.20	440	S		
	5	D–750 Insulator, Mica	A 829–2			911	pcs.	.38	346	S		
	6	D–748 Front Panel, Plastic	A 429–X		X	75	pcs.	2.20	165	S		
	7	D–6301 Unit Support, Mixed Metal				320	pcs.	3.65	1,168			
	8	Assorted Clamps				80	lbs.		33	S		
		Tota, page 15							3,652			
		Total pages 16 through 20							15,747		1,027	
		Total item no. of Form 1							19,399			
		Carried forward to schedule G–Form 1									1,027	

ED. NOTE: This schedule illustrates the type of limited description which may be appropriate for items in the "No Commercial Value" classification. Contrast the full description and classification required for items which do have "Commercial Value," illustrated on preceding schedule. See pars. 15 and 18 of the Instructions, and pars. 3 and 9 of Appendix A thereto.

[1] Use of col. 8 for contractor's offer and for proceeds of an authorized sale. Indicate former by "C" and latter by "A" after dollar amount. Show quantity (on a second line) less than col. 4.

NOTE: See Instructions, par. 25, concerning certificate.
See Instructions, par. 26, concerning Govt. owned property.

[JTR 962.7]

§ 849.962–8 *Termination Inventory Schedule Form 2c (Work-in-process).*

NOTE: Forms printed in the FEDERAL REGISTER are for information only, and do not follow the exact format prescribed by the issuing agency.

Form Approved.
Budget Bureau No. 17–R006.

TERMINATION INVENTORY SCHEDULE—WORK IN PROCESS

Form 2c
Office of Contract Settlement

This schedule applies to (check one):
☒ A prime contract with the govt., or ☐ Subcontract(s) or purchase order(s) with
_____
(Name of Contractor who sent Notice of Termination)
_____
(Address)
for _____
(Product covered by terminated contract or order)
Govt. Prime Contract No. W-(01-sc-100. Contractor's Ref. No. YB411.

Young Manufacturing Company.
1234 South East Street,
Dayton 12, Ohio.
Location of material: Same.

Leave Blank	Item No.	DESCRIPTION. If property has commercial value, furnish full commercial description. Otherwise furnish description sufficient to enable contracting officer to determine appropriate disposition thereof.	Estimated Weight	Quantity	Unit of Measure	COST (Information in Col. 5 need not be given if not reasonably available. Unit	Total	S = Scrap recommended	Contractor's offer (C), or Proceeds of authorized sale (A)[1]	Leave Blank
	(1)	(2)	(2a)	(4)	(4a)	(5)	(6)	(7)	(8)	
	1	D40865–2 Rod 19/32" yellow brass threaded drilled; random lengths 21" to 36"	347 lbs.	619	pcs.	0.18	111		44 C	
	2	D47923 Capacitor bracket, 2" x 2½" CR steel, 90% complete	410 lbs.	507	pcs.	.98	497	S	2 A	
	3	F 19624–3 Door assembly mixed steel, copper and plastic, 60% complete	210 lbs.	41	pcs.	11.90	488	S		
	4	D4633 Steel yokes—80% complete	618 lbs.	6,000	pcs.	.03	180	S	3 A	
	5	D9275 Armature assembly—66% complete	330 lbs.	180	pcs.	8.20	1,476		738 C	
	6	F 1890–3 Star wheel assembly, mixed steel and brass, 75% complete	600 lbs.	30	pcs.	125.40	3,762	S		
		Total page 21					6,514		787	
		Total pages 22 through 38					172,601		8,088	
		Total item no. 6 of Form 1					179,115			
		Carried forward to Schedule G—Form 1							8,875	

[1] Use col. 8 for contractor's offer and for proceeds of an authorized sale. Indicate former by "C" and latter by "A" after dollar amount. Show quantity (on a second line) if less than col. 4.

NOTE: See Instructions, par 25, concerning certificate.
See Instructions, par. 26, concerning Govt. owned property.

[JTR 962.8]

§ 849.962–9 *Termination Inventory Schedule 2d (Dies, Jigs, Fixtures, etc.).*

NOTE: Forms printed in the FEDERAL REGISTER are for information only, and do not follow the exact format prescribed by the issuing agency.

Form Approved, Budget Bureau No. 17-R607. | TERMINATION INVENTORY SCHEDULE [Dies, Jigs, Fixtures, etc., and Special Tools] | Form 2d Office of Contract Settlement

This schedule applies to check one:
☒ A prime contract with the Govt., or ☐ Sub-contract(s) or purchase order(s) with
(Name of contractor who sent Notice of Termination)
(Address)
for
(Product covered by terminated contract or order)
Govt. Prime Contract No. W-001-sc-100. Contractor's Ref. No. YB411.

Property Classification (See Instructions): No Commercial Value (2).
Young Manufacturing Company.
1234 South East Street,
Dayton 12, Ohio.
Location of material: Same.

Leave Blank	Item No.	Description. If property has commercial value, furnish full commercial description. Otherwise furnish description sufficient to enable contracting officer to determine appropriate disposition thereof. Where practicable, show manufacturer's name, address, and catalog No.	Condition (Use Code. See Instructions)	Quantity	Cost: Unit	Cost: Total	Cost applicable to this contract: To entire contract	Cost applicable to this contract: To portion not to be completed	Scrap recommended	Contractor's offer (C), or proceeds of authorized sale (A)[1]	Leave Blank
	(1)	(2)	(3)	(4)	(5)	(6)	(6a)	(6b)	(7)	(8)	
	1	#3 Compound die for armature stop dwg 7654	03	2	415	830	830	332	S	3 A	
	2	#75 Piercing die for yoke, dwg 8765	03	2	210	420	420	168	S		
	3	#2 Perforate, Bl. & form die for Bkt, dwg 911	03	2	500	1,000	600	240	S		
	4	Drilljig for bracket, dwg 9425	04	1	120	120	130	52	S		
	5	Tapping fixture for yoke #8842	E2	3	40	120	120	48	S		
	6	Reforming fixture for bracket #962	R4	2	55	110	110	44	S	2 A	
		Total—page 39				2,710	2,210	884		5	(1)
		Total—pages 40 through 43				50,282	41,865	16,746		1,015	(1)
		Total costs				52,992	44,075	17,630		1,020	(1)
		Carried forward to Schedule G—Form 1									

Ed. Note 1: The disposal credit in this case resulted from the sale or retention of items 100% applicable to this contract.
Ed. Note 2: This schedule illustrates the limited description which may be appropriate for items in the "No Commercial Value" classification. See pars. 15 and 18 of the Instructions and 3 and 11 of Appendix A.

[1] Use col. 8 for contractor's offer and for proceeds of an authorized sale. Indicate former by "C" and latter by "A" after dollar amount. Show quantity (on a second line) less than col. 4.

NOTE: See Instructions, par. 25, concerning certificate. See Instructions, par. 26, concerning Govt.-owned property.

[JTR 962.9]

§ 849.962–10 *Schedule of Accounting Information (Form 3).*

NOTE: Forms printed in the FEDERAL REGISTER are for information only and do not follow the exact format prescribed by the issuing agency.

Form approved, Budget Bureau No. 17-R608. | SCHEDULE OF ACCOUNTING INFORMATION | Form 3 Office of Contract Settlement

This proposal applies to (check one):
☒ A prime contract with the Government, or
☐ Subcontract or purchase order No.(s)
with
(Name and address of contractor who sent Notice of Termination)

(Company) Young Manufacturing Company.
(Street address) 1234 South East Street.
(City) (State) Dayton 12, Ohio.
Government Agency: Army-Signal Corps.
Govt. Prime Contract No. W-001-sc-100.
Contractor's Reference No. YB411.
Effective date of termination: October 4, 1944.

1. Furnish name, title, address, and telephone number of an individual in your organization from whom additional information may be requested on questions relating to (1) accounting matters; (2) property disposal:
(1) Mr. Howard J. Gillan, Controller, above address, Fulton 6000, Ext. 784.
(2) Mr. G. K. Nelson, Vice President, above address, Fulton 6000, Ext. 760.
2. Are the accounts of the contractor subject to regular periodic examination by independent public accountants? Yes ☒ No ☐. Dawson & Dawson, Dayton, Ohio.
3. Furnish the name and address of any accountants who have reviewed or assisted in the preparation of the attached proposal. None.
4. Furnish the name and address of any governmental agency which has reviewed your accounts in connection with a prior settlement proposal. Army Signal Corps—Dayton Procurement District, 225 S. Main Street, Dayton, Ohio.
5. Have there been any significant deviations from your regular accounting procedures and policies in arriving at the costs set forth in the attached proposal? Yes ☐ No ☒ If YES, explain briefly.
6. Were the detailed cost records used in preparing this proposal controlled by and in agreement with your general books of account? Yes ☒ No ☐.
7. Were inventory quantities based on a physical count as of the date of termination? Yes ☒ No ☐ If NO explain exceptions.
8. If this settlement proposal is based on standard costs and such costs are in excess of actual, has proper adjustment thereof for any significant variations been made? Yes ☐ No ☐. If NO, explain.
9. Does this proposal include charges for major inventory items and claims of subcontractors common to this terminated contract and other work of the contractor? Yes ☐ No ☒. If YES, furnish information as to the method used in allocating amounts to the terminated portion of this contract.
10. Explain briefly your method of pricing inventories, indicating whether material handling cost has been included in charges for materials. Cost less cash discount, first-in-first-out, no handling charges.
11. Are any parts, materials, or finished product, known to be defective, included in the inventories? Yes ☐ No ☒. If YES, explain.
12. Have any charges been included in this proposal in respect of severance, dismissal, or separation pay? Yes ☐ No ☒. If YES, furnish brief explanation and estimates of amounts included.
13. Does this proposal include any element of profit to the contractor or a related organization, other than profit set forth separately in the proposal or included in the contract price at which acceptable finished product, if any, is included in the proposal? Yes ☐ No ☒. If YES, explain briefly.
14. Describe briefly the nature of indirect expense items included in inventory costs (see Schedule A, Form 1); and explain your method of allocation used in preparing this proposal, including if practicable, the rates used and the period of time upon which they are based. See attached schedule.
15. Do the costsset forth in the attached proposal include provisions for any reserves other than normal depreciation reserves? Yes ☐ No ☒. If YES, list such reserves.

Status of Contract or Order at Effective Date of Termination

Products covered by terminated contract or purchase order		Finished: On hand: Previously shipped and title vested (a)	Finished: On hand: Payment to be received through invoicing (b)	Unfinished or not commenced: Subsequently completed and title vested (See note below) (d)	Unfinished or not commenced: Not to be completed (e)	Total covered by contract or order (f)
X-131 instruments	Quan.	250	200		11,550	12,000
	$	37,500	30,000		1,732,500	1,800,000
	Quan.					
	$					
	Quan.					
	$					

NOTE: Column (d) above should only be used in the event of a partial termination, in which case the total cost reported below should be reconciled to the cost of the completed portion of the contract and the deductions for finished product (item 10 below) should be the contract price of finished product in columns (a), (b), and (d) above.

PROPOSED SETTLEMENT

No.	Item	Use Columns 2 and 3 only where previous proposal has been filed (See Instructions): Total previously proposed (2)	Use Columns 2 and 3 only where previous proposal has been filed (See Instructions): Increase or (Decrease) This proposal (3)	Total proposed to date (4)	Leave blank (5)
1	Direct material		252,867	252,867	
2	Direct labor		63,225	63,225	
3	Indirect factory expense (from Schedule A)		49,948	49,948	
4	Dies, jigs, fixtures and special tools (Form 2d)		32,545	32,545	
5	Other costs (from Schedule B)		15,943	15,943	
6	General and administrative expenses (from Schedule C)		414,528	414,528	
7	Total (Items 1 to 6, inclusive)		33,162	33,162	
8	Profit (explain in Schedule D)		447,690	447,690	
9	Total (Items 7 and 8)		67,590	67,590	
10	Deduct: Finished product invoiced or to be invoiced (See note above)		380,100	380,100	
11	Total (Item 9 less Item 10)				
12	Settlement expenses (from Schedule E). To be claimed on a subsequent proposal				
13	Total (Items 11 and 12)	78,576	380,100	380,100	
14	Settlements with subcontractors (from Schedule F)		82,001	82,001	
15	Allowance for interest. To be determined at time of final settlement				
16	Total (Items 13 to 15, inclusive)	78,576	383,625	462,201	
17	Disposal credits (from Schedule G)		45,125	45,125	
18	Partial advances, or progress payments (from Schedule H)		78,576	78,576	
19	Total credits (Items 17 and 18)	78,576	123,714	123,714	
20	Net settlement (Item 16 less Item 19)		259,911	338,477	

NOTE: Inventory schedules (Forms 2b, 2c, and 2d) applicable to inventories allocable to this contract and on hand at date of termination *must be filed*. See Instructions.

CERTIFICATE

I hereby certify that, to the best of my knowledge and belief, the above statements are true and correct.

Yorso Manufacturing Company, *Contractor.*

Controller, Title. (Supervisory accounting official)

Date, November 30, 1944.

Use reverse side or attach schedule for required information.

[JTR 962.10]

§ 849.962–11 *Schedule attached to Form 3.*

YOUNG MANUFACTURING COMPANY

Settlement Proposal—Contract W-001-sc-100.
Form 3—Question 14—Indirect Factory Expense

Indirect factory expenses applicable to department C in which contract was performed for six months ended September 30, 1944 are as follows: Operations under contract were begun August 3, 1943. Inventory included in this proposal was produced within the last five months.

Factory supervision and administration	$287,018
Indirect labor	861,310
Social security taxes	135,829
Supplies	227,564
Maintenance and repairs	247,783
Depreciation	205,012
Small tools	132,700
Taxes	63,526
Light, heat, power	$57,461
Insurance	17,472
Freight and express	24,057
General	48,537
Total	$2,298,269

Direct labor in department C for six months ended Sept. 30, 1944 $2,308,658
Per cent of indirect factory expense to direct labor 99.55%
Direct labor included in work in process $67,805
Indirect factory expenses applicable to work in process, 99.55% of $67,805 $67,500
Direct labor included in finished components $8,024
Indirect factory expenses applicable to finished components, 99.55% of $8,024 $7,988

[JTR 962.11]

§ 849.963 *Specimen proposal on Form 1b (Total cost basis).* [JTR 963]

Form 1b (Front).

NOTE: Forms printed in the FEDERAL REGISTER are for information only, and do not follow the exact format prescribed by the issuing agency.

(Read instructions for Use of Standard Contract Settlement Proposal Forms)

Form Approved, Budget Bureau No. 17-R604. | SETTLEMENT PROPOSAL (TOTAL COST BASIS) | Form 1b Office of Contract Settlement

[For use by prime contractor or subcontractor under terminated fixed-price war supply contract]

This proposal applies to (check one):
☒ A prime contract with the Government, or
☐ Subcontract or purchase order No.(s)
with
(Name of contractor who sent Notice of Termination)
(Address)

If moneys payable under the contract have been assigned, give name and address of assignee None

T. L. Manufacturing Company.
(Company)
123 White Street.
(Street address)
(City) (State): Toledo 7, Ohio.
Govt. Agency: Army Air Forces.
Govt. Prime Contract No. W-98-sc-112.
Contractor's Reference No. UM 40.
Effective date of termination: October 4, 1944.

This is proposal No. 2 under this termination and is deemed to be ☒ interim, or ☐ final. (Check one.)

[1] Form 3 (Schedule of Accounting Information) attached? If not, explain: Filed in connection with previous terminations. Yes ☐ No ☒ No change.

CERTIFICATE

The undersigned, individually and as an authorized representative of the contractor, certifies that he has examined this Settlement Proposal and that, to the best of his knowledge and belief: (1) AS TO CONTRACTOR'S OWN CHARGES—The Proposed Settlement (exclusive of charges set forth in Item 14) and supporting schedules and explanations have been prepared from the books of account and records of the contractor in accordance with recognized commercial accounting practices; they include only those charges allocable to the terminated contract; they have been prepared with knowledge that they will, or may, be used directly or indirectly as the basis of settlement of a claim or claims against the United States or an agency thereof; and the charges as stated are fair and reasonable. (2) AS TO SUBCONTRACTORS' CHARGES— (a) The contractor has examined, or caused to be examined, to an extent it considers adequate in the circumstances, the claims of its immediate subcontractors (exclusive of claims filed against such immediate subcontractors by their subcontractors); (b) the settlements on account of immediate subcontractors' own charges are fair and reasonable, said charges are allocable to the terminated portion of this contract and said settlements were negotiated in good faith and are not more favorable to its immediate subcontractors than those which the contractor would make if reimbursement by the Government were not involved; (c) the contractor has received from all its immediate subcontractors appropriate certificates with respect to their claims, which certificates, if the claims are for more than $1,000, are substantially in the form of this certificate; and (d) the contractor has no knowledge leading it to doubt (i) the reasonableness of the settlements with more remote subcontractors or (ii) that the charges for them are allocable to this contract. Upon receipt by the contractor of amounts covering settlements with its immediate subcontractors, the contractor will pay or credit them promptly with the amounts so received, to the extent that it has not previously done so. The term subcontractor as used above includes suppliers

T. L. MANUFACTURING COMPANY,
(Name of Contractor.)
By PATRICK ROESCH, *President*
(Authorized Official.)

The undersigned certifies that to the best of his knowledge and belief the statements with respect to accounting matters made in the above Certificate are true.

C. E. ELDRIDGE, Jr.,
(Supervisory accounting official.) Title: *Comptroller*

Date, November 20, 1944.

When the space provided for any information is insufficient, attach separate supporting schedules.

[JTR 963.1]

§ 849.963–2 *Form 1b (reverse).*

SCHEDULE A INDIRECT FACTORY EXPENSE (ITEM 3)

Detail of expenses	Method of Allocation	Amount	Leave Blank
See attached schedule.			

SCHEDULE B OTHER COSTS (ITEM 6)

Item	Explanation	Amount	Leave Blank
None			

SCHEDULE C GENERAL AND ADMINISTRATIVE EXPENSES (ITEM 6)

Detail of expenses	Method of Allocation	Amount	Leave Blank
See attached schedule.			

SCHEDULE D PROFIT (ITEM 8)

Explanation	Amount	Leave Blank
Total contractor's own costs—line 7 of summary 414,528		
8 percent thereof	33,162	

Profit rate contemplated in bid proposal.

Id. Note: If profit is otherwise computed under the authority of General Regulation No. 7 of the Office of Contract Settlement, an appropriate explanation will be given.

SCHEDULE E SETTLEMENT EXPENSES (ITEM 12)

Item	Explanation	Amount	Leave Blank

SCHEDULE F (ITEM 14)

SETTLEMENTS WITH IMMEDIATE SUBCONTRACTORS AND SUPPLIERS

Name and address of Subcontractor	Brief description of product canceled	Amount of settlement	Leave blank
Victory Tool and Die Co., 1492 River Road, Royal Oak, Michigan.	24 extrusion dies for part TL 7481 (Paid November 12, 1944).	3,425	.....

SCHEDULE G (ITEM 17)

DISPOSAL OR OTHER CREDITS

Description	Amount	Leave Blank
Total from Column 8—Form 2a	22,350	.....
Total from Column 8—2b (Raw Materials)	10,287	.....
Total from Column 8—Form 2b (Purchased Parts)	2,150	.....
Total from Column 8—Form 2c	10,351	.....
Total Item No. 18 of summary	45,138	
(If practicable, show separately amount of disposal credits applicable to acceptable finished product reported on Form 2b)		

SCHEDULE H (ITEM 18)

PARTIAL ADVANCE OR PROGRESS PAYMENTS

Date	Explanation	Amount	Leave Blank
October 24, 1944	Partial payment.	78,576	.....

When the space provided for any information is insufficient attach separate supporting schedules.

[JTR 963.2]

§ 849.963–3 *Attached Schedule A to Form 1b.*

T. L. MANUFACTURING COMPANY

Settlement Proposal—Contract W–889–ac–112 Schedule A Form 1b—Indirect Factory Expense

Indirect factory expenses applicable to Plant 2 in which this contract was performed for period Jan. 1, 1944 to Sept. 30, 1944, inclusive are as follows: Operations under contract were begun Jan. 16, 1944.

Factory supervision	$20,748
Indirect labor	44,970
Overtime premiums	13,124
Social security taxes	9,804
Other taxes	8,489
Insurance	4,105
Power, light and heat	5,841
Maintenance and repairs	10,402
Supplies	13,847
Defective work	5,819
Depreciation	24,942
General	4,206
Total	$166,297
Direct labor Jan. 1, 1944 to Sept. 30, 1944	$210,503
Percent of indirect factory expense to direct labor	79.00%
Amount of direct labor applicable to contract canceled (Jan. 21, 1944 to Oct. 4, 1944 inclusive)	$63,225
Indirect factory expenses applicable to cancelled contract—79% of $63,225	$49,948

[JTR 963.3]

§ 849.963–4 *Attached Schedule C to Form 1b.*

T. L. MANUFACTURING COMPANY

Settlement Proposal—Contract W–889–ac–112—Schedule C Form 1b—General and Administrative Expenses

General and administrative expenses for period from Jan. 1, 1944 to Sept. 30, 1944 inclusive are as follows: Operations under contract were begun Jan. 16, 1944.

Officers' salaries	$45,410
Office salaries	112,940
Social security taxes	4,741
Other taxes	8,500
Traveling expenses	14,895
Telephone and telegraph	5,983
Legal and other professional	15,492
Dues and subscriptions	4,634
Depreciation—office	13,449
Stationery and postage	16,466
Miscellaneous	5,637
Total	$248,147
Basis of allocation—total manufacturing costs incurred Jan. 1, 1944 to Sept. 30, 1944	$4,322,700
Per cent of general and administrative expense to total manufacturing costs incurred	5.74%
Total items 1 through 5 of settlement proposal	$398,585
4% of $398,584	$15,943

[JTR 963.4]

§ 849.963–5 *Other supporting schedules.* Proposals on Form 1b must be accompanied by Inventory Schedules on Forms 2a to 2d and Schedule of Accounting Information on Form 3. These are illustrated in §§ 849.962–4 to 849.962–9, inclusive, and are omitted here to conserve space. [JTR 963.5]

§ 849.964 *Instructions for use of standard proposal forms.*

Office of Contract Settlement
October 1, 1944

INSTRUCTIONS FOR USE OF STANDARD CONTRACT SETTLEMENT PROPOSAL FORMS

GENERAL

1. *Standard forms provided.* The Standard Forms are prescribed by the Director of Contract Settlement under the Contract Settlement Act of 1944. They are required to be used by all prime contractors and subcontractors in submitting proposals for settlement of claims under terminated fixed-price war supply contracts. This includes fixed-price supply subcontracts underlying cost-plus-fixed-fee prime contracts or subcontracts. The forms should be used by prime contractors for filing with the Government, and by subcontractors for filing with the company from which the notice of termination was received. They have been made uniform for all Departments and agencies of the United States Government in order to expedite preparation and review of settlement proposals. Previously authorized forms of the War Department or Navy Department may continue to be used until the Standard Forms are generally available.

2. *Departures from standard forms.* Although minor deviations from the requirements of the forms are permissible, prior approval of the contracting officer or the customer (contractor in next higher tier) should be obtained for any substantial departures from the requirements. However, a contractor receiving such approval may not require his subcontractors to submit their proposals on other than the prescribed standard forms. Submission of additional information which the contractor considers relevant is encouraged and may expedite review and approval of the proposal. As used in these instructions, the term "contracting officer" includes the contracting officer's representatives.

3. *Where to obtain forms.* The forms may be obtained from any Government contracting agency and the larger war contractors.

4. *Reproduction of forms.* Reproduction of the forms in any size is authorized, without approval of any Government agency, provided no change is made in the general arrangement. Reproduction of the inventory schedules on larger forms is encouraged where desired.

SHORT FORM SETTLEMENT PROPOSAL

(Form 1a)

5 This form may be used only where

(a) The contractor proposes to dispose of or retain all the inventory allocable to the terminated portion of the contract, and

(b) The net amount of the proposed settlement, after deducting his offer for the entire inventory (including proceeds of sales of any inventory disposed of) is less than $1,000.

6 Neither the inventory schedules (Forms 2a 2b, 2c, and 2d) nor the Schedule of Accounting Information (Form 3) are to be submitted with this form. The back of the form contains instructions for its use. Also see Miscellaneous Instructions on page 3 hereof.

OTHER FORMS

7. The other forms are as follows:

(a) *Settlement proposal:*

Form 1—General form, which may be used for any proposal, other than one on the total cost basis, regardless of amount.

Form 1b—Total cost basis form, for use only where it is necessary to present the proposal on the total cost basis. This form is not generally distributed but will be provided by any Government contracting office on request.

(b) *Termination inventory schedules:*

Form 2a—Metals (in mill product form).

Form 2b—Raw Materials (other than metals), Purchased Parts, Finished Components, Finished Product, and Miscellaneous.

Form 2c—Work in Process.

Form 2d—Dies, Jigs, Fixtures, etc. and Special Tools.

(c) *Schedule of accounting information:*

Form 3—This form is provided to facilitate accounting reviews of settlement proposals, and, wherever possible, to enable the review to be made without field examination.

SETTLEMENT PROPOSAL

8. *Basis of presenting proposal.* Form 1 may be used for any settlement proposal, other than one on the total cost basis, regardless of amount. It is designed for presenting proposals on the inventory basis, which should be used wherever practicable. Under this basis the settlement proposal will consist essentially of an inventory of individual items or groups of similar items stated at cost. In those cases where the inventory method is not practicable, contractors may present their proposals on the *total cost basis.* Under this method, the accumulated costs applicable to all work done on the contract are summarized; profit, if any, is added, and any amounts previously invoiced or to be invoiced for finished product are then deducted. Form 1b, designed for presenting proposals on the total cost basis, may be obtained from any Government contracting agency on request. When using this form, a contractor must, however, for purposes of property accountability and disposition, submit Termination Inventory Schedules listing all the inventory items for which amounts are included in the total costs presented in the Settlement Proposal. The Contract Settlement Act of 1944 authorizes the use of any other equitable basis deemed appropriate by the contracting agency for determining fair compensation for the termination of war contracts. When using any such other method, the contractor should consult his customer or the contracting officer concerning the manner and form of presenting it.

9. *Separate proposals for separate contracts.* A separate proposal should ordinarily be submitted for each terminated war contract or purchase order unless some other procedure is approved by the contracting officer or customer. Claims based on a series of orders from the same purchaser for items applicable to the same contract may, however, be combined in a single proposal.

10. *Interim proposals.* Normally, a proposal when submitted should cover all elements of the claim, including the contractor's own charges and settlements with subcontractors. However, proposals may be filed in successive steps covering separate portions of a claim arising from the termination. Except with the approval of the customer or contracting officer, this system of progressive reporting should not be used to present claims covering portions of the contractor's own costs as they may be determined. Rather, it is intended to enable the contractor to file proposals covering either all his own costs, or his settlements with subcontractors, or his settlement expenses. In submitting an interim proposal, the contractor should complete only those portions of the form applicable to his proposal; for example, in submitting a proposal to cover settlements or proposed settlements with subcontractors, he should fill out, in addition to the boxes at the top of the form, only Schedule F and Item 14, and execute the certificate at the bottom of the form. Interim proposals may also be filed in connection with requests for partial payments. In submitting an initial proposal, amounts should be inserted only in column 4, and the required supporting schedules be completed. In filing subsequent proposals, the schedules should be completed in support of the items in column 8, or if this is not feasible, a revised schedule should be prepared in support of the accumulated totals in column 4.

11. *Individual items of Form 1:*

Settlement expenses—Item 12. These are sometimes referred to as post-termination expenses. They include reasonable accounting, legal, clerical, and other costs and expenses incident to termination and settlement of the contract or order, and reasonable costs and expenses of preserving and protecting termination inventory.

Settlements with subcontractors—Item 14. The war contractor submitting a settlement proposal need attach settlement proposals of his subcontractors only in cases where such settlement proposals are required by Government regulations to be reviewed or examined by the contracting officer or a Government review board, or where the contracting officer or customer so directs.

Acceptable finished product—Item 15. Normally prime contractors will be authorized to obtain payment for acceptable finished product on hand at date of termination by invoicing at the contract price, and such product will not be reported on the inventory forms or be included in the proposed settlement. Subcontractors should similarly seek to obtain payment for acceptable finished product on hand at the date of termination through regular billing procedure. Where, however, such payment is not obtained (solely because of the termination), the items should be listed on the appropriate inventory schedule (Form 2b), the contract price should be entered instead of cost in the cost column, and the items included at contract price in the settlement proposal. If the contract price is a delivered price, freight and other charges which would have been payable by the contractor had delivery been completed should be deducted.

Allowance for interest—Item 16. The Contract Settlement Act of 1944 provides for allowing interest on the amount due and unpaid from time to time on the termination claim at the rate of 2½ percent per annum for the period beginning 30 days after the date fixed for termination and ending with the date of final payment, with certain exceptions stated in section 6 (f) of the Act. For guidance in computing the interest to be allowed, reference is made to regulations of the various contracting agencies.

Disposal credits—Item 18. This item represents amounts by which the contractor's proposal should be reduced on account of (1) the contractor's offers to retain or sell inventory items, and (2) the proceeds of authorized sales (including credits for authorized retentions). The amount entered on Schedule G in the first proposal filed should agree with the total of the contractor's offers and the proceeds of authorized sales shown in column 8 on all the inventory schedules. If a subsequent settlement proposal is filed, increases or decreases in the amount of the disposal credits need not be supported by revised inventory Schedules, but adjustments should be explained in Schedule G. If practicable, the part of the disposal credit applicable to acceptable finished product included in the proposal should be shown separately in Schedule G.

12. *Supporting inventory schedules.* Items 1 through 7, and Item 15, must be supported by the inventory schedules described below.

TERMINATION INVENTORY SCHEDULES

(Forms 2a, 2b, 2c, and 2d)

13. *When used.* These schedules, which are filed either with or in advance of the Settlement Proposal (other than the Short Form) serve two principal purposes: (1) To support the amount of inventory costs included in the Settlement Proposal; and (2) to aid in arranging for the removal, storage, sale, or other disposition of the termination inventory.

14. *Partial inventories.* Where inventory schedules covering a substantial portion of the inventory can be prepared in advance of other portions, partial filings are encouraged in the interest of expediting property removal and disposal.

15. *Description—Column 2.* On Form 2a (Metals) full commercial description is required for all items. On all other inventory schedules full commercial description is required only for items believed to have commercial value. For other items, the contractor need furnish only such description as is sufficient to enable the contracting officer or customer, as the case may be, to determine the appropriate disposition. This may involve ascertaining whether the items can be used elsewhere in the procurement program, or passing upon scrap recommendations or offers to purchase. The more limited description required for these purposes will ordinarily suffice in the case of most special parts, most special tools, dies, jigs and fixtures, and most work in process. Where the contractor is in doubt as to the extent of the description required, he should consult with the contracting officer or the customer who may accept such description as he thinks satisfactory under all the circumstances. The "Handbook of Standards for Describing Surplus Property" compiled for the disposal agencies of the Government, will be made available by contracting agencies to war contractors. It will be helpful as a guide to the type of information needed for a full commercial description.

16. *Sundry listing of small amounts.* Items having a cost of less than $100 need not be listed separately but may be lumped together under a "sundry" caption with only a general description of the type of items, provided the aggregate amount included does not exceed $5,000, or 20 percent of the total inventory cost, whichever is less. For this purpose, the term "item" means all the substantially similar articles in the termination inventory at any one location. Contractors are urged to retain or dispose of all such items at the best price obtainable. In the case of items retained by the contractor this means a price which in his judgment is fair and reasonable and not less than the price he would obtain if the item were offered for sale. His insertion in column 8 of the Inventory Schedules, or in Schedule G of the Settlement Proposal, of amounts in respect of such items will constitute his representation that such amounts are in his judgment the best prices obtainable, as that phrase is used above. No approval of such prices by the customer or the contracting officer will be required.

17. *Common items.* Items which are reasonably usable on other work of the contractor because they are materials, parts, or components, common in nature to both the terminated contract and other work of the contractor, should not be listed, nor should any costs with respect thereto be included in the proposal, to the extent that the items are reasonably applicable to the contractor's other work in accordance with regulations of the contracting agency.

18. *Classification of items.* To aid in selling or storing property which is to be removed from the contractor's plant by the Government, a classified arrangement of the items on the inventory schedules is essential. Except in the case of work in process and of items having no commercial value, like items are required to be listed with like items and, with certain exceptions, a separate sheet must be used for each classification of property at any one location. Instructions for arranging the items on the Inventory Schedules are given in Appendix A hereto and must be closely followed.

19. *Submission of termination inventory schedules and obligation of government to remove property.* These schedules will serve as the contractor's statement showing the material claimed to be termination inventory which, if not otherwise disposed of or covered by agreement, he desires to have removed by the Government. The obligation of the Government under the Contract Settlement Act of 1944 to remove or arrange for storage of any such items will not arise until 60 days, or such other time as may be agreed on, after the Termination Inventory Schedules on which they are listed are received in satisfactory form by the appropriate Government officer in such manner as may be prescribed. In the case of a prime contract, the appropriate Government officer is the contracting officer, or his representative,[1] administering the contract, or such other representative as the contracting agency may designate. In the case of a subcontract, it is the contracting officer, or his representative,[1] administering the prime contract under which the subcontract is terminated, or such other representative as the contracting agency may designate. Both the description and classification required by these instructions are necessary for satisfactory form. Schedules will not be deemed unsatisfactory in form with respect to items under $100 cost merely because they are lumped under a "sundry" caption in accordance with paragraph 16 above: *Provided*, The contractor files a supplementary Termination Inventory Schedule or Schedules with respect thereto which are in satisfactory form and meet the following conditions: (1) that they be received by the appropriate Government officer at least 20 days (or such other time as the contracting agency may prescribe) before the obligation of the Government would arise to remove or arrange for storage of the items in the "sundry" caption, (2) that there be listed any such items which have not by that time been disposed of and are to be tendered to the Government, and (3) that such items be described and classified in accordance with paragraphs 15 and 18 above.

20. *Option to submit unclassified schedules.* Subject to the conditions stated below, contractors who desire to do so may prepare and submit the Termination Inventory Schedules without classification of the items. This may make possible an earlier submission of the Settlement Proposal and may enable the contractor to avoid classification of items which will in fact be scrapped, retained, or otherwise disposed of without transfer to the Government. Schedules so submitted to the contracting officer or his representatives will not, however, be deemed to be satisfactory in form, as that term is used in paragraph 19 above, and the 60-day period there referred to will not commence to run with respect to any of the items included on them until supplementary schedules containing the required classified listing of such items are received by the appropriate Government officer.

21. *Condition—Column 3.* For purposes of indicating condition of material, other than work in process, the following code should be used. It requires the combination of a letter and a number in each instance (as E4 or N2)

N—New	1—Excellent
E—Used—reconditioned	2—Good
O—Used—usable without repairs	3—Fair
R—Used—repairs required	4—Poor

Use the letter "X," without a number, for material considered to have no further value for use as originally intended, but of possible salvage value other than as scrap.

22. *Costs—Columns 5 and 6.* Any generally recognized basis for costing inventory may be used, providing the system has been regularly in use by the contractor and reasonably reflects his costs. In some cases, particularly where a settlement proposal is filed on the total cost basis, complete costing of inventory schedules may not be possible; in such cases, however, the contractor should give as much cost information as practicable, particularly with respect to items of inventory other than work in process. Where the contractor's system of accounting makes it impracticable to determine unit costs for each item of inventory, it is permissible to enter total costs for all of the items or for groups of similar items. Estimated costs should be given where actual costs are not available.

23. *Scrap recommendation—Column 7.* A contractor should make scrap recommendations by inserting an "S" in column 7.

24. *Contractor's offer, or proceeds of authorized sale.* The letter "C" inserted after the dollar amount in column 8 will indicate the contractors' offer to retain or sell, and the letter "A" so inserted will indicate a sale (or credit for retention) previously authorized or approved by or on behalf of the contracting officer or customer. In either case quantity should also be shown (on a second line) if less than the full quantity shown in column 4.

25. *Inventory certificate required.* The Inventory Schedules, whether or not filed with the Settlement Proposal, must be accompanied by a certificate in the form set forth in Appendix B hereto. When the procedure authorized in paragraph 20 is followed, the second paragraph of the form of certificate should be omitted.

26. *Government-owned property.* Whenever Government-owned property is listed on the Termination Inventory Schedules, separate sheets should be used, marked to show that the items are Government-owned, and the schedules should be filed with the authorized Government representative as that term is used in paragraph 19 above.

(a) Termination inventory to which the Government has title under fixed-price contracts should be listed on the Termination Inventory Schedules as follows:

(1) The Government-owned materials furnished under the terminated contract without cost to the contractor (sometimes called "Government-furnished materials" or "Government-furnished equipment") should, for purposes of property accountability and disposition and not as a part of the settlement proposal, be listed unless the contracting officer directs otherwise.

(2) Where under a fixed-price supply contract, title to materials purchased by the contractor is vested in the Government, such materials should be listed, and cost data supplied to the extent required under paragraph 22 above.

(b) Government-owned facilities should not be listed on the Termination Inventory Schedules unless the contracting agency or the contracting officer so directs.

(c) Although these Instructions relate to fixed-price supply contracts, termination inventory under cost-plus-fixed-fee contracts may also be listed on the Termination Inventory Schedules if the contractor desires, and shall be so listed if required by the contracting agency.

SCHEDULE OF ACCOUNTING INFORMATION

(Form 3)

27. Form 3 is intended to facilitate accounting reviews and particularly to obviate the necessity of many field examinations which might otherwise be required. It should be filed only once in connection with each termination. It is not required if (1) the proposal is submitted on the Short Form (Form 1a), or (2) filing of Form 3 has been waived by the contracting officer or customer, or (3) the contractor has already filed a Form 3 with the contracting office or customer in connection with a previous termination. In the latter case a statement showing any changes in accounting information from that set forth in the previously filed Form 3 will be sufficient.

[1] In the case of the Navy Department, Navy Material Inspectors and other designated representatives for property disposition purposes with regard to the particular prime contract or subcontract will act as the representative of the contracting officer for this purpose.

MISCELLANEOUS INSTRUCTIONS

28. *Cents may be omitted.* In any of the forms, cents may be omitted, either by dropping them entirely or by stating the amount at the nearest dollar, except in the case of the unit cost column (col. 5) of the Inventory Schedules.

29. *Separate schedules.* If the space provided for any information called for by any of the forms is insufficient, attach separate supporting schedules.

30. *Number of copies.* The number of copies required of any of the forms will be indicated by the Government contracting agency or the contractor from whom notice of termination is received.

31. *Retention of records.* Attention is called to Section 19 of the Contract Settlement Act of 1944, which with certain exceptions requires contractors to retain their records and working papers for five years after (1) disposition of termination inventory, or (2) final settlement of the war contract, or (3) termination of hostilities in the present war, whichever is latest. Attention is also called to the provisions of Section 19 of the Act imposing penalties for filing fraudulent claims.

32. *Deliveries to Government may be required.* Contractors will be advised, usually in the Notice of Termination, of any portions of the termination inventory which the Government requires to be delivered to it.

33. *Approval of proposals filed on Form 1a (Short form).* Where a war contractor in good faith approves any settlement proposal properly submitted to him on Form 1a by his immediate subcontractor, the settlement, including credits for retention or disposal of inventory, will be recognized by the Government as final and conclusive for the purpose of settling the terminated prime contract, to the extent the subcontract is allocable to it, unless the contracting agency has previously caused notice to be given to the settling war contractor that such settlements made by him are subject to approval by the Government.

34. *References.* For guidance in preparing Settlement Proposals reference is made to the termination article of the contract, the Contract Settlement Act of 1944, and the regulations and instructions of various Government contracting agencies, and of the Director of Contract Settlement.

35. *Changes in instructions.* These instructions are subject to change by notice published in the FEDERAL REGISTER.

APPENDIX A—CLASSIFYING ITEMS ON THE INVENTORY SCHEDULES

GENERAL

1. *Why classification required.* Inventory Schedules will not be considered to be in satisfactory form for the purposes of the 60-day period referred to in paragraph 19 of Instructions above unless the items are arranged in general groupings on separate sheets in accordance with the following instructions. This procedure is prescribed in order to facilitate removal from the contractor's plant and disposal of property listed on the Inventory Schedules and to meet the requirements of the disposal agencies. Contractors are urged to follow the instructions carefully in order to avoid delays in clearing their plants.

2. *Classification distinguished from description.* These instructions concerning classification apply solely to the arrangement of items on separate inventory sheets and in no way affect the requirements for description of the items, set forth in paragraph 15.

3. *When classification required.*

On Form 2a—Metals.	Classification required for all items.
On Form 2c—Work in Process.	No clasification required.
On Form 2b—Raw Materials (other than metals); Purchased Parts; Finished Components; Finished Product; Miscellaneous.	Classification required for items believed to have commercial value; items having no commercial value may be placed in a single classification designated "No Commercial Value."
On Form 2d—Dies, Jigs, Fixtures, etc., and Special Tools.	

Description is, however, required in all instances in accordance with paragraph 15 of the Instructions.

4. *Instructions for classifying.* For metals (in mill product form) and raw materials, list items of one material with items of the same material. For all other products, list like items with like items. Each group will then comprise a separate classification of property. See examples below.

5. Write in the top right-hand corner of each inventory sheet opposite "Property Classification" the name of the classification for which the sheet is used. For example, in the case of Metals the name of the metal; in the case of Raw Materials (other than metals), or of Parts, Finished Components, Finished Product, or Miscellaneous, the name by which the material or article is commonly known in the trade.

6. Use a new sheet for each such separate general classification. In the case of small inventories or classifications having only a few items, however, several different classifications may be put on the same page, provided they are separated by at least three spaces, and the name of each classification is written in the top right-hand corner of the form.

7. *Option to submit unclassified schedules.* See paragraph 20 of the Instructions concerning filing inventory schedules without classification of the items, and the effect thereof on any obligation of the Government under the Contract Settlement Act of 1944 to remove or arrange for storage of the items listed.

INDIVIDUAL FORMS

8. *On Form 2a—Metals* (in mill product form, excluding castings and forgings).

List metals in raw or primary form as furnished by the mill and on which there has been no subsequent fabricating operation. Do not include castings and forgings. They are to be listed on Form 2b. Except where there are only a few items, use a new sheet or series of sheets for each type of metal, and write the name of the metal or alloy in the space provided in the upper right-hand corner of the form. Examples are:

Alloy Steel	Manganese Bronze
Carbon Steel	Aluminum
Stainless Steel	Silver
Copper	Tin
Free Cutting Brass	

In addition, on the sheets for any such metal, list like forms of the metal or alloy together in sequence. For example, on the sheets or sheets used to list Carbon Steel, group together all the strip, then follow with the sheets, then the bar stock, etc.

9. *On Form 2b—Raw Materials (other than Metals); Purchased Parts; Finished Components; Finished Product; and Miscellaneous.* The term "Raw Materials" is here used to include materials in primary form. Examples of the many different general classifications of raw or primary materials (other than metals) include:

Chemicals	Shoe cut stock
Pulp and paper	Cement
Paper board	Cork
Plastics (primary forms)	Textiles
Oils, fats, waxes	Cotton
Rubber	Kapok
Lumber	Wool
Hides and skins	Hair
Leather	Glass

Examples of some of the large number of general classifications of parts, components, finished product, or miscellaneous include:

Engines and turbines	Fans and blowers
Compressors and pumps	Bearings
Insulated wire and cable	Valves
Nuts and bolts	Surgical instruments
Conveyors	Electric motors
	Drugs
	Ignition equipment

Note that on this form items having no commercial value may be placed in a single classification designated "No Commercial Value," and no further classification of such items is required. For items deemed to have commercial value, use a new sheet for each classification (except as permitted under paragraph 6 above). Insert the name of the classification in the top right-hand corner of the inventory form and arrange the items falling under that classification in sequence under separate subheadings. For example, on the sheet or sheets used to list Chemicals, group separately all Acids, all Alkalis, all Resins, etc. Under the general classification of Insulated Wire and Cable, group separately all Asbestos-Insulated Copper Wire, all Rubber-Insulated Copper Wire, all Magnet Wire, etc. On the sheets used for Drugs, group separately all Antitoxins, all Vaccines, all Strychnine Derivatives, all Morphine Derivatives, etc.

10. *On Form 2c—Work in Process.* No classification of items is required on this schedule. However, a description must be given sufficient to enable the Government representative to identify the property and determine the appropriate method of disposal. Finished components should not be listed on this form but on Form 2b. Other materials which have not lost their identity through whole or partial assembly and which are deemed to have a further commercial use should similarly be listed on Form 2b.

11. *On Form 2d—Dies, Jigs, Fixtures, etc., and Special Tools.* Note that on this form items having no commercial value may be placed in a single classification designated "No Commercial Value." Such items require no further classification. For items deemed to have commercial value, general classifications may be limited to the following:

Dies Jigs Gauges
Fixtures Special tools

Use a new sheet for each such general classification (except as permitted under paragraph 6 above). Insert the name of the classification in the top right-hand corner, and list the items falling under that classifi-

cation in sequence. For example, on the sheet used to list Dies, group separately all Extruding Dies, all Forging Dies, all Forming Dies, etc. On the sheet used for Gauges, group separately all Thread Gauges, all Radius Gauges, all Depth Gauges, etc.

12. If perishable tools are charged to indirect factory expense, they may not also be included in termination inventory. Where, however, indirect factory expense is adjusted to exclude such a charge, or where the perishable tools are charged directly to the contract, they should be included in the inventory, but should be listed on Form 2b and not 2d.

13. *List separately when in doubt.* Extreme care should be used to list only very similar items together as a single classification. If doubt exists as to the proper classification of any item, list that item separately and insert the commonly accepted trade name at the top right-hand corner of the page. Where forms overlap, the contractor may use the form best suited, except that finished components should be put on Form 2b and not on Form 2c.

APPENDIX B (SEE INSTRUCTIONS, PAR. 25)—FORM OF TERMINATION INVENTORY SCHEDULE CERTIFICATE

The contractor hereby certifies that the attached Termination Inventory Schedules, pages ---- to ----, inclusive, have been prepared in accordance with applicable instructions; that the inventory described therein is allocable to the designated contract and is located at the places specified; that the quantities are not in excess of the reasonable quantitative requirements of the terminated portion of the contract; and that the prices shown in column 8 (contractor's offer, or proceeds of authorized sale) are fair and reasonable and comply with Government price regulations.

The attached Schedules constitute the contractor's statement showing the materials claimed to be termination inventory which, if not otherwise disposed of, the contractor desires to have removed by the Government within 60 days from receipt hereof by the Government, or such shorter period as may be prescribed under the Contract Settlement Act of 1944, or such other period as may be agreed upon. Subject to such prior disposition, title to such materials is hereby tendered to the Government and is warranted to be free and clear of all liens and encumbrances.

Upon request of the Government, the contractor (will) (will not) negotiate to store at
(Strike out one)
the Government's expense all or part of the inventory listed in the attached Schedules.

(Name of contractor or subcontractor)
By ---
(Name of authorized officer)

(Title)

(Date)

The supervisory accounting official is:

(Signature)

(Title)

These Instructions have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942

[JTR 964]

§ 849.965 *Settlement proposal for use on terminated cost and cost-plus-a-fixed-fee contracts.*

NOTE: Forms printed in the FEDERAL REGISTER are for information only, and do not follow the exact format prescribed by the issuing agency.

War Dept.—Form 70
Navy Dept.—Navexos—2779
Budget Bureau No. 40-R239
Approval Expires June 30, 1945

SETTLEMENT PROPOSAL

For use on terminated cost and cost-plus-a-fixed-fee contracts

Company	This is proposal No. ----
Street address	Check one ☐ Partial ☐ Final
City and State	
Govt. prime contract number / Subcontract number	Effective date of termination

Item	Total previously submitted	Increase or decrease by this proposal	Total submitted to date
(1)	(2)	(3)	(4)
1. Direct material	$	$	$
2. Direct labor			
3. Indirect factory expense			
4. Dies, jigs, fixtures and special tools			
5. General and administrative expense			
6.			
7. Total (items 1 to 6 inclusive)			
8. Fee			
9. Settlement expenses			
10. Settlements with subcontractors			
11.			
12.			
13. Total (items 7 to 12 inclusive)			
14. Disposal credits			
15. Previous payments to contractor			
16.			
17.			
18. Total credits (items 14 to 17 inclusive)			
19. Net proposed settlement			

NOTE: Schedules in support of items 1 to 17 are to be submitted in accordance with the requirements of the individual services.

CERTIFICATE

The undersigned, individually and as an authorized representative of the contractor, certifies that he has examined this Settlement Proposal and that, to the best of his knowledge and belief,

(1) AS TO CONTRACTOR'S OWN CHARGES—The Proposed Settlement (exclusive of charges set forth in Item 10) and supporting schedules and explanations have been prepared from the books of account and records of the contractor in accordance with the terms of the contract, they include only those charges allocable to the terminated contract, they have been prepared with knowledge that they will, or may, be used directly or indirectly as the basis of settlement of a claim or claims against the United States or an agency thereof, and the charges as stated are fair and reasonable.

(2) AS TO SUBCONTRACTORS' CHARGES—(a) The contractor has examined, or caused to be examined, to an extent it considers adequate in the circumstances, the claims of its immediate subcontractors (exclusive of claims filed against such immediate subcontractors by their subcontractors); (b) the settlements on account of immediate subcontractors' own charges are fair and reasonable, said charges are allocable to the terminated portion of this contract and said settlements were negotiated in good faith and are not more favorable to its immediate subcontractors than those which the contractor would make if reimbursement by the Government were not involved; (c) the contractor has received from all its immediate subcontractors appropriate certificates with respect to their claims, which certificates, if the claims are for more than $1,000, are substantially in the form of this certificate; and (d) the contractor has no knowledge leading it to doubt (i) the reasonableness of the settlements with more remote subcontractors or (ii) that the charges for them are allocable to this contract. Upon receipt by the contractor of amounts covering settlements with its immediate subcontractors, the contractor will pay or credit them promptly with the amount so received, to the extent that it has not previously done so. The term subcontractor as used above includes suppliers.

The undersigned certifies that to the best of his knowledge and belief the statements with respect to accounting matters made in the above Certificate are true.

(Name of contractor)
By ---
(Contractor's supervisory accounting official) (Signature of authorized executive official)

(Title) (Title) (Date)

[JTR 965]

§ 849.966 *Proposal for settlement of interest claims where interest on a V or VT-loan has been waived.* [JTR 966]

§ 849.966-1 *Form for claiming interest on terminated contracts where interest on loans guaranteed by the government has been waived.* The following form will be used in accordance with § 845.572-4 (b):

NOTE: Forms printed in the FEDERAL REGISTER are for information only, and do not follow the exact format prescribed by the issuing agency.

CLAIM FOR INTEREST ON TERMINATED CONTRACTS WHEN INTEREST ON A V OR VT-LOAN HAS BEEN WAIVED

Form Approved
Budget Bureau No. 49-R141

Number of prime contract, subcontract or purchase order used as basis for waiver of interest on a V or VT-loan	Applicable prime contract number, in case of subcontracts or purchase orders shown in column 1.	Interest claimed

Total interest on termination claim	(1)
Amount of interest on loan adjustment subsequent to July 21, 1944 (computation shown in supporting schedule attached)	(2)
Interest payable (1 minus 2)	(3)

I certify that the above claim is correct and just and that payment thereof has not been received.

(Contractor)

Approved as to contract numbers and amount of interest waived ---
Claim approved ---

By ---

[JTR 966.1]

§ 849.966-2 *Instructions for claiming interest under terminated contracts where interest on loans guaranteed by the government has been waived.*

INSTRUCTIONS

(1) War contractors who have obtained a waiver of interest on a V or VT-loan for a period ending after 21 July 1944, should use the form appearing on the reverse side hereof [§ 849.966-1] in submitting a claim for interest on account of all terminated contracts which served as a basis for such waiver, as provided in § 845.572-4 (b) of the Joint Termination Regulation of the War and Navy Departments.

(2) When a war contractor is no longer entitled to a waiver of interest obtained pursuant to an adjustment under Section 6 of a V or VT-loan guarantee agreement, he may file with the guarantor a consolidated claim

for interest in connection with the terminated contracts which served as a basis for the adjustment. This consolidated claim should be submitted separately from all other termination claims, and should be supported by schedules showing the computation of interest claimed on each terminated contract and the amount of interest waived under the Section 6 adjustment subsequent to 21 July 1944. The interest claimed should be computed in accordance with § 845.572 of the Joint Termination Regulation. The amount of interest waived under the Section 6 adjustment should be checked with the financing institution which made the loan.

(3) If the loan in connection with which the adjustment was obtained was guaranteed by the War Department, the claim should be submitted to the War Department Liaison Officer assigned to the Federal Reserve Bank through which the guaranteed loan was processed. If the loan was guaranteed by the Navy Department, the claim should be submitted to the Federal Reserve Bank through which the guaranteed loan was processed.

(4) The Liaison Officer or the Federal Reserve Bank will verify the numbers of the contracts upon which the Section 6 adjustment was based and the amount of interest waived, and will thereupon forward the claim and supporting schedules (via the Finance Division, OP&M, in the case of loans guaranteed by the Navy Department) to the service or bureau having a preponderant interest in the terminated war contracts upon which the claim is based.

(5) The service or bureau to which a claim has been submitted will verify the claim to the extent deemed necessary, and, upon approval, will thereupon submit it, with an appropriate voucher, to the disbursing officer for payment.

[JTR 966.2]

SUBPART G—FORMS RELATING TO PROPERTY DISPOSITION

§ 849.970 *Scope.* This subpart contains forms of receipts for termination inventory removed from contractors' plants, storage agreements, certificates relating to property disposition, and the application for disposition of plant equipment. [JTR 970]

§ 849.971 *Form of receipt for the removal of contractor inventory from contractors' plants.* [JTR 971]

The following form of receipt will be used in accordance with § 844.466.

I certify that the articles indicated as shipped or to be shipped have been inspected by me or under my supervision and receipt thereof is acknowledged in accordance with JTR 466.

(Date) (Name and title of officer)

[JTR 971]

§ 849.972 *Form for standard storage agreements.* [JTR 972]

§ 849.972-1 *Agreement with war contractor for storage space.* The following form will be used in accordance with § 844.465-2.

(At the top insert all special details relating to number of contract, service or bureau involved, appropriation or allotment, etc.)

This agreement, entered into pursuant to the Contract Settlement Act of 1944 as of this ---- day of ----, 194--, by The United States of America (hereinafter called "the Government"), represented by the Contracting Officer executing this contract and ---- (hereinafter called "the Contractor");

Witnesseth that:

Whereas, the Government has terminated for its convenience or at its option war contract(s) numbered ---- (hereinafter referred to as "the Contract(s)"); and

Whereas, the Contractor has submitted to the Government an inventory of property in Schedule "A" attached hereto (the property described in Schedule "A" as it may from time to time be amended is hereinafter referred to as "the Property"), which the Contractor certifies is in its possession and is allocable to said terminated Contract(s); and

Whereas, the Contractor has requested that the Government take and remove the Property; and

Whereas, the Contractor is willing to provide certain space for the storage of the Property in accordance with the terms hereof until the Government removes it;

Now, therefore, the parties hereto do mutually agree as follows:

ARTICLE 1. *Transfer of title.* The Contractor, (without prejudice to any right the Contractor may have to compensation for the Property in connection with the termination settlement of the Contract(s)) does hereby transfer and convey to the Government, subject to plus or minus tolerances of quantities, weights and conditions within reasonable limits in accordance with good commercial inventory practice, title to the Property, free and clear of all liens and encumbrances, except that as to any of the Property title to which is already in the Government, the Contractor hereby confirms and acknowledges that to the best of his knowledge the Government now has title thereto, free and clear of all liens and encumbrances; and in furtherance thereof the Contractor agrees to furnish to the Contracting Officer such evidences of ownership and other instruments of transfer as the Contracting Officer may reasonably require; *Provided, however,* That except as specified otherwise in Article 2 hereof, the Government reserves the right to contest the allocability of any or all of the Property to the terminated portion(s) of the Contract(s).[1]

[Delete this Article 2 if prior to the date of execution of this Agreement, a final written determination of allocability of the Property to the Contract(s) has been made.]

ART. 2. *Allocability.* (a) If it is determined prior to final settlement of the Contract(s) that any of the Property [other than that specified in paragraph (b) hereof] is not allocable to the terminated portion of the Contract(s) then the Government in arriving at the amount of the final settlement thereof will at its election take into account either the disposal value of the Property at the time of removal or the proceeds realized from the disposal of the Property, or will return the Property or property in kind to the Contractor at the Contractor's risk and expense; and after final settlement the Contractor will have no claim against the Government by reason of the Property.

[Delete this subparagraph (b) if inapplicable.]

(b) The parties hereto agree that the Property identified and described in Schedule "B" attached hereto is allocable to the Contract(s):

ART. 3. *Storage space.* The Contractor agrees to provide the storage space for the Property for the consideration of $---- per month.[2] The Property shall be stored at the following premises: With the consent of the parties, Schedule "A" may be amended from time to time by the addition of other property. In the event property is so added or deliveries made pursuant to Article 9 hereof or the Contractor packs or otherwise prepares the Property for shipment at the direction of the Contracting Officer, the compensation to be paid to the Contractor shall be equitably adjusted by mutual agreement.

[Delete this Article 4 if prior to the date of execution of this Agreement, a final written determination of the allocability of the Property to the Contract(s) and the fact that it is Government owned has been made.]

ART. 4. *Reduction in storage charges.* In the event it is determined that all or any part of the Property is not allocable to the terminated portion(s) of the Contract(s), the amount of payment(s) set forth in Article 3 hereof shall by mutual agreement be reduced retroactively to and including the month in which the Property was first stored hereunder.

ART. 5. *Contract period.* (a) This Contract shall continue until: (i) it shall be terminated by either party hereto giving to the other thirty days' previous notice in writing; or (ii) delivery of the entire quantity of the Property to the Government.[3]

(b) Upon termination the Contractor shall be paid pro rata for storage charges to and including the day on which the thirty days' notice expires or the delivery to the Government of the entire quantity of the Property is completed.

ART. 6. *Inspection.* The Government shall have access at any reasonable time to the premises where the Property is stored hereunder.

ART. 7. *Segregation of property.* All the Property shall be kept separate from all other property whether or not the Property may, by law or by custom, be considered fungible, and shall be identified as Government-owned property. This does not require, however, that the Property be stored in separate rooms, on different floor levels from other similar property, or in a particular space.[4]

ART. 8. *Submission of invoices.* The Contractor shall submit monthly to the Contracting Officer properly certified invoices or vouchers for all accrued charges under this agreement for the preceding storage month.

ART. 9. *Deliveries.* Deliveries of all, or from time to time, of part, of the Property from storage to the Government at the storage site or to its designated carrier or transfer agent will be accomplished by the Contractor on receipt of a written order from the Government.

ART. 10. *Liability for the property.* (a) The Contractor shall not be liable for loss or destruction of or damage to the Property unless such loss, destruction or damage results from (1) wilful misconduct or failure to ex-

[1] Delete clause following last semicolon if, prior to the date of execution of this agreement, a final, written determination of allocability of the Property to the Contract(s) has been made.

[2] Where practicable storage rates may be computed on a square or cubic foot basis.

[3] In case of Navy Department contracts add to the end of this sentence the following phrase: "or (iii) the 30th of June next succeeding the date of execution of this agreement and thereafter for such further period as may be agreed upon by the parties as evidenced by an amendment hereto, whichever one of the foregoing is earliest."

[4] When in the opinion of the Contracting Officer the circumstances so require, special articles may be added to this agreement to provide for particular methods of storing, handling or preserving the Property. Such articles may specify that certain items or groups of items may be placed in outside storage or should receive special maintenance. It may also be desirable in some cases to specify particular arrangements of the Property—for example, between aisles or otherwise in order to permit ready access to and visible inspection of each lot of Property; in a particular type of stack so as to protect or insure maximum use of storage space; or in accordance with necessary safety requirements.

ercise good faith on the part of the Contractor's corporate officers or of the Contractor's employees having supervision or direction of inventorying, segregating, packing, storing or otherwise caring for the Property, or (2) from failure of the Contractor to comply with the terms of this agreement;

(b) The Contractor represents that it is not maintaining and agrees that it will not hereafter maintain insurance (including self-insurance funds or reserves) covering loss or destruction of or damage to the Property, and represents that it is not including and agrees that it will not hereafter include in any price to the Government any charge or reserve for such insurance.

ART. 11. *Renegotiation.* (War Department Procurement Regulations, § 803.342–1; Navy Department Procurement Directives, par. 14,402)—[Insert this clause only when contract is for an amount in excess of $100,000.]

ART. 12. *Eight-hour law.* (War Department Procurement Regulations, § 803.346; Navy Procurement Directives, par. 13,151.)

ART. 13. *Anti-discrimination.* (War Department Procurement Regulations, § 803.325; Navy Procurement Directives, par. 17,731.)

ART. 14. *Officials not to benefit.* (War Department Procurement Regulations, § 803.322; Navy Procurement Directives, par. 17,601.)

ART. 15. *Covenant against contingent fees.* (War Department Procurement Regulations, § 803.323; Navy Procurement Directives, par. 10,531.)

ART. 16. *Disputes.* (War Department Procurement Regulations, § 803.326; Navy Procurement Directives, par. 11,604.)

ART. 17. *Assignment of rights hereunder.* (War Department Procurement Regulations, § 803.355; Navy Procurement Directives, par. 12,305.)

ART. 18. *Definitions.* (a) The term "Secretary of War (the Navy)" as used herein shall include the Secretary, Under Secretary, or any Assistant Secretary of War (the Navy), and the term "his duly authorized representative" shall mean any person or board authorized by him to act for him other than the Contracting Officer.

(b) The term "Contracting Officer" means (1) the officer or employee who signs this agreement in behalf of the Government or who is designated as such in this agreement, or (2) any duly appointed successor or authorized representative of such a Contracting Officer or any Government agency (or person designated thereby) to which this agreement is transferred.

ART. 19. *Alterations.* The following changes were made in this agreement before it was signed by the parties hereto:

[Optional for War Department—ARTICLE 20. *Records of Government-Owned Property* ---- ---------- is designated as the officer to maintain the necessary property records in connection with this agreement.]

In witness whereof,

[JTR 972.1]

§ 849.972–2 *Agreement with war contractor for storage and service.* The following form will be used in accordance with § 844.465–2.

(At the top insert all special details relating to number of contract, service or bureau involved, appropriation or allotment, etc.)

This agreement, entered into pursuant to the Contract Settlement Act of 1944 as of this ------ day of ----------, 194--, by The United States of America (hereinafter called "the Government"), represented by the Contracting Officer executing this contract and ---------- (hereinafter called "the Contractor");

Witnesseth that:

Whereas, the Government has terminated for its convenience or at its option war contract(s) numbered ---------- (hereinafter referred to as "the Contract(s)"); and

Whereas, the Contractor has submitted to the Government an inventory of property in Schedule "A" attached hereto (the property described in Schedule "A" as it may from time to time be amended is hereinafter referred to as "the Property") which the Contractor certifies is in its possession in the quantities, weights and conditions set forth therein subject to plus or minus tolerances within reasonable limits in accordance with good commercial inventory practice, and is allocable to said terminated Contract(s) or has been furnished to the Contractor by the Government in connection therewith; and

Whereas, the Contractor has requested that the Government take and remove the Property; and

Whereas, the Contractor is willing to store the Property and perform the services in accordance with the terms hereof:

Now, therefore, the parties hereto do mutually agree as follows:

ARTICLE 1. *Transfer of title.* The Contractor, (without prejudice to any right the Contractor may have to compensation for the Property in connection with the termination settlement of the Contract(s)) does hereby transfer and convey to the Government, subject to plus or minus tolerances of quantities, weights and conditions within reasonable limits in accordance with good commercial inventory practice, title to the Property, free and clear of all liens and encumbrances, except that as to any of the Property title to which is already in the Government, the Contractor hereby confirms and acknowledges that to the best of his knowledge the Government now has title thereto free and clear of all liens and encumbrances; and in furtherance thereof the Contractor agrees to furnish to the Contracting Officer such evidences of ownership and other instruments of transfer as the Contracting Officer may reasonably require: *Provided, however,* That except as specified otherwise in Article 2 hereof, the Government reserves the right to contest the allocability of any or all of the Property to the terminated portion(s) of the Contract(s).[1]

[Delete this Article 2 if prior to the date of execution of this Agreement, a final written determination of allocability of the Property to the Contract(s) has been made.]

ART. 2. *Allocability.* (a) If it is determined prior to final settlement of the Contract(s) that any of the Property (other than that specified in paragraph (b) hereof) is not allocable to the terminated portion of the Contract(s) then the Government in arriving at the amount of the final settlement thereof will at its election take into account either the disposal value of the Property at the time of removal or the proceeds realized from the disposal of the Property, or will return the Property or property in kind to the Contractor at the Contractor's risk and expense; and after final settlement the Contractor will have no claim against the Government by reason of the Property.

[Delete this subparagraph (b) if inapplicable.]

(b) The parties hereto agree that the Property identified and described in Schedule "B" attached hereto is allocable to the Contract(s):

ART. 3. *Services.* The Contractor agrees to perform all the services necessary in the handling, storage, and preservation of the Property for the consideration of $---------- per month to be paid it by the Government.[2] The Property shall be stored at the following premises:

With the consent of the parties, Schedule "A" may be amended from time to time by the addition of other property. In the event property is so added or deliveries made pursuant to Article 9 hereof or the Contractor packs or otherwise prepares the Property for shipment at the direction of the Contracting Officer, the compensation to be paid to the Contractor shall be equitably adjusted by mutual agreement.

(Or)

[Alternative] ART. 3. *Services.* The Contractor agrees to perform all the services necessary in the handling, storage, preservation, packing and delivery of the Property.

For his services under this article the Government shall pay the Contractor the following:

(a) For the necessary handling, packing and preparing for storage in connection with the initial storage of the Property the sum of $---------- It is agreed by the parties hereto that in the determination of such sum due allowance has been made for any sum previously paid or payable to the Contractor.

(b) For the services of storing and preserving the Property the sum of $---------- per month.[2]

(c) For any additional services, such as packing for shipment, delivery or drayage to a designated carrier or transfer agent in accordance with Article 9 hereof, the Government shall pay the Contractor a reasonable amount to be determined by mutual agreement.

With the consent of the parties Schedule "A" may be amended from time to time by the addition of other property. In the event property is so added or when deliveries are made pursuant to Article 9 hereof or the Contractor packs or otherwise prepares the Property for shipment at the direction of the Contracting Officer, the compensation to be paid to the Contractor shall be equitably adjusted by mutual agreement. Any claim for payment in addition to that specified in paragraphs (a) and (b) hereof or for payment under paragraph (c) hereof must be asserted within thirty days from the date the services are rendered, or within such further period as the Contracting Officer may allow.

The Property shall be stored at the following premises:

[Delete this Article 4 if prior to the date of execution of this Agreement, a final written determination of the allocability of the Property to the Contract(s) and the fact that it is Government-owned has been made.]

ART. 4. *Reduction in storage charges.* In the event it is determined that all or any part of the Property is not allocable to the terminated portion(s) of the Contract(s), or is not Government-owned property, the amount of payment(s) set forth in Article 3 hereof and any additional payments made pursuant to Article 12 (b) and (c) hereof shall by mutual agreement be reduced retroactively to and including the month in which the Property was first stored hereunder.

ART. 5. *Contract period.* (a) The Contractor agrees to perform the services described in Article 3 hereof beginning on ---------- and continuing until: (i) this contract shall be terminated by either party hereto giving to the other thirty days' previous notice in writing; or (ii) delivery of the entire quantity of the Property to the Government.[3]

(b) Upon termination the Contractor shall be paid pro rata for storage charges to and including the day on which the thirty days' notice expires or the delivery to the Government of the entire quantity of the Property is completed.

ART. 6. *Inspection.* The Government reserves the right to inspect at any reasonable time the Contractor's storage space and Property stored hereunder.

ART. 7. *Segregation of property.* All the Property shall be kept separate from all other property whether or not the Property may, by law or by custom, be considered fungible, and shall be identified as Government-owned property. This does not require, however, that the Property be stored in separate rooms, on different floor levels from other similar property, or in a particular space.[4]

ART. 8. *Submission of invoices.* The Contractor shall submit monthly to the Contracting Officer properly certified invoices or vouchers for all accrued charges under this agreement for the preceding storage month.

ART. 9. *Deliveries.* Deliveries of all, or from time to time of part of the Property from storage to the Government at the storing site or to its designated carrier or transfer agent will be accomplished by the Contractor on receipt of a written order from the Government.

ART. 10. *Waiver of lien.* The Contractor hereby agrees to waive any warehouseman's lien on the Property to which it may otherwise be entitled and agrees that it will not assert any warehouseman's lien thereon.

ART. 11. *Liability for the property.* (a) The Contractor shall be liable for loss or destruction of or damage to the Property caused by his failure to comply with the provisions of this agreement or failure to exercise such care in regard to the Property as a reasonably careful owner of similar goods would exercise, but he shall not be liable for any loss or destruction of or damage to the Property which could not have been avoided by the exercise of such care, except that discrepancies exceeding plus or minus tolerances of quantities, weights and conditions in accordance with good commercial inventory practice may give rise to a claim by either party hereto against the other.

(b) In the event that all or any part of the Property is covered by insurance, the policy or policies of insurance shall expressly provide for the payment of benefits directly to the Government to the extent of its interest.

ART. 12. *Federal, State and local taxes.* (a) The compensation provided herein includes all applicable Federal, State and local taxes (the word "taxes" being used in this Article to include fees and charges) in effect at the date of this agreement and incurred in the performance of this agreement except that it does not include any taxes on the Property stored under this agreement.

(b) If after the date of this agreement the Federal Government or any State or local government shall impose, remove or change (including any change by the removal by statute of an exemption available to the Contractor for the purposes of this agreement) any tax upon the storage or privilege of storing the Property, which tax must be borne by the Contractor because of a specific contractual obligation or by operation of law; and, if in case of an increase in such an existing tax or the imposition of such a new tax, the Contractor has paid such tax to the Federal Government or to a State or local government, or any other person; or, in case of a decrease or elimination of any such tax, and the Contractor is relieved to that extent; then the compensation named herein will be increased or decreased accordingly, and any amount due to the Contractor as a result of such change will be charged to the Government and entered on vouchers (or invoices) as a separate item: *Provided, however,* That the Government reserves the right to issue to the Contractor in lieu of such payment a tax exemption certificate or certificates acceptable to the Federal Government or State or local government, as the case may be. The amount of any adjustment pursuant to this paragraph (b) may be determined by a written agreement between the parties hereto. Nothing contained herein shall be construed as requiring the Government to reimburse the Contractor for any Federal, State, or local income taxes, income surtaxes or excess profits taxes, transportation taxes or any State or local property taxes, except as provided in paragraph (c) hereof.

(c) If after the date of this agreement the Contractor incurs any State or local property tax with respect to the Property allocable to the Contract(s) the compensation will be increased in the manner set out in paragraph (b) hereof.

(d) In the case of any State or local tax which the Contractor contends is chargeable to the Government because of the provisions of this Article, or any other provision of this agreement, the Contractor agrees to give the Contracting Officer prompt notice of any levy or assessment thereof or claim therefor, and to refrain from paying such tax upon the direction of the Contracting Officer (in which event the Government will save the Contractor harmless from penalties and interest incurred through compliance with the direction of the Contracting Officer not to pay such tax); to take such steps as may be directed by the Government to cause such tax to be paid under protest; to preserve and, if so directed by the Contracting Officer, to cause to be assigned to the Government, any and all rights to the abatement or refund of such tax; if so requested, to permit the Government to prosecute any claim, litigation or proceeding for the abatement or refund of such tax in the name of the Contractor and to furnish to the Government all reasonable assistance and cooperation requested by the Government in any litigation or proceeding for the abatement or recovery of such tax.

ART. 13. *Convict labor.* The Contractor shall not in the performance of this Contract employ any person undergoing sentence of imprisonment at hard labor.

ART. 14. *Renegotiation.* (War Department Procurement Regulations § 803.342–1; Navy Department Procurement Directives, par. 14,402)—[Insert this clause only when contract is for an amount in excess of $100,000].

ART. 15. *Eight-hour law.* (War Department Procurement Regulations, § 803.346; Navy Procurement Directives, par. 13,151).

ART. 16. *Anti-discrimination.* (War Department Procurement Regulations, § 803.325; Navy Procurement Directives, par. 17,731).

ART. 17. *Officials not to benefit.* (War Department Procurement Regulations, § 803.322; Navy Procurement Directives, par. 17,601).

ART. 18. *Covenant against contingent fees.* (War Department Procurement Regulations, § 803.323; Navy Procurement Directives, par. 10,531).

ART. 19. *Disputes.* (War Department Procurement Regulations, § 803.326; Navy Procurement Directives, par. 11,604).

ART. 20. *Assignment of rights hereunder.* (War Department Procurement Regulations, § 803.355; Navy Procurement Directives, par. 12,305).

ART. 21. *Definitions.* (a) The term "Secretary of War (the Navy)" as used herein shall include the Secretary, Under Secretary, or any Assistant Secretary of War (the Navy), and the term "his duly authorized representative" shall mean any person or board authorized by him to act for him other than the Contracting Officer.

(b) The term "Contracting Officer" means (1) the officer or employee who signs this agreement in behalf of the Government or who is designated as such in this agreement, and (2) any duly appointed successor or authorized representative of such a Contracting Officer or any Government agency (or person designated thereby) to which this agreement is transferred.

ART. 22. *Alterations.* The following changes were made in this agreement before it was signed by the parties hereto:

[Optional for War Department—ARTICLE 23. *Records of Government-owned Property* ---- ---------- is designated as the officer to maintain the necessary property records in connection with this agreement.]

In witness whereof,

[JTR 972.2]

§ 849.973 *Certificate to be furnished by subcontractor regarding disposition of allocable termination inventory.* The form of certificate which follows may be incorporated as part of the subcontractor's settlement agreement with his customer, or it may be a separate instrument.

CERTIFICATE

(At the top insert all special details relating to the particular subcontract, e. g., name and address of the subcontractor and of its customer, the number or other designation of the terminated subcontract, the service or bureau involved, if known, etc.)

This certificate, executed this ---------- day of ---------- 194-- by ---------- (hereinafter called "the Subcontractor").

Witnesseth that:

Whereas, the Subcontractor and ---------- (hereinafter called "the Customer") entered into contract No. ---------- under date of ---------- 194-- which, together with any and all amendments, changes, and supplements thereto, is hereinafter referred to as "the Subcontract"; and

Whereas, the Customer terminated the Subcontract; and

Whereas, the Customer and the Subcontractor have settled the termination claim therefor; and

Whereas, the term "Subcontract termination inventory" as used herein, shall mean all materials (including a proper part of any common materials), determined by the parties, in connection with the settlement of the Subcontract, to be properly allocable to the terminated portion of the Subcontract, except any machinery or equipment subject to a separate contract or contract provision specifically governing the use or disposition thereof;

Now, therefore, the Subcontractor does hereby certify that:

(1) All Subcontract termination inventory (including scrap) has been retained, sold, returned to suppliers, stored for the Government, delivered to the Government, or otherwise properly accounted for, and all proceeds or retention prices thereof, if any, have been taken into account in arriving at the settlement of the Subcontract;

(2) Each of the Subcontractor's immediate subcontractors, whose termination claims are included in the Subcontractor's termination claim against the customer on account of the termination of the Subcontract, has furnished to the Subcontractor a certificate substantially similar to this certificate or has

---

[1] Delete clause following last semicolon if, prior to the date of execution of this agreement, a final, written determination of allocability of the Property to the Contract(s) has been made.

[2] Where practicable storage rates may be computed on a square or cubic foot basis.

[3] In case of Navy Department contracts add to the end of this sentence the following phrase: "or (iii) the 30th of June next succeeding the date of execution of this agreement and thereafter for such further period as may be agreed upon by the parties as evidenced by an amendment hereto, whichever one of the foregoing is earliest."

[4] When in the opinion of the Contracting Officer the circumstances so require, special articles may be added to this agreement to provide for particular methods of storing, handling or preserving the Property. Such articles may specify that certain items or groups of items may be placed in outside storage or should receive special maintenance. It may also be desirable in some cases to specify particular arrangements of the Property—for example, between aisles or otherwise in order to permit ready access to and visible inspection of each lot of Property; in a particular type of stack so as to protect or insure maximum use of storage space; or in accordance with necessary safety requirements.

(To be completed by Facilities Contractor if Applicant is a Subcontractor) ---------- (Date)

The undersigned hereby waives all of its rights under the captioned facilities contract to acquire or use the items set forth on the attached purchase schedule or removal schedule except items set forth in Exhibit I attached which it desires to purchase under its option rights in the captioned facilities contract.

By: ----------
(Authorized Representative and Title)

---------- (Facilities Contractor)

GENERAL INSTRUCTIONS

1. This Form is prescribed by the Director of Contract Settlement under the Contract Settlement Act of 1944 for use by facilities contractors and subcontractors in making application for the disposition of Government-owned machinery, tools and equipment (referred to herein as "plant equipment") no longer required for the performance of war contracts. The form and the supporting schedules may be used for other purposes in connection with the disposition of plant equipment or for any purpose in connection with the disposition of facilities other than plant equipment to the extent authorized by the owning agency. The Form has been made uniform for all Departments and Agencies of the United States Government in order to facilitate preparation and review of applications and to expedite plant clearance. Prompt action upon contractors' applications is dependent upon preparation of the supporting schedules accurately and completely in accordance with these instructions.

2. This Application may be submitted with respect to all or any part of the plant equipment in a contractor's plant, and will be accompanied by a purchase schedule and/or a removal schedule. However, in the interests of sound administration, contractors should not make repeated submissions covering minor amounts of plant equipment.

3. Forms may be obtained from any owning agency. Reproduction of the Form is authorized, but no change in arrangement or size (other than omission of the instructions) may be made without the approval of the owning agency. With the approval of the owning agency, the format of the supporting schedules may be varied, or existing listings of plant equipment may be used in lieu of the supporting schedules, provided no essential information is omitted. However, a contractor receiving such approval may not require his subcontractors to submit their supporting schedules on other than the prescribed standard forms. In order to avoid unnecessary labor you should consult the authorized representative of the owning agency before preparing the supporting schedule or exhibits.

4. This application should be submitted to the authorized representatives of the owning agency if you hold the plant equipment under a facilities contract, lease or similar arrangement made directly with the owning agency; or, if you are a subcontractor, to the facilities contractor with whom your arrangements for the use of the equipment were made. The owning agency will advise as to the number of copies of the Form required.

[Reverse]

INSTRUCTIONS FOR SUPPORTING SCHEDULES

1. Supporting schedules (purchase schedule and removal schedule) may be obtained from any owning agency or may be prepared in the following form on 8½" x 11" pages, with headings running across the 11" side:

Form 5a—Office of Contract Settlement
Form Approved Budget Bureau No. 17-R022

SUPPORTING SCHEDULE—APPLICATION FOR DISPOSITION OF PLANT EQUIPMENT
(See Instructions on Office of Contract Settlement Form 5)

---------- (Applicant) Application Number ----------

---------- (Equipment Location) This schedule is a (check one):
☐ Purchase schedule
☐ Removal schedule

---------- (Govt. Prime Facility Contract No.) ---------- (Subcontract Identification) PAGE ----------

Item No. (1)	Description (2)	Quantity (3)	Government Inventory Tag No. (4)	Condition (5)	Period of Use (6)	Cost: F. O. B. Mfr. (7)	Cost: Total In Place (8)	(See Inst.) (9)

2. If any government-owned accessories or spare parts were acquired under a contract other than the contract to which the supporting schedule applies, list such accessories and spare parts on a separate schedule showing appropriate contract number and a cross reference to the item for which such accessories and spare parts were purchased. If the contracts are with different owning agencies separate applications are required in addition to the separate schedule.

3. Use a separate page for plant equipment located at geographically separated plants.

4. Number each page of supporting schedules in space provided, using only one series of numbers beginning with "1".

5. Show total cost in Columns 7 and 8 at the foot of each sheet and at the end of each supporting schedule.

6. *Column instructions:*

Column 1—Item number. Enter consecutive numbers for each item listed starting with "1" on each page.

Column 2—Description. Description shall be furnished in accordance with the "Handbook of Standards for Describing Surplus Property", unless otherwise instructed by the owning agency. If records or schedules, copies of which can be made available to the owning agency, adequately describe the items to the satisfaction of the owning agency, they may be used in lieu of furnishing the description required on the above form: *Provided, however,* That Column 2 includes a clear reference to the respective listings on such records or schedules. In any event, descriptive data shall be kept to a minimum consistent with the needs of the owning agency for the information in ascertaining losses and discharging accountability, effecting sales, and reporting to disposal agencies.

Column 3—Quantity. Enter number of units.

Column 4—Government inventory tag numbers. Where items are grouped, indicate all tag numbers involved.

Column 5—Present condition. Use following code to report present condition of each item:

O1. Excellent—no repairs required.
O2. Good—no repairs required.
R3. Fair—repairs required.
R4. Poor—repairs required.
X—Items of no further value for use as originally intended but of possible value other than as scrap.
S—Scrap.

Column 6—Period of use. Indicate whether item was new (N) or used (U) when acquired and the period of actual use by the applicant, e. g.:

N 8/40) Item new when acquired.
10/45 In use from August 1940 to October 1945.
U 8/41) Item used when acquired.
2/46 In use from August 1941 to February 1946.

Column 7—Cost f. o. b. manufacturer. Show cost f. o. b. manufacturer to the nearest dollar for all items, including standard accessories and electrical equipment.

Column 8—Cost in place. Entries in this column shall be made to the extent and on the basis required by the owning agency.

Column 9—This column may be used on purchase schedules to indicate specific price offers. If the contractor desires to indicate generally his basis for negotiations or to submit any additional data, he may do so by means of an exhibit attached to the schedule.

[JTR 974.1]

§ 849.974–1 *Application for disposition of plant equipment.* The following form is prescribed by the Director of Contract Settlement for use by facilities contractors in making application for disposition of plant equipment (together with supporting schedules) will be used in accordance with § 848.863. This form is prescribed for use by the Office of Contract Settlement under Regulation No. 18.

Note: Forms printed in the FEDERAL REGISTER are for information only and do not follow the exact format prescribed by the issuing agency.

[Front]

Form Approved Budget Bureau No. 17-R022 Form 5—Office of Contract Settlement

(Read instructions below)

APPLICATION FOR DISPOSITION OF PLANT EQUIPMENT[1]

For Use by Facilities Contractor or Subcontractor in Possession Seeking Purchase or Removal of Government-Owned Plant Equipment

---------- (Applicant)

---------- (Owning Government Agency) ----------

---------- (Street Address)

This application applies to (check one):
☐ A prime facilities contract with Government, or
☐ Subcontract identified as ---------- with

---------- (Contractor) ---------- (City) ---------- (Zone) ---------- (State)

---------- (Street Address) Govt. Prime Facility Contract No. ----------
(For Defense Plant Corporation indicate Planner, Rentra or Swepco and proper number)

---------- (City) ---------- (Zone) ---------- (State) This is application No. ---- and is for ☐ partial or ☐ complete disposition. (Check one.)

---------- (Date of Application) ---------- (Date Rec'd by Govt.)

1. Application is hereby made for the disposition of Government-owned plant equipment provided under the captioned facilities contract (or subcontract) on the basis proposed by the following supporting schedules:

(a) Purchase schedule, sheets ---- thru ---- attached, describing items of plant equipment which we request be removed, pursuant to section 12 (g) of the Contract Settlement Act of 1944 and regulations issued thereunder. Any option rights which we may have to purchase any of the items described on the removal schedule and any other rights in and to said items, except rights of removal, are hereby waived. Exhibit A, attached, sets forth: (1) the extent to which these items can be dismantled and prepared by us for shipment or storage, (2) the amount of space required to store the items, (3) the amount of adequate storage space available at our plant therefor, and (4) the use for which we require the space now occupied by the items to be removed.

(b) Removal schedule, sheets ---- thru ---- attached, describing items of plant equipment which we have to purchase.

2. It is hereby certified that each item listed on the removal schedule which is marked O1 or O2 in column 5 has been inspected by one of our authorized representatives and, except as stated on attached Exhibit B, in our judgment, is operating or is capable of operating, within established tolerances, on the operation for which it was originally procured, or on operations for which it was designed. This certification to the owning agency is not a representation or warranty to prospective purchasers or others.

By ----------
(Applicant) (Authorized Representative and Title)

[1] Specimen form. The form may be obtained from any Government contracting agency and the larger war contractors, or from the Readjustment Distribution Center, 90 Church Street, New York 7, N. Y.

[JTR 974.1]

§ 849.974–2 *Form of receipt and release with respect to removal of government-owned plant equipment.* The following form of receipt and release will be used for Government-owned plant equipment in accordance with § 848.865–8.

The United States of America (Government) hereby acknowledges receipt from ---------- (Contractor) of the following items of Government-owned plant equipment listed on the attached schedule consisting of ---- pages each initialed by the undersigned [which were furnished or acquired under Contract No. ----------] [title to which was acquired by the Government pursuant to Supplemental Agreement No. ---------- to Contract No ----------]. Such plant equipment is removed from the Contractor's plant pursuant to Section 12 (g) of the Contract Settlement Act of 1944. Pursuant to said Section the Government acknowledges (a) that, except as expressly noted on the attached schedule,[1] each of said items has been received in the condition required by said contract and (b) that, except insofar as the Contractor has suffered or permitted any pledge, mortgage, lien or other encumbrance to be placed upon any of said items in contravention of said contract and except as to items not received in the condition required by said contract, all obligations of the contractor to the Government under said contract with respect to the items listed on the attached schedule either have been discharged in full or are hereby waived and released by the Government.

UNITED STATES OF AMERICA,
By ----------
Name and title of officer

Dated ----------

[1] Indicate which items are not in the condition required by the facilities contract.

[JTR 974.2]

§ 849.974–3 *Agreement with war contractor for storage and service with regard to plant equipment.* The following form will be used in accordance with § 848.865–5.

(At the top insert all special details relating to number of contract, service involved, appropriation, allotment, etc.)

This agreement, entered into pursuant to the Contract Settlement Act of 1944, as of this ---------- day of ---------- 194--, by the United States of America (hereinafter called "the Government"), represented by the contracting officer executing this contract and ---------- (hereinafter called "the Contractor");

Witnesseth that:

Whereas, the Contractor has in his possession certain Government-owned plant equipment listed on Schedule A attached hereto, furnished under Contract No. ---------- ----, which the Contractor no longer requires for the performance of his war contracts and of which the Contractor has demanded removal by the Government pursuant to Section 12 (g) of the Contract Settlement Act of 1944 (hereinafter called "the Act"); and

Whereas, the Contractor represents that the items of said plant equipment are now in the condition described in Schedule A; and

Whereas, the Contractor is willing to store such plant equipment and perform certain services in connection therewith;

Now, therefore, the parties hereto do mutually agree as follows:

ARTICLE 1. *Release of obligations under facilities contract.* Pursuant to Section 12 (g) of the Act the Government acknowledges that the items of Government-owned plant equipment listed on Schedule A, in the quantities and condition there described, are now in the condition required by Contract No. ----------, except as expressly noted on Schedule A, and that, except insofar as the Contractor has suffered or permitted any pledge, mortgage, lien or other encumbrance to be placed upon any of said items in contravention of said contract and except as to items which are not now in the condition required by said Contract No. ----------, all obligations of the Contractor to the Government under said Contract No. ---------- with respect to the items listed on Schedule A at the date of this agreement either have been discharged in full or are hereby waived and released by the Government.

ART. 2. The Contractor agrees that it will hold and store the plant equipment listed on Schedule A in accordance with the terms of this agreement. The plant equipment listed on Schedule A, as it may from time to time be amended, is hereinafter referred to as "the Property".

ART. 3. Alternative Article 3 JTR § 849.-972–2.[1]

ART. 4–9. Articles 5–10 JTR § 849.972–2.

ART. 10. *Liability for the property.* (a) The Contractor shall be liable for loss or destruction of or damage to the Property caused by his failure to comply with the provisions of this agreement or failure to exercise such care in regard to the Property as a reasonably careful owner of similar goods would exercise, but he shall not be liable for any loss or destruction of or damage to the Property which could not have been avoided by the exercise of such care.

(b) In the event that all or any part of the property is covered by insurance, the policy or policies of insurance shall expressly provide for the payment of benefits directly to the Government to the extent of its interest.

ART. 11–21. Articles 12–22 § 849.972–2.

In witness whereof

[JTR 974.3]

SUBPART H—FORMS RELATING TO SETTLEMENT

§ 849.980 *Scope.* This subpart contains forms of settlement agreements for various types of terminated prime contracts and related forms for settlements with subcontractors and with War Supplies Limited (Canada). [JTR 980]

§ 849.981 *Settlement agreement for fixed-price prime contracts.* [JTR 981]

§ 849.981–1 *Settlement agreement for use in settling fixed-price prime contracts after complete termination.* The following form will be used in accordance with Subpart D of Part 847:

(At the top insert all special details relating to the particular contract terminated; e.g., number of contract, service or bureau involved, appropriation or allotment, etc.)

[1] Where appropriate the following sentence should be added at the end of subparagraph (b) of Alternative Article 3 JTR 972.2 (§ 849.972–2): It is agreed by the parties hereto that in the determination of such sum due allowance has been made for any storage to which the Government is entitled by reason of said Contract No. ----------.

This supplemental settlement agreement, entered into pursuant to the Contract Settlement Act of 1944 (hereinafter called "the Act"), as of this---------- day of ---------- ----------194----, by the United States of America (hereinafter called "the Government") represented by the Contracting Officer executing this contract and---------- ---------- (hereinafter called "the Contractor"),

Witnesseth that:

Whereas, the Contractor and the Government have entered into Contract No------ ----under date of ---------- 194--, which, together with any and all amendments, changes, and supplements thereto, is hereinafter referred to as "the Contract"; and

Whereas, the Act declares that upon the termination of any war contract (as therein defined) in whole or in part for the convenience or at the option of the Government, it shall be the responsibility of the contracting agency (as therein defined) to provide the war contractor with speedy and fair compensation for the termination of the war contract and provides that any contracting agency may settle all or any part of any termination claim under any war contract by agreement with the war contractor; and

[Insert the following "Whereas" clause if the Contract contains a termination article with provisions similar to those set out in this clause.]

Whereas, the Contract provides that the performance of work thereunder may at the convenience or option of the Government be terminated by the Government in whole, or from time to time in part, whenever any such termination is determined to be for the best interests of the Government, and that the Contractor and Contracting Officer may agree upon the whole or any part of the amount or amounts to be paid to the Contractor by reason of such termination; and

Whereas, by notice of termination dated ---------- the Government advised the Contractor of the complete termination of the Contract for the convenience or at the option of the Government; and

Whereas, the term "Contract termination inventory", as used herein, shall mean all materials (including a proper part of any common materials), determined by the parties hereto, in connection with this settlement, to be properly allocable to the terminated portion of the Contract, except any machinery or equipment subject to a separate contract or contract provision specifically governing the use or disposition thereof; and

Whereas, the term "subcontract termination inventory," as used herein, shall mean all materials (including a proper part of any common materials) determined by the parties to any subcontract under the Contract, in connection with the settlement thereof, to be properly allocable to the terminated portion of such subcontract, except any machinery or equipment subject to a separate contract, or contract provision, specifically governing the use or disposition thereof;

Now, therefore, the parties hereto do mutually agree as follows: [Insert whichever form of Article 1 is applicable. Use of the third alternative form is not favored. It should be resorted to as a temporary measure only where a storage agreement is not feasible and where no other practicable method of property disposal is available which will permit the signing of a settlement agreement (see § 844.465–3).]

ARTICLE 1. The Contractor certifies that all Contract termination inventory (including scrap), has been retained, sold to third parties, returned to suppliers, stored for the Government, delivered to the Government, or otherwise properly accounted for, and all proceeds or retention prices thereof, if any, have been taken into account in arriving at this Agreement. (Or)

ARTICLE 1. (a) The Contractor certifies that a portion of the Contract termination inventory (including scrap), has been retained, sold to third parties, returned to suppliers, stored for the Government, delivered to the Government, or otherwise properly accounted for, and all proceeds or retention prices thereof, if any, have been taken into account in arriving at this Agreement;

(b) With respect to all Contract termination inventory not so disposed of prior to the date of execution of this Agreement, and described in the inventory schedules submitted by the Contractor in advance of or in connection with its Settlement Proposal, the parties shall promptly execute a storage agreement substantially in the form set forth in the Joint Termination Regulation, § 849.972–1 [or § 849.972–2]. (Or)

ARTICLE 1. (a) The Contractor certifies that a portion of the Contract termination inventory (including scrap) has been retained, sold to third parties, returned to suppliers, stored for the Government, delivered to the Government, or otherwise properly accounted for, and all proceeds or retention prices thereof, if any, have been taken into account in arriving at this Agreement;

(b) Subject to the qualification stated below in subparagraph (c) of this Article 1, the Contractor hereby transfers and conveys to the Government, free and clear of all liens and encumbrances, and with the right to immediate possession, title to the Contract termination inventory not so disposed of prior to the date of execution of this Agreement and described in the inventory schedules (hereafter sometimes referred to as "the Schedules") submitted by the Contractor in advance of or in connection with, its Settlement Proposal. It is the intent and purpose of this Article to convey to the Government—to the extent not previously conveyed—all residual Contract termination inventory; and to this end, it is understood (1) that such Schedules do not include, and it is intended that they shall not include, any Contract termination inventory properly disposed of by the Contractor prior to the date of execution of this Agreement, but (2) that such Schedules do include all Contract termination inventory not so disposed of as of the date of this Agreement. Such Schedules are identified as follows: [Here insert exact reference to the inventory schedules submitted in advance of, or in connection with, the Contractor's Settlement Proposal, with explanation if necessary, that such schedules have been revised to eliminate any items disposed of after original submission of the schedules but prior to execution of the settlement agreement. In lieu of such reference the parties may refer to, or attach, a separate list adequately describing the Contract termination inventory so transferred and conveyed.]

If and to the extent that, as of the date of this Agreement, any such Contract termination inventory so described on the Schedules [or by separate list, as above provided] is not segregated from the Contractor's other property and clearly identified as belonging to the Government, the Contractor agrees to effect such segregation and identification with reasonable dispatch.

(c) If later, upon the execution of a storage agreement covering such Contract termination inventory or upon its removal from the Contractor's premises by and for the Government, or at any time prior to either of such events, discrepancies are discovered between the quantities, weights, or conditions of such inventory shown on the aforesaid Schedules or lists and the quantities, weights or conditions actually found by the Government, the Contractor shall reimburse the Government to the extent of any shortage, loss, destruction, or damage with respect to such inventory (measured by the loss of fair value) at the time such discrepancies are discovered; provided (1) that plus or minus tolerances of quantities, weights and conditions within reasonable limits in accordance with good commercial inventory practice will be accepted and discrepancies within such tolerances shall create no claim by either party against the other; and (2) that even if minus tolerances are exceeded, the Contractor shall not be liable therefor unless they are caused by any shortage, loss, destruction, or damage resulting from the Contractor's failure to exercise such care in regard to such inventory as a reasonably careful owner of similar goods would exercise. The Contracting Officer shall determine (i) whether such tolerances are exceeded, (ii) whether, if so, such excess resulted from failure to exercise such care, and (iii) the extent of any shortage, loss, destruction, or damage with respect to such inventory. Such determination will be subject, however, to any provisions of the Contract relating to settlement of disputes, and any claims arising thereunder may be settled by negotiation between the parties.

(d) Pending ultimate disposition of such Contract termination inventory, the Government may at all reasonable times have access to the Contractor's premises for the purpose of (1) furnishing extra plant protection, (2) making inspections of such inventory, (3) preparing additional inventory schedules, (4) crating, baling, or otherwise packaging such inventory, (5) arranging for selling or scrapping such inventory, and (6) accomplishing any other lawful purpose. The Contractor expressly waives any claim under this Agreement or under the Act to storage charges for the period during which such inventory, or any part thereof, remains on its premises under the terms of this Agreement. Such period may, at the option of the Government, extend for --------- days after execution of this Agreement, but not longer except with the consent of the Contractor.

ART. 2. (a) The Contractor certifies that, prior to the execution of this Agreement, each of the Contractor's immediate subcontractors whose claim is included in the claim settled by this Agreement has either (1) properly submitted his claim on Standard Form 1a of the Office of Contract Settlement or (2) furnished to the Contractor a certificate stating (i) that all his subcontract termination inventory (including scrap), has been retained, sold, returned to suppliers, stored for the Government, delivered to the Government, or otherwise properly accounted for, and all proceeds or retention prices thereof, if any, were taken into account in arriving at the settlement of the subcontract or subcontracts and (ii) that the subcontractor has received from each of his immediate subcontractors whose claim was included in his claim either a claim properly submitted on said Standard Form 1a or a certificate substantially similar to clause (i) and this clause (ii) of this Article 2 (a).

(b) The Contractor hereby transfers and conveys to the Government all the right, title and interest, if any, which the Contractor has received, or is entitled to receive, in and to subcontract termination inventory, if any, not otherwise properly accounted for, and hereby assigns to the Government any and all of its rights relating thereto whether arising under negotiated settlements, formula determinations, or otherwise.

ART. 3. In all cases where the Contractor has not previously made such payments, the Contractor shall, within ten (10) days after receipt of the payment provided for hereunder, pay to each of its immediate subcontractors and suppliers (or to their respective assignees) the respective amounts to which they are entitled, after deducting, if the Contractor so elects, any amounts then due and payable to the Contractor by such subcontractors and suppliers. If the Contractor fails to make any such payment within ten (10) days, the Contractor will, upon request, return to the Government the amount so payable to such immediate subcontractors and suppliers, less any amount then due and payable to the Contractor by them.

ART. 4. (a) The Contractor has received the sum of $---------- (a) ---------- on account of work and services performed, or articles delivered, under the Contract.[1] The Government as part of this negotiated settlement, hereby confirms and acknowledges the right of the Contractor to retain such sum heretofore paid and agrees that such sum constitutes a portion of the total amount to which the Contractor is entitled in complete and final settlement of the Contract.

(b) In addition, upon execution of this Agreement (and of the storage agreement(s) referred to in Article 1)[2] the Government agrees to pay to the Contractor or its assignee, upon presentation of properly certified invoices or vouchers, the sum of $--------- (b) ---------- representing the sum of $-------- (x) ---------- less (1) the amount of $------ (y) -------- representing all unliquidated partial or progress payments previously made on account to the Contractor or its assignee and all unliquidated advance payments (with interest, if any, thereon) and (2) the amount of $---------- (z) ---------- representing all applicable property disposal credits. All interest to which the Contractor is entitled under the Act to the date of payment is included in said sum of $-------- (b) --------, or, to the extent not so included, is expressly waived by this agreement.[3] Said sum, together with all other sums heretofore paid, constitutes payment in full and complete settlement of the amount due the Contractor by reason of the complete termination of work under the Contract and of all other claims of the Contractor under the Contract, and under the Act, in so far as it pertains to the Contract, except as hereinafter provided in this Article.

(c) Upon payment of said sum of $------ (b) --------, as aforesaid, all rights and liabilities of the parties under the Contract and under the Act, in so far as it pertains to the Contract, shall cease forthwith and be forever released except:

[The following list of excepted rights and liabilities is intended to cover those which should most frequently be excepted, and which should in any event be scrutinized at the time a settlement agreement is signed. The suggested language of the enumerated excepted items on the list may be varied in the discretion of the contracting officer to cover more accurately the exceptions needed in a particular case. Where greater accuracy or completeness may be achieved by a reference to the number of the Contract article or provision covering the excepted matter in question, this method of enumerating excepted rights and liabilities may be followed. Omit any of the following which are not applicable and add any additional exceptions required.]

(1) All rights and liabilities, if any, of the parties under the Renegotiation Act.

(2) All rights and liabilities of the parties arising under the Contract articles, if any, or otherwise which relate to reproduction rights, patent infringements, inventions, applications for patent and patents, including rights to assignments, invention reports and licenses, covenants of indemnity against patent risks and bonds for patent indemnity obligations, together with all rights and liabilities under any such bond.

(3) All rights of the Government to take the benefit of any adjustments of royalties under the Royalty Adjustment Act of October 31, 1942 (Public No. 768, 77th Cong.; 35 U.S.C. 89–96) and to take the benefit of agreements reducing or otherwise affecting royalties paid or payable in connection with the performance of the Contract.

(4) All rights and liabilities of the parties under the articles, if any, in the Contract applicable to options (except options to continue or increase the work under the Contract), covenants not to compete, covenants of indemnity, and agreements with respect to the future care and disposition by the Contractor of Government-owned facilities remaining in his custody.

(5) All rights and liabilities of the parties arising under the Contract articles, if any, or otherwise, concerning defects in, and guarantees or warranties relating to, any completed articles or component parts furnished to the Government by the Contractor pursuant to the Contract or this Agreement.

[The following paragraph (6) to be inserted only when the third alternative form of Article 1 is used]

(6) All rights and liabilities of the parties under the articles, if any, of the Contract concerning settlement of disputes growing out of any determination made by the Contracting Officer under Article 1 of this Agreement.

(7) All rights and liabilities, if any, of the parties under the Act relating to removal and storage of Contract termination inventory.

(8) All rights and liabilities, if any, of the parties under those clauses inserted in the Contract because of the requirements of Acts of Congress and Executive Orders, including, without limitation, any applicable clauses relating to the following topics: labor law, contingent fees, domestic articles, employment of aliens, "officials not to benefit."

[The following subparagraph (9) to be inserted only where the parties have not agreed on the total amount to be included as interest to the date of payment.]

(9) The right of the Contractor to receive, and the obligation of the Government to pay, interest under the Act at $---------- (u) ---------- per day from the date of execution hereof to the date of payment.

In witness whereof, etc.,

[JTR 981.1]

§ 849.981–2 *Settlement agreement for use in settling fixed-price prime contracts after partial termination.* The following form will be used in accordance with Subpart D of Part 847:

(Here insert unchanged all the material of § 849.981–1, "Settlement agreement for use in settling fixed-price prime contracts after complete termination," after the heading and up to Article 1, with the exception of the fourth "Whereas" clause. In lieu of such clause, substitute the following:

Whereas, the Government by Notice of Termination dated ---------- advised the Contractor of the partial termination of the Contract as of the date and to the extent provided in such Notice, to which reference is hereby made as to the part terminated, and said part is hereinafter referred to as "the terminated portion of the Contract;" and)

ARTICLE 1. (Here insert the appropriate form of Article 1 of § 849.981–1)

ART. 2. (Here insert Article 2 of § 849.981–1)

ART. 3. (Here insert Article 3 of § 849.981–1)

ART. 4. Upon execution of this Agreement (and of the storage agreement(s) referred to in Article 1)[1] the Government agrees to pay to the Contractor or its assignee, upon presentation of properly certified invoices or vouchers, the sum of $------ (a) ----------, representing the sum of $---------- (x) ---------- less (1) the amount of $---------- (y) ---------- representing all unliquidated partial or progress payments previously made on account to the Contractor or its assignee and all unliquidated advance payments (with interest, if any, thereon) applicable to the terminated portion of the Contract, and (2) the amount of $---------- (z) ---------- representing all applicable property disposal credits. All interest to which the Contractor is entitled under the Act to the date of payment is included in said sum of $---------- (a) ----------, or, to the extent not so included, is expressly waived by this agreement.[2] Said sum, together with all other sums heretofore paid, constitutes payment in full and complete settlement of the amount due the Contractor with respect to the terminated portion of the Contract.

Upon payment of said sum of $---------- (a) ----------, as aforesaid, all obligations of the contractor to perform further work or services or to make further deliveries under the terminated portion of the Contract and all obligations of the Government to make further payments or to carry out other undertakings in connection therewith shall cease: *Provided, however,* That nothing herein contained shall impair or affect in any way (1) any other covenants, terms or conditions of the Contract; or (2) any rights or liabilities of the parties arising from any provisions of law, including, without limitation, the Contract Settlement Act of 1944, the Renegotiation Act, and the Royalty Adjustment Act of October 31, 1942 or [insert only where parties have not agreed on total amount to be paid as interest to date of payment] (3) the right of the Contractor to receive, and the obligation of the Government to pay, interest at $---------- (u) ---------- per day from the date of execution hereof to the date of payment.

In witness whereof, etc.,

[JTR 981.2]

§ 849.981–3 *No-cost settlement agreement for use in settling fixed-price prime contracts after complete termination where contractor presents no claim.*

(At the top insert all special details relating to the particular contract termination: e. g., number of contract, service or bureau involved, appropriation or allotment, etc.)

This supplemental settlement agreement, entered into pursuant to the Contract Settlement Act of 1944 (hereinafter called "the Act"), this ------ day of ---------- 194--, by the United States of America (hereinafter called "the Government") represented by the Contracting Officer executing this con-

[1] If the Contractor has performed work or services or delivered articles under the Contract, for which it has not been paid at the time of the Agreement, provision should be made in the agreement for such payment under Article 4 (b) as part of the sum of $---------- (b) ----------.

[2] This phrase to be inserted only when the second form of Article 1 is used.

[3] Where interest is not waived and the parties have not included in the Agreement a lump sum for interest to the date of payment, the following should be substituted for this sentence: "Said sum of $-------- (b) -------- includes all interest to which the Contractor is entitled under the Act to the date of execution of this Agreement; for each day thereafter until final payment hereunder, the Contractor shall be entitled to interest at the rate of $-------- (u) -------- per day." Also, in the next sentence change the words "sum" to "sums" and "constitutes" to "constitute".

[1] This phrase to be inserted only when the second form of Article 1 is used.

[2] Where interest is not waived and the parties have not included in the Agreement a lump sum for interest to the date of payment, the following should be substituted for this sentence: "Said sum of $---------- (a) ---------- includes all interest to which the Contractor is entitled under the Act to the date of execution of this Agreement; for each day thereafter until final payment hereunder, the Contractor shall be entitled to interest at the rate of $---------- (u) ---------- per day." Also, in the next sentence change the words "sum" to "sums" and "constitutes" to "constitute".

tract and _____ (hereinafter called "the Contractor"),

Witnesseth that:

Whereas, the Contractor and the Government have entered into Contract No. _____ under date of _____ 194__, which, together with any and all amendments, changes, and supplements thereto, is hereinafter referred to as "the Contract"; and

Whereas, the Act declares that, upon the termination of war contracts (as therein defined) in whole or in part for the convenience or at the option of the Government, it shall be the responsibility of the contracting agency (as therein defined) to provide the war contractor with speedy and fair compensation for the termination of the war contract and provides that any contracting agency may settle all or any part of any termination claim under any war contract by agreement with the war contractor; and

[Insert the following "Whereas" clause if the Contract contains a termination article with provisions similar to those set out in this clause.]

Whereas, the Contract provides that the performance of work thereunder may at the convenience or option of the Government be terminated by the Government in whole, or from time to time in part, whenever any such termination is determined to be for the best interest of the Government, and that the Contractor and Contracting Officer may agree upon the whole or any part of the amount or amounts to be paid to the Contractor by reason of such termination; and

Whereas, by notice of Termination dated _____ 194__, the Government advised the Contractor of the complete termination of the Contract for the convenience or at the option of the Government; and

Whereas, the Contractor is willing to waive unconditionally any claim against the Government by reason of such termination; and

Whereas, such unconditional waiver by the Contractor will expedite settlement of the Contract and will otherwise promote the objectives of the Contract Settlement Act of 1944,

Now, therefore, the parties hereto agree as follows:

ARTICLE 1. The Contractor hereby unconditionally waives any claim against the Government by reason of the termination of the Contract.

ART. 2. The parties agree to, and do hereby, release each other from any and all obligations arising under the Contract or by reason of its termination or under the Act, in so far as it pertains to the Contract, and all rights and liabilities of the parties so arising shall cease forthwith and be forever released except as follows:

[The following list of excepted rights and liabilities is intended to cover those which should most frequently be excepted, and which should in any event be scrutinized at the time a "no-cost" settlement agreement is signed. The suggested language of the enumerated excepted items on the list may be varied in the discretion of the contracting officer to cover more accurately the exceptions needed in a particular case. Where greater accuracy or completeness may be achieved by a reference to the number of the Contract article or provision covering the excepted matter in question, this method of enumerating excepted rights and liabilities may be followed. Omit any of the following which are not applicable and add any additional exceptions required.]

(1) All rights and liabilities, if any, of the parties under the Renegotiation Act.

(2) All rights and liabilities of the parties arising under the Contract articles, if any, or otherwise, which relate to reproduction rights, patent infringements, inventions, applications for patent and patents, including rights to assignments, invention reports and licenses, covenants of indemnity against patent risks and bonds for patent indemnity obligations, together with all rights and liabilities under any such bond.

(3) All rights of the Government to take the benefit of any adjustments of royalties under the Royalty Adjustment Act of October 31, 1942 (Public No. 768, 77th Cong.; 35 U.S.C. 89–96) and to take the benefit of agreements reducing or otherwise affecting royalties paid or payable in connection with the performance of the Contract.

(4) All rights and liabilities of the parties under the articles, if any, in the Contract applicable to options (except options to continue or increase the work under the Contract), covenants not to compete, covenants of indemnity, and agreements with respect to the future care and disposition by the Contractor of Government-owned facilities remaining in his custody.

(5) All rights and liabilities of the parties arising under the Contract articles, if any, or otherwise, concerning defects in, and guarantees or warranties relating to, any completed articles or component parts furnished to the Government by the Contractor or work done by the Contractor pursuant to the Contract.

(6) All rights and liabilities, if any, of the parties under those clauses inserted in the Contract because of the requirements of Acts of Congress and Executive Orders, including, without limitation, any applicable clauses relating to the following topics: labor law, contingent fees, domestic articles, employment of aliens, "officials not to benefit."

In witness whereof, etc.,

[JTR 981.3]

§ 849.981–4 *No-cost settlement agreement for use in settling fixed-price prime contracts after partial termination where contractor presents no claim.*

(At the top insert all special details relating to the particular contract termination: e. g., number of contract, technical service or bureau involved, appropriation or allotment, etc.)

This supplemental settlement agreement, entered into pursuant to the Contract Settlement Act of 1944 (hereinafter called "the Act"), this _____ day of _____ 194__, by the United States of America (hereinafter called "the Government" represented by the Contracting Officer executing this contract and _____ (hereinafter called "the Contractor"),

Witnesseth that:

Whereas, the Contractor and the Government have entered into Contract No. _____ under date of _____ 194__, which, together with any and all amendments, changes, and supplements thereto, is hereinafter referred to as "the Contract"; and

Whereas, the Act declares that, upon termination of war contracts (as therein defined) in whole or in part for the convenience or at the option of the Government, it shall be the responsibility of the contracting agencies (as therein defined) to provide war contractors with speedy and fair compensation for the termination of any war contract and provides that any contracting agency may settle all or any part of any termination claim under any war contract by agreement with the war contractor; and

[Insert the following "Whereas" clause if the Contract contains a termination article with provisions similar to those set out in this clause.]

Whereas, the Contract provides that the performance of work thereunder may at the convenience or option of the Government, be terminated by the Government in whole, or from time to time in part, whenever any such termination is determined to be for the best interest of the Government, and that the Contractor and Contracting Officer may agree upon the whole or any part of the amount or amounts to be paid to the Contractor by reason of such termination; and

Whereas, by Notice of Termination dated _____ 194__, the Government advised the Contractor of the partial termination of the Contract for the convenience or at the option of the Government, as of the date and to the extent provided in such notice, to which reference is hereby made as to the part terminated, and said part is hereinafter referred to as the "terminated portion of the Contract"; and

Whereas, the Contractor is willing to waive unconditionally any claim against the Government by reason of such termination; and

Whereas, such unconditional waiver by the Contractor will expedite settlement of the Contract and will otherwise promote the objectives of the Contract Settlement Act of 1944,

Now, therefore, the parties hereto agree as follows:

ARTICLE 1. The Contractor hereby unconditionally waives any claim against the Government arising under the terminated portion of the Contract or by reason of its termination including, without limitation, all obligations of the Government to make further payments or to carry out other undertakings in connection with said terminated portion, and the Government hereby unconditionally releases the Contractor from any obligation to perform further work or services or to make further deliveries of articles or materials under the terminated portion of the Contract: *Provided, however,* That nothing herein contained shall impair or affect in any way any other covenants, terms, or conditions of the Contract.

In witness whereof

[JTR 981.4]

§ 849.983 *Settlement agreements for cost-plus-a-fixed-fee contracts.* [JTR 983]

§ 849.983–1 *Settlement agreement for use in settling cost-plus-a-fixed-fee prime contracts after complete termination.* The following form is designed for a negotiated settlement, under § 845.560 and following, after complete termination. In using it for partial final settlements, appropriate changes should be made.

(Here insert unchanged all the material of § 849.981–1, "Settlement Agreement for use in settling fixed-price prime contracts after complete termination", after the heading up to Article 1.)

ARTICLE 1. The Contractor certifies that all Contract termination inventory (including scrap), has been retained, sold to third parties, returned to suppliers, stored for the Government, delivered to the Government, or otherwise properly accounted for, and all proceeds or retention prices thereof, if any, have been taken into account in arriving at this Agreement. (Or)

ARTICLE 1 (a) The Contractor certifies that a portion of the Contract termination inventory (including scrap), has been retained, sold to third parties, returned to suppliers, stored for the Government, delivered to the Government, or otherwise properly accounted for, and all proceeds or retention prices thereof, if any, have been taken into account in arriving at this Agreement.

(b) With respect to all Contract termination inventory not so disposed of prior to the date of execution of this Agreement, and described in the inventory schedules submitted by the Contractor in advance of or in connection with its Settlement Proposal, the parties shall promptly execute a storage agreement substantially in the form set forth in § 849.972–1 [or § 849.972–2]. (Or)

ARTICLE 1. (a) The Contractor certifies that a portion of the Contract termination inventory (including scrap) has been retained, sold to third parties, returned to suppliers, stored for the Government, delivered to the Government, or otherwise properly accounted for, and all proceeds or retention prices thereof, if any, have been taken into account in arriving at this Agreement.

(b) Subject to the qualification stated below in subparagraph (c) of this Article 1, the Contractor confirms and acknowledges that, with respect to all the Contract termination inventory not so disposed of prior to the date of execution of this Agreement and described on the schedules attached hereto as "Exhibit A", the Government either now possesses, or hereby receives a transfer and conveyance of, title, free and clear of all liens and encumbrances, and the right to immediate possession. [Schedules or lists may, if clearly identified, be incorporated by reference and not physically attached.] It is the intent and purpose of this Agreement to confirm in the Government, or convey to the Government, as the case may be, title to all residual Contract termination inventory; and to this end it is understood (1) that such schedules do not include, and it is intended that they shall not include, any Contract termination inventory properly disposed of by the Contractor prior to date of execution of this Agreement, but (2) that such schedules do include all Contract termination inventory not so disposed of as of the date of execution of this Agreement.

If and to the extent that, as of the date of this Agreement, any Contract termination inventory so described on such schedules is not segregated from the Contractor's other property and clearly identified as belonging to the Government, the Contractor agrees to effect such segregation and identification with reasonable dispatch.

(c) If later, upon the execution of a storage agreement covering such Contract termination inventory or upon its removal from the Contractor's premises by or for the Government, or at any time prior to either of such events, discrepancies are discovered between the quantities, weights or conditions of such inventory shown on the aforesaid inventory schedules or lists and the quantities, weights or conditions actually found by the Government, the Contractor shall reimburse the Government to the extent of any shortage, loss, destruction, or damage with respect to such inventory (measured by the loss of fair value) at the time such discrepancies are discovered; provided (1) that plus or minus tolerances of quantities, weights and conditions within reasonable limits in accordance with good commercial inventory practice will be accepted and discrepancies within such tolerances shall create no claim by either party against the other; and (2) that even if minus tolerances are exceeded, the Contractor shall not be liable therefor unless they are caused by any shortage, loss, destruction, or damage resulting from the Contractor's failure to exercise such care in regard to such inventory as a reasonably careful owner of similar goods would exercise. The Contracting Officer shall determine (1) whether such tolerances are exceeded, (ii) whether, if so, such excess resulted from failure to exercise such care, and (iii) the extent of any shortage, loss, destruction, or damage with respect to such inventory. Such determination will be subject, however, to any provisions of the Contract relating to settlement of disputes.

(d) Pending ultimate disposition of such Contract termination inventory, the Government may at all reasonable times have access to the Contractor's premises for the purpose of (1) furnishing extra plant protection, (2) making inspections of such inventory, (3) preparing additional inventory schedules, (4) crating, baling or otherwise packaging such inventory, (5) arranging for selling or scrapping such inventory, and (6) accomplishing any other lawful purpose. The Contractor expressly waives any claim under this Agreement or under the Act to storage charges for the period during which such inventory, or any part thereof, remains on its premises under the terms of this Agreement. Such period may, at the option of the Government extend for _____ days after execution of this Agreement, but not longer except with the consent of the Contractor.

ART. 2. (Here insert Article 2 of § 849.981–1.)

ART. 3. (Here insert Article 3 of § 849.981–1.)

ART. 4. (a) The Contractor has received prior to the effective date of termination certain sums with respect to work and services performed, or articles delivered, under the Contract. The Contractor has also received after the effective date of termination certain additional sums for work and services performed, or articles delivered, under the Contract as final payments on partial settlements and in partial payment on account of the Contractor's termination claim. The Government, as part of this negotiated settlement, hereby confirms and acknowledges the right of the Contractor to retain all such sums heretofore paid and agrees that such sums constitute a portion of the total amount to which the Contractor is entitled in complete and final settlement of the Contract.[1]

(b) In addition, upon execution of this Agreement (and the storage agreements referred to in Article 1)[2] the Government agrees to pay to the Contractor the sum of $_____ (a) _____, representing the sum of $_____ (x) _____ less (1) the sum of $_____ (y) _____ representing all unliquidated partial or progress payments previously made on account to the Contractor or its assignee and all unliquidated advance payments (with interest, if any, thereon) and (2) the amount of $_____ (z) _____ representing all applicable property disposal credits. All interest to which the Contractor is entitled under the Act to the date of payment is included in said sum of $_____ (a) _____, or, to the extent not so included, is expressly waived by this agreement.[3] Said sum, together with all other sums heretofore paid, constitutes payment in full and complete settlement of the amount due the Contractor by reason of the termination of work, or otherwise, under the Contract and of all other claims of the Contractor under the Contract and under the Act, in so far as it pertains to the Contract, except as hereinafter provided in this Article and in Article 5.

(c) Upon payment of said sum of $_____ (a) _____ as aforesaid all rights and liabilities of the parties under the Contract and under the Act, in so far as it pertains to the Contract, shall cease forthwith and be forever released except: [The following list of excepted rights and liabilities is intended to cover those which should most frequently be excepted, and which should in any event be scrutinized at the time a settlement agreement is signed. The suggested language of the enumerated excepted items on the list may be varied in the discretion of the Contracting Officer to cover more accurately the exceptions needed in a particular case. Where greater accuracy or completeness may be achieved by a reference to the number of the Contract article or provision covering the excepted matter in question, this method of enumerating excepted rights and liabilities may be followed. Omit any of the following which are not applicable and add any additional exceptions required.]

(1) Claims by the Contractor against the Government, which involve costs reimbursable under the Contract and which arise under the Contract or by virtue of the termination, in stated or estimated amounts, as follows: [Here insert such amounts and describe the claims.]

(2) Claims by the Contractor against the Government, as to which his right of reimbursement is disputed, which are excluded without prejudice to the rights of either party as follows: [Here insert the amounts and describe the claims.]

(3) Claims by the Contractor against the Government which are based upon responsibility of the Contractor to third parties and which involve costs reimbursable under the Contract, but which are not now known to the Contractor.

(4) All rights and liabilities, if any, of the parties under the Renegotiation Act.

(5) All rights and liabilities of the parties arising under the Contract articles, if any, or otherwise which relate to reproduction rights, patent infringements, inventions, applications for patent and patents, including rights to assignments, invention reports and licenses, covenants of indemnity against patent risks and bonds for patent indemnity obligations, together with all rights and liabilities under any such bond.

(6) All rights of the Government to take the benefit of any adjustments of royalties under the Royalty Adjustment Act of October 31, 1942 (Public No. 768, 77th Cong.; 35 U.S.C. 89–96) and to take the benefit of agreements reducing or otherwise affecting royalties paid or payable in connection with the performance of the Contract.

(7) All rights and liabilities of the parties under the articles, if any, in the Contract applicable to options (except options to continue or increase the work under the Contract), covenants not to compete, covenants of indemnity, and agreements with respect to the future care and disposition by the Contractor of Government-owned facilities remaining in his custody.

(8) All rights and liabilities of the parties arising under the Contract articles, if any, or otherwise, concerning defects in, and guarantees or warranties relating to, any completed articles or component parts furnished to the Government by the Contractor pursuant to the Contract or this Agreement.

[The following subparagraph (9) to be inserted only when the third alternative form of Article 1 is used.]

(9) All rights and liabilites of the parties under the articles, if any, of the Contract concerning settlement of disputes growing out of any determination made by the Contracting Officer under Article 1 of this Agreement.

(10) All rights and liabilities, if any, of the parties under the Act relating to removal and storage of Contract termination inventory.

(11) All rights and liabilities, if any, of the parties under those clauses inserted in the Contract because of the requirements of Acts of Congress and Executive Orders, including, without limitation, any applicable clauses relating to the following topics: labor law, contingent fees, domestic articles,

[1] Where any of such sums are intended to be excluded from the settlement agreeemnt, appropriate modification should be made in the language of this section in order to make it clear that they are excluded from the agreement without prejudice to the rights of either party with respect thereto. This modification may be effected by adding to the last sentence of Article 4 (a), after the word "Contract", the following: ", except as provided in subparagraph (c) (2) of this Article."

[2] This phrase to be inserted only when the second form of Article 1 is used.

[3] Where interest is not waived and the parties have not included in the Agreement a lump sum for interest to the date of payment, the following should be substituted for this sentence: "Said sum of $_____ (a) _____ includes all interest to which the Contractor is entitled under the Act to the date of execution of this Agreement; for each day thereafter until final payment hereunder, the Contractor shall be entitled to interest at the rate of $_____ (u) _____ per day." Also, in the next sentence change the words "sum" to "sums" and "constitutes" to "constitute."

employment of aliens, and "officials not to benefit."

[The following subparagraph (12) is to be inserted only where the parties have not agreed on the total amount to be included as interest to the date of payment.]

(12) The right of the Contractor to receive, and the obligation of the Government to pay, interest under the Act at $_____ (u) ____ per day from the date of execution hereof to the date of payment.

(13) All rights and liabilities of the parties under any agreement heretofore or hereafter made for the purpose of providing for the adjustment, as between the Government and the insurance carrier, of premiums under the War Projects Insurance Rating Plan as applied to the Contract.

ART. 5.[1] (1) In addition to the payment of the sum provided for in Article 4, the Government will reimburse the Contractor for payments made in discharging claims described in subparagraphs (1) and (3) of said article.

(2) Even though neither the existence nor the amount of any claim referred to in subparagraph (3) of Article 4 may now be known to the Contractor, reimbursement for payments made by the Contractor in discharge of any such claim shall include, along with wages and salaries otherwise reimbursable, all additional amounts determined (either by approval of the Contracting Officer or by litigation as hereinafter provided) to be due and payable for overtime compensation and allowances under local, state or Federal laws in connection with such wages and salaries.

(3) The Contractor shall promptly notify the Contracting Officer of any claims of the type described in subparagraph (3) of Article 4 which are asserted subsequent to the execution of this Agreement. In the event of the assertion of any such claim against the Contractor, he shall, if requested by the Contracting Officer, promptly and diligently proceed in good faith to assemble all data and information relative to such claim. The expenses incurred by the Contractor in the performance of this duty shall be reimbursable under the Contract.

(4) If the Contracting Officer shall determine that the best interests of the Government require that the Contractor initiate or defend litigation in connection with claims of third parties arising under the Contract or by virtue of its termination, the Contractor will proceed with such litigation in good faith and the costs and expenses of such litigation, including judgments and court costs, allowances rendered or awarded in connection with suits for wages, overtime or salaries, and other items, and reasonable attorneys' fees for private counsel when the Government does not furnish Government counsel, shall be reimbursable under the Contract. The term "litigation" shall include suits at law or in equity and proceedings before any Governmental agency having jurisdiction over the claim.

In witness whereof, etc.

[JTR 983.1]

§ 849.983–2 *Partial settlement agreement for use in making partial settlements of cost-plus-a-fixed-fee prime contracts.* The following form will be used in accordance with § 845.564–2.

[JTR 983.2]

(At the top insert all special details relating to the particular contract termination; e. g., number of contract, technical service or bureau involved, appropriation or allotment, etc.)

This partial settlement agreement, entered into pursuant to the Contract Settlement Act of 1944 (hereinafter called "the Act"), this _____ day of _____ 194__, by the United States of America (hereinafter called "the Government") represented by the Contracting Officer executing this contract and _____ (hereinafter called "the Contractor"),

Witnesseth that:

Whereas, the Contractor and the Government have entered into Contract No. _____ under date of _____ 194__, which, together with any and all amendments, changes and supplements thereto, is hereinafter referred to as "the Contract"; and

Whereas, the Act declares, among other things that " " " "Each contracting agency shall make final payments from time to time on partial settlements or on settlements fixing a minimum amount due before complete settlement " " "; and

[Insert the following "Whereas" clause if the contract contains a termination article with provisions similar to those set out in this clause.]

Whereas, the Contract provides that the performance of work thereunder may at the convenience or option of the Government be terminated by the Government in whole, or from time to time in part, whenever any such termination is determined to be for the best interests of the Government, and that the Contractor and Contracting Officer may agree upon the whole or any part of the amount or amounts to be paid to the Contractor by reason of such termination; and

Whereas, by notice of termination dated _____, the Government advised the Contractor of the termination of the Contract for the convenience or at the option of the Government;

Now, therefore, the parties hereto do mutually agree as follows:

ARTICLE 1. Upon execution of this Agreement the Government agrees to pay to the Contractor the sum of $_____. This payment is in partial settlement of the Contractor's termination claim under this Contract and is made pursuant to the Act. The Government and the Contractor agree that the amount to be paid hereunder constitutes a minimum amount due on said entire claim, (a) without determining that such amount is due on particular elements thereof or that additional amounts may not be due on said claim and (b) without affecting any claim or offset which the Government may have against the Contractor under this Contract.

In witness whereof, etc.

[JTR 983.2]

§ 849.984 *Pretermination settlement agreement*—(1)[1] [JTR 984]

§ 849.984–1 *Suggested form of pretermination settlement agreement for fixed-price prime contracts containing the uniform article.* The following form is the example of a pretermination settlement agreement mentioned in § 842.-224–4 (d):

(At the top insert all special details relating to the particular contract; e. g., number of contract, service or bureau involved, appropriation or allotment, etc.)

This supplemental agreement, entered into pursuant to the Contract Settlement Act of 1944, as of this _____ day of _____ 194__, by the United States of America (hereinafter called "the Government") represented by the Contracting Officer executing this Contract and _____ (hereinafter called "the Contractor").

Witnesseth that:

Whereas, the Contractor and the Government have entered into Contract No. _____ under date of _____ 194__, which, together with any and all amendments, changes, and supplements thereto, is hereinafter referred to as "the Contract"; and

Whereas, the Contract provides that the performance of work thereunder may at the convenience or option of the Government be terminated by the Government in whole, or from time to time in part, whenever any such termination is determined to be for the best interest of the Government, and that the Contractor and Contracting Officer may agree upon the whole or any part of the amount or amounts to be paid to the Contractor by reason of such termination; and

Whereas, it is deemed equitable and appropriate and mutually advantageous to the parties to determine by negotiation and agree in advance of termination upon certain methods and standards for determining fair compensation in the event of termination of the contract, in whole or in part, [2] at the convenience or option of the Government;

Now, therefore, the parties hereto do mutually agree as follows:

ARTICLE 1. [3] *Inventory.* (a) The Contractor shall, within _____ days after the effective date of termination, in whole or in part, [2] or within such extension thereof as the Contracting Officer may grant, file with the Contracting Officer its inventory of the fabricated or unfabricated parts, work-in-process, completed work, supplies and other material produced as a part of, or acquired in respect of the performance of, the work terminated in the Notice of Termination, and the plans, drawings, information and other property which, if the Contract had been completed, would be required to be furnished to the Government, hereinafter referred to as the "inventory".

(b) The Government may take a physical count, in whole or in part, of the inventory within _____ days after receipt of the Contractor's statement of inventory or within _____ days after termination, whichever is longer. Failure on the part of the Government to take such count within the prescribed time limit will operate as approval and acceptance of the Contractor's statement of inventory as filed except as to the quantities not reasonably necessary for the performance of the contract or not properly allocable to the terminated portion thereof under recognized commercial accounting practices.

(c) Failure of the Contractor to file its inventory as provided in (a) hereof shall operate as acceptance and approval of such physical count as the Government may take as provided in (b) hereof.

(d) The Government shall, within _____ days after taking its own count of the inventory or within _____ days after the filing of its inventory by the Contractor, file with the Contractor any exceptions to quantities resulting from differences in physical count or from determinations that items of the inventory are not reasonably necessary for the performance of the Contract or not properly allocable to the terminated portion thereof under recognized commercial accounting practices. Any disputes arising from the filing of exceptions by the Government shall be resolved by negotiation and in the event that such disputes are not disposed of by mutual agreement within 15 days from the filing of exceptions, or such extension thereof as the Contracting Officer shall grant, such disputes shall be resolved under the provisions of the Disputes Article of the Contract.

(e) Within _____ days after receipt thereof, the Contractor may file supplementary inventories for all materials and purchased parts in transit on the effective date of the Notice of Termination, as evidenced by bills of lading, invoices and other evidences of shipments, and not received prior to taking of inventories as herein provided.

ART. 2. *Classification of inventory* [4]. The inventory as adjusted in accordance with Article 1 shall be classified as set forth in Schedule(s) _____. All items of work-in-process [5] shall be classified in the production stage in which they were last subject to physical processing.

ART. 3. *Computation of contractor's claim.* Upon the classification of the inventory in accordance with Article 2, the amounts payable to the Contractor by reason of termination shall be determined in accordance with the following provisions [6]:

(1) *Completed articles.* For completed articles delivered to and accepted by the Government (or sold or retained as provided in paragraph (b) (7) of Article _____) [7] and not theretofore paid for, the Government shall pay a sum equivalent to the aggregate price for such articles computed in accordance with the price or prices specified in the Contract;

(2) *Raw materials, purchased parts, work-in-process, component parts, etc.* [8]. With respect to each unit of inventory classified in Schedule(s) _____, the Government shall pay the amount stated opposite such classification in the Schedule(s) under the heading "Unit Cost";

(3) *Tools, dies, jigs and fixtures.* With respect to tools, dies, jigs and fixtures classified in Schedule _____ the Government shall pay an amount which bears the same proportion to the cost allocable to the Contract shown in that Schedule as the deliveries not made under the Contract bear to the total of the deliveries which have been made and would have been made had the Contract been completed;

(4) *Other costs* [9]. Any other costs not specifically mentioned herein, which are allocable to the Contract, and would arise upon the termination by the Government at its option, are specifically enumerated in Schedule _____, attached. The basis for determining what amounts, if any, of these other costs are to be paid upon termination is likewas set forth in said Schedule.

(5) *Special facilities* [9]: Any amount to be paid for loss on special facilities, and any arrangements for transfer of title or other disposal of special facilities will be determined in accordance with a special facilities agreement, hereby made a part of this supplemental agreement and annexed hereto, and in the absence of any such agreement, the above determinations will be made under the provisions of Article _____ [7] of the Contract.

(6) *General and administrative expenses* [8]. General and Administrative expenses will be paid by the Government to the Contractor at the rate of _____% on all costs determined under (2), (3) and (4) of this Article.

(7) *Profit* [8]. Profit will be paid to the Contractor by the Government at the following rates:

(a) On the Contractor's costs of raw materials and purchased parts contained in the inventory, at the rate of _____%.

(b) On all other Contractor's costs enumerated above in this Article, except for the cost, if any, of special facilities, at a rate of _____%.

(8) *Post-termination expenses.* For post-termination expenses the Government shall pay the Contractor the sum of _____ dollars, and in the absence of any sum specified the amount payable therefor under paragraph (d) (3) of Article _____ [7] of the Contract.

ART. 4. *Where no agreement is reached.* Where the words "No agreement" appear in any of the schedules referred to in Article 3, payment, if any, of termination charges on account of the items enumerated in that Schedule will be made in accordance with Article _____ [7] of the contract.

ART. 5. *Retention of inventory by contractor* [10]. The parties agree that the Contractor shall retain all inventory for which retention values are shown in the Schedule (s) _____, at such retention values. With respect to any class of items as to which the term "No agreement" appears under said column the Contractor is under no obligation to retain, and the Government is under no obligation to allow the Contractor to retain, any of said items. In accordance with Article _____, [7] paragraph (e) (1) (iii) of the Contract, the total amount determined to be due the Government under this article will be deducted from the total amount determined to be due to the Contractor under Article 3 hereof.

ART. 6. *Contract price limitation.* The total sum to be paid pursuant to Article 3, plus sums payable by reason of the termination of subcontracts, but exclusive of post-termination expenses, shall not exceed the total Contract price, reduced by the amounts of payments otherwise made or to be made under the Contract.

ART. 7. *Subcontractor's claims* [11]. The sum payable pursuant to Article 3 hereof does not include sums payable by reason of the termination of subcontracts unless otherwise specifically stated herein. The Contractor agrees to expedite the processing of claims of subcontractors arising out of termination of the Contract so that subcontractors may be paid their termination charges, and clear their plants for other production, as quickly as possible.

ART. 8. *Revision of costs or retention values* [12]. Either the Contractor or the Government may at any time prior to the receipt of a Notice of Termination by the Contractor, serve demand for revision of the costs or retention values set forth in this supplemental agreement, or for the addition of costs or retention values omitted. Upon service of such demand, the parties will negotiate any changes requested. Should the Contract be terminated before a formal agreement has been executed on changes pursuant to demand for revision, the supplemental agreement or revisions thereof agreed to prior to service of the Notice of Termination shall apply to such termination.

ART. 9. *Contract in force:* Except to the extent modified herein, all the terms and conditions of the Contract, including without limitation, Article _____ [7] thereof, shall remain unmodified and in full force and effect.

ART. 10. *Total amount payable:* Except to the extent indicated by the words "No agreement" in the Schedules to this Contract, and except for the sums payable under Article 7, all amounts payable by the Government by reason of termination of the Contract are determined in this supplemental agreement.

In witness whereof, etc.

[JTR 984.1]

§ 849.984–2 *Explanatory notes to suggested form of pretermination settlement agreement.*

1. This form of "count and multiply" agreement has been prepared as a supplemental agreement to a contract containing the uniform termination article for fixed price supply contracts (§ 849.931). Explanatory material and suggested variations appear in the notes which follow.

2. The provision making the agreement applicable to any total or partial termination can be used only on the assumption that the same unit costs and retention values would fairly apply in all situations. Negotiations with the Contractor may lead to an agreement that applies only in the event of complete termination or only in the event of the termination of at least a stated portion of the contract. It is possible also to make an agreement effective only if termination comes within a specified period of time or in the course of a program of mass terminations following the cessation of hostilities in one theater of war. Any such conditions should be clearly stated.

3. This Article relating to the taking of inventory is designed for situations in which the withholding of inventory from production, and segregation of it for a reasonable period of time, will not impose undue hardship on the Contractor. Where continuity of production is important, and it is desired to continue processing the inventory with a minimum of dislocation, the following alternative Article 1 may be used, if it is considered feasible in the particular circumstances:

ALTERNATIVE ARTICLE 1

ARTICLE 1. (a) The Contractor shall within _____ (days) (hours) after the effective date of termination, notify the Contracting Officer of the time and place at which an inventory will be taken of the fabricated or unfabricated parts, work-in-process, completed work, supplies and other materials produced as part of, or acquired in respect of the performance of, the work terminated in the Notice of Termination, and the plans, drawings, information and other property which if the Contract had been completed would be required to be furnished to the Government, hereinafter referred to as the "inventory". At least _____ (days) (hours) must elapse between the time the Government receives said notice, and the time specified in the notice for the taking of inventory.

(b) At the time and place specified in the Contractor's notice to the Government, a representative of the Government may appear for the purpose of checking, in whole or in part, the inventory to be taken in the presence of the representative of the Government and the representative of the Contractor. Any disputes arising out of differences in physical count will be decided immediately by the representatives of the Government and the Contractor at the time the inventory is taken. In the event no representative of the Government appears for the purpose of checking the physical count as directed in the notice, the physical count taken by the Contractor will be assumed to be correct except as to quantities not reasonably necessary for the performance of the Contract or not properly allocable to the terminated portion thereof under recognized commercial accounting practices, unless the inventory is not taken in accordance with the conditions, if any, enumerated in (c) below.

(c) The conditions under which the physical count will be taken are enumerated below:

(Here insert any conditions with respect to the methods to be employed at the time of taking the inventory, and the extent to which the inventory will be counted or spot checked, and records to be preserved to indicate that the conditions of taking the inventory were observed).

(d) At the conclusion of the count of inventory, it will be the Contractor's responsibility to file this inventory with the Government. Failure of the Contractor to file said inventory within _____ (days) (hours) after the inventory is taken shall operate as acceptance and approval of such physical count as the Government may have taken as provided in (b) above. At any time prior to or after the filing of the inventory, the Government shall have the right to inspect such records of the taking of inventory as were required to be kept under the conditions enumerated in (c) above, if any.

(e) The Government shall, within_____ (days) (hours) after taking its own count of the inventory or within _____ (days) (hours) after the filing of its inventory by the Contractor, file with the Contractor any exceptions to quantities resulting from failure to take the inventory under the conditions enumerated in (c) above, or from de-

[1] This Article should be omitted where the Contract does not provide for reimbursement to the Contractor of costs incurred in discharging claims described in subparagraphs (1) and (3) of Article 4.

[1] Figures in parentheses refer to the explanatory notes in § 849.984–2 that follow the text of the agreement form.

terminations that items of the inventory are not reasonably necessary for the performance of the contract or not properly allocable to the terminated portion thereof under recognized commercial accounting practices. Any disputes arising from the filing of exceptions by the Government shall be resolved by negotiation and in the event that such disputes are not disposed of by mutual agreement within 15 days from the filing of exceptions, or such extension thereof as the Contracting Officer shall grant, such disputes shall be resolved under the provisions of the Disputes Article of the Contract.

4. Classification of inventory should conform as far as possible to that embodied in the Standard Settlement Proposal Forms. In some cases those forms may be adapted for use both in the submission by contractors of proposals for pretermination settlement agreements and in the schedules to be attached to the agreements.

5. Classification of work-in-process must proceed on the basis of an agreement as to the points at which processing will be stopped, which agreement must conform to the requirements of § 842.241–3.

6. This form is designed for the situation in which the entire amount to be paid to the contractor, exclusive of subcontractors' claims, is to be determined pursuant to the agreement. In many cases it will be possible to reach an agreement on some of the elements of fair compensation and not on others. It is important that the agreement make entirely clear in each case what items are not covered. Where items are excluded, the basis for determining them should generally be the termination article in the basic contract; this should be made explicit wherever necessary.

7. Insert at this point the number of the termination article in the basic contract.

8. As this particular agreement has been prepared, the costs of the items of inventory to be shown on the schedules referred to in article 3 (2) should consist only of the invoiced cost of materials, direct labor and factory burden. The other elements for which the contractor is entitled to reimbursement are specifically enumerated in the later clauses of the article. In some cases this detailed breakdown of the items to be reimbursed may not be necessary. It is permissible to negotiate an agreed price of all items of termination inventory, which price may include General and Administrative expenses and profit. The accounting data required to support such a negotiated figure may be submitted separately and not shown in the schedules annexed to the contract.

9. Where it is possible to have the contractor agree that there will be no charge for other costs or special facilities, a clause or clauses to that effect should be substituted for article 3 (4) and 3 (5).

10. This form applies to the situation in which the contractor agrees to retain all termination inventory at agreed figures. It is, of course, possible that an agreement on this subject may take many different forms. If the contractor agrees to retain part but not all of the termination inventory, the agreement should so state and should specify the part that is to be retained.

If the Contracting Officer considers that there may be a military requirement for any articles of the termination inventory, the Government should reserve the right to take all or part of such articles. For this purpose it is appropriate to insert in the beginning of article 5 the condition: "Unless the Contracting Officer shall issue directions, not later than the effective date of termination, to transfer title and deliver to the Government the inventory or any part thereof (or specified articles of inventory) as provided in paragraph (b) (6) of Article ------- [termination article] of the contract ------." Should the contractor be unwilling to agree to retain inventory subject to the option, it is appropriate to add a clause providing that if the Contracting Officer elects to demand delivery of a part of the inventory, the Contractor is relieved of his obligation to retain the rest. Any such clause, however, should make it clear that the Contractor's obligation to retain inventory may not be avoided unless the Government exercises its option to demand delivery of a part of it.

11. This form of agreement requires the Contractor to settle termination claims of his subcontractors and secure reimbursement therefor in the normal manner. If an agreement is negotiated in which the sum payable includes all amounts due on account of claims of subcontractors, an express provision should be added by which the Contractor undertakes promptly to pay fair compensation to his subcontractors for the termination of their subcontracts, determined in accordance with the standards prescribed by this regulation.

12. This Article 8 may take a variety of forms. It is permissible to provide for periodic reviews and revisions of the figures at definite intervals, or to make the contract inoperative after a stated period of time unless the schedules agreed upon are confirmed.

[JTR 984.2]

§ 849.985 *Form of notice to General Accounting Office of audit status date.* The following form will be used in accordance with § 845.563–4. Instructions for the use of this form are prescribed in § 849.985–1.

Zone Senior Chief Cost Auditor,
General Accounting Office ------ Zone.

Subject: Terminated CPFF Contract No. -----.

Pursuant to JTR 563.4, the following information pertaining to the contemplated negotiated settlement of the above cost-plus-a-fixed-fee contract, which has been terminated and is in process of settlement, is herewith submitted and notice establishing an audit status date is hereby given.

a. *Name and address of contractor:*

b. *Name and address of contracting officer in charge of the settlement:*

c. *List of vouchers:* Enclosed herewith is a list of all the Form 1034 cost vouchers, paid under the contract, showing: (1) D. O. voucher number, (2) amount of voucher, (3) date of payment, (4) disbursing officer's name and symbol, (5) total amount of vouchers paid, [and (6) the amount of reimbursed costs as defined in JTR 560.3 (3), subdivided as to (a) costs subject to documentary requirements and (b) costs on which documents are not required].

The audit status date is hereby fixed as (a) the day 60 days from receipt of this notice or (b) the date of receipt of the final audit status letter, whichever is earlier.

It is requested that the above named contracting officer be furnished promptly with a letter designated as an "interim audit status letter" showing the current status of the audit, all exceptions or inquiries presently outstanding and any other information which the General Accounting Office considers pertinent to the settlement of the contract.

It is further requested that (a) the above named contracting officer be furnished with a final statement of outstanding exceptions and any other information pertinent to the settlement by a letter designated as the "final audit status letter" sent by registered mail on or prior to the day 60 days from receipt of this notice and (b) there be transmitted with this final audit status letter a copy of the Notice of Exception (Standard Form 1100) covering each exception shown in that letter to be outstanding on the audit status date.

It is requested that copies of the interim audit status letter and the final audit status letter be sent to the Readjustment Division, ASF, and to the Office of the Fiscal Director, ASF [the Chief of the Bureau of Supplies and Accounts (Attention: Cost Inspection Service), Navy Department, Washington 25, D. C., and this office].

Very truly yours,

Contracting Officer [Disbursing Officer]

Enclosure—List of Vouchers.

[JTR 985]

§ 849.985–1 *Instructions for use of notice to General Accounting Office of audit status date.* (a) Material included in brackets is for use in the Navy.

(b) In every case the notice shall be transmitted by registered mail (return receipt requested) addressed to the Zone Senior Chief Cost Auditor of the General Accounting Office Zone in which the work was performed on the terminated contract (or subcontract, where a separate audit status date is being established for a subcontract). The addresses of the Zone Senior Chief Cost Auditors and the geographical limits of the General Accounting Office Zones are as follows:

Northeast Zone, 23rd floor, 80 Broadway, New York 5, N. Y. Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Maryland, Connecticut, New York, New Jersey, Delaware, Pennsylvania.

Southeast Zone, 405 Bona Allen Bldg., Atlanta 5, Ga. West Virginia, Virginia, North Carolina, South Carolina, Georgia, Florida, Alabama, Mississippi, Tennessee, Kentucky, Indiana, Ohio—with Northern Boundary 40°45".

Great Lakes Zone, 613 National Bank Bldg., Detroit 26, Mich. Michigan, Ohio, with Southern Boundary 40°45".

North Central Zone, 166 W. Van Buren St., Chicago 4, Ill. North Dakota, South Dakota, Nebraska, Illinois, Iowa, Minnesota, Wisconsin, Indiana, with Southern Boundary 46°45".

South Central Zone, 822 Santa Fe Bldg., 114 Commerce St., Dallas 2, Tex. Kansas, Missouri, Oklahoma, Texas, Arkansas, Louisiana.

Western Zone, 824 S. Western Ave., Los Angeles 5, Calif. Washington, Oregon, Idaho, Nevada, Utah, Arizona, California, Colorado, Montana, Wyoming, New Mexico, Canada, Territory of Hawaii.

If the contracting officer is in doubt as to which Zone Senior Chief Cost Auditor should receive the notice he should consult with the General Accounting Office project auditor for the terminated contract or, if there is no project auditor, with the nearest Zone Senior Chief Cost Auditor before transmitting the notice.

(c) Copies of the notice will be sent by regular mail as follows:

(1) In every case a copy of the notice will be sent to Mr. William A. Willingham, Box 216, Washington 4, D. C.

(2) In the War Department, where there is a General Accounting Office Project Audit covering the terminated contract a copy of the notice will be sent to the project auditor. In the Navy, 2 copies of the notice will be sent to the cognizant Cost Inspector who will deliver one copy to the General Accounting Office project auditor, if any.

(3) In the War Department, a copy of the notice will be sent directly to the Readjustment Division, ASF and the Office of the Fiscal Director, ASF. In the Navy, copies of the notice will be sent to the contracting officer and to the Cost Inspection Service.

(d) In the Navy, the disbursing officer will promptly notify each of the offices to which a copy of the notice is sent pursuant to subparagraphs (2) and (3) above of the date on which the notice was received by the Zone Senior Chief Cost Auditor as shown by the registered mail return receipt. Transmittal of the notices required by subparagraphs (2) and (3) above may be postponed until after return of the registered mail receipt. [JTR 985.1]

§ 849.986 *Forms relating to direct settlement on a company-wide basis.* [JTR 986]

§ 849.986–1 *Master agreement for company-wide settlement.* The following form of agreement will be used in accordance with § 848.854:

This Master Agreement for Company-wide Settlement, entered into pursuant to authority contained in the Contract Settlement Act of 1944, this ------ day of ----------, 1945, between the United States of America (hereinafter called "the Government"), represented by the Contracting Officer executing this contract and ---------- a corporation organized and existing under the laws of ---------- and having its principal offices at ---------- (hereinafter called "the Contractor");

Witnesseth that:

Whereas, the Contractor has entered, and may enter, into prime contracts with various contracting agencies of the Government and subcontracts with other prime contractors and subcontractors (including purchase orders, letter contracts, and letters of intent, all of which are hereinafter called "war contracts"), and

Whereas, all of such war contracts are directly or indirectly subject to termination at the option of the Government; and

Whereas, pursuant to Regulation No. 16 of the Office of Contract Settlement, the Contractor has applied to have its claims resulting from the termination of its war contracts settled directly by the Government on a company-wide basis and such application has been granted by the Office of Contract Settlement; and

Whereas, the chief of [insert service, bureau, or office] hereinafter called the "designated officer" (which term also includes any duly authorized representative of such chief) has been authorized pursuant to Subpart E of Part 348 of the Joint Termination Regulation to settle directly termination claims of the Contractor on behalf of the War Department and the Navy Department [and—insert any other contracting agencies];

Now, therefore, the parties do mutually agree as follows:

Article 1. *Applicable statute.* This Agreement shall be construed and administered in the light of, consistently with, and for the purpose of carrying out the provisions and policies of the Contract Settlement Act of 1944 (hereinafter called the "act"). All terms herein which are defined in the act shall be construed in accordance with such definitions unless the context clearly requires otherwise.

Art. 2. *Scope of company-wide settlement.* This Agreement shall govern the settlement of all termination claims of the Contractor arising under prime contracts of the War Department or the Navy Department [or other contracting agencies] or subcontracts of any tier under prime contracts of the War Department or the Navy Department [or other contracting agencies] which subcontracts have been terminated as a result of the modification or termination of a prime contract for the convenience or at the option of the Government, or under other circumstances which require the Government to bear the cost of settling them, as to which notices of termination shall be received by the Contractor after the date of this Agreement, except such claims as may be excluded from its scope pursuant to Article 3 hereof. It shall also govern the settlement of all termination claims of the Contractor under any such war contracts as to which notices of termination have been received prior to the date of this Agreement which the parties may mutually agree to have governed hereby. The Contractor agrees that it will not submit any termination claim governed by this Agreement to a contracting officer of the Government other than the designated officer, and that it will not seek payment of any such claim from another war contractor, unless that claim has been excluded from the scope of this Agreement. The Contractor agrees that it will not include in any termination claim to be settled hereunder any request for payment on account of completed articles delivered to the purchaser under a war contract prior to the termination thereof or which are to be delivered to the purchaser in accordance with the notice of termination.

Art. 3. *Exclusion of claims.* The Contractor, within fifteen days after receipt of a notice of termination of any prime contract, or of any subcontract on account of which it intends to file a termination claim, will furnish a copy or abstract of such notice of termination to the designated officer. Any termination claim of the Contractor may be excluded from the scope of this Agreement at the option of the Government, but such option may not be exercised later than 30 days (or such longer period as the parties may agree) after submission to the designated officer of notice that the contract has been terminated. The Government will exercise its option to exclude claims from the scope of this Agreement only where it determines that (a) such exclusion is required in the interest of continued war production, or (b) the contract is of such complexity or special character that expeditious and fair settlement of the claim will not be advanced by settlement under this Agreement, or (c) that some other substantial reason makes such exclusion advisable.

Art. 4. *Basis of settlement.* (a) The Contractor agrees that it will promptly and diligently prepare and file its settlement proposals on the prescribed forms, or enter into no-cost termination settlement agreements, in accordance with applicable regulations. Each war contract of the Contractor that is to be settled under the terms of this Agreement shall be treated, for the purposes of such settlement and of payment thereunder, as though it were a prime contract of the [insert service, bureau, or office, of the designated officer].

(b) The rights and obligations of the parties under fixed price war contracts to be settled under this agreement will be those set forth in the Uniform Termination Article for fixed price supply prime contracts contained in JTR 931. That Article shall be deemed to be included in each fixed price war contract held by the Contractor for the purpose of settling, under the terms of this Agreement, termination claims under that war contract. For this purpose, paragraph (d) (2) of that Article, which is to be applied in case the parties fail to reach a settlement by negotiation, shall be deemed to provide for payment of profit to the Contractor in the amount of 2% of the cost of articles and materials not processed by the Contractor, plus 8% of the remaining costs of work terminated upon which a profit may be based, but not to exceed the limitation of 6% on the total, imposed by that Article.

(c) The rights and obligations of the parties under cost-plus-a-fixed-fee contracts to be settled pursuant to this Agreement will be those set forth in the Uniform Termination Article for cost-plus-a-fixed-fee prime contracts contained in § 849.932, applying the appropriate Navy Department form to Navy contracts and the War Department form to Army contracts. That Article will be deemed to be included in each cost-plus-a-fixed-fee war contract held by the Contractor for the purpose of settling, under the terms of this Agreement, the termination claims under that war contract.

(d) The Government hereby accepts responsibility for settling and paying directly to the Contractor all termination claims governed by this Agreement, except such claims as may be excluded from its scope pursuant to Article 3 hereof. Upon the payment of any claim hereunder, the Contractor will either release the Government and the war contractor liable to the Contractor from liability on account of such claim, or, at the option of the Government, assign such claim to the Government. The Contractor hereby acknowledges written notice of the acceptance of responsibility by the Government for settling all claims hereunder, and of the conditions applicable thereto. The Contractor waives all the other and future notices that it otherwise might be entitled to receive under section 7 (d) of the act and consents to such acceptance of responsibility by the Government.

(e) The Contractor will notify the designated officer of any and all assignments by the Contractor of monies payable on account of termination claims due or to become due under its contracts.

(f) Payments on account of termination claims to be settled under this Agreement shall be made by the Government only on the basis of vouchers or invoices supported by final settlement agreements, determinations of amounts due where the parties fail to agree, or arrangements for interim financing.

Art. 5. *Settlements with and payments to subcontractors.* The Contractor agrees that it will make all reasonable efforts to bring about the prompt settlement and payment of the claims of its subcontractors (including suppliers) arising out of the termination of subcontracts (including purchase orders) under the terminated war contracts of the contractor. In furtherance of this undertaking, and without limiting the generality thereof, the Contractor agrees that it will:

(a) Promptly make such reviews of the termination claims of its subcontractors as are required or are considered desirable, undertake to negotiate the settlement of such claims, and process them in accordance with applicable regulations and directives;

(b) Accept and exercise diligently and in good faith any authority, existing under any statute, regulation or special authorization from a contracting agency, (i) to settle finally the termination claims of its subcontractors, (ii) to take action with respect to termination inventories of such subcontractors, or (iii) to make partial payments to such subcontractors;

(c) Make partial payments to such subcontractors within 30 days after receipt of proper application therefor in all cases in which the contractor is entitled, under section 9 (b) of the act, to receive payment or credit from the Government in the full amount of such payment; and in all other cases take appropriate action under applicable regulations on each such application for a partial payment within 5 days after receipt thereof;

(d) When directed by the Contracting Officer, make application for a loan or partial payment to set up a fund from which partial and final payments may be made to its subcontractors; and

(e) Pay or credit to each such subcontractor the amount determined to be due on account of each termination claim that is finally settled, within 10 days after receipt of payment on account thereof.

Art. 6. *Officials not to benefit.* No member of or delegate to Congress or resident commissioner shall be admitted to any share or part of this contract or to any benefit that may arise therefrom, but this provision shall not be construed to extend to this con-

tract if made with a corporation for its general benefit.

ART. 7. *Covenant against contingent fees.* The Contractor warrants that it has not employed any person to solicit or secure this contract upon any agreement for a commission, percentage, brokerage, or contingent fee. Breach of this warranty shall give the Government the right to annul the contract, or in its discretion, to deduct from any sum which may become payable hereunder the amount of such commission, percentage, brokerage, or contingent fee. This warranty shall not apply to commissions payable by the Contractor upon contracts or sales secured or made through bona fide established commercial or selling agencies maintained by the Contractor for the purpose of securing business.

ART. 8. *Anti-discrimination.* The Contractor, in performing the work required by this contract, shall not discriminate against any employee or applicant for employment because of race, creed, color or national origin.

ART. 9. *Termination.* This Agreement may be terminated by either party by delivery of written notice of such termination to the other, specifying the effective date of such termination which shall not be earlier than 30 days after the date of delivery of such notice; provided that, unless otherwise mutually agreeable, no such termination shall affect the administration of any termination with respect to which a settlement proposal has been submitted by the Contractor to the designated officer, all of which terminations shall be concluded in the same manner and to the same effect as if this Agreement had not been so terminated. In the event, however, that the Contractor shall file a petition in bankruptcy, or be adjudged a bankrupt, or commit an act of bankruptcy, or make a general assignment for the benefit of its creditors, or a receiver shall be appointed for all or substantially all the assets of the Contractor, then, in any such case, the Government may, at its option, forthwith terminate this Agreement and any or all settlement negotiations or proceedings then pending hereunder.

In Witness Whereof ----------, etc.

[JTR 986.1]

§ 849.986–2 *Form of notice to contracting officer under applicable prime contract.* The following form will be used in accordance with § 848.855–4:

To: Contracting Officer
Bureau or Procurement District
Subject: Direct settlement of contract termination charges of----------.

1. Pursuant to Subpart E of Part 848 of the Joint Termination Regulation, the undersigned contracting officer is engaged in the direct settlement on a company-wide basis of the termination claims of ---------- (hereinafter called the "assigned contractor"), arising under its terminated prime contracts with the War Department or the Navy Department, and under its terminated subcontracts under any terminated or modified prime contracts with the War Department or the Navy Department. Among these claims may be a charge against ---------- based on a termination (dated ----------) of Contract (Purchase Order) No. --------, of which the assigned contractor received notice on ---------- which termination is claimed to have resulted from the termination or modification of Contract No. -------- issued by your office to ----------.

2. Any claim of the assigned contractor resulting from the above mentioned termination will be settled directly by the undersigned unless it is determined by the undersigned that it should be excluded from company-wide settlement (a) in the interest of continued war production, or (b) by reason of the complexity or special character of the contract, or (c) for some other substantial reason. In the event you consider that this claim should be excluded from company-wide settlement, you should notify the undersigned within 15 days from the receipt of this letter, stating your reasons therefor.

3. In the event you consider that this claim should not be excluded, you are requested to furnish the following information within 15 days from receipt of this letter.

a. A copy of the notice of termination or modification of the prime contract. (Omit where the termination claim is for the termination of a prime contract.)

b. Whether or not, to your knowledge, there is any assignment of the amounts due under the terminated contract (purchase order) of the assigned contractor, and, if so, the name and address of the assignee.

c. Any information you have as to any rights of set-off which the Government may have against the assigned contractor, including rights arising out of advance payments, progress or partial payments or guaranteed loans.

d. Such other relevant information as may assist the undersigned in negotiating a settlement of the claim.

4. The undersigned will deliver at your request any items of termination inventory which the assigned contractor may have: *Provided*, That you furnish adequate shipping instructions: *And provided*, That such items have not previously been disposed of.

5. The accounting and property disposal representatives of the undersigned will immediately begin work in connection with the above mentioned termination claim.

Contracting Officer

[JTR 986.2]

§ 849.986–3 *Form of notice to customer.* The following form will be used in accordance with § 848.855–6:

(Appropriate changes should be made in this form if it is sent by the contractor with the indorsement of the designated officer.)

ABC CORPORATION

GENTLEMEN: Pursuant to section 7 (c) of the Contract Settlement Act of 1944 and Subpart E of Part 848 of the Joint Termination Regulation, the United States of America, acting through the undersigned contracting officer is undertaking to settle directly the termination claim of ---------- resulting from the termination by you of that contractor's subcontract (purchase order) under Government Contract No. --------. That contractor has consented to have its claim settled directly by the Government and the Government recognizes its liability for the settlement of that claim: *Provided*, That the terminated subcontract (purchase order) is allocable to the terminated or modified portion of a Government prime contract or that other circumstances require the Government to bear the cost of settling that claim. Unless you are notified to the contrary by the undersigned, you are relieved of your obligation to negotiate a settlement of that contractor's termination claim and you should make no payment to that contractor on account of that contractor's termination claim or make any provision for payment thereof in any application for compensation for the termination of your contract (subcontract or purchase order).

The termination claim of the above named contractor will not include any charge for completed items delivered to you, or shipped to you but not received, prior to the termination of the above subcontract (purchase order), or thereafter in accordance with the notice of termination. You remain liable to pay for any such completed items. It will also remain your responsibility to furnish the Government and the above named contractor with any information and assistance necessary for the verification of the termination charges of that contractor and in determining their allocability to the prime contract.

Very truly yours,

Contracting Officer

[JTR 986.3]

§ 849.986–4 *Certificate of allocability.* The following form will be used in accordance with § 848.855–8:

Certificate of Allocability

The undersigned hereby certifies:

(a) That it received the following war contract from ----------(1)---------- which has been terminated or modified as follows:

Buyer's contract No.	Date of order	Date of termination or modification	Quantity involved	Number of [2] applicable prime contracts	Government office in charge of applicable prime contract

(b) That for the purpose of performing the foregoing war contract, the undersigned placed a subcontract with ----------(3)---------- which it has terminated by reason of the above described termination or modification as follows:

Contract Number of undersigned	Date of order	Date of termination	Quantity terminated

(c) That the stated quantity terminated under the subcontract placed with ----------(3)---------- by the undersigned is properly allocable to the terminated portion of the war contract described in (a) above.

Dated at ---------- this -------- day of ----------, 1945.

----------(4)----------
By----------

Title

[1] Name of buyer from contractor executing certificate.
[2] Omit where contract listed is a prime contract.
[3] Name of seller to contractor executing certificate.
[4] Name of contractor executing certificate.

[JTR 986.4]

§ 849.987 *Forms for settlements of subcontracts by war contractors.* [JTR 987]

§ 849.987–1 *Form of authorization to war contractor to settle subcontractors' claims and make partial payments.* The following form will be used in accordance with § 846.642.

Name of contractor ----------
Address ----------

1. Pursuant to § 846.642 of the Joint Termination Regulation of the War and Navy Departments, you are authorized, subject to the limitations stated in paragraph 2 hereof below, to settle without further approval by the Government all fixed-price subcontracts and purchase orders terminated by you as a result of the termination or modification of a prime contract with the [insert service or bureau], or under any other circumstances which require the [insert service or bureau] to bear the cost of settling the terminated subcontract or purchase order.

2. This authorization is subject to the following limitations:

a. It shall apply only to settlements of not more than $10,000 after deducting (from the gross claim) amounts payable for completed articles or work at the contract price and settlements with lower tier subcontractors previously authorized under §§ 846.642 or 846.643 of the Joint Termination Regulation or approved by the contracting officer, but without deducting other subcontract claims or disposal credits.

b. It shall apply only to settlements in which all the property allocable to the terminated portion of the subcontract or purchase order, the cost of which is included in the statement of charges of the subcontractor or supplier, is retained by the subcontractor or supplier at values deemed reasonable by you, or is sold by you or the subcontractor or supplier at the best obtainable prices in your judgment and the value or proceeds credited on the settlement, or is transferred to the Government with the consent of the Contracting Officer or his representative.

c. It does not include (i) the authority to retain or sell, or to approve retentions or sales of, completed articles not delivered under the contract or material treated as termination inventory in accordance with § 844.400–2 of the Joint Termination Regulation, unless the cost of such articles and such material to be retained or sold and the amount of the subcontractor's termination claim, computed according to § 841.122 of such Regulation, total less than $10,000; or (ii) the authority to abandon or discard, or to approve abandonment or discarding of, worthless property without the approval of the contracting officer (in the case of the Navy, the local NMR&DA officer) or disposal board, required by § 844.453–3 of the Joint Termination Regulation.

d. Each settlement made under the authorization granted herein will bear the following certification:

"The undersigned individually and as authorized representative of the contractor, certifies that he has examined, or caused to be examined, to an extent he considers adequate in the circumstances, the claim of the within named subcontractor (exclusive of claims filed against such subcontractor by its subcontractors); and that the within settlement on account of such subcontractors own charges is allocable to *prime contract with the Government No.* -------- [Order No. ------, From ----------, related to prime contract with the Government No. --------, should be used in place of italicized words when the certificate is executed by a subcontractor], is fair and reasonable, was negotiated in good faith, and is not more favorable to said subcontractor than one which the undersigned would make if reimbursement by the Government were not invived; and that it has no knowledge to doubt the reasonableness of the settlements with more remote subcontractors or to doubt that the charges for them are allocable to said Contract. On the basis of the foregoing, the within settlement is approved pursuant to authorization dated ----------, 194-- from ---------- [Insert service or bureau] signed by ---------- All the property allocable to the terminated portion of the subcontract or purchase order, the cost of which was included in the statement of charges, has been retained or disposed of, and credited, at what the undersigned considers to be fair and reasonable values or at the best price obtainable, or has been transferred to the Government with the consent of the Contracting Officer or his representative.

(Name of Contractor)
By ----------
(Authorized Representative)

(Title)

(Date)

e. The Contracting Officer or next higher tier war contractor may incorporate specific instructions in each Notice of Termination as to the disposition of specific items of termination inventory, or the Contracting Officer or next higher tier war contractor may, at any time prior to final settlement, issue such specific instructions. No such instructions, however, will affect any disposal action taken by you or your subcontractors prior to receipt thereof.

3. In making settlements hereunder, you should make every effort to arrange for the sale or retention of termination inventory in order to avoid the necessity of transferring it to the Government. The Contracting Officer will consent to such transfer to the Government only if no other disposition is reasonably feasible.

4. A settlement with a subcontractor made or approved by you in accordance with this authorization, including sales or retentions of property involved therein, will be recognized by the Government as final and conclusive for the purpose of settling the terminated prime contract or adjusting the continuing prime contract (whether modified or not), to which the subcontract is allocable.

5 Any number of separate settlements of not more than $10,000 may be made with a single subcontractor under different subcontracts. Claims which would normally be included in a single settlement proposal, such as a series of separate orders for the same item under one contract, should, wherever possible, be consolidated and must not be divided for the purpose of bringing them within this authorization.

6. Pursuant to the Joint Termination Regulation § 843.368, you are authorized to make partial payments on account of termination claims under all fixed-price subcontracts and purchase orders terminated by you as a result of the termination or modification of a prime contract with the [insert service or bureau] or under any other circumstances which require the [insert service of bureau] to bear the cost of settling the terminated subcontract or purchase order. This authorization is subject to the following conditions:

a. Such partial payments shall be made only on the basis of applications filed by subcontractors on the form prescribed by, and executed in accordance with, Regulation No. 2 of the Office of Contract Settlement (see § 849.953 of the Joint Termination Regulation).

b. The amounts of any partial payments made by you shall not exceed $10,000 (including all previous unliquidated partial payments and advances) to any applicant therefor under any one termination claim, and shall not exceed any limitation contained in the Joint Termination Regulation on the amount of partial payments that may be made.

c. Each partial payment made under the authorization granted herein will bear the following certification:

The undersigned states that it has examined this application and has considered the applicant's general reputation. He has no reason to doubt the accuracy of the information contained in this application or that the amount certified by the applicant as due will constitute a proper charge to be included in the undersigned's claim against ---------- Partial payment of $---------- is made hereunder pursuant to authorization dated ---------- from ---------- --------[insert service or bureau] signed by ----------

----
(Name of Contractor)
By ----------
(Authorized Representative)

(Title)

(Date)

d. You shall, upon request, present to the contracting officer the original application, and a receipt, for any partial payment made by you under the authorization granted herein. If you are unable to obtain such receipt for a partial payment, you shall use your best efforts to supply such information with respect to such partial payment as may be necessary to protect the Government's interest therein.

e. Any partial payment made by you in accordance with this authorization shall have the same effect as a partial payment made with the specific approval of the contracting officer under the applicable prime contract. Such payments shall be subject to Section 9 (b) of the Contract Settlement Act of 1944, under which Section you are expressly relieved of liability for any excess payment and are entitled to receive payment or credit from the Government in the full amount of the payment that you have made.

7. The authorization to make settlements and partial payments provided for herein is not to be exercised in the case of a subcontractor or supplier who is affiliated with you. For this purpose you should consider a contractor to be affiliated with you if you are under common control, or there is any common interest between you, by reason of stock ownership or otherwise, which is sufficient to create a reasonable doubt that the bargaining between you is completely at arm's length.

8. The Government will, from time to time, review your methods used in negotiating settlements with your subcontractors. Where such a review indicates that you are not adequately protecting the Government's interests, this delegation will be revoked.

(Contracting Officer or other official of service or bureau authorized to grant authorization)

[JTR 987.1]

§ 849.987–2 *No-cost settlement agreement for use in settling fixed-price subcontracts after complete termination where subcontractor presents no claim.*

(At the top insert all special details relating to the particular subcontract termination: e. g., the number of the terminated prime contract, the number of the subcontract, technical service or bureau involved, etc.)

This supplemental settlement agreement, entered into pursuant to the Contract Settlement Act of 1944, this ------ day of ----------

194__, by _____ (hereinafter called "the Contractor") and _____ (hereinafter called "the Subcontractor"),

Witnesseth that:

Whereas, the Contractor and the Subcontractor have entered into Contract No. _____ under date of _____ 194__ which, together with any and all amendments, changes, and supplements thereto, is hereinafter referred to as "the Contract"; and

Whereas, the Contractor, by Notice of Termination dated _____ 194__, advised the Subcontractor of the complete termination of the Contract; and

Whereas, the Subcontractor is willing to waive unconditionally any claim against the Contractor by reason of such termination; and

Whereas, such unconditional waiver by the Subcontractor will expedite settlement of the Contract and will otherwise promote the objectives of the Contract Settlement Act of 1944.

Now, therefore, the parties hereto agree as follows:

ARTICLE 1. The Subcontractor hereby unconditionally waives any claim against the Contractor by reason of the termination of the Contract.

ART. 2. The parties agree to, and do hereby, release each other from any and all obligations arising under the Contract or by reason of its termination or under the Act, and all rights and liabilities of the parties so arising shall cease forthwith and be forever released except as follows:

[The parties may add appropriate exceptions depending upon the particular provisions of their contract.]

In witness whereof, etc.

[JTR 987.2]

§ 849.987–3 *No-cost settlement agreement for use in settling fixed-price subcontracts after partial termination where subcontractor presents no claim.*

(At the top insert all special details relating to the particular subcontract termination: e. g. the number of the terminated prime contract, the number of the subcontract, technical service or bureau involved, etc.)

This supplemental settlement agreement, entered into pursuant to the Contract Settlement Act of 1944, this _____ day of _____ 194__, by _____ (hereinafter called "the Contractor") and _____ (hereinafter called "the Subcontractor"),

Witnesseth that:

Whereas, the Contractor and the Subcontractor have entered into Contract No. _____ under date of _____ 194__, which, together with any and all amendments, changes, and supplements thereto, is hereinafter referred to as "the Contract"; and

Whereas, by Notice of Termination dated _____ 194__, the Contractor advised the Subcontractor of the partial termination of the Contract, as of the date and to the extent provided in such notice, to which reference is hereby made as to the part of the Contract terminated, and said part is hereinafter referred to as the "terminated portion of the Contract"; and

Whereas, the Subcontractor is willing to waive unconditionally any claim against the Contractor by reason of such termination; and

Whereas, such unconditional waiver by the Subcontractor will expedite settlement of the Contract and will otherwise promote the objectives of the Contract Settlement Act of 1944,

Now, therefore, the parties hereto agree as follows:

ARTICLE 1. The Subcontractor hereby unconditionally waives any claim against the Contractor arising under the terminated portion of the Contract or by reason of its termination including, without limitation, all obligations of the Contractor to make further payments or to carry out other undertakings in connection with said terminated portion, and the Contractor hereby unconditionally releases the Subcontractor from any obligation to perform further work or services or to make further deliveries of articles or materials under the terminated portion of the Contract: *Provided, however*, That nothing herein contained shall impair or affect in any way any other covenants, terms, or conditions of the Contract.

In witness whereof, etc.

[JTR 987.3]

§ 849.988 *Forms relating to direct settlement with subcontractors.* [JTR 988]

§ 849.988–1 *Form of article to be inserted in final settlement agreement where a prime contractor is unable to settle with a subcontractor.* The following form will be used in accordance with § 846.613.

ARTICLE __. *Assumption of Contractor's Obligations to Subcontractor.* (1) The Contractor hereby transfers and assigns to the Government all of its right, title and interest in and to its subcontract no. _____ (hereinafter in this Article called "the Subcontract") with _____ (hereafter in this Article called "the Subcontractor"), insofar as such subcontract is allocable to the terminated portion of the prime contract.

(2) The Government hereby accepts the transfer and assignment of all of the Contractor's right, title and interest in and to the Subcontract and assumes and undertakes to settle with and pay to the Subcontractor such amounts as may be found to be due him by reason of the termination of the Subcontract, insofar as such amounts are allocable to the terminated portion of the prime contract and are not in excess of the amounts specified in paragraph (6).

(3) The Contractor hereby releases the Government from any obligation which the Government now has or may have to reimburse the Contractor for any sums which the Contractor might be required to pay to the Subcontractor by reason of the termination of the Subcontract.

(4) The Government hereby releases the Contractor from all obligation to negotiate and settle with and pay to the Subcontractor the amounts which are or will be due to the Subcontractor by reason of the termination of the Subcontract, insofar as such amounts are allocable to the terminated portion of the prime contract. The Government further agrees to hold the Contractor harmless in the event that any litigation arises in connection with such obligation, subject to the provisions of paragraphs (5) and (6) hereof.

(5) In the event that the Subcontractor institutes litigation against the Contractor in connection with any obligation referred to herein, the Contractor agrees promptly to notify the Government of such action and to defend such litigation or, if the Government so requests, to permit the Government to assume the defense of such litigation. The failure of the Contractor to comply with the provisions of this paragraph shall relieve the Government from all liability under this Agreement, or otherwise, to pay any claim arising in connection with any of such obligations.

(6) In no event shall the total amount to be paid to the Subcontractor by the Government under this Article exceed $_____ (Here insert an amount sufficiently low so that the total payments under the terminated prime contract will not exceed any maximum limit set for payments under the applicable termination article.)

[JTR 988.1]

§ 849.988–2 *Notice to subcontractor under section 7 (d) of act when Government undertakes to negotiate or determine amount due on termination claim.* The following form will be used in accordance with § 846.663–2 (a) when the contracting officer undertakes to negotiate or determine the amount due on account of the termination claim of a subcontractor, and to make payment of such amount to the subcontractor.

XYZ CORPORATION.

GENTLEMEN: Pursuant to section 7 (d) of the Contract Settlement Act of 1944, the United States of America, acting through the undersigned contracting officer, proposes to settle directly the termination claim which you have filed with _____ arising out of the termination of the subcontract (purchase order) for war production No._____, which subcontract (purchase order) is apparently allocable to Government Contract No. _____.

The Government will accept responsibility for settling this claim to the extent that it is allocable to the aforementioned Government contract on condition that you agree:

a. That the claim will be settled on the basis of the principles set forth in the Uniform Termination Article for use in Fixed-Price Supply Contracts (Joint Termination Regulation, § 849.931), in the same manner as if your claim arose under a prime contract with the Government containing that article; [1]

b. That upon the final settlement of your claim, by agreement or otherwise, you will, at the option of the Government, either (i) assign to the Government the claim against your purchaser resulting from the termination of your subcontract, or (ii) release your purchaser and the Government from all liability on account of the termination of your subcontract; and that you will execute such document or documents as a contracting officer of the Government may request to effect such assignment or release.

This assumption of liability relates only to your claim for compensation for the termination of your subcontract, and does not include any claim which you may have for completed articles delivered to your purchaser prior to the termination of your subcontract or thereafter in accordance with the notice of termination, or any other claim which you may have against your purchaser under the subcontract.

If you sign and return the consent set forth below, the Government shall become liable for the settlement of your claim on the foregoing conditions.

Very truly yours,

_____
Contracting Officer

Captain JOHN DOE,
Contracting Officer.

The undersigned subcontractor under Government Contract No. _____ consents to the direct settlement by the Government of its claim against _____ resulting from the termination of Contract (Purchase Order) No. _____ upon the conditions set forth in the foregoing letter.

_____
(Subcontractor)

[JTR 988.2]

§ 849.988–3 *Notice to subcontractor under section 7 (d) of act where Government adopts settlement previously made with subcontractor.* The following form will be used in accordance with § 846.663–2 (a) when the contracting officer adopts a settlement previously made by the higher tier war contractor with the subcontractor and assumes to make payment of the amount due thereon.

XYZ CORPORATION

GENTLEMEN: Pursuant to section 7 (d) of the Contract Settlement Act of 1944, the United States of America, acting through the undersigned contracting officer, proposes to adopt and assume the settlement of the termination claim which you have filed with _____ arising out of the termination of the subcontract (purchase order) for war production No. _____ under Government contract No. _____.

The Government will accept responsibility for direct payment to you of the sum of $_____ in full and complete settlement of your claim for compensation for the termination of this subcontract, including all interest to which you are entitled under the Contract Settlement Act, on condition that you sign and return the consent and {assignment / release} set forth below.

The said sum of $_____ represents solely your claim for compensation for the termination of your subcontract and does not include any claim for completed articles delivered to your purchaser prior to the termination of your subcontract or thereafter in accordance with the notice of termination, or any other claim which you may have against your purchaser under the subcontract.

Very truly yours,

_____
Contracting Officer

Captain JOHN DOE,
Contracting Officer.

The undersigned subcontractor under Government Contract No. _____ consents to the direct settlement and payment by the Government of the sum of $_____ in full and complete settlement of its claim against _____ for compensation for the termination of Contract No. _____.

(In consideration of the payment of said sum of $_____, the undersigned subcontractor hereby releases the Government and _____ from all liability on account of the termination of its subcontract.)

(In consideration of the payment of said sum of $_____ the undersigned subcontractor does hereby assign, transfer and set over to the United States of America all its rights and claims against _____ under said subcontract and under the Contract Settlement Act of 1944 resulting from the termination of said subcontract.)

_____
(Subcontractor)

[JTR 988.3]

§ 849.988–4 *Notice to immediate purchaser of proposed direct settlement of termination claim of subcontractor.* The following form will be used in accordance with § 846.663–2 (b) when the contracting officer undertakes to negotiate or determine the amount due on account of the termination claim of a subcontractor and to make payment of such amount to the subcontractor.

ABC CORPORATION.

GENTLEMEN: Pursuant to Section 7 (d) of the Contract Settlement Act of 1944, the United States of America, acting through the undersigned contracting officer, is undertaking to settle directly the termination claim of _____ resulting from the termination by you of that company's subcontract (purchase order) under Government Contract No. _____. The named company has consented to have its claim settled directly by the Government and the Government recognizes its liability for the settlement of that claim to the extent that the terminated subcontract (purchase order) is allocable to the terminated portion of a Government prime contract. You are relieved of your obligation to negotiate a settlement of that company's termination claim and you should make no payment to the company on account of that claim and should include no provision for payment on account of that company's termination claim in any application for compensation for the termination of your contract.

You remain liable to pay for any completed items delivered under the above subcontract (purchase order) prior to the effective date of the termination thereof and for any completed items to be delivered to you under the Notice of Termination. It will also remain your responsibility to furnish the Government with the information and assistance necessary in the verification of the charges of the named company and in relating them to the terminated portion of the prime contract.

Very truly yours,

_____
(Contracting Officer)

[JTR 988.4]

§ 849.988–5 *Form of notice to immediate purchaser of assumption by Government of subcontract settlement.* The following form will be used in accordance with § 846.663–2 (b) when the contracting officer adopts a settlement previously made by the higher tier war contractor with the subcontractor and assumes to make payment of the amount due thereon.

ABC CORPORATION.

GENTLEMEN: Pursuant to section 7 (d) of the Contract Settlement Act of 1944, the United States of America, acting through the undersigned contracting officer, has adopted and assumed the settlement, in the amount of $_____, of the termination claim of _____ resulting from the termination by you of that company's subcontract under Government No. _____. The named company has consented to have its claim for compensation for the termination of its subcontract paid directly by the Government and the Government recognizes its liability for the payment of that claim. You should make no payment to the company on account of that claim and should include no provision for payment on account of the termination of that company's subcontract in any application for compensation for the termination of your contract.

You remain liable to pay for any completed items delivered under the above subcontract prior to the effective date of the termination thereof and for any completed items to be delivered to you under the notice of termination.

Very truly yours,

_____
Contracting Officer

[JTR 988.5]

§ 849.988–6 *Settlement agreement for use when the Government settles directly the termination claim of a fixed-price subcontractor.* The following form will be used in accordance with § 846.663–6 (a).

This agreement, entered into pursuant to the Contract Settlement Act of 1944, hereinafter called "the act", this _____ day of _____ 194__, by the United States of America, hereinafter called "the Government", represented by the Contracting Officer executing this Contract, and _____, hereinafter called "the Contractor",

Witnesseth that:

Whereas, the Contractor has previously entered into a contract for war production with _____ which contract (hereinafter called "the Contract") is a subcontract under contract No. _____ between the Government and _____ (hereinafter called "the Prime Contract"); and

Whereas, the Contract has been terminated as a result of the termination in whole or in part of the Prime Contract for the convenience or at the option of the Government; and

Whereas, the act requires that fair compensation be provided to war contractors by reason of such termination of their war contracts, and provides for the settlement by agreement of the amount payable as such fair compensation; and

Whereas, the Government, pursuant to section 7 (d) of the act, has undertaken to settle directly the claim of the Contractor for such fair compensation and has so notified the Contractor in writing and the Contractor has consented to such direct settlement of its claim; and

Whereas, the term "Contract termination inventory", as used herein, shall mean all materials (including a proper part of any common materials), determined by the parties hereto, in connection with this settlement, to be properly allocable to the terminated portion of the Contract, except any machinery or equipment subject to a separate contract or contract provision specifically governing the use or disposition thereof; and

Whereas, the term "subcontract termination inventory", as used herein, shall mean all materials (including a proper part of any common materials), determined by the parties to any subcontract under the Contract, in connection with the settlement thereof, to be properly allocable to the terminated portion of any such subcontract, except any machinery or equipment subject to a separate contract or contract provision, specifically governing the use or disposition thereof;

Now therefore, the parties hereto do mutually agree as follows:

ARTICLE 1. (Insert the appropriate form of Article 1 of the Supplemental Settlement Agreement for use in settling fixed-price prime contracts after complete termination (§ 849.981–1).)

ART. 2. (Insert Article 2 of said agreement (§ 849.981–1).)

ART. 3. (Insert Article 3 of said agreement (§ 849.981–1).)

ART. 4. Upon the execution of this agreement (and of the storage agreement(s) referred to in Article 1),[2] the Government agrees to pay to the Contractor, upon presentation of properly certified invoices or vouchers, the sum of $_____ (a) _____, representing the sum of $_____ (x) _____ less (1) the amount of $_____ (y) _____ representing partial payments previously made on account of the termination claim under the Contract and (2) the amount of $_____ (z) _____ representing all applicable property disposal credits. All interest to which the Contractor is entitled under the act to the date of payment is included in said sum of $_____ (a) _____, or, to the extent not so included, is expressly

[1] The contracting officer may omit condition a, or substitute therefor any other authorized basis of settlement that he considers reasonable under the circumstances. He may also add other conditions that he considers appropriate.

[2] This phrase is to be inserted only when the second form of Article 1 is used.

waived by this agreement.[2] Said sum, together with all other sums heretofore paid, constitutes payment in full and complete settlement of the amount due the Contractor by reason of the complete termination of work under the Contract and under the act, in so far as it pertains to the terminated portion of the Contract, [except as hereinafter provided in Article 5 of this Agreement].[3]

(Insert whichever form of Article 5 is applicable. The Contracting Officer should decide in each case whether the Government has any interest, or possible interest, that would be protected by its taking an assignment of the Contract. If so, the first form should be used).

ART. 5. In consideration of the payment of said sum of $_____ (a) _____ as aforesaid, the Contractor does hereby assign, transfer, and set over to the United States of America all of its right, title and interest in and to its claim for fair compensation for the termination of the Contract and all its rights and claims against _____ for fair compensation for such termination, to the extent that the terminated portion of the Contract is allocable to the terminated portion of the Prime Contract, (or)

ART. 5. In consideration of the payment of said sum of $_____ (a) _____ as aforesaid, the Contractor hereby releases the Government from all liability with respect to its claim for fair compensation for the termination of the Contract under the Act and under the terminated portion of the Contract. In consideration of the payment of said sum, the Contractor also releases _____ from all liability and obligation to pay such claim for fair compensation for such termination in connection with the settlement of the Prime Contract to which the terminated portion of the Contract is allocable. Such releases, however, shall not apply to the following:

(Here insert any of the excepted items set forth in Article 4 (c) of the fixed price prime contract settlement agreement (§ 849.981–1), or appropriate modifications thereof, or other exceptions, which are applicable).

ART. 6. *Officials not to benefit.* (Insert the clause set forth in War Department Procurement Regulations § 803.322; Navy Procurement Directives par. 17.601.)

ART. 7. *Covenant against contingent fees.* (Insert the clause set forth in War Department Procurement Regulations § 803.323; Navy Procurement Directives par. 10.531.)

ART. 8. *Anti-discrimination.* (When the third form of Article 1 is used, insert the clause set forth in War Department Procurement Regulations § 803.325; Navy Procurement Directives par. 17.731.)

ART. 9. *Disputes.* (When the third form of Article 1 is used, insert the clause set forth in War Department Procurement Regulations § 803.326; Navy Procurement Directives par. 11.604.)

In witness whereof, etc.

[JTR 988.6]

[2] Where interest is not waived and the parties have not included in the Agreement a lump sum for interest to to the date of payment, the following should be substituted for this sentence: "Said sum of $_____ (a) _____ includes all interest to which the Contractor is entitled under the Act to the date of execution of this Agreement; for each day thereafter until final payment hereunder, the Contractor shall be entitled to interest at the rate of $_____ (u) _____ per day." Also, in the next sentence change the words "sum" to "sums" and "constitutes" to "constitute"

[3] The phrase in brackets is to be included only when the second form of Article 5 is used and rights under the act are excepted from the release.

§ 849.989 *Settlements of contracts with War Supplies Limited.* [JTR 989]

§ 849.989–1 *Form of certificate by War Supplies Limited.*

To: _____
(War Department establishment)
(appropriate Bureau of Navy Department)
_____
(Address)
Contract No. _____
Other identifying numbers or symbols _____

Pursuant to the letter understanding dated 8 January 1945 between the Under Secretary of War, the Secretary of the Navy and War Supplies Limited, War Supplies Limited (hereinafter called "the Corporation") certifies as follows:

1. With respect to the contract above identified, including all supplements or amendments thereto (hereinafter referred to collectively as "the Contract"), notice was given of Termination at the Option of the Government (War Department) (Navy Department) by and to the extent indicated in a notice dated _____, copy of which is annexed hereto, marked Schedule "1".

2. The Corporation, acting through the Department of Munitions and Supply, has, to the extent thus required by the (War Department) (Navy Department), terminated the contracts of suppliers and subcontractors involved in the performance of the Contract.

3. The Corporation, acting through the Department of Munitions and Supply, has settled the termination claims of such suppliers and subcontractors in accordance with the principles and procedures applied generally by the Canadian Government in the termination of its own contracts for its convenience, except that the (War Department) (Navy Department) has undertaken to settle the claims of those subcontractors situated in the United States listed in Schedule "2" hereto annexed, and has undertaken to settle and pay the claims of those subcontractors situated in the United States listed in Schedule "3" hereto annexed.

4. The Corporation has determined that the net amount which is or will be fairly and reasonably owing by the (War Department) (Navy Department) to the Corporation on account of the termination of the Contract is as follows:

(a) For completed supplies heretofore delivered under the contract prior to or in accordance with the notice of termination, at the contract prices therefor, less amounts for such supplies heretofore invoiced for payment:

(For all costs and expenses and amounts with respect to the fixed fee reimbursable or payable for the performance of the contract in accordance with its terms prior to the effective date of the notice of termination, less amounts heretofore invoiced for payment:)

Total for (a) _____

(b) For termination settlements made with suppliers and subcontractors properly allocable to the Contract, less appropriate deductions or offsets (and without duplication of item (a) above, or item (c) below:

[NOTE: Identify each settlement. Show the "net final payment" [Form M. & S. 1823] found to be due the supplier or subcontractor. Show the amount thereof which is allocable to the Contract, deducting the following items [which should be separately listed] to arrive at the amount due by the United States:

(i) The amount of deductions or offsets for the value of materials, work in process, tools, equipment, etc., taken over from the supplier or subcontractor by the Canadian Government, its agencies or wholly-owned corporations, in the course or as part of the settlement. Show how such value was established.

(ii) The amount of any charges, costs or expenses which under any agreement between the (War Department) (Navy Department) and the Corporation or the Canadian Government are not to be included as factors the cost.]

Total for (b) _____

(c) For termination settlements made with suppliers and subcontractors by the (War Department) (Navy Department) properly allocable to the contract, payments in respect of which have been or are to be made by the Corporation.

Total for (c) _____

(d) Net amount of (War Department's) (Navy Department's) liability:

Total for (a) plus total for (b) plus total for (c) _____

[NOTE: In the case of its cost-plus-fixed-fee contracts with the Agencies, the Corporation may omit the statement under (a) and may either reserve for later negotiation, or set forth separately under (b), any fee claimed to be payable to the Corporation with respect to all or any part of the amount shown under (b).]

5. The net amount shown in item 4 (d) above constitutes a fair and reasonable settlement of the obligations of the (War Department) (Navy Department) on account of the termination of the Contract (except insofar as the (War Department) (Navy Department) has undertaken to settle or settle and pay those subcontractors situated in the United States listed in Schedule 2 and or 3 hereof) and was arrived at in accordance with the principles and procedures described in the letter understanding dated 8 January 1945. The amounts shown in item 4 (b) above as having been paid or as being payable to suppliers or subcontractors have been certified by the Department of Munitions and Supply as being a fair and reasonable settlement of the claims of such suppliers or subcontractors which are allocable to the Contract.

Dated _____ 19____.

WAR SUPPLIES LIMITED.
By _____
_____
(Title)

[JTR 989.1]

§ 849.989–2 *Form of settlement agreement with War Supplies Limited.*

Appropriation _____
Supplemental Agreement No. _____
To Contract No. _____

This supplemental agreement entered into this _____ day of _____ 19____, by the United States of America, hereinafter called "the Government", represented by _____, executing this contract, and War Supplies Limited, hereinafter called "the Corporation".

Witnesseth that:

Whereas, the Corporation and the Government entered into Contract No. _____ under date of _____ 19____, as amended and supplemented by _____ (hereafter referred to collectively as "the Contract"); and

Whereas, notice was given, with respect to the Contract, of Termination at the Option of the Government (War Department) (Navy Department) by and to the extent indicated in a Notice dated _____, 19____, copy of which is annexed as Schedule 1 to the Certificate hereafter referred to; and

Whereas, pursuant to the letter understanding dated 8 January 1945 between the Under Secretary of War, the Secretary of the Navy, and the Corporation, the Corporation has furnished a Certificate dated _____, 19____, a copy of which is annexed hereto; and

Whereas, the Corporation does hereby convey all of its right, title and interest in and to the property listed in Schedule 1 hereto attached, which property is surplus property located in the plants of those United States subcontractors set forth in said Schedule 1, and has been handed over to the (War Department) (Navy Department) in accordance with the provisions of paragraph No. 1 of said letter understanding above referred to.

Now, therefore, it is agreed, pursuant to said letter understanding and Certificate, that upon payment by the Government to the Corporation of the net amount shown in item 4 (d) of the Certificate (and of any amounts heretofore invoiced for payment under the Contract), the Government will be released from all further liability and obligation under the Contract and the Corporation agrees to accept the net amount shown in item 4 (d) of the Certificate in full and complete settlement of all its rights, and all obligations and liabilities of the United States Government (War Department) (Navy Department) by reason of the termination pursuant to said Notice, excluding (a) claims of the Corporation for payment in accordance with the contract for unterminated work (except payments included in the amount shown in the certificate), (b) termination claims which may arise as a result of any subsequent further termination of the contract, and (c) such other excluded items, if any, as are expressly stated in the Certificate.

In witness whereof, the parties hereto have executed this contract as of the day and year first above written.

[JTR 989.2]

[F. R. Doc. 45–15503; Filed, Aug. 24, 1945; 12:31 p. m.]

FEDERAL REGISTER

VOLUME 10 NUMBER 169

Washington, Tuesday, August 28, 1945

The President

PROCLAMATION 2661

FIRE PREVENTION WEEK, 1945

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS uncontrolled fire, even in normal times, takes a heavy toll of our human and physical resources; and

WHEREAS the needless waste of lives and property occasioned each year by preventable fires has attained increasingly grave proportions; and

WHEREAS a high degree of individual responsibility and united effort are necessary to overcome this national menace:

NOW, THEREFORE, I, HARRY S. TRUMAN, President of the United States of America, do hereby designate the week beginning October 7, 1945, as Fire Prevention Week.

I earnestly desire that every citizen assume a personal responsibility for detecting and eliminating fire hazards under his control and take all possible precautions to safeguard both lives and property from the ravages of fire. I also request that the State and local governments, the Chamber of Commerce of the United States, the National Fire Waste Council, business and labor organizations, the churches and schools, civic groups, and the various agencies of the press, radio, and motion-picture industry throughout the country bend every effort to the attainment of the objectives of Fire Prevention Week; and I direct that the appropriate agencies of the Federal Government likewise assist in every practicable way the enlightenment of the public with respect to the purposes of a sound fire-prevention program.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the United States of America to be affixed.

DONE at the city of Washington this 22nd day of August in the year of our Lord nineteen hundred and forty-five, and of the Independence of the United States of America the one hundred and seventieth.

[SEAL]

HARRY S. TRUMAN

By the President:

JAMES F. BYRNES,
Secretary of State.

[F. R. Doc. 45-15841; Filed, Aug. 24, 1945; 3:25 p. m.]

EXECUTIVE ORDER 9602

POSSESSION, CONTROL, AND OPERATION OF THE TRANSPORTATION SYSTEM, PLANTS, AND FACILITIES OF THE ILLINOIS CENTRAL RAILROAD COMPANY

WHEREAS after investigation I find and proclaim that as a result of a labor dispute there are interruptions, or threatened interruptions, of the operations of the transportation system, plants, and facilitie of the Illinois Central Railroad Company; that the war effort will be unduly impeded and delayed by such interruptions; that it has become necessary to take possession and assume control of the said transportation system, plants, and facilities for purposes that are needful or desirable in connection with the war effort; and that the exercise, as hereinafter specified, of the powers vested in me is necessary to insure in the interest of the war effort the operation of the said transportation system, plants, and facilities:

NOW, THEREFORE, by virtue of the power and authority vested in me by the Constitution and laws of the United States, including section 9 of the Selective Training and Service Act of 1940 as amended by section 3 of the War Labor Disputes Act, the act of August 29, 1916, 39 Stat. 645, and the First War Powers Act, 1941, as President of the United States and Commander in Chief of the Army and Navy, it is hereby ordered as follows:

1. The Director of the Office of Defense Transportation is authorized and directed, through or with the aid of any

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NOTICE

1944 Supplement

Book 1 of the 1944 Supplement to the Code of Federal Regulations, containing Titles 1–10, including Presidential documents in full text, is now available from the Superintendent of Documents, Government Printing Office, at $3.00 per copy.

A limited sales stock of the Cumulative Supplement and the 1943 Supplement is still available as previously announced.

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public officers, Federal agencies, or other government instrumentalities that he may designate, to take possession and assume control of the said transportation system, plants, and facilities owned or operated by the Illinois Central Railroad Company, including all real and personal property and other assets used or useful in connection with the operation of such transportation system, plants, and facilities, and to operate or to arrange for the operation of the said transportation system, plants and facilities in such a manner as he may deem necessary to carry out the provisions, and accomplish the purposes of this order.

2. Subject to applicable provisions of existing law, including the orders of the Office of Defense Transportation issued pursuant to Executive Orders 8989, as amended, 9156, and 9294, the said transportation system, plants, and facilities shall be managed and operated under the terms and conditions of employment in effect at the time possession is taken under this order.

3. Except with the prior written consent of the Director, no attachment by mesne process, garnishment, execution, or otherwise shall be levied on or against any of the real or personal property or other assets, tangible or intangible, in the possession of the Director hereunder.

4. Possession, control, and operation of any plant or facility, or of the transportation system, or any part thereof, or any real or personal property, taken under this order shall be terminated by the Director when he determines that such possession, control, and operation are no longer necessary to carry out the provisions, and accomplish the purposes of this order.

5. For the purposes of paragraphs 1 to 4, inclusive, of this order, there are hereby transferred to the Director the functions, powers and duties vested in the Secretary of War by that part of section 1 of the said Act of August 29, 1916, reading as follows:

"The President, in time of war, is empowered, through the Secretary of War, to take possession and assume control of any system or systems of transportation, or any part thereof, and to utilize the same, to the exclusion as far as may be necessary of all other traffic thereon, for the transfer or transportation of troops, war material and equipment, or for such other purposes in connection with the emergency as may be needful or desirable."

6. The Director of the Office of Defense Transportation may request the Secretary of War to furnish protection for persons employed or seeking employment in the plants, facilities, or transportation system of which possession is taken and to furnish protection for such plants, facilities, and transportation system, and may request the Secretary of War to furnish equipment, manpower, and other facilities or services deemed necessary by the Director to carry out the provisions, and accomplish the purposes of this order; and the Secretary of War is authorized and directed upon such request to take such action as he deems necessary to furnish such protection, equipment, manpower, or other facilities or services.

HARRY S. TRUMAN

THE WHITE HOUSE,
August 23, 1945.

[F. R. Doc. 45-15823; Filed, Aug. 24, 1945; 12:47 p. m.]

EXECUTIVE ORDER 9603

TERMINATION OF POSSESSION OF CERTAIN PROPERTY TAKEN BY THE GOVERNMENT

By virtue of the authority vested in me by the Constitution and the laws of the United States, including section 9 of the Selective Training and Service Act of 1940 (54 Stat. 892) as amended by the War Labor Disputes Act (57 Stat. 163), it is hereby ordered as follows:

All plants, mines, facilities, and all other property of whatever kind seized or taken by the United States under and pursuant to the following-described Executive orders, or amendments thereof, shall be returned to the owners thereof as soon as practicable, as determined in each case by the officer by whom the property in question is held and operated for the government, with the approval of the Director of Economic Stabilization:

No. 9108 of Mar. 21, 1942.
No. 9225 of Aug. 19, 1942.
No. 9351 of June 14, 1943.
No. 9400 of Dec. 3, 1943.
No. 9462 of Aug. 11, 1944.
No. 9463 of Aug. 12, 1944.
No. 9466 of Aug. 19, 1944.
No. 9475A of Sept. 2, 1944.
No. 9484 of Sept. 23, 1944.
No. 9493 of Oct. 24, 1944.
No. 9505 of Dec. 6, 1944.
No. 9508 of Dec. 27, 1944.
No. 9516 of Jan. 24, 1945.
No. 9536 of Apr. 10, 1945.
No. 9540 of Apr. 17, 1945.
No. 9542 of Apr. 23, 1945.
No. 9552 of May 19, 1945.
No. 9559 of May 28, 1945
No. 9560 of June 1, 1945.
No. 9564 of June 5, 1945.
No. 9565 of June 5, 1945.
No. 9577A of July 1, 1945.
No. 9585 of July 4, 1945.
No. 9589A of July 19, 1945.
No. 9593 of July 25, 1945.
No. 9595 of July 30, 1945.

Any of the above-listed orders in conflict with this order is hereby amended to the extent of such conflict.

HARRY S. TRUMAN,

THE WHITE HOUSE,
August 25, 1945.

[F. R. Doc. 45-15918; Filed, Aug. 27, 1945; 10:25 a. m.]

EXECUTIVE ORDER 9604

PROVIDING FOR THE RELEASE OF SCIENTIFIC INFORMATION (EXTENSION AND AMENDMENT OF EXECUTIVE ORDER NO. 9568)

By virtue of the authority vested in me by the Constitution and Statutes, as President of the United States and Commander in Chief of the Army and Navy, and in order to provide for the release and dissemination of certain scientific and industrial information heretofore or hereafter obtained from the enemy by any department or agency of this Government, to the end that such information may be of maximum benefit to the public, it is hereby ordered as follows:

1. It is the policy of this Government, subject to the requirements of national military security, that there shall be prompt, public, free and general dissemination of enemy scientific and industrial information. The expression "enemy scientific and industrial information," as used herein, is defined to comprise all information concerning scientific, industrial and technological processes, inventions, methods, devices, improvements and advances heretofore or hereafter obtained by any department or agency of this Government in enemy countries regardless of its origin, or in liberated areas, if such information is of enemy origin or has been acquired or appropriated by the enemy.

2. The scope of the authority vested in the Director of War Mobilization and Reconversion as Chairman of the Publication Board and in the Publication Board by Executive Order No. 9568 of June 8, 1945, is extended to include enemy scientific and industrial information. The procedures outlined in Executive Order No. 9568, insofar as applicable, are extended to the declassification, release and publication of enemy scientific and industrial information.

3. Nothing in this order shall be construed to limit or modify the power of the Secretary of War or the Secretary of the Navy to determine finally whether the national military security permits the release in whole or in part of enemy scientific or industrial information.

HARRY S. TRUMAN

THE WHITE HOUSE,
August 25, 1945.

[F. R. Doc. 45-15919; Filed, Aug. 27, 1945; 10:25 a. m.]

Regulations

TITLE 7—AGRICULTURE

Subtitle A—Office of Secretary of Agriculture

TEMPORARY APPROVAL OF CERTAIN ACTIONS TAKEN BY THE OFFICE OF PRICE ADMINISTRATION

1. The temporary approval of certain actions taken by the Office of Price Administration as contained in F. R. Doc. 45-12288, filed July 6, 1945 (10 F.R. 8419) as amended in F. R. Doc. 45-13980 filed July 30, 1945 (10 F.R. 9419) is further amended by striking out "August 31, 1945" and substituting "September 30, 1945."

2. The temporary approval of certain actions taken by the Office of Price Administration as contained in F. R. Doc. 45-12289 filed July 6, 1945 (10 F.R. 8419), as amended in F. R. Doc. 45-13980 filed July 30, 1945 (10 F.R. 9419), is further amended by striking out "August 31, 1945" and substituting "September 30, 1945."

[SEAL] J. B. HUTSON,
Acting Secretary of Agriculture.

AUGUST 24, 1945.

[F. R. Doc. 45-15862; Filed, Aug. 25, 1945; 11:14 a. m.]

Chapter X—War Food Production Orders

[WFO 14, Revocation]

PART 1202—FARM MACHINERY AND EQUIPMENT

NEW FARM MACHINERY AND EQUIPMENT

Effective at 12:01 a. m., e. w. t., August 25, 1945, War Food Order No. 14 (formerly Food Production Order No. 14),[1] is hereby revoked, except that the Farm Rationing Committee for Puerto Rico and the Virgin Islands established by War Food Order No. 14 shall not be affected by this revocation. However, with respect to violations of said War Food Order No. 14, or rights accrued, or liabilities incurred thereunder, prior to this revocation, said War Food Order No. 14 shall be deemed to be in full force and effect for the purpose of sustaining any proper suit, action, or proceeding with respect to any such violation, right, or liability.

(54 Stat. 676; 55 Stat. 236; 56 Stat. 176; E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423; E.O. 9392, 8 F.R. 14783; E.O. 9577, 10 F.R. 8087)

[1] 8 F.R. 13217, 13283, 17456, 9 F.R. 4319, 7739.

Issued this 24th day of August 1945.

[SEAL] J. B. HUTSON,
Acting Secretary of Agriculture.

[F. R. Doc. 45-15954; Filed, Aug. 27, 1945; 11:14 a. m.]

Chapter XI—War Food Distribution Orders

[WFO 93, as Amended, Termination]

PART 1401—DAIRY PRODUCTS

DRIED MILK

War Food Order No. 93, as amended (9 F.R. 2076, 4321, 4319, 9584; 10 F.R. 103, 126), together with the order (9 F.R. 9133) issued pursuant to said War Food Order No. 93, as amended, are terminated as of 12:01 a. m., e. w. t., July 1, 1945.

With respect to violations, rights accrued, liabilities incurred, or appeals taken under said War Food Order No. 93, as amended, or the order issued pursuant thereto as aforesaid, prior to the effective time of this termination order, all provisions of said War Food Order No. 93, as amended, and of the said order issued pursuant thereto in effect prior to the effective time of this termination order shall be deemed to be in full force and effect for the purpose of sustaining any proper suit, action, or other proceeding with regard to any such violation, right, liability, or appeal.

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423; E.O. 9392, 8 F.R. 14783; E.O. 9577, 10 F.R. 8087)

Issued this 24th day of August 1945.

[SEAL] J. B. HUTSON,
Acting Secretary of Agriculture.

[F. R. Doc. 45-15867; Filed, Aug. 25, 1945; 11:12 a. m.]

[WFO 95, as Amended, Termination]

PART 1401—DAIRY PRODUCTS

MILK SUGAR

War Food Order No. 95, as amended (9 F.R. 2841, 4321, 4319, 9584, 10445; 10 F.R. 103, 126), is terminated as of 12:01 a. m., e. w. t., August 26, 1945.

With respect to violations, rights accrued, liabilities incurred, or appeals taken under said War Food Order No. 95, as amended, prior to the effective time of this termination order, all provisions of said War Food Order No. 95, as amended, in effect prior to the effective time of this termination order shall be deemed to be in full force and effect for the purpose of sustaining any proper suit, action, or other proceeding with regard to any such violation, right, liability, or appeal.

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423; E.O. 9392, 8 F.R. 14783; E.O. 9577, 10 F.R. 8087)

Issued this 24th day of August 1945.

[SEAL] J. B. HUTSON,
Acting Secretary of Agriculture.

[F. R. Doc. 45-15868; Filed, Aug. 25, 1945; 11:12 a. m.]

[WFO 3, as Amended, Termination]

PART 1405—FRUITS AND VEGETABLES

RESTRICTIONS ON MANUFACTURE AND SALE OF CITRUS FRUIT JUICE

War Food Order No. 3, as amended (8 F.R. 255, 828, 1303, 3337; 9 F.R. 4321, 4319, 9584; 10 F.R. 103, 126), is terminated as of 12:01 a. m., e. w. t., August 27, 1945.

With respect to violations, rights accrued, liabilities incurred, or appeals taken under said War Food Order No. 3, as amended, prior to the effective time of the provisions hereof, the provisions of the said War Food Order No. 3, as amended, in effect prior to the effective time hereof shall be deemed to continue in full force and effect for the purpose of sustaining any proper suit, action, or other proceeding with regard to any such violation, right, liability, or appeal.

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423; E.O. 9392, 8 F.R. 14783; E.O. 9577, 10 F.R. 8087)

Issued this 24th day of August 1945.

[SEAL] J. B. HUTSON,
Acting Secretary of Agriculture.

[F. R. Doc. 45-15863; Filed, Aug. 25, 1945; 11:13 a. m.]

[WFO 6, as Amended, Termination]

PART 1405—FRUITS AND VEGETABLES

CITRUS FRUIT REQUIRED TO BE SET ASIDE

War Food Order No. 6, as amended (8 F.R. 511; 9 F.R. 4321, 4319, 9584; 10 F.R. 103, 126), together with all orders (8 F.R. 998, 5210) issued pursuant to said War Food Order No. 6, as amended, are terminated at 12:01 a. m., P. w. t., August 27, 1945.

With respect to violations, rights accrued, liabilities incurred, or appeals taken under said War Food Order No. 6, as amended, and any of the said orders issued pursuant thereto as aforesaid, prior to the effective time of this termination order, all provisions of said War Food Order No. 6, as amended, and of the said orders issued pursuant thereto in effect prior to the effective time of this termination order shall be deemed to be in full force and effect for the purpose of sustaining any proper suit, action, or other proceeding with regard to any such violation, right, liability, or appeal.

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423; E.O. 9392, 8 F.R. 14783; E.O. 9577, 10 F.R. 8037)

Issued this 24th day of August 1945.

[SEAL] J. B. HUTSON,
Acting Secretary of Agriculture.

[F. R. Doc. 45-15865; Filed, Aug. 25, 1945; 11:13 a. m.]

[WFO 18, as Amended, Termination]

PART 1415—IMPORTED FOODS

TEA QUOTAS FOR PACKERS AND WHOLESALERS

War Food Order No. 18, as amended (8 F.R. 1778, 3244, 8388, 9103; 9 F.R. 4321, 4319, 9584; 10 F.R. 103, 126), together with all orders issued pursuant to said

War Food Order No. 18, as amended, are terminated at 12:01 a. m., e. w. t., August 31, 1945.

With respect to violations, rights accrued, liabilities incurred, or appeals taken under said War Food Order No. 18, as amended, and any of the orders issued pursuant thereto as aforesaid, prior to the effective time of this termination order, all provisions of said War Food Order No. 18, as amended, and of the said orders issued pursuant thereto in effect prior to the effective time of this termination order shall be deemed to be in full force and effect for the purpose of sustaining any proper suit, action, or other proceeding with regard to any such violation, right, liability, or appeal.

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423; E.O. 9392, 8 F.R. 14783; E.O. 9577, 10 F.R. 8087)

Issued this 24th day of August 1945.

[SEAL] J. B. HUTSON,
Acting Secretary of Agriculture.

[F. R. Doc. 45-15866; Filed, Aug. 25, 1945; 11:13 a. m.]

[WFO 118, as Amended, Termination]

PART 1425—CANNED AND PROCESSED FOODS

GRAPEFRUIT SEGMENTS AND CANNED GRAPEFRUIT

War Food Order No. 118, as amended (9 F.R. 14121; 10 F.R. 103, 126), is terminated as of 12:01 a. m., e. w. t., August 27, 1945.

With respect to violations, rights accrued, liabilities incurred, or appeals taken under said War Food Order No. 118, as amended, prior to the effective time of this termination order, all provisions of said War Food Order No. 118, as amended, in effect prior to the effective time of this termination order shall be deemed to be in full force and effect for the purpose of sustaining any proper suit, action, or other proceeding with regard to any such violation, right, liability, or appeal.

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423; E.O. 9392, 8 F.R. 14783; E.O. 9577, 10 F.R. 8087)

Issued this 24th day of August 1945.

[SEAL] J. B. HUTSON,
Acting Secretary of Agriculture.

[F. R. Doc. 45-15869; Filed, Aug. 25, 1945; 11:13 a. m.]

[WFO 122, as Amended, Termination]

PART 1425—CANNED AND PROCESSED FOODS

RESTRICTIONS WITH RESPECT TO CANNED GRAPEFRUIT JUICE, CANNED ORANGE JUICE, AND CANNED GRAPEFRUIT JUICE AND ORANGE JUICE BLENDED

War Food Order No. 122, as amended (10 F.R. 696, 1261), is terminated as of 12:01 a. m., e. w. t., August 27, 1945.

With respect to violations, rights accrued, liabilities incurred, or appeals taken under said War Food Order No. 122, as amended, prior to the effective time of this termination order, all provisions of said War Food Order No. 122, as amended, in effect prior to the effective time of this termination order shall be deemed to be in full force and effect for the purpose of sustaining any proper suit, action, or other proceeding with regard to any such violation, right, liability, or appeal.

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423; E.O. 9392, 8 F.R. 14783; E.O. 9577, 10 F.R. 8087)

Issued this 24th day of August 1945.

[SEAL] J. B. HUTSON,
Acting Secretary of Agriculture.

[F. R. Doc. 45-15871; Filed, Aug. 25, 1945; 11:12 a. m.]

[WFO 4-7, as Amended, Termination]

PART 1450—TOBACCO

1944 CROP FLUE-CURED TOBACCO

War Food Order No. 4-7 (9 F.R. 8231), as amended (9 F.R. 10147, 11732, 12861, 13740; 10 F.R. 7, 5447), is hereby terminated.

This order shall become effective at 12:01 a. m., e. w. t., August 26, 1945. With respect to violations, rights accrued, liabilities incurred, or appeals taken under said War Food Order No. 4-7, as amended, prior to the effective time hereof, all provisions of such order, as amended, in effect prior to the effective time hereof shall continue in full force and effect for the purpose of sustaining any action, suit, or other proceeding, with respect to any such violation, right, liability, or appeal.

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423; E.O. 9392, 8 F.R. 14783; E.O. 9577, 10 F.R. 8087, WFO 4, as amended, 8 F.R. 335, 11331, 9 F.R. 4321, 4319, 9584; 10 F.R. 103)

Issued this 24th day of August 1945.

[SEAL] C. W. KITCHEN,
Assistant Administrator, Production and Marketing Administration.

[F. R. Doc. 45-15864; Filed, Aug. 25, 1945; 11:13 a. m.]

PART 1405—FRUITS AND VEGETABLES

[WFO 69, as Amended, Termination]

FRUIT FOR ALCOHOLIC PURPOSES

War Food Order No. 69, as amended (8 F.R. 10477, 13549; 9 F.R. 4321, 4319, 4528, 5333, 8000, 9584; 10 F.R. 103, 126, 7438), is terminated as of 12:01 a. m., e. w. t., August 25, 1945.

With respect to violations, rights accrued, liabilities incurred, or appeals taken under said War Food Order No. 69, as amended, prior to the effective time of this termination order, all provisions of said War Food Order No. 69, as amended, in effect prior to the effective time of this termination order shall be deemed to be in full force and effect for the purpose of sustaining any proper suit, action, or other proceeding with regard to any such violation, right, liability, or appeal.

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423; E.O. 9392, 8 F.R. 14783; E.O. 9577, 10 F.R. 8087)

Issued this 24th day of August 1945.

[SEAL] CLINTON P. ANDERSON,
Secretary of Agriculture.

[F. R. Doc. 45-15837; Filed, Aug. 24, 1945; 3:22 p. m.]

[WFO 119-1, as Amended, Termination]

PART 1414—POULTRY

POULTRY AND PROCESSED POULTRY

War Food Order No. 119-1, as amended (10 F.R. 5345, 9422), is terminated at 12:01 a. m., e. w. t., August 27, 1945.

With respect to violations, rights accrued, liabilities incurred, or appeals taken under said War Food Order No. 119-1, as amended, prior to the effective time of this termination order, all provisions of said War Food Order No. 119-1, as amended, in effect prior to the effective time of this termination order shall be deemed to continue in full force and effect for the purpose of sustaining any proper suit, action, or other proceeding with regard to any such violation, right, liability, or appeal.

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423; E.O. 9392, 8 F.R. 14783; E.O. 9577, 10 F.R. 8087; WFO 119, as amended, 9 F.R. 14269; 10 F.R. 6, 103)

Issued this 24th day of August 1945.

[SEAL] C. W. KITCHEN,
Assistant Administrator, Production and Marketing Administration.

[F. R. Doc. 45-15870; Filed, Aug. 25, 1945; 11:14 a. m.]

[WFO 76, Termination]

PART 1460—FATS AND OILS

WOOL FAT

War Food Order No. 76, as amended (9 F.R. 11255), is hereby terminated.

This order shall become effective at 12:01 a. m., e. w. t., August 25, 1945. With respect to violations, rights accrued, liabilities incurred, or appeals taken, prior to said date, under War Food Order No. 76, as amended, all provisions of said order shall be deemed to remain in full force for the purpose of sustaining any proper suit, action, or other proceeding with respect to any such violation, right, liability, or appeal.

(E.O. 9280, 7 F.R. 10179; E.O. 9577, 10 F.R. 8087)

Issued this 24th day of August 1945.

[SEAL] CLINTON P. ANDERSON,
Secretary of Agriculture.

[F. R. Doc. 45-15840; Filed, Aug. 24, 1945; 3:22 p. m.]

[WFO 128, Termination]

PART 1460—FATS AND OILS

INVENTORIES OF ANIMAL OIL AND NEAT'S-FOOT OIL

War Food Order No. 128, as amended (10 F.R. 3753), is hereby terminated.

This order shall become effective at 12:01 a. m., e. w. t., August 25, 1945. With respect to violations, rights accrued, liabilities incurred, or appeals taken, prior to said date, under War Food Order No. 128, as amended, all provisions of said order shall be deemed to remain in full force for the purpose of sustaining any proper suit, action, or other proceeding with respect to any such violation, right, liability, or appeal.

(E.O. 9280, 7 F.R. 10179; E.O. 9577, 10 F.R. 8087)

Issued this 24th day of August 1945.

[SEAL] CLINTON P. ANDERSON,
Secretary of Agriculture.

[F. R. Doc. 45-15839; Filed, Aug. 24, 1945; 3:22 p. m.]

[WFO 134, Termination]

PART 1460—FATS AND OILS

GLYCERINE INVENTORIES

War Food Order No. 134, as amended (10 F.R. 7522), is hereby terminated.

This order shall become effective at 12:01 a. m., e. w. t., August 25, 1945. With respect to violations, rights accrued, liabilities incurred, or appeals taken, prior to said date, under War Food Order No. 134, as amended, all provisions of said order shall be deemed to remain in full force for the purpose of sustaining any proper suit, action, or other proceeding with respect to any such violation, right, liability, or appeal.

(E.O. 9280, 7 F. R. 10179; E.O. 9577, 10 F.R. 8087)

Issued this 24th day of August 1945.

[SEAL] CLINTON P. ANDERSON,
Secretary of Agriculture.

[F. R. Doc. 45-15838; Filed, Aug. 24, 1945; 3:22 p. m.]

[WFO 44, Amdt. 13]

PART 1465—FISH AND SHELLFISH

RESTRICTIONS ON 1945 PACK OF CANNED FISH

War Food Order No. 44, as amended (10 F.R. 10071), is further amended by deleting from § 1465.20 (b) (1) the provisions contained in *Class I* and inserting, in lieu thereof, the following:

Class I. Salmon: King, Chinook, or spring (Oncorhynchus tschawytscha); Red, sockeye, or blueback (Oncorhynchus nerka) packed in the Continental United States. (For the period April 1, 1945, to July 28, 1945, inclusive.)

This order shall become effective at 12:01 a. m., p. w. t., August 25, 1945. With respect to violations, rights accrued, liabilities incurred, or appeals taken under War Food Order No. 44, as amended, prior to the effective time of the provisions hereof, the provisions of said War Food Order No. 44, as amended, in effect prior to the effective time hereof shall be deemed to continue in full force and effect for the purpose of sustaining any proper suit, action, or other proceeding with respect to any such violation, right, liability, or appeal.

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423; E.O. 9392, 8 F.R. 14783; E.O. 9577, 10 F.R. 8087)

Issued this 24th day of August 1945.

[SEAL] CLINTON P. ANDERSON,
Secretary of Agriculture.

[F. R. Doc. 45-15836; Filed, Aug. 24, 1945; 3:22 p. m.]

TITLE 9—ANIMALS AND ANIMAL PRODUCTS

Chapter II—Production and Marketing Administration[1]

Subchapter B—Meat Inspection Regulations

PART 257—FACILITIES FOR INSPECTION

OVERTIME WORK OF MEAT INSPECTION EMPLOYEES

Pursuant to the authority conferred upon the Secretary of Agriculture by Act of Congress approved July 24, 1919 (7 U.S.C. 394), and the act of Congress approved March 4, 1907, as amended and extended (21 U.S.C. 71-91, 96; 21 U.S.C. Sup. III. 71), § 257.4, Subchapter B, Chapter II, Title 9 (10 F.R. 3316, 3319), Code of Federal Regulations, is hereby amended to read as follows:

§ 257.4 *Overtime work of Meat Inspection employees.* The management of an official establishment desiring to work under conditions which will require the services of an employee of the division on Sunday or a holiday, or for more than 8 working hours of any day including Monday through Friday, or for more than 4 working hours of any Saturday, shall, sufficiently in advance of the period of overtime, request the inspector in charge or his assistant to provide inspection service during such overtime period, and shall reimburse the Secretary of Agriculture for the cost of such overtime upon receipt of notice from an authorized official of the department, such cost to be at the overtime rates of compensation prescribed by the Federal Employees Pay Act of 1945, but without consideration of the basic administrative work week. It will be administratively determined from time to time which days constitute holidays.

Done at Washington, D. C., this 27th day of August 1945.

[SEAL] J. B. HUTSON,
Acting Secretary of Agriculture.

[F. R. Doc. 45-15952; Filed, Aug. 27, 1945; 11:14 a. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

[Regs., Serial No. 342-A]

PART 04—AIRPLANE AIRWORTHINESS

PART 61—SCHEDULED AIR CARRIER RULES

FUEL DUMP VALVES; REPEAL OF PARTIAL WAIVER OF WEIGHT REQUIREMENTS

It appearing that:

1. On July 12, 1945, because of the war needs resulting from a transportation crisis the Board adopted Special Civil Air Regulation Serial Number 342 (10 F.R. 8808); and

2. The continuance of such regulation is not now required for the war effort.

Effective September 21, 1945, Special Civil Air Regulation Serial Number 342 is hereby repealed.

(52 Stat. 984, 1007; 49 U.S.C. 425, 551)

By the Civil Aeronautics Board.

FRED A. TOOMBS,
Secretary.

[F. R. Doc. 45-15921; Filed, Aug. 27, 1945; 10:45 a. m.]

[Regs., Serial No. 323-A]

PART 61—SCHEDULED AIR CARRIER RULES

ROUTE COMPETENCY RENEWAL; WAIVER OF REQUIREMENTS WITH RESPECT TO FIRST PILOTS

At a session of the Civil Aeronautics Board held at its office in Washington, D. C., on the 22nd day of August, 1945.

Effective August 22, 1945, Special Civil Air Regulation Serial Number 323 (9 F.R. 12115) is amended to read as follows:

Notwithstanding the provisions of §§ 61.5140 (a), 61.5141 (b), 61.5150 (a), and 61.5151 (b), any first pilot who on or subsequent to December 7, 1941, was qualified as such and as competent over a regular or alternate route and who has been employed as first pilot in military air transport operations will be considered competent over such route after completing over the route either (a) one one-way trip as first pilot accompanied by a check pilot or (b) two one-way trips as second pilot.

This regulation shall terminate March 1, 1946.

(52 Stat. 984, 1007; 49 U.S.C. 425, 551)

By the Civil Aeronautics Board.

FRED A. TOOMBS,
Secretary.

[F. R. Doc. 45-15920; Filed, Aug. 27, 1945; 10:45 a. m.]

Chapter II—Administrator of Civil Aeronautics

[Amdt. 116]

PART 601—DESIGNATION OF AIRWAY TRAFFIC CONTROL AREAS, AIRPORT APPROACH ZONES, AIRPORT TRAFFIC ZONES AND RADIO FIXES

MISCELLANEOUS AMENDMENTS

AUGUST 8, 1945.

Acting pursuant to the authority vested in me by section 308 of the Civil Aeronautics Act of 1938, as amended, and Special Regulation No. 197 of the Civil Aeronautics Board, I hereby amend Part 601 of the regulations of the Administrator of Civil Aeronautics as follows:

Designation of Airway Traffic Control Areas: Red Civil Airway No. 54. Other Air Traffic Control Areas. Designation of Radio Fixes: Red Civil Airway No. 54

1. By adding a new § 601.10254 as follows:

§ 601.10254 *Red civil airway No. 54 airway traffic control areas (Timpie,*

[1] Formerly Office of Marketing Services.

Utah to Salt Lake City, Utah). All of Red Civil Airway No. 54.

2. By inserting a new § 601.104001 as follows:

§ 601.104001 *Air traffic control area.* Five miles on either side of a line extended from the New York, N. Y., (La Guardia Field) radio range station to the intersection of the center lines of the on course signals of the northeast leg of the New York, N. Y., (La Guardia Field) radio range and the northeast leg of the Newark, N. J., radio range.

3. By inserting a new § 601.104002 as follows:

§ 601.104002 *Air traffic control area.* Five miles on either side of a line extended from the intersection of the center lines of the on course signals of the west leg of the Providence, R. I., radio range and the southwest leg of the Boston, Mass., radio range to the intersection of the center lines of the on course signals of the southeast leg of the Westfield, Mass., radio range and the southwest leg of the Boston, Mass., radio range.

4. By adding a new § 601.40254 as follows:

§ 601.40254 *Red civil airway No. 54 (Timpie, Utah to Salt Lake City, Utah).* No radio fix designation.

This amendment shall become effective 0001 e. w. t., September 1, 1945.

T. P. WRIGHT,
Administrator of Civil Aeronautics.

[F. R. Doc. 45-15913; Filed, Aug. 27, 1945; 9:33 a. m.]

TITLE 17—COMMODITY AND SECURITIES EXCHANGES

Chapter I—Commodity Exchange Authority

PART 0—RULES OF PRACTICE

PROCEEDINGS BEFORE SECRETARY OF AGRICULTURE; REVISION OF DEFINITION

By virtue of the authority vested in the Secretary of Agriculture under the Commodity Exchange Act (42 Stat. 998, as amended; 7 U.S.C. 1 et seq.), paragraph (o) of § 0.2 of Subpart A of Part 0 of Chapter I of Title 17, Code of Federal Regulations is amended:

1. By striking therefrom "Director of Investigatory Services, War Food Administration" and inserting in lieu thereof "Director of the Compliance and Investigation Branch, Production and Marketing Administration of the Department".

2. By striking therefrom "of the War Food Administration" and inserting in lieu thereof "of the Production and Marketing Administration".

Issued this 27th day of August 1945.

[SEAL] J. B. HUTSON,
Acting Secretary of Agriculture.

[F. R. Doc. 45-15953; Filed, Aug. 27, 1945; 11:14 a. m.]

PART 1—GENERAL REGULATIONS UNDER THE COMMODITY EXCHANGE ACT

REVISION OF DEFINITION

By virtue of the authority vested in the Secretary of Agriculture under the Commodity Exchange Act (42 Stat. 998, as amended; 7 U.S.C. 1 et seq.), paragraph (v) of § 1.3 of Part 1 of Chapter I of Title 17, Code of Federal Regulations is amended:

1. By striking therefrom "Director of Investigatory Services, War Food Administration" and inserting in lieu thereof "Director of the Compliance and Investigation Branch, Production and Marketing Administration, United States Department of Agriculture".

2. By striking therefrom "of the War Food Administration" and inserting in lieu thereof "of the Production and Marketing Administration".

Issued this 27th day of August 1945.

[SEAL] J. B. HUTSON,
Acting Secretary of Agriculture.

[F. R. Doc. 45-15955; Filed, Aug. 27, 1945; 11:14 a. m.]

TITLE 29—LABOR

Chapter IX—Agriculture Department (Agricultural Labor)

[Supp. 27, Amdt. 2]

PART 1110—SALARIES AND WAGES OF AGRICULTURAL LABOR IN THE STATE OF OREGON

WORKERS ENGAGED IN HARVESTING APPLES, PEARS, AND CHERRIES IN HOOD RIVER COUNTY, OREGON

Supplement No. 27, as amended, (10 F.R. 8096, 8812) is hereby further amended as follows:

Paragraph (b) (2) (i) shall read:

(i) 10¢ per apple box or 11¢ per Libby Lug, for single picking.

Paragraph (b) (3) (i) shall read:

(i) 12¢ per apple box or 13¢ per Libby Lug, for single picking.

Paragraph (b) (4) (i) shall read:

(i) 11¢ per apple box or 12¢ per Libby Lug.

Paragraph (b) (5) (i) shall read:

(i) 12¢ per apple box or 13¢ per Libby Lug.

Paragraph (b) (6) shall read:

(6) Other harvest labor consisting of tractor driver, bucker, swamper, and crew foreman—$1 per hour.

This amendment 2 to supplement 27 shall become effective at 12:01 a. m., Pacific war time, August 27, 1945.

Issued this 24th day of August 1945.

[SEAL] WILSON R. BUIE,
Director of Labor,
U. S. Department of Agriculture.

[F. R. Doc. 45-15861; Filed, Aug. 25, 1945; 11:14 a. m.]

TITLE 30—MINERAL RESOURCES

Chapter VI—Solid Fuels Administration for War

[SFAW Suspension Order 5]

PART 602—GENERAL ORDERS AND DIRECTIVES

FLATBUSH COAL AND OIL CO.

Bennie L. Galumbeck, 2036 McDonald Avenue, Brooklyn, New York, is engaged in the business, under the name of Flatbush Coal and Oil Company, of buying and reselling anthracite as a retail dealer. An investigation by SFAW in July 1945 disclosed that Galumbeck had since April 1, 1945, received an amount of anthracite nearly three times in excess of the amount permitted to be received by SFAW Regulation No. 28, as amended, and that, in violation of that regulation, most of this tonnage had been received by Galumbeck from suppliers who had not furnished him with anthracite during the applicable base period.

In a letter dated July 27, 1945, Galumback was given notice of the results of the SFAW investigation and was informed that he might submit any explanations as he might care to offer or any facts deemed by him to be pertinent to demonstrate why a suspension order should not be issued against him.

Galumbeck appeared with counsel at a conference with representatives of SFAW. He did not deny that he had received anthracite in violation of the provisions of SFAW Regulation No. 28, as amended, nor did he submit any explanations or facts to demonstrate why a suspension order should not be issued against him. However, Galumbeck stated that on or before August 18, 1945, pertinent information and explanations would be submitted in writing under oath. No such information or explanations have been received.

In view of the foregoing, *It is hereby ordered:*

(1) Bennie L. Galumbeck, doing business as Flatbush Coal and Oil Company, his successors or assigns, shall not acquire, sell, transfer, ship, deliver, or otherwise distribute those sizes of anthracite the distribution of which by retail dealers is regulated by the Solid Fuels Administration for War.

(2) No producer, wholesaler or retail dealer shall sell, transfer, ship, deliver, or otherwise distribute any of the sizes of anthracite referred to in (1) above to Bennie L. Galumbeck, doing business as Flatbush Coal and Oil Company, his successors or assigns.

(3) Nothing in this order shall be deemed to prohibit Bennie L. Galumbeck, doing business as Flatbush Coal and Oil Company, his successors or assigns, from selling the sizes of anthracite referred to in (1) above in transit to or for his account, or in his possession or control, on and after the effective date of this order, to other retail dealers doing business in New York, New York: *Provided*, That he sells such anthracite pursuant to written consent and instruction of the Regional Representatives of the Solid Fuels Administration for War in New York, New York.

(4) This order shall become effective five days after the date of the service thereof, unless otherwise hereafter ordered.

(5) This order shall be in effect until April 1, 1946, unless otherwise directed.

Issued this 24th day of August 1945.

C. J. POTTER,
Deputy Solid Fuels Administrator for War.

[F. R. Doc. 45-15872; Filed, Aug. 25, 1945; 11:20 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter IX—War Production Board

AUTHORITY: Regulations in this chapter, unless otherwise noted at the end of documents affected, issued under sec. 2 (a), 54 Stat. 676, as amended by 55 Stat. 236, 56 Stat. 177, 58 Stat. 827; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; E.O. 9599, 10 F.R. 10155; W. P. B. Reg. 1 as amended Dec. 31, 1943, 9 F.R. 64.

PART 1010—SUSPENSION ORDERS

[Suspension Order S-691, Revocation]

DIVISION AVENUE BUS LINE

Robert Christian, doing business as Division Avenue Bus Line, Grand Rapids, Michigan, was charged by the War Production Board with having done construction during September and October, 1944, without permission of the War Production Board, of a garage on his premises at 4418 South Division Avenue, Grand Rapids, Michigan, at an estimated cost in excess of $200, in violation of Conservation Order L-41. Suspension Order No. S-691 was issued against Division Avenue Bus Line on January 16, 1945. In view of the fact that Conservation Order L-41 as amended June 8, 1945, raises the limitation on this type of construction to $5,000, the Chief Compliance Commissioner has directed that the suspension order be revoked.

In view of the foregoing: it is hereby ordered, that: *Suspension Order No. S-691* be revoked, effective August 24, 1945.

Issued this 24th day of August 1945.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 45-15844; Filed, Aug. 24, 1945; 4:29 p. m.]

PART 3290—TEXTILE, CLOTHING AND LEATHER

[Conservation Order M-328B, Schedule K as Amended Aug. 24, 1945]

SPECIAL PROGRAM FOR WOOL CIVILIAN ITEMS

§ 3290.120k *Schedule K to Order M-328B*—(a) *Explanation.* This schedule states the special rules in addition to those set forth in M-328B for manufacturers of civilian items manufactured from wool fabric to get an AA-3 preference rating for wool fabric for delivery beginning in the fourth quarter of 1945 to make the items listed in this schedule:

(b) *Definitions.* For the purpose of this schedule:

(1) "Fabric" unless otherwise designated, means a woven or knitted fabric 12 inches or more in width.

(2) "Wool fabric" means any fabric incorporating 25% or more by weight of new, re-processed or re-used wool fiber except upholstery pile fabrics and floor coverings and blankets and felt. The term includes woolen and worsted fabrics.

(3) "Wool item" means an item of which 50% or more of the fabric yardage incorporated in it, exclusive of linings, bindings and trimmings, is made of woolen or worsted fabrics.

(4) "Base period manufacturer" and "base period" mean the same as they do in Order M-328B, except that a person who did not manufacture an item listed in this schedule during the base period at or below the maximum price set forth in the schedule shall not be considered a base period manufacturer.

(c) *Special requirements for obtaining priorities assistance.* (1) Three copies of form WPB-3732 must be filed in accordance with the rules stated in paragraph (c) of Order M-328B, except that for the fourth calendar quarter of 1945 applications must be postmarked not later than September 5, 1945.

(2) A manufacturer who files form WPB-3732 for the fourth calendar quarter of 1945 by September 5, 1945, may, as soon as he files his application, apply an AA-3 rating for the purchase of wool fabrics for delivery in that quarter for incorporation into the wool items for which application is made. He may do so only for an item he made in the base period at or below the price shown in the preference rating schedule and only for two-thirds of the yardage of wool fabrics he used in the base period with respect to any item. Wool fabrics purchased under this provision shall be deducted by the manufacturer from the total quantity for which priorities assistance is granted on form WPB-3732. If the applicant does not receive a grant of the entire quantity thus rated, he shall, upon notification of his grant by the War Production Board, immediately unrate or cancel orders for any undelivered quantities which are in excess of his grant.

(3) Manufacturers who did not produce in the base period any item applied for on form WPB-3732 at or below the price shown in the preference rating schedule may not use any preference ratings under this schedule (for the fourth quarter of 1945) until the War Production Board has assigned them a quota.

(4) A base period manufacturer may not apply for a quantity of wool fabric for any item greater than 100% of the linear yards used by him in the base period for the production of that item.

(d) *General provisions.* (1) Preference ratings assigned under this schedule may be used only to get wool fabrics to make the wool items specified in the preference rating schedule.

(2) The fabrics must be incorporated into an item produced for sale by the manufacturer at or below the lower of the following two prices:

(i) The price at which the manufacturer is permitted to sell the item under regulations of the Office of Price Administration.

(ii) The price specified in the maximum price column.

(3) A manufacturer who is not a base period manufacturer must comply with the provisions of paragraph (c) (6) of Order M-328B.

(4) A manufacturer who did not manufacture an item on the base period must state his proposed production by size assortment per dozen in the "Remarks" section of Form WPB-3732. If his application is granted, he must comply with these size assortments.

(5) Additional priorities assistance may be given for the procurement of rayon, wool and cotton broad woven fabrics for linings, interlinings, facings, bindings, stays and other components made of broad woven fabric and for narrow woven selvage edge tape needed for incorporation into the number of units for which priorities assistance is granted. Requests for this additional priorities assistance shall be made on Form WPB-3732 separately for each item for which application is made.

(6) *Provisions in case of governmental cut-backs.* At any time during any calendar quarter a manufacturer who has received cancellations or cut-backs on military contracts or orders placed by an agency of the U. S. Government, or who during the quarter has production facilities made available, may apply to the War Production Board on Form WPB-3732 for priorities assistance to manufacture items listed in this schedule. Such applications will be approved to the extent of available materials and the need for additional production of the items applied for.

(7) The AA-3 preference rating authorized by this schedule may be extended to purchase wool fabric, wool yarn and wool top. Such ratings shall be extended as provided in Priorities Regulation 3 and Order M-328.

Issued this 24th day of August 1945.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

AA-3 PREFERENCE RATING SCHEDULE—WOOL FABRICS FOR CIVILIAN ITEMS

(The applicable provisions of each column are indicated for each numbered item opposite the item number)

Item No.	Description of wool item	Size range	Maximum price column
	Coats		*Each*
1	(Without fur trimming) Women's, Misses', and Juniors'	9-17, 12-44 46 and up	$16.75 18.75
2	Teen-age girls'	10-16	10.75
3	Girls'	7-14	8.75
4	Children's and small boys'	3-6	6.75
5	Toddlers'	1-4	5.75
6	Infants'	6 months to 2 yrs	4.75
	Suits		
7	Women's, misses' and juniors'	9-17, 12-44 46 and up	16.75 18.75
8	Teen-age girls'	10-16	10.75
9	Girls'	7-14	8.75
	Skirts		
10	Women's, misses' and juniors'	9-17, 12-44 46 and up	3.50 4.00
11	Teen-age girls'	10-16	3.00
12	Girls'	7-14	2.50
13	Children's	3-6	2.00
	Suits		
14	Men's	All sizes	21.00
15	Students'	32-38	16.75
16	Cadets'	8-16	11.75
17	Juniors'	3-12	7.50
	Separate trousers		*Pair*
18	Men's	All sizes	$5.50
19	Students'	25-32	4.25
20	Cadets'	21-26	3.25
21	Juniors'	3-12, 6-16	2.50
	Overcoats or topcoats		*Each*
22	Men's	All sizes	$22.50
23	Students'	12-24, 32-38	12.75
24	Boys'	8-20	10.00
25	Juniors'	4-12	8.50

[F. R. Doc. 45-15785; Filed, Aug. 24, 1945; 11:33 a. m.]

PART 3133—PRINTING AND PUBLISHING

[Limitation Order L–240, Direction 6]

TRANSFER OF QUOTA FROM FOURTH QUARTER 1945 TO THIRD QUARTER 1945

The following direction is issued pursuant to Limitation Order L–240:

A publisher may increase his consumption in the third quarter of 1945 by an amount not exceeding 2½% of his consumption quota for the third quarter of 1945, provided the tonnage so used is deducted from his permitted consumption for the fourth quarter of 1945.

Issued this 25th day of August 1945.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 45–15910; Filed, Aug. 25, 1945; 12:28 p. m.]

PART 944—REGULATIONS APPLICABLE TO THE OPERATION OF THE PRIORITIES SYSTEM

[Priorities Reg. 31, Amdt. 4]

BLANKET REVOCATION OF CERTAIN WPB ORDERS

Section 944.52 *Priorities Regulation 31* is amended in the following respects:

1. By adding to the list of orders revoked the following orders:

List of Orders Revoked and Effective Date of revocation

AIRCRAFT

Section 3191.51 M–360 Aircraft, August 27, 1945.

CHEMICALS

Section 3293.1089 Sch. 89 to M–300 Theobromine and Caffeine, August 31, 1945.

TEXTILES

Section 3290.150 L–215 Textiles, Clothing and Leather Machinery, August 27, 1945.
Section 3290.246 M–37–d Rayon Yarn, September 30, 1945.
Section 3290.36 M–124 Rubber Yarn and Elastic Thread, August 27, 1945.

2. By changing the effective date of revocation of § 3293.1015, Schedule 15 to M–300 (Glycols) from September 30, 1945, to August 31, 1945.

Issued this 27th day of August 1945.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 45–15984; Filed, Aug. 27, 1945; 11:33 a. m.]

PART 1010—SUSPENSION ORDERS

[Suspension Order S–494, Revocation]

THE LOUIS M. HERMAN CO.

Suspension Order No. S–494, effective February 28, 1944, was issued February 21, 1944, against The Louis M. Herman Company, Boston, Massachusetts, for violation of Limitation Order L–265. In view of the fact that Limitation Order L–265 was revoked on August 20, 1945, the Chief Compliance Commissioner has directed that Suspension Order No. S–494 be revoked forthwith.

In view of the foregoing, it is hereby ordered, that: § 1010.494, *Suspension Order No. S–494* be revoked, effective August 28, 1945.

Issued this 25th day of August 1945.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 45–15911; Filed, Aug. 25, 1945; 12:28 p. m.]

PART 3133—PRINTING AND PUBLISHING

[Limitation Order L–240, as Amended Aug. 27, 1945]

NEWSPAPERS AND OTHER USERS OF NEWSPRINT

The fulfillment of requirements for the defense of the United States has created a shortage of the supply of print paper for defense, for private account and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

Scope

(a) The purpose of this order.

Definitions and Explanations

(b) Newspaper.
(c) Camp papers and free distribution publications.
(d) Publisher.
(e) Print paper.
(f) Use.
(g) Net paid circulation.
(h) Inventory.
(i) Transfer of quotas.

Consumption Quota

(j) Allowable consumption.
(k) Computation of consumption quota.
(l) Carry-over.
(m) Consumption quotas for certain types of newspapers.
(n) Allotment to Army and Navy.

Delivery Quota

(o) Computation of delivery quota.
(p) Exceptions.
(q) Certification.
(r) Inventory reports and copies of orders.
(s) Inter-company transfers.

Miscellaneous Provisions

(t) Loans of print paper.
(u) Applicability of regulations.
(v) Appeals.
(w) Communications to the War Production Board.
(x) Violations.

Schedule I

(a) The purpose of this schedule.
(b) Definition of "newsprint".
(c) Newsprint consumption quotas for persons other than newspaper publishers.
(d) Newsprint delivery quotas for persons other than newspaper publishers.

Scope

§ 3133.6 *Limitation Order L–240*—(a) *The purpose of this order.* This order does two things: First, it limits the tonnage of print paper which may be used by a publisher in printing a newspaper. This is called his "consumption quota". Second, it limits the tonnage of print paper which may be ordered or accepted by a newspaper publisher. This is called his "delivery quota". A publisher's consumption quota is on a quarterly basis and his delivery quota is on a monthly basis.

Definitions and Explanations

(b) *Newspaper.* "Newspaper" means any publication generally recognized as a newspaper in the newspaper industry, regardless of the frequency of issuance. The term includes all supplements, inserts and other printed matter physically incorporated into a newspaper or delivered together with it.

Where two or more newspapers are published by the same publisher, whether in the same city or in different cities, each newspaper shall operate under a separate consumption quota and a separate delivery quota. In computing his consumption quota a publisher must make separate calculations for morning, evening and Sunday editions, but these figures must be consolidated into a single consumption quota for each newspaper, in accordance with the instructions contained in paragraph (k).

However, morning, evening, Sunday and other editions of the same newspaper shall operate under a single consumption quota and a single delivery quota.

In determining whether a publisher issues separate newspapers or separate editions of the same newspaper, the number and form of the reports filed by the publisher with the Audit Bureau of Circulations in 1941 will be controlling, in the absence of special circumstances. Thus, if a publisher in 1941 filed consolidated statements with the Audit Bureau of Circulations covering morning, evening and Sunday issues, even if these issues had different names, different formats and different staffs, they will ordinarily be considered as a single newspaper for the purposes of this order. If a publisher in 1941 filed separate statements with the Audit Bureau of Circulations covering his morning, evening, Sunday and other publications, they will ordinarily be considered as separate newspapers for the purposes of this order.

If a publisher is uncertain as to whether or not his publication is a newspaper as defined in this order, he may ask the War Production Board for an official determination. The War Production Board may also make this determination upon its own motion. Such a determination, issued to the publisher in the name of the Recording Secretary of the War Production Board, shall be conclusive for the purposes of this order, unless revoked or modified by the same authority.

(c) *Camp papers and free distribution publications.* Army or Navy camp, post, station or unit "newspapers" or news sheets generally are not recognized as newspapers in the newspaper industry. They are covered by Order L–241 (commercial printing). Shopping guides, want ad periodicals and publications in newspaper format distributed free or at nominal cost also are not recognized as newspapers within the meaning of this order and are governed by Order L–241, Schedule II. If a publisher issued a free distribution newspaper in 1941, his consumption quota shall be determined in accordance with Schedule II to Order L–241 and that order shall govern even if the circulation of the publication has subsequently been changed in whole or in part to a net paid basis.

(d) *Publisher.* "Publisher" means a person who publishes a newspaper, including an individual, partnership, association, business trust, corporation, governmental corporation or agency, or any organized group of persons whether incorporated or not.

(e) *Print paper.* "Print paper" means any grade, quality, type or basis weight of paper used in publishing a newspaper. The term includes paper reclaimed wholly or partly from printed or unprinted waste, as well as paper made entirely from virgin fiber. It also includes roll wrappers, newsprint used as wrappers, identification sheets and labels for newspapers, and production waste, whether or not this waste is subsequently salvaged for other uses.

(f) *Use.* All production waste shall be included in the tonnage of print paper "used" in printing a newspaper. Transit damage shall not be included in a publisher's "use" of print paper. A publisher may determine the dates on which paper is "used" under this order either on the basis of the dates when the paper is actually printed or the dates appearing on the respective issues of the newspaper, provided he continues to use the same method which he used in computing his 1941 base tonnages.

(g) *Net paid circulation.* "Net paid circulation" means the number of copies of a newspaper which have been sold (exclusive of bulk sales), as audited by the Audit Bureau of Circulations or (in the case of newspapers which are not members of the Audit Bureau of Circulations) as verified in accordance with the standards of the Audit Bureau of Circulations of January 1, 1942.

(h) *Inventory.* "Inventory" means all the print paper which is owned by a publisher or is available for his use. It includes the print paper which he has on hand, in storage, and in transit and paper held for his use by a paper merchant, warehouseman or other person, regardless of its physical location. However, it does not include print paper shipped by water and held in warehouse by a paper manufacturer or merchant as part of the inventory of the manufacturer or merchant; such paper does not become part of a publisher's inventory until it is delivered to him.

(i) *Transfer of quotas*—(1) *Quotas established by different orders.* Quotas provided by one War Production Board order may not be used for the purposes set forth in any other order. Thus, for example, a publisher may not use for the printing of a newspaper any part of a consumption quota established under Orders L–241 (commercial printing), L–244 (magazines) or L–245 (books) and he may not permit any part of his consumption quota established under this order to be used for commercial printing, magazines or books. If a newspaper publisher also conducts a job printing business, he must keep these two operations separate for quota purposes. The amount of print paper which he is permitted to consume and the amount which he is permitted to order or accept for the publication of his newspaper is limited by this order. The amount of print paper which he is permitted to consume and the amount which he is permitted to accept for his commercial printing business is limited by Order L–241.

(2) *Transfer of quotas to different persons.* The rules governing the assignability of quotas are set forth in Priorities Regulation 7a.

Consumption Quota

(j) *Allowable consumption.* In the third quarter of 1945 and in each calendar quarter after that, no publisher may use or cause to be used, in the publication of a newspaper, print paper in excess of:

(1) His quarterly consumption quota, which shall be computed in accordance with the instructions set forth in paragraph (k) or (m) plus

(2) Any less-than-quota savings carried over from previous calendar quarters, as provided in paragraph (l), plus

(3) Ex-quota tonnage, if any, which may have been granted on appeal for consumption in that quarter.

(k) *Computation of consumption quota*—(1) *Base tonnages.* Ascertain, separately, the tonnage of print paper comprising the net paid circulation of morning, evening, Sunday or other issues of the newspaper in the corresponding quarter of 1941. Add 3 per cent to each figure. (This 3 per cent is an arbitrary allowance to compensate for production waste and should be added whether the actual production waste in 1941 was greater or less than 3 per cent). These are the "base tonnages" for morning, evening, Sunday or other issues of the newspaper, which shall be adjusted in accordance with instructions 2, 3, and 4.

(2) *Circulation increase.* Ascertain, separately, the percentage increase or decrease in average net paid circulation of morning, evening, Sunday or other issues of the newspaper in the calendar year 1942 as compared with the calendar year 1941. (The average net paid circulation for each year shall be determined by adding together the average net paid circulation for each of the four quarters of the year and dividing by four).

(3) *Tonnage equivalent of circulation increase.* Apply, separately, the respective percentages of circulation increase or decrease determined under instruction number 2 to the respective base tonnages determined under instruction number 1 for morning, evening, Sunday or other issues of the newspaper.

(4) *Adjustment of base tonnages.* Adjust the respective base tonnages determined under instruction number 1 by adding or subtracting the number of tons represented by the percentage circulation gain or loss determined under instruction number 3.

(5) *Total adjusted base tonnage.* Total the respective base tonnages for morning, evening, Sunday or other issues of the newspaper determined under instruction number 1. Total the respective adjusted base tonnages for morning, evening, Sunday, or other issues of the newspaper determined under instruction number 4. The larger of these two totals is the publisher's "total adjusted base tonnage" from which the required reductions shall be applied.

(6) *Sliding scale of reductions.* Reduce the total adjusted base tonnage by the following sliding scale of percentage cuts:

(i) Deduct 3% of the amount over 25 tons but not over 125 tons.
(ii) Deduct 6% of the amount over 125 tons but not over 250 tons.
(iii) Deduct 9% of the amount over 250 tons but not over 500 tons.
(iv) Deduct 15% of the amount over 500 tons but not over 1000 tons.
(v) Deduct 18% of the amount over 1000 tons.

(7) *Consumption quota.* The balance remaining after subtraction of the above reductions from the total adjusted base tonnage determined under instruction number 5 is the publisher's consumption quota for the quarter.

(8) *Adjustment for print paper lighter than 32-pound basis weight.* If a publisher orders print paper lighter than 32-pound basis weight, his consumption quota for the current calendar quarter shall be reduced proportionately as follows: First, determine the percentage by which 32-pound paper exceeds such lighter paper in weight. Second, multiply the tonnage of lighter paper so ordered by this percentage. Third, subtract the result from the publisher's consumption quota. For example, if a publisher has a consumption quota of 200 tons and orders 100 tons of 30-pound basis weight paper, his consumption quota shall be reduced by 6⅔ tons, since 32-pound paper is 6⅔% heavier than 30-pound paper.

(9) *Fourteenth Sunday in third quarter of 1945.* Inasmuch as there are 14 Sundays and 78 weekdays in the third quarter of 1945, compared with 13 Sundays and 79 weekdays in the third quarter of 1941 and 1944, the publisher of a daily and Sunday newspaper may increase his consumption quota in the third quarter of 1945 by the excess of his average Sunday use of print paper in the third quarter of 1944 over his average weekday use of print paper in the third quarter of 1944. The publisher of a newspaper issued only on Sundays may increase his consumption quota in the third quarter of 1945 by one-thirteenth of his allowable use of print paper in the third quarter of 1944. No publisher may increase his delivery quota because of any additional tonnage he may use for the fourteenth Sunday in the third quarter of 1945.

(l) *Carry-over.* If a publisher uses less print paper than he is permitted to use in the fourth quarter of 1943, or in any calendar quarter after that, he may add this tonnage to his consumption quota but not to his delivery quota, in any succeeding quarter. This paragraph does not apply to the print paper which a publisher is permitted to use under paragraph (m) (2).

(m) *Consumption quotas for certain types of newspapers.* Excepted from the provisions of paragraph (k) are certain types of newspapers described in this paragraph (m), whose consumption quotas shall be computed as follows:

(1) *Special types of newspapers.* Any newspaper containing the equivalent of

8 standard-size pages or less which is authorized to be admitted to the mails as second-class matter under the provisions of section 521 of the Postal Laws and Regulations of 1940 (Title 39, U. S. C., sec. 229) pertaining to the publications of benevolent, fraternal, trades-union, professional, literary, historical, and scientific organizations and societies shall have a consumption quota of print paper in any calendar quarter equal to either:

(i) Its quarterly consumption of print paper in any one of the first three calendar quarters of 1944; or

(ii) Its consumption of print paper in the corresponding calendar quarter of 1943. If the publisher selects this latter method in any calendar quarter, he may increase his consumption quota in that quarter by that percentage by which the average number of copies per issue in the third quarter of 1944 exceeds the average number of copies per issue in the corresponding calendar quarter of 1943. For example, if a newspaper's consumption of print paper in the first quarter of 1943 was 5 tons with an average press-run in that quarter of 5,000 copies per issue, and its average press-run in the third quarter of 1944 was 6,250 copies per issue, his consumption quota for the first calendar quarter of 1945 is 6¼ tons.

(2) *Small newspapers.* During the third calendar quarter of 1945 and in each calendar quarter after that, any person may use or cause to be used 10 tons of print paper for a newspaper published weekly or less frequently, 11¼ tons of print paper for a newspaper published semi-weekly, 12½ tons of print paper for a newspaper published tri-weekly, 13¾ tons of print paper for a newspaper published four times a week, 15 tons of print paper for a newspaper published 5 times a week, 16¼ tons of print paper for a newspaper published 6 times a week, or 17½ tons of print paper for a newspaper published 7 times a week. It makes no difference whether he used that much print paper or any print paper in the publication of a newspaper during any previous period.

(3) *Other newspapers using less than 25 tons per quarter.* If, prior to October 1, 1944, a publisher used less than 25 tons of print paper per calendar quarter for civilian readers (whether or not he used additional paper for military readers), his total quarterly consumption quota for all types of readers shall be computed as follows:

(i) Ascertain the total number of copies of all issues printed in each of the seven calendar quarters between January 1, 1943 and September 30, 1944.

(ii) Ascertain the average number of pages per issue printed in each of the seven calendar quarters between January 1, 1943 and September 30, 1944.

(iii) Multiply the highest quarterly figure determined under subdivision (i) by the highest quarterly figure determined under subdivision (ii). The weight of paper required to produce this number of pages is the publisher's quarterly consumption quota; *Provided, however,* That if this figure is in excess of 25 tons, the publisher shall be limited to 25 tons per quarter plus the tonnage in excess of 25 tons which he used for military circulation in the third quarter of 1944.

(n) *Allotment to Army and Navy.* (1) The War Production Board may from time to time allot to the Army and the Navy a specified tonnage of paper to be consumed in printing (i) newspapers acquired in bulk for free distribution by the Army or the Navy which will be furnished to United States Armed Forces personnel in the continental United States and (ii) "servicemen's" "overseas", "pony", or other condensed editions of newspapers acquired in bulk by the Army or the Navy which will be furnished to United States Armed Forces personnel overseas.

(2) From this allotment the Army and the Navy, under a delegation of authority from the War Production Board, may grant to individual publishers the right to add to their consumption quotas the tonnage of paper consumed in printing such newspapers acquired by the Army and the Navy for distribution as described under paragraph (n) (1). This allotment does not cover purchases of newspapers by military exchanges or service departments as defined in Priorities Regulation 17 for distribution within the continental limits of the United States. All newspapers sold to the military shall be charged against the publisher's consumption quota unless the publisher has received a specific grant from the Army or the Navy pursuant to this paragraph.

Delivery Quota

(o) *Computation of delivery quota.* In July 1945, and in each calendar month after that, no publisher may order or accept delivery of print paper in excess of his monthly delivery quota, which shall be computed in accordance with the following instructions:

(1) *Monthly base.* Total the publisher's consumption quotas for the third and fourth quarters of 1945 and add the ex-quota tonnage, if any, which may have been granted for the third quarter of 1945. Divide by 6. (Do not add any carry-over from preceding quarters.)

(2) *Inventory ceiling.* The above amount shall be reduced accordingly if a publisher's inventory is, or by virtue of such order or acceptance will become, on December 31, 1945, greater than: (i) 30 days' supply for publishers in the states named in List A, (ii) 50 days' supply for publishers in the States named in List B, or (iii) 60 tons for publishers who would be limited to a smaller amount by subdivision (i) or (ii) above.

List A

Connecticut.	Nebraska.
District of Columbia.	New Hampshire.
Delaware.	New Jersey.
Illinois.	New York.
Indiana.	North Dakota.
Iowa.	Ohio.
Kansas.	Pennsylvania.
Kentucky.	Rhode Island.
Maine.	South Dakota.
Maryland.	Vermont.
Massachusetts.	Virginia.
Michigan.	West Virginia.
Minnesota.	Wisconsin.
Missouri.	

List B

Alabama.	Nevada.
Arizona.	New Mexico.
Arkansas.	North Carolina.
California.	Oklahoma.
Colorado.	Oregon.
Florida.	South Carolina.
Georgia.	Tennessee.
Idaho.	Texas.
Louisiana.	Utah.
Montana.	Washington.
Mississippi.	Wyoming.

3. *Exclusions.* In computing his monthly base under paragraph (o) (1), and in computing the maximum tonnage which he may have in his inventory on December 31, 1945 in accordance with paragraph (o) (2), a publisher shall exclude any less-than-quota savings under his consumption quota carried over from previous quarters. He shall also exclude print paper which he has received by Great Lakes or coastal water-borne shipments; provided on May 1 of any calendar year he shall have on hand or available for use not more than (i) a 30 days' supply if he is located in one of the States named on List A above, or (ii) a 50 days' supply if he is located in one of the States named in List B above and provided further that no publisher may order or accept delivery of a total amount of print paper by water, rail or otherwise in any calendar year (including both the open and closed navigation seasons) in excess of his permitted consumption for that calendar year.

(4) *Computation of rate of consumption.* The number of days' supply shall be computed at the average daily rate of allowable consumption for the last six months of 1945.

(5) *Fractional carloads.* If a publisher's delivery quota for any month is less than one carload, he may nevertheless order and accept, in that month, up to one full carload. If a publisher's delivery quota for any month is a whole number of carloads plus a fraction of another carload, the fraction may be added to his delivery quota for any succeeding month.

(6) *Transit damage.* If print paper in inventory is destroyed or damaged to such an extent that it becomes unusable in publishing his newspaper, whether this occurs while the paper is in transit or after it has reached its destination, the publisher may increase his delivery quota (but not his consumption quota) in the same or any subsequent month by an amount sufficient to replace such paper. It is immaterial whether or not the publisher is reimbursed for the destroyed or damaged paper by the shipper, the carrier, or an insurance company. It is also immaterial whether or not the publisher salvages all or part of the damaged paper for use other than in publishing his newspaper.

(7) *Report on transit damage.* Any publisher who increases his delivery quota to replace destroyed or damaged print paper in accordance with subparagraph 6 above shall, within 15 days after placing the order for such replacement, file a letter with the War Production Board stating the number of tons comprising the publisher's delivery quota for that month, the number of tons destroyed or damaged, the manner in which such print paper was rendered unfit for use in publishing his newspaper, and the number of tons ordered in excess of his delivery quota. This reporting requirement has been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(p) *Exceptions.* Permission to order or accept delivery of print paper in excess of the tonnage allowed under paragraph (o) may be granted by the War Production Board upon a written request for specific authorization stating the number of tons and the number of days' supply of print paper which the publisher has in inventory, the number of tons comprising his delivery quota, the number of additional tons he desires to order and accept, and the reasons why the denial of the request would create undue hardship.

(q) *Certification.* No mill or other supplier may sell or deliver to any person, and no person may accept, any print paper for use under Order L-240 except on a delivery order bearing or accompanied by a certification substantially in the form set forth below. This certification must be signed manually or as provided in Priorities Regulation No. 7 by the purchaser or by an official duly authorized for such purpose:

The undersigned certifies, subject to the penalties of section 35 (a) of the U. S. Criminal Code, to the seller and to the War Production Board: (a) that he is permitted to place this delivery order and to accept the print paper ordered; (b) that the print paper will be used or delivered, or that it is required to replace in inventory print paper previously used or delivered, under War Production Board Order L-240.

The above certification must be placed on, or must accompany, each delivery order placed by any person for print paper to be used under Order L-240, and the certification provided for in Priorities Regulation No. 7 may not be used in its place.

(r) *Inventory reports and copies of orders.* On and after July 1, 1945, the publisher of every newspaper which consumes 25 tons of print paper or more in any calendar quarter shall file with the War Production Board:

(1) A monthly statement of his inventory of print paper on Form WPB 4292 within three days after the close of each month, beginning with June 1945.

(2) Copies of all orders for the delivery of print paper placed by him or for his account. Such copies of orders must be mailed within three days after the orders are placed.

These reporting requirements have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(s) *Intra-company transfers.* The foregoing restrictions apply not only to deliveries from one person to another, including affiliates and subsidiaries, but also to deliveries from one branch, division, or section of a single enterprise to another branch, division, or section of the same or any other enterprise under common ownership or control.

Miscellaneous Provisions

(t) *Loans of print paper.* Any loan of print paper made by a publisher shall be reported to the War Production Board by letter within 15 days after the date of the loan. This reporting requirement has been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(u) *Applicability of regulations.* This order and all transactions affected by it are subject to all present and future regulations of the War Production Board.

(v) *Appeals.* Any appeal from the provisions of this order shall be made in accordance with Supplement 1 to the order. Regardless of the provisions of Priorities Regulation 16 no statement with respect to manpower information on Form WPB-3820 (or letter explaining why that form is not filed) need accompany any appeal.

(w) *Communications to the War Production Board.* All reports required to be filed hereunder, requests for specific authorization, appeals and other communications concerning this order shall be addressed to: War Production Board, Printing and Publishing Division, Washington 25, D. C. Ref: L-240.

(x) *Violations.* Any person who willfully violates any provision of this order, or who, in connection with this order, willfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

Issued this 27th day of August 1945.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

SCHEDULE I

NOTE: Schedule I added August 27, 1945.

(a) *The purpose of this schedule.* This schedule limits the acceptance and use of newsprint for all purposes other than newspapers.

(b) *Definition of "newsprint".* "Newsprint" means the grades of paper commonly known as "standard newsprint" and "super-standard newsprint."

(c) *Newsprint consumption quota for persons other than newspaper publishers.* (1) In the third calendar quarter of 1945 and in each calendar quarter after that no person may cause to be used in the publication of magazines or books more than 113.3 per cent of the newsprint which he lawfully used or caused to be used for that purpose in the corresponding calendar quarter of 1944 or the second calendar quarter of 1945, or 10 tons, whichever is greatest.

(2) In the third calendar quarter of 1945 and in each calendar quarter after that no person may cause to be used in the publication of shopping guides, free distribution newspapers, want ad publications and free distribution publications in newspaper format more than 105 per cent of the newsprint which he lawfully caused to be used for that purpose in the corresponding calendar quarter of 1944 or the second calendar quarter of 1945, or 10 tons, whichever is greatest.

(3) In the third calendar quarter of 1945 and in each calendar quarter after that no person may use (except for newspapers, magazines, books, shopping guides, free distribution newspapers, want ad publications and free distribution publications in newspaper format) more than 113.3 per cent of the newsprint which he lawfully used in the corresponding calendar quarter of 1944 or the second calendar quarter of 1945, or 10 tons, whichever is greatest. However, a printer is not limited in the amount of newsprint which he may use for printing, including official Army or Navy post, camp, station or unit newspapers, to be delivered to the Army, Navy, Maritime Commission or War Shipping Administration directly, or as a part of a contract for an item purchased by one of those agencies.

(d) *Newsprint delivery quotas for persons other than newspaper publishers.* In the third calendar quarter of 1945 and in each calendar quarter after that no person (other than the publisher of a newspaper) may order or accept newsprint in excess of his consumption quota for that calendar quarter. This amount shall be reduced accordingly if his inventory of newsprint is, or by virtue of such acceptances will become, on the first day of any calendar quarter commencing with the fourth quarter of 1945, more than 45 per cent of the newsprint which he lawfully used or caused to be used in the preceding calendar quarter, or 60 tons, whichever is greatest.

INTERPRETATION 1: Revoked Dec. 24, 1943.
INTERPRETATION 2: Revoked Dec. 24, 1943.
INTERPRETATION 3: Revoked Dec. 24, 1943.

INTERPRETATION 4

TRANSIT DAMAGE

Paragraph (f) of Order L-240 states in part: "Transit damage shall not be included in a publisher's 'use' of print paper." This provision which was inserted in the order on December 24, 1943, merely explained, and did not change, the existing rule.

At all times since the issuance of Order L-240 on December 31, 1942, a publisher has been obliged to charge against his consumption quota only the print paper which was actually "used" in publishing his newspaper; print paper which was destroyed or damaged in transit need not be charged against the publisher's consumption quota to the extent that such print paper was rendered unusable in the publication of his newspaper. However, at all times since the issuance of Order L-240 on December 31, 1942, production waste has been included in the tonnage of print paper which is "used" in publishing a newspaper. (Issued Oct. 30, 1944.)

[F. R. Doc. 45-15980; Filed, Aug. 27, 1945; 11:33 a. m.]

PART 3208—SCHEDULED PRODUCTS

[General Scheduling Order M-293, Direction 4]

REVOCATION OF TABLES AND DIRECTIONS TO M-293 AND UNFREEZING OF SCHEDULES

The following direction is issued pursuant to General Scheduling Order M-293:

(a) *Revocation of tables and directions to M–293.* In view of the substantial cut backs in military requirements for M–293 products, the following tables and published directions issued pursuant to M–293 are revoked:

Sec.
3208.2 —Table 1—Table for programs.
3208.5 —Table 4—Table for automotive division: Direction 1 to Table 4—Purchasers of internal combustion engines and certain automotive chassis components to furnish manufacturers information regarding end use.
3208.6 —Table 5—Table for building materials division.
3208.7 —Table 6—Table for general industrial equipment division: Direction 1 to Table 6—Identification of Electric motors and controls and equipment containing them.
3208.9 —Table 8—Table for power division.
3208.10—Table 9—Table for radio and radar division.
3208.11—Table 10—Table for safety and technical equipment division.
3208.12—Table 11—Table for shipbuilding division.
3208.13—Table 12—Table for tools division: Direction 2 to Table 12—Use of miniature precision bearings, company radial type bearings restricted.
3208.14—Table 13—Table for cork, asbestos, and fibrous glass division.
3208.15—Table 14—Table for plumbing and heating division: Direction 1 to Table 14—Production of boilers for stock.
3208.16—Table 15—Table for Chemicals Bureau: Direction 1 to Table 15—Chemical processing machinery.
3208.18—Table 17—Table for containers division.
3208.19—Table 18—Table for transportation equipment division.

This revocation does not affect any liabilities incurred for violation of M–293 or its tables and directions or of actions taken by the War Production Board under M–293 or its tables and directions. Order M–293 and Direction 3 to the order are being retained for the present and will continue to provide the general framework for such scheduling by the War Production Board as may hereafter prove to be necessary to meet future military and essential civilian requirements. However, effective immediately manufacturers are no longer required to file shipping schedules or monthly operations reports relating to M–293 products unless they are subsequently specifically directed to do so by the War Production Board pursuant to Priorities Regulation 8.

(b) *Unfreezing of schedules September 30, 1945.* Notwithstanding paragraph (b) (2) of M–293 all frozen schedules, specific authorizations and directions issued pursuant to M–293 relating to M–293 products now listed on the various tables of M–293 shall expire September 30, 1945 unless by their terms they expire sooner or unless they are modified by later specific directions. Production and delivery of such products remain subject to all other applicable orders and regulations of the War Production Board. After September 30, 1945, for the purpose of determining the sequence of deliveries of rated orders pursuant to § 944.7 of Priorities Regulation 1, the required delivery date on any purchase order for an M–293 product which was rated MM and included in a frozen schedule prior to October 1, 1945 shall be the scheduled delivery date which was frozen on September 30, 1945 unless the purchaser specifically changes the date.

(c) *Scheduling of unrated orders until October 1, 1945.* Paragraph (k) of M–293 provides that unrated orders shall not be included in any schedule filed or frozen under the order unless the unrated order is accompanied by specific approval by the War Production Board authorizing it to be placed, or unless the War Production Board specifically directs the manufacturer to include it in his frozen schedule. That paragraph applies not only to purchase orders to which no rating has been assigned, but also to orders which were rated when originally scheduled but later become unrated. Thus rated orders (other than AAA or MM) identified with CMP allotment symbols whose initial letters are W, O, M (except M–8), N, or C which automatically became unrated August 17, 1945 as explained in Direction 1 to Priorities Regulation 29, must be removed from frozen schedules immediately. This does not mean that they must be taken completely out of the manufacturer's schedule, but that their position in his schedule may no longer be treated as frozen. When the unrated orders have been removed from the frozen schedule, the manufacturer must move up his later scheduled rated orders as provided in paragraph (g) of M–293, but the manufacturer may deliver unrated orders if doing so will not interfere with his meeting the required delivery dates on his rated orders.

Issued this 27th day of August 1945.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 45–15983; Filed, Aug. 27, 1945; 11:33 a. m.]

PART 3290—TEXTILE, CLOTHING AND LEATHER

[General Limitation Order L–274, Revocation of Interpretation 1]

NYLON HOSIERY

Interpretation 1 to Limitation Order L–274 is revoked.

Issued this 27th day of August 1945.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 45–15982; Filed, Aug. 27, 1945; 11:33 a. m.]

PART 3290—TEXTILE, CLOTHING AND LEATHER

[General Limitation Order L–274, Direction 1]

SILK AND NYLON HOSIERY

The following direction is issued pursuant to General Limitation Order L–274:

Silk and nylon hosiery may be manufactured without regard to the restrictions of Limitation Order L–274.

Issued this 27th day of August 1945.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 45–15981; Filed, Aug. 27, 1945; 11:33 a. m.]

PART 3290—TEXTILE, CLOTHING, AND LEATHER

[Conservation Order M–328, as Amended Aug. 24, 1945]

PROVISIONS APPLICABLE TO TEXTILES, CLOTHING AND RELATED PRODUCTS

The fulfillment of requirements for the defense of the United States has created shortages in the supplies of textiles, clothing, leather and related products for defense, for private account and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 3290.118 *Conservation Order M–328*—(a) *Restrictions on preference ratings for textiles, clothing, leather, etc.* (This paragraph states conditions which must be met to make ratings for items on Schedule A valid. However, even though a rating is not valid for the items, this does not prevent anyone from filling a purchase order if he can do so without disregarding valid ratings on other purchase orders or disregarding other orders or directions of the War Production Board.)

No person shall apply, extend or give any effect to any preference rating heretofore or hereafter assigned, applied, or extended to the delivery of any item on Schedule A unless:

(1) The rating has been assigned by a preference rating form or letter issued by or under the authority of the War Production Board to a named applicant and the form or letter specifically describes the item and specifies the quantity, description and type which may be obtained by the rating. No rating assigned by any L, M, P or other order, by any regulation (such as CMP–5 or CMP–5A), or on Form CMPL–150, CMPL–200 or CMPL–201 shall be valid for any item on Schedule A, except as permitted by paragraph (a) (2), (a) (3) or (a) (4). For example, the rating for any fabric to comply with this subparagraph must be assigned on a War Production Board form or letter naming the person to whom the rating is assigned and stating the yardage, type and construction of the fabric for which the rating is assigned.

(2) The rating has been assigned by or pursuant to a form, order or regulation of the War Production Board and is used to obtain the item for direct or ultimate delivery to, or for incorporation into any material for ultimate delivery to the Army or Navy of the United States (including U. S. Army and Marine Corps Post Exchanges, U. S. Navy and Coast Guard Ship's Service Departments, and War Shipping Administration Training Organization Ship's Service activities), the Maritime Commission or War Shipping Administration, (including marine distributors pursuant to authorization by the Maritime Commission on Form WPB–646). A delivery to an establishment or ship operated under contract with one of those agencies is not in itself a direct or ultimate delivery to the Army, Navy, Maritime Commission or War Shipping Administration.

(3) The rating has been assigned by or pursuant to any supplement to this order or the particular order specified after the item on Schedule A.

(4) The material to be delivered is actually required as, or is required for incorporation in, a functioning part of industrial machinery and is one of the following numbered items on Schedule A: 1, 3 (except Seine cord, hawser cord and other cabled cord), 4, 12.

SCHEDULE A—MATERIALS AND PRODUCTS COVERED BY CONSERVATION ORDER M–328

1. Animal bristles and hair.

2. Clothing, footwear (including safety shoes, hats, gloves, and all other outer or under garments or apparel, if made in whole or in part of leather or textile yarn, staple fiber or fabrics. However, this order does not apply to rubber footwear, professional rubber gloves, or to the following items when such items are specifically designed and used to furnish protection against occupational hazards (other than weather).
Asbestos clothing.
Gauntlet type welders' leather gloves and mittens, and electricians' leather protector or cover gloves.
Metal mesh gloves, aprons and sleeves.
Other safety leather gloves or mittens, but only if steel-stitched or steel-reinforced.
Plastic and fiber safety helmets.
Safety belts and harnesses.
Safety clothing impregnated or coated for the purposes of making the same resistant against fire, acids or other chemicals or abrasives.
Safety industrial leather clothing other than gloves or mittens.
Safety industrial rubber gloves and hoods, and linemen's rubber gloves and sleeves.

3. Cotton, wool and synthetic yarns and blends of the foregoing. L–282, M–317, M–317A, M–317B, M–385, M–388, M–388A, M–388B and M–388C.

4. Woven, felted, knitted and braided fabrics of cotton, wool or synthetic yarns and blends of the foregoing (M–166, M–317, M–317A, M–317B, M–385, M–388, M–388A, M–388B, M–388C and P–116), including but not limited to:
Bedsheets.
Pillow cases.
Blankets.
Towels.
Diapers.
Face cloths.
Table "linens."

5. Dyestuffs (defined in Conservation Order M–103).

6. The following metal shoe findings:
Arch supports.
Box toes and caps.
Heel rims and plates.
Heel washers.
Shoe shanks.
Toe rims and plates.
Steel wire shoe nails.

7. Hides, skins, furs and leather and products made primarily therefrom (subject to additional restrictions of M–310).

8. Manila, agave, istle, hemp (cannabis sativa), jute, coir yarn and other fibers, suitable for cordage (rope and twine), and cordage products made primarily therefrom. P–56, P–98–b, M–84.

9. Mops.

10. Slide fasteners.

11. Sponges, marine and loofa.

12. Textile fibers (animal, vegetable, or synthetic, including curled istle) and products made primarily from textile fibers or textiles. This order does not apply to fabrics after they have been coated, or impregnated, fire hose, fire hose jackets, sisal processors' mill waste or sisal bagasse. M–85, M–317, M–388c.

13. Steel tacks (except thumb tacks).

14. Synthetic rubber thread and products made therefrom.

(b) *How ratings must be applied and extended.* (1) Priorities Regulation 3 states rules and restrictions on the use of all preference ratings. When a rating is used, the standard certification described in Priorities Regulation 7 or the certification described in Priorities Regulation 3 must be put on a purchase order for a Schedule A item. In addition, the purchaser must use one of the following applicable certifications (with the blanks properly filled in):

(i) If the rating is assigned by an order listed on Schedule A, the special certification, if any, required by that order shall be added.

(ii) If the rating is assigned by an order listed on Schedule A, but the listed order does not require a special certification, the following shall be added:

This rating is assigned by Order ------.
[Insert number of order listed opposite the item on Schedule A.]

(iii) If the rating is assigned through the Foreign Economic Administration, the following shall be added:

This rating is assigned in connection with Export License No. ------ or Release Certificate No. ------.
[Insert license or release certificate number.]

(iv) In all other cases the following shall be added:

This rating can be used under M–328.

(2) No rating permitted by paragraph (a) (1), (a) (3) or (a) (4) above, which is applied to get a Schedule A item, shall be extended for any other Schedule A item. However, in the case of ratings permitted by paragraph (a) (1), the rating may be extended if the form or letter specifically permits the extension of the rating for and fully describes the other Schedule A item. (For example, a rating which is applied to get fabric may not be extended to get yarn, except that in a case where the rating is permitted by paragraph (a) (1), the rating may be extended if the form or letter states that it may and also states the specific quantity, count, etc. The rating may also be extended for yarn if the fabric is for an Army, Navy, Maritime Commission or War Shipping Administration (including marine distributors pursuant to authorization by the Maritime Commission on Form WPB–646) order, as permitted by paragraph (a) (2). A rating permitted by paragraph (a) (3) may also be extended if the particular order specified after the item on Schedule A specifically permits extension. (For example, Order M–388C specifically permits extension of the ratings assigned thereunder). This paragraph shall not prevent the extension of a rating for finished fabrics to get fabrics in the gray state.

(c) *Specific directives.* The war Production Board may issue specific directions to individual producers or processors of items listed in Schedule A, with respect to the production, fabrication, processing or delivery of items to meet particular military or civilian requirements, and no producer or processor shall produce, fabricate, process, deliver or accept delivery contrary to directions.

(d) *Equitable distribution.* (This paragraph does not apply to sales by retailers, inasmuch as the Fair Distribution Policy for retailers is defined in Declaration of Policy of July 15, 1943.) Preference ratings are given to certain orders to further the war program. It is the policy of the War Production Board that items listed in Schedule A not required to fill rated orders shall be distributed equitably. In making such distribution due regard should be given to essential civilian needs, and there should be no discrimination in the acceptance or filing of orders as between persons who meet the seller's regularly established prices and terms of sale or payment.

Under this policy every seller of the items, so far as practicable, should make available an equitable proportion of his merchandise to his customers periodically, without prejudice because of their size, location or relationship as affiliated outlets.

It is not the intention to interfere with established channels and methods of distribution unless necessary to meet war or essential civilian needs. If voluntary observance of the policy outlined is inadequate to achieve equitable distribution, the War Production Board may issue specific directions to named concerns. A failure to comply with a specific direction shall be deemed a violation.

(e) *Rejects, over-runs and seconds*—(1) *Definitions.* "Reject" means a Schedule A item which was obtained with priorities assistance or a Schedule A item into which material obtained with priorities assistance has been incorporated and which cannot be used for the purpose for which the priorities assistance was given. The term includes seconds and over-runs, but does not include waste, scrap or cuttings normally generated in a manufacturing process.

"Priorities assistance" means a preference rating, allocation, specific direction, CMP allotment, or any other action of the War Production Board used to obtain a material or product.

(2) *No one may purposely make a reject.* No manufacturer, processor or converter shall manufacture, process or order any product on Schedule A which he knows or should know will be a reject. This paragraph does not prohibit the production of seconds, over-runs or by-products to the extent that they are unavoidable in the manufacturer's operations.

(3) *Restrictions on the disposition and use of rejects.* The following rules govern the disposition and use of rejects, regardless of § 944.11 of Priorities Regulation 1:

(i) No manufacturer, processor or converter shall dispose of or use a reject listed on Schedule B, and no one shall accept delivery of such a reject, except as permitted by that schedule;

(ii) Subject to all restrictions contained in other orders of the War Production Board, any reject listed on Schedule A, but not listed on Schedule B, may be disposed of for use in the United States or to fill a rated order, or may be used for any purpose by the holder of the reject;

(iii) In any event, "special sales" (as defined in Priorities Regulation 13) of rejects may be made only in accordance with the provisions of Priorities Regulation 13."

(4) *How to get needed permission to dispose of a reject.* Any manufacturer who under the terms of this order needs specific permission to dispose of a reject may apply by letter to the War Produc-

tion Board stating (where applicable) the number of the contract, the amount of material to be produced under it, the kinds of such material, a detailed statement of quantities and kinds of rejects, a copy of the rejection, and a statement of the efforts he has made to dispose of the rejects to the buyer. If the War Production Board decides he ought to be allowed to dispose of the reject, it will give him specific instructions.

(5) *Effect of specific instructions on disposition.* The War Production Board may issue specific instructions in writing to anyone respecting the use and disposition of rejects. These instructions may relate to rejects not yet manufactured on the date of their issuance. They must be obeyed even if they conflict with other provisions of this order.

(6) *Reports.* Manufacturers of textile, clothing and leather products shall report their rejects at such times and in such manner as the War Production Board may from time to time require, subject to the approval of the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

(7) *Records.* All persons affected by this order shall keep for at least two (2) years records showing the quantities and kinds of rejects produced by them and the disposition thereof.

SCHEDULE B—REJECTS WHICH MAY BE DELIVERED ONLY ON SPECIFIC AUTHORIZATION OF THE WAR PRODUCTION BOARD

The following types of rejects may be sold or used by the holder of the reject on an order bearing a preference rating; otherwise the holder must apply for specific authorization of the War Production Board to sell or use the reject:

Manila, agave and coir fibers, and products made primarily therefrom.

Materials obtained with priorities assistance assigned by or under Conservation Orders M-317, M-317A, M-328B, M-388, M-388A, M-388B or M-388C, or schedules, supplements or directions to any of such orders.

The following types of rejects may be sold or used by the holder of the reject only on specific authorization of the War Production Board:

NOTE: "Equipage • • •" and "Feathers • • •" deleted Aug. 24, 1945.

Kapok.
Tanning materials, vegetable.

NOTE: Regarding the disposition of reject hides, skins, furs and leather and products made primarily therefrom, see paragraphs (b) (3), (b) (4), and (b) (5) of Conservation Order M-310.

[Schedule C deleted Jan. 4, 1945.]

(f) *Exceptions from restrictions on "cutbacks" or terminations.* The War Production Board in any case where it finds that, by reason of cut-backs or terminations of Government contracts or subcontracts, compliance with any restriction on the manufacture, use, sale or delivery of any item on Schedule A would cause a loss of production or interfere with the filling of civilian orders, may grant temporary exceptions from such restriction.

(g) *Miscellaneous provisions*—(1) *Applicability of regulations.* Except as otherwise provided herein, this order and all transactions affected thereby are subject to all applicable regulations of the War Production Board as amended from time to time.

(2) *Violations and false statements.* Any person who wilfully violates any provision of this order, or who in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

(3) *Communications.* All reports to be filed hereunder and communications concerning this order shall, unless otherwise directed, be addressed to the War Production Board, Textile, Clothing and Leather Bureau, Washington 25, D. C., Ref: M-328.

(4) *Appeals.* (i) Any appeal from the provision of paragraphs (c), (d) or (e) of this order shall be made by filing a letter in triplicate, referring to the particular provision appealed from, and stating fully the grounds of the appeal.

(ii) An appeal for suspension of a production direction dealing with an item on Schedule A may be made (whether or not such direction is issued under this order) on the ground that compliance with the action will result in production at a loss: *Provided*, That an application for price relief on that ground is first filed with the Secretary of the Office of Price Administration, Washington, D. C., and a copy is filed with the WPB appeal. If the WPB appeal is granted, requirements of a direction for increases above current production will be suspended until the decision of the Office of Price Administration upon the application for price relief. This paragraph does not indicate or limit the extent or kind of price relief, if any, which may be granted by the Office of Price Administration.

(iii) No direction or order relating to items on Schedule A (whether or not it refers to M-328) shall be deemed to require the furnishing of materials or facilities to the War Production Board. If a direction requires the furnishing of materials or facilities to a contracting agency or to a war contractor, or the production of a specified amount of a material or product, or restricts all or a part of a person's production or inventory to specified purposes, and if the person affected cannot get firm orders to cover the materials, facilities, production or inventory involved, he may appeal, and the War Production Board will grant appropriate relief.

(5) *Reports.* Every person shall execute and file with the War Production Board such reports and questionnaires as it shall from time to time request with respect to items listed on Schedule A, subject to the approval of the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

Issued this 24th day of August 1945.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

INTERPRETATION 1

RATINGS FOR TWINE AND WRAPPING MATERIALS

Ratings for twine and other materials on Schedule A of M-328 used for wrapping must conform to the conditions specified in paragraph (a) of the order to be valid.

Such materials used to wrap products are not incorporated into the product which is wrapped. Therefore, a rating which can be used to get material to be incorporated into a product cannot be used to get twine with which to wrap the product even though the product is going to be delivered to one of the Government agencies mentioned in paragraph (a) (2). (Issued March 23, 1944)

[F. R. Doc. 45-15843; Filed, Aug. 24, 1945, 4.29 p. m.]

Chapter XI—Office of Price Administration

PART 1445—LIVESTOCK

[MPR 469, Amdt. 14]

LIVE HOGS

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.

Maximum Price Regulation No. 469 is amended by changing the ceiling price listed in Schedule I of section 13, Appendix A, for Newport, Minnesota to read "14.55".

This amendment shall become effective August 23, 1945.

Issued this 23d day of August 1945.

JAMES G. ROGERS, Jr.,
Acting Administrator.

Approved: August 21, 1945.

CLINTON P. ANDERSON,
Secretary of Agriculture.

[F. R. Doc. 45-15745; Filed, Aug. 23, 1945; 4:51 p. m.]

PART 1499—COMMODITIES AND SERVICES

[MPR 188, Amdt. 67]

INDUSTRY-WIDE ADJUSTMENTS FOR RECONVERSION PRODUCTS

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.

Maximum Price Regulation No. 188 is amended in the following respect:

A new § 1499.159e is added to read as follows:

§ 1499.159e *Industry-wide adjustments for reconversion products.* Special pricing provisions applicable to particular products may be established by orders issued under this section when, with respect to the product, the Administrator finds:

(a) That in 1944 its production was approximately one-half or less of its production in its last representative period of peacetime production;

(b) That this reduction in dollar volume resulted from (1) governmental restrictions on the manufacture of products or on the use of materials, facilities, or manpower, or (2) the use of facilities for the production of war goods, or (3) other direct needs of the war effort; and

(c) That because of change in government restrictions or in the needs of the war program, manufacturers of the product generally are able to begin or to increase substantially the production of the product line.

If, in the judgment of the Administrator, the purposes of this section will be effectuated, as to a particular product, without any special pricing provisions, an order under this section will not be issued with respect to that product even though the above findings could be made as to it.

Orders under this section will, generally, authorize industry-wide increases in the established maximum prices of manufacturers in those industries, based upon surveys conducted by the Price Administrator, either upon the request of the particular industry or upon his own motion. Those orders will establish adjusted maximum prices or methods of determining such prices by the use of price increase factors. Where, however, in the judgment of the Price Administrator, the use of an industry-wide factor will, by reason of the diversity in the products made by the member firms, the wide variation in cost experience among them, or other reasons, be an inequitable and inappropriate means of establishing reconversion prices, he may provide for the calculation and application of individual price increase factors.

Broadly stated, the new maximum prices will represent costs experienced during the last period of normal production adjusted for subsequent lawful changes in the level of materials prices and in basic wage rate schedules of factory workers, plus the industry's average peacetime profit margin over cost. Changes in materials prices may be measured by materials cost increase factors, determined by the Administrator, in those cases where such action may be necessary to eliminate temporary or artificial influences. In the case of an industry for which the Administrator has decided that price increase factors should be determined and applied for each firm, the profit element in each increase factor will be the firm's own base period profit margin or one-half the industry's average peacetime margin, whichever is the higher.

Orders issued under this section may also modify or supersede the provisions of Maximum Price Regulation No. 188, with respect to the establishment of maximum prices, if, on the basis of the particular characteristics of the industry involved, the Administrator finds that another method of price determination will effectuate the purposes of this regulation better than the general pricing provisions of the regulation. In addition, those orders may establish new maximum prices or a method of determining new maximum prices for sales by persons other than manufacturers which will supersede maximum prices fixed by other regulations for such sales and which will be consistent with the standards applied by the Office of Price Administration for the reasonable absorption of necessary cost increases.

Orders issued under this section will not ordinarily reduce higher maximum prices which manufacturers have previously established in accordance with the applicable provisions.

A manufacturer of a product covered by an order issued under this section may not obtain an adjustment of his maximum prices under any adjustment provision other than Supplementary Orders Nos. 118 and 119, unless the adjustment provision itself or the order issued under this section covering his product expressly provides otherwise. This rule does not apply, however, to any adjustment which may be made in accordance with Procedural Regulation No. 6 with respect to any Government contract or subcontract thereunder, for the sale of a commodity essential to the war program.

Small volume manufacturers may use as their new maximum prices those which they calculate under Supplementary Order No. 118, and general orders issued pursuant thereto, if the maximum prices so calculated are higher than maximum prices set under orders issued under this section. Any other manufacturer may apply for an individual adjustment under Supplementary Order No. 119 if, after the adjustment authorized for his industry by an order under this section, his maximum price still continues eligible for adjustment in accordance with the provisions of that supplementary order.

Orders issued under this section may require a manufacturer to arrange the production and distribution of his products so that they will be representative of his production and distribution in a specified past period for goods in a particular category. The Administrator may also require authorized price increases to be applied among articles or price lines in a manner consistent with the need, under the stabilization program, to maintain the production of lower-priced articles.

This amendment shall become effective August 23, 1945.

Issued this 23d day of August 1945.

CHESTER BOWLES,
Administrator.

For the reasons set forth in the accompanying Statement of Considerations and by virtue of the authority vested in me by the Emergency Price Control Act of 1942, as amended, and Executive Orders Nos. 9250, 9328 and 9599, I find that the issuance of this amendment to Maximum Price Regulation No. 188 is necessary to aid in the effective prosecution of the war.

THOMAS I. EMERSON,
Acting Director of Economic Stabilization.

[F. R. Doc. 45-15744; Filed, Aug. 23, 1945; 4:51 p. m.]

PART 1315—RUBBER AND PRODUCTS AND MATERIALS OF WHICH RUBBER IS A COMPONENT

[RO 1A,[1] Amdt. 109]

TIRES, TUBES, RECAPPING AND CAMELBACK

A rationale for this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.

Ration Order No. 1A is amended in the following respects:

1. Sections 1315.201 (a) (3), (4), (6), (10), (16), (20), (25), (26), (45) and (49), and §§ 1315.303 (c), 1315.305, 1315.308, 1315.702, 1315.703 and 1315.704 are revoked.

2. Section 1315.201 (a) (44) is amended to read as follows:

(44) "Truck tire board" means a Board to which a District Director has assigned a quota of truck tires.

3. Section 1315.307 (a) (1) is amended by deleting the phrase "there must be adequate space to store, for a thirty day period, all inspected tires which must be held at the station;".

4. Section 1315.401 (c) is amended to read as follows:

(c) *Basis for Board consideration.* The Board may delay action on an application filed by an eligible person until it is satisfied that its approval of such application will not deprive more essential applicants of certificates by reason of inadequate quotas. If the Board has before it applications from persons eligible for tires, which in its judgment satisfy all the conditions of this Order but which together call for the issuance of certificates for tires, in excess of the applicable quota of the Board, the Board, in determining which of the competing needs are to be satisfied, shall be governed by the relative importance to the civilian economy, public safety, and public health, of the operation of a vehicle in one use as compared to the importance of the operation of a vehicle in another use. The Board shall base its determination upon the application for a certificate and all other information which comes to its knowledge. The Board shall at all times serve the objectives sought to be accomplished by the tire rationing program and allot certificates for the most vital civilian uses.

5. Section 1315.551 is revoked and a new § 1315.551 is added to read as follows:

§ 1315.551 *Increases in dealers' inventories.* (a) A person who is engaged in the business of selling tires or who intends in good faith to engage in that business may apply by letter to the District Director serving the area where his establishment is, or will be, located for an increase in his inventory of Grade I tires or for an initial allotment of Grade I tires. He shall state his name and address; the name and address of the establishment; whether he was engaged in the tire business at that establishment on June 30, 1945 and if he was not a

[1] 7 F.R. 9160, 9392, 9724.

dealer on that date, the date on which he became a dealer there. If he was a dealer on June 30, 1945 he shall enclose his copy of OPA Form R–71 filed for the establishment with his letter of application. If he became a dealer after June 30, 1945, he shall state his inventory on August 31, 1945, of Grade I passenger tires and Grade I truck tires (by cross-section size groups 7.50 and smaller and 8.25 and larger), including the number of each of such tires called for on replenishment portions of certificates and receipts available to him.

An applicant who wants fewer passenger tires than the maximum number to which he is entitled under paragraph (c) shall state the number of passenger tires to be issued to him. An applicant who wants an increase in his Grade I truck tire inventory or an allotment of Grade I truck tires shall state so specifically, and the number he wants, if it is less than the maximum allowable to him under paragraph (c).

(b) Only one application for an establishment may be filed for each type of cross-section size group of tires under this Section. A District Director may not grant an increase of inventory under this Section to any establishment which has already received an increase in inventory under § 1315.552.

(c) If a District Director finds that the statements made in the application are true and that the application satisfies the requirements of this section he may issue certificates in the name of the applicant, as follows:

(1) If the applicant was engaged in the tire business on June 30, 1945, fifty percent of the number of passenger tires, truck tires 7.50 and smaller or truck tires 8.25 and larger shown on line 6 of OPA Form R–71 filed for the establishment, except that if these figures are less than 13, 8 or 4 respectively, the District Director may issue certificates for the number of tires required to give the applicant 20 passenger tires, 12 truck tires 7.50 and smaller or 6 truck tires 8.25 and larger;

(2) If the applicant became a dealer after June 30, 1945, fifty percent of the inventory of passenger tires, truck tires 7.50 and smaller or truck tires 8.25 and larger which he reported on his application as his August 31, 1945 inventory or the establishment, except that if these figures are less than 13, 8 or 4 respectively, the District Director may issue certificates for the number of tires required to give the applicant 20 passenger tires, 12 truck tires 7.50 and smaller or 6 truck tires 8.25 and larger;

(3) If the applicant intends in good faith to become a dealer, 20 passenger tires, 12 truck tires 7.50 and smaller or 6 truck tires 8.25 and larger

6. Section 1315.552 (d) is amended by substituting the figure "60" for the figure "90".

7. Section 1315.610 (b) is amended to read as follows:

(b) *Replaced tires to be turned in.* (1) If the certificate (other than a certificate for truck tires issued prior to September 1, 1945) indicates that a tire being replaced must be turned in, the applicant shall, before acquiring from a dealer or manufacturer, any tire in exchange for the certificate, turn in the tire to be replaced to such dealer or manufacturer, except in the case of purchase by mail or tires withdrawn from a public warehouse. In such cases, the applicant shall deliver the replaced tires to a dealer or manufacturer within five days after the acquisition of the replacement. The provisions of this subparagraph shall not apply to a State, local or foreign government, or the Federal Government, or any department or agency of any such government prohibited by law to make such disposition;

(2) A consumer who acquires tires from the Office of Surplus Property of the Department of Commerce shall turn in the tires to be replaced to a dealer or manufacturer. If the replaced tires were held at a Central Truck Tire Inspection Station or an Official Truck and Passenger Tire Inspection Station, the consumer shall turn them in within five days from the date he acquired them from such station.

8. Section 1315.611 (a) is amended to read as follows:

(a) *Turn-in of tire prerequisite to transfer.* If the applicant is required to turn in a tire, a dealer or manufacturer shall not transfer any tire pursuant to the certificate until he has acquired physical possession of the tire being replaced, except in the case of purchase by mail.

9. Section 1315.701 (a) is amended to read as follows:

(a) (1) *Inspection by certifying inspector.* No consumer may file an application for a certificate, and no such application shall be considered by a Board until an inspector has inspected the tire to be replaced, and has made the inspector's report required by OPA Form R–1 or, in the case of applications to replenish an emergency reserve, by OPA Form R–21 (in duplicate).

(2) *Disposal of tires by emergency reserve applicants.* The inspector shall, on OPA Form R–21, authorize emergency reserve applicants to transfer to a dealer or manufacturer the tires he has found to be unrepairable or unrecappable. An emergency reserve applicant shall file with his Board his application on OPA Form R–19 and the certification of an inspector on OPA Form R–21 with proof made thereon of the transfer of the unrepairable or unrecappable tires to a dealer or manufacturer. The dealer or manufacturer to whom the tires are transferred shall retain a copy of OPA Form R–21 as a record.

10. In § 1315.804 (c) (3) the phrase "any dealer, manufacturer or the Office of Surplus Property may" is substituted for the phrase "any dealer or manufacturer may".

11. Section 1315.806 (m) is amended to read as follows:

(m) *Mounting of original equipment.* A manufacturer of vehicles or equipment may mount rationed tires as original equipment only upon the running wheels of a vehicle or piece of equipment made by him. Authorization to mount tires for original equipment purposes is subject, however, to any prohibitions of the War Production Board with respect to mounting tires on vehicles or equipment. (With respect to passenger automobiles, the prohibition in this paragraph against mounting a spare tire as original equipment is a continuation of the same prohibition in the former WPB Order L–2–g).

12. Section 1315.806 (q) (2) is amended to read as follows:

(2) Transfer Grade I tires to a manufacturer. Transfers made under this subparagraph during any month shall be reported by the 15th of the following month to the Tire Rationing Branch, Office of Price Administration, Washington, D. C. The report shall give, by size and type, the number of tires transferred.

13. The fourth paragraph of § 1315.1003 (a) (2) is amended to read as follows:

The replenishment portions of certificates or receipts transferred to the Office of Surplus Property of the Department of Commerce by a consumer, dealer or sectional warehouse shall be forwarded by it to such offices as are designated by the Office of Price Administration, within twenty days after the end of the month in which the transfer of the tires called for thereon occurred.

This amendment shall become effective September 1, 1945.

(Pub. Law 671, 76th Cong. as amended by Pub. Laws 89, 421, and 507, 77th Cong.; E.O. 9125, 7 F.R. 2719, issued April 7, 1942, WPB Dir. No. 1, 7 F.R. 562, Supp. Dir. No. 1Q, 7 F.R. 9121)

NOTE: All reporting and record-keeping requirements of this amendment have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 24th day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-15845; Filed, Aug. 24, 1945; 4:32 p. m.]

PART 1364—FRESH, CURED AND CANNED MEAT AND FISH PRODUCTS

[MPR 389,[1] Amdt. 20]

CEILING PRICES FOR CERTAIN SAUSAGE ITEMS AT WHOLESALE

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.

Maximum Price Regulation No. 389 is amended in the following respects:

1. Subparagraph (1) of section 2 (a) is amended to read as follows:

(1) The ceiling price for each of the following products shall be determined as provided in paragraph (a) (2) of this section: the customary types of dry (hard) and semi-dry (soft) sausage other than those types for which dollar-and-cents prices are established in section 12 (a) of this regulation upon the basis of specifications defined in section 13; scrapple; sulze or souse; pork roll made from skeletal pork only, which has a yield not in excess of 95 percent and a fat content not in excess of 15 percent; ham roll made from boneless ham only, which has a yield not in excess of 95 percent and a fat content not in excess of 15 percent; lunch roll or lunch roll sausage made from pork only, which has a yield not in excess of 98 percent and a fat content not in excess of 15 percent; pudding containing less than 30 percent livers; head cheese; blood sausage; blood and tongue sausage; tongue roll; tongue loaf; tongue salad; fresh thuringer, containing pork, beef or veal; bockwurst, fresh or scalded, containing pork, beef or veal; fresh Italian or fresh Polish sausage which is made of pork, which has a fat content not in excess of 30 percent, which has a yield not in excess of 100 percent and which contains no extender; smoked mettwurst; chili con carne; roast or cooked beef loaf; corned beef loaf; jellied corned beef; goose liver style sausage containing tongues, sweetbreads and pistachio nuts; imitation or mock chicken loaf; and all sausage or sausage products sold or delivered to a canner for the manufacture of canned sausage for a war procurement agency.

2. Paragraph (b) of section 6 is deleted and paragraph (c) of section 6 is redesignated paragraph (b).

3. Section 12 (a) is amended by changing Item 1 in the price schedule to read as follows:

Item	Type 1 Pork	Type 2 Meat; by-products; cereal to 3½%	Type 3 Meat; by-products; cereal over 3½%
Kind of sausage and kind of casing			
1 Pork or breakfast sausage:			
(i) Fresh:			
Sheep casings (S. C.)	$31.00	$27.50	$20.50
Hog casings (H. C.)	28.00	22.50	17.50
Artificial casings (A. C.) or sealed heavy cardboard waxed cups, 1 lb. each or less	26.50	21.00	16.00
Cardboard cartons or sealed packages of moisture resistant paper, 1 lb. each or less	25.50	20.00	13.00
Bulk	24.50	19.00	12.00
(ii) Smoked:			
Hog casings (H. C.) or casingless	31.75	27.50	21.00
Artificial casings (A. C.)	31.25	27.00	20.50
Beef rounds (B. C.)	-------	25.00	18.50

4. Subparagraph (1) of section 12 (c) is amended to read as follows:

(1) *Selling costs.* One of the following amounts may be added to cover the cost of selling:

(i) On sales other than to retailers, purveyors of meals, ship operators, operators of lake vessels, and other manufacturers of sausage; $0.50 per cwt.

(ii) On sales, other than peddler truck sales, to retailers and purveyors of meals by sellers who are not hotel supply houses or ship chandlers; $1.50 per cwt.

(iii) On peddler truck sales involving a delivery of not more than 75 pounds of sausage and not more than 250 pounds of meats and meat products in any one day to any buyer's store door, the seller may add one of the following:

(*a*) If the sale is made by a person described in subdivision (i) of the definition of "peddler truck sale" in secton 13 (a) to retailers and purveyors of meals located in Zone 9 North of the Potomac River; $3.00 per cwt.

(*b*) If the sale is made other than as provided in the preceding part (*a*) of this subdivision (iii) to retailers and purveyors of meals: $2.50 per cwt.

(iv) On peddler truck sales involving a delivery of more than 75 pounds of sausage and/or more than 250 pounds of meat and meat products in any one day to any buyer's store door, the seller may add for his combined selling expense and local delivery made by him on sales to retailers and purveyors of meals an amount not to exceed $1.50 per cwt.

(v) On sales to purveyors of meals other than ship operators, by hotel supply houses: $2.75 per cwt.

(vi) On sales made by a Great Lakes marine supplier to an operator of a lake vessel: $3.50 per cwt.

(vii) On sales to ship operators by Group II ship chandlers: $3.00 per cwt.

(viii) On sales to ship operators by hotel supply houses and Group 1 ship chandlers: $2.25 per cwt.

5. Subparagraph (3) of section 12 (c) is amended to read as follows:

(3) *Packaging, boxing and freezing*—(i) *Boxing and/or packaging.* The following amounts may be added for boxing and/or packaging:

Container	Net weight	Permitted addition per hundredweight: Kosher and all beef sausage	Permitted addition per hundredweight: Other sausage
	Pounds		
Keg, brine on	25 or less	$2.50	$1.75
Keg, brine on	25 to 50	2.00	1.25
Keg, brine on	50 to 100	1.75	1.00
Barrel, brine on	100 to 200	1.50	.75
There, brine on	Over 200	1.00	.25
Wood box	All weights	.50	-------
Fiber box	All weights	.25	-------

For Type 1 fresh pork sausage in sheep casings packaged in one-pound paper cartons: $1.00.

(ii) For freezing at the request of the buyer, only if the buyer is a war procurement agency, licensed ship supplier or ship operator, the seller may add $0.35 per cwt.

(iii) For packing in nailed solid wood boxes, net weight 60 pounds or less, at the request of the buyer, only if the buyer is a war procurement agency, the seller may add $1.20 per cwt.

6. Paragraph (a) of section 13 is amended by changing the definition of "peddler truck sale" to read as follows:

"Peddler truck sale" means a sale of sausage from stock carried in a truck where the seller's first record of the transaction is made concurrently with the delivery of the products sold, except that prior orders may be taken by the driver of a truck who conducts his meat selling operations in accordance with the provisions of subdivision (i) of this definition. Peddler truck sales may be made:

(i) By a person who purchases sausage from a seller with whom he has no other financial affiliation or relationship; who takes delivery at his supplier's place of business, at a railroad unloading point or at a truck unloading point; and who does not sell or deal in meat in any manner other than to make sales out of a truck which he either owns or rents, and which, if rented, has been used or replaces one which has been used by him for making such sales of meat since October 1, 1944; or

(ii) By a driver-salesman who makes all his sales of meat out of stock carried in a truck driven by him but owned by a person who used such truck (or the truck which it replaces) exclusively insofar as meat was transported therein or sold therefrom, for making this type of sale, during the month of March 1942.

7. The definition for "Type 2 fresh pork sausage" in section 13 (d) is amended by changing the words enclosed in quotation marks to read as follows: "Type 1 fresh pork sausage"

8. The definition for "Type 3 fresh breakfast sausage" in section 13 (d) is amended by changing the words enclosed in quotation marks to read as follows: "Type 2 fresh breakfast sausage"

9. The definition for "Type 4 fresh breakfast sausage" in section 13 (d) is amended by changing the words enclosed in quotation marks to read as follows: "Type 3 fresh breakfast sausage"

10. The definition of "Type 2 smoked pork sausage" in section 13 (d) is amended by changing the words enclosed in quotation marks to read as follows: "Type 1 smoked pork sausage"

11. The definition of "Type 3 smoked sausage" in section 13 (d) is amended to read as follows:

"Type 2 smoked sausage" means sausage made from the same meat and meat by-product ingredients as permitted in Type 2 fresh breakfast sausage, but cured before or during processing, stuffed in hog casings, beef rounds or artificial casings. It shall have a fat content not in excess of 45%, and a yield not in excess of 90%, and it may contain extender not exceeding 3½% of the finished weight.

12. The definition for "Type 4 smoked sausage" in section 13 (d) is amended by changing the words enclosed in quotation marks to read as follows: "Type 3 smoked sausage"

13. The definition for "special type chopped pork" in paragraph (h) of section 13 is amended by changing the parenthetical note included therein to read as follows:

[NOTE: This item may be produced only by persons falling into the following classes: (i) those sausage manufacturers who produced pork sausage conforming to the foregoing specifications, during the year 1944, and (ii) those sausage manufacturers who produced pork sausage conforming to all of the foregoing specifications, except the packaging and labelling requirements, during the year 1944, but who commenced to conform to all specifications prior to January 1, 1945, and who have received written authority from the Administrator of the Office of Price Administration, Washington, D. C., to produce and sell "special type chopped pork" following written application for such authority. The application must set forth in detail all facts necessary to prove to the Administrator's satisfaction that such prod-

[1] 10 F.R. 6949.

uct was produced and sold during 1944 and that the volumes of production and sale during that period were the amounts stated in such application. The application also must be accompanied by the signed statement of an inspector of the Meat Inspection Division of the War Food Administration, or its successor in authority, indicating that to his personal knowledge the applicant produced a sausage product during 1944 which met the ingredient specifications of "special type chopped pork"; and by the signed statement of one or more persons qualified to make such statements corroborating the applicant's allegations concerning the volumes of production and sale of such product during the year 1944. In no event shall the authorized volume of production during any current year exceed the total weight of this product sold by the manufacturer during the year 1944. See section 6 (c).]

This amendment shall become effective August 30, 1945.

NOTE: The reporting provisions of this amendment has been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 25th day of August 1945.

CHESTER BOWLES,
Administrator.

Approved August 18, 1945.

CLINTON P. ANDERSON,
Secretary of Agriculture.

[F. R. Doc. 45-15878; Filed, Aug. 25, 1945; 11:54 a. m.]

PART 1340—FUEL

[MPR 120, Amdt. 148]

BITUMINOUS COAL DELIVERED FROM MINE OR PREPARATION PLANT

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.

Maximum Price Regulation No. 120 is hereby amended in the following respect:

Section 1340.210 (a) (10) (iii) is deleted.

This amendment shall become effective August 25, 1945.

Issued this 25th day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-15880; Filed, Aug. 25, 1945; 11:57 a. m.]

PART 1390—MACHINERY AND TRANSPORTATION EQUIPMENT

[RMPR 136, Amdt. 9]

MACHINES, PARTS AND INDUSTRIAL EQUIPMENT

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.

Revised Maximum Price Regulation 136 is amended in the following respects:

Section 2 (c) is amended to read as follows:

(c) *Installation or erection services.* Where a person sells an unused product covered by this regulation, and also furnishes the services required to incorporate that product into a building, structure or construction project, the maximum price for the sale of the product must be determined under this regulation and the maximum price for the installation or erection services must be determined under Revised Maximum Price Regulation 251 (Construction Services and Sales of Installed Building Materials). In the case of a sale, the price of the product need not be billed or invoiced separately, but the seller shall maintain records of the price of the product pursuant to section 24 (a) of this regulation, and of the price for the installation services pursuant to section 15 (a) of Revised Maximum Price Regulation 251. All such records shall be available for inspection by the representatives of the Office of Price Administration for so long as the Emergency Price Control Act of 1942, as amended, remains in effect. Note that the sale of the second-hand products on an installed or erected basis is covered by section 12 of this regulation.

This amendment shall become effective August 30, 1945.

Issued this 25th day of August 1945.

JAMES G. ROGERS, Jr.,
Acting Administrator.

[F. R. Doc. 45-15879; Filed, Aug. 25, 1945; 11:56 a. m.]

PART 1418—TERRITORIES AND POSSESSIONS

[2d Rev. MPR 183,[1] Amdt. 5]

MISCELLANEOUS COMMODITIES IN PUERTO RICO

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.

Second Revised Maximum Price Regulation 183 is amended in the following respects:

1. Section 2.3 is amended to read as follows:

SEC. 2.3 *Yellow Pine, Douglas Fir, Oak and Gum Lumber.* (a) The maximum prices for yellow pine, Douglas fir, oak and gum lumber sold to an ultimate consumer shall be determined by adding to the corresponding last reported "weighted average direct cost", as computed under paragraph (1) (ii), (1) (iii) or (1) (iv) below, as the case may be, a markup which regardless of the number of dealers or distributers handling the lumber shall not exceed $12.50 per thousand board feet plus actual transportation costs from the pier to the point at which the ultimate consumer receives delivery.

The transportation costs may not exceed the customary carrier charge for a similar shipment, whether such transportation is accomplished thru a common or contract carrier or by the seller.

(1) Every seller of such lumber shall file with the Territorial Office of Price Administration, at San Juan, Puerto Rico, a statement setting forth:

(i) The "direct cost to the importer" (as defined in section 1.14 (a) (6)[1]) of each shipment which comprises the stock and the kind of lumber and amount in board feet in stock for each such shipment.

(ii) The "weighted average direct cost" of all lumber in stock (except yellow pine in the grades of B and better) imported from the Continental United States.

(iii) The "weighted average direct cost" of all yellow pine in the grades of B and better imported from the Continental United States.

(iv) The "weighted average direct cost" of all lumber in stock not imported from the Continental United States.

(b) The statement required by paragraph (a) (1) above shall be accompanied by copies of all invoices (received from his supplier by the seller submitting such statement) which cover the seller's purchases of lumber in the stock reported.

(c) Within 5 days after the seller receives a shipment of lumber, not included in the said statement, he shall file with the same office a supplementary statement showing in detail the "direct cost to the importer" therefor and the manner in which he has computed his new "weighted average direct cost".

(d) No person may sell any lumber unless he has first appropriately computed his weighted average direct cost and complied with the record-keeping and reporting requirements of this section.

(e) Each purchaser of yellow pine, Douglas fir, oak or gum lumber shall be supplied with an invoice stating the name and address of the seller, the date of the sale, a description of the lumber, including the quantity sold, the seller's weighted average direct cost for such lumber, transportation charges and markup added. Copies of all such invoices shall be kept for inspection by the OPA for so long as the Emergency Price Control Act of 1942, as amended, shall remain in effect.

(f) The maximum prices established by this section are gross prices to which no additional charges of any kind may be added.

(g) *Definitions:* When used in this section the term:

(1) "Ultimate consumer" means and includes the United States Government, the Insular Government, the agencies or instrumentalities of either, contractors, builders, and any person who purchases lumber for use rather than for resale.

(2) "Lumber" means yellow pine, Douglas fir, oak and gum lumber.

2. Section 4.7 (d) is amended by changing the price of one item to read as follows:

(d) *Chocolate.*

	Case of—	Price at wholesale	Retail price (per unit)
Chocofan	48.7 oz. pkg.	$9.70	$0.21

[1] 10 F. R. 7635, 8933, 9223, 9227.

3. Section 4.9 (f) is amended by adding footnote 1 to read as follows:

[1] Exemptions: Hatching eggs are exempt when sold by producers to buyers other than food dealers or consumers.

4. Section 4.9 (g) is amended by adding footnote 1 to read as follows:

[1] Exemptions: Breeding poultry are exempt when sold by producers to buyers other than food dealers or consumers.

5. Section 4.10 (b) (1) is amended to read as follows:

(b) *Oils (edible).*

Items and brands	Case of—	Price to wholesaler	Price at wholesale	Retail price (per unit)
(i) Olive:				
Imported[1] [2]				
All brands, in glass containers.	24/11½ oz.		$2.85	$0.15
	24/13¼ oz.		3.30	.17
	24/2 oz.		3.70	.19
	24/3 oz.		5.10	.26
	24/4 oz.		6.55	.34
	24/6 oz.		9.65	.50
	24/8 oz.		12.50	.65
	24/32 oz.		46.60	2.33
	12½ gal.		44.50	4.43
	6/1 gal.		43.00	8.60
All brands, in metal containers.	24/8 oz.		12.10	.63
	24/16 oz.		23.80	1.24
	24/¼ gal.		45.00	2.25
	12½ gal.		44.30	4.43
	6/1 gal.		43.00	8.60
(ii) Domestic or a blend of domestic and imported[1] [3]				
All brands, in glass containers.	24/13¼ oz.		3.10	.16
	24/2 oz.		3.50	.18
	24/3 oz.		4.85	.25
	24/4 oz.		6.20	.32
	24/6 oz.		9.05	.47
	24/8 oz.		11.70	.61
	12/16 oz.		11.45	1.18
	12/32 oz.		21.75	2.26
	12½ gal.		40.00	4.00
	6/1 gal.		39.00	7.80
All brands, in metal containers.	24/8 oz.		11.25	.59
	12/16 oz.		10.75	1.12
	12/32 oz.		20.30	2.11
	12½ gal.		40.00	4.00
	6/1 gal.		39.00	7.80

[1] "Imported olive oil" as used in this paragraph means olive oil imported into the Continental United States or an oil crushed from olives which have been imported into the Continental United States.

[2] "Domestic olive oil" as used in this paragraph means olive oil crushed in the Continental United States from olives raised in the Continental United States.

[3] "Blend of domestic and imported olive oil" as used in this paragraph means olive oil prepared in the Continental United States as a mixture of imported and domestic olive oils.

All importers in Puerto Rico of the olive oils included in this section, are required before delivery to mark (if not already marked) on the individual container, whether the oil is "Imported olive oil", "Domestic olive oil" or a "Blend of domestic and imported olive oil" as the terms are defined in this section. The information required by this paragraph must be shown in a manner plainly visible.

6. Section 4.12 is amended by changing the prices of one item to read as follows:

Items and brand names	Case of—	Price to wholesaler	Price at wholesale	Retail price (per unit)
Kreto	288 pkgs. of 3 envelopes of 15 grains.		$21.76	$0.09 for pkg. of 3 envelopes.

7. Section 4.14 (b) is amended by deleting the item "Clovernook" in case of 24/12 oz. can from the column headed "Apple juice", and by changing the price of one item to read as follows:

(b) *Fruit juices and nectars.*

Items and brand names	Case of—	Price at wholesale	Retail price (per unit)
Apple Juice: Clovernook.	24/12 oz. glass	$2.95	$0.15

8. Section 4.18 is amended: by deleting the item "Libby's: Deviled" in case of 24/ ¼# (3 oz.) from the column headed "Ham"; by deleting the items "Armour's: Star Potted Meat" in case of 24/ 5½ oz. can and 48/ 3¼ oz. can, "Libby's: Potted Meat" in case of 36/ 5½ oz. and 48/ ¼# (3¼ oz.), and "All brands: Pork Luncheon Meat" in case of 12/ 6# can and 48/ 12 oz. can from the column headed "Meat Products"; by deleting the items "Bologna (all brands): Gemco (Long), Gemco (Thick), Senrac (Long), Senrac (Thick)", "Liver (all brands): Fresh: Liverwurst", and "Liver (all brands): Smoked: Liverwurst" from the column headed "Sausages"; and by changing the prices of the following items under the column headed "Sausages" to read as follows:

Items and brand names	Case of—	Price at wholesale	Price at retail (per unit)
All brands, loose:			
H. C. or skinless, first grade		*Pound* $0.3350	*Pound* $0.47
H. C. or skinless, second grade		.3050	.43

9. Section 4.20 (b) is amended by adding subparagraph (7) to read as follows:

(7) *Flavors.*

Items and brand names	Case of—	Price at wholesale	Retail price (per unit)
Extracts:			
Almond:			
Sunbeam	12/2 oz. glass	$4.00	$0.43
Tropical	48/1½ oz. glass	11.50	.31
Lemon:			
Premier	12/2 oz. glass	4.35	.47
S & W	144/2 oz. glass	39.00	.35
Vanilla:			
Empress (Imitation)	36/4 oz. glass	2.15	.08
S & W	144/2 oz. glass	39.00	.35

10. Section 4.25 (a) is amended by deleting the item "Beans: All brands—Red Kidney" in case of 24/#2 can and adding a new item to read as follows:

(a) *Canned vegetables.*

Items and brand names	Case of—	Price at wholesale	Retail price (per unit)
Beans:			
Van Camps Red Kidney	24/#2	$3.70	$0.19

11. Section 4.25 (c) is amended by adding four items to read as follows:

(c) *Fresh vegetables.*

	Price at wholesale	Retail price
Plantains	*Per 1,000* $32.00	*Each* $0.04
	Price at wholesale (per 100 lbs.)	Retail price (per pound)
Sweet potatoes	$3.30	$0.04
Yellow tanniers	[2]	.06
White tanniers	[2]	.06

12. Section 9.1 is amended by deleting the item "penicillin", by captioning the existing table "Table 1", and by adding Table 2 to read as follows:

Table 2.

Item	20° or less (per cubic foot)	21° to 32° inclusive (per cubic foot)	33° to 45° inclusive (per cubic foot)
Penicillin			$0.166

13. Section 10.1 (b) is amended by changing the price of the item "Camay" toilet soap and by adding an item to read as follows:

Items and brand names	Case of—	Price at wholesale	Retail price (per unit)
Toilet: Camay	144/2¾ oz.	$12.00	$0.10
Laundry: Yellow	100/9⅜ oz. cake	5.75	1.07

[2] For $0.13.

14. Section 11.1 (c) (1) is amended to read as follows:

(1) The maximum price for a product which is not part of a job lot shall be the factory price, if purchased from a manufacturer, or the price charged by the contractor to the seller, if manufactured by a contractor for seller's account, plus actual cost of materials supplied by the seller, multiplied by:

Group	Sales at wholesale	Sales at retail
A	$1.20	$1.50
B	1.25	1.60
C	1.25	1.75

NOTE: The factory price may not exceed the maximum price established under the General Maximum Price Regulation or any other applicable OPA Regulation.

For the definition of the term "contractor" as used herein, see Article IX, section 9.2 of this regulation.

This amendment shall become effective August 30, 1945.

Issued this 25th day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-15881; Filed, Aug. 25, 1945; 11:58 a. m.]

PART 1305—ADMINISTRATION

[Supp. Order 125, Amdt. 1]

CHANGES IN REFERENCE TO CERTAIN GOVERNMENT CORPORATIONS AND AGENCIES

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.

Supplementary Order No. 125 is amended in the following respects:

1. The title of the order is amended to read as follows: "Changes in reference to certain Government corporations and agencies."

2. Section 1305.153 is amended to read as follows:

§ 1305.153 *Changes in reference to certain Government corporations and agencies.* (a) Any reference in any regulation, order, or other document issued by the Office of Price Administration to any of the government corporations listed below shall be deemed to be a reference to the branch, section, or office of the Reconstruction Finance Corporation to which the functions, powers, duties and authority of such corporation have been transferred, unless the context of such reference clearly otherwise requires:

Defense Plant Corporation.
Defense Supplies Corporation.
Disaster Loan Corporation.
Metals Reserve Company.
Rubber Reserve Company.

(b) Any reference to the War Food Administration or Office of War Food Administrator in any regulation, order, or other document issued by the Office of Price Administration shall be deemed to be a reference to the branch, section, or office of the Department of Agriculture to which the functions, powers, duties and authority of the War Food Administration or Office of War Food Administrator have been transferred, unless the context of such reference clearly otherwise requires.

This amendment shall become effective August 24, 1945.

Issued this 24th day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-15846, Filed, Aug. 24, 1945; 4:32 p. m.]

PART 1312—LUMBER AND LUMBER PRODUCTS

[MPR 535-1,[1] Amdt. 2]

INSULATION AND FELT CORDWOOD AND RELATED PRODUCTS

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.

Section 3 of Maximum Price Regulation 535-1, *Insulation and Felt Cordwood and Related Products,* is amended to read as follows:

[1] 9 F.R. 5306.

SEC. 3. *Items not listed.* The maximum price for insulation and felt cordwood produced in an area not listed and for related products not specifically priced may be determined by applying to the Lumber Branch, Office of Price Administration, Washington 25, D. C.

The application must contain the name and address of the buyer, the requested price, the end product to be manufactured, and a statement by the buyer that this requested price can be paid under the end product ceiling in effect at the date of the application. The requested price may be approved, modified or denied by the Administrator.

The standards used in establishing prices under this section will be:

(a) By comparison with the prices of products of the same kind in areas where conditions are most nearly comparable.

(b) By comparison with prices of products already listed similar in quality and cost of production to the product being priced.

This amendment shall become effective September 1, 1945.

Issued this 27th day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-15958; Filed, Aug. 27, 1945; 11:26 a. m.]

PART 1334—SUGAR

[MPR 16,[1] Incl. Amdt. 1]

RAW CANE SUGARS

This compilation of Maximum Price Regulation 16 includes Amendment 1, effective September 1, 1945. The text amended by Amendment 1 is underscored.

A statement of the considerations involved in the issuance of this regulation, issued simultaneously herewith, has been filed with the Division of the Federal Register.[2]

Such specifications and standards as are used in this regulation were, prior to such use, in general use in the trade or industry affected.

Sec.
1. Maximum prices for raw cane sugars established with prohibition of sales in violation.
2. Less than maximum prices.
3. Records and reports.
4. Enforcement.
5. Licensing.
6. Petitions for amendment.
7. Definitions.
8. Maximum prices for raw cane sugars.
9. Evasion.
10. Maximum prices as to transactions of the Commodity Credit Corporation.
11. Export maximum prices.
12. Adjustable pricing.

AUTHORITY: § 1334.1 issued under 56 Stat. 23, 765; 57 Stat. 566; Pub. Law 383, 78th Cong.; Pub. Law 108, 79th Cong.; E.O. 9250, 7 F. R. 7871; E.O. 9328, 8 F.R. 4681.

[1] 10 F.R. 158.

[2] Statements of Considerations are also issued simultaneously with amendments. Copies may be obtained from the Office of Price Administration.

SECTION 1. *Maximum prices for raw cane sugars established with prohibition of sales in violation.* On and after August 14, 1941, or the effective date thereof as to any amendment to this regulation, regardless of any contract or other obligation

(a) No person shall sell, offer to sell, deliver or transfer raw cane sugar at a higher price than the maximum price established in this regulation.

(b) No person shall buy, offer to buy, import or receive in the course of trade or business raw cane sugar at a price higher than the maximum price established in this regulation.

(c) Maximum prices are established in this regulation on the gross basis specifying types and points of delivery. They include all commissions and other charges for such types up to such points. From them must be deducted any discounts customarily allowed in sales of raw cane sugar.

SEC. 2. *Less than maximum prices.* Lower prices than those set forth in section 8 may be charged, demanded, paid, or offered.

SEC 3. *Records and reports.* Every seller who makes sales of raw cane sugars after the effective date of this regulation shall make and preserve for examination by the Office of Price Administration for so long as the Emergency Price Control Act of 1942, as amended, remains in effect, a record of all sales made showing the quantity sold, terms of sale, price received, and name and address of the purchaser, as well as all records of the same kind as he customarily kept, relating to the prices which he charged for any of such items sold after the effective date of this regulation.

[Sec. 3 amended by Am. 1, effective 9-1-45]

SEC. 4. *Enforcement.* Persons violating any provisions of this Maximum Price Regulation 16 are subject to the criminal penalties, civil enforcement actions, and suits for damages provided for by the Emergency Price Control Act of 1942, as amended.

SEC. 5. *Licensing.* The provisions of Licensing Order No. 1,[3] licensing all persons who make sales under price control, are applicable to all sellers subject to this regulation or schedule. A seller's license may be suspended for violations of the license or of one or more applicable price schedules or regulations. A person whose license is suspended may not, during the period of suspension, make any sale for which his license has been suspended.

SEC. 6. *Petitions for amendment.* Any person seeking an amendment of any provision of this Maximum Price Regulation 16 may file a petition for amendment in accordance with the provisions of Revised Procedural Regulation No. 1.[4]

[3] 8 F.R. 13240.

[4] 9 F.R. 10476, 13715.

SEC. 7. *Definitions.* When used in Maximum Price Regulation 16, the term:

(a) "Person" includes an individual, corporation, partnership, association, or any other organized group of persons, or legal successor or representative of any of the foregoing, and includes the United States or any agency thereof, or any other government, or any of its political subdivisions, or any agency of any of the foregoing.

(b) "Raw cane sugars" means any sugars which are principally of crystalline structure and which are to be further refined or improved in quality, and any sugars which are principally not of crystalline structure but which are to be further refined or otherwise improved in quality to produce any sugars principally of crystalline structure.

SEC. 8. *Maximum prices for raw cane sugars.* (a) (1) (i) The maximum price per pound for raw cane sugars from offshore producing areas of 96 degrees polarization, duty paid, cost, insurance and freight, shall be 3.75 cents, for delivery at points at which deliveries have customarily been made by Commodity Credit Corporation for a particular refinery, or, if such deliveries have not customarily been made by Commodity Credit Corporation, then at receiving scales located at the refinery port.

(ii) If a buyer receives delivery of offshore sugars elsewhere than at such points, the total cost to the buyer shall not exceed the specified maximum price applicable at the point where the buyer has customarily received deliveries from Commodity Credit Corporation or, if such deliveries have not customarily been made by the Commodity Credit Corporation, at the receiving scales located at the refinery port plus an amount equal to all charges that would have been incurred in moving the sugar over the customary route from such point to the buyer's refinery.

(2) Except, by contract, provision may be made for a maximum price to be:

(i) An amount which may be adjusted later, up to but not to exceed the maximum price in effect at the time of putting the raw sugar being priced by the contract into the refiner's melt, or

(ii) An average of the prices not to exceed an average of the maximum prices of raw cane sugar at the specified port of arrival which prevail during the period of the contract, or

(iii) A consideration which includes performance of services by the buyer, if the maximum prices specified above are lowered by an amount at least equal to the reasonable money value of such services to the seller; provided a copy of such contract and an explanation of the services are submited to the Office of Price Administration, Washington, D. C., at least thirty days before the contract is to become effective. The Price Administrator may adjust the price set out in such contract by issuance of an order within thirty days after its receipt, otherwise it will be considered as complying with this regulation as to maximum prices.

(b) Maximum prices per pound for continental United States raw cane sugars of 96 degrees polarization shall be as follows:

(1) 3.75 cents per pound, f. o. b. conveyance for delivery to a refinery, less the per pound transportation charge at the published freight rate from the raw sugar mill to the refinery nearest freightwise to such raw sugar mill. The maximum delivered price to a refinery shall be the above f. o. b. price plus actual transportation cost from the selling raw sugar mill to the refinery processing such sugar.

(2) With respect to any sale of the sugars included in this paragraph (b):

(i) A contract may provide for averaging the prices during the season in accordance with the customary method: *Provided,* That (*a*) the average price for the season does not exceed a price obtained by averaging the maximum prices in effect during the season in accordance with such method; and (*b*) the season used in determining the average price commences not later than the date fixed by the United States Department of Agriculture pursuant to the Sugar Act of 1937, as amended, as the beginning of the sugarcane marketing season and terminates not later than the date fixed by the United States Department of Agriculture pursuant to said Act as the termination of said season.

(ii) A contract may provide for the payment of an adjusted price not to exceed the maximum price in effect at the time of arrival at the buyer's warehouse or place of business. In the event that more than one delivery is made pursuant to the same contract, the adjustment of the price and the payment thereof shall be made in respect to each delivery separately.

(c) *Adjustment for polarization.* Maximum prices specified herein shall be adjusted by making allowances per pound for each degree of polarization above or below 96 degrees (fractions of a degree in proportion) so that the maximum prices for the various tests shall not exceed the prices obtained by applying the method customarily used prior to August 14, 1941 for sugars of like test.

[Paragraph (c) amended by Am. 1, effective 9-1-45]

SEC. 9. *Evasion.* The price limitations established by Maximum Price Regulation 16 shall not be evaded whether by direct or indirect methods in connection with a purchase, sale, delivery, or transfer of raw cane sugars, alone or in conjunction with any other commodity or material, or by way of any commission, service, transportation, or other charge, or discounts, premium, or other privilege, or by tying-agreement, or other trade understanding, or by shifting the incidence of a cost which customarily has been borne by the buyer or the seller to the other party to the contract, or by any other means.

SEC. 10. *Maximum prices as to transactions of the Commodity Credit Corporation.* (a) With respect to the purchase of raw cane sugar the Commodity Credit Corporation and sellers to it are exempted from the provisions of this regulation.

(b) For the sale of raw cane sugar by the Commodity Credit Corporation, contracts may be entered into by it and by purchasers from it to provide: (1) for forward deliveries with payment to the Commodity Credit Corporation of an adjusted price not to exceed the maximum price in effect on the day when such sugar is put into the melt in the purchaser's refinery; (2) for price adjustments on sugars other than that directly supplied by the Commodity Credit Corporation and providing for payment for them at a price not to exceed the maximum price on the day when such sugar is put into the refiner's melt, and (3) for reciprocal services.

SEC. 11. *Export maximum prices.* Maximum prices at which a person may export raw cane sugar shall be determined in accordance with the provisions of the Second Revised Maximum Export Price Regulation, as amended.[1]

SEC. 12. *Adjustable pricing.* When a request for a change in the applicable maximum price is pending, an authorization may be given by the Price Administrator for a price to be adjusted upward after the raw sugar being priced is put into the refiners melt, if the Price Administrator deems such authorization necessary to promote distribution or production and if it will not interfere with the purposes of the Emergency Price Control Act, as amended.

Effective date. This regulation shall become effective January 8, 1945. [Maximum Price Regulation 16 originally issued January 3, 1945]

[Effective date of amendment is shown in the note following the parts affected]

NOTE: All records keeping and reporting requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 27th day of August 1945.

CHESTER BOWLES,
Administrator.

[Amendment 1 approved by Clinton P. Anderson, Secretary of Agriculture, August 18, 1945]

[F. R. Doc. 45-15959; Filed, Aug. 27, 1945; 11:26 a. m.]

PART 1363—FEEDINGSTUFFS

[RPS 73, Amdt. 8]

FISH MEAL AND FISH SCRAP

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.

Revised Price Schedule 73 is amended in the following respect:

[1] 8 F.R. 4132, 5987, 7662, 9998, 15193; 9 F.R. 1036, 5435, 5923, 7201, 9835, 11273, 12910, 14436; 10 F.R. 803, 923, 2432.

Section 1363.2 is amended to read as follows:

§ 1363.2 *Exempt sales.* The provisions of this Revised Price Schedule No. 73, as amended, shall not apply to sales of fish scrap at retail.

This amendment shall become effective September 1, 1945.

Issued this 27th day of August 1945.

CHESTER BOWLES,
Administrator.

Approved: August 18, 1945.

CLINTON P. ANDERSON,
Secretary of Agriculture.

[F. R. Doc. 45-15960; Filed, Aug. 27, 1945; 11:25 a. m.]

PART 1407—RATIONING OF FOOD AND FOOD PRODUCTS

[Control Order 1, Amdt. 4 to Supp. 1]

LIVESTOCK SLAUGHTER AND MEAT DISTRIBUTION

Table I in Supplement No. 1 to Control Order 1 is amended by adding thereto the following:

(d) For quota periods beginning on or after August 26, 1945:

	Percent
Cattle	125
Calves	100
Sheep and lambs	110
Swine	65

This amendment shall become effective on August 26, 1945.

Issued this 25th day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-15875; Filed, Aug. 25, 1945; 11:54 a. m.]

PART 1407—RATIONING OF FOOD AND FOOD PRODUCTS

[Control Order 1, Amdt. 4 to Supp. 2]

LIVESTOCK SLAUGHTER AND MEAT DISTRIBUTION

Section 1407.309 (a) (1) (iv) in Supplement No. 2 to Control Order 1 is added to read as follows:

(iv) For quota periods beginning on or after August 26, 1945:

	Percent
Cattle	125
Calves	100
Sheep and lambs	110
Swine	65

This amendment shall become effective on August 26, 1945.

Issued this 25th day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-15876; Filed, Aug. 25, 1945; 11:54 a. m.]

PART 1407—RATIONING OF FOOD AND FOOD PRODUCTS

[Rev. RO 16,[1] Amdt. 58 to 2d Rev. Supp. 1]

MEAT, FATS, FISH AND CHEESES

Section 1407.3027 (i) is added to read as follows:

(i) *Table to be used in determining the increase in allotments provided under section 7.20 of Revised Ration Order 16.*

State	County	Percentage increase in population
Alabama	Calhoun	15
	Escambia	10
	Houston	10
	Lawrence	15
	Limestone	10
	Mobile	10
	Monroe	10
	Washington	10
Arizona	Apache	40
	Cochise	15
	Coconino	10
	Graham	15
	Mohave	44
	Navajo	10
	Pima	10
	Santa Cruz	20
	Yuma	30
Arkansas	Arkansas	10
	Cross	10
	Desha	20
	Madison	10
	Newton	10
	Poinsett	10
	Prairie	15
	Pulaski	10
	Saline	30
California	Alameda	15
	Alpine	10
	Butte	15
	Calaveras	10
	Colusa	15
	Contra Costa	30
	Del Norte	10
	El Dorado	60
	Fresno	20
	Humboldt	10
	Inyo	50
	Kern	15
	Kings	15
	Lake	15
	Lassen	20
	Los Angeles	10
	Madera	15
	Marin	10
	Mariposa	10
	Modoc	90
	Mendocino	10
	Merced	15
	Mono	20
	Monterey	30
	Napa	15
	Nevada	10
	Orange	15
	Plumas	20
	Riverside	10
	Sacramento	15
	San Benito	20
	San Bernardino	15
	San Diego	20
	San Francisco	15
	San Joaquin	15
	San Luis Obispo	30
	San Mateo	10
	Santa Barbara	10
	Santa Clara	15
	Santa Cruz	30
	Sierra	10
	Siskiyou	15
	Solano	15
	Sonoma	10
	Stanislaus	10
	Trinity	10
	Tulare	10
	Tuolumne	20
	Ventura	20
	Yolo	15
Colorado	Adams	10
	Archuleta	10
	Baca	15
	Conejos	10
Colorado—Continued	Crowley	1
	Custer	1
	Delta	[illegible]
	Dolores	2
	Douglas	[illegible]
	Garfield	[illegible]
	Grand	1
	Jackson	[illegible]
	Lake	[illegible]
	Mesa	[illegible]
	Moffat	1
	Montezuma	[illegible]
	Mineral	[illegible]
	Otero	[illegible]
	Ouray	[illegible]
	Park	[illegible]
	Prowers	[illegible]
	Pueblo	[illegible]
	Rio Blanco	[illegible]
	Rio Grande	[illegible]
Connecticut	New London	[illegible]
Delaware	Sussex	[illegible]
District of Columbia		[illegible]
Florida	Bay	[illegible]
	Bradford	[illegible]
	Brevard	2
	Calhoun	[illegible]
	Charlotte	2
	Duval	[illegible]
	Escambia	[illegible]
	Gulf	[illegible]
	Highlands	[illegible]
	Hillsborough	[illegible]
	Indian River	[illegible]
	Jackson	[illegible]
	Lee	[illegible]
	Leon	[illegible]
	Monroe	[illegible]
	Nassau	[illegible]
	Okaloosa	[illegible]
	Okeechobee	[illegible]
	Palm Beach	[illegible]
	St. Lucie	[illegible]
	Santa Rosa	[illegible]
	Taylor	[illegible]
	Washington	[illegible]
Georgia	Appling	[illegible]
	Bibb	[illegible]
	Brantley	[illegible]
	Camden	[illegible]
	Chatham	[illegible]
	Clayton	[illegible]
	Cobb	[illegible]
	Columbia	[illegible]
	Dade	[illegible]
	Dawson	[illegible]
	De Kalb	[illegible]
	Dougherty	[illegible]
	Forsyth	[illegible]
	Glynn	[illegible]
	Johnson	[illegible]
	Long	[illegible]
	Muscogee	[illegible]
	Quitman	[illegible]
	Richmond	[illegible]
	Telfair	[illegible]
	Thomas	[illegible]
	Troup	[illegible]
	Washington	[illegible]
Idaho	Ada	[illegible]
	Adams	[illegible]
	Bear Lake	[illegible]
	Benewah	[illegible]
	Blaine	[illegible]
	Boise	[illegible]
	Butte	[illegible]
	Camas	[illegible]
	Canyon	[illegible]
	Caribou	[illegible]
	Custer	[illegible]
	Fremont	[illegible]
	Jefferson	[illegible]
	Jerome	[illegible]
	Lembi	[illegible]
	Lincoln	[illegible]
	Minidoka	[illegible]
	Oneida	[illegible]
	Owyhee	[illegible]
	Power	[illegible]
	Teton	[illegible]
	Twin Falls	[illegible]
	Valley	[illegible]
	Washington	[illegible]
Illinois	Champaign	[illegible]
	Lake	[illegible]
Indiana	Dubois	[illegible]
	Fountain	[illegible]
	Jackson	[illegible]
	St. Joseph	[illegible]
	Tipton	[illegible]
	Vanderburgh	[illegible]
	Clinton	[illegible]
Iowa	Johnson	[illegible]

[1] 10 F.R. 48, 521, 857, 293, 294.

State	County	Percentage increase in population
Iowa—Continued	Winnebago	15
Kansas	Barton	20
	Clark	10
	Clay	20
	Dickinson	10
	Ellis	20
	Ford	15
	Geary	15
	Grant	10
	Haskell	10
	Morris	10
	Morton	10
	Osborne	10
	Pratt	20
	Rush	10
	Russell	15
	Seward	50
	Smith	15
	Wallace	10
Kentucky	Breathitt	10
	Floyd	15
	Gallatin	15
	Grayson	10
	Greenup	10
	Hardin	50
	Henderson	10
	Jackson	10
	Knott	10
	Knox	10
	McCreary	10
	Oldham	10
	Rockcastle	10
	Webster	20
Louisiana	Caddo	15
	Catahoula	15
	East Feliciana	10
	Jefferson	10
	Orleans	10
	Plaquemines	15
	Rapides	20
	Vermilion	20
	Vernon	10
Maine	Aroostook	10
	Hancock	15
	Lincoln	20
	Sagadahoc	20
Maryland	Anne Arundel	15
	Baltimore	20
	Calvert	10
	Cecil	10
	Harford	10
	Prince Georges	15
	St. Marys	20
	Worcester	10
Massachusetts	Barnstable	10
	Dukes	15
	Nantucket	10
Michigan	Alcona	10
	Arenac	10
	Benrie	10
	Berrien	10
	Charlevoix	10
	Cheboygan	10
	Clinton	10
	Eaton	40
	Gladwin	10
	Grand Traverse	10
	Huron	10
	Ingham	15
	Ionia	10
	Leelanau	15
	Lenawee	10
	Monroe	10
	Montmorency	10
	Muskegon	10
	Newaygo	10
	Oakland	15
	Oceana	10
	Ontonagon	30
	Osceola	10
	Oscoda	10
	Otsego	10
	St. Joseph	10
	Tuscola	15
	Van Buren	10
Minnesota	Clay	10
	Cook	15
	Lake	10
	Pipestone	10
	Wadena	10
Mississippi	Covington	10
	Forrest	15
	Hancock	10
	Harrison	20
	Jackson	30
	Kemper	20
	Lamar	80
	Marion	10
	Neshoba	10
	Sharkey	10
	Tippa	10
	Tishomingo	10
	Wayne	10
Missouri	Johnson	40
	Pemiscot	10
	Perry	10
	Pettis	10
Missouri—Continued	Phelps	20
	Putnam	10
Montana	Beaverhead	10
	Blaine	10
	Cascade	10
	Glacier	10
	McCone	10
	Meagher	10
	Mineral	15
	Phillips	10
	Pondera	10
	Powell	10
	Ravalli	10
	Richland	40
	Teton	10
	Toole	10
	Treasure	15
Nebraska	Buffalo	10
	Cherry	15
	Clay	15
	Dawes	20
	Fillmore	20
	Hall	10
	Hayes	10
	Loup	15
	Morrill	10
	Red Willow	30
	Sarpey	10
	Scotts Bluff	15
	Sioux	10
Nevada	Churchill	30
	Elko	20
	Esmeralda	50
	Humboldt	15
	Lander	40
	Lincoln	10
	Nye	110
	Ormsby	20
	Washoe	20
New Hampshire		
New York	Franklin	10
	Hamilton	15
	Jefferson	10
	Lewis	20
	Onondaga	10
	Rensselaer	10
	Seneca	20
	Suffolk	10
	Wayne	10
New Jersey	Atlantic	15
	Cape May	20
	Monmouth	10
	Ocean	10
	Sussex	10
New Mexico	Chaves	40
	Colfax	20
	Curry	15
	De Baca	40
	Eddy	30
	Lea	15
	Mora	10
	Otero	20
	Roosevelt	10
	San Juan	30
	San Miguel	10
	Santa Fe	10
	Torrance	20
North Carolina	Avery	10
	Buncombe	10
	Craven	15
	Cumberland	20
	Dare	15
	Graham	15
	New Hanover	10
	Onslow	15
	Scotland	10
North Dakota	Adams	20
	Billings	25
	Dunn	15
	Golden Valley	10
	Kidder	10
	Slope	25
	Stutsman	10
Ohio	Allen	20
	Clinton	15
	Greene	10
	Henry	10
	Lucas	10
	Madison	10
	Montgomery	10
	Morrow	10
	Pike	10
	Richland	10
Oklahoma	Carter	10
	Chocktaw	10
	Comanche	10
	Delaware	20
	Tillman	20
	Tulsa	10
Oregon	Baker	10
	Clackamas	10
	Columbia	15
	Crook	20
	Curry	10
	Deschutes	10
	Douglas	20
	Hood River	20
Oregon—Continued	Jefferson	30
	Josephine	15
	Klamath	15
	Lane	10
	Lincoln	10
	Malheur	15
	Multnomah	10
	Polk	10
	Tillamook	15
	Umatilla	10
	Union	10
	Wasco	10
	Washington	20
Pennsylvania	Bradford	10
	Fulton	20
	Indiana	10
	Jefferson	10
	Lancaster	20
Rhode Island	Kent	10
	Newport	15
	Washington	15
South Carolina	Beaufort	20
	Charleston	20
	Florence	10
	Georgetown	10
	Jasper	10
	Kershaw	15
South Dakota	Fall River	10
	Faulk	10
	Harding	170
	Jerauld	10
	Lyman	30
	Miner	10
	Pennington	15
	Tripp	20
Tennessee	Anderson	60
	Cocker	10
	Coffee	15
	Knox	10
	Lake	15
	Roane	30
	Rutherford	10
	Scott	10
Texas	Andrews	30
	Bailey	20
	Bandera	10
	Bell	40
	Borden	70
	Brazoria	10
	Briscoe	15
	Brown	20
	Calhoun	10
	Callahan	40
	Cameron	15
	Childress	30
	Cochran	20
	Cottle	20
	Crosby	30
	Dallam	60
	Dawson	60
	Dickens	30
	Donley	10
	Ector	20
	El Paso	10
	Floyd	20
	Foard	10
	Gaines	30
	Garza	40
	Hale	15
	Hall	10
	Hansford	10
	Hardeman	10
	Hartley	20
	Haskell	10
	Hays	20
	Hockley	60
	Howard	20
	Hudspeth	30
	Hutchinson	20
	Jasper	10
	Kendall	20
	Kerr	10
	Kimble	15
	King	20
	Kinney	15
	Knox	20
	Lamb	30
	Loving	110
	Lubbock	20
	Lynn	80
	Martin	50
	McCulloch	10
	Medina	20
	Midland	15
	Mitchell	20
	Montgomery	10
	Moore	20
	Motley	20
	Nolan	10
	Orange	30
	Palo Pinto	20
	Pecos	15
	Potter	10
	Presidio	20
	Reeves	30
	Scurry	20
	Smith	10

State	County	Percentage increase in population
Texas—Continued	Swisher	10
	Tarrant	10
	Taylor	15
	Terry	30
	Tom Green	10
	Victoria	10
	Webb	15
	Wichita	10
	Wilbarger	15
Utah	Beaver	10
	Box Elder	10
	Carbon	10
	Daggett	20
	Davis	10
	Duchesne	15
	Grand	15
	Iron	10
	Kane	10
	Millard	50
	Piute	10
	San Juan	20
	Tooele	20
	Uintah	10
	Utah	10
	Washington	15
	Wayne	10
Vermont	Orange	20
Virginia	Accomack	10
	Arlington	20
	Brunswick	10
	Buchanan	15
	Chesterfield	10
	Dinwiddie	40
	Elizabeth City	40
	Fairfax	10
	Henrico	10
	King George	10
	King William	10
	Nansemond	10
	Norfolk	40
	Northampton	10
	Prince Edward	10
	Prince William	10
	Princess Anne	15
	Richmond	40
	Stafford	10
	Warren	10
	Warwick	40
	York	20
Independent cities	Alexandria	20
	Buena Vista	20
	Hampton	30
	Newport News	15
	Norfolk	20
	Petersburg	10
	Portsmouth	15
	Williamsburg	120
Washington	Adams	10
	Benton	160
	Chelan	15
	Clallam	15
	Clark	30
	Douglas	110
	Franklin	60
	Grant	20
	Island	20
	Jefferson	20
	Kitsap	20
	Kittitas	20
	Lewis	10
	Okanogan	60
	Pend Oreille	10
	Pierce	10
	Skagit	10
	Thurston	10
	Walla Walla	20
West Virginia	Berkeley	10
	Boone	15
	Fayette	15
	Kanawha	10
	Lincoln	10
	Logan	10
	Mingo	15
	Nicholas	10
	Preston	15
Wisconsin	Dane	10
	Door	15
	Douglas	10
	Ozaukee	10
Wyoming	Goshen	10
	Hot Springs	10
	Laramie	20
	Natrona	20
	Park	60
	Sublette	30
	Teton	30
	Uinta	15

This amendment shall become effective August 27, 1945.

Issued this 27th day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc 45-15962; Filed, Aug. 27, 1945; 11:23 a. m.]

PART 1407—RATIONING OF FOOD AND FOOD PRODUCTS

[Rev. RO 16,[1] Amdt. 59 to 2d Rev. Supp. 1]

MEAT, FATS, FISH AND CHEESES

Section 1407.3027 is amended by adding a new paragraph (m) to read as follows:

(m) In accordance with Amendment 18 to War Food Order 42, the States of Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, Texas, and West Virginia, are designated emergency areas for purposes of utilization of emergency quotas granted under that order.

This amendment shall become effective August 25, 1945.

Issued this 25th day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-15877; Filed, Aug. 25, 1945; 11:54 a. m.]

PART 1407—RATIONING OF FOOD AND FOOD PRODUCTS

[Rev. RO 16,[2] Amdt. 68]

MEATS, FATS, FISH AND CHEESES

A rationale for this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.

A new section 7.20 is added to read as follows:

SEC. 7.20 *Increases in allotments based on increase in population*—(a) *The amount of increase.* An industrial user who in 1942 delivered to an area listed in a supplement to this order, products for which he may obtain an allotment of fats and oils may, for each allotment period, obtain an increase in the allotment of fats and oils he is entitled to get under section 7.6. The amount of the increase for each class of products is determined as follows:

(1) The dollar volume of that class of products containing fats and oils which he delivered in 1942 to the listed area is divided by:

(2) The dollar volume of that class of products containing fats and oils which he delivered in 1942.

(3) The result is multiplied by the percentage shown for that area in the supplement to this order. (The result obtained is the percentage by which the industrial user's allotment of fats and oils for that class of products is increased.)

(4) If he made deliveries to more than one listed area, the percentage increases in allotment of fats and oils for that class of products for each listed area are added together. (This is the total percentage by which his allotment of fats and oils for that class of products is increased.)

(5) The total percentage increase (the figure obtained in (3), if he made deliveries to one listed area, or (4), if he made deliveries to more than one listed area) is multiplied by the industrial user's regular allotment of fats and oils for that class of products for that allotment period. (This is the amount of the increase in allotment of fats and oils for that class of products to which the industrial user is entitled, under this section, for that allotment period.)

(b) *How to determine what to include as deliveries.* Only final deliveries, directly or by independent carrier are covered by this section. Deliveries to the following are not included: the Army, Navy, Marine Corps, or Coast Guard of the United States; Army Exchanges, Army Exchange Service, Post Exchanges of the Marine Corps, Ships Service Activities of the Navy or Coast Guard; other activities designated by the Army, Navy, Marine Corps, or Coast Guard; War Food Administration, and Ships Service Stores of the Training Organization of the War Shipping Administration, the American Red Cross, with respect to its acquisitions of food for consumption by members of the armed forces of the United States outside the United States, a naval vessel or naval activity of the United Nations, the Navy, Army, and Air Forces Institutes (of Great Britain), or for use as ships' or canteen stores in any ocean-going vessel of the United States or of any of the United Nations, or any neutral vessel, designated by the War Shipping Administration, which is engaged in the transportation of cargo or passengers in foreign, coastal, or intercoastal trade. In determining 1942 deliveries to a listed area, only the following deliveries are to be included: (1) deliveries by the industrial user in 1942 of products in which he used fats and oils to all places in such area not specified in paragraph (c), and (2) deliveries of such products in 1942, with or without further processing by persons and from places specified in paragraph (c), wherever located, to all places in such area not specified in that paragraph.

(c) *Places referred to in paragraph (b).* The places referred to in the previous paragraph are the following:

(1) An industrial user establishment of the industrial user, or

(2) A plant or warehouse of the industrial user, or

(3) A plant or warehouse of a person having an exclusive contract to distribute the industrial user's products (with or without processing) in more than one listed area, or

(4) A plant or warehouse of a person owning more than 50 percent of the stock of the industrial user corporation, or a plant or warehouse of a corporation or other organization more than 50 percent of the stock of which is owned by that person or by the industrial user.

(d) *How application is made.* An industrial user's application for the increase in allotment of fats and oils allowed by this section must be made, in person or by mail, to the Board or the District Office with which he is registered. The first application for such increase must be made on OPA Form R-1200A. The applicant must give all of the information required to be stated by him on the form. If an amendment to the supplement to this order adds an area or areas which were not included in the areas listed in the supplement when the industrial user filed his first application on OPA Form R-1200A for an increase as provided by this section, the industrial user, if he delivered in 1942 to these additional areas products for which he may obtain an allotment of fats and oils and if he desires to obtain an increase in his allotment of fats and oils for deliveries made to these additional areas, must amend his application by giving the information called for by the form as to the additional area or areas. No further application for an increase need be filed. The increase authorized by this section for each period will be granted by the Board or the District Office when the regular allotment for each period is made. Provisions covering late application for allotments cover the increase permitted by this section. However, application for the full increase in allotment for the third quarterly period of 1945 may be made at any time before September 15, 1945.

(e) *Records.* An industrial user who applies for an increase in allotment of fats and oils under this section must keep, at his office, available for inspection by the Office of Price Administration, the journals, ledgers, and other records and reports which he used in obtaining or furnishing the information on which such increase was based.

(f) An industrial user may use an increase provided by this section only in products to be delivered by him within the listed area for which he received the increase. As a further condition of using the increase, he must, in addition to his delivery of these products, continue to deliver within such area during the allotment period for which the increase is granted, at least the same proportion of his products, in fats and oils content (counting only fats and oils used by him), as he delivered within such area during 1942. An industrial user who receives an increase under this section for more than one listed area shall make the deliveries required by this paragraph in each such area.

(1) If, during the allotment period for which the increase authorized by this section was granted, the industrial user fails to deliver products in accordance with the provisions of this paragraph to any of the areas listed on his application, he shall notify, in writing, the Board or the District Office with which he is registered of that fact within ten days after the close of that allotment period. The Board or District Office will charge the amount of the increase which he obtained for deliveries to that area or areas as excess inventory.

(2) If, at any time, an industrial user will not deliver products, in accordance with the provisions of this paragraph, to any of the areas listed on his application, he shall notify, in writing, the Board or District Office with which he is registered of that fact before or at the time of application for his next regular allotment. The Board or District Office will not grant an increase under the provisions of this section for deliveries to that area or areas.

This amendment shall become effective August 27, 1945.

NOTE: All reporting and record-keeping requirements of this amendment have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 27th day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-15961; Filed, Aug. 27, 1945; 11:24 a. m.]

[1] 9 F.R. 6731.

[2] 10 F.R. 2521, 2675, 3223, 3549, 3556.

PART 1499—COMMODITIES AND SERVICES

[RMPR 165,[1] Amdt. 8 to Supp. Ser. Reg. 49]

AUTOMOTIVE REPAIR SERVICES

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.

Supplementary Service Regulation 49 is amended in the following respects:

1. The last sentence in § 1499.682 (a) (2) is amended to read as follows: "If you have not already established a customer's hourly rate for pricing any service listed in Appendix A, you must establish such a rate under RMPR 165."

2. Appendix A is amended as follows:

a. The word "replace" in Operations 15, 16, 17, 21, 22, 23, 25, and 28 is amended to read "remove and install, or replace."

b. The time for Operation 28 for De Soto, 1939, all models with overdrive, is amended to read 6.8 hours.

c. Operation 4 as it first appears in Appendix A is amended to read as follows:

4. Pistons, rings, and piston pins, replace all. Does not include reconditioning cylinder bores.

d. The words "and align wheels" are deleted from Operation 42.

e. The time for Operation 27 for Willys, 1936–1942, all models, is amended to read 5.0 hours.

f. The following changes are made in the case of Cadillac and La Salle:

Operation	Year	Model	Hours
5. Piston rings, standard, replace all. Does not include reconditioning cylinder bores.	1936	50	7.0
	1936	60	6.3
	1936	70, 75	6.8
	1936	80, 85	18.5
	1936	90	21.3
	1937	50	7.2
	1937	60	6.3
	1937	65, 70, 75	6.8
	1937	85	18.5
	1937	90	21.3
	1938	50	7.2
	1938	60, 60S, 65, 75	6.3
	1938–40	V–16	13.0
	1939–42	V–8	7.2
	1940	V–12	18.0
7. Connecting rod, replace one. Includes removing and installing or replacing piston pin.	1936	50	2.5
	1936	60	2.8
	1936–37	65, 70, 75	3.3
	1936–37	80, 85	3.2
	1936–37	V–16	3.0
	1937	50, 60	2.8
	1938–42	V–8	2.9
	1938–40	V–16, right side	3.5
		V–16, left side	4.4
8. Connecting rod, replace each additional one when done in connection with Operation No. 7.	1936	50	0.9
	1936–42	V–8, except 1936 50	0.8
	1936–37	V–12	1.1
	1936–37	V–16	1.1
	1938–40	V–16	0.7
		Includes aligning rod.	

[1] 10 F.R. 2097, 2250, 3925.

Operation	Year	Model	Hours
9. Connecting rods, replace all. Includes removing and installing, or replacing, piston pins.	1936	50	6.0
	1936	60	6.7
	1936	70, 75	7.2
	1936–37	80, 85	9.9
	1936–37	90	11.9
	1937–38	50	5.3
	1937	60	6.7
	1937	65, 70, 75	7.2
	1938	60, 60S, 65, 75	6.7
	1938–40	V–16	11.5
	1939–42	V–8	7.9
		Includes aligning rods	
12. Main bearings, replace all.	1936	50	4.8
	1936	60	4.0
	1936	70, 75	4.5
	1936–37	V–12	6.5
	1936–37	V–16	7.3
	1937	50, 60	4.0
	1937	65, 70, 75	4.5
	1938	50, 60, 60S, 65, 75	4.0
	1938–40	V–16	6.9
	1939–42	V–8	4.1
14. Connecting rod bearings, replace all.	1936	50	2.6
	1936–37	60	3.0
	1936	70, 75	3.3
	1937	50	3.0
	1937	65, 70, 75	3.3
	1938	50	3.0
	1938	60, 60S, 65, 75	3.0
	1938–40	V–16	4.9
	1939–42	V–8	3.1
15. Fuel pump, remove and install, or replace.	1936	V–8	0.5
	1936–37	50, 55, 60	0.6
	1937–38	V–8	1.0
	1938–40	V–16	0.5
	1939–40	V–8	1.2
	1941–42	V–8	0.5
		Operation covers replacing fuel and vacuum pump.	
16. Oil pump, and/or oil pump gasket, remove and install, or replace.	1936	50, 70, 75	1.8
	1936	60	1.3
	1937	65, 70, 75	1.8
	1937	50, 60	1.3
	1938–42	V–8 except 1939 50, 1940 50, 52	1.4
	1936–37	V–12	2.8
	1936–37	V–16	2.6
	1938–40	V–16	1.7
	1939	50	1.5
	1940	50, 52	1.5
20. Distributor unit, overhaul. Includes removing and installing. Also includes Operation No. 19.	1936–37	V–8	1.4
	1938–42	V–8	1.3
	1936–37	V–12 or V–16	2.1
	1938–40	V–16	1.5
25. Generator, remove and install, or replace.	1936–42	V–8	0.6
	1936–37	V–12 or V–16	1.4
	1938	V–16	0.8
	1939–40	V–16	0.4
31. Transmission, overhaul. Includes removing and installing.	1936	50	4.4
	1936	60	4.7
	1936	70, 75	9.0
	1936	80, 85	9.0
	1937	85	5.5
	1936–37	90	9.0
	1937	V–8	5.1
	1938–42	All	5.1
		Applies to standard transmission only.	
	1941–42	V–8	13.3
		Applies to Hydra-Matic transmission only.	
32. Universal, front or single, overhaul. Includes removing and installing.	1937	65, 70, 75	1.2
	1938	65, 75	1.2
	1936–37	V–12	1.2
	1936–42	All others	0.8
46. Service brakes, all four, adjust completely, free and tighten linkage, fill master cylinder, and bleed lines.	1936–42	All	2.2
		Includes repacking and adjusting front wheel bearings. Does not include bleeding brake lines.	
58. Rear spring, replace one.	1936	50, 60	1.2
	1937	50	1.2
	1936	All except 50, 60	1.6
	1937	All except 50	1.6
	1938–42	All	1.4

g. The following changes are made for Operation 6 for Ford and Mercury:

Operation	Year	Model	Hours
6. Piston rings and connecting rod bearings, replace all. Does not include reconditioning cylinder bores.	1936–42	All 6-cylinder engines.	6.1
	1936–42	All 60 H. P. engines	7.7
	1936–39	All V–8 engines	8.0
		Includes cleaning carbon, cleaning oil pan and oil pump.	

h. The following changes are made in the case of Chevrolet:

Operation	Year	Model	Hours
11. Main bearings, adjust all.	1936-39	All	3.5
	1940-42	All	3.1
32. Universal, front or single, overhaul. Includes removing and installing.	1936	Standard	2.5
	1936	Master	1.5
	1937-39	All with conventional gearshift	1.5
	1939-42	All with vanum gearshift.	1.6
58. Engine assembly, remove, replace, and tune. Includes removing any parts and accessories such as electrical and fuel equipment, manifolds, fan, etc., and transferring to a stripped engine assembly.	1936-38	All	9.7
	1939	All	10.2
	1940-42	All	11.2

This amendment shall become effective October 10, 1945.

Issued this 27th day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-15966; Filed, Aug 27, 1945; 11:26 a. m.]

PART 1499—COMMODITIES AND SERVICES

[RMPR 165, Supp. Service Reg. 58]

HAND LAUNDRIES IN SAN FRANCISCO AREA

A statement of the considerations involved in the issuance of this Supplementary Service Regulation has been filed with the Division of the Federal Register. For the reasons set forth in that statement and under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, the Stabilization Act of 1942, as amended, and Executive Orders Nos. 9250 and 9328, Supplementary Service Regulation No. 58 is hereby issued. The specifications and standards set forth in this supplementary service regulation are those which prior to the issuance of the regulation, were in general use by the trade in the affected area.

§ 1499.699 *Hand laundries in San Francisco Area*—(a) *Maximum Prices.* The maximum prices established by Revised Maximum Price Regulation No. 165 for hand laundry services sold by hand laundries in the San Francisco Area are hereby modified and henceforth shall be the prices set forth in Appendix A. Lower prices than those established by this regulation may be charged.

(b) *Definitions.* As used in this supplementary service regulation the term:

"Hand Laundry" means a retail laundry establishment receiving and distributing laundry, doing no washing by power driven machinery on the premises, generally finishing wearing apparel by hand ironing done on the premises, giving only limited, if any, delivery service and employing 8 or less employees.

"San Francisco Area" means the corporate limits of the City and County of San Francisco and the incorporated or unincorporated municipalities of Alameda, Albany, Berkeley, Colma, Daly City, El Cerrito, Emeryville, Oakland, Piedmont, Richmond, San Leandro and South San Francisco, in the State of California.

"Shirts" as used in Appendix A means all shirts except the following: Shirts made of silk, wool, flannel, gabardine, rayon and other artificial fibers; full dress shirts. The prices of shirts included within the above exceptions shall be the prices for those items which were filed by the individual laundry with the Office of Price Administration in accordance with section 14 of RMPR 165. If no such prices have been filed, the maximum price to be charged for all shirts shall be the price established for shirts by Appendix A.

(c) *Posting requirements.* Within 30 days after the issuance of this supplementary service regulation, every hand laundry shall post on its premises in a place and a manner plainly visible to the purchasing public, a placard or card setting forth the maximum prices established in Appendix A.

(d) *Elimination of individual adjustments.* Section 16 of Revised Maximum Price Regulation No. 165 shall no longer be available to sellers covered by this regulation as to the services listed herein, furthermore, any adjustment in prices heretofore granted to any establishment is hereby revoked as to the services listed in Appendix A.

(e) *Other services supplied by hand laundries.* Laundry services not listed in Appendix A performed by hand laundries shall be governed by Revised Maximum Price Regulation No. 165 and any applicable supplementary service regulation.

(f) *Retail laundries electing to price under this regulation.* Any retail laundry located in the San Francisco Area may elect to be governed by the maximum prices and provisions established by this regulation by filing a written notice of its election with the War, Price and Rationing Board for the area in which its place of business is located and a copy with the San Francisco District Office of OPA. From and after the date of filing such notice with the War, Price and Rationing Board or any subsequent date selected, such laundry shall be subject to the maximum prices and provisions of SSR 58, and shall within 10 days after the date of filing or 30 days after the issuance date of this supplementary service regulation, whichever is later, post on its premises in a place and a manner plainly visible to the purchasing public, a placard or card setting forth the maximum prices established in Appendix A.

Such notice of election must be signed by the owner or authorized agent of the owner of such laundry, and contain the name and address of the laundry and a statement that the laundry has elected to be governed by the maximum prices and provisions of SSR 58.

APPENDIX A

Shirts	$0.15
Collars	.05
Sheets	.08
Pillow cases	.04
Hand towels	.03
Bath towels	.04
Handkerchiefs	.03
Socks, pair	.06
Undershirts	.10
Shorts	.10
Union suits	.20
Pajamas	.25
Uniforms and dresses	.30
Overall pants	.25
Overall jackets	.25
Overalls	.30
Coveralls	.40
Trousers of slacks	.35

This Supplementary Service Regulation No. 58 shall become effective September 1, 1945.

Issued this 27th day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-15967; Filed, Aug. 27, 1945; 11:26 a. m.]

Chapter XVIII—Office of Economic Stabilization

[Directive 55, Amdt. 2]

PART 4033—SUPPORT PRICES; SUBSIDIES

1945-1946 BEEF CATTLE PRODUCTION

Pursuant to the authority vested in me by the act of October 2, 1942, entitled "An Act to Amend the Emergency Price Control Act of 1942 to Aid in Preventing Inflation and Other Purposes", and by Executive Order 9250 of October 3, 1942, Executive Order 9328 of April 8, 1943 and Executive Order 9599 of August 18, 1945; *It is ordered:*

Directive 55, 1945-1946 Beef Cattle Production, issued June 1, 1945, as amended (10 F.R. 6595, 8906), is hereby further amended in the following respect:

Section 2 is amended to read as follows:

SEC. 2. The Secretary of Agriculture is authorized and directed on and after May 19, 1945, and continuing until June 30, 1946, unless otherwise directed, by the use of Commodity Credit Corporation funds in a total amount not to exceed $40,000,000, to institute a program for making payments to feeders of beef cattle. Such payments shall be made at the rate of fifty cents per hundred pounds liveweight: (a) on cattle weighing not less than 800 pounds sold by the feeder to a slaughterer for slaughter or to any person if such animal within 20 days after such sale is delivered to a slaughterer for slaughter, which cattle were sold by the feeder for not less than $14.25 per hundred pounds, basis Chicago, and which were owned by the feeder-seller for 30 days or more immediately preceding sale; and (b) on cattle weighing not less than 800 pounds slaughtered by the feeder which were owned by the feeder-slaughterer for 30 days or more immediately preceding slaughter and which produce beef grading A or AA. Only one payment shall be made on the same cattle. The weight may be determined from the average weight of a lot of cattle.

(E. O. 9250 and E.O. 9328, 3 CFR, Cum. Supp. pp. 1213, 1267; E.O. 9599 (10 F.R. 10155)

Issued this 23d day of August 1945.

Effective: May 19, 1945.

WILLIAM H. DAVIS,
Economic Stabilization Director.

[F. R. Doc. 45-15824; Filed, Aug. 24, 1945; 1:22 p. m.]

Chapter XX—Office of Contract Settlement

[Reg. 14, Amdt. 3]

PART 8004—TERMINATION COST MEMORANDUMS

FIXED-PRICE SUPPLY CONTRACTS

Pursuant to section 2 of Regulation No. 14 of this Office, Regulation No. 14 is hereby amended to incorporate Termination Cost Memorandum No. 16 which is hereby issued as a part of such regulation.

§8004.16 *Severance pay*—(a) *Reference to statement of cost principles.* Although the statement does not refer in specific terms to severance pay, its recognition is inherent in the general statement of cost included therein.

(b) *Definition.* The term "severance pay", as used herein, refers to amounts due to employees solely by reason of their involuntary separation (ordinarily termed "layoff") from the employ of the contractor other than for cause. It should be distinguished from pensions, bonuses, vacation pay, and similar payments, which involve different accounting treatment.

(c) *Interpretations.* (1) A reasonable amount may be included for severance pay, provided the contractor is required to make payments therefor: (i) By statute, (ii) by written agreement, or (iii) by the operation of an established policy which constitutes an implicit agreement.

(2) No amount may be included for severance pay where payment is contingent upon recovery from the Government.

(3) Severance pay should ordinarily be considered as applicable to the entire period of employment with the contractor, determined in accordance with paragraph 3e, and not as directly applicable to any particular contract or contracts, or the terminated portion thereof.

(4) Any method of allocating severance pay to a terminated contract, or the terminated portion thereof, may be used, provided the amount so allocated is reasonable and the method is consistent with the principles set forth in this memorandum. It will usually be acceptable to allocate severance pay to terminated contracts by applying a rate based on the relation of the total severance payments of the contractor during the period indicated in paragraph 3e to any suitable base for the same period, such as payrolls of classes of employees covered by the severance pay plan, total payrolls of all employees, direct labor, etc. The rate so determined should be applied to the corresponding element included in the settlement. Such rate of allocation may be determined on the basis of the operations of individual plants or other units of the contractor's organization where such separate computations result in a more accurate allocation than that determined for the contractor's entire organization.

(5) The period used in the determination of the rate will necessarily vary with different contractors, but it should cover the approximate average period of employment of those classes of employees covered by the severance pay plan, up to and including the date of substantial completion of mass layoffs resulting from cessation of war production. When mass layoffs have not taken place before the date of submission of a termination claim, because of continuing war production, the rate used will be based on a computation including suitable estimates of the factors described in paragraph 3d and in this paragraph. Consideration should be given to the fact that employees may not be entitled to severance pay because of such factors as resignation, separation for cause, and the effect of a qualification period.

ROGER L. PUTNAM,
Acting Director.

AUGUST 24, 1945.

[F. R. Doc. 45-15990; Filed, Aug. 27, 1945; 11:51 a. m.]

[Reg. 20]

PART 8006—FAIR COMPENSATION FOR WAR CONTRACTORS

TREATMENT OF AMOUNTS PAID TO EMPLOYEES FOR AUGUST 15 AND 16, 1945

Pursuant to sections 4 (b) and 6 (d) of the Contract Settlement Act and the principles laid down in a memorandum from the President of the United States to the Director of Contract Settlement dated August 24, 1945, and hereto attached as Exhibit A, the following policies and procedures are prescribed to govern the treatment, in the settlement of terminated contracts, of payments made to employees for August 15 and 16, 1945:

1. *Payment for work done.* Amounts may be included in the settlement of terminated contracts, in accordance with principles otherwise applicable, for payments made to employees for work done on August 15 and 16, 1945, including premium payments required by the applicable provisions of law or Executive order.

2. *Payments for time off.* Amounts may be included in the settlement of terminated contracts for payments made to employees for time off on August 15 and 16, 1945, in accordance with the following principles:

(a) Such payments shall not exceed pay for a normal shift at straight-time rates.

(b) Such payments shall be included in the appropriate overhead accounts of the contractor and allocated between the terminated work and other work of the contractor in accordance with accepted commercial accounting practice. For the purpose of bringing about a reasonable allocation of such payments the accounting period customarily used by the contractor for the distribution of overhead may be shortened, but not to a period less than one month in the absence of clear evidence of special circumstances creating unfairness.

ROGER L. PUTNAM,
Acting Director.

AUGUST 25, 1945.

EXHIBIT A

When the news was received on August 14, 1945, that the Japanese had accepted the Potsdam declaration, a statement was issued from the White House that the days of August 15 and 16, 1945, would be declared holidays for war workers under Executive Order 9240, which provides for holiday premium pay. An Executive Order effectuating this was subsequently issued; and the Secretary of Labor publicly expressed my hope that war workers who did not work on those two days would be paid by their employers at straight-time rates. There was widespread observance of these holidays, which represented an appropriate recognition of the magnificent contribution made by war workers to our victory.

In view of these actions, contractors who pay the war workers among their employees for time off taken during these two days should be reimbursed by the Government to the extent that the Government is compensating these contractors on a cost basis. This would include the holders of cost-plus-a-fixed fee or other cost-type war contracts, because such pay for time off is a reasonable and proper cost of performing such contracts. It would also include the holders of war contracts terminated for the Government's convenience to the extent that the cost of pay for time off is applicable to terminated work.

It would be impracticable to attempt any reimbursement on this account to the holders of fixed-price war contracts that are completed and not terminated, for this would involve making many thousands of minor contract amendments. Such contractors, moreover, are continuing to receive the contract price for their product.

Please take all necessary steps to effectuate the foregoing.

HARRY S. TRUMAN

AUGUST 24, 1945.

[F. R. Doc. 45-15991; Filed, Aug. 27, 1945; 11:51 a. m.]

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

Chapter I—Coast Guard: Department of the Navy

PART 8—REGULATIONS, UNITED STATES COAST GUARD RESERVE

APPOINTMENT, REAPPOINTMENT AND PROMOTION OF OFFICERS; EFFECT ON APPOINTMENTS TO HIGHER RANK OR GRADE FOR TEMPORARY SERVICE

The regulations, United States Coast Guard Reserve (33 CFR Cum. Sup., Part 8) as amended, are hereby further amended, effective as of July 24, 1941, by adding a new § 8.3102 reading as follows:

§ 8.3102 *Effect of appointment, reappointment and promotion of officers on appointments for temporary service.* Neither the appointment, reappointment, or promotion of an officer, nor the acceptance thereof, shall be deemed in any way to impair the status of the officer

affected under any appointment to higher rank or grade under the act of July 24, 1941, as amended, for temporary service.

L. T. CHALKER,
Rear Admiral, U. S. Coast Guard,
Acting Commandant.

Approved: August 13, 1945.

JAMES FORRESTAL,
Secretary of the Navy.

[F. R. Doc. 45-15957; Filed, Aug. 27, 1945; 11:24 a. m.]

TITLE 36—PARKS AND FORESTS

Chapter I—National Park Service

PART 2—GENERAL RULES AND REGULATIONS

MISCELLANEOUS AMENDMENTS

Correction

In Federal Register Document 45-14758, appearing on page 9963 of the issue for Saturday, August 11, 1945, § 2.61 should read as follows:

§ 2.61 *Reckless driving.* The driving of any vehicle on a Government road in a park or monument in willful or wanton disregard for the safety of persons or property is prohibited.

TITLE 46—SHIPPING

Chapter III—War Shipping Administration

[G.O. 45, Supp. 6]

PART 306—GENERAL AGENTS AND AGENTS

FREIGHT BROKERAGE AND COMMISSIONS ON FARES

Paragraph (a) *Rates* of § 306.123 *Freight brokerage* is amended by striking out the second sentence and inserting in lieu thereof, the following sentence: "No brokerage will be paid on cargoes procured under Lend-Lease or UNRRA (United Nations Relief and Rehabilitation Administration) requisitions moving from continental United States ports, except where ocean freight is paid from other than Lend-Lease or UNRRA funds and is approved by the Director of Traffic and except as provided in §§ 301.51 to 301.57, inclusive (General Order 38).

This supplement cancels and supersedes General Order 45, Supp. 5, dated June 29, 1945 (10 F.R. 8142).

(E.O. 9054, 7 F.R. 837)

[SEAL] E. S. LAND,
Administrator.

AUGUST 24, 1945.

[F. R. Doc. 45-15857; Filed, Aug. 25, 1945; 9:34 a. m.]

[Directive 8, Revocation]

PART 321—DIRECTIVES

ORDER OF EMPLOYMENT IN ENTRY RATINGS ON WSA VESSELS

Directive No. 8, § 321.8 *Directive with respect to order of employment of men in the entry ratings on vessels under the control of the War Shipping Administration*, is hereby revoked as of August 20, 1945.

E. S. LAND,
Administrator.

AUGUST 20, 1945.

[F. R. Doc. 45-15856; Filed, Aug. 25, 1945; 9:34 a. m.]

TITLE 49—TRANSPORTATION AND RAILROADS

Chapter I—Interstate Commerce Commission

[S. O. 117-A]

PART 95—CAR SERVICE

BANANAS FROM A FOREIGN COUNTRY TO A FOREIGN COUNTRY

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 24th day of August, A. D. 1945.

Upon further consideration of the provisions of Service Order No. 117 (8 F.R. 4934), and good cause appearing therefor: *It is ordered*, That:

Service Order No. 117 (8 F.R. 4934), § 95.7 *Bananas from a foreign country to a foreign country*, be and it is hereby, vacated and set aside.

It is further ordered, That this order shall become effective at 12:01 a. m., August 25, 1945; that a copy of this order and direction shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

By the Commission, Division 3.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 45-15873; Filed, Aug. 25, 1945; 11:41 a. m.]

[S. O. 318-A]

PART 95—CAR SERVICE

PRECOOLING CITRUS PROHIBITED IN CALIFORNIA

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 25th day of August, A. D. 1945.

Upon further consideration of the provisions of Service Order No. 318 (10 F.R. 7729), as amended (10 F.R. 7856, 9396), and good cause appearing therefor: *It is ordered*, That:

Service Order No. 318, as amended, *Precooling citrus prohibited in California*, be, and it is hereby, vacated and set aside.

It is further ordered, That this order shall become effective at 12:01 a. m., August 27, 1945; that a copy of this order and direction shall be served upon the Railroad Commission of the State of California; and upon the Association of American Railroads, Car Service Division, as agent of the railroads, subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C. and by filing it with the Director, Division of the Federal Register.

By the Commission, Division 3.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 45-15928; Filed, Aug. 27, 1945; 10:59 a. m.]

[S. O. 323-A]

PART 95—CAR SERVICE

PRE-ICING CITRUS PROHIBITED IN ARIZONA AND CALIFORNIA

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 25th day of August, A. D. 1945.

Upon further consideration of the provisions of Service Order No. 323 (10 F.R. 8143), and good cause appearing therefor: *It is ordered*, That:

(a) Service Order No. 323, *Pre-icing citrus prohibited in Arizona and California*, be, and it is hereby, vacated and set aside.

(b) *Announcement required.* Each of the railroads affected by this order shall within fifteen (15) days from the effective date of this order, publish, file, and post a supplement to each of its tariffs affected announcing the vacation by this order on the effective date hereof, of Service Order No. 323 and stating that the provisions in said tariffs which were suspended by such order will be restored on the effective date of this order. (40 Stat. 101, sec. 402, 418, 41 Stat. 476, sec. 4, 54 Stat. 901, 911; 49 U.S.C. 1 (10)-(17), 15 (2).)

It is further ordered, That this order shall become effective at 12:01 a. m., August 27, 1945; that a copy of this order and direction shall be served upon the State Railroad regulatory bodies of the States of Arizona and California; and upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

By the Commission, Division 3.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 45-15930; Filed, Aug. 27, 1945; 10:59 a. m.]

Chapter II—Office of Defense Transportation

[Administrative Order ODT 6B, Amdt. 10]

PART 503—ADMINISTRATION

ESTABLISHMENT OF REGIONS, DISTRICTS, AND FIELD OFFICES OF HIGHWAY TRANSPORT DEPARTMENT

Pursuant to Executive Orders 8989, as amended, and 9156, *It is hereby ordered*, That the appendices of Administrative Order ODT 6B, as amended (9 F.R. 12289, 13069, 10 F.R. 525, 1940, 3139, 5119, 7197, 8561, 8912, 9592), be, and they hereby are, amended in the following particulars:

(1) The first two paragraphs of Appendix 1 of Administrative Order ODT 6B, as amended, entitled "*Territory comprising Region 1*" and "*Territory comprising Region 2*," respectively, are revoked and in lieu thereof a new paragraph is substituted to read as follows:

Territory comprising Region 1: The States of Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont; all of the State of Virginia except the City of Bristol, Virginia; and the District of Columbia. Regional Office in New York, New York.

(2) The matter in Appendix 2 of Administrative Order ODT 6B, as amended, appearing under the subtitles "Region 1" and "Region 2," respectively, is revoked and in lieu thereof the following is substituted:

REGION 1

Connecticut: District Office: Hartford.
Delaware: District Office: Wilmington.
District of Columbia: District Office: Washington.
Maine: District Office: Augusta.
Maryland: District Office: Baltimore.
Massachusetts: District Office: Boston.
New Hampshire: District Office: Concord.
New Jersey: District Office: Camden, Newark, and Trenton. Field Office: Atlantic City.
New York: District Offices: Albany, Binghamton, Buffalo, New York, and Syracuse.
Pennsylvania: District Offices: Altoona, Erie, Harrisburg, Philadelphia, Pittsburgh, Scranton, and Williamsport.
Rhode Island: District Office: Providence.
Vermont: District Office: Montpelier.
Virginia: District Offices: Richmond and Roanoke. Field Office: Norfolk.

(3) The matter opposite Michigan and Ohio under the subtitle "Region 3" of Appendix 2 of Administrative Order ODT 6B, as amended, is amended to read as follows:

Michigan: District Offices: Detroit, Grand Rapids, and Saginaw.
Ohio: District Offices: Cincinnati, Cleveland, Columbus, and Toledo. Field Offices: Canton and Dayton.

(4) The matter opposite Texas under the subtitle "Region 5" of Appendix 2 of Administrative Order ODT 6B, as amended, is amended to read as follows:

Texas: District Offices: Fort Worth, Houston, Lubbock, and San Antonio. Field Office: El Paso.

(5) The first two paragraphs appearing under the subtitle "Texas" of Appendix 3 of Administrative Order ODT 6B, as amended, and entitled "Dallas" and "Fort Worth," respectively, are revoked and in lieu thereof a new paragraph is substituted to read as follows:

Fort Worth. Anderson, Archer, Baylor, Bell, Bosque, Bowie, Brown, Callahan, Camp, Cass, Cherokee, Clay, Coke, Coleman, Collin, Comanche, Concho, Cooke, Coryell, Dallas, Delta, Denton, Eastland, Ellis, Erath, Falls, Fannin, Fisher, Foard, Franklin, Freestone, Grayson, Gregg, Hamilton, Hardeman, Harrison, Haskell, Henderson, Hill, Hood, Hopkins, Hunt, Jack, Johnson, Jones, Kaufman, Knox, Lamar, Lampasas, Limestone, McCulloch, McLennan, Marion, Mills, Montague, Morris, Navarro, Nolan, Palo Pinto, Panola, Parker, Rains, Red River, Rockwall, Runnels, Rusk, San Saba, Shackelford, Smith, Somervell, Stephens, Tarrant, Taylor, Throckmorton, Titus, Tom Green, Upshur, Van Zandt, Wichita, Wilbarger, Wise, Wood, and Young.

Paragraphs (1), (2), and (3) of this Amendment 10 to Administrative Order ODT 6B, as amended, shall become effective September 1, 1945. Paragraphs (4) and (5) of this Amendment 10 to Administrative Order ODT 6B, amended, shall become effective August 26, 1945.

(E.O. 8989, as amended, 6 F.R. 6725, 8 F.R. 14183; E.O. 9156, 7 F.R. 3349)

Issued at Washington, D. C., this 25th day of August 1945.

J. M. JOHNSON,
Director,
Office of Defense Transportation.

[F. R. Doc. 45-15858; Filed, Aug. 25, 1945; 10:21 a. m.]

[General Order ODT 20A, as Amended, Revocation of Supplementary Orders]

PART 501—CONSERVATION OF MOTOR EQUIPMENT

TAXICABS AND TAXI SERVICE

Pursuant to Executive Orders 8989, as amended, 9156, 9214, and 9294, it is hereby ordered, that the following described orders supplementary to General Order ODT 20A, as amended (8 F.R. 9231, 9 F.R. 2749), be, and they are hereby, revoked effective September 16, 1945:

Supplementary Orders ODT 20A-1 (8 F.R. 10046), 20A-2 (8 F.R. 10530), 20A-3 (8 F.R. 10838), 20A-4 (8 F.R. 10839), 20A-5 (8 F.R. 10839), 20A-6 (8 F.R. 10840), 20A-7 (8 F.R. 11976), 20A-8 (8 F.R. 11977), 20A-9 (8 F.R. 11977), 20A-10 (8 F.R. 11978), 20A-11 (8 F.R. 11978), 20A-12 (8 F.R. 11979), 20A-14 (8 F.R. 11980), 20A-15 (8 F.R. 11980), 20A-16 (8 F.R. 11981), 20A-17 (8 F.R. 11982), 20A-18 (8 F.R. 11982), 20A-19 (8 F.R. 12844), 20A-20 (8 F.R. 12845), 20A-21 (8 F.R. 12911), 20A-22 (8 F.R. 12911), 20A-23 (8 F.R. 14586), 20A-24 (8 F.R. 14587), 20A-25 (8 F.R. 14587), 20A-26 (8 F.R. 14588), 20A-27 (8 F.R. 14588), 20A-28 (8 F.R. 14589), 20A-29 (8 F.R. 14589), 20A-30 (8 F.R. 14590), 20A-31 (8 F.R. 14590), 20A-32 (8 F.R. 14591), 20A-33 (8 F.R. 14871), 20A-34 (8 F.R. 14872), 20A-35 (8 F.R. 15542), 20A-36 (8 F.R. 15543), 20A-37 (8 F.R. 15717), 20A-38 (8 F.R. 15718), 20A-39 (8 F.R. 15718), 20A-40 (8 F.R. 15719), 20A-41 (8 F.R. 15752), 20A-42 (8 F.R. 15753), 20A-43 (8 F.R. 15885), 20A-44 (8 F.R. 15991), 20A-45 (8 F.R. 16565), 20A-46 (8 F.R. 16703), 20A-47 (8 F.R. 16947), 20A-48 (8 F.R. 16947), 20A-49 (8 F.R. 16948), 20A-50 (8 F.R. 17380), 20A-51 (8 F.R. 17447), 20A-52 (9 F.R. 317), 20A-53 (9 F.R. 317), 20A-54 (9 F.R. 318), 20A-55 (9 F.R. 766), 20A-56 (9 F.R. 767), 20A-57 (9 F.R. 768), 20A-58 (9 F.R. 768), 20A-59 (9 F.R. 769), 20A-60 (9 F.R. 916), 20A-61 (9 F.R. 916), 20A-62 (9 F.R. 1069), 20A-63 (9 F.R. 1070), 20A-64 (9 F.R. 1070), 20A-65 (9 F.R. 1583), 20A-66 (9 F.R. 1731), 20A-67 (9 F.R. 1731), 20A-68 (9 F.R. 1732), 20A-69 (9 F.R. 1732), 20A-70 (9 F.R. 2042), 20A-71, as amended (9 F.R. 2309, 7105), 20A-72 (9 F.R. 2309), 20A-73 (9 F.R. 2310), 20A-74 (9 F.R. 2310), 20A-75 (9 F.R. 2575), 20A-76 (9 F.R. 2576), 20A-77 (9 F.R. 2920), 20A-78 (9 F.R. 2964), 20A-79 (9 F.R. 3750), 20A-80 (9 F.R. 2965), 20A-81, as amended (9 F.R. 2930, 10 F.R. 5814), 20A-82 (9 F.R. 3266), 20A-83 (9 F.R. 3266), 20A-84 (9 F.R. 3267), 20A-85 (9 F.R. 3602), 20A-86 (9 F.R. 3603), 20A-87 (9 F.R. 3604), 20A-88 (9 F.R. 3604), 20A-89 (9 F.R. 3605), 20A-90 (9 F.R. 3605), 20A-91 (9 F.R. 3606), 20A-92 (9 F.R. 3606), 20A-93 (9 F.R. 3673), 20A-94 (9 F.R. 3607), 20A-95 (9 F.R. 3751), 20A-96 (9 F.R. 3751), 20A-97 (9 F.R. 3752), 20A-98 (9 F.R. 3752), 20A-99 (9 F.R. 4308), 20A-100 (9 F.R. 4309), 20A-101 (9 F.R. 4309), 20A-102 (9 F.R. 4310), 20A-103 (9 F.R. 4544), 20A-104 (9 F.R. 4544), 20A-105 (9 F.R. 4545), 20A-106 (9 F.R. 4545), 20A-107 (9 F.R. 4621), 20A-108 (9 F.R. 4622), 20A-109 (9 F.R. 4909), 20A-110 (9 F.R. 4910), 20A-111 (9 F.R. 4910), 20A-112 (9 F.R. 5015), 20A-113 (9 F.R. 5092), 20A-114, as amended (9 F.R. 5278, 10 F.R. 2772, 7552), 20A-115 (9 F.R. 5279), 20A-116 (9 F.R. 5353), 20A-117 (9 F.R. 5454), 20A-118 (9 F.R. 5454), 20A-119 (9 F.R. 5455), 20A-120 (9 F.R. 5623), 20A-121 (9 F.R. 5624), 20A-122 (9 F.R. 5524), 20A-123 (9 F.R. 5704), 20A-124 (9 F.R. 5705), 20A-125 (9 F.R. 5972), 20A-126 (9 F.R. 6574), 20A-127 (9 F.R. 6574), 20A-128 (9 F.R. 6575), 20A-129 (9 F.R. 6575), 20A-130 (9 F.R. 6924), 20A-131 (9 F.R. 6924), 20A-132 (9 F.R. 6925), 20A-133 (9 F.R. 6926), 20A-134 (9 F.R. 6926), 20A-135 (9 F.R. 6927), 20A-136 (9 F.R. 7105), 20A-137 (9 F.R. 7106), 20A-138 (9 F.R. 7106), 20A-139 (9 F.R. 7107), 20A-140 (9 F.R. 7107), 20A-141 (9 F.R. 7108), 20A-142 (9 F.R. 7109), 20A-143 (9 F.R. 7109), 20A-144 (9 F.R. 7175), 20A-145 (9 F.R. 7176), 20A-146 (9 F.R. 7531), 20A-147 (9 F.R. 7532), 20A-148 (9 F.R. 7793), 20A-149 (9 F.R. 7794), 20A-150 (9 F.R. 7794), 20A-151 (9 F.R. 7837), 20A-152 (9 F.R. 7838), 20A-153 (9 F.R. 7838), 20A-154 (9 F.R. 7839), 20A-155 (9 F.R. 9686), 20A-156 (9 F.R. 9686), 20A-157 (9 F.R. 9687), 20A-158 (9 F.R. 9842), 20A-159 (9 F.R. 9843), 20A-160 (9 F.R. 9843), 20A-161 (9 F.R. 9844), 20A-162 (9 F.R. 9844), 20A-163 (9 F.R. 10310), 20A-164 (9 F.R. 10311), 20A-165 (9 F.R. 10311), 20A-166 (9 F.R. 10312), 20A-167 (9 F.R. 10312), 20A-168 (9 F.R. 10313), 20A-169 (9 F.R. 10313), 20A-170, as amended (9 F.R. 10314, 11817), 20A-171 (9 F.R. 10314), 20A-172 (9 F.R. 10892), 20A-173 (9 F.R. 11123), 20A-174 (9 F.R. 11123), 20A-175 (9 F.R. 11587), 20A-176 (9 F.R. 11589), 20A-177 (9 F.R. 11590), 20A-178 (9 F.R. 11590), 20A-179 (9 F.R. 11716), 20A-180 (9 F.R. 11817), 20A-181 (9 F.R. 11915), 20A-182 (9 F.R. 12477), 20A-183

(9 F.R. 12478), 20A–184 (9 F.R. 12873), 20A–185 (9 F.R. 13999), 20A–186 (9 F.R. 14000), 20A–187 (9 F.R. 14000), 20A–188 (10 F.R. 355), 20A–189 (10 F.R. 356), 20A–190 (10 F.R. 1298), 20A–191 (10 F.R. 1298), 20A–192 (10 F.R. 1299), 20A–193 (10 F.R. 1299), 20A–194 (10 F.R. 2051), 20A–195 (10 F.R. 2773), 20A–196 (10 F.R. 2773), 20A–197 (10 F.R. 2986), 20A–198 (10 F.R. 2986), 20A–199 (10 F.R. 2987), 20A–200 (10 F.R. 2987), 20A–201 (10 F.R. 3885), 20A–202 (10 F.R. 3886), 20A–203 (10 F.R. 3886), 20A–204 (10 F.R. 4164), 20A–205 (10 F.R. 4165), 20A–206 (10 F.R. 5810), 20A–207 (10 F.R. 5811), 20A–209 (10 F.R. 6266), 20A–210 (10 F.R. 5865), 20A–211 (10 F.R. 7420), 20A–212 (10 F.R. 7421), 20A–213 (10 F.R. 7422), 20A–214 (10 F.R. 7422), 20A–215 (10 F.R. 7423), 20A–216 (10 F.R. 8468), 20A–217 (10 F.R. 8875): *Provided*, That any participant in a plan for joint action placed in effect upon order of the Office of Defense Transportation pursuant to the provisions of General Order ODT 20A, as amended, may at any time after the date of the issuance of this revocation order withdraw from such plan by serving written notice of such withdrawal upon the other parties to the plan: *Provided further*, That in any case where the plan designates a participant or other person as representative of the participants for the purpose of correspondence in respect of such plan, service of the written notice of withdrawal may be made upon such participant or other person.

(E.O. 8989, as amended, 6 F.R. 6725, 8 F.R. 14183); E.O. 9156, 7 F.R. 3349; E.O. 9214, 7 F.R. 6097; E.O. 9294, 8 F.R. 221)

Issued at Washington, D. C., this 27th day of August 1945.

J. M. JOHNSON,
Director,
Office of Defense Transportation.

[F. R. Doc. 45-15969; Filed, Aug. 27, 1945; 11:48 a. m.]

Notices

DEPARTMENT OF THE INTERIOR.

General Land Office.

NEW MEXICO

AIR-NAVIGATION SITE WITHDRAWAL 44, ENLARGED

By virtue of the authority contained in section 4 of the act of May 24, 1928, 45 Stat. 729 (U.S.C., title 49, sec. 214), it is ordered as follows:

Subject to valid existing rights, the following-described public land in New Mexico is hereby withdrawn from all forms of appropriation under the public-land laws and reserved for the use of the Civil Aeronautics Administration, Department of Commerce, in the maintenance of air-navigation facilities, as an addition to Air-Navigation Site Withdrawal No. 44, made by a departmental order of November 17, 1930:

NEW MEXICO PRINCIPAL MERIDIAN

T. 27 S., R. 21 W., sec. 28, SE¼SW¼NW¼.

The area described contains 10 acres.

This order takes precedence over, but shall not modify, the order of the Secretary of the Interior dated July 11, 1935, establishing New Mexico Grazing District No. 3, so far as it affects the above-described land.

ABE FORTAS,
Acting Secretary of the Interior.

AUGUST 20, 1945.

[F. R. Doc. 45-15912; Filed, Aug. 27, 1945; 9:33 a. m.]

DEPARTMENT OF AGRICULTURE.

Office of the Secretary.

ASSISTANT ADMINISTRATOR FOR REGULATORY AND MARKET SERVICE MATTERS, PRODUCTION AND MARKETING ADMINISTRATION

DELEGATION OF AUTHORITY

Pursuant to the powers vested in me by the statutes of the United States and Executive Orders of the President, there is hereby delegated to the Assistant Administrator for Regulatory and Market Service matters, Production and Marketing Administration (hereinafter called the "Assistant Administrator"), all authority heretofore delegated to and vested in the Director of Marketing Services with respect to the formulation, administration and enforcement of war food orders, the administration of regulatory statutes including rules, regulations, orders and marketing agreements thereunder, the formulation and issuance of grades and standards, all matters pertaining to commodity market news and grading and inspection services, and coordination of the operation of industry committees. The Assistant Administrator is further authorized to exercise general supervision over the administration of the Commodity Exchange Act.

The Assistant Administrator may redelegate to any employee of the United States Department of Agriculture any or all the authority vested in him hereunder.

All action heretofore taken by the Assistant Administrator with respect to the foregoing matters is hereby ratified and confirmed, and shall remain in full force and effect unless and until expressly modified, amended, suspended, revoked, or terminated.

In witness whereof, I have hereunto set my hand and the Seal of the Department of Agriculture this 25th day of August, 1945.

[SEAL] J. B. HUTSON,
Acting Secretary of Agriculture.

[F. R. Doc. 45-15956; Filed, Aug. 27, 1945; 11:14 a. m.]

FEDERAL POWER COMMISSION.

[Docket No. G-655]

EL PASO NATURAL GAS CO.

NOTICE OF APPLICATION

AUGUST 24, 1945.

Notice is hereby given that on August 10, 1945, an application was filed with the Federal Power Commission by El Paso Natural Gas Company ("Applicant"), a Delaware corporation with its principal place of business at El Paso, Texas, for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, as amended, to authorize Applicant to construct and operate certain facilities hereinafter described.

Applicant owns and operates a natural-gas transmission pipe-line system extending from Jal, Lea County, New Mexico, in a general westerly direction across portions of Texas, New Mexico and Arizona to Phoenix and Ajo, Arizona. Among other operations, it purchases natural gas in the Lea County field in New Mexico and delivers the same to other companies for distribution in numerous communities in Arizona, New Mexico and Texas, and to industrial customers in said states.

The facilities which Applicant seeks authorization to construct and operate are described as follows:

(a) A 26-inch transmission pipe line commencing at Applicant's Jal No. 1 Plant, which is located approximately 4 miles south of the town of Jal in Lea County, New Mexico, and extending in a westerly direction approximately 720 miles to a point on the east bank of the Colorado River east of the town of Blythe, California. The proposed 26-inch pipe line will have an estimated capacity of 125,000,000 cu. ft. of gas per day.

(b) A compressor station, with eight 800 H. P. units with appurtenant facilities, which is to be located at Applicant's Jal No. 1 Plant situated in Lea County, New Mexico. It is contemplated that the proposed station will have a capacity of 125,000,000 cu. ft. per day.

(c) A gas purification and dehydration plant to be located at Applicant's Jal No. 1 Plant in Lea County, New Mexico, with an estimated capacity of 105,000,000 cu. ft. per day.

(d) Field lines consisting of 117 miles of 24-inch pipe, 32 miles of 18-inch pipe and 14½ miles of 14-inch pipe for the purpose of receiving and transporting gas to Applicant's proposed compressor station at Applicant's Jal No. 1 Plant above described. Such lines will have an estimated capacity of 125,000,000 cu. ft. of gas per day.

The application recites that it is anticipated that there will be a shortage of gas available to gas companies in southern California in 1947 of approximately 125,000,000 cu. ft. per day, and that such shortage will increase over the succeeding 5 years to a total of approximately 300,000,000 cu. ft. of gas per day. Applicant asserts that the proposed construction is to meet this contemplated shortage, and that it will be able by means of such construction to deliver at the western terminus of the line at the Colorado River 125,000,000 cu. ft. of gas per day with the use of only one compressor station, and by the addition of compressor stations along the proposed line the delivery capacity of the line can be increased to 300,000,000 cu. ft. per day in order to meet the need for natural gas in California.

Applicant submits that the proposed construction is designed to fit into a comprehensive program for the conservation of natural gas produced with oil in the Permian Basin of West Texas and New Mexico, and that there is now being vented into the air approximately 125,000,000 cu. ft. of gas per day, the quantity of gas proposed to be initially marketed by applicant.

Applicant asserts that it owns gas rights on approximately 10,000 acres in what is known as the Rhodes Area of the field in Lea County, New Mexico, adjacent to its terminus at Jal which has a theoretical storage of approximately 60,000,000,000 cu. ft., which Applicant contemplates using for storage to cover peak day demands and to act as standby to cover irregularities in the production of residual gas.

It is further asserted that gas to be transported through the proposed pipe line will be used to supplement the declining supply of gas in California so as to avoid a curtailment of natural gas service in that state, and will not be used to displace other fuels.

The total estimated over-all cost of the construction is $25,440,000. Applicant proposes to finance such construction by the sale of $16,700,000 of bonds, $5,000,000 of preferred stock, and the remaining $3,740,000 by virtue of a bank loan and cash on hand.

Any person desiring to be heard or to make any protest with reference to said application should, on or before September 10, 1945, file with the Federal Power Commission, Washington 25, D. C., a petition or protest in accordance with the Commission's provisional rules of practice and regulations.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 45-15914; Filed, Aug. 27, 1945; 9:33 a. m.]

[Docket No. G-657]

THE OHIO FUEL GAS CO.

NOTICE OF APPLICATION

August 27, 1945.

Notice is hereby given that on August 20, 1945, an application was filed with the Federal Power Commission by The Ohio Fuel Gas Company, a corporation organized under the laws of the State of Ohio, with its principal place of business at 99 North Front Street, Columbus, Ohio, for a certificate of public convenience and necessity pursuant to Section 7 of the Natural Gas Act, as amended, to authorize Applicant to construct and operate certain facilities, hereinafter more particularly described, which, if constructed, will extend Applicant's existing natural gas transmission system northwardly from Urbana Champaign County, Ohio, to Bellefontaine, Logan County, Ohio, a distance of approximately 18½ miles.

Applicant supplies natural gas at wholesale and retail for ultimate consumption in numerous communities in Ohio.

The facilities which Applicant seeks authority to construct and operate are described in its application as follows:

A natural gas transmission pipe line consisting of 93,500 ft. of 5" and 3,500 ft. of 6" steel pipe extending from the terminus of Applicant's existing 6" transmission line serving the City of Urbana, Champaign County, Ohio, to the City of Bellefontaine, Logan County, Ohio, together with a gas pressure regulating and measuring station near the corporation line of the City of Bellefontaine.

Applicant states that it proposes to furnish natural gas at wholesale to the City of Bellefontaine, a municipal corporation in Logan County, Ohio, now owning and operating a municipal manufactured-gas distribution system which is to be converted for the distribution of natural gas; that the population of Bellefontaine is approximately 9,800 with some 2,700 gas customers; that total sales to the City are estimated at 80,000 Mcf annually with maximum daily requirements of 500 Mcf and minimum daily requirements of 125 Mcf.

Applicant further states that it does not propose to serve main line industrial customers from the new proposed line to the City of Bellefontaine, but that domestic gas service is to be made available to property owners as provided by the terms and conditions of right-of-way agreements; and that a preliminary investigation is in progress concerning possible service to the Village of West Liberty, Logan County, Ohio, located along the proposed transmission line with a population of about 1,200 and now without gas utility service.

Any person desiring to be heard or to make any protest with reference to said application should, on or before the 10th day of September, 1945, file with the Federal Power Commission, Washington 25, D. C., a petition or protest in accordance with the Commission's provisional rules of practice and regulations under the Natural Gas Act.

J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 45-15993; Filed, Aug. 27, 1945; 12:21 p. m.]

INTERSTATE COMMERCE COMMISSION.

[S.O. 352]

WEIGHING SAND AND GRAVEL RESTRICTED

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 24th day of August, A. D. 1945.

It appearing, that shipments of sand and gravel, in carloads originating at Terre Haute, Indiana, and destined to Naval Ordnance Depot, Crane, Indiana, for use on government construction are being weighed on railroad track scales, thus impeding the use, control, supply, movement, and distribution of cars; in the opinion of the Commission an emergency exists requiring immediate action to avoid a shortage of equipment and congestion of traffic: it is ordered, that:

Carloads of sand and gravel, for use on Government construction at Crane, Indiana, not to be weighed. (a) No common carrier by railroad subject to the Interstate Commerce Act shall weigh, or permit to be weighed, any shipment of sand and gravel, in carloads, on any railroad track scales when such traffic originates on or after the effective date of this order at Terre Haute, Indiana, and is destined to Crane, Indiana, for use on government construction at the Naval Ordnance Depot, except that not to exceed 10 cars per week may be weighed to obtain average weights. The operation of all tariff rules or regulations insofar as they conflict with the provisions of this order is hereby suspended.

(b) *Announcement of suspension.* Each of such railroads shall publish, file, and post a supplement to each of its tariffs affected hereby, in substantial accordance with the provisions of Rule 9 (k) of the Commission's Tariff Circular No. 20 announcing the suspension of provisions in such tariffs conflicting with this order.

(c) *Effective date.* This order shall become effective at 12:01 a. m., August 26, 1945.

(d) *Expiration date.* This order shall expire at 11:59 p. m., November 30, 1945, unless otherwise modified, changed, suspended or annulled by order of this Commission. (40 Stat. 101, sec. 402, 41 Stat. 476, sec. 4, 54 Stat. 901; 49 U.S.C. 1 (10)–(17))

It is further ordered, that a copy of this order and direction shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

By the Commission, Division 3.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 45-15874; Filed, Aug. 25, 1945; 11:41 a. m.]

[S. O. 70-A, Special Permit 1032]

RECONSIGNMENT OF LETTUCE AT KANSAS CITY, KANS.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph (§) 95.35, 8 F.R. 14624) of Service Order No. 70-A of October 22, 1943, permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard entirely the provisions of Service Order No. 70-A insofar as it applies to the reconsignment at Kansas City, Kansas, August 21, 1945, by Litman Produce Company, of car PFE 31225, lettuce, now on the Union Pacific Railroad, to Milt Shomberg, Chicago, Illinois (Wabash).

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American

Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 21st day of August 1945.

V. C. CLINGER,
Director,
Bureau of Service.

[F. R. Doc. 45-15923; Filed, Aug. 27, 1945; 11:00 a. m.]

[S. O. 70-A, Special Permit 1033]

RECONSIGNMENT OF MELONS AT PITTSBURGH, PA.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph (§ 95.35, 8 F.R. 14624) of Service Order No. 70-A of October 22, 1943, permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard entirely the provisions of Service Order No. 70-A insofar as it applies to the reconsignment at Pittsburgh, Pennsylvania, August 21 or 22, 1945, by O'Donnell Fruit Company, of cars RD 8029 and 39141, melons, now on the Pennsylvania Railroad, to John C. Moritz, Philadelphia, Pennsylvania (P. R. R.)

The waybills shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 21st day of August 1945.

V. C. CLINGER,
Director,
Bureau of Service.

[F. R. Doc. 45-15924; Filed, Aug. 27, 1945; 11:00 a. m.]

[S. O. 70-A, Special Permit 1035]

RECONSIGNMENT OF CARROTS AT KANSAS CITY, KANS.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph (§ 95.35, 8 F.R. 14624) of Service Order No. 70-A of October 22, 1943, permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard entirely the provisions of Service Order No. 70-A insofar as it applies to the reconsignment at Kansas City, Kansas, August 22, 1945, by Garrett-Holmes Company, of car MDT 6495, carrots, now on the Union Pacific Railroad, to C. H. Weaver Company, Chicago, Illinois. (Alton).

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 22d day of August 1945.

V. C. CLINGER,
Director,
Bureau of Service.

[F. R. Doc. 45-15925; Filed, Aug. 27, 1945; 11:00 a. m.]

[2d Rev. S. O. 300, Special Permit 42]

ICING AND REICING OF POTATOES FROM GREENPORT, LONG ISLAND, N. Y.

Pursuant to the authority vested in me by paragraph (e) of the first ordering paragraph of Second Revised Service Order No. 300 (10 F.R. 6802), permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard the provisions of Second Revised Service Order No. 300 insofar as it applies to the furnishing of initial icing and one reicing in transit only, on car PFE 29620, potatoes, shipped August 21, 1945, from Greenport, L. I., N. Y., by F. H. Vahlsing, Inc., consigned to Weaver & Company, Akron, Ohio, (L. I.-P. R. R.).

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 21st day of August 1945.

V. C. CLINGER,
Director,
Bureau of Service.

[F. R. Doc. 45-15926; Filed, Aug. 27, 1945; 11:00 a. m.]

[2d Rev. S. O. 300, Special Permit 43]

REFRIGERATION OF POTATOES FROM MATTITUCK, LONG ISLAND, N. Y.

Pursuant to the authority vested in me by paragraph (e) of the first ordering paragraph of Second Revised Service Order No. 300 (10 F.R. 6802), permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard the provisions of Second Revised Service Order No. 300 insofar as it applies to the furnishing of standard refrigeration on car PFE 60641, potatoes, August 21, 1945, from Mattituck, L. I., N. Y., by Atlantic Commission Company, to themselves at Miami, Florida, routed L. I., PRR, RF&P, ACL, FEC.

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 21st day of August 1945.

V. C. CLINGER,
Director,
Bureau of Service.

[F. R. Doc. 45-15927; Filed, Aug. 27, 1945; 11:00 a. m.]

[S. O. 323, Special Permit 1]

PREICING OF CITRUS FRUIT AT SAN JUAN CAPISTRANO, CALIF.

Pursuant to the authority vested in me by paragraph (e) of the first ordering paragraph of Service Order No. 323 (10 F.R. 8143), permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard the provisions of Service Order No. 323 insofar as it applies to the preicing of a refrigerator car to be loaded with citrus fruit at San Juan Capistrano, California.

This special permit shall become effective at 12:01 a. m., August 22, 1945.

The car order, and the waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 21st day of August 1945.

V. C. CLINGER,
Director,
Bureau of Service.

[F. R. Doc. 45-15929; Filed, Aug. 27, 1945; 11:00 a. m.]

[Rev. S. O. 345, Gen. Permit 2]

REICING OF POTATOES AT CLINTON, OELLWEIN OR WATERLOO, IOWA

Pursuant to the authority vested in me by paragraph (g) of the first ordering paragraph of Revised Service Order No. 345 (10 F.R. 10034), permission is granted for the Chicago and North Western Railway Company (Claude A. Roth, Trustee), the Chicago Great Western Railway Company, and the Illinois Central Railroad Company, common carriers by railroad subject to the Interstate Commerce Act:

To disregard the provisions of paragraph (a) of Revised Service Order No. 345 insofar as it applies to the furnishing of the second and final reicing at Clinton, Iowa by the C. & N. W. Ry., at Oelwein, Iowa by the C. G. W. Ry., or at Waterloo, Iowa by the I. C. RR., when such reicing is so ordered by shippers of the cars to be reiced at these points.

This general permit shall become effective at 12:01 a. m., August 26, 1945, and shall apply only to cars billed on or after that time.

The waybills shall show reference to this general permit.

A copy of this general permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 24th day of August 1945.

V. C. CLINGER,
Director,
Bureau of Service.

[F. R. Doc. 45-15931; Filed, Aug. 27, 1945; 11:00 a. m.]

[Rev. S. O. 346, Special Permit 3]

ICING OF CARROTS AT PEORIA, ILL.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph of Revised Service Order No. 346 (10 F.R. 10035), permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard the provisions of Revised Service Order No. 346 insofar as it applies to the furnishing of one retop icing in transit only, to maximum capacity as ordered by Melferd Brothers Fruit Company, at Peoria, Illinois, (by TP&W or NYC lines), not later than August 28, 1945, of cars of sacked carrots, as follows:

URT 86504, from Canoga Park, Calif., August 11, 1945, consigned to QMMC, U. S. Army, Boston, Massachusetts.

ART 17839, from Canoga Park, Calif., August 14, 1945, consigned to U. S. Navy, Providence Rhode Island.

PFE 42155, from Los Angeles, Calif., August 15, 1945, consigned to QMMC, U. S. Army, Boston, Massachusetts.

all routed SP, RI, TP&W, LV, NYNH&H, and

PFE 45328, from Canoga Park, Calif., August 17, 1945, consigned to U. S. Navy, Norfolk, Virginia, routed SP, RI, Big 4, NYC, Vgn.

The waybills shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 21st day of August 1945.

V. C. CLINGER,
Director,
Bureau of Service.

[F. R. Doc. 45-15932; Filed, Aug. 27, 1945; 11:00 a. m.]

[Rev. S. O. 346, Special Permit 4]

ICING OF CELERY AT CHICAGO, ILL.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph of Revised Service Order No. 346 (10 F.R. 10035), permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard the provisions of Revised Service Order No. 346 insofar as it applies to the furnishing of not to exceed eight thousand (8,000) pounds of retop ice one time only, by the C. G. W. Railroad, at Chicago, Illinois, not later than August 30, 1945, as ordered by Wesco Foods Company, on car PFE 93609, celery, now en route from Ogden, Utah (August 20, 1945), consigned to Kroger Grocery and Baking Company, Ft. Wayne, Indiana, routed (UP-CGW-NKP).

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 22d of August 1945.

V. C. CLINGER,
Director,
Bureau of Service.

[F. R. Doc. 45-15933; Filed, Aug. 27, 1945; 11:00 a. m.]

OFFICE OF DEFENSE TRANSPORTATION.

POSSESSION, CONTROL, AND OPERATION OF THE TRANSPORTATION SYSTEM, PLANTS, AND FACILITIES OF THE ILLINOIS CENTRAL RAILROAD CO.

NOTICE AND ORDER

To Illinois Central Railroad Company, Chicago, Illinois:

1. You are hereby notified that, by order of the President of the United States (Executive Order 9602[1]), possession and control of your transportation system, including all real and personal property, plants, facilities, and other assets, wherever situated, used or useful in connection with the operation of such system, are hereby taken and assumed by the Director of the Office of Defense Transportation as of 12:01 o'clock a. m., e. w. t., on the 24th day of August 1945. Possession and control is not taken of any of your property, plants, facilities, or other assets, which are not used or useful in the operation of your transportation system.

2. The purpose of possession, control, and operation of your transportation system and properties by the United States pursuant to said Executive Order is to assure the maintenance of an effective system of transportation for military and civilian freight and passenger traffic movements.

3. Effective this date, W. F. Kirk is hereby appointed Federal Manager of the transportation system and properties taken hereunder, with full authority, subject to my direction:

(a) To possess, control, and operate, or arrange for the operation of the system and properties taken hereunder in such manner as may be necessary to carry out the provisions, and to accomplish the purposes of the Executive order, through or with the aid of such public or private agencies, persons, or corporations, as he may designate;

(b) Subject to the provisions of the Executive order, to manage or operate, or arrange for the management or operation of said system and properties under such terms and conditions of employment as he deems advisable and proper;

(c) From time to time, to return to you such real or personal property, or other assets, as he determines to be unnecessary to the operation of your transportation system; and

(d) To request the Secretary of War or such persons as he may designate, to furnish protection for persons employed or seeking employment with the transportation system of which possession is taken hereunder and the properties of such system, and to furnish equipment, manpower, and other facilities or services necessary to carry out the provisions, and to accomplish the purposes of the Executive order of the President.

4. Copies of this notice and order shall be posted by you in your principal place of business, and in each office, terminal, freight station, and passenger station maintained in connection with the operation of your transportation system.

Issued at Washington, D. C., this 23d day of August 1945.

J. M. JOHNSON,
Director,
Office of Defense Transportation.

[F. R. Doc. 45-15778; Filed, Aug. 24, 1945; 11:30 a. m.]

[Certain Special Orders ODT, LB Series, Revocation]

DIRECTIONS GOVERNING LOCAL PASSENGER TRANSPORT

Pursuant to Executive Orders 8989, as amended, 9156, and 9294; *It is hereby*

[1] *Supra*, this issue.

ordered, That Special Orders ODT LB–4, Revised (8 F.R. 462), and LB–5 (7 F.R. 9261), be, and the same are hereby, revoked effective October 1, 1945.

(E.O. 8989, as amended, 6 F.R. 6725, 8 F.R. 14183; E.O. 9156, 7 F.R. 3349; E.O. 9294, 8 F.R. 221)

Issued at Washington, D. C., this 24th day of August 1945.

J. M. JOHNSON,
Director,
Office of Defense Transportation.

[F. R. Doc. 45-15849; Filed, August 25, 1945; 8:55 a. m.]

[Special Orders ODT, B Series, Revocation]

DIRECTIONS GOVERNING OPERATIONS OF INTERCITY PASSENGER CARRIERS BY MOTOR VEHICLE

Pursuant to Executive Orders 8989, as amended, and 9156: *It is hereby ordered*, That:

(1) Special Orders ODT B–1, as amended (7 F.R. 3863, 4284), B–2, as amended (7 F.R. 4240, 9 F.R. 10310), B–3 (7 F.R. 4391), B–4, as amended (7 F.R. 4292, 10 F.R. 2415), B–5, as amended (7 F.R. 4506, 5451), B–6 (7 F.R. 4935), B–7 (7 F.R. 5451), B–8 (7 F.R. 5452), B–9, as amended (7 F.R. 5926, 8 F.R. 1160, 11000, 9 F.R. 5092, 10310, 10 F.R. 2416, 6603), B–10, as amended (7 F.R. 5926, 6698), B–11, as amended (7 F.R. 6093, 6798), B–12 (7 F.R. 6094), B–13A, as amended (9 F.R. 5706, 13870), B–14 (7 F.R. 6507), B–15 (7 F.R. 6698), B–16 (7 F.R. 6910), B–17 (7 F.R. 6910), B–18 (7 F.R. 7112), B–19 (7 F.R. 7112), B–20 (7 F.R. 7113), B–21 (7 F.R. 7113), B–22 (7 F.R. 7265), B–23 (7 F.R. 7266), B–24 (7 F.R. 7266), B–25 (7 F.R. 7266), B–26 (7 F.R. 7414), B–27 (7 F.R. 8444), B–28 (7 F.R. 9012), B–29 (7 F.R. 9013), B–30 (7 F.R. 9263), B–31, as amended (7 F.R. 9367, 9 F.R. 2575), B–32, as amended (7 F.R. 9643, 8 F.R. 7406), B–33 (7 F.R. 10241), B–34 (7 F.R. 10413), B–35 (8 F.R. 1697), B–36 (8 F.R. 1698), B–37 (8 F.R. 1766), B–38 (8 F.R. 3379), B–39 (8 F.R. 3379), B–40 (8 F.R. 4871), B–41 (8 F.R. 5122), B–42 (8 F.R. 5506), B–43 (8 F.R. 5865), B–44 (8 F.R. 7362), B–46 (8 F.R. 12030), B–47 (8 F.R. 12031), B–48 (8 F.R. 12840), B–49 (8 F.R. 14641), B–50 (8 F.R. 15620), B–51 (9 F.R. 1189), B–52, as amended (9 F.R. 1190, 7176), B–53 (9 F.R. 2443), B–54 (9 F.R. 6126), B–55 (9 F.R. 6127), B–56 (9 F.R. 9627), B–57 (9 F.R. 11086), B–58 (9 F.R. 11440), B–59 (10 F.R. 355), B–60 (10 F.R. 4369), and B–61 (10 F.R. 9245), be, and they are hereby revoked.

(2) Any carrier named in any special order listed in paragraph (1) of this revocation order may at any time be relieved from compliance with the terms of such special order by serving written notice upon the other carriers named in the special order of its desire to be so relieved: *Provided*, That, where but one carrier is named in such special order, the carrier may at any time be relieved from compliance with the terms of the special order by serving written notice upon the Highway Transport Department, Office of Defense Transportation, Washington 25, D. C., of its desire to be so relieved.

Paragraph (1) of this revocation order shall become effective September 30, 1945. Paragraph (2) of this revocation order shall become effective August 25, 1945.

(E.O. 8989, as amended, 6 F.R. 6725, 8 F.R. 14183; E.O. 9156, 7 F.R. 3349)

Issued at Washington, D. C., this 25th day of August 1945.

J. M. JOHNSON,
Director,
Office of Defense Transportation.

[F. R. Doc. 45-15859; Filed, Aug. 25, 1945; 10:21 a. m.]

[Special Orders ODT, E Series, Revocation]

EXPEDITING COLLECTION AND DELIVERY OF LINE-HAUL SHIPMENTS

Pursuant to Executive Orders 8989, as amended, and 9156; *It is hereby ordered*, That the following described orders, be, and they are hereby, revoked, effective November 1, 1945:

Special Orders ODT E–1 (9 F.R. 6573), E–2A (10 F.R. 1801), E–3 (9 F.R. 12557), E–4 (10 F.R. 417), E–5 (10 F.R. 754), E–6 (10 F.R. 418), E–7 (10 F.R. 419), E–8 (10 F.R. 903), E–9 (10 F.R. 1802), E–10 (10 F.R. 1804), E–11 (10 F.R. 2454), E–12A (10 F.R. 5542), E–13 (10 F.R. 3881), E–14 (10 F.R. 3569), E–15 (10 F.R. 4369), E–16 (10 F.R. 4996), E–17 (10 F.R. 5604), and E–18 (10 F.R. 5966).

(E.O. 8989, as amended, 6 F.R. 6725, 8 F.R. 14183; E.O. 9156, 7 F.R. 3349)

Issued at Washington, D. C., this 25th day of August 1945.

J. M. JOHNSON,
Director,
Office of Defense Transportation.

[F. R. Doc. 45-15860; Filed, Aug. 25, 1945; 10:21 a. m.]

[Special Orders ODT, LB Series, Revocation]

DIRECTIONS GOVERNING LOCAL PASSENGER TRANSPORT

Pursuant to Executive Orders 8989, as amended, 9156, and 9294, it is hereby ordered that Special Orders ODT LB–9 (7 F.R. 9263), LB–12, as amended (8 F.R. 8576, 9 F.R. 4622), and LB–12–1 (8 F.R. 13410), be, and they are hereby, revoked effective November 1, 1945.

(E.O. 8989, as amended, 6 F.R. 6725, 8 F.R. 14183; E.O. 9156, 7 F.R. 3349; E.O. 9294, 8 F.R. 221)

Issued at Washington, D. C., this 25th day of August 1945.

J. M. JOHNSON,
Director,
Office of Defense Transportation.

[F. R. Doc. 45-15917; Filed, Aug. 27, 1945; 10:21 a. m.]

OFFICE OF PRICE ADMINISTRATION.

[MPR 188, Amdt. 1 to Rev. Order 3261]

CERTAIN ARTICLES OF UPHOLSTERED FURNITURE

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.159b of Maximum Price Regulation No. 188 and section 6.4 of Second Revised Supplementary Regulation No. 14, *It is ordered:*

Revised Order No. 3261 under Maximum Price Regulation No. 188 is amended in the following respects:

1. Part 3, consisting of paragraphs (d), (e), (f), and (g) is hereby deleted.

2. New Parts 3, 4, 5, and 6, consisting of paragraphs (d), (e), (f), (g), (h), (i), (j), and (k) are added to read as follows:

PART 3—MAXIMUM PRICES OF "RETAILERS" WHO DID NOT SELL UPHOLSTERY FABRICS SEPARATELY DURING MARCH 1942

If the "retailer" during March, 1942 was not engaged in the business of selling upholstery fabrics separately by the yard his maximum prices are as follows:

(d) *"Retailers" who can use MPR 580 pricing charts.* (1) If the "retailer" owns the cover fabric and his maximum prices on sales of articles of upholstered furniture to his purchaser are generally determined under a pricing chart prepared in accordance with Maximum Price Regulation No. 580, then his maximum price for the completed article is the price determined under Maximum Price Regulation No. 580 by using as net cost the total of his supplier's net maximum price for the article when covered with "customer's own material" plus the cost of the cover fabric computed as follows:

(i) If the cover fabric was purchased from the fabric manufacturer or from the converter, the cost of the cover fabric is the amount paid for the cover fabric.

(ii) If it was purchased from any other seller who certifies that he has filed his maximum price for the fabric with the Office of Price Administration, Washington, D. C. (as required by Maximum Price Regulation No. 39) and gives the date of such filing, the cost of the cover fabric is 75 percent of the amount paid for the cover fabric.

(iii) If it was purchased from any other seller, the cost of the cover fabric is 50 percent of the amount paid for the cover fabric.

(2) If the cover fabric is owned by the ultimate consumer, but it was bought from the same "retailer", the "retailer's" maximum price for the article when covered with such fabric is the same as his maximum price for the completed article (determined as if the "retailer" owned the fabric) less the amount he charged for the cover fabric.

(3) If the cover fabric is owned by the ultimate consumer and the fabric was not bought from the same "retailer", the "retailer's" maximum price for the article when covered with such fabric is the price determined as provided in paragraph (d) (1) above using as net cost an amount no greater than his supplier's maximum price for the article when covered with the "consumer's own material".

(e) *"Retailers" who cannot use MPR 580 pricing charts.* A seller covered by this part, who cannot find his maximum price under paragraph (d) above determines his maximum prices as follows:

(1) If the seller owns the cover fabric, his maximum price for the completed article is:

(a) The highest price he charged during March 1942 for the same article; or

(b) If he did not make a delivery or offer for delivery of the same article during March 1942, then his maximum price is the price determined according to the method and procedure set forth in section 1499.3 (a) of the General Maximum Price Regulation, using as his "cost" of the completed article an amount no higher than the total of his supplier's maximum price for the article when covered with "customer's own material" plus the cost of the cover fabric computed as follows:

(i) If the cover fabric was purchased from the fabric manufacturer or from the converter, the cost of the cover fabric is the amount paid for the cover fabric.

(ii) If it was purchased from any other seller who certifies that he has filed his maximum price for the fabric with the Office of Price Administration, Washington, D. C. (as required by Maximum Price Regulation No. 39) and gives the date of such filing, the cost of the cover fabric is 75 percent of the amount paid for the cover fabric.

(iii) If it was purchased from any other seller, the cost of the cover fabric is 50 percent of the amount paid for the cover fabric.

(c) If the seller's maximum price cannot be determined under the preceding provisions, then his maximum price is the price approved by the Office of Price Administration according to the method and procedure set forth in § 1499.3 (c) of the General Maximum Price Regulation upon application setting forth as the cost of the completed article the amount specified in subparagraph (1) (b) above.

(2) If the cover fabric is owned by the ultimate consumer, but it was bought from the same "retailer", the "retailer's" maximum price for the article when covered with such fabric is the same as his maximum price for the completed article (determined as if the "retailer" owned the fabric) less the amount he charged for the cover fabric.

(3) If the cover fabric is owned by the ultimate consumer and the fabric was not bought from the same "retailer", the "retailer's" maximum price for the article when covered with such fabric is the price determined as provided in paragraph (e) (1) above using as cost an amount no greater than his supplier's maximum price for the article when covered with the "customer's own material."

PART 4—MAXIMUM PRICES OF "RETAILERS" WHO SOLD UPHOLSTERY FABRICS SEPARATELY DURING MARCH 1942

If the "retailer" during March 1942 was engaged in the business of selling upholstery fabrics separately by the yard, his maximum prices are as follows:

(f) *"Retailers" who can use MPR 580 pricing charts.* (1) If the "retailer" does not himself own the cover fabric and his maximum prices on sales of articles of upholstered furniture to his purchaser are generally determined under a pricing chart prepared in accordance with Maximum Price Regulation No. 580, then his maximum price for the article when covered with the "customer's own material" is the price determined under Maximum Price Regulation No. 580 by using as net cost an amount no higher than his supplier's net maximum price for sales to him of the article covered with the "customer's own material."

(2) If the "retailer" owns the cover fabric, his maximum price for the completed article is the sum of his maximum price for the article when covered with the "customer's own material" and his maximum price for the upholstery fabric.

(g) *"Retailers" who cannot use MPR 580 pricing charts.* A seller covered by this part who cannot find his maximum price under paragraph (f) above determines his maximum prices as follows:

(1) If the seller does not himself own the cover fabric, his maximum price for the article when covered with the "customer's own material" is:

(a) The highest price he charged during March 1942 for the same articles; or

(b) If he did not make a delivery or offer for delivery of the same article during March 1942, then his maximum price is the price determined according to the method and procedure set forth in section 1499.3 (a) of the General Maximum Price Regulation using as his "cost" an amount no higher than his supplier's maximum price for sales to him of the article covered with the "customer's own material."

(c) If he cannot determine his maximum price under the preceding provisions, then his maximum price is the price approved by the Office of Price Administration according to the method and procedure set forth in § 1499.3 (c) of the General Maximum Price Regulation upon application setting forth as the cost of the article the amount specified in subparagraph (ii) above.

(2) If the seller owns the cover fabric, his maximum price for the completed article is the sum of his maximum price for the article when covered with the "customer's own material" and his maximum price for the upholstery fabric.

PART 5—MAXIMUM PRICES OF "WHOLESALERS"

(h) *"Wholesalers" who did not sell upholstery fabrics separately during March 1942.* If the "wholesaler" during March 1942 was not engaged in the business of selling upholstery fabrics separately by the yard, he determines his maximum prices as follows:

(1) If the seller owns the cover fabric, his maximum price for the completed article is the price determined according to the method set forth in paragraph (e) (1) above.

(2) If the cover fabric is owned by the person buying the article of furniture, but it was bought from the same "wholesaler", the "wholesaler's" maximum price for the article when covered with such fabric is his maximum price for the completed article (determined as if he owned the fabric) less the amount he charged for the cover fabric.

(3) If the cover fabric is owned by the person buying the article of furniture and the fabric was not bought from the same "wholesaler", the "wholesaler's" maximum price for the article when covered with such fabric is the price determined as provided in paragraph (e) (1) above using as cost an amount no greater than his supplier's maximum price for the article when covered with the "customer's own material."

(i) *"Wholesalers" who sold upholstery fabrics separately during March 1942.* If the "wholesaler" during March 1942 was engaged in the business of selling upholstery fabrics separately by the yard, he determines his maximum prices according to the method set forth in paragraph (g) (1) or (g) (2) above, whichever is applicable.

PART 6—GENERAL PROVISIONS

(j) *Maximum prices for upholstery fabrics.* The "retailer's" maximum price for upholstery fabric sold separately by the yard is the price properly established in accordance with Maximum Price Regulation No. 580 or other applicable regulation and the "wholesaler's" maximum price for upholstery fabric sold separately by the yard is the price properly established in accordance with Maximum Price Regulation No. 39, or other applicable regulation.

(k) *Delegation of authority.* The Price Administrator, or any Regional Administrator, or any District Director so authorized by the Regional Administrator may at any time approve or disapprove maximum prices reported, or proposed under paragraphs (e), (g), and (i) above and may at any time revise maximum prices established under those provisions so as to bring them in line with the level of maximum prices established for sales of similar articles of upholstered furniture.

This amendment shall become effective on the 1st day of September 1945.

Issued this 27th day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-15969; Filed, Aug. 27, 1945; 11:27 a. m.]

[Order 89 Under Order 375 Under 3 (b)]

WESTERN PROCESSED FOOD CO.

AUTHORIZATION OF MAXIMUM PRICES

Order 89 under order 375 of § 1499.3 (b) of the General Maximum Price Regulation; Western Processed Food Company; Docket No. 6035.2-GMPR-ORD 375-221.

For the reasons set forth in an opinion issued simultaneously herewith, *It is ordered*, That:

Authorization of maximum prices governing sales of "Monte's Chocolate Flavored Caramel Bar," a confectionery item manufactured by Western Processed Food Company, Los Angeles, California.

(a) The maximum prices for the sales indicated below of "Monte's Chocolate Flavored Caramel Bar," one-pound size, manufactured by the Western Processed Food Company, 914-916 North Western Avenue, Los Angeles, California, in accordance with the formula contained in its price application dated April 13, 1945, shall be as follows:

(1) From Western Processed Food Company to all classes of purchasers: Per 1-lb. bar, f. o. b. factory, $0.49½.

(2) For sales by wholesalers to retailers: Per 1-lb. bar, delivered, $0.60.

(3) For sales by retailers to consumers: Per 1-lb. bar, $0.79.

(b) The prices established in this order are the highest prices for which "Monte's Chocolate Flavored Caramel Bar" may be sold by the respective sellers. All sellers, on sales of this item, shall reduce the above appropriate maximum prices by applying the customary discounts, allowances, and price differentials which have been applied to sales of other comparable candy items.

(c) Western Processed Food Company shall mail or otherwise supply to its purchasers, at the time of or prior to the first delivery to such purchaser, the following notice:

The Office of Price Administration has authorized us to sell our "Monte's Chocolate Flavored Caramel Bar" to all classes of purchasers at a maximum price of $0.49½ per one-pound bar, f. o. b. our factory. Wholesalers are authorized to sell this item at a maximum price of $0.60 per one-pound bar, delivered. Retailers are authorized to sell this item to consumers at a maximum price of $0.79 per one-pound bar. All sellers, on sales of this item, are required to reduce their maximum prices by applying the customary discounts, allowances and price differentials which have been applied to sales of comparable candy items.

(d) This order may be revoked or amended by the Office of Price Administration.

(e) This order No. 89 shall become effective August 24, 1945.

NOTE: This action has the prior written approval of the Secretary of Agriculture (10 F.R. 8419).

Issued this 23d day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-15699; Filed, Aug. 23, 1945; 11:41 a. m.]

[Order 52 Under 3 (e), Amdt. 1]

FLEXOID PRODUCTS, INC.

ADJUSTMENT OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and pursuant to § 1499.3 (e) (3), Order No. 52, issued June 2, 1945, is amended in the following respects:

1. Paragraph (a) is amended by changing in the table the prices for Rustflex to read as follows:

Product	Size	Maximum price	For sales to—
Rustflex	1 pint	$0.825	Jobber.
	1 pint	1.10	Retailer.
	1 pint	1.65	Consumer.
	1 gallon	3.30	Jobber.
	1 gallon	4.40	Retailer.
	1 gallon	6.60	Consumer.

2. Paragraph (d) is amended by changing in the table the prices for Rustflex to read as follows:

Rustflex:
1 pint maximum retail price—$1.65.
1 gallon maximum retail price—$6.60.

This amendment shall become effective August 24, 1945.

Issued this 23d day of August 1945.

JAMES G. ROGERS, Jr.,
Acting Administrator.

[F. R. Doc. 45-15698; Filed, Aug. 23, 1945; 11:51 a. m.]

[MPR 120, Order 1445]

ASHLAND MINING & FUEL CO. ET AL.

ESTABLISHMENT OF MAXIMUM PRICES AND PRICE CLASSIFICATIONS

For the reasons set forth in an accompanying opinion, and in accordance with § 1340.210 (a) (6) of Maximum Price Regulation No. 120; *It is ordered:*

Producers identified herein operate named mines assigned the mine index numbers, the price classifications and the maximum prices in cents per net ton, for the indicated uses and shipments as set forth herein. All are in District No. 8. The mine index numbers and the price classifications assigned are permanent but the maximum prices may be changed by an amendment issued after the effective date of this order. Where such an amendment is issued for the district in which the mines involved herein are located and where the amendment makes no particular reference to a mine or mines involved herein, the prices shall be the prices set forth in such amendment for the price classifications of the respective size groups. The location of each mine is given by county and state. The maximum prices stated to be for truck shipment are in cents per net ton f. o. b. the mine or preparation plant and when stated to be for rail shipment or for railroad fuel are in cents per net ton f. o. b. rail shipping point. In cases where mines ship coals by river the prices for such shipments are those established for rail shipment and are in cents per net ton f. o. b. river shipping point. However, producer is subject to the provisions of § 1340.219 and all other provisions of Maximum Price Regulation No. 120.

ASHLAND MINING & FUEL CO., P. O. BOX 1110, ASHLAND, KY., MEAD NO. 1, NO. 8 SEAM, MINE INDEX NO. 7430, BOYD COUNTY, KY., SUBDISTRICT 1, RAIL SHIPPING POINT, MEADS, KY., F. O. G. 61, STRIP MINE, MAXIMUM TRUCK PRICE GROUP NO. 5

	Size group Nos.														
	1	2	3	4	5	6	7	8	9	10	15, 16, 17	18	19	20, 21
Price classification	M	M	M	M	K	K	J	G	E	G	F	L	L	L
Rail shipments and railroad fuel[1]	365	365	360	360	360	350	330	325	325	360	310	300	295	295
Truck shipment	395	375	350	350	335	310	275	270	----	----	----	----	----	----

BLACK HAWK COAL CO., ORLANDO, KY., BLACK HAWK MINE, HORSE CREEK SEAM, MINE INDEX NO. 740, ROCKCASTLE COUNTY, KY., SUBDISTRICT 6, RAIL SHIPPING POINT, MT. VERNON, KY., F. O. G. 111, DEEP MINE, MAXIMUM TRUCK PRICE GROUP NO. 5

Price classification	M	M	M	M	K	K	J	G	E	G	D	K	K	K
Rail shipments and railroad fuel[1]	380	380	375	375	365	345	340	340	375	330	315	310	305	305
Truck shipment	395	375	350	350	335	310	275	270	----	----	----	----	----	----

CAMPBELL & KILBOURN COAL CO., BLACKEY, KY., CAMPBELL & KILBOURN MINE, HAZARD NO. 4 SEAM, MINE INDEX NO. 7456, LETCHER COUNTY, KY., SUBDISTRICT 3, RAIL SHIPPING POINT, BLACKEY, KY., F. O. G. 100, DEEP MINE, MAXIMUM TRUCK PRICE GROUP NO. 5

Price classification	M	M	M	M	K	K	J	G	E	G	D	K	K	K
Rail shipments and railroad fuel[1]	365	365	360	360	360	350	330	325	325	360	315	300	295	295
Truck shipment	395	375	350	350	335	310	275	270	----	----	----	----	----	----

HOGG COAL CO., C/O EARL HOGG, BLACKEY, KY., HOGG MINE, HAZARD NO. 4 SEAM, MINE INDEX NO. 7455, LETCHER COUNTY, KY., SUBDISTRICT 3, RAIL SHIPPING POINT, BLACKEY, KY., F. O. G. 100, DEEP MINE, MAXIMUM TRUCK PRICE GROUP NO. 5

Price classification	M	M	M	M	K	K	J	G	E	G	D	K	K	K
Rail shipments and railroad fuel[1]	365	365	360	360	360	350	330	325	325	360	315	300	295	295
Truck shipment	395	375	350	350	335	310	275	270	----	----	----	----	----	----

[1] Subject to the provisions of Order No. 1432 under M.P.R. 120 issued and effective July 28, 1945 above rail prices plus 50¢.

BEAN COAL CO., CRETON, KY., BEAN NO. 2 MINE, 11TH SEAM, MINE INDEX NO. 2932, MUHLENBERG COUNTY, KY., RAIL SHIPPING POINT, GREENVILLE, KY., F. O. G. 61, DEEP MINE, MAXIMUM TRUCK PRICE GROUP 3, FOR RAIL SHIPMENTS AND RAILROAD FUEL, THE MAXIMUM PRICES LISTED BELOW ARE APPLICABLE ONLY TO HAND LOADING MINE

	Size group Nos.									
	1 to 6, incl.	7	8 to 12, incl.	17 to 22, incl.	13, 14	23, 24	25 to 29, incl.	15, 16	25	
Rail shipments and railroad fuel	240	230	220	210	195	250	250	245	185	
Consolidated size groups	A 360	B 265	C 255	D 220	----	----	----	----	----	
Truck shipment	360	265	255	220	----	----	----	----	----	

CLARKSON COAL CORP., MADISONVILLE, KY., MUHLENBERG NO. 9 SEAM, MINE INDEX NO. 2941, HOPKINS COUNTY, KY., RAIL SHIPPING POINT, ST. CHARLES, KY., STRIP MINE, MAXIMUM PRICE GROUP 3, FOR RAIL SHIPMENTS AND RAILROAD FUEL, THE MAXIMUM PRICES LISTED BELOW ARE APPLICABLE ONLY TO STRIP MINED COAL

Rail shipments and railroad fuel	228	216	206	196	181	236	186	181	171	
Consolidated size groups	A 280	B 251	C 241	D 206	----	----	----	----	----	
Truck shipment	280	251	241	206	----	----	----	----	----	

MACHER CONSTRUCTION CO., 5 EAST LONG ST., COLUMBUS, OHIO, FAT MAN MINE, 9TH SEAM, MINE INDEX NO. 2911, MUHLENBERG COUNTY, KY., RAIL SHIPPING POINT, GREENVILLE, KY., STRIP MINE, MAXIMUM PRICE GROUP 2, FOR RAIL SHIPMENTS AND RAILROAD FUEL, THE MAXIMUM PRICES LISTED BELOW ARE APPLICABLE ONLY TO STRIP MINED COAL

Rail shipments and railroad fuel	228	216	206	196	181	236	186	181	171	
Consolidated size groups	A 280	B 251	C 241	D 206	----	----	----	----	----	
Truck shipment	280	251	241	206	----	----	----	----	----	

NEWMAN & BRACKETT, MORTONS GAP, KY., MORTONS GAP MINE, 11TH SEAM, MINE INDEX NO. 2937, HOPKINS COUNTY, KY., RAIL SHIPPING POINT, EARLINGTON, KY., DEEP MINE, MAXIMUM PRICE GROUP 3, FOR RAIL SHIPMENT AND RAILROAD FUEL, THE MAXIMUM PRICES LISTED BELOW ARE APPLICABLE ONLY TO HAND LOADING MINE

Rail shipments and railroad fuel	230	220	210	195	250	250	250	145	185	
Consolidated size groups	A 360	B 265	C 255	D 220	----	----	----	----	----	
Truck shipment	360	265	255	220	----	----	----	----	----	

WEST KENTUCKY COAL CO., EARLINGTON, KY., EAST DIAMOND MINE, 11TH SEAM, MINE INDEX NO. 2940, HOPKINS COUNTY, KY., RAIL SHIPPING POINT, MADISONVILLE, KY., DEEP MINE, MAXIMUM PRICE GROUP 3, FOR RAIL SHIPMENTS AND RAILROAD FUEL, THE MAXIMUM PRICES LISTED BELOW ARE APPLICABLE ONLY TO MACHINE LOADED COAL

Rail shipments and railroad fuel	228	216	206	196	181	236	186	181	171	
Consolidated size groups	A 280	B 251	C 241	D 206	----	----	----	----	----	
Truck shipment	280	251	241	206	----	----	----	----	----	

WHITE CONSOLIDATED, INC., 1735 TULLERTON AVE., CHICAGO, ILL., WHITE MINE, 6TH SEAM, MINE INDEX NO. 2938, HOPKINS COUNTY, KY., RAIL SHIPPING POINT, ST CHARLES, KY., STRIP MINE, MAXIMUM PRICE GROUP 2, FOR RAIL SHIPMENTS AND RAILROAD FUEL, THE MAXIMUM PRICES LISTED BELOW ARE APPLICABLE ONLY TO STRIP MINED COAL

Rail shipments and railroad fuel	276	261	251	206	181	236	186	146	----	
Consolidated size groups	A 316	B 291	C 281	D 246	----	----	----	----	----	
Truck shipment	316	291	281	246	----	----	----	----	----	

MORGANTOWN COAL CO., INC., MORGANTOWN, W. VA., MORGANTOWN NO. 1 MINE, NO. 1 BLOCK SEAM, MINE INDEX NO. 746, MONONGALIA COUNTY, W. VA., RAIL SHIPPING POINT, MORGANTOWN, W. VA., F. O. G. 125, DEEP MINE, MAXIMUM PRICE GROUP NO. 5

	Size group Nos.														
	1	2	3	4	5	6	7	8	9	10	15, 16, 17	18	19	20, 21	
Price classification	J	J	J	J	H	H	H	G	E	G	C	G	G	G	
Rail shipments and railroad fuel[1]	390	385	375	375	360	350	330	325	325	360	315	310	300	295	
Truck shipment	420	400	395	365	335	315	275	270	----	----	----	----	----	----	

STURGEON COAL CO., WHITESBURG, KY., STURGEON MINE, STURGEON SEAM, MINE INDEX NO. 747, LEE COUNTY, KY., RAIL SHIPPING POINT, BEECH CREEK, KY., F. O. G. 100, DEEP MINE, MAXIMUM TRUCK PRICE GROUP NO. 5

Price classification	K	K	K	K	J	J	H	G	G	J	D	M	M	M	
Rail shipments and railroad fuel[1]	380	375	365	345	360	350	330	325	315	355	315	280	275	270	
Truck shipment	380	375	365	360	350	340	310	275	270	----	----	----	----	----	

TURNER ELKHORN MINING CO., DRIFT, KY., COLUMBIA NO. 1 MINE, ELKHORN NO. 2 SEAM, MINE INDEX NO. 7417, PERRY COUNTY, KY., SUBDISTRICT 1, RAIL SHIPPING POINT, DRIFT, KY., F. O. G. 61, DEEP MINE, MAXIMUM TRUCK PRICE GROUP NO. 3

Price classification	H	H	D	H	H	H	H	G	E	C	E	C	G	G	G
Rail shipments and railroad fuel[1]	395	380	375	375	360	350	330	330	330	360	385	315	310	300	295
Truck shipment	420	400	395	365	365	335	315	275	270	----	----	----	----	----	----

TURNER ELKHORN MINING CO., DRIFT, KY., COLUMBIA NO. 2 MINE, ELKHORN NO. 2 SEAM, MINE INDEX NO. 7417, PERRY COUNTY, KY., SUBDISTRICT 1, RAIL SHIPPING POINT, DRIFT, KY., F. O. G. 61, DEEP MINE, MAXIMUM TRUCK PRICE GROUP NO. 3

Price classification	H	H	H	H	H	H	H	G	E	C	E	C	G	G	G
Rail shipments and railroad fuel[1]	395	380	375	375	360	350	330	330	330	360	385	315	310	300	295
Truck shipment	420	400	395	365	365	335	315	275	270	----	----	----	----	----	----

TURNER ELKHORN MINING CO., DRIFT, KY., COLUMBIA NO. 3 MINE, ELKHORN NO. 2 SEAM, MINE INDEX NO. 7430, PERRY COUNTY, KY., SUBDISTRICT 1, RAIL SHIPPING POINT, DRIFT, KY., F. O. G. 61, DEEP MINE, MAXIMUM TRUCK PRICE GROUP NO. 3

Price classification	H	H	H	H	H	H	H	G	E	C	E	C	G	G	G
Rail shipments and railroad fuel[1]	395	380	375	375	360	350	330	330	330	360	385	315	310	300	295
Truck shipment	420	400	395	365	365	335	315	275	270	----	----	----	----	----	----

[1] Subject to the provisions of Order 1432 under M. P. R. 120 as amended—above rail prices plus 50¢.

This order shall become effective August 24, 1945.

(56 Stat. 23, 765, 57 Stat. 566; Pub. Law 383, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 23d day of August 1945.

JAMES G. ROGERS, Jr.,
Acting Administrator.

[F. R. Doc. 45-15677; Filed, Aug. 23, 1945; 11:51 a. m.]

[MPR 120, Order 1446]

BEAN COAL CO. ET AL.

ESTABLISHMENT OF MAXIMUM PRICES AND PRICE CLASSIFICATIONS

For the reasons set forth in an accompanying opinion, and in accordance with

	Size group Nos.								
	1	2	3	4	5	6	7	8	9	10
Price classification	D	D	C	A	A	B	B	B	B	B
Rail shipment	410	420	430	385	375	410	380	330	345	340
Truck shipment	405	415	445	380	365	390				

IMPERIAL SMOKELESS COAL CO., 601 FIRST NATIONAL BANK BLDG., WELCH, W. VA., NO. 1 MINE, SEWELL SEAM, MINE INDEX NO. 150, GRASSHED COUNTY, W. VA., SUBDISTRICT 1, RAIL SHIPPING POINT, QUINWOOD, W. VA.

Price classification	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)
Rail shipment	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)
Truck shipment	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)

Refuse coal: 30%.

IMPERIAL SMOKELESS COAL CO., 601 FIRST NATIONAL BANK BLDG., WELCH, W. VA., NO. 2 MINE, SEWELL SEAM, MINE INDEX NO. 322, NICHOLAS COUNTY, W. VA., SUBDISTRICT 1, RAIL SHIPPING POINT, QUINWOOD, W. VA.

Price classification	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)
Rail shipment	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)
Truck shipment	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)

Refuse coal: 30%.

RALEIGH WYOMING MINING CO., 220 SOUTH CLARK ST., CHICAGO 4, ILL., GLEN ROGERS MINE, BECKLEY SEAM, MINE INDEX NO. 1057, WYOMING COUNTY, W. VA., SUBDISTRICT 5, RAIL SHIPPING POINT, GLEN ROGERS, W. VA.

Price classification	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)
Rail shipment	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)
Truck shipment	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)

Refuse coal: 30%.

TRACE FORK COAL & LUMBER CO., MULLENS, W. VA., SUBDISTRICT 5, RAIL SHIPPING POINT, MULLENS, W. VA., DEEP MINE

Price classification	A	A	A	B	B	B	B	B	B	B
Rail shipment	385	375	410	410	380	320	345	345	345	340
Truck shipment	380	365	390	390						

VERA POCAHONTAS COAL CO., 601 FIRST NATIONAL BANK BLDG., WELCH, W. VA., VERA NO. 5 MINE, POCAHONTAS NO. 13 SEAM, MINE INDEX NO. 1068, MCDOWELL COUNTY, W. VA., SUBDISTRICT 3, RAIL SHIPPING POINT, LANGLEY, GRAPE, W. VA., DEEP MINE

Price classification	A	A	A	B	B	B	D	D	D	D
Rail shipment	385	375	410	410	380	340	385	335	335	330
Truck shipment	380	365	390	390						

Railroad locomotive fuel. For the following mine index Nos. 1068, 1067, and 1065:

Run of mine (natural lump or double-screened lump)	205
Screenings, larger than 1/4" x 0 but not exceeding 2 1/2" x 0	205
Screenings 1 1/2" x 0 and smaller	340

(*) Previously established.

Railroad Fuel.

The maximum prices listed in this order include the increase in maximum prices where authorized by Amendment No. 146 to MPR 120 which became effective August 3, 1945.

This order shall become effective August 24, 1945.

(56 Stat. 23, 765, 57 Stat. 566; Pub. Law 383, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 23d day of August 1945.

JAMES G. ROGERS, JR.,
Acting Administrator.

[F. R. Doc. 45-15678; Filed, Aug. 23, 1945; 11:50 a. m.]

[MPR 120, Order 1447]

BILL'S BRANCH COAL CO. ET AL.

ESTABLISHMENT OF MAXIMUM PRICES AND PRICE CLASSIFICATIONS

For the reasons set forth in an accompanying opinion, and in accordance with § 1340.210 (a) (6) of Maximum Price Regulation No. 120; *It is ordered:*

Producers identified herein operate named mines assigned the mine index numbers, the price classifications and the maximum prices in cents per net ton, for the indicated uses and shipments as set forth herein. All are in District No. 7. The mine index numbers and the price classifications assigned are permanent but the maximum prices may be changed by an amendment issued after the effective date of this order. Where such an amendment is issued for the district in which the mines involved herein are located and where the amendment makes no particular reference to a mine or mines involved herein, the prices shall be the prices set forth in such amendment for the price classifications of the respective size groups. The location of each mine is given by county and state. The maximum prices stated to be for truck shipment are in cents per net ton f. o. b. the mine or preparation plant and when stated to be for rail shipment or for railroad locomotive fuel are in cents per net ton f. o. b. rail shipping point. In cases where mines ship coals by river the prices for such shipments are those established for rail shipment and are in cents per net ton f. o. b. river shipping point. However, producer is subject to the provisions of § 1340.218 and all other provisions of Maximum Price Regulation No. 120.

This order shall become effective August 24, 1945.

(56 Stat. 23, 765, 57 Stat. 566; Pub. Law 383, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 23d day of August 1945.

JAMES G. ROGERS, JR.,
Acting Administrator.

[F. R. Doc. 45-15679; Filed, Aug. 23, 1945; 11:49 a. m.]

[RMPR 136, Amdt. 1 to Order 481]

MODERN-BOND CORP.

ADJUSTMENT OF MAXIMUM PRICES

Amendment No. 1 to Order No. 481 under Revised Maximum Price Regulation No. 136. Machines, parts and industrial equipment; Modern-Bond Corporation; Docket No. 2-2136-6.

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to section 21 of Revised Maximum Price Regulation 136, *It is ordered:*

Paragraph (b) of Order No. 481 under Revised Maximum Price Regulation 136 is amended in the following respect:

Item No. 5, now listed in the table in paragraph (b) as Type "M-1" Foot crowner, maximum price $280.00, is amended to read: Type "E" Foot Soda Machine, maximum price $280.00.

Paragraph (c) of Order No. 481 under Revised Maximum Price Regulation 136 is amended to read as follows:

The maximum net prices of Modern-Bond Corporation for its sales to any of its classes of purchasers of any repair parts for the machines listed in paragraphs (b) and (d) hereof shall be determined by multiplying the maximum net prices which it had in effect to such class of purchaser for such parts by 113%.

This amendment shall become effective August 24, 1945.

Issued this 23d day of August 1945.

JAMES G. ROGERS, JR.,
Acting Administrator.

[F. R. Doc. 45-15700; Filed, Aug. 23, 1945; 11:51 a. m.]

[RMPR 136, Order 492]

MANNING, MAXWELL AND MOORE, INC.

AUTHORIZATION OF MAXIMUM PRICES

Order No. 492 under Revised Maximum Price Regulation 136. Machines, parts and industrial equipment. Manning, Maxwell, and Moore, Incorporated; Docket No. 6083-136.21-412.

For the reasons set forth in an opinion, issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to section 21 of Revised Maximum Price Regulation 136; *It is ordered:*

(a) The maximum prices for sales of "Budgit" chain blocks by Manning, Maxwell and Moore, Incorporated, Muskegon, Michigan, shall be determined as follows: The manufacturer shall add to the maximum prices he had in effect just prior to this order the following amounts:

Item	*Maximum Increase*
½ and ½ ton "Budgit" chain blocks	$6.69
1 ton "Budgit" chain blocks	7.12

(b) The maximum prices for sales of "Budgit" chain blocks by resellers shall be determined as follows: The reseller shall add to the maximum net prices he had in effect to a purchaser of the same class, just prior to the issuance of this order, the amount, in dollars and cents, by which his net invoiced cost has been increased due to the adjustment granted the manufacturer by this order.

(c) Manning, Maxwell and Moore, Incorporated, shall notify each person who buys "Budgit" chain blocks for resale of the dollar and cents amounts by which this order permits the reseller to increase his maximum net prices. A copy of each such notice shall be filed with the Machinery Branch, Office of Price Administration, Washington 25, D. C.

(d) All requests not granted herein are denied.

(e) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective August 23, 1945.

Issued this 22d day of August 1945.

JAMES G. ROGERS, JR.,
Acting Administrator.

[F. R. Doc. 45-15701; Filed, Aug. 23, 1945; 11:41 a. m.]

[MPR 188, Revocation of Order 3885]

MONARCH TOOL AND INSTRUMENT CO.

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.158 of Maximum Price Regulation No. 188, *It is ordered*, That Order No. 3885 issued under § 1499.158 of Maximum Price Regulation No. 188 is hereby revoked.

This order of revocation shall become effective on the 24th day of August 1945.

Issued this 23d day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-15681; Filed, Aug. 23, 1945; 11:44 a. m.]

[RMPR 137, Order 5]

AVIATION GASOLINE IN CALIFORNIA, WASHINGTON AND OREGON

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith; *It is ordered:*

That where a dealer in the States of California, Oregon, or Washington, made no sales from a retail establishment of aviation gasoline below 87 octane ASTM in March, 1942, the maximum price shall be the highest price charged to a purchaser of the same class by such seller at each retail establishment during December, 1941, for each grade of aviation gasoline below 87 octane ASTM.

It is further ordered, That all airport dealers in the States of California, Oregon and Washington shall, within 15 days after the date of this order, file with the Petroleum Branch of the Office of Price Administration, 1031 So. Broadway, Los Angeles 15, California, a statement setting forth his maximum prices to each class of purchaser for aviation gasoline below 87 octane ASTM as determined pursuant to this order.

Where an airport dealer cannot determine a maximum price under this order, such airport dealer shall file a tentative price under the provisions of section 11 (b) of Revised Maximum Price Regulation No. 137.

This order may be revoked or amended at any time by the Office of Price Administration.

NOTE: The reporting and record keeping requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

This order No. 5 shall become effective the 28th day of August 1945.

Issued this 23d day of August 1945.

JAMES G. ROGERS, JR.,
Acting Administrator.

[F. R. Doc. 45-15702; Filed, Aug. 23, 1945; 11:42 a. m.]

[MPR 188, Order 4 Under Rev. Order 2525]

AEOLIAN AMERICAN CORP.

ADJUSTMENT OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to paragraph (d) (2) of Revised Order 2525 under § 1499.159b of Maximum Price Regulation No. 188; it is ordered:

(a) *Manufacturer's maximum prices for all sales except at retail.* The Aeolian American Corporation, East Rochester, New York, herein called the manufacturer may increase its maximum prices for sales of new pianos of its manufacture, in effect prior to October 7, 1944, to each class of purchaser, for all sales except sales at retail as follows:

(1) Subtract the Federal excise tax and any amount for freight which is included in the price.

(2) To this figure add 37.55% thereof.

(3) The result is the new maximum price to each class of purchaser. The Federal excise tax payable on that maximum price and any freight deducted may be added.

(b) *Maximum prices for sales at retail.* The maximum price for a sale or delivery by the manufacturer on or after the effective date of this order or by a retailer of a piano which he receives on or after the effective date of this order (except for a sale by mail order) is the total of the following, adjusted upward or downward to the nearest dollar.

(1) The manufacturer's highest maximum price to retailers as established under paragraph (a) of this order (exclusive of freight and Federal excise tax).

(2) The applicable markup of the following: If the manufacturer's highest maximum price (exclusive of freight and Federal excise tax) is:

(i) Not more than $225, add 68% of such maximum price.

(ii) Between $225.01 and $338.00, add 65% of such maximum price, or $153.00, whichever is greater.

(iii) Between $338.01 and $564.00, add 60% of such maximum price, or $219.70, whichever is greater.

(iv) Over $564.00 add 58% of such maximum price or $338.40, whichever is greater.

(3) The amount of Federal excise tax payable by the manufacturer.

(4) The freight allowances indicated in paragraph (e) (2) (i) and (e) (2) (ii) (a) of Revised Order 2525 under Maximum Price Regulation No. 188.

The maximum retail prices as computed include the Federal excise tax and the permissible charge for freight. No additional amounts may be added thereto on account of these terms. Each seller at retail shall continue to furnish the services he customarily furnished in March 1942 on the sale of a new piano, as, for example, free delivery, tuning, etc. In addition, a seller at retail shall continue in effect, terms, discounts, trade in and other allowances no less favorable to the purchaser than he allowed in March 1942. Local and state taxes and credit charges (in accordance with paragraph (i) of Revised Order 2525) may be added, together with other price differentials for which the seller at retail customarily made a separately stated charge during March 1942.

(c) *Applicability of provisions of Revised Order 2525.* The following paragraphs of Revised Order 2525 are specifically applicable to the pianos for which adjusted maximum prices are established by this order:

(c) *Manufacturers' maximum prices for new or changed models.*

(f) *Tagging.*

(k) *Adjustment, correction, and revocation of maximum prices.*

(l) *Credit charges.*

(j) *Definitions.*

(k) *Relationship between this order, the General Maximum Price Regulation and Maximum Price Regulation No. 188.*

(d) The revised maximum prices for sales by the manufacturer established by this order apply only to sales and deliveries made within the ninety days following the effective date of the order. The revised maximum retail prices established by this order apply to all pianos shipped by the manufacturer from his manufacturing plant within the ninety

days following the effective date of this order.

This order shall become effective on the 24th day of August 1945.

Issued this 23d day of August 1945.

JAMES G. ROGERS, JR.,
Acting Administrator.

[F. R. Doc. 45-15680; Filed, Aug. 23, 1945; 11:52 a. m.]

[MPR 120, Order 1419]

M. H. CAIN CO. ET AL.

ESTABLISHMENT OF MAXIMUM PRICES AND PRICE CLASSIFICATIONS

Correction

In the first table in Federal Register Document 45-12692, appearing on page 8774 of the issue for Saturday, July 14, 1945, the price for Rail shipment and R. R. fuel for Size group No. 4 should read "275".

[MPR 188, Revocation of Order 3886]

MONARCH TOOL AND INSTRUMENT CO.

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.158 of Maximum Price Regulation No. 188; *It is ordered*, That Order No. 3886 issued under § 1499.158 of Maximum Price Regulation No. 188 is hereby revoked.

This order of revocation shall become effective on the 24th day of August 1945.

Issued this 23d day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-15682; Filed, Aug. 23, 1945; 11:43 a. m.]

[MPR 188, Revocation of Order 4006]

MONARCH TOOL AND INSTRUMENT CO.

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.158 of Maximum Price Regulation No. 188; *It is ordered*, That Order No. 4006 issued under § 1499.158 of Maximum Price Regulation No. 188 is hereby revoked.

This order of revocation shall become effective on the 24th day of August 1945.

Issued this 23d day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-15683; Filed, Aug. 23, 1945; 11:44 a. m.]

[MPR 188, Rev. Order 4112]

REYNOLDS METALS CO.

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.158 of Maximum Price Regulation No. 188; *It is ordered:*

(a) This order establishes maximum prices for sales and deliveries of certain articles manufactured by Reynolds Metals Company of 2500 South Third Street, Louisville 1, Ky.

(1) For all sales and deliveries to the following classes of purchasers by the sellers indicated below, the maximum prices are those set forth below:

Article	Model No.	Maximum prices for sales by any seller to—				
		Reynolds Metals Co., to processor	Wholesalers (Jobbers)	Department and chain stores	Other retailers	Consumers
Kitchen stool:						
Aluminum 12" top 24" high (unassembled)	B	*Each* $2.03	*Each* $2.52	*Each* $3.04	*Each* $3.33	*Each* $5.09
Top baked enamel leg etched and lacquered (assembled)	B	2.69	2.73	3.27	3.64	5.45

These maximum prices are for the articles described in the manufacturer's application dated June 19, 1945.

(2) For sales by the manufacturer, the maximum prices apply to all sales and deliveries since Maximum Price Regulation No. 188 became applicable to those sales and deliveries. They are f. o. b. factory and subject to a cash discount of 2% for payment within 10 days, net 30 days.

(3) For sales by persons other than the manufacturer, the maximum prices apply to all sales and deliveries after the effective date of this order. Those prices are subject to each seller's customary terms and conditions of sale on sales of similar articles.

(4) If the manufacturer wishes to make sales and deliveries to any other class of purchaser or on other terms and conditions of sale, he must apply to the Office of Price Administration, Washington, D. C., under the Fourth Pricing Method, § 1499.158 of Maximum Price Regulation No. 188, for the establishment of maximum prices for those sales, and no sales or deliveries may be made until maximum prices have been authorized by the Office of Price Administration.

(b) The manufacturer shall attach a tag or label to every article for which a maximum price for sales to consumers is established by this order. That tag or label shall contain the following statement with the model number and retail prices properly filled in:

OPA Retail Ceiling Price—$------
Do Not Detach or Obliterate

(c) At the time of, or prior to, the first invoice to each purchaser for resale, the seller shall notify the purchaser in writing of the maximum prices and conditions established by this order for sales by the purchaser. This notice may be given in any convenient form.

(d) This order may be revoked or amended by the Price Administrator at any time.

(e) This order shall become effective on the 24th day of August 1945.

Issued this 23d day of August 1945.

JAMES G. ROGERS, JR.,
Acting Administrator.

[F. R. Doc. 45-15681; Filed, Aug. 23, 1945; 11:53 a. m.]

[MPR 188, Order 4282]

MARVEL PRODUCTS CO.

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.158 of Maximum Price Regulation No. 188; *It is ordered:*

(a) This order establishes maximum prices for sales and deliveries of certain articles manufactured by The Marvel Products Company of 1474 Milwaukee Avenue, Chicago 22, Ill.

(1) For all sales and deliveries to the following classes of purchasers by the sellers indicated below, the maximum prices are those set forth below:

Article	Model No.	Maximum prices for sales by any seller to—			
		Wholesalers (Jobbers)	Retailers (Jobbers or Distributors)	Retailers (Consumers)	Consumers
Two heat cooker and grill	777	*Each* $1.29	*Each* $1.52	*Each* $1.81	*Each* $2.15

These maximum prices are for the articles described in the manufacturer's application dated June 25, 1945.

(2) For sales by the manufacturer, the maximum prices apply to all sales and deliveries since Maximum Price Regulation No. 188 became applicable to those sales and deliveries. They are f. o. b. factory and subject to a cash discount of 2% for payment within 10 days, net 30 days.

(3) For sales by persons other than the manufacturer, the maximum prices apply to all sales and deliveries after the effective date of this order. Those prices are subject to each seller's customary terms and conditions of sale on sales of similar articles.

(4) If the manufacturer wishes to make sales and deliveries to any other class of purchaser or on other terms and conditions of sale, he must apply to the Office of Price Administration, Washington, D. C., under the Fourth Pricing Method, § 1499.158 of Maximum Price Regulation No. 188, for the establishment of maximum prices for those sales, and no sales or deliveries may be made until maximum prices have been authorized by the Office of Price Administration.

(b) The manufacturer shall attach a tag or label to every article for which a maximum price for sales to consumers is established by this order. That tag or label shall contain the following statement with the model number and retail price properly filled in:

Model No. ------
OPA Retail Ceiling Price—$------
Do Not Detach or Obliterate

(c) At the time of, or prior to, the first invoice to each purchaser for resale, the seller shall notify the purchaser in writing of the maximum prices and conditions established by this order for sales by the purchaser. This notice may be given in any convenient form.

(d) This order may be revoked or amended by the Price Administrator at any time.

(e) This order shall become effective on the 24th day of August 1945.

Issued this 23d day of August 1945.

JAMES G. ROGERS, JR.,
Acting Administrator.

[F. R. Doc. 45-15685; Filed, Aug. 23, 1945; 11:41 a. m.]

[MPR 188, Order 4283]

ACME CO.

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.158 of Maximum Price Regulation No. 188; *It is ordered:*

(a) This order establishes maximum prices for sales and deliveries of certain articles manufactured by Acme Company, 565 Fifth Avenue, New York 17, N. Y.

(1) For all sales and deliveries to the following classes of purchasers by the sellers indicated below, the maximum prices are those set forth below:

Article	Model No.	For sales by the manufacturer to—		For sales by any person to consumers
		Jobbers	Retailers	
Fluorescent desk lamp with sprayed crackle finish and porcelain reflector; the stand consisting of white metal and steel, and with switch in base to operate lated-starting unit also to contain the necessary power factor ballasts in that submitted in sample	799	*Each* $5.53	*Each* $6.50	*Each* $11.70

These maximum prices are for the articles described in the manufacturer's application dated June 22, 1945.

(2) For sales by the manufacturer, the maximum prices apply to all sales and deliveries since Maximum Price Regulation No. 188 became applicable to those sales and deliveries. For sales to persons other than consumers they are f. o. b. factory, 2% 10 days, net 30. The maximum price to consumers is net, delivered.

(3) For sales by persons other than the manufacturer, the maximum prices apply to all sales and deliveries after the effective date of this order. Those prices are subject to each seller's customary terms and conditions of sale on sales of similar articles.

(4) If the manufacturer wishes to make sales and deliveries to any other class of purchaser or on other terms and conditions of sale, he must apply to the Office of Price Administration, Washington, D. C., under the Fourth Pricing Method, § 1499.158 of Maximum Price Regulation No. 188, for the establishment of maximum prices for those sales, and no sales or deliveries may be made until maximum prices have been authorized by the Office of Price Administration.

(b) The manufacturer shall attach a tag or label to every article for which a maximum price for sales to consumers is established by this order. That tag or label shall contain the following statement, with the proper model number and the ceiling price inserted in the blank spaces:

Model No. ------
OPA Retail Ceiling Price—$------
Do Not Detach

(c) At the time of, or prior to, the first invoice to each purchaser for resale, the manufacturer shall notify the purchaser in writing of the maximum prices and conditions established by this order for sales by the purchaser. This notice may be given in any convenient form.

(d) Jobber's maximum prices for sales of the articles covered by this order shall be established under the provisions of section 4.5 of SR 14J.

(e) This order may be revoked or amended by the Price Administrator at any time.

(f) This order shall become effective on the 24th day of August 1945.

Issued this 23d day of August 1945.

JAMES G. ROGERS, JR.,
Acting Administrator.

[F. R. Doc. 45-15686; Filed, August 23, 1945; 11:42 a. m.]

[MPR 188, Order 4284]

H. & M. FLUORESCENT LIGHTING CO.

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.158 of Maximum Price Regulation No. 188; *It is ordered:*

(a) This order establishes maximum prices for sales and deliveries of certain articles manufactured by H. & M. Flourescent Lighting Company, 194-39 112 Road, St. Albans, Long Island, N. Y.

(1) For all sales and deliveries to the following classes of purchasers by the sellers indicated below, the maximum prices are those set forth below:

Article	Model No.	For sales by the manufacturer to—		For sales by any person to consumers
		Jobbers	Retailers	
Two-column fluorescent desk lamp with starter switch and ballast	66	*Each* $5.52	*Each* $6.50	*Each* $11.70

These maximum prices are for the articles described in the manufacturer's application dated April 4, 1945.

(2) For sales by the manufacturer, the maximum prices apply to all sales and deliveries since Maximum Price Regulation No. 188 became applicable to those sales and deliveries. For sales to persons other than consumers they are f. o. b. factory, 2% 10 days, net 30. The maximum price to consumers is net, delivered.

(3) For sales by persons other than the manufacturer, the maximum prices apply to all sales and deliveries after the effective date of this order. Those prices are subject to each seller's customary terms and conditions of sale on sales of similar articles.

(4) If the manufacturer wishes to make sales and deliveries to any other class of purchaser or on other terms and conditions of sale, he must apply to the Office of Price Administration, Washington, D. C., under the Fourth Pricing Method, § 1499.158 of Maximum Price Regulation No. 188, for the establishment of maximum prices for those sales, and no sales or deliveries may be made until maximum prices have been authorized by the Office of Price Administration.

(b) The manufacturer shall attach a tag or label to every article for which a maximum price for sales to consumers is established by this order. That tag or label shall contain the following statement, with the proper model number and the ceiling price inserted in the blank spaces:

Model No. ------
OPA Retail Ceiling Price—$------
Do Not Detach

(c) At the time of, or prior to, the first invoice to each purchaser for resale, the manufacturer shall notify the purchaser in writing of the maximum prices and conditions established by this order for sales by the purchaser. This notice may be given in any convenient form.

(d) Jobber's maximum prices for sales of the articles covered by this order shall be established under the provisions of section 4.5 of SR 14J.

(e) This order may be revoked or amended by the Price Administrator at any time.

(f) This order shall become effective on the 24th day of August 1945.

Issued this 23d day of August 1945.

JAMES G. ROGERS, JR.,
Acting Administrator.

[F. R. Doc. 45-15687; Filed, Aug. 23, 1945; 11:43 a. m.]

[MPR 188, Order 4285]

ELECTRO MFG. CO.

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.158 of Maximum Price Regulation No. 188, *It is ordered:*

(a) This order establishes maximum prices for sales and deliveries of certain articles manufactured by Electro Manufacturing Company, 2000 West Fulton Street, Chicago 12, Ill.

(1) For all sales and deliveries to the following classes of purchasers by the sellers indicated below, the maximum prices are those set forth below:

Article	Model No.	For sales by the manufacturer to—		For sales by any person to consumers
		Jobbers	Retailers	
Metal and plastic fluorescent bed lamp in walnut or ivory with plug-in ballast	4010	*Each* $2.68	*Each* $2.98	*Each* $5.95

These maximum prices are for the articles described in the manufacturer's application dated May 22, 1945.

(2) For sales by the manufacturer, the maximum prices apply to all sales and deliveries since Maximum Price Regulation No. 188 became applicable to those sales and deliveries. For sales to persons other than consumers they are f. o. b. factory, 1% 10 days, net 30. The maximum price to consumers is net, delivered.

(3) For sales by persons other than the manufacturer, the maximum prices apply to all sales and deliveries after the effective date of this order. Those prices are subject to each seller's customary terms and conditions of sale on sales of similar articles.

(4) If the manufacturer wishes to make sales and deliveries to any other class of purchaser or on other terms and conditions of sale, he must apply to the Office of Price Administration, Washington, D. C., under the Fourth Pricing Method, § 1499.158 of Maximum Price Regulation No. 188, for the establishment of maximum prices for those sales, and no sales or deliveries may be made until maximum prices have been authorized by the Office of Price Administration.

(b) The manufacturer shall attach a tag or label to every article for which a maximum price for sales to consumers is established by this order. That tag or label shall contain the following statement, with the proper model number and the ceiling price inserted in the blank spaces:

Model No. ------
OPA Retail Ceiling Price—$------
Do Not Detach

(c) At the time of, or prior to, the first invoice to each purchaser for resale, the manufacturer shall notify the purchaser in writing of the maximum prices and conditions established by this order for sales by the purchaser. This notice may be given in any convenient form.

(d) Jobber's maximum prices for sales of the articles covered by this order shall be established under the provisions of section 4.5 of SR 14J.

(e) This order may be revoked or amended by the Price Administrator at any time.

(f) This order shall become effective on the 24th day of August 1945.

Issued this 23d day of August 1945.

JAMES G. ROGERS, Jr.,
Acting Administrator.

[F. R. Doc. 45-15688; Filed, Aug. 23, 1945; 11:43 a. m.]

[MPR 188, Order 4286]

ANDRICO

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.158 of Maximum Price Regulation No. 188; *It is ordered:*

(a) This order establishes maximum prices for sales and deliveries of certain articles manufactured by Andrico, 3 Holly Street, Hingham, Mass.

(1) For all sales and deliveries to the following classes of purchasers by the sellers indicated below, the maximum prices are those set forth below:

Article	Model No.	For sales by the manufacturer to—		For sales by any person to consumers
		Jobbers	Retailers	
Maple finish pin-up lamp	495	*Each* $1.49	*Each* $1.75	*Each* $3.15

These maximum prices are for the articles described in the manufacturer's application dated May 21, 1945.

(2) For sales by the manufacturer, the maximum prices apply to all sales and deliveries since Maximum Price Regulation No. 188 became applicable to those sales and deliveries. For sales to persons other than consumers they are f. o. b. factory, 2% 10 days, net 30. The maximum price to consumers is net, delivered.

(3) For sales by persons other than the manufacturer, the maximum prices apply to all sales and deliveries after the effective date of this order. Those prices are subject to each seller's customary terms and conditions of sale on sales of similar articles.

(4) If the manufacturer wishes to make sales and deliveries to any other class of purchaser or on other terms and conditions of sale, he must apply to the Office of Price Administration, Washington, D. C., under the Fourth Pricing Method, § 1499.158 of Maximum Price Regulation No. 188, for the establishment of maximum prices for those sales, and no sales or deliveries may be made until maximum prices have been authorized by the Office of Price Administration.

(b) The manufacturer shall attach a tag or label to every article for which a maximum price for sales to consumers is established by this order. That tag or label shall contain the following statement, with the proper model number and the ceiling price inserted in the blank spaces:

Model No. ------
OPA Retail Ceiling Price—$------
Do Not Detach

(c) At the time of, or prior to, the first invoice to each purchaser for resale, the manufacturer shall notifying the purchaser in writing of the maximum prices and conditions established by this order for sales by the purchaser. This notice may be given in any convenient form.

(d) Jobber's maximum prices for sales of the articles covered by this order shall be established under the provisions of section 4.5 of Supplementary Regulation 14J.

(e) This order may be revoked or amended by the Price Administrator at any time.

(f) This order shall become effective on the 24th day of August 1945.

Issued this 23d day of August 1945.

JAMES G. ROGERS, Jr.,
Acting Administrator.

[F. R. Doc. 45-15687; Filed, Aug. 23, 1945; 11:43 a. m.]

[MPR 188, Order 4287]

CHARLES BARREDA

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.158 of Maximum Price Regulation No. 188; *It is ordered:*

(a) This order establishes maximum prices for sales and deliveries of certain articles manufactured by Charles Barreda, 87–32 168th Street, Jamaica 3, New York.

(1) For all sales and deliveries to the following classes of purchasers by the sellers indicated below, the maximum prices are those set forth below:

Article	Model No.	For sales by the manufacturer to—		For sales by any person to consumers
		Jobbers	Retailers	
24" table lamp with spun steel base and pressed glass column, switch in base	T-1	*Each* $4.89	*Each* $5.75	*Each* $[illegible]

These maximum prices are for the articles described in the manufacturer's application dated May 7, 1945.

(2) For sales by the manufacturer, the maximum prices apply to all sales and deliveries since Maximum Price Regulation No. 188 became applicable to those sales and deliveries. For sales to persons other than consumers they are f. o. b. factory, 2% 10 days, net 30. The maximum price to consumers is net, delivered.

(3) For sales by persons other than the manufacturer, the maximum prices apply to all sales and deliveries after the effective date of this order. Those prices are subject to each seller's customary terms and conditions of sale on sales of similar articles.

(4) If the manufacturer wishes to make sales and deliveries to any other class of purchaser or on other terms and conditions of sale, he must apply to the Office of Price Administration, Washington, D. C., under the Fourth Pricing Method, § 1499.158 of Maximum Price Regulation No. 188, for the establishment of maximum prices for those sales, and no sales or deliveries may be made until maximum prices have been authorized by the Office of Price Administration.

(b) The manufacturer shall attach a tag or label to every article for which a maximum price for sales to consumers is established by this order. That tag or label shall contain the following statement, with the proper model number and the ceiling price inserted in the blank spaces:

Model No. ------
OPA Retail Ceiling Price—$------
Do Not Detach

(c) At the time of, or prior to, the first invoice to each purchaser for resale, the manufacturer shall notify the purchaser in writing of the maximum prices and conditions established by this order for sales by the purchaser. This notice may be given in any convenient form.

(d) Jobber's maximum prices for sales of the articles covered by this order shall be established under the provisions of section 4.5 of SR 14J.

(e) This order may be revoked or amended by the Price Administrator at any time.

(f) This order shall become effective on the 24th day of August 1945.

Issued this 23d day of August 1945.

JAMES G. ROGERS, Jr.,
Acting Administrator.

[F. R. Doc. 45-15690; Filed, Aug. 23, 1945; 11:46 a. m.]

[MPR 188, Order 4288]

THE RONLITE CO.

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.158 of Maximum Price Regulation No. 188; *It is ordered:*

(a) This order establishes maximum prices for sales and deliveries of certain articles manufactured by The Ronlite Company, 862 Sixth Avenue, New York 1, N. Y.

(1) For all sales and deliveries to the following classes of purchasers by the sellers indicated below, the maximum prices are those set forth below:

Article	Model No.	For sales by the manufacturer to—		For sales by any person to consumers
		Jobbers	Retailers	
[illegible] desk lamp, [illegible] and [illegible] finish [illegible], equipped with [illegible] and starter, [illegible]	1560	*Each* $5.53	*Each* $6.50	*Each* $11.70
[illegible] bed lamp, [illegible] cotton [illegible], equipped with [illegible] and starter, [illegible] with all parts [illegible] by the Board of Fire Underwriters	1000	4.25	5.00	9.00

These maximum prices are for the articles described in the manufacturer's application dated July 10, 1945.

(2) For sales by the manufacturer, the maximum prices apply to all sales and deliveries since Maximum Price Regulation No. 188 became applicable to those sales and deliveries. For sales to persons other than consumers they are f. o. b. factory, 2% 10 days, net 30. The maximum price to consumers is net, delivered.

(3) For sales by persons other than the manufacturer, the maximum prices apply to all sales and deliveries after the effective date of this order. Those prices are subject to each seller's customary terms and conditions of sale on sales of similar articles.

(4) If the manufacturer wishes to make sales and deliveries to any other class of purchaser or on other terms and conditions of sale, he must apply to the Office of Price Administration, Washington, D. C., under the Fourth Pricing Method, § 1499.158 of Maximum Price Regulation No. 188, for the establishment of maximum prices for those sales, and no sales or deliveries may be made until maximum prices have been authorized by the Office of Price Administration.

(b) The manufacturer shall attach a tag or label to every article for which a maximum price for sales to consumers is established by this order. That tag or label shall contain the following statement, with the proper model number and the ceiling price inserted in the blank spaces:

Model No. ------
OPA Retail Ceiling Price—$------
Do Not Detach

(c) At the time of, or prior to, the first invoice to each purchaser for resale, the manufacturer shall notify the purchaser in writing of the maximum prices and conditions established by this order for sales by the purchaser. This notice may be given in any convenient form.

(d) Jobber's maximum prices for sales of the articles covered by this order shall be established under the provisions of section 4.5 of SR 14J.

(e) This order may be revoked or amended by the Price Administrator at any time.

(f) This order shall become effective on the 24th day of August 1945.

Issued this 23d day of August 1945.

JAMES G. ROGERS, Jr.,
Acting Administrator.

[F. R. Doc. 45-15691; Filed, Aug. 23, 1945; 11:42 a. m.]

[MPR 188, Order 4289]

THE UNITED STATES TIME CORP.

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.157 of Maximum Price Regulation No. 188, and section 6.4 of Second Revised Supplementary Regulation No. 14; *It is ordered:*

(a) This order establishes maximum prices for sales and deliveries of the Model 30 Alarm Clock manufactured by The United States Time Corporation, Waterbury, Conn.

(1) For all sales and deliveries to the classes of purchasers indicated below the maximum prices are those set forth below:

Article	Maximum prices by any seller to—		
	Wholesale jobbers	Retailers	Consumers
Model 30 alarm clock	*Each* $1.65	*Each* $2.00	*Each* $2.95

These maximum prices are for the article described in the manufacturers' application dated May 30, 1945.

(2) For sales by the manufacturer these maximum prices are subject to the same terms, allowances, discounts and other price differentials stated in his printed price list in effect during March 1942. The maximum prices for sales by persons other than the manufacturer are subject to each seller's customary terms and conditions of sale on sales of similar articles.

(b) The manufacturer shall attach a tag or label to every clock for which a maximum price for sales to consumers is established by this order. That tag or label shall contain the following statement:

United States Time Corporation
Model No. 30
OPA Retail Ceiling Price—$2.95 each
Do Not Detach

(c) At the time of, or prior to, the first invoice to each purchaser for resale, the manufacturer shall notify the purchaser in writing of the maximum prices and conditions established by this order for sales by the purchaser. This notice may be given in any convenient form.

(d) This order may be revoked or amended by the Price Administrator at any time.

(e) This order shall become effective on the 24th day of August 1945.

Issued this 23d day of August 1945.

JAMES G. ROGERS, Jr.,
Acting Administrator.

[F. R. Doc. 45-15692; Filed, Aug. 23, 1945; 11:42 a. m.]

[MPR 188, Order 4290]

REPUBLIC PRECISION MFG. CO.

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.157 of Maximum Price Regulation No. 188 and section 6.4 of Second Revised Supplementary Regulation No. 14; *It is ordered:*

(a) This order establishes maximum prices for sales and deliveries of the Volcano Electric Stove, manufactured by the Republic Manufacturing Company of 2317 West Grand Avenue, Chicago 12, Ill.

(1) For all sales and deliveries to the following classes of purchasers by the

sellers indicated below, the maximum prices are those set forth below:

Article	Model No.	Maximum prices for sales by any seller to—				
		Distributors	Wholesalers (jobbers)	Retailers (6 units or more)	Retailers (less than 6 units)	Consumers
		Each	*Each*	*Each*	*Each*	*Each*
Volcano electric stove	300	$2.39	$2.63	$3.11	$3.35	$5.00

These maximum prices are for the articles described in the manufacturer's application dated July 31, 1945. These prices include the Federal Excise Tax.

(2) For sales by the manufacturer, these maximum prices apply to all sales and deliveries after the effective date of this order. They are f. o. b. factory and subject to a cash discount of 2% for payment within 10 days, net 30 days. The prices for sales by persons other than the manufacturer are subject to each seller's customary terms and conditions of sales on sales of similar articles.

(b) The manufacturer shall attach a tag or label to every article for which a maximum price for sales to consumers is established by this order. That tag or label shall contain either of the following statements with the correct model number, order number, and retail prices properly filled in:

Order No. 4290 Under MPR 188
Model No. ------
OPA Retail Ceiling Price—$------
Federal Excise Tax Included
Do Not Detach or Obliterate

or

Republic Precision Manufacturing Co.
2317 West Grand Avenue
Chicago 12, Illinois
Model No. ------
OPA Retail Ceiling Price—$------
Federal Excise Tax Included
Do Not Detach or Obliterate

(c) At the time of, or prior to, the first invoice to each purchaser for resale, the seller shall notify the purchaser in writing of the maximum prices and conditions established by this order for sales by the purchaser. This notice may be given in any convenient form.

(d) This order may be revoked or amended by the Price Administrator at any time.

(e) This order shall become effective on the 24th day of August 1945.

Issued this 23d day of August 1945.

JAMES G. ROGERS, Jr.,
Acting Administrator.

[F. R. Doc. 45-15693; Filed, Aug. 23, 1945; 11:49 a. m.]

[MPR 188, Order 4291]

MONTE CERAMICS AND PLASTIC CO.

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.158 of Maximum Price Regulation No. 188; *It is ordered:*

(a) This order establishes maximum prices for sales and deliveries of certain articles manufactured by Monte Ceramics and Plastic Company, % A. J. Sills, 117 Smith Street, Perth Amboy, N. J.

(1) For all sales and deliveries to the following classes of purchasers by the sellers indicated below, the maximum prices are those set forth below:

Article	Model No.	For sales by the manufacturer to—		For sales by any person to consumers
		Jobbers	Retailers	
		Each	*Each*	*Each*
Glazed china table lamp with ceramic flower trim (no shade)	1-A	$8.50	$10.00	$18.00

These maximum prices are for the articles described in the manufacturer's application dated April 27, 1945.

(2) For sales by the manufacturer, the maximum prices apply to all sales and deliveries since Maximum Price Regulation No. 188 became applicable to those sales and deliveries. For sales to persons other than consumers they are f. o. b. factory, 1% 10 days, net 30. The maximum price to consumers is net, delivered.

(3) For sales by persons other than the manufacturer, the maximum prices apply to all sales and deliveries after the effective date of this order. Those prices are subject to each seller's customary terms and conditions of sale on sales of similar articles.

(4) If the manufacturer wishes to make sales and deliveries to any other class of purchaser or on other terms and conditions of sale, he must apply to the Office of Price Administration, Washington, D. C., under the Fourth Pricing Method, § 1499.158 of Maximum Price Regulation No. 188, for the establishment of maximum prices for those sales, and no sales or deliveries may be made until maximum prices have been authorized by the Office of Price Administration.

(b) The manufacturer shall attach a tag or label to every article for which a maximum price for sales to consumers is established by this order. That tag or label shall contain the following statement, with the proper model number and the ceiling price inserted in the blank spaces:

Model No. ------
OPA Retail Ceiling Price—$------
Do Not Detach

(c) At the time of, or prior to, the first invoice to each purchaser for resale, the manufacturer shall notify the purchaser in writing of the maximum prices and conditions established by this order for sales by the purchaser. This notice may be given in any convenient form.

(d) Jobber's maximum prices for sales of the articles covered by this order shall be established under the provisions of section 4.5 of SR 14J.

(e) This order may be revoked or amended by the Price Administrator at any time.

(f) This order shall become effective on the 24th day of August 1945.

Issued this 23d day of August 1945.

JAMES G. ROGERS, Jr.,
Acting Administrator.

[F. R. Doc. 45-15694; Filed, Aug. 23, 1945; 11:51 a. m.]

[MPR 188, Order 4292]

LOTT MFG. CO.

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.158 of Maximum Price Regulation No. 188; *It is ordered:*

(a) This order establishes maximum prices for sales and deliveries of certain articles manufactured by the Lott Manufacturing Company, 1914 Washington Street, Jamestown, New York.

(1) For all sales and deliveries to the following classes of purchasers by the sellers indicated below, the maximum prices are those set forth below:

Article	Model	Maximum prices for sales by any seller to—				
		Wholesaler (jobber)	Retailer (6 units or more)	Retailer (less than 6 units)	Consumer	
Darkroom heater, black finish, cord and plug	950 watt, 5" x 12" x 18"	*Each* $6.56	*Each* $7.51	*Each* $8.46	*Each* $12.24	

These maximum prices are for the articles described in the manufacturer's application dated June 15, 1945. They include the Federal Excise Tax.

(2) For sales by the manufacturer, the maximum prices apply to all sales and deliveries since Maximum Price Regulation No. 188 became applicable to those sales and deliveries. These prices are f. o. b. factory and subject to a cash discount of 2% for payment within 10 days, net 30 days.

(3) For sales by persons other than the manufacturer, the maximum prices apply to all sales and deliveries after the effective date of this order. These prices are subject to each seller's customary terms and conditions of sale on sales of similar articles.

(4) If the manufacturer wishes to make sales and deliveries to any other class of purchaser or on other terms and conditions of sale, he must apply to the Office of Price Administration, Washington, D. C., under the Fourth Pricing Method, § 1499.158 of Maximum Price Regulation No. 188, for the establishment of maximum prices for those sales, and no sales or deliveries may be made until maximum prices have been authorized by the Office of Price Administration.

(b) The manufacturer shall attach a tag or label to every article for which a maximum price for sales to consumers is established by this order. That tag or label shall contain either of the follo-

ing statements with the correct order number filled in:

Order No. 4292
950 Watt
Model No. 5" x 12" x 18"
OPA Retail Ceiling Price—$12.14
Federal Excise Tax Included
Do Not Detach or Obliterate

or

Lott Manufacturing Company
1914 Washington Street
Jamestown, New York
950 Watt
Model No. 5" x 12" x 18"
OPA Retail Ceiling Price—$12.14
Federal Excise Tax Included
Do Not Detach or Obliterate

(c) At the time of, or prior to, the first invoice to each purchaser for resale, the seller shall notify the purchaser in writing of the maximum prices and conditions established by this order for sales by the purchaser. This notice may be given in any convenient form.

(d) This order may be revoked or amended by the Price Administrator at any time.

(e) This order shall become effective on the 24th day of August 1945.

Issued this 23d day of August 1945.

JAMES G. ROGERS, Jr.,
Acting Administrator.

[F. R. Doc. 45-15695; Filed, Aug. 23, 1945; 11:49 a. m.]

[MPR 188, Order 4293]

JARMAR PRODUCTS CO.

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.158 of Maximum Price Regulation No. 188, *It is ordered:*

(a) This order establishes maximum prices for sales and deliveries of certain articles manufactured by Jarmar Products Company, 545 Eighth Avenue, New York 18, N. Y.

(1) For all sales and deliveries to the following classes of purchasers by the sellers indicated below, the maximum prices are those set forth below:

Article	Model No.	For sales by the manufacturer to—		For sales by any person to consumers
		Jobbers	Retailers	
		Dozen	*Dozen*	*Each*
Bed caster	100	$17.15	$20.18	$3.00

These maximum prices are for the articles described in the manufacturer's application dated June 22, 1945.

(2) For sales by the manufacturer, the maximum prices apply to all sales and deliveries since Maximum Price Regulation No. 188 became applicable to those sales and deliveries. For sales to persons other than consumers they are f. o. b. factory, 2% 10 days, net 30. The maximum price to consumers is net, delivered.

(3) For sales by persons other than the manufacturer, the maximum prices apply to all sales and deliveries after the effective date of this order. Those prices are subject to each seller's customary terms and conditions of sale on sales of similar articles.

(4) If the manufacturer wishes to make sales and deliveries to any other class of purchaser or on other terms and conditions of sale, he must apply to the Office of Price Administration, Washington, D. C., under the Fourth Pricing Method, § 1499.158 of Maximum Price Regulation No. 188, for the establishment of maximum prices for those sales, and no sales or deliveries may be made until maximum prices have been authorized by the Office of Price Administration.

(b) The manufacturer shall attach a tag or label to every article for which a maximum price for sales to consumers is established by this order. That tag or label shall contain the following statement with the blanks filled in:

OPA Retail Ceiling Price—$------
In eastern zone—$------
In western zone—$------
Do Not Detach

(c) At the time of, or prior to, the first invoice to each purchaser for resale, the manufacturer shall notify the purchaser in writing of the maximum prices and conditions established by this order for sales by the purchaser. This notice may be given in any convenient form.

(d) For the purposes of this order eastern zone means the following States: Indiana, Michigan, Ohio, New York, Pennsylvania, New Jersey, Connecticut, Maine, Vermont, New Hampshire, Massachusetts, Rhode Island, Maryland, Virginia, West Virginia, North Carolina, South Carolina, Florida, Alabama, Delaware, Kentucky, Tennessee, and the District of Columbia.

All other states are in the western zone.

(d) Jobber's maximum prices for sales of the articles covered by this order shall be established under the provisions of section 4.5 of SR 14J.

(e) This order may be revoked or amended by the Price Administrator at any time.

(f) This order shall become effective on the 24th day of August 1945.

Issued this 23d day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-15696; Filed, Aug. 23, 1945; 11:45 a. m.]

[MPR 188, Order 4294]

MONARCH TOOL AND INSTRUMENT CO.

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.158 of Maximum Price Regulation No. 188; *It is ordered:*

(a) This order establishes maximum prices for sales and deliveries of certain articles manufactured by Monarch Tool and Instrument Company, 301 West G Street, San Diego 1, Calif.

(1) For all sales and deliveries to the following classes of purchasers by the sellers indicated below, the maximum prices are those set forth below:

Article	Model No.	Maximum prices for sales by all persons to—				
		Jobbers	Chain and department stores	Other retailers	Consumers in western zone	Consumers in eastern zone
Roaster	125	$3.22	$3.87	$4.30	$6.45	$7.24
Roaster pan	116 w handle	.98	1.17	1.30	1.95	2.19
Roaster pan	117 without handle	.88	1.06	1.17	1.76	1.98
Roaster	125A	2.99	3.58	3.98	5.97	6.69
Roaster pan	116A	.91	1.09	1.21	1.82	2.04
Roaster pan	117A	.82	.98	1.09	1.63	1.82
Cookie sheet	66	.67	.80	.89	1.33	1.49
Cookie sheet	65	.59	.70	.74	1.10	1.23

These maximum prices are for the articles described in the manufacturer's applications dated Apr. 18, 1945, Apr. 26, 1945, and Apr. 27, 1945.

(2) For sales by the manufacturer, the maximum prices apply to all sales and deliveries since Maximum Price Regulation No. 188 became applicable to those sales and deliveries. They are f. o. b. factory 2% 10 days, net 30 days.

(3) For sales by persons other than the manufacturer, the maximum prices apply to all sales and deliveries after the effective date of this order. Those prices are subject to each seller's customary terms and conditions of sale on sales of similar articles.

(4) If the manufacturer wishes to make sales and deliveries to any other class of purchaser or on other terms and conditions of sale, he must apply to the Office of Price Administration, under the Fourth Pricing Method, § 1499.158 of Maximum Price Regulation No. 188, for the establishment of maximum prices for those sales, and no sales or deliveries may be made until maximum prices have been authorized by the Office of Price Administration.

(b) The manufacturer shall attach a tag or label to every article for which a maximum price for sales to consumers is established by this order. That tag or label shall contain the following statement with the blanks filled in:

OPA Retail Ceiling Price—$------
In eastern zone—$------
In western zone—$------
Do Not Detach

(c) At the time of, or prior to, the first invoice to each purchaser for resale, the manufacturer shall notify the purchaser in writing of the maximum prices and conditions established by this order for sales by the purchaser. This notice may be given in any convenient form.

(d) For the purposes of this order eastern zone means the following States: Indiana, Michigan, Ohio, New York, Pennsylvania, New Jersey, Connecticut, Maine, Vermont, New Hampshire, Massachusetts, Rhode Island, Maryland, Virginia, West Virginia, North Carolina, South Carolina, Florida, Alabama, Delaware, Kentucky, Tennessee, and the District of Columbia.

All other states are in the western zone.

(e) This order may be revoked or amended by the Price Administrator at any time.

(f) This order shall become effective on the 24th day of August 1945.

Issued this 23d day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-15697; Filed, Aug. 23, 1945; 11:45 a. m.]

[MPR 254, Corr. to Order 5]

J. STEVENS ARMS CO.

APPROVAL OF MAXIMUM PRICES

Order No. 5, under Maximum Price Regulation No. 254 is corrected by changing all references to J. Stevens Arms Company, Chicopee Falls, Massachusetts, to J. Stevens Arms Company, Division of Savage Arms Corporation, Chicopee Falls, Massachusetts.

This correction shall become effective on the 23d day of August 1945.

Issued this 23d day of August 1945.

JAMES G. ROGERS, Jr.,
Acting Administrator.

[F. R. Doc. 45-15703; Filed, Aug. 23, 1945; 11:51 a. m.]

[MPR 260, Order 1523]

PUERTO RICO TOBACCO CORP.

AUTHORIZATION OF MAXIMUM PRICES

Correction

The last two paragraphs of Federal Register Document 45-12727, appearing on page 8779 of the issue for Saturday, July 14, 1945, should read as follows:

This order shall become effective July 13, 1945.

Issued this 12th day of July 1945.

[MPR 389, Order 12]

OSWALD AND HESS CO. ET AL.

ESTABLISHMENT OF MAXIMUM PRICES

Order No. 12 under section 2 (a) (6) of Maximum Price Regulation No. 389; establishing maximum prices for sales of Thuringer in artificial casings, by Oswald and Hess Company and all wholesalers, peddler-truck-sellers and intermediate distributors.

On May 4, 1945, Oswald and Hess Company of 1550 Spring Garden Avenue, Pittsburgh, Pennsylvania, filed its amended application for the establishment of maximum prices on sales of the sausage product known as Thuringer in artificial casings, and made in accordance with the individual secret formula submitted by the applicant. That application was assigned Docket No. 6036.3-389-2 (a)-16.

Due consideration has been given to the application and an opinion in support of this order has been issued simultaneously herewith and filed with the Division of the Federal Register.

For the reasons set forth in that opinion, and under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Orders Nos. 9250 and 9328, and pursuant to the provisions of section 2 (a) (6) of Maximum Price Regulation No. 389; *It is ordered:*

(a) That the maximum price for the sausage product known as Thuringer in artificial casings and made by Oswald and Hess Company, Pittsburgh, Pennsylvania, in accordance with its individual formula for Thuringer in sewed hog bung casings, except that artificial casings are to be used in place of sewed hog bung casings when sold by said Oswald and Hess Company, shall be $0.27 per pound, f. o. b. Pittsburgh, Pennsylvania, packed for shipment or delivery.

(b) That all discounts, reductions, and price differentials customarily made heretofore by Oswald and Hess Company in sales of its "Thuringer in sewed hog bung casings", including those made on volume sales, shall continue to be made under this order.

(c) That the maximum prices for the sausage product known as "Thuringer in artificial casings" and made by Oswald and Hess Company, when sold by sellers other than Oswald and Hess Company or other than retailers shall be determined by subtracting 5 cents per pound from such seller's maximum price for "Thuringer in sewed hog bung casings" made by Oswald and Hess Company. The remainder thereby obtained shall be the ceiling price for all such sellers.

(d) That with the first delivery of Thuringer in artificial casings to a wholesaler, peddler truck seller, or intermediate distributor Oswald and Hess Company shall supply each such seller with a written notice in the following form:

(Insert date)

Our OPA ceiling price for Thuringer in artificial casings has been established by the Office of Price Administration at $0.27 per pound, f. o. b. Pittsburgh, Pennsylvania, packed for shipment or delivery. We are required to inform you that if you are a wholesaler, a peddler truck seller or an intermediate distributor, you must figure your ceiling price for this product by subtracting 5 cents from your maximum price for Thuringer in hog bung casings made by Oswald and Hess Company. The remainder will be your ceiling price for Thuringer in artificial casings made by Oswald and Hess Company.

(e) That with the first delivery of Thuringer in artificial casings to a retailer the seller shall supply such retailer with a written notice in the following form:

(Insert date)

Our OPA ceiling price for Thuringer in artificial casings has been established by the Office of Price Administration. We are required to inform you that if you are a retailer you must figure your ceiling price for this item in accordance with the provisions of the General Maximum Price Regulation.

(f) That all pertinent provisions of Maximum Price Regulation No. 389, including the descriptive labelling and invoicing provisions of section 4, the recording and reporting provisions of section 6, and the definitions of section 13, shall be applicable to all sales made under this order.

All prayers of the application not herein granted are denied.

This Order No. 12 may be revoked or amended by the Price Administrator at any time.

This Order No. 12 shall become effective August 24, 1945.

NOTE: This action has the prior written approval of the Secretary of Agriculture (10 F.R. 8419).

Issued this 23d day of August 1945.

JAMES G. ROGERS, Jr.,
Acting Administrator.

[F. R. Doc. 45-15704; Filed, Aug. 23, 1945; 11:48 a. m.]

[MPR 389, Order 13]

EMORY VIZKELETY, ET AL.

ESTABLISHMENT OF MAXIMUM PRICES

Order No. 13 under section 2 (a) (6) of Maximum Price Regulation No. 389, establishing maximum prices for sales of fresh Kolbasy sausage, head cheese, and tongue and blood sausage, by Emory Vizkelety and all wholesalers, peddler-truck-sellers and intermediate distributors.

On January 2, 1945, Emory Vizkelety, 6660 West Jefferson Avenue, Detroit 17, Michigan, filed an application for the establishment of maximum prices on sales of the sausage products known as Fresh Kolbasy Sausage, Head Cheese, and Tongue and Blood Sausage, and made in accordance with the individual secret formulae submitted by the applicant. That application was assigned Docket No. 6036.3-389-2 (a)-20.

Due consideration has been given to the application and an opinion in support of this order has been issued simultaneously herewith and filed with the Division of the Federal Register.

For the reasons set forth in that opinion, and under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Orders Nos. 9250 and 9328, and pursuant to the provisions of section 2 (a) (6) of Maximum Price Regulation No. 389; *It is ordered:*

(a) That the maximum prices other than at retail for the sausage products known as fresh kolbasy sausage, head cheese, and tongue and blood sausage, and made by Emory Vizkelety, 6660 West Jefferson Avenue, Detroit 17, Michigan, in accordance with the individual formulae submitted to the Office of Price Administration with the application for this order, shall be determined by the seller as follows:

(1) The base price for each product listed is established at the following amounts per hundredweight:

Fresh Kolbasy sausage	$34.50
Head cheese	17.50
Tongue and blood sausage	22.50

NOTE: The above price for fresh Kolbasy sausage includes packaging and boxing cost and the prices for head cheese and tongue and blood sausage include boxing costs. If fresh Kolbasy sausage is sold loose and not boxed, 75 cents per cwt. shall be deducted from the above prices. If fresh Kolbasy sausage is sold in 5 or 10 pound cartons but not boxed, or if head cheese and tongue and blood sausage are sold not boxed, 25 cents per cwt. shall be deducted from the above prices.

2. To the base prices for the products known as "Fresh Kolbasy Sausage" and "Head Cheese" should be added the proper zone differential provided in section 12 (b) of Maximum Price Regulation No. 389 for sausage containing meat and meat by-products from swine only, and to the base price for the product known as "Tongue and Blood Sausage" should be added the proper zone differential provided in section 12 (b) of Maximum Price Regulation No. 389 for sausage other than kosher, all-beef, and that containing meat and meat by-products from swine only. In determining the proper zone differential to be added, the zone descriptions provided in section 14 of Maximum Price Regulation No. 389 shall be used.

(3) That to the sum of the base price plus the applicable zone differential the *"Permitted additions to base prices"* provided in section 12 (c) of Maximum Price Regulation No. 389 may be added when applicable.

(b) That with the first delivery of fresh Kolbasy sausage, head cheese, or tongue and blood sausage, to a wholesaler, peddler-truck-seller, or intermediate distributor Emory Vizkelety shall supply each such seller with a written notice in the following form:

(Insert date)

Our OPA ceiling prices for (insert name of product) have been established by the Office of Price Administration at the base price of $——— per hundredweight, to which may be added the zone differentials provided in section 12 (b) of MPR 389 (see section 14 for zone boundaries) plus the permitted additions of section 12 (c). We are required to inform you that if you are a wholesaler, a peddler-truck-seller, or an intermediate distributor you must figure your ceiling prices for this product pursuant to the same sections of Maximum Price Regulation No. 389.

(c) That with the first delivery of fresh Kolbasy sausage, head cheese, or tongue and blood sausage, to a retailer the seller shall supply such retailer with a written notice in the following form:

(Insert date)

Our OPA ceiling prices for (insert name of product) have been established by the Office of Price Administration.

We are required to inform you that if you are a retailer, you must figure your ceiling price for this item in accordance with the provisions of the General Maximum Price Regulation.

(d) That all pertinent provisions of Maximum Price Regulation No. 389, including the descriptive labelling and invoicing provisions of section 4, the recording and reporting provisions of section 6, and the definitions of section 13, shall be applicable to all sales made under this order.

(e) All prayers of the application not herein granted are denied.

(f) This Order No. 13 may be revoked or amended by the Price Administrator at any time.

This Order No. 13 shall become effective August 24, 1945.

NOTE: This action has the prior written approval of the Secretary of Agriculture (10 F.R. 8419).

Issued this 23d day of August 1945.

JAMES G. ROGERS, Jr.,
Acting Administrator.

[F. R. Doc. 45-15705; Filed, Aug. 23, 1945; 11:49 a. m.]

[MPR 389, Order 14]

EVANS PACKING CO., ET AL.

ESTABLISHMENT OF MAXIMUM PRICES

Order No. 14 under Section 2 (a) (6) of Maximum Price Regulation No. 389; establishing maximum prices for sales of cooked salami, jelly tongue loaf, souse, blood and tongue sausage, goose liver style sausage, and head cheese, by Evans Packing Company and all wholesalers, peddler-truck-sellers and intermediate distributors.

On February 15, 1945, Evans Packing Company of Chillicothe Road, Gallipolis, Ohio, filed an application for the establishment of maximum prices on sales of the sausage products known as cooked salami, jelly tongue loaf, souse, blood and tongue sausage, goose liver style sausage, and head cheese, and made in accordance with the individual secret formulae submitted by the applicant. That applicant was assigned Docket No. 6036.3-389-2 (a)-17.

Due consideration has been given to the application and an opinion in support of this order has been issued simultaneously herewith and filed with the Division of the Federal Register.

For the reasons set forth in that opinion, and under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Orders Nos. 9250 and 9328, and pursuant to the provisions of section 2 (a) (6) of Maximum Price Regulation No. 389; *It is ordered:*

(a) That the maximum prices other than at retail for the sausage products known as cooked salami, jelly tongue loaf, souse, blood and tongue sausage, goose liver style sausage, and head cheese, and made by Evans Packing Company of Chillicothe Road, Gallipolis, Ohio, in accordance with the individual formulae submitted to the Office of Price Administration with the application for this order, shall be determined by the seller as follows:

(1) The base price for each product listed is established at the following amounts per hundredweight:

Cooked salami	$23.25
Jelly tongue loaf	30.75
Souse	17.00
Blood and tongue sausage	17.00
Goose liver style sausage	23.50
Head cheese	17.00

NOTE: If sold not boxed $0.50 per cwt. must be deducted from the above prices.

(2) To the base prices for the products known as souse and head cheese should be added the proper zone differential provided in section 12 (b) of Maximum Price Regulation No. 389 for sausage containing meat and meat by-products from swine only; and to the base prices for all other products listed herein should be added the proper zone differential provided in section 12 (b) of Maximum Price Regulation No. 389 for sausage other than kosher, all beef, and that containing meat and meat by-products from swine only. In determining the proper zone differential to be added, the zone descriptions provided in section 14 of Maximum Price Regulation No. 389 shall be used.

(3) That to the sum of the base price plus the applicable zone differential the "Permitted additions to base prices" provided in section 12 (c) of Maximum Price Regulation No. 389 may be added when applicable.

(b) That with the first delivery of cooked salami, jelly tongue loaf, souse, blood and tongue sausage, goose liver style sausage, or head cheese, to a wholesaler, peddler truck seller, or intermediate distributor Evans Packing Company shall supply each such seller with a written notice in the following form:

(Insert date)

Our OPA ceiling prices for (insert name of product) have been established by the Office of Price Administration at the base price of $_____ per hundredweight, to which may be added the zone differentials provided in section 12 (b) of MPR 289 (see section 14 for zone boundaries) plus the permitted additions of section 12 (c). We are required to inform you that if you are a wholesaler, a peddler-truck-seller, or an intermediate distributor you must figure your ceiling prices for this product pursuant to the same sections of Maximum Price Regulation No. 389.

(c) That with the first delivery of cooked salami, jelly tongue loaf, souse, blood and tongue sausage, goose liver style sausage or head cheese, to a retailer the seller shall supply such retailer with a written notice in the following form:

(Insert date)

Our OPA ceiling prices for (insert name of product) have been established by the Office of Price Administration. We are required to inform you that if you are a retailer, you must figure your ceiling price for this item in accordance with the provisions of the General Maximum Price Regulation.

(d) That all pertinent provisions of Maximum Price Regulation No. 389, including the descriptive labelling and invoicing provisions of section 4, the recording and reporting provisions of sections 6, and the definitions of section 13, in addition to the pricing provisions of paragraph (b) and (c) of section 12 shall be applicable to all sales made under this order.

(e) All prayers of the application not herein granted are denied.

(f) This order No. 14 may be revoked or amended by the Price Administrator at any time.

This order No. 14 shall become effective August 24, 1945.

NOTE: This action has prior written approval of the Secretary of Agriculture (10 F. R. 8419).

Issued this 23d day of August 1945.

JAMES G. ROGERS, Jr.,
Acting Administrator.

[F. R. Doc. 45-15706; Filed, Aug. 23, 1945; 11:47 a. m.]

[MPR 389, Order 15]

KINGAN AND CO., ET AL.

ESTABLISHMENT OF MAXIMUM PRICES

Order No. 15 under section 2 (a) (6) of Maximum Price Regulation No. 389; establishing maximum prices for sales of mock chicken loaf by Kingan and Company, on behalf of its Dothan, Alabama plant and all wholesalers, peddler-truck-sellers and intermediate distributors.

On July 7, 1945, Kingan and Company of Indianapolis, Indiana, on behalf of its Dothan, Alabama plant, filed an application for the establishment of maximum prices on sales of the sausage product known as mock chicken loaf and made in accordance with the individual secret formula submitted by the applicant. That application was assigned Docket No. 6036.3-389-2 (a)-25.

Due consideration has been given to the application and an opinion in support of this order has been issued simultaneously herewith and filed with the Division of the Federal Register.

For the reasons set forth in that opinion, and under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Orders Nos. 9250 and 9328, and pursuant to the provisions of section 2 (a) (6) of Maximum Price Regulation No. 389; *It is ordered:*

(a) That the maximum prices other than at retail for the sausage product known as Mock Chicken Loaf and made by Kingan and Company, Indianapolis, Indiana, only at its Dothan, Alabama plant, in accordance with the individual formula submitted to the Office of Price Administration with the application for this order, shall be determined by the seller as follows:

(1) The base price for this product is established at $18.25 per hundredweight.

(2) To the base price should be added the proper zone differential provided in section 12 (b) of Maximum Price Regulation No. 389. In determining the proper zone differential to be added, the zone descriptions provided in section 14 of Maximum Price Regulation No. 389 shall be used.

(3) That to the sum of the base price plus the applicable zone differential the "Permitted additions to base prices" provided in section 12 (c) of Maximum Price Regulation No. 389 may be added when applicable.

(b) That with the first delivery of mock chicken loaf to a wholesaler, peddler truck seller, or intermediate distributor Kingan and Company, Indianapolis, Indiana, on behalf of its Dothan, Alabama plant, shall supply each such seller with a written notice in the following form:

(Insert date)

Our OPA ceiling prices for mock chicken loaf have been established by the Office of Price Administration at the base price of $18.25 per hundredweight, to which may be added the zone differentials provided in section 12 (b) of MPR 389 (see section 14 for zone boundaries) plus the permitted additions of section 12 (c). We are required to inform you that if you are a wholesaler, a peddler truck seller, or an intermediate distributor you must figure your ceiling prices for this product pursuant to the same sections of Maximum Price Regulation No. 389.

(c) That with the first delivery of Mock Chicken loaf to a retailer the seller shall supply such retailer with a written notice in the following form:

(Insert date)

Our OPA ceiling prices for mock chicken loaf have been established by the Office of Price Administration. We are required to inform you that if you are a retailer, you must figure your ceiling price for this item in accordance with the provisions of the General Maximum Price Regulation.

(d) That all pertinent provisions of Maximum Price Regulation No. 389, including the descriptive labelling and invoicing provisions of Section 4, the recording and reporting provisions of section 6, and the definitions of section 13, in addition to the pricing provisions of paragraph (b) and (c) of section 12 shall be applicable to all sales made under this order.

(e) All prayers of the application not herein granted are denied.

(f) This Order No. 15 may be revoked or amended by the Price Administrator at any time.

This Order No. 15 shall become effective August 24, 1945.

NOTE: This action has the prior written approval of the Secretary of Agriculture (10 F.R. 8419).

Issued this 23d day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-15707; Filed, Aug. 23, 1945; 11:47 a. m.]

[MPR 389, Order 16]

WM. SCHLUDERBERG-T. J. KURDLE CO. ET AL.

ESTABLISHMENT OF MAXIMUM PRICES

Order No. 16 under Section 2 (a) (6) of Maximum Price Regulation No. 389, establishing maximum prices for sales of Esskay imported liverwurst, goose liver style sausage (unsmoked) stuffed in artificial casings, by The Wm. Schluderberg-T. J. Kurdle Company and all wholesalers, peddler-truck-sellers and intermediate distributors.

On June 18, 1945, The Wm. Schluderberg-T. J. Kurdle Company, Post Office Box 476, Baltimore, Maryland, filed an application for the establishment of maximum prices on sales of the sausage product known as Esskay imported style liverwurst, goose liver style sausage (unsmoked) stuffed in artificial casings, and made in accordance with the individual secret formula submitted by the applicant. That application was assigned Docket No. 6036.3-389-2(a)-14.

Due consideration has been given to the application and an opinion in support of this Order has been issued simultaneously herewith and filed with the Division of the Federal Register.

For the reasons set forth in that opinion, and under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Orders 9250 and 9328, and pursuant to the provisions of section 2 (a) (6) of Maximum Price Regulation No. 389; *It is ordered:*

(a) That the maximum prices for the sausage product known as Esskay imported style liverwurst, goose liver style sausage (unsmoked) stuffed in artificial casings, and made in accordance with its individual formula for Esskay imported style liverwurst, goose liver style sausage (unsmoked) stuffed in sewed hog bung casings, except that artificial casings are to be used in place of sewed hog bung casings, when sold by The Wm. Schluderberg-T. J. Kurdle Company, shall be $0.25¾ per pound, f. o. b. Baltimore, Maryland, packed for shipment or delivery.

(b) That all discounts, reductions and price differentials customarily made heretofore by The Wm. Schluderberg-T. J. Kurdle Company in sales of its Esskay imported style liverwurst, goose liver style sausage (unsmoked) stuffed in sewed hog bung casings, including the $0.01 per pound discount on sales to wholesalers shall continue to be mace under this order.

(c) That the maximum prices for the sausage product known as Esskay imported style liverwurst, goose liver style sausage (unsmoked) stuffed in artificial casings, when sold by sellers other than The Wm. Schluderberg-T. J. Kurdle Company or other than retailers shall be determined by subtracting 4¼ cents per pound from such seller's maximum price for Esskay imported style liverwurst, goose liver style sausage (unsmoked) stuffed in sewed hog bung casings. The remainder thereby obtained shall be the ceiling price for all such sellers.

(d) That with the first delivery of Esskay imported style liverwurst, goose liver style sausage (unsmoked) stuffed in artificial casings, to a wholesaler, peddler truck seller, or intermediate distributor The Wm. Schluderberg-T. J. Kurdle Company shall supply each such seller with a written notice in the following form:

(Insert date)

Our OPA ceiling price for Esskay imported style liverwurst, goose liver style sausage (unsmoked) stuffed in artificial casings has been established by the Office of Price Administration at $0.25¾ per pound, f. o. b. Baltimore, Maryland, packed for shipment or delivery. We are required to inform you that if you are a wholesaler, a peddler truck seller or an intermediate distributor you must figure your ceiling by subtracting 4¼ cents from your maximum price for "Esskay imported style liverwurst, goose liver style sausage (unsmoked) stuffed in sewed hog bung casings, and made by The Wm. Schluderberg-T. J. Kurdle Company. The remainder will be your ceiling price for "Esskay imported style liverwurst, goose liver style sausage (unsmoked) stuffed in artificial casings."

(e) That with the first delivery of Esskay imported style liverwurst, goose liver style sausage (unsmoked) stuffed in artificial casings to a retailer the seller shall supply such retailer with a written notice in the following form:

(Insert date)

Our OPA ceiling price for Esskay imported style liverwurst, goose liver style sausage (unsmoked) stuffed in artificial casings has been established by the Office of Price Administration. We are required to inform you that if you are a retailer you must figure your ceiling price for this item in accordance with the provisions of the General Maximum Price Regulation.

(f) That all pertinent provisions of Maximum Price Regulation No. 389, including the descriptive labelling and invoicing provisions of section 4, the recording and reporting provisions of section 6, and the definitions of section 13, shall be applicable to all sales made under this order.

All prayers of the application not herein granted are denied.

This Order No. 16 may be revoked or amended by the Price Administrator at any time.

This Order No. 16 shall become effective August 24, 1945.

NOTE: This action has the prior written approval of the Secretary of Agriculture (10 F.R. 8419).

Issued this 23d day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-15708; Filed, Aug. 23, 1945; 11:52 a. m.]

[MPR 389, Order 17]

DICKEY'S COUNTRY STYLE SAUSAGE CO., ET AL.

ESTABLISHMENT OF MAXIMUM PRICES

Order No. 17 under section 2 (a) (6) of Maximum Price Regulation No. 389; establishing Maximum Prices for sales of corned beef loaf, pork tongue loaf, and spiced beef loaf, by Dickey's Country Style Sausage Company and all wholesalers, peddler-truck-sellers and intermediate distributors.

On March 23, 1945, Dickey's Country Style Sausage Company of 2918-20 Hall Street, Dallas 4, Texas, filed an application for the establishment of maximum prices on sales of the sausage products known as corned beef loaf, pork tongue loaf, and spiced beef loaf, and made in accordance with the individual secret formulae submitted by the applicant. That application was assigned Docket No. 6036.3-389-2(a)-15.

Due consideration has been given to the application and an opinion in support of this order has been issued simultaneously herewith and filed with the Division of the Federal Register.

For the reasons set forth in that opinion, and under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Orders Nos. 9250 and 9328, and pursuant to the provisions of section 2 (a) (6) of Maximum Price Regulation No. 389; *It is ordered:*

(a) That the maximum prices other than at retail for the sausage products known as corned beef loaf, pork tongue loaf, and spiced beef loaf, and made by Dickey's Country Style Sausage Company of 2918-20 Hall Street, Dallas 4, Texas, in accordance with the individual formulae submitted to the Office of Price Administration with the application for this order, shall be determined by the seller as follows:

(1) The base price for each product listed is established at the following amounts per hundredweight:

Corned beef loaf	$27.00
Pork tongue loaf	30.50
Spiced beef loaf	29.50

NOTE: If delivered unwrapped or not boxed, $0.50 per cwt. must be deducted from the above prices. If delivered unwrapped and not boxed, $1.00 per cwt. must be deducted from the above prices.

(2) To the base price should be added the proper zone differential provided in section 12 (b) of Maximum Price Regulation No. 389 for sausage containing the ingredients listed in your respective formulae. In determining the proper zone differential to be added, the zone descriptions provided in section 14 of Maximum Price Regulation No. 389 shall be used.

(3) That to the sum of the base price plus the applicable zone differential the "Permitted additions to base prices" provided in section 12 (c) of Maximum Price Regulation No. 389 may be added when applicable.

(b) That with the first delivery of corned beef loaf, pork tongue loaf, or spiced beef loaf, to a wholesaler, peddler truck seller, or intermediate distributor Dickey's Country Style Sausage Company shall supply each such seller with a written notice in the following form:

(Insert date)

Our OPA ceiling prices for (insert name of product) have been established by the Office of Price Administration at the base price of $_____ per hundredweight, to which may be added the zone differentials provided in section 12 (b) of MPR 389 (see section 14 for zone boundaries) plus the permitted additions of section 12 (c). We are required to inform you that if you are a wholesaler, a peddler truck seller, or an intermediate distributor you must figure your ceiling prices for this product pursuant to the same sections of Maximum Price Regulation No. 389.

(c) That with the first delivery of Corned Beef Loaf, Pork Tongue Loaf, or Spiced Beef Loaf, to a retailer the seller shall supply such retailer with a written notice in the following form:

(Insert date)

Our OPA ceiling prices for (insert name of product) have been established by the Office of Price Administration. We are required to inform you that if you are a retailer, you must figure your ceiling price for this item in accordance with the provisions of the General Maximum Price Regulation.

(d) That all pertinent provisions of Maximum Price Regulation No. 389, including the descriptive labelling and invoicing provisions of section 4, the recording and reporting provisions of section 6, and the definitions of section 13, in addition to the pricing provisions of paragraph (b) and (c) of section 12 shall be applicable to all sales made under this order.

(e) All prayers of the application not herein granted are denied.

(f) This Order No. 17 may be revoked or amended by the Price Administrator at any time.

This Order No. 17 shall become effective August 24, 1945.

NOTE: This action has prior written approval of the Secretary of Agriculture. (10 F.R. 8419)

Issued this 23d day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-15709; Filed, Aug. 23, 1945; 11:53 a. m.]

[MPR 389, Order 18]

ROMA SAUSAGE FACTORY, ET AL.

ESTABLISHMENT OF MAXIMUM PRICES

Order No. 18 under section 2 (a) (6) of Maximum Price Regulation No. 389; establishing maximum prices for sales of Italian dry salami, salami cotto (cooked), ciorisso sausage, mortadella, and Italian style sausage (salsioccie), by Louis John De Vincenzi, and other unknown persons operating a partnership under the name of Roma Sausage Factory, and all wholesalers, peddler-truck-sellers and intermediate distributors.

On October 16, 1944, Louis John De Vincenzi, and other unknown persons operating a partnership under the name of Roma Sausage Factory, 499 Pacific Avenue, San Francisco, California, filed an application for the establishment of maximum prices on sales of the sausage products known as Italian dry salami, salami cotto (cooked), ciorisso sausage, mortadella, and Italian style sausage (salsioccie), and made in accordance with the individual secret formulae submitted by the applicant. That application was assigned Docket No. 6036.3-389-2 (a)-18.

Due consideration has been given to the application and an opinion in support of this order has been issued simultaneously herewith and filed with the Division of the Federal Register.

For the reasons set forth in that opinion, and under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Orders Nos. 9250 and 9328, and pursuant to the provisions of section 2 (a) (6) of Maximum Price Regulation No. 389; *It is ordered:*

(a) That the maximum prices other than at retail for the sausage products known as Italian dry salami, salami cotto (cooked), ciorisso sausage, mortadella, and Italian style sausage (salsioccie), by Louis John De Vincenzi, and made in accordance with the individual secret formulae submitted by the applicant. That application was assigned Docket No. 6036.3-389-2 (a)-18.

Due consideration has been given to the application and an opinion in support of this order has been issued simultaneously herewith and filed with the Division of the Federal Register.

For the reasons set forth in that opinion, and under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Orders Nos. 9250 and 9328, and pursuant to the provisions of section 2 (a) (6) of Maximum Price Regulation No. 389; *It is ordered:*

(a) That the maximum prices other than at retail for the sausage products known as Italian dry salami, salami cotto (cooked), ciorisso sausage, mortadella, and Italian style sausage (salsioccie), and made by Louis John De Vincenzi and other unknown persons operating a part-

nership under the name of Roma Sausage Factory, 499 Pacific Avenue, San Francisco, California, in accordance with the individual formulae submitted to the Office of Price Administration with the application for this order, shall be determined by the seller as follows:

(1) The base price for each product listed is established at the following amounts per hundredweight:

Italian dry salami	$38.00
Salami cotto (cooked)	21.75
Ciorisso sausage	23.50
Mortadella	27.00
Italian style sausage (Salsioccie)	27.50

NOTE: If sold not boxed, $0.50 per cwt. shall be deducted from the above prices.

(2) To the base price should be added the proper zone differential provided in section 12 (b) of Maximum Price Regulation No. 389. In determining the proper zone differential to be added, the zone descriptions provided in section 14 of Maximum Price Regulation No. 389 shall be used.

(3) That to the sum of the base price plus the applicable zone differential the "Permitted additions to base prices" provided in section 12 (c) of Maximum Price Regulation No. 389 may be added when applicable.

(b) That with the first delivery of Italian dry salami, salami cotto (cooked), ciorisso sausage, mortadella, or Italian style sausage (salsioccie), to a wholesaler, peddler truck seller, or intermediate distributor Louis John De Vincenzi, and other unknown persons operating a partnership under the name of Roma Sausage Factory, shall supply each such seller with a written notice in the following form:

_____
(Insert date)

Our OPA ceiling prices for (insert name of product) have been established by the Office of Price Administration at the base price of $_____ per hundredweight, to which may be added the zone differentials provided in section 12 (b) of MPR 389 (See section 14 for zone boundaries) plus the permitted additions of section 12 (c). We are required to inform you that if you are a wholesaler, a peddler truck seller, or an intermediate distributor you must figure your ceiling prices for this product pursuant to the same sections of Maximum Price Regulation No. 389.

(c) That with the first delivery of Italian dry salami, salami cotto (cooked), ciorisso sausage, mortadella, or Italian style sausage (salsioccie), to a retailer the seller shall supply such retailer with a written notice in the following form:

Our OPA ceiling prices for (insert name of product) have been established by the Office of Price Administration. We are required to inform you that if you are a retailer, you must figure your ceiling price for this item in accordance with the provisions of the General Maximum Price Regulation.

(d) That all pertinent provisions of Maximum Price Regulation No. 389, including the descriptive labelling and invoicing provisions of section 4, the recording and reporting provisions of section 6, and the definitions of section 13, in addition to the pricing provisions of paragraph (b) and (c) of section 12 shall be applicable to all sales made under this order.

(e) All prayers of the application not herein granted are denied.

(f) This Order No. 18 may be revoked or amended by the Price Administrator at any time.

This Order No. 18 shall become effective August 24, 1945.

NOTE: This action has the prior written approval of the Secretary of Agriculture (10 F.R. 8419).

Issued this 23d day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-15710; Filed, Aug. 23, 1945; 11:52 a. m.]

[MPR 445, Order 641]

R. H. HOGG & CO.

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and in accordance with section 7.3a of Maximum Price Regulation 445; *It is ordered,* That:

(a) The maximum price of R. H. Hogg and Company, 512 Marietta Street, Atlanta, Georgia; Galsworthy, Inc., 414 Elizabeth Avenue, Newark, New Jersey; and Foster and Company, 295 Madison Avenue, New York, New York, for a sale of the packaged whiskey, described in paragraph (b) of this order, to a wholesaler, monopoly state, primary distributing agent, retailer or consumer shall be the amount established by Appendix E, Article III, Maximum Price Regulation 445, for a sale of the particular formula and container size of packaged whiskey by the processor to a customer of the same class.

(b) This order shall apply only to sales by the persons named in paragraph (a), of whiskey packaged under the brand names "Old Mr. Boston Rocking Chair", "Old Mr. Boston Bronze Label", "Old Mr. Boston Autograph", "Old Mr. Boston 1630", and "Old Mr. Boston Spot Bottle" distributed in packages as liquidating dividends by James J. Sullivan, Inc. of Boston, Massachusetts, in furtherance of the dissolution of that company and distribution of its assets authorized by its stockholders on October 13, 1943.

(c) To the extent consistent with the provisions of this order, the provisions of Maximum Price Regulation 445 are incorporated herein and made a part hereof.

This order shall become effective August 24, 1945.

Issued this 23d day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-15711; Filed, Aug. 23, 1945; 11:43 a. m.]

[MPR 120, Order 1444]

ATHERTON-ADAMS MINING CO. ET AL.

ESTABLISHMENT OF MAXIMUM PRICES AND PRICE CLASSIFICATIONS

For the reasons set forth in an accompanying opinion, and in accordance with § 1340.210 (a) (6) of Maximum Price Regulation No. 120; *It is ordered:*

Producers identified herein operate named mines assigned the mine index numbers, the price classifications and the maximum prices in cents per net ton, for the indicated uses and shipments as set forth herein. All are in District No. 3. The mine index numbers and the price classifications assigned are permanent but the maximum prices may be changed by an amendment issued after the effective date of this order. Where such an amendment is issued for the district in which the mines involved herein are located and where the amendment makes no particular reference to a mine or mines involved herein, the prices shall be the prices set forth in such amendment for the price classifications of the respective size groups. The location of each mine is given by county and state. The maximum prices stated to be for truck shipment are in cents per net ton f. o. b. the mine or preparation plant and when stated to be for rail shipment or for railroad fuel are in cents per net ton f. o. b. rail shipping point. In cases where mines ship coals by river the prices for such shipments are those established for rail shipment and are in cents per net ton f. o. b. river shipping point. However, producer is subject to the provisions of § 1340.214 and all other provisions of Maximum Price Regulation No. 120.

ATHERTON-ADAMS MINING CO., MT. CLARE, W. VA., DOUBLE A MINE, PITTSBURGH SEAM, MINE INDEX NO. 2153, HARRISON COUNTY, W. VA., RAIL SHIPPING POINT: BYRON, W. VA., STRIP MINE, MAXIMUM TRUCK PRICE GROUP NO. 3

	Size group Nos.				
	1	2	3	4	5
Price classification	G	G	G	G	G
Rail shipment and railroad fuel	308	308	298	303	298
Truck shipment	343	343	313	308	298

ATLAS ENGINEERING CO., 1121 CHAPLINE ST., WHEELING, W. VA., ROBERTA NO. 2 PITTSBURGH MINE, PITTSBURGH SEAM, MINE INDEX NO. 2017, PARKERSBURG COUNTY, W. VA., RAIL SHIPPING POINT: CENTURY, W. VA., STRIP MINE, MAXIMUM TRUCK PRICE GROUP NO. 3

Price classification	F	F	F	F	F
Rail shipment and railroad fuel	308	308	298	283	273
Truck shipment	343	343	313	308	298

ATLAS ENGINEERING CO., 1121 CHAPLINE ST., WHEELING, W. VA., ROBERTA NO. 2 REDSTONE MINE, REDSTONE SEAM, MINE INDEX NO. 2016, BARBOUR COUNTY, W. VA., RAIL SHIPPING POINT: CENTURY, W. VA., STRIP MINE, MAXIMUM TRUCK PRICE GROUP NO. 3

Price classification	F	F	H	I	F
Rail shipment and railroad fuel	308	308	278	283	273
Truck shipment	343	343	313	308	298

BIG BEND COAL CO., C/O ANGELO PETITTO, MT. CLARE, W. VA., LINAN NO. 1 MINE, SEWELL SEAM, MINE INDEX NO. 2152, RANDOLPH COUNTY, W. VA., RAIL SHIPPING POINT: BEMIS, W. VA., DEEP MINE, MAXIMUM TRUCK PRICE GROUP NO. 1

Price classification	A	A	A	A	A
Rail shipment and railroad fuel	418	378	353	343	343
Truck shipment	388	383	353	348	328

BROOKS COAL CO., P. O. BOX NO. 3, ADRIAN, W. VA., BROOKS NO. 1 MINE, M. V. FREEPORT SEAM, MINE INDEX NO. 2154, UPSHUR COUNTY, W. VA., RAIL SHIPPING POINT: ADRIAN W. VA., DEEP MINE, MAXIMUM TRUCK PRICE GROUP NO. 3

	Size group Nos.				
	1	2	3	4	5
Price classification	F	F	F	F	F
Rail shipment and railroad fuel	308	308	288	283	273
Truck shipment	343	343	313	308	298

FREEPORT GAS COAL CO., BOX 1085, CLARKSBURG, W. VA., HILL TOP NO. 2A MINE, PITTSBURGH SEAM, MINE INDEX NO. 2155, HARRISON COUNTY, W. VA., RAIL SHIPPING POINT, RONAY, W. VA., STRIP MINE, MAXIMUM TRUCK PRICE GROUP NO. 3

Price classification	G	G	G	G	G
Rail shipment and railroad fuel	308	308	298	303	298
Truck shipment	343	343	313	308	298

SEWELL COAL & COKE CO., RICHWOOD, W. VA., ROYAL NO. 4 MINE, SEWELL SEAM, MINE INDEX NO. 2151, NICHOLAS COUNTY, W. VA., RAIL SHIPPING POINT: CURTIN, W. VA., DEEP MINE, MAXIMUM TRUCK PRICE GROUP NO. 1

Price classification	A	A	A	A	A
Rail shipment and railroad fuel	418	378	353	343	343
Truck shipment	388	383	353	348	328

B & S COAL CO., INC., P. O. BOX NO. 8, MOUNT CLARE, W. VA., RONAY NO. 4 MINE, PITTSBURGH SEAM, MINE INDEX NO. 2149, HARRISON COUNTY, W. VA., RAIL SHIPPING POINT: BYRON, W. VA., STRIP MINE, MAXIMUM TRUCK PRICE GROUP NO. 3

Price classification	G	G	G	G	G
Rail shipment and railroad fuel	308	308	298	303	298
Truck shipment	343	343	313	308	298

FRASHURE, E. H., ROUTE NO. 3, WESTON, W. VA., FRASHURE NO. 2 MINE, REDSTONE SEAM, MINE INDEX NO. 2150, LEWIS COUNTY, W. VA., DEEP MINE, MAXIMUM TRUCK PRICE GROUP NO. 3

Truck shipment	343	343	313	308	298

GUSEMAN BROTHERS COAL CO., JANE LEW, W. VA., JANE NO. 1 MINE, PITTSBURGH SEAM, MINE INDEX NO. 2148, HARRISON COUNTY, W. VA., RAIL SHIPPING POINT: JANE LEW, W. VA., STRIP MINE, MAXIMUM TRUCK PRICE GROUP NO. 3

Price classification	F	F	F	F	F
Rail shipment and railroad fuel	308	308	288	283	273
Truck shipment	343	343	313	308	298

The maximum prices listed in this order include the increase in maximum prices where authorized by Amendment No. 146 to MPR 120, which became effective August 3, 1945.

This order shall become effective August 24, 1945.

(56 Stat. 23, 57 Stat. 566; Pub. Law 383, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 23d day of August 1945.

JAMES G. ROGERS, Jr.,
Acting Administrator.

[F. R. Doc. 45-15799; Filed, Aug. 24, 1945; 11:51 a. m.]

[MPR 188, Rev. Order 3393]

HIGH POINT CASH REGISTER

APPROVAL OF MAXIMUM PRICES

Order No. 3393 under § 1499.158 of Maximum Price Regulation No. 188 is revised and amended to read as follows:

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.158 of MPR 188; *It is ordered:*

(a) This revised order establishes maximum prices for sales and deliveries of certain articles of furniture manufactured by High Point Cash Register, 219 Lindsay Street, High Point, North Carolina.

(1) For all sales and deliveries to the following classes of purchasers by the sellers indicated below, the maximum prices are those set forth below:

Article	Model No.	Manufacturer's maximum price to persons, other than retailers, who sell from the manufacturer's stock	Maximum price for sales to retailers by the manufacturer, and by persons, other than retailers, who sell from the manufacturer's stock
Folding baby chair	"Stay Put"	*Each* $1.38	*Each* $1.72

These prices are f. o. b. factory, and are for the article described in the manufacturer's application dated November 29, 1944.

(2) For sales by the manufacturer the maximum prices apply to all sales and deliveries since the effective date of MPR 188. For sales by persons, other than retailers, who sell from the manufacturer's stock, the maximum prices apply to all sales and deliveries after the effective date of this revised order.

(3) If the manufacturer wishes to make sales and deliveries to any other class of purchaser or on other terms and conditions of sale, he must apply to the Office of Price Administration, Washington, D. C., under the Fourth Pricing Method, § 1499.158, of MPR 188, for the establishment of maximum prices for those sales, and no sales or deliveries may be made until maximum prices have been authorized by the Office of Price Administration.

(b) At the time of, or prior to, the first invoice to each purchaser, other than a retailer, who sells from the manufacturer's stock, the manufacturer shall notify the purchaser of the maximum prices and conditions established by this revised order for sales by the purchaser. This notice may be given in any convenient form.

(c) This revised order may be revoked or amended by the Price Administrator at any time.

This revised order shall become effective on the 25th day of August 1945.

Issued this 24th day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-15800; Filed, Aug. 24, 1945; 11:56 a. m.]

[MPR 188, Rev. Order 3763]

FREEMAN FURNITURE FACTORIES, INC.

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.158 of Maximum Price Regulation No. 188; *It is ordered:*

(a) This order establishes maximum prices for sales and deliveries of certain articles manufactured by the Freeman Furniture Factories, Incorporated, American Furniture Mart, 666 Lake Shore Drive, Chicago, Ill.

(1) For all sales and deliveries to the following classes of purchasers by the sellers indicated below, the maximum prices are those set forth below:

Article	Model	Maximum prices for sales by any seller to—			
		Wholesalers (Jobbers)	Department and chain stores	Other retailers	Consumers
		Each	*Each*	*Each*	*Each*
Clothes hamper	6-24	$4.00	$4.80	$5.33	$8.00

These maximum prices are for the articles described in the manufacturer's application dated March 16, 1945.

(2) For sales by the manufacturer, the maximum prices apply to all sales and deliveries since Maximum Price Regulation No. 188 became applicable to those sales and deliveries. These prices are f. o. b. factory and are subject to a cash discount of 2% for payment within 10 days, net 30 days.

(3) For sales by persons other than the manufacturer, the maximum prices apply to all sales and deliveries after the effective date of this order. Those prices are subject to each seller's customary terms and conditions of sale on sales of similar articles.

(4) If the manufacturer wishes to make sales and deliveries to any other class of purchaser or on other terms and conditions of sale, he must apply to the Office of Price Administration, Washington, D. C., under the Fourth Pricing Method, § 1499.158 of Maximum Price Regulation No. 188, for the establishment of maximum prices for those sales, and no sales or deliveries may be made until maximum prices have been authorized by the Office of Price Administration.

(b) The manufacturer shall attach a tag or label to every article for which a maximum price for sales to consumers is established by this order. That tag or label shall contain the following statement:

OPA Retail Ceiling Price—$8.00
Do Not Detach

(c) At the time of, or prior to, the first invoice to each purchaser for resale, the seller shall notify the purchaser in writing of the maximum prices and conditions established by this order for sales by the purchaser. This notice may be given in any convenient form.

(d) This order may be revoked or amended by the Price Administrator at any time.

(e) This order shall become effective on the 25th day of August 1945.

Issued this 24th day of August 1945.

CHESTER BOWLES,
Administrator.

[F. D. Doc. 45-15801; Filed, Aug. 24, 1945; 11:56 a. m.]

[MPR 188, Rev. Order 4129]

N & J Products Co.

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.158 of Maximum Price Regulation No. 188; *It is ordered:*

(a) This order establishes maximum prices for sales and deliveries of certain articles manufactured by N & J Products Company, 3220 North Sheffield Avenue, Chicago 13, Illinois.

(1) For all sales and deliveries to the following classes of purchasers by the sellers indicated below, the maximum prices are those set forth below:

Article	Model	Maximum price for sales by any seller to—			
		Wholesalers (jobbers)	Retailers (6 units or more)	Retailers (less than 6 units)	Consumers
Two burner hot plate, 20 gage steel, four switches, white baked enamel and cord	102A	*Each* $7.12	*Each* $8.41	*Each* $9.09	*Each* $13.62

These maximum prices are for the articles described in the manufacturer's application dated May 28, 1945. They include the Federal Excise Tax.

(2) For sales by the manufacturer, the maximum prices apply to all sales and deliveries since Maximum Price Regulation No. 188 became applicable to those sales and deliveries. These prices are f. o. b. factory and are subject to a cash discount of 2% for payment within 10 days, net 30 days.

(3) For sales by persons other than the manufacturer, the maximum prices apply to all sales and deliveries after the effective date of this order. Those prices are subject to each seller's customary terms and conditions of sale on sales of similar articles.

(4) If the manufacturer wishes to make sales and deliveries to any other class of purchaser or on other terms and conditions of sale, he must apply to the Office of Price Administration, Washington, D. C., under the Fourth Pricing Method, § 1499.158 of Maximum Price Regulation No. 188, for the establishment of maximum prices for those sales, and no sales or deliveries may be made until maximum prices have been authorized by the Office of Price Administration.

(b) The manufacturer shall attach a tag or label to every article for which a maximum price for sales to consumers is established by this order. That tag or label shall contain either of the following statements with the correct order number filled in:

Order No. 4129
Model No. 102A
OPA Retail Ceiling Price $13.62
Federal Excise Tax Included
Do Not Detach or Obliterate

or

N & J Products Company
3220 North Sheffield Avenue
Chicago 13, Illinois
Model No. 102A
OPA Retail Ceiling Price $13.62
Federal Excise Tax Included
Do Not Detach or Obliterate

(c) At the time of, or prior to, the first invoice to each purchaser for resale, the seller shall notify the purchaser in writing of the maximum prices and conditions established by this order for sales by the purchaser. This notice may be given in any convenient form.

(d) This order may be revoked or amended by the Price Administrator at any time.

(e) This order shall become effective on the 25th day of August 1945.

Issued this 24th day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-15802; Filed, Aug. 24, 1945; 11:53 a. m.]

[MPR 188, Order 4295]

Marks & Salk

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.158 of Maximum Price Regulation No. 188; *It is ordered:*

(a) This order establishes maximum prices for sales and deliveries of certain articles manufactured by Marks & Salk, 39 North Broadway, Long Branch, N. J.

(1) For all sales and deliveries to the following classes of purchasers by the sellers indicated below, the maximum prices are those set forth below:

Article	Model No.	For sales by the manufacturer to—		For sales by any person to consumers
		Jobbers	Retailers	
Table lamp with marble base, metal column and cut glass fount	104	*Each* $5.10	*Each* $6.00	*Each* $10.80
	104M	3.83	4.50	8.10
	101	2.98	3.50	6.30
Table lamp with marble base, metal column and glass fount	105	3.83	4.50	8.10

These maximum prices are for the articles described in the manufacturer's application dated May 16, 1945.

(2) For sales by the manufacturer, the maximum prices apply to all sales and deliveries since Maximum Price Regulation No. 188 became applicable to those sales and deliveries. For sales to persons other than consumers they are f. o. b. factory, 2% 10 days, net 30. The maximum price to consumers is net, delivered.

(3) For sales by persons other than the manufacturer, the maximum prices apply to all sales and deliveries after the effective date of this order. Those prices are subject to each seller's customary terms and conditions of sale on sales of similar articles.

(4) If the manufacturer wishes to make sales and deliveries to any other class of purchaser or on other terms and conditions of sale, he must apply to the Office of Price Administration, Washington, D. C., under the Fourth Pricing Method, § 1499.158 of Maximum Price Regulation No. 188, for the establishment of maximum prices for those sales, and no sales or deliveries may be made until maximum prices have been authorized by the Office of Price Administration.

(b) The manufacturer shall attach a tag or label to every article for which a maximum price for sales to consumers is established by this order. That tag or label shall contain the following statement, with the proper model number and the ceiling price inserted in the blank spaces:

Model No. ------
OPA Retail Ceiling Price—$------
Do Not Detach

(c) At the time of, or prior to, the first invoice to each purchaser for resale, the manufacturer shall notify the purchaser in writing of the maximum prices and conditions established by this order for sales by the purchaser. This notice may be given in any convenient form.

(d) Jobber's maximum prices for sales of the articles covered by this order shall be established under the provisions of section 4.5 of SR 14J.

(e) This order may be revoked or amended by the Price Administrator at any time.

(f) This order shall become effective on the 25th day of August 1945.

Issued this 24th day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-15803; Filed, Aug. 24, 1945; 11:52 a. m.]

[MPR 188, Order 4296]

Herbert Lichterman

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.158 of Maximum Price Regulation No. 188; *It is ordered:*

(a) This order establishes maximum prices for sales and deliveries of certain articles manufactured by Herbert Lichterman of 92 Liberty Street, New York 6, N. Y.

(1) For all sales and deliveries to the following classes of purchasers by the sellers indicated below, the maximum prices are those set forth below:

Article	Model No.	Maximum price for sales by any seller to—			
		Wholesalers (jobbers)	Retailers (6 units or more)	Retailers (less than 6 units)	Consumers
Electric hot plate (coverall element 9½ x 9 x 5½, 22 ga. steel	A	*Each* $2.08	*Each* $2.45	*Each* $2.69	*Each* $3.95

These maximum prices are for the articles described in the manufacturer's application dated June 21, 1945, these prices include the Federal Excise Tax.

(2) For sales by the manufacturer, the maximum prices apply to all sales and deliveries since Maximum Price Regulation No. 188 became applicable to those sales and deliveries. They are f. o. b. factory, and subject to a cash discount of 2% for payment within 10 days, net 30 days.

(3) For sales by persons other than the manufacturer, the maximum prices apply to all sales and deliveries after the effective date of this order. Those prices are subject to each seller's customary terms and conditions of sale on sales of similar articles.

(4) If the manufacturer wishes to make sales and deliveries to any other class of purchaser or on other terms and conditions of sale, he must apply to the Office of Price Administration, Washington, D. C., under the Fourth Pricing Method, § 1499.158 of Maximum Price Regulation No. 188, for the establishment of maximum prices for those sales, and no sales or deliveries may be made until maximum prices have been authorized by the Office of Price Administration.

(b) The manufacturer shall attach a tag or label to every article for which a maximum price for sales to consumers is established by this order. That tag or label shall contain either of the following statements with the correct order number, model number and retail prices properly filled in:

Order No. 4296
Model No. ------
OPA Retail Ceiling Price $------
Federal Excise Tax Included
Do Not Detach or Obliterate

or

Herbert Lichterman
92 Liberty Street, New York 6, New York
Model No. ------
OPA Retail Ceiling Price $------
Federal Excise Tax Included
Do Not Detach or Obliterate

(c) At the time of, or prior to, the first invoice to each purchaser for resale, the seller shall notify the purchaser in writing of the maximum prices and conditions established by this order for sales by the purchaser. This notice may be given in any convenient form.

(d) This order may be revoked or amended by the Price Administrator at any time.

(e) This order shall become effective on the 25th day of August 1945.

Issued this 24th day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-15804; Filed, Aug. 24, 1945; 11:52 a. m.]

[MPR 188, Order 4297]

National Novelty Mfg. Co.

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.158 of Maximum Price Regulation No. 188; *It is ordered:*

(a) This order establishes maximum prices for sales and deliveries of certain articles manufactured by National Novelty Manufacturing Company, 1022 Race Street, Philadelphia 7, Pa.

(1) For all sales and deliveries to the following classes of purchasers by the sellers indicated below, the maximum prices are those set forth below:

Article	Model No.	For sales by the manufacturer to—		For sales by any person to consumers
		Jobbers	Retailers	
Pleated floral print paper parchment lamp shade with braid trim top and bottom (enameled wire frame).	100 Series: 12"-----	*Each* $0.46	*Each* $0.575	*Each* $1.05
	14"-----	.58	.65	1.20
	16"-----	.74	.85	1.55
	19"-----	.86	1.00	1.80

These maximum prices are for the articles described in the manufacturer's application dated March 9, 1945.

(2) For sales by the manufacturer, the maximum prices apply to all sales and deliveries since Maximum Price Regulation No. 188 became applicable to those sales and deliveries. For sales to persons other than consumers they are f. o. b. factory, 1% 10 days, net 30. The maximum price to consumers is net, delivered.

(3) For sales by persons other than the manufacturer, the maximum prices apply to all sales and deliveries after the effective date of this order. Those prices are subject to each seller's customary terms and conditions of sale on sales of similar articles.

(4) If the manufacturer wishes to make sales and deliveries to any other class of purchaser or on other terms and conditions of sale, he must apply to the Office of Price Administration, Washington, D. C., under the Fourth Pricing Method, § 1499.158 of Maximum Price Regulation No. 188, for the establishment of maximum prices for those sales, and no sales or deliveries may be made until maximum prices have been authorized by the Office of Price Administration.

(b) The manufacturer shall attach a tag or label to every article for which a maximum price for sales to consumers is established by this order. That tag or label shall contain the following statement, with the proper model number and the ceiling price inserted in the blank spaces:

Model No. ------
OPA Retail Ceiling Price, $------
Do Not Detach

(c) At the time of, or prior to, the first invoice to each purchaser for resale, the manufacturer shall notify the purchaser in writing of the maximum prices and conditions established by this order for sales by the purchaser. This notice may be given in any convenient form.

(d) Jobber's maximum prices for sales of the articles covered by this order shall be established under the provisions of section 4.5 of SR 14J.

(e) This order may be revoked or amended by the Price Administrator at any time.

(f) This order shall become effective on the 25th day of August 1945.

Issued this 24th day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-15805; Filed, Aug. 24, 1945; 11:52 a. m.]

[MPR 188, Order 4298]

Summit Lamp Mfg. Co.

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.158 of Maximum Price Regulation No. 188; *It is ordered:*

(a) This order establishes maximum prices for sales and deliveries of certain articles manufactured by Summit Lamp Manufacturing Company, 1704 St. Johns Place, Brooklyn 13, N. Y.

(1) For all sales and deliveries to the following classes of purchasers by the sellers indicated below, the maximum prices are those set forth below:

Articles	Model No.	For sales by the manufacturer to—		For sales by any person to consumers
		Jobbers	Retailers	
23½-inch decorated china table lamp base with metal mounting	7201	*Each* $4.81	*Each* $5.66	*Each* $10.20
29-inch decorated china table lamp base with metal mounting	7203	8.50	10.00	18.00

These maximum prices are for the articles described in the manufacturer's application dated April 11, 1945.

(2) For sales by the manufacturer, the maximum prices apply to all sales and deliveries since Maximum Price Regulation No. 188 became applicable to those sales and deliveries. For sales to persons other than consumers they are f. o. b. factory, 2% 10 days, net 30. The maximum price to consumers is net, delivered.

(3) For sales by persons other than the manufacturer, the maximum prices apply to all sales and deliveries after the effective date of this order. Those prices are subject to each seller's customary terms and conditions of sale on sales of similar articles.

(4) If the manufacturer wishes to make sales and deliveries to any other class of purchaser or on other terms and conditions of sale, he must apply to the Office of Price Administration, Washington, D. C., under the Fourth Pricing Method, § 1499.158 of Maximum Price Regulation No. 188, for the establishment of maximum prices for those sales, and no sales or deliveries may be made until maximum prices have been authorized by the Office of Price Administration.

(b) The manufacturer shall attach a tag or label to every article for which a maximum price for sales to consumers is

established by this order. That tag or label shall contain the following statement, with the proper model number and the ceiling price inserted in the blank spaces:

Model No. ------
OPA Retail Ceiling Price—$------
Do Not Detach

(c) At the time of, or prior to, the first invoice to each purchaser for resale, the manufacturer shall notify the purchaser in writing of the maximum prices and conditions established by this order for sales by the purchaser. This notice may be given in any convenient form.

(d) Jobber's maximum prices for sales of the articles covered by this order shall be established under the provisions of Section 4.5 of SR 14J.

(e) This order may be revoked or amended by the Price Administrator at any time.

(f) This order shall become effective on the 25th day of August 1945.

Issued this 24th day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-15806; Filed, Aug. 24, 1945; 11:52 a. m.]

[MPR 188, Order 4299]

WELKO INC.

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.158 of Maximum Price Regulation No. 188; *It is ordered:*

(a) This order establishes maximum prices for sales and deliveries of certain articles manufactured by Welko Incorporated of 218 West Chicago Avenue, Chicago, Ill.

(1) For all sales and deliveries to the following classes of purchasers by the sellers indicated below, the maximum prices are those set forth below:

Article	Model No.	Maximum prices for sales by any seller to			
		[illegible]	[illegible]	[illegible]	[illegible]
[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]

These maximum prices are for the articles described in the manufacturer's application dated April 30, 1945.

(2) For sales by the manufacturer, the maximum prices apply to all sales and deliveries since Maximum Price Regulation No. 188 became applicable to those sales and deliveries. For sales to persons other than consumers they are f. o. b. factory, 2% 10 days, net 30. The maximum price to consumers is net, delivered.

(3) For sales by persons other than the manufacturer, the maximum prices apply to all sales and deliveries after the effective date of this order. Those prices are subject to each seller's customary terms and conditions of sale on sales of similar articles.

(4) If the manufacturer wishes to make sales and deliveries to any other class of purchaser or on other terms and conditions of sale, he must apply to the Office of Price Administration, Washington, D. C., under the Fourth Pricing Method, § 1499.158 of Maximum Price Regulation No. 188, for the establishment of maximum prices for those sales, and no sales or deliveries may be made until maximum prices have been authorized by the Office of Price Administration.

(b) The manufacturer shall attach a tag or label to every article for which a maximum price for sales to consumers is established by this order. That tag or label shall contain either of the following statements with the correct order number, model number and retail prices properly filled in:

Order No. 4299
Model No. ------
OPA Retail Ceiling Price $------
Federal Excise Tax Included
Do Not Detach or Obliterate

or

Welko Incorporated
219 West Chicago Avenue, Chicago, Ill.
Model No. ------
OPA Retail Ceiling Price $------
Federal Excise Tax Included
Do Not Detach or Obliterate

(c) At the time of, or prior to, the first invoice to each purchaser for resale, the seller shall notify the purchaser in writing of the maximum prices and conditions established by this order for sales by the purchaser. This notice may be given in any convenient form.

(d) This order may be revoked or amended by the Price Administrator at any time.

(e) This order shall become effective on the 25th day of August 1945.

Issued this 24th day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-15807; Filed, Aug. 24, 1945; 11:53 a. m.]

[MPR 188, Order 4300]

PHILIP MEYEROWITZ

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register and pursuant to § 1499.158 of Maximum Price Regulation No. 188; *It is ordered:*

(a) This order establishes maximum prices for sales and deliveries of certain articles manufactured by Philip Meyerowitz of 1311 Washington Avenue, Bronx 56, N. Y.

(1) For all sales and deliveries to the following classes of purchasers by the sellers indicated below, the maximum prices are those set forth below:

Article	Model No.	For sales by the manufacturer to—		For sales by any person to consumers
		Jobbers	Retailers	
Fluorescent desk lamp, crackled finish, equipped with ballast, 24 gauge steel, 18-inch shade	602	*Each* $5.33	*Each* $6.50	*Each* $11.70
Fluorescent bed lamp, suede flocked, equipped with ballast, 24 gauge steel, 15-inch shade	502	4.00	4.70	8.45
Fluorescent bed lamp, sprayed enamel finish, equipped with ballast, 24 gauge, 15-inch shade	501	3.83	4.50	8.10

These maximum prices are for the articles described in the manufacturer's application dated May 18, 1945.

(2) For sales by the manufacturer, the maximum prices apply to all sales and deliveries since Maximum Price Regulation No. 188 became applicable to those sales and deliveries. For sales to persons other than consumers they are f. o. b. factory, 2% 10 days, net 30. The maximum price to consumers is net, delivered.

(3) For sales by persons other than the manufacturer, the maximum prices apply to all sales and deliveries after the effective date of this order. Those prices are subject to each seller's customary terms and conditions of sale on sales of similar articles.

(4) If the manufacturer wishes to make sales and deliveries to any other class of purchaser or on other terms and conditions of sale, he must apply to the Office of Price Administration, Washington, D. C., under the Fourth Pricing Method, § 1499.158 of Maximum Price Regulation No. 188, for the establishment of maximum prices for those sales, and no sales or deliveries may be made until maximum prices have been authorized by the Office of Price Administration.

(b) The manufacturer shall attach a tag or label to every article for which a maximum price for sales to consumers is established by this order. That tag or label shall contain the following statement, with the proper model number and the ceiling price inserted in the blank spaces:

Model No. ------
OPA Retail Ceiling Price—$------
Do Not Detach

(f) This order shall become effective on the 25th day of August 1945.

Issued this 24th day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-15808; Filed, Aug. 24, 1945; 11:56 a. m.]

[MPR 188, Order 4301]

ACE ASSEMBLERS

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.158 of Maximum Price Regulation No. 188; *It is ordered:*

(a) This order establishes maximum prices for sales and deliveries of certain articles manufactured by Ace Assemblers, 1311 Washington Avenue, Bronx 56, N. Y.

(1) For all sales and deliveries to the following classes of purchasers by the sellers indicated below, the maximum prices are those set forth below:

Article	Model No.	For sales by the manufacturer to—		For sales by any person to consumers
		Jobbers	Retailers	
Metal pin-up lamp, 22 gage steel stamped	101	*Each* $0.91	*Each* $1.07	*Each* $1.95
5½" crystal boudoir lamp with crystal base, fluted break and cover	201	1.19	1.40	2.50
13½" crystal vanity lamp with 4" glass ashtray base, 2 breaks and fluted tube	401	1.19	1.40	2.50
14½" crystal vanity lamp with 4" glass ashtray base, tulip shaped break and fluted tube	301	1.19	1.40	2.50
20" crystal table lamp with 5" square glass base, and fluted crystal column	501	2.66	3.14	5.65

These maximum prices are for the articles described in the manufacturer's application dated April 30, 1945.

(2) For sales by the manufacturer, the maximum prices apply to all sales and deliveries since Maximum Price Regulation No. 188 became applicable to those sales and deliveries. For sales to persons other than consumers they are f. o. b. factory, 2% 10 days, net 30. The maximum price to consumers is net, delivered.

(3) For sales by persons other than the manufacturer, the maximum prices apply to all sales and deliveries after the effective date of this order. Those prices are subject to each seller's customary terms and conditions of sale on sales of similar articles.

(4) If the manufacturer wishes to make sales and deliveries to any other class of purchaser or on other terms and conditions of sale, he must apply to the Office of Price Administration, Washington, D. C., under the Fourth Pricing Method, § 1499.158 of Maximum Price Regulation No. 188, for the establishment of maximum prices for those sales, and no sales or deliveries may be made until maximum prices have been authorized by the Office of Price Administration.

(b) The manufacturer shall attach a tag or label to every article for which a maximum price for sales to consumers is established by this order. That tag or label shall contain the following statement with the correct model number and retail prices properly filled in:

Model No. ------
OPA Retail Ceiling Price—$------
Do Not Detach or Obliterate

(c) At the time of, or prior to, the first invoice to each purchaser for resale, the seller shall notify the purchaser in writing of the maximum prices and conditions established by this order for sales by the purchaser. This notice may be given in any convenient form.

(d) This order may be revoked or amended by the Price Administrator at any time.

(e) This order shall become effective on the 25th day of August 1945.

Issued this 24th day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-15809; Filed, Aug. 24, 1945; 11:56 a. m.]

[MPR 188, Order 4302]

BAKE-RITE PRODUCTS CO.

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.158 of Maximum Price Regulation No. 188; *It is ordered:*

(a) This order establishes maximum prices for sales and deliveries of certain articles manufactured by The Bake-Rite Products Company of 830 South Central Avenue, Los Angeles 21, Calif.

(1) For all sales and deliveries to the following classes of purchasers by the sellers indicated below, the maximum prices are those set forth below:

Article	Model No.	Maximum prices for sales by any seller to			
		[illegible]	[illegible]	[illegible]	[illegible]
[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]

These maximum prices are for the articles described in the manufacturer's application dated June 21, 1945.

(2) For sales by the manufacturer, the maximum prices apply to all sales and deliveries since Maximum Price Regulation No. 188 became applicable to those sales and deliveries. These prices are f. o. b. factory and subject to a cash discount of 2% for payment within 10 days.

(3) For sales by persons other than the manufacturer, the maximum prices apply to all sales and deliveries after the effective date of this order. Those prices are subject to each seller's customary terms and conditions of sale on sales of similar articles.

(4) If the manufacturer wishes to make sales and deliveries to any other class of purchaser or on other terms and conditions of sale, he must apply to the Office of Price Administration, Washington, D. C., under the Fourth Pricing Method, § 1499.158 of Maximum Price Regulation No. 188, for the establishment of maximum prices for those sales, and no sales or deliveries may be made until maximum prices have been authorized by the Office of Price Administration.

(b) The manufacturer shall attach a tag or label to every article for which a maximum price for sales to consumers is established by this order. That tag or label shall contain the following statement with the correct model number and retail prices properly filled in:

Model No. ------
OPA Retail Ceiling Price—$------
De Not Detach or Obliterate

(c) At the time of, or prior to, the first invoice to each purchaser for resale, the seller shall notify the purchaser in writing of the maximum prices and conditions established by this order for sales by the purchaser. This notice may be given in any convenient form.

(d) This order may be revoked or amended by the Price Administrator at any time.

(e) This order shall become effective on the 25th day of August 1945.

Issued this 24th day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-15810; Filed, Aug. 24, 1945; 11:55 a. m.]

[MPR 188, Order 4303]

E. F. FISHLER

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register and pursuant to § 1499.158 of Maximum Price Regulation No. 188; *It is ordered:*

(a) This order establishes maximum prices for sales and deliveries of certain articles manufactured by E. F. Fishler of 1311 Washington Avenue, Bronx 56, N. Y.

(1) For all sales and deliveries to the following classes of purchasers by the sellers indicated below, the maximum prices are those set forth below:

Article	Model No.	For sales by the manufacturer to—		For sales by any person to consumers
		Jobbers	Retailers	
[illegible]	[illegible]	[illegible]	[illegible]	[illegible]

established by this order. That tag or label shall contain the following statement, with the proper model number and the ceiling price inserted in the blank spaces:

Model No. ------
OPA Retail Ceiling Price—$------
Do Not Detach

(c) At the time of, or prior to, the first invoice to each purchaser for resale, the manufacturer shall notify the purchaser in writing of the maximum prices and conditions established by this order for sales by the purchaser. This notice may be given in any convenient form.

(d) Jobber's maximum prices for sales of the articles covered by this order shall be established under the provisions of Section 4.5 of SR 14J.

(e) This order may be revoked or amended by the Price Administrator at any time.

(f) This order shall become effective on the 25th day of August 1945.

Issued this 24th day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-15806; Filed, Aug. 24, 1945; 11:52 a. m.]

[MPR 188, Order 4299]

WELKO INC.

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.158 of Maximum Price Regulation No. 188; *It is ordered:*

(a) This order establishes maximum prices for sales and deliveries of certain articles manufactured by Welko Incorporated of 218 West Chicago Avenue, Chicago, Ill.

(1) For all sales and deliveries to the following classes of purchasers by the sellers indicated below, the maximum prices are those set forth below:

Article	Model No.	Maximum prices for sales by any seller to: Wholesalers (jobbers)	Dropship (jobbers)	Retailers (6 units or more)	Retailers (less than 6 units)	Consumers
		Each	*Each*	*Each*	*Each*	*Each*
Two burner, 6 heat, crackle finish, cord and plug	2000	$4.95	.....	$5.85	$6.30	$9.45
Heater, crackle finish, cord and plug	1001	6.10	$6.40	6.99	7.49	11.22

These maximum prices are for the articles described in the manufacturer's application dated July 10, 1945. These prices include the Federal Excise Tax.

(2) For sales by the manufacturer, the maximum prices apply to all sales and deliveries since Maximum Price Regulation No. 188 became applicable to those sales and deliveries. These prices are subject to a cash discount of 2% for payment within 10 days, net 30 days.

(3) For sales by persons other than the manufacturer, the maximum prices apply to all sales and deliveries after the effective date of this order. Those prices are subject to each seller's customary terms and conditions of sale on sales of similar articles.

(4) If the manufacturer wishes to make sales and deliveries to any other class of purchaser or on other terms and conditions of sale, he must apply to the Office of Price Administration, Washington, D. C., under the Fourth Pricing Method, § 1499.158 of Maximum Price Regulation No. 188, for the establishment of maximum prices for those sales, and no sales or deliveries may be made until maximum prices have been authorized by the Office of Price Administration.

(b) The manufacturer shall attach a tag or label to every article for which a maximum price for sales to consumers is established by this order. That tag or label shall contain either of the following statements with the correct order number, model number and retail prices properly filled in:

Order No. 4299
Model No. ------
OPA Retail Ceiling Price $-----
Federal Excise Tax Included
Do Not Detach or Obliterate

or

Welko Incorporated
219 West Chicago Avenue, Chicago, Ill.
Model No. ------
OPA Retail Ceiling Price $-----
Federal Excise Tax Included
Do Not Detach or Obliterate

(c) At the time of, or prior to, the first invoice to each purchaser for resale, the seller shall notify the purchaser in writing of the maximum prices and conditions established by this order for sales by the purchaser. This notice may be given in any convenient form.

(d) This order may be revoked or amended by the Price Administrator at any time.

(e) This order shall become effective on the 25th day of August 1945.

Issued this 24th day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-15807; Filed, Aug. 24, 1945; 11:53 a. m.]

[MPR 188, Order 4300]

PHILIP MEYROWITZ

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.158 of Maximum Price Regulation No. 188; *It is ordered:*

(a) This order establishes maximum prices for sales and deliveries of certain articles manufactured by Philip Meyrowitz, 734 Crown Street, Brooklyn 13, N. Y.

(1) For all sales and deliveries to the following classes of purchasers by the sellers indicated below, the maximum prices are those set forth below:

Article	Model No.	For sales by the manufacturer to— Jobbers	Retailers	For sales by any person to consumers
		Each	*Each*	*Each*
Fluorescent desk lamp, crackle finish, equipped with ballast 24 gauge steel, 18 inch shade	602	$5.53	$6.50	$9.75
Fluorescent bed lamp, spade floor, equipped with ballast, 24 gauge steel, 75 inch shade	502	4.60	5.75	8.63
Fluorescent bed lamp, spray enamel finish, equipped with ballast, 24 gauge, 17 inch shade	501	3.83	4.50	6.75

These maximum prices are for the articles described in the manufacturer's application dated May 18, 1945.

(2) For sales by the manufacturer, the maximum prices apply to all sales and deliveries since Maximum Price Regulation No. 188 became applicable to those sales and deliveries. For sales to persons other than consumers they are f. o. b. factory, 2% 10 days, net 30. The maximum price to consumers is net, delivered.

(3) For sales by persons other than the manufacturer, the maximum prices apply to all sales and deliveries after the effective date of this order. Those prices are subject to each seller's customary terms and conditions of sale on sales of similar articles.

(4) If the manufacturer wishes to make sales and deliveries to any other class of purchaser or on other terms and conditions of sale, he must apply to the Office of Price Administration, Washington, D. C., under the Fourth Pricing Method, § 1499.158 of Maximum Price Regulation No. 188, for the establishment of maximum prices for those sales, and no sales or deliveries may be made until maximum prices have been authorized by the Office of Price Administration.

(b) The manufacturer shall attach a tag or label to every article for which a maximum price for sales to consumers is established by this order. That tag or label shall contain the following statement, with the proper model number and the ceiling price inserted in the blank spaces:

Model No. ------
OPA Retail Ceiling Price—$------
Do Not Detach

(c) At the time of, or prior to, the first invoice to each purchaser for resale, the manufacturer shall notify the purchaser in writing of the maximum prices and conditions established by this order for sales by the purchaser. This notice may be given in any convenient form.

(d) Jobber's maximum prices for sales of the articles covered by this order shall be established under the provisions of section 4.5 of SR 14J.

(e) This order may be revoked or amended by the Price Administrator at any time.

(f) This order shall become effective on the 25th day of August 1945.

Issued this 24th day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-15808; Filed, Aug. 24, 1945; 11:56 a. m.]

[MPR 188, Order 4301]

ACE ASSEMBLERS

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.158 of Maximum Price Regulation No. 188; *It is ordered:*

(a) This order establishes maximum prices for sales and deliveries of certain articles manufactured by Ace Assemblers, 1311 Washington Avenue, Bronx 56, N. Y.

(1) For all sales and deliveries to the following classes of purchasers by the sellers indicated below, the maximum prices are those set forth below:

Article	Model No.	For sales by the manufacturer to— Jobbers	Retailers	For sales by any person to consumers
		Each	*Each*	*Each*
Metal pin-up lamp, 22 gauge steel stamped	101	$0.91	$1.07	$1.97
9½" crystal boudoir lamp with crystal base, fluted break and cover	201	1.19	1.40	2.50
13½" crystal vanity lamp with 4" glass ashtray base, 2 breaks and fluted tube	401	1.19	1.40	2.50
14½" crystal vanity lamp with 4" glass ashtray base, tulip shaped break and fluted tube	301	1.19	1.40	2.50
25½" crystal table lamp with 5" square glass base, and fluted crystal column	501	2.66	3.13	5.65

These maximum prices are for the articles described in the manufacturer's application dated April 30, 1945.

(2) For sales by the manufacturer, the maximum prices apply to all sales and deliveries since Maximum Price Regulation No. 188 became applicable to those sales and deliveries. For sales to persons other than consumers they are f. o. b. factory, 2% 10 days, net 30. The maximum price to consumers is net, delivered.

(3) For sales by persons other than the manufacturer, the maximum prices apply to all sales and deliveries after the effective date of this order. Those prices are subject to each seller's customary terms and conditions of sale on sales of similar articles.

(4) If the manufacturer wishes to make sales and deliveries to any other class of purchaser or on other terms and conditions of sale, he must apply to the Office of Price Administration, Washington, D. C., under the Fourth Pricing Method, § 1499.158 of Maximum Price Regulation No. 188, for the establishment of maximum prices for those sales, and no sales or deliveries may be made until maximum prices have been authorized by the Office of Price Administration.

(b) The manufacturer shall attach a tag or label to every article for which a maximum price for sales to consumers is established by this order. That tag or label shall contain the following statement with the correct model number and the ceiling price inserted in the blank spaces:

Model No. ------
OPA Retail Ceiling Price—$ -----
Do Not Detach

(c) At the time of, or prior to, the first invoice to each purchaser for resale, the manufacturer shall notify the purchaser in writing of the maximum prices and conditions established by this order for sales by the purchaser. This notice may be given in any convenient form.

(d) Jobber's maximum prices for sales of the articles covered by this order shall be established under the provisions of section 4.5 of SR 14J.

(e) This order may be revoked or amended by the Price Administrator at any time.

(f) This order shall become effective on the 25th day of August 1945.

Issued this 24th day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-15809; Filed, Aug. 24, 1945; 11:56 a. m.]

[MPR 188, Order 4302]

BAKE-RITE PRODUCTS CO.

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.158 of Maximum Price Regulation No. 188; *It is ordered:*

(a) This order establishes maximum prices for sales and deliveries of certain articles manufactured by The Bake-Rite Products Company of 830 South Central Avenue, Los Angeles 21, Calif.

(1) For all sales and deliveries to the following classes of purchasers by the sellers indicated below, the maximum prices are those set forth below:

Article	Model No.	Maximum prices for sales by any seller to— Wholesalers (jobbers)	Dropship jobbers	Chain, department and syndicate stores	Other retailers	Consumers
		Doz.	*Doz.*	*Doz.*	*Doz.*	*Each*
Aluminum baking pan 8 x 8 x 1¾	101	$3.60	$3.67	$4.32	$4.80	$0.60

These maximum prices are for the articles described in the manufacturer's application dated June 21, 1945.

(2) For sales by the manufacturer, the maximum prices apply to all sales and deliveries since Maximum Price Regulation No. 188 became applicable to those sales and deliveries. These prices are f. o. b. factory and subject to a cash discount of 2% for payment within 10 days.

(3) For sales by persons other than the manufacturer, the maximum prices apply to all sales and deliveries after the effective date of this order. Those prices are subject to each seller's customary terms and conditions of sale on sales of similar articles.

(4) If the manufacturer wishes to make sales and deliveries to any other class of purchaser or on other terms and conditions of sale, he must apply to the Office of Price Administration, Washington, D. C., under the Fourth Pricing Method, § 1499.158 of Maximum Price Regulation No. 188, for the establishment of maximum prices for those sales, and no sales or deliveries may be made until maximum prices have been authorized by the Office of Price Administration.

(b) The manufacturer shall attach a tag or label to every article for which a maximum price for sales to consumers is established by this order. That tag or label shall contain the following statement with the correct model number and retail prices properly filled in:

Model No. ------
OPA Retail Ceiling Price—$------
De Not Detach or Obliterate

(c) At the time of, or prior to, the first invoice to each purchaser for resale, the seller shall notify the purchaser in writing of the maximum prices and conditions established by this order for sales by the purchaser. This notice may be given in any convenient form.

(d) This order may be revoked or amended by the Price Administrator at any time.

(e) This order shall become effective on the 25th day of August 1945.

Issued this 24th day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-15810; Filed, Aug. 24, 1945; 11:55 a. m.]

[MPR 188, Order 4303]

E. F. PEOPLES

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.158 of Maximum Price Regulation No. 188; *It is ordered:*

(a) This order establishes maximum prices for sales and deliveries of certain articles manufactured by E. F. Peoples of 115 North 9th Street, St. Louis 1, Mo.

(1) For all sales and deliveries to the following classes of purchasers by the sellers indicated below, the maximum prices are those set forth below:

Article	Model No.	Maximum prices for sales by any seller to—		
		Retailers (6 units or more)	Retailers (less than 6 units)	Consumers
Electric fan, 12" blades, aluminum cord and plug.	Koolaire	*Each* $14.10	*Each* $15.25	*Each* $22.90

These maximum prices are for the articles described in the manufacturer's application dated July 31, 1945. These prices include the Federal Excise Tax.

(2) For sales by the manufacturer, the maximum prices apply to all sales and deliveries since Maximum Price Regulation No. 188 became applicable to those sales and deliveries. These prices are f. o. b. factory and subject to a cash discount of 2% for payment within 10 days, net 30 days.

(3) For sales by persons other than the manufacturer, the maximum prices apply to all sales and deliveries after the effective date of this order. Those prices are subject to each seller's customary terms and conditions of sale on sales of similar articles.

(4) If the manufacturer wishes to make sales and deliveries to any other class of purchaser or on other terms and conditions of sale, he must apply to the Office of Price Administration, Washington, D. C., under the Fourth Pricing Method, § 1499.158 of Maximum Price Regulation No. 188, for the establishment of maximum prices for those sales, and no sales or deliveries may be made until maximum prices have been authorized by the Office of Price Administration.

(b) The manufacturer shall attach a tag or label to every article for which a maximum price for sales to consumers is established by this order. That tag or label shall contain either of the following statements with the correct order number, model number and retail prices properly filled in:

Order No. 4303
Model No. ------
OPA Retail Ceiling Price, $------
Federal Excise Tax Included
Do Not Detach or Obliterate

or

E. F. Peoples
115 North 9th Street
Saint Louis 1, Missouri
Model No. ------
OPA Retail Ceiling Price $------
Federal Excise Tax Included
Do Not Detach or Obliterate

(c) At the time of, or prior to, the first invoice to each purchaser for resale, the seller shall notify the purchaser in writing of the maximum prices and conditions established by this order for sales by the purchaser. This notice may be given in any convenient form.

(d) This order may be revoked or amended by the Price Administrator at any time.

(e) This order shall become effective on the 25th day of August 1945.

Issued this 24th day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-15811; Filed, Aug. 24, 1945; 11:55 a. m.]

[MPR 188, Order 4304]

SULAK MFG. CO.

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.158 of Maximum Price Regulation No. 188; *It is ordered:*

(a) This order establishes maximum prices for sales and deliveries of certain articles manufactured by the Sulak Manufacturing Company of 4th South and East Marginal Way, Seattle, Wash.

(1) For all sales and deliveries to the following classes of purchasers by the sellers indicated below, the maximum prices are those set forth below:

Article	Model No.	Maximum prices for sales by any seller to—					
		Wholesalers (jobbers)	Dropship jobbers	Department, chain and syndicate stores	Other retailers	Consumers	
Steel wool and scouring pad holder 2¾" x 1¾" x 1¼"	None	*Gross* $7.50	*Gross* $7.50	*Gross* $9.00	*Gross* $10.00	*Each* $0.10	

These maximum prices are for the articles described in the manufacturer's application dated April 5, 1945.

(2) For sales by the manufacturer, the maximum prices apply to all sales and deliveries since Maximum Price Regulation No. 188 became applicable to those sales and deliveries. They are f. o. b. factory and subject to a cash discount of 2% for payment within 10 days, net 30 days.

(3) For sales by persons other than the manufacturer, the maximum prices apply to all sales and deliveries after the effective date of this order. Those prices are subject to each seller's customary terms and conditions of sale on sales of similar articles.

(4) If the manufacturer wishes to make sales and deliveries to any other class of purchaser or on other terms and conditions of sale, he must apply to the Office of Price Administration, Washington, D. C., under the Fourth Pricing Method, § 1499.158 of Maximum Price Regulation No. 188, for the establishment of maximum prices for those sales, and no sales or deliveries may be made until maximum prices have been authorized by the Office of Price Administration.

(b) The manufacturer shall attach a tag or label to every article for which a maximum price for sales to consumers is established by this order. That tag or label shall contain the following statement with the correct model number and retail prices properly filled in:

Model No. ------
OPA Retail Ceiling Price—$------
Do Not Detach or Obliterate

(c) At the time of, or prior to, the first invoice to each purchaser for resale, the seller shall notify the purchaser in writing of the maximum prices and conditions established by this order for sales by the purchaser. This notice may be given in any convenient form.

(d) This order may be revoked or amended by the Price Administrator at any time.

(e) This order shall become effective on the 25th day of August 1945.

Issued this 24th day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-15812; Filed, Aug. 24, 1945; 11:55 a. m.]

[MPR 188, Order 4305]

YOUNGSTOWN SERVICE PRODUCTS CO.

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.158 of Maximum Price Regulation No. 188; *It is ordered:*

(a) This order establishes maximum prices for sales and deliveries of certain articles manufactured by the Youngstown Service Products Company of 3931 Market Street, Youngstown, Ohio.

(1) For all sales and deliveries to the following classes of purchasers by the sellers indicated below, the maximum prices are those set forth below:

Article	Model No.	Maximum prices for sales by any seller to—				
		Wholesalers (jobbers)	Chain, department, and syndicate stores	Other retailers	Consumers	
Fruit jar sealer 3⅜" diameter 6¾" high.	"Jiffy"	*Each* $1.25	*Each* $1.50	*Each* $1.67	*Each* $2.50	

These maximum prices are for the articles described in the manufacturer's application dated January 31, 1945.

(2) For sales by the manufacturer, the maximum prices apply to all sales and deliveries since Maximum Price Regulation No. 188 became applicable to those sales and deliveries. These prices are f. o. b. factory and subject to a cash discount of 2% for payment within 10 days, net 30 days.

(3) For sales by persons other than the manufacturer, the maximum prices apply to all sales and deliveries after the effective date of this order. Those prices are subject to each seller's customary terms and conditions of sale on sales of similar articles.

(4) If the manufacturer wishes to make sales and deliveries to any other class of purchaser or on other terms and conditions of sale, he must apply to the Office of Price Administration, Washington, D. C., under the Fourth Pricing Method, § 1499.158 of Maximum Price Regulation No. 188, for the establishment of maximum prices for those sales, and no sales or deliveries may be made until maximum prices have been authorized by the Office of Price Administration.

(b) The manufacturer shall attach a tag or label to every article for which a maximum price for sales to consumers is established by this order. That tag or label shall contain the following statement with the correct model number and retail prices properly filled in:

Model No. ------
OPA Retail Ceiling Price—$------
Do Not Detach or Obliterate

(c) At the time of, or prior to, the first invoice to each purchaser for resale, the seller shall notify the purchaser in writing of the maximum prices and conditions established by this order for sales by the purchaser. This notice may be given in any convenient form.

(d) This order may be revoked or amended by the Price Administrator at any time.

(e) This order shall become effective on the 25th day of August 1945.

Issued this 24th day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-15813; Filed, Aug. 24, 1945; 11:53 a. m.]

[MPR 188, Order 4306]

SUPERIOR ELECTRIC PRODUCTS CO.

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.158 of Maximum Price Regulation No. 188; *It is ordered:*

(a) This order establishes maximum prices for sales and deliveries of certain articles manufactured by Superior Electric Products Company of Cape Girardeau, Mo.

(1) For all sales and deliveries to the following classes of purchasers by the sellers indicated below, the maximum prices are those set forth below:

Article	Model No.	Maximum prices for sales by any seller to—			
		Wholesalers (jobbers)	Retailers (6 units or more)	Retailers (less than 6 units)	Consumers
Electric fan..	800-8".....	*Each* $1.10	*Each* $1.30	*Each* $1.40	*Each* $2.10
	801-8".....	1.40	1.75	1.90	2.85
	1000-10"...	2.81	3.32	3.58	5.35
	1001-10"...	3.85	4.55	4.90	7.35

terms and conditions of sale on sales of similar articles.

(4) If the manufacturer wishes to make sales and deliveries to any other class of purchaser or on other terms and conditions of sale, he must apply to the Office of Price Administration, Washington, D. C., under the Fourth Pricing Method, § 1499.158 of Maximum Price Regulation No. 188, for the establishment of maximum prices for those sales, and no sales or deliveries may be made until maximum prices have been authorized by the Office of Price Administration.

(b) The manufacturer shall attach a tag or label to every article for which a maximum price for sales to consumers is established by this order. That tag or label shall contain the following statement with the correct model number and retail prices properly filled in:

Model No. ------
OPA Retail Ceiling Price—$------
Do Not Detach or Obliterate

(c) At the time of, or prior to, the first invoice to each purchaser for resale, the seller shall notify the purchaser in writing of the maximum prices and conditions established by this order for sales by the purchaser. This notice may be given in any convenient form.

(d) This order may be revoked or amended by the Price Administrator at any time.

(e) This order shall become effective on the 25th day of August 1945.

Issued this 24th day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-15814; Filed, Aug. 24, 1945; 11:53 a. m.]

[MPR 188, Order 4307]

HASSE & JACOBS

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.158 of Maximum Price Regulation No. 188; *It is ordered:*

(a) This order establishes maximum prices for sales and deliveries of certain articles manufactured by Hasse & Jacobs, 31 East 27th Street, New York 16, N. Y.

(1) For all sales and deliveries to the following classes of purchasers by the sellers indicated below, the maximum prices are those set forth below:

Article	Model No.	For sales by the manufacturer to—		For sales by any person to consumers
		Jobbers	Retailers	
15" metal fluorescent desk lamp, two column, in crackle brown finish; equipped with ballast.....	500	*Each* $5.10	*Each* $6.00	*Each* $10.80

These maximum prices are for the articles described in the manufacturer's application dated May 9, 1945.

(2) For sales by the manufacturer, the maximum prices apply to all sales and deliveries since Maximum Price Regulation No. 188 became applicable to those sales and deliveries. For sales to persons other than consumers they are f. o. b. factory, 2% 10 days, net 30. The maximum price to consumers is net, delivered.

(3) For sales by persons other than the manufacturer, the maximum prices apply to all sales and deliveries after the effective date of this order. Those prices are subject to each seller's customary terms and conditions of sale on sales of similar articles.

(4) If the manufacturer wishes to make sales and deliveries to any other class of purchaser or on other terms and conditions of sale, he must apply to the Office of Price Administration, Washington, D. C., under the Fourth Pricing Method, § 1499.158 of Maximum Price Regulation No. 188, for the establishment of maximum prices for those sales, and no sales or deliveries may be made until maximum prices have been authorized by the Office of Price Administration.

(b) The manufacturer shall attach a tag or label to every article for which a maximum price for sales to consumers is established by this order. That tag or label shall contain the following statement, with the proper model number and the ceiling price inserted in the blank spaces:

Model No. ------
OPA Retail Ceiling Price—$ ------
Do Not Detach

(c) At the time of, or prior to, the first invoice to each purchaser for resale, the manufacturer shall notify the purchaser in writing of the maximum prices and conditions established by this order for sales by the purchaser. This notice may be given in any convenient form.

(d) Jobber's maximum prices for sales of the articles covered by this order shall be established under the provisions of Section 4.5 of SR 14J.

(e) This order may be revoked or amended by the Price Administrator at any time.

(f) This order shall become effective on the 25th day of August 1945.

Issued this 24th day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-15815; Filed, Aug. 24, 1945; 11:54 a. m.]

[MPR 188, Order 4308]

CARL FRANKEL

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.158 of Maximum Price Regulation No. 188; *It is ordered:*

(a) This order establishes maximum prices for sales and deliveries of certain articles manufactured by Carl Frankel, 2432 Davidson Avenue, New York 53, N. Y.

(1) For all sales and deliveries to the following classes of purchasers by the sellers indicated below, the maximum prices are those set forth below:

Article	Model No.	For sales by the manufacturer to—		For sales by any person to consumers
		Jobbers	Retailers	
Figurine lamp 11" high, hand painted in colors and gold striped. Sits on metal base and is priced without a shade	1402F	*Each* $4.68	*Each* $5.70	*Each* $9.90
China table lamp, hand painted and equipped with silk shade having a manufacturer's value of at least $1.75	2604	6.38	7.50	13.50

These maximum prices are for the articles described in the manufacturer's application dated April 28, 1945.

(2) For sales by the manufacturer, the maximum prices apply to all sales and deliveries since Maximum Price Regulation No. 188 became applicable to those sales and deliveries. For sales to persons other than consumers they are f. o. b. factory, 1% 10 days, net 30. The maximum price to consumers is net, delivered.

(3) For sales by persons other than the manufacturer, the maximum prices apply to all sales and deliveries after the effective date of this order. Those prices are subject to each seller's customary terms and conditions of sale on sales of similar articles.

(4) If the manufacturer wishes to make sales and deliveries to any other class of purchaser or on other terms and conditions of sale, he must apply to the Office of Price Administration, Washington, D. C., under the Fourth Pricing Method, § 1499.158 of Maximum Price Regulation No. 188, for the establishment of maximum prices for those sales, and no sales or deliveries may be made until maximum prices have been authorized by the Office of Price Administration.

(b) The manufacturer shall attach a tag or label to every article for which a maximum price for sales to consumers is established by this order. That tag or label shall contain the following statement, with the proper model number and the ceiling price inserted in the blank spaces:

Model No. ------
OPA Retail Ceiling Price—$------
Do Not Detach

(c) At the time of, or prior to, the first invoice to each purchaser for resale, the manufacturer shall notify the purchaser in writing of the maximum prices and conditions established by this order for sales by the purchaser. This notice may be given in any convenient form.

(d) Jobber's maximum prices for sales of the articles covered by this order shall be established under the provisions of section 4.5 of SR 14J.

(e) This order may be revoked or amended by the Price Administrator at any time.

(f) This order shall become effective on the 25th day of August 1945.

Issued this 24th day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-15816; Filed, Aug. 24, 1945; 11:54 a. m.]

[MPR 188, Order 4309]

W. A. STEELMAN

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.158 of Maximum Price Regulation No. 188; *It is ordered:*

(a) This order establishes maximum prices for sales and deliveries of certain articles manufactured by W. A. Steelman, 1457 Bryan Street, Memphis, Tennessee.

(1) For all sales and deliveries to the following classes of purchasers by the sellers indicated below, the maximum prices are those set forth below:

Article	Model	Maximum prices for sales by any seller to—			
		Wholesalers, mill, electric motor, restaurant and hotel or store equipment suppliers	Industrial, commercial or institutional users (3 units or more)	Industrial, commercial or institutional users (less than 3 units)	Users other than industrial, commercial or institutional
Window fan	25"	*Each* $30.00	*Each* $45.00	*Each* $51.00	*Each* $60.00
	30	32.50	48.75	55.25	65.00

These maximum prices are for the articles described in the manufacturer's application dated July 24, 1945. To each of the above prices only the exact amount of the Federal Excise Tax which the particular sellers is required to pay may be added.

(2) For sales by the manufacturer, the maximum prices apply to all sales and deliveries since Maximum Price Regulation No. 188 became applicable to those sales and deliveries. These prices are f. o. b. factory and are net 30 days.

(3) For sales by persons other than the manufacturer, the maximum prices apply to all sales and deliveries after the effective date of this order. Those prices are subject to each seller's customary terms and conditions of sale on sales of similar articles.

(4) If the manufacturer wishes to make sales and deliveries to any other class of purchaser or on other terms and conditions of sale, he must apply to the Office of Price Administration, Washington, D. C., under the Fourth Pricing Method, § 1499.158 of Maximum Price Regulation No. 188, for the establishment of maximum prices for those sales, and no sales or deliveries may be made until maximum prices have been authorized by the Office of Price Administration.

(b) The manufacturer shall attach a tag or label to every article for which a maximum price for sales to consumers is established by this order. That tag or label shall contain either of the following statements with the correct order number, model number and retail ceiling price filled in:

Order No. 4309
Model No. ------
OPA Retail Ceiling Price to users other than industrial, commercial or institutional.
$------
Do Not Detach or Obliterate

or

W. A. Steelman
1457 Bryan Street
Memphis, Tennessee
Model No. ------
OPA Retail Ceiling Price to users other than industrial, commercial or institutional.
$------
Do Not Detach or Obliterate

(c) At the time of, or prior to, the first invoice to each purchaser for resale, the seller shall notify the purchaser in writing of the maximum prices and conditions established by this order for sales by the purchaser. This notice may be given in any convenient form.

(d) This order may be revoked or amended by the Price Administrator at any time.

(e) This order shall become effective on the 25th day of August 1945.

Issued this 24th day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-15817; Filed, Aug. 24, 1945; 11:54 a. m.]

[MPR 188, Order 4310]

ROL-JAQ INDUSTRIES, INC.

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.158 of Maximum Price Regulation No. 188; *It is ordered:*

(a) This order establishes maximum prices for sales and deliveries of certain articles manufactured by Rol-Jaq Industries, Incorporated, 727 West Seventh Street, Los Angeles 14, Calif.

(1) For all sales and deliveries to the following classes of purchasers by the sellers indicated below, the maximum prices are those set forth below:

Article	Model	Maximum prices for sales by any seller to—				
		Wholesalers (jobbers)	Wholesalers shipping from factory	Chain and department stores	Other retailers	Consumers
Aluminum cookie sheet		*Each* $0.45	*Each* $0.51	*Each* $0.51	*Each* $0.60	*Each* $0.90
Portable barbecue	H-33	11.25	12.75	13.50	15.00	25.00
	H-69					
Orchard ladder	H-81	*Per ft.* $0.60	*Per ft.* $0.75	------	*Per ft.* $0.90	*Per ft.* $1.50

These maximum prices are for the articles described in the manufacturer's application dated July 9, 1945.

(2) For sales by the manufacturer, the maximum prices apply to all sales and deliveries since Maximum Price Regulation No. 188 became applicable to those sales and deliveries. These prices are f. o. b. factory and subject to a cash discount of 2% for payment within 10 days, net 30 days.

(3) For sales by persons other than the manufacturer, the maximum prices apply to all sales and deliveries after the effective date of this order. Those prices are subject to each seller's customary terms and conditions of sale on sales of similar articles.

(4) If the manufacturer wishes to make sales and deliveries to any other class of purchaser or on other terms and conditions of sale, he must apply to the Office of Price Administration, Washington, D. C., under the Fourth Pricing Method, § 1499.158 of Maximum Price Regulation No. 188, for the establishment of maximum prices for those sales, and no sales or deliveries may be made until maximum prices have been authorized by the Office of Price Administration.

(b) The manufacturer shall attach a tag or label to every article for which a maximum price for sales to consumers is established by this order. That tag or label shall contain the following statement with the correct retail ceiling price filled in:

OPA Retail Ceiling Price. $------
Do Not Detach.

(c) At the time of, or prior to, the first invoice to each purchaser for resale, the seller shall notify the purchaser in writing of the maximum prices and conditions established by this order for sales by the purchaser. This notice may be given in any convenient form.

(d) This order may be revoked or amended by the Price Administrator at any time.

(e) This order shall become effective on the 25th day of August 1945.

Issued this 24th day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-15818; Filed, Aug. 24, 1945; 11:54 a. m.]

[MPR 591, Order 6]

THOMAS H. BENTLEY CO.

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register and pursuant to section 9 of Maximum Price Regulation No. 591; *It is ordered:*

(a) The maximum net prices, f. o. b. point of shipment, for sales by any person of the following milk coolers manufactured by the Thomas H. Bentley Company of Milwaukee, Wisconsin and as described in its application dated June 23, 1945 which is on file with the Building Materials Price Branch, Office of Price Administration, Washington 25, D. C., shall be:

	On sales to distributors	On sales to dealers	On sales to consumers
4-can milk cooler complete with ¼ hp condensing unit	$235.80	$317.25	$423.00
4-can milk cabinet have no coils or compressor	130.50	174.00	260.00

(b) On sales by the Thomas H. Bentley Company, Milwaukee, Wisconsin, the maximum net prices established in (a) above may be increased by the following amount to each class of purchaser as a charge to cover the cost of crating, when crating is actually supplied: $6.00.

(c) The maximum net prices established by this order shall be subject to discounts and allowances and the rendition of services which are at least as favorable as those which each seller extended or rendered to purchasers of the same class on comparable sales of similar commodities during March 1942.

(d) On sales by a distributor or dealer the following charges may be added to the maximum prices established in (a) above:

(1) The actual amount of freight paid to obtain delivery to his place of business. Such charges shall not exceed the lowest common carrier rates.

(2) Crating charges actually paid to his supplier but in no instances exceeding the amount noted above.

(e) Each seller of the commodities covered by this order, except on sales to consumers, shall notify each of his purchasers, in writing, at or before the issuance of the first invoice after the effective date of this order, of the maximum prices established by this order for each such seller as well as the maximum prices established for purchasers upon resale, including allowable transportation and crating charges.

(f) The Thomas H. Bentley Company shall stencil on the inside of the lid or cover of the milk coolers covered by this order the following:

OPA Maximum Retail Price, $3------

Plus freight and crating as provided in Order No. 6 under Maximum Price Regulation No. 591.

(g) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective August 24, 1945.

Issued this 23d day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-15820; Filed, Aug. 24, 1945; 11:51 a. m.]

[MPR 188, Order 4332]

NEW SMALL-VOLUME MANUFACTURERS

SIMPLIFIED PRICING

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.159b of Maximum Price Regulation No. 188, it is ordered:

SECTION 1. *The purpose of this order.* The principal purpose of this order is to help new small-volume manufacturers of commodities covered by Maximum Price Regulation No. 188 to get into production as rapidly as possible by providing simple rules by which they can obtain suitable ceilings. This order is also designed to help a new business which began production on or after September 1, 1944, when the War Production Board's "spot authorization" program was instituted, if it has been unable to operate profitably under maximum prices previously established under Maximum Price Regulation No. 188 in line with March 1942 prices. Instead of having to apply for an adjustment of those ceilings, any such new business may simply obtain new ceilings under this order.

This order is also intended to provide a speedy pricing method for small-volume businesses which heretofore have always been engaged exclusively in war production. However, this order is not intended to provide rules for the pricing of new products which other established businesses may now wish to produce. Restrictions have been provided to prevent evasion of this limitation. Otherwise, in the hope of obtaining relatively higher ceiling prices, some established businesses might stop producing their existing civilian lines to take advantage of this order's informal procedure which has been specially designed to meet the needs of new businesses. Established businesses which are reconverting will in most instances obtain any needed price relief through OPA's reconversion pricing program.

SEC. 2. *What this order does.* This order provides simplified rules which eligible new small volume manufacturers may use to obtain ceiling prices instead of using the Second, Third, or Fourth Pricing Methods of Maximum Price Regulation No. 188. All the other provisions of Maximum Price Regulation No. 188 continue to apply to manufacturers obtaining ceiling prices under this order. The provisions of this order may be used by any eligible manufacturer to obtain new ceiling prices to take the place of ceiling prices which had been established under Maximum Price Regulation No. 188, whether by order or otherwise, on or after September 1, 1944.

SEC. 3. *Tests of eligibility to obtain new maximum prices under this order.* To show that you are a new small-volume manufacturer, you must satisfy the tests of eligibility in paragraphs (a) and (b) of this section. (The word "you" as used in this order refers to both parent and subsidiary or affiliated companies taken as a unit.)

(a) *Tests to tell whether you are a "new" manufacturer.* You are a "new" manufacturer under this order if you are able to meet either Test 1 or Test 2 below.

Test 1. You began a new business on or after September 1, 1944.

To meet this test, your business must actually have been started as a genuinely new enterprise on or after September 1, 1944. You would not be such a new enterprise simply because you added new products to your line after that date. A new business organized after that date, however, is not a new enterprise if there was a transfer, as defined in section 5 of the General Maximum Price Regulation, to it of the assets and ceiling prices of another business which was not eligible to price under this order.

A business organized after the issuance date of this order is not a "new" business if (1) any person having a substantial interest in it has at the same time a substantial interest in another business which has manufactured civilian products on or since that date and is not itself eligible to price under this order; or (2) if a person having a substantial interest in it has had since the issuance date of this order a substantial interest in such another business. (A person shall be considered to have a "substantial interest" in a business if he has a 20 percent or greater ownership interest in the business or, in the case of the new business, if he is one of the three persons who are expected to receive the highest compensation for services rendered to that new business.)

You may not continue to sell at ceiling prices which you lawfully obtained under this order by satisfying this Test 1, if in evasion of this test, you later permit a person to obtain a substantial interest in your business who, if he had had such an interest when you obtained your ceilings, would have prevented you from satisfying this test.

Test 2. Before September 1, 1944, you were at all times engaged exclusively in the business of manufacturing products on contract or subcontract for sales to one or more United States war procurement agencies or Allied Governments.

NOTE: If you cannot satisfy this test because at some time before September 1, 1944, you had manufactured civilian products, be sure to check Supplementary Order No. 118 ("Reconversion Pricing for Small Volume Manufacturers") since you will probably be able to calculate new ceiling prices for those products under that order.

(b) *Tests to tell whether you are a "small-volume" manufacturer.* You are a "small-volume" manufacturer if you can meet both the following tests.

Test 1. Your total net sales of products made by you in the six calendar months preceding your price report (not counting sales on contracts or sub-contracts of any United States war procurement agency or of any Allied Government for war purposes) were not more than $100,000.

Test 2. Giving considerations to all relevant factors, including the facilities, manpower, and materials to be used in your civilian business, you cannot expect that your sales (not counting sales on contracts or sub-contracts of any United States war procurement agency or of any Allied Government for war purposes) will be more than $100,000 in the six calendar months following your price report under this order.

SEC. 4. *How to figure your ceiling prices.* There are two ways in which you can figure your ceiling prices under this order. These are called, for convenience the "comparability" method and the "cost" method. You may choose either of them if you do not already have a ceiling price for the article. If you do have a ceiling price, you may use only the "cost" method.

(a) *The "comparability" method.* The "comparability" method involves selecting from articles which already have ceiling prices, an article which is either exactly the same as the article you produce, or comparable to it, and proposing as your ceiling price the ceiling price of the manufacturer of that article. If the only comparable articles you can find differ substantially from yours, select the one most closely comparable and propose a price which takes its differences into account. For example, if your article has a feature which the comparable article does not have, you may add to the manufacturer's ceiling prices an amount which you consider adequate to reflect the cost of the additional feature, and propose the total as the ceiling price.

If you choose the "comparability" method, you must submit a report in duplicate on Part II of OPA Form 601–2553 to the District OPA Office for the district in which your place of business is located, giving the information required by the form. That form calls for a description of your article and the comparable article, and the ceiling price of the comparable article. If your proposed ceiling price is higher or lower than the ceiling price of the comparable article the form calls for an explanation of the differences in specifications between the two articles on which you rely to justify the proposed difference in ceiling price.

(b) *The "cost" method.* The "cost" method of fixing your ceiling price involves figuring your total cost for the article and adding to it your industry's average profit margin in a representative peacetime period. Under this method all ceiling prices not figured on the basis of at least three months production experience must be refigured at the end of the first three months of such experience. This is explained in section 7 below.

If you use this method of figuring your ceiling price, you fill in Part III of OPA Form 601–2553 giving a breakdown of your total costs on a reasonable basis, to make and sell the article (taking into account your expected volume of production) and proposing a ceiling price based on those costs plus the average peacetime profit margin for your industry. If you have been in production of the article being priced for three or more months, you must base your total cost figures on your production experience in the latest calendar month. The profit margin may be found by multiplying by two the profit factor which OPA has specified for your industry or, if none is specified, the profit factor for the industry group which includes your industry. These factors are listed in Appendix D of Supplementary Order No. 118. (This supplementary order applies to small-volume reconverting manufacturers and the pricing of reconversion commodities.) If you do not have a copy of this order, your OPA District Office will supply you with the profit factor for your industry on request.

(c) *Form and samples.* Copies of OPA Form 601–2553 and help in preparing it, can be obtained from your District OPA Office. In addition to submitting the forms you should submit a sample of your article, and, if you use the "comparability" method, of the comparable article. If it is not practicable for you to submit samples, photographs or other accurate illustrations must be submitted. If requested, samples will be returned to you.

SEC. 5. *Ceiling prices for different classes of purchasers.* Since the ceiling prices which you propose under the "comparability" method are those of another manufacturer to a particular class or classes of purchasers, your ceiling prices to each class of your purchasers must be computed by applying the same discounts, differentials and terms which he used. If those ceiling prices which you are able to obtain do not cover a class of purchaser to whom you wish to sell, you must on OPA Form 601–2553 propose a ceiling price to that class based on the discounts, differentials, or terms commonly prevailing in the industry for sales to that class of purchaser.

If you use the "cost" method, the ceiling price so computed applies to that class of your purchasers to whom you expect to sell the largest number of units of the article. Your ceiling prices to other classes of purchasers are to be based on the discounts, differentials, or terms for sales to those classes commonly prevailing in the trade. These must likewise be proposed on OPA Form 601–2553.

SEC. 6. *When you can sell at the proposed price.* Unless OPA notifies you not to do so, you may begin to sell and deliver articles at your new ceiling prices twenty days after you mail your report to OPA. However, if within the twenty-day period OPA asks you to furnish additional information, you may not begin to sell and deliver at your new ceiling prices until twenty days after the day you mail the information which OPA has requested. OPA may at any time order any of the new ceiling prices to be increased or decreased if it finds that you did not calculate them correctly or if it finds that you are not qualified to fix your ceiling price under this order.

SEC. 7. *Expiration of ceiling prices based on the "cost" method.* Every ceiling price based on the "cost" method which was not figured on the basis of at least three months actual experience in producing the article must be refigured on the basis of such experience during the third month of the article's production. In order to provide adequate time for figuring the revised ceilings, a ceiling as first reported will not expire until five months from the date on which you began production of the article. If you expect to sell the article thereafter, you must file a new application with the same OPA district office on Part III of OPA Form 601–2553 showing (1) what your actual experience showed your total costs to be during the third month of the article's production and (2) a new proposed ceiling price computed as above, using experienced costs instead of the costs you first reported. This report must be filed at least thirty days before the expiration date of your ceiling price as first reported. The rules in section 6 govern when you may begin to sell at the new proposed ceiling if it is higher than the ceiling you first reported. If OPA disapproves your ceiling price as refigured for any reason, you may continue to make sales at the price you first reported under section 4 until OPA, by order, revokes your authorization to do so or fixes a different ceiling price.

SEC. 8. *Ceiling prices for persons other than the manufacturer.* OPA may, by orders, issued pursuant to this order, fix the ceiling prices of a manufacturer, and in the same order, OPA may also fix ceiling prices for sales by persons other than the manufacturer which take the place of ceiling prices fixed by other orders or regulations for sales by such persons.

SEC. 9. *Delegation of authority.* Any Regional Administrator, and any District Director so authorized, may issue, revise, amend, or revoke orders under this order.

This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective on the 5th day of September 1945.

Issued this 25th day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-15903; Filed, Aug. 25, 1945; 11:57 a. m.]

[Max. Import Price Reg., Rev. Order 95]

CERTAIN SWISS ALARM CLOCKS

APPROVAL OF MAXIMUM PRICES

Order No. 95 under the Maximum Import Price Regulation is revised and amended to read as follows:

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to section 21 of the Maximum Import Price Regulation, it is ordered:

(a) *Effect of this order.* This order establishes maximum prices for sales by any person of the Swiss alarm clocks listed below to the classes of purchasers specified in the quantities specified. These clocks have assorted dials which bear various brand names, and are in assorted colors. The maximum prices established by this order are applicable regardless of the name appearing on the dial. The maximum prices established by this order supersede maximum prices which any seller may have established for these clocks including prices established by letter or letter order issued under the Maximum Import Price Regulation.

(b) *Maximum prices.* The maximum prices at which sales and deliveries of the alarm clocks listed below may be made to the classes of purchaser specified are as follows:

Description	Maximum prices for sales to—					
	Wholesalers in quantities of—		Retailers in quantities of—			Consumers exclusive of Federal excise tax
	250 or more	249 or less	101 or more	7 to 100	6 or less	
EBOSA CLOCKS	*Each*	*Each*	*Each*	*Each*	*Each*	*Each*
#1, 48-mm. dial metal case, no jewel	$3.00	$3.10	$3.45	$3.80	$3.95	$5.45
#2 and 2A, 58-mm. dial, metal case, no jewel	3.10	3.20	3.60	3.95	4.10	5.75
#3, 4, and 5 (larger than 58-mm. dial) metal case, no jewel	3.60	3.75	4.20	4.55	4.75	6.50
#6, transparent plastic case one jewel	3.60	3.75	4.20	4.55	4.75	6.50
IMHOF CLOCKS, HELVECO BRAND						
#271 2, 50 hr., no jewel, metal case enamel finish	4.85	5.00	5.40	5.80	6.05	8.25
#271 2, 50 hr. chrome finish	5.50	5.70	6.25	6.70	7.00	9.50
#271 3, 50 hr. enamel finish	5.50	5.70	6.25	6.70	7.00	9.50
#271 3, 50 hr. chrome finish	6.60	6.85	7.35	7.90	8.30	11.25

The maximum prices established for sales to wholesalers are f. o. b. the seller's city and are subject to terms of 2%, ten days, net thirty days. The maximum prices established for sales to retailers are f. o. b. the seller's city and are subject to terms of 2%, thirty days. The maximum retail prices established by this order are exclusive of the 20% Federal excise tax.

(c) *Notification.* Any person who sells the Swiss alarm clocks covered by this order to a purchaser for resale shall, at or prior to the time of the first invoice to that purchaser, notify the purchaser of the maximum prices established by this order for sales to retailers and at retail. This notice may be given in any convenient form.

(d) *Tagging.* Before being offered for sale to the ultimate consumer each clock shall have securely attached to it a tag or label setting forth the style number and its maximum retail price as established by this order. This tag or label may not be removed until the clock is sold to an ultimate consumer.

(e) This order may be revoked or amended by the Price Administrator at any time.

This revised order shall become effective September 1, 1945.

Issued this 27th day of August 1945.

JAMES G. ROGERS, JR.,
Acting Administrator.

[F. R. Doc. 45-15965; Filed, Aug. 27, 1945; 11:25 a. m.]

Regional and District Office Orders.

[Region IV Order G-23 Under Supp. Reg. 15]

THE MILK SHED

ADJUSTMENT OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator, Region IV of the Office of Price Administration by § 1499.75 (a) (9) (ii) (c) of the General Maximum Price Regulation, it is hereby ordered:

(a) *Adjustment of maximum prices for approved fluid milk sold and delivered in Worth County, Georgia, by The Milk Shed, Moultrie, Georgia.* (1) On and after April 1, 1945, the maximum prices for approved fluid milk sold and delivered in glass containers of one quart or less by The Milk Shed of Moultrie, Georgia, in Worth County, including Sylvester, Georgia, shall be:

	Wholesale	Retail
	Cents	*Cents*
Quarts	12	17
Pints	8	9
Half-pints	4½	5½

(2) On and after April 1, 1945, the maximum prices for approved fluid milk in glass containers of one quart or less, sold and delivered at retail by any person who has purchased such milk at wholesale from The Milk Shed, Moultrie, Georgia, within Worth County, Georgia, shall be:

	Retail (cents)
Quarts	17
Pints	9
Half-pints	5½

(b) *Applicability of the General Maximum Price Regulation and other supplementary regulations and orders of the Office of Price Administration.* Except as otherwise provided herein, all transactions subject to this order remain subject to all the provisions of the General Maximum Price Regulation, together with all amendments, supplementary regulations, and orders which have heretofore or may hereafter be issued. Unless the context otherwise requires, all terms used herein shall be construed in accordance with the provisions of §§ 1499.20 and 1499.73a (a) (1) (xi) of the General Maximum Price Regulation as amended.

(c) This order may be revoked, amended or corrected at any time.

(56 Stat. 23, 765; Pub. Laws 151, 78th Cong.; E.O. 9250, 7 F.R. 7871 and E.O. 9328, 8 F.R. 4681)

Issued: April 4, 1945.

ALEXANDER HARRIS,
Regional Administrator.

[F. R. Doc. 45-15601; Filed, Aug. 22, 1945; 4:47 p. m.]

LIST OF COMMUNITY CEILING PRICE ORDERS

The following orders under Rev. General Order 51 were filed with the Division of the Federal Register August 22, 1945.

REGION IV

Birmingham Order 2-C, Amendment 6, covering poultry in the Birmingham Area. Filed 9:18 a. m.

Richmond Order 2-W, covering dry groceries in the city of Richmond and certain other areas in the Richmond Area. Filed 9:23 a. m.

Richmond Order 2-W, Amendment 1, covering dry groceries in the city of Richmond and certain areas in the Richmond Area. Filed 9:24 a. m.

Richmond Order 2-W, Amendment 2, covering dry groceries in the city of Richmond and certain areas in the Richmond Area. Filed 9:24 a. m.

Richmond Order 3-W, covering dry groceries in the city of Charlottesville and certain areas in the Richmond Area. Filed 9:23 a. m.

Richmond District Order 3-W, Amendment 1, covering dry groceries in Richmond and certain other areas in the Richmond Area. Filed 9:23 a. m.

Order 4-W, covering dry groceries in Richmond and Norfolk and certain other areas in the Richmond Area. Filed 9:26 a. m.

Richmond Order 4-W, Amendment 1, covering dry groceries in Richmond and Norfolk and certain other areas in the Richmond Area. Filed 9:26 a. m.

Richmond Order 5-W, covering dry groceries in Charlottesville and certain other areas in the Richmond Area. Filed 9:26 a. m.

Richmond Order 5-W, Amendment 1, covering dry groceries in Charlottesville and certain other areas in the Richmond Area. Filed 9:26 a. m.

Richmond Order 4-F, Amendment 22, covering fresh fruits and vegetables in certain areas in Virginia. Filed 9:19 a. m.

Richmond Order 4-F, Amendment 23, covering fresh fruits and vegetables in certain areas in Virginia. Filed 9:19 a. m.

Richmond Order 4-F, Amendment 24, covering fresh fruits and vegetables in certain areas in Virginia. Filed 9:19 a. m.

Richmond Order 4-F, Amendment 25 covering fresh fruits and vegetables in certain areas in Virginia. Filed 9:19 a. m.

Richmond Order 4-F, Amendment 26, covering fresh fruits and vegetables in certain areas in Virginia. Filed 9:20 a. m.

Richmond Order 4-F, Amendment 27, covering fresh fruits and vegetables in certain areas in Virginia. Filed 9:20 a. m.

Richmond Order 4-F, Amendment 28, covering fresh fruits and vegetables in certain areas in Virginia. Filed 9:20 a. m.

Richmond Order 4-F, Amendment 29, covering fresh fruits and vegetables in certain areas in Virginia. Filed 9:20 a. m.

Richmond Order 4-F, Amendment 30, covering fresh fruits and vegetables in certain areas in Virginia. Filed 9:20 a. m.

Richmond Order 4-F, Amendment 31, covering fresh fruits and vegetables in certain areas in Virginia. Filed 9:20 a. m.

Richmond Order 4-F, Amendment 32, covering fresh fruits and vegetables in certain areas in Virginia. Filed 9:20 a. m.

Richmond Order 4-F, Amendment 33, covering fresh fruits and vegetables in certain areas in Virginia. Filed 9:21 a. m.

Richmond Order 4-F, Amendment 34, covering fresh fruits and vegetables in certain areas in Virginia. Filed 9:21 a. m.

Richmond Order 4-F, Amendment 35, covering fresh fruits and vegetables in certain areas in Virginia. Filed 9:21 a. m.

Richmond Order 5-F, Amendment 13, covering fresh fruits and vegetables in certain areas in Virginia. Filed 9:21 a. m.

Richmond Order 5-F, Amendment 14, covering fresh fruits and vegetables in certain areas in Virginia. Filed 9:22 a. m.

Richmond Order 5-F, Amendment 15, covering fresh fruits and vegetables in certain areas in Virginia. Filed 9:22 a. m.

Richmond Order 5-F, Amendment 16, covering fresh fruits and vegetables in certain areas in Virginia. Filed 9:22 a. m.

Richmond Order 5-F, Amendment 17, covering fresh fruits and vegetables in certain areas in Virginia. Filed 9:21 a. m.

Richmond Order 5-F, Amendment 18, covering fresh fruits and vegetables in certain areas in Virginia. Filed 9:22 a. m.

Richmond Order 5-F, Amendment 19, covering fresh fruits and vegetables in certain areas in Virginia. Filed 9:22 a. m.

Richmond Order 5-F, Amendment 20, covering fresh fruits and vegetables in certain areas in Virginia. Filed 9:21 a. m.

Richmond Order 5-F, Amendment 21, covering fresh fruits and vegetables in certain areas in Virginia. Filed 9:22 a. m.

Richmond Order 15, covering dry groceries in Richmond and certain other areas in the Richmond Area. Filed 9:24 a. m.

Richmond Order 15, Amendment 1, covering dry groceries in Richmond and certain other areas in the Richmond Area. Filed 9:25 a. m.

Richmond Order 15, Amendment 2, covering dry groceries in the Richmond Area and certain other areas in the Richmond District. Filed 9:25 a. m.

Richmond Order 15, Amendment 3, covering poultry in certain areas in Virginia. Filed 9:25 a. m.

Richmond Order 16, covering dry groceries in Charlottesville and certain other areas in the Richmond Area. Filed 9:23 a. m.

Richmond Order 16, Amendment 1, covering poultry in certain areas in Virginia. Filed 9:24 a. m.

Richmond Order 17, covering dry groceries in certain areas in Virginia. Filed 9:25 a. m.

Richmond Order 17, Amendment 1, covering dry groceries in certain areas in the Richmond Area. Filed 9:18 a. m.

Richmond Order 17, Amendment 2, covering poultry in certain areas in Virginia. Filed 9:19 a. m.

Richmond Order 18, covering dry groceries in Richmond and Norfolk and certain other areas in the Richmond Area. Filed 9:26 a. m.

Richmond Order 18, Amendment 1, covering dry groceries in Richmond and Norfolk, and certain other areas in the Richmond Area. Filed 9:26 a. m.

Richmond Order 18, Amendment 2, covering dry groceries in Richmond and Norfolk and certain other areas in the Richmond Area. Filed 9:27 a. m.

Richmond Order 19, covering dry groceries in Charlottesville and certain other areas in the Richmond Area. Filed 9:27 a. m.

Richmond Order 19, Amendment 1, covering dry groceries in the Charlottesville and certain other areas in the Richmond Area. Filed 9:27 a. m.

Richmond Order 19, Amendment 2, covering dry groceries in the Charlottesville and certain other areas in the Richmond Area. Filed 9:27 a. m.

Richmond Order 20, covering dry groceries in certain areas in Virginia. Filed 9:27 a. m.

Richmond Order 20, Amendment 1, covering dry groceries in the Richmond Area. Filed 9:22 a. m.

Richmond Order 20, Amendment 2, covering dry groceries in the Richmond Area. Filed 9:23 a. m.

REGION VII

Salt Lake City Order 11-F, Amendment 8, covering fresh fruits and vegetables in certain areas in Utah. Filed 9:18 a. m.

Salt Lake City Order 11-F, Amendment 9, covering fresh fruits and vegetables in certain areas in Utah. Filed 9:18 a. m.

Salt Lake City Order 12-F, Amendment 8, covering fresh fruits and vegetables in certain areas in Utah. Filed 9:18 a. m.

Copies of any of these orders may be obtained from the OPA Office in the designated city.

ERVIN H. POLLACK,
Secretary.

[F. R. Doc. 45-15882; Filed, Aug. 25, 1945; 11:58 a. m.]

[Region IV Rev. Order G-12 Under RMPR 122]

SOLID FUELS IN AUGUSTA, GA., AREA

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator, Region IV, Office of Price Administration, by § 1340.260 of Revised Maximum Price Regulation No. 122, it is hereby ordered:

(a) *What this order does.* This adopting order establishes dollars-and-cents ceiling prices for specified solid fuels when sold and delivered by dealers in the area set out herein. These fuels are described and the maximum prices are set forth in paragraph (e) hereof.

(b) *Area covered.* This order covers all sales of specified fuels when sold and delivered within the corporate limits of the City of Augusta, Georgia and the area lying within twenty miles thereof by the most direct highway route.

(c) *Applicability of Basic Order No. G-37.* All the provisions of Order No. G-37 under Revised Maximum Price Regulation No. 122—Basic Order for Area Pricing of Coal in Region IV, issued April 4, 1945 by the Atlanta Regional Office, Region IV, Office of Price Administration are adopted in this order and are just as much a part of this order as if printed herein. If said Order No. G-37 is amended in any respect all the provisions of said order, as amended, shall likewise, without other action, be a part of this order. All persons subject to this adopting order are also subject to and should read and be familiar with the provisions of said Order No. G-37.

(d) *Relationship between this order and previous orders.* This order supersedes Order No. G-12 under Revised Maximum Price Regulation No. 122 and all supplementary orders thereunder, previously issued by this office, and as a result, said Order No. G-12 and said supplementary orders thereunder are hereby revoked as of the effective date of this order.

(e) *Maximum prices.* Maximum prices established by this order are as follows for sales on a "direct delivery or domestic" basis:

(1) *High volatile bituminous coal from District No. 8.*

Size	Per ton, 2,000 lbs.	Per ½ ton, 1,000 lbs.	Per ¼ ton, 500 lbs.
Lump, chunk, or block	$10.05	$5.28	$2.76
Egg	10.05	5.28	2.76
Stoker	10.00	5.25	2.87
Slack	6.95	3.73	2.12

(f) *Maximum authorized service charges and required deductions*—(1) *Carry from curb.* If the buyer requests such service, the dealer may charge not more than 50¢ per ton therefor.

(2) *Sacked coal.* For coal in sacks, the dealer may charge not more than 51¢ for 75 pounds at the yard, and 61¢ for 75 pounds if the dealer makes delivery.

(3) *Yard sales.* When the buyer picks up coal at the dealer's yard, the dealer must reduce the domestic price 50¢ per ton.

(4) *Treated coals.* If the dealer's supplier has subjected the coal to oil or calcium chloride treatment to allay dust or to prevent freezing, and makes a charge therefor, the dealer selling such coal may add to the applicable maximum price set by this order the amount of such charge, not to exceed 10¢ per net ton. The invoice, sales slip, or receipt shall clearly show that the coal has been so treated but it is not necessary that this charge be separately stated thereon.

(5) *Quantity discounts.* On sales of from 20 to 30, inclusive, tons to a single purchaser in a single order, the dealer must reduce his domestic price at least 25¢ per ton. On sales of more than 30 tons to a single purchaser in a single order, the dealer must reduce his domestic price at least 50¢ per ton.

(6) *Credit.* The maximum prices herein are net for cash. A dealer may make an additional charge for the extension of credit of not more than 50¢ per ton.

(7) *Delivery zone.* For deliveries beyond the corporate limits of Augusta, Georgia, and within twenty miles thereof, the dealer may make an additional charge of not more than 10¢ per mile per ton for each mile beyond the corporate limits of such city, with a minimum charge of 50¢ per ton for each such delivery, said mileage to be determined by the actual highway mileage from the city limits to the point of delivery by the most direct highway route.

Effective date. This order shall become effective April 27, 1945.

(56 Stat. 23, 765; 57 Stat. 566; Pub. Law 383, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued April 20, 1945.

ALEXANDER HARRIS,
Regional Administrator.

[F. R. Doc. 45-15605; Filed, Aug. 22, 1945; 4:48 p. m.]

[Region IV Rev. Order G-12 Under RMPR 122, Amdt. 1]

SOLID FUELS IN AUGUSTA, GA., AREA

For the reasons set forth in an opinion issued simultaneously herewith, and under the authority vested in the Regional Administrator, Region IV, Office of Price Administration by § 1340.260 of Revised Maximum Price Regulation No. 122, Revised Order No. G-12 under Revised Maximum Price Regulation No. 122 issued by this office on April 20, 1945, is hereby amended in the following respects:

1. Paragraph (e) is amended to read as follows:

(e) *Maximum prices.* Maximum prices established by this order are as follows for sales on a "direct delivery or domestic" basis:

(1) *High volatile bituminous coal from District No. 8.*

Size	Per ton, 2,000 lbs.	Per ½ ton, 1,000 lbs.	Per ¼ ton, 500 lbs.
Lump, chunk, block or egg	$10.20	$5.35	$2.80
Stoker	10.15	5.33	2.91
Slack	7.10	3.80	2.15

2. Subparagraph (f) (2) is amended to read as follows:

(2) *Sacked coal.* For coal in sacks, the dealer may charge not more than 52¢ for 75 pounds at the yard, and 62¢ for 75 pounds if the dealer makes delivery.

3. Supplementary Order No. 1 to Revised Order No. G-12 under Revised Maximum Price Regulation No. 122 is hereby revoked, and Supplementary Order No. 1 to Order No. G-37 under Revised Maximum Price Regulation No. 122 is hereby revoked insofar as the same is applicable to Revised Order No. G-12 under Revised Maximum Price Regulation No. 122.

Effective date. This amendment shall become effective May 28, 1945.

Issued: May 23, 1945.

ALEXANDER HARRIS,
Regional Administrator.

[F. R. Doc. 45-15600; Filed, Aug. 22, 1945; 4:48 p. m.]

[Region IV Rev. Order G-16 Under RMPR 122]

SOLID FUELS IN LYNCHBURG, VA., AREA

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator, Region IV, Office of Price Administration; by § 1340.260 of Revised Maximum Price Regulation No. 122, it is hereby ordered:

(a) *What this order does.* This adopting order establishes dollars-and-cents ceiling prices for specified solid fuels when sold and delivered by dealers in the area set out herein. These fuels are described and the maximum prices are set forth in paragraph (e) hereof.

(b) *Area covered.* This order covers all sales of specified solid fuels when sold and delivered within the corporate limits of the City of Lynchburg, Virginia and the area lying within fifteen miles thereof by the most direct highway route.

(c) *Applicability of Basic Order No. G-37.* All the provisions of Order No. G-37 under Revised Maximum Price Regulation No. 122—Basic Order for Area Pricing of Coal in Region IV, issued April 4, 1945 by the Atlanta Regional Office, Region IV, Office of Price Administration are adopted in this order and are just as much a part of this order as if printed herein. If said Order No. G-37 is amended in any respect all the provisions of said order, as amended, shall likewise, without other action, be a part of this order. All persons subject to this adopting order are also subject to and should read and be familiar with the provisions of said Order No. G-37.

(d) *Relationship between this order and previous orders.* This order supersedes Order No. G-16 under Revised Maximum Price Regulation No. 122 and all supplementary orders thereunder, previously issued by this office, and as a result, said Order No. G-16 and all said supplementary orders thereunder are hereby revoked as of the effective date of this order.

(e) *Maximum prices.* Maximum prices established by this order are as follows for sales on a "direct delivery or domestic" basis:

(1) *High volatile bituminous coals from District No. 8.*

Size	Per ton, 2,000 lbs.	Per ½ ton, 1,000 lbs.	Per ¼ ton, 500 lbs.
Egg	$8.10	$4.30	$2.28
Stove	7.95	4.23	2.24
Stoker	8.00	4.25	2.25

(2) *Low volatile bituminous coal from District No. 7.*

Size	Per ton 2,000 lbs.	Per ½ ton 1,000 lbs.	Per ¼ ton 500 lbs.
Egg	$9.70	$5.10	$2.68
Stove	9.00	4.75	2.50
Domestic or screened run-of-mine	8.25	4.38	2.31
Stoker	7.95	4.23	2.24
Nut	8.15	4.33	2.29
Slack	7.50	4.00	2.12

(3) *Pennsylvania anthracite.*

Size	Per ton 2,000 lbs.	Per ½ ton 1,000 lbs.	Per ¼ ton 500 lbs.
Nut	$18.10	$9.30	$4.77

(f) *Maximum authorized service charges and required deductions*—(1) *Carry up or down stairs.* If the buyer requests such service, the dealer may charge not more than 50¢ per ton therefor.

(2) *Yard sales.* When buyer picks up coal at the dealer's yard, the dealer must reduce the domesti. price at least 50¢ per ton.

(3) *Treated coals.* If the dealer's supplier has subjected the coal to oil or calcium chloride treatment to allay dust or to prevent freezing, and makes a charge therefor, the dealer selling such coal may add to the applicable maximum price set by this order the amount of such charge, not to exceed 10¢ per net ton. The invoice, sales slip, or receipt shall clearly show that the coal has been so treated but it is not necessary that this charge be separately stated thereon.

(4) *Delivery zone.* For deliveries beyond the corporate limits of Lynchburg, Virginia, and within fifteen miles thereof, the dealer may make an additional charge of not more than 10¢ per mile per ton for each mile beyond the corporate limits of such city, with a minimum charge of 50¢ per ton for each such delivery, said mileage to be determined by the actual highway mileage from the city limits to the point of delivery by the most direct highway route.

(5) *Credit.* No additional charge may be made for the extension of credit.

Effective date. This order shall become effective April 27, 1945.

(56 Stat. 23, 765; 57 Stat. 566; Pub. Law 383, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued: April 20, 1945.

ALEXANDER HARRIS,
Regional Administrator.

[F. R. Doc. 45-15602; Filed, Aug. 22, 1945; 4:47 p. m.]

[Region IV Rev. Order G-16 Under RMPR 122, Amdt. 1]

SOLID FUELS IN LYNCHBURG, VA., AREA

For the reasons set forth in an opinion issued simultaneously herewith, and under the authority vested in the Regional Administrator, Region IV, Office of Price Administration by § 1340.260 of Revised Maximum Price Regulation No. 122, Revised Order No. G-16 under Revised Maximum Price Regulation No. 122 issued by this office on April 20, 1945, is hereby amended in the following respects:

1. Paragraph (e) is amended to read as follows:

(e) *Maximum prices.* Maximum prices established by this order are as follows for sales on a "direct delivery or domestic" basis:

(1) *High volatile bituminous coals from District No. 8.*

Size	Per ton 2,000 lbs.	Per ½ ton 1,000 lbs.	Per ¼ ton 500 lbs.
Egg	$8.25	$4.38	$2.31
Stove	8.10	4.30	2.28
Stoker	8.15	4.33	2.29

(2) *Low volatile bituminous coal from District No. 7.*

Size	Per ton 2,000 lbs.	Per ½ ton 1,000 lbs.	Per ¼ ton 500 lbs.
Egg	$9.06	$5.23	$2.71
Stove	9.26	4.88	2.57
Domestic or screened run-of-mine	8.51	4.51	2.38
Stoker	8.21	4.35	2.30
Nut	8.41	4.46	2.35
Slack	7.76	4.13	2.19

(3) *Pennsylvania anthracite.*

Size	Per ton 2,000 lbs.	Per ½ ton 1,000 lbs.	Per ¼ ton 500 lbs.
Nut	$18.10	$9.30	$4.77

2. Supplementary Order No. 1 to Revised Order No. G-16 under Revised Maximum Price Regulation No. 122 is hereby revoked, and Supplementary Order No. 1 to Order No. G-37 under Revised Maximum Price Regulation No. 122 is hereby revoked insofar as the same is applicable to Revised Order No. G-16 under Revised Maximum Price Regulation No. 122.

Effective date. This amendment shall become effective June 4, 1945.

Issued: May 30, 1945.

ALEXANDER HARRIS,
Regional Administrator.

[F. R. Doc. 45-15603; Filed, Aug. 22, 1945; 4:47 p. m.]

[Region IV Rev. Order G-16 Under RMPR 122, Amdt. 2]

SOLID FUELS IN LYNCHBURG, VA., AREA

For the reasons set forth in an opinion issued simultaneously herewith, and under the authority vested in the Regional Administrator, Region IV, Office of Price Administration by § 1340.260 of Revised Maximum Price Regulation No. 122, subparagraph (e) (3) of Revised Order No. G-16 under Revised Maximum Price Regulation No. 122 issued by this office on April 20, 1945, is hereby amended to read as follows:

(3) *Pennsylvania anthracite.*

Size	Per ton 2,000 lbs.	Per ½ ton 1,000 lbs.	Per ¼ ton 500 lbs.
Nut	$19.10	$9.80	$5.03

Effective date. This amendment shall become effective as of June 18, 1945.

Issued: June 27, 1945.

THOMAS L. HISGEN,
Acting Regional Administrator.

[F. R. Doc. 45-15604; Filed, Aug. 22, 1945; 4:47 p. m.]

[Region IV 2d Rev. Order G-18 Under RMPR 122]

SOLID FUELS IN COBB AND CHEROKEE COUNTIES, GA.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator, Region IV, Office of Price Administration, by § 1340.260 of Revised Maximum Price Regulation No. 122, it is hereby ordered:

(a) *What this order does.* This adopting order establishes dollars-and-cents ceiling prices for specified solid fuels when sold and delivered by dealers in the area set out herein. These fuels are described and the maximum prices are set forth in paragraph (e) hereof.

(b) *Area covered.* This order covers all sales of specified solid fuels when sold and delivered within the Counties of Cobb and Cherokee, in the State of Georgia.

(c) *Applicability of Basic Order No. G-37.* All the provisions of Order No. G-37 under Revised Maximum Price Regulation No. 122—Basic Order for Area Pricing of Coal in Region IV, issued April 4, 1945 by the Atlanta Regional Office, Region IV, Office of Price Administration are adopted in this order and are just as much a part of this order as if printed herein. If said Order No. G-37 is amended in any respect all the provisions of such order, as amended, shall likewise, without other action, be a part of this order. All persons subject to this adopting order are also subject to and should read and be familiar with the provisions of said Order No. G-37.

(d) *Relationship between this order and previous orders.* This Second Revised Order No. G-18 supersedes Revised Order No. G-18 under Revised Maximum Price Regulation No. 122 and Amendments 1 and 2 thereto and Supplementary Order No. 1 thereunder, and as a result, said order, amendments, and supplementary order are hereby revoked as of the effective date of this order. This Second Revised Order is issued as an adopting order pursuant to the provisions of Order No. G-37 under Revised Maximum Price Regulation No. 122, and since the additions permitted by Supplementary Order No. 1 under said Order No. G-37 are incorporated in the price list contained herein, said Supplementary Order No. 1 under said Order No. G-37 shall not be applicable to this Second Revised Order No. G-18.

(e) *Maximum prices.* Maximum prices established by this order are as follows for sales on a "direct delivery or domestic" basis:

(1) *High volatile bituminous coal from District No. 8.*

Size	Per ton 2,000 lbs.	Per ½ ton 1,000 lbs.	Per ¼ ton 500 lbs.
Block, 6" or 8" (size group No. 1), in price classification M	$9.58	$5.03	$2.60
Block, 5", and chunk, 5" x 8" (size group No. 2):			
In price classification A	9.85	5.18	2.71
In price classifications C–N, inclusive	9.15	4.83	2.54
Egg, 3" x 5" (size group No. 6) and 2" x 5" (size group No. 7), in price classification A	9.25	4.85	2.50
Egg, 3" x 5" (size group No. 6) in price classifications E–K, inclusive, and 2" x 5" (size group No. 7), in price classification J	8.45	4.48	2.36
Egg, 3" x 5" (size group No. 6), in price classification M, and stoker, top size not exceeding 1¼", bottom size less than 1¼" (size group No. 10); all price classifications—untreated	9.05	4.78	2.51
Yard-slack	6.65	3.58	1.91
Run-of-mine (for domestic use)	8.99	4.70	2.48

(f) *Maximum authorized service charges and required deductions*—(1) *Carry or wheel service.* If a buyer requests such service, the dealer may charge not more than 50¢ per ton therefor.

(2) *Yard sales.* When the buyer picks up the solid fuel covered by this order at the dealer's yard, the dealer must reduce the domestic price at least 50¢ per ton.

(3) *Sacked coal.* A dealer may not charge more than 51¢ per 100 lb. sack of egg coal at the yard, or delivered, sack not included.

(4) *Delivery zone.* No additions may be made for deliveries within the corporate limits of the city or town in which the dealer's yard is located. For deliveries made beyond such corporate limits, the dealer may add not more than 10¢ per ton per mile and may impose a minimum charge of not more than 50¢ for each such delivery. Such delivery charge, if added, must be stated separately from all other charges on the invoice.

(5) *Treated coals.* If the dealer's supplier has subjected the coal to oil or calcium chloride treatment to allay dust or to prevent freezing, and makes a charge therefor, the dealer selling such coal may add to the applicable maximum price set by this order the amount of such charge, not to exceed 10¢ per net ton. The invoice, sales slip, or receipt shall clearly show that the coal has been so treated, but it is not necessary that this charge be separately stated thereon.

(6) *Credit.* No additional charge over the prices listed in this order may be made for the extension of credit.

Effective date. This order shall become effective June 9, 1945.

Issued: June 4, 1945.

ALEXANDER HARRIS,
Regional Administrator.

[F. R. Doc. 45-15598; Filed, Aug. 22, 1945; 4:46 p. m.]

[Region VI Order G-23 Under RMPR 122]

SOLID FUELS IN CHICAGO REGION

Pursuant to the authority vested in the Regional Administrator of Region VI by § 1340.260 of Revised Maximum Price Regulation No. 122, as amended, and for reasons stated in an opinion issued herewith, it is ordered:

(a) *What this order does.* This order adjusts the maximum prices for the sale of solid fuels, except anthracite or miscellaneous solid fuels as defined in Maximum Price Regulation No. 121, of all dealers whose coal is obtained by all rail or truck transportation from mines and whose maximum prices for the sale of such solid fuels are now established under area pricing orders of Region VI of the Office of Price Administration.

(b) *Geographical applicability.* This order applies to all sales in which the buyer receives physical delivery within the areas covered by each area pricing order in Region VI, which includes the States of Illinois, Iowa, Minnesota, Nebraska, North Dakota, South Dakota, Wisconsin, and Lake County, Indiana.

(c) *Exclusions.* This order shall not apply to sales by dealers of solid fuels obtained from dock facilities, or to anthracite or miscellaneous solid fuels as defined in Maximum Price Regulation No. 121, as amended.

(d) *Price adjustments.* On solid fuels obtained from mines by all rail or truck transportation the sale of which is governed by maximum prices established by Region VI Orders G-1 to G-16 under Revised Maximum Price Regulation No. 122 inclusive, and appendices thereto, and any other Region VI area pricing orders issued under that regulation dealers are herby permitted to increase the maximum prices in accordance with the schedule below. The amount which may be added is determined by the Production District from which the solid fuel is derived, and by the type of mine operation by means of which it is produced.

Additions may only be made in the amount specified for the particular Production Districts listed. No addition may be made on coal produced in Production Districts not specifically listed herein. Dealers covered by Revised Order No. G-15, Quad Cities Area, which became effective on August 3, 1945, may apply the following adjustments immediately to the prices set forth in the area order. Dealers covered by Revised Order No. G-13, La Crosse, Wisconsin, area, which becomes effective on August 8, 1945, may apply (the following adjustments until August 8, 1945 to their prices as established under Order No. G-13 in effect prior to August 8, 1945, and on and after August 8, 1945, such dealers may apply the following adjustments to the prices set forth in Revised Order No. G-13 as it becomes effective on August 8, 1945.

Production District No. 1: 10¢ per ton on deep mines and prepared strip mines only.
Production District No. 2: 6¢ per ton on deep mines and prepared strip mines only.
Production District No. 3: 5¢ per ton on mine run only, 10¢ per ton on all other sizes.
Production District No. 6: 4¢ per ton all mines.
Production District No. 7: 4¢ per ton all mines.
Production District No. 10: 1¢ per ton on deep machine mines in size group Nos. 1 through 8 including lump, egg, nut, stove and mine run; 6¢ per ton on deep machine mines in size group Nos. 9–29, including chestnut, pea, stoker, screenings, carbon and dust; 5¢ per ton for strip mine coal size group Nos. 1 through 8, including lump, egg, nut, stove, and mine run; 10¢ per ton for strip mine coal in size group Nos. 9 through 29, including chestnut, pea, stoker, screenings, carbon and dust.
Production District No. 11: 4¢ per ton all mines.
Production District No. 15: 3¢ per ton strip mines; 10¢ per ton all deep mines.
Production District No. 17: All mines, 5¢.
Production District No. 22: All mines, 12¢.

(e) This Order No. G-23 shall remain in effect in each area covered by a Region VI area pricing order until such area order is amended to reflect the price increase permitted herein and to supersede this Order No. G-23.

(f) *Effect of order on Revised Maximum Price Regulation No. 122.* Insofar as any provision of this order may be inconsistent with any provision of Revised Maximum Price Regulation No. 122, as amended, the provisions contained in this order shall be controlling. Except as herein otherwise provided, the provisions of Revised Maximum Price Regulation No. 122, as amended, shall remain in full force and effect.

(g) This order may be revoked, amended, or modified at any time.

This order shall become effective immediately.

Issued this 3d day of August 1945.

RAE E. WALTERS,
Regional Administrator.

[F. R. Doc. 45-15609; Filed, Aug. 22, 1945; 4:49 p. m.]

[Syracuse Order 2 Under RMPR 259]

CONTAINERS AND CASES OF DOMESTIC MALT BEVERAGES IN SYRACUSE, N. Y. DISTRICT

For the reasons set forth in the accompanying opinion, it is hereby ordered:

SECTION 1. *What this order does.* In accordance with the provisions of section 5.2 (c) of Revised Maximum Price Regulation No. 259 this order establishes uniform maximum deposit charges which may be imposed by wholesalers and retailers for cases and containers in connection with sales of domestic malt beverages in bottles or cases, but not to brewers whether or not required to price as wholesalers under section 2.2 (d) of such regulation.

SEC. 2. *Where this order applies.* The provisions of this order apply to all wholesalers and retailers located within Wayne and Ontario Counties, in the State of New York.

SEC. 3. *Applicability.* No wholesaler or retailer located within the area where this order is applicable may require a deposit from purchasers in excess of the sum permitted by this order.

SEC. 4. *Deposit charges established by this order.* The maximum deposit charges for all sellers to which this order is applicable are as follows:

(a) Bottles of 16 oz. or less capacity: 2¢ per bottle.
(b) Bottles of more than 16 oz. but not more than 32 oz. capacity: 5¢ per bottle.
(c) Bottles of more than 32 oz. but not more than 64 oz. capacity: 10¢ per bottle.
(d) Wooden, steel, fiber, corrugated carton, or other empty cases or containers constructed to contain 24 bottles of 16 oz. or less capacity: 27¢ per case:
12 bottles of 16 oz. or more than 32 oz. capacity: 15¢ per case.
6 bottles of more than 32 oz. and not more than 64 oz. capacity: 15¢ per case.

SEC. 5. *Definitions.* Unless the context otherwise requires, the definitions set forth in section 302 of the Emergency Price Control Act of 1942, as amended, and in Revised Maximum Price Regulation No. 259, as amended, shall apply to the terms used herein.

This order shall become effective August 4, 1945.

Issued this 31st day of July 1945.

STEPHEN P. TOADVINE,
District Director.

[F. R. Doc. 45-15608; Filed, Aug. 22, 1945; 4:49 p. m.]

[Jackson Order G-1 Under RMPR 285]

BANANAS IN JACKSON, MISS., DISTRICT

For the reasons set forth in an opinion issued simultaneously herewith, and under the authority vested in the District Director of the Jackson (Mississippi) District, Region IV, of the Office of Price Administration by section 5 (a) (1) of Revised Maximum Price Regulation 285, as amended, and Regional Delegation Order 66, it is hereby ordered:

SECTION 1. *Inbound delivery cost.* Any sub-jobber, whose place of business is located within the Jackson (Mississippi) District, may add to his maximum prices established for processed bananas under section 4 of Revised Maximum Price Regulation 285, the amount paid by him at the lowest rate for available transportation for the delivery of processed bananas from his supplier's place of business to the sub-jobber's place of business, but not including any local hauling.

SEC. 2. *Maximum charges for delivery by sub-jobbers beyond the free delivery zone.* Any sub-jobber, whose place of business is located in the Jackson (Mississippi) District, may add to his maximum prices determined under section 4 of Revised Maximum Price Regulation

285, as amended, an amount not exceeding 35¢ per cwt for delivery to a retailer or institutional user located outside of his free delivery zone as defined in section 3 of this order.

SEC. 3. *Definitions.* (a) "Sub-jobber" means a person other than an importer who buys processed bananas and resells them to persons other than ultimate consumers.

(b) "Processed bananas" means fresh bananas that have been unloaded into and actually stored in rooms or buildings specially equipped for artificially ripening bananas and that are treated by controlled heating, refrigeration, humidification or other means customarily used to ripen bananas artificially.

(c) "Delivery to a retailer or institutional user" means delivery to the buyer's premises, and in the case of a retailer, delivery to the retail store where sales to ultimate consumers are to be made. "Institutional user" includes government procurement agencies, hotels and restaurants.

(d) "Retailer" means a person, the larger volume of whose food business is the purchase and resale of food products, without materially changing their form, to ultimate consumers.

(e) "Free delivery zone" for any sub-jobber selling bananas to retailers or institutional users shall mean all of the territory within the limits of the city or town in which the established place of business of such sub-jobber is located.

SEC. 4. *Geographical applicability.* This order shall apply only to sub-jobbers whose places of business are located within the Jackson (Mississippi) District, which comprises the entire State of Mississippi.

SEC. 5. *Applicability of revised Maximum Price Regulation 285, as amended.* Except as this order specifically provides for the addition of certain delivery costs and charges in sections 1 and 2, all sales of bananas covered by this order shall remain subject to the provisions of Revised Maximum Price Regulation 285, as amended.

SEC. 6. *Revocation and amendment.* This order may be revoked, amended or corrected at any time by the District Director of the Jackson (Mississippi) District.

SEC. 7. *Effective date.* This order shall become effective 12:01 a. m. on August 6, 1945.

(56 Stat. 23, 765; 57 Stat. 566; Pub. Law 383, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 2d day of August 1945.

WILLIAM E. HOLCOMB,
District Director.

[F. R. Doc. 45-15607; Filed, Aug. 22, 1945; 4:48 p. m.]

[Region I Rev. Supp. Order 2 Under RMPR 122, Amdt. 22]

PENNSYLVANIA ANTHRACITE IN BOSTON REGION

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of Region I of the Office of Price Administration by §§ 1340.259 (a) (1) and 1340.260 of Revised Maximum Price Regulation No. 122, Region I Revised Supplementary Order No. 2 under Revised Maximum Price Regulation No. 122 is amended in the following respect:

1. In the provision for "Glen Burn" in paragraph (a) in the "Note" the expiration date "July 31" is deleted and a new expiration date "September 30" is inserted in lieu thereof.

This Amendment No. 22 shall become effective midnight July 31, 1945.

Issued this 31st day of July 1945.

ELDON C. SHOUP,
Regional Administrator.

[F. R. Doc. 45-15713; Filed, Aug. 23, 1945; 12:29 p. m.]

[Region I Supp. Order 3 Under RMPR 122, Revocation]

COKE IN BOSTON REGION

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of Region I of the Office of Price Administration by §§ 1340.259 (a) (1) and 1340.260 of Revised Maximum Price Regulation No. 122 and the Emergency Price Control Act of 1942, as amended; *It is hereby ordered*, That Region I Supplementary Order No. 3 under Revised Maximum Price Regulation No. 122 (Permitted Increases for Maximum Prices for Coke) be and it hereby is revoked.

This order shall become effective as of midnight August 6, 1945.

Issued this 7th day of August 1945.

ELDON C. SHOUP,
Regional Administrator.

[F. R. Doc. 45-15714; Filed, Aug. 23, 1945; 12:29 p. m.]

[Region I Order G-70 Under RMPR 122, Amdt. 59]

SOLID FUELS IN BOSTON REGION

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of Region I of the Office of Price Administration by §§ 1340.259 (a) (1) and 1340.260 of Revised Maximum Price Regulation No. 122, Region I Order No. G-70 under Revised Maximum Price Regulation No. 122, is amended in the following respect:

1. In the provision for "Glen Burn" in subparagraph (2) of paragraph (e), in the "Note" the expiration date "July 31" is deleted and a new expiration date "September 30" is inserted in lieu thereof.

2. Subparagraph (2) of paragraph (e) is amended by adding the following to the table set forth therein:

Kind and size	Amount of addition			
	Per net ton	Per ½ ton	Per ¼ ton	Per 100 lbs.
Consagra: Broken, egg, stove, chestnut, pea, buckwheat and rice	$0.50	$0.25	$0.15	None

3. Subparagraph (9) of paragraph (1) is amended by adding the word "Consagra".

4. Subparagraph (53) is added to paragraph (1) to read as follows:

(53) "Consagra" means that Pennsylvania anthracite produced by the Consagra Coal Company and prepared at its Consagra Colliery at Olyphant, Pennsylvania, and which meets the quality and preparation standards established by Order No. L-33 under Maximum Price Regulation No. 112.

This Amendment No. 59 shall become effective midnight July 31, 1945.

Issued this 31st day of July 1945.

ELDON C. SHOUP,
Regional Administrator.

[F. R. Doc. 45-15715; Filed, Aug. 23, 1945; 12:30 p. m.]

[Region I Order G-70 Under RMPR 122, Amdt. 60]

SOLID FUELS IN BOSTON REGION

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of Region I of the Office of Price Administration by § 1340.260 of Revised Maximum Price Regulation No. 122 and the Emergency Price Control Act of 1942, as amended, subparagraph (19) containing Appendix 19 is hereby added to paragraph (o) of Region I Order No. G-70 under Revised Maximum Price Regulation No. 122 to read as follows:

(19) *Appendix 19; specified solid fuels; Conway, New Hampshire*—(a) *Maximum prices established by this Appendix 19.* This Appendix 19 establishes specific maximum prices for sales of Pennsylvania Anthracite and New England Coke in the Conway, New Hampshire Area by dealers, and for specified services rendered by dealers in connection with the sale or handling of said solid fuels. Price Schedule I contains prices for sales on a delivered basis and Price Schedule II contains prices for yard sales to consumers and dealers. The Conway New Hampshire Area includes the following towns or townships in the State of New Hampshire: Albany, Alton, Bartlett, Chatham, Conway, Eaton, Effingham, Freedom, Jackson, Madison, Moultonborough, Ossipee, Sandwich, Tamworth, Tuftonboro and Wolfeboro.

(b) *Price Schedule I; Sales on a delivered basis.* (1) Base maximum prices for sales on a "direct delivery" basis to consumers at any point in the Conway, New Hampshire Area.

Kind and size	Per net ton	Per ½ ton	Per ¼ ton	Per 100 lbs.
Pennsylvania anthracite:				
Broken, egg, stove and chestnut	$17.35	$8.95	$4.75	$1.00
Buckwheat	12.95	6.75	3.65	.80
Rice	11.50	6.00	3.25	.75
New England coke: Egg, stove and chestnut	15.65	8.10	4.30	.95

(2) *Prices for specified localities.* The following amounts may be added to the above prices when deliveries are made in:

Location:	Amount
Bartlett	[1] $0.75
Jackson	.75
Center Conway (fire precinct)	[2] .25
Redstone (part of Conway)	[2] .25
Eaton	[2] .50
Moultonborough	[2] .50
North Conway (fire precinct)	[2] .50
Ossipee	[2] .50
Tuftonboro	[2] .50
Albany	[2] .75
Effingham	[2] 1.00
Freedom	[2] 1.00
Madison	[2] 1.00
Sandwich	[2] 1.00
Tamworth (except Wonalancet)	[2] 1.00
Chatham	[2] 2.00
Wonalancet (part of Tamworth)	[2] 2.00

[1] By dealers whether located in these towns, or elsewhere.
[2] By dealers located out of town.

(3) *Maximum authorized service and deposit charges.* (i) The maximum prices per 100 pounds include carrying or wheeling to consumer's bin or storage space. If the buyer requests such service of him, the dealer may make the following charges for carrying or wheeling of quarter-ton and larger quantities to the consumer's bin or storage space:

	Per net ton	½ ton	¼ ton
For any carry or wheel from a "direct delivery" point, exclusive of charges for carries up or down flights of stairs	$0.70	$0.25	$0.15
For carries up or down flights of stairs, per flight	.50	.25	.15

(ii) If the buyer requests that fuel delivered in burlap bags furnished by the dealer be left in the bags, the maximum amount which may be required by the dealer as a deposit on, or as predetermined liquidated damages for failure to return, the bags shall be 25 cents per bag.

(c) *Price Schedule II; Yard sales to consumers or dealers.* (1) Maximum prices for sales at the yard of any dealer in the Conway, New Hampshire Area to consumers or dealers:

Kind and size	Per net ton	Per ½ ton	Per ¼ ton	Per 100 lbs.
Pennsylvania anthracite:				
Broken, egg, stove and chestnut	$10.35	$8.45	$4.70	$0.90
Buckwheat	11.05	6.25	3.50	.70
Rice	10.50	5.50	3.00	.65
New England coke: Egg, stove and chestnut	14.65	7.60	4.05	.85

(2) *Maximum authorized bagging and deposit charges.* (i) The maximum prices per 100 pounds are for 100 pounds bagged, but do not include the bag. If the buyer requests such service of him, the dealer may make the following charges for bagging quarter-ton and larger quantities in 100 pound bags, exclusive of any deposit charges on bags furnished by the dealer:

	Cents
Per net ton	50
Per half-ton	25
Per quarter-ton	15

(ii) The maximum amount which may be required by the dealer as a deposit on, or as predetermined liquidated damages for failure to return, burlap bags furnished by the dealer shall be 25 cents per bag.

(d) *Terms of sale.* Terms of sale for sales under paragraphs (b) and (c) of above may be net cash. A charge not exceeding 50¢ per ton, or 25¢ per half-ton, or 15¢ per quarter-ton, may be made for extension of credit for more than ten days from delivery, otherwise, no additional charge may be made for the extension of credit.

This amendment No. 60 shall become effective August 6, 1945.

Issued this 2d day of August 1945.

ELDON C. SHOUP,
Regional Administrator.

[F. R. Doc. 45-15716; Filed, Aug. 23, 1945; 12:30 p. m.]

[Region I Order G-70 Under RMPR 122, Amdt. 61]

SOLID FUELS IN BOSTON REGION

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of Region I of the Office of Price Administration by §§ 1340.259 (a) (1) and 1340.260 of Revised Maximum Price Regulation No. 122, Region I Order No. G-70 under Revised Maximum Price Regulation No. 122, is amended in the following respects:

1. In the provision for Glen Burn in subparagraph (2) of paragraph (e), in the "Note", the expiration date "July 31" is deleted and a new expiration date "September 30" is inserted in lieu thereof.

This Amendment No. 61 shall become effective as of July 31, 1945.

Issued this 7th day of August 1945.

ELDON C. SHOUP,
Regional Administrator.

[F. R. Doc. 45-15717; Filed, Aug. 23, 1945; 12:30 p. m.]

[Region I Order G-73 Under RMPR 122]

SOLID FUELS IN BOSTON REGION

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of the Office of Price Administration by §§ 1340.259 (a) (1) and 1340.260 of Revised Maximum Price Regulation No. 122, as amended, it is ordered:

(a) *Who may take the increases provided by this order.* Dealers making sales of Pennsylvania Anthracite in areas where specific prices have been established for such coal by Region I Area Price Orders under § 1340.260 of Revised Maximum Price Regulation No. 122, and who handle the higher priced anthracites specified in Appendix A have one of two options:

(1) They may automatically redetermine their maximum prices for such higher priced anthracite on a current basis subject to the conditions outlined in paragraph (b) hereunder; or

(2) They may apply under paragraph (c) for permission to increase their prices for all sales of Pennsylvania Anthracite (with certain permitted exceptions) for a one month period based on their receipts for designated higher cost anthracite during the previous calendar month.

Dealers who are not subject to Area Price Orders may, if they wish, also apply under paragraph (c) if they do not wish to separately determine their maximum prices for each higher priced anthracite under the provisions of Revised Maximum Price Regulation No. 122.

(b) *Automatic pricing provision for dealers governed by area price orders*—(1) *Filing statement of election to price under paragraph (b).* No dealer subject to a Region I Area Price Order under § 1340.260 of Revised Maximum Price Regulation No. 122 may, on or after September 1, 1945, continue to sell or deliver at the increased prices allowed by this paragraph (b) unless he has filed with the Regional Office of the Office of Price Administration, 55 Tremont Street, Boston, Massachusetts, a statement that he elects to price under the automatic pricing provisions of this paragraph (b), subject to the conditions and limitations of subparagraph (3) hereunder. A dealer who has filed an election to price under this paragraph (b) shall continue to price under paragraph (b) until he applies to the Boston Regional Office and obtains permission to price under paragraph (c) hereof. Dealers who elect to price under paragraph (b) of this order may not, at the same time, seek or obtain an increase under paragraph (c).

(2) *Determination of automatic increases.* Subject to the conditions and limitations set out below, dealers subject to Region I Area Price Orders who sell anthracite specified in Appendix A and who have filed the required statement of election to price under paragraph (b), may (subject to the exceptions set forth in subparagraph (4) hereof), add to the maximum per net ton price for a particular size of standard Pennsylvania Anthracite as set forth in the appropriate Area Order, an amount not to exceed the amount specified in Appendix A, for the same size of the particular higher priced anthracite which he is selling.

(3) *Conditions and limitations.* To be eligible for the increases authorized by this paragraph (b), the dealer must keep each kind of anthracite specified in Appendix A, which he may sell under the provisions of this paragraph, separate in storage and delivery from any other kind of solid fuel, and sell and invoice it under the name therein designated.

(4) *Exceptions as to amount of addition.* If the maximum price for a higher-priced Anthracite established under an area order exceeds the sum of the mine price with freight for said coal plus said dealer's margin on standard Pennsylvania Anthracite, then said dealer may continue to use such price.

(c) *Alternative pricing provision; application for a price.* Dealers making sales of the higher priced anthracites

specified in Appendix A who do not elect to price under paragraph (b) or, in the case of a dealer not subject to an area price order, under Revised Maximum Price Regulation No. 122 itself, and who prefer to mix such anthracites together and also with standard Pennsylvania Anthracite, may apply to the Boston Regional Office of the Office of Price Administration for determination of their maximum prices for all such anthracite sales to compensate for the increased cost of the higher-priced anthracite; *Provided, however,* That a dealer may nevertheless store and deliver separately (i. e., keep out of such mixture), and sell at the appropriate maximum price, any or all of the Premium Anthracites listed in Appendix A, or, in areas governed by area price orders, any named Pennsylvania Anthracite for which the maximum price in the area order reflects a differential over the price for standard Pennsylvania Anthracite greater than the differential between the respective mine prices. An application may be filed between the first and tenth day of each month based upon the proportions of anthracite having different mine costs received during the previous calendar month and should request a determination of price for a one-month period. An application may be filed only if the dealer did not take automatic increases during the previous calendar month pursuant to paragraph (b) hereof. Such application shall be in writing and set forth the following:

(i) Tonnage by sizes, of all anthracite received by the dealer during the previous calendar month and mixed together.

(ii) Tonage by sizes, and mine price (together with producer's name) of each anthracite specified in Appendix A received during the previous calendar month and mixed.

(iii) A statement declaring that the applicant did not segregate any higher cost anthracite (except as specifically permitted above) during the previous calendar month and avail himself of the automatic increases under paragraph (b) hereof; with a separate statement as to any higher cost anthracites which were properly separately handled.

(iv) Any other pertinent information the Regional Administrator may request. The Regional Administrator will either grant or deny the application, in whole or in part, on the basis of the weighted average increase in supplier's maximum prices for anthracite based on dealer's total anthracite receipts during the previous calendar month, as compared with supplier's maximum prices established by § 1340.200 (a) (1) of Maximum Price Regulation No. 112. The order may incorporate appropriate provisions for recalculation of the permitted increase based upon changing mine costs.

(d) *Records.* Every dealer making sales of solid fuels subject to this order shall preserve, keep, and make available for examination by the Office of Price Administration complete and accurate records of the quantities of the specified anthracite purchased and sold hereunder, and a record of every sale of such fuel with respect to which an automatic increase was added under paragraph (b), showing the date of sale, the quantity sold, the name and address of the buyer (if known), the per net ton price charged, and the solid fuel sold. The solid fuel shall be identified in the manner in which it is described in this order.

(e) *Invoices, sales slips, receipts.* When a price higher than the ceiling price for standard Pennsylvania Anthracite is charged by a dealer pursuant to paragraph (b) of this order (automatic increase provision), or pursuant to an order issued under paragraph (c) of this order (special authorization by Office of Price Administration Regional Office Order), the invoice, sales slip, or reecipt required to be given in connection with sales of solid fuels shall: (1) designate the higher priced anthracite sold under paragraph (b), as described in Appendix A, (e. g. "Jermyn Green" coal, etc.) and (2) if the anthracite is sold under paragraph (b) or (c), carry the following statement: "Above price authorized by OPA Region I Order No. G-73."

(f) *Definitions and explanations.* When used in this Regional Order G-73, the term:

(1) "Standard anthracite" shall mean anthracite priced at the mine under § 1340.200 (a) (1) of Maximum Price Regulation #112 and, in the case of Area Orders coal subject to schedules of prices headed "Pennsylvania Anthracite."

(2) "Higher priced anthracite" shall mean anthracite that fully satisfies the description of the anthracite specified in Appendix A, as to the producer, source, preparation (breaker, etc.), and brand or trade name under which it is marketed, etc., where any or all of these elements are part of the description of the anthracite there specified.

(3) "Premium anthracite" shall mean the anthracite specified by letters in Appendix A hereof, and which are priced at the mine under § 1340.200 (a) (2) of Maximum Price Regulation No. 112.

(4) "Named anthracite" shall mean the anthracite specified by numbers in Appendix A hereof.

(5) "Broken," "egg," "stove," etc. sizes of Pennsylvania Anthracite refer, except in the case of deliveries in the State of Rhode Island, and except in the case of deliveries in the Commonwealth of Masachusetts of broken, egg, stove, chestnut and pea sizes, to the sizes of such coal prepared at the mines in accordance with standard sizing specifications adopted by the Anthracite Emergency Committee, effective December 15, 1941.

In the case of deliveries in the State of Rhode Island, said size designations refer to the legal standard sizes for United States anthracite offered for sale in the State of Rhode Island, effective January 9, 1940, as established by the Director of Labor pursuant to Chapter 367 of the Rhode Island General Laws, 1938, as amended by Chapter 733 of the Rhode Island Public Laws of 1939.

In the case of deliveries of broken, egg, stove, chestnut and pea sizes in the Commonwealth of Massachusetts, the reference is to the legal standard sizes for anthracite offered for sale in the Commonwealth of Massachusetts, effective December 1, 1941, as established by the Director of Standards of the Department of Labor and Industries of the Commonwealth of Massachusetts pursuant to General Laws (Ter. Ed.) Chapter 94, section 239A (Chapter 382, Acts of 1926).

(6) Except as otherwise provided herein, or as the context may otherwise require, the definitions set forth in §§ 1340.255 and 1340.266 of Revised Maximum Price Regulation No. 122 shall apply to terms used herein.

(g) *Right of amendment or revocation.* The Regional Administrator or the Price Administrator may amend, revoke, or rescind this Order No. G-73, or any provision thereof, at any time.

This Order No. G-73 shall become effective August 6, 1945.

Issued this 4th day of August 1945.

ELDON C. SHOUP,
Regional Administrator.

[F. R. Doc. 45-15718; Filed, Aug. 23, 1945; 12:29 p. m.]

[Region VI Order G-1 Under MPR 137]

PETROLEUM PRODUCTS IN CHICAGO REGION

For the reasons set forth in the accompanying opinion and under the authority vested in the Regional Administrator of the Office of Price Administration by section 11 of Maximum Price Regulation 137, it is hereby ordered:

SECTION 1. *Purpose of this order.* This order establishes dollars-and-cents maximum prices for Metro Motor Oil when sold by retail establishments in the areas specified in section hereof.

SEC. 2. *Sellers to whom this order applies.* This order applies to all persons selling Metro Motor Oil to consumers. A person includes individuals, partnerships or corporations and a retail establishment means a store, shop, garage, service station, or other stationary places of business at which the major portion of the sales of petroleum products are sold in small quantities.

SEC. 3. *Geographic applicability.* Specified maximum prices shall apply when delivery is made within the following areas:

Wisconsin: Entire State except the following counties: Burnett, Douglas, Pierce, Polk, St. Croix and Washburn.

Minnesota: The following four (4) counties: Fillmore, Houston, Wabashn, Winona.

Iowa: The following eight (8) counties: Allamakee, Clayton, Delaware, Dubuque, Jackson, Jones, Howard and Winneshiek.

SEC. 4. *Specified maximum prices in the areas specified in the preceding section.* The maximu price for sellers at retail establishments for Metro Motor Oil shall be as follows:

Brand	Container size	Price
Metro motor oil	Quart	[illegible]

SEC. 5. *Relation to other regulations.* To the extent applicable, the provisions of this order supersede Maximum Price Regulation No. 137, but in all other respects the latter regulation applies.

SEC. 6. *Licensing.* The provisions of Licensing Order No. 1, licensing all persons who make sales under price control, are applicable to all sellers making sales subject to this order. A seller's license may be suspended for violation of the license or of one or more applicable price schedules, regulations, or orders thereunder. A person whose license is suspended may not, during the period of suspension, make any sale for which his license has been suspended.

SEC. 7. *Enforcement.* Persons violating any provisions of this order are subject to the criminal penalties, civil enforcement actions, and suits for treble damages provided for by the Emergency Price Control Act of 1942, as amended.

SEC. 8. *Records.* Every person selling Metro Motor Oil subject to this regulation shall keep and make available for examination by the Office of Price Administration records of the same kind as he customarily keeps relating to the prices which he charged for Metro Motor Oil, subsequent to the date of this order.

SEC. 9. *Power to revoke, modify or amend.* This order may be modified, amended, corrected or revoked at any time.

This Order No. G-1 shall become effective August 15, 1945.

Issued this 10th day of August 1945.

R. E. WALTERS,
Regional Administrator.

[F. R. Doc. 45-15719; Filed, Aug. 23, 1945; 12:32 p. m.]

[Peoria Order G-1 Under Supp. Ser. Reg. 50 to RMPR 165]

CESSPOOL AND SEPTIC TANK SERVICES IN PEORIA, ILL., DISTRICT

For the reasons set forth in the accompanying opinion issued simultaneously herewith and pursuant to § 1499.648 (a) of Supplementary Service Regulation 50 to Revised Maximum Price Regulation 165 and to the authority duly vested in the District Director of the Peoria District Office of the Office of Price Administration, this order is hereby issued.

(a) On and after the effective date hereof, no seller subject to this order may charge and no person may pay to such seller a price for cleaning or repairing of cesspools and septic tanks, exploratory or excavating services or the acidizing of septic tanks in excess of the maximum prices fixed herein. No addition to such maximum prices may be made for time spent in traveling to and from the premises where such services are to be performed.

(b) The maximum price which any seller subject to this order may charge for cleaning or repairing of cesspools and septic tanks, exploratory or excavating services incidental thereto and the acidizing of septic tanks shall be:

(1) Pumping or hand-scooping of cesspools and septic tanks including disposal of contents where performed:

	Per barrel
(i) Within a radius of 20 miles or less from seller's place of business	$1.00
(ii) Within a radius of over 20 miles to and including 30 miles from seller's place of business	1.05
(iii) Within a radius of over 30 miles to and including 40 miles from seller's place of business	1.10
(iv) Within a radius of over 40 miles to and including 50 miles from seller's place of business	1.15
(v) Within a radius of over 50 miles to and including 60 miles from seller's place of business	1.20
(vi) Within a radius of over 60 miles from seller's place of business	1.25

No labor charge for cleaning may be made in addition to the maximum prices set forth above.

(2) Where the amount which would be received from any job performed under (1) above would be less than $15.00, a charge of $15.00 may be made.

(3) Repairing cesspools and septic tanks, or exploratory or excavating work, $1.50 per hour per man.

(4) Acidizing septic tanks, $15.00 per 200-lb. carboy.

(c) On and after the effective date of this order, each seller subject hereto shall post and keep posted in a conspicuous place on his truck where it can easily be seen and read by his customers, the list of ceiling prices fixed herein.

(d) On and after the effective date of this order, every seller subject hereto shall give to each purchaser of the services for which maximum prices are fixed herein a statement showing: The seller's and buyer's name and address; date when services were rendered; description and quantity of each service sold and the price charged for each; and where cesspools or septic tanks are cleaned, the dimensions of such cesspools or septic tanks.

(e) *Definitions.* (1) "Seller subject to this order" means a seller who performs any services for which maximum prices are established herein in any of the following counties of Illinois: Grundy, Will, Kankakee, Knox, Warren, McDonough, Fulton, Mason, LaSalle, Bureau, Putnam, Ford, Kendall, Iroquois, Livingston, McLean, Peoria, Tazewell, Woodford, Marshall and Stark.

(2) "Barrel" means a unit of measurement equal in capacity to four cubic feet or thirty gallons.

(f) Except as modified herein, all the provisions of Revised Maximum Price Regulation 165, as amended, shall be applicable to all sellers subject to this order.

(g) This order shall be effective August 20, 1945. It may be amended, modified or revoked at any time.

Issued this August 8th, 1945.

(Pub. Law 421, 77th Cong. 2nd Sess., 56 Stat. 23; Pub. Law 383, 78th Cong.; RMPR 165, 9 F. R. 7439; SSR 50, 10 F. R. 3224)

BEN J. BECKER,
Acting District Director.

[F. R. Doc. 45-15720; Filed, Aug. 23, 1945; 12:31 p. m.]

[Springfield Order G-3 Under RMPR 259 and Rev. Gen. Order 51]

BEER AND ALE IN SPRINGFIELD, ILL., DISTRICT

For the reasons set forth in the accompanying opinion, it is hereby ordered:

SECTION 1. *What this order does.* In accordance with the provisions of section 4.3 of Revised Maximum Price Regulation 259, as amended, this order establishes maximum prices for sales of beer and ale at retail in bottles for off-premise consumption.

SEC. 2. *Where this order applies.* The provisions of this order apply to all retailers authorized by State law, located within the Springfield District.

SEC. 3. *Applicability.* No retailer may sell or offer to sell any bottled beer or ale for consumption off his premises at a price higher than the dollars and cents ceiling price per bottle for that brand fixed in the following list of ceiling prices. Every retailer must post his selling price for each of the listed brands near the items listed so customers can easily read it. Any brand of bottled beer or ale not listed shall continue to be subject to the applicable ceiling price for such brand.

Brand	Container size	Ceiling price per bottle
	Ounces	*Cents*
Alpen	12	10
	32	26½
Atlas	12	10
Bbatz	12	11
Blue Ribbon	12	13½
	32	33½
Budweiser	12	13½
	32	33
Champagne Velvet	12	11
	32	25
Cook's	12	11
Dicks	12	10
Falstaff	12	10½
	32	26½
Goebel	7	7½
	12	11
Greiselleck	12	10
	32	26
Hyde Park	12	10
	32	25½
Old Timer	7	7
Schlitz	12	14
Stag	12	10½
Sterling	12	10½
	32	26
Ballantine	12	16

SEC. 4. *Definitions.* Unless the context otherwise requires, the definitions set forth in section 302 of the Emergency Price Control Act of 1942, as amended, and in Revised Maximum Regulation 259, as amended shall apply to the terms used herein.

This order shall become effective August 15, 1945.

Issued this 28th day of July 1945.

CARTER JENKINS,
District Director.

[F. R. Doc. 45-15721; Filed, Aug. 23, 1945; 12:31 p. m.]

[Springfield Order G–4 Under RMPR 259 and Rev. Gen. Order 51]

CONTAINERS AND CASES OF DOMESTIC MALT BEVERAGES IN SPRINGFIELD, ILL., DISTRICT

For the reasons set forth in the accompanying opinion it is hereby ordered:

SECTION 1. *What this order does.* In accordance with the provisions of section 5.2 (c) of Revised Maximum Price Regulation 259, as amended, this order establishes uniform maximum deposit charges for containers and cases which a wholesaler or retailer may require a purchaser to furnish in connection with sales of domestic malt beverages in bottles and bottle cases.

SEC. 2. *Where this order applies.* The provisions of this order apply to all wholesalers and retailers authorized by State law located within the Springfield District.

SEC. 3. *Applicability.* No wholesaler or retailer may require a purchaser to furnish a deposit to insure return of containers or cases in excess of the uniform maximum deposit charges established by this order.

SEC. 4. *Uniform maximum deposit charges established by this order.* The maximum deposit charges for all wholesalers and retailers subject to this order are as follows:

	Cases	Cases and containers	Containers
Wood	$0.52	$1.00	12 oz. or less, 2 cents per bottle.
Fiber or paper	.12	.60	Over 12 oz., 4 cents per bottle.

SEC. 5. *Definition.* Unless the context otherwise requires, the definitions set forth in section 302 of the Emergency Price Control Act of 1942, as amended, and in Revised Maximum Price Regulation 259, as amended shall apply to the terms used herein.

This order shall become effective August 15, 1945.

Issued this 28th day of July 1945.

CARTER JENKINS,
District Director.

[F. R. Doc. 45–15722; Filed, Aug. 23, 1945; 12:31 p. m.]

[Boise Special Order 1 Under Gen. Order 50]

MALT BEVERAGES IN BOISE, IDAHO, DISTRICT

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the District Director of the Boise, Idaho District Office of Region VII of the Office of Price Administration by General Order No. 50 issued by the Administrator of the Office of Price Administration, section 25 (c) of Restaurant Maximum Price Regulation 2, as amended, and Order 2 of Restaurant Maximum Price Regulation 2, it is hereby ordered:

SECTION 1. *What this order does.* If you are a person covered by the above orders and regulation and operate an eating or drinking establishment as defined by section 19 of Restaurant Maximum Price Regulation 2, as amended, and as explained in the next section, you must, notwithstanding the provisions of any other order or regulation, observe the ceiling prices established by this special order for malt beverages and keep records and post prices as subsequently specified.

SEC. 2. *Who is covered by order.* (a) You are covered by this order when:

(1) You own or operate a restaurant, hotel, cafe, cafeteria, delicatessen, soda fountain, boarding house, catering establishment, athletic stadium, field kitchen, luncheon wagon, hot dog cart, or other eating or drinking establishment which serves malt beverages to consumers for immediate consumption on the premises. Sales of malt beverages by such eating or drinking establishments for off-premise consumption shall remain subject to Revised Maximum Price Regulation 259.

(2) The eating or drinking establishment which you operate is located in any of the following counties: Ada, Adams, Bannock, Bear Lake, Bingham, Blaine, Boise, Bonneville, Butte, Camas, Canyon, Caribou, Cassia, Clark, Custer, Elmore, Franklin, Fremont, Gem, Gooding, Jefferson, Jerome, Lemhi, Lincoln, Madison, Minidoka, Oneida, Owyhee, Payette, Power, Teton, Twin Falls, Valley, and Washington in Idaho; Malheur in Oregon.

(3) You are selling malt beverages as defined in section 8 of this special order.

SEC. 3. *Exempt sales.* (a) Sales by the following eating or drinking establishments, or persons, are specifically exempt from the provisions of this special order;

(1) Hospitals, except for malt beverages served to persons other than patients if a separate charge is made therefor.

(2) Eating and drinking places operated by a school, college, university, or other educational institution or a student's fraternity or other students' organization or association primarily for the convenience or accommodation of students and faculty and not for profit as a commercial or business enterprise or undertaking.

(3) Eating and drinking places owned or operated by charitable, religious, or cultural organizations, recognized as such by the Bureau of Internal Revenue and exempt from payment of income tax by reason thereof, where no part of the net earnings inures to the benefit of any private shareholder or individual, and the net profits, if any, are devoted to religious, charitable or cultural purposes.

(4) Eating cooperatives formed by officers in the Armed Forces (as, for example, Officers' Mess) operated without profit.

(5) Bona fide clubs which file with their OPA District Office a statement setting forth that: (a) The club is a nonprofit organization and is recognized as such by the Bureau of Internal Revenue. (b) It sells malt beverages only to members and bona fide guests of members. (c) Its members pay dues of more than merely nominal amounts (the amount of dues paid by each class of members and the period covered by such dues should be indicated), and are elected to membership by a governing board, membership committee or other body. (d) It is otherwise operated as a club and not primarily as an eating or drinking establishment.

If OPA finds that the establishment does not satisfy the above requirements of a bona fide club, it will notify it in writing that it is not exempt from this regulation. No club organized after the effective date of Restaurant Maximum Price Regulation 2, as amended, shall be exempt unless and until it has filed a request for exemption with its District Office, furnishing the above information, as may be required, and has been exempted in writing by OPA.

(6) Malt beverages when sold as a separate item for consumption off the premises and not as part of a meal. Such off-premise sales shall remain subject to Revised Maximum Price Regulation 259.

SEC. 4. *Your ceiling prices.* Your ceiling prices for malt beverages are set forth below.

(a) *Bottled malt beverages.*

Brand or trade name	11- and 12-ounce	32-ounce
	Cents	*Cents*
Acme	16	[illegible]
Aero Club	16	[illegible]
Becker's American Pilsener	16	[illegible]
Becker's Best	16	[illegible]
Bohemian Club	16	[illegible]
Butte	16	[illegible]
Coors	16	[illegible]
Cooty Country Club	16	[illegible]
Gold Medal Lager	16	[illegible]
Great Falls	16	[illegible]
Highlander	16	[illegible]
Hop Gold	16	[illegible]
Luck Lager	16	[illegible]
Missoula	16	[illegible]
Olympia	16	[illegible]
Overland	16	[illegible]
Pioneer	16	[illegible]
Rocky Mountain	16	[illegible]
Sicks Select	16	[illegible]
Uinta Club	16	[illegible]
Ballentine's XXX Ale	21	42
Blatz	21	42
Budweiser	21	42
Buckingham Ale	21	42
Buckingham Beer	21	42
Canadian Ace	21	42
Chesterton	21	42
Hamm's	21	42
Pabst Blue Ribbon	21	42
Pioneer Victory	21	42
Pobo	21	42
Schlitz	21	42
Schmidt City Club	21	42
Yoerys, Cave Aged	21	42

(b) *Malt beverages on draught.* All brands of malt beverages eight (8) fluid ounces, exclusive of foam, for ten cents (10¢).

Other quantities of any or all brands of malt beverages sold on draught, may be sold by any eating or drinking establishment to which this order applies: *Provided*, That on all sales of malt beverages on draught by such places, of less than eight (8) fluid ounces, exclusive of foam, the maximum price shall be five cents (5¢). *Provided further*, That such places may sell malt beverages on draught in excess of eight (8) fluid ounces, exclusive of foam, at a price of ten cents (10¢), plus one cent (1¢) for each additional ounce.

(c) *Unbranded beverages.* Your ceiling price for any bottled malt beverage which does not carry a brand or trade name at the time of sale shall be the lowest ceiling price established by paragraph (a) above, for the same size bottle of malt beverage.

(d) *New and unlisted brands.* Your ceiling prices for new brands of malt beverages or brands which are not listed above must be determined in advance of sale by making application to the Boise, Idaho District Office of the Office of Price Administration. This office will establish your ceiling price or prices and notify you accordingly. Your application need not be in any set form but must include your name and address; the location and type of eating and drinking place; the trade name or brand name of malt beverage for which you apply for a ceiling price; the size of the bottle or glass sold to consumers; and a description of the unit of purchase and the delivered cost per unit to you.

(e) *Addition of taxes*—(i) *Federal excise taxes.* You may not add any other tax to the maximum ceiling prices provided for in the preceding paragraphs, except as provided in subsection (ii) below. All other existing taxes have already been taken into account in establishing these prices. If new or increased taxes render the prices inequitable, appropriate action will be taken by amendment to this special order.

(ii) *"Cabaret" tax.* The tax imposed by section 1700 (e) (1), Revenue Act of 1942, as amended by the act of June 9, 1944, Chapter 240, paragraph 3, 58th Statutes, 273 (section 1650, 1700 (e)) Internal Revenue Act, commonly known as the "cabaret" tax, may be collected by the seller in addition to the maximum prices fixed by this special order, where such seller states and collects the tax separately from the price paid by the purchaser; *Provided, however*, That such tax shall be allowed only in the event such seller is not in violation of the maximum prices fixed by this special order.

(f) *Evasion.* You must not evade the ceiling prices established by this special order by any type of evasion, scheme or device. Among other things you must not:

(1) Increase any cover, minimum bread and butter service, corkage, entertainment, checkroom, parking or other special charges which you did not have in effect during the 7-day period from April 4 to April 10, 1943, or

(2) Require as a condition of sale of a malt beverage, the purchase of other items or meals, unless expressly required to do so by State or local laws.

SEC. 5. *Records and menus.* You must observe the requirements of General Order 50 and Restaurant Maximum Price Regulation 2, as amended, with reference to the filing and keeping of menus and the preservation and keeping of customery and future records. For the purposes of this special order the most important features of the record-keeping requirements of General Order 50 and Restaurant Maximum Price Regulation 2, as amended, are that you (a) preserve all your existing records relating to prices, costs and sales of food items, meals and beverages; (b) continue to prepare and maintain such records as you ordinarily kept; and (c) keep for examination by the Office of Price Administration, two of each menu used by you each day or a daily record in duplicate of the prices charged for food items, beverages and meals. If you have customarily used menus, you must continue to do so.

SEC. 6. *Posting of ceiling prices.* You are required by this special order to follow the posting requirements of Order 2, Restaurant Maximum Price Regulation 2, issued and effective March 10, 1945. Order 2, Restaurant Maximum Price Regulation 2, requires all eating and drinking establishments serving malt beverages for consumption on the premises to post their ceiling prices for these malt beverages. If you have not been furnished a copy of Order 2 to Restaurant Maximum Price Regulation 2, it will be available at your Local War Price and Rationing Board.

SEC. 7. *Licensing.* The provisions of Licensing Order No. 1, licensing all persons who make sales under price control, applicable to all sellers subject to this order. A seller's license may be suspended for violation of this order. No steps need be taken by the seller to procure this license. A person whose license is suspended may not, during the period of suspension, make any sale for which his license has been suspended.

SEC. 8. *Definitions.* "Malt beverage" for the purpose of this order means beer, ale and similar beverages.

"Offer" means offer for sale and includes the listing or posting of prices for malt beverages, even though such malt beverages so offered were not actually on hand to be sold.

SEC. 9. *Revocation and amendment.* (a) This special order may be revoked, amended or corrected at any time.

(b) You may petition for an amendment of any provision of this special order (including a petition under Supplementary Order No. 28, as amended) by proceeding in accordance with Revised Procedural Regulation No. 1, except that petitions will be filed with and acted upon by the District Director.

This amended special order shall become effective August 13, 1945.

(56 Stat. 23, 765; 57 Stat. 566; Pub. Law 383, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681; General Order 50, 8 F.R. 4808; Rest. MPR 2, 8 F.R. 8845)

NOTE: The reporting and record-keeping requirements of this special order have been approved by the Bureau of the Budget, in accordance with the Federal Reports Act of 1942.

Issued at Boise, Idaho this 8th day of August 1945.

C. C. ANDERSON,
District Director.

[F. R. Doc. 45–15723; Filed, Aug. 23, 1945; 12:30 p. m.]

LIST OF COMMUNITY CEILING PRICE ORDERS

The following orders under Rev. General Order 51 were filed with the Division of the Federal Register August 14, 1945.

REGION VI

Des Moines Order 1–F, Amendment 75, covering fresh fruits and vegetables in Des Moines, Polk County, Iowa. Filed 9:30 a. m.

Peoria Order 7–F, Amendment 18, covering fresh fruits and vegetables in certain areas in Illinois. Filed 9:42 a. m.

Peoria Order 8–F, Amendment 18, covering fresh fruits and vegetables in certain areas in Illinois. Filed 9:33 a. m.

Twin Cities Revised Order 1–F, Amendment 29, covering fresh fruits and vegetables in St. Paul and Minneapolis. Filed 9:36 a. m.

REGION VII

Wyoming Order 12–W, Amendment 2, covering dry groceries in the Laramie Area. Filed 9:36 a. m.

Wyoming Order 52, Amendment 2, covering dry groceries in the Laramie Area. Filed 9:36 a. m.

REGION VIII

Los Angeles Order 1–C, Amendment 8, covering poultry in the Los Angeles, Orange, and Inyo Counties. Filed 9:38 a. m.

Los Angeles Order 2–C, Amendment 8, covering poultry in the Riverside and San Bernardino Counties. Filed 9:38 a. m.

Los Angeles Order 3–C, covering poultry in the San Luis Obispo, Santa Barbara, Ventura and parts of Kern. Filed 9:38 a. m.

Los Angeles Order 3–F, Amendment 8, covering fresh fruits and vegetables in the Los Angeles Area. Filed 9:37 a. m.

Los Angeles Order 3–F, Amendment 9, covering fresh fruits and vegetables in the Los Angeles Area. Filed 9:37 a. m.

Los Angeles Order 4–F, Amendment 8, covering fresh fruits and vegetables in the Long Beach-San Bernardino Area. Filed 9:37 a. m.

Los Angeles Order 4–F, Amendment 9, covering fresh fruits and vegetables in the Long Beach-San Bernardino Area. Filed 9:37 a. m.

Los Angeles Order 5–F, Amendment 8, covering fresh fruits and vegetables in the Santa Barbara-Ventura and San Luis Obispo Areas. Filed 9:37 a. m.

Los Angeles Order 5–F, Amendment 9, covering fresh fruits and vegetables in the Santa Barbara-Ventura and San Luis Obispo Areas. Filed 9:38 a. m.

Los Angeles Order 6–F, Amendment 8, covering fresh fruits and vegetables in the Santa Barbara-Ventura and San Luis Obispo Areas. Filed 9:38 a. m.

Los Angeles Order 6–F, Amendment 9, covering fresh fruits and vegetables in the Santa Barbara-Ventura and San Luis Obispo Areas. Filed 9:38 a. m.

Seattle Order 6–F, Amendment 44, covering fresh fruits and vegetables in the Seattle and Bremerton, Washington Area. Filed 9:39 a. m.

Seattle Order 6–F, Amendment 45, covering fresh fruits and vegetables in the Seattle and Bremerton, Washington Area. Filed 9:39 a. m.

Seattle Order 6–F, Amendment 48, covering fresh fruits and vegetables in the Seattle and Bremerton, Washington Area. Filed 9:36 a. m.

Seattle Order 7–F, Amendment 41, covering fresh fruits and vegetables in the Tacoma, Washington Area. Filed 9:39 a. m.

Seattle Order 7–F, Amendment 44, covering fresh fruits and vegetables in the Tacoma, Washington Area. Filed 9:36 a. m.

Seattle Order 8–F, Amendment 38, covering fresh fruits and vegetables in the Everett, Washington Area. Filed 9:39 a. m.

Seattle Order 8–F, Amendment 41, covering fresh fruits and vegetables in the Everett, Washington Area. Filed 9:35 a. m.

Seattle Order 9–F, Amendment 44, covering fresh fruits and vegetables in the Seattle and Bremerton, Washington Area. Filed 9:40 a. m.

Seattle Order 9–F, Amendment 45, covering fresh fruits and vegetables in the Seattle and

Bremerton, Washington Area. Filed 9:41 a. m.

Seattle Order 9–F, Amendment 48, covering fresh fruits and vegetables in the Seattle and Bremerton, Washington Area. Filed 9:35 a. m.

Seattle Order 10–F, Amendment 37, covering fresh fruits and vegetables in the Bellingham, Washington Area. Filed 9:40 a. m.

Seattle Order 10–F, Amendment 40, covering fresh fruits and vegetables in the Bellingham, Washington Area. Filed 9:35 a. m.

Seattle Order 11–F, Amendment 38, covering fresh fruits and vegetables in the Olympia,, Washington Area. Filed 9:41 a. m.

Seattle Order 11–F, Amendment 41, covering fresh fruits and vegetables in the Olympia, Washington Area. Filed 9:35 a. m.

Seattle Order 12–F, Amendment 37, covering fresh fruits and vegetables in the Aberdeen and Hoquiam, Washington Area. Filed 9:42 a. m.

Seattle Order 12–F, Amendment 40, covering fresh fruits and vegetables in the Aberdeen and Hoquiam, Washington Area. Filed 9:35 a. m.

Seattle Order 13–F, Amendment 38, covering fresh fruits and vegetables in the Centralia and Chehalis, Washington Area. Filed 9:42 a. m.

Seattle Order 13–F, Amendment 41, covering fresh fruits and vegetables in the Centralia and Chehalis, Washington Area. Filed 9:34 a. m.

Seattle Order 14–F, Amendment 41, covering fresh fruits and vegetables in the Wenatchee and East Wenatchee, Washington Area. Filed 9:34 a. m.

Seattle Order 15–F, Amendment 36, covering fresh fruits and vegetables in the Yakima, Washington Area. Filed 9:42 a. m.

Seattle Order 15–F, Amendment 39, covering fresh fruits and vegetables in the Yakima, Washington Area. Filed 9:34 a. m.

Seattle Order 31, Amendment 10, covering dry groceries in certain counties in Washington. Filed 9: 42 a. m.

Spokane Order 1–D, covering certain food items in the Spokane County Area. Filed 9:32 a. m.

Spokane Order 2–D, covering certain food items in the Pasco-Kennewick-Prosser-Richland Area. Filed 9:32 a. m.

Spokane Order 3–D, covering certain food items in Spokane, Benton and Franklin Counties, Washington Area. Filed 9:32 a. m.

Spokane Order 4–D, covering certain food items in Spokane, Washington Area. Filed 9:31 a. m.

Spokane Order 8–F, Amendment 27, covering fresh fruits and vegetables in the Spokane County, Washington Area. Filed 9:34 a. m.

Spokane Order 9–F, Amendment 27, covering fresh fruits and vegetables in the Kootenai County, Idaho Area. Filed 9:34 a. m.

Spokane Order 10–F, Amendment 26, covering fresh fruits and vegetables in the Shoshone and Kootenai Counties, Idaho. Filed 9:33 a. m.

Spokane Order 11–F, Amendment 26, covering fresh fruits and vegetables in Latah County, Idaho, and Whitman County, Washington. Filed 9:33 a. m.

Spokane Order 12–F, Amendment 26, covering fresh fruits and vegetables in the Nez Perce County, Idaho and Asotin County, Washington. Filed 9:33 a. m.

Spokane Order 12–F, Amendment 27, covering fresh fruits and vegetables in the Nez Perce County, Idaho and Asotin County, Washington. Filed 9:33 a. m.

Spokane Order 13–F, Amendment 28, covering fresh fruits and vegetables in Walla Walla and Columbia, Washington Area. Filed 9:33 a. m.

Spokane Order 14–F, Amendment 28, covering fresh fruits and vegeables in the Benton and Franklin Counties, Washington. Filed 9:32 a. m.

Copies of any of these orders may be obtained from the OPA Office in the designated city.

ERVIN H. POLLACK,
Secretary.

[F. R. Doc. 45–15795; Filed, Aug. 24, 1945; 11:48 a. m.]

LIST OF COMMUNITY CEILING PRICE ORDERS

The following orders under Rev. General Order 51 were filed with the Division of the Federal Register August 17, 1945.

REGION I

Concord Order 9–F, Amendment 14, covering fresh fruits and vegetables in certain areas in New Hampshire. Filed 3:28 p. m.

Concord Order 10–F, Amendment 3, covering fresh fruits and vegetables in certain areas in New Hampshire. Filed 3:28 p. m.

Concord Order 11–F, Amendment 3, covering fresh fruits and vegetables in certain areas in New Hampshire. Filed 3:28 p. m.

Concord Order 12–F, Amendment 3, covering fresh fruits and vegetables in certain areas in New Hampshire. Filed 3:29 p. m.

Hartford Order 5–F, Amendment 14, covering fresh fruits and vegetables in the Waterbury and Watertown Area. Filed 3:21 p. m.

Hartford Order 6–F, Amendment 15, covering fresh fruits and vegetables in certain areas in the Hartford Area. Filed 3:21 p. m.

Hartford Order 7–F, Amendment 13, covering fresh fruits and vegetables in the New Haven Area. Filed 3:21 p. m.

Hartford Order 8–F, Amendment 14, covering fresh fruits and vegetables in the Bridgeport Area. Filed 3.22 p. m.

Hartford Order 9–F, Amendment 3, covering fresh fruits and vegetables in certain areas in Connecticut. Filed 3:22 p. m.

Providence Order 3–F, Amendment 14, covering fresh fruits and vegetables in certain areas in Rhode Island. Filed 3:22 p. m.

REGION II

Syracuse Order 4–F, Amendment 30, covering fresh fruits and vegetables in certain counties in New York. Filed 3:27 p. m.

Syracuse Order 3–F, Amendment 42, covering fresh fruits and vegetables in certain areas in New York. Filed 3:27 p. m.

Trenton Order 12–F, Amendment 19, covering fresh fruits and vegetables in certain counties in New Jersey. Filed 3:28 p. m.

REGION III

Columbus Order 10–F, Amendment 5, covering fresh fruits and vegetables in Logan, Franklin and Muskingum Counties, Ohio. Filed 3:28 p. m.

Columbus Order 11–F, Amendment 5, covering fresh fruits and vegetables in certain counties in Ohio. Filed 3:28 p. m.

REGION V

Dallas Order 4–F, Amendment 2, covering fresh fruits and vegetables in Dallas County, Texas. Filed 3:22 p. m.

Fort Worth Order 13–F, Amendment 2, covering fresh fruits and vegetables in Tarrant County, Texas. Filed 3:23 p. m.

Fort Worth Order 14–F, Amendment 2, covering fresh fruits and vegetables in Taylor County, Texas. Filed 3:23 p. m.

Fort Worth Order 15–F, Amendment 2, covering fresh fruits and vegetables in Tom Green County, Texas. Filed 3:23 p. m.

Fort Worth Order 16–F, Amendment 2, covering fresh fruits and vegetables in McLennan County, Texas. Filed 3:23 p. m.

Fort Worth Order 17–F, Amendment 2, covering fresh fruits and vegetables in Wichita County, Texas. Filed 3:23 p. m.

Houston Order 4–F, Amendment 2, covering fresh fruits and vegetables in certain areas in Texas. Filed 3:30 p. m.

Houston Order 5–F, Amendment 2, covering fresh fruits and vegetables in Jefferson and Orange Counties, Texas. Filed 3:30 p. m.

Kansas City District Order 3–F, covering fresh fruits and vegetables in certain areas in Kansas and Missouri. Filed 3:30 p. m.

Little Rock District Order 4–F, Amendment 58, covering fresh fruits and vegetables in Miller County, Arkansas. Filed 3:29 p. m.

Little Rock Order 8–F, Amendment 3, covering fresh fruits and vegetables in Pulaski County, Arkansas. Filed 3:29 p. m.

Little Rock Order 10–F, Amendment 3, covering fresh fruits and vegetables in Garland County, Arkansas. Filed 3:29 p. m.

Little Rock Order 11–F, Amendment 3, covering fresh fruits and vegetables in Crawford and Sebastian Counties, Arkansas. Filed 3:29 p. m.

Oklahoma City Order 4–W, Amendment 5, covering dry groceries. Filed 3.22 p. m.

Oklahoma City Order G–15, Amendment 7, covering dry groceries. Filed 3:27 p. m.

San Antonio Order 6–F, Amendment 2, covering fresh fruits and vegetables in Bexar County, Texas. Filed 3:31 p. m.

San Antonio Order 7–F, Amendment 2 covering fresh fruits and vegetables in Austin County, Texas. Filed 3:31 p. m.

San Antonio Order 8–F, Amendment 2 covering fresh fruits and vegetables in Corpus Christi, Texas. Filed 3:31 p. m.

St. Louis Order 4–F, Amendment 3 covering fresh fruits and vegetables in the city and county of St. Louis, Missouri. Filed 3:31 p. m.

Wichita Order 5–F, Amendment 3, covering fresh fruits and vegetables in certain areas in Kansas. Filed 3:28 p. m.

REGION VI

Duluth-Superior Order 1–F, Amendment 79, covering fresh fruits and vegetables in certain areas in Minnesota. Filed 3.30 p. m.

Green Bay Order 4–F, Amendment 27 covering fresh fruits and vegetables in certain areas in Wisconsin. Filed 3:31 p. m.

Green Bay Order 5–F, Amendment 27 covering fresh fruits and vegetables in certain counties in Wisconsin. Filed 3:31 p. m.

REGION VIII

Nevada Order 11–F, Amendment 2–A, covering fresh fruits and vegetables. Filed 3:22 p. m.

Phoenix Adopting Order 1–F under Basic Order 1–B, Amendment 32, covering fresh fruits and vegetables in the Tucson Area. Filed 3:32 p. m.

Phoenix Order 1–M, covering malt beverages in the Phoenix Area. Filed 3:33 p. m.

Phoenix Order 2–M, covering malt beverages in the Phoenix Area. Filed 3:33 p. m.

Phoenix Order 3–F, Amendment 85 covering fresh fruits and vegetables in the Phoenix Area. Filed 3:32 p. m.

Phoenix Adopting Order 8–F under Basic Order 1–B, Amendment 22, covering fresh fruits and vegetables in the Cochise Area. Filed 3:32 p. m.

Copies of any of these orders may be obtained from the OPA Office in the designated city.

ERVIN H. POLLACK
Secretary.

[F. R. Doc. 45–15796; Filed, Aug. 24, 1945 11:48 a. m.]

LIST OF COMMUNITY CEILING PRICE ORDERS

The following orders under Rev. General Order 51 were filed with the Division of the Federal Register August 20, 1945.

REGION I

Boston Order 7–F, Amendment 14 covering fresh fruits and vegetables in certain areas in Massachusetts. Filed 1:17 p. m.

Boston Order 8–F, Amendment 11, covering fresh fruits and vegetables in certain areas in Massachusetts. Filed 1:17 p. m.

Boston Order 9–F, Amendment 12, covering fresh fruits and vegetables in certain areas in Massachusetts. Filed 1:17 p. m.

Boston Order 11–F, Amendment 11, covering fresh fruits and vegetables in certain areas in Massachusetts. Filed 1:17 p. m.

REGION III

Columbus Order 1–O, covering eggs in certain counties in Ohio. Filed 1:17 p. m.

Indianapolis Order 14–F, Amendment 29, covering fresh fruits and vegetables in Marion, Vigo and Tippecanoe. Filed 1:17 p. m.

Indianapolis Order 15–F, Amendment 29, covering fresh fruits and vegetables in Wayne, Delaware, and Allen, Indiana. Filed 1:18 p. m.

Indianapolis Order 16–F, Amendment 29, covering fresh fruits and vegetables in St. Joseph. Filed 1:19 p. m.

Indianapolis Order 17–F, Amendment 29, covering fresh fruits and vegetables in Vanderbugh. Filed 1:20 p. m.

Indianapolis Order 18–F, Amendment 10, covering fresh fruits and vegetables in certain counties in Indiana. Filed 1:20 p. m.

Indianapolis Order 19–F, Amendment 10, covering fresh fruits and vegetables in certain counties in Indiana. Filed 1:20 p. m.

Indianapolis Order 3–C, covering poultry in the Indianapolis Area. Filed 1.12 p. m.

Lexington Order 1–0, covering eggs in the Lexington, Kentucky Area. Filed 1:12 p. m.

Lexington Order 5–F, Amendment 20, covering fresh fruits and vegetables in Fayette County, Kentucky. Filed 1:13 p. m.

Lexington Order 6–F, Amendment 20, covering fresh fruits and vegetables in Kenton and Campbell Counties, Kentucky. Filed 1:13 p. m.

Lexington Order 7–F, Amendment 20, covering fresh fruits and vegetables in Boyd County, Kentucky. Filed 1:13 p. m.

Louisville Order 12–F, Amendment 31, covering fresh fruits and vegetables in Clark and Floyd Counties, Indiana, and Jefferson County, Kentucky. Filed 1:12 p. m.

Louisville Order 13–F, Amendment 31, covering fresh fruits and vegetables in McCracken County, Kentucky. Filed 1:12 p. m.

Louisville Order 14–F, Amendment 31, covering fresh fruits and vegetables in Daviess and Henderson Counties, Kentucky. Filed 1:12 p. m.

Louisville Order 15–F, Amendment 9, covering fresh fruits and vegetables in certain areas in Kentucky. Filed 1.13 p. m.

REGION IV

Birmingham Order 3–F, Amendment 30, covering fresh fruits and vegetables in Jefferson County, Alabama. Filed 1:13 p. m.

Miami Order 1–F, Amendment 27, covering fresh fruits and vegetables in certain areas in Florida. Filed 1:16 p. m.

Miami Order 2–F, Amendment 25, covering fresh fruits and vegetables in Tampa, Florida. Filed 1:16 p. m.

Richmond Order 4–F, Amendment 41, covering fresh fruits and vegetables in certain areas in Virginia. Filed 1:14 p. m.

Richmond Order 4–F, Amendment 42, covering fresh fruits and vegetables in certain areas in Virginia. Filed 1:14 p. m.

Roanoke Order 11–F, Amendment 26, covering fresh fruits and vegetables in certain areas in Virginia. Filed 1:14 p. m.

REGION V

Dallas Order 3–F, Amendment 54, covering fresh fruits and vegetables. Filed 1:15 p. m.

Dallas Order 5–W, Amendment 3, covering dry groceries in the Dallas Area. Filed 1:15 p. m.

Lubbock District Order 6–F, Amendment 2, covering fresh fruits and vegetables in Lubbock County, Texas. Filed 1:15 p. m.

Lubbock District Order 7–F, Amendment 2, covering fresh fruits and vegetables in certain counties in Texas. Filed 1:16 p. m.

REGION VI

Duluth-Superior District Order 1–F, Amendment 83, covering fresh fruits and vegetables in certain areas in Minnesota. Filed 1:09 p. m.

Milwaukee District Order 8–F, Amendment 20, covering fresh fruits and vegetables in Dane County, Wisconsin. Filed 1:11 p. m.

Milwaukee District Order 8–F, Amendment 21, covering fresh fruits and vegetables in Dane County, Wisconsin. Filed 1:11 p. m.

Milwaukee District Order 9–F, Amendment 21, covering fresh fruits and vegetables in Sheboygan and Fond Du Lac Counties, Wisconsin. Filed 1:11 p. m.

Milwaukee District Order 11–F, Amendment 12, covering fresh fruits and vegetables in Milwaukee County and Racine and Kenosha, Wisconsin. Filed 1:11 p. m.

Milwaukee District Order 11–F, Amendment 13, covering fresh fruits and vegetables in Milwaukee County and Racine and Kenosha, Wisconsin. Filed 1:11 p. m.

Omaha Order 10–F, Amendment 20, covering fresh fruits and vegetables in Omaha, Nebraska and Council Bluffs, Iowa. Filed 1:09 p. m.

Omaha Order 11–F, Amendment 21, covering fresh fruits and vegetables in Lincoln, Nebraska. Filed 1:09 p. m.

Omaha Order 20, Amendment 9, covering dry groceries in Douglas and Sarpy, Nebraska, and Council Bluffs, Iowa. Filed 1:10 p. m.

Quad-Cities District Order 3–F, Amendment 30, covering fresh fruits and vegetables in certain counties in Illinois and Iowa. Filed 1:10 p. m.

Springfield Order 15–F, Amendment 23, covering fresh fruits and vegetables in Decatur, Macon County, Illinois. Filed 1:10 p. m.

Springfield Order 13–F, Amendment 22, covering fresh fruits and vegetables in Springfield, Sangamon County, Illinois. Filed 1:10 p. m.

Twin Cities Revised Order 1–F, Amendment 30, covering fresh fruits and vegetables in St. Paul and Minneapolis. Filed 1:11 p. m.

Copies of any of these orders may be obtained from the OPA Office in the designated city.

ERVIN H. POLLACK,
Secretary.

[F. R. Doc. 45–15797; Filed, Aug. 24, 1945; 11:48 a. m.]

LIST OF COMMUNITY CEILING PRICE ORDERS

The following orders under Rev. General Order 51 were filed with the Division of the Federal Register August 21, 1945.

REGION II

Baltimore Order 10–F, Amendment 6, covering fresh fruits and vegetables in certain areas in Maryland. Filed 4:08 p. m.

Philadelphia Order 6–F, Amendment 40, covering fresh fruits and vegetables in the city and county of Philadelphia, Pennsylvania. Filed 4:09 p. m.

Philadelphia Order 11–F, Amendment 15, covering fresh fruits and vegetables in certain counties in Pennsylvania. Filed 4:09 p. m.

Philadelphia Order 12–F, Amendment 15, covering fresh fruits and vegetables in certain counties in Pennsylvania. Filed 4:09 p. m.

Williamsport Order 6–W, Amendment 3, covering dry groceries in certain counties in Pennsylvania. Filed 4:08 p. m.

Williamsport Order 24, Amendment 3, covering dry groceries in certain counties in Pennsylvania. Filed 4:08 p. m.

Wilmington Order 4–F, Amendment 47, covering fresh fruits and vegetables in the entire state of Delaware. Filed 4:09 p. m.

REGION IV

Birmingham Order 1–C, Amendment 6, covering poultry in the Birmingham Area. Filed 4:09 p. m.

Richmond Order 5–F, Amendment 22, covering fresh fruits and vegetables in certain areas in Virginia. Filed 4:07 p. m.

Richmond Order 5–F, Amendment 23, covering fresh fruits and vegetables in certain areas in Virginia. Filed 4:08 p. m.

Richmond Order 5–F, Amendment 24, covering fresh fruits and vegetables in certain areas in Virginia. Filed 4:08 p. m.

REGION VII

Denver Order 4–F, Amendment 9, covering fresh fruits and vegetables in the Denver Area. Filed 4:06 p. m.

Denver Order 5–F, Amendment 9, covering fresh fruits and vegetables in the Pueblo Area. Filed 4:06 p. m.

Denver Order 6–F, Amendment 9, covering fresh fruits and vegetables in the Manitou and Colorado Springs Area. Filed 4:06 p. m.

Denver Order 7–F, Amendment 9, covering fresh fruits and vegetables in the Boulder-Fort Collins-Greeley Area. Filed 4:07 p. m.

Salt Lake City Order 12–F, Amendment 9, covering fresh fruits and vegetables in certain areas in Utah. Filed 4:05 p. m.

Salt Lake City Order 13–F, Amendment 8, covering fresh fruits and vegetables in certain areas in Utah. Filed 4:05 p. m.

Salt Lake City Order 13–F, Amendment 9, covering fresh fruits and vegetables in certain areas in Utah. Filed 4:05 p. m.

REGION VIII

Sacramento Order O–1, Amendment 7, covering eggs in certain areas in California. Filed 4:07 p. m.

Sacramento Order O–2, Amendment 7, covering eggs in certain areas in California. Filed 4:07 p. m.

Sacramento Adopting Order 31–F under Basic Order 3–B, Amendment 6, covering fresh fruits and vegetables in certain areas in California. Filed 4:07 p. m.

San Francisco Order 13–F, Amendment 12, covering fresh fruits and vegetables in certain areas in California. Filed 4:05 p. m.

San Francisco Order 14–F, Amendment 12, covering fresh fruits and vegetables in certain areas in California. Filed 4:06 p. m.

San Francisco Order 15–F, Amendment 12, covering fresh fruits and vegetables in certain counties in California. Filed 4:06 p. m.

San Francisco Order 16–F, Amendment 12, covering fresh fruits and vegetables in certain counties in California, except Eureka. Filed 4:06 p. m.

Copies of any of these orders may be obtained from the OPA Office in the designated city.

ERVIN H. POLLACK,
Secretary.

[F. R. Doc. 45–15798; Filed, Aug. 24, 1945; 11:48 a. m.]

[Region IV Rev. Order G–5 Under RMPR 122, Amdt. 2]

SOLID FUELS IN CHARLOTTE, N. C.

For the reasons set forth in an opinion issued simultaneously herewith, and under the authority vested in the Regional Administrator, Region IV, Office of Price Administration by § 1340.260 of Revised Maximum Price Regulation No. 122, subparagraph (e) (3) of Revised Order No. G–5 under Revised Maximum Price Regulation No. 122 issued by this office on April 18, 1945, is hereby amended to read as follows:

(3) *High volatile from District No. 8.*

Size	Per ton (2,000 lbs.	Per ½ ton (1,000 lbs.	Per ¼ ton 500 lbs.
Lump coal from mine index 481, Benedict Coal Corp., mine index 453, Southern Collieries, Inc.	$10.60	$5.55	$2.96
Lump	10.45	5.48	2.93
Egg	10.10	5.30	2.84
Stoker, size group 10—from mine index 119, Clinchmore Coal Co.	10.40	5.45	2.91
Stoker, size group 10—from mine index 213, Gatliff Coal Co.	10.05	5.28	2.83
Stoker	9.90	5.20	2.79
Domestic run-of-mine (screened), and nut and slack	9.15	4.83	2.60

Effective date. This amendment shall become effective June 21, 1945.

Issued: June 16, 1945.

ALEXANDER HARRIS,
Regional Administrator.

[F. R. Doc. 45-15599; Filed, Aug. 22, 1945; 4:46 p. m.]

[Region IV Rev. Order G-5 Under RMPR 122, Amdt. 3]

SOLID FUEL IN CHARLOTTE, N. C.

For the reasons set forth in an opinion issued simultaneously herewith, and under the authority vested in the Regional Administrator, Region IV, Office of Price Administration by § 1340.260 of Revised Maximum Price Regulation No. 122, subparagraph (e) (1) of Revised Order No. G-5 under Revised Maximum Price Regulation No. 122 issued by this office on April 18, 1945, is hereby amended to read as follows:

(1) *Briquettes and Pennsylvania anthracite.*

Size	Per ton (2,000 lbs.)	Per ½ ton (1,000 lbs.)	Per ¼ ton (500 lbs.)
Pennsylvania anthracite nut	$20.05	$10.28	$5.13
Briquettes	11.50	6.00	3.18

Effective date. This amendment shall become effective as of June 18, 1945.

Issued: June 27, 1945.

THOMAS L. HISGEN,
Acting Regional Administrator.

[F. R. Doc. 45-15600; Filed, Aug. 22, 1945; 4:46 p. m.]

PETROLEUM ADMINISTRATION FOR WAR.

AVIATION GASOLINE REIMBURSEMENT PLAN

NOTICE OF MODIFICATION

Pursuant to the authority contained in Executive Order No. 9276, December 2, 1942, as amended by Executive Order No. 9319, March 23, 1943, and with the concurrence of the War Department, Navy Department, and Reconstruction Finance Corporation, the Aviation Gasoline Reimbursement Plan, as defined in "Agreement Extending and Modifying the Aviation Gasoline Reimbursement Plan and the Four Party Purchase Agreement," dated July 1, 1944, as extended June 30, 1945, is hereby modified to exclude claims by refiners based on operations conducted after September 30, 1945.

Issued: August 28, 1945.

RALPH K. DAVIS,
Deputy Petroleum Administrator for War.

[F. R. Doc. 45-15934; Filed, Aug. 27, 1945; 11:10 a. m.]

SECURITIES AND EXCHANGE COMMISSION.

[File Nos. 7-812—7-819, Incl.]

ALLEGHANY CORP. ET AL.

ORDER SETTING HEARING ON APPLICATIONS TO EXTEND UNLISTED TRADING PRIVILEGES

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 22d day of August, A. D. 1945.

In the matter of applications by the Cleveland Stock Exchange to extend unlisted trading privileges to Alleghany Corporation, Common Stock, $1.00 Par Value, File No. 7-812; American Telephone and Telegraph Company, Capital Stock, $100.00 Par Value, File No. 7-813; Consolidated Natural Gas Company, Capital Stock, $15.00 Par Value, File No. 7-814; Erie Railroad Company, Common Stock, No Par Value, File No. 7-815; The Gabriel Company, Common Stock, $1.00 Par Value, File No. 7-816; General Motors Corporation, Common Stock, $10.00 Par Value, File No. 7-817; Pennsylvania Railroad Company, Capital Stock, $50.00 Par Value, File No. 7-818; Radio Corporation of America, Common Stock, No Par Value, File No. 7-819.

The Cleveland Stock Exchange, pursuant to section 12 (f) (2) of the Securities Exchange Act of 1934, and Rule X-12F-1 promulgated thereunder, having made application to the Commission to extend unlisted trading privileges to the above-mentioned securities;

The Commission deeming it necessary for the protection of investors that a hearing be held in this matter at which all interested persons be given an opportunity to be heard;

It is ordered, That the matter be set down for hearing at 3:30 p. m. on Monday, September 24, 1945, at the office of the Securities and Exchange Commission, 1370 Ontario Street, Cleveland, Ohio, and continue thereafter at such times and places as the Commission or its officer herein designated shall determine, and that general notice thereof be given; and

It is further ordered, That Franklyn S. Judson, or any other officer or officers of the Commission named by it for that purpose, shall preside at the hearing on such matter. The officer so designated to preside at such hearing is hereby empowered to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law.

By the Commission.

[SEAL] NELLYE A. THORSEN,
Assistant to the Secretary.

[F. R. Doc. 45-15847; Filed, Aug. 24, 1945; 4:52 p. m.]

[File Nos. 54-67, 59-64]

PEOPLES LIGHT AND POWER CO. ET AL.

ORDER DIRECTING DISPOSITION OF CERTAIN INTERESTS

At a regular session of the Securities and Exchange Commission held in its office in the City of Philadelphia, Pa., on the 22d day of August, A. D. 1945.

In the matter of Peoples Light and Power Company and Subsidiary Companies, File No. 54-67; Peoples Light and Power Company, California Public Service Company, Texas Public Service Farm Company, Texas Public Service Company, and West Coast Power Company, File No. 59-64.

The Commission having instituted proceedings under sections 11 (b) (1) and 11 (b) (2) of the Public Utility Holding Company Act of 1935 with respect to Peoples Light and Power Company ("Peoples"), a registered holding company, and its subsidiaries; and said proceedings having been consolidated for the purpose of hearing with those relating to an application filed by Peoples pursuant to section 11 (e) of said Act seeking approval of a plan for effecting compliance with sections 11 (b) (1) and 11 (b) (2); and

Peoples having from time to time filed amendments to the said section 11 (e) application;

Hearings having been held in such consolidated proceedings and the Commission having approved various steps and action proposed in Peoples original plan and amendments thereto;

Peoples having filed in the consolidated proceedings an Amended Plan (dated as of November 15, 1944) under section 11 (e) designed to comply with the provisions of section 11 (b) (2) of the act; and

Public hearings having been held on the Amended Plan in the consolidated proceedings after appropriate notice, and the Commission having filed its Findings and Opinion in which the Commission finds, among other things, that the plan, if modified can be approved and also that the action hereinafter described is necessary and appropriate for the purpose of effectuating compliance with section 11 (b) (1) of the act:

It is ordered, Pursuant to section 11 (b) (1) of the Public Utility Holding Company Act of 1935, that Peoples shall, in any appropriate manner not in contravention of the applicable provisions of said act, or of the rules and regulations promulgated thereunder, or of this order, dispose of all its interest, direct or indirect, in the electric, water and ice properties of Texas Public Service Company located in and in the vicinity of La Grange, Texas, and in the farm business of Texas Public Service Farm Company.

It is further ordered, That Peoples shall not, directly or indirectly, sell or otherwise dispose of any securities, assets or other interest pursuant to the direction of this order unless either (1) a declaration pursuant to Rule U-43 or Rule U-44 with respect thereto shall have been permitted to become effective, if either of such rules shall be applicable; or (2) such company shall have given at least ten days' notice of the terms and conditions of such proposed sale or disposition and shall not have received notification from the Commission within said ten-day period that a declaration should be filed with respect to said proposed transaction; or (3) in the event such notification shall have been given by the Commission, the required declaration shall have been filed and permitted to become effective.

It is further ordered, That jurisdiction be, and the same hereby is, reserved for the purpose of taking such additional action as the Commission shall deem necessary or appropriate to effectuate the terms of this order and compliance by Peoples with section 11 (b) (1) of the act, to pass upon the amended plan filed under section 11 (e) of the act and any amendment which may be filed modifying such plan, and to secure compliance with section 11 (b) (2) of the act in the event the pending amended plan is not modified as indicated in the findings and opinion herein or, if so modified, is not enforced as provided in the amended plan.

By the Commission.

[SEAL] NELLYE A. THORSEN,
Assistant to the Secretary.

[F. R. Doc. 45-15848; Filed, Aug. 24, 1945; 4:52 p. m.]

[File No. 70-1105]

MONONGAHELA POWER CO. ET AL.

SUPPLEMENTAL ORDER PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 23d day of August, A. D. 1942.

In the matter of Monongahela Power Company, The West Penn Electric Company, American Water Works and Electric Company, Inc., File No. 70-1105.

Monongahela Power Company ("Monongahela") an exempt holding company and a subsidiary of American Water Works and Electric Company, Inc., ("American") having made a joint filing together with two of its parents, American and The West Penn Electric Company ("Electric"), pursuant to the Public Utility Holding Company Act of 1935 regarding, among other things, the issuance and sale, pursuant to the competitive bidding requirements of Rule U-50, of $22,000,000 principal amount of first mortgage bonds due August 1, 1975, and 90,000 shares of cumulative preferred stock, par value $100 per share, the prices to Monongahela for such securities, the interest rate on the bonds, and the dividend rate on the preferred stock to be fixed by competitive bidding;

The Commission having by order entered herein under the date of August 15, 1945 permitted the declaration, as amended, regarding the issuance and sale of the aforesaid securities to become effective subject, among other things, to the condition that the proposed issuance and sale of first mortgage bonds and cumulative preferred stock should not be consummated until the results of the competitive bidding held pursuant to Rule U-50 had been made a matter of record in this proceeding and a further order entered by this Commission in the light of the record so completed;

Monongahela having filed an amendment to its declaration setting forth the action taken to comply with the requirements of Rule U-50 and stating that pursuant to the invitation for competitive bids four separate bids and one combination bid were received as follows:

COMBINATION BID

Underwriter	Percent of principal amount or par value	Coupon rate or dividend rate	Cost to the company
W. C. Langley & Co. and The First Boston Corp.:		*Percent*	
Bonds	101.459	3	2.9265
Pfd. Stock	101.03	4.40	4.3551

SEPARATE BIDS

W. C. Langley & Co. and The First Boston Corp.:			
Bonds	101.459	3	2.9265
Pfd. Stock	100	4.50	4.50
Mellon Security Corp. and Kidder, Peabody & Co.:			
Bonds	101.61	3	2.9191
Lehman Brothers:			
Bonds	100.9263	3	2.9533
Pfd. Stock	100.0799	4.50	4.4964
Halsey, Stuart & Co., Inc.:			
Bonds	100.7999	3	2.9596

It further appearing that Monongahela has accepted the combination bid of the syndicate headed by W. C. Langley & Company and The First Boston Corporation; that the bonds are to be resold to the public at 102.5% of principal amount thereof plus accrued interest from August 1, 1945, to the date of delivery, representing a spread to the underwriters of 1.041 on said bonds; and that preferred stock is to be resold to the public at 103.5% of par value plus accrued dividends from August 1, 1945, representing a spread of 2.47 on said preferred stock;

It is ordered, That said declaration, as amended, be, and the same hereby is, permitted to become effective forthwith subject to the terms and conditions prescribed by Rule U-24 and to the following condition:

That jurisdiction be, and hereby is, continued over the payment of any and all legal fees incurred or to be incurred by Monongahela in connection with the proposed transactions.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 45-15850; Filed, Aug. 25, 1945; 9:45 a. m.]

[File No. 70-752]

ELECTRIC POWER & LIGHT CORP.

ORDER GRANTING APPLICATION

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 23d day of August, A. D. 1945.

Electric Power & Light Corporation ("Electric"), a registered holding company, which the Commission has ordered to be dissolved, having filed an amendment herein requesting that the Commission enter an order to conform to the requirements of sections 371 and 1808 of the Internal Revenue Code, as amended, reciting that the proposed use by Electric of $4,343,050, the remaining balance of the proceeds of the sale of the common stock of Idaho Power Company, for the retirement of a part of its outstanding Gold Debentures, 5% Series due 2030, is necessary and appropriate to the effectuation of section 11 (b) of the Public Utility Holding Company Act of 1935; and

The Commission deeming the proposed retirement of the outstanding debentures of Electric to be necessary and appropriate to the integration or simplification of the holding company system of which Electric is a member and necessary and appropriate to effectuate the provisions of section 11 (b) of the act, and deeming it appropriate to grant the request of Electric as to the suggested recitals;

It is hereby ordered, That the use by Electric of a portion ($4,343,050) of the proceeds of the sale of the common stock of Idaho Power Company for the retirement of a part of its publicly-held Gold Debentures, 5% Series Due 2030, is necessary and appropriate to the integration or simplification of the holding company system of which Electric is a member, and necessary and appropriate to effectuate the provisions of section 11 (b) of the Public Utility Holding Company Act of 1935.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 45-15851; Filed, Aug. 25, 1945; 9:46 a. m.]

[File No. 59-5]

MIDDLE WEST CORP., ET AL.

ORDER RECONVENING HEARING, NOTICE OF AND ORDER FOR HEARING, AND ORDER OF CONSOLIDATION

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 23d day of August 1945.

In the matter of The Middle West Corporation and its subsidiary companies, respondents, File No. 59-5.

The Commission on the 24th day of January 1944 pursuant to section 11 (b) (1) of the Public Utility Holding Company Act of 1935 having issued an order herein requiring, among other things, that The Middle West Corporation sever its relationship with certain properties, operations and companies,

said order providing however, that the Commission would defer decision of the issues respecting the extent to which properties of Central Illinois Public Service Company, Kentucky Utilities Company and the subsidiaries thereof, all subsidiaries of The Middle West Corporation, may be retained by The Middle West Corporation pending the conclusion of reorganization proceedings of Midland United Company and its subsidiaries under section 77B of the Bankruptcy Act in which the interest of The Middle West Corporation shall have been determined; which reorganization proceeding was then pending before the District Court of the United States for the District of Delaware; and

This Commission having since approved a plan of reorganization of Midland United Company (Hugh M. Morris, Trustee of the Estate of Midland United Company, et al.—S. E. C.—(1944), Holding Company Act Release No. 5317A) as conforming to the requirements of section 11 (f) of the act and such plan having also been approved pursuant to the provisions of the Bankruptcy Act by order of the District Court of the United States for the District of Delaware (Midland United Company, Debtor, 58 Fed. Supp. 667 (1944)) and later confirmed by said court, and which matter is now pending on appeal to the United States Circuit Court of Appeals for The Third Circuit; and

It appearing that the securities to be distributed under such plan, as confirmed, have been so distributed and that pursuant thereto The Middle West Corporation has received 224,586 shares of the common stock of Public Service Company of Indiana, Inc. representing approximately 20% of such company's outstanding common stock and approximately 5% of the company's total capitalization and surplus, per books; and

The Commission having also ordered on January 24, 1944 that determination of the application of section 11 (b) (1) respecting the holding company system of Kentucky Utilities Company should be deferred and that these issues and the issues relating to the retainability of properties by The Middle West Corporation be considered together; and

It further appearing that proceedings are now pending pursuant to sections 11 (b) (2) and 15 (f) of the act with respect to Central Illinois Public Service Company (Central Illinois Public Service Company, File No. 59-37) to determine whether voting power is fairly and equitably distributed among the security holders of Central Illinois Public Service Company, and, if not, whether it is necessary or appropriate to require that Central Illinois Public Service Company shall revise and simplify its capital structure and take other steps to effect fair and equitable distribution of voting power among its security holders and to determine whether it is necessary or appropriate in the public interest or for the protection of investors or consumers to require that Central Illinois Public Service Company restate its plant and investment, surplus, capital and other accounts; and

It appearing that a hearing should be held to determine, pursuant to the provisions of section 11 (b) (1) of the act, the extent to which the interests of The Middle West Corporation in the properties of Central Illinois Public Service Company, Public Service Company of Indiana, Inc., and Kentucky Utilities Company and its subsidiaries, South Fulton Light and Power Company, Old Dominion Power Company and its subsidiary, Old Dominion Ice Corporation, and Dixie Power and Light Company may be retained by The Middle West Corporation and the extent to which Kentucky Utilities Company may retain its utility and non-utility properties; and

It appearing that a hearing should be held to determine, pursuant to the provisions of section 11 (b) (2) of the act, what steps, if any, The Middle West Corporation should be required to take (apart from what action may or may not be required to be taken pursuant to the provisions of section 11 (b) (1) of the act) in order to effect compliance with the provisions of said section; and

It appearing to the Commission that said matters with respect to the provisions of sections 11 (b) (1) and 11 (b) (2) of the act as they pertain to The Middle West Corporation are related and involve common questions of law and fact; that evidence offered in respect of each of said matters may have a bearing on the others; and that substantial savings in time, effort and expense will result if the hearings on said matters are consolidated so that they may be heard as one matter and so that evidence heretofore or hereafter adduced with respect to the proceedings under sections 11 (b) (1) and 11 (b) (2) may stand as evidence in both of said matters for all purposes:

It is ordered, That the hearings on said matters be and they hereby are consolidated. The Commission reserves the right if at any time it may appear conducive to an orderly and economic disposition of any of said matters to order a separate hearing concerning such matter, to close the record with respect to any of the matters, or to take action on any of the matters prior to the closing of the record on any other matter.

It is further ordered, That a hearing on such issues, under the applicable provisions of said act and the rules promulgated thereunder, be held on the 9th day of October 1945, at 10:30 a. m., e. w. t., at the offices of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia 3, Pennsylvania, in such hearing room as the hearing room clerk in Room 318 may designate.

It is further ordered, That any person desiring to be heard in connection with this proceeding, or otherwise wishing to participate therein, shall file with the Secretary of the Commission on or before October 2, 1945, his request therefor as provided by Rule XVII of the rules of practice of the Commission.

It is further ordered, That Henry C. Lank, or any other officer or officers of the Commission designated by it for that purpose shall preside at such hearing. The officer so designated is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of the act and to a trial examiner under the Commission's rules of practice.

It is further ordered, That particular attention shall be directed at the hearing to the following matters and questions:

(a) What steps, if any, should be required to be taken by The Middle West Corporation, Central Illinois Public Service Company, Public Service Company of Indiana, Inc., and Kentucky Utilities Company and their subsidiaries so that the operations of The Middle West Corporation and Kentucky Utilities Company will be confined to single integrated utility systems and additional systems and other businesses within the limitations of section 11 (b) (1) of the act, and without limiting the scope of the foregoing.

(1) To what extent the utility properties of Central Illinois Public Service Company, Kentucky Utilities Company and its subsidiaries, and Public Service Company of Indiana, Inc. constitute one or more single integrated utility systems within the definitions contained in section 2 (a) (29) of the act;

(2) To what extent any such integrated systems, if there be more than one single system, may be retained together in the same holding company system;

(3) To what extent the non-utility operations or businesses conducted by the respective companies named above may be retained with any one or more of such integrated utility system or systems;

(4) To what extent any of such utility systems or non-utility operations or businesses may be retained by The Middle West Corporation, directly or indirectly, pursuant to the provisions of section 11 (b) (1) and other applicable provisions of the act; and

(5) To what extent Kentucky Utilities Company may retain its utility and non-utility properties under the provisions of section 11 (b) (1).

(b) What steps, if any, should be required to be taken by The Middle West Corporation and its subsidiaries, Central Illinois Public Service Company, Public Service Company of Indiana, Inc. and Kentucky Utilities Company to ensure that the corporate structure or continued existence of any of such companies in the holding company system or systems does not unduly or unnecessarily complicate the structure, or unfairly or inequitably distribute voting power among security holders, of such holding company system or systems within the meaning of section 11 (b) (2) of the act, and without limiting the scope of the foregoing.

(1) Whether The Middle West Corporation shall cease to be a holding company with respect to Central Illinois Public Service Company and or Public Service Company of Indiana, Inc;

(2) Whether the continued existence of The Middle West Corporation should be terminated.

It is further ordered, That the Secretary of this Commission shall serve notice of the aforesaid hearing by mailing a copy of this order to The Middle West Corporation, Central Illinois Public Service Company, Public Service Company of Indiana, Inc., Kentucky Utilities Company, South Fulton Light and Power Company, Old Dominion Power Company, Old Dominion Ice Corporation and Dixie Power and Light Company by registered mail; and that notice of said hearing is hereby given to the security holders and consumers of said companies and the State municipalities and political subdivisions of States within which are located any of the utility assets of such companies or under the laws of which any of such companies are incorporated, all State commissions, State securities commissions and all agencies, authorities, judicial bodies or instrumentalities of The United States of America and of one or more States, municipalities or other political subdivisions having jurisdiction over such companies, or over any of the businesses, affairs, or operations of any of them; that such notice shall be further given by a general release of the Commission, distributed to the press and mailed to the mailing list for releases issued under the Public Utility Holding Company Act of 1935; and that further notice be given to all persons by publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 45-15852; Filed, Aug. 25, 1945; 9:46 a. m.]

[File No. 70-1071]

THE NORTH AMERICAN CO.

NOTICE OF FILING FIFTH AMENDMENT TO DECLARATION AND APPLICATION, ORDER REOPENING PROCEEDINGS AND ORDER OF HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 24th day of August 1945.

The North American Company, a registered holding company, filed a declaration and application ("declaration") on April 24, 1945, and amendments thereto, pursuant to the applicable provisions of the Public Utility Holding Company Act of 1935 and the Rules and Regulations promulgated thereunder regarding the sale at competitive bidding of shares of common stock of Pacific Gas and Electric Company, a subsidiary company of declarant, and the application of the proceeds to the redemption by The North American Company of its outstanding Preferred Stock, 6% Series, and the modification of its Loan Agreement securing certain bank loan notes; the Commission after public hearings being held with respect to such amended declaration issued its order date May 15, 1945 (Holding Company Act Release No. 5796) approving the proposed transaction and permitting the amended declaration to become effective subject to the reservation of jurisdiction by the Commission that the proposed sale of such stock be not consummated until the results of competitive bidding, pursuant to Rule U-50, were made a matter of record and approved by order of the Commission; and the Commission being advised of the action taken to comply with the competitive bidding requirements of Rule U-50 issued its order dated May 23, 1945 (Holding Company Act Release No. 5818) denying effectiveness to such amended declaration.

Notice is hereby given that The North American Company has now filed on August 22, 1945, its fifth amendment to its declaration proposing the reoffering for sale at competitive bidding, pursuant to the provisions of Rule U-50, of said shares of common stock of Pacific Gas and Electric Company by The North American Company, the redemption of its Preferred Stock, 6% Series, and the modification of its Loan Agreement securing certain bank loan notes. All interested persons are referred to the declaration, as amended by declarant's fifth amendment, which is on file in the office of this Commission for a statement of the transactions therein proposed which may be summarized as follows:

The North American Company proposes to sell 700,000 shares of its holdings of 1,348,192 shares of common stock of Pacific Gas and Electric Company, a subsidiary of The North American Company, if market conditions are favorable, and will, in accordance with the competitive bidding requirements of Rule U-50, invite sealed written proposals for the purchase of such stock. The North American Company states that, under present conditions, it believes it can obtain the highest price for the common stock of Pacific Gas and Electric Company by means of a sale of such stock off the New York Stock Exchange.

The North American Company proposes to apply the net proceeds from the sale of the stock, together with certain other current assets, to the redemption of all of its outstanding shares of Preferred Stock, 6% Series, of the par value of $50 and aggregating 606,359 shares, at the redemption price of $55 per share or an aggregate redemption price of $33,349,745 plus accrued dividends.

In connection with the above-described transactions, The North American Company also proposes to modify its Loan Agreement dated August 3, 1943, with The Chase National Bank of the City of New York and certain other banks and the Custodian Agreement referred to in the Loan Agreement, by means of a Supplemental Agreement providing for certain waivers and consents by the holders of the bank loan notes and providing for a reallocation of the principal amounts of the bank loan notes of Series A, B, C, D, and E but without any change in the aggregate principal amount of all of such notes or in the maturities, rate of interest and other characteristics thereof.

The North American Company requests authority to stabilize the price of the common stock of Pacific Gas and Electric Company on the New York Stock Exchange, the San Francisco Stock Exchange and the Los Angeles Stock Exchange during the period commencing at 10 a. m. on the day fixed for the opening by declarant of the proposals for the purchase of the 700,000 shares of common stock of Pacific Gas and Electric Company and ending at the time of the opening of such proposals.

The Commission deeming it appropriate that the proceedings herein be reopened and hearings reconvened for the purpose of affording an opportunity to all interested parties to present evidence and to be heard in respect to the proposed transactions set forth and contained in the declaration filed herein, as amended by declarant's fifth amendment filed on August 22, 1945; and that appropriate notice thereof be given to all interested persons;

It is ordered, That the proceedings herein be reopened and the hearing be reconvened for the purpose of presentation of evidence and taking of testimony with respect to the matters presented by the declaration as amended by declarant's fifth amendment filed on August 22, 1945.

It is further ordered, That the hearing upon said matters shall be held under the applicable provisions of the Act and Rules promulgated thereunder on the 30th day of August 1945 at 10 a. m., e. w. t., in the offices of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia, Pennsylvania, in such room as may be designated at such time by the hearing room clerk in Room 318.

It is further ordered, That any person desiring to be heard or otherwise wishing to participate in the proceedings, shall file with the Secretary of the Commission on or before August 28, 1945, his application therefor, as provided by Rule XVII of the rules of practice of the Commission.

It is further ordered, That Henry C. Lank or any other officer or officers of the Commission designated by it for that purpose shall preside at such hearing. The officer so designated to preside at such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of the act and to a trial examiner under the Commission's rules of practice.

It is further ordered, That the Secretary of this Commission shall serve notice of the aforesaid hearing by mailing a copy of this order to The North American Company and the Pacific Gas and Electric Company by registered mail, and that notice of said hearing be given to all other persons by publication of this order in the FEDERAL REGISTER.

It is further ordered, That without limiting the scope of the issues presented by said declaration, particular attention will be directed at said hearing to the following matters and questions:

(a) Whether the proposed sale of the common stock of Pacific Gas and Electric Company by The North American Company meets the requirements of section 12 (d) with respect to the maintenance of competitive conditions and any other applicable provisions of said section.

(b) Whether since the date of the Commission's findings, opinion and order of May 15, 1945 (Holding Company Act Release No. 5796) permitting the amended declaration to become effective subject to compliance with the requirements of Rule U-50, conditions and circumstances have changed to the extent that contrary findings are necessary or appropriate with respect to declarant's fifth amendment.

(c) Whether it is necessary to impose any terms or conditions to ensure compliance with the standards of the act.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 45-15853; Filed, Aug. 25, 1945; 9:46 a. m.]

[File Nos. 54-102, 54-76, 54-19, 54-34]

GENERAL GAS & ELECTRIC CORP. AND ASSOCIATED GAS AND ELECTRIC CORP.

ORDER APPROVING AMENDMENT TO PLAN, DIRECTING APPLICATION TO COURT, AND CORRECTING PREVIOUS ORDER

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 23d day of August 1945.

In the matter of General Gas & Electric Corporation, trustees of Associated Gas and Electric Corporation with respect to a "Plan of Divestment of Assets, Simplification of Corporate Structure and Equitable Distribution of Voting Power of General Gas & Electric Corporation", File No. 54-102; trustees of Associated Gas and Electric Corporation, File No. 54-76; General Gas & Electric Corporation, File Nos. 59-19; 54-34.

Denis J. Driscoll and Willard L. Thorp, Trustees of Associated Gas and Electric Corporation, a registered holding company, and General Gas & Electric Corporation, a registered holding company and a subsidiary of said Trustees, having jointly filed an application pursuant to section 11 (e) of the Public Utility Holding Company Act of 1935 for approval of a plan of divestment of assets, simplification of corporate structure, and equitable distribution of voting power of General Gas & Electric Corporation; and

Consummation of said plan having been made subject, inter alia, to the entry by a court of competent jurisdiction of an appropriate decree finding the plan fair and equitable and directing its consummation, but request by applicants to the Commission to institute such court proceedings having been withheld pending the entry of an appropriate order of the District Court of the United States for the Southern District of New York, which has jurisdiction of the reorganization proceedings of Associated Gas and Electric Corporation under the provisions of Chapter X of the Bankruptcy Act, as amended, authorizing said Trustees to join with General Gas & Electric Corporation in making such request; and

The Commission having, on July 25, 1945, entered its findings and opinion and order (Holding Company Act Release No. 5950), approving said plan and providing, inter alia, that said order shall not be operative to authorize the consummation of the transactions proposed in said plan until an appropriate United States District Court, upon application thereto, has entered an order enforcing its terms and provisions; and

It appearing that the United States District Court for the Southern District of New York having, on August 9, 1945, entered an appropriate order authorizing said Trustees to join with General Gas & Electric Corporation in requesting the Commission to apply to an appropriate United States District Court to enforce and carry out the terms and provisions of said plan; and said Trustees and General Gas & Electric Corporation having duly requested the Commission to make such application; and

A post-effective amendment to said plan having been filed on August 21, 1945 wherein it is proposed (1) that in the event the public holders of the cumulative preferred stocks of General Gas & Electric Corporation present shares in a lot of less than five, or in a lot not evenly divisible by five, distribution of the shares of cumulative preferred stock of South Carolina Electric & Gas Corporation will be made on the basis of 2.8 shares of the cumulative preferred stock of South Carolina Electric & Gas Corporation for each share of the cumulative preferred stock of General Gas & Electric Corporation, except that no fractional shares of the cumulative preferred stock of South Carolina Electric & Gas Corporation will be delivered, but, in lieu of such fractional shares, temporary receipts will be delivered which, when combined with additional receipts together calling for one or more full shares of the cumulative preferred stock of South Carolina Electric & Gas Corporation will be exchangeable for full share certificates for such stock, plus any dividends declared and payable thereon since the effective date of the plan; that the holders of such receipts will not be entitled to any rights as shareholders of South Carolina Electric & Gas Corporation until such receipts have been exchanged for full shares; and that at the end of six years from the effective date of the plan, any such receipts remaining outstanding will become null and void; and (2) that the presently outstanding 3,000,000 shares of no par value common stock of Florida Power Corporation be reclassified into 1,000,000 shares of $7.50 par value common stock instead of 857,143 shares; and that of said 1,000,000 shares, 857,143 shares will be issued pursuant to the terms of the plan and the balance of 142,857 shares will be authorized but unissued and available for such future common stock financing as may be appropriate; and

The Commission having considered such post-effective amendment to the plan and deeming it appropriate in the public interest and the interest of investors and consumers to approve and permit said amendment to become effective:

It is hereby ordered, That said amendment be, and hereby is, approved and permitted to become effective.

It is further ordered, That counsel for the Commission be, and they are, hereby authorized and directed to make application on behalf of the Commission to an appropriate United States District Court to enforce and carry out the terms and provisions of the plan, pursuant to the provisions of section 11 (e) and in accordance with the provisions of section 18 (f) of the act, and the request duly filed herein by the applicants.

It is further ordered, That the date "August 11, 1945," appearing in the Commission's Order of July 25, 1945, Holding Company Act Release No. 5950, at page 85, in lines 7 and 8 of the paragraph numbered (3), be deleted and the date "August 11, 1944," be substituted therefor.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 45-15854; Filed, Aug. 25, 1945; 9:47 a. m.]

[File No. 70-1130]

ASSOCIATED ELECTRIC CO. AND MANILA ELECTRIC CO.

NOTICE OF FILING

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa., on the 23d day of August, A. D. 1945.

Notice is hereby given that a joint application or declaration (or both) has been filed with this Commission, pursuant to section 12 of the Public Utility Holding Company Act of 1935 and the General Rules and Regulations promulgated thereunder, by Associated Electric Company ("Aelec"), a registered holding company, and its subsidiary, Manila Electric Company;

Notice is further given that any interested person may, not later than August 31, 1945, at 5:30 p. m., e. w. t., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request and the nature of his interest, or may request that he be notified if the Commission should order a hearing thereon. At any time thereafter such application or declaration (or both), as filed or as amended, may be granted or permitted to become effective (or both), as provided in Rule U-23 of the rules and regulations promulgated pursuant to said act, or the Commission may exempt such transactions as provided in Rules U-20 (a) and U-100 thereof. Any such request should be addressed: Secretary, Securities and Exchange Commission, 18th and Locust Streets, Philadelphia 3, Pennsylvania.

All interested persons are referred to said application or declaration (or both) which is on file in the offices of said Commission, for a statement of the transactions therein proposed, which are summarized below:

Aelec proposes to charge and Manila Electric Company proposes to credit their respective non-interest-bearing open accounts with each other in the sum of $339,768.06 representing the book cost to Aelec (or its predecessors) of $383,000 principal amount of The Manila Electric Railroad and Lighting Corporation 5% Fifty Year First Lien and Collateral Trust Sinking Fund Gold Bonds due 1953 and $17,000 principal amount of Manila Electric Company's First Refunding Mortgage Gold Bonds Five Per Cent Series due 1946, which Aelec on July 30, 1945, surrendered for cancellation to the trustee under the indentures securing such bonds. Aelec further proposes to pay to The New York Trust Company as trustee under the indenture securing The Manila Suburban Railways Company First Mortgage Five Percent Forty Year Sinking Fund Gold Bonds, due 1946, the sum of $16,796.74 for the account of Manila Electric Company for the purpose of retiring such bonds which are publicly held in the principal amount of $21,000. Aelec further proposes to charge and Manila Electric Company proposes to credit their respective non-interest-bearing open accounts with each other in the sum of $16,796.74 representing the amount so advanced. Manila Electric Company is the obligor of all the abovementioned bonds.

The parties to the filing have requested that the Commission act upon such application or declaration (or both) not later than August 31, 1945.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 45-15855; Filed, Aug. 25, 1945; 9:47 a. m.]

[File No. 70-1133]

MEMPHIS STREET RAILWAY CO.

NOTICE OF FILING AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 25th day of August, A. D. 1945.

Notice is hereby given that an application and declaration together with an amendment thereto have been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935, and particularly under section 6 (b) of the Act and Rules U-42 and U-50 promulgated thereunder, by The Memphis Street Railway Company ("Memphis"), an indirect non-utility subsidiary of National Power & Light Company, a registered holding company and a subsidiary of Electric Bond and Share Company, also a registered holding company.

All interested persons are referred to said document which is on file in the offices of the Commission for a statement of the transactions therein proposed, which are summarized as follows:

Memphis will issue and sell at public sale pursuant to the competitive bidding provisions of Rule U-50, $3,500,000 principal amount of First Mortgage Serial Bonds to mature annually at the rate of $175,000 on October 1 in each year from 1946 to 1965 inclusive. The proceeds of the sale of such bonds are to be applied together with treasury cash to redeem all of Memphis' outstanding funded debt aggregating $3,685,400 of bonds consisting of $2,902,500 principal amount of First Mortgage, Series A, 5% Bonds due October 1, 1945 and $782,900 First Mortgage, Series B, 5% (Income) Bonds due October 1, 1945. These bonds will be retired in accordance with their terms and for the considerations specifically designated therein.

It appearing to the Commission that it is appropriate in the public interest and in the interest of investors and consumers that a hearing be held with respect to such matters and that said application as amended should not be granted, nor said declaration as amended become effective, except pursuant to further order of the Commission,

It is hereby ordered, That a hearing be held upon said matters on September 7, 1945, at 10:30 a. m., e. w. t., at the offices of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia 3, Pennsylvania. On such day the hearing room clerk in Room 318 will advise as to the room where such hearing will be held.

It is further ordered, That Henry C. Lank or any other officer or officers of the Commission designated by it for that purpose, shall preside at such hearing. The officer so designated to preside at such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said act and to a trial examiner under the Commission's rules of practice.

It is further ordered, That the Secretary of the Commission shall serve by registered mail a copy of this order on the applicant and declarant herein and on the Board of Commissioners of the City of Memphis, Tennessee, and that notice of said hearing be given to all other persons by publication of this order in the FEDERAL REGISTER. Any person desiring to be heard in connection with these proceedings or proposing to intervene herein shall file with the Secretary of the Commission on or before September 5, 1945, his request or application therefor, as provided by Rule XVII of the rules of practice of the Commission.

It is further ordered, That, without limiting the scope of the issues presented by said application-declaration as amended, particular attention will be directed at said hearing to the following matters and questions:

(1) Whether the proposed issue and sale of said serial bonds by Memphis are solely for the purpose of financing the business in which it is engaged.

(2) Whether the fees, commissions and other remunerations proposed to be paid in connection with the issue and sale of said bonds are reasonable.

(3) Whether the accounting entries to be recorded in connection with the proposed transactions are appropriate and whether any other accounting adjustments should be made in connection with the proposed transactions.

(4) Generally, whether the proposed transactions comply with the applicable provisions of the Public Utility Holding Company Act of 1935 and the rules and regulations promulgated thereunder.

(5) What terms and conditions, if any, are necessary or appropriate in the public interest or the interests of investors or consumers to ensure compliance with the requirements of the Public Utility Holding Company Act of 1935, or any rules, regulations or orders promulgated thereunder.

By the Commission.

[SEAL] NELLYE A. THORSEN, *Assistant to the Secretary.*

[F. R. Doc. 45-15916; Filed, Aug. 27, 1945; 9:33 a. m.]

[File No. 70-1115]

UNION PRODUCING CO.

ORDER GRANTING APPLICATION AND PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Penna., on the 25th day of August, A. D. 1945.

Union Producing Company ("Union"), a wholly owned subsidiary of United Gas Corporation ("United"), which is a subsidiary of Electric Power & Light Corporation, a registered holding company, having filed an application and declaration pursuant to the Public Utility Holding Company Act of 1935 and the rules and regulations promulgated thereunder with respect to the following transactions:

Union proposes to redeem for cash on or about September 25, 1945, $1,000,000 principal amount of its 6% Debentures due March 1, 1952, in accordance with the provisions thereof, at principal amount and accrued interest thereon to date fixed for such redemption. Union has presently outstanding $40,000,000 of said 6% Debentures all of which are owned by United. The Debentures are pledged and held as collateral under the provisions of the Mortgage and Deed of Trust securing United's First Mortgage Bonds. It is stated that United has advised Union that it proposes to transfer the $1,000,000 principal amount to be paid to the Trustee by Union to the Sinking Fund as a credit against current requirements in accordance with the provisions of the Mortgage.

Said application and declaration having been filed on July 25, 1945 and notice of said filing having been duly given in the form and manner prescribed by Rule U-23 under said act and the Commission not having received a request for a hearing with respect to said declaration within the period specified in said notice, or otherwise, and not having ordered a hearing thereon; and

The Commission finding that the proposed transaction hereinabove mentioned satisfies the requirements of the provisions of the act and of the rules thereunder, insofar as they are applicable, and that it is appropriate in the public interest and in the interest of investors and consumers that said application be granted and said declaration be permitted to become effective;

It is ordered, Pursuant to said Rule U-23 and the applicable provisions of said act and subject to the terms and conditions prescribed in Rule U-24, that the aforesaid application be, and the same hereby is, granted and that the aforesaid declaration be, and the same hereby is, permitted to become effective forthwith.

By the Commission.

[SEAL] NELLYE A. THORSEN, *Assistant to the Secretary.*

[F. R. Doc. 45-15915; Filed, Aug. 27, 1945; 9:34 a. m.]

SURPLUS PROPERTY BOARD.

[SPB Reg. 3, Order 95]

COLORADO

ALLOCATION OF TRUCKS FOR DISPOSAL TO FARMERS AND FARMERS' COOPERATIVES IN CERTAIN COUNTIES

Pursuant to § 8303.4 of Surplus Property Board Regulation 3, entitled "Dispositions of Surplus Property in Rural Areas and to Farmers" (10 F.R. 5325) and in reliance upon the certificate of the Secretary of Agriculture to the Surplus Property Board that farm production is impaired or threatened to be impaired in the area named below by a shortage of trucks; *It is hereby ordered*, That:

The Department of Commerce, as disposal agency, shall allocate for disposal to farmers and farmers' cooperative associations holding certificates of the Agricultural Adjustment Agency and located in Larimer, Weld, Logan, Sedgwick, Morgan, Boulder, Adams, and Jefferson Counties, Colorado, 38 one-and-one-half-ton eargo trucks, and 2 two-yard dump trucks, and shall without regard to the requirements of Surplus Property Board Regulation 2 (10 F.R. 5104, 8911, 9478, 9886) take immediate steps so to dispose of such property by the methods provided in § 8303.4 (c).

This order shall become effective immediately.

SURPLUS PROPERTY BOARD,
By W. STUART SYMINGTON,
Chairman.

AUGUST 16, 1945.

[F. R. Doc. 45-15972; Filed, Aug. 27, 1945; 11:31 a. m.]

[SPB Reg. 3, Order 96]

CALIFORNIA

ALLOCATION OF TRUCKS FOR DISPOSAL TO FARMERS AND FARMERS' COOPERATIVES IN CERTAIN COUNTIES

Pursuant to § 8303.4 of Surplus Property Board Regulation 3, entitled "Dispositions of Surplus Property in Rural Areas and to Farmers" (10 F.R. 5325) and in reliance upon the certificate of the Secretary of Agriculture to the Surplus Property Board that farm production is impaired or threatened to be impaired in the area named below by a shortage of trucks; *It is hereby ordered*, That:

The Department of Commerce, as disposal agency, shall allocate for disposal to farmers and farmers' cooperative associations holding certificates of the Agricultural Adjustment Agency and located in all counties, except the county of San Francisco, in California, 36 one-half-ton WC trucks, 55 one-and-one-half-ton cargo trucks, and 5 one-and-one-half-ton platform trucks, and shall without regard to the requirements of Surplus Property Board Regulation 2 (10 F.R. 5104, 8911, 9478, 9886) take immediate steps so to dispose of such property by the methods provided in § 8303.4 (c).

This order shall become effective immediately.

SURPLUS PROPERTY BOARD,
By ROBERT A. HURLEY,
Acting Chairman.

AUGUST 21, 1945.

[F .R. Doc. 45-15973; Filed, Aug. 27, 1945; 11:30 a. m.]

[SPB Reg. 3, Order 97]

TEXAS

ALLOCATION OF TRUCKS FOR DISPOSAL TO FARMERS AND FARMERS' COOPERATIVES IN CERTAIN COUNTIES

Pursuant to § 8303.4 of Surplus Property Board Regulation 3, entitled "Dispositions of Surplus Property in Rural Areas and to Farmers" (10 F.R. 5325) and in reliance upon the certificate of the Secretary of Agriculture to the Surplus Property Board that farm production is impaired or threatened to be impaired in the area named below by a shortage of trucks; *It is hereby ordered*, That:

The Department of Commerce, as disposal agency, shall allocate for disposal to farmers and farmers' cooperative associations holding certificates of the Agricultural Adjustment Agency and located in Dallam, Sherman, Hansford, Ochiltree, Lipscomb, Hartley, Gray, King, Archer, Armstrong, Hall, Hardeman, Throckmorton, Moore, Hutchinson, Foard, Wilbarger, Wichita, Clay, Wheeler, Knox, Jack, Donley, Childress, Haskell, Wise, Roberts, Hemphill, Oldham, Potter, Carson, Deaf Smith, Stonewall, Randall, Collingsworth, Cottle, Baylor, Montague, and Young Counties, Texas, 54 one-half-ton weapon carrier trucks, 115 one-and-one-half-ton cargo trucks, and 12 one-half-ton pickup trucks, and shall without regard to the requirements of Surplus Property Board Regulation 2 (10 F.R. 5104, 8911, 9478, 9886) take immediate steps so to dispose of such property by the methods provided in § 8303.4 (c).

This order shall become effective immediately.

SURPLUS PROPERTY BOARD,
By ROBERT A. HURLEY,
Acting Chairman.

AUGUST 21, 1945.

[F. R. Doc. 45-15974; Filed, Aug. 27, 1945; 11:30 a. m.]

[SPB Reg. 3, Order 98]

WASHINGTON

ALLOCATION OF TRUCKS FOR DISPOSAL TO FARMERS AND FARMERS' COOPERATIVES IN CERTAIN COUNTIES

Pursuant to § 8303.4 of Surplus Property Board Regulation No. 3, entitled "Dispositions of Surplus Property in Rural Areas and to Farmers" (10 F.R. 5325) and in reliance upon the certificate of the Secretary of Agriculture to the Surplus Property Board that farm production is impaired or threatened to be impaired in the area named below by a shortage of trucks; *It is hereby ordered*, That:

The Department of Commerce, as disposal agency, shall allocate for disposal to farmers and farmers' cooperative associations holding certificates of the Agricultural Adjustment Agency and located in all counties in the State of Washington, 279 one-and-one-half-ton cargo trucks, 57 one-half-ton WC trucks, 57 one-and-one-half-ton dump trucks, 17 one-half-ton pick-up trucks, 8 one-and-one-half-ton CC trucks, 8 three-fourth-ton CC trucks, 24 one-and-one-half-ton platform trucks, 1 three-fourth-ton platform truck, 1 one-and-one-half-ton platform dump truck, and 1 two-ton CC truck, and shall without regard to the requirements of Surplus Property Board Regulation No. 2 (10 F.R. 5104, 8911, 9478, 9886) take immediate steps so to dispose of such property by the methods provided in § 8303.4 (c).

This order shall become effective immediately.

SURPLUS PROPERTY BOARD,
By ROBERT A. HURLEY,
Acting Chairman.

AUGUST 22, 1945.

[F. R. Doc. 45-15975; Filed, Aug. 27, 1945; 11:30 a. m.]

[SPB Reg. 3, Order 99]

OREGON

ALLOCATION OF TRUCKS FOR DISPOSAL TO FARMERS AND FARMERS' COOPERATIVES IN CERTAIN COUNTIES

Pursuant to § 8303.4 of Surplus Property Board Regulation No. 3, entitled "Dispositions of Surplus Property in Rural Areas and to Farmers" (10 F.R. 5325) and in reliance upon the certificate of the Secretary of Agriculture to the Surplus Property Board that farm production is impaired or threatened to be impaired in the area named below by a shortage of trucks; *It is hereby ordered*, That:

The Department of Commerce, as disposal agency, shall allocate for disposal to farmers and farmers' cooperative associations holding certificates of the Agricultural Adjustment Agency and located in all counties in the State of Oregon, 52 one-half-ton WC trucks, 19 one-and-one-half-ton CSP trucks, 190 one-and-one-half-ton cargo trucks, and 26 one-and-one-half-ton dump trucks, and shall without regard to the requirements of Surplus Property Board Regulation No. 2 (10 F.R. 5104, 8911, 9478, 9886) take immediate steps so to dispose of such property by the methods provided in § 8303.4 (c).

This order shall become effective immediately.

SURPLUS PROPERTY BOARD,
By ROBERT A. HURLEY,
Acting Chairman.

AUGUST 22, 1945.

[F. R. Doc. 45-15976; Filed, Aug. 27 1945 11:30 a. m.]

[SPB Reg. 3, Order 100]

MONTANA

ALLOCATION OF TRUCKS FOR DISPOSAL TO FARMERS AND FARMERS' COOPERATIVES IN CERTAIN COUNTIES

Pursuant to § 8303.4 of Surplus Property Board Regulation No. 3, entitled "Dispositions of Surplus Property in Rural Areas and to Farmers" (10 F.R. 5325) and in reliance upon the certificate of the Secretary of Agriculture to the Surplus Property Board that farm production is impaired or threatened to be impaired in the area named below by a shortage of trucks; *It is hereby ordered*, That:

The Department of Commerce, as disposal agency, shall allocate for disposal to farmers and farmers' cooperative associations holding certificates of the Agricultural Adjustment Agency and located in all counties in the State of Montana, 9 one-half-ton pickup trucks, 26 one-half-ton WC trucks, 106 one-and-one-half-ton cargo trucks, and 81 one-and-one-half-ton dump trucks, and shall without regard to the requirements of Surplus Property Board Regulation No. 2 (10 F.R. 5104, 8911, 9478, 9886) take immediate steps so to dispose of such property by the methods provided in § 8303.4 (c).

This order shall become effective immediately.

SURPLUS PROPERTY BOARD,
By ROBERT A. HURLEY,
Acting Chairman.

AUGUST 22, 1945.

[F. R. Doc. 45-15977; Filed, Aug. 27, 1945; 11:30 a. m.]

[SPB Reg. 3, Order 101]

IDAHO

ALLOCATION OF TRUCKS FOR DISPOSAL TO FARMERS AND FARMERS' COOPERATIVES IN CERTAIN COUNTIES

Pursuant to § 8303.4 of Surplus Property Board Regulation No. 3, entitled "Dispositions of Surplus Property in Rural Areas and to Farmers" (10 F.R. 5325) and in reliance upon the certificate of the Secretary of Agriculture to the Surplus Property Board that farm production is impaired or threatened to be impaired in the area named below by a shortage of trucks; *It is hereby ordered*, That:

The Department of Commerce, as disposal agency, shall allocate for disposal to farmers and farmers' cooperative associations holding certificates of the Agricultural Adjustment Agency and located in all counties in the State of Idaho, 19 one-half-ton WC trucks, 1 one-half-ton pickup truck, and 39 one-and-one-half-ton cargo trucks, and shall without regard to the requirements of Surplus Property Board Regulation No. 2 (10 F.R. 5104, 8911, 9478, 9886) take immediate steps so to dispose of such property by the methods provided in § 8303.4 (c).

This order shall become effective immediately.

SURPLUS PROPERTY BOARD,
By ROBERT A. HURLEY,
Acting Chairman.

AUGUST 22, 1945.

[F. R. Doc. 45-15978; Filed, Aug. 27, 1945; 11:30 a. m.]

[SPB Reg. 3, Order 102]

TEXAS

ALLOCATION OF TRUCKS FOR DISPOSAL TO FARMERS AND FARMERS' COOPERATIVES IN CERTAIN COUNTIES

Pursuant to § 8303.4 of Surplus Property Board Regulation No. 3, entitled "Dispositions of Surplus Property in Rural Areas and to Farmers" (10 F.R. 5325) and in reliance upon the certificate of the Secretary of Agriculture to the Surplus Property Board that farm production is impaired or threatened to be impaired in the area named below by a shortage of trucks; *It is hereby ordered*, That:

The Department of Commerce, as disposal agency, shall allocate for disposal to farmers and farmers' cooperative associations holding certificates of the Agricultural Adjustment Agency and located in Grayson, Fannin, Lamar, Collin, Hunt, Hill, Delta, Hopkins, Tarrant, Dallas, Rockwall, Navarro, Rains, Johnson, Ellis, Kaufman, Van Zandt, and Henderson Counties, Texas, 180 one-and-one-half-ton cargo trucks, 55 one-half ton weapon carrier trucks, 6 one-and-one-half-ton CS&P trucks, 1 one-and-one-half-ton dump truck, and 7 one-half-ton pick-up trucks, and shall without regard to the requirements of Surplus Property Board Regulation No. 2 (10 F.R. 5104, 8911, 9478, 9886) take immediate steps so to dispose of such property by the methods provided in § 8303.4 (c).

This order shall become effective immediately.

SURPLUS PROPERTY BOARD,
By ROBERT A. HURLEY,
Acting Chairman.

AUGUST 22, 1945.

[F. R. Doc. 45-15979; Filed, Aug. 27, 1945; 11:30 a. m.]

[Special Order 18]

ABANDONMENT OF SURPLUS SUBMARINE AND TORPEDO NETS

The Navy Department has reported that it has at present approximately 40,000 feet (expressed in length of panels) of used submarine and torpedo nets, which are surplus to its needs, and that it will in the future have additional quantities of such surplus, of which submarine nets will constitute the great bulk.

The Navy Department has submitted its findings to the Surplus Property Board that "these nets, with the exception of certain heavy-duty jack-stay clamps or sockets at the end of each panel, have no commercial value, even as scrap, and that because of their location, condition and the nature of their construction, the cost of removal, care, handling, and disposition would far exceed any sales price which could be obtained; and that in most cases the immediate destruction or abandonment at sea of these nets will be necessary and desirable because of the nature of the property and the expense and difficulty of its care and handling."

Because of the fact that submarine and torpedo nets have no established civilian utility and because of the difficulty of handling them and the need for cleaning when brought ashore, it is not deemed feasible or economical to bring such nets ashore solely because of the possibility of donating them to an institution or agency supported by the Federal Government or a State or local government, or to a non-profit educational or charitable organization.

In reliance upon the findings of the Navy Department recited above, and pursuant to section 13 (b) of the Surplus Property Act of 1944 (58 Stat. 765; 50 U. S. C. App. Sup. 1611, *It is hereby ordered*, That:

1. The Navy Department is hereby authorized: (a) to abandon at sea or ashore all surplus unserviceable submarine and torpedo net material which is now ashore or which may hereafter be brought ashore, after salvaging all heavy-duty jack-stay clamps or sockets attached thereto which warrant salvage; (b) to abandon at sea all such unserviceable submarine and torpedo net material as has not yet been brought ashore, without attempting salvage of the heavy-duty jack-stay clamps or sockets attached thereto.

2. In view of the fact that the nature of this property and the expense and difficulty of its care and handling are such as to render its abandonment at sea necessary and desirable, the Navy Department shall not be required to give notice of any proposed abandonment of such property which is still at sea or to attempt to dispose of such property in any other way. However, as to such property which is already ashore or may hereafter be brought ashore, no abandonment shall be effected until thirty (30) days after public notice of the proposed abandonment has been given and an attempt has been made to dispose of such property otherwise, either by sale as scrap or salvage under the provisions of § 8309.17 of Surplus Property Board Regulation 9 (10 F.R. 7413, 8866) or by donation to any institution or agency supported by the Federal Government or any State or local government, or to any non-profit educational or charitable institution, unless in the opinion of the Navy Department the prompt removal of the property is demanded by urgent military requirements or considerations of health, or because of the expense or difficulty of care and handling, in which event such notice need not be given. A copy of every such thirty-day notice shall be given the Board at the beginning of each such thirty-day period.

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3. The Navy Department shall keep records of the amount of property abandoned under the authority of this order.

This order shall become effective August 21, 1945.

NOTE: All reporting requirements of this part have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

SURPLUS PROPERTY BOARD,
By W. STUART SYMINGTON,
Chairman.

AUGUST 21, 1945.

[F. R. Doc. 45-15971; Filed, Aug. 27, 1945; 11:31 a. m.]

WAR PRODUCTION BOARD.

[C-415]

THE PITTSBURGH COURIER PUBLISHING CO.

CONSENT ORDER

The Pittsburgh Courier Publishing Company, Inc., 2628 Centre Avenue, Pittsburgh, Pa., a corporation, publisher of the Pittsburgh Courier, a weekly paper bearing a Saturday date line and distributed throughout the United States, has been charged by the War Production Board with having violated Limitation Order L-240 during the third quarter of 1943, fourth quarter of 1943, and first quarter of 1944, in using, or causing to be used, a total of 93.53 tons of print paper in excess of the quota of print paper which it was permitted to consume during the said quarters under the provisions of Limitation Order L-240. This has been confirmed at a hearing of this matter, before a Compliance Commissioner; and The Pittsburgh Courier Publishing Company, Inc., does not desire to question the violations as charged further. The company maintains that this over-consumption of newsprint occurred through a miscalculation of its base period quota, and has effected certain economies in its consumption of newsprint to decrease the amount of such use. Since the violations have been admitted with the explanations stated, and the company does not desire to contest the matter further, an agreement has been reached by the company and War Production Board, as hereinafter stated:

During each of the second, third, and fourth quarters of 1944, said company has consumed less than its authorized quota of newsprint in the publication of the Pittsburgh Courier, and as of the end of the second quarter of 1945 has a carry-over from this savings of 67.03 tons.

Wherefore, upon the agreement and consent of The Pittsburgh Courier Publishing Company, Inc., the Regional Compliance Chief, the Regional Attorney and upon the approval of the Compliance Commissioner, *It is hereby ordered*, That:

(a) During the third quarter of 1945, The Pittsburgh Courier Publishing Co., Inc., shall credit 23.03 tons of its savings, or carry-over of newsprint of a total of 67.03 tons, upon its overconsumption of newsprint as above stated, in the amount of 93.53 tons, leaving a balance to be compensated or made up of 70.50 tons of newsprint.

(b) During the fourth quarter of 1945, the first quarter of 1946, and the second quarter of 1946, The Pittsburgh Courier Publishing Company, Inc., shall reduce its consumption of print paper in the printing of the above-mentioned Pittsburgh Courier, not less than 23.50 tons each quarter under its consumption quota for that quarter permitted by WPB Limitation Order L-240, or until it has made up its over-consumption balance of 70.50 tons.

(c) Nothing contained in this order shall be deemed to relieve The Pittsburgh Courier Publishing Co., Inc., from any restriction, prohibition or provision contained in any other order or regulation of the War Production Board except insofar as the same may be inconsistent with the provisions hereof.

(d) The restrictions and prohibitions contained herein shall apply to The Pittsburgh Courier Publishing Co., Inc. its successors and assigns, or persons acting on its behalf. Prohibitions against the taking of any action include the taking indirectly as well as directly of any such action.

Issued this 24th day of August 1945.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 45-15842; Filed, Aug 24 1945; 4:29 p. m.]

SEP 1 '45

FEDERAL REGISTER

VOLUME 10 NUMBER 170

Washington, Wednesday, August 29, 1945

Regulations

TITLE 7—AGRICULTURE

Chapter IX—Marketing Agreements and Orders

PART 961—MILK IN THE PHILADELPHIA, PENNSYLVANIA, MARKETING AREA

ORDER AMENDING ORDER, AS AMENDED, REGULATING HANDLING OF MILK IN THE PHILADELPHIA, PA., MARKETING AREA

§ 961.0 *Findings and determinations*—(a) *Findings.* Pursuant to Public Act No. 10, 73d Congress (May 12, 1933), as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (hereinafter referred to as the "act"), and the rules of practice and procedure covering the formulation of marketing agreements and milk orders (7 CFR, Cum. Supp., 900.1-900.17; 7 F.R. 3550; 8 F.R. 2815), a public hearing was held upon certain proposed amendments to the tentatively approved marketing agreement and to the order, as amended, regulating the handling of milk in the Philadelphia, Pennsylvania, marketing area. Upon the basis of evidence introduced in such hearing and the record thereof, it is hereby found that:

1. The order regulating the handling of milk in the said marketing area, as amended and as hereby amended, will tend to effectuate the declared policy of the act;

2. The prices calculated to give milk produced for sale in said marketing area a purchasing power equivalent to the purchasing power of such milk, as determined pursuant to sections 2 and 8 (e) of the act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supplies of and demand for such milk. The minimum prices specified in the said order, as amended and as hereby further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

3. The said order, as amended and as hereby further amended, regulates the handling of milk in the same manner as and is applicable only to persons in the respective classes of industrial and commercial activity specified in the tentatively approved marketing agreement upon which a hearing has been held.

(b) *Determinations.* It is hereby determined that handlers of at least 50 percent of the volume of milk which is marketed within the said marketing area refused or failed to sign the tentatively approved marketing agreement regulating the handling of milk in the said marketing area; and it is hereby further determined that:

1. The refusal or failure of such handlers to sign such tentatively approved marketing agreement tends to prevent the effectuation of the declared policy of the act;

2. The issuance of this order further amending the aforesaid order, as amended, is the only practical means pursuant to the declared policy of the act to advance the interests of the producers of milk which is produced for sale in the said marketing area; and

3. The issuance of this order further amending the aforesaid order, as amended, is approved or favored by at least two-thirds of the producers who participated in a referendum on the question of the approval of the order, and who, during the determined representative period, were engaged in the production of milk for sale in the said marketing area.

Order relative to handling. It is, therefore, ordered that, from and after the effective date hereof, the handling of milk in the Philadelphia, Pennsylvania, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended and as hereby further amended; and the aforesaid order, as amended, is hereby further amended in the following respects:

First. Change paragraph (a) (2) of § 961.1 to read:

(2) The term "Secretary" means the Secretary of Agriculture or any officer or employee of the United States who is, or who may hereafter be authorized to exercise the powers and to perform the duties of the Secretary of Agriculture.

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NOTICE

1944 Supplement

Book 1 of the 1944 Supplement to the Code of Federal Regulations, containing Titles 1-10, including Presidential documents in full text, is now available from the Superintendent of Documents, Government Printing Office, at $3.00 per copy.

A limited sales stock of the Cumulative Supplement and the 1943 Supplement is still available as previously announced.

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§ 961.1 and substitute therefor the following proposed subparagraphs (5), (6) and (7), and renumber subparagraphs (6) and (7) as (8) and (9), respectively.

(5) The term "producer" means any person, irrespective of whether such person is also a handler, who produces milk which is received directly at a producer milk plant.

(6) The term "producer milk plant" means:

(i) A plant listed below:

Handler operating Jan. 1, 1945	*Plant location*
Abbotts Dairies, Inc	Currlyville, Pa.
Abbotts Dairies, Inc	Easton, Md.
Abbotts Dairies, Inc	Goshen, Pa.
Abbotts Dairies, Inc	Oxford, Pa.
Abbotts Dairies, Inc	Port Allegany, Pa.
Abbotts Dairies, Inc	Spring Creek, Pa.
Bedminster Dairymen's Assn.	Bedminster, Pa.
Breuninger Dairies	Richlandtown, Pa.
Cooklyn Milk Co	Goldsboro, Md.
Galley Ice Cream Co	Delta, Pa.
Gardenville Dairymen's Assn.	Gardenville, Pa.
Greentree Creamery	Obelisk, Pa.
Hansell, A. R	Mainland, Pa.
Harbisons Dairies, Inc	Brandtsville, Pa.
Harbisons Dairies, Inc	Byers, Pa.
Harbisons Dairies, Inc	Carlisle, Pa.
Harbisons Dairies, Inc	Hurlock, Md.
Harbisons Dairies, Inc	Massey, Md.
Harbisons Dairies, Inc	Millville, Pa.
Harbisons Dairies, Inc	Sudlersville, Md
Hernig, Peter, Sons, Inc	Boiling Springs, Pa.
Montg.-Berk Dairy Co., Inc.	Boyertown, Pa.
Penn-Reed Milk Co	Belleville, Pa.
Philadelphia Dairy Prod. Co., Inc.	Biglerville, Pa.
Philadelphia Dairy Prod. Co., Inc.	Clayton, Del.
Philadelphia Dairy Prod. Co., Inc.	Fairdale, Pa.
Philadelphia Dairy Prod. Co., Inc.	New Holland, Pa.
Philadelphia Dairy Prod. Co., Inc.	Pottstown, Pa.
Philadelphia Dairy Prod. Co., Inc.	Snow Hill, Md.
Philadelphia Dairy Prod. Co., Inc.	York Springs, Pa.
Shearer, Paul B., & Co	Centerport, Pa.
Supplee - Wills - Jones Milk Co.	Bedford, Pa.

Handler operating plant Jan. 1, 1945	*Plant location*
Supplee - Wills - Jones Milk Co.	Chambersburg, Pa.
Supplee - Wills - Jones Milk Co.	Hagerstown, Md.
Supplee - Wills - Jones Milk Co.	Harrington, Del.
Supplee - Wills - Jones Milk Co.	Huntingdon, Pa.
Supplee - Wills - Jones Milk Co.	Leaman Place, Pa.
Supplee - Wills - Jones Milk Co.	Lewistown, Pa.
Supplee - Wills - Jones Milk Co.	Mercersburg, Pa.
Supplee - Wills - Jones Milk Co.	Mt. Pleasant, Del.
Supplee - Wills - Jones Milk Co.	Princess Anne, Md.
Supplee - Wills - Jones Milk Co.	Townsend, Del.
Supplee - Wills - Jones Milk Co.	Worton, Md.
Turner & Wescott	Glenroy, Pa.

which is operated by a handler except (a) during such period of time as any such plant has been stopped by the Pennsylvania Department of Health from shipping milk or cream for consumption as fluid milk or fluid cream, or (b) during any month when no milk or cream is disposed of in the marketing area from such plant either directly or by movement through another plant or plants, if the handler has notified the market administrator 5 days or more prior to such month that it is no longer a part of his supply for the marketing area and if no milk or cream has been shipped from it to the marketing area for the 3 months next preceding such month; or

(ii) A pasteurizing or bottling plant from which milk is disposed of as Class I milk in the marketing area to persons other than handlers; or

(iii) Any other plant from which milk is supplied to a pasteurizing or bottling plant described in (ii): *Provided*, That any such other plant shall not be included in this definition during any month in which there is shipped from the plant only Class II milk as defined in § 961.3 or during any month in which shipments are made from the plant on less than 20 days of the month to such pasteurizing or bottling plant or to a plant or plants supplying such pasteurizing or bottling plants.

This definition shall not include a plant at which a uniform price is required to be paid producers under the provisions of another marketing order of the Secretary.

(7) The term "nonproducer milk plant" means any plant other than those described under § 961.1 (a) (6).

Third. Change the words "subject to paragraph (c) and (d)" in paragraph (a) of § 961.3 to read "subject to paragraphs (c), (d), (e), and (f)."

Fourth. Delete paragraphs (b), (c), and (d) of § 961.3 and substitute (b), (c), (d), (e) and (f), as follows:

(b) *Classes of utilization.* The classes of utilization of milk shall be as follows:

(1) Class I milk shall be all milk (i) sold, distributed, or disposed of as or in milk, skim milk and flavored milk drinks for fluid consumption containing less than 18 percent butterfat, and including all milk or skim milk disposed of from a handler's plant to retail establishments which dispose of milk for both fluid and other uses, and (ii) all other milk not accounted for as Class II.

(2) Class II milk shall be (i) all milk disposed of in products other than these included in § 961.3 (b) (1) (i), and (ii) all milk accounted for as actual plant shrinkage but not to exceed 2 percent of the total pounds of milk, skim milk, and cream received by a handler at all of his producer milk plants.

(c) *Transfers of milk.* Milk and skim milk containing less than 18 percent butterfat, transferred from a producer milk plant to another handler's producer milk plant or to a nonproducer milk plant, shall be allocated to Class I unless such milk or skim milk was disposed of under a written agreement submitted to the market administrator or by proof of use if the transfer is from a handler's producer plant to the same handler's nonproducer milk plant that such milk or skim milk be allocated to Class II and the receiving handler or nonproducer milk plant has used in Class II products a quantity of milk or skim milk equivalent to the milk or skim milk received during the month from producer milk plants under an agreement for classification in Class II.

(d) *Transfers of cream.* Cream containing 18 percent or more butterfat, received by a handler from a nonproducer plant, shall be considered Class II up to the amount of Class II disposed of by the handler and cream containing 18 percent or more butterfat disposed of by a handler to a nonproducer milk plant shall be considered Class II.

(e) *Allocation of milk or skim milk received at producer milk plants from nonproducer milk plants.* (1) During the months July to March, inclusive, milk or skim milk received at a producer milk plant from a nonproducer milk plant shall be allocated by the receiving handler to each of the classes and price subdivisions of each class in the same proportion as milk received from producers at all of the producer milk plants of the receiving handler during the month, except that a greater proportion of such milk from nonproducer plants may be allocated by the receiving handler to Class II and in the absence of an allocation by the handler reported to the market administrator such milk shall be allocated by the market administrator to Class II up to the amount of Class II utilized by the handler during the month.

(2) During the months April to June, inclusive, milk or skim milk received at a producer milk plant from a nonproducer milk plant shall be allocated to Class I only if the receiving handler has allocated all of the milk received from producers at all of his producer milk plants to Class I during the month.

(f) *Allocation of milk or skim milk received by a handler from a producer-handler.* Milk or skim milk received in bulk by a handler from another handler who is also a producer and receives no milk from producers may be classified in Class I up to the same proportionate amount as such handler classifies in Class I milk received from producers who are not handlers.

Fifth. Delete part (i) under paragraph (a) (2) of § 961.4 and substitute (i) as follows:

(i) *Butterfat.* Add all market quotations (using midpoint of any weekly range as one quotation) of prices for a 40-quart can of sweet cream approved either for Pennsylvania only, or for Pennsylvania, Newark, and Lower Merion Township, in the Philadelphia, Pennsylvania, market, reported for each week ending within the month by the United States Department of Agriculture (or such other Federal agency as is authorized to perform this price reporting function), divide by the number of quotations, subtract 28 cents, divide by 33.48, multiply by 4, and subtract $23\frac{1}{2}$ cents but in no event shall the butterfat value be lower than an amount computed as follows: from the average of the highest prices reported daily during such month by the United States Department of Agriculture (or such other Federal agency as is authorized to perform this price reporting function) for 92-score butter at wholesale in the New York market, deduct 4 cents, add 20 percent and multiply by 4: *Provided*, That for butterfat used to make butter, the price shall be 4 times 120 percent of the average of the 92-score butter prices described above for the month for which payment is to be made, which shall be known as the "butter-value" for such butterfat, but in no event shall this butter-value be greater than the butterfat value established otherwise by this paragraph.

Sixth. Delete from the proviso in paragraph (d) of § 961.4 the words "and to Government institutions and establishments on the basis of bids" and the commas just preceding and just following such words.

Seventh. A. Insert in paragraph (a) of § 961.5 after the words "with respect to milk" a comma and the words "milk products."

B. Insert in part (v) of paragraph (a) (2) of § 961.5 after the words "or on hand" the words "at each plant."

Eighth. Insert in paragraph (a) of § 961.6 after the words "set forth in § 961.5" the words "and § 961.9."

Ninth. Delete the concluding words of paragraph (c) of § 961.8, "4 cents per hundredweight," and substitute "5 cents per hundredweight."

Tenth. Delete paragraph (d) of § 961.8 and substitute (d) as follows:

(d) *Location differentials.* In making payments pursuant to paragraph (a) of this section each handler shall deduct from payments to producers delivering milk to a plant located in a mileage zone set forth in § 961.4 (c) a differential equal to the percentage of the pounds of all milk received from producers at all of the producer milk plants of the handler which was used in Class I times the Class I differential rate pursuant to § 961.4 (c) at such plant plus the percentage of Class II at the Class II rate pursuant to § 961.4 (c).

Eleventh. Delete paragraphs (f) and (g) of § 961.8 and insert paragraph (f) as follows:

(f) *Premium for Grade A milk.* In addition to the uniform price and all other payments required pursuant to this section, each handler shall pay for milk, which he has designated as qualified under the Commonwealth of Pennsylvania Department of Health or the New Jersey Department of Health requirements for sale as Grade A milk and which is delivered to a plant similarly qualified (so long as such requirements are in effect as a separate grade), 40 cents per hundredweight of Grade A milk received from producers of 10,000 bacteria or less per c. c. and 25 cents per hundredweight of Grade A milk received from producers of more than 10,000 but less than 25,000 bacteria, times the ratio of such milk sold as Grade A either in fluid form or as products manufactured from Grade A milk to the total quantity of Grade A milk received from producers, plus 2 cents for each one-tenth of 1 percent that the butterfat content is above 3.7 percent. In addition to the above payments each handler shall add to the value of his milk computed pursuant to § 961.7 (a), 40 cents per hundredweight of milk sold by a handler as Grade A in excess of the milk received from designated Grade A producers for whom the handler has maintained adequate laboratory records which qualify such producers for the 40-cent or 25-cent premiums described in this paragraph.

Twelfth. Change paragraph (a) of § 961.9 to read as follows:

(a) *Payments by handlers.* As his prorata share of the expense of the administration hereof, each handler, on or before the 20th day after the end of each month shall pay to the market administrator, with respect to all milk received by such handler directly from producers, and all milk received from nonproducer milk plants which is allocated to Class I under § 961.3 (e), an amount not exceeding 2 cents per hundredweight, the exact amount to be determined by the market administrator subject to review by the Secretary.

Thirteenth. Add § 961.11 as follows:

§ 961.11 *Agents.* The Secretary may, by designation in writing, name any officer or employee of the United States or name any bureau or division of the United States Department of Agriculture to act as his agent or representative in connection with any of the provisions hereof.

Issued at Washington, D. C. this 31st day of July 1945, to be effective on and after the 1st day of September 1945.

(48 Stat. 31, 670, 675; 49 Stat. 750; 50 Stat. 246; 7 U.S.C. 601 et seq.)

[SEAL] J. B. HUTSON,
Acting Secretary of Agriculture.

Approved: August 23, 1945.

WILLIAM H. DAVIS,
Director of Economic Stabilization.

[F. R. Doc. 45-15997; Filed, Aug. 27, 1945; 3:18 p. m.]

Chapter XI—War Food Distribution Orders

[WFO 116, Termination]

PART 1470—FOOD STORAGE FACILITIES

ALLOCATION OF FREEZER SPACE AND PRIORITY OF DELIVERY

War Food Order No. 116, as amended (9 F.R. 12406, 10 F.R. 233), is hereby terminated.

This order shall become effective at 12:01 a. m., e. w. t., August 28, 1945. With respect to violations, rights accrued, liabilities incurred, or appeals taken, prior to said date, under War Food Order No. 116, as amended, all provisions of said order shall be deemed to remain in full force for the purpose of sustaining any proper suit, action, or other proceeding with respect to any such violation, right, liability, or appeal.

(E.O. 9280, 7 F.R. 10179; E.O. 9577, 10 F.R. 8087)

Issued this 27th day of August 1945.

[SEAL] J. B. HUTSON,
Acting Secretary of Agriculture.

[F. R. Doc. 45-15996; Filed, Aug. 27, 1945; 3:18 p. m.]

[WFO 120, as Amended, Termination]

PART 1405—FRUITS AND VEGETABLES

RESTRICTIONS RELATIVE TO IRISH POTATOES

War Food Order No. 120, as amended (9 F.R. 14475; 10 F.R. 103, 126, 1823), is terminated as of 12:01 a. m., e. w. t., August 29, 1945.

With respect to violations, rights accrued, liabilities incurred, or appeals taken under said War Food Order No. 120, as amended, prior to the effective time of this termination order, all provisions of said War Food Order No. 120, as amended, in effect prior to the effective time of this termination order shall be deemed to be in full force and effect for the purpose of sustaining any proper suit, action, or other proceeding with regard to any such violation, right, liability, or appeal.

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423; E.O. 9392, 8 F.R. 14783; E.O. 9577, 10 F.R. 8087)

Issued this 27th day of August 1945.

[SEAL] J. B. HUTSON,
Acting Secretary of Agriculture.

[F. R. Doc. 45-16054; Filed, Aug. 28, 1945; 11:09 a. m.]

[WFO 119, as Amended, Partial Suspension]

PART 1414—POULTRY

POULTRY AND PROCESSED POULTRY

The provisions of §§ 1414.6 (b) (1) to (9), inclusive, 1414.6 (c) (1), 1414.6 (d) (1) to (3), inclusive, and 1414.6 (e) (1) and (2) of War Food Order No. 119, as amended (9 F.R. 14269; 10 F.R. 6, 103), are hereby suspended, effective as of 12:01 a. m., e. w. t., August 27, 1945, and until further notice.

With respect to violations, rights accrued, liabilities incurred, or appeals taken under any of the suspended sections of said War Food Order No. 119, as amended, prior to the effective time of this suspension, the provisions of the said suspended sections of said War Food Order No. 119, as amended, in effect prior to the effective time of this suspension shall be deemed to continue in full force and effect for the purpose of sustaining any proper suit, action, or other proceeding with regard to any such violation, right, liability, or appeal.

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 3 F.R. 3807; E.O. 9334, 8 F.R. 5423; E.O. 9392, 8 F.R. 14783; E.O. 9577, 10 F.R. 8087)

Issued this 25th day of August 1945.

J. B. HUTSON,
Acting Secretary of Agriculture.

[F. R. Doc. 45-15999; Filed, Aug. 27, 1945; 3:21 p. m.]

[WFO 125, as Amended, Termination]

PART 1414—POULTRY

POULTRY

War Food Order No. 125, as amended (10 F.R. 1662, 1854, 2953, 3175, 4972, 9611), together with the orders (10 F.R. 2955, 9611) issued pursuant to said War Food Order No. 125, as amended, are terminated as of 12:01 a. m., e. w. t., August 27, 1945, but all of the eviscerated poultry set aside, or required to be set aside, at the effective time of such termination, pursuant to War Food Order No. 125, as amended, or any of the orders issued pursuant thereto as aforesaid, shall continue to be held and accounted for as set-aside eviscerated poultry and shall be disposed of pursuant to the appropriate provisions of War Food Order No. 125, as amended.

With respect to violations, rights accrued, liabilities incurred, or appeals taken under said War Food Order No. 125, as amended, and of any orders issued pursuant thereto as aforesaid, prior to the effective time of this termination order, all of the provisions of the said War Food Order No. 125, as amended, and of the said orders issued pursuant thereto in effect prior to the effective time of this termination order shall be deemed to continue in full force and effect for the purpose of sustaining any proper suit, action, or other proceeding with regard to any such violation, right, liability, or appeal.

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423; E.O. 9392, 8 F.R. 14783; E.O. 9577, 10 F.R. 8087)

Issued this 25th day of August 1945.

[SEAL] J. B. HUTSON,
Acting Secretary of Agriculture.

[F. R. Doc. 45-15992; Filed, Aug. 27, 1945; 12:11 p. m.]

[WFO 142, Termination]

PART 1414—POULTRY

POULTRY AND PROCESSED POULTRY

War Food Order No. 142 (10 F.R. 9768), together with the order (10 F.R. 9770) issued pursuant to said War Food

Order No. 142, are terminated as of 12:01 a. m., e. w. t. August 27, 1945, but all of the processed poultry set aside, or required to be set aside, at the effective time of such termination, pursuant to War Food Order No. 142 and the order issued pursuant to War Food Order No. 142 as aforesaid, shall continue to be held and accounted for as set-aside processed poultry and shall be disposed of pursuant to the appropriate provisions of War Food Order No. 142.

With respect to violations, rights accrued, liabilities incurred, or appeals taken under said War Food Order No. 142 and the order issued pursuant thereto as aforesaid prior to the effective time of this termination, all of the provisions of the said War Food Order No. 142 and of the said order issued pursuant thereto in effect prior to the effective time of this termination shall be deemed to continue in full force and effect for the purpose of sustaining any proper suit, action, or other proceeding with regard to any such violation, right, liability, or appeal.

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423; E.O. 9392, 8 F.R. 14783; E.O. 9577, 10 F.R. 8087)

Issued this 25th day of August 1945.

J. B. HUTSON,
Acting Secretary of Agriculture.

[F. R. Doc. 45-15098; Filed, Aug. 27, 1945; 3:21 p. m.]

TITLE 22—FOREIGN RELATIONS

Chapter I—Department of State

[Dept. Reg. 11]

PART 58—CONTROL OF PERSONS ENTERING AND LEAVING THE UNITED STATES PURSUANT TO THE ACT OF MAY 22, 1918, AS AMENDED

MISCELLANEOUS AMENDMENTS

Pursuant to the authority vested in me by section 1 of Proclamation 2523 of the President, issued on November 14, 1941 (6 F.R. 5821) under authority of section 1 of the act of Congress approved May 22, 1918 (40 Stat. 559; 22 U.S.C. 223), as amended by the act of Congress of June 21, 1941 (55 Stat. 252; 22 U.S.C. 223 Sup.), the regulations issued on November 25, 1941, as amended, are further amended by the cancellation of paragraph (d) of § 58.3, § 58.4 and § 58.6. New paragraphs are substituted for paragraphs (b) and (c) of § 58.3 and are as follows:

§ 58.3 *Exceptions to regulations in §§ 58.1–58.2.* * * *

(b) When traveling between the United States and any country or territory in North, Central or South America or in any island adjacent thereto: *Provided*, That this exception shall not be applicable to any such person when traveling to or arriving from a place outside the United States via any country or territory in North, Central or South America or in any island adjacent thereto, for which a valid passport is required under these rules and regulations; or

(c) When departing from or entering the United States in pursuit of the vocation of seaman; or

JAMES F. BYRNES,
Secretary of State.

AUGUST 27, 1945.

[F. R. Doc. 45-16052; Filed, Aug. 28, 1945; 10:52 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter IX—War Production Board

AUTHORITY: Regulations in this chapter, unless otherwise noted at the end of documents affected, issued under sec. 2 (a), 54 Stat. 676, as amended by 55 Stat. 236, 56 Stat. 177, 58 Stat. 827; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; E.O. 9599, 10 F.R. 10155; W.P.B. Reg. 1 as amended Dec. 31, 1943, 9 F.R. 64.

PART 903—DELEGATIONS OF AUTHORITY

[Directive 27, as Amended August 28, 1945]

PRIORITIES ACTION BY FOREIGN ECONOMIC ADMINISTRATION

Section 903.139 *Directive* 27 is amended to read, as follows:

§ 903.139 *Directive 27*—(a) *Rating authority of the Foreign Economic Administration.* The Foreign Economic Administration may assign preference ratings to the delivery of material for export to the extent authorized by a Program Determination of the Requirements Committee or an approved Decision of a Division Requirements Committee of the War Production Board, as transmitted to the Foreign Economic Administration by the War Production Board.

(b) *Form of assignment of ratings.* The Foreign Economic Administration shall assign ratings under this directive by endorsement of a legend substantially as shown below, to which may be added any further provisions which conform to War Production Board orders or regulations and which are authorized by the program determination or approved decision: "Under authority of the War Production Board, delivery of the material referred to herein is assigned a preference rating of ----------, Application and extension of rating shall be made in accordance with Priorities Regulation No. 3." The legend shall be endorsed on the export license (including release certificate where used), or on the letter to the procuring agency in the case of material being procured by or on behalf of the Foreign Economic Administration, or on other appropriate instrument approved for this purpose by the War Production Board.

(c) *General provisions.* (1) The Foreign Economic Administration may exercise the authority delegated in this directive through such of its officials as the Administrator of the Foreign Economic Administration may determine.

(2) The Foreign Economic Administration shall make to the Program Vice Chairman such monthly reports on the exercise of the authority granted by this directive as the Program Vice Chairman shall require from time to time.

(3) A true copy of every document on which a preference rating is assigned pursuant to the provisions of this directive shall be maintained by the Foreign Economic Administration for inspection by a representative of the War Production Board at any time.

(d) *Status of ratings assigned by F. E. A. before August 28, 1945.* This directive, as amended, does not affect the validity of preference ratings properly assigned by the Foreign Economic Administration before August 28, 1945. However, such ratings are subject to all applicable War Production Board orders and regulations.

Issued this 28th day of August 1945

J. A. KRUG,
Chairman.

INTERPRETATION 2

LENGTH OF VALIDITY OF RATINGS ASSIGNED ON EXPORT LICENSES

A rating assigned by the Foreign Economic Administration, under the authority of Directive 27, by endorsing the required legend on an export license is valid for the life of the export license in the absence of any applicable rule or restriction set forth in an order or regulation of the War Production Board governing transactions in the material covered by the rating. This means that the rating must be applied and the material covered by the rating must have been delivered to the holder of the export license before the expiration of the life of the license. Otherwise, the procedure applicable when an individually assigned rating is revoked, provided in § 944.4a of Priorities Regulation 1, will be deemed applicable. On the other hand, if the rating has been applied and the material to which it has been applied has been delivered before the expiration of the life of the export license, its subsequent expiration will not affect the right of the supplier to extend the rating in order to replenish his inventory. Such extension is, of course, subject to the provisions of paragraph (h) (1) of Priorities Regulation 3

Revocation of an export license on which a rating has been assigned by the Foreign Economic Administration revokes the rating, and § 944.4a of Priorities Regulation 1 is consequently applicable. Extension of the life of an export license, on the other hand, extends the period for which a rating assigned on the export license is valid. (Issued July 5, 1944.)

[F. R. Doc. 45-16065; Filed, Aug. 28, 1945; 11:32 a. m.]

PART 903—DELEGATIONS OF AUTHORITY

[Directive 27, Revocation of Interpretation 1]

Interpretation 1 to Directive 27 is revoked.

Issued this 28th day of August 1945.

J. A. KRUG,
Chairman.

[F. R. Doc. 45-16066; Filed, Aug. 28, 1945; 11:32 a. m.]

PART 944—REGULATIONS APPLICABLE TO THE OPERATION OF THE PRIORITIES SYSTEM

[Priorities Reg. 1, as Amended Aug. 28, 1945]

Sec
- 944.1 Purpose and scope of this regulation; definitions.
- 944.1a Certain defense orders rated AA–5.
- 944.1b Specific authorizations rated AA–5.
- 944.2 Rules for acceptance and rejection of rated orders.
- 944.3 Report to War Production Board of improperly rejected orders.
- 944.4 Assignment of preference ratings.
- 944.4a Cancellation of preference ratings.
- 944.5 Sequence of preference ratings.
- 944.6 Doubtful cases.
- 944.7 Sequence of filling rated orders.
- 944.8 Delivery or performance dates.
- 944.9 Report to War Production Board of improper delay of orders.
- 944.10 Effect of other regulations and orders.
- 944.10a Effect of revocation of orders and regulations.
- 944.11 Use or disposition of material acquired with priorities assistance.
- 944.12 Intra-company deliveries.
- 944.13 Scope of regulations and orders.
- 944.13a Defense against claims for damages.
- 944.14 Inventory restriction.
- 944.14a Delivery for unlawful purposes prohibited.
- 944.15 Records.
- 944.16 Audit and Inspection.
- 944.17 Reports.
- 944.18 Violations.
- 944.19 Appeals for relief in exceptional cases.
- 944.20 Notification of customers.

§ 944.1 *Purpose and scope of this regulation; definitions.* This regulation states the basic rules of the War Production Board which apply to all business transactions unless they are covered by more specific regulations or orders of the War Production Board which are inconsistent with this regulation. It includes transactions which are not subject to priority control in any other way than by this regulation. The following definitions apply for purposes of this regulation and any other regulation or order of the War Production Board, unless otherwise indicated.

(a) "Person" means any individual, partnership, association, business trust, corporation, governmental corporation or agency, or any organized group of persons, whether incorporated or not.

(b) "Defense order" means:

(1) Any contract or purchase order for material to be delivered to, or for the account of, the Army or Navy of the United States, the United States Maritime Commission, the War Shipping Administration, the Panama Canal, the Coast and Geodetic Survey, the Coast Guard, the Selective Service System, the Civil Aeronautics Administration, the National Advisory Committee for Aeronautics, the Office of Scientific Research and Development, Defense Supplies Corporation, Metals Reserve Company.

(For status of Panama Canal and Coast Guard in general see Interpretation 1 e.)

(2) Any contract or purchase order placed by any agency of the United States Government for material to be delivered under the Act of March 11, 1941, entitled "An Act to Promote the Defense of the United States" (Lend-Lease Act).

(3) Any contract or purchase order for material which is to be ultimately delivered to the government of any country whose defense the President deems vital to the defense of the United States pursuant to the act of March 11, 1941, entitled "An Act to Promote the Defense of the United States" (Lend-Lease Act).

(c) "Material" means any commodity, equipment, accessory, part, assembly or product of any kind.

[§ 944.1a Deleted August 28, 1945.]

§ 944.1b *Specific authorizations rated AA–5.* When a War Production Board order or regulation with respect to a particular material requires specific authorization for the placing of a purchase order or for delivery or acceptance of delivery, every purchase order for delivery of that material which is specifically authorized pursuant to the order is rated AA–5 unless it is otherwise assigned a higher rating or an applicable order or regulation (for example, Priorities Regulation 25) states that there is no such automatic rating. This does not apply to materials for which ratings may not be used (such as those on List A of Priorities Regulation 3), or materials for which only certain specified ratings may be used (such as those on Schedule A of M–328).

§ 944.2 *Rules for acceptance and rejection of rated orders.* Every order bearing a preference rating must be accepted and filled regardless of existing contracts and orders except in the following cases:

(a) A person must not accept a rated order for delivery on a date which would interfere with delivery on equal or higher rated orders which he has already accepted, or if delivery of the material ordered would interfere with delivery on an order which the War Production Board has directed him to fill for that material or for a product which he makes out of it.

(b) A person must not accept a rated order (except an AAA order) for delivery on a date which can be met only by using material which was specifically produced for delivery on another rated order, and which is completed or is in production and scheduled for completion within 15 days.

(c) If a person, when receiving a rated order bearing a specific delivery date, does not expect to be able to fill it by the time requested, he must not accept it for delivery at that time. He must either (1) reject the order, stating when he could fill it, or (2) accept it for delivery on the earliest date he expects to be able to deliver, informing the customer of that date. He may adopt either of these two courses, depending on his understanding of which his customer would prefer. He may not reject a low rated order just because he expects to receive conflicting higher rated orders in the future, nor because he would for any reason prefer to have higher ratings.

(d) If a person receives a rated order which is not required by § 944.8 to bear a specific delivery date and which he cannot fill promptly, he must accept it as long as he expects to be able to fill it within a reasonable time, unless he makes a consistent practice of not carrying a backlog and rejecting orders which cannot be promptly filled. He may treat different classes of customers differently in this respect, but only if there is a reasonable basis for the distinction. For example, he may make a regular practice of rejecting unfillable orders from all retailers but holding for backlog orders from all industrial customers.

(e) A rated order need not be (but may be) accepted in the following cases, but there must be no discrimination in such cases against rated orders, or between rated orders of different customers:

(1) If the person seeking to place the order is unwilling or unable to meet regularly established prices and terms of sale or payment. (When a person who has a rating asks a supplier to quote his regularly established prices and terms of sale or payment or the earliest date on which he could make delivery on that rating, the supplier must do so, except that if this would require detailed engineering or accounting work, he may give his best estimate without such work and state that it is not binding. However, the supplier need not quote if he is not required to accept the rated order and knows that he will not do so if he receives it. Any quotation as to delivery date to a person whose order has not been received will be subject to the effect on the supplier's deliveries of rated orders received by him after making the quotation and before he receives the firm order from the person making the inquiry.)

(For status of OPA ceiling prices under this section see Interpretation 2. For rule covering types of sales and types of purchasers see Interpretation 3.)

(2) If the order is for the manufacture of a product or the performance of a service of a kind which the person to whom the order is offered has not usually made or performed, and in addition if either (i) he cannot fill the order without substantially altering or adding to his facilities or (ii) the order can readily be performed by someone else who has usually accepted and performed such orders.

(3) If the order is for material which the person to whom the order is offered produces or acquires for his own use only, and he has not filled any orders for that material within the past two years, except on "special sales" as permitted in Priorities Regulation 13. If he has, but the rated order would take more than the excess over his own needs, he may not reject the rated order unless filling it would interfere with equal or higher rated orders already on hand, or orders which the War Production Board has directed him to fill, for the material or for a product which he makes out of it.

(4) If filling the order would stop or interrupt his production or operations during the next 40 days in a way which would cause a substantial loss of total production or a substantial delay in operations.

(For types of contracts which must be deferred see Interpretation 1b. For rule as to use of facilities of controlled materials producers see Interpretation 4.)

(f) Any person who fails or refuses to accept an order bearing a preference rating shall, upon written request of the

person placing the order, promptly give his reasons in writing for his failure or refusal.

(g) Some orders of the War Production Board provide special rules as to the acceptance and rejection of orders for particular materials. In such cases, the rules stated above in this section are inapplicable to the extent that they are inconsistent with the applicable order of the War Production Board. In addition, the War Production Board may specifically direct a person in writing to fill a particular purchase order or orders. In such cases he must do so without regard to any of the above rules in this § 944.2, except that he may insist upon compliance with regularly established prices and terms of payment.

§ 944.3 *Report to War Production Board of improperly rejected orders.* When a rated order is rejected in violation of this regulation, the person who wants to place it may file a report of the relevant facts with the War Production Board, which will take such action as it considers appropriate after requiring an explanation from the person rejecting the order.

§ 944.4 *Assignment of preference ratings.* Preference ratings may be assigned to contracts, orders or deliveries by means of preference rating certificates, or by rules, regulations or orders of the War Production Board assigning ratings to particular orders or deliveries or to specified classes of orders or deliveries. Such ratings may be assigned to accepted contracts or orders, and also to orders which have not been placed or accepted at the time the rating is applied for. Ratings are also assigned by certain governmental agencies, authorized by the War Production Board, to their own purchase orders or contracts. In some cases the War Production Board will raise or lower ratings already assigned and in that event the rules of Priorities Regulation 12 (§ 944.33) apply. Specific orders may also be issued as to particular deliveries or as to the use of particular facilities, without assigning ratings thereto.

§ 944.4a *Cancellation of preference ratings.* If a preference rating which has been assigned to a named person is revoked, he must immediately, in the case of each order to which he has applied the rating either cancel the order or inform his supplier that it is no longer to be treated as rated. If a regulation or order of the War Production Board which assigns a rating to a class or group of persons without naming them individually, is revoked they may not apply the rating to orders placed after the revocation. Orders to which they have already applied the rating for delivery within three months after the revocation remain validly rated, but, in the case of each order which they have placed for delivery after three months from that date, they must either cancel the order or withdraw the rating. If any person receives notice from his customer or otherwise that the customer's order is no longer rated or that the customer's order is cancelled, he must immediately withdraw any extensions of the rating which he has made to any order placed by him for more than $25 worth of material. The War Production Board may specify different rules for the treatment of outstanding ratings at the time it revokes them.

(For the rules about transferring preference ratings when contracts are assigned, see Interpretation 5.)

§ 944.5 *Sequence of preference ratings.* Preference ratings in order of precedence are: AAA, AA–1, AA–2, AA–2X, AA–3, etc.; A–1–a, A–1–b, etc.; A–2, A–3, etc.; B–1, B–2, etc. The letter "X" after a numeral indicates that such rating is inferior to the rating of the same numeral and superior to the rating of the next numeral. (For example, AA–2X is inferior to AA–2 and superior to AA–3.) The War Production Board, after March 18, 1944, will not assign ratings below AA–5 but any such ratings which were assigned before that date may be applied or extended.

§ 944.6 *Doubtful cases.* Whenever there is doubt as to the preference rating applicable to any order, or as to whether a particular order is a defense order, the matter is to be referred to the War Production Board for determination, with a statement of all pertinent facts.

§ 944.7 *Sequence of filling rated orders.* (a) Every person who has rated orders on hand must schedule his operations, if possible, so as to fill each rated order by the required delivery or performance date (determined as explained in § 944.8). If this is not possible for any reason, he must give precedence to higher over lower rated orders and to all rated over unrated orders. However, material specifically produced for a rated order may not be used to fill a higher rated order (except AAA) subsequently received if the material is completed or is in production and scheduled for completion within 15 days. A low rated order bearing an earlier delivery or performance date must be filled before a higher rated order bearing a later delivery or performance date if it is possible to fill both of them on the required dates.

(b) As between conflicting orders which bear the same preference rating, precedence must be given to the order which was received first with the rating. As between conflicting orders received with the same preference rating on the same date, precedence must be given to the order which has the earlier required delivery or performance date.

(c) If a rated order or the rating applicable to an order is cancelled when the supplier has material in production to fill it, he need not immediately stop to put other rated orders into production if doing so would cause a substantial loss of total production. He may continue to process that material which he had put into production for the cancelled order to a stage of completion which would avoid a substantial loss of total production, but he may not incorporate any material which he needs to fill any rated order on hand. He may not, however, delay putting other rated orders into production for more than 15 days.

(For the effect of changes in customers' orders, see Direction 1 to this regulation. For further explanations of paragraph (b) see Interpretation 1c. For an explanation of how to determine the date on which a purchase order is received, see Interpretation 12).

§ 944.8 *Delivery or performance dates.* (a) Every rated order placed after March 18, 1944, must specify delivery or performance on a particular date or dates or within specified periods of not more than 31 days each, which in no case may be earlier than required by the person placing the order. Any order which fails to comply with this rule must be treated as an unrated order. The words "immediately" or "as soon as possible", or other words to that effect, are not sufficient for this purpose. There are four exceptions to this rule, where a rated order need not bear a required delivery or performance date as long as it is understood that delivery or performance is required as soon as practicable or customary: (1) Orders for maintenance, repair or operating supplies as identified by the symbol MRO or otherwise; (2) orders placed with or by persons who normally take physical delivery of the item ordered to hold it in stock for resale; (3) orders for not more than $100; (4) orders rated AAA.

(b) The required delivery or performance date, for purposes of determining the sequence of deliveries or performance pursuant to § 944.7, shall be the date on which delivery or performance is actually required. The person with whom the order is placed may assume that the required delivery or performance date is the date specified in the order or contract unless he knows either (1) that the date so specified was earlier than required at the time the order was placed, or (2) that delivery or performance by the date originally specified is no longer required by reason of any change of circumstances. A delay in the scheduled receipt of any other material which the person placing the order requires prior to or concurrently with the material ordered, shall be deemed a change of circumstances within the meaning of the foregoing sentence.

(c) If, after accepting a rated order which specifies the time of delivery, the person with whom it is placed finds that he cannot fill it on time or within 15 days following the specified time, owing to the receipt of higher rated orders or for other reasons, he must promptly notify the customer, telling him approximately when he expects to be able to fill the order. Inability to fill the order on time or within fifteen days following the specified time does not authorize a supplier to cancel the order.

§ 944.9 *Report to War Production Board of improper delay of orders.* When delivery or performance of a rated order is unreasonably or improperly delayed, the customer may file a report of the relevant facts with the War Production Board, which will take such action as it considers appropriate after requiring an explanation from the person with whom the order is placed.

§ 944.10 *Effect of other regulations and orders.* Specific allocations or other directions of the War Production Board for delivery of material or the use of facilities must be complied with regardless of ratings, unless otherwise specified. If restrictions under two or more regulations or orders of the War Production Board apply to the same subject matter, the most restrictive controls unless otherwise expressly provided. Defense orders or other rated orders are not exempt from restrictions on the amount of materials that may be made or delivered unless expressly so stated.

§ 944.10a *Effect of revocation of orders and regulations.* (a) When an order or regulation of the War Production Board is revoked, all published amendments, schedules, appendices, and directions to that order or regulation are revoked, unless otherwise stated in the instrument revoking the order or regulation.

(b) When an order or regulation of the War Production Board is revoked, all directions, authorizations, production or delivery schedules, and other instruments, addressed to named persons and requiring or permitting them to take specific action pursuant to the order or regulation, remain in effect unless expressly revoked. There are two exceptions: (1) Where an appeal from a restriction in an order or regulation has been granted on certain conditions, or an authorization relaxing a restriction has been issued on certain conditions, and the restriction is entirely revoked, the conditions need no longer be complied with after the revocation unless compliance with those conditions is required by some other order or regulation; (2) a production or delivery schedule or other instrument telling a person what to make, or what orders to fill during a specified period, remains in effect throughout the period but, after the revocation of the order under which the schedule or other instrument was issued, he may make additional products or fill additional orders which do not interfere with it.

(c) "Suspension orders" and "consent orders" issued on the basis of a violation of orders and regulations of the War Production Board remain in effect after revocation of such orders and regulations, unless otherwise provided. If you are subject to a suspension order or consent order which you think should be lifted or modified because of the lifting of the restriction on which the violation was based, you may address a request for relief to the Chief Compliance Commissioner, War Production Board, Washington 25, D. C.

§ 944.11 *Use or disposition of material acquired with priorities assistance.* (a) Any person who gets material with priorities assistance must, if possible, use or dispose of it (or of the product into which it has been incorporated) for the purpose for which the assistance was given. This restriction applies to material obtained by means of a preference rating, allocation, specific direction, CMP allotment, or any other action of the War Production Board. Physical segregation is not required as long as the restrictions applicable to any specific lot of material or product are observed with respect to an equivalent amount of the same material or product.

(b) When a material, or a product into which it has been incorporated, can no longer be used for the purpose for which the priorities assistance was given (for example, when the priorities assistance was given to fill a particular contract or purchase order and the material or product does not meet the customer's specifications or the contract or purchase order is cancelled), the holder may use or dispose of it only as follows:

(1) If the holder acquired or made the material or product for use and not for sale or resale and is not regularly engaged in the business of selling it, a proposed sale by him is a special sale covered by Priorities Regulation 13 and he may sell or transfer it only as provided in that regulation.

(2) If the proposed sale is not one described by paragraph (b) (1), this paragraph (b) imposes no restriction on the sale. However, in such a case the holder must comply with all requirements of other applicable sections of this regulation and of other orders and regulations of the War Production Board. This is true of all such sales of any material including scrap.

(3) Whether or not he is in the regular business of selling similar materials or products, a holder may, within the limitations of paragraph (f) of Priorities Regulation 32 (inventory restriction on processing), use it himself for any purpose for which he has the necessary rating or other qualification which would be necessary for a special sale to him under Priorities Regulation 13 or directions issued under it. However, if the material or product is a controlled material or a Class A product obtained pursuant to an allotment under CMP Regulation 1, the holder may use it only in accordance with paragraph (u) of that regulation, or any applicable direction issued under it. In addition, the holder must comply with any applicable War Production Board order that requires him to get permission from the War Production Board before using any particular material or product and he may not use it in any manner or for any purpose prohibited by a regulation or order of the War Production Board. It may also be used in any other manner specifically authorized in writing by the War Production Board. Field offices of the Board will tell applicants how to get authorization.

§ 944.12 *Intra-company deliveries.* When any rule, regulation or order of the War Production Board prohibits or restricts deliveries of any material by any person, such prohibition or restriction shall, in the absence of a contrary direction, apply not only to deliveries to other persons, including affiliates and subsidiaries, but also to deliveries from one branch, division or section of a single enterprise to another branch, division or section of the same or any other enterprise under common ownership or control.

(For rule as to effect of inventory and small order provisions on separate operating units of same company see Interpretation 8.)

§ 944.13 *Scope of regulations and orders.* All regulations and orders of the War Production Board (including directions, directives and other instructions) apply to all subsequent transactions even though they are covered by previous contracts. Regulations and orders apply to transactions in the territories or insular possessions of the United States unless the regulation or order specifically states that it is limited to the continental United States or to the 48 states and the District of Columbia. Regulations and orders do not apply to transactions in the Philippine Islands unless they specifically state that they do. However, restrictions of War Production Board orders or regulations on the use of material or on the amount of inventory shall not apply when the material is used or the inventory is held directly by the Army or Navy outside the 48 states and the District of Columbia, unless otherwise specifically provided.

NOTE: Parenthetical note deleted June 28, 1945.

§ 944.13a *Defense against claims for damages.* No persons shall be held liable for damages or penalties for any default under any contract or order which shall result directly or indirectly from compliance with any rule, regulation or order of the War Production Board, notwithstanding that any such rule, regulation or order shall thereafter be declared by judicial or other competent authority to be invalid.

§ 944.14 *Inventory restrictions.* No person may deliver or receive into inventory more of any material than is permitted under Priorities Regulation 32. That regulation takes the place of the rules formerly in this section.

§ 944.14a *Delivery for unlawful purposes prohibited.* No person shall deliver any material which he knows or has reason to believe will be accepted, redelivered, held or used in violation of any order or regulation of the War Production Board.

§ 944.15 *Records.* Each person participating in any transaction to which any rule, regulation or order of the War Production Board applies shall keep and preserve for at least two years accurate and complete records of the details of each such transaction and of his inventories of the material involved. Such records shall include the dates of all contracts or purchase orders accepted, the delivery dates specified in such contracts or purchase orders, and in any preference rating certificates accompanying them, the dates of actual deliveries thereunder, description of the material covered by such contracts or purchase orders, description of deliveries by classes, types, quantities, weights and values, the parties involved in each transaction, the preference ratings, if any, assigned to deliveries under such contracts or purchase orders, details of defense orders (or other orders required by the War Production Board to be filled) either accepted or offered and rejected, and other pertinent information. Records kept by any person pursuant to this section shall be kept either separately from the other records of such person and chronologi-

cally according to daily deliveries by such person, or in such form that such a separate chronological record can be promptly compiled therefrom. Whenever a regulation or order requires a person to restrict his operations in proportion to his operations in a base period (for example, an order may forbid him to use more of a certain kind of material than he used in the fourth quarter of 1942) he must determine, as accurately as is reasonably possible, his base period operations and preserve a written record of any figures and work sheets showing how he made his calculations for inspection by War Production Board officials as long as the regulation or order remains in force and for two years after that. Whenever a person is restricted as to the quantity of material he may use in production or the amount he may produce, under quota restrictions, limitation orders, authorized production schedules, special directions or similar provisions, he must keep reasonably adequate records of the material consumed and of production to show whether he is complying with the restrictions. This record-keeping requirement has been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(Photographic copies of records may be kept. See Interpretation 6.)

§ 944.16 *Audit and inspection.* All records required to be kept by this regulation or by any rule, regulation or order of the War Production Board shall, upon request, be submitted to audit and inspection by its duly authorized representatives.

§ 944.17 *Reports.* Every person shall execute and file with the War Production Board such reports and questionnaires as it shall from time to time require, subject to the approval of the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

§ 944.18 *Violations.* Any person who violates any provision of this regulation or any other rule, regulation or order of the War Production Board, or who, by any statement or omission, wilfully falsifies any records which he is required to keep, or who otherwise wilfully furnishes false or misleading information to the War Production Board, and any person who obtains a delivery, an allocation of material or facilities, or a preference rating by means of a material and wilful, false or misleading statement, may be prohibited by the War Production Board from making or obtaining further deliveries of material or using facilities under priority or allocation control and may be deprived of further priorities assistance. The War Production Board may also take any other action deemed appropriate, including the making of a recommendation for prosecution under section 35 (A) of the Criminal Code (18 U. S. C. sec. 80), or under the Second War Powers Act (Public No. 507, 77th Congress, March 27, 1942).

§ 944.19 *Appeals for relief in exceptional cases.* Any person who considers that compliance by himself or another with a rule or regulation or order of the War Production Board would work an exceptional and unreasonable hardship on him may appeal for relief. The rules for the filing and handling of appeals are given in Priorities Regulation 16.

§ 944.20 *Notification of customers.* Any person who is prohibited from or restricted in making deliveries of any material by the provisions of any rule, regulation or order of the War Production Board shall, as soon as practicable, notify each of his regular customers of the requirements of such rule, regulation or order, but the failure to give notice shall not excuse any customer from the obligation of complying with any requirements applicable to him.

Issued this 28th day of August 1945.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

INTERPRETATION 1B

TYPES OF EXISTING CONTRACTS WHICH MUST BE DEFERRED

Section 944.2 of Priorities Regulation 1, as amended, makes compulsory the acceptance and filling of rated orders for any material "regardless of existing contracts and orders". The "existing contracts" referred to include not only ordinary purchase contracts but other arrangements achieving substantially the same results, though in form they may concern the use of production facilities rather than the material produced. Preference ratings are applicable to facilities as well as materials.

Examples of such "existing contracts" which must be subordinated to higher rated orders are (1) arrangements whereby a producer, regularly engaged in producing a given product for sale to others, leases a portion of his plant, or the whole of it for a relatively short period, as a going concern to one of his customers and operation is continued under the producer's management and with the producer's regular personnel; and (2) arrangements whereby such a producer, in lieu of buying raw materials and selling the product, accepts raw materials belonging to a customer for processing pursuant to a toll agreement or similar undertaking. If the deliveries to be made to such customer carry a preference rating, the sequence of deliveries as compared with deliveries to other persons placing orders with the producer is to be determined as provided in § 944.7 of Priorities Regulation No. 1. (Issued Mar. 18, 1944.)

INTERPRETATION 1C

SEQUENCE OF DELIVERIES AND PRODUCTION FOR RATED ORDERS

The provisions of § 944.7 (b) of Priorities Regulation No. 1, as amended, with respect to the sequence of deliveries bearing the same preference rating, are applicable only in cases where different deliveries bearing the same preference rating cannot be made on schedule. If material supply and available facilities permit deliveries bearing the same rating to be made on schedule, Regulation No. 1 does not have any particular effect on the sequence of production for such deliveries. Where it is necessary to choose between deliveries bearing the same preference ratings, delivery to the customer from whom the order was first received with the rating is to be preferred and production schedules must be adjusted accordingly. For example, suppose a rated order is received from one customer in January for August delivery and another order bearing the same rating is received from a second customer in June calling for July delivery. If both deliveries cannot be made on schedule, the second customer is not permitted to get the material away from the first customer. The producer must defer production on the second order to the extent necessary to make delivery on the first order on the August delivery date. If, on the other hand, both deliveries can be made on schedule, it is not necessary to produce or make delivery on the first customer's order ahead of that of the second. (Issued Mar. 18, 1944.)

INTERPRETATION 1D: Revoked June 28, 1945

INTERPRETATION 1E

ARMY INCLUDES PANAMA CANAL—NAVY INCLUDES COAST GUARD

(a) Section 944.1 (b) defines "defense order" to mean, among other things, any contract or purchase order for material or equipment to be delivered to or for the accounts of the Army or Navy of the United States, the Panama Canal or the Coast Guard. At the present time the Panama Canal is part of the Army and the Coast Guard is part of the Navy. Some question has arisen as to whether the specific enumeration in Priorities Regulation No. 1 of the Panama Canal and the Coast Guard means that they do not fall within general references to the Army and Navy in other regulations and orders of the War Production Board. In particular, inquiries have been made as to whether exemptive provisions in limitation and conservation orders in favor of the Army and Navy also provide exemptions for the Panama Canal and the Coast Guard when the latter are not specifically mentioned.

An exemptive or other provision applicable to the Army also applies to the Panama Canal, and a provision applicable to the Navy to the Coast Guard, unless the provision expressly states otherwise.

(b) Question has also been raised as to the status of the Office of Strategic Services under § 944.1 (b) and similar general references to the Army and Navy in other regulations and orders of the War Production Board.

The operations of the Office of Strategic Services are under the direction and supervision of the Joint Chiefs of Staff. Therefore, any provision in a regulation or order of the War Production Board which applies to both the Army and the Navy (but not a provision which applies to the Army alone or to the Navy alone) also covers the Office of Strategic Services. (Issued Mar. 18 1944.)

INTERPRETATION 2

REGULARLY ESTABLISHED PRICES AND OPA CEILING PRICES

An order bearing a preference rating may not be rejected on the ground that the price is below the regularly established price, if the purchaser offers the OPA ceiling price.

Section 944.2 of Priorities Regulation 1 makes the acceptance of rated orders mandatory except in the several situations specified in the section. The only exception dealing with price is contained in paragraph (e) (1) which states that a rated order need not be accepted "if the person seeking to place the order is unwilling or unable to meet regularly established prices and terms of sale or payment".

"Regularly established prices" cannot be higher than OPA ceiling prices. They may, however, be lower. (Issued Mar. 18, 1944.)

INTERPRETATION 3

REJECTION OF RATED ORDERS FOR FAILURE TO MEET ESTABLISHED PRICES AND TERMS

(a) Section 944.2 of Priorities Regulation 1 states that every order bearing a preference rating must be accepted and filled with certain exceptions listed in the section. One exception is where a buyer does not "meet regularly established prices and terms of sale or payment". This exception applies to a seller who receives a rated order for quantities which are less than the minimum which he regularly sells. For example, a manufacturer who has been selling only in carload lots may reject a rated order for a less than carload lot.

This exception applies similarly to a person who regularly sells only in multiples of a specified quantity and receives a rated order for a number which is not a multiple of that quantity. For example, a manufacturer who regularly sells his product only in standard shipping packages containing one dozen receives a rated order for 40. He may fill the whole order or he may fill it to the extent of 36 and reject it for 4.

A further problem arises when a manufacturer receives such an order with split ratings. For example, suppose the manufacturer who sells his product only in standard shipping packages of a dozen receives an order for 30 rated AA-4 and 20 rated AA-5. In such a case the general rule is that amounts in excess of a multiple of the standard shipping package ordered at higher ratings may be included with amounts ordered at lower ratings if the manufacturer wishes to adhere to his standard shipping package and not fill the order as received. He may then, in the case supposed, treat the order as one for 24 items rated AA-4 and 24 rated AA-5 and reject it for 2 of the items. Of course, he may fill the order as placed if he prefers to do so; but, if he does not he must fill it as illustrated above.

(b) The exception also applies to the seller who regularly sells only to certain types of trade purchasers, such as wholesalers, jobbers or retailers. He may reject orders from other types of purchasers but only if it is practicable to obtain the merchandise in the required quantity through regular trade channels.

(c) The exception applies to a manufacturer who receives a rated order which, together with orders on hand, totals less than his minimum production run of a product which is mass produced and cannot be filled from inventory. It makes no difference that he has regularly sold in quantities as small as that ordered. For example, suppose a manufacturer's minimum production run is 1,000 units, but he has regularly sold in lots of 10 units. At a time when he has none of the particular product in inventory and no orders on hand, he receives a rated order for 600 units. He may reject the order. If, however, he has on hand a previously accepted order for 400 units, he would be required to accept the order for 600 units.

(d) It should be noted that paragraph (e) of § 944.2 in which the above exception appears includes the requirement that "there must be no discrimination in such case against rated orders, or between rated orders of different customers." This means, for example, that a seller who sells principally at wholesale but also at retail to one or more customers may not reject rated retail orders from other customers. However, if a manufacturer or wholesaler has an exclusive distributor, either for all sales or for a particular territory, he may reject orders from other purchasers provided the exclusive distributor is in a position to fill the orders promptly. (Issued Jan. 6, 1945.)

INTERPRETATION 4

ACCEPTANCE OF RATED ORDERS FOR USE OF FACILITIES BY CONTROLLED MATERIALS PRODUCERS

Section 944.2 of Priorities Regulation No. 1 provides for the compulsory acceptance of defense and other preference rated orders for the use of facilities, and § 944.7 provides for the sequence of deliveries on such orders. With respect to all such orders placed with a producer of controlled materials, the provisions of these sections are applicable only to the extent that they do not interfere with the acceptance, production, and delivery of orders which he is permitted to fill under paragraph (t) (3) of CMP Regulation No. 1. (Issued Mar. 18, 1944.)

INTERPRETATION 5

EFFECT OF ASSIGNMENT OF A RATED ORDER OR CONTRACT ON SEQUENCE OF DELIVERY

When a rated contract is assigned, the rating remains applicable to the contract as assigned if, but only if, the assignee uses the material covered by the contract for substantially the same purpose for which the rated contract was placed.

Examples. (1) The Navy places a rated order with A and A extends the rating to B. Later the Navy and A cancel the contract and the Navy enters into a new contract with C for delivery of the same product at the same time and applies the same rating to it. A assigns to C his contract with B. The rating which A had extended to B remains valid as of the time it was extended by A, and B must honor it in making delivery to C.

(2) A steel mill places an order for a repair part rated AA-1 under CMP Regulation No. 5. The steel mill finds that it does not need the part but another steel mill needs the same and asks the first mill to assign its contract for the part. The second mill could also apply a AA-1 rating to the delivery. However, it prefers to use the first mill's rating so as to come ahead of the orders which have been placed since the first mill placed its order. The second mill may not make this use of the rating, since the rated order was placed for the repair of the first mill's facilities and the purpose of the order has thus been changed.

(3) The War Production Board assigns a rating on a PD-1A certificate to a textile manufacturer to buy some textile machinery. He places an order with a machinery manufacturer and applies the rating to the order. He decides he does not need the machinery but finds another textile producer who does need the machinery and is willing to purchase the same from him. He therefore assigns the contract for the machinery to the second textile producer. The rating does not apply to the delivery to the second producer since it was assigned by the War Production Board only for the purpose of filling a specific need shown by the first textile producer. (Issued July 24, 1943.)

INTERPRETATION 6

MICROFILM RECORDS

Records required to be kept by § 944.15 of Priorities Regulation No. 1 or by any other order or regulation of the War Production Board may be kept in the form of microfilm or other photographic copies instead of the originals. (Issued Aug. 14, 1943.)

INTERPRETATION 8

EFFECT OF INVENTORY AND SMALL ORDER PROVISIONS ON SEPARATE OPERATING UNITS OF THE SAME COMPANY

(a) If an individual plant, branch store, division or other operating unit normally keeps separate inventory from the rest of the corporation or firm, inventory restrictions in WPB orders and regulations apply to it separately. Thus, although another unit may have exceeded an inventory limit, this does not prevent a unit which has not exceeded it from acquiring additional inventory within the limit.

(b) Likewise, if an order of the War Production Board provides an exemption for small purchases, an operating unit which normally buys separately need not consider purchases made by other units in determining whether it comes within the exemption.

(c) It may happen that the same operating unit will be treated separately for purposes of inventory restrictions but not for purposes of small order exemptions. For example, if a distributor purchases centrally for direct shipment to several outlets which keep separate inventories, the outlets are treated separately for purposes of inventory restrictions but the central purchasing agency must include all its purchases in determining whether a transaction comes within a small order exemption.

(d) This interpretation applies only in cases where a contrary rule is not expressly stated in the applicable War Production Board order or regulation. Also it only applies where the regular business practice of the unit in question is to keep a separate inventory or to buy separately. It does not apply if the regular practice has been changed just for the purpose of coming within this interpretation. (Issued Nov. 22, 1944.)

INTERPRETATION 9: Revoked Mar. 18, 1944.

INTERPRETATION 10

EFFECT OF CANCELLATION OF A PURCHASE ORDER ON DIRECTIVE REQUIRING ITS IMMEDIATE PRODUCTION

In many instances, both under the Controlled Materials Plan and otherwise, the War Production Board has issued directives to producers and manufacturers requiring them to produce particular orders ahead of their normal place on the producers' or manufacturers' schedules. Typical of such directives are directives requiring them to produce certain orders by a given date, regardless of the effect of doing so on the production of other orders. If and when the particular orders are cancelled, the directives lose all effect. This is so since the reason for issuing the directives, namely, the urgent need for a particular product, no longer exists when the order for the product has been cancelled. (Issued Sept. 21, 1944.)

INTERPRETATION 12

DATE ON WHICH PURCHASE ORDER IS RECEIVED

Section 944.7 (b) provides that between conflicting orders which bear the same preference rating, precedence must be given to the order which was received first with the rating. Some questions have arisen as how to fix the date when the order was "received", due to the fact that occasionally specifications are not sent to the manufacturer with the customer's order. The word "order" as used in § 944.7 (b) means a purchase order accompanied by specifications in sufficient detail to enable the manufacturer to put the product in production. Not until such specifications have been furnished is there an "order". The date on which such specifications are furnished to the manufacturer is the date on which the order is "received". This date, and not the date on which the order without specifications was first received by the manufacturer, controls the position the order takes in the manufacturer's schedule.

For example, where an engine manufacturer on February 1st receives a rated order for fifty engines for July delivery but the customer does not, until March 1st, furnish the specifications as to carburetors, pumps, or other equipment, necessary before the engines can be put into production, March 1st is the date the "order was received" for the purposes of § 944.7 of Priorities Regulation No. 1. (Issued Nov. 8, 1944.)

INTERPRETATION 13

APPLICABILITY OF ORDERS AND REGULATIONS TO USED OR SECOND-HAND MATERIALS AND PRODUCTS

(a) Every order or regulation of the War Production Board applies to materials and products in used or second-hand form (other than scrap) to the same extent as to new items, unless the order or regulation or a published interpretation of it expressly states otherwise.

(b) The following examples illustrate the above rule: (1) Order L–265 regulates the manufacture and distribution of "electronic equipment". The definition of this term in paragraph (a) (3) of the order does not exclude used or second-hand equipment from the coverage of the order. Therefore, all of the provisions of the order apply to both new and used or second-hand electronic equipment.

(2) Paragraph (c) of Order L–190 controls the distribution of new Class D scales. The term "new" is defined in the order. Therefore, the restrictions of paragraph (c) apply only to Class D scales which are "new", as defined in the order, and this interpretation does not apply to that order. (Issued Mar. 27, 1945.)

INTERPRETATION 16

APPLICABILITY OF PRIORITY RULES TO SUPPLIERS OF COMPLETE PRODUCTS AND PARTS FOR THE COMPLETE PRODUCTS

(a) *Applicability of rules regarding acceptance of orders.* A person who supplies parts for a complete product, as well as the complete product itself, may not accept an order for the complete products calling for delivery on a date which would interfere with delivery of equal or higher rated orders for parts which he has already accepted. In other words, he must comply with the rules in § 944.2 of Priorities Regulation 1 in accepting orders for complete products and orders for parts only, and this is true even if the complete product is subject to a frozen schedule under Priorities Regulation 18 and the parts are not. Thus if he gets a rated order for complete products calling for delivery on June 1, 1945, and cannot fill this order without using parts which are required for delivery on an equal or higher rated parts order previously accepted, calling for delivery on June 1, 1945, he may not accept the order for the complete products. In such a case, he must either (1) reject the order, stating when he could fill it, or (2) accept it for delivery on the earliest date he expects to be able to deliver, informing the customer of that date.

(b) *Arranging sequence of shipments under scheduling orders, and effect of frozen schedules.* (1) In arranging the sequence of shipments on a shipping schedule filed under Order M–293 and other scheduling orders, a manufacturer may not schedule an order for complete products for shipment on a date which would interfere with delivery of an equal or higher rated parts order which he has on his books. In other words, the manufacturer must comply with the rules in § 944.7 of Priorities Regulation 1 in arranging his shipping schedules under the scheduling orders. The fact that in some cases the complete products are subject to the scheduling provisions and parts are not, does not allow the manufacturer to disregard the parts orders in scheduling the orders for complete products. Furthermore, it would make no difference whether the parts were made by the manufacturer, or whether he made some and bought some, or whether he bought them all.

(2) However, where a shipping schedule for the complete products has been properly made up under Order M–293, or any other scheduling order, and has become a frozen schedule under Priorities Regulation 18, orders for parts (or for the complete product) subsequently received, may not be allowed to interfere with deliveries under the frozen schedule, unless the War Production Board takes affirmative action to permit or direct such interference. But when the next schedule is made up and filed, these newly received orders must be given the preference required by Priorities Regulation 1, as explained above.

(c) *Illustrations.* (1) If a manufacturer of internal combustion engines, who also makes (or buys) parts for such engines, has on hand an order rated AA–1 for 1,000 cylinder heads calling for delivery in January 1946, and then receives an AA–1 rated order for 1,000 engines also calling for delivery in January 1946, he may not accept the engine order unless he could fill it during January without using cylinder heads needed to fill the cylinder head order on time.

(2) If the manufacturer has accepted an AA–2 rated order for engines for delivery in January 1946, and thereafter receives an AA–1 rated order for cylinder heads for delivery in January, he must accept the latter order. Furthermore, in making up his January shipping schedule for engines under Table 4 of M–293, he must not schedule the engine order for shipment during the month unless he could fill it without using cylinder heads needed to fill the cylinder head order on time. However, if both of the orders call for delivery in December 1945, and his engine schedule for December, including this particular engine order, has already been frozen under Priorities Regulation 18, then he must not accept the cylinder head order for delivery in December unless he could fill it without interfering with the frozen schedule or unless the War Production Board specifically authorizes or directs him to do so. (Issued May 8, 1945.)

[F. R. Doc. 45–16075; Filed, Aug. 28, 1945; 11:35 a. m.]

PART 944—REGULATIONS APPLICABLE TO THE OPERATION OF THE PRIORITIES SYSTEM

[Priorities Reg. 1, Revocation of Interpretation 1A]

INVENTORIES IN SEASONAL INDUSTRIES

Interpretation 1A revoked August 28th 1945, and superseded by Interpretation 1 to Priorities Regulation 32.

Issued this 28th day of August 1945.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

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PART 944—REGULATIONS APPLICABLE TO THE OPERATION OF THE PRIORITIES SYSTEM

[Priorities Reg. 1, Revocation of Interpretation 7]

MINIMUM SALE QUANTITIES AND PRODUCTION RUNS

Interpretation 7 revoked August 28, 1945, and superseded by Interpretation 2 to Priorities Regulation 32.

Issued this 28th day of August 1945.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

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PART 944—REGULATIONS APPLICABLE TO THE OPERATION OF THE PRIORITIES SYSTEM

[Priorities Reg. 1, Interpretation 11, as Amended Aug. 28th, 1945]

PLACING AND ACCEPTANCE OF ORDERS FOR FUTURE DELIVERY CONDITIONED ON REMOVAL OF WPB RESTRICTIONS

The following interpretation is issued with respect to Priorities Regulation 1:

(a) Some orders and regulations of the War Production Board forbid the placing or acceptance of purchase orders for certain materials or products unless the purchase orders bear specified preference ratings, or unless they are accompanied by an allotment symbol or special authorization, or unless they meet some other condition. Such provisions do not, however, prohibit the placing or acceptance of a purchase order which by its express terms, is not to be filled until after removal of such restrictions by the War Production Board.

(b) A manufacturer may not, of course, schedule such orders for production or place material in production to fill such orders until after the applicable WPB restriction is removed. He may order materials needed to fill such orders, but his own orders must call for delivery at a future time when the material can be received under Priorities Regulation 32. Also, if he is ordering a material which is itself subject to a restriction on placing or accepting of orders, that purchase order must as well be conditioned on the removal of the restriction.

(c) For example, Order L–111 forbids the acceptance of an order for new hand trucks unless the order bears a rating of AA–5 or higher. Nevertheless, an unrated order for hand trucks may be accepted subject to the condition that no steps will be taken to fill it until the restriction on acceptance of unrated orders is removed.

(d) [Deleted Nov. 13, 1944]

Issued this 28th day of August 1945.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

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PART 944—REGULATIONS APPLICABLE TO THE OPERATION OF THE PRIORITIES SYSTEM

[Priorities Reg. 1, Interpretation 14, as Amended Aug. 28th, 1945]

SUMMARY OF WPB CONTROLS REGARDING IDLE OR EXCESS INVENTORIES

Introduction

The following interpretation is issued with respect to Priorities Regulation 1:

(a) *Purpose of this interpretation.* This interpretation summarizes some of the important rules on what to do when you have materials or products which are idle or excess in your inventory because of a termination or cut-back in your war contracts or other change in your operations. These are not new rules on this subject, nor are they necessarily complete, but they are intended to be convenient references to rules which are now effective in WPB orders and regulations. As these orders and regulations are revised from time to time, you should be sure to look at the latest copies.

(b) *General rule.* The general rule is that if you got a material or product by using a preference rating, allotment or other WPB priorities assistance, you must if possible use or dispose of it (or of the product into which it has been incorporated) for the purpose for which the assistance was given. This is the rule of § 944.11 (a) of Priorities Regulation 1, which also states the conditions under which physical segregation of inventory is not required.

(For effect of this section on sale of Class B products, see Interpretation 32 to CMP Regulation 1).

Disposition or Use of Excess

(c) *In general.* If you have a termination, cut-back, or other reduction in your operations, it may be impossible to use the material or product for the purpose for which the priorities assistance was given. In this case, you may dispose of it as explained in paragraphs (b) (1) and (b) (2) of § 944.11 of PR–1, or you may use it as explained generally in paragraph (b) (3) of that section. These rules are summarized in paragraphs (d) and (e) below.

(d) *Disposition*—(1) *Special sales.* If you want to sell the excess material or product to someone else, and you acquired or made it for your own use and you do not sell it in the regular course of your business, you should look at Priorities Regulation 13 for the rules governing such "special sales". These include special sales as scrap (other than plant generated scrap). Also, all sales of surplus materials or products by Government agencies are special sales.

(2) *Other sales.* If the sale of the particular material or product, including scrap, is not a special sale, it is permitted as long as you comply with all requirements of WPB orders and regulations which apply to the material or product you are selling. For example, you are usually required to accept rated orders and observe the sequence of preference ratings; and if the material or product may be sold or scrapped only on specific WPB authorization as described in the applicable E, L, M, R, or U order, you must do what the order says.

(e) *Use*—(1) *Must be in compliance with applicable WPB orders.* If you want to use the excess material or product, you must always comply with all applicable WPB orders and regulations governing its use, inventory, etc. This is in addition to the rules in paragraphs (e) (2), (3) and (4) below. To find out what orders or regulations are applicable to the particular material or product, it may be helpful to look at the WPB monthly publication, "Products and Priorities," or you can ask your nearest WPB field office.

(2) *Use permitted if you could buy under PR–13.* You may use the excess material or product in your inventory for any permitted purpose for which you have the necessary rating or other qualification to buy from someone else at a "special sale" under PR–13. Thus, if that regulation says that a particular material may be sold for use only to someone who has an AA–5 rating, you could use it yourself for any permitted purpose for which you have that or a higher rating.

(3) *Use of controlled material.* In the case of steel, copper or aluminum in controlled material form, or a Class A product, you must look at paragraph (u) of CMP Regulation 1 which explains in more detail how you can divert and use such materials or products.

(4) *Special permission.* If you think you could get permission to buy the particular material or product from someone else under PR–13 and the rules in paragraphs (e) (2) and (3) above do not let you use it in your own inventory, you may ask for special permission to use the material or product yourself. The way to get this permission is explained in Direction 52 to CMP Regulation 1 on controlled materials and Class A products, and in Direction 4 to PR–1 for other materials and products. This permission may be given for use in other war contracts or in permitted civilian uses as long as there is no interference with war production in your area. (For prohibited or restricted civilian uses, see paragraph (f) below.) However, permission to use excess materials under these rules will not constitute an exception or appeal from the provisions of any E, L, or M order which might apply to the use you are interested in. Thus, you may also have to appeal or apply for the exception as provided in the particular order.

(f) *Resuming civilian production.* If you want to divert idle or excess materials for use in resuming civilian production presently limited or prohibited, the rules for getting the necessary permission are explained in Priorities Regulation 25. If permission is granted, you can use materials in your inventory under the rules described in paragraph (e) above.

(g) *Special provision for transfer among war contractors.* If you have a war contract which has been terminated or modified, and another contractor is producing similar products for the same procuring agency, he may be able to receive excess materials (from you, your suppliers, or the procuring agency) in excess of inventory limits. This is permitted when authorized by the procuring agency to the extent described in Direction 1 to Priorities Regulation 32. This direction covers both the inventory exceptions necessary to receive excess materials of this kind, and also the sale or exchange of the materials.

Bringing Inventory Back to Normal

(h) *Inventory limitations.* If the termination or cut-back results in your having a bigger inventory than you need, the mere possession of it is not prohibited as long as the particular material or product was properly acquired. This is explained in Interpretation 5 to Priorities Regulation 32. However, you may not receive further deliveries of the particular material or product held in excess, nor may you fabricate above permitted inventory levels, except as provided in the applicable regulations or orders. The general inventory rules are in Priorities Regulation 32, and specific inventory limits on particular materials or products or relating to particular classes of persons are indicated in Tables 1 and 2 of that regulation. In general, upon any reduction in operations, outstanding orders for the items which constitute an excessive inventory must be promptly adjusted, or, if necessary, cancelled. However, certain further deliveries may be received to the extent permitted by paragraph (h) of Priorities Regulation 32, and special items may be received as permitted by that paragraph and by Direction 3 to that regulation. A limited inventory exception in the case of items bought on special sales is provided in PR–13.

(i) *Cancelling ratings or allotments.* In cutting back or cancelling orders as described above you will probably have to cancel your ratings to the extent described in § 944.4a of PR–1, and make the necessary adjustments in your allotments and authorized controlled material orders as explained in paragraph (u) (2) of CMP Regulation 1 and Interpretation 28 and 31 to CMP Regulation 1.

Issued this 28th day of August 1945.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

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PART 944—REGULATIONS APPLICABLE TO THE OPERATION OF THE PRIORITIES SYSTEM

[Priorities Reg. 1, Interpretation 15]

MAKING OR DELIVERING MATERIAL EARLIER THAN REQUIRED BY CUSTOMERS

Interpretation 15 revoked August 28, 1945, and superseded by Interpretation 3 to Priorities Regulation 32.

Issued this 28th day of August 1945.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

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PART 944—REGULATIONS APPLICABLE TO THE OPERATION OF THE PRIORITIES SYSTEM

[Priorities Reg. 1, Revocation of Interpretation 17]

STOCKPILING IN ANTICIPATION OF CIVILIAN PRODUCTION

Interpretation 17 revoked August 28, 1945, and superseded by paragraph (g) (4) of Priorities Regulation 32.

Issued this 28th day of August 1945.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
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PART 944—REGULATIONS APPLICABLE TO THE OPERATION OF THE PRIORITIES SYSTEM

[Priorities Reg. 1, Revocation of Direction 3]

TRANSFER OF IDLE MATERIALS AMONG WAR CONTRACTORS

Direction 3 to Priorities Regulation 1 is revoked. This revocation does not affect any liabilities incurred for violation of the direction or of actions taken by the War Production Board under the direction. The direction is superseded by Direction 1 to Priorities Regulation 32.

Issued this 28th day of August 1945.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

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PART 944—REGULATIONS APPLICABLE TO THE OPERATION OF THE PRIORITIES SYSTEM

[Priorities Reg. 1, Revocation of Direction 6]

INVENTORY EXEMPTION FOR CERTAIN CAPITAL EQUIPMENT, MRO, JIGS, DIES AND FIXTURES

Direction 6 to Priorities Regulation 1 is revoked. This revocation does not affect any liabilities incurred for violation of the direction or of actions taken by the War Production Board under the direction. The direction is superseded by Priorities Regulation 32, particularly Table 3 of that regulation.

Issued this 28th day of August 1945.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

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PART 944—REGULATIONS APPLICABLE TO THE OPERATION OF THE PRIORITIES SYSTEM

[Priorities Reg. 1, Revocation of Direction 7]

ADDITIONAL EXCEPTION FROM INVENTORY RESTRICTIONS FOR CONTINUING RECEIPTS OF SPECIAL ITEMS AFTER CONTRACT CUTBACKS

Direction 7 to Priorities Regulation 1 is revoked. This revocation does not af-

fect any liabilities incurred for violation of the direction or of actions taken by the War Production Board under the direction. This direction is superseded by Direction 3 to Priorities Regulation 32.

Issued this 28th day of August 1945.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

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PART 944—REGULATIONS APPLICABLE TO THE OPERATION OF THE PRIORITIES SYSTEM

[Priorities Reg. 32]

INVENTORIES

(a) What this regulation does.

General Restrictions

(b) Restriction on delivery.
(c) Restrictions on receipts.
(d) Restriction on ordering more than needed.
(e) Adjusting outstanding orders when requirements change.
(f) Restriction on processing.

Exceptions

(g) In general.
(h) Receipts permitted after contract cancellations or cut-backs.

Miscellaneous Provisions

(i) Previous inventory authorizations.
(j) Separate inventories.
(k) Redistribution of excess inventories.
(l) Violations.
(m) Revisions of tables.
(n) Appeals, letters and questions.

§ 944.53 *Priorities Regulation 32*—(a) *What this regulation does.* This regulation contains the inventory rules formerly in § 944.14 of Priorities Regulation 1 and in CMP Regulation 2. Its purpose is to prevent excessive inventories by restricting ordering, deliveries, receipts and processing of materials in short supply. All kinds of materials are covered including raw or semi-fabricated materials, commodities, equipment, accessories, parts, assemblies or products of any kind, whether or not acquired with priorities assistance.

The general rule on receipts is in paragraph (c) (1), and this is controlling unless a more specific limitation or exception is indicated in Table 1 or 2 or a direction to this regulation, or unless Table 3 (formerly Order M-161) exempts the material entirely. Other exceptions to the inventory limitations are stated in paragraphs (g) and (h) and in directions to this regulation.

General Restrictions

(b) *Restriction on delivery.* No person may deliver any material if he knows or has reason to believe that acceptance of the delivery would be in violation of this regulation.

NOTE: For rule on making or delivering material earlier than required by customers, see Interpretation 3.

(c) *Restrictions on receipts*—(1) *General rule.* A person may not accept delivery of any material if his inventory of that material is, or will be, more than a practicable minimum working inventory reasonably necessary to meet his own deliveries on the basis of his current or scheduled method and rate of operation.

NOTE: For rule on when material is considered to be in inventory, see Interpretation 4; for rule as to seasonal industries, see Interpretation 1.

(2) *Special rules in Tables 1 and 2.* If Table 1 at the end of this regulation shows a special inventory limit on a particular material or product (either specifically or by reference to another WPB order or regulation), that limitation governs and the restrictions of paragraph (c) (1) above may be disregarded unless the applicable order or regulation (or a note in Table 1) also states that a practicable minimum working inventory may not be exceeded. The same is true with respect to particular classes of persons shown on Table 2. Where a specific period of time is shown on Table 1 or 2, no person affected may accept delivery of any material specified if his inventory of it is, or will be, more than he needs during the immediate period specified on the basis of his current or scheduled method and rate of operation. Even if an order or regulation is not listed on Table 1 or 2, any specific inventory limits imposed by it must be complied with. If an order or regulation listed on Table 1 or 2 is revoked or a listing removed from the tables all provisions of this regulation, including paragraph (c) (1), are automatically applicable.

(3) *Special rules on steel and copper in controlled material form.* The former inventory rules in CMP Regulation 2 on steel and copper in controlled material form (as defined in CMP Regulation 1) are now in Table 1 of this regulation, and the following special rules are applicable to deliveries to users of such steel and copper: (i) Where steel and copper are involved, the provisions of this regulation apply separately to each "item" in any class listed in Table 1 which is different from all other items in that class by reason of one or more of its specifications, such as length, width, thickness, temper, alloy, finish, method of manufacture, etc. (ii) If any producer of steel or copper exercises his privilege under CMP Regulation 1 of making delivery before the delivery date specified by his customer, the delivery may be accepted and the limits of this paragraph (c) exceeded to the extent that the excess results from the early delivery. (iii) The limits in Table 1 on receipts of steel and copper in terms of specific days' requirements apply only within the 48 States and the District of Columbia. Other special rules on steel and copper are explained in Table 1.

(d) *Restriction on ordering more than needed.* (1) A person may not place any order, whether rated or unrated, for delivery of any material on earlier dates or in larger amounts than he would be permitted to receive under this regulation. Orders aggregating more than he is allowed to receive may not be placed with different suppliers even though he intends to cancel one or more of them before delivery. However, this restriction does not apply to materials listed on Table 3 of this regulation nor to purchases by ultimate consumers for personal or household use. The restriction does not forbid the placing of orders for delivery under the conditions explained in Interpretation 11 to Priorities Regulation 1, but such orders may not be scheduled for production as long as this restriction is effective.

(2) This restriction does not require adjustment of orders placed before August 28, 1945. However, in view of its policy to prevent hoarding and speculative buying of materials in short supply, the WPB may direct adjustments or cancellations in individual cases where orders are in excess of reasonably anticipated needs especially where failure to do so might result in unbalanced distribution and curtail total production.

(e) *Adjusting outstanding orders when requirements change.* If because of a change in operations, slowing or stoppage of production, delayed delivery by a supplier, or any other change in requirements, a person who has ordered material for future delivery would, if he accepted delivery on the date specified, exceed the limits prescribed by this regulation, he must promptly adjust his outstanding orders, and, if necessary, postpone or cancel them. Paragraph (h) below describes what further deliveries may be accepted.

(f) *Restriction on processing.* No person may process, fabricate, alloy or otherwise alter the shape or form of any material if his inventory of the material in its processed, fabricated, alloyed or otherwise altered shape or form is, or will be, more than a practicable minimum working inventory. However, this does not restrict a person from altering the form of surplus materials by scrapping or reprocessing them, unless a WPB order specifically says otherwise.

Exceptions

(g) *In general.* This paragraph, paragraph (h) below, and certain directions to this regulation state general exceptions to the restrictions on acceptance of delivery described in paragraph (c) above, and to all other inventory restrictions on delivery and acceptance of delivery in WPB orders and regulations unless they contain specific provisions to the contrary. None of these or any other exceptions to WPB inventory restrictions on receipts permit a supplier to disregard any applicable WPB order or regulation which restricts production or delivery.

(1) *Exemption of Table 3 materials.* Materials listed on Table 3 at the end of this regulation may be delivered and accepted without regard to WPB inventory restrictions.

(2) *Materials bought under PR-13.* Priorities Regulation 13 provides a limited exemption from inventory restrictions in the case of items bought on special sales.

(3) *Imported materials.* A person may import any material without regard to WPB inventory restrictions, but if his inventory of it thereby becomes in excess of the amount permitted by this regulation, he may not receive further deliveries of it from domestic sources until his inventory is reduced to permitted levels. The inventory restrictions of this regulation do apply to any deliveries of the imported material he makes, and to the amount of it that any person accepting delivery from him may receive.

(4) *Advance stockpiling for civilian production.* A person may receive in anticipation of starting or resuming civilian production the minimum amount of material he would need during the first 30 days of such production, provided no priorities assistance is used to get the material. Records of such receipts and the basis on which they were computed must be preserved as required by § 944.15 of Priorities Regulation 1. This 30-day amount is a ceiling as far as advance stockpiling is concerned, and may not be considered as a "bonus" to be added to the amount of any material which a producer expects to have available for making his civilian product. Changes in this 30-day amount may be indicated for a particular material by a note in Table 1.

(5) *Minimum sale quantities.* Minimum sale quantities and production runs may be accepted to the extent permitted by Interpretation 2 to this Regulation. However, where Column 3 of Table 1 shows a specific amount of a particular material, that is considered to be the minimum sale quantity of it. Thus, if a person would be permitted under paragraph (c) to accept less than the amount shown, he may accept delivery of the full amount. In any event, after receiving a minimum sale quantity of any material, a person may not accept delivery of any additional quantities until his inventory of it is within applicable limits.

(6) *Small inventory exemption for particular materials.* If a note in Table 1 or 2 shows a specific amount of a particular material as a small inventory exemption, a person may accept delivery of any quantities of it as long as his total inventory of it after acceptance is no more than the specified amount.

(h) *Receipts permitted after contract cancellations or cut backs.* Where a person has promptly cancelled or cut back a contract with his supplier as required by paragraph (e) and the supplier is not otherwise prohibited from producing or delivering any material involved, delivery of it may be accepted and the inventory restrictions of paragraph (c) exceeded to the following extent only:

(1) Delivery may be accepted if the supplier has shipped the material or loaded it for shipment before the receipt of the instruction to cancel or cut back; or

(2) Delivery may be accepted of any special item which the supplier actually has in stock or in production or special components or special materials which he has acquired for the purpose of filling that contract. A special item, as used above, means one that the supplier does not usually make, stock, or sell, and which cannot readily be disposed of to others; or

(3) Even if the material is not a special item, delivery may be accepted from a producer if it has already been produced or is in production before receipt of the instruction to cancel or cut back, and it cannot be used to fill other orders on the producer's books.

NOTE: For special rules on continuing receipts of special items after contract cut backs, see Direction 3 to this regulation; and as to transfers of idle materials after cancellations or cut backs, see Direction 1. For effect of reduction in consumption rate on permitted inventories, see Interpretation 5.

Miscellaneous Provisions

(i) *Previous inventory authorizations.* Any specific authorizations, exceptions, or grants of appeals issued under § 944.14 of Priorities Regulation 1 or CMP Regulation 2 remain in effect according to their terms unless individually modified or revoked.

(j) *Separate inventories.* (1) In figuring his inventory, a person must include all material in his possession and all material held for his account by another person, but not material held by him for the account of another person.

(2) In the case of a person who on August 28, 1945, has more than one operating unit and keeps separate inventory records for them, this regulation applies to each such operating unit or division independently. A person may not make any further separation or consolidation of such operating units without special written approval of the War Production Board, unless it is purely incidental to a separation or consolidation which is made primarily for other than inventory purposes.

(k) *Redistribution of excess inventories.* Excess inventories of materials and products, including inventories of materials which are in such form as to be unusable by the holder, are subject to redistribution to other persons by voluntary action pursuant to Priorities Regulation 13, or if necessary for national defense, through requisitioning by the War Production Board.

(l) *Violations.* Any person who wilfully violates any provision of this regulation, or who, in connection with this regulation, wilfully conceals a material fact, or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

(m) *Revisions of tables.* Tables 1, 2 and 3, attached to this regulation will be revised from time to time. As materials and products become in more ample supply, it is expected that they will be listed on Table 3. In special cases, particular materials or products may also be removed from Table 3 or added to Table 1. It is, therefore, important to be familiar with the latest revision of the tables.

(n) *Appeals, letters and questions.* Any appeal or other question regarding any provision of this regulation should be sent by letter in duplicate to the Office of Inventory Control and Surplus Utilization, War Production Board, Washington 25, D. C., Ref.: PR 32, unless Table 1 or 2 attached to this regulation indicates otherwise with respect to particular materials or classes of persons.

Issued this 28th day of August 1945.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

TABLE 1—MATERIALS AND PRODUCTS SUBJECT TO SPECIFIC INVENTORY PROVISIONS

Explanation. Materials or products listed in Column 1 are subject to the specific inventory provisions shown, as explained in paragraph (c) (2) of the regulation, except to the extent that different rules may apply as to certain classes of persons under Table 2.

Column 2 shows either the WPB order or regulation which controls inventories of the material, or if no order is specified, there is shown a period of time representing the maximum inventory permitted as explained in paragraph (c) (2). An asterisk (*) indicates that the practicable minimum working inventory limit of paragraph (c) (1) also applies, that is, if it would be less than the specific limit indicated.

A figure in Column 3 shows the minimum sale quantity, that is, the amount of the particular material which a person may receive under the conditions stated in paragraph (g) (5), even if it is more than allowed under Column 2. If no figure is shown, the rule in Interpretation 2 must be followed.

Column 4 tells the Division or Office in the War Production Board to which should be sent any appeals or questions regarding the limitations described. However, if the applicable order says appeals are to be filed somewhere else, such as the nearest WPB field office, that provision controls.

Column 5 (Remarks) gives explanations, exemptions or other special rules applicable to the particular material or limitation.

Material (1)	Order or limitation (2)	Minimum sale quantity (3)	WPB division or office administering the control (4)	Remarks (5)
Aluminum. (See Table 3.)				
Antimony	M-112		Tin, lead and zinc.	
Babbitt	M-43, Dir. 2		Tin, lead and zinc.	
Bristles	M-51		Textiles	
Castings, malleable iron	45 days*	****	Office of Inventory Control.	****Receipts of less than 2,000 pounds from any one pattern or mold, or of a minimum production run as explained in Interpretation 2 are permitted under the conditions explained in par. (g) (5).

TABLE 1—MATERIALS AND PRODUCTS SUBJECT TO SPECIFIC INVENTORY PROVISIONS—Continued

Materia (1)	Order or limitation (2)	Minimum sale quantity (3)	WPB division or office administering the control (4)	Remarks (5)
Steel—Continued.				
All other controlled material forms of carbon steel.	60 days*	10,000 lbs.		
Alloy steel, including stainless steel.				
Steel castings	60 days*	2,000 lbs.		
Alloy tubing:				
Airframes and engine tubing.	60 days*	5,000 lbs.**		**Or 10,000 ft. or a minimum mill production run, whichever is least.
Other alloy tubing up to 7¼" O. D.	60 days*	10,000 lbs.**		**Or a minimum mill production run, whichever is the smaller.
Other alloy tubing over 7¼" O. D.	60 days*	20,000 lbs.**		
Sheet and strip (alloy):				
Silicon electrical**	45 days*	10,000 lbs.		**Any person who will use less than 50,000 lbs. of carbon and silicon electrical steel sheet and strip in the calendar month in which delivery is desired, or who will use such steel sheet and strip in shop repair or conversion yards for the purpose of ship repair or conversion is subject to a definite quarterly limitation or a definite fractional minimum working inventory, whichever is less.
Other	60 days*	10,000 lbs.		
All other controlled material forms of alloy steel	60 days*	10,000 lbs.		
Copper controlled material forms. (See Controlled materials.)	60 days*	Copper.		
Copper raw materials (refinery shapes, alloy ingot, scrap, etc.)		Textiles.		
Cotton linters	M-317	Textiles.		
Gloves, work	M-375	Textiles.		
Jute or jute yarn or rope	M-81	Tin, lead and zinc.		
Kapok	M-81	Tin, lead and zinc.		
Lead, pig	M-38	Tin, lead and zinc.		
Metal stamping	L-152	Containers.		
Paper or paperboard	M-241	Chemicals.		
Rosin, gum or wood	M-187	Rubber.		
Rubber	M-41, Dir. 2	Tin, lead, and zinc.		
Steel. (See Controlled materials.)				
Tapioca flour	M-333	Chemicals.		
Textiles (finished material)	M-328 ii	Textiles.		
Tin		Tin, lead, and zinc.		
Pig tin	M-41	Tin, lead, and zinc.		
Alloys, other than copper base alloys.	M-43, Dir. 2	Chemicals.		
White lead	M-38	Chemicals.		

TABLE 2—CLASSES OF PERSONS SUBJECT TO SPECIFIC INVENTORY PROVISIONS

Explanation. The classes of persons listed in Column 1 are subject to the specific inventory provisions shown, as explained in paragraph (c) (2) of the regulation.

Column 2 shows either the WPB order or regulation which controls the inventories of the particular class of persons, or if no order is specified, there is shown a period of time representing the maximum inventory permitted as explained in paragraph (c) (2). An asterisk (*) indicates that the practicable minimum working inventory limit of paragraph (c) (1) also applies, that is, it would be less than the specific limit indicated.

Column 3 tells the Division or Office in the War Production Board to which should be sent any appeals or questions regarding the limitations described. However, if the applicable order says appeals are to be filed somewhere else, such as the nearest WPB field office, that provision controls.

Column 4 (Remarks) gives explanations, exemptions or other special rules applicable to the particular class of persons or limitation. Where this column specifies certain materials, the limitation or exemption for the particular class of person applies only to the materials specified.

Classes of persons (1)	Order or limitation (2)	WPB division or office administering the control (3)	Remarks (4)
Bag makers (cotton textiles)	M-221	Containers	
Brush manufacturers	M-51	Textiles	Bristles.
File and rasp manufacturers	120 days*	Inventory control	Applicable only to special high carbon steel in special forms and shapes needed to make files and rasps.
Jeweled watch manufacturers	None	Inventory control	No inventory restrictions on receipt of controlled materials for making jeweled watches.
Merchants (consumers' soft goods inventory).	L-219	Wholesale and retail trade.	
Mines	P-56	Mining	
Newspapers, publishers of	L-240	Printing and publishing.	Print paper.
Petroleum operators	P-98-c	Petroleum Administration for War.	
Piston ring manufacturers	60 days*	Inventory control	Applicable only to special heat treated, tempered, polished, and colored high carbon steel (known as segment or expander steel) for use in the production of piston rings.
Repairmen (parts or materials for)	CMP 9A	Service equipment	
Segregated structural steel for construction, persons using.	**	Inventory control	**See special rule under "Steel" in table 1.
Sewerage systems, operators of public sanitary and combined.	P-141	Government	
Suppliers	L-63	Wholesale and retail trade.	
Telegraph operators	U-4	War utilities	
Telephone operators	U-3	War utilities	
Textiles and leather producers (MRO supplies).	P-139	Textiles	
Transportation systems (MRO supplies).	P-142	Transportation equipment.	
Utility producers electric power, gas, water and central steam heating)	U-1	War utilities	
Water well drillers	P-148	Service equipment	

*Or a practicable minimum working inventory, whichever is less.

TABLE 3—EXEMPTED MATERIALS AND PRODUCTS

Explanation. The following materials and products are exempt from the inventory restrictions on receipts of this regulation and of all other WPB orders or regulations unless they specifically state otherwise.

NOTE: Exemptions from MRO quotas for these materials, formerly in Order M 161, are explained in Direction 28 to CMP Regulation 5.

MATERIAL (1)	REMARKS (2)
Aluminum in all forms	
Asbestos, unmanufactured, all grades and types	
Asbestos Tape .010-.025 thickness	
Borax	
Boric Acid	
Capital Equipment	Only if acquired without priorities assistance.
Cork, raw—corkwood, milling cork, grinding cork	
Domestic andalusite	
Domestic dumortierite	
Ilmenite	
Istle fiber and products	
Jigs, dies and fixtures	Only if acquired pursuant to Direction 25 to CMP Regulation 5, or without priorities assistance.
Jute fiber and jute products except burlap	
Mineral aggregates:	
Sand	
Gravel	
Crushstone	
Slag	
Phosphate rock	
Pipe fittings, steel and brass	
Potter's flint	
Salt (sodium chloride) in bulk	
Sodium sulfate (salt cake)	
Sodium sulfite	
Stoneware clay	
Sulphur	
Valves, steel and iron	
Vermiculite	
Waste paper	
Wool: Raw wool	

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PART 944—REGULATIONS APPLICABLE TO THE OPERATION OF THE PRIORITIES SYSTEM

[Priorities Reg. 32, Interpretation 1]

INVENTORIES IN SEASONAL INDUSTRIES

The following interpretation is issued with respect to Priorities Regulation 32:

Paragraph (c) (1) of Priorities Regulation 32 prohibits any person from accepting a delivery which will give him "more than a practicable minimum working inventory reasonably necessary to meet his own deliveries on the basis of his current or scheduled method and rate of operation". This does not prevent a person engaged in a seasonal industry who normally stocks up inventory in advance of the season from accepting delivery of his requirements of the inventory in question, provided (a) that he is not guilty of hoarding, and (b) that the deliveries accepted are no greater and no further in advance than those which he would normally accept in the ordinary course of his business to meet reasonably anticipated requirements.

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WAR PRODUCTION BOARD,
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PART 944—REGULATIONS APPLICABLE TO THE OPERATION OF THE PRIORITIES SYSTEM

[Priorities Reg. 32, Interpretation 2]

MINIMUM SALE QUANTITIES AND PRODUCTION RUNS

The following interpretation is issued with respect to Priorities Regulation 32:

(a) *Applicable provisions of the regulations.* Priorities Regulation 32 forbids the making or acceptance of a delivery which will give the customer more than the "practicable minimum working inventory reasonably necessary" for him to make his own deliveries. A similar provision in paragraph (c) (2) of Priorities Regulation No. 3 says that a customer who is applying a rating for which no specific quantities have been authorized may use it only to get the "minimum amount needed."

(b) *Factors to be considered in determining how much can be ordered and delivered.* In determining a customer's minimum inventory "reasonably necessary" under Priorities Regulation 32 or his "minimum amount needed" under Priorities Regulation No. 3, it is proper in some cases to consider not only the immediate needs of the customer's plant but also whether the amount which he orders will be a minimum production run for his supplier. The customer may order and receive (and the supplier may deliver) the customer's requirements for a longer period in advance than he actually needs at the time of delivery if, but only if, it is not practicable for him to get the item from any supplier in the smaller quantities which he presently needs. The supplier may reject his customer's order if it is less than the minimum which he regularly sells or less than his minimum production run of a product which is mass produced under the conditions explained in Interpretation 3 of Priorities Regulation 1.

(c) *Relief in exceptional cases.* If the conditions stated in paragraph (b) above cannot be satisfied but the customer wants to order or accept delivery of more than his actual needs at the time of delivery, he should apply to the War Production Board for permission, stating the facts and why it is not practicable to satisfy the condition of paragraph (b).

(d) *Special provisions for controlled materials and Class A products.* This interpretation does not apply to deliveries of controlled materials under the Controlled Materials Plan. Rules regarding deliveries of controlled materials are given in Tables 1 and 3 of Priorities Regulation 32, and additional rules for Class A products are explained in Interpretation 9 to CMP Regulation No. 1.

(e) *Specific limits on ratings may not be exceeded.* This interpretation does not apply to the use of a rating where a specific quantity is stated in the instrument assigning the rating. If a person is assigned a rating for a specific amount of material, he may not use it to get more. If he finds that he can only get the material in larger quantities, he should apply for a modification of the rating.

(f) *No effect on contractual rights.* The times and amounts in which deliveries are to be made are to be determined by agreement between the supplier and the customer. Nothing in this interpretation relieves a supplier from fulfilling a contract to make deliveries at specified times in specified amounts. For example, if a customer has agreed to buy and a supplier has agreed to furnish 100 units a month for six months, this interpretation does not obligate the buyer to accept 600 units delivered during the first month, although it permits him to do so under the conditions described in paragraph (b).

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PART 944—REGULATIONS APPLICABLE TO THE OPERATION OF THE PRIORITIES SYSTEM

[Priorities Reg. 32, Interpretation 3]

MAKING OR DELIVERING MATERIAL EARLIER THAN REQUIRED BY CUSTOMERS

The following interpretation is issued with respect to Priorities Regulation 32:

(a) Paragraph (b) of Priorities Regulation 32 prohibits a person from knowingly making a delivery which will give his customer more than the latter is permitted to receive under the regulation. Paragraph (f) of that regulation prohibits a person from processing or fabricating material if his inventory of the material in its processed or fabricated form will be more than a practicable minimum working inventory. These two restrictions should be borne in mind by any supplier who wants to make or deliver any material to his customer earlier or in greater quantities than required by the customer.

(b) For example: A supplier has accepted his customer's order of a product to be delivered at the rate of 100 a month for six months. The supplier would like to ship 200 a month for three months, or perhaps the entire 600 in the first month. Since the customer's requirements of 100 a month are presumably all he could accept within the inventory limitations of paragraph (c) of the regulation, the requirement that the supplier may not knowingly ship more than this would prevent him from delivering earlier than required by his customer, unless he received notice from his customer that the receipt of the larger amount would not cause him to have an excess inventory.

(c) Thus, before delivering a material or product substantially earlier or in greater quantities than is called for by his customer's order, a supplier is required to satisfy himself that the receipt by the customer of the changed quantities will be within the permissible inventory limitations applicable to the customer. The supplier may rely on any statement or notice to this effect from his customer, unless he knows or has reason to know that it is false.

(d) Similarly, assuming his customer would not be permitted to receive the larger quantities, the supplier should take this into account in his plans for processing the material or product so that he himself will not have an inventory greater than permitted by paragraph (f) of the regulation.

(e) This interpretation, of course, does not change the rule on delivery or acceptance of minimum sale quantities or production runs to the extent described in Interpretation 2 to this regulation, nor does it prevent earlier delivery of controlled materials under the conditions explained in paragraph (t) (4) of CMP Regulation 1 and Interpretation 33 to that regulation. Also, if any WPB order or regulation permits increased deliveries to the extent necessary to avoid shipping partly filled containers (such as paragraph (y) (4) of Order M-300), the rule in this interpretation does not prevent such deliveries.

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PART 944—REGULATIONS APPLICABLE TO THE OPERATION OF THE PRIORITIES SYSTEM

[Priorities Reg. 32, Interpretation 4]

INVENTORY MATERIAL

The following interpretation is issued with respect to Priorities Regulation 32:

(a) Paragraph (c) of Priorities Regulation 32 prohibits a person from accepting delivery of material if his inventory of it is, or will be, greater than the maximum prescribed. For the purpose of this regulation, material is considered to be inventory until it is actually put into process or is actually installed or assembled. Putting into process does not include minor initial operations, such as painting, and does not include any shearing, cutting, trimming or other operation unless such initial operations are part of a continuous fabricating or assembling operation. Nor does it include operations such as inspection, testing and ageing nor segregation or earmarking for a specific job or operation.

(b) For example, if a manufacturer who uses wire or rod cuts a sufficient quantity of it to length at one time to maintain his operations for a considerable period of time, the cut pieces remain as inventory until processed into another form or until assembled or installed.

(c) If a manufacturer purchases and stores steel castings in the form purchased, the steel castings are not put into process when the castings are painted and stored. Consequently, the inventory of castings includes those painted and stored.

(d) If a manufacturer shears steel sheet and stocks in sheared form, such stock is still part of his inventory, if the material does not continue in production.

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PART 944—REGULATIONS APPLICABLE TO THE OPERATION OF THE PRIORITIES SYSTEM

[Priorities Reg. 32, Interpretation 5]

EFFECT OF REDUCTION IN CONSUMPTION RATE ON PERMITTED INVENTORIES

The following interpretation is issued with respect to Priorities Regulation 32:

(a) Paragraph (c) of Priorities Regulation 32 prohibits the acceptance of delivery of material if a person's inventory of it is, or will be, more than the amount permitted by the regulation. If material is acquired within these restrictions, the regulation does not prohibit the mere possession of an inventory if a change in circumstances makes it greater than the amount permitted. For instance, if based upon current rate of production a manufacturer's permitted inventory of one item of steel is 100 tons and he has in inventory 60 tons, he may receive a further delivery of 40 tons. If after receiving the delivery of 40 tons his rate of consumption, because of contract cancellation or the like, is reduced drastically, the mere fact that he has an inventory of 100 tons, although his permitted inventory may be only 10 tons, is not a violation of the regulation. He may not, of course, accept any further deliveries of that item of steel until his inventory has been reduced below 10 tons (except as provided in paragraph (h) of Priorities Regulation 32 and Direction 3 to that regulation, relating to material already shipped, special items, etc.)

(b) Similarly, the regulation does not affect the liability of a customer for material in inventory when the customer cancels his contract. Such liability is controlled by the provisions of the contract between the customer and his supplier and by contract law.

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PART 944—REGULATIONS APPLICABLE TO THE OPERATION OF THE PRIORITIES SYSTEM

[Priorities Reg. 32, Direction 1]

TRANSFER OF IDLE MATERIALS AMONG WAR CONTRACTORS

The following direction is issued pursuant to Priorities Regulation 32:

(a) This direction states conditions under which, upon authorization by a procuring agency, materials which are idle or excess as a result of a contract termination or modification may be delivered to other contractors for use on the same major program, and received by them in excess of inventory limitations. It also covers cases where the production is transferred by the procuring agency from one contractor to another. The only procuring agencies covered are: War, Navy, Maritime Commission, War Shipping Administration, Army Air Forces and Bureau of Aeronautics.

(b) This direction applies only under the following conditions:

(1) Where several contractors are producing similar products, assemblies, subassemblies or parts in a program for one of the above procuring agencies, and the procuring agency terminates or modifies the contract with one or more of these contractors either directly or through a prime contractor or the production is transferred from one contractor to another; and

(2) There are materials idle as a result of the termination, modification or transfer of production action in the form of raw materials, work in process, assemblies, subassemblies or parts which can be used by other contractors in the same major program.

(c) In cases of termination or modification or where the production is transferred, a contractor continuing the production may receive the idle materials for use in the same major program from any of the other contractors whose contracts have been terminated or modified, or from the procuring agency, *Provided:*

(1) The procuring agency so authorizes in writing, and

(2) The amounts of any item so received do not exceed the contractor's contract requirements after taking into consideration amounts of the item presently on hand plus the amount on order which cannot be cancelled.

A contractor whose contract has been terminated or modified may deliver the idle materials either direct or through the procuring agency to the continuing contractor under this paragraph only where the procuring agency so authorizes in writing.

(d) In addition, in cases where the production is transferred and suppliers of the original contractor have materials scheduled for that production, the continuing contractor may receive the materials from these suppliers for use in the same major program, subject to the following conditions.

(1) Special items which are not readily usable in the manufacture of other products, assemblies or subassemblies and which would in the opinion of the procuring agency have only a scrap value if not so used, may be received under this paragraph: *Provided*, The procuring agency so authorizes in writing, and the amounts of any items so received do not exceed the contractor's contract requirements after taking into consideration amounts of the item presently on hand plus the amount on order which cannot be cancelled.

(2) Standard materials and products. Materials and products which are not special to this particular production may be received under this paragraph, provided the procuring agency so authorizes in writing and the amount of any item so received is not in excess of four months' requirements for the particular program and the total on hand after receipt will not exceed the contractor's succeeding six months' requirements.

(e) The contractor is required after determination of availability and usability of the materials received under this direction to promptly cancel, reduce or postpone further deliveries from his suppliers so that his inventory of the particular items is reduced as quickly as possible to a practicable minimum working level.

(f) This direction constitutes the authority for the sale or exchange of these materials under the provisions of Section C.4 in the introduction to List A of Priorities Regulation No. 13.

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WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 45-16087; Filed, Aug. 28, 1945; 11:33 a. m.]

PART 944—REGULATIONS APPLICABLE TO THE OPERATION OF THE PRIORITIES SYSTEM

[Priorities Reg. 32, Direction 2]

CAN MANUFACTURERS IN THE PACIFIC COAST AREA

The following direction is issued with respect to Priorities Regulation 32:

During the period ending September 30, 1945, the 60-day limit of Table 1 of Priorities Regulation 32 does not apply to the acceptance of deliveries, in the States of Washington, Oregon, California and Utah, of tinplate for the manufacture of cans. Instead, during this period, a user of controlled material may not accept delivery in those states of any item of tinplate for the manufacture of cans if his inventory of that item is, or will be, more than he needs during the succeeding 90-day period on the basis of his current or scheduled method and rate of operation. After September 30, 1945, this direction no longer has any effect, and all provisions of Table 1 of Priorities Regulation 32 shall apply.

Issued this 28th day of August 1945.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 45-16088; Filed, Aug. 28, 1945; 11:33 a. m.]

PART 944—REGULATIONS APPLICABLE TO THE OPERATION OF THE PRIORITIES SYSTEM

[Priorities Reg. 32, Direction 3]

ADDITIONAL EXCEPTION FROM INVENTORY RESTRICTIONS FOR CONTINUING RECEIPTS OF SPECIAL ITEMS AFTER CONTRACT CUTBACKS

The following direction is issued pursuant to Priorities Regulation 32:

(a) *Purpose.* Where a contract or subcontract has been modified (not terminated) so as to reduce the rate of delivery under it, and the contractor or subcontractor as a result has an excess inventory of any special item (as defined in paragraph (h) (2) of Priorities Regulation 32), his inability to receive further deliveries of it until the excess is consumed might have a serious effect on military procurement. The customer can accept special items which the supplier has in stock or in production as permitted in that paragraph (h) (2). This direction tells how additional deliveries of special items can be accepted by the customer in excess of inventory limitations.

(b) *Scope.* This direction applies only where the customer is a prime or subcontractor under a contract which has been modified (not terminated) by the Army, Navy, Maritime Commission, War Shipping Administration, Army Air Forces or Bureau of Aeronautics, and permits the customer to accept continued deliveries only as permitted under paragraphs (c) and (d).

(c) *Inventory exceptions*—(1) *Six-months permission.* The customer may continue to accept delivery at a reduced rate of any special item required for use in the contract or subcontract where (i) the supplier notifies the customer in writing that to the best of his knowledge and belief he will be unable to resume shipments at a later date as required by the contract or subcontract if he is not permitted to make the continued deliveries, and (ii) such deliveries are rescheduled so as to bring the customer's inventory down to the limits required by Priorities Regulation 32 within six months.

(2) *Permission from procuring agency.* If the six-month requirement of paragraph (c) (1) cannot be met, the customer may nevertheless continue to accept delivery of special items, provided the deliveries are rescheduled at the lowest practicable rate and have been approved in writing to the customer by the procuring agency.

(d) *General limitation on receipts and use.* No amounts of special items may be received under this direction which exceed the customer's total requirements under the particular contract or subcontract after taking into consideration the amounts of the item presently on hand. In addition, any quantities of an item so received may be used only in filling the particular contract or subcontract, and if it is subsequently cancelled, further deliveries may be received only as permitted by paragraph (h) of Priorities Regulation 32.

(e) *Exceptions relate to receipts only.* Nothing in this direction permits a supplier to disregard any applicable WPB order or regulation which restricts production or delivery.

Issued this 28th day of August 1945.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 45-16089; Filed, Aug. 28, 1945; 11:33 a. m.]

PART 1255—INVENTORY RESTRICTION EXCEPTIONS

[General Inventory Order M-161, Revocation]

Section 1255.1 *General Inventory Order M-161*, is revoked. This order is superseded by Table 3 to Priorities Regulation 32 and by Direction 28 to CMP Regulation 5.

Issued this 28th day of August 1945.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 45-16070; Filed, Aug. 28, 1945; 11:35 a. m.]

PART 3175—REGULATIONS APPLICABLE TO THE CONTROLLED MATERIALS PLAN

[CMP Reg. 2, Revocation]

Section 3175.2 *CMP Regulation 2*, and all published directions to that regulation are revoked. These revocations do not affect any liabilities incurred for violation of the regulation or directions or of actions taken by the War Production Board under the regulation or directions. The regulation and directions are superseded by Priorities Regulation 32, and more particularly, some of the directions are superseded as follows:

Directions 1, 2, 3, 4, 6, 7, 12, 13, 24, 25 and 26, are incorporated into Table 1 or 2 of PR 32.

Direction 17 is superseded by Direction 1 to PR 32.

Direction 22 is superseded by Direction 2 to PR 32.

Direction 23 is superseded by Direction 3 to PR 32.

In addition, Interpretations 1 and 3 of CMP Regulation 2 are superseded by Interpretations 4 and 5 respectively of Priorities Regulation 32.

Issued this 28th day of August 1945.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 45-16093; Filed, Aug. 28, 1945; 11:35 a. m.]

PART 3175—REGULATIONS APPLICABLE TO THE CONTROLLED MATERIALS PLAN

[CMP Reg. 5, Direction 28]

The following direction is issued pursuant to CMP Regulation 5:

(a) This direction excepts certain materials from limits on the purchase of maintenance, repair and operating supplies. The exception is made in some cases because there is no serious shortage of the material and in other cases because the material is available in quantity only in certain seasons, so that it is desirable to permit persons to buy and store it without limit. This direction (together with the Inventory exemptions in Table 3 of Priorities Regulation 32) take the place of Order M-161.

(b) The materials listed on Schedule A are not subject to any restrictions in any regulation or order of the War Production Board (including CMP Regulations 5 and 5A and "P" and "U" orders) which limit the quantity of material received or ordered for maintenance, repair, or operating supplies during any period on the basis of the amount of such supplies purchased during a base period. A person may receive or order for delivery any quantity of listed materials without regard to these restrictions. He does not have to charge his orders for any such material against his base-period quota except to the extent that purchases of the same material were taken into account in arriving at his quota. For example, a manufacturer operating under CMP Regulation 5 is limited in his purchases of maintenance, repair, and operating supplies to the amount which he spent in the base period. A manufacturer who spent $50,000 during the base period, including $500 for a listed material, may buy any amount of that material during the current period and may use his MRO rating for that purpose, and he need include only $500 of the amount thus spent for that material in figuring the amount to be charged to his quota of MRO.

Issued this 28th day of August 1945.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

SCHEDULE A

This lists the materials which are exempt from restrictions on the quantity which may be purchased for maintenance, repair or operating supplies

Asbestos tape—.010-.025 thickness
Asbestos unmanufactured, all grades and types
Borax
Boric acid
Domestic andalusite
Domestic dumortierite
Ilmenite
Phosphate rock
Potter's flint
Salt (sodium chloride) in bulk
Sodium sulfate (salt cake)
Sodium sulfite
Stoneware clay
Sulphur
Vermiculite
Waste paper
Wool, raw
Any other material which may be listed on Table 3 of Priorities Regulation 32

[F. R. Doc. 45-16064; Filed, Aug. 28, 1945; 11:35 a. m.]

PART 3290—TEXTILE, CLOTHING AND LEATHER

[Limitation Order L-99, Revocation of Direction 3]

SPECIFICATIONS ON TOWELING AND TOWELS

Direction 3 to Limitation Order L-99 is hereby revoked. This revocation does not affect any liabilities incurred for violation of the direction or of actions taken by the War Production Board under the direction. The operation of plain and dobby looms manufacturing toweling, and the manufacture of towels made from such toweling, remains subject to the provisions of Order L-99, and all other applicable orders and regulations of the War Production Board.

Issued this 28th day of August 1945.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 45-16067; Filed, Aug. 28, 1945; 11:34 a. m.]

PART 3290—TEXTILE, CLOTHING AND LEATHER

[Limitation Order L-99, Revocation of Direction 4]

BANDAGE CLOTH

Direction 4 to Limitation Order L-99 is hereby revoked. This revocation does not affect any liabilities incurred for violation of the direction or of actions taken by the War Production Board under the direction. The operation of looms producing bandage cloth remains subject to the provisions of Order L-99, and all other applicable orders and regulations of the War Production Board.

Issued this 28th day of August 1945.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 45-16068; Filed, Aug. 28, 1945; 11:34 a. m.]

PART 3290—TEXTILE, CLOTHING AND LEATHER

[Limitation Order L-99, Revocation of Direction 5]

HIGH COUNT COTTON PRINT CLOTH

Direction 5 to Limitation Order L-99 is hereby revoked. This revocation does not affect any liabilities incurred for violation of the direction or of actions taken by the War Production Board under the direction. The operation of looms producing high count print cloth remains subject to the provisions of Order L-99, and all other applicable orders and regulations of the War Production Board.

Issued this 28th day of August 1945.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 45-16069; Filed, Aug. 28, 1945; 11:34 a. m.]

PART 3290—TEXTILE, CLOTHING AND LEATHER

[Conservation Order M-317, Revocation of Direction 9]

RESTRICTIONS ON SALE AND DELIVERY OF CERTAIN CARDED COTTON SALE YARN IN COUNTS OF 9'S THROUGH 14'S

Direction 9 to Conservation Order M-317 is hereby revoked.

This revocation does not affect any liabilities incurred for violation of the direction or of actions taken by the War Production Board under the direction. The sale and delivery of these yarns remain subject to all other applicable regulations and orders of the War Production Board.

Issued this 28th day of August 1945.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 45-16071; Filed, Aug. 28, 1945; 11:35 a. m.]

PART 3290—TEXTILE, CLOTHING AND LEATHER

[Conservation Order M-317, Revocation of Direction 11]

COMBED COTTON YARN FABRICS FOR THE ARMED SERVICES

Direction 11 to Conservation Order M-317 is hereby revoked.

This revocation does not affect any liabilities incurred for violation of the direction or of actions taken by the War Production Board under the direction. The manufacture, sale, delivery and use of these fabrics remain subject to all other applicable regulations and orders of the War Production Board.

Issued this 28th day of August 1945.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 45-16072; Filed, Aug. 28, 1945; 11:35 a. m.]

PART 3293—CHEMICALS

[Conservation Order M-387, as Amended Aug 28, 1945]

ROSIN

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of rosin for defense, for private account and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 3293.646 *Conservation Order M-387*—(a) *Definitions.* (1) "Gum and wood rosin" means gum and wood rosin as defined by the Naval Stores Act of March 3, 1923, and the regulations issued by the Acting Secretary of Agriculture on April 22, 1941 under that act. However, the term "rosin" when not expressly limited to gum or wood rosin, means the gum or wood rosin content of any intermediate product as well as gum or wood rosin as such.

(2) "Intermediate product" means any product containing gum or wood rosin capable of use in the manufacture of a Schedule A product. The term includes but is not limited to mixing and grinding vehicles containing rosin, esterified rosin (ester gum), rosin modified phenolic resin, rosin modified maleic or fumaric resins, rosin modified phthalic alkyd resins, gloss oil, heat-treated rosin, stabilized rosins, polymerized rosin and metal resinates. The only intermediate products which need not be considered for the purpose of this order are specified in paragraph (e) (2).

(3) "Manufacturer" means any person who uses rosin in the manufacture of any product, or any person who has rosin manufactured for him into any product pursuant to toll arrangement.

(4) "Producer" means any person who produces gum or wood rosin.

(5) "Rosin quota" means the amount of rosin any manufacturer may use in any calendar quarter for the manufacture of any product on Schedule A. Each manufacturer has a separate rosin quota for each product on Schedule A. His quota for a Schedule A product amounts to the percentage (set opposite that product) of the quantity of rosin he put into process for the manufacture of that product to fill all orders during the corresponding calendar quarter of 1944.

(6) [Revoked May 30, 1945.]

(7) [Revoked May 30, 1945.]

(8) [Deleted Aug. 28, 1945.]

(9) [Deleted Aug. 28, 1945.]

(10) "Printing ink" includes any fluid or viscous material or composition of materials used in printing, impressing, stamping, or transferring upon paper or paper-like substances, wood, fabrics or metals by the recognized mechanical reproductive processes employed in printing, publishing and related service industries.

(11) "Protective coating" means any liquid organic coating, thinner, or remover which either alone or mixed with other materials is normally applied to any surface by brush, spray, dip, roller coat, or other method of application. The term includes but is not limited to paint, varnish, enamel, lacquer, dope, lacquer or dope thinner, paint or varnish remover, stain and polishing waxes. The term does not include adhesive, cement, printing ink, coating for the manufacture of coated fabric, coating for leather (limited to hides, skins and splits, etc., which have not been incorporated into any product), coating for footwear (of any material, including leather) and coatings for manufacture of linoleum or felt base covering.

(12) "Soap" means the water soluble product formed by the saponification or neutralization of rosin, fats, oils, or their fatty acids, with organic, ammonium, sodium or potassium bases; or any composition containing such products. The term includes all types of shaving soaps and shaving creams, but shall not include soap used for nondetergent purposes and soap for industrial degreasing of metal tooling or metal fabrication.

(13) "Put into process" means the first change made by a manufacturer in the chemical or physical properties of gum or wood rosin, or of any intermediate product which he uses as such in the manufacture of a Schedule A product. For example, if gum or wood rosin is added as such to a kettle of other material in the final process of making a protective coating, the gum or wood rosin in question would be considered to have been "put into process" when it was put into the kettle. On the other hand, if gum or wood rosin is first compounded into a synthetic resin, and the synthetic resin subsequently is added to the kettle of other materials in the final process of making a protective coating, the rosin content in question would be considered to have been "put into process" when the synthetic resin was added to the kettle in the final stage of manufacture of the protective coating.

(b) *Restriction on use.* (1) During the third quarter of 1945 no manufacturer shall put into process for the manufacture of any product in Schedule A more rosin than the sum total of ½ of the amount of rosin he is entitled to use for that product under this order as amended August 28, 1945 and ½ the amount of rosin he was entitled to use for that product under this order as amended August 9, 1945.

(2) During the fourth calendar quarter of 1945, and during each calendar quarter thereafter, no manufacturer shall put into process for the manufacture of any product on Schedule A more rosin than his rosin quota for the manufacture of that product.

(3) [Deleted Aug. 28, 1945.]

(4) The use of rosin in the manufacture of products not on Schedule A is not restricted by paragraphs (b) (1) or (2) above.

(5) Any person who did not use any rosin in the manufacture of any product on Schedule A in 1944, and therefore has no rosin quota under this order for the manufacture of such products, may, nevertheless, apply to the WPB for a rosin quota for the production of any product or products listed on Schedule A. Application for such quotas may be made by addressing a letter to the Chemicals Bureau, War Production Board, Washington 25, D. C., Ref.: M-387, stating the Schedule A products which the applicant desires to make, the quantity required and any other pertinent information. Applications will be processed on an equitable basis in view of the quotas of other manufacturers under the order. No applications will be denied on the ground that the applicant was not previously engaged in the business of manufacturing the products.

(c) *End of quarter carry-over.* If, in any calendar quarter, a manufacturer does not use all of his rosin quota for the manufacture of any Schedule A product, the unused balance may be carried forward and used only in the succeeding calendar quarter for the manufacture of that product. Balances permitted to be carried over under this paragraph may be used in addition to the regular quota permitted by paragraph (b) for the quarter during which the carry-over is used. For example, if a manufacturer has a quota of 50,000 pounds per quarter for the manufacture of adhesives, and uses only 30,000 pounds in the first quarter of 1945, he has a carry-over of 20,000 pounds which he may consume for the manufacture of adhesives in the second quarter of 1945 in addition to his regular quota of 50,000 pounds. If, however, in the second quarter of 1945, he actually consumes only 40,000 pounds for adhesives, he has a carry-over for the third quarter of 1945 of only 10,000 pounds, viz., the difference between what was actually consumed (40,000 pounds) and his regular quota for that quarter (50,000 pounds). The 20,000 pound carry-over from the first quarter of 1945 is disregarded in determining the unused balance of his quota at the end of the second quarter of 1945.

(d) *Toll arrangements.* For the purpose of this order a toll arrangement is an arrangement under which rosin owned by one person (referred to as "the owner") is manufactured into a Schedule A product for the owner by another person (referred to as the "processor"). Toll arrangements are subject to the following restrictions:

(1) Any quantity of rosin put into process for the production of any product on Schedule A under toll arrangement during any calendar quarter shall be charged against the owner's rosin quota instead of the processor's, if the owner manufactured the product himself or had it manufactured for him during the corresponding calendar quarter of 1944.

(2) Any quantity of rosin put into process, under toll arrangement during any calendar quarter, for the production of any product on Schedule A, must be charged against the rosin quota of the processor and not against the rosin quota of the owner, if the owner did not manufacture that product nor have it manufactured for him during the corresponding quarter of 1944.

(3) Any processor who is offered rosin for processing on toll arrangement shall assume that he is required to charge the rosin against his own rosin quota, unless he is advised in writing by the owner that the owner manufactured the same product or had it manufactured

for him during the calendar quarter of 1944 corresponding to the calendar quarter in which the rosin is to be put in process, and that the quantity offered can and will be charged against the owner's rosin quota.

(4) Quantities required to be charged against a rosin quota pursuant to this paragraph (d) shall be considered as having been put into process by the holder of the quota for the purpose of compliance with paragraph (b) above.

(e) (1) *Method of computing rosin content of intermediate products.* Since the provisions of this order refer not only to gum and wood rosin as such put into process in the making of Schedule A products, but also refer to the rosin content of intermediate products put into process for the manufacture of Schedule A products, it is necessary for manufacturers to determine rosin content of intermediate products in some cases, not only to determine quotas and quantities to be charged against quotas, but also for the purpose of inventory and reporting provisions. In figuring the rosin content of the intermediate products listed below, a manufacturer shall use the estimated rosin content appearing after each of those intermediate products in order to determine both his rosin quota and his current consumption. For all other intermediate products, the rosin content must be ascertained.

Intermediate products	*Estimated rosin content (solvent free basis)*
Esterified rosin	96 lbs. of rosin per 100 lbs. of resin.
Rosin-modified phenolic resin	85 lbs. of rosin per 100 lbs. of resin.
Heat-treated rosins	100 lbs. of rosin per 100 lbs. of heat-treated rosins.
Stabilized rosins	100 lbs. of rosin per 100 lbs. of stabilized rosins.
Polymerized rosins	100 lbs. of rosin per 100 lbs. of polymerized rosins.
Metal resinates	90 lbs. of rosin per 100 lbs. of metal resinates.
Rosin modified maleic or fumaric resins	80 lbs. of rosin per 100 lbs. of resin.
Rosin modified phthalic alkyd resins	20 lbs. of rosin per 100 lbs. of alkyd resin.
Rosin oil	100 lbs. of rosin per 100 lbs. of rosin oil.

(2) *Special exemption for certain intermediate products.* No manufacturer shall include the rosin content of the following intermediate products for the purpose of calculating his past or current consumption of rosin in the manufacture of Schedule A products, or for the purpose of inventory or reporting provisions, notwithstanding any other provisions of this order:

Resinated colors.

Any intermediate products containing not more than 1% rosin by weight (solvent free basis).

(3) *Special provisions for mixing and grinding vehicles.* Any manufacturer who produces his own mixing or grinding vehicles for incorporation into Schedule A products which he himself produces, may charge his rosin consumption at the time he completes production of the mixing or grinding vehicle, if he so desires, instead of at the time when he uses the mixing or grinding vehicle in the manufacture of the Schedule A product. However, he must use the same timing basis in the production cycle for the purpose of computing current and base period consumption, and must continue to use the same timing basis for present and future computations under this order.

(f) *Inventory restrictions on rosin.* (1) No manufacturer shall accept any delivery of gum or wood rosin which would result in his having more than a five months inventory of gum and wood rosin, based on his current rate of operation.

(2) No manufacturer shall accept delivery of any intermediate product, or produce any intermediate product, if his acceptance or production would result in his having more than a three months inventory of that type of intermediate product, based on his current rate of operation.

(3) The term inventory refers to stocks owned by the manufacturer which are at factory, in intra-plant transfer, or stored elsewhere. However, nothing contained in this paragraph shall prevent a manufacturer from accepting one minimum standard commercial shipping unit if his inventory before acceptance is within the maximum limit set by this paragraph and if his inventory after acceptance is not more than twice the maximum limit set by this paragraph.

(g) *Restrictions on delivery of gum and wood rosin, and of intermediate products.* No producer or distributor of gum or wood rosin, or of any intermediate product, shall deliver such gum or wood rosin, or such intermediate product, and no manufacturer shall accept such delivery, unless the manufacturer certifies to the producer or distributor that his acceptance of delivery will not result in his having an inventory in excess of the applicable restrictions in paragraph (f) of this order. This certification, signed manually or as provided in Priorities Regulation 7, may be endorsed on or attached to the purchase order, and should read substantially as follows:

Inventory certified—Ref: M-387, paragraph (g).

(Name of purchaser)

By _____
(Name and title of duly authorized official)

(h) [Revoked May 30, 1945.]

(i) [Deleted Aug. 28, 1945.]

(j) *Quarterly report.* Each manufacturer who puts into process more than 2,700 pounds (5 drums) of rosin during any calendar quarter for the production of Schedule A products, shall file a use and inventory report for that quarter on Form WPB-4131, in the manner prescribed therein, on or before the 20th day of the month following the close of that quarter. One copy of each report shall be retained and one copy shall be forwarded to the War Production Board, Chemicals Bureau, Washington 25, D. C.

(k) *Appeals.* Any appeal from this order must be filed by letter in duplicate addressed to the Chemicals Bureau, War Production Board, Washington 25, D. C., Ref: M-387, setting forth the reasons for the appeal and the necessary supporting information. Such information should include:

(1) The Schedule A product for which the rosin will be used.

(2) Period of time, not exceeding one calendar quarter, for which relief is requested.

(3) Monthly schedule of the amount of rosin appellant would like to use for the particular product and the portion of this which is in excess of the quota permitted by the order.

(4) If the appeal is for an increase in quota to fill government orders, state the name of the procuring agency, the end use description, prime contract numbers and dates when the orders were received.

(5) If the appeal is filed because the restrictions of the order will prevent the filling of orders of extreme urgency, give exact information as to the use of the product in which the rosin would be used and names of the customers.

(6) Any other information pertinent to the appeal.

NOTE: Undesignated paragraph deleted Aug. 28, 1945.

(l) *Budget Bureau approval.* The reporting requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(m) *Applicability of regulations.* This order and all transactions affected thereby are subject to all applicable regulations of the War Production Board, as amended from time to time.

(n) *Violations.* Any person who wilfully violates any provision of this order, or who in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States, is guilty of a crime and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using material under priority control and may be deprived of priorities assistance.

(o) *Communications to War Production Board.* Communications concerning this order shall, unless otherwise directed, be addressed to the War Production Board, Chemicals Bureau, Washington 25, D. C., Ref.: M-387.

Issued this 28th day of August 1945.

WAR PRODUCTION BOARD
By J. JOSEPH WHELAN,
Recording Secretary.

Appendix I to Rubber Order R-1 establishes general permitted uses for natural rubber, natural rubber latex, butyl (GR-I, dispersions) and Chlorinated natural rubber, and also lists the products which are permitted to be made from these raw materials for Government and civilian orders.

By amendment issued August 28, 1945, restrictions have been eliminated on the use of reclaimed rubber, aqueous dispersions of reclaimed rubber, scrap rubber and the following synthetics: GR-S (all types), Neoprene (all types), Butadiene-Acrylonitrile types (Butaprene, Hycar, Chemigum, Perbunan, GR-A), Thiokol (all types), Polyisobutylene (Vistanex, Synthetic 100, Polybutene, GR-I-X), Miscellaneous (Vistac #1 and #2), Chlorinated rubber except Chlorinated natural rubber and these materials no longer appear in Table A below.

2. By changing Table A, General permitted uses of materials, to read:

TABLE A—GENERAL PERMITTED USES OF MATERIALS

Type of material	General permitted uses subject to applicable end product restrictions	Monthly consumption for experimental use without specific authorization [1]
Natural rubber or natural rubber latex.	In the manufacture of products listed in Table B below for which natural rubber or natural rubber latex is specifically permitted, but only as authorized on Form WPB 3962.	None.
Butyl (GR-I, dispersions)	In the manufacture of products listed in Table B below for which butyl is specifically permitted, subject to any applicable manufacturing regulations or restrictions, but only as authorized on Form WPB 3962.	200 lbs., Dispersions 250 lbs.
Chlorinated natural rubber.	As specifically authorized on Form WPB 3962.	None.

[1] Experimentation need not be confined to permitted uses. Materials in the amounts indicated may be diverted from normal channels for manufacturing operations. To purchase butyl rubbers, make applications to Sales Division, Office of Rubber Reserve, Reconstruction Finance Corp., Washington 25, D. C.

For permission to consume materials for experimental use, in excess of the amounts authorized, file Form WPB 2242, in accordance with § 944.22 of this order.

(Sec. 2 (a), 54 Stat. 676, as amended by 55 Stat. 236 and 56 Stat. 177; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; E.O. 9246, 7 F.R. 7379, as amended by E.O. 9475, 9 F.R. 10817; WPB Reg. 1 as amended Dec. 31, 1943, 9 F.R. 64)

Issued this 28th day of August 1945.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 45-16096; Filed, Aug. 28, 1945; 11:31 a. m.]

PART 4600—RUBBER, SYNTHETIC RUBBER AND PRODUCTS THEREOF

[Rubber Order R-1, as Amended May 30, 1945, Amdt. 3]

Rubber Order R-1 as amended May 30, 1945, is hereby further amended as follows:

1. Change the list of materials appearing in § 4600.02, *Authorized consumption*, to read:

SCHEDULE A—ROSIN QUOTAS

NOTE: Schedule A amended in its entirety Aug. 28, 1945.

Product:	*Rosin quota per calendar quarter*
Foundry supplies	100% of amount of rosin used in corresponding quarter of 1944 to fill all orders or 2700 lbs. (5 drums) whichever is greater.
Insecticides or disinfectants	100% of amount of rosin used in corresponding quarter of 1944 to fill all orders or 2700 lbs. (5 drums) whichever is greater.
Oils and greases	100% of amount of rosin used in corresponding quarter of 1944 to fill all orders or 2700 lbs. (5 drums) whichever is greater.
Paper and paperboard	70% of amount of rosin used in corresponding quarter of 1944 to fill all orders or 2700 lbs. (5 drums) whichever is greater.
Pharmaceuticals	100% of amount of rosin used in corresponding quarter of 1944 to fill all orders or 2700 lbs. (5 drums) whichever is greater.
Printing ink	85% of amount of rosin used in corresponding quarter of 1944 to fill all orders or 2700 lbs. (5 drums) whichever is greater.
Rubber, natural and synthetic except rubber cement and rubber adhesives.	100% of amount of rosin used in corresponding quarter of 1944 to fill all orders or 2700 lbs. (5 drums) whichever is greater.
Rubber cements, rubber adhesives and rubber coatings for fabrics.	100% of amount of rosin used in corresponding quarter of 1944 to fill all orders or 2700 lbs. (5 drums) whichever is greater.
Finish for shoe leathers, shoe components made of leather, and binder for cork bottom filler for shoes, but not including shoe polish.	100% of amount of rosin used in corresponding quarter of 1944 to fill all orders or 2700 lbs. (5 drums) whichever is greater.
Textile shoe fabrics and felts, and binder for boxtoes and cork counter for shoes.	70% of amount of rosin used in corresponding quarter of 1944 to fill all orders or 2700 lbs. (5 drums) whichever is greater.
Adhesives	60% of amount of rosin used in corresponding quarter of 1944 to fill all orders or 2700 lbs. (5 drums) whichever is greater.
Coated fabrics	60% of amount of rosin used in corresponding quarter of 1944 to fill all orders or 2700 lbs. (5 drums) whichever is greater.
Linoleum and printed floor coverings	60% of amount of rosin used in corresponding quarter of 1944 to fill all orders or 2700 lbs. (5 drums) whichever is greater.
Protective coatings including paints, varnishes, lacquers, etc.	60% of amount of rosin used in corresponding quarter of 1944 to fill all orders or 2700 lbs. (5 drums) whichever is greater.
Shoe polish	60% of amount of rosin used in corresponding quarter of 1944 to fill all orders or 2700 lbs. (5 drums) whichever is greater.
Soap	55% of amount of rosin used in corresponding quarter of 1944 to fill all orders or 2700 lbs. (5 drums) whichever is greater.

NOTE: Schedule B deleted Aug. 28, 1945.

[F. R. Doc. 45-16073; Filed, Aug. 28, 1945; 11:32 a. m.]

PART 4600—RUBBER, SYNTHETIC RUBBER AND PRODUCTS THEREOF

[Rubber Order R-1, as Amended May 30, 1945, Amdt. 3]

Appendix I, as amended May 30, 1945, is hereby further amended as follows:

1. By changing the first full paragraph immediately preceding Table A to read:

PART 3290—TEXTILE, CLOTHING AND LEATHER

[General Preference Order M-388A, as Amended April 14, 1945, Amdt. 1]

COTTON TEXTILES FOR CIVILIAN USE

Section 3290.352 *General Preference Order M-388A* as amended April 14, 1945, is further amended by deleting all of paragraph (f).

Issued this 28th day of August 1945.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 45-16074: Filed, Aug. 28, 1945; 11:31 a. m.]

Chapter XI—Office of Price Administration

PART 1499—COMMODITIES AND SERVICES

[RMPR 165,[1] Amdt. 4 to Supp. Service Reg. 49]

AUTOMOTIVE REPAIR SERVICES

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.

Supplementary Service Regulation 49 is amended in the following respects:

1. A new sentence is added to § 1499.682 (e), to read as follows: "You must keep a copy of each such sales slip or receipt in your files for inspection by OPA."

2. Section 1499.682 (a) (1) is amended to read as follows:

(1) A charge for labor resulting from multiplication of your customer's hourly rate established under RMPR 165 or any applicable supplementary service regulation by the hours or fractions of hours which are specified in Appendix A, plus actual time for jobs involving "frozen" cylinder heads, where the customer has given his oral or written consent to the extra charge, plus

3. Appendix A is amended to increase the hours and fractions of hours which appear therein as follows:

Previous time	*Adjusted time*	*Previous time*	*Adjusted time*
0.1	0.1	2.9	3.9
0.2	0.3	3.0	4.0
0.3	0.4	3.1	4.1
0.4	0.5	3.2	4.3
0.5	0.7	3.3	4.4
0.6	0.8	3.4	4.5
0.7	0.9	3.5	4.7
0.8	1.1	3.6	4.8
0.9	1.2	3.7	4.9
1.0	1.3	3.8	5.1
1.1	1.5	3.9	5.2
1.2	1.6	4.0	5.3
1.3	1.7	4.1	5.5
1.4	1.9	4.2	5.6
1.5	2.0	4.3	5.7
1.6	2.1	4.4	5.9
1.7	2.3	4.5	6.0
1.8	2.4	4.6	6.1
1.9	2.5	4.7	6.3
2.0	2.7	4.8	6.4
2.1	2.8	4.9	6.5
2.2	2.9	5.0	6.7
2.3	3.1	5.1	6.8
2.4	3.2	5.2	6.9
2.5	3.3	5.3	7.1
2.6	3.5	5.4	7.2
2.7	3.6	5.5	7.3
2.8	3.7	5.6	7.5
5.7	7.6	14.6	19.5
5.8	7.7	14.7	19.6
5.9	7.9	14.8	19.7
6.0	8.0	14.9	19.9
6.1	8.1	15.0	20.0
6.2	8.3	15.1	20.1
6.3	8.4	15.2	20.3
6.4	8.5	15.3	20.4
6.5	8.7	15.4	20.5
6.6	8.8	15.5	20.7
6.7	8.9	15.6	20.8
6.8	9.1	15.7	20.9
6.9	9.2	15.8	21.1
7.0	9.3	15.9	21.2
7.1	9.5	16.0	21.3
7.2	9.6	16.1	21.5
7.3	9.7	16.2	21.6
7.4	9.9	16.3	21.7
7.5	10.0	16.4	21.9
7.6	10.1	16.5	22.0
7.7	10.3	16.6	22.1
7.8	10.4	16.7	22.3
7.9	10.5	16.8	22.4
8.0	10.7	16.9	22.5
8.1	10.8	17.0	22.7
8.2	10.9	17.1	22.8
8.3	11.1	17.2	22.9
8.4	11.2	17.3	23.1
8.5	11.3	17.4	23.2
8.6	11.5	17.5	23.3
8.7	11.6	17.6	23.5
8.8	11.7	17.7	23.6
8.9	11.9	17.8	23.7
9.0	12.0	17.9	23.9
9.1	12.1	18.0	24.0
9.2	12.3	18.1	24.1
9.3	12.4	18.2	24.3
9.4	12.5	18.3	24.4
9.5	12.7	18.4	24.5
9.6	12.8	18.5	24.7
9.7	12.9	18.6	24.8
9.8	13.1	18.7	24.9
9.9	13.2	18.8	25.1
10.0	13.3	18.9	25.2
10.1	13.5	19.0	25.3
10.2	13.6	19.1	25.5
10.3	13.7	19.2	25.6
10.4	13.9	19.3	25.7
10.5	14.0	19.4	25.9
10.6	14.1	19.5	26.0
10.7	14.3	19.6	26.1
10.8	14.4	19.7	26.3
10.9	14.5	19.8	26.4
11.0	14.7	19.9	26.5
11.1	14.8	20.0	26.7
11.2	14.9	20.1	26.8
11.3	15.1	20.2	26.9
11.4	15.2	20.3	27.1
11.5	15.3	20.4	27.2
11.6	15.5	20.5	27.3
11.7	15.6	20.6	27.5
11.8	15.7	20.7	27.6
11.9	15.9	20.9	27.7
12.0	16.0	20.9	27.9
12.1	16.1	21.0	28.0
12.2	16.3	21.1	28.1
12.3	16.4	21.2	28.3
12.4	16.5	21.3	28.4
12.5	16.7	21.4	28.5
12.6	16.8	21.5	28.7
12.7	16.9	21.6	28.8
12.8	17.1	21.7	28.9
12.9	17.2	21.8	29.1
13.0	17.3	21.9	29.2
13.1	17.5	22.0	29.3
13.2	17.6	22.1	29.5
13.3	17.7	22.2	29.6
13.4	17.9	22.3	29.7
13.5	18.0	22.4	29.9
13.6	18.1	22.5	30.0
13.7	18.3	22.6	30.1
13.8	18.4	22.7	30.3
13.9	18.5	22.8	30.4
14.0	18.7	22.9	30.5
14.1	18.8	23.0	30.7
14.2	18.9	23.1	30.8
14.3	19.1	23.2	30.9
14.4	19.2	23.3	31.1
14.5	19.3	23.4	31.2
23.5	31.3	32.4	43.2
23.6	31.5	32.5	43.3
23.7	31.6	32.6	43.5
23.8	31.7	32.7	43.6
23.9	31.9	32.8	43.7
24.0	32.0	32.9	43.9
24.1	32.1	33.0	44.0
24.2	32.3	33.1	44.1
24.3	32.4	33.2	44.3
24.4	32.5	33.3	44.4
24.5	32.7	33.4	44.5
24.6	32.8	33.5	44.7
24.7	32.9	33.6	44.8
24.8	33.1	33.7	44.9
24.9	33.2	33.8	45.1
25.0	33.3	33.9	45.2
25.1	33.5	34.0	45.3
25.2	33.6	34.1	45.5
25.3	33.7	34.2	45.6
25.4	33.9	34.3	45.7
25.5	34.0	34.4	45.9
25.6	34.1	34.5	46.0
25.7	34.3	34.6	46.1
25.8	34.4	34.7	46.3
25.9	34.5	34.8	46.4
26.0	34.7	34.9	46.5
26.1	34.8	35.0	46.7
26.2	34.9	35.1	46.8
26.3	35.1	35.2	46.9
26.4	35.2	35.3	47.1
26.5	35.3	35.4	47.2
26.6	35.5	35.5	47.3
26.7	35.6	35.6	47.5
26.8	35.7	35.7	47.6
26.9	35.9	35.8	47.7
27.0	36.0	35.9	47.9
27.1	36.1	36.0	48.0
27.2	36.3	36.1	48.1
27.3	36.4	36.2	48.3
27.4	36.5	36.3	48.4
27.5	36.7	36.4	48.5
27.6	36.8	36.5	48.7
27.7	36.9	36.6	48.8
27.8	37.1	36.7	48.9
27.9	37.2	36.8	49.1
28.0	37.3	36.9	49.2
28.1	37.5	37.0	49.3
28.2	37.6	37.1	49.5
28.3	37.7	37.2	49.6
28.4	37.9	37.3	49.7
28.5	38.0	37.4	49.9
28.6	38.1	37.5	50.0
28.7	38.3	37.6	50.1
28.8	38.4	37.7	50.3
28.9	38.5	37.8	50.4
29.0	38.7	37.9	50.5
29.1	38.8	38.0	50.7
29.2	38.9	38.1	50.8
29.3	39.1	38.2	51.0
29.4	39.2	38.3	51.1
29.5	39.3	38.4	51.2
29.6	39.5	38.5	51.3
29.7	39.6	38.6	51.5
29.8	39.7	38.7	51.6
29.9	39.9	38.8	51.7
30.0	40.0	38.9	51.9
30.1	40.1	39.0	52.0
30.2	40.3	39.1	52.1
30.3	40.4	39.2	52.3
30.4	40.5	39.3	52.4
30.5	40.7	39.4	52.5
30.6	40.8	39.5	52.7
30.7	40.9	39.6	52.8
30.8	41.1	39.7	52.9
30.9	41.2	39.8	53.1
31.0	41.3	39.9	53.2
31.1	41.5	40.0	53.3
31.2	41.6	40.1	53.5
31.3	41.7	40.2	53.6
31.4	41.9	40.3	53.7
31.5	42.0	40.4	53.9
31.6	42.1	40.5	54.0
31.7	42.3	40.6	54.1
31.8	42.4	40.7	54.3
31.9	42.5	40.8	54.4
32.0	42.7	40.9	54.5
32.1	42.8	41.0	54.7
32.2	42.9	41.1	54.8
32.3	43.1		

[1] 10 F.R. 2097, 2250, 3925.

Previous time	*Adjusted time*	*Previous time*	*Adjusted time*
41.2	54.9	45.6	60.6
41.3	55.1	45.7	60.9
41.4	55.2	45.8	61.1
41.5	55.3	45.9	61.2
41.6	55.5	46.0	61.3
41.7	55.6	46.1	61.5
41.8	55.7	46.2	61.6
41.9	55.9	46.3	61.7
42.0	56.0	46.4	61.9
42.1	56.1	46.5	62.0
42.2	56.3	46.6	62.1
42.3	56.4	46.7	62.3
42.4	56.5	46.8	62.4
42.5	56.7	46.9	62.5
42.6	56.8	47.0	62.7
42.7	56.9	47.1	62.8
42.8	57.1	47.2	62.9
42.9	57.2	47.3	63.1
43.0	57.3	47.4	63.2
43.1	57.5	47.5	63.3
43.2	57.6	47.6	63.5
43.3	57.7	47.7	63.6
43.4	57.9	47.8	63.7
43.5	58.0	47.9	63.9
43.6	58.1	48.0	64.0
43.7	58.2	48.1	64.1
43.8	58.4	48.2	64.3
43.9	58.5	48.3	64.4
44.0	58.7	48.4	64.5
44.1	58.8	48.5	64.7
44.2	58.9	48.6	64.8
44.3	59.1	48.7	64.9
44.4	59.2	48.8	65.1
44.5	59.3	48.9	65.2
44.6	59.5	49.0	65.3
44.7	59.6	49.1	65.5
44.8	59.7	49.2	65.6
44.9	59.9	49.3	65.7
45.0	60.0	49.4	65.9
45.1	60.1	49.5	66.0
45.2	60.3	49.6	66.1
45.3	60.4	49.7	66.3
45.4	60.5	49.8	66.4
45.5	60.7	49.9	66.5
		50.0	66.7

4. A new § 1499.682 (h) is added to SSR 49, to read as follows:

(h) Notwithstanding any of the foregoing provisions of SSR 49 relating to Appendix A, you may elect instead to follow the provisions of Appendix B by advising your War Price and Rationing Board, in writing, to that effect. Unless you have done so, you must price all operations listed in Appendix A in accordance with the appropriate provisions of SSR 49.

If you wish to withdraw an election to follow the provisions of Appendix B, you may do so merely by writing your War Price and Rationing Board to that effect. However, a withdrawal of your election to follow Appendix B is final.

5. Appendix B is added, to read as follows:

APPENDIX B—INVOICES; RECORDS

(a) *Invoices.* You must furnish each purchaser of repair services an invoice containing the following information and you must keep a copy thereof in your files for inspection by OPA:

(1) Your name and address,

(2) The date,

(3) A brief description of each service supplied for which a separate charge is made,

(4) (i) *If customer's hourly rate alone is used in pricing the service*—The customer's hourly rate and the number of hours for which a charge is made (indicating overtime hours if charged for at overtime rates).

(ii) *If flat rate manual or labor schedule is used in pricing the service*—The title of the manual or schedule; the number or other identification of the operation; the customer's hourly rate; and the number of hours for which a charge is made (indicating overtime hours if charged for at overtime rates).

(iii) *If fixed charge is used in pricing the service*—The fixed charge (i. e., a charge not computed by means of a customer's hourly rate,

(5) Total labor charge,

(6) Parts and materials furnished, and charges therefor,

(7) Any other charge (and specific indication of its nature),

(8) Total charge.

(b) *Records.* If you have productive employees, you must keep the records indicated below and you must make such records available for OPA inspection. "Productive employees" are employees who actually do repair work, as distinguished—for example—from supervisory, clerical, or stockroom employees.

(1) Name of each productive employee, together with number of regular and overtime hours worked each day;

(2) Name of each productive employee, together with total of regular and overtime hours worked during each pay period, and the total regular and overtime wages paid to that employee for the pay period;

(3) Total number of hours worked during each pay period by all productive employees on equipment in the stock of the repair establishment or covered by a guarantee, as well as any other hours worked for which no charge was made to the customer.

To the extent that you are already keeping the records required by this provision, you satisfy its requirements, provided that such records are made available for OPA inspection.

6. The effective date of SSR 49 is amended to read October 10, 1945.

NOTE: The record-keeping and reporting requirements of this supplementary service regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

This amendment shall become effective October 10, 1945, except as to item 6 it shall become effective September 1, 1945.

Issued this 27th day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-16005; Filed, Aug. 27, 1945; 4:44 p. m.]

PART 1305—ADMINISTRATION

[Rev. Supp. Order 44]

APPLICABILITY OF MAXIMUM PRICE REGULATIONS TO HAWAII

Supplementary Order 44 is redesignated Revised Supplementary Order 44 and is revised and amended to read as follows:

A statement of the considerations involved in the issuance of this revised order has been issued simultaneously herewith and has been filed with the Division of the Federal Register.

§ 1305.56 *Applicability of maximum price regulations to the Territory of Hawaii.* (a) All maximum price regulations, temporary maximum price regulations, and schedules which have been issued by the Office of Price Administration prior hereto are hereby declared to be inapplicable to the Territory of Hawaii, except the following, which are hereby adopted and affirmed to be applicable to the Territory of Hawaii:

General Maximum Price Regulation for the Territory of Hawaii.

Maximum Price Regulation No. 1—Second Hand Machine Tools.

Restaurant Maximum Price Regulation No. 9-1—Ceiling Prices for Food and Drinks sold for immediate consumption on the Islands of Oahu, Hawaii and Maui.

Second Revised Maximum Price Regulation No. 19—Southern Pine Lumber.

Maximum Price Regulation No. 21—Formaldehyde.

Revised Maximum Price Regulation No. 26—Douglas Fir and Other West Coast Lumber.

Maximum Price Regulation No. 36—Acetone.

Maximum Price Regulation No. 37—Butyl Alcohol and Esters Thereof.

Revised Price Schedule No. 44—Douglas Fir Doors.

Revised Maximum Price Regulation No. 55—Second Hand Bags.

Revised Price Schedule No. 56—Reclaimed Rubber.

Maximum Price Regulation No. 61—Leather.

Revised Price Schedule No. 85—New Passenger Automobiles.

Maximum Price Regulation No. 88—Fuel Oil, Gasoline and Liquefied Petroleum Gas.

Revised Maximum Price Regulation No. 94—Western Pine and Associated Species of Lumber.

Maximum Price Regulation No. 111—New Household Vacuum Cleaners and Attachments.

Revised Maximum Price Regulation No. 119—Original Equipment, Tires, and Tubes.

Maximum Price Regulation No. 120—Bituminous Coal Delivered from Mine or Preparation Plant.

Maximum Price Regulation No. 121—Miscellaneous Solid Fuels Delivered from Producing Facilities.

Revised Maximum Price Regulation No. 122—Solid Fuels Sold and Delivered by Dealers.

Maximum Price Regulation No. 133—Retail Prices for Farm Equipment.

Maximum Price Regulation No. 134—Construction and Road Maintenance Equipment Rental Prices and Charges for Operating and Maintenance or Repair and Rebuilding Services.

Second Revised Maximum Price Regulation No. 135—Retail Prices of Fertilizers and Materials.

Revised Maximum Price Regulation No. 136, Machines, Parts, and Industrial Equipment.

Revised Maximum Price Regulation No. 137—Petroleum Products Sold at Retail Establishments and certain other retail Sales of Liquefied Petroleum Gas.

Revised Maximum Price Regulation No. 139—Used Household Mechanical Refrigerators.

Maximum Price Regulation 140 (Sanitary Napkins and Tampons) as applied to Tampons (Appendix B).

Revised Maximum Price Regulation No. 143—Wholesale Prices for New Rubber Tires and Tubes.

Maximum Price Regulation No. 151—New Bags.

Maximum Price Regulation No. 154—Ice.

Revised Maximum Price Regulation No. 156—Canned Meat.

Maximum Price Regulation No. 158—Resale of War Bicycles—Distributors and Dealers.

Revised Maximum Price Regulation No. 162—Ceiling Prices for the Sale and Rental of Used Typewriters.

Revised Maximum Price Regulation No. 164—Western Softwood Shingles.

Revised Maximum Price Regulation No. 165—Services.

Revised Maximum Price Regulation No. 180—Color Pigments.

Maximum Price Regulation No. 181—New-Formula Condensed Soups Packed under WPB Conservation Order M-81.
Revised Maximum Price Regulation No. 192—Imported Tar Acids.
Revised Maximum Price Regulation No. 198—Silver.
Maximum Price Regulation No. 203—Vitamin A Natural Oils and Concentrates.
Maximum Price Regulation No. 253—Redwood Lumber and Mill Work.
Maximum Price Regulation No. 254—New Small Firearms and Firearms Parts.
Maximum Price Regulation No. 260—Cigars, Cigar Cuttings and Clippings.
Revised Maxium Price Regulation No. 280—Sitka Spruce Lumber.
Maximum Price Regulation No. 294—Used Household Vacuum Cleaners and Attachments for Used Household Vacuum Cleaners.
Maximum Price Regulation No. 297—Natural Resins.
Maximum Price Regulation No. 309—Platinum Group Metals and Their Products.
Revised Maximum Price Regulation No. 341—Maximum Prices for Used Commercial Motor Vehicles.
Maximum Price Regulation No. 350—Packers' Tin Cans and Condensed Milk Cans.
Maximum Price Regulation No. 372—Used Domestic Washing Machines.
Revised Maximum Price Regulation No. 373—Maximum Prices in the Territory of Hawaii.
Territorial Consumer Goods Regulation No. 1—Certain Consumer Durable Goods, in the Territory of Hawaii, and Supplements thereto.
Maximum Price Regulation No. 380—Used Metal Coil and Flat Bedsprings.
Maximum Price Regulation No. 385—Specified Military Uniforms.
Maximum Price Regulation No. 402—Western Red Cedar Lumber.
Maximum Price Regulation No. 404—Potash.
Maximum Price Regulation No. 415—Certain Federal Government Purchases of Rubber Tires and Tubes.
Maximum Price Regulation No. 429—Certain Used Consumer Durable Goods.
Maximum Price Regulation No. 435—New Bicycle Tires and Tubes.
Maximum Price Regulation No. 491—Pressure Preservative Treatment of Forest Products and Pressure Treated Forest Products.
Maximum Price Regulation No. 510—Lubricating Oils, Greases and Certain Other Petroleum Products.
Maximum Price Regulation No. 516—Used Photographic Equipment.
Maximum Price Regulation No. 527—Used Domestic Gas Cooking Ranges.

(b) Any report required or permitted to be filed with the Office of Price Administration, Washington, D. C., by the provisions of any price regulation or schedule hereby adopted, or hereafter issued and made applicable to the Territory of Hawaii, shall instead be filed with the Office of Price Administration, Hawaii Territorial Office, Iolani Palace, Honolulu 2, T. H.

(c) Any records required to be kept by the provisions of any price regulation or schedule hereby adopted, or hereafter issued and made applicable to the Territory of Hawaii, shall be kept as provided therein, and shall be made available for examination by the Office of Price Administration, Hawaii Territorial Office, Iolani Palace, Honolulu 2, T. H.

(d) Notwithstanding the provisions for adjustment of maximum prices contained in any price regulation or schedule hereby adopted or hereafter issued and made applicable to the Territory of Hawaii, all adjustments of maximum prices and applications therefor in the Territory of Hawaii shall be made in accordance with Procedural Regulation No. 7.

(e) *Amendments.* Any amendment or amendments to any of the foregoing listed regulations, hereafter made, shall automatically become applicable to the Territory of Hawaii unless the same, specifically and in terms, is made inapplicable. The statement that such an amendment is applicable to the 48 States and the District of Columbia shall not be construed as a specific exemption of the Territory of Hawaii from applicability.

(f) *Regulations hereafter made.* No regulation or order not related to or amending any of the foregoing listed regulations, hereafter made, shall be applicable to the Territory of Hawaii unless specifically made applicable by incorporation as an amendment to Revised Supplementary Order No. 44.

(g) Pricing regulations, including military orders with respect to the establishment, modification or adjustment of maximum prices for commodities and services in the Territory of Hawaii and referred to in General Order 49, which are not specifically enumerated in this Revised Supplementary Order or not specifically made applicable in accordance with its provisions, shall not be the basis for any price structure for commodities or services in the Territory of Hawaii.

This Revised Supplementary Order No. 44 shall become effective as of June 20, 1945.

(56 Stat. 23, 765; 57 Stat. 566; Pub. Law 383, 78th Cong.; Pub. Law 108, 79th Cong.; E.O. 9250; 7 F.R. 7871; E.O. 9328; 8 F.R. 4681)

Issued this 27th day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-16006; Filed, Aug. 27, 1945; 4:45 p. m.]

PART 1306—IRON AND STEEL

[RMPR 43 [1]]

USED STEEL DRUMS, PAILS AND CONTAINERS AND RECONDITIONING OF USED STEEL DRUMS

Maximum Price Regulation 43 is redesignated Revised Maximum Price Regulation 43 and is revised and amended to read as set forth herein. A statement of the considerations involved in the issuance of this Regulation, issued simultaneously herewith, has been filed with the Division of the Federal Register.

ARTICLE I—SCOPE OF THE REGULATION

Sec.
1 Commodities and services covered by this regulation and relationship to other regulations.
2 Geographical applicability.
3 Prohibitions against dealing in the sale of raw and reconditioned drums, pails and containers, and in the service of reconditioning raw steel drums at prices above the maximum.
4 Less than maximum prices.

ARTICLE II—MAXIMUM PRICES

5 Maximum prices for raw steel drums.
6 Maximum prices for reconditioned steel drums.
7 Maximum prices for raw pails and raw pail covers.
8 Maximum prices for reconditioned pails.
9 Maximum prices for raw containers.
10 Maximum prices for reconditioned containers.
11 Maximum prices for reconditioned stainless steel drums.
12 Maximum prices for the service of reconditioning raw steel drums with a capacity of 13 to 58 gallons, inclusive, and for the service of converting tight head drums to full open head drums.
13 Maximum prices for special types and sizes of raw or reconditioned drums, pails and containers.
14 Maximum prices when heresite or other acid and alkaline resistant high baked linings are applied.
15 Transportation charges.
16 Taxes.

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AUTHORITY: Issued under 56 Stat. 23, 765; 57 Stat. 566; Pub. Law 383, 78th Cong.; Pub. Law 108, 79th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681.

ARTICLE I—SCOPE OF THE REGULATION

SECTION 1. *Commodities and services covered by this regulation and relationship to other regulations.* (a) This regulation applies to sales of raw or reconditioned steel drums, pails and containers.

(b) This regulation applies to all charges for the service of reconditioning raw steel drums with a capacity of 13 to 58 gallons, inclusive, and for the service of converting tight head drums to full open head drums.

(c) The provisions of this regulation supersede the provisions of any other maximum price regulations with respect to sales and services for which maximum prices are established by this regulation. The provisions of this regulation do not supersede the provisions of any orders issued under Supplementary Order 94—Sales by Government Agencies and Resales by Certain Buyers—and do not supersede the Second Revised Maximum Export Price Regulation with respect to sales for export or sales to an exporter.

(d) Maximum prices for the service of reconditioning raw steel drums of capacities other than from 13 to 58 gallons, inclusive, and maximum prices for the service of reconditioning raw pails and raw containers are not established by this regulation but are established by Maximum Price Regulation 591—Industrial Services.

(e) All orders or authorizations heretofore issued approving maximum prices in excess of the maximum prices established by this Revised Maximum Price Regulation 43 are hereby revoked.

SEC. 2. *Geographical applicability.* The provisions of this Regulation shall be applicable in the forty-eight States of the United States, the District of Columbia and the Territory of Puerto Rico.

SEC. 3. *Prohibitions against dealing in the sale of raw and reconditioned drums, pails and containers, and in the service of reconditioning raw steel drums at prices above the maximum.* On and after the 4th day of September, 1945, regardless of any contract or other obligation:

(a) No person shall sell or deliver raw or reconditioned steel drums, pails or containers or furnish the service of reconditioning raw steel drums of a capacity of 13 to 58 gallons inclusive at prices higher than the maximum prices established by this regulation.

(b) No person shall buy or receive in the course of trade or business any raw or reconditioned steel drums, pails or containers or the service of reconditioning raw steel drums of a capacity of 13 to 58 gallons, inclusive, at prices higher than the maximum prices established by this regulation.

(c) No person shall agree, offer, solicit, or attempt to do any of the foregoing.

SEC. 4. *Less than maximum prices.* Lower prices and charges than those established by this regulation may be charged, demanded, paid or offered.

ARTICLE II—MAXIMUM PRICES

SEC. 5. *Maximum prices for raw steel drums.* The maximum prices set forth below are established for the listed sizes of raw steel drums, constructed of steel sheets of 16 to 22 U. S. Standard gauge, inclusive. When sold by a person other than one who purchased for resale, these maximum prices are f. o. b. shipping point. When sold by a person who purchased for resale, these maximum prices include delivery within a 50 mile radius of the shipping point, when shipment is made by truck; when shipment is made by rail the drums shall be deemed to be delivered when loaded by the reseller on railroad cars. For shipment by truck more than 50 miles from the shipping point, the reseller may add to these maximum prices the transportation charges permitted by section 15 of this regulation. Where the reseller does not furnish delivery, then the applicable deduction for non-delivery as set forth below shall be made:

SOLD IN STATES OTHER THAN CALIFORNIA, OREGON, WASHINGTON, AND TERRITORY OF PUERTO RICO

Capacities in gallons	When sold by a person other than one who purchased for resale	When sold by a person who purchased for resale	Deduction for nondelivery
Over 12 to 19 incl	$0.50	$0.75	$0.05
Over 19 to 33 incl	.75	1.05	.065
Over 33 to 58 incl	1.00	1.35	.10
Over 58 to 65 incl	1.45	1.90	.15

SOLD IN STATES OF CALIFORNIA, OREGON, AND WASHINGTON, AND TERRITORY OF PUERTO RICO [1]

Capacities in gallons	When sold by a person other than one who purchased for resale	When sold by a person who purchased for resale	Deduction for nondelivery
Over 12 to 19 incl	$0.60	$0.85	$0.05
Over 19 to 33 incl	.95	1.25	.065
Over 33 to 58 incl	1.40	1.75	.10
Over 58 to 65 incl	1.85	2.30	.15

[1] Where both shipping point and point of delivery are located in these states or in the territory of Puerto Rico; otherwise, the lower prices apply.

SEC. 6. *Maximum prices for reconditioned steel drums.* (a) The maximum prices set forth below are established for the listed sizes of reconditioned steel drums, constructed of steel sheets of 16 to 22 U. S. Standard gauge, inclusive. These maximum prices include delivery within a 50 mile radius of the shipping point when shipment is made by truck; when shipment is made by rail the drums shall be deemed to be delivered when loaded by the seller on railroad cars. For shipment by truck more than 50 miles from the shipping point the seller may add to these maximum prices the transportation charges permitted by section 15 of this regulation.

Capacities in gallons	Sold in States other than California, Oregon and Washington and Territory of Puerto Rico	Sold in States of California, Oregon and Washington and Territory of Puerto Rico [1]
	Reconditioned and delivered	Reconditioned and delivered
Over 12 to 19 incl	$1.45	$1.60
Over 19 to 33 incl	1.85	2.10
Over 33 to 58 incl	2.35	2.75
Over 58 to 65 incl	2.90	3.45

[1] Where both shipping point and point of delivery are located in these states or in the Territory of Puerto Rico; otherwise the lower prices apply.

(b) If a drum which is lined has been reconditioned so as to be suitable without further reconditioning for use as a food container, and is sold for use as a food container, then the applicable allowance as set forth below may be added to the maximum price. If painting is omitted, or if asphalt paint is used instead of varnish, enamel or lacquer, or if delivery as provided in paragraph (a) of this section is not furnished by the seller, then the applicable deduction as set forth below shall be made, except that if the drum is galvanized the deductions for omitting painting or for painting with asphalt need not be made.

Capacities in gallons	Food container allowance	Deduction for non-delivery	Deduction for omitting painting	Deduction for painting with asphalt
Over 12 to 19 incl	$0.15	$0.05	$0.05	$0.03
Over 19 to 33 incl	.20	.065	.075	.04
Over 33 to 58 incl	.25	.10	.10	.05
Over 58 to 65 incl	.30	.15	.125	.06

SEC. 7. *Maximum prices for raw pails and raw pail covers.* (a) The maximum prices set forth below are established for the listed sizes of raw pails, constructed of steel sheets of 20 to 29 U. S. Standard gauge, inclusive, f. o. b. shipping point:

Capacities in gallons	With covers	Without covers
From 1 to 2½ incl	$0.10	$0.05
Over 2½ to 3½ incl	.15	.07
Over 3½ to 4½ incl	.18	.09
Over 4½ to 5 incl	.20	.10
Over 5 to 6 incl	.25	.12
Over 6 to 8 incl	.29	.14
Over 8 to 10 incl	.33	.18
Over 10 to 11 incl	.37	.22
Over 11 to 12 incl	.40	.25

(b) *Raw pail covers.*

8½ inches	$0.03
10¼ inches	.04
11¼ inches	.05
11¾ inches	.06

SEC. 8. *Maximum prices for reconditioned pails.* The maximum prices set forth below are established for the listed sizes of reconditioned pails, constructed of steel sheets of 20 to 29 U. S. Standard gauge, inclusive. These maximum prices include delivery within a 50 mile radius of the shipping point when shipment is made by truck; when shipment is made by rail the pails shall be deemed to be delivered when loaded by the seller on railroad cars. For shipment by truck more than 50 miles from the shipping point the seller may add to these maximum prices the transportation charges permitted by section 15 of this regulation. If pail is not furnished with an effective gasket, or if painting is omitted, or if delivery as provided herein is not furnished by the seller, then the applicable deduction as set forth below, shall be made.

Capacities in gallons	Reconditioned pails	Deduction for not furnishing effective gasket	Deduction for omitting painting	Deduction for nondelivery
From 1 to 2½ incl	$0.31	$0.02	$0.03	$0.02
Over 2½ to 3½ incl	.36	.02	.03	.02
Over 3½ to 4½ incl	.41	.02	.03	.02
Over 4½ to 5 incl	.45	.02	.03	.03
Over 5 to 6 incl	.57	.02	.03	.03
Over 6 to 8 incl	.68	.03	.05	.03
Over 8 to 10 incl	.79	.04	.05	.04
Over 10 to 11 incl	.90	.04	.05	.04
Over 11 to 12 incl	1.00	.04	.05	.04

SEC. 9. *Maximum prices for raw containers.* The maximum prices set forth below are established for the listed sizes of raw containers constructed of steel sheets lighter than 22 U. S. Standard gauge, f. o. b. shipping point.

Capacities in gallons	When sold by a person other than one who purchased for resale	When sold by a person who purchased for resale
20 gallons and less	$0.15	$0.25
Greater than 20 gallons	.25	.35

SEC. 10. *Maximum prices for reconditioned containers.* The maximum prices set forth below are established for the listed sizes of reconditioned containers. These maximum prices include delivery within a 50 mile radius of the shipping point, when shipment is made by truck; when shipment is made by rail the containers shall be deemed to be delivered when loaded by the seller on railroad cars. For shipment by truck more than 50 miles from the shipping point, the seller may add to these maximum prices the transportation charges permitted by section 15 of this regulation. Where the seller does not furnish delivery, then the applicable deduction for non-delivery, as set forth below, shall be made.

[1] 8 F.R. 13738; 9 F.R. 455, 10334.

Capacities in gallons	Basically reconditioned	Totally reconditioned	Deduction for non-delivery
20 gallons and less	$0.40	$0.65	$0.02
Greater than 20 gallons	.50	.75	.03

SEC. 11. *Maximum prices for reconditioned stainless steel drums.* The maximum price for reconditioned 16 U. S. Standard Gauge, 55 gallon drums constructed of 18% chrome-8% nickel stainless steel shall be $35.00 per drum, f. o. b. shipping point.

SEC. 12. *Maximum prices for the service of reconditioning raw steel drums with a capacity of 13 to 58 gallons, inclusive, and for the service of converting tight head drums to full open head drums.* (a) The maximum prices for the service of reconditioning raw steel drums with a capacity of 13 to 58 gallons, inclusive, shall be as set forth below. If painting is omitted, then a deduction of 10¢ per drum shall be made.

IN STATES OTHER THAN CALIFORNIA, OREGON AND WASHINGTON AND TERRITORY OF PUERTO RICO

	13-28 gallons	29-58 gallons
Basic reconditioning	$0.75	$0.90
Total reconditioning	1.00	1.40

IN STATES OF CALIFORNIA, OREGON, AND WASHINGTON AND TERRITORY OF PUERTO RICO

	13-28 gallons	29-58 gallons
Basic reconditioning	$0.95	$1.10
Total reconditioning	1.25	1.65

(b) *Extras.* The charges listed below may be added to the maximum prices set forth in paragraph (a) of this section where the extra services specified below are performed at the request of the purchaser: *Provided*, That the total charge for extra services shall not exceed $1.00 per drum, exclusive of any charge for chime welding; and *Provided, further*, That the extra charges are separately stated and itemized on the invoice, as provided by section 20 of this regulation.

	In States other than California, Oregon and Washington and Territory of Puerto Rico	In States of California, Oregon and Washington and Territory of Puerto Rico
Welding 2" flange and furnishing lugs and flange	$0.25	$0.35
Welding 2" flange and furnishing lugs and flange	.35	.45
Welding 2" flange and furnishing lugs and flange	.40	.50
Welding lock shoulder in fourth or chime but less than 2	.25	.35
Welding less 2" or more in fourth or chime over	.40	.50
Welding chime	1.25	1.40

(c) The maximum price for the service of converting a tight head drum to a full open head drum, by cutting out the head and curling the chime so that a new head with lever lock or bolted ring closure may be installed, shall be $0.50 per drum.

SEC. 13. *Maximum prices for special types and sizes of raw or reconditioned drums, pails and containers.* (a) Each person who proposes to sell raw or reconditioned steel drums, pails and containers of a capacity or gauge not specifically priced in this regulation, or of special construction, at a price in excess of the maximum prices listed in this regulation, shall submit the following information to the Office of Price Administration, Metals Price Branch, Washington (25), D. C.: Location and quantity of the drums, pails or containers to be sold, their capacities, gauges, description of construction, whether or not they are reconditioned, if reconditioned, when and by whom, acquisition price and proposed selling price, and whether such proposed selling price is a shipping point or delivered price, and if delivered, the point of destination.

The price proposed by such person shall be approved or disapproved within 14 days from the date receipt of application is acknowledged or from the date of submission of such further information which may be requested by the Office of Price Administration. In the event of disapproval, the Office of Price Administration shall establish a maximum price for the sale of the particular drums, pails, or containers described, which maximum price shall be forwarded-in writing to the applicant simultaneously with the notice of disapproval. In the event the Office of Price Administration does not mail this approval or disapproval within 14 days as provided herein, the proposed selling price shall be deemed approved.

(b) Any person may sell a raw or reconditioned drum, pail or container, of special construction or of a capacity or gauge not specifically priced in this regulation at the maximum price listed in this regulation for the item most nearly comparable in capacity and gauge without obtaining approval as required in paragraph (a) above.

SEC. 14. *Maximum prices when heresite or other acid and alkaline resistant high baked linings are applied.* Each person who proposes to sell reconditioned drums or pails to which heresite or other acid and alkaline resistant high baked linings have been applied or who proposes to sell the service of applying heresite or other acid and alkaline resistant high baked linings to drums or pails shall submit the following information to the Office of Price Administration, Metals Price Branch, Washington 25, D. C.: Data showing cost of lining such drums or pails with heresite or other acid and alkaline resistant high baked linings over and above the total reconditioning costs; and the proposed selling price, or service charge proposed to be charged in addition to the charge for reconditioning established in this regulation.

The price proposed by such person shall be approved or disapproved within 14 days from the date receipt of application is acknowledged or from the date of submission of such further information which may be requested by the Office of Price Administration. In the event of disapproval, the Office of Price Administration shall establish a maximum price for the sale of the particular drum or pail, or the particular service, which maximum price shall be forwarded in writing to the applicant simultaneously with the notice of disapproval. In the event the Office of Price Administration does not mail this approval or disapproval within 14 days as provided herein, the proposed price shall be deemed approved.

SEC. 15. *Transportation charges.* (a) Where pursuant to this regulation, the seller is permitted to add delivery charges to the maximum prices established by the regulation, the following charges may be added:

(1) For shipment by common carrier, the actual transportation charges paid or incurred by the seller.

(2) For shipment in a vehicle owned or controlled by the seller, the established railroad freight charges for transporting an identical quantity of the material from the railroad siding at or nearest the shipping point to the railroad siding at or nearest the point of delivery.

(b) Where the regulation requires free delivery within a 50 mile radius of the shipping point and the point of delivery is located outside this free delivery area, the seller may add the applicable transportation charges set forth in paragraph (a) of this section, provided that he first makes the deduction for non-delivery set forth in this regulation.

(c) Where shipment is made in a vehicle owned or controlled by the buyer, the seller may not add any transportation charges to the maximum prices, and, furthermore, must make the specified deduction for non-delivery.

SEC. 16. *Taxes.* Any tax upon, or in connection with, the sale of any commodities or services covered by this regulation incurred or paid by the seller may be collected from the purchaser in addition to the maximum price if the amount is stated separately on the invoice and if the statute or ordinance imposing the tax does not prohibit the seller from separately stating and collecting it.

ARTICLE III—GENERAL PROVISIONS

SEC. 17. *Definitions.* (a) When used in this regulation, the term:

(1) "Person" includes an individual, corporation, partnership, association, or any other organized group of persons, or legal successor or representative of any of the foregoing, and includes the United States Government or any agency thereof, or any other government, or any of its political subdivisions or any agency of any of the foregoing.

(2) "Drum" means any single walled, cylindrical or billed steel shipping package, liquid tight, having a welded side seam, with a capacity of over 12 to 132 gallons inclusive, constructed of steel sheets 22 U. S. Standard gauge or heavier. The term shall not include pails or containers as defined herein or cans or high or low pressure gas cylinders.

(3) "Raw drum" means a used drum which has been emptied, but has not been reconditioned for reuse after the last emptying, or an unused drum which has been damaged or deteriorated to such an extent as to require reconditioning before it can be used as a shipping package.

(4) "Reconditioned drum" means a raw drum which has been subjected to either a basic or total reconditioning, as defined herein, necessary to make the raw drum fit for use as a shipping package.

(5) "Basic reconditioning" of a drum means subjecting the drum to the following services necessary to fit the drum for use as a shipping package: Inside and outside washing (or burning), scraping, painting, drying, inspection for leaks, replacement of gasket (except in open head drums), and pick-up and delivery in accordance with the reconditioner's customary practice.

(6) "Total reconditioning" of a drum means the performance of the basic reconditioning as defined in subparagraph (5) plus any or all of the following services which may be necessary to fit the drum for use as a shipping package or which may be required by the purchaser: Dedenting, chaining or tumbling, cooking and soaking, sandblasting, or steel brushing, straightening chimes, application of coating or lining required in food drums (except heresite or other acid and alkaline resistant high baked linings), and welding of all leaks up to and including one inch in length or diameter except chime or flange leaks.

(7) "Pail" means any steel shipping package, liquid tight, having a circular cross section with a welded seam on a straight or tapered side, constructed of steel sheets of 29 U. S. Standard gauge or heavier, having a capacity of 12 gallons or less, either closed or open head. The term shall not include drums or containers as defined herein or cans or high or low pressure cylinders.

(8) "Raw pail" means a used pail which has been emptied and has not been reconditioned for reuse after the last emptying, or an unused pail which has been damaged or deteriorated to such an extent as to require reconditioning to make it fit for use as a shipping package.

(9) "Reconditioned pail" means a raw pail which has been thoroughly cleaned, painted, and equipped with a properly fitting cover, effective gaskets, and subjected to any and all processes necessary to make the pail fit for use as a shipping package.

(10) "Container" means a steel shipping package other than a drum or pail, constructed of steel sheets lighter than 22 U. S. Standard gauge, either double seamed, soldered, lock seamed, spot welded, lap seamed, or riveted seamed, of a capacity of 132 gallons or less (for example: dyestuff cans, carbide cans, caustic soda cans, powder cans, etc.).

(11) "Raw container" means a used container which has been emptied but which has not been reconditioned for reuse after the last emptying; or an unused container which has been damaged or deteriorated to such an extent as to require reconditioning to make it fit for use as a shipping package.

(12) "Basically reconditioned container" means a raw container which has been inspected, cleaned, and has had the head cut out and painted if necessary or required by the customer.

(13) "Totally reconditioned container" means a raw container which has been basically reconditioned as defined herein, and which has been subjected to any or all of the following services which may be necessary to make the container fit for use as a shipping package or which may be required by the purchaser: Dedenting, cooking and soaking, steel brushing, straightening chimes and lugs, or furnishing covers.

(14) "Shipping point" means the point at which the used steel drums, pails and containers are loaded aboard a truck for delivery when shipment is to be made to the plant of the purchaser by truck.

(15) "Point of delivery." Used steel drums, pails and containers are at the point of delivery, if shipped by truck, when they have arrived at the plant of the purchaser for unloading; or, if shipped by rail, when they have been loaded on board railroad cars.

(b) Unless the context otherwise requires, the definitions set forth in section 302 of the Emergency Price Control Act of 1942, as amended, shall apply to other terms used herein.

SEC. 18. *Petitions for amendment and applications for adjustment.* (a) Any person seeking an amendment of this regulation may file a petition for amendment in accordance with the provisions of Revised Procedural Regulation No. 1[2] issued by the Office of Price Administration.

(b) The Office of Price Administration may adjust any maximum prices established by this regulation for the service of reconditioning drums whenever it finds, from an application for adjustment, that the applicant has shown:

(1) That a substantial portion of his business consists of reconditioning of unusual types of drums which are extremely difficult and more costly to recondition (such as agitator or paint drums), describing the particular drums for which an adjustment is sought, and setting forth in what particulars the reconditioning process on said drums differs from the reconditioning of ordinary drums, and

(2) That the maximum prices set forth in this Regulation are inadequate to maintain continued reconditioning of such drums, and

(3) That the over-all returns from his business are insufficient to permit him to absorb the losses suffered by virtue of such reconditioning.

Applications for adjustment must be filed in accordance with the provisions of Revised Procedural Regulation No. 1, issued by the Office of Price Administration.

SEC. 19. *Adjustable pricing.* Any person may agree to sell at a price which may be increased up to the maximum price in effect at the time of delivery; but no person may, unless authorized by the Office of Price Administration, deliver or agree to deliver at prices to be adjusted upward in accordance with action taken by the Office of Price Administration after delivery. Such authorization may be given when a request for a change in the applicable maximum price is pending, but only if the authorization is necessary to promote distribution or production and if it will not interfere with the purposes of the Emergency Price Control Act of 1942, as amended. The authorization may be given by the Administrator or by an official of the Office of Price Administration to whom the authority to grant such authorization has been delegated. The authorization will be given by letter or telegram when the contemplated revision might be the granting of an individual application for adjustment.

SEC. 20. *Records and reports.* (a) Every person making a sale in excess of $10.00 of the commodities covered by this regulation shall render to the purchaser an invoice for each sale, listing each type of drum, pail, or container sold, delivery charges, if any, the price charged and the quantity of each size or type sold. The seller must also show on each invoice whether the drums, pails or containers were raw drums, pails or containers, or reconditioned drums, pails or containers, and the invoice must bear the words "Maximum prices do not exceed those established by Revised Maximum Price Regulation 43".

(b) Every person selling services covered by this regulation shall render to the purchaser of such services an invoice for each lot of drums reconditioned, listing the type and capacity of the drums reconditioned, whether the reconditioning operation was a basic or total reconditioning as defined in this regulation, or conversion of a tight head drum to a full open head drum, and if a total reconditioning, what services in addition to basic reconditioning were rendered, the extras, separately stated, if any, and the charges made therefor, and delivery charges, if any. Every invoice must bear the words "Maximum prices do not exceed those established by Revised Maximum Price Regulation 43".

(c) The invoices required in paragraphs (a) and (b) of this section shall be retained by the buyer and a copy thereof retained by the seller for as long as the Emergency Price Control Act of 1942, as amended, is in effect.

SEC. 21. *Licensing.* The provisions of Licensing Order No. 1, licensing all persons who make sales under price control, are applicable to all sellers subject to this regulation. A seller's license may be suspended for violations of the license or of one or more applicable price schedules or regulations. A person whose license is suspended may not, during the period of suspension, make any sale for which his license has been suspended.

SEC. 22. *Evasion.* The price limitations set forth in this regulation shall not be evaded by direct or indirect means.

[2] 9 F.R. 10470, 13715.

SEC. 23. *Enforcement.* Persons violating any provisions of this regulation shall be subject to the criminal penalties, civil enforcement actions, license suspension proceedings, and suits for treble damages provided for by the Emergency Price Control Act of 1942, as amended.

NOTE: All reporting and record-keeping requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

This Revised Maximum Price Regulation 43 shall become effective September 4, 1945.

Issued this 28th day of August 1945.

JAMES G. ROGERS, Jr.,
Acting Administrator.

[F. R. Doc. 45-16102; Filed, Aug. 28, 1945; 11:39 a. m.]

PART 1306—IRON AND STEEL

[MPR 46, Amdt. 1]

RELAYING RAIL, RELAYING GIRDER RAIL AND USED TRACK ACCESSORIES[1]

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.

Maximum Price Regulation 46 is amended in the following respects:

1. Section 5 (b) is amended to read as follows:

(b) (1) Before any person shall sell relaying rail or used track accessories at the prices established in Appendix A, paragraph (c) and Appendix C, paragraph (c), he must file with the Office of Price Administration at Washington 25, D. C. a statement that he fulfills the following requirements at the location for which he seeks recognition:

(i) He maintains or will maintain stocks of relaying rail and used track accessories;

(ii) He maintains in operating condition equipment suitable in capacity and location for straightening, cropping and drilling rail and specifies such equipment;

(iii) He makes or will make regular and continuous sales of relaying rail or used track accessories;

(iv) He has adequate facilities for receiving and shipping relaying rail and used track accessories; and

(v) He maintains suitable office facilities at or near the location of his proposed warehouse.

He must obtain from the Office of Price Administration written recognition of his location as a relaying rail warehouse.

(2) Where any person can show that prior to January 1, 1942, he operated as a warehouse for the distribution of relaying rails and used track accessories, the Office of Price Administration may waive any of the requirements set forth in paragraph (1) of this section and authorize such persons to sell all or limited types of relaying rail or used track accessories at the prices set forth in paragraph (c) of Appendix A and paragraph (c) of Appendix C.

(3) No temporary warehouse authorization may be granted for the purpose of handling individual or limited quantities of relaying rail.

(4) No person may sell relaying rail or used track accessories at the prices established in paragraph (c) of Appendix A and paragraph (c) of Appendix C from any other place than a warehouse authorized under this section.

(5) A storage point or yard not customarily operated as a warehouse is not a warehouse within the meaning of this section.

(6) Any authorization to sell relaying rails or used track accessories at the prices established in paragraph (c) of Appendix A and paragraph (c) of Appendix C will be suspended whenever equipment is removed from the location for which such authority is granted or whenever no sale of relaying rail or used track accessories has been made from such location for a period of six months.

2. The third paragraph of section 8 (a) has been amended to read as follows:

"Relaying rail" means used steel rail of any weight per yard (other than relaying girder rail, scrap rail or rerolling rail) which has been submitted to all reconditioning processes, if any, necessary to render it suitable for relaying purposes and which is to be used for relaying or for any purpose other than as scrap or rerolling rail. (Scrap rail and rerolling rail are covered by MPR 4—Iron and Steel Scrap.)

3. Section 12 has been added to read as follows:

SEC. 12. *Maximum prices for export.* The maximum prices for export sales of relaying rail or used track accessories shall be established under section 8 of the Maximum Export Price Regulation, as revised, issued by the Office of Price Administration.

This amendment shall become effective September 4, 1945.

NOTE: All reporting and record-keeping requirements of this amendment have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 28th day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-16101; Filed, Aug. 28, 1945; 11:39 a. m.]

PART 1340—FUEL

[RMPR 137, Amdt. 11]

PETROLEUM PRODUCTS SOLD AT RETAIL ESTABLISHMENTS AND CERTAIN OTHER RETAIL SALES OF LIQUEFIED PETROLEUM GAS

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.

Revised Maximum Price Regulation No. 137 is amended in the following respects:

1. The fifth unnumbered paragraph of Article II entitled "Two Special Pricing Methods for Motor Fuel", is amended to read as follows:

Special pricing method for motor fuel. Instead of using your March, 1942 price for motor fuel you may use the special pricing method for motor fuel set forth in section 9 (b). This method permits you to fix a maximum price for motor fuel which gives you a three-cent margin over the maximum tank wagon price of the reference seller for undivided dealers. The reference seller for your area is set forth in section 7 (i).

This amendment shall become effective the 4th day of September 1945.

Issued this 28th day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-16100; Filed, Aug. 28, 1945; 11:39 a. m.]

PART 1351—FOOD AND FOOD PRODUCTS

[RMPR 279,[1] Amdt. 4]

HOPS

A statement of the considerations involved in the issuance of this amendment has been issued and filed with the Division of the Federal Register.

Revised Maximum Price Regulation 279 is amended in the following respects:

1. Section 2 (a) (1) (v) is added to read as follows:

(v) "Imported hops" means hops produced outside the Continental United States and Canada.

2. Section 3 (g) is added to read as follows:

(g) *Maximum prices for imported hops of the 1945 and previous crops.* Any seller's maximum price, (including all commissions) for imported hops of the 1945 and previous crops in bales or in any other style of packing, including but not limited to wood cases, cylinders and packages, shall be $1.21 per pound c. i. f. in bond at any Continental United States port or point of entry.

3. In section 5 the first sentence is amended to read as follows: "If a seller is unable to determine his maximum price for a particular sale of Pacific Coast or New York State baled hops of the 1944 or subsequent years' crops or for imported or Canadian hops of the 1945 or previous years' crops he shall apply by letter to the Office of Price Administration, Washington, D. C., requesting authorization of a maximum price."

This amendment shall become effective September 4, 1945.

Issued this 28th day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-16103; Filed, Aug. 28, 1945; 11:40 a. m.]

[1] 8 F.R. 11586, 12440; 9 F.R. 286, 10922, 12103, 12535.

[1] 8 F.R. 5529.

PART 1388—DEFENSE-RENTAL AREAS

[Hotels and Rooming Houses,[1] Amdt. 60]

HOTELS AND ROOMING HOUSES

The rent regulation for hotels and rooming houses is amended in the following respects:

1. The last sentence of the third paragraph in section 2 (b) (6) is amended to read as follows: "Immediately upon issuance of the order, the landlord shall post maximum rents established for weekly and monthly terms of occupancy in the manner provided by section 7 (b), to the extent that the order requires the application of such rents, or in lieu thereof shall in a manner approved by the Area Rent Director, post advice that maximum rents for weekly or monthly terms of occupancy required by the order may be obtained from the landlord on request."

2. Section 5 (f) is added to read as follows:

(f) *Uniform daily rent.* The landlord of any establishment containing more than fifty rooms for which maximum rents on a daily basis are established, may petition the Administrator for permission to establish uniform maximum daily rents for substantially identical rooms for each number of occupants for which such rooms are offered for rent. Permission may be granted if the aggregate of the maximum daily rents requested for each group of substantially identical rooms for each number of occupants does not exceed the aggregate maximum daily rents previously established for such rooms for each number of occupants. With the consent of the Area Rent Director, minor adjustments may be permitted as between different classes of rooms and numbers of occupants providing such adjustments shall not result in an increase in aggregate scheduled revenue for the establishment as a whole. Each petition must be accompanied by a verified audit of the period or periods during which the maximum rents were established under section 4 on forms to be supplied by the Administrator. Such requirement may be waived if the Administrator already has in his possession a complete audit of such period or periods.

NOTE: All reporting and record-keeping requirements of this amendment have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

This amendment shall become effective September 1, 1945.

Issued this 28th day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-16099; Filed, Aug. 28, 1945; 11:38 a. m.]

[1] 10 F.R. 3452, 3555, 3556, 3950, 4713, 5089, 5576, 5579, 6400, 7853, 7849, 7853, 8017.

PART 1388—DEFENSE-RENTAL AREAS

[Hotels and Rooming Houses, Miami Area,[1] Amdt. 15]

HOTELS AND ROOMING HOUSES IN MIAMI AREA

The rent regulation for hotels and rooming houses in the Miami Defense-Rental Area is amended in the following respects:

1. The last sentence of the third paragraph in section 2 (b) (5) is amended to read as follows: "Immediately upon issuance of the order, the landlord shall post maximum rents established for weekly and monthly terms of occupancy in the manner provided by section 7 (b), to the extent that the order requires the application of such rents, or in lieu thereof shall in a manner approved by the Area Rent Director, post advice that maximum rents for weekly or monthly terms of occupancy required by the order may be obtained from the landlord on request."

2. Section 5 (f) is added to read as follows:

(f) *Uniform daily rent.* The landlord of any establishment containing more than fifty rooms for which maximum rents on a daily basis are established, may petition the Administrator for permission to establish uniform maximum daily rents for substantially identical rooms for each number of occupants for which such rooms are offered for rent. Permission may be granted if the aggregate of the maximum daily rents requested for each group of substantially identical rooms for each number of occupants does not exceed the aggregate maximum daily rents previously established for such rooms for each number of occupants. With the consent of the Area Rent Director, minor adjustments may be permitted as between different classes of rooms and numbers of occupants providing such adjustments shall not result in an increase in aggregate scheduled revenue for the establishment as a whole. Each petition must be accompanied by a verified audit of the period or periods during which the maximum rents were established under section 4 on forms to be supplied by the Administrator. Such requirement may be waived if the Administrator already has in his possession a complete audit of such period or periods.

NOTE: All reporting and record-keeping requirements of this amendment have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

This amendment shall become effective September 1, 1945.

Issued this 28th day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-16097; Filed, Aug. 28, 1945; 11:38 a. m.]

[1] 10 F.R. 318, 2405, 5090, 9445.

PART 1388—DEFENSE-RENTAL AREAS

[Hotels and Rooming Houses, New York City Area,[1] Amdt. 21]

HOTELS AND ROOMING HOUSES IN NEW YORK CITY AREA

The rent regulation for hotels and rooming houses in the New York City Defense-Rental Area is amended in the following respects:

1. The last sentence of the third paragraph in section 2 (b) (5) is amended to read as follows: "Immediately upon issuance of the order, the landlord shall post maximum rents established for weekly and monthly terms of occupancy in the manner provided by section 7 (b), to the extent that the order requires the application of such rents, or in lieu thereof shall in a manner approved by the Area Rent Director, post advice that maximum rents for weekly or monthly terms of occupancy required by the order may be obtained from the landlord on request."

2. Section 5 (f) is added to read as follows:

(f) *Uniform daily rent.* The landlord of any establishment containing more than fifty rooms for which maximum rents on a daily basis are established, may petition the Administrator for permission to establish uniform maximum daily rents for substantially identical rooms for each number of occupants for which such rooms are offered for rent. Permission may be granted if the aggregate of the maximum daily rents requested for each group of substantially identical rooms for each number of occupants does not exceed the aggregate maximum daily rents previously established for such rooms for each number of occupants. With the consent of the Area Rent Director, minor adjustments may be permitted as between different classes of rooms and numbers of occupants providing such adjustments shall not result in an increase in aggregate scheduled revenue for the establishment as a whole. Each petition must be accompanied by a verified audit of the period or periods during which the maximum rents were established under Section 4 on forms to be supplied by the Administrator. Such requirement may be waived if the Administrator already has in his possession a complete audit of such period or periods.

NOTE: All reporting and record-keeping requirements of this amendment have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

This amendment shall become effective September 1, 1945.

Issued this 28th day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-16098; Filed, Aug. 28, 1945; 11:38 a. m.]

[1] 10 F.R. 324, 1452, 2404, 2617, 5090, 9445.

PART 1397—CONSTRUCTION OF BUILDINGS AND STRUCTURES

[MPR 583, Amdt. 1]

PREFABRICATED NON-DWELLING STRUCTURES

A statement of the considerations involved in the issuance of this Amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.

Maximum Price Regulation 583 is amended in the following respects:

1. A new paragraph (d) is added to section 1 to read as follows:

(d) Neither this regulation nor any other price regulation shall apply to sales of products covered by this regulation by a manufacturer of prefabricated non-dwelling structures making sales direct to users if he is not a retail lumber yard dealer or an employee or agent thereof except that this exemption shall not apply where his gross sales of products covered by this regulation exceeds $5,000.00 in any calendar year.

2. Section 3 (b) (1) is amended to read as follows:

(1) Retail selling price of the net number of board feet of lumber in the structure not exceeding the maximum price established under the applicable regulation, plus 7½ percent for wastage.

(i) The retail selling price, in the case of new softwood lumber and hardwood flooring, shall not exceed the maximum prices (for softwood lumber, based on random lengths) in Second Revised Maximum Price Regulation 215 (Distribution Yard Sales of Softwood) for retail distribution lumber yards for quantities of over 1000 feet B. M.

(ii) The retail selling price, in the case of new hardwood lumber, shall not exceed the maximum price computed by the use of the mark-up applicable to grades of 2A common or lower priced on sales of 5000 feet B. M. or less as provided in Revised Maximum Price Regulation 467 (Distribution Yard Sales of Hardwood Lumber).

(iii) The retail selling price in the case of used lumber shall not exceed the maximum price established under the General Maximum Price Regulation or as determined under the provisions of General Order 61, whichever is applicable.

3. An unnumbered paragraph is added to section 3 (b) to read as follows:

Once a maximum price has been established hereunder that price remains fixed for that item unless it becomes a "changed item" as defined in paragraph (d).

4. Section 4 (b) (1) is amended to read as follows:

(1) Cost of the net board feet of lumber in the structure plus 7½ percent for wastage figured as follows:

(i) For new lumber—Maximum f. o. b. mill price, on carload basis, under the maximum price regulation governing the particular species of lumber for random lengths, plus freight for that species also calculated in carload quantities.

(ii) For used lumber—The lower of the following: actual cost; or the maximum price established under the GMPR or as determined under the provisions of General Order 61, whichever is applicable.

5. Section 14 is amended to read as follows:

SEC. 14. *Records and invoices*—(a) *Records.* Sellers subject to this regulation shall keep available for inspection by the Office of Price Administration for so long as the Emergency Price Control Act of 1942, as amended, remains in effect, records of each sale or delivery showing the name and address of the purchaser, date of sale, description of the item, the net price received, the species, grades, quantities, sizes and workings of the lumber used and the computation of the price under the pricing methods of the regulation.

(b) *Invoices.* Where sales are made upon the basis of erection or installation upon delivery and erection or installation charges are made as provided in sections 3 (c) (2), 4 (c) (2), 5 (c) (2), 6 (c) (2) and 6 (d) (2), the seller shall furnish each purchaser with an invoice showing separately the price charged for the structure and such additional charges.

6. A new section 15 is added to read as follows:

SEC. 15. *Posting.* Where products covered by this regulation are sold pursuant to sections 3 and 6 thereof the sellers thereunder shall post conspicuously in the office of the manufacturer or dealer where such products are offered for sale the maximum price of every item of which the seller has sold ten (10) or more units in the twelve-month period since July 1, 1944, or in any twelvementh period subsequent thereto. Said posting shall include the following:

1. Adequate description of the item so that it is clearly identifiable with the records as kept under Section 14.
2. Maximum price of the item.

Products whose prices are posted under this Section are exempt from the requirements of Section 13.

The posting required hereunder shall be in such manner that it can be easily read and that purchasers can approach within a distance of two feet.

This Amendment No. 1 shall become effective September 4, 1945.

NOTE: The record keeping requirements of this amendment have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 28th day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-16104; Filed, Aug. 28, 1945; 11:40 a. m.]

PART 1439—UNPROCESSED AGRICULTURAL COMMODITIES

[MPR 426,[1] Amdt. 141]

FRESH FRUITS AND VEGETABLES FOR TABLE USE, SALES EXCEPT AT RETAIL

A statement of the considerations involved in the issuance of this amendment has been issued and filed with the Division of the Federal Register.

In Appendix K, Table 2, (Maximum Prices for Juice Grapes Grown in California and Table Grapes Grown in California and Arizona), footnote 5 is amended to read as follows:

[5] Maximum prices for table grapes from the beginning of the season through August 10, (Items 5 and 9) shall apply also through August 25, 1945, to table grapes shipped from shipping point on or before August 10, 1945.

This amendment shall become effective as of 12:01 a. m., August 21, 1945.

Issued this 27th day of August 1945.

CHESTER BOWLES,
Administrator.

Approved: August 24, 1945.

CLINTON P. ANDERSON,
Secretary of Agriculture.

[F. R. Doc. 45-16004; Filed, Aug. 27, 1945; 4:45 p. m.]

PART 1499—COMMODITIES AND SERVICES

[RMPR 165, Rev. Supp. Service Reg. 18, Amdt. 3]

LOWER PRICED SERVICES

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.

Revised Supplemental Service Regulation 18 is amended in the following respects:

1. Section 1499.670 (a) is amended to read as follows:

(a) A seller of service subject to Revised Maximum Price Regulation 165 may not discontinue or fail to supply a service for which he has an established maximum price under the regulation and sell or offer to sell in its place a higher priced service; nor may a seller who has obtained a price for a service under the provisions of section 4 (c) of RMPR 165 fail to offer or discontinue his competitor's lower priced service while selling or offering to sell in its place a higher priced service for which his competitor had also established a price under the regulation, unless one or more of the following conditions exist:

(1) That specialized equipment or supplies requisite to a continuance of the particular service are not available; or

(2) That the continuance of the particular service would be in violation of or would be rendered impracticable by a governmental order or regulation, or that it would be contrary to governmentally established standards or policies; or

(3) That discontinuance of the particular service will enable the seller to maintain other services more necessary to the community directly concerned.

2. Section 1499.670 (b) is amended to read as follows:

(b) A seller discontinuing or failing to supply a service within the above provisions must, unless otherwise permitted to do so by a general permissive order, certify by registered mail, for which a return receipt has been requested, to the appropriate OPA office the existence of one or more of the conditions stated in paragraph (a). Unless sufficient facts are given to support the certification, the request will be denied and an opportunity given to the seller to furnish additional evidence.

A seller discontinuing or failing to supply a service except as permitted under this regulation or by a general permissive order is evading the Emergency Price Control Act of 1942, as amended, and is violating Revised Maximum Price Regulation 165.

This amendment shall become effective September 4, 1945.

Issued this 28th day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-16105; Filed, Aug. 28, 1945; 11:39 a. m.]

Chapter XIII—Petroleum Administration for War

[Recommendation 11, Revocation]

PART 1505—TRANSPORTATION

TANKERS

Recommendation No. 11 of the Office of Petroleum Coordinator for National Defense, 6 F.R. 5537, is hereby revoked, effective September 25, 1945.

(E.O. 9276, 7 F.R. 10091; E.O. 9319, 8 F.R. 3687)

Issued: August 25, 1945.

RALPH K. DAVIES,
Deputy Petroleum Administrator for War.

[F. R. Doc. 45-15939; Filed, Aug. 27, 1945; 11:10 a. m.]

[Recommendation 12, Amdt., Revocation]

PART 1505—TRANSPORTATION

EXCESS COSTS AND COMPENSATING REVENUES

Section 1505.19 through § 1505.22 (Recommendation No. 12, Amendment, of the Office of Petroleum Coordinator for National Defense) are hereby revoked, effective September 25, 1945.

(E.O. 9276, 7 F.R. 10091; E.O. 9319, 8 F.R. 3687)

Issued: August 25, 1945.

RALPH K. DAVIES,
Deputy Petroleum Administrator for War.

[F. R. Doc. 45-15941; Filed, Aug. 27, 1945; 11:10 a. m.]

[Recommendation 44, Revocation]

PART 1505—TRANSPORTATION

UTILIZATION OF TANK CARS

Section 1505.73 and § 1505.74 (Recommendation No. 44 of the Office of Petroleum Coordinator for War) are hereby revoked, effective immediately.

(E.O. 9276, 7 F.R. 10091; E.O. 9319, 8 F.R. 3687)

Issued: August 25, 1945.

RALPH K. DAVIES,
Deputy Petroleum Administrator for War.

[F. R. Doc. 45-15943; Filed, Aug. 27, 1945; 11:11 a. m.]

[Recommendation 49, Revocation]

PART 1505—TRANSPORTATION

UTILIZATION OF FACILITIES OTHER THAN TANK CARS

Section 1505.76 through § 1505.84 (Recommendation No. 49 of the Office of Petroleum Coordinator For War) are hereby revoked, effective September 25, 1945.

(E.O. 9276, 7 F.R. 10091; E.O. 9319, 8 F.R. 3687).

Issued: August 25, 1945.

RALPH K. DAVIES,
Deputy Petroleum Administrator for War.

[F. R. Doc. 45-15943; Filed, Aug. 27, 1945; 11:11 a. m.]

[Recommendation 51, Revocation]

PART 1505—TRANSPORTATION

UTILIZATION OF BARGES

Sections 1505.88 through 1505.96, inclusive, (Recommendation No. 51 of the Office of Petroleum Coordinator for War) are hereby revoked, effective September 25, 1945.

(E.O. 9276, 7 F.R. 10091; E.O. 9319, 8 F.R. 3687)

Issued: August 25, 1945.

RALPH K. DAVIES,
Deputy Petroleum Administrator for War.

[F. R. Doc. 45-15945; Filed, Aug. 27, 1945; 11:11 a. m.]

[Petroleum Directive 50, Revocation]

PART 1510—SUPPLY

ADDITIONAL AND SUPPLEMENTAL MEANS OF TRANSPORTATION

Section 1510.1 through § 1510.4 inclusive, § 1510.7, and § 1510.11 through § 1510.14 inclusive (Petroleum Directive No. 50 of the Office of Petroleum Coordinator for War) are hereby revoked, effective September 25, 1945.

(E.O. 9276, 7 F.R. 10091; E.O. 9319, 8 F.R. 3687)

Issued: August 25, 1945.

RALPH K. DAVIES,
Deputy Petroleum Administrator for War.

[F. R. Doc. 45-15944; Filed, Aug. 27, 1945; 11:11 a. m.]

[PAO 8, Revocation]

PART 1515—PETROLEUM PRODUCTION OPERATIONS

RESTRICTIONS ON DRILLING OF WELLS IN BARNHART FIELD OF REAGAN COUNTY, TEX.

Section 1515.3 (Petroleum Administrative Order No. 8) is hereby revoked, effective September 1, 1945.

(E.O. 9276, 7 F.R. 10091; E.O. 9125, 7 F.R. 2719; E.O. 9319, 8 F.R. 3687; WPB Directive No. 30, 8 F.R. 11559; sec. 2 (a), Public Law 671, 76th Cong.; as amended by Public Laws 89 and 507, 77th Cong.; Public Law 509, 78th Cong.)

Issued: August 28, 1945.

RALPH K. DAVIES,
Deputy Petroleum Administrator for War.

[F. R. Doc. 45 15937; Filed, Aug. 27, 1945; 11:10 a. m.]

[PAO 11, and Supplementary Orders Thereto, Revocation]

PART 1515—PETROLEUM PRODUCTION OPERATIONS

Sections 1515.6, 1515.7, 1515.8 1515.9, 1515.10, 1515.11, 1515.12, 1515.13, 1515.14, 1515.15, 1515.16, 1515.17, 1515.18, 1515.19, 1515.20, 1515.21, 1515.22 (Petroleum Administrative Order No. 11, as amended July 1, 1944, Amendments Nos. 1 and 2 thereto, and Supplementary Orders Nos. 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, and 16 to Petroleum Administrative Order No. 11, each as amended from time to time) are hereby revoked, effective September 1, 1945.

(E.O. 9276, 7 F.R. 10091; E.O. 9319, 8 F.R. 3687; E.O. 9125, 7 F.R. 2719; WPB Directive No. 30, 8 F.R. 11559; sec. 2 (a), Public Law 671, 76th Cong.; Public Laws 89 and 507, 77th Cong.; Public Law 509, 78th Cong.)

Issued: August 28, 1945.

RALPH K. DAVIES,
Deputy Petroleum Administrator for War.

[F. R. Doc. 45-15938; Filed, Aug. 27, 1945; 11:10 a. m.]

[PAO 5, as Amended Sept. 24, 1943, Revocation]

PART 1545—PETROLEUM SUPPLY

MOVEMENT OF PETROLEUM PRODUCTS INTO EAST COAST AREA

Section 1545.2 (Petroleum Administrative Order No. 5, as amended September 24, 1943) is hereby revoked, effective immediately.

(E.O. 9276, 7 F.R. 10091; E.O. 9125, 7 F.R. 2719; E.O. 9319, 8 F.R. 3687; WPB Directive No. 30, 8 F.R. 11559; sec. 2 (a), Pub. Law 671, 76th Cong.; Pub. Laws 89 and 507, 77th Cong.; Pub. Law 509, 78th Cong.)

Issued: August 25, 1945.

RALPH K. DAVIES,
Deputy Petroleum Administrator for War.

[F. R. Doc. 45-15936; Filed, Aug. 27, 1945; 11:12 a. m.]

[PAO 23, as Amended July 31, 1945, Revocation]

PART 1545—PETROLEUM SUPPLY

LIMITATION ON SHIPMENT OF RESIDUAL FUEL OIL AND ASPHALT

Section 1545.7 (Petroleum Administrative Order No. 23, as amended July

[1] 10 F.R. 7403, 7500, 7539, 7578, 7668, 7683, 7799, 8021, 8069, 8239, 8238, 8467, 8611, 8657, 8905, 8936, 9023, 9023, 9023, 9118, 9110, 9277, 9447, 9628, 9928, 10025.

31, 1945) is hereby revoked, effective immediately.

(E.O. 9276, 7 F.R. 10091; E.O. 9125, 7 F.R. 2719; E.O. 9319, 8 F.R. 3687; WPB Directive No. 30, 8 F.R. 11559; sec. 2 (a), Pub. Law 671, 76th Cong.; Pub. Laws 89 and 507, 77th Cong.; Pub. Law 509, 78th Cong.)

Issued: August 25, 1945.

RALPH K. DAVIES,
Deputy Petroleum Administrator for War.

[F. R. Doc. 45-15940; Filed, Aug. 27, 1945; 11:12 a. m.]

[Petroleum Directive 65, as Amended March 15, 1944, Revocation]

PART 1545—PETROLEUM SUPPLY

TRANSPORTATION OF PETROLEUM IN DESIGNATED WESTERN AND SOUTHERN STATES

Section 1545.5 (Petroleum Directive 65, as amended March 15, 1944) is hereby revoked, effective September 1, 1945.

(E.O. 9276, 7 F.R. 10091; E.O. 9319, 8 F.R. 3687)

Issued: August 25, 1945.

RALPH K. DAVIES,
Deputy Petroleum Administrator for War.

[F. R. Doc. 45-15946; Filed, Aug. 27, 1945; 11:11 a. m.]

[Petroleum Directive 67, Revocation]

PART 1545—PETROLEUM SUPPLY

OPERATIONS IN DISTRICT THREE

Section 1545.6 (Petroleum Directive 67) is hereby revoked, effective September 1, 1945.

(E.O. 9276, 7 F.R. 10091; E.O. 9319, 8 F.R. 3687)

Issued: August 25, 1945.

RALPH K. DAVIES,
Deputy Petroleum Administrator for War.

[F. R. Doc. 45-15947; Filed, Aug. 27, 1945; 11:11 a. m.]

[Petroleum Directive 81, Revocation]

PART 1545—PETROLEUM SUPPLY

CRUDE PETROLEUM, ASPHALT AND RESIDUAL FUEL OIL

Section 1545.8 (Petroleum Directive 81) is hereby revoked, effective immediately.

(E.O. 9276, 7 F.R. 10091; E.O. 9319; 8 F.R. 3687)

Issued: August 25, 1945.

RALPH K. DAVIES,
Deputy Petroleum Administrator for War.

[F. R. Doc. 45-15950; Filed, Aug. 27, 1945; 11:12 a. m.]

[PAO 15, Revocation]

PART 1570—MATERIAL CONSERVATION—PIPE LINES, TERMINALS AND REFINING

PETROLEUM GATHERING, MOVEMENT, AND REFINING

Section 1570.1 (Petroleum Administrative Order No. 15, as amended July 14, 1945) is hereby revoked, effective September 1, 1945.

(E.O. 9276, 7 F.R. 10091; E.O. 9319, 8 F.R. 3687; E.O. 9125, 7 F.R. 2719; WPB Directive No. 30, 8 F.R. 11559; sec. 2 (a), Public Law 671, 76th Cong.; Public Laws 89 and 507, 77th Cong.; Public Law 509, 78th Cong.)

Issued: August 28, 1945.

RALPH K. DAVIES,
Deputy Petroleum Administrator for War.

[F. R. Doc. 45-15951; Filed, Aug. 27, 1945; 11:10 a. m.]

[PAW Materials Redistribution Program 2, Revocation]

PART 1575—PETROLEUM INDUSTRY

REDISTRIBUTION OF CERTAIN CRITICAL MATERIALS

Section 1575.2 (PAW Materials Redistribution Program No. 2) is hereby revoked, effective September 1, 1945.

(E.O. 9276, 7 F.R. 10091; E.O. 9125, 7 F.R. 2719; E.O. 9319, 8 F.R. 3687; WPB Directive No. 30, 8 F.R. 11559; sec. 2 (a), Public Law 671, 76th Cong.; as amended by Public Laws 89 and 507, 77th Cong.; Public Law 509, 78th Cong.)

Issued: August 28, 1945.

RALPH K. DAVIES,
Deputy Petroleum Administrator for War.

[F. R. Doc. 45-15935; Filed, Aug. 27, 1945; 11:10 a. m.]

[Petroleum Directive 78, Revocation]

PART 1577—PETROLEUM INDUSTRY—DISTRICT THREE

SUPPLY PROGRAM IN DISTRICT 3

Section 1577.1 (Petroleum Directive No. 78) is hereby revoked, effective September 25, 1945.

(E.O. 9276, 7 F.R. 10091; E.O. 9319, 8 F.R. 3687)

Issued: August 25, 1945.

RALPH K. DAVIES,
Deputy Petroleum Administrator for War.

[F. R. Doc. 45-15949; Filed, Aug. 27, 1945; 11:11 a. m.]

[Petroleum Directive 69, as Amended May 29, 1944, Revocation]

PART 1585—TRANSPORTATION

USE OF INLAND WATERWAY EQUIPMENT IN GREAT LAKES-NEW YORK AREA

Section 1585.1 (Petroleum Directive 69, as amended May 29, 1944) is hereby revoked effective September 25, 1945.

(E.O. 9276, 7 F.R. 10091; E.O. 9319, 8 F.R. 3687)

Issued: August 25, 1945.

RALPH K. DAVIES,
Deputy Petroleum Administrator for War.

[F. R. Doc. 45-15948; Filed, Aug. 27, 1945; 11:11 a. m.]

Chapter XVIII—Office of Economic Stabilization

[Directive 78]

PART 4004—PRICE STABILIZATION; MAXIMUM PRICES

RECONVERSION PRICING

For the purpose of adjusting the price controls of industries reconverting from war to civilian production so as to correct maladjustments in prices which might interfere with effective transition from war to peace, as directed by Executive Order No. 9599, the Office of Price Administration, with my approval, has issued an amendment to Maximum Price Regulation 188 ("Manufacturers' Maximum Prices for Specified Consumer Goods Other Than Apparel") authorizing the issuance by the Price Administrator of orders under which increases in the maximum prices of reconverting industries may be permitted. This amendment sets forth the basis for the issuance of such orders and the principles which will govern the increases in maximum prices authorized by them. It also authorizes the inclusion in the orders of appropriate special provisions for pricing reconversion products for which maximum prices have not yet been established, for the reasonable absorption of manufacturers' increases at later levels of distribution, and for assuring, where necessary, balanced programs of production and distribution and the production of the lower-priced lines of reconversion products. The reasons underlying the provisions of this amendment are fully developed in the Statement of Considerations accompanying its issuance.

Although a considerable proportion of the products of reconverting industries are subject to Maximum Price Regulation No. 188, there are a number of other such products which are subject to other maximum price regulations. Increases in the maximum prices established by these regulations must be authorized by amendments to, or orders issued under the authority of, such regulations or by the issuance of superseding regulations. Any such action hereafter issued, which has for its purpose the effectuation of the objectives of the amendment to Maximum Price Regulation No. 188, described above, and which effectuates such purposes by provisions similar to and consistent with those authorized by that amendment, is hereby approved as in accordance with the Stabilization Act of 1942, as amended, and with Executive Order No. 9599. In connection with any such action, the Price Administrator shall make appropriate provision for the exclusion from consideration of any wage or salary adjustment instituted under the authority of section 1 of title IV of Executive Order 9599, authorizing wage or salary increases through collective bargaining or voluntary action on certain conditions.

(E.O. 9250 and E.O. 9328, 3 CFR, Cum. Supp. pp. 1213, 1267; E.O. 9599, 10 F.R. 10155)

Issued and effective this 25th day of August 1945.

WILLIAM H. DAVIS,
Economic Stabilization Director.

[F. R. Doc. 45-15995; Filed, Aug. 27, 1945; 3:11 p. m.]

Chapter XX—Office of Contract Settlement

[Reg. 16, Amdt. 1]

PART 8007—PROGRAM FOR LIMITED COMPANY-WIDE SETTLEMENT OF TERMINATION CLAIMS

REGULATIONS OF DESIGNATED AGENCY

Regulation No. 16 of this Office is hereby amended as follows:

1. Section 8007.6 (b) thereof, which reads:

(b) That the designated agency will give to the war contractor liable to the assigned contractor the notice required by section 7 (d) of the act, and will give to the contracting officer under each prime contract involved notice of each termination claim that may be included in the scope of company-wide settlement, and an opportunity to present any objections which such contracting officer may have to inclusion of the claim under company-wide settlement;

is modified to read:

(b) That the designated agency will give to the war contractor liable to the assigned contractor the notice required by section 7 (d) of the act;

2. There is deleted in its entirety paragraph (c) of § 8007.6, which reads:

(c) That the designated agency exclude any claim from company-wide settlement when advised by the contracting officer under the prime contract involved that such exclusion is in the interest of continued war production;

3. Paragraphs (d), (e) and (f) of § 8007.6 are renumbered respectively, (c), (d) and (e).

ROGER L. PUTNAM,
Acting Director.

AUGUST 27, 1945.

[F. R. Doc. 45-16053; Filed, Aug. 28, 1945; 10:59 a. m.]

TITLE 49—TRANSPORTATION AND RAILROADS

Chapter I—Interstate Commerce Commission

[Docket No. 2666]

PARTS 71–85—TRANSPORTATION OF EXPLOSIVES[1]

MISCELLANEOUS AMENDMENTS

In the matter of regulations for transportation of explosives and other dangerous articles.

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 22d day of August, A. D. 1945.

It appearing, that pursuant to section 233 of the Transportation of Explosives Act approved March 4, 1921, (41 Stat. 1445), and Part II of the Interstate Commerce Act, the Commission has formulated and published certain regulations for transportation of explosives and other dangerous articles.

It is ordered, that the aforesaid regulations for transportation of explosives and other dangerous articles be, and they are hereby amended as follows:

Part 2—List of Explosives and Other Dangerous Articles (CFR 73)

Amending list, section 4, order Aug. 16, 1940, as follows:

Article	Classed as	Exemptions and packing (see sec.)	Label	Maximum quantity one package by express
(Add) Vinyl chloride, inhibited ..... Monochloroethylene, See Vinyl chloride.	Inf. G	202, 303	Red	*Pounds* 20

[1] Parts 2, 3 and 7 in this order appear in CFR as Parts 73, 75 and 85.

Part 3—Regulations Applying to Shippers (CFR 75)

Amending par. (k), section 303, order Aug. 16, 1940, as follows:

Kind of gas	Maximum permitted filling density (see sec. 303 (h))	Cylinders marked as shown in this column must be used except as provided in Note 1 and sec. 303 (p) (2) to 303 (p) (6)
(Add: Vinyl chloride, inhibited. (See Note 7.)	*Per cent* 84	ICC–4B360, without brazed seams, ICC 3A500, ICC 25.

(Add):

NOTE 7. All parts of valves and safety devices in contact with contents of cylinders must be of steel or must be suitably treated to prevent possible formation of copper acetylide.

Amending item of table, par. (q) (1), section 303, order Aug. 16, 1940, as follows:

Name of gas	Maximum permitted filling density (see Note 11)	Required type of tank car, Note 2
(Add: Vinyl chloride, inhibited. (See Note 16)	*Per cent* 84 / 87	ICC–106A700, note 12. / ICC–105A300.

(Add):

NOTE 16. All parts of valves and safety devices in contact with contents of tank must be of steel or must be suitably treated to prevent possible formation of copper acetylide.

[1] Parts 2, 3 and 7 in this order appear in CFR as Parts 73, 75 and 85.

Superseding and amending par. (q) (1), note 12, section 303, order January 25, 1945, as follows:

NOTE 12. Tanks complying with specification 106A500, containing chlorine, anhydrous ammonia, sulfur dioxide, methyl chloride, dichlorodifluoromethane, monochlorodifluoromethane, monochlorotetrafluoroethane, vinyl chloride, inhibited, may be transported on trucks or semitrailers only, when securely chocked or clamped thereon to prevent shifting, and provided adequate facilities are present for handling tanks where transfer in transit is necessary. See par. (b) (2), sec. 560, for rail freight-motor vehicle shipments.

Part 7—Regulations Applying to Shipments Made by Way of Common, Contract and Private Carriers by Public Highway (CFR 85)

Superseding and amending par. (g) 3, section 824, order January 25, 1945, as follows:

(g) (3) Tanks complying with specification 106A500, containing chlorine, anhydrous ammonia, sulfur dioxide, methyl chloride, dichlorodifluoromethane, monochlorodifluoromethane, monochlorotetrafluoroethane, or vinyl chloride, inhibited, may be transported on trucks or semitrailers only, when securely chocked or clamped thereon to prevent shifting, and provided adequate facilities are present for handling tanks where transfer in transit is necessary. See par. (b) (2), section 569 for rail freight-motor vehicle shipments.

It is further ordered, That this order shall become effective on August 22, 1945, and shall remain in full force and effect until further order of the Commission;

And it is further ordered, That a copy of this order shall be served upon all parties of record herein; and notice shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(Sec. 232–236, 41 Stat. 1444–1445, sec. 204, 49 Stat. 546, sec. 4, 52 Stat. 1237, sec.

20, 54 Stat. 922, 56 Stat. 176; 18 U.S.C. 383, 49 U.S.C. 304)

By the Commission, Division 3.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 45-15922; Filed, Aug. 27, 1945; 10:59 a. m.]

[S. O. 350-A]

PART 95—CAR SERVICE

PERMIT REQUIRED FOR SHIPMENT OF LIVE POULTRY

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 27th day of August, A. D. 1945.

Upon further consideration of the provisions of Revised Service Order No. 350 (10 F.R. 9929), and good cause appearing therefor: *It is ordered*, That:

Service Order No. 350 (10 F.R. 9929), *Permit required for shipment of live poultry*, be, and it is hereby, vacated and set aside.

It is further ordered, That this order shall become effective at 12:01 a. m., August 27, 1945; that a copy of this order and direction shall be served upon the State railroad regulatory bodies of North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, Texas, Minnesota, Iowa, Missouri, Wisconsin, Illinois, and Indiana; and upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

By the Commission, Division 3.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 45-16061; Filed, Aug. 28, 1945; 11:10 a. m.]

Chapter II—Office of Defense Transportation

[General Order ODT L-3, as Amended, Revocation]

PART 504—DIRECTION OF MOTOR TRAFFIC MOVEMENT

MOTOR TRANSPORTATION OF POULTRY FROM OR WITHIN DESIGNATED AREAS

Pursuant to Executive Orders 8989, as amended, and 9156, General Order ODT L-3, as amended, §§ 504.20 to 504.23, inclusive (9 F.R. 14307, 10 F.R. 161, 5603, 9721), is hereby revoked effective August 27, 1945.

(E.O. 8989, as amended, 6 F.R. 6725, 8 F.R. 14183; E.O. 9156, 7 F.R. 3349)

Issued at Washington, D C., this 27th day of August 1945.

J. M. JOHNSON, *Director, Office of Defense Transportation.*

[F. R. Doc. 45-16049; Filed, Aug. 28, 1945; 10:49 a. m.]

[General Order ODT L-4, as Amended, Revocation]

PART 504—DIRECTION OF MOTOR TRAFFIC MOVEMENT

MOTOR TRANSPORTATION OF IRISH POTATOES FROM DESIGNATED AREAS

Pursuant to Executive Orders 8989, as amended, and 9156, General Order ODT-L-4, as amended, §§ 504.30 to 504.33, inclusive (9 F.R. 14502, 10 F.R. 1245, 1705, 2448, 3290, 4505, 5961, 6598, 7814, 8293, 8752), is hereby revoked effective August 27, 1945.

(E.O. 8989, as amended, 6 F.R. 6725, 8 F.R. 14183; E.O. 9156, 7 F.R. 3349)

Issued at Washington, D. C., this 27th day of August 1945.

J. M. JOHNSON, *Director, Office of Defense Transportation.*

[F. R. Doc. 45-16050; Filed, Aug. 28, 1945; 10:49 a. m.]

[General Order ODT L-6, Revocation]

PART 504—DIRECTION OF MOTOR TRAFFIC MOVEMENT

MOTOR TRANSPORTATION OF POULTRY WITHIN OR FROM DESIGNATED AREA

Pursuant to Executive Orders 8989, as amended, and 9156, General Order ODT L-6, §§ 504.24 to 504.28, inclusive (10 F.R. 9721), is hereby revoked effective August 27, 1945.

(E.O. 8989, as amended, 6 F.R. 6725, 8 F.R. 14183; E.O. 9156, 7 F.R. 3349)

Issued at Washington, D. C., this 27th day of August 1945.

J. M. JOHNSON, *Director, Office of Defense Transportation.*

[F. R. Doc. 45-16051; Filed, Aug. 28, 1945; 10:49 a. m.]

Notices

DEPARTMENT OF AGRICULTURE.

Production and Marketing Administration.

[P. & S. Docket No. 308]

MARKET AGENCIES AT SIOUX CITY STOCK YARDS, SIOUX CITY, IOWA

NOTICE OF PETITION FOR MODIFICATION

By an order entered on July 25, 1931, issued pursuant to the provisions of the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), the Acting Secretary of Agriculture prescribed maximum reasonable rates and charges to be observed by the respondents. From time to time this order has been modified by supplemental consent orders.

By a petition filed with the hearing clerk on August 14, 1945, which is set out below, the respondents requested that a supplement (Supplement No. 2) to their existing commission tariff No. 14 be accepted. The petition states that the charge provided for in the supplement is to cover services in connection with certifications to enable consignors to collect subsidy payments which may be due them under the cattle subsidy program of the Government:

SECTION G

EXTRA SERVICE CHARGES

(Adding Paragraph 3)

When livestock upon which livestock subsidies may be collected are shown upon an Account Sale rendered by the market agencies subscribing to this petition, a charge of twenty-five (25) cents for each entry appearing thereon and eligible for subsidy shall be collected.

The extra service charge, if granted, would result in additional revenue to the respondents and, accordingly, it appears that public notice should be given to all interested persons of the petition and an opportunity afforded all interested persons, including respondents' patrons, to indicate their wishes to be heard in the matter.

Therefore, notice is hereby given to the public and to all interested persons of respondents' petition for leave to apply the service charge and for the purpose of affording said respondents and all other interested persons, including patrons of the respondents, an opportunity to be heard upon the matters covered in the petition.

All interested persons who desire to be heard shall notify the Hearing Clerk, Office of the Solicitor, United States Department of Agriculture, Washington 25, D. C., within 15 days from the date of publication of this notice.

Copies hereof shall be served upon the respondents by registered mail or in person.

Done at Washington 25, D. C., this 27th day of August 1945.

[SEAL] C. W. KITCHEN, *Assistant Administrator, Production and Marketing Administration.*

[F. R. Doc. 45-15994; Filed, Aug. 27, 1945; 12:26 p. m.]

INTERSTATE COMMERCE COMMISSION.

[2d Rev. S. O. 300, Special Permit 44]

ICING OF POTATOES FROM GREENPORT, LONG ISLAND, N. Y.

Pursuant to the authority vested in me by paragraph (e) of the first ordering paragraph of Second Revised Service Order No. 300 (10 F.R. 6802), permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard the provisions of Second Revised Service Order No. 300 insofar as it applies to the furnishing of initial icing only, on cars of potatoes, PFE 92689 consigned to Riggs and Company, East Liverpool, Ohio, and SFRD 36156 consigned to W. E. Osborne, New Brighton, Penna., both shipped August 22, 1945, by F. H. Vahlsing, Inc., from Greenport, L. I., N. Y., routed L. I.-P. R. R.

The waybills shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 23d day of August 1945.

V. C. CLINGER, *Director, Bureau of Service.*

[F. R. Doc. 45-16055; Filed, Aug. 28, 1945; 11:10 a. m.]

[Rev. R. O. 330, Special Permit 1]

PREICING OF POTATOES FROM SILVA, ARIZ.

Pursuant to the authority vested in me by paragraph (e) of the first ordering paragraph of Revised Service Order No. 330 (10 F.R. 9802), permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard the provisions of Revised Service Order No. 330 insofar as it applies to the preicing to full bunker capacity 60 cars of potatoes to be shipped on or before September 5, 1945, by the K. P. Sales Company, Nogales, Arizona, from Silva, Arizona, to the Sonora district in Mexico via Sou. Pac.

The waybills shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 23d day of August 1945.

V. C. CLINGER, *Director, Bureau of Service.*

[F. R Doc. 45-16056; Filed, Aug. 28, 1945; 11:10 a. m.]

[Rev. S. O. 345, Special Permit 6]

REFRIGERATION OF POTATOES FROM CHICAGO, ILL., ST. LOUIS, MO., AND GIBBON, NEBR.

Pursuant to the authority vested in me by paragraph (g) of the first ordering paragraph of Revised Service Order No. 345 (10 F.R. 10034), permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard the provisions of Revised Service Order No. 345 insofar as it applies to the furnishing of standard refrigeration to Port Everglades, Florida; from Chicago, Illinois, on cars PFE 60021 and PFE 46079, routed IC NC&StL, and from St. Louis, Missouri on car PFE 44888, routed CB&Q-NC&StL, all cars of potatoes from Gibbon, Nebraska, August 21, 1945, consigned to Plowaty Bergart Company, Atlanta, Georgia, for reconsignment there to Roger McVeigh, Port Everglades, Florida, routed ABC-ACL-FEC, beyond Atlanta.

The waybills shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 23d day of August 1945.

V. C. CLINGER, *Director, Bureau of Service.*

[F. R. Doc. 45-16057; Filed, Aug. 28, 1945; 11:10 a. m.]

[Rev. S. O 345, Special Permit 7]

REICING OF POTATOES AT KANSAS CITY, MO.-KANS.

Pursuant to the authority vested in me by paragraph (g) of the first ordering paragraph of Revised Service Order No. 345 (10 F.R. 10034), permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard the provisions of Revised Service Order No. 345 insofar as it applies to the furnishing of one additional reicing in transit only, with not to exceed 8,000 pounds of ice, at Kansas City, Mo.-Kan., not later than August 31, 1945, by the Missouri Pacific Railroad, on car URT 9726, potatoes, shipped from Moses Lake, Washington, August 17, 1945, destined Oklahoma City, Oklahoma. (CMStP&P-Mo.Pac.-R.I.).

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 23d day of August 1945.

V. C. CLINGER, *Director, Bureau of Service.*

[F. R. Doc. 45-16058; Filed, Aug. 28, 1945; 11:10 a. m.]

[Rev. S. O. 346, 3d Amended General Permit 2]

ICING OR REICING OF GREEN CORN OR PEAS AT ALAMOSA OR PUEBLO, COLO.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph of Service Order No. 346 (10 F.R. 10035), permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard the provisions of paragraph (b) of Revised Service Order No. 346 insofar as it applies to the initial bunker icing or reicing in transit in bunkers of cars loaded with green corn or peas; provided that on cars of peas originating on The Denver and Rio Grande Western Railroad Company (Wilson McCarthy and Henry Swan, Trustees) west of Walsenburg, Colorado, that carrier may accord the initial bunker icing at either Alamosa or Pueblo, Colorado.

This general permit shall become effective at 12:01 a. m., August 24, 1945, and shall apply only to cars billed on or after that time. This general permit shall expire at 11:59 p. m., September 20, 1945.

The waybills shall show reference to this general permit.

A copy of this general permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 23d day of August 1945.

V. C. CLINGER, *Director, Bureau of Service.*

[F. R. Doc. 45-16059; Filed, Aug. 28, 1945; 11:10 a. m.]

[Rev. S. O. 346, Special Permit 5]

ICING OF CARROTS AT MEMPHIS, TENN.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph of Revised Service Order No. 346 (10 F.R. 10035), permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard the provisions of Revised Service Order No. 346 insofar as it applies to the furnishing of one additional retop icing in transit only, with not to exceed 8,000 pounds of retop ice, at Memphis, Tennessee, not later than August 31, 1945, on car PFE 38786, sacked carrots, shipped by Mefferd Fruit Company, from Canoga Park, California, August 21, 1945, routed SP-TP-MP-Frisco-CofGa-SAL.

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 23d day of August 1945.

V. C. CLINGER, *Director, Bureau of Service.*

[F. R. Doc. 45-16060; Filed, Aug. 28, 1945; 11:10 a. m.]

OFFICE OF ALIEN PROPERTY CUSTODIAN.

[Vesting Order 921, Amdt.]

HEITARO FUJITA

In re: Real properties located in Passaic County, New Jersey, owned by Heitaro Fujita.

Vesting Order Number 921, dated February 17, 1943, as amended, is hereby further amended as follows and not otherwise:

By deleting therefrom the vesting clause and substituting therefor the following:

hereby vests in the Alien Property Custodian the property described above, subject to liens, encumbrances and other rights duly recorded in the Land Records of Passaic County, New Jersey, held by or for persons who are not nationals of designated enemy countries, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

All other provisions of said Vesting Order Number 921, as amended, and all action taken on behalf of the Alien Property Custodian in reliance thereon, pursuant thereto and under the authority thereof, are hereby ratified and confirmed.

Executed at Washington, D. C., on August 23, 1945.

[SEAL] JAMES E. MARKHAM,
Alien Property Custodian.

[F. R. Doc. 45-15985; Filed, Aug. 27, 1945; 11:36 a. m.]

[Vesting Order 5088]

PAUL WEISS

In re: Real property, mortgage, property insurance policies and claims owned by Paul Weiss.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

1. That Paul Weiss, whose last known address is Cossengrim, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That Paul Weiss is the owner of the property described in subparagraph 3 hereof;

3. That the property described as follows:

a. Real property situated in the Borough of Palisades Park, County of Bergen, State of New Jersey, particularly described in Exhibit A, attached hereto and by reference made a part hereof, together with all hereditaments, fixtures, improvements and appurtenances thereto, and any and all claims for rents, refunds, benefits or other payments arising from the ownership of such property,

b. A certain mortgage executed by Park Boulevard Corporation, a New Jersey corporation, as mortgagor, on April 29, 1939, in favor of Paul Weiss, as mortgagee and recorded in the office of the Register of Hudson County, New Jersey, in Liber 1827 of Mortgages at page 325, on the real property located at 123 Parkview Avenue, Weehawken, New Jersey, and any and all obligations secured by said mortgage, including but not limited to all security rights in and to any and all collateral (including the aforesaid mortgage) for any and all such obligations, and the right to enforce and collect such obligations, and the right to the possession of any and all notes, bonds or other instruments evidencing such obligations,

c. All right, title and interest of Paul Weiss in and to the following insurance policies insuring the premises described in subparagraphs 3-a and 3-b hereof:

(i) Fire Insurance Policy Number 121 875, issued by the Northern Insurance Company of New York, insuring the premises described in subparagraph 3-a hereof;

(ii) Fire Insurance Policy Number 526 177, issued by the Security National Fire Insurance Company, Galveston, Texas, insuring the premises described in subparagraph 3-b hereof;

(iii) War Damage Insurance Policy Number 529-51-170, issued through the Century Insurance Company, Ltd., New York, insuring the premises described in subparagraph 3-b hereof;

d. All right, title, interest and claim of any name or nature whatsoever of Paul Weiss in and to any and all obligations, contingent or otherwise and whether or not matured, owing to him by Reinard Weiss, 69-15 Polk Avenue, Gutenberg, New Jersey, including particularly but not limited to those sums arising by reason of rents collected from the real property described in subparagraph 3-a hereof, and by reason of interest received from the mortgage described in subparagraph 3-b hereof, a portion of which sums are deposited in an account with the Trust Company of New Jersey, Union City, New Jersey, in the names of Reinhard Weiss and Emma Weiss, known as Savings Account No. 41954, and any and all security rights in and to any and all collateral for any and all such obligations, and the right to enforce and collect the same, and

e. All right, title, interest and claim of any name or nature whatsoever of Paul Weiss in and to any and all obligations, contingent or otherwise and whether or not matured, owing to him by Otto Venino, Jr., 410 38th Street, Union City, New Jersey, including but not limited to all security rights in and to any and all collateral for any and all such obligations and the right to enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, a designated enemy country (Germany) or national thereof;

And determining that to the extent that such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described in subparagraph 3-a hereof, subject to recorded liens, encumbrances and other rights of record held by or for persons who are not nationals of designated enemy countries, and hereby vests in the Alien Property Custodian the property described in subparagraphs 3-b to 3-e, inclusive, hereof.

All such property so vested to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall this order be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC-1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on July 12, 1945.

[SEAL] FRANCIS J. MCNAMARA,
Deputy Alien Property Custodian.

EXHIBIT A

All those certain lots, pieces or parcels of land and premises hereinafter particularly described, situate, lying and being in the Borough of Palisades Park, County of Bergen and State of New Jersey, which upon a certain map filed in the Bergen County Clerk's Office, April 16, 1900, as Map No. 469 entitled "Hitchcock's Revised copy of Palisades Park and Palisades Heights, Bergen County, New Jersey" re-surveyed by Willard Cass, C. E., Englewood, New Jersey, are known, laid down and designated as parts of lots numbered 2453 and 2454, more particularly described as follows:

Beginning at a point on the Westerly side or line of 14th Street, distant 133.33 feet Northerly from the corner formed by the intersection of the Westerly side or line of 14th Street with the Northerly side or line of Central Blvd. as shown on said map, running thence (1) Westerly and parallel with the Northerly side or line of Central Blvd. 100 feet to point; thence (2) Northerly and parallel with the Westerly side or line of 14th Street 33.33 feet to a point; thence (3) Easterly and parallel with the first course 100 feet to a point in the Westerly side or line of 14th Street; thence (4) Southerly and along the Westerly side or line of 14th Street 33.33 feet to the point or place of beginning.

[F. R. Doc. 45-15986; Filed, Aug. 27, 1945; 11:36 a. m.]

[Supp. Vesting Order 5182]

SIMPSON LANGE & CO., INC.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the Alien Property Custodian, after investigation:

1. Having found and determined in Vesting Order Number 210, dated October 3, 1942, that Simpson Lange & Co., Inc., is a business enterprise within the United States and a national of a designated enemy country (Germany);

2. Finding that the persons named below have claims against Simpson Lange & Co., Inc., which are represented on the books and records of Simpson Lange & Co., Inc., as accounts payable in the amounts set forth opposite each name, as of December 31, 1944, subject to any accruals or deductions thereafter, and which represent interests in Simpson Lange & Co., Inc.:

Name:	Amount
Karl Heinz Lange	$39,166.02
Frederich Ellmers	10.68
C. W. Von Holtz & Co.	28.88
Kerehne & Nagel	6.48
Ungarische Textilindustrie, A. G.	332.00
	39,544.06

3. Finding that the last known addresses of Karl Heinz Lange and Frederich Ellmers are Bremen, Germany and that they are residents of Germany and nationals of a designated enemy country (Germany);

4. Finding that C. W. Von Holtz & Co. and Kerehne & Nagel are business organizations organized under the laws of, and maintaining their principal places of business in, Germany and are nationals of a designated enemy country (Germany);

5. Finding that Ungarische Textilindustrie, A. G., is a business organization organized under the laws of, and maintaining its principal place of business in, Hungary and is a national of a designated enemy country (Hungary);

and determining:

6. That to the extent that such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of designated enemy countries (Germany and Hungary);

and having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the interests of Karl Heinz Lange, Frederich Ellmers, C. W. Von Holtz & Co., Kerehne & Nagel and Ungarische Textilindustrie, A. G., in Simpson Lange & Co., Inc., more fully described in subparagraph 2 hereof, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC-1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national", "designated enemy country" and "business enterprise within the United States" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on August 21, 1945.

[SEAL] JAMES E. MARKHAM,
Alien Property Custodian.

[F. R. Doc. 45-15987; Filed, Aug. 27, 1945; 11:36 a. m.]

[Vesting Order CE 37]

COSTS AND EXPENSES INCURRED IN CERTAIN ACTIONS OR PROCEEDINGS IN WASHINGTON, MINNESOTA, ILLINOIS AND OREGON COURTS

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the Alien Property Custodian:

Having found that each of the persons named in Column 1 of Exhibit A, attached hereto and by reference made a part hereof, was a person within the designated enemy country or enemy-occupied territory appearing opposite such person's respective name in Column 2 of said Exhibit A;

Having determined that it was in the interest of the United States to take measures in connection with representing each of said persons in the court or administrative action or proceeding identified in Column 3 of said Exhibit A, and having taken such measures;

Finding that as a result of such action or proceeding each of said persons obtained or was determined to have an interest in property, which interest is particularly described in Column 4 of said Exhibit A;

Finding that such property is in the possession, custody or control of the person described in Column 5 of said Exhibit A; and

Finding that the Alien Property Custodian has incurred, in each of such court or administrative actions or proceedings, costs and expenses in the amount stated in Column 6 of said Exhibit A,

hereby vests in the Alien Property Custodian, to be used or otherwise dealt with in the interest, and for the benefit of the United States, from the property in the possession, custody, or control of the persons described in said Column 5 of said Exhibit A, the sums stated in said Column 6 of said Exhibit A, such sums being the amounts of such property equal to the costs and expenses incurred by the Alien Property Custodian in such actions or proceedings.

This order shall not be deemed to limit the powers of the Alien Property Custodian to return such property if and when it should be determined that such return should be made.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C. on August 21, 1945.

[SEAL] JAMES E. MARKHAM,
Alien Property Custodian.

EXHIBIT A

Item 1

Column 1 Name	Column 2 Country or territory	Column 3 Action or proceeding	Column 4 Interest	Column 5 Depositary	Column 6 Sum vested
Alfred Dinissen	Norway	Estate of Josephine Olsen, deceased, in the Superior Court of the State of Washington, in and for the county of Pierce, No. 38164.	$1,900.98	National City Bank of New York, New York, N. Y., account in the name of the Royal Norwegian Government Special Account "H," Washington, D. C.	$26.38
Item 2					
Mrs. Marie Holm	Norway	Same	$1,900.98	Same	$26.38
Item 3					
Kaare Nordstrom	Norway	Estate of Harry Gunderson, deceased, in the Superior Court of the State of Washington, in and for the county of King, No. 81339.	$3,849.11	Same	$15.09
Item 4					
Lars Marden	Norway	Same	$3,849.11	Same	$15.09

EXHIBIT A—Continued

Item 5

Column 1 Name	Column 2 Country or territory	Column 3 Action or proceeding	Column 4 Interest	Column 5 Depositary	Column 6 Sum vested
Arne Marlon	Norway	Same	$3,859.11	Same	$17.28
Item 6					
Olina Iversen	Norway	Estate of Carene Gisness, deceased, in the Superior Court of the State of Washington, in and for the county of Pierce, No. 36174.	$104.00	Same	$12.22
Item 7					
Halvor Gisness	Norway	Same	$104.00	Same	$12.22
Item 8					
Ane Fladth	Norway	Same	$20.80	Same	$2.47
Item 9					
Paul Fladth	Norway	Same	$20.80	Same	2.11
Item 10					
Hnaken Fladth	Norway	Same	$20.80	Same	$2.41
Item 11					
Jens Fladth	Norway	Estate of Carene Gisness, deceased, in the Superior Court of the State of Washington, in and for the county of Pierce, No. 36174.	$20.80	National City Bank of New York, New York, N. Y., account in the name of the Royal Norwegian Government Special Account "H," Washington, D. C.	$2.14
Item 12					
Margaret Fladth	Norway	Same	$20.80	Same	$2.14
Item 13					
Mrs. Karen Solberg	Norway	Estate of Iver Thompson, deceased, in the Superior Court of the State of Washington, in and for the county of King, No. 86107.	$500.00	Same	$41.23
Item 14					
Mrs. Mary Evenson	Norway	Same	$500.00	Same	$41.23
Item 15					
Rachel Kristensen	Norway	Estate of Hans Kristensen, deceased, in the Superior Court of the State of Washington, in and for the county of King, No. 85750.	$985.62	Same	$8.48
Item 16					
Thurid Kristensen	Norway	Same	$328.54	Same	$8.76
Item 17					
John Doe Kristensen	Norway	Same	$328.54	Same	$8.76
Item 18					
John Doe Kristensen	Norway	Same	$328.54	Same	$8.75
Item 19					
Gjertrude Taksgaard	Norway	Estate of Ole Ulseth, deceased, in the Probate Court of Polk county, Crookston, Minn.	$2,315.75	Same	$91.63
Item 20					
Kjerstine Simastuen	Norway	Same	$2,315.75	Same	$91.63

EXHIBIT A—Continued

Item 21

Column 1 Name	Column 2 Country or territory	Column 3 Action or proceeding	Column 4 Interest	Column 5 Depositary	Column 6 Sum vested
Randi Borgen	Norway	Estate of John Nelson Borgen, deceased, in Probate Court of Hennepin County, Minn., File No. 61146.	$234.34	National City Bank of New York, New York, N. Y., account in the name of the Royal Norwegian Government Special Account "H", Washington, D. C.	$13.45
Item 22					
Martha Opdal	Norway	Same	$234.34	Same	$18.44
Item 23					
Erling N. Borgen	Norway	Same	$234.33	Same	$14.44
Item 24					
Hilbertine Elvine Hansen	Norway	Estate of Louise Bertina Mollan, also known as Lovise Bertina Mollan, also known as Louise B. Mollon, deceased, in Probate Court of Hennepin County, Minn., File No. 61302.	$1,410.09	Same	$91.43
Item 25					
Josefine Olea Petrine Antonsen	Norway	Same	$1,410.09	Same	$91.43
Item 26					
Klaus Maldevin Gregorius	Norway	Same	$1,410.09	Same	$91.42
Item 27					
Amanda Sofie Nilsen	Norway	Same	$1,410.09	Same	$91.42
Item 28					
Einar Onsum	Norway	Estate of Frank H. May, deceased, in Probate Court of Cook County, Ill.	$376.10	Same	$21.66
Item 29					
Ella Onsum Lindeman	Norway	Same	$376.10	Same	$21.66
Item 30					
Ellen Greger	Norway	Estate of Andrew Abrahamson, deceased, in the Circuit Court of the State of Oregon, in and for the county of Clackamas, No. 7083.	$61.07	National City Bank of New York, New York, N. Y., account in the name of the Royal Norwegian Government Special Account "H," Washington, D. C.	$7.56

[F. R. Doc. 45-15988; Filed, Aug. 27, 1945; 11:36 a. m.]

OFFICE OF PRICE ADMINISTRATION.

[MPR 120, Order 1448]

CORRISTAN BROS., ET AL.

ORDER ESTABLISHING MAXIMUM PRICES AND PRICE CLASSIFICATIONS

For the reasons set forth in an accompanying opinion, and in accordance with § 1340.210 (a) (6) of Maximum Price Regulation No. 120; *It is ordered:*

Producers identified herein operate named mines assigned the mine index numbers, the price classifications and the maximum prices in cents per net ton, for the indicated uses and shipments as set forth herein. All are in District No. 1. The mine index numbers and the price classifications assigned are permanent but the maximum prices may be changed by an amendment issued after the effective date of this order where such an amendment is issued for the district in which the mines involved herein are located and where the amendment makes no particular reference to a mine or mines involved herein, the prices shall be the prices set forth in such amendment for the price classifications of the respective size groups. The location of each mine is given by county and state. The maximum prices stated to be for truck shipment are in cents per net ton f. o. b. the mine or preparation plant and when stated to be for rail shipment or for railroad locomotive fuel are in cents per net ton f. o. b. rail shipping point. In cases where mines ship coals by river the prices for such shipments are those established for rail shipment and are in cents per net ton f. o. b. river shipping point. However, producer is subject to the provisions of § 1340.212 and all other provisions of Maximum Price Regulation No. 120.

CORRISTAN BROTHERS, c/o HUGH CORRISTAN, OHIOPYLE, OHIO. THORPE MINE, E SEAM, MINE INDEX NO. 5440, FAYETTE COUNTY, PA., SUBDISTRICT 37, RAIL SHIPPING POINT, DUNBAR, PA., DEEP MINE

	Size group Nos.				
	1	2	3	4	5
Price classification	II	II	II	II	II
Rail shipment	358	358	338	313	313
Railroad locomotive fuel	348	348	333	323	323
Truck shipment	378	353	353	343	333

CORRISTAN BROTHERS, C/O HUGH CORRISTAN, OHIOPYLE, OHIO, THROPE MINE; E SEAM, MINE INDEX NO. 540, FAYETTE COUNTY, PA., SUBDISTRICT 35, RAIL SHIPPING POINT, DUNBAR, PA., STRIP MINE

	Size group Nos.				
	1	2	3	4	5
Price classification	H	H	H	H	H
Rail shipment	330	330	310	285	285
Railroad locomotive fuel	320	320	305	295	295
Truck shipment	350	325	325	315	305

FLEEGLE AND DARR, ROUTE NO. 1, CAIRNBROOK, PA., FLEEGLE MINE, A SEAM, MINE INDEX NO. 5396, SOMERSET COUNTY, PA., SUBDISTRICT 38, DEEP MINE

Truck shipment	383	358	358	348	338

JAMES F. HOFFMAN, KARTHAUS, PA., SAVEL MINE, E SEAM, MINE INDEX NO. 5068, CLEARFIELD COUNTY, PA., SUBDISTRICT 9, RAIL SHIPPING POINT, KARTHAUS, PA., STRIP MINE.

Price classification	D	D	D	D	D
Rail shipment	360	340	335	325	325
Railroad locomotive fuel	320	320	305	295	295
Truck shipment	370	345	345	335	325

PINE RUN COAL CO., CLEARFIELD, PA., PINE RUN NO. 2 MINE, D SEAM, MINE INDEX NO. 5479, CLEARFIELD COUNTY, PA., SUBDISTRICT 13, RAIL SHIPPING POINT, GLEN HOPE, PA., STRIP MINE

Price classification	D	D	D	D	D
Rail shipment	360	340	335	325	325
Railroad locomotive fuel	320	320	305	295	295
Truck shipment	370	345	345	335	325

The maximum prices listed in this order include the increase in maximum prices where authorized by Amendment No. 146 to MPR 120 which became effective August 3, 1945.

This order shall become effective August 27, 1945.

(56 Stat. 23, 765, 57 Stat. 566; Pub. Law 383, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 25th day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-15883; Filed, Aug. 25, 1945; 12:04 p. m.]

[MPR 120, Order 1449]

HART & HART

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and in accordance with § 1340.210 (a) (18) of Maximum Price Regulation No. 120; *It is ordered:*

(a) Coals produced in consolidated Size Group A by Hart & Hart at its Webster Mine, Mine Index No. 2024 in District No. 9, when sold to Reed Trucking Company and delivered over the purchaser's conveyor to the purchaser's bins, may be sold at prices not exceeding $2.86 per net ton f. o. b. the seller's tipple.

(b) All prayers of applicant not granted herein are hereby denied.

(c) This order may be revoked or amended at any time.

(d) Except as specifically provided in this order, the provisions of Maximum Price Regulation No. 120 shall remain in effect.

This order shall become effective August 27, 1945.

Issued this 25th day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-15885; Filed, Aug. 25, 1945; 12:05 p. m.]

[RMPR 122, Amdt. 30 to Rev. Order 47, Correction]

SOLID FUELS IN WASHINGTON, D. C. AND ALEXANDRIA, VA.

ADJUSTMENT OF MAXIMUM PRICES

Amendment No. 30 to Revised Order No. 47 under Revised Maximum Price Regulation No. 122 is hereby corrected in the following respects:

1. In Item 1 the paragraph (c) (1) maximum prices for Glen Rogers and Berwind briquettes are corrected to read as follows:

Kind and size	Per ton net (2,000 lbs.)	Per ¼ ton net (1,000 lbs.)
• • •	•	•
Briquettes:		
Glen Rogers briquettes	$10.88	$5.95
Berwind briquettes	10.68	5.85
• • •	•	•

2. In Item 2 the paragraph (d) maximum prices for Pennsylvania anthracite and for Glen Rogers and Berwind briquettes are corrected to read as follows:

Kind and size	Consumer prices		Dealer prices—net ton (2,000 lbs.)
	Net ton (2,000 lbs.)	Per 1,000 lbs.	
Pennsylvania anthracite:			
Egg, stove nut	$13.43	$0.99	$12.04
Pea	11.58	.82	10.24
Buckwheat No. 1	9.39	.....	8.14
Rice (buckwheat No. 2)	8.08	.....	7.28
Barley (buckwheat No. 3)	•	•	6.88
• • •	•	•	•
Briquettes:			
Glen Rogers briquettes	9.99	.....	.....
Berwind briquettes	8.83	.....	.....
• • •	•	•	•

This correction shall be effective as of August 4, 1945.

Issued this 25th day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-15886; Filed, Aug. 25, 1945; 12:05 p. m.]

[RMPR 122, Amdt. 33 to Rev. Order 47]

SOLID FUELS IN WASHINGTON AREA AND ALEXANDRIA, VA.

ADJUSTMENT OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and in accordance with § 1340.260 of Revised Maximum Price Regulation No. 122; *It is ordered,* That Revised Order No. 47 under Revised Maximum Price Regulation No. 122 be amended in the following respects:

In paragraph (f) the maximum prices for coke and reclaimed coke are amended to read as follows:

Kind and size	Per ton (2,000 lbs.)	Per ¼ ton (1,000 lbs.)
Coke	$14.40	$7.7
Reclaimed coke:		
Nut	12.70	6.8
Pea	10.95	5.9

This amendment shall be effective as of August 10, 1945.

Issued this 25th day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-15887; Filed, Aug. 25, 1945; 12:05 p. m.]

[RMPR 136, Amdt. 1 to Order 469]

A. T. FERRELL & CO.

DETERMINATION OF MAXIMUM PRICES

Amendment No. 1 to Order No. 469 Under Revised Maximum Price Regulation 136; machines, parts and industrial equipment; A. T. Ferrell and Company, Docket No. 6083-136.21-392.

Paragraph (a) is amended to read as follows:

(a) The maximum prices for sales by A. T. Ferrell and Company, Saginaw, Michigan, of food processing machinery and repair and replacement parts shall be determined as follows:

(1) To users: The manufacturer shall multiply by 104.4% the maximum net price he had in effect just prior to the issuance of this order.

(2) To jobbers: The manufacturer shall multiply by 105.2% the maximum net price he had in effect just prior to the issuance of this order.

This amendment shall become effective August 27, 1945.

Issued this 25th day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-15887; Filed, Aug. 25, 1945; 12:05 p. m.]

[RMPR 136, Order 494]

HARLEY-DAVIDSON MOTORCYCLE CO

AUTHORIZATION OF MAXIMUM PRICES

Order No. 494 Under Revised Maximum Price Regulation 136; machines, parts and industrial equipment; Harley-Davidson Motorcycle Company, Docket No. 6083-136.21-425.

For the reasons set forth in an opinion, issued simultaneously herewith, and filed with the Division of the Federal Register, and pursuant to section 21 of Revised Maximum Price Regulation 136, *It is ordered:*

(a) The Harley-Davidson Motorcycle Company, Milwaukee, Wisconsin, is authorized to sell each Harley-Davidson Motorcycle described in subparagraph (1) at a price not to exceed the applicable list price in subparagraph (1), adjusted as provided in that subparagraph, plus the applicable allowances in subparagraph (2):

(1) *List price.* The following applicable list price, f. o. b. factory, to which shall be applied the seller's discount in effect on March 31, 1942:

Motorcycles and List Price, F. O. B. Factory

Model G (servi-car), $593.93 (including federal excise tax on tires and tubes).
Model GA (servi-car), $582.07 (including federal excise tax on tires and tubes).

(2) *Charges.* (i) A charge for extra, special and optional equipment not to exceed the charge in effect on March 31, 1942, for such equipment when sold as original equipment (except that for Models LE and LLE side cars, Models MC and LMC side car chassis, and Models M and LM package trucks, the charge shall not exceed the list or established price of $139.23 for each of the side cars, $85.73 for each of the side car chassis, and $144.55 for each of the package trucks, less the applicable discounts in effect on March 31, 1942);

(ii) A charge to cover handling and delivery expense computed in accordance with the seller's method in effect on March 31, 1942;

(iii) A charge to cover freight expense based on current freight rates and computed in accordance with the seller's method in effect on March 31, 1942;

(iv) A charge to cover federal excise tax on the vehicle, but not the federal excise tax on tires and tubes, and state or local taxes on the vehicle being sold, computed in accordance with the seller's method in effect on March 31, 1942.

(b) A reseller of Harley-Davidson motorcycles may sell, delivered at place of business, each Harley-Davidson motorcycle described in subparagraph (1) below at a price not to exceed the applicable list price in that subparagraph, plus applicable allowances in subparagraph (2) below, less the discounts the reseller had in effect on March 31, 1942:

(1) *List price.*

Motorcycles and List Price, F. O. B. Factory

Model G (servi-car), $593.93 (including federal excise tax on tires and tubes).
Model GA (servi-car), $582.07 (including federal excise tax on tires and tubes).

(2) *Charges.* (i) A charge for extra, special and optional equipment which shall not exceed the allowance the reseller had in effect on March 31, 1942, for such equipment (except that for Models LE and LLE side cars, Models MC and LMC side car chassis, and Models M and LM package tracks, the charge shall not exceed the list or established price of $139.23 for each of the side cars, $85.73 for each of the side car chassis, and $144.55 for each of the package trucks, less the applicable discounts in effect on March 31, 1942;

(ii) A charge for transportation which shall not exceed the charge the Harley-Davidson Motorcycle Company would make for the transportation of the motorcycle from the factory to the place of business of the reseller;

(iii) A charge to include federal, state and local taxes (except for the federal excise tax on tires and tubes) on his purchase and sale, or delivery of the applicable motorcycle, computed in accordance with the reseller's method in effect on March 31, 1942;

(iv) The reseller's charge in effect on March 31, 1942, for handling and delivery.

(v) The dollar amount of all other charges or allowances which the reseller had in effect on March 31, 1942.

(c) A reseller of Harley-Davidson motorcycles that cannot establish a price under paragraph (b) because it was not in business on March 31, 1942, shall determine its maximum price by adding to the list price in subparagraph (1) of paragraph (b) the following applicable charges:

(i) The original equipment retail charge that Harley-Davidson Motorcycle Company suggested on March 31, 1942, be made by resellers for the extra, special or optional equipment attached to the motorcycles as original equipment (except that for Models LE and LLE side cars, Models MC and LMC side car chassis, and Models M and LM package trucks, the charge shall not exceed the list or established price of $139.23 for each of the side cars, $85.73 for each of the side car chassis, and $144.55 for each of the package trucks);

(ii) A charge for transportation which shall not exceed the charge the Harley-Davidson Motorcycle Company, would make for the transportation of the motorcycle, from the factory to the place of business of the reseller;

(iii) A charge equal to the charge made by the Harley-Davidson Motorcycle Company, in accordance with the method that manufacturer had in effect on March 31, 1942, to cover federal excise taxes (except for the federal excise tax on tires and tubes);

(iv) A charge equal to the reseller's expense for payment of state and local taxes on the purchase, sale or delivery of the motorcycle;

(v) A charge equal to the reseller's actual expense for handling and delivery of the motorcycle.

(d) A reseller of Harley-Davidson motorcycles, in any of the territories or possessions of the United States, is authorized to sell each of the motorcycles described in paragraph (b) at a price not to exceed the maximum price established in paragraph (b) or (c), whichever is applicable, to which it may add a sum equal to the expense incurred by or charged to it, for payment of territorial and insular taxes on the purchase, sale or introduction of the motorcycle; export premiums; boxing and crating for export purposes; marine and war risk insurance; and landing, wharfage and terminal operations.

(e) All requests not granted herein are denied.

(f) This order may be amended or revoked by the Administrator at any time.

NOTE: Where the manufacturer has an established price in accordance with section 8 of Revised Maximum Price Regulation 136, which is different than a price permitted under paragraph (a) because of a substantial change in design, specifications or equipment of the motorcycle, the reseller may add to its price under paragraph (b), (c), or (d) any increase in price to it over the price it would otherwise pay under paragraph (a) plus its customary markup on such a cost increase, but in the case of a decrease in the price under paragraph (a), the reseller must reduce its price under paragraph (b), (c) or (d) by the amount of the decrease and its customary markup on such an amount.

This order shall become effective August 27, 1945.

Issued this 25th day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-15888; Filed, Aug. 25, 1945; 12:06 p. m.]

[MPR 188, Order 4311]

JULIUS J. BLUMENTHAL

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.158 of Maximum Price Regulation No. 188; *It is ordered:*

(a) This order establishes maximum prices for sales and deliveries of certain articles manufactured by Julius J. Blumenthal, 1653 Nostrand Ave., Brooklyn 26, N. Y.

(1) For all sales and deliveries to the following classes of purchasers by the sellers indicated below, the maximum prices are those set forth below:

Article	Model No.	For sales by the manufacturer to—		For sales by any person to consumers
		Jobbers	Retailers	
Sheet metal, oblong shaped pin-up lamp, copper plated and highlighted, with push switch wired in base and with enameled covered socket, equipped with paper parchment shade of 25¢ value or better; the entire unit to be made accident proof	350	*Each* $1.49	*Each* $1.75	*Each* $3.15

These maximum prices are for the articles described in the manufacturer's application dated April 12, 1945.

(2) For sales by the manufacturer, the maximum prices apply to all sales and deliveries since Maximum Price Regulation No. 188 became applicable to those sales and deliveries. For sales to persons other than consumers they are f. o. b. factory, 2% 10 days, net 30. The maximum price to consumers is net, delivered.

(3) For sales by persons other than the manufacturer, the maximum prices apply to all sales and deliveries after the effective date of this order. Those prices are subject to each seller's customary terms and conditions of sale on sales of similar articles.

(4) If the manufacturer wishes to make sales and deliveries to any other class of purchaser or on other terms and conditions of sale, he must apply to the Office of Price Administration, Washington, D. C., under the Fourth Pricing Method, § 1499.158 of Maximum Price Regulation No. 188, for the establishment of maximum prices for those sales, and no sales or deliveries may be made until maximum prices have been authorized by the Office of Price Administration.

(b) The manufacturer shall attach a tag or label to every article for which a maximum price for sales to consumers is established by this order. That tag or label shall contain the following statement, with the proper model number and the ceiling price inserted in the blank spaces:

Model No. ------
OPA Retail Ceiling Price—$------
Do Not Detach

(c) At the time of, or prior to, the first invoice to each purchaser for resale, the manufacturer shall notify the purchaser in writing of the maximum prices and conditions established by this order for sales by the purchaser. This notice may be given in any convenient form.

(d) Jobber's maximum prices for sales of the articles covered by this order shall be established under the provisions of section 4.5 of SR 14J.

(e) This order may be revoked or amended by the Price Administrator at any time.

(f) This order shall become effective on the 27th day of August 1945.

Issued this 25th day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-15889; Filed, Aug. 25, 1945; 12:01 p. m.]

[MPR 188, Order 4312]

DIAMOLOY TOOL CO.

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.158 of Maximum Price Regulation No. 188, *It is ordered:*

(a) This order establishes maximum prices for sales and deliveries of certain articles manufactured by the Diamoloy Tool Company, 907 Eighth Ave., New York 19, N. Y.

(1) For all sales and deliveries to the following classes of purchasers by the sellers indicated below, the maximum prices are those set forth below:

Article	Model	Maximum prices for sales by any seller to—			
		Wholesalers (jobbers)	Department and chain stores	Other retailers	Consumers
Cast aluminum pressure cooker	9" high x 12¼" diameter	*Each* $10.30	*Each* $12.36	*Each* $13.73	*Each* $20.60

These maximum prices are for the articles described in the manufacturer's application dated July 13, 1945.

(2) For sales by the manufacturer, the maximum prices apply to all sales and deliveries since Maximum Price Regulation No. 188 became applicable to those sales and deliveries. These prices are f. o. b. factory and are subject to a cash discount of 2% for payment within 10 days, net 30 days.

(3) For sales by persons other than the manufacturer, the maximum prices apply to all sales and deliveries after the effective date of this order. Those prices are subject to each seller's customary terms and conditions of sale on sales of similar articles.

(4) If the manufacturer wishes to make sales and deliveries to any other class of purchaser or on other terms and conditions of sale, he must apply to the Office of Price Administration, Washington, D. C., under the Fourth Pricing Method, § 1499.158 of Maximum Price Regulation No. 188, for the establishment of maximum prices for those sales, and no sales or deliveries may be made until maximum prices have been authorized by the Office of Price Administration.

(b) The manufacturer shall attach a tag or label to every article for which a maximum price for sales to consumers is established by this order. That tag or label shall contain the following statement:

OPA Retail Ceiling Price—$20.60
Do Not Detach

(c) At the time of, or prior to, the first invoice to each purchaser for resale, the seller shall notify the purchaser in writing of the maximum prices and conditions established by this order for sales by the purchaser. This notice may be given in any convenient form.

(d) This order may be revoked or amended by the Price Administrator at any time.

(e) This order shall become effective on the 27th day of August 1945.

Issued this 25th day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-15890; Filed, Aug. 25, 1945; 12:01 p. m.]

[MPR 188, Order 4313]

PALMER BROS. TOOL & FORGE CO.

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.158 of Maximum Price Regulation No. 188; *It is ordered:*

(a) This order establishes maximum prices for sales and deliveries of certain articles manufactured by Palmer Bros. Tool & Forge Company, Meadville, Pa.

(1) For all sales and deliveries to the following classes of purchasers by the sellers indicated below, the maximum prices are those set forth below:

Article	Model No.	Maximum prices for sales by any seller to—			
		Sales agent distributor	Wholesalers (jobbers)	Retailers	Consumers
Staple puller (utility hammer)	None	*Ea.* $0.25	*Ea.* $0.375	*Ea.* $0.50	*Ea.* $0.75

These maximum prices are for the articles described in the manufacturer's application dated July 6, 1945.

(2) For sales by the manufacturer, the maximum prices apply to all sales and deliveries since Maximum Price Regulation No. 188 became applicable to those sales and deliveries. These prices are f. o. b. factory and subject to 2% cash discount for payment within 10 days, net 30 days.

(3) For sales by persons other than the manufacturer, the maximum prices apply to all sales and deliveries after the effective date of this order. Those prices are subject to each seller's customary terms and conditions of sale on sales of similar articles.

(4) If the manufacturer wishes to make sales and deliveries to any other class of purchaser or on other terms and conditions of sale, he must apply to the Office of Price Administration, Washington, D. C., under the Fourth Pricing Method, § 1499.158 of Maximum Price Regulation No. 188, for the establishment of maximum prices for those sales, and no sales or deliveries may be made until maximum prices have been authorized by the Office of Price Administration.

(b) The manufacturer shall attach a tag or label to every article for which a maximum price for sales to consumers is established by this order. That tag or label shall contain the following statement

OPA Retail Ceiling Price—$0.75
Do Not Remove or Obliterate

(c) At the time of, or prior to, the first invoice to each purchaser for resale, the seller shall notify the purchaser in writing of the maximum prices and conditions established by this order for sales by the purchaser. This notice may be given in any convenient form.

(d) This order may be revoked or amended by the Price Administrator at any time.

(e) This order shall become effective on the 27th day of August 1945.

Issued this 25th day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-15891; Filed, Aug. 25, 1945 12:01 p. m.]

[MPR 188, Order 4314]

METAL SPECIALTIES MFG. CO.

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.158 of Maximum Price Regulation No. 188; *It is ordered:*

(a) This order establishes maximum prices for sales and deliveries of certain articles manufactured by the Metal Specialties Manufacturing Company, 3200 Carroll Avenue, Chicago 24, Ill.

(1) For all sales and deliveries to the following classes of purchasers by the sellers indicated below, the maximum prices are those set forth below:

Article	Model No.	Maximum prices for sales by any seller to—		
		Chain, department and syndicate stores	Other retailers	Consumers
Frying pan, aluminum, 8"	None	*Dozen* $4.90	*Dozen* $5.52	*Each* $0.69

These maximum prices are for the articles described in the manufacturer's application dated July 17, 1945.

(2) For sales by the manufacturer, the maximum prices apply to all sales and deliveries since Maximum Price Regulation No. 188 became applicable to those sales and deliveries. These prices are f. o. b. factory and are subject to a cash discount of 2% for payment within 10 days, net 30 days.

(3) For sales by persons other than the manufacturer, the maximum prices apply to all sales and deliveries after the effective date of this order. Those prices are subject to each seller's customary terms and conditions of sale on sales of similar articles.

(4) If the manufacturer wishes to make sales and deliveries to any other class of purchaser or on other terms and conditions of sale, he must apply to the Office of Price Administration, Washington, D. C., under the Fourth Pricing Method, § 1499.158 of Maximum Price Regulation No. 188, for the establishment of maximum prices for those sales, and no sales or deliveries may be made until maximum prices have been authorized by the Office of Price Administration.

(b) The manufacturer shall attach a tag or label to every article for which a maximum price for sales to consumers is established by this order. That tag or label shall contain the following statement:

OPA Retail Ceiling Price—$0.69
Do Not Detach

(c) At the time of, or prior to, the first invoice to each purchaser for resale, the seller shall notify the purchaser in writing of the maximum prices and conditions established by this order for sales by the purchaser. This notice may be given in any convenient form.

(d) This order may be revoked or amended by the Price Administrator at any time.

(e) This order shall become effective on the 27th day of August 1945.

Issued this 25th day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-15892; Filed, Aug. 25, 1945; 12:03 p. m.]

[MPR 188, Order 4315]

GRAVIN HEAT-SHAVER CORP.

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.158 of Maximum Price Regulation No. 188; *It is ordered:*

(a) This order establishes maximum prices for sales and deliveries of certain articles manufactured by the Gravin Heat-Shaver Corporation of 115 East Main Street, Rochester, N. Y.

(1) For all sales and deliveries to the following classes of purchasers by the sellers indicated below, the maximum prices are those set forth below:

Article	Model	Maximum prices for sales by any seller to—				
		Distributor	Wholesalers (jobbers)	Retailers (6 units or more)	Retailers (less than 6 units)	Consumers
Heat shaver razor in leather solid frame case	5 x 1⅝"	*Each* $5.25	*Each* $5.78	*Each* $6.84	*Each* $7.37	*Each* $11.10

These maximum prices are for the articles described in the manufacturer's application dated June 2, 1945. These prices include the Federal Excise Tax.

(2) For sales by the manufacturer, the maximum prices apply to all sales and deliveries since Maximum Price Regulation No. 188 became applicable to those sales and deliveries. They are f. o. b. factory and subject to a cash discount of 2% for payment within 10 days, net 30 days.

(3) For sales by persons other than the manufacturer, the maximum prices apply to all sales and deliveries after the effective date of this order. Those prices are subject to each seller's customary terms and conditions of sale on sales of similar articles.

(4) If the manufacturer wishes to make sales and deliveries to any other class of purchaser or on other terms and conditions of sale, he must apply to the Office of Price Administration, Washington, D. C., under the Fourth Pricing Method, § 1499.158 of Maximum Price Regulation No. 188, for the establishment of maximum prices for those sales, and no sales or deliveries may be made until maximum prices have been authorized by the Office of Price Administration.

(b) The manufacturer shall attach a tag or label to every article for which a maximum price for sales to consumers is established by this order. That tag or label shall contain either of the following statements with the correct order number, model number and retail prices properly filled in:

Order No. 4315
Model No. ------
OPA Retail Ceiling Price—$------
Federal Excise Tax Included
Do Not Detach or Obliterate

or

Gravin Heat-Shaver Corporation
115 East Main Street
Rochester, New York
Model No. ------
OPA Retail Ceiling Price—$------
Federal Excise Tax Included
Do Not Detach or Obliterate

(c) At the time of, or prior to, the first invoice to each purchaser for resale, the seller shall notify the purchaser in writing of the maximum prices and conditions established by this order for sales by the purchaser. This notice may be given in any convenient form.

(d) This order may be revoked or amended by the Price Administrator at any time.

(e) This order shall become effective on the 27th day of August 1945.

Issued this 25th day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-15893; Filed, Aug. 25, 1945; 12:04 p. m.]

[MPR 188, Order 4316]

RUBY LAMP CO.

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.158 of Maximum Price Regulation No. 188; *It is ordered:*

(a) This order establishes maximum prices for sales and deliveries of certain articles manufactured by Ruby Lamp Company, 307 Crown Street, Brooklyn, N. Y.

(1) For all sales and deliveries to the following classes of purchasers by the sellers indicated below, the maximum prices are those set forth below:

Article	Model No.	For sales by the manufacturer to—		For sales by any person to consumers
		Jobbers	Retailers	
16" crystal vanity lamp with pressed glass base, two diamond shaped breaks and reeded tube	142	*Each* $1.32	*Each* $1.65	*Each* $2.80
20" crystal table lamp with hand cut base, and columns; pressed glass top break	146	4.60	5.41	9.75
20" crystal table lamp with base, block break and hand cut tube	149	2.25	2.65	4.80
27" crystal table lamp with hand cut base, block break and column. Ruby glass fount	164	5.26	6.19	11.10
27" crystal table lamp with hand cut base and column, two Waterford style ball breaks	166	3.83	4.50	8.10

These maximum prices are for the articles described in the manufacturer's application dated March 29, 1945.

(2) For sales by the manufacturer, the maximum prices apply to all sales and deliveries since Maximum Price Regulation No. 188 became applicable to those sales and deliveries. For sales to persons other than consumers they are f. o. b. fac-

tory, 2% 10 days, net 30. The maximum price to consumers is net, delivered.

(3) For sales by persons other than the manufacturer, the maximum prices apply to all sales and deliveries after the effective date of this order. Those prices are subject to each seller's customary terms and conditions of sale on sales of similar articles.

(4) If the manufacturer wishes to make sales and deliveries to any other class of purchaser or on other terms and conditions of sale, he must apply to the Office of Price Administration, Washington, D. C., under the Fourth Pricing Method, § 1499.158 of Maximum Price Regulation No. 188, for the establishment of maximum prices for those sales, and no sales or deliveries may be made until maximum prices have been authorized by the Office of Price Administration.

(b) The manufacturer shall attach a tag or label to every article for which a maximum price for sales to consumers is established by this order. That tag or label shall contain the following statement, with the proper model number and the ceiling price inserted in the blank spaces:

Model No. ------
OPA Retail Ceiling Price—$------
Do Not Detach

(c) At the time of, or prior to, the first invoice to each purchaser for resale, the manufacturer shall notify the purchaser in writing of the maximum prices and conditions established by this order for sales by the purchaser. This notice may be given in any convenient form.

(d) Jobber's maximum prices for sales of the articles covered by this order shall be established under the provisions of section 4.5 of SR 14J.

(e) This order may be revoked or amended by the Price Administrator at any time.

(f) This order shall become effective on the 27th day of August 1945.

Issued this 25th day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-15894; Filed, Aug. 25, 1945; 12:04 p. m.]

[MPR 188, Order 4317]

PREFERRED LIGHTING CO.

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.158 of Maximum Price Regulation No. 188; *It is ordered:*

(a) This order establishes maximum prices for sales and deliveries of certain articles manufactured by Preferred Lighting Company, 688 DeKalb Ave., Brooklyn, N. Y.

(1) For all sales and deliveries to the following classes of purchasers by the sellers indicated below, the maximum prices are those set forth below:

Article	Model No.	For sales by the manufacturer to—		For sales by any person to consumers
		Jobbers	Retailers	
Fluorescent bed lamp, flocked in various colors.	102	*Each* $2.98	*Each* $3.50	*Each* $6.30
Fluorescent bed lamp, flocked in various colors and equipped with reactor	103	3.83	4.50	8.10
Fluorescent bed lamp, enameled and painted in various colors	202	2.98	3.50	6.30
Fluorescent bed lamp, enameled and painted in various colors and equipped with reactor	203	3.83	4.50	8.10

These maximum prices are for the articles described in the manufacturer's application dated April 25, 1945.

(2) For sales by the manufacturer, the maximum prices apply to all sales and deliveries since Maximum Price Regulation No. 188 became applicable to those sales and deliveries. For sales to persons other than consumers they are f. o. b. factory. The maximum price to consumers is net, delivered.

(3) For sales by persons other than the manufacturer, the maximum prices apply to all sales and deliveries after the effective date of this order. Those prices are subject to each seller's customary terms and conditions of sale on sales of similar articles.

(4) If the manufacturer wishes to make sales and deliveries to any other class of purchaser or on other terms and conditions of sale, he must apply to the Office of Price Administration, Washington, D. C., under the Fourth Pricing Method, § 1499.158 of Maximum Price Regulation No. 188, for the establishment of maximum prices for those sales, and no sales or deliveries may be made until maximum prices have been authorized by the Office of Price Administration.

(b) The manufacturer shall attach a tag or label to every article for which a maximum price for sales to consumers is established by this order. That tag or label shall contain the following statement, with the proper model number and the ceiling price inserted in the blank spaces:

Model No. ------
OPA Retail Ceiling Price—$------
Do Not Detach

(c) At the time of, or prior to, the first invoice to each purchaser for resale, the manufacturer shall notify the purchaser in writing of the maximum prices and conditions established by this order for sales by the purchaser. This notice may be given in any convenient form.

(d) Jobber's maximum prices for sales of the articles covered by this order shall be established under the provisions of section 4.5 of SR 14J.

(e) This order may be revoked or amended by the Price Administrator at any time.

(f) This order shall become effective on the 27th day of August 1945.

Issued this 25th day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-15895; Filed, Aug. 25, 1945, 12:04 p. m.]

[MPR 188, Order 4318]

EINKLEY MFG. CO.

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.158 of Maximum Price Regulation No. 188; *It is ordered:*

(a) This order establishes maximum prices for sales and deliveries of certain articles manufactured by the Binkley Manufacturing Company of Warrenton, Missouri.

(1) For all sales and deliveries to the following classes of purchasers by the sellers indicated below, the maximum prices are those set forth below:

Article	Model No.	Maximum prices for sales by any seller to—			
		Wholesalers (jobbers)	Retailers (6 units or more)	Retailers (less than 6 units)	Consumers
One burner hot plate, 1 heat, 1 switch and cord, black crackel finish.	8½" x 8¾" x 3½"	*Each* $1.84	*Each* $2.18	*Each* $2.35	*Each* $3.50
Two burner hot plate, 1 heat, 2 switches, cord and plug, black crackel finish.	8½" x 17½" x 4½"	3.10	3.75	4.05	[illegible]

These maximum prices are for the articles described in the manufacturer's application dated July 25, 1945.

(2) For sales by the manufacturer, the maximum prices apply to all sales and deliveries since Maximum Price Regulation No. 188 became applicable to those sales and deliveries. These prices include the Federal Excise Tax. They are f. o. b. factory and subject to a cash discount of 2% for payment within 10 days, net 30 days.

(3) For sales by persons other than the manufacturer, the maximum prices apply to all sales and deliveries after the effective date of this order. Those prices are subject to each seller's customary terms and conditions of sale on sales of similar articles.

(4) If the manufacturer wishes to make sales and deliveries to any other class of purchaser or on other terms and conditions of sale, he must apply to the Office of Price Administration, Washington, D. C., under the Fourth Pricing Method, § 1499.158 of Maximum Price Regulation No. 188, for the establishment of maximum prices for those sales, and no sales or deliveries may be made until maximum prices have been authorized by the Office of Price Administration.

(b) The manufacturer shall attach a tag or label to every article for which a maximum price for sales to consumers is established by this order. That tag or label shall contain the following statements with the correct model number, order number and retail prices properly filled in:

Order No. 4318
Model No. ------
OPA Retail Ceiling Price—$------
Federal Excise Tax Included
Do Not Detach or Obliterate

(1

Binkley Manufacturing Company
Warrenton, Missouri
Model No. ------
OPA Retail Ceiling Price—$------
Federal Excise Tax Included
Do Not Detach or Obliterate

(c) At the time of, or prior to, the first invoice to each purchaser for resale, the seller shall notify the purchaser in writing of the maximum prices and conditions established by this order for sales by the purchaser. This notice may be given in any convenient form.

(d) This order may be revoked or amended by the Price Administrator at any time.

(e) This order shall become effective on the 27th day of August 1945.

Issued this 25th day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-15896; Filed, Aug. 25, 1945; 12:03 p. m.]

[MPR 188, Order 4319]

STEELMASTERS, INC.

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.158 of Maximum Price Regulation No. 188, *It is ordered:*

(a) This order establishes maximum prices for sales and deliveries of certain articles manufactured by Steelmasters, Incorporated, of 26 West 23rd Street, New York 10, N. Y.

(1) For all sales and deliveries to the following classes of purchasers by the sellers indicated below, the maximum prices are those set forth below:

Article	Model No.	Maximum prices for sales by any seller to—	
		Retailers	Consumers
Frying pan, cast aluminum [illegible]	1050	*Each* $2.10	*Each* $3.50

These maximum prices are for the articles described in the manufacturer's application dated August 9, 1945.

(2) For sales by the manufacturer, the maximum prices apply to all sales and deliveries since Maximum Price Regulation No. 188 became applicable to those sales and deliveries. They are f. o. b. factory and subject to a cash discount of 2% for payment within 10 days, net 30 days.

(3) For sales by persons other than the manufacturer, the maximum prices apply to all sales and deliveries after the effective date of this order. Those prices are subject to each seller's customary terms and conditions of sale on sales of similar articles.

(4) If the manufacturer wishes to make sales and deliveries to any other class of purchaser or on other terms and conditions of sale, he must apply to the Office of Price Administration, Washington, D. C., under the Fourth Pricing Method, § 1499.158 of Maximum Price Regulation No. 188, for the establishment of maximum prices for those sales, and no sales or deliveries may be made until maximum prices have been authorized by the Office of Price Administration.

(b) The manufacturer shall attach a tag or label to every article for which a maximum price for sales to consumers is established by this order. That tag or label shall contain the following statement with the correct model number and retail prices properly filled in:

Model No. ------
OPA Retail Ceiling Price—$------
Do Not Detach

(c) At the time of, or prior to, the first invoice to each purchaser for resale, the seller shall notify the purchaser in writing of the maximum prices and conditions established by this order for sales by the purchaser. This notice may be given in any convenient form.

(d) This order may be revoked or amended by the Price Administrator at any time.

(e) This order shall become effective on the 27th day of August 1945.

Issued this 25th day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-15897; Filed, Aug. 25, 1945; 12:03 p. m.

[MPR 188, Order 4320]

CARL FRANKEL

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.158 of Maximum Price Regulation No. 188, *It is ordered:*

(a) This order establishes maximum prices for sales and deliveries of certain articles manufactured by Carl Frankel, 2432 Davidson Avenue, New York 53, N. Y.

(1) For all sales and deliveries to the following classes of purchasers by the sellers indicated below, the maximum prices are those set forth below:

Article	Model No.	For sales by the manufacturer to—		For sales by any person to consumers
		Jobbers	Retailers	
Hurricane lamp, hand cut base and stem, 10 imported prisms, glass globe, height 22"	962	*Each* $12.52	*Each* $14.75	*Each* $26.55
China table lamp vase with hand painted flowers, metal base, lug handles, height 27" with 16" silk brocade shade, top and bottom ruching	2604	7.01	8.25	14.85
China table lamp, metal base, hand painting on vase, lug handles, gold trim, height 24" with 16" handmade shade, top & bottom ruching	2702	14.02	16.50	29.70
China table lamp, metal base, lug handles, decoration on china vase, height 24", with 15" silk lamp shade, braid trim top and bottom	2603	5.27	6.20	11.15
China table lamps, vase with embossed design and metal bases. Height 26" with 16" braid trim silk shade	2801-2802	7.03	8.27	14.90
China table lamp, metal base, hand painted china vase, height 35", with hand made shade, 20" width, ruching top and bottom	2508	29.47	34.65	62.35
China table lamp, metal base, hand painted worsted finish, height 24" with 16" silk brocade shade, top and bottom ruching trim	2503	15.15	17.82	32.10
China table lamp, metal base, embossed china vase, height 23" with silk lamp shade, braid trim top and bottom, width 15"	2613	5.30	6.24	11.23

These maximum prices are for the articles described in the manufacturer's application dated April 28, 1945.

(2) For sales by the manufacturer, the maximum prices apply to all sales and deliveries since Maximum Price Regulation No. 188 became applicable to those sales and deliveries. For sales to persons other than consumers they are f. o. b. factory, 1% 10 days, net 30. The maximum price to consumers is net, delivered.

(3) For sales by persons other than the manufacturer, the maximum prices apply to all sales and deliveries after the effective date of this order. Those prices are subject to each seller's customary terms and conditions of sale on sales of similar articles.

(4) If the manufacturer wishes to make sales and deliveries to any other class of purchaser or on other terms and conditions of sale, he must apply to the Office of Price Administration, Washington, D. C., under the Fourth Pricing Method, § 1499.158 of Maximum Price Regulation No. 188, for the establishment of maximum prices for those sales, and no sales or deliveries may be made until maximum prices have been authorized by the Office of Price Administration.

(b) The manufacturer shall attach a tag or label to every article for which a maximum price for sales to consumers is established by this order. That tag or label shall contain the following statement, with the proper model number and the ceiling price inserted in the blank spaces:

Model No. ------
OPA Retail Ceiling Price—$------
Do Not Detach

(c) At the time of, or prior to, the first invoice to each purchaser for resale, the seller shall notify the purchaser in writing of the maximum prices and conditions established by this order for sales by the purchaser. This notice may be given in any convenient form.

(d) Jobber's maximum prices for sales of the articles covered by this order shall be established under the provisions of section 4.5 of SR 14J.

(e) This order may be revoked or amended by the Price Administrator at any time.

(f) This order shall become effective on the 27th day of August 1945.

Issued this 25th day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-15898; Filed, Aug. 25, 1945; 12:02 p. m.]

[MPR 188, Order 4321]

STANDARD AIR PARTS

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.158 of Maximum Price Regulation No. 188; *It is ordered:*

(a) This order establishes maximum prices for sales and deliveries of certain articles manufactured by Standard Air Parts of 8201 Kimbark Avenue, Chicago 19, Ill.

(1) For all sales and deliveries to the following classes of purchasers by the sellers indicated below, the maximum prices are those set forth below:

Article	Model No.	Maximum prices for sales by any seller to—			
		Wholesalers (jobbers)	Chain and department stores	Other retailers	Consumers
Aluminum skillet, 10½ x 2¼, wood or plastic handle	100	*Each* $2.33	*Each* $2.79	*Each* $3.06	*Each* $4.65

These maximum prices are for the articles described in the manufacturer's application dated June 29, 1945.

(2) For sales by the manufacturer, the maximum prices apply to all sales and deliveries since Maximum Price Regulation No. 188 became applicable to those sales and deliveries. These prices are f. o. b. factory and subject to a cash discount of 2% for payment within 10 days, net 30 days.

(3) For sales by persons other than the manufacturer, the maximum prices apply to all sales and deliveries after the effective date of this order. Those prices are subject to each seller's customary terms and conditions of sale on sales of similar articles.

(4) If the manufacturer wishes to make sales and deliveries to any other class of purchaser or on other terms and conditions of sale, he must apply to the Office of Price Administration, Washington, D. C., under the Fourth Pricing Method, § 1499.158 of Maximum Price Regulation No. 188, for the establishment of maximum prices for those sales, and no sales or deliveries may be made until maximum prices have been authorized by the Office of Price Administration.

(b) The manufacturer shall attach a tag or label to every article for which a maximum price for sales to consumers is established by this order. That tag or label shall contain the following statement with the correct model number and retail prices properly filled in:

Model No. ------
OPA Retail Ceiling Price—$------
Do Not Detach or Obliterate

(c) At the time of, or prior to, the first invoice to each purchaser for resale, the seller shall notify the purchaser in writing of the maximum prices and conditions established by this order for sales by the purchaser. This notice may be given in any convenient form.

(d) This order may be revoked or amended by the Price Administrator at any time.

(e) This order shall become effective on the 27th day of August 1945.

Issued this 25th day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-15899; Filed, Aug. 25, 1945; 12:02 p. m.]

[MPR 188, Order 4322]

DARNELL LABORATORIES

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.158 of Maximum Price Regulation No. 188; *It is ordered:*

(a) This order establishes maximum prices for sales and deliveries of certain articles manufactured by Darnell Laboratories of 1235-37 Grand Avenue, Kansas City 10, Mo.

(1) For all sales and deliveries to the following classes of purchasers by the sellers indicated below, the maximum prices are those set forth below:

Article	Model No.	Maximum prices for sales by any seller to—				
		Distributors	Wholesalers (jobbers)	Retailers (6 units or more)	Retailers (less than 6 units)	Consumers
Electric fan, 8" Air master		*Each* $1.84	*Each* $2.02	*Each* $2.38	*Each* $2.52	*Each* $3.85

These maximum prices are for the articles described in the manufacturer's application dated June 25, 1945. These prices include the Federal Excise Tax.

(2) For sales by the manufacturer, the maximum prices apply to all sales and deliveries since Maximum Price Regulation No. 188 became applicable to those sales and deliveries. These prices are for the article described in your application. They are f. o. b. factory and subject to a cash discount of 2% for payment within 10 days, net 30 days.

(3) For sales by persons other than the manufacturer, the maximum prices apply to all sales and deliveries after the effective date of this order. Those prices are subject to each seller's customary terms and conditions of sale on sales of similar articles.

(4) If the manufacturer wishes to make sales and deliveries to any other class of purchaser or on other terms and conditions of sale, he must apply to the Office of Price Administration, Washington, D. C., under the Fourth Pricing Method, § 1499.158 of Maximum Price Regulation No. 188, for the establishment of maximum prices have been authorized by the Office of Price Administration.

(b) The manufacturer shall attach a tag or label to every article for which a maximum price for sales to consumers is established by this order. That tag or label shall contain either of the following statements with the correct order number properly filled in:

Order No. 4322
Model No. ------
OPA Retail Ceiling Price—$------
Federal Excise Tax Included
Do Not Detach or Obliterate

or

Darnell Laboratories
1235-37 Grand Avenue
Kansas City 10, Missouri
Model No. ------
OPA Retail Ceiling Price—$------
Do Not Detach or Obliterate

(c) At the time of, or prior to, the first invoice to each purchaser for resale, the seller shall notify the purchaser in writing of the maximum prices and conditions established by this order for sales by the purchaser. This notice may be given in any convenient form.

(d) This order may be revoked or amended by the Price Administrator at any time.

(e) This order shall become effective on the 27th day of August 1945.

Issued this 25th day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-15900; Filed, Aug. 25, 1945; 12:02 p. m.]

[MPR 188, Order 4323]

SPENGREY CAP CORP.

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.158 of Maximum Price Regulation No. 188; *It is ordered:*

(a) This order establishes maximum prices for sales and deliveries of certain articles manufactured by Spengrey Cap Corporation, 1107 South Preston Street, Louisville 3, Ky.

(1) For all sales and deliveries to the following classes of purchasers by the sellers indicated below, the maximum prices are those set forth below:

Article	Model	Maximum prices for sales by any seller to—			
		Wholesalers (jobbers)	Department and chain stores	Other retailers	Consumers
Steel kitchen stool	130	*Each* $1.00	*Each* $1.20	*Each* $1.33	*Each* $1.98

Description: A four-legged steel stool without back made of hot rolled sheet steel, spot welded, finished with baked enamel. Circular seat 10" diameter, height to top of seat 25¾", floor space 14½" x 14½".

These maximum prices are for the articles described in the manufacturer's application dated July 16, 1945.

(2) For sales by the manufacturer, the maximum prices apply to all sales and deliveries since Maximum Price Regulation No. 188 became applicable to those sales and deliveries. These prices are f. o. b. factory and are subject to a cash discount of 2% for payment within 10 days, net 30 days.

(3) For sales by persons other than the manufacturer, the maximum prices apply to all sales and deliveries after the effective date of this order. Those prices are subject to each seller's customary terms and conditions of sale on sales of similar articles.

(4) If the manufacturer wishes to make sales and deliveries to any other class of purchaser or on other terms and conditions of sale, he must apply to the Office of Price Administration, Washington, D. C., under the Fourth Pricing Method, § 1499.158 of Maximum Price Regulation No. 188, for the establishment of maximum prices for those sales, and no sales or deliveries may be made until maximum prices have been authorized by the Office of Price Administration.

(b) The manufacturer shall attach a tag or label to every article for which a maximum price for sales to consumers is established by this order. That tag or label shall contain the following statement:

OPA Retail Ceiling Price—$1.98
Do Not Detach

(c) At the time of, or prior to, the first invoice to each purchaser for resale, the seller shall notify the purchaser in writing of the maximum prices and conditions established by this order for sales by the purchaser. This notice may be given in any convenient form.

(d) This order may be revoked or amended by the Price Administrator at any time.

(e) This order shall become effective on the 27th day of August 1945.

Issued this 25th day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-15901; Filed, Aug. 25, 1945; 12:01 p. m.]

[MPR 188, Order 4324]

MENSCO, INC.

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.158 of Maximum Price Regulation No. 188, *It is ordered:*

(a) This order establishes maximum prices for sales and deliveries of certain articles manufactured by Mensco, Incorporated of 506 Santa Fe Drive, Denver 5, Colo.

(1) For all sales and deliveries to the following classes of purchasers by the sellers indicated below, the maximum prices are those set forth below:

Article	Model No.	Maximum prices for sales by any seller to—			
		Wholesalers (jobbers)	Chain and department stores	Other retailers	Consumers
Griddle, aluminum, 14"	None	*Each* $1.95	*Each* $2.34	*Each* $2.59	*Each* $3.90

These maximum prices are for the articles described in the manufacturer's application dated August 1, 1945.

(2) For sales by the manufacturer, the maximum prices apply to all sales and deliveries since Maximum Price Regulation No. 188 became applicable to those sales and deliveries. They are f. o. b. factory and subject to a cash discount of 2% for payment within 10 days, net 30 days.

(3) For sales by persons other than the manufacturer, the maximum prices apply to all sales and deliveries after the effective date of this order. Those prices are subject to each seller's customary terms and conditions of sale on sales of similar articles.

(4) If the manufacturer wishes to make sales and deliveries to any other class of purchaser or on other terms and conditions of sale, he must apply to the Office of Price Administration, Washington, D. C., under the Fourth Pricing Method, § 1499.158 of Maximum Price Regulation No. 188, for the establishment of maximum prices for those sales, and no sales or deliveries may be made until maximum prices have been authorized by the Office of Price Administration.

(b) The manufacturer shall attach a tag or label to every article for which a maximum price for sales to consumers is established by this order. That tag or label shall contain the following statement:

OPA Retail Ceiling Price—$3.90 Each
Do Not Detach

(c) At the time of, or prior to, the first invoice to each purchaser for resale, the seller shall notify the purchaser in writing of the maximum prices and conditions established by this order for sales by the purchaser. This notice may be given in any convenient form.

(d) This order may be revoked or amended by the Price Administrator at any time.

(e) This order shall become effective on the 27th day of August 1945.

Issued this 25th day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-15902; Filed, Aug 25, 1945; 12:02 p. m.]

[RMPR 136, Order 495]

ONSRUD MACHINE WORKS, INC.

DETERMINATION OF MAXIMUM PRICES

Order No. 495 Under Revised Maximum Price Regulation 136. Machines, parts and industrial equipment. Onsrud Machine Works, Inc. Docket Nos. 6083-136.21-466 and 472.

For the reasons set forth in an opinion, issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to section 21 of Revised Maximum Price Regulation 136, *It is ordered:*

(a) The maximum net prices for sales of automatic shapers by Onsrud Machine Works, Inc., Chicago, Illinois, shall be determined as follows:

The Company shall increase the maximum net prices of these two machines by the amounts shown below.

WA 50 automatic shaper---------- $388
WB 85 double head automatic shaper-- 623

(b) The maximum prices for sales of automatic shapers by resellers shall be determined as follows: The reseller shall add to the maximum net price he had in effect to a purchaser of the same class, just prior to the issuance of this order, the amount, in dollars-and-cents, by which his net invoiced cost has been increased due to the adjustment granted the manufacturer by this order.

(c) Onsrud Machine Works, Inc. shall notify each person who buys automatic shapers for resale of the dollars-and-cents amounts by which this order permits the reseller to increase his maximum net prices. A copy of each such notice shall be filed with the Machinery Branch, Office of Price Administration, Washington 25, D. C.

(d) All requests not granted herein are denied.

(e) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective August 27, 1945.

Issued this 25th day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-15968; Filed, Aug. 27, 1945; 11:27 a. m.]

[MPR 188, 2d Rev. Order 3114]

GLOBE ELECTRONICS, INC.

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith, and filed

with the Division of the Federal Register, and pursuant to § 1499.158 of Maximum Price Regulation No. 188, *It is ordered:*

Revised Order No. 3114 is amended and revised to read as follows:

(a) This second revised order established maximum prices for sales and deliveries of two radios (Model #500 and Model #602) manufactured by Globe Electronics, Inc., 295 Madison Avenue, New York City.

(1) For all sales and deliveries to the following classes of purchasers by the sellers indicated below, the maximum prices are those set forth below:

Globe Electronics, Inc., sales and deliveries to U. S. Government	Model 500—	$21. 97
	Model 602—	22. 97
For all sales and deliveries by all sellers to jobbers	Model 500—	19. 60
	Model 602—	21. 60
For all sales and deliveries by all sellers to retailers	Model 500—	23. 97
	Model 602—	26. 97
For all sales and deliveries by all sellers at retail	Model 500—	39. 95
	Model 602—	44 95

The above maximum prices do not include the Federal excise tax which may be added. These maximum prices for all sales at wholesale are f. o. b. seller's usual point of shipment. These maximum prices are for the articles described in the manufacturer's applications dated November 14, 1944, and January 26, 1945.

(2) For sales by the manufacturer, the maximum prices apply to all sales and deliveries since Maximum Price Regulation No. 188 became applicable to those sales and deliveries.

(3) For sales by persons other than the manufacturer, the maximum prices apply to all sales and deliveries after the effective date of this second revised order. Those prices are subject to each seller's customary terms and conditions of sale on sales of similar articles.

(4) If the manufacturer wishes to make sales and deliveries to any other class of purchaser or on other terms and conditions of sale, he must apply to the Office of Price Administration, under the Fourth Pricing Method, § 1499.158 of Maximum Price Regulation No. 188, for the establishment of maximum prices for those sales, and no sales or deliveries may be made until maximum prices have been authorized by the Office of Price Administration.

(b) The manufacturer shall attach a tag or label to every article for which a maximum price for sales to consumers is established by this second revised order. That tag or label shall contain the following statement with the blank spaces properly filled in:

Model Number ------
OPA Retail Ceiling Price—$------
Federal Excise Tax—$------
Manufactured by Globe Electronics, Inc.
New York City
Do Not Detach

(c) At the time of, or prior to, the first invoice to each purchaser for resale, the seller shall notify the purchaser in writing of the maximum prices and conditions established by this order for sales by the purchaser. This notice may be given in any convenient form.

(d) This second revised order may be revoked or amended by the Price Administrator at any time.

(e) This second revised order shall become effective on the 27th day of August 1945.

Issued this 25th day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-15970; Filed, Aug. 27, 1945; 11:27 a. m.]

Regional and District Office Orders.

[Region I Supp. Order 8 Under RMPR 122, Amdt. 11]

PENNSYLVANIA ANTHRACITE IN BOSTON REGION

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of Region I of the Office of Price Administration by §§ 1340.259 (a) (1) and 1340.260 of Revised Maximum Price Regulation No. 122 and the Emergency Price Control Act of 1942, as amended, Region I Supplementary Order No. 8 under Revised Maximum price Regulation No. 122 is amended in the following respect:

1. In the provision for Glen Burn in paragraph (c) in the "Note", the expiration date "July 31" is deleted and a new expiration date "September 30" is inserted in lieu thereof.

This Amendment No. 11 shall become effective midnight July 31, 1945.

Issued this 31st day of July 1945.

ELDON C. SHOUP,
Regional Administrator.

[F. R. Doc. 45-15750; Filed, Aug. 23, 1945; 4:54 p. m.]

[Region I Supp. Order 12 Under RMPR 122, Revocation]

BITUMINOUS COALS IN BOSTON REGION

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of Region I of the Office of Price Administration by §§ 1340.259 (a) (1) and 1340.260 of Revised Maximum Price Regulation No. 122 and the Emergency Price Control Act of 1942, as amended, *It is hereby ordered*, That Region I Supplementary Order No. 12 under Revised Maximum Price Regulation No. 122 (Increase in prices for bituminous coals in certain area price orders) be and it hereby is revoked.

This order shall become effective as of August 3, 1945.

Issued this 6th day of August 1945.

ELDON C. SHOUP,
Regional Administrator.

[F. R. Doc. 45-15751; Filed, Aug. 23, 1945; 4:54 p. m.]

[Region I Supp. Order 14 Under RMPR 122]

BITUMINOUS COALS IN BOSTON REGION

For the reasons set forth in an Opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of Region I of the Office of Price Administration by §§ 1340.259 (a) (1) and 1340.260 of Revised Maximum Price Regulation No. 122 and the Emergency Price Control Act of 1942, as amended, *It is hereby ordered*, That:

(a) The specific maximum per net ton prices for all sizes of Bituminous coals which are established by the Region I area price orders under Revised Maximum Price Regulation No. 122 listed in paragraph (d) of this order shall, on and after August 3, 1945, be increased as follows: *Provided*, That the conditions set forth in paragraph (b) hereof are observed:

(1) *Direct mine receivers.* On all sales of bituminous coal which the seller has received directly from the mines, or of which he is the producer, the amounts of the increase shall be as follows:

Producing District and Amount of Increase	
1. From strip mines	[1] None
From deep mines	$0.28
2. From strip mines	.(9
From deep mines	.20
3. All mines:	
Size group No. 3 (run of mine)	.28
All other size groups	.4
7. All mines	.30
8. All mines	.15

[1] In the case of strip mine coal from Producing Districts No. 1 and No. 2, which is sold by the producer, at the deep mine price pursuant to permission granted under the provisions of Amendment #146 to Maximum Price Regulation No. 120, the amount of the increase shall also be 28c per net ton for prepared strip coal from district No. 1 and 20c per net ton for prepared strip coal from district No. 2.

(2) *All other sales.* On all other sales, the seller may add to the otherwise applicable maximum price the exact amount of the increase properly charged to him by his supplier pursuant to the provisions of this Supplementary order.

(b) The increase provided for by paragraph (a) hereof may be charged only if coal from a particular district is not mixed by the dealer with coal from another district, either in storage or delivery, and in the case of coal from producing districts No. 1 and No. 2, if coal from strip mines is not so mixed with coal from deep mines; *Provided, however*, That if a purchaser requests a delivery of a mixture of two or more coals, the dealer may comply with such request if the quantity of each is separately weighed, the price charged does not exceed the weighted average of the maximum prices for the individual coals and the invoice or similar document delivered to the purchaser clearly states the quantity of each coal in the mixture, identified by the terms used herein; *And provided, further*, That two or more coals which carry different increases may be mixed and sold at the increased price provided for that one which carries the lowest increase, if the previously established specific maximum prices for the components of the mixture were the same. In addition, the prohibition against mixing strip mine and deep mine coal shall not apply to strip coal from districts No. 1 and No. 2 which is sold at the deep mine price, pursuant to permission granted under the provisions of Amendment No. 146 to Maximum Price Regulation No. 120.

(c) Subject to the provisions of paragraph (b) hereof, all dealers shall separately invoice strip mine coal and deep mine coal, identifying each clearly by appropriate notation thereon.

(d) *Orders affected.* This Supplementary Order shall apply to the following Region I orders under Revised Maximum Price Regulation No. 122:

Order No.:	*Area*
G-8	Worcester, Mass.
G-20	North Shore, Mass.
G-64	New Bedford, Mass.
G-68	Fall River, Mass.

Subparagraphs of paragraph (o) of G-70:

Appendix:	
16	Lowell, Mass., area.
17	Lawrence, Mass., area.
18	Haverhill, Mass., area.

(e) *Definitions.* Terms used herein, such as "deep mine", "strip mine" and "producing district", shall have the meanings provided in § 1340.208 (a) of Maximum Price Regulation No. 120.

This Supplementary Order No. 14 shall become effective as of August 3, 1945.

Issued this 6th day of August 1945.

ELDON C. SHOUP,
Regional Administrator.

[F. R. Doc. 45-15752; Filed, Aug. 23, 1945; 4:54 p. m.]

[Region I Supp. Order 15 Under RMPR 122]

BITUMINOUS COALS IN BOSTON REGION

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of Region I of the Office of Price Administration by §§ 1340.259 (a) (1) and 1340.260 of Revised Maximum Price Regulation No. 122 and the Emergency Price Control Act of 1942, as amended, *It is hereby ordered*, That:

(a) The specific maximum per net ton prices for all sizes of bituminous coals which are established by the Region I area price orders under Revised Maximum Price Regulation No. 122 listed in paragraph (d) of this order shall, on and after August 3, 1945, be increased as follows: *Provided*, That the conditions set forth in paragraph (b) hereof are observed:

(1) *Direct mine receivers.* On all sales of bituminous coal which the seller has received directly from the mines, or of which he is the producer, the amounts of the increase shall be as follows:

Producing district:	*Amount of increase*
1. From strip mines	[1] None
From deep mines	$0.10
2 From strip mines	None
From deep mines	.06
3. All mines:	
Size group No. 3 (run of mine)	.05
All other size groups	.10
7 All mines	.04
8 All mines	None

[1] In the case of strip mine coal from Producing Districts No. 1 and No. 2, which is sold by the producer, at the deep mine price pursuant to permission granted under the provisions of Amendment No. 146 to Maximum Price Regulation No. 120, the amount of the increase shall also be 10c per net ton for prepared strip coal from District No. 1 and 6c per net ton for prepared strip coal from District No. 2.

(2) *All other sales.* On all other sales, the seller may add to the otherwise applicable maximum price the exact amount of the increase properly charged to him by his supplier pursuant to the provisions of this supplementary order.

(b) The increase provided for by paragraph (a) hereof may be charged only if coal from a particular district is not mixed by the dealer with coal from another district, either in storage or delivery, and in the case of coal from Producing Districts No. 1 and No. 2, if coal from strip mines is not so mixed with coal from deep mines; *Provided, however*, That if a purchaser requests a delivery of a mixture of two or more coals, the dealer may comply with such request if the quantity of each is separately weighed, the price charged does not exceed the weighted average of the maximum prices for the individual coals and the invoice or similar document delivered to the purchaser clearly states the quantity of each coal in the mixture, identified by the terms used herein; *And provided, further*, That two or more coals which carry different increases may be mixed and sold at the increased price provided for that one which carries the lowest increase, if the previously established specific maximum prices for the components of the mixture were the same. In addition, the prohibition against mixing strip mine and deep mine coal shall not apply to strip coal from Districts No. 1 and No. 2 which is sold at the deep mine price, pursuant to permission granted under the provisions of Amendment No. 146 to Maximum Price Regulation No. 120.

(c) Subject to the provisions of paragraph (b) hereof, all dealers shall separately invoice strip mine coal and deep mine coal, identifying each clearly by appropriate notation thereon.

(d) *Orders affected.* This supplementary order shall apply to the following Region I orders under Revised Maximum Price Regulation No. 122:

ORDER NUMBER AND AREA

Subparagraphs of paragraph (o) of G-70:

Appendix:	
6	Hartford, Conn.
7	Metropolitan Boston.
11	Springfield, Mass.

(e) *Definitions.* Terms used herein, such as "deep mine", "strip mine" and "producing district", shall have the meanings provided in § 1340.208 (a) of Maximum Price Regulation No. 120.

This Supplementary Order No. 15 shall become effective as of August 3, 1945.

Issued this 6th day of August 1945.

ELDON C. SHOUP,
Regional Administrator.

[F. R. Doc. 45-15753; Filed, Aug. 23, 1945; 4:54 p. m.]

[Region I Supp. Order 16 Under RMPR 122]

COKE IN BOSTON REGION

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of Region I of the Office of Price Administration by §§ 1340.259 (a) (1) and 1340.260 of Revised Maximum Price Regulation No. 122 and the Emergency Price Control Act of 1942, as amended, *It is hereby ordered*, That:

(a) Dealers making sales of coke subject to the Region I orders under Revised Maximum Price Regulation No. 122 listed in paragraph (b) of this order, may increase the specific maximum prices for all sizes of coke which are specifically priced in said orders by the following amounts:

Per net ton	90 cents.
Per ½ ton	45 cents.
Per ¼ ton	20 cents.
Units smaller than ¼ ton	No increase

(b) *Orders affected.*

Order No.:	*Area*
G-12	Haverhill, Mass.
G-13	Lynn-Salem.
G-14	Lowell, Mass.
G-15	Manchester, N. H.
G-16	Brockton, Mass.
G-17	Taunton, Mass.
G-18	New London, Conn.
G-19	Concord, N. H.
G-21	Nashua, N. H.
G-22	Worcester, Mass.
G-23	Stoughton, Mass.
G-24	Bridgeport, Conn.
G-25	Portland, Maine.
G-26	Portsmouth-Kittery.
G-28	Bangor, Maine.
G-29	Lewiston-Auburn.
G-30	Augusta, Maine.
G-31	Brunswick, Maine.
G-32	Rockland, Maine.
G-33	Biddeford-Saco.
G-34	Bath, Maine.
G-35	Hampton-Seabrook.
G-36	Dover-Exeter.
G-38	Milford and Hopedale, Mass.
G-39	Providence, R. I.
G-40	Rutland, Vt.

This Supplementary Order No. 16 shall become effective as of 12:01 a. m. August 7, 1945.

Issued this 7th day of August 1945.

ELDON C. SHOUP,
Regional Administrator.

[F. R. Doc. 45-15754; Filed, Aug. 23, 1945; 4:53 p. m.]

[Region I Supp. Order 17 Under RMPR 122]

COKE IN BOSTON REGION

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of Region I of the Office of Price Administration by §§ 1340.259 (a) (1) and 1340.260 of Revised Maximum Price Regulation No. 122 and the Emergency Price Control Act of 1942, as amended, *It is hereby ordered*, That:

(a) Dealers making sales of coke subject to the Region I orders under Revised Maximum Price Regulation No. 122 listed in paragraph (b) of this order, may

increase the specific maximum prices for all sizes of coke which are specifically priced in said orders by the following amounts:

Per net ton	40 cents.
Per ½ ton	20 cents.
Per ¼ ton	10 cents.
Units smaller than ¼ ton	No increase.

(b) *Orders affected.*

Order No.:	Area
G–11	Lawrence, Mass.
G–41	Adams, Mass.
G–42	Bennington, Vt.
G–43	Manchester, Vt.
G–44	Danbury, Conn.
G–45	White River Junction, Vt.
G–46	Hartford, Conn.
G–47	New Haven, Conn.
G–48	Brattleboro-Keene, Vt.
G–49	Middletown, Conn.
G–50	St. Albans, Vt.
G–51	Waterbury, Conn.
G–52	Putnam, Conn.
G–53	Bellows Falls, N. H.-Vt.
G–54	Burlington, Vt.
G–55	Willimantic, Conn.
G–56	Montpelier, Vt.
G–57	Norwich, Conn.
G–58	St. Johnsbury, Vt.
G–59	Winsted, Conn.
G–60	Springfield, Vt.-Claremont, N. H.
G–61	New Britain, Conn.
G–62	Torrington, Conn.
G–63	Woonsocket, R. I.
G–64	New Bedford, Mass.
G–65	Attleboro, Mass.
G–66	Fitchburg, Mass.
G–67	Gardner, Mass.
G–68	Fall River, Mass.
G–69	Southbridge, Mass.
Subparagraphs of paragraph (b) of G–70:	
Appendix:	
1	Plymouth, N. H.
2	Greenfield, Mass.
3	Pittsfield, Mass.
4	Springfield, Mass.
5	Holyoke, Mass.
8	Amherst, Mass.
9	Metropolitan Boston.
10	Berlin, N. H.
12	Southern Berkshire.
13	Stamford-Norwalk, Conn.
14	North Country, N. H.
15	Laconia-Franklin, N. H.
19	Conway, N. H.

This Supplementary Order No. 17 shall become effective as of 12:01 a. m., August 7, 1945.

Issued this 7th day of August 1945.

ELDON C. SHOUP,
Regional Administrator.

[F. R. Doc. 45–15749; Filed, Aug. 23, 1945; 4:53 p. m.]

[Region VI Order G–24 Under RMPR 122]

BY-PRODUCT COKE IN CHICAGO REGION

Pursuant to the authority vested in the Regional Administrator of Region VI by § 1340.260 of Revised Maximum Price Regulation No. 122, as amended, and for reasons stated in an opinion issued herewith, it is ordered:

(a) *What this order does.* This order adjusts the maximum prices for the sale of by-product coke of all dealers whose maximum prices for the sale of such solid fuels are now established under area pricing orders of Region VI of the Office of Price Administration.

(b) *Geographical applicability.* This order applies to all sales where the buyer receives physical delivery within the areas covered by each area pricing order in Region VI, which includes the States of Illinois, Iowa, Minnesota, Nebraska, North Dakota, South Dakota, Wisconsin, and Lake County, Indiana.

(c) *Price adjustments.* On by-product coke, the sale of which is governed by maximum prices established by Region VI orders G–1 to G–16 under Revised Maximum Price Regulation No. 122 inclusive, and appendices thereto, and any other Region VI area pricing orders issued under that regulation, dealers are hereby permitted to increase their maximum prices by 40¢ per ton.

(d) This Order No. G–24 shall remain in effect in each area covered by a Region VI area pricing order until such area order is amended to reflect the price increase permitted herein and to supersede this Order No. G–24.

(3) *Effect of order on Revised Maximum Price Regulation No. 122.* Insofar as any provision of this order may be inconsistent with any provision of Revised Maximum Price Regulation No. 122, as amended, the provisions contained in this order shall be controlling. Except as herein otherwise provided, the provisions of Revised Maximum Price Regulation No. 122, as amended, shall remain in full force and effect.

(f) This order may be revoked, amended, or modified at any time.

This order shall become effective August 7, 1945.

Issued this 7th day of August 1945.

RAE E. WALTERS,
Regional Administrator.

[F. R. Doc. 45–15748; Filed, Aug. 23, 1945; 4:53 p. m.]

[Region III Order G–1 Under MPR 579]

FRESH AND FROZEN FISH AND SEAFOOD IN CLEVELAND REGION

Pursuant to the Emergency Price Control Act of 1942, as amended, the Stabilization Act of 1942, as amended, Executive Orders Nos. 9250 and 9328 and Maximum Price Regulation No. 364, Maximum Price Regulation No. 418 and Maximum Price Regulation No. 579 and for the reasons set forth in the accompanying opinion, this order is issued.

(a) *Applicability of this order.* This order shall apply to all sales by wholesalers to retailers, purveyors of meals, industrial users and institutional users of fresh and frozen fish and seafood subject to Maximum Price Regulation No. 364, Maximum Price Regulation No. 418 and Maximum Price Regulation No. 579 where both buyer and seller are located within the area hereinafter described in section (e).

(b) *What this order does.* This order modifies certain invoicing requirements under the authority granted in section 6 (f) of Maximum Price Regulation No. 364 (Frozen Fish and Seafood), section 15 (d) of Maximum Price Regulation No. 418 (Fresh Fish and Seafood), and section 1.6 (c) of Maximum Price Regulation No. 579 (Certain Species of Fresh and Frozen Fish and Seafood), whereby the Regional Administrator may alter, modify or suspend such invoicing requirements contained in said maximum price regulations.

(c) *Modification of invoicing requirements.* (1) On and after the effective date of this order, all persons making sales of fresh and frozen fish and seafood subject to this order, who place the statement hereinafter set forth in subsection (2) of this section (c) upon invoices delivered in connection with sales subject hereto, shall not be required to state upon such invoices either the container costs or the transportation allowances as required by the aforementioned maximum price regulations;

(2) The statement provided for in subsection (1) hereof shall read as follows:

Prices charged include container costs and transportation allowances. The Office of Price Administration requires that we furnish you an itemized statement of such costs and allowances if you so request.

(d) *Applicability of Maximum Price Regulation No. 364, Maximum Price Regulation No. 418 and Maximum Price Regulation No. 579.* Except as otherwise provided herein, all sales of fresh and frozen fish and seafood shall be and remain subject to the applicable Maximum Price Regulation.

(e) *Geographical applicability.* This order shall apply throughout Region III, which is composed of the States of Kentucky, Indiana (except the County of Lake), Michigan, Ohio and West Virginia.

(f) *Definitions.* Unless the context otherwise requires, the definitions set forth in Maximum Price Regulation No. 364, Maximum Price Regulation No. 418 and Maximum Price Regulation No. 579 and in section 302 of the Emergency Price Control Act of 1942, as amended, and in the General Maximum Price Regulation, as amended, shall apply to the terms used herein.

This order shall become effective July 21, 1945.

Issued: July 21, 1945.

BIRKETT L. WILLIAMS,
Regional Administrator.

[F. R. Doc. 45–15904; Filed, Aug. 25, 1945; 11:58 a. m.]

[Region III Order G–5 Under MPR 188]

CONCRETE BLOCKS IN KENT COUNTY, MICH., AREA

For the reasons set forth in an opinion issued simultaneously herewith, and under the authority vested in the Regional Administrator of Region III of the Office of Price Administration by § 1499.161 (a) (2) of Maximum Price Regulation No. 188; *It is hereby ordered:*

(a) Any manufacturer of concrete blocks may sell such blocks in the Kent County, Michigan, area at prices not exceeding (1) his present legally established maximum prices, or (2) the maximum prices hereinafter set forth.

(b) Any such seller shall, however, maintain all customary discounts, allowances, or price differentials which were in effect in March 1942.

(c) The schedule of adjusted maximum prices of concrete blocks permitted by this order is as follows:

Concrete blocks	Adjusted maximum prices		
	Yard sales	City delivery	10-mile delivery [1]
Plain blocks (8″ x 8″ x 16″)	$0.12	$0.13	$0.14
Face blocks (8″ x 8″ x 16″)	.15	.16	.17
Chimney blocks	.27	.30	.31

[1] An additional charge of $0.01 per block may be made for every additional ten miles delivered.

(d) This order shall apply to all sales of concrete blocks pursuant to which actual physical delivery occurs within the limits of Kent County, Michigan.

(e) This order may be modified, amended or revoked at any time by the Office of Price Administration.

This order shall become effective July 27, 1945.

Issued: July 27, 1945.

BIRKETT L. WILLIAMS,
Regional Administrator.

[F. R. Doc. 45–15905; Filed, Aug. 25, 1945; 11:59 a. m.]

[Region III Order G–12 Under Supp. Order 94]

BUTCHERS' MEAT BLOCKS IN CLEVELAND REGION

For the reasons set forth in an opinion issued simultaneously herewith, and pursuant to sections 11 and 13 of Supplementary Order No. 94 and the Emergency Price Control Act of 1942, as amended, it is hereby ordered that:

(a) *What this order does.* This Order No. G–12 establishes maximum prices for the sale of butchers' meat blocks, hereinafter described, by the Department of Commerce, Office of Surplus Property, to resellers, and by resellers to ultimate consumers or users.

(b) *Geographical applicability.* This Order No. G–12 shall apply to all sales described herein when made in this Region III, which includes the states of Ohio, Indiana (except the County of Lake), Michigan, Kentucky, and West Virginia.

(c) *Maximum prices.* Maximum prices for the sale of the butchers' meat blocks described herein shall be as follows:

Article and description	Commerce's maximum prices to resellers	Resellers' maximum prices to consumers or users
1. Butchers' meat block—top of the block 20″ x 30″ x 16″; overall height, 34″; made of laminated maple blocks, size 6″ x 2″ x 16″; tongue and groove construction; bolted together with steel rods through the center of block; condition, new	$23.10	$38.40
2. Butchers' meat block—top of the block 35″ x 50″ x 16″, made of hard maple wood, consisting of pieces glued together forming sections running parallel to the sides; pieces then bolted together with rods running through the block; condition, new	58.50	97.25

(d) *Notification of maximum prices.* Any person who sells the butchers' meat blocks described in paragraph (c), including the Department of Commerce, shall advise the purchaser by notation on the invoice of the maximum prices established herein.

(e) *Records.* All resellers of the commodity subject to this order shall keep for inspection by the Office of Price Administration, for so long as the Emergency Price Control Act of 1942, as amended, shall remain in effect, customary records of all transactions.

(f) *Revocation and amendment.* This order may be amended or revoked at any time by the Office of Price Administration.

This order shall become effective July 30, 1945.

Issued: July 30, 1945.

BIRKETT L. WILLIAMS,
Regional Administrator.

[F. R. Doc. 45–15907; Filed, Aug. 25, 1945; 11:59 a. m.]

[Region III Order G–30 Under RMPR 122, Amdt. 5]

SOLID FUELS IN HAMILTON COUNTY AND MILFORD, OHIO

For the reasons set forth in an opinion issued simultaneously herewith, and under the authority vested in the Regional Administrator of Region III of the Office of Price Administration by § 1340.260 of Revised Maximum Price Regulation No. 122; *It is hereby ordered,* That paragraph (c) (1) of Order No. G–30 under Revised Maximum Price Regulation No. 122 be amended to read as follows:

SCHEDULE I—CINCINNATI, OHIO

Column I	Column II	Column III
I. High volatile bituminous coals from producing District Nos. 7 and 8 (southern West Virginia, western Virginia, northeastern Tennessee, and eastern Kentucky) except from the Bull Creek, Clintwood, Splash Dam, and Upper Banner seams and from mine index No. 61 in District 8 (the Blue Rose mine of the New Jellico Coal Co.): [1]		
A. Lump, size group Nos. 1 and 2 (bottom size larger than 3″):		
1. From the Harlan and Raven Rock, Harlan and Creech, Elkhorn 1 and 2, No. 2 Gas, Dorothy and Millers Creek seams in mine price classifications E through J	$8.30	$8.05
2. All other coals in mine price classifications G and lower excepting coal from mine index No. 413 (Belmont #8 Mine of the Coalburg Kanawha Mining Co.)	7.75	7.50
II. Egg, size group Nos. 6 and 7 (top size larger than 3″ but not exceeding 6″ x bottom size 3″ and smaller) in mine price classifications G and lower	7.45	7.20

[1] $0.10 per ton may be added to the prices of these coals if the coal has been subjected to an oil or calcium chloride treatment by the producer to allay dust or prevent freezing.

[2] These prices reflect certain increases which are in lieu of all increases authorized by Regional Supplementary Order No. 7 which reflects the adjustment granted in Amendment 137 to MPR 120 issued May 1, 1945.

SCHEDULE I—CINCINNATI, OHIO—Continued

Column I	Column II	Column III
I. High volatile bituminous coals from producing District Nos. 7 and 8—Con.		
C. Stoker, size group No. 10 (top size 1¼″ and smaller x bottom size ⅜″ and larger) in Mine price classifications B and lower	$8.00	$7.75
D. Screenings, size group No. 20 (larger than ¾″ x 0 not exceeding 2″ x 0) except coal from mine index No. 25 (Auxier No. 7 mine, of the Northeast Coal Co.) and yard screenings		5.95
E. To the prices stated in sections A, B, C and D of part I may be added $.15 per ton provided the coal is mined in Sub-district No. 6 of Producing District No. 8, and provided it is separately weighed and billed. Sub-district 6 includes that portion of District 8 which is in northern Tennessee and the following counties in Kentucky: Bell, Clay, Clinton, Jackson, Knox, Laurel, Leslie, Madison, McCreary, Owsley, Pulaski, Rock Castle, Wayne, and Whitley		
II. Low volatile bituminous coals from producing district Nos. 7 and 8 (southern West Virginia, western Virginia, northeastern Tennessee and eastern Kentucky) excepting mine index No. 28 (the Bradshaw mine of the Southern Coal Corporation) and mine index No. 73 (Glen Rogers No. 2 Mine of the Raleigh Wyoming Mining Company) both in Producing District No. 7 and mine index No. 391 (mine No. 2 of the Raven Red Ash Coal Co.) in Producing District No. 8: [1]		
A. Lump, size group No. 1 (bottom size larger than that designated for screened Run of Mine) in mine price classifications A through C	9.46	9.21
B. Egg, size group No. 2 (top size larger than 3″ x bottom size no limit) in mine price classifications A through C	9.46	9.21
C. Stoker, or dedusted screenings, size group No. 5 (top size not exceeding ¾″ x bottom size smaller than ¾″) in mine price classification A	7.96	7.71
III. Coke (excluding reclaimed or reject coke) nut and egg sizes	10.35	10.10

This Amendment 5 to Order No. G–30 under Revised Maximum Price Regulation No. 122 shall become effective July 17, 1945.

Issued: July 17, 1945.

BIRKETT L. WILLIAMS,
Regional Administrator.

[F. R. Doc. 45–15906; Filed, Aug. 25, 1945; 11:59 a. m.]

[Region III Supp. Order 8]

SOLID FUELS IN CLEVELAND REGION

For the reasons set forth in an opinion issued simultaneously herewith, and pursuant to the authority vested in the Regional Administrator of Region III of the Office of Price Administration generally, and particularly under § 1340.260 of Revised Maximum Price Regulation No. 122; *It is hereby ordered,* That:

(a) Any seller of solid fuel who is subject to the provisions of any solid fuel area pricing order under Revised Maximum Price Regulation No. 122, heretofore or hereafter issued by this Regional Office, may, where applicable, charge the

following increases in the maximum prices set forth in such area pricing order:

Description of Solid Fuel and Permitted Increase in Maximum Price per Net Ton	
Producing district No. 2 coal:	
1. Coal from all deep mines	$0.06
2. Coal from prepared strip mines only	.06
Producing district No. 3 coal:	
1. Run of mine coals only	.05
2. All other sizes	.10
Producing district No. 6 coal:	
1. Coal from all mines	.04
Producing district No. 7 coal:	
1. Coal from all mines	.04
Producing district No. 11 coal:	
1. Coal from all mines	.04

(b) Except for the increases in the maximum prices herein permitted, on the sales to which they are applicable, this order shall in no way be considered as altering or changing the effectiveness of the said area pricing orders.

This Supplementary Order No. 8 shall become effective August 6, 1945.

Issued: August 6, 1945.

CLIFFORD J. HOUSER,
Acting Regional Administrator.

[F. R. Doc. 45-15909; Filed, Aug. 25, 1945; 12:00 m.]

[Region III Supp. Order 9]

SOLID FUELS IN CLEVELAND REGION

For the reasons set forth in an opinion issued simultaneously herewith, and pursuant to the authority vested in the Regional Administrator of Region III of the Office of Price Administration generally, and particularly under § 1340.260 of Revised Maximum Price Regulation No. 122; *It is hereby ordered*, That:

(a) Any seller of solid fuel who is subject to the provisions of any solid fuel area pricing order under Revised Maximum Price Regulation No. 122, heretofore issued by this Regional Office, may, where applicable, charge the following increase in the maximum prices set forth in such area pricing order:

Description of Solid Fuel and Permitted Increase in Maximum Price Per Net Ton	
By-product and retort gas coke produced in the Midwest and East	$0.40

(b) *Definitions.* (1) "By-product coke" means all coke and coke braize made in by-product oven plants.

(2) "Retort gas coke" means all coke and coke braize made in gas retort plants.

(3) "Midwest" includes the States of Alabama, Illinois, Indiana, Iowa, Kentucky, Michigan, Minnesota, Missouri, Tennessee, Wisconsin, and that part of Ohio west of a line running north and south through a point immediately west of Cleveland.

(4) "East" includes all of the States along the Atlantic seaboard, the States of Vermont and West Virginia, and that part of the State of Ohio east of a line running north and south through a point immediately west of Cleveland.

(c) Except for the increase in the maximum prices herein permitted, on the sales to which they are applicable, this order shall in no way be considered as altering or changing the effectiveness of the said area pricing orders.

This Supplementary Order No. 9 shall become effective August 9, 1945.

Issued: August 9, 1945.

CLIFFORD J. HOUSER,
Acting Regional Administrator.

[F. R. Doc. 45-15908; Filed, Aug. 25, 1945; 12:00 m.]

[Binghamton Order G-1 Under RMPR 259]

CONTAINERS AND CASES OF DOMESTIC MALT BEVERAGES IN BINGHAMTON, N. Y. DISTRICT

For the reasons set forth in the accompanying opinion, it is hereby ordered:

SECTION 1. *What this order does.* In accordance with the provisions of section 5.2 (c) of RMPR 259, this order establishes uniform maximum deposit charges which may be imposed by wholesalers and retailers for cases and containers in connection with sales of domestic malt beverages in bottles and cans, but not by brewers whether or not required to price as wholesalers under section 2.2 (d) of such regulation.

SEC. 2. *Where this order applies.* The provisions of this order shall apply to all wholesalers and retailers located within the counties of Broome, Chemung, Chenango, Cortland, Delaware, Otsego, Schuyler, Steuben, Sullivan, Tioga, Tompkins, and Yates, in the State of New York.

SEC. 3. *Applicability.* No wholesaler or retailer located within the area where this order is applicable may require a deposit from a purchaser in excess of the sum permitted in this order.

SEC. 4. *Deposit charges established by this order.* The maximum deposit charge for all sellers to which this order is applicable are as follows:

	Per bottle
(a) Bottles of 16 oz. or less capacity	$0.02
(b) Bottles of more than 16 oz., but not more than 32 oz. capacity	.05
(c) Bottles of more than 32 oz., but not more than 64 oz. capacity	.10
(d) Wooden, steel, fiber, corrugated cartons, or other empty cases or containers constructed to contain:	*Per case*
24 bottles of 16 oz. or less capacity	$0.27
12 bottles of 16 oz. or not more than 32 oz. capacity	.15
6 bottles of more than 32 oz., but not more than 64 oz. capacity	.15

SEC. 5. *Definitions.* Unless the context otherwise requires, the definitions set forth in section 302 of the Emergency Price Control Act of 1942, as amended, and in RMPR 259, as amended, shall apply to the terms used herein.

This order shall become effective on August 29, 1945.

Issued this 22d day of August 1945.

HOWARD T. WARE,
District Director.

[F. R. Doc. 45-15835; Filed, Aug. 24, 1945; 1:13 p. m.]

[Region IV Rev. Order G-4, Under RMPR 122, Amdt. 2]

SOLID FUELS IN RALEIGH, N. C.

For the reasons set forth in an opinion issued simultaneously herewith, and under the authority vested in the Regional Administrator, Region IV, Office of Price Administration, by § 1340.260 of Revised Maximum Price Regulation No. 122, subparagraph (e) (2) of Revised Order No. G-4 under Revised Maximum Price Regulation No. 122 issued by this office on April 18, 1945, is hereby amended to read as follows:

(2) *Low volatile bituminous coal from District No. 7.*

Size	Per ton (2,000 lbs.)	Per ½ ton (1,000 lbs.	Per ¼ ton (500 lbs.)
Lump and egg	$11.95	$6.23	$3.24
Stove	11.20	5.99	3.08
Domestic nut	10.45	5.48	2.79
Domestic pea	9.85	5.18	2.71
Domestic run-of-mine	10.35	5.43	2.81
Domestic straight run-of-mine	9.80	5.00	2.60
Nut and slack	9.25	4.88	2.56

Effective date. This amendment shall become effective as of August 3, 1945.

Issued: Aug. 13, 1945.

ALEXANDER HARRIS,
Regional Administrator.

[F. R. Doc. 45-15828; Filed, Aug. 24, 1945; 1:11 p. m.]

[Region IV Rev. Order G-5 Under RMPR 122, Amdt. 4]

SOLID FUELS IN CHARLOTTE, N. C.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator, Region IV, Office of Price Administration, by § 1340.260 of Revised Maximum Price Regulation No. 122, paragraph (e) of Revised Order No. G-5 under Revised Maximum Price Regulation No. 122 issued by this office on April 18, 1945 is hereby amended to read as follows:

(e) *Maximum prices.* Maximum prices established by this order area as follows for sales on a "direct delivery or domestic" basis:

(1) *Briquettes and Pennsylvania anthracite.*

Size	Per ton 2,000 lbs.	Per ½ ton 1,000 lbs.	Per ¼ ton 500 lbs.
Pennsylvania anthracite nut	$20.05	$10.28	$5.40
Briquettes	12.22	6.36	3.40

(2) *Low volatile bituminous coal from District No. 7.*

Size	Per ton (2,000 lbs.)	Per ½ ton (1,000 lbs.)	Per ¼ ton (500 lbs.)
Egg	$11.35	$5.93	$3.17
Stove size (or egg)	11.10	5.80	3.06
Nut size	10.35	5.43	2.85
Pea size stoker	10.05	5.28	2.83
Domestic run-of-mine (screened)	10.15	5.33	2.85
Straight run-of-mine	9.95	5.23	2.79

(3) *High volatile from District No. 8.*

Size	Per ton (2,000 lbs.)	Per ½ ton (1,000 lbs.)	Per ¼ ton (500 lbs.)
Lump coal from mine index 451, Benedict Coal Corp.; mine index 433, Southern Collieries, Inc.	$10.60	$5.55	$2.96
Lump	10.45	5.48	2.93
Egg	10.10	5.30	2.84
Stoker, size group 10—from mine index 119, Clinchmore Coal Co.	10.30	5.45	2.91
Stoker, size group 10—from mine index 213, Gatliff Coal Co.	10.05	5.28	2.83
Stoker	9.50	5.20	2.79
Domestic run-of-mine (screened), and nut and lack	9.15	4.83	2.60

(4) *Sale of coal in sacks.* Dealer may charge not more than 71¢ for 100 lb. sack of any kind of coal listed herein, or more than 61¢ if said sack is picked up at a dealer's yard by purchaser.

Effective date. This amendment shall become effective as of August 3, 1945.

Issued: August 13, 1945.

ALEXANDER HARRIS,
Regional Administrator.

[F. R. Doc. 45-15827; Filed, Aug. 24, 1945; 1:11 p.m.]

[Region IV 2d Rev. Order G-7 Under RMPR 122, Amdt. 2]

SOLID FUELS IN KNOXVILLE, TENN., AREA

For the reasons set forth in an opinion issued simultaneously herewith, and under the authority vested in the Regional Administrator, Region IV, Office of Price Administration, by § 1340.260 of Revised Maximum Price Regulation No. 122, Second Revised Order No. G-7 issued by this office on June 1, 1945, is hereby amended in the following respects:

1. Paragraph (e) is amended to read as follows:

(e) *Maximum prices.* Maximum prices established by this order are as follows for sales on a "direct delivery or domestic" basis:

(1) *High volatile bituminous coal from District No. 8.*

Size	Per ton, 2,000 lbs.	Per ½ ton, 1,000 lbs.
(i) Egg coal:		
From mine index No. 228, Fox Ridge Mining Co., Inc.; from mine index No. 401, Francis Rex Coal Co.; from mine index No. 605, Pee Wee Coal Co. from mine index No. 649, Gatliff Coal Co.	$7.50	$4.08
From mine index No. 123, Clover Fork Coal Co., Inc.; from mine index No. 231, Harlan Central Coal Co. Inc.; from Mine Index No. 241, High Splint Coal Co.; from mine index No. 323, Blue Diamond Coal Co.; from mine index No. 354, Etna Coal & Coke Co.; from mine index No. 364, Gibraltar Coal Co., from mine index No. 423, Sun Coal Co. from mine index No. 5023, The Blue Gem Coal Co., and from mine index No. 7023, Highland Construction Co...	7.65	3.95
All other mines	7.55	3.90

2. Subparagraph (f) (5) is hereby revoked.

Effective date. This amendment shall become effective Aug. 18, 1945.

Issued: August 13, 1945.

ALEXANDER HARRIS,
Regional Administrator.

[F. R. Doc. 45-15829; Filed, Aug. 24, 1945; 1:11 p. m.]

SOLID FUELS IN DANVILLE, VA., AREA

[Region IV Rev. Order G-9 Under RMPR 122, Amdt. 3]

For the reasons set forth in an opinion issued simultaneously herewith, and under the authority vested in the Regional Administrator, Region IV, Office of Price Administration, by § 1340.260 of Revised Maximum Price Regulation No. 122, subparagraph (e) (1) of Revised Order No. G-9 under Revised Maximum Price Regulation No. 122 is amended to read as follows:

(1) *Low volatile bituminous coal from District No. 7.*

Size	Per ton (2,000 lbs.)	Per ½ ton (1,000 lbs.)	Per ¼ ton (500 lbs.)
Stove	$9.75	$5.13	$2.69
Egg	10.15	5.33	2.70
Stoker	8.60	4.55	2.40
Run-of-mine	8.90	4.70	2.48
Nut	9.15	4.83	2.54
Slack	6.60	3.55	1.90

Effective date. This amendment shall become effective as of August 3, 1945.

Issued: August 13, 1945.

ALEXANDER HARRIS,
Regional Administrator.

[F. R. Doc. 45-15832; Filed, Aug. 24, 1945; 1:12 p. m.]

[Region IV 2d Rev. Order G-10 Under RMPR 122, Amdt. 3]

SOLID FUELS IN HENRICO, HANOVER, AND CHESTERFIELD COUNTIES, AND RICHMOND, VA.

For the reasons set forth in an opinion issued simultaneously herewith, and under the authority vested in the Regional Administrator, Region IV, Office of Price Administration, by § 1340.260 of Revised Maximum Price Regulation No. 122, subparagraphs (e) (1) and (e) (5) of Second Revised Order No. G-10 under Revised Maximum Price Regulation No. 122 issued by this office on April 18, 1945 are amended to read as follows:

(1) *Low volatile bituminous coal from District No. 7.*

Size	Per ton (2,000 lbs.)	Per ½ ton (1,000 lbs.)	Per ¼ ton (500 lbs.)
Egg (double screened)	$12.90	$6.95	$3.98
Egg (single screened)	11.90	6.45	3.73
Stove size (double screened)	12.55	6.78	3.89
Stove size (single screened)	11.55	6.28	3.64
Nut size (double screened)	11.10	6.05	3.53
Nut size (single screened)	10.70	5.85	3.43
Pea stoker	10.35	5.68	3.34
Run-of-mine (screened or straight)	10.20	5.60	3.30
Nut and slack	9.85	5.43	3.21

(5) *Briquettes.*

Size	Per ton (2,000 lbs.)	Per ½ ton (1,000 lbs.)	Per ¼ ton (500 lbs.)
Briquettes	$13.42	$7.21	$4.11

Effective date. This amendment shall become effective as of August 3, 1945.

Issued: August 13, 1945.

ALEXANDER HARRIS,
Regional Administrator.

[F. R. Doc. 45-15830; Filed, Aug. 24, 1945; 1:12 p. m.]

[Region IV Rev. Order G-11 Under RMPR 122, Amdt. 2]

SOLID FUELS IN ROANOKE, VA., AREA

For the reasons set forth in an opinion issued simultaneously herewith, and under the authority vested in the Regional Administrator, Region IV, Office of Price Administration, by § 1340.260 of Revised Maximum Price Regulation No. 122, subparagraph (e) (1) of Revised Order No. G-11 under Revised Maximum Price Regulation No. 122 issued by this office on April 21, 1945 is amended to read as follows:

(1) *Low volatile bituminous coal from District No. 7.*

Size	Per ton (2,000 lbs.)	Per ½ ton (1,000 lbs.)	Per ¼ ton (500 lbs.)
Run-of-mine (domestic)	$7.90	$4.20	$2.33
Run-of-mine (steam)	7.80	4.15	2.30
Stove, from mine index 38, Koppers Coal Division, Eastern Gas and Fuel Associates	8.55	4.53	2.49
Stove	8.50	4.50	2.48
Egg	9.00	4.75	2.60
Lump	7.75	4.13	2.29
Nut and chestnut	7.90	4.20	2.33
Stoker	7.60	4.05	2.25
Slack	5.55	3.03	1.71

Effective date. This amendment shall become effective as of August 3, 1945.

Issued: August 13, 1945.

ALEXANDER HARRIS,
Regional Administrator.

[F. R. Doc. 45-15831; Filed, Aug. 24, 1945; 1:12 p. m.]

[Region VIII Order G-1 Under SR 14E]

NON-GOVERNMENT ISSUE SAILOR UNIFORMS IN SAN FRANCISCO REGION

For the reasons set forth in the accompanying opinion and pursuant to the authority conferred upon the Regional Administrator by section 1.3 (b) of Supplementary Regulation No. 14E and paragraph (c) subparagraph (8) of Revised General Order No. 32, as amended, it is hereby ordered as follows:

(A) *Non-Government Issue sailor uniforms*—(a) *Commodities covered.* This order covers uniforms consisting of pants and jumper, made of material other than cotton, not of government issue, worn, or designed to be worn by enlisted men of the United States Navy. This order covers both complete uniforms consisting of pants and jumper, and the pants or the jumpers separately. When the words "uniform" or "uniforms" are used in this order they mean and include the complete uniform, or the pants, or the jumpers, as the case may be. Where any provision is limited to complete uniforms, separate pants or separate jumpers, specific reference to one of these commodities will be made. For uniforms made of materials other than those for which specific maximum prices are hereinafter set forth, maximum prices shall be established under section 1499.3 of the General Maximum Price Regulation. Applications filed under section 1499.3 shall be filed with the San Francisco Regional Office of the Office of Price Administration, at 1355 Market Street, San Francisco, California.

(b) *Transactions covered.* (1) This order applies to all sales and deliveries of uniforms, regardless of where fabricated, if the sale or delivery is made within Region VIII.

(2) "Region VIII" when used in this order, means the area consisting of the states of California, Washington, Nevada, Oregon (except Malheur County), Arizona (except those portions of Coconino County and Mohave County lying north of the Colorado River), and the following counties in the State of Idaho: Beneway, Bonner, Boundary, Clearwater, Kootenai, Latah, Lewis, Nez Perce, Shoshone, and Idaho.

(c) *Prohibitions.* (1) No person shall sell or deliver uniforms covered by this order at prices higher than those established herein, and no person in the course of trade or business shall buy or receive uniforms at prices higher than those established herein.

(2) No person shall do any act which directly or indirectly increases above the maximum price the consideration paid or furnished by the purchaser for uniforms covered by this order. Any practice which is a device to secure the effect of a higher-than-ceiling price is as much a violation as an outright raising of the maximum price. This applies to devices making use of commissions, services, transportation arrangements, premiums, discounts, special privileges, tying agreements, and similar practices.

(3) No person shall offer or attempt to do, or solicit the doing of any of the foregoing.

(4) No person shall fail to do any act required of him by any provision of this order.

(d) *Definitions.* (1) When used in this order, the following terms shall have the following meaning:

(i) "Ready-made" means, with respect to uniforms, all uniforms other than "made-to-measure" or "custom-tailored" uniforms, including those commonly known as "stock suits".

(ii) "Made-to-measure" means that the ultimate user's measurements have been taken at one place of business and the complete uniform is cut and made to those measurements at another place of business.

(iii) "Custom-tailored" means that the ultimate user's measurements are taken and the complete uniform is individually cut to that measurement in the same place of business.

(iv) "Ultimate user" means, with respect to any uniform, a person for whose personal wear it is bought or to whose specific measure it is made.

(v) "Sale at retail" means, with respect to any uniform, a sale to an ultimate user or to any other person for delivery to an ultimate user without further sale.

(vi) "Manufacturer" means, with respect to any uniform, a person other than a contractor, who fabricates the uniform.

(vii) The term "sale" includes sales, dispositions, exchanges, leases, and other transfers, and contracts and offers to do any of the foregoing.

(e) *Maximum prices for sales at retail.* (1) The maximum price for a sale at retail of a "Non Government Issue sailor uniform" made from the kind and quality of material specified in this paragraph is the applicable one of the following:

TYPE OF MATERIAL

[All materials must be all wool of fast color and preshrunk]

	Ready-made		
	Complete uniform	Jumper alone	Pants alone
14 oz. serge	$33.75	$18.00	$15.75
16-18 oz. serge	30.75	19.85	16.90
Gabardine, whipcord or elastique	39.75	21.75	18.00
	Made-to-measure		
14 oz. serge	$36.00	$19.50	$16.50
16-18 oz. serge	39.00	21.75	17.25
Gabardine, whipcord or elastique	42.00	23.25	18.75
	Custom-tailored		
14 oz. serge	$38.75	$21.00	$17.75
16-18 oz. serge	41.75	22.85	18.90
Gabardine, whipcord or elastique	44.75	24.75	20.00

(The above prices include the cost of all necessary alterations. They do not include the cost of insignia, or the service of attaching insignia, which may be charged for separately at prices not exceeding their maximum prices.)

(2) The price shown for made-to-measure and custom-tailored uniforms will apply only if the manufacturer has embroidered or stitched the name of the ultimate user into the linings in the manner specified in paragraph (g). The price shown for custom tailored uniforms will apply only if the seller also sews into the uniform a label to the effect that the uniform was "made to the individual measurements of (name of ultimate user). Order No. _____". Unless these requirements are met the maximum price shall be the maximum price for a ready-made uniform of like material, even though the other requirements for "made-to-measure" or "custom-tailored" uniforms are met.

(3) Every person selling a uniform to an ultimate user thereby guarantees to him that the color is fast and the material is preshrunk; and such persons must replace, free of charge, any uniform if, as a result of cleaning or washing, its color is not fast.

(f) *Maximum prices for all sales of uniforms other than sales at retail.* (1) If the sale is not a sale at retail, the maximum price for the sale of a uniform made from materials of the kind and quality specified in this paragraph shall be the applicable one of the following:

TYPE OF MATERIAL

[All materials must be all wool of fast color and preshrunk]

	Ready-made		
	Complete uniform	Jumper alone	Pants alone
14 oz. serge	$22.50	$12.00	$10.50
16-18 oz. serge	24.50	13.25	11.25
Gabardine, whipcord, or elastique	26.50	14.50	12.00
	Made-to-measure		
14 oz. serge	$24.00	$13.00	$11.00
16-18 oz. serge	26.00	14.50	11.50
Gabardine, whipcord or elastique	28.00	15.50	12.00

Terms: Net cash 30 days or net 10 days, F.O.M. buyer's factory.

(2) Every manufacturer selling a uniform thereby guarantees to the buyer, to all subsequent buyers, and to the ultimate user that the color is fast and the material is preshrunk; and such manufacturer must replace, free of charge, any uniform if, as a result of cleaning or washing, its color is not fast.

(3) The price shown for made to measure uniforms will apply only if the manufacturer has embroidered or stitched the name of the ultimate user into the linings in the manner specified in paragraph (g); Otherwise, the maximum price shall be the maximum price for a ready-made uniform of like material to the same customer.

(4) If a uniform is sold by a person who is neither a manufacturer nor a retailer, such seller thereby guarantees to the buyer, to all subsequent buyers, and to the ultimate user that the color is fast and the material is preshrunk; and such seller must replace, free of charge, any uniform if, as a result of cleaning or washing, the color is not fast.

(g) *Rules as to embroidering or stitching name.* The maximum price established by paragraphs (e) and (f) for sales of made-to-measure and custom-tailored uniforms, refer to this paragraph for the requirements as to embroidering or stitching the ultimate user's name. When such reference is made the name must be embroidered or stitched by the manufacturer directly into the lining sewed to the front flap of the pants and directly to the lining sewed to the yoke of the jumper. Such embroidering or stitching must be done during the process of manufacture before the lining is affixed. The sewing of a tab or strip with the ultimate user's name onto the lining, for example, will not satisfy the requirement as the name must be incorporated into the lining itself.

(h) *Information to purchasers*—(1) *Marking.* On and after the effective date of this order, no person shall sell or deliver any ready-made uniform unless such uniform is correctly marked. Marking shall be accomplished by attaching to each jumper and each pair of pants covered by this order a ticket which shall contain the information described below. This information may be written on the size ticket if desired. On each ticket of each jumper and each pair of pants covered by this order, shall appear the symbol 8R-OPA-G-1, the maximum retail price for jumper and pants sold as a complete suit, the maximum retail price for jumper only, and the maximum retail price for pants only. Separate pants and jumpers not manufactured as part of a full uniform shall be marked only with 8R-OPA-G-1 and the maximum retail price of the jumper or pants, as the case may be. Primary responsibility for making uniforms in this manner is upon the manufacturer. However, should he not comply with this provision, any subsequent seller into whose hands the uniforms come without marking is required to mark them as required herein. Marking by subsequent seller, however, shall not extinguish the liability of any previous seller for his failure to comply with the provisions of this paragraph. The ticket must remain attached to the pants and jumper at all times until they are delivered to the ultimate user.

(2) The following is an example of the marking ticket for use on uniforms:

RETAIL CEILING PRICE 8R-OPA-G-1

Suit ---------- $------
Jumper only ---------- $------
Pants only ---------- $------

(i) *Records.* (1) Every person selling uniforms subject to this order must keep and make available for examination by the Office of Price Administration:

(i) All records required to be kept pursuant to the General Maximum Price Regulation;

(ii) Records of the kind which he kept during March, 1942, or which he kept upon first commencing to do business if that was after March, 1942.

(2) *Posting maximum prices and other information.* Each person selling or offering to sell uniforms at retail shall have posted in a conspicuous place in his store a sign not smaller in size than 20" x 26" showing the following:

(i) His maximum price for each kind of uniform which he offers to sell according to the classifications of uniforms shown in this regulation.

(ii) A guarantee as follows "The material used in our suits is guaranteed to be of fast color, preshrunk and all wool."

(3) Each seller of made-to-measure or custom-tailored uniforms shall, upon taking an order for a made-to-measure or custom-tailored uniform, record the name and address of the person for whose use the uniform is to be fabricated, such person's measurements, and the type of material from which the uniform is to be fabricated. Where the uniform is to be cut and made to these measurements at another place of business, two copies of this record (herein referred to as an "order") must be made, the name and address of the place of business where the uniform is to be cut and made must be recorded, and one copy of such order must be forwarded to that place of business, must be kept by the latter and must be made available for inspection by the Office of Price Administration. Each order shall be consecutively numbered by the person recording the information; the copy which is transmitted to the place of business where the uniform is to be cut and made must bear the same serial number as the original. If a uniform is custom-tailored, the serial number on the order must correspond with the order number placed on the label required to be placed on the uniform by the provisions of paragraph (e) (2) of this order.

(4) *Sales slips.* Any person who has customarily given a purchaser a sales slip or similar evidence of purchase, must continue to do so. Upon request from any purchaser, any seller, regardless of previous custom, must give to the purchaser a receipt showing the date, the name and address of the seller, the kind of uniform sold and the price received for it. Persons making sales of uniforms to any person other than an ultimate user must give such person an invoice showing the date of the sale, the name and address of the seller and buyer, the kind and number of uniforms sold, and the price charged and received. Such invoice must be mailed or otherwise delivered to the buyer not later than the close of the business day following the delivery of the uniforms. Copies of all such invoices must be kept at the principal place of business of the seller and made available for examination by the Office of Price Administration.

(j) *Effective date.* This order shall be effective August 13, 1945.

Issued this 6th day of August 1945.

FRANK H. SLOSS,
Acting Regional Administrator.

[F. R. Doc. 45-15825; Filed, Aug. 24, 1945; 1:10 p. m.]

[San Francisco Order G-1 Under Rev. Restaurant MPR 8-1, Revocation]

CERTAIN RESTAURANT FOOD ITEMS IN SAN FRANCISCO, CALIF., DISTRICT

For the reasons set forth in an opinion issued simultaneously herewith, and under the authority vested in the District Director of the San Francisco District Office by section 19 of Revised Restaurant Maximum Price Regulation No. 8-1, Order of Delegation No. 30 issued thereunder by the Regional Administrator of Region VIII, and section 25 paragraphs (c) and (d) of Restaurant Maximum Price Regulation No. 2 and under the authority reserved in the above named Order No. G-1, the said order is hereby revoked.

This order of revocation shall become effective September 1, 1945.

Issued this 18th day of August 1945.

ROBERT B. PARKS,
District Director.

[F. R. Doc. 45-15834; Filed, Aug. 24, 1945; 1:13 p. m.]

[Region VIII Order G-11 Under RMPR 251]

INSTALLED ROOFING AND SIDING IN SOUTHERN CALIFORNIA

For the reasons set forth in an opinion issued simultaneously herewith, and under the authority vested in the Regional Administrator of the Office of Price Administration by section 9 of Revised Maximum Price Regulation No. 251, it is hereby ordered:

(a) *Geographical applicability.* This order shall apply to the following counties in the State of California: Imperial, Inyo, Los Angeles, Orange, Riverside, San Bernardino, San Diego, San Luis Obispo, Santa Barbara, and Ventura.

(b) *Maximum prices.* The maximum prices of any seller whose principal place of business located in the above described areas, or who sells the following materials in that area on an installed basis are established as follows:

Item and maximum price (per square of 100 sq. ft. unless otherwise noted)

A. *Installed roofing.* (The following maximum prices cover sales of materials installed according to manufacturers' specifications and include material and labor for hip, side, and valley and nails, mastic, and flashing around chimneys and vents.)

(1) Composition roofing:	
1. 105± classification, including diamond point, pyramid, shadow-point, gothic point, roll roofing nailed on	$7.00
2. 130 to 150± classification, including standard Dutch lap, lok, grip-lock shingles	9.00
3. 151 to 173± classification, including hexagon, standard gothic, giant Dutch lap, evertite, rigid slab, and alumi shield shingles	10.00
4. 174 to 239± classification, including square butt, thick-butt, and square tab	12.00
5. 255 to 325± classification rigid asbestos shingles (white or colored)	25.00
6. 90± roll composition mineral surface, nailed on	5.50

(i) Composition roofing—Continued.

7. 90# roll composition mineral surface, nailed on with seams mopped	$6.00
8. 15# asphalt felt plus 60# smooth or 90# mineral surfaced cap, nailed and mopped on	8.00
9. 30# felt plus 60# smooth or 90# mineral surfaced cap, nailed and mopped on	8.50
10. 40# felt plus 60# smooth or 90# mineral surfaced cap, nailed and mopped on	8.75
11. 2 layers 15# asphalt felt, mopped between and on top	4.50
12. 2 layers 30# asphalt felt, nailed and mopped between and on top (new work under tile)	6.50
13. 3 layers 15# asphalt felt, mopped on and graveled	8.50
14. 2 layers 30# asphalt felt, mopped on and graveled	8.00
15. 2 layers 40# specification mopped on and graveled	8.50
16. 58# mineral surface split sheet, nailed and mopped on	8.00
17. 58# metallic surface split sheet, nailed and mopped on	8.50
18. 30# asphalt felt and 2 layers of 58# metallic split sheet, nailed and mopped on	12.00
19. 30# asphalt felt and 90# cap sheet, mopped to existing corrugated iron	9.00
20. 1 layer Irish flat felt and gray crushed rock over corrugated iron—4 moppings asphalt	12.00
21. 65# alumi shield, mopped over 30# asphalt felt	9.50
22. 65# asbestos felt, nailed on with seams mopped	7.00
23. 3 layers 15# or 20# asbestos felt, mopped between and on top	12.00
24. 45# asbestos felt, nailed on, plus 2 layers 15# or 20# asbestos, mopped between and on top	12.50
25. 2 layers 45# asbestos felt, mopped between and on top	10.50
26. 65# asbestos felt and two layers 15# or 20# asbestos felt, mopped between and on top	13.75
27. 45# asbestos felt, mopped over one layer 30# asphalt felt	8.50
28. 55#, 60#, or 65# asbestos felt, mopped over one layer 30# asphalt felt	9.50
29. 55#, 60#, or 65# asbestos felt, mopped over one layer 15# asphalt felt	9.00
30. 45# asbestos felt, mopped over one layer 15# asphalt felt	8.00
31. 30# asphalt felt, nailed on, plus one layer 15# or 20# asbestos felt, mopped on	8.00
On built up roofs having a pitch greater than ⅛ (4" vertical rise in each 12" of horizontal dimension) and on other roofs having a pitch greater than ⅓ (8" vertical rise in each 12" of horizontal dimenston), to the foregoing prices add	1.00
32. 30# asphalt felt, nailed on	3.50
33. Plain asphalt roof coatings, cold application	2.00
34. Fibre roof coatings, cold application	2.50
For additional layers of material the foregoing prices may be increased by the amounts shown in the following items:	
35. 1 extra layer 15# asphalt felt, mopped on	2.00
36. 1 extra layer 30# asphalt felt, mopped on	2.50
37. 1 extra layer 40# specification, mopped on	2.75
38. 1 extra layer 15# or 20# asbestos felt, mopped on	2.50

(ii) Flashing (other than around chimneys and vents):

1. Galvanized iron flashing 4"—26 ga. (per lineal ft.)	$0.15
2. Fabric and plastic flashing (per lineal ft.)	.15
3. Tile coping, standard mission type (per lineal ft.)	.25
4. 3 course asbestile flashing (per lineal ft.)	.25

(iii) Extras:

1. For removal of old composition roofs	1.50
2. For removal of old wood shingles	2.25
3. For finishing gable ends or eaves with full roll (per lineal ft.)	.25
4. For finishing gable ends or eaves with half roll (per lineal ft.)	.10
5. For metal edging (½" x 1" x 1½") (per lineal ft.)	.08

(iv) Additions applying to built up roofs:

1. For jobs on buildings of more than 2 stories, for each story above the second, add	.30
2. For jobs of less than five squares, add	2.00

B. *Installed siding.* (The following prices cover installed sales of these materials applied according to manufacturers' specifications and include nails, mastic, and corners.)

(i) Siding material:

1. Rigid insulated siding or ⅜" composition siding with imitation brick or stone pattern	$30.00
2. Roll or strip composition siding with imitation brick or stone pattern	16.00
3. Rigid asbestos siding	25.00

(ii) Additions and extras:

1. For each square applied to any story above the first story	1.00
2. For 15# or 30# asphalt felt underlay	1.00

For jobs of less than five squares, add 10%.

(c) *Definitions.* (1) "Mopped on" or "mopped over" means applied over another layer of roofing by means of a continuous membrane of asphalt which has been liquefied by heat.

(2) "Square" means 100 square feet of roof area or wall area, as the case may be.

(d) *Quoting a guaranteed price.* A seller may offer to sell a roofing job covered by this order on the basis of a guaranteed price, the seller agreeing to charge a fixed amount: *Provided, however,* That such guaranteed price must not be higher than the maximum price figured in accordance with the pricing methods and requirements of this order. Upon completion of the contract and before final payment, if requested by the purchaser, the seller must furnish the purchaser with an itemized statement showing the number of square feet and the weight, type, and unit price of each category of roofing and an explanation of any amount for incidental work.

(e) *Notification to Purchasers.* Every person making sales subject to this order shall certify on his invoice or sales tag that the price charged does not exceed the price permitted by this Order No. G–11 under Revised Maximum Price Regulation No. 251.

(f) For roofing repair work or any combination or types of applied roofing materials which cannot be priced according to the above schedule, the maximum price is the actual cost of materials at not over-ceiling prices, plus actual cost of labor paid at not over authorized labor rates, plus a markup of 100% for materials and labor costing not over $15.00, and 50% on any excess over $15.00.

(g) The prices established by this order supersede those provided by sections 6, 7, and 8 of Revised Maximum Price Regulation No. 251; except to the extent they are inconsistent herewith, the other provisions of Revised Maximum Price Regulation No. 251 apply to this order.

(h) Any practice or device which results in a higher price to the purchaser than is permitted by this Order No. G–11 is as much a violation as an outright overceiling charge and subjects the seller to the penalties provided by Section 16 of Revised Maximum Price Regulation No. 251.

(i) This order may be revoked, amended, or corrected at any time.

This order shall become effective August 22, 1945.

Issued this 17th day of August 1945.

CHAS. R. BAIRD,
Regional Administrator.

[F. R. Doc. 45–15833; Filed, Aug. 24, 1945; 1:12 p. m.]

[Region VIII Rev. Order G–7 Under MPR 280, Amdt. 4]

FLUID MILK IN WASHINGTON

An opinion accompanying this amendment has been issued simultaneously herewith. Revised Order No. G–7 under Maximum Price Regulation No. 280, as amended, is amended to read as follows:

(a) The maximum price at which any handler may sell fluid milk in bulk for human consumption as fluid milk to another handler is the first of the following prices which is applicable:

(1) For milk sold to a buyer whose plant is located in the Cities of Seattle, Tacoma, or Bremerton, in the State of Washington, $0.90 per pound fat plus $0.20 per cwt. if the milk is delivered to such plant, or that price less cost of transportation from the seller's plant to Seattle, Washington, if the milk is not delivered to such buyer's plant.

(2) For milk sold to a buyer whose plant is located in Whatcom County by a seller whose plant is located in that county, $0.80 per pound fat plus $0.15 per cwt., f. o. b. seller's plant, or that price plus cost of transportation to the buyer's plant if such milk is delivered to such buyer's plant.

(3) For milk sold to a buyer whose plant is located in Skagit County or Whidby Island by a seller whose plant is located in Skagit County, $0.82 per pound fat plus $0.15 per cwt., f. o. b. seller's plant, or that price plus cost of transportation to the buyer's plant if such milk is delivered to such buyer's plant.

(4) For milk sold to a buyer whose plant is located in Snohomish County by a seller whose plant is located in that county, $3.30 per cwt. for milk testing 3.8% butterfat, f. o. b. seller's plant, or that price plus cost of transportation to the buyer's plant if such milk is delivered to such buyer's plant; for milk testing other than 3.8% butterfat the foregoing price shall be increased or decreased by $0.07 for each 0.1% by which the butterfat content exceeds or is less than 3.8%, as the case may be.

(5) For milk sold to a buyer whose plant is located other than in Snohomish County, or the Cities of Seattle, Tacoma, or Bremerton, in the State of Washington, by a seller whose plant is located in Snohomish County, $0.87 per pound fat, f. o. b. seller's plant, or that price plus cost of transportation to buyer's plant if such milk is delivered to such buyer's plant.

(6) For all milk sales not provided for above, f. o. b. seller's plant, $0.30 per pound fat plus $0.20 per cwt., minus cost of transportation from seller's plant to Seattle, Washington, or such f. o. b. price plus cost of transportation from seller's plant to buyer's plant if such milk is delivered to such buyer's plant.

(b) This order shall apply to handlers whose plants are located in the following counties in the State of Washington:

Chelan.	Pacific.
Clallam.	Pierce.
Grays Harbor.	San Juan.
Island.	Skagit.
Jefferson.	Snohomish.
King.	Thurston.
Kitsap.	Whatcom.
Kittitas.	Yakima.
Lewis.	Mason.
Okanogan.	

(c) *Definitions.* (1) "Fluid Milk" means liquid cows' milk in a raw, unprocessed state meeting the minimum health and sanitary requirements specified by State and local health agencies, which is purchased for resale for human consumption as fluid milk.

(2) "Handler" means any person who, on his own behalf or on behalf of others, purchases fluid milk from producers, associations of producers, or other handlers, and who sells such fluid milk at wholesale in bulk (other than in glass or paper containers), to any person, other than stores, hotels, restaurants, and institutions.

(i) A "farmers' cooperative" is also a handler with respect to that fluid milk processed for it by operators of milk receiving or processing plants, and with respect to that fluid milk handled in physical facilities for receiving, processing or distributing fluid milk which are owned or leased by the cooperative, which fluid milk is sold by it at wholesale in bulk (other than in glass or paper containers), to any person, other than stores, hotels, restaurants, and institutions.

(ii) A "producer" is also a handler with respect to that fluid milk purchased by him from other producers, associations of producers, or other handlers, which fluid milk is sold by him at wholesale in bulk (other than in glass or paper containers), to any person, other than stores, hotels, restaurants, and institutions.

(3) "Purchaser of the same class" refers to the practice followed by the seller during the base period, August 1943, in setting different prices for sales to different purchasers or kinds of purchasers (for example, but not limited to, manufacturer, wholesaler, or jobber) or for purchasers located in different areas or for different quantities or, under different conditions of sale.

This amendment to Revised Order No. G–7 shall become effective August 15, 1945.

Issued this 9th day of August 1945.

FRANK H. SLOSS,
Acting Regional Administrator.

[F. R. Doc. 45–15826; Filed, Aug. 24, 1945; 1:10 p. m.]

LIST OF COMMUNITY CEILING PRICE ORDERS

The following orders under Rev. General Order 51 were filed with the Division of the Federal Register August 23, 1945.

REGION II

Harrisburg Order 2–F, Amendment 27, covering fresh fruits and vegetables in certain areas in Pennsylvania. Filed 10:37 a. m.

Scranton Order 4–F, Amendment 36, covering fresh fruits and vegetables in certain areas in Pennsylvania. Filed 10:38 a. m.

REGION VII

Albuquerque Order 8–F, Amendment 28, covering fresh fruits and vegetables in the Albuquerque Area. Filed 10:37 a. m.

Boise Order 1–B, (Revocation), covering dry groceries. Filed 10:39 a. m.

Boise Order 5–F (Correction), covering fresh fruits and vegetables in certain areas in Idaho. Filed 10:39 a. m.

Boise Order 5–F, Amendment 6, covering fresh fruits and vegetables in certain areas in Idaho. Filed 10:39 a. m.

Boise Order 5–F, Amendment 7, covering fresh fruits and vegetables in certain areas in Idaho. Filed 10:39 a. m.

Boise Order 5–F, Amendment 8, covering fresh fruits and vegetables in certain areas in Idaho. Filed 10:39 a. m.

Boise Order 6–F (Correction), covering fresh fruits and vegetables in certain areas in Idaho. Filed 10:40 a. m.

Helena Order 3–C, covering poultry in certain areas in Montana. Filed 10:37 a. m.

Helena Order 4–C, covering poultry in certain areas in Montana. Filed 10:38 a. m.

REGION VIII

Los Angeles Order 3–F, Amendment 10, covering fresh fruits and vegetables in the Los Angeles Area. Filed 10:40 a. m.

Los Angeles Order 4–F, Amendment 10, covering fresh fruits and vegetables in the Long Beach-San Bernardino Area. Filed 10:40 a. m.

Los Angeles Order 5–F, Amendment 10, covering fresh fruits and vegetables in the Santa Barbara-Ventura and San Luis Obispo Areas. Filed 10:40 a. m.

Los Angeles Order 6–F, Amendment 10, covering fresh fruits and vegetables in the Santa Barbara-Ventura and San Luis Obispo Areas. Filed 10:40 a. m.

Portland Order 12–C, covering poultry in the Western and South Western parts of Oregon and Washington. Filed 10:37 a. m.

Portland Order 13–C, covering poultry in certain counties in Eastern Oregon. Filed 10:37 a. m.

San Francisco Order 13–F, Amendment 13, covering fresh fruits and vegetables in certain areas in California. Filed 10:38 a. m.

San Francisco Order 14–F, Amendment 13, covering fresh fruits and vegetables in certain areas in California. Filed 10:38 a. m.

San Francisco Order 15–F, Amendment 13, covering fresh fruits and vegetables in certain areas in California. Filed 10:38 a. m.

San Francisco Order 16–F, Amendment 13, covering fresh fruits and vegetables in Del Norte and Humboldt (except city of Eureka). Filed 10:38 a. m.

Copies of any of these orders may be obtained from the OPA Office in the designated city.

ERVIN H. POLLACK,
Secretary.

[F. R. Doc. 45–15964; Filed, Aug. 27, 1945; 11:27 a. m.]

UNITED STATES COAST GUARD.

APPROVAL OF EQUIPMENT AND AMENDMENT OF PRIOR DOCUMENT

By virtue of the authority vested in me by R.S. 4405, 4417a, 4418, 4426, 4433, 4488, and 4491, as amended, 49 Stat. 1544 (46 U.S.C. 367, 375, 391a, 392, 404, 411, 481, 489, and Executive Order 9083, dated February 28, 1942 (3 CFR, Cum. Supp.), the following approval of equipment and amendment of prior document is prescribed:

APPROVAL OF EQUIPMENT

LIFEBOATS

24' x 8' x 3.5' metallic motor-propelled lifeboat (382 cu. ft. net capacity, 36-person peacetime capacity, 25-person wartime capacity) (General Arrangement Dwg. No. G–365, dated 16 June, 1945, revised 1 August 1945), submitted by C. C. Galbraith & Son, Inc., 99 Park Place, New York, N. Y. (Supersedes approval 19 November, 1943, 8 F.R. 15745)

22' x 7'6" x 3'2" metallic motor lifeboat (28-person peacetime capacity, 19-person wartime capacity) (General Arrangement Dwg. No. M–1025–A, dated 23 March, 1944), submitted by Imperial Lifeboat and Davit Co., Inc., Athens, New York.

22' x 7'6" x 3'2" metallic oar-propelled lifeboat (31-person peacetime capacity, 20-person wartime capacity) (General Arrangement Dwg. No. 1024–A, dated 23 March, 1944), submitted by Imperial Lifeboat and Davit Co., Inc., Athens, New York.

In F.R. Doc. 45–14062, published in the FEDERAL REGISTER dated August 1, 1945, on page 9563, the listing of approval under "Feedwater Regulator of the 'Pepco-Campbell' Marine Feedwater Regulating and Signaling System", submitted by Proctor Engineering Company is amended by changing the word "Pepco-Campbell" to "Peco-Campbell".

Dated: August 27, 1945.

L. T. CHALKER,
Rear Admiral, U.S.C.G.,
Acting Commandant.

[F. R. Doc. 45–16062; Filed, Aug. 28, 1945; 11:24 a. m.]

WAR PRODUCTION BOARD.

[Certificate 29, Revocation]

GENERAL ELECTRIC CO. AND WESTINGHOUSE ELECTRIC AND MFG. CO.

EXCHANGE OF PLANS, DRAWINGS AND POOLING OF INFORMATION

The ATTORNEY GENERAL.

Pursuant to section 12 of Public Law No. 603, 77th Congress (56 Stat. 357), I hereby withdraw the certificate and find-

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ing dated February 2, 1943, concerning an arrangement entered into at the request of the Navy Department between General Electric Company and Westinghouse Electric and Manufacturing Company for the exchange of plans, drawings, designs, and the pooling of manufacturing information, with respect to certain auxiliary turbine generators for delivery to the Navy Department.

Dated: August 23, 1945.

J. A. KRUG,
Chairman.

[F. R. Doc. 45-16045; Filed, Aug. 28, 1945; 10:07 a. m.]

[Certificate 85, Revocation]

ARRANGEMENT FOR PRODUCTION OF CERTAIN NAVAL EQUIPMENT

The ATTORNEY GENERAL.

Pursuant to section 12 of Public Law No. 603, 77th Congress (56 Stat. 357), I hereby withdraw the certificate and finding dated June 22, 1943, concerning an arrangement being entered into at the request of the Navy Department between certain manufacturing companies for collaboration in the production of certain naval equipment.

Dated: August 23, 1945.

J. A. KRUG,
Chairman.

[F. R. Doc. 45-16046; Filed, Aug. 28, 1945; 10:07 a. m.]

[Certificate 97, Revocation]

BENDIX AVIATION CORP. AND AMERICAN BOSCH CORP.

APPROVAL OF PROPOSED AGREEMENT

The ATTORNEY GENERAL.

Pursuant to section 12 of Public Law No. 603, 77th Congress (56 Stat. 357), I hereby withdraw the certificate and finding dated July 17, 1943, concerning a proposed agreement between Bendix Aviation Corporation and American Bosch Corporation for the exchange of information and the granting of patent licenses and other collaboration in the production of certain naval equipment.

Dated: August 23, 1945.

J. A. KRUG,
Chairman.

[F. R. Doc. 45-16047; Filed, Aug. 28, 1945; 10:07 a. m.]

[Certificate 157, Revocation]

RAYON YARN

APPROVAL OF MEMORANDUM

The ATTORNEY GENERAL.

Pursuant to section 12 of Public Law No. 603, 77th Congress (58 Stat. 357), I hereby withdraw the certificate and finding dated November 11, 1943, concerning a proposal that the American Viscose Corporation of Wilmington, Delaware; the Industrial Rayon Corporation of Cleveland, Ohio; E. I. Du Pont de Nemours & Company, Inc., of Wilmington, Delaware; the American Enka Corporation of New York, New York, and the North American Rayon Corporation of New York, New York, be requested to collaborate in the exchange of technical information concerning high tenacity rayon yarn and the development, manufacture and testing thereof.

Dated: August 23, 1945.

J. A. KRUG,
Chairman.

[F. R. Doc. 45-16048; Filed, Aug. 28, 1945; 10:07 a. m.]

WAR SHIPPING ADMINISTRATION.

"CAROLYN"

DETERMINATION OF VESSEL OWNERSHIP

Notice of determination by War Shipping Administrator pursuant to section 3 (b) of the Act approved March 24, 1943, (Public Law 17—78th Congress).

Whereas on October 4, 1942 title to the vessel "Carolyn" (228294) (including all spare parts, appurtenances and equipment) was requisitioned pursuant to section 902 of the Merchant Marine Act, 1936, as amended; and

Whereas section 3 (b) of the act approved March 24, 1943, (Public Law 17—78th Congress), provides in part as follows:

(b) The Administrator, War Shipping Administration, may determine at any time prior to the payment in full or deposit in full with the Treasurer of the United States, or the payment or deposit of 75 per centum, or just compensation therefor, that the ownership of any vessel (the title to which has been requisitioned pursuant to section 902 of the Merchant Marine Act, 1936, as amended, or the Act of June 6, 1941, (Public Law 101, Seventy-Seventh Congress), is not required by the United States, and after such determination has been made and notice thereof has been published in the FEDERAL REGISTER, the use rather than the title to such vessel shall be deemed to have been requisitioned for all purposes as of the date of the original taking; *Provided however*, That no such determination shall be made with respect to any vessel after the date of delivery of such vessel pursuant to title requisition except with the consent of the owner. • • •

and

Whereas no portion of just compensation for said vessel has been paid or deposited with the Treasurer of the United States; and

Whereas the ownership of the said vessel, spare parts, appurtenances and equipment is not required by the United States; and

Whereas the former owner of the vessel has consented to this determination and to the return of the vessel and the conversion of the requisition of title therein to a requisition of use thereof in accordance with the above-quoted provision of law;

Now therefore, I Emory S. Land, Administrator, War Shipping Administration, acting pursuant to the above-quoted provisions of law, do hereby determine that the ownership of said vessel, spare parts, appurtenances and equipment is not required by the United States, and that, from and after the date of publication hereof in the FEDERAL REGISTER, the use rather than title thereto shall be deemed to have been requisitioned, for all purposes, as of the date of the original taking.

Dated: August 27, 1945.

[SEAL] E. S. LAND,
Administrator.

[F. R. Doc. 45-16115; Filed, Aug. 28, 1945; 11:47 a. m.]

"MI TOY"

DETERMINATION OF VESSEL OWNERSHIP

Notice of determination by War Shipping Administrator pursuant to section 3 (b) of the act approved March 24, 1943, (Public Law 17—78th Congress)

Whereas on June 19, 1942 title to the vessel "Mi Toy" (234709) (including all spare parts, appurtenances and equipment) was requisitioned pursuant to section 902 of the Merchant Marine Act, 1936, as amended; and

Whereas section 3 (b) of the act approved March 24, 1943, (Public Law 17—78th Congress), provides in part as follows:

(b) The Administrator, War Shipping Administration, may determine at any time prior to the payment in full or deposit in full with the Treasurer of the United States or the payment or deposit of 75 per centum or just compensation therefor, that the ownership of any vessel (the title to which has been requisitioned pursuant to section 902 of the Merchant Marine Act, 1936, as amended, or the Act of June 6, 1941, (Public Law 101, Seventy-Seventh Congress), is not required by the United States, and after such determination has been made and notice thereof has been published in the FEDERAL REGISTER, the use rather than the title to such vessel shall be deemed to have been requisitioned for all purposes as of the date of the original taking; *Provided however*, That no such determination shall be made with respect to any vessel after the date of delivery of such vessel pursuant to title requisition except with the consent of the owner

and

Whereas no portion of pust compensation for the said vessel has been paid or deposited with the Treasurer of the United States; and

Whereas the ownership of the said vessel, spare parts, appurtenances and equipment is not required by the United States; and

Whereas the former owner of the vessel has consented to this determination and to the return of the vessel and the conversion of the requisition of title therein to a requisition of use thereof in accordance with the above-quoted provision of law;

Now therefore, I, Emory S. Land, Administrator, War Shipping Administration, acting pursuant to the above-quoted provisions of law, do hereby determine that the ownership of said vessel, spare parts, appurtenances and equipment is not required by the United States, and that, from and after the date of publication hereof in the FEDERAL REGISTER, the use rather than title thereto shall be deemed to have been requisitioned, for all purposes, as of the date of the original taking.

Dated: August 27, 1945.

[SEAL] E. S LAND,
Administrator.

[F. R. Doc. 45-16114; Filed, Aug. 28, 1945; 11:47 a. m.]

SEP 1 '45

FEDERAL REGISTER

VOLUME 10 NUMBER 171

Washington, Thursday, August 30, 1945

The President

EXECUTIVE ORDER 9605

REVOKING PARAGRAPH 4 OF EXECUTIVE ORDER NO. 9279 OF DECEMBER 5, 1942, SO AS TO PERMIT VOLUNTARY ENLISTMENTS IN THE ARMED FORCES

By virtue of the authority vested in me by the Constitution and the statutes, including the Selective Training and Service Act of 1940 as amended, as President of the United States and as Commander in Chief of the Army and Navy, and in order to permit voluntary enlistments in the armed forces of the United States, it is ordered that paragraph 4 of Executive Order No. 9279 of December 5, 1942, be, and it is hereby, revoked.

HARRY S. TRUMAN

THE WHITE HOUSE,
August 29, 1945.

[F. R. Doc. 45-16186; Filed, Aug. 29, 1945; 11:12 a. m.]

EXECUTIVE ORDER 9606

ADOPTING AND RATIFYING THE CAPTURE OF THE GERMAN MOTOR VESSEL "CARIBIA"

By virtue of the authority vested in me by section 4613 of the Revised Statutes of the United States, as amended, and by the act of August 18, 1942, 56 Stat. 746, as amended by the act of July 1, 1944, 58 Stat. 678, and for the purposes of such statutes, I hereby adopt and ratify the capture made as prize by Captain J. F. Devlin of the War Shipping Administration in July 1945 of the German Motor Vessel "CARIBIA", her engines, boilers, furniture, tackle, apparel, spare parts, equipment, and contents, and of property on board.

HARRY S. TRUMAN

THE WHITE HOUSE,
August 29, 1945.

[F. R. Doc. 45-16187; Filed, Aug. 29, 1945; 11:12 a. m.]

Regulations

TITLE 6—AGRICULTURAL CREDIT

Chapter II—Department of Agriculture, Commodity Credit Corporation

[1945 C. C. C. Wheat Bulletin 1, Amdt 1]

PART 251—WHEAT LOANS

ELIGIBILITY FOR LOAN OF WHEAT REPRESENTED BY CERTIFICATE OF INDEMNITY ISSUED BY FEDERAL CROP INSURANCE CORPORATION

Pursuant to the provisions of section 302 of the Agricultural Adjustment Act of 1938, as amended (52 Stat. 43; 7 U.S.C. 1302), Commodity Credit Corporation has authorized the making of loans on wheat stored on farms or in approved public grain warehouses, in accordance with the regulations in this part (1945 C. C. C. Wheat Bulletin 1, as amended; 10 F.R. 9763). Such regulations are hereby amended as follows:

Section 251.28 (b), *Eligible wheat*, is amended by adding, at the end thereof, the following:

Wheat represented by a "Certificate of Indemnity", Form FCI-574, issued by the Federal Crop Insurance Corporation to an eligible producer, shall also be eligible wheat.

Dated: August 3, 1945.

[SEAL] C. C. FARRINGTON,
Vice President.

[F. R. Doc. 45-16185; Filed, Aug. 29, 1945; 11:09 a. m.]

[1945 C. C. C. Oats Bulletin 1, Amdt. 2]

PART 268—OATS LOANS AND PURCHASES

ADDITION OF THIRTY-NINE STATES IN WHICH OATS LOANS WILL BE MADE AND SPECIFYING RATES OF LOANS IN SUCH STATES

Pursuant to the provisions of section 302 of the Agricultural Adjustment Act of 1938, as amended (52 Stat. 43; 7 U. S. C., 1302), Commodity Credit Corporation has authorized the making of oats loans and purchases in accordance with

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FEDERAL REGISTER

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NOTICE

1944 Supplement

Book 1 of the 1944 Supplement to the Code of Federal Regulations, containing Titles 1-10, including Presidential documents in full text, is now available from the Superintendent of Documents, Government Printing Office, at $3.00 per copy.

A limited sales stock of the Cumulative Supplement and the 1943 Supplement is still available as previously announced.

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the regulations in this part (1945 C. C. C. Oats Bulletin 1, as amended; 10 F.R. 8526). Such regulations are hereby amended as follows:

Section 268.3 is amended to read as follows:

§ 268.3 *Areas in which loans and purchases will be made.* Loans will be made in each of the forty-eight States. Purchases will be limited to the following States: Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, Oklahoma, South Carolina, and Texas.

The loan and purchase rates, as set out in § 268.6, are supplemented by adding the following:

§ 268.6 *Amount of loan or purchase price.* * * *

Arizona: All counties, 52 cents.

California: Modoc, Siskiyou, 49 cents; Lassen, Nevada, Plumas, Sierra, 50 cents; Humboldt, Shasta, Tehama, 53 cents; Butte, Eldorado, Glenn, 54 cents; Colusa, Fresno, Imperial, Kern, Kings, Madera, Mendocino, Merced, Monterey, Placer, Riverside, Sacramento, San Benito, San Bernardino, San Diego, San Luis Obispo, Santa Barbara, Sutter, Tulare, Yolo, Yuba, 55 cents; Napa, San Joaquin, Santa Cruz, Sonoma, Stanislaus, 56 cents; Alameda, Contra Costa, Los Angeles, Marin, San Mateo, Santa Clara, Solano, and Ventura, 57 cents.

Colorado: All counties, 46 cents.

Connecticut: All counties, 58 cents.

Delaware: All counties, 57 cents.

Idaho: Ada, Adams, Benewah, Boise, Bonner, Boundary, Canyon, Clearwater, Custer, Elmore, Gem, Idaho, Kootenai, Latah, Lemhi, Lewis, Nez Perce, Owyhee, Payette, Shoshone, Valley, and Washington, 43 cents; all other counties, 45 cents.

Illinois: Adams, Alexander, Brown, Carroll, Fulton, Gallatin, Hancock, Hardin, Henderson, Henry, Jo Daviess, Johnson, Knox, McDonough, Massac, Mercer, Pike, Pope, Pulaski, Rock Island, Saline, Schuyler, Stephenson, Union, Warren, Whiteside, Williamson, 48 cents; Cook, Du Page, Kane, Lake, Madison, and Will, 50 cents; all other counties, 49 cents.

Indiana: Benton, Clay, Crawford, Daviess, Dubois, Fountain, Gibson, Greene, Harrison, Jasper, Knox, Lawrence, Martin, Newton, Orange, Owen, Park, Perry, Pike, Posey, Spencer, Sullivan, Vanderburgh, Vermillion, Vigo, Warren, and Warrick, 50 cents; all other counties, 51 cents.

Iowa: Cherokee, Dickinson, Lyon, Monona, O'Brien, Osceola, Plymouth, Sioux, Woodbury, 45 cents; Allamakee, Appanoose, Black Hawk, Bremer, Buchanan, Butler, Chickasaw, Clayton, Decatur, Fayette, Franklin, Grundy, Hardin, Howard, Iowa, Jasper, Jefferson, Keokuk, Lucas, Mahaska, Marion, Marshall, Monroe, Polk, Poweshiek, Story, Tama, Wapello, Wayne, Winneshiek, 47 cents: Benton, Cedar, Clinton, Davis, Delaware, Des Moines, Dubuque, Henry, Jackson, Johnson, Jones, Lee, Linn, Louisa, Muscatine, Scott, Van Buren, and Washington, 48 cents; all other counties 46 cents.

Kansas: Cheyenne, Gove, Greeley, Lane, Logan, Rawlins, Scott, Sheridan, Sherman, Thomas, Wallace, Wichita, 44 cents; Barton, Decatur, Ellis, Ellsworth, Graham, Lincoln, Mitchell, Ness, Norton, Osborne, Phillips, Rooks, Rush, Russell, Smith, Trego, 45 cents; Clay, Cloud, Dickinson, Geary, Jewell, McPherson, Marion, Morris, Ottawa, Republic, Rice, Saline, Washington, 46 cents; Brown, Chase, Doniphan, Finney, Ford, Grant, Gray, Hamilton, Haskell, Hodgeman, Jackson, Kearny, Lyon, Marshall, Nemaha, Osage, Pottawatomie, Riley, Shawnee, Stanton, Wabaunsee, 47 cents; Allen, Anderson, Atchison, Bourbon, Coffey, Douglas, Edwards, Franklin, Greenwood, Harvey, Jefferson, Johnson, Kiowa, Leavenworth, Linn, Meade, Miami, Morton, Pawnee, Reno, Seward, Stafford, Stevens, Woodson, Wyandotte, 48 cents; Clark, Comanche, Kingman, Pratt, 49 cents; Barber, Butler, Crawford, Elk, Neosho, Sedgewick, Wilson, 50 cents; Chautauqua, Cherokee, Cowley, Harper, Labette, Montgomery, and Sumner, 51 cents.

Kentucky: All counties, 54 cents.

Maine: All counties 58 cents.

Maryland: All counties, 57 cents.

Massachusetts All counties, 58 cents.

Michigan: Baraga, Gogebic, Houghton, Keweenaw, Ontonagon, 47 cents; Alger, Chippewa, Delta, Dickinson, Iron, Luce, Mackinac, Marquette, Menominee, Schoolcraft, 48 cents; Alcona, Alpena, Antrim, Arenac, Benzie, Charlevoix, Cheboygan, Crawford, Emmet, Grand Traverse, Iosco, Kalkaska, Leelanau, Manistee, Missaukee, Montmorency, Ogemaw, Oscoda, Otsego, Presque Isle, Roscommon, Wexford, 49 cents; Genesee, Hillsdale, Jackson, Lapeer, Lenawee, Livingston, Oakland, Sanilac, Tuscola, Washtenaw, 52 cents; Macomb, Monroe, St. Clair, and Wayne, 53 cents; All other counties, 51 cents.

Minnesota: Kittson, Koochiching, Marshall, Roseau, 42 cents; Becker, Beltrami, Clay, Clearwater, Lake of the Woods, Mahnomen, Norman, Pennington, Polk, Red Lake, Traverse, Wilkin, 43 cents; Benton, Blue Earth, Carlton, Chisago, Dodge, Goodhue, Isanti, Kanabec, Kandiyohi, Le Sueur, McLeod, Meeker, Mower, Nicollet, Pine, Rice, Sherburne, Sibley, Stearns, Steele, Wabasha, Waseca, Wright, 45 cents; Anoka, Carver, Dakota, Fillmore, Hennepin, Houston, Olmsted, Ramsey, Scott, Washington, and Winona, 46 cents; All other counties, 44 cents.

Missouri: Atchison, Bates, Benton, Cedar, Christian, Dade, Dallas, Daviess, Douglas, Dunklin, Gentry, Greene, Grundy, Harrison, Henry, Hickory, Holt, Howell, Laclede, Livingston, Mercer, Mississippi, New Madrid, Nodaway, Oregon, Ozark, Pemiscot, Polk, Putnam, St. Clair, Shannon, Sullivan, Taney, Texas, Vernon, Webster, Worth, Wright, 47 cents; Audrain, Boone, Calloway, Crawford, Gasconade, Lewis, McDonald, Madison, Maries, Marion, Montgomery, Newton, Osage, Perry, Pike, Ralls, St. Francois, Ste. Genevieve, Washington, 49 cents; Franklin, Jefferson, Lincoln, St. Charles, St. Louis, and Warren, 50 cents; All other counties, 48 cents.

Montana: Lincoln, Sanders, and Mineral, 41 cents; All other counties, 40 cents.

Nebraska: Banner, Box Butte, Dawes, Morrill, Scotts Bluff, Sioux, 41 cents; Arthur, Cherry, Deuel, Garden, Grant, Hooker, Keith, Sheridan, 42 cents; Blaine, Brown, Chase, Cheyenne, Custer, Dundy, Keyapaha, Kimball, Lincoln, Logan, Loup, McPherson, Perkins, Rock, Thomas, 43 cents; Antelope, Boyd, Buffalo, Cedar, Dawson, Frontier, Garfield, Greeley, Hall, Hayes, Hitchcock, Holt, Howard, Knox, Redwillow, Sherman, Valley, Wheeler, 44 cents; Boone, Cuming, Dakota, Dixon, Franklin, Furnas, Gosper, Hamilton, Harlan, Kearney, Madison, Merrick, Nance, Phelps, Pierce, Platte, Polk, Stanton, Thurston, Wayne, Webster, York, 45 cents; Adams, Burt, Butler, Cass, Clay, Colfax, Dodge, Douglas, Fillmore, Jefferson, Lancaster, Nuckolls, Otoe, Saline, Sarpy, Saunders, Seward, Thayer, Washington, 46 cents; Gage, Johnson, Nemaha, Pawnee, and Richardson, 47 cents.

Nevada: All counties, 52 cents.

New Hampshire: All counties, 58 cents.

New Jersey: All counties, 57 cents.

New York: All counties, 56 cents.

New Mexico: All counties, 49 cents.

North Carolina: All counties, 60 cents.

North Dakota: Adams, Billings, Bowman, Burke, Divide, Dunn, Golden Valley, Hettinger, McKenzie, Mountrail, Slope, Stark, Williams 40 cents; Bottineau, Burleigh, Emmons, Grant, McHenry, McLean, Mercer, Morton, Oliver, Renville, Rolette, Sioux, Ward, 41 cents; Benson, Cavalier, Eddy, Foster, Kidder, LaMoure, Logan, McIntosh, Nelson, Pembina, Pierce, Ramsey, Sheridan, Stutsman, Towner, Walsh, Wells, 42 cents; Barnes, Cass, Dickey, Grand Forks, Griggs, Ransom, Richland, Sargent, Steele, and Traill, 43 cents.

Ohio: Adams, Auglaize, Brown, Butler, Champaign, Clark, Clermont, Clinton, Darke, Defiance, Fayette, Fulton, Gallia, Greene, Hamilton, Henry, Highland, Lawrence, Meigs, Mercer, Miami, Montgomery, Paulding, Preble, Scioto, Shelby, Van Wert, Warren, and Williams 52 cents; All other counties, 53 cents.

Oregon: Grant, Malheur, 43 cents; Baker, Harney, Union, Wallowa, 44 cents; Jackson, Josephine, Klamath, Lake, 46 cents; Crook, Deschutes, Douglas, Jefferson, Umatilla, Wheeler, 47 cents; Lane, 48 cents; Benton, Gilliam, Linn, Morrow, Sherman, Wasco, 49 cents; Clackamas, Hood River, Marion, Polk, Yamhill, 50 cents; Columbia, Multnomah, and Washington, 51 cents.

Pennsylvania: Bradford, Carbon, Columbia, Cumberland, Dauphin, Franklin, Lackawanna, Luzerne, Lycoming, Monroe, Montour, Northampton, Northumberland, Pike, Schuylkill, Sullivan, Susquehanna, Tioga, Wayne, Wyoming, 55 cents; Adams, Berks, Lancaster, Lebanon, Lehigh, York, 56 cents; Bucks, Chester, Delaware, Montgomery, and Philadelphia, 57 cents; all other counties, 54 cents.

Rhode Island: All counties, 58 cents.

South Dakota: Butte, Custer, Fall River, Haakon, Harding, Lawrence, Meade, Pennington, Perkins, Ziebach, 40 cents; Armstrong, Corson, Dewey, Jackson, Jones, Stanley, 41 cents; Bennett, Campbell, Edmunds, Hughes, Hyde, Lyman, McPherson, Mellette, Potter, Shannon, Sully, Todd, Walworth, Washabaugh, Washington, 42 cents; Aurora, Beadle, Brown, Brule, Buffalo, Charles Mix, Clark, Davison, Day, Douglas, Faulk, Gregory, Hand, Jerauld, Kingsbury, Marshall, Miner, Sanborn, Spink, Tripp, 43 cents; Bon Homme, Brookings, Codington, Deuel, Grant, Hamlin, Hanson, Hutchinson, Lake, Lincoln, McCook, Minnehaha, Moody, Roberts, Turner, and Yankton, 44 cents; Clay, Union, 45 cents.

Tennessee: All counties, 57 cents.

Utah: All counties, 49 cents.

Vermont: All counties, 58 cents.

Virginia: All counties, 58 cents.

Washington: Douglas, Ferry, Okanogan, Pend Oreille, Stevens, 43 cents; Adams, Asotin, Chelan, Franklin, Grant, Lincoln, Spokane, Whitman, 45 cents; Columbia, Garfield, Walla Walla, 46 cents; Benton, Clallam, Grays Harbor, Island, Jefferson, King, Kitsap, Kittitas, Mason, Pacific, Pierce, San Juan, Skagit, Snohomish, Thurston, Wahkiakum, Whatcom, Yakima, 47 cents; Cowlitz, Klickitat, Lewis, and Skamania, 49 cents; Clark, 50 cents.

West Virginia: All counties, 56 cents.

Wisconsin: Ashland, Bayfield, Iron, 44 cents; Barron, Burnett, Douglas, Polk, St. Croix, Sawyer, Vilas, Washburn, 45 cents; Buffalo, Chippewa, Clark, Dunn, Eau Claire, Florence, Forest, Langlade, Lincoln, Marinette, Oneida, Pepin, Pierce, Price, Rusk, Taylor, Trempealeau, 46 cents; Adams, Brown, Crawford, Door, Grant, Iowa, Jackson, Juneau, Kewaunee, La Crosse, Lafayette, Marathon, Marquette, Monroe, Oconto, Outagamie, Portage, Richland, Sauk, Shawano, Vernon, Waupaca, Waushara, Wood, 47 cents; Calumet, Columbia, Dane, Dodge, Fond du Lac, Green, Green Lake, Jefferson, Manitowoc, Ozaukee, Rock, Sheboygan, Washington, Waukesha, Winnebago, 48 cents; Walworth, 49 cents; Kenosha, Milwaukee, and Racine, 50 cents.

Wyoming. All counties, 43 cents.

[SEAL] C. C. FARRINGTON,
Vice President.

AUGUST 2, 1945.

[F. R. Doc. 45-16184; Filed, Aug. 29, 1945; 11:09 a. m.]

TITLE 7—AGRICULTURE

Chapter I—Office of Marketing Services

PART 29—TOBACCO INSPECTION

DESIGNATION OF QUITMAN, GA., TOBACCO MARKET

Pursuant to the authority vested in the Secretary of Agriculture, the orders of designation of tobacco markets (7 CFR, Cum. Supp., 29.301, 9 F.R. 11571) are amended by adding thereto at the end thereof the following:

§ 29.301 *Designation of tobacco markets.* * * *

(w) *The tobacco market at Quitman, Georgia.* Effective 30 days from August 30, 1945, no tobacco of any type shall be offered for sale at auction in the market at Quitman, Georgia, until such tobacco shall have been inspected and certified by an authorized representative of the U. S. Department of Agriculture according to standards established under the Tobacco Inspection Act (49 Stat. 731, 7 U. S. C. 511 et seq.): *Provided, however,* That such requirement of inspection and certification may be suspended at any time when it is found impracticable to provide inspection or when the quantity of tobacco available for inspection is not sufficient to justify the cost of such service. No fee or charge shall be imposed or collected for the inspection and certification of tobacco sold or offered for sale at auction on the market designated above.

(49 Stat. 732, 7 U.S.C. 511d; E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423; E.O. 9392, 8 F.R. 14783; E.O. 9577, 10 F.R. 8087)

Issued this 28th day of August 1945.

[SEAL] J. B. HUTSON,
Acting Secretary of Agriculture.

[F. R. Doc. 45-16119; Filed, Aug. 28, 1945; 3:09 p. m.]

Chapter III—Bureau of Entomology and Plant Quarantine

[B. E. P. Q. 541]

PART 301—DOMESTIC QUARANTINE NOTICES

RESTRICTIONS OF JAPANESE BEETLE QUARANTINE ON CUT FLOWERS, FRUITS, AND VEGETABLES DISCONTINUED FOR SEASON

The following administrative instructions lift all restrictions on the dates specified below as to the movement of fruits, vegetables, and cut flowers from the area heavily infested with Japanese beetles, for the remainder of the season.

Pursuant to authority conferred upon the Chief of the Bureau of Entomology and Plant Quarantine, in paragraph (b) of § 301.48-4 (Notice of Quarantine No. 48 on account of the Japanese beetle, 10 F.R. 1951) and he having determined dates beyond which shipping restrictions are no longer necessary for this year, all shipping restrictions imposed by Administrative Instruction B. E. P. Q. 539, June 1, 1945 (10 F.R. 6641) are hereby revoked as follows:

(a) For fruits and vegetables, except green ear corn—at the close of August 30, 1945.

(b) For green ear corn—at the close of September 12, 1945.

(c) For cut flowers—at the close of September 30, 1945.

(Sec. 8, 37 Stat. 318, 39 Stat. 1165, 44 Stat. 250; 7 U.S.C. 161; 7 CFR 301.48-4, 10 F.R. 1951)

Done at Washington, D. C., this 30th day of August 1945.

[SEAL] AVERY S. HOYT,
Acting Chief.

[F. R. Doc. 45-16183; Filed, Aug. 29, 1945; 11:09 a. m.]

Chapter VIII—Sugar Agency

PART 802—SUGAR DETERMINATIONS

NORMAL YIELD OF COMMERCIALLY RECOVERABLE SUGAR PER ACRE AND ELIGIBILITY FOR PAYMENT WITH RESPECT TO ABANDONMENT AND CROP DEFICIENCY FOR FARMS IN MAINLAND CANE SUGAR AREA (REVISED)

Pursuant to the provisions of section 303 of the Sugar Act of 1937, as amended, the following determination is hereby issued:

§ 802.25 *Normal yield of commercially recoverable sugar per acre and eligibility for payment with respect to abandonment and crop deficiency for farms in the Mainland cane sugar area*—(a) *Normal yield calculation.* The normal yield of commercially recoverable sugar per acre for any farm in the Mainland cane sugar area on which sugarcane is grown and marketed (or processed by the producer) for the extraction of sugar shall be:

(1) If sugarcane for sugar was harvested on the farm in all three of the crop years 1942-43, 1943-44 and 1944-45, the weighted average number of hundredweights of commercially recoverable sugar per acre of sugarcane harvested on the farm and marketed (or processed by the producer) for the extraction of sugar in all three of such crop years (as shown by data on applications for payment under the Mainland sugarcane programs).

(2) If sugarcane for sugar was not harvested on the farm in all three of the crop years 1942-43, 1943-44 and 1944-45, the weighted average number of hundredweights of commercially recoverable sugar per acre of sugarcane harvested and marketed (or processed by the producer) for the extraction of sugar in all three of such crop years (as shown by data on applications for payment under the Mainland sugarcane programs) on farms in the vicinity from which sugarcane was so harvested and marketed in all three of such crop years.

(3) If a farm is constituted (by combination or subdivision), the normal yield for such reconstituted farm shall be the weighted average number of hundredweights of commercially recoverable sugar per acre obtained in the manner specified below by combining the normal yields of the farms or parts of farms before the reconstitution. The normal yield for each such part is to be identical with the normal yield for the farm of which it was a part, determined in accordance with subparagraphs (1) or (2) above, whichever is applicable.

(i) For each farm or part of a farm before the reconstitution, multiply the number of proportionate share acres or planted acres (whichever is smaller) for the crop year immediately preceding the time of the reconstitution, as shown by data on the applicable sugarcane farm worksheets, by the normal yield of hundredweights of commercially recoverable sugar per acre therefor.

(ii) Total the number of hundredweights of sugar obtained under (i).

(iii) Divide the result obtained under (ii) by the total number of proportionate share acres or planted acres (whichever is applicable) of the reconstituted farm.

(b) *Eligibility for abandonment and deficiency payments.* The Parish or County Agricultural Conservation Committee shall approve for abandonment and or deficiency payments any farm located in a parish, county, or local producing area, as defined herein, in which actual yields of commercially recoverable sugar from the sugarcane for farms comprising 10 percent or more of the sugarcane acreage of all farms in such parish, county, or local producing area, were 80 percent or less of the normal yields therefor, *Provided,* That (1) such acreage abandonment or crop deficiency was directly due to drought, flood, storm, freeze, disease or insects, (2) the acres that were abandoned or the acres with respect to which there was a crop deficiency were suitable for the production of sugarcane and were cared for, up to the time of harvest or abandonment, as the case may be, in a manner which could have been expected, under average conditions to produce a normal crop of sugarcane, and (3) the other conditions for payment specified in Title III of the said act with respect to the farm have been met. Such approval on the application for payment by a member of the Parish or County Agricultural Conservation Committee on behalf of such committee shall constitute determination that such farm is eligible for abandonment and/or deficiency payments.

(c) *Definitions.* A "local producing area" shall be all contiguous farms which are similar with respect to types of soil or with respect to topography, as determined by the Agricultural Conservation Committee for the parish or county in which the farm is located; *Provided, however,* That farms separated from other farms by any natural barrier such as mountains or large areas of land shall not be included within the same local producing area.

This determination supersedes with respect to the 1945 and subsequent crops the "Determination of Normal Yield of Commercially Recoverable Sugar Per Acre and Eligibility for Payment with Respect to Abandonment and Crop Deficiency for Farms in the Mainland Cane Sugar Area (Revised)," issued May 25, 1945. (Sec. 303, 50 Stat. 911, 7 U.S.C. 1133)

Issued this 28th day of August 1945.

[SEAL] J. B. HUTSON,
Acting Secretary of Agriculture.

[F. R. Doc. 45-16122; Filed, Aug. 28, 1945; 3:09 p. m.]

Chapter XI—War Food Distribution Orders

[WFO 50, Termination]

PART 1418—WOOL

PURCHASE AND SALE OF DOMESTIC WOOL

War Food Order No. 50, as amended (9 F.R. 7185), is hereby terminated.

This order shall become effective at 12:01 a. m., e. w. t., August 29, 1945. With respect to violations, rights accrued, liabilities incurred, or appeals taken, prior to said date, under War Food Order No. 50, as amended, all provisions of said order shall be deemed to remain in full force for the purpose of sustaining any proper suit, action, or other proceeding with respect to any such violation, right, liability, or appeal.

(E.O. 9280, 7 F.R. 10179; E.O. 9577, 10 F.R. 8087)

Issued this 28th day of August 1945.

[SEAL] J. B. HUTSON,
Acting Secretary of Agriculture.

[F. R. Doc. 45-16120; Filed, Aug. 28, 1945; 3:09 p. m.]

[WFO 112, as Amended, Termination]

PART 1510—YEAST

ACTIVE DRY YEAST

War Food Order No. 112, as amended (9 F.R. 11145; 10 F.R. 103, 126), is terminated as of 12:01 a. m., e. w. t., September 1, 1945, and all active dry yeast set aside, or required to be set aside, thereunder at the effective time of such termination which has not been sold to a Government agency, as defined in said War Food Order No. 112, as amended, shall, on and after the effective time of such termination, be free from any and all restrictions of the said order, as amended.

With respect to violations, rights accrued, liabilities incurred, or appeals taken under said War Food Order No. 112, as amended, prior to the effective time of this termination, all of the provisions of the said War Food Order No. 112, as amended, in effect prior to the effective time of this termination shall be deemed to continue in full force and effect for the purpose of sustaining any proper suit, action, or other proceeding with regard to any such violation, right, liability, or appeal.

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423; E.O. 9392, 8 F.R. 14783; E.O. 9577, 10 F.R. 8087)

Issued this 28th day of August 1945.

[SEAL] J. B. HUTSON,
Acting Secretary of Agriculture.

[F. R. Doc. 45-16121; Filed, Aug. 28, 1945; 3:09 p. m.]

[WFO 2, as Amended, Partial Termination]

PART 1401—DAIRY PRODUCTS

REQUIREMENTS FOR PRODUCERS AND AUTHORIZED RECEIVERS TO SET ASIDE BUTTER

Section 1401.11 (b) (1) and (2) of War Food Order No. 2, as amended (8 F.R. 253, 5696; 9 F.R. 3623, 4321, 4319, 9584; 10 F.R. 103, 126, 3542), together with all orders (8 F.R. 5698, 9904; 9 F.R. 3251, 4567, 6905, 10241; 10 F.R. 516, 2807, 5712, 9313) issued pursuant to said § 1401.11 (b) (1) and (2) of said War Food Order No. 2, as amended, are terminated at 12:01 a. m., e. w. t., September 1, 1945, but all of the butter set aside, or required to be set aside, at the effective time of such termination, pursuant to said § 1401.11 (b) (1) and (2) of said War Food Order No. 2, as amended, or any of the other orders issued pursuant thereto as aforesaid, shall continue to be held and accounted for as set-aside butter and may be sold or disposed of only to (1) a designated agency, as defined in War Food Order No. 2, as amended, (2) an authorized receiver, in accordance with the provisions of War Food Order No. 2, as amended, or (3) in such other manner as may be authorized by the Assistant Administrator in Charge of Regulatory Matters, Production and Marketing Administration. The quantity of butter required to be set aside by any producer subject to War Food Order No. 2, as amended, during August 1945 shall be 20 percent of his production during that month.

With respect to violations, rights accrued, liabilities incurred, or appeals taken under said § 1401.11 (b) (1) and (2) of said War Food Order No. 2, as amended, and any of the orders issued pursuant thereto as aforesaid, prior to the effective time of this termination order, all provisions of said § 1401.11 (b) (1) and (2) of War Food Order No. 2, as amended, and of the said orders issued pursuant thereto, in effect prior to the effective time of this termination order shall be deemed to be in full force and effect for the purpose of sustaining any proper suit, action, or other proceeding with regard to any such violation, right, liability, or appeal.

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423; E.O. 9392, 8 F.R. 14783; E.O. 9577, 10 F.R. 8087)

Issued this 27th day of August 1945.

[SEAL] J. B. HUTSON,
Acting Secretary of Agriculture.

[F. R. Doc. 45-16116; Filed, Aug. 28, 1945; 12:24 p. m.]

TITLE 32—NATIONAL DEFENSE

Chapter VI—Selective Service System

[No. 304]

SUPPLEMENT TO FEDERAL GOVERNMENT REQUEST FOR OCCUPATIONAL CLASSIFICATION, ETC.

ORDER PRESCRIBING FORMS

Pursuant to authority contained in the Selective Training and Service Act of 1940, as amended, I hereby prescribe the following change in DSS Forms:

Discontinuance of DSS Form 42 Sup., entitled "Supplement to Federal Government Request for Occupational Classification."

Discontinuance of DSS Form 62, entitled "Classification Ledger."

Discontinuance of DSS Form 329, entitled "Referral for Occupational Information or Placement."

Discontinuance of DSS Form 1003, entitled "Special Examination of Rejectees with Cardiovascular Defects."

The foregoing discontinuances shall become a part of the Selective Service Regulations effective within the continental United States immediately upon the filing hereof with the Division of the Federal Register and effective outside the continental limits of the United States on the 30th day after the date of filing hereof with the Division of the Federal Register.

LEWIS B. HERSHEY,
Director.

AUGUST 28, 1945.

[F. R. Doc. 45-16118; Filed, Aug. 28, 1945; 3:08 p. m.]

Chapter IX—War Production Board

AUTHORITY: Regulations in this chapter, unless otherwise noted at the end of documents affected, issued under sec. 2 (a), 54 Stat. 676, as amended by 55 Stat. 236, 56 Stat. 177, 58 Stat. 827; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; E.O. 9599, 10 F.R. 10155; W.P.B. Reg. 1 as amended Dec. 31, 1943, 9 F.R. 64.

PART 944—REGULATIONS APPLICABLE TO THE OPERATION OF THE PRIORITIES SYSTEM

[Priorities Reg. 1, Revocation of Direction 8]

USE OF PREFERENCE RATINGS AFTER ORDERS HAVE BEEN CANCELLED

Direction 8 to Priorities Regulation 1 is hereby revoked. This revocation does not affect any liabilities incurred for violation of the direction or of actions taken by the War Production Board under the direction.

Issued this 29th day of August 1945.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 45-16079; Filed, Aug. 28, 1945; 11:34 a. m.]

PART 1010—SUSPENSION ORDERS

[Suspension Order S-897]

BELLINGHAM FLORAL AND NURSERY

C. W. Sheffer and A. A. Bezona, partners doing business as Bellingham Floral & Nursery in Bellingham, Washington, are engaged in growing and selling at wholesale and retail flowers, berries and vegetable plants, and fruit trees. During September 1944 and February 1945, without authorization from the War Production Board they carried on the construction of a greenhouse and two story building at 201 36th Street, Bellingham, Washington, the estimated cost of which exceeded the limit permitted by Conservation Order L-41. In procuring materials to carry on the construction of both buildings they applied AA-2 and AA-3 preference ratings without authorization of the War Production Board in violation of Priorities Regulation No. 3. C. W. Sheffer who carried on the construction work for the Bellingham Floral & Nursery was familiar with Conservation Order L-41 and Priorities Regulation No. 3, and the violations were wilful.

These violations have diverted critical materials to uses not authorized by the War Production Board. In view of the foregoing, it is hereby ordered, that:

§ 1010.897 *Suspension Order No. S-897.* (a) Neither C. W. Sheffer and A. A. Bezona, doing business as Bellingham Floral & Nursery, their successors and assigns, nor any other person, shall do any construction on the premises known as 201-36th Street, Bellingham, Washington, including the putting up, altering, or finishing of the structures located on said premises, unless hereafter specifically authorized in writing by the War Production Board.

(b) Authorization Number 22-13-707 granted on November 23, 1943 to Ferndale Gardens & Nursery, upon the application of C. W. Sheffer, Manager, is hereby cancelled and revoked, and shall not be given any effect by any person.

(c) Nothing contained in this Order shall be deemed to relieve C. W. Sheffer and A. A. Bezona, doing business as Bellingham Floral & Nursery, or otherwise, their successors or assigns, from any restriction, prohibition or provision contained in any other order or regulation of the War Production Board, except insofar as the same may be inconsistent with the provisions hereof.

Issued this 28th day of August 1945.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 45-16151; Filed, Aug. 28, 1945; 4:11 p. m.]

PART 1010—SUSPENSION ORDERS

[Suspension Order S-899]

GARY PRINTING AND PUBLISHING CO.

Gary Printing and Publishing Company is an Indiana Corporation which publishes a newspaper called the Gary Post-Tribune at Gary, Indiana. During the third and fourth calendar quarters of 1943, and the first, second, third and fourth calendar quarters of 1944, the Gary Post-Tribune used or caused to be used 150,972 tons of print paper in excess of the quota of print paper which it was permitted to consume during said quarters under the provisions of Limitation Order L-240, in violation of that order. Gary Printing and Publishing Company was aware of War Production Board limitations on the use of print paper and its violations have diverted critical materials to uses not authorized by the War Production Board. In view of the foregoing, it is hereby ordered, that:

§ 1010.899 *Suspension Order No. S-899.* (a) Gary Printing and Publishing Company shall reduce its consumption of print paper for the printing of the Gary Post-Tribune during the fourth calendar quarter of 1945 and the first, second and third calendar quarters of 1946 by 150,972 tons under the consumption quota of print paper it would otherwise be entitled to use under the provisions of Limitation Order L-240, unless otherwise specifically authorized in writing by the War Production Board. This reduction in consumption of print paper shall be at the rate of 37,743 tons per calendar quarter.

(b) The restrictions and prohibitions contained herein shall apply to Gary Printing and Publishing Company, its successors or assigns or persons acting in its behalf. Prohibitions against the taking of any action include the taking indirectly as well as directly of any such action.

(c) Nothing contained in this order shall be deemed to relieve Gary Printing and Publishing Company from any restriction, prohibition, or provision contained in any other order or regulation of the War Production Board, except insofar as the same may be inconsistent with the provisions hereof.

Issued this 28th day of August 1945.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 45-16152; Filed, Aug. 28, 1945; 4:11 p. m.]

PART 3290—TEXTILE, CLOTHING AND LEATHER

[Conservation Order M-310, as Amended Aug. 27, 1945]

HIDES, SKINS AND LEATHER

The fulfillment of requirements for the defense of the United States has created shortages in hides, skins and leather for defense, for private account, and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

(a) General definitions.
(b) Provisions applying to all hides, skins and leather.
(c) Untanned cattlehides, calfskins and kips.
(d) Effect on prior orders.
(e) Reports.
(f) Appeals.
(g) Communications to the War Production Board.
(h) Violations.

§ 3290.196 *Conservation Order M-310*—(a) *General definitions.* (1) "Tanner" means a person in the business of tanning, dressing, or similarly processing hides or skins, who in any calendar month after April 1, 1940, processed or processes more than 500 hides or skins.

(2) "Contractor" or "converter" means a person in the business of causing hides or skins to be tanned or dressed for his account in any tannery not owned or controlled by him.

(3) "Collector" means a person, including a dealer or importer, engaged in the business of acquiring from others untanned hides or skins for resale, or removing hides or skins from animals not slaughtered by him.

(4) "Producer" means a person in the business of slaughtering animals.

(5) "Military order" means an order for hides, skins or leather for delivery against a specific contract placed by any of the following, or for incorporation in any product to be delivered against such a contract:

The Army or Navy of the United States, the United States Maritime Commission, the War Shipping Administration, or any foreign government pursuant to the Act of March 11, 1941, entitled "An Act to Promote the Defense of the United States" (Lend-Lease Act) or any extension or renewal thereof. Regardless of the provisions of Priorities Regulation 17, no orders for military exchanges and service departments shall be regarded as military orders except rated orders of United States Navy Ship's Service Departments and War Shipping Administration Training Organization Ship's Service activities for cut sole leather for repair purposes which are endorsed as follows:

The within order has been approved in accordance with instructions of the Army and Navy Munitions Board.

By_____
Authorized Official.

(6) "Military specifications" or "military quality" means, except as herein otherwise specifically provided, the specifications applicable to military orders or the quality of material meeting such specifications.

(7) "Sole leather" means vegetable tanned sole leather unless otherwise specified.

(8) "Whole stock" means sides, crops, backs, bends, shoulders with heads on, shoulders with heads off, bellies and belly centers.

(9) [Deleted Aug. 27, 1945.]

(10) [Deleted Aug. 27, 1945.]

(b) *Provisions applying to all hides, skins and leather.* (1) No person shall process any hides, skins or leather contrary to any specific direction issued from time to time by the War Production Board relating to the processing or production of specific types of leather to meet military or designated civilian requirements.

(2) No producer, collector, tanner, contractor, converter or cutter shall sell, deliver, accept delivery of, cut, use or incorporate in any product any hides skins or leather contrary to any specific direction issued from time to time by the War Production Board deemed necessary in order to fill military or designated civilian requirements.

(3) [Deleted Aug. 27, 1945.]

(4) [Deleted Aug. 27, 1945.]

(5) [Deleted Aug. 27, 1945.]

NOTE: Subparagraphs (3) and (4) formerly (6) and (8), redesignated Aug. 27, 1945.

(3) Notwithstanding the provisions of any priorities or other regulations of the War Production Board, no preference ratings shall be applied or extended for the delivery of hides, skins or leather, except:

(i) Leather for military orders (excluding sole leather whole stock and cattlehide splits in the blue, pickled, or lime state); or

(ii) When specifically authorized in writing by the War Production Board pursuant to this subparagraph (b) (3) (ii).

(7) [Deleted Aug. 27, 1945.]

(4) No tanner, contractor, converter, finisher, jobber or cutter shall deliver any leather (except shearlings) for footwear purposes, unless he has received the footwear manufacturers' quota number of the purchaser. This paragraph shall not prevent deliveries to persons regularly in business as leather contractors, leather converters, leather finishers, leather jobbers, leather cutters, finders or shoe repairers or to persons outside the continental United States.

(c) *Untanned cattlehides, calfskins and kips*—(1) *Definition.* "Cattlehide", "calfskin" and "kip" mean the hide or skin of a bull, steer, cow or buffalo, foreign or domestic (excluding slunks).

(2) No tanner shall put into process, and no contractor shall cause to be put into process, any cattlehide, calfskin or kip in excess of such amounts for specified periods as may be fixed by the War Production Board from time to time.

(3) No person shall sell, deliver, purchase or accept delivery of any untanned cattlehide, calfskin or kip, or portion thereof, other than splits and glue stock, except to the extent that the purchaser is specifically authorized by the War Production Board on Form WPB-1323 or Form WPB-3507. Applications may be made on Form WPB-1325 for the purchase of domestic cattlehides, and on Form WPB-1322 for the purchase of domestic calfskins and kips: *Provided*, That the following may be made without such authorization:

(i) Transactions between collectors and between producers and collectors for purposes of resale or delivery within the continental United States.

(ii) The sale and delivery to and the purchase and acceptance of delivery by any person other than a tanner of less than 500 hides or skins in any calendar month.

(4) In acting under paragraph (c) (3), it will be the policy of the War Production Board, so far as is practicable, to grant authorizations so that contractors or tanners will obtain cattlehides, calfskins or kips in the proportions that their respective wettings of such skins computed separately during the calendar year 1942, bore to all wettings thereof during that year by all contractors and tanners producing the same type of leather, except that authorizations to tanners or contractors having more than a practicable minimum working inventory may be reduced or omitted. Persons who were not engaged in business as tanners or contractors during the year 1942, and who desire to obtain cattlehides, calfskins or kips, may apply for authorizations to do so as described in paragraph (c) (3) and their applications will be processed on an equitable basis.

(5) [Deleted Aug. 27, 1945.]

(6) [Deleted Jan. 24, 1944.]

(d) [Deleted Aug. 27, 1945.]

(e) [Deleted Aug. 27, 1945.]

(f) [Deleted Aug. 27, 1945.]

(g) [Deleted Aug. 27, 1945.]

(h) [Deleted Aug. 27, 1945.]

(i) [Deleted Aug. 27, 1945.]

NOTE: Paragraphs (d), (e), (f), (g), and (h), formerly (j), (k), (l), (m) and (n), redesignated Aug. 27, 1945.

(d) *Effect on prior orders.* Authorizations to buy hides issued prior to June 23, 1943, under Conservation Order M-194, shall continue in effect until the expiration date therein provided or until expressly revoked.

Authorizations and directions issued and appeals granted prior to June 23, 1943, under the following orders, shall continue in effect until the expiration date therein provided or until expressly revoked:

General Preference Order M-80
General Conservation Order M-94
Conservation Order M-114
General Conservation Order M-141
Conservation Order M-278
General Preference Order M-301

(e) *Reports.* Every person described below shall, on or before the 10th day of each month execute and file reports with the War Production Board, as directed on the respective forms mentioned below:

Tanners and converters of cattlehides	WPB-1325
Tanners and converters of calfskins and kips	WPB-1322

Failure to file any of the reports mentioned above or any other reports requested pursuant to approval by the Bureau of the Budget shall constitute a violation of this order.

(f) *Appeals.* Any appeal from the provisions of this order shall be made by filing a letter in triplicate referring to the particular provision appealed from and stating fully the grounds of the appeal.

No direction issued under this order shall be deemed to require the furnishing of materials or facilities to the War Production Board. If a direction requires the furnishing of materials or facilities to a contracting agency or to a war contractor, or the production of a specified amount of a material or product, or restricts all or a part of a person's pro-

duction or inventory to specified purposes, and if the person affected cannot get firm orders to cover the materials, facilities, production or inventory involved, he may appeal and the War Production Board will grant appropriate relief.

(g) *Communications to the War Production Board.* All reports, applications, forms, or communications required under or referred to in this order, and all communications concerning this order, shall, unless otherwise directed, be addressed to the War Production Board, Textile, Clothing and Leather Bureau, Washington 25, D. C., Ref. M-310.

(h) *Violations.* Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact or who furnishes false information to any department or agency of the United States is guilty of a crime, and, upon conviction, may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using material under priority control and may be deprived of priorities assistance.

NOTE: The reporting requirements of this order have been approved by the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

Issued this 27th day of August 1945.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

NOTE: Schedule A deleted Aug. 27, 1945.
NOTE: Schedule B deleted Aug. 27, 1945.

INTERPRETATION 2

OFRA AND UNRRA ORDERS NOT WITHIN DEFINITION OF "MILITARY ORDER"

"Military order" as defined in paragraph (a) (5) does not include orders for delivery against contracts placed by the Office of Foreign Relief Administration or the United Nations Rehabilitation and Relief Administration, or orders for hides, skins or leather for incorporation in products to be delivered against such contracts. (Issued April 15, 1944.)

[F. R. Doc. 45-16000; Filed, Aug. 27, 1945; 3:43 p. m.]

PART 3290—TEXTILES, CLOTHING AND LEATHER

[Conservation Order M-310, Revocation of Interpretation 1]

EFFECT OF RATINGS ON EQUITABLE DISTRIBUTION

Interpretation 1 to Conservation Order M-310 is revoked.

Issued this 27th day of August 1945.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 45-16001; Filed, Aug. 27, 1945; 3:43 p. m.]

PART 3290—TEXTILE, CLOTHING AND LEATHER

[Conservation Order M-217, as Amended Aug. 27, 1945]

FOOTWEAR

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of shoe manufacturing material for defense for private account and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 3290.191 *Conservation Order M-217*—(a) *Applicability of priorities regulations.* This order and all transactions affected thereby are subject to all applicable regulations of the War Production Board and Conservation Order M-328, as amended from time to time, except as follows:

(1) Priorities Regulation 17 shall be inapplicable to footwear.

(2) Military footwear which has been rejected by Government inspectors and stamped to indicate its rejection may be sold without regard to Paragraph 944.11 of Priorities Regulation 1 or paragraph (e) (3) of Conservation Order M-328.

NOTE: Paragraphs (b) (1), (b) (2), (b) (3), (b) (4), (b) (5), (b) (6), (b) (7), (b) (8), (b) (9), (c), (d), (e), (f), (g), (h), (i), (j) and (k), formerly (b) (2), (b) (3), (b) (8), (b) (10), (b) (12), (b) (13), (b) (14), (b) (15), (b) (16), (d) (4), (g), (h), (i), (j), (k), (l), (m), and (n), redesignated Aug. 27, 1945.

(b) *Definitions.* For the purposes of this order:

(1) "Footwear" includes house slippers, but does not include (i) rubber footwear or (ii) foot covering designed to be worn over shoes and utilizing no leather.

(2) "Work shoes" means any shoes or boots with unlined quarters which are designed to be worn at any form of work requiring specially heavy or substantially made footwear.

(3) "House slippers" means any footwear designed exclusively for indoor or house wear.

(4) "Line" means footwear of any one of the following types:

Men's dress
Men's work
Youths' and boys'
Women's and growing girls'
Misses' and children's
Infants'
House slippers
Athletic
Men's safety shoes, and
Women's safety shoes

to the extent that such type of footwear is manufactured for sale by the manufacturer in a price range where the highest list price does not exceed the lowest by more than 10% or 25¢ a pair (whichever is greater): *Provided*, That:

(i) Footwear of identical kind and quality sold at different prices to different types of purchasers may be included in one line if the highest price in the range is an actual price at which this footwear was sold during the base period, and the concession price for the same footwear is not more than 15% below the highest price in the range.

(ii) In case the sale by the manufacturer is at retail or to a purchaser which controls, is controlled by, or is subject to common control with, the manufacturer, then the applicable price range shall be the retail price range.

(iii) Up to the net wholesale price shown on the following schedule, each type of footwear listed may be deemed one line:

Type:	*Maximum net wholesale price per pair*
Misses' and children's	$1.75
Youths' and boys' (without leather)	1.90
Youths' and boys' (utilizing leather)	2.50
Women's and growing girls' (including safety) (without leather)	1.90
Women's and growing girls' (including safety) (utilizing leather)	2.50
Men's work, dress and safety (without leather)	1.90
Men's work, dress and safety (utilizing leather)	3.00
House slippers (with or without leather)	1.60
Infants', sizes 0–4 (utilizing leather)	.90
Infants', sizes 0–4 (made without leather)	.75
Infants', sizes 4½ to 8 (with or without leather)	1.35

NOTE: For the purposes of this schedule, footwear utilizing no leather except for heel top lifts shall be considered as having been made without leather.

(iv) Nothing in this order shall be deemed to permit overlapping price lines.

(5) "Military footwear" means military type footwear purchased by the Army or Navy of the United States (excluding post exchanges and ship's service stores, wherever situated), the United States Naval Academy at Annapolis, Maryland, the United States Military Academy at West Point, New York, the United States Maritime Commission, the Panama Canal, the Coast and Geodetic Survey, the Coast Guard, the Civil Aeronautics Authority, the National Advisory Committee for Aeronautics, the Office of Scientific Research and Development the War Shipping Administration, the Government of any of the following countries: Belgium, China, Czechoslovakia, Free France, Greece, Iceland, the Netherlands, Norway, Poland, Russia, Turkey, the United Kingdom (including its Dominions, Crown Colonies and Protectorates) and Yugoslavia; military type footwear purchased by any agency of the United States for delivery to or for the account of the Government of any country listed above, or any other country, including those in the Western Hemisphere, pursuant to the Act of March 11, 1941, entitled "An Act to Promote the Defense of the United States" (Lend-Lease Act); and custom-made footwear delivered for personnel of the Army or Navy of the United States.

(6) "Civilian footwear" as used in paragraph (i) includes all footwear except military footwear and rubber footwear.

(7) "Six months' base period" means any consecutive six calendar months within the period from July 1, 1942 through April 30, 1943 selected by a manufacturer as his base period for the purposes of this order.

(8) "Civilian line quota" means the number of pairs of civilian footwear within a single line manufactured by a person during his six months' base period, as set forth on his base period report.

(9) "Safety shoes" means protective occupational footwear incorporating or purporting to incorporate one or more of the following safety features: steel box toe; electrical conductivity; electrical resistance; non-sparking and moulders' (Congress type) protection (shoes which can be quickly removed, worn to protect against splashing metals).

(c) *Restrictions on styling and types manufactured.* No person shall attach to any footwear (except infants' footwear, house slippers or women's gold or silver evening slippers) outsoles, other than wooden soles, not conforming to the specifications contained in Schedule I annexed to this order.

(d) *General exceptions.* None of the restrictions of this order shall apply to military footwear, or to footwear made as trials or pullovers but not sold.

(e) *Restrictions relating to sales and deliveries.* (1) No person shall sell or deliver any new footwear manufactured in the United States of America in violation of this order.

(2) No tanner or sole cutter shall deliver any leather to any shoe manufacturer if he knows or has reason to believe said leather is to be used in violation of the terms of this order.

(3) The prohibitions and restrictions of this paragraph shall not apply to:

(i) Deliveries of footwear or leather by or to, any person having temporary custody thereof for the sole purpose of transportation or public warehousing.

(ii) Any bank, banker, or trust company affecting or participating in a sale or delivery of footwear or leather solely by reason of the presentation, collection, or redemption of an instrument, whether negotiable or otherwise.

(4) In making sales or delivery of any footwear, no person shall make discriminatory cuts in quantity or quality between customers who meet such person's regularly established prices, terms and credit requirements, or between customers and his own consumption of said footwear. Reduction in sales or deliveries proportionate with any curtailment in supply available for nonmilitary use shall not constitute a discriminatory cut.

(f) *Restrictions on production of lines of footwear.* (1) No person shall in any six months' period beginning with March 1 or September 1 in any year complete the manufacture of more civilian footwear within any line than the percentage of his civilian line quota for such line shown on the following schedule:

Each line of youths' and boys' shoes	125
Each line of men's safety shoes	125
Each line of men's work shoes	125
Each line of men's dress shoes	100
Each line of women's and growing girls' shoes	100
Each line of house slippers	100
Each line of athletic shoes	100
Each line of women's safety shoes	100

With respect to (i) infants' footwear and (ii) misses' and children's footwear, no manufacturer may exceed 125% of his aggregate civilian line quotas for all lines of infants' footwear, and no manufacturer may exceed 125% of his aggregate civilian line quotas for all lines of misses' and children's footwear, but his production within each of these two types of footwear may be distributed among his established lines in any manner desired, except that the production in any line consisting of less than 50 pairs or 2% of the total production of that type of footwear (whichever is greater) during the base period may not be increased by more than 25%:

Provided, however, That to the extent that a manufacturer's production of military footwear shows a decrease below that during his six months' base period, his production within any line of civilian footwear may exceed the civilian line quota for such line by its proportionate part of such decrease; and to the extent that such manufacturer's production of military footwear shows an increase over that during the six months' base period, each civilian line quota of such manufacturer shall be diminished by its proportionate part of such increase.

(2) No person shall manufacture any line of footwear (except military footwear) not manufactured by him in his six months' base period.

(3) *Exceptions to paragraphs (i) (1) and (i) (2).* (i) A lower priced line of the same type of civilian footwear may be substituted in whole or in part for a higher priced line.

(ii) The unused quota of any higher priced line may be added to the quota of a lower priced line of the same type of civilian footwear.

Any person may add 125% of the unused portion of his civilian line quota or quotas of men's dress and women's and growing girls' shoes to his quotas of the types shown below up to a maximum of six times the amount actually transferred pursuant to this paragraph (i) (3) (ii) during the month of March 1945:

Type:
Men's work shoes
Youths' and boys' shoes
Misses' and children's shoes
Infants' shoes

In no event shall any unused quota be added to a higher priced line.

(iii) A person may exceed his civilian line quota for any line of women's safety shoes if a pairage equal to such excess is deducted from some other line or lines of footwear.

(iv) During any six months' period, beginning March 1 or September 1 in any year a manufacturer whose total production for the period will be less than $250,000 (based on wholesale value) is not subject to paragraph (i) (1), provided that no new higher priced lines are added and provided the manufacturer does not exceed his aggregate production in pairs during his six months' base period by more than 50%. The exemption in this paragraph shall not apply to a manufacturer affiliated, as a subsidiary or otherwise with another or others. This paragraph shall not authorize any manufacturer to increase his production by more than 50% in any line consisting of less than 50 pairs or 2% of his total production of that type of footwear (whichever is greater) during the base period.

(v) Paragraphs (i) (1) and (i) (2) shall not apply to footwear for the physically maimed or deformed on a custom-made basis and not for stock, to wood sole clogs utilizing no leather, to shearling or fur house slippers utilizing no other leather, or to footwear shown on the following schedule if manufactured for sale at or below the net wholesale prices shown opposite the respective types:

Type:	*Maximum net wholesale price per pair*
Misses' and children's	$1.75
Youths' and boys' (without leather)	1.90
Youths' and boys' (utilizing leather)	2.50
Women's and growing girls' (including safety) (without leather)	1.90
Women's and growing girls' (including safety) (utilizing leather)	2.50
Men's work, dress and safety (without leather)	1.90
Men's work, dress and safety (utilizing leather)	3.00
House slippers (with or without leather)	1.60
Infants', sizes 0–4 (utilizing leather)	.90
Infants', sizes 0–4 (made without leather)	.75
Infants', sizes 4½ to 8 (with or without leather)	1.35

NOTE: For the purposes of this schedule, footwear utilizing no leather except for heel top lifts shall be considered as having been made without leather.

However, any person who wishes to produce shoes under the foregoing exemption must so notify the War Production Board by letter, stating the types of shoes to be made, the materials to be used, the price ranges and his estimated six months' production. Persons who have not previously produced shoes in such price ranges must at the same time apply for specific price approval to the Office of Price Administration. In no case, may a person commence the production of shoes under this exemption until he has received acknowledgment from the War Production Board of the receipt of the letter of intention to produce and, where pertinent, of evidence of price approval from the Office of Price Administration.

(vi) The War Production Board may authorize transfers of quotas of footwear from one line or type to any other line or type and new or additional production in each line or type. It will in general be the policy of the War Production Board to authorize new or additional production in lines which will not require materials, components, facilities or labor needed for war purposes, and will not otherwise adversely affect or interfere with production for war or essential civilian purposes. Authorization will not be dependent upon the applicant's having been engaged in the production of shoes during the base period.

Application for such authorization shall be made by letter, describing fully the footwear manufactured or proposed to be manufactured, listing in detail all the materials to be used, and stating the pairs desired to be made in each price range, the source of the manpower that will be required, whether production will be reduced in any other line or lines, and all other facts pertaining to the application. All applications shall be accompanied by an original and three copies of Form WPB–3820. Authorization of production of new lines under this paragraph will be made only with the condition that production may not begin until evidence is furnished of conformity with applicable Office of Price Administration regulations.

The War Production Board will issue footwear manufacturers' quota numbers for quotas authorized by the War Production Board or established because of base period production.

Production in new price lines, or increased production in established lines, may be granted by the War Production Board to cover production of civilian footwear purchased by or on behalf of United Nations Relief and Rehabilitation Administration or any other agency for foreign relief purposes.

(vii) Manufacturers qualifying for an increase in price on footwear with nonmarking synthetic rubber soles, or soles and heels, under Order No. 13 under § 1499.3 (e) (3) of General Maximum Price Regulations, issued by the Office of Price Administration, may disregard such increase for the purposes of this paragraph (i). However, where the increase results in production of shoes in a higher price line, the number of pairs so produced shall be reported separately on the manufacturer's production report at the actual price, as indicated in the revised directions to said form.

(viii) Where a manufacturer produced in his base period a line of misses' and children's footwear of less than 50 pair or 2% of his total production of that type, he may increase his production of this line in any six months' period to not more than six times his lawful production of the line in January, 1945, *Provided*, That, he deducts the production in excess of 125% of his base period production in this line from his other lines of misses' and children's shoes.

(ix) Any person with an established quota or quotas for the production of women's and growing girls' shoes may produce up to 10% of his aggregate quota or quotas in women's all-over genuine reptile (including frog) shoes in any line or lines at a net wholesale price of $4.50 per pair or less, provided that the number of pairs of shoes produced under this paragraph (i) (3) (ix) is counted as production against the quota for that line or those lines, if any. In the event that there is no quota in a line in which such shoes are being produced, or that the number of pairs in the quota for that line does not equal the number of all-over genuine reptile (including frog) shoes produced, the number of such shoes produced must be counted as production against the quota for that line, if any, and for the next lower lines in descending order as to price as far as is necessary, and exhausting the quota of each line before proceeding to the next lower line. Records must be kept of the number of all-over genuine reptile shoes produced in each line.

(4) The period selected by any person as his six months' base period shall apply to all lines and may not be subsequently changed. After July 11, 1944, lines manufactured by any person in his six months' base period as previously filed with the War Production Board may not be revised, except to bring them into conformity with this order.

(g) *Appeals.* Any appeal from the provisions of this order shall be made by filing a letter in triplicate referring to the particular provision appealed from and stating fully the grounds of the appeal.

(h) *Records.* All persons affected by this order shall keep and preserve records concerning their operations in accordance with § 944.15 of Priorities Regulation 1.

(i) *Reports.* All persons affected by this order shall file such reports and questionnaires as may be requested by the War Production Board subject to the approval of the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(j) *Communications.* All reports required to be filed hereunder, and all communications concerning this order, shall, unless otherwise directed, be addressed to: War Production Board, Textile, Clothing and Leather Bureau, Washington 25, D. C., Ref.: M–217.

(k) *Violations.* Any person who willfully violates any provision of this order or who, in connection with this order, willfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

Issued this 27th day of August 1945.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

APPENDIX A: Superseded Nov. 9, 1944.

SCHEDULE I—SPECIFICATIONS FOR SOLES

Abrasion. The material shall have a resistance to abrasion of not less than 4000 revolutions to abrade 50% of the thickness of the material, when tested on the type of machine used by and following the procedure of the National Bureau of Standards. The material may be tested on any other abrasive testing machine, using an appropriate number of abrasive strokes of revolutions to give abrasive action equivalent to the above.

Crackiness. The material shall not crack, after conditioning for 4 hours, at 32° F. and testing at that temperature, when bent 180° over a 3-inch mandrel. The material shall not crack, after aging for 48 hours at 120° F. ± 2° F. and reconditioning at 65 per cent ± 2 per cent relative humidity and 120° F. ± 2° F. when bent 180° over a 3-inch mandrel.

Tackiness. The material shall not become tacky or flow when subjected to a temperature of 120° F. ± 2° F. for 4 hours.

Stitch tear. Material which is used for stitched soles shall have a stitch tear strength of not less than 30 pounds when tested dry, and not less than 25 pounds when tested immediately after soaking in water for 4 hours. When the outsole is cemented securely to a backer or midsole, the test shall be made of the combined assembly.

Effect of water. After submerging in water at 75° F. ± 2° F. for 4 hours, the material shall not show visual evidence of delamination or separation and shall not show an increase in thickness of more than 20 per cent.

INTERPRETATION 2: Revoked August 7, 1945.
INTREPRETATION 3: Revoked August 26, 1944.
INTREPETATION 4: Revoked May 1, 1945.
INTERPRETATION 5: Revoked June 14, 1945
INTERPRETATION 6: Superseded Nov. 9, 1944
INTREPRETATION 7: Superseded Nov. 9, 1944.

[F. R. Doc. 45-16002; Filed, Aug. 27, 1945; 3:43 p. m.]

PART 3290—TEXTILES, CLOTHING AND LEATHER

[Conservation Order M–217, Revocation of Interpretation 1]

Interpretation 1 to Conservation Order M–217 is hereby revoked.

Issued this 27th day of August 1945.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R Doc. 45-16003; Filed, Aug. 27, 1945; 3:43 p. m.]

PART 944—REGULATIONS APPLICABLE TO THE OPERATION OF THE PRIORITIES SYSTEM

[Priorities Reg. 13, Direction 4]

INVENTORY EXEMPTION FOR SURPLUS AIRCRAFT MATERIALS FOR USE IN MANUFACTURE OF CIVILIAN AIRCRAFT

The following direction is issued pursuant to Priorities Reg. 13:

(a) *What this direction does.* The reduction in military aircraft programs has resulted in large surpluses of aircraft quality materials and components far exceeding foreseeable commercial requirements for civilian aircraft. In order to encourage the disposal of these materials for use in the manufacture of civilian aircraft, this direction permits such manufacturers to receive them on special sales without regard to inventory restrictions.

(b) *Inventory exception.* The inventory restrictions of paragraph (j) (2) of Priorities Regulation 13 and other WPB inventory restrictions on receipts do not apply to delivery and acceptance of idle, excess or surplus materials or components received by a civilian aircraft manufacturer or aircraft sub-assembly manufacturer, provided all the following conditions are complied with:

(1) The materials must be received from aircraft or aircraft sub-assembly contractors or from Government owning or disposal agencies; and

(2) They must be received pursuant to a special sale under Priorities Regulation 13; and

(3) They must be acquired for use in the manufacture of civilian aircraft and components and not for sale or resale.

(c) *Further deliveries.* A person who receives materials or components under this direction may not thereafter receive further deliveries of the particular item from producers or distributors of it until his inventory of it is reduced to a practicable minimum working inventory or other applicable limitation, and his orders may not call for delivery before that time.

Issued this 29th day of August 1945.

WAR PRODUCTION BOARD,
BY J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 45-16208; Filed, Aug. 29, 1945; 11:31 a. m.]

PART 944—REGULATIONS APPLICABLE TO THE OPERATION OF THE PRIORITIES SYSTEM

[Priorities Reg. 16, as Amended Aug. 29, 1945]

APPEALS PROCEDURE

§ 944.37 *Priorities Regulation 16*—(a) *What this regulation does.* This regulation explains the procedure for appealing from orders, regulations and administrative actions of the War Production Board, except suspension orders issued on the recommendation of Compliance Commissioners. It also explains how the appeals will be handled by WPB.

(b) *Definitions.* For purposes of the regulation: "An appeal" means a request for individual relief on the grounds that compliance by the appellant or another would work an exceptional and unreasonable hardship which is not suffered generally by others in the same industry or activity, or on the grounds of improper discrimination. It does not include an initial application or initial request for an authorization, a preference rating, an allocation or any other administrative action expressly contemplated by the orders and regulations of WPB. In the absence of exceptional and unreasonable hardship not suffered generally by others or in the absence of improper discrimination an appellant may expect his appeal to be denied. There are two kinds of appeals, and they are defined below:

(1) "Appeal from an order or regulation" means an initial appeal for individual relief from any provision of a published order or regulation (including any published direction, schedule or other supplement to an order or regulation) which applies generally to all persons or to a class of persons described in the order or regulation.

(2) "Appeal from administrative action" means an appeal for reconsideration or modification of WPB action taken with respect to a particular person. Such administrative actions include the issuance of or refusal to issue individual authorizations, directives, preference ratings, quotas or allotments. The action of the WPB in granting or denying an initial "appeal from an order or regulation", or in granting or denying an application for an authorization under an order, is an administrative action; so a request for reconsideration of such action on the grounds of hardship or improper discrimination is an "appeal from administrative action". Such an appeal is initially called a first "appeal from administrative action", and a further appeal from the WPB action taken upon it is called a second 'appeal from administrative action".

(c) *How appeals are prepared and filed.* An appeal not prepared and filed as required below may be returned to the appellant without action.

(1) *Number of copies.* Unless otherwise specified, all appeals must be filed in triplicate.

(2) *Form of appeal.* An "appeal from an order or regulation" should refer to the provision appealed from, and must be filed on Form WPB–1477 unless the order or regulation specifies filing upon some other particular form or by letter. An "appeal from administrative action" must (unless otherwise stated in specific instructions) be filed by letter referring to the action appealed from and identifying the initial request by WPB form number and case number, if any.

(3) *Statement of grounds for appeal.* The fact that a person is appealing must be stated, and the grounds for claiming exceptional and unreasonable hardship or improper discrimination should be clearly set out.

(4) *Statement of manpower requirements not necessary.* Regardless of conflicting provisions in any order, regulation or WPB form, no statement of manpower information on Form WPB–3820 or by letter need be filed with any appeal.

(5) *Request for consideration by the Appeals Board.* If the appellant, in the case of a second or further "appeal from administrative action", wants consideration of his appeal by the Appeals Board, he should expressly request in writing its referral to the Appeals Board as further explained in paragraph (e) below.

(d) *Where appeals are filed.* (1) "Appeals from orders or regulations" must be filed where indicated in the orders or regulations. If there is no indication, such appeals should be addressed to Appeals Routing Unit, War Production Board, Washington 25, D. C. An exception to this rule is that a person who, in connection with the subject matter of his appeal, is also making an application on any form which he is instructed to file in a field office may, at his election, attach his appeal to the application and file both with the appropriate field office.

(2) An "appeal from administrative action" should be filed at the same place the initial application or "appeal from an order or regulation" was filed, or if the administrative action was based upon neither an application nor an "appeal from an order or regulation" it should be addressed to the Appeals Routing Unit, War Production Board, Washington 25, D. C. However, any request to reopen a case granted or denied on the recommendation of the Appeals Board may be filed with that Board. Appeals should never be addressed to the Executive Secretary or Recording Secretary who attests the execution of War Production Board actions.

(e) *Appeals Board.* (1) The Appeals Board of the War Production Board is established as an impartial body primarily to consider second and further "appeals from administrative actions" in cases in which exceptional and unreasonable hardship or improper discrimination is claimed, except as stated in subparagraph (3) below. Any person complaining of administrative action on these grounds may have a second or further "appeal from administrative action" submitted to the Appeals Board for final action if he expressly requests it in writing. On the other hand, the Appeals Board will not normally consider any cases which do not involve these factors or which are not second or further "appeals from administrative actions". It is not its ordinary function to review actions involving judgment as to the proper distribution of materials, programming of military or civilian production and their relative essentiality. If the basis for the second or further appeal is the essentiality to the war effort and not a claim of exceptional and unreasonable hardship or improper discrimination, no request for referral to the Appeals Board should be made. For further information concerning proceedings before the Appeals Board see Direction 1 to this regulation.

(2) Any second or further "appeal from administrative action" in which exceptional and unreasonable hardship or improper discrimination is claimed, if not granted promptly on the recommendation of the official who took the action appealed from (or an official superior to him) will be referred to the Appeals Board: *Provided*, That the referral has been expressly requested in writing by the appellant. However, the referral to the Appeals Board will preclude further consideration of the case by such officials on the above grounds, and the decision of the Appeals Board will be final.

(3) In a case where the action was taken by the Office of War Utilities an "appeal from administrative action" will not be referred to the Appeals Board except in the discretion of the Director of the Office of War Utilities.

(f) *Grants and denials of appeals.* An "appeal from an order or regulation" will generally be granted or denied on the recommendation of the official administering the order or regulation. When the original administrative action has been taken by a field office of WPB the appeals in certain cases will be sent to Washington. A first "appeal from administrative action" may be granted or denied on the recommendation of the official who took the original action. A second or further "appeal from administrative action" may likewise be granted or denied unless referral to the Appeals Board has been requested in writing by the appellant. A second or further "appeal from administrative action" may be granted or denied on the recommendation of the Appeals Board.

The grant or denial of any appeal in whole or in part will be valid only when issued in the name of the War Production Board, countersigned or attested by the Executive Secretary or Recording Secretary, or in accordance with WPB Regulation No. 1 (§ 903.0). The grant or denial of an appeal referred to the Appeals Board will be indicated by a phrase such as "on the recommendation of the Appeals Board".

The denial of any appeal, in whole or in part, on the recommendation of the Appeals Board, is final unless the Appeals Board elects to reopen the matter, but the denial of an appeal on the recommendation of the Office of War Utilities is final unless that office elects to reopen the matter.

(g) *Public files.* Whenever an order or another regulation of the War Production Board expressly so provides, public files containing records relating to the appeals from such orders or regulations or from administrative actions taken under them shall be set up and shall be available for public inspection during the business hours of the War Production Board.

NOTE: The reporting requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 29th day of August 1945.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 45-16209; Filed, Aug. 29, 1945; 11:32 a. m.]

PART 944—REGULATIONS APPLICABLE TO THE OPERATION OF THE PRIORITIES SYSTEM

[Priorities Reg. 23 as Amended Aug. 29, 1945]

EXPERIMENTAL MODELS

§ 944.44 *Priorities Regulation 23*—(a) *Background and purpose of this regulation.* Certain orders and regulations of the War Production Board limit or prohibit the manufacture of certain articles or the use of certain materials in making the articles. These restrictions apply to the manufacture of experimental models of the articles and therefore prevent persons from making such experimental models. The purpose of this regulation is to override those orders and regulations so as to allow experimental models of the restricted articles to be made under certain conditions. Nobody needs to read this regulation unless he wants to make experimental models of an article which cannot be made under existing orders and regulations.

(b) *Meaning of the term "experimental model."* The term "experimental model" means any model of a consumer or industrial product (e. g. refrigerator or printing press) which is made, as an experiment, for the purpose of determining whether it will be superior to or cheaper to make than present models and whether it can be reproduced on a commercial basis. The term does not include any models, such as samples, which are made for the purpose of promoting sales or creating a consumer demand for such articles. Nor does the term include experimental models of buildings or structures which involve construction. Such experimental construction jobs may be carried on only to the extent permitted under Order L-41.

(c) *Effect of other orders and regulations on manufacture of experimental models.* In spite of any order or regulation of the War Production Board limiting or prohibiting the manufacture of any article or the use of any material in making an article, any person may manufacture experimental models of any article and may use any materials in making them. However, in any case where the manufacture of experimental models of an article or the use of materials in making them would, but for this regulation, be prohibited by another order or regulation, the models may be made only within the limitations set forth in paragraph (e).

(d) [Deleted May 9, 1945.]

(e) *Limitations on making models.* No person may make experimental models (of the types which could not be made but for this regulation) unless all of the following restrictions are complied with:

(1) [Deleted Aug. 29, 1945.]

(2) Experimental models of an article may be made only in the minimum number and the minimum size required to determine the suitability of the article for commercial production and use, as distinct from promoting sales or creating a consumer demand. This does not permit a person to make trial production runs of experimental models.

(3) Materials which were allocated or allotted specifically for another purpose may not be used to make experimental models, except as permitted by § 944.11 of Priorities Regulation 1.

(4) [Deleted May 9, 1945.]

(f) *Illustrations.* The effect of this regulation is illustrated in the following examples:

(1) Where an order prohibits the production or assembly of a certain article, this regulation permits a person to make experimental models of the article, regardless of the order.

(2) Where an order prohibits the use of a certain material in making an article, this regulation permits a person to use the material in making experimental models of the article, regardless of the order.

(3) Where an order prohibits producers from making more than a certain number of sizes of an article, this regulation permits such producers to make additional sizes of the article for experimental purposes.

(4) Where an order prohibits producers from making an article except in accordance with production schedules approved by the War Production Board, this regulation permits such producers to make experimental models of the article even though such experimental models do not appear in the production schedules approved under this order.

(5) In each of the above four cases the limitations set forth in paragraph (e) of this regulation must be complied with. However, where experimental models can be made within the provisions of existing orders and regulations of the War Production Board, this may be done without complying with the limitations of paragraph (e). For example, where the manufacture of an article is restricted by an order which merely limits the number of the article that can be made, a person may make experimental models of the article within his quota under that order without complying with the limitations of paragraph (e). However, if he wants to make experimental models of the article outside of his quota, he must comply with those limitations.

(g) *How to get priorities assistance for materials for experimental models.* Any person needing priorities assistance to get materials for making experimental models may use the V-9 allotment symbol and AA-3 preference rating assigned for that purpose by Preference Rating Order P-43, subject to the terms of that order. However, the priorities assistance provided by Order P-43 may not be used to get any facilities for making experimental models (of the types which could not be made but for this regulation), if such facilities would be capital additions.

Issued this 29th day of August 1945.

WAR PRODUCTION BOARD.
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 45-16210; Filed, Aug. 29, 1945. 11:31 a. m.]

PART 944—REGULATIONS APPLICABLE TO THE OPERATION OF THE PRIORITIES SYSTEM

[Priorities Reg. 26, Revocation]

COMPLIANCE WITH WMC REGULATIONS

Section 944.47 *Priorities Regulation 26* is hereby revoked. This revocation does not affect any liabilities incurred for violation of the regulation or of actions taken by the War Production Board under this regulation.

Issued this 29th day of August 1945.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 45-16211; Filed, Aug. 29, 1945; 11:31 a. m.]

PART 944—REGULATIONS APPLICABLE TO THE OPERATION OF THE PRIORITIES SYSTEM

[Priorities Reg. 31, as Amended Aug. 29, 1945]

BLANKET REVOCATION OF CERTAIN WPB ORDERS

§ 944.52 *Priorities Regulation 31*—(a) *Revocation of orders.* The orders of the War Production Board listed below in this regulation and all published directions to those orders are revoked, effective on the dates shown opposite the orders.

(b) *Effect of revocation of orders.* (1) Regardless of paragraph (b) of § 944.10a of Priorities Regulation 1, all directions, authorizations, production and delivery schedules and other instruments addressed to named persons pursuant to the orders listed below are also revoked to the extent that they apply to any transactions after September 30, 1945.

(2) To the extent that any such directions, authorizations, production or delivery schedules or other instruments addressed to named persons apply to any transactions before October 1, 1945, the following rules govern:

(i) If they were issued under one of the Chemical Orders listed below, they are revoked on the effective date shown opposite the applicable order.

(ii) If they were issued under any of the other orders listed below, they remain in force through September 30 under the rules explained in paragraph (b) of § 944.10a of Priorities Regulation 1 unless revoked by other action of the WPB.

(3) Nothing in this regulation changes the rule regarding "Suspension Orders" and "Consent Orders" as stated in paragraph (c) of § 944.10a of Priorities Regulation 1.

(4) The revocation of the orders listed below does not affect any liabilities incurred for violation of those orders or for violation of actions taken by the War Production Board under those orders.

(5) Pending and future applications filed pursuant to the orders listed below will not be acted upon by the War Production Board after the effective date of revocation of those orders, and individual notice of this may not be given to each applicant.

(6) It is not necessary to file any reports under the orders listed below which would be due after the effective date of revocation, unless required under the rules explained in Priorities Regulation 8.

LIST OF ORDERS REVOKED AND EFFECTIVE DATE OF REVOCATION

AIRCRAFT

Section 3191.31, M-360, Aircraft, August 27, 1945.

AUTOMOTIVE

Section 3292.1, L-1-e, Motortrucks and Truck Trailers, August 20, 1945.

Section 3292.46, L-158, Production of Replacement Parts for Motor Vehicles, August 20, 1945.

Section 3292.51, L-180, Replacement Storage Batteries, August 20, 1945.

Section 3178.1, L-254, Internal Combustion Air-Cooled Engines, August 20, 1945.

Section 3292.56, L-270, Automotive Maintenance Equipment, August 20, 1945.

Section 3292.126, L-331, Motorcycles, August 20, 1945.

BUILDING MATERIALS

Section 1293.1, L-157, Hand Tools Simplification, August 20, 1945.

Section 1293.9, Sch. 8 to L-157, Wood Boring Bits, August 20, 1945.

Section 3284.81, L-236, Hardware Simplification, August 20, 1945.

Section 3284.85, Sch. 4 to L-236, Tackle Blocks, August 20, 1945.

Section 3284.26, L-303, Metal Insect Screen Cloth, August 23, 1945.

CHEMICALS

Section 3193.1, L-263, Matches, August 31, 1945.

Section 3293.36, M-12, Cotton Linters and Hull Fibre, August 20, 1945.

Section 3293.101, M-69, Distilled Spirits, August 31, 1945.

Section 3293.171, M-150, Aromatic Solvents, August 31, 1945.

Section 1246.1, M-157, Chemical Cotton Pulp, August 31, 1945.

Section 3293.1008, Sch. 8 to M-300, Hide Glue, Extracted Bone Glue and Green Bone Glue, August 31, 1945.

Section 3293.1009, Sch. 9 to M-300, Formaldehyde and Paraformaldehyde, August 31, 1945

Section 3293.1010, Sch. 10 to M-300, Hexamethylenetetramine, August 31, 1945.

Section 3293.1011, Sch. 11 to M-300, Pentaerythritol, August 31, 1945.

Section 3293.1012, Sch. 12 to M-300 Isopropyl Alcohol, August 31, 1945.

Section 3293.1016, Sch. 16 to M-300, Metallic Sodium, August 31, 1945.

Section 3293.1017, Sch. 17 to M-300, Acrylic Monomer and Acrylic Resin, August 31, 1945.

Section 3293.1018, Sch. 18 to M-300, Styrene and Dichlorostyrene, August 31, 1945.

Section 3293.1019, Sch. 19 to M-300, Polystyrene and Polydichlorostyrene, August 31, 1945.

Section 3293.1020, Sch. 20 to M-300, Hexahydric Alcohols, August 31, 1945.

Section 3293.1023, Sch. 23 to M-300 Xylene (Xylol), August 31, 1945.

Section 3293.1024, Sch. 24 to M-300, Methyl Isobutyl Ketone, August 31, 1945.

Section 3293.1026, Sch. 26 to M-300, Acetic Acid, Acetic Anhydride and Acetaldehyde, August 31, 1945.

Section 3293.1028, Sch. 28 to M-300, Acetylene Black, August 31, 1945.

Section 3293.1029, Sch. 29 to M-300, Ammonium Silicefluoride, August 31, 1945.

Section 3293.1030, Sch. 30 to M-300, Phosphorus, August 31, 1945.

Section 3293.1031, Sch. 31 to M-300, Barium Chemicals, August 31, 1945.

Section 3293.1039, Sch. 39 to M-300, Diphenylamine, August 31, 1945.

Section 3293.1040, Sch. 40 to M-300, Ferro- and Ferri-Cyanides, August 31, 1945.

Section 3293.1045, Sch. 45 to M-300, Sodium Cyanide, August 31, 1945.

Section 3293.1048, Sch. 48 to M-300, Pyrethrum, September 30, 1945.

Section 3293.1049, Sch. 49 to M-300, Rotenone, September 30, 1945.

Section 3293.1055, Sch. 55 to M-300, Adipic Acid, August 31, 1945.

Section 3293.1058, Sch. 58 to M-300, Penicillin, August 31, 1945.

Section 3293.1060, Sch. 60 to M-300, Polyethylene, August 31, 1945.

Section 3293.1062, Sch. 62 to M-300, Primary Chromium Chemicals, September 30, 1945.

Section 3293.1069, Sch. 69 to M-300, Gasoline Gum Inhibitors, August 31, 1945.

Section 3293.1070, Sch. 70 to M-300, Ethyl Cellulose, August 31, 1945.

Section 3293.1077, Sch. 77 to M-300, Isopropyl Acetate, August 31, 1945.

Section 3293.1078, Sch. 78 to M-300, Carbon Tetrachloride, August 31, 1945.

Section 3293.1079, Sch. 79 to M-300, Synthetic Ammonia, September 30, 1945.

Section 3293.1080, Sch. 80 to M-300, Nitrogen Compounds, September 30, 1945.

Section 3293.1081, Sch. 81 to M-300, By-Product Phosphoric Acid, August 31, 1945.

Section 3293.1085, Sch. 85 to M-300, Potassium Carbonate, August 31, 1945.

Section 3293.1089, Sch. 89 to M-300, Theobromine and Caffeine, August 31, 1945.,

Section 3293.1090, Sch. 90 to M-300, Yellow Iron Oxide, August 31, 1945.

Section 3293.1091, Sch. 91 to M-300, Ethyl Ether, August 31, 1945.

Section 3293.1092, Sch. 92 to M-300, Matches, August 31, 1945.

Section 3293.1093, Sch. 93 to M-300, High Test Calcium Hypochlorite, August 31, 1945.

Section 3293.1094, Sch. 94 to M-300, Trichlorethylene, August 31, 1945.

Section 3293.1095, Sch. 95 to M-300, Perchlorethylene, August 31, 1945.

Section 3293.1096, Sch. 96 to M-300, Natural Resins, September 30, 1945.

Section 3293.1097, Sch. 97 to M-300, Chlorate Chemicals, August 31, 1945.

Section 3293.1098, Sch. 98 to M-300, Potash, September 30, 1945.

Section 3293.1103, Sch. 103 to M-300, Maleic, Fumaric, "Carbic" and Pentaerythritol Oils and Resins, August 31, 1945.

Section 3293.1106, Sch. 106 to M-300, Sodium Metasilicate, August 31, 1945.

Section 3293.1107, Sch. 107 to M-300, Thallium Chemicals, August 31, 1945.

Section 3293.1112, Sch. 112 to M-300, Calcium Carbide, August 31, 1945.

Section 3293.1113, Sch. 113 to M-300, Caesin, August 31, 1945.

Section 3293.601, M-378, Vitamin A, August 31, 1945.

Section 3293.621, M-382, Protective Coatings, August 31, 1945.

Section 3293.1, L-20, Cellophane, August 31, 1945.

Section 3293.46, M-19, Chlorine, August 31, 1945.

Section 969.1, M-27, Tar Acid Oil, Carbolates, Phenols and Substituted Phenols, August 31, 1945.

Section 3200.1, M-289, Charcoal, August 31, 1945.

Section 3293.396, M-297, Coal Tar, August 31, 1945.

Section 3293.1005, Sch. 5 to M-300, Peroxygen Chemicals, September 30, 1945.

Section 3293.1006, Sch. 6 to M-300, Citric Acid, August 31, 1945.

Section 3293.1007, Sch. 7 to M-300, Benzaldehyde, August 31, 1945.

Section 3293.1015, Sch. 15 to M-300, Glycols, August 31, 1945.

Section 3293.1021, Sch. 21 to M-300, Toluene, August 31, 1945.

Section 3293.1022, Sch. 22 to M-300, Benzene, August 31, 1945.

Section 3293.1025, Sch. 25 to M-300, DDT, August 31, 1945.

Section 3293.1027, Sch. 27 to M-300, Alkyl Amines, August 31, 1945.

Section 3293.1032, Sch. 32 to M-300, Carbon Black, September 30, 1945.

Section 3293.1033, Sch. 33 to M-300, Higher Aliphatic Alcohols, August 31, 1945.

Section 3293.1034, Sch. 34 to M-300, Urea and Melamine Aldehyde Resins, August 31, 1945.

Section 3293.1036, Sch. 36 to M-300, Glycol Ethers, August 31, 1945.

Section 3293.1038, Sch. 38 to M-300, Naphthalene, August 31, 1945.

Section 3293.1042, Sch. 42 to M-300, Aniline, August 31, 1945.

Section 3293.1044, Sch. 44 to M-300, Synthetic Organic Detergents, September 30, 1945.

Section 3293.1047, Sch. 47 to M-300, Copper Chemicals, August 31, 1945.

Section 3293.1050, Sch. 50 to M-300, Cellulose Ester Flake, August 31, 1945.

Section 3293.1051, Sch. 51 to M-300, Cellulose Ester Sheets, Rods and Tubes, August 31, 1945.

Section 3293.1052, Sch. 52 to M-300, Cellulose Acetate and Cellulose Acetate Butyrate Molding Powder, August 31, 1945.

Section 3293.1054, Sch. 54 to M-300, Vinyl Polymers, August 31, 1945.

Section 3293.1059, Sch. 59 to M-300, Phthalic Alkyd Resins, August 31, 1945.

Section 3293.1061, Sch. 61 to M-300, Phosphate Plasticizers, August 31, 1945.

Section 3293.1063, Sch. 63 to M-300, Phthalate Plasticizers, August 31, 1945.

Section 3293.1064, Sch. 64 to M-300 Methyl Ethyl Ketone, August 31, 1945.

Section 3293.1065, Sch. 65 to M-300, Butyl Acetate, August 31, 1945.

Section 3293.1066, Sch. 66 to M-300, Butyl Alcohol, August 31, 1945.

Section 3293.1067, Sch. 67 to M-300 Phthalic Anhydride, August 31, 1945.

Section 3293.1068, Sch. 68 to M-300, Maleic Anhydride and Maleic Acid, August 31, 1945.

Section 3293.1073, Sch. 73 to M-300, Pine Oil, August 31, 1945.

Section 3293.1074, Sch. 74 to M-300, Sulfuric Acid, August 31, 1945.

Section 3293.1076, Sch. 76 to M-300, Ethyl Acetate, August 31, 1945.

Section 3293.1082, Sch. 82 to M-300, Sodium Phosphates, August 31, 1945.

Section 3293.1083, Sch. 83 to M-300, Alkanolamines, August 31, 1945.

Section 3293.1086, Sch. 86 to M-300, Ipecac and Emetine, August 31, 1945.

Section 3293.1087, Sch. 87 to M-300, Phenolic Resin and Phenolic Resin Molding Compound, August 31, 1945.

Section 3293.1088, Sch. 88 to M 300, Bismuth Chemicals, August 31, 1945.
Section 3293.1101, Sch. 101 to M-300, Hydroquinone, August 31, 1945.
Section 3293.1102, Sch. 102 to M-300, Acetone and Diacetone, August 31, 1945.
Section 3293.10104, Sch. 104 to M-300, Fumaric Acid, August 31, 1945.
Section 3293.10105, Sch. 105 to M-300, Benzyl Benzoate and Benzyl Chloride, August 31, 1945.
Section 3293.1110, Sch. 110 to M-300, Coumarone-Indene Resin, August 31, 1945.
Section 3293.1111, Sch. 111 to M-300, Quinacrine, August 31, 1945.
Section 3293.1114, Sch. 114 to M-300, Silica Aerogel, August 31, 1945.
Section 3293.1115, Sch. 115 to M-300, Dihydroxy-Dichloro-Diphenyl Methane, August 31, 1945.
Section 3293.1116, Sch. 116 to M-300, White Ammonium Chloride, August 31, 1945.
Section 3293.1117, Sch. 117 to M-300, Naphthenic Acid and Naphthenates, August 31, 1945.
Section 3293.466, M-332, Oils for Protective Coatings, August 31, 1945.
Section 3293.491, M-340, Miscellaneous Chemicals, September 30, 1945.
Section 3293.611, M-370, Chrome Pigments, August 31, 1945.

CONSTRUCTION MACHINERY

Section 1157.10, L-192, Construction Machinery and Equipment, August 20, 1945.

CONSUMERS DURABLE GOODS

Section 3291.6, L-5-c, Domestic Mechanical Refrigerators, August 20, 1945.
Section 3291.25, L-6, Domestic Laundry Equipment, August 20, 1945.
Section 3291.51, L-13-b, Use of Steel in Furniture and Fixtures, August 20, 1945.
Section 3291.180, L-23-b, Domestic Electric Ranges, August 20, 1945.
Section 3291.245, L-64, Caskets, Shipping Cases and Burial Vaults, August 20, 1945.
Section 3291.125, L-71, Dry Cell Batteries and Portable Electric Lights, August 20, 1945.
Section 3291.135, L-176, Domestic and Commercial Electric Fans, August 20, 1945.
Section 3291.270, L-178, Film, August 20, 1945.
Section 3291.265, L-233, Photographic Film and Film Base, August 20, 1945.
Section 3291.266, L-233-a, Delivery of Sensitized Photographic Paper, August 20, 1945.
Section 3291.206, L-323, Distribution of Imported Watches, August 22, 1945.

CONTAINERS

Section 3270.15, L-197, Steel Shipping Drums, August 20, 1945.
Section 3270.56, L-232, Wooden Shipping Containers, August 20, 1945.
Section 3270.6, L-317, Fibre Shipping Containers, August 22, 1945.
Section 3270.61, L-336, Paper Cups and Paper Food Containers, August 20, 1945.
Section 3270.76, L-337, Fiber Shipping Drums, August 20, 1945.
Section 3270.4, M-349, Box-Veneer, August 22, 1945.

COPPER

Section 933.1, M-9, Copper, August 20, 1945.

CORK, ASBESTOS AND FIBROUS GLASS

Section 3301.1, M-8-a, Cork, August 23, 1945.
Section 3301.6, M-79, Asbestos, August 20, 1945.
Section 3301.16, M-283, Asbestos Textiles, August 31, 1945.

GENERAL INDUSTRIAL EQUIPMENT

Section 1226.83, L-311, Logging, Lumber and Wood Products Machinery, and Equipment, August 20, 1945.

LUMBER AND LUMBER PRODUCTS

Section 3285.1, L-150, Softwood Plywood Scheduling, August 22, 1945.
Section 3285.3, L-150-a, Softwood Plywood, August 22, 1945.
Section 3285.11, L-285, Dogwood, August 20, 1945.
Section 1169.1, M-122, Mahogany, Philippine Mahogany, and Albarco, August 20, 1945.
Section 3083.1, M-234, Douglas Fir Logs, August 20, 1945.
Section 3285.136, L-344, Picker Stick Blanks, August 20, 1945.
Section 3285.146, L-350, Softwood Veneer, August 20, 1945.
Section 3285.31, M-186, Aircraft Grades of Sitka Spruce Logs and Lumber, September 30, 1945.
Section 3285.131, M-386, Aircraft Grades of Noble Fir Logs and Lumber, September 30, 1945.

MISCELLANEOUS MINERALS

Section 3286.21, M-95, Rhodium, August 20, 1945.
Section 1109.1, M-101, Mica, August 20, 1945.
Section 1109.2, M-101-a, Mica Splittings, August 20, 1945.
Section 3286.36, M-146, Quartz Crystals, August 20, 1945.
Section 3286.41, M-162, Platinum, August 20, 1945.
Section 3286.51, M-199, Silver, August 20, 1945.
Section 3286.56, M-239, Talc, August 20, 1945.
Section 3286.71, M-302, Osmium, August 20, 1945.

PAPER

Section 3270.27, L-261, Grocers and Variety Bags, August 23, 1945.
Section 3270.28, L-304, Specialty Bags (Paper), August 23, 1945.
Section 3281.91, L-279, Paper Shipping Sacks, August 23, 1945.
Section 3281.1, M-251, Pulpwood, August 20, 1945.
Section 3281.64, M-241-a, Conservation of Paper and Paperboard, August 24, 1945.
Section 3281.76, M-351, Waxed Paper, August 20, 1945.
Section 3281.96, M-380, Moisture Vapor-Proof Barriers, August 20, 1945.

PAPERBOARD

Section 3305.16, L-239, Folding and Set-up Boxes, August 22, 1945.
Section 3305.1, M-378, Paperboard, August 22, 1945.

PETROLEUM

Section 1167.1, L-86, Liquefied Petroleum Gas Equipment, August 24, 1945.
Section 1041.3, P-98-c, Production, Transportation, Refining and Marketing of Petroleum, September 1, 1945.
Section 1041.6, P-98-e, Production, Transportation, Refining and Marketing of Petroleum, September 1, 1945.

PLUMBING AND HEATING

Section 3288.66, L-23-c, Domestic Cooking Appliances and Domestic Heating Stoves, August 20, 1945.
Section 3288.11, L-42, Plumbing and Heating Simplification, August 20, 1945.
Section 3288.15, Schedule 4 to L-42, Cast Iron Soil Pipe and Fittings, August 20, 1945.
Section 3288.61, L-248, Commercial Dish Washers, August 20, 1945.
Section 3288.86, L-349, Oil Burning Equipment, August 20, 1945.

PRINTING AND PUBLISHING

Section 3133.35, L-177, Wall Paper, August 24, 1945.
Section 3133.9, L-241, Commercial Printing and Duplicating, August 24, 1945.
Section 3133.15, L-244, Magazines and Periodicals, August 24, 1945.
Section 3133.17, L-245, Books and Booklets, August 24, 1945.
Section 3133.20, L-289, Greeting Cards and Illustrated Post Cards, August 24, 1945
Section 3133.40, L-294, Displays, August 24, 1945.
Section 3133.50, L-340, Governmental Commercial Printing and Duplicating, August 24, 1945.

PULP

Section 3281.71, M-294, Waste Manila Rope and Manila Fibre, September 30, 1945.
Section 3281.86, M-377, Waste Paper, August 20, 1945.

RADIO AND RADAR

Section 3289.31, L-265, Electronic Equipment, August 20, 1945.
Section 3207.1, L-272, Industrial Type Instruments, Control Valves and Regulators, August 20, 1945.
Section 3207.2, Schedule 1 to L-272, Control Valves, August 20, 1945.
Section 3207.3, Schedule 2 to L-272, Liquid Level Controllers, August 20, 1945.
Section 3207.4, Schedule 3 to L-272, Pyrometers and Resistance Thermometers, August 20, 1945.
Section 3207.5, Schedule 4 to L-272, Indicating Dial Pressure Gauges, August 20, 1945.
Section 3207.7, Schedule 6 to L-272, Welding Equipment Gauges, August 20, 1945.
Section 3207.9, Schedule 8 to L-272, Railroad Gauges, August 20, 1945.

RUBBER

Section 1260.2, L-143-a, Rubber Processing Machinery and Equipment, August 20, 1945
Section 4600.100, L-345, Restrictions on the Production of Camelback, August 20, 1945

SAFETY AND TECHNICAL EQUIPMENT

Section 1254.1, L-139, Dental Equipment and Supplies Simplification, August 20, 1945
Section 1254.2, Schedule 1 to L-139, Dental Excavating Burs, August 20, 1945.
Section 3296.56, L-144, Laboratory Equipment, August 20, 1945.
Section 3296.96, L-295, Dental Burs, August 20, 1945.

STEEL

Section 3294.161, L-88, Used Rail and Used Rail Joints, August 20, 1945.
Section 3102.1, L-211, National Emergency Specifications for Steel Products, August 20, 1945.
Section 3102.10, Schedule 9 to L-211, Oil Country Tubular Goods, August 20, 1945.
Section 3102.17, Schedule 16 to L-211, Steel Wire Rope, August 20, 1945.
Section 3294.66, M-17, Pig Iron, August 20, 1945.
Section 3294.113, M-21-1, Malleable Iron Castings, August 20, 1945.
Section 965.1, M-24, Iron and Steel Scrap, August 20, 1945.
Section 965.3, M-24-b, Iron and Steel Scrap, August 20, 1945.
Section 1103.11, M-292, Coke, August 24, 1945.

TEXTILES, CLOTHING AND LEATHER

Section 3290.111, L-95, Sanitary Napkins, August 20, 1945.
Section 3290.150, L-215, Textiles, Clothing and Leather Machinery, August 27, 1945
Section 3290.76, L-312, Industrial Wiping Cloths, August 20, 1945.

Section 3290.201, M-22, Silk, August 20, 1945.
Section 968.1, M-26, Silk Waste, Silk Noils, and Silk Fiber, August 20, 1945.
Section 3290.246, M-37-d, Rayon Yarn, September 30, 1945.
Section 3290.271, M-70, Jute and Jute Products, August 20, 1945.
Section 3290.56, M-91, Cotton Duck, August 20, 1945.
Section 3290.306, M-102, Water Fowl Feathers, August 20, 1945.
Section 3290.266, M-103, Dyestuffs and Organic Pigments, August 20, 1945.
Section 3290.66, M-117, Extra Staple Cotton, September 20, 1945.
Section 3290.36, M-124, Rubber Yarn and Elastic Thread, August 27, 1945.
Section 1175.1, M-125, Loofa Sponges, August 20, 1945.
Section 3054.1, M-210, Cattle Tail and Horse Mane Hair, August 20, 1945.
Section 3290.117, M-317-B, Cotton Sale Yarn Production and Distribution, August 20, 1945.
Section 3290.326, M-356, Synthetic fibers, yarns and fabrics, August 22, 1945.

TIN, LEAD AND ZINC

Section 937.1, M-11, Slab Zinc, August 20, 1945.
Section 937.2, M-11-a, Zinc Oxide, August 20, 1945.
Section 1044.1, M-65, Cadmium, August 20, 1945.
Section 1054.1, M-72, Lead and Tinscrap, August 20, 1945.
Section 3159.1, M-276, Bismuth, August 20, 1945.

TOOLS

Section 3274.1, E-1-b, Machine Tools, August 20, 1945.
Section 3274.51, E-6, Hand Service Tools, August 20, 1945.
Section 3274.61, E-10, Antifriction Bearings August 20, 1945.
Section 3274.77, L-302, Chain, August 20, 1945

WAR UTILITIES

Section 1288.1, L-154, Power, Steam and Water Auxiliary Equipment, August 20, 1945.
Section 1288.5, Sch. 4 to L-154, Power Switchgear, August 20, 1945.

TRANSPORTATION

Section 3157.1, T-1, Haulage Conservation, August 20, 1945.

Issued this 29th day of August 1945.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 45-16212; Filed, Aug. 29, 1945; 11:31 a. m.]

PART 1010—SUSPENSION ORDERS

[Suspension Order, Revocations]

LIST 1

In view of the revocation of certain limitation and conservation orders controlling the supply and distribution of materials, the Chief Compliance Commissioner has directed that the suspension orders hereinafter listed be revoked forthwith.

In view of the foregoing, *It is hereby ordered*, That the following suspension orders be revoked, effective August 28, 1945, *Provided, however*, That this revocation does not affect any liabilities incurred for violations of the suspension order prior to revocation:

§ 1010.717	S-717	Amling's of California, Inc.
§ 1010.714	S-714	Atlantic Novelty Jewelry Co.
§ 1010.871	S-871	Blish, Mize & Silliman Hardware Co.
§ 1010.784	S-784	John Byrnes Co.
§ 1010.873	S-873	Electro Gas Co.
§ 1010.814	S-814	Globe Brewing Co.
§ 1010.797	S-797	Holland Furnace Co.
§ 1010.794	S-794	Holmquist-Swanson Co.
§ 1010.867	S-867	The Housh Co., Inc.
§ 1010.839	S-839	Liberty Show Printing Co.
§ 1010.785	S-785	Lutz & Sheinkman.
§ 1010.877	S-877	Marco Importing Co., Inc.
§ 1010.844	S-844	McDonald, Mrs. J. G., Chocolate Co.
§ 1010.866	S-866	Morrison-Merrill and Co.
§ 1010.842	S-842	Plastiform Manufacturing Co.
§ 1010.731	S-731	Roll-Away Trailer Co.
§ 1010.624	S-624	S. Safier, Inc.
§ 1010.836	S-836	Sterling Battery Co.
§ 1010.852	S-852	Sweetheart Bakery Co.
§ 1010.872	S-872	Tessendorf Furniture Co.
§ 1010.851	S-851	Zinsmaster Baking Co. and Zinsmaster HOLRY Co.

Issued this 28th day of August 1945.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 45-16153; Filed, Aug. 28, 1945; 4:12 p. m.]

PART 3270—CONTAINERS

[Conservation Order M-221, as Amended Aug. 29, 1945]

TEXTILE BAGS

The fulfillment of requirements for the defense of the United States, has created a shortage in the supply of new and used textile bags for defense, for private account and for export, and the following order is deemed necessary and appropriate in the public interest and to promote the national defense.

§ 3270.23 *Conservation Order M-221*—(a) *What this order does.* This order places limitations on the manufacture, delivery and use of textile bags. There are various restrictions on bag makers, such as the requirement of standard size bags for packing certain commodities (paragraph (e)). The bag makers' inventories of cotton textiles are also restricted (paragraph (c)). There are also various general restrictions on the delivery and use of new and used textile bags, such as the prohibition against converting and delivery of new and used textile bags (paragraphs (j) (1) and (j) (2)), and the requirement on the users' inventories of such bags (paragraphs (k) (1) and (k) (2)). There are also special restrictions on the use of new textile bags such as requirements that only certain products may be packed in such bags (paragraphs (n) and (o)). There are also certain special restrictions covering used textile bags, such as requirements on commercial emptiers with respect to the time limit on holding empty bags (paragraph (s)).

(b) *Definitions.* Wherever used in this order: (1) "Textile bag" means any hand or machine sewed bag made for commercially packing, storing or shipping some commodity and manufactured of cotton, burlap or other textile fabric including open mesh fabrics woven from cotton or twisted paper yarns, but excepting bags made from flannel, shopping bags, carry-out bags and combination textile paper bags (bags made of textile laminated with paper).

(2) "New textile bag" means any textile bag when neither the fabric nor the bag has been previously used.

(3) "Used textile bag" means any textile bag when the bag or fabric has been previously used.

(4) "Bag maker" means any person engaged in the business of manufacturing new textile bags.

(5) "Dealer" means any person whose principal business is that of buying, selling or reconditioning empty textile bags.

(6) "User" means any person who acquired 500 or more empty new or used textile bags for use in his business during 1942 or who acquires such amount during any subsequent calendar year.

(7) "Commercial emptier" means any person who, in the preceding three months, acquired in his business and emptied 400 filled textile bags.

(8) "Export" means any shipment from the United States, (the 48 states, the District of Columbia, the territories, the island possessions of the United States and the Panama Canal Zone).

(9) "Agricultural products" includes, but is not limited to, beans; chocolate; coffee; cotton; feed; flour; fruits; grain; meal; nuts; potatoes; poultry grits; rice; salt; seeds; starch; sugar; tobacco; vegetables.

(10) [Deleted Aug. 29, 1945.]

RESTRICTIONS ON BAG MAKERS

(c) *Inventories of cotton textiles.* In addition to the restriction on the inventories of cotton textiles in Order M-317, no bag maker shall accept delivery of any cotton textiles as defined in Order M-317 which will increase his inventory of such cotton textiles to more than his reasonable requirements for the next 60 days, except that whenever such inventory is less than a 60-day supply, he may accept the minimum delivery customarily required by his supplier. For the purpose of this paragraph, a bag maker shall be deemed to "accept delivery" of such cotton textiles when he either takes legal title to such textiles or physical possession or control of them (whichever event occurs first) except that he may exclude from his inventory those textiles which are in transit to him or in transit to the finisher for his account. However, in addition to the above inventory restrictions, a bag maker's inventory as defined above plus such cotton textiles in transit to him or in transit to the finisher for his account must not exceed at any time his reasonable requirements for the next 90 days.

(d) *Rules applicable to inventory restrictions.* All bag makers owned or controlled directly or indirectly by the same person shall be deemed to be a single bag maker for the purpose of applying the inventory restrictions of this order. Any bag maker who accepts cotton textiles at more than one plant must apply the inventory restrictions of this order to the collective operations of all its plants. In the case where a bag

maker is also engaged in the business of manufacturing cotton textiles, the inventory restrictions of this order shall apply to such a bag maker as if his operations as a bag maker are done by a separate person.

(e) *Bag sizes for certain commodities.* Except for bags to be exported, empty or filled, no bag maker shall manufacture any new textile bag designed for packing any commodity listed below, except in any size of more than 100 lbs., or in any of the sizes specified below for that commodity.

Commodity	Bag size (net weight capacity unless otherwise specified)
Beans	2-5-10-25-50-100 lbs.
Cement (standard portland)	94 lbs.
Flour (milled wheat)[1]	2-5-10-25-50-100 lbs.
Meal	2-5-10-25-50-100 lbs.
Plaster (gypsum)	2-5-10-25-50-100 lbs. (gross weight).
Potatoes[2]	2-5-10-15-25-50-100 lbs.
Processed feed (mixed, mill)	2-5-10-25-50-100 lbs.
Rice	2-3-5-10-15-25-50-100 lbs.
Salt	2-4-10-25-50-60-100 lbs.
Seeds	2-5-10-25-50-100 lbs. 1, 2 bu.[3]
Starch (corn)	2-5-10-25-50-100 lbs.
Sugar (refined cane, beet)	2-5-10-25-50-100 lbs.

[1] "Flour (milled wheat)" means any flour product produced by milling wheat, including blends of wheat flours and bleached, promated, enriched, phosphated, and self-rising flours, but excluding durum wheat products (semolina), farina, pancake flour, and cake flour.

[2] These restrictions do not apply to open mesh bags used for packing potatoes.

[3] Additional sizes are permitted as follows: 8 lb. or ½ bu. of hybrid seed corn; 3 bu. for cotton seed.

(f) [Deleted Aug. 29, 1945.]

RESTRICTIONS ON DELIVERY OR USE OF NEW OR USED TEXTILE BAGS

(g) *Joint responsibility.* No person shall sell or deliver cotton textiles or new or used textile bags which he knows or has reason to believe will be accepted or used in violation of the terms of this order.

(h) *Use of preference rating*—(1) *Bag makers.* A bag maker obtains his burlap for the manufacture of textile bags under the provisions of Order M-47 which allocates certain quantities of burlap to him, and no preference ratings are needed by him for such purchases. A bag maker's use of preference ratings for purchasing cotton textiles for the manufacture of textile bags is controlled by the provisions of Orders M-317 and M-317A.

(2) *Users of textile bags.* No preference rating shall be applied or extended to obtain delivery of new or used textile bags, except a rating which has been specifically assigned for textile bags by the Army, Navy, Maritime Commission or War Shipping Administration (including persons who have been specifically assigned ratings by the Maritime Commission on Form WPB-646) for the direct or ultimate delivery of such bags either filled or empty to them.

(i) [Deleted Aug. 29, 1945.]

(j) *Converting or delivery of textile bags.* Except as stated below, no person shall commercially convert any new or used jute, burlap or cotton textile bag into an article for any other use than as a bag, and no person shall commercially deliver any new or used jute, burlap or cotton textile bag, if he knows or has reason to believe that such bag will be used for any purpose other than as a bag. These restrictions shall not apply to (1) used cotton liners; (2) used cotton textile bags which are commonly known in the trade as "No. 2 quality bags", that is, bags which are caked, badly stained, badly torn (including ragged tops or large hand-sewn holes), or double-marked (printed on both inside and outside of bag); (3) used jute or burlap textile bags which have no commercial use as bags, with or without mending.

(k) *Users' inventories*—(1) *New textile bags.* No user shall accept delivery of or have set aside for his account, any new textile bags which will increase his inventory of new textile bags (including those held by others for his account as well as those he has on hand) to more than a practicable minimum working inventory for packing the commodities which are permitted to be packed in such bags by this order. Except in the case of bags required by a user for packing a seasonal commodity, (whether or not produced by him) (see Interpretation 1A to Priorities Regulation 1) such inventory shall not exceed the aggregate number of new empty textile bags which will be required to carry on his business during the next sixty days.

(2) *Used textile bags.* No user shall accept delivery of, or have set aside for his account, any used textile bags which will increase his inventory of used textile bags (including those held by others for his account as well as those he has on hand) to more than a practicable minimum working inventory for the uses which are not prohibited by this order. Except in the case of bags required by a user for packing a seasonal commodity (whether or not produced by him) (see Interpretation 1A to Priorities Regulation 1) such inventory shall not exceed the aggregate number of used empty textile bags which will be required to carry on his business during the next sixty days.

(l) [Deleted Aug. 29, 1945.]

(m) [Deleted Aug. 29, 1945.]

SPECIAL RESTRICTIONS ON NEW TEXTILE BAGS

(n) *Products permitted for new burlap bags.* No person shall use any new textile bag made of burlap for packing fish meal, fish scrap, tankage, meat scraps or for any purpose other than the packing of the following permitted products: agricultural products; abrasives; crushed oyster shells; fertilizer; meat; mohair; petroleum waxes; stearic acid; wool or wool products; or chemicals for export. These restrictions do not apply to surplus new military sand bags which may be used to pack any product.

(o) *Products permitted for new cotton bags and open mesh bags made of cotton or twisted paper yarn*—(1) *Permitted products.* No user shall use any new textile bag made of cotton or open mesh bag made of cotton or twisted paper yarn for packing fish meal, fish scrap, tankage, meat scraps, or for any purpose other than the packing of the following permitted products: agricultural products; abrasives; chemicals; cements; coins; currency; fertilizer; glue; gypsum; malt; meat; paste; plaster; samples; sand; securities; shell fish; small parts; tire chains; or such other uses as may be authorized by the War Production Board in writing pursuant to paragraph (o) (2) below.

(2) *Applications.* Applications for such authorizations should be made on Form WPB-1319, which is to be filed in accordance with the instructions for its use. Applications will be considered only on the basis of the essential need for new bags, the availability of the supply, and the availability of used bags or substitute containers. The application form and the instructions may be obtained at all War Production Board offices.

(p) *Certification.* No person shall sell or deliver any new textile bags in quantities of over 1,000 unless he has received from the purchaser a certificate signed manually or as provided in Priorities Regulation 7. This certificate shall be in substantially the following form, and once filed by a purchaser with a supplier covers all future deliveries from the supplier to that purchaser:

The undersigned purchaser certifies, subject to criminal penalties for misrepresentation, that he is familiar with Order M-221 of the War Production Board, and that all purchases from you of items regulated by that order, and the use of the same by the undersigned, will be in compliance with the order as amended from time to time.

The standard certificate provided for in paragraph (d) of Priorities Regulation 7 cannot be used in place of the above certificate nor may the certificate be waived in accordance with paragraph (f) of that regulation.

SPECIAL RESTRICTIONS ON USED TEXTILE BAGS

(q) *Processing of used bags for sale.* No dealer, user, or commercial emptier shall sell or deliver any used textile bag to any person for his own use unless the bag has been processed and repaired and all holes, including trier or probe holes, properly mended or patched. Nothing in this paragraph shall prevent the delivery of any bag for the purpose of repair or for delivery to the owner. For the purposes of this provision, "process" means to clean a used textile bag by washing, vacuuming, or any other method sufficient to prepare the bag for further reuse.

(r) [Deleted Aug. 29, 1945.]

(s) *Time-limit on holding empty bags.* Within 60 days after emptying any number of textile bags, a commercial emptier shall use, or transfer to dealers or users, an equal amount of empty used textile bags from his inventory. Such disposition may be deferred beyond the 60-day period in the following cases:

(1) *Seasonal reuse.* If the commercial emptier needs the bags for packing a seasonal product (whether or not produced by him), he may retain them until the product becomes available for packing, subject, however, to the inventory restrictions of paragraph (k) (2) above.

(2) *Carload accumulation.* If, in accordance with his past practice, the commercial emptier wishes to accumulate a carload quantity of such bags for return to users for further packing of the kind of product last packed in them, he may retain such bags until he has accumulated a carload quantity.

GENERAL EXCEPTIONS

(t) *Bags for certain Government agencies.* The provisions of this order (except paragraphs (c), (d), and (h) (2)) shall not apply to (1) textile bags manufactured to meet the packaging specifications of, and for delivery to or for the account of the Government agencies or persons listed below, or (2) textile bags for delivery of a product for the account of any of the agencies or persons listed below, provided the packing specifications call for textile bags, or (3) the purchase, acceptance, use or export of textile bags by these agencies or persons: Army, Navy, United States Post Office, Federal Reserve System, United States Treasury Department, any agency procuring for delivery pursuant to the act of Congress of March 11, 1941 entitled "An Act to Promote the Defense of the United States" (Lend-Lease Act), Veterans' Administration and Maritime Commission or War Shipping Administration of the United States (including persons operating vessels for such Commission or Administration for use thereon and other persons whose purchase orders bear a preference rating for textile bags assigned by the Maritime Commission under Form WPB-646 (formerly PD-300)).

(u) *Export of empty bags.* No permission from the War Production Board is necessary to export empty new or used textile bags. The War Production Board has assigned an export quota to the Foreign Economic Administration and no person is permitted to export such bags to any destination other than Canada unless authorized by the Foreign Economic Administration. Application for export licenses should be sent to the Foreign Economic Administration, Bureau of Supplies, Requirements & Supply Branch, Washington 25, D. C. General information and instructions for export are contained in the Comprehensive Export Schedule issued by the Foreign Economic Administration.

(v) *Exception for mailing bags.* The provisions of this order (except paragraphs (c), (d), (h) (2)) shall not apply to any textile bag which is purchased or used for commercial shipment of articles in the United States mails. In any case where a textile bag which was purchased for such mailing purposes is not used for these purposes, then the use of the bag is subject to the provisions of this order.

MISCELLANEOUS PROVISIONS

(w) *Communications.* All reports required to be filed hereunder and all communications concerning this order shall, unless otherwise directed, be addressed to: War Production Board, Containers Division, Washington, D. C., Ref: M-221.

(x) *Appeals.* Appeals from Order M-221 shall be filed by addressing a letter to the War Production Board, Containers Division, Washington 25, D. C. Ref: M-221. The letter of appeal need not follow any particular form. It should state informally, but completely, the particular provision appealed from, the precise relief desired, the reasons why denial of the appeal would result in excessive and individual hardship, and such other statistical and narrative information as may be pertinent.

(y) *Applicability of regulations.* This order and all transactions affected thereby are subject to all applicable provisions of the regulations of the War Production Board, as amended from time to time.

(z) *Budget approval.* The application and reporting requirements of this order have been approved by the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

(aa) *Violations.* Any person who wilfully violates any provision of this order or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime and upon conviction, may be punished by fine or imprisonment. In addition, any person may be prohibited from making or obtaining further deliveries of, or from processing or using materials under priority control and may be deprived of priorities assistance.

Issued this 29th day of August 1945.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 45-16207; Filed, Aug. 29, 1945; 11:31 a. m.]

Chapter XI—Office of Price Administration

PART 1407—RATIONING OF FOOD AND FOOD PRODUCTS

[Restriction Order 13, Amdt. 4]

LARD RESTRICTION ORDER FOR PUERTO RICO

A rationale accompanying this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.

Restriction Order No. 13 is amended in the following respects:

1. Section 1.1 (a) is amended to read as follows:

(a) Unless authorized by the Office of Price Administration, no importer or wholesaler shall transfer lard to any person who was not his customer during the months of November or December 1944, or January 1945, and no importer or wholesaler shall transfer or offer to transfer to any customer, and no customer shall accept for any given period of four weeks more than 7/10 (70%) of the average four-week period transfers made to that customer during the months of November and December 1944, and January 1945.

2. Section 1.1 (b) is amended to read as follows:

(b) No retailer shall transfer or offer to transfer to any customer, and no customer shall accept a transfer from any retailer of more than 7/10 (70%) of the average weekly transfers of lard made to that customer during the months of November and December 1944, and January 1945: *Provided*, That such transfer made by a retailer to a customer shall not exceed six (6) ounces of lard a week per customer: *It is further provided*, That a retailer's customer may request, and shall be entitled to obtain from such retailer at least five (5) ounces of lard a week per person. A customer may act as an agent of a family or other unit in the purchase of a quantity of lard not to exceed the allotment for all members of such unit who customarily eat the majority of the meals as members of such unit.

3. Sections 1.2 (e) (2) and 1.2 (e) (3) are amended by deleting the phrase "five (5) ounces" wherever it appears, and inserting in lieu thereof, in each instance, the phrase "six (6) ounces."

This amendment shall become effective August 13, 1945.

Issued this 29th day of August 1945.

SAM GILSTRAP,
Territorial Director, Puerto Rico.

Approved:

JAMES P. DAVIS,
Regional Administrator,
Region IX.

[F. R. Doc. 45-16192; Filed, Aug. 29, 1945; 11:26 a. m.]

PART 1499—COMMODITIES AND SERVICES

[MPR 586, Amdt. 2 to Supp. Storage Reg. 1[1]]

PACKING AND CRATING FOR WAR DEPARTMENT, ARMY SERVICE FORCES, AT HOUSTON, TEX.

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.

A new section 17 is added to read as follows:

SEC. 17. *Packing and crating of household goods and personal effects at Houston, Texas for Army Service Forces, War Department.* The maximum charge for the service of packing and crating, including incidental cartage, of authorized baggage consisting of household goods and personal effects of military personnel, performed at Houston, Texas under contract with the U. S. War Department, Army Service Forces, shall be $3.75 per 100 pounds, weights to be determined after necessary packing and crating. Lower prices may, of course, be charged and paid.

[1] 10 F.R. 5892, 7855.

This amendment shall become effective September 4, 1945.

Issued this 29th day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-16206; Filed, Aug. 29, 1945; 11:25 a. m.]

PART 1351—FOOD AND FOOD PRODUCTS

[FPR 1,[1] Supp. 13]

PACKED FRUITS, BERRIES AND VEGETABLES (1945 AND LATER PACKS)

A statement of the considerations involved in the issuance of this supplement has been issued and filed with the Division of the Federal Register.

Supplement 13 to Food Products Regulation No. 1. Packed fruits, berries and vegetables (1944 and later packs).

ARTICLE I—EXPLANATION OF THE SUPPLEMENT

Sec.

1. Explanation of the supplement.
2. Applicability of Food Products Regulation No. 1.
3. Definitions.

ARTICLE II—PRICING PROVISIONS

4. Explanation of pricing methods for processors.
5. Maximum prices for sales by processors—Pricing Method No. 1.
6. Maximum prices for sales by processors—Pricing Method No. 2.
7. Maximum prices for secondary processors and repackers.
8. Maximum prices for sales by processors of prior years' packs of listed products that have been sold to them by government procurement agencies.
9. Label and labor allowances.
10. Provisions of Article II of Food Products Regulation No. 1 applicable to this supplement.

ARTICLE III—MISCELLANEOUS PROVISIONS

11. Grades and invoices.
12. Reports which processors must file.
13. Individual adjustment of processors' maximum prices.
14. Provisions of Article III of Food Products Regulation No. 1 applicable to this supplement.

ARTICLE IV—PRICING APPENDICES

15. Appendices for packed vegetables priced under Pricing Method No. 1.
16. Appendices for packed fruits priced under Pricing Method No. 1.

AUTHORITY: Section 1351.478 issued under 56 Stat. 23, 765; 57 Stat. 566; Pub. Law 383, 78th Cong.; Pub. Law 108, 79th Cong., E. O. 9250, 7 F. R. 7871; E. O. 9328, 8 F. R. 4681.

ARTICLE I—EXPLANATION OF THE SUPPLEMENT

SECTION 1. *Explanation of the supplement*—(a) *What products are covered by this supplement.* In general this supplement establishes maximum prices for the 1945 and later packs of the canned fruits, berries and vegetables listed at the beginning of sections 5 and 6 respectively, and others that may be added from time to time. It also covers other closely related packed food products. However, this supplement does not apply to any listed product that is packed and sold as "baby food", as "junior food" or as "soup". Generally, it covers the same products covered by Supplement 7 to Food Products Regulation No. 1.[2]

The general pricing provisions of this supplement for processors consist of two principal methods, respectively called "Pricing Method No. 1" (see section 5) and "Pricing Method No. 2" (see section 6). The products covered by each method are listed at the beginning of the applicable section.

The provisions of this supplement apply to products packed during the year 1945 and after. If the major portion of the pack of any product is packed during 1945, the product shall be considered to be of the 1945 pack.

In addition, the supplement provides maximum prices for resales of earlier years' packs which have been purchased from the government (see section 8).

(b) *What sales are covered by this supplement.* This supplement applies to sales by all persons except wholesalers and retailers. However, the following sales and deliveries are not subject to the maximum prices or other requirements of this supplement or any other maximum price regulation:

(1) Sales and deliveries of products covered by this supplement by a processor in any calendar year in which his total volume of sales of the products does not exceed 1,500 quarts (or an equivalent amount in other container sizes).

(2) Sales and deliveries by a processor of any vegetable or mixture of vegetables that is processed only by such operations as chopping, shredding or grating and packaging in containers for sale as a salad or salad mix.

(3) Sales and deliveries by a processor to government procurement agencies of the following commodities:

(i) Whole unpeeled apricots, packed in No. 10 cans, with a drained weight of 90 ounces or more per can.

(ii) Solid pack pie peaches, prepared from freestone peaches, packed in No. 10 cans by processors whose factories are located in North Carolina, South Carolina, Georgia, Florida, Kentucky, Tennessee, Alabama, Mississippi, Arkansas, Louisiana, Oklahoma and Texas.

(iii) The following finished component parts of Ten-in-One rations: 4-ounce cans of peaches, pears, sweet cherries, apricots, any mixture of these fruits, and fruit cocktail.

(iv) Diced carrots, packed in No. 10 cans.

(c) *Where this supplement applies.* This supplement applies in the 48 states of the United States and the District of Columbia.

(d) *What this supplement supersedes.* This supplement supersedes the provisions of all other maximum price regulations as to the commodities and sellers covered.

However, all maximum prices authorized or approved by orders issued under section 10 (c) and 10 (d) of Supplement 7 and all prices automatically authorized or approved upon the expiration of the 30-day period specified in those provisions shall remain in effect as maximum prices for the 1945 and later packs under this supplement, unless changed by the Office of Price Administration by order or by this supplement.

(e) *When this supplement is effective.* This supplement becomes effective September 3, 1945. For a product that is included later, the supplement becomes applicable on the date when the product is included.

SEC. 2. *Applicability of Food Products Regulation No. 1.* Important: Not all of the provisions affecting the maximum prices of the listed packed food products are stated in this supplement. Those which are not specifically set forth here are stated in Food Products Regulation No. 1, and they are just as much a part of this supplement as if they were printed here. The "Explanation of the Regulation" is also a part of this supplement.

The particular sections of Food Products Regulation No. 1 which are applicable to this supplement are listed in appropriate places in the following sections (in each case, the section number set forth in parentheses is the appropriate section number of Food Products Regulation No. 1). When any applicable section of the regulation is amended, the amendment also is applicable to this supplement.

SEC. 3. *Definitions.* (a) When used in this supplement the term:

"Packed" means processed and enclosed in any container, whether or not hermetically sealed. However, the term does not include freezing, drying or dehydrating, nor does it refer to any of the packed products known as preserves, relishes or pickles packed from other than fresh vegetables.

"Fruit" means any specified fruit, mixture or specified fruits, or other specified fruit product. When a fruit is specified, its puree is included.

"Berry" means any specified berry, mixture of specified berries, or other specified berry product. When a berry is specified, its puree is included.

"Vegetable" means any specified vegetable, mixture of specified vegetables, or other specified vegetable products. When a vegetable is specified, its puree is included.

"Secondary processor" means a processor who purchases the kind of processed product being priced in bulk, barrels or other large containers and further processes and repacks it in containers other than the original container in which the commodity was shipped to him.

"Grower-processor" means a processor who grows all of the raw material he uses in making the product being priced. The term includes a grower-owned cooperative.

"Price range" means the range of prices named in the applicable appendix within which all maximum prices for processors of the item specified must fall.

"F. O. B. shipping point" means f. o. b. factory in cases where the processor sold the item being priced on an f. o. b. factory basis during the applicable base period. It means f. o. b. branch warehouse in cases where he sold it from branch warehouses during that period.

"Area", as used with reference to the products under Pricing Method No. 1, means the area in which the processor's factory is located, as shown in the applicable appendix.

"1941 pack" means that pack of the product the major portion of which was processed and packed during the calendar year 1941.

"Beginning of the 1941 pack" means the date on which the processor first began his 1941 pack of the particular product, as distinct from his pack of the particular item of the product, on the one hand, or his pack of the principal raw material used in the product, on the other. However, as to some of the products covered by section 5, the applicable appendices establish the beginning of the 1941 pack in each case as the date on which the processor first began his pack of the specified variety.

"Item" means a kind, variety, grade, brand, style of pack, sieve size, count, size and container type and size of a product. However, different subgrades of the same grade shall not constitute separate items.

"Grade" means the established grade as commercially understood (for example, in the case of canned peas, "standard", "extra-standard" or "fancy").

"Basic wage rate" means the single rate or established range of rates applicable to a given job classification for straight time, day operation as included in the basic wage rate schedule covering all job classifications in a factory.

(b) When used in this supplement, the container names listed below refer to containers of the dimensions or overflow capacity indicated.

METAL CONTAINERS

Name of container:	*Dimensions*
6 oz.=6 Z	202 x 308
8 oz.=8 Z Short	211 x 300
No. 55	211 x 300
8 Z Tall	211 x 304
No. 1 Picnic	211 x 400
No. 211 Cyl	211 x 414
No. 300	300 x 407
No. 300 Cyl	300 x 509
No. 1 Tall	301 x 411
No. 303	303 x 406
No. 303 Cyl	303 x 509
No. 95 Vacuum	307 x 400
No. 2 Vacuum	307 x 306
No. 2	307 x 409
No. 2 Cyl	307 x 510 or 307 x 512
No. 2½	401 x 411
No. 3 Vacuum	404 x 307
No. 3 Cyl	404 x 700
No. 10	603 x 700
No. 1 Square	300 x 308 x 308
No. 2½ Square	300 x 308 x 604

GLASS CONTAINERS

Size:	*Overflow Capacity* oz.
No. 303	17
No. 2½	28.375
No. 10	105.6

(c) The definitions of the following terms, set forth in the designated sections of Food Products Regulation No. 1, are applicable to this supplement:

"Person" (sec. 1.1 of FPR 1).
"Processor" (sec. 1.2 of FPR 1).
"Distributor" (sec. 1.3 of FPR 1).
"Repacker" (sec. 1.4 of FPR 1).
"Primary distributor" (sec. 1.5 of FPR 1).
"Wholesaler" and "retailer" (sec. 1.6 of FPR 1).
"Ultimate consumer" (sec. 1.7 of FPR 1).
"Container type" (sec. 1.9 of FPR 1).
"Sale" (sec. 1.10 of FPR 1).
"Price" (sec. 1.11 of FPR 1).
"Net delivered cost" (sec. 1.12 of FPR 1).
"Records" (sec. 1.14 of FPR 1).

ARTICLE II—PRICING PROVISIONS

SEC. 4. *Explanation of pricing methods for processors*—(a) *Changes made by the supplement.* In general this supplement maintains the basic pricing methods of Pricing Method No. 1 and Pricing Method No. 2 as established by Supplement 7, subject to several modifications. In many cases processors' maximum prices figured under this supplement will be the same as their maximum prices under Supplement 7. The principal provisions added by this supplement which will result in different processors' maximum prices are the provisions for figuring maximum prices on the basis of actual prices paid for raw materials in 1945 (where not in excess of designated prices) and the provisions that set forth the circumstances under which processors adjust their maximum prices for approved increases in basic wage rates. In addition, miscellaneous changes of the following types will result in different processors' maximum prices: (1) clarification of the meaning of the term "beginning of the 1941 pack" made by the definition of that term in section 3 (a) of this supplement; (2) miscellaneous changes in particular appendices, such as changes in permitted increases and price ranges for certain items in particular areas, changes of can-size or grade differentials and changes in instructions as to the selection of the proper base-period item in pricing under subparagraph (3) or (4) of section 5 (a); and (3) changes in the pricing of tomato juice, caused by transfer of the product from Pricing Method No. 2 to Pricing Method No. 1.

Under both Pricing Method No. 1 and Pricing Method No. 2, processors are directed to adjust for approved increases in basic wage rates. In the case of Pricing Method No. 1, the adjustment factors are dollars-and-cents figures; in the case of Pricing Method No. 2, they are percentage factors.

(b) *Pricing Method No. 1.* Under Pricing Method No. 1, as set forth in section 5, the processor in most cases figures his maximum price by taking his weighted average selling price for the item being priced during the first 60 days after the beginning of the 1941 pack of the product (or other base period named in the applicable appendix) and adding a specified permitted increase. The resulting figure is the processor's "gross maximum price" (that is, the maximum price before subtraction of any direct subsidy payable per unit of the finished product): *Provided*, That it falls within the price range fixed for the item in the appendix. If it is higher than the highest price named in the price range, the processor's gross maximum price is the highest price named in the price range. Likewise, if it is lower than the lowest price named in the price range, the processor's gross maximum price is the lowest price named in the price range. As to many of the unsubsidized products, the processor then subtracts from his gross maximum price for the item the difference obtained by subtracting the weighted average price he paid for the raw material in 1945 from the raw material price reflected in the applicable price range. Methods for converting the price paid for raw material to units of the finished product are set forth in the appendices applicable to the products for which this adjustment is required.

For sales to government procurement agencies, the processor figures his maximum price by taking 96% of his gross maximum price after it has been reduced, where necessary, to reflect the actual prices paid for raw material in 1945.

If the processor sold the particular product during the base period, but only in a grade, style, or container type or size that is different from the one being priced, or for which no price range is provided, he figures his maximum price by the same general pricing method, supplemented by the use of conversion factors (for different container types and sizes, different styles, and different grades).

If the processor was not in business during 1941, or if he made no sales during the base period of goods produced in a particular area, he takes as his gross maximum price for the item being priced the specific dollars-and-cents price named in the applicable appendix. (However, if he is subject to section 14 (g), covering transfers of business or stock in trade, he uses the base price of his transferor and figures a maximum price in the same manner as his transferor would have figured it.) In cases where a specific dollars-and-cents price is not provided for the item, he figures his gross maximum price by applying the appropriate conversion factors to the specific dollars-and-cents price named for the nearest container size of the product. As to many of the unsubsidized products, the processor then subtracts from his gross maximum price for the item the difference obtained by subtracting the weighted average price he paid for the raw material in 1945 from the raw material price reflected in the applicable dollars-and-cents price.

For any item of a product on which a direct subsidy is payable, the processor figures his maximum price for sales to purchasers other than government procurement agencies by subtracting from his gross maximum price the amount of the subsidy, payable per unit of the finished product, as set forth in the applicable appendix.

In cases where there have been approved increases in basic wage rates, the last step in figuring the maximum price is to add the labor factor named in the applicable appendix.

(c) *Pricing Method No. 2.* Under Pricing Method No. 2, as set forth in section 6, the processor figures his maximum price by: (1) taking his 1944 maximum prices for sales of the item to purchasers other than government procurement agencies, as required to be figured under the pricing provisions of section 6 of Supplement 7, (2) subtracting from this figure his 1944 raw material cost; (3) adding his 1945 raw material cost, and (4) making the appropriate labor adjustment. The resulting figure is the processor's maximum price for sales of the item to purchasers other than government procurement agencies. This

[1] 9 F.R. 6711.

[2] 10 F.R. 1750, 2188.

general provision does not apply to the pricing of any item for which a maximum price was authorized or approved under section 10 (c) or 10 (d) of Supplement 7.

The processor who packed the item in 1944 but who did not establish a maximum price for it under Supplement 7 is required to determine what his maximum price would have been under that supplement and shall use it as a base from which to figure his maximum price under this supplement.

The maximum price in each case for sales to government procurement agencies is figured at 96 percent of the maximum price for sales to purchasers other than government procurement agencies, after it has been increased, in the case of subsidized commodities, by the difference between the Commodity Credit Corporation's 1943 resale price and the Department of Agriculture's 1945 support price for the applicable area.

Section 6 also has special provisions for pricing items in certain metal containers, for converting from tin to glass, for figuring raw material costs in certain cases and for pricing certain packed fruits or berries in syrup of a density specified in Revised Ration Order 3.

SEC. 5. *Maximum prices for sales by processors—Pricing Method No. 1.* The products covered by Pricing Method No. 1 are listed below, together with references to the applicable appendices containing special pricing provisions for these products. Other products will be added from time to time.

NOTE: Although this section contains certain pricing provisions relating to clingstone peaches produced in California, pears (California, Oregon and Washington), apricots (California), and light sweet cherries (California, Oregon and Washington), none of these products is covered by this supplement until a pricing appendix is added for the product.

	Appendix	Section
Spinach	A	15
Asparagus	B	15
Peas (except blackeye, crowder, cream, and field)	C	15
Tomatoes (except Italian pear shaped), but not including puree	E	15
Tomato Juice	F	15
Corn	G	15

The processor shall figure a maximum price for each factory at which he processes the item being priced. (However, he may then elect to combine prices as provided in section 10 (e).) When used in this section, the phrase "sold during the base period", or words of similar import, refers to sales of goods produced in a particular factory.

(a) *Maximum prices for sales by processors to purchasers other than government procurement agencies of products sold during the base period.* For products sold in any form during the base period, the processor figures his maximum price for sales to purchasers other than government procurement agencies under this paragraph (a), under the particular subparagraph listed below which is applicable to the item being priced:

To price items sold during the base period and for which price ranges are provided, see subparagraph (1) below.

To price items sold during the base period but for which price ranges are not provided, see subparagraph (2) below.

To price items not sold during the base period but for which price ranges are provided, see subparagraph (3) below.

To price items not sold during the base period and for which price ranges are not provided, see subparagraph (4) below.

The processor who performs the wholesale function with respect to the item being priced (that is by warehousing and selling it is less-than-carload quantities, from a branch warehouse owned or controlled by him, to retailers or to commercial, industrial or institutional users) shall, in each case, figure his maximum price for sales in this manner under the general pricing methods of this paragraph (a), except that he shall not apply the limitations of the price range in any situation covered by this paragraph. The processor who qualifies as a retailer under Maximum Price Regulation No. 422[3] or 423[4] shall not use the pricing methods of this section, but he shall apply to the Office of Price Administration, Washington, D. C., for authorization of a maximum price under section 10 (c).

(1) *To price items sold during the base period and for which price ranges are provided.* For sales to purchasers other than government procurement agencies, the processor shall figure his maximum price per dozen containers or other unit, f. o. b. shipping point, of an item which he sold during the base period and for which a price range is provided, as follows. He shall:

(i) *Determine the base price.* First, the processor shall figure his weighted average price per dozen containers or other unit, f. o. b. shipping point, for the item being priced during the first 60 days after the beginning of the 1941 pack of the product or other base period named in the appendix covering the particular product. (This weighted average price will be called the "base price"). "Weighted average price" means the total gross sales dollars charged for the item during the base period divided by the number of dozens of containers or other units of that item sold. All sales contracts made in the regular course of business during the base period shall be included, regardless of the year of pack or of the date of delivery. Sales contracts made at times other than during the base period shall not be included, even though delivery was made during the base period. However, the following sales contracts shall be excluded, even when made during the base period: Sales to the armed forces of the United States; sales by a processor to his employees, to growers who supplied the raw material, or to other processors unless at least 33⅓ per cent of his 1941 pack was sold to other processors; sales of damaged goods or of goods packed for experimental purposes; and sales to retailers or institutional users in quantities of less than 25 cases (basis No. 2 cans for vegetables and basis No. 2½ cans for fruits), unless at least 10% of the processor's 1940 or 1941 pack of the product was sold in such lesser quantities.

The processor shall figure a separate weighted average price for each item, except as otherwise provided in a particular appendix, and except that a single weighted average price shall be figured for items which differ only in brand name. (Subgrades shall also be ignored.) In figuring weighted average prices during the base period, the processor may, if he wishes, figure a single weighted average for any group of factories located in the same pricing area. For this purpose, the processor shall include all sales contracts (as described above) made during the first 60 days after the beginning of the 1941 pack of the product, or other applicable base-period, at each factory included in the group.

(ii) *Add the permitted increase.* Next, the processor shall add to the base price the permitted increase named for the item in the applicable appendix. The resulting figure is the processor's "gross maximum price" per dozen containers or other unit, f. o. b. shipping point, for sales to purchasers other than government procurement agencies; provided that it falls within the applicable price range. However, if it is higher than the highest price named in the price range, the processor's gross maximum price is the highest price named in the price range. Likewise, if it is lower than the lowest price named in the price range, the processor's gross maximum price is the lowest price named in the price range.

(iii) *Adjust for raw material purchased at average price lower than that reflected in price range.* Next, as to any product for which such an adjustment is indicated in the applicable appendix, the processor shall subtract from his gross maximum price the difference obtained by subtracting the weighted average price he paid for the raw material in 1945 from the Department of Agriculture's recommended price for that raw material. This difference shall be converted to units of the finished product on the basis of the conversion factors set forth in the applicable appendix. However, no subtraction is required under this subparagraph unless the gross maximum price for the item is reduced by one percent or more. The weighted average price paid shall be figured on not less than the first 75% of his purchases of the raw material (exclusive of acquisition and hauling charges) used by him in processing the product.

In the case of clingstone peaches produced in California, pears (California, Oregon and Washington), apricots (California), and light sweet cherries (California, Oregon and Washington), the processor shall figure the amount to be subtracted from his gross maximum price as follows. He shall figure a "weighted average price actually paid" on the basis of the weighted average price actually paid for each grade or district classification, not to exceed the price recommended to be paid for that grade or district classification by the Department of Agriculture. The "weighted average price actually paid" shall then be subtracted from the average of the recommended prices for those grades and district classifications figured by using the same weighting factors (i. e., the quantities he purchased of each grade and district classification).

Example: The recommended fruit prices for sweet cherries announced by the Department of Agriculture for Oregon and Washington are $237.00 per ton for Grade 1, and $157.00 per ton for Grade 2. The A Canning Company whose factory is located in Oregon, based on not less than the first 75% of its purchases, has bought 90% Grade 1 and 10% Grade 2 cherries. A has paid an average price of $247.00 per ton for No. 1 cherries and $140.00 per ton for No. 2 cherries. However since the $247.00 per ton price is in excess of the recommended price of $237.00 per ton for Grade 1 cherries, he is required to use the recommended price in figuring his "weighted average price actually paid". Using a price of $237.00 per ton for 90% of his purchases and $140.00 per ton for 10% of his purchases he figures a weighted average price actually paid of $227.30 per ton. Using the same weighting factors (90% and 10%) he figures an average recommended price of $229.00 per ton. The weighted average price actually paid is then subtracted from this figure ($229.00 minus $227.30 equals $1.70). The resulting figure ($1.70) is the difference which must be converted to units of the finished product on the basis of the conversion factors set forth in the applicable appendix.

The grower-processor is not required to make the subtraction specified in this subdivision (iii), as to any product for which he grows all of the raw material used in processing the product.

(iv) *Subtract any direct subsidy payable per unit of the finished product.* Next, as to any product for which a subsidy is payable, the processor shall subtract from the resulting figure the amount of the direct subsidy payable per unit of the finished product.

(v) *Adjust for approved increases in basic wage rate.* Finally, the processor shall add to the resulting figure the appropriate labor increase factor provided in the applicable appendix if he has incurred an increase in basic wage rate approved by the War Labor Board; if the increase becomes effective after January 1, 1944; and if 50% or more of his pack of the product is processed after the effective date of the wage rate increase. An increase in basic wage rate will be considered to have occurred only if the single rate or the mid-point of the range of rates for unskilled female labor has been increased. When the processor meets the conditions for an adjustment after he has established a maximum price for the item under section 14 (h), he may refigure his maximum price (notifying his customers, as required by section 14 (d)).

The resulting figure is the processor's maximum price per dozen containers or other unit, f. o. b. shipping point, for sales to purchasers other than government procurement agencies.

Illustrations of how maximum prices are figured under subparagraph (1) for items sold during the base period and for which price ranges are provided. The permitted increase provided in Table 3 of Appendix A (section 15) for processors whose factories are located in Area 3 for No. 2½ cans of spinach is $0.32. The range of prices in Table 3 for fancy spinach packed in No. 2½ cans in this area is $1.47 as the lower limit of the range and $1.54 as the upper limit.

Example 1. The X Canning Company, whose factory is located in Arkansas, has figured a weighted average price during the first 60 days after the beginning of the 1941 spring and fall packs of $1.27 per dozen for fancy spinach packed in No. 2½ cans. To this figure the company adds $0.32, the permitted increase named in Appendix A ($1.27 plus $0.32 equals $1.59). Since this resulting figure of $1.59 is higher than the upper limit of the price range ($1.54), the X Canning Company's gross maximum price is $1.54 per dozen. Based on not less than the first 75% of its 1945 season's purchases the X Company figures a weighted average price paid to growers of $65.00 per ton for spinach cut above the crown. By use of Table 8 in Appendix A, this $5.00 per ton difference between the amount reflected in the price range for Area 3 ($70.00 per ton) and the amount paid for spinach in 1945 is converted to No. 2½ cans, the unit being priced ($0.009 times 5 equals $0.045). Since the resulting figure is in excess of 1% of the gross maximum price the company then subtracts $0.045 from its gross maximum price of $1.54 ($1.54 less $0.045 equals $1.495). Subsequent to January 1, 1944 and prior to completion of 50% or more of its spinach pack, the company has incurred an approved increase in basic wage rate for unskilled female labor of $0.10 per hour. The company figures the adjustment for approved increases in basic wage rate by adding the appropriate labor adjustment factor provided in Table 9 ($1.495 plus $0.03 equals $1.525). The resulting figure ($1.525) is its maximum price for sales to purchasers other than government procurement agencies. (No subsidy is payable as to this product.)

Example 2. The Y Canning Company whose factory is also located in Arkansas has figured a weighted average price during the first 60 days after the beginning of the 1941 spring and fall packs of $1.05 per dozen for fancy spinach packed in No. 2½ cans. To this figure the company adds the permitted increase of $0.32 ($1.05 plus $0.32 equals $1.37). Since the resulting figure of $1.37 is lower than the lowest price named in the price range, the Y Canning Company's gross maximum price is $1.47 per dozen. The Y Company, based on not less than the first 75% of its purchases of spinach has figured a weighted average price paid to growers of $71.00 per ton for spinach cut above the crown. Since this amount exceeds the $70.00 per ton price reflected in the price range for Area 3 no amount is added or subtracted. Prior to completion of 50% of its current spinach pack the company has incurred an approved increase in basic wage rate for unskilled female labor of $0.05 per hour. The company figures the adjustment for approved increases in basic wage rate by adding the appropriate labor adjustment factor provided in Table 9 and the resulting figure ($1.47 plus $0.03 equals $1.50) is the company's maximum price for sales to purchasers other than government procurement agencies. (No subsidy is payable as to this product.)

Example 3. The Z Canning Company whose factory is located in Arkansas has figured a weighted average price during the first 60 days after the beginning of the 1941 spring and fall packs of $1.18 per dozen for No. 2½ size cans of fancy spinach. To this figure the company adds $0.32 ($1.18 plus $0.32 equals $1.50). Since the resulting figure of $1.50 falls within the range of prices named for fancy spinach packed in No. 2½ cans in this area, the Z Canning Company's gross maximum price is $1.50 per dozen. Based on not less than the first 75% of its 1945 seasons purchases of spinach the Z company has figured a weighted average price paid to growers of $70.60 per ton for spinach cut above the crown. Since this amount is the same as that reflected in the price range for spinach produced in Area 3 no subtraction is necessary. The company has not incurred an increase in basic wage rates and subdivision (v) is accordingly not involved. Its maximum price for sales to purchasers other than government procurement agencies is $1.50 per dozen. (No subsidy is payable as to this product.)

(2) *To price items sold during the base period but for which price ranges are not provided.*

As a general rule, in figuring maximum prices under subparagraph (2), (3), or (4), steps are to be taken in the following order (in many cases not all of the steps are necessary).

1. Construct base price (converting for container type and size).
2. Add the appropriate permitted increase.
3. Convert separately for variety, style, sieve size, syrup differential, and grade.
4. Apply limitations of price range.
5. Convert for container type and size to get the gross maximum price.
6. Adjust for raw material purchased at average price lower than that reflected in price range.
7. Subtract subsidy.
8. Adjust for approved increases in basic wage rate.

In all cases conversions from metal containers to glass containers must be made in 1945 prices and not in base period prices, for the reason that permitted increases and price ranges are based on cost increases and base period price data for metal containers only. In each case of conversion from metal to glass, the processor must first construct a maximum price for the item when packed in metal and then add the appropriate conversion factor named in the applicable appendix for converting from tin to glass, even though he packed the item in glass during the base period.

For sales to purchasers other than government procurement agencies, the processor shall figure his maximum price per dozen containers or other unit, f. o. b. shipping point, of an item which he sold during the base period, but for which a price range is not provided, as follows. He shall:

(i) *Construct a base price.* First, the processor shall figure his weighted average price per dozen containers or other unit, f. o. b. shipping point, for the item being priced in the manner provided in subdivision (a) (1) (i), above. He shall then convert this weighted average price for container type and size to a base price for the item (identical except for container size), with an established price range, that is nearest in container size to the item being priced, by applying the conversion factor named in the applicable appendix.

(ii) *Add the permitted increase.* Next, the processor shall add to the constructed base price the permitted increase named in the applicable appendix for the item selected, and apply the limitations of the applicable price range.

(iii) *Convert to a gross maximum price for the item being priced.* Next, the processor shall convert the price so figured for container type and size to a gross maximum price for the item being priced by applying the conversion factor named in the applicable appendix.

[3] 9 F.R. 1505, 2024, 2297.
[4] 10 F.R. 1523, 2025, 2293.

(iv) *Adjust for raw material purchased at average price lower than that reflected in price range.* Next, as to any product for which such an adjustment is indicated in the applicable appendix, the processor shall subtract from his gross maximum price the difference obtained by subtracting the weighted average price he paid for the raw material in 1945 from the Department of Agriculture's recommended price for that raw material. This difference shall be converted to units of the finished product on the basis of the conversion factors set forth in the applicable appendix. However, no subtraction is required under this subparagraph unless the gross maximum price for the item is reduced by one percent or more. The weighted average price paid shall be figured on not less than the first 75% of his purchases of the raw material (exclusive of acquisition and hauling charges) used by him in processing the product.

In the case of clingstone peaches produced in California, pears (California, Oregon and Washington), apricots (California), and light sweet cherries (California, Oregon and Washington), the processor shall figure the amount to be subtracted from his gross maximum price as follows. He shall figure a "weighted average price actually paid" on this basis of the weighted average price actually paid for each grade or district classification, not to exceed the price recommended to be paid for that grade or district classification by the Department of Agriculture. The "weighted average price actually paid" shall then be subtracted from the average of the recommended prices for those grades and district classifications figured by using the same weighting factors (i. e., the quantities he purchased of each grade and district classification). (See example in subdivision (a) (1) (iii), above.)

The grower-processor is not required to make the subtraction specified in this subdivision (iv), as to any product for which he grows all of the raw material used in processing the product.

(v) *Subtract any direct subsidy payable per unit of the finished product.* Next, as to any product for which a subsidy is payable, the processor shall subtract the amount of the direct subsidy payable per unit of the finished product.

(vi) *Adjust for approved increases in basic wage rate.* Finally, the processor shall add to the resulting figure the appropriate labor increase factor provided in the applicable appendix if he has incurred an increase in basic wage rate approved by the War Labor Board; if the increase becomes effective after January 1, 1944; and if 50% or more of his pack of the product is processed after the effective date of the wage rate increase. An increase in basic wage rate will be considered to have occurred only if the single rate or the mid-point of the range of rates for unskilled female labor has been increased. When the processor meets the conditions for an adjustment after he has established a maximum price for the item under section 14 (h), he may refigure his maximum price (notifying his customers, as required by section 14 (d)).

The resulting figure is the processor's maximum price per dozen containers or other unit, f. o. b. shipping point, for sales to purchasers other than government procurement agencies.

Illustration of how maximum prices are figured under subparagraphs (2) for items sold during the base period but for which price ranges are not provided.

Example 4. The B Canning Company, whose factory is located in New York sold fancy No. 3 sieve Sweet Peas in No. 303 cans during the base period. It is now pricing this item. Since Table 3 in Appendix C to Section 15 does not provide a permitted increase and price range for No. 303 cans, the company must convert its weighted average price for the No. 303 size cans of the product to a base price for the nearest container size for which a price range is provided, which in this case is the No. 2 cans. The company has figured a weighted average price during the base period for fancy No. 3 sieve Sweet Peas in No. 303 cans of $1.25. To convert this figure to a No. 2 size can, it multiplies it by 1.12, the conversion factor named in Table 5 of Appendix C ($1.25 times 1.15 equals $1.40). To this figure the company adds $.43, the permitted increase named in Table 3. ($1.40 plus $.43 equals $1.83). Since this figure is higher than the highest price named in the price range for No. 2 size cans of fancy No. 3 sieve Sweet Peas, the company uses $1.78, the highest price in the range, to continue its computations. It now converts the figure $1.78 to a gross maximum price for the No. 303 size can by multiplying it by .89, the conversion factor named in Table 5 for converting to a No. 303 size can ($1.78 times .89 equals $1.5842). From this gross maximum price the company subtracts the amount of the direct subsidy payable for this can size, which amount is figured by multiplying $0.20, the subsidy payable for No. 2 cans, by .89, the appropriate conversion factor named in Table 5. ($0.20 times .89 equals $0.178). ($1.5842 less $0.178 equals $1.4062). The company has not incurred an increase in basic wage rates and subdivision (vi) is accordingly not involved. The B Canning Company's maximum price for sales to purchasers other than government procurement agencies for No. 303 cans of fancy No. 3 sieve Sweet Peas is $1.405 per dozen. (Subdivision (iv) is not applicable in this case.)

(3) *To price items not sold during the base period but for which price ranges are provided.* (See note at beginning of subparagraph (2)). For sales to purchasers other than government procurement agencies, the processor shall figure his maximum price per dozen containers or other units, f. o. b. shipping point, of an item which he did not sell during the base period, but for which a price range is provided, as follows. He shall:

(i) *Construct a base price.* First, the processor shall select from the items of the product which he sold in the base period that item nearest in container size to the item being priced and nearest in such other respects as may be specified in the applicable appendix and figure its weighted average price in the manner provided in subdivision (a) (1) (i), above. He shall then convert this weighted average price, for container type and size, to a base price for the container size being priced, by applying the appropriate conversion factor named in the applicable appendix.

(ii) *Add the permitted increase.* Next, the processor shall add to the constructed base price the appropriate permitted increase named in the applicable appendix for the variety, style, and grade sold in the base period.

(iii) *Convert to a gross maximum price for the item being priced.* Next, the processor shall convert the price so figured (for variety, style, sieve size, syrup differential, and grade, in the order named) as may be necessary to arrive at a gross maximum price for the item being priced, by applying the conversion factors named in the applicable appendix, and by applying to the resulting figure the limitations of the applicable price range.

(iv) *Adjust for raw material purchased at average price lower than that reflected in price range.* Next, as to any product for which such an adjustment is indicated in the applicable appendix, the processor shall subtract from his gross maximum price the difference obtained by subtracting the weighted average price he paid for the raw material in 1945 from the Department of Agriculture's recommended price for that raw material. This difference shall be converted to units of the finished product on the basis of the conversion factors set forth in the applicable appendix. However, no subtraction is required under this subparagraph unless the gross maximum price for the item is reduced by one percent or more. The weighted average price paid shall be figured on not less than the first 75% of his purchases of the raw material (exclusive of acquisition and hauling charges) used by him in processing the product.

In the case of clingstone peaches produced in California, pears (California, Oregon and Washington), apricots (California), and light sweet cherries (California, Oregon and Washington), the processor shall figure the amount to be subtracted from his gross maximum price as follows. He shall figure a "weighted average price actually paid" on the basis of the weighted average price actually paid for each grade or district classification, not to exceed the price recommended to be paid for that grade or district classification by the Department of Agriculture. The "weighted average price actually paid" shall then be subtracted from the average of the recommended prices for those grades and district classifications figured by using the same weighting factors (i. e., the quantities he purchased of each grade and district classification). (See example in subdivision (a) (1) (iii), above.)

The grower-processor is not required to make the subtraction specified in this subdivision (iv), as to any product for which he grows all of the raw material used in processing the product.

(v) *Subtract any direct subsidy payable per unit of the finished product.* Next, as to any product for which a subsidy is payable, the processor shall subtract the amount of the direct subsidy payable per unit of the finished product.

(vi) *Adjust for approved increases in basic wage rate.* Finally, the processor shall add to the resulting figure the appropriate labor increase factor provided in the applicable appendix if he has incurred an increase in basic wage rate approved by the War Labor Board; if the increase becomes effective after January 1, 1944; and if 50% or more of his pack of the product is processed after the effective date of the wage rate increase. An increase in basic wage rate will be considered to have occurred only if the single rate or the mid-point of the range of rates for unskilled female labor has been increased. When the processor meets the condition for an adjustment after he has established a maximum price for the item under section 14 (h), he may refigure his maximum price (notifying his customers, as required by section 14 (d)).

The resulting figure is the processor's maximum price per dozen containers or other unit, f. o. b. shipping point, for sales to purchasers other than government procurement agencies.

Illustration of how maximum prices are figured under subparagraph (3) for items not sold during the base period but for which price ranges are provided.

Example 5. The C Canning Company, whose factory is located in Michigan, is now pricing No. 2 size cans of fancy large seeded sweet peas, ungraded as to sieve size. During the base period 1941 this company sold the following items of peas:

No. 303 cans, fancy No. 3 sieve sweet peas.
No. 2 cans, fancy No. 4 sieve sweet peas.
No. 10 cans, standard ungraded Alaska peas.
No. 2 cans, extra standard ungraded sweet pea
No. 2 cans, extra standard 4 sieve Alaska peas.

The C Company selects as the base period item the No. 2 can extra standard ungraded sweet peas because it is nearest in container size and in other respects (as specified in Appendix C to section 15), and figures its weighted average price as $1.05. To this base price the company adds the permitted increase named in Part 2, Table 3 of Appendix C to Section 15 for extra standard ungraded sweet peas. ($1.05 plus $0.34 equals $1.39.) The company then converts this figure for variety to a price for extra standard large seeded sweet peas by adding to it the difference between the specific dollars-and-cents maximum prices named in Part 2 and 3 of Table 4 for the two items ($1.56 minus $1.46 equals $0.10; $1.39 plus $0.10 equals $1.49). The resulting figure is then converted for grade to a gross maximum price for item being priced by adding to it the grade difference between fancy and extra standard specified in Table 8 ($1.49 plus $0.26 equals $1.75) and by applying the limitations of the price range to the resulting figure. Since the resulting figure $1.75 is within the price range, it is the processor's gross maximum price. From this figure the company subtracts $0.20, the amount of the direct subsidy payable ($1.75 minus $0.20 equals $1.55). The company has not incurred an increase in basic wage rates and subdivision (iv) is accordingly not involved. The resulting figure $1.55 is the C Company's maximum price for sales to purchasers other than government procurement agencies. (Subdivision (vi) is not applicable in this case.)

(4) *To price items not sold during the base period and for which price ranges are not provided.* (See note at beginning of subparagraph (2).)

Two different situations are involved when pricing under this subparagraph.

For sales to purchasers other than government procurement agencies, the processor shall figure his maximum price per dozen containers or other unit, f. o. b. shipping point, of an item not sold during the base period, and for which a price range is not provided, as follows:

First situation: If during the base period the processor sold any of the items (of the same product) for which price ranges are provided, he shall figure his maximum price per dozen containers or other unit, f. o. b. shipping point, for sales to purchasers other than government procurement agencies, as follows. He shall:

(i) *Construct a base price.* First, the processor shall select from the items of the product sold during the base period that item for which a price range is provided nearest in container size to the item being priced and nearest in such other respects as may be specified in the applicable appendix and figure its weighted average price in the manner provided in subdivision (a) (1) (i), above.

(ii) *Add the permitted increase.* Next, the processor shall add to the constructed base price the permitted increase named in the applicable appendix for the variety, style, and grade sold in the base period.

(iii) *Convert to a gross maximum price for the item being priced.* Next, the processor shall convert the price so figured for the selected item (for variety, style, sieve size, syrup differential, and grade, in the order named) as may be necessary to arrive at a gross maximum price for the selected item, by applying the conversion factors named in the applicable appendix, and by applying to the resulting figure the limitations of the applicable price range. The price so figured shall then be converted for container type and size to a gross maximum price for the item being priced by applying the conversion factors named in the applicable appendix.

(iv) *Adjust for raw material purchased at average price lower than that reflected in price range.* Next, as to any product for which such an adjustment is indicated in the applicable appendix, the processor shall subtract from his gross maximum price the difference obtained by subtracting the weighted average price he paid for the raw material in 1945 from the Department of Agriculture's recommended price for that raw material. This difference shall be converted to units of the finished product on the basis of the conversion factors set forth in the applicable appendix. However, no subtraction is required under this subparagraph unless the gross maximum price for the item is reduced by one percent or more. The weighted average price paid shall be figured on not less than the first 75% of his purchases of the raw material (exclusive of acquisition and hauling charges) used by him in processing the product.

In the case of clingstone peaches produced in California, pears (California, Oregon and Washington), apricots (California), and light sweet cherries (California, Oregon and Washington), the processor shall figure the amount to be subtracted from his gross maximum price as follows. He shall figure a "weighted average price actually paid" on the basis of the weighted average price actually paid for each grade or district classification, not to exceed the price recommended to be paid for that grade or district classification by the Department of Agriculture. The "weighted average price actually paid" shall then be subtracted from the average of the recommended prices for those grades and district classifications figured by using the same weighting factors (i. e., the quantities he purchased of each grade and district classification). (See example in subdivision (a) (1) (iii), above.)

The grower-processor is not required to make the subtraction specified in this subdivision (iv), as to any product for which he grows all of the raw material used in processing the product.

(v) *Subtract any direct subsidy payable per unit of the finished product.* Next, as to any product for which a subsidy is payable, the processor shall subtract from the resulting figure the amount of the direct subsidy payable per unit of the finished product.

(vi) *Adjust for approved increases in basic wage rate.* Finally, the processor shall add to the resulting figure the appropriate labor increase factor provided in the applicable appendix if he has incurred an increase in basic wage rate approved by the War Labor Board; if the increase becomes effective after January 1, 1944; and if 50% or more of his pack of the product is processed after the effective date of the wage rate increase. An increase in basic wage rate will be considered to have occurred only if the single rate or the mid-point of the range of rates for unskilled female labor has been increased. When the processor meets the conditions for an adjustment after he has established a maximum price for the item under section 14 (h), he may refigure his maximum price (notifying his customers, as required by section 14 (d)).

The resulting figure is the processor's maximum price per dozen containers or other unit, f. o. b. shipping point, for sales to purchasers other than government procurement agencies.

Second situation: If during the base period the processor did not sell any of the items (of the same product) for which price ranges are provided, he shall figure his maximum price per dozen containers or other unit f. o. b. shipping point, for sales to purchasers other than government procurement agencies, as follows. He shall:

(i) *Construct a base price.* First, the processor shall select from the items of the product sold in the base period that item nearest in container size to the item being priced and nearest in such other respects as may be specified in the applicable appendix and figure its weighted average price in the manner provided in subdivision (a) (1) (i), above. He shall then convert this weighted average price, for container type and size, to a base price for the item nearest in container size for which a price range is provided, by applying the conversion factors named in the applicable appendix.

(ii) *Add the permitted increase.* Next, the processor shall add to the constructed base price the appropriate permitted increase named in the applicable appendix for the variety, style, and grade sold in the base period.

(iii) *Convert to a gross maximum price for the item being priced.* Next, the processor shall convert the price so

figured for the selected item (for variety, style, sieve size, syrup differential, and grade, in the order named) as may be necessary to arrive at a gross maximum price for the selected item, by applying the conversion factors, named in the applicable appendix, and by applying to the resulting figure the limitations of the applicable price range. The price so figured shall then be converted for container type and size to a gross maximum price for the item being priced by applying the conversion factors named in the applicable appendix.

(iv) *Adjust for raw material purchased at average price lower than that reflected in price range.* Next, as to any product for which such an adjustment is indicated in the applicable appendix, the processor shall subtract from his gross maximum price the difference obtained by subtracting the weighted average price he paid for the raw material in 1945 from the Department of Agriculture's recommended price for that raw material. This difference shall be converted to units of the finished product on the basis of the conversion factors set forth in the applicable appendix. However, no subtraction is required under this subparagraph unless the gross maximum price for the item is reduced by one percent or more. The weighted average price paid shall be figured on not less than the first 75% of his purchases of the raw material (exclusive of acquisition and hauling charges) used by him in processing the product.

In the case of clingstone peaches produced in California, pears (California, Oregon and Washington), apricots (California), and light sweet cherries (California, Oregon and Washington), the processor shall figure the amount to be subtracted from his gross maximum price as follows. He shall figure a "weighted average price actually paid" on the basis of the weighted average price actually paid for each grade or district classification, not to exceed the price recommended to be paid for that grade or district classification by the Department of Agriculture. The "weighted average price actually paid" shall then be subtracted from the average of the recommended prices for those grades and district classifications figured by using the same weighting factors (i. e., the quantities he purchased of each grade and district classification). (See example in subdivision (a) (1) (iii), above.)

The grower-processor is not required to make the subtraction specified in this subdivision (iv), as to any product for which he grows all of the raw material used in processing the product.

(v) *Subtract any direct subsidy payable per unit of the finished product.* Next, as to any product for which a subsidy is payable, the processor shall subtract from the resulting figure the amount of the direct subsidy payable per unit of the finished product.

(vi) *Adjust for approved increases in basic wage rate.* Finally, the processor shall add to the resulting figure the appropriate labor increase factor provided in the applicable appendix if he has incurred an increase in basic wage rate approved by the War Labor Board; if the increase becomes effective after January 1, 1944; and if 50% or more of his pack of the product is processed after the effective date of the wage rate increase. An increase in basic wage rate will be considered to have occurred only if the single rate or the mid-point of the range of rates for unskilled female labor has been increased. When the processor meets the conditions for an adjustment after he has established a maximum price for the item under section 14 (h), he may refigure his maximum price (notifying his customers, as required by section 14 (d)).

The resulting figure is the processor's maximum price per dozen containers or other unit, f. o. b. shipping point, for sales to purchasers other than government procurement agencies.

Illustrations of how maximum prices are figured under subparagraph (4) for items not sold during the base period and for which price ranges are not provided.

FIRST SITUATION

Example 6. The E Canning Company, whose factory is located in Oregon, is now pricing No. 1 (picnic) cans of standard spinach. During the base period 1941, this company sold spinach of the following grades, and container types and sizes:

Fancy spinach packed in No. 2 cans.
Fancy spinach packed in No. 10 cans.

The E Company selects the No. 2 can because it is the nearest container size for which a price range is provided to the No. 1 (picnic) can being priced. It then figures the weighted average price for the No. 2 can as $0.95 per dozen. To this figure the company adds $0.38 the permitted increase named in Table 3, Appendix A, to section 15 ($0.95 plus $0.38 equals $1.33). The company then subtracts from this figure $0.10 the difference between fancy and standard grades of spinach named in Table 7 to Appendix A ($1.33 minus $0.10 equals $1.23), and applies to the resulting figure the limitations of the price range. Since this figure is lower than the lowest price named for standard spinach in No. 2 cans in Area 2, the company uses $1.26, the lowest price in the price range, to continue its computation. This figure is then converted to a gross maximum price for the No. 1 (picnic) can being priced by multiplying it by 0.65 the conversion factor named in Table 5, Appendix A, for converting from a No. 2 to a No. 1 (picnic) can ($1.26 times 0.65 equals $0.8190). The E Company has figured a weighted average price paid for spinach based on not less than the first 75% of its purchases of $51.00 per ton, cut above the crown. Since this price is in excess of the raw material price reflected in the price range for this Area no subtraction under subparagraph (iv) is required. The company has incurred an increase in basic wage rate for unskilled female labor with the approval of the War Labor Board subsequent to January 1, 1944 and before completion of 50% or more of its pack of spinach. The company accordingly adds $0.0065, the labor adjustment factor figured by reference to Table 9 in Appendix A ($0.8190 plus $0.0065 equals $0.8255). The E Company's maximum price for No. 1 (picnic (cans of standard spinach is $0.8255 per dozen for sales to purchasers other than government procurement agencies. (A subsidy is not involved as to this product.)

SECOND SITUATION

Example 7. The D Canning Company, whose factory is located in Oregon, is now pricing 8-ounce cans of fancy spinach. During the base period, this company sold spinach of the following grades, and container types and sizes:

Fancy spinach packed in No. 1 tall cans.
Standard spinach packed in No. 1 (picnic) cans.

The D Company selects the No. 1 (picnic) can because it is nearest in container size to the 8-ounce can which it is now pricing, and figures its weighted average price as $.70 per dozen. The company then converts this weighted average price to a constructed base price for the No. 2 can by multiplying it by 1.54, the conversion factor named in Table 5, Appendix A to section 15 for converting from a No. 1 (picnic) can to a No. 2 can ($0.70 times 1.54 equals $1.0780). The company then adds $.38, the permitted increase named in Table 3 for Area 2 ($1.0780 plus $.38 equals $1.4580). (To this figure the company adds $0.10 ($1.4580 plus $0.10 equals $1.5580) the differential between grades named in Table 7 of Appendix A.) Since this figure ($1.5580) falls within the price range for fancy spinach packed in No. 2 cans, the company uses it to continue its computation. The company then converts this figure for the No. 2 size can to a gross maximum price for the 8-ounce can being priced by multiplying it by .60, the conversion factor named in Table 5 of Appendix A for converting a No. 2 can to an 8-ounce can ($1.5580 times .60 equals $.9348). The company has figured a weighted average price paid for spinach based on not less than the first 75% of its purchases of $50.00 per ton, cut above the crown. Since this price is the same as the raw material price reflected in the price range for this area, no subtraction under subparagraph (iv) is required. The company has not incurred an increase in basic wage rates and accordingly no adjustment under subdivision (vi) is required. The resulting figure ($0.9348) is the D Company's maximum price for sales to purchasers other than government procurement agencies. (A subsidy is not involved as to this product.)

(b) *Products not sold during the base period.* For any product which was not sold in the base period, the processor shall figure his maximum price per dozen containers or other unit of the item, f. o. b. factory, for sales to purchasers other than government procurement agencies, in the following manner:

(1) *Grades, varieties, styles and container types and sizes for which specific dollars-and-cents prices are provided.* If the grade, variety, style and container type and size of the items being priced is one for which a specific dollars-and-cents price is provided, the processor shall in each case:

(i) *Ascertain the gross maximum price.* First, the processor shall take the specific dollars-and-cents price named for the item in the applicable appendix and use this figure as his gross maximum price, f. o. b. factory.

(ii) *Adjust for raw material purchased at average price lower than that reflected in dollars-and-cents price.* Next, as to any product for which such an adjustment is indicated in the applicable appendix, the processor shall subtract from his gross maximum price the difference obtained by subtracting the weighted average price he paid for the raw material in 1945 from the Department of Agriculture's recommended price for that raw material. This difference shall be converted to units of the finished product on the basis of the conversion factors set forth in the applicable appendix. However, no subtraction is required under this subparagraph unless the gross maximum price for the item is reduced by one percent or more. The weighted average price paid shall be figured on not less than the first 75% of his purchases of the raw material (exclusive of acquisition and hauling charges) used by him in processing the product.

In the case of clingstone peaches produced in California, pears (California, Oregon and Washington), apricots (California), and light sweet cherries (California, Oregon and Washington), the processor shall figure the amount to be subtracted from his gross maximum price as follows. He shall figure a "weighted average price actually paid" on the basis of the weighted average price actually paid for each grade or district classification, not to exceed the price recommended to be paid for that grade or district classification by the Department of Agriculture. The "weighted average price actually paid" shall then be subtracted from the average of the recommended prices for those grades and district classifications figured by using the same weighting factors (i. e., the quantities he purchased of each grade and district classification). (See example in subdivision (a) (1) (iii), above.)

The grower-processor is not required to make the subtraction specified in this subdivision (ii), as to any product for which he grows all of the raw material used in processing the product.

(iii) *Subtract any direct subsidy payable per unit of the finished product.* Next, as to any product for which a subsidy is payable, the processor shall subtract from the resulting figure the amount of the direct subsidy payable per unit of the finished product.

(iv) *Adjust for approved increases in basic wage rate.* Finally, the processor shall add to the resulting figure the appropriate labor increase factor provided in the applicable appendix if he has incurred an increase in basic wage rate approved by the War Labor Board; if the increase becomes effective after January 1, 1944; and if 50% or more of his pack of the product is processed after the effective date of the wage rate increase. An increase in basic wage rate will be considered to have occurred only if the single rate or the mid-point of the range of rates for unskilled female labor has been increased. When the processor meets the conditions for an adjustment after he has established a maximum price for the item under section 14 (h), he may refigure his maximum price (notifying his customers, as required by section 14 (d)).

The resulting figure is the processor's maximum price per dozen containers or other unit, f. o. b. shipping point, for sales to purchasers other than government procurement agencies.

For the purpose of section 10 (b) this price shall be considered a "dollars-and-cents" maximum price for a processor who performs the wholesale function.

(2) *Grades, varieties, styles and container types and sizes for which specific dollars-and-cents prices are not provided.* If the grade, variety, style and container type and size of the item being priced is one for which a specific dollars-and-cents price is not provided, the processor shall in each case:

(i) *Ascertain the gross base price.* First, the processor shall take the specific dollars-and-cents price named in the applicable appendix for that container size (of the same product) which is nearest in size to the item being priced.

(ii) *Convert to a gross maximum price.* Next, the purchaser shall convert that figure (for style, syrup differential, grade and container type and size, in the order named) as may be necessary to arrive at a gross maximum price for the item being priced, by applying the conversion factors named in the applicable appendix.

(iii) *Adjust for raw material purchased at average price lower than that reflected in dollars-and-cents price.* Next, as to any product for which such an adjustment is indicated in the applicable appendix, the processor shall subtract from his gross maximum price the difference obtained by subtracting the weighted average price he paid for the raw material in 1945 from the Department of Agriculture's recommended price for that raw material. This difference shall be converted to units of the finished product on the basis of the conversion factors set forth in the applicable appendix. However, no subtraction is required under this subparagraph unless the gross maximum price for the item is reduced by one percent or more. The weighted average price paid shall be figured on not less than the first 75% of his purchases of the raw material (exclusive of acquisition and hauling charges) used by him in processing the product.

In the case of clingstone peaches produced in California, pears (California, Oregon and Washington), apricots (California), and light sweet cherries (California, Oregon and Washington), the processor shall figure the amount to be subtracted from his gross maximum price as follows. He shall figure a "weighted average price actually paid" on the basis of the weighted average price actually paid for each grade or district classification, not to exceed the price recommended to be paid for that grade or district classification by the Department of Agriculture. The "weighted average price actually paid" shall then be subtracted from the average of the recommended prices for those grades and district classifications figured by using the same weighting factors (i. e., the quantities he purchased of each grade and district classification). (See example in subdivision (a) (1) (iii), above.)

The grower-processor is not required to make the subtraction specified in this subdivision (iii), as to any product for which he grows all of the raw material used in processing the product.

(iv) *Subtract any direct subsidy payable per unit of the finished product.* Next, as to any product for which a subsidy is payable, the processor shall subtract from the resulting figure the amount of the direct subsidy payable per unit of the finished product.

(v) *Adjust for approved increases in basic wage rate.* Finally, the processor shall add to the resulting figure the appropriate labor increase factor provided in the applicable appendix if he has incurred an increase in basic wage rate approved by the War Labor Board; if the increase becomes effective after January 1, 1944; and if 50% or more of his pack of the product is processed after the effective date of the wage rate increase. An increase in basic wage rate will be considered to have occurred only if the single rate or the mid-point of the range of rates for unskilled female labor has been increased. When the processor meets the conditions for an adjustment after he has established a maximum price for the item under section 14 (h), he may refigure his maximum price (notifying his customers, as required by section 14 (d)).

The resulting figure is the processor's maximum price per dozen containers or other unit, f. o. b. shipping point, for sales to purchasers other than government procurement agencies.

For the purpose of section 10 (b) this price shall be considered a "dollars-and-cents" maximum price for a processor who performs the wholesale function.

(c) *Maximum prices figured on the basis of subgrades.* A processor who meets the conditions of this paragraph as to any item may, if he elects, figure maximum prices for the item on the basis of subgrades. "Subgrade" means a subdivision of a grade, determined in each case according to the regularly established way, during the base period, in which the particular processor reflected differences in quality (within that grade) in different selling prices for the item. Whether the processor had such a practice during the base period shall be determined from his invoices, and no processor who does not meet these conditions shall figure his maximum prices for the item on the basis of subgrades. If the particular processor's individual subgrade falls into more than one grade, as defined above, the individual subgrade shall be divided according to the commercial grades into which it falls.

The processor may make an election for one or more factories selected by him, provided that the maximum prices for the item at the selected factories are the same. However, any such election applies only to that part of the combined packs of those factories which he has not sold and delivered prior to the filing of the statement of his election. When he makes this election as to any item, the processor may sell it at whatever prices he pleases, subject to the following limitations:

(1) The maximum price for his entire pack of the item shall not be higher than his maximum price for the item figured without regard to subgrades multiplied by the number of units sold.

(2) No selling price for any subgrade of the item shall be higher than the top of the price range applicable to the item.

(3) The processor shall not sell on the basis of subgrades, at prices higher than his maximum price for the item figured without regard to subgrades, until he has filed with the Office of Price Administration, Washington, D. C., a statement of his election naming (i) each subgrade and the proportion of his pack of the item which he elects to sell under it, (ii) the highest price at which he elects to sell each subgrade, (iii) the actual or anticipated amount of his pack of the item, and (iv) his maximum price for the item figured without regard to subgrades. If he names an anticipated amount of pack, he shall file a supple-

mentary statement showing his actual pack of the item, within 10 days after its completion.

(4) The number of units sold in the highest-priced subgrade shall not exceed the total number of units included in that subgrade in the seller's statement of election, and the maximum price for the entire subgrade shall be the price stated therein for that subgrade multiplied by the number of units sold. The number of units sold in the next highest-priced subgrade shall not exceed the total number of units included in that subgrade, in the seller's statement of election, plus the number of units, if any, included for the highest-priced subgrade which are sold at or below the price stated for the next highest-priced subgrade, and the maximum price for the entire subgrade, plus such additional units, if any, shall be the price stated for that subgrade multiplied by the number of units sold, plus such additional units, if any. The above rule shall apply to determine the total number of units which may be sold in any lower-priced subgrade and to determine the maximum price for any such subgrade.

SEC. 6. *Maximum prices for sales by processors—Pricing Method No. 2.* The products covered by Pricing Method No. 2 are listed below. (The "base period" applicable to each product is the first 60 days after the beginning of the 1941 pack except where otherwise specified.) Other products will be added from time to time.

NOTE: Although this section contains certain pricing provisions relating to packed apples and applesauce, these products are not covered by this supplement until raw material prices are added for apples.

Packed vegetables:
- Group I:
  - Artichokes
  - Bamboo sprouts (bean sprouts)
  - Celery and celery juice
  - Fordhook lima beans
  - Hominy
  - Okra
  - Onions
  - Parsnips
  - Peppers
  - Pickles, packed from fresh vegetables other than cucumbers
  - Pimientos
  - Pumpkin
  - Rhubarb
  - Squash
  - Turnips
  - Vegetable greens other than spinach—Base period: First 60 days after beginning of 1941 spring and fall packs.
- Group II:
  - Beans, fresh shelled
  - Beans, fresh lima (other than Fordhook lima beans)
  - Beets and beet juice
  - Carrots and carrot juice
  - Tomato cocktail, catsup, chili sauce, puree, paste and sauce
  - Italian pear shaped tomatoes
  - Sauerkraut—Base period: December 1, 1941 to March 31, 1942
  - Mushrooms—Base period: October 10, 1941 to December 10, 1941
  - Peas, blackeye, crowder, cream, and field
  - Pickles packed from fresh cucumbers
  - Sweet potatoes
  - Mixed vegetables containing vegetables not otherwise specified
  - Mixed vegetables juices containing vegetable juices not otherwise specified

Packed Fruits:
- Apricots, apricot juice and apricot nectar (except apricot halves (unpeeled), whole (unpeeled), and whole (peeled) packed in California)
- Cherries, sweet (except light unpitted, packed in California, Oregon and Washington)
- Cherries, cocktail
  - Base period: July 1, 1940 to September 30, 1940 and July 1, 1941 to September 30, 1941.
- Cherries, brined
  - Base period: September 1, 1941 to November 30, 1941.
- Cherries, Maraschino and glace
  - Base period: March, 1942.
- Cherries, red sour juice
- Figs
- Nectarines
- Peaches, peach juice, and peach nectar (except yellow cling peaches halves, sliced, quartered, and diced, packed in California)
- Pears,* pear juice, and pear nectar (except Bartlett pears, halves (peeled), quarters (peeled), and diced, packed in California, and Bartlett pears halves (peeled) packed in Oregon and Washington)
- Plums, plum juice and plum nectar
- Prunes, packed from fresh prunes
- Fruit cocktail (except packed in California)
- Mixed fruits containing fruits not otherwise specified
- Mixed fruit juices containing fruit juices not otherwise specified
- Mixed fruit nectars containing fruit juices not otherwise specified

Packed Berries:
- Blackberries, blackberry juice and blackberry nectar
- Blueberries, blueberry juice and blueberry nectar
- Boysenberries, boysenberry juice and boysenberry nectar
- Gooseberries, gooseberry juice and gooseberry nectar
- Huckleberries, huckleberry juice and huckleberry nectar
- Loganberries, loganberry juice and loganberry nectar
- Raspberries, raspberry juice and raspberry nectar
- Strawberries, strawberry juice and strawberry nectar
- Youngberries, youngberry juice and youngberry nectar
- Mixed berry juices containing berry juices not otherwise specified
- Mixed berry nectars containing berry juices not otherwise specified

The processor who qualified as a retailer under Maximum Price Regulation No. 422 or 423 shall not use the pricing methods of this section, but shall apply to the Office of Price Administration, Washington, D. C., for authorization of a maximum price under section 10 (c).

The processor shall figure a maximum price for each factory at which he processes the item being priced. (However, he may then elect to combine prices as provided in section 10 (e).

(a) *General rule for pricing items where they or other items of the same product were sold during the base period and for which maximum prices were established under the provisions of section 6 of Supplement 7.* In general, this paragraph applies to the pricing of items in those cases where the processor (including the grower-processor) sold some items of the product during the base period and for which he established maximum prices for the 1944 pack under the formula provisions of section 6 of Supplement 7. It does not apply to items that were priced in 1944 by individual authorization under section 10 (d) or by the elective pricing method of section 10 (c) of Supplement 7.

This section also applies to the pricing of items sold in 1944 but for which the processor did not establish maximum prices under Supplement 7 for the reason that he had sold his entire 1944 pack of the items at maximum prices figured under Maximum Price Regulation 306 or Maximum Price Regulation 493 * prior to the effective date of the applicable pricing provision of Supplement 7.

For sales of an item to purchasers other than government procurement agencies, the processor shall figure his maximum price per dozen containers or other unit, f. o. b. shipping point, as follows. He shall:

(1) *Start with the 1944 maximum price.* The processor shall use as his starting point the maximum price for the item for sales to purchasers other than government procurement agencies as required to be figured under section 6 of Supplement 7. The processor who sold the item in 1944 but who did not establish a maximum price for it under that section of Supplement 7 shall determine what his maximum price for the item would have been under that section and shall use that price as his starting point under this paragraph.

(2) *Subtract the 1944 raw material cost.* Next, the processor shall subtract the 1944 raw material cost per dozen containers or other unit as required to be figured under that supplement. The deduction shall include any hauling and transportation charges reflected in his maximum price for the 1944 pack.

(3) *Add the 1945 raw material cost.* Next, the processor shall add to the resulting figure his 1945 weighted average raw material cost, converted to units of the finished product by applying the simple average of his 1941 and 1943 case (unit) yields and by adjusting for grade yield according to his customary practice. (If he did not pack the product in 1943, he shall use the average of his 1941 and 1942 yields.) The 1945 raw material cost shall be figured on the basis of not less than the first 75% of his purchases of the raw material used by him in processing the product. However, the processor's weighted average raw material cost shall be based on a weighted average raw material price no higher than the appropriate price named in the table below. In the case of those fruits for which the Department of Agriculture has announced recommended prices for grades and districts, as set forth below, the weighted average raw material price shall be figured on the basis of the weighted average price actually paid for each grade or district classification, not to exceed the price recommended to be paid for that grade or district classification.

*Pears (and listed products) produced in states other than those for which raw material prices are named in the Table in subparagraph (3), below, are not covered by this supplement until raw material prices are added for these fruits.

[9 F.R. 12451.

[8 F.R. 15697, 16664; 9 F.R. 99, 1121, 1597, 2268, 2301, 7833.

VEGETABLES—1945

Raw material	Area	Price
Group I raw material.	All States	1942 raw material cost as required to be figured under MPR 152 plus 20% of that cost.
Group II raw material		
Beans, fresh shelled.	All States	Department of Agriculture's weighted average support price for snap beans for the area in which processor's customary receiving point is located.
Beans, fresh lima (other than Fordhook lima beans).	Washington, Oregon, California and Idaho (other than Southeastern).	$115.00 per ton.
	New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia (Accomac and Northampton Counties), Utah, Wyoming and Southeastern Idaho (Franklin, Oneida, Bannock, and Bear Lake Counties).	$100.00 per ton.
	All other States and areas	$95.00 per ton.
Beans, snap	All States	Department of Agriculture's weighted average support price for the area in which processor's customary receiving point is located.
Beets	New York, New Jersey, Washington, Oregon and California.	$21.00 per ton.
	All other States	$19.00 per ton.
Carrots	New York and New Jersey	$22.00 per ton.
	All other States	$20.00 per ton.
Corn, sweet	All States	Department of Agriculture's weighted average support price for the area in which processor's customary receiving point is located.
Peas, green	All States	Department of Agriculture's weighted average support price for the area in which processor's customary receiving point is located.
Spinach (pricing base A. C.—above crown; B. C.—below crown).	Delaware, Maryland, Virginia, New Jersey, and Pennsylvania (other than Northern).	$70.00 per ton B. C.
	Arkansas, Louisiana, Mississippi, Missouri, Oklahoma, Tennessee, and Texas (other than Southeastern).	$70.00 per ton A. C.
	Oregon, Washington, and Southeastern Texas (Area south of and including counties of Webb, McMullen, Live Oak, Karnes, Dewitt, Lavaca, Colorado, Austin, Waller, Harris, Chambers and Duval).	$50.00 per ton A. C.
	Oregon and Washington	$35.00 per ton B. C.
	New York and Northern Pennsylvania (Counties of Erie, Crawford, Mercer, Venango, Warren, Forest, McKean, Potter, Tioga, Bradford, Susquehanna and Wayne).	$34.00 per ton A. C.
	California	$22.50 per ton (uncut, based on cutting above the crown).
	All other States	$32.00 per ton A. C.
Tomatoes for all tomato products under Pricing Method No. 2 and Italian pear-shaped tomatoes.	All States	Commodity Credit Corporation's 1943 resale price for the area in which the processor's customary receiving point is located.
Cabbage	All States	$15.00 per ton.
Cucumbers	All States	1941 cost as required to be figured under MPR 306 plus $0.40 per bushel.
Mushrooms	All States	$1.50 per 3-lb. basket.
Peas, blackeye (in pods).	Maryland and Virginia	$60.00 per ton.
	All other states east of Mississippi River.	$55.00 per ton.
	All states west of the Mississippi River including all of Louisiana.	$65.00 per ton.
Peas, all other field (in pods).	Maryland and Virginia	$55.00 per ton.
	All other states east of Mississippi River.	$56.00 per ton.
	All other states west of Mississippi River including all of Louisiana.	$65.00 per ton.
Sweet potatoes	All States	$0.90 per 50-pound bushel.
Raw materials for all mixed vegetables and mixed juices.	All States	For raw vegetables in Group I, the 1942 raw material cost as required to be figured under MPR 152 plus 20% of that cost. For raw vegetables in Group II, price specified for each vegetable. Exception: For tomatoes used in mixed vegetables, Dept. of Agriculture's weighted average support price for the area in which processor's customary receiving point is located.

FRUITS AND BERRIES—1945

(Grades referred to are those specified in the joint announcements of United States Department of Agriculture and Office of Price Administration)

Apricots: Average	California	$89.00 per ton.
Cherries, sweet: Average for the period	District 1 (Counties of Alameda, Santa Clara, San Mateo, San Benito, Santa Cruz and Monterey.)	$100.00 per ton.
Grade 1		$95.00 per ton.
Grade 2		$85.00 per ton.
Cherries, sweet: Average for the period	District 2 (Counties of San Luis Obispo, Yolo, Solano, Contra Costa, and the parts of Stanislaus and San Joaquin Counties that are west of the San Joaquin River and South of Highway 50 and all other counties of the State not listed.)	$93.00 per ton.
Grade 1		$88.00 per ton.
Grade 2		$77.00 per ton.
Cherries, sweet: Average for the period	District 3 (Merced County and the remainder of San Joaquin and Stanislaus County.)	$84.00 per ton.
Grade 1		$79.00 per ton.
Grade 2		$70.00 per ton.
Cherries, sweet: Average for the period	District 4 (Counties of Madera, Fresno, Kings, Tulare, Kern, Imperial, Los Angeles, Orange, Riverside, San Bernardino, Santa Barbara, Ventura and San Diego.)	$80.00 per ton.
Grade 1		$75.00 per ton.
Grade 2		$65.00 per ton.
Cherries, sweet: Average	Oregon and Washington	$79.00 per ton.
Grade 1		$85.00 per ton.
Grade 2		$71.00 per ton.
Cherries, sweet: Average	Other States	$79.00 per ton.
Grade 1	California, Arizona, Nevada, Utah, Idaho (except Kootenai, Boundary, and Bonner Counties), Montana and Oregon.	$160.00 per ton.
Grade 2	Washington, Idaho (Kootenai, Boundary, and Bonner Counties).	$105.00 per ton
	Texas, New Mexico, Oklahoma, Kansas, Colorado, Wyoming, Nebraska, North Dakota and South Dakota.	$210.00 per ton.
	All other States	$260.00 per ton.
Cherries, sweet: Canning (all varieties): Average	California	$233.00 per ton.
Cherries, sweet—Con.		
Grade 1	District 1 (Counties of Santa Clara, Alameda, Santa Cruz, and Monterey).	$200.00 per ton.
Grade 2		$195.00 per ton.
Grade 1	District 2 (Counties of Sonoma, Solano, Napa, and West Contra Costa (west of Mt. Diablo Meridian).	$235.00 per ton.
Grade 2		$176.00 per ton.
Grade 1	District 3 (Counties of San Joaquin, Stanislaus, Sacramento, Placer, Yuba, Sutter, Butte, and remainder of Contra Costa).	$210.00 per ton.
Grade 2		$158.00 per ton.
Canning (light): Average	Oregon and Washington	$215.00 per ton.
Grade 1		$217.00 per ton.
Grade 2		$137.00 per ton.
Canning (dark): Average	Oregon and Washington	$225.00 per ton.
Grade 1		$237.00 per ton.
Grade 2		$150.00 per ton.
Canning: (light)	All other States	$215.00 per ton.
(dark)		$225.00 per ton.
Brining (all varieties): Average	California	$215.00 per ton.
Grade 1	District 1 (Counties of Santa Clara, Alameda, Santa Cruz, and Monterey).	$200.00 per ton.
Grade 2		$195.00 per ton.
Doubles		$98.00 per ton.
Grade 1	District 2 (Counties of Sonoma, Solano, Napa, and West Contra Costa (west of Mt Diablo Meridian).	$235.00 per ton.
Grade 2		$176.00 per ton.
Doubles		$88.00 per ton.
Grade 1	District 3 (Counties of San Joaquin, Stanislaus, Sacramento, Placer, Yuba, Sutter, Butte, and remainder of Contra Costa).	$210.00 per ton.
Grade 2		$158.00 per ton.
Doubles		$79.00 per ton.
Brining (all varieties)	All other States	$205.00 per ton.
Grapes, Thompson Seedless.	All States	$47.50 per ton.
Figs: Kadota	All States	$125.00 per ton.
All other	All States	$97.00 per ton.
Nectarines	All States	$77.00 per ton.

FRUITS AND BERRIES—1945—Continued

Raw material	Area	Price
Peaches, Clingstone:		
Average	California	$60.00 per ton.
Grade 1		$63.50 per ton.
Grade 2		$30.00 per ton.
	Other States	$60.00 per ton.
Peaches, Freestone:		
Elbertas and Hales	California	$64.00 per ton.
Lovells and others	California	$47.00 per ton.
All varieties	Montana, Wyoming, Colorado, New Mexico, and all States west thereof except California.	$60.00 per ton.
Grade 1	Oregon and Washington	$62.00 per ton.
Grade 2		$39.00 per ton.
All varieties	North Carolina, South Carolina, Georgia, Florida, Kentucky, Tennessee, Alabama, Mississippi, Arkansas, Louisiana, Oklahoma, and Texas.	$50.00 per ton.
All varieties	North Dakota, South Dakota, Nebraska, Kansas, Missouri, Illinois, Indiana, Ohio, West Virginia, Virginia, and all States east and north thereof.	$60.00 per ton.
Pears (all varieties):		
Average	California, Washington, Oregon.	$73.00 per ton.
"Prorate Grade" and "Fall and Winter pears suitable for canning".	California, District 1, as announced by United States Department of Agriculture July 20, 1945.	$78.00 per ton.
	California, District 2, as announced by United States Department of Agriculture July 20, 1945.	$73.00 per ton.
	California, District 3, as announced by United States Department of Agriculture, July 20, 1945.	$64.00 per ton.
Pears—Continued. "Prorate Grade"—Continued.	California, District 4, as announced by United States Department of Agriculture July 20, 1945.	$69.00 per ton.
"Hail Grade"	California	60% of the respective prices for "Prorate Grade".
"Second Grade"	California	50% of the respective prices for "Prorate Grade".
Grade 1	Washington and Oregon	$75.00 per ton.
Grade 2		$43.00 per ton.
Pineapple	All States	1942 cost as computed under MPR 185.
Plums	California, Oregon, Washington, Idaho, Utah.	$60.00 per ton.
	Other States	1942 cost as computed under MPR 185, plus $4.00 per ton.
Prunes, fresh	All States	$55.00 per ton.
Blackberries	All States	$0.12 per pound.
Blueberries:		
Wild	Maine, New Hampshire, Vermont and Massachusetts.	$0.155 per pound.
	All other areas	1942 cost per pound as required to be computed under MPR 185 plus $0.03 per pound.
Cultivated	New Jersey	$0.21 per pound.
	All other areas	1942 cost per pound as required to be computed under MPR 185 plus $0.03 per pound.
Boysenberries	All States	$0.12 per pound.
Gooseberries	All States	$0.08 per pound.
Huckleberries	All States	1942 cost per pound as required to be computed under MPR 185 plus $0.03 per pound.
Loganberries	All States	$0.12 per pound.
Raspberries, black	All States	$0.13 per pound.
Raspberries, red	All States	$0.15 per pound.
Strawberries:		
Eltersburg, Corvallis, Redheart, stemmed basis.[1]	All States	$0.17 per pound.
Others, stemmed basis.[1]	All States	$0.15 per pound.
Youngberries	All States	$0.12 per pound.

[1] These weighted average raw material prices apply whether the processor buys the strawberries stemmed or unstemmed. If he buys the strawberries unstemmed, he may not add any cost for stemming.

The raw material prices named in the table above refer to support or designated prices delivered to the processor's customary receiving point, except in the case of blackeye peas, other field peas, and spinach (except California), for which the prices include delivery to the factory. In the case of spinach produced in California, the price named is "uncut in the field." Except in the case of California spinach, the actual current transportation charges incurred from his customary receiving point to his factory shall be added to the amount named at the customary receiving point. (In figuring raw material costs of California spinach used in mixed vegetables or mixed vegetable juices, the processor shall subtract and add, respectively, the 1944 and 1945 raw material costs on the basis of prices "uncut in the field".) The location of the processor's customary receiving point is controlling in determining the applicable price in the table, and not the place where the raw material is grown or his factory located. However, if the processor purchases raw material in an area other than that in which his customary receiving point is located, the applicable price in the table is the price for the area in which the raw material is grown, and he shall add to this amount the current transportation charges that would have been incurred from his customary receiving point to his factory.

"Delivered to the customary receiving point" means delivered to the places where the processor received delivery of the raw material during 1941 or other year that includes the "base period" referred to at the beginning of this section. If the processor had no customary receiving point during that period, "delivered to the customary receiving point" means delivered to the nearest place where processors of the same raw material, whose factories are located in the same producing area, received delivery during that period.

(4) *Adjust for approved increases in basic wage rate.* Finally, the processor whose factory is located in the state or area set forth in the table below, shall multiply the resulting figure by the appropriate labor increase factor in that table if he has incurred an increase in basic wage rate approved by the War Labor Board; if the increase becomes effective after January 1, 1944; and if 50% or more of his pack of the product is processed after the effective date of the wage rate increase. An increase in basic wage rate will be considered to have occurred only if the single rate or the mid-point of the range of rates for unskilled female labor has been increased. When the processor meets the conditions for an adjustment after he has established a maximum price for the item under section 14 (h), he may refigure his maximum price (notifying his customers, as required by section 14 (d)).

Commodity	Area 1	Area 2		Area 3	Area 4*
		A	B		
Fruits:					
Apples	1.015	1.015	1.03	1.01	1.01
Apple sauce	1.015	1.015	1.03	1.01	1.01
Cherries, sweet	1.01	1.01	1.02	1.01	1.005
All other fruits except juices and nectars	1.015	1.015	1.03	1.015	1.01
All fruit juices and nectars	1.01	1.01	1.02	1.01	1.005
Berries	1.01	1.01	1.02	1.005	1.005
Vegetables:					
Beets	1.02	1.02	1.04	1.015	1.01
Carrots	1.03	1.03	1.06	1.025	1.01
Beans, lima	1.02	1.02	1.04	1.015	1.01
Tomato products and Italian pear-shaped tomatoes except juice	1.015	1.015	1.03	1.01	1.005
Sauerkraut	1.015	1.015	1.03	1.01	1.01
All other vegetables and vegetable juices except tomato juice	1.015	1.015	1.03	1.01	1.01

Area 1: Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, New York, New Jersey, Pennsylvania, Maryland, Delaware, West Virginia, Ohio, Indiana, Michigan, Wisconsin, Illinois, Minnesota, Iowa, North Dakota, South Dakota, Nebraska, Kansas.

Area 2: Texas, Oklahoma, Missouri, Arkansas, Louisiana, Mississippi, Alabama, Georgia, Florida, Virginia, North Carolina, South Carolina, Kentucky, Tennessee.

Area 3: Montana, Idaho, Wyoming, Nevada, Utah, Colorado, Arizona, New Mexico.

Area 4: *Oregon, Washington, California. No adjustment.

A. For 5-cent increase in wage rate for unskilled female labor.

B. For 10-cent increase in wage rate for unskilled female labor.

The resulting figure is the processor's maximum price per dozen containers or other unit, f. o. b. shipping point, for sales to purchasers other than government procurement agencies.

(b) *Rule for pricing items in certain container types and sizes—(1) Metal containers—All products under Pricing Method No. 2.* If the processor cannot figure his maximum price under paragraph (a) for an item packed in one of the following metal container sizes, his maximum price per dozen containers or other unit, f. o. b. shipping point, for sales to purchasers other than government procurement agencies, shall be:

(i) For No. 303 cans, 85% of what his maximum price per unit, f. o. b. shipping point, is or would be under paragraph (a) for the item packed in No. 2 cans.

(ii) For No. 1 (picnic) cans, 70% of what his maximum price per unit, f. o. b. shipping point, is or would be under paragraph (a) for the item packed in No. 2 cans.

(iii) For 8-ounce cans, 55% of what his maximum price per unit, f. o. b. shipping point, is or would be under paragraph (a) for the item packed in No. 2 cans.

(2) *Metal containers—particular products.* If the processor cannot figure his maximum price under paragraph (a) for a product listed below when packed in a metal container size listed in Column B, his maximum price per dozen containers or other unit, f. o. b. shipping point, for sales to purchasers other than government procurement agencies shall be his maximum price (or one that he can figure) for the product and can size listed in Column A multiplied by the appropriate conversion factor listed in Column B.

Column A	Column B							
To convert from a can size in this column	To a can size at the head of a column below, multiply by the appropriate conversion factor							
	6-oz.	No. 1 Picnic	No. 1 Tall	Pint	No. 2	No. 2½	Quart	No. 10
All berries:								
No. 2					.21			
No. 10								4.85
Apples, applesauce and crab apples:								
No. 2					.21			
No. 10								4.83
Peaches, freestone, east of Mississippi:								
No. 2½						.28		
No. 10								3.62
West of Mississippi:								
No. 2½						.30		
No. 10								3.29
Plums and fresh prunes:								
No. 2						.31		
No. 10								3.23
Figs:								
No. 10		.18				.30		
No. 1		.60						3.35
1 Lb.						1.66		5.51
Grapefruit:								
Fancy				.53			1.89	
Quarts								
Peaches:								
No. 2						1.20		4.40
No. 2½					.83			3.66
No. 10					.23	.27		
Cherries:								4.40
No. 2					.23			
No. 10								
Greens, other than spinach:						1.36		4.67
No. 2					.74			3.49
No. 2½					.21	.29		
No. 10								
Mixed vegetables:								4.82
No. 2					.21			
No. 10								
Pumpkin and squash:						1.26		4.38
No. 2					.79			3.42
No. 2½					.23	.29		
No. 10								
Sauerkraut:						1.23		4.02
No. 2					.81			3.31
No. 2½					.25	.30		
No. 10								
Beans, okra and tomato, cut okra, whole okra, rhubarb, artichokes, bamboo sprouts, celery, parsnips, peppers, pimento, turnips:						1.32		4.60
No. 2								3.25
No. 2½					.22	.31		
No. 10								
Cream-style peas, field peas, and blackeye peas:								4.80
No. 2					.21			
No. 10								
Lima beans:								4.93
No. 2								
No. 10					.20			
Tomato paste:								14.20
No. 6 oz.								
No. 10	.07							
Tomatoes:					1.09	2.38		7.69
No. 1 picnic		.59				1.41		4.55
No. 2		.42			.71			3.23
No. 10		.13			.22	.31		

(3) *Glass containers—all products under Pricing Method No. 2.* If the processor cannot figure his maximum price under paragraph (a) for an item packed in a glass container size listed below, his maximum price per dozen containers or other unit, f. o. b. shipping point, for sales to purchasers other than government procurement agencies, shall be 20 cents per dozen for packed fruits and berries, and 15 cents per dozen for packed vegetables, more than his maximum price is or would be under paragraph (a), for the item packed in the equivalent can size.

CONTAINER EQUIVALENTS

Name	Dimension	Overflow capacity	
		Metal	Glass
		Ounces	*Ounces*
No. 1 tall	211 x 400	10.94	11⅛
No. 2	300 x 407	15.22	15½
No. 2½	301 x 411	16.70	17
No. 3 cyl.	301 x 409	16.88	17
No. 5	307 x 509	20.55	22.75
No. 10	401 x 411	29.79	28.375
No. 12	404 x 700	51.70	49

(c) *Basis for figuring raw material costs in certain cases—(1) Raw material costs for grower-processors.* The grower-processor when figuring a maximum price under paragraph (a) shall subtract and add the weighted average raw material costs of the same competitive processor he was required to use in figuring his raw material costs under Supplement 7. If that competitor does not pack the product in 1945 the grower-processor shall use the 1944 and 1945 weighted average raw material cost of his most closely competitive processor who purchases raw material for use in making the product.

The weighted average raw material costs shall be converted to units of the finished product by applying the simple average of his own 1941 and 1943 case (unit) yields and by adjusting for grade according to his customary practice. (If he did not pack the product in 1943, he shall use the simple average of his 1941 and 1942 yields.)

(2) *1945 raw material cost for sauerkraut.* A processor of sauerkraut in figuring his 1945 raw material cost under paragraph (a) (3) shall base his calculations on not less than the first 75% of his purchases of cabbage of the 1945 summer or fall crops. If he is unable accurately to figure his 1945 weighted average cost for cabbage because he has insufficient records as to his container yield, he shall determine his 1945 raw material costs on the basis of the following yields.

Container sizes and in bulk:	*Yield per ton*
No. 10 cans	30 cases (15 dozen).
No. 2½ cans	30 cases (60 dozen).
45-gallon barrels	3 barrels.

(For sauerkraut packed in a container type or size other than those listed above, the processor shall figure his yield on the basis of a bulk yield of 135 gallons per ton.)

(3) *1945 raw material cost for mushrooms.* In figuring a maximum price under paragraph (a), a processor of mushrooms shall figure his 1945 weighted average cost for mushrooms on the basis of the total amount paid for mushrooms purchased and used in processing packed mushrooms during the first 15 days after the beginning of the 1945 fall pack.

(4) *1945 raw material costs for fruit nectars.* In figuring a maximum price under paragraph (a), a processor of fruit nectar who by voluntary agreement with the War Production Board has changed his formula for packing the product from that used in the base period to a new formula requiring a greater percentage of fruit pulp, shall figure his 1945 weighted average raw fruit cost on the basis of his 1944 actual case yield used in packing the product under the new formula. In addition to the information required to be reported under section 12, a processor of fruit nectar who is pricing under this subparagraph (4) shall indicate on his report his base period formula and his present formula for packing fruit nectars.

(5) *Raw material costs for processors of maraschino and glace cherries who purchase brined cherries.* In figuring a maximum price under paragraph (a), a processor of maraschino or glace cherries who purchases brined cherries for use in processing those products shall subtract under subparagraph (2) his 1944 delivered cost for brined cherries as required to be figured under Supplement 7 and shall add under subparagraph (3) his 1945 weighted average delivered cost for the grade or grades of brined cherries used in the item, converted to units of the finished product by applying the simple average of his 1941 and 1943 case (unit) yields and by adjusting for grade of the finished product according to his customary practice. The 1944 weighted average delivered cost for each grade of brined cherries shall be figured on the basis of not less than the first 75% of his purchases of that grade of brined cherries.

(d) *Basis for figuring maximum prices for fruits and berries packed in syrup of which the density does not correspond to the grade of the fruit or berry.* This paragraph applies to the pricing of items of fruit and berries that are packed in syrup of which the density does not cor-

respond to the grade of the fruit or berry. The processor who is packing fruits or berries in syrup of which the density does not correspond to the grade of the fruit or berry shall figure his maximum price per dozen containers or other unit, f. o. b. shipping point, for sales of each such item to purchasers other than government procurement agencies, under the provisions of subdivision (1) or (2), below, whichever is applicable to the item being priced.

(1) For any item of the fruits and berries listed in the tables below that is packed in syrup of which the density does not correspond to the grade of the fruit or berry, the processor shall subtract from his maximum price otherwise determined under the provisions of this section the appropriate amount named for the grade and add to the resulting figure the appropriate amount named for the grade (syrup) used in the item. However, if the change in the packing medium is from syrup to natural juice or water, no amount may be added.

[Dollars per dozen containers]

Fruit or berry	Grade	No. 2 cans	No. 2½ cans	No. 10 cans
Peaches, freestone	Extra heavy (fancy) syrup 50% sugar when packed	$0.18	$0.27	$0.99
	Heavy (choice) syrup 40% sugar when packed	.13	.18	.67
	Light (standard) syrup 25% sugar when packed	.07	.11	.39
	Slightly sweetened water (seconds) syrup 10% sugar when packed	.03	.04	.15
Plums	Extra heavy (fancy) syrup 55% sugar when packed	.21	.31	1.12
	Heavy (choice) syrup 40% sugar when packed	.14	.21	.76
	Light (standard) syrup 25% sugar when packed	.08	.12	.45
	Slightly sweetened water (seconds) syrup 10% sugar when packed	.03	.05	.17
Fresh Prunes	Extra heavy (fancy) syrup 40% sugar when packed	.16	.23	.86
	Heavy (choice) syrup 30% sugar when packed	.12	.17	.62
	Light (standard) syrup 20% sugar when packed	.08	.11	.41
	Slightly sweetened water (seconds) syrup 10% sugar when packed	.04	.05	.18
Blackberries	Extra heavy (fancy) syrup 40% sugar when packed	.15	.22	.81
	Heavy (choice) syrup 30% sugar when packed	.11	.16	.60
	Light (standard) syrup 20% sugar when packed	.07	.10	.38
Loganberries	Extra heavy (fancy) syrup 70% sugar when packed	.27	.40	1.46
	Heavy (choice) syrup 50% sugar when packed	.19	.28	1.04
	Light (standard) syrup 30% sugar when packed	.14	.16	.57
Black raspberries	Extra heavy (fancy) syrup 40% sugar when packed	.17	.25	.90
	Heavy (choice) syrup 30% sugar when packed	.13	.19	.69
	Light (standard) syrup 20% sugar when packed	.07	.10	.38
Red raspberries	Extra heavy (fancy) syrup 60% sugar when packed	.25	.36	1.32
	Heavy (choice) syrup 40% sugar when packed	.17	.24	.89
	Light (standard) syrup 20% sugar when packed	.11	.16	.58
Youngberries	Extra heavy (fancy) syrup 50% sugar when packed	.20	.29	1.08
	Heavy (choice) syrup 35% sugar when packed	.15	.22	.81
	Light (standard) syrup 20% sugar when packed	.07	.10	.38

[Dollars per dozen containers]

Fruit	Style of pack	Grade	No. 2½ cans	No. 10 cans
Apricots	Halves, unpeeled	Extra heavy (fancy) cut-out density of 25°–40° Brix	$0.27	$0.99
		Heavy (choice) cut-out density of 21°–25° Brix	.19	.67
		Light (standard) cut-out density of 16°–21° Brix	.11	.39
		Slightly sweetened water (substandard) cut-out density of less than 16° Brix.	.04	
	Whole, unpeeled	Extra heavy (fancy) cut-out density of 25°–40° Brix	.31	1.03
		Heavy (choice) cut-out density of 21°–25° Brix	.22	.70
		Light (standard) cut-out density of 16°–21° Brix	.13	.41
		Slightly sweetened water (substandard) cut-out density of less than 16° Brix.	.04	
	Whole, peeled	Extra heavy (fancy) cut-out density of 25°–40° Brix	.27	.96
		Heavy (choice) cut-out density of 21°–25° Brix	.19	.65
		Light (standard) cut-out density of 16°–21° Brix	.11	.38
		Slightly sweetened water (substandard) cut-out density of less than 16° Brix.	.04	
Dark sweet cherries	Unpitted	Extra heavy (fancy) cut-out density of 25°–35° Brix	.19	.71
		Heavy (choice) cut-out density of 20°–25° Brix	.14	.51
		Light (standard) cut-out density of 16°–20° Brix	.09	.33
		Slightly sweetened water (substandard) cut-out density of less than 16° Brix.	.04	

(2) For all other fruits covered by section 6 that are packed in syrup of which the density does not correspond to the grade of the fruit, the processor shall subtract from his maximum price for the item otherwise determined under the provisions of this section the difference obtained by subtracting, from his actual cost of sugar used in making syrup of a density corresponding to the grade of the fruit, the actual cost of sugar used in making the syrup in which he is packing the item.

(e) *Rule for pricing items for which maximum prices were authorized or approved by orders issued under section 10 (c) and (d) of Supplement 7 or automatically authorized or approved upon the expiration of the 30-day period specified in those provisions.* In general this paragraph applies to the pricing of items for which maximum prices were authorized or approved by orders issued under section 10 (c) and (d) of Supplement 7 or automatically authorized or approved upon the expiration of the 30-day period specified in those provisions. However, it does not apply to the pricing of items, for which the maximum prices were obtained in such manner, that are now priced under section 5 of this supplement that can be priced under the differential method of paragraph (b), above, or for which dollars-and-cents prices are provided in paragraph (g), below.

For sales to purchasers other than government procurement agencies and for sales to government procurement agencies, the processor shall figure his maximum prices per dozen containers or other unit, f. o. b. factory, as follows. (Section 10 (j) does not apply to items priced under this paragraph.) He shall:

(1) *Start with the price authorized or approved under section 10 (c) or (d) of Supplement 7.* The processor shall use as his starting point the maximum price for the item for sales to purchasers other than government procurement agencies (or the maximum price for sales to government procurement agencies, as the case may be) as authorized or approved under section 10 (c) or (d) of Supplement 7 (or as subsequently changed by order issued under that supplement).

(2) *Adjust for approved increase in basic wage rate.* A processor whose factory is located in the state or area set forth in the table in paragraph (a) (4), above, and who meets the conditions set forth in that paragraph, shall multiply the maximum price by the appropriate labor increase factor named in that table.

The resulting figure is the processor's maximum price for sales to purchasers other than government procurement agencies or for sales to government procurement agencies, as the case may be.

(f) *Maximum prices in certain cases—*(1) *Tomato catsup packed in No. 10 cans.* For sales to purchasers other than government procurement agencies, the processor's maximum price per dozen containers or other unit, f. o. b. shipping point, for any grade of tomato catsup packed in No. 10 cans shall be his maximum price per dozen 14-ounce bottles of the same grade (as figured under paragraph (a)) multiplied by 6.9 for factories located in Ohio and Indiana and by 6.5 for those located in all other states, or his maximum price for the item packed in No. 10 cans (as figured under paragraph (a)), whichever is higher.

(g) *Dollars-and-cents maximum prices for certain items for which maximum prices cannot otherwise be figured under this supplement.* If the processor cannot figure his maximum price, f. o. b. shipping point, under the foregoing rules of this section or under section 10 (a), for sales to purchasers other than government procurement agencies of any of the items listed below, his maximum price per dozen containers for sales to purchasers other than government procurement agencies (or for sales to government procurement agencies, as the case may be) shall be the price named in the table below, adjusted in the following manner where appropriate:

(1) If any item of the fruits and berries listed in the table below is packed in syrup of which the density does not correspond to the grade of the fruit or berry the processor shall first adjust the price in the manner provided in subparagraph (d) (1), above.

(2) If the processor has incurred an increase in basic wage rate and met the conditions set forth in the table in paragraph (a) (4), above, he shall multiply the resulting price by the appropriate labor increase factor named in that table.

PART 1

TOMATO PUREE

No. 2 cans

Area	Grade	Civilian	Government
Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, New York, Northern Pennsylvania (Wayne, Susquehanna, Bradford, Tioga, Potter, McKean, Warren, Forest, Erie, Crawford and Mercer counties), Ohio, Indiana, Wisconsin, Minnesota, Iowa, Missouri, North Dakota, South Dakota, Nebraska, Kansas, Kentucky, Tennessee, West Virginia, Pennsylvania (Counties other than those named above), Illinois, Michigan, Wisconsin, Minnesota, Iowa, Missouri, North Dakota, South Dakota, Nebraska, Kansas, Kentucky, Tennessee, West Virginia, Pennsylvania (Counties other than those named above), Ohio, Indiana, Illinois, Michigan, Wisconsin, Minnesota, Iowa, Missouri, North Dakota, South Dakota, Nebraska, Kansas, Kentucky, Tennessee, West Virginia, Pennsylvania (Counties other than those named above), Maryland, Virginia, Delaware, Colorado, Utah, New Mexico, Arizona, Nevada, Wyoming, Colorado, Utah, New Mexico, Arizona, Nevada, California, Oregon, and Washington, All other States or areas	Fancy, 1.045 specific gravity	$5.19	$5.81
	do	5.19	5.81
	do	4.94	5.34
	do	4.89	5.37
	do	5.10	5.61
	do	5.04	5.34

The above maximum prices are for Fancy Puree, 1.045 specific gravity. Prices for other specific gravities shall be computed by adding or subtracting a factor of $.06 per thousandth of a point in specific gravity. For example, in California where the price for 1.045 grade is $5.04, the price for 1.085 grade is $5.40 (a difference of $.36). To make a price of $5.58 for 1.085 specific gravity, add $.54 from this price to make $5.58 for 1.085 specific gravity. Similarly, subtract $.18 from the price for 1.045 specific gravity to make $4.86 for 1.015 specific gravity. Maximum prices for other specific gravities for other than No. 10 cans always compute the new specific gravity first, then convert to the desired can size.

PART 1

Area	Product	Grade	No. 2 cans Civilian	No. 2 cans Government	No. 10 cans Civilian	No. 10 cans Government
All States	Vegetable greens other than spinach	Fancy	$0.95	$0.91	$4.34	$4.06
		Extra Standard	.90	.87	4.25	3.95
		Standard	.88	.84	4.11	
			No. 2½ cans			
All States	Pumpkin	Fancy	1.15	1.10	3.93	3.77
All States	Sniphkraut	Fancy	1.07	1.03	3.56	3.42
			No. 2 cans			
Maine	Beans, fresh Shelled	Fancy	1.30	1.33		
Maryland and Virginia	Blackeye peas	Standard	1.26	1.21	6.05	5.81
	All other field peas and field beans	Extra Standard	1.15	1.10	5.57	5.34
		Standard	1.35	1.30	6.48	6.22
Maryland and Virginia		Fancy	1.52	1.46	7.30	6.75
All other States east of Mississippi River except Louisiana		Standard	1.32	1.27	6.34	6.09

PART 1

Area	Fancy Market Run (sieve 1)		Fancy Juice (sieve 2)		Fancy Medium (sieve 3)		Fancy Small (sieve 4)		Extra Standard Unpeeled (sieve 5)		Standard Unpeeled		White Unpeeled	
	Civilian	Government	Civilian	Government	Civilian	Government	Civilian	Government	Civilian	Government	Civilian	Government	Civilian	Government
1. Washington, Oregon, California, southwest Idaho[1]	$2.17	$2.06	$2.07	$1.96	$1.83	$1.76	$1.70	$1.63	$1.37	$1.32	$1.22	$1.17	$1.12	$1.07
II. Delaware, Virginia, Maryland, Kansas, Missouri, New York, Utah, Wyoming, Idaho (portion of State not included in Area I)	2.12	2.00	2.02	1.91	1.78	1.69	1.58	1.52	1.27	1.22	1.17	1.12	1.07	1.02
III. All other States	2.06	1.95	1.96	1.85	1.74	1.65	1.54	1.48	1.23	1.18	1.13	1.08	1.03	.99

[1] For all extra-standard Lima beans grade-named in sieve size subtract 15 cents from the fancy price of the required sieve size. This is a customary industry differential for 60%, 70%, or 80% green beans for each 10% green to be added to the price for 90% or better green beans. (The percentage mentioned is 5% under the standard as for 95%, etc. subtract 1 cents for each 10% green under 50% from the prices listed in the extra-standard column.)

PART 2

Area	Product	Grade	6-oz. cans Civilian	6-oz. cans Government	No. 10 cans Civilian	No. 10 cans Government
California	Tomato paste	Fancy 26% solids	$0.68	$0.71	$3.73	$10.40
			14-oz. glass			
Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, New York, Northern Pennsylvania (Wayne, Susquehanna, Bradford, Tioga, Potter, McKean, Forest, Erie, Crawford and Mercer counties), Ohio, Indiana, Wisconsin, Minnesota, Iowa, Missouri, Nebraska, Kansas, Iowa, Tennessee, North Dakota, South Dakota, Oklahoma, Arkansas, Missouri, Montana, Idaho, Wyoming, Colorado, New Mexico, Utah, Arizona, Nevada, California, Oregon, Washington	Tomato catsup	Fancy 33½% solids	1.24	1.56	10.01	10.11
			1.10	1.45	9.66	10.00
			1.17	1.52	9.98	9.88
			1.19	1.54	9.78	9.82

PEACHES, FREESTONE

Area	Variety	Grade	Style	No. 2½ cans		No. 10 cans	
				Civilian	Government	Civilian	Government
California	Elberta	Fancy	Halves	$2.66	$2.55	$8.75	$8.40
		Choice	Halves	2.36	2.27	7.76	7.45
		Standard	Halves	2.03	1.95	6.68	6.41
		Fancy	Sliced	2.73	2.62	8.98	8.62
		Choice	Sliced	2.43	2.33	7.99	7.67
		Standard	Sliced	2.05	1.97	6.74	6.47
	Lovell	Fancy	Halves	2.58	2.48	8.49	8.15
		Choice	Halves	2.28	2.19	7.50	7.20
		Standard	Halves	1.93	1.85	6.35	6.10
		Fancy	Sliced	2.61	2.51	8.59	8.25
		Choice	Sliced	2.31	2.22	7.60	7.30
		Standard	Sliced	1.93	1.85	6.35	6.10
Washington and Oregon	Elberta	Fancy	Halves	2.74	2.63	9.01	8.65
		Choice	Halves	2.44	2.34	8.03	7.71
		Standard	Halves	2.09	2.01	6.88	6.60
		Fancy	Sliced	2.88	2.76	9.48	9.10
		Choice	Sliced	2.58	2.48	8.49	8.15
		Standard	Sliced	2.23	2.14	7.33	7.04
North Carolina, South Carolina, Florida, Mississippi, Georgia, Alabama, Kentucky, Tennessee, Texas, Oklahoma, Arkansas, Louisiana	Elberta	Choice	Halves	2.19	2.10	7.93	7.61
		Standard	Halves	1.81	1.77	6.66	6.39
		Water	Pie	1.38	1.32	5.00	4.80

PART 6—APRICOTS

No. 2½ CANS

Style	Fancy		Choice		Standard		Seconds		Water	
	Civilian	Government	Civilian	Government	Civilian	Government	Civilian	Government	Civilian	Government
Halves, unpeeled	$2.76	$2.65	$2.47	$2.37	$2.13	$2.04	$1.98	$1.90	$1.86	$1.79
Whole, unpeeled	2.23	2.14	1.97	1.89	1.69	1.62				
Whole, peeled	2.67	2.56	2.36	2.27	2.09	2.01				

No. 10 CANS

Style	Fancy		Choice		Standard		Water		Solid pack	
	Civilian	Government	Civilian	Government	Civilian	Government	Civilian	Government	Civilian	Government
Halves, unpeeled	$9.30	$8.93	$8.39	$8.05	$7.48	$7.18	$6.28	$6.03	$8.09	$8.34
Whole, unpeeled	7.68	7.37	6.65	6.38	5.94	5.70				
Whole, peeled	9.10	8.74	8.14	7.81	7.22	6.93				

PART 7—PRUNES, PACKED FROM FRESH PRUNES

Area	Grade	No. 2½ cans		No. 10 cans	
		Civilian	Government	Civilian	Government
Washington and Oregon	Fancy	$1.72	$1.65	$5.56	$5.34
	Choice	1.60	1.54	5.17	4.96
	Water	1.23	1.18	3.98	3.82

PART 8—BERRIES

Commodity	Area	Grade	No. 2 cans		No. 10 cans	
			Civilian	Government	Civilian	Government
Boysenberries	Oregon and Washington	Fancy	$2.62	$2.52	$12.73	$12.22
		Choice	2.44	2.34	11.85	11.38
		Water	2.13	2.04	10.12	9.72
Youngberries	Oregon and Washington	Fancy	2.50	2.40	12.15	11.66
		Choice	2.35	2.26	11.42	10.96
		Water	2.10	2.02	9.98	9.58
Red raspberries	Oregon and Washington	Fancy	3.24	3.11	15.75	15.12
		Choice	3.10	2.98	15.07	14.47
		Water	2.58	2.48	12.28	11.79
Black raspberries	Oregon and Washington	Fancy	2.92	2.80	14.19	13.62
		Choice	2.72	2.61	13.22	12.69
		Water	2.50	2.40	11.89	11.41
Loganberries	Oregon and Washington	Fancy	2.60	2.50	12.64	12.13
		Choice	2.47	2.37	12.00	11.52
		Water	2.25	2.16	10.73	10.30
Blackberries	Oregon and Washington	Fancy	2.60	2.50	12.64	12.13
		Choice	2.50	2.40	12.15	11.66
		Water	2.33	2.24	11.12	10.68
	Texas, Arkansas, Oklahoma, and Missouri	Water	2.20	2.11	10.46	10.04

The resulting figure is the processor's maximum price for sales to purchasers other than government procurement agencies or for sales to government procurement agencies, as the case may be. (Maximum prices for other container sizes shall be figured by use of the appropriate conversion factor set forth in paragraph (b), above.) Section 10 (j) does not apply to items priced under this paragraph.)

(b) *Items for which maximum prices cannot otherwise be figured under this section.* If the processor cannot figure a maximum price f. o. b. shipping point, under the foregoing rules of this section or under section 10 (a), for sales of any item to purchasers other than government procurement agencies, he shall apply to the Wholesale-Retail and Fruit and Vegetable Branch, Food Price Division, Washington, D. C. for authorization of a maximum price in accordance with section 10 (c).

SEC. 7. *Maximum prices for secondary processors and repackers.* The secondary processor or repacker shall figure his maximum prices per dozen containers or other unit, f. o. b. shipping point, for those products which are purchased by him in bulk, barrels or other large containers and further processed or repacked in other containers, in each case by adding to or subtracting from his maximum price for the item being priced, as established under section 7 to Supplement 7, the difference between his customary supplier's maximum price under that regulation and his maximum price for the item, f. o. b. shipping point, as figured under this supplement, converted to units of the finished product on the basis of the same case (unit) yield as used by him in figuring his maximum price under section 7 to Supplement 7 and adjusted where necessary to include incoming freight.

SEC. 8. *Maximum prices for sales by processors of prior years' packs of listed products which have been sold to them by government agencies.* The maximum price for sales by a processor, to purchasers other than government procurement agencies, of that portion of an item of any product listed in section 5 or 6 which was packed prior to 1945, and which has been sold to the processor by a government agency, shall be that processor's maximum price, f. o. b. shipping point, as established under this supplement for the same item when packed in 1945. However, differences in brand shall be ignored.

SEC. 9. *Label and labor allowances.* (a) Label and labor allowances shall be made by processors in the following circumstances and in the following amounts:

(1) When the processor sells any item covered by this supplement unlabeled or labeled with labels supplied by the purchasers, in containers no greater in content than a No. 10 can, the maximum price established under this supplement shall be reduced by: In metal containers $1.50 per thousand labels used and in glass containers $1.10 per thousand labels used (label allowances). The processor is, of course, free to make a greater allowance if he so desires.

(2) When any item covered by this supplement is sold unlabeled in containers no greater in content than a No. 10 can, the maximum price established under this supplement shall be reduced by one cent per case (labor allowance) in addition to the allowance provided in subparagraph (1), above. The processor is, of course, free to make a greater allowance if he so desires.

(b) In each sale to a purchaser other than a government procurement agency, where a processor makes an allowance for labels or labor under this section, he shall separately state the selling price and the amount and nature of the allowance on the invoice accompanying the sale.

SEC. 10. *Provisions of Article II of Food Products Regulation No. 1 applicable to this supplement.* The following provision of Food Products Regulation No. 1 are applicable to this supplement:

(a) Maximum prices for products in new container types or sizes (sec. 2.2 of FPR 1). This section shall also apply to secondary processors.

(b) Adjustment of dollars-and-cents maximum prices for processors who perform the wholesale or retail function (sec. 2.3 of FPR 1). This section applies only to maximum prices figured under section 5 (b).

(c) Individual authorization of maximum prices (sec. 2.5 of FPR 1).

(d) When the seller must figure a delivered price (sec. 2.6 of FPR 1).

(e) Uniform prices where the processor or repacker has more than one factory (sec. 2.7 of FPR 1).

(f) Uniform delivered prices where the seller has customarily been selling on an f. o. b. shipping point basis (sec. 2.8 of FPR 1).

(g) Maximum prices for sales by primary distributors (sec. 2.9 of FPR 1). The maximum markup is 8%.

(h) Maximum prices for sales by distributors who are not primary distributors, wholesalers or retailers (sec. 2.10 of FPR 1).

(i) Payment of brokers (sec. 2.11 of FPR 1).

(j) Maximum prices for sales to government procurement agencies in certain cases (sec. 2.12 of FPR 1).

(k) Special packing expenses which may be reflected in maximum prices for sales to government procurement agencies (sec. 2.13 of FPR 1).

(l) Treatment of federal and state taxes (sec. 2.14 of FPR 1).

(m) Units of sale and fractions of a cent (sec. 2.15 of FPR 1).

(n) Maintenance of customary discounts and allowances (sec. 2.16 of FPR 1). This section shall not apply to the label and labor allowances required to be made by processors under section 9.

ARTICLE III—MISCELLANEOUS PROVISIONS

SEC. 11. *Grades and invoices.* This section applies to all sellers covered by this supplement.

(a) In each case, the seller shall furnish the purchaser, other than a government procurement agency, at or before the time of delivery, with an invoice describing the item sold and separately stating its grade and subgrade, if any. In addition he shall also show the syrup or packing medium of any fruits or berries sold.

(b) A seller other than the processor shall not be subject to any criminal penalty or civil enforcement action under the Emergency Price Control Act of 1942, as amended, in connection with the resale of any item for failure of the item to conform to the grade (and subgrade, if any), designated on the invoice, provided he can establish that he relied in good faith upon the grade designation on the invoice furnished him by his supplier.

(c) Nothing in this supplement shall be construed to change any of the requirements of the Federal Food, Drug and Cosmetic Act, or any regulation issued under it.

SEC. 12. *Reports which processors must file.* (to be announced)

SEC. 13. *Individual adjustment of processors' maximum prices.* (to be announced)

SEC. 14. *Provisions of Article III of Food Products Regulation No. 1 applicable to this supplement.* The following provisions of Food Products Regulation No. 1 are applicable to this supplement:

(a) Restrictions on sales to primary distributors (sec. 3.1 of FPR 1).

(b) Storage (sec. 3.3 of FPR 1).

(c) Export sales (sec. 3.4 of FPR 1).

(d) Notification of new maximum price (sec. 3.5 of FPR 1). However, for the purpose of this section only, different subgrades of the same grade shall constitute separate items. The establishment for the first time of maximum prices or a pricing method for an item in this supplement does not require notification.

(e) Records which must be kept (sec. 3.6 of FPR 1).

(f) Sales slips and receipts (sec. 3.8 of FPR 1).

(g) Transfer of business or stock in trade (sec. 3.9 of FPR 1).

(h) How a figured maximum price is established and how an established maximum price may be changed (sec. 3.10 of FPR 1).

(i) Adjustable pricing (sec. 3.11 of FPR 1).

(j) Compliance with the applicable supplement (sec. 3.12 of FPR 1).

(k) Applications for adjustment by sellers who have been found to have violated the Robinson-Patman Act (sec. 3.14 of FPR 1).

(l) Applications for adjustment and petitions for amendment based on wage or salary increases requiring approval of the National War Labor Board (sec. 3.15 of FPR 1).

(m) Petitions for amendment (sec. 3.16 of FPR 1).

ARTICLE IV—PRICING APPENDICES

SEC. 15. *Appendices for packed vegetables priced under Pricing Method No. 1.*

APPENDIX A—SPINACH

Explanation of how maximum prices for packed spinach are figured—(a) *Pricing method where only substandard grade was sold during base period.* If the processor sold only substandard grade of the product during the base period he shall establish his maximum price under section 5 (b).

(b) *Selection of base period item.* In figuring a maximum price for an item under the provisions of subparagraph (3) or (4) of section 5 (a) the processor shall select a base period item nearest in container size to item being priced and nearest in such other respects as may be specified in the applicable appendix. After the nearest container size of packed spinach sold in the base period has been determined, the processor from that classification shall:

Select an item of the same grade, if available. If there is no such item, select as follows: to price fancy grade, select extra standard before standard; to price extra standard grade, select standard before fancy; to price standard grade, select extra standard before fancy; to price substandard select standard before extra standard and extra standard before fancy. In no case shall substandard grade be used as a base period item.

(c) *Adjustments for raw material purchased at weighted average price lower than that reflected in permitted increases, price ranges and dollars-and-cents prices.* Under the provisions of section 5 of the supplement the processor is required to subtract from his gross maximum price the difference obtained by subtracting the weighted average price he paid for raw material in 1945 from the Department of Agriculture's recommended price for that raw material, after conversion to units of the finished product. In the case of spinach this adjustment is figured under Table 8 which sets forth the per-ton price (the recommended price) for spinach reflected in the permitted increases, price ranges and dollars-and-cents prices for each area and the equivalent amount that each $1.00 per ton paid for spinach is equal to when converted to units of the finished product for each can size specified in the table. Before converting to a finished product basis, the processor shall adjust the difference per ton to the nearest multiple of $1.00, with any figure ending in $.50 or less being rounded to the next lower dollar figure and any figure ending in $.51 or more being rounded to the next higher dollar figure. No subtraction is required, however, unless the gross maximum price is reduced by 1% or more.

Example: The X Canning Company whose factory is located in Area 1 has figured a weighted average price of $19.00 per ton paid for spinach (uncut in the field) in 1945, based on not less than the first 75% of its purchases. Since the difference between this figure and the $22.50 per ton reflected in the price range is $3.50 the company rounds the figure to $3.00. The company is packing No. 2 cans and accordingly converts the $3.00 per ton difference to this unit of the finished product by use of the appropriate figure in Column 3 of Table 8 ($0.006 × 3 = $0.018). The resulting figure is the amount to be subtracted from the X company's gross maximum price in figuring its maximum price, if it reduces that price by 1¢ or more.

TABLE I—AREAS

1. California.
2. Washington and Oregon.
3. Arkansas, Texas, Oklahoma, Missouri.
4. Mississippi, Louisiana.
5. Maryland, Virginia, Delaware, New Jersey, Southern Pennsylvania *
6. New York.
7. All other states or areas.

TABLE 2—BASE PERIOD PRICES

Areas 1 and 2: Weighted average selling price for first 60 days after beginning of 1941 spring pack.

All other areas: Weighted average selling price for first 60 days after beginning of 1941 spring and fall packs.

*NOTE: The following counties are included in Southern Pennsylvania: Elk, Cameron, Clinton, Lycoming, Sullivan, Wyoming, Lackawanna, Pike, Monroe, Luzerne, Columbia, Montour, Union, Centre, Clearfield, Jefferson, Clarion, Butler, Lawrence, Beaver, Armstrong, Indiana, Allegheny, Washington, Greene, Fayette, Westmoreland, Somerset, Cambria, Blair, Bedford, Huntington, Fulton, Franklin, Mifflin, Snyder, Juniata, Perry, Cumberland, Adams, Dauphin, York, Northumberland, Lebanon, Schuylkill, Carbon, Northampton, Lehigh, Berks, Lancaster, Bucks, Montgomery, Chester, Delaware, Philadelphia.

TABLE 3—PERMITTED INCREASES AND PRICE RANGES PER DOZEN CONTAINERS FOR PROCESSORS OF PACKED SPINACH WHO MADE SALES DURING THE BASE PERIOD

Area	No. 2 cans				No. 2½ cans				No. 10 cans			
	Permitted increase	Price ranges			Permitted increase	Price ranges			Permitted increase	Price ranges		
		Fancy	Extra standard	Standard		Fancy	Extra standard	Standard		Fancy	Extra standard	Standard
1	$0.30	$1.20–$1.44	$1.15–$1.39	$1.10–$1.34	$0.36	$1.45–$1.73	$1.39–$1.67	$1.33–$1.61	$1.15	$4.76–$5.76	$4.56–$5.56	$4.36–$5.36
2	.28	1.36– 1.59	1.31– 1.54	1.26– 1.49	.46	1.64– 1.92	1.58– 1.86	1.52– 1.80	1.50	5.38– 6.20	5.18– 6.10	4.98– 6.00
3	.24	1.32– 1.17	1.07– 1.12	1.02– 1.07	.32	1.47– 1.54	1.40– 1.47	1.34– 1.41	1.07	4.81– 5.60	4.61– 5.40	4.41– 5.20
4	.10	1.27– 1.32	1.22– 1.27	1.17– 1.22	.52	1.67– 1.74	1.60– 1.67	1.54– 1.61	1.75	5.49– 6.18	5.29– 5.98	5.09– 5.78
5	.52	1.43– 1.66	1.38– 1.61	1.33– 1.56	.68	1.88– 2.18	1.82– 2.12	1.76– 2.06	2.20	6.65– 7.17	6.45– 6.97	6.25– 6.77
6	.39	1.25– 1.39	1.20– 1.34	1.15– 1.29	.51	1.64– 1.82	1.58– 1.76	1.52– 1.70	1.75	5.64– 6.26	5.44– 6.06	5.24– 5.86
7	.30	1.20– 1.81	1.15– 1.76	1.10– 1.71	.36	1.45– 2.18	1.39– 2.12	1.33– 2.06	1.18	4.76– 7.17	4.56– 6.97	4.36– 6.77

TABLE 4—SPECIFIC DOLLARS-AND-CENTS MAXIMUM PRICES PER DOZEN CONTAINERS FOR PROCESSORS WHO WERE NOT IN BUSINESS DURING 1941 OR WHO MADE NO SALES OF PACKED SPINACH DURING THE BASE PERIOD

Area	No. 2 cans			No. 2½ cans			No. 10 cans			Area	No. 2 cans			No. 2½ cans			No. 10 cans		
	Fancy	Extra standard	Standard	Fancy	Extra standard	Standard	Fancy	Extra standard	Standard		Fancy	Extra standard	Standard	Fancy	Extra standard	Standard	Fancy	Extra standard	Standard
1	$1.32	$1.27	$1.22	$1.59	$1.53	$1.47	$5.26	$5.06	$4.86	5	$1.74	$1.49	$1.44	$2.03	$1.97	$1.91	$6.91	$6.71	$6.51
2	1.48	1.43	1.38	1.72	1.66	1.60	5.84	5.64	5.44	6	1.32	1.27	1.22	1.73	1.67	1.61	5.95	5.75	5.55
3	1.15	1.10	1.05	1.51	1.44	1.38	5.21	5.01	4.81	7	1.51	1.46	1.41	1.82	1.76	1.70	5.97	5.77	5.57
4	1.30	1.25	1.20	1.71	1.64	1.58	5.84	5.64	5.44										

TABLE 5—CONVERSION FACTORS METAL CONTAINERS

Part 1—Areas 1, 2, and 7

To convert from a can size in this column	To a can size listed at the head of a column below, multiply by the appropriate conversion factor					
	8 oz.	No. 1 picnic	No. 1 tall	No. 2	No. 2½	No. 10
8 oz				1.66	2.00	6.56
No. 1 picnic				1.54	1.85	6.07
No. 1 tall				1.17	1.41	4.62
No. 2	0.60	0.65	0.86		1.20	3.95
No. 2½	.50	.54	.71	.83		3.28
No. 10	.15	.16	.22	.25	.30	

Part 2—Areas 3, 4 and 6

To convert from a can size in this column	To a can size listed at the head of a column below, multiply by the appropriate conversion factor					
	8 oz.	No. 1 picnic	No. 1 tall	No. 2	No. 2½	No. 10
8 oz		1.09	1.43	1.75	2.33	7.91
No. 1 picnic	0.92		1.32	1.61	2.13	7.32
No. 1 tall	.70	.76		1.22	1.61	5.56
No. 2	.57	.62	.82		1.32	4.54
No. 2½	.43	.47	.62	.76		3.44
No. 10	.13	.14	.18	.22	.29	

Part 3—Area 5

To convert from a can size in this column	To a can size listed at the head of a column below, multiply by the appropriate conversion factor					
	8 oz.	No. 1 picnic	No. 1 tall	No. 2	No. 2½	No. 10
8 oz		1.09	1.45	1.54	2.00	7.14
No. 1 picnic	0.92		1.32	1.41	1.85	6.67
No. 1 tall	.69	.76		1.06	1.39	5.00
No. 2	.65	.71	.94		1.31	4.72
No. 2½	.50	.54	.72	.76		3.61
No. 10	.14	.15	.20	.21	.28	

TABLE 6—CONVERSION FROM TIN TO GLASS
(Dollars per dozen containers)

If you can figure a price for a can size in this column:	To get a price for a glass container size in this column add (or subtract) the indicated amount
No. 2½ can	2½ Glass—Add $0.15 per dozen.
No. 2½ can	303 Glass—Subtract $0.07 per dozen.

TABLE 7—GRADE DIFFERENTIALS
[Differences between successive grades (per dozen containers)]

	No. 2	No. 2½	No. 10
Fancy and extra standard	$0.05	$0.0625	$0.20
Extra standard and standard	.05	.0625	.20
Standard and substandard	.10	.1250	.40

TABLE 8—ADJUSTMENTS FOR RAW MATERIAL PURCHASED AT A WEIGHTED AVERAGE PRICE LOWER THAN THAT REFLECTED IN THE PERMITTED INCREASES, PRICE RANGES, AND DOLLARS-AND-CENTS PRICES

Column 1 Area	Column 2 Price per ton reflected in the permitted increases, price ranges, and dollars-and-cents prices.	Column 3 For each dollar per ton weighted average price paid for spinach below the price indicated in column 2, subtract from gross maximum price per dozen containers the amount specified below:					
		Can size					
		8 oz.	No. 1 Picnic	No. 1 Tall	No. 2	No. 2½	No. 10
1	$22.50—In the field, uncut	$0.003	$0.003	$0.005	$0.006	$0.009	$0.028
2	$30.00—Cut *above* the crown	.003	.004	.006	.008	.012	.037
3	$35.00—Cut *below* the crown	.003	.003	.005	.006	.009	.028
4	$70.00—Cut *above* the crown	.003	.003	.005	.006	.009	.028
5	$70.00—Cut *below* the crown	.003	.004	.006	.008	.012	.037
6	$34.00—Cut *above* the crown	.003	.004	.006	.008	.012	.037
7	$32.00—Cut *above* the crown	.003	.003	.005	.006	.009	.028

1/ For 303 glass use amount specified for No. 1 Tall cans.
2/ For 2½ glass use amount specified for No. 2½ cans.

TABLE 9—ADJUSTMENT FOR BASIC WAGE RATE INCREASE
(Dollars per dozen containers)

Area	No. 2 cans—all grades	No. 2½ cans—all grades	No. 10 cans—all grades
1	$0.00	$0.00	$0.00
2	.01	.02	.05
3A	.01	.02	.05
3B	.02	.03	.11
4A	.01	.02	.05
4B	.02	.03	.11
5	.02	.04	.11
6	.02	.01	.11
7	.02	.04	.11

A/ For 5 cent increase in wage rate for unskilled female labor.
B/ For 10 cent increase in wage rate for unskilled female labor.

To figure amount of adjustment for other container sizes, multiply by the appropriate conversion factor in table 5 for Metal Containers; for No. 303 glass use conversion factor for No. 1 Tall Cans; for No. 2½ glass use adjustment factor named for No. 2½ Cans.

APPENDIX B—ASPARAGUS

Explanation of how maximum prices for packed asparagus are figured—(a) *Pricing method where only substandard grade was sold during base period.* If the processor sold only substandard grade of the product during the base period he shall establish his maximum prices under section 5 (b).

(b) *Selection of base period item.* In figuring a maximum price for an item under the provisions of subparagraph (3) or (4) of section 5 (a), the processor shall select a base period item nearest in container size to item being priced and nearest in such other respects as may be specified in the applicable appendix. After the nearest container size of packed asparagus sold in the base period has been determined, the processor from that classification shall:

1. Select items of the same variety if available. If there are no such items, select any other variety.

2. From the selected classification: Select items of the same style and size if available. If there are no such items select as follows:

(i) When pricing whole spears, if any smaller size of whole spears is available, select items of the nearest such smaller size; if no smaller size is available, select items of the nearest larger size of whole spears; if none of these items is available, select items of any blend of spears containing the size of whole spears being priced; if none of these items is available, select any other blends of spears; if none of these items is available, select, in the order named, cut spears, soup cuts, center cuts and salad points.

(ii) When pricing blended spears, select items of any blend containing one of the sizes of spears in the blend being priced; if no such item is available, select items of the blend containing the nearest size of spears smaller than the smallest in the blend being priced; if no such blend is available, select items of the blend containing the nearest size of spears larger than the largest in the blend being priced; if no such item is available, select items of the smallest size of whole spears available; if none of these items is available, select, in the order named, cut spears, soup cuts, center cuts, and salad points.

(iii) When pricing cut spears, select items of the smallest size of whole spears available; if no items of whole spears is available, select items of the blend of smallest spears available; if none of these items is available, select, in order named, soup cuts, center cuts, and salad points.

(iv) When pricing center cuts, select items of soup cuts; if no items of soup cuts is available, select items of cut spears; if none of these items is available, select, in order named, items of the smallest size of whole spears available, blend of smallest spears available.

(v) When pricing soup cuts, select items of cut spears; if no items of cut spears is available, select items of center cuts; if none of these items is available, select, in order named, items of smallest size of whole spears available, blend of smallest spears available.

(vi) When pricing salad points, select items of the largest size of whole spears available; if no items of whole spears is available, select items of the blend of largest spears available; if none of these items is available, select, in order named, cut spears, soup cuts, and center cuts.

3. From the selected classification, select an item of the same grade if available. If there is no item of the same grade select any other grade except substandard. In no case shall substandard grade be used as the base period item.

(c) *Conversions from one variety to another variety and from one style of pack or size to another style of pack or size of the same variety.* In each case of conversion from one variety to another variety or from one style of pack or size to another style of pack or size of the same variety, the processor shall figure the conversion by taking the difference between the specific dollars-and-cents maximum prices named in Table 4 for the two items and either adding it to or subtracting it from the constructed base price, as the situation requires. Whether the differential is to be added or subtracted depends on whether the dollars-and-cents price named in Table 4 for the item being priced is higher or lower than that named for the item from which the conversion is being made. For example, the X Canning Company, whose factory is located in Area 1, during the base period sold fancy all green whole spears of the following sizes: colossal, large and medium, packed in No. 2 cans, but made no sales of blended spears. It is now pricing a blend of fancy, mammoth, large and medium spears packed in No. 2 cans. To figure the conversion for style of pack the company takes the difference between the dollars-and-cents price named in Part 1 of Table 4 for fancy, medium spears in No. 2 cans (the properly selected base period item) and the dollars-and-cents price named in that table for fancy, mammoth, large and medium blended spears. ($3.60 minus $3.41 equals $0.19.) Since the company is pricing an item with a higher dollars-and-cents price than that for the item from which the conversion is made, the $0.19 differential is added to its constructed base price in making the conversion for style of pack.

NOTE: The above method of figuring conversions for style of pack replaces the method provided in Table 6 of Appendix B to section 15 of Supplement 7. (No method of figuring conversions from one variety to another variety was provided for packed asparagus under Supplement 7.) In the absence of a change in the dollars-and-cents prices of Table 4, as between those established by this supplement and those provided by Supplement 7, for the same item, the result of figuring the conversion for style of pack is the same as the differentials provided in Table 6 were based on differences between the dollars-and-cents prices named for the various styles of pack.

TABLE 1—AREAS

1. California.
2. Washington and Oregon.
3. Illinois, Michigan, Minnesota, Iowa, Nebraska, Wisconsin, Ohio and Indiana.
4. New Jersey, Delaware and Maryland.
5. All other states.

TABLE 2—BASE PERIOD PRICES (ALL AREAS)

Weighted average selling price for the first 60 days after the beginning of the 1941 pack.

TABLE 3—PERMITTED INCREASES AND PRICE RANGES PER DOZEN CONTAINERS FOR PROCESSORS OF PACKED ASPARAGUS WHO MADE SALES DURING THE BASE PERIOD

Part 1—Area 1

Item No. and variety	Style and size	No. 2 cans			No. 2½ cans			No. 10 cans		
		Permitted increase	Price ranges		Permitted increase	Price ranges		Permitted increase	Price ranges	
			Fancy	Standard		Fancy	Standard		Fancy	Standard
All green:	Whole Spears:									
1	Colossal	$0.85	$3.78–$3.84	$3.58–$3.64						
2	Mammoth	.80	3.69– 3.79	3.49– 3.59						
3	Large	.75	3.59– 3.69	3.39– 3.49						
4	Medium	.65	3.37– 3.45	3.17– 3.25						
5	Small	.55	3.18– 3.29	2.98– 3.09						
6	Blended Spears: Colossal/ Mammoth/ Large	.80	3.69– 3.79	3.49– 3.59						

TABLE 3—PERMITTED INCREASES AND PRICE RANGES PER DOZEN CONTAINERS FOR PROCESSORS OF PACKED ASPARAGUS WHO MADE SALES DURING THE BASE PERIOD—Continued

PART 1—AREA 1—CONTINUED

Item No. and variety	Style and size	No. 2 cans			No. 2½ cans			No. 10 cans		
		Permitted increase	Price ranges		Permitted increase	Price ranges		Permitted increase	Price ranges	
			Fancy	Standard		Fancy	Standard		Fancy	Standard
All green:	Whole Spears:									
7	Mammoth/Large	$0.78	$3.64–$3.74	$3.44–$3.54						
8	Mam./Large/Med.	.73	3.55–3.64	3.35–3.44						
9	Large/Medium	.70	3.48–3.57	3.28–3.37						
10	Large/Medium/Small	.68	3.37–3.45	3.17–3.25						
11	Medium/Small	.60	3.28–3.35	3.08–3.15						
12	Cut Spears	.54	3.00–3.08	2.80–2.88				$2.70	$15.32–$15.72	$11.32–$14.72
13	Center Cuts	.19		1.25–1.33				.90		6.20–6.60
14	Soup Cuts	.48		2.74–2.82				2.22		12.95–13.33
15	Salad points	.88	4.16–4.24	3.96–4.04				4.06	19.20–19.60	18.20–18.60
Other than all green:	Whole spears:									
16	Colossal	.56	2.94–3.02	2.74–2.82						
17	Mammoth	.56	2.94–3.02	2.74–2.82						
18	Large	.56	2.94–3.02	2.74–2.82						
19	Medium	.56	2.91–2.99	2.71–2.79						
20	Small	.56	2.74–2.82	2.54–2.62						
	Blended spears:									
21	Mammoth/Large	.56	2.94–3.02	2.74–2.82						
22	Mammoth/Large/Medium	.56	2.93–3.01	2.73–2.81						
23	Large/Medium	.56	2.93–3.01	2.73–2.81						
24	Medium/Small	.56	2.83–2.91	2.63–2.71						
25	Cut Spears	.50	2.52–2.59	2.32–2.39				2.50	12.57–12.91	11.57–11.91
26	Center Cuts	.15		.95–.99				.74		4.05–4.79
27	Soup Cuts	.45		2.10–2.16	$0.61		$2.83–$2.91	2.10		9.71–9.97
28	Salad Points	.78	3.95–4.07	3.75–3.87				3.60	18.35–18.85	17.35–17.85

PART 2—AREA 2

Item No. and variety	Style and size	No. 2 cans			No. 10 cans		
		Permitted increase	Price ranges		Permitted increase	Price ranges	
			Fancy	Standard		Fancy	Standard
All green:	Whole Spears:						
1	Colossal	$1.00	$3.51–$3.61	$3.31–$3.41			
2	Mammoth	.98	3.48–3.58	3.28–3.38			
3	Large	.96	3.43–3.53	3.23–3.33			
4	Medium	.94	3.30–3.38	3.10–3.18			
5	Small	.92	2.99–3.07	2.79–2.87			
	Blended Spears:						
6	Colossal/Mammoth/Large	.97	3.47–3.57	3.27–3.37			
7	Mammoth/Large	.96	3.45–3.55	3.25–3.35			
8	Mammoth/Large/Medium	.95	3.30–3.40	3.10–3.20			
9	Large Medium	.94	3.36–3.45	3.16–3.25			
10	Large Medium Small	.93	3.28–3.37	3.08–3.17			
11	Medium/Small	.92	3.14–3.22	2.94–3.02			
12	Cut Spears	.87	3.02–3.08	2.82–2.88	$4.35	$14.54–$14.81	$13.54–$13.81
13	Center Cuts	.47		1.44–1.48	2.12		6.53–6.72
14	Soup Cuts	.60		2.09–2.15	2.84		10.14–10.42

TABLE 3—PERMITTED INCREASES AND PRICE RANGES PER DOZEN CONTAINERS FOR PROCESSORS OF PACKED ASPARAGUS WHO MADE SALES DURING THE BASE PERIOD—Continued

PART 3—AREA 3

Item No. and variety	Style and size	No. 2 cans			No. 10 cans		
		Permitted increase	Price ranges		Permitted increase	Price ranges	
			Fancy	Standard		Fancy	Standard
All green:	Whole Spears:						
1	Colossal	$1.00	$3.95–$4.10	$3.75–$3.90			
2	Mammoth	.90	3.71–3.88	3.51–3.68			
3	Large	.92	3.56–3.66	3.36–3.46			
4	Medium	.88	3.36–3.46	3.16–3.26			
5	Small	.84	3.20–3.28	3.00–3.08			
	Blended Spears:						
6	Colossal/Mammoth/Large	.95	3.73–3.87	3.53–3.67			
7	Mammoth/Large	.93	3.61–3.76	3.41–3.56			
8	Mammoth/Large/Medium	.91	3.51–3.66	3.34–3.46			
9	Large/Medium	.89	3.45–3.55	3.25–3.35			
10	Large/Medium/Small	.87	3.35–3.45	3.15–3.25			
11	Medium/Small	.85	3.27–3.36	3.07–3.16			
12	Cut Spears	.87	2.80–2.86	2.60–2.66	$1.35	$14.18–$14.46	$13.18–$13.46
13	Center Cuts	.55		2.12–2.18	2.49		9.76–10.04

PART 4—AREA 4

Item No. and variety	Style and size	No. 2 cans			No. 10 cans		
		Permitted increase	Price ranges		Permitted increase	Price ranges	
			Fancy	Standard		Fancy	Standard
All green:	Whole Spears:						
1	Colossal	$1.14	$3.67–$3.81	$3.47–$3.61			
2	Mammoth	1.10	3.62–3.76	3.42–3.56			
3	Large	1.06	3.50–3.60	3.30–3.40			
4	Medium	1.02	3.38–3.48	3.18–3.28			
5	Small	.98	3.27–3.35	3.07–3.15			
	Blended Spears:						
6	Colossal/Mammoth/Large	1.10	3.62–3.76	3.42–3.56			
7	Mammoth/Large	1.08	3.56–3.68	3.36–3.48			
8	Mammoth/Large/Medium	1.06	3.50–3.62	3.30–3.42			
9	Large/Medium	1.04	3.44–3.54	3.24–3.34			
10	Large/Medium/Small	1.02	3.38–3.45	3.18–3.28			
11	Medium/Small	1.00	3.32–3.42	3.12–3.22			
12	Cut Spears	1.03	2.91–2.97	2.71–2.77	$5.15	$14.51–$14.78	$13.51–$13.78
13	Center Cuts	.62		1.72–1.78	2.81		7.74–8.02

PART 5—AREA 5

Item No. and variety	Style and size	No. 2 cans			No. 10 cans		
		Permitted increase	Price ranges		Permitted increase	Price ranges	
			Fancy	Standard		Fancy	Standard
All green:	Whole Spears:						
1	Colossal	$0.86	$2.85–$3.00	$3.05–$3.79			
2	Mammoth	.85	3.63–3.77	3.43–3.57			
3	Large	.81	3.45–3.55	3.25–3.35			
4	Medium	.77	3.25–3.35	3.05–3.15			
5	Small	.73	3.09–3.17	2.89–2.97			
	Blended Spears:						
6	Colossal/Mammoth/Large	.85	3.63–3.77	3.43–3.57			
7	Mammoth/Large	.83	3.54–3.66	3.34–3.46			
8	Mammoth/Large/Medium	.81	3.44–3.56	3.24–3.36			
9	Large/Medium	.79	3.35–3.45	3.15–3.25			
10	Large/Medium/Small	.77	3.25–3.35	3.05–3.15			
11	Medium/Small	.75	3.17–3.26	2.97–3.06			
12	Cut Spears	.78	2.71–2.77	2.31–2.57	$3.90	$13.73–$14.01	$12.73–$13.01
13	Center Cuts	.50		2.07–2.13	2.26		9.33–9.81

TABLE 4—SPECIFIC DOLLARS AND CENTS MAXIMUM PRICES PER DOZEN CONTAINERS FOR PROCESSORS WHO WERE NOT IN BUSINESS DURING 1941 OR WHO MADE NO SALES OF PACKED ASPARAGUS DURING THE BASE PERIOD

PART 1—AREA 1

Item No. and variety	Style and size	No. 2 cans		No. 2½ cans Standard	No. 10 cans	
		Fancy	Standard		Fancy	Standard
All green:	Whole spears:					
1	Colossal	$3.81	$3.61			
2	Mammoth	3.74	3.54			
3	Large	3.64	3.44			
4	Medium	3.41	3.21			
5	Small	3.22	3.02			
	Blended spears:					
6	Colossal/Mammoth/Large	3.74	3.54			
7	Mammoth/Large	3.69	3.49			
8	Mammoth/Large/Medium	3.60	3.40			
9	Large/Medium	3.53	3.33			
10	Large/Medium/Small	3.41	3.21			
11	Medium/Small	3.32	3.12			
12	Cut spears	3.04	2.84		$15.32	$14.52
13	Center cuts		1.29			6.40
14	Soup cuts		2.78			13.15
15	Salad points	4.20	4.00		19.40	18.40
Other than all green:	Whole spears:					
16	Colossal	2.98	2.78			
17	Mammoth	2.98	2.78			
18	Large	2.98	2.78			
19	Medium	2.95	2.75			
20	Small	2.78	2.58			
	Blended spears:					
21	Mammoth/Large	2.98	2.78			
22	Mammoth/Large/Medium	2.97	2.77			
23	Large/Medium	2.97	2.77			
24	Medium/Small	2.87	2.67			
25	Cut spears	2.56	2.36		12.74	11.74
26	Center cuts		.97			4.72
27	Soup cuts		2.13	2.87		9.81
28	Salad points	4.01	3.81		18.60	17.60

PART 2—AREA 2

Item No. and variety	Style and size	No. 2 cans		No. 10 cans	
		Fancy	Standard	Fancy	Standard
All green:	Whole spears:				
1	Colossal	$3.56	$3.36		
2	Mammoth	3.53	3.33		
3	Large	3.48	3.28		
4	Medium	3.34	3.14		
5	Small	3.03	2.83		
	Blended spears:				
6	Colossal/Mammoth/Large	3.52	3.32		
7	Mammoth/Large	3.50	3.30		
8	Mammoth/Large/Medium	3.44	3.24		
9	Large/Medium	3.41	3.21		
10	Large/Medium/Small	3.33	3.13		
11	Medium/Small	3.18	2.98		
12	Cut spears	3.05	2.85	$11.69	$13.69
13	Center cuts		1.46		6.63
14	Soup cuts		2.12		10.28

TABLE 4—SPECIFIC DOLLARS AND CENTS MAXIMUM PRICES PER DOZEN CONTAINERS FOR PROCESSORS WHO WERE NOT IN BUSINESS DURING 1941 OR WHO MADE NO SALES OF PACKED ASPARAGUS DURING THE BASE PERIOD—Continued

PART 3—AREA 3

Item No. and variety	Style and size	No. 2 cans		No. 10 cans	
		Fancy	Standard	Fancy	Standard
All green:	Whole spears:				
1	Colossal	$4.03	$3.83		
2	Mammoth	3.81	3.61		
3	Large	3.61	3.41		
4	Medium	3.41	3.21		
5	Small	3.24	3.04		
	Blended spears:				
6	Colossal/Mammoth/Large	3.80	3.60		
7	Mammoth/Large	3.70	3.50		
8	Mammoth/Large/Medium	3.60	3.40		
9	Large/Medium	3.50	3.30		
10	Large/Medium/Small	3.40	3.20		
11	Medium/Small	3.32	3.12		
12	Cut spears	2.83	2.63	$14.32	$13.32
13	Center cuts				9.90

PART 4—AREA 4

Item No. and variety	Style and size	No. 2 cans		No. 10 cans	
		Fancy	Standard	Fancy	Standard
All green:	Whole spears:				
1	Colossal	$3.74	$3.54		
2	Mammoth	3.69	3.49		
3	Large	3.55	3.35		
4	Medium	3.43	3.23		
5	Small	3.31	3.11		
	Blended spears:				
6	Colossal/Mammoth/Large	3.69	3.49		
7	Mammoth/Large	3.62	3.42		
8	Mammoth/Large/Medium	3.56	3.36		
9	Large/Medium	3.49	3.29		
10	Large/Medium/Small	3.43	3.23		
11	Medium/Small	3.37	3.17		
12	Cut spears	2.94	2.74	$14.63	$13.63
13	Center cuts		1.75		7.88

PART 5—AREA 5

Item No. and variety	Style and size	No. 2 cans		No. 10 cans	
		Fancy	Standard	Fancy	Standard
All green:	Whole spears:				
1	Colossal	$3.92	$3.72		
2	Mammoth	3.70	3.50		
3	Large	3.50	3.30		
4	Medium	3.30	3.10		
5	Small	3.13	2.93		
	Blended spears:				
6	Colossal/Mammoth/Large	3.70	3.50		
7	Mammoth/Large	3.60	3.40		
8	Mammoth/Large/Medium	3.50	3.30		
9	Large/Medium	3.40	3.20		
10	Large/Medium/Small	3.30	3.10		
11	Medium/Small	3.22	3.02		
12	Cut spears	2.74	2.54	$13.87	$12.87
13	Center cuts		2.10		9.67

TABLE 6—GRADE DIFFERENTIALS

(Differences between successive grades. (Per dozen containers.) All areas, all green and natural varieties, all styles)

	No. 2 cans	No. 10 cans
Fancy and standard	$0.20	$1.00
Standard and substandard	.10	.50

TABLE 7—ADJUSTMENT FOR BASIC WAGE RATE INCREASE

ALL GREEN

(All grades.) (Dollars per dozen)]

Style	Area 1		Area 2		Area 3		Area 4		Area 5	
	No. 2 can	No. 10 can	No. 2 can	No. 10 can	No. 2 can	No. 10 can	No. 2 can	No. 10 can	No. 2 can	No. 10 can
Whole spears:										
Colossal	$0.00	$0.00	$0.03		$0.05		$0.04		$0.04	
Mammoth	(1)	(1)	.03		.05		.04		.04	
Large	(1)	(1)	.03		.05		.04		.04	
Medium	(1)	(1)	.03		.05		.04		.04	
Small	(1)	(1)	.03		.05		.04		.04	
Blended spears:										
Coll/Mam/Large	(1)	(1)	.03		.05		.04		.04	
Mam/Large	(1)	(1)	.03		.05		.04		.04	
Mam/Large/Med	(1)	(1)	.03		.05		.04		.04	
Large/Med/Small	(1)	(1)	.03		.05		.04		.04	
Med/Small	(1)	(1)	.03		.05		.04		.04	
Cut spears	(1)	(1)	.02	$0.10	.04	$0.15	.03	$0.10	.03	$0.13
Cut spears and soup cuts	(1)	(1)	.02	.10	.04	.15	.03	.10	.03	.13
Center cuts	(1)	(1)	.02	.10	.04	.15	.03	.10	.03	.13
Short cuts	(1)	(1)	.02	.10	.04	.15	.03	.10	.03	.13
Sliced points	(1)	(1)	.02	.10	.04	.15	.03	.10	.03	.13

Area 1—Other than all green. No adjustment. To figure amount of adjustment for other container sizes, multiply by the appropriate conversion factor in Table 5.

APPENDIX C—PEAS (EXCEPT BLACKEYE, CROWDER, CREAM AND FIELD)

Explanation of how maximum prices for packed peas are figured—(a) *Pricing method where only substandard grade was sold during base period.* If the processor sold only substandard grade of the product during the base period he shall establish his maximum price under section 5 (b).

(b) *Selection of base period item.* In figuring a maximum price under the provisions of subparagraph (3) or (4) of section 5 (a) the processor shall select a base period item nearest in container size to item being priced and nearest in such other respects as may be specified in the applicable appendix. After the nearest container size of packed peas sold in the base period has been determined, the processor from that classification shall:

(1) Select items of the same variety, if available. If there are no such items, select as follows: to price Alaska peas, select items of sweet peas before selecting large seeded sweets; to price sweet peas, select items of Alaska peas before selecting large seeded sweets; to price large seeded sweet peas, select items of sweet peas before selecting Alaska peas.

(2) From the selected classification:

(i) When pricing any single sieve size or blend of two sieve sizes select items of the same sieve size, if available. (For blends of two sieve sizes, consider only larger sieve size in blend.) If there are no such items, select as follows: if any larger sieve sizes are available, select items of the nearest such larger sieve size; if no larger sieve sizes are available, select items of the nearest smaller sieve size; if none of these items is available, select items ungraded as to sieve size, otherwise select items of any blend of more than two sieve sizes.

(ii) When pricing blends of more than two sieve sizes, select items of same blend if available. If there are no such items, select as follows: if any other blends of more than two sieve sizes are available, select items of any blend of more than two sieve sizes; if no such blends are available, select items of the largest sieve size in the blend; if no such items are available, select items of the nearest sieve size to the largest sieve size declared in the blend; if no single sieve size is available, select items of ungraded as to sieve size.

(iii) When pricing peas ungraded as to sieve size, select items ungraded as to sieve size, if available. If there are no such items, select items of the largest sieve size available. If no single sieve size is available, select items of any blend of more than two sieve sizes.

(3) From the selected classification, select an item of the same grade, if available. If there is no such items, select as follows: to price fancy grade, select extra standard before standard; to price extra standard grade, select standard before fancy; to price standard grade, select extra standard before fancy; to price substandard grade, select standard before extra standard and extra standard before fancy. In no case shall substandard grade be used as the base period item.

(c) *Conversions from one variety to another variety and from a particular sieve size to a blend of more than two sieve sizes of the same variety.* In each case of conversion from one variety, grade and sieve size to another variety, grade and sieve size, and in each case of conversion from or to a particular sieve size (including ungraded) to or from a blend of more than two sieve sizes of the same variety, the processor shall figure the conversion by taking the difference between the specific dollars-and-cents maximum prices named in Table 4 for the two items and either adding it to or subtracting it from the constructed base price as the situation requires. For this purpose large seeded sweets shall be considered a separate variety. Whether the differential is to be added or subtracted depends on whether the dollars-and-cents price named in Table 4 for the item being priced is higher or lower than that named for the item from or to which the conversion is being made. For example, the X Canning Company whose factory is located in Area 1 sold Fancy Alaska peas, No. 3 sieve size, in No. 2 cans during the base period, but made no sales of sweet peas during that period. It is now pricing Fancy sweet peas, No. 3 sieve size, in No. 2 cans. To figure the conversion for variety the company takes the difference between the dollars-and-cents price named for the Alaska pea item in Part 1 of Table 4, and the dollars-and-cents price named in Part 2 of Table 4, for the sweet pea item ($1.68 minus $1.61 equals $0.07). Since the company is pricing an item with a higher dollars-and-cents price than that named for the item from which conversion is being made the $0.07 differential is added to its constructed base price in making the conversion for variety.

(d) *Figuring base period prices for two or more sieve sizes of peas that fall in same price range.* The processor shall figure a separate weighted average price for each item sold in the base period except that where the items differ in sieve size only and only one price range is provided, a single weighted average base period price shall be figured for all such items. For example, the X Canning Company, whose factory is located in Area 1, during the base period sold Fancy No. 2 cans of No. 5 sieve size sweet peas, and Fancy No. 6 sieve size sweet peas. Since both these sieves sizes of sweet peas are included in a single price range the X Canning Company figures a single weighted average price for both items.

(e) *Meaning of "ungraded" as used in this appendix, and certain pricing provisions where sieve size is a factor.* The word "ungraded," when used in connection with peas, refers to the sieve size and means that the peas have been packed pod-run (that is without sieve size separation other than that which results from grading for quality by specific gravity) except that in the case of large seeded sweet peas, sieve sizes, 1, 2, and 6 and larger, or any of them, may have been removed.

In the case of large seeded sweet peas those sieve sizes which have been removed shall take the applicable prices for sweet peas other than large seeded sweets. (For example, if No. 6 sieve size or larger peas have been removed and packed separately, they shall take the applicable price for 5 and up sieve sizes of sweets, other than large seeded sweets.)

(f) *Special pricing provisions applicable to Blair Process peas.* The maximum price for Blair Process peas of a variety, grade and sieze size (including blends and ungraded) packed in No. 303 cans shall be thirteen cents per dozen, and in No. 2 cans shall be fifteen cents per dozen, more than the maximum price for No. 2 cans of the same variety, grade and sieve size (including blends and ungraded) of peas which have not been subjected to the Blair Process.

"Blair Process peas" means packed peas which are subjected to the processing operation known as the "Blair Process," under license from the owner of the U. S. patent thereon, in which substantially the natural color of the peas is retained.

TABLE 1—AREAS

1. Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia.

2. Indiana, Illinois, Ohio.

3. Alabama, Arkansas, Florida, Georgia, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Nebraska, North Dakota, Oklahoma, South Carolina, South Dakota, Tennessee, Texas, Wisconsin.

4. Arizona, Colorado, Idaho (except those counties included in Area 5), Montana, New Mexico, Nevada, Utah, Wyoming.

5. California, Idaho (Boundary, Bonner, Kootenai, Shoshone, Benewah, Latah, Nez Perce, Clearwater, Lewis and Idaho counties), Oregon, Washington (except those counties included in Area 6).

6. Washington (Skagit, Snohomish, Whatcom, King, Pierce, Lewis, Skamania, Cowlitz, Clark, Wahkaikum, Pacific, Thurston, Grays Harbor, Mason, Kitsap, Jefferson, Clallam, Island and San Juan counties).

TABLE 2—BASE PERIOD PRICES

(ALL AREAS)

For Alaska Peas—Weighted average selling price for first 60 days after the beginning of the 1941 pack of Alaska peas.

For all sweet peas—Weighted average selling price for first 60 days after beginning of the 1941 pack of any sweet peas.

TABLE 3—PERMITTED INCREASES AND PRICE RANGES PER DOZEN CONTAINERS FOR PROCESSORS OF PACKED PEAS WHO MADE SALES DURING THE BASE PERIOD

PART 1—ALASKA PEAS

Item No.	Area	Sieve size	No. 2 cans: Fancy Permitted increase	No. 2 cans: Fancy Price ranges	No. 2 cans: Ex. Standard Permitted increase	No. 2 cans: Ex. Standard Price ranges	No. 2 cans: Standard Permitted increase	No. 2 cans: Standard Price ranges	No. 10 cans: Fancy Permitted increase	No. 10 cans: Fancy Price ranges	No. 10 cans: Ex. Standard Permitted increase	No. 10 cans: Ex. Standard Price ranges	No. 10 cans: Standard Permitted increase	No. 10 cans: Standard Price ranges
1	1	No. 1	$0.40	$1.79–$2.05	$0.38	$1.63–$1.77	$0.36	$1.60–$1.68	$2.03	$9.09–$10.41	$1.93	$8.28–$8.99	$1.83	$8.13–$8.53
2		No. 2	.40	1.62– 1.88	.38	1.51– 1.65	.36	1.48– 1.56	2.03	8.23– 9.55	1.93	7.67– 8.88	1.83	7.52– 7.92
3		No. 3	.40	1.48– 1.74	.38	1.35– 1.49	.36	1.33– 1.41	2.03	7.52– 8.84	1.93	6.86– 7.57	1.83	6.76– 7.16
4		No. 4 and up	.40	1.38– 1.64	.38	1.25– 1.39	.36	1.23– 1.31	2.03	7.01– 8.33	1.93	6.35– 7.06	1.83	6.25– 6.66
5		Ungraded	.40	1.38– 1.64	.38	1.25– 1.39	.36	1.23– 1.31	2.03	7.01– 8.33	1.93	6.35– 7.06	1.83	6.25– 6.65
6	2	No. 1	.45	2.00– 2.10	.43	1.70– 1.84	.41	1.54– 1.66	2.29	10.16– 10.67	2.18	8.64– 9.25	2.08	7.82– 8.43
7		No. 2	.45	1.83– 1.93	.43	1.55– 1.69	.41	1.41– 1.53	2.29	9.30– 9.80	2.18	7.87– 8.58	2.08	7.16– 7.77
8		No. 3	.45	1.66– 1.76	.43	1.41– 1.55	.41	1.28– 1.40	2.29	8.43– 8.94	2.18	7.16– 7.87	2.08	6.50– 7.11
9		No. 4 and up	.45	1.54– 1.64	.43	1.30– 1.44	.41	1.18– 1.30	2.29	7.82– 8.33	2.18	6.60– 7.32	2.08	5.99– 6.60
10		Ungraded	.45	1.54– 1.64	.43	1.30– 1.44	.41	1.18– 1.30	2.29	7.82– 8.33	2.18	6.60– 7.32	2.08	5.99– 6.60
11	3	No. 1	.36	1.80– 2.00	.33	1.57– 1.71	.31	1.41– 1.53	1.83	9.14– 10.16	1.68	7.98– 8.69	1.57	7.16– 7.77
12		No. 2	.36	1.66– 1.86	.33	1.45– 1.59	.31	1.30– 1.42	1.83	8.43– 9.45	1.68	7.37– 8.08	1.57	6.60– 7.21
13		No. 3	.36	1.48– 1.68	.33	1.29– 1.43	.31	1.16– 1.28	1.83	7.52– 8.53	1.68	6.58– 7.26	1.57	5.89– 6.50
14		No. 4 and up	.36	1.35– 1.55	.33	1.18– 1.32	.31	1.07– 1.19	1.83	6.86– 7.87	1.68	5.99– 6.71	1.57	5.44– 6.04
15		Ungraded	.36	1.35– 1.55	.33	1.18– 1.32	.31	1.07– 1.19	1.83	6.86– 7.87	1.68	5.99– 6.71	1.57	5.44– 6.04
16	4	No. 1	.39	1.80– 1.92	.35	1.56– 1.66	.33	1.40– 1.48	1.98	9.14– 9.75	1.78	7.92– 8.43	1.68	7.11– 7.52
17		No. 2	.39	1.66– 1.78	.35	1.45– 1.55	.33	1.29– 1.37	1.98	8.43– 9.04	1.78	7.37– 7.87	1.68	6.55– 6.96
18		No. 3	.39	1.46– 1.58	.35	1.28– 1.38	.33	1.16– 1.24	1.98	7.42– 8.03	1.78	6.50– 7.01	1.68	5.80– 6.20
19		No. 4 and up	.39	1.36– 1.48	.35	1.18– 1.28	.33	1.07– 1.15	1.98	6.91– 7.52	1.78	5.99– 6.50	1.68	5.44– 5.84
20		Ungraded	.39	1.36– 1.48	.35	1.18– 1.28	.33	1.07– 1.15	1.98	6.91– 7.52	1.78	5.99– 6.50	1.68	5.44– 5.84
21	5	No. 1	.36	1.79– 1.99	.34	1.55– 1.71	.32	1.44– 1.58	1.83	9.09– 10.11	1.73	7.87– 8.69	1.63	7.32– 8.03
22		No. 2	.36	1.65– 1.85	.34	1.43– 1.59	.32	1.34– 1.48	1.83	8.38– 9.40	1.73	7.26– 8.08	1.63	6.81– 7.52
23		No. 3	.36	1.46– 1.66	.34	1.27– 1.43	.32	1.19– 1.33	1.83	7.42– 8.43	1.73	6.45– 7.26	1.63	6.04– 6.76
24		No. 4 and up	.36	1.34– 1.54	.34	1.16– 1.32	.32	1.10– 1.24	1.83	6.81– 7.82	1.73	5.89– 6.71	1.63	5.50– 6.30
25		Ungraded	.36	1.34– 1.54	.34	1.16– 1.32	.32	1.10– 1.24	1.83	6.81– 7.82	1.73	5.89– 6.71	1.63	5.50– 6.30
26	6	No. 1	.41	1.81– 2.04	.39	1.60– 1.76	.37	1.49– 1.63	2.08	9.34– 10.36	1.98	8.12– 8.94	1.88	7.50– 8.27
27		No. 2	.41	1.70– 1.90	.39	1.48– 1.64	.37	1.39– 1.53	2.08	8.63– 9.65	1.98	7.51– 8.33	1.88	7.05– 7.77
28		No. 3	.41	1.51– 1.71	.39	1.32– 1.48	.37	1.24– 1.38	2.08	7.66– 8.68	1.98	6.70– 7.52	1.88	6.30– 7.02
29		No. 4 and up	.41	1.39– 1.59	.39	1.21– 1.37	.37	1.15– 1.29	2.08	7.05– 8.07	1.98	6.14– 6.96	1.88	5.83– 6.55
30		Ungraded	.41	1.39– 1.59	.39	1.21– 1.37	.37	1.15– 1.29	2.08	7.05– 8.07	1.98	6.14– 6.96	1.88	5.83– 6.55

TABLE 5—CONVERSION FACTORS METAL CONTAINER

PART 1—AREA 1

[All green variety]

To convert from a can size listed in this column—	To a can size listed at the head of a column below, multiply by the appropriate conversion factor—					
	8-oz.	No. 1 picnic	No. 1 tall	No. 2	No. 1 square	No. 10
Whole spears:						
No. 1 picnic				1.55	2.02	
No. 1 tall			0.64	1.32	1.71	
No. 2			.76		1.30	
No. 2½ square		.49	.58	.77		
Cut spears and soup cuts:						
Scantlings				2.23		10.31
No. 2		.63		1.59		7.36
No. 10	.45	.14		.20		5.00
Center cuts:						
No. 2				.20		4.05
No. 10	.10					

PART 1—AREA 1

[Other than all green variety]

To convert from a can size in this column—	To a can size listed at the head of a column below, multiply by the appropriate conversion factor—					
	8-oz.	No. 1 picnic	No. 1 tall	No. 2	No. 2½ square	No. 10
Whole spears:						
Colossal				2.84		
Mammoth				1.49		
Large				1.36		
Medium					1.21	1.25
Small				.83		
Blended spears:				.81		
Coll/Mam/Large				.73		
Mam/Large				2.23		10.31
Mam/Large/Med				1.59		7.36
Large/Med/Small				.20		5.00
Med/Small				.20		4.05
Cut spears		.63				
Cut spears and soup cuts		.14				
Scantlings						
No. 2						
No. 10	.45					
Center cuts:	.10					
No. 2						
No. 10				.20		
Short cuts:						
No. 2				.20		
No. 10						
Sliced points:						
No. 2				.20		
No. 10						

PART 2—AREAS 2, 3, 4, AND 5

[All green variety]

To convert from a can size in this column—	To a can size listed at the head of a column below, multiply by the appropriate conversion factor—						
	8-oz.	No. 1 picnic	No. 300	No. 1 tall	No. 2	No. 2½ regular	No. 10
Whole spears:							
No. 1 picnic					1.60		
No. 2					1.17		
No. 2 tall					1.18		
No. 2½ square			0.81			1.38	
Cut spears and soup cuts:							
Scantlings					2.15		10.20
No. 2					1.61		7.63
No. 10							4.74
Center cuts:							
No. 2					1.51	.86	7.16
No. 10					1.00	.57	5.00
Short cuts:							
No. 2					1.51	.86	7.16
No. 10					1.00	.57	5.00
Sliced points:							
No. 2					1.51	.86	7.16
No. 10					1.00	.57	5.00

PART 2—AREAS 2, 3, 4, AND 5

[All green variety]

To convert from a can size in this column—	To a can size listed at the head of a column below, multiply by the appropriate conversion factor—						
	8-oz.	No. 1 picnic	No. 300	No. 1 tall	No. 2	No. 2½ regular	No. 10
Whole spears:							
No. 1 picnic					1.60		
No. 2					1.17		
No. 2 tall					1.18		
No. 2½ square			0.81			1.38	
Cut spears and soup cuts:							
Scantlings					2.15		10.20
No. 2					1.61		7.63
No. 10							4.74
Center cuts:							
No. 2					1.51	.86	7.16
No. 10					1.00	.57	5.00
Short cuts:							
No. 2					1.51	.86	7.16
No. 10					1.00	.57	5.00
Sliced points:							
No. 2					1.51	.86	7.16
No. 10					1.00	.57	5.00

TABLE 3—PERMITTED INCREASES AND PRICE RANGES PER DOZEN CONTAINERS FOR PROCESSORS OF PACKED PEAS WHO MADE SALES DURING THE BASE PERIOD—Con

PART 2—SWEET PEAS

Item No.	Area	Sieve size	No. 2 cans: Fancy: Permitted increase	No. 2 cans: Fancy: Price ranges	No. 2 cans: Ex. Standard: Permitted increase	No. 2 cans: Ex. Standard: Price ranges	No. 2 cans: Standard: Permitted increase	No. 2 cans: Standard: Price ranges	No. 10 cans: Fancy: Permitted increase	No. 10 cans: Fancy: Price ranges	No. 10 cans: Ex. Standard: Permitted increase	No. 10 cans: Ex. Standard: Price ranges	No. 10 cans: Standard: Permitted increase	No. 10 cans: Standard: Price ranges
1	1	No. 1	$0.43	$1.79–$1.99	$0.41	$1.68–$1.84	$0.38	$1.59–$1.73	$2.18	$9.09–$10.11	$2.08	$8.53–$9.35	$1.93	$8.08–$8.79
2		No. 2	.43	1.76– 1.96	.41	1.65– 1.81	.38	1.57– 1.71	2.18	8.94– 9.96	2.08	8.38– 9.19	1.93	7.88– 8.64
3		No. 3	.43	1.58– 1.78	.41	1.48– 1.64	.38	1.41– 1.55	2.18	8.03– 9.04	2.08	7.52– 8.33	1.93	7.10– 7.87
4		No. 4	.43	1.20– 1.70	.41	1.41– 1.57	.38	1.34– 1.48	2.18	7.72– 8.64	2.08	7.16– 7.98	1.93	6.81– 7.52
5		No. 5 and up	.44	1.44– 1.64	.41	1.35– 1.51	.38	1.28– 1.42	2.18	7.32– 8.33	2.08	6.86– 7.67	1.93	6.49– 7.21
6		Ungraded	.43	1.53– 1.73	.41	1.34– 1.50	.38	1.27– 1.41	2.18	7.77– 8.79	2.08	6.81– 7.62	1.93	6.45– 7.16
7		No. 1	.36	1.71– 1.91	.34	1.60– 1.76	.32	1.39– 1.53	1.83	8.60– 9.70	1.73	8.13– 8.94	1.62	7.66– 7.77
8		No. 2	.36	1.68– 1.88	.34	1.57– 1.73	.32	1.36– 1.50	1.83	8.23– 9.55	1.73	7.98– 8.79	1.62	6.91– 7.62
9	2	No. 3	.36	1.52– 1.72	.34	1.42– 1.58	.32	1.23– 1.37	1.83	7.72– 8.74	1.73	7.21– 8.03	1.62	6.25– 6.96
10		No. 4	.36	1.44– 1.64	.34	1.35– 1.51	.32	1.17– 1.31	1.83	7.32– 8.33	1.73	6.86– 7.67	1.62	5.94– 6.67
11		No. 5 and up	.36	1.38– 1.58	.34	1.29– 1.45	.32	1.12– 1.26	1.83	7.01– 8.03	1.73	6.55– 7.37	1.62	5.69– 6.40
12		Ungraded	.36	1.47– 1.67	.34	1.38– 1.54	.32	1.20– 1.34	1.83	7.47– 8.48	1.73	7.01– 7.82	1.62	6.30– 6.81
13		No. 1	.36	1.71– 1.91	.34	1.60– 1.76	.32	1.39– 1.53	1.83	8.60– 9.70	1.73	8.13– 8.94	1.62	7.66– 7.77
14		No. 2	.36	1.68– 1.88	.34	1.57– 1.73	.32	1.36– 1.50	1.83	8.23– 9.55	1.73	7.98– 8.79	1.62	6.91– 7.62
15	3	No. 3	.36	1.52– 1.72	.34	1.42– 1.58	.32	1.23– 1.37	1.83	7.72– 8.74	1.73	7.21– 8.03	1.62	6.25– 6.96
16		No. 4	.36	1.44– 1.64	.34	1.35– 1.51	.32	1.17– 1.31	1.83	7.32– 8.33	1.73	6.86– 7.67	1.62	5.94– 6.67
17		No. 5 and up	.36	1.38– 1.58	.34	1.29– 1.45	.32	1.12– 1.26	1.83	7.01– 8.03	1.73	6.55– 7.37	1.62	5.69– 6.40
18		Ungraded	.36	1.47– 1.67	.34	1.38– 1.54	.32	1.20– 1.34	1.83	7.47– 8.48	1.73	7.01– 7.82	1.62	6.30– 6.81
19		No. 1	.35	1.67– 1.79	.31	1.54– 1.66	.29	1.32– 1.44	1.78	8.18– 9.09	1.57	7.82– 8.43	1.47	6.71– 7.32
20		No. 2	.35	1.64– 1.76	.31	1.52– 1.64	.29	1.29– 1.41	1.78	8.33– 8.94	1.57	7.72– 8.33	1.47	6.25– 7.16
21	4	No. 3	.35	1.48– 1.58	.31	1.36– 1.48	.29	1.17– 1.29	1.78	7.42– 8.03	1.57	6.91– 7.52	1.47	5.94– 6.55
22		No. 4	.35	1.41– 1.53	.31	1.30– 1.42	.29	1.11– 1.23	1.78	7.16– 7.77	1.57	6.60– 7.21	1.47	5.64– 6.25
23		No. 5 and up	.35	1.37– 1.49	.31	1.24– 1.36	.29	1.06– 1.18	1.78	6.96– 7.57	1.57	6.30– 6.91	1.47	5.98– 5.89
24		Ungraded	.35	1.47– 1.59	.31	1.36– 1.48	.29	1.16– 1.28	1.78	7.47– 8.08	1.57	6.91– 7.52	1.47	5.89– 6.50

PART 3—LARGE SEEDED SWEETS (SUCH AS PRINCE OF WALES, LAXTONS AND PROFUSIONS)

1	1	Ungraded	$0.50	$1.73–$1.93	$0.46	$1.48–$1.64	$0.42	$1.35–$1.49	$2.54	$8.79–$9.80	$2.34	$7.52–$8.33	$2.13	$6.89–$7.57
2	2	Ungraded	.50	1.66– 1.98	.46	1.48– 1.64	.42	1.30– 1.44	2.54	8.43–10.06	2.34	7.52– 8.33	2.13	6.60– 7.32
3	3	Ungraded	.50	1.66– 1.98	.46	1.48– 1.64	.42	1.30– 1.44	2.54	8.43–10.06	2.34	7.52– 8.33	2.13	6.60– 7.32
4	4	Ungraded	.50	1.53– 1.85	.46	1.47– 1.63	.42	1.24– 1.38	2.54	7.77– 9.40	2.34	7.47– 8.28	2.13	6.55– 7.01
5	5	Ungraded	.50	1.53– 1.85	.46	1.47– 1.63	.42	1.24– 1.38	2.54	7.77– 9.40	2.34	7.47– 8.28	2.13	6.55– 7.01
6	6	Ungraded	.55	1.58– 1.90	.51	1.52– 1.68	.47	1.29– 1.43	2.79	8.03– 9.65	2.59	7.72– 8.54	2.39	6.65– 7.35

1. Blends of more than two sieve sizes.

PART 4—BLENDS OF SIEVE SIZES

1	1	Alaska	$0.40	$1.49–$1.75	$0.38	$1.37–$1.51	$0.36	$1.33–$1.43	$2.03	$7.57–$8.89	$1.93	$6.93–$7.67	$1.83	$6.89–$7.20
2	2		.43	1.67– 1.77	.43	1.42– 1.56	.41	1.29– 1.41	2.29	8.48– 8.99	2.18	7.21– 7.92	2.08	6.55– 6.99
3	3		.36	1.59– 1.70	.33	1.31– 1.45	.31	1.19– 1.30	1.83	7.62– 8.64	1.68	6.65– 7.37	1.57	5.81– 6.50
4	4		.39	1.49– 1.61	.35	1.30– 1.40	.33	1.17– 1.25	1.98	7.57– 8.18	1.78	6.60– 7.11	1.68	5.94– 6.40
5	5		.36	1.48– 1.68	.34	1.29– 1.45	.32	1.21– 1.35	1.83	7.52– 8.53	1.73	6.55– 7.37	1.63	6.15– 6.86
6	6		.41	1.58– 1.73	.39	1.34– 1.50	.37	1.26– 1.40	2.08	7.77– 8.79	1.98	6.80– 7.62	1.88	6.41– 7.01
7	1	Sweet	.43	1.57– 1.77	.41	1.48– 1.62	.38	1.40– 1.54	2.18	7.98– 8.98	2.08	7.52– 8.33	1.93	7.11– 7.82
8	2		.36	1.50– 1.70	.34	1.41– 1.57	.32	1.22– 1.36	1.83	7.62– 8.64	1.73	7.16– 7.98	1.62	6.26– 6.91
9	3		.36	1.50– 1.70	.34	1.41– 1.57	.32	1.22– 1.36	1.83	7.62– 8.64	1.73	7.16– 7.98	1.62	6.26– 6.91
10	4		.35	1.50– 1.62	.31	1.39– 1.51	.29	1.19– 1.31	1.78	7.62– 8.23	1.57	7.06– 7.67	1.47	6.04– 6.65
11	5		.36	1.45– 1.65	.33	1.35– 1.51	.31	1.21– 1.35	1.83	7.37– 8.38	1.68	6.86– 7.67	1.57	6.15– 6.86
12	6		.41	1.50– 1.70	.38	1.40– 1.56	.36	1.26– 1.40	2.08	7.62– 8.64	1.93	7.10– 7.92	1.83	6.41– 7.11

However, the maximum price for a blend of three or more sieve sizes of sweet peas containing number six sieve size peas or larger, for any grade, shall be: In No. 2 cans, eleven cents per dozen, and in No. 10 cans, fifty-six cents per dozen, lower than the maximum price for blends of more than two sieve sizes of sweet peas not containing number six sieve size peas or larger of the same grade packed in the same container type and size.

"Blend of three or more sieve sizes" of a variety and grade of peas means a combination of three or more sieve sizes, which contains not more than 5 per cent by volume of peas which are larger than the largest sieve size declared in the blend, and not more than 1 per cent by volume of peas which are two or more sieve sizes larger than the largest sieve size declared in blend. No portion of the sieve sizes declared in the blend except the largest, shall have been removed from the pod-run thereof, except as a result of grading for quality by specific gravity.

In blends of three or more sieve sizes of sweet peas not containing number six sieve size peas or larger, and in all combinations of Alaska peas containing more than the specified percentage by volume of sieve sizes larger than the largest sieve size declared in the blend, the maximum price shall be the same as the maximum price for the sieve size next larger than the largest sieve size declared in the blend of the same variety and grade of peas shall be the same as type and size.

2. *Blends of two sieve sizes.* The maximum price for a blend of two sieve sizes of a variety and grade of peas shall be the same as the maximum price for the larger sieve size in the blend of the same variety and grade, packed in the same container type and size. No portion of the sieve size declared in the blend shall have been removed from the pod-run thereof except as a result of grading for quality by specific gravity.

"Blend of two sieve sizes" of a variety and grade of peas means a combination of two sieve sizes, which contains not more than 10 per cent by volume of peas which are larger than the larger sieve size declared in the blend, and not more than 2 per cent by volume of peas which are two or more sieve sizes larger than the larger sieve size declared in the blend.

If the combination contains more than the specified percentage by volume of sieve sizes larger than the larger sieve size declared in the blend, the maximum price shall be the same as the maximum price for the larger sieve size next larger than the largest sieve size declared in the blend of the same variety and grade, packed in the same container type and size.

TABLE 4—SPECIFIC DOLLARS-AND-CENTS MAXIMUM PRICES PER DOZEN CONTAINERS FOR PROCESSORS WHO WERE NOT IN BUSINESS DURING 1941 OR WHO MADE NO SALES OF PACKED PEAS DURING THE BASE PERIOD

PART 1—ALASKA PEAS

Item No.	Area	Sieve Size	No. 2 cans: Fancy	No. 2 cans: Extra Standard	No. 2 cans: Standard	No. 10 cans: Fancy	No. 10 cans: Extra Standard	No. 10 cans: Standard
1	1	No. 1	$1.92	$1.70	$1.64	$9.75	$8.64	$8.33
2		No. 2	1.75	1.58	1.52	8.89	8.03	7.72
3		No. 3	1.61	1.42	1.37	8.18	7.21	6.95
4		No. 4 and up	1.51	1.32	1.27	7.67	6.70	6.45
5		Ungraded	1.51	1.32	1.27	7.67	6.70	6.45
6	2	No. 1	2.05	1.77	1.69	10.41	8.99	8.13
7		No. 2	1.88	1.62	1.47	9.55	8.23	7.47
8		No. 3	1.71	1.48	1.34	8.69	7.52	6.81
9		No. 4 and up	1.59	1.37	1.24	8.08	6.96	6.30
10		Ungraded	1.59	1.37	1.24	8.08	6.96	6.30
11	3	No. 1	1.90	1.64	1.47	9.65	8.33	7.47
12		No. 2	1.76	1.52	1.36	8.94	7.72	6.91
13		No. 3	1.58	1.36	1.22	8.03	6.91	6.29
14		No. 4 and up	1.45	1.25	1.13	7.37	6.35	5.74
15		Ungraded	1.45	1.25	1.13	7.37	6.35	5.74
16	4	No. 1	1.86	1.61	1.44	9.45	8.18	7.32
17		No. 2	1.72	1.50	1.33	8.74	7.62	6.76
18		No. 3	1.55	1.33	1.20	7.72	6.76	6.10
19		No. 4 and up	1.42	1.23	1.11	7.21	6.25	5.64
20		Ungraded	1.42	1.23	1.11	7.21	6.25	5.64
21	5	No. 1	1.89	1.63	1.51	9.60	8.28	7.67
22		No. 2	1.75	1.51	1.41	8.89	7.67	7.16
23		No. 3	1.56	1.35	1.26	7.92	6.86	6.40
24		No. 4 and up	1.44	1.24	1.17	7.32	6.30	5.94
25		Ungraded	1.44	1.24	1.17	7.32	6.30	5.94
26	6	No. 1	1.94	1.68	1.56	9.85	8.53	7.92
27		No. 2	1.80	1.56	1.46	9.14	7.92	7.41
28		No. 3	1.61	1.40	1.31	8.17	7.11	6.66
29		No. 4 and up	1.49	1.29	1.22	7.56	6.55	6.19
30		Ungraded	1.49	1.29	1.22	7.56	6.55	6.19

PART 2—SWEET PEAS

Item No.	Area	Sieve sizes	No. 2 cans: Fancy	No. 2 cans: Extra Standard	No. 2 cans: Standard	No. 10 cans: Fancy	No. 10 cans: Extra Standard	No. 10 cans: Standard
1	1	No. 1	$1.89	$1.76	$1.66	$9.60	$8.94	$8.43
2		No. 2	1.80	1.74	1.61	9.45	8.79	8.33
3		No. 3	1.68	1.56	1.48	8.53	7.92	7.52
4		No. 4	1.60	1.49	1.41	8.13	7.57	7.16
5		No. 5 and up	1.54	1.43	1.35	7.82	7.26	6.86
6		Ungraded	1.63	1.42	1.34	8.28	7.21	6.81
7	2	No. 1	1.81	1.68	1.46	9.19	8.53	7.42
8		No. 2	1.78	1.65	1.43	9.04	8.58	7.26
9		No. 3	1.62	1.50	1.30	8.23	7.62	6.60
10		No. 4	1.54	1.43	1.24	7.82	7.26	6.30
11		No. 5 and up	1.48	1.37	1.19	7.52	6.96	6.04
12		Ungraded	1.57	1.46	1.27	7.98	7.42	6.45
13	3	No. 1	1.81	1.68	1.46	9.19	8.53	7.42
14		No. 2	1.78	1.65	1.43	9.04	8.58	7.26
15		No. 3	1.62	1.50	1.30	8.23	7.62	6.60
16		No. 4	1.54	1.43	1.24	7.82	7.26	6.30
17		No. 5 and up	1.48	1.37	1.19	7.52	6.96	6.04
18		Ungraded	1.57	1.46	1.27	7.98	7.42	6.45
19	4	No. 1	1.73	1.60	1.38	8.79	8.13	7.01
20		No. 2	1.70	1.58	1.35	8.64	8.03	6.86
21		No. 3	1.52	1.42	1.23	7.72	7.21	6.25
22		No. 4	1.47	1.36	1.17	7.47	6.91	5.94
23		No. 5 and up	1.43	1.30	1.12	7.26	6.60	5.69
24		Ungraded	1.53	1.42	1.22	7.77	7.21	6.20
25	5	No. 1	1.76	1.62	1.45	8.94	8.23	7.57
26		No. 2	1.73	1.59	1.43	8.79	8.08	7.26
27		No. 3	1.56	1.44	1.29	7.92	7.32	6.55
28		No. 4	1.49	1.37	1.23	7.57	6.96	6.25
29		No. 5 and up	1.43	1.32	1.18	7.26	6.70	5.99
30		Ungraded	1.52	1.41	1.26	7.72	7.16	6.40
31	6	No. 1	1.81	1.67	1.50	9.19	8.48	7.62
32		No. 2	1.78	1.64	1.48	9.04	8.53	7.52
33		No. 3	1.61	1.49	1.34	8.18	7.57	6.81
34		No. 4	1.54	1.42	1.28	7.82	7.21	6.51
35		No. 5 and up	1.48	1.37	1.23	7.52	6.96	6.25
36		Ungraded	1.57	1.46	1.31	7.97	7.41	6.66

PART 3—LARGE SEEDED SWEET PEAS (SUCH AS PRINCE OF WALES, LAXTONS AND PROFUSIONS)

1	1	Ungraded	$1.83	$1.66	$1.42	$9.30	$7.92	$7.21
2	2	Ungraded	1.82	1.66	1.37	9.24	7.92	6.96
3	3	Ungraded	1.82	1.66	1.37	9.24	7.92	6.96
4	4	Ungraded	1.69	1.55	1.31	8.58	7.87	6.65
5	5	Ungraded	1.69	1.55	1.31	8.58	7.87	6.65
6	6	Ungraded	1.74	1.60	1.36	8.84	8.12	6.90

PART 4—BLENDS OF SIEVE SIZES

1. Blends of more than two sieve sizes.

1	1	Alaska	$1.62	$1.44	$1.38	$8.23	$7.30	$7.06
2	2		1.72	1.49	1.35	8.74	7.57	6.85
3	3		1.60	1.38	1.23	8.13	7.01	6.24
4	4		1.55	1.35	1.21	7.87	6.86	6.14
5	5		1.58	1.57	1.28	8.02	6.96	6.50
6	6		1.63	1.42	1.33	8.28	7.21	6.76
7	1	Sweet	1.67	1.55	1.47	8.48	7.88	7.46
8	2		1.60	1.40	1.29	8.13	7.57	6.55
9	3		1.60	1.40	1.29	8.13	7.57	6.55
10	4		1.56	1.45	1.25	7.92	7.36	6.34
11	5		1.55	1.43	1.28	7.87	7.26	6.50
12	6		1.60	1.48	1.33	8.13	7.51	6.76

However, the maximum price for a blend of three or more sieve sizes of sweet peas containing number six sieve size peas or larger, for any grade, shall be: In No. 2 cans, eleven cents per dozen, and in No. 10 cans, fifty-six cents per dozen, lower than the maximum price for blends of more than two sieve sizes of sweet peas not containing number six sieve size peas or larger of the same grade packed in the same container type and size.

"Blend of three or more sieve sizes" of a variety and grade of peas means a combination of three or more sieve sizes, which contains not more than 5 per cent by volume of peas which are larger than the largest sieve size declared in the blend, and not more than 1 per cent by volume of peas which are two or more sieve sizes larger than the largest sieve size declared in blend. No portion of the sieve sizes declared in the blend except the largest, shall have been removed from the pod-run thereof, except as a result of grading for quality by specific gravity.

In blends of three or more sieve sizes of sweet peas not containing number six sieve size peas or larger, and in all combinations of Alaska peas containing more than the specified percentage by volume of sieve sizes larger than the largest sieve size declared in the blend, the maximum price shall be the same as the maximum price for the sieve size next larger than the largest sieve size declared in the blend of the same variety and grade of peas shall be the same as type and size.

2. *Blends of two sieve sizes.* The maximum price for a blend of two sieve sizes of a variety and grade of peas shall be the same as the maximum price for the larger sieve size in the blend of the same variety and grade, packed in the same container type and size. No portion of the sieve size declared in the blend shall have been removed from the pod-run thereof except as a result of grading for quality by specific gravity.

"Blend of two sieve sizes" of a variety and grade of peas means a combination of two sieve sizes, which contains not more than 10 per cent by volume of peas which are larger than the larger sieve size declared in the blend, and not more than 2 per cent by volume of peas which are two or more sieve sizes larger than the larger sieve size declared in the blend.

If the combination contains more than the specified percentage by volume of sieve sizes larger than the larger sieve size declared in the blend, the maximum price shall be the same as the maximum price for the sieve size next larger than the largest sieve size declared in the blend of the same variety and grade packed in the same container type and size.

TABLE 5—CONVERSION FACTORS—METAL CONTAINERS

ALL PEAS

To convert from a can size in this column	To a can size listed at the head of a column below, multiply by the appropriate conversion factor: 8-oz.	Pic-nic	1 tall	303	2	10
8-oz	-----	-----	-----	-----	1.79	-----
Pic-nic	-----	-----	-----	-----	1.72	-----
1 tall	-----	-----	-----	-----	1.48	-----
303	-----	-----	-----	-----	1.12	-----
2	0.56	0.66	0.70	0.89	-----	5.08
10	.11	.13	.14	.18	.20	-----

The maximum price for a variety, sieve size (including blends) and grade of peas packed in 12 ounce vacuum cans, shall be 10 cents per dozen less than the maximum price for the same variety, sieve size, and grade packed in No. 2 cans.

TABLE 6—CONVERSIONS FROM TIN TO GLASS

ALL PEAS

[Dollars per dozen containers]

If you can figure a price for a can size in this column	To get a price for the glass container size at the head of a column below, add the indicated amount
	No. 303
No. 303	$0.15

TABLE 7—SIEVE SIZE CONVERSION FACTORS

PART 1—ALASKA PEAS

To convert from a sieve size in this column	To a sieve size listed at the head of a column below, multiply by the appropriate conversion factor				
	1 sieve	2 sieve	3 sieve	4 sieve and up	Ungraded
1 sieve	.....	0.93	0.83	0.78	0.78
2 sieve	1.08	.....	.90	.84	.84
3 sieve	1.20	1.11	.....	.93	.93
4 sieve and up	1.29	1.19	1.08	.....	.....
Ungraded	1.29	1.19	1.08	.....	.....

TABLE 7—SIEVE SIZE CONVERSION FACTORS—Con.

PART 2—SWEET PEAS

To convert from a sieve size in this column	To a sieve size listed at the head of a column below, multiply by the appropriate conversion factor					
	1 sieve	2 sieve	3 sieve	4 sieve	5 sieve and up	Ungraded
1 sieve	.....	0.98	0.89	0.85	0.81	0.81
2 sieve	1.02	.....	.91	.86	.83	.83
3 sieve	1.12	1.10	.....	.95	.92	.92
4 sieve	1.18	1.16	1.05	.....	.96	1.02
5 sieve and up	1.23	1.21	1.09	1.04	.....	1.09
Ungraded	1.15	1.13	1.03	.98	.91	.....

TABLE 8—GRADE DIFFERENTIALS

PART 1—ALASKA PEAS

[Differences between successive grades (per dozen containers)]

Item No.	Area	Sieve Size	No. 2 cans: Fancy and Ex. Std.	No. 2 cans: Ex. Std. and Standard	No. 2 cans: Standard and Sub-Std.	No. 10 cans: Fancy and Ex. Std.	No. 10 cans: Ex. Std. and Standard	No. 10 cans: Standard and Sub-Std.
1	1	No. 1	$0.22	$0.06	$0.10	$1.12	$0.30	$0.51
2		No. 2	.17	.06	.10	.86	.30	.51
3		No. 3	.19	.05	.10	.96	.25	.51
4		No. 4 and up	.19	.05	.10	.96	.25	.51
5		Ungraded	.19	.05	.10	.96	.25	.51
6	2	No. 1	.28	.17	.10	1.42	.86	.51
7		No. 2	.26	.15	.10	1.32	.76	.51
8		No. 3	.23	.14	.10	1.17	.71	.51
9		No. 4 and up	.22	.13	.10	1.12	.66	.51
10		Ungraded	.22	.13	.10	1.12	.66	.51
11	3	No. 1	.26	.17	.10	1.32	.86	.51
12		No. 2	.24	.16	.10	1.22	.81	.51
13		No. 3	.22	.14	.10	1.12	.71	.51
14		No. 4 and up	.20	.12	.10	1.02	.61	.51
15		Ungraded	.20	.12	.10	1.02	.61	.51
16	4	No. 1	.25	.17	.10	1.27	.86	.51
17		No. 2	.22	.17	.10	1.12	.86	.51
18		No. 3	.19	.13	.10	.96	.66	.51
19		No. 4 and up	.19	.12	.10	.96	.61	.51
20		Ungraded	.19	.12	.10	.96	.61	.51
21	5	No. 1	.26	.12	.10	1.32	.61	.51
22		No. 2	.24	.10	.10	1.22	.51	.51
23		No. 3	.21	.09	.10	1.07	.46	.51
24		No. 4 and up	.20	.07	.10	1.02	.36	.51
25		Ungraded	.20	.07	.10	1.02	.36	.51
26	6	No. 1	.26	.12	.10	1.32	.61	.51
27		No. 2	.24	.10	.10	1.22	.51	.51
28		No. 3	.21	.09	.10	1.06	.45	.51
29		No. 4 and up	.20	.07	.10	1.01	.36	.51
30		Ungraded	.20	.07	.10	1.01	.36	.51

PART 2—SWEET PEAS

1	1	No. 1	$0.13	$0.10	$0.10	$0.66	$0.51	$0.51
2		No. 2	.13	.08	.10	.66	.46	.51
3		No. 3	.12	.08	.10	.61	.41	.51
4		No. 4	.11	.08	.10	.56	.41	.51
5		No. 5 and up	.11	.08	.10	.56	.41	.51
6		Ungraded	.11	.08	.10	.56	.41	.51
7	2	No. 1	.13	.22	.10	.66	1 12	.51
8		No. 2	.13	.22	.10	.66	1 12	.51
9		No. 3	.12	.20	.10	.61	1 02	.51
10		No. 4	.11	.19	.10	.56	.96	.51
11		No. 5 and up	.11	.18	.10	.56	.91	.51
12		Ungraded	.11	.19	.10	.56	.96	.51
13	3	No. 1	.13	.22	.10	.66	1 12	.51
14		No. 2	.13	.22	.10	.66	1 12	.51
15		No. 3	.12	.20	.10	.61	1 02	.51
16		No. 4	.11	.19	.10	.56	.96	.51
17		No. 5 and up	.11	.18	.10	.56	.91	.51
18		Ungraded	.11	.19	.10	.56	.96	.51
19	4	No. 1	.13	.22	.10	.66	1 12	.51
20		No. 2	.12	.23	.10	.61	1 17	.51
21		No. 3	.10	.19	.10	.51	.96	.51
22		No. 4	.11	.19	.10	.56	.96	.51
23		No. 5 and up	.13	.18	.10	.66	.91	.51
24		Ungraded	.11	.20	.10	.56	1 02	.51
25	5	No. 1	.14	.17	.10	.71	.86	.51
26		No. 2	.14	.16	.10	.71	.81	.51
27		No. 3	.12	.15	.10	.61	.76	.51
28		No. 4	.12	.14	.10	.61	.71	.51
29		No. 5 and up	.11	.14	.10	.56	.71	.51
30		Ungraded	.11	.15	.10	.56	.76	.51
31	6	No. 1	.14	.17	.10	.71	.86	.51
32		No. 2	.14	.16	.10	.71	.81	.51
33		No. 3	.12	.15	.10	.61	.76	.51
34		No. 4	.12	.14	.10	.61	.70	.51
35		No. 5 and up	.11	.14	.10	.56	.71	.51
36		Ungraded	.11	.15	.10	.56	.75	.51

PART 3—LARGE SEEDED SWEETS

(Such as Prince of Wales, Laxtons and Profusions)

Item No.	Area	Sieve Size	No. 2 cans: Fancy and Ex. Std.	No. 2 cans: Ex. Std. and Standard	No. 2 cans: Standard and Sub-Std.	No. 10 cans: Fancy and Ex. Std.	No. 10 cans: Ex. Std. and Standard	No. 10 cans: Standard and Sub-Std.
1	1	Ungraded	$0.27	$0.14	$0.10	$1.37	$0.71	$0.51
2	2	Ungraded	.26	.19	.10	1.32	.96	.51
3	3	Ungraded	.26	.19	.10	1.32	.96	.51
4	4	Ungraded	.14	.24	.10	.71	1.22	.51
5	5	Ungraded	.14	.24	.10	.71	1.22	.51
6	6	Ungraded	.14	.24	.10	.72	1.22	.51

PART 4—BLENDS OF SIEVE SIZES

1. Blends of more than two sieve sizes.

[Differences between successive grades (per dozen containers)]

Item No.	Area	Variety	No. 2 cans: Fancy and Ex. Std.	No. 2 cans: Ex. Std. and Standard	No. 2 cans: Standard and Sub-Std.	No. 10 cans: Fancy and Ex. Std.	No. 10 cans: Ex. Std. and Standard	No. 10 cans: Standard and Sub-Std.
1	1	Alaska	$0.18	$0.06	$0.10	$0.93	$0.24	$0.51
2	2		.23	.14	.10	1.17	.72	.51
3	3		.22	.15	.10	1.12	.77	.51
4	4		.20	.14	.10	1.01	.72	.51
5	5		.21	.09	.10	1.06	.46	.51
6	6		.21	.09	.10	1.07	.45	.51
7	1	Sweet	.12	.08	.10	.60	.42	.51
8	2		.11	.20	.10	.56	1.02	.51
9	3		.11	.20	.10	.56	1.02	.51
10	4		.11	.20	.10	.56	1.02	.51
11	5		.12	.15	.10	.61	.76	.51
12	6		.12	.15	.10	.62	.45	.51

2. The grade differential for a blend of two sieve sizes of a variety of peas shall be the same as the grade differential of the larger sieve size in the blend.

TABLE 9—DIRECT SUBSIDY PAYABLE PER DOZEN CONTAINERS

(All areas, varieties, sieve sizes, and grades)

Amount of subsidy to be subtracted from gross maximum price per dozen containers in making sales to purchasers other than government procurement agencies.

No. 2 and No. 2½ vacuum cans	No. 10 cans
$0.20	$1.02

To figure amount of subsidy for other container sizes, multiply the amount named above for No. 2 and No. 2½ vacuum cans by the appropriate conversion factor in Table 5.

TABLE 10—ADJUSTMENT FOR BASIC WAGE RATE INCREASE

ALL GRADES, VARIETIES AND SIEVE SIZES

[Dollars per dozen containers]

Area	No. 2 can	No. 10 cans
1	$0.02	$0.10
2	.02	.08
3	.01	.06
4	.01	.03
5. California	.00	.00
Arizona	.01	.03
6	.01	.03

To figure amount of adjustment for other container sizes multiply by appropriate conversion factor in Table 5 for metal containers; for No. 303 glass multiply by conversion factor named for No. 303 cans.

APPENDIX E—TOMATOES (EXCEPT ITALIAN PEAR SHAPED TOMATOES)

Explanation of how maximum prices are figured—(a) *Pricing method where only substandard grade was sold during base period.* If the processor sold only substandard grade of packed tomatoes during the base period he shall establish his maximum price under section 5 (b).

(b) *Selection of a base period item.* In figuring a maximum price for an item under the provisions of subparagraph (3) or (4) of section 5 (a) the processor shall select a base period item nearest in container size to item being priced and nearest in such other respects as may be specified in the applicable appendix. After the nearest container size of packed tomatoes sold in the base period has been determined, the processor from that classification shall:

Select an item of the same grade, if available. If there is no such item, select as follows: to price fancy grade, select extra standard before standard; to price extra standard grade, select standard before fancy; to price standard grade, select extra standard before fancy; to price substandard select standard before extra standard and extra standard before fancy. In no case shall substandard grade be used as a base period item.

TABLE 1—AREAS

1. Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, Northern Pennsylvania (Wayne, Susquehanna, Bradford, Tioga, Potter, McKean, Warren, Forest, Erie, Crawford and Venango Counties) and New Jersey.

2. Maryland, Delaware and Southern Pennsylvania (all of the State of Pennsylvania not included in Area 1).

3. Virginia.

4. West Virginia, Kentucky, Tennessee, Ohio, Indiana, Illinois, Michigan, Wisconsin, Minnesota, Iowa, North Dakota, South Dakota, Nebraska, Kansas and Missouri, Oklahoma (Washington, Nowata, Craig, Ottawa, Tulsa, Rogers, Mayes, Delaware, Wagoner, Cherokee, Adair, Okmulgee, Muskogee, Sequoyah, McIntosh, Haskell and Le Flore counties), Arkansas (Benton, Carroll, Boone, Baxter, Washington, Madison, Newton, Searcy, Stone, Crawford Franklin, Johnson, Pope, Van Buren, Sebastian, Logan, Conway, Marion, Scott and Yell counties).

5. North Carolina, South Carolina, Georgia, Florida, Alabama, Mississippi, Louisiana, Oklahoma (except those counties included in Area 4), Texas and Arkansas (except those counties included in Area 4).

6. Montana, Idaho, Wyoming, Colorado, Utah, New Mexico, Arizona and Nevada.

7. Oregon, Washington and California.

TABLE 2—BASE PERIOD PRICES

All areas: Weighted average selling price for the first 60 days after the beginning of the 1941 pack.

TABLE 3—PERMITTED INCREASES AND PRICE RANGES PER DOZEN CONTAINERS FOR PROCESSORS OF PACKED TOMATOES WHO MADE SALES DURING THE BASE PERIOD

Area and grade	No. 2 cans: Permitted increase	No. 2 cans: Price ranges	No. 2½ cans: Permitted increase	No. 2½ cans: Price ranges	No. 10 cans: Permitted increase	No. 10 cans: Price ranges
Area 1:						
Fancy Whole	$0.40	$1.66–$1.76	$0.67	$2.13–$2.35	$2.30	$6.91–$7.61
Fancy	.48	1.58– 1.68	.65	2.02– 2.24	2.25	6.53– 7.23
Extra Standard	.44	1.31– 1.41	.60	1.72– 1.94	2.06	6.01– 6.51
Standard	.42	1.18– 1.28	.57	1.51– 1.73	1.97	5.29– 5.84
Area 2:						
Fancy Whole	.39	1.47– 1.59	.53	1.97– 2.17	1.83	6.57– 7.23
Fancy	.38	1.39– 1.51	.51	1.86– 2.06	1.78	6.19– 6.87
Extra Standard	.36	1.23– 1.37	.49	1.68– 1.80	1.69	5.60– 6.28
Standard	.35	1.11– 1.19	.47	1.54– 1.66	1.64	5.11– 5.79
Area 3:						
Fancy Whole	.36	1.39– 1.57	.49	1.93– 2.03	1.69	5.93– 6.63
Fancy	.35	1.31– 1.49	.47	1.82– 1.92	1.60	5.55– 6.25
Extra Standard	.33	1.18– 1.32	.45	1.65– 1.73	1.55	5.10– 5.80
Standard	.32	1.10– 1.16	.43	1.50– 1.58	1.50	4.63– 5.33
Area 4:						
Fancy Whole	.43	1.46– 1.64	.58	1.93– 2.15	2.02	6.46– 7.14
Fancy	.42	1.38– 1.56	.57	1.82– 2.04	1.97	6.08– 6.76
Extra Standard	.40	1.25– 1.39	.54	1.68– 1.86	1.88	5.67– 6.35
Standard	.39	1.17– 1.23	.53	1.58– 1.68	1.83	5.29– 5.97
Area 5:						
Fancy Whole	.38	1.42– 1.54	.52	1.89– 1.99	1.78	6.17– 6.87
Fancy	.37	1.34– 1.46	.50	1.78– 1.88	1.74	5.79– 6.49
Extra Standard	.35	1.21– 1.29	.47	1.64– 1.72	1.64	5.34– 6.04
Standard	.34	1.07– 1.15	.46	1.46– 1.54	1.60	4.85– 5.55
Area 6:						
Fancy Whole	.44	1.50– 1.62	.58	1.89– 1.99	1.78	6.37– 6.77
Fancy	.43	1.42– 1.54	.53	1.78– 1.88	1.74	5.99– 6.39
Extra Standard	.41	1.25– 1.37	.50	1.60– 1.70	1.66	5.58– 5.94
Standard	.40	1.23– 1.31	.49	1.54– 1.64	1.62	5.22– 5.72
Area 7:						
Fancy Whole	.49	1.70– 1.82	.60	2.14– 2.28	1.98	6.87– 7.31
Fancy	.47	1.62– 1.74	.58	2.03– 2.17	1.90	6.49– 6.93
Extra Standard	.43	1.48– 1.60	.53	1.81– 1.95	1.74	5.54– 6.60
Standard	.39	1.31– 1.37	.48	1.58– 1.66	1.58	5.12– 5.52

TABLE 4—SPECIFIC DOLLARS-AND-CENTS MAXIMUM PRICES PER DOZEN CONTAINERS FOR PROCESSORS WHO WERE NOT IN BUSINESS DURING 1941 OR WHO MADE NO SALES OF PACKED TOMATOES DURING THE BASE PERIOD

Area and grade	No. 2 cans	No. 2½ cans	No. 10 cans
Area 1:			
Fancy Whole	$1.71	$2.24	$7.26
Fancy	1.63	2.13	6.88
Extra Standard	1.36	1.83	6.26
Standard	1.24	1.62	5.52
Area 2:			
Fancy Whole	1.53	2.07	6.91
Fancy	1.45	1.96	6.53
Extra Standard	1.30	1.74	5.94
Standard	1.15	1.60	5.45
Area 3			
Fancy Whole	1.48	1.98	6.28
Fancy	1.40	1.87	5.90
Extra Standard	1.25	1.69	5.45
Standard	1.13	1.54	4.98
Area 4			
Fancy Whole	1.55	2.04	6.80
Fancy	1.47	1.93	6.42
Extra Standard	1.32	1.77	6.01
Standard	1.20	1.63	5.63
Area 5			
Fancy Whole	1.48	1.94	6.52
Fancy	1.40	1.83	6.14
Extra Standard	1.25	1.68	5.69
Standard	1.11	1.50	5.20
Area 6:			
Fancy Whole	1.56	1.94	6.57
Fancy	1.48	1.84	6.19
Extra standard	1.33	1.65	5.76
Standard	1.27	1.59	5.47
Area 7			
Fancy Whole	1.76	2.21	7.09
Fancy	1.68	2.10	6.71
Extra Standard	1.54	1.88	6.27
Standard	1.34	1.62	5.32

TABLE 5—CONVERSION FACTORS—METAL CONTAINERS

PART 1—AREAS 1-5, INCLUSIVE

To convert from a can size in this column	To a can size listed at the head of a column below, multiply by the appropriate conversion factor			
	No. 1 Picnic	No. 2	No. 2½	No. 10
No. 1 picnic		1.56	2.12	7.33
No. 2	0.64		1.36	4.70
No. 2½	.47	.74		3.48
No. 10	.14	.21	.29	

PART 2—AREAS 6 AND 7

To convert from a can size in this column	To a can size listed at the head of a column below, multiply by the appropriate conversion factor				
	No. 1 tall	No. 303	No. 2	No. 2½	No. 10
No. 1 tall			1.20	1.49	4.87
No. 303			1.18	1.46	4.77
No. 2	0.81	0.85		1.24	4.05
No. 2½	.67	.69	.81		3.27
No. 10	.21	.21	.25	.31	

TABLE 6—CONVERSION FROM TIN TO GLASS

[Dollars per dozen containers]

If you can figure a price for a can size in this column	To get a price for a glass container size in this column
No. 2½ can	2½ glass—add $0.15 per dozen.
No. 2 can	303 glass—add $0.02 per dozen.

TABLE 7—GRADE DIFFERENTIALS

[Differences between successive grades (per dozen containers)]

Area	No. 2 cans	No. 2½ cans	No. 10 cans
Area 1:			
Fancy Whole and Fancy	$0.08	$0.11	$0.36
Fancy and Extra Standard	.27	.30	.62
Extra Standard and Standard	.13	.21	.74
Standard and Substandard	.10	.18	.50
Area 2:			
Fancy Whole and Fancy	.08	.11	.38
Fancy and Extra Standard	.15	.22	.59
Extra Standard and Standard	.15	.14	.49
Standard and Substandard	.10	.18	.50
Area 3:			
Fancy Whole and Fancy	.08	.11	.38
Fancy and Extra Standard	.15	.18	.45
Extra Standard and Standard	.12	.15	.47
Standard and Substandard	.10	.18	.50
Area 4			
Fancy Whole and Fancy	.08	.11	.38
Fancy and Extra Standard	.15	.16	.41
Extra Standard and Standard	.12	.14	.38
Standard and Substandard	.10	.18	.50
Area 5:			
Fancy Whole and Fancy	.08	.11	.38
Fancy and Extra Standard	.15	.15	.45
Extra Standard and Standard	.14	.18	.49
Standard and Substandard	.10	.18	.50

TABLE 7—GRADE DIFFERENTIALS—Con.

Area	No. 2 cans	No. 2½ cans	No. 10 cans
Area 6:			
Fancy Whole and Fancy	$0.08	$0.11	$0.38
Fancy and Extra Standard	.15	.18	.[illegible]
Extra Standard and Standard	.06	.06	.[illegible]
Standard and Substandard	.10	.18	.[illegible]
Area 7:			
Fancy Whole and Fancy	.08	.11	.38
Fancy and Extra Standard	.14	.22	.41
Extra Standard and Standard	.20	.26	.[illegible]
Standard and Substandard	.10	.18	.[illegible]

TABLE 8—DIRECT SUBSIDY PAYABLE PER DOZEN CONTAINERS

(All areas and grades)

Amount of subsidy to be subtracted from gross maximum price per dozen containers in making sales to purchasers other than government procurement agencies

Container size	Amount to be subtracted
No. 1—Picnic	$0.12
No. 1—Tall	.15
No. 303	.15
No. 2 and No. 95 vacuum	.18
No. 2½	.24
No. 10	.81

TABLE 9—ADJUSTMENT FOR BASIC WAGE RATE INCREASE

[Dollars per dozen containers]

Area	No. 2 cans			No. 2½ cans			No. 10 cans		
	Fancy	Extra Standard	Standard and Substandard	Fancy	Extra Standard	Standard and Substandard	Fancy	Extra Standard	Standard and Substandard
1	$0.04	$0.03	$0.03	$0.05	$0.04	$0.04	$0.16	$0.14	$0.11
2	.02	.02	.02	.03	.03	.03	.10	.08	.08
3A	.02	.02	.02	.03	.02	.02	.08	.07	.07
B	.04	.03	.03	.05	.04	.04	.16	.14	.11
4	.03	.02	.02	.04	.03	.03	.12	.10	.10
5A	.02	.02	.02	.03	.03	.03	.10	.09	.09
B	.05	.04	.04	.06	.05	.05	.20	.17	.17
6	.02	.02	.02	.03	.03	.03	.09	.08	.08
7 Washington and Oregon	.02	.02	.02	.02	.02	.02	.08	.07	.07
California	.00	.00	.00	.00	.00	.00	.00	.00	.00

A. For 5-cent increase in wage rate for unskilled female labor.
B. For 10-cent increase in wage rate for unskilled female labor.
To figure amount of adjustment for other container sizes, multiply by the appropriate conversion factor in Table 5 for Metal Containers; for No. 303 glass multiply by conversion factor for No. 303 cans; for No. 2½ glass multiply by conversion factor for No. 2½ cans.

APPENDIX F—TOMATO JUICE

Explanation of how maximum prices are figured—(a) *Pricing method where only substandard grade was sold during base period.* If the processor sold only substandard grade of packed tomato juice during the base period he shall establish his maximum price under section 5 (b).

(b) *Selection of a base period item.* In figuring a maximum price for an item under the provisions of subparagraph (3) or (4) of section 5 (a) the processor shall select a base period item nearest in container size to item being priced and nearest in such other respects as may be specified in the applicable appendix. After the nearest container size of packed tomato juice sold in the base period has been determined, the processor from that classification shall select an item of the same grade, if available. If there is no such item, select any other grade available except that in no case shall substandard grade be used as the base period item.

TABLE 1—AREAS

1. Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, Northern Pennsylvania (Wayne, Susquehanna, Bradford, Tioga, Potter, McKean, Warren, Forest, Erie, Crawford and Venango Counties) and New Jersey.

2. Virginia, Delaware, Maryland, West Virginia, Pennsylvania (counties other than those in Area 1).

3. Ohio, Indiana, Kentucky, Illinois, Michigan, Wisconsin, Minnesota, Nebraska, Kansas, Iowa, Tennessee, North Dakota, South Dakota, Oklahoma, Arkansas and Missouri.

4. Montana, Idaho, Wyoming, Colorado, Utah, New Mexico, Arizona and Nevada.

5. California, Oregon, Washington.

6. All other states or areas.

TABLE 2—BASE PERIOD PRICES

All areas: Weighted average selling price for the first 60 days after the beginning of the 1941 pack.

TABLE 3—PERMITTED INCREASES AND PRICE RANGES PER DOZEN CONTAINERS FOR PROCESSORS OF PACKED TOMATO JUICE WHO MADE SALES DURING THE BASE PERIOD

Area	No. 2 cans			No. 3 cylinder or 46-ounce cans			No. 10 cans		
	Permitted increase	Price ranges		Permitted increase	Price ranges		Permitted increase	Price ranges	
		Fancy	Standard		Fancy	Standard		Fancy	Standard
1	$0.18	$0.94–$1.06	$0.84–$0.96	$0.42	$2.06–$2.32	$1.81–$2.07	$0.88	$4.02–$4.40	$3.52–$3.90
2	.15	.93– 1.03	.83– .93	.36	2.03– 2.25	1.78– 2.00	.79	4.06– 4.48	3.56– 3.98
3	.23	.98– 1.10	.88– 1.00	.51	2.08– 2.26	1.83– 2.01	1.06	4.16– 4.58	3.66– 4.08
4	.20	.95– 1.03	.85– .93	.50	2.08– 2.26	1.83– 2.01	1.05	4.05– 4.27	3.55– 3.77
5	.20	.96– 1.06	.86– .96	.51	2.09– 2.35	1.84– 2.10	.96	4.12– 4.46	3.62– 3.96
6	.20	.96– 1.06	.86– .96	.47	2.07– 2.31	1.82– 2.06	.96	4.10– 4.48	3.60– 3.98

TABLE 4—SPECIFIC DOLLAR-AND-CENTS MAXIMUM PRICES PER DOZEN CONTAINERS FOR PROCESSORS WHO WERE NOT IN BUSINESS DURING 1941 OR WHO MADE NO SALES OF PACKED TOMATO JUICE DURING THE BASE PERIOD

Area	No. 2 cans		No. 3 cylinder or 46-ounce cans		No. 10 cans	
	Fancy	Standard	Fancy	Standard	Fancy	Standard
1	$1.00	$0.90	$2.19	$1.94	$4.21	$3.71
2	.98	.88	2.14	1.89	4.27	3.77
3	1.04	.94	2.17	1.92	4.37	3.87
4	.99	.89	2.17	1.92	4.16	3.66
5	1.01	.91	2.22	1.97	4.29	3.79
6	1.01	.91	2.19	1.94	4.29	3.79

TABLE 5—CONVERSION FACTORS—METAL CONTAINERS

ALL AREAS

To convert from a can size in this column	To a can size listed at the head of a column below, multiply by the appropriate conversion factor		
	No. 2	No. 3 cyl.	No. 10
No. 2		2.17	4.24
No. 3 cyl.	.46		1.96
No. 10	.24	.51	

TABLE 6—CONVERSION FROM TIN TO GLASS

ALL AREAS

If you can figure a price for a can size in this column	To get a price for a glass container in this column, multiply by the appropriate conversion factor			
	6-oz.	16-oz.	26-oz.	32-oz.
No. 2	.56	1.12	1.67	2.02
No. 3 cylinder	.26	.52	.77	.93

TABLE 7—GRADE DIFFERENTIALS

	Differences between grades (per dozen)		
	No. 2	No. 3 cyl.	No. 10
Fancy and Standard	$0.10	$0.25	$0.50

TABLE 8—DIRECT SUBSIDY PAYABLE PER DOZEN CONTAINERS FOR TOMATO JUICE, ALL AREAS AND GRADES

Name	Dimensions	Amount of subsidy to be subtracted per dozen containers in making sales to purchasers other than government procurement agencies
No designation	211 x 200	$0.01
6f Juice	202 x 308	.02
8z short or 6f5	211 x 300	.02
8z Tall	211 x 304	.03
No. 1 Flat	307 x 203	.03
No designation	208 x 400	.03
No. 1 Picnic or Eastern Oyster (E. O.)	211 x 400	.03
No. 2½ Cylinder or 12 oz.	211 x 414	.04
No. 1 Short	301 x 400	.04
No. 1¼	401 x 207.5	.04
No. 2 Vacuum	307 x 306	.04
No. 300	300 x 407	.04
No. 1 Tall or 16 oz	301 x 411	.05
No. 303	303 x 406	.05
No. 95	307 x 400	.05
No. 2	307 x 409	.06
No. 303 Cylinder	303 x 509	.06
No. 3 Vacuum	404 x 307	.07
No. 2 XT	307 x 506	.07
Jumbo	307 x 510	.08
No. 2 Cylinder	307 x 512	.08
No. 2 Tall	307 x 604	.08
No. 2½	401 x 411	.09
No. 3	404 x 414	.10
No. 3 Cylinder or 46 oz	404 x 700	.15
No. 3 Tall	404 x 708	.16
No. 5	502 x 510	.17
No. 10	603 x 700	.32
No. 12	603 x 812	.40

To determine the rate of subsidy payable per dozen on container types and sizes not specified above multiply $.0029 by the total capacity of the container in avoirdupois ounces of water at 68° Fahrenheit.

TABLE 9—ADJUSTMENT FOR BASIC WAGE RATE INCREASE

[Dollars per dozen containers]

Area	No. 2 cans		No. 3 Cyl. cans		No. 10 cans	
	Fancy	Standard and Substandard	Fancy	Standard and Substandard	Fancy	Standard and Substandard
1	$0.01	$0.01	$0.02	$0.02	$0.05	$0.04
2	.01	.01	.03	.03	.06	.05
3	.02	.01	.03	.03	.06	.05
4	.01	.01	.02	.01	.03	.03
5. Washington and Oregon	.00	.00	.01	.01	.02	.01
California	.00	.00	.00	.00	.00	.00
6	.01	.01	.02	.01	.03	.03

To figure amount of adjustment for other container sizes multiply by appropriate conversion factor in Table 5 for metal containers and in Table 6 for glass containers.

APPENDIX G—CORN

Explanation of how maximum prices for packed corn are figured—(a) *What this appendix covers.* This appendix covers the pricing of packed corn. However, the tables in the appendix apply only to the pricing of sweet corn and if any field corn or mixtures of field and sweet corn are packed by the processor he must apply for an individual authorization of a maximum price in accordance with section 10 (c). If the processor sold only substandard grade of the packed sweet corn during the base period he shall establish his maximum prices under section 5 (b).

(b) *Selection of base period item.* In figuring a maximum price under the provisions of subparagraph (3) or (4) of section 5 (a) the processor shall select a base period item nearest in container size to item being priced and nearest in such other respects as may be specified in the applicable appendix. After the nearest container size of packed corn sold in the base period has been determined, the processor from that classification shall:

1. Select items of the same variety, if available. If there are no such items, select as follows: to price golden, select items of white other than Evergreen and narrow grain before selecting Evergreen and narrow grain; to price white other than Evergreen and narrow grain, select items of golden before selecting Evergreen and narrow grain; to price Evergreen and narrow grain, select items of white other than Evergreen and narrow grain before selecting golden.

2. From the selected classification, select items of the same style of pack, if available. If there is no such item, select any other style of pack.

3. From the selected classification, select an item of the same grade if available. If there is no such item, select as follows: to price fancy grade, select extra standard before standard; to price extra standard grade, select standard before fancy; to price standard grade, select extra standard before fancy; to price substandard select standard before extra standard, and extra standard before fancy. In no case shall substandard grade be used as a base period item.

(c) *Conversion from one variety and style of pack to another variety and style of pack and conversion from one style of pack to another style of pack of the same variety.* In each case of conversion from one variety and style of pack to another variety and style of pack, or from one style of pack to another style of pack of the same variety, the processor shall figure the conversion by taking the difference between the specific dollars-and-cents maximum prices named in Table 4 for the two items and adding to or subtracting it from the constructed base price, as the situation requires. Whether the differential is to be added or subtracted depends on whether the dollars-and-cents price named in Table 4 for the item being priced is higher or lower than that for the item from which the conversion is being made.

Example: the A Canning Company whose factory is located in Area 4 sold extra standard Evergreen cream style corn in No. 2 cans during the base period. It is now pricing extra standard Golden Whole Grain Corn in No. 2 cans. To figure the conversion for variety and style of pack the company takes the difference between the dollars-and-cents price named for the Evergreen cream style corn item in Table 4 and the dollars-and-cents price named for the Golden Whole Grain Corn item ($1.29 minus $1.11 equals $0.18). Since the whole grain corn dollars-and-cents prices are higher than those for

cream style corn the $0.18 differential is added to its constructed base price in making the conversion for variety and style of pack.

(d) *Figuring maximum prices for whole grain corn.* Although but one price range is provided in each area for each can size of all varieties of whole grain corn, the processor shall figure separate maximum prices for each variety of whole grain corn.

TABLE I—AREAS

1. Maine, Massachusetts, New Hampshire, Rhode Island, Vermont.

2. Delaware, Maryland, New Jersey, New York, Virginia.

3. Indiana, Michigan, Minnesota, Ohio, Pennsylvania, Wisconsin.

4. Illinois, Iowa, Nebraska.

5. Idaho—following counties (Bonner, Boundary, Kootenai, Benewah, Shoshone, Latah, Clearwater, Nez Perce, Lewis, Idaho, Adams, Valley, Washington, Payette, Gem, Canyon, Boise, Ada, Elmore, Owyhee, Camas, Gooding, Lincoln, Minidoka, Jerome, Twin Falls, and Cassia), Utah—following counties (Box Elder, Cache, Weber, Davis, Morgan, Salt Lake, and Utah), Oregon and Washington.

6. All other States and counties in Idaho and Utah not included in Area 5.

TABLE 2—BASE PERIOD PRICES

ALL AREAS

All Golden Corn: Weighted average selling price for first 60 days after the beginning of the 1941 pack of any style of pack of Golden Sweet Corn.

All White Corn: Weighted average selling price for first 60 days after the beginning of the 1941 pack of any style of pack of White Sweet Corn.

TABLE 3—PERMITTED INCREASES AND PRICE RANGES PER DOZEN CONTAINERS FOR PROCESSORS OF PACKED SWEET CORN WHO MADE SALES DURING THE BASE PERIOD

Item No.	Area	Variety	Style	No. 2 cans						No. 10 cans						No. 2 vacuum cans					
				Fancy		Extra standard		Standard		Fancy		Extra standard		Standard		Fancy		Extra standard		Standard	
				Permitted increase	Price ranges	Permitted increase	Price ranges	Permitted increase	Price ranges	Permitted increase	Price ranges	Permitted increase	Price ranges	Permitted increase	Price ranges	Permitted increase	Price ranges	Permitted increase	Price ranges	Permitted increase	Price ranges
1	1	Golden	Cream	$0.30	$1.32–$1.42	$0.27	$1.21–$1.31	$0.24	$1.13–$1.21	$1.55	$6.81–$7.33	$1.39	$6.24–$6.76	$1.24	$5.83–$6.24						
2		White, other than Evergreen and Narrow grain	Cream	.32	1.32– 1.42	.29	1.21– 1.31	.26	1.13– 1.21	1.65	6.81– 7.33	1.50	6.24– 6.76	1.34	5.83– 6.24						
3		Evergreen and Narrow grain	Cream	.32	1.22– 1.32	.29	1.16– 1.26	.26	1.08– 1.16	1.65	6.30– 6.81	1.50	5.99– 6.50	1.34	5.57– 5.99						
4		All varieties	Whole grain	.33	1.41– 1.47	.30	1.34– 1.40	.27	1.26– 1.32	1.68	7.18– 7.48	1.53	6.82– 7.13	1.37	6.41– 6.72	$0.31	$1.33–$1.38	$0.28	$1.26–$1.32	$0.25	$1.18–$1.24
5		Golden	Cream	.32	1.28– 1.44	.29	1.16– 1.28	.27	1.09– 1.21	1.65	6.69– 7.42	1.50	5.98– 6.60	1.39	5.62– 6.24						
6	2	White, other than Evergreen and Narrow grain	Cream	.34	1.28– 1.44	.31	1.16– 1.28	.29	1.09– 1.21	1.75	6.69– 7.42	1.60	5.98– 6.60	1.50	5.62– 6.24						
7		Evergreen and Narrow grain	Cream	.34	1.18– 1.34	.31	1.11– 1.23	.29	1.04– 1.16	1.75	6.09– 6.91	1.60	5.73– 6.35	1.50	5.37– 5.99						
8		All varieties	Whole grain	.38	1.40– 1.54	.35	1.31– 1.41	.33	1.24– 1.34	1.93	7.13– 7.83	1.78	6.67– 7.17	1.68	6.30– 6.82	.35	1.30– 1.44	.33	1.22– 1.32	.31	1.15– 1.25
9		Golden	Cream	.27	1.24– 1.34	.24	1.12– 1.22	.21	1.02– 1.12	1.39	6.39– 6.91	1.24	5.78– 6.30	1.08	5.26– 5.78						
10	3	White, other than Evergreen and Narrow grain	Cream	.29	1.24– 1.34	.26	1.12– 1.22	.23	1.02– 1.12	1.50	6.39– 6.91	1.34	5.78– 6.30	1.19	5.26– 5.78						
11		Evergreen and Narrow grain	Cream	.29	1.14– 1.24	.26	1.07– 1.17	.23	.97– 1.07	1.50	5.88– 6.40	1.34	5.52– 6.04	1.19	5.00– 5.52						
12		All varieties	Whole grain	.31	1.33– 1.43	.29	1.20– 1.30	.26	1.12– 1.22	1.58	6.77– 7.27	1.48	6.11– 6.61	1.32	5.70– 6.20	.29	1.31– 1.41	.27	1.19– 1.29	.24	1.11– 1.21
13		Golden	Cream	.32	1.23– 1.35	.28	1.12– 1.20	.25	1.04– 1.12	1.65	6.35– 6.97	1.44	5.77– 6.19	1.29	5.37– 5.77						
14	4	White, other than Evergreen and Narrow grain	Cream	.34	1.23– 1.35	.30	1.12– 1.20	.27	1.04– 1.12	1.75	6.35– 6.97	1.55	5.77– 6.19	1.39	5.37– 5.77						
15		Evergreen and Narrow grain	Cream	.34	1.13– 1.25	.30	1.07– 1.15	.27	.99– 1.07	1.75	5.83– 6.45	1.55	5.52– 5.93	1.39	5.10– 5.52						
16		All varieties	Whole grain	.39	1.37– 1.49	.35	1.25– 1.33	.32	1.19– 1.27	1.99	6.99– 7.58	1.78	6.36– 6.76	1.63	6.06– 6.46	.36	1.35– 1.47	.33	1.22– 1.30	.30	1.16– 1.24
17		Golden	Cream	.36	1.43– 1.57	.33	1.34– 1.44	.30	1.25– 1.35	1.86	7.38– 8.10	1.70	6.91– 7.43	1.55	6.45– 6.97						
18	5	White, other than Evergreen and Narrow grain	Cream	.38	1.43– 1.57	.35	1.34– 1.44	.32	1.25– 1.35	1.96	7.38– 8.10	1.81	6.91– 7.43	1.65	6.45– 6.97						
19		Evergreen and Narrow grain	Cream	.38	1.33– 1.47	.33	1.29– 1.39	.32	1.20– 1.30	1.96	6.86– 7.58	1.81	6.66– 7.17	1.65	6.19– 6.71						
20		All varieties	Whole grain	.45	1.57– 1.67	.42	1.51– 1.61	.39	1.46– 1.56	2.29	7.99– 8.49	2.14	7.69– 8.19	1.99	7.43– 7.93	.42	1.48– 1.58	.39	1.27– 1.37	.36	1.21– 1.31
21		Golden	Cream	.27	1.24– 1.34	.24	1.12– 1.22	.21	1.02– 1.12	1.39	6.39– 6.91	1.24	5.78– 6.30	1.08	5.26– 5.78						
22	6	White, other than Evergreen and Narrow grain	Cream	.29	1.24– 1.34	.26	1.12– 1.22	.23	1.02– 1.12	1.50	6.39– 6.91	1.34	5.78– 6.30	1.19	5.26– 5.78						
23		Evergreen and Narrow grain	Cream	.29	1.14– 1.24	.26	1.07– 1.17	.23	.97– 1.07	1.50	5.88– 6.40	1.34	5.52– 6.04	1.19	5.00– 5.52						
24		All varieties	Whole grain	.31	1.33– 1.43	.29	1.20– 1.30	.26	1.12– 1.22	1.58	6.77– 7.27	1.48	6.11– 6.61	1.32	5.70– 6.20	.29	1.31– 1.41	.27	1.19– 1.29	.24	1.11– 1.21

TABLE 4—SPECIFIC DOLLARS AND CENTS MAXIMUM PRICES PER DOZEN CONTAINERS FOR PROCESSORS WHO WERE NOT IN BUSINESS DURING 1941 OR MADE NO SALES OF PACKED SWEET CORN DURING THE BASE PERIOD

Item No.	Area	Variety	Style	No. 2 cans			No. 10 cans			No. 2 vacuum cans		
				Fancy	Extra Standard	Standard	Fancy	Extra Standard	Standard	Fancy	Extra Standard	Standard
1	1	Golden	Cream	$1.37	$1.29	$1.17	$7.07	$6.50	$6.04			
2		White, other than Evergreen and Narrow grain	do	1.37	1.26	1.17	7.07	6.50	6.04			
3		Evergreen and Narrow grain	do	1.27	1.21	1.12	6.55	6.24	5.78			
4		All varieties	Whole grain	1.44	1.37	1.29	7.33	6.97	6.56	$1.35	$1.29	$1.21
5		Golden	Cream	1.36	1.22	1.15	7.01	6.29	5.93			
6	2	White, other than Evergreen and Narrow grain	do	1.36	1.22	1.15	7.01	6.29	5.93			
7		Evergreen and Narrow grain	do	1.26	1.17	1.10	6.50	6.04	5.68			
8		All varieties	Whole grain	1.47	1.36	1.29	7.48	6.92	6.56	1.37	1.27	1.20
9		Golden	Cream	1.29	1.17	1.07	6.65	6.04	5.52			
10	3	White, other than Evergreen and Narrow grain	do	1.29	1.17	1.07	6.65	6.04	5.52			
11		Evergreen and Narrow grain	do	1.19	1.12	1.02	6.14	5.78	5.26			
12		All varieties	Whole grain	1.38	1.25	1.17	7.02	6.36	5.95	1.36	1.24	1.16
13		Golden	Cream	1.29	1.16	1.08	6.66	5.98	5.57			
14	4	White, other than Evergreen and Narrow grain	do	1.29	1.16	1.08	6.66	5.98	5.57			
15		Evergreen and Narrow grain	do	1.19	1.11	1.03	6.14	5.73	5.31			
16		All varieties	Whole grain	1.43	1.29	1.23	7.27	6.56	6.26	1.41	1.26	1.20
17		Golden	Cream	1.50	1.39	1.30	7.74	7.17	6.71			
18	5	White, other than Evergreen and Narrow grain	do	1.50	1.39	1.30	7.74	7.17	6.71			
19		Evergreen and Narrow grain	do	1.40	1.34	1.25	7.22	6.92	6.45			
20		All varieties	Whole grain	1.62	1.56	1.51	8.24	7.94	7.68	1.53	1.32	1.20
21		Golden	Cream	1.29	1.17	1.07	6.65	6.04	5.52			
22	6	White, other than Evergreen and Narrow grain	do	1.29	1.17	1.07	6.65	6.04	5.52			
23		Evergreen and Narrow grain	do	1.19	1.12	1.02	6.14	5.78	5.26			
24		All varieties	Whole grain	1.38	1.25	1.17	7.02	6.36	5.95	1.36	1.24	1.16

TABLE 5—CONVERSION FACTORS—METAL CONTAINERS

PART 1—ALL CREAM SWEET CORN

To convert from a can size in this column	To a can size listed at the head of a column below, multiply by the appropriate conversion factor				
	8-oz.	1 picnic	No. 303	No. 2	No. 10
8 oz.				1.69	8.72
1 picnic				1.43	7.38
No. 303				1.12	5.78
No. 2	0.59	0.70	0.89		5.16
No. 10	.11	.14	.17	.19	

PART 2—ALL WHOLE KERNEL CORN

To convert from a can size in this column	To a can size listed at the head of a column below, multiply by the appropriate conversion factor					
	8-oz.	1 picnic	No. 303	No. 2 vacuum	No. 2	No. 10
8 oz.					1.82	9.26
No. 1 picnic					1.47	7.48
No. 303					1.15	5.85
12-oz. vacuum					1.06	5.40
No. 2	0.55	0.68	0.87	0.94		5.09
No. 10	.11	.13	.17	.18	.20	

TABLE 6—CONVERSIONS FROM TIN TO GLASS (DOLLARS PER DOZEN CONTAINERS)

ALL SWEET CORN

If you can figure a price for a can size in this column—	To get a price for the glass container size at the head of a column below, add the indicated amount
No. 303	No. 303
	$0.15

TABLE 7—GRADE DIFFERENTIALS

DIFFERENCES BETWEEN SUCCESSIVE GRADES (PER DOZEN CONTAINERS)

Item No.	Area	Variety	Style	No. 2 cans			No. 10 cans			No. 2 vacuum cans		
				Fancy and Extra Standard	Extra Standard and Standard	Standard and Substandard	Fancy and Extra Standard	Extra Standard and Standard	Standard and Substandard	Fancy and Extra Standard	Extra Standard and Standard	Standard and Substandard
1	1	Golden	Cream	$0.11	$0.09	$0.10	$0.57	$0.46	$0.50			
2		White, other than Evergreen and Narrow grain	Cream	.11	.09	.10	.57	.46	.50			
3		Evergreen and Narrow grain	Cream	.06	.06	.10	.31	.46	.50	$0.06	$0.08	$0.10
4		All varieties	Whole grain	.07	.08	.10	.36	.41	.50			
5		Golden	Cream	.14	.07	.10	.72	.36	.50			
6	2	White, other than Evergreen and Narrow grain	Cream	.14	.07	.10	.72	.36	.50			
7		Evergreen and Narrow grain	Cream	.09	.07	.10	.46	.36	.50			
8		All varieties	Whole grain	.11	.07	.10	.56	.36	.50	.10	.07	.10
9		Golden	Cream	.12	.10	.10	.61	.52	.50			
10	3	White, other than Evergreen and Narrow grain	Cream	.12	.10	.10	.61	.52	.50			
11		Evergreen and Narrow grain	Cream	.07	.10	.10	.36	.52	.50			
12		All varieties	Whole grain	.13	.08	.10	.66	.41	.50	.12	.08	.10
13		Golden	Cream	.13	.08	.10	.68	.41	.50			
14	4	White, other than Evergreen and Narrow grain	Cream	.13	.08	.10	.68	.41	.50			
15		Evergreen and Narrow grain	Cream	.08	.08	.10	.41	.42	.50			
16		All varieties	Whole grain	.14	.06	.10	.71	.30	.50	.15	.06	.10
17		Golden	Cream	.11	.09	.10	.57	.46	.50			
18	5	White, other than Evergreen and Narrow grain	Cream	.11	.09	.10	.57	.46	.50			
19		Evergreen and Narrow grain	Cream	.06	.09	.10	.30	.47	.50			
20		All varieties	Whole grain	.06	.06	.10	.30	.26	.50	.21	.06	.10
21		Golden	Cream	.12	.10	.10	.61	.52	.50			
22	6	White, other than Evergreen and Narrow grain	Cream	.12	.10	.10	.61	.52	.50			
23		Evergreen and Narrow grain	Cream	.07	.10	.10	.36	.52	.50			
24		All varieties	Whole grain	.13	.08	.10	.66	.41	.50	.12	.08	.10

TABLE 8—DIRECT SUBSIDY PAYABLE PER DOZEN CONTAINERS

ALL AREAS, VARIETIES, STYLES AND GRADES

[Amount of subsidy to be subtracted from gross maximum price per dozen containers in making sales to purchasers other than Government procurement agencies]

8-oz. cans	1 picnic cans	No. 303 cans	No. 2 vacuum cans	No. 2 and No. 95 vacuum cans	No. 95 vacuum cans	No. 10 cans
$0.05	$0.06	$0.07	$0.06	$0.08	$0.08	$0.12

TABLE 9—ADJUSTMENT FOR BASIC WAGE RATE INCREASE

PART 1—ALL WHOLE KERNEL CORN

[Dollars per dozen containers]

Area	No. 2 cans			No. 10 cans			No. 2 vacuum cans		
	Fancy	Extra Standard	Standard and Substandard	Fancy	Extra Standard	Standard and Substandard	Fancy	Extra Standard	Standard and Substandard
1	$0.02	$0.02	$0.01	$0.08	$0.07	$0.07	$0.02	$0.02	$0.01
2	.02	.02	.02	.11	.10	.09	.02	.02	.02
3	.02	.02	.02	.09	.08	.07	.02	.02	.02
4	.02	.02	.02	.09	.08	.07	.02	.02	.02
5	.01	.01	.01	.03	.03	.03	.01	.01	.01
6 Calif	.00	.00	.00	.00	.00	.00	.00	.00	.00
All others	.02	.02	.02	.09	.08	.07	.02	.02	.02

PART 2—ALL CREAM STYLE CORN

Area	No. 2 cans			No. 10 cans		
	Fancy	Extra Standard	Standard and Substandard	Fancy	Extra Standard	Standard and Substandard
1	$0.02	$0.02	$0.01	$0.08	$0.07	$0.06
2	.02	.02	.02	.09	.09	.08
3	.02	.02	.01	.08	.07	.07
4	.02	.02	.02	.09	.08	.07
5	.01	.01	.01	.04	.04	.04
6 California	.00	.00	.00	.00	.00	.00
All others	.02	.02	.02	.09	.08	.07

To figure amount of adjustment for other container sizes, multiply by appropriate conversion factor in Table 5 for metal containers; for No. 303 glass multiply by conversion factor named for No. 303 cans.

Effective date. This supplement shall become effective September 3, 1945.

NOTE: All record-keeping and reporting requirements of this supplement have been approved by the Bureau of the Budget, in accordance with the Federal Reports Act of 1942.

Issued this 28th day of August 1945.

CHESTER BOWLES,
Administrator.

Approved: August 17, 1945.

CLINTON P. ANDERSON,
Secretary of Agriculture.

For the reasons set forth in the statement of considerations and by virtue of the authority vested in me by the Emergency Price Control Act of 1942, as amended, and Executive Orders Nos. 9250 and 9328, I find that the issuance of this supplement, insofar as it establishes maximum prices for the fruits and berries named herein, based on the raw material prices referred to in the statement of considerations, is necessary to aid in the effective prosecution of the war and to correct gross inequities.

WILLIAM H. DAVIS,
Economic Stabilization Director.

[F. R. Doc. 45-16123; Filed, Aug. 28, 1945; 3:44 p. m.]

PART 1400—TEXTILE FABRICS: COTTON, WOOL, SILK, SYNTHETICS AND ADMIXTURES

[MPR 127,[1] Amdt. 34]

FINISHED PIECE GOODS

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.

Maximum Price Regulation No. 127 is amended in the following respects:

1. Section 1400.78 (b) is amended to read as follows:

(b) Sales of:

(1) Finished piece goods by decorative goods jobbers.

(2) Ecclesiastical fabrics by a producer or converter thereof.

(3) Metallic fabrics by a producer or converter thereof.

(4) Loom-finished fabrics by a producer who before such sale has filed his name and address with the Office of Price Administration, Washington 25, D. C.

(5) Finished fabrics by a converter or producer which:

(i) Are 54 inches or more in finished width;

(ii) Weigh in excess of 12½ oz. per linear yard of 56 inch width;

(iii) Contain 8 per cent or more wool by weight; and

(iv) Are finished on the woolen or worsted system.

2. In § 1400.78 (c) subparagraphs (39), (40), (41) and (44) are revoked.

3. In § 1400.81 (a) subparagraph (14) is amended by deleting the words "yarn-dyed or warp-printed".

4. In § 1400.82 (a) after the caption *"Method of determining maximum prices"* the following is inserted "(1) *Normal method of determining maximum prices.*"

5. Section 1400.82 (a) (2) is added to read as follows:

(2) *Method for finished piece goods which are not white, bleached, dyed, printed, or yarn-dyed.* Notwithstanding any other provision of this section the maximum net selling price f. o. b. point of shipment[2] for finished piece goods which are not white, bleached, dyed, printed or yarn-dyed shall be the sum of the five items set forth in subparagraph (1) above, without any markup thereon.

6. Section 1400.82 (a) (4) is added to read as follows:

(4) *Method where ceiling for grey goods has been increased by individual adjustment.* Notwithstanding any other provision of this section, the maximum net selling price, f. o. b. point of shipment,[2] for finished piece goods made from grey goods for which an adjusted ceiling price has been granted to the seller individually under the provisions of any supplementary order (except Supplementary Order No. 9) shall be the higher of the following two alternatives:

(i) The maximum price computed in accordance with subparagraph (1) above, without regard to any individual adjustment of the maximum price for the grey goods; or

(ii) The maximum price computed in accordance with subparagraph (1) above, with the basic grey goods cost and working allowance computed from the individually adjusted maximum price for the grey goods: *Provided*, That in the case of finished piece goods sold by the producer the basic grey goods cost and working allowance so arrived at shall be reduced by 4 per cent unless the producer has been granted an individually adjusted grey goods maximum price expressly designated for use in determining his maximum price for finished piece goods under this regulation.

[1] 9 F.R. 2464, 3031, 4029, 4879, 10088, 12020, 12636, 13067, 14014; 10 F.R. 412, 2014, 3093, 4816, 6308.

[2] Where a converter or a subsidiary or affiliate of a converter sells converted goods from a point of shipment which is located outside of the Atlantic Seaboard States, and the finishing operations with respect to such goods are performed in any of such Atlantic Seaboard States, the seller may add to the otherwise applicable maximum price the actual transportation charges incurred in bringing the finished piece goods to such point of shipment. If the goods are transported to such point of shipment in a conveyance other than a common carrier, the charge shall not exceed the charge which would be applicable in an identical shipment at the lowest available commercial transportation rate.

7. Section 1400.82 (a) (5) is added to read as follows:

(5) *Method for refinished surplus finished piece goods.* Notwithstanding any other provision of this section the maximum net selling price f. o. b. point of shipment[2] for finished piece goods made from surplus finished piece goods shall be determined by the following three steps:

Step A. Determine the sum of items 1, 2, 3, and 4 listed below and divide that sum by .915 if the sale is to a Class I purchaser or by .885 if the sale is to a Class II purchaser.

Step B. Divide item 5 listed below by .95.

Step C. Add together the results arrived at in Step A and Step B.

(1) Basic surplus finished goods cost, which must not exceed the actual sum paid to a government agency[3] for the surplus finished piece goods.[4]

(2) The surplus finished piece goods freight, which is the actual transportation paid in transporting the surplus finished piece goods from the place they were stored at the time of purchase from the government agency to the finishing plant where the finishing process is begun.

(3) Working allowance, determined in accordance with paragraph (d) of this section.

(4) Put up charges, determined in accordance with paragraph (f) of this section.

(5) Finishing cost, determined in accordance with paragraph (e) of this section.

8. Section 1400.82 (y) is added to read as follows:

(y) *Resales of surplus finished piece goods purchased from a government agency and not refinished.* (1) Notwithstanding any other provision of this section any person (including a jobber and a converter-jobber) may resell surplus finished piece goods purchased from a government agency at the markup provided in subparagraph (3) below. However, no part of the markup set forth in subparagraph (3) below may be charged on a sale to a wholesaler, jobber, converter-jobber or converter. Moreover, the markup provided in subparagraph (3) below may not be charged on a resale by a person other than the original purchaser from the government agency.

"Government agency" means the United States Government or any department, agency, commission, board, corporation or other instrumentality of the United States Government. "Surplus finished piece goods" means finished piece goods sold by a government agency.

(2) *Records.* (i) In addition to the details required in the record of every transaction by § 1400.75, in the case of every purchase, sale or delivery of surplus finished piece goods, the records shall contain the statement that the goods purchased, sold or delivered are surplus finished piece goods.

(ii) In addition to the details required in the contract of sale or invoice by § 1400.77, the contract of sale or invoice in the case of every sale of surplus finished piece goods, shall state that the goods sold are surplus finished piece goods.

(3) *Markup.* Subject to the other provisions of this paragraph, the maximum price for surplus finished piece goods sold in the performance of a recognized distributive function[4] shall be computed by dividing the actual cost[5] by .885 if the sale is to a Class II purchaser and .915 if the sale is to a Class I purchaser.

This amendment shall become effective August 28, 1945.

NOTE: The record-keeping requirements of this amendment have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 28th day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-16125; Filed, Aug. 28, 1945; 3:45 p. m.]

PART 1351—FOOD AND FOOD PRODUCTS

[RPS 51,[6] Amdt. 7]

COCOA BEANS AND COCOA PRODUCTS

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.

Revised Price Schedule 51 is amended in the following respects:

1. The title is amended to read as follows: "Cocoa Beans and Cocoa Products."

2. Section 1351.51 is amended to read as follows:

§ 1351.51 *Prohibition of sales above maximum prices.* On and after December 11, 1941, or the effective date thereof as to any amendment of this schedule, regardless of any contract or other obligation:

(a) No person shall sell, offer to sell, attempt to sell, deliver or transfer cocoa beans, cocoa butter or the imported cocoa products named in Appendix C at prices higher than the maximum prices established by this schedule, and

(b) No person shall buy, offer to buy, attempt to buy, receive or import in the course of trade or business, cocoa beans, cocoa butter or the imported cocoa products named in Appendix C, at prices higher than the maximum prices established by this schedule, except that:

(c) Contracts, by importers, entered into prior to April 18, 1945, for the foreign purchase of the products specified in Appendix C may be carried out provided shipment is made from the foreign country prior to September 28, 1945.

Contracts, by importers, entered into between April 18, 1945 and August 29, 1945 for the foreign purchase of the products specified in Appendix C may be carried out *Provided; either*, (1) That payment has been made to the foreign seller, or (2) that drafts have been negotiated prior to August 29, 1945, or (3) that an irrevocable letter of credit was in effect on August 29, 1945 and that shipment is made from the foreign country prior to September 28, 1945.

Any importer who has made a foreign purchase or a commitment for a foreign purchase prior to August 29, 1945, and who had received a price authorization, or who had applied for a price authorization under Order 38 under the Maximum Import Price Regulation, may continue to use the maximum price authorized under Order 38 for the disposition of unsold stocks or foreign purchase commitments provided final delivery is made prior to November 12, 1945.

3. Section 1351.51a is added to read as follows:

§ 1351.51a *Applicability*—(1) *General.* This Revised Price Schedule 51 establishes the maximum prices at which all persons may import, purchase and sell cocoa beans, cocoa butter and the imported cocoa products named in Appendix C within the continental United States except in consumer-size packages.

(2) Maximum prices for sales in consumer-size packages are established upon written application to the Office of Price Administration under Order 38 under the Maximum Import Price Regulation and by Maximum Price Regulations 421, 422 and 423 when applicable.

(3) The provisions of this schedule supersede the provisions of Order 38 under the Maximum Import Price Regulation with respect to sales of the imported cocoa products for which maximum prices are established herein.

4. Section 1351.52 is amended by inserting after the words, "cocoa butter" the words, "or imported cocoa products named in Appendix C."

5. Section 1351.53 is amended by inserting after the words, "cosmetic uses" the words, "and sales of imported cocoa products in consumer-size packages."

6. Section 1351.53a is amended by inserting after the words, "cocoa butter" the words, "or the imported cocoa products named in Appendix C."

7. Section 1351.55 is amended by inserting after the words, "cocoa butter" the words, "or imported cocoa products named in Appendix C."

8. Section 1351.56 is amended to read as follows:

§ 1351.56 *Records and reports.* Every seller who makes sales of cocoa beans, cocoa butter or the imported cocoa products named in Appendix C after the effective date of this Revised Price Schedule No. 51, shall make and preserve for examination by the Office of Price Administration, for so long as the Emergency Price Control Act of 1942, as amended, remains in effect, a record of all sales made showing the quantity sold, terms of sale, price received, and name and address of the purchaser, as well as all records of the same kind as he has

[3] See footnote on p. 11148.

[4] Defined in paragraph (y) of this section.

[5] No sale is made "in the performance of a recognized distributive function" within the meaning of this paragraph (y) unless it advances the goods sold to the next stage of distribution.

[6] The actual cost may include only (a) the actual price paid to the government agency for the surplus finished piece goods and (b) the actual transportation charges incurred by the purchaser from the government agency with respect to such surplus finished piece goods. If the goods are transported in a conveyance other than a common carrier, the transportation charge shall not exceed the charge which would be applicable in an identical shipment from the same point of shipment to the same receiving point at the lowest available common carrier rate.

[7] 7 F.R. 1307, 1836, 2132, 2633, 6385, 7404, 8948; 8 F.R. 2335, 5633, 14216; 9 F.R. 7938.

customarily kept, relating to the prices which he charged for any of such items sold after the effective date of this regulation.

9. Section 1351.59 (b) is amended by inserting after the words, "cocoa beans" the words, "and imported cocoa products."

10. Section 1351.59 (c) is amended by inserting after the words, "cocoa butter" the words, "and imported cocoa products."

11. Section 1351.59 is amended by adding the following new paragraphs (e), (f) and (g) to read as follows:

(e) "Imported cocoa products" means those products named and described in Appendix C which have been processed outside of and imported into the continental United States of America.

(f) "Port of entry" shall mean any port or point of entry into the continental United States of America.

(g) "Consumer-size package" shall mean an individual package containing one pound or less, net weight of chocolate liquor, chocolate coatings or sweet milk chocolate coatings and an individual package containing five pounds or less, net weight, of cocoa powder.

12. Section 1351.63 is added to read as follows:

§ 1351.63 *Appendix C: Maximum prices for imported cocoa products.* (a) The maximum prices, in cents per pound, actual net weight, net cash, with payment by the seller of duty, commissions and all other charges incident to delivery, packed in any type or size container except in consumer-size packages, ex dock any port or point of entry in continental United States of America for the imported cocoa products listed below shall be determined as follows:

(1) For chocolate liquor containing not less than 50% cacao fat by weight, and produced from a single growth or a blend of two or more growths of raw cocoa beans:

(i) Take the weighted average of maximum prices per pound of raw cocoa beans identical to those used in the production of the finished chocolate liquor being priced and multiply by a factor of 1.68. For the purpose of this computation, the maximum prices per pound of raw cocoa beans shall be those set out in § 1351.61 (b) of this schedule.

(2) For sweet chocolate coatings containing not less than 15% chocolate liquor from which no cacao fat has been removed; and not more than 35% added cacao fat by weight:

(i) Take the weighted average cost per pound of raw ingredients identical to those used in the production of the finished coatings and multiply by a factor of 1.27. For the purpose of this computation the cost per pound of raw ingredients shall be those set out below.

Cocoa nibs produced from cocoa beans grown in—	
Africa	$0.1113
Brazil	.1068
Costa Rica	.1169
Dominican Republic	.1069
Ecuador	.1438
Haiti	.1056
British West Indies	.1738
Panama	.1169
Venezuela	.1530
Cacao fat	.2500
Sugar	.0540
Other ingredients—at their respective maximum prices, or actual cost in the event of no maximum prices, f. o. b. United States port of entry.	

(3) For sweet milk chocolate coatings containing, by weight, not less than 10% chocolate liquor, from which no cacao fat has been removed, not less than 12% milk solids, and not more than 35% added cacao fat:

(i) Take the weighted average cost per pound of raw ingredients identical to those used in the production of the finished coating and multiply by a factor of 1.20. For the purpose of this computation the cost per pound of raw ingredients shall be those set out below:

Cocoa nibs produced from cocoa beans grown in—	
Africa	$0.1113
Brazil	.1088
Costa Rica	.1169
Dominican Republic	.1069
Ecuador	.1438
Haiti	.1056
British West Indies	.1738
Panama	.1169
Venezuela	.1530
Cacao fat	.2500
Sugar	.0540
Milk solids	.2900
Other ingredients—at their respective maximum prices, or actual cost in the event of no maximum prices, f. o. b. United States port of entry.	

(4) For cocoa powder containing the percentages of cacao fat, by weight, named below and produced from a single growth or a blend of two or more growths of raw cocoa beans:

(i) Take the weighted average of maximum prices per pound of raw cocoa beans identical to those used in the production of the finished cocoa powder being priced and multiply by the factors named below. For the purpose of this computation the maximum prices per pound of raw cocoa beans shall be those set out in § 1351.61 (b) of this schedule.

Cocoa powder, natural process:	
Containing not less than 22% cacao fat	0.93
Containing not less than 10% but less than 22% cacao fat	0.90
Containing less than 10% cacao fat	0.69
Cocoa powder, Dutch process:	
Containing not less than 22% cacao fat	1.22
Containing not less than 10% but less than 22% cacao fat	1.20
Containing less than 10% cacao fat	0.69

(5) For cocoa pressed cake, natural or Dutch process: (i) Take the maximum prices per pound computed above for finished cocoa powder of the same description and having the same cacao fat content and subtract $0.0082.

(6) For cocoa nibs containing not less than 50% cacao fat and produced from a single growth or a blend of two or more growths of raw cocoa beans:

(i) Take the weighted average of maximum prices per pound of raw cocoa beans identical to those used in the production of the finished cocoa nibs being priced and multiply by a factor of 1.43. For the purpose of this computation the maximum prices per pound of raw cocoa beans shall be those set out in § 1351.61 (b) of this schedule.

(7) For any imported cocoa product having chocolate liquor, cacao fat or milk solids content below the stated minimum or added cacao fat in excess of the stated maximum set forth, the maximum price shall be authorized by order of the Price Administrator upon written application to the Imported Foods Section, Office of Price Administration, Washington, D. C. The application shall contain: (i) The names and addresses of the applicant and of the foreign manufacturer; (ii) a request for authorization of a stated maximum price; (iii) the classes of purchasers to whom the applicant proposes to sell; (iv) in the case of chocolate liquor, the percentage by weight of each growth of cocoa beans used in the finished product; or in the case of chocolate coatings, the percentages, by weight, of added cacao fat, sugar, milk solids, chocolate liquor and other ingredients used in the finished product with the chocolate liquor ingredient broken down to show the percentage, by weight, of each growth of cocoa beans used in the chocolate liquor. Maximum prices authorized under this provision shall be in line with the specific maximum prices of other imported cocoa products provided by this schedule.

(8) For any imported cocoa product sold ex warehouse, rather than ex dock, any port of entry, the cost of "actually putting the imported cocoa product into the warehouse," as defined in § 1351.59 (b) may be added by the seller who incurred the cost.

(9) Maximum price at any point other than ex dock United States port of entry. The maximum prices specified above are for delivery ex dock United States port of entry and include all commissions and charges for delivery at such point. When delivery is taken by the buyer at some point en route to a United States port of entry, the total of the price paid for the product, plus all charges incident to delivery ex dock United States port of entry shall not exceed the maximum price ex dock United States port of entry.

When delivery is taken at some point beyond the point of ex dock United States port of entry, the actual transportation charges from ex dock United States port of entry to the place of delivery may be added to the maximum prices provided above.

(10) Gross margins. On sales of imported chocolate liquor, chocolate coatings, cocoa powder, cocoa pressed cake, cocoa nibs (other than a sale to the importer thereof, or a sale by the exporter's agent) there may be added to the maximum prices provided above, an amount not in excess of the following:

In lots of 24,000 pounds or more, 5% of the maximum prices as determined above.
In lots of 2,500 to 23,999 pounds, 6% of the maximum prices as determined above.
In lots of 2,499 pounds or less, 7% of the maximum prices as determined above.

(11) Selling commission. If the services of a broker, or brokers, are required to negotiate a sale between a domestic owner and a buyer, a commission or commissions, which in the aggregate shall not exceed 3% of the importer's net maximum selling price inclusive of gross margin, as determined above, may be added to such maximum prices provided such commissions have been actually incurred. Commissions shall be based upon the importer's net maximum selling price before the addition of charges permitted by paragraphs (8) and (9) of § 1351.63 (a) of the schedule.

No addition may be made to such maximum prices of commissions on sales negotiated by a broker or brokers either in a port of entry or in a secondary market for the account of a foreign principal.

This amendment shall become effective September 4, 1945.

NOTE: All reporting and record-keeping requirements of this amendment have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 29th day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-16189; Filed, Aug. 29, 1945; 11:26 a. m.]

PART 1315—RUBBER AND PRODUCTS AND MATERIALS OF WHICH RUBBER IS A COMPONENT

[RPS 87, Amdt. 13]

SCRAP RUBBER

A statment of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.

Revised Price Schedule 87 is amended in the following respects:

1. Section 1315.1251 (c) is amended by adding thereto the following:

The following commodities are covered by this schedule regardless of the purpose for which they were acquired, and regardless of any repairs or reconditioning treatment given them:

(1) New tires which have been slashed or otherwise mutilated by the manufacturer or brand owner prior to delivery by him to any person.

(2) Tires not usable on the wheel of a vehicle (as defined in section 17 of Revised Maximum Price Regulation 528, when sold to a buyer for resale or to an industrial consumer. When sold to a buyer other than an industrial consumer, for his own use, the transaction is covered by Revised Maximum Price Regulation 528.

(3) Tubes not usable in a tire (as defined in section 17 of Revised Maximum Price Regulation 528) when sold to an industrial consumer. When sold to a buyer other than an industrial consumer, for his own use, the transaction is covered by Revised Maximum Price Regulation 528.

2. Section 1315.1255 (a) is amended by adding thereto the following sentence: "*Provided, however,* That shipments made prior to September 1, 1945, of No. 1 and No. 2 peelings of recap or retread, mixed lots of No. 1 and/or No. 2 peelings, or mixed lots of natural and synthetic S. A. G., may be delivered on or after September 1, 1945, at prices not exceeding the maximum prices in effect on August 1, 1945."

3. Section 1315.1261 (a) (2) is amended by adding thereto the following: "Rubber cement which is not usable for the purpose intended, produced, or sold shall be deemed scrap rubber within the meaning of this schedule."

4. The body of Table I under paragraph (a) of Appendix A, § 1315.1263, is amended to read as follows:

TABLE I

[Dollars per short ton]

Kind of scrap rubber	Maximum prices at consuming centers						
	Akron, Ohio	Buffalo, N. Y.	Naugatuck, Conn.	East St. Louis, Ill.	Memphis, Tenn.	Gadsden, Ala.	Los Angeles, Calif.
Pneumatic tire casings: [1]							
Mixed passenger tires [1]	$20.00	$19.50	$18.50	$18.40	$17.50	$16.00	$11.00
Beadless passenger tires [1]	26.00	25.50	24.12	24.00	22.88	21.00	18.50
Passenger dykes [1]	26.00	25.50	24.12	24.00	22.88	21.00	18.50
Passenger S. A. G. Natural [1]	20.50	20.00	19.00	18.90	18.00	16.50	14.50
Passenger S. A. G. Synthetic [1]	20.50	20.00	19.00	18.90	18.00	16.50	14.50
Mixed truck tires [1]	20.00	19.50	18.50	18.40	17.50	16.00	14.00
Beadless truck tires [1]	26.00	25.50	24.12	24.00	22.88	21.00	18.50
Truck dykes [1]	26.00	25.50	24.12	24.00	22.88	21.00	18.50
No. 1 truck S. A. G. Natural [1]	18.50	18.00	17.00	16.90	16.00	14.50	12.50
No. 1 truck S. A. G. Synthetic [1]	18.50	18.00	17.00	16.90	16.00	14.50	12.50
No. 2 truck S. A. G. Natural [10]	18.50	18.00	17.00	16.90	16.00	14.50	12.50
No. 2 truck S. A. G. Synthetic [10]	18.50	18.00	17.00	16.90	16.00	14.50	12.50
Solid tires [11]	36.00	35.50	33.50	33.00	31.50	29.00	25.50

5. The body of Table II under paragraph (a) of Appendix A, § 1315.1263, is amended to read as follows:

TABLE II

Kind of scrap rubber	Maximum prices at consuming centers					
	Akron, Ohio, Buffalo, N. Y., East St. Louis, Ill., Gadsden, Ala., Memphis, Tenn., and Naugatuck, Conn.			Los Angeles, Calif.		
	Natural [20]	Synthetic [21]	Recap or retread [22]	Natural [20]	Synthetic [21]	Recap or retread [22]
	Per short ton	*Per short ton*	*Per short ton*	*Per short ton*	*Per short ton*	*Per short ton*
No. 1 passenger peelings [1]	$52.25	$52.25	$44.41	$44.00	$44.00	$37.40
No. 2 passenger peelings [2]	33.00	33.00	28.05	24.75	24.75	21.04
No. 3 passenger peelings [3]	30.25	30.25	.....	22.00	22.00	.....
No. 1 truck peelings [4]	52.25	52.25	44.41	41.25	41.25	35.06
No. 1A truck peelings [5]	55.00	55.00	.....	42.60	42.60	.....
No. 2 truck peelings [6]	33.00	33.00	28.05	24.75	24.75	21.04
No. 3 truck peelings [7]	30.25	30.25	.....	22.00	22.00	.....
No. 1 light colored carcass (zinc) [8]	57.75	.....	.....	44.00	.....	.....
No. 2 light colored carcass (zinc) [9]	55.00	.....	.....	42.60	.....	.....
Gray carcass [9]	52.25	.....	.....	41.25	.....	.....
	Cents per pound	*Cents per pound*	*Cents per pound*	*Cents per pound*	*Cents per pound*	*Cents per pound*
Passenger tubes: [11]						
No. 2 passenger tubes [12]	7¾	7¾	.....	7¾	7¾	.....
Light colored No. 2 passenger tubes [13]	8¼	8¼	.....	7¾	7¾	.....
Red passenger tubes [14]	7½	7½	.....	7	7	.....
Black passenger tubes [15]	6¾	6¾	.....	6¼	6¼	.....
Mixed passenger tubes [16]	6½	6½	.....	6	6	.....
Truck tubes [17]:						
No. 2 truck tubes [18]	7½	7½	.....	7	7	.....
Red truck tubes [19]	7¼	7¼	.....	6¾	6¾	.....
Black truck tubes [20]	6½	6½	.....	6	6	.....
Mixed truck tubes [21]	6¼	6¼	.....	5¾	5¾	.....
Two-toned black-gold tubes [22]	6¼	6¼	.....	6¼	6¼	.....
Two-toned red-black tubes [23]	6½	6½	.....	6	6	.....
Miscellaneous inner tubes [24]	6	6	.....	5½	5½	.....
Mixed inner tubes [25]	6¼	6¼	.....	5¾	5¾	.....

6. The following footnotes are added to Table II under paragraph (a) of Appendix A, § 1315.1263:

[23] *Mixed inner tubes.* Shall consist of natural rubber passenger, truck and bus tubes, and shall not include any puncture proof tubes or synthetic tubes.

[20] *Natural.* This kind shall be derived from natural rubber tires.

[21] *Synthetic.* This kind shall be derived from synthetic rubber tires.

[22] *Recap or retread.* This kind shall be derived from tires that have been recapped or retreaded.

7. The following items are added to the body of Table III under paragraph (a) of Appendix A, § 1315.1263:

Rubber cement [19]	1
Defective patches and reliners [24]	1

8. The following footnotes are added to Table III under paragraph (a) of Appendix A, § 1315.1263:

[19] *Rubber cement.* This shall consist of cement that is not usable for the purpose intended, produced, or sold.

[24] *Defective patches and reliners.* This kind shall consist of reliners or patches which do not meet the minimum quality specifications of Revised Maximum Price Regulation 131.

9. Paragraph (h) of Appendix A, § 1315.1263, is amended by adding thereto the following: "Provided, however, that the maximum price for defective reliners and patches which do not meet the minimum quality specifications of Revised Maximum Price Regulation 131 shall be that listed in paragraph (a), Table III of this section."

This amendment shall become effective September 1, 1945.

Issued this 28th day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-16124; Filed, Aug. 28, 1945; 3:44 p. m.]

PART 1381—SOFTWOOD LUMBER

[MPR 253,[1] Amdt. 9]

REDWOOD LUMBER AND MILLWORK

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.

Maximum Price Regulation 253 is amended in the following respects:

1. In § 1381.408 (a) (8), subdivision (i) is amended to read as follows:

(i) Sees that the lumber is delivered to the job-site at such time and in such manner as the buyer specifies;

2. In § 1381.412, Appendix A, a new table is added, reading as follows:

TABLE 1½—ROUGH GREEN REDWOOD TANK, PIPE, AND SILO STOCK PER M'BM

	Add for dry	Clear all heart	"A" all heart	"A"	Emergency Grade[1]
2" x 3"–6'–8'	$12	$52	$49	$43	$39.50
10' & 12'	12	57	54	47	43.50
14', 16', 18' & 20'	12	57	54	50	46.50
6' to 20' R.L.	12	68	65	61	57.50
2" x 4"–6'–8'	12	61	58	53	49.50
10' & 12'	12	48	45	37	33.50
14', 16', 18' & 20'	12	52	49	40	36.50
6' to 20' R.L.	12	51	50	42	38.50
2" x 6"–6'–8'	12	61	60	54	50.50
10' & 12'	12	56	53	46	42.50
14', 16', 18' & 20'	12	50	47	40	36.50
6' to 20' R.L.	12	55	52	44	40.50
2" x 8"–6'–8'	12	55	52	47	43.50
10' & 12'	12	66	63	58	54.50
14', 16', 18' & 20'	12	59	56	50	46.50
6' to 20' R.L.	12	59	56	56	52.50
2" x 10"–6'–8'	12	62	59	59	55.50
10' & 12'	12	69	66	64	60.50
14', 16', 18' & 20'	12	69	66	64	60.50
6' to 20' R.L.	12	67	64	62	58.50
2" x 10"–6'–8'	12	64	61	59	55.50
10' & 12'	12	64	61	62	58.50
14', 16', 18' & 20'	12	71	68	67	63.50
6' to 20' R.L.	12	69	66	65	61.50
2" x 12"–6'–8'	12	70	67	64	60.50
10' & 12'	12	70	67	67	63.50
14', 16', 18' & 20'	12	75	72	72	68.50
6' to 20' R.L.	12	74	70	70	66.50
3" x 6"–6'–8'	23	65	62	60	56.50
10', 12' & 14'	23	70	67	66	62.50
16', 18' & 20'	23	70	67	66	62.50
6' to 20' R.L.	23	79	76	75	71.50
3" x 8"–6'–8'	23	73	70	69	65.50
10', 12' & 14'	23	64	61	60	56.50
16', 18' & 20'	23	70	67	66	62.50
6' to 20' R.L.	23	70	67	66	62.50
3" x 10"–6' to 20' Spec.	23	79	76	75	71.50
6' to 20' R.L.	23	77	74	72	68.50
3" x 12"–6' to 20' Spec.	23	81	78	76	72.50
6' to 20' R.L.	23	79	76	74	70.50

[1] Definition of Emergency Grade Tank Stock, as established by California Redwood Association.

"Par. 130a, Emergency Grade Tank Stock, shall be lumber suitable for construction of tanks which will be serviceable for emergency war use which will not require the long life furnished by all heart Redwood tanks. It will admit any amount of sapwood; sound Bird's-eye; sound water-tight small knots; light stain; small crook and any defects that will work off in milling."

Random lengths, 6' to 20': (a) Permits a maximum of 20% of 6' to 9' lengths.

(b) Requires a minimum of 40% of 14' to 20' lengths.

Additions and deductions per 1000 feet board measure.

For surfacing:

1. Surfacing to Standard Sizes;
(I) Widths 3" and wider, S1S, S2S, S3S, S4S; add $3.00.

For lengths:

2. Lengths greater than 20'.
(I) 22' and 24'; add $10.00 to 20' specified length.
(II) 26' and 28' add $20.00 to 20' specified length.
(III) 30' and 32' add $30.00 to 20' specified length.

For width:

3. Specified widths: Add $3.00.
(I) Fractional or odd widths not listed: Add $5.00 to the price of the next greater width listed; then increase resultant price proportionately to compensate for loss in footage; adjust result to nearest 25¢ multiple, and figure board measure contents on the size shipped.

For thickness:

4. Other thicknesses.
(I) 2½"; add $12.00 to 3" price and compute as 2½".
(II) 4"; add $5.00 to 3" price.
(III) Fractional or odd thicknesses not listed: Add $5.00 to the price of the next greater thickness listed; then increase resultant price proportionately to compensate for loss in footage; adjust result to nearest 25¢ multiple and figure board measure contents on the size shipped.

For selection:

5. Special tank bottom stock; deduct $10.00.
6. Vertical Grain; add $10.00.

For working:

7. Cutting to exact length or mitering, piece containing:
(I) 6' BM or more; add $2.50.
(II) 3' BM and less than 6'; add $5.00.
8. Slotting; add $5.00.
9. Cutting end splices; add $0.10 net per end.
10. Boring:
(I) Stock 3" and thinner, straight bore; add $0.01 net per hole.
(II) Stock 3" and thinner, countersunk hole; add $0.015 net per hole.
(III) Stock thicker than 3", single straight bore; add $0.10 net per hole.
(IV) Stock thicker than 3", additional parallel holes; add $0.01 net per hole.
(V) Stock thicker than 3", countersunk hole; add $0.10 net per hole.
11. Circular routing for timber connectors; add $0.025 net per rout.
12. Dapping; add $0.10 net per dap.
13. Ripping, except taper; add $2.00.

3. In § 1381.412, Appendix A, Table 15, General Notes, a new Note 8 is added, reading as follows:

8. For bulkheads on open top cars, when required by rules published by Association of American Railroads, Mechanical Division, Interpretation published by West Coast Lumbermen's Association, June 1, 1944; and only for bulkheads constructed in accordance with specifications in such rules; add per bulkhead—$7.00.

4. In § 1381.413, Appendix B, Table 29, General Notes, a new Note 7 is added, reading as follows:

7. For bulkheads on open top cars, when required by rules published by Association of American Railroads, Mechanical Division, Interpretation published by West Coast Lumbermen's Association, June 1, 1944; and only for bulkheads, constructed in accordance with specifications in such rules; add per bulkhead—$7.00.

This amendment shall become effective September 4, 1945.

Issued this 29th day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-16191; Filed, Aug. 29, 1945; 11:25 a. m.]

[1] 7 F.R. 9230, 10848; 8 F.R. 1139, 4136, 4720, 7197, 11479; 9 F.R. 5482 12620, 13263.

PART 1389—APPAREL

[MPR 332,[1] Amdt. 2]

SIMPLIFIED MEN'S AND BOYS' SHIRTS AND PAJAMAS

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.

Maximum Price Regulation 332 is amended in the following respects:

1. Section 1389.501 (c) is amended to read as follows:

(c) *What sellers must price under this regulation.* This regulation applies to all types of sellers. Manufacturers, including manufacturing retailers and custom tailors will price under Rule 1 (§ 1389.502); wholesalers and retailers (except retailers pricing under Maximum Price Regulation 580) will price under Rule 2 (§ 1389.503).

2. Section 1389.505 (b) is amended to have the first unnumbered paragraph to read as follows:

Statement of maximum prices to be furnished to purchasers for resale. Unless the specific information has been previously furnished to the purchaser, or unless the seller ascertains that the purchaser is pricing under Maximum Price Regulation 580, every manufacturer, wholesaler, or other person who sells or delivers to a purchaser for resale, any garment for which a maximum price has been established by this regulation, shall furnish, at the time of delivery of such garment to the purchaser thereof, a statement in the following form containing the seller's maximum price for the garment delivered.

3. Section 1389.505 (b) is amended by adding to the first paragraph of the notice a sentence to read as follows: "If you are pricing under Maximum Price Regulation 580, this method of pricing is inapplicable and should be disregarded."

This amendment shall become effective September 4, 1945.

Issued this 29th day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-16180; Filed, Aug. 29, 1945; 11:27 a. m.]

[1] 8 F.R. 2350, 2763.

PART 1439—UNPROCESSED AGRICULTURAL COMMODITIES

[MPR 425,[1] Amdt. 16]

FRESH FRUITS, BERRIES AND VEGETABLES FOR PROCESSING

A statement of the considerations involved in the issuance of this amendment has been issued and filed with the Division of the Federal Register.

The table in section 3 is amended in the following respects:

1. A footnote reference, 1, is added to the figure $85 and footnote 1 is added immediately following the table, to read as follows:

[1] For grapes produced in this group of states during 1945, the figure of $85 is suspended and a figure of $127 is substituted.

2. The figure "$52.00" is amended to read "$54.00."

This amendment shall become effective August 28, 1945.

Issued this 28th day of August 1945.

CHESTER BOWLES,
Administrator.

Approved: August 27, 1945.

J. B. HUTSON,
Acting Secretary of Agriculture.

[F. R. Doc. 45-16126; Filed, Aug. 28, 1945; 3:45 p. m.]

PART 1407—RATIONING OF FOOD AND FOOD PRODUCTS

[2d Rev. RO 3,[2] Amdt. 35]

SUGAR

A rationale for this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.

Section 20.3 is amended by adding item No. 23 to read as follows:

Ration period	Stamp valid during ration period	Weight value of stamp
No. 23 (Sept. 1, 1945, through Dec. 31, 1945).	Book Four, Sugar Stamp 38.	5

This amendment shall become effective August 31, 1945.

Issued this 29th day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-16188; Filed, Aug. 29, 1945; 11:25 a. m.]

[1] 8 F.R. 9309, 9879, 12632, 12952, 14154, 15674, 16293; 9 F.R. 7505, 7330, 7858, 8188, 10264, 12173, 13857, 14437; 10 F.R. 5045, 7500, 8573.

[2] 9 F.R. 13992, 14642, 15048; 10 F.R. 201, 412, 1243, 1537, 2114.

Chapter XIX—Reconstruction Finance Corporation

[Rev. Reg. 3, Amdt. 3]

PART 7003—LIVESTOCK SLAUGHTER PAYMENTS

Livestock Slaughter Payments Regulation No. 3 of Reconstruction Finance Corporation Successor to Defense Supplies Corporation as revised and amended is further amended by the issuance on the 24th day of April 1945 of Amendment No. 3 thereto.

1. Section 7003.5 is amended to read as follows:

§ 7003.5 *Rates of payment*—(a) *Calves, sheep and hogs.* Defense Supplies Corporation will make payment on approved basic claims for calves, sheep, lambs, hogs and pigs at the following rates:

	Cents a pound
Calves	1.1
Sheep and lambs	.95
Hogs and pigs	1.3

(b) *Ungraded cattle of small slaughterers.* Defense Supplies Corporation will make payment on approved basic claims for cattle which do not report cattle by grades, from applicants who are not required to report cost of cattle, at the rate of one and one-tenths cents ($0.011) a pound.

(c) *Ungraded cattle of large slaughterers.* Defense Supplies Corporation will make payment on approved basic claims for cattle which do not report cattle by grades, of applicants who are required to report cost of cattle, at the rate of one-half of one cent ($0.005) a pound. This applies only to applicants who come under § 7003.7 (a) (3).

(d) *Government graded cattle.* Defense Supplies Corporation will make payment on approved basic claims for cattle which report cattle by grades as graded by an official grader of the United States Department of Agriculture, at the following separate grade rates:

(1) *Ineligibles for extra compensation.* On claims reporting cost of cattle of applicants who are not eligible under § 7003.2 (b) for extra compensation for the same accounting period:

	Cents a pound
AA or choice	2.75
A or good	2.70
B, commercial or medium	1.65
C, utility or common	1.00
D, or cutter & canner	1.00
Bulls of cutter and canner grade	1.00

(2) *Eligibles for extra compensation.* On claims reporting cost of cattle of applicants who are eligible under § 7003.2 (b) for extra compensation for the same accounting period:

	Cents a pound
AA or choice	2.25
A or good	2.20
B, commercial or medium	1.15
C, utility or common	0.50
D, or cutter & canner	0.50
Bulls of cutter and canner grade	0.50

(3) *Feeders and club cattle.* On claims of all applicants filed under § 7003.7 (d) (1) which do not report cost of cattle:

	Cents a pound
AA or choice	2.00
A or good	1.95
B, commercial or medium	.90
C, utility or common	.50
D, or cutter & canner	.50
Bulls of cutter and canner grade	.50

(e) *Self-graded cattle.* Defense Supplies Corporation will make payment on approved basic claims for cattle which report cattle by grades as graded by the applicant's own graders, if the applicant has an exemption to grade his own beef, at the applicable separate grade rates set out above in paragraph (d) of this section, but the total amount of the claim before deductions on account of cost of cattle under § 7003.6 (b) shall not exceed the total number of pounds, live weight, (less condemnations) of cattle slaughtered, multiplied by the following maxima:

(1) *Ineligibles for extra compensation.* One and sixty-five hundredths cents ($0.0165) on claims reporting cost of cattle of applicants who are not eligible under § 7003.2 (b) for extra compensation for the same accounting period.

(2) *Eligibles for extra compensation.* One and three-tenths cents ($0.013) on claims reporting cost of cattle of applicants who are eligible under § 7003.2 (b) for extra compensation for the same accounting period.

(3) *Feeders and club cattle.* One and three-tenths cents ($0.013) on claims filed under § 7003.7 (d) (1) which do not report cost of cattle.

(f) *Extra compensation.* Defense Supplies Corporation will make payment on approved claims for extra compensation at the rate of eight-tenths of one cent ($0.008) a pound.

2. Section 7003.6 is amended to read as follows:

§ 7003.6 *Amount of payment*—(a) *Base of payment.* (1) No payments will be made on the live weight equivalent of the applicant's production of condemned meat. The applicant shall reduce the live weight of his livestock slaughter by the actual or equivalent live weight of the livestock which produced the condemned meat, and reduce the dressed weight of beef reported by grades by the actual or equivalent dressed weight of the condemned carcasses.

(2) If beef is reported by grades, payment will be made at the separate grade rates on the total amount of actual live weight of cattle slaughtered in all grades, distributed among the grades in the same proportion as the calculated live weight in each grade. The calculated live weight in each grade shall be that computed in accordance with § 7003.8 (b).

(b) *Deductions.* (1) Deductions will be made from all claims of an applicant on account of under or overpayment for cattle in accordance with § 7003.8.

(2) Deductions will be made from all basic claims reporting cost of cattle in accordance with § 7003.7 (c), of two-thirds of the dollar amount by which the total cost of cattle on the claim is below the maximum permissible cost; this deduction shall not exceed two-thirds of the difference between the maximum and minimum permissible costs.

(c) *Maximum base of payment.* Payments will not be made on claims covering accounting periods beginning on and after February 20, 1945, on a greater live weight of any class or species of livestock slaughtered by an applicant in any one non-federally inspected establishment than a specified percentage of the total live weight of such class or species

of livestock for which the applicant filed subsidy claims with Defense Supplies Corporation covering slaughter in that establishment in the corresponding accounting period of 1944: *Provided*, That on certification to Defense Supplies Corporation by the War Food Administrator that the applicant is entitled to payment on a greater live weight of any class or species of livestock, he will become entitled to payment on the live weight of his slaughter up to the specified percentage of the live weight certified to Defense Supplies Corporation by the War Food Administrator. Such percentages will be determined and announced from time to time.

3. Section 7003.6 (d) is hereby terminated and cancelled.

A new paragraph (e) is added to § 7003.9, reading as follows:

§ 7003.9 *Terms of payment.* • • •

(e) *Right to declare claims invalid.* Defense Supplies Corporation shall have the right to declare invalid, in whole or in part, any claim which does not meet the requirements of this part.

4. Section 7003.10 is amended to read as follows:

§ 7003.10 *Invalid claims*—(a) *Compliance with other regulations.* Defense Supplies Corporation shall declare invalid, in whole or in part, any claim filed by an applicant who, in the judgment of the War Food Administrator or the Price Administrator, has wilfully violated any regulation or order of their respective agencies applicable to the purchase or sale of livestock or to livestock slaughter or to the sale or distribution of meat, and any claim of any applicant who the Price Administrator certifies to Defense Supplies Corporation has been determined in a civil proceeding to have violated a substantive provision of any regulation or order of the Office of Price Administration applicable to the purchase or sale of livestock or to livestock slaughter or to the sale or distribution of meat.

(b) *Payments to producers of livestock.* Defense Supplies Corporation shall have the right to declare invalid, in whole or in part, any claim of any applicant who fails to pass on to persons from whom he purchases livestock the benefits secured from payments under this part.

(c) *Specific disqualifications.* All claims shall be invalid which the Price Administrator finds are not an accurate reflection of the applicant's operations and the amounts of payments properly due. Defense Supplies Corporation shall declare invalid, in whole or in part, any claim filed by an applicant who, in the judgment of the Price Administrator, has:

(1) Purchased cattle from a seller with whom he has a financial affiliation or relationship, at a price higher than that paid by the seller plus a reasonable handling charge; or

(2) Purchased cattle on consideration or condition of another purchase or sale or transfer of livestock between the applicant and the seller; or

(3) Has used any direct or indirect method, transaction, practice, or device in filing claims which results in a claim for subsidy payments to which he is not wholly entitled under this part; or

(4) Has engaged in any act or practice or operated in such a way that he would be ineligible to receive a subsidy payment, under this part.

5. A new § 7003.14 is added as follows:

§ 7003.14 *Additional subsidy.* Defense Supplies Corporation will pay additional amounts to an applicant otherwise eligible for basic payments under this part, in such amounts as are certified to Defense Supplies Corporation by the Price Administrator.

This amendment shall become effective May 5, 1945, except that, at the election of any applicant, this amendment shall become effective as to him May 1, 1945.

Issued this 24th day of April 1945.

STUART K. BARNES,
Executive Director,
Office of Defense Supplies.

[F. R. Doc. 45-16166; Filed, Aug 29, 1945; 9:49 a. m.]

[Rev. Reg. 3, Amdt. 4]

PART 7003—LIVESTOCK SLAUGHTER PAYMENTS

Livestock Slaughter Payments Regulation No. 3 of Reconstruction Finance Corporation successor to Defense Supplies Corporation as revised and amended is further amended by the issuance on the 22d day of May 1945 of Amendment No. 4 thereto.

1. Two new paragraphs are added to § 7003.1, reading as follows:

§ 7003.1 *Definitions.* • • •

(aa) "CO 1" means Control Order No. 1, as amended, or as it may be amended fro mtime to time by the Office of Price Administration.

(bb) "Quota base" means the quote base established for a slaughterer pursuant to CO 1.

2. Section 7003.2 (a) is amended to read as follows:

§ 7003.2 *Persons eligible to apply for payment.* (a) Any person who has a license or is permitted to slaughter by WFO 75 or CO 1 and who slaughters 2,500 pounds or more of livestock, live weight, in any one calendar month after December 1944, may file a claim for payment on account of such livestock slaughtered on and after January 29, 1945. No person who kills livestock for the account of others is eligible to file a claim for payment on account of such livestock.

3. Section 7003.5 is amended to read as follows:

§ 7003.5 *Rates of payment*—(a) *Calves, sheep and hogs.*—(1) *Prior to April 1, 1945.* Defense Supplies Corporation will make payment on approved basic claims covering slaughter of calves, sheep, lambs, hogs and pigs prior to April 1, 1945, at the following rates:

	Cents a pound
Calves	1.10
Sheep and lambs	.95
Hogs and pigs	1.30

(2) *On and after April 1, 1945.* Defense Supplies Corporation will make payment on approved basic claims covering slaughter of calves, sheep and lambs, hogs and pigs on and after April 1, 1945, at the following rates:

	Cents a pound
Calves	1.10
Sheep and lambs	.95
Hogs and pigs	1.70

(b) *Ungraded cattle of small slaughterers.* Defense Supplies Corporation will make payment on approved basic claims for cattle which do not report cattle by grades, from applicants who are not required to report cost of cattle, at the rate of one and one-tenth cents ($0.011) a pound.

(c) *Ungraded cattle of large slaughterers.* Defense Supplies Corporation will make payment on approved basic claims for cattle which do not report cattle by grades, of applicants who are required to report cost of cattle, at the rate of one-half of one cent ($.005) a pound. This applies only to applicants who come under § 7003.7 (a) (3).

(d) *Government graded cattle.* Defense Supplies Corporation will make payment on approved basic claims for cattle which report cattle by grades as graded by an official grader of the United States Department of Agriculture, at the following separate grade rates:

(1) *Claims reporting cost.* On claims reporting cost of cattle in accordance with § 7003.7 (b):

	Cents a pound
AA or choice	3.00
A or good	2.95
B, commercial or medium	1.90
C, utility or common	1.25
D, or cutter and canner	1.25
Bulls of cutter and canner grade	1.25

(2) *Feeders and club cattle.* On claims of all applicants filed under § 7003.7 (d) (1) which do not report cost of cattle:

	Cents a pound
AA or choice	2.00
A or good	1.95
B, commercial or medium	.90
C, utility or common	.50
D, or cutter and canner	.50
Bulls of cutter and canner grade	.50

(e) *Self-graded cattle.* Defense Supplies Corporation will make payment on approved basic claims for cattle which report cattle by grades as graded by the applicant's own graders, if the applicant has an exemption to grade his own beef, at the applicable separate grade rates set out above in paragraph (d) of this section, but the total amount of the claim before deductions on account of cost of cattle under § 7003.6 (b) shall not exceed the total number of pounds, live weight, (less condemnations) of cattle slaughtered, multiplied by the following maxima:

(1) *Claims reporting cost.* One and nine-tenths cents ($0.019) on claims reporting cost of cattle.

(2) *Feeders and club cattle.* One and three-tenths cents ($0.013) on claims filed under § 7003.7 (d) (1) which do not report cost of cattle.

(f) *Extra compensation.* Defense Supplies Corporation will make payment on approved claims for extra compensation at the rate of four-tenths of one cent ($0.004) a pound.

4. Section 7003.6 (b) and (c) are amended to read as follows:

§ 7003.6 *Special provision for farm slaughterers.* • • •

(b) *Deductions*—(1) *Price compliance.* Deductions will be made from all claims of an applicant on account of under- or over-payment for cattle in accordance with § 7003.8.

(2 *Within-range.* Deductions will be made from all basic claims reporting cost of cattle in accordance with § 7003.7 (c), of four-fifths of the dollar amount by which the total cost of cattle on the claim is below the maximum permissible cost; this deduction shall not exceed four-fifths of the difference between the maximum and minimum permissible costs, and shall not reduce the claim below an amount computed at the following rates:

	Cents a pound
AA or choice	1.80
A or good	1.75
B, commercial or medium	.70
C, utility or common	.25
D, cutter and canner	.25
Bulls of cutter and canner grade	.25

(c) *Maximum base of payment*—(1) *Slaughter control bases.* Payments will not be made on claims covering accounting periods beginning on and after February 20, 1945, and ending on or before July 15, 1945, on a greater live weight of any class or species of livestock slaughtered by an applicant in any one nonfederally inspected establishment than a specified percentage of the total live weight of such class or species of livestock for which the applicant filed subsidy claims with Defense Supplies Corporation covering slaughter in that establishment in the corresponding accounting period of 1944, provided that on certification to Defense Supplies Corporation by the War Food Administrator or the Office of Price Administration that the applicant is entitled to payment on a different live weight of any class or species of livestock, he will become entitled to payment on the live weight of his slaughter up to the specified percentage of the live weight certified to Defense Supplies Corporation by the War Food Administrator or the Office of Price Administration. Such percentages will be determined and announced from time to time.

(2) *Quota bases.* Payments will not be made on claims covering accounting periods ending after July 15, 1945, on a greater live weight of any class or species of livestock slaughtered by an applicant than a specified percentage of his quota base. Such percentages will be determined and announced from time to time.

This amendment shall be effective Monday, June 4, 1945.

Issued this 22d day of May 1945.

STUART K. BARNES,
Executive Director,
Office of Defense Supplies.

[F. R. Doc. 45-16167; Filed, Aug. 29, 1945; 9:49 a.m.]

[Rev. Reg. 3, Amdts. 5-9]

PART 7003—LIVESTOCK SLAUGHTER PAYMENTS

MISCELLANEOUS AMENDMENTS

[Amdt. 5]

Section 7003.1, paragraph (s) is amended to read as follows:

§ 7003.1 *Definitions.* • • •

(s) "Non-processing slaughterers of beef" means an unaffiliated slaughterer as hereinafter defined who, during six consecutive months between January 1, 1941, and October 1, 1943, sold, and who currently sells, 98% or more, measured in dressed carcass weight, of the total beef produced from cattle slaughtered by him in all his establishments in the form of carcasses, wholesale cuts, boneless beef, or ground beef.

This amendment shall become effective July 1, 1945.

Issued this 15th day of June 1945.

[Amdt. 6]

Revised Regulation No. 3 of Defense Supplies Corporation, as amended, is amended by substituting for the words "Defense Supplies Corporation" in every place in which such words occur, the words "Reconstruction Finance Corporation," and substituting for the words "War Food Administrator," in every place in which such words occur, the words "Secretary of Agriculture."

This amendment is effective July 1, 1945.

Issued this 4th day of July 1945.

[Amdt. 7]

Section 7003.1, paragraph (s) is amended to read as follows:

§ 7003.1 *Definitions.* • • •

(s) "Non-processing slaughterers of beef" means an unaffiliated slaughterer as hereinafter defined who during six consecutive months, or during such other representative period as may be determined by the Director of Economic Stabilization, within the period between January 1, 1941, and October 1, 1943, sold, and who currently sells, 98% or more, measured in dressed carcass weight, of the total beef produced from cattle slaughtered by him in all his establishments in the form of carcasses, wholesale cuts, boneless beef, or ground beef.

This amendment shall become effective July 16, 1945.

Issued this 6th day of July 1945.

[Amdt. 8]

Section 7003.1, paragraph (s) is amended to read as follows:

§ 7003.1 *Definitions.* • • •

(s) "Non-processing slaughterer of beef" means an unaffiliated slaughterer as hereinafter defined who during six consecutive months, or during such other representative period as may be determined by the Director of Economic Stabilization, within the period between January 1, 1941, and October 1, 1943, sold, and who currently sells, 98% or more, measured in dressed carcass weight, of the total beef produced from cattle slaughtered by him in all his establishments in the form of carcasses, wholesale cuts, boneless beef, or ground beef: *Provided*, That a person who during such period killed cattle owned by another at the time of slaughter, but sold in his own name the beef thereby produced shall be held to be the slaughterer for purposes of determining if he meets this definition, if the Director of Economic Stabilization determines that such a holding should be made as to a particular person.

This amendment shall become effective July 23, 1945.

Issued this 13th day of July 1945.

[Amdt. 9]

1. Section 7003.1 (g) is amended to read as follows:

§ 7003.1 *Definitions.* • • •

(g) "Livestock" means cattle, calves, hogs and pigs.

2. Subparagraph (2) of § 7003.5 (a) is amended to read as follows:

§ 7003.5 *Rates of payment*—(a) *Calves, sheep and hogs.* • • •

(2) *On and after April 1, 1945 and prior to August 5, 1945* Reconstruction Finance Corporation will make payment on approved basic claims covering slaughter of calves, sheep and lambs, hogs and pigs on and after April 1, 1945, and prior to August 5, 1945, at the following rates:

	Cents a pound
Calves	1.10
Sheep and lambs	.95
Hogs and pigs	1.70

3. A new subparagraph (3) is added to § 7003.5 (a), as follows:

§ 7003.5 *Rates of payment*—(a) *Calves, sheep and hogs.* • • •

(3) *On and after August 5, 1945.* Reconstruction Finance Corporation will make payment on approved basic claims covering slaughter of calves, hogs and pigs on and after August 5, 1945, at the following rates:

	Cents a pound
Calves	1.1
Hogs and pigs	1.7

No payments will be made on sheep and lambs slaughtered on or after August 5, 1945.

This amendment shall become effective August 5, 1945.

Issued this 26th day of July 1945.

STUART K. BARNES,
Executive Director,
Office of Defense Supplies.

[F. R. Doc. 45-16164; Filed, Aug. 29, 1945; 9:48 a. m.]

TITLE 19—CUSTOMS DUTIES

Chapter II—United States Tariff Commission

PART 201—RULES OF GENERAL APPLICATION

PRINCIPAL OFFICE

The Tariff Commission announces a revision of the rules of practice and procedure indicated below which will be effective at once.

The first sentence under § 201.2 is amended to read as follows:

§ 201.2 *Principal office.* The principal office of the Commission at Washington, D. C., is open for business each day Monday through Friday from 8:45 a. m. to 5:15 p. m. (The office is not open on Saturday.) * * *

There is no change in the other sentences in this section.

[SEAL] E. M. WHITCOMB,
Acting Secretary.

[F. R. Doc. 45-16168; Filed, Aug. 29, 1945; 10:07 a. m.]

TITLE 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans' Administration

PART 25—MEDICAL

HOSPITALIZATION AND DOMICILIARY CARE

§ 25.6047 *Eligibility for hospital treatment or domiciliary care of persons discharged or retired from military or naval service.*

No change in (a) or (b).

Paragraph (c) canceled.

Paragraph (d) relettered (c) and revised as follows:

(c) Hospital care, for: (1) Officers and enlisted personnel of the United States Army, Navy, Marine Corps, or Coast Guard, or reserve officers and members of the enlisted Reserves, or officers and enlisted men of the National Guard of the United States, or persons accepted for selective training, who were discharged from active Federal service under other than dishonorable conditions for disability incurred in line of duty, or who are in receipt of pension for service-connected disability, when suffering from diseases or injuries requiring hospitalization. See also paragraph (b) (3) of this section which applies here.

(2) Domiciliary care for persons enumerated in paragraph (c) (1) of this section when suffering from a permanent disability or tuberculous or neuropsychiatric ailment and who are incapacitated from earning a living and who have no adequate means of support.

(3) The determination whether an applicant other than one in receipt of pension for service-connected disability was discharged for disability incurred in line of duty will be obtained from the official records of the Army or Navy, respectively. However, under like circumstances, the exception as to this procedure, as prescribed in paragraph (b) (2) of this section will be applicable under this paragraph (c).

(4) The medical director's determination whether discharge, assigned for other reasons, could have been for disability incurred in line of duty, as prescribed in paragraph (b) (4) of this section will apply to applicants under this paragraph (c).

(5) Retired personnel of the classes comprehended by paragraph (b) (5) of this section may be supplied hospital treatment in a facility under the direct and exclusive jurisdiction of the Veterans' Administration, if beds are available, and such applicants agree to pay the per diem rate to cover subsistence, which is set by the Administrator of Veterans' Affairs.

Paragraph (c) is relettered (d) and revised as follows:

(d) *Hospital treatment or domiciliary care for:* (1) Veterans who served, regardless of length of service, during a period of war as defined in paragraph (a) (1) of this section, who were (1) discharged under other than dishonorable conditions; (2) who swear that they are unable to defray the expense of hospitalization or domiciliary care, including the expense of transportation to and from a Veterans' Administration facility; and (3) who are suffering from a disability, disease or defect which, being susceptible of cure or decided improvement, indicates need for hospital care, or which, being essentially chronic in type and not susceptible of cure, or decided improvement by hospital care, is producing disablement of such degree and of such probable persistency as will incapacitate from earning a living for a prospective period, and thereby indicates need for domiciliary care. Except for applicants presenting emergent conditions, consideration in admissions under this paragraph may be given to the length or character of service. (August 14, 1945)

No change in (2).

(48 Stat. 9 as amended; 38 U.S.C. 706, 707)

[SEAL] OMAR N. BRADLEY,
General, U. S. Army,
Administrator.

[F. R. Doc. 45-16117; Filed, Aug. 28, 1945; 12:23 p. m.]

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Order 126]

PART 1—RULES OF PRACTICE AND PROCEDURE

PART 2—GENERAL RULES AND REGULATIONS

PART 5—EXPERIMENTAL RADIO SERVICES

PART 13—COMMERCIAL RADIO OPERATORS

OPERATION OF RADIO TRANSMITTING APPARATUS BY RAILROAD EMPLOYEES

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 21st day of August 1945.

Whereas, section 318 of the Communications Act of 1934, as amended, provides that the operation of the transmitting apparatus of licensed radio stations may be carried on only by persons holding an operator's license issued by this Commission; and

Whereas, the Commission is authorized to waive the provisions of said section 318 in certain cases, provided the Commission shall find that the public interest, convenience, or necessity will be thereby served; and

Whereas, on June 1, 1945, the Association of American Railroads by J. J. Pelley, its President, filed with the Commission a duly verified petition requesting the issuance of an order permitting railroad employees to engage, without operator licenses, in the operation of radio transmitting equipment used in connection with railroad operations; and

Whereas, it appears from said petition that the number of Class I railway employees who might be required to use radio transmitting equipment in connection with their duties totals 463,568 and that this total would be increased by inclusion of Class II and Class III railroad employees; and

Whereas, it appears that the qualification of such a large number of employees presents certain difficulties; and

Whereas, the Association of American Railroads has prepared for the adoption of its member roads a comprehensive set of Railroad Radio General and Operating Rules governing the use of radio transmitting equipment by the employees of the individual member roads; and

Whereas, the Association's proposed Railroad Radio General and Operating Rules cover those provisions of the Communications Act, the Commission's Rules and Regulations, and the General Radio Regulations, Cairo Revision, with respect to which applicants for restricted radiotelephone permits are presently examined; and

Whereas, it is proposed that all railroad employees who operate radio transmitting equipment will be examined by railroad examiners with respect to their knowledge of such rules; and

Whereas, the waiver of the provisions of section 318 of the Communications Act sought by the Association does not extend to making adjustments to any transmitting apparatus, which adjustments would continue to be made only by duly licensed operators; and

Whereas, from a study of the Association's petition and the evidence presented in Commission Docket Proceedings Nos. 6593 and 6651 entitled, respectively, "In the Matter of the Investigation of the Establishment and Use of Radiocommunications Systems in Railroad Operations," and "In the Matter of Allocation of Frequencies to the Various Classes of Non-Governmental Services in the Radio Spectrum from 10 kilocycles to 30,000,000 kilocycles," it appears that a waiver of the provisions of Section 318 of the Communications Act so as to permit railroad employees to engage, without operator licenses, in the operation of radio transmitting equipment used in connection with railroad operations would promote the use of radio in that industry, thereby increasing the efficiency and safety of railroad operations, and thus serving the public interest, convenience, and necessity;

It is ordered, That, subject to the conditions hereinafter stated, the provisions contained in section 318 of the Communications Act of 1934, as amended, be, and they are hereby, waived, insofar as such provisions require that railroad employees hold operators' licenses in order to operate radio transmitting apparatus authorized for use in connection with railroad operations either under an experimental radio station license or a station license issued in accordance with such railroad radio service rules as may hereafter be issued by this Commission; and the employees of Class I, II, and III Railroads of the United States, be, and they are hereby, authorized to engage, without operators' licenses, in operation of radio transmitting apparatus authorized for use in connection with railroad operations; *Provided, however:*

(1) The terms of this order shall apply only to the employees of those railroads who shall have adopted and published Railroad Radio General and Operating Rules in the form prepared by the Association of American Railroads and attached hereto. Any individual railroad which desires to adopt rules not in the form attached hereto shall, for the purposes of this order, first obtain the prior written approval of the Commission to the changes proposed.

(2) The terms of this order shall apply only to those railroad employees who shall have successfully passed an examination given by railroad examiners on the attached Railroad Radio General and Operating Rules. The first such examination shall be given prior to the operation of any radio transmitting apparatus by the employee and re-examinations shall thereafter be given at intervals not in excess of two years.

(3) The terms of this order shall apply only to the employees of those railroads who maintain suitable records showing the name and position of all employees who have been examined with respect to the attached Railroad Radio General and Operating Rules, the date of the employee's last successfully completed examination and the name of the railroad examiner. Such records shall be made available to duly accredited representatives of the Federal Communications Commission upon request.

(4) The terms of this order shall not be construed to authorize any railroad employee to make adjustments to any radio transmitter. Any needed adjustments of the transmitter of a railroad radio station that may affect its proper operation shall be regularly made by or in the presence of an operator duly licensed by this Commission, holding a first or second class license, either telephone or telegraph, who shall be responsible for the proper operation of the equipment.

(5) The radio equipment operated by railroad employees pursuant to the authorization given by this order shall be so designed that none of the operations necessary to be performed during normal use of the equipment may result in any unauthorized radiation.

It is further ordered, That this order shall become effective upon issuance and shall remain in effect until the further order of the Commission.

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 45-16175; Filed, Aug. 29, 1945; 11:01 a. m.]

[Order 127]

PART 1—RULES OF PRACTICE AND PROCEDURE

PART 2—GENERAL RULES AND REGULATIONS

PART 12—AMATEUR RADIO: STATIONS AND OPERATORS

PART 15—ALL RADIO STATIONS IN THE WAR EMERGENCY RADIO SERVICE

REINSTATEMENT OF AMATEUR RADIO STATION LICENSES AND CANCELLATION OF WAR EMERGENCY RADIO SERVICE STATION LICENSES

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 21st day of August 1945;

Whereas, under the provisions of Orders 87 and 87-A the Commission has ordered the complete cessation of all amateur radio operation and, under the provisions of Order 87-B, has ordered that no renewed or modified amateur station licenses should be issued from September 15, 1942, until the further order of the Commission; and

Whereas, the Board of War Communications on August 17, 1945, notified the Federal Communications Commission that it had no objection to the reactivation of amateur operation in the band 112 to 115.5 megacycles for a period of 90 days; and

Whereas, the frequency band 112 to 115.5 megacycles is now available to stations operating in the war emergency radio service; and

Whereas, the said war emergency radio service was established by the Commission as a temporary radio communication service solely for emergency communication in connection with the national defense and security and has now or will shortly have fulfilled the purpose for which it was established; and

Whereas, § 15.52 of the rules and regulations governing the operation of stations in the war emergency radio service provides for the change or cancellation by the Commission, without advance notice, of all licenses authorizing the operation of stations in this service; and

Whereas, § 15.105 of the rules and regulations governing all operators of stations in the war emergency radio service provides for the change or cancellation by the Commission, without advance notice, of all war emergency radio service operator permits;

It is ordered, That, notwithstanding the provisions of Commission Orders 87, 87-A, and 87-B, all amateur radio station licenses which were valid at any time during the period December 7, 1941, to September 15, 1942, and which have not heretofore been revoked be, and they hereby are, reinstated for a period commencing with the date of this order and ending November 15, 1945 (3 a. m., eastern standard time) for the sole purpose of authorizing during that period the operation of such amateur radio stations in the frequency band 112 to 115.5 megacycles by duly licensed amateur operators and in accordance with the Commission's rules governing amateur radio stations and operators; and

It is further ordered, That all war emergency radio service station licenses and operator permits, and the rules and regulations governing the operation of stations and operators in this service, be, and they hereby are, cancelled, effective November 15, 1945 (3 a. m., eastern standard time).

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 45-16176; Filed, Aug. 29, 1945; 11:01 a. m.]

TITLE 49—TRANSPORTATION AND RAILROADS

Chapter II—Office of Defense Transportation

[General Order ODT 49, Revocation]

PART 501—CONSERVATION OF MOTOR EQUIPMENT

MOTOR TRUCKS IN PUERTO RICO

Pursuant to Executive Orders 8989, as amended, 9156, 9214, and 9294, General Order ODT 49, §§ 501.480 to 501.489, inclusive (10 F.R. 1828), is hereby revoked effective August 28, 1945.

(E.O. 8989, as amended, 6 F.R. 6725, 8 F.R. 14183; E.O. 9156, 7 F.R. 3349; E.O. 9214, 7 F.R. 6097; E.O. 9294, 8 F.R. 221)

Issued at Washington, D. C., this 28th day of August 1945.

J. M. JOHNSON,
Director,
Office of Defense Transportation.

[F. R. Doc. 45-16174; Filed, Aug. 29, 1945; 10:14 a. m.]

Notices

DEPARTMENT OF LABOR.

Wage and Hour Division.

LEARNER EMPLOYMENT CERTIFICATES

ISSUANCE TO VARIOUS INDUSTRIES

Notice of issuance of special certificates for the employment of learners under the Fair Labor Standards Act of 1938.

Notice is hereby given that special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rate applicable under section 6 of the act have been issued to the firms hereinafter mentioned under section 14 of the act, Part 522 of the regulations issued thereunder (August 16, 1940, 5 F.R. 2862, and as amended June 25, 1942, 7 F.R. 4725), and the determinations, orders and/or regulations hereinafter mentioned. The names and addresses of the firms to which certificates were issued, industry, products, number of learners, and effective and expiration dates of the certificates are as follows:

Single Pants, Shirts and Allied Garments, Women's Apparel, Sportswear, Rainwear, Robes and Leather and Sheep-Lined Garments Divisions of the Apparel Industry, Learner Regulations, July 20, 1942 (7 F.R.

4724), as amended by Administrative Order March 13, 1943 (8 F.R. 3079), and Administrative Order June 7, 1943 (8 F.R. 7890).

The Badger Raincoat Company, 342 North Water Street, Milwaukee, Wisconsin; men's and boys' clothing, sportswear, other outerwear, leather and sheep-lined garments, rainwear; 5 learners (T); effective August 23, 1945, expiring August 22, 1946.

Hilb Manufacturing Company, 1731 Arapahoe Street, Denver, Colorado; slack suits and skirts; 5 learners (T); effective August 30, 1945, expiring August 29, 1946.

Model Sportwear Company, 212 "E" Street, Pen Argyl, Pennsylvania; ladies' blouses; 10 learners (T); effective August 28, 1945, expiring August 27, 1946.

S & B Manufacturing Company, Brantley, Alabama; commercial work pants; 10 percent (T); effective September 11, 1945, expiring September 10, 1946.

Glove Findings and Determination of February 20, 1940, as amended by Administrative Order, September 20, 1940, (5 F.R. 3748) and as further amended by Administrative Order, March 13, 1943, (8 F.R. 3079).

Richmond Glove Corporation, 306 Salem Avenue West, Roanoke, Virginia; work gloves; 10 learners (AT); effective August 28, 1945, expiring February 27, 1946.

Hosiery Learner Regulations, September 4, 1940, (5 F.R. 3530), as amended by Administrative Order March 13, 1943, (8 F.R. 3079).

Guilford Hosiery Mills, Inc., 706 Grimes Street, High Point, North Carolina; seamless hosiery; 5 percent (T); effective August 22, 1945, expiring August 21, 1946.

Halifax County Hosiery Mills, Inc., Scotland Neck, North Carolina; seamless hosiery; 8 percent (E); effective August 20, 1945, expiring February 19, 1946.

Ruby Hosiery Mill, Hickory, North Carolina; men's cotton mercerized hosiery; 5 learners (T); effective August 23, 1945, expiring August 22, 1946.

Sunshine Hosiery Mills, Murfreesboro, Tennessee; full-fashioned hosiery; 5 percent (T); effective August 29, 1945, expiring August 28, 1946.

Independent Telephone Learner Regulations, July 17, 1944, (9 F.R. 7125)

Central Iowa Telephone Company, Reinbeck, Iowa, (T); effective August 26, 1945, expiring August 25, 1946.

Dalton Telephone Company, Dalton, Georgia, (T); effective August 25, 1945, expiring August 24, 1946.

Douglas Telephone Company, Douglas, Georgia, (T); effective August 25, 1945, expiring August 24, 1946.

Gulf States Telephone Company, Hamilton, Texas, (T); effective September 16, 1945, expiring September 15, 1946.

The employment of learners under these certificates is limited to the terms and conditions therein contained and is subject to the provisions of the applicable determinations, orders and/or regulations cited above. These certificates have been issued upon the employers' representations that experienced workers for the learner occupations are not available for employment and that they are actually in need of learners at subminimum rates in order to prevent curtailment of opportunities for employment. The certificates may be cancelled in the manner provided in the regulations and as indicated in the certificates. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of regulations, Part 522.

Signed at New York, N. Y., this 23d day of August 1945.

PAULINE C. GILBERT,
Authorized Representative of the Administrator.

[F. R. Doc. 45-16154; Filed, Aug. 28, 1945; 4:36 p. m.]

CIVIL AERONAUTICS BOARD.

[Docket No. 250 et al.]

OREGON AIRWAYS ET AL.; WEST COAST CASE

NOTICE OF ORAL ARGUMENT

In the matter of the applications of Oregon Airways, et al., for certificates of public convenience and necessity and amendments of certificates under section 401 of the Civil Aeronautics Act of 1938, as amended.

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, particularly sections 401 and 1001 of said act, that oral argument in the above-entitled proceeding is assigned to be held on October 8, 1945, at 10 a. m. (eastern war time) in Room 5044, Commerce Building, 14th Street and Constitution Avenue NW., Washington, D. C., before the Board.

Dated: Washington, D. C., August 27, 1945.

By the Civil Aeronautics Board.

FRED A. TOOMBS,
Secretary.

[F. R. Doc. 45-16172; Filed, Aug. 29, 1945; 10:08 a. m.]

[Docket No. 489 et al.]

EASTERN AIRLINES ET AL.; FLORIDA CASE

NOTICE OF FURTHER POSTPONEMENT OF ORAL ARGUMENT

In the matter of the applications of Eastern Air Lines, et al., for certificates of public convenience and necessity and amendments of certificates under section 401 of the Civil Aeronautics Act of 1938, as amended.

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, particularly sections 401 and 1001 of said act, that oral argument in the above-entitled proceeding assigned to be held on September 17, 1945, is hereby further postponed to October 4, 1945, at 10 a. m. (eastern war time) in Room 5042, Commerce Building, 14th Street and Constitution Avenue, N. W., Washington, D. C., before the Board.

Dated: Washington, D. C., August 27, 1945.

By the Civil Aeronautics Board.

FRED A. TOOMBS,
Secretary.

[F. R. Doc. 45-16173; Filed, Aug. 29, 1945; 10:08 a. m.]

[Docket No. 1697]

EASTERN AIR LINES, INC.

NOTICE OF HEARING

In the matter of the compensation for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith.

Notice is hereby given that the above-entitled matter is assigned to be heard on August 31, 1945, at 2 p. m. (eastern war time) in Room 5416, Department of Commerce Building, Washington, D. C.

Dated at Washington, D. C., August 27, 1945.

By the Civil Aeronautics Board.

FRED A. TOOMBS,
Secretary.

[F. R. Doc. 45-16171; Filed, Aug. 29, 1945; 10:08 a. m.]

[Docket No. 1698]

AMERICAN AIRLINES, INC.

NOTICE OF HEARING

In the matter of the compensation for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith.

Notice is hereby given that the above-entitled matter is assigned to be heard on August 31, 1945, at 11 a. m. (eastern war time) in Room 5416, Department of Commerce Building, Washington, D. C.

Dated at Washington, D. C., August 27, 1945.

By the Civil Aeronautics Board.

FRED A. TOOMBS,
Secretary.

[F. R. Doc. 45-16170; Filed, Aug. 29, 1945; 10:08 a. m.]

[Docket No. 1699]

UNITED AIR LINES, INC.

NOTICE OF HEARING

In the matter of the compensation for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith.

Notice is hereby given that the above-entitled matter is assigned to be heard on August 31, 1945, at 10 a. m. (eastern war time) in Room 5416, Department of Commerce Building, Washington, D. C.

Dated at Washington, D. C., August 27, 1945.

By the Civil Aeronautics Board.

FRED A. TOOMBS,
Secretary.

[F. R. Doc. 45-16169; Filed, Aug. 29, 1945; 10:08 a. m.]

FEDERAL POWER COMMISSION.

[Docket Nos. G-627, G-635]

PITTSBURGH AND WEST VA. GAS CO., ET AL.

ORDER POSTPONING HEARING

AUGUST 25, 1945.

City of Pittsburgh, Complainant v. Pittsburgh & West Virginia Gas Company, Kentucky West Virginia Gas Company, Defendants; Docket No. G-627.

In the matter of Pittsburgh & West Virginia Gas Company, and Kentucky West Virginia Gas Company; Docket No. G-635.

Upon consideration of the application filed August 24, 1945, by the City of Pittsburgh in the above-entitled matters for a postponement of the hearings from September 5, 1945, to September 24, 1945; and

It appearing to the Commission that: Good cause has been shown for the postponement of the hearings in the above-entitled matters;

The Commission orders that: The hearings in the above-entitled matters be and they are hereby postponed to September 24, 1945, at 10 o'clock a. m., in the Commission's Hearing Room, Hurley-Wright Building, 1800 Pennsylvania Avenue, N. W., Washington, D. C.

By the Commission.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 45-16155; Filed, Aug. 29, 1945; 9:57 a. m.]

[Docket No. G-648]

GODFREY L. CABOT, INC., AND CABOT GAS CORP.

ORDER MAKING GODFREY L. CABOT, INC., A PARTY RESPONDENT AND FIXING DATE OF HEARING

AUGUST 24, 1945.

It appearing to the Commission that:

(a) By order of July 10, 1945, the Commission suspended Cabot Gas Corporation Rate Schedule FPC No. 4 providing increased rates for natural gas sold to the Pavilion Natural Gas Company and ordered (i) that a public hearing be held on a date to be thereafter fixed, and (ii) that Cabot Gas Corporation assume the burden of proof to show that the proposed increased rates are just and reasonable;

(b) Cabot Gas Corporation is a wholly-owned subsidiary of Godfrey L. Cabot, Inc. from which it purchases its entire natural gas requirements; that in supplying natural gas to the Pavilion Natural Gas Company, Godfrey L. Cabot, Inc. and its subsidiary, Cabot Gas Corporation, are engaged in but a single undertaking; that the combined rates and charges of Godfrey L. Cabot, Inc. and Cabot Gas Corporation must be shown to be just and reasonable if the rates and charges provided in the suspended rate schedule (Cabot Gas Corporation Rate Schedule FPC No. 4) are to be justified;

The Commission orders, That:

(a) Godfrey L. Cabot, Inc. be and it is hereby made a party to this proceeding;

(b) The public hearing provided by the Commission in its order of July 10, 1945, be held commencing on September 25, 1945, at 10:00 a. m. in Room 23, Federal Building, Corner Church and Fitzhugh Streets, Rochester, New York;

(c) At such hearing Godfrey L. Cabot, Inc. and Cabot Gas Corporation shall have the burden to show that the total charges to The Pavilion Natural Gas Company as set forth in Cabot Gas Corporation Rate Schedule FPC No. 4 are just and reasonable;

(d) Interested State commissions may participate in said hearing as provided in § 67.4 of the provisional rules of practice and regulations under the Natural Gas Act.

By the Commission.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 45-16177; Filed, Aug. 29, 1945; 11:06 a. m.]

INTERSTATE COMMERCE COMMISSION.

[2d Rev. S. O. 300, Special Permit 45]

ICING ON FREIGHT CAR FGE FROM GREENPORT, LONG ISLAND, N. Y. AND STANDARD REFRIGERATION ON FREIGHT CAR FGE FROM HIGHTSTOWN, N. J.

Pursuant to the authority vested in me by paragraph (e) of the first ordering paragraph of Second Revised Service Order No. 300 (10 F.R. 6802), permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard the provisions of Second Revised Service Order No. 300 insofar as it applies to the initial icing and one reicing in transit on FGE 19025 shipped August 23 from Greenport, L. I., to Thacker Produce Company, Charleston, W. Va., by F. H. Vahlsing via LI-PRR-C&O-Bridge Junction Siding; and standard refrigeration on FGE 31394 shipped August 24 from Hightstown, N. J., to N. Geraci, Inc., Tampa, Florida, by F. H. Vahlsing via PRR-RF&P-SAL.

The waybills shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 24th day of August 1945.

V. C. CLINGER,
Director,
Bureau of Service.

[F. R. Doc. 45-16179; Filed, Aug. 29, 1945; 11:08 a. m.]

[Rev. S. O. 345, Special Permit 8]

REICING OF POTATOES AT CHICAGO, ILL.

Pursuant to the authority vested in me by paragraph (g) of the first ordering paragraph of Revised Service Order No. 345 (10 F.R. 10034), permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard the provisions of Revised Service Order No. 345 insofar as it applies to the furnishing of one reicing only, with not to exceed 1½ tons of ice in each bunker, at Chicago, Illinois, August 24, 1945, on car ART 21968, potatoes, now on the C. B. & Q. Railroad, as requested by Garibaldi and Cuneo Commission Company.

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 24th day of August 1945.

V. C. CLINGER,
Director,
Bureau of Service.

[F. R. Doc. 45-16180; Filed, Aug. 29, 1945; 11:08 a. m.]

[Rev. S. O. 346, General Permit 3]

ICING OF BROCCOLI OR CAULIFLOWER IN CALIFORNIA

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph of Revised Service Order No. 346 (10 F.R. 10035), permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard the provisions of Revised Service Order No. 346 insofar as it applies to initial bunker icing only on straight carloads of broccoli or cauliflower, also mixed carloads of broccoli with cauliflower originating at points in California.

This general permit will become effective at 12:01 a. m., August 28, 1945, and will apply only on cars billed on and after that time.

The waybills shall show reference to this general permit.

A copy of this general permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 27th day of August 1945.

V. C. CLINGER,
Director,
Bureau of Service.

[F. R. Doc. 45-16181; Filed, Aug. 29, 1945; 11:08 a. m.]

[Rev. S. O. 346, Special Permit 6]

ICING OF SPINACH AT CHICAGO, ILL.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph of Revised Service Order No. 346 (10 F.R. 10035), permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard the provisions of Revised Service Order No. 346 insofar as it applies to the furnishing of ice to full bunker capacity August 25, 1945, of PFE 43861 spinach, on C&NW Morgan Street team track, Chicago, Illinois, as ordered by LaMantia Bros. Arrigo.

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 25th day of August 1945.

V. C. CLINGER,
Director,
Bureau of Service.

[F. R. Doc. 45-16182; Filed, Aug. 29, 1945; 11:08 a. m.]

APPOINTMENT OF PERMIT AGENTS

Notice of appointment of permit agents under Service Order No. 249.

Pursuant to the authority vested in me by paragraph (d) of Service Order No. 249 the appointments of the following permit agents to issue permits pursuant to paragraph (c) of said order are hereby revoked:

99. H. G. Stroud, Leachville, Arkansas
75. Medford O'Neal, Batesville, Arkansas.

75. H. G. Stroud, Batesville, Arkansas, is hereby appointed permit agent to issue permits pursuant to paragraph (c) of said order.

A copy of this notice has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of these appointments shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 28th day of August 1945.

V. C. CLINGER,
Director,
Bureau of Service.

[F. R. Doc. 45-16178; Filed, Aug. 29, 1945; 11:08 a. m.]

RECONSTRUCTION FINANCE CORPORATION.

PETROLEUM COMPENSATORY ADJUSTMENTS

NOTICE TO APPLICANTS

AUGUST 18, 1945.

In view of the cessation of hostilities and the consequent general availability of normal transportation methods, a program for the elimination of compensatory adjustments made pursuant to Petroleum Compensatory Adjustments Revised Regulation No. 1 was planned at an interagency meeting between representatives of Petroleum Administration for War, Office of Price Administration and Reconstruction Finance Corporation. The program which was mutually satisfactory to all three agencies is as follows:

(1) Compensatory adjustments made pursuant to Revised Regulation No. 1 will be discontinued as soon as the transportation and distribution of petroleum and petroleum products can be reconverted to a substantially normal basis. While it is impossible to specify at this time the actual date on which the regulation can be entirely revoked, it is not likely that compensatory adjustments will be made for a longer period than 60 days. Applicants will be notified in advance of the date of termination.

(2) Compensatory adjustments will not be made for excess costs incurred on any importation or inter-supply area movement of crude, compensable products or miscellaneous products which is commenced on or after September 1, 1945, or any such movement not completed prior to October 1, 1945, unless the movement is made pursuant to a shipping schedule approved by Petroleum Administration for War or unless the movement has been approved in advance by such agency. Termination of compensability of intra-supply area movements will be the subject of a later notice. All outstanding intra-district movement approvals are hereby cancelled, effective as to movements commenced after August 31, 1945.

(3) Compensatory adjustments will not be made for excess costs incurred on any movement of Miscellaneous Products, as defined in section 1 (g) of the regulation, which is begun on and after September 16, 1945, nor in any event which is not completed prior to October 1, 1945.

(4) Maximum prices for compensable products in such cases where they have been previously established by Office of Price Administration will be reduced by that agency effective September 1, 1945, except at retail establishments. Revised maximum prices at retail establishments will not be made effective on September 1, 1945, but will be made effective shortly thereafter. The interim period will give sellers at retail establishments an opportunity to dispose of normal inventories. "Revenue price increases" as that term is defined in Petroleum Compensatory Adjustments Revised Regulation No. 1 will therefore be revoked on all products effective September 1, 1945. Refunds made to non-applicants pursuant to section 5 (a) (iv) of the regulation on account of inventories of petroleum products on hand on the effective date of the revocation of the revenue price increases will be reimbursable in accordance with the existing terms of the regulation.

No changes in the program announced above will be made without further notification.

RECONSTRUCTION FINANCE CORPORATION,
By GEORGE STONER,
Associate Director,
Office of Defense Supplies.

[F. R. Doc. 45-16165; Filed, Aug. 29, 1945; 9:49 a. m.]

MID-CONTINENT CRUDE COMPENSATORY ADJUSTMENTS

NOTICE TO APPLICANTS

AUGUST 20, 1945.

In view of the termination of hostilities and the consequent availability of normal supplies and normal transportation methods, it is felt that subsidy payments for excess costs incurred in transporting crude to refineries in the mid-continent area under Regulation No. 5, as amended, will no longer be necessary. Accordingly, you are hereby advised that it will be the policy of Reconstruction Finance Corporation to make no compensatory adjustment under Regulation No. 5, as amended, with respect to any shipment commenced from point of origin subsequent to August 31, 1945, nor with respect to any shipment arriving at destination on or after October 1, 1945. In this connection, applicants are advised that claims covering barge shipments completed in the month of September, 1945, must be supported by satisfactory evidence indicating that the shipment commenced at point of origin prior to September 1, 1945.

In the interests of speedy and orderly liquidation of the program the Petroleum Administration for War will review each of its outstanding approvals for shipments which are to originate prior to September 1, 1945, and will modify any such approval to the extent it may deem appropriate. In no event, however, will Reconstruction Finance Corporation make compensatory adjustments with respect to volumes shipped during the month of August, 1945, which are in excess of presently outstanding approvals.

RECONSTRUCTION FINANCE CORPORATION,
By GEORGE STONER,
Associate Director,
Office of Defense Supplies.

[F. R. Doc. 45-16163; Filed, Aug. 29, 1945; 9:48 a. m.]

OFFICE OF PRICE ADMINISTRATION.

[Order 52 Under 19a]

FORD MOTOR CO.

DETERMINATION OF MAXIMUM PRICES

(1) *The purpose of this order.* The passenger automobile manufacturers and the Office of Price Administration are now engaged in determining what the maximum prices will be on sales of new passenger automobiles. While this determination is being made, the Ford Motor Company wishes to distribute the new automobiles it is currently producing. These automobiles will be distributed to dealers for use as showroom cars. The Ford Motor Company is, therefore, authorized in this order to sell these automobiles at the existing maximum prices under the General Maximum Price Regulation, and to agree with the buyers that these maximum prices may be adjusted upwards after deliveries are made by the amount of any adjustment in these prices which the Office of Price Administration may grant to the Ford Motor Company. This order is in accordance with section 19a of the General Maximum Price Regulation. *It is, therefore, ordered:*

(2) The Ford Motor Company, Dearborn, Michigan, is authorized to sell and deliver each 1945 model year automobile it manufactures at the maximum price permitted under the General Maximum Price Regulation, and to agree with the buyer that this maximum price may be adjusted upwards after delivery is made by the amount of any increase that may be authorized by the Office of Price Administration.

(3) This order applies only to sales made by the Ford Motor Company and does not apply to sales made by resellers.

(4) This order may be modified or revoked by the Price Administrator at any time.

This order shall become effective August 27, 1945.

Issued this 27th day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-16008; Filed, Aug. 27, 1945; 4:46 p. m.]

[MPR 188, Rev. Order 3419]

BEDFORD RADIO MFG. CO.

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.158 of Maximum Price Regulation No. 188, *It is ordered:*

(a) This revised order establishes maximum prices for sales and deliveries of radios and phonographs manufactured by Bedford Radio Manufacturing Co., 1619 Bedford Avenue, Brooklyn 25, N. Y.

(1) For all sales and deliveries by all persons to the following classes of purchasers by the sellers indicated below, the maximum prices are those set forth below:

Maximum prices for all sales and deliveries to jobbers:

Model No.:	
S10	$105.75
R62 and R6	19.17
D17	44.50

Maximum prices for all sales and deliveries to retailers, Red Cross, U. S. O., and U. S. Govt. agencies:

Model No.:	
S10	141.00
R62 and R6	23.71
D17	58.50

Maximum prices for all sales and deliveries to consumers:

Model No.:	
S10	235.00
R62 and R6	39.95
D17	97.50

Above maximum prices do not include Federal excise tax, which may be added. Maximum prices for sales at wholesale are f. o. b. seller's usual point of shipment.

These maximum prices are for the articles described in the manufacturer's application dated July 20, 1944, and November 1, 1944.

(2) For sales by the manufacturer, the maximum prices apply to all sales and deliveries since Maximum Price Regulation No. 188 became applicable to those sales and deliveries.

(3) For sales by persons other than the manufacturer, the maximum prices apply to all sales and deliveries after the effective date of this order. Those prices are subject to each seller's customary terms and conditions of sale on sales of similar articles.

(4) If the manufacturer wishes to make sales and deliveries to any other class of purchaser or on other terms and conditions of sale, he must apply to the Office of Price Administration, Washington, D. C., under the Fourth Pricing Method, § 1499.158 of Maximum Price Regulation No. 188, for the establishment of maximum prices for those sales, and no sales or deliveries may be made until maximum prices have been authorized by the Office of Price Administration.

(b) The manufacturer shall attach a tag or label to every article for which a maximum price for sales to consumers is established by this revised order. That tag or label shall contain the following statement:

Model No. ------
OPA Retail Ceiling Price—$------
Do Not Detach
Manufactured by Bedford Radio Manufacturing Co.,
Brooklyn, New York

(c) At the time of, or prior to, the first invoice to each purchaser for resale, the seller shall notify the purchased in writing of the maximum prices and conditions established by this revised order for sales by the purchaser. This notice may be given in any convenient form.

(d) This revised order may be revoked or amended by the Price Administrator at any time.

(e) This revised order shall become effective on the 28th day of August 1945.

Issued this 27th day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-16009; Filed, Aug. 27, 1945; 4:48 p. m.]

[MPR 188, Order 4325]

FAIRMONT FOUNDRY CO.

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.158 of Maximum Price Regulation No. 188; *It is ordered:*

(a) This order establishes maximum prices for sales and deliveries of certain articles manufactured by the Fairmont Foundry Company of 4000 North 29th Street, Birmingham 7, Ala.

(1) For all sales and deliveries to the following classes of purchasers by the sellers indicated below, the maximum prices are those set forth below:

Article	Model No.	Maximum prices for sales by any seller to— Wholesalers (Jobbers)	Chain and department stores	Other retailers	Consumers
Cornstick pan, aluminum, 14" x 0" x 1¼"	None	*Each* $0.96	*Each* $1.14	*Each* $1.27	*Each* $1.90

These maximum prices are for the articles described in the manufacturer's application dated July 16, 1945.

(2) For sales by the manufacturer, the maximum prices apply to all sales and deliveries since Maximum Price Regulation No. 188 became applicable to those sales and deliveries. They are f. o. b. factory and subject to a cash discount of 2% for payment within 10 days, net 30 days.

(3) For sales by persons other than the manufacturer, the maximum prices apply to all sales and deliveries after the effective date of this order. Those prices are subject to each seller's customary terms and conditions of sale on sales of similar articles.

(4) If the manufacturer wishes to make sales and deliveries to any other class of purchasers or on other terms and conditions of sale, he must apply to the Office of Price Administration, Washington, D. C., under the Fourth Pricing Method, § 1499.158 of Maximum Price Regulation No. 188, for the establishment of maximum prices for those sales, and no sales or deliveries may be made until maximum prices have been authorized by the Office of Price Administration.

(b) The manufacturer shall attach a tag or label to every article for which a maximum price for sales to consumers is established by this order. That tag or label shall contain the following statement with the correct model number and retail prices properly filled in:

Model No. ------
OPA Retail Ceiling Price—$------
Do Not Detach or Obliterate

(c) At the time of, or prior to, the first invoice to each purchaser for resale, the seller shall notify the purchaser in writing of the maximum prices and conditions established by this order for sales by the purchaser. This notice may be given in any convenient form.

(d) This order may be revoked or amended by the Price Administrator at any time.

(e) This order shall become effective on the 28th day of August 1945.

Issued this 27th day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-16010; Filed, Aug. 27, 1945; 4:46 p. m.]

[MPR 188, Order 4326]

AACCO, INC.

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.158 of Maximum Price Regulation No. 188, *It is ordered:*

(a) This order establishes maximum prices for sales and deliveries of certain articles manufactured by AACCO, Incorporated of 843 East 31st Street, Los Angeles 11, Calif.

(1) For all sales and deliveries to the following classes of purchasers by the sellers indicated below, the maximum prices are those set forth below:

Article	Model No.	Maximum prices for sales by any seller to—				
		Wholesalers (jobbers)	Dropship jobbers	Department and chain stores	Other retailers	Consumers
Fry pan, aluminum, 10"	107	*Each* $1.50	*Each* $1.53	*Each* $1.80	*Each* $2	*Each* $3

These maximum prices are for the articles described in the manufacturer's application dated June 20, 1945.

(2) For sales by the manufacturer, the maximum prices apply to all sales and deliveries since Maximum Price Regulation No. 188 became applicable to those sales and deliveries. They are f. o. b. factory and subject to a cash discount of 2% for payment within 10 days, net 30 days.

(3) For sales by persons other than the manufacturer, the maximum prices apply to all sales and deliveries after the effective date of this order. Those prices are subject to each seller's customary terms and conditions of sale on sales of similar articles.

(4) If the manufacturer wishes to make sales and deliveries to any other class of purchaser or on other terms and conditions of sale, he must apply to the Office of Price Administration, Washington, D. C., under the Fourth Pricing Method, § 1499.158 of Maximum Price Regulation No. 188, for the establishment of maximum prices for those sales, and no sales or deliveries may be made until maximum prices have been authorized by the Office of Price Administration.

(b) The manufacturer shall attach a tag or label to every article for which a maximum price for sales to consumers is established by this order. That tag or label shall contain the following statement with the model number and retail prices properly filled in:

Model No. ------
OPA Retail Ceiling Price—$------
Do Not Detach

(c) At the time of, or prior to, the first invoice to each purchaser for resale, the seller shall notify the purchaser in writing of the maximum prices and conditions established by this order for sales by the purchaser. This notice may be given in any convenient form.

(d) This order may be revoked or amended by the Price Administrator at any time.

(e) This order shall become effective on the 28th day of August 1945.

Issued this 27th day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-16011; Filed, Aug. 27, 1945; 4:46 p. m.]

[MPR 188, Order 4327]

SUN-RAY APPLIANCE CO.

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.158 of Maximum Price Regulation No. 188; *It is ordered:*

(a) This order establishes maximum prices for sales and deliveries of certain articles manufactured by the Sun-Ray Appliance Company, 277 Broadway, New York 7, N. Y.

(1) For all sales and deliveries to the following classes of purchasers by the sellers indicated below, the maximum prices are those set forth below:

Article	Model	Maximum prices for sales by any seller to—			
		Wholesalers (jobbers)	Retailers (6 units or more)	Retailers (less than 6 units)	Consumers
Single burner hot plate, aluminum, 1 heat, cord and plug.	None	*Each* $1.97	*Each* $2.33	*Each* $2.71	[illegible]
Electric space heater, black crackel finish, cord and plug.	1000 watt	3.09	3.65	3.93	[illegible]

These maximum prices are for the articles described in the manufacturer's applications dated July 24, 1945, and August 8, 1945. They include the Federal Excise Tax.

(2) For sales by the manufacturer, the maximum prices apply to all sales and deliveries since Maximum Price Regulation No. 188 became applicable to those sales and deliveries. These prices are f. o. b. factory and are subject to a cash discount of 2% for payment within 10 days, net 30 days.

(3) For sales by persons other than the manufacturer, the maximum prices apply to all sales and deliveries after the effective date of this order. Those prices are subject to each seller's customary terms and conditions of sale on sales of similar articles.

(4) If the manufacturer wishes to make sales and deliveries to any other class of purchaser or on other terms and conditions of sale, he must apply to the Office of Price Administration, Washington, D. C., under the Fourth Pricing Method, § 1499.158 of Maximum Price Regulation No. 188, for the establishment of maximum prices for those sales, and no sales or deliveries may be made until maximum prices have been authorized by the Office of Price Administration.

(b) The manufacturer shall attach a tag or label to every article for which a maximum price for sales to consumers is established by this order. That tag or label shall contain either of the following statements with the correct order number, model number, and retail ceiling price filled in:

Order No. 4327
Model No. ------
OPA Retail Ceiling Price—$------
Federal Excise Tax Included
Do Not Detach or Obliterate

or

Sun-Ray Appliance Company
277 Broadway
New York 7, New York
Model No. ------
OPA Retail Ceiling Price—$------
Federal Excise Tax Included
Do Not Detach or Obliterate

(c) At the time of, or prior to, the first invoice to each purchaser for resale, the seller shall notify the purchaser in writing of the maximum prices and conditions established by this order for sales by the purchaser. This notice may be given in any convenient form.

(d) This order may be revoked or amended by the Price Administrator at any time.

(e) This order shall become effective on the 28th day of August 1945.

Issued this 27th day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-16012; Filed, Aug. 27, 1945; 4:46 p. m.]

[MPR 188, Order 4328]

SIMOON FAN & BLOWER CO.

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.158 of Maximum Price Regulation No. 188; *It is ordered:*

(a) This order establishes maximum prices for sales and deliveries of certain articles manufactured by the Simoon Fan & Blower Company of 802 Pryor Street, NW., Atlanta, Ga.

(1) For all sales and deliveries to the following classes of purchasers by the sellers indicated below, the maximum prices are those set forth below:

Article	Model No.	Maximum prices for sales by any seller to—			
		Wholesalers (jobbers)	Retailers (6 units or more)	Retailers (less than 6 units)	Consumers
Twin fan, window ventilators	36 x 4 5/8 x 12"	*Each* $16.22	*Each* $19.17	*Each* $20.64	*Each* $30.97

These maximum prices are for the articles described in the manufacturer's application dated June 16, 1945. These prices include the Federal Excise Tax.

(2) For sales by the manufacturer, the maximum prices apply to all sales and deliveries since Maximum Price Regulation No. 188 became applicable to those sales and deliveries. These prices are subject to a cash discount of 2% for payment within 10 days, net 30 days.

(3) For sales by persons other than the manufacturer, the maximum prices apply to all sales and deliveries after the effective date of this order. Those prices are subject to each seller's customary terms and conditions of sale on sales of similar articles.

(4) If the manufacturer wishes to make sales and deliveries to any other class of purchaser or on other terms and conditions of sale, he must apply to the Office of Price Administration, Washington, D. C., under the Fourth Pricing Method, § 1499.158 of Maximum Price Regulation No. 188, for the establishment of maximum prices for those sales, and no sales or deliveries may be made until maximum prices have been authorized by the Office of Price Administration.

(b) The manufacturer shall attach a tag or label to every article for which a maximum price for sales to consumers is established by this order. That tag or label shall contain either of the following statements with the correct order number, model number and retail prices properly filled in:

Order No. 4328
Model No. ------
OPA Retail Ceiling Price—$------
Federal Excise Tax Included
Do Not Detach or Obliterate

or

Simoon Fan & Blower Company,
802 Pryor Street, N. W.,
Atlanta, Georgia.
Model No. ------
OPA Retail Ceiling Price—$ -----
Federal Excise Tax Included
Do Not Detach or Obliterate

(c) At the time of, or prior to, the first invoice to each purchaser for resale, the seller shall notify the purchaser in writing of the maximum prices and conditions established by this order for sales by the purchaser. This notice may be given in any convenient form.

(d) This order may be revoked or amended by the Price Administrator at any time.

(e) This order shall become effective on the 28th day of August 1945.

Issued this 27th day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-16013; Filed, Aug. 27, 1945; 4:47 p. m.]

[MPR 188, Order 4329]

KABEE CORP.

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.158 of Maximum Price Regulation No. 188; *It is ordered:*

(a) This order establishes maximum prices for sales and deliveries of certain articles manufactured by the Kabee Corporation of 251 Colfax North, Minneapolis 2, Minn.

(1) For all sales and deliveries to the following classes of purchasers by the sellers indicated below, the maximum prices are those set forth below:

Article	Model No.	Maximum prices for sales by any seller to—			
		Wholesalers (jobbers)	Chain and department stores	Other retailers	Consumers
Frying pan, aluminum, 10"	None	*Each* $1.22	*Each* $1.47	*Each* $1.63	*Each* $2.45

These maximum prices are for the articles described in the manufacturer's application dated June 15, 1945.

(2) For sales by the manufacturer, the maximum prices apply to all sales and deliveries since Maximum Price Regulation No. 188 became applicable to those sales and deliveries. They are f. o. b. factory and subject to a cash discount of 2% for payment within 10 days, net 30 days.

(3) For sales by persons other than the manufacturer, the maximum prices apply to all sales and deliveries after the effective date of this order. Those prices are subject to each seller's customary terms and conditions of sale on sales of similar articles.

(4) If the manufacturer wishes to make sales and deliveries to any other class of purchaser or on other terms and conditions of sale, he must apply to the Office of Price Administration, Washington, D. C., under the Fourth Pricing Method, § 1499.158 of Maximum Price Regulation No. 188, for the establishment of maximum prices for those sales, and no sales or deliveries may be made until maximum prices have been authorized by the Office of Price Administration.

(b) The manufacturer shall attach a tag or label to every article for which a maximum price for sales to consumers is established by this order. That tag or label shall contain the following statement:

OPA Retail Ceiling Price—$2.45 Each
Do Not Detach

(c) At the time of, or prior to, the first invoice to each purchaser for resale, the seller shall notify the purchaser in writing of the maximum prices and conditions established by this order for sales by the purchaser. This notice may be given in any convenient form.

(d) This order may be revoked or amended by the Price Administrator at any time.

(e) This order shall become effective on the 28th day of August 1945.

Issued this 27th day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-16014; Filed, Aug. 27, 1945; 4:48 p. m.]

[MPR 188, Order 4330]

LEONARDS MFG. DIVISION, DEPT. 5

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.158 of Maximum Price Regulation No. 188, *It is ordered:*

(a) This order establishes maximum prices for sales and deliveries of certain articles manufactured by Leonards Manufacturing Division, Department 5, 200 Houston Street, Fort Worth 2, Tex.

(1) For all sales and deliveries to the following classes of purchasers by the sellers indicated below, the maximum prices are those set forth below:

Article	Model No.	Maximum prices for sales by any seller to—			
		Wholesalers (jobbers)	Dept. and chain stores	Other retailers	Consumers
Towel bar, steel, 24" x 5/16" x 29 1/4"	24	*Doz.* $2.75	*Doz.* $3.24	*Doz.* $3.80	*Each* $0.45

These maximum prices are for the articles described in the manufacturer's application dated July 12, 1945.

(2) For sales by the manufacturer, the maximum prices apply to all sales and deliveries since Maximum Price Regulation No. 188 became applicable to those sales and deliveries. They are f. o. b. factory and subject to a cash discount of 2% for payment within 10 days, net 30 days.

(3) For sales by persons other than the manufacturer, the maximum prices apply to all sales and deliveries after the effective date of this order. Those prices are subject to each seller's customary terms and conditions of sale on sales of similar articles.

(4) If the manufacturer wishes to make sales and deliveries to any other class of purchaser or on other terms and conditions of sale, he must apply to the Office of Price Administration, Washington, D. C., under the Fourth Pricing Method, § 1499.158 of Maximum Price Regulation No. 188, for the establishment of maximum prices for those sales, and no sales or deliveries may be made

until maximum prices have been authorized by the Office of Price Administration.

(b) The manufacturer shall attach a tag or label to every article for which a maximum price for sales to consumers is established by this order. That tag or label shall contain the following statement with the correct model number and retail prices properly filled in:

Model No. ------.
OPA Retail Ceiling Price—$0.45 each
Do Not Detach

(c) At the time of, or prior to, the first invoice to each purchaser for resale, the seller shall notify the purchaser in writing of the maximum prices and conditions established by this order for sales by the purchaser. This notice may be given in any convenient form.

(d) This order may be revoked or amended by the Price Administrator at any time.

(e) This order shall become effective on the 28th day of August 1945.

Issued this 27th day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-16015; Filed, Aug. 27, 1945; 4:48 p. m.]

[MPR 188, Order 4331]

THE VENDO CO.

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.158 of Maximum Price Regulation No. 188; *It is ordered:*

(a) This order establishes maximum prices for sales and deliveries of certain articles manufactured by The Vendo Company of 1907 Grand Avenue, Kansas City 8, Mo.

(1) For all sales and deliveries to the following classes of purchasers by the sellers indicated below, the maximum prices are those set forth below:

Article	Model No.	Maximum prices for sales by any seller to—			
		Wholesalers (jobbers)	Department and chain stores	Other retailers	Consumers
		Each	*Each*	*Each*	*Each*
Steel utility stool	ST-1-27	$1.95	$2.30	$2.40	$3.08

Description.—A four-leg steel stool; spot-welded, riveted and bolted, painted red. Dimensions: height to seat 27", diameter of seat 12", height of back above seat 9"; all measurements approximate. Four stretchers connecting the legs at foot rest level.

These maximum prices are for the articles described in the manufacturer's application dated June 11, 1945.

(2) For sales by the manufacturer, the maximum prices apply to all sales and deliveries since Maximum Price Regulation No. 188 became applicable to those sales and deliveries. These prices are f. o. b. factory and subject to a cash discount of 2% for payment within 10 days, net 30 days.

(3) For sales by persons other than the manufacturer, the maximum prices apply to all sales and deliveries after the effective date of this order. Those prices are subject to each seller's customary terms and conditions of sale on sales of similar articles.

(4) If the manufacturer wishes to make sales and deliveries to any other class of purchaser or on other terms and conditions of sale, he must apply to the Office of Price Administration, Washington, D. C., under the Fourth Pricing Method, § 1499.158 of Maximum Price Regulation No. 188, for the establishment of maximum prices for those sales, and no sales or deliveries may be made until maximum prices have been authorized by the Office of Price Administration.

(b) The manufacturer shall attach a tag or label to every article for which a maximum price for sales to consumers is established by this order. That tag or label shall contain the following statement with the correct model number and retail prices properly filled in:

Model No. ------
OPA Retail Ceiling Price—$------
Do Not Detach or Obliterate

(c) At the time of, or prior to, the first invoice to each purchaser for resale, the seller shall notify the purchaser in writing of the maximum prices and conditions established by this order for sales by the purchaser. This notice may be given in any convenient form.

(d) This order may be revoked or amended by the Price Administrator at any time.

(e) This order shall become effective on the 28th day of August 1945.

Issued this 27th day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-16016; Filed, Aug. 27, 1945; 4:48 p. m.]

[MPR 188, Order 4353]

W. E. SANDERS MFG. CO.

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.158 of Maximum Price Regulation No. 188; *It is ordered:*

(a) This order establishes maximum prices for sales and deliveries of Model J, 5 tube AC-DC table model radio manufactured by W. E. Sanders Mfg. Co., 300 Paseo Street, Oklahoma City, Okla.

(1) For all sales and deliveries to the following classes of purchasers by all sellers, the maximum prices are those set forth below:

Maximum price for sales to jobbers and to U. S. Government ---------- $8.62
Maximum price for sales to retailers -- 11.97
Maximum price for sales at retail ---- 19.95

The above maximum prices do not include Federal excise tax which may be added. They are f. o. b. seller's usual point of shipment for all sales at wholesale.

These maximum prices are for the articles described in the manufacturer's application dated January 11, 1945.

(2) For sales by the manufacturer, the maximum prices apply to all sales and deliveries since Maximum Price Regulation No. 188 became applicable to those sales and deliveries.

(3) For sales by persons other than the manufacturer, the maximum prices apply to all sales and deliveries after the effective date of this order. Those prices are subject to each seller's customary terms and conditions of sale on sales of similar articles.

(4) If the manufacturer wishes to make sales and deliveries to any other class of purchaser or on other terms and conditions of sale, he must apply to the Office of Price Administration, Washington, D. C., under the Fourth Pricing Method, § 1499.158 of Maximum Price Regulation No. 188, for the establishment of maximum prices for those sales, and no sales or deliveries may be made until maximum prices have been authorized by the Office of Price Administration.

(b) The manufacturer shall attach a tag or label to every article for which a maximum price for sales to consumers is established by this order. That tag or label shall contain the following statement:

OPA Retail Ceiling Price—$19.95
Excl. Federal Excise Tax
Model No. J
Do Not Detach
Manufactured by W. E. Sanders Mfg. Co.
3000 Paseo St., Oklahoma City, Okla.

(c) At the time of, or prior to, the first invoice to each purchaser for resale, the seller shall notify the purchaser in writing of the maximum prices and conditions established by this order for sales by the purchaser. This notice may be given in any convenient form.

(d) This order may be revoked or amended by the Price Administrator at any time.

(e) This order shall become effective on the 28th day of August 1945.

Issued this 27th day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-16017; Filed, Aug. 27, 1945; 4:49 p. m.]

[MPR 188, Order 4354]

KEMP EQUIPMENT CO.

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.158 of Maximum Price Regulation No. 188; *It is ordered:*

(a) This order establishes maximum prices for sales and deliveries of Model #1 6 tube table model radio receiver manufactured by Kemp Equipment Co., 57 Mt. Hope Avenue, Rochester 7, N. Y.

(1) For all sales and deliveries to the following classes of purchasers by the sellers indicated below, the maximum prices are those set forth below:

Kemp Equipment Co. sales and deliveries to U. S. Government ---------- $11.70
For sales and deliveries by all persons to jobbers ---------- 12.00
For sales and deliveries by all persons to retailers ---------- 18.00
For sales and deliveries by all persons to consumers ---------- 24.95

The above maximum prices for sales by all persons at wholesale are subject to a discount of 2%, 10 days, net 30 days, f. o. b. seller's usual point of shipment. The Federal excise tax may be added to the above maximum prices.

These maximum prices are for the articles described in the manufacturer's application dated June 13, 1945.

(2) For sales by the manufacturer, the maximum prices apply to all sales and deliveries since Maximum Price Regulation No. 188 became applicable to those sales and deliveries.

(3) For sales by persons other than the manufacturer, the maximum prices apply to all sales and deliveries after the effective date of this order. Those prices are subject to each seller's customary terms and conditions of sale on sales of similar articles.

(4) If the manufacturer wishes to make sales and deliveries to any other class of purchaser or on other terms and conditions of sale, he must apply to the Office of Price Administration, Washington, D. C., under the Fourth Pricing Method, § 1499.158 of Maximum Price Regulation No. 188, for the establishment of maximum prices for those sales, and no sales or deliveries may be made until maximum prices have been authorized by the Office of Price Administration.

(b) The manufacturer shall attach a tag or label to every article for which a maximum price for sales to consumers is established by this order. That tag or label shall contain the following statement:

Model Number ------
OPA Retail Ceiling Price—$------
Federal Excise Tax $------
Do Not Detach
Manufactured by Kemp Equipment Co.
Rochester 7, N. Y.

(c) At the time of, or prior to, the first invoice to each purchaser for resale, the seller shall notify the purchaser in writing of the maximum prices and conditions established by this order for sales by the purchaser. This notice may be given in any convenient form.

(d) This order may be revoked or amended by the Price Administrator at any time.

(e) This order shall become effective on the 28th day of August 1945.

Issued this 27th day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-16018; Filed, Aug. 27, 1945; 4:49 p. m.]

[MPR 188, Order 4355]

PETERSON MFG. CO.

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.158 of Maximum Price Regulation No. 188; *It is ordered:*

(a) This order establishes maximum prices for sales and deliveries of certain articles manufactured by Peterson Manufacturing Company, 2716 E. 14th Street, Kansas City 1, Mo.

(1) For all sales and deliveries to the following classes of purchasers by the sellers indicated below, the maximum prices are those set forth below:

Article	Description	Maximum prices for sales by any person to—		
		Wholesalers (jobbers)	Retailers	Consumers
		Each	*Each*	*Each*
Automobile tire pump	20" x 1½ with thumb lock	$1.25	$1.75	$2.50

These maximum prices are for the articles described in the manufacturer's application dated June 20, 1945.

(2) For sales by the manufacturer, the maximum prices apply to all sales and deliveries since Maximum Price Regulation No. 188 became applicable to those sales and deliveries. These prices are f. o. b. factory, and subject to a cash discount of 2% for payment within 10 days, net 30 days.

(3) For sales by persons other than the manufacturer, the maximum prices apply to all sales and deliveries after the effective date of this order. Those prices are subject to each seller's customary terms and conditions of sale on sales of similar articles.

(4) If the manufacturer wishes to make sales and deliveries to any other class of purchaser or on other terms and conditions of sale, he must apply to the Office of Price Administration, Washington, D. C., under the Fourth Pricing Method, § 1499.158 of Maximum Price Regulation No. 188, for the establishment of maximum prices for those sales, and no sales or deliveries may be made until maximum prices have been authorized by the Office of Price Administration.

(b) The manufacturer shall attach a tag or label to every article for which a maximum price for sales to consumers is established by this order. That tag or label shall contain the following statement:

OPA Retail Ceiling Price—$2.50
Do Not Remove or Obliterate

(c) At the time of, or prior to, the first invoice to each purchaser for resale, the seller shall notify the purchaser in writing of the maximum prices and conditions established by this order for sales by the purchaser. This notice may be given in any convenient form.

(d) This order may be revoked or amended by the Price Administrator at any time.

(e) This order shall become effective on the 28th day of August 1945.

Issued this 27th day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-16019; Filed, Aug. 27, 1945; 4:49 p. m.]

[MPR 254, Rev. Order 6]

HARRINGTON AND RICHARDSON ARMS CO.

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion, issued simultaneously herewith, and filed with the Division of the Federal Register and pursuant to § 1379.4 of Maximum Price Regulation No. 254, *It is ordered:*

Order No. 6 under Maximum Price Regulation No. 254 is amended and revised as follows:

(a) This order establishes maximum prices for sales and deliveries of certain .22 caliber rifles, manufactured by Harrington and Richardson Arms Company, 320 Park Avenue, Worcester 2, Mass.

(1) For all sales and deliveries to the following classes of purchasers by any person, the maximum prices are those set forth below:

Article	Model No.	Maximum price to—		
		Jobber (ex-cluding tax)	Retailer (in-cluding tax)	Consumer (in-cluding tax)
Rifle 22 caliber	165	$35.00	$46.69	$57.44
	265	20.35	28.69	34.17
	365	27.20	23.64	28.24
	465	32.50	44.74	52.96

These maximum prices are for the articles described in the manufacturer's application dated May 24, 1945.

(2) For sales by the manufacturer, the maximum prices apply to all sales and deliveries since Maximum Price Regulation No. 254 became applicable to those sales and deliveries. These prices are subject to a cash discount of 2% for payment in 10 days, net 30 days and are f. o. b. factory.

(3) For sales by persons other than the manufacturer, the maximum prices apply to all sales and deliveries after August 3, 1945. These prices are subject to each seller's customary terms, and conditions of sale on sales of similar articles.

(b) The maximum prices established by this order include the adjustment of maximum prices permitted by § 1379.4 (a) of Maximum Price Regulation No. 254.

(c) At the time of, or prior to the first invoice to a purchaser for resale, the manufacturer shall notify the purchaser in writing of the maximum prices and conditions established by this order for sales by the purchaser. This notice may be given in any convenient form.

(d) All provisions of Maximum Price Regulation No. 254 not inconsistent with the provisions of this order, are applicable to sales of the articles for which maximum prices are established by this order.

(e) This order may be revoked or amended by the Price Administrator at any time.

(f) This revised order shall become effective on the 28th day of August 1945.

Issued this 27th day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-16020; Filed, Aug. 27, 1945; 4:48 p. m.]

[MPR 260, Order 1767]

LINLY O. CURRY

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion accompanying this order, and pursuant to § 1358.102 (b) of Maximum Price Regulation No. 260; *It is ordered*, That:

(a) Linly O. Curry, 703 W. Central Avenue, Orlando, Fla. (hereinafter called "manufacturer") and wholesalers and retailers may sell, offer to sell or deliver and any person may buy, offer to buy or receive each brand and size or frontmark, and packing of the following domestic cigars at the appropriate maximum list price and maximum retail price set forth below:

Brand	Size or frontmark	Packing	Maximum list price	Maximum retail price
Santa Granda ...	Favorita.....	50	*Per M* $93.75	*Cents* 2 for 25

(b) The manufacturer and wholesalers shall grant, with respect to their sales of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the discounts they customarily granted in March 1942 on their sales of domestic cigars of the same price class to purchasers of the same class, unless a change therein results in a lower price. Packing differentials charged by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class may be charged on corresponding sales of each brand and size or frontmark of cigars priced by this order, but shall not be increased. Packing differentials allowed by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class shall be allowed on corresponding sales of each brand and size or frontmark of cigars priced by this order and shall not be reduced. If a brand and size or frontmark of domestic cigars for which maximum prices are established by this order is of a price class not sold by the manufacturer or the particular wholesaler in March 1942, he shall, with respect to his sales thereof, grant the discounts and may charge and shall allow the packing differentials customarily granted, charged or allowed (as the case may be) in March 1942 by his most closely competitive seller of the same class on sales of domestic cigars of the same March 1942 price class to purchasers of the same class.

(c) On or before the first delivery to any purchaser of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the manufacturer and every other seller (except a retailer) shall notify the purchaser of the maximum list price and the maximum retail price established by this order for such brand and size or frontmark of domestic cigars. The notice shall conform to and be given in the manner prescribed by § 1358.113 of Maximum Price Regulation No. 260.

(d) Unless the context otherwise requires, appropriate provisions of Maximum Price Regulation No. 260, shall apply to sales for which maximum prices are established by this order.

(e) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective August 28, 1945.

Issued this 27th day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45–16021; Filed, Aug. 27, 1945; 4:50 p. m.]

[MPR 260, Order 1768]

GRAND OPERA CIGARS, INC.

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion accompanying this order, and pursuant to § 1358.102 (b) of Maximum Price Regulation No. 260; *It is ordered*, That:

(a) Grand Opera Cigars, Inc., 20 Spring Street, New Brunswick, N. J. (hereinafter called "manufacturer") and wholesalers and retailers may sell, offer to sell or deliver and any person may buy, offer to buy or receive each brand and size or frontmark, and packing of the following domestic cigars at the appropriate maximum list price and maximum retail price set forth below:

Brand	Size or frontmark	Packing	Maximum list price	Maximum retail price
Grand Opera Cigar.	King.....	50	*Per M* $101.25	*Cents* 2 for 27
	Queen	50	90.00	12

(b) The manufacturer and wholesalers shall grant, with respect to their sales of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the discounts they customarily granted in March 1942 on their sales of domestic cigars of the same price class to purchasers of the same class, unless a change therein results in a lower price. Packing differentials charged by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class may be charged on corresponding sales of each brand and size or frontmark of cigars priced by this order, but shall not be increased. Packing differentials allowed by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class shall be allowed on corresponding sales of each brand and size or frontmark of cigars priced by this order and shall not be reduced. If a brand and size or frontmark of domestic cigars for which maximum prices are established by this order is of a price class not sold by the manufacturer or the particular wholesaler in March 1942, he shall, with respect to his sales thereof, grant the discounts and may charge and shall allow the packing differentials customarily granted, charged or allowed (as the case may be) in March 1942 by his most closely competitive seller of the same class on sales of domestic cigars of the same March 1942 price class to purchasers of the same class.

(c) On or before the first delivery to any purchaser of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the manufacturer and every other seller (except a retailer) shall notify the purchaser of the maximum list price and the maximum retail price established by this order for such brand and size or frontmark of domestic cigars. The notice shall conform to and be given in the manner prescribed by § 1358.113 of Maximum Price Regulation No. 260.

(d) Unless the context otherwise requires, appropriate provisions of Maximum Price Regulation No. 260, shall apply to sales for which maximum prices are established by this order.

(e) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective August 28, 1945.

Issued this 27th day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R Doc. 45–16022; Filed, Aug. 27, 1945; 4:56 p. m.]

[MPR 260, Order 1769]

JOSE R. HERNANDEZ CIGAR FACTORY

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion accompanying this order, and pursuant to § 1358.102 (b) of Maximum Price Regulation No. 260; *It is ordered*, That:

(a) Jose R. Hernandez Cigar Factory, 2418 Stuart Street, Tampa, Fla. (hereinafter called "manufacturer") and wholesalers and retailers may sell, offer to sell or deliver and any person may buy, offer to buy or receive each brand and size or frontmark, and packing of the following domestic cigars at the appropriate maximum list price and maximum retail price set forth below:

Brand	Size or frontmark	Packing	Maximum list price	Maximum retail price
Arigunabo	Conchas.....	50	*Per M* $168.00	*Cents* 18
	Kings	50	105.00	11
	Little Kings -	50	93.75	2 for 25
	Beacons.....	50	121.00	16

(b) The manufacturer and wholesalers shall grant, with respect to their sales of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the discounts they customarily granted in March 1942 on their sales of domestic cigars of the same price class to purchasers of the same class, unless a change therein results in a lower price. Packing differentials charged by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class may be charged on corresponding sales of each brand and size or frontmark of cigars priced by this order, but shall not be increased. Packing differentials allowed by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class shall be allowed on corresponding sales of each brand and size or frontmark of cigars priced by this order and shall not be reduced. If a brand and size or frontmark of domestic cigars for which maximum prices are established by this order is of a price class not sold by the manufacturer or the particular wholesaler in March 1942, he shall, with respect to his sales thereof, grant the discounts and may charge and shall allow the packing differentials customarily granted, charged or allowed (as the case may be) in March 1942 by his most closely competitive seller of the same class on sales of domestic cigars of the same March 1942 price class to purchasers of the same class.

(c) On or before the first delivery to any purchaser of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the manufacturer and every other seller (except a retailer) shall notify the purchaser of the maximum list price and the maximum retail price established by this order for such brand and size or frontmark of domestic cigars. The notice shall conform to and be given in the manner prescribed by § 1358.113 of Maximum Price Regulation No. 260.

(d) Unless the context otherwise requires, appropriate provisions of Maximum Price Regulation No. 260, shall apply to sales for which maximum prices are established by this order.

(e) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective August 28, 1945.

Issued this 27th day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45–16023; Filed, Aug. 27, 1945; 4:56 p. m.]

[MPR 260, Order 1770]

JUAN MENDEZ RODRIGUEZ

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion accompanying this order, and pursuant to § 1358.102 (b) of Maximum Price Regulation No. 260; *It is ordered*, That:

(a) Juan Mendez Rodriguez, La Planta Street, Adjuntas, P. R. (hereinafter called "manufacturer") and wholesalers and retailers may sell, offer to sell or deliver and any person may buy, offer to buy or receive each brand and size or frontmark, and packing of the following domestic cigars at the appropriate maximum list price and maximum retail price set forth below:

Brand	Size or frontmark	Packing	Maximum list price	Maximum retail price
Juan Mendez Rodriguez.	Corona Especial.	50	*Per M* $40	*Cents* 5

(b) The manufacturer and wholesalers shall grant, with respect to their sales of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the discounts they customarily granted in March 1942 on their sales of domestic cigars of the same price class to purchasers of the same class, unless a change therein results in a lower price. Packing differentials charged by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class may be charged on corresponding sales of each brand and size or frontmark of cigars priced by this order, but shall not be increased. Packing differentials allowed by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class shall be allowed on corresponding sales of each brand and size or frontmark of cigars priced by this order and shall not be reduced. If a brand and size or frontmark of domestic cigars for which maximum prices are established by this order is of a price class not sold by the manufacturer or the particular wholesaler in March 1942, he shall, with respect to his sales thereof, grant the discounts and may charge and shall allow the packing differentials customarily granted, charged or allowed (as the case may be) in March 1942 by his most closely competitive seller of the same class on sales of domestic cigars of the same March 1942 price class to purchasers of the same class.

(c) On or before the first delivery to any purchaser of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the manufacturer and every other seller (except a retailer) shall notify the purchaser of the maximum list price and the maximum retail price established by this order for such brand and size or frontmark of domestic cigars. The notice shall conform to and be given in the manner prescribed by § 1358.113 of Maximum Price Regulation No. 260.

(d) Unless the context otherwise requires, appropriate provisions of Maximum Price Regulation No. 260, shall apply to sales for which maximum prices are established by this order.

(e) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective August 28, 1945.

Issued this 27th day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45–16024; Filed, Aug. 27, 1945; 4:54 p. m.]

[MPR 260, Order 1771]

FILOMENO TORRES

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion accompanying this order, and pursuant to § 1358.102 (b) of Maximum Price Regulation No. 260; *It is ordered*, That:

(a) Filomeno Torres, Baldoriety Street, Cidra, P. R. (hereinafter called "manufacturer") and wholesalers and retailers may sell, offer to sell or deliver and any person may buy, offer to buy or receive each brand and size or frontmark, and packing of the following domestic cigars at the appropriate maximum list price and maximum retail price set forth below:

Brand	Size or frontmark	Packing	Maximum list price	Maximum retail price
Filomeno Torres	Corona.....	50	*Per M* $48.00	*Cents* 2 for 11
Tropicales.....	4⅝".....	50	72.00	9
Perfecto.....	5".....	50	78.75	2 for 21

(b) The manufacturer and wholesalers shall grant, with respect to their sales of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the discounts they customarily granted in March 1942 on their sales of domestic cigars of the same price class to purchasers of the same class, unless a change therein results in a lower price. Packing differentials charged by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class may be charged on corresponding sales of each brand and size or frontmark of cigars priced by this order, but shall not be increased. Packing differentials allowed by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class shall be allowed on corresponding sales of each brand and size or frontmark of cigars priced by this order and shall not be reduced. If a brand and size or frontmark of domestic cigars for which maximum prices are established by this order is of a price class not sold by the manufacturer or the particular wholesaler in March 1942, he shall, with respect to his sales thereof, grant the discounts and may charge and shall allow the packing differentials customarily granted, charged or allowed (as the case may be) in March 1942 by his most closely competitive seller of the same class on sales of domestic cigars of the same March 1942 price class to purchasers of the same class.

(c) On or before the first delivery to any purchaser of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the manufacturer and every other seller (except a retailer) shall notify the purchaser of the maximum list price and the maximum retail price established by this order for such brand and size or frontmark of domestic cigars.

The notice shall conform to and be given in the manner prescribed by § 1358.113 of Maximum Price Regulation No. 260.

(d) Unless the context otherwise requires, appropriate provisions of Maximum Price Regulation No. 260, shall apply to sales for which maximum prices are established by this order.

(e) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective August 28, 1945.

Issued this 27th day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-16025; Filed, Aug. 27, 1945; 4:54 p. m.]

[MPR 260, Order 1772]

NAPOLEON GAUTHIER

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion accompanying this order, and pursuant to § 1358.102 (b) of Maximum Price Regulation No. 260; *It is ordered*, That:

(a) Napoleon Gauthier, 546 W. 6th Street, Eugene, Oreg. (hereinafter called "manufacturer") and wholesalers and retailers may sell, offer to sell or deliver and any person may buy, offer to buy or receive each brand and size or frontmark, and packing of the following domestic cigars at the appropriate maximum list price and maximum retail price set forth below:

Brand	Size or frontmark	Packing	Maximum list price	Maximum retail price
Extreme Quality Cigar.	1¾ x 11½	50	*Per M* $93.75	*Cents* 2 for 25

(b) The manufacturer and wholesalers shall grant, with respect to their sales of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the discounts they customarily granted in March 1942 on their sales of domestic cigars of the same price class to purchasers of the same class, unless a change therein results in a lower price. Packing differentials charged by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class may be charged on corresponding sales of each brand and size or frontmark of cigars priced by this order, but shall not be increased. Packing differentials allowed by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class shall be allowed on corresponding sales of each brand and size or frontmark of cigars priced by this order and shall not be reduced. If a brand and size or frontmark of domestic cigars for which maximum prices are established by this order is of a price class not sold by the manufacturer or the particular wholesaler in March 1942, he shall, with respect to his sales thereof, grant the discounts and may charge and shall allow the packing differentials customarily granted, charged or allowed (as the case may be) in March 1942 by his most closely competitive seller of the same class on sales of domestic cigars of the same March 1942 price class to purchasers of the same class.

(c) On or before the first delivery to any purchaser of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the manufacturer and every other seller (except a retailer) shall notify the purchaser of the maximum list price and the maximum retail price established by this order for such brand and size or frontmark of domestic cigars. The notice shall conform to and be given in the manner prescribed by § 1358.113 of Maximum Price Regulation No. 260.

(d) Unless the context otherwise requires, appropriate provisions of Maximum Price Regulation No. 260, shall apply to sales for which maximum prices are established by this order.

(e) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective August 28, 1945.

Issued this 27th day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-16026; Filed, Aug. 27, 1945; 4:55 p. m.]

[MPR 260, Order 1773]

CLARENCE W. MITZEL

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion accompanying this order, and pursuant to § 1358.102 (b) of Maximum Price Regulation No. 260; *It is ordered*, That:

(a) Clarence W. Mitzel, 201 South Pine St., Red Lion, Pa. (hereinafter called "manufacturer"), and wholesalers and retailers may sell, offer to sell or deliver and any person may buy, offer to buy or receive each brand and size or frontmark, and packing of the following domestic cigars at the appropriate maximum list price and maximum retail price set forth below:

Brand	Size or frontmark	Packing	Maximum list price	Maximum retail price
R. L. C.....	De Luxe.....	50	*Per M* $56	*Cents* 7

(b) The manufacturer and wholesalers shall grant, with respect to their sales of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the discounts they customarily granted in March 1942 on their sales of domestic cigars of the same price class to purchasers of the same class, unless a change therein results in a lower price. Packing differentials charged by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class may be charged on corresponding sales of each brand and size or frontmark of cigars priced by this order, but shall not be increased. Packing differentials allowed by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class shall be allowed on corresponding sales of each brand and size or frontmark of cigars priced by this order and shall not be reduced. If a brand and size or frontmark of domestic cigars for which maximum prices are established by this order is of a price class not sold by the manufacturer or the particular wholesaler in March 1942, he shall, with respect to his sales thereof, grant the discounts and may charge and shall allow the packing differentials customarily granted, charged or allowed (as the case may be) in March 1942 by his most closely competitive seller of the same class on sales of domestic cigars of the same March 1942 price class to purchasers of the same class.

(c) On or before the first delivery to any purchaser of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the manufacturer and every other seller (except a retailer) shall notify the purchaser of the maximum list price and the maximum retail price established by this order for such brand and size or frontmark of domestic cigars. The notice shall conform to and be given in the manner prescribed by § 1358.113 of Maximum Price Regulation No. 260.

(d) Unless the context otherwise requires, appropriate provisions of Maximum Price Regulation No. 260, shall apply to sales for which maximum prices are established by this order.

(e) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective August 28, 1945.

Issued this 27th day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-16027; Filed, Aug. 27, 1945; 4:55 p. m.]

[MPR 260, Order 1774]

INSPIRATION CIGAR CO.

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion accompanying this order, and pursuant to § 1358.102 (b) of Maximum Price Regulation No. 260; *It is ordered*, That:

(a) Inspiration Cigar Co., 2128 Main St., Tampa, Fla. (hereinafter called "manufacturer") and wholesalers and retailers may sell, offer to sell or deliver and any person may buy, offer to buy or receive each brand and size or frontmark, and packing of the following domestic cigars at the appropriate maximum list price and maximum retail price set forth below:

Brand	Size or frontmark	Packing	Maximum list price	Maximum retail price
Luz de Antonio Perro.	Chichos	50	*Per M* $75	*Cents* 10

(b) The manufacturer and wholesalers shall grant, with respect to their sales of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the discounts they customarily granted in March 1942 on their sales of domestic cigars of the same price class to purchasers of the same class, unless a change therein results in a lower price. Packing differentials charged by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class may be charged on corresponding sales of each brand and size or frontmark of cigars priced by this order, but shall not be increased. Packing differentials allowed by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class shall be allowed on corresponding sales of each brand and size or frontmark of cigars priced by this order and shall not be reduced. If a brand and size or frontmark of domestic cigars for which maximum prices are established by this order is of a price class not sold by the manufacturer or the particular wholesaler in March 1942, he shall, with respect to his sales thereof, grant the discounts and may charge and shall allow the packing differentials customarily granted, charged or allowed (as the case may be) in March 1942 by his most closely competitive seller of the same class on sales of domestic cigars of the same March 1942 price class to purchasers of the same class.

(c) On or before the first delivery to any purchaser of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the manufacturer and every other seller (except a retailer) shall notify the purchaser of the maximum list price and the maximum retail price established by this order for such brand and size or frontmark of domestic cigars. The notice shall conform to and be given in the manner prescribed by § 1358.113 of Maximum Price Regulation No. 260.

(d) Unless the context otherwise requires, appropriate provisions of Maximum Price Regulation No. 260, shall apply to sales for which maximum prices are established by this order.

(e) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective August 28, 1945.

Issued this 27th day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-16028; Filed, Aug. 27, 1945; 4:55 p. m.]

[MPR 260, Order 1775]

D. W. KALTREIDER

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion accompanying this order, and pursuant to § 1358.102 (b) of Maximum Price Regulation No. 260; *It is ordered*, That:

(a) D. W. Kaltreider, Loganville, York Co., Pa. (hereinafter called "manufacturer") and wholesalers and retailers may sell, offer to sell or deliver and any person may buy, offer to buy or receive each brand and size or frontmark, and packing of the following domestic cigars at the appropriate maximum list price and maximum retail price set forth below:

Brand	Size or frontmark	Packing	Maximum list price	Maximum retail price
Hava-Bud.....	Londres	50	*Per M* $64	*Cents* 5

(b) The manufacturer and wholesalers shall grant, with respect to their sales of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the discounts they customarily granted in March 1942 on their sales of domestic cigars of the same price class to purchasers of the same class, unless a change therein results in a lower price. Packing differentials charged by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class may be charged on corresponding sales of each brand and size or frontmark of cigars priced by this order; but shall not be increased. Packing differentials allowed by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class shall be allowed on corresponding sales of each brand and size or frontmark of cigars priced by this order and shall not be reduced. If a brand and size or frontmark of domestic cigars for which maximum prices are established by this order is of a price class not sold by the manufacturer or the particular wholesaler in March 1942, he shall, with respect to his sales thereof, grant the discounts and may charge and shall allow the packing differentials customarily granted, charged or allowed (as the case may be) in March 1942 by his most closely competitive seller of the same class on sales of domestic cigars of the same March 1942 price class to purchasers of the same class.

(c) On or before the first delivery to any purchaser of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the manufacturer and every other seller (except a retailer) shall notify the purchaser of the maximum list price and the maximum retail price established by this order for such brand and size or frontmark of domestic cigars. The notice shall conform to and be given in the manner prescribed by § 1358.113 of Maximum Price Regulation No. 260.

(d) Unless the context otherwise requires, appropriate provisions of Maximum Price Regulation No. 260, shall apply to sales for which maximum prices are established by this order.

(e) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective August 28, 1945.

Issued this 27th day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-16029; Filed, Aug. 27, 1945; 4:55 p. m.]

[MPR 260, Order 1776]

ANTONIO VALENTIN

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion accompanying this order, and pursuant to § 1358.102 (b) of Maximum Price Regulation No. 260; *It is ordered*, That:

(a) Antonio Valentin, Progreso St. #131, Aquadilla, P. R. (hereinafter called "manufacturer") and wholesalers and retailers may sell, offer to sell or deliver and any person may buy, offer to buy or receive each brand and size or frontmark, and packing of the following domestic cigars at the appropriate maximum list price and maximum retail price set forth below:

Brand	Size or frontmark	Packing	Maximum list price	Maximum retail price
Choice Cigar (Common).	1¾"	50	*Per M* $52	*Cents* 4

(b) The manufacturer and wholesalers shall grant, with respect to their sales of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the discounts they customarily granted in March 1942 on their sales of domestic cigars of the same price class to purchasers of the same class, unless a change therein results in a lower price. Packing differentials charged by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class may be charged on corresponding sales of each brand and size or frontmark of cigars priced by this order, but shall not be increased. Packing differentials allowed by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class shall be allowed on corresponding sales of each brand and size or frontmark of cigars priced by this order and shall not be reduced. If a brand and size or frontmark of domestic cigars for which maximum prices are established by this order is of a price class not sold by the manufacturer or the particular wholesaler in March 1942, he shall, with respect to his sales thereof, grant the discounts and may charge and shall allow the pack-

ing differentials customarily granted, charged or allowed (as the case may be) in March 1942 by his most closely competitive seller of the same class on sales of domestic cigars of the same March 1942 price class to purchasers of the same class.

(c) On or before the first delivery to any purchaser of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the manufacturer and every other seller (except a retailer) shall notify the purchaser of the maximum list price and the maximum retail price established by this order for such brand and size or frontmark of domestic cigars. The notice shall conform to and be given in the manner prescribed by § 1358.113 of Maximum Price Regulation No. 260.

(d) Unless the context otherwise requires, appropriate provisions of Maximum Price Regulation No. 260, shall apply to sales for which maximum prices are established by this order.

(e) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective August 28, 1945.

Issued this 27th day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-16030; Filed, Aug. 27, 1945; 4:53 p. m.]

[MPR 260, Order 1777]

MANUEL RODRIGUEZ ORTIZ

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion accompanying this order, and pursuant to § 1358.102 (b) of Maximum Price Regulation No. 260; *It is ordered*, That:

(a) Manuel Rodriguez Ortiz, 151 Mayor Cantera St., Ponce, P. R. (hereinafter called "manufacturer") and wholesalers and retailers may sell, offer to sell or deliver and any person may buy, offer to buy or receive each brand and size or frontmark, and packing of the following domestic cigars at the appropriate maximum list price and maximum retail price set forth below:

Brand	Size or frontmark	Packing	Maximum list price	Maximum retail price
Corona	Corona (size)	50	*Per M* $40	*Cents* 5

(b) The manufacturer and wholesalers shall grant, with respect to their sales of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the discounts they customarily granted in March 1942 on their sales of domestic cigars of the same price class to purchasers of the same class, unless a change therein results in a lower price. Packing differentials charged by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class may be charged on corresponding sales of each brand and size or frontmark of cigars priced by this order, but shall not be increased. Packing differentials allowed by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class shall be allowed on corresponding sales of each brand and size or frontmark of cigars priced by this order and shall not be reduced. If a brand and size or frontmark of domestic cigars for which maximum prices are established by this order is of a price class not sold by the manufacturer or the particular wholesaler in March 1942, he shall, with respect to his sales thereof, grant the discounts and may charge and shall allow the packing differentials customarily granted, charged or allowed (as the case may be) in March 1942 by his most closely competitive seller of the same class on sales of domestic cigars of the same March 1942 price class to purchasers of the same class.

(c) On or before the first delivery to any purchaser of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the manufacturer and every other seller (except a retailer) shall notify the purchaser of the maximum list price and the maximum retail price established by this order for such brand and size or frontmark of domestic cigars. The notice shall conform to and be given in the manner prescribed by § 1358.113 of Maximum Price Regulation No. 260.

(d) Unless the context otherwise requires, appropriate provisions of Maximum Price Regulation No. 260, shall apply to sales for which maximum prices are established by this order.

(e) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective August 28, 1945.

Issued this 27th day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-16031; Filed, Aug. 27, 1945; 4:51 p. m.]

[MPR 260, Order 1778]

CASTELLANO & CABRERA CIGAR FACTORY

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion accompanying this order, and pursuant to § 1358.102 (b) of Maximum Price Regulation No. 260, *It is ordered*, That:

(a) Castellano & Cabrera Cigar Factory, 1806 19 St., Tampa 5, Fla. (hereinafter called "manufacturer") and wholesalers and retailers may sell, offer to sell or deliver and any person may buy, offer to buy or receive each brand and size or frontmark, and packing of the following domestic cigars at the appropriate maximum list price and maximum retail price set forth below:

Brand	Size or frontmark	Packing	Maximum list price	Maximum retail price
Castellano & Cabrera	Lynas	50	*Per M* $105.00	*Cents* 11
	Club Special	50	82.50	11

(b) The manufacturer and wholesalers shall grant, with respect to their sales of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the discounts they customarily granted in March 1942 on their sales of domestic cigars of the same price class to purchasers of the same class, unless a change therein results in a lower price. Packing differentials charged by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class may be charged on corresponding sales of each brand and size or frontmark of cigars priced by this order, but shall not be increased. Packing differentials allowed by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class shall be allowed on corresponding sales of each brand and size or frontmark of cigars priced by this order and shall not be reduced. If a brand and size or frontmark of domestic cigars for which maximum prices are established by this order is of a price class not sold by the manufacturer or the particular wholesaler in March 1942, he shall, with respect to his sales thereof, grant the discounts and may charge and shall allow the packing differentials customarily granted, charged or allowed (as the case may be) in March 1942 by his most closely competitive seller of the same class on sales of domestic cigars of the same March 1942 price class to purchasers of the same class.

(c) On or before the first delivery to any purchaser of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the manufacturer and every other seller (except a retailer) shall notify the purchaser of the maximum list price and the maximum retail price established by this order for such brand and size or frontmark of domestic cigars. The notice shall conform to and be given in the manner prescribed by § 1358.113 of Maximum Price Regulation No. 260.

(d) Unless the context otherwise requires, appropriate provisions of Maximum Price Regulation No. 260, shall apply to sales for which maximum prices are established by this order.

(e) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective August 28, 1945.

Issued this 27th day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-16032; Filed, Aug. 27, 1945; 4:50 p. m.]

[MPR 260, Order 1779]

MANUEL BENZAQUEN

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion accompanying this order, and pursuant to § 1358.102 (b) of Maximum Price Regulation No. 260; *It is ordered*, That:

(a) Manuel Benzaquen, 3901 Cottage Grove Ave. Chicago, Ill. (hereinafter called "manufacturer") and wholesalers and retailers may sell, offer to sell or deliver and any person may buy, offer to buy or receive each brand and size or frontmark, and packing of the following domestic cigars at the appropriate maximum list price and maximum retail price set forth below:

Brand	Size or frontmark	Packing	Maximum list price	Maximum retail price
Lo Bello	Perfectos	50	*Per M* $93.75	*Cents* 2 for 25

(b) The manufacturer and wholesalers shall grant, with respect to their sales of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the discounts they customarily granted in March 1942 on their sales of domestic cigars of the same price class to purchasers of the same class, unless a change therein results in a lower price. Packing differentials charged by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class may be charged on corresponding sales of each brand and size or frontmark of cigars priced by this order, but shall not be increased. Packing differentials allowed by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class shall be allowed on corresponding sales of each brand and size or frontmark of cigars priced by this order and shall not be reduced. If a brand and size or frontmark of domestic cigars for which maximum prices are established by this order is of a price class not sold by the manufacturer or the particular wholesaler in March 1942, he shall, with respect to his sales thereof, grant the discounts and may charge and shall allow the packing differentials customarily granted, charged or allowed (as the case may be) in March 1942 by his most closely competitive seller of the same class on sales of domestic cigars of the same March 1942 price class to purchasers of the same class.

(c) On or before the first delivery to any purchaser of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the manufacturer and every other seller (except a retailer) shall notify the purchaser of the maximum list price and the maximum retail price established by this order for such brand and size or frontmark of domestic cigars. The notice shall conform to and be given in the manner prescribed by § 1358.113 of Maximum Price Regulation No. 260.

(d) Unless the context otherwise requires, appropriate provisions of Maximum Price Regulation No. 260, shall apply to sales for which maximum prices are established by this order.

(e) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective August 28, 1945.

Issued this 27th day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-16033; Filed, Aug. 27, 1945; 4:51 p. m.]

[MPR 260, Order 1780]

BENJAMIN H. SMITH

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion accompanying this order, and pursuant to § 1358.102 (b) of Maximum Price Regulation No. 260; *It is ordered*, That:

(a) Benjamin H. Smith, 6749 Evans Ave., Chicago 37, Ill. (hereinafter called "manufacturer") and wholesalers and retailers may sell, offer to sell or deliver and any person may buy, offer to buy or receive each brand and size or frontmark, and packing of the following domestic cigars at the appropriate maximum list price and maximum retail price set forth below:

Brand	Size or frontmark	Packing	Maximum list price	Maximum retail price
El Pilito Special	Londres	50	*Per M* $93.75	*Cents* 2 for 25

(b) The manufacturer and wholesalers shall grant, with respect to their sales of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the discounts they customarily granted in March 1942 on their sales of domestic cigars of the same price class to purchasers of the same class, unless a change therein results in a lower price. Packing differentials charged by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class may be charged on corresponding sales of each brand and size or frontmark of cigars priced by this order, but shall not be increased. Packing differentials allowed by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class shall be allowed on corresponding sales of each brand and size or frontmark of cigars priced by this order and shall not be reduced. If a brand and size or frontmark of domestic cigars for which maximum prices are established by this order is of a price class not sold by the manufacturer or the particular wholesaler in March 1942, he shall, with respect to his sales thereof, grant the discounts and may charge and shall allow the packing differentials customarily granted, charged or allowed (as the case may be) in March 1942 by his most closely competitive seller of the same class on sales of domestic cigars of the same March 1942 price class to purchasers of the same class.

(c) On or before the first delivery to any purchaser of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the manufacturer and every other seller (except a retailer) shall notify the purchaser of the maximum list price and the maximum retail price established by this order for such brand and size or frontmark of domestic cigars. The notice shall conform to and be given in the manner prescribed by § 1358.113 of Maximum Price Regulation No. 260.

(d) Unless the context otherwise requires, appropriate provisions of Maximum Price Regulation No. 260, shall apply to sales for which maximum prices are established by this order.

(e) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective August 28, 1945.

Issued this 27th day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-16034; Filed, Aug. 27, 1945; 4:51 p. m.]

[MPR 260, Order 1781]

BEN MASTROFSKY

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion accompanying this order, and pursuant to § 1358.102 (b) of Maximum Price Regulation No. 260; *It is ordered*, That:

(a) Ben Mastrofsky, 1572 N. Clybourn Ave., Chicago 22, Ill. (hereinafter called "manufacturer") and wholesalers and retailers may sell, offer to sell or deliver and any person may buy, offer to buy or receive each brand and size or frontmark, and packing of the following domestic cigars at the appropriate maximum list price and maximum retail price set forth below:

Brand	Size or frontmark	Packing	Maximum list price	Maximum retail price
Crowned	Masters	50	*Per M* $78.75	*Cents* 2 for 21

(b) The manufacturer and wholesalers shall grant, with respect to their sales of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the discounts they customarily granted in March 1942 on their sales of domestic cigars of the same price class to purchasers of the same class, unless a change therein results in a lower price. Packing differentials charged by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class may be charged on corresponding sales of each brand and size or frontmark of cigars priced by this order, but shall not be increased. Packing differentials allowed by the manufacturer

or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class shall be allowed on corresponding sales of each brand and size or frontmark of cigars priced by this order and shall not be reduced. If a brand and size or frontmark of domestic cigars for which maximum prices are established by this order is of a price class not sold by the manufacturer or the particular wholesaler in March 1942, he shall, with respect to his sales thereof, grant the discounts and may charge and shall allow the packing differentials customarily granted, charged or allowed (as the case may be) in March 1942 by his most closely competitive seller of the same class on sales of domestic cigars of the same March 1942 price class to purchasers of the same class.

(c) On or before the first delivery to any purchaser of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the manufacturer and every other seller (except a retailer) shall notify the purchaser of the maximum list price and the maximum retail price established by this order for such brand and size or frontmark of domestic cigars. The notice shall conform to and be given in the manner prescribed by § 1358.113 of Maximum Price Regulation No. 260.

(d) Unless the context otherwise requires, appropriate provisions of Maximum Price Regulation No. 260, shall apply to sales for which maximum prices are established by this order.

(e) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective August 28, 1945.

Issued this 27th day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-16035; Filed, Aug. 27, 1945; 4:51 p. m.]

[MPR 260, Order 1782]

AMERICAN EAGLE CIGAR FACTORY

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion accompanying this order, and pursuant to § 1358.102 (b) of Maximum Price Regulation No. 260; *It is ordered*, That:

(a) American Eagle Cigar Factory, 1034 9th Ave., Tampa 5, Fla. (hereinafter called "manufacturer") and wholesalers and retailers may sell, offer to sell or deliver and any person may buy, offer to buy or receive each brand and size or frontmark, and packing of the following domestic cigars at the appropriate maximum list price and maximum retail price set forth below:

Brand	Size or frontmark	Packing	Maximum list price	Maximum retail price
			Per M	*Cents*
American Eagle	Coronitas	50	$90	12
	Conchas Parejas	50	50	7
	Imperiales	50	123	16

(b) The manufacturer and wholesalers shall grant, with respect to their sales of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the discounts they customarily granted in March 1942 on their sales of domestic chasers of the same class, unless a change therein results in a lower price. cigars of the same price class to purPacking differentials charged by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class may be charged on corresponding sales of each brand and size or frontmark of cigars priced by this order, but shall not be increased. Packing differentials allowed by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class shall be allowed on corresponding sales of each brand and size or frontmark of cigars priced by this order and shall not be reduced. If a brand and size or frontmark of domestic cigars for which maximum prices are established by this order is of a price class not sold by the manufacturer or the particular wholesaler in March 1942, he shall, with respect to his sales thereof, grant the discounts and may charge and shall allow the packing differentials customarily granted, charged or allowed (as the case may be) in March 1942 by his most closely competitive seller of the same class on sales of domestic cigars of the same March 1942 price class to purchasers of the same class.

(c) On or before the first delivery to any purchaser of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the manufacturer and every other seller (except a retailer) shall notify the purchaser of the maximum list price and the maximum retail price established by this order for such brand and size or frontmark of domestic cigars. The notice shall conform to and be given in the manner prescribed by § 1358.113 of Maximum Price Regulation No. 260.

(d) Unless the context otherwise requires, appropriate provisions of Maximum Price Regulation No. 260, shall apply to sales for which maximum prices are established by this order.

(e) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective August 28, 1945.

Issued this 27th day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-16036; Filed, Aug. 27, 1945; 4:52 p. m.]

[MPR 260, Order 1783]

ROSE MARIE CIGAR FACTORY

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion accompanying this order, and pursuant to § 1358.102 (b) of Maximum Price Regulation No. 260; *It is ordered*, That:

(a) Rose Marie Cigar Factory, 2206 N. Armenia Ave., Tampa 7, Fla. (hereinafter called "manufacturer") and wholesalers and retailers may sell, offer to sell or deliver and any person may buy, offer to buy or receive each brand and size or frontmark, and packing of the following domestic cigars at the appropriate maximum list price and maximum retail price set forth below:

Brand	Size or frontmark	Packing	Maximum list price	Maximum retail price
			Per M	*Cents*
Rose Marie	Straight	50	$80.00	12
	Fuma	50	75.00	10
	Favoritas	50	108.75	2 for 29

(b) The manufacturer and wholesalers shall grant, with respect to their sales of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the discounts they customarily granted in March 1942 on their sales of domestic cigars of the same price class to purchasers of the same class, unless a change therein results in a lower price. Packing differentials charged by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class may be charged on corresponding sales of each brand and size or frontmark of cigars priced by this order, but shall not be increased. Packing differentials allowed by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class shall be allowed on corresponding sales of each brand and size or frontmark of cigars priced by this order and shall not be reduced. If a brand and size or frontmark of domestic cigars for which maximum prices are established by this order is of a price class not sold by the manufacturer or the particular wholesaler in March 1942, he shall, with respect to his sales thereof, grant the discounts and may charge and shall allow the packing differentials customarily granted, charged or allowed (as the case may be) in March 1942 by his most closely competitive seller of the same class on sales of domestic cigars of the same March 1942 price class to purchasers of the same class.

(c) On or before the first delivery to any purchaser of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the manufacturer and every other seller (except a retailer) shall notify the purchaser of the maximum list price and the maximum retail price established by this order for such brand and size or frontmark of domestic cigars. The notice shall conform to and be given in the manner prescribed by § 1358.113 of Maximum Price Regulation No. 260.

(d) Unless the context otherwise requires, appropriate provisions of Maximum Price Regulation No. 260, shall apply to sales for which maximum prices are established by this order.

(e) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective August 28, 1945.

Issued this 27th day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-16037; Filed, Aug. 27, 1945; 4:52 p. m.]

[MPR 260, Order 1784]

THE ANTONIO CO.

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion accompanying this order, and pursuant to § 1358.102 (b) of Maximum Price Regulation No. 260; *It is ordered*, That:

(a) The Antonio Company, 1316 Spring Street, Tampa, Fla. (hereinafter called "manufacturer") and wholesalers and retailers may sell, offer to sell or deliver and any person may buy, offer to buy or receive each brand and size or frontmark, and packing of the following domestic cigars at the appropriate maximum list price and maximum retail price set forth below:

Brand	Size or frontmark	Packing	Maximum list price	Maximum retail price
			Per M	*Cents*
La Flor	Victorias	50	$108.75	2 for 29
	Lindas	50	130.00	3 for 50

(b) The manufacturer and wholesalers shall grant, with respect to their sales of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the discounts they customarily granted in March 1942 on their sales of domestic cigars of the same price class to purchasers of the same class, unless a change therein results in a lower price. Packing differentials charged by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class may be charged on corresponding sales of each brand and size or frontmark of cigars priced by this order, but shall not be increased. Packing differentials allowed by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class shall be allowed on corresponding sales of each brand and size or frontmark of cigars priced by this order and shall not be reduced. If a brand and size or frontmark of domestic cigars for which maximum prices are established by this order is of a price class not sold by the manufacturer or the particular wholesaler in March 1942, he shall, with respect to his sales thereof, grant the discounts and may charge and shall allow the packing differentials customarily granted, charged or allowed (as the case may be) in March 1942 by his most closely competitive seller of the same class on sales of domestic cigars of the same March 1942 price class to purchasers of the same class.

(c) On or before the first delivery to any purchaser of each brand and size or frontmark of domestic cigars for

which maximum prices are established by this order, the manufacturer and every other seller (except a retailer) shall notify the purchaser of the maximum list price and the maximum retail price established by this order for such brand and size or frontmark of domestic cigars. The notice shall conform to and be given in the manner prescribed by § 1358.113 of Maximum Price Regulation No. 260.

(d) Unless the context otherwise requires, appropriate provisions of Maximum Price Regulation No. 260, shall apply to sales for which maximum prices are established by this order.

(e) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective August 28, 1945.

Issued this 27th day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-16038; Filed, Aug. 27, 1945; 4:53 p. m.]

[MPR 260, Order 1785]

TRY-A-TAMPA CIGAR CO.

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion accompanying this order, and pursuant to § 1358.102 (b) of Maximum Price Regulation No. 260; *It is ordered*, That:

(a) Try-A-Tampa Cigar Company, 1904 14th Street, Tampa 5, Fla. (hereinafter called "manufacturer") and wholesalers and retailers may sell, offer to sell or deliver and any person may buy, offer to buy or receive each brand and size or frontmark, and packing of the following domestic cigars at the appropriate maximum list price and maximum retail price set forth below:

Brand	Size or frontmark	Packing	Maximum list price	Maximum retail price
			Per M	*Cents*
Sonita	Brevas	50	$169.00	22
	Corona Chica	50	138.00	18
	Reinas	50	134.00	2 for 35
	Especiales	50	75.00	10
	Little King	50	90.00	12
	Kings	50	108.75	2 for 29
	Panatela	50	69.00	2 for 15

(b) The manufacturer and wholesalers shall grant, with respect to their sales of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the discounts they customarily granted in March 1942 on their sales of domestic cigars of the same price class to purchasers of the same class, unless a change therein results in a lower price. Packing differentials charged by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class may be charged on corresponding sales of each brand and size or frontmark of cigars priced by this order, but shall not be increased. Packing differentials allowed by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class shall be allowed on corresponding sales of each brand and size or frontmark of cigars priced by this order and shall not be reduced. If a brand and size or frontmark of domestic cigars for which maximum prices are established by this order is of a price class not sold by the manufacturer or the particular wholesaler in March 1942, he shall, with respect to his sales thereof, grant the discounts and may charge and shall allow the packing differentials customarily granted, charged or allowed (as the case may be) in March 1942 by his most closely competitive seller of the same class on sales of domestic cigars of the same March 1942 price class to purchasers of the same class.

(c) On or before the first delivery to any purchaser of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the manufacturer and every other seller (except a retailer) shall notify the purchaser of the maximum list price and the maximum retail price established by this order for such brand and size or frontmark of domestic cigars. The notice shall conform to and be given in the manner prescribed by § 1358.113 of Maximum Price Regulation No. 260.

(d) Unless the context otherwise requires, appropriate provisions of Maximum Price Regulation No. 260 shall apply to sales for which maximum prices are established by this order.

(e) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective August 28, 1945.

Issued this 27th day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-16039; Filed, Aug. 27, 1945; 4:50 p. m.]

[MPR 260, Order 1786]

JAIME E. CURET

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion accompanying this order, and pursuant to § 1358.102 (b) of Maximum Price Regulation No. 260; *It is ordered*, That:

(a) Jaime E. Curet, San Rafael Street, #4, Arecibo, P. R. (hereinafter called "manufacturer") and wholesalers and retailers may sell, offer to sell or deliver and any person may buy, offer to buy or receive each brand and size or frontmark, and packing of the following domestic cigars at the appropriate maximum list price and maximum retail price set forth below:

Brand	Size or frontmark	Packing	Maximum list price	Maximum retail price
			Per M	*Cents*
Jaime E. Curet	Commandos	50	$64	8

(b) The manufacturer and wholesalers shall grant, with respect to their sales of each brand and size or front-

mark of domestic cigars for which maximum prices are established by this order, the discounts they customarily granted in March 1942 on their sales of domestic cigars of the same price class to purchasers of the same class, unless a change therein results in a lower price. Packing differentials charged by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class may be charged on corresponding sales of each brand and size or frontmark of cigars priced by this order, but shall not be increased. Packing differentials allowed by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class shall be allowed on corresponding sales of each brand and size or frontmark of cigars priced by this order and shall not be reduced. If a brand and size or frontmark of domestic cigars for which maximum prices are established by this order is of a price class not sold by the manufacturer or the particular wholesaler in March 1942, he shall, with respect to his sales thereof, grant the discounts and may charge and shall allow the packing differentials customarily granted, charged or allowed (as the case may be) in March 1942 by his most closely competitive seller of the same class on sales of domestic cigars of the same March 1942 price class to purchasers of the same class.

(c) On or before the first delivery to any purchaser of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the manufacturer and every other seller (except a retailer) shall notify the purchaser of the maximum list price and the maximum retail price established by this order for such brand and size or frontmark of domestic cigars. The notice shall conform to and be given in the manner prescribed by § 1358.113 of Maximum Price Regulation No. 260.

(d) Unless the context otherwise requires, appropriate provisions of Maximum Price Regulation No. 260, shall apply to sales for which maximum prices are established by this order.

(e) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective August 28, 1945.

Issued this 27th day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-16040; Filed, Aug. 27, 1945; 4:53 p. m.]

[MPR 260, Order 1787]

CARMELO CORDERO

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion accompanying this order, and pursuant to § 1358.102 (b) of Maximum Price Regulation No. 260; *It is ordered*, That:

(a) Carmelo Cordero, 429 Comerio Street, Bayamon, P. R. (hereinafter called "manufacturer") and wholesalers and retailers may sell, offer to sell or deliver and any person may buy, offer to buy or receive each brand and size or frontmark, and packing of the following domestic cigars at the appropriate maximum list price and maximum retail price set forth below:

Brand	Size or frontmark	Packing	Maximum list price	Maximum retail price
C. Cordero	Coronas	50	*Per M* $30	*Cents* 4 for 25

(b) The manufacturer and wholesalers shall grant, with respect to their sales of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the discounts they customarily granted in March 1942 on their sales of domestic cigars of the same price class to purchasers of the same class, unless a change therein results in a lower price. Packing differentials charged by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class may be charged on corresponding sales of each brand and size or frontmark of cigars priced by this order, but shall not be increased. Packing differentials allowed by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class shall be allowed on corresponding sales of each brand and size or frontmark of cigars priced by this order and shall not be reduced. If a brand and size or frontmark of domestic cigars for which maximum prices are established by this order is of a price class not sold by the manufacturer or the particular wholesaler in March 1942, he shall, with respect to his sales thereof, grant the discounts and may charge and shall allow the packing differentials customarily granted, charged or allowed (as the case may be) in March 1942 by his most closely competitive seller of the same class on sales of domestic cigars of the same March 1942 price class to purchasers of the same class.

(c) On or before the first delivery to any purchaser of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the manufacturer and every other seller (except a retailer) shall notify the purchaser of the maximum list price and the maximum retail price established by this order for such brand and size or frontmark of domestic cigars. The notice shall conform to and be given in the manner prescribed by § 1358.113 of Maximum Price Regulation No. 260.

(d) Unless the context otherwise requires, appropriate provisions of Maximum Price Regulation No. 260, shall apply to sales for which maximum prices are established by this order.

(e) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective August 28, 1945.

Issued this 27th day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-16041; Filed, Aug. 27, 1945; 4:53 p. m.]

[MPR 260, Order 1788]

FAMOUS-BARR CO.

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion accompanying this order, and pursuant to § 1358.102a of Maximum Price Regulation No. 260, as amended; *It is ordered*, That:

(a) Famous-Barr Co., St. Louis 1, Mo. (hereinafter called "importer") and wholesalers and retailers may sell, offer to sell or deliver and any person may buy, offer to buy or receive each brand, frontmark and packing of the following imported cigars at the appropriate maximum list price and maximum retail price set forth below:

Brand	Frontmark	Packing	Maximum list price	Maximum retail price
Cosmos	Cosmos	50	*Per M* $176	*Cents* 22
Cosmos Especiales	Cosmos Especiales	50	195	2

(b) The importer and wholesalers shall grant, with respect to their sales of each brand and frontmark of imported cigars for which maximum prices are established by this order, the discounts they customarily granted during March 1942 on their sales of imported cigars of the same price class to purchasers of the same class, unless a change therein results in a lower price. Packing differentials charged by the importer or a wholesaler during March 1942 on sales of imported cigars of the same price class to purchasers of the same class may be charged on corresponding sales of each brand and frontmark of cigars priced by this order, but shall not be increased. Packing differentials allowed by the importer or a wholesaler during March 1942 on sales of imported cigars of the same price class to purchasers of the same class shall be allowed on corresponding sales of each brand and frontmark of cigars priced by this order and shall not be reduced. If a brand or frontmark of imported cigars for which maximum prices are established by this order is of a price class not sold by the importer or the particular wholesaler during March 1942, he shall, with respect to his sales thereof, grant the discounts and may charge and shall allow the packing differentials customarily granted, charged or allowed (as the case may be) during March 1942 by his most closely competitive seller of the same class on sales of imported cigars of the same price class to purchasers of the same class.

(c) On or before the first delivery to any purchaser of each brand and frontmark of imported cigars for which maximum prices are established by this order, the importer and every other seller (except a retailer) shall notify the purchaser of the maximum list price and the maximum retail price established by this order for such brand and frontmark of imported cigars. The notice shall conform to and be given in the manner prescribed by § 1358.113 of Maximum Price Regulation No. 260, as amended.

(d) Unless the context otherwise requires, the provisions of Maximum Price Regulation No. 260, as amended, shall apply to sales for which maximum prices are established by this order.

(e) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective August 28, 1945.

Issued this 27th day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-16042; Filed, Aug. 27, 1945; 4:54 p. m.]

[MPR 260, Order 1789]

A. SANTAELLA & CO.

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion accompanying this order, and pursuant to § 1358.102 (b) of Maximum Price Regulation No. 260; *It is ordered*, That:

(a) A. Santaella & Company, 1906 North Armenia, Tampa 1, Fla. (hereinafter called "manufacturer") and wholesalers and retailers may sell, offer to sell or deliver and any person may buy, offer to buy or receive each brand and size or frontmark, and packing of the following domestic cigars at the appropriate maximum list price and maximum retail price set forth below:

SCHEDULE A

Brand	Frontmark	Packing	Maximum list price	Maximum retail price
			Per M	*Cents*
Ultimo	Monarchs	50	$90	12
Metropolis	....do	50	90	12
Magnate	....do	50	90	12
As You Like It	....do	50	90	12
Ben Morris	....do	50	90	12
Peterson	....do	50	90	12
El Dasha	....do	50	90	12
Bayside Club	....do	50	90	12
Flor De A. Santaella & Co.	....do	50	90	12
Alcira	....do	50	90	12
El Promoto	....do	50	90	12
Club Exchange	....do	50	90	12
Santaella	....do	50	90	12
Alfred Dunhill of London	....do	50	90	12

(b) The manufacturer and wholesalers shall grant, with respect to their sales of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the discounts they customarily granted in March 1942 on their sales of domestic cigars of the same price class to purchasers of the same class, unless a change therein results in a lower price. Packing differentials charged by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class may be charged on corresponding sales of each brand and size or frontmark of cigars priced by this order, but shall not be increased. Packing differentials allowed by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class shall be allowed on corresponding sales of each brand and size or frontmark of cigars priced by this order and shall not be reduced. If a brand and size or frontmark of domestic cigars for which maximum prices are established by this order is of a price class not sold by the manufacturer or the particular wholesaler in March 1942, he shall, with respect to his sales thereof, grant the discounts and may charge and shall allow the packing differentials customarily granted, charged or allowed (as the case may be) in March 1942 by his most closely competitive seller of the same class on sales of domestic cigars of the same March 1942 price class to purchasers of the same class.

(c) On or before the first delivery to any purchaser of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the manufacturer and every other seller (except a retailer) shall notify the purchaser of the maximum list price and the maximum retail price established by this order for such brand and size or frontmark of domestic cigars. The notice shall conform to and be given in the manner prescribed by § 1358.113 of Maximum Price Regulation No. 260.

(d) Unless the context otherwise requires, appropriate provisions of Maximum Price Regulation No. 260, shall apply to sales for which maximum prices are established by this order.

(e) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective August 28, 1945.

Issued this 27th day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-16043; Filed, Aug. 27, 1945; 4:53 p. m.]

[MPR 64, Order 183]

GEORGE D. ROPER CORP.

ADJUSTMENT OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register and pursuant to sections 10 and 11 of Maximum Price Regulation No. 64, it is ordered:

(a) *Manufacturer's maximum prices.* George D. Roper Corporation, Rockford, Illinois, may adjust its maximum prices for sales to the classes of purchaser named of the Models Nos. 4-3804 and 44-3804CP gas stoves which it manufactures, by amounts no higher than those set forth below opposite each class of purchaser:

Permitted Increase in Maximum Prices of Models Nos. 4-3804 and 44-3804CP

Class of purchaser:	*Each*
Wholesalers, large retailers, and utilities	$4.07
Small retailers who carry stock	4.23
Small retailers who do not carry stock	4.51

The adjusted maximum prices are f. o. b. factory or warehouse and are subject to the manufacturer's customary terms, discounts, and allowances which are no less favorable than those in effect during the period January 15 to June 1, 1941. The classes of purchaser mentioned shall be defined in accordance with the manufacturer's custom of classifying his customers during January 15 to June 1, 1941.

(b) *Wholesaler's maximum prices.* For sales in each zone by wholesale distributors of the Model No. 4-3804 gas stove when equipped by the manufacturer to burn liquid petroleum gas, the adjusted maximum prices are as follows:

Article	Maximum prices for sales to retail dealers			
	Zone 1	Zone 2	Zone 3	Zone 4
Model No. 4-3804	*Each* $88.52	*Each* $91.80	*Each* $93.92	*Each* $95.97

These maximum prices are f. o. b. distributor's city and include the Federal excise tax. They are subject to each seller's customary terms, discounts, and allowances, and conditions of sale on sales of similar articles.

(c) *Retailer's maximum prices.* For sales in each zone by retailers including public utilities of the models of gas stoves listed below the adjusted maximum prices are as follows:

Model	Maximum price for sales to ultimate consumers			
	Zone 1	Zone 2	Zone 3	Zone 4
4-3804 equipped for city gas	*Each* $122.95	*Each* $126.50	*Each* $129.75	*Each* $132.50
4-3804 CP	137.95	141.50	144.50	147.25
4-3804 equipped for liquid petroleum	138.75	142.75	145.95	149.50

These maximum prices include the Federal excise tax and delivery and installation. If the retailer does not provide installation he shall compute his maximum price by subtracting $6.00 from his maximum price as shown above for his sales on an installed basis. In all other respects these prices are subject to each seller's customary terms, discounts, allowances and other conditions of sale on sales of similar articles.

(d) *Notification.* At the time of or prior to the first invoice to each purchaser for resale after the effective date of this order, the manufacturer shall notify the purchaser of the maximum prices and conditions established by this order for resales by the purchaser. This notice may be given in any convenient form.

(e) *Tagging.* The manufacturer shall, before delivering any stove covered by this order, after the effective date there-

of, attach securely to the inside oven door panel a label which plainly states the maximum retail prices established by this order for sales to ultimate consumers in each zone together with a list of the states included in each zone. The label shall also state that the retail prices shown thereon include the Federal excise tax, delivery and installation and that if the seller does not provide installation his maximum price is $5.00 less than the price shown on the label.

(f) *Zones.* For purposes of this order Zones 1, 2, 3, and 4 comprise the following states:

Zone 1. Wisconsin, Michigan, Illinois, and Indiana.

Zone 2. Maine, Vermont, New Hampshire, Massachusetts, Connecticut, Rhode Island, New York, Pennsylvania, New Jersey, Delaware, Maryland, West Virginia, Ohio, Virginia, North Carolina, South Carolina, Georgia, Alabama, Mississippi, Kentucky, Tennessee, Arkansas, Missouri, Iowa, Minnesota, North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, and District of Columbia.

Zone 3. Montana, Wyoming, Colorado, Texas, Louisiana, Florida.

Zone 4. New Mexico, Arizona, Utah, Nevada, Idaho, Washington, Oregon and California.

(g) This order may be revoked or amended by the Price Administrator at any time.

(h) This order shall become effective on the 28th day of August 1945.

Issued this 27th day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-16107; Filed, Aug. 28, 1945; 11:43 a. m.]

[MPR 64, Order 184]

WALKER MACHINE & FOUNDRY CORP.

ADJUSTMENT OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to sections 10 and 11 of Maximum Price Regulation No. 64; it is ordered:

(a) *Manufacturer's maximum prices.* Walker Machine & Foundry Corporation, Roanoke, Virginia, may adjust its maximum prices for sales to wholesale distributors of the four models of burnside stoves listed below which it manufactures, by amounts no higher than those set forth below opposite each model number resulting in the following adjusted maximum prices:

Model	Maximum price to wholesale distributors	Adjustment permitted by this order	Total adjusted maximum price to wholesale distributors
	Each		*Each*
1	$12.04	$4.21	$16.25
2	10.92	3.47	14.39
3	9.80	1.95	11.75
4	8.68	2.07	10.75

The adjustment charges listed above may be made and collected only if they are separately stated on each invoice. The manufacturer's prices as adjusted by this order are subject to the manufacturer's customary terms, discounts, allowances, and other price differentials which are no less favorable than those in effect during the period January 15 to June 1, 1941.

(b) *Maximum prices of purchasers for resale.* Any person who hereafter buys an article covered by this order and resells it in substantially the same form, may collect from his customer, in addition to his properly established maximum price in effect prior to the issuance of this order, an adjustment charge in the same amount as the adjustment herein authorized and which he pays to his supplier. If such a purchaser did not have an established maximum price for sales of the article prior to the issuance of this order, he may add the same adjustment charge to the maximum price he hereafter establishes for his sales under the applicable price regulation. If the applicable regulation requires maximum resale prices to be computed on the basis of costs, the reseller must find his maximum prices (without the permitted adjustment charge) by using as costs his invoice costs not including any adjustment charges stated on the invoice. On all sales except sales to ultimate consumers these additional adjustment charges may be made and collected only if they are separately stated on each invoice. The adjusted maximum prices are subject to each seller's customary terms, discounts, and allowances on sales of the same or similar articles to each class of purchaser.

(c) *Notification.* At the time of or prior to the first invoice to a purchaser for resale after the effective date of this order covering sales of the stoves listed above at a price adjusted as permitted by this order, the seller shall notify the purchaser in writing of the method provided in paragraph (b) of this order for determining adjusted maximum prices for resales.

(d) This order may be revoked or amended by the Price Administrator at any time.

(e) This order shall become effective on the 29th day of August 1945.

Issued this 28th day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-16108; Filed, Aug. 28, 1945; 11:41 a. m.]

[MPR 64, Order 185]

FLORENCE STOVE CO.

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register and pursuant to section 11 of Maximum Price Regulation No. 64, *It is ordered:*

(a) For sales in each zone to ultimate consumers by retail dealers the maximum prices of the Model 113E electric range manufactured by the Newark Stove Company and sold by it to the Florence Stove Company are those set forth below:

Article	Maximum prices to ultimate consumers			
	Zone 1	Zone 2	Zone 3	Zone 4
Model 113E	*Each* $130.95	*Each* $132.95	*Each* $135.95	*Each* $[illegible]

These prices include the Federal excise tax, delivery, installation with connection to the electrical facilities provided by the purchaser, and a one year warranty.

(b) The Florence Stove Company, prior to shipping any range covered by this order to a purchaser for resale shall attach to the outside panel of the oven door of each range a label showing the model number of the range, its OPA retail ceiling price in each zone and a list of the states included in each zone. The label shall also contain a statement that the ceiling price shown on the label includes delivery, installation to the electric facilities provided by the purchaser and a one year warranty. This label may not be removed until after the range has been sold to an ultimate consumer.

(c) At the time of or prior to the first invoice to each purchaser for resale the Florence Stove Company shall notify the purchaser of the maximum prices and conditions established by this order for resales by the purchaser. This notice may be given in any convenient form.

(d) For purposes of this order Zones 1, 2, 3, and 4 comprise the following states:

Zone 1. Ohio, Indiana, Kentucky, and West Virginia.

Zone 2. Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, New York, New Jersey, Pennsylvania, Maryland, Delaware, Virginia, North Carolina, South Carolina, Tennessee, Georgia, Alabama, Mississippi, Arkansas, Missouri, Michigan, Illinois, Iowa, Wisconsin, Minnesota and the District of Columbia.

Zone 3. Florida, Louisiana, Texas, Oklahoma, New Mexico, Kansas, Colorado, Nebraska, Wyoming, South Dakota, North Dakota and Montana.

Zone 4. Idaho, Utah, Arizona, Nevada, California, Oregon and Washington.

(e) This order may be revoked or amended by the Price Administrator at any time.

(f) This order shall become effective on the 29th day of August 1945.

Issued this 28th day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-16109; Filed, Aug. 28, 1945; 11:41 a. m.]

[MPR 67, Order 46]

TOLEDO PIPE THREADING MACHINE CO

DETERMINATION OF MAXIMUM PRICES

Order No. 46 under Maximum Price Regulation 67. New machine tools. The Toledo Pipe Threading Machine Company, Docket Nos. 6083-67.10a-41 and 6083-136.21-426.

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to section 10a of Maximum Price Regulation 67 and section 21 of Revised Maximum Price Regulation 136; *It is ordered:*

The maximum prices for sales by The Toledo Pipe Threading Machine Company, Toledo, Ohio, of pipe machines, power drives, parts and accessories and of pipe threading tools, dies, pipe vises, pipe reamers and miscellaneous tools, shall be determined as follows:

(a) The maximum prices for sales of pipe machines, power drives, parts and accessories coming under the jurisdiction of Maximum Price Regulation 67 shall be determined as follows: The manufacturer shall multiply by 110% the maximum prices he had in effect to a purchaser of the same class just prior to the issuance of this order.

(b) The maximum prices for sales of pipe threading tools, dies, pipe vises, pipe reamers and other miscellaneous tools coming under the jurisdiction of Revised Maximum Price Regulation 136 shall be determined as follows: The manufacturer shall multiply the list prices he had in effect just prior to this order by 110% and shall deduct from the resultant list prices all discounts, allowances and other deductions that he had in effect to a purchaser of the same class.

(c) The maximum prices for sales of items listed in paragraph (b) by resellers shall be determined as follows: The reseller shall add to the maximum net price he had in effect to a purchaser of the same class just prior to the issuance of this order, the amount, in dollars and cents by which his net invoiced cost has been increased due to the adjustment granted the manufacturer by this order.

(d) The Toledo Pipe Threading Machine Company shall notify each person who buys the items listed in paragraph (b) for resale of the dollar and cents amounts by which this order permits the reseller to increase his maximum net prices. A copy of each such notice shall be filed with the Machinery Branch, Office of Price Administration, Washington 25, D. C.

(e) All requests not granted herein are denied.

(f) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective August 29, 1945.

Issued this 28th day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-16106; Filed, Aug. 28, 1945; 11:42 a. m.]

[Order 375 Under 3 (b), Order 90]

RICH PRODUCTS CORP.

ESTABLISHMENT OF MAXIMUM PRICES

On June 2, 1945, Rich Products Corp., Buffalo, New York, filed an application under paragraph (d) of Order 375 under § 1499.3 (b) of the General Maximum Price Regulation for the redetermination of the maximum price of "Whip Topping" a vegetable fat product. This application was supplemented by letters dated June 11, 1945, and June 23, 1945.

Due consideration has been given to the application and the additional data on file, and an opinion in support of this order has been issued simultaneously herewith and has been filed with the Division of the Federal Register.

For the reasons set forth in the opinion, under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Orders Nos. 9250 and 9328 and in accordance with paragraph (d) of Order No. 375 under § 1499.3 (b) of the General Maximum Price Regulation; *It is hereby ordered:*

That the maximum prices at which the Rich Products Corp., of Buffalo, New York, may sell "Whip Topping" on and after the effective date of this order are as follows:

In glass or paper containers:

1. Delivered in the metropolitan area of Buffalo, New York:

½ pints to retailers..... $2.88 per gallon.
Quarts..... $0.65 per quart.

2. Rich Products Corp., and other sellers at retail of "Whip Topping" in the metropolitan area of Buffalo, New York, are permitted to sell this product at 21 cents a half pint in glass or paper containers.

Rich Products Corp., of Buffalo, New York, is authorized to sell "Whip Topping" outside of the metropolitan Buffalo, New York, area at the following maximum f. o. b. shipping point prices:

½ pints, paper or glass container..... $2.88 a gallon.
Quarts, paper or glass container..... $0.65 a gallon.

No additional charge may be added to the above prices for delivery or otherwise.

4. Sellers at retail of "Whip Topping" outside of the metropolitan Buffalo, New York, area are permitted to sell this item at the price paid their supplier, not to exceed 18 cents per ½ pint, plus transportation charges from Buffalo, New York, but not including local hauling and unloading charges, less all discounts except the discount for prompt payment, plus 3 cents per ½ pint.

5. Rich Products Corp., of Buffalo, New York, is required to give notice in writing to each retailer who purchases "Whip Topping" from it after the effective date of this order of the maximum prices herein fixed for its "Whip Topping" which notice shall be in the following form:

The Office of Price Administration has redetermined the maximum prices for "Whip Topping" in ½ pint containers and has fixed a price for "Whip Topping" in quart containers as follows:
½ pints to retailers within the metropolitan Buffalo, New York, area... $2.88 per gallon.
Quarts..... $0.65 per quart.

If you are selling this product at retail within the metropolitan Buffalo, New York, area, you are authorized with the first delivery of "Whip Topping" received by you with this notice to sell this product at 21 cents per ½ pint. If you are selling this product at retail outside of the metropolitan Buffalo, New York, area you are permitted to sell this item at the price paid your supplier, not to exceed 18 cents per ½ pint, plus all transportation charges from Buffalo, New York, except local hauling and unloading charges, less all discounts except the discount for prompt payment plus 3 cents per half pint.

All prayers of the application not herein granted are denied.

This order may be revoked or amended at any time.

This order shall become effective August 28, 1945.

NOTE: This action has the prior written approval of the Secretary of Agriculture (10 F.R. 8419).

Issued this 27th day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-16110; Filed, Aug. 28, 1945; 11:43 a. m.]

[MPR 580, Order 106]

ST. MARYS WOOLEN MFG. CO.

ESTABLISHMENT OF MAXIMUM PRICES

Order 106 to Maximum Price Regulation No. 580. Establishing ceiling prices at retail for certain articles. Docket No. 6063-580-13-249.

For the reasons set forth in an opinion issued simultaneously herewith and pursuant to section 13 of Maximum Price Regulation No. 580, *It is ordered:*

(a) The following ceiling prices are established for sales by any seller at retail of the following articles manufactured by St. Marys Woolen Manufacturing Co., St. Marys, Ohio, and described in the manufacturer's application dated June 23, 1945.

Article	Description	Manufacturer's selling price	Retail ceiling price	
			East of Denver	West of Denver
Paramount	72" x 90", 100% all wool blanket, weight 4 pounds, bound ends in 6" acetate satin binding.	$9.60	$15.95	$16.95
Lamar	72" x 90", 100% all wool blanket, weight 4¾ pounds, bound ends in 6" acetate binding.	13.60	23.50	24.50

(b) The retail ceiling price of an article manufactured for the first time after the effective date of this order and which is sold by the manufacturer at the same price as another article of the same type with the same brand or company name and for which a retail ceiling price has been established by paragraph (a) shall be the retail ceiling price listed for that other article in paragraph (a).

(c) The retail ceiling prices contained in paragraph (a) shall apply in place of the ceiling prices which have been or would otherwise be established under this or any other regulation.

(d) On and after October 1, 1945, St. Marys Woolen Manufacturing Co., must mark each article listed in paragraph (a) with the retail ceiling price under this order, or attach to the article a label, tag or ticket stating the retail ceiling price. This mark or statement must be in the following form:

(Sec. 13, MPR 580)
OPA Price—$------

On and after November 1, 1945, no retailer may offer or sell the article unless it is marked or tagged in the form stated above. Prior to November 1, 1945, unless the article is marked or tagged in this form, the retailer shall comply with the marking, tagging and posting provisions of the applicable regulation.

(e) On or before the first delivery to any purchaser for resale of each article listed in paragraph (a), the seller shall send the purchaser a copy of this order.

(f) Unless the context otherwise requires, the provisions of the applicable regulation shall apply to sales for which retail ceiling prices are established by this order.

(g) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective August 29, 1945.

Issued this 28th day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-16111; Filed, Aug. 28, 1945; 11:41 a. m.]

[MPR 591, Order 7]

BARNES MFG. CO.

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register and pursuant to section 9 of Maximum Price Regulation No. 591; *It is ordered:*

(a) The maximum net prices for sales to any person by the Barnes Manufacturing Company of Mansfield, Ohio, of the following commodities manufactured by it and described in its applications of May 26, 1945 and July 28, 1945, shall be:

No. 420-0 Brass laundry tray faucet with swinging spout	$2 07
No. 720-0 Ledge type brass centerset faucet without diverter (4" center to center, exposed parts chrome plated)	4 21
No. 721-0 Ledge type brass centerset faucet complete with anti-syphon transfer unit, neoprene hose, and plastic spray valve (4" center to center, exposed brass parts chrome plated)	6 07
No. 725-0 Ledge type brass centerset faucet without diverter (4" center to center, exposed parts chrome plated)	4 43
No. 726-0 Ledge type brass centerset faucet complete with anti-syphon transfer unit, neoprene hose, and plastic spray valve (4" center to center, exposed brass parts chrome plated)	6 29
No. 730-0 Encased ledge type brass centerset faucet without diverter (4" center to center, exposed parts chrome plated)	4 43
No. 731-0 Encased ledge type brass centerset faucet complete with anti-syphon transfer unit, neoprene hose, and plastic spray valve (4" center to center, exposed parts chrome plated)	6 29
No. 621-0 Chrome plated combination wall type sink faucet with soap dish	4 14

(b) The maximum net prices for sales by plumbing and heating jobbers of the following commodities manufactured by the Barnes Manufacturing Company of Mansfield, Ohio, shall be:

(1) On sales to plumbing and heating contractors, installers, and commercial and industrial users:

No. 420-0	$2 72
No. 720-0	5 54
No. 721-0	7 98
No. 725-0	5 83
No. 726-0	8 28
No. 730-0	5 83
No. 731-0	8 24
No. 621-0	5 45

(2) On sales to all other persons:

No. 420-0	$3 00
No. 720-0	6 15
No. 721-0	8 85
No. 725-0	6 50
No. 726-0	9 20
No. 730-0	6 50
No. 731-0	9 20
No. 621-0	6 05

(c) The maximum net prices for sales by retailers of the following commodities manufactured by the Barnes Manufacturing Company of Mansfield, Ohio, shall be:

No. 420-0	$3 00
No. 720-0	6 15
No. 721-0	8 85
No. 725-0	6 50
No. 726-0	9 20
No. 730-0	6 50
No. 731-0	9 20
No. 621-0	6 05

(d) The maximum net prices authorized under this order for sales by the Barnes Manufacturing Company shall be f. o. b. point of manufacture with actual freight allowed up to $1.50 per cwt. on shipments of 150 pounds or more.

(e) In addition to the allowance enumerated in (d) above, the maximum prices authorized by this order shall be subject to discounts, allowances including transportation allowances and the rendition of services which are at least as favorable as those which each seller extended or rendered or would have extended or rendered to purchasers of the same class on comparable sales of similar commodities during March 1942.

(f) Each seller, except on sales to consumers, shall notify, in writing, each of his purchasers of the maximum prices established by this order for his sales to such purchasers as well as the purchasers maximum price upon resale.

(g) The Barnes Manufacturing Company shall attach a tag to each of the commodities covered by this order and shall print on such tag the following:

OPA Maximum Retail Price—$------
(Do Not Detach)

(h) The maximum prices for sales of the commodities covered by this Order on an installed basis are subject to the provisions of Revised Maximum Price Regulation No. 251.

(i) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective August 29, 1945.

Issued this 28th day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-16113; Filed, Aug. 28, 1945 11:41 a. m.]

[MPR 530, Order 107]

THE MORAN SHOE CO.

ESTABLISHMENT OF MAXIMUM PRICES

Order 107 of Maximum Price Regulation No. 580. Establishing ceiling prices at retail for certain articles. Docket No. 6063-580-13-234.

For the reasons set forth in an opinion issued simultaneously herewith and pursuant to section 13 of Maximum Price Regulation No. 580; *It is ordered:*

(a) The following ceiling prices are established for sales by any seller at retail of the following artices manufactured by the Moran Shoe Company, Carlyle, Illinois, bearing the brand name of "Wee Walker" and described in the manufacturer's application dated June 9, 1945:

INFANT SOFT SOLE SHOES—SIZES 1-3

Style No.	Article	Manufacturer's selling price	Retail ceiling price
40	White sheep soft sole blucher	$0.37	$0.[illegible]
100	White kid soft sole blucher	.55	.[illegible]
0131	White felt soft sole blucher	.37	.[illegible]
0132	Blue felt soft sole blucher	.37	.[illegible]
0133	Pink felt soft sole blucher	.37	.[illegible]

INFANT FIRST STEP SHOES—SIZES 1-4

500	White elk bluchers	$0.[illegible]	$0.[illegible]
501	Smoke elk bluchers	.[illegible]	.[illegible]
502	Brown elk bluchers	.[illegible]	.[illegible]
480	White elk strap	.[illegible]	.[illegible]

INFANT WALKING SHOES—SIZES 2-8

675	Patent blucher	$0.[illegible]	$1.[illegible]
676	White elk blucher	.[illegible]	1.[illegible]
678	Brown elk blucher	.[illegible]	1.[illegible]
679	Black elk blucher	.[illegible]	1.[illegible]
680	White moc. elk blucher	.[illegible]	1.[illegible]
750	White beech sandal	.[illegible]	1.[illegible]
755	White elk T-strap	.[illegible]	1.[illegible]
757	Patent T-strap	.[illegible]	1.[illegible]
758	White elk oxford	.[illegible]	1.[illegible]
760	Brown elk oxford	.[illegible]	1.[illegible]
764	Patent oxford	.[illegible]	1.[illegible]
860	White and brown elk oxford	.[illegible]	1.[illegible]
1600	White F. G. elk blucher	1.[illegible]	1.[illegible]
1600C	....do	1.[illegible]	1.[illegible]
1600F	....do	1.[illegible]	1.[illegible]

INFANT WALKING SHOES—SIZES 2-8

1000	White elk blucher	$0.91	1.[illegible]
1001	Brown elk blucher	.91	1.[illegible]
1002	Patent blucher	.91	1.[illegible]
1003	Black elk blucher	.91	1.[illegible]
1050	White elk oxford	.85	1.[illegible]
1051	Brown elk oxford	.85	1.[illegible]
1052	Patent oxford	.85	1.[illegible]
2000	White F. G. elk blucher	1.28	1.[illegible]
2000C	....do	1.28	1.[illegible]
2000F	....do	1.28	1.[illegible]
2001	Brown F. G. elk blucher	1.28	1.[illegible]
2050	White F. G. elk oxford	1.12	1.[illegible]
2051	Brown F. G. elk oxford	1.12	1.[illegible]

(b) The retail ceiling price of an article manufactured for the first time after the effective date of this order and which is sold by the manufacturer at the same price as another article of the same type with the same brand or company name and for which a retail ceiling price has been established by paragraph (a) shall be the retail ceiling price listed for that other article in paragraph (a).

(c) The retail ceiling prices contained in paragraph (a) shall apply in place of the ceiling prices which have been or would otherwise be established under this or any other regulation.

(d) On and after October 1, 1945, Moran Shoe Company must mark each article listed in paragraph (a) with the retail ceiling price under this order, or attach to the article a label, tag or ticket stating the retail ceiling price. This mark or statement must be in the following form:

(Sec. 13, MPR 580)
OPA Price—$------

On and after November 1, 1945, no retailer may offer or sell the article unless it is marked or tagged in the form stated above. Prior to November 1, 1945, unless the article is marked or tagged in this form, the retailer shall comply with the marking, tagging and posting provisions of the applicable regulation.

(e) On or before the first delivery to any purchaser for resale of each article listed in paragraph (a), the seller shall send the purchaser a copy of this order.

(f) Unless the context otherwise requires, the provisions of the applicable regulation shall apply to sales for which retail ceiling prices are established by this order.

(g) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective August 29, 1945.

Issued this 28th day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-16112; Filed, Aug. 28, 1945; 11:40 a. m.]

[MPR 592, Amdt. 5 to Order 1]

BUILDING, CHEMICAL AND INDUSTRIAL LIME

MODIFICATION OF MAXIMUM PRICES

An opinion accompanying this Amendment issued simultaneously herewith, has been filed with the Division of the Federal Register.

A new section 8.3 is added to Order No. 1 to read as follows:

Sec. 8.3 *Modification of provision for determining maximum prices.* As applied to manufacturers' sales of building, chemical and industrial lime (excluding agricultural lime) section 5 (b) (1) and section 5 (b) (4) of Maximum Price Regulation 592 shall read as follows:

If the commodity was delivered or offered for delivery by the manufacturer during March 1942, his maximum price to each class of purchaser shall be the highest net plant price at which he delivered it, or if he did not deliver it, at which he offered it for delivery during that month to that class of purchaser.

"Purchaser of the same class" means functional class such as consumer, contractor, dealer, distributor, jobber, industrial purchaser, or government agency. In determining the highest net plant price charged to a functional class of purchaser, the seller may not consider isolated sales, or sales under unusual circumstances, which were unusually high in comparison with the seller's general level of prices charged to each class of purchasers.

This Amendment No. 5 shall become effective August 29, 1945.

Issued this 28th day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-16148; Filed, Aug. 28, 1945; 3:51 p. m.]

[2d Rev. MPR 195, Order 11]

INDUSTRIAL WOODEN BOXES

ADJUSTMENT OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register and pursuant to section 7a of Revised Maximum Price Regulation 195, it is ordered:

SECTION 1. *What this order covers.* This order covers all sales of industrial sawed shook and assembled boxes produced in those states east of and including the states of Minnesota, Iowa, Nebraska, Kansas, Oklahoma and Texas for which specific maximum prices are set forth herein. The maximum prices fixed by this order supersede any maximum price or pricing method previously established under 2d Revised Maximum Price Regulation 195.

SEC. 2. *Definition of "industrial sawed shook and assembled boxes".* For the purpose of this order, industrial sawed shook and assembled boxes mean nailed wooden boxes or shooks (cut-to-size box parts) of Styles 1, 2, 2½, 3, 4, 4½ (occasionally referred to as 4-X, or 4-H, or 4A), 5, 6, and 7 and also covers the extra operations listed in the order when these operations are performed on these boxes or shooks. This order includes, among the items mentioned, beverage case shook and ammunition box shook; but it does not include the following:

Platforms.	Returnable Assembled Beverage Cases.
Skids.	Round Cheese boxes.
Pallets.	Egg cases or parts.
Reels.	Tobacco hogsheads or parts.
Box-type Crates.	Starch, candy and bakery trays.
Sill-type Crates.	Plywood Cases.
Cleated fibre cases.	Assembled ammunition boxes (including small arms ammunition boxes, bomb, shell, rocket and fuse boxes).
Assembled open crates.	
Boxes for tin plate, terne plate and other products of the rolling mill.	

All agricultural container shook produced in this area remains subject to Revised Maximum Price Regulation 320.

If a seller has any doubt as to whether any items are covered by this order, he should write to the Building Materials Branch, Office of Price Administration, Washington 25, D. C., describing the items, to receive official clarification.

SEC. 3. *Procedure to use in calculating maximum prices.* The maximum price provisions are to be applied as follows:

(a) *General.* (1) Calculate the net footage of material in the box, or the shook set. Waste allowances should not be added to the footage, as the prices already include such allowances.

(2) Determine base price for the appropriate zone under section 5.

(3) If shook or boxes are manufactured from resawn lumber (11/16" or less), or if tongue and grooving is performed, add the allowances permitted under section 5 to the base price (note however that zone 1 base prices already include these allowances and no further additions may be made).

(4) Multiply the base price (plus resawing, tongue and grooving additions, if any) by the net footage.

(5) To the resulting price, add the differentials for size, extras, and delivery, as permitted by section 6.

SEC. 4. *Procedure to calculate footage.* The maximum prices in this order are based on a per thousand feet net measure. To determine the net footage of material in the shook or box, the following rules shall govern:

(a) *General.* The procedure outlined below shall be used; a board foot is a piece of lumber 12" long by 12" wide by 1" thick or its equivalent.

(b) *Thicknesses.* The thickness of lumber shall be measured as nominal using the following table:

Thickness of box parts:	*Figure as—*
1/8" rough	4 pcs. from 4/4.
5/16" rough	3 pcs. from 4/4.
5/16" S1S	3 pcs. from 4/4.
1/4" rough	3 pcs. from 4/4.
1/4" S1S [1]	3 pcs. from 4/4.
5/16" rough	3 pcs. from 5/4.
5/16" S1S	3 pcs. from 5/4.
3/8" rough	2 pcs. from 4/4.
3/8" S1S	2 pcs. from 4/4.
7/16" rough	2 pcs. from 4/4.
7/16" S1S [1]	2 pcs. from 4/4.
1/2" rough	2 pcs. from 5/4.
1/2" S1S	2 pcs. from 5/4.
9/16" rough	2 pcs. from 5/4.
9/16" S1S [1]	2 pcs. from 5/4.
5/8" rough	2 pcs. from 6/4.
5/8" S1S	2 pcs. from 6/4.
11/16" rough	2 pcs. from 6/4.
11/16" S1S	2 pcs. from 7/4.
3/4" rough	2 pcs. from 7/4.
3/4" S1S	2 pcs. from 7/4.
13/16" rough	1 pc. from 4/4.
13/16" S1S	1 pc. from 4/4.
13/16" S2S	1 pc. from 4/4.
7/8" rough	1 pc. from 4/4.
7/8" S1S	1 pc. from 4/4.
7/8" S2S [1]	1 pc. from 4/4.
15/16" rough	1 pc. from 4/4.
15/16" S1S [1]	1 pc. from 4/4.
4/4" rough	1 pc. from 4/4.
4/4" S1S	1 pc. from 5/4.

Thicknesses greater than 4/4" S1S shall be figured based on the minimum commercial thickness of lumber which can produce the

necessary thickness (i. e. figure $1\frac{1}{16}$ S2S as 1 from 5/4; $1\frac{5}{8}$" S2S as 1 from 8/4).

[1] These are based on commercial specifications. If full thicknesses are required, figure as follows:

(i) If full ¼" S1S is required and all pieces are furnished full ¼" S1S (i. e. if the middle piece is surfaced) and 5/4" lumber is used figure as 3 from 5/4. However, if only 2 pieces are S1S and the third is rough, figure as 3 from 4/4.

(ii) If full $\frac{7}{16}$" S1S is required and 5/4" lumber is used figure as 2 pieces from 5/4.

(iii) If full $\frac{9}{16}$" S1S is required and 6/4" lumber is used figure as 2 pieces from 6/4.

(iv) If full ⅞" S2S is required and 5/4" lumber is used figure as 1 piece from 5/4.

(v) If full $\frac{15}{16}$" S1S is required and 5/4" lumber is used figure as 1 piece from 5/4.

Exceptions to thicknesses. If box parts are required to be dressed two sides (S2S) and full thickness is also required, use next thickness of lumber except where specified in above list. For example, figure ½" S2S as 2 pieces from 6/4.

Where ¾" S2S is furnished, even though requirement may be only for ¾" lumber, figure as 1 from 4/4". Also ¾" S1S produced 2 from 8/4 may be figured as 2 from 8/4 (or 1 from 4/4").

(c) *Widths.* Figure widths exact. If fraction is not divisible by ¼" (i. e. ¼", ½", ¾" or 1") then use nearest higher quarter (i. e. 7¼ figure as 7¼, 7⅛ figure as 7½).

Exceptions to widths. If the specifications for the box require one piece parts and two piece parts will not be accepted, figure widths of 1 piece parts on the following basis:

	Figure as—
Up to but not including 1"	1"
1" and up to but not including $1\frac{1}{2}$"	$1\frac{1}{2}$"
$1\frac{1}{2}$" and up to but not including 2"	2"
2" and up to but not including $2\frac{1}{2}$"	$2\frac{1}{2}$"
$2\frac{1}{2}$" and up to but not including 3"	3"
3" and up to but not including 4"	4"
4" and up to but not including 5"	5"
5" and up to but not including 6"	6"

If a manufacturer wants to figure a one-piece part of 6" or over from stock widths, he may apply to the Building Materials Branch, Office of Price Administration, Washington 25, D. C. for permission to price on the basis of such a computation. Such a request may be granted only on specific orders where it is clearly demonstrated that one-piece parts 6" or over are required and two-piece parts cannot be used.

(d) *Lengths.* Figure lengths exact. If fraction is not divisible by ¼", use the next higher ¼" fraction (i. e. a length of 19¾" is figured as 19¾"; a length 19⅞" is figured as 20".)

(e) *Specifications.* In arriving at the specifications to be used in computing footage, use the actual cutting specifications making allowances over inside dimensions only to extent required to make cutting. For example, in a Style 4 box with ¾" ends and ¾" cleats, add only 3" to inside length to determine the length of the sides; do not add 4". Similarly add $1\frac{1}{2}$" to inside length to determine the length of the tops and bottoms; do not add 2".

SEC. 5. *Maximum prices.* (a) The maximum prices f. o. b. mill for industrial shook and assembled boxes, per one thousand feet net measure, calculated as prescribed above, are given below by zones.

The maximum prices set forth herein vary by zones and are based on the prices for the area in which the item is produced. For example, shook produced in Alabama shall always be sold based on the price of shook in Alabama.

Assembled boxes made from self-produced shook shall be based upon the price of the box in the zone where it is assembled; however, assembled boxes made wholly or partially from purchased shook shall be based upon the cost of the purchased shook delivered plus the assembly charge in the zone where the box is assembled or the price in the zone for the assembled box made from self-produced shook, whichever is lower, as provided in section 8 below.

(b) *Zone 1.* The States of Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, and the following counties in New York State: Franklin, Clinton, Essex, Hamilton, Warren, Fulton, Montgomery, Saratoga, Washington, Schenectady, Schoharie, Albany, Rensselaer, Greene, and Columbia.

Zone 1 base prices:	*Per M′ net measure*
Basic style #1 shook	$83.00
Basic style #1 assembled box	101.50

(1) The above prices include allowances for resawing and tongue and grooving, and no further additions may be made for these operations.

(2) Shooks produced from round-edge lumber to lengths in excess of 50" $8.50 per M may be added to the price of the footage in the longer lengths.

(3) Those mills operating 100% on square-edge lumber may add to the above prices $12.00 per M′ net measure except in the State of Connecticut where the addition may be $17.00 per M′ net measure. Any manufacturer producing shook or assembled boxes from square-edge lumber, but not using 100% square-edge lumber may apply to the Building Materials Branch, Office of Price Administration, Washington 25, D. C. for permission to use this markup on those orders for which only square-edge lumber is used. The manufacturer's application for permission to use the markup must contain a statement of the number of boxes contained in the order, the estimated gross footage of lumber required, the name and address of the customer and the name and address of the company supplying the square edge lumber.

(4) If the square-edge addition is taken and the shook is not tongue and grooved, $3.50 per M′ in shook and $4.00 per M′ in assembled boxes must be deducted.

(c) *Zone 2.* New York State except those counties included in Zone 1; New Jersey; Pennsylvania; Ohio;

Indiana—That portion of the State north of and including the counties of Vigo, Clay, Owen, Monroe, Brown, Bartholomew, Jennings, Ripley, Dearborn;

Illinois—That portion of the State north of and including the counties of Edgar, Douglas, Piatt, De Witt, McLean, Tazewell, Peoria, Knox, Warren, and Henderson;

Michigan—The lower peninsula only;

Wisconsin—The counties of Sauk, Iowa, Lafayette, Columbia, Dane, Green, Rock, Dodge, Jefferson, Walworth, Washington, Waukesha, Ozaukee, Milwaukee, Racine and Kenosha.

Zone 2 base prices:	*Per M′ net measure*
Basic style #1 shook price	$100.00
Basic style #1 assembled box price	122.00

(1) If at least sides tops and bottoms are resawn $1\frac{1}{16}$" through $1\frac{1}{32}$" $2.50 per M′ net measure may be added to the basic shook price or $2.75 per M′ net measure may be added to the basic assembled box price; if resawn thinner than $1\frac{1}{32}$" $5.00 per M′ net measure may be added to the basic shook price or $5.50 per M′ net measure to the basic assembled box price.

(2) If tongue and grooved, $4.50 per M′ may be added for shook and $5.00 per M′ for assembled boxes: The tongue and groove addition can be added to footage of the entire box when at least the sides, tops, and bottoms are tongue and grooved, or where one-piece parts are used and the footage is figured on a net basis rather than on a stock-width basis if the other parts are tongue and grooved. If less tongue and grooving is required, (such as tops only), add the tongue and grooving addition only to footage involved.

(d) *Zone 3.* Michigan—The upper peninsula; Wisconsin—That portion of the State North of and including the Counties of Polk, Barron, Chippewa, Taylor, Marathon, Shawano, and Oconto.

Zone 3 prices:	*Per M′ net measure*
Basic style #1 shook price	$85.00
Basic style #1 assembled box price	$103.00

(e) *Zone 4.* Wisconsin—That portion of the State North of and including the Counties of Grand, Richland, Juneau, Adams, Marquette, Green Lake, Fond du Lac, Sheboygan; and South of but not including the Counties of Polk, Barron, Chippewa, Taylor, Marathon, Shawano, and Oconto; Iowa; Nebraska; Minnesota—That portion of the State South of but not including the Counties of Wilkin, Otter Tail, Todd, Morrison, Benton, Mille Lacs, Isanti, Chisago; Kansas—The entire State exclusive of Kansas City, Kansas.

Zone 4 prices:	*Per M′ net measure*
Basic style #1 shook price	$87.50
Basic style #1 assembled box price	$106.50

(f) *Zone 5.* That portion of Minnesota not included in Zone 4.

Zone 5 prices:	*Per M′ net measure*
Basic style #1 shook price	$80.00
Basic style #1 assembled box price	$98.00

(1) Any manufacturer located in zone 5 who purchases 100% of the lumber used in the manufacture of shook or assembled boxes from companies not affiliated in any way may apply to the Building Materials Branch, Office of Price Administration, Washington 25, D. C., for permission to add to the above price the difference between the actual average freight paid for all lumber received during the 6 months period from July 1 through December 31, 1944 and $5.00 per M′ adjusted for actual waste not in excess of 20%. This addition will be limited to $3.00 per M′ in this zone. The application must show the total volume of lumber received from July 1 to December 31, 1944 from non-affiliated concerns, the total volume of lumber received (including own production and receipts from affiliated companies), the freight paid for purchased lumber only and the names and addresses of all lumber suppliers for the period shown.

(g) *Zone 6.* The States of Delaware, Maryland and West Virginia.

Zone 6 prices:	*Per M′ net measure*
Basic style #1 shook price	$86.00
Basic style #1 assembled box price	$105.00

(h) *Zone 7.* The States of Virginia, North Carolina, South Carolina, Georgia, Florida, Alabama, Mississippi, Arkansas, Louisiana, Oklahoma, Texas.

Zone 7 prices:	*Per M′ net measure*
Basic style #1 shook price	$77.00
Basic style #1 assembled box price	$95.00

(1) Any manufacturer located in zone 7 who purchases 100 per cent of the lumber used in the manufacture of shook or assembled boxes from companies not affiliated in any way may apply to the Building Materials Branch, Office of Price Administration, Washington 25, D. C. for permission to add to the above price, the difference between the actual average freight paid for all lumber received during the 6 months period from July 1 through December 31, 1944 and $3.50 per M′, adjusted for actual waste not in excess of 20%. This addition will be limited to $3.00 per M′ in this zone except for Texas where this addition will be limited to $6.00 per M′.

The application must show the total volume of lumber received from July 1 to December 31, 1944 from non-affiliated concerns, the total volume of lumber received (including own production and receipts from affiliated companies), the freight paid for purchased lumber only, and the names and addresses of all lumber suppliers for the period shown.

(i) *Zone 8.* The State of Tennessee and that portion of Missouri south of and including the counties of Barton, Dade, Polk, Dallas, Laclede, Pulaski, Phelps, Dent, Iron, Madison, Bollinger, Cape Girardeau, Scott, Mississippi.

Zone 8 prices:	*Per M′ net measure*
For basic style #1 shook price	$83.50
For basic style #1 assembled box price	102.00

(j) *Zone 9.* In the State of Kansas, Kansas City only. That portion of the State of Missouri not included in zone 8; the State of Kentucky; the portions of the States of Illinois and Indiana not included in zone 2.

Zone 9 prices:	*Per M′ net measure*
For basic style #1 shook price	$90.00
For basic style #1 assembled box price	$110.00

(k) *Resawn and tongue and grooving additions Zones 3 through 9 only.* In Zones 3, 4, 5, 6, 7, 8, and 9, the following additions may be made:

(1) If at least sides, tops and bottoms are resawn $1\frac{1}{16}$" through $1\frac{1}{32}$" add $2.00 per M′ on shook and $2.25 per M′ on assembled boxes. If at least sides, tops and bottoms are resawn thinner than $1\frac{1}{32}$", add $4.00 per M′ on shook and $4.50 per M′ on assembled boxes.

(2) For tongue and grooved material—add $3.50 per M′ on shook and $4.00 per M′ on assembled boxes. The tongue and groove addition can be added to footage of the entire box when at least the sides, tops, and bottoms are tongue and grooved, or where one-piece parts are used and the footage is figured on a net basis rather than on a stock-width basis if the other parts are tongue and grooved. If less tongue and grooving is required (such as tops only), add the tongue and grooving addition only to footage involved.

SEC. 6. *Table of extras applicable in all zones.*—(a) *Size differential.* This differential is designed to take care of the difference in the cost of manufacturing various sized boxes. The same differential is added whether the box contains 1 foot or 20 feet. In the case of shook the $2.00 per hundred sets addition is equivalent to a $1.00 per M′ addition on a 20′ shook; a $2.00 per M′ addition on a 10′ shook; a $4.00 per M′ addition on a 5′ shook and a $20.00 per M′ addition on a 1′ shook. Similarly, the $4.00 per hundred box addition is equivalent to a $2.00 per M′ addition on a 20′ box; a $4.00 per M′ addition on a 10′ box; an $8.00 per M′ addition on a 5′ box and a $40.00 per M′ addition on a 1′ box.

(1) *Shook size differential.* Add to the price of the shook $2.00 per hundred sets.

(2) *Assembled box size differential.* Add to the price of the assembled box $4.00 per hundred boxes.

(3) *Parts of boxes or of shooks.* If only parts of boxes or shooks are sold, such as tops, bottoms, or sides, in lieu of the $2.00 per hundred sets, add 20¢ per hundred parts. (In the event that cleats are also furnished figure 2 cleats as one part.)

(b) *Additions for cleating (either stitched or nailed).* Per 100 pairs of box or shook parts.

	Depth of end		
	Up to 19"	19" to 30"	30" and over
Style # 4 and 5	$1.75	$3.10	$6.25
Style #2	3.50	5.00	10.00
Style #2½ and 3 (includes notching and mitering)	5.00	6.25	12.50

	Length of cleat		
	Up to 19"	19" to 30"	30" and over
Applying extra cleats, per 100 cleats	$0.75	$1.25	$2.50

For hand cleating—add 50% to above charges only when facilities are not available to nail by machine or when length of cleat or depth of end is over 48".

The attaching of cleats with nails of size 10d or heavier is not included in above and is covered by section 12.

(c) *Make-ready charges.* This charge is to cover the cost of the change-over of equipment for size. The charge can be made only on the basis of the quantity produced on one setup. For example, if the order specifies a quantity of 100 with delivery of 20 per day, and no change is made in the machines until the 100 boxes are produced, the set-up charge for the 100 boxes governs. However, if the order is for 1,000 boxes, delivered 200 per week, and only 200 are produced before changing the set-up then use the set-up factor of 200. The important element in the use of the "make-ready charge" is the cost involved in the changeover in equipment rather than the number of each box shipped or ordered.

QUANTITY OF ONE SIZE [1]

Item	5,000 and over	250 to 499	100 to 249	25 to 99	10 to 24	Less than 10 set up charge
Shooks only per 100 sets	0	$0.75	$1.50	$3.75	$10.00	$1.00
Assembled boxes per 100 units	0	1.00	2.10	5.75	15.00	1.50
Shook or box parts per 100 parts	0	.25	.35	.75	2.00	.20

[1] The charges for lots of less than 10 may be added to the entire order; i. e. if order is for 5 boxes, figure prices as outlined then add $1.50 to the total for 50¢ per box).

The charges for lots of 10 or more are set forth on a per 100-lot basis. Thus the charge for 15 shooks would be at the rate of $10.00 per hundred or 10 cents each.

(d) *Printing charges.*

NUMBER OF IMPRESSIONS

	500 or over	100 through 499	25 through 99	Less than 25
Printing one color per 100 impressions	$0.25	$0.50	$1.00	$2.50
Printing 2 colors per 100 impressions	.40	.80	2.00	5.00

(1) Addition per 100 impressions shall be based on the total number of impressions run from one die or brand at one time regardless of size changes.

(2) All dies or brands may be charged to the customer.

(3) For machine printing lengths over 42", double above charges.

(4) For set-up type figure on above rates plus $1.00 for set-up.

(e) *Other extra operations.* Per 100 operations.

NUMBER OF OPERATIONS

	500 or over	100 through 499	25 through 99	Less than 25
Grooving	$0.75	$1.00	$1.75	$1.00
Rounding edges	.50	.60	.75	1.00
Cut hand holes—not through	.35	.45	.55	.75
Cut hand holes—through	.50	.60	.75	1.00
Miscellaneous notching (other than on cleats)	.50	.60	.75	1.00
Recessing for Government labels	.35	.45	.55	.75
Boring holes 1" and less in diameter, 1¼" and less in depth	.35	.45	.55	.75
Notching or beveling cleats other than styles 2½ or 3	.35	.45	.55	.75
Wire hinge cover	1.00	1.20	1.50	2.00
Slide cover on lock corner boxes	1.00	1.20	1.50	2.00
Dadoing and rabetting	.50	.60	.75	1.00
Chamfering	.25	.30	.40	.50

For double-tying of shook, add $1.25 per M′ of footage tied.
For triple-tying of shook, add $2.50 per M′ of footage tied.
Attaching corrugated fasteners—by machine—30¢ per 100 fasteners.
Attaching corrugated fasteners—by hand—45¢ per 100 fasteners.

(f) *For assembly of boxes by hand-nailing.* Add $10.00 per M′, net measure. This addition may be made only where machine facilities are not available or where machine nalling cannot be used because of the nature of the box. It cannot be made merely because a manufacturer having nailing machines which could do the job elects to hand-nail the boxes.

(g) *Delivery.* (1) The maximum prices established by this order are f. o. b. plant.

(2) For delivery by common carrier, actual freight may be added. For delivery (other than local delivery) by private truck owned by the manufacturer, actual cost may be added: *Provided* That the cost is not in excess of 80% of the common carrier rate.

(3) *Local delivery; (within 30 miles).* Box plants located in cities of populations in excess of 750,000 (1940 census) may add for local delivery $7.50 per M′ net measure for assembled boxes and $5.00 per M′ net measure for shook. Box plants located in cities with populations of less than 750,000 may add $5.00 per M′ net measure for assembled boxes and $3.50 per M′ net measure for shook except where delivery is made into a city of 750,000 or more in which the higher addition can be made. According to the 1940 census the following cities in the areas covered by this order are the only ones having a population in excess of 750,000: Baltimore, Boston, Chicago, Cleveland, Detroit, New York, Philadelphia and St. Louis.

SEC. 7. *Examples of use of pricing method—on shook and assembled boxes.* Two examples are set forth below to show how a box or shook would be priced under this order.

Example 1. Box No. 1 is a Style #4 T & G box 19⅜ x 11⅜ x 9½ with ¾″ S2S ends and ½″ sides, tops and bottoms and ⅜″ x 2¼″ cleats; order specifies 200 boxes with 1 impression on each of the sides.

Example 2. A Style #2 Box T & G 42 x 34 x 25, all ¾″ S2S material, ¾″ x 2¾″ cleats; order of 50 boxes, 4 corrugated fasteners in each end.

FOOTAGE CALCULATIONS

BOX #1

2 ends ¾ x 9½ x 11½	1.518
2 sides ½ x 9½ x 22¾	1.876
Top & bottom ½ x 12½ x 21¾	2.306
4 Cleats ¾ x 2½ x 10½	.729
	6.429

BOX #2

2 ends ¾ x 25 x 34	11.805
2 sides ¾ x 25 x 45	15.626
Top and bottom ¾ x 35½ x 45	22.188
4 Cleats ¾ x 3 x 25	2.484
4 Cleats ¾ x 3 x 28½	2.373
	54.076

Example #1—Using zone #7 prices.

SHOOK

Base shook price	$77.00
Add for T & G	3.50
Add for resawing	2.00
	$82.50

FOOTAGE CALCULATIONS—Continued

	Per 100 sets f. o. b. plant
Multiply $82.50×6.429	$53.04
Add size differential	2.00
Add make-ready charge	1.50
Add cleating Style #1	1.75
Add 2 impressions (400 rate)	1.00
Maximum price on shook	59.29

ASSEMBLED BOX

Base price	$95.00	
Resawing addition	2.25	
Add T & G	4.00	*Per 100 boxes f. o. b. plant*
	$101.25 × 6.429 =	$65.09
Add size differential		4.00
Add make-ready charge		2.10
Add cleating-Style 1		1.75
Add 2 impressions (400 rate)		1.00
		73.94

Example #2—Using Zone #2 prices.

SHOOK

Base Shook price	$100.00	
Add T & G	4.50	
		Per 100 sets
	$104.50×54.078 =	$565.12
Add size differential		2.00
Add make-ready charge		3.75
Add 8 corrugated fasteners		2.40
Add Style #2 cleating		5.00
Maximum price f. o. b. plant		578.27

ASSEMBLED BOX

Base assembled box price	$122.00	
Add T & G	5.00	
		Per 100 boxes
	127.00×54.078 =	$686.79
Add size differential		4.00
Add make-ready charge		5.75
Add 8 corrugated fasteners		2.40
Add Style #2 cleating		5.00
		703.94

SEC. 8. *Assembled boxes made from purchased shook.* For the purpose of this order purchased shook shall include shook produced in one zone and delivered into a second zone even where production is from a plant having common ownership with the plant doing the assembly.

(a) The maximum price for assembled boxes made entirely from purchased shook shall be the lower of the following:

(1) The delivered price of the shook plus 5% plus the assembly charge for the zone in which the manufacturer is located. The difference between the shook and assembled box price in the same zone shall be considered the assembly charge. Manufacturers who purchase the same sized shook from several sources may use the average delivered price of shook delivered in one month to determine the price for the next month. In such an event adequate records must be maintained to show the calculations.

(2) The assembled box price for the area in which the manufacturer is located.

(b) The maximum price for assembled boxes made partially from purchased shook shall be calculated as follows:

(1) Calculate the base price of the assembled box as if all of the shook is purchased using procedure outlined in (a) above.

(2) Then calculate the base price of the box assuming all of the shook is self-produced.

(3) If the base price of the box made from purchased shook is higher than the base price from self-produced shook, then use the lower price.

(4) If the base price of the box made from purchased shook is lower, then determine the footage of the box made from purchased shook and the footage made from self-produced shook. Express these footages as a percentage of the total and multiply these percentages by the basic prices of the boxes made from purchased and self-produced shook.

For example, assume that the basic price of a box produced entirely from purchased shook would be $120 per M′; and the basic price of a box produced entirely from self-produced shook would be $130 per M′. The box contains 8′ net measure of which 2′ is purchased and 6′ is self-produced or in other words 25% is purchased and 75% is self produced. Then 25% × $120 plus 75% of $130 = $30 + $97.50 or $127.50 per M′ which would be the base to use.

SEC. 9. *Lock corner boxes.* The maximum prices of lock corner (or dove-tail boxes) covered by this order shall be computed the same as for regular boxes.

SEC. 10. *Discounts and allowances.* The maximum prices in this order include all commissions, discounts and allowances for resellers. The maximum prices must be reduced by all discounts or allowances customarily made by the seller. Wholesalers or jobbers cannot charge prices higher than the maximum computed by this order.

SEC. 11. *Other provisions.* The provisions of sections 10, 11, 12 and 13 of 2d Revised Maximum Price Regulation 195 shall apply to sales made under this order.

SEC. 12. *Other items or additions not covered by this order.* Any industrial wooden box or component part not specifically priced by this order shall remain subject to the provisions of 2d Revised Maximum Price Regulation 195. In other words, merely because an item, such as ammunition boxes or pallets, is not priced by this order, does not mean that these items are not covered by the regulation. For an item subject to this order any manufacturer desiring an addition or extra for an operation not listed may apply to the Building Materials Branch, Office of Price Administration, Washington, 25, D. C. for approval of such addition. The application must contain a complete description of the operation, the estimated cost, the requested extra charge, the October 1944 and March 1942 charge of this operation. Any requested addition not disapproved within 30 days shall be considered as approved. The Building Materials Branch, upon receipt of the application, may send to the manufacturer an acknowledgment of his request; after the acknowledgment has been received the manufacturer may ship and sell using his requested addition and any reduction in his requested addition shall not be retroactive but shall apply from the date the addition is reduced.

SEC. 13. For a period of thirty days after the effective date of this order any person may elect to sell at prices no higher than those heretofore properly computed and established under the regulation.

This order shall become effective September 4, 1945.

NOTE: All record-keeping and reporting requirements of this regulation have been approved by the Bureau of the Budget in accordance with Federal Reports Act of 1942.

Issued this 29th day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-16205; Filed, Aug. 29, 1945; 11:26 a. m.]

Regional and District Office Orders.

[Region III Order G-34 Under MPR 329, Amdt 1]

FLUID MILK IN WEST VIRGINIA

For the reasons set forth in an opinion accompanying this order and under the authority vested in the Regional Administrator of Region III of the Office of Price Administration, by § 1351.408 (b) of Maximum Price Regulation No. 329; *It is hereby ordered:*

(a) That section (a) of Order No. G-34 under Maximum Price Regulation No. 329 (Purchases of Milk From Producers for Resale as Fluid Milk—Designated Area in the State of West Virginia) be and the same is hereby amended to read as follows:

(1) Any milk distributor in the Counties of Barbour, Braxton, Clay, Calhoun, Doddridge, Gilmer, Grant, Hardy, Jackson, Lewis, Monroe, Nicholas, Pendleton, Pleasants, Pocahontas, Randolph, Ritchie, Roane, Summers, Tucker, Tyler, Upshur, and Wirt in the State of West Virginia may pay to producers for "milk" an amount not to exceed $3.45 f. o. b. purchaser's plant for milk of 4% butterfat content, plus 5 cents for each one tenth of 1% variation over 4% and minus 5 cents for each one tenth of 1% butterfat variation under 4%: *Provided, however,* That such milk distributors shall be subject to the express restrictions of § 1351.402 (b), (c), (d), (e) and (f) of Maximum Price Regulation No. 329, except as is permitted in Order No. G-33 under Maximum Price Regulation No. 329.

(2) Any milk distributor in the County of Wood in the State of West Virginia may pay to producers for "milk" an amount not to exceed $3.70 f. o. b. purchaser's plant for milk of 4% butterfat content, plus 5 cents for each one tenth of 1% variation over 4% and minus 5 cents for each one tenth of 1% butterfat variation under 4%; *Provided, however,* That such milk distributors shall be subject to the express restrictions of § 1351.402 (b), (c), (d), (e) and (f) of Maximum Price Regulation No. 329, except as is permitted in Order No. G-33 under Maximum Price Regulation No. 329.

(b) This amendment shall become effective August 2, 1945.

Issued: August 2, 1945.

C. J. HOUSER,
Acting Regional Administrator.

Action recommended by:

A. H. ANDERSON,
Regional Price Executive.

Approved:

F. D. CRONIN,
Regional Director,
War Food Administration.

[F. R. Doc. 45-16007; Filed, Aug. 27, 1945; 4:45 p. m.]

LIST OF COMMUNITY CEILING PRICE ORDERS

The following orders under Rev. General Order 51 were filed with the Division of the Federal Register August 22, 1945.

REGION I

Concord Order 9-F, Amendment 15, covering fresh fruits and vegetables in certain areas in New Hampshire. Filed 4:00 p. m.

Montpelier Order 2-F, Amendment 14, covering fresh fruits and vegetables in certain areas in Vermont. Filed 4:00 p. m.

Montpelier Order 3-F, Amendment 4, covering fresh fruits and vegetables in certain areas in Vermont. Filed 4:00 p. m.

REGION II

Altoona Order 2-F, Amendment 32, covering fresh fruits and vegetables in the entire Altoona Area. Filed 4:00 p. m.

Baltimore Order 4-F, Amendment 50, covering fresh fruits and vegetables in certain areas in Maryland. Filed 4:02 p. m.

Buffalo Order 3-F, Amendment 22, covering fresh fruits and vegetables in certain areas in New York. Filed 4:01 p. m.

Buffalo Order 4-F, Amendment 22, covering fresh fruits and vegetables in certain areas in New York. Filed 4:01 p. m.

Binghamton Order 2-F, Amendment 45, covering fresh fruits and vegetables in certain areas in New York. Filed 4:00 p. m.

Camden Order 3-F, Amendment 45, covering fresh fruits and vegetables in certain counties in New Jersey. Filed 4:01 p. m.

Camden Order 4-F, Amendment 45, covering fresh fruits and vegetables in the Cape May and Atlantic Counties, New Jersey. Filed 4:01 p. m.

District of Columbia Order 5-F, Amendment 22, covering fresh fruits and vegetables in certain areas in Virginia and certain areas in Maryland. Filed 4:01 p. m.

REGION III

Cincinnati Order 4-F, Amendment 33, covering fresh fruits and vegetables in all of Hamilton County, Ohio. Filed 4:02 p. m.

Cincinnati Order 8-F, Amendment 3, covering fresh fruits and vegetables in certain areas in Ohio. Filed 4:02 p. m.

Cleveland Order F-1, Amendment 53, covering fresh fruits and vegetables in Cuyahoga County, Ohio. Filed 4:02 p. m.

Cleveland Order 3-F, Amendment 53, covering fresh fruits and vegetables in the Mahoning and Trumbull Counties, Ohio. Filed 4:02 p. m.

Cleveland Order 4-F, Amendment 53, covering fresh fruits and vegetables in Stark and Summit Counties, Ohio. Filed 4:03 p. m.

Detroit Order 5-F, Amendment 29, covering fresh fruits and vegetables in Wayne, and Macomb Counties, Michigan. Filed 4:03 p. m.

Grand Rapids Order 14-F (Appendix D), Amendment 23, covering fresh fruits and vegetables in certain counties in Michigan. Filed 3:56 p. m.

Grand Rapids Order 14-f (Appendix C), Amendment 59, covering fresh fruits and vegetables in certain counties in Michigan. Filed 4:04 p. m.

Grand Rapids Order 14-F (Appendix C), Amendment 60, covering fresh fruits and vegetables in certain counties in Michigan. Filed 3:56 p. m.

Grand Rapids Order 14-F (Appendix C), Amendment 61, covering fresh fruits and vegetables in certain counties in Michigan. Filed 3:56 p. m.

Grand Rapids Order 14-F (Appendix C), Amendment 62, covering fresh fruits and vegetables in certain counties in Michigan. Filed 3:56 p. m.

Grand Rapids Order 14-F (Appendix A), Amendment 85, covering fresh fruits and vegetables in Grand Rapids, Michigan. Filed 4:03 p. m.

Grand Rapids Order 14-F (Appendix B), Amendment 85, covering fresh fruits and vegetables in certain areas in Michigan. Filed 4:04 p. m.

Grand Rapids Order 14-F (Appendix A), Amendment 86, covering fresh fruits and vegetables in Grand Rapids, Michigan Area. Filed 4:03 p. m.

Grand Rapids Order 14-F (Appendix B), Amendment 86, covering fresh fruits and vegetables in certain areas in Michigan. Filed 4:04 p. m.

Grand Rapids Order 14-F (Appendix A), Amendment 87, covering fresh fruits and vegetables in the Grand Rapids, Michigan Area. Filed 4:03 p. m.

Grand Rapids Order 14-F (Appendix B), Amendment 87, covering fresh fruits and vegetables in certain areas in Michigan. Filed 4:05 p. m.

Grand Rapids Order 14-F (Appendix A), Amendment 88, covering fresh fruits and vegetables in certain areas in Michigan. Filed 4:03 p. m.

Grand Rapids Order 14-F (Appendix B), Amendment 88, covering fresh fruits and vegetables in certain areas in Michigan. Filed 4:04 p. m.

Indianapolis Order 2-O, covering eggs in certain areas in Indiana. Filed 3:56 p. m.

Louisville Order 12-F, Amendment 32, covering fresh fruits and vegetables in Clark and Floyd Counties, Indiana and Jefferson County, Kentucky. Filed 3:57 p. m.

Louisville Order 13-F, Amendment 32, covering fresh fruits and vegetables in McCracken County, Kentucky. Filed 3:57 p. m.

Louisville Order 14-F, Amendment 32, covering fresh fruits and vegetables in Daviess and Henderson Counties, Kentucky. Filed 3:57 p. m.

Louisville Order 15-F, Amendment 10, covering fresh fruits and vegetables in certain counties in Kentucky. Filed 3:57 p. m.

REGION IV

Jackson Order 4-F, Amendment 44, covering fresh fruits and vegetables in certain areas in Mississippi. Filed 3:57 p. m.

Jacksonville Order 9-F, Amendment 36, covering fresh fruits and vegetables in the Jacksonville, Florida Area. Filed 3:57 p. m.

Memphis Order 6-F, Amendment 44, covering fresh fruits and vegetables in Memphis and the county of Shelby, Tennessee. Filed 3:58 p. m.

Savannah Order (Adopt.) 2-O, Amendment 2, covering eggs in certain areas in Georgia. Filed 3:59 p. m.

Savannah Adopt. Order 1-O, Amendment 2, covering eggs in certain areas in Georgia. Filed 3:58 p. m.

Savannah Adopt. Order 3-O, Amendment 2, covering eggs in certain areas in Georgia. Filed 3:59 p. m.

Savannah Adopt. Order 4-O, Amendment 2, covering eggs in certain areas in Georgia. Filed 3:59 p. m.

Savannah Adopt. Order 5-O. Amendment 2, covering eggs in certain areas in Georgia. Filed 3:59 p. m.

Savannah Order (Adopt.) 7-F. Amendment 44, covering fresh fruits and vegetables in certain areas in Georgia. Filed 3:58 p. m.

Copies of any of these orders may be obtained from the OPA Office in the designated city.

ERVIN H. POLLACK,
Secretary.

[F. R. Doc. 45-15963; Filed, Aug. 27, 1945; 11:27 a. m.]

SECURITIES AND EXCHANGE COMMISSION.

[File Nos. 54-129, 59-80]

KINGS COUNTY LIGHTING CO. AND LONG ISLAND LIGHTING CO.

NOTICE OF FILING AND ORDER FOR HEARING; NOTICE OF AND ORDER INSTITUTING PROCEEDINGS AND FOR HEARING AND ORDER CONSOLIDATING SUCH PROCEEDINGS

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa., on the 27th day of August, A. D., 1945.

In the matter of Kings County Lighting Company, File No. 54-129; Kings County Lighting Company and Long Island Lighting Company, File No. 59-80. (Public Utility Holding Company Act of 1935.)

I. Notice is hereby given that Kings County Lighting Company ("Kings") a subsidiary of Long Island Lighting Company ("Long Island"), a registered holding company, has filed a plan for the revision of its capitalization pursuant to section 11 (e) of the Public Utility Holding Company Act of 1935 ("Act"). The stated purposes of the plan are to (a) arrange Kings' financial structure so that its dividend requirements will be brought into proper relation to its earning power, (b) effect a fair and equitable distribution of voting power among its security holders, and (c) reduce its capital so as to create a special reserve to be used for adjustments of its accounts.

All interested persons are referred to said plan, which is on file at the offices of this Commission for a full statement of the transactions and terms proposed therein, which may be summarized as follows:

Kings has outstanding $4,200,000 principal amount of 3⅛% First Mortgage Bonds due 1975; 17,871 shares of $100 par value Series B 7% cumulative preferred stock; 1,129 shares of $100 par value Series C 6% cumulative preferred stock; 25,000 shares of $100 par value Series D 5% cumulative preferred stock; and 50,000 shares of no par value common stock having a value for capital purposes of $40 per share. Long Island owns 48,868 shares (97.736%) of the common stock and no other securities of Kings. As of July 31, 1945, cumulative dividend arrearages on the preferred stocks aggregated $522,304.36, equivalent to $14.23 per share on the Series B 7% series, $12.20 per share on the Series C 6% series, and $10.16 per share on the Series D 5% series.

The plan proposes that Kings continue to have outstanding the $4,200,000 principal amount of 3⅛% First Mortgage Bonds due 1975, but that its capital structure be revised so that there will be outstanding 22,000 shares of $50 par value 4% cumulative preferred stock having an aggregate par value of $1,100,000, and 334,435.5 shares of no par value common stock (with a stated value of $10 per share) having an aggregate stated value of $3,344,355. In connection with such reduction in the capitalization, there will be created an unearned (capital) surplus of $1,955,645 which will be used solely for the purpose of making such adjustments in the accounts of Kings as may be specified by its Board of Directors and directed by the Public Service Commission of the State of New York with respect to depreciation and other reserves.

The plan provides that the holders of the presently outstanding shares of common and cumulative preferred stocks will, upon surrendering the certificates representing the shares held by them, receive the following in return for such surrendered certificates:

(1) For each share of common stock outstanding at present, ⅗ of one share of the new common stock,

(2) For each share of preferred stock outstanding at present, (a) ½ share of the new $50 par value 4% cumulative preferred stock, and (b) the following number of shares of new common stock:

For each share of 7% cumulative preferred stock: 7½ shs. of new common stock.

For each share of 6% cumulative preferred stock: 7 shares of new common stock.

For each share of 5% cumulative preferred stock: 6½ shs. of new common stock.

In accordance with the above, the present preferred shareholders would receive all of the 22,000 shares of the new $50 par value 4% cumulative preferred stock, and the 334,435.5 shares of new common stock will be distributed on the basis of 304,435.5 shares (or 91.03%) to the holders of the presently outstanding cumulative preferred stocks and the balance of 30,000 shares (or 8.97%) to the holders of the presently outstanding common stock. Long Island, as the present holder of 48,868 shares (or 97.736%) of common stock, would receive 29,320.8 shares (or 8.77%) of the new common stock.

No fractional shares of the new preferred and common stocks will be issued, but in lieu thereof non-dividend paying, non-voting scrip certificates will be issued. Such scrip certificates when combined with additional scrip certificates together equaling one or more full shares of the new preferred stock or new common stock will be exchangeable for full share certificates of such new stocks, as the case may be, together with any dividends which may have accrued thereon since the effective date of the plan. Such scrip certificates are to become null and void at the end of three years from the effective date of the plan.

Kings has requested that the order or orders of this Commission approving the plan, as filed or as modified, contain the recitals and other provisions necessary to meet the requirements of Supplement R of the Internal Revenue Code, as amended.

The plan will be submitted to the Public Service Commission of the State of New York for its consent and approval of certain changes in the Certificate of Incorporation of Kings, and for the issuance of the new preferred and common stocks.

The plan states that upon its approval, Kings will request this Commission to apply to a court of competent jurisdiction for an appropriate decree enforcing and carrying out the terms and provisions of the plan, or will submit the plan to a vote of stockholders entitled to vote thereon for approval thereof, as may be required.

The plan further provides that it will become effective upon the filing of a Certificate of Amendment to the company's Certificate of Incorporation in the office of the Secretary of State of the State of New York, and thereupon all rights, privileges and preferences of the presently outstanding preferred and common stocks, including the right to dividend arrearages, will cease and terminate, and the rights, privileges and preferences of the new preferred and common stocks will become effective.

II. The Commission having examined the corporate structure of Kings, a subsidiary of Long Island, a registered holding company, and the files and records of the Commission relating thereto, and such examination having disclosed data establishing, or tending to establish, that:

(1) Long Island is a holding company within the meaning of a section 2 (a) (7) of the act, having registered as a holding company on April 23, 1945.

(2) Kings is a corporation organized under the laws of the State of New York on May 25, 1904, and has its principal office in the Borough of Brooklyn, City and State of New York. It is a public-utility company, within the meaning of section 2 (a) (5) of the act, and is a subsidiary of Long Island. Kings is engaged in the manufacture, transmission, distribution and sale of manufactured gas for residential, commercial, industrial and other purposes within an area covering approximately 9½ square miles in the southwest portion of the Borough of Brooklyn, City and State of New York.

(3) On August 16, 1945, Kings issued and sold $4,200,000 principal amount of its 3⅛% First Mortgage Bonds due 1975 for a cash consideration of $4,269.720 and retired a like principal amount of a short-term promissory note.

(4) As at July 31, 1945, the gas utility plant of Kings, stated at original cost as determined by the Public Service Commission of the State of New York, amounted to $11,592,761.82. At the same date, the reserve for depreciation amounted to $1,594,616.02, or 13.8% of the gas utility plant. Thus the net gas utility plant, per books, amounted to $9,998,145.80.

(5) In an opinion dated May 22, 1945, the Public Service Commission of the State of New York stated that, as at March 31, 1945, there existed a deficiency in the reserve for depreciation of "appreciably more than $2,000,000".

(6) At July 31, 1945, Kings had outstanding 17,871 shares of $100 par value Series B 7% cumulative preferred stock; 1,129 shares of $100 par value Series C 6% cumulative preferred stock; 25,000 shares of $100 par value Series D 5% cumulative preferred stock; and 50,000 shares of no par value common stock, having a value for capital purposes of $40 per share.

(7) The last year in which full dividends on the cumulative preferred stocks were paid was 1941. As at July 31, 1945, the accumulated dividend arrearages on the preferred stocks aggregated $522,304.36, equivalent to $14.23 per share on the 7% series, $12.20 per share on the 6% series, and $10.16 per share on the 5% series.

(8) No dividends have been paid on the common stock since 1936.

(9) Long Island owns 48,868 shares, or 97.736%, of the common stock, and no other securities of Kings.

(10) As at July 31, 1945 the unearned (capital) surplus of Kings was stated at $8,930.43. At the same date, the earned surplus, as adjusted to reflect the transactions relating to the issuance of the First Mortgage Bonds due 1975, was $194,373.24.

(11) Set forth below is the capital structure, including surplus, of Kings, as at July 31, 1945, as adjusted to reflect the transactions relating to the issuance of the First Mortgage Bonds due 1975, and as further adjusted to give effect to (a) a deficiency in the reserve for depreciation of at least $2,000,000 as stated by the Public Service Commission of the State of New York, and (b) undeclared dividend arrearages of $522,304.36 on the cumulative preferred stocks.

	Per books adjusted to reflect refunding of debt		As further adjusted to increase depreciation reserve by $2,000,000 and to reflect undeclared preferred stock dividend arrearages of $522,304	
	Amount	*Percent*	*Amount*	*Percent*
Long-Term Debt: First mortgage 3⅛% bonds, due 1975	$4,200,000	38.8	$4,200,000	47.6
Preferred Stock and Undeclared Dividend Arrearages:				
7% cum. pfd.—$100 p. v.—17,871 shs	1,787,100	16.6	1,787,100	20.3
6% cum. pfd.—$100 p. v.—1,129 shs	112,900	1.0	112,900	1.3
5% cum. pfd.—$100 p. v.—25,000 shs	2,500,000	23.1	2,500,000	28.3
Paid-in premiums	11,290	.1	11,290	.1
Total par value and paid-in premiums	4,411,290	40.8	4,411,290	50.0
Undeclared dividend arrearages:				
7% cum. pfd.—$14.2345 per sh			$254,364	2.9
6% cum. pfd.—$12.20 per sh			13,774	.2
5% cum. pfd.—$10.16⅔ per sh			254,166	2.9
Total undeclared arrearages			522,304	6.0
Total preferred stock and undeclared arrearages	4,411,290	40.8	4,933,594	56.0
Total long-term debt and preferred stock plus arrearages	8,611,290	79.6	9,133,594	103.6
Common stock and Surplus:				
Common stock 50,000 shs., no p. v	2,000,000	18.5	2,000,000	22.7
Unearned surplus	8,930	.1	8,930	.1
Earned surplus	194,373	1.8	194,373	2.2
Less, adjustments			(2,522,304)	(28.6)
Total common stock and surplus	2,203,303	20.4	(319,001)	(3.6)
Total capitalization and surplus	10,814,593	100.0	8,814,593	100.0

( ) Denotes red figure.

(12) As indicated in paragraph 11 above, on the basis of the adjustments indicated therein, the common stock equity, as adjusted, reflects a deficiency of $319,001.

(13) As at July 31, 1945, the capital stock expense account was stated at $244,840.02. If this amount were eliminated, the adjusted deficiency in the common stock equity would be increased from $319,001 to $563,841.

(14) Other than the difference in the dividend rates, the 7%, 6% and 5% series of cumulative preferred stocks are alike, and all have a preference over the common stock to cumulative dividends, upon an equal and ratable basis, and, in the event of any liquidation or dissolution, whether voluntary or involuntary, have a preference, on an equal and ratable basis, over the common stock, to the extent of their par value, plus all accumulated and unpaid dividends. The cumulative preferred stocks are redeemable, in whole or in part, at 115% of the par value as to the 7% series, at 110% of the par value as to both the 6% series and 5% series; plus, in each case, all accumulated and unpaid dividends.

(15) Voting power in Kings is lodged exclusively in the common stock despite the accumulation of dividend arrearages on the preferred stocks, except that, as to the 6% and 7% series of preferred stock, the company cannot, without the affirmative vote of at least two-thirds of the outstanding shares of each class of such stock (a) issue any class of stock having any preference or priority as to dividends or assets, or (b) alter or amend their rights, so as to diminish or impair any preference or priority as to dividends or assets, or the redemption price or voting rights of such stocks.

III. It appears to the Commission on the basis of the facts set forth in Part I hereof and the allegations contained in Part II hereof that there are reasonable grounds to believe that voting power is unfairly and inequitably distributed among security holders of Kings in contravention of the provisions of section 11 (b) (2) of the act.

IV. It appearing to the Commission in the light of the allegations stated in Part II and Part III hereof that it is appropriate and in the public interest and in the interest of investors and consumers to institute proceedings with respect to Long Island and Kings under section 11 (b) (2) of the act in order to determine whether an appropriate order should be entered pursuant to said section; and

It further appearing to the Commission that it is appropriate in the public interest and in the interest of investors and consumers that a hearing be held with respect to the plan filed by Kings pursuant to section 11 (e) of the act and that such plan should not be approved except pursuant to further order of the Commission, and that a hearing should be held with respect to the proceeding instituted herein by the Commission under section 11 (b) (2) of the act; and

It further appearing to the Commission that the said proceedings involve common questions of law and fact and that evidence adduced in one proceeding may have a bearing upon the issues presented in the other proceeding; and that a substantial saving of time and expense will result if the proceedings are consolidated:

It is hereby ordered, That proceedings be and the same hereby are instituted under section 11 (b) (2) of the act directed to Long Island and Kings and that such proceedings be consolidated with the proceedings with respect to the plan herein filed pursuant to section 11 (e) and that a hearing on such consolidated proceedings under the applicable provisions of the said act and the rules and regulations of the Commission promulgated thereunder be held on the 25th day of September at 11:00 a. m., e. w. t., at the office of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia 3, Pennsylvania. On such day the hearing room clerk will advise as to the room where such hearing will be held. Any person desiring to be heard or otherwise wishing to participate therein shall notify the Commission to that effect in the manner provided in Rule XVII of the Commission's Rules of Practice on or before September 22, 1945.

It is further ordered, That William W. Swift, or any other officer or officers of the Commission designated by it for that purpose, shall preside at the hearing in such matter. The officer so designated to preside at the hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of the act, and to a trial examiner under the Commission's rules of practice.

It is further ordered, That, without limiting the scope of the issues presented by the proceedings, particular attention will be directed at the hearing to the following matters and questions:

(1) Whether the plan as proposed, or as modified, is necessary to effectuate the applicable provisions of section 11 (b) of the act.

(2) Whether the treatment proposed to be accorded to the various persons affected by the plan is in all respects fair and equitable.

(3) Whether the issuance by Kings of the new preferred stock and new common stock conforms to the standards and requirements of the applicable provisions of the act.

(4) Whether the proposed reduction in the stated and par values of the capital stocks of Kings, and the creation of unearned (capital) surplus in connection therewith, satisfy the applicable standards of the act.

(5) The propriety of the proposed accounting treatment on the books of Kings.

(6) Whether the plan should be modified to include a provision for the payment by Kings of such expenses, fees and remuneration in connection with the plan or the proceedings with respect thereto as the Commission may determine, award, or allow.

(7) Whether the provision relating to the alternative proposal of requesting the Commission to enforce the plan in a court of competent jurisdiction or of submitting the plan to a vote of stockholders is in all respects appropriate.

(8) Generally, whether the proposed transactions in connection with the plan are in all respects in the public interest and in the interest of investors and consumers and consistent with all applicable requirements of the act and rules thereunder and, if not, what modification should be required to be made therein and what terms and conditions should be imposed to satisfy the statutory standards.

(9) Whether the allegations contained in Parts II and III hereof are true and correct.

(10) Whether voting power is unfairly and inequitably distributed among the security holders of Kings in contravention of section 11 (b) (2) of the act, and, if so, what steps should be required of Long Island and Kings to distribute fairly and equitably voting power among such security holders.

It is further ordered, That notice of said hearing is hereby given to Kings, to Long Island, to the Public Service Commission of the State of New York, to the Secretary of State of the State of New York, and to all other interested persons, said notice to be given to Kings, to Long Island, to the Public Service Commission of the State of New York, and to the Secretary of State of the State of New York by registered mail, and to all other persons by a general release of this Commission which shall be distributed to the press and mailed to all persons on the mailing list for releases issued under the Public Utility Holding Company Act of 1935, and by publication of this notice and order in the FEDERAL REGISTER; and

It is further ordered, That Kings give notice of said hearing to each of its holders of record of its common and preferred stocks (insofar as the identity of such security holders is available or known to Kings) by mailing postage prepaid to each such security holder to his last known address, a copy of this notice and order, together with a copy of the plan, at least fifteen (15) days prior to the date of said hearing.

It is further ordered, That jurisdiction be and is hereby reserved to separate, either for hearing, in whole or in part, or for disposition, in whole or in part, any of the issues or questions which may arise in these proceedings, and to take such other action as may appear necessary to the orderly and economical disposition of the issues involved.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 45-16158; Filed, Aug. 29, 1945; 9:47 a. m.]

[File No. 59-15]

NORTHERN NEW ENGLAND CO. AND NEW ENGLAND PUBLIC SERVICE CO.

ORDER POSTPONING HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 28th day of August, A. D. 1945.

The Commission having, by order dated July 27, 1944, designated August 9, 1945 as the date for reconvening the above entitled proceedings at the Philadelphia office of the Commission for the purpose of adducing evidence with respect to an amendment filed on July 16, 1945 by New England Public Service Company to its amended plan of reorganization and with respect to an application filed on the same date for an order pursuant to the applicable provisions of the Internal Revenue Code, as amended, regarding the sale by New England Public Service Company of its interests in New England Industries, Inc., Keyes Fibre Company and Bucksport Water Company; and

The Commission having, on August 2, 1945, ordered that the hearing in this matter be reconvened at the Boston Regional office of the Commission, Room 426, Shawmut Bank Building, Boston 9, Massachusetts, on the same date and before the trial examiner heretofore designated, without prejudice, however, to the right of the Commission or the Trial Examiner to reconvene the hearing in Philadelphia or elsewhere after August 9, 1945; and

Hearings having been held from time to time in Boston, Massachusetts, and the trial examiner, having on August 23, 1945, directed that the hearings be reconvened on August 29, 1945 at the Philadelphia office of the Commission; and

New England Public Service Company having requested that the hearings in this matter be postponed to September 7, 1945; and

The Commission deeming it appropriate under the circumstances that the request for postponement of the hearings be granted;

It is ordered, That the hearings in this matter, previously scheduled to reconvene on August 29, 1945 at 10:00 a. m., e. w. t. at the offices of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia 3, Pennsylvania, be and hereby are postponed to September 7, 1945 at the same hour and place and before the Trial Examiner heretofore designated.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 45-16156; Filed, Aug. 29 1945; 9:48 a. m.]

[File Nos. 59-29, 54-128, 59-12, 54-51]

PENNSYLVANIA POWER AND LIGHT CO., ET AL

NOTICE OF FILINGS AND ORDER FOR HEARING; ORDER CONSOLIDATING PROCEEDINGS

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 27th day of August, A. D. 1945.

In the matter of Pennsylvania Power & Light Company, National Power & Light Company, and Electric Bond and Share Company, File No. 59-29; Pennsylvania Power & Light Company, National Power & Light Company, and Electric Bond and Share Company, File No. 54-128; Electric Bond and Share Company, National Power & Light Company, et al., File No. 59-12; Electric Bond and Share Company, National Power & Light Company, Pennsylvania Power & Light Company, et al., File No. 54-51, Application 10.

The Commission having, on August 23, 1941, entered an order pursuant to section 11 (b) (2) of the Public Utility Holding Company Act of 1935 requiring that the existence of National Power & Light Company ("National"), a registered holding company, be terminated, and that said company be dissolved, and that National and Electric Bond and Share Company ("Bond and Share"), the corporate parent of National and also a registered holding company, proceed with due diligence to submit to the Commission a plan or plans for the prompt dissolution of National Power & Light Company pursuant to section 11 (b) (2) of the act; and

The Commission, having entered an order on July 25, 1941, instituting proceedings pursuant to sections 11 (b) (2), 12 (c) and 15 (f) (File No. 59-29) directed to Pennsylvania Power & Light Company raising, inter alia, the question of the steps, if any, which must be taken to revise the capital structure of that company so as to fairly and equitably redistribute voting power among its security holders; and

The Commission, having entered an interim order in such proceeding prohibiting the declaration or payment of any further dividends on the common stock of Pennsylvania in excess of [illegible] of the net earnings available for such common stock without further order of this Commission; and

National, having filed an application for approval of a "Plan Dated as of May 7, 1942 for Compliance with section 11 (b) of the Public Utility Holding Company Act of 1935" (File No. 54-51, which plan and amendments thereto outlined a program for the dissolution of National and proposed, among other things, such revisions and adjustments in the accounts and capital structure of Pennsylvania "as may be deemed necessary" and the employment of any cash available for that purpose; and

Pennsylvania thereafter having been ordered by the Federal Power Commission and by the Pennsylvania Public Utility Commission to dispose immediately of $39,606,654.15 of items classified by the company in Account 100.5 by charges of $1,308,436.23 to Contributions in Aid of Construction, $3,498,000 to Reserve for Depreciation, $5,637,893.31 to Earned Surplus, $3,232,203.60 to Capital Surplus (if made available for that purpose) and by the amortization of the remaining balance in the amount of $25,930,121.01 over a period of 15 years; and having been directed by said regulatory bodies to dispose of $12,551,418.39 of items classified in Account 107, by charges of $1,846,486.77 to Reserve for Depreciation, $2,154,417.33 to Capital Stock Expense, $69,556.56 to Discount on Capital Stock, and $8,480,957.73 to Capital Surplus (if made available for that purpose):

Notice is hereby given that Bond and Share, National, and Pennsylvania have filed joint applications and declarations (designated herein as File No. 54-128 and Application 10, Part A of File No. 54-51) pursuant to the applicable sections of the act, and the rules and regulations of the Commission promulgated thereunder. All interested persons are referred to said documents, which are on file in the office of this Commission for a statement of the transactions therein proposed, which may be summarized as follows:

(1) National proposes to enable Pennsylvania to comply with the orders of the Federal Power Commission and the Pennsylvania Public Utilities Commission by contributing for cancellation 1,197,062 shares of its present holdings of 1,879,075 shares (being all but 20 shares of the total outstanding) of Pennsylvania common stock and by causing an accompanying net reduction of $11,288,161.33 in the stated value for such common stock for the purpose of creating capital surplus in that amount. National also proposes to cause the creation of additional capital surplus in the amount of $425,000 by contributing to Pennsylvania all of the outstanding shares of the capital stock of The Edison Illuminating Company of Easton, which shares Pennsylvania has contracted to sell, when received, to Metropolitan Edison Company at a purchase price of approximately $425,000.

(2) Pennsylvania then proposes to effect the accounting adjustments necessary to comply with the orders of the Federal Power Commission and the Pennsylvania Public Utilities Commission utilizing therein capital surplus to be created as above in the aggregate amount of $11,713,161.33 and earned surplus in the amount of $5,637,893.31.

(3) National then proposes to increase the common equity in Pennsylvania by causing Pennsylvania to give National the right to subscribe to 1,818,700 shares of new common stock of Pennsylvania at $10 per share. National will then offer to the holders of its own common stock (outstanding in the amount of 5,456,100 shares) the right to subscribe (for a limited period) to ⅓ of a share of the common stock of Pennsylvania for each share held of the common stock of National. The proceeds to Pennsylvania from the exercise of such rights will aggregate approximately $18,187,000. Bond and Share, as the holder of 2,540,450 shares (46.56%) of the common stock of National, has agreed, subject to the completion of the preferred stock exchange program described hereinafter, to subscribe for its proportionate share of such common stock and National has agreed to furnish subscriptions for any shares not subscribed by holders of its common stock other than Bond and Share.

(4) Pennsylvania then proposes (a) to increase the stated value for 604,392 shares of outstanding preferred stock from $58,941,836.39 to $60,439,200, the liquidating value thereof, by transfer of $1,497,363.66 from earned surplus; (b) to convert the present 710,608 shares of authorized but unissued cumulative preferred stock without par value to 440,000 shares of cumulative preferred stock having a par value of $100 per share; (c) to offer to exchange such 440,000 shares of cumulative preferred stock for a like number of shares of $7, $6 and $5 cumulative preferred stock now outstanding, the dividend rate thereon to be designated in the exchange offer; (d) to redeem, for cancellation, at the call price of $110 per share plus accrued dividends the remaining 164,390.38 shares of such $7, $6 and $5 cumulative preferred stock outstanding and to cancel 1.62 shares held in the treasury as reacquired securities, utilizing for such redemption $18,082,942; (e) to dispose of the pro forma balance in the capital stock discount and expense account in the amount of $2,223,973.89 by a charge to earned surplus; and (f) to amend the charter of the company in certain respects so as to give the preferred stockholders special voting rights in the event of specified dividend defaults and in the event of certain corporate actions and so as to place certain limitations on the payment of common stock dividends.

(5) Pennsylvania then proposes to issue and sell at public sale, pursuant to the competitive bidding provisions of Rule U-50, $93,000,000 principal amount of First Mortgage Thirty-Year Bonds, and $27,000,000 principal amount Twenty-Year Sinking Fund Debentures maturing October, 1965, the bid or bids for such bonds and debentures to fix the interest rate and the price to be paid to the company. The company will also issue and sell at private sale $5,720,000 principal amount of Serial Notes to banks. The proceeds from the sale of such bonds, debentures, and serial notes are to be applied, together with treasury cash, to the redemption of $93,820,000 principal amount of First Mortgage Bonds, 3½% Series, due 1969, $28,500,000 principal amount of 4½% Debentures, due 1974, and $3,400,000 principal amount of 2⅝% Serial Notes, all at the redemption price thereof plus accrued interest to the date of redemption.

Notice is also given that National has filed applications and declarations (designated herein as Parts B, C, D, E, and F, of Application 10) pursuant to the applicable sections of the act and the rules and regulations of the Commission promulgated thereunder proposing therein a program for its dissolution and the liquidation of its remaining assets. All persons are referred to said documents, which are on file in the office of this Commission, for a statement of the transactions therein proposed which may be summarized as follows:

Part B. National proposes to recapitalize Lehigh Valley Transit Company ("Transit"), a subsidiary engaged in interurban railway and bus transportation and owning certain utility property in Allentown, Pennsylvania, and adjacent communities, such recapitalization to result in "Transit" having outstanding only one class of stock in addition to its outstanding bonds, substantially all of which stock will be held by National. The details of said plan of recapitalization are to be supplied by amendment.

Part C. National proposes to dispose of its interest in Memphis Generating Company ("Memphis"), a subsidiary of National owning utility assets consisting of a generating station and certain related equipment in Memphis, Tennessee, and its environs and owning the common stock of Memphis Street Railway Company. The details of such disposition will be supplied by amendment.

Part D. National proposes to distribute to the former stockholders of Tennessee Public Service Company, the assets of which were taken over and the liabilities of which were assumed by National, the remainder of such assets remaining in the hands of National after liquidation of such liabilities. The details of such distribution will be supplied by amendment.

Part E. National proposes a plan, pursuant to section 11 (e) of the act, for the compromise, settlement, and discharge of various claims involving Bond and Share and its wholly-owned service company subsidiaries, Ebasco Services, Incorporated, and Phoenix Engineering Corporation on the one hand, and National, its subsidiaries, and certain of its former subsidiaries on the other hand. Said plan is joined in by Bond and Share and by the subsidiaries of National and certain of its former subsidiaries with respect to the taking of all action necessary on their part to carry out the transactions. National requests that, if the plan is approved, the Commission apply to an appropriate Federal Court for an order enforcing such plan. The details of the plan are to be supplied by amendment.

Part F. National proposes to distribute to, or dispose of for the benefit of, its common stockholders its then remaining assets and to dissolve and terminate its corporate existence. The details of such final distribution and dissolution are to be supplied by amendment.

It appearing to the Commission that the proceedings herein directed to the dissolution of National Power & Light Company (File No. 59-12), the above mentioned proceedings directed to Pennsylvania Power & Light Company (File

No. 59–29), the plan of dissolution of National Power & Light Company (File No. 54–51), and the plan of recapitalization of Pennsylvania Power & Light Company (File No. 54–128) involve common questions of law and fact and that said proceedings should be consolidated:

It is ordered, That the proceedings entitled "Electric Bond and Share Company, et al., File No. 59–12", "Pennsylvania Power & Light Company, et al., File No. 59–29", "National Power & Light Company, File No. 54–51", and "Pennsylvania Power & Light Company, et al., File No. 54–128" be, and the same hereby are, consolidated and that any relevant evidence adduced in the said proceedings instituted by the Commission pursuant to section 11 (b) of the act shall be incorporated in and be deemed to be a part of the record in the proceedings in File No. 54–51 and File No. 54–128, without prejudice, however, to the Commission's right, upon its own motion or the motion of any interested party, to strike such portions of the record in the proceedings pursuant to section 11 (b) as may be deemed irrelevant to the issues raised with respect to the proposed plans.

It is further ordered, That a hearing be held on the 17th day of September, 1945 at 10:00 a. m., e. w. t., at the offices of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia 3, Pennsylvania. On such date the hearing room clerk in Room 318 will advise as to the room where such hearing will be held.

Any person desiring to be heard at said hearing or otherwise wishing to participate therein shall file with the Secretary of the Commission on or before September 15, 1945, his request or application therefor as provided by Rule XVII of the rules of practice of the Commission.

It is further ordered, That Robert T. Reeder or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearing on such matter. The officer so designated to preside at any such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of the act and to a trial examiner under the rules of practice of the Commission.

It is further ordered, That the hearing to be convened on September 17, 1945 shall be confined to a consideration of the plan of recapitalization for Pennsylvania and applications incident thereto filed by National and Bond and Share. At such times as the proposed amendments are filed with respect to Parts B, C, D, E, and F, of National's Application 10, hearings will be reconvened and appropriate notice thereof will be duly given.

It is further ordered, That, without limiting the scope of the issues presented in the consolidated proceedings, particular attention will be directed at the hearing to be held on September 17, 1945 to the following matters and questions:

(1) Whether the proposed issue and sale of common stock, preferred stock, bonds, debentures, and serial notes by Pennsylvania is solely for the purpose of financing the business in which it is engaged;

(2) What terms and conditions, if any, are required in respect of the proposed issuance and sale of the securities in the public interest or in the interest of investors and consumers;

(3) Whether, upon consummation of the proposed transactions, it is appropriate in the public interest to rescind or modify any orders of the Commission prohibiting or restricting the declaration or payment by Pennsylvania of dividends on the common stock of Pennsylvania;

(4) Whether, upon consummation of the proposed transactions, it is appropriate to terminate the proceeding instituted by the order of the Commission dated July 25, 1941 directed to Pennsylvania, National, and Bond and Share (File No. 59–29);

(5) Whether the proposed offer by Pennsylvania to National of the right to subscribe to additional shares of Pennsylvania common stock upon payment of $10 per share and the reoffering by National of such rights to National's common stockholders on a pro-rata basis, together with National's undertaking to furnish subscriptions for any shares not subscribed for by holders of its common stock other than Bond and Share, are in accordance with the applicable sections of the Act and fair and equitable to the persons affected thereby.

(6) Whether the proposed transactions constitute steps in compliance with the order of the Commission dated August 23, 1941 issued pursuant to section 11 (b) (2) of the act directing the dissolution of National:

(7) Whether, in general, the proposed transactions, as submitted or as hereafter modified, are necessary to effectuate the provisions of section 11 (b) of the act and are fair and equitable to the persons affected thereby.

(8) Whether the fees and expenses proposed to be paid in connection with the transactions are for necessary services and are reasonable in amount.

(9) Whether the accounting entries in connection with the proposed transactions are in conformity with the standards of the act and the rules promulgated thereunder.

(10) Generally, whether the proposed transactions are in all respects in the public interest and in the interests of investors and consumers and consistent with all applicable requirements of the act and rules thereunder.

It is further ordered, That jurisdiction be reserved to separate, either for hearing, in whole or in part, or for disposition, in whole or in part, any of the issues, questions or matters herein set forth or which may arise in these proceedings or to consolidate with these proceedings other filings or matters pertaining to the subject matter of these proceedings, and to take such other action as may appear conducive to an orderly, prompt, and economical disposition of the matters involved; and

It is further ordered, That notice of this hearing be given to Bond and Share, National, Pennsylvania, and to all other persons, said notice to be given by registered mail to Bond and Share, National, Pennsylvania, and to all other persons previously granted intervention or participation in any of the proceedings consolidated herein, and to all other persons by publication in the FEDERAL REGISTER; and

It is further ordered, That National shall give notice of this hearing to all its security holders (insofar as the identity of such security holders is known or available to it) by mailing to each of said persons a copy of this notice and order for hearing at his last known address at least 10 days prior to the date of this hearing.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 45–16157; Filed, Aug. 29, 1945; 9:47 a. m.]

[File No. 70–683]

ASSOCIATED ELECTRIC CO. AND MISSOURI SOUTHERN PUBLIC SERVICE CO.

ORDER MODIFYING CONDITION AND GRANTING EXTENSION OF TIME

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa., on the 27th day of August 1945.

Associated Electric Company, a registered holding company, and its wholly-owned subsidiary, Missouri Southern Public Service Company, having filed joint applications-declarations, as amended, pursuant to sections 9 (a), 10, and 12 of the Public Utility Holding Company Act of 1935 and the rules and regulations promulgated thereunder, regarding the proposed sale by Missouri Southern Public Service Company of all its physical properties to New-Mac Electric Cooperative, Inc., for a base cash consideration of $170,000; the subsequent transfer by Missouri Southern Public Service Company of 40 shares of capital stock of Atlantic Utility Service Corporation and its other then remaining assets, subject to its liabilities, to Associated Electric Company, and the surrender to Missouri Southern Public Service Company of all its capital stock and indebtedness held by Associated Electric Company; and the dissolution of Missouri Southern Public Service Company; and

The Commission having by order dated September 4, 1944, granted the applications, as amended, and permitted the declarations, as amended, to become effective, subject to the terms and conditions prescribed in Rule U–24; and the Commission having by subsequent orders extended the time within which the transactions may be consummated to September 1, 1945; and

A request having been made that the time within which the transactions as set forth in the applications-declarations, as amended, be further extended; and

The Commission having considered such request and deeming it appropriate that it be granted:

It is ordered, That conditions contained in said order of September 4, 1944 be, and hereby are, modified to the extent necessary to extend the time within which such transactions may be consummated to November 1, 1945.

By the Commission.

ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 45–16159; Filed, Aug. 29, 1945; 9:46 a. m.]

[File No. 70–819]

INDIANA GAS UTILITIES CO. AND ASSOCIATED ELECTRIC CO.

ORDER GRANTING EXTENSION OF TIME

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 27th day of August, A. D. 1945.

Associated Electric Company ("Aelec"), a registered holding company, and its wholly-owned subsidiary, Indiana Gas Utilities Company ("Utilities"), having filed an application-declaration, pursuant to the applicable provisions of the Public Utility Holding Company Act of 1935, concerning the acquisition by Aelec of all the assets of Utilities, subject to its existing liabilities, upon the surrender by Aelec, for cancellation, of all the outstanding shares of capital stock of, and claims against, and the subsequent dissolution of, Utilities; and

The Commission having, on March 9, 1944, after notice and hearing, filed its memorandum opinion and order (Holding Company Act Release No. 4934) granting the application and permitting the declaration to become effective; and

The Commission having, by orders dated June 22, August 29, and December 27, 1944, February 26, April 25, and June 21, 1945, upon the request of applicants-declarants, extended the time for consummating said transaction to and including August 28, 1945; and

Applicants-declarants having, on August 18, 1945, advised the Commission that the parties have been unable to consummate the transaction proposed in said application-declaration within such time, and having requested that the time for such consummation be extended to and including October 28, 1945; and

It appearing to the Commission that it is appropriate in the public interest and the interest of investors to grant said request;

It is ordered, That the time for consummating said transaction be, and hereby is, extended to and including October 28, 1945.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 45–16160; Filed, Aug. 29, 1945; 9:47 a. m.]

[File No. 70–1119]

COLUMBIA GAS & ELECTRIC CORP.

ORDER PERMITING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 27th day of August, 1945.

Columbia Gas & Electric Corporation, a registered holding company, having filed a declaration, and amendments thereto, pursuant to sections 6 (a) and 7 of the Public Utility Holding Company Act of 1935 regarding the issue and sale of $22,000,000 principal amount of bank loan notes and the application of the proceeds of such notes, together with treasury cash, to the redemption of Columbia Gas & Electric Corporation's outstanding 5% Debentures (series due 1952);

A public hearing having been held after appropriate notice and the Commission having considered the record and having made and filed its findings and opinion herein;

It is ordered, That said declaration, as amended, be, and the same hereby is, permitted to become effective forthwith, subject to the terms and conditions contained in Rule U–24.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 45–16161; Filed, Aug. 29, 1945; 9:46 a. m.]

[File No. 811–409]

PIONEER SECURITIES CORP.

NOTICE OF AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 28th day of August, A. D. 1945.

The Commission having reasonable cause to believe that Pioneer Securities Corporation, a registered investment company, has been adjudicated a bankrupt and has ceased to do business and that its assets have been liquidated;

It is ordered, Pursuant to section 40 (a) of said act, that a hearing be held on September 7, 1945, at 10:00 a. m., e. w. t., in Room 318 of the Securities and Exchange Commission Building, 18th and Locust Streets, Philadelphia, Pennsylvania, to determine whether the Commission shall declare by order, pursuant to section 8 (f) of said act, that Pioneer Securities Corporation has ceased to be an investment company; and

It is further ordered, That Charles S. Lobingier, Esquire, or any other officer or officers of the Commission designated by it for that purpose, shall exercise all powers granted to the Commission under sections 41 and 42 (b) of the Investment Company Act of 1940 and to trial examiners under the Commission's rules of practice.

Notice of such hearing is hereby given to Pioneer Securities Corporation and to any other persons whose participation in such proceedings may be in the public interest or for the protection of investors.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 45–16162; Filed, Aug. 29, 1945; 9:46 a. m.]

WAR PRODUCTION BOARD.

[C–416]

BRUNSWICK AUTO SUPPLY CO.

CONSENT ORDER

Irving Gerber and Morris Gerber are co-partners doing business as Brunswick Auto Supply Company, 380 Blue Hill Avenue, Boston, Massachusetts, engaged in the wholesale distribution of automobile parts and supplies. They are charged by the War Production Board with having violated War Production Board Priorities Regulation 3 in the following respects:

1. That during the year 1944 they received authorizations to purchase 85 hydraulic automotive jacks at a total cost of $665.00 and apply AA–3 ratings therefor. They actually used said authorizations and ratings during the year 1944 to purchase 1,300 automotive bumper jacks at a total cost of $1,235.00.

2. That during the period between January 1, 1945 and March 2, 1945, they applied preference ratings to orders for materials and supplies costing $1,404.70, without authority.

Irving Gerber and Morris Gerber admit the violations as charged but deny that they were wilful and do not desire to contest the issue of wilfulness

Wherefore, upon the agreement and consent of said Irving Gerber and Morris Gerber, doing business as Brunswick Auto Supply Company, the Regional Compliance Chief and the Regional Attorney, and upon the approval of the Compliance Commissioner: *It is hereby ordered*, That:

(a) For a period of 90 days from the effective date of this order, Irving Gerber and Morris Gerber shall not apply or extend any preference rating or use any CMP allotment symbols regardless of the delivery date named on any purchase order to which such ratings may be applied or extended or on which CMP allotment symbols are used unless hereafter specifically authorized in writing by the War Production Board.

(b) Irving Gerber and Morris Gerber shall forthwith cancel all preference ratings which they have applied or extended to orders for materials and all CMP allotment symbols which they have used on orders for materials.

(c) Nothing contained in this order shall prohibit Irving Gerber and Morris Gerber from extending proper preference ratings and using proper CMP allotment symbols to fill defense orders as defined in War Production Board Priorities Regulation No. 1.

(d) Nothing contained in this order shall be deemed to relieve Irving Gerber and Morris Gerber from any restriction, prohibition or provision contained in any other order or regulation of the War Production Board, except insofar as the same may be inconsistent with the provisions hereof.

(e) The restrictions and prohibitions contained herein shall apply to Irving Gerber and Morris Gerber, doing business as Brunswick Auto Supply Company, their successors or assigns, or persons acting on their behalf. Prohibitions against the taking of any action include

the taking indirectly as well as directly of any such action.

Issued this 28th day of August 1945.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 45-16149; Filed, Aug. 28, 1945; 4:11 p. m.]

[C-417]

RADIANT MFG. CORP.

CONSENT ORDER

Radiant Manufacturing Corporation, located at 1140-46 West Superior Street, Chicago, Illinois, an Illinois corporation, is a manufacturer of projection screens and accessories pertaining thereto. The corporation is charged by the War Production Board with the following violations: (1) that the corporation during the year 1944 put into process in the production of restricted photographic equipment, restricted photographic accessories or parts for such equipment or accessories, to fill other than preferred orders, 97,617 pounds of critical materials in excess of the number of pounds of critical materials it was permitted to put into process in the production of aforesaid restricted items; (2) that during the year 1944, the corporation produced 6,980 projection screens, 2,606 light stands and 3,443 light bars for other than preferred orders, in excess of the quotas specifically approved by the War Production Board on Form WPB-3038; (3) that during the year 1944, the corporation delivered approximately 35 tripods and 9,674 projection screens in fulfillment of other than preferred orders, and such deliveries were not within any of the exceptions of paragraph (e) of Limitation Order L-267. The three violations hereinabove mentioned constituted violations of Limitation Order L-267; (4) the corporation has failed to maintained accurate and complete records, as required by Priorities Regulation No. 1. The said Radiant Manufacturing Corporation admits the violations as charged, and has consented to the issuance of this order.

Wherefore, upon the agreement and consent of the Radiant Manufacturing Corporation; of John C. Baker, Regional Manager, Compliance Division; of James R. Bryant, Regional Counsel; and upon the approval of Palmer D. Edmunds, Compliance Commissioner, *It is hereby ordered*, That:

(a) Radiant Manufacturing Corporation shall not, for a period of four months from the effective date of this order, apply or extend any preference ratings, regardless of the delivery date named in any purchase order to which such ratings may be applied or extended, nor shall it obtain any material under the provisions of paragraph (d) (4) (iii) of CMP Regulation No. 4. The provisions of this paragraph shall not apply to the use of ratings by Radiant Manufacturing Corporation to obtain deliveries of materials required to fill any purchase order or contract for the account of the Army Aircraft Resources Control Office, Navy, Veterans' Administration, Coast Guard, Marine Corps, Maritime Commission, Office of Strategic Service, or armed forces of foreign governments allied to the United States, or any order stating on its face that the products ordered are for eventual delivery to one of those organizations.

(b) Nothing contained in this order shall be deemed to relieve the said Radiant Manufacturing Corporation, its successors or assigns, or persons acting in its behalf, from any restriction, prohibition, or provision contained in any order or regulation of the War Production Board, except insofar as the same may be inconsistent with the provisions hereof.

(c) The restrictions and prohibitions contained herein shall apply to Radiant Manufacturing Corporation, its successors or assigns, or persons acting in its behalf. Prohibitions against the taking of any action include the taking indirectly as well as directly of any such action.

(d) This order shall take effect as of the date of issuance.

Issued this 28th day of August 1945.

WAR PRODUCTION BOARD
By J. JOSEPH WHELAN,
Recording Secretary

[F. R. Doc. 45-16150; Filed, Aug. 28 1945; 4:11 p. m.]

FERENCE

SEP 5 '45

FEDERAL REGISTER

VOLUME 10 NUMBER 172

Washington, Friday, August 31, 1945

The President

EXECUTIVE ORDER 9607

REVOKING EXECUTIVE ORDER 9301 [1] OF FEBRUARY 9, 1943, ESTABLISHING A MINIMUM WARTIME WORKWEEK OF FORTY-EIGHT HOURS

By virtue of the authority vested in me by the Constitution and statutes as President of the United States it is ordered that Executive Order 9301 of February 9, 1943, establishing a minimum wartime workweek of forty-eight hours, be, and it is hereby, revoked.

HARRY S. TRUMAN

THE WHITE HOUSE,
August 30, 1945.

[F. R. Doc 45-16281; Filed, August 30, 1945; 11:41 a. m.]

Regulations

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 22—REGULATIONS GOVERNING APPEALS OF PREFERENCE ELIGIBLES UNDER THE VETERANS' PREFERENCE ACT OF 1944

APPLICABILITY OF REGULATIONS

Section 22.1 (9 F.R. 13189, 14923) is amended by the addition of the following paragraph:

§ 22.1 *Applicability of regulations.* • • •

(c) *Notice in reduction in rank or compensation resulting from Commission's position allocation decisions.* Preference eligible employees who are to be reduced in grade or rank as a result of the Commission's position allocation decisions shall be given at least thirty (30) days' advance written notice, stating any and all reasons, specifically and in detail, for such proposed action.

Effective: September 20, 1945.

[1] 3 CFR, Cum. Supp.

By the United States Civil Service Commission.

[SEAL] H. B. MITCHELL,
President.

JULY 30, 1945.

[F. R. Doc. 45-16239; Filed, Aug. 30, 1945; 11:08 a. m.]

TITLE 6—AGRICULTURAL CREDIT

Chapter II—Commodity Credit Corporation

[Amdt. 1]

PART 260—FLUID MILK PAYMENT PROGRAM

OFFER TO MAKE FLUID MILK PAYMENTS IN NEW YORK METROPOLITAN AREA DURING JULY 1945 THROUGH JUNE 1946

In accordance with the provisions of the "Offer of the Commodity Credit Corporation to make fluid milk payments in the New York Metropolitan Area during the period July 1945 through June 1946," dated August 8, 1945 (10 F.R. 9823), such offer is hereby amended as follows:

1. By deleting § 260.20 (a), (10 F.R. 9823) and inserting in lieu thereof the following:

(a) Commodity will make payments to any handler at the rate of 20 cents per hundredweight on all Class I-A milk received from producers for which the handler is determined by the Market Administrator to be accountable to the producer settlement fund under Order No. 27 during each calendar month from August 1, 1945 to June 30, 1946, inclusive.

2. By deleting the term "Class I milk" in § 260.20 (f) (2) (10 F.R. 9823, 9825) and inserting, in lieu thereof, the term "Class I-A milk."

This amendment shall become effective as of August 1, 1945.

Issued this 30th day of August 1945.

[SEAL] COMMODITY CREDIT CORPORATION,
T. G. STITTS,
Contracting Officer.

[F. R. Doc. 45-16238; Filed, Aug. 30, 1945; 11:06 a. m.]

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FEDERAL REGISTER

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NOTICE

1944 Supplement

Book 1 of the 1944 Supplement to the Code of Federal Regulations, containing Titles 1-10, including Presidential documents in full text, is now available from the Superintendent of Documents, Government Printing Office, at $3.00 per copy.

A limited sales stock of the Cumulative Supplement and the 1943 Supplement is still available as previously announced.

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AUTHORITY: Regulations in this chapter unless otherwise noted at the end of documents affected, issued under sec. 2 (a), 54 Stat. 676, as amended by 55 Stat. 236, 56 Stat. 177, 58 Stat. 827; E.O. 9024, 7 F.R. 329, E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719, E.O. 9599, 10 F.R. 10155; W.P.B. Reg. 1 as amended Dec. 31, 1943, 9 F.R. 64.

PART 1010—SUSPENSION ORDERS

[Suspension Order S-895]

GILBERTON CO., PHILIP SPARACINO, ISLAND PUBLISHING CO., INC., EUGENE BLUMENTHAL, AND HOWARD CUMMINGS

Albert L. Kanter, Rose E. Kanter, Raymond N. Haas and Myer Levy, partners doing business under the trade name of Gilberton Company, are engaged in the business of publishing comic magazines at 510 6th Avenue, New York City. Among the magazines they publish is Classic Comics, a title which they own. Philip Sparacino with offices at 24 Eldridge Avenue, Hempstead, Long Island, New York, is the owner and publisher of Long Island Independent and Nassau Bulletin, suburban weekly newspapers, Island Publishing Co., Inc. is a corporation wholly owned by Eugene Blumenthal with offices at 351 W. Olive Street, Long Beach, Long Island, New York and is engaged in publishing Long Beach Life, a suburban weekly newspaper. Howard Cummings with offices at 235 Braddock Avenue, Queens Village, Long Island, New York, is the owner and publisher of Queens County Times, Queens Home News, Sunrise Times and Richmond Hill Courier, suburban weekly newspapers.

At the close of 1943, Gilberton Company had exceeded its permissible quota of paper for the publishing of Classic Comics, by approximately 96 tons. Sparacino, Blumenthal and Cummings, who had no quotas for the publishing of magazines under Limitation Order L-244, contracted with Gilberton Company to publish reprints of Classic Comics to the extent of 90 tons annually for each of the newspapers published by each of them respectively, or 630 tons of newsprint for the seven newspapers. Pursuant to this agreement, Gilberton Company arranged for the purchase of newsprint and the printing and distribution of Classic Comics, and performed all of the functions of publisher, assuming the ultimate risk of the publishing venture. However, Sparacino, Blumenthal and Cummings lent the names of their newspapers, probably representing them to be the publishers of the various reprints of Classic Comics printed and published during the year 1944, and received financial benefits from the use of newsprint used to print and publish Classic Comics in violation of Limitation Order L-244. During the year 1944, Philip Sparacino thus caused to be used illegally 180.779 tons of newsprint; Island Publishing Co., Inc. and Eugene Blumenthal thus caused to be used illegally a total of 89.845 tons; and Howard Cummings thus caused to be used illegally a total of 350.874 tons of newsprint.

Sparacino, Blumenthal and Cummings also failed to furnish the printer with the certification required by Order L-244 but instead furnished certificates referring to Order L-241.

The Gilberton Company, through its individual partners and through Eugene Blumenthal, Island Publishing Company, Inc., Philip Sparacino and Howard Cummings and each of them individually, violated one or the other of Limitation Orders L-240, L-241, L-244, and Priorities Regulation 7A. Their actions were willful and resulted in the diversion of critical materials to uses not authorized by the War Production Board. In view of the foregoing, it is hereby ordered, that:

§ 1010.895 *Suspension Order No. S-895.* (a) Albert L. Kanter, Rose E. Kanter, Raymond N. Haas, and Myer Levy, partners, doing business as Gilberton Company, Philip Sparacino, Island Publishing Co., Inc., and Eugene Blumenthal, and Howard Cummings, their respective publications, their successors, assigns, and persons or corporations acting for or on behalf of any of them, shall not use or cause to be used any newsprint for the printing or publishing of magazines, newspapers, periodicals or books so long as the allocation of such newsprint or paper is governed and controlled by any order or regulation of the War Production Board.

(b) Nothing contained in this order shall be deemed to relieve Albert L. Kanter, Rose E. Kanter, Raymond N. Haas, and Myer Levy, partners, doing business as Gilberton Company, Philip Sparacino, Island Publishing Co., Inc., and Eugene Blumenthal, and Howard Cummings, their respective publications, their successors, assigns, persons or corporations acting for or on behalf of any of them, from any restriction, prohibition contained in any other order or regulation of the War Production Board, except insofar as the same may be inconsistent with the provisions hereof.

(c) This order shall take effect on the 29th day of August 1945.

Issued this 22d day of August 1945.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 45-16234; Filed, Aug. 29, 1945; 4:41 p.m.]

PART 1010—SUSPENSION ORDERS

[Suspension Order S-898]

JOHN THOMAS AND HAROLD AMUNDSON

John Thomas of 1933 1st Avenue, Seattle, Washington was authorized by the War Production Board on March 15, 1945 to construct a six room three-bedroom house without garage at 3419 West 67th Street, Seattle, Washington, at an estimated cost of $8000.00, incorporating therein 15,000 board feet of lumber, of which no more than 6500 board feet were to be new dimension lumber. Thereafter John Thomas and Harold Amundson of 5100 Shilshole Avenue, Seattle, Washington, his building contractor, commenced construction at that address of a six room house with attached garage at an estimated cost of about $15,000, and ordered and accepted delivery therefor approximately 33,187 board feet of new lumber, of which 21,279 board feet was dimension and 11,908 board feet was board lumber. The carrying on of such construction at a cost in excess of the amount authorized by the War Production Board constituted a violation of Conservation Order L-41.

This violation has diverted critical materials to uses not authorized by the War Production Board. In view of the foregoing, it is hereby ordered, that:

§ 1010.898 *Suspension Order No. S-898.* (a) Neither John Thomas nor Harold Amundson, their successors or assigns, nor any other person, shall do any construction on the house or garage at 3419 West 67th Street, Seattle, Washington, including putting up or altering the structures, unless hereafter specifically authorized in writing by the War Production Board.

(b) Nothing contained in this order shall be deemed to relieve John Thomas or Harold Amundson, their successors or assigns, from any restriction, prohibition or provision contained in any other order or regulation of the War Production Board, except insofar as the same may be inconsistent with the provisions hereof.

Issued this 29th day of August 1945.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 45-16235; Filed, Aug. 29, 1945; 4:41 p.m.]

PART 944—REGULATIONS APPLICABLE TO THE OPERATION OF THE PRIORITIES SYSTEM

[Priorities Reg. 27, Interpretation 2]

The following interpretation is issued with respect to Priorities Regulation 27:

Priorities Regulation 27 provides that under certain conditions manufacturers who need small amounts of materials may use the AA-4 rating and Z-3 allotment symbol on orders calling for delivery of controlled materials and other production materials up to December 31, 1945.

In view of the provisions of Priorities Regulation 29, which invalidate all AA ratings and allotment symbols after September 30, 1945, the rating and allotment symbol assigned in Priorities Regulation 27 will not be valid on orders calling for delivery after that date.

Any person operating under Priorities Regulation 27, who needs priorities assistance on orders calling for delivery of production materials after September 30, 1945, may apply for priorities assistance under the rules stated in Priorities Regulation 28, if he can meet the conditions stated in Priorities Regulation 28.

Issued this 30th day of August 1945.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 45-16277; Filed, Aug. 30, 1945; 11:32 a. m.]

PART 944—REGULATIONS APPLICABLE TO THE OPERATION OF THE PRIORITIES SYSTEM

[Priorities Reg. 31, as Amended Aug. 29, 1945, Amdt. 1]

BLANKET REVOCATION OF CERTAIN WPB ORDERS

Section 944.52, *Priorities Regulation 31,* is amended by adding to the list of orders revoked the following orders:

LIST OF ORDERS REVOKED AND EFFECTIVE DATE OF REVOCATION

ALUMINUM AND MAGNESIUM

Section 921.14, M-1-L, Aluminum, August 31, 1945.

GOVERNMENT SERVICES

Section 3287.11, L-60, Revolvers and Shotguns, August 30, 1945.

TEXTILE, CLOTHING AND LEATHER

Section 3290.316, L–310, Knitted Outerwear, August 30, 1945.

Issued this 30th day of August 1945.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 45–16278; Filed, Aug. 30, 1945; 11:32 a. m.]

PART 984—LEAD

[General Preference Order M–38, as Amended Aug. 30, 1945]

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of lead for defense for private account and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 984.1 *General Preference Order M–38*—(a) *Scope of the order.* This order controls generally the use of lead and lead products. Lead and lead products may be used only for the items and purposes set forth in the order. Other restrictions may also be found in other orders of the War Production Board relating to particular articles or parts. In such case the more restrictive provision governs. In no case shall any person use, purchase, sell, deliver or accept delivery of any lead in violation of this order.

(b) *Definitions.* For the purpose of this order:

(1) "Lead" means metallic lead, including any alloy containing 50% or more by weight of metallic lead. It includes soft and antimonial lead produced from foreign or domestic ores, scrap, drosses, or other lead bearing material, as well as scrap lead and alloys in which the lead content is 50% or more by weight.

(2) "Lead product" means lead in the form of sheet, pipe, ingot, castings, and foil.

(3) "Refiner" means any person who produces lead in refinery shapes, and includes any person who has such lead produced for him under toll agreement.

(4) "Dealer" means any person who procures lead either by importing or from domestic sources for sale or resale without change in form, whether or not such person receives title to or physical delivery of the material, and includes selling agents, warehousemen, and brokers.

(5) "Military order" means a specific contract or sub-contract necessitating the use of lead or lead products in the manufacture of any product, or any component to be physically incorporated into such products, produced for or for the account of the Army or Navy of the United States, Maritime Commission, War Shipping Administration, Veterans Administration or Office of Scientific Research and Development.

(6) "Implement of war" means combat end products, complete for tactical operations (including, but not limited to, aircraft, ammunition, armaments, weapons, ships, tanks, military vehicles and radio and radar equipment), and any parts, assemblies or materials to be incorporated in any of the foregoing items. This term does not include facilities or equipment used to manufacture the foregoing items.

(7) "Use" means to melt, form or alloy lead for introduction into an end product or a component thereof.

(8) "Item" means any article or component thereof.

(c) *Prohibitions on use.* On and after April 1, 1945, no person shall use lead or lead products except for the items and purposes and subject to the qualifications set forth in List I of this order, and then only to the extent necessary to meet applicable specifications or for the proper service performance of the end product or where the use of any less critical material is impracticable or when satisfactory substitutes are prohibited in other War Production Board orders.

(d) *Special directions.* The War Production Board may at any time issue special directions to any person respecting the production, distribution, delivery, or acceptance of delivery of lead.

(e) *Lead from Metals Reserve Company.* Any person unable to obtain pig lead from the regular sources of supply and wishing to procure pig lead from the Metals Reserve Company must make application in writing to the War Production Board on Form WPB–95, not later than the 20th of the month preceding that of shipment.

(f) *Inventory restrictions.* No person shall knowingly deliver to any person and no person shall accept delivery of any quantity of pig lead if the total inventory of pig lead in the hands of the person accepting delivery is, or by virtue of the acceptance will become, in excess of his reasonable anticipated requirements for permissible uses in the next 45 days (except where a minimum carload quantity requested by Office of Defense Transportation exceeds these restrictions). The restrictions of this paragraph do not apply to a refiner, dealer, or scrap dealer.

(g) [Deleted May 1, 1945]

(h) *Restrictions on sales and deliveries of lead.* No person shall sell or deliver any lead to any person if he knows, or has reason to believe, such material is to be used in violation of the terms of this order.

(i) *Appeals.* Any appeal from the restrictions of this order must be by letter in triplicate, referring to the particular provision appealed from and stating fully the grounds for the appeal, and filed with the field office of the War Production Board for the district in which is located the plant or branch of the appellant to which the appeal relates. The appeal shall contain the following information:

(1) Product in which the lead will be used.

(2) Period of time, not exceeding one calendar quarter for which relief is requested.

(3) Monthly schedule of amount of lead to be used.

(4) Prime contract numbers on military orders.

(5) If the appeal is filed because the restrictions on use of lead will prevent the filling of non-military orders of extreme urgency, give exact information as to the use of the product in which the lead is used.

(6) Why other less critical materials cannot be used.

(7) Any other information pertinent to the appeal.

Attention is called to the requirement of Priorities Regulation No. 16 with respect to the statement of manpower requirements which must be submitted with any appeal.

(j) *Priorities Regulation No. 25.* Requests for exceptions from the restrictions of this order may not be made under the provisions of Priorities Regulation No. 25. The use of lead for production authorized under Priorities Regulation No. 25 prior to January 1, 1945, will be subject to the restrictions of this order.

(k) *Records.* All persons affected by this order must maintain accurate and complete records of all transactions as required by Priorities Regulation No. 1, 944.15. Such records must include complete statements of the amounts of lead consumed for the items specified in this order, and the amount of inventory on hand.

(l) *Required reports.* (1) On or before the 20th day of each calendar month each person who purchased or consumed 10 tons or more of lead during the preceding calendar month, or had in his possession or under his control 20 tons or more of lead, shall report such purchases, consumption and stocks on hand at the end of the preceding month to the War Production Board on Form WPB–95.

(2) The War Production Board may from time to time issue special directions requiring any refiner or dealer to file a report showing a schedule of his proposed deliveries of lead.

(3) All persons affected by this order shall execute and file with the War Production Board such other reports as may be required subject to the approval of the Bureau of the Budget.

(4) The reporting and record-keeping provisions of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(m) *Violations.* Any person, who willfully violates any provision of this order or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

(n) *Communications of the War Production Board.* All communications and reports dealing with this order shall be addressed to: War Production Board, Tin, Lead and Zinc Division, Washington 25, D. C., Ref. M–38

Issued this 30th day of August 1945

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

LIST I

Pursuant to the foregoing order, lead and lead products may be used only for the following items and purposes subject to such qualifications on use as are set forth next to the item or purpose; and then only to the extent necessary to meet applicable specifications or for the proper service performance of the end product or where the use of any less critical material is impracticable or when satisfactory substitutes are prohibited in other War Production Board orders.

1. Ammunition for Military Orders.
2. Anchorages for military and industrial equipment and components, including expansion bolts and shields.
3. Anodes for electrolytic refining, chromium plating and for lead plating as permitted in Item 40 of this list.
4. Anti-vibration mats.
5. Babbitt for abrasives and grinding wheels and for securing hardware to radio insulators and for securing end connections of windings and/or for securing enclosures of wire wound restrictors.
6. Ballast for implements of war where available space does not permit the use of material of lower density, for submarines and for surface craft of sizes up to and including destroyers.
7. Bearing Metal.
8. Bolster metal for surgical, table and industrial cutlery.
9. Brake lining and clutch facings.
10. Brass and bronze.
11. Cable covering as permitted by Direction 63 of CMP Regulation #1.
12. Cable sleeving and other accessories necessary for the maintenance, repair and installation of lead covered cable.
13. Cable terminals and bushings for storage batteries.
14. Cames.
15. Caulking of cast iron pipelines (including lead wool) where other material such as sulphur compounds or cement does not provide a leak proof joint.
16. Chemicals subject to the restrictions of Conservation Order M–384.
17. Closure Spouts for drugs and chemicals.
18. Coating of wire and zinc plated sheet, including sheathing.
19. Collapsible tubes, subject to the restrictions of Conservation Order M–115.
20. Counterweights, weights and sliding poises for Military, industrial and laboratory equipment, and implements of war where available space does not permit the use of material of lower density, other than automotive wheel balancing weights.
21. Foil:
    (a) Military orders to the extent that Method IA (not dehydrated) and/or Method II (dehydrated) packaging, as presently defined in the U. S. Army Specification 100–14, U. S. Navy Specification 39–P–16 and British Standard Packaging Code BS–1133, or any new specifications covering the above are expressly specified in the prime contract.
    (b) For component ammunition for military only.
    (c) Electrotypers subject to the restrictions of Order M–43.
    (d) Condensers.
    (e) Cap Liners for packaging drugs.
    (f) Electrostatic shielding of transformer coils and cores.
22. Fire extinguisher and decontaminator components.
23. Gaskets, locknuts and shims.
24. Heat equalization in galvanizing pots and for molten zinc operations.
25. Heat treating and annealing.
26. Implements of War, as defined in Section (b) (6) of the Order.
27. Impression lead.
28. Inserts for treads on non-sparking ladders and stairs.
29. Lead hammers.
30. Lead-headed nails only to the extent that the use of springhead or flathead nails is impracticable.
31. Fusible alloys.
32. Lead lined bowls for centrifugal oil purifiers.
33. Lead wire for determining gear bearing clearances.
34. Lining for acid lockers.
35. Lubricant for cold drawing of steel products.
36. Manufacture and moulding of plastics.
37. Medical, dental and veterinarian equipment and instruments.
38. Metallic and semi-metallic packing.
39. Patterns and dies.
40. Plating or coating where lead is used in place of either cadmium or tin, or where corrosion makes the use of any other material impractical.
41. Powder for military uses, powder metallurgy and gear lubricants.
42. Production of rayon.
43. Refining of platinum group metals, gold and silver, and metallic sodium.
44. Repair of existing lead construction.
45. Seals for pilfering and tampering protections.
46. Sheath for curing process of rubber.
47. Sheet, pipe (including lead lined pipe), valves, fittings, burning bars and castings to be used.
    (a) In chemical and processing equipment to the extent that corrosion makes the use of any other material impracticable.
    (b) In water service lines to the extent that municipal, state or Federal regulations permit no substitutes or sound water works practice requires its use.
48. Sinkers for military requirements and commercial fishing.
49. Solder subject to the restrictions of Order M–43.
50. Sounding Leads.
51. Spectrographs and spectrophotometers.
52. Storage batteries, including lead content of oxide and cell covers. *Provided*, That the antimony content in any antimonial lead used for grids, connecting parts or components for storage batteries shall not exceed nine (9%) percent, except where specified for contracts of the Army or Navy of the United States, the U. S. Maritime Commission or the War Shipping Administration where an alloy with a higher content of antimony is mandatory, for:
    (a) Military orders.
    (b) Original equipment.
    (c) [1] Industrial type, for the third quarter of 1945, 25% of the amount of lead used for the same purpose during the calendar year of 1944.
    (d) Automotive SLI type, for replacement purposes, for the third quarter of 1945, 25% of the amount of lead used for the same purpose during the calendar year of 1944.
53. Terne plate and Terne metal subject to restrictions of Conservation Order M–43.
54. Tetra ethyl subject to the restrictions of PAW directives.
55. Turbine and gear bearing oil deflectors.
56. Turbine gland labyrinth and diaphragm packing.
57. Type metal for use in printing trade.
58. Vocational purposes where lead is reused and in laboratories for analytical purposes and research.
59. X-ray purposes and Radiography.
60. Zinc production.
61. For use to comply with safety regulations issued under Government authority which requires the use of lead to the extent employed, or in safety equipment.

[1] An Industrial Storage Battery means an electric storage battery of other than SLI type which has been completely assembled and sealed, whether charged or uncharged and which is designed and built for industrial applications such as, but not confined to, railway signaling and lighting, mine locomotives, industrial trucks, farm lighting, public utilities stand-by equipment, commercial radio installations, airplane and commercial boat installations and components thereof.

[F. R. Doc. 45–16274; Filed, Aug. 30, 1945; 11:32 a. m.]

PART 1010—SUSPENSION ORDERS

[Suspension Order S–698, Revocation]

HAWKINS HARDWARE CO.

Suspension Order No. S–698 was issued January 22, 1945, against Hawkins Hardware Company of Hebron, Nebraska, for violation of Limitation Orders L–79 and L–86 and Conservation Order L–41. In view of the recent revocation of Limitation Orders L–79 and L–86 and the recent amendment to Conservation Order L–41, the Chief Compliance Commissioner has directed that Suspension Order No. S–698 be revoked forthwith.

In view of the foregoing, it is hereby ordered, that: § 1010.698 *Suspension Order No. S–698* be revoked, effective August 30, 1945.

Issued this 30th day of August 1945.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 45–16279; Filed, Aug. 30, 1945; 11:32 a. m.]

PART 3175—REGULATIONS APPLICABLE TO THE CONTROLLED MATERIALS PLAN

[CMP Reg. 1, Direction 77]

The following direction is issued pursuant to CMP Regulation 1:

Manufacturers need not return any allotments to their claimant agency or the War Production Board when they no longer need the allotments. The provisions of this Direction supersede contrary provisions in paragraphs (e), (u), (w) and Interpretation 31 of CMP Regulation 1.

Issued this 30th day of August 1945.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 45–16272; Filed, Aug. 30, 1945; 11:32 a. m.]

PART 3281—PULP AND PAPER

[General Conservation Order M–241, as Amended Aug. 30, 1945]

PAPER AND PAPERBOARD

§ 3281.63 *General Conservation Order M–241*—(a) *Applicability of regulations.* This order and all transactions affected thereby are subject to all applicable regulations of the War Production

Board, as amended from time to time, except to the extent of any inconsistency, in which event the provisions of this order shall govern.

(b) *Definitions.* For the purpose of this order:

(1) "Person" means any individual, partnership, association, business trust, corporation, governmental corporation or agency, or any organized group of persons whether incorporated or not.

(2) "Produce" and "manufacture" mean and include all making and finishing operations prior to packing or packaging.

(3) "Finished production" means paper or paperboard ready for packing or packaging.

(4) "Grade" means any kind of paper or paperboard for which a caption or subcaption is provided in Form WPB-514 or any particular grade even though not specifically mentioned within such kind, except those grades listed below which are covered by other WPB orders as specified. Also included are all the coated papers not mentioned by captions but for which any captioned grade or item thereunder is used as a base stock.

Paper and paperboard under the following WPB-514 Captions in the table immediately following are specifically excluded from this order and are subject to and should be reported under the appropriate controlling order indicated therein.

TABLE I

Type	WPB-514 caption	Controlling order
Container board	210000 through 219000	M-280
Paperboard	220000 through 229000 (except 240000 through 249000, 253000 and "Sanitary food container" 224001 through 224005, 224008 and 261200, 261300, 262000).	M-378
Building boards	261200, 261300 and 262000	M-79
Asbestos and asbestos filled paper.	123000	

(5) "Paper merchant" means a person principally engaged in the business of buying and reselling paper and paperboard.

(c) [Deleted Aug. 30, 1945.]

(d) *Reserve production.* (1) (i) Each manufacturer shall reserve in his total over-all production of paper and paperboard for the month of October, 1944, and for each calendar month thereafter time and supplies sufficient to produce and deliver within such month the following percentage applied either to his total production or to his production of a stated "grade" or "class" as indicated in Table II:

TABLE II

NOTE: Table II amended in its entirety Aug. 30, 1945.

Type	WPB-514 caption	Percent
(Class) Rag content fine papers	041100 to 041160 inclusive and 043100 to 043150 inclusive and 046100.	35
(Class) All other papers and paperboards	All other captions except those excluded under paragraph (b) (4).	20

The War Production Board may from time to time change such percentage or percentages and apply percentages to other grades or combinations, by notice in writing to each manufacturer or by publication in the FEDERAL REGISTER prior to the first of the month to the production of which such change is applicable.

(ii) When production is reserved by applying a percentage to a "Class" as in Table II, the production of such "Class" for which the manufacturer is obligated shall be determined by applying the percentage to the average monthly production of such class which the manufacturer has, by record, reported for his most recent three calendar months on Form WPB-514.

(iii) On or before the 15th day of any month, the War Production Board may direct any manufacturer to employ his reserve production for any month to produce any grade of paper or paperboard which such manufacturer is qualified to produce and in any quantity not exceeding the percentage of his production designated for such month by the War Production Board less his tonnage credit current at the time against such month's reserve production under the provisions of paragraph (d) (4). Similar directions may be issued by the War Production Board after the 15th day of any month under paragraph (d) (2) (ii). The War Production Board may require the manufacturer to sell and deliver such tonnage to any person it may name. The manufacturer may refuse to so produce, sell, or deliver such reserve production only for the reasons specified for the refusal of rated orders in § 944.2 of Priorities Regulation No. 1.

(2) (i) If, on or before the 15th day of any month in which production is reserved, the manufacturer does not receive from the War Production Board directions as to the disposition of all production reserved in such month, he may employ, subject to the provisions of paragraph (d) (2) (ii) below, the production for which no directions have been received as he may desire consistent with the provisions of this and other orders of the War Production Board.

(ii) If, as of record with the War Production Board on the 15th day of any month, a manufacturer of paper or paperboard has not been credited with accepting voluntarily or by directive from the War Production Board an order or orders for paper and paperboard to be delivered directly or through another person to the Armed Forces (i. e., the first six procurement activities listed in paragraph (d) (5)) from his production in such month in a total amount equal to 30% of his reserve production by type, the manufacturer shall continue to be obligated for such month until the close of the fourth calendar day prior to the first day of the next succeeding month, for that portion of such percentage of his reserve production for which he has accepted no orders for delivery to the Armed Forces.

(3) [Deleted Aug. 30, 1945.]

(4) (i) *Credit for directed tonnage.* Should the War Production Board direct a manufacturer of paper or paperboard to accept an order to be shipped from his reserve production, the reserve production for which such manufacturer is obligated shall be reduced (except as provided in the paragraph immediately following) by the tonnage specified in such directive, and such reduction concurrently recorded to such manufacturer's credit on the records of the War Production Board.

(ii) *When directed tonnage is not credited.* Credit against the reserve production obligations of a manfacturer is not given for the tonnage specified in a directive when the following conditions prevail:

(*a*) Any one of the first six procurement activities (the Armed Forces) requests a qualified manufacturer to bid on a contract or accept a purchase order from such activity, and

(*b*) The manufacturer fails to bid on the contract or refuses to voluntarily accept the purchase order, and

(*c*) The War Production Board records on the acceptance of contracts and purchase orders by such manufacturer against his reserve production show that the acceptance of such contract or part thereof or such purchase order at the time the request was issued would not have caused him to produce more tonnage in any month than his reserve production obligations for such month, and

(*d*) Because of such failure to bid on the contract or refusal to accept the purchase order, a directive is issued to the manufacturer by the War Production Board.

(iii) Any manufacturer who has accepted, directly or through another person, an order or orders for paper or paperboard to be produced for the account of any activity or use listed in paragraph (d) (5), shall immediately report such acceptance in triplicate on Form WPB-3270 and thereafter shall immediately report to the War Production Board on such form any change requested by the purchaser in any previously reported order or orders, if such change involves cancellation, or a change in quantity or in the month of manufacture. When the proper order or orders or requested changes reported on Form WPB-3270 have been correctly reported to the War Production Board, the manufacturer will be notified accordingly and credit against the manufacturer's reserve production will be recorded, subject to the provisions of paragraph (d) (2) (ii). Thereafter the manufacturer shall produce such orders according to his schedule as so reported to the War Production Board. (The reporting requirements of this paragraph have been approved by the Bureau of the Budget, pursuant to the Federal Reports Act of 1942.)

(5) Procurement activities:

1. United States Army.
2. United States Army Map Service.
3. United States Army Air Forces.
4. United States Navy.
5. The United States Marine Corps.
6. The United States Coast Guard.
7. United States Maritime Commission and War Shipping Administration.
8. Lend-Lease Administration — Foreign Economic Administration.
9. Panama Canal.
10. Bureau of Public Debt.
11. United States Government Printing Office.
12. United States Bureau of Engraving and Printing.
13. Procurement Division of the United States Treasury and the Veterans Administration.
14. Office of Economic Warfare—Foreign Economic Administration (orders with an F. E. A. approved export license).
15. United States Post Office.
16. Rubber Reserve Corporation.
17. Producers of products, or parts thereof, for any of the sixteen procurement activities listed above to the extent that the primary paper or paperboard is to be used exclusively as a component part of the product or part thereof, or is to be used exclusively for the necessary packaging of the product or part thereof, to be delivered on a contract or purchase order issued by such activity. (Report Government Department, Order Number and Name of Convertor or user. If the use of the paper cannot be identified directly with a Government Order Number by a producer of a product of indirect military or Governmental nature, then the CMP Allotment Symbol, if available, and the name of the product may be supplied for identification.)

(e) *Restrictions on inventory.* Unless specifically authorized by the War Production Board or excepted by paragraph (e) (5):

(1) *Consumers inventories except those covered by L-240.* (i) No person shall knowingly deliver to any person except a paper merchant, and no person except a paper merchant shall accept delivery of, any quantity of paper or paperboard if such person's total inventory is, or will by virtue of such delivery become, in excess of the greater of (a) thirty tons or (b) thirty calendar days' supply on the basis of his average rate of consuming such paper and paperboard for the latest preceding three full calendar months.

(ii) Regardless of the provisions of (1) (i) above no person shall knowingly deliver to a manufacturer of folding boxes, setup boxes, or paper shipping sacks and no manufacturer of folding boxes, setup boxes, or paper shipping sacks shall accept delivery of any quantity of paper or paperboard if the manufacturer's total inventory of paper and paperboard is, or will by virtue of such delivery become, in excess of the greater of (a) forty tons or (b) sixty calendar days' supply on the basis of his average rate of consuming such paper and paperboard during the latest preceding three full calendar months.

(2) *Merchant inventories.* No paper merchant shall accept delivery of, and no person shall knowingly deliver to a paper merchant, any paper or paperboard for his warehouse stock if the dollar inventory value, as determined by customary accounting practice, of all paper and paperboard (excluding that which has been sold to and paid for by another person) in the merchant's store and warehouses exceeds or by virtue of such delivery will exceed fifty percent (50%) of the total merchant cost price of the merchant's total dollar sales from his store and warehouse inventory during the first six months of 1944. Each affiliate, subsidiary or branch is to be considered individually in applying the provisions of this paragraph.

(3) *Mill inventories.* "Mill inventory" means all paper and paperboard other than that produced or being produced for prompt shipment against a definite order.

No person shall produce at any mill any quantity of paper or paperboard, if his total inventory at such mill is, or will by virtue of such production become, in excess of the greater of (a) thirty tons, or (b) thirty calendar days' supply on the basis of the average rate of shipment of paper or paperboard from such mill during the latest preceding three full calendar months.

(4) (i) *Restrictions on delivery of all paper except newsprint: certification requirements.* No mill or other supplier shall sell or deliver to a paper merchant any paper, except newsprint, unless the paper merchant has previously furnished the mill with a certification in substantially the following form signed manually or as provided in Priorities Regulation No. 7 by an official duly authorized for such purpose:

The undersigned certifies, subject to the penalties of section 35 (A) of the U. S. Criminal Code, to the seller and to the War Production Board that he is familiar with Order M-241 and that all purchases by him of items regulated by that order, as amended from time to time, will be in compliance therewith.

No paper merchant and no person on behalf of a paper merchant may order or accept delivery of any paper (except newsprint), from a paper mill or other supplier unless he furnishes, or has previously furnished to the person making the delivery the certification described above. The above certification must be used and the certification provided for in Priorities Regulation No. 7 may not be used in its place. This is a one-time certification and need not accompany each individual order for paper.

(ii) *Certification requirements for newsprint deliveries.* No mill or other supplier may sell or deliver to any person, and no person may accept, any newsprint except on a delivery order bearing or accompanied by a certification substantially in the form set forth below. This certification must be signed manually or as provided in Priorities Regulation No. 7 by the purchaser or by an official duly authorized for such purpose.

The undersigned certifies, subject to the penalties of section 35 (A) of the U. S. Criminal Code, to the seller and to the War Production Board; (a) that he is permitted to place this delivery order and to accept the newsprint ordered; (b) that the newsprint will be used or delivered, or that it is required to replace in inventory newsprint previously used or delivered, under the following War Production Board Order: L-240.

The above certification must be placed on, or must accompany, each delivery order for newsprint placed by any person, and the certification provided for in Priorities Regulation No. 7 may not be used in its place. Paper mills have orders for more newsprint than the mills are capable of filling. It is the intention of the War Production Board that previous users of newsprint who purchase through dealers shall receive the same consideration as those who purchase directly from the mills. These certifications will provide the mills with the information necessary to enable them to deliver newsprint to direct purchasers and (through dealers) to indirect purchasers on the basis of previous usage of newsprint.

(iii) No manufacturer, paper merchant or other person shall sell or deliver paper or paperboard to any other person whose inventory or use of paper or paperboard is controlled by one of the orders in List I below unless and until he has received such certificates (if any) as may be called for under the order governing delivery and use of the paper and paperboard by the purchaser:

LIST I

L-240..... Newspaper publishers
M-241..... Paper and paperboard

(5) *Item inventories.* The restrictions of paragraph (e) apply equally to paper and paperboard of foreign and domestic origin, and apply to intra company deliveries as defined in § 944.12 of Priorities Regulation No. 1. They do not, however, apply to those papers commonly reported on United States Department of Commerce (Census) Form WPB-514, as revised, under the captions "Blueprint and similar base stock (043110 and 043210); photographic and other sensitizing stock (043130, 043220 and 043230); and Cigarette (047300)"; or to any paper or paperboard after it is printed or to paper or paperboard converted otherwise than by coating.

(f) *Miscellaneous provisions*—(1) *Records.* All persons affected by this order shall keep and preserve for not less than two years accurate and complete records concerning inventories, production and sales.

(2) *Audit and inspection.* All records required to be kept by this order shall upon request, be submitted to audit and inspection by duly authorized representatives of the War Production Board.

(3) *Reports.* All persons affected by this order shall execute and file with the War Production Board such reports

and questionnaires as said Board shall

seded by Office of Price Administration

1. *Contractor inventory.* All owning

TITLE 46—SHIPPING

INTERSTATE COMMERCE COMMIS-

[Rev. S. O. 346, General Permit 5]

reserve production for any month to produce any grade of paper or paperboard which such manufacturer is qualified to produce and in any quantity not exceeding the percentage of his production designated for such month by the War Production Board less his tonnage credit orders of the War Production Board.

(ii) If, as of record with the War Production Board on the 15th day of any month, a manufacturer of paper or paperboard has not been credited with accepting voluntarily or by directive manufacture. When the proper order or orders or requested changes reported on Form WPB-3270 have been correctly reported to the War Production Board, the manufacturer will be notified accordingly and credit against the manu-

paperboard if the manufacturer's total inventory of paper and paperboard is, or will by virtue of such delivery become, in excess of the greater of (a) forty tons or (b) sixty calendar days' supply on the basis of his average rate of consuming or accompanied by a certification substantially in the form set forth below. This certification must be signed manually or as provided in Priorities Regulation No. 7 by the purchaser or by an official duly authorized for such purpose.

upon request, be submitted to audit and inspection by duly authorized representatives of the War Production Board.

(3) *Reports.* All persons affected by this order shall execute and file with the War Production Board such reports

and questionnaires as said Board shall from time to time request, subject to the approval of the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

(4) *Violations.* Any person who wilfully violates any provision of this order or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States, is guilty of a crime and upon conviction may be punished by fine or imprisonment. In addition any such person may be prohibited from making or obtaining further deliveries of or from processing or using materials under priority control and may be deprived of priorities assistance.

(5) *Appeals.* Any appeal from the provisions of this order shall be made by filing a letter in triplicate, referring to the particular provision appealed from and stating fully the grounds of the appeal.

(6) *Communications.* All communications concerning this order shall unless otherwise directed be addressed to War Production Board, Paper Division, Washington 25, D. C., Ref.: M-241.

Issued this 30th day of August 1945.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

NOTE: Appendix A deleted Aug. 30, 1945.

[F. R. Doc. 45-16275; Filed, Aug. 30, 1945; 11:32 a. m.]

PART 3290—TEXTILE, CLOTHING AND LEATHER

[Conservation Order M-310, Revocation of General Direction 10]

DELIVERY OF GOATSKIN LEATHER ON MILITARY ORDERS

General Direction 10 to Conservation Order M-310 is revoked.

This revocation does not affect any liabilities incurred for violation of this direction or of actions taken by the War Production Board under the direction. The manufacture, sale, delivery and use of goatskin leather remain subject to all other applicable regulations and orders of the War Production Board.

Issued this 30th day of August 1945.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 45-16276; Filed, Aug. 30, 1945; 11:32 a. m.]

PART 3292—AUTOMOTIVE VEHICLES, PARTS AND EQUIPMENT

[General Limitation Order L-2-g Revocation]

Section 3292.36 *General Limitation Order L-2-g* is hereby revoked. This revocation does not affect any liabilities incurred for the violation of this order or of actions taken by the War Production Board under it.

On and after September 1, 1945, the control of the equipment of new automobiles with spare tires will be superseded by Office of Price Administration Ration Order 1-A, as amended.

This revocation becomes effective September 1, 1945.

Issued this 30th day of August 1945.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 45-16273; Filed, Aug. 30, 1945; 11:32 a. m.]

Chapter XXIII—Surplus Property Board

[SPB Reg. 1, Revocation of Order 4]

PART 8301—DESIGNATION OF DISPOSAL AGENCIES AND PROCEDURES FOR REPORTING SURPLUS PROPERTY WITHIN THE CONTINENTAL UNITED STATES, ITS TERRITORIES AND POSSESSIONS

Order No. 4 under Surplus Property Board Regulation No. 1 (10 F.R. 5806), entitled "Approval of Delegation of Authority by Reconstruction Finance Corporation to Foreign Economic Administration in Panama Canal Zone" is hereby revoked and rescinded.

This revocation shall become effective on September 4, 1945.

SURPLUS PROPERTY BOARD,
By W. STUART SYMINGTON,
Chairman.

AUGUST 27, 1945.

[F. R. Doc. 45-16269; Filed, Aug. 30, 1945; 11:31 a. m.]

[SPB Rev. Reg. 8, Amdt. 2]

PART 8308—FOREIGN DISPOSAL [1]

Section 8308.1 (d) of Surplus Property Board Revised Regulation 8, July 25, 1945, entitled "Foreign Disposal" (10 F.R. 9540, 10031), is hereby amended to read as follows:

(d) "Foreign area" means any area outside of the continental United States, its territories and possessions. For the purpose of administering the Surplus Property Act and the regulations of the Surplus Property Board, the Panama Canal Zone, the Philippine Islands and all military bases leased to the United States by foreign governments shall be considered foreign areas.

This amendment shall become effective on September 4, 1945.

SURPLUS PROPERTY BOARD,
By W. STUART SYMINGTON,
Chairman.

AUGUST 27, 1945.

[F. R. Doc. 45-16270; Filed, Aug. 30, 1945; 11:31 a. m.]

PART 8309—CONTRACTOR INVENTORY AND DISPOSALS BY OWNING AGENCIES

[SPB Reg. 9,[1] Order 2]

FORMS FOR REPORTING CONTRACTOR INVENTORY AND DISPOSALS BY OWNING AGENCIES

Pursuant to the authority of the Surplus Property Act of 1944 (58 Stat. 765, 50 U. S. C. App. Sup. 1611), and in accordance with § 8309.20, *It is hereby ordered*, That:

1. *Contractor inventory.* All owning agencies are required to report contractor inventories and disposals thereof.

The owning agencies shall report monthly to the Surplus Property Board inventories and disposals of contractor inventory in the continental United States on Form SPB-13, "Contractor inventory for which contractor has requested disposition: Summary of property disposal requests received, disposed of, and on hand", as attached hereto, Form SPB-14, "Contractor inventory for which contractor has requested disposition: Analysis of disposals to or by contractors in possession", as attached hereto, and Form SPB-15, "Contractor inventory for which contractor has requested disposition: Analysis of disposals of property possessed by owning agency", as attached hereto, in accordance with instructions accompanying these forms.

In addition to these monthly summary progress reports, the Board may request, from time to time, detailed reports on segments of contractor inventory disposals, analyzing such disposals by contractor, commodity, location, and other characteristics.

2. *Disposals by owning agencies.* The owning agencies required to report disposals of waste, scrap, and salvage; small lots; any product of a research, agricultural, or livestock operation; emergency disposals; and property destroyed or abandoned are: War Department, Navy Department, U. S. Maritime Commission, Reconstruction Finance Corporation, Treasury Department, Foreign Economic Administration, Civil Aeronautics Administration, Department of Agriculture, and Federal Public Housing Authority.

These agencies shall report monthly to the Surplus Property Board disposals in the continental United States, its territories and possessions, by the owning agency of waste, salvage, and scrap; small lots; any product of a research, agricultural, or livestock operation; emergency disposals; and property destroyed or abandoned, on Form SPB-16, "Monthly report on disposals by owning agency: waste, salvage, and scrap; small lots; and any product of research, agricultural, or livestock operation", as attached hereto,[2] in accordance with instructions accompanying this form

3. *Reproduction of forms.* Forms SPB-13, SPB-14, SPB-15, and SPB-16, may be reproduced by the owning agencies provided that the sizes and formats are identical with those of the forms on file with the Division of the Federal Register, sample copies of which may be obtained from the Board.

This order shall become effective immediately.

NOTE: All reporting requirements of this part have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

SURPLUS PROPERTY BOARD,
By W. STUART SYMINGTON,
Chairman.

AUGUST 17, 1945.

[F. R. Doc. 45-16271; Filed, Aug. 30, 1945; 11:31 a. m.]

[1] 10 F.R. 7413, 8866.

[2] Filed with the Division of the Federal Register.

TITLE 46—SHIPPING

Chapter I—Coast Guard: Inspection and Navigation

Subchapter K—Seamen

PART 138—RULES AND REGULATIONS FOR ISSUANCE OF CERTIFICATES AND CONTINUOUS DISCHARGE BOOKS

CERTIFICATES OF SERVICE

By virtue of the authority vested in me by R. S. 4405, secs. 1, 7, 49 Stat. 1930, 1936, sec. 1, 50 Stat. 49, (46 U.S.C. 375, 643, 672, 689) and Executive Order No. 9083, dated February 28, 1942, (3 CFR Cum. Supp.), the following amendment to the regulations is prescribed:

Section 138.6 paragraph (h) is hereby rescinded.

Dated: August 29, 1945.

L. T. CHALKER,
Rear Admiral, USCG,
Acting Commandant.

[F. R. Doc. 45-16236; Filed, Aug. 30, 1945; 9:16 a. m.]

Notices

FEDERAL POWER COMMISSION.

[Docket No. G-657]

OHIO FUEL GAS CO.

ORDER FIXING DATE OF HEARING

AUGUST 28, 1945.

Upon consideration of the application filed August 20, 1945, by The Ohio Fuel Gas Company, a corporation organized under the laws of the State of Ohio with its principal place of business at 99 North Front Street, Columbus, Ohio, for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, as amended, to authorize the construction and operation of (1) approximately 18½ miles of 5-inch and 6-inch gas transmission pipe line from the terminus of applicant's existing 6-inch transmission line serving the City of Urbana, Champaign County, Ohio, to Bellefontaine, Logan County, Ohio, and (2) a gas pressure regulating and measuring station, for the purpose of supplying natural gas at wholesale to the City of Bellefontaine, Ohio, which now owns and operates a municipal manufactured-gas distribution system and which is to be converted for the distribution of natural gas if the proposed construction is authorized:

The Commission orders that:

(a) A public hearing be held commencing on September 13, 1945, at 10:00 o'clock a. m. in New Federal Building, 85 Marconi Boulevard, Columbus, Ohio, concerning the matters involved and the issue presented in this proceeding;

(b) Interested state commissions may participate in said hearing as provided in § 67.4 of the provisional rules of practice and regulations under the Natural Gas Act.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 45-16245; Filed, Aug. 30, 1945; 11:14 a. m.]

INTERSTATE COMMERCE COMMISSION.

[S. O. 70-A, Special Permit 1034]

RECONSIGNMENT OF GRAPES AT CHICAGO, ILL.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph (§ 95.35, 8 F.R. 14624) of Service Order No. 70-A of October 22, 1943, permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard entirely the provisions of Service Order No. 70-A insofar as it applies to the reconsignment at Chicago, Illinois, August 25, 1945, by The Schuman Co. of car NRC 5778, grapes, now on the Chicago Produce Terminal to Cincinnati, Ohio, (C. & O. Ry.)

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 27th day of August 1945.

V. C. CLINGER,
Director,
Bureau of Service.

[F. R. Doc. 45-16240; Filed, Aug. 30, 1945; 11:12 a. m.]

[Rev. S. O. 346, General Permit 4]

ICING OF VEGETABLES AT CHICAGO, ILL.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph of Revised Service Order No. 346 (10 F.R. 10035), permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard the provisions of Revised Service Order No. 346 insofar as it applies to the quantity of retop ice furnished at Chicago, Illinois, one time only.

This general permit shall become effective at 12:01 a. m., August 29, 1945.

The waybills shall show reference to this general permit.

A copy of this general permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 28th day of August 1945.

V. C. CLINGER,
Director,
Bureau of Service.

[F. R. Doc. 45-16241; Filed, Aug. 30, 1945; 11:12 a. m.]

[Rev. S. O. 346, General Permit 5]

ICING OF PEAS, BROCCOLI AND CAULIFLOWER FROM COLORADO

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph of Revised Service Order No. 346 (10 F.R. 10035), permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

On any straight carload of peas, broccoli or cauliflower, or a mixed carload of broccoli and cauliflower, originating at any point in Colorado, to disregard the provisions of Revised Service Order No. 346 insofar as it applies to the furnishing of one retop icing in transit only, with not to exceed 12,000 pounds of retop ice, at any point west of the Mississippi River; and two retop icings at points east of the Mississippi River of not to exceed 8,000 pounds of retop ice each, except as shown in General Permit No. 4 under this order.

This general permit shall become effective at 12:01 a. m., August 30, 1945, on cars billed or rolling at that time.

The waybills shall show reference to this general permit.

A copy of this general permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 28th day of August 1945.

V. C. CLINGER,
Director,
Bureau of Service.

[F. R. Doc. 45-16242; Filed, Aug. 30, 1945; 11:12 a. m.]

[Rev. S.O. 346, Special Permit 7]

ICING OF MIXED VEGETABLES AT ST. LOUIS, MO.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph of Revised Service Order No. 346 (10 F.R. 10035), permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard the provisions of Revised Service Order No. 346 insofar as it applies to the retop icing with not to exceed 6,000 pounds, retop ice PFE 92716, mixed vegetables, at St. Louis, Missouri, on Mo. Pac. as ordered by United Fruit & Produce Company, St. Louis, Missouri.

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 27th day of August 1945.

V. C. CLINGER,
Director,
Bureau of Service.

[F. R. Doc. 45-16243; Filed, Aug. 30, 1945; 11:12 a. m.]

[Rev. S. O. 346, Special Permit 8]

ICING OF PEAS AT BALTIMORE, MD.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph of Revised Service Order No. 346 (10 F.R. 10035), permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard the provisions of Revised Service Order No. 346 insofar as it applies to the furnishing of not to exceed 10,000 pounds top ice, ART 23456, peas, on PRR at Baltimore, Maryland, as ordered by Fava Fruit Company.

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 27th day of August, 1945.

V. C. CLINGER,
Director,
Bureau of Service.

[F. R. Doc. 45-16244; Filed, Aug. 30, 1945; 11:12 a. m.]

OFFICE OF PRICE ADMINISTRATION.

[Supp. Order 108,[1] Special Order 3]

TEMPORARY ADJUSTMENT OF CERTAIN MAXIMUM AVERAGE PRICES

An opinion accompanying this Special Order No. 3, under section 17 of Supplementary Order 108 has been issued simultaneously herewith and filed with the Division of the Federal Register.

SECTION 1. *Purpose of this order.* This special order contains a list of prices, hereafter called "exemption prices," for specified categories listed in section 7. Persons who delivered items in those categories in their base periods at prices below these exemption prices may recompute their maximum average prices for the third and fourth quarters of 1945 under this order.

SEC. 2. *Manufacturers to whom this order applies.* This order applies only to manufacturers of the categories listed in section 7 who have filed charts listing their maximum average prices for those categories under Supplementary Order 108. In this order, the maximum average prices which you listed in your chart are called "original maximum average prices."

[1] 10 F.R. 4336, 5995, 6402, 8368.

SEC. 3. *How to recompute your maximum average prices for the third and fourth quarters of 1945—(a) Persons who used quarterly base periods.* If you have used quarterly base periods for a particular category, you may recompute a separate maximum average price for each of the third and fourth quarters of 1945, as follows:

Step 1. For each such quarter, find those deliveries in the category, which you made during the base period for that quarter at net prices lower than the exemption price listed for the category in column 2 of section 7.

Step 2. Find the total net dollar amount charged for those deliveries.

Step 3. Multiply the number of units delivered at those lower prices by the exemption price for that category.

Step 4. Subtract 2 from 3.

Step 5. Add the difference to your total net dollar amount charged for that category during your base period.

Step 6. Divide the result by the total number of units delivered during your base period.

You have now recomputed your maximum average price for that category (called hereafter your "recomputed maximum average price") as if all the units you delivered at prices below the exemption price had been delivered at the exemption price.

(b) *Persons who used half-year base periods.* If you have used half-year base periods for a particular category, your base period is six months instead of two separate quarters, and thus you have the same maximum average price for each of the last two quarters of 1945. Therefore, you follow the six steps in paragraph (a) using all of your deliveries in the category for the six months period rather than for the quarterly periods. This will give you one recomputed maximum average price for each of the last two quarters of 1945.

(c) *Persons who used year-round base periods.* If you have used a year-round base period for a particular category, in following Steps 1 through 6, you must consider all deliveries in the category during the entire year 1943 to find your recomputed maximum average price.

SEC. 4. *Adjustment of maximum average prices.* If you recomputed your maximum average prices for any category under section 3 of this order, you may increase your original maximum average prices for the 3d and 4th quarters of 1945 to the maximum average prices you recomputed for each of those quarters.

SEC. 5. *Filing of new maximum average prices.* If you wish to use your adjusted maximum average prices for the third and fourth quarters of 1945, you must, on each copy of your quarterly report for the third quarter of 1945, state your adjusted maximum average price for the third quarter of 1945 instead of your original maximum average price for each category for which you have adjusted your maximum average prices under this order. In addition, you must file a separate statement together with each copy of this quarterly report showing your adjusted maximum average prices for the fourth quarter of 1945, and you must also state the following information separately for the third and fourth quarters:

(a) Category number of each category whose adjusted maximum average price has been found under section 3.

(b) Total net dollar amount charged for items in the category delivered during your base period for the quarter at prices below the exemption price.

(c) Total number of units delivered in the category during your base period for the quarter at net prices below the exemption price.

SEC. 6. *Effect of this order on other regulations.* No provision of this order shall be construed to amend or change the provisions of the maximum price regulations applicable to the items covered by this order, including the highest price line limitations.

SEC. 7. *Exemption prices.*

(1) Category No.—	(2) *Exemption price*
A-1	$10.81 each.
A-4	$7.82 each.
A-7	$4.37 each.
A-10	$4.37 each.
A-13	$3.91 each.
A-16	$3.22 each.
A-17	$14.49 per dozen.
A-18	$2.30 each.
A-20	$1.72½ each.
A-21	$1.61 each.
A-23	$1.21 each.
A-24	$14.49 per dozen.
A-25	$11.04 per dozen.
A-26	$5.29 each.
A-27	$20.70 per dozen.[1]
A-27	$15.18 per dozen.[2]
A-28	$3.22 each.
A-29	$3.77 each.
A-30	$14.49 per dozen.
A-31	$2.30 each.
A-32	$2.40 each.
A-33	$10.35 per dozen.
A-34	$17.60 per dozen.
A-36	$12.42 per dozen.
A-37	$15.18 per dozen.
A-39	$8.97 per dozen.
A-40	$10.58 per dozen.
A-42	$7.82 per dozen.
A-43	$9.66 per dozen.
B-1	$6.21 per dozen.
B-2	$11.50 per dozen.
B-4	$5.52 per dozen.
B-5	$10.25 per dozen.
B-6	$20.70 per dozen.
B-8	$7.36 per dozen.
B-9	$10.06 per dozen.
B-11	$15.18 per dozen.
B-12	$22.08 per dozen.
B-14	$8.28 per dozen.
B-16	$14.49 per dozen.
B-22	$7.82 per dozen.
B-23	$2.99 per dozen.
B-25	$3.68 per dozen.
B-34	$8.05 each.
B-35	$2.53 each.
B-36	$3.22 each.
B-37	$2.53 each.
B-38	$16.56 per dozen.
B-39	$20.70 per dozen.
B-41	$7.82 per dozen.
B-42	$5.29 per dozen.
B-43	$20.70 per dozen.
B-45	$5.29 per dozen.
B-47	$30.36 per dozen.
C-2	$6.90 per dozen.
C-3	$9.66 per dozen.
C-4	$6.90 per dozen.
E-78	$4.00 per dozen.
E-79	$3.25 per dozen.
E-120	$3.28 each.
E-121	$8.46 each.
E-122	$4.00 each.
E-123	$3.06 each.
E-124	$7.52 each.
E-125	$3.53 each.

[1] For third quarter only.
[2] For fourth quarter.

NOTE: All reporting and record-keeping requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

This order shall become effective September 4, 1945.

Issued this 29th day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-16228; Filed, Aug. 29, 1945; 4:28 p. m.]

[MPR 188, Order 108 under Order A-2]

W. B. MARVIN MFG. CO.

ADJUSTMENT OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to paragraph (a) (16) of Order A-2 under § 1499.159b of Maximum Price Regulation No. 188, it is ordered:

(a) *Manufacturer's maximum prices.* W. B. Marvin Manufacturing Company, Urbana, Ohio, may sell and deliver to jobbers, the articles of "Metal Louver Window Ventilators" of its manufacture at prices no higher than its prices for such sales, in effect immediately prior to the effective date of this order plus the adjustment charges set forth below:

Article	Model No.	Current maximum price to Jobbers	Permitted adjustment	Adjusted maximum price to Jobbers
Metal louver window ventilator.	401 and 137.	*Dozen* $2.73	*Dozen* $0.31	*Dozen* $3.04
Metal louver window ventilator.	1136 and 237.	3.46	.43	3.89

These adjusted maximum prices may be charged and collected only if the amounts of the adjustment are specifically stated on each invoice. The adjusted maximum prices are subject to the manufacturer's customary terms, discounts, allowances, and other price differentials in effect during March 1942 for sales to this class of purchaser.

(b) *Maximum prices of purchasers for resale.* A person who hereafter buys an article covered by this order and resells it in substantially the same form, may collect from his customer, in addition to his properly established maximum price in effect prior to the issuance of this order, an adjustment charge in the same amount as the adjustment charge herein authorized for and which he pays to his supplier. If such a purchaser did not have an established maximum price for sales of the article prior to the issuance of this order, he may add the same adjustment charge to the maximum price which he hereafter establishes for his sales under the applicable price regulation. If the applicable regulation requires maximum resale price to be computed on the basis of costs, the reseller must find his maximum prices (without the permitted adjustment charge) by using as costs his invoice costs not including any adjustment charges stated on the invoice. On all sales except sales to ultimate consumers these additional adjustment charges may be made and collected only if they are separately stated on each invoice. The adjusted maximum prices are subject to each seller's customary terms, discounts, and allowances on sales to the same or similar articles, to each class of purchaser.

(c) *Notification.* At the time of or prior to the first invoice to a purchaser for resale on and after the effective date of this order, showing a price adjusted in accordance with the terms of this order, the seller shall notify the purchaser in writing of the method established by paragraph (b) of this order for determining adjusted maximum prices for resales of the article. This notice may be given in any convenient form.

(d) All requests not specifically granted by this order are hereby denied.

(e) This order may be revoked or amended by the Price Administrator at any time.

(f) This order shall become effective on the 29th day of August 1945.

Issued this 28th day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-16147; Filed, Aug. 28, 1945; 3:51 p. m.]

[MPR 188, Order 4333]

LORRAINE LIGHTING PRODUCTS CO.

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.158 of Maximum Price Regulation No. 188; *It is ordered:*

(a) This order establishes maximum prices for sales and deliveries of certain articles manufactured by Lorraine Lighting Products Company, 260 Gold Street, Brooklyn 1, N. Y.

(1) For all sales and deliveries to the following classes of purchasers by the sellers indicated below, the maximum prices are those set forth below:

Article	Model No.	For sales by the manufacturer to— Jobbers	Retailers	For sales by any person to consumers
Incandescent bed lamp metal—sprayed with bronze or ivory. Width 9 inches	1	*Each* $1.02	*Each* $1.20	*Each* $2.16

These maximum prices are for the articles described in the manufacturer's application dated June 14, 1945.

(2) For sales by the manufacturer, the maximum prices apply to all sales and deliveries since Maximum Price Regulation No. 188 became applicable to those sales and deliveries. For sales to persons other than consumers they are f. o. b. factory, 2% 10 days, net 30. The maximum price to consumers is net, delivered.

(3) For sales by persons other than the manufacturer, the maximum prices apply to all sales and deliveries after the effective date of this order. Those prices are subject to each seller's customary terms and conditions of sale on sales of similar articles.

(4) If the manufacturer wishes to make sales and deliveries to any other class of purchaser or on other terms and conditions of sale, he must apply to the Office of Price Administration, Washington, D. C., under the Fourth Pricing Method, § 1499.158 of Maximum Price Regulation No. 188, for the establishment of maximum prices for those sales, and no sales or deliveries may be made until maximum prices have been authorized by the Office of Price Administration.

(b) The manufacturer shall attach a tag or label to every article for which a maximum price for sales to consumers is established by this order. That tag or label shall contain the following statement, with the proper model number and the ceiling price inserted in the blank spaces:

Model No. ------
OPA Retail Ceiling Price—$------
Do Not Detach

(c) At the time of, or prior to, the first invoice to each purchaser for resale, the manufacturer shall notify the purchaser in writing of the maximum prices and conditions established by this order for sales by the purchaser. This notice may be given in any convenient form.

(d) Jobber's maximum prices for sales of the articles covered by this order shall be established under the provisions of section 4.5 of SR 14J.

(e) This order may be revoked or amended by the Price Administrator at any time.

(f) This order shall become effective on the 29th day of August 1945.

Issued this 28th day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-16127; Filed, Aug. 28, 1945; 3:51 p. m.]

[MPR 188, Order 4334]

MORART CO.

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.158 of Maximum Price Regulation No. 188, *It is ordered:*

(a) This order establishes maximum prices for sales and deliveries of certain articles manufactured by Morart Company, 24 East 21st Street, New York 10, N. Y.

(1) For all sales and deliveries to the following classes of purchasers by the sellers indicated below, the maximum prices are those set forth below:

Article	Model No.	For sales by the manufacturer to— Jobbers	Retailers	For sales by any person to consumers
26" ruby crystal table lamp, 2-cont fired ruby hand cut column, metal break and fount, marble base	521	*Each* $7.66	*Each* $9.33	*Each* $16.80
23½" crystal table lamp, level crystal column, metal base and fount	520	6.37	7.50	13.50

These maximum prices are for the articles described in the manufacturer's application dated May 11, 1945.

(2) For sales by the manufacturer, the maximum prices apply to all sales and deliveries since Maximum Price Regulation No. 188 became applicable to those sales and deliveries. For sales to persons other than consumers they are f. o. b. factory, 2% 10 days, net 30. The maximum price to consumers is net, delivered.

(3) For sales by persons other than the manufacturer, the maximum prices apply to all sales and deliveries after the effective date of this order. Those prices are subject to each seller's customary terms and conditions of sale on sales of similar articles.

(4) If the manufacturer wishes to make sales and deliveries to any other class of purchaser or on other terms and conditions of sale, he must apply to the Office of Price Administration, Washington, D. C., under the Fourth Pricing Method, § 1499.158 of Maximum Price Regulation No. 188, for the establishment of maximum prices for those sales, and no sales or deliveries may be made until maximum prices have been authorized by the Office of Price Administration.

(b) The manufacturer shall attach a tag or label to every article for which a maximum price for sales to consumers is established by this order. That tag or label shall contain the following statement, with the proper model number and the ceiling price inserted in the blank spaces:

Model No. ------
OPA Retail Ceiling Price—$------
Do Not Detach

(c) At the time of, or prior to, the first invoice to each purchaser for resale, the manufacturer shall notify the purchaser in writing of the maximum prices and conditions established by this order for sales by the purchaser. This notice may be given in any convenient form.

(d) Jobber's maximum prices for sales of the articles covered by this order shall be established under the provisions of section 4.5 of SR 14J.

(e) This order may be revoked or amended by the Price Administrator at any time.

(f) This order shall become effective on the 29th day of August 1945.

Issued this 28th day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-16128; Filed, Aug. 28, 1945; 3:50 p. m.]

[MPR 188, Order 4335]

JOHN A. GUNN & IRVING LEVIN

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.158 of Maximum Price Regulation No. 188; *It is ordered:*

(a) This order establishes maximum prices for sales and deliveries of certain articles manufactured by John A. Gunn & Irving Levin, 436 West Master Street, Philadelphia, Pa.

(1) For all sales and deliveries to the following classes of purchasers by the sellers indicated below, the maximum prices are those set forth below:

Article	Model No.	For sales by the manufacturer to—		For sales by any person to consumers
		Jobbers	Retailers	
		Each	*Each*	*Each*
Metal bed lamp sprayed bronze lacquer, width 7½".	44 "Elm"	$1.02	$1.20	$2.16
Metal desk lamp with stand and reeded column, sprayed bronze lacquer; height 15" with 7½" shade.	1 "Jordan"	1.68	1.98	3.50

These maximum prices are for the articles described in the manufacturer's application dated July 10, 1945.

(2) For sales by the manufacturer, the maximum prices apply to all sales and deliveries since Maximum Price Regulation No. 188 became applicable to those sales and deliveries. For sales to persons other than consumers they are f. o. b. factory. The maximum price to consumers is net, delivered.

(3) For sales by persons other than the manufacturer, the maximum prices apply to all sales and deliveries after the effective date of this order. Those prices are subject to each seller's customary terms and conditions of sale on sales of similar articles.

(4) If the manufacturer wishes to make sales and deliveries to any other class of purchaser or on other terms and conditions of sale, he must apply to the Office of Price Administration, Washington, D. C., under the Fourth Pricing Method, § 1499.158 of Maximum Price Regulation No. 188, for the establishment of maximum prices for those sales, and no sales or deliveries may be made until maximum prices have been authorized by the Office of Price Administration.

(b) The manufacturer shall attach a tag or label to every article for which a maximum price for sales to consumers is established by this order. That tag or label shall contain the following statement, with the proper model number and the ceiling price inserted in the blank spaces:

Model No. ------
OPA Retail Ceiling Price—$------
Do Not Detach

(c) At the time of, or prior to, the first invoice to each purchaser for resale, the manufacturer shall notify the purchaser in writing of the maximum prices and conditions established by this order for sales by the purchaser. This notice may be given in any convenient form.

(d) Jobber's maximum prices for sales of the articles covered by this order shall be established under the provisions of section 4.5 of SR 14J.

(e) This order may be revoked or amended by the Price Administrator at any time.

(f) This order shall become effective on the 29th day of August 1945.

Issued this 28th day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-16129; Filed, Aug. 28, 1945, 3:51 p. m.]

[MPR 188, Order 4336]

WOODCRAFT NOVELTY CO.

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.158 of Maximum Price Regulation No. 188; *It is ordered:*

(a) This order establishes maximum prices for sales and deliveries of certain articles manufactured by Woodcraft Novelty Company, 1659 10th Street, Santa Monica, Calif.

(1) For all sales and deliveries to the following classes of purchasers by the sellers indicated below, the maximum prices are those set forth below:

Article	Model No.	For sales by the manufacturer to—		For sales by any person to consumers
		Jobbers	Retailers	
16" bleached wood table lamp with modern turned brass base	101	*Each* $8.97	*Each* $10.55	*Each* $19.00
	102	8.97	10.55	19.00
16" conventional wood table lamp, turned and varnished	103	5.31	6.25	11.25
	104	5.31	6.25	11.25

These maximum prices are for the articles described in the manufacturer's application dated June 4, 1945.

(2) For sales by the manufacturer, the maximum prices apply to all sales and deliveries since Maximum Price Regulation No. 188 became applicable to those sales and deliveries. For sales to persons other than consumers they are f. o. b. factory, 2% 10 days, net 30. The maximum price to consumers is net, delivered.

(3) For sales by persons other than the manufacturer, the maximum prices apply to all sales and deliveries after the effective date of this order. Those prices are subject to each seller's customary terms and conditions of sale on sales of similar articles.

(4) If the manufacturer wishes to make sales and deliveries to any other class of purchaser or on other terms and conditions of sale, he must apply to the Office of Price Administration, Washington, D. C., under the Fourth Pricing Method, § 1499.158 of Maximum Price Regulation No. 188, for the establishment of maximum prices for those sales, and no sales or deliveries may be made until maximum prices have been authorized by the Office of Price Administration.

(b) The manufacturer shall attach a tag or label to every article for which a maximum price for sales to consumers is established by this order. That tag

or label shall contain the following statement, with the proper model number and the ceiling price inserted in the blank spaces:

Model No. ------
OPA Retail Ceiling Price—$------
Do Not Detach

(c) At the time of, or prior to, the first invoice to each purchaser for resale, the manufacturer shall notify the purchaser in writing of the maximum prices and conditions established by this order for sales by the purchaser. This notice may be given in any convenient form.

(d) Jobber's maximum prices for sales of the articles covered by this order shall be established under the provisions of section 4.5 of SR 14J.

(e) This order may be revoked or amended by the Price Administrator at any time.

(f) This order shall become effective on the 29th day of August 1945.

Issued this 28th day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-16130; Filed, Aug. 28, 1945; 3:50 p. m.]

[MPR 188, Order 4337]

PITTSBURGH REFLECTOR CO.

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.158 of Maximum Price Regulation No. 188; *It is ordered:*

(a) This order establishes maximum prices for sales and deliveries of certain articles manufactured by the Pittsburgh Reflector Company, Oliver Building, Pittsburgh, Pa.

(1) For all sales and deliveries to the following classes of purchasers by the sellers indicated below, the maximum prices are those set forth below:

Article	Model No.	Maximum prices for sales by any seller to—			
		Wholesalers (jobbers)	Retailers (6 units or more)	Retailers (less than 6 units)	Consumers
1 burner hot plate aluminum 1 heat, cord and plug	None	*Each* $1.84	*Each* $2.18	*Each* $2.35	*Each* $3.50

These maximum prices are for the articles described in the manufacturer's application dated July 19, 1945.

(2) For sales by the manufacturer, the maximum prices apply to all sales and deliveries since Maximum Price Regulation No. 188 became applicable to those sales and deliveries. These prices include the Federal Excise Tax. They are f. o. b. factory and subject to a cash discount of 2% for payment within 10 days, net 30 days.

(3) For sales by persons other than the manufacturer, the maximum prices apply to all sales and deliveries after the effective date of this order. Those prices are subject to each seller's customary terms and conditions of sale on sales of similar articles.

(4) If the manufacturer wishes to make sales and deliveries to any other class of purchaser or on other terms and conditions of sale, he must apply to the Office of Price Administration, Washington, D. C., under the Fourth Pricing Method, § 1499.158 of Maximum Price Regulation No. 188, for the establishment of maximum prices for those sales, and no sales or deliveries may be made until maximum prices have been authorized by the Office of Price Administration.

(b) The manufacturer shall attach a tag or label to every article for which a maximum price for sales to consumers is established by this order. That tag or label shall contain either of the following statements with the correct order number, model number and retail prices properly filled in:

Order No. 4337
Model No. ------
OPA Retail Ceiling Price $------
Federal Excise Tax Included
Do Not Detach or Obliterate

or

Pittsburgh Reflector Company
Oliver Building
Pittsburgh, Pennsylvania
Model No. ------
OPA Retail Ceiling Price $------
Federal Excise Tax Included
Do Not Detach or Obliterate

(c) At the time of, or prior to, the first invoice to each purchaser for resale, the seller shall notify the purchaser in writing of the maximum prices and conditions established by this order for sales by the purchaser. This notice may be given in any convenient form.

(d) This order may be revoked or amended by the Price Administrator at any time.

(e) This order shall become effective on the 29th day of August 1945.

Issued this 28th day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-16131; Filed, Aug. 28, 1945; 3:50 p. m.]

[MPR 188, Order 4338]

APEX DISTRIBUTING CO.

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.158 of Maximum Price Regulation No. 188; *It is ordered:*

(a) This order establishes maximum prices for sales and deliveries of certain articles manufactured by the Apex Distributing Company of 1141 Broadway, New York, N. Y.

(1) For all sales and deliveries to the following classes of purchasers by the sellers indicated below, the maximum prices are those set forth below:

Article	Model No	Maximum prices for sales by any seller to—			
		Wholesalers (jobbers)	Retailers (6 units or more)	Retailers (less than 6 units)	Consumers
Electric space heater	1,000 watt	*Each* $3.49	*Each* $3.65	*Each* $3.98	*Each* $5.90

These maximum prices are for the articles described in the manufacturer's application dated July 3, 1945.

(2) For sales by the manufacturer, the maximum prices apply to all sales and deliveries since Maximum Price Regulation No. 188 became applicable to those sales and deliveries. These prices include the Federal Excise Tax. They are f. o. b. factory and subject to a cash discount of 2% for payment within 10 days, net 30 days.

(3) For sales by persons other than the manufacturer, the maximum prices apply to all sales and deliveries after the effective date of this order. Those prices are subject to each seller's customary terms and conditions of sale on sales of similar articles.

(4) If the manufacturer wishes to make sales and deliveries to any other class of purchaser or on other terms and conditions of sale, he must apply to the Office of Price Administration, Washington, D. C., under the Fourth Pricing Method, § 1499.158 of Maximum Price Regulation No. 188, for the establishment of maximum prices for those sales, and no sales or deliveries may be made until maximum prices have been authorized by the Office of Price Administration.

(b) The manufacturer shall attach a tag or label to every article for which a maximum price for sales to consumers is established by this order. That tag or label shall contain either of the following statements with the correct order number, model number and retail prices properly filled in:

Order No. 4338
Model No. ------
OPA Retail Ceiling Price $------
Federal Excise Tax Included
Do Not Detach or Obliterate

or

Apex Distributing Company
1141 Broadway
New York, New York
Model No. ------
OPA Retail Ceiling Price $------
Do Not Detach or Obliterate

(c) At the time of, or prior to, the first invoice to each purchaser for resale, the seller shall notify the purchaser in writing of the maximum prices and conditions established by this order for sales by the purchaser. This notice may be given in any convenient form.

(d) This order may be revoked or amended by the Price Administrator at any time.

(e) This order shall become effective on the 29th day of August 1945.

Issued this 28th day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-16132; Filed, Aug. 28, 1945; 3:49 p. m.]

[MPR 188, Order 4339]

STONE ELECTRIC CO.

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.158 of Maximum Price Regulation No. 188: *It is ordered:*

(a) This order establishes maximum prices for sales and deliveries of certain articles manufactured by the Stone Electric Company, 2540 Taylor Avenue, Detroit, Michigan.

(1) For all sales and deliveries to the following classes of purchasers by the sellers indicated below, the maximum prices are those set forth below:

Article	Model	Maximum prices for sales by any seller to— Wholesale mill, electric motor, restaurant, hotel and store equipment supplier	Industrial, commercial or institutional users (3 units or more)	Industrial, commercial or institutional users (less than 3 units)	Users other than industrial, commercial or institutional
		Each	*Each*	*Each*	*Each*
Air circulator, bench type	18"	$26.09	$39.13	$44.35	$52.18
Air circulator, pedestal type	18"	33.70	48.35	57.19	67.40

These maximum prices are for the articles described in the manufacturer's application dated June 15, 1945. To each of the above prices only the exact amount of the Federal Excise Tax which the particular seller is required to pay may be added.

(2) For sales by the manufacturer, the maximum prices apply to all sales and deliveries since Maximum Price Regulation No. 188 became applicable to those sales and deliveries. These prices are f. o. b. factory and are net 30 days.

(3) For sales by persons other than the manufacturer, the maximum prices apply to all sales and deliveries after the effective date of this order. Those prices are subject to each seller's customary terms and conditions of sale on sales of similar articles.

(4) If the manufacturer wishes to make sales and deliveries to any other class of purchaser or on other terms and conditions of sale, he must apply to the Office of Price Administration, Washington, D. C., under the Fourth Pricing Method, § 1499.158 of Maximum Price Regulation No. 188, for the establishment of maximum prices for those sales, and no sales or deliveries may be made until maximum prices have been authorized by the Office of Price Administration.

(b) The manufacturer shall attach a tag or label to every article for which a maximum price for sales to consumers is established by this order. That tag or label shall contain either of the following statements with the correct order number, model number, and retail ceiling price filled in:

Order No. 4339
Model No. ------
OPA Retail Ceiling Price To Users Other Than Industrial, Commercial or Institutional $------
Do Not Detach or Obliterate

or

Stone Electric Company
2540 Taylor Avenue
Detroit, Michigan
Model No. ------
OPA Retail Ceiling Price to Users Other Than Industrial, Commercial or Institutional $------
Do Not Detach or Obliterate

(c) At the time of, or prior to, the first invoice to each purchaser for resale, the seller shall notify the purchaser in writing of the maximum prices and conditions established by this order for sales by the purchaser. This notice may be given in any convenient form.

(d) This order may be revoked or amended by the Price Administrator at any time.

(e) This order shall become effective on the 29th day of August 1945.

Issued this 28th day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-16133; Filed, Aug. 28, 1945; 3:46 p. m.]

[MPR 188, Order 4340]

REYNOLDS METAL CO.

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.158 of Maximum Price Regulation No. 188; *It is ordered:*

(a) This order establishes maximum prices for sales and deliveries of certain articles manufactured by Reynolds Metal Company of 2500 South Third Street, Louisville 1, Ky.

(1) For all sales and deliveries to the following classes of purchasers by the sellers indicated below, the maximum prices are those set forth below:

Article	Model No.	Maximum prices for sales by any seller to— Wholesalers (jobbers)	Department and chain stores	Other retailers	Consumers
		Each	*Each*	*Each*	*Each*
Fry pan, aluminum, 10".....	150	$1.13	$1.28	$1.43	$2.25

These maximum prices are for the articles described in the manufacturer's application dated July 11, 1945.

(2) For sales by the manufacturer, the maximum prices apply to all sales and deliveries since Maximum Price Regulation No. 188 became applicable to those sales and deliveries. They are f. o. b. factory and subject to a cash discount of 2% for payment within 10 days, net 30 days.

(3) For sales by persons other than the manufacturer, the maximum prices apply to all sales and deliveries after the effective date of this order. Those prices are subject to each seller's customary terms and conditions of sale on sales of similar articles.

(4) If the manufacturer wishes to make sales and deliveries to any other class of purchaser or on other terms and conditions of sale, he must apply to the Office of Price Administration, Washington, D. C., under the Fourth Pricing Method, § 1499.158 of Maximum Price Regulation No. 188, for the establishment of maximum prices for those sales, and no sales or deliveries may be made until maximum prices have been authorized by the Office of Price Administration.

(b) The manufacturer shall attach a tag or label to every article for which a maximum price for sales to consumers is established by this order. That tag or label shall contain the following statement with the correct model number and retail prices properly filled in:

Model No. ------
OPA Retail Ceiling Price—$------
Do Not Detach

(c) At the time of, or prior to, the first invoice to each purchaser for resale, the seller shall notify the purchaser in writing of the maximum prices and conditions established by this order for sales by the purchaser. This notice may be given in any convenient form.

(d) This order may be revoked or amended by the Price Administrator at any time.

(e) This order shall become effective on the 29th day of August 1945.

Issued this 28th day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-16134; Filed, Aug. 28, 1945; 3:48 p. m.]

[MPR 188, Order 4341]

ALBERT A. ROSS

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.158 of Maximum Price Regulation No. 188; *It is ordered:*

(a) This order establishes maximum prices for sales and deliveries of certain articles manufactured by Albert A. Ross of 2636 North Orchard Street, Chicago 14, Ill.

(1) For all sales and deliveries to the following classes of purchasers by the sellers indicated below, the maximum prices are those set forth below:

Article	Model No.	Maximum prices for sales by any seller to— Wholesalers (jobbers)	Wholesalers shipping from factory	Retailers (6 units or more)	Retailers (less than 6 units)	Consumers
		Each	*Each*	*Each*	*Each*	*Each*
1-burner, 1-heat electric hot plate...	None	$2.27	$2.51	$2.72	$2.95	$4.54

Description—A single burner, one heat electric hot plate made of stainless steel sheet or chromium plated steel sheet, 6½ inches square and 4¾ inches high, equipped with extension cord and plug but no switch.

These maximum prices are for the articles described in the manufacturer's application dated August 2, 1945.

(2) For sales by the manufacturer, the maximum prices apply to all sales and deliveries since Maximum Price Regulation No. 188 became applicable to those sales and deliveries. They are f. o. b. factory and subject to a cash discount of 2% for payment within 10 days, net 30 days. These prices include the Federal Excise Tax.

(3) For sales by persons other than the manufacturer, the maximum prices apply to all sales and deliveries after the effective date of this order. Those prices are subject to each seller's customary terms and conditions of sale on sales of similar articles.

(4) If the manufacturer wishes to make sales and deliveries to any other class of purchaser or on other terms and conditions of sale, he must apply to the Office of Price Administration, Washington, D. C., under the Fourth Pricing Method, § 1499.158 of Maximum Price Regulation No. 188, for the establishment of maximum prices for those sales, and no sales or deliveries may be made until maximum prices have been authorized by the Office of Price Administration.

(b) The manufacturer shall attach a tag or label to every article for which a maximum price for sales to consumers is established by this order. That tag or label shall contain either of the following statements with the correct order number, model number and retail prices properly filled in:

Order No. 4341
Model No. ------
OPA Retail Ceiling Price $------
Federal Excise Tax Included
Do Not Detach or Obliterate

or

Albert A. Ross
2636 North Orchard Street
Chicago 14, Illinois
Model No. ------
OPA Retail Ceiling Price $------
Federal Excise Tax Included
Do Not Detach or Obliterate

(c) At the time of, or prior to, the first invoice to each purchaser for resale, the seller shall notify the purchaser in writing of the maximum prices and conditions established by this order for sales by the purchaser. This notice may be given in any convenient form.

(d) This order may be revoked or amended by the Price Administrator at any time.

(e) This order shall become effective on the 29th day of August 1945.

Issued this 28th day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-16135; Filed, Aug. 28, 1945; 3:48 p. m.]

[MPR 188, Order 4342]

DENNIS LAMP CO. INC.

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.158 of Maximum Price Regulation No. 188; *It is ordered:*

(a) This order establishes maximum prices for sales and deliveries of certain articles manufactured by Dennis Lamp Co., Inc., 112 Fourth Avenue, New York 3, N. Y.

(1) For all sales and deliveries to the following classes of purchasers by the sellers indicated below, the maximum prices are those set forth below:

Article	Model Nos.	For sales by the manufacturer to— Jobbers	Retailers	For sales by any person to consumers
		Each	*Each*	*Each*
Hand decorated hurricane lamps....	604, 605-608	$3.83	$4.50	$8.10
Hand decorated lanterne hurricane lamps.....	901, 902-903	$6.38	$7.50	$13.50

These maximum prices are for the articles described in the manufacturer's application dated June 8, 1945.

(2) For sales by the manufacturer, the maximum prices apply to all sales and deliveries since Maximum Price Regulation No. 188 became applicable to those sales and deliveries. For sales to persons other than consumers they are f. o. b. factory, 2% 10 days, net 30. The maximum price to consumers is net, delivered.

(3) For sales by persons other than the manufacturer, the maximum prices apply to all sales and deliveries after the effective date of this order. Those prices are subject to each seller's customary terms and conditions of sale on sales of similar articles.

(4) If the manufacturer wishes to make sales and deliveries to any other class of purchaser or on other terms and conditions of sale, he must apply to the Office of Price Administration, Washington, D. C., under the Fourth Pricing Method, § 1499.158 of Maximum Price Regulation No. 188, for the establishment of maximum prices for those sales, and no sales or deliveries may be made until maximum prices have been authorized by the Office of Price Administration.

(b) The manufacturer shall attach a tag or label to every article for which a maximum price for sales to consumers is established by this order. That tag or label shall contain the following statement, with the proper model number and the ceiling price inserted in the blank spaces:

Model No. ------
OPA Retail Ceiling Price—$------
Do Not Detach

(c) At the time of, or prior to, the first invoice to each purchaser for resale, the manufacturer shall notify the purchaser in writing of the maximum prices and conditions established by this order for sales by the purchaser. This notice may be given in any convenient form.

(d) Jobber's maximum prices for sales of the articles covered by this order shall be established under the provisions of section 4.5 of SR 14J.

(e) This order may be revoked or amended by the Price Administrator at any time.

(f) This order shall become effective on the 29th day of August 1945.

Issued this 28th day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-16136; Filed, Aug. 28, 1945; 3:48 p. m.]

[MPR 188, Order 4343]

APEX LAMP & SHADE MFG. CO.

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.158 of Maximum Price Regulation No. 188; *It is ordered:*

(a) This order establishes maximum prices for sales and deliveries of certain articles manufactured by Apex Lamp & Shade Mfg. Co., 2627-29 West Huntingdon Street, Philadelphia 32, Pa.

(1) For all sales and deliveries to the following classes of purchasers by the sellers indicated below, the maximum prices are those set forth below:

Article	Model No.	For sales by the manufacturer to— Jobbers	Retailers	For sales by any person to consumers
		Each	*Each*	*Each*
Metal lacquered sprayed pin-up lamp—spot welded.....	3	$1.15	$1.35	$2.45

These maximum prices are for the articles described in the manufacturer's application dated July 16, 1945.

(2) For sales by the manufacturer, the maximum prices apply to all sales and deliveries since Maximum Price Regulation No. 188 became applicable to those sales and deliveries. For sales to persons other than consumers they are f. o. b. factory. The maximum price to consumers is net, delivered.

(3) For sales by persons other than the manufacturer, the maximum prices apply to all sales and deliveries after the effective date of this order. Those prices are subject to each seller's customary terms and conditions of sale on sales of similar articles.

(4) If the manufacturer wishes to make sales and deliveries to any other class of purchaser or on other terms and conditions of sale, he must apply to the Office of Price Administration, Washington, D. C., under the Fourth Pricing Method, § 1499.158 of Maximum Price Regulation No. 188, for the estab-

lishment of maximum prices for those sales, and no sales or deliveries may be made until maximum prices have been authorized by the Office of Price Administration.

(b) The manufacturer shall attach a tag or label to every article for which a maximum price for sales to consumers is established by this order. That tag or label shall contain the following statement, with the proper model number and the ceiling price inserted in the blank spaces:

Model No. ------
OPA Retail Ceiling Price—$------
Do Not Detach

(c) At the time of, or prior to, the first invoice to each purchaser for resale, the manufacturer shall notify the purchaser in writing of the maximum prices and conditions established by this order for sales by the purchaser. This notice may be given in any convenient form.

(d) Jobber's maximum prices for sales of the articles covered by this order shall be established under the provisions of section 4.5 of SR 14J.

(e) This order may be revoked or amended by the Price Administrator at any time.

(f) This order shall become effective on the 29th day of August 1945.

Issued this 28th day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-16137; Filed, Aug. 28, 1945; 3:49 p. m.]

[MPR 188, Order 4344]

R C VICTOR MFG. CO.

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.157 of Maximum Price Regulation No. 188 and section 6.4 of Second Revised Supplementary Regulation No. 14; *It is ordered:*

(a) This order establishes maximum prices for sales and deliveries of coffee brewer stoves manufactured by the R C Victor Manufacturing Company of 23 South Jefferson Street, Chicago 6, Ill.

(1) For all sales and deliveries to the following classes of purchasers by the sellers indicated below, the maximum prices are those set forth below:

Article	Model No.	Maximum prices for sales by any seller to—			
		Wholesalers (jobbers)	Retailers (6 units or more)	Retailers (less than 6 units)	Consumers
		Each	*Each*	*Each*	*Each*
Coffee brewer stove	W. C. 101	$1.30	$1.53	$1.65	$2.48

These maximum prices are for the articles described in the manufacturer's application dated July 3, 1945.

(2) For sales by the manufacturer, these maximum prices apply to all sales and deliveries after the effective date of this order. These prices include the Federal Excise Tax. The manufacturer's prices are f. o. b. factory and are net 30 days. The prices for sales by persons other than the manufacturer are subject to each seller's customary terms and conditions of sale of similar articles.

(b) The manufacturer shall attach a tag or label to every article for which a maximum price for sales to consumers is established by this order. That tag or label shall contain either of the following statements with the correct order number, model number and retail prices properly filled in:

Order No. 4344
Model No. ------
OPA Retail Ceiling Price $------
Federal Excise Tax Included
Do Not Detach or Obliterate

or

R C Victor Manufacturing Company
23 South Jefferson Street
Chicago 6, Illinois
Model No. ------
OPA Retail Ceiling Price $------
Federal Excise Tax Included
Do Not Detach or Obliterate

(c) At the time of, or prior to, the first invoice to each purchaser for resale, the seller shall notify the purchaser in writing of the maximum prices and conditions established by this order for sales by the purchaser. This notice may be given in any convenient form.

(d) This order may be revoked or amended by the Price Administrator at any time.

(e) This order shall become effective on the 29th day of August 1945.

Issued this 28th day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-16138; Filed, Aug. 28, 1945; 3:49 p. m.]

[MPR 188, Order 4345]

JAMAICA MACHINE CO.

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.158 of Maximum Price Regulation No. 188; *It is ordered:*

(a) This order establishes maximum prices for sales and deliveries of certain articles manufactured by the Jamaica Machine Company, 899 Boylston Avenue, Boston 15, Mass.

(1) For all sales and deliveries to the following classes of purchasers by the sellers indicated below, the maximum prices are those set forth below:

Article	Model	Maximum prices for sales by any seller to—			
		Wholesaler (jobber)	Retailer (6 units or more)	Retailer (less than 6 units)	Consumer
		Each	*Each*	*Each*	*Each*
Electric heater	Aratherm	$7.92	$9.60	$10.44	$15.67

These maximum prices are for the article described in the manufacturer's application dated July 18, 1945. They include the Federal Excise Tax.

(2) For sales by the manufacturer, the maximum prices apply to all sales and deliveries since Maximum Price Regulation No. 188 became applicable to those sales and deliveries. These prices are f. o. b. factory and are subject to a cash discount of 2% for payment within 10 days, net 30 days.

(3) For sales by persons other than the manufacturer, the maximum prices apply to all sales and deliveries after the effective date of this order. Those prices are subject to each seller's customary terms and conditions of sale on sales of similar articles.

(4) If the manufacturer wishes to make sales and deliveries to any other class of purchaser or on other terms and conditions of sale, he must apply to the Office of Price Administration, Washington, D. C., under the Fourth Pricing Method, § 1499.158 of Maximum Price Regulation No. 188, for the establishment of maximum prices for those sales, and no sales or deliveries may be made until maximum prices have been authorized by the Office of Price Administration.

(b) The manufacturer shall attach a tag or label to every article for which a maximum price for sales to consumers is established by this order. That tag or label shall contain either of the following statements with the correct order number filled in:

Order No. 4345
Model No. Aratherm
OPA Retail Ceiling Price—$15.67
Federal Excise Tax Included
Do Not Detach or Obliterate

or

Jamaica Machine Company
899 Boylston Avenue
Boston 15, Massachusetts
Model No. Aratherm
OPA Retail Ceiling Price—$15.67
Federal Excise Tax Included
Do Not Detach or Obliterate

(c) At the time of, or prior to, the first invoice to each purchaser for resale, the seller shall notify the purchaser in writing of the maximum prices and conditions established by this order for sales by the purchaser. This notice may be given in any convenient form.

(d) This order may be revoked or amended by the Price Administrator at any time.

(e) This order shall become effective on the 29th day of August 1945.

Issued this 28th day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-16139; Filed, Aug. 28, 1945; 3:46 p. m.]

[MPR 188, Order 4346]

E. F. NOVELTIES

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.158 of Maximum Price Regulation No. 188; *It is ordered:*

(a) This order establishes maximum prices for sales and deliveries of certain articles manufactured by E. F. Novelties, 1935 Monterey Avenue, Bronx 57, N. Y.

(1) For all sales and deliveries to the following classes of purchasers by the sellers indicated below, the maximum prices are those set forth below:

Article	Model No.	For sales by the manufacturer to—		For sales by any person to consumers
		Jobbers	Retailers	
		Each	*Each*	*Each*
11¾" china table lamp, decal decorated	1875 and 1975	$4.68	$5.50	$9.00
11" china table lamp, decal decorated	1300, 1680, and 1775	4.46	5.25	9.45
12½" china table lamp, decal decorated	1660 and 1290	5.46	6.43	11.50
13¼" china table lamp, decal decorated	1400, "Swan"	5.18	6.10	11.00
11¾" china table lamp with hand painted floral decoration.	1600	9.35	11.00	19.80

These maximum prices are for the articles described in the manufacturer's application dated March 3, 1945.

(2) For sales by the manufacturer, the maximum prices apply to all sales and deliveries since Maximum Price Regulation No. 188 became applicable to those sales and deliveries. For sales to persons other than consumers they are f. o. b. factory, 1% 10 days, net 30 days. The maximum price to consumers is net, delivered.

(3) For sales by persons other than the manufacturer, the maximum prices apply to all sales and deliveries after the effective date of this order. Those prices are subject to each seller's customary terms and conditions of sale on sales of similar articles.

(4) If the manufacturer wishes to make sales and deliveries to any other class of purchaser or on other terms and conditions of sale, he must apply to the Office of Price Administration, Washington, D. C., under the Fourth Pricing Method, § 1499.158 of Maximum Price Regulation No. 188, for the establishment of maximum prices for those sales, and no sales or deliveries may be made until maximum prices have been authorized by the Office of Price Administration.

(b) The manufacturer shall attach a tag or label to every article for which a maximum price for sales to consumers is established by this order. That tag or label shall contain the following statement, with the proper model number and the ceiling price inserted in the blank spaces:

Model No. ------
OPA Retail Ceiling Price—$------
Do Not Detach

(c) At the time of, or prior to, the first invoice to each purchaser for resale, the manufacturer shall notify the purchaser in writing of the maximum prices and conditions established by this order for sales by the purchaser. This notice may be given in any convenient form.

(d) Jobber's maximum prices for sales of the articles covered by this order shall be established under the provisions of section 4.5 of SR 14J.

(e) This order may be revoked or amended by the Price Administrator at any time.

(f) This order shall become effective on the 29th day of August 1945.

Issued this 28th day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-16140; Filed, Aug. 28, 1945; 3:46 p. m.]

[MPR 188, Order 4347]

ELLIS SILVERSTONE

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.158 of Maximum Price Regulation No. 188, *It is ordered:*

(a) This order establishes maximum prices for sales and deliveries of certain articles manufactured by Ellis Silverstone of 1816 Ontario Place NW., Washington, D. C.

(1) For all sales and deliveries to the following classes of purchasers by the sellers indicated below, the maximum prices are those set forth below:

Article	Model	Maximum prices for sales by any seller to—			
		Wholesaler mill, electrical motor, restaurant, and hotel supply equipment supplier	Industrial, commercial, institutional users or institutions (6 units or more)	Industrial, commercial or institutional users or institutions (less than 3 units)	User other than industrial, commercial, or institutional
		Each	*Each*	*Each*	*Each*
Air circulator fan	18"	$26.09	$30.24	$44.35	$52.18

These maximum prices are for the articles described in the manufacturer's application dated July 24, 1945. To each of the above prices only the exact amount of Federal Excise Tax which the particular seller is required to pay may be added.

(2) For sales by the manufacturer, the maximum prices apply to all sales and deliveries since Maximum Price Regulation No. 188 became applicable to those sales and deliveries. These prices are f. o. b. factory and are net 30 days.

(3) For sales by persons other than the manufacturer, the maximum prices apply to all sales and deliveries after the effective date of this order. Those prices are subject to each seller's customary terms and conditions of sale on sales of similar articles.

(4) If the manufacturer wishes to make sales and deliveries to any other class of purchaser or on other terms and conditions of sale, he must apply to the Office of Price Administration, Washington, D. C., under the Fourth Pricing Method, § 1499.158 of Maximum Price Regulation No. 188, for the establishment of maximum prices for those sales, and no sales or deliveries may be made until maximum prices have been authorized by the Office of Price Administration.

(b) The manufacturer shall attach a tag or label to every article for which a maximum price for sales to consumers is established by this order. That tag or label shall contain either of the following statements with the correct order number properly filled in:

Order No. 4347
Model No. 18"
OPA Ceiling Price $52.18 Each
To Users Other than Industrial, Commercial or Institutional
Federal Excise Tax Included
Do Not Detach or Obliterate

or

Ellis Silverston
1816 Ontario Place NW.
Washington, D. C.
Model No. 18"
OPA Ceiling Price $52.18 Each
To Users Other than Industrial, Commercial or Institutional
Federal Excise Tax Included
Do Not Detach or Obliterate

(c) At the time of, or prior to, the first invoice to each purchaser for resale, the seller shall notify the purchaser in writing of the maximum prices and conditions established by this order for sales by the purchaser. This notice may be given in any convenient form.

(d) This order may be revoked or amended by the Price Administrator at any time.

(e) This order shall become effective on the 29th day of August 1945.

Issued this 28th day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-16141; Filed, Aug. 28, 1945; 3:46 p. m.]

[MPR 188, Order 4348]

STANDARD ELECTRIC PRODUCTS CO.

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.158 of Maximum Price Regulation No. 188; *It is ordered:*

(a) This order establishes maximum prices for sales and deliveries of certain articles manufactured by the Standard Electric Products Company, 698 West End Avenue, New York, N. Y.

(1) For all sales and deliveries to the following classes of purchasers by the sellers indicated below, the maximum prices are those set forth below:

Article	Model	Maximum prices for sales by any seller to—			
		Wholesalers (jobbers)	Retailers (6 units or more)	Retailers (less than 6 units)	Consumers
		Each	*Each*	*Each*	*Each*
Single burner hot plate, cord and plug, black crackle finish	B1	$1.35	$1.54	$1.65	$2.45
Two-burner hot plate, cord, switches, plug, black crackle finish	B2	3.33	3.94	4.24	6.36

These maximum prices are for the articles described in the manufacturer's application dated June 25, 1945. They include the Federal Excise Tax.

(2) For sales by the manufacturer, the maximum prices apply to all sales and deliveries since Maximum Price Regulation No. 188 became applicable to those sales and deliveries. These prices are f. o. b. factory and are subject to a cash discount of 2% for payment within 10 days, net 30 days.

(3) For sales by persons other than the manufacturer, the maximum prices apply to all sales and deliveries after the effective date of this order. Those prices are subject to each seller's customary terms and conditions of sale on sales of similar articles.

(4) If the manufacturer wishes to make sales and deliveries to any other class of purchaser or on other terms and conditions of sale, he must apply to the Office of Price Administration, Washington, D. C., under the Fourth Pricing Method, § 1499.158 of Maximum Price Regulation No. 188, for the establishment of maximum prices for those sales, and no sales or deliveries may be made until maximum prices have been authorized by the Office of Price Administration.

(b) The manufacturer shall attach a tag or label to every article for which a maximum price for sales to consumers is established by this order. That tag or label shall contain either of the following statements with the correct order number, model number, and retail ceiling price filled in:

Order No. 4348
Model No. ------
OPA Retail Ceiling Price—$------
Federal Excise Tax Included
Do Not Detach or Obliterate

or

Standard Electric Products Company
698 West End Avenue
New York, New York
Model No. ------
OPA Retail Ceiling Price—$------
Federal Excise Tax Included
Do Not Detach or Obliterate

(c) At the time of, or prior to, the first invoice to each purchaser for resale, the seller shall notify the purchaser in writing of the maximum prices and conditions established by this order for sales by the purchaser. This notice may be given in any convenient form.

(d) This order may be revoked or amended by the Price Administrator at any time.

(e) This order shall become effective on the 29th day of August 1945.

Issued this 28th day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-16142; Filed, Aug. 28, 1945; 3:47 p. m.]

[MPR 188, Order 4349]

HYGRADE ELECTRIC CO.

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.158 of Maximum Price Regulation No. 188; *It is ordered:*

(a) This order establishes maximum prices for sales and deliveries of certain articles manufactured by the Hygrade Electric Company of 302 West 40th Street, New York 18, N. Y.

(1) For all sales and deliveries to the following classes of purchasers by the sellers indicated below, the maximum prices are those set forth below:

Article	Model No.	Maximum prices for sales by any seller to—			
		Wholesalers (jobbers)	Retailers (other than jobbers)	Retailers (less than 6 units)	Consumers
		Each	*Each*	*Each*	*Each*
1-burner hot plate closed element, 1 heat, cord and plug, black cracked finish	None	$3.81	$2.18	$2.37	$3.50
2-burner hot plate closed, elements 1 heat, cord and plug, black cracked finish	None	3.70	4.37	4.71	7.00

These maximum prices for the articles described in the manufacturer's application dated June 22, 1945.

(2) For sales by the manufacturer, the maximum prices apply to all sales and deliveries since Maximum Price Regulation No. 188 became applicable to those sales and deliveries. These prices include the Federal Excise Tax. They are f. o. b. factory and subject to a cash discount of 2% for payment within 10 days, net 30 days.

(3) For all sales by persons other than the manufacturer, the maximum prices apply to all sales and deliveries after the effective date of this order. Those prices are subject to each seller's customary terms and conditions of sale on sales of similar articles.

(4) If the manufacturer wishes to make sales and deliveries to any other class of purchaser or on other terms and conditions of sale, he must apply to the Office of Price Administration, Washington, D. C., under the Fourth Pricing Method, § 1499.158 of Maximum Price Regulation No. 188, for the establishment of maximum prices for those sales, and no sales or deliveries may be made until maximum prices have been authorized by the Office of Price Administration.

(b) The manufacturer shall attach a tag or label to every article for which a maximum price for sales to consumers is established by this order. That tag or label shall contain either of the following statements with the correct order number, model number and retail prices properly filled in:

Order No. 4349
Model No. ------
OPA Retail Ceiling Price—$------
Federal Excise Tax Included
Do Not Detach or Obliterate

or

Hygrade Electric Company
302 West 40th Street
New York 18, New York
Model No. ------
OPA Retail Ceiling Price
Federal Excise Tax Included
Do Not Detach or Obliterate

(c) At the time of, or prior to, the first invoice to each purchaser for resale, the seller shall notify the purchaser in writing of the maximum prices and conditions established by this order for sales by the purchaser. This notice may be given in any convenient form.

(d) This order may be revoked or amended by the Price Administrator at any time.

(e) This order shall become effective on the 29th day of August 1945.

Issued this 28th day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-16143; Filed, Aug. 28, 1945; 3:47 p. m.]

[MPR 188, Order 4350]

B. & M. PRODUCTS CO.

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.158 of Maximum Price Regulation No. 188; *It is ordered:*

(a) This order establishes maximum prices for sales and deliveries of certain articles manufactured by B. & M. Products Company, 61 West Hubbard Street, Chicago, Ill.

(1) For all sales and deliveries to the following classes of purchasers by the sellers indicated below, the maximum prices are those set forth below:

Article	Model No.	For sales by the manufacturer to—		For sales by any person to consumers
		Jobbers	Retailers	
		Each	*Each*	*Each*
Glass table lamp with rayon shade	200	$3.82	$4.50	$8.10
	300	4.25	5.00	9.00
Floor lamp	2600 and 2600A	4.46	5.25	9.45

These maximum prices are for the articles described in the manufacturer's application dated December 26, 1944.

(2) For sales by the manufacturer, the maximum prices apply to all sales and deliveries since Maximum Price Regulation No. 188 became applicable to those sales and deliveries. For sales to persons other than consumers they are f. o. b. factory, 2% 10 days, net 30. The maximum price to consumers is net, delivered.

(3) For sales by persons other than the manufacturer, the maximum prices apply to all sales and deliveries after the effective date of this order. Those prices are subject to each seller's customary terms and conditions of sale on sales of similar articles.

(4) If the manufacturer wishes to make sales and deliveries to any other class of purchaser or on other terms and conditions of sale, he must apply to the Office of Price Administration, Washington, D. C., under the Fourth Pricing Method, § 1499.158 of Maximum Price Regulation No. 188, for the establishment of maximum prices for those sales, and no sales or deliveries may be made until maximum prices have been authorized by the Office of Price Administration.

(b) The manufacturer shall attach a tag or label to every article for which a maximum price for sales to consumers is established by this order. That tag or label shall contain the following statement, with the proper model number and the ceiling price inserted in the blank spaces:

Model No. ------
OPA Retail Ceiling Price—$------
Do Not Detach

(c) At the time of, or prior to, the first invoice to each purchaser for resale, the manufacturer shall notify the purchaser in writing of the maximum prices and conditions established by this order for sales by the purchaser. This notice may be given in any convenient form.

(d) Jobber's maximum prices for sales of the articles covered by this order shall be established under the provisions of section 4.5 of SR 14J.

(e) This order may be revoked or amended by the Price Administrator at any time.

(f) This order shall become effective on the 29th day of August 1945.

Issued this 28th day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-16144; Filed, Aug. 28, 1945; 3:47 p. m.]

[MPR 188, Order 4351]

HORDALE LAMP CO. INC.

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.158 of Maximum Price Regulation No. 188; *It is ordered:*

(a) This order establishes maximum prices for sales and deliveries of certain articles manufactured by Hordale Lamp Company, Inc., 1476 Westchester Avenue, Bronx, N. Y.

(1) For all sales and deliveries to the following classes of purchasers by the sellers indicated below, the maximum prices are those set forth below:

Article	Model No.	For sales by the manufacturer to—		For sales by any person to consumers
		Jobbers	Retailers	
		Each	*Each*	*Each*
20½" china table lamp	508	$5.53	$6.50	$11.70
25½" solid color ivory china table lamp with embossed design	505	4.55	5.35	9.63
20" floral decorated china table lamp	500	3.53	4.15	7.47
Tall hand painted opaque glass table lamp with metal top and base	512	11.52	13.55	24.39

These maximum prices are for the articles described in the manufacturer's application dated February 13, 1945.

(2) For sales by the manufacturer, the maximum prices apply to all sales and deliveries since Maximum Price Regulation No. 188 became applicable to those sales and deliveries. For sales to persons other than consumers they are f. o. b. factory, 2% 10 days, net 30. The maximum price to consumers is net, delivered.

(3) For sales by persons other than the manufacturer, the maximum prices apply to all sales and deliveries after the effective date of this order. Those prices are subject to each seller's customary terms and conditions of sale on sales of similar articles.

(4) If the manufacturer wishes to make sales and deliveries to any other class of purchaser or on other terms and conditions of sale, he must apply to the Office of Price Administration, Washington, D. C., under the Fourth Pricing Method, § 1499.158 of Maximum Price Regulation No. 188, for the establishment of maximum prices for those sales, and no sales or deliveries may be made until maximum prices have been authorized by the Office of Price Administration.

(b) The manufacturer shall attach a tag or label to every article for which a maximum price for sales to consumers is established by this order. That tag or label shall contain the following statement, with the proper model number and the ceiling price inserted in the blank spaces:

Model No. ------
OPA Retail Ceiling Price—$------
Do Not Detach

(c) At the time of, or prior to, the first invoice to each purchaser for resale, the manufacturer shall notify the purchaser in writing of the maximum prices and conditions established by this order for sales by the purchaser. This notice may be given in any convenient form.

(d) Jobber's maximum prices for sales of the articles covered by this order shall be established under the provisions of section 4.5 of SR 14J.

(e) This order may be revoked or amended by the Price Administrator at any time.

(f) This order shall become effective on the 29th day of August 1945.

Issued this 28th day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-16145; Filed, Aug. 28, 1945; 3:47 p. m.]

[MPR 188, Order 4352]

ALLIED SALES & SERVICE CO. AND BRITTANY CO.

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.158 of Maximum Price Regulation No. 188; *It is ordered:*

(a) This order establishes maximum prices for sales and deliveries of certain articles manufactured by Allied Sales & Service Company and The Brittany Company, 401 East 31st Street, New York, N. Y.

(1) For all sales and deliveries to the following classes of purchasers by the sellers indicated below, the maximum prices are those set forth below:

Article	Model No.	For sales by the manufacturer to—		For sales by any person to consumers
		Jobbers	Retailers	
Hand sewn rayon silk lamp shades in various styles and shapes with individual and diversified trims, i. e., ruching, braid, ribbon and fringe—				
		Each	*Each*	*Each*
8"	45-V	$1.91	$2.25	$4.05
8½"	500	1.70	2.00	3.60
12"	45	3.40	4.00	7.20
12"	45-B	2.76	3.25	5.85
14"	646	3.40	4.00	7.20
15"	04-R	4.04	4.75	8.55
16"	35-39, and C-9R	6.80	8.00	14.40
16"	40/M	4.25	5.00	9.00
16"	41/M and 18	4.67	5.50	9.90
16"	200-C	4.67	5.50	9.90
16"	200-CP	4.04	4.75	8.55
16"	300	4.67	5.50	9.90
16"	400	4.67	5.50	9.90
16"	910	8.07	9.50	17.10
17"	CSF-9, C-12, C-16-F	8.07	9.50	17.10
17"	C-10	4.25	5.00	9.00
17"	C-14-M, 101-C-B	5.31	6.25	11.26
17"	205-C-B	6.37	7.50	13.50
17"	305-D	5.31	6.25	11.25
17"	305-S and 330-S	8.50	10.00	18.00
17"	C-S-9	8.50	10.00	18.00
17"	330-C	6.16	7.25	13.05
17"	350-F and 0421	5.52	6.50	11.70
17"	350-P	14.02	16.50	29.70
Hand sewn rayon silk oval bed light with ruffled braid trim completely equipped with socket, switch and cord	B-L	1.70	2.00	3.60

These maximum prices are for the articles described in the manufacturer's application dated April 11, 1945.

(2) For sales by the manufacturer, the maximum prices apply to all sales and deliveries since Maximum Price Regulation No. 188 became applicable to those sales and deliveries. For sales to persons other than consumers they are f. o. b. factory, 2% 10 days, net 30. The maximum price to consumers is net, delivered.

(3) For sales by persons other than the manufacturer, the maximum prices apply to all sales and deliveries after the effective date of this order. Those prices are subject to each seller's customary terms and conditions of sale on sales of similar articles.

(4) If the manufacturer wishes to make sales and deliveries to any other class of purchaser or on other terms and conditions of sale, he must apply to the Office of Price Administration, Washington, D. C., under the Fourth Pricing Method, § 1499.158 of Maximum Price Regulation No. 188, for the establishment of maximum prices for those sales, and no sales or deliveries may be made until maximum prices have been authorized by the Office of Price Administration.

(b) The manufacturer shall attach a tag or label to every article for which a maximum price for sales to consumers is established by this order. That tag or label shall contain the following statement, with the proper model number and

the ceiling price inserted in the blank spaces:

Model No. ------
OPA Retail Ceiling Price—$------
Do Not Detach

(c) At the time of, or prior to, the first invoice to each purchaser for resale, the manufacturer shall notify the purchaser in writing of the maximum prices and conditions established by this order for sales by the purchaser. This notice may be given in any convenient form.

(d) Jobber's maximum prices for sales of the articles covered by this order shall be established under the provisions of section 4.5 of SR 14J.

(e) This order may be revoked or amended by the Price Administrator at any time.

(f) This order shall become effective on the 29th day of August 1945.

Issued this 28th day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-16146; Filed, Aug. 28, 1945; 3:49 p. m.]

[MPR 64, Order 186]

EAGLE STOVE WORKS

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to sections 8 and 11 of Maximum Price Regulation No. 64; it is ordered:

(a) *Maximum prices.* This order establishes maximum prices for sales of the Romeagle King model magazine type coal heater manufactured by the Eagle Stove Works, Rome, Georgia as follows:

(1) For sales by the manufacturer to retail dealers the maximum price is $28.00 per stove. This price is f. o. b. factory and is subject to the manufacturer's customary terms, discounts, allowances and other price differentials which are no less favorable than those in effect during the period January 15 to June 1, 1941.

(2) For sales in each zone by retail dealers to ultimate consumers the maximum prices are those set forth below:

Model	Maximum price to ultimate consumers—			
	Zone 1	Zone 2	Zone 3	Zone 4
Romeagle King	*Each* $48.95	*Each* $51.50	*Each* $54.70	*Each* $58.95

These prices are subject to each seller's customary terms, discounts, allowances, and other price differentials in effect on sales of similar articles.

(b) *Notification.* At the time of or prior to the first invoice to each purchaser for resale the manufacturer shall notify the purchaser of the maximum prices and conditions established by this order for resales by the purchaser. This notice may be given in any convenient form.

(c) *Tagging.* The manufacturer prior to shipping any stove covered by this order to a purchaser for resale, shall attach securely to each stove a tag or label which plainly states the maximum price for sales to ultimate consumers in each zone, together with a list of the states included in each zone. This tag or label may not be removed until after the stove has been sold to an ultimate consumer.

(d) *Zones.* For purposes of this order, Zones 1, 2, 3, and 4 comprise the following states:

Zone 1. Alabama, Georgia and South Carolina.

Zone 2. Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, New York, New Jersey, Pennsylvania, Maryland, Delaware, Virginia, West Virginia, North Carolina, Tennessee, Mississippi, Louisiana, Arkansas, Missouri, Iowa, Wisconsin, Illinois, Michigan, Indiana, Ohio, Kentucky, Florida, and the District of Columbia.

Zone 3. Minnesota, North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, Texas and New Mexico.

Zone 4. Washington, Oregon, California, Nevada, Arizona, Utah, Idaho, Montana, Wyoming, Colorado.

(e) This order may be revoked or amended by the Price Administrator at any time.

(f) This order shall become effective on the 29th day of August 1945.

Issued this 28th day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-16193; Filed, Aug. 29, 1945; 11:25 a. m.]

[RMPR 136, Order 496]

GEORGE HAISS MFG. CO., INC.

AUTHORIZATION OF MAXIMUM PRICES

Order No. 496, under Revised Maximum Price Regulation 136. Machines, parts, and industrial equipment. George Haiss Manufacturing Company, Incorporated. Docket No. 6083-136.21-441.

For the reasons set forth in an opinion, issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to section 21 of Revised Maximum Price Regulation 136; *It is ordered:*

(a) The maximum prices for sales of bucket loaders by George Haiss Manufacturing Company, Incorporated, 391 Canal Place, New York, New York, shall be determined as follows:

Article	Model	Maximum prices for sales by any seller to—				
		Wholesalers (jobbers)	Retailers (quantities of 2,000 or more)	Retailers (quantities of 100 to 1,999)	Retailers (quantities of 1 to 99)	Consumers
Pressure canner with rack, jar lifter and cook book.	No. 7....	*Each* $9.43	*Each* $10.11	*Each* $11.04	*Each* $12.25	*Each* Eastern zone $18.86 Western zone $19.26

The company shall increase the maximum net prices in effect just prior to this adjustment by the amounts shown below:

Model 80C bucket loader	$461
Model 80W bucket loader	300
Model 135 bucket loader	427

(b) The maximum prices for sales of bucket loaders by resellers shall be determined as follows: The reseller shall add to the maximum net price he had in effect to a purchaser of the same class, just prior to the issuance of this order, the amount, in dollars-and-cents, by which his net invoiced cost has been increased due to the adjustment granted the manufacturer by this order.

(c) George Haiss Manufacturing Company, Incorporated shall notify each person who buys bucket loaders for resale of the dollars-and-cents amounts by which this order permits the reseller to increase his maximum net prices. A copy of each such notice shall be filed with the Machinery Branch, Office of Price Administration, Washington 25, D. C.

(d) All requests not granted herein are denied.

(e) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective August 30, 1945.

Issued this 29th day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-16194; Filed, Aug. 29, 1945; 11:30 a. m.]

[MPR 188, Rev. Order 1873]

VISCHER PRODUCTS CO.

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.158 of Maximum Price Regulation No. 188; *It is ordered:*

(a) This order establishes maximum prices for sales and deliveries of certain articles manufactured by Vischer Products Company, 412 Orleans Street, Chicago, Ill.

(1) For all sales and deliveries to the following classes of purchasers by the sellers indicated below, the maximum prices are those set forth below:

These maximum prices are for the articles described in the manufacturer's application dated July 15, 1944.

(2) For sales by the manufacturer, the maximum prices apply to all sales and deliveries since Maximum Price Regulation No. 188 became applicable to those sales and deliveries. These prices are f. o. b. factory and subject to a cash discount of 2% for payment within 10 days, net 30 days.

(3) For sales by persons other than the manufacturer, the maximum prices apply to all sales and deliveries after the effective date of this order. Those prices are subject to each seller's customary terms and conditions of sale on sales of similar articles.

(4) If the manufacturer wishes to make sales and deliveries to any other class of purchaser or on other terms and conditions of sale, he must apply to the Office of Price Administration, Washington, D. C., under the Fourth Pricing Method, § 1499.158 of Maximum Price Regulation No. 188, for the establishment of maximum prices for those sales, and no sales or deliveries may be made until maximum prices have been established by the Office of Price Administration.

(b) The manufacturer shall attach a tag or label to every article for which a maximum price for sales to consumers is established by this order. That tag or label shall contain the following statement:

OPA Retail Ceiling Price
Western Zone $19.26
Eastern Zone $18.86
Do Not Detach

(c) At the time of, or prior to, the first invoice to each purchaser for resale, the seller shall notify the purchaser in writing of the maximum prices and conditions established by this order for sales by the purchaser. This notice may be given in any convenient form.

(d) This order may be revoked or amended by the Price Administrator at any time.

(e) This order shall become effective on the 30th day of August 1945.

Issued this 29th day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-16195; Filed, Aug. 29, 1945; 11:27 a. m.]

[MPR 188, Rev. Order 2197]

ALBERT DAWSON

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.158 of Maximum Price Regulation No. 188; *It is ordered:*

(a) This order establishes maximum prices for sales and deliveries of certain articles manufactured by Albert Dawson, 415 East Tenth Avenue, Tarentum, Penna.

(1) For all sales and deliveries to the following classes of purchasers by the sellers indicated below, the maximum prices are those set forth below:

Article	Model No.	Maximum prices for sales by any seller to—		
		Wholesalers (jobbers)	Retailers	Consumers
Unit processor set (7 unit processors and 1 hook)...	None	*Per set* $0.87½	*Per set* $1.05	*Per set* $1.75

These maximum prices are for the articles described in the manufacturer's application dated April 20, 1944.

(2) For sales by the manufacturer, the maximum prices apply to all sales and deliveries since Maximum Price Regulation No. 188 became applicable to those sales and deliveries. These prices are f. o. b. factory and are subject to a cash discount of 2% for payment within 10 days, net 30 days.

(3) For sales by persons other than the manufacturer, the maximum prices apply to all sales and deliveries after the effective date of this order. Those prices are subject to each seller's customary terms and conditions of sale on sales of similar articles.

(4) If the manufacturer wishes to make sales and deliveries to any other class of purchaser or on other terms and conditions of sale, he must apply to the Office of Price Administration, Washington, D. C., under the Fourth Pricing Method, § 1499.158 of Maximum Price Regulation No. 188, for the establishment of maximum prices for those sales, and no sales or deliveries may be made until maximum prices have been authorized by the Office of Price Administration.

(b) The manufacturer shall attach a tag or label to every article for which a maximum price for sales to consumers is established by this order. That tag or label shall contain the following statement:

OPA Retail Ceiling Price—$1.75
Do Not Detach or Obliterate

(c) At the time of, or prior to, the first invoice to each purchaser for resale, the seller shall notify the purchaser in writing of the maximum prices and conditions established by this order for sales by the purchaser. This notice may be given in any convenient form.

(d) This order may be revoked or amended by the Price Administrator at any time.

(e) This order shall become effective on the 30th day of August 1945.

Issued this 29th day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-16196; Filed, Aug. 29, 1945; 11:29 a. m.]

[MPR 188, Rev. Order 3317]

KEEN EQUIPMENT CO.

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.158 of Maximum Price Regulation No. 188, *It is ordered:*

Order No. 3317 under § 1499.158 of Maximum Price Regulation No. 188 is amended and revised as follows:

(a) This revised order establishes maximum prices for sales and deliveries of certain articles manufactured by Keen Equipment Company, 420-32 Pear Street, Vineland, N. J.

(1) For all sales and deliveries to the following classes of purchasers by the sellers indicated below, the maximum prices are those set forth below:

Article	Model	Maximum prices for sales by all persons to—			
		Jobbers	Retailers	Consumers in eastern zone	Consumers in western zone
Utility stool.....	100	*Each* $2.675	*Each* [1] $3.97 [2] $3.57	*Each* $5.95	*Each* $6.25

[1] In quantities of 100 or less.
[2] In quantities of more than 100.

These maximum prices are for the articles described in the manufacturer's application dated October 31, 1944.

(2) For sales by the manufacturer, the maximum prices apply to all sales and deliveries since Maximum Price Regulation No. 188 became applicable to those sales and deliveries. They are f. o. b. factory and are subject to a cash discount of 2% for payment in ten days, net thirty days.

(3) For sales by persons other than the manufacturer, the maximum prices apply to all sales and deliveries after January 26, 1945. Those prices are subject to each seller's customary terms and conditions of sale on sales of similar articles.

(4) If the manufacturer wishes to make sales and deliveries to any other class of purchaser or on other terms and conditions of sale, he must apply to the Office of Price Administration, under the Fourth Pricing Method, § 1499.158 of Maximum Price Regulation No. 188, for the establishment of maximum prices for those sales, and no sales or deliveries may be made until maximum prices have been authorized by the Office of Price Administration.

(b) The manufacturer shall attach a tag or label to every article for which a maximum price for sales to consumers is established by this order. That tag or label shall contain the following statement:

OPA Retail Ceiling Price
In Eastern Zone—$5.95
In Western Zone—$6.25
Do Not Detach

(c) For the purpose of this revised order the "western-zone" means the states of Washington, Oregon, California, Montana, Wyoming, Nevada, Utah, Colorado, Arizona, and New Mexico. All the other states of the United States and the District of Columbia comprise the "eastern-zone".

(d) At the time of, or prior to, the first invoice to each purchaser for resale, the manufacturer shall notify the purchaser in writing of the maximum prices and conditions established by this order for sales by the purchaser. This notice may be given in any convenient form.

(e) This revised order may be revoked or amended by the Price Administrator at any time.

(f) This revised order shall become effective on the 30th day of August 1945.

Issued this 29th day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-16197; Filed, Aug. 29, 1945; 11:28 a. m.]

[MPR 188, Rev. Order 3376]

H. & F. MILL CO.

APPROVAL OF MAXIMUM PRICES

Order No. 3376 under § 1499.158 of Maximum Price Regulation No. 188 is revised and amended to read as follows:

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.158 of MPR 188, *It is ordered:*

(a) This revised order establishes maximum prices for sales and deliveries of certain articles of furniture manufactured by H. & F. Mill Company, 6613 Fifth Avenue N. E., Seattle 5, Wash.

(1) For all sales and deliveries to the following classes of purchasers by the sellers indicated below, the maximum prices are those set forth below:

Article	Model No.	Manufacturer's maximum price to persons, other than retailers, who sell from their own stock	Manufacturer's maximum price to retailers, who sell from the manufacturer's stock	Maximum price for sales to retailers by manufacturer, other than retailers, who sell from the manufacturer's stock
		Each	*Each*	*Each*
Adirondack chair	4401	$5.51	$5.85	$6.80
Lawn settee	4402	8.35	8.87	10.34
Wayside set	4405	11.36	12.06	14.19
Magazine table	4403	3.60	3.82	4.50
Lawn table	4404	4.60	4.88	5.74

These prices are f. o. b. factory, and are subject to a cash discount of two percent for payment within ten days, net thirty days, and are for the articles described in the manufacturer's application dated December 6, 1944.

(2) For sales by the manufacturer the maximum prices apply to all sales and deliveries since the effective date of MPR 188. For sales by persons, other than retailers, who sell from the manufacturer's stock, the maximum prices apply to all sales and deliveries after the effective date of this revised order.

(3) If the manufacturer wishes to make sales and deliveries to any other class of purchaser or on other terms and conditions of sale, he must apply to the Office of Price Administration, Washington, D. C., under the Fourth Pricing Method, § 1499.158, of MPR 188, for the establishment of maximum prices for those sales, and no sales or deliveries may be made until maximum prices have been authorized by the Office of Price Administration.

(b) At the time of, or prior to, the first invoice to each purchaser, other than a retailer, who sells from the manufacturer's stock, the manufacturer shall notify the purchaser of the maximum prices and conditions established by this revised order for sales by the purchaser. This notice may be given in any convenient form.

(c) This revised order may be revoked or amended by the Price Administrator at any time.

This revised order shall become effective on the 30th day of August 1945.

Issued this 29th day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-16198; Filed, Aug. 29, 1945; 11:28 a. m.]

[MPR 188, Rev. Order 3555]

ALBE METAL WORKS

APPROVAL OF MAXIMUM PRICES

Order No. 3555 under § 1499.158 of MPR 188 is revised and amended to read as follows:

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.158 of MPR 188; *It is ordered:*

(a) This revised order establishes maximum prices for sales and deliveries of certain articles of furniture manufactured by Albe Metal Works, 83 East Laurel Street, Philadelphia 23, Pennsylvania.

(1) For all sales and deliveries to the following classes of purchasers by the sellers indicated below, the maximum prices are those set forth below:

Article	Model No.	Manufacturer's maximum price to persons, other than retailers, who sell from the manufacturer's stock	Manufacturer's maximum price to retailers, who sell from their own stock	Maximum price for sales to retailers by manufacturer, other than retailers, who sell from the manufacturer's stock
		Each	*Each*	*Each*
Smoker	701	$2.55	$2.40	$3.00
	702	1.91	1.80	2.25

These prices are f. o. b. factory, are subject to a cash discount of two percent for payment within ten days, net thirty days and are for the articles described in the manufacturer's application dated February 1, 1945.

(2) For sales by the manufacturer the maximum prices apply to all sales and deliveries since the effective date of MPR 188. For sales by persons, other than retailers, who sell from the manufacturer's stock, the maximum prices apply to all sales and deliveries after the effective date of this revised order.

(3) If the manufacturer wishes to make sales and deliveries to any other class of purchaser or on other terms and conditions of sale, he must apply to the Office of Price Administration, Washington, D. C., under the Fourth Pricing Method, § 1499.158, of MPR 188, for the establishment of maximum prices for those sales, and no sales or deliveries may be made until maximum prices have been authorized by the Office of Price Administration.

(b) At the time of, or prior to, the first invoice to each purchaser, other than a retailer, who sells from the manufacturer's stock, the manufacturer shall notify the purchaser of the maximum prices and conditions established by this revised order for sales by the purchaser. This notice may be given in any convenient form.

(c) This revised order may be revoked or amended by the Price Administrator at any time.

This revised order shall become effective on the 30th day of August 1945.

Issued this 29th day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-16200; Filed, Aug. 29, 1945; 11:29 a. m.]

[MPR 188, Rev. Order 4202]

C. C. GALBRAITH & SON, INC.

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.158 of Maximum Price Regulation No. 188; *It is ordered:*

(a) This order establishes maximum prices for sales and deliveries of certain articles manufactured by C. C. Galbraith & Son, Incorporated, 450 Sixth Avenue, New York 11, N. Y.

(1) For all sales and deliveries to the following classes of purchasers by the sellers indicated below, the maximum prices are those set forth below:

Article	Model	Maximum prices for sales by any seller to—			
		Wholesalers (Jobbers)	Retailers (6 units or more)	Retailers (less than 6 units)	Consumers
		Each	*Each*	*Each*	*Each*
Space heater	2C	$6.58	$7.78	$8.37	$12.5[illegible]

These maximum prices are for the articles described in the manufacturer's application dated August 3, 1945. They include the Federal Excise Tax.

(2) For sales by the manufacturer, the maximum prices apply to all sales and deliveries since Maximum Price Regulation No. 188 became applicable to those sales and deliveries. These prices are f. o. b. factory and are subject to a cash discount of 2% for payment within 10 days, net 30 days.

(3) For sales by persons other than the manufacturer, the maximum prices apply to all sales and deliveries after the effective date of this order. Those prices are subject to each seller's customary terms and conditions of sale on sales of similar articles.

(4) If the manufacturer wishes to make sales and deliveries to any other class of purchaser or on other terms and conditions of sale, he must apply to the Office of Price Administration, Washington, D. C., under the Fourth Pricing Method, § 1499.158 of Maximum Price Regulation No. 188, for the establishment of maximum prices for those sales, and no sales or deliveries may be made until maximum prices have been authorized by the Office of Price Administration.

(b) The manufacturer shall attach a tag or label to every article for which a maximum price for sales to consumers is established by this order. That tag or label shall contain either of the following statements with the correct order number filled in:

Order No. 4202
Model No. 20
OPA Retail Ceiling Price—$12.55
Federal Excise Tax Included
Do Not Detach or Obliterate

or

C. C. Galbraith & Son, Incorporated
450 Sixth Avenue
New York 11, New York
Model No. 2C
OPA Retail Ceiling Price—$12.55
Federal Excise Tax Included
Do Not Detach or Obliterate

(c) At the time of, or prior to, the first invoice to each purchaser for resale, the seller shall notify the purchaser in writing of the maximum prices and conditions established by this order for sales by the purchaser. This notice may be given in any convenient form.

(d) This order may be revoked or amended by the Price Administrator at any time.

(e) This order shall become effective on the 30th day of August 1945.

Issued this 29th day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-16199; Filed, Aug. 29, 1945; 11:28 a. m.]

[MPR 188, Order 4356]

METEOR PRODUCTS CO.

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.158 of Maximum Price Regulation No. 188; *It is ordered:*

(a) This order establishes maximum prices for sales and deliveries of certain articles manufactured by the Meteor Products Company, 587 Alabama Avenue, Brooklyn, N. Y.

(1) For all sales and deliveries to the following classes of purchasers by the sellers indicated below, the maximum prices are those set forth below:

Article	Model	Maximum prices for sales by any sellers to—			
		Wholesalers (Jobbers)	Retailers (6 units or more)	Retailers (less than 6 units)	Consumers
		Each	*Each*	*Each*	*Each*
Two-burner hot plate, two switches, cord and plug, black crackled finish	102	$3.10	$3.75	$4.05	$6.05

These maximum prices are for the articles described in the manufacturer's application dated August 2, 1945. They include the Federal Excise Tax.

(2) For sales by the manufacturer, the maximum prices apply to all sales and deliveries since Maximum Price Regulation No. 188 became applicable to those sales and deliveries. These prices are f. o. b. factory and are subject to a cash discount of 2% for payment within 10 days, net 30 days.

(3) For sales by persons other than the manufacturer, the maximum prices apply to all sales and deliveries after the effective date of this order. These prices are subject to each seller's customary terms and conditions of sale on sales of similar articles.

(4) If the manufacturer wishes to make sales and deliveries to any other class of purchaser or on other terms and conditions of sale, he must apply to the Office of Price Administration, Washington, D. C., under the Fourth Pricing Method, § 1499.158 of Maximum Price Regulation No. 188, for the establishment of maximum prices for those sales, and no sales or deliveries may be made until maximum prices have been authorized by the Office of Price Administration.

(b) The manufacturer shall attach a tag or label to every article for which a maximum price for sales to consumers is established by this order. That tag or label shall contain either of the following statements with the correct order number filled in:

Order No.------
Model No. 102
OPA Retail Ceiling Price—$6.05
Federal Excise Tax Included
Do Not Detach or Obliterate

or

Meteor Products Company
587 Alabama Avenue
Brooklyn, New York
Model No. 102
OPA Retail Ceiling Price—$6.05
Federal Excise Tax Included
Do Not Detach or Obliterate

(c) At the time of, or prior to, the first invoice to each purchaser for resale, the seller shall notify the purchaser in writing of the maximum prices and conditions established by this order for sales by the purchaser. This notice may be given in any convenient form.

(d) This order may be revoked or amended by the Price Administrator at any time.

(e) This order shall become effective on the 30th day of August 1945.

Issued this 29th day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-16201; Filed, Aug. 29, 1945; 11:27 a. m.]

[MPR 188, Order 4357]

BEAUTYETTE ARTCRAFT CO.

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.158 of Maximum Price Regulation No. 188; *It is ordered:*

(a) This order establishes maximum prices for sales and deliveries of certain articles manufactured by Beautyette Artcraft Company, 2248 West North Avenue, Chicago 47, Ill.

(1) For all sales and deliveries to the following classes of purchasers by the sellers indicated below, the maximum prices are those set forth below:

Article	Model No.	For sales by the manufacturer to—		For sales by any person to consumers
		Jobbers	Retailers	
		Each	*Each*	*Each*
Silver plated white metal table lamp with 13" hand made shade, top and bottom trim, and lined 22" high	401A	$4.17	$4.90	$8.82
Decorated china table lamp and 15" shade, top and bottom trim, and lined 23½" high	101A	5.95	7.00	12.60

These maximum prices are for the articles described in the manufacturer's application dated March 27, 1945.

(2) For sales by the manufacturer, the maximum prices apply to all sales and deliveries since Maximum Price Regulation No. 188 became applicable to those sales and deliveries. For sales to persons other than consumers they are f. o. b. factory, 2% 10 days, net 30. The maximum price to consumers is net, delivered.

(3) For sales by persons other than the manufacturer, the maximum prices apply to all sales and deliveries after the effective date of this order. Those prices are subject to each seller's customary terms and conditions of sale on sales of similar articles.

(4) If the manufacturer wishes to make sales and deliveries to any other class of purchaser or on other terms and conditions of sale, he must apply to the Office of Price Administration, Washington, D. C., under the Fourth Pricing Method, § 1499.158 of Maximum Price Regulation No. 188, for the establishment of maximum prices for those sales, and no sales or deliveries may be made until maximum prices have been authorized by the Office of Price Administration.

(b) The manufacturer shall attach a tag or label to every article for which a maximum price for sales to consumers is established by this order. That tag or label shall contain the following statement, with the proper model number and the ceiling price inserted in the blank spaces:

Model No. ------
OPA Retail Ceiling Price—$------
Do Not Detach

(c) At the time of, or prior to, the first invoice to each purchaser for resale, the seller shall notify the purchaser in writing of the maximum prices and conditions established by this order for sales by the purchaser. This notice may be given in any convenient form.

(d) Jobber's maximum prices for sales of the articles covered by this order shall be established under the provisions of section 4.5 of SR 14J.

(e) This order may be revoked or amended by the Price Administrator at any time.

(f) This order shall become effective on the 30th day of August 1945.

Issued this 29th day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-16202; Filed, Aug. 29, 1945; 11:29 a. m.]

[MPR 188, Order 4358]

REMSEN SALES CO.

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.158 of Maximum Price Regulation No. 188; *It is ordered:*

(a) This order establishes maximum prices for sales and deliveries of certain articles manufactured by Remsen Sales Company, 964 Clarkson Avenue, Brooklyn, N. Y.

(1) For all sales and deliveries to the following classes of purchasers by the sellers indicated below, the maximum prices are those set forth below:

Article	Model Nos.	For sales by the manufacturer to—		For sales by any person to consumers
		Jobbers	Retailers	
		Each	*Each*	*Each*
Crystal vanity lamps	101, 100, 103, 228, 238	$1.06	$1.25	$2.25
	312, 229, 306	1.19	1.40	2.50
	233, 232, 231, 234	1.63	1.90	3.40
Crystal table lamp with 2 metal breaks and crystal base.	237	2.97	3.50	6.30
Crystal table lamp with 2 metal breaks and hand cut base and column.	237-C	3.83	4.50	8.10

These maximum prices are for the articles described in the manufacturer's application dated March 20, 1945.

(2) For sales by the manufacturer, the maximum prices apply to all sales and deliveries since Maximum Price Regulation No. 188 became applicable to those sales and deliveries. For sales to persons other than consumers they are net. The maximum price to consumers is net, delivered.

(3) For sales by persons other than the manufacturer, the maximum prices apply to all sales and deliveries after the effective date of this order. Those prices are subject to each seller's customary terms and conditions of sale on sales of similar articles.

(4) If the manufacturer wishes to make sales and deliveries to any other class of purchaser or on other terms and conditions of sale, he must apply to the Office of Price Administration, Washington, D. C., under the Fourth Pricing Method, § 1499.158 of Maximum Price Regulation No. 188, for the establishment of maximum prices for those sales, and no sales or deliveries may be made until maximum prices have been authorized by the Office of Price Administration.

(b) The manufacturer shall attach a tag or label to every article for which a maximum price for sales to consumers is established by this order. That tag or label shall contain the following statement, with the proper model number and the ceiling price inserted in the blank spaces:

Model No. ------
OPA Ceiling Price—$------
Do Not Detach

(c) At the time of, or prior to, the first invoice to each purchaser for resale, the manufacturer shall notify the purchaser in writing of the maximum prices and conditions established by this order for sales by the purchaser. This notice may be given in any convenient form.

(d) Jobber's maximum prices for sales of the articles covered by this order shall be established under the provisions of section 4.5 of SR 14J.

(e) This order may be revoked or amended by the Price Administrator at any time.

(f) This order shall become effective on the 30th day of August 1945.

Issued this 29th day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-16203; Filed, Aug. 29, 1945; 11:29 a. m.]

[MPR 188, Order 4359]

PROTECTIVE DEVICES MFG. CO.

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.158 of Maximum Price Regulation No. 188; *It is ordered:*

(a) This order establishes maximum prices for sales and deliveries of certain articles manufactured by Protective Devices Mfg. Co., 597 East 137th Street, Bronx 54, New York.

(1) For all sales and deliveries to the following classes of purchasers by the sellers indicated below, the maximum prices are those set forth below:

Article	Model No.	For sales by the manufacturer to—		For sales by any person to consumers
		Jobbers	Retailers	
		Each	*Each*	*Each*
21½" modern table lamp of bleached wood and hand painted crystal	153	$4.42	$5.20	$9.[illegible]
23" opal glass table lamp, hand painted, with wood base	1154	3.09	3.63	6.[illegible]
24" modern table lamp with 3 sections of walnut or oak and 2 sections of hand painted crystal	1155	5.91	6.95	12.[illegible]
26" opal glass table lamp, hand painted, with wood base	1156	5.71	6.72	12.[illegible]
28" modern table lamp with 3 sections of bleached wood and 2 sections of hand painted crystal	1158	7.03	8.27	14.[illegible]

These maximum prices are for the articles described in the manufacturer's application dated June 27, 1945.

(2) For sales by the manufacturer, the maximum prices apply to all sales and deliveries since Maximum Price Regulation No. 188 became applicable to those sales and deliveries. For sales to persons other than consumers they are f. o. b. factory, 2% 10 days, net 30. The maximum price to consumers is net, delivered.

(3) For sales by persons other than the manufacturer, the maximum prices apply to all sales and deliveries after the effective date of this order. Those prices are subject to each seller's customary terms and conditions of sale on sales of similar articles.

(4) If the manufacturer wishes to make sales and deliveries to any other class of purchaser or on other terms and conditions of sale, he must apply to the Office of Price Administration, Washington, D. C., under the Fourth Pricing Method, § 1499.158 of Maximum Price Regulation No. 188, for the establishment of maximum prices for those sales, and no sales or deliveries may be made until maximum prices have been authorized by the Office of Price Administration.

(b) The manufacturer shall attach a tag or label to every article for which a maximum price for sales to consumers is established by this order. That tag or label shall contain the following statement, with the proper model number and the ceiling price inserted in the blank spaces:

Model No. ------
OPA Retail Ceiling Price—$------
Do Not Detach

(c) At the time of, or prior to, the first invoice to each purchaser for resale, the manufacturer shall notify the purchaser in writing of the maximum prices and conditions established by this order for sales by the purchaser. This notice may be given in any convenient form.

(d) Jobber's maximum prices for sales of the articles covered by this order shall be established under the provisions of section 4.5 of SR 14J.

(e) This order may be revoked or amended by the Price Administrator at any time.

(f) This order shall become effective on the 30th day of August 1945.

Issued this 29th day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-16204; Filed, Aug. 29, 1945; 11:28 a. m.]

[Supp. Order 94, Rev. Order 38]

CERTAIN LIFE RAFTS AND LIFE FLOATS

SPECIAL EXEMPTION OF SALES

Order 38 under Supplementary Order 94 is redesignated Revised Order 38, and is revised and amended to read as follows:

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and in accordance with section 11 of Supplementary Order 94; *It is ordered:*

(a) Notwithstanding the provisions of any regulations or orders issued prior to the effective date of this order by the Office of Price Administration, sales by the United States Maritime Commission or any other Government agency and by any subsequent resellers of life rafts and life floats other than pneumatic life rafts and life floats are exempt from price control.

(b) This order may be revoked or amended at any time.

This order shall become effective immediately.

Issued this 30th day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-16267; Filed, Aug. 30, 1945; 11:24 a. m.]

[MPR 61, Revocation of Order 5]

FOOTWEAR LEATHER MADE FROM INDIA TANNED GOATSKINS

ADJUSTMENT OF MAXIMUM PRICES FOR CERTAIN PRODUCERS' SALES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register and pursuant to Section 4 of Maximum Price Regulation 61, *It is ordered:*

Order No. 5 under Maximum Price Regulation 61 is revoked, subject to the provisions of Supplementary Order No. 40.

This order of revocation shall become effective August 31, 1945.

Issued this 30th day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-16250; Filed, Aug. 30, 1945; 11:24 a. m.]

[RMPR 499, Rev. Order 4]

MIDO WATCHES

ESTABLISHMENT OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to section 14 of Revised Maximum Price Regulation 499, *It is ordered* that Order No. 4 under Revised Maximum Price Regulation 499 be revised to read as follows:

(a) *Effect of this order.* This order established maximum prices at which certain imported watches identified below may be sold to retailers and at retail by any person. These watches are imported by the Mido Watch Company of America, Inc., 665 Fifth Avenue, New York, New York, or its authorized distributors, hereinafter called the "importer".

(b) *Maximum prices for sales to retailers and at retail.* The maximum prices for sales by any person to retailers and at retail of the Mido watches identified below are as follows:

Style name	Maximum prices to retailers	Maximum retail prices including the Federal excise tax
Multifort superautomatic:		
Beaumont	$43.95	$120.00
Boone	21.45	42.50
Cromwell	46.45	120.00
Decatur	33.95	92.50
Farragut	28.45	62.50
Gladstone	24.45	55.00
Halifax	104.50	240.00
Huxley	102.50	234.50
Kitchener	24.45	49.50
Marquette	26.45	60.00
Revere	32.45	81.75
Rhodes	30.45	67.50
Rogers	34.45	87.25
Rumsey	48.45	125.00
Willoughby	35.95	98.00
Men's multifort:		
Balboa	25.95	62.50
Boyle	30.95	81.75
Bancroft	29.45	70.00
Bristol	29.45	67.50
Candor	34.95	92.50
Dunlap	24.95	57.50
Emmons	22.95	52.50
Endicott	28.95	67.50
Fletcher	25.45	62.50
Harding	46.45	120.00
Harrison	48.45	125.00
Hospital	20.95	47.50
Klondike	20.25	39.50
Mackenzie	39.25	115.00
Renshaw	32.95	87.25
Rodman	23.45	52.00
Doran	20.95	45.00
Barton	22.95	57.50
Forest	24.95	60.00
Men's watches:		
Amherst	25.95	60.00
Balfour	60.00	145.00
Gold figure dial	67.50	160.00
Blackstone	67.50	160.00
Gold figure dial	72.50	175.00
Breton	24.95	60.00
Burke	67.50	160.00
Gold figure dial	72.50	175.00
Byron	25.45	60.00
Calvin	45.00	120.00
Carnegie	45.00	120.00
Colby	25.95	60.00
Creighton	45.00	120.00
Dartmouth	55.00	135.00
Drake	67.50	160.00
Edward	40.00	109.00
Erskine	40.00	109.00
Ferris	40.00	109.00
Fordham	40.00	109.00
Harvard	60.00	145.00
Harvey	67.50	160.00
Gold figure dial	72.50	175.00
Hastings	45.00	109.00
Hobart	25.95	60.00
Kipling	60.00	145.00
Gold figure dial	67.50	160.00
Men's watches—Continued.		
Lawrence	$40.00	$109.00
Linfield	40.00	109.00
Loyola	25.95	60.00
Luther	25.95	60.00
Madison	65.00	150.00
Marshall	23.95	55.00
Princeton	25.95	60.00
Reed	24.95	55.00
Rice	25.95	60.00
Stanford	60.00	163.50
Taylor	40.00	109.00
Temple	40.00	109.00
Wayne	25.95	60.00
Yale	40.00	109.00
York	40.00	109.00
Regis	24.95	60.00
Cooper	45.00	120.00
Multicenter chronograph:		
Chronograph—Steel	57.50	140.00
9K—RGP—St. BK	62.50	150.00
Ladies' multifort:		
Andrea	33.45	87.25
Angela	35.45	109.00
Anita	25.95	57.50
Chiquita	34.75	87.25
Christina	28.45	65.00
Cline	22.95	52.50
Damita	31.45	81.75
Elena	23.95	52.50
Francesca	26.45	60.00
Magda	32.45	81.75
Mercer	34.45	87.25
Montclair	24.95	55.00
Pallas	32.95	81.75
Patricia	65.00	163.50
Santa Barbara	30.95	81.75
Santa Clara	30.95	81.75
Santa Lucia	29.75	71.50
Santa Monica	42.95	109.00
Santa Rosa	49.95	136.25
Santa Inez	30.95	81.75
Wendy	28.45	65.00
Marianna	30.45	70.00
Ladies' watches:		
Adelphi	32.50	81.75
Aurora	32.50	81.75
Barnard	32.50	92.50
Beatrice	58.95	150.00
Berthe	32.50	70.00
Blanche	32.50	70.00
Bluette	32.50	70.00
Brizette	32.50	70.00
Edmee	54.95	135.00
Elmira	32.50	81.75
Hood	34.50	92.50
Hollins	28.25	67.50
Jacqueline	52.50	125.00
Judson	28.25	67.50
Lander	28.25	67.50
Lindenwood	28.25	67.50
Marguerite	54.95	125.00
Marie	54.95	125.00
Marion	28.25	67.50
Meredith	28.25	67.50
Pamela	48.75	125.00
Pauline	54.95	125.00
Pierre	160.00	375.00
Pierrette	54.95	125.00
Queens	28.25	67.50
Rosemont	32.50	92.50
Rutgers	32.50	81.75
Ursuline	34.50	92.50
Wesleyan	28.25	67.50
Pocket watches:		
Charles	16.95	37.50
Walter	16.95	37.50
William	16.95	37.50
Wilson	69.45	163.50
(With gold dial)	73.45	180.00
Whitman	67.25	160.00
(With figure dial)	72.00	174.50
Woodmore	12.45	29.75

The above maximum prices to retailers are f. o. b. New York, New York, and are subject to the seller's customary (March 1942) terms, discounts and allowances. The above maximum retail prices are inclusive of the Federal excise tax of 10% (20% in the case of watches selling at retail for more than $65.00).

No charge may be added to the above maximum retail prices for the extension of credit except under the conditions specified and to the extent permitted by

section 12a of Revised Maximum Price Regulation 499.

(c) *Notification.* Any person who sells the above watches to a purchaser for resale shall furnish the purchaser with a copy of this order or a price list incorporating the above prices and containing a certification that they are maximum prices established by the Office of Price Administration. In addition, he shall include on every invoice covering a sale of these watches the following statement:

OPA Revised Order No. 4 Under RMPR 499 establishes the maximum prices at which you may sell these watches.

This notification requirement supersedes the notification requirement in section 12 of Revised Maximum Price Regulation No. 499 with respect to the watches covered by this order.

(d) *Tagging.* The importer shall include with every watch covered by this order delivered to a purchaser for resale after its effective date, a tag or label setting forth the style name and maximum retail price of the particular watch. This tag or label must not be removed until the watch is sold to an ultimate consumer.

(e) This order may be revoked or amended by the Price Administrator at any time.

(f) Unless the context otherwise requires the definitions set forth in section 2 of Revised Maximum Price Regulation No. 499 shall apply to the terms used herein.

This revised order shall become effective August 31, 1945.

Issued this 30th day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-16265; Filed, Aug. 30, 1945; 11:24 a. m.]

Regional and District Office Orders.

[Augusta Order G-1 Under Rev. Supp. Service Reg. 43 Under RMPR 165]

POTATO PICKING CONTRACTING SERVICES IN AROOSTOOK COUNTY, MAINE, AREA

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the District Director of the Augusta, Maine, Office of the Office of Price Administration by section 676 (a) (1) of Revised Supplementary Service Regulation 43 under Revised Maximum Price Regulation 165 and by Region I Second Revised Order of Delegation Item No. 165.9; *It is ordered:*

(a) Any contractor supplying pickers in connection with the harvesting of potatoes shall charge for such service not in excess of 2¢ per barrel of potatoes harvested by such pickers, and in no event shall the contractor's charge plus the wages paid the picker exceed 20¢ per barrel; lower prices may be charged and collected as desired.

(b) *Definitions.* When used in this order the term:

(1) "Contractor" means any person or persons furnishing pickers for harvesting potatoes by contract between such contractor and the potato producer. His duties consist also of field supervision, assignment of sections, keeping field records of the number of barrels of potatoes picked by each picker and the payment of the workers under his supervision from funds provided for this purpose by the producer.

(2) "Picker" means a person employed to pick the potatoes being harvested from the ground and placing them in barrels.

(3) "Barrel" refers to the standard-size potato barrel as used in harvesting potatoes.

(c) *Geographic applicability.* This order shall apply in the following counties and towns in the State of Maine:

Aroostook County and the townships of Mount Chase, Patten, Staceyville and Davidson in Penobscot County.

(d) *Revocation.* This order may be amended, modified or revoked at any time by the Office of Price Administration on its own motion.

(e) This order shall become effective August 24, 1945 and shall remain in effect for 90 days from the effective date of this order.

(56 Stat. 23, 765; Pub. Law 151, 78; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 23d day of August 1945.

PRESCOTT H. VOSE,
Director.

[F. R. Doc. 45-16214; Filed, Aug. 29, 1945; 12:08 p. m.]

[Region V Order G-3 Under RMPR 122, Amdt. 5]

SOLID FUELS IN TOPEKA, KANS., AREA

Pursuant to the Emergency Price Control Act of 1942, as amended, and the authority vested in the Regional Administrator of Region V, by § 1340.260 of Revised Maximum Price Regulation No. 122, and for the reasons set forth in the opinion issued simultaneously herewith; *It is ordered:* That Order No. G-3 under Revised Maximum Price Regulation No. 122 be, and the same is hereby, amended as follows:

1. Section (c), Price Schedule (1) II (B), is amended to read as follows:

	Produced at	
	Strip mines	Underground mines (machine cut)
II. *Low volatile coal from District 14 (Arkansas and Oklahoma)*		
(B) Production groups 2 and 3: From mines in the Paris Basin and the Denning-Coal Hill and Altus Fields of Franklin, Johnson and Logan Counties, Arkansas:		
(1) Lump (bottom size 2½" and larger)	.....	$13.65
(2) Egg (top size 4" to larger than 3"; bottom size not exceeding 2")	.....	12.65
(3) Nut (top size 2½" to larger than 1½"; bottom size 1½" to larger than ¾")	.....	11.80
(4) Stoker—Pea (top size not larger than 1¼"; bottom size ⅜" and smaller)	.....	9.20

2. This amendment shall be retroactively effective August 17, 1945.

(56 Sta. 23, 765, 57 Sta. 566, Pub. Law 151, 78th Cong. E.O. 9250, 7 F.R. 7871, E.O. 9328, 8 F.R. 4681)

Issued at Dallas, Texas, this 22d day of August 1945.

W. A. ORTH,
Regional Administrator.

[F. R. Doc. 45-16216; Filed, Aug. 29, 1945; 12:08 p. m.]

[Region V Order G-8 Under RMPR 122]

SOLID FUELS IN SEDALIA, MO.

Pursuant to the authority vested in the Regional Administrator of Region V by § 1340.260 of Revised Maximum Price Regulation No. 122 and for the reasons stated in the opinion issued simultaneously herewith, it is ordered:

(a) *What this order does.* This order establishes maximum prices for sales of specified solid fuels within the corporate limits of the city of Sedalia, Missouri, as established by city ordinance. The prices set forth in this order are the highest prices that any dealer may charge when he sells or delivers any of such fuels at or to a point within the area covered hereby.

(1) *Solid fuels not covered by this order.* There are a few kinds and sizes of solid fuels covered by Revised Maximum Price Regulation No. 122 sold and delivered in the area covered by this order which are not included in and for which prices are not established by this order. The maximum prices of such solid fuels when sold by any person covered by this order shall continue to be the maximum prices for such fuels established by Revised Maximum Price Regulation No. 122, as amended. Such sales shall in all respects be governed by the provisions of Revised Maximum Price Regulation No. 122, as amended.

(b) *What this order prohibits.* Regardless of any obligation no person shall:

(1) Sell, or in the course of trade or business buy, solid fuels at prices higher than the maximum prices set by this Order No. G-8; but less than the maximum prices may at any time be charged, paid or offered.

(2) Obtain higher than maximum prices by:

(i) Charging for a service unless such service is expressly requested by the buyer and unless specifically authorized to do so by this order;

(ii) Charging a price higher than the schedule price for a service;

(iii) Using any tying agreement or requiring that the buyer purchase anything in addition to the fuel requested by him; or

(iv) Using any other device by which a higher than maximum price is obtained directly or indirectly.

(c) *Price schedule.* (1) Below and a part of this section is the maximum price schedule which sets forth maximum prices for sales by direct delivery of specified sizes, kinds and quantities of solid fuels.

MAXIMUM PRICE SCHEDULE

Description of Fuel	*Maximum price per ton*
I *High volatile bituminous coal from District 10 (Illinois)*	
(A) From machine loading mines in the Southern Subdistrict—Price groups 1 and 2:	
(1) Lump; Egg (Bottom size larger than 2")	$8.45
(2) Egg, (Nut—Bottom size 2" to larger than 1½"; top size 4" to larger than 2")	7.85
(3) Special Stoker (Bottom size larger than 1 millimeter; top size 2" or less)	7.95
II. *High volatile bituminous coal from strip mines in District 15 (Missouri and Kansas)*	
(A) Production group 1: From mines in Cherokee, Crawford, Bourbon and Labette Counties, Kansas and that portion of Vernon County lying south of an east and west line drawn through the town of Nevada in Missouri:	
(1) Lump; egg (bottom size 3" or larger)	7.67
(2) Standard nut (top size 3" to larger than 2"; bottom size 1¼" and smaller)	7.37
(B) Production Group 2: From mines in Linn County, Kansas; Bates, Henry, St. Clair, Johnson and that portion of Vernon County lying north of an east and west line drawn through the town of Nevada in Missouri (excepting that from mines in Bates and Vernon Counties, Missouri and Linn County, Kansas, located in the commonly known Foster-Hume District):	
(1) Lump; egg, (bottom size 3" or larger)	5.72
(2) Fancy nut, (top size 3" to larger than 2"; bottom size larger than 1¼")	5.72
(3) Washed screenings, (top size not exceeding 1¼" x 0)	4.87
From mines in Bates and that portion of Vernon County lying north of a line drawn east and west through the town of Nevada in Missouri, and Linn County, Kansas, located in the commonly known Foster-Hume District:	
(4) Lump; egg, (bottom size 3" or larger)	6.07
(5) Standard nut, (top size 3" to larger than 2"; bottom size 1¼" or smaller)	6.02

(2) The prices set forth in the foregoing schedule are on a per ton basis (2,000 pounds to the ton). No dealer may add to the Schedule prices an additional charge for the extension of credit.

(3) Prices set forth in the foregoing schedule are for untreated coal. The dealer may charge an amount not to exceed 10¢ per ton in addition to the schedule prices when the coal is thoroughly and adequately treated, chemically or with oil, to allay dust or prevent freezing (see section (j)).

(4) A deduction from the prices set forth in the foregoing schedule of not less than 25¢ per ton must be made on all sales made for cash on one ton or more of solid fuels covered by this order. "Sales made for cash," for the purposes of this order, means all sales in which payment is made on or before delivery.

(5) A deduction from the prices set forth in the foregoing schedule of not less than 50¢ per ton must be made on yard sales of solid fuels covered by this order in quantities of one or more tons. If the sale is made for cash, as the term is used and defined in the foregoing subparagraph (4), this deduction on yard sales must be made in addition to the deduction for sales made for cash as provided for in subparagraph (4) above. "Yard sales," for the purposes of this order, means sales in which the buyer takes delivery at the dealer's yard.

(6) The maximum price on all sales of small lots in quantities of less than one ton put into the buyer's car or other conveyance at the dealer's yard shall be 45¢ per hundredweight for high volatile fuels and 65¢ per hundredweight for low volatile fuels. In sales of this kind the buyer may be required to furnish the container. If the buyer does not possess a container, the dealer may require a deposit charge equivalent to the replacement cost when such container is furnished.

(7) An addition not to exceed 35¢ may be added to the fractional per net ton price set out in the foregoing schedule when the dealer sells and delivers one-half ton.

(d) *Service charges.* (1) Below and as a part of this section (d) is a schedule that sets forth maximum prices which a dealer may charge for special services rendered in connection with all sales under preceding section (c). These charges may be made only if the buyer requests such services of the dealer and only when the dealer renders the services.

(i) A service charge not to exceed 50¢ per ton may be charged for the "carry in" services. The "carry in" service means the service of carrying in solid fuel from the curb or point nearest and most accessible to the buyer's bin or storage space to the buyer's fuel bin window. This service does not include the service of carrying fuel up or down stairs.

(ii) An amount not to exceed 75¢ per ton may be charged for the "double carry in" service. The "double carry in" service means the service of carrying in solid fuel from the curb or point nearest and most accessible to the buyer's bin or storage space and up or down one flight of stairs to the buyer's fuel bin.

(iii) An amount not to exceed 40¢ per ton may be charged for the service of "trimming." "Trimming" means the arranging and placing of the fuel in the buyer's bin. This service charge for "trimming" shall be applicable only to the amount of fuel actually handled.

(e) *Transportation tax: Missouri State sales tax.* (1) *The transportation tax.* Only the transportation tax imposed by section 620 of the Revenue Act of 1942 may be collected in addition to the maximum prices set out by this order provided the dealer states it separately from the price of the fuel and lists it separately on any sales slip or receipt given to the buyer. This tax need not be stated separately on sales to the United States or any agency thereof, the State Government or any political subdivision thereof (See § 1340.265 (b) of Revised Maximum Price Regulation No. 122). No part of this tax may be collected in addition to maximum prices on sales of ¼ ton or lesser quantities.

(2) *The Missouri State sales tax.* The seller may add to the prices listed in the schedule in section (c) the sales tax required to be collected by the laws of the State of Missouri. This tax shall be separately stated in the dealer's invoice, sales slip or receipt.

(f) *Addition of increase in supplier's price prohibited.* (1) The maximum prices set out by this order may not be increased by a dealer to reflect increases in purchase costs or in supplier's maximum prices occurring after the effective date hereof; but increases in the maximum prices set hereby to reflect such increases are within the discretion of the Regional Administrator.

(g) *Power to amend or revoke.* (1) The Price Administrator or the Regional Administrator of Region V may amend, revoke, or rescind this order, or any provisions thereof, at any time.

(h) *Petitions for amendment.* (1) Any person seeking an amendment to this order may file a petition for amendment in accordance with Revised Procedural Regulation No. 1 except that the petition shall be filed with the Regional Administrator and acted upon by him.

(i) *License.* (1) Every dealer subject to this order is governed by the licensing provisions of Supplementary Order No. 72. This provides in brief that a license is required of all persons selling at retail commodities for which maximum prices are established. A license may be suspended for violation in connection with the sale of any commodity for which maximum prices are established. If a dealer's license is suspended, he may not sell any such commodity during the period of suspension.

(j) *Sales slips and receipts, records.* (1) Every person selling solid fuels subject to this order shall, either at the time of, or within thirty days after the date of a sale or delivery of solid fuels governed by this order, give to his purchaser an invoice, sales slip or receipt, and shall keep an exact copy thereof for so long as the Emergency Price Control Act of 1942, as amended, shall remain in effect, showing the following information: The name and address of the seller and the purchaser; the kind, size and quantity of the solid fuels sold, the date of the sale or delivery and the price charged. In addition he shall separately state on each such invoice, sales slip or receipt the amount, if any, of the required discounts, authorized service charges and taxes which must be deducted from or which may be added to the established maximum prices: *Provided,* That a dealer who is authorized to make a special service charge for chemical or oil treatment of coal need not separately state the amount of such service charge if he clearly indicates on the invoice that such coal is so treated: *And further provided,* That provisions of this section shall not apply to sales of solid fuels in less than quarter ton lots unless requested by the purchaser.

(k) *Posting of maximum prices.* (1) Each dealer subject to this order shall post all of the maximum prices set by it for all types of sales. He shall post his prices in his place of business in a manner plainly visible to and understandable by the purchasing public. He shall also keep a copy of this order available for examination by any person inquiring as to his prices for solid fuel.

(l) *Enforcement.* (1) Persons violating any provisions of this order are subject to civil and criminal penalties, including suits for treble damages, provided for by the Emergency Price Control Act of 1942, as amended.

(2) Persons who have any evidence of any violation of this order are urged to communicate with the Kansas City, Missouri District Office of the Office of Price Administration.

(m) *Definitions and explanations.* (1) "Person" includes an individual, corporation, partnership, association, or any other organized group of persons, or legal successor or representative of any of the foregoing, and includes the United States, or any agency thereof, or any other government, or any of its political subdivisions or any agency of any of the foregoing.

(2) "Sell" includes sell, supply, dispose, barter, exchange, lease, transfer, and deliver, and contracts and offers to do any of the foregoing. The terms "sale," "selling," "sold," "buy," "purchase," and "purchaser" shall be construed accordingly.

(3) "Dealer" means any person selling solid fuel except producers or distributors making sales at or from a mine, a preparation plant operating as an adjunct of any mine, a coke oven or a briquette plant.

(4) "Direct delivery" means dumping or chuting the fuel from the seller's truck directly into the buyer's bin or storage space; but if this is unfeasible, because of the absence of a regular driveway free from all foreign matter which might damage trucks and tires, then direct delivery means discharging the solid fuel from the seller's truck directly at the street curb or at the point nearest and most accessible to the buyer's bin or storage space.

(5) "Production group" and "production groups," as used in this order, refer to the production groups established by the former Bituminous Coal Division pursuant to the Bituminous Coal Act of 1937, as amended, and as in effect at midnight, August 23, 1943.

(6) "Price groups," as used in this order, refers to the price groups established by the former Bituminous Coal Division pursuant to the Bituminous Coal Act of 1937, as amended, and as in effect at midnight, August 23, 1943.

(7) "District No." refers to the geographical bituminous coal producing districts as delineated and numbered by the Bituminous Coal Act of 1937, as amended, as they have been modified by the Bituminous Coal Division and as in effect at midnight, August 23, 1943.

(8) "High volatile bituminous coal" means coal produced in the high volatile sections of the producing districts specified in this order.

(9) "Low volatile bituminous coal" means coal produced in the low volatile sections of the producing districts specified in this order.

(10) "Solid fuel" (or "solid fuels") means all solid fuel except wood and wood products, including all kinds of anthracite and semi-anthracite; bituminous and semi-bituminous and cannel coal; lignite; all coke, including low temperature coke (except by-product foundry and blast furnace coke, and beehive oven furnace coke produced in the State of Pennsylvania); briquettes made from coke or coal; and sea coal used for foundry facings.

(11) "Egg, nut," etc., sizes of bituminous coal refer to the sizes of such coal as defined in the Bituminous Coal Act of 1937, as amended, and as prepared at the mine in accordance with the applicable minimum price schedule promulgated by the Bituminous Coal Division of the United States Department of the Interior, and in effect (or established) as of midnight, August 23, 1943.

Where the minimum price schedules do not make specific mention of any size designated in this order, such size designations shall refer to the sizes of bituminous coal sold as such in the area subject to this order during December, 1941.

(12) "Strip mine" means a mine producing coal by the strip method and taking its entire production from the ground after removing all overburden.

(13) Except as otherwise specifically provided herein or as the context may otherwise require, the definitions set forth in §§ 1340.255 and 1340.266 of Revised Maximum Price Regulation No. 122, as amended, shall apply to the terms used herein.

(n) *Effect of this order on Revised Maximum Price Regulation No. 122.* To the extent applicable, the provisions of this order supersede Revised Maximum Price Regulation No. 122.

NOTE: The provisions of this order which require approval by the Bureau of the Budget in accordance with the Federal Reports Act of 1942 have been approved by the Bureau of the Budget.

(56 Stat. 23, 765, Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued and effective this 21st day of August 1945.

C. B. BRAUN,
Acting Regional Administrator.

[F. R. Doc. 45-16215; Filed, Aug. 29, 1945; 12:08 p. m.]

[Region V Order G-9 Under SR 14A]

FLUID MILK IN PITTSBURG, TEX.

Pursuant to an application filed by R. L. Bland, Roy Fuller, S. B. Spearman, milk dealers in Pittsburg, Texas, and for the reasons set forth in the opinion accompanying this order and under the authority vested in the Administrator of Region V, Office of Price Administration, by § 1499.73a (a) (1) (vii) (d) of Supplementary Regulation No. 14A and § 1499.75 (a) (9) of Supplementary Regulation No. 15 to the General Maximum Price Regulation; *It is hereby ordered:*

The application is denied in full.

The applicants may within 60 days from the date on which this order is mailed to them, file an application with the Regional Administrator for review of the order by the Price Administrator in accordance with Revised Procedural Regulation No. 1, as amended.

Issued at Dallas, Texas, and effective this 24th day of August 1945.

W. A. ORTH,
Regional Administrator.

[F. R. Doc. 45-16217; Filed, Aug. 29, 1945; 12:09 p. m.]

[Region VIII Order G-1 Under MPR 579]

INVOICES FOR FRESH AND FROZEN FISH AND SEAFOOD IN SAN FRANCISCO REGION

For the reasons set forth in the accompanying opinion and under the authority vested in the Regional Administrator of the Office of Price Administration by section 1.6 (c) of Maximum Price Regulation No. 579; *It is hereby ordered:*

(a) Any seller subject to section 1.6 of Maximum Price Regulation No. 579, when issuing a written statement required by that section, may describe the species of fish or seafood sold and the size, grade and style of dressing thereof by listing on such written statement the appropriate table, schedule, and item numbers as set forth in section 10.1 of that regulation. This authority, however, applies only in those instances in which both the buyer and seller are located within Region VIII, which comprises the States of California, Washington, Nevada, Oregon (except Malheur County), and Arizona (except those portions of Coconino County and Mohave County lying north of the Colorado River), and the following counties in the State of Idaho, Benewah, Bonner, Boundary, Clearwater, Idaho, Kootenai, Latah, Lewis, Nez Perce, and Shoshone.

(b) This order may be revoked, amended, or corrected at any time. This order shall become effective August 15, 1945.

Issued this 14th day of August 1945.

CHAS. R. BAIRD,
Regional Administrator.

[F. R. Doc. 45-16222; Filed, Aug. 29, 1945; 12:10 p. m.]

[Region VIII Order G-1 Under Rev. Gen. Order 32, Amdt. 1]

FROZEN FISH AND SEAFOOD IN SAN FRANCISCO REGION

An opinion accompanying this amendment has been issued simultaneously herewith.

Order No. G-1 under Revised General Order No. 32 is amended in the following respects:

1. Paragraph (a) is amended to read as follows:

(a) The maximum price in Region VIII of frozen fish and seafood of a kind for which, when not frozen, a maximum price is provided by Revised Order No. G-6 under Maximum Price Regulation No. 418, shall be the price which would apply under that order were such fish or seafood not frozen, plus 1 cent per pound. This order, however, shall not apply to any sales for which maximum prices are provided by Maximum Price Regulations No. 364, 421, 422, 423, or 579, or by Revised Maximum Price Regulation No. 507.

This amendment to Order No. G-1 shall become effective August 15, 1945.

Issued this 14th day of August 1945.

CHAS. R. BAIRD,
Regional Administrator.

[F. R. Doc. 45-16223; Filed, Aug. 29, 1945; 12:10 p. m.]

[Region VIII Order G-2 Under MPR 418, Revocation]

FRESH FISH AND SEAFOOD IN SAN FRANCISCO REGION

For the reasons set forth in the accompanying opinion and pursuant to the authority vested in the Regional Administrator by section 2 (d) of Maximum Price Regulation No. 418, as amended, Order No. G-2 under section 2 (d) of Maximum Price Regulation No. 418, as amended, is hereby revoked.

This order of revocation shall become effective August 15, 1945.

Issued this 14th day of August 1945.

CHAS. R. BAIRD,
Regional Administrator.

[F. R. Doc. 45-16225; Filed, Aug. 29, 1945; 12:10 p. m.]

[Region VIII Order G-2 Under MPR 579]

TRANSPORTATION ALLOWANCES FOR FRESH FISH IN LOS ANGELES COUNTY, CALIF.

For the reasons set forth in the accompanying opinion and under the authority vested in the Regional Administrator of the Office of Price Administration by sections 4.11 (f) and 2.11 (f) of Maximum Price Regulation No. 579, *It is hereby ordered:*

(a) The maximum allowance for transportation which a wholesaler located in the County of Los Angeles in the State of California may add to applicable maximum prices of fresh fish set forth in section 10.1 of Maximum Price Regulation No. 579, in order to determine the maximum prices in the County of Los Angeles for fresh fish, shall be as follows:

Shipping Point and Permitted Transportation Allowance Per 100 Pounds Net Weight

In the State of California:	
Eureka	$2.50
Fort Bragg	2.50
San Diego	.90
Santa Barbara	1.00
Santa Cruz	1.75
Monterey	1.75
San Francisco	1.75
Sacramento	1.75
Oakland	1.75
Pittsburg	1.75
In the State of Oregon:	
All points	2.50
In the State of Washington:	
All points except the City of Bellingham	2.50
Bellingham	3.00

(b) Definitions. (1) Any city designated in paragraph (a) above shall include the area within a radius of 10 miles of the city limits of said city.

(2) All other terms in this order shall have the same meaning as in Maximum Price Regulation No. 579, unless the context clearly requires otherwise.

(c) This order may be revoked, amended, or corrected at any time.

This order shall become effective August 15, 1945.

Issued this 14th day of August 1945.

CHAS. R. BAIRD,
Regional Administrator.

[F. R. Doc. 45-16221; Filed Aug. 29, 1945; 12:10 p. m.]

[Region VIII Order G-3 Under MPR 579]

SALMON IN WASHINGTON

For the reasons set forth in the accompanying opinion and under the authority vested in the Regional Administrator of the Office of Price Administration by sections 4.2 (c) and 2.2 (c) of Maximum Price Regulation No. 579, *It is hereby ordered:*

(a) The maximum prices for the species and style of dressing of fresh fish described in Items No. 1 in Schedules 9 (a) and 11 (a) of Table IIA of section 10.1 (c) of Maximum Price Regulation No. 579 for which a price is provided in Column A of such table, shall, when delivered to buyer's docks in the Cities of Seattle, Everett, Bellingham, and Anacortes in the State of Washington, be the prices set forth in such Column A plus ½ cent per pound.

(b) This order may be revoked, amended, or corrected at any time.

This order shall become effective August 15, 1945.

Issued this 14th day of August 1945.

CHAS. R. BAIRD,
Regional Administrator.

[F. R. Doc. 45-16220; Filed, Aug. 29, 1945; 12:09 p. m.]

[Region VIII Order G-4 Under MPR 418, Revocation]

FRESH FISH AND SEAFOOD IN SAN FRANCISCO REGION

For the reasons set forth in the accompanying opinion and pursuant to the authority vested in the Regional Administrator by Section 20 (a) of Maximum Price Regulation No. 418, as amended, Order No. G-4 under Maximum Price Regulation No. 418, as amended, is hereby revoked.

This order of revocation shall become effective August 15, 1945.

Issued this 14th day of August 1945.

CHAS. R. BAIRD,
Regional Administrator.

[F. R. Doc. 45-16224; Filed, Aug. 29, 1945; 12:10 p. m.]

[Region VIII Order G-4 Under MPR 579]

SACRAMENTO RIVER SALMON IN CALIFORNIA

For the reasons set forth in the accompanying opinion and under the authority vested in the Regional Administrator of the Office of Price Administration by sections 4.2 (c) and 2.2 (c) of Maximum Price Regulation No. 579; *It is hereby ordered:*

(a) The maximum price for sales covered by Column A of fish described in Schedule No. 8 (c) of Table IIA, section 10.1 (c) of Maximum Price Regulation No. 579, shall be the price stated in such Column A less 1 cent per pound.

(b) This order may be revoked, amended, or corrected at any time.

This order shall become effective August 15, 1945.

Issued this 14th day of August 1945.

CHAS. R. BAIRD,
Regional Administrator.

[F. R. Doc. 45-16219; Filed, Aug. 29, 1945; 12:09 p. m.]

[Region VIII Order G-5 Under MPR 418, Revocation]

FRESH FISH AND SEAFOOD IN SAN FRANCISCO REGION

For the reasons set forth in the accompanying opinion and pursuant to the authority vested in the Regional Administrator by section 2 (d) of Maximum Price Regulation No. 418, as amended, Order No. G-5 under Maximum Price Regulation No. 418, as amended, is hereby revoked.

This order of revocation shall become effective August 15, 1945.

Issued this 14th day of August 1945.

CHAS. R. BAIRD,
Regional Administrator.

[F. R. Doc. 45-16227; Filed, Aug. 29, 1945; 12:11 p. m.]

[Region VIII Order G-5 Under MPR 579]

BOTTOM FISH IN SAN FRANCISCO REGION

For the reasons set forth in the accompanying opinion and under the authority vested in the Regional Administrator of the Office of Price Administration by sections 4.2 (c) and 2.2 (c) of Maximum Price Regulation No. 579, *It is hereby ordered:*

(a) The maximum price of fish of the kind specified in paragraph (b) of this order for which a price is provided by Column A and footnote 6 in Table IIA of section 10.1 (c) of Maximum Price Regulation No. 579 shall be the price stated in such Column A without the deduction provided by such footnote 6.

(b) This order shall apply only to the fish described as follows in Table IIA of Section 10.1 (c) of Maximum Price Regulation No. 579:

Schedule No.	Species	Item	Style of dressing	Size
15	Dover sole	1	Round	All.
16	English sole	1	do	Under 13".
16	do	2	do	13" up.
17	Flounder	1	do	All.
18	Petrale sole	1	do	Do.
20	Sand sole	1	do	Do.
21	Turbot sole	1	do	Do.

(c) This order shall apply only in Region VIII, which comprises the States of California, Washington, Nevada, Oregon (except Malheur County), and Arizona (except those portions of Coconino County and Mohave County lying north of the Colorado River), and the following counties in the State of Idaho: Benewah, Bonner, Boundary, Clearwater, Idaho, Kootenai, Latah, Lewis, Nez Perce, and Shoshone.

(d) This order may be revoked, amended, or corrected at any time.

This order shall become effective August 15, 1945.

Issued this 14th day of August 1945.

CHAS. R. BAIRD,
Regional Administrator.

[F. R. Doc. 45-16218; Filed, Aug. 29, 1945; 12:09 p. m.]

[Region VIII Order G-8 Under MPR 418, Revocation]

FRESH FISH AND SEAFOOD IN SAN FRANCISCO REGION

For the reasons set forth in the accompanying opinion and pursuant to the authority vested in the Regional Administrator by section 2 (d) of Maximum Price Regulation No. 418, as amended, Order No. G-8 under Maximum Price Regulation No. 418, as amended, is hereby revoked.

This order of revocation shall become effective August 15, 1945.

Issued this 14th day of August 1945.

CHAS. R. BAIRD,
Regional Administrator.

[F. R. Doc. 45-16226; Filed, Aug. 29, 1945; 12:11 p. m.]

[Region IV Order G-17 Under SR 15, MPR 280 and MPR 329, Amdt. 3]

FLUID MILK IN GEORGIA

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator, Region IV of the Office of Price Administration by § 1499.75 (a) (9) of the General Maximum Price Regulation and § 1351.807 of Maximum Price Regulation 280 and Section 8-A of Order G-17, *It is hereby ordered*, That Order G-17 be amended in the following respects:

1. The list of counties in section 14 (a), Area 1, is deleted.

2. The list of counties in section 14 (b), Area 2, is amended by adding the following counties:

Banks, Clay, Columbia, Hancock, Marlon, Pike, Warren, Webster, White, Wilkinson.

and excluding the following county: Cherokee—except town of Canton.

3. The list of counties in section 14 (c), Area 3, is amended by adding the following counties: Catoosa and Cook; and excluding the following counties: Baldwin and Clayton.

4. The list of counties in section 14 (d), Area 4, is amended to include the following counties: Baldwin, Cherokee, and Pickens; and the list of cities or towns in section 14 (d), Area 4, is deleted.

5. The list of counties in section 14 (e), Area 5, is amended by adding the following county: Clayton; and by excluding the following counties: Camden and McIntosh.

6. The list of counties in section 14 (f), Area 5D, is amended by adding the following counties: Camden and McIntosh.

This amendment shall become effective August 29, 1945.

Issued: August 29, 1945.

ALEXANDER HARRIS,
Regional Administrator.

Approved:

J. B. HUTSON,
Acting Secretary of Agriculture.

[F. R. Doc. 45-16231; Filed, Aug. 29, 1945; 4:29 p. m.]

SECURITIES AND EXCHANGE COMMISSION.

[File Nos. 70-986, 70-1128]

NEW ENGLAND PUBLIC SERVICE CO., ET AL.

NOTICE OF FILING AND ORDER OF CONSOLIDATION

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 28th day of August 1945.

In the matter of New England Public Service Company, File No. 70-986, and Charles R. Prichard, Jr., Alexander Macomber, and John West, File No. 70-1128.

New England Public Service Company (NEPSCO), a registered holding company, having filed a declaration (File No. 70-986) with the Commission pursuant to the applicable provisions of the Public Utility Holding Company Act of 1935 on October 30, 1944, with respect to the sale of the entire gas properties and business of Public Service Company of New Hampshire (New Hampshire), its subsidiary, to James A. Peirce or his nominees; the Commission in its notice of filing and order for hearing issued November 1, 1944 (Holding Company Act Release No. 5405) having summarized the terms of said sale and having ordered a hearing thereon; hearings having been held pursuant to said notice, testimony having been taken and the hearing having been closed; and the Commission having been notified subsequently to the closing of said hearing that the parties were unable to effectuate the proposed transaction; and

New Hampshire having filed an amendment to its declaration stating that further efforts were made in April 1945 to sell its gas properties and business; New Hampshire having entered into a contract of sale for said gas properties and business on June 8, 1945, with Charles R. Prichard, Jr., and others; and declarant having filed an amendment to its declaration praying that the above-entitled proceeding (File No. 70-986) be reopened for further consideration and final disposition; the Commission in its notice of filing of amendment to declaration and order for reconvening hearing issued July 9, 1945 (Holding Company Act Release No. 5916), having summarized the terms of said sale and having ordered the hearing to be reconvened thereon; and hearings having been held pursuant to said notice, testimony having been taken and the hearing having been continued subject to the call of the trial examiner;

Notice is hereby given that Charles R. Prichard, Jr., Alexander Macomber and John West have filed an application (File No. 70-1128) pursuant to the applicable provisions of the act on August 15, 1945, with respect to the proposed acquisition of 2,000 shares (out of a total of 4,000 shares to be issued) at the par value of $25 per share of capital stock of Gas Service, Inc., formed by the applicants for the purpose of acquiring, pursuant to the said contract of June 8, 1945, the gas properties and business proposed to be sold by New Hampshire. Charles R. Prichard, Jr., Alexander Macomber and John West at the present time own, control, or hold with power to vote 5% or more of the capital stock of Nantucket Gas & Electric Company, an electric and gas public utility company located at Nantucket, Massachusetts.

Charles R. Prichard, Jr., Alexander Macomber and John West have requested that the proceedings relating to their application and the proceedings relating to the declaration, as amended, of NEPSCO be consolidated; and

It appearing to the Commission that the declaration, as amended, and the application involve common questions of law and fact;

It is ordered, That the proceedings upon the declaration, as amended, filed by NEPSCO and the application filed by Charles R. Prichard, Jr., Alexander Macomber and John West be, and the same are hereby, consolidated and that any relevant evidence adduced in the proceedings on the amended declaration (File No. 70-986) shall be incorporated in and be deemed to be a part of the record in the proceedings in File No. 70-1128.

It is further ordered, That any interested person may, not later than September 14, 1945 at 5:30 p. m., e. w. t., request the Commission in writing that the hearing in said consolidated proceeding be reconvened, stating the reasons for such request and the nature of his interest, or may request that he be notified if the Commission should order a hearing thereon. At any time thereafter, said application, as filed or as amended, may be granted. Any such request should be addressed: Secretary, Securities and Exchange Commission, 18th and Locust Streets, Philadelphia 3, Pennsylvania.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 45-16246; Filed, Aug. 30, 1945; 11:22 a. m.]

[File No. 70-1061]

SOUTHWESTERN PUBLIC SERVICE CO. AND SOUTHWESTERN ELECTRIC SERVICE CO.

SUPPLEMENTAL ORDER GRANTING AND PERMITTING APPLICATIONS AND DECLARATIONS TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 28th day of August, A. D. 1945.

Southwestern Public Service Company ("Southwestern"), formerly a registered holding company and presently an operating public utility company, having filed applications and declarations and amendments thereto pursuant to the Public Utility Holding Company Act of 1935, and Southwestern Electric Service Company ("Electric"), a new Texas corporation created by Southwestern having joined in the filing regarding, among other things, the issue and sale by Electric, at competitive bidding, of $1,550,000 principal amount of first mortgage bonds due May 1, 1975, and 10,150 shares of cumulative preferred stock with an aggregate par value of $1,015,000; and

The Commission by order dated August 15, 1945, having, among other things, granted and permitted to become effective said applications and declarations, as amended, subject to the terms and conditions prescribed in Rule U-24 and subject to the further condition, among others, that:

> The proposed issue and sale of first mortgage bonds and of cumulative preferred stock, and of common stock pursuant to the underwriting agreement by Southwestern Electric Service Company, shall not be consummated until the results of competitive bidding, pursuant to Rule U-50, and the terms of the proposed underwriting agreement shall have been made a matter of record in this proceeding and a further order shall have been entered by this Commission in the light of the record so completed, which order may contain such further terms and conditions as may then be deemed appropriate.

Electric having filed a further amendment to its applications and declarations herein, setting forth the action taken to comply with Rule U-50 and showing that, pursuant to the invitation for competitive bids, bids for the said bonds and preferred stock were submitted as follows:

FOR THE BONDS

Bidder	Percent of principal amount [1]	Coupon rate	Cost of money to the company [2]
		Percent	
Kidder, Peabody & Co.	101.147	3¼	3.066
Rauscher, Pierce & Co.	102.0899	3¼	3.141
The Milwaukee Co.	100.66	3¼	3.21+

[1] Plus accrued interest.
[2] Based on annual rate.

FOR PREFERRED STOCK

Bidder	Principal on par value [1]	Dividend rate	Cost of money to the company [2]
		Percent	
The Milwaukee Co.	100.77	4.40	4.366
Rauscher, Pierce & Co.	100.3699	4.80	4.787

[1] Plus accrued dividend.
[2] Based on annual rate.

Said amendment having further stated that Electric has accepted the bid of Kidder, Peabody & Co. for the bonds, as set out above, and that the bonds will be offered for sale to the public at a price of 1.103% of the principal amount thereof plus accrued interest from May 1, 1945, resulting in a underwriters' spread of 1.103% of the principal amount of the bonds, and that Electric has accepted the bid of The Milwaukee Company for the preferred stock, as set out above, and that the preferred stock will be offered for sale to the public at a price of $103 plus accrued dividends from August 1, 1944, resulting in an underwriters' spread of $2.33 per share; and

Said amendment having further stated that Electric has entered into an underwriting agreement with Rauscher, Pierce & Co. for the underwriting of such of the shares of common stock of Electric as shall not be subscribed for by stockholders of Southwestern pursuant to subscription rights, said underwriting agreement providing: (1) The underwriters will purchase from Electric and offer to the public such shares of common stock at a price of $11 per share, or at such higher price as the underwriters shall fix and determine in their discretion; (2) if such price shall be $11 per share, Electric will pay to the underwriters an amount equal to 80¢ per share, resulting in a price to Electric of $10.20 per share; (3) if such price shall be more than $11 per share, Electric will pay to the underwriters an amount equal to 80¢ per share plus 30% of the excess of such price over $11 per share; and

The Commission having examined said amendment with respect to the fees and expenses in an aggregate amount of $77,300 proposed to be paid by Southwestern in connection with the transactions, including legal fees in the amount of $28,500, and with respect to legal fees and expenses in the amount of $5,500.90 proposed to be paid by the underwriters to their counsel, of which $3,302.20 is to be paid by the successful underwriters of the bonds and $2,198.70 is to be paid by the successful underwriters of the preferred stock; and

The Commission having considered the record herein and finding no basis for imposing terms and conditions with respect to the prices to be paid to the company, the interest rate on the bonds, the dividend rate on the preferred stock, the redemption prices thereof, and the proposed underwriters' spread; and

It appearing to the Commission that the legal fees and expenses incurred by Southwestern and by the underwriters are not unreasonable and that jurisdiction over them should now be released; and

It further appearing to the Commission that the condition in our order dated August 15, 1945, requiring the amendment of Electric's charter has been complied with;

It is ordered, That said applications and declarations, as amended, be, and the same hereby are, granted and permitted to become effective subject to the terms and conditions prescribed in Rule U-24, and that the jurisdiction heretofore reserved in connection with the proposed transactions be, and the same hereby is, released.

Southwestern and Electric having requested that this order conform to the requirements of sections 371 and 1808 of the Internal Revenue Code as amended;

It is further ordered and recited, That the following transactions authorized and permitted in this proceeding are necessary and appropriate to effectuate the provisions of section 11 (b) of the Public Utility Holding Company Act of 1935: (1) The sale by Southwestern Public Service Company of its physical properties located in east-central Texas to Southwestern Electric Service Company; (2) the issue and sale by Southwestern Electric Service Company of $1,550,000 principal amount of first mortgage bonds due May 1, 1975; (3) the issue and sale by Southwestern Electric Service Company of 10,150 shares of cumulative preferred stock, par value $100 per share; (4) the issue and sale by Southwestern Electric Service Company of 161,180 shares of common stock, par value $1 per share; (5) the issuance by Southwestern Electric Service Company of subscription rights permitting the common stockholders of Southwestern Public Service Company to purchase, at $9.50 per share, one share of common stock of Southwestern Electric Service Company for each four shares of common stock of Southwestern Public Service Company held; (6) the use of the proceeds of said sales or an amount equivalent thereto, after the deduction of $60,000 for working capital, by Southwestern Electric Service Company for the purchase of the aforesaid east-central Texas properties from Southwestern Public Service Company; and (7) the payment of $4,000,000 to The New York Trust Company, trustee under the indenture securing the Southwestern Public Service Company first mortgage bonds by Southwestern Public Service Company to obtain the release of the aforesaid east-central Texas properties from the lien of the aforesaid indenture.

By the Commission.

[SEAL] NELLYE A. THORSEN,
Assistant to the Secretary.

[F. R. Doc. 45-16247; Filed, Aug. 30, 1945; 11:22 a. m.]

[File No. 70-1117]

PLYMOUTH COUNTY ELECTRIC CO. AND NEW ENGLAND GAS AND ELECTRIC ASSOCIATION

ORDER GRANTING APPLICATION AND PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission held at its

office in the City of Philadelphia, Pa., on the 28th day of August, A. D. 1945.

New England Gas and Electric Association, a registered holding company, and its subsidiary, Plymouth County Electric Company, having filed a joint application-declaration pursuant to sections 6 (b), 10, and 12 of the Public Utility Holding Company Act of 1935 and Rule U-43 promulgated thereunder regarding the following proposed transaction:

Plymouth County Electric Company proposes to issue and sell to New England Gas and Electric Association 2,400 shares of additional common stock, of the par value of $25.00 per share, at a price of $31.25 per share, or an aggregate of $75,000. The proceeds from the proposed sale will be used by Plymouth County Electric Company to pay off existing indebtedness as of June 30, 1945, represented by a note payable to The First National Bank of Boston in the amount of $75,000, incurred for extensions, additions, and improvements to its plant and property.

Said application-declaration having been filed on August 2, 1945, and notice of said filing having been duly given in the form and manner prescribed in Rule U-23 promulgated under said act, and the Commission not having received a request for hearing with respect to said application-declaration within the period specified in said notice, or otherwise, and not having ordered a hearing thereon; and

The Commission finding with respect to the said application under section 6 (b) of the act that the requirements of said section have been satisfied, and with respect to said application under section 10 of the act that no adverse findings are necessary under sections 10 (b) and 10 (c) (1) of the act, and that the transaction involved has the tendency required by section 10 (c) (2) of said act, and that no adverse findings are necessary under section 12 (f) of the act or Rule U-43 promulgated thereunder;

It is hereby ordered, Pursuant to said Rule U-43 and the applicable provisions of the act, and subject to the terms and conditions prescribed in Rule U-24, that the aforesaid application-declaration be, and hereby is, granted and permitted to become effective forthwith.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 45-16248; Filed, Aug. 30, 1945; 11:22 a. m.]

[File No. 70-1124]

COLUMBIA GAS & ELECTRIC CORP. AND COLUMBIA CORP.

NOTICE OF FILING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 28th day of August 1945.

Notice is hereby given that a joint declaration has been filed with the Commission pursuant to the Public Utility Holding Company Act of 1935 by Columbia Gas & Electric Corporation ("Columbia Gas"), a registered holding company, and Columbia Corporation, a wholly-owned subsidiary thereof.

Notice is further given that any interested person may, not later than September 6, 1945, at 5:30 p. m., e. w. t., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request and the nature of his interest, or may request that he be notified if the Commission should order a hearing thereon. At any time thereafter, such declaration, as filed or as amended, may be permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under said act, or the Commission may exempt such transactions as provided in Rule U-20 (a) and Rule U-100 thereof. Any such request should be addressed: Secretary, Securities and Exchange Commission, 18th and Locust Streets, Philadelphia 3, Pennsylvania.

All interested persons are referred to said declaration, which is on file in the office of this Commission, for a statement of the transactions therein proposed, which are summarized below:

Columbia Gas, which owns all the outstanding voting securities (115,000 shares of common stock, no par value) of Columbia Corporation, an inactive investment company, was by this Commission's order of November 30, 1944 (Holding Company Act Release No. 5455), directed, among other things, to divest itself of any direct or indirect interest in Columbia Corporation.

At May 31, 1945, Columbia Corporation's investments consisted entirely of securities of associate companies, as set forth below:

	Principal amount or number of shares	Carrying value on books of Columbia Corp.
The Union Light, Heat & Power Co., first mortgage 6% bonds, series A	$1,762,800.00	$1,689,801.69
Columbia Gas & Electric Corp. cumulative preferred stock:	*Shares*	
6% series A	5,125	409,482.50
5% series	1,646	147,535.92
5% cumulative preference stock	2,011	201,100.00
Common stock	74,408	2,548,429.06
The United Corporation:		
$3 preference stock	2,083½	115,616.43
Common stock	9,380	335,342.32

As of the same date, Columbia Corporation also had $1,079,681.83 in cash, $30,849.00 of receivables from affiliates and current liabilities aggregating $57,432.05.

As a step in compliance with this Commission's Order of November 30, 1944, referred to above, Columbia Corporation proposes to dissolve and distribute its net assets as a liquidating dividend to Columbia Gas, which proposes to record such assets as follows:

The Union Light, Heat & Power Co. bonds at the amount recorded on the books of Columbia Corporation	$1,689,801.69
Columbia Gas & Electric Corp. stocks at par or stated values	952,608.00
The United Corporation stocks at market values	108,862.92
Cash and receivables	1,110,530.83
Less: Current and accrued liabilities	(57,432.05)
	3,804,371.39

Columbia Gas proposes to dispose of the difference ($1,945,628.61) between the present carrying value of its investment in Columbia Corporation ($5,750,000) and the proposed carrying value of the net assets to be acquired ($3,804,371.39), by charging special capital surplus and by crediting earned surplus since December 31, 1937, with the amounts of $2,468,816.84 and $523,188.23, respectively.

Columbia Gas proposes to cancel and retire its shares of preferred, preference and common stocks received in the liquidation of Columbia Corporation as a part of the present transactions. Columbia Gas contemplates the subsequent sale of the other securities so received and the use of the net proceeds derived therefrom, together with other treasury funds, in connection with its over-all Plan of Integration, which was outlined in this Commission's Holding Company Act Release No. 5934.

Declarants request that the order of the Commission permitting the declaration to become effective conform with the provisions of sections 371, 373 and 1808 (f) of the Internal Revenue Code and contain the terms and recitals provided for in said sections.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 45-16249; Filed, Aug. 30, 1945; 11:22 a. m.]

WAR PRODUCTION BOARD.

[Certificate 146,[1] Revocation]

COLLECTION AND MOVEMENT OF CERTAIN WASTE PAPER

PLAN FOR COOPERATION OF CONSUMERS

The ATTORNEY GENERAL:

Pursuant to section 12 of Public Law No. 603, 77th Congress (56 Stat. 357), I hereby withdraw the certificate and finding dated September 30, 1943, concerning a plan for the cooperation of waste paper consumers in the collection and movement of certain waste paper by the War Production Board.

Dated: August 27, 1945.

J. A. KRUG, *Chairman.*

[F. R. Doc. 45-16237; Filed, Aug. 30, 1945; 10:17 a. m.]

[1] 8 F.R. 13546.

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FEDERAL REGISTER

VOLUME 10 NUMBER 173

Washington, Saturday, September 1, 1945

The President

EXECUTIVE ORDER 9608

PROVIDING FOR THE TERMINATION OF THE OFFICE OF WAR INFORMATION, AND FOR THE DISPOSITION OF ITS FUNCTIONS AND OF CERTAIN FUNCTIONS OF THE OFFICE OF INTER-AMERICAN AFFAIRS

By virtue of the authority vested in me by the Constitution and Statutes, including Title I of the First War Powers Act, 1941, and as President of the United States, it is hereby ordered as follows:

1. Effective as of the date of this order:

(a) There are transferred to and consolidated in an Interim International Information Service, which is hereby established in the Department of State, those functions of the Office of War Information (established by Executive Order No. 9182 of June 13, 1942), and those informational functions of the Office of Inter-American Affairs (established as the Office of the Coordinator of Inter-American Affairs by Executive Order No. 8840 of July 30, 1941 and renamed as the Office of Inter-American Affairs by Executive Order No. 9532 of March 23, 1945), which are performed abroad or which consist of or are concerned with informing the people of other nations about any matter in which the United States has an interest, together with so much of the personnel, records, property, and appropriation balances of the Office of War Information and the Office of Inter-American Affairs as the Director of the Bureau of the Budget shall determine to relate primarily to the functions so transferred. Pending the abolition of the said Service under paragraph 3 (a) of this order, (1) the head of the Service, who shall be designated by the Secretary of State, shall be responsible to the Secretary of State or to such other officer of the Department as the Secretary shall direct, (2) the Service shall, except as otherwise provided in this order, be administered as an organizational entity in the Department of State, (3) the Secretary may transfer from the Service, to such agencies of the Department of State as he shall designate or establish, any function of the Service, and (4) the Secretary may terminate any function of the Service, in which event he shall provide for the winding up of the affairs relating to any function so terminated.

(b) There are transferred to the Bureau of the Budget the functions of the Bureau of Special Services of the Office of War Information and functions of the Office of War Information with respect to the review of publications of Federal agencies, together with so much of the personnel, records, and property, and appropriation balances of the Office of War Information as the Director of the Bureau of the Budget shall determine to relate primarily to the said functions.

(c) All those provisions of prior Executive orders which are in conflict with this order are amended accordingly. Paragraph 6 of the said Executive Order No. 8840 and paragraphs 3, 6, and 8 of the said Executive Order No. 9182 are revoked.

2. Effective as of the close of business September 15, 1945:

(a) There are abolished the functions of the Office of War Information then remaining.

(b) The Director of the Office of War Information shall, pending the abolition of the Office of War Information under paragraph 3 (b) of this order, proceed to wind up the affairs of the Office relating to such abolished functions.

3. Effective as of the close of business December 31, 1945:

(a) The Interim International Information Service, provided for in paragraph 1 (a) of this order, together with any functions then remaining under the Service, is abolished.

(b) The Office of War Information, including the office of the Director of the Office of War Information, is abolished.

(c) There are transferred to the Department of the Treasury all of the personnel, records, property, and appropriation balances of the Interim International Information Service and of the Office of War Information then remaining, for final liquidation, and so much thereof as the Director of the Bureau

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NOTICE

1944 Supplement

Book 1 of the 1944 Supplement to the Code of Federal Regulations, containing Titles 1-10, including Presidential documents in full text, is now available from the Superintendent of Documents, Government Printing Office, at $3.00 per copy.

A limited sales stock of the Cumulative Supplement and the 1943 Supplement is still available as previously announced.

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of the Budget shall determine to be necessary shall be utilized by the Secretary of the Treasury in winding up all of the affairs of the Service.

HARRY S. TRUMAN

THE WHITE HOUSE,
August 31, 1945.

[F. R. Doc. 45-16376; Filed, Aug. 31, 1945; 11:25 a. m.]

Regulations

TITLE 6—AGRICULTURAL CREDIT

Chapter II—Department of Agriculture, Commodity Credit Corporation

[1943 CCC Peanut Butter Form 1, Amdt. 1]

PART 244—PEANUT BUTTER DISTRIBUTION PAYMENTS

RATE OF PAYMENT

Commodity Credit Corporation hereby amends its Offer to Make Peanut Butter Distribution Payments, by amending § 244.5 of the Offer to read as follows:

§ 244.5 *Rate of payment.* The rate of the payment hereunder shall be 4 cents per pound of eligible peanut butter.

This amendment shall become effective at 12:01 a. m. E. w. t. on September 1, 1945.

Signed, sealed and attested at Washington, D. C., this 30th day of August 1945.

[SEAL] COMMODITY CREDIT CORPORATION,
By G. G. ARMSTRONG,
Vice President.

Attest:

JESSE B. GILMER,
Secretary.

[F. R. Doc. 45-16364; Filed, Aug. 31, 1945; 11:07 a. m.]

TITLE 7—AGRICULTURE

Chapter XI—War Food Distribution Orders

[WFO, 75-3, Amdt. 23]

PART 1410—LIVESTOCK AND MEATS

PORK SET-ASIDE REDUCTION

War Food Order No. 75-3, as amended (10 F.R. 6499, 7789, 8949, 9422, 9992, 10165), is further amended as follows:

1. By deleting the table at the end of paragraph (b) and substituting in lieu thereof the following:

Percentage of live weight of hogs purchased for slaughter: Type of dressed pork cut or pork products:	
Lard	4.0

2. By deleting Appendix A and substituting in lieu thereof the following:

APPENDIX A—SCHEDULE OF PORK SET-ASIDE PERCENTAGES UNDER WAR FOOD ORDER NO. 75-3

Set aside percentages. Every slaughterer subject to the provisions of this order shall set aside a quantity of lard, the total weight of which shall be not less than 4.0 percent of the total live weight of each week's slaughter of hogs; *Provided, however,* That until further order of the Assistant Administrator, this requirement shall not be applicable to slaughterers located in the States of Alabama, Arkansas, California, Connecticut, Delaware, Florida, Georgia, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Mississippi, New Hampshire, New Jersey, New York, North Carolina, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Utah, Vermont, Virginia, Washington, and West Virginia.

This amendment shall become effective at 12:01 a. m., e. w. t., September 2, 1945. With respect to violations, rights accrued, liabilities incurred, or appeals taken, prior to said date, under War Food Order No. 75.3, as amended, all provisions of said order shall be deemed to remain in full force for the purpose of sustaining any proper suit, action, or other proceeding with respect to any such violation, right, liability, or appeal.

(E.O. 9280, 7 F.R. 10179; E.O. 9577, 10 F.R. 8087; WFO 75, 10 F.R. 4649)

Issued this 29th day of August 1945.

[SEAL] C. W. KITCHEN,
Assistant Administrator, Production and Marketing Administration.

[F. R. Doc. 45-16282; Filed, Aug. 30, 1945; 12:07 p. m.]

[WFO 139-1]

PART 1410—LIVESTOCK AND MEATS

REGULATIONS UNDER WAR FOOD ORDER NO. 139

Pursuant to the authority vested in me by War Food Order No. 139, as amended (10 F.R. 9993), and to effectuate the purposes thereof the following regulations are hereby established:

§ 1410.30 *Regulations under War Food Order No. 139*—(a) *Definitions.* (1) "Secretary" means the Secretary of Agriculture.

(2) "Assistant Administrator" means the Assistant Administrator, in charge of regulatory matters, Production and Marketing Administration, United States Department of Agriculture.

(3) "Order Administrator" means the Order Administrator of War Food Order No. 139.

(4) Any term not defined herein shall have the meaning set forth for such term in War Food Order No. 139.

(b) *Applications for certification.* All applications for certification should be addressed to the Order Administrator, War Food Order No. 139, Livestock Branch, Production and Marketing Administration, United States Department of Agriculture, Washington 25, D. C. Applications should be made upon the form which the Order Administrator will furnish upon request. Applications must contain all information requested

in such form and must be signed by (1) the owner of the slaughtering establishment, or (2) a partner, if the establishment is owned by a partnership, or (3) a responsible officer, if the establishment is owned by a corporation.

(c) *Investigation prior to certification.* Upon receipt of the application properly executed, an examination of the slaughtering establishment will be made to determine whether it is operated under sanitary conditions as defined in War Food Order No. 139, and whether all animals slaughtered are subject to ante mortem and post mortem inspection. An examination of the applicant's record will also be made to determine whether he has been in compliance with all war food orders and Office of Price Administration regulations concerning meat.

(d) *Construction and maintenance of buildings and pens.* (1) All buildings used for slaughtering, packing, canning, manufacturing, or storing meat or meat products shall be properly fitted and equipped for the purpose used, and shall be so managed and cared for that the products prepared therein are not rendered unclean, unsound, unhealthful, unwholesome or otherwise unfit for human food. No use incompatible with proper sanitation shall be made of any part of such premises. Such buildings shall not be used as places of residence nor for any other purpose that may injuriously affect such meat or meat products. Pens for animals about to be slaughtered may be maintained in connection with the slaughtering room. Manure from stables or pens shall not be stored next to such buildings, nor at any other place on the premises nor in any other manner as to bring about insanitary conditions. All such buildings and pens shall be kept in a clean and wholesome condition and shall be disinfected, painted or whitewashed when required.

(2) Floors shall be smooth and impervious and so laid that they will drain freely and rapidly into a drain connected with a sewer. No low or broken places or spaces under floors in which fluid or solid refuse may lodge shall be allowed to exist.

(3) Walls of rooms in which animals are slaughtered or meat stored shall be tight, smooth, and free from projections or crevices. Walls, ceilings, partitions and pillars shall be kept clean.

(e) *Lighting and ventilation.* Adequate lighting and ventilation shall be maintained in all rooms in which meat or meat food products are manufactured, packaged, canned, stored or otherwise handled, and all cooling and storage rooms or ice boxes shall, if necessary, have a system of ventilation which permits the entrance of fresh, clean air from outside the building. All such rooms shall be so located that odors from toilet rooms, catch basins, casings departments, tank rooms, offal or refuse heaps, hide cellars, etc., do not permeate them.

(f) *Hot and cold water.* Rooms where animals are slaughtered shall have access to hot and cold water pipe connections conveniently located and equipped with faucets and hose sufficient for proper cleaning. Such rooms shall be thoroughly cleaned at the close of each day's work. All offal and other refuse shall be removed and the floors and walls shall be flushed and washed.

(g) *Toilet facilities.* Toilet facilities adequate for the cleanliness and convenience of employees shall be provided. Such facilities shall include water closets, urinals, wash basins, soap, and clean towels. Toilet rooms shall not communicate directly with any room in which animals are killed or meats are stored.

(h) *Handling and storage of products.* (1) Meat and meat food products intended for edible purposes must be prevented from falling on the floor or coming into contact with dirty or disease-producing material.

(2) Carcasses must not be permitted to hang in the slaughtering room longer than necessary but shall be removed promptly to the cooling room to be kept under proper refrigeration.

(i) *Receptacles; tools; implements; clothing.* (1) All wagons, trucks, trays, and other receptacles, all tables, chutes, platforms, racks, etc., and all knives, saws, cleavers, meat grinders, sausage fillers, scalding kettles and other tools, utensils and machinery used in slaughtering, moving, handling, cutting, chopping, mixing, canning, or other processing shall be thoroughly cleansed daily, if used.

(2) Aprons, smocks, or other clothing of employees coming in contact with meat shall be of material that is readily cleaned and made sanitary, and shall be kept clean. All employees who handle meat or meat products shall be required to keep their hands clean.

(j) *Blood, bones, offal, refuse, hides and pelts.* (1) Suitable receptacles shall be provided for blood, offal and similar materials, and such materials shall be put into offal tanks, or removed from the premises as soon as possible if such tanks are not available. In no case shall such materials be permitted to accumulate in or around the slaughterhouse. The feeding of hogs or other animals on uncooked offal and other slaughterhouse refuse shall not be permitted on the premises. Receptacles and vehicles for transporting and storing such materials shall be kept clean. Stomach and intestinal contents or other refuse shall not be stored on the premises at any place or in such a manner as to result in insanitary conditions.

(2) Cribs or pens for the storage of bones shall not be located within or adjoining any building used for slaughtering, storing, or preparing meat or meat food products unless the walls of such cribs or pens are impervious and enclosed.

(3) Hides or pelts shall not be stored on the floor of any room used for slaughtering, storing, or preparing meats or meat food products, but shall be kept in a room set apart for such purposes.

(k) *Diseased carcasses.* (1) Premises on which diseased animals may have been killed shall be thoroughly cleaned and, if necessary, disinfected. Separate trucks, etc., shall be furnished for handling diseased carcasses and parts. After the slaughter of an animal affected with an infectious disease a stop in slaughtering operations shall be made until all implements have been cleansed or disinfected, unless another set of clean implements is at hand.

(2) Butchers who may have dressed diseased carcasses shall cleanse their hands of all grease and then immerse them in a prescribed disinfectant and rinse them in clean water before engaging again in dressing or handling healthy carcasses. All butcher's implements that have been used in dressing diseased carcasses shall be cleaned of all grease and then sterilized either in boiling water or by immersion in a prescribed disinfectant and rinsed in clear water before again being used in dressing healthy carcasses.

(3) Adequate arrangements, including liquid soap and cleansers, for cleaning and disinfecting hands and sterilizing implements used in dressing diseased carcasses, floors, and such other articles and places as may be contaminated by diseased carcasses shall be provided.

(l) *Inspection.* Ante mortem and post mortem inspection at the time of slaughter and an inspection of all processing operations shall be made by inspectors under the supervision of veterinarians, both duly qualified under the laws of the State, city, or county having jurisdiction over the plant, or such inspection shall be made by inspectors approved by the Assistant Administrator.

(1) Ante mortem inspection shall be made of all cattle, sheep, swine, and goats before they enter the slaughtering room. Such inspection shall be made in pens, alleys or chutes of the establishment at which the animals are to be slaughtered. Satisfactory facilities must be provided for conducting such inspection and for separating or holding apart from healthy animals those found with symptoms of disease. All animals suspected of being affected with any disease or condition which would render the carcass of the animal unfit for human consumption shall be tagged and such animals shall be slaughtered separately either before the regular slaughter has commenced or at the close of the regular slaughter, and shall be duly identified for the inspector on duty in the slaughter room before the skins are removed or the carcass opened for evisceration. Animals commonly termed "downers" or crippled animals shall be tagged for the purpose of identification at the time of slaughter.

(2) Post mortem inspection shall consist of a careful examination of all animals at the time of slaughter, and shall be made by duly qualified inspectors under the supervision of a qualified veterinarian. The head, tail, thymus gland, bladder, omentum, the entire viscera, and all parts and blood used in the preparation of meat-food products, shall be retained in such manner as to preserve their identity until after the post mortem examination has been completed, in order that they may be identified in case of condemnation of the carcass. Suitable racks or metal receptacles shall be provided for retaining such parts. Should lesions of disease or other conditions that would render any carcass, part, or organ unfit for food purposes be found under post mortem examination, such carcass, part, or organ shall be marked immediately with a tag bearing the word "Condemned." Carcasses, parts, and organs so marked shall not be washed or trimmed and shall be immediately segregated from the carcasses passed. Such carcasses, parts, or organs shall be disposed of under the supervision of the inspector. The determination as to whether a carcass, part, or organ is suitable for food for human consumption shall be within the discretion of the inspector and his determination shall be final. All condemned animals and carcasses and parts or organs thereof shall be tanked or freely slashed and denatured by thoroughly sprinkling with carbolic acid or other suitable approved denaturing. After post mortem examination carcasses and parts that are found to be suitable for human consumption shall be passed and shall be stamped or marked with a certification number as hereinafter provided.

(m) *Marks.* All carcasses or parts thereof that are passed shall be stamped with a stamp carrying the words "Certificate Number" and the number assigned to the establishment. Such words and numbers shall be enclosed in a rectangular design. The stamp shall be not less than one inch in height and two inches in length. The inspector in charge shall be responsible for the custody of all stamps, seals, or other marking devices used in stamping the carcasses or products. Such stamps shall be kept under seal in a suitable locker at all times when not in use.

(n) *General supervision.* Authorized representatives of the U. S. Department of Agriculture shall have access to all parts of the plant when the plant is engaged in slaughtering animals or processing meats and meat-food products. Such representatives shall have authority to check the conditions of the plant and all operations including the adequacy of inspection, and where any provision of these regulations or of War Food Order No. 139 is not being observed, shall have authority to require suitable correction.

(o) *Violations.* Any violation of any provision of these regulations may be referred by the Order Administrator to the Assistant Administrator for such action as the latter may deem necessary or appropriate in accordance with the provisions of War Food Order No. 139.

(p) *Designation of Order Administrator.* M. O. Cooper is hereby designated as Order Administrator and A. B. Smeby as Alternate Order Administrator of this order.

(q) *Communications.* All applications for certification and all communications concerning these regulations shall be addressed to the Order Administrator, War Food Order No. 139, Production and Marketing Administration, Department of Agriculture, Washington 25, D. C.

(r) *Effective date.* These regulations shall become effective at 12:01 a. m., e. w. t., August 30, 1945.

(E.O. 9280, 7 F.R. 10179; E.O. 9577, 10 F.R. 8087; WFO 139, 10 F.R. 8806, 9993)

Issued this 29th day of August 1945.

[SEAL] C. W. KITCHEN,
Assistant Administrator,
Production and
Marketing Administration.

[F. R. Doc. 45-16213;; Filed, Aug. 29, 1945; 12:06 p. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

[Civil Air Regs., Amdt. 41-2]

PART 41—CERTIFICATION AND OPERATION RULES FOR SCHEDULED AIR CARRIER OPERATIONS OUTSIDE THE CONTINENTAL LIMITS OF THE UNITED STATES

SECOND PILOT QUALIFICATIONS

Amending § 41.300 (c) of the Civil Air regulations relating to second pilot qualifications for scheduled air carrier operations outside the continental limits of the United States requiring three or more pilots.

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 29th day of August 1945.

Effective September 1, 1945, § 41.300 (c) of the Civil Air Regulations is amended to read as follows:

§ 41.300 *Certificate.* * * *

(c) Any pilot serving as second pilot in an aircraft requiring three or more pilots shall meet the requirements of paragraph (a) of this section: *Provided,* That until January 1, 1946, any pilot may serve as second pilot in an aircraft requiring three or more pilots, if he holds at least a commercial pilot certificate and instrument rating and has demonstrated to an air carrier inspector of the Administrator or to an authorized check pilot of the air carrier his ability to take off and land aircraft in which he is to serve.

(52 Stat. 984, 1007; 49 U.S.C. 425, 551)

By the Civil Aeronautics Board.

FRED A. TOOMBS,
Secretary.

[F. R. Doc. 45-16389; Filed, Aug. 31, 1945; 11:44 a. m.]

TITLE 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Federal Security Agency

PART 146—CERTIFICATION OF BATCHES OF PENICILLIN-CONTAINING DRUGS

By virtue of the authority vested in the Federal Security Administrator by the provisions of sections 507 and 701 (a) of the Federal Food, Drug, and Cosmetic Act (52 Stat. 1040 ff, 21 U.S.C. 301 et seq., as amended by Public Law 139, 79th Cong., 1st Sess., July 6, 1945); the Reorganization Act of 1939 (53 Stat. 561 ff, 5 U.S.C. 133-133v); and Reorganization Plans No. I (53 Stat. 1423) and No. IV (54 Stat. 1234); the following regulations are hereby promulgated:

Sec.
146.1 Definitions and interpretations.
146.2 Requests for working standard and certification; information and samples required.
146.3 Certification.
146.4 Conditions on the effectiveness of certificates.
146.5 Records of distribution.
146.6 Authority to refuse certification service.
146.7 New penicillin products.
146.8 Fees.
146.19 Exemptions for storage.
146.20 Exemptions for processing.
146.21 Exemptions for labeling and repacking.
146.22 Exemptions for manufacturing use.
146.23 Exemptions for investigational use.
146.24 Sodium penicillin, calcium penicillin.
146.25 Penicillin in oil and wax.
146.26 Penicillin ointment.
146.27 Tablets buffered penicillin.
146.29 Penicillin with aluminum hydroxide gel.
146.30 Penicillin troches.
146.31 Penicillin dental cones.

AUTHORITY: §§ 146.1 to 146.31, inclusive issued under 52 Stat. 1040 ff, 21 U.S.C. 301 et seq., as amended by Pub. Law 139, 79th Cong., 1st Sess., July 6, 1945; 53 Stat. 561 ff, 5 U.S.C. 133-133v; 53 Stat. 1423; 54 Stat. 1234.

DEFINITIONS

§ 146.1 *Definitions and interpretations.* For the purposes of the regulations under this part:

(a) Each of the several antibiotic substances (e. g. penicillin F, penicillin G, penicillin X) produced by the growth of Penicillium notatum or Penicillium chrysogenum, and each of the same substances produced by any other means, is a kind of penicillin.

(b) The term "master standard" means a specific lot of crystalline sodium penicillin G (sodium penicillin II) which is designated by the Commissioner as the standard of comparison in determining the potency of the working standard.

(c) The term "unit" means a penicillin activity contained in 0.6 microgram of the master standard; the term "potency" means the number of such units in a specified quantity of a substance.

(d) The term "working standard" means a specific lot of a homogeneous preparation of one or more penicillin salts, with or without diluents, the potency of which preparation has been determined by comparison with that of the master standard, and which preparation has been designated by the Commissioner as the working standard for use in determining the potency of drugs subject to the regulations in this part.

(e) The term "batch" means a specific homogeneous quantity of a drug.

(f) The term "batch mark" means an identifying mark or other identifying device assigned to a batch by the manufacturer or packer thereof.

(g) The term "Commissioner" means the Commissioner of Food and Drugs and any other officer of the Food and Drug Administration whom he may designate to act in his behalf for the purposes of the regulations in this part.

(h) The term "U. S. P." means the Pharmacopoeia of the United States, Twelfth Revision, including supplements thereto. The term "N. F." means The National Formulary, Seventh Edition, including supplements thereto.

(i) The term "manufacture" does not include the use of a drug as an ingredient in compounding any prescription issued in his professional practice by a physician, dentist, or veterinarian licensed by law to administer or apply such drug.

(j) All statements, samples, and other information and materials submitted in connection with a request for certification shall be considered to be a part of such request.

(k) The definitions and interpretations of terms contained in section 201 of the act shall be applicable to such terms when used in the regulations in this part.

(l) Except as specifically provided by §§ 146.19 to 146.23, inclusive, no provision of any section in this part shall be construed as exempting any drug from any applicable provision of the act or other regulation thereunder.

(m) The regulation in Part 141 prescribing tests and methods of assays shall not be construed as preventing the Commissioner from using any other test or method of assay in his investigations to determine whether or not:

(1) A request for certification contains any untrue statement of a material fact; or

(2) A certificate has been obtained through fraud, or through misrepresentation or concealment of a material fact.

GENERAL PROVISIONS

§ 146.2 *Requests for working standard and certification; information and samples required.* (a) A request for certification of a batch shall be addressed to the Commissioner and shall be in a form specified by him. A request from a foreign manufacturer shall be signed by such manufacturer and by an agent of such manufacturer who resides in the United States.

(b) The initial request for certification of a batch of any drug submitted by any person shall be preceded or accompanied by a full statement of the facilities and controls used to maintain the identity, strength, quality, and purity of each batch, including a description of (1) the methods and processes used in the manufacture of the drug; (2) the tests and assays of the drug made during the manufacture of the batch and after it is packaged; and (3) the laboratory facilities used in such controls. Such initial request shall also be preceded or accompanied by the key of the batch marks used by such person and by specimens of all labeling (including specimens of all brochures and other printed matter, except readily available medical publications, referred to in such labeling) to be used for such drug. When any change is made in any such facility or control, or in any such key or labeling, such person shall promptly submit to the Commissioner a full statement of such change or, in the case of changed labeling, specimens showing all such changes.

(c) Each sample submitted pursuant to the regulations in this part shall be addressed to the Commissioner. Its package shall be clearly identified as to its contents and shall bear the name and post-office address of the person submitting it.

(d) In addition to the information and samples specifically required to be submitted to the Commissioner by the regulations in this part, the person who requests certification of a batch shall submit such further information and samples as the Commissioner may require for the purpose of investigations to determine whether or not such batch complies with the requirements of § 146.3 for the issuance of a certificate.

(e) Upon the request of any person, stating reasonable grounds therefor, the Commissioner shall furnish such person with a portion of the working standard.

§ 146.3 *Certification.* (a) If it appears to the Commissioner, after such investigation as he considers necessary, that:

(1) The information (including results of tests and assays) and samples required by or pursuant to the regulations in this part have been submitted, and the request for certification contains no untrue statement of a material fact; and

(2) The batch complies with such regulations and conforms to the applicable standards of identity, strength, quality, and purity prescribed by such regulations;

the Commissioner shall certify that such batch is safe and efficacious for use, subject to such conditions on the effectiveness of certificates as are prescribed by § 146.4, and shall issue to the person who requested it a certificate to that effect.

(b) If the Commissioner determines, after such investigation as he considers to be necessary, that the information submitted pursuant to the regulations in this part, or the batch covered by such request, does not comply with the requirements set forth in paragraph (a) of this section for the issuance of a certificate, the Commissioner shall refuse to certify such batch and shall give notice thereof to the person who requested certification, stating his reasons for refusal.

(c) Compliance of a drug with the standards of identity, strength, quality, and purity prescribed by regulations in this part shall be determined by the tests and methods of assay prescribed for such drug by regulations in Part 141.

§ 146.4 *Conditions on the effectiveness of certificates.* (a) A certificate shall not become effective:

(1) If it is obtained through fraud or through misrepresentation or concealment of a material fact;

(2) With respect to any package unless it complies with the packaging requirements, if any, prescribed by the regulations in this part which were in effect on the date of the certificate;

(3) With respect to any package unless its label and labeling bear all words, statements, and other information required by such regulations; or

(4) With respect to any package of sodium penicillin or calcium penicillin when it is included in a packaged combination with another drug, unless such other drug complies with the requirements of such regulations.

(b) A certificate shall cease to be effective:

(1) With respect to any immediate container after the expiration date, if any, prescribed by such regulations;

(2) With respect to any immediate container when it or its seal (if such regulations require it to be sealed) is broken, or when its label or labeling ceases to conform to any labeling requirement prescribed by such regulations, except that:

(i) If the drug in such container is repacked or used as an ingredient in the manufacture of another drug, and certification of the batch thus made is requested, such certificate shall continue to be effective for a reasonable time to permit certification or destruction of such batch; or

(ii) If the drug is in a container packaged for dispensing and is used in compounding a prescription issued in his professional practice by a physician, dentist, or veterinarian licensed by law to administer or apply drugs, such certificate shall continue to be effective for a reasonable time to permit the delivery of the drug compounded on such prescription;

(3) With respect to any immediate container of sodium penicillin or calcium penicillin when it is included in the packaged combination penicillin with aluminum hydroxide gel, except that when certification of the batch so included is requested such certificate shall continue to be effective for a reasonable time to permit certification of such batch which is a part of such combination;

(4) With respect to any package when the drug therein fails to meet the standards of identity, strength, quality, and purity which were in effect on the date of the certificate; except that those minor changes which occur before the expiration date and which are normal and unavoidable in good storage and distribution practice shall be disregarded; or

(5) With respect to any package of sodium penicillin or calcium penicillin included in a packaged combination with another drug, when such other drug fails to meet the requirements of such regulations.

§ 146.5 *Records of Distribution.* (a) The person who requested certification shall keep complete records showing each shipment and other delivery (including exports) of each certified batch or part thereof by such person or by any person subject to his control. Such records shall show the date and quantity of each such shipment or delivery and the name and post-office address of the person to whom such shipment or delivery was made, and shall be kept for not less than three years after such date.

(b) Upon the request of any officer or employee of the Food and Drug Administration, or of any other officer or employee of the United States acting on behalf of the Administrator, the person to whom a certificate is issued shall at all reasonable hours make such records available to any such officer or employee and shall accord to him full opportunity to make inventory of stocks of such batch on hand and otherwise to check the correctness of such records.

§ 146.6 *Authority to refuse certification service.* When the Administrator finds, after giving notice and opportunity for hearing, that a person has:

(a) Obtained or attempted to obtain a certificate through fraud, or through misrepresentation or concealment of a material fact;

(b) Falsified the records required to be kept by § 146.5; or

(c) Failed to keep such records or to make them available, or to accord full opportunity to make an inventory of stocks on hand or otherwise to check the correctness of such records, as required by such section, and such failure may materially impair the certification service;

the Administrator will immediately suspend service to such person under the regulations in this part and will continue such suspension unless and until such person shows adequate cause why such service should be resumed.

§ 146.7 *New penicillin products.* Any request that the Administrator provide for the certification of batches of a drug for which no provision for certification is made in the existing regulations shall be in a form specified by the Commissioner and shall be accompanied by:

(a) A statement of the conditions for which the person who makes such request intends such drug to be used, and adequate directions for use in each such condition;

(b) Full reports of investigations which have been made to show whether or not such drug is safe and efficacious for use in such conditions;

(c) A full list of the articles used as components of such drug;

(d) A full statement of the composition of such drug;

(e) A full description of the methods used in, and the facilities and controls used for, the manufacture, processing, and packing of such drug;

(f) A full description of, or references to publications containing practical and accurate tests and methods of assay to determine the identity, strength, quality, and purity of such drug;

(g) Such samples of such drug and of the articles used as components thereof as the Commissioner may require; and

(h) Specimens of all labeling (including all brochures and other printed matter, except readily available medical publications, referred to in such labeling) proposed to be used for such drug.

§ 146.8 *Fees.* (a) Fees for the services rendered under the regulations in this part shall be such as are necessary to provide, equip, and maintain an adequate certification service.

(b) The fee for such services with respect to each batch of a drug, certification of which is provided by such regulations, is the fee prescribed in the section relating specifically to such drug.

(c) When the Commissioner considers it necessary to make investigations of a new penicillin product, on which a request has been submitted in accordance with § 146.7, the fee for such service shall be the cost thereof. In such case the request shall be followed by an advance deposit in such amount as the Commissioner specifies, and thereafter such additional advance deposits shall be made as the Commissioner estimates may be necessary to prevent arrears in the payment of such fee.

(d) A person requiring continuing certification services may maintain an advance deposit of the estimated cost of such services for a two-month period. Such deposit shall be debited with fees for services rendered, but shall not be debited for any fee the amount of which is not definitely specified in these regulations unless the depositor has previously requested the performance of the services to be covered by such fee. A monthly statement for each such advance deposit shall be rendered.

(e) The unearned portion of any advance deposit shall be refunded to the depositor upon his application.

(f) All deposits and fees required by these regulations shall be paid by money order, bank draft, or certified check drawn to the order of the Treasurer of the United States, collectible at par, at Washington, D. C.

(g) All earned fees shall be deposited in the Treasury of the United States to the credit of Miscellaneous Receipts, Federal Security Agency.

(§§ 146.9 to 146.18, inclusive, reserved for future general provisions and exemptions.)

EXEMPTIONS

§ 146.19 *Exemptions for storage.* (a) Except as provided by paragraphs (c) and (d) of this section, a shipment or other delivery of a drug which is to be stored at a warehouse located elsewhere than at the place of manufacture shall be exempt, during the time of introduction into and movement in interstate commerce and the time of holding in such warehouse, from the requirements of section 502 (l) of the act if the labeling of each shipping container bears the batch mark of the drug, and if the person who introduced such shipment or delivery into interstate commerce holds a permit from the Commissioner authorizing shipment for storage in such warehouse.

(b) An application for such a permit shall be in a form specified by the Commissioner, and shall give the name and location of the warehouse in which such drug is to be stored. Such application shall be accompanied by:

(1) A written agreement signed by the applicant that he will request certification of each batch thereof unless it is exempt under § 801 (d) of the act or § 146.21 or 146.22, that he will not remove any of such drug from such warehouse unless it complies with § 502 (l) of the act or is so exempt or, if certification is refused, unless it is returned within a reasonable time to permit reprocessing and certification, destruction, or such exemption at the establishment where it was manufactured; that he will keep complete records showing the date, quantity, and batch mark of each shipment and other delivery of any such drug to such warehouse, and that he will make such records available to any officer or employee of the Food and Drug Administration at any reasonable hour within three years after the date of such shipment or delivery; and

(2) A written statement signed by the operator of such warehouse showing that he has adequate facilities for such storage; such statement shall contain an agreement that he will hold each shipment or other delivery of such drug intact, under such conditions as will not cause failure of the drug to comply with the requirements for certification, that he will keep complete records showing the date of receipt by him and the quantity and batch mark of each such shipment and delivery and the disposition thereof, that he will make such records available to any officer or employee of the Food and Drug Administration at any reasonable hour within three years after the date of such disposition, and that he will accord full opportunity to such officer or employee to make inventories of stocks on hand and otherwise check the correctness of such records.

If the applicant keeps complete records showing the date, quantity, and batch mark of each shipment and other delivery of any such drug from such warehouse and the name and post-office address of the person to whom such shipment or delivery was made, the agreement to keep records of such disposals, to make such records available, and to afford opportunity for checking their correctness may be included in the applicant's agreement and omitted from that of the operator.

When the Commissioner finds, after giving notice and opportunity for hearing, that such application contains any untrue statement of a material fact or that any provision of any such agreement has been violated he may revoke such permit.

(c) An exemption of a shipment or other delivery under paragraph (a) of this section, in case the person who introduced such shipment or delivery into interstate commerce is the operator of such warehouse, shall become void ab initio at the beginning of the act of removing or offering to remove such shipment or delivery or any part thereof from such warehouse unless such batch complies with section 502 (l) of the act or is exempt under section 801 (d) of the act or section 146.21 or 146.22 or, if certification is refused, unless such shipment or delivery is returned within a reasonable time to permit reprocessing and certification, destruction, or such exemption at the establishment where it was manufactured.

(d) An exemption of a shipment or other delivery under paragraph (a) of this section, in case the person who introduced such shipment or delivery into interstate commerce is not the operator of such warehouse, shall expire at the beginning of the act of removing or offering to remove such shipment or delivery or any part thereof from such warehouse unless such batch complies with section 502 (l) of the act or is exempt under section 801 (d) of the act or § 146.21 or 146.22 or, if certification is refused, unless such shipment or delivery, within a reasonable time, is destroyed or returned to permit reprocessing and certification, destruction, or such exemption at the establishment where it was manufactured.

§ 146.20 *Exemptions for processing.* (a) Except as provided by paragraphs (c) and (d) of this section, a shipment or other delivery of sodium penicillin or calcium penicillin in concentrated aqueous solution which is to be processed at an establishment located elsewhere than

at the place of manufacture, shall be exempt during the time of introduction into and movement in interstate commerce and the time of holding in such establishment from the requirements of section 502 (l) of the act if the person who introduced such shipment or delivery into interstate commerce holds a permit from the Commissioner authorizing shipment for processing in such establishment, and each package of such solution bears the batch mark of the drug.

(b) An application for such a permit shall be in a form specified by the Commissioner and shall give the name and location of the establishment in which such processing is to be done. Such application shall be accompanied by:

(1) A written agreement signed by the applicant that he will keep complete records showing the date, quantity, potency, and batch mark of each shipment and other delivery of any such solution to such establishment, and that he will make such records available to any officer or employee of the Food and Drug Administration at any reasonable hour within three years after the date of such shipment or delivery;

(2) A written statement signed by the operator of such establishment showing that he has adequate facilities for such processing; such statement shall contain an agreement that he will keep complete records showing the date of receipt by him and the quantity and batch mark of each such shipment and delivery and the disposition thereof, that he will make such records available to any officer or employee of the Food and Drug Administration at any reasonable hour within three years after date of such disposition, and that he will accord full opportunity to such officer or employee to make inventories of stocks on hand and otherwise check the correctness of such records; and

(3) A written agreement signed by the person who will own the drug after the processing is completed that he will request certification of each batch thereof unless it is exempt under section 801 (d) of the act or §§ 146.19, 146.21, 146.22, or 146.23, and that he will not remove any of such drug from such establishment unless it complies with section 502 (l) of the act or is so exempt.

When the Commissioner finds, after giving notice and opportunity for hearing, that such application contains any untrue statement of a material fact or that any provision of any such agreement has been violated he may revoke such permit.

(c) An exemption of a shipment or other delivery under paragraph (a) of this section, in case the person who introduced such shipment or delivery into interstate commerce is the operator of such establishment, shall become void ab initio at the beginning of the act of removing or offering to remove such equipment or delivery or any part thereof, before or after processing, from such establishment unless the batch made from such shipment or delivery complies with section 502 (l) of the act or is exempt under section 801 (d) of the act or §§ 146.19, 146.21, 146.22, or 146.23 or, if certification is refused, unless such shipment or delivery is reprocessed and certified or destroyed within a reasonable time.

(d) An exemption of a shipment or other delivery under paragraph (a) of this section, in case the person who introduced such shipment or delivery into interstate commerce is not the operator of such establishment, shall expire at the beginning of the act of removing or offering to remove such shipment or delivery or any part thereof, before or after processing, from such establishment unless the batch made from such shipment or delivery complies with section 502 (l) of the Act or is exempt under section 801 (d) of the act or §§ 146.19, 146.21, 146.22, or 146.23 or, if certification has been refused, unless such shipment or delivery is reprocessed and certified or destroyed within a reasonable time.

§ 146.21 *Exemptions for labeling and repacking.* (a) Except as provided by paragraphs (c) and (d) of this section, a shipment or other delivery of a drug which is to be labeled or repacked at an establishment located elsewhere than at the place of manufacture shall be exempt, during the time of introduction into and movement in interstate commerce and the time of holding in such establishment from the requirements of section 502 (l) of the act if the labeling of each shipping container bears the batch mark of the drug and the number of units per package, and if the person who introduced such shipment or delivery into interstate commerce holds a permit from the Commissioner authorizing shipment for labeling or repacking in such establishment.

(b) An application for such a permit shall be in a form specified by the Commissioner, and shall give the name and location of the establishment in which such labeling or repacking is to be done. Such application shall be accompanied by:

(1) A written agreement signed by the applicant that he will keep complete records showing the date, quantity, and batch mark of each shipment and other delivery of any such drug to such establishment, and that he will make such records available to any officer or employee of the Food and Drug Administration at any reasonable hour within three years after the date of such shipment or delivery;

(2) A written statement signed by the operator of such establishment showing that he has adequate facilities for such labeling or repacking; such statement shall contain an agreement that he will keep complete records showing the date of receipt by him and the quantity and batch mark of each such shipment and delivery and the disposition thereof, that he will make such records available to any officer or employee of the Food and Drug Administration at any reasonable hour within three years after the date of such disposition, and that he will accord full opportunity to such officer or employee to make inventories of stocks on hand and otherwise check the correctness of such records; and

(3) A written agreement signed by the person who will own the drug after the labeling or repacking is completed that he will request certification of each batch thereof unless it is exempt under section 801 (d) of the act or § 146.19 or 146.23, and that he will not remove any of such drug from such establishment unless it complies with section 502 (l) of the act or is so exempt or, if certification is refused, unless it is returned within a reasonable time to permit reprocessing and certification, destruction, or such exemption at the establishment where it was manufactured.

When the Commissioner finds, after giving notice and opportunity for hearing, that such application contains any untrue statement of a material fact or that any provision of any such agreement has been violated he may revoke such permit.

(c) An exemption of a shipment or other delivery under paragraph (a) of this section, in case the person who introduced such shipment or delivery into interstate commerce is the operator of such establishment, shall become void ab initio at the beginning of the act of removing or offering to remove such shipment or delivery or any part thereof, before or after labeling or repacking, from such establishment unless such batch complies with section 502 (l) of the act or is exempt under section 801 (d) of the act or § 146.19 or § 146.23 or, if certification is refused, unless such shipment or delivery is returned within a reasonable time to permit reprocessing and certification, destruction, or such exemption at the establishment where it was manufactured.

(d) An exemption of a shipment or other delivery under paragraph (a) of this section, in case the person who introduced such shipment or delivery into interstate commerce is not the operator of such establishment, shall expire at the beginning of the act of removing or offering to remove such shipment or delivery or any part thereof, before or after labeling or repacking, from such establishment unless such batch complies with section 502 (l) of the act or is exempt under section 801 (d) of the act or § 146.19 or § 146.23 or, if certification is refused, unless such shipment or delivery is reprocessed and certified or destroyed within a reasonable time.

§ 146.22 *Exemptions for Manufacturing Use.* (a) Except as provided by paragraphs (c) and (d) of this section, a shipment or other delivery of sodium penicillin or calcium penicillin which is intended for use in manufacturing another drug and which is packed in containers of not less than twenty-five million units each shall be exempt, during the time of introduction into and movement in interstate commerce and the time of holding in the establishment where it is so used, from the requirements of section 502 (l) of the act if it conforms to the standards prescribed therefor by the section of these regulations which is specifically applicable to such other drug, if the label of each container bears the batch mark of the drug, the number of units per package, and the date on which the latest assay of the drug was completed, and if the person who introduced such shipment or delivery into interstate commerce holds a permit from the Commissioner authorizing shipment for manufacturing use in such establishment.

(b) An application for such a permit shall be in a form specified by the Commissioner, shall give the name and location of the establishment in which such sodium penicillin or calcium penicillin is to be used and shall be accompanied by:

(1) A written agreement signed by the applicant that he will keep complete records showing the date, quantity, and batch mark of each shipment and other delivery of any such sodium penicillin or calcium penicillin to such establishment, and that he will make such records available to any officer or employee of the Food and Drug Administration at any reasonable hour within three years after the date of such shipment or delivery;

(2) A written statement signed by the operator of such establishment showing that he has adequate facilities for the manufacture of such other drug; such statement shall contain an agreement that he will keep complete records showing the date of receipt by him and the quantity and batch mark of each such shipment and delivery and the disposition thereof and showing the quantity and batch mark of each batch of such other drug manufactured by him and the disposition thereof; that he will make such records available to any officer or employee of the Food and Drug Administration at any reasonable hour within three years after the date of such disposition, and that he will accord full opportunity to such officer or employee to make inventories of stocks on hand and otherwise check the correctness of such records; and

(3) A written agreement signed by the person who will own the drug after its manufacture is completed that he will request certification of each batch thereof unless it is exempt under section 801 (d) of the act or §§ 146.19, 146.21, or 146.23, and that he will not remove any of such drug from such establishment unless it complies with section 502 (l) of the act or is so exempt.

When the Commissioner finds, after giving notice and opportunity for hearing, that such application contains any untrue statement of a material fact or that any provision of any such agreement has been violated he may revoke such permit.

(c) An exemption of a shipment or other delivery under paragraph (a) of this section, in case the person who introduced such shipment or delivery into interstate commerce is the operator of such establishment, shall become void ab initio at the beginning of the act of removing or offering to remove such shipment or delivery or any part thereof from such establishment, prior to its use in the manufacture of another drug, unless it is exempt under section 801 (d) of the act.

(d) An exemption of a shipment or other delivery under paragraph (a) of this section, in case the person who introduced such shipment or delivery into interstate commerce is not the operator of such establishment, shall expire at the beginning of the act of removing or offering to remove such shipment or delivery or any part thereof from such establishment, prior to its use in the manufacture of another drug, unless it is exempt under section 801 (d) of the act.

§ 146.23 *Exemptions for investigational use.* (a) A shipment or other delivery of a drug shall be exempt from sec. 502 (l) of the act if all of the following requirements are complied with:

(1) The label of such drug bears the batch mark and the statement "Caution—Limited by Federal law to investigational use only."

(2) Such shipment or delivery is made only to, and solely for investigational use by or under the direction of, an expert qualified by scientific training and experience to investigate the safety or efficacy of such drug.

(3) The person who introduced such shipment or delivery into interstate commerce keeps complete records showing the date, quantity, and batch mark of each such shipment and delivery.

(4) Such person, prior to making such shipment or delivery, obtains a statement signed by such expert showing that he has adequate facilities for the investigation to be conducted by him, and that such drug will be used solely by him or under his direction for the investigation. Such person shall keep such statement.

(5) Such person makes all documents referred to in subparagraphs (3) and (4) of this paragraph available to any officer or employee of the Food and Drug Administration at any reasonable hour within three years after the date of such shipment or delivery.

(b) An exemption of a shipment or other delivery of a drug under paragraph (a) of this section shall become void ab initio if—

(1) The person who introduced such shipment or delivery into interstate commerce fails to keep any document required to be kept by such paragraph; or

(2) Such person fails to make any such document available for inspection as required by such paragraph.

(c) An exemption of a shipment or other delivery of a drug under paragraph (a) of this section shall expire upon the use of any part of such shipment or delivery other than in accordance with the signed statement referred to in subparagraph (4) of such paragraph.

§ 146.24 *Sodium Penicillin (Penicillin Sodium, Penicillin Sodium Salt), Calcium Penincillin (Penicillin Calcium, Penicillin Calcium Salt)*—(a) *Standards of identity, strength, quality, and purity.* Sodium penicillin is the sodium salt of a kind of penicillin, or a mixture of two or more such salts; calcium penicillin is the calcium salt of a kind of penicillin, or a mixture of two or more such salts. Each such drug is so purified and dried that:

(1) Its potency is not less than 500 units per milligram, except that if it contains not less than 90 percent of a salt of penicillin X its potency is not less than 350 units per milligrams;

(2) It is sterile;

(3) It is nontoxic;

(4) It is nonpyrogenic; and

(5) Its moisture content is not more than 2.5 percent.

(b) *Packaging.* In all cases the immediate containers of sodium penicillin and calcium penicillin shall be tight containers as defined on page 6 of the U. S. P., shall be sterile at the time of filling and closing, shall be so sealed that the contents cannot be used without destroying the seal, and shall be of such composition as will not cause any change in the strength, quality, or purity of the contents beyond any limit therefor in applicable standards, except that minor changes so caused which are normal and unavoidable in good packaging, storage, and distribution practice shall be disregarded. In case sodium penicillin or calcium penicillin is packaged for dispensing it shall be in immediate containers of colorless transparent glass which meet the test for containers of type I prescribed on page 568 of the U. S. P., closed by a substance through which a hypodermic needle may be introduced and withdrawn without removing the closure or destroying its effectiveness; each container shall contain 100,000 units, 200,000 units, 500,000 units, 1,000,000 units or 5,000,000 units, and each may be packaged in combination with a container of the solvent, water for injection U. S. P., dextrose injection 5 percent U. S. P., or physiological salt solution U. S. P.

(c) *Labeling.* Each package of sodium penicillin and calcium penicillin shall bear, on its label or labeling as hereinafter indicated, the following:

(1) On the outside wrapper or container and the immediate container:

(i) The batch mark;

(ii) The number of units in the immediate container; and

(iii) The statement "Expiration date ----", the blank being filled in with the date which is eighteen months after the month during which the batch was certified.

(2) On the outside wrapper or container, the statement "Store in refrigerator not above 15° C. (59° F.)", or "Store below 15° C. (59° F.)".

(3) On the circular or other labeling within or attached to the package, if it is packaged for dispensing, adequate directions for use and warnings as required by section 502 (f) of the act, including:

(i) Clinical indications;

(ii) Dosage and administration, including method of preparation and strength of solutions for different routes of injection and local application;

(iii) The conditions under which such solutions should be stored, including a reference to their instability when stored under other conditions and the statement "Sterile solution may be kept in refrigerator for one week without significant loss of potency";

(iv) Contraindications; and

(v) Untoward effects that may accompany administration, including sensitization.

If two or more such immediate containers are in such package, the number of such circulars or other labeling

shall not be less than the number of such containers.

(d) *Requests for certification, check tests and assays; samples.* (1) In addition to complying with the requirements of § 146.2, a person who requests certification of a batch of sodium penicillin or calcium penicillin shall submit with his request a statement showing the batch mark, the number of packages of each size in the batch, the number of units in each package, and (unless it was previously submitted) the date on which the latest assay of the drug comprising the batch was completed. Such request shall be accompanied or followed by the results of tests and assays made by him on the batch for potency, sterility, toxicity, pyrogens, and moisture, and if such batch or any part thereof is to be packaged with a solvent, a statement that such solvent conforms to the requirements prescribed therefor by this section.

(2) If such batch is packaged for dispensing such persons shall submit with his request a sample consisting of one immediate container for each 5,000 immediate containers in such batch, but in no case shall such sample consist of less than 5 immediate containers or more than 12 immediate containers. Such sample shall be collected by taking single immediate containers, before or after labeling, at such intervals throughout the entire time of packaging the batch that the quantities packaged during the intervals are approximately equal.

(3) If such batch is packaged for repacking or for use as an ingredient in the manufacture of another drug, such person shall submit with his request a sample consisting of 5 approximately equal portions of at least 20 milligrams each taken from different parts of such batch; each such portion shall be packaged in a separate container, and in accordance with the requirements of paragraph (b) of this section.

(4) In connection with contemplated requests for certification of batches of repacked sodium penicillin or calcium penicillin or batches of another drug in the manufacture of which it is to be used, the manufacturer of a batch of sodium penicillin or calcium penicillin which is to be so repacked or used may request the Commissioner to make check tests and assays on a sample of such batch taken as prescribed by subparagraph (3) of this paragraph. From the information required by subparagraph (1) of this paragraph may be omitted results of tests and assays not required for sodium penicillin and calcium penicillin used in such other drug. The Commissioner shall report to such manufacturer the results of such check tests and assays as are so requested.

(e) *Fees.* The fee for the services rendered with respect to each batch of sodium penicillin or calcium penicillin under the regulations in this part shall be:

(1) $3.00 for each immediate container in the sample submitted in accordance with paragraph (d) (2), (3), and (4) of this section, or if the batch is represented as a salt of penicillin X, $6.00 for each such immediate container; and

(2) If the Commissioner considers that investigations, other than examination of such immediate containers, are necessary to determine whether or not such batch complies with the requirements of § 146.3 for the issuance of a certificate, the cost of such investigations.

The fee prescribed by subparagraph (1) of this paragraph shall accompany the request for certification unless such fee is covered by an advance deposit maintained in accordance with § 146.8 (d).

§ 146.25 *Penicillin in oil and wax (calcium penicillin in oil and wax)*—(a) *Standards of identity, strength, quality, and purity.* Penicillin in oil and wax is a suspension of calcium penicillin in a menstruum of refined peanut oil or sesame oil in which white wax is dispersed. Its potency is 100,000 units, 200,000 units, or 300,000 units per milliliter. Its content of white wax is not less than 3 percent (w/v) if its potency is 100,000 units or 200,000 units per milliliter, and not less than 4.7 or more than 4.9 percent (w/v) if its potency is 300,000 units per milliliter. Its moisture content is not more than 1.0 percent. It is sterile. The calcium penicillin used conforms to the standards prescribed therefor by § 146.24 (a), but its potency is not less than 750 units per milligram if it is used in making the 100,000 unit or 200,000 unit strength, and not less than 900 units per milligram if it is used in making the 300,000 unit strength. The sesame oil used conforms to the standards prescribed therefor by the N. F. The white wax used conforms to the standards prescribed therefor by the U. S. P.

(b) *Packaging.* The immediate container of penicillin in oil and wax shall be of colorless transparent glass so closed as to be a tight container as defined on page 6 of the U. S. P., shall be sterile at the time of filling and closing, shall be so sealed that its contents cannot be used without destroying such seal, and shall be of such composition as will not cause any change in the strength, quality, or purity of the contents beyond any limit therefor in applicable standards, except that minor changes so caused which are normal and unavoidable in good packaging, storage, and distribution practice shall be disregarded. The quantity of penicillin in oil and wax in each such container shall be such that as much as 1 milliliter but not more than 20 milliliters may be withdrawn therefrom, unless it is packaged for repacking.

(c) *Labeling.* Each package of penicillin in oil and wax shall bear, on its label or labeling as hereinafter indicated the following:

(1) On the outside wrapper or container and the immediate container of the package:

(i) The batch mark;

(ii) The number of units per milliliter of the batch;

(iii) The statement "Expiration date ----------", the blank being filled in with the date which is nine months after the month during which the batch was certified; and

(iv) The statement "For intramuscular use only".

(2) On the outside wrapper or container, the statement "Store in refrigerator not above 15° C. (59° F.)", or "Store below 15° C. (59° F.)",

(3) On the circular or other labeling within or attached to the package, adequate directions for use and warnings as required by section 502 (f) of the act, including:

(i) Clinical indication;

(ii) Dosage and administration, including site of injection;

(iii) Contraindications; and

(iv) Untoward effects that may accompany administration, including sensitization.

If two or more such immediate containers are in such package, the number of such circulars or other labeling shall not be less than the number of such containers.

(d) *Requests for certification; samples.* (1) In addition to complying with the requirements of § 146.2, a person who requests certification of a batch of penicillin in oil and wax shall submit with his request a statement showing the batch mark, the number of packages of each size in such batch, the batch mark and (unless it was previously submitted) the date on which the latest assay of the calcium penicillin used in making such batch was completed, the number of units in each of such packages, the quantity of each ingredient used in making the batch, the date on which the latest assay of the drug comprising such batch was completed, and that the peanut oil or sesame oil and white wax used in making such batch conform to the requirements prescribed therefor by this section.

(2) Except as otherwise provided by subparagraph (4) of this paragraph, such person shall submit in connection with his request results of the tests and assays listed after each of the following, made by him on an accurately representative sample of:

(i) The batch; potency, sterility, moisture.

(ii) The calcium penicillin used in making the batch; potency, sterility, toxicity, pyrogens, moisture.

(3) Except as otherwise provided by subparagraph (4) of this paragraph, such person shall submit in connection with his request, in the quantities hereinafter indicated, accurately representative samples of the following:

(i) The batch; one sample package of not less than 1.3 milliliters for each 500 packages in the batch, but in no case less than 3 sample packages or more than 12 sample packages, collected by taking single sample packages at such intervals throughout the entire time of packaging the batch that the quantities packaged during the intervals are approximately equal.

(ii) The calcium penicillin used in making the batch; 5 packages containing approximately equal portions of not less than 20 milligrams each, packaged in accordance with the requirements of § 146.24 (b).

(iii) In case of an initial request for certification, the peanut oil or sesame oil and white wax used in making the batch; one package of each containing, respectively, approximately 250 grams and 25 grams.

(4) No result referred to in subparagraph (2) (ii) of this paragraph, and no sample referred to in subparagraph (3) (ii) of this paragraph, is required if such result or sample has been previously submitted.

(e) *Fees.* The fee for the service rendered with respect to each batch of penicillin in oil and wax under the regulations in this part shall be:

(1) $6.00 for each package in the samples submitted in accordance with paragraph (d) (3) (i), $3.00 for each package in the samples submitted in accordance with paragraph (d) (3) (ii) and (iii), of this section; and

(2) If the Commissioner considers that investigations, other than examination of such packages, are necessary to determine whether or not such batch complies with the requirements of § 146.3 for the issuance of a certificate, the cost of such investigations.

The fee prescribed by subparagraph (1) of this paragraph shall accompany the request for certification unless such fee is covered by an advance deposit maintained in accordance with § 146.8 (d).

§ 146.26 *Penicillin Ointment (Calcium Penicillin Ointment, Penicillin Ointment Calcium Salt)*—(a) *Standards of identity, strength, quality, and purity.* Penicillin ointment is calcium penicillin in an ointment base composed of wool fat, petrolatum, or white petrolatum, or any mixture of two or all of these, with or without liquid petrolatum, white wax, yellow wax, cottonseed oil, or peanut oil, oxycholesterin derivatives from wool fat, or any mixture of two or all of these. Its moisture content is not more than 1.0 percent. Its potency is not less than 250 units per gram. Its content of viable microorganisms is not greater than is consistent with good pharmaceutical manufacturing practice. The calcium penicillin used conforms to the standards prescribed therefor by § 146.24 (a), except subparagraphs (1), (2), and (4) thereof, but its potency is not less than 300 units per milligram. The peanut oil is refined; each other component of the ointment base conforms to the standards prescribed therefor by the U. S. P.

(b) *Packaging.* Penicillin ointment shall be packaged in collapsible tubes, which shall be well-closed containers as defined on page 6 of the U. S. P., and shall not be larger than the one-eighth ounce size if such ointment is represented for ophthalmic use and in no case larger than the one ounce size. The composition of the tubes and closure shall be such as will not cause any change in the strength, quality, or purity of the contents beyond any limit therefor in applicable standards, except that minor changes so caused which are normal and unavoidable in good packaging, storage, and distribution practice shall be disregarded.

(c) *Labeling.* Each package of penicillin ointment shall bear, on its label or labeling as hereinafter indicated, the following:

(1) On the outside wrapper or container and the immediate container:

(i) The batch mark;

(ii) The number of units per gram of the batch;

and

(iii) The statement "Expiration date ----------", the blank being filled in with the date which is nine months after the month during which the batch was certified.

(2) On the outside wrapper or container:

(i) The statement "Store in refrigerator not above 15° C. (59° F.)", or "Store below 15° C. (59° F.)";

(ii) The statement "Caution: To be dispensed only by or on the prescription of a physician"; and

(iii) A reference specifically identifying a readily available medical publication containing directions and precautions (including contra-indications and possible sensitization) adequate for the use of such ointment by physicians; or a reference to a brochure or other printed matter containing such directions and precautions, and a statement that such brochure or printed matter will be sent to physicians on request.

(d) *Requests for certification; samples.* (1) In addition to complying with the requirements of § 146.2 a person who requests certification of a batch of penicillin ointment shall submit with his request a statement showing the batch mark, the number of packages of each size in such batch, the batch mark and (unless it was previously submitted) the date on which the latest assay of the calcium penicillin used in making such batch was completed, the quantity of each ingredient used in making the batch, the date on which the latest assay of the drug comprising such batch was completed, and that each component of the ointment base used conforms to the requirements prescribed therefor by this section.

(2) Except as otherwise provided by subparagraph (4) of this paragraph, such person shall submit in connection with his request results of the tests and assays listed after each of the following, made by him on an accurately representative sample of:

(i) The batch; potency, moisture, microorganism count.

(ii) The calcium penicillin used in making the batch; potency, toxicity, moisture.

(3) Except as otherwise provided by subparagraph (4) of this paragraph, such person shall submit in connection with his request, in the quantities hereinafter indicated, accurately representative samples of the following:

(i) The batch; one package for each 5000 packages in the batch, but in no case less than 5 packages or more than 12 packages, collected by taking single packages at such intervals throughout the entire time of packaging the batch that the quantities packaged during the intervals are approximately equal.

(ii) The calcium penicillin used in making the batch; 5 packages containing approximately equal portions of not less than 20 milligrams each, packaged in accordance with the requirements of § 146.24 (b).

(iii) In case of an initial request for certification, the ingredients used in making the ointment base of the batch; one package of each containing approximately 200 grams.

(4) No result referred to in subparagraph (2) (ii) of this paragraph, and no sample referred to in subparagraph (3) (ii) of this paragraph, is required if such result or sample has been previously submitted.

(e) *Fees.* The fee for the services rendered with respect to each batch of penicillin ointment under the regulations in this part shall be:

(1) $6.00 for each package in the samples submitted in accordance with paragraph (d) (3) (i), $3.00 for each package in the samples submitted in accordance with paragraph (d) (3) (ii) and (iii), of this section; and

(2) If the Commissioner considers that investigations, other than examination of such packages, are necessary to determine whether or not such batch complies with the requirements of § 146.3 for the issuance of a certificate, the cost of such investigations.

The fee prescribed by subparagraph (1) of this paragraph shall accompany the request for certification unless such fee is covered by an advance deposit maintained in accordance with § 146.8 (d).

§ 146.27 *Tablets buffered penicillin (tablets buffered penicillin sodium, tablets buffered penicillin calcium, tablets buffered penicillin calcium salt)*—(a) *Standards of identity, strength, quality, and purity.* Tablets buffered penicillin is sodium penicillin or calcium penicillin or both and one or more of the buffer substances sodium citrate, citric acid, aluminum hydroxide, calcium carbonate, magnesium oxide, and aluminum-dihydroxyamino acetate. It is tableted with or without the addition of one or more suitable and harmless diluents, binders, and lubricants. The potency of each tablet is not less than 20,000 units; its moisture content is not more than 1.0 percent. The sodium penicillin and calcium penicillin used conform to the standards prescribed therefor by § 146.24 (a), except subparagraphs (1), (2), and (4) thereof, but its potency is not less than 300 units per milligram. Each buffer substance, diluent, binder, and lubricant, if its name is recognized in the U. S. P. or N. F., conforms to the standards prescribed therefor by such official compendium.

(b) *Packaging.* Unless each tablet buffered penicillin is enclosed in foil or plastic film and such enclosure complies with the definition of tight container on page 6 of the U. S. P., except the provision that it shall be capable of tight reclosure, the immediate container shall be a tight container as so defined. The immediate container may also contain a desiccant separated from the tablets by a plug of cotton or other like material. The composition of the immediate container, or of the foil or film enclosure, shall be such as will not cause any change in the strength, quality, or purity of the contents beyond any limit therefor in applicable standards, except that minor changes so caused which are normal and unavoidable in good packaging, storage, and distribution practice shall be disregarded. The number of tablets in the immediate container is such that the total number of units therein is not less than 300,000.

(c) *Labeling.* Each package of tablets buffered penicillin shall bear, on its label or labeling as hereinafter indicated, the following:

(1) On the outside wrapper or container and the immediate container:

(i) The batch mark;

(ii) The number of units in each tablet of the batch;

(iii) The name of each buffer substance used in making the batch; and

(iv) The statement "Expiration date ----------", the blank being filled in with the date which is nine months after the month during which the batch was certified.

(2) On the outside wrapper or container, the statements:

(i) "Store in refrigerator not above 15° C. (59° F.)", or "Store below 15° C. (59° F.)".

(ii) "Caution: To be dispensed only by or on the prescription of a physician".

(3) On the circular or other labeling within or attached to the package, unless it is packaged for repacking, directions and precautions adequate for the use of such tablets by physicians, including:

(i) Clinical indications;

(ii) Dosage and administration;

(iii) Contraindications; and

(iv) Untoward effects that may accompany administration, including those from any buffer substance present.

If two or more such immediate containers are in such package the number of such circulars or other labeling shall not be less than the number of such containers.

(d) *Requests for certification; samples.* (1) In addition to complying with the requirements of § 146.2, a person who requests certification of a batch of tablets buffered penicillin shall submit with his request a statement showing the batch mark, the number of packages of each size in such batch, the batch mark and (unless it was previously submitted) the date on which the latest assay of the sodium penicillin and calcium penicillin used in making such batch was completed, the number of units in each tablet, the quantity of each ingredient used in making the batch, the date on which the latest assay of the drug comprising such batch was completed, and that each buffer substance, diluent, binder, and lubricant conforms to the requirements prescribed therefor, if any, by this section.

(2) Except as otherwise provided in subparagraph (4) of this paragraph, such person shall submit in connection with his request results of the tests and assays listed after each of the following, made by him on an accurately representative sample of:

(i) The batch; average potency per tablet, average moisture.

(ii) The sodium penicillin and the calcium penicillin used in making the batch; potency, toxicity, moisture.

(3) Except as otherwise provided by subparagraph (4) of this paragraph, such person shall submit in connection with his request, in the quantities hereinafter indicated, accurately representative samples of the following:

(i) The batch; one tablet for each 5,000 tablets in the batch, but in no case less than 20 tablets or more than 100 tablets, collected by taking single tablets at such intervals throughout the entire time of tableting that the quantities tableted during the intervals are approximately equal.

(ii) The sodium penicillin and calcium penicillin used in making the batch: five packages of each containing approximately equal portions of not less than 20 milligrams each, packaged in accordance with the requirements of § 146.24 (b).

(iii) In case of an initial request for certification, each buffer substance, diluent, binder, and lubricant used in making the batch; one package of each containing approximately 5 grams.

(4) No result referred to in subparagraph (2) (ii) of this paragraph, and no sample referred to in subparagraph (3) (ii) of this paragraph, is required if such result or sample has been previously submitted.

(e) *Fees.* The fee for the services rendered with respect to each batch of tablets buffered penicillin under the regulations in this part shall be:

(1) $0.75 for each tablet in the sample submitted in accordance with paragraph (d) (3) (i). $3.00 for each package in the samples submitted in accordance with paragraph (d) (3) (ii) and (iii), of this section; and

(2) If the Commissioner considers that investigations, other than examination of such tablets and packages, are necessary to determine whether or not such batch complies with the requirements of § 146.3 for the issuance of a certificate, the cost of such investigations.

The fee prescribed by subparagraph (1) of this paragraph shall accompany the request for certification unless such fee is covered by an advance deposit maintained in accordance with § 146.8 (d).

§ 146.28 *Capsules penicillin in oil (capsules sodium penicillin in oil, capsules calcium penicillin in oil, capsules penicillin in oil sodium salt, capsules penicillin in oil calcium salt)*—(a) *Standards of identity, strength, quality, and purity.* Capsules penicillin in oil is a suspension of sodium penicillin or calcium penicillin or both in refined vegetable food oil, enclosed in gelatin capsules which may be coated with white shellac. The potency of each capsule is not less than 20,000 units; the moisture in its contents is not more than 1.0 percent. The sodium penicillin and calcium penicillin used conforms to the standards prescribed therefor by § 146.24 (a), except subparagraphs (1), (2), and (4) thereof, but its potency is not less than 300 units per milligram. Each oil used, if its name is recognized in the U. S. P. or N. F., conforms to the standards prescribed therefor by such official compendium.

(b) *Packaging.* Unless each capsule of penicillin in oil is enclosed in foil or plastic film and such enclosure complies with the definition of tight container on page 6 of the U. S. P., except the provision that it shall be capable of tight reclosure, the immediate container shall be a tight container as so defined. The immediate container may also contian a desiccant separated from the capsules by a plug of cotton or other like material. The composition of the immediate container, or of the foil or film enclosure, shall be such as will not cause any change in the strength, quality, or purity of the contents beyond any limit therefor in applicable standards, except that minor changes so caused which are normal and unavoidable in good packaging, storage, and distribution practice shall be disregarded. The number of capsules in the immediate container is such that the total number of units therein is not less than 300,000.

(c) *Labeling.* Each package of capsules penicillin in oil shall bear, on its label or labeling as hereinafter indicated, the following:

(1) On the outside wrapper or container and the immediate container:

(i) The batch mark;

(ii) The number of units in each capsules of the batch;

(iii) The name of each oil used in making the batch; and

(iv) The statement "Expiration date ----------", the blank being filled in with the date which is nine months after the month during which the batch was certified.

(2) On the outside wrapper or container, the statements:

(i) "Store in refrigerator not above 15° C. (59° F.)", or "Store below 15° C. (59° F.)"; and

(ii) "Caution: To be dispensed only by or on the prescription of a physician."

(3) On the circular or other labeling within or attached to the package, unless it is packaged for repacking, directions and precautions adequate for the use of such capsules by physicians, including—

(i) Clinical indications;

(ii) Dosage and administration;

(iii) Contraindications; and

(iv) Untoward effects that may accompany administration.

If two or more such immediate containers are in such package the number of such circulars or other labeling shall not be less than the number of such containers.

(d) *Requests for certification; samples.* (1) In addition to complying with the requirements of § 146.2, a person who requests certification of a batch of capsules penicillin in oil shall submit with his request a statement showing the batch mark, the number of packages of each size in such batch, the batch mark and (unless it was previously submitted) the date on which the latest assay of the sodium penicillin and calcium penicillin used in making such batch was completed, the number of units in each capsule, the quantity of each ingredient used in making the batch, the date on which the latest assay of the drug comprising such batch was completed, and that each oil used conforms to the requirements prescribed therefor by this section.

(2) Except as otherwise provided in subparagraph (4) of this paragraph, such person shall submit in connection with his request results of the tests and assays listed after each of the following, made by him on an accurately representative sample of:

(i) The batch; average potency per capsule, average moisture in its contents.

(ii) The sodium penicillin and calcium penicillin used in making the batch; potency, toxicity, moisture.

(3) Except as otherwise provided by subparagraph (4) of this paragraph, such person shall submit in connection with his request, in the quantities hereinafter indicated, accurately representative samples of the following:

(i) The batch; one capsule for each 5,000 capsules in the batch, but in no case less than 20 capsules or more than 100 capsules, collected by taking single capsules at such intervals throughout the entire time of capsuling that the quantities capsuled during the intervals are approximately equal.

(ii) The sodium penicillin and calcium penicillin used in making the batch; five packages of each containing approximately equal portions of not less than 20 milligrams each, packaged in accordance with the requirements of § 146.24 (b).

(iii) In case of an initial request for certification, each oil used in making the batch; one package of each containing approximately 250 grams.

(4) No result referred to in subparagraph (2) (ii) of this paragraph, and no sample referred to in subparagraph (3) (ii) of this paragraph, is required if such result or sample has been previously submitted.

(e) *Fees.* The fee for the services rendered with respect to each batch of capsules penicillin in oil under the regulations in this part shall be:

(1) $1.50 for each capsule in the sample submitted in accordance with paragraph (d) (3) (i), $3.00 for each package in the samples submitted in accordance with paragraph (d) (3) (ii) and (iii), of this section; and

(2) If the Commissioner considers that investigations, other than examination of such capsules and packages, are necessary to determine whether or not such batch complies with the requirements of § 146.3 for the issuance of a certificate, the cost of such investigations.

The fee prescribed by subparagraph (1) of this paragraph shall accompany the request for certification unless such fee is covered by an advance deposit maintained in accordance with § 146.8 (d).

§ 146.29 *Penicillin with aluminum hydroxide gel*—(a) *Standards of identity, strength, quality, and purity.* Penicillin with aluminum hydroxide gel is a packaged combination of one immediate container of sodium penicillin or calcium penicillin and one immediate container of aluminum hydroxide gel. Such sodium penicillin or calcium penicillin conforms to the standards prescribed therefor by § 146.24 (a), except subparagraphs (1) and (4) thereof, but its potency is not less than 300 units per milligram. Such aluminum hydroxide gel conforms to the standards prescribed therefor by the U. S. P., but contains not more than 50 viable microorganisms per milliliter.

(b) *Packaging.* The immediate container of the sodium penicillin or calcium penicillin shall conform to the packaging requirements set forth in § 146.24 (b), except that it shall contain not less than 300,000 units and its closure may be one through which a hypodermic needle cannot be introduced. The immediate container of the aluminum hydroxide gel shall be a tight container as defined on page 6 of the U. S. P.; the quantity therein shall be 30 milliliters for each 100,000 units in the immediate container of sodium penicillin or calcium penicillin.

(c) *Labeling.* Each package of penicillin with aluminum hydroxide gel shall bear on its label or labeling, as hereinafter indicated, the following:

(1) On the outside wrapper or container and on the immediate container of the sodium penicillin or calcium penicillin:

(i) The batch mark;

(ii) The number of units in such container; and

(iii) The statement "Expiration date ------", the blank being filled in with the date which is 18 months after the month during which the batch was certified.

(2) On the immediate container of the sodium penicillin or calcium penicillin, the statement "Warning—Not for injection," unless it conforms to the standards and packaging requirements prescribed therefor by § 146.24 (a) and (b), except that the immediate container may contain 300,000 units.

(3) On the outside wrapper or container of the package, the statements:

(i) "Caution: To be dispensed only by or on the prescription of a physician," and

(ii) "Store in refrigerator not above 15° C. (59° F.)," or "Store below 15° C. (59° F.)."

(4) On the circular or other labeling within or attached to the package, directions and precautions adequate for the use of such combination by physicians, including:

(i) Clinical indications;

(ii) Dosage and administration, including method of mixing the sodium penicillin or calcium penicillin with the aluminum hydroxide gel;

(iii) The conditions under which the mixture should be stored, including a reference to its instability when stored under other conditions and the statement "The mixture may be kept in refrigerator for one week without significant loss of potency";

(iv) Contraindications; and

(v) Untoward effects that may accompany administration.

(d) *Requests for certification; samples.* (1) In addition to complying with the requirements of § 146.2, a person who requests certification of a batch of sodium penicillin or calcium penicillin for inclusion in such combination shall submit with his request a statement showing the batch mark of the sodium penicillin or calcium penicillin, the number of packages thereof in such batch, the number of units in the immediate container thereof, and (unless it was previously submitted) the date on which the latest assay of the sodium penicillin or calcium penicillin included in such combination was completed, and a statement that the aluminum hydroxide gel conforms to the requirements prescribed therefor by this section.

(2) Except as otherwise provided by subparagraph (4) of this paragraph, such person shall submit in connection with his request results of the tests and assays made by him on an accurately representative sample of the sodium penicillin or calcium penicillin for potency, sterility, toxicity, and moisture.

(3) If the sodium penicillin or calcium penicillin has not been certified previously such person shall submit in connection with his request a sample of the batch consisting of one package for each 5,000 packages in the batch, but in no case less than 5 packages or more than 12 packages, collected by taking single packages at such intervals throughout the entire time of packaging the batch that the quantities packaged during the intervals are approximately equal.

(4) No result referred to in subparagraph (2) of this paragraph is required if such result has been previously submitted.

(e) *Fees.* The fee for the services rendered with respect to each batch of sodium penicillin or calcium penicillin for inclusion in combination with aluminum hydroxide gel under the regulations in this part shall be:

(1) $3.00 for each immediate container in the sample submitted in accordance with paragraph (d) (3) of this section, or $1.00 if no such sample is submitted, and

2) If the Commissioner considers that investigations, other than examination of such containers, are necessary to determine whether or not such batch complies with the requirements of § 146.3 for the issuance of a certificate, the cost of such investigations.

The fee prescribed by subparagraph (1) of this paragraph shall accompany the request for certification unless such fee is covered by an advance deposit maintained in accordance with § 146.8 (d).

§ 146.30 *Penicillin troches (sodium penicillin troches, calcium penicillin troches, penicillin troches sodium salt, penicillin troches calcium salt)*—(a) *Standards of identity, strength, quality, and purity.* Penicillin troches are troches composed of sodium penicillin or calcium penicillin or both and one or more suitable and harmless diluents, binders, and lubricants, with or without one or more suitable and harmless masticatory substances, colorings, and flavorings. The potency of each troche is not less than 500 units; the moisture content is not more than 1.0 percent. The sodium penicillin and calcium penicillin used conforms to the standards prescribed therefor by § 146.24 (a), except subparagraphs (1), (2), and (4) thereof, but the potency is not less than 300 units per milligram. Each other substance used, if its name is recognized in the U. S. P. or N. F., conforms to the standards prescribed therefor by such official compendium.

(b) Packaging. Unless each penicillin troche is enclosed in foil or plastic film and such enclosure complies with the definition of tight container on page 6 of the U. S. P., except the provision that it shall be capable of tight reclosure, the immediate container shall be a tight container as so defined. The immediate container may also contain a desiccant separated from the troches by a plug of cotton or other like material. The composition of the immediate container, or foil or film enclosure, shall be such as will not cause any change in the strength, quality, or purity of the con-

tents beyond any limit therefor in applicable standards, except that minor changes so caused which are normal and unavoidable in good packaging, storage, and distribution practice shall be disregarded.

(c) Labeling. Each package of penicillin troches shall bear, on its label or labeling as hereinafter indicated, the following:

(1) On the outside wrapper or container and the immediate container:

(i) The batch mark;

(ii) The number of units in each troche of the batch; and

(iii) The statement "Expiration date _____", the blank being filled in with the date which is nine months after the month during which the batch was certified.

(2) On the outside wrapper or container:

(i) The statement "Store in refrigerator not above 15° C. (59° F.)", or "Store below 15° C. (59° F.)";

(ii) The statement "Caution: To be dispensed only by or on the prescription of a physician"; and

(iii) A reference specifically identifying a readily available medical publication containing directions and precautions (including contraindications and possible sensitization) adequate for the use of such troches by physicians; or a reference to a brochure or other printed matter containing such directions and precautions, and a statement that such brochure and printed matter will be sent to physicians on request.

(3) On the label and labeling if a masticatory substance is present, wherever the name penicillin troches appears, the word "chewing" or "masticatory" in juxtaposition with such name.

(d) *Requests for certification; samples.* (1) In addition to complying with the requirements of § 146.2, a person who requests certification of a batch of penicillin troches shall submit with his request a statement showing the batch mark, the number of packages of each size in such batch, the batch mark and (unless it was previously submitted) the date on which the latest assay of the sodium penicillin and calcium penicillin used in making such batch was completed, the number of units in each troche, the quantity of each ingredient used in making the batch, the date on which the latest assay of the troches comprising such batch was completed, and a statement that each ingredient used in making the batch conforms to the requirements prescribed therefor by this section.

(2) Except as otherwise provided in subparagraph (4) of this paragraph, such person shall submit in connection with his request results of the tests and assays listed after each of the following, made by him on an accurately representative sample of:

(i) The batch; average potency per troche, average moisture.

(ii) The sodium penicillin and calcium penicillin used in making the batch; potency, toxicity, moisture.

(3) Except as otherwise provided by subparagraph (4) of this paragraph, such person shall submit in connection with his request, in the quantities hereinafter indicated, accurately representative samples of the following:

(i) The batch; one troche for each 5,000 troches in the batch, but in no case less than 20 troches or more than 100 troches, collected by taking single troches at such intervals throughout the entire time the troches are being made, that the quantities made during the intervals are approximately equal.

(ii) The sodium penicillin and calcium penicillin used in making the batch; five packages of each containing approximately equal portions of not less than 20 milligrams each, packaged in accordance with the requirements of § 146.24 (b).

(iii) In case of an initial request for certification, each other substance used in making the batch; one package of each containing approximately 5 grams.

(4) No result referred to in subparagraph (2) (ii) of this paragraph, and no sample referred to in subparagraph (3) (ii) of this paragraph, is required if such result or sample has been previously submitted.

(e) *Fees.* The fee for the services rendered with respect to each batch of penicillin troches under the regulations in this part shall be:

(1) $0.75 for each troche in the sample submitted in accordance with paragraph (d) (3) (i), $3.00 for each package in the samples submitted in accordance with paragraph (d) (3) (ii) and (iii), of this section; and

(2) If the Commissioner considers that investigations, other than examination of such torches, are necessary to determine whether or not such batch complies with the requirements of § 146.3 for the issuance of a certificate, the cost of such investigations.

The fee prescribed by subparagraph (1) of this paragraph shall accompany the request for certification unless such fee is covered by an advance deposit maintained in accordance with § 146.8 (d).

§ 146.31 *Penicillin dental cones (calcium penicillin dental cones, penicillin dental cones calcium salt)*—(a) *Standards of identity, strength, quality, and purity.* Penicillin dental cones are composed of calcium penicillin and one or more suitable and harmless diluents, binders, and lubricants, with or without one or both of the sulfonamides sulfanilamide and sulfathiazole. The potency of each cone is not less than 500 units; the moisture content is not more than 1.0 percent; the content of variable microorganisms is not more than 50 per gram. If a sulfonamide is used its quantity is not less than 0.032 gram per cone. The calcium penicillin used conforms to the standards prescribed therefor by § 146.24 (a), except subparagraphs (1), (2), and (4) thereof, but its potency is not less than 300 units per milligram. Each diluent, binder, lubricant, and sulfonamide used, if its name is recognized in the U. S. P. or N. F., conforms to the standards prescribed therefor by such official compendium.

(b) *Packaging.* Unless each penicillin dental cone is enclosed in foil or plastic film and such enclosure complies with the definition of tight container on page 6 of the U. S. P., except the provision that it shall be capable of tight reclosure, the immediate container shall be a tight container as so defined. The immediate container may also contain a desiccant separated from the cones by a plug of cotton or other like material. The composition of the immediate container, or foil or film enclosure, shall be such as will not cause any change in the strength, quality, or purity of the contents beyond any limit therefor in applicable standards, except that minor changes so caused which are normal and unavoidable in good packaging, storage, and distribution practice shall be disregarded.

(c) *Labeling.* Each package of penicillin dental cones shall bear, on its label or labeling as hereinafter indicated, the following:

(1) On the outside wrapper or container and the immediate container:

(i) The batch mark;

(ii) The number of units in each cone of the batch;

(iii) The statement "Expiration date _____," the blank being filled in with the date which is nine months after the month during which the batch was certified.

(2) On the outside wrapper or container:

(i) The statement "Store in refrigerator not above 15° C. (59° F.)", or "Store below 15° C. (59° F.)";

(ii) The statement "Caution: To be dispensed only by or on the prescription of a dentist or physician"; and

(iii) A reference specifically identifying a readily available medical publication containing directions and precautions (including contraindications and possible sensitization) adequate for the use of such cones by dentists and physicians; or a reference to a brochure or other printed matter containing such directions and precautions, and a statement that such brochure and printed matter will be sent to dentists and physicians on request.

(3) On the label and labeling if a sulfonamide is present, after the name penicillin dental cones wherever it appears, the words "with _____" in juxtaposition with such name, the blank being filled in with the name of the sulfonamide used.

(d) *Requests for certification; samples.* (1) In addition to complying with the requirements of § 146.2, a person who requests certification of a batch of penicillin dental cones shall submit with his request a statement showing the batch mark, the number of packages of each size in such batch, the batch mark and (unless it was previously submitted) the date on which the latest assay of the calcium penicillin used in making such batch was completed, the number of units in each cone, the quantity of each ingredient used in making the batch, the date on which the latest assay of the cones comprising such batch was completed, and that each binder, diluent, lubricant, and sulfonamide used in making the batch conforms to the requirements prescribed therefor by this section.

(2) Except as otherwise provided in subparagraph (4) of this paragraph, such person shall submit in connection with his request results of the tests and assays listed after each of the following, made by him on an accurately representative sample of:

(i) The batch; average potency per cone, average moisture, micro-organism count.

(ii) The calcium penicillin used in making the batch; potency, toxicity, moisture.

(3) Except as otherwise provided by subparagraph (4) of this paragraph, such person shall submit in connection with his request, in the quantities hereinafter indicated, accurately representative samples of the following:

(i) The batch; one cone for each 5,000 cones in the batch, but in no case less than 20 cones or more than 100 cones, collected by taking single cones at such intervals throughout the entire time the cones are being made that the quantities made during the intervals are approximately equal.

(ii) The calcium penicillin used in making the batch; five packages containing approximately equal portions of not less than 20 milligrams each, packaged in accordance with the requirements of § 146.24 (b).

(iii) In case of an initial request for certification, each other substance used in making the batch; one package of each containing approximately 5 grams.

(4) No result referred to in subparagraph (2) (ii) of this paragraph, and no sample referred to in subparagraph (3) (ii) of this paragraph, is required if such result or sample has been previously submitted.

(e) *Fees.* The fee for the services rendered with respect to each batch of penicillin dental cones under the regulations in this part shall be:

(1) $0.75 for each cone in the sample submitted in accordance with paragraph (d) (3) (i). $3.00 for each package in the samples submitted in accordance with paragraph (d) (3) (ii) and (iii) of this section; and

(2) If the Commissioner considers that investigations, other than examination of such cones and packages, are necessary to determine whether or not such batch complies with the requirements of § 146.3 for the issuance of a certificate, the cost of such investigations.

The fee prescribed by subparagraph (1) of this paragraph shall accompany the request for certification unless such fee is covered by an advance deposit maintained in accordance with § 146.8 (d).

The regulations hereby promulgated shall become effective ten days after the date of their publication in the FEDERAL REGISTER.

Dated: August 30, 1945.

[SEAL] PAUL V. MCNUTT,
Administrator.

[F. R. Doc. 45-16374; Filed, Aug. 31, 1945; 11:21 a. m.]

TITLE 30—MINERAL RESOURCES

Chapter VI—Solid Fuels Administration for War

PART 602—GENERAL ORDERS AND DIRECTIVES

DIRECTION TO SHIPPERS AND INDUSTRIAL CONSUMERS OF COAL MOVING VIA GREAT LAKES AND EX-LAKE DOCK

To reduce the amount of bituminous coal permitted to be placed in stockpiles by industrial consumers of coal moving via the Great Lakes or ex-lake dock, it is necessary, pursuant to SFAW Regulation No. 1, as amended, to issue the following direction:

(1) The amount of coal moving via the Great Lakes or ex-lake dock which any shipper, including a commercial lake dock operator, is committed to furnish to any industrial consumer, shall be reduced 5 per cent. This direction shall apply to commitments made pursuant to the provisions of SFAW Regulation No. 24, as amended, No. 25, as amended, and No. 27, as amended, as modified by any SFAW directions, specific authorizations or adjustments. This direction shall apply to all sizes and kinds of bituminous coal, including coal for special purpose use but shall not apply to shipments of coal used in the manufacture of briquettes.

(2) Provisions of SFAW regulations governing the rate of shipments of coal subject to this direction are continued in effect, but shall apply to the amounts of such coal permitted to be shipped by paragraph 1 of this section.

(3) Notwithstanding the provisions of SFAW Regulation No. 24, as amended, No. 25, as amended, and No. 27, as amended, no industrial consumer shall receive more coal than is permitted to be shipped to him pursuant to the provisions of this direction.

(4) In view of the fact that some shippers have not taken adequate measures to arrange their distribution schedules so as to make shipments of coal moving via the Great Lakes at the rate required by §§ 602.702 (b) and 602.704 of SFAW Regulation No. 27, as amended, industrial consumers and commercial lake dock operators shall report to SFAW on the first day of each month during the balance of the 1945 season of lake navigation commencing September 1, 1945 the names of such delinquent shippers and the tonnage involved and SFAW will take appropriate compliance action.

This direction shall become effective forthwith.

(E.O. 9332, 8 F.R. 5355; E.O. 9125, 7 F.R. 2719; sec. 2 (a), 54 Stat. 676, as amended by 55 Stat. 236, 56 Stat. 176 and 58 Stat. 827)

Issued this 30th day of August 1945.

C. J. POTTER,
Deputy Solid Fuels Administrator for War.

[F. R. Doc. 45-16377; Filed, Aug. 31, 1945; 11:22 a. m.]

TITLE 31—MONEY AND FINANCE: TREASURY

Chapter II—Fiscal Service, Department of the Treasury

Subchapter A—Bureau of Accounts

[12th Supp. Dept. Circ. 570, Rev. Apr. 20, 1943]

PART 226—SURETY COMPANIES

SURETY BONDS

AUGUST 30, 1945.

A certificate of authority has been issued by the Secretary of the Treasury to the following company under the act of Congress approved August 13, 1894, 28 Stat. 279–80, as amended by the Act of Congress approved March 23, 1910, 36 Stat. 241, (U. S. Code, title 6, secs. 6–13) as an acceptable surety on Federal bonds. An underwriting limitation of $87,000.00 has been established for the company. Further details as to the extent and localities with respect to which the company is acceptable as surety on Federal bonds will appear in the next issue of Treasury Department Form 356, copies of which, when issued, may be obtained from the Treasury Department, Bureau of Accounts, Section of Surety Bonds, Washington 25, D. C.

Name of company, location of principal executive office and State in which incorporated: Vermont, American Fidelity Company, Montpelier.

[SEAL] D. W. BELL,
Acting Secretary of the Treasury.

[F. R. Doc. 45-16366; Filed, Aug. 31, 1945; 11:18 a. m.]

TITLE 50—WILDLIFE

Chapter IV—Office of the Coordinator of Fisheries

[Order 1838; Area Coordinator's Gen. Direction P-20, Amdt. 1]

PART 401—PRODUCTION OF FISHERY COMMODITIES OR PRODUCTS

COORDINATED PILCHARD PRODUCTION PLAN

Pursuant to Order 1838 of the Secretary of the Interior, as amended June 6 and August 13, 1945, § 401.2 entitled "Coordinated Pilchard Production Plan" (10 F.R. 6984, 10239), commonly referred to as the Pilchard Order, and in order to accomplish the purposes thereof, subparagraph (e) is added to paragraph numbered 1 of General Direction P–20, dated July 31, 1945 (10 F.R. 9964), as follows:

1. *Dispatching system* • • •

(e) *Definitions.* The definitions set out in paragraph (c) of the Pilchard Order will be applicable to this General Direction, except that Princeton, at Half Moon Bay, is added to and shall be included in the Port of San Francisco.[1]

Issued this 24th day of August 1945.

H. W. TERHUNE,
Area Coordinator, Area II.

[F. R. Doc. 45-16286; Filed, Aug. 30, 1945; 4:35 p. m.]

[1] As of August 24, 1945, the date when this amendment was issued, no processing plant at Half Moon Bay was yet ready to operate. However, a plant in Princeton, at Half Moon Bay, is expected to be ready for operation in the near future.

TITLE 32—NATIONAL DEFENSE

Chapter IX—War Production Board

AUTHORITY: Regulations in this chapter unless otherwise noted at the end of documents affected, issued under sec. 2 (a), 54 Stat. 676, as amended by 55 Stat. 286, 56 Stat. 177, 58 Stat. 827; E.O. 9024, 7 F.R. 329, E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; E.O. 9599, 10 F.R. 10155; W.P.B. Reg. 1 as amended Dec. 31, 1943, 9 F.R. 64.

PART 1010—SUSPENSION ORDERS

[Suspension Order S-752, Revocation]

CHARLES H. GIMPEL

Suspension Order No. S-752, effective April 9, 1945, was issued against Charles J. H. Gimpel and Elizabeth A. Gimpel, doing business as Charles H. Gimpel, 72-74 Front Street, New York, New York, for violation of Limitation Order L-335. Due to a change in conditions presented by the respondent in an appeal for revocation to the Chief Compliance Commissioner, he has directed that Suspension Order No. S-752 be revoked. In view of the foregoing: it is hereby ordered, that: § 1010.752, *Suspension Order No. S-752* be revoked.

Issued this 30th day of August 1945.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 45-16280; Filed, Aug. 30, 1945; 11:32 a. m.]

PART 1010—SUSPENSION ORDERS

[Suspension Order S-895, Stay of Execution]

GILBERTON CO.

Albert L. Kanter, Rose E. Kanter, Raymond N. Haas and Myer Levy, partners doing business under the trade name of Gilberton Company, are appealing from the provisions of Suspension Order No. S-895 (§ 1010.895), issued August 22, 1945, and have requested a stay on the ground that irreparable harm would be done the business if the suspension order were not stayed. Deputy Chief Compliance Commissioner Bok has directed that the provisions of the suspension order be stayed, subject to reinstatement, pending final determination of an appeal or until further order by the Chief Compliance Commissioner or his deputy.

In view of the foregoing: it is hereby ordered, that: The provisions of *Suspension Order No. S-895*, issued August 22, 1945, and effective August 29, 1945, are hereby stayed, subject to reinstatement, pending final determination of an appeal or until further order by the Chief Compliance Commissioner, or his deputy.

This stay of execution shall take effect on August 29, 1945.

Issued this 30th day of August 1945.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 45-16288; Filed, Aug. 30, 1945; 4:41 p. m.]

PART 1041—PRODUCTION, TRANSPORTATION, REFINING AND MARKETING OF PETROLEUM

[Preference Rating Order P-98-b, as Amended Aug. 31, 1945]

§ 1041.2 *Preference Rating Order P-98-b*—(a) *Definitions.* (1) "Operator" means any person to the extent that he is engaged in the petroleum industry in the United States, its territories (except Hawaii) or possessions.

(2) "Petroleum" means crude oil, petroleum products and associated hydrocarbons, including but not limited to natural gas.

(3) "Petroleum industry" includes any of the following activities and any operation directly incident to these activities:

(i) The discovery, development or depletion of petroleum pools (production);

(ii) The extraction or recovery of natural gasoline and associated hydrocarbons (natural gasoline recovery);

(iii) The transportation, movement, loading or unloading of petroleum other than natural gas (transportation);

(iv) The processing, reprocessing or alteration of petroleum, including but not limited to compounding or blending (refining);

(v) The distribution or dispensing of petroleum products (other than natural gas) and the storing of petroleum products incident thereto (marketing);

and includes for each of the above listed branches of the industry, to the extent applicable, the control of, or the investigation into more effective methods of conducting petroleum industry operations by means of research, technical or control laboratories.

(4) "Maintenance and repair" means (without regard to accounting practice):

(i) The upkeep of any structure, equipment, or material in a sound working condition or the restoration or fixing of any structure, equipment, or material which has broken down or is worn out, damaged or destroyed;

(ii) Any other use of material not exceeding in material cost $500 for any one complete operation which has not been subdivided for the purpose of coming within this definition.

Maintenance and repair shall not include (*a*) the drilling, redrilling, deepening, plugging back, or multiple completion of any well or the initial installation on any well of pumping or other artificial lifting equipment, or (*b*) the extension or the initial construction or installation of a field gas gathering line, or (c) the installation or replacement in marketing of any "equipment" defined as such in Petroleum Administrative Order 12.

(5) "Operating supplies" means material, other than material used for maintenance and repair, which is consumed in petroleum operations and which is normally carried by an operator as operating supplies or which is normally chargeable to operating expense.

(6) "Laboratory equipment" means instruments and equipment for use in a petroleum research, technical or control laboratory. This does not include material for use in the construction of a laboratory, pilot plant or other structure.

(b) *Purpose of order.* This order will be used to secure priorities assistance for all material required to conduct petroleum operations. In addition, an MRO rating assigned by this order may be used to secure the services of repairmen and the like to the extent consistent with Priorities Regulation 3. However, under this order priorities assistance may not be used to obtain any of the following material:

(1) Material listed on Schedule A of this order.

(2) Material or equipment to be used by a consumer account for or in the storage or dispensing of petroleum, including liquefied petroleum gas. (See Order P-98-e.)

(3) Tank trucks and trailers, railroad rolling stock or marine equipment, other than parts necessary for containing and moving petroleum by tank truck or trailer; parts for railroad rolling stock not under the jurisdiction of the I. C. C.; and parts for marine equipment where other ways of getting priorities assistance are not available.

How To Obtain Material

(c) *Assignment of ratings and symbols.* (1) An operator may use the appropriate preference ratings and allotment symbols in the table below to secure the material specified (for exceptions see paragraph (d)):

NOTE: Table amended in its entirety Aug. 31, 1945.

Preference rating and allotment symbol	Material which may be secured with the indicated rating and symbol
AA-1; MRO-P-3	Material for maintenance and repair, operating supplies or laboratory equipment (all known as MRO material) and other material not exceeding in material cost $500 for use in each single operation. This provision applies to any use of material in the petroleum industry other than in a service station or retail outlet.
AA-2X; P-1	Material (other than MRO material) for use in production, except in connection with a "special production operation," as defined in paragraph (e).
AA-2X; P-5	Material (other than MRO material) for use in connection with a crude oil gathering line.
AA-3; P-5	Material (other than MRO material) for use in a special production operation or in natural gasoline recovery, transportation or refining but not to exceed $25,000 for each single operation.
AA-5; MRO-P-3	MRO material for use in connection with a service station or retail outlet. (See Direction 2 to P-98-b for another rating available.)

(2) *Information on delivery orders.* The following information must be shown by an operator on each delivery order for controlled material using the priorities assistance of this paragraph (c):

Allotment symbol.
PAW District in which the material will be used.
Use to which the material will be put.
Weight of the material by item.
Month in which delivery of the material is promised.
Certification of paragraph (g) of this order.

(3) *Filing of delivery orders with PAW.* Where required by the provisions of this paragraph, delivery orders must be submitted to the PAW District Office for the District in which the material will be used, or, if so desired by an operator in any branch of the industry other than production, for the District in which the purchasing office of the operator is located. They should be marked "Ref: Materials Division."

Delivery orders for controlled materials using the priorities assistance of this paragraph (c) must be submitted to the Petroleum Administration for War as follows:

(i) Delivery orders with a total cost of more than $100 but not more than $2,500 and with no item of more than $500—one copy for accounting purposes.

(ii) Delivery orders with a total cost of more than $2,500 or with any item of more than $500—the original and two copies for approval, and the operator may not place that order with a supplier until the approved original and one copy have been returned to him.

It is no longer necessary for operators to submit delivery orders for materials other than controlled materials to the Petroleum Administration for War.

In preparing or placing a delivery order an operator shall not alter the customary designation of any item or items for the purpose of making it appear that an item costs $500 or less or that the total cost of all items on the delivery order is $100 or less or $2,500 or less, as the case may be.

(d) *Exceptions to use of assigned ratings and symbols.* (1) The preference ratings and allotment symbols assigned in paragraph (c) may not be used to secure material covered by Schedule B or C of this order. Instead the procedures described in this paragraph will be used.

(2) *Material on Schedule B—special MRO symbol and rating.* An operator must in each case request a rating and symbol for material on Schedule B. The request will be made by submitting the original and two copies of the delivery order, regardless of cost, for approval to the PAW District Office for the District in which the material will be used (or, if so desired by an operator in any branch of the industry other than production, for the District in which the purchasing office of the operator is located), Ref: Materials Division. The operator should show on each delivery order the certification of paragraph (g), and include on the order (or in an accompanying statement) information on the specific use to which the material will be put and why the particular item is required. The operator may not place the order with a supplier until the approved original and one copy have been returned to him.

(3) *Material on Schedule C.* To secure material covered by Schedule C, an operator must apply on the appropriate form in that schedule.

(e) *Application for ratings and symbol for operations not covered by paragraph* (c). (1) Apply on PAW Form 30. It is necessary to apply on PAW Form 30 for priorities assistance for material to be used in a special production operation or in natural gasoline recovery, transportation, refining or marketing where a specific authorization is required by Petroleum Administrative Order 11, Petroleum Administrative Order 12 or Petroleum Administrative Order 15. This, of course, means that it is not necessary to apply on PAW Form 30 for priorities assistance for material to be used in an operation covered by paragraph (c) of this order.

"Special production operations" are:

Gas cycling operations for condensate recovery.
Gas desulphurization operations.
Gas dehydration operations.
Pressure maintenance operations.
A gas lift compression plant or a field gas booster plant.

Form WPB-541 should be used instead of PAW Form 30 in marketing to request a preference rating for machinery or equipment, if the machinery or equipment will be installed with the use of no more than $500 worth of material obtained with the MRO rating of this order.

Form WPB-541, or such other form as may be specified by any WPB order, should be used instead of this form to request a preference rating for material (such as construction machinery or equipment) which will not be incorporated into the proposed plant or facility.

Form WPB-541 applications should be filed with the nearest War Production Board Field Office.

(2) *Special requirements for certain material and equipment.* Schedule D of this order lists, as part of the "Construction Standards," certain material and equipment which in general may be acquired or used in an operation covered by a PAW Form 30 application only in accordance with certain limitations, or which may not be acquired or used without specific permission. If it is necessary to use such material or equipment in a manner other than as permitted by Part 2 of the schedule or to use the products listed in Part 3 of the schedule, the operator must specifically identify such use in accordance with the instructions to PAW Form 30. If an operator is authorized on Form GA-1456 Petroleum to get and use any equipment listed in Part 3 of Schedule D, he may do so without further special authorization, notwithstanding the provisions of any other order of the War Production Board which requires authorization on a special form or letter.

(3) *How to use allotment symbol and preference rating*—(i) *Placing on delivery orders.* Each delivery order for controlled material must bear the allotment symbol assigned. Each delivery order for material other than controlled material must bear the preference rating assigned, and the applicable allotment symbol. Each delivery order must also bear the standard certification of paragraph (g), and in addition the following certification, if for equipment listed in Part 3 of Schedule D and authorized by a Form GA-1456 Petroleum:

Delivery approved on Form GA-1456 under Order P-98-b (approval equivalent to that under Direction 1 to CMP Regulation 6)

(ii) *Use of any allotment symbol.* Any allotment symbol assigned on a Form GA-1456 Petroleum may be used by the following persons in addition to the operator to order controlled materials and Class A products:

(*a*) By manufacturers of Class A products or Class A components of Class A products to be incorporated in the operation.

(*b*) By contractors and sub-contractors doing all or any part of the construction work.

Such allotment symbol may be used only where the manufacturer, contractor, or sub-contractor, as the case may be, has received a statement in substantially the following form endorsed on the order or contract by the person placing it:

Serial Number _____ (identifying project). You are authorized to use allotment symbol _____ to order controlled materials and Class A products needed to fill this order or contract.

It is not necessary to show the quantities of controlled materials in this statement. Its use shall constitute a representation by the person signing it to the person with whom the order or contract is placed, and to the War Production Board, subject to the penalties of section 35A of the United States Criminal Code, that he has the right to authorize the person with whom the order or contract is placed to use the allotment symbol to fill the order or contract. The standard certification in paragraph (g) of this order may not be used instead of the above statement (but both will be used to order a Class A product.)

(iii) *Purchase order filing not required.* Any rating or allotment symbol assigned pursuant to an application on PAW Form 30, Form WPB-541 or other appropriate form may be used without submitting purchase orders to the Petroleum Administration for War, unless the operator receives special instructions to the contrary.

General Provisions

(f) *How to obtain authority to use material.* An operator may use material for maintenance or repair or as operating supplies, or in any other operation only in accordance with the provisions of Order L-86 or other applicable Petroleum Administrative Orders, listed in this paragraph. Unless a desired use of material is permitted by the terms of the appropriate order, the operator must secure an authorization under or an exception to that order, as the case may be.

(1) Use of material in production (including "special production operations")

or in natural gasoline recovery is governed by Petroleum Administrative Order 11, as amended and supplemented from time to time.

(2) Use of material in transportation or refining is governed by Petroleum Administrative Order 15, as amended and supplemented from time to time.

(3) Use of material (other than liquefied petroleum gas equipment covered by Order L–86) in marketing is governed by Petroleum Administrative Order 12, as amended and supplemented from time to time.

(g) *Certification for delivery orders.* The certification required to be placed on delivery orders is as follows:

> The undersigned purchaser certifies, subject to the penalties of section 35A of the United States Criminal Code, to the seller and to the War Production Board, that, to the best of his knowledge and belief, the undersigned is authorized under applicable War Production Board regulations or orders to place this delivery order, to receive the item(s) ordered for the purpose for which ordered, and to use any preference rating or allotment number or symbol which the undersigned has placed on this order.

This certification may be used as provided in Priorities Regulation 7.

(h) *Placement of delivery orders for controlled materials.* Under many War Production Board orders and regulations, a delivery order for controlled materials which is an authorized controlled material order is given special treatment. Any delivery order for controlled materials placed pursuant to this order and bearing the certification of paragraph (g) of this order is an authorized controlled material order if the delivery order is in sufficient detail to be placed on a mill schedule and if it specifies the month in which delivery is requested or promised.

(i) *Restoration of inventories.* An operator may use an allotment number or symbol or preference rating authorized under this order to restore his inventory to a practicable working minimum. However, an operator may not secure replacements which would result in surplus material as defined in Order P–98–c as amended.

(j) *Communications.* All reports required to be filed hereunder and all communications concerning this order should, unless other directions are given, be addressed to the Petroleum Administration for War, Interior Building, Washington 25, D. C., Ref: P–98–b.

(k) *Violations.* Any person who wilfully violates any provision of this order or who wilfully furnishes false information to the Petroleum Administration for War or the War Production Board in connection with this order is guilty of a crime and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of or from processing or using material under priority control and may be deprived of priorities assistance by the War Production Board.

(l) *Applicability of other orders and regulations.* (1) This order and all transactions affected hereby, except as herein otherwise provided, are subject to all orders and regulations of the War Production Board, as amended from time to time.

(2) None of the provisions of CMP Regulations 2, 5, 5A and 6 (or the limitations incorporated in any CMP Regulation which otherwise would subject an operator to the provisions of CMP Regulation 2, 5, 5A or 6) shall apply to an operator, and no operator shall obtain any material under or be limited by the provisions of such regulations or limitations. The provisions of paragraphs (i), (s), (s–1) and (u) of CMP Regulation 1 shall not apply to an operator who secures material in accordance with the provisions of this order.

(3) Any preference rating, other than a rating for MRO material, assigned pursuant to the provisions of this order is assigned in lieu of a preference rating under an order in the P–19 series or on Form CMPL–224 or GA–1456 Petroleum. Any reference in any order of the War Production Board to an order in the P–19 series or to Form CMPL–284 or GA–1456 Petroleum shall constitute a reference to a preference rating assigned pursuant to this order.

(4) Privileges granted by other orders and regulations of the War Production Board to persons on Schedule I of CMP Regulation 5 shall be considered as applicable to petroleum operators. For example, Order E–5–a on gauges and precision measuring hand tools classifies a person on Schedule I or II of CMP Regulation 5 as an "approved user." An operator covered by P–98–b is in identically the same position: *Provided,* That certification clauses in and all other provisions of such other orders are complied with.

(5) The War Housing Construction Standards, contained in Schedule II of Order P–55–c, apply to any housing undertaken with the priorities assistance of this order. Rules for petroleum industry housing are covered by Direction 1 to P–98–b.

(m) *Further limitations on use of priorities assistance.* The Petroleum Administration for War may issue in its own name further restrictions or limitations on the use of priorities assistance by operators in the petroleum industry.

(n) *Expiration of order and ratings.* This order and Direction 1 and 2 thereof expire at midnight September 30, 1945.

NOTE: The reporting requirements of this order have been approved by the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

Issued this 31st day of August 1945.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

SCHEDULE A

The items listed on this schedule may be delivered to operators without regard to preference ratings. No operator shall apply or extend any rating to get any of these items, and no person selling any such item shall require a rating as a condition of sale.

Items on List A of Priorities Regulation 3.
Rock bits and core bits (rotary bits).
Tool joints.
Low and high temperature fractional distillation equipment for gas and gasoline analysis.

SCHEDULE B

The following materials are covered by this schedule:

(a) Those items currently identified on (and more completely described in) List B of Priorities Regulation 3, as follows, and any equivalent items replacing them on revisions of that List B, when included on a purchase order which bears allotment symbol MRO-P-3:

Civilian defense devices.
Filing cabinets, wooden.
Fire protective equipment.
Furniture for any use, except furniture specifically designed for schools.
Medical, surgical and dental equipment and supplies (except parts for the maintenance or repair of existing equipment).
Medical, surgical and dental instruments.
Slide rules, precision engineering, having a list price of $7.50 or more.
Venetian blinds.

(b) Construction machinery and equipment (on Schedule B of Order L–192) costing in excess of $500, when to be acquired with a rating and symbol assigned in paragraph (c) of this order.

(c) Complete units of the following items of equipment needed for maintenance and repair purposes in production operations. Delivery of these items may be obtained without regard to this schedule if an operator uses the authorized preference rating AA-2X.

Crown blocks
Traveling blocks
Hooks or connectors
Elevators
Swivels
Grief stems (kellys)
Rotary tables
Drawworks
Tongs
Master gates
Blowout preventors
Drill collars
Slush pumps (power or steam driven)
Boilers
Weight indicators
Steam drilling engines

SCHEDULE C

Many of the materials on List B of Priorities Regulation 3 (other than those on Schedule B of this order) may be secured without a preference rating, and every attempt should be made to do so. If a rating is required for any of these materials it should be applied for on Form WPB–541, filed with the nearest WPB Field Office.

There are two general exceptions to this rule. In the first place, a rating for laboratory instruments and equipment and chemicals may be obtained under the procedure of paragraph (c) of this order. And secondly, the forms indicated below will be used for the items there listed.

Item	Preference rating form	Release or scheduling form	Filing instructions
(a) Steel shipping drums (as defined in L–197).		WPB-3770	File 4 copies with PAW, Washington, Ref: P–98–b. File this form for relief from the provisions of L–197.
(b) Wooden shipping containers (as defined in L–252, P–140).	WPB-2408		File WPB-2408 with PAW, Washington, Ref. P–98–b. File this form only if the preference ratings of P–140 are not sufficiently high to obtain delivery at the time the material is needed.

SCHEDULE D—CONSTRUCTION STANDARDS

NOTE: Schedule D amended July 14, 1945.

PART 1—GENERAL

A. *What these Construction Standards are and what they do.* Under these Construction Standards an operator is informed in Part 2 of the principles governing wartime construction and of the specific limitations to be followed in undertaking construction covered by PAW Form 30. In Part 3 certain products are listed which may be requested through the PAW Form 30 procedure and which otherwise would require the filing of supplemental application forms.

In preparing PAW Form 30 applications the Construction Standards should be consulted closely, since they apply to the use of material in operations covered by that form and authorized on Form GA–1456 Petroleum. The Construction Standards have not been included in the Instructions to PAW Form 30 because of the likelihood of their frequent revision, and because additional products may in the future be added to Part 3 of the Standards, thus eliminating the need for supplemental authorization forms for such products. These Construction Standards do *not* apply to petroleum industry operations which are *not* covered by PAW Form 30; nor do they apply to the use of used material and equipment except where specifically stated. For a separate set of Construction Standards applicable to housing covered by Direction 1 to P–98–b, see Order P–55–c and schedules to that order.

Operators should request any exceptions from the limitations contained in Part 2 of this Schedule which they consider essential. Each authorization granted on Form GA–1456 Petroleum will provide that the limitations of Part 2, except as modified by any exception granted in the particular authorization, shall apply to material for use in the proposed operation.

B. *Amendments to Construction Standards.* These Construction Standards may be amended from time to time by the issuance of an amended Schedule D to P–98–b. After any such amendment, use of material covered by an authorization on Form GA–1456 Petroleum may be made in accordance with that authorization, or in accordance with any revised Standards.

PART 2—LIMITATIONS ON CONSTRUCTION

(Unless required under the provisions of a WPB order or regulation, none of the limitations of Part 2 of this Schedule applies to use of material in the fabrication or assembly of Class A or Class B products by suppliers regularly engaged in the business of fabricating or assembling such products for sale.)

A. *Principles governing wartime construction.* The principles governing wartime construction are defined in a directive adopted by the WPB and the Army-Navy Munitions Board, May 20, 1942. These principles are interpreted as limiting all construction to a design of the simplest type consistent with structural stability and sufficient only to meet the immediate minimum functional requirements.

The guiding principle should always be to utilize those materials which are most plentiful and which, in the ultimate analysis, will cause the least interference with the production of combat material and the utilization of transportation and power.

B. *Structural design.* All building construction using any stress grade lumber shall be designed in accordance with the applicable provisions of the War Production Board Directive No. 29 "Design, Fabrication and Erection of Stress Grade Lumber and its Fastenings for Buildings", as amended.

C. *Tin.* The use of tin and tin products is prohibited except as follows:

1. Solder:

a. Not over 40% tin in solder (i) for wiping water service pipe, connecting the piping of a structure with the outside water main, (ii) for assembly and repair of galvanized iron or zinc tanks.

b. Not over 35% tin in solder (i) for assembly and repair of galvanized iron items (except tanks) where the assembly is done with a "soldering iron", (ii) for wiping lead sheathed cable joints or lead pipe joints.

c. Solder for electrical connections may be used only to the extent that solderless connectors, not containing copper or copper-base alloys, will not serve, and then not over 35% tin content.

d. Not over 30% tin in solder for all other uses not covered above, and then only to the extent that substitution of either a less critical material or use of less tin content is impracticable.

2. Fuses, fuse plugs, and sprinkler head fuses.

D. *Zinc.* 1. The use of zinc and zinc products is prohibited:

a. For ornamental and decorative work.

b. In the form of sheet, strip and rod except:

(i) Where essential for processing.

(ii) Where the use of chemicals requires it.

E. *Lumber and lumber products.* Every effort should be made to employ in construction non-critical materials as substitutes for lumber less than 3" nominal thickness.

1. The use of lumber 2" nominal thickness less than 8" nominal width and all lumber less than 2" nominal thickness is prohibited for the following:

a. Sheathing of walls and roofs.
b. Facing of partitions and ceilings.
c. Siding.
d. Fencing.
e. Sub-floors.
f. Framing of exterior walls.
g. Framing of interior partitions supported on other than wood-framed floors.

2. The use of lumber is prohibited for the framing of first or ground floors without basement or cellar beneath.

3. The use of lumber other than used lumber or used plywood for forms for concrete construction is prohibited, except that where neither used lumber nor used plywood is available, new lumber or new plywood may be used, provided that:

a. Maximum reuse is made of forms.

b. New plywood for forms is limited to the highly water-resistant type. Plywood form liners prohibited.

4. The use of common grades of any kind of lumber is prohibited for mill work and trim.

5. The use of Hardboard is prohibited.

6. The use of plywood is prohibited, except as permitted in paragraph E–3–b.

7. The use of western pine is prohibited for all uses except such mill work as sash, doors, windows, and door and window frames, window and door screens, trim and moulding.

The salvage of all reusable lumber, not specifically incorporated in a structure, is mandatory and its destruction is prohibited. Such lumber shall be made immediately available for reuse.

F. Mechanical ventilation. 1. The use of mechanical ventilation is prohibited except for:

a. Areas without natural ventilation.
b. Hospital spaces.
c. Spaces where industrial processes make its use mandatory.
d. Interior toilet rooms and kitchens where gravity ventilation will not suffice.

2. Ventilation systems for winter operation in locations as outlined above shall be of the re-circulatory type, with quantity of make-up and exhaust air reduced to the minimum required to meet health requirements.

G. Lead. The use of lead and products is prohibited except where List I of Order M–38 permits it (applications for waivers should be filed on the WPB–617 application and if approved permission to deviate from M–38 will be given automatically).

PART 3—PRODUCTS AVAILABLE WITHOUT SUPPLEMENTAL APPLICATION

A. Explanation. To secure any item listed in this Part 3, the operator must list and justify the use of the item in Section C of PAW Form 30. An operator is not required to submit for any such item a separate application form (even if otherwise required by the provisions of a WPB order).

B. Items available without supplemental application:

Air conditioning and refrigerating equipment.
Blowers, electric hand portable.
Boilers, power.
Laundry equipment, dry cleaning equipment, tailors pressing equipment.
Compressors.
Conveyors and conveying systems.
Cranes and hoists, overhead.
Dust collecting equipment, industrial.
Electric power generators, turbines, transformers and switchgear.
Elevators, new.
Engines, diesel and gas.
Fire protective signal and alarm equipment.
Floor machines, finishing and maintenance.
Heat treating equipment.
Industrial instruments.
Machine tools.
Motion picture projection and sound reproducing equipment, 35 mm.
Office machines.
Oil-fired equipment and natural gas-fired equipment, whether new or used regardless of whether or not a rating is requested (specify on the application which items are to be oil fired and which natural gas fired).
Pneumatic tube delivery systems.
Power generating and distribution equipment.
Pumps.
Rug scrubbing machines (portable).
Sanding machines, floor.
Scales, balances and weights.
Turbo blowers and turbo exhausters.
Typewriters.
Vacuum cleaners, industrial.
Vault doors of iron or steel.
Water conditioning equipment.
Welding equipment.
Other industrial machinery and equipment which is to be used directly in processing.

SCHEDULE E—INSTRUCTIONS FOR DIRECTING COMMUNICATIONS TO PAW DISTRICT OFFICES

District 1: (Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Delaware, Pennsylvania, Maryland, Virginia, West Virginia, North Carolina, South Carolina, Georgia, Florida, District of Columbia). Direct communications to Petroleum Administration for War, 1104 Chanin Building, 122 East 42nd New York 17, New York. Ref: P–98–b.

District 2: (Ohio, Kentucky, Tennessee, Indiana, Michigan, Illinois, Wisconsin, Minnesota, Iowa, Missouri, Oklahoma, Kansas, Nebraska, South Dakota, North Dakota). Direct communications to Petroleum Administration for War, 1200 Blum Building, 624 South Michigan Avenue, Chicago 5, Illinois (or) 410 Beacon Building, 406 South Boulder Avenue, Tulsa 3, Oklahoma. Ref: P–98–b.

District 3: (Alabama, Mississippi, Louisiana, Arkansas, Texas, New Mexico). Direct communications to Petroleum Administration for War, 245 Mellie Esperson Building, Houston 1, Texas. Ref: P–98–b.

District 4: (Montana, Wyoming, Colorado, Utah, Idaho). Direct communications to Petroleum Administration for War, 320 First National Bank Building, Denver 2, Colorado Ref: P–98–b.

District 5: (Arizona, California, Nevada, Oregon, Washington, Territory of Alaska). Direct communications to Petroleum Administration for War, 855 Subway Terminal Building, Los Angeles 13, California. Ref: P-98-b

[F. R. Doc. 45-16384; Filed, Aug. 31, 1945; 11:30 a. m.]

PART 3175—REGULATIONS APPLICABLE TO THE CONTROLLED MATERIALS PLAN

[CMP Reg. 10, Revocation]

CMP Regulation 10 is hereby revoked. This revocation does not affect any liabilities incurred for violation of the regulation or of actions taken by the War Production Board under the regulation.

Issued this 31st day of August 1945.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 45-16379; Filed, Aug. 31, 1945; 11:30 a. m.]

PART 3281—PULP AND PAPER

[General Conservation Order M-241, Direction 4, as Amended Aug. 31, 1945]

REDUCTION OF NEWSPRINT DELIVERIES FOR SEPTEMBER 1945

The following amended direction is issued pursuant to General Conservation Order M-241:

During the month of September, 1945, no dealer, publisher, printer or other person may accept delivery of newsprint from mills in excess of 95% of his August orders for September delivery. Fractional carloads shall be adjusted to the nearest number of whole carloads.

This direction does not apply to any person whose September deliveries of newsprint from mills would be reduced by the foregoing to less than one carload.

Issued this 31st day of August 1945.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 45-16362; Filed, Aug. 31, 1945; 11:30 a. m.]

PART 3287—GOVERNMENT SERVICES

[Limitation Order L-286, Direction 1 as Amended Aug. 31, 1945]

RESTRICTIONS ON MANUFACTURE AND DELIVERY OF AMMUNITION

The following amended direction is issued pursuant to Limitation Order L-286:

(a) *Restrictions on sale and delivery of ammunition.* (1) There is an increased shortage in ammunition for civilian uses because of increased military requirements. Accordingly, it is necessary to provide for the channeling of available supplies for the period ending December 31, 1945, to those areas where it is most needed.

(2) In addition to the restrictions of paragraph (b) (3) of L-286, during the period beginning May 1, 1945, and ending December 31, 1945, manufacturers and distributors may deliver ammunition only to distributors or dealers in the United States, its territories, or possessions.

(3) The War Production Board may at any time issue individual written directives to manufacturers or to distributors requiring delivery of ammunition for emergency use. These directives will be issued only upon a showing that the ammunition is needed to meet the requirements of farmers and ranchers who live in an area where there is an unseasonal or exceptional need for such ammunition for the protection of crops and livestock. Application for such directives shall be made by the manufacturer, distributor or dealer in writing on his own letterhead and shall state the facts showing that the ammunition applied for is needed to meet the requirements of farmers and ranchers who live in an area where there is an unseasonal or exceptional need for such ammunition for the protection of crops and livestock. These applications shall be filed with the Government Bureau, War Production Board, Washington 25, D. C., Ref. L-286. In emergency, applications may be made by telephone or telegraph

(b) [Deleted Aug. 31, 1945]

Issued this 31st day of August 1945.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 45-16380; Filed, Aug. 31, 1945; 11:30 a. m.]

PART 3287—GOVERNMENT SERVICES

[Limitation Order L-286, Direction 2]

AMMUNITION

The following direction is issued pursuant to Limitation Order L-286:

(a) *Purpose.* In order to protect crops and livestock and to increase the food supply, this direction permits all persons, including farmers and ranchers, to get special and additional quotas of ammunition to shoot predators and to hunt game.

(b) *Special quota for hunting season.* (1) From now until this direction is terminated by a published revocation, a manufacturer, supplier or dealer may sell and deliver to any person for the protection of crops and livestock, or for hunting, or both, upon receipt of a certificate as provided in paragraph (c), and any person may buy and accept delivery for those purposes, not more than:

150 rounds of .22 caliber rim fire cartridges.
40 rounds of center fire rifle ammunition (or 50 rounds of the kind ordinarily packaged fifty to the box, such as .25-20, .32-20, .22 Hornet, .38-40 and .44-40).
100 rounds of shotgun shells of any gauge.

(2) Farmers and ranchers are entitled to the above special quota in addition to their regular quarterly quotas provided by Order L-286.

(3) A person does not have to charge against this special quota any ammunition that he gets or has received under specific authorization by the War Production Board on Form WPB-2682.

(c) *Certificate.* Before buying or accepting delivery of any ammunition under this direction, a person must sign and deliver to the seller a certificate in substantially the form set out below. (The standard certificate in Priorities Regulation 7 may be used instead, provided the address of the purchaser is included.) The seller shall be entitled to rely on it unless he knows or has reason to know it is false. The certificate records may be handled in either or both of these ways: the purchaser may sign and deliver to the seller a separate certificate with his purchase, or the seller may simply write out the certificate one time at the top of a paper and have the purchasers sign one after the other below the certificate. In either case the purchaser must sign and give his address.

CERTIFICATE

The undersigned purchaser certifies, subject to the penalties of section 35 (A) of the U. S. Criminal Code, to the seller and to the War Production Board, that, to the best of his knowledge and belief, the undersigned is authorized under applicable War Production Board regulations or orders to place this delivery order and to receive the item(s) ordered for the purpose for which ordered.

Purchaser	Address

Issued this 31st day of August 1945.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 45-16381; Filed, Aug. 31, 1945; 11:30 a. m.]

PART 3290—TEXTILE, CLOTHING AND LEATHER

[Supplementary Order M-317A, as Amended July 12, 1945, Amdt. 3]

COTTON FABRIC PREFERENCE RATINGS AND RESTRICTIONS

Section 3290.116 *Supplementary Order M-317A*, as amended July 12, 1945, is further amended in the following respects:

1. In Group CHEM-1, in Column II on a separate line, after "(12) Osnaburg" add an item "(6) Other combed fabrics".

2. Make the following insertions in Column II of CHEM-3: Insert on a separate line after "(1c) Lawn", the words: "(12) Osnaburg". Insert on separate lines after "(17b) Print cloth, etc." the following:

(17a) Print cloth, 80 sley and higher
(17c) Print cloth, less than 64 sley
(13a) Sheeting, coarse, Class A.

Insert on a separate line after "(3a) Twill, combed, part combed, etc." the item "(1e) Typewriter ribbon cloth".

In Column III add the following as a second paragraph: "Maintenance, repair and operating supplies of producers of chemicals and chemical products".

3. Make the following additions in Column II in CHEM-4:

Insert on separate lines after "(17b) Print cloth, etc." the following:

(17c) Print cloth, less than 64 sley
(13a) Sheeting, coarse, Class A
(13b) Sheeting, coarse, Class B
(14a) Sheeting, medium, Class C, except Mead's cloth
(16c) Twill, carded except filter twill as defined in M-91.

Change Column III to read as follows: "Blasting caps fuses and fusees".

4. In Group CDGS-3, in Column I delete "(25 yards)" and insert "(500 yards)".

5. In Group CDGS-4, after the last item in Column II add "(27) Velveteen and cord".

6. In Group CDGS-7, in Column II on a separate line before "(13b) Sheeting, etc." add "(16a) Drill".

7. Insert a new Group after CDGS-9 as follows:

Group	Column I	Column II	Column III	Column IV
CDGS-10..	Processor (500 yards)..	(17b) Print cloth, 64 and higher but less than 80 sley.	Stamp pads.....	AA-3.

8. In Group CORK-1, in Column II on a separate line after "(17b) Print cloth, etc." add "(17c) Print Cloth, less than 64 sley".

In Column III, before "Magnesia, etc." on separate lines add: "Asbestos cement sheets", "Gasketing material". After "Magnesia, etc." on a separate line, add "Linoleum".

9. In Group GIEQ-1, in Column II on separate lines, before "(16a) Drill", add the following:

(23) Canton flannel
(18a) Cheesecloth, tobacco cloth and bandage cloth (except 44 x 36).

After "(16a) Drill" in Column II add the following on separate lines:

(17b) Print cloth, 64 and higher but less than 80 sley
(17c) Print cloth, less than 64 sley.

In Column III add the following as a second paragraph: "For oil filters and oil filter elements."

10. In Group NHA-1, in Column II on a separate line before "(30b) Toweling, etc." add "(28) Ticking".

11. In Group PAPR-2, in Column II on a separate line before "(18a) Cheesecloth, etc." add "(32a) Bag and baling fabric (limited to victory bagging)".

12. In Group PRIN-1, in Column II on a separate line before "(16a) Drill" add "(18a) Cheesecloth, tobacco cloth and bandage cloth (except 44 x 36)".

In Column III add a separate line: "Back lining for books".

13. In Group SATE-2, delete the item "(26) Corduroy". After item "(4a) Broadcloth, combed" insert "(23) Canton flannel"; after item "(21a) Flannelette, outing", insert on a separate line "(25) Moleskin and suede".

14. In Group SATE-3, in Column II on a separate line, before "(21a) Flannelette, outing", add "(23) Canton flannel".

15. Insert new Groups after Group SATE-5 as follows:

Group	Column I	Column II	Column III	Column IV
SERV-1...	Processor (200 yards)..	(16a) Drill..... (23) Flannel, canton. (21a) Flannelette, outing. (13a) Sheeting, coarse Class A.	Manufacture of commercial laundry and dry cleaning equipment.	AA-3
SERV-2...	Processor (200 yards)..	(23) Canton flannel..... (13a) Sheeting, coarse, Class A.	Manufacture of ink pads for duplicating machines.	AA-3

16. In Group TEXT-1, in Column II on a separate line, before "(25) Moleskin and suede" add "(1c) Lawn".

17. In Group TEXT-2, in Column II on a separate line, after "(12) Osnaburg" add "(17b) Print cloth, 64 but less than 80 sley".

18. In Group TOOL-1, in Column II on a separate line, before "(23) Flannel, canton", add "(16a) Drill".

19. In Group TOOL-2, in Column II on a separate line, after "(16d) Jean" add "(17b) Print cloth, 64 sley but less than 80 sley".

In Column III, add as a separate line: "Deck tread safety walk".

20. In Group WFA-1, in Column II on a separate line, after "(14a) Sheeting, medium, etc." add "(14c) Sheeting, soft filled".

Issued this 31st day of August 1945.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 45-16383; Filed, Aug. 31, 1945; 11:30 a. m.]

Chapter XI—Office of Price Administration

PART 1305—ADMINISTRATION

[Gen. RO 5,[1] Amdt. 117]

FOOD RATIONING FOR INSTITUTIONAL USERS

A rationale accompanying this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.

General Ration Order 5 is amended in the following respect:

Section 15.7 is revoked.

This amendment shall become effective September 2, 1945.

Issued this 31st day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-16306; Filed, Aug. 31, 1945; 10:34 a. m.]

PART 1305—ADMINISTRATION

[Gen. RO 14,[1] Amdt. 5]

WAR RATION BOOK FOUR

A rationale accompanying this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.

General Ration Order 14 is amended in the following respects:

1. Section 8 (b) is amended to read as follows:

(b) Except as provided in paragraph (c) of this section, before issuing a War Ration Book Four, the Board shall remove all expired stamps and all valid stamps except the last stamp (or series of stamps) which became valid.

2. Section 8 (c) is added to read as follows:

(c) If prior approval has been granted by the Deputy Administrator for Rationing, the Board, before issuing a War Ration Book Four to civilian American repatriates from enemy prison camps, shall remove all expired stamps and all valid stamps, except the last stamp which became valid under Second Revised Ration Order 3 and except the last three series of stamps which became valid under Revised Ration Order 13 and Revised Ration Order 16.

This amendment shall become effective September 5, 1945.

Issued this 31st day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-16307; Filed, Aug. 31, 1945; 10:34 a. m.]

PART 1305—ADMINISTRATION

[Supp. Order 128]

ADJUSTMENTS FOR CERTAIN FOREST PRODUCTS

A statement of the considerations involved in the issuance of this supplementary order has been issued simultaneously herewith and filed with the Division of the Federal Register.

Sec.
1. Applicability.
2. Who may apply.
3. When adjustment may be granted.
4. Amount of adjustment.
5. Procedure.
6. Applications based on pending wage increases.
7. Maximum prices for deliveries made pending disposition of applications.
8. Definitions.

AUTHORITY: § 1305.156 issued under 56 Stat. 23,765; 57 Stat. 566; Pub. Law 383, 78th Cong.; Pub. Law 108, 79th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681.

SECTION 1. *Applicability.* The commodities to which this supplementary order is applicable are those covered by the following Maximum Price Regulations:

Maximum Price Regulation 196—Turned or Shaped Wood Products.
Revised Maximum Price Regulation 290—Sitka Spruce Lumber.
Maximum Price Regulation 412—Tidewater Red Cypress Lumber.
Maximum Price Regulation 568—Hardwood Plywood.

SEC. 2. *Who may apply.* Any producer subject to any of the regulations named in section 1 may apply for adjustment of his maximum prices for f. o. b. mill sales under such regulations if he can show that:

(a) Increased costs result in hardship which will impede his production of a product subject to a regulation named in section 1, and

(b) Either:

(1) The major part of his total dollar production in the most recently completed fiscal year was the product on which he now suffers hardship, or

(2) All of the product on which he now suffers hardship was produced in a plant where the product was at least 85 percent of the output during the most recently completed fiscal year.

[1] 8 F.R. 10002.

[1] 8 F.R. 14211; 9 F.R. 6504, 11761.

SEC. 3. *When adjustment may be granted.* Adjustment may be granted upon demonstration of substantial financial hardship threatening the maintenance of production. In judging whether the maximum prices impede or threaten the applicant's production of the product, there will be taken into consideration such pertinent factors as (a) the nature of the applicant's business; (b) his current costs of manufacturing the product; (c) the overall earnings of his business; (d) whether the applicant customarily sold the product below cost; and (e) whether greater efficiency in production or merchandising can reasonably be expected so that an adjustment of prices would not be necessary.

SEC. 4. *Amount of adjustment.* In general, the amount of relief granted will fall into one of three classes, depending on a comparison of current overall dollar profits (before income and excess-profits taxes) with those in a normal base period. The adjustment shall not exceed that shown below, but it may be less in consideration of the factors set forth in section 3.

Current over-all profit position	*Adjustment to permit recovery of—*
Over 115 percent of adjusted normal base period dollar profits.	Total costs, less selling and general and administrative expenses.
Between 100 and 115 percent of adjusted normal base period dollar profits.	Total costs.
Below 100 percent of adjusted normal base period profits.	Total costs plus a reasonable profit.

In evaluating costs, whenever current output is substantially below the normal volume, overhead items shall be adjusted to levels consistent with a normal rate of production. Expenses not related to the supply and sale of the items for which adjustment of maximum prices is sought will be excluded.

SEC. 5. *Procedure.* The application shall be filed with the Lumber Branch, Office of Price Administration, Washington 25, D. C., in accordance with the provisions of Revised Procedural Regulation No. 1 issued by the Office of Price Administration. It must contain detailed information with respect to the following:

(a) Profit and loss statements and balance sheets covering the company's entire operation for the years 1936–1939, the most recently completed calendar or fiscal year, and interim periods subsequent to the completion of such year.

(b) Operating statement for the product, for the last calendar or fiscal year prior to the filing of the application and any interim periods subsequent to the end of such year.

The operating statement should show a complete breakdown of all manufacturing costs, such as direct material, direct labor, other factory costs and commercial overhead. The units sold, produced, transferred and in inventories should be clearly shown as well as the appropriate unit of measurement on raw materials where applicable.

If any of the required information has been previously submitted to the Office of Price Administration or to another Government Agency and is available to the Office of Price Administration, the applicant may so indicate, and he will not be required to resubmit it.

SEC. 6. *Applications based on pending wage increases.* Supplementary Order 28 sets forth additional rules which must be followed when the application is based on a pending wage or salary increase requiring approval of the National War Labor Board.

SEC. 7. *Maximum prices for deliveries made pending disposition of application.* An application is considered as properly completed when all the necessary information has been submitted in accordance with the instructions of the Office of Price Administration. As soon as the applicant has been notified in writing by the Lumber Branch that his application has been properly completed, quotations may be made at the price requested in the application. Notification that an application has been properly completed does not constitute an approval of the requested price.

The applicant may not receive any payments in excess of the maximum prices established in the applicable regulation until the application has been finally disposed of by order. Any increase in maximum prices granted by such order shall be effective from the date the application was properly completed, as to all orders or contracts made on or after that date concerning which the seller furnished a written statement to the buyer setting forth:

(a) The established maximum price for each item;

(b) The fact that an appropriate application for adjustment of that maximum price has been filed with the Office of Price Administration;

(c) The quoted price which shall not be higher than the price requested in the application for adjustment; and

(d) The fact that the quoted price is subject to the approval of the Office of Price Administration.

Except as set forth above, an order increasing the seller's maximum price is effective on and after the effective date specified therein.

SEC. 8. *Definitions.* As used in this section, the terms:

(a) "Product" means the entire species, or the entire line of items covered by one maximum price regulation.

(b) "Normal base period" means the period 1936 through 1939. If seller was not in business prior to January 1, 1939, the fact should be stated in the application. In such cases, a reasonable return on present net worth will be considered the adjusted base period dollar profits.

(c) "Over-all profits" means the net profit resulting from the operations of all divisions of a company including all recurring items of non-operating income, before the creation of any reserves, except ordinary reserves for depreciation and bad debts, and before income and excess-profits taxes. If the company has majority-owned subsidiaries, or is a majority-owned subsidiary, the term "over-all profits" means the consolidated net profit of the parent corporation and all majority-owned subsidiaries.

(d) "Adjusted base period dollar profits" means base period over-all dollar profits adjusted for changes in capital investment since the base period.

This supplementary order shall become effective September 5, 1945.

NOTE: All reporting and record-keeping requirements of this supplementary order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 31st day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-16359; Filed, Aug. 31, 1945; 10:33 a. m.]

PART 1314—RAW MATERIALS FOR SHOES AND OTHER LEATHER PRODUCTS

[MPR 145,[1] Amdt. 11]

PICKLED SHEEPSKINS

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.

Section 1314.165 (a) of Maximum Price Regulation 145 is amended in the following respects:

1. The following heading and items are added immediately under the heading "Soulas (Argentine)":

Heavy Sheep:	
SS	$11.00
X1	12.00
X2	11.25
1S	10.00
2S	9.50

2. The following item is added immediately after the subheading "Large Lambs" under the heading "Soulas (Argentine)":

Super 1 LB	$9.50

3. The following heading and items are added after the items appearing under the heading "Swift La Plata":

Swift La Plata (Local Grades)	
Sheep:	
LHS	$8.75
LLS	7.25
LL	5.75
LDL	5.25
LSL	4.25
LDSL	3.75

4. The following items are added after the items appearing under the heading "Swift Montevido (Dry)":

HD Sheep	$4.50
HD Lambs	3.25
HD Spring Lambs	2.50

[1] 7 F.R. 3746, 3889, 5771, 5835, 8948, 11074; 8 F.R. 5724; 9 F.R. 1595, 7936; 10 F.R. 158, 2515.

This amendment shall become effective September 5, 1945.

Issued this 31st day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-16312; Filed, Aug. 31, 1945; 10:33 a. m.]

PART 1340—FUEL

[MPR 88, Amdt. 32]

FUEL OIL, GASOLINE AND LIQUEFIED PETROLEUM GAS

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.

Maximum Price Regulation No. 88 is amended in the following respects:

1. Section 1.14 (u) is revoked.

2. Special section 3 is added to Article II, after Special section 2, to read as follows:

Special section 3. Notwithstanding other provisions of this Article II, maximum prices for the following products shall be reduced in the following areas and the amounts stated except those prices set forth in section 2.28 (b) and 2.36 (b), in which cases the prices set forth in such sections shall be reduced by .52¢ per gallon.

State or portion thereof	Cents per gallon to be reduced	
	Kerosine, No. 1 fuel oil or range oil	Any other fuel or fuel oil
Connecticut	1.5	1.5
Delaware	1.5	1.5
Florida (east of the Apalachicola River)	1.0	1.0
Georgia	1.0	1.0
Maine	1.5	1.5
Maryland	1.5	1.5
Massachusetts	1.5	1.5
Except Boston and Fall River and all points supplied from these ports	1.5	1.4
New Hampshire	1.5	1.5
New Jersey	1.5	1.5
New York	1.5	1.5
Excepting Schedule D area	1.0	1.0
North Carolina	1.2	1.2
Pennsylvania	1.5	1.5
Excepting Schedule D area	1.0	1.0
Rhode Island	1.5	1.5
Except Providence and Tiverton and all points supplied from these ports	1.5	1.4
South Carolina	1.2	1.2
Tennessee (corporate limits of Bristol only)	1.5	1.5
Vermont	1.5	1.5
Virginia	1.5	1.5
West Virginia	1.5	1.5
Excepting Schedule D area	1.0	1.0
District of Columbia	1.5	1.5

3. Section 3.4 (b) is amended as follows:

a. By deleting the table headed "Price Area" and the prices set forth opposite each area and inserting in lieu thereof the following table:

Price area: [1]	*Per 42-gallon barrel* [2]
A	$1.02
B	.97
C	.97
D	.97
E	1.14
F	1.51
G	1.56
H [3]	1.74
I	1.77
J	1.95
K	1.86
K-1	2.16
K-2	1.99
L	1.75
M	1.55
M-1	1.60
M-2	1.59½
M-3	1.57
M-4	1.51½
N	1.47
N-1	1.45
N-2	1.44½
N-3	1.43
N-4	1.42
O	1.32
P	1.27
Q	1.22
R	1.15
S	.92
T	.99
U	.96
V	1.36
W	1.07

b. Footnote 4 is revoked.

c. The following is inserted between Price Area "K–1" and "L":

K-2	$1.99

d. Price Area "K" shall be amended to read as follows:

K comprises that part of Schedule D area which is within West Virginia.

e. The following is inserted between the description of Price Area "K–1" and "L":

K-2 comprises that part of Schedule D area which is within Pennsylvania or New York.

f. Price Area "M" description shall be amended to read as follows:

M comprises New York Harbor, Philadelphia Harbor, and Baltimore, Maryland.

g. The following is inserted between the description of Price Area "M" and Price Area "N":

M-1 comprises Portland, Maine, and Portsmouth, New Hampshire.
M-2 comprises Boston, Massachusetts.
M-3 comprises Fall River, Massachusetts, Tiverton, Providence, Rhode Island, and New Haven, Connecticut.
M-4 comprises Norfolk, Virginia.

h. Price Area "N" description shall be amended to read as follows:

N comprises Wilmington, North Carolina.

i. The following is inserted between the description of Price Area "N" and Price Area "O":

N-1 comprises Charleston, South Carolina.
N-2 comprises Savannah, Georgia.
N-3 comprises Jacksonville, Florida.
N-4 comprises Miami, Florida.

4. Section 3.4 (d) is amended to read as follows:

(d) *Navy grade special fuel oil.*

Price area as described in (a):	*Per 42-gallon barrel*
D	$1.05
M	1.63
M-2	1.67½

5. Section 3.5 is amended by inserting footnote 2 to Price Area AA to read as follows:

[2] When a particular delivery or shipping point is supplied from one of the following ports there may be added to the maximum price at such shipping or delivery point the amount set forth opposite the name of the supplying port, in addition to the 12 cents increase determined in Price Area AA:

Port:	*Amount of increase Per barrel (cents)*
Albany, New York	8
New York Harbor	8
Philadelphia Harbor	6
Baltimore, Maryland	8
Portland, Maine	13
Portsmouth, New Hampshire	13
Boston, Massachusetts	12½
Fall River, Massachusetts	10
Tiverton, Rhode Island	10
Providence, Rhode Island	10
Norfolk	4½
Wilmington, North Carolina	5
Charleston, South Carolina	3
Savannah, Georgia	2½
Jacksonville, Florida	1

6. Footnote 1 to section 3.5 is amended to read as follows:

[1] If a seller's maximum price for heavy fuel oil has been established prior to September 1, 1944 under Article VIII of this regulation, such seller's maximum price for No. 6 commercial standard specifications fuel oil shall be the price approved under such Article for such fuel oil of 13–159 API gravity less 30¢ per barrel. When such seller is supplied from one of the ports listed in footnote 2 he may, after making the foregoing computation, add the amount set forth opposite the applicable supplying port listed in footnote 2.

7. Special section 5 is added to Article IV, immediately following special section 4, to read as follows:

Special section 5. (a) In any case in this Article IV where the brackets "70–74 octane ASTM" appears, it shall be changed to read "70–71 octane ASTM."

(b) Wherever the bracket "70–71" appears, list immediately below a new bracket designated as "72–74 octane ASTM" and the price opposite such "72–74 octane ASTM" bracket shall be the price set forth for the bracket "70–71 octane ASTM," plus .125¢ per gallon except that the maximum price established under section 4.14 (a) (1) for 72–74 octane ASTM for shipment to destinations other than Petroleum Administration for War District 1 shall be increased .1¢ per gallon.

(c) Wherever the term "75 octane ASTM, and above," appears in this Article IV, it is changed to read "78 octane ASTM, and above."

(d) Wherever maximum prices are established in this article for second structure gasoline, such prices are increased by .125¢ per gallon.

8. Footnotes 5, 6, and 7 of section 4.4 (a) (1) (i) are revoked.

9. Footnotes 5, 6, and 7 of section 4.4 (a) (2) (i) are revoked.

10. Footnotes 3, 4, and 5 of section 4.4 (b) (1) (i) are revoked.

11. Footnotes 3, 4, and 5 of section 4.4 (c) (1) (i) are revoked.

12. Section 4.36 (a) is amended to read as follows:

(a) *Pittsburgh.* In Pittsburgh, Pennsylvania, refiners' maximum price for 78 octane ASTM and above, automotive gasoline on sales in bulk lots to other refiners f. o. b. the refiner's shipping point shall be 8.7¢ per gallon.

13. Footnote 3 to Article V is revoked.

14. Section 5.1 (e) (1) (ii) (a) is amended by deleting "75" in the phrase "for 75 octane ASTM" and by inserting in lieu thereof "78."

15. Section 5.1 (j) is added to read as follows:

(j) *Maximum Prices for 75–76 Octane ASTM gasoline under certain conditions.* At refineries and other bulk shipping points where a seller's maximum price for automotive gasolines was established under the description of an octane rating rather than under trade terms such as, "regular grade," "housebrands," or "second structure," his maximum price for 75–76 ASTM octane automotive gasoline shall be the same as his maximum price for 72–74 octane ASTM gasoline. Principally, this will be applicable to sellers whose prices for gasolines are established under Article II and in some cases, under section 5.2 and 8.3.

16. Section 6.2 (a) is amended to read as follows:

(a) *On tank wagon deliveries in rationed areas prior to August 15, 1945.* In any area where fuel oil rationing was, prior to August 15, 1945, required by the United States Government, or any Agency thereof, the sum of .3¢ per gallon may be added through October 31, 1945 to a maximum price determined under Article V for tank wagon deliveries of any fuel oil or heating oil including, but not limited to, kerosene, range oil, Nos. 1, 2, 3, 4, 5, and 6 fuel oil, Diesel oil and gas oil.

(b) On container deliveries in areas where fuel oil rationing was required prior to August 15, 1945 by the United States Government, or any Agency thereof, the sum of 3.3¢ per gallon when delivery is made in single lots of 260 gallons, or less, may be added through October 31, 1945 to a maximum price determined under Article V for container deliveries of any fuel oil or heating oil including, but not limited to kerosene, range oil, Nos. 1, 2, 3, 4, 5, and 6 fuel oil, Diesel oil and gas oil.

17. Section 6.3 (a) (1) (i) is amended to read as follows:

(i) *Increases to maximum prices determined under Article V.* Within the States or portions thereof listed below the amount designated below may be added to a maximum price determined under Article V for any distillate or distillate type fuel or fuel oil having a viscosity below 85 Seconds Saybolt Universal (100° F.) including but not limited to the following: kerosene, No. 1 fuel oil and range oil, tractor fuel, gas house oils, distillate Diesel fuels, Nos. 2, 3 and 4 fuel oils, standard light gas oils, and Mirando and Mirando type crude oil when sold as No. 4 fuel oil or for other distillate fuel oil use.

State or portion thereto	Cents per gallon to be added	
	Kerosene, No. 1 fuel or range oil	Any other fuel or fuel oil described above
Connecticut	0.3	0
Delaware	.3	0
Florida (east of the Apalachicola River)	.3	0
Georgia	.3	0
Maine	.3	0
Maryland	.3	0
Massachusetts	.3	0
Except Boston and Fall River and all points supplied from these ports	.3	.1
New Hampshire	.3	0
New Jersey	.3	0
New York	.3	0
Excepting Schedule D area	.3	0
North Carolina	.3	0
Pennsylvania	.3	0
Excepting Schedule D area	.3	0
Rhode Island		
Except Providence and Tiverton and all points supplied from these ports	.3	.1
South Carolina	.3	0
Tennessee (corporate limits of Bristol only	.3	0
Vermont	.3	0
Virginia	.3	0
West Virginia	.3	0
Excepting Schedule D area	.3	0
District of Columbia	.3	0

18. Section 6.3 (a) (1) (ii) is amended to read as follows:

(ii) Within the areas listed below, maximum prices established pursuant to § 1340.159 (b) (7) of Revised Price Schedule No. 88 or Article VIII of Maximum Price Regulation No. 88 shall be reduced as follows:

State or portion thereof	Cents per gallon to be deducted from the originally established price			
	If established prior to Sept. 1, 1944		If established subsequent to Aug. 31, 1944 and prior to Sept. 1, 1945	
	Kerosene, No. 1 fuel or range oil	Any other fuel or fuel oil	Kerosene, No. 1 fuel or range oil	Any other fuel or fuel oil
Connecticut	1.5	1.5	1.5	1.5
Delaware	1.5	1.5	1.5	1.5
Florida (east of the Apalachicola River)	1.5	1.5	1.0	1.0
Georgia	1.5	1.5	1.0	1.0
Maine	1.5	1.5	1.5	1.5
Maryland	1.5	1.5	1.5	1.5
Massachusetts				
Except Boston and Fall River and all points supplied from these ports	1.5	1.4	1.5	1.4
New Hampshire	1.5	1.5	1.5	1.5
New Jersey	1.5	1.5	1.5	1.5
New York	1.5	1.5	1.5	1.5
Excepting Schedule D area	1.5	1.5	1.0	1.0
North Carolina	1.5	1.5	1.2	1.2
Pennsylvania	1.5	1.5	1.5	1.5
Excepting Schedule D area	1.5	1.5	1.0	1.0
Rhode Island				
Except Providence and Tiverton and all points supplied from these ports	1.5	1.4	1.5	1.4
South Carolina	1.5	1.5	1.2	1.2
Tennessee (corporate limits of Bristol only)	1.5	1.5	1.5	1.5
Vermont	1.5	1.5	1.5	1.5
Virginia	1.5	1.5	1.5	1.5
West Virginia	1.5	1.5	1.5	1.5
Excepting Schedule D area	1.5	1.5	1.0	1.0
District of Columbia	1.5	1.5	1.5	1.5

19. Section 6.3 (a) (2) is revoked.

20. Section 6.4 (a) (1) (i) is amended to read as follows:

(i) *Increases to maximum prices determined under Article V.* See section 3.5.

21. The heading to section 6.4 is amended to read as follows: "On Sales of Residual Fuel Oils."

22. Section 6.4 (a) is amended to read as follows:

(a) *At certain shipping and delivery points in the Eastern Seabord Area*—(1) *Increases to maximum prices determined under Article V*—(i) *No. 6 fuel oil.* See section 3.5.

(ii) *No. 5 fuel oil.* When a particular delivery or shipping point is supplied from one of the following ports there may be added to the maximum price at such shipping or delivery point the amount set forth opposite the name of the supplying port:

Port:	Amount of increase Per barrel (cents)
Albany, New York	8
New York Harbor	8
Philadelphia Harbor	8
Baltimore, Maryland	8
Portland, Maine	13
Portsmouth, New Hampshire	13
Boston, Massachusetts	12½
Fall River, Massachusetts	10
Tiverton, Rhode Island	10
Providence, Rhode Island	10
Norfolk	4½
Wilmington, North Carolina	5
Charleston, South Carolina	3
Savannah, Georgia	2½
Jacksonville, Florida	1

(2) *Reductions to certain maximum prices established under Article VIII on or after September 1, 1944.* (i) A seller whose maximum prices for a No. 5 and a No. 6 residual fuel oil was established pursuant to section 8.3 on or after September 1, 1944 but prior to September 1, 1945 shall be reduced by 30 cents per barrel except in the Schedule D area in which case the reduction shall be 15 cents per barrel. After making the foregoing computation, add the amount set forth opposite the applicable supplying port listed in (ii) above *Provided*, The shipping or delivery point for which the maximum price was established is supplied from such port.

23. Section 6.4 (a) (2) is revoked.

24. Section 6.5 (a) (1) (i) is revoked.

25. Section 6.5 (a) (1) (ii) is amended to read as follows:

(ii) *Reductions to certain maximum prices established under Article VIII for automotive and certain aviation gasolines.* Within the areas listed below maximum prices established pursuant to § 1340.159 (b) (7) of Revised Price Schedule No. 88, or Article VIII of Maximum Price Regulation No. 88 for automotive or aviation gasoline below 87 octane ASTM shall be reduced as follows:

State or portion thereof	Reductions from the ceiling originally established in cents per gallon	
	If established prior to Sept. 1, 1944	If established subsequent to Aug. 31, 1944 and prior to Sept. 1, 1945
Connecticut	1.2	1.2
Delaware	1.2	1.2
Florida (east of the Apalachicola River)	.9	.6
Georgia	.8	.6
Maine	1.2	1.2
Maryland	1.2	1.2
Massachusetts	1.2	1.2
New Hampshire	1.2	1.2
New Jersey	1.2	1.2
New York	1.2	1.2
Excepting Schedule "D" area	1.2	.6
North Carolina	1.2	.8
Pennsylvania	1.2	1.2
Excepting Schedule "D" area	1.2	.6
Rhode Island	1.2	1.2
South Carolina	1.2	.8
Tennessee (corporate limits of Bristol only)	1.2	1.2
Vermont	1.2	1.2
Virginia	1.2	1.2
West Virginia	1.2	1.2
Excepting Schedule "D" area	1.2	.6
District of Columbia	1.2	1.2

26. Section 6.5 (a) (1) (iii) is revoked and a new paragraph (iii) is added to read as follows:

(iii) *Increases to maximum prices determined under Article VIII for automotive gasoline.* The sum of ⅛¢ per gallon shall be added to maximum prices except tank wagon maximum prices, determined under Article VIII on or after August 15, 1944 for 70–74 octane ASTM gasoline, regular, house brand, second structure, or any automotive gasoline sold under any designation which is covered by the foregoing specifications and/or descriptions.

27. Section 7.4 (a) is amended by striking the phrase "plus, in the case of tank wagon deliveries in rationed areas of rationed products if such products are covered by section 6.2" and inserting in lieu thereof "in the case of tank wagon deliveries of kerosene and of fuel oils, the sum of .3¢ per gallon may be added through October 31, 1945 if such products are covered by section 6.2."

28. Section 7.5 (a) is amended by striking the phrase "in the case of tank wagon deliveries of kerosene and fuel oils in rationed areas the sum of .3¢ per gallon" at the end of the paragraph and inserting in lieu thereof the statement "in the case of tank wagon deliveries of kerosene and fuel oil in Washington and Oregon, the sum of .3¢ per gallon through October 31, 1945."

This amendment shall become effective September 1, 1945.

Issued this 31st day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-16311; Filed, Aug. 31, 1945; 10:31 a. m.]

PART 1340—FUEL

[RMPR 137, Amdt. 12]

PETROLEUM PRODUCTS SOLD AT RETAIL ESTABLISHMENTS AND CERTAIN OTHER RETAIL SALES OF LIQUEFIED PETROLEUM GAS

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.

Revised Maximum Price Regulation No. 137 is amended in the following respects:

1. Section 7 (j) is amended to read as follows:

(j) "*Grade.*" In establishing a maximum price for automotive gasoline, grade means the three trade classifications of gasoline, namely, premium, regular or third grade. The specifications for premium, regular and third grade gasoline shall be be the specifications generally recognized in a particular locality by the petroleum industry for retail sales of these grades.

2. Section 10 (b) (1) (ii) is amended to read as follows:

(ii) *Balance of rationed area.* In any area where fuel rationing was required prior to August 15, 1945 by the United States Government or any agency thereof other than the area included in subdivision (i) of this section 10 (b) (1) the maximum prices for kerosene, range oil, prime white distillate, No. 1 or Pacific Specification 100 fuel oil, No. 1 fuel oil, No. 2 fuel oil and distillate fuel determined under section 9 (a) (1) may be increased 0.3 of a cent per gallon. The total amount charged on each lot sold shall be adjusted to the nearest cent.

This amendment shall become effective September 1, 1945.

Issued this 31st day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-16316; Filed, Aug. 31, 1945; 10:35 a. m.]

PART 1346—BUILDING MATERIALS

[MPR 224, Amdt. 11]

CEMENT

A statement of the considerations involved in the issuance of this Amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.

Section 1346.104 (a) (1) (*b*) is amended to read as follows:

(*b*) The maximum price determined pursuant to the above pricing method may be increased by a manufacturer meeting the conditions set forth below by an amount not in excess of $0.20 per barrel when the following conditions are met:

The sale is made f. o. b. a mill located within the geographical area defined herein; or

The sale is made on a delivered basis and the delivered destination point is within the geographical area defined herein.

The geographical area referred to herein is defined to be the States of Ohio, West Virginia and Michigan; that portion of Pennsylvania west of the Counties of Potter, Clinton, Center, Huntington, and Franklin; that portion of Virginia west of, and including, the Counties of Tazewell, Smyth and Washington; and that portion of Kentucky east of, and including, the Counties of Boone, Grant, Harrison, Bourbon, Clark, Estill, Jackson, Clay, Knox, and Bell.

Any manufacturer who has increased his maximum selling prices of cement pursuant to this subdivision shall furnish to each buyer purchasing cement for resale in the same form on or before the date the manufacturer makes delivery at the adjusted price, a written statement to read as follows:

Effective September 5, 1945, the Office of Price Administration has granted an additional adjustment to manufacturers of cement of 10 cents per barrel, making a total increase of 20 cents per barrel over the manufacturers' March 1942 prices. Any person who resells the cement in the same form is permitted to add the actual dollars-and-cents amount of this additional price increase to his existing maximum prices for cement actually purchased at the increased price for resale in same form.

This amendment shall become effective September 5, 1945.

Issued this 31st day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-16313; Filed, Aug. 31, 1945; 10:32 a. m.]

PART 1346—BUILDING MATERIALS

[MPR 272, Amdt. 5]

CAST-IRON BOILERS AND CAST-IRON RADIATION

Correction

In Federal Register Document 45-15216, appearing at page 10182 of the issue for Tuesday, August 21, 1945, the second item in Column I of the table under subparagraph (4) should read "48½."

PART 1351—FOOD AND FOOD PRODUCTS

[FPR 1,[1] Amdt. 25 to Supp. 7]

PACKED FRUITS, BERRIES AND VEGETABLES OF THE 1944 AND LATER PACKS

A statement of the considerations involved in the issuance of this amendment has been issued and filed with the Division of the Federal Register.

Supplement 7 to Food Products Regulation No. 1 is amended in the following respect.

Section 1 (b) (3) (iv) is added to read as follows:

(iv) Packed red sour pitted cherries.

[1] 10 F.R. 1750, 2158, 6453, 7928, 8291, 9820.

This amendment shall become effective September 6, 1945.

Issued this 31st day of August 1945.

CHESTER BOWLES,
Administrator.

Approved: August 24, 1945.

J. B. HUTSON,
Acting Secretary of Agriculture.

[F. R. Doc. 45-16302; Filed, Aug. 31, 1945; 10:33 a. m.]

PART 1351—FOOD AND FOOD PRODUCTS

[MPR 585, Amdt. 5]

MIXED FEEDS FOR ANIMALS AND POULTRY

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.

Maximum Price Regulation No. 585 is amended in the following respects:

1. The first paragraph of section 3.12 (b) is amended to read as follows:

(b) Every manufacturer shall, for so long as the Emergency Price Control Act of 1942, as amended, remains in effect, preserve in his place of business and shall supply to all of his current wholesalers and retailers and make available to others upon request a copy of his current price list and every manufacturer shall supply each of his private brand dealers with a notice of his current price list as to him, all as computed hereunder; except that any Class B manufacturer, who did not regularly supply his wholesalers and retailers with copies of his current price list during the 1942 base months, need not now do so, if he posts such current price list conspicuously in his place or places of business, unless expressly requested to do so.

2. The first sentence in the Sixth Method in section 4.1 (d) (2) is amended to read as follows:

Sixth Method. If (1) you are determining a margin for a feeder's private brand or (2) you cannot determine a margin by the Second, Third, Fourth or Fifth Method above, or (3) you want to determine a margin for a mixed feed you did not sell during the 1942 base months, determine such margin in accordance with either of the following methods:

3. The word "for" appearing between the words "ton" and "such" in the third sentence in the First Method in section 4.1 (d) (3) is changed to "from".

4. The first sentence in the Fourth Method in section 4.1 (d) (3) is amended to read as follows:

Fourth Method. If (1) you are determining a margin for a private brand feed or (2) you cannot determine a margin by the First or Third Method above, or (3) you want to determine a margin for a mixed feed which you did not sell to retailers during the 1942 base months, such margin shall be determined in accordance with the following methods:

5. Section 4.1 (f) (1) is amended to read as follows:

(1) (i) Except as provided in subdivision (ii) below, within ninety days of the effective date of this regulation, each Class A manufacturer shall file margins for sales to retailers, each Class B manufacturer shall file margins for sales to feeders, and each Class C manufacturer shall file differentials, all computed as provided above, for each mixed feed he is then manufacturing. He may at any time file such margins or differentials for other mixed feeds. After ninety days from the effective date of this regulation he shall not sell a mixed feed (except the mixed feeds specified in subdivision (ii) below) until he has filed such a margin or differential for it. A Class B manufacturer may at any time also file his margins for sales to retailer, but such filing is not required.

(ii) A Class B manufacturer may, but he is not required, to file his margins for any mixed feeds determined under the First Method in section 4.1 (d) (2).

6. A new sentence is added at the end of the first paragraph of section 4.2 (b) to read as follows: "Where any method below requires a determination of the maximum prices you could have lawfully paid to your supplier for any of your receipts of a base ingredient, such maximum price shall be adjusted, in the case of any receipt, to reflect any reduction or increase in such maximum price made effective by the Office of Price Administration subsequent to such receipt and prior to the effective date of the regulation."

This amendment shall become effective September 1, 1945.

Issued this 31st day of August 1945.

JAMES G. ROGERS, Jr.,
Acting Administrator.

Approved: August 24, 1945.

J. B. HUTSON,
Acting Secretary of Agriculture.

[F. R. Doc. 45-16314; Filed, Aug. 31, 1945; 10:34 a. m.]

PART 1364—FRESH, CURED, AND CANNED MEAT AND FISH PRODUCTS

[MPR 299,[1] Amdt. 4]

SALES BY CANNERS OF TUNA, BONITO AND YELLOWTAIL

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.

Maximum Price Regulation No. 299 is amended in the following respects:

1. In § 1364.660 (a) a new subparagraph (17) is added to read as follows:

(17) "Tonno" tuna means fancy light meat tuna packed in domestic olive oil.

2. In § 1364.662 (a) the following items are added to the table:

Variety	Style of container and price per case		
	No. 1 tuna	No. ½ tuna	No. ¼ tuna
Albacore and dark meat tuna (mixed)			
GRATED AND FLAKES			
1. Containing 25% or less dark meat	$20.10	$10.65	$6.40
2. Containing 50% or less (but more than 25%) dark meat	16.20	8.60	5.30
3. Containing over 50% dark meat	8.50	4.75	3.10
Light and dark meat tuna (mixed)[1]			
GRATED			
1. Containing 25% or less dark meat	15.00	8.00	5.00
2. Containing 50% or less (but more than 25%) dark meat	12.30	6.65	4.35
3. Containing over 50% dark meat	7.00	4.00	3.00
FLAKES			
1. Containing 25% or less dark meat	11.40	7.70	4.85
2. Containing 50% or less but more than 25% dark meat	11.90	6.45	4.25
3. Containing over 50% dark meat	6.80	3.90	2.95
Tonno tuna	23.50	12.90	7.45

[1] The percentages set out herein refer to the weight of total tuna meat in the pack not to net contents.

3. Section 1364.662 (b) is amended to read as follows:

(b) For varieties, container sizes, or types and styles of pack of tuna, bonito, and yellowtail not listed in paragraph (a) the price shall be a price determined by the Office of Price Administration to be in line with the prices listed in paragraph (a). Such determination shall be made upon written request, addressed to the Office of Price Administration, Washington, D. C., and accompanied by statements showing costs and usual differentials.

All orders pricing packs of tuna issued under this paragraph or otherwise prior to June 22, 1945, are hereby revoked.

This amendment shall become effective September 5, 1945.

Issued this 31st day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-16315; Filed, Aug. 31, 1945; 10:35 a. m.]

PART 1394—RATIONING OF FUEL AND FUEL PRODUCTS

[Rev. RO 5F,[1] Amdt. 3]

MILEAGE RATIONING: GASOLINE REGULATIONS FOR THE TERRITORY OF HAWAII

A rationale accompanying this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.

Revised Ration Order 5F is hereby amended in the following respects:

The effective date of the order is changed to read as follows:

Effective date. Revised Ration Order 5F shall become effective on May 30, 1945 and shall expire on August 15, 1945, subject to section 5.1 of General Ration Order No. 8; except that any person required by section 16.1 to keep records shall retain such records in his possession for six months after the expiration date of the order. Suspension orders in effect on the expiration date of the order, to the extent that they prohibit any person from receiving and transfer or delivery of, or from selling, using, or otherwise disposing of gasoline, shall terminate simultaneously with the expiration of the order.

This amendment shall become effective August 15, 1945.

NOTE: All record keeping requirements of this amendment have been approved by the Bureau of the Budget as required by the Federal Reports Act of 1942.

Issued this 15th day of August 1945.

GERALD A. BARRETT,
Territorial Director, Hawaii.

Approved:

JAMES P. DAVIS,
Regional Administrator, Region IX.

[F. R. Doc. 45-16308; Filed, Aug. 31, 1945; 10:35 a. m.]

PART 1400—TEXTILE FABRICS: COTTON, WOOL, SILK, SYNTHETIC AND ADMIXTURES

[MPR 478, Amdt. 5]

COATED AND COMBINED FABRICS

Correction

In Federal Register Document 45-14633, appearing at page 9880 of the issue for Thursday, August 9, 1945, the last column heading in paragraph 4 of Appendix C should read "*Maximum price.*"

PART 1407—RATIONING OF FOOD AND FOOD PRODUCTS

[Control Order 1,[1] Amdt. 20]

LIVESTOCK SLAUGHTER AND MEAT DISTRIBUTION

A rationale for this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.

Control Order 1 is amended in the following respects:

1. Section 1 (c) is amended to read as follows:

(c) *Class 3 slaughtering establishment.* Any place, other than a Class 1 slaughtering establishment, from which a person sold or transferred during each consecutive 12 month period from January 1, 1944 to March 31, 1945, inclusive, not more than 6000 pounds of meat derived from slaughter at that place of his livestock by him, or from custom slaughter of livestock for him, is a Class 3 slaughtering establishment if such place is a farm and such person is the resident operator of the farm. (Meat derived from custom slaughter of his livestock and sold or transferred by such person at or from the establishment of the custom slaughterer shall, for the purpose of this paragraph, be considered as having been sold or transferred by him from the farm.)

2. Section 1 (j) is added to read as follows:

(j) *Additional Class 3 slaughterers.* Any person who slaughters his livestock, or has it custom slaughtered for him, primarily to produce meat for consumption in his household or on a farm he operates, under the conditions specified in section 3.1 or 3.4 of Revised Ration Order 16, is also a Class 3 slaughterer if, during each consecutive 12 month period from January 1, 1944 to March 31, 1945, inclusive, he sold or transferred not more than 6000 pounds of the meat derived from the slaughter of his livestock by him or custom slaughter of his livestock for him.

3. Section 25 is added to read as follows:

SEC. 25. *Suspension orders.* (a) An administrative suspension order may be obtained pursuant to Revised Procedural Regulation 4 against any person who violates this order.

4. Section 26 is added to read as follows:

SEC. 26. *Additional prohibitions.* (a) General Ration Order 8 contains provisions, applicable to this and all other ration orders, which prohibit, among other matters:

(1) Making false or misleading statements in a ration document or to the Office of Price Administration;

(2) Altering, defacing, mutilating, or destroying a ration document;

(3) Forging or counterfeiting a ration document;

(4) Acquiring, using, transferring or possessing a forged, counterfeited, altered, defaced, or mutilated ration document;

(5) Wrongfully withholding a ration document;

(6) Transferring a rationed commodity in exchange for an invalid or improperly acquired ration document;

(7) Bribing, hindering, or interfering with rationing officials;

(8) Attempting to do any act in violation of a ration order, directly or indirectly, or to aid or encourage another to do so.

This amendment shall become effective September 5, 1945.

Issued this 31st day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-16301; Filed, Aug. 31, 1945; 10:34 a. m.]

PART 1407—RATIONING OF FOOD AND FOOD PRODUCTS

[Rev. RO 16,[1] Amdt. 70]

MEAT, FATS, FISH AND CHEESES

A rationale accompanying this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.

Section 7.19 is revoked.

This amendment shall become effective September 2, 1945.

Issued this 31st day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-16309; Filed, Aug. 31, 1945; 10:33 a. m.]

PART 1407—RATIONING OF FOOD AND FOOD PRODUCTS

[Rev. RO 16,[1] Amdt. 60 to 2d Rev. Supp. 1]

MEAT, FATS, FISH AND CHEESES

Section 1407.3027 (a) is amended to read as follows:

(a) Foods covered by Revised Ration Order 16 shall have the point values set forth in the Official Tables of Consumer and Trade Point Values (OPA Form R-1313) No. 29 and in the Official Table of Consumer Point Values for Kosher Meats (OPA Form R-1611) No. 29 which are made a part hereof.

This amendment shall become effective 12:01 a. m. September 2, 1945.

Issued this 31st day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-16310; Filed, Aug. 31, 1945; 10:31 a. m.]

PART 1499—COMMODITIES AND SERVICES

[RMPR 165, Amdt. 2 to Supp. Ser. Reg. 47]

RETAIL SHOE REPAIR SERVICES

Correction

In Federal Register Document 45-15128, appearing at page 10124 of the issue for Saturday, August 18, 1945, the fourth from the last paragraph should read as follows:

Premium leather (Prime, Fine, S. B. Prime, X-Fine, Extra-Fine, X-Prime, Y-Fine, Fine-F, Prime F, Prime-X, Fine-E, Government Selection, Military Selection, or Army Selection leather).

PART 1499—COMMODITIES AND SERVICES

[RMPR 165, Supp. Service Reg. 59]

LINEN SUPPLY SERVICE IN BOSTON AREA

A statement of the considerations involved in the issuance of this Supplementary Service Regulation No. 59 has

[1] 8 F.R. 364, 6440, 7489, 10 F.R. 7624.

[1] 10 F.R. 6091, 6401.

[1] 10 F.R. 4605.

[1] 9 F.R. 6731.

[1] 10 F.R. 48, 521, 857, 293, 294.

been filed with the Division of the Federal Register. For the reasons set forth in that statement and under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, the Stabilization Act of 1942, as amended, and Executive Orders Nos. 9250 and 9328, Supplementary Service Regulation No. 59 is hereby issued. The specifications and standards set forth in this supplementary service regulation are those which, prior to the issuance of the regulation, were in general use by the trade in the affected areas.

§ 1499.700 *Linen supply in the Boston Area.*—(a) *Maximum prices.* The maximum prices established by Revised Maximum Price Regulation No. 165 for linen supply services when supplied by sellers located in the geographical area described below are hereby modified and henceforth shall be the prices set forth in Appendix A, except for "large accounts" as herein defined. Lower prices than those established by this regulation may be offered, charged, or paid.

(b) *Geographical area.* This regulation applies to the linen supply establishments located in the corporate limits of the following municipalities in the Commonwealth of Massachusetts:

Arlington, Bedford, Belmont, Boston, Braintree, Brockton, Brookline, Cambridge, Canton, Chelsea, Cohasset, Dedham, Everett, Hingham, Holbrook, Hull, Lexington, Lincoln, Lowell, Lynn, Malden, Medford, Melrose, Milton, Needham, Newton, Norwood, Quincy, Randolph, Reading, Revere, Somerville, Stoneham, Wellesley, Wakefield, Waltham, Watertown, Weston, Westwood, Weymouth, Winchester, and Woburn.

(c) *Nature of accounts*—(1) *Large accounts.* The maximum prices for a "large account" shall remain subject to the provisions of Revised Maximum Price Regulation 165, and any applicable supplementary service regulation.

"Large account" means a volume of $50 or more of linen supply service sold or delivered to a place of business during the calendar week ending May 12, 1945; it also means an account above the $50 weekly minimum which has been designated as a "large account" by an OPA order in accordance with the provisions of paragraph (c) (2) herein.

(2) *Change in nature of accounts.* If the weekly volume of an account increases to $50 or more or if a "large account" decreases in volume below such weekly amount, and such increase or decrease continues for four consecutive weeks, the appropriate OPA office may upon presentation of satisfactory evidence by the supplier or the purchaser issue an order reclassifying such account. Upon such reclassification, the account shall then be subject to the appropriate maximum prices for its size in accordance with the provisions of this regulation.

(d) *Applicability of Revised Maximum Price Regulation 165.* Except as provided to the contrary, all the other provisions of Revised Maximum Price Regulation 165 and any applicable supplementary service regulation shall apply to the linen service suppliers subject to this regulation.

(e) *Definitions.* (1) "Linen Supply Service" means the providing of clean linens and/or garments which are owned by the supplier to industrial, commercial, or professional users.

(2) "Linens" is not confined to articles made of linen textiles, but includes all articles of whatsoever fabric made, which are commonly embraced by that term.

(3) The designations of items of laundry services used in this regulation shall be given their ordinary trade meanings as used in the affected areas unless indicated to the contrary herein.

(4) "Special" when used in connection with linen supplies means an item made of damask material or other special quality or design or specially tailored according to specifications previously ordered by a purchaser.

(5) "Factory industrial hand towels" mean hand towels 32 inches or over peddled to and paid for by various individuals within a place of business in contrast to a bulk delivery to a place of business.

(f) *Notice requirements.* Within 30 days from the effective date of this regulation, every seller of linen supply service covered by this regulation shall notify each of his customers of the maximum prices established herein.

(g) *Invoices.* Seller's invoices or bills must describe the items of service supplied in the terms used in this regulation.

(h) *Elimination of individual adjustments.* On and after the effective date of this Supplementary Service Regulation, the provisions of Section 16 of Revised Maximum Price Regulation 165 shall no longer be available to sellers covered by this regulation as to the services listed herein; furthermore, any adjustment in prices of surcharges or percentage surcharges heretofore granted to any establishment is hereby revoked as to the services listed in Appendix A.

(i) *Delegation of authority.* The Boston Regional Administrator and any District Director within the jurisdiction of the Boston Regional Administrator, who has been authorized by the Boston Regional Administrator, may administer the provisions of this supplementary service regulation.

APPENDIX A—MAXIMUM PRICES FOR LINEN SUPPLY ITEMS

	Per piece
1. Apron, bib or bar	$0.10
2. Apron, tea	.07
3. Apron, waist	.12
4. Apron, industrial	.13
5. Bar mop	.025
6. Cap, or headband	.10
7. Coat, plain	.26
8. Coat, chef	.30
9. Coat, special	.30
10. Coat, dentist	.45
11. Mess jacket	.30
12. Dress, bungalow	.20
13. Dress, smock, or hoover	.36
14. Dress, special	.40
15. Frock, butcher	.36
16. Gown, plain	.36
17. Gown, professional	.40
18. Gown, nurse	.45
19. Hair cloth	.10
20. Napkin, small, plain	.01
21. Napkin, damask, 20-inch	.015
22. Trousers	.30
23. Slacks, ladies'	.25
24. Pillow case	.05
25. Sheet, regular	$0.11
26. Sheet, small	.08
27. Shave cloth	.05
28. Shirt, men's	.25
29. Shirt, ladies'	.25
30. Uniform jacket	.30
31. Table top, up to 45", plain	.07
32. Table top, up to 45", special	.08
33. Table cloth, 45" to 54", plain	.08
34. Table cloth, 45" to 54", special	.10
35. Table cloth, 54" to 72", special	.12
36. Towel, bath, large, 20" x 40"	.07
37. Towel, bath, medium, 18" x 36"	.05
38. Towel, dental	.0175
39. Towel, glass	.03
40. Towel, kitchen, small 27" or less	.02
41. Towel, kitchen, large, over 27"	.03
42. Towel, manicure	.015
43. Towel, barber massage, 16" x 27"	.025
44. Towel, barber massage, 18" x 36"	.05
45. Towel, barber, 27" or less	.01
46. Towel, barber, over 27"	.0125
47. Towel, beauty massage, 16" x 27"	.03
48. Towel, beauty, 27" or less	.0125
49. Towel, beauty, over 27"	.015
50. Towel, roller, 2 yards	.10
51. Towel, bowling alley	.0225
52. Towel, grommet or chain	.01
53. Towel, shop	.015
54. Towel, hand, 32" or over	.04
55. Towel, individual, less than 32"	.02
56. Factory industrial hand towel, individual service	.08

TOWEL SERVICE

Individual towels (14 x 24) delivered weekly:	*Per month*
12 individual towels per week	$1.25
18 individual towels per week	1.50
25 individual towels per week	1.85
50 individual towels per week	3.50
75 individual towels per week	5.00
100 individual towels per week	6.25
	Each
Additional individual towels per week	$0.02
Hand towels (18 x 36) delivered weekly:	
Monthly charge accounts:	*Per month*
2 hand towels per week—minimum charge	$0.90
Each additional hand towel, up to and including 100 per week	.20
	Each
Over 100 hand towels per week	$0.035
Towel cabinets each	.30
Weekly charge accounts:	*Per week*
2 hand towels per week—minimum charge	$0.25
Each additional hand towel up to and including 100 per week	.05
	Each
Over 100 hand towels per week	$0.035
	Per week
Towel cabinets each	$0.10
Roller towels (2½ yd) delivered weekly:	*Per month*
2 roller towels per week, minimum charge	$1.25
Each additional roller towel per week	.25
Towel cabinets each	.30
Continuous towel cabinet service:	
17-yard roll—0.35 each; minimum charge for each cabinet	1.65
25-yard roll—0.60 each; minimum charge for each cabinet	2.00
50-yard roll—0.75 each; minimum charge for each cabinet	3.60

This Supplementary Service Regulation shall become effective on September 5, 1945.

Issued this 31st day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-16321; Filed, Aug. 31, 1945, 10:31 a. m.]

Chapter XIII—Petroleum Administration for War

[Recommendation 13, Revocation]

PART 1503—PRODUCTION

DEVELOPMENT AND OPERATION OF CONDENSATE POOLS

Recommendation No. 13 of the Petroleum Coordinator for National Defense is hereby revoked, effective immediately.

(E.O. 9276, 7 F.R. 10091; E.O. 9319, 8 F.R. 3687)

Issued: September 1, 1945.

HAROLD L. ICKES,
Petroleum Administrator for War.

[F. R. Doc. 45-16367; Filed, Aug. 31, 1945; 11:19 a. m.]

PART 1503—PRODUCTION

[Recommendation 32, Revocation]

DRILLING UNITS

Sections 1503.25 and 1503.26 (Recommendation No. 32 of the Office of Petroleum Coordinator for National Defense) are hereby revoked, effective September 1, 1945.

(E.O. 9276, 7 F.R. 10091; E.O. 9319, 8 F.R. 3687)

Issued: September 1, 1945.

HAROLD L. ICKES,
Petroleum Administrator for War.

[F. R. Doc. 45-16369; Filed, Aug. 31, 1945; 11:19 a. m.]

PART 1512—NATURAL GAS AND NATURAL GASOLINE

[Recommendation 25, Revocation]

NATURAL GAS AND NATURAL GASOLINE

Sections 1512.1 to 1512.4, inclusive (Recommendation No. 25 of the Office of Petroleum Coordinator for National Defense) are hereby revoked, effective immediately.

(E.O. 9276, 7 F.R. 10091; E.O. 9319, 8 F.R. 3687)

Issued: September 1, 1945.

HAROLD L. ICKES,
Petroleum Administrator for War.

[F. R. Doc. 45-16368; Filed, Aug. 31, 1945; 11:19 a. m.]

PART 1512—NATURAL GAS AND NATURAL GASOLINE

[Petroleum Directive 79, Revocation]

LIMITATION UPON USE OF BUTANE AND PROPANE-BUTANE MIXTURE IN OIL AND GAS DRILLING OPERATIONS

Section 1512.5 (Petroleum Directive No. 79) is hereby revoked, effective immediately.

(E.O. 9276, 7 F.R. 10091; E.O. 9319, 8 F.R. 3687)

Issued: September 1, 1945.

HAROLD L. ICKES,
Petroleum Administrator for War.

[F. R. Doc. 45-16370; Filed, Aug. 31, 1945; 11:19 a. m.]

Chapter XVIII—Office of Economic Stabilization

[Directive 68, Amdt. 1]

PART 4004—PRICE STABILIZATION; MAXIMUM PRICES

EXEMPTION OF CERTAIN COMMODITIES AND TRANSACTIONS FROM PRICE CONTROL

Pursuant to the authority vested in me by the act of Congress of October 2, 1942, entitled "An Act to Amend the Emergency Price Control Act of 1942, to Aid in Preventing Inflation and Other Purposes", and by Executive Order 9250 of October 3, 1942, Executive Order 9328 of April 8, 1943, and Executive Order 9599 of August 18, 1945, *It is ordered:*

Directive 68, Exemption of Certain Commodities and Transactions from Price Control, Issued July 25, 1945 (10 F.R. 9338), is hereby amended in the following respects:

Section 2 (a) (3) is amended to read as follows:

(3) Suspension of control with respect to the commodity, or exemption from control, presents no substantial threat of diversion of materials, facilities or manpower from production which is essential to the effective transition to a peacetime economy, and does not impair effective price control with respect to other commodities; or

(E.O. 9250 and E.O. 9328, 3 CFR Cum. Supp. pp. 1213, 1267; E.O. 9599, 10 F.R. 10155)

Issued and effective this 30th day of August 1945.

WILLIAM H. DAVIS,
Economic Stabilization Director.

[F. R. Doc. 45-16283; Filed, Aug. 30, 1945; 1:57 p. m.]

TITLE 46—SHIPPING

Chapter I—Coast Guard: Inspection and Navigation

Appendix A—Waivers of Navigation and Vessel Inspection Laws and Regulations

CONDITIONAL WAIVER OF MANNING REQUIREMENTS

Pursuant to the authority vested in me by the order of the Acting Secretary of the Navy dated October 1, 1942, 7 F.R. 7979, as amended by order of the Secretary of the Navy dated June 5, 1945, 10 F. R. 6848, the order of the Commandant conditionally waiving manning requirements dated April 8, 1943, 8 F. R. 4736, is hereby amended by making such waiver inapplicable to all ocean and coastwise passenger vessels and all vessels carrying troops. This amendment shall be effective immediately.

Dated: August 30, 1945.

L. T. CHALKER,
Rear Admiral, U. S. Coast Guard,
Acting Commandant.

[F. R. Doc. 45-16390; Filed, Aug. 31, 1945; 12:12 p. m.]

Chapter III—War Shipping Administration

[Rev. G. O. 24]

PART 310—MERCHANT MARINE TRAINING

APPOINTMENT AND TRAINING OF CADET-MIDSHIPMEN IN UNITED STATES MERCHANT MARINE CADET CORPS

General Order 24 is revised to read:

Under authority of the Merchant Marine Act, 1936, as amended, Executive Order 9083, dated February 28, 1942, Executive Order 9054, dated February 7, 1942, Executive Order 9198, dated July 11, 1942, and Public Law 169—79th Congress, the following revised regulations governing the U. S. Merchant Marine Cadet Corps and appointments as cadet-midshipmen therein are prescribed and issued. These regulations, §§ 310.46 to 310.73 inclusive, shall become effective as of September 1, 1945, and shall supersede all previous regulations governing the appointment and training of cadet-midshipmen in the United States Merchant Marine Cadet Corps.

Sec.

310.46 Definitions.
310.47 General requirements.
310.48 Physical requirements.
310.49 Scholastic requirements.
310.50 Applications.
310.51 Supporting papers.
310.52 Scholastic tests.
310.53 Required financing.
310.54 Eligibility lists.
310.55 Physical examination.
310.56 Appointments and assignments.
310.57 Liaison with local Selective Service boards.
310.58 Schools and courses.
310.59 Instructors and administrative personnel.
310.60 General conduct.
310.61 Pay.
310.62 Quarters, subsistence and allowances.
310.63 Transportation and travel expenses.
310.64 Leave with pay.
310.65 Uniforms, insignia, textbooks, equipment.
310.66 Honors.
310.67 Vessels required to carry cadet-midshipmen.
310.68 Active duty in Navy as midshipmen, United States Naval Reserve.
310.69 Resignations and dismissals.
310.70 Graduation; diploma.
310.71 Distribution of regulations.
310.72 Issuance of instructions.
310.73 Address for mailing purposes.

AUTHORITY: §§ 310.46 to 310.73, inclusive, issued under Merchant Marine Act, 1936, as amended; E.O. 9054, 9083, 9198, 3 CFR Cum. Supp.; Pub. Law 169, 79th Cong.

§ 310.46 *Definitions.* When used in §§ 310.46 to 310.73, inclusive, the term:

(a) "WSA" means War Shipping Administration.

(b) "Assistant deputy administrator" means assistant deputy administrator for the Training Organization of the War Shipping Administration.

(c) "The Academy" means the United States Merchant Marine Academy at Kings Point, New York, a unit of the United States Merchant Marine Cadet Corps.

(d) "Cadet School" means United States Merchant Marine Cadet School at either Pass Christian, Mississippi, or San Mateo, California, two units of the United States Merchant Marine Cadet Corps.

(e) "Supervisor" means supervisor of the United States Merchant Marine Cadet Corps, the officer in charge of and directly supervising all units of the United States Merchant Marine Cadet Corps.

(f) "District supervisor" means district supervisor of the United States Merchant Marine Cadet Corps.

(g) "Foreign supervisor" means foreign supervisor of the United States Merchant Marine Cadet Corps.

(h) "Midshipman USNR" means midshipman, Merchant Marine Reserve, United States Naval Reserve, an appointment by the Secretary of the Navy to cadet-midshipmen of the United States Merchant Marine Cadet Corps and held concurrently with their appointment as cadet-midshipman.

(i) "Cadet-midshipman" means cadet-midshipman, United States Merchant Marine Cadet Corps.

§ 310.47 *General requirements.* (a) A candidate must be a male citizen of the United States. If naturalized, a candidate must have been a citizen of the United States for ten years prior to the date of application, and must be acceptable academically, physically, and morally to the Navy for appointment as midshipman, USNR.

(b) A candidate must be not less than sixteen years and six months of age and not yet twenty-one years of age on the date the application is received by the supervisor. No candidate shall be ordered to report for physical examination and submission of application for appointment as midshipman, USNR, until seventeen years of age.

(c) A candidate may be admitted to a cadet school as a fourth classman at an age of not less than seventeen years and, after satisfactory completion of courses, may be assigned to a merchant vessel or a training ship as a third classman.

(d) No waivers for underage or overage shall be granted.

(e) A candidate must prove to the supervisor that he possesses good moral character.

(f) A candidate must be unmarried.

(g) A candidate who has been dismissed or compelled to resign from the Naval, Military or Coast Guard Academies or a State maritime academy for improper conduct, or who has been dishonorably discharged for cause or has resigned with prejudice as a member of the armed forces of the United States or as a civil employee of the United States shall not be considered eligible for appointment as a cadet-midshipman.

§ 310.48 *Physical requirements.* (a) A candidate for appointment as cadet-midshipman must qualify physically for appointment as midshipman, USNR. The physical examination will be conducted by medical and dental officers of the United States Navy.

(b) A candidate must be of normal size, sound constitution, and free from physical defects or diseases, especially those of vision, color perception (plate tests), speech and hearing. He must be not less than 5 feet 6 inches and not more than 6 feet 4 inches in height. Candidates must have minimum vision of 20/20 in each eye without glasses.

(c) A candidate must be examined by a physician who shall execute a certificate on the candidate's application to the effect that, in his opinion, the candidate meets the strict physical standards set by the Navy for appointment as midshipman USNR.

(d) No waivers will be granted for physical deficiencies.

§ 310.49 *Scholastic requirements.* (a) The scholastic requirements for appointment in the United States Merchant Marine Cadet Corps shall be similar to those required for candidates taking substantiating examinations for the United States Naval Academy.

(b) A candidate for appointment as cadet-midshipman (deck) or cadet-midshipman (engineer) must possess 15 units as shown below from accredited schools. Evidence showing completion of such units or showing that such units will be completed within two months from date the application is received must be furnished by the candidate before an application will be approved.

REQUIRED GROUP (9½ UNITS)

3½ units in mathematics (including 1½ in algebra, 1 in plane geometry, and ½ in solid geometry or trigonometry).
3 units in English.
2 units in science including 1 in physics.
1 unit in United States history.

OPTIONAL GROUP (5½ UNITS)

In addition to the above required 9½ units, a candidate must furnish evidence of the completion of at least 5½ units of other subjects at accredited schools.

(c) If a candidate has an excess of units in any subject in the required group, such excess units may be credited to the optional group.

(d) The supervisor may reject any candidate because his grades in the required or optional subjects or because the absence of certain subjects in the optional group create doubt as to his ability to pursue successfully the courses prescribed for cadet-midshipmen.

§ 310.50 *Applications.* (a) A fully completed application for appointment as cadet-midshipman, together with supporting papers as prescribed by § 310.51, shall be submitted to the Supervisor, United States Merchant Marine Cadet Corps, Training Organization, WSA, Washington 25, D. C., which application shall

(1) Show and be signed with the full legal name of the candidate.

(2) Be certified by a physician as prescribed in § 310.48 (c).

(3) Have attached one full face 2½" x 2½" photograph of the candidate.

(b) A determination at any time during a cadet-midshipman's course that he knowingly made any false statements in his application will be grounds for his dismissal.

§ 310.51 *Supporting papers.* A candidate must submit or cause to be submitted to the supervisor, in support of his application, the following:

(a) A certified transcript of the candidate's scholastic record forwarded from the registrar or other official of the school directly to the supervisor.

(b) Evidence of citizenship in duplicate as follows:

(1) If native born:

(i) A duly verified copy of a public or church record of birth, or

(ii) The affidavit, under oath, of the physician, midwife, or other persons present at the birth, or

(iii) In cases where neither (i) nor (ii) can be obtained by the candidate, the affidavit of either parent, or

(iv) In cases where the candidate certifies that no one of the above is obtainable, the affidavits (under oath) of two reputable citizens acquainted with him, each of which should contain the facts within the knowledge of the deponent upon which he bases his statements as to the citizenship of the candidate, as for example, that he has known the candidate since birth, that he knew his parents, or as the case may be.

(2) If foreign born:

(i) Certificate of naturalization, under the seal of the court in which naturalized, or

(ii) Certificate of naturalization, under the seal of the court in which naturalized, of the parent during the minority of the candidate, together with the affidavit of the parent whose certificate of naturalization is submitted, or

(iii) In special cases where the candidate certifies that neither (i) nor (ii) is obtainable, the affidavits of two reputable citizens acquainted with him (see subparagraph (1) (iv) of this paragraph). As every naturalization is a matter of record in some court, these affidavits will be accepted only in very exceptional cases and on the understanding that the candidate shall later submit a certificate of naturalization.

(c) In the event the name of an applicant differs from the name shown in evidence of citizenship, a copy of the court order authorizing change of name.

NOTE: None of the papers described in this section, with the exception of (b) will be returned to the candidate after review. The documents in proof of citizenship will be promptly returned to the candidate; such documents in duplicate must be submitted with application for appointment as midshipman, MMR, USNR.

§ 310.52 *Scholastic tests.* (a) Effective for classes entering September 1, 1945, and thereafter, competitive scholastic tests shall be required of all cadet-midshipmen before appointment.

(b) Applications and supporting papers will be carefully examined at the office of the supervisor and if a candidate is considered qualified he will be informed by the supervisor of the date and place of competitive scholastic tests. Travel expense incident to taking the examination shall be borne by the candidate.

(c) Five points will be added to the grade received in competitive examination by any unlicensed man in the United States merchant marine or the United States Maritime Service who has had at least six months' service aboard ship.

(d) A candidate who fails to receive sufficiently high grades in the competitive scholastic test may be permitted by the supervisor to take another examination, if he has not reached his 21st birthday and remains outherwise qualified, (1) after six months from the date of first examination, or (2) within six months from such date in which latter case he must first submit satisfactory evidence that he is or has been taking preparatory courses.

§ 310.53 *Required financing.* Cadet-midshipmen appointed on and after September 1, 1945, must deposit $100.00 with the finance officer at the Cadet School for initial issue of uniforms, textbooks and other equipment as provided in § 310.65. In addition, each such cadet-midshipman must have $25.00 for spending money and must furnish at his expense, the services specified in § 310.65 (c), and such items of personal equipment as may be prescribed by the supervisor.

§ 310.54 *Eligibility lists.* (a) The names of candidates who have received sufficiently high grades in the competitive scholastic tests for appointment as cadet-midshipmen will be placed on eligibility lists for each State and territory in accordance with grades received.

(b) The lists of eligible deck candidates and engineer candidates shall be divided into two groups by the supervisor and assignments as fourth classmen will be made to the Cadet Schools at Pass Christian or San Mateo as determined by the supervisor, subject to the requirements of § 310.55 (b).

(c) The name of a candidate will be removed from the eligibility list if he fails to acknowledge receipt of instructions, fails to report, or rejects assignment to Cadet School without a reason acceptable to the supervisor.

§ 310.55 *Physical examination.* (a) Candidates who received sufficiently high grades in competitive scholastic tests and have been placed on the eligibility lists will be directed by the supervisor to report to a United States Navy facility for physical examination. Travel and other expense incident to this examination shall be borne by the candidate.

(b) Assignment to Cadet School shall be contingent upon passing this physical examination and receiving appointment as midshipman, USNR.

§ 310.56 *Appointments and assignments.* (a) Candidates who have sufficiently high grades in the competitive scholastic tests and who have passed the physical examination required for appointment as midshipman, USNR, shall be appointed cadet-midshipman, United States Merchant Marine Cadet Corps, by the supervisor, (1) in accordance with state and territory quotas based on the population of such state or territory as shown by the latest census, or (2) from over-quota states and territories in the order of the highest grades received in the competitive examination when there are not sufficient candidates from under-quota states and territories.

(b) A total of 120 appointments per year, or 10 deck and 10 engineer bimonthly, may be allocated to unlicensed men of the merchant marine or United States Maritime Service who receive a passing grade in the competitive scholastic tests and are otherwise qualified regardless of state quotas.

(c) A certificate of appointment signed by the supervisor shall be issued to a cadet-midshipman upon his assignment to a Cadet School.

(d) Assignments of cadet-midshipmen to vessels as third classmen shall be made by the district and foreign supervisors who shall arrange for introductions to the proper shore officials of the steamship companies concerned and for the signing of ship's articles. Cadet-midshipmen shall not be permitted to select the vessel or steamship company employer, nor shall steamship companies or their representatives be permitted to select cadet-midshipmen.

§ 310.57 *Liaison with local Selective Service boards.* (a) Local Selective Service boards will be:

(1) Requested by the Navy to defer action on candidates over 18 years of age who have successfully passed the Navy physical examinations for appointment as midshipmen.

(2) Promptly informed by the commanding officer of the Cadet School or by the district supervisor if the candidate is awaiting assignment to a Cadet School, and the date on which the oath and acceptance of office as midshipman, USNR, is signed.

(3) Promptly informed by the superintendent of the Academy or by the commanding officers of Cadet Schools of resignations of cadet-midshipmen attached to their units, by the district and foreign supervisors of resignations of cadet-midshipmen not attached to Cadet Schools or Academy, and by the supervisor of all dismissals of cadet-midshipmen.

(b) Responsible officers of the Cadet Corps will promptly inform the Chief of Naval Personnel of those cadet-midshipmen who resign or are dismissed in order that their appointments as midshipmen, USNR, may be revoked and the local Selective Service board may be so advised.

§ 310.58 *Schools and courses.* (a) Cadet Schools for cadet-midshipmen, fourth class, shall be maintained by WSA at Pass Christian, Mississippi, and at San Mateo, California.

(b) Merchant or training vessels, as the supervisor shall determine, shall serve as the place of training for cadet-midshipmen, third class.

(c) The United States Merchant Marine Academy for cadet-midshipmen, second and first classes, shall be maintained by WSA at Kings Point, Long Island, New York.

(d) The courses for cadet-midshipmen appointed on or after the first day of September, 1945, shall be, in general, six months at Cadet School, followed by not less than six months aboard merchant or training vessels, and twenty-four months at the Academy inclusive of cruises in a training vessel while at the Academy.

(e) The curricula and changes therein shall be prescribed by the supervisor and approved by the assistant deputy administrator. Cadet-midshipmen shall be advised by circular letters of any such changes.

(f) Lesson plans, instructors' manuals, class schedules, lesson assignments, sea courses, quizzes, problems, and supplementary material shall be prepared by the Educational Unit of the United States Merchant Marine Cadet Corps assisted by the department heads of the Academy and the Cadet Schools as directed by the supervisor.

(g) The examinations and sea courses shall be graded by the staff of instructors at the Cadet Schools and the Academy or as directed by the supervisor.

§ 310.59 *Instructors and administrative personnel.* (a) The supervisor is authorized, in accordance with law and allotment limitations, and subject to approval by the assistant deputy administrator,

(1) To employ instructors on a contract basis for detail to the Academy, Cadet Schools, training vessels, offices of district and foreign supervisors, the Educational Unit and the office of the supervisor, and

(2) To contract for and utilize the services of outside personnel and agencies when, in his judgment, the facilities and staffs of the Academy, Cadet Schools, or the Educational Unit are insufficient economically and efficiently to administer tests, prepare the courses, and grade papers in all prescribed subjects and the competitive scholastic tests for appointment.

(b) Personnel for administrative or instructor duty with the United States Merchant Marine Cadet Corps, may be enrolled in the United States Maritime Service at grades designated by the supervisor with the approval of the assistant deputy administrator.

§ 310.60 *General conduct.* (a) The supervisor shall maintain high standards of discipline in the United States Merchant Marine Cadet Corps.

(b) During the entire course a cadet-midshipman's aptitude and adaptability for a career at sea as an officer will be closely observed and any conduct indicating a lack in officer like and gentlemanly characteristics will be reported to the supervisor.

(c) Steamship company employers, in order to permit cadet-midshipmen to carry on with the training courses, shall not give them overtime work. Of their eight hour day, two hours each day shall be allowed by steamship company employers for study purposes. In addition, cadet-midshipmen shall devote three hours of their own time each day to study.

(d) The record of each cadet-midshipman filed with the Educational Unit of the Cadet Corps shall list the courses he has completed, the grades received in each, and the comments of his instructors.

§ 310.61 *Pay.* (a) On the last day of each month, or on the date detached, cadet-midshipmen will receive pay at the rate of $65 per month (less deductions for text books, uniforms and equipment issued to them as provided in § 310.65), while attached to the Academy, Cadet Schools, or places of special shore training and while on leave as provided in § 310.64. Pay shall commence on the

date of attachment and terminate on the date of detachment.

(b) Cadet-midshipmen will receive pay, while attached to merchant vessels, at the rate of $82.50 per month from their steamship company employers, representing the minimum basic monthly wage of $65.00 and additional emergency compensation of $17.50, together with such war risk bonuses and insurance benefits as may be prescribed from time to time by decisions and rulings of the Maritime War Emergency Board. In addition the steamship company employers shall pay the cadet-midshipmen aboard ship such explosive cargo bonus, penalty cargo bonus, subsistence and room allowances in port, transportation allowances, and such other bonuses as are paid to the licensed officers of the vessel to which the cadet-midshipmen are attached.

(c) Cadet-midshipmen shall not be given overtime work or granted overtime pay.

(d) Cadet-midshipmen will receive pay while under orders of the supervisor pursuant to § 310.66 or when otherwise specially authorized by the supervisor.

(e) The supervisor may place any cadet-midshipman on a non-pay basis for disciplinary reasons while assigned to the Academy, Cadet Schools, places of special shore training, or on leave. In the event that a cadet-midshipman is dismissed from the Cadet Corps for disciplinary reasons, the supervisor may, in his discretion, deny payment to such cadet-midshipman of all his earnings due and unpaid at the time of dismissal.

§ 310.62 *Quarters, subsistence and allowances.* (a) Cadet-midshipmen, while attached to Cadet Schools and the Academy will be furnished quarters and subsistence by WSA.

(b) Cadet-midshipmen while on special assignments away from the Cadet Schools or Academy and when so authorized by the supervisor or district supervisors, will receive from WSA an allowance of $90.00 per month in addition to their pay as provided in § 310.61, for quarters, subsistence and other living expenses in the event steamship companies, shipyards, or others to whom cadet-midshipmen are assigned for special training ashore do not furnish same or pay such allowance.

(c) Cadet-midshipmen, while assigned to ships, will be furnished quarters and subsistence by the steamship company employer. While aboard ship they shall be berthed in rooms with other cadet-midshipmen in that part of the vessel designated as licensed officer or first class passenger quarters, and shall mess with licensed deck and engineer officers.

(d) Cadet-midshipmen, while traveling on the orders of a steamship company, or when quarters or subsistence are not furnished aboard ship, shall receive from such company the same allowances for transportation, quarters, and subsistence as licensed deck and engineer officers of the steamship company.

(e) Subsistence will not be furnished cadet-midshipmen while away from the Cadet School or Academy on leave or liberty.

(f) A per diem allowance will not be given cadet-midshipmen except as provided in § 310.66.

§ 310.63 *Transportation and travel expenses.* (a) WSA shall reimburse cadet-midshipmen at the rate of five cents per mile, based on official mileage tables of the War Department, for their traveling expenses while traveling on orders of the supervisor or district supervisors from home town to port wherein the Cadet School is located, after satisfactory completion of courses for fourth classmen. Payment shall be made by the finance officer attached to the Cadet School on the date of detachment.

(b) The Training Organization of WSA will issue government transportation requests and meal tickets to cadet-midshipmen for the following travel only:

(1) From New York, New Orleans or San Francisco to the port where vessel of assignment is located, or to a place of special shore training, provided such transportation has not been paid by a steamship company or a shipyard. Transportation requests and meal tickets for such travel will be issued by the district supervisor at New York, New Orleans or San Francisco;

(2) From New York, New Orleans or San Francisco to the Academy or to a place of special shore training, provided no leave is granted during the interval between detachment from ship and date of arrival at the Academy or place of special shore training. Transportation requests and meal tickets for such travel will be issued by the district supervisor at New York, New Orleans or San Francisco;

(3) Between ports and the Academy or Cadet Schools and places of special shore training. Transportation requests and meal tickets for such travel will be issued by the superintendent or commanding officer; and

(4) As provided in § 310.66.

(c) Cadet-midshipmen will not be reimbursed by WSA or issued transportation requests or meal tickets for travel to and from the Academy or Cadet Schools or locations of special training ashore or ships while they are on leave.

§ 310.64 *Leave with pay.* Leave with pay for cadet-midshipmen attached to Cadet Schools and the Academy shall be as follows:

(a) Effective for all cadet-midshipmen appointed on or after September 1, 1945 and except as otherwise provided in this section, leave with pay for cadet-midshipmen, fourth, second and first classes shall be the same as for midshipmen of the same classes at the United States Naval Academy.

(b) District and foreign supervisors may, at their discretion, grant leave with pay to cadet-midshipmen, third class, awaiting assignment to the first ship and while awaiting assignment to the Academy after detachment from the last ship.

(c) District and foreign supervisors, may at their discretion, grant sick leave with pay, including sick leave at home for a period of not more than four months.

(d) Such other leave with pay may be granted as authorized by the supervisor.

§ 310.65 *Uniforms, insignia, textbooks, equipment.* (a) Cadet-midshipmen shall possess uniforms, insignia, textbooks and equipment as prescribed by the supervisor with the approval of the assistant deputy administrator in "Uniform Regulations for the United States Merchant Marine Cadet Corps" and in circular letters.

(b) Effective for all cadet-midshipmen appointed on and after September 1, 1945, the cost of uniforms, insignia, textbooks and equipment shall be deducted from deposit as prescribed in § 310.53 and from pay as prescribed in § 310.61 (a).

(c) Effective for all cadet-midshipmen appointed after September 1, 1945, and while attached to the Cadet Schools and the Academy, towels shall be furnished by and laundered at the expense of cadet-midshipmen. Bed linen, spreads, pillow cases, blankets, pillows and mattresses shall be issued to all cadet-midshipmen on custody receipt while attached to Cadet Schools and the Academy, but the expense of laundering, cleaning and fumigation shall be borne by the cadet-midshipmen.

(d) It shall be unlawful for any person not a cadet midshipman to wear the duly prescribed insignia of the United States Merchant Marine Cadet Corps or any distinctive part of such insignia, or an insignia any part of which is similar to a distinctive part of the duly prescribed insignia of the Cadet Corps. Any cadet-midshipman who resigns or is separated for cause from the United States Merchant Marine Cadet Corps shall not be permitted to wear insigne of the Cadet Corps after thirty days from date of resignation or separation. Persons failing to comply with these regulations shall be prosecuted to the full extent of the law, and shall be subject to a fine of not more than $250.00 or by imprisonment not exceeding six months, or by both said fine and imprisonment (Public Law 169—79th Congress).

§ 310.66 *Honors.* Cadet-midshipmen who for distinguished service, or, for some other reason, have won special awards, may be ordered to Washington, D. C., by the supervisor to receive such awards from the Administrator, WSA, or other government official. In such cases the cadet-midshipman shall receive pay at the rate of $65 per month from WSA during the period absent from the Academy, Cadet School, or ship and will travel on regular government travel requests issued by WSA with the per diem allowance granted officers in the armed forces. If assigned to the Academy or a Cadet School, the cadet-midshipman shall receive pay accrued and due on the day ordered to depart from the Academy or Cadet School for Washington. The period of stay in Washington shall not exceed five days.

§ 310.67 *Vessels required to carry cadet-midshipmen.* All merchant vessels registered under the flag of the United States which are owned, chartered or controlled by WSA or subsidized by the United States Maritime Commission are required to provide for the training of at least two cadet-midshipmen which training shall be conducted under the conditions set forth in §§ 310.46 to 310.73 inclusive, and any instructions hereafter issued by the supervisor with the approval of the assistant deputy administrator.

§ 310.68 *Active duty in Navy as midshipmen, United States Naval Reserve.* Cadet-midshipmen serving on vessels which have been taken over by the Navy may be ordered to active duty as midshipmen, USNR and in such cases they will carry on with courses of study for their licenses in addition to their naval duties. Midshipmen, United States Naval Reserve, on active duty with the Navy may be assigned to the Academy if the Navy Department so directs.

§ 310.69 *Resignations and dismissals.* (a) A cadet-midshipman who desires to resign shall submit in sextuplicate a written resignation containing detailed reasons for such resignation, for acceptance by direction of the district supervisor:

(1) If attached to a merchant ship, via the master or commanding officer of the vessel to the district supervisor,

(2) If attached to a Cadet School, to the commanding officer, or

(3) If attached to the Academy, to the superintendent of the academy.

(b) Cadet-midshipmen may be requested to resign or be dismissed as follows:

(1) If it should be determined at any time during a cadet-midshipman's course that he falsified his application or supporting papers as prescribed in §§ 310.50 and 310.51, respectively, he shall be dismissed.

(2) Any cadet-midshipman who marries before being graduated shall be requested to resign, and, failing to do so, shall be dismissed by the assistant deputy adminitrator upon the recommendation of the supervisor.

(3) Any defect or disease, developed by a cadet-midshipman, which would be cause for discharge from the United States Naval Reserve will be sufficient cause for the supervisor to revoke his appointment.

(4) A cadet-midshipman reported lacking in officerlike and gentlemanly characteristics may be requested to resign, or may be dismissed.

(c) If a resignation under paragraph (a) of this section is accepted, or if a resignation, revocation of appointment, or dismissal is effected under paragraph (b) of this section, or if a cadet-midshipman is otherwise separated from the United States Merchant Marine Cadet Corps, copies of the writing evidencing such action or separation, with proper endorsements thereon, must be forwarded to the Chief of Naval Personnel, to the appropriate local Selective Service board as provided in § 310.57, to the supervisor, and to the cadet-midshipman.

(d) A cadet-midshipman must be informed before resignation or dismissal that the Cadet Corps is required to inform his local Selective Service board immediately, and cannot assist him in obtaining unlicensed billets on merchant vessels.

(e) No person who has resigned or has been dismissed as a cadet-midshipman will be reappointed without the approval of the assistant deputy administrator upon recommendation of the supervisor.

§ 310.70 *Graduation; diploma.* A cadet-midshipman will be eligible for diploma after complying with all of the following conditions:

(a) Satisfactory completion of the prescribed courses, certified by the superintendent of the Academy and by the assistant supervisor of the United States Merchant Marine Cadet Corps in charge of the Educational Unit (by direction of the supervisor).

(b) Successful completion of the examination for an unlimited or any tonnage license as a deck or engineer officer in the U. S. Merchant Marine. Engineers must obtain steam and diesel licenses if eligible under Marine Inspection regulations.

(c) Filing application for a commission as ensign, United States Naval Reserve, and acceptance of same, if found qualified.

(d) Filing application for enrollment as ensign, United States Maritime Service and acceptance of same, if found qualified.

§ 310.71 *Distribution of regulations.* These regulations (§§ 310.46 to 310.73, inclusive) may be distributed to all cadet-midshipmen, candidates for appointment as cadet-midshipmen, steamship company officials, masters, and officers of vessels and others concerned with or interested in the training of cadet-midshipmen ashore and at sea.

§ 310.72 *Issuance of instructions.* The supervisor is hereby authorized, with the approval of the assistant deputy administrator, to prescribe and issue instructions supplementing these regulations (§§ 310.46 to 310.73, inclusive).

§ 310.73 *Address for mailing purposes.* All communications relating to matters connected with the appointment and training of cadet-midshipmen in the U. S. Merchant Marine Cadet Corps shall be addressed: The Supervisor, U. S. Merchant Marine Cadet Corps, Training Organization, War Shipping Administration, Washington 25, D. C.

[SEAL] E. S. LAND,
Administrator.

AUGUST 30, 1945.

[F. R. Doc. 45-16289; Filed, Aug. 31, 1945; 9:45 a. m.]

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

PART 1—RULES OF PRACTICE AND PROCEDURE

OFFICES; HOURS

The Commission on August 29, 1945, effective immediately, amended § 1.1 *Offices; hours* to read:

§ 1.1 *Offices; hours.* The principal office of the Commission shall be located at Washington, D. C., and all communications to it shall be addressed to the Secretary, Washington 25, D. C., unless otherwise specifically directed. The hours of the Commission are from 9:15 a. m. to 5:45 p. m., Monday through Friday, except on legal holidays.

(Sec. 4 (i), 48 Stat. 1066; 47 U.S.C. 154 (i))

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 45-16300; Filed, Aug. 31, 1945; 10:10 a. m.]

TITLE 49—TRANSPORTATION AND RAILROADS

Chapter I—Interstate Commerce Commission

PART 1—RULES OF PRACTICE

COMPUTATION OF TIME

At a general session of the Interstate Commerce Commission, held at its office in Washington, D. C., on the 30th day of August, A. D. 1945.

Section 17 of the Interstate Commerce Act, as amended, being under consideration:

It is ordered, That Rule 21 (a) of the General Rules of Practice before the Commission, revised effective September 15, 1942 (§ 1.21, Code of Federal Regulations), be, and it is hereby, amended to read as follows:

§ 1.21 *Time*—(a) *Computation.* In computing any period of time prescribed or allowed by these rules, the day of the act, event, or default after which the designated period of time begins to run is not to be included. The last day of the period so computed is to be included, unless it is Saturday, Sunday or a legal holiday in the District of Columbia, in which event the period runs until the end of the next day which is neither a Saturday, Sunday nor a holiday. A half holiday shall not be considered as a holiday. (24 Stat. 385, 25 Stat. 861, 40 Stat. 270, 41 Stat. 492, 47 Stat. 1368, 49 Stat. 546, 548, 52 Stat. 1237, 54 Stat. 913, 923, 933, 56 Stat. 285; 49 U.S.C. and Sup. 17, 304 (a) (6), 305, 904 (a), and 1003 (a))

It is further ordered, That notice be given by depositing a copy hereof in the office of the Secretary of the Commission, Washington, D. C., and by filing with the Division of the Federal Register.

By the Commission.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 45-16388; Filed, Aug. 31, 1945; 11:35 a. m.]

[2d Rev. S. O. 104]

PART 95—CAR SERVICE

SUBSTITUTION OF REFRIGERATOR FOR BOX CARS

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 30th day of August, A. D. 1945.

It appearing, that the practice of transporting refrigerator cars empty from the East to certain western States diminishes the use, control and supply of such cars, and that the loading of these cars in lieu of box cars will reduce the shortage of such cars; in opinion of the Commission an emergency requiring immediate action exists in the western section of the country. It is ordered, that:

Substitution of refrigerator cars for box cars. (a) (1) Any common carrier by railroad subject to the Interstate Commerce Act transporting

(i) westbound shipments in carloads originating at points shown as origin points in Agent L. E. Kipp's tariffs, I. C. C. Nos. 1492 and 1493, supplements thereto or reissues thereof, destined to points in the States of California, southern Idaho (on the Union Pacific main and branch lines across southern Idaho, including the line from Pocatello to the Montana-Idaho State line and the branches north of Blackfoot, Idaho), Arizona, Nevada, or Utah, or

(ii) westbound shipments in carloads originating at points in the State of Utah and destined to points in the States of California or Nevada,

shall, when freight to be transported is suitable, and facilities are suitable, for loading in RS type refrigerator cars and when such refrigerator cars are reasonably available, furnish and transport not more than three (except as provided in paragraph (a) (2) hereof) such refrigerator cars in lieu of each box car ordered, subject to the carload minimum weight which would have applied if the shipment had been loaded in a box car.

(a) (2) On shipments on which the carload minimum weight varies with the size of the car:

(i) Two (2) of the said refrigerator cars shall be furnished in lieu of one (1) box car ordered of a length 40'7" or less, subject to the carload minimum weight which would have applied if the shipment had been loaded in a box car of the size ordered;

(ii) Three (3) of the said refrigerator cars shall be furnished in lieu of one (1) box car ordered of a length of over 40'7" but not over 50'7", subject to the carload minimum weight which would have applied if the shipment had been loaded in a box car of the size ordered.

(b) *Tariff provisions suspended; announcement required.* The operation of all tariff rules and regulations insofar as they conflict with the provisions of this order is hereby suspended and each railroad subject to this order, or its agent, shall publish, file, and post a supplement to each of its tariffs affected hereby, in substantial accordance with the provisions of Rule 9 (k) of the Commission's Tariff Circular No. 20 (§ 141.9 (k) of this chapter) announcing such suspension.

(c) *Application of other orders.* Third Revised Service Order No. 180, shall not apply on cars utilized pursuant to the provisions of this order; and the provisions of Service Order No. 68, as amended, and all other orders of the Commission, insofar as they conflict with this order are hereby suspended.

(d) *Effective date.* This order shall become effective at 12:01 a. m., September 2, 1945.

(e) *Expiration date.* This order shall expire at 11:59 p. m., April 1, 1946, unless otherwise modified, changed, suspended, or annulled by order of the Commission. (40 Stat. 101, sec. 402, 41 Stat. 476, Sec. 4, 54 Stat. 901; 49 U. S. C. 1 (10)-(17))

It is further ordered, that Revised Service Order No. 104, as amended, be superseded and vacated on the effective date hereof; that a copy of this order and direction shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

By the Commission, Division 3.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 45-16387; Filed, Aug. 31, 1945; 11:35 a. m.]

Chapter II—Office of Defense Transportation

[Gen. Order ODT 6A, as Amended, Revocation of Supplementary Orders]

PART 501—CONSERVATION OF MOTOR EQUIPMENT

LOCAL CARRIERS OF PROPERTY COLLECTION AND DELIVERY—LOCAL CARTAGE SERVICE

Pursuant to Executive Orders 8989, as amended, and 9156, it is hereby ordered, that the following described orders supplementary to General Order ODT 6A, as amended (8 F.R. 8757, 9 F.R. 2794), be, and they are hereby, revoked, effective November 1, 1945:

Supplementary Orders ODT 6A-1 (8 F.R. 11096), 6A-2 (8 F.R. 13077), 6A-3 (8 F.R. 16000), 6A-4 (8 F.R. 16000), 6A-5 (8 F.R. 16001), 6A-6 (8 F.R. 16001), 6A-7 (8 F.R. 16039), 6A-8 (8 F.R. 16040), 6A-9, as amended (8 F.R. 16002, 10 F.R. 5544), 6A-10 (8 F.R. 16040), 6A-11 (8 F.R. 16079), 6A-12 (8 F.R. 16757), 6A-13, as amended (8 F.R. 16757, 10 F.R. 5544), 6A-14 (8 F.R. 16946), 6A-15 (8 F.R. 17380), 6A-16 (9 F.R. 3359), 6A-17 (9 F.R. 3360), 6A-18 (9 F.R. 3361), 6A-19, as amended (9 F.R. 3406, 9756), 6A-20 (9 F.R. 3407), 6A-21 (9 F.R. 3408, 11291), 6A-22 (9 F.R. 3601), 6A-23 (9 F.R. 3602), 6A-24 (9 F.R. 3750), 6A-25 (9 F.R. 3672), 6A-26 (9 F.R. 4669), 6A-27 (9 F.R. 5854), 6A-28 (9 F.R. 6475), 6A-29 (9 F.R. 6476), 6A-30 (9 F.R. 6928), 6A-31 (9 F.R. 9069), 6A-32 (9 F.R. 9309), 6A-33 (9 F.R. 9310), 6A-34 (9 F.R. 9311), 6A-35 (9 F.R. 9311), 6A-36 (9 F.R. 9312), 6A-37 (9 F.R. 9312), 6A-38 (9 F.R. 10273), 6A-39 (9 F.R. 10273), 6A-40, as amended (9 F.R. 10274, 10 F.R. 3705), 6A-41 (9 F.R. 10438), 6A-42 (9 F.R. 10605), 6A-43 (9 F.R. 10891), 6A-44 (9 F.R. 10892), 6A-45 (9 F.R. 11291), 6A-46 (9 F.R. 11376), 6A-47 (9 F.R. 11291), 6A-48 (9 F.R. 12299), 6A-49 (9 F.R. 12388), 6A-50 (9 F.R. 12389), 6A-51 (9 F.R. 12390), 6A-52 (9 F.R. 12390), 6A-53 (9 F.R. 12479), 6A-54 (9 F.R. 12665), 6A-55 (9 F.R. 12480), 6A-56, as amended (9 F.R. 12665, 10 F.R. 4942), 6A-57 (9 F.R. 12666), 6A-58 (9 F.R. 12934), 6A-59 (9 F.R. 12760), 6A-60 (9 F. R. 12872), 6A-61 (9 F.R. 13963), 6A-62 (9 F.R. 13998), 6A-63 (9 F.R. 13999), 6A-64 (9 F.R. 14370), 6A-65 (9 F.R. 14660), 6A-66 (9 F.R. 14661), 6A-67 (9 F. R. 14370), 6A-68 (9 F.R. 14863), 6A-69 (9 F.R. 14662), 6A-70 (9 F.R. 14662), 6A-71 (9 F.R. 14864), 6A-72 (9 F.R. 14742), 6A-73 (9 F.R. 14743), 6A-74 (9 F.R. 15012), 6A-75, as amended (9 F.R. 14744, 10 F.R. 5544), 6A-76 (9 F.R. 14663), 6A-77 (9 F.R. 14865), 6A-78 (9 F.R. 14865), 6A-79 (9 F.R. 14664), 6A-80 (9 F.R. 14744), 6A-81 (10 F.R. 906), 6A-82 (9 F.R. 14866), 6A-83 (10 F.R. 354), 6A-84 (10 F.R. 354), 6A-85 (10 F.R. 421), 6A-86, as amended (10 F.R. 907, 5144), 6A-87 (10 F.R. 907), 6A-88 (10 F.R. 1109), 6A-89 (10 F.R. 1297), 6A-90 (10 F.R. 1833), 6A-91 (10 F.R. 2544), 6A-92 (10 F.R. 2198), 6A-93 as amended (10 F.R. 2051, 7352), 6A-94 (10 F.R. 3072), 6A-95 (10 F.R. 3573), 6A-96 (10 F.R. 3374), 6A-97 (10 F.R. 3375), 6A-98 (10 F.R. 3573), 6A-99 (10 F.R. 3705), 6A-100 (10 F.R. 3706), 6A-101 (10 F.R. 3707), 6A-102 (10 F.R. 3885), 6A-103 (10 F.R. 4214), 6A-104 (10 F.R. 3990), 6A-105 (10 F.R. 4374), 6A-106 (10 F.R. 3991), 6A-107 (10 F.R. 3992), 6A-108 (10 F.R. 4215), 6A-109 (10 F.R. 4679), 6A-110 (10 F.R. 4216), 6A-111 (10 F.R. 4374), 6A-112 (10 F.R. 4375), 6A-113 (10 F.R. 4216), 6A-114 (10 F.R. 5699), 6A-115 (10 F.R. 5699), 6A-116 (10 F.R. 4680), 6A-117 (10 F.R. 5700), 6A-118 (10 F.R. 5700), 6A-119 (10 F.R. 5701), 6A-120 (10 F.R. 5702), 6A-121 (10 F.R. 5971), 6A-122 (10 F.R. 6262), 6A-123 (10 F.R. 6262), 6A-124 (10 F.R. 5972), 6A-125 (10 F.R. 6263), 6A-126 (10 F.R. 6263), 6A-127 (10 F.R. 6264), 6A-128 (10 F.R. 6265), 6A-129 (10 F.R. 6265), 6A-130 (10 F.R. 6327), 6A-131 (10 F.R. 5972), 6A-132 (10 F.R. 6328), 6A-133 (10 F.R. 6329), 6A-134 (10 F.R. 6329), 6A-135 (10 F.R. 7739), 6A-136 (10 F.R. 7739), 6A-137 (10 F.R. 7352), 6A-138 (10 F.R. 8247), 6A-139 (10 F.R. 8248), 6A-140 (10 F.R. 8248), 6A-141 (10 F.R. 8488), 6A-142 (10 F.R. 8917), 6A-143 (10 F.R. 8917), 6A-144 (10 F.R. 9245), 6A-145 (10 F.R. 10322), 6A-146 (10 F.R. 10322), 6A-147 (10 F.R. 10323), and 6A-148 (10 F.R. 10324).

(E.O. 8989, as amended, 6 F.R. 6725, 8 F.R. 14183; E.O. 9156, 7 F.R. 3349)

Issued at Washington, D. C., this 31st day of August 1945.

J. M. JOHNSON, *Director, Office of Defense Transportation.*

[F. R. Doc. 45-16375; Filed, Aug. 31, 1945; 11:24 a. m.]

Notices

DEPARTMENT OF THE INTERIOR.

Office of the Secretary.

UTAH

MODIFYING DEPARTMENTAL ORDER TO PERMIT OIL AND GAS LEASES

The Departmental order of September 26, 1933, temporarily withdrawing certain lands as a grazing reserve for the Uncompahgre Ute Indians and white stockmen, under the authority of section 4 of the act of March 3, 1927 (44 Stat. 1347), is hereby modified solely for the purpose of permitting the issuance of oil and gas leases under the provisions of the act of February 25, 1920 (41 Stat. 437, 30 U.S.C. secs. 181 et seq.) as amended, granting the right to prospect for, mine and remove oil and gas from the following lands, and to use such part of the surface as may be needed for operations under such leases:

SALT LAKE MERIDIAN

Tps. 8 to 11 S., R. 17 E.
Tps. 12 to 15 S., R. 17 E., partly unsurveyed,
  Those parts lying west of Green River.
Tps. 8 and 9 S., R. 18 E.
Tps. 10 to 13 S., R. 18 E., partly unsurveyed,
  Those parts lying west of Green River.
Tps. 6, 7, and 8 S., R. 19 E.
Tps. 9 and 10 S., R. 19 E.,
  Those parts lying west of Green River.
Tps. 6 and 7 S., R. 20 E.
T. 8 S., R. 20 E.,
  Secs. 1 to 6, inclusive, and secs. 8, 9, and 10;
  Sec. 11, lots 2, 3, 6, 7, W½, and W½SE¼;
  Secs. 14 to 17, inclusive;
  Sec. 21, lots 1 to 5, inclusive, NE¼NE¼ and W½NE¼;
  Sec. 22, lots 1 to 4, inclusive, and N½N½;
  Sec. 23, lots 2 to 5, inclusive, and N½NW¼.
T. 10 S., R. 20 E.,
  Secs. 11 to 14, secs. 23 to 26, and secs. 35 and 36.
T. 11 S., R. 20 E.,
  Sec. 1;
  Sec. 2, lots 1 to 4, inclusive, S½N½, N½S½, and SE¼SE¼;
  Sec. 3, lots 1, 2, and SE¼NE¼;
  Sec. 12, N½, E½SW¼, and SE¼;
  Sec. 13, NE¼, E½NW¼, and S½;
  Sec. 23, E½NE¼ and SE¼;
  Secs. 24 and 25;
  Sec. 26, E½;
  Sec. 35, E½;
  Sec. 36.
T. 12 S., R. 20 E.,
  Sec. 1;
  Sec. 2, E½;
  Sec. 6, lot 7;
  Sec. 7, SW¼NE¼, W½, and SE¼;
  Sec. 8, SW¼SW¼;
  Sec. 11, E½NE¼, SW¼NE¼, E½SW¼, and SE¼;
  Secs. 12, 13, and 14;
  Sec. 15, E½NE¼ and SE¼;
  Sec. 17, W½NW¼, SW¼, and SW¼SE¼;
  Secs. 18, 19, and 20;
  Sec. 21, W½NW¼, SE¼NW¼, and S½;
  Secs. 22 to 36, inclusive.
T. 13 S., R. 20 E.,
  Secs. 1 to 18, inclusive;
  Sec. 19, N½NE¼ and SE¼NE¼;
  Sec. 20, N½, N½SW¼, and SE¼;
  Secs. 21 to 27, inclusive;
  Sec. 28, NE¼, N½NW¼, and NE¼SE¼;
  Secs. 34, 35, and 36.
T. 14 S., R. 20 E.,
  Secs. 1, 2, and 3;
  Sec. 10, N½, E½SW¼, and SE¼;
T. 14 S., R. 20 E.—Continued.
  Secs. 11 to 14, inclusive;
  Sec. 15, E½ and E½W½;
  Sec. 22, E½ and E½W½;
  Sec. 23;
  Sec. 24, N½NE¼, SW¼NE¼, NW¼, and W½SW¼;
  Sec. 26, NE¼, N½NW¼, and SE¼NW¼;
  Sec. 27, N½NE¼ and W½W½;
  Sec. 28, SE¼NE¼ and NE¼SE¼.
Tps. 6 and 7 S., R. 21 E.
T. 8 S., R. 21 E., partly unsurveyed,
  Secs. 1 to 6, inclusive.
T. 10 S., R. 21 E.,
  Secs. 7 to 36, inclusive.
Tps. 11, 12, and 13 S., R. 21 E.
T. 14 S., R. 21 E.,
  Secs. 1 to 17, inclusive;
  Sec. 18, NE¼, W½, and E½SE¼;
  Sec. 19, lot 1 and NE¼NW¼;
  Sec. 21, NE¼NW¼ and E½;
  Secs. 22 to 27, inclusive;
  Sec. 28, NE¼ and S½;
  Secs. 33 to 36, inclusive.
T. 15 S., R. 21 E.,
  Secs. 1 to 5, inclusive;
  Sec. 6, lot 1, SE¼NE¼, and E½SE¼;
  Sec. 7, E½E½;
  Secs. 8 to 17, inclusive;
  Sec. 18, E½NE¼ and SE¼;
  Secs. 19 to 36, inclusive.
Tps. 6 and 7 S., R. 22 E., partly unsurveyed.
T. 8 S., R. 22 E.,
  Secs. 1 to 6, secs. 9 to 16, secs. 21 to 28, and secs. 33 to 36, inclusive.
T. 9 S., R. 22 E.,
  Secs. 1 to 4, inclusive;
  Sec. 11, N½;
  Secs. 12 and 13;
  Sec. 20, S½SE¼;
  Sec. 21, SW¼SW¼;
  Secs. 24, 25, and 26;
  Sec. 27, S½SW¼ and SE¼;
  Sec. 28, W½W½, SE¼SW¼, and S½SE¼;
  Sec. 29, NE¼, E½NW¼, and S½;
  Sec. 30, SE¼SE¼;
  Sec. 31, NE¼, E½SW¼, and SE¼;
  Secs. 32 to 36, inclusive.
Tps. 10 to 15 S., R. 22 E.
Tps. 6 to 15 S., R. 23 E.
Tps. 7 to 15 S., R. 24 E.
Tps. 7 to 15 S., R. 25 E.
Tps. 13, 14, and 15 S., R. 26 E.

The areas described, including both public and non-public lands, aggregate approximately 1,350,000 acres.

AUGUST 24, 1945.

HAROLD L. ICKES, *Secretary of the Interior.*

[F. R. Doc. 45-16287; Filed, Aug. 30, 1945; 4:35 p. m.]

Solids Fuel Administration for War.

BITUMINOUS COAL

SHIPMENTS TO RETAIL DEALERS ENTITLED TO ONE OR TWO CARS

I have been informed that some producers and wholesalers are delaying shipments of bituminous coal to those retail dealers who normally purchase from them only one or two cars of coal during the fuel year.

It is obvious that retail dealers dependent upon such shipments must obtain this coal sufficiently in advance of the heating season to enable them to meet the requirements of their customers and to prevent hardship during the fall and early winter.

Accordingly, I urge every shipper, in so far as possible, to meet the orders of retail dealers entitled to one or two cars of bituminous coal by November 1, 1945.

Issued this 30th day of August 1945.

C. J. POTTER, *Deputy Solid Fuels Administrator for War.*

[F. R. Doc. 45-16378; Filed, Aug. 31, 1945; 11:22 a. m.]

DEPARTMENT OF AGRICULTURE.

Production and Marketing Administration.

[P. & S. Docket 143]

MARKET AGENCIES AT OMAHA UNION STOCK YARDS

PETITION FOR MODIFICATION

By an order entered on November 19, 1926, pursuant to the provisions of the Packers and Stockyards Act, 1921, as amended (7 U. S. C. 181 et seq.), the Secretary of Agriculture prescribed maximum reasonable rates and charges to be observed by the respondents. On July 29, 1941, the order of November 19, 1926, was temporarily modified, and as so modified, has been extended from time to time and is still in effect.

By a petition filed on August 23, 1945, the respondents have requested that the existing schedule of rates and charges prescribed by the order of July 29, 1941, as extended, be temporarily amended to include in said schedule of rates and charges the following:

EXTRA SERVICE CHARGE

When livestock upon which a livestock subsidy may be collected appears upon an account of sale rendered by a market agency, a charge of 50c shall be made for each entry appearing thereon covering livestock eligible for subsidy payment.

The effect of such proposed charges, if granted, would result in additional revenues to the respondents and, therefore, public notice should be given of the filing of such petition in order that all interested persons may have an opportunity to be heard in the matter.

Now, therefore, notice is hereby given to the public and to all interested persons of the filing of the petition for leave to apply such service charges.

All interested persons who desire to be heard upon the matter requested in said petition for modification shall notify the Hearing Clerk, Office of the Solicitor, United States Department of Agriculture, Washington 25, D. C., within 15 days from the date of the publication of this notice.

Copies hereof shall be served upon the respondents by registered mail or in person.

Done at Washington, D. C., this 30th day of August 1945.

[SEAL] C. W. KITCHEN, *Assistant Administrator, Production and Marketing Administration.*

[F. R. Doc. 45-16365; Filed, Aug. 31, 1945; 11:07 a. m.]

CIVIL AERONAUTICS BOARD.

[Docket No. 865 et al.]

ALASKA AIRLINES, INC., ET AL.

NOTICE OF HEARING

In the matter of the applications of Alaska Airlines, Inc., et al., for certificate and amendments of certificates of public convenience and necessity under section 401 of the Civil Aeronautics Act of 1938, as amended.

Notice is hereby given pursuant to the Civil Aeronautics Act of 1938, as amended, particularly sections 401 and 1001 of said act, that a hearing in the above-entitled proceeding is assigned to be held on September 4, 1945, in Bethel, Alaska, before examiners Raymond W. Stough and Joseph L. Fitzmaurice.

Dated: Anchorage, Alaska, August 20, 1945.

By the Civil Aeronautics Board.

[SEAL] RAYMOND W. STOUGH,
Director, Alaska Office.

[F. R. Doc. 45-16360; Filed, Aug. 31, 1945; 10:55 a. m.]

[Docket No. 1369]

WALATKA AIR SERVICE, ET AL.

NOTICE OF HEARING

In the matter of the applications of Walatka Air Service et al. for certificates of public convenience and necessity under section 401 of the Civil Aeronautics Act of 1938, as amended, and for an exemption from the provisions of section 401 of the act.

Notice is hereby given pursuant to the Civil Aeronautics Act of 1938, as amended, particularly sections 401 and 1001 of said act, that a hearing in the above entitled proceeding is assigned to be held on September 12, 1945, at 10:00 a. m., in the office of the Civil Aeronautics Board, Anchorage, Alaska, before examiners Raymond W. Stough and Joseph L. Fitzmaurice.

Dated: Anchorage, Alaska, August 20, 1945.

By the Civil Aeronautics Board.

[SEAL] RAYMOND W. STOUGH,
Director, Alaska Office.

[F. R. Doc. 45-16361; Filed, Aug. 31, 1945; 10:55 a. m.]

[Docket No. 1835]

NORTHERN AIRWAYS

NOTICE OF HEARING

In the matter of the application of Northern Airways for permanent and/or temporary certificate or certificates of public convenience and necessity under section 401 of the Civil Aeronautics Act of 1938, as amended.

Notice is hereby given pursuant to the Civil Aeronautics Act of 1938, particularly sections 401 and 1001 of said act that a hearing in the above-entitled proceeding is assigned to be held on September 29, 1945, at 10:00 a. m., in Fairbanks, Alaska, before Examiners R. W. Stough and Joseph L. Fitzmaurice.

Dated: Anchorage, Alaska, August 20, 1945.

By the Civil Aeronautics Board.

[SEAL] RAYMOND W. STOUGH,
Director, Alaska Office.

[F. R. Doc. 45-16363; Filed, Aug. 31, 1945; 10:55 a. m.]

[Docket No. 1965]

RAY PETERSEN FLYING SERVICE

NOTICE OF HEARING

In the matter of the application of Raymond I. Petersen, Marie Antoinette Petersen and Glen Dillard, a partnership, doing business as Ray Petersen Flying Service, for approval of the transfer of a certificate of public convenience and necessity pursuant to sections 401 (j) and 408 (a) of the Civil Aeronautics Act of 1938, as amended.

Notice is hereby given pursuant to the Civil Aeronautics Act of 1938, as amended, particularly sections 401 and 1001 of said act, that a hearing in the above-entitled proceeding is assigned to be held on September 19, 1945, at 10:00 a. m., in the office of Civil Aeronautics Board, Anchorage, Alaska, before examiners Raymond W. Stough and Joseph L. Fitzmaurice.

Dated: Anchorage, Alaska, August 20, 1945.

By the Civil Aeronautics Board.

[SEAL] RAYMOND W. STOUGH,
Director, Alaska Office.

[F. R. Doc. 45-16362; Filed, Aug. 31, 1945; 10:55 a. m.]

OFFICE OF ALIEN PROPERTY CUSTODIAN.

[Vesting Order 5169]

JITSUMI MANZOKU

In re: Estate of Jitsumi Manzoku, deceased, File D-39-18373; E. T. sec. 13770; H-331.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

That the property described as follows: All right, title, interest and claim of any kind or character whatsoever of Mrs. Yone Manzoku in and to the Estate of Jitsumi Manzoku, deceased,

is property payable or deliverable to, or claimed by, a national of a designated enemy country, Japan, namely,

National and Last Known Address

Mrs. Yone Manzoku, Japan.

That such property is in the process of administration by John V. Cockett, as Statutory Administrator, acting under the judicial supervision of the Circuit Court, Second Judicial Circuit, Territory of Hawaii;

And determining that to the extent that such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC-1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on July 30, 1945.

[SEAL] JAMES E. MARKHAM,
Alien Property Custodian.

[F. R. Doc. 45-16291; Filed, Aug. 31, 1945; 10:08 a. m.]

[Vesting Order 5178]

TSUCHIYOSHI HANADA

In re: Estate of Tsuchiyoshi Hanada, deceased, File D-39-18364; E. T. sec. 13375; H-317.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

That the property described as follows: All right, title, interest and claim of any kind or character whatsoever of Noboru Hanada in and to the Estate of Tsuchiyoshi Hanada, deceased,

is property payable or deliverable to, or claimed by, a national of a designated enemy country, Japan, namely,

National and Last Known Address

Noboru Hanada, Japan.

That such property is in the process of administration by Iseko Ochiai, as Administratrix of the Estate of Tsuchiyoshi Hanada, acting under the judicial supervision of the Circuit Court, Second Judicial Circuit, Territory of Hawaii;

And determining that to the extent that such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country, (Japan);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC-1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on August 7, 1945.

[SEAL] JAMES E. MARKHAM,
Alien Property Custodian.

[F. R. Doc. 45-16292; Filed, Aug. 31, 1945; 10:08 a. m.]

[Supplemental Vesting Order 5183]

J. S. MIWA & CO., LTD.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the Alien Property Custodian, after investigation:

1. Having found and determined in Vesting Order Number 2783, dated December 15, 1943 that J. S. Miwa & Company, Ltd. and J. S. Miwa are nationals of a designated enemy country (Japan);

2. Finding that of the outstanding capital stock of J. S. Miwa & Company, Ltd., a corporation organized and doing business under the laws of the Territory of Hawaii and a business enterprise within the United States, consisting of 826 shares of capital stock having a par value of $100 a share, 24 shares, registered in the name of Shigeru Nakata, are beneficially owned by J. S. Miwa and are evidence of an interest in said business enterprise;

3. Finding that J. S. Miwa has a claim against J. S. Miwa & Company, Ltd., which is represented on the books and records of J. S. Miwa & Company, Ltd., as an account payable, in the amount of $1,038.81 as of December 31, 1944, subject to any accruals or deductions thereafter, and which represents an interest in J. S. Miwa & Company, Ltd.;

and determining:

4. That to the extent that such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Japan);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the 24 shares of $100 par value capital stock of J. S. Miwa & Company, Ltd., registered in the name of Shigeru Nakata, more fully described in subparagraph 2 hereof, including all declared and unpaid dividends thereon, and the interest of J. S. Miwa in J. S. Miwa & Company, Ltd., more fully described in subparagraph 3 hereof, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall this order be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC-1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national," designated enemy country" and "business enterprise within the United States" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on August 21, 1945.

[SEAL] JAMES E. MARKHAM,
Alien Property Custodian.

[F. R. Doc. 45-16293; Filed, Aug. 31, 1945; 10:08 a. m.]

[Supplementing Vesting Order 5185]

CHARLES T. KLEIN

In re: Trust under the Will of Charles T. Klein, deceased, file No. D-28-2547; E.T. sec. 4920.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding;

That the property described as follows: All right, title, interest and claim of any kind or character whatsoever of the domiciliary personal representatives, heirs next of kin, legatees, and distributees, names unknown of, Elsie Yoschkowitz, also known as Elise Joschkowitz, deceased, and each of them, in and to the trust created under the Will of Charles T. Klein, deceased,

is property payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

Nationals and Last Known Address

The domiciliary personal representatives, heirs, next of kin, legatees, and distributees, names unknown of, Elsie Yoschkowitz, also known as Elise Joschkowitz, Germany.

That such property is in the process of administration by the City Bank Farmers Trust Company, as Trustee, acting under the judicial supervision of the Surrogate's Court, New York County, State of New York;

And determining that to the extent that such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, (Germany);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC-1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on August 21, 1945.

[SEAL] JAMES E. MARKHAM,
Alien Property Custodian.

[F. R. Doc. 45-16294; Filed, Aug. 31, 1945; 10:08 a. m.]

[Supplemental Vesting Order 5186]

MARY ZUERCHER

In re: Estate of Mary Zuercher, deceased. File D-28-9590; E. T. sec. 13221.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

That the property described as follows: The sum of $16,421.68 and all accretions thereon paid to the Board of Finance and Review of the Commonwealth of Pennsylvania pursuant to an adjudication of the Orphans' Court of Philadelphia County, Pennsylvania, dated May 25, 1945, and entered in the proceeding entitled Estate of Mary Zuercher, deceased (No. 639 of 1945), subject, however, to all lawful fees and disbursements of the Board of Finance and Review of the Commonwealth of Pennsylvania,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, nationals of a designated enemy country, Germany, namely,

Nationals and Last Known Address

Heirs-at-law and next-of-kin, names unknown, of Mary Zuercher, deceased, Germany.

And determining that to the extent that such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, (Germany);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC-1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C. on August 21, 1945.

[SEAL] JAMES E. MARKHAM,
Alien Property Custodian.

[F. R. Doc. 45-16295; Filed, Aug. 31, 1945; 10:08 a. m.]

[Supplemental Vesting Order 5190]

KANEMATSU TRADING CORP.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the Alien Property Custodian, after investigation:

1. Having found and determined in Vesting Order Number 189, dated September 28, 1942, that Kanematsu Trading Corporation is a business enterprise within the United States and a national of a designated enemy country (Japan);

2. Finding that Takamase Inoue has a claim against Kanematsu Trading Corporation, which is represented on the books and records of Kanematsu Trading Corporation as a bonus payable in the amount of $1,839.25, as of December 31, 1942, subject to any accruals or deductions thereafter and which represents an interest in Kanematsu Trading Corporation;

3. Finding that Takamase Inoue whose last known address is Japan is a national of a designated enemy country (Japan);

and determining:

4. That to the extent that such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Japan);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the interest of Takamase Inoue in Kanematsu Trading Corporation, more fully described in subparagraph 2 hereof, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC-1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national", "designated enemy country" and "business enterprise within the United States" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on August 25, 1945.

[SEAL] JAMES E. MARKHAM,
Alien Property Custodian.

[F. R. Doc. 45-16296; Filed, Aug. 31, 1945; 10:09 a. m.]

[Supplemental Vesting Order 5191]

K. SAMURA SHOTEN, LTD.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the Alien Property Custodian, after investigation:

1. Having found and determined in Vesting Order Number 172, dated September 28, 1942, that K. Samura Shoten, Limited, is a business enterprise within the United States and a national of a designated enemy country (Japan);

2. Finding that Mrs. T. Kurashita has a claim against K. Samura Shoten, Limited, which is represented on the books and records of K. Samura Shoten, Limited, as an account payable in the amount of $2,995.67 as of December 31, 1944, subject to any accruals or deductions thereafter, and which represents an interest in K. Samura Shoten, Limited;

3. Finding that Mrs. T. Kurashita whose last known address is Japan, is a national of a designated enemy country (Japan);

and determining;

4. That to the extent that such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the interest of Mrs. T. Kurashita, more fully described in subparagraph 2 hereof, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall this order be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC-1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national", "designated enemy country" and "business enterprise within the United States" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on August 25, 1945.

[SEAL] JAMES E. MARKHAM,
Alien Property Custodian.

[F. R. Doc. 45-16297; Filed, Aug. 31, 1945; 10:09 a. m.]

[Vesting Order 5194]

GUSTAVE BASTHEIM

In re: Estate of Gustave Bastheim, deceased, and trust under the will of Gustave Bastheim, deceased, File D-28-8389; E. T. sec. 9709.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding;

That the property described as follows: All right, title, interest and claim of any kind or character whatsoever of Marga Kahn, and the heirs-at-law, names unknown, of Marga Kahn, and each of them, in and to the Estate of Gustave Bastheim, deceased, and in and to the trust created under the will of Gustave Bastheim, deceased,

is property payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

Nationals and Last Known Address

Marga Kahn, Germany.

Heirs-at-law, names unknown, of Marga Kahn, Germany.

That such property is in the process of administration by Nathan P. Balmuth, Louis E. Corbin, and Walter N. Kahn, as Executors, acting under the judicial supervision of the Orphans' Court of Allegheny County, Pittsburgh, Pennsylvania;

And determining that to the extent that such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, (Germany);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC-1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national", "designated enemy country" and "business enterprise within the United States" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C. on August 25, 1945.

[SEAL] JAMES E. MARKHAM,
Alien Property Custodian.

[F. R. Doc. 45-16298; Filed, Aug. 31, 1945; 10:09 a. m.]

OFFICE OF PRICE ADMINISTRATION

[MPR 389, Order 22]

ABRAMO RE, ET AL.

ESTABLISHMENT OF MAXIMUM PRICES

Order No. 22 under section 2 (a) (6) of Maximum Price Regulation No. 389. Establishing maximum prices for sales of special mortadella without cereal by Abramo Re and all wholesalers, peddler-truck-sellers and intermediate distributors.

On July 19, 1945, Abramo Re, 40-52 Fulton Street, Boston, Massachusetts, filed an application for the establishment of maximum prices on sales of the sausage product known as Special Mortadella without cereal and made in accordance with the individual secret formula submitted by the applicant. That application was assigned Docket No. 6036.3-389-2 (a)-31.

Due consideration has been given to the application and an opinion in support of this order has been issued simultaneously herewith and filed with the Division of the Federal Register.

For the reasons set forth in that opinion, and under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Orders Nos. 9250 and 9328, and pursuant to the provisions of section 2 (a) (6) of Maximum Price Regulation No. 389; *It is ordered:*

(a) That the maximum prices other than at retail for the sausage product known as Special Mortadella without cereal and made by Abramo Re, 40-52 Fulton Street, Boston, Massachusetts, in accordance with the individual formula submitted to the Office of Price Administration with the application for this order except that beef from cutter and canner grade, or any grades higher than cutter and canner may be substituted for commercial grade boneless beef, and providing a yield not in excess of 95% is maintained, shall be determined by the seller as follows:

(1) The base price for this product is established at $30.50 per hundredweight.

NOTE: If sold not boxed, 50 cents per cwt. must be deducted from the above price.

(2) To the base price should be added the proper zone differential provided in section 12 (b) of Maximum Price Regulation No. 389 for sausage which is not kosher sausage, all beef sausage or sausage containing meat and meat by-products from swine only. In determining the proper zone differential to be added, the zone descriptions provided in section 14 of Maximum Price Regulation No. 389 shall be used.

(3) That to the sum of the base price plus the applicable zone differential the *"Permitted additions to base prices"* provided in section 12 (c) of Maximum Price Regulation No. 389 may be added when applicable.

(b) That with the first delivery of Special Mortadella without cereal to a wholesaler, peddler truck seller, or intermediate distributor Abramo Re shall supply each such seller with a written notice in the following form:

(Insert date)

Our OPA ceiling prices for Special Mortadella without cereal have been established by the Office of Price Administration at the base price of $30.50 per hundredweight, to which may be added the zone differentials provided in section 12 (b) of MPR 389 (See section 14 for zone boundaries) plus the permitted additions of section 12 (c). We are required to inform you that if you are a wholesaler, a peddler truck seller, or an intermediate distributor you must figure your ceiling prices for this product pursuant to the same sections of Maximum Price Regulation No. 389.

(c) That with the first delivery of Special Mortadella without cereal to a retailer the seller shall supply such retailer with a written notice in the following form:

(Insert date)

Our OPA ceiling prices for Special Mortadella without cereal have been established by the Office of Price Administration. We are required to inform you that if you are a retailer, you must figure your ceiling price for this item in accordance with the provisions of the General Maximum Price Regulation.

(d) That all pertinent provisions of Maximum Price Regulation No. 389, including the descriptive labelling and invoicing provisions of section 4, the recording and reporting provisions of section 6, and the definitions of section 13, in addition to the pricing provisions of paragraph (b) and (c) of section 12 shall be applicable to all sales made under this order.

(e) All prayers of the application not herein granted are denied.

(f) This Order No. 22 may be revoked or amended by the Price Administrator at any time.

This Order No. 22 shall become effective September 1, 1945.

NOTE: This action has the prior written approval of the Secretary of Agriculture. (10 F. R. 8419)

Issued this 31st day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-16352; Filed, Aug. 31, 1945; 10:43 a. m.]

[MPR 120, Order 1450]

BLUE DIAMOND COAL CO., ET AL.

ORDER ESTABLISHING MAXIMUM PRICES AND PRICE CLASSIFICATIONS

For the reasons set forth in an accompanying opinion, and in accordance with § 1340.210 (a) (6) of Maximum Price Regulation No. 120; *It is ordered:*

Producers identified herein operate named mines assigned the mine index numbers, the price classifications and the maximum prices in cents per net ton, for the indicated uses and shipments as set forth herein. All are in District No. 8. The mine index numbers and the price classifications assigned are permanent but the maximum prices may be changed by an amendment issued after the effective date of this order. Where such an amendment is issued for the district in which the mines involved herein are located and where the amendment makes no particular reference to a mine or mines involved herein, the prices shall be the prices set forth in such amendment for the price classifications of the respective size groups. The location of each mine is given by county and state. The maximum prices stated to be for truck shipment are in cents per net ton f. o. b. the mine or preparation plant and when stated to be for rail shipment or for railroad fuel are in cents per net ton f. o. b. rail shipping point. In cases where mines ship coals by river the prices for such shipments are those established for rail shipment and are in cents per net ton f. o. b. river shipping point. However, producer is subject to the provisions of § 1340.219 and all other provisions of Maximum Price Regulation No. 120.

CAWOOD COAL CO., INC., HARLAN, KY., CAWOOD MINE, KELLIOKA SEAM, MINE INDEX NO. 7473, HARLAN COUNTY KY., SUBDISTRICT 2, RAIL SHIPPING POINT, COTE, KY., F. O. G. 80, DEEP MINE, MAXIMUM TRUCK PRICE GROUP NO. 5.

	Size group Nos.														
	1	2	3	4	5	6	7	8	9	10	15, 16, 17	18	19	20, 21	22
Price classification	Q	Q	Q	Q	L	L	K	H	F	D	E	K	K	K	N
Rail shipment	345	340	335	335	335	335	325	320	320	385	315	300	295	295	295
Railroad fuel	345	340	335	335	335	335	325	325	325	385	315	300	295	295	295
Truck shipment	395	375	350	350	335	310	275	270	----	----	----	----	----	----	----

BLUE DIAMOND COAL CO., 615 TRANSPORTATION BLDG., CINCINNATI, OHIO, LEATHERWOOD MINE, LEATHERWOOD SEAM, MINE INDEX NO. 7360, PERRY COUNTY, KY., SUBDISTRICT 3, RAIL SHIPPING POINT: LEATHERWOOD, KY., F. O. G. 100, DEEP MINE, MAXIMUM TRUCK PRICE GROUP NO. 5

	Size group Nos.													
	1	2	3	4	5	6	7	8	9	10	15, 16, 17	18	19	20, 21
Price classification	H	H	H	H	K	K	J	G	E	G	D	J	J	J
Rail shipments and railroad fuel	395	390	375	375	360	350	330	325	325	360	315	310	300	295
Truck shipment	395	375	350	350	335	310	275	270	----	----	----	----	----	----

G. E. BUSKILL, HONAKER, VA., BUSKILL MINE, UPPER HANNER SEAM, MINE INDEX NO. 745", RUSSELL COUNTY, VA., SUBDIST. 7, RAIL SHIPPING POINT: HONAKER, VA., F. O. G. 20, DEEP MINE, MAXIMUM TRUCK PRICE GROUP NO. 5

Price classification	M	M	M	M	K	K	J	F	C	E	D	K	K	K
Rail shipments and railroad fuel	395	375	360	350	360	350	330	330	330	385	315	300	295	295
Truck shipment	395	375	350	350	335	310	275	270	----	----	----	----	----	----

THE LORADO COAL MINING CO., 33 N. HIGH ST., COLUMBUS 15, OHIO, LORADO NO. 5 MINE, UPPER CHILTON SEAM, MINE INDEX NO. 7458, LOGAN COUNTY, W. VA., SUBDISTRICT 5, RAIL SHIPPING POINT: SAUNDERS, W. VA., F. O. G. 150, DEEP MINE, MAXIMUM TRUCK PRICE GROUP NO. 5.

Price classification	----	----	----	----	----	----	----	----	----	----	C	----	----	----
Rail shipments and railroad fuel	----	----	----	----	----	----	----	----	----	----	315	----	----	----
Truck shipment	----	----	----	----	----	310	----	----	----	----	----	----	----	----

MARMET COAL CO., HERNSHAW, W. VA., MARMET NO. 3 MINE, WINIFREDE SEAM, MINE INDEX NO. 7469, KANAWHA COUNTY, W. VA., SUBDISTRICT 4, RAIL SHIPPING POINT: MARMET, W. VA., F. O. G. 123, DEEP MINE, MAXIMUM TRUCK PRICE GROUP NO. 3

Price classification	G	G	G	G	G	G	F	G	E	G	D	H	H	H
Rail and river shipments including railroad fuel	400	390	375	375	360	350	335	325	325	360	315	310	300	295
Truck shipment	420	400	365	365	335	315	275	270	----	----	----	----	----	----

VAN WINKLE & HAZELWOOD, C/O VIRGIL VAN WINKLE, MORRILL, KY., ARNEY MINE, HORSE CREEK SEAM, MINE INDEX NO. 7470, JACKSON COUNTY, KY., SUBDISTRICT 6, DEEP MINE, MAXIMUM TRUCK PRICE GROUP NO. 5

Truck shipment	395	375	350	350	335	310	275	270	----	----	----	----	----	----

S. V. WILLIAMS, LOOKOUT, KY., WILLIAMS COAL CO. MINE, ELKHORN NO. 2 SEAM, MINE INDEX NO. 7472, PIKE COUNTY, KY., SUBDISTRICT 1, RAIL SHIPPING POINT: HELLIER, KY., F. O. G. 61, DEEP MINE, MAXIMUM TRUCK PRICE GROUP NO. 5

Price classification	K	K	K	K	H	H	G	F	E	C	C	D	G	G	G
Rail shipments and railroad fuel [1]	380	375	365	365	360	350	330	330	330	330	385	315	310	300	295
Truck shipment	395	375	350	350	335	310	275	270	----	----	----	----	----	----	----

[1] Subject to the provisions of Revised Order No. 1432 under MPR 120—above rail prices plus 5¢.

This order shall become effective August 31, 1945.

(56 Stat. 23, 765; 57 Stat. 566; Pub. Law 383, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 30th day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-16252; Filed, Aug. 30, 1945; 11:25 a. m.]

[MPR 64, Order 187]

BORG-WARNER CORP.

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register and pursuant to sections 3 and 11 of Maximum Price Regulation No. 64, it is ordered:

(a) *Maximum prices.* This order establishes maximum prices for sales of the Model E-400 electric cooking ranges manufactured by the Norge Division, Borg-Warner Corporation, Detroit 26, Michigan as follows:

(1) For sales in each zone by wholesale distributors to retail dealers the maximum prices including the Federal excise tax are those set forth below:

Zone	Maximum prices to retail dealers who regularly purchase in	
	Quantities of less than 5	Quantities of 5 or more
	Each	*Each*
1	$119.79	$115.35
2	122.29	117.75
3	123.54	118.95
4	124.36	119.74
5	125.42	120.75

These prices are f. o. b. wholesale distributor's city and are subject to each seller's customary terms, discounts, allowances and other price differentials in effect on sales of similar articles.

(2) For sales in each zone by retail dealers to ultimate consumers the maximum prices including the Federal excise tax but not including any local sales taxes are those set forth below:

Maximum prices for sales to ultimate consumers:	*Each*
Zone 1	$189.95
Zone 2	193.95
Zone 3	195.95
Zone 4	197.25
Zone 5	198.95

These prices include delivery, installation with connection to the electric facilities provided by the purchaser, and a one year warranty. If the retailer does not provide installation he shall compute his maximum price by subtracting $3.59 from the maximum price as stated above for his sales on an installed basis. The seller may not, however, require the purchaser to accept installation as a condition of sale. In all other respects these prices are subject to each seller's customary terms, discounts, allowance and other price differentials in effect on sales of similar articles.

(b) *Notification.* At the time of or prior to the first invoice to each purchaser for resale the manufacturer shall notify the purchaser of the maximum prices and conditions established by this order for resales by the purchaser. This notice may be given in any convenient form.

(c) *Labelling.* The manufacturer prior to shipping any range covered by this order to a purchaser for resale shall attach to the outside panel of the oven door of each range a label showing the manufacturer, the model number of the range, its OPA retail ceiling price in each zone, and a statement that a map showing the zone limits is on file with the Office of Price Administration. The label shall also include a statement that the ceiling price shown on the label includes the Federal excise tax, delivery, installation with connection to the electric facilities provided by the purchaser, and a one year warranty. The label shall also state that the ceiling price is subject to a deduction of $3.50 if the retail seller does not provide installation. This label may not be removed until after the range has been sold to an ultimate consumer.

(d) *Zones.* For purposes of this order Zones 1, 2, 3, 4, and 5 comprise the areas of the continental United States marked on the map of the United States furnished to the Office of Price Administration by the manufacturer. This map is hereby incorporated herein by reference. Copies of the map are on file with the Secretary of the Office of Price Administration in Washington, D. C., as well as with each Regional and District Office of the Office of Price Administration. These maps are open for inspection by the public.

(e) This order may be revoked or amended by the Price Administrator at any time.

(f) This order shall become effective on the 31st day of August 1945.

Issued this 30th day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-16251; Filed, Aug. 30, 1945; 11:26 a. m.]

[MPR 120, Order 1451]

DILLEY MINING CO., ET AL.

ORDER ESTABLISHING MAXIMUM PRICES AND PRICE CLASSIFICATIONS

For the reasons set forth in an accompanying opinion, and in accordance with § 1340.210 (a) (6) of Maximum Price Regulation No. 120; *It is ordered:*

Producers identified herein operate named mines assigned the mine index numbers, the price classifications and the maximum prices in cents per net ton, for the indicated uses and shipments as set forth herein. All are in District No. 7. The mine index numbers and the price classifications assigned are permanent but the maximum prices may be changed by an amendment issued after the effective date of this order. Where such an amendment is issued for the district in which the mines involved herein are located and where the amendment makes no particular reference to a mine or mines involved herein, the prices shall be the prices set forth in such amendment for the price classifications of the respective size groups. The location of each mine is given by county and state. The maximum prices stated to be for truck shipment are in cents per net ton f. o. b. the mine or preparation plant and when stated to be for rail shipment or for railroad locomotive fuel are in cents per net ton f. o. b. rail shipping point. In cases where mines ship coals by river the prices for such shipments are those established for rail shipment and are in cents per net ton f. o. b. river shipping point. However, producer is subject to the provisions of § 1340.218 and all other provisions of Maximum Price Regulation No. 120.

DILLEY MINING CO., OAK HILL, W. VA., DILLEY MINE, SEWELL SEAM, MINE INDEX NO. 1014, FAYETTE COUNTY, W. VA., SUBDISTRICT 2, RAIL SHIPPING POINT, OAK HILL, W. VA., DEEP MINE

	Size group Nos.									
	1	2	3	4	5	6	7	8	9	10
Price classification	B	A	A	A	A	A	A	B	B	B
Rail shipment	425	475	440	385	375	410	380	350	345	340
Truck shipment	495	415	445	380	365	360	----	----	----	----

VERA POCAHONTAS COAL CO., HARTMAN BLDG., COLUMBUS, OHIO, VERA NO. 3 MINE, POCHANOTAS NO. 3 SEAM, MINE INDEX NO. 211, McDOWELL COUNTY, W. VA., SUBDISTRICT 3, RAIL SHIPPING POINT, VIVIAN, W. VA., DEEP MINE.

Price classification	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)
Rail shipment	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)
Truck shipment	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)

Refuse coal, 205.

Railroad locomotive fuel. For the following mine index No. 1014:

Any single-screened lump or double-screened coals	395
Run of mine	380
Screenings, larger than 1¼" x 0 but not exceeding 2½" x 0	365
Screenings 1¼" x 0 and smaller	340

[1] Railroad locomotive.
[*] Previously established.

The maximum prices listed in this order include the increases where authorized by amendment No. 146 to MPR 120 which became effective August 3, 1945.

This order shall become effective August 31, 1945.

(56 Stat. 23, 765, 57 Stat. 566; Pub. Law 383, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 30th day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-16253; Filed, Aug. 30, 1945; 11:25 a. m.]

[MPR 120, Order 1452]

YARBROUGH & POGAN, ET AL.

ORDER ESTABLISHING MAXIMUM PRICES AND PRICE CLASSIFICATIONS

For the reasons set forth in an accompanying opinion, and in accordance with § 1340.210 (a) (6) of Maximum Price Regulation No. 120; *It is ordered:*

Producers identified herein operate named mines assigned the mine index numbers, the price classifications and the maximum prices in cents per net ton, for the indicated uses and shipments as set forth herein. All are in District No. 18. The mine index numbers and the price classifications assigned are permanent but the maximum prices may be changed by an amendment issued after the effective date of this order. Where such an amendment is issued for the district in which the mines involved herein are located and where the amendment makes no particular reference to a mine or mines involved herein, the prices shall be the prices set forth in such amendment for the price classifications of the respective size groups. The location of each mine is given by county and state. The maximum prices stated to be for truck shipment are in cents per net ton f. o. b. the mine or preparation plant and when stated to be for rail shipment or for railroad fuel are in cents per net ton f. o. b. rail shipping point. In cases where mines ship coals by river the prices for such shipments are those established for rail shipment and are in cents per net ton f. o. b. river shipping point. However, producer is subject to the provisions of § 1340.229 and all other provisions of Maximum Price Regulation No. 120.

YARBROUGH & POGAN, c/o W. C. YARBROUGH, OLD ALBUQUERQUE, NEW MEXICO, SAN LUIS MINE, UNIDENTIFIED SEAM, MINE INDEX NO. 1006, SANDOVAL COUNTY, NEW MEXICO, DEEP MINE, SUBDISTRICT NO. 3 FOR TRUCK SHIPMENT

	Size group Nos.						
	2	8	9	11	13	14	15
Truck shipment	583	515	418	368	318	568	743

CLARENCE HOBSON, c/o CLAYTON DAVIDSON, MINE FOREMAN FOR NAVAJO SERVICE, SHIPROCK, N. MEX., NO. 14 MINE, NO. 1 OR HOGBACK NO. 1 SEAM, MINE INDEX NO. 1009, SAN JUAN COUNTY, NEW MEXICO, DEEP MINE, SUBDIST. NO. 10 FOR TRUCK SHIPMENT

	Size group Nos.						
	1	2	8	9	10	11	15
Truck shipment	593	543	418	393	343	318	443

The maximum prices listed in this order include the increase in maximum prices where authorized by Amendment No. 146 to MPR 120 which became effective August 3, 1945.

This order shall become effective August 31, 1945.

(56 Stat. 23, 765; 57 Stat. 566; Pub. Law 383, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 30th day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-16254; Filed, Aug. 30, 1945; 11:25 a. m.]

[MPR 188, Order 4360]

CAR-MAX MFG. CO.

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.157 of Maximum Price Regulation No. 14, *It is ordered:*

(a) This order establishes maximum prices for sales and deliveries of juice presses manufactured by the Car-Max Manufacturing Company of 16–24 Eighth Street, Minneapolis, Minn.

(1) For all sales and deliveries to the following classes of purchasers by the sellers indicated below, the maximum prices are those set forth below:

Article	Model No.	Maximum prices for sales by any seller to—			
		Distributors	Wholesalers (jobbers)	Retailers	Consumers
Juice press	3	*Each* $2.32	*Each* $2.57	*Each* $3.21	*Each* $5.35

These maximum prices are for the articles described in the manufacturer's application dated August 10, 1945.

(2) For sales by the manufacturer, these maximum prices apply to all sales and deliveries after the effective date of this order. The manufacturer's prices are f. o. b. factory and subject to a cash discount of 2% for payment within 10 days, net 30 days.

(b) The manufacturer shall attach a tag or label to every article for which a maximum price for sales to consumers is established by this order. That tag or label shall contain the correct model number and retail prices properly filed in:

Model No. ------
OPA Retail Ceiling Price $------
Do Not Detach or Obliterate

(c) At the time of, or prior to, the first invoice to each purchaser for resale, the seller shall notify the purchaser in writing of the maximum prices and conditions established by this order for sales by the purchaser. This notice may be given in any convenient form.

(d) This order may be revoked or amended by the Price Administrator at any time.

(e) This order shall become effective on the 31st day of August 1945.

Issued this 30th day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-16255; Filed, Aug. 30, 1945; 11:27 a. m.]

[MPR 210, Rev. Order 6]

ECONOMASTER PRODUCTS CO.

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1372.101 of Maximum Price Regulation No. 210; *It is ordered:*

Order No. 6 under § 1372.101 of Maximum Price Regulation No. 210 is amended and revised as follows:

(a) This revised order establishes maximum prices for all sales at wholesale and retail of the Model D "Economaster" heater manufactured by Economaster Products Company, 117 Ninth Avenue North, Nashville, Tennessee, as follows:

Article	Model	Maximum prices for sales by any seller to—			
		Wholesalers (jobbers)	Retailers (12 units or more)	Retailers (less than 12 units)	Consumers
Economaster electric heater	D	*Each* $4 75	*Each* $5 05	*Each* $6 20	*Each* $9 95

These maximum prices apply to all sales and deliveries on or after August 20, 1945. They include Federal Excise Tax. In all other respects, these prices are subject to each seller's customary terms and conditions of sale on sales of similar articles.

(b) At the time of, or prior to, the first invoice to each purchaser for resale, the manufacturer shall notify the purchaser in writing of the maximum prices and conditions established by this order for sales at wholesale and retail. This notice may be given in any convenient form.

(c) This order may be revoked or amended by the Price Administrator at any time.

(d) This order shall become effective on the 31st day of August 1945.

Issued this 30th day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-16256; Filed, Aug. 30, 1945; 11:26 a. m.]

[Rev. Supp. Order 99,[1] Order 14]

GRIFFIN KNITTING MILLS, INC.

ADJUSTMENT OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and pursuant to Revised Supplementary Order 99 and § 1372.101 (c) of Maximum Price Regulation 210, it is ordered:

(a) *Ceiling prices for sales by Griffin Knitting Mills, Inc.* (1) On and after August 31, 1945, Griffin Knitting Mills, Inc., Griffin, Georgia, may sell and deliver to any wholesaler, and any wholesaler may buy and receive from it, the following designated fall and winter knitted underwear manufactured by Griffin Knitting Mills, Inc., at prices not in excess of the following adjusted ceiling prices:

Style	Description	Adjusted ceiling price
139	Men's union suit, peeler, rib knit, napped, made of 18/1 carded yarn (purchased from Gate City Cotton Mills, East Point, Georgia), finished weight 10 pounds per dozen, based on size 42, regular sizes	*Per dozen* $8.44
253	Men's union suit, ecru, rib knit, napped, made of 14/1 carded yarn (purchased from Gate City), finished weight 12 pounds per dozen, based on size 42, regular sizes	9.73
453	Men's union suit, ecru, rib knit, napped, made of 12/1 carded yarn (purchased from Gate City), finished weight 14 pounds per dozen, based on size 42, regular sizes	10.70½
253B	Boy's union suit, ecru, rib knit, napped, made of 18/1 carded yarn (purchased from Gate City), finished weight 6¾ pounds per dozen, based on size 12, regular sizes	6.28

(2) The adjusted ceiling prices set forth in paragraph (1) above are subject to terms of net 10–30 and to all allowances, price differentials and other trade practices, including practices relating to shipping and the payment of shipping charges, customarily used by Griffin Knitting Mills, Inc., during the period from July 15, 1941, to February 10, 1942, both inclusive, on deliveries of comparable types of fall and winter knitted underwear.

(b) *Ceiling prices for sales at wholesale.* (1) On and after August 31, 1945, the ceiling price for a sale at *wholesale* of the garments enumerated in paragraph (a) of this order, shipped to the seller by Griffin Knitting Mills, Inc., on or after that date shall be determined in the following manner:

(i) The wholesaler shall first find his "cost base" for the garment being priced from the following table:

Style No.:	*Cost base (per dozen)*
139	$7.50
253	8.62½
453	9.50
253B	5.75

(ii) The wholesaler will then apply to the "cost base" for the garment being priced his "initial percentage markup" determined in accordance with the appropriate rule set forth in subparagraph (3) of § 1372.102 (b) of Maximum Price Regulation 210.

(iii) The wholesaler will then add to the amount found in (ii), immediately above, the sum specified below for the style of garment being priced. The resulting figure is the wholesaler's new ceiling price for the garment being priced.

Style No.:	*Amount that wholesaler may add to his price per dozen*
139	$0.70½
253	.82½
453	.90
253B	.40

(2) The ceiling prices established for sales at wholesale in this paragraph are subject to all discounts, allowances, price differentials and other trade practices which the wholesaler used during 1942 on deliveries of comparable types of fall and winter knitted underwear.

(c) *Statement which Griffin Knitting Mills Inc. must send to wholesalers.* (1) on and after August 31, 1945, Griffin Knitting Mills Inc. shall transmit to each wholesaler to whom it makes delivery, on and after that date, of any of the garments listed in paragraph (a) of this order, the following statement:

STATEMENT TO WHOLESALERS OF ADJUSTED CEILING PRICES

The OPA has adjusted our ceiling prices on certain knitted underwear garments pursuant to the provisions of Order No. 14, issued under Revised Supplementary Order 99. In Column A below you will find our adjusted ceiling prices for these garments.

Under this order the OPA has established the method by which you, as a wholesaler, are to determine your ceiling prices for these garments.

You are required by the OPA to determine your ceiling prices for the specified styles by the following method: You first find the "cost base" for the garment being priced from Column B of the following table. You then apply to this "cost base" your "initial percentage markup" (determined in accordance with the appropriate rule set forth in subparagraph (3) of § 1372.102 (b) of Maximum Price Regulation 210). You then find your new ceiling price by adding to the amount thus determined the amount specified in Column C below for the particular style of garment being priced.

Style No.	Column A — Griffin's adjusted ceiling price	Column B — "Cost Base" to which wholesaler applies "initial percentage markup"	Column C — Amount of adjustment which wholesaler may add
139	*Per dozen* $8.44	*Per dozen* $7.50	*Per dozen* $0.70½
253	9.73	8.62½	.82½
453	10.70½	9.50	.90
253B	6.28	5.75	.40

Please note that, as a wholesaler, you are required by the OPA to transmit to each retailer to whom you deliver any of the garments listed above on or after August 31, 1945, a "Wholesaler's Statement to Retailers of OPA Adjustment Charge" in the following form, properly filled in by you with the information applicable to the particular garments being delivered by you to the retailer. You are required to complete this statement as follows: *In Column A* you shall list the ceiling prices of the particular styles being shipped which were in effect for you under Maximum Price Regulation 210 prior to the date of this order. *In Column B* you shall list the new ceiling prices which you determine in accordance with the method indicated in this statement to you. *In Column C* you shall list the difference between the amounts in Column A and Column B below for the respective styles. This notice, *when properly completed by you,* is to be transmitted with, or annexed to, the invoice, billing or other statement of price accompanying every shipment made by you to your retailer customers of the styles shipped to you by us.

WHOLESALER'S STATEMENT TO RETAILERS OF OPA ADJUSTMENT CHARGE

The Office of Price Administration, pursuant to Order No. 14, issued under Revised Supplementary Order 99, has permitted us to adjust our ceiling prices on the following garments, sold and delivered by us to you on or after , 1945:

Style No.	Column A — Our old ceiling price	Column B — Our new ceiling price	Column C — Our OPA adjustment charge (difference between old and new ceiling price
	Per dozen	*Per dozen*	*Per dozen*
139			
253			
453			
253B			

Please note that the OPA has ruled that you must price those garments in accordance with Maximum Price Regulation 580 or Maximum Price Regulation 210 (whichever regulation governs your sales of the garments listed above). In determining your ceiling prices for these garments the OPA has ruled that you must use as your "net cost" under MPR 580 or your "cost base" under MPR 210 the amount set forth in Column A above. You *may not,* in any case, include the amount of the OPA adjustment charge set forth in Column C above in determining your ceiling price for these garments under either of these regulations.

(2) The statement required to be sent by Griffin Knitting Mills Inc. to its wholesalers, as provided in this paragraph (c), and containing the information applicable to the styles of garments included in the particular shipment shall be transmitted with or be annexed to the invoice, billing or other statement of price, accompanying every shipment made by Griffin Knitting Mills Inc. of the garments listed in paragraph (a) of this order. This statement, with respect to any garment for which the Griffin Knitting Mills Inc. is permitted an adjustment of its ceiling price under this order, shall be sent by Griffin Knitting Mills Inc. in lieu of the statement required under § 1389.304 (as amended) of Maximum Price Regulation 221.

(d) *Statement which wholesalers must send to their retailers.* Any seller at wholesale, purchasing any of the garments listed in paragraph (a) of this order from Griffin Knitting Mills Inc., after August 31, 1945, shall transmit to each of its own customers, at the time of the delivery by it of any of these garments on or after August 31, 1945, the form of "Wholesaler's Statement to Retailers of OPA Adjustment Charge" contained in the form of "Statement to Wholesalers of OPA Adjustment Charge" required to be sent to wholesalers by Griffin Knitting Mills Inc. under paragraph (c) above. This "Wholesaler's Statement to Retailers of OPA Adjustment Charge" shall contain the information applicable to the styles of garments included in the particular shipment and shall be transmitted with, or annexed to, the invoice, billing or other statement of price accompanying every shipment made by the wholesaler after August 31, 1945 of any of the garments covered by this order. Each seller at wholesale shall complete this "Wholesaler's Statement to Retailers of OPA Adjustment Charge" as follows: In Column A he shall list the ceiling prices in effect for sales by him under Maximum Price Regulation 210 prior to this order. In Column B he shall list his new ceiling prices for garments, determined in accordance with paragraph (b) of this order. In Column C he shall list the difference between the amounts in Column A and Column B for the respective styles.

(e) *Garments to which the provisions of this order shall apply.* This order shall apply only to those garments of the styles enumerated in paragraph (a) which are shipped by Griffin Knitting Mills Inc. on or after August 31, 1945, and before November 1, 1945.

(f) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective August 30, 1945.

Issued this 30th day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-16268; Filed, Aug. 30, 1945; 11:26 a. m.]

[MPR 260, Order 1790]

PEDRO SANTIAGO FLORES

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion accompanying this order, and pursuant to § 1358.102 (b) of Maximum Price Regulation No. 260; *It is ordered,* That:

(a) Pedro Santiago Flores, 312 Comerio St., Bayamon, P. R. (hereinafter called "manufacturer") and wholesalers and retailers may sell, offer to sell or deliver and any person may buy, offer to buy or receive each brand and size or frontmark, and packing of the following domestic cigars at the appropriate maximum list price and maximum retail price set forth below:

Brand	Size or frontmark	Packing	Maximum list price	Maximum retail price
			Per M	*Cents*
P. Santiago Flores	Tropicales	50	$64	8
	Perfecto Figured	50	72	9
Columbus	Smooth Crown	50	60	2 for 15

(b) The manufacturer and wholesalers shall grant, with respect to their sales of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the discounts they customarily granted in March 1942 on their sales of domestic cigars of the same price class to purchasers of the same class, unless a change therein results in a lower price. Packing

[1] 10 F.R. 6790, 8657.

differentials charged by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class may be charged on corresponding sales of each brand and size or frontmark of cigars priced by this order, but shall not be increased. Packing differentials allowed by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class shall be allowed on corresponding sales of each brand and size or frontmark of cigars priced by this order and shall not be reduced. If a brand and size or frontmark of domestic cigars for which maximum prices are established by this order is of a price class not sold by the manufacturer or the particular wholesaler in March 1942, he shall, with respect to his sales thereof, grant the discounts and may charge and shall allow the packing differentials customarily granted, charged or allowed (as the case may be) in March 1942 by his most closely competitive seller of the same class on sales of domestic cigars of the same March 1942 price class to purchasers of the same class.

(c) On or before the first delivery to any purchaser of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the manufacturer and every other seller (except a retailer) shall notify the purchaser of the maximum list price and the maximum retail price established by this order for such brand and size or frontmark of domestic cigars. The notice shall conform to and be given in the manner prescribed by § 1358.113 of Maximum Price Regulation No. 260.

(d) Unless the context otherwise requires, appropriate provisions of Maximum Price Regulation No. 260 shall apply to sales for which maximum prices are established by this order.

(e) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective August 31, 1945.

Issued this 30th day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-16257; Filed, Aug. 30, 1945; 11:29 a. m.]

[MPR 260, Order 1791]

NEPC GUTIERREZ

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion accompanying this order, and pursuant to § 1358.102 (b) of Maximum Price Regulation No. 260; *It is ordered*, That:

(a) Nepo Gutierrez, Calle Mejias No. 27, Yanco, P. R. (hereinafter called "manufacturer") and wholesalers and retailers may sell, offer to sell or deliver and any person may buy, offer to buy or receive each brand and size or frontmark, and packing of the following domestic cigars at the appropriate maximum list price and maximum retail price set forth below:

Brand	Size or frontmark	Packing	Maximum list price	Maximum retail price
Nepo Gutierrez	Brevas	50	*Per M* $24	*Cents* 3

(b) The manufacturer and wholesalers shall grant, with respect to their sales of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the discounts they customarily granted in March 1942 on their sales of domestic cigars of the same price class to purchasers of the same class, unless a change therein results in a lower price. Packing differentials charged by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class may be charged on corresponding sales of each brand and size or frontmark of cigars priced by this order, but shall not be increased. Packing differentials allowed by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class shall be allowed on corresponding sales of each brand and size or frontmark of cigars priced by this order and shall not be reduced. If a brand and size or frontmark of domestic cigars for which maximum prices are established by this order is of a price class not sold by the manufacturer or the particular wholesaler in March 1942, he shall, with respect to his sales thereof, grant the discounts and may charge and shall allow the packing differentials customarily granted, charged or allowed (as the case may be) in March 1942 by his most closely competitive seller of the same class on sales of domestic cigars of the same March 1942 price class to purchasers of the same class.

(c) On or before the first delivery to any purchaser of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the manufacturer and every other seller (except a retailer) shall notify the purchaser of the maximum list price and the maximum retail price established by this order for such brand and size or frontmark of domestic cigars. The notice shall conform to and be given in the manner prescribed by § 1358.113 of Maximum Price Regulation No. 260.

(d) Unless the context otherwise requires, appropriate provisions of Maximum Price Regulation No. 260, shall apply to sales for which maximum prices are established by this order.

(e) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective August 31, 1945.

Issued this 30th day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-16258; Filed, Aug. 30, 1945; 11:28 p. m.]

[MPR 260, Order 1792]

RAMON ARZUAGA GARCIA

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion accompanying this order, and pursuant to § 1358.102 (b) of Maximum Price Regulation No. 260; *It is ordered*, That:

(a) Ramon Arzuaga Garcia, Federilo Sellis Street, San Lorenza, P. R. (hereinafter called "manufacturer"), and wholesalers and retailers may sell, offer to sell or deliver and any person may buy, offer to buy or receive each brand and size or frontmark, and packing of the following domestic cigars at the appropriate maximum list price and maximum retail price set forth below:

Brand	Size or frontmark	Packing	Maximum list price	Maximum retail price
La Margarita	Coronas	50	*Per M* $75	*Cents* 10
	Coronitas	50	48	6

(b) The manufacturer and wholesalers shall grant, with respect to their sales of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the discounts they customarily granted in March 1942 on their sales of domestic cigars of the same price class to purchasers of the same class, unless a change therein results in a lower price. Packing differentials charged by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class may be charged on corresponding sales of each brand and size or frontmark of cigars priced by this order and shall not be reduced. If a brand and size or frontmark of domestic cigars for which maximum prices are established by this order is of a price class not sold by the manufacturer or the particular wholesaler in March 1942, he shall, with respect to his sales thereof, grant the discounts and may charge and shall allow the packing differentials customarily granted, charged or allowed (as the case may be) in March 1942 by his most closely competitive seller of the same class on sales of domestic cigars of the same March 1942 price class to purchasers of the same class.

(c) On or before the first delivery to any purchaser of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the manufacturer and every other seller (except a retailer) shall notify the purchaser of the maximum list price and the maximum retail price established by this order for such brand and size or frontmark of domestic cigars. The notice shall conform to and be given in the manner prescribed by § 1358.113 of Maximum Price Regulation No. 260.

(d) Unless the context otherwise requires, appropriate provisions of Maximum Price Regulation No. 260, shall apply to sales for which maximum prices are established by this order.

(e) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective August 31, 1945.

Issued this 30th day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-16259; Filed, Aug. 30, 1945; 11:29 a. m.]

[MPR 260, Order 1793]

DEMETRIO E. VALDES

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion accompanying this order, and pursuant to § 1358.102 (b) of Maximum Price Regulation No. 260; *It is ordered*, That:

(a) Demetrio E. Valdes, Bo. Rio Canas, Caguas, P. R. (hereinafter called "manufacturer") and wholesalers and retailers may sell, offer to sell or deliver and any person may buy, offer to buy or receive each brand and size or frontmark, and packing of the following domestic cigars at the appropriate maximum list price and maximum retail price set forth below:

Brand	Size or frontmark	Packing	Maximum list price	Maximum retail price
Central Cigar	Breva	50	*Per M* $44	*Cents* 2 for 11

(b) The manufacturer and wholesalers shall grant, with respect to their sales of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the discounts they customarily granted in March 1942 on their sales of domestic cigars of the same price class to purchasers of the same class, unless a change therein results in a lower price. Packing differentials charged by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class may be charged on corresponding sales of each brand and size or frontmark of cigars priced by this order and shall not be reduced. If a brand and size or frontmark of domestic cigars for which maximum prices are established by this order is of a price class not sold by the manufacturer or the particular wholesaler in March 1942, he shall, with respect to his sales thereof, grant the discounts and may charge and shall allow the packing differentials customarily granted, charged or allowed (as the case may be) in March 1942 by his most closely competitive seller of the same class on sales of domestic cigars of the same March 1942 price class to purchasers of the same class.

(c) On or before the first delivery to any purchaser of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the manufacturer and every other seller (except a retailer) shall notify the purchaser of the maximum list price and the maximum retail price established by this order for such brand and size or frontmark of domestic cigars. The notice shall conform to and be given in the manner prescribed by § 1358.113 of Maximum Price Regulation No. 260.

(d) Unless the context otherwise requires, appropriate provisions of Maximum Price Regulation No. 260, shall apply to sales for which maximum prices are established by this order.

(e) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective August 31, 1945.

Issued this 30th day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-16260; Filed, Aug. 30, 1945; 11:30 a. m.]

[MPR 260, Order 1794]

JOHN WAGNER & SONS

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion accompanying this order, and pursuant to § 1358.102a of Maximum Price Regulation No. 260, as amended; *It is ordered*, That:

(a) John Wagner & Sons, 233 Dock St., Philadelphia 6, Pa. (hereinafter called "importer") and wholesalers and retailers may sell, offer to sell or deliver and any person may buy, offer to buy or receive each brand, frontmark and packing of the following imported cigars at the appropriate maximum list price and maximum retail price set forth below:

Brand	Frontmark	Packing	Maximum list price	Maximum retail price
Punch	Best Values	50	*Per M* $190	*Cents* 25
Belinda	Best Values	25	195	25

(b) The importer and wholesalers shall grant, with respect to their sales of each brand and frontmark of imported cigars for which maximum prices are established by this order, the discounts they customarily granted during March 1942 on their sales of imported cigars of the same price class to purchasers of the same class, unless a change therein results in a lower price. Packing differentials charged by the importer or a wholesaler during March 1942 on sales of imported cigars of the same price class to purchasers of the same class may be charged on corresponding sales of each brand and frontmark of cigars priced by this order, but shall not be increased. Packing differentials allowed by the importer or a wholesaler during March 1942 on sales of imported cigars of the same price class to purchasers of the same class shall be allowed on corresponding sales of each brand and frontmark of cigars priced by this order and shall not be reduced. If a brand or frontmark of imported cigars for which maximum prices are established by this order is of a price class not sold by the importer or the particular wholesaler during March 1942, he shall, with respect to his sales thereof, grant the discounts and may charge and shall allow the packing differentials customarily granted, charged or allowed (as the case may be) during March 1942 by his most closely competitive seller of the same class on sales of imported cigars of the same price class to purchasers of the same class.

(c) On or before the first delivery to any purchaser of each brand and frontmark of imported cigars for which maximum prices are established by this order, the importer and every other seller (except a retailer) shall notify the purchaser of the maximum list price and the maximum retail price established by this order for such brand and frontmark of imported cigars. The notice shall conform to and be given in the manner prescribed by § 1358.113 of Maximum Price Regulation No. 260, as amended.

(d) Unless the context otherwise requires, the provisions of Maximum Price Regulation No. 260, as amended, shall apply to sales for which maximum prices are established by this order.

(e) This order may be revoked or amended by the Price Administrator at any time.

This order shal become effective August 31, 1945.

Issued this 30th day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-16261; Filed, Aug. 30, 1945; 11:28 p. m.]

[MPR 260, Order 1795]

CUESTA REY & CO.

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion accompanying this order, and pursuant to § 1358.102 (b) of Maximum Price Regulation No. 260; *It is ordered*, That:

(a) Cuesta Rey and Company, 2416 N. Howard Avenue, Tampa 6, Fla. (hereinafter called "manufacturer") and wholesalers and retailers may sell, offer to sell or deliver and any person may buy, offer to buy or receive each brand and size or frontmark, and packing of the following domestic cigars at the appropriate maximum list price and maximum retail price set forth below:

Brand	Size or frontmark	Packing	Maximum list price	Maximum retail price
La Unica	Yanks	50	*Per M* $72	*Cents* 9
Cuesta-Rey	Aves	50	75	10

(b) The manufacturer and wholesalers shall grant, with respect to their sales of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the discounts they customarily granted in March 1942 on their sales of domestic cigars of the same price class to purchasers of the same class, unless a change therein results in a lower price. Packing differentials charged by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class may be charged on corresponding sales of each brand and size or frontmark of cigars priced by this order, but shall not be increased. Packing differentials allowed by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class shall be allowed on corresponding sales of each brand and size or frontmark of cigars priced by this order and shall not be reduced. If a brand and size or frontmark of domestic cigars for which maximum prices are established by this order is of a price class not sold by the manufacturer or the particular wholesaler in March 1942, he shall, with respect to his sales thereof, grant the discounts and may charge and shall allow the packing differentials customarily granted, charged or allowed (as the case may be) in March 1942 by his most closely competitive seller of the same class on sales of domestic cigars of the same March 1942 price class to purchasers of the same class.

(c) On or before the first delivery to any purchaser of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the manufacturer and every other seller (except a retailer) shall notify the purchaser of the maximum list price and the maximum retail price established by this order for such brand and size or frontmark of domestic cigars. The notice shall conform to and be given in the manner prescribed by § 1358.113 of Maximum Price Regulation No. 260.

(d) Unless the context otherwise requires, appropriate provisions of Maximum Price Regulation No. 260, shall apply to sales for which maximum prices are established by this order.

(e) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective August 31, 1945.

Issued this 30th day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-16262; Filed, Aug. 30, 1945; 11:29 a. m.]

[MPR 260, Order 1796]

PACKER BROS.

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion accompanying this order, and pursuant to § 1358.102a of Maximum Price Regulation No. 260, as amended; *It is ordered*, That:

(a) Packer Bros., 318 W. 47th St., New York 19, N. Y. (hereinafter called "importer") and wholesalers and retailers may sell, offer to sell or deliver and any person may buy, offer to buy or receive each brand, frontmark and packing of the following imported cigars at the appropriate maximum list price and maximum retail price set forth below:

Brand	Frontmark	Packing	Maximum list price	Maximum retail price
			Per M	*Cents*
Quinteto	Petit	25	$114	15

(b) The importer and wholesalers shall grant, with respect to their sales of each brand and frontmark of imported cigars for which maximum prices are established by this order, the discounts they customarily granted during March 1942 on their sales of imported cigars of the same price class to purchasers of the same class, unless a change therein results in a lower price. Packing differentials charged by the importer or a wholesaler during March 1942 on sales of imported cigars of the same price class to purchasers of the same class may be charged on corresponding sales of each brand and frontmark of cigars priced by this order, but shall not be increased. Packing differentials allowed by the importer or a wholesaler during March 1942 on sales of imported cigars of the same price class to purchasers of the same class shall be allowed on corresponding sales of each brand and frontmark of cigars priced by this order and shall not be reduced. If a brand or frontmark of imported cigars for which maximum prices are established by this order is of a price class not sold by the importer or the particular wholesaler during March 1942, he shall, with respect to his sales thereof, grant the discounts and may charge and shall allow the packing differentials customarily granted, charged or allowed (as the case may be) during March 1942 by his most closely competitive seller of the same class on sales of imported cigars of the same price class to purchasers of the same class.

(c) On or before the first delivery to any purchaser of each brand and frontmark of imported cigars for which maximum prices are established by this order, the importer and every other seller (except a retailer) shall notify the purchaser of the maximum list price and the maximum retail price established by this order for such brand and frontmark of imported cigars. The notice shall conform to and be given in the manner prescribed by § 1358.113 of Maximum Price Regulation No. 260, as amended.

(d) Unless the context otherwise requires, the provisions of Maximum Price Regulation No. 260, as amended, shall apply to sales for which maximum prices are established by this order.

(e) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective August 31, 1945.

Issued this 30th day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-16263; Filed, Aug. 30, 1945; 11:28 a. m.]

[MPR 580, Order 108]

BEN GREENBERG & BROTHER

ESTABLISHMENT OF MAXIMUM PRICES

Maximum Price Regulation No. 580, Order 108, establishing ceiling prices at retail for certain articles, Docket No. 6063-580-13-198.

For the reasons set forth in an opinion issued simultaneously herewith and pursuant to section 13 of Maximum Price Regulation No. 580; *It is ordered:*

(a) The following ceiling prices are established for sales by any seller at retail of the following articles manufactured by Ben Greenberg & Brother, 2911 South La Salle Street, Chicago 16, Illinois, having the brand name "Charm Trod," and described in the manufacturer's application dated May 15, 1945:

SHAGRUGS AND SETS

Style No.	Size	Ceiling price at retail
100	20" round	$2.95
101	29" round	3.95
102	33" round	4.95
110	18 x 34" oblong	2.95
111	24 x 36" oblong	3.95
112	24 x 48" oblong	5.95
114	34 x 54" oblong	9.95
4X6	48 x 72" oblong	19.95
120	18 x 34" oval	2.95
121	24 x 36" oval	3.95
122	34 x 48" oval	5.95
124	34 x 54" oval	9.95
820	18 x 34" shag bath set	3.29
821	24 x 36" shag bath set	4.49

BOUCLE RUGS

221	24 x 36" oval boucle rug	$4.95
222	28 x 48" oval boucle rug	7.95
223	36 x 60" oval boucle rug	11.95

BATH SETS

240	24 x 36" embroidered set	$4.95
240A	24 x 36" embroidered rug	3.95
622	24 x 48" embroidered rug	4.95
623	34 x 54" embroidered rug	6.95

TWINTONE RUGS

321	24 x 36" twintone rug	$1.95
322	24 x 48" twintone rug	7.95
323	36 x 60" twintone rug	14.95

RUFF CORD

711	24 x 36" ruff cord rug	$1.95
712	24 x 48" ruff cord rug	6.95
714	34 x 54" ruff cord rug	9.95

(b) The retail ceiling price of an article manufactured for the first time after the effective date of this order and which is sold by the manufacturer at the same price as another article of the same type with the same brand or company name and for which a retail ceiling price has been established by paragraph (a) shall be the retail ceiling price listed for that other article in paragraph (a).

(c) The retail ceiling prices contained in paragraph (a) shall apply in place of the ceiling prices which have been or would otherwise be established under this or any other regulation.

(d) On and after September 15, 1945, Ben Greenberg & Brother must mark each article listed in paragraph (a) with the retail ceiling price under this order, or attach to the article a label, tag or ticket stating the retail ceiling price. This mark or statement must be in the following form:

(Sec. 13, MPR 580)
OPA Price—$_____

On and after October 15, 1945, no retailer may offer to sell the article unless it is marked or tagged in the form stated above. Prior to October 15, 1945, unless the article is marked or tagged in this form, the retailer shall comply with the marking, tagging and posting provisions of the applicable regulation.

(e) On or before the first delivery to any purchaser for resale of each article listed in paragraph (a), the seller shall send the purchaser a copy of this order.

(f) Unless the context otherwise requires, the provisions of the applicable regulation shall apply to sales for which retail ceiling prices are established by this order.

(g) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective August 31, 1945.

Issued this 30th day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-16266; Filed, Aug. 30, 1945; 11:27 a. m.]

[MPR 260, Order 1797]

SERGIO PARRA PEREZ

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion accompanying this order, and pursuant to § 1358.102a of Maximum Price Regulation No. 260, as amended, *It is ordered*, That:

(a) Sergio Parra Perez, 32-40 Kingsbridge Ave., The Bronx 63, N. Y. (hereinafter called "importer") and wholesalers and retailers may sell, offer to sell or deliver and any person may buy, offer to buy or receive each brand, frontmark and packing of the following imported cigars at the appropriate maximum list price and maximum retail price set forth below:

Brand	Frontmark	Packing	Maximum list price	Maximum retail price
			Per M	*Cents*
Sol	Coronas	25	$385.00	55
	Fancy	25	350.00	50
	Especial Club	25	280.00	38
	Petit Coronas	25	240.75	35
	Perfectos	25	240.25	33
	Americanas	25	212.25	28
	Belvederes	25	203.50	28
	Londres	25	212.25	28
	Cadetes	50	101.50	20
	Casinos	50	145.00	3 for 55

(b) The importer and wholesalers shall grant, with respect to their sales of each brand and frontmark of imported cigars for which maximum prices are established by this order, the discounts they customarily granted during March 1942 on their sales of imported cigars of the same price class the purchasers of the same class, unless a change therein results in a lower price. Packing differentials charged by the importer or a wholesaler during March 1942 on sales of imported cigars of the same price class to purchasers of the same class may be charged on corresponding sales of each brand and frontmark of cigars priced by this order, but shall not be increased. Packing differentials allowed by the importer or a wholesaler during March 1942 on sales of imported cigars of the same price class to purchasers of the same class shall be allowed on corresponding sales of each brand and frontmark of cigars priced by this order and shall not be reduced. If a brand or frontmark of imported cigars for which maximum prices are established by this order is of a price class not sold by the importer or the particular wholesaler during March 1942, he shall, with respect to his sales thereof, grant the discounts and may charge and shall allow the packing differentials customarily granted, charged or allowed (as the case may be) during March 1942 by his most closely competitive seller of the same class on sales of imported cigars of the same price class to purchasers of the same class.

(c) On or before the first delivery to any purchaser of each brand and frontmark of imported cigars for which maximum prices are established by this order, the importer and every other seller (except a retailer) shall notify the purchaser of the maximum list price and the maximum retail price established by this order for such brand and frontmark of imported cigars. The notice shall conform to and be given in the manner prescribed by § 1358.113 of Maximum Price Regulation No. 260, as amended.

(d) Unless the context otherwise requires, the provisions of Maximum Price Regulation No. 260, as amended, shall apply to sales for which maximum prices are established by this order.

(e) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective August 31, 1945.

Issued this 30th day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-16264; Filed, Aug. 30, 1945; 11:28 a. m.]

[Order 72 Under 3 (e)]

GOODYEAR TIRE & RUBBER CO.

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register and pursuant to § 1499.3 (e) of the General Maximum Price Regulation, it is ordered:

(a) *Applicability of this order.* This order applies to all sales of Army rejected 10-man pneumatic boats manufactured by the Goodyear Tire and Rubber Company, Akron, Ohio.

(b) *Maximum prices.* The maximum prices for sales of the commodity described in paragraph (a) of this order are as follows:

	Each
To dealers	$299.32
At retail	525.84

(c) *Notification of maximum prices.* With or prior to the first delivery of the pneumatic boat described in paragraph (a) to a dealer, the seller shall give the purchaser a written notice of the maximum retail price applicable thereto as established by paragraph (b) of this order.

(d) All provisions of the General Maximum Price Regulation that are not inconsistent with this order shall apply to sales covered by this order.

(e) This order may be revoked or amended by the Office of Price Administration at any time.

This order shall become effective September 1, 1945.

Issued this 31st day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-16317; Filed, Aug. 31, 1945; 10:42 a. m.]

[Supp. Order 94, Rev. Order 70]

RECONSTRUCTION FINANCE CORP., ET AL.

SPECIAL MAXIMUM PRICES FOR ELECTRIC GENERATING UNITS

Order 70 under Supplementary Order 94 is redesignated Revised Order 70 and is revised and amended to read as follows:

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and in accordance with section 11 of Supplementary Order 94, *It is ordered:*

(a) *What this order does.* This order establishes maximum prices for the sale and delivery by any reseller of electric generating plants ranging in ratings up to and including 125 KVA, complete with accessories and parts supplied by the manufacturer and consisting of an internal combustion engine mounted on a common base and connected to an electric generator, which have been or may be purchased from the Reconstruction Finance Corporation or any other United States Government agency.

(b) *Maximum prices.* The maximum prices for sales and deliveries by all resellers of the electric generating units hereinbefore described, in the condition specified, to any class of purchaser shall be:

Price for the unit new or used and in as good as new condition, or used but reconditioned and guaranteed, 85% of the acquisition cost to the Government.

Price for the unit in any other condition than above specified, 55% of the acquisition cost to the Government.

These prices are f. o. b. point of shipment.

(c) *Discounts.* Every seller shall continue to maintain his customary discounts for cash.

(d) *Relation to other regulations and orders.* This order with respect to the commodities it covers supersedes any other regulation or order previously issued by the Office of Price Administration.

(e) *Revocation and amendment.* This order may be revoked or amended at any time.

This order shall become effective immediately.

Issued this 31st day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-16357; Filed, Aug. 31, 1945; 10:44 a. m.]

[FPR 1, Order 2 to Supp. 9]

DRIED FRUITS, 1944 AND LATER CROPS

ADJUSTMENT OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith, and in accordance with section 9 (h) of Supplement 9 to Food Products Regulation No. 1; *It is ordered:*

(a) That sales and deliveries of the products covered by Supplement 9 to Food Products Regulation No. 1 of the 1945 crop may be made by processors to government procurement agencies, subject to an agreement between the buyer and seller in each case that the price shall be determined pursuant to action taken by the Office of Price Administration after delivery.

In any such sale the processor shall not invoice the goods at a price higher than the maximum price in effect at the time of delivery, nor shall he receive payment of more than that price until permitted by action taken by the Office of Price Administration.

(b) This order shall be automatically revoked as to each product referred to in paragraph (a) upon the establishment by the Office of Price Administration of new maximum prices for it.

(c) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective September 4, 1945.

Issued this 31st day of August 1945.

JAMES G. ROGERS, Jr.,
Acting Administrator.

Approved: August 27, 1945.

J. B. HUTSON,
Acting Secretary of Agriculture.

[F. R. Doc. 45-16303; Filed, Aug. 31, 1945; 10:32 a. m.]

[FPR 1, Order 1 to Supp. 10]

CERTAIN APPLE PRODUCTS (1944 AND LATER CROPS)

ADJUSTMENT OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith, and in accordance with section 12 (g) of Supplement 10 to Food Products Regulation No. 1, *It is ordered:*

(a) That sales and deliveries of dried apples of the 1945 crop may be made by processors to government procurement agencies, subject to an agreement between the buyer and seller in each case that the price shall be determined pursuant to action taken by the Office of Price Administration after delivery.

In any such sale the processor shall not invoice the goods at a price higher than the maximum price in effect at the time of delivery, nor shall he receive payment of more than that price until permitted by action taken by the Office of Price Administration.

(b) This order shall be automatically revoked upon the establishment by the Office of Price Administration of new maximum prices for dried apples of the 1945 crop.

(c) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective September 4, 1945.

Issued this 31st day of August 1945.

JAMES G. ROGERS, Jr.,
Acting Administrator.

Approved: August 27, 1945.

J. B. HUTSON,
Acting Secretary of Agriculture.

[F. R. Doc. 45-16304; Filed, Aug. 31, 1945; 10:32 a. m.]

[FPR 1, Order 1[1] to Supp. 12]

CERTAIN PACKED CITRUS PRODUCTS (1945 AND LATER PACKS)

For the reasons set forth in an opinion issued simultaneously herewith, and in accordance with section 4 (b) of Supplement 12 to Food Products Regulation No. 1, *It is ordered:*

(a) For grapefruit juice packed during the respective periods set forth in paragraph (b), below, processors shall reduce the gross maximum prices named in section 4 (a) for sales to government procurement agencies by the amounts set forth below respectively for each period of pack, state or area, and container size. The resulting figures shall be the processors' maximum prices for sales to government procurement agencies for grapefruit juice packed during the respective periods.

(b) Reduction per dozen containers:

State or area	Style of pack	Period of pack	Reduce gross maximum prices named in Sec. 4 (a) for sales to government procurement agencies per dozen containers by amounts set forth below:		
			No. 2 cans	No. 3 cyl.	No. 10 cans
Florida (for juice packed prior to 1/1/45).	All	Oct. 1 to Nov. 4, 1944, inclusive	$0.395	$0.990	$2.10
		Nov. 5 to Nov. 11, 1944, inclusive	.245	.615	1.30
		Nov. 12 to Nov. 30, 1944, inclusive	.040	.030	.06
		December 1944	None	.005	.01
Florida (For juice packed on and after 1/1/45).	All	January 1, 1945, to Sept. 30, 1945, inclusive	None	None	None
Texas	All	Oct. 1 to Nov. 4, 1944, inclusive	.315	.790	1.67
		Nov. 5 to Nov. 11, 1944, inclusive	.150	.375	.79
		Nov. 12 to Nov. 30, 1944, inclusive	.035	.090	.19
		December, 1944	.025	.060	.12
		January 1, 1945 to Sept. 30, 1945, inclusive	None	None	None
California and Arizona	All	October 1, 1944 to Sept. 30, 1945, inclusive	None	None	None

(c) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective September 5, 1945.

Issued this 31st day of August 1945.

CHESTER BOWLES,
Administrator.

Approved: August 24, 1945.

J. B. HUTSON,
Acting Secretary of Agriculture.

[F. R. Doc. 45-16305; Filed, Aug. 31, 1945; 10:32 a. m.]

[1] 10 F.R. 7800, 8291.

[RMPR 136, Rev. Order 264]

R. G. WRIGHT CO., INC.

DETERMINATION OF MAXIMUM PRICES

Revised Order No. 264 under Revised Maximum Price Regulation 136; machines, parts and industrial equipment; R. G. Wright Company, Inc., Docket No. 6083-136.21-376, Docket No. 3136-460.

For the reasons set forth in an opinion issued simultaneous herewith and filed with the Division of the Federal Register, and pursuant to section 21 of Revised Maximum Price Regulation 136 *It is ordered:*

Order No. 264 under Maximum Price Regulation 136, as amended, is redesignated Revised Order No. 264 under Revised Maximum Price Regulation 136 and revised and amended to read as follows:

(a) The maximum prices for sales of the dairy equipment listed below by the R. G. Wright Company, Inc., Buffalo, New York, shall be determined as follows:

(1) The manufacturer shall determine the maximum price for all sales, except those made to users, by multiplying the net price he had in effect to a purchaser of the same class on October 1, 1941, by the applicable percentage set forth below:

Item:	Percentage
Coolers	108
Pasteurizers	121.8
Weigh cans	131
Wash sinks	128
Rotary can washers	125
Straightaway can washers	130.9
Bottle washers	130.9
Stainless steel pumps	109.3

(2) The manufacturer shall determine the maximum price for sales to users by adding to the net price he had in effect to users on October 1, 1941, the amount by which this order permits him to increase his October 1, 1941, net price to that class of resellers which received the longest discount on October 1, 1941.

(b) Resellers of dairy equipment manufactured by the R. G. Wright Company, Inc., shall determine their maximum prices for the dairy equipment, listed in (a), as follows:

The reseller shall add to his net price in effect to a purchaser of the same class on October 1, 1941, the same dollar amount by which the reseller's costs have been increased due to the adjustment granted the R. G. Wright Company, Inc., by this order.

(c) The R. G. Wright Company, Inc., shall notify those customers who buy dairy equipment for resale of the amount by which this order permits resellers to increase their maximum net selling prices.

(d) R. G. Wright Company, Inc., shall file no later than December 1, 1945, with the Machinery Branch, Office of Price Administration, Washington, D. C., the following:

(1) A profit and loss statement covering the 1945 fiscal year ending September 30, 1945, segregating sales and costs of dairy equipment, war work, and the retail division.

(2) Sales and costs covering the 1945 fiscal year for the following items of dairy equipment: pasteurizers, stainless steel pumps, bottle washers and straightaway can washers.

(3) The dollar amount by which sales would have been increased, if all sales made during the fiscal year had been at the maximum prices permitted by this order:

(i) Sales of all items of dairy equipment by the above company.

(ii) Sales of pasteurizers, stainless steel pumps, bottle washers and straightaway can washers.

(e) All requests not granted herein are denied.

This revised order shall become effective September 1, 1945.

Issued this 31st day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-16320; Filed, Aug. 31, 1945; 10:44 a. m.]

[RMPR 300, Order 15]

M. C. ROSENBLATT

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith, and filed with the Division of the Federal Register, and pursuant to section 8 of Revised Maximum Price Regulation 300 and section 6.4 of the Second Revised Supplementary Regulation 14 to the General Maximum Price Regulation, it is ordered:

(a) *Applicability.* This order applies to all sales of neoprene ear protectors known as "Silents" that are manufactured by M. C. Rosenblatt, 91 Central Park West, New York, N. Y.

(b) *Maximum prices.* The maximum prices for sales of the commodity described in paragraph (a) of this order shall be:

	Per pair
To wholesalers and retailers	$0.50
Terms: 2% 10 days, net 30 days.	
At retail	1.00

(c) *Notification of maximum prices.* With or prior to the first delivery of the commodity described in paragraph (a) to any reseller, the seller shall give such reseller a written notice of the maximum retail price applicable thereto as established by paragraph (b) of this order. If such reseller is a wholesaler, the notification shall include the maximum price applicable to the wholesaler's resales as established by paragraph (b) of this order and a statement that such wholesaler is required by this order to notify any retailer to whom he sells of the maximum retail price as established by paragraph (b) of this order.

(d) *Recomputation of maximum prices.* Between ninety and one-hundred five days after the effective date of this order the manufacturer shall recompute his costs for the commodity described in paragraph (a) of this order and submit a detailed statement to the Office of Price Administration of the actual unit cost for the production and distribution of the commodity based upon actual experience incurred during this period of time.

(e) All provisions of Revised Maximum Price Regulation 300 not inconsistent with this order shall apply to the manufacturer's sales of the commodities priced by this order. All provisions of Revised Maximum Price Regulation 301 that are applicable to a commodity priced under that regulation and that are not inconsistent with this order shall apply to sales by wholesalers and retailers of the commodity priced by this order.

(f) This order may be amended or revoked at any time by the Office of Price Administration.

This order shall become effective September 1, 1945.

Issued this 31st day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-16347; Filed, Aug. 31, 1945; 10:40 a. m.]

[MPR 389, Order 19]

LACLEDE PACKING CO., ET AL.

ESTABLISHMENT OF MAXIMUM PRICES

Order No. 19 under section 2 (a) (6) of Maximum Price Regulation No. 389; establishing maximum prices for sales of Blood Pudding, and Tongue Salad Loaf by Laclede Packing Company and all wholesalers, peddler-truck-sellers and intermediate distributors.

On May 7, 1945, Laclede Packing Company, Prairie & Aldine Aves., St. Louis, Missouri, filed an application for the establishment of maximum prices on sales of the sausage products known as Blood Pudding, and Tongue Salad Loaf and made in accordance with the individual secret formula submitted by the applicant. That application was assigned Docket No. 6036.3-389-2(a)-28.

Due consideration has been given to the application and an opinion in support of this order has been issued simultaneously herewith and filed with the Division of the Federal Register.

For the reasons set forth in that opinion, and under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Orders Nos. 9250 and 9328, and pursuant to the provisions of section 2 (a) (6) of Maximum Price Regulation No. 389; *It is ordered:*

(a) That the maximum prices other than at retail for the sausage products known as Blood Pudding, and Tongue Salad Loaf and made by Laclede Packing Company, Prairie & Aldines Aves., St. Louis, Missouri, in accordance with the individual formulae submitted to the Office of Price Administration with the application for this order, shall be determined by the seller as follows:

(1) The base price for each product listed is established at the following amounts per hundredweight:

Blood pudding	$14.50
Tongue salad loaf	23.25

(2) To the base price for blood pudding should be added the proper zone differential provided in section 12 (b) of Maximum Price Regulation No. 389 for sausage other than kosher sausage, all beef sausage and sausage containing meat and meat by-products from swine only; and to the base price for Tongue Salad Loaf should be added the proper zone differential provided in section 12 (b) of Maximum Price Regulation No. 389 for sausage containing meat and meat by-products from swine only. In determining the proper zone differential to be added, the zone descriptions provided in section 14 of Maximum Price Regulation No. 389 shall be used.

(3) That to the sum of the base price plus the applicable zone differential the "Permitted additions to base prices" provided in section 12 (c) of Maximum

Price Regulation No. 389 may be added when applicable.

(b) That with the first delivery of Blood Pudding or Tongue Salad Loaf to a wholesaler, peddler truck seller, or intermediate distributor Laclede Packing Company shall supply each such seller with a written notice in the following form:

(Insert date)

Our OPA ceiling prices for (insert name of product) have been established by the Office of Price Administration at the base price of $_____ per hundredweight, to which may be added the zone differentials provided in Section 12 (b) of MPR 389 (See section 14 for zone boundaries) plus the permitted additions of section 12 (c). We are required to inform you that if you are a wholesaler, a peddler truck seller, or an intermediate distributor you must figure your ceiling prices for this product pursuant to the same sections of Maximum Price Regulation No. 389.

(c) That with the first delivery of Blood Pudding or Tongue Salad Loaf to a retailer the seller shall supply such retailer with a written notice in the following form:

(Insert date)

Our OPA ceiling prices for (insert name of product) have been established by the Office of Price Administration. We are required to inform you that if you are a retailer, you must figure your ceiling price for this item in accordance with the provisions of the General Maximum Price Regulation.

(d) That all pertinent provisions of Maximum Price Regulation No. 389, including the descriptive labelling and invoicing provisions of section 4, the recording and reporting provisions of section 6, and the definitions of section 13, in addition to the pricing provisions of paragraph (b) and (c) of section 12 shall be applicable to all sales made under this order.

(e) All prayers of the application not herein granted are denied.

(f) This Order No. 19 may be revoked or amended by the Price Administrator at any time.

This Order No. 19 shall become effective September 1, 1945.

NOTE: This action has the prior written approval of the Secretary of Agriculture. (10 F.R. 8419)

Issued this 31st day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-16349; Filed, Aug 31, 1945; 10:42 a. m.]

[MPR 389, Order 20]

GENERAL MEAT CO., ET AL.

ESTABLISHMENT OF MAXIMUM PRICES

Order No. 20 under section 2 (a) (6) of Maximum Price Regulation No. 389; establishing maximum prices for sales of spiced cooked chopped beef by General Meat Company and all wholesalers, peddler-truck-sellers and intermediate distributors.

On May 22, 1945, General Meat Company, 2900 North Broadway, St. Louis, Missouri, filed an application for the establishment of maximum prices on sales of the sausage product known as Spiced Cooked Chopped Beef and made in accordance with the individual secret formula submitted by the applicant. That application was assigned Docket No. 6036.3-389-2(a)-30.

Due consideration has been given to the application and an opinion in support of this order has been issued simultaneously herewith and filed with the Division of the Federal Register.

For the reasons set forth in that opinion, and under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Orders Nos. 9250 and 9328, and pursuant to the provisions of sections 2 (a) (6) of Maximum Price Regulation No. 389; *It is ordered:*

(a) That the maximum prices other than at retail for the sausage product known as Spiced Cooked Chopped Beef and made by General Meat Company, 2900 North Broadway, St. Louis, Missouri, in accordance with the individual formula submitted to the Office of Price Administration with the application for this order, shall be determined by the seller as follows:

(1) The base price for this product is established at $26.00 per cwt.

NOTE: If sold not boxed 50 cents per cwt. must be deducted from the above price.

(2) To the base price should be added the proper zone differential provided in section 12 (b) of Maximum Price Regulation No. 389 for all beef sausage. In determining the proper zone differential to be added, the zone descriptions provided in section 14 of Maximum Price Regulation No. 389 shall be used.

(3) That to the sum of the base price plus the applicable zone differential the "Permitted additions to base prices" provided in section 12 (c) of Maximum Price Regulation No. 389 may be added when applicable.

(b) That with the first delivery of Spiced Cooked Chopped Beef to a wholesaler, peddler truck seller, or intermediate distributor General Meat Company shall supply each such seller with a written notice in the following form:

(Insert date)

Our OPA ceiling prices for Spiced Cooked Chopped Beef have been established by the Office of Price Administration at the base price of $26.00 per hundredweight, to which may be added the zone differentials provided in section 12 (b) of MPR 389 (See section 14 for zone boundaries) plus the permitted additions of section 12 (c). We are required to inform you that if you are a wholesaler, a peddler truck seller, or an intermediate distributor you must figure your ceiling prices for this product pursuant to the same sections of Maximum Price Regulation No. 389.

(c) That with the first delivery of Spiced Cooked Chopped Beef to a retailer the seller shall supply such retailer with a written notice in the following form:

(Insert date)

Our OPA ceiling prices for Spiced Cooked Chopped Beef have been established by the Office of Price Administration. We are required to inform you that if you are a retailer, you must figure your ceiling price for this item in accordance with the provisions of the General Maximum Price Regulation.

(d) That all pertinent provisions of Maximum Price Regulation No. 389, including the descriptive labelling and invoicing provisions of section 4, the recording and reporting provisions of section 6, and the definitions of section 13, in addition to the pricing provisions of paragraph (b) and (c) of section 12 shall be applicable to all sales made under this order.

(e) All prayers of the application not herein granted are denied.

(f) This Order No. 20 may be revoked or amended by the Price Administrator at any time.

This Order No. 20 shall become effective September 1, 1945.

NOTE: This action has the prior written approval of the Secretary of Agriculture. (10 F.R. 8419.)

Issued this 31st day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-16350; Filed, Aug. 31, 1945, 10:42 a. m.]

[MPR 389, Order 21]

CUDAHY BROS. CO., ET AL.

ESTABLISHMENT OF MAXIMUM PRICES

Order No. 21 under section 2 (a) (6) of Maximum Price Regulation No. 389; establishing maximum prices for sales of Sulze by Cudahy Brothers Co., and all wholesalers, peddler-truck-sellers and intermediate distributors.

On February 10, 1945, Cudahy Brothers Co., Cudahy, Wisconsin, filed an application for the establishment of maximum prices on sales of the sausage product known as Sulze and made in accordance with the individual secret formula submitted by the applicant. That application was assigned Docket No. 6036.3-389-2(a)-27.

Due consideration has been given to the application and an opinion in support of this order has been issued simultaneously herewith and filed with the Division of the Federal Register.

For the reasons set forth in that opinion, and under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Orders Nos. 9250 and 9328, and pursuant to the provisions of section 2 (a) (6) of Maximum Price Regulation No. 389; *It is ordered:*

(a) That the maximum prices other than at retail for the sausage product known as Sulze and made by Cudahy Brothers Co., Cudahy, Wisconsin, in accordance with the individual formula submitted to the Office of Price Administration with the application for this order, shall be determined by the seller as follows:

(1) The base price for this product is established at $15.50 per hundredweight.

NOTE: If sold not boxed 50 cents per cwt. must be deducted from the above price.

(2) To the base price should be added the proper zone differential provided in section 12 (b) of Maximum Price Regulation No. 389 for sausage other than "Kosher Sausage", "All Beef Sausage" and "Sausage containing meat and meat by-products from swine only." In determining the proper zone differential to be added, the zone descriptions provided in section 14 of Maximum Price Regulation No. 389 shall be used.

(3) That to the sum of the base price plus the applicable zone differential the "Permitted additions to base prices" provided in section 12 (c) of Maximum Price Regulation No. 389 may be added when applicable.

(b) That with the first delivery of Sulze to a wholesaler, peddler truck seller, or intermediate distributor Cudahy Brothers Co., shall supply each such seller with a written notice in the following form:

(Insert date)

Our OPA ceiling prices for Sulze have been established by the Office of Price Administration at the base price of $15.50 per hundredweight, to which may be added the zone differentials provided in section 12 (b) of MPR 389 (See section 14 for zone boundaries) plus the permitted additions of section 12 (c). We are required to inform you that if you are a wholesaler, a peddler truck seller, or an intermediate distributor you must figure your ceiling prices for this product pursuant to the same sections of Maximum Price Regulation No. 389.

(c) That with the first delivery of Sulze to a retailer the seller shall supply such retailer with a written notice in the following form:

(Insert date)

Our OPA ceiling prices for Sulze have been established by the Office of Price Administration. We are required to inform you that if you are a retailer, you must figure your ceiling price for this item in accordance with the provisions of the General Maximum Price Regulation.

(d) That all pertinent provisions of Maximum Price Regulation No. 389, including the descriptive labelling and invoicing provisions of section 4, the recording and reporting provisions of section 6, and the definitions of section 13, in addition to the pricing provisions of paragraph (b) and (c) of section 12 shall be applicable to all sales made under this order.

(e) All prayers of the application not herein granted are denied.

(f) This Order No. 21 may be revoked or amended by the Price Administrator at any time.

This Order No. 21 shall become effective September 1, 1945.

NOTE: This action has the prior written approval of the Secretary of Agriculture. (10 F.R. 8419)

Issued this 31st day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-16351; Filed, Aug. 31, 1945; 10:43 a. m.]

[MPR 389, Order 23]

SMITH, RICHARDSON, CONROY, INC., ET AL.

ESTABLISHMENT OF MAXIMUM PRICES

Order No. 23 under section 2 (a) (6) of Maximum Price Regulation No. 389. Establishing maximum prices for sales of Royalton Roast Beef Loaf by Smith, Richardson and Conroy, Inc., and all wholesalers, peddler-truck-sellers and intermediate distributors.

On March 5, 1945, Smith, Richardson and Conroy, Inc., West Palm Beach, Florida, filed a revised application for the establishment of maximum prices on sales of the sausage product known as Royalton Roast Beef Loaf and made in accordance with the individual secret formula submitted by the applicant. That application was assigned Docket No. 6036.3-389-2(a)-23.

Due consideration has been given to the application and an opinion in support of this order has been issued simultaneously herewith and filed with the Division of the Federal Register.

For the reasons set forth in that opinion, and under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Orders Nos. 9250 and 9328, and pursuant to the provisions of section 2 (a) (6) of Maximum Price Regulation No. 389; *It is ordered:*

(a) That the maximum prices other than at retail for the sausage product known as Royalton Roast Beef Loaf and made by Smith, Richardson and Conroy, Inc., West Palm Beach, Florida, in accordance with the individual formula submitted to the Office of Price Administration with the application of this order, shall be determined by the seller as follows:

(1) The base price for this product is established at $22.50 per cwt.

(2) To the base price should be added the proper zone differential provided in section 12 (b) of Maximum Price Regulation No. 389 for "All beef sausage". In determining the proper zone differential to be added, the zone description provided in section 14 of Maximum Price Regulation No. 389 shall be used.

(3) That to the sum of the base price plus the applicable zone differential the "Permitted additions to base prices" provided in section 12 (c) of Maximum Price Regulation No. 389 may be added when applicable.

(b) That with the first delivery of Royalton Roast Beef Loaf to a wholesaler, peddler truck seller, or intermediate distributor Smith, Richardson and Conroy, Inc., shall supply each such seller with a written notice in the following form:

(Insert date)

Our OPA ceiling prices for Royalton Roast Beef Loaf have been established by the Office of Price Administration at the base price of $22.50 per hundredweight, to which may be added the zone differentials provided in section 12 (b) of MPR 389 (See section 14 for zone boundaries) plus the permitted additions of section 12 (c). We are required to inform you that if you are a wholesaler, a peddler truck seller, or an intermediate distributor you must figure your ceiling prices for this product pursuant to the same sections of Maximum Price Regulation No. 389.

(c) That with the first delivery of Royalton Roast Beef Loaf to a retailer the seller shall supply such retailer with a written notice in the following form:

(Insert date)

Our OPA ceiling prices for Royalton Roast Beef Loaf have been established by the Office of Price Administration. We are required to inform you that if you are a retailer, you must figure your ceiling price for this item in accordance with the provisions of the General Maximum Price Regulation.

(d) That all pertinent provisions of Maximum Price Regulation No. 389, including the descriptive labelling and invoicing provisions of section 4, the recording and reporting provisions of section 6, and the definitions of section 13, in addition to the pricing provisions of paragraph (b) and (c) of section 12 shall be applicable to all sales made under this order.

(e) All prayers of the application not herein granted are denied.

(f) This Order No. 23 may be revoked or amended by the Price Administrator at any time.

This Order No. 23 shall become effective September 1, 1945.

NOTE: This action has the prior written approval of the Secretary of Agriculture. (10 F.R. 8419)

Issued this 31st day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-16353; Filed, Aug. 31, 1945; 10:43 a. m.]

[MPR 389, Order 24]

ROSE CITY PACKING CO. ET AL.

ESTABLISHMENT OF MAXIMUM PRICES

Order No. 24 under section 2 (a) (6) of Maximum Price Regulation No. 389. Establishing maximum prices for sales of Beef Bar B. Q. Loaf, by Rose City Packing Company and all wholesalers, peddler-truck-sellers and intermediate distributors.

On February 26, 1945, Rose City Packing Company, 404 E. Oakwood, Tyler, Texas, filed an application for the establishment of maximum prices on sales of the sausage product known as Beef Bar B. Q. Loaf, and made in accordance with the individual secret formula submitted by the applicant. That application was assigned Docket No. 6036.3-389-2(a)-22.

Due consideration has been given to the application and an opinion in support of this order has been issued simultaneously herewith and filed with the Division of the Federal Register.

For the reasons set forth in that opinion, and under the authority vested in tthe Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Orders Nos. 9250 and 9328, and pursuant to the provisions of section 2 (a) (6) of Maximum Price Regulation No. 389; *It is ordered:*

(a) That the maximum prices other than at retail for the sausage product known as Beef Bar B. Q. Loaf, and made by Rose City Packing Company, 404 E. Oakwood, Tyler, Texas, in accordance with the individual formula submitted to the Office of Price Administration with the application for this Order, shall be determined by the seller as follows:

(1) The base price for this product is established at $24.25 per hundredweight.

(2) To the base price should be added the proper zone differential provided in section 12 (b) of Maximum Price Regulation No. 389 for "all beef sausage". In determining the proper zone differential to be added, the zone descriptions provided in section 14 of Maximum Price Regulation No. 389 shall be used.

(3) That to the sum of the base price plus the applicable zone differential the "Permitted additions to base prices" provided in section 12 (e) of Maximum Price Regulation No. 389 may be added when applicable.

(b) That with the first delivery of Beef Bar B. Q. Loaf to a wholesaler, peddler truck seller, or intermediate distributor Rose City Packing Company shall supply each such seller with a written notice in the following form:

(Insert date)

Our OPA ceiling prices for Beef Bar B. Q. Loaf have been established by the Office of Price Administration at the base price of $24.25 per hundredweight, to which may be added the zone differentials provided in section 12 (b) of MPR 389 (See section 14 for zone boundaries) plus the permitted additions of section 12 (e). We are required to inform you that if you are a wholesaler, a peddler truck seller, or an intermediate distributor you must figure your ceiling prices for this product pursuant to the same sections of Maximum Price Regulation No. 389.

(c) That with the first delivery of Beef Bar B. Q. Loaf to a retailer the seller shall supply such retailer with a written notice in the following form:

(Insert date)

Our OPA ceiling prices for Beef Bar B. Q. Loaf have been established by the Office of Price Administration. We are required to inform you that if you are a retailer, you must figure your ceiling price for this item in accordance with the provisions of the General Maximum Price Regulation.

(d) That all pertinent provisions of Maximum Price Regulation No. 389, including the descriptive labelling and invoicing provisions of section 4, the recording and reporting provisions of section 6, and the definitions of section 13, in addition to the pricing provisions of paragraph (b) and (c) of section 12 shall be applicable to all sales made under this order.

(e) All prayers of the application not herein granted are denied.

(f) This Order No. 24 may be revoked or amended by the Price Administrator at any time.

This Order No. 24 shall become effective September 1, 1945.

NOTE: This action has the prior written approval of the Secretary of Agriculture. (10 F. R. 8419)

Issued this 31st day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-16354; Filed, Aug. 31, 1945; 10:44 a. m.]

Regional and District Office Orders.

[Region IV Order G-1 Under Rev. Supp. Service Reg. 43 to RMPR 165, Amdt. 1]

VEGETABLES IN FLORIDA

For the reasons set forth in an opinion issued simultaneously herewith, and under the authority vested in the Regional Administrator, Region IV, Office of Price Administration, by § 1499.676 (b) (1) of Revised Supplementary Service Regulation No. 43 to Revised Maximum Price Regulation No. 165, Order No. G-1 under said Revised Supplementary Service Regulation No. 43, issued by this office on April 4, 1945, is hereby amended in the following respects:

1. In paragraph (b) (1) (i) (*a*), "100 pound sack" in the column headed "Container" and opposite the word "Potatoes", is amended to read "50 pound sack".

2. In paragraph (b) (1) (ii) (*a*), "100 pound sack" in the column headed "Container" and opposite the word "Potatoes", is amended to read "50 pound sack".

3. Paragraph (b) (3) (ii) (*c*) is amended by substituting the word "cent" for the word "cost" as it appears in the last sentence thereof.

4. The heading of paragraph (b) (4) is amended to read as follows: "*Packers who entered business after March, 1942 and before September 1, 1944.*"

5. Paragraph (b) (5) (i) is amended by substituting the word "desires" for the word "desired" as it appears therein.

Effective date. This amendment shall become effective as of September 1, 1944.

Issued: July 17, 1945.

ALEXANDER HARRIS,
Regional Administrator.

[F. R. Doc. 45-16284; Filed, Aug. 30, 1945; 4:33 p. m.]

[Region IV Order G-2 Under Rev Supp. Service Reg. 43 to RMPR 165]

AGRICULTURAL PRODUCTS IN ACCOMAC AND NORTHAMPTON COUNTIES, VA.

For the reasons set forth in an opinion issued simultaneously herewith, and under the authority vested in the Regional Administrator, Region IV, Office of Price Administration, by § 1499.676 (b) (1) of Revised Supplementary Service Regulation No. 43 to Revised Maximum Price Regulation No. 165; *It is hereby ordered:*

(a) The maximum prices established by Revised Maximum Price Regulation No. 165—Services, are hereby modified as hereinafter provided.

(b) On and after the effective date of this order:

(1) *Regular sales.* No person covered by this order may sell, or offer to sell, commission selling services on regular sales at prices in excess of the higher of the following:

(i) Five percent of the net realization obtained by the grower of any of the agricultural products enumerated in paragraph (b) (1) (ii) hereinafter.

(ii) *Maximum flat prices.*

	Cents
Irish potatoes, 100 lb. bag	12
Irish potatoes, 50 lb. bag	6
Irish potatoes, barrel	20
Irish potatoes, bushel	8
Sweet potatoes, bushel	8
Sweet potatoes, barrel	20
Onions, 50 lb. bag	8
Cabbage, Bruce box	6
Beans, bushel	7

(2) *Auction sales.* No person covered by this order may sell, or offer to sell, commission selling services on auction sales of the named commodities at prices in excess of the following:

	Charges to the buyer	Charges to the grower based on net realization obtained by grower from buyer
	Cents	
Snap beans, bushel	5	3%
Lima beans, bushel	5	3%
Strawberries, 24 - qt. crate	10	3% or 12¢ whichever is higher.

(3) *Packing services.* No person covered by this order may sell, or offer to sell, the services named in this subparagraph at prices in excess of the following:

(i) Irish potatoes, grading and packing, 18¢ per cwt., 29¢ per barrel, or 11¢ per bushel.

(ii) Sweet potatoes, grading, washing, waxing, and packing, 12¢ per bushel.

(iii) Onions, grading and packing, 10¢ per 50 lbs.

(c) *Less than maximum prices.* Less than maximum prices may be charged or offered.

(d) *Geographical applicability.* This order is applicable to all sellers of the services named herein whose places of business are located within either or both of the Counties of Accomac and Northampton, in the State of Virginia.

(e) *Relation to Revised Maximum Price Regulation No. 165.* Except as otherwise provided herein all transactions subject to this order shall remain subject to all the provisions of Revised Maximum Price Regulation No. 165, together with all amendments, orders, and supplementary regulations which heretofore have been, or hereafter may be, issued.

(f) This order may be revoked, amended, or corrected at any time.

(g) This order shall become effective as of June 20, 1945.

Issued July 9, 1945.

ALEXANDER HARRIS,
Regional Administrator.

[F. R. Doc. 45-16285; Filed, Aug. 30, 1945; 4:34 p. m.]

SECURITIES AND EXCHANGE COMMISSION.

[File Nos. 59-17, 59-11, 54-25]

UNITED LIGHT AND POWER CO. ET AL

NOTICE OF FILING AND ORDER RECONVENING HEARING—FIRST AMENDMENT TO AMENDED APPLICATION NO. 21

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa., on the 28th day of August, A. D. 1945.

In the matter of The United Light and Power Company, The United Light and Railways Company, American Light & Traction Company, Continental Gas & Electric Corporation, United American Company, and Iowa-Nebraska Light and Power Company, respondents, File No. 59-17; The United Light and Power Company and its subsidiary companies, respondents, File No. 59-11; The United Light and Power Company, applicant, File No. 54-25.

The Commission having previously, by order dated August 5, 1941, under section 11 (b) (1) of the Public Utility Holding Company Act of 1935 ordered, among other things, that The United Light and Railways Company ("Railways"), a registered holding company, shall eliminate from its holding company system all its interests (whether direct or indirect) in the subsidiaries, and in the properties and assets owned by or operated by the subsidiaries, of American Light & Traction Company ("American Light"), also a registered holding company and a subsidiary of Railways, and that American Light shall, among other things, dispose of its interest in The Detroit Edison Company ("Detroit Edison");

Railways and American Light having heretofore filed applications and declarations designated as "Application No. 21" and "Amended Application No. 21" pursuant to sections 11 (b) (1), 11 (b) (2) and 11 (e) of the Act with respect to the payment to the preferred stockholders of American Light of cash in an amount equal to the par value of $25 per share as the first step in a plan to effectuate the liquidation and dissolution of American Light;

The Commission having in its memorandum opinion issued on June 2, 1945, concluded that the most appropriate plan for accomplishing compliance with the Commission's order of August 5, 1941 would require, among other things, discharge of the claims of American Light's outstanding preferred stock out of presently available resources, including the proceeds from the sale of all or a part of the Detroit Edison stock, by the immediate payment of an amount of cash equivalent to the par or liquidating value of such stock, with an appropriate deposit of cash in escrow for the payment of the balance, if any, of the amount which may be determined to be payable to preferred stockholders; sold or other divestment by American Light of the balance of the Detroit Edison stock immediately; pro rata distribution to common stockholders of American Light of all of its portfolio securities, except insofar as minor subsidiaries might be sold or appropriately combined with utility subsidiaries; and immediate disposition by Railways of its proportionate interest in the securities of the subsidiaries of American Light, attended by the application of such securities or the proceeds from the sale thereof to reduce senior securities of the companies in the Railways system;

Notice is hereby given that Railways and American Light have filed an amended plan for the liquidation and dissolution of American Light, entitled "First Amendment to Amended Application No. 21," which is stated to conform to the Commission's Memorandum Opinion of June 2, 1945.

All interested persons are referred to said document which is on file at the offices of this Commission for a statement of the transactions therein proposed, which may be summarized as follows:

1. As soon as practicable after the effective date of the plan, American Light shall deposit, in trust with a bank or trust company to be selected by it, cash in an amount equal to the par value ($25 per share) of American Light's then outstanding preferred stock, plus an amount equal to the dividends unpaid and accrued thereon on the 30th day following the date of such deposit.[1] At any time after said deposit the holders of American Light's preferred stock[2] shall be entitled to receive out of the funds so deposited the par value of their stock plus the dividends which will be unpaid and accrued on the 30th day following the date of the cash deposit by American Light, upon surrender of their certificates representing the preferred stock, properly endorsed, at the office of the bank or trust company selected as the depositary under the plan.

The plan provides that dividends on American Light's preferred stock shall cease to accrue on the 30th day following the date of deposit of cash with the depositary.

2. In the event the Commission shall approve the proposed payment to preferred stockholders of $25 per share plus unpaid and accrued dividends as fair and equitable, then in the event an appeal is taken to review the Commission's order approving the plan or to review the order of the court enforcing and carrying out the provisions of the plan, American Light shall deposit cash in escrow with the depositary in such amount as shall be determined by the Commission or a court of competent jurisdiction to be sufficient to protect the interests of all preferred stockholders of American Light pending the outcome of such litigation. In case cash is deposited in escrow as aforesaid, the depositary shall mail or deliver nontransferable receipts to preferred stockholders of American Light theretofore or thereafter surrendering their preferred stock for payment as described hereinabove, which receipts shall specify the number of shares of preferred stock surrendered and shall evidence their right to receive such amounts, if any, in addition to the par value of their shares as may be judicially determined to be payable to them.

3. American Light shall sell for cash such number of shares of common stock of Detroit Edison as shall be necessary to enable American Light to pay its debts, liabilities and expenses and to make the payment to preferred stockholders and the deposit of cash in escrow referred to hereinabove, (American Light states that each such sale of Detroit Edison common stock shall be subject to the approval of the Commission. The plan does not specify the details concerning the sale of such stock.) If it becomes necessary or advisable, American Light may request the Commission's approval of the temporary borrowing of funds to make the deposit of cash required by the plan; any funds so borrowed shall be repaid promptly upon the sale of Detroit Edison common stock.

4. All assets remaining after providing for the payment of all debts, liabilities and expenses and the deposit referred to hereinabove shall be distributed pro rata to the common stockholders of American Light. Such assets to be distributed will include the shares of common stock of Detroit Edison which are not required to be sold to carry out the plan and all shares of common stock of American Light's subsidiaries, Michigan Consolidated Gas Company, Milwaukee Gas Light Company and Madison Gas and Electric Company.

5. Upon receipt of shares of common stock of Detroit Edison and of American Light's other subsidiaries, Railways shall immediately dispose of the securities so received and shall apply such securities or the proceeds from the sale thereof to reduce senior securities of the companies in its system. (The sale of such securities and the application of the proceeds therefrom are the subject matter of Application No. 25, filed with the Commission in these proceedings, with respect to which hearings will be scheduled in due course.)

6. The holders of American Light's outstanding warrants who are now entitled upon surrender thereof to receive full shares of common stock of American Light shall upon surrender of their warrants be entitled to the same rights under the plan as common stockholders of American Light to the extent the warrants surrendered by them entitle them to receive full shares of common stock of American Light.

7. After the Commission has entered an order approving the plan the board of directors of American Light may in its discretion call a special meeting of stockholders to consider and act upon the question whether American Light shall

[1] American Light's Certificate of Incorporation provides, in part, that the preferred stockholders of American Light are entitled "in the event of any liquidation or dissolution or winding up, whether voluntary or involuntary," to be paid the par amount of their shares ($25) and the dividends accrued thereon before any amount shall be paid to the common stockholders.

[2] As of December 31, 1944, American Light had outstanding 536,324 shares of preferred stock of which 333,796 shares were held by the public and 202,528 shares were held by American Light's parent, Railways. As of the same date American Light had outstanding 2,768,050 shares of common stock of which 1,254,606 shares were held by the public and 1,513,444 were held by Railways.

be liquidated and dissolved in accordance with the plan. If at such meeting two-thirds in interest of all the stockholders of American Light, without regard to class, shall vote in favor of liquidation and dissolution and shall consent thereto in writing, the plan shall become effective and the date upon which such vote and consent is obtained shall become the effective date of the plan. Notwithstanding the fact that the plan may become or may have become effective in the manner provided hereinabove, the plan states that American Light reserves the right at any time to request the Commission, pursuant to section 11 (e) of the act, to apply to a federal court to enforce and carry out the terms and provisions of the plan.

In the event the plan shall not have become effective in the manner provided hereinabove, American Light may at any time request the Commission, pursuant to section 11 (e) of the act, to apply to a federal court to enforce and carry out the terms and provisions of the plan; and if the court shall approve the plan and shall enter a decree of enforcement, the day upon which such decree is entered shall be the effective date of the plan, unless extended by a court of competent jurisdiction.

It appearing to the Commission that it is appropriate in the public interest and in the interest of investors and consumers that a hearing be held with respect to the aforesaid plan and that said plan should not be approved except pursuant to further order of the Commission:

It is ordered, That a hearing on the plan as described in said First Amendment to Amended Application No. 21, under the applicable provisions of said Act and Rules of the Commission thereunder, be held on September 25, 1945, at 10:30 a. m., e. w. t. at the offices of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia 3, Pennsylvania, in such room as the hearing room clerk in Room 318 will at that time advise. All persons desiring to be heard or otherwise wishing to participate in the proceedings shall notify the Commission in the manner prescribed by its rules of practice, Rule XVII, on or before September 24, 1945.

It is further ordered, That Henry C. Lank, or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearing in such matter. The officer so designated to preside at any such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of the act and to a trial examiner under the Commission's rules of practice.

It is further ordered, That without limiting the scope of the issues presented in the proceedings particular attention will be directed at the hearing to the following matters and questions:

1. Whether the plan, as submitted or as hereafter modified, is fair and equitable to the persons affected thereby and particularly whether the proposed payment of $25 per share, plus unpaid and accrued dividends, to preferred stockholders of American Light is fair and equitable and what amount, if any, should be deposited in escrow to protect the interests of preferred stockholders of American Light.

2. Whether the plan, as submitted or as hereafter modified, is a reasonable and appropriate means for effecting compliance with the Commission's order of August 5, 1941 and is necessary to effectuate the provisions of section 11 (b).

3. Whether the proposed transactions comply with all the requirements of the applicable provisions of the act and the rules promulgated thereunder, and whether any terms and conditions with respect to the transactions should be prescribed in the public interest or for the protection of investors or consumers.

4. Whether the fees and expenses to be paid in connection with the consummation of the proposed plan and all transactions incidental thereto are for necessary services and are reasonable in amount.

5. Whether, in the event that the Commission shall approve such plan as filed or as modified, the Commission shall approve such plan for purposes of section 11 (d) of the act (as well as section 11 (e)) so as to permit the Commission of its own motion and irrespective of any request therefor on the part of Railways or American Light to apply to a court for the enforcement of such plan pursuant to section 11 (d).

6. Whether, in the event that the Commission shall not approve such plan as filed or as modified, a plan proposed by the Commission or by any person having a bona fide interest in the reorganization should be approved by the Commission for purposes of section 11 (d) and, if proposed by the Commission, what the terms and provisions of such plan should be.

7. Generally, whether the proposed transactions are in all respects in the public interest and in the interest of investors and consumers and consistent with all applicable requirements of the Act and Rules promulgated thereunder, and, if not, what modifications should be required to be made therein and what terms and conditions should be imposed to satisfy the statutory standards.

It is further ordered, That notice of this hearing be given to Railways and American Light and to all other persons; said notice to be given to Railways and American Light and to all persons having appeared of record in the proceedings with respect to Application No. 21 and Amended Application No. 21 by registered mail, and to all other persons by general release of this Commission which shall be distributed to the press and mailed to the mailing list for releases issued under the Public Utility Holding Company Act of 1935 and by publication in the FEDERAL REGISTER.

It is further ordered, That Railways and American Light shall give additional notice of said hearing to the stockholders of American Light by mailing a copy of this notice and order to each record holder of American Light's preferred and common stock at their respective addresses as of a date not earlier than August 1, 1945, said mailing to be made not less than twenty days prior to the date of said hearing. Any interested security holder may obtain a copy of the plan and the accompanying exhibits from the Secretary of American Light & Traction Company, 105 West Adams Street, Chicago 3, Illinois.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 45-16371; Filed, Aug. 31, 1945; 11:20 a. m.]

[File No. 70-1116]

PENN FUEL GAS, INC. AND JOHN H. WARE, 3D

NOTICE OF FILING AND NOTICE OF AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 29th day of August, A. D., 1945.

Notice is hereby given that Penn Fuel Gas, Inc. ("Penn") and John H. Ware, 3d ("Ware"), of Oxford, Pennsylvania, have filed joint applications-declarations with this Commission pursuant to the Public Utility Holding Company Act of 1935. Penn is a Pennsylvania corporation, all of whose capital stock is owned by Ware. Ware also owns the entire capital stocks of Pottsville Gas & Heating Company ("Pottsville"), Bangor Gas Company ("Bangor"), and Citizens Gas Company ("Citizens"), gas utility companies organized and operating in Pennsylvania, as well as voting control of four other public utility companies.

All interested persons are referred to said document, which is on file in the offices of the Commission, for a statement of the transactions therein proposed, which may be summarized as follows:

Penn proposes to acquire from Ware for $573,000 in cash all the outstanding securities of Pottsville, Bangor and Citizens, with the exception of $93,000 principal amount of first mortgage bonds of Citizens not owned by Ware. The securities so to be acquired by Penn are the following:

Bangor Gas Co.:
$100,000 principal amount of 5½% First Mortgage Bonds, due July 1, 1941;
800 shares Common Stock ($50 par value);
Citizens Gas Co.:
12,700 shares Common Stock (no par value);
Pottsville Gas & Heating Co.:
$217,000 4½% Notes due on or before September 1, 1945; 1,000 shares Common Stock ($50 par value).

In connection with the acquisition by Penn of the aforesaid securities to Pottsville, Bangor and Citizens, Penn proposes to issue and sell the following securities:

(1) $420,000 principal amount of 4% Collateral Trust Bonds, Series "A", due June 1, 1970, at 100, to Massachusetts Mutual Life Insurance Company ("Massachusetts"). Said bonds are to be secured by the pledge with Fidelity-Philadelphia Trust Company of Philadelphia, Pennsylvania ("Fidelity"), as trustee under a trust indenture, of all the securities of Bangor, Citizens and Pottsville to be outstanding and owned by Penn.

(2) A $90,000 5% Note to Fidelity at 100 to be retired in the amount of $22,500 annually by quarterly payments of $5,625 each. It is proposed that Ware will guarantee the payment of principal and interest of said note and that until said note has been retired, Penn will incur no further indebtedness without the consent of Fidelity and will not pay any dividends on its capital stock.

(3) On or before Penn's settlement with Massachusetts, which will take place contemporaneously with the sale by Ware to Penn of the aforesaid securities of Bangor, Citizens and Pottsville presently owned by Ware, Penn will sell and Ware will acquire, for cash, all of Penn's capital stock consisting of 13,500 shares at their par value of $10 per share, or $135,000.

Subsequent to their acquisition by Penn, Bangor, Citizens and Pottsville contemplate the following transactions:

(1) Bangor will refund its outstanding 5½% bonds ($100,000 principal amount) by the issuance and sale at 100 to Penn of a like amount of 4½% First Mortgage Bonds, due June 1, 1970.

(2) Citizens will call its 4% First Mortgage Bonds, due 1962, outstanding in the principal amount of $93,000, at 104½ and issue and sell at 100 to Penn $100,000 principal amount of 4% First Mortgage Bonds, due June 1, 1970. Citizens also proposes to reclassify its presently outstanding shares of capital stock of no par value, with a stated value of $10 per share, into a like amount of shares of capital stock of $10 par value per share.

(3) Pottsville will refund its presently outstanding 4½% Notes, due September 1, 1945 ($217,000 principal amount) by the issuance and sale at 100 to Penn of a like amount of 4½% First Mortgage Bonds, due June 1, 1970.

It is further proposed that with the consummation of the transactions described above, Penn will file with this Commission an exemption application pursuant to section 3 (a) (1) of the act and Rule U-2 promulgated thereunder.

The filing has designated sections 9 (a) (2) and 10 of the act and Rule U-23 as being applicable to the proposed transactions.

It appearing to the Commission that it is appropriate in the public interest and in the interest of investors and consumers that a hearing be held with respect to said matters;

It is ordered, That a hearing on said matters under the applicable provisions of said act and rules of the Commission thereunder be held on September 10, 1945, at 10:00 a. m., e. w. t., at the offices of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia 3, Pennsylvania. On such date, the hearing room clerk in Room 318 will advise as to the room in which the hearing will be held.

It is further ordered, That Charles S. Lobingier or any other officer or officers of the Commission designated by it for that purpose shall preside at such hearing. The officer so designated is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of the act and to a trial examiner under the Commission's rules of practice.

It is further ordered, That any person desiring to be heard or otherwise wishing to participate in the proceedings shall file with the Secretary of the Commission on or before September 7, 1945 his application therefor, as provided by Rule XVII of the rules of practice of this Commission.

It is further ordered, That notice of said hearing is hereby given to Penn, Ware, the Pennsylvania Public Utility Commission and all interested persons, said notice to be given to Penn, Ware and the Pennsylvania Public Utility Commission by registered mail and to all other persons by publication of this notice and order in the FEDERAL REGISTER and by a general release of the Commission distributed to the press and mailed to the persons on our mailing list for releases under the Public Utility Holding Company Act of 1935.

It is further ordered, That, without limiting the scope of the issues presented by such filing, particular attention will be directed at said hearing to the following matters and questions:

1. Whether the proposed acquisition by Penn of the securities of Bangor, Citizens and Pottsville, and the proposed acquisition by Ware of the securities of Penn, will serve the public interest by tending towards the economical and efficient development of an integrated public utility system and whether said proposed acquisition will be detrimental to the carrying out of section 11, or will unduly complicate the capital structure of the Penn holding company system;

2. Whether the proposed acquisition by Penn of the securities of Bangor, Citizens and Pottsville, and the proposed acquisition by Ware of the securities of Penn, will tend towards interlocking relations or the concentration of control of public utility companies, of a kind or to an extent detrimental to the public interest or the interest of investors or consumers;

3. Whether the considerations, including fees, commissions or other remunerations to be paid in connection with the proposed acquisition by Penn of the securities of Bangor, Citizens and Pottsville, and the proposed acquisition by Ware of the securities of Penn, are reasonable or bear a fair relation to the sums invested in or the earning capacity of the utility assets to be acquired or the utility assets underlying the securities to be acquired;

4. Whether the proposed acquisition by Penn of the securities of Bangor, Citizens and Pottsville will unduly complicate the capital structure of the holding company system of Penn or will be detrimental to the public interest or the interest of investors or consumers or the proper functioning of such holding company system;

5. Whether the accounting entries to be made in connection with the proposed transactions are proper;

6. Generally, whether the proposed transactions comply with all the applicable provisions and requirements of the Act and Rules and Regulations promulgated thereunder and whether it is necessary or appropriate in the public interest or for the protection of investors or consumers or to prevent the circumvention of any provisions of the Act or rules, regulations or orders thereunder to impose terms and conditions in connection with any of the proposed transactions.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 45-16372; Filed, Aug. 31, 1945; 11:20 a. m.]

WAR PRODUCTION BOARD.

[C-258, Revocation]

LENUS ALM

CONSENT ORDER

Pursuant to an agreement between Lenus Alm, the Regional Compliance Manager and the Regional Attorney, *Consent Order No. C-258* was issued January 26, 1945, in consequence of a violation of Conservation Order L-41.

The parties to the agreement having now agreed that such order should be revoked, it is hereby ordered that: *Consent Order No. C-258* be revoked.

Issued this 29th day of August 1945.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 45-16232; Filed, Aug. 29, 1945; 4:41 p. m.]

[C-359, Revocation]

CHURCH SHOE REPAIR SHOP

CONSENT ORDER

Pursuant to an agreement between J. F. Church, the Regional Compliance Manager and the Regional Attorney, *Consent Order No. C-359* was issued June 7, 1945, in consequence of a violation of Conservation Order L-41.

The parties to the agreement having now agreed that such order should be revoked, it is hereby ordered that: *Consent Order No. C-359* be revoked.

Issued this 29th day of August 1945.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 45-16233; Filed, Aug. 29, 1945; 4:41 p. m.]

EFERENCE

SEP 6 '45

FEDERAL REGISTER

VOLUME 10 NUMBER 174

Washington, Wednesday, September 5, 1945

Regulations

TITLE 6—AGRICULTURAL CREDIT

Chapter I—Farm Credit Administration

Subchapter D—Federal Intermediate Credit Banks

PART 42—LOANS AND DISCOUNTS

MATURITIES OF NOTES DISCOUNTED OR ACCEPTED AS COLLATERAL FOR LOANS

Section 42.304, Title 6, Code of Federal Regulations, is amended by adding thereto a new paragraph (c) to read as follows:

§ 42.304 *Maturities.* • • •

(c) *Notes guaranteed under Servicemen's Readjustment Act of 1944.* Notes or other obligations which are guaranteed under the provisions of the Servicemen's Readjustment Act of 1944 (Public Law 346, 78th Congress ,approved June 22, 1944), as amended, and which are otherwise eligible under the laws and regulations governing the Federal intermediate credit banks, may be discounted, purchased, or accepted as collateral for loans, when such notes or other obligations mature in not to exceed three years from date of acquisition or acceptance by a Federal intermediate credit bank.

(Sec. 209, 42 Stat. 1459, sec. 2, 46 Stat. 816; 12 U.S.C. 1101, 1033; E.O. 6084, Mar. 27, 1933, 6 CFR 1.1; 6 CFR 3.30)

[SEAL] GEO. M. BRENNAN,
Intermediate Credit Commissioner.

[F. R. Doc. 45-16425; Filed, Sept. 1, 1945; 11:13 a. m.]

Chapter II—Department of Agriculture, Commodity Credit Corporation

PART 262—BEEF CATTLE PRODUCTION PAYMENTS

OFFER TO MAKE BEEF CATTLE PRODUCTION PAYMENTS

The offer to make beef cattle production payments, as amended (10 F.R. 7081, 9381), issued June 11, 1945, is hereby further amended in the following respects:

1. Section 262.2 *Definitions*, is amended to read as follows:

§ 262.2 *Definitions.* As used in this offer:

(a) The term "legally authorized slaughterer" means:

(1) Any person who is operating as a slaughterer under Federal Meat Inspection pursuant to the act of May 4, 1907 (34 Stat. 1260), as amended, 21 U.S.C., 71, and as extended by the act of June 10, 1942 (56 Stat. 351), or

(2) Any person who is registered as a slaughterer and has been assigned a quota base pursuant to the regulations of the Office of Price Administration, or

(3) Any person who is certified pursuant to the provisions of War Food Order 139, as amended.

(b) The term "eligible beef animal" means any bovine animal in either of the following classes:

(1) An animal which:

(i) Was sold at not less than the minimum price for the zone in which the animal was sold, as shown in Schedule A attached hereto,

(ii) Was owned by the seller for not less than 30 days immediately preceding such sale,

(iii) At the time of sale weighed 800 pounds or more live weight or was one of a lot of animals of similar weight and grade included in one weighing and averaging 800 pounds or more live weight each, and

(iv) Was sold during the period beginning May 19, 1945 and ending June 30, 1946, to a legally authorized slaughterer for slaughter or to a person who has delivered such animal to such a slaughterer for slaughter within 29 days after such sale but not later than June 30, 1946.

(2) An animal raised by a legally authorized slaughterer or an animal purchased for feeding for a period of 30 days or more by a legally authorized slaughterer and certified as purchased for feeding by the buyer thereof (which certificate shall be countersigned by the seller) which animal:

(i) Has been held and fed by such slaughterer for not less than 30 days immediately preceding slaughter,

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NOTICE

1944 Supplement

Book 1 of the 1944 Supplement to the Code of Federal Regulations, containing Titles 1–10, including Presidential documents in full text, is now available from the Superintendent of Documents, Government Printing Office, at $3.00 per copy.

A limited sales stock of the Cumulative Supplement and the 1943 Supplement is still available as previously announced.

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(ii) Has been slaughtered by such slaughterer during the period beginning May 19, 1945 and ending June 30, 1946,

(iii) Weighed at the time of slaughter not less than 800 pounds live weight, and

(iv) Yielded a beef carcass grading A or AA.

(c) The term "eligible feeder" means any person who has purchased or has raised a beef animal, which animal:

(1) Was sold by such person during the period beginning May 19, 1945 and ending June 30, 1946 to a legally authorized slaughterer for slaughter or to another person who has delivered such animal to a legally authorized slaughterer for slaughter within 29 days after such sale but not later than June 30, 1946,

(2) Was owned by such person for not less than 30 days immediately preceding such sale,

(3) At the time of such sale was an eligible beef animal, and

(4) If such person is a legally authorized slaughterer such animal when purchased by such person either weighed less than 800 pounds live weight, was purchased by him for less than the minimum price as shown in Schedule A attached hereto for the zone in which the purchase took place, was purchased before May 19, 1945, or was purchased for feeding for a period of 30 days or more and so certified by such person (which certificate shall be countersigned by the seller).

(d) The term "eligible feeder-slaughterer" means a legally authorized slaughterer who has slaughtered during the period beginning May 19, 1945 and ending June 30, 1946 a beef animal which:

(1) Was raised by him or was purchased by him but if purchased after May 18, 1945 was not an eligible beef animal at the time of purchase,

(2) Was held and fed by him for not less than 30 days immediately preceding slaughter, and

(3) Was an eligible beef animal at the time of slaughter.

(e) The term "person" means any individual, partnership, association, business trust, corporation, or any organized group of persons either incorporated or not and includes the states and any subdivision thereof.

2. Section 262.6 is amended to read as follows:

§ 262.6 *Prerequisites to payments.* Payment hereunder will be made to any eligible feeder or feeder-slaughterer who:

(a) Files an application for payment in such form as shall be approved or prescribed by Commodity with the County AAA Committee in the county in which the feeder or feeder-slaughterer's farm, ranch, or feed lot is located (or such other place as Commodity may designate),

(b) Supplies with such application for payment evidence with respect to his eligibility to receive payment as provided in this offer which the County AAA Committee determines to be satisfactory pursuant to instructions approved by Commodity, and

(c) Files such application within 60 days after date of sale or slaughter, or on or before October 31, 1945, whichever is later (unless such time is, for cause, extended by Commodity).

This amendment shall become effective June 11, 1945.

(56 Stat. 767; Pub. Law 30, 79th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681, OES Dir. 55, 10 F.R. 6595, 8906)

Issued this 31st day of August 1945.

[SEAL] COMMODITY CREDIT CORPORATION,
G. G. ARMSTRONG,
Vice-President.

Attest:

MARGARET W. SAMUELS,
Secretary.

[F. R. Doc. 45-16424; Filed, Sept. 1, 1945; 11:13 a. m.]

[WFO 30, as Amended, Termination]

PART 1406—DEHYDRATED FRUIT, VEGETABLES, AND CROPS

DEHYDRATED VEGETABLES REQUIRED TO BE SET ASIDE

War Food Order No. 30, as amended (8 F.R. 3385, 7627, 13378, 16887; 9 F.R. 4321, 4319, 6007, 9584; 10 F.R. 103, 126), together with the order (9 F.R. 8173) issued pursuant to said War Food Order No. 30, as amended, is terminated as of 12:01 a. m., e. w. t., September 1, 1945.

With respect to violations, rights accrued, liabilities incurred, or appeals taken under said War Food Order No. 30, as amended, and the order issued pursuant thereto as aforesaid, prior to the effective time of this termination order, all provisions of said War Food Order No. 30, as amended, and the said order issued pursuant thereto in effect prior to the effective time of this termination order shall be deemed to be in full force and effect for the purpose of sustaining any proper suit, action, or other proceeding with regard to any such violation, right, liability, or appeal.

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423; E.O. 9392, 8 F.R. 14783; E.O. 9577, 10 F.R. 8087)

Issued this 1st day of September 1945.

[SEAL] J. B. HUTSON,
Acting Secretary of Agriculture.

[F. R. Doc. 45-16422; Filed, Sept. 1, 1945; 11:12 a. m.]

[WFO 140, Termination]

PART 1410—LIVESTOCK AND MEATS

RESTRICTIONS ON SHIPMENT OF LAMBS

War Food Order No. 140 (10 F.R. 9206) is hereby terminated.

This order shall become effective at 12:01 a. m., E. w. t., September 1, 1945. With respect to violations, rights accrued, liabilities incurred, or appeals taken, prior to said date, under War Food Order No. 140, all provisions of said order shall be deemed to remain in full force for the purpose of sustaining any proper suit, action, or other proceeding with respect to any such violation, right, liability, or appeal.

(E.O. 9280, 7 F.R. 10179; E.O. 9577, 10 F.R. 8087)

Issued this 1st day of September 1945.

[SEAL] J. B. HUTSON,
Acting Secretary of Agriculture.

[F. R. Doc. 45-16423; Filed, Sept. 1, 1945; 11:12 a. m.]

[WFO 15-18, Amdt. 1]

PART 1401—DAIRY PRODUCTS

CHEDDAR CHEESE

War Food Order No. 15-18, as amended (10 F.R. 9066, 10419), is hereby further amended by deleting the phrase "; and (2) in September, 50 percent." at the end of § 1401.200 (b) thereof and inserting, in lieu of such deleted phrase, the following phrase: "; and (2) in September, 40 percent."

The provisions of this amendment shall become effective at 12:01 a. m., e. w. t., September 1, 1945. With respect to violations, rights accrued, liabilities incurred, or appeals taken under said War Food Order No. 15-18, as amended, prior to the effective time of the provisions hereof, the provisions of the said War Food Order No. 15-18, as amended, in effect prior to the effective time hereof shall be deemed to continue in full force and effect for the purpose of sustaining any proper suit, action, or other proceeding with regard to any such violation, right, liability, or appeal.

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423; E.O. 9392, 8 F.R. 14783; E.O. 9577, 10 F.R. 8087; WFO 15, as amended, 8 F.R. 1704, 5698; 9 F.R. 2072, 4321, 4319, 9584; 10 F.R. 103, 126, 10419)

Issued this 31st day of August 1945.

[SEAL] C. W. KITCHEN,
Assistant Administrator, Production and Marketing Administration.

[F. R. Doc. 45-16392; Filed, Aug. 31, 1945; 3:27 p. m.]

TITLE 17—COMMODITY AND SECURITIES EXCHANGES

Chapter II—Securities and Exchange Commission

PART 201—RULES OF PRACTICE

BUSINESS HOURS OF THE COMMISSION AND COMPUTATION OF TIME FOR FILING OF PAPERS AND DOCUMENTS

The Securities and Exchange Commission, acting pursuant to authority conferred upon it by the Securities Act of 1933, as amended, particularly section 19 (a) thereof; the Securities Exchange Act of 1934, as amended, particularly Section 23 (a) thereof; the Public Utility Holding Company Act of 1935, particularly section 20 (a) thereof; the Trust Indenture Act of 1939, particularly section 319 (a) thereof; the Investment Company Act of 1940, particularly section 38 (a) thereof; and the Investment Advisers Act of 1940, particularly section 211 (a) thereof, and finding such action necessary and appropriate to carry out the provisions of such acts, hereby takes the following action:

1. Section 201.1 [Rule I] of the rules of practice of the Commission is amended to read as follows:

§ 201.1 *Business hours.* The principal office of the Commission at Philadelphia, Pennsylvania, is open on each business day, excepting Saturdays, from 9:00 a. m. to 5:30 p. m.

2. Paragraph (e) of § 201.13 [Rule XIII] of the rules of practice of the Commission is amended to read as follows:

§ 201.13 *Filing papers; Docket; Computation of time.* • • •

(e) In computing any period of time prescribed or allowed by these rules or by order of the Commission, the day of the act, event, or default after which the designated period of time begins to run is not to be included. The last day of the period so computed is to be included, unless it is a Saturday, Sunday or a legal holiday in the District of Columbia, in which event the period runs until the end of the next day which is neither a Saturday, Sunday nor a holiday. Intermediate Saturdays, Sundays and holidays shall be included in the computation. A half-holiday shall be considered as other days and not as a holiday.

Effective August 28, 1945.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 45-16431; Filed, Sept. 1, 1945; 11:27 a. m.]

PART 230—GENERAL RULES AND REGULATIONS, SECURITIES ACT OF 1933

BUSINESS HOURS OF THE COMMISSION AND CALCULATION OF EFFECTIVE DATE OF REGISTRATION STATEMENT

The Securities and Exchange Commission, acting pursuant to authority conferred upon it by the Securities Act of 1933, as amended, particularly section 19 (a) thereof, and finding such action necessary and appropriate in the public interest and for the protection of investors and necessary to carry out the provisions of the act, hereby takes the following action:

1. Section 230.110 [Rule 110] is amended to read as follows:

§ 230.110 *Business hours of the Commission.* The principal office of the Commission at Philadelphia, Pa., is open on each business day, except Saturdays, from 9:00 a. m. to 5:30 p. m.

2. Section 230.930 [Rule 930] is amended to read as follows:

§ 230.930 *Calculation of time.* The following rules shall govern the calculation of the effective date of a registration statement under section 8 (a):

(a) Saturdays, Sundays and holidays shall be counted in computing the effective date.

(b) In the case of statements which become effective pursuant to section 8 (a) on the 20th day after the filing thereof, the 20th day shall be deemed to begin at the expiration of 19 periods, of 24 hours each, from 5:30 eastern standard war time, on the date of filing.

Effective August 28, 1945.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 45-16433; Filed, Sept. 1, 1945; 11:27 a. m.]

PART 250—RULES AND REGULATIONS, PUBLIC UTILITY HOLDING COMPANY ACT OF 1935

PROCEDURE APPLICABLE TO CERTAIN APPLICATIONS AND DECLARATIONS AND SOLICITATIONS IN CONNECTION WITH A REORGANIZATION OR TRANSACTION WHICH IS THE SUBJECT OF AN APPLICATION OR DECLARATION UNDER THE ACT

The Securities and Exchange Commission, acting pursuant to authority conferred upon it by the Public Utility Holding Company Act of 1935, particularly section 20 (a) thereof, and deeming such action necessary and appropriate in the public interest and for the protection of investors and consumers and necessary to carry out the provisions of the act, hereby takes the following action:

1. Paragraph (c) of § 250.23 [Rule U-23] is amended to read as follows:

§ 250.23 *Procedure applicable to certain applications and declarations.* • • •

(c) *Effective date.* A declaration or application will become effective or be granted respectively by order issuing as of course at 5:30 p. m., eastern standard war time on the 30th day after the filing thereof or the 15th day after the filing of the last amendment thereto, whichever is later, or if such day is a Saturday, Sunday or legal holiday, on the next business day, unless prior thereto the Commission shall have ordered a hearing thereon. The Commission may at the request of the applicant or declarant advance, and the applicant or declarant may by written or telegraphic notice to the Commission postpone, such date.

2. Paragraph (d) of § 250.62 [Rule U-62] is amended to read as follows:

§ 250.62 *Solicitations in connection with a reorganization or transaction which is the subject of an application or declaration.* • • •

(d) *Effective date.* A declaration as to a solicitation in connection with a reorganization shall, unless the Commission shall order a hearing thereon, become effective on (1) the 11th day after the filing thereof, or the 4th day (excluding Saturdays, Sundays and holidays) after the filing of the last amendment thereto, whichever is the later; or (2) such earlier date as the Commission may, upon a showing of unusual circumstances, permit in writing or by a confirmed telegram or otherwise; or (3) such later date as declarant may designate in such declaration, in any amendment thereto, or in written or telegraphic notice to the Commission. Any other declaration shall, unless otherwise ordered by the Commission or unless the Commission shall order a hearing thereon, become effective at the same time as the application or declaration with respect to the proposed transaction; post-amendments to such declarations shall become effective on the 4th day (excluding Saturdays, Sundays and holidays) after the filing thereof unless otherwise therein provided or unless an order for hearing is issued by the Commission.

Effective August 28, 1945.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 45-16430; Filed, Sept. 1, 1945; 11:26 a. m.]

PART 260—GENERAL RULES AND REGULATIONS, TRUST INDENTURE ACT OF 1939

BUSINESS HOURS OF THE COMMISSION AND CALCULATION OF EFFECTIVE DATE OF APPLICATION FOR QUALIFICATION

The Securities and Exchange Commission, acting pursuant to authority conferred upon it by the Trust Indenture Act of 1939, particularly section 319 (a) thereof, and deeming such action necessary and appropriate in the public interest and for the protection of investors and necessary to carry out the provisions of the act, hereby takes the following action:

1. Section 260.0-5 [Rule T-0-5] is amended to read as follows:

§ 260.0-5 *Business hours of the Commission.* The principal office of the Commission at Philadelphia, Pennsylvania, is open on each business day, excepting Saturdays, from 9:00 a. m. to 5:30 p. m.

2. Section 260.7a-4 [Rule T-7A-4] is amended to read as follows:

§ 260.7a-4 *Calculation of time.* The following rules shall govern the calculation of the effective date of an application for qualification filed under section 307 (a):

(a) Saturdays, Sundays and holidays shall be counted in computing the effective date.

(b) The twentieth day shall be deemed to begin at the expiration of nineteen periods of twenty-four hours each from 5:30 p. m., eastern standard war time, on the date of filing.

Effective August 28, 1945.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 45-16432; Filed, Sept. 1, 1945; 11:27 a. m.]

TITLE 18—CONSERVATION OF POWER

Chapter I—Federal Power Commission

Subchapter A—Rules of Practice and Regulations, Federal Power Act

[Order 121]

PART 1—ADMINISTRATION

ADDRESS OF THE COMMISSION; OFFICE HOURS

AUGUST 31, 1945.

The Commission, pursuant to authority vested in it by the Federal Power Act, particularly section 309 thereof, and finding such action necessary and appropriate for carrying out the provisions of said act, hereby adopts, promulgates, and prescribes the following amendment to "Rules of Practice and Regulations With Approved Forms, Effective June 1, 1938" (under the Federal Power Act), as heretofore prescribed by Order No. 50, adopted April 19, 1938:

The second paragraph of § 1.1 be and is hereby amended to read as follows:

The office is open from 8:30 a. m. until 5:00 p. m. of each business day except Saturday, or as provided by statute or Executive order.

The amendment to the "Rules of Practice and Regulations With Approved Forms, Effective June 1, 1938" (under the Federal Power Act) adopted, promulgated, and prescribed by this order shall become effective on September 10, 1945; and the Secretary of the Commission shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 45-16441; Filed, Sept. 4, 1945; 9:48 a. m.]

Subchapter B—Provisional Rules of Practice and Regulations, Natural Gas Act

[Order 122]

PART 50—ADMINISTRATION

ADDRESS OF THE COMMISSION; OFFICE HOURS

AUGUST 31, 1945.

The Commission, pursuant to authority vested in it by the Natural Gas Act, particularly section 16 thereof, and finding such action necessary and appropriate for carrying out the provisions of said Act, hereby adopts, promulgates, and prescribes the following amendment to the "Provisional Rules of Practice and Regulations Under the Natural Gas Act, Effective July 11, 1938":

The second paragraph of § 50.1 be and is hereby amended to read as follows:

The office is open from 8:30 a. m. until 5:00 p. m. of each business day except Saturday, or as provided by statute or Executive order.

The amendments to the "Provisional Rules of Practice and Regulations under the Natural Gas Act, With Approved Forms, Effective July 11, 1938" adopted, promulgated and prescribed by this order shall become effective on September 10, 1945; and the Secretary of the Commission shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 45-16442; Filed, Sept. 4, 1945; 9:48 a. m.]

TITLE 20—EMPLOYEES' BENEFITS

Chapter II—Railroad Retirement Board

PART 262—MISCELLANEOUS

OFFICES OF THE BOARD

Pursuant to the general authority contained in section 10 of the act of June 24, 1937 (Sec. 10, 50 Stat. 314; 45 U.S.C. 228j), § 262.15 of the Regulations of the Railroad Retirement Board under such Act (4 F.R. 1477) is amended, effective August 23, 1945, by Board Order 45-312 dated August 23, 1945, to read as follows:

§ 262.15 *Offices of the Board.* The Board hereby establishes as offices of the Board its main office in Chicago, Illinois, all Regional offices, all district offices, all branch offices, and all other offices maintained by the Board as necessary for the proper discharge of its functions under the Railroad Retirement Act.

Dated: August 31, 1945.

By authority of the Board.

[SEAL] MARY B. LINKINS, *Secretary of the Board.*

[F. R. Doc. 45-16440; Filed, Sept. 4, 1945; 9:48 a. m.]

TITLE 24—HOUSING CREDIT

Chapter II—Federal Savings and Loan System

[Bulletin No. 44]

PART 203—OPERATION

ADDITIONAL LENDING POWERS

Section 203.21 of the rules and regulations for the Federal Savings and Loan System is hereby amended, effective August 31, 1945, to read as follows:

§ 203.21 *Additional lending powers.* Federal associations operating under Charter K, and having duly adopted the standard section 14.1 amendment thereof may, upon approval of the directors of said association, use the following lending powers: *Provided,* That all loans made pursuant to this section shall comply with the requirements of section 5 (c) of Home Owners' Loan Act of 1933, as now or hereafter amended:

(a) The increase of the present authorized percentage of lending to appraised value of the underlying improved real estate security to the extent of the guarantee by the Administrator of Veterans' Affairs under Title III of the Servicemen's Readjustment Act of 1944, and any amendments thereto, and the loan plans, practices and procedures now or hereafter provided by the Administrator of Veterans' Affairs thereunder.

(b) Loan plans as follows, *Provided, however,* That all loans under this paragraph shall be permitted under this section only when such loans, together with all other loans which are included in the 15% of assets limitation fixed by section 13 of Charter K, are not in excess of 15% of the assets of the particular Federal association:

(1) In an amount not exceeding 60% of the value of real estate which is improved by an income-producing structure thereon, when such loans are repayable in accordance with paragraph (a) of section 14 of Charter K, except that the period of amortization shall not exceed 15 years.

(2) In an amount not exceeding 66⅔% of the value of improved real estate used primarily for residential purposes, when such loans are repayable in accordance with paragraph (a) of section 14 of Charter K, except that the period of amortization shall not exceed 15 years.

(3) In an amount not exceeding 60% of the value of improved real estate used primarily for residential purposes, when such loans are repayable in accordance with paragraph (b) of section 14 of Charter K, except that the maturity period shall not exceed 2 years.

(4) In an amount not exceeding 75% of the value of residential property for more than four families, but for not more than six families, when such loans are repayable in accordance with paragraph (a) of section 14 of Charter K.

(5) In an amount not exceeding 60% of the value of home or combination home and business property, when such loans are repayable in accordance with paragraph (b) of section 14 of Charter K, except that the maturity period shall not exceed 3 years.

(Sec. 5 (a), (c) of H.O.L.A. of 1933, 48 Stat. 132, 133; 12 U.S.C. 1464 (a); E.O. 9070, 7 F.R. 1529)

This amendment is deemed to be of a procedural character within the meaning of § 201.2 of the rules and regulations for the Federal Savings and Loan System.

JAMES TWOHY, *Governor.*

HAROLD LEE, *General Counsel.*

ORMOND E. LOOMIS, *Executive Assistant to the Commissioner.*

[F. R. Doc. 45-16391; Filed, Aug. 31, 1945; 3:27 p. m.]

Chapter IV—Home Owners' Loan Corporation

[Bulletin No. 378]

PART 406—LEGAL DEPARTMENT

AUTHORITY TO PURCHASE, SELL, EXCHANGE, AND MAINTAIN LAW BOOKS

Effective August 31, 1945, the third sentence of § 406.10 is hereby amended to read as follows: "The General Counsel is also authorized to sell or exchange any of the above items, for such consideration, in such manner, and on such terms as he may determine, and he may incur any necessary expense incident thereto; and he may issue such instructions and procedure as may be necessary or appropriate to give effect to the provisions of this section."

(Secs. 4 (a) and 4 (k), 48 Stat. 129, 132, as amended by sec. 13, 48 Stat. 647; 12 U.S.C. 1463 (a), (k); E.O. 9070, 7 F.R. 1529)

Dated: August 31, 1945.

[SEAL] J. FRANCIS MOORE, *Secretary.*

[F. R. Doc. 45-16420; Filed, Aug. 31, 1945; 4:27 p. m.]

TITLE 30—MINERAL RESOURCES

Chapter VI—Solid Fuels Administration for War

PART 602—GENERAL ORDERS AND DIRECTIVES

DIRECTION TO ALL PERSONS WHO SUPPLY SOLID FUELS TO FEDERAL AGENCIES (EXCEPT WAR DEPARTMENT, NAVY DEPARTMENT, MARITIME COMMISSION AND VETERANS' ADMINISTRATION)

Pursuant to Executive Order No. 9332 and SFAW Regulation No. 1, as amended, the following notice of direction is issued to all persons who supply solid fuels (anthracite, semi-anthracite, bituminous, subbituminous and lignitic coals and coke, and packaged and processed fuels such as briquettes) to any agency of the Federal Government, except those agencies affected by the Notice of Direction issued July 9, 1945—the War Department, Navy Department (including Marine Corps and Coast Guard), the Maritime Commission and Veterans' Administration.

1. You are hereby directed to ship such solid fuels as may be required from the effective date of this notice of direction to July 1, 1946 under any contract which has been or may hereafter be entered into between you and any agency of the Federal Government (except the agencies specified in the notice issued July 9, 1945), subject to such modifications or cutbacks as SFAW may hereafter require.

2. Unless a direction hereafter issued by SFAW requiring shipment of solid fuels to any person specifically states that you are permitted or required to divert such solid fuels from any agency of the Federal Government described in paragraph 1, above, you shall not divert such solid fuels from a shipment to any establishment or premises of such an agency pursuant to a contract you may have with the agency if:

(a) Such agency has reported to you on or before the 10th day of the calendar month in which the SFAW direction is issued the days' supply of solid fuels on hand on the first day of such month at the establishment or premises of the agency; and

(b) The days' supply of solid fuels at such establishment or premises is less than 30 days' supply based upon estimated average burn for January and February 1946.

3. This direction does not alter or modify any of the requirements of SFAW regulations applicable to purchases by any agency of the United States described in paragraph 1, above, and does not affect the obligations of any shipper under the preference provisions of SFAW Regulation No. 27.

This direction shall become effective immediately.

(E.O. 9332, 8 F.R. 5355; E.O. 9125, 7 F.R. 2719; WPB Directive No. 33, as amended, 9 F.R. 64; sec. 2 (a), 54 Stat. 676, as amended by 55 Stat. 236, 56 Stat. 176 and 58 Stat. 827)

Issued this 30th day of August 1945.

C. J. POTTER, *Deputy Solid Fuels Administrator for War.*

[F. R. Doc. 45-16445; Filed, Sept. 4, 1945; 10:44 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter VI—Selective Service System

[Amdt. 335]

PART 605—GENERAL ADMINISTRATION

ADMINISTRATION OF OATHS

Pursuant to authority contained in the Selective Training and Service Act of 1940, as amended, Selective Service Regulations, Second Edition, are hereby amended in the following respect:

Amend paragraph (a) of § 605.1 to read as follows:

§ 605.1 *Administration of oaths generally.* (a) Unless a specified person is designated to administer an oath required under the provisions of these regulations, any civil officer authorized to administer oaths generally, any commissioned officer of the land or naval forces assigned for duty with the Selective Service System, any member or clerk of a local board or board of appeal, any employee of a local board group chosen to coordinate the efforts of the clerical staff of the local board group or any other employee of a local board group authorized in writing by a local board of a local board group, any government appeal agent or associate government appeal agent, any member or associate member of an advisory board for registrants, any postmaster, acting postmaster, or assistant postmaster may administer such oath.

The foregoing amendment to the Selective Service Regulations shall be effective within the continental United States immediately upon the filing hereof with the Division of the Federal Register and shall be effective outside the continental limits of the United States on the 30th day after the date of filing hereof with the Division of the Federal Register.

LEWIS B. HERSHEY, *Director.*

AUGUST 30, 1945.

[F. R. Doc. 45-16393; Filed, Aug. 31, 1945; 3:30 p. m.]

[Amdt. 336]

PART 605—GENERAL ADMINISTRATION

FORMS FOR REGISTRATION OUTSIDE U. S.

Pursuant to authority contained in the Selective Training and Service Act of 1940, as amended, Selective Service Regulations, Second Edition, are hereby amended in the following respect:

Amend the regulations by adding a new section to be known as § 605.51–1 to read as follows:

§ 605.51–1 *Forms for registrants outside the United States.* Wherever in these regulations there is a reference to the Registration Card (Form 1), Registration Certificate (Form 2), Selective Service Questionnaire (Form 40), Order to Report for Induction (Form 150), and Order to Report for Preinduction Physical Examination (Form 215), such reference shall be deemed to include, where applicable, the corresponding forms used with reference to registrants outside the United States; namely, Registration Card (Form 1–F), Registration Certificate (Form 2–F), Additional Instructions to Registrants Outside the United States (Form 40–F), Order to Report for Induction—Special (Form 150–F), and Order to Report for Preinduction Physical Examination—Special (Form 215–F).

The foregoing amendment to the Selective Service Regulations shall be effective within the continental United States immediately upon the filing hereof with the Division of the Federal Register and shall be effective outside the continental limits of the United States on the 30th day after the date of filing hereof with the Division of the Federal Register.

LEWIS B. HERSHEY, *Director.*

AUGUST 27, 1945.

[F. R. Doc. 45-16394; Filed, Aug. 31, 1945; 3:30 p. m.]

[Amdt. 337]

PART 622—CLASSIFICATION

MISCELLANEOUS AMENDMENTS

Pursuant to authority contained in the Selective Training and Service Act of 1940, as amended, Selective Service Regulations, Second Edition, are hereby amended in the following respect:

1. Amend paragraph (a) of § 622.15 to read as follows:

§ 622.15 *Class I–C: Member of land or naval forces or registrant honorably separated therefrom.* (a) In Class I–C shall be placed or retained:

(1) Every registrant who is, or who by induction, enlistment, or appointment becomes, a commissioned officer, warrant officer, field clerk, pay clerk, or enlisted man of the Regular Army, the Navy, the Marine Corps, the Coast Guard, the Public Health Service (Regular Corps and Reserve Corps), the federally recognized active National Guard, the Officers' Reserve Corps, the Army of the United States, the Regular Army Reserve, the Enlisted Reserve Corps, the Naval Reserve, the Marine Corps Reserve, the Coast Guard Reserve (other than temporary), or any other branch or component of the land or naval forces; or

(2) Every registrant who is a cadet of the United States Military Academy, a midshipman of the United States Naval Academy, or a cadet of the United States Coast Guard Academy; or

(3) Every registrant who has been separated from the land or naval forces of the United States by death at any time (each such registrant shall be identified with the abbreviation "Dec." in the manner provided in § 622.86); or

(4) Every registrant who has been separated from the land or naval forces of the United States on or after September 16, 1940, by Honorable Discharge or Discharge Under Honorable Conditions, or by an equivalent type of release from service if the registrant was an officer or a warrant officer. (Every such registrant shall be identified with the abbreviation "Disc." in the manner provided in § 622.86–1.) A registrant placed in Class I–C under the provisions of this subparagraph who has "completed his service" in the land or naval forces of the United States shall be retained in Class I–C unless (i) his reclassification is specifically authorized by the Director of Selective Service, or (ii) he volunteers for induction in the land or naval forces of the United States. A registrant shall be deemed to have "completed his service" in the land or naval forces of the United States if (i) he has been separated from service by reason of demobilization, or (ii) it is found that the registrant should be relieved from any future consideration for classification into a class available for service because the registrant has already made a sufficient contribution to the war effort as a member of the land or naval forces of the United States. The Cover Sheet (Form 53) of registrants who have been found to have "completed their service" shall be filed separately from those of other registrants. Except for a registrant who has been found to have "completed his service" as provided above, any registrant placed in Class I–C under the provisions of this subparagraph may be reclassified out of Class I–C at any time.

2. Amend the title and add a new paragraph (c) to § 622.17 to read as follows:

§ 622.17 *Class I–G: Registrants who are members of or are honorably separated from land or naval forces of cobelligerent nations; or registrants separated from American Field Service* • • •

(c) In Class I–G may be placed any registrant who, on or after September 16, 1940, has been separated from active duty with the American Field Service by a release indicating completion of satisfactory service, provided it is found that such a registrant should be relieved from any future consideration for classification into a class available for service because the registrant has already made a sufficient contribution to the war effort through his activity in the American Field Service.

3. Amend § 622.21 to read as follows:

§ 622.21 *Class II–A: Man supporting the national health, safety, or interest.* In Class II–A shall be placed any registrant:

(a) Who is found to be "necessary to and regularly engaged in" an activity in support of the national health, safety, or interest and who meets all other standards for deferment which have been established by the Director of Selective Service; or

(b) Who is found to be disqualified for any military service or to be qualified for limited military service only and to be "regularly engaged in" an activity in support of the national health, safety, or interest.

4. Amend § 622.22 to read as follows:

§ 622.22 *Class II–B discontinued.* (a) Class II–B is discontinued as of August 31, 1945.

(b) Any registrant who is in Class II–B on August 31, 1945, is hereby transferred into and shall be deemed to be in Class II–A as of that date.

5. Amend § 622.22–1 to read as follows:

§ 622.22–1 *Certain procedure must be followed to entitle Feedral Government employees to Class II–A deferment.* No registrant employed in or under the Federal Government shall be retained or placed in Class II–A unless a request for his deferment shall have been made in accordance with the provisions of (a) Public Law 23, 78th Congress, approved April 8, 1943, and (b) Executive Order No. 9309, dated March 6, 1943.

6. Amend § 622.22–2 to read as follows:

§ 622.22–2 *Length of deferments in Class II–A.* (a) Class II–A deferments, except for registrants identified with the letter "(F)" or the letter "(L)" shall be for a period of six months or less. Class II–A deferments for registrants identified with the letter "(F)" or the letter "(L)" shall be for an indefinite period: *Provided*, That the local board shall review such deferments at the end of each six-month period to determine whether the continuance of the deferment is warranted. If the local board determines to continue such indefinite deferment, the registrant's classification need not be reopened, but following each such review, the local board will note its determination to continue the deferment on the appropriate records and will mail a new Notice of Classification (Form 57) and a new Classification Advice (Form 59) inserting thereon the word "Indefinite." If there is a change in the registrant's status during the period of deferment in Class II–A, his classification shall be reopened and considered anew.

(b) At the expiration of the period of a registrant's deferment in Class II–A, his classification shall be reopened and he shall be classified anew. The registrant should be continued in Class II–A for a further period of six months or less if such classification is warranted. The same rules shall apply when classifying a registrant at the end of each successive period for which he has been classified in Class II–A.

(c) When a registrant in Class II–A voluntarily leaves the employment for which he was deferred, he shall be reclassified into Class I–A, Class I–A–O, or Class IV–E, unless before leaving such employment he requests a determination and a determination is made (1) that it is in support of the national health, safety, or interest for him to leave such employment for other work, or (2) that there are adequate reasons involving the registrant or his immediate family which justify the registrant in leaving such employment.

(d) If the registrant leaves the employment for which he was deferred without first requesting the local board to make the determination provided for in paragraph (c) of this section, the local board may nevertheless determine (1) that it was in support of the national health, safety, or interest for the registrant to have left such employment for other work, or (2) that there were adequate reasons involving the registrant or his immediate family which justified the registrant in leaving such employment; provided that the local board finds that the registrant's failure to request such determination was due to unusual or compelling circumstances, in which case the registrant shall not be placed in Class I–A, Class I–A–O, or Class IV–E under this section.

(e) Any registrant in Class II–A may file with his local board a written request for a determination under paragraph (c) or (d) of this section. When the registrant's local board has made a determination upon such request, it shall advise him thereof in writing.

(f) The provisions of paragraphs (c), (d), and (e) of this section shall not apply to any registrant (1) who has been separated from the land or naval forces on or after September 16, 1940, under conditions other than dishonorable, or (2) who qualifies for classification in Class IV–B under the provisions of § 622.42, or (3) who qualifies for classification in Class IV–D under the provisions of § 622.44.

(g) Nothing in this section shall be construed to require the local board to retain in Class II–A any registrant when the reason for his occupational classification has ceased to exist.

7. Amend the title to § 622.23 to read as follows:

§ 622.23 *General rules for classification in Class II–A.*

8. Amend § 622.25–1 to read as follows:

§ 622.25–1 *Class II–C: Man in agriculture.* In Class II–C shall be placed any registrant:

(a) Who is found to be "necessary to and regularly engaged in" an agricultural occupation or endeavor essential to the war effort and for whom a satisfactory replacement cannot be obtained; or

(b) Who is found to be disqualified for any military service or to be qualified for limited military service only and to be "regularly engaged in" an agricultural occupation or endeavor essential to the war effort.

9. Amend paragraphs (a) and (b) of § 622.25–2 to read as follows:

§ 622.25–2 *Length of deferments in Class II–C.* (a) Class II–C deferments, except for registrants identified with the letter "(F)" or the letter "(L)", shall be for a period of six months or less. Class II–C deferments for registrants identified with the letter "(F)" or the letter "(L)" shall be for an indefinite period, provided that the local board shall review such deferments at the end of each six-month period to determine whether the continuance of the deferment is warranted. If the local board determines to continue such indefinite deferment, the registrant's classification need not be reopened, but following each such review, the local board will note its determination to continue the deferment on the appropriate records and will mail a new Notice of Classification (Form 57) and a new Classification Advice (Form 59) inserting thereon the word "Indefinite." If there is a change in the registrant's status during the period of deferment in Class II–C, his classification shall be reopened and considered anew.

(b) At the expiration of the period of a registrant's deferment in Class II–C, his classification shall be reopened. The registrant should be continued in Class II–C for a further period of six months or less if such classification is warranted. A registrant (other than a registrant who has been found to be disqualified for any military service or to be qualified for limited military service only) shall not be continued in Class II–C unless the local board is satisfied that a satisfactory replacement cannot be obtained. The same rule shall apply when again classifying a registrant at the end of each successive period for which he has been classified in Class II–C.

10. Amend § 622.14 to read as follows:

§ 622.41 *Class IV–A: Man deferred by reason or age.* In Class IV–A shall be placed or retained every registrant who has attained the twenty-sixth anniversary of the day of his birth, other than (a) a registrant who has volunteered for induction into the land or naval forces of the United States and who is eligible for classification into a class available for service under the provisions of § 624.4; or (b) a registrant who is elegible for classification in Class I–C, Class I–G, Class IV–D, or Class IV–B; or (3) a registrant who, after being classified in Class IV–E, either has been assigned to and has reported for work of national importance under civilian direction, or has been separated from work of national importance under civilian direction and retained in Class IV–E as required by § 622.51.

11. Amend § 622.42 to read as follows:

§ 622.42 *Class IV–B: Official deferred by law and men relieved from liability for training and service.* In Class IV–B shall be placed any registrant who is the Vice President of the United States, a Governor of a State, any other State official chosen by the voters of the entire State, a member of the Congress of the United States, a member of a State legislative body, a judge of a court of record of the United States or of a State; or who is a commissioned officer in the Coast and Geodetic Survey; or who is a cadet of the advanced course, senior division, of the Reserve Officers' Training Corps or the Naval Reserve Officers' Training Corps; or who has been accepted for admittance (commencing with the academic year next succeeding such acceptance) to the United States Military Academy as a cadet or to the United States Naval Academy as a midshipman or to the United States Coast Guard Academy as a cadet, but only during the continuance of such acceptance; or who has not entered the armed forces of the United States or of a cobelligerent government and who by reason of the belligerent status of the United States or of a cobelligerent country is in the custody of or remains interned by the enemy or by the government of another country.

12. Amend § 622.83 to read as follows:

§ 622.83 *Identifying certain registrants in Class II–A and Class II–C.* When a registrant who has been found to be disqualified for any military service or to be qualified for limited military service only is classified in Class II–A or Class II–C, he shall be identified in all records by following his classification with the letter "(F)" if he has been found disqualified for any military service or with the letter "(L)" if he has been found to be qualified for limited military service only.

13. Amend § 622.87 to read as follows:

§ 622.87 *Classes discontinued.* (a) The following classes have been discontinued effective on the date shown opposite each class:

Class I–B	August 18, 1942.
Class I–B–O	August 18, 1942.
Class I–D	August 31, 1941.
Class I–D–O	August 31, 1941.
Class I–E	August 31, 1941.
Class I–E–O	August 31, 1941.
Class I–H	November 19, 1942.
Class II–B	August 31, 1945.
Class III–A	December 11, 1943.
Class III–B	April 12, 1943.
Class III–C	February 17, 1944.
Class IV–E–H	December 24, 1941.
Class IV–E–LS	August 18, 1942.
Class IV–E–S	August 31, 1941.
Class IV–H	March 6, 1943.

(b) The classification of all registrants who are in classes which have been or are hereafter discontinued shall be immediately reopened, and such registrants shall be classified anew, except as otherwise provided in § 622.22 for registrants in Class II–B as of August 31, 1945.

The foregoing amendments to the Selective Service Regulations shall be effective within the continental United States immediately upon the filing hereof with the Division of the Federal Register and shall be effective outside the continental limits of the United States on the 30th day after the date of filing hereof with the Division of the Federal Register.

LEWIS B. HERSHEY,
Director.

AUGUST 31, 1945.

[F. R. Doc. 45–16395; Filed, Aug. 31, 1945; 3:30 p. m.]

[Amdt. 338]

PART 623—CLASSIFICATION PROCEDURE

MISCELLANEOUS AMENDMENTS

Pursuant to authority contained in the Selective Training and Service Act of 1940, as amended, Selective Service Regulations, Second Edition, are hereby amended in the following respect:

1. Amend paragraph (a) of § 623.21 to read as follows:

§ 623.21 *Consideration of classes.* (a) Upon undertaking to classify any registrant, consideration shall be given to the following classes in the order listed and the registrant shall be classified in the first class for which grounds are established:

Class I–C.	Class II–C.
Class I–G.	Class II–A.
Class IV–D.	Class III–D.
Class IV–B.	Class IV–C.
Class IV–A.	Class IV–F (moral).

2. Amend paragraph (a) of § 623.54 to read as follows:

§ 623.54 *Man relieved from active duty with land or naval forces of cobelligerent nation or with American Field Service.* (a) Immediately upon receipt by the local board of information that a registrant has been relieved from active duty as a member of the land or naval forces of a cobelligerent nation or has been separated from active duty with the American Field Service, the local board shall review the registrant's classification to determine whether he should be placed or retained in Class I–G.

3. Amend paragraphs (a) and (b) of § 623.61 to read as follows:

§ 623.61 *Classification and reclassification.* (a) As soon as practicable after the local board has classified or reclassified a registrant, it shall mail a notice thereof on a Notice of Classification (Form 57) to the registrant. When a registrant is classified in Class II–A or Class II–C until a specific date, the date of the termination of the deferment will be entered on the Notice of Classification (Form 57); and when a registrant is classified in one of such classes for an indefinite period, the word "Indefinite" will be entered on the Notice of Classification (Form 57).

(b) As soon as practicable after the local board has classified or reclassified a registrant, it shall mail a notice thereof on a Classification Advice (Form 59) to every person who has on file an official form of the Selective Service System or other document requesting the current deferment of the registrant. When a registrant is classified in Class II–A or Class II–C until a specific date, the date of the termination of the deferment will be entered on the Classification Advice (Form 59); and when a registrant is classified in one of such classes for an indefinite period, the word "Indefinite" will be entered on the Classification Advice (Form 59).

The foregoing amendments to the Selective Service Regulations shall be effective within the continental United States immediately upon the filing hereof with the Division of the Federal Register and shall be effective outside the continental limits of the United States on the 30th day after the date of filing with the Division of the Federal Register.

LEWIS B. HERSHEY,
Director.

AUGUST 31, 1945.

[F. R. Doc. 45–16396; Filed, Aug. 31, 1945; 3:30 p. m.]

[Amdt. 339]

PART 624—VOLUNTEERS

CLASSIFICATION OF VOLUNTEERS

Pursuant to authority contained in the Selective Training and Service Act of 1940, as amended, Selective Service Regulations, Second Edition, are hereby amended in the following respect:

Amend § 624.4 to read as follows:

§ 624.4 *Classification of volunteers.* When a man files an Application for Voluntary Induction (Form 165) under the provisions of § 624.1, he shall be classified as soon as possible and placed in a class immediately available for military service unless:

(a) He is "necessary to and regularly engaged in" and is indispensable and irreplaceable in an activity in support of the national health, safety, or interest;

(b) He is "necessary to and regularly engaged in" an agricultural occupation or endeavor essential to the war effort for whom a satisfactory replacement cannot be obtained;

(c) His induction would result in undue hardship to his dependents;

(d) He is the Vice President of the United States, a Governor of a State, any other State official chosen by the voters of the entire State, a member of the Congress of the United States, a member of a State legislative body, or a judge of a court of record of the United States or of a State, required to be deferred by law; or

(e) He is found to be disqualified for any military service or to be qualified for limited military service only, or for any reason other than physical or mental condition, he is found to be unacceptable for service in the land or naval forces of the United States.

The foregoing amendment to the Selective Service Regulations shall be effective with the continental United States immediately upon the filing hereof with the Division of the Federal Register and shall be effective outside the continental limits of the United States on the 30th day after the date of filing hereof with the Division of the Federal Register.

LEWIS B. HERSHEY,
Director.

AUGUST 31, 1945.

[F. R. Doc. 45-16397; Filed, Aug. 31, 1945; 3:31 p. m.]

[Amdt. 340]

PART 627—APPEAL TO BOARD OF APPEAL

MISCELLANEOUS AMENDMENTS

Pursuant to authority contained in the Selective Training and Service Act of 1940, as amended, Selective Service Regulations, Second Edition, are hereby amended in the following respect:

1. Amend § 627.3 to read as follows:

§ 627.3 *Board of appeal review of certain Class II–A classifications.* The classification by a local board made subsequent to December 10, 1943, of a registrant into Class II–A whose principal place of employment is located outside the appeal board area in which the local board having jurisdiction over the registrant is located and in an area where boards of appeal are organized shall, within 10 days after the date on which such classification is made, be submitted for review and decision to the board of appeal having jurisdiction over the area in which is located the principal place of employment of the registrant.

2. Amend paragraph (a) of § 627.13 to read as follows:

§ 627.13 *Local board to prepare and forward file and DSS Form 66.* (a) The local board shall determine the principal place of employment, if any, of the registrant and the address thereof immediately upon (1) an appeal being taken to the board of appeal by a person entitled to appeal, or (2) the classification of the registrant in Class II–A whose principal place of employment is located outside the appeal board area in which the local board having jurisdiction over the registrant is located and in an area where boards of appeal are organized. The local board shall record the principal place of employment, if any, of the registrant and the address thereof on and otherwise complete the Individual Appeal Record (Form 66). The determination of the local board of the principal place of employment of the registrant and the address thereof as recorded on the Individual Appeal Record (Form 66) shall be final except as provided in subparagraphs (1), (2), and (3) below.

(1) Prior to the decision of the case by the board of appeal, the local board may, on its own motion, and shall, upon request of the Director of Selective Service or the State Director of Selective Service of the State in which it is located, reconsider such determination. Upon such reconsideration, the local board shall determine the principal place of employment, if any, of the registrant and the address thereof and shall record such determination on the Individual Appeal Record (Form 66). Such determination, unless again reconsidered or an appeal is taken therefrom as provided in subparagraph (2) below, shall be final.

(2) Either the Director of Selective Service or the State Director of Selective Service, as to local boards in his State, may appeal from a determination of the local board of the principal place of employment of the registrant and the address thereof. Upon such an appeal being taken, the board of appeal whose area includes the address of the principal place of employment of the registrant as shown on the Individual Appeal Record (Form 66) shall have jurisdiction to determine the principal place of employment of the registrant and the address thereof, and such determination, unless an appeal is taken therefrom to the President as provided in subparagraph (3) below, shall be final.

(3) Either the Director of Selective Service or the State Director of Selective Service in whose State is located the local board from whose determination an appeal was taken under subparagraph (2) above or the State Director of Selective Service in whose State is located the board of appeal which made a determination of the registrant's principal place of employment and the address thereof, may appeal to the President from such determination of the board of appeal. Upon such an appeal being taken, the President shall determine the principal place of employment of the registrant and the address thereof, and such determination shall be final.

3. Amend paragraph (b) of § 627.14 to read as follows:

§ 627.14 *Time when record to be forwarded on appeal.* * * *

(b) The registrant's file shall be forwarded to the board of appeal or the State Director of Selective Service, as the case may be, immediately after the local board has complied with the provisions of § 627.13 when (1) an appeal is taken from the classification of a registrant in a class other than Class I–A, Class I–A–O, or Class IV–E, or (2) the classification of a registrant in Class II–A is submitted for review and decision to a board of appeal under § 627.3.

The foregoing amendments to the Selective Service Regulations shall be effective within the continental United States immediately upon the filing hereof with the Division of the Federal Register and shall be effective outside the continental limits of the United States on the 30th day after the date of filing hereof with the Division of the Federal Register.

LEWIS B. HERSHEY,
Director.

AUGUST 31, 1945.

[F. R. Doc. 45-16398; Filed, Aug. 31, 1945; 3:31 p. m.]

[Amdt. 341]

PART 632—INDUCTION CALLS

MISCELLANEOUS AMENDMENTS

Pursuant to authority contained in the Selective Training and Service Act of 1940, as amended, Selective Service Regulations, Second Edition, are hereby amended in the following respect:

1. Amend paragraph (a) of § 632.4 to read as follows:

§ 632.4 *Manner of selecting registrants to fill an induction call for men qualified for general military service.* (a) In filling an induction call for specified men who have been found qualified for general military service, the local board, so far as possible, shall, in the sequence provided in paragraph (b) of this section, select and order to report for induction specified men ages 18 through 25 and specified men ages 26 through 37 who have volunteered for induction. The specified men so selected and ordered to report for induction shall be men to whom the local board has mailed a Certificate of Fitness (Form 218) at least 21 days before the date fixed for induction who are available for induction and have been found qualified for general military service and who are not deferred, exempted, or relieved from liability or postponed from induction under the selective service law: *Provided,* That a registrant classified in Class I–A or Class I–A–O who is a delinquent may be selected and ordered to report for induction to fill an induction call notwithstanding the fact that he has not been found qualified for general military service and has not been mailed a Certificate of Fitness (Form 218).

2. Amend § 632.4–2 to read as follows:

§ 632.4–2 *Registrants outside of the United States when ordered to report for induction.* Men ages 18 through 25 and men ages 26 through 37 who have volunteered for induction (a) may enlist or be inducted outside of the United States under special procedures prescribed by the Director of Selective Service, or (b) if outside of the United States at the time they are ordered to report for induction, may, upon their return to the United States, be inducted under special procedures prescribed by the Director of Selective Service.

3. Amend § 632.6 to read as follows:

§ 632.6 *Certain registrants inducted without calls.* (a) Any man age 18 through 25 and any man age 26 through 37 who has volunteered for induction, who signs a Request for Immediate Induction (Form 219) and is in a class available for service, provided an appeal is not pending in his case and the period during which an appeal may be taken has expired, may be forwarded for induction at the time the local board is forwarding men for preinduction physical examination or for induction or at any other time when special arrangements have been made with the induction station without any calls being made for the delivery of such men.

(b) When any registrant referred to in paragraph (a) of this section is inducted or when any registrant referred to in § 632.4–2 is enlisted or inducted, his local board will be advised that he was inducted or enlisted either in the Army or in the Navy (including the Marine Corps and the Coast Guard). Such registrant will then be counted toward the filling of the next induction call.

The foregoing amendments to the Selective Service Regulations shall be effective within the continental United States immediately upon the filing hereof with the Division of the Federal Register and shall be effective outside the continental limits of the United States on the 30th day after the date of filing hereof with the Division of the Federal Register.

LEWIS B. HERSHEY,
Director.

AUGUST 31, 1945.

[F. R. Doc. 45-16399; Filed, Aug. 31, 1945; 3:31 p. m.]

[Amdt. 342]

PART 642—DELINQUENCY

MISCELLANEOUS AMENDMENTS

Pursuant to authority contained in the Selective Training and Service Act of 1940, as amended, Selective Service Regulations, Second Edition, are hereby amended in the following respect:

1. Amend § 642 12 to read as follows:

§ 642.12 *Classification of registrant delinquent.* Any delinquent registrant age 18 through 25 and any delinquent registrant age 26 through 37 who volunteers for induction may be classified in or reclassified into Class I–A, Class I–A–O, or Class IV–E, whichever is applicable, regardless of other circumstances: *Provided,* That a delinquent registrant in Class I–C who has "completed his service" in the land or naval forces of the United States and a delinquent registrant in Class IV–E who has been separated from work of national importance under civilian direction may not be classified in or reclassified into Class I–A, Class I–A–O, or Class IV–E under this section, unless his classification out of Class I–C or Class IV–E is specifically authorized by the Director of Selective Service.

2. Amend § 642.13 to read as follows:

§ 642.13 *Certain delinquents to be ordered to report for induction or for work of national importance.* (a) The local board shall order each delinquent registrant age 18 through 25 and each delinquent registrant age 26 through 37 who volunteers for induction to report for induction in the manner provided in § 632.4 or in § 632.4–1, as the case may be, who is classified in or reclassified into Class I–A or Class I–A–O unless (1) it has already done so, or (2) pursuant to a written request of the United States Attorney, the local board determines not to order such registrant to report for induction. If such delinquent registrant executes an Application for Voluntary Induction (Form 165) and a Request for Immediate Induction (Form 219), he shall be inducted immediately.

(b) The local board shall, in the manner provided in § 652.1, forward to the State Director of Selective Service a Conscientious Objector Report (Form 48) for each delinquent registrant age 18 through 25 and for each delinquent registrant age 26 through 37 who volunteers for work of national importance under civilian direction who is classified in or reclassified into Class IV–E unless (1) it has already done so, or (2) pursuant to a written request of the United States Attorney, the local board determines not to forward a Conscientious Objector Report (Form 48) for such registrant to the State Director. The Conscientious Objector Report (Form 48) shall include the statement that such registrant is a delinquent. As soon as the local board receives an Assignment to Work of National Importance (Form 49) for such delinquent registrant, it shall issue to him an Order to Report for Work of National Importance (Form 50).

The foregoing amendments to the Selective Service Regulations shall be effective within the continental United States immediately upon the filing hereof with the Division of the Federal Register and shall be effective outside the continental limits of the United States on the 30th day after the date of filing hereof with the Division of the Federal Register.

LEWIS B. HERSHEY,
Director.

AUGUST 31, 1945.

[F. R. Doc. 45-16400; Filed, Aug. 31, 1945; 3:31 p. m.]

Chapter VIII—Foreign Economic Administration

Subchapter B—Export Control

[Amdt. 84]

PART 802—GENERAL LICENSES

RE-EXPORTATION FROM COUNTRY OF DESTINATION

Section 802.4 *Re-exportation from country of destination* is hereby amended to read as follows:

§ 802.4 *Re-exportation from country of destination.* No exportation may be made under any type of general license with the knowledge or intention that the commodities so exported are to be re-exported from the country of destination, unless the re-exportation has been authorized by the Foreign Economic Administration, except that all commodities, the exportation of which is permitted under general license to any destination in Group K, may be re-exported from Canada or from any destination in Group K to any other destination in Group K provided that such re-exportation is not made to, or for the account of, any individual, or the agent, representative, or member of the immediate family of any individual, who is on the American Proclaimed List.

This amendment shall be effective as of July 26, 1945.

(Sec. 6, 54 Stat. 714; Pub. Law 75, 77th Cong.; Pub. Law 638, 77th Cong.; Pub. Law 397, 78th Cong.; Pub. Law 99, 79th Cong.; E.O. 8900, 6 F.R. 4795; E.O. 9361, 8 F.R. 9861; Order No. 1, 8 F.R. 9938; E.O. 9380, 8 F.R. 13081; Delegation of Authority No. 20, 8 F.R. 16235; Delegation of Authority No. 21, 8 F.R. 16320)

Dated: August 22, 1945.

WALTER FREEDMAN,
Director,
Requirements and Supply Branch,
Bureau of Supplies.

[F. R. Doc. 45-16439; Filed, Sept. 4, 1945; 9:49 a. m.]

Chapter IX—War Production Board

AUTHORITY: Regulations in this chapter unless otherwise noted at the end of documents affected, issued under sec. 2 (a), 54 Stat. 676, as amended by 55 Stat. 236, 56 Stat. 177, 58 Stat. 827; E.O. 9024, 7 F.R. 329, E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; E.O. 9599, 10 F.R. 10155; W.P.B. Reg. 1 as amended Dec. 31, 1943, 9 F.R. 64.

PART 1010—SUSPENSION ORDERS

[Suspension Orders, Revocation, List 2]

In view of the revocation of certain limitation and conservation orders con-

trolling the supply and distribution of materials, the Chief Compliance Commissioner has directed that the suspension orders hereinafter listed be revoked forthwith.

In view of the foregoing, *It is hereby ordered*, That the foregoing suspension orders be revoked, effective August 31, 1945, *Provided, however*, That this revocation does not affect any liabilities incurred for violations of the suspension order prior to revocation:

§ 1010.723 S–723—(Corrected) Amling's of California, Inc.
§ 1010.833 S–833—Gartner Printing and Lithographing Co.
§ 1010.819 S–819—Seaboard Envelope Co.
§ 1010.837 S–837—Smith Envelopes, Inc.
§ 1010.701 S–701—Standard Trunk & Suitcase Co.
§ 1010.758 S–758—True-Tagg Paint Co.

Issued this 31st day of August 1945.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 45–16419; Filed, Aug. 31, 1945; 4:17 p. m.]

PART 1010—SUSPENSION ORDERS

[Suspension Order S–689, Revocation]

J. S. PUBLISHING CORP.

Suspension Order No. S–689, issued January 12, 1945, against J. S. Publishing Corporation, 45 Rose Street, New York, N. Y., for violation of Limitation Order L–289. In view of the fact that Limitation Order L–289 was revoked on August 24, 1945, the Chief Compliance Commissioner has directed that Suspension Order No. S–689 be revoked forthwith.

In view of the foregoing: it is hereby ordered, that: § 1010.689, *Suspension Order No. S–689* be revoked, effective August 31, 1945.

Issued this 31st day of August 1945.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 45–16385; Filed, Aug. 31, 1945; 11:31 a. m.]

PART 1010—SUSPENSION ORDERS

[Suspension Order S–804, Revocation]

GULF STATES PLYWOOD CO.

Suspension Order No. S–804, effective June 14, 1945, was issued June 7, 1945, against Gulf States Plywood Company, a partnership composed of Ralph C. Clark, Thomas B. Skiff and Carey A. Watkins, located at 2400 Walnut Street, Jacksonville, Florida, for violation of Limitation Order L–150–a. In view of the fact that Limitation Order L–150–a was revoked on August 22, 1945, the Chief Compliance Commissioner has directed that Suspension Order No. S–804 be revoked forthwith.

In view of the foregoing: it is hereby ordered, that: § 1010.804, *Suspension Order No. S–804* be revoked, effective August 31, 1945.

Issued this 31st day of August 1945.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 45–16386; Filed, Aug. 31, 1945; 11:31 a. m.]

PART 1010—SUSPENSION ORDERS

[Suspension Order S–828, Reinstatement and Amendment]

KIMEL SHOE CO.

Kimel Shoe Company, a partnership composed of Morris E. Kimel, Harry Moss, and Stanley Kimel, engaged in the business of manufacturing shoes in Los Angeles, California, was suspended on June 20, 1945 by Suspension Order No. S–828. It appealed from the provisions of the suspension order and, pending determination of the appeal, the suspension order was stayed by the Chief Compliance Commissioner on June 29, 1945. The appeal has been considered by Deputy Chief Compliance Commissioner Bok who has dismissed the appeal and directed that the stay be terminated and the suspension order reinstated.

In view of the foregoing: it is hereby ordered, that: § 1010.828, *Suspension Order No. S–828*, issued June 20, 1945, be and hereby is reinstated effective September 4, 1945; the stay of execution directed by the Chief Compliance Commissioner on June 29, 1945 be and hereby is revoked effective September 3, 1945; and that the suspension order be amended by substituting for the present paragraph (a) the following paragraph (a):

(a) Morris E. Kimel, Harry Moss, and Stanley Kimel, whether doing business as Kimel Shoe Company or otherwise, their successors or assigns, unless otherwise specifically authorized in writing by the War Production Board, shall reduce their production of women's and growing girls' shoes in the $4.25 to $4.60 price line, 3,320 pairs below their allowable quota in each of the six months' periods beginning September 1, 1945, and March 1, 1946.

Issued this 24th day of August 1945.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 45–16451; Filed, Sept. 4, 1945; 11:08 a. m.]

Chapter XI—Office of Price Administration

PART 1377—WOODEN CONTAINERS

[RMPR 434, Amdt. 3]

USED FRUIT AND VEGETABLE CONTAINERS

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.

A new section 8a is added to the regulation with appropriate addition to the table of contents to read as follows:

SEC. 8a. *Mark-up for Grower's Service Organization.* For the purposes of this regulation a "Grower's Service Organization" is one which is engaged primarily in the business of marketing fruits and vegetables for the account of growers, and which maintains packing, receiving and shipping facilities, and enclosed or covered warehousing facilities for fresh fruit and vegetable containers.

Grower's Service Organizations may apply to the Building Materials Branch, Office of Price Administration, Washington 25, D. C., for permission to add to the net invoice cost a mark-up for performing the functions common to those of a grower's service organization as defined above. The application should show the following information:

1. Name and address.
2. A description of the operations performed by the organization in connection with the sale of the containers.
3. The dimensions of the enclosed or covered warehouse.
4. The requested mark-up or price per container.
5. The average percentage mark-up used during 1941 for the sale of new agricultural containers as reported under RMPR 320.

The Office of Price Administration may approve, disapprove or revise mark-ups proposed or established under this section so as to make them consistent with the mark-ups established for other similar organizations in the area and the mark-ups established under Maximum Price Regulation 320.

This Amendment No. 3 shall become effective September 10, 1945.

NOTE: All reporting requirements of this Amendment have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 4th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45–16475; Filed, Sept. 4, 1945; 11:50 a. m.]

PART 1407—RATIONING OF FOOD AND FOOD PRODUCTS

[Rev. RO 16,[1] Amdt. 61 to 2d Rev. Supp. 1]

MEAT, FATS, FISH AND CHEESE

The Official Table of Trade Point Values (OPA Form R–1313) No. 29 referred to in § 1407.3027 (a) is amended to provide a point value of 5.5 points per pound for Grade D beef ham sets (cured), beef, insides (cured), beef, outsides (cured) and beef, knuckles (cured), and a point value of 2.7 points per pound for semi-dry sausage.

The Official Table of Consumer Point Values (OPA Form R–1313) No. 29 referred to in § 1407.3027 (a) is amended to provide a point value of 3 points per pound for semi-dry sausage.

The Official Table of Consumer Point Values for Kosher Meats (OPA Form R–1611) No. 29 referred to in § 1407.3027 (a) is amended to provide a point value of 3 points per pound for semi-dry sausage.

This amendment shall become effective September 2, 1945.

Issued this 31st day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45–16409; Filed, Aug. 31, 1945; 4:12 p. m.]

[1] 9 F.R. 6772.

PART 1305—ADMINISTRATION

[Supp. Order 129]

EXEMPTION AND SUSPENSION FROM PRICE CONTROL OF MACHINES, PARTS, INDUSTRIAL MATERIALS AND SERVICES

A statement of the considerations involved in the issuance of this supplementary order, issued simultaneously herewith, has been filed with the Division of the Federal Register.

AUTHORITY: § 1305.157 issued under 56 Stat. 23, 765; 57 Stat. 566; Pub. Law 383, 78th Cong.; Pub. Law 108, 79th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681; E.O. 9599, 10 F.R. 10155; Directive 68 of the Director of Economic Stabilization.

ARTICLE I—EXEMPTIONS

SECTION 1. *Articles exempted from price control.* Notwithstanding the provisions of any price regulation or order heretofore issued by the Office of Price Administration, or any price regulation or order hereafter issued by the Office of Price Administration, except an amendment of this order, all purchases, sales and deliveries, unless otherwise stated below, of any of the machines, parts, industrial materials and services listed in the sections appearing under this Article are exempt from price control.

SEC. 2. *Building materials*—(a) *Construction materials and refractories as follows.*

Achitectural terra cotta.

(b) *Mechanical building equipment as follows.*

Cast iron cornices.
Continuous stove wood pipe.
Machine-banded wood pressure pipe.
Ornamental iron brackets.
Solid bored wood pressure pipe, machine-banded or wire-bound.
Wire-bound wood pressure pipe.
Wood-lined pressur. pipe.
Wrought iron balustrades.
Wrought iron fences.

SEC. 3. *Lumber and primary forest products*—(a) *Miscellaneous primary forest products as follows.*

Florist foliage.

SEC. 4. *Machines and parts and machinery services*—(a) *Electrical equipment as follows.*

Batteries, wet-cell electric storage, when sold by a manufacturer to a brand owner, pursuant to a cost-plus-a-fixed-fee or a cost-plus-a-percentage-of-cost contract.
Bi-metallic strips.
Lighting fixtures, especially designed and built for individual installation, excluding modifications of standard items.
X-ray equipment and supplies, exclusive of X-ray tubes.

(b) *Miscellaneous equipment as follows.*

Gas meters, tin-cased.
Voting machines, and parts.

(c) *Processing machinery and parts as follows.*

Broom sewing machines and parts.

(d) *Transportation equipment and services as follows.*

Repair to ships and boats when undertaken for a war procurement agency.

SEC. 7. *Paper and paper products*—(a) *Miscellaneous paper products as follows.*

Stamped envelopes sold to and by the Post Office Department of the United States Government.

SEC. 8. *Rubber, chemicals and drugs*—(a) (1) *Chemicals and drugs when sold for the purposes of scientific and medical research, for analytical and educational uses or for quality control of industrial products as follows.*

Laboratory reagent specialty solutions.
Prepared culture media.
Reagent chemicals.

(2) *Chemicals and drugs as follows.*

Guinea pig complement.
Crude botanical drugs imported from Canada.

(b) *Miscellaneous commodities made in whole or in part of rubber, synthetic or substitute rubber as follows:*

Bust forms and fillers (other than surgical bust forms and fillers).

ARTICLE II—SUSPENSIONS

SEC. 9. Notwithstanding the provisions of any price regulation or order heretofore issued by the Office of Price Administration, or any price regulation or order hereafter issued by the Office of Price Administration, except an amendment of this order, price control is suspended as to all purchases, sales and deliveries, unless otherwise stated below, of any of the machines, parts, industrial materials and services listed in the sections appearing under this Article. These suspensions are for an indefinite period of time except when it is otherwise specifically provided by the Administrator.

SEC. 10. *Building materials*—(a) *Construction materials and refractories as follows:*

Architectural dimension stone, monuments and memorials.

SEC. 11. *Lumber and primary forest products.*

SEC. 12. *Machines and parts and machinery services*—(a) *Electrical equipment as follows:*

Search lights, military, completely assembled.

(b) *Machine tools and parts as follows:*

Spring-winding and wire-forming machinery.

(c) *Miscellaneous equipment as follows:*

Clockwork systems, industrial.
Engines, Army tank.
Furnaces and ovens, industrial and laboratory, except space heating, warm air furnaces, stoves, blast furnaces and industrial furnaces and ovens used solely for the manufacture of coke, pig iron and steel, or used for food processing.
Heating, melting, burning and thawing equipment, portable, for industrial and transportation uses, excluding fire pots and blow torches.
Gauges, standard industrial and special purpose, including plug, ring, snap, height, length and location gauges, but not testing machines.
Gyroscopes.
Marine instruments.
Numbering and marking machines for use on metal, except office machines.
Optical processing machinery, manufacturers, except BX optical and laboratory machinery.
Pipe wrapping and coating machinery.
Reproduction machinery, architectural and engineering, such as blue printing, brown printing and white printing, but not photographic process machinery.
Siren blowers, designed for air raid precautionary use.
Steam engines, except railroad locomotives.

(d) *Transportation equipment and services as follows.*

Heavier and lighter than air aircraft.
Parts for heavier and lighter than air aircraft, including any product upon which further fabrication need not be performed in order to complete its identification as a part specially designed for the production or repair of aircraft, but excluding specifically:
(1) Lumber requiring further fabrication.
(2) Any part whose end use cannot be determined by the seller.
(3) Airplane tires and tubes.
(4) Die castings covered by Maximum Price Regulation 377 (Die Castings).
(5) Iron and steel castings covered by Revised Price Schedule 41 (Steel Castings and Railroad Specialties), Maximum Price Regulation 214 (High Alloy Castings), Maximum Price Regulation 235 (Manganese Steel Castings and Manganese Steel Castings Products), Maximum Price Regulation 241 (Malleable Iron Castings), or Maximum Price Regulation 244 (Gray Iron Castings).
(6) Non-ferrous castings covered by Revised Maximum Price Regulation 125 (Non-ferrous Castings).
(7) Plywood (except that molded specially for airplanes).
Marine equipment listed in Revised Maximum Price Regulation 136 (Machines, Parts and Industrial Equipment).
Ships and boats, new or used, over twenty-five feet in length, excluding stock boats built to the manufacturer's specifications and selling at a price of not more than $3,000 to the user, and excluding parts, subassemblies or fittings for such ships and boats when sold separately.

SEC. 13. *Metals*—(a) *Non-ferrous metals and products as follows:*

Primary aluminum ingot and pig.
Aluminum castings subject to Revised Maximum Price Regulation 125 (Non-ferrous Castings).
Magnesium scrap.
Remelt magnesium ingot
Magnesium and magnesium alloy ingot.
Magnesium castings subject to Revised Maximum Price Regulation 125 (Non-ferrous Castings).
Mercury.
Die castings subject to Maximum Price Regulation 377 (Die Castings).

ARTICLE III—GENERAL PROVISIONS

SEC. 17. *Articles not affected by this order.* The provisions of this order do not exempt or suspend from price control articles which are not listed, although such articles may have incorporated in them or be sold with articles which are exempted or suspended from price control.

SEC. 18. *Records and reporting.*—(a) *Exemption or suspension from price control shall not affect the responsibility of a person to preserve records which, on the date of exemption or suspension,*

he was required to keep under the provisions of the applicable price regulation or regulations. Records of individual transactions after exemption or during a period of suspension need not be retained or reports need not be made except as may be provided by paragraph (b) of this section.

(b) *Special records and reporting requirements.*

SEC. 19. *Definitions for the purpose of this supplementary order.* (a) "Person" means an individual, corporation, partnership, association, or any other organized group of persons, legal successor or representative of the foregoing.

(b) "Price regulation" means the price schedule effective in accordance with section 206 of the Emergency Price Control Act of 1942, as amended, a maximum price regulation or temporary maximum price regulation, heretofore or hereafter issued, or any amendment or supplement thereto or order thereunder heretofore or hereafter issued.

(c) "War procurement agency" means the War Department, the Department of the Navy, the United States Maritime Commission, the War Shipping Administration, the Lend-Lease Section of the Procurement Division of the Treasury Department, and any agency of any of the foregoing.

SEC. 20. *Relationship between this order and Supplementary Order 45 and Supplementary Order 123.* The provision of this Supplementary Order supersedes the provisions of Supplementary Order 45 and Supplementary Order 123 as to any article listed in this order.

SEC. 21. *Geographical applicability.* The provisions of this order shall be applicable to purchases, sales and deliveries in the forty-eight States of the United States and the District of Columbia.

This Supplementary Order No. 129 shall become effective August 31, 1945.

Issued this 29th day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-16229; Filed, Aug. 29, 1945; 4:27 p. m.]

PART 1305—ADMINISTRATION

[Supp. Order 129, Amdt. 1]

SUSPENSION FROM PRICE CONTROL OF CERTAIN COMMODITIES

A statement to accompany this amendment to Supplementary Order 129 has been issued simultaneously herewith and filed with the Division of the Federal Register.

Supplementary Order 129 is amended in the following respects:

1. Section 14 is added to Article II, to read as follows:

SEC. 14. *Motor vehicles and equipment*—(a) *Passenger automobile parts, certain sales.* (1) Passenger automobile parts are suspended from price control.

(i) When sold to passenger automobile manufacturers for use as passenger automobile original equipment;

(ii) When sold to parts or subassembly manufacturers for use in the production of parts or subassemblies to be sold to manufacturers of passenger automobiles or other complete assemblies for use as original equipment;

(iii) When sold to manufacturers of complete assemblies other than passenger automobiles for use as original equipment in such assemblies, except that prices for sales under this subdivision (iii) shall not be higher dollarwise in relation to the seller's general level of prices for sales under subdivision (i) than was the case in March, 1942. For example, a parts manufacturer sold a certain part to automobile manufacturers in March, 1942, for $5.00, and he sold the same part to a farm machinery manufacturer for $6.00, or $1.00 more. If he now raises his price to the automobile manufacturers to $5.10, he may not charge more than $6.10 to the farm machinery manufacturer, that figure being $1.00 greater than the price to the automobile manufacturer. If the seller was not in business of selling automotive parts in March, 1942, he shall be guided by the March 1942 price differential of his most closely competitive seller of the same class.

(2) *Notification from purchasers of original equipment requirements.* Before delivery, a purchaser of automotive parts to be used as described in subdivisions (i), (ii) or (iii) shall notify the seller in writing of the quantity of the part required for use as original equipment in passenger automobiles or other complete assemblies or for use in the production of parts or subassemblies to be used as original equipment in passenger automobiles or other complete assemblies. The seller may rely upon the buyer's notification and treat as suspended from price control the sale and delivery of the number of parts stated by the purchaser.

(3) *Definitions.* As used in this supplementary order

(i) "Complete assembly" means an assembly in its final form and which will not be later incorporated in another product. Examples are commercial vehicles and farm tractors.

(ii) "Passenger automobile part" means any specific part, subassembly or accessory, except as excluded below, originally designed for use in a passenger automobile and fabricated to such an extent that it may be identified as to its ultimate use in a passenger automobile. "Passenger automobile parts" do not include tires; batteries; radios; or ferrous and nonferrous castings covered by regulations 41, 125, 214, 235, 241 and 244.

Examples: Glass is not a passenger automobile part unless cut to size to be incorporated in an automobile. Electrical wire is not a "part" within the meaning of the definition unless sufficiently fabricated so that it may be identified with its ultimate use in automobiles, as in the form of wire harness assemblies. Forgings are not "parts" unless they can be identified as to their ultimate use in a passenger automobile. Among such identifiable forgings are spindle bolts, axle shafts, and crankshafts. Examples of stampings that are passenger automobile parts are fenders, bodies, bumpers and brackets. Automobile fabrics in general are not parts, but when the fabric is cut to size and made part of a seat, the seat is a "part". Upholstery tacks are not "parts", since they were not originally designed for use in a passenger automobile. Automobile jacks are "parts," as they are accessories meeting the requirements of the definition.

There follows a general but not exclusive list of passenger automobile parts:

Automotive gears
Automotive steering assemblies
Automotive knee action front ends
Automotive conventional type front axles
Automotive suspension springs
Automotive wheels and hub and drum assemblies
Automotive bearings
Automotive connecting rods
Automotive valves
Automotive valve springs
Automotive shock absorbers
Automotive body hardware
Automotive fan belts
Automotive armatures (motor and generator and wiper motors)
Automotive brake systems
Automotive transmissions
Automotive oil filters
Automotive coils and electrical parts
Automotive heaters and defrosters
Automotive brake parts
Automotive engine assemblies
Automotive radiators
Automotive horns or warning signaling devices
Automotive drag links
Automotive mouldings
Automotive oil and water pumps
Automotive propeller shafts
Automotive window regulators
Automotive rear axle shafts
Automotive ring and pinion gears
Automotive cylinder sleeves
Automotive speedometers

2. Section 18 (b) is amended by the addition of the following subparagraph (1):

(1) *Passenger automobile parts*—(i) *Industry questionnaires.* Each manufacturer who has been requested to furnish the Office of Price Administration financial information on the form bearing Bureau of the Budget No. 08-45104 shall furnish such information not later than ten days from September 8, 1945.

(ii) *Reports of increased prices.* Each seller of passenger automobile parts shall mail to the Automotive Branch,[1] Office of Price Administration, Washington, D. C., within five days of the agreement to sell, the following information regarding every price charged for the sale of a passenger automobile part suspended by this supplementary order which is higher than the maximum price prior to suspension:

(*a*) Description of the part.
(*b*) Name and address of buyer.
(*c*) Selling price.
(*d*) Former maximum price (not required where maximum price would have been established under section 8 of Maximum Price Regulation 452).

[1] Sellers of parts subject to MPR 149 shall mail these reports to the Rubber, Drugs and Chemicals Branch.

Once the above information has been reported as to a new price, reports need not be made for later sales at or below that price.

This amendment shall become effective August 31, 1945.

Issued this 29th day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-16230, Filed, Aug. 29, 1945; 4:28 p. m.]

PART 1305—ADMINISTRATION

[Supp. Order 130]

MAXIMUM PRICES FOR SALES OF CONTRACTOR INVENTORY

A statement of the considerations involved in the issuance of this supplementary order, issued simultaneously herewith, has been filed with the Division of the Federal Register.

AUTHORITY: § 1305.158 issued under 56 Stat. 23, 765; 57 Stat. 566; Pub. Law 383, 78th Cong.; Pub. Law 102, 79th Cong.; E.O. 9250, 7 F.R. 7871, E.O. 9328, 8 F.R. 4681, E.O. 9599, 10 F.R. 10155.

SECTION 1. *What this supplementary order does.* This supplementary order fixes ceiling prices for sales by a prime contractor or subcontractor of contractor inventory which has been retained by him, but does not apply to sales which are exempt or suspended from price control under any price regulation or supplementary order heretofore or hereafter issued.

SEC. 2. *Maximum prices for contractor inventory covered by this order.* (a) The maximum price for sales by a prime contractor or subcontractor of contractor inventory retained by him shall be as follows:

(1) For materials already completed or completed subsequent to termination in accordance with the war contract:

(i) The existing maximum price established under the applicable maximum price regulation.

(ii) The adjusted contract price as hereinafter defined if the seller has no existing established maximum price.

(2) For partially fabricated or partially processed materials:

(i) The existing maximum price established under the applicable maximum price regulation.

(ii) The total cost of the material plus a percentage of such cost equal to the percentage over cost of the completed materials realized under his war contract, if the seller has no existing established maximum price.

(3) For raw materials:

(i) The existing maximum price established under the applicable maximum price regulation.

(ii) The purchase price plus freight, if any, paid by the contractor or subcontractor, if the seller has no existing established maximum price.

SEC. 3. *When OPA may establish special maximum prices or exemptions on its own motion.* The national office of the OPA, on its own motion, may by order establish special maximum prices or special exemptions, applicable to all sales of contractor inventory retained by prime contractors or subcontractors. An order issued under this section shall supersede any other pricing provision of this Supplementary Order 130.

SEC. 4. *Invoices.* (a) Every person who makes a sale subject to this supplementary order shall furnish the purchaser an invoice of sale, a copy of which he must retain, which shall include (in addition to his own and the purchaser's name and address, a brief description of the material, and the date, price, terms and quantity of the sale) the following:

(1) The number of the war contract pursuant to which the goods were to be fabricated or processed, and in the case of a subcontract, the name of the prime contractor, and (2) a statement as follows:

The price of this material does not exceed the maximum price established by Supplementary Order 130, Maximum Prices for Sales of Contractor Inventory.

SEC. 5. *Definitions*—(a) *Adjusted contract price.* "Adjusted contract price" means the price established in the war contract for completed materials meeting the contract specifications, adjusted by:

(1) Subtracting the cost of material, processing, finishing, packing, freight, etc. ordinarily incurred in the performance of the war contract, but not incurred with respect to the material being priced; and

(2) Adding the net cost of all material, processing, finishing and packing not ordinarily incurred in the performance of the war contract, but incurred in preparing the material being priced for sale. All prices so established shall be f. o. b. seller's plant.

(b) *Contract.* A "contract" is a letter of intent, purchase order, or any other offer, agreement or commitment by which a war procurement agency undertakes to purchase goods, and all amendments and supplements thereto.

(c) *Subcontract.* A "subcontract" is a contract to supply a prime contractor with a product for use in fulfilling his contract with a war procurement agency. The product may be either (1) a complete product called for by the prime contract, or (2) a product for fabrication or processing, or one for physical annexation to or incorporation into a product, in the course of fulfilling the prime contract.

(d) *War procurement agency.* When used in this supplementary order, the term "war procurement agency" means the War Department, the Department of the Navy, the United States Maritime Commission, the Training Organization of the War Shipping Administration, or the Procurement Divison of the Department of the Treasury of the United States, or any agency of any of the foregoing.

(e) *War contract.* "War contract" means either a contract entered into with the agencies specified in (d) above by a prime contractor or a subcontract thereunder.

(f) *Applicable maximum price regulation.* The term "applicable maximum price regulation" means any price schedule effective in accordance with the provisions of section 206 of the Emergency Price Control Act of 1942, as amended, any maximum price regulation or temporary maximum price regulation issued by the Office of Price Administration and in effect, or any amendment or supplement thereto or order issued thereunder, which currently establishes a maximum price or a method for establishing the maximum price for any commodity subject to this supplementary order.

(g) *Contractor inventory.* "Contractor inventory" means (1) any property related to a terminated contract of any type with a Government agency or to a subcontract thereunder; and (2) any property acquired under a contract pursuant to the terms of which title is vested in the Government, and in excess of the amounts needed to complete performance thereunder; and (3) any property which the Government is obligated to take over under any type of contract as a result of any change in the specifications or plans thereunder.

(h) *Termination, terminate and terminated.* The terms "termination", "terminate" and "terminated" refer to the termination or cancellation, in whole or part, of work under a prime contract for the convenience or at the option of the war procurement agency (except for default of the prime contractor), or of work under a subcontract for any reason except the default of the subcontractor.

(i) *Material.* The term "material" includes any article, commodity, machinery, equipment, accessory, part component, assembly, work in process, and any product of any kind.

(j) *Existing established maximum price.* "Existing established maximum price" means any maximum price already established under a maximum price regulation and applicable to the commodity being priced. It includes any price already established by special order or upon special application for sales to persons other than war procurement agencies or their contractors. It does not include prices which must be filed with the OPA prior to use, or prices based upon competitors' maximum prices, or prices which can be established only upon application to the OPA.

NOTE: The record-keeping requirement of this supplementary order has been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

This supplementary order shall become effective September 5, 1945.

Issued this 31st day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-16404; Filed, Aug. 31, 1945; 4:12 p. m.]

PART 1388—DEFENSE-RENTAL AREAS

[Designation and Rent Declaration 25,[1] Amdt. 35]

DESIGNATION OF CERTAIN AREAS AND RENT DECLARATION RELATING TO SUCH AREAS

In § 1388.1201 of Designation and Rent Declaration 25, Item 230 is amended and Item 276 is added to read as follows:

(230) Salt Lake City, Utah, Counties of Salt Lake and Tooele, in Utah and that portion of Elko County in Nevada, situated within a radius of three miles from the center of U. S. Highway 40, where said highway crosses the Nevada-Utah State Line.

(276) Ogden, Utah, Counties of Box Elder, Davis, Morgan, and Weber.

This amendment shall become effective August 31, 1945.

Issued this 31st day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-16414; Filed, Aug. 31, 1945; 4:14 p. m.]

PART 1388—DEFENSE-RENTAL AREAS

[Designation and Rent Declaration 25,[1] Amdt. 36]

DESIGNATION OF CERTAIN AREAS AND RENT DECLARATIONS RELATING TO SUCH AREAS

In § 1388.1201 of Designation and Rent Declaration 25, Item 18 is amended to read as follows:

(18) Pine Bluff, Arkansas, Northern District of Arkansas County, consisting of the Townships of Gum Pond, Henton, Keaton, McFall, Mill Bayou, and Morris; Jefferson County; and Southern District of Prairie County, consisting of the Townships of Belcher, Center, Hazen, Lower Surrounded Hill, Roc Roe, Tyler, and Wattensaw.

This amendment shall become effective September 1, 1945.

Issued this 31st day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-16416; Filed, Aug. 31, 1945; 4:15 p. m.]

PART 1388—DEFENSE-RENTAL AREAS

[Designation and Rent Declaration 31,[2] Amdt. 35]

DESIGNATION OF CERTAIN AREAS AND RENT DECLARATIONS RELATING TO SUCH AREAS

§ 1388.1341 of Designation and Rent Declaration 31, Items 59 and 68 are amended and Items 192 and 193 are added to read as follows:

(59) Del Rio, Texas, Counties of Kinney, Uvalde, and Val Verde.

(68) Altus, Oklahoma, County of Jackson.

(192) Frederick, Oklahoma, County of Tillman.

(193) Eagle Pass, Texas, County of Maverick.

This amendment shall become effective August 31, 1945.

Issued this 31st day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-16415; Filed, Aug. 31, 1945; 4:14 p. m.]

PART 1388—DEFENSE-RENTAL AREAS

[Hotels and Rooming Houses,[3] Amdt. 62]

HOTELS AND ROOMING HOUSES

The Rent Regulation for Hotels and Rooming Houses is amended in the following respects:

1. Items 244b, 312a, and 334a are added, and

2. Items 242a, 312, and 336 are amended as follows:

Name of Defense-Rental Area	State	County or counties in Defense-Rental Area under rent regulation for hotels and rooming houses	Maximum rent date	Effective date of regulation	Date by which registration statement to be filed (inclusive)
(242a) Altus	Oklahoma	Jackson	Mar. 1, 1942	Nov. 1, 1943	Dec. 15, 1943
(244b) Frederick	do	Tillman	do	do	Do.
(312) Del Rio	Texas	Kinney, Uvalde, and Val Verde.	do	May 1, 1944	June 15, 1944
(312a) Eagle Pass	do	Maverick	do	Oct. 1, 1942	Nov. 15, 1942
(334a) Ogden	Utah	Box Elder	do	do	Do.
	do	Davis, Morgan and Weber	do	Aug. 1, 1942	Sept. 15, 1942
(336) Salt Lake City	do	Salt Lake	do	do	Do.
	do	Tooele	do	Nov. 1, 1942	Dec. 16, 1942
	Nevada	That portion of Elko County, Nevada, situated within the radius of 3 miles from the center of U. S. Highway 40, where said highway crosses the Nevada-Utah State Line	do	May 1, 1944	June 15, 1944

This amendment shall become effective August 31, 1945.

NOTE: All reporting and record-keeping requirements of this amendment have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 31st day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-16413; Filed, Aug. 31, 1945; 4:14 p. m.]

PART 1388—DEFENSE-RENTAL AREAS

[Hotels and Rooming Houses,[3] Amdt. 61]

HOTELS AND ROOMING HOUSES

Schedule A of the Rent Regulation for Hotels and Rooming Houses is amended in the following respects:

1. Items 244b, 312a, and 334a are added, and

2. Items 242a, 312, and 336 are amended as follows:

Name of Defense-Rental Area	State	County or counties in Defense-Rental Area under rent regulation for hotels and rooming houses	Maximum rent date	Effective date of regulation	Date by which registration statement to be filed (inclusive)
(242a) Altus	Oklahoma	Jackson	Mar. 1, 1942	Nov. 1, 1943	Dec. 15, 1943
(244b) Frederick	do	Tillman	do	do	Do.
(312) Del Rio	Texas	Kinney, Uvalde, and Val Verde.	do	May 1, 1944	June 15, 1944
(312a) Eagle Pass	do	Maverick	do	Oct. 1, 1942	Nov. 15, 1942
(334a) Ogden	Utah	Box Elder	do	do	Do.
	do	Davis, Morgan and Weber	do	Aug. 1, 1942	Sept. 15, 1942
(336) Salt Lake City	do	Salt Lake	do	do	Do.
	do	Tooele	do	Nov. 1, 1942	Dec. 16, 1942
	Nevada	That portion of Elko County, Nevada, situated within the radius of 3 miles from the center of U. S. Highway 40, where said highway crosses the Nevada-Utah State Line	do	May 1, 1944	June 15, 1944

This amendment shall become effective August 31, 1945.

NOTE: All reporting and record-keeping requirements of this amendment have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 31st day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-16412; Filed, Aug. 31, 1945; 4:14 p. m.]

PART 1388—DEFENSE-RENTAL AREAS

[Housing,[1] Amdt. 66]

HOUSING

The Rent Regulation for Housing is amended in the following respects:

1. The application of the Rent Regulation for Housing is terminated in the Monroe, North Carolina Defense-Rental Area; in the Orangeburg Defense-Rental Area in South Carolina; in the Tullahoma Defense-Rental Area in Tennessee; in a portion of the Pine Bluff Defense-Rental Area in Arkansas; in the Altus Defense-Rental Area in Oklahoma; in the Abilene Defense-Rental Area in Texas; in the Brady Defense-Rental Area in Texas; in the Eagle Pass Defense-Rental Area in Texas; and in the San Miguel County Defense-Rental Area in New Mexico, and consequently Items 197a, 220, 242a, 280b, 297, 298, 305a, and 312a in Schedule A of the Rent Regulation for Housing are hereby revoked and the above enumerated areas or portions thereof decontrolled.

2. Item 25 of Schedule A of the Rent Regulation for Housing is amended to read as follows:

Name of Defense-Rental Area	State	County or counties in Defense-Rental Areas under rent regulation for housing	Maximum rent date	Effective date of regulation	Date by which registration statement to be filed (inclusive)
(25) Pine Bluff	Arkansas	Jefferson	Mar. 1, 1942	Aug. 1, 1942	Sept. 15, 1942
	do	Northern District of Arkansas County, consisting of the Townships of Gum Pond, Henton, Keaton, McFall, Mill Bayou, and Morris; and the Southern District of Prairie County, consisting of the Townships of Belcher, Center, Hazen, Lower Surrounded Hill, Roc Roe, Tyler, and Watensaw.	do	Dec. 1, 1942	Jan. 15, 1943

This amendment shall become effective September 1, 1945.

NOTE: All reporting and record-keeping requirements of this amendment have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 31st day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-16418; Filed, Aug. 31, 1945; 4:15 p. m.]

PART 1388—DEFENSE-RENTAL AREAS

[Housing,[1] Amdt. 65]

HOUSING

Schedule A of the Rent Regulation for Housing is amended in the following respects:

1. Items 244b, 312a and 334a are added, and

2. Items 242a, 312, and 336 are amended as follows:

Name of Defense-Rental Area	State	County or counties in Defense-Rental Area under rent regulation for housing	Maximum rent date	Effective date of regulation	Date by which registration statement to be filed (inclusive)
(242a) Altus	Oklahoma	Jackson	Mar. 1, 1942	Nov. 1, 1943	Dec. 15, 1943
(244b) Frederick	do	Tillman	do	do	Do.
(312) Del Rio	Texas	Kinney, Uvalde, and Val Verde.	do	May 1, 1944	June 15, 1944
(312a) Eagle Pass	do	Maverick	do	Oct. 1, 1942	Nov. 15, 1942
(334a) Ogden	Utah	Box Elder	do	do	Do.
	do	Davis, Morgan and Weber	do	Aug. 1, 1942	Sept. 15, 1942
(336) Salt Lake City	do	Salt Lake	do	do	Do.
	do	Tooele	do	Nov. 1, 1942	Dec. 16, 1942
	Nevada	That portion of Elko County, Nevada, situated within the radius of 3 miles from the center of U. S. Highway 40, where said highway crosses the Nevada-Utah State Line	do	May 1, 1944	June 15, 1944

This amendment shall become effective August 31, 1945.

NOTE: All reporting and record-keeping requirements of this amendment have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 31st day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-16417; Filed, Aug. 31, 1945; 4:15 p. m.]

PART 1394—RATIONING OF FUEL AND FUEL PRODUCTS

[RO 14A, Revocation]

FIREWOOD AND COAL IN PACIFIC NORTHWEST

Subject to section 5.1 of General Ration Order 8, Ration Order 14A, Firewood and Coal in the Pacific Northwest, all orders issued thereunder, and all Office of Price Administration revocation or suspension orders, to the extent that they relate to firewood or coal, are revoked.

This order of revocation shall become effective September 1, 1945.

Issued this 31st day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-16408; Filed, Aug. 31, 1945; 4:17 p. m.]

PART 1300—PROCEDURE

[Rev. Procedural Reg. 1,[2] Amdt. 11]

PROCEDURE FOR ISSUANCE, ADJUSTMENT, AMENDMENT, PROTEST AND INTERPRETATION OF MAXIMUM PRICE REGULATIONS

In section 61, the first sentence is amended to read as follows: "The Office of the Secretary, Office of Price Administration, Washington, D. C., shall be open on week days, except Saturdays, from 9 a. m. to 5 p. m. and shall be closed on Saturdays."

Issued and effective this 31st day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-16410; Filed, Aug. 31, 1945; 4:16 p. m.]

PART 1300—PROCEDURE

[Rev. Procedural Reg. 3,[3] Amdt. 13]

PROCEDURE FOR ADJUSTMENTS, AMENDMENTS, PROTESTS AND INTERPRETATIONS UNDER RENT REGULATIONS

In § 1300.254, the first sentence is amended to read as follows: "The Office of the Secretary, Office of Price Administration, Washington, D. C., shall be open on week days, except Saturdays, from 9 a. m. to 5 p. m. and shall be closed on Saturdays."

Issued and effective this 31st day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-16411; Filed, Aug. 31, 1945; 4:16 p. m.]

PART 1305—ADMINISTRATION

[Gen. RO 5,[4] Amdt. 118]

FOOD RATIONING FOR INSTITUTIONAL USERS

A rationale accompanying this amendment, issued simultaneously herewith,

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[1] 9 F.R. 5820, 11540, 11798, 12865, 12967, 14060; 10 F.R. 2407, 4714, 5576.

[2] 9 F.R. 5823, 5915, 7329, 7431, 9265, 9513, 11540, 11796, 12866, 14061, 15059, 15156; 10 F.R. 1103, 2466.

[3] 10 F.R. 3452, 3555, 3556, 3950, 4713, 5089, 5576, 5579, 6400, 7853, 7849, 7853, 8017.

[1] 10 F.R. 3436, 3555, 3951, 4714, 4713, 5089, 5577, 5603, 6074, 6400, 7853, 7849, 8017.

[2] 9 F.R. 10476, 13715.

[3] 9 F.R. 10484, 12865; 10 F.R. 2431, 5077.

[4] 8 F.R. 10002.

has been filed with the Division of the Federal Register.

Section 5.6 (e) is added to read as follows:

(e) An additional reserve allotment shall be granted to all institutional users (other than Group I users) equal to twenty-five percent (25%) of the total meal service and refreshment allotment for each rationed food for the September–October 1945 allotment period. It shall be issued at the time when regular allotments for the September–October 1945 allotment period are issued. A seasonal user who does not operate during that allotment period shall be granted his additional reserve allotment when he applies for allotments in the first period in which he will resume operations. His additional reserve allotment shall be computed in the same way as his original reserve allotment.

This amendment shall become effective September 1, 1945.

Issued this 31st day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-16407; Filed, Aug. 31, 1945; 4:17 p. m.]

PART 1305—ADMINISTRATION

[Rev. Supp. Order 114,[1] Amdt. 1]

ADJUSTABLE PRICING OF CERTAIN COTTON TEXTILES

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.

Revised Supplementary Order No. 114 is amended by adding the following Reference No. to the list appearing in section 5:

	Applicable percentage limit	
	I	II
6. Soft filled sheetings	2	3

This amendment shall become effective September 5, 1945.

Issued this 4th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-16499; Filed, Sept. 4, 1945; 11:47 a. m.]

PART 1305—ADMINISTRATION

[Supp. Order 120, Amdt. 1]

SPECIAL PROVISIONS FOR WHOLESALERS OF FOOTWEAR

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.

[1] 10 F.R. 9875.

Supplementary Order 120 is amended in the following respects:

1. Section 1 (b) is amended to read as follows:

(b) *What commodities are covered.* This order applies to footwear of the categories enumerated in Appendix A. It does not apply to athletic footwear, used footwear, footwear for which dollar-and-cent wholesale prices have been established by order under Supplementary Order 94 or to footwear subject to the provisions of Supplementary Order 122.

2. Section 3 (c) is deleted and a new paragraph (c) is inserted in its place to read as follows:

(c) *Authority to Regional Administrators to grant exceptions.* Any wholesaler may request the Regional Administrator for the OPA Region in which his principal office is located to grant an OPA Shoe Wholesaler Number to him, or to permit him to sell footwear at a price in excess of that established by section 6 of this order, notwithstanding the other provisions of this order. Such request will be granted by the Regional Administrator only if he finds that the wholesaler conducts, or proposes to conduct, a business which renders a recognized, bona fide distributive function of a type normally performed by wholesalers in the sale of footwear at wholesale and that such action will not adversely affect, directly or indirectly, the program of price control with respect to footwear. Such action by the Regional Administrator may be limited or conditioned in any manner necessary to assure that the action will not contravene the purposes of this order and will not adversely affect the program of price control with respect to footwear.

3. Section 7 (a) (1) is amended to read as follows:

(1) "Footwear" means any type of outside covering for the human foot, but does not include hosiery, knitted booties, footwear made entirely of wood or footwear in which vulcanization is used in the process of manufacture for the purpose of attaching the sole to the upper material. The term does not include used footwear.

4. Section 7 (a) (4) (iii) (c) is amended by inserting a comma followed by the words "brother or sister" between the word "daughter-in-law" and the word "relationships" in the text thereof.

5. Section 7 (a) (5) (iii) (b) is amended by deleting the word "supplier" appearing therein and by substituting therefor the word "purchaser".

6. In sections 1, 5 and 6, the date "September 15, 1945" is substituted for the date "September 1, 1945" wherever it appears therein.

This amendment shall become effective August 31, 1945.

Issued this 31st day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-16403; Filed, Aug. 31, 1945; 4:13 p. m.]

PART 1305—ADMINISTRATION

[Supp. Order 131]

REVISED MAXIMUM PRICES FOR CERTAIN COTTON TEXTILES

A statement of the considerations involved in the issuance of this supplementary order has been issued simultaneously herewith and filed with the Division of the Federal Register.

AUTHORITY: § 1305.160 issued under 56 Stat. 23, 765; 57 Stat. 566; Pub. Law 383, 78th Cong.; Pub. Law 108, 79th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681; E.O. 9599, 10 F.R. 10155.

SECTION 1. *What this order does.* This supplementary order establishes two bands of revised maximum prices, one higher than the other, for producers of certain cotton textiles.[1] It supplements and modifies the price schedules and regulations referred to in section 4 with respect to their coverage of the items designated in that section. Except as they are supplemented and modified by this supplementary order, the provisions of those price schedules and regulations remain in full force and effect.

SEC. 2. *To whom the higher band prices apply.* (a) The higher band of maximum prices applies to those producers, and to those producers only, who since March 1, 1945, have increased the wage rates of all their workers at least 5¢ per hour [2] and, in addition, are paying any one of the following:

(1) A minimum wage of 55¢ per hour for all workers except learners and handicapped.

(2) A premium of 5¢ per hour for all hours worked on the third shift which shall be operated no less than 10% of the man hours worked on the first and second shifts combined during the second quarter of 1945, or

(3) A minimum of one week's paid vacation per year.

(b) Any producer who is qualified to charge the maximum prices in the higher band is authorized to collect, in connection with existing contracts or deliveries already made (but only if he lawfully reserved that right), the difference between the maximum price prevailing on June 1, 1945, and the maximum price in the higher band. The amount which he may so collect is limited, however, as follows:

(1) In the case of sales and deliveries made pursuant to Supplementary Order 114,[3] to 4%;

[1] In general, the items to be included in this supplementary order will be those designated in Revised Supplementary Order 114. In some cases, only one revised maximum price, or revised prices for persons other than producers or for items not designated in Revised Supplementary Order 114, may be established.

[2] Producers who have applied to the National War Labor Board for permission to increase the wage rates of all their workers at least 5¢ per hour and whose applications in this respect have been partially or wholly denied shall be deemed to be in compliance with the requirement that they "have increased the wage rates of all their workers at least 5¢ per hour" if they are paying, in respect to this feature, the amount approved by the Board.

[3] 10 F.R. 7528, 7850, 9926.

(2) In the case of sales and deliveries made pursuant to Revised Supplementary Order 114,[4] to the applicable percentage set forth in Column II of section 5 of that revised supplementary order.

(c) A producer who is not qualified to charge the maximum prices in the higher band shall not charge or collect any more than is permitted by section 3 below, notwithstanding any reservation or certification made by him under Supplementary Order 114 or Revised Supplementary Order 114.[5]

SEC. 3. *To whom the lower band prices apply.* (a) The lower band of maximum prices applies to all producers who do not qualify to charge the higher.[6]

(b) Any producer who is not qualified to charge the maximum prices in the higher band is authorized to collect, in connection with deliveries made under contracts entered into pursuant to Revised Supplementary Order 114 (but only if he lawfully reserved that right), the difference between the maximum price prevailing on June 1, 1945 and the maximum price in the lower band. The amount which he may so collect, however, shall not exceed the applicable percentage set forth in Column I of Section 5 of Revised Supplementary Order 114.

SEC. 4. *Revised maximum prices for producers*—(a) *Carded cotton yarns.* (1) In Table II of § 1307.66 (b) (2) of Maximum Price Regulation No. 33,[7] the maximum prices set forth for base-grade carded cotton yarns are revised and amended to read as follows:

TABLE II BASE GRADE YARNS

Yarn numbers	Higher band		Lower band	
	Singles	Plied	Singles	Plied
	Cents per pound	*Cents per pound*	*Cents per pound*	*Cents per pound*
6s and under	40.25	42.75	39.25	42.00
8s	40.75	43.25	39.75	42.50
10s	41.50	44.25	40.75	43.25
12s	42.50	45.75	41.75	44.75
14s	43.50	47.25	42.75	46.25
16s	44.75	48.50	43.75	47.50
18s	45.75	49.75	44.75	48.75
20s	46.75	51.00	45.75	49.75
22s	48.00	52.75	47.00	51.75
24s	49.25	54.50	48.25	53.50
26s	51.00	56.75	49.75	55.50
28s	52.00	58.25	50.75	57.00
30s	54.25	60.00	52.25	58.75
32s	54.75	61.50	53.75	60.25
34s	56.00	63.25	54.75	61.75
36s	57.00	64.25	55.75	62.75
38s	58.25	65.50	57.00	64.25
40s	59.25	67.00	58.00	65.75
42s	61.00	68.50	59.75	68.00
44s	62.75	71.00	61.25	69.50
46s	64.50	72.75	63.25	71.25
48s	66.25	74.75	65.00	73.00
50s	68.50	76.75	67.00	75.25

[4] 10 F.R. 9875

[5] This includes any producer who qualifies or has qualified for adjustable pricing permission by virtue of certification and reservation under Supplementary Order 114 or Revised Supplementary Order 114, but whose application to pay the "1945 textile wage increase" (as defined in Revised Supplementary Order 114) is pending before the National War Labor Board or who is a party to a dispute case before that Board involving the issue whether he will pay it. These producers are authorized to collect the difference specified in section 3 (b); and when and if they become eligible to charge the higher band price, they may collect the unpaid balance of the amount specified in section 2 (b). Moreover, these producers are authorized, in connection with contracts made on and after the effective date of any relevant revised maximum prices, to reserve the right to charge the difference between the lower and higher band ceilings; and this difference may be collected when and if the producer becomes eligible to charge the higher band price.

[6] 7 F.R. 7557, 8948, 10070; 8 F.R. 2345, 3526, 9750, 13497; 9 F.R. 10578, 11903.

[7] 7 F.R. 1221, 2000, 2132, 2277, 2393, 2509, 2737, 3160, 3551, 3664, 5481, 8948, 9732, 10469; 8 F.R. 972, 5755, 9285, 11870, 12011, 14004; 9 F.R. 10636, 11903, 12412; 10 F.R. 1141, 3552.

(2) In § 1307.67 (f) (1) of Maximum Price Regulation No. 33,[8] the figures for use in establishing "in line with" prices for yarns containing low grade and/or cotton waste are revised and amended to read as follows:

Yarn number	Higher band		Lower band	
	Singles	Plied	Singles	Plied
	Cents per pound	*Cents per pound*	*Cents per pound*	*Cents per pound*
1s	39.00	41.50	38.00	40.75
2s	39.25	41.75	38.25	41.00
3s	39.50	42.00	38.50	41.25
4s	39.75	42.25	38.75	41.50
5s	40.00	42.50	39.00	41.75

(b) *Combed cotton yarns.* (1) The figures set forth in Table I of § 1307.12 (b) of Revised Price Schedule No. 7,[9] shall constitute the higher band of revised maximum prices for base-grade combed cotton yarns.

(2) The lower band of revised maximum prices for base-grade combed cotton yarns covered by Table I of § 1307.12 (b) of Revised Price Schedule No. 7,[9] shall be the following:

Yarn number	Lower band	
	Singles	Plied
	Cents per pound	*Cents per pound*
8s	47.75	50.25
10s	48.25	50.75
12s	48.75	51.25
14s	49.25	52.75
16s	50.00	53.75
18s	50.75	54.75
20s	51.75	55.50
22s	52.75	57.00
24s	53.75	58.50
26s	54.75	60.00
28s	56.00	62.00
30s	57.50	64.00
32s	59.00	65.25
34s	60.50	67.25
36s	62.00	68.75
38s	63.50	70.25
40s	65.00	72.25
42s	66.25	74.25
44s	67.75	75.50
46s	69.25	77.00
48s	71.25	79.00
50s	73.25	81.00
52s	75.25	83.00
54s	77.00	85.00
56s	79.00	86.75
58s	81.00	89.25
60s	83.00	91.75
62s	85.00	94.75
64s	86.75	95.50
66s	88.75	97.50
68s	90.75	99.75
70s	92.75	102.50
72s	94.75	104.50
74s	96.50	106.25
76s	98.50	108.25
78s	100.50	110.25
80s	102.50	112.25
82s	104.50	115.25
84s	107.25	119.00
86s	111.25	123.00
88s	119.00	132.75
100s	139.50	158.00
110s	161.00	180.50
120s	185.50	209.75
130s	219.50	253.75
140s	268.25	317.00

(c) *Bed linens.* (1) In Table III of § 1316.111 (c) of Revised Price Schedule No. 89,[9] the plus and minus percentages set forth for use in determining the maximum prices for the types of bed linens set forth below are revised and amended to read as follows (all plus percentages):

	Higher band	Lower band
Type 180	10.28	7.42
Type 140	8.56	6.10
Type 128	12.95	10.10
Type 112	15.50	12.95
Back-filled type	15.80	12.95

(2) In § 1316.111 (d) (3) (i) of Revised Price Schedule No. 89,[9] the maximum prices for bleached pillow tubing are revised and amended to read as follows:

Type of pillow tubing	Width (inches)	Higher band (cents per yard)	Lower band (cents per yard)
Type 128	36	27.75	25.00
	40	27.00	28.25
	42	27.75	27.00
	45	30.00	29.25
Type 140	36	28.25	27.50
	40	30.00	29.25
	42	31.25	30.50
	45	33.75	33.00

(d) *Chambrays and coverts.* Table V (excluding the footnotes) of § 1316.61 (b) (4) of Revised Price Schedule No. 35 [9], is revised and amended to read as follows:

TABLE V—CHAMBRAYS AND COVERTS

[Prices are for all shades and colors]

Class of cloth and weight in yards per pound [1]	Higher band		Lower band	
	Chambrays [2]	Coverts [2]	Chambrays [2]	Coverts [2]
	Cents per yard	*Cents per yard*	*Cents per yard*	*Cents per yard*
Carded fine yarn shirtings: [3]				
Mill finish:				
4.85 yards	14.125		14.25	
3.90 yards	16.125	17.00	15.75	16.625
3.20 yards	19.125	20.00	18.625	19.50
Sanforized:				
3.60 yards	19.125	20.00	18.625	19.50
2.90 yards	22.50	23.375	21.75	22.625
Carded coarse yarn shirtings: [3]				
Mill finish:				
3.20 yards		19.50		18.875
3.00 yards	19.125		18.625	
Sanforized:				
2.60 yards		23.00		22.375
2.70 yards	22.50		21.75	
Cotton pants coverts: [4]				
Mill finish:				
2.67 yards		21.75		21.00
2.20 yards		25.25		24.50
1.85 yards		30.75		30.00
Sanforized:				
2.40 yards		25.00		24.25
2.00 yards		29.00		28.25
1.65 yards		35.00		34.00

(e) *Cottonades and whipcords.* (1) In § 1400.118 (d) (25) (iii) of Maximum Price Regulation 118 [10], the maximum prices for napped-back cottonades are revised and amended to read as follows:

[8] 7 F.R. 715, 1375, 2107, 2000, 2132, 2299, 2739, 3163, 3327, 3447, 3962, 4176, 4732, 7599, 8037, 8948; 8 F.R. 8070, 11245; 9 F.R. 1717, 9816, 6645.

[9] 8 F.R. 1963, 5306, 15906, 16744; 9 F.R. 2020, 2477, 2237, 2790, 3339, 7700, 9278, 10088, 10921; 10 F.R. 3876, 8129, 9669.

Reference No.	Width	Weight	Finish	Trade Name	Higher Band	Lower Band
	Inches	*Yds. per lb.*			*Cents per yd.*	*Cents per yd.*
1	30	1.74	Sanforized	Stronghold	29.75	29.00
2	30	1.99	Sanforized	Dixie	27.50	26.75
3	30	1.95	Regular	Stronghold	24.75	24.00
4	30	2.40	Regular	Dixie	22.75	22.25
5	36	1.45	Sanforized	Champion*	33.75	34.75
6	36	1.66	Sanforized	Equity	33.00	32.00
7	36	1.63	Regular	Champion	29.75	29.00
8	36	2.00	Regular	Equity	27.50	26.75

*For double napped goods of this trade name a premium of ½ cent per yard may be charged.

(2) In § 1400.118 (d) (25) (iv) of Maximum Price Regulation 118,[10] the maximum prices for napped-back whipcords are revised and amended to read as follows:

Reference No.	Width	Weight	Finish	Trade Name	Higher Band	Lower Band
	Inches	*Yds. per lb.*			*Cents per yd.*	*Cents per yd.*
1	30	1.99	Sanforized	Hill Crest	27.50	26.75
2	30	2.40	Regular	Hill Crest	22.75	22.25
3	36	1.15	Sanforized	Brigadier	37.25	36.00
				Corona	37.25	36.00
				Battle Axe	37.25	36.00
				Bengo	37.25	36.00
4	36	1.66	Sanforized	Cadet	33.00	32.00
5	36	2.00	Regular	Cadet	27.50	26.75
6	36	1.50	Regular	Mount Eagle*	41.25	40.00
7	36	1.35	Sanforized	Mount Eagle*	46.20	45.00

*dobby.

This supplementary order shall become effective August 31, 1945, except that section 4 (b) shall become effective September 10, 1945.

Issued this 31st day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-16405; Filed, Aug. 31, 1945; 4:11 p. m.]

PART 1340—FUEL

[MPR 120, Corr. to Amdt. 147]

BITUMINOUS COAL DELIVERED FROM MINE OR PREPARATION PLANT

Amendment No. 147 to Maximum Price Regulation No. 120 is corrected in the following respects:

1. In the table of maximum prices in § 1340.227 (b) (2), the maximum price "393" for Size Group Nos. 2, 3 and 5 of Subdistrict No. 6 is corrected to read "493".

2. The specific description of Size Group No. 5 in §1340.227 (b) (4) is corrected by inserting the word "not" immediately after the words "bottom size" and before the words "less than".

This correction to Amendment No. 147 to Maximum Price Regulation No. 120 shall become effective as of August 3, 1945.

Issued this 4th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-16466; Filed, Sept. 4, 1945; 11:48 a. m.]

[10] 8 F.R. 12186, 12934; 9 F.R. 401, 10088, 10925, 14211, 14383, 14676; 10 F.R. 705, 857, 1292, 2020.

PART 1347—PAPER, PAPER PRODUCTS, RAW MATERIALS FOR PAPER AND PAPER PRODUCTS, PRINTING AND PUBLISHING

[RMPR 129,[1] Amdt. 1]

CERTAIN CONVERTED PAPER PRODUCTS AND CERTAIN INDUSTRIAL PAPERS

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.

Revised Maximum Price Regulation 129 is amended in the following respects:

1. Section 3a is added to read as follows:

SEC. 3a. *Application to import transactions.* This regulation applies to transactions in commodities to be imported into the continental United States.

2. In section 8, the word "person" appearing in the first sentence is deleted and the word "manufacturer" is substituted therefor.

This amendment shall become effective September 10, 1945.

Issued this 4th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-16467; Filed, Sept. 4, 1945; 11:48 a. m.]

PART 1351—FOOD AND FOOD PRODUCTS

[FPR 1,[1a] Amdt. 1]

GENERAL PRICING PROVISIONS FOR CERTAIN FOOD PRODUCTS (GROUP I)

A statement of the considerations involved in the issuance of this amendment has been issued and filed with the Division of the Federal Register.

Food Products Regulation No. 1 is amended in the following respects:

1. In section 1.5 the first undesignated paragraph is amended to read as follows:

"Primary distributor" means a distributor, other than a wholesaler or retailer, who purchases all he sells (for his own account) of the kind and brand of product being priced and who during the one-year period immediately preceding the time of sale made at least 50% (by dollar volume) of his purchases of the kind from processors in carload quantities delivered for storage into a warehouse not owned or controlled by any of his suppliers or customers, for resale by him in less-than-carload quantities.

2. Section 1.6 is amended to read as follows:

SEC. 1.6 *Meaning of "wholesaler" and "retailer".*

NOTE: These definitions of "wholesaler" and "retailer" are derived from Maximum Price Regulations Nos. 421,[2] 422,[3] and 423,[4] the regulations which apply generally to sales of food products at wholesale and retail. At these levels of distribution, unlike those covered by this regulation and its supplements, sellers are classified on the basis of their over-all food operations, and not according to the way they handle any particular product.

"Wholesaler" means a person the larger dollar volume of whose food business is the purchase and resale of food products, without materially changing their form, for distribution out of his warehouse to independent retail stores, or to commercial, industrial or institutional users.

"Retailer" means a person the larger dollar volume of whose food business is the purchase and resale of food products, without materially changing their form, to ultimate consumers other than commercial, industrial and institutional users.

3. Section 2.4 is amended in the following respects:

a. The text of paragraph (a) preceding paragraph (a) (2) is amended to read as follows:

Under this section, the processor's maximum price per dozen or other unit for sales to purchasers other than government procurement agencies shall be figured as follows. (A maximum price shall be figured for each factory at which he processes the item being priced, although the processor may later elect to combine prices as provided in section 2.7 of Food Products Regulation No. 1, where applicable to the particular supplement.) He shall:

(1) *Figure the "direct cost" of the item.* The processor's "direct cost" per dozen or other unit of the item shall be figured by adding together the following:

[1] 9 F.R. 6825.
[1a] 9 F.R. 6711.

[2] 10 F.R. 1496, 5037, 5369, 7251.
[3] 10 F.R. 1505, 2024, 2297, 3814, 5370, 5577, 6235, 6514, 7251, 8015, 8656.
[4] 10 F.R. 1523, 2025, 2298, 3814, 5370, 5578, 6235, 6514, 8015, 8656.

(i) His actual cost per unit of all ingredients (other than raw agricultural commodities) and of packaging materials, for which maximum prices have been established, figured in each case at no more than the current maximum price applying to the class of purchasers to which he belongs or, if no maximum price has been established, figured at no more than its current market price;

(ii) His actual cost per unit of all raw agricultural ingredients included in the Commodity Credit Corporation's purchase and resale program, figured in each case at no more than the Commodity Credit Corporation's resale price for the area in which his customary receiving point is located;

(iii) His actual cost per unit of all other raw agricultural ingredients, for which maximum prices have been established, figured in each case at no more than the current maximum price applying to the class of purchasers to which he belongs;

(iv) His actual cost per unit of all other raw agricultural ingredients, for which no maximum prices have been established but for which the Department of Agriculture has either recommended prices for payment to growers or announced support prices, figured in each case at no more than that price;

(v) His direct labor cost per unit, figured at no higher than lawful current rates; and

(vi) Transportation charges per unit by the usual mode of transportation from his customary supplier to his factory with respect to any cost used in (i), above, and from his customary receiving point to his factory with respect to any cost used in (ii), (iii) and (iv), above, if that cost is not a delivered cost and if these charges are customarily incurred.

b. In paragraph (g), Example 2, the date "1944" is changed to read "1945".

c. In paragraph (j), the last sentence is amended to read as follows: "However, in the case of sales to government procurement agencies, the processor is not required to give a discount either for prompt payment or for 'brokerage.'"

d. In paragraph (k), the following undesignated paragraphs are inserted after the undesignated paragraph beginning, "After filing the report * * *":

The reported price shall be considered approved 30 days after the report is mailed (or all additional information that may have been requested) unless, within that time, the processor has received notice from the Office of Price Administration that it has either disapproved the price or authorized a maximum price.

If the processor does not submit all additional information that may have been requested within 30 days after the request is mailed, his report shall be considered withdrawn and the docket closed. The docket will not be reopened upon later receipt of this information, and further consideration by the Office of Price Administration will not be given unless the report is refiled.

4. Section 2.5 is amended to read as follows:

SEC. 2.5 *Individual authorization of maximum prices.* This section applies to processors and repackers.

If the processor or repacker cannot otherwise determine his maximum price for an item under any of the pricing methods of the applicable supplement and he cannot or elects not to price under section 2.4 of Food Products Regulation No. 1 (where adopted by the applicable supplement) before delivering the item to any purchaser he shall apply to the Office of Price Administration, Washington, D. C., for a maximum price, for each factory at which he processes the item, subject to the conditions set forth below.

(a) *Information that must be given in all cases.* In all cases, the seller shall submit the following information as part of his application:

(1) A description in detail of the item for which a maximum price is sought, including its grade and brand name (if any) to be used, a statement of the facts that make it different from the most similar item for which he has determined a maximum price, identifying the similar item and stating its maximum price, and a statement giving the reasons why a maximum price cannot be established under the pricing methods of the applicable supplement. (The statement of reasons should indicate whether sales of the item have previously been made and if so how its maximum price was determined, and the reasons why the seller cannot price the item under section 2.2 of Food Products Regulation No. 1 or other differential method provided in the applicable supplement.)

(2) The weighted average raw material cost per ton or other unit figured in the manner and subject to any limitations set forth in the general pricing methods of the applicable supplement, and a statement showing his current case (unit) yield.

(3) The maximum price proposed for the item, indicating whether it is for sale to purchasers other than government procurement agencies (in this case he should make due allowance for applicable subsidy payments) or to government procurement agencies (or both), any discounts or allowances that should be made applicable to the proposed price and a list of his customary discounts, transportation and other allowances and price differentials.

(4) The method of distribution to be used by the seller in marketing the item (i. e., whether it is to be sold to wholesalers, retailers, consumers or other classes of purchasers).

(5) The volume of the item which he has on hand and which he expects to produce during the following twelve months.

(b) *Supplementary information that must be given if required by the applicable supplement or specifically requested.* If required by the applicable supplement or specifically requested by the Office of Price Administration, the seller shall submit the following information in addition to that set forth in paragraph (a):

(1) An itemized current cost breakdown per dozen or other unit of the item to be priced, showing separately, according to his own system of accounts or regularly prepared operating statements, all major component cost factors (e. g., direct costs, such as raw materials, packaging materials and direct labor; indirect costs, such as indirect labor, factory overhead, and selling, advertising and administrative cost, together with an explanation showing the method of allocation of the indirect cost factors; and freight if sold on a delivered basis) indicating whether each cost item is an actual or an estimated cost.

If the seller is a processor, the cost breakdown shall show the cost of all raw agricultural commodities used as ingredients, as follows:

(i) Actual cost per unit of all raw agricultural ingredients included in the Commodity Credit Corporation's purchase and resale program, figured in each case at no more than the Commodity Credit Corporation's resale price for the area in which his customary receiving point is located.

(ii) Actual cost per unit of all other raw agricultural ingredients, for which maximum prices have been established, figured in each case at no more than the current maximum price applying to the class of purchasers to which he belongs.

(iii) Actual cost per unit of all other raw agricultural ingredients, for which no maximum prices have been established but for which the Department of Agriculture has either recommended prices for payment to growers or announced support prices, figured in each case at no more than that price, or, if no recommended or support price has been announced, figured at no more than its current market price.

"Actual cost per unit of all other raw agricultural ingredients" means net cost per dozen or other unit after the deduction of any direct subsidy payment, payable per unit of ingredients or per unit of the finished product, the amount of which has previously been announced by the Commodity Credit Corporation or other agency responsible for the administration of the subsidy, and which is applicable to the particular goods being priced. The processor shall state separately in his application the amount of any such direct subsidy payment.

(2) The maximum price and an identical current cost breakdown (for comparison) of the most closely comparable food item that contributes substantially to his total volume of business, including a list of the discounts, transportation and other allowances and price differentials given with respect to that item.

"Most closely comparable food item" means the most closely comparable food item (i) which is covered by the same general pricing method of the applicable supplement; or, if the processor has not established a maximum price for another item under that pricing method, one which is covered by the same supplement; or, if the processor has not established a maximum price for another item under that supplement, any food item; (ii) whose current direct cost is closest to the direct cost of the item being priced; and (iii) for which the methods employed in its sale and merchandising

are similar to those which will be used in the sale and merchandising of the item being priced. As between two or more items having the same direct cost, the one whose maximum price represents the smallest percentage of its own direct cost shall be used.

"Current" means at the time of applying for the new maximum price.

(c) *Disposition of application.* Upon receipt of the application, the Office of Price Administration will authorize a maximum price for sales to purchasers other than government procurement agencies, or a method for determining the maximum price, for the applicant or for sellers of the item generally, including purchasers for resale or for a class of such resellers. The maximum price authorized will be one that bears a proper relationship to those for comparable commodities and sellers.

Separate maximum prices will be authorized for sales to government procurement agencies. For a processor, consideration will be given to the Commodity Credit Corporation's purchase price for the area in which his factory is located, in the case of a raw agricultural ingredient included in the Commodity Credit Corporation's purchase and resale program. Similarly, consideration will be given to any direct subsidy payment, the amount of which is stated in the applicable supplement or has been announced by the Commodity Credit Corporation or other agency responsible for the administration of the subsidy and which is applicable to the particular goods being priced or their ingredients.

A proposed price shall be considered authorized 30 days after the application is mailed (or all additional information that may have been requested) unless, within that time, the applicant has received from the Office of Price Administration a notice to the contrary.

If the applicant does not submit all additional information that may have been requested, within 30 days after the request is mailed, his application shall be considered withdrawn and the docket closed. The docket will not be reopened upon later receipt of this information, and further consideration by the Office of Price Administration will not be given unless the application is refiled.

(d) *Delivery before authorization of prices.* After filing the application, the seller may deliver the item, but he may not receive payment for it until a maximum price is authorized. In the case of sales to government procurement agencies, payments up to 75% of the maximum price proposed by him may be made, provided that the contract in each case stipulates that final settlement (including any necessary refunds) shall be made consistently with the maximum price as finally established.

(e) *Subsequent statement of actual cost.* Where any cost factor set forth in the application is an estimated amount, the seller shall file with the Office of Price Administration, Washington, D. C., not earlier than three months nor later than six months after a maximum price has been authorized, a statement showing the actual cost of that factor in his production of the item since the maximum price was authorized.

(f) *Failure to apply when required.* If the seller fails to apply for a maximum price under this section, when required to do so, the Office of Price Administration may authorize a maximum price for his sales of the item bearing a proper relationship to those for comparable commodities and sellers. This will not relieve the seller of his obligation to comply with this section or with any other provision of the applicable supplement, nor will it relieve him of any penalty for failure to do so.

(g) *Revision of prices by the Office of Price Administration.* Any maximum price established under this section shall be subject to revision at any time by the Office of Price Administration.

5. The second paragraph of section 2.6 is amended to read as follows:

Any seller who regularly sold a purchaser the item being priced on a delivered basis during the base period named in the applicable supplement shall figure a maximum delivered price by adding to the maximum price for the item, figured f. o. b. shipping point, the amount of the transportation charge, per unit of that item, which he added to his f. o. b. shipping point price during that period (but only before March 18, 1942). Any seller whose transportation charge during the base period was based on the use of his own trucks or of ocean freight and who is now compelled to use a common or contract carrier, or was based on the use of a different type of common or contract carrier, may add transportation charges to the same destination by the new means of transportation but at the rate in effect for that freight tariff classification during that period (but only before March 18, 1942). The resulting figure is the seller's maximum delivered price to that purchaser.

6. In section 2.7, the last undesignated paragraph is amended to read as follows:

In the case of seasonal commodities, the seller shall refigure his weighted average maximum price at the beginning of each subsequent pack on the basis of sales made during the one-year period immediately preceding the date of recalculation. In other cases, the seller shall refigure at the end of each subsequent one-year period.

7. In section 2.8, the second sentence of the first undesignated paragraph is deleted. In the last undesignated paragraph, the phrase "three-months' period" is changed to read "six-months' period."

8. Section 2.9 is amended to read as follows:

SEC. 2.9 *Maximum prices for primary distributors.* There are two pricing methods for primary distributors.

(a) *First pricing method.* A seller may use the following pricing method only (1) if at the time of sale he is a primary distributor, as defined in section 1.5 of Food Products Regulation No. 1, of the kind and brand of product being priced, (2) if he sold the kind of product being priced (regardless of brand) as a primary distributor during at least one of the three successive one-year periods ending April 28, 1942, (3) when he is selling, in less-than-carload quantities, goods that he has purchased from the processor and actually warehoused, and (4) as to sales and deliveries made on and after October 10, 1945, if he has been notified in writing by the Regional Administrator of the Office of Price Administration that, subject to the foregoing limitations, he is qualified to use this pricing method for the kind of product being priced.

If the processor's maximum price for the item under the applicable supplement is greater than the processor's maximum price under the maximum price regulation previously applicable to the processor, the primary distributor shall add the difference to the maximum price he had immediately prior to the effective date of the applicable supplement. If the processor's maximum price for it under the applicable supplement is less than the processor's maximum price under the maximum price regulation previously applicable to the processor, the primary distributor shall subtract the difference from the maximum price he had immediately prior to the effective date of the applicable supplement. However, in no event may the primary distributor's maximum price be greater than his net delivered cost (based upon purchases directly from the processor) plus the markup named in the applicable supplement. The resulting figure is the primary distributor's maximum price for the item when warehoused by him and sold in less-than-carload quantities. (When selling particular goods that he has repackaged, the seller prices as a "repacker".)

If the primary distributor sold the kind of product being priced (regardless of brand) as a primary distributor during at least one of the three successive one-year periods ending April 28, 1942, but did not sell the particular variety, grade, brand, style of pack, container type or size being priced before the effective date of the applicable supplement, his maximum price for the new item shall be his net delivered cost (based on his first purchase of the item after that date direct from the processor) multiplied by a markup factor. This markup factor shall be figured by dividing his maximum price (as figured under this section) for the most closely comparable item of that kind and variety of product already handled by him by the current net delivered cost to him of that item. He may apply this markup factor only when he is selling, in less-than-carload quantities, goods that he has purchased from the processor and actually warehoused.

(b) *Second pricing method.* For all items, and for sales of such items, that are not covered by the first pricing method, the primary distributor's maximum price, f. o. b. shipping point, shall be:

(1) The maximum price of his supplier, f. o. b. shipping point, plus incoming freight paid by the primary distributor, if he purchased the particular goods being priced from a supplier other than a wholesaler or retailer.

(2) The "net cost" of his supplier under Maximum Price Regulation No. 421, 422 or 423, plus incoming freight paid by the primary distributor, if he purchased the particular goods being priced from a wholesaler or retailer.

(c) *Application by primary distributor.* (1) Before making any sales under the first pricing method, the primary distributor shall apply in writing to the Regional Office of the Office of Price Administration for the region in which his principal place of business is located. His application shall state, in addition to his name and address:

(i) Whether he now prices any product as a wholesaler or retailer under Maximum Price Regulation No. 421, 422 or 423.

(ii) For the kind of product being priced, his total dollar purchases during each of the one-year periods ending April 28, 1940, 1941 and 1942; his total dollar purchases from processors in carload quantities during each of those periods that were delivered for storage into a warehouse not owned or controlled by any of his suppliers or customers; and the name and address of the warehouse.

(iii) For the kind of product being priced, his total dollar sales during each of the one-year periods ending April 28, 1940, 1941 and 1942; and the total dollar sales, during each of those periods, that were made in less-than-carload quantities.

(iv) The names and addresses of his principal suppliers of the kind of product being priced during the three-year period ending April 28, 1942.

(2) Each Regional Administrator of the Office of Price Administration may act upon applications filed under this paragraph by persons located within his jurisdiction.

(3) As to sales and deliveries made on and after October 10, 1945, until receipt of written notice from the Regional Office of the Office of Price Administration that the applicant is qualified to use the first pricing method, his maximum prices for the kind of product being priced shall be figured under paragraph (b).

Examples: The processor's ceiling prices for tomato juice under Supplement 7 and under the supplement presently applicable are the same. Therefore, the primary distributor's maximum price remains the same under the applicable supplement as it was under Supplement 7.

The processor's ceiling price under Supplement 7 for asparagus (all green spears) in No. 2 size cans was $3.85 per dozen for colossal size, A—fancy grade. Under the supplement presently applicable it is now $3.95 per dozen. The primary distributor therefore adds the increase of 10 cents to his own ceiling price under Supplement 7; *Provided*, That, the maximum price so determined does not exceed his net delivered cost plus the markup named in the supplement.

The primary distributor handled packed grapefruit juice as a primary distributor during at least one of the three successive one-year periods ending April 28, 1942. He added packed orange juice to his line in October 1942. Although he may use the first pricing method for packed grapefruit juice, he must use the second pricing method for packed orange juice because he did not sell it as a primary distributor during any one of those periods.

During at least one of the three successive one-year periods ending April 28, 1942, the primary distributor handled "X" brand fancy sweetened grapefruit juice in No. 2 size cans, for which his maximum price under the applicable supplement is $1.24 per dozen and his current net delivered cost is $1.15 per dozen. He now adds to his line "X" brand fancy sweetened grapefruit juice in No. 3 cyl. cans, which he handles as a primary distributor and for which the net delivered cost of his first purchase from the processor is $2.60 per dozen. Because the No. 2 can size is the most closely comparable item of the same kind and variety, he divides $1.24 by $1.15 and obtains a markup factor of 108⅔. Application of 108⅔ to $2.60 results in a figure of $2.81, which is his maximum price for the new item when he sells, in less-than-carload quantities, goods that he has purchased in carlots from processors and actually warehoused.

9. Section 2.10 is amended to read as follows:

SEC. 2.10 *Maximum prices for sales by distributors who are not primary distributors' wholesalers or retailers.* The maximum price, f. o. b. shipping point, of a distributor who is not a primary distributor, wholesaler or retailer shall be:

(a) The maximum price of his supplier, f. o. b. shipping point, plus incoming freight paid by the distributor, if he purchased the particular goods being priced from a supplier other than a wholesaler or retailer.

(b) The "net cost" of his supplier under Maximum Price Regulation Nos. 421, 422 or 423, plus incoming freight paid by the distributor, if he purchased the particular goods being priced from a wholesaler or retailer.

10. Section 2.12 is amended to read as follows:

SEC. 2.12 *Maximum prices for sales to government procurement agencies.* When this section applies to a supplement, it applies to all sellers covered by the supplement. However, it applies only where no maximum price is specifically provided by the applicable supplement for sales of the item being priced to government procurement agencies.

(a) The seller's maximum price, f. o. b. shipping point, for sales to government procurement agencies shall be 96% of his maximum price, f. o. b. shipping point, to purchasers other than government procurement agencies (for processors and repackers, "f. o. b. shipping point" means "f. o. b. factory"), after that maximum price has been adjusted, where necessary, as follows:

(1) If the seller is the processor and if any raw agricultural commodity used as an ingredient of the item is covered by the Commodity Credit Corporation's purchase and resale program, the processor shall first increase the maximum price per dozen or other unit, f. o. b. factory, by the difference, per dozen or other unit, between the Commodity Credit Corporation's purchase price for the area in which his customary receiving point is located and its resale price for that area. This difference shall be converted to units of the finished product by applying the yield factor (if any) named by the applicable supplement for use in figuring the maximum price for sales to purchasers other than government procurement agencies.

(2) If the seller is the processor, he shall increase the maximum price per dozen or other unit, f. o. b. factory, by the amount of any direct subsidy payment the amount of which is stated in the applicable supplement or has previously been announced by the Commodity Credit Corporation or other agency responsible for the administration of the subsidy and which is applicable to the particular goods being sold or their ingredients. If the subsidy is not payable per unit of the finished product, it shall be converted to units of the finished product by applying the yield factor (if any) named by the applicable supplement for use in figuring the maximum price for sales to purchasers other than government procurement agencies.

(b) If the processor or repacker has no maximum price for sales f. o. b. factory to purchasers other than government procurement agencies, he shall apply to the Office of Price Administration, Washington, D. C., for a maximum price for sales to government procurement agencies in accordance with the rules established by the applicable supplement.

11. Section 2.13 is amended to read as follows:

Sec. 2.13 *Special packing expenses that may be reflected in maximum prices for sales to government procurement agencies.*

NOTE: This section is derived from, and for the purposes of the applicable supplement supersedes, Supplementary Order No. 106,[1] issued by the Office of Price Administration.

When this section applies to a supplement, it applies to all sellers covered by the supplement.

(a) *Conditions under which special packing expenses may be reflected in maximum prices.* Special packing expenses are a basis for increasing maximum prices for sales of goods ultimately destined for government procurement agencies if the following conditions are satisfied:

(1) The commodity must be packed in a manner, package or container that is different from and more expensive than standard packing, according to specifications of a government procurement agency.

(2) The seller must pack the goods for sale by himself and not for another on a custom or toll basis.

(b) *Maximum prices for sales that meet the conditions of paragraph* (a). For sales that meet the conditions of paragraph (a), the maximum prices of the seller shall be the maximum prices otherwise applicable, increased by the following amounts:

(1) The cost of packing according to the specifications of the government procurement agency minus the cost of standard packing, if the seller packs the commodity himself.

(2) The amount actually paid to another person for packing according to the specifications of the government procurement agency minus the cost of standard packing, if the seller does not pack the commodity himself.

[1] 10 F.R. 2015.

(c) *Invoice and record-keeping requirements.* In cases where maximum prices are increased under paragraph (b) the seller shall:

(1) Show separately the amount of the increase in his contract of sale or on his invoice.

(2) In addition to the records otherwise specified by the applicable supplement, prepare and keep for inspection by the Office of Price Administration, for so long as the Emergency Price Control Act of 1942, as amended, remains in effect, accurate records showing the cost of standard packing and the cost of packing according to the specifications of the government procurement agency.

(d) *Computations of cost.* Costs must be figured, subject to review by the government procurement agency, according to the established accounting methods of the seller. Appropriate allowances shall be made for any materials salvaged in unpacking and repacking.

(e) *Meaning of "packing" and "standard packing".* "Packing" means the providing of wrappings, inner containers, or outer containers; the placing of commodities in such wrappings or containers; the application of any special coverings or coatings; and any unpacking and repacking necessary to conform to the specifications of the government procurement agency.

"Standard packing" means the most expensive packing the cost of which was included in figuring the maximum price established by the applicable supplement and any other type of packing expressly referred to and expressly priced in the applicable supplement.

12. Section 2.16 is amended to read as follows:

SEC. 2.16 *Maintenance of customary discounts and allowances.* When this section applies to a supplement, it applies to all sellers covered by the supplement.

No person shall change any customary allowance, discount or other price differential to a purchaser or class of purchasers, if the change results in a higher net price to that purchaser or class. However, in the case of sales to government procurement agencies figured under section 2.12 of Food Products Regulation No. 1, the seller is not required to give a discount either for prompt payment or for "brokerage".

Where the maximum prices for the product being priced are based generally on sales made during a base period (as named in the applicable supplement) in which the seller made sales of the same or similar products, the word "customary" refers to the seller's practices in effect prior to and during that period. Otherwise, it refers to the seller's practices in effect on the effective date of the applicable supplement.

13. Section 3.1 is amended to read as follows:

SEC. 3.1 *Restrictions on sales to primary distributors.* For sales of each kind of product produced in any calendar year, which are made after the effective date of the applicable supplement, no processor shall sell to primary distributors a greater percentage (by dollar volume) than he sold to primary distributors during the one-year period ending April 28, 1942.

14. In section 3.10, the *Exception* is amended to read as follows:

Exception: This section does not apply to prices figured under section 2.4 of Food Products Regulation No. 1 (elective pricing method for processors).

15. Section 3.13 is amended in the following respects:

a. Paragraph (a) is amended by adding the following undesignated paragraphs:

If the commodity is one for which the applicable supplement also provides other adjustment provisions, the applicant may invoke any or all of them by submitting the information required by each. In these cases the relief granted shall be the greatest relief, permitted by any of those provisions or by this section, for which the applicant can qualify.

While any application for authorization of a maximum price or method of determining the applicant's maximum price is pending the applicant may file a written notice under Procedural Regulation 6 of his intention to seek such an adjustment if the maximum price subsequently established is less than the price named in the notice. When such a notice is filed, contracts, bids, payments and deliveries may be made on the basis of the named price, provided that the contract in each case stipulates that final settlement (including any necessary refunds) shall be made consistently with the maximum price as finally established. If the maximum price authorized is less than the amount to which it may be adjusted under this section, any adjustment granted under this section shall be retroactive to the filing of the notice, provided that the application for adjustment is filed within fifteen days of the receipt of the order upon which the maximum price is based.

b. The first undesignated paragraph of paragraph (d) is amended to read as follows:

(d) "Food product essential to the war program" means any food product purchased (1) for the ultimate use of the Army, Navy, the Maritime Commission, or the War Shipping Administration of the United States, or for the Lend-Lease Section of Procurement Division of the Treasury Department, or (2) by any government (or its agencies) of any country whose defense the President deems vital to the defense of the United States under the terms of the Act of March 11, 1941, entitled "An Act to Promote the Defense of the United States," or (3) for use in the production or manufacture of any such food product, provided that a certificate of the necessity of the procurement is received from the Chief of the particular procurement service named above. This certification should include the following information:

(i) A description of the commodity.

(ii) The quantities involved.

(iii) A statement that no other adjustment provisions are available under the applicable supplement.

16. A note is added to section 3.15, to read as follows:

NOTE: An application for adjustment may be filed only if the applicable supplement contains a specific provision for granting an adjustment. This section is not such a provision.

This amendment shall become effective September 10, 1945.

NOTE: All reporting and record-keeping requirements of this amendment have been approved by the Bureau of the Budget, in accordance with the Federal Reports Act of 1942.

Issued this 4th day of September 1945.

CHESTER BOWLES,
Administrator.

Approved: August 24, 1945.

J. B HUTSON,
Acting Secretary of Agriculture.

[F. R. Doc. 45-16464; Filed, Sept. 4, 1945; 11:47 a. m.]

PART 1351—FOOD AND FOOD PRODUCTS

[MPR 421,[1] Amdt. 24]

CEILING PRICES OF CERTAIN FOODS SOLD AT WHOLESALE

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.

Section 13 (e) is added to read as follows:

(e) *1945 pack of "canned" fruits and vegetables.* Each item of the 1945 pack of "canned" fruits and vegetables (Food Commodity Groups 10, 11, 33 and 34) shall be considered a different item from the 1944 and earlier packs, and you shall figure a separate ceiling price for each item. You must figure your ceiling price for each such item in accordance with the provisions in sections 3, 4 and 5, basing your "net cost" on the first delivery to you of the item.

However, if that first delivery is received by you before the date on which maximum prices are established by the Office of Price Administration for sales of the item by processors, and another delivery is received by you after that date, you shall refigure your ceiling price for such item, basing your "net cost" on the first delivery of the item to you after that date.

This amendment shall become effective September 10, 1945.

Issued this 4th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-16472; Filed, Sept. 4, 1945; 11:49 a. m.]

[1] 10 F.R. 1496, 5037, 5369, 7251

PART 1351—FOOD AND FOOD PRODUCTS

[MPR 422,[1] Amdt. 53]

CEILING PRICES OF CERTAIN FOODS SOLD AT RETAIL IN GROUP 3 AND GROUP 4 STORES

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.

Section 16 (h) is added to read as follows:

(h) *1945 pack of "canned" fruits and vegetables.* Each item of the 1945 pack of "canned" fruits and vegetables (Food Commodity Groups 10, 11, 33 and 34) shall be considered a different item from the 1944 and earlier packs, and you shall figure a separate ceiling price for each item. You must figure your ceiling price for each such item in accordance with the provisions in sections 3, 4 and 5, basing your "net cost" on the first delivery to you of the item.

However, if that first delivery is received by you from a person other than a wholesaler pricing the item under Maximum Price Regulation No. 421, before the date on which maximum prices are established by the Office of Price Administration for sales of the item by processors, and another delivery is received by you after that date, you shall refigure your ceiling price for such item, basing your "net cost" on the first delivery of the item to you after that date.

That first delivery may be from a wholesaler (pricing under Maximum Price Regulation No. 421), whose ceiling price for the item is figured on the basis of a delivery received by him before the date on which maximum prices are established by the Office of Price Administration for sales of the item by processors. In that event, and if you receive a later delivery of the item, you must refigure your ceiling price for such item; you must base your "net cost" upon the first delivery to you from your supplier after he has figured his ceiling price for the item on the basis of a delivery received by him after the date on which maximum prices are established by the Office of Price Administration for sales by processors of the 1945 pack of the item.

This amendment shall become effective September 10, 1945.

Issued this 4th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-16473; Filed, Sept. 4, 1945; 11:49 a. m.]

PART 1351—FOOD AND FOOD PRODUCTS

[MPR 423,[2] Amdt. 51]

CEILING PRICES OF CERTAIN FOODS SOLD AT RETAIL IN INDEPENDENT STORES DOING AN ANNUAL BUSINESS OF LESS THAN $250,000. (GROUP 1 AND GROUP 2 STORES)

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.

Section 17 (g) is added to read as follows:

(g) *1945 pack of "canned" fruits and vegetables.* Each item of the 1945 pack of "canned" fruits and vegetables (Food Commodity Groups 10, 11, 33 and 34) shall be considered a different item from the 1944 and earlier packs, and you shall figure a separate ceiling price for each item. You must figure your ceiling price for each such item in accordance with the provisions in sections 3, 4 and 5, basing your "net cost" on the first delivery to you of the item.

However, if that first delivery is received by you from a person other than a wholesaler pricing the item under Maximum Price Regulation No. 421, before the date on which maximum prices are established by the Office of Price Administration for sales of the item by processors, and another delivery is received by you after that date, you shall refigure your ceiling price for such item, basing your "net cost" on the first delivery of the item to you after that date.

That first delivery may be from a wholesaler (pricing under Maximum Price Regulation No. 421), whose ceiling price for the item is figured on the basis of a delivery received by him before the date on which maximum prices are established by the Office of Price Administration for sales of the item by processors. In that event, and if you receive a later delivery of the item, you must refigure your ceiling price for such item; you must base your "net cost" upon the first delivery to you from your supplier after he has figured his ceiling price for the item on the basis of a delivery received by him after the date on which maximum prices are established by the Office of Price Administration for sales by processors of the 1945 pack of the item.

This amendment shall become effective September 10, 1945.

Issued this 4th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-16474; Filed, Sept. 4, 1945; 11:50 a. m.]

PART 1364—FRESH, CURED AND CANNED MEAT AND FISH PRODUCTS

[RMPR 156, Amdt. 7]

CANNED MEATS

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.

Revised Maximum Price Regulation No. 156 is amended in the following respects:

1. The definition of "sterile canned meat" set forth in paragraph (a) of section 7 is amended to read as follows:

"Sterile canned meat" means canned meat which has been commercially sterilized and packed in a hermetically sealed container and needs no refrigeration while remaining in the sealed container: *Provided*, That notwithstanding the provisions of this definition, sliced dried beef packed in hermetically sealed glass jars shall not be deemed "sterile canned meat" for pricing purposes under this regulation.

2. Paragraph (a) of section 11 is amended to read as follows:

(a) *Ceiling prices of semi-sterile canned meat products given dollar-and-cents prices on deliveries to persons other than Group 1 and 2 retailers or purveyors of meals*—(1) *Semi-sterile canned meat products other than sliced dried beef packed in glass jars.* The ceiling price for a delivery, to a person other than a Group 1 and 2 retailer or a purveyor of meals, of a semi-sterile canned meat product which is not sliced dried beef packed in glass jars but which meets the specifications of any other product established by section 13 (b) shall be determined by:

(i) Adding to the base price specified for such product in section 12 (a) the zone addition specified in section 12 (b) for a carload delivery, or less-than-carload delivery, whichever is made, for the zone in which actual physical possession of the product is taken by the buyer, and then

(ii) Subtracting 25 cents per hundredweight from the figure obtained by following subdivision (i) of section 11 (a) (1) above, if delivery of the product is not made to the buyer at the buyer's place of business.

(2) *Sliced dried beef in glass jars.* The ceiling price for a delivery, to a person other than a Group 1 and 2 retailer or a purveyor of meals, of sliced dried beef packed in glass jars and which meets the specifications established therefor by section 13 (b) shall be determined by:

(i) Adding to the base price specified for such product packed in the applicable size glass jar in section 12 (a) the appropriate zone addition provided in section 12 (b) for the glass jar size used and the type of delivery (carload or less-than-carload) made for the zone in which actual physical possession of the product is taken by the buyer, and then

(ii) Subtracting 25 cents per hundredweight from the figure obtained by following subdivision (i) of section 11 (a) (2) above, if delivery of the product is not made to the buyer at the buyer's place of business.

3. Paragraph (a) of section 12 is amended to read as follows:

(a) *Table of base prices.* Except for sliced dried beef packed in glass jars, all prices are on a dollar per hundredweight net weight basis. Prices for sliced dried beef packed in glass jars are on a per dozen basis of the container size. Except on sales of canned whole hams to war procurement agencies for overseas shipment, all prices include packaging or boxing costs.

[1] 10 F.R. 1505, 2024, 2297, 3814, 5370, 5577, 6235, 6514, 7251, 8015, 8656, 9272, 9263, 9430.

[2] 10 F.R. 1523, 2025, 2296, 3814, 5370, 5578, 6235, 6514, 8015, 8656, 9272, 9263, 9431.

Item	Base price per cwt
(1) Canned whole ham:	
(i) pear shape, unsmoked (skinless)	$44.50
(ii) pear shape, smoked (skinless)	44.50
(iii) Pullman, smoked (skinless)	44.50
(iv) Pullman, unsmoked (skinless)	44.50
(v) Polish style (with shank collar)	43.00
(2) Spiced luncheon meats:	
(i) 3 pound size	34.50
(ii) 6 pound size	33.00
(3) Spiced ham:	
(i) 3 pound size	36.00
(ii) 6 pound size	34.50
(4) Pressed ham, boneless, chopped, all sizes	36.00
(5) Pressed pork, boneless, chopped, all sizes	34.50
(6) Sliced dried beef in glass jars:	Base price per dozen
(i) 1½ ounce jars	$0.94
(ii) 2 ounce jars	1.17
(iii) 2½ ounce jars	1.34
(iv) 3½ ounce jars	1.77
(v) 5 ounce jars	2.39
(vi) 7 ounce jars	3.14

4. Paragraph (b) of section 12 is amended to read as follows:

(b) *Tables of zone additions.* Except for sliced dried beef in glass jars, all zone additions are on a dollar per hundredweight net weight basis. Zone additions for sliced dried beef are on a per dozen container size basis and include allowances for tare.

(1) Zone additions per hundredweight for semi-sterile canned meat products other than sliced dried beef packed in glass jars:

Zone	Carload delivery	Less-than-carload delivery
1	$0.48	$0.72
2	0.80	1.20
3	1.20	1.92

(2) Zone additions per dozen of the applicable container size for sliced dried beef packed in glass jars:

Container size	Addition per dozen					
	Zone 1		Zone 2		Zone 3	
	Carload	L. C. L.	Carload	L. C. L.	Carload	L. C. L.
1½ ounce	$0.017	$0.023	$0.029	$0.038	$0.038	$0.051
2 ounce	0.02	0.03	0.038	0.05	0.05	0.068
2½ ounce	0.024	0.033	0.043	0.055	0.055	0.074
3½ ounce	0.028	0.042	0.053	0.07	0.07	0.095
5 ounce	0.04	0.060	0.075	0.10	0.10	0.135
7 ounce	0.048	0.072	0.090	0.12	0.12	0.162

5. Subparagraph (8) of section 13 (b) is added to read as follows:

(8) "Sliced dried beef packed in glass jars" means slices of "extra dried beef" (defined in § 1364.452 (p) (7) (x) of Revised Maximum Price Regulation No. 156) made from cutter and canner grade beef rounds commercially packed and hermetically sealed in 1½ ounce, 2 ounce, 2½ ounce, 3½ ounce, 5 ounce and 7 ounce glass jars, and which needs no refrigeration while remaining in the sealed glass container.

This amendment shall become effective September 2, 1945.

Issued this 31st day of August 1945.

CHESTER BOWLES,
Administrator.

Approved: August 30, 1945.

J. B. HUTSON,
Acting Secretary of Agriculture.

[F. R. Doc. 45-16401; Filed, Aug. 31, 1945; 4:16 p. m.]

PART 1364—FRESH, CURED AND CANNED MEAT AND FISH PRODUCTS

[MPR 550, Amdt. 5]

CURED AND SMOKED FISH

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.

Maximum Price Regulation No. 550 is amended in the following respects:

1. The table of contents is amended by adding the following new items:

ARTICLE XVI—SALES OF SMOKED BONELESS HERRING BY PRIMARY DISTRIBUTORS AND OTHER DISTRIBUTORS

16.1 Scope of this article
16.2 Classification of distributors
16.3 Maximum prices for sales by primary distributors
16.4 Maximum prices for sales by other distributors
16.5 Discounts
16.6 Taxes
16.7 Notification to wholesalers and retailers
16.8 Definitions
16.9 Cross-references

2. Section 1.2(c) is amended to read as follows:

(c) Maximum Price Regulations Nos. 421, 422 and 423 apply to sales by wholesalers and retailers, as defined in those regulations, except that Maximum Price Regulation No. 421 does not apply to sales by wholesalers of those varieties of cured and smoked fish for which maximum wholesalers' prices are fixed by Article XV of this regulation.

3. Section 1.9 (b) is amended to read as follows:

(b) *Distributors not specifically provided for in this regulation.* The maximum price for sales of cured or smoked fish covered by this regulation (except as otherwise provided in Article XVI for distributors' sales of smoked boneless herring), by any person, other than a processor, wholesaler or retailer, is his supplier's maximum price plus any applicable allowance provided by this regulation for transportation actually paid by him, not including local trucking, hauling or handling charges.

4. Article XVI is added to read as follows:

ARTICLE XVI—SALES OF SMOKED BONELESS HERRING BY PRIMARY DISTRIBUTORS AND OTHER DISTRIBUTORS

SEC. 16.1 *Scope of this article.* This article fixes maximum prices for sales of smoked boneless herring by "distributors" other than wholesalers and retailers. Maximum prices are fixed for sales by "distributors" who are "primary distributors" and for sales by "other distributors". Sales by such "distributors" of smoked boneless herring in cellophane packages of a capacity of less than 5 ounces are not covered. The prices for such sales are governed by the General Maximum Price Regulation.

SEC. 16.2 *Classification of distributors*—(a) *Distributors.* A "distributor", for the purposes of this article, is one other than a wholesaler or retailer, who purchases all the smoked boneless herring he sells (for his own account).

(b) *Primary distributors.* A "primary distributor" is a "distributor" who (1) purchases smoked boneless herring in carload quantities;

(2) stores it in a warehouse not owned or controlled by any of his customers or by any of his suppliers;

(3) resells it from such warehouse in less than carload quantities and

(4) bought and sold smoked boneless herring in this manner before April 28, 1942.

If a "distributor" fails to meet one or more of the foregoing requirements with respect to any sale of smoked boneless herring he must price that sale as an "other distributor".

(c) *Other Distributors.* "Distributors" who are not "primary distributors" are "other distributors" under this article.

SEC. 16.3. *Maximum prices for sales by primary distributors.* (a) A "primary distributor's" maximum price for sales of smoked boneless herring is the appropriate price set forth below plus his actual transportation cost (excluding local trucking, hauling and handling charges). In no case may the added transportation cost exceed the applicable rail carload freight rate, published in tariffs lawfully on file with the Interstate Commerce Commission, from his supplier's shipping point to the receiving point of the "primary distributor":

	Per pound (cents)
Smoked boneless herring in boxes packed to a net weight of 5 lb	22
Smoked boneless herring in boxes packed to a net weight of 10 lb	21½

(b) The maximum price for sales of smoked boneless herring packed in any container not listed in paragraph (a) (except a cellophane container covered by section 16.1) shall be a price determined by the Office of Price Administration to be in line with the price established in paragraph (a). Such determination shall be made upon written request addressed to the Office of Price Administration, Washington, D. C., and accompanied by a statement showing costs and usual differentials.

SEC. 16.4 *Maximum prices for sales by "other distributors".* The maximum prices for sales of smoked boneless herring by a "distributor" other than a "primary distributor" is his supplier's maximum price for such smoked boneless herring plus incoming freight paid by such "other distributor". However, if the "other distributor" purchases such smoked boneless herring from a wholesaler or a retailer, his maximum price is the net cost of that wholesaler or retailer (as the case may be) plus transportation (except local trucking, hauling or handling charges) paid by such "other distributor".

SEC. 16.5 *Discounts.* If a distributor covered by this article had a practice during March, 1942, of giving to different classes of purchasers allowances, discounts or other price differentials, he must continue such allowances, discounts or price differentials.

SEC. 16.6 *Taxes.* A distributor covered by this article, in addition to his maximum price, may collect any tax upon or incident to a sale at wholesale of any cured or smoked fish covered by this article if he states the tax separately and if the tax statute or ordinance does not prohibit sellers from stating and collecting the tax separately from the price.

SEC. 16.7 *Notification to wholesalers and retailers.* With the first delivery of smoked boneless herring, every "distributor" subject to the provisions of this article shall supply each wholesaler and retailer who purchases from him with a written notice as set forth below:

NOTICE TO WHOLESALERS AND RETAILERS

Our OPA ceiling price for (describe item) has been changed under the provisions of Maximum Price Regulation No. 550. We are authorized to inform you that if you are a wholesaler or retailer pricing this item under Maximum Price Regulation No. 421, 422 or 423, and if we are your customary type of supplier, you must refigure your ceiling price for the item in accordance with the applicable pricing provisions of those regulations. (See section 6 in each case.) You must refigure your ceiling price on the first delivery of this item to you on and after (insert effective date of this amendment).

For a period of 90 days after the effective date of the provision changing the distributor's maximum price and with the first delivery after the 90-day period to each person who has not made a purchase within that time, the distributor shall include in each box, carton or case containing the item the written notice set forth above.

SEC. 16.8 *Definitions.* When used in this article the terms:

(a) "carload quantity" means any quantity of smoked boneless herring which equals or exceeds the carload minimum as specified for fish, smoked, dried, dry salted or preserved, in tariffs lawfully on file with the Interstate Commerce Commission.

(b) "Wholesaler" means a person the larger volume of whose food business is the purchase and resale of food products, without materially changing their form, for distribution out of a warehouse to independent retail stores, or to commercial, industrial or institutional users.

(c) "Retailer" means a person the larger volume of whose food business is the purchase and resale of food products, without materially changing their form, to ultimate consumers other than commercial, industrial and institutional users.

SEC. 16.9 *Cross references.* (a) Article I contains general provisions applying to all sellers covered by this regulation.

(b) Section 1.11 contains provisions with respect to the records and reports required of sellers covered by this regulation.

(c) "Smoked boneless herring" is defined in section 7.2.

This amendment shall become effective September 10, 1945.

NOTE: The record keeping and reporting provisions of this amendment have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 4th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-16476; Filed, Sept. 4, 1945; 11:50 a. m.]

PART 1418—TERRITORIES AND POSSESSIONS

[RMPR 395,[1] Amdt. 7]

GROCERY COMMODITIES IN VIRGIN ISLANDS

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.

Revised Maximum Price Regulation 395 is amended in the following respects:

1. The word "retail" is deleted from the headnote of section 16.

2. Table III of section 16 is designated Table III a. and a new Table III b. is added to read as follows:

TABLE IIIb—MAXIMUM PRICES FOR CERTAIN GRAIN AND GRAIN PRODUCTS

Commodity	Quantity	At Wholesale St. Croix, St. Thomas	At retail St. Croix, St. Thomas	At retail St. John
Packaged yellow cornmeal: Quaker	Ounce 24/20	$2.65	Per unit $0.14	Per unit $0.15

3. Table V in section 19 is amended to read as follows:

TABLE V—MAXIMUM RETAIL PRICES FOR CERTAIN EDIBLE FATS AND OILS

Commodity	Quantity	Island of St. Croix	Island of St. Thomas	Island of St. John
Lard and rendered pork fat:	Pound			
Prints	1	$0.22	$0.22	$0.23
Tierces and casks	1	.21	.21	.22
Tins	1	.21	.21	.22

4. Table VI, "Maximum retail prices for soya bean oil, cottonseed oil, and corn oil," in section 18 is deleted.

5. Table VII in section 20 is amended to read as follows:

[1] 10 F.R. 5941, 6946, 7799, 8069, 8699, 9227, 9925.

TABLE VII—MAXIMUM RETAIL PRICES FOR CERTAIN CANNED FISH AND FISH PRODUCTS

Commodity	Quantity	Island of St. Croix	Island of St. Thomas	Island of St. John
Pilchards:				
Natural	8 oz	$0.08	$0.08	$0.09
	#1 tall	.13	.13	.14
	#1 oval	.15	.15	.16
	5 oz	.07	.07	.08
Tomato	8 oz	.09	.09	.10
	#1 tall	.14	.14	.15
	#1 oval	.15	.15	.16
Tomato and olive oil	#1 can	.15	.15	.16

6. Table IX in section 22 is amended to read as follows:

TABLE IX—MAXIMUM RETAIL PRICES FOR CERTAIN MEATS OR MEAT PRODUCTS,

Commodity	Quantity	Island of St. Croix	Island of St. Thomas	Island of St. John
Frozen pork loin (semi-boneless)	Pound 1	$0.48	$0.48	$0.50
Frozen pork loin (bone in)	1	.36	.36	.38
Smoked picnic ham	1	.41	.41	.44
Pigs feet, dry salted	1	.11	.11	.12
Pork, clear plates, pickled	1	.20	.20	.22
Pork, fatbacks, pickled	1	.20	.20	.22
Pork, jowl butts, pickled	1	.19	.19	.21
Frozen pork loin, regular	1	.42	.42	.44

7. Table X—"Maximum Retail Prices for Canned Vienna Sausage" in section 22 is deleted.

8. The item "Soap, toilet, Victory brand (Victoria)" is deleted from Table XI, section 23.

9. One item in Table XIII in section 25 is changed to read as follows:

TABLE XIII—MAXIMUM RETAIL PRICES FOR CERTAIN TYPES OF CHEESE

Commodity	Quantity	Island of St. Croix	Island of St. Thomas	Island of St. John
2. Processed Cheddar, loaves weighing 5 lbs. and over	1 lb.	$0.47	$0.48	$0.50

10. Table XIV in section 26 is amended to read as follows:

TABLE XIV—MAXIMUM RETAIL PRICES FOR DRY SALTED, SMOKED OR PICKLED FISH IN BULK

Commodity	Quantity	Island of St. Croix	Island of St. Thomas	Island of St. John
Dry salted or smoked fish, all varieties	Pound 1	$0.19	$0.19	$0.20
Pickled bonita fillets	1	.16	.16	.17
Pickled cod fillets	1	.22	.22	.23
Pickled salmon	1	.26	.26	.27
All other pickled fish (except those specified)	1	.11	.11	.11

11. Table XV—"Maximum Retail Prices for Matches," in section 27, is deleted.

12. The footnotes to Table V, section 19; Table VI, section 19; Table VII, section 20; Table VIII, section 21; and Table IX, section 22, are hereby deleted.

This amendment shall become effective as of September 10, 1945.

Issued this 4th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-16470; Filed, Sept. 4, 1945; 11:49 a. m.]

PART 1418—TERRITORIES AND POSSESSIONS

[RMPR 395,[1] Amdt. 8]

CANNED SOUP IN VIRGIN ISLANDS

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.

Section 49 (b), Table XXXIX, is amended by changing the word "Mushroom" under Heinz Soups to read "Cream of Mushroom," and by revising the maximum prices as follows:

TABLE XXXIX—MAXIMUM PRICES FOR IMPORTED VARIETIES OF CANNED SOUPS

Items and brand names	Unit	Price at wholesale St. Croix St. Thomas	Retail price St. Croix St. Thomas	Retail price St. John
Heinz soups: Cream of Mushroom	Case of 36 No. 1 tins	$7.20	Per unit $0.24	Per unit $0.24

This amendment shall become effective as of September 10, 1945.

Issued this 4th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-16471; Filed, Sept. 4, 1945; 11:49 a. m.]

PART 1499—COMMODITIES AND SERVICES

[RMPR 165, Amdt. 3 to Supp. Service Reg. 47]

RETAIL SHOE REPAIR SERVICES

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.

Supplementary Service Regulation 47 is amended in the following respects:

Section 1499.680 is amended by adding a new paragraph as follows:

(i) *Specific prices on special services.* The maximum prices established by Revised Maximum Price Regulation 165 for the retail shoe repair services listed below are hereby modified as described below unless an applicable area order provides to the contrary. These maximum prices include all labor and materials necessary for the service, and apply to the 48 states of the United States and the District of Columbia. Lower prices than those established by this regulation may be charged.

(1) Attaching neolite half-soles manufactured by the Goodyear Tire and Rubber Company to dress or work shoes:

A seller's correctly filed maximum prices under RMPR 165 for attaching Semi-Fine leather half soles to dress or work shoes, plus the following additions:

	Per pair
Men's shoes and Boys' shoes larger than size 3½	$0.10
Boys' shoes size 3½ or smaller	.05
Women's, Girls' and Children's shoes	.05

(2) Attaching brown composition, rubber, or fiber full soles or half-soles to dress or work shoes:

A seller's correctly filed maximum prices under RMPR 165 for attaching comparable black composition, rubber, or fiber full soles or half-soles to dress shoes, plus 15¢ per pair.

This amendment shall become effective September 10, 1945.

Issued this 4th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-16468; Filed, Sept. 4, 1945; 11:48 a. m.]

PART 1421—IRON AND STEEL FOUNDRY PRODUCTS

[MPR 214, Amdt. 2]

HIGH ALLOY CASTINGS

A statement of the considerations involved in the issuance of this Amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.

Section 1421.15 Appendix A is amended by adding thereto a new paragraph, designated as (d), to read as follows:

(d) *Optional method for determining maximum delivered prices of high alloy castings sold pursuant to short orders.* (1) Notwithstanding any provision to the contrary contained in paragraphs (a) to (c), inclusive, of this section, maximum delivered prices for high alloy castings sold pursuant to a "short order", as defined in the following subparagraph (2), may, instead of being priced under paragraphs (a) to (c), inclusive, whichever may be applicable, be computed as follows:

(i) The applicable base price for the rough casting shall be determined in accordance with the applicable base price schedule set forth below and the quantity and alloy and carbon content differentials set forth in Appendix B (§ 1421.16).

TABLE I—SHORT ORDER BASE SCHEDULE FOR HEAT-RESISTANT CASTINGS

Weight each casting	Total weight of castings ordered: 5 pounds or less	Over 5 pounds but not over 20 pounds	Over 20 pounds but not over 50 pounds	Over 50 pounds but not over 75 pounds
	Per lb.	Per lb.	Per lb.	Per lb.
5 pounds and less	$1.50	$2.20	$1.65	$1.48
Over 5 pounds but not over 20 pounds	.....	1.76	1.32	1.10
Over 20 pounds but not over 50 pounds	.....	.....	1.15	.99
Over 50 pounds but not over 75 pounds	.....	.....	.....	.89

TABLE II—SHORT ORDER BASE PRICE SCHEDULE FOR CORROSION-RESISTANT CASTINGS

Weight each casting	Total weight of castings ordered: 4 pounds or less	Over 4 pounds but not over 9 pounds	Over 9 pounds but not over 24 pounds	Over 24 pounds but not over 49 pounds	Over 49 pounds but not over 75 pounds
	Per pound	Per pound	Per pound	Per pound	Per pound
3 pounds and less	$3.36	$2.24	$1.68	$1.40	$1.20
Over 3 pounds but not over 5 pounds	3.18	2.12	1.59	1.33	1.13
Over 5 pounds but not over 9 pounds	.....	1.90	1.44	1.19	1.02
Over 9 pounds but not over 14 pounds	.....	.....	1.26	1.05	.90
Over 14 pounds but not over 24 pounds	.....	.....	1.19	.99	.84
Over 24 pounds but not over 49 pounds	.....	.....	.....	.91	.77
Over 49 pounds but not over 75 pounds	.....	.....	.....	.....	.77

(ii) *Machining.* Where the rough casting is machined before delivery to the purchaser, there may be added an amount therefor not in excess of the applicable amount determined pursuant to paragraph (b) of Appendix C (§ 1421.17);

(iii) *Extras.* There may be added such of the extras set forth in paragraph (a) of Appendix C (§ 1421.17) as are applicable;

(iv) *Discounts for early payment.* There shall be deducted one-half of one per cent for payment within 10 days from receipt of the invoice by the purchaser;

(v) *Freight.* Adjustment shall be made for freight as follows: the lowest applicable railroad charges at rates in effect at the time of shipment may be added and where the purchaser specifies means of transportation costing in excess of the lowest applicable rail charges at rates in effect at the time of shipment, the full costs of such freight may be added;

(2) The term "short order" means an order for the purchase of a high alloy casting where the shipping weight of the casting multiplied by the quantity ordered does not exceed 75 pounds: *Provided,* That

(i) If the casting is produced or is to be produced on a production run whereby the 75 pound limitation is exceeded or will be exceeded, the order shall not be deemed a short order,

(ii) Orders shall not be split into small quantities for the purpose of classification as short orders, and

(iii) If an order is received for a number of different patterns of high alloy castings, the order shall be deemed a short order with respect to each pattern for which the requirements hereinbefore specified are met.

(3) This paragraph (d) establishing maximum prices for short orders shall not apply to chrome iron abrasion-resistant castings.

This amendment shall become effective September 10, 1945.

Issued this 4th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-16469; Filed, Sept. 4, 1945; 11:48 a. m.]

PART 1426—WOOD PRESERVATION AND PRIMARY FOREST PRODUCTS

[MPR 558,[1] Amdt. 2]

EASTERN WOODEN MINE MATERIALS AND INDUSTRIAL BLOCKING

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.

Maximum Price Regulation 558 is hereby amended in the following respects:

1. Section 2 (a) is amended to read as follows:

(a) This regulation covers all sales and purchases of wooden mine materials and industrial blocking produced in, or imported from Canada or Mexico into, that part of the United States east of a line approximating the 100th Meridian except North Dakota and South Dakota. Mine car lumber, mine shaft guides and brattice boards are not covered, but are subject to the appropriate lumber price regulations. Production zones are defined in the heading of each price table in section 14.

2. Section 2 (b) (1) is amended to read as follows:

(1) "Wooden mine materials" means any ties, switch ties, cross bars, cribbing, lagging, post caps, wedges or pit posts used in mines; and also includes all mine lumber and timbers used in underground mining, except the items excluded in paragraph (a) above.

3. Section 4 (b) (1) is hereby amended to read as follows:

(b) *Private trucks.* (1) When shipment is by private truck owned or controlled by the seller, except in the case of pit posts, props and split or round lagging, the maximum permissible addition (on hauls involving any point outside a metropolitan area) shall be computed as follows:

(i) Distances from point of production to buyer's unloading point; less

(ii) Distance from production point to normal loading out point of shipper; equals

(iii) Total distance for which shipper may charge. (i–ii)

When total mileage for which shipper may charge has been arrived at as indicated above, the maximum charge for the net total distance (item iii) shall be computed as follows:

NET TOTAL DISTANCE OF 50 MILES OR LESS

Distance	Maximum price per 100 pounds
10 miles or less	$0.05
More than 10 miles, not more than 20 miles	0.07
More than 20 miles, not more than 30 miles	0.09
For each mile over 30, but not more than 50 miles, add to the 30 mile charge	0.002

NET TOTAL DISTANCE OF MORE THAN 50 MILES

Multiply the estimated weights in the tables, of the material shipped, by the carload freight rate applicable on the railroad serving the buyer for a haul on that railroad to the buyer's unloading point from a point on such railroad equal to the trucking distance from the seller's normal loading out point to the buyer's unloading point.

No additions may be made for private truck shipments of pit posts, props and split or round lagging, regardless of the length of the haul.

4. In section 8 paragraph (a) is amended to read as follows:

(a) *Exports.* The maximum prices for export sales of Eastern wooden mine materials and industrial blocking are governed by Second Revised Maximum Export Price Regulation.

Maximum prices for pit posts, props, and split or round lagging, regardless of the zone of production, when delivered f. o. b. cars port at Atlantic or Gulf coast ports, shall be the maximum prices in Table 2 when delivery is made to the port of Baltimore, Maryland and to all ports north of Baltimore, and shall be the maximum prices in Table 3 when delivery is made to all ports south of Baltimore, Maryland.

5. In section 14, Tables 1 (B), 2 (A), 3 (B), 4 (A), 5 (D) are amended, and new tables 1 (D), 2 (C), 3 (D), 4 (C) and 5 (F) are added, to read as follows:

TABLE 1 (B)—MAXIMUM PRICES FOR SAWN MINE MATERIAL PRODUCED IN ZONE 1

F. O. B. LOADING-OUT POINTS

	Per M'BM: Price	Weight: Green	Weight: Dry
Mine ties and mine switch ties (mixed oak and hardwoods): all sizes	$30.50	5,400	3,900
Cross bars (milled oak and hardwoods): All sizes up to and including 6" x 7"	30.50	5,400	3,900
All sizes over 6" x 7"	32.50	5,400	3,900
For specified lengths 18' and longer, add	3.00	.....	.....
Short mine material (mixed oak and hardwoods): Post caps (headers) all sizes	30.50	5,400	3,900
Sawed cribbing blocks (lagging) all sizes	30.50	5,400	3,900
All other mine lumber and timbers (mixed hardwoods): All sizes and lengths	$30.50	5,400	3,900

TABLE 1 (D)—MAXIMUM PRICES FOR SAWN WEDGES PRODUCED IN ZONE 1

F. O. B. LOADING-OUT POINTS

	Per 1,000 wedges: Price	Weight: Green	Weight: Dry
0" x 1½" x 4" x 14"	$20.00	1,840	1,320
0" x 1" x 6" x 14"	20.00	1,960	1,420
1⅛" x 3¼" x 1" x 4"	8.50	790	570
1⅛" x 1" x 1" x 4"	8.50	980	710
1⅜" x 1" x 4" x 12"	14.40	1,230	890
1⅜" x 1" x 5" x 12"	18.00	1,540	1,110
1⅜" x 1½" x 5" x 12"	22.50	2,110	1,520
1¼" x 1" x 4" x 12"	14.40	1,350	970
1¼" x 1" x 5" x 12"	18.00	1,680	1,210
1¼" x 1" x 4" x 14"	16.80	1,570	1,130
1¼" x 1" x 6" x 14"	25.20	2,360	1,700
1¼" x 1¼" x 4" x 12"	16.00	1,570	1,130
1¼" x 1¼" x 5" x 12"	21.00	1,960	1,420
1⅜" x 2" x 5" x 12"	28.00	2,810	2,030
1¼" x 3" x 5" x 18"	41.00	5,900	4,260

TABLES 2 (A)—MAXIMUM PRICES FOR SAWN MINE MATERIAL PRODUCED IN ZONE 2

F. O. B. LOADING-OUT POINTS

	Per M'BM: Price	Weight: Green	Weight: Dry
Mine ties and mine switch ties (mixed oak and hardwoods) all sizes	$30.50	5,400	3,900
Cross bars (collars) (mixed oak and hardwoods): All sizes up to and including 6" x 7"	30.50	5,400	3,900
All sizes over 6" x 7"	32.50	5,400	3,900
For specified lengths 18' and longer, add	3.00	.....	.....
Short Mine Material (mixed oak and hardwoods): Post caps (headers) all sizes	30.50	5,400	3,900
Sawed cribbing blocks (lagging) all sizes	30.50	5,400	3,900
All other mine lumber and timbers (mixed hardwoods) all sizes and lengths	30.50	5,400	3,900

TABLE 2 (C)—MAXIMUM PRICES FOR SAWN WEDGES PRODUCED IN ZONE 2

F. O. B. LOADING-OUT POINTS

	Per 1,000 wedges: Price	Weight: Green	Weight: Dry
0" x 1½" x 4" x14"	$20.00	1,840	1,320
0" x 1" x 6" x 14"	20.00	1,960	1,420
1⅛" x 3¼" x 1" x 4"	8.50	790	570
1⅛" x 1" x 1" x 4"	8.50	980	710
1⅜" x 1" x 4" x 12"	14.40	1,230	890
1⅜" x 1" x 5" x 12"	18.00	1,540	1,110
1⅜" x 1½" x 5" x 12"	22.50	2,110	1,520
1¼" x 1" x 4" x 12"	14.40	1,350	970
1¼" x 1" x 5" x 12"	18.00	1,680	1,210
1¼" x 1" x 4" x 14"	16.80	1,570	1,130
1¼" x 1" x 6" x 14"	25.20	2,360	1,700
1¼" x 1¼" x 4" x 12"	16.00	1,570	1,130
1¼" x 1¼" x 5" x 12"	21.00	1,960	1,420
1⅜" x 2" x 5" x 12"	28.00	2,810	2,030
1¼" x 3" x 5" x 18"	41.00	5,900	4,260

[1] 10 F.R. 5941, 6946, 7799, 8069, 8999, 9227, 9925.

TABLE 3 (B)—MAXIMUM PRICES FOR SAWN MINE MATERIAL PRODUCED IN ZONE 3

F. O. B. LOADING-OUT POINTS

	Per M'BM		
	Price	Weight	
		Green	Dry
Mine ties and mine switch ties (mixed oak and hardwoods): All sizes	$29.00	5,400	3,900
Cross bars (collars) (mixed oak and hardwoods):			
All sizes up to and including 6" x 7"	29.00	5,400	3,500
All sizes over 6" x 7"	31.00	5,400	3,900
For specified lengths 18' and longer, add	3.00	-----	-----
Short mine materials (mixed oak and hardwoods):			
Post caps (headers) all sizes	29.00	5,400	3,900
Cribbing (sawn lagging) all sizes	29.00	5,400	3,900
All other mine lumber and timbers (mixed hardwoods)—All sizes and lengths	29.00	5,400	3,900

TABLE 3 (D)—MAXIMUM PRICES FOR SAWN WEDGES PRODUCED IN ZONE 3

F. O. B. LOADING-OUT POINTS

	Per 1,000 wedges		
	Price	Weight	
		Green	Dry
1" x 13" x 4" x 12"	$10.00	1,350	970
1" x 13" x 5" x 12"	12.50	1,680	1,220
1" x 13" x 6" x 12"	15.00	2,020	1,460
1" x 13" x 4" x 12"	10.80	1,460	1,050
1" x 13" x 5" x 12"	13.50	1,820	1,320
1" x 13" x 6" x 12"	16.20	2,190	1,580
1" x 13" x 5" x 14"	14.60	1,960	1,420
1" x 13" x 6" x 14"	17.50	2,360	1,700
1" x 13" x 5" x 14"	16.80	2,260	1,640
1" x 13" x 4" x 16"	10.80	1,460	1,050
1" x 13" x 5" x 16"	13.50	1,820	1,320
1" x 13" x 6" x 12"	16.20	2,190	1,580
1" x 13" x 4" x 12"	11.70	1,570	1,130
1" x 13" x 5" x 12"	14.60	1,960	1,420
1" x 13" x 6" x 12"	17.50	2,360	1,700
1" x 13" x 5" x 14"	15.80	2,130	1,540
1" x 13" x 6" x 14"	19.00	2,560	1,840
1" x 13" x 5" x 16"	17.00	2,290	1,650
1" x 14" x 6" x 14"	20.40	2,750	1,990

TABLE 4 (A)—MAXIMUM PRICES FOR SAWN MINE MATERIAL PRODUCED IN ZONE 4

F. O. B. LOADING-OUT POINTS

	Per M'BM		
	Price	Weight	
		Green	Dry
Mine ties and mine switch ties (mixed hardwoods and pine): All sizes	$25.00	5,400	3,900
Cross bars (collars) (mixed hardwoods and pine):			
All sizes up to and including 6" x 7"	25.00	5,400	3,900
All sizes over 6" x 7"	27.00	5,400	3,900
For specified lengths 18' and longer, add	3.00	-----	-----
Short mine materials (mixed hardwoods and pine):			
Post caps (headers) all sizes	25.00	5,400	3,900
Cribbing (sawn lagging) all sizes	25.00	5,400	3,900
All other mine lumber and timbers (mixed hardwoods): All sizes and lengths	25.00	5,400	3,900

TABLE 4 (C)—MAXIMUM PRICES FOR SAWN WEDGES PRODUCED IN ZONE 4

F. O. B. LOADING-OUT POINTS

	Per 1,000 wedges		
	Price	Weight	
		Green	Dry
1" x 13" x 4" x 12"	$7.50	1,350	970
1" x 13" x 5" x 12"	9.37	1,690	1,220
1" x 13" x 6" x 12"	11.25	2,020	1,460
1" x 13" x 4" x 12"	8.12	1,460	1,050
1" x 13" x 5" x 12"	10.15	1,830	1,320
1" x 13" x 6" x 12"	12.18	2,190	1,580
1" x 13" x 5" x 14"	10.95	1,960	1,420
1" x 13" x 6" x 14"	13.12	2,360	1,700
1" x 13" x 5" x 14"	11.85	2,130	1,540
1" x 13" x 6" x 14"	14.21	2,560	1,840
1" x 13" x 4" x 12"	8.12	1,460	1,050
1" x 13" x 5" x 12"	10.15	1,830	1,320
1" x 13" x 6" x 12"	12.18	2,190	1,580
1" x 13" x 4" x 12"	8.75	1,570	1,130
1" x 13" x 5" x 12"	10.94	1,960	1,420
1" x 13" x 6" x 12"	13.12	2,360	1,700
1" x 13" x 5" x 14"	11.85	2,130	1,540
1" x 13" x 6" x 14"	14.21	2,560	1,840
1" x 13" x 5" x 14"	12.75	2,290	1,650
1" x 14" x 6" x 14"	15.31	2,750	1,990

TABLE 5 (B)—MAXIMUM PRICES FOR SAWN MINE MATERIAL PRODUCED IN ZONE 5

F. O. B. CARS-LOADING-OUT POINTS

	Per M'BM		
	Price	Weight	
		Green	Dry
Underground mine ties and mine switch ties (mixed hardwoods): All sizes	$30.50	5,400	3,900
Cross bars (collars) (mixed hardwoods):			
All sizes up to and including 6" x 7"	30.50	5,400	3,900
All sizes over 6" x 7"	32.50	5,400	3,900
For specified lengths 18' and longer, add	3.00	-----	-----
Short mine material (mixed hardwoods). Post caps (headers) all sizes	30.50	5,400	3,900
All other mine lumber and timbers (mixed hardwoods): All sizes and lengths	30.50	5,400	3,900

TABLE 5 (F)—MAXIMUM PRICES FOR SAWN WEDGES PRODUCED IN ZONE 5

F. O. B. LOADING-OUT POINTS

Wedges	Per 1,000 wedges		
	Price	Weight	
		Green	Dry
1" x 13" x 4" x 12"	$10.00	1,350	970
1" x 13" x 5" x 12"	12.50	1,680	1,220
1" x 13" x 6" x 12"	15.00	2,020	1,460
1" x 13" x 4" x 12"	10.80	1,460	1,050
1" x 13" x 5" x 12"	13.50	1,820	1,320
1" x 13" x 6" x 12"	16.20	2,190	1,580
1" x 13" x 5" x 14"	14.60	1,960	1,420
1" x 13" x 6" x 14"	17.50	2,360	1,700
1" x 13" x 5" x 14"	15.80	2,130	1,540
1" x 13" x 6" x 14"	19.00	2,560	1,840
1" x 13" x 4" x 12"	10.80	1,460	1,050
1" x 13" x 5" x 12"	13.50	1,820	1,320
1" x 13" x 6" x 12"	16.20	2,190	1,580
1" x 13" x 4" x 12"	11.70	1,570	1,130
1" x 13" x 5" x 12"	14.60	1,960	1,420
1" x 13" x 6" x 12"	17.50	2,360	1,700
1" x 13" x 5" x 14"	15.80	2,130	1,540
1" x 13" x 6" x 14"	19.00	2,560	1,840
1" x 13" x 5" x 14"	17.00	2,290	1,650
1" x 14" x 6" x 14"	20.40	2,750	1,990

This amendment shall become effective September 10, 1945.

Issued this 4th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-16477; Filed, Sept. 4, 1945; 11:51 a. m.]

Chapter XX—Office of Contract Settlement

[Reg. 14, Amdt. 3]

PART 8004—TERMINATION COST MEMORANDUMS

FIXED-PRICE SUPPLY CONTRACTS

Correction

In Federal Register Document 45-15990, appearing on page 10985 of the issue for Tuesday, August 28, 1945, references in paragraphs (c) (3), (4) and (5) to "paragraph 3e" and "paragraph 3d" should read "subparagraph (5) of this paragraph" and "subparagraph (4) of this paragraph", respectively.

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

Chapter I—Coast Guard, Department of the Navy

PART 6—REGULATIONS FOR THE SECURITY OF PORTS AND THE CONTROL OF VESSELS IN THE NAVIGABLE WATERS OF THE UNITED STATES

GENERAL LICENSES

Pursuant to the authority vested in the Commandant, U. S. Coast Guard by § 6.18 of this part, Subpart D is amended as follows, effective upon publication in the FEDERAL REGISTER:

1. Section 6.201 is amended to read as follows:

§ 6.201 *General License No. 1.* (a) All vessels exclusive of those covered by § 6.19 of this part which are now in or which may hereafter enter the local waters of the United States as defined in § 6.1 (b) of this part bordering on or emptying into the Great Lakes and their connecting waters, the Atlantic Ocean, the Pacific Ocean, or the Gulf of Mexico are hereby generally licensed to move within or to depart from such local waters by crossing the international boundary between the United States and Canada or to operate in the waters of the Atlantic Ocean, the Pacific Ocean, or the Gulf of Mexico subject to the terms and conditions prescribed in paragraph (b).

2. Section 6.202 is hereby rescinded.

Dated: September 1, 1945.

L. T. CHALKER,
Rear Admiral, U. S. Coast Guard,
Acting Commandant.

[F. R. Doc. 45-16446; Filed, Sept. 4, 1945; 10:47 a. m.]

TITLE 38—PENSIONS, BONUSES AND VETERANS' RELIEF

Chapter I—Veterans' Administration

PART 35—VETERANS' REGULATIONS

LINE OF DUTY; WILLFUL MISCONDUCT; VENEREAL DISEASE CASES

1. It is provided in Public No. 439, 78th Congress, that disability resulting from venereal disease incurred during active service shall not be presumed to be due to willful misconduct if the serviceman complied with the Army or Navy regulations requiring him to report and receive treatment for such disease.

2. Accordingly, there are three requirements, all of which must be met, for a finding of service incurrence in line of duty and rebuttal of the presumption of willful misconduct in venereal disease cases not shown to have been innocently acquired during service:

(a) The initial infection must have been incurred in active service in line of duty.

(b) The person must have reported promptly to proper authority the earliest manifestation of the venereal disease, and

(c) The person must have submitted to the treatment prescribed and continued such treatment until the approved conclusion thereof.

An affirmative determination as to each of the three foregoing requirements of law will be necessary for findings of service incurrence in line of duty and rebuttal of the presumption of willful misconduct. If any one of the three requirements is not met, a finding of service incurrence in line of duty and rebuttal of the presumption of willful misconduct may not be made for the purpose of Public No. 439, 78th Congress.

3. Where the reports furnished by the service department, together with all other evidence of record, considered in accordance with accepted medical principles, are adequate for adjudication in conformity with the foregoing, it will not be necessary to secure additional information from the service department. If the available service record is found incomplete and insufficient for adjudicative action, additional information may be requested from the service department on Form 3101 series. Where found indicated, the syphilitic register or a photostatic copy should be obtained. Where found indicated, inquiry should be made of the service department as to whether or not the serviceman was subjected to disciplinary action for failure to report the incurrence of venereal disease during service or to accept treatment therefor.

(58 Stat. 752)

[SEAL] OMAR N. BRADLEY,
General, U. S. Army,
Administrator of Veterans' Affairs.

AUGUST 29, 1945.

[F. R. Doc. 45-16452; Filed, Sept. 4, 1945; 11:25 a. m.]

TITLE 46—SHIPPING

Chapter I—Coast Guard: Inspection and Navigation

MISCELLANEOUS AMENDMENTS

By virtue of the authority vested in me by R. S. 4405, 4417, 4417a, 4418, 4425, 4481, 4488, and 4491, as amended, 35 Stat. 428, 49 Stat. 1544, 55 Stat. 244, as amended (46 U.S.C. 375, 391, 391a, 392, 404, 474, 481, 489, 395, 396, 367, 50 U.S.C. Sup. IV, 1275), and Executive Order 9083, dated February 28, 1942 (3 CFR, Cum. Supp.), the following amendments to the regulations are prescribed:

Subchapter D—Tank Vessels

PART 30—GENERAL PROVISIONS

Section 30.3 is amended by changing paragraphs (j) and (u) to read as follows:

§ 30.3 *Definition of terms.* * * *

(j) *Existing tank vessel.* An "existing tank vessel" is any tank vessel the construction of which was started prior to November 10, 1936, and shall include any vessel the conversion of which into a tank vessel was started prior to November 10, 1936. Tank barges the hulls of which are of materials other than iron or steel for which the plans and specifications for construction or conversion were approved by the Coast Guard prior to September 2, 1945, upon which actual work of construction or conversion was commenced prior to September 2, 1945, and which are issued a certificate of inspection prior to March 2, 1946, as tank barges shall also be considered as existing tank vessels.

* * * * *

(u) *New tank vessels.* The term "new tank vessels" means any tank vessel the construction of which is started on or after November 10, 1936, and shall include any vessel the conversion of which into a tank vessel is started on or after November 10, 1936, except as provided in paragraph (j) of this section.

PART 32—REQUIREMENTS FOR HULLS, MACHINERY AND EQUIPMENT: ELECTRICAL INSTALLATIONS

Part 32 is amended by the addition of a new § 32.6–6 reading as follows:

§ 32.6–6 *Electrical installation; applicable during the Unlimited National Emergency—TB ALL.* For vessels the contract for the construction of which was signed prior to September 2, 1945, the specification covering electrical installations titled "United States Coast Guard, Merchant Marine Inspection, Specification for Electrical Installations on Merchant Vessels," dated August 31, 1944, revised March 6, 1945,[1] is, during the Unlimited National Emergency, applicable as alternative provisions to those contained in the foregoing parts of §§ 32.6–1 to 32.6–5, inclusive.

[1] A copy of the specifications is on file in the office of the FEDERAL REGISTER, and copies may be obtained upon request from the Commandant (EMM), United States Coast Guard Headquarters, Washington 25, D. C., or any District Coast Guard Officer.

PART 33—LIFESAVING APPLIANCES: EQUIPMENT; LIFEBOATS, LIFE RAFTS, AND BUOYANT APPARATUS

1. Section 33.3–1 is amended by changing paragraphs (u) and (aa) to read as follows, and by adding paragraphs (bb) and (cc):

§ 33.3–1 *Tank ship lifeboat equipment; ocean and coastwise—T/OC.* * * *

(u) *Provisions.* Two pounds of provisions for each person consisting of hard bread or its equivalent in any approved emergency ration of cereal or vegetable compound packaged in hermetically sealed containers of an approved type and stowed in provision lockers or other compartments providing suitable protection. No meat or other ration requiring saline preservative shall be allowed.

* * * * *

(aa) *Drinking water.* For each person at least 1 quart of drinking water contained in hermetically sealed cans of an approved type and stowed in the drinking water tanks, lockers, or other compartments providing suitable protection.

(bb) *Daytime distress signals.* Four self-contained smoke signals of an approved type.

(cc) *Signaling mirrors.* Two signaling mirrors of an approved type.

2. Section 33.3–5 is amended by changing paragraphs (h) and (m) to read as follows and by adding paragraphs (n) and (o):

§ 33.3–5 *Tank ships; life raft equipment, ocean, coastwise—T/OC.* * * *

(h) *Provisions.* Two pounds of provisions for each person consisting of hard bread or its equivalent in any approved emergency ration of cereal or vegetable compound packaged in hermetically sealed containers of an approved type and stowed in provision lockers or other compartments providing suitable protection. No meat or other ration requiring saline preservative shall be allowed.

* * * * *

(m) *Drinking water.* For each person at least 1 quart of drinking water contained in hermetically sealed cans of an approved type and stowed in the drinking water tanks, lockers, or other compartments providing suitable protection.

(n) *Daytime distress signals.* Four self-contained smoke signals of an approved type.

(o) *Signaling mirrors.* Two signaling mirrors of an approved type.

PART 37—SPECIFICATIONS FOR LIFESAVING APPLIANCES: LIFEBOATS, LIFE RAFTS, BUOYANT APPARATUS, AND DAVITS

Section 37.1–4 (g) is amended by changing the heading of the table therein to read as follows:

§ 37.1–4 *Lifeboat davits—TB ALL.*

* * *

(g) * * *

(In substantial agreement with A. S. T. M. Spec. A–131–39 and A–7–42)

2. Section 37.1–6 is amended by changing the sixth undesignated paragraph to read as follows:

§ 37.1–6 *Blocks and falls—TB/ALL.* * * *

All ocean and coastwise vessels and all other vessels of over 1,000 gross tons, not fitted with mechanical means for lowering, shall be provided with covered tubs, boxes or reels for stowage of falls and with suitable lowering bitts in easily accessible positions; except that all ocean and coastwise self-propelled vessels of over 1,000 gross tons, not fitted with mechanical means for lowering, for which contracts for construction are let on or after September 2, 1945, shall be fitted with cruciform bitts in such position as will render lowering practicable.

3. Section 37.1–7 is amended to read as follows:

§ 37.1–7 *Disengaging apparatus.* Lifeboats shall be fitted with suitable disengaging apparatus. Mechanical disengaging apparatus shall be of a type approved by the Commandant. Not more than one type of releasing gear shall be fitted in the lifeboats of a particular vessel.

Subchapter G—Ocean and Coastwise: General Rules and Regulations

PART 59—BOATS, RAFTS, BULKHEADS, AND LIFESAVING APPLIANCES (OCEAN)

1. Section 59.3 (m) is amended by changing the heading of the table therein to read as follows:

§ 59.3 *Strength and operation of davits.* * * *

(m) * * *

(In substantial agreement with A. S. T. M. Spec. A–131–39 and A–7–42.)

2. Section 59.10 (j) is amended to read as follows:

§ 59.10 *Lifeboats and their equipment required on inspected seagoing barges of 100 gross tons or over.* * * *

(j) *Drinking water.* For each person at least 1 quart of drinking water contained in hermetically sealed cans of an approved type and stowed in the drinking water tanks, lockers, or other compartments providing suitable protection.

3. Section 59.11 is amended by changing paragraphs (w) and (bb) to read as follows and by the addition of two new paragraphs (cc) and (dd):

§ 59.11 *Lifeboat equipment.* * * *

(w) *Provisions.* (1) Two pounds of provisions for each person consisting of hard bread or its equivalent in any approved emergency ration of cereal or vegetable compound packaged in hermetically sealed containers of an approved type and stowed in provision lockers or other compartments providing suitable protection. No meat or other ration requiring saline preservative shall be allowed.

(2) Passenger ships engaged in international voyages shall carry in each lifeboat one pound of condensed milk for each person the lifeboat is certified to carry. If the vessel is operated in the North Atlantic, north of 35° North Latitude, only one-half the quantity of condensed milk is required.

* * * * *

(bb) *Drinking water.* For each person at least 1 quart of drinking water contained in hermetically sealed cans of an approved type and stowed in the drinking water tanks, lockers, or other compartments providing suitable protection.

* * * * *

§ 59.11 *Lifeboat equipment.* * * *

(cc) *Daytime distress signals.* Four self-contained smoke signals of an approved type.

(dd) *Signaling mirrors.* Two signaling mirrors of an approved type.

4. Section 59.37 is amended by changing the sixth undesignated paragraph to read as follows:

§ 59.37 *Blocks and falls.* * * *

All ocean and coastwise vessels and all other vessels of over 1,000 gross tons, not fitted with mechanical means for lowering, shall be provided with covered tubs, boxes or reels for stowage of falls and with suitable lowering bitts in easily accessible positions; except that all ocean and coastwise self-propelled vessels of over 1,000 gross tons, not fitted with mechanical means for lowering, for which contracts for construction are let on or after September 2, 1945, shall be fitted with cruciform bitts in such position as will render lowering practicable.

5. Section 59.52 is amended by changing paragraphs (g) and (l) to read as follows, and by adding paragraphs (n) and (o).

§ 59.52 *Equipment for life rafts.* * * *

(g) *Provisions.* (1) Two pounds of provisions for each person consisting of hard bread or its equivalent in any approved emergency ration of cereal or vegetable compound packaged in hermetically sealed containers of an approved type and stowed in provision lockers or other compartments providing suitable protection. No meat or other ration requiring saline preservative shall be allowed.

(2) Passenger ships engaged in international voyages shall carry in each lifeboat one pound of condensed milk for each person the lifeboat is certified to carry. If the vessel is operated in the North Atlantic, north of 35° North Latitude, only one-half the quantity of condensed milk is required.

* * * * *

(l) *Drinking water.* For each person at least 1 quart of drinking water contained in hermetically sealed cans of an approved type and stowed in the drinking water tanks, lockers, or other compartments providing suitable protection.

* * * * *

(n) *Daytime distress signals.* Four self-contained smoke signals of an approved type.

(o) *Signaling mirrors.* Two signaling mirrors of an approved type.

6. Section 59.68 is amended to read as follows:

§ 59.68 *Disengaging apparatus.* Lifeboats shall be fitted with suitable disengaging apparatus. Mechanical disengaging apparatus shall be of a type approved by the Commandant. Excluding the emergency boats, not more than one type of releasing gear shall be fitted in the lifeboats of a particular vessel.

PART 60—BOATS, RAFTS, BULKHEADS, AND LIFESAVING APPLIANCES (COASTWISE)

1. Section 60.8 (j) is amended to read as follows:

§ 60.8 *Lifeboats and their equipment required on inspected seagoing barges of 100 gross tons or over.* (See § 59.10 (j) of this chapter, as amended, which is identical with this section.)

2. Section 60.9 is amended by changing paragraphs (w) and (bb) and by the addition of two new paragraphs (cc) and (dd) reading as follows:

§ 60.9 *Lifeboat equipment.* (See § 59.11 of this chapter, as amended, which is identical with this section.)

3. Section 60.19 is amended by changing the sixth undesignated paragraph to read as follows:

§ 60.19 *Blocks and falls.* (See § 59.37 of this chapter, as amended, which is identical with this section.)

4. Section 60.21 is amended in the tenth undesignated paragraph by changing the heading of the table therein to read as follows:

§ 60.21 *How lifeboats shall be carried; davits and cranes required.* * * *

(In substantial agreement with A. S. T. M. Spec. A–131–39 and A–7–42)

PART 63—INSPECTION OF VESSELS

1. Part 63 is amended by the addition of a new § 63.2a immediately following § 63.2 reading as follows:

§ 63.2a *Vessels acquired or documented under the act of June 6, 1941.* (a) Vessels acquired or documented under the act of June 6, 1941, shall be subject to the applicable provisions of Title 52 of the Revised Statutes, acts amendatory thereof or supplemental thereto and the rules and regulations thereunder.

(b) Unapproved lifesaving, firefighting and other equipment may be continued in service as long as, in the opinion of the Officer in Charge, Marine Inspection, such equipment is in good and serviceable condition. All replacements shall be in accordance with Coast Guard requirements.

(c) Certificates of inspection shall be issued to such vessels on Form 841 by amending the certifying clause and the addition of the following wording: "as applied to vessels documented under the act of June 6, 1941," so that the certifying clause reads as follows:

I further certify that the said vessel at the date hereof is, in all things, in conformity with the laws governing the Coast Guard and the rules and regulations of the Commandant, as applied to vessels documented under the act of June 6, 1941.

2. Section 63.9 is amended by the addition of a new paragraph to follow immediately after the thirteenth undesignated paragraph reading as follows:

§ 63.9 *Electrical installations.* * * * For vessels the contract for the construction of which was signed prior to September 2, 1945, the specification covering electrical installations titled "United States Coast Guard, Merchant Marine Inspection, Specification for Electrical Installations on Merchant Vessels," dated August 31, 1944, revised March 6, 1945,[1] is, during the Unlimited National Emergency, applicable as alternative provisions to those contained in the foregoing parts of this section.

Subchapter H—Great Lakes: General Rules and Regulations

PART 76—BOATS, RAFTS, BULKHEADS, AND LIFESAVING APPLIANCES

1. Section 76.15 is amended in the tenth undesignated paragraph by changing the heading of the table therein to read as follows:

§ 76.15 *How lifeboats shall be carried; davits and cranes required.* * * *

(In substantial agreement with A. S. T. M. Spec. A–131–39 and A–7–42.)

2. Section 76.24 is amended to read as follows:

§ 76.24 *Boat-davit falls and receptacles therefor.* Blocks and falls installed after January 1, 1942, shall conform to the following requirements:

All blocks, falls, fairleads, padeyes, fastenings, etc., used in connection with lifeboat gear shall be designed with a minimum factor of safety of 6, based on the maximum working load.

Where mechanical means for lowering are required, not more than two-part falls shall be used, except in specific cases where three-part falls may be accepted.

Wire rope falls of 6 x 19 regular lay filler wire construction, prelubricated at the factory with suitable neutral wire rope lubricant, shall be accepted as standard. Any other type of wire superior or equally as good as the minimum standard specified may be used.

Falls shall be of such length that the lifeboat may be lowered to the water at the lightest seagoing draft with the vessel listed to 15°.

Falls shall be in readiness for use at all times. On vessels over 1,000 gross tons, not fitted with mechanical means for lowering, covered tubs, boxes, or reels shall be provided for the stowage of falls, and suitable lowering bitts shall be fitted in easily accessible positions.

Where more than one lifeboat is served by the same set of davits, if the falls are of manila rope, separate falls shall be provided to serve each lifeboat.

Such blocks as are necessary to allow the falls to lead fair in all positions of the davit shall be fitted. Where mechanical means for lowering are provided, there shall be at least 8 feet between the center of the drum and the center of the nearest sheave. Sheaves for wire rope shall have a diameter at the base of the groove at least equal to 12 times the diameter of the rope.

There shall be ample clearance between the cheeks of blocks in which manila rope is used. The width between the cheeks shall be half an inch greater than the diameter of new ropes when those ropes are 3¾ inches in circumference or greater; blocks for smaller ropes shall be designed with clearance in the same proportion.

Means for lubrication shall be provided for all moving parts of blocks.

3. Section 76.62 is amended to read as follows:

§ 76.62 *Disengaging apparatus.* (See § 59.68 of this chapter, which is identical with this section.)

PART 79—INSPECTION OF VESSELS

Section 79.9 is amended by the addition of a new paragraph to follow immediately after the thirteenth undesignated paragraph reading as follows:

§ 79.9 *Electrical installations.* (See § 63.9 of this chapter, which is identical with this section.)

Subchapter I—Bays, Sounds, and Lakes Other Than the Great Lakes: General Rules and Regulations

PART 94—BOATS, RAFTS, BULKHEADS, AND LIFESAVING APPLIANCES

1. Section 94.14 is amended in the tenth undesignated paragraph by changing the heading of the table therein to read as follows: "(In substantial agreement with A. S. T. M. Spec. A–131–39 and A–7–42)".

2. Section 94.23 is amended to read as follows:

§ 94.23 *Boat-davit falls and receptacles therefor.* (See § 76.24 of this chapter, which is identical with this section.)

3. Section 94.59 is amended to read as follows:

§ 94.59 *Disengaging apparatus.* (See § 59.68 of this chapter, which is identical with this section.)

PART 97—INSPECTION OF VESSELS

Section 97.11 is amended by the addition of a new paragraph to follow immediately after the thirteenth undesignated paragraph reading as follows:

§ 97.11 *Electrical installations.* (See § 63.9 of this chapter, which is identical with this section.)

Subchapter J—Rivers: General Rules and Regulations

PART 113—BOATS, RAFTS, BULKHEADS, AND LIFESAVING APPLIANCES

Section 113.23 is amended in the tenth undesignated paragraph by changing the heading of the table therein to read as follows:

§ 113.23 *How lifeboats shall be carried; davits and cranes required.* (See § 94.14 of this chapter, which is identical with this section.)

PART 116—INSPECTION OF VESSELS

Section 116.16 is amended by the addition of a new paragraph to follow immediately after the thirteenth undesignated paragraph reading as follows:

§ 116.16 *Electrical installations.* (See § 63.9 of this chapter, which is identical with this section.)

Dated: September 2, 1945.

L. T. CHALKER,
Rear Admiral, U. S. C. G.,
Acting Commandant.

[F. R. Doc. 45–16448; Filed, Sept. 4, 1945; 10:47 a. m.]

[1] A copy of the specifications is on file in the office of the FEDERAL REGISTER, and copies may be obtained upon request from the Commandant (EMM), United States Coast Guard Headquarters, Washington 25, D. C., or any District Coast Guard Officer.

Subchapter O—Regulations Applicable to Certain Vessels and Shipping During Emergency

MISCELLANEOUS AMENDMENTS

By virtue of the authority vested in me by R. S. 4405, 4417, 4417a, 4418, 4426, 4433, 4438, 4439, 4440, 4441, 4442, 4462, 4463, 4481, 4488 and 4491, as amended, 35 Stat. 428, 49 Stat. 1544, 54 Stat. 163–167, 55 Stat. 244, as amended (46 U.S.C. 375, 391, 391a, 392, 404, 411, 224, 226, 228, 229, 214, 416, 222, 474, 481, 489, 395, 396, 397, 367, 526–526t, 50 U.S.C. Sup. IV, 1275), and Executive Order 9083, dated February 28, 1942 (3 CFR, Cum. Supp.), the following amendments to the regulations are prescribed:

PART 150—INSPECTION AND CERTIFICATION OF VESSELS DOCUMENTED UNDER ACT OF JUNE 6, 1941

Part 150 is rescinded.

PART 151—MARINE ENGINEERING, MATERIALS; REGULATIONS DURING EMERGENCY

Part 151 is rescinded.

PART 152—MARINE ENGINEERING; REGULATIONS DURING EMERGENCY

Part 152 is rescinded.

PART 153—BOATS, RAFTS, AND LIFESAVING APPLIANCES; REGULATIONS DURING EMERGENCY

Part 153 is rescinded.

PART 155—LICENSED OFFICERS AND CERTIFICATED MEN; REGULATIONS DURING EMERGENCY

Part 155 is rescinded effective January 2, 1946.

PART 156—INSPECTION AND CERTIFICATION

Part 156 is rescinded.

PART 159—STORAGE OF HIGH EXPLOSIVES ON TANK VESSELS; REGULATIONS DURING EMERGENCY

Part 159 is rescinded.

PART 160—HULL CONSTRUCTION, ALTERATIONS

Part 160 is rescinded.

PART 161—DECK OFFICERS, PROFICIENCY IN COMMUNICATIONS

Part 161 is rescinded.

Dated: September 2, 1945.

L. T. CHALKER,
Rear Admiral, U. S. C. G.,
Acting Commandant.

[F. R. Doc. 45–16447; Filed, Sept. 4, 1945; 10:47 a. m.]

TITLE 49—TRANSPORTATION AND RAILROADS

Chapter II—Office of Defense Transportation

PART 502—DIRECTION OF TRAFFIC MOVEMENT

CROSS REFERENCE: For an exception to the provisions of §§ 502.200 to 502.210, inclusive, see Part 522, *infra.*

[Gen. Permit ODT 16B–1, Amdt. 1]

PART 522—DIRECTION OF TRAFFIC MOVEMENT—EXCEPTIONS, EXEMPTIONS, AND PERMITS

FREIGHT SHIPMENTS TO OR WITHIN PORT OR STORAGE AREAS IN UNITED STATES AND TO OR THROUGH DOMINION OF CANADA

Pursuant to the provisions of § 502.208 of General Order ODT 16B, paragraph (c), § 522.657 of General Permit ODT 16B–1 (9 F.R. 11285), is hereby amended to read as follows:

(c) Carload shipments of coal, in bulk, and carload shipments of coke, in bulk, irrespective of whether such shipments are earmarked for export.

This Amendment 1 to General Permit ODT 16B–1 shall become effective September 1, 1945.

(E.O. 8989, as amended, 6 F.R. 6725, 8 F.R. 14183; Gen. Order ODT 16B, 9 F.R. 11279)

Issued at Washington, D. C., this 31st day of August 1945.

J. M. JOHNSON,
Director,
Office of Defense Transportation.

[F. R. Doc. 45–16443; Filed, Sept. 4, 1945; 10:14 a. m.]

Notices

DEPARTMENT OF AGRICULTURE.

Office of the Secretary.

W. H. BISHOP HORSE & MULE AUCTION, ANNA, ILL.

NOTICE AS TO POSTED STOCKYARD

It has been ascertained that the W. H. Bishop Horse & Mule Auction, Anna, Illinois, posted on August 17, 1939, as coming within the jurisdiction of the Packers and Stockyards Act, 1921, as amended, no longer comes within the definition of a stockyard under the act. Therefore, notice of such fact is given to the owner of such stockyard and to the public by filing notice with the Division of the Federal Register.

(7 U.S.C. 181 et seq.; E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423; E.O. 9392, 8 F.R. 14783; E.O. 9577, 10 F.R. 8087)

Done at Washington, D. C., this 1st day of September 1945.

[SEAL] THOMAS J. FLAVIN,
Assistant to the
Secretary of Agriculture.

[F. R. Doc. 45–16440; Filed, Sept. 4, 1945; 10:59 a. m.]

PRODUCERS LIVESTOCK COOPERATIVE ASSOCIATION STOCK YARDS, MT. VERNON, OHIO

NOTICE AS TO POSTED STOCKYARD

It has been ascertained that the Mt. Vernon Live Stock Co. Stock Yards, Mt. Vernon, Ohio, posted on May 15, 1935, as coming within the jurisdiction of the Packers and Stockyards Act, 1921, as amended, is now operated by the Producers Livestock Cooperative Association and that the name of the yard is now the Producers Livestock Cooperative Association Stock Yards, and notice of such fact is given to its operator and to the public by filing notice with the Division of the Federal Register.

(7 U.S.C. 181 et seq.; E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423; E.O. 9392, 8 F.R. 14783; E.O. 9577, 10 F.R. 8087)

Done at Washington, D. C., this 1st day of September 1945.

[SEAL] THOMAS J. FLAVIN,
Assistant to the
Secretary of Agriculture.

[F. R. Doc. 45–16450; Filed, Sept. 4, 1945; 10:59 a. m.]

INTERSTATE COMMERCE COMMISSION.

[S. O. 70–A, Special Permit 1036]

RECONSIGNMENT OF PEARS AT CHICAGO, ILL.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph (§ 95.35, 8 F.R. 14624) of Service Order No. 70–A of October 22, 1943, permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard entirely the provisions of Service Order No. 70–A insofar as it applies to the reconsignment at Chicago, Illinois, August 29, 1945, by Frank Cohen, of car ART 18149, pears, now on the Chicago Produce Terminal to Fond du lac, Wisconsin, (C&NW).

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 29th day of August 1945.

V. C. CLINGER,
Director,
Bureau of Service.

[F. R. Doc. 45–16453; Filed, Sept. 4, 1945; 11: 28 a. m.]

[S. O. 70–A, Special Permit 1037]

RECONSIGNMENT OF PEAS AT KANSAS CITY, MO.-KANS.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph (§ 95.35, 8 F.R. 14624) of Service Order No. 70–A of October 22, 1943, permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard entirely the provisions of Service Order No. 70–A insofar as it applies to the reconsignment at Kansas City, Mo.-Kan., August 29, 1945, by Yeckes-Eichenbaum, of car NWX 8604, peas, now on the A. T. & S. F. Railway, to Yeckes-Eichenbaum, Chicago, Illinois. (Santa Fe).

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 29th day of August 1945.

V. C. CLINGER,
Director,
Bureau of Service.

[F. R. Doc. 45–16454; Filed, Sept. 4, 1945; 11:28 a. m.]

[2d Rev. S. O. 300, Special Permit 46]

REFRIGERATION OF POTATOES FROM GREENPORT, LONG ISLAND, N. Y.

Pursuant to the authority vested in me by paragraph (e) of the first ordering paragraph of Second Revised Service Order No. 300 (10 F.R. 6802), permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard the provisions of Second Revised Service Order No. 300 insofar as it applies to the furnishing of standard refrigeration on car WFE 62520, potatoes, shipped from Greenport, L. I., August 28, 1945, by F. H. Vahlsing, Inc., consigned to Margaret Ann Stores, Tampa, Florida, routed L. I.-P. R. R.-R. F. & P.-S. A. L.

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 29th day of August 1945.

V. C. CLINGER,
Director,
Bureau of Service.

[F. R. Doc. 45–16456; Filed, Sept. 4, 1945; 11:28 a. m.]

[Rev. S. O. 346, Amended Gen. Permit 4]

ICING AT CHICAGO AND EAST ST. LOUIS, ILL., AND ST. LOUIS, MO. AND MEMPHIS, TENN.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph of Revised Service Order No. 346 (10 F.R. 10035), permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard the provisions of Revised Service Order No. 346 insofar as it applies to the quantity of retop ice furnished at Chicago, and East St. Louis, Illinois, St. Louis, Missouri, and Memphis, Tennessee, one time only.

This general permit shall become effective at 12:01 a. m., August 30, 1945.

The waybills shall show reference to this general permit.

A copy of this general permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 29th day of August 1945.

V. C. CLINGER,
Director,
Bureau of Service.

[F R Doc. 45–16457; Filed, Sept. 4, 1945; 11:28 a. m.]

[Rev. S. O. 346, 2d Amended Gen. Permit 4]

ICING AT CHICAGO, DECATUR AND EAST ST. LOUIS, ILL., ST. LOUIS, MO., AND MEMPHIS, TENN.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph of Revised Service Order No. 346 (10 F.R. 10035), permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard the provisions of Revised Service Order No. 346 insofar as it applies to the quantity of retop ice furnished at Chicago, Decatur and East St. Louis, Illinois, St. Louis, Missouri, and Memphis, Tennessee, one time only.

This general permit shall become effective at 2:00 p. m., August 30, 1945.

The waybills shall show reference to this general permit.

A copy of this general permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 30th day of August 1945.

V. C. CLINGER,
Director,
Bureau of Service.

[F R. Doc. 45–16458; Filed, Sept. 4, 1945; 11:28 a. m.]

[Rev. S. O. 346, Special Permit 9]

ICING OF MIXED VEGETABLES AT ST. LOUIS, MO.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph of Revised Service Order No. 346 (10 F.R. 10035), permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard the provisions of Revised Service Order No. 346 insofar as it applies to the furnishing of one additional retop icing in transit only, with two tons of retop ice, on car ART 18700, mixed vegetables, by the Missouri Pacific Railroad at St. Louis, Missouri, August 28, 1945, as ordered by Rudin Distributing Company.

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 28th day of August 1945.

V. C. CLINGER,
Director,
Bureau of Service.

[F. R. Doc. 45–16459; Filed, Sept. 4, 1945; 11:28 a. m.]

[Rev. S. O. 346, Special Permit 10]

ICING OF CARROTS AT LARAMIE, WYO.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph of Revised Service Order No. 346 (10 F.R. 10035), permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard the provisions of Revised Service Order No. 346 insofar as it applies to the furnishing of bunker icing one time only on the Southern Pacific Company and one additional retop icing at Laramie, Wyoming, on the Union Pacific Railroad, on car MDT 19314, carrots, account car delayed in transit due to heavy bad order.

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 28th day of August 1945.

V. C. CLINGER,
Director,
Bureau of Service.

[F. R. Doc. 45–16460; Filed, Sept. 4, 1945; 11:28 a. m.]

[Rev. S. O. 346, Special Permit 11]

ICING OF PEAS AT HARTFORD, CONN.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph of Revised Service Order No. 346 (10 F. R. 10035), permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard the provisions of Revised Service Order No. 346 insofar as it applies to the furnishing of five tons of retop ice, one time only, on car ART 20641, peas, at Hartford, Connecticut, on the N. Y., N. H. & H. Railroad, August 29, 1945, as ordered by L. Gillarde Company.

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 29th day of August 1945.

V. C. CLINGER,
Director,
Bureau of Service.

[F. R. Doc. 45–16461; Filed, Sept. 4, 1945; 11:29 a. m.]

[Rev. S. O. 346, Special Permit 12]

ICING OF BROCCOLI FROM CALIFORNIA

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph of Revised Service Order No. 346 (10 F.R. 10035), permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard the provisions of Revised Service Order No. 346 insofar as it applies to the furnishing of one bunker icing in transit only at the first available icing station enroute as ordered by Rosemary Packing Company, on cars of broccoli destined New York, N. Y., shipped from California origins by Rosemary Packing Company, as follows:

MDT 6078 shipped August 18, 1945.
PFE 63408 shipped August 21, 1945.
IC 54697 shipped August 22, 1945.
ART 20762 shipped August 23, 1945.
ART 19041 shipped August 25, 1945.
PFE 91026 shipped August 27, 1945.

The waybills shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 29th day of August 1945.

V. C. CLINGER,
Director,
Bureau of Service.

[F. R. Doc. 45–16462; Filed, Sept. 4, 1945; 11:29 a. m.]

[Rev. S. O. 346, Special Permit 13]

ICING OF CARROTS AT ST. LOUIS, MO.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph of Revised Service Order No. 346 (10 F.R. 10035), permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard the provisions of Revised Service Order No. 346 insofar as it applies to the retop icing one time only, with not to exceed 6,000 pounds retop ice as ordered by Rudin Distributing Company, for SFRD 23639, carrots, now on Mo.-Pac. at St. Louis, Missouri.

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 29th day of August 1945.

V. C. CLINGER,
Director,
Bureau of Service.

[F. R. Doc. 45-16463; Filed, Sept. 4, 1945; 11:29 a. m.]

PERMIT AGENTS

APPOINTMENT WITH RESPECT TO GRAIN

Notice af appointment of permit agents under Service Order No. 249.

Pursuant to the authority vested in me by paragraph (d) of Service Order No. 249 the appointment of the following permit agents to issue permits pursuant to paragraph (c) of said order are hereby revoked:

1. R. R. Huth, Ashdown, Ark.
7. H. C. Baker, Ft. Smith, Ark.
38. W. D. Kizer, Trumann, Ark.
76. L. T. Collins, Hughes, Ark.
101. J. R. Wilkins, Marvell, Ark.

The following permit agents are hereby appointed to issue permits pursuant to paragraph (c) of said order:

1. H. D. Phillips, Ashdown, Ark.
7. H. P. Merritt, Ft. Smith, Ark.
38. Ellis Cockrell, Trumann, Ark.
76. N. L. Graves, Hughes, Ark.
99. Guy Fears, Lenchville, Ark.
101. L. T. Collins, Marvell, Ark.
115. M. S. Waggoner, Osceola, Ark.

A copy of this notice has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of these appointments shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 30th day of August 1945.

V. C. CLINGER,
Director,
Bureau of Service.

[F. R. Doc. 45-16455; Filed, Sept. 4, 1945; 11:28 a. m.]

OFFICE OF ALIEN PROPERTY CUSTODIAN.

[Vesting Order CE 38]

COSTS AND EXPENSES INCURRED IN CERTAIN ACTIONS OR PROCEEDINGS IN NEW YORK COURTS

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the Alien Property Custodian:

Having found that each of the persons named in Column 1 of Exhibit A, attached hereto and by reference made a part hereof, was a person within the designated enemy country or enemy-occupied territory appearing opposite such person's respective name in Column 2 of said Exhibit A;

Having determined that it was in the interest of the United States to take measures in connection with representing each of said persons in the court or administrative action or proceeding identified in Column 3 of said Exhibit A, and having taken such measures;

Finding that as a result of such action or proceeding each of said persons obtained or was determined to have an interest in property, which interest is particularly described in Column 4 of said Exhibit A;

Finding that such property is in the possession, custody or control of the person described in Column 5 of said Exhibit A; and

Finding that the Alien Property Custodian has incurred, in each of such court or administrative actions or proceedings, costs and expenses in the amount stated in Column 6 of said Exhibit A,

hereby vests in the Alien Property Custodian, to be used or otherwise dealt with in the interest, and for the benefit, of the United States, from the property in the possession, custody, or control of the persons described in said Column 5 of said Exhibit A, the sums stated in said Column 6 of said Exhibit A, such sums being the amounts of such property equal to the costs and expenses incurred by the Alien Property Custodian in such actions or proceedings.

This order shall not be deemed to limit the powers of the Alien Property Custodian to return such property if and when it should be determined that such return should be made.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on August 27, 1945.

[SEAL] JAMES E. MARKHAM,
Alien Property Custodian.

EXHIBIT A

Column 1 Name	Column 2 Country or territory	Column 3 Action or proceeding	Column 4 Interest	Column 5 Depositary	Column 6 Sum vested
		Item 1			
Aron Joseph Russek	Poland	Estate of Marcus Brown, deceased, Surrogate's Court, New York County, N. Y.	$671.94	Treasurer of the City of New York, Municipal Bldg., New York, N. Y.	$30.71
		Item 2			
Aidla Russek Zelkowicz	Poland	Same	671.93	Same	30.71
		Item 3			
Raisla Russek Kasriel	Poland	Same	671.93	Same	30.71
		Item 4			
Zysla Russek	Poland	Same	671.93	Same	30.71
		Item 5			
Szprenca Russek	Poland	Same	671.93	Same	30.71
		Item 6			
Solomon Russik (Russek)	Poland	Same	1,612.66	Same	73.72
		Item 7			
Idel Russek also known as Idel Russik Kasriel	Poland	Same	1,612.66	Same	73.72
		Item 8			
Anna Ness	Poland	Same	8,063.11	Same	368.62

EXHIBIT A—Continued

Column 1 Name	Column 2 Country or territory	Column 3 Action or proceeding	Column 4 Interest	Column 5 Depositary	Column 6 Sum vested
		Item 9			
Charles Henry Gee	Monaco	Chase National Bank of the City of New York, as Trustee under the Last Will and Testament of Daniel O'Day, deceased, Plaintiff, versus Charles O'Day, 2d, et al., Supreme Court of the State of New York, County of New York, Docket No. 14093/1943.	$10,000.00	Treasurer of the City of New York, Municipal Bldg., New York, N. Y.	$84.75
		Item 10			
Jan Chruniak	Poland	Estate of Kyryl Chruniak, deceased, Surrogate's Court, New York County, N. Y.	1,452.36	Same	16.28
		Item 11			
Petro Chruniak also known as Pitro Chruniak	Poland	Estate of Kyryl Chruniak, deceased, Surrogate's Court, New York County, N. Y.	1,452.36	Same	16.82
		Item 12			
Nufer Chruniak also known as Onufry Chruniak	Poland	Same	1,452.36	Same	16.82
		Item 13			
Wiktoria C. Kaplun, also known as Wiktoria Kaplon	Poland	Same	1,452.36	Same	16.83
		Item 14			
Daniel Chruniak	Poland	Same	1,452.36	Same	16.83
		Item 15			
Jenny Sulzbach	Holland	Estates of Hirsch Benjamin, Heinrich Guggenheim, and Emma Guggenheim, deceased, Surrogate's Court, New York County, N. Y., Docket Nos. 2415/1941 and 2414/1941.	6,246.28	Same	24.33
		Item 16			
Betty Baer and Alfred Joseph Baer	Holland	Same	3,997.60	Same	24.34

[F. R. Doc. 45-16299; Filed, Aug. 31, 1945; 10:09 a. m.]

OFFICE OF DEFENSE TRANSPORTATION.

[Special Order ODT R-3, Rev., Revocation]

INTERNATIONAL-GREAT NORTHERN RAILROAD-TEXAS AND NEW ORLEANS RAILROAD CO.

ESTABLISHMENT OF DAILY SHUTTLE TRAIN PASSENGER SERVICE BETWEEN HOUSTON AND HOUSTON SHIPBUILDING CORP. NEAR DEEPWATER, TEX.

Pursuant to Executive Order 8989, as amended, Special Order ODT R-3, Revised (7 F.R. 10891), is hereby revoked effective September 1, 1945.

(E.O. 8989, as amended, 6 F.R. 6725, 8 F.R. 14183)

Issued at Washington, D. C., this 31st day of August 1945.

J. M. JOHNSON,
Director,
Office of Defense Transportation.

[F. R. Doc. 45-16444; Filed, Sept. 4, 1945; 10:14 a. m.]

OFFICE OF PRICE ADMINISTRATION.

[MPR 580, Order 110]

BELMONT GARMENT CO.

AUTHORIZATION OF MAXIMUM PRICES

Maximum Price Regulation No. 580, Order 110; establishing ceiling prices at retail for certain articles, Docket No. 6063-580-13-215.

For the reasons set forth in an opinion issued simultaneously herewith and pursuant to section 13 of Maximum Price Regulation No. 580, *It is ordered:*

(a) The following ceiling prices are established for sales by any seller at retail of the following articles manufactured by Belmont Garment Company, 569 Harrison Avenue, Boston 18, Mass., having the brand name Belster Elkskin, and described in the manufacturer's application dated June 22, 1945:

Article	Lot No.	Manufacturer's selling price	Retail ceiling price
Men's unlined raincoat	807	$8.75	$15.00

(b) The retail ceiling price of an article manufactured for the first time after the effective date of this order and which is sold by the manufacturer at the same price as another article of the same type with the same brand or company name and for which a retail ceiling price has been established by paragraph (a) shall be the retail ceiling price listed for that other article in paragraph (a).

(c) The retail ceiling prices contained in paragraph (a) shall apply in place of the ceiling prices which have been or would otherwise be established under this or any other regulation.

(d) On and after October 1, 1945, Belmont Garment Company, must mark each article listed in paragraph (a) with the retail ceiling price under this order, or attach to the article a label, tag or ticket stating the retail ceiling price. This mark or statement must be in the following form:

(Sec. 13, MPR 580)
OPA Price—$_____

On and after November 1, 1945, no retailer may offer or sell the article unless it is marked or tagged in the form stated above. Prior to November 1, 1945, unless the article is marked or tagged in this form, the retailer shall comply with the marking, tagging and posting provisions of the applicable regulation.

(e) On or before the first delivery to any purchaser for resale of each article listed in paragraph (a), the seller shall send the purchaser a copy of this order.

(f) Unless the context otherwise requires, the provisions of the applicable regulation shall apply to sales for which retail ceiling prices are established by this order.

(g) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective September 1, 1945.

Issued this 31st day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-16356; Filed, Aug. 31, 1945; 10:41 a. m.]

[RMPR 165, Order 46]

TIRE SERVICES

AUTHORIZATION OF SALES AT ADJUSTABLE MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to section 17 of the regulation, *It is ordered:*

Any person may perform the service of splitting tires into their component parts

at prices to be adjusted upward in accordance with action that may hereafter be taken by the Office of Price Administration, changing the existing maximum prices for sales of such service. However, no seller shall receive payment of more than the presently established maximum prices for such service unless and until the Office of Price Administration changes existing maximum prices.

This order may be amended or revoked at any time.

This order shall become effective September 5, 1945.

Issued this 4th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-16460; Filed, Sept. 4, 1945; 11:51 a. m.]

[Max. Import Price Reg., Order 101]

BALLY, INC.

ESTABLISHMENT OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to section 21 of the Maximum Import Price Regulation, it is ordered:

(a) *What this order does.* This order establishes maximum prices at which any person may sell, and maximum prices at which any person other than the importer may buy, certain shoes imported from Switzerland by Bally, Inc., 11 West 42nd Street, New York, N. Y., hereinafter called the "importer". The shoes covered by this order are described in Appendix A attached hereto and made a part hereof.

(b) *Maximum prices on sales by any person except a retailer.* No person other than a retailer may sell or deliver, and no person may buy or receive from such seller, the shoes described in Appendix A at prices higher than those set forth in Column II of Appendix A.

(c) *Maximum retail prices.* No retailer may sell or deliver, and no person may buy or receive from a retailer, the shoes described in Appendix A at prices higher than those set forth in Column III of Appendix A.

(d) *Importer or other seller to notify retailers.* The importer or other seller shall notify each retailer to whom such shoes are sold what are his maximum retailer selling prices therefor as established by this order.

(e) *Revocation and amendment.* The provisions of Order No. L-2632 issued under section 8 of the Maximum Import Price Regulation, effective April 10, 1945, are incorporated in this order and Order No. L-2632 is therefore revoked. This order may be revoked or amended at any time.

This order shall become effective August 31, 1945.

Issued this 30th day of August 1945.

CHESTER BOWLES,
Administrator.

APPENDIX A

I Item and description	Material	II Maximum prices on sales to retailers	III Maximum prices on sales by retailers to consumers
Women's shoes pattern:			
Primo	Calf	$10.10	$17.65
Angela	do	10.10	17.65
Mobile	do	10.10	17.65
Tenero	do	10.70	18.70
Gambetta	do	10.75	18.80
Sea Gull	Morocco	11.10	19.40
Virginale	Calf	11.10	19.40
Toledo II	do	11.10	19.40
Polo	do	11.10	19.40
Tivoli	do	11.10	19.40
Timballo	(Morocco (Calf	11.10	19.40
Marchesa	(Calf (Blanchette [1]	11.50	20.10
Angela	(Kid (Suede	11.75	20.55
Fata	Calf	12.00	21.00
Medici	Calf	12.15	21.25
Saragossa	Calf	12.15	21.25
Privanza	Calf	12.15	21.25
Congresso	Calf	12.50	21.85
Luca	Calf	12.50	21.85
Stromboli	Calf	13.15	23.00
Rivalita	Calf	13.15	23.00
Ramogna	Calf	13.15	23.00
Lucia	Calf and suede combined.	13.15	23.00
Saragossa	(Kid (Suede	13.75	24.05
Lucia	Suede	13.75	24.05
Medici	Suede	13.75	24.05
Congresso	Suede	14.10	24.65
Rivalita	Kid	14.75	25.80
Stromboli	(Suede (Kid	14.80	25.90
Scherzo	(Suede (Kid	14.80	25.90
Men's Blucher Oxford	Calf	14.75	25.80

[1] Blanchette is a suede leather.

[F. R. Doc. 45-16318; Filed, Aug. 31, 1945; 10:31 a. m.]

[MPR 188, Order 1078]

ELECTRONIC KITCRAFT CO.

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.158 of Maximum Price Regulation No. 188, *It is ordered:*

(a) This revised order establishes maximum prices for sales and deliveries of two 4 tube radio kits, Model K5000, AC-DC, and Model K4000, battery operated, manufactured by Electronic Kitcraft Company, 175 Fifth Avenue, New York, N. Y.

(1) For all sales and deliveries to the following classes of purchasers by sellers, the maximum prices are those set forth below:

Maximum prices for Models K4000 and K5000 to U. S. Government agencies and to jobbers	$8.06
Maximum prices for Models K4000 and K5000 to retailers	9.60
Maximum prices for Models K4000 and K5000 to consumers	15.95

The above maximum prices are subject to discount of 2% 10 days, net 30 days, f. o. b. New York for all sales at wholesale. Federal excise tax may be added.

These maximum prices are for the articles described in the manufacturer's application dated May 19, and completed July 4, 1945.

(2) For sales by the manufacturer, the maximum prices apply to all sales and deliveries since Maximum Price Regulation No. 188 became applicable to those sales and deliveries.

(3) For sales by persons other than the manufacturer, the maximum prices apply to all sales and deliveries after the effective date of this revised order. Those prices are subject to each seller's customary terms and conditions of sale on sales of similar articles.

(4) If the manufacturer wishes to make sales and deliveries to any other class of purchaser or on other terms and conditions of sale, he must apply to the Office of Price Administration, Washington, D. C., under the Fourth Pricing Method, § 1499.158 of Maximum Price Regulation No. 188, for the establishment of maximum prices for those sales, and no sales or deliveries may be made until maximum prices have been authorized by the Office of Price Administration.

(b) The manufacturer shall attach a tag or label to every article for which a maximum price for sales to consumers is established by this revised order. That tag or label shall contain the following statement:

Model Number ------
OPA Retail Ceiling Price—$------
Federal Excise Tax
Manufactured by Electronic Kitcraft Co.
New York City
Do Not Detach

(c) At the time of, or prior to, the first invoice to each purchaser for resale, the seller shall notify the purchaser in writing of the maximum prices and conditions established by this revised order for sales by the purchaser. This notice may be given in any convenient form.

(d) This revised order may be revoked or amended by the Price Administrator at any time.

(e) This revised order shall become effective on the 1st day of September 1945.

Issued this 31st day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-16322; Filed, Aug. 31, 1945, 10:40 a. m.]

[MPR 64, Rev. Order 135]

J. ROSE & CO., INC.

APPROVAL OF MAXIMUM PRICES

Order No. 135 under Maximum Price Regulation No. 64 is hereby revised and amended to read as follows:

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to section 11 of Maximum Price Regulation No. 64; *It is ordered:*

(a) This revised order establishes maximum prices for sales of the Model No. 1900 gas range manufactured by the Automatic Range Company, 59 Pearl Street, Brooklyn, New York, as follows:

(1) For sales by J. Rose & Co., Inc., 48 Jay Street, Brooklyn, New York, to the classes of purchasers indicated below, the maximum prices including the Federal excise tax are those set forth below:

Article	Maximum prices for sales by J. Rose & Co., Inc. to: Wholesale distributors	Retail dealers	The real estate trade
Model No. 1900 without oven-heat control	*Each* $31.69	*Each* $35.11	*Each* $39.02
Model No. 1900 without oven-heat control equipped to burn liquid petroleum	32.79	36.32	40.34
Model No. 1900 with oven-heat control	36.65	40.61	45.12
Model No. 1900 with oven-heat control equipped to burn liquid petroleum	37.75	41.82	46.41

These prices are f. o. b. Brooklyn and are subject to the seller's customary terms, discounts, allowances and other price differentials in effect on sales of similar articles.

(2) For sales in each zone by wholesale distributors to retail dealers the maximum prices including the Federal excise tax are those set forth below:

Article	Maximum prices for sales by wholesale distributors to retail dealers: Zone 1	Zone 2	Zone 3	Zone 4
Model No. 1900 without oven-heat control	*Each* $39.57	*Each* $40.11	*Each* $40.98	*Each* $41.97
Model No. 1900 without oven-heat control equipped to burn liquid petroleum	40.78	41.32	42.19	43.18
Model No. 1900 with oven-heat control	45.77	46.39	47.40	48.54
Model No. 1900 with oven-heat control equipped to burn liquid petroleum	46.98	47.60	48.61	49.75

These prices are f. o. b. the seller's city and subject to the seller's customary terms, discounts, allowances and other price differentials in effect on sales of similar articles.

(3) For sales in each zone to ultimate consumers the maximum prices including the Federal excise tax but not including any local sales taxes are those set forth below:

Article	Maximum prices for sales to ultimate consumers: Zone 1	Zone 2	Zone 3	Zone 4
Model No. 1900 without oven-heat control	*Each* $60.64	*Each* $61.64	*Each* $62.64	*Each* $63.64
Model No. 1900 without oven-heat control equipped to burn liquid petroleum	62.74	63.74	64.74	65.74
Model No. 1900 with oven-heat control	70.14	71.29	72.45	73.60
Model No. 1900 with oven-heat control equipped to burn liquid petroleum	72.24	73.39	74.55	75.70

These prices are subject to the seller's customary terms, discounts, and other price differentials in effect on sales of similar articles.

(b) At the time of, or prior to, the first invoice to each purchaser for resale, J. Rose & Co., Inc., and each wholesale distributor shall notify the purchaser of the maximum prices and conditions set by this order for resales by the purchaser. This notice shall be given in any convenient form.

(c) J. Rose & Co., Inc., shall, before delivering any gas range covered by this order, attach securely to such range a label showing the model number of the range, the type of fuel it is equipped to burn, whether it is equipped with an oven heat control, its OPA retail ceiling price in each zone, and a list of the states included in each zone. The label shall also contain a statement that the ceiling prices as stated include the Federal excise tax, but do not include any local sales taxes.

(d) For purposes of this order Zones 1, 2, 3 and 4 shall comprise the following states:

Zone 1: Maine, Vermont, New Hampshire, New York, Massachusetts, Connecticut, Rhode Island, New Jersey, Pennsylvania, Maryland, District of Columbia, Delaware, Ohio, West Virginia, Virginia, North Carolina, South Carolina.

Zone 2: Wisconsin, Michigan, Iowa, Illinois, Indiana, Missouri, Kentucky, Tennessee, Mississippi, Alabama, Georgia, Louisiana, Florida.

Zone 3: North Dakota, Minnesota, South Dakota, Nebraska, Colorado, Kansas, Oklahoma, Texas, Arkansas.

Zone 4: Washington, Oregon, California, Idaho, Nevada, Montana, Wyoming, Utah, Arizona, New Mexico.

(e) This revised order may be revoked or amended by the Price Administrator at any time.

(f) This revised order shall become effective on the 1st day of September 1945.

Issued this 31st day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-16319; Filed, Aug. 31, 1945; 10:45 a. m.]

[MPR 188, Rev. Order 3710]

GENERAL SALES CO.

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.158 of Maximum Price Regulation No. 188, *It is ordered:*

(a) This order establishes maximum prices for sales and deliveries of certain articles manufactured by the General Sales Company, 222 Colorado National Bank Building, Denver 2, Colo.

(1) For all sales and deliveries to the following classes of purchasers by the sellers indicated below, the maximum prices are those set forth below:

Article	Model	Maximum prices for sales by any seller to— Wholesalers (jobbers)	Retailers	Consumers
Clothes hamper	Colorado No. 2, Zephyr.	*Each* $3.35	*Each* $4.05	*Each* 6.75

These maximum prices are for the articles described in the manufacturer's application dated February 28, 1945.

(2) For sales by the manufacturer, the maximum prices apply to all sales and deliveries since Maximum Price Regulation No. 188 became applicable to those sales and deliveries. These prices are f. o. b. factory and are subject to a cash discount of 2% for payment within 10 days, net 30 days.

(3) For sales by persons other than the manufacturer, the maximum prices apply to all sales and deliveries after the effective date of this order. Those prices are subject to each seller's customary terms and conditions of sale on sales of similar articles.

(4) If the manufacturer wishes to make sales and deliveries to any other class of purchaser or on other terms and conditions of sale, he must apply to the Office of Price Administration, Washington, D. C., under the Fourth Pricing Method, § 1499.158 of Maximum Price Regulation No. 188, for the establishment of maximum prices for those sales, and no sales or deliveries may be made until maximum prices have been authorized by the Office of Price Administration.

(b) At the time of, or prior to, the first invoice to each purchaser for resale, the seller shall notify the purchaser in writing of the maximum prices and conditions established by this order for sales by the purchaser. This notice may be given in any convenient form.

(c) This order may be revoked or amended by the Price Administrator at any time.

(d) This order shall become effective on the 1st day of September 1945.

Issued this 31st day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-16324; Filed, Aug. 31, 1945; 10:39 a. m.]

[MPR 188, Rev. Order 4127]

AIRCRAFTSMEN CO.

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.158 of Maximum Price Regulation No. 188, *It is ordered:*

(a) This order establishes maximum prices for sales and deliveries of certain articles manufactured by Aircraftsmen Company, 223 Hindry Avenue, Inglewood, Calif.

(1) For all sales and deliveries to the following classes of purchasers by the sellers indicated below; the maximum prices are those set forth below:

Article	Model No.	Maximum prices for sales by any seller to— Wholesalers (jobbers)	Chain and department stores	Other retailers	Consumers
Fry pan, 10¾" diameter, 2" depth, heat jacket finish, 3 S. O. thermostat	[illegible]	[illegible]	*Each* $1.50	*Each* $1.67	*Each* $2.70

These maximum prices are for the article described in the manufacturer's application dated July 3, 1945.

(2) For sales by the manufacturer, the maximum prices apply to all sales and deliveries since Maximum Price Regulation No. 188 became applicable to those sales and deliveries. These prices are f. o. b. factory and are subject to a cash discount of 2% for payment within 10 days, net 30 days.

(3) For sales by persons other than the manufacturer, the maximum prices apply to all sales and deliveries after the effective date of this order. Those prices are subject to each seller's customary terms and conditions of sale on sales of similar articles.

(4) If the manufacturer wishes to make sales and deliveries to any other class of purchaser or on other terms and conditions of sale, he must apply to the Office of Price Administration, Washington, D. C., under the Fourth Pricing Method, § 1499.158 of Maximum Price Regulation No. 188, for the establishment of maximum prices for those sales, and no sales or deliveries may be made until maximum prices have been authorized by the Office of Price Administration.

(b) The manufacturer shall attach a tag or label to every article for which a maximum price for sales to consumers is established by this order. That tag or label shall contain the following statement:

OPA Retail Ceiling Price—$2.50
Do Not Detach or Obliterate

(c) At the time of, or prior to, the first invoice to each purchaser for resale, the seller shall notify the purchaser in writing of the maximum prices and conditions established by this order for sales by the purchaser. This notice may be given in any convenient form.

(d) This order may be revoked or amended by the Price Administrator at any time.

(e) This order shall become effective on the 1st day of September 1945.

Issued this 31st day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-16325; Filed, Aug. 31, 1945; 10:45 a. m.]

[MPR 188, Rev. Order 2748]

MISSISSIPPI MANUFACTURING CO.

APPROVAL OF MAXIMUM PRICES

Order No. 2748 under § 1499.158 of MPR 188 is revised and amended to read as follows:

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.158 of MPR 188; *It is ordered:*

(a) This order establishes maximum prices for sales and deliveries of a dinette set manufactured by Mississippi Manufacturing Company, Canton, Mississippi.

(1) For all sales and deliveries to the following classes of purchasers by the sellers indicated below, the maximum prices are those set forth below:

Article	Model No.	Manufacturer's maximum price to persons, other than retailers, who sell from their own stock	Manufacturer's maximum price to persons, other than retailers, who sell from the manufacturer's stock	Maximum price for sales to retailers by the manufacturer, and by persons other than retailers, who sell from the manufacturer's stock
		Each	*Each*	*Each*
Dinette table	44 x 32	$10.35	$11.00	$12.95
Dinette chair	44 x 32	2.80	2.98	3.50
Dinette set	44 x 32	21.55	22.92	26.95

These prices are f. o. b. factory, and are subject to a cash discount of two percent for payment within ten days, net thirty days, and are for the articles described in the manufacturer's application dated September 11, 1944.

(2) For sales by the manufacturer the maximum prices apply to all sales and deliveries since the effective date of MPR 188. For sales by persons, other than retailers, who sell from the manufacturer's stock, the maximum prices apply to all sales and deliveries after the effective date of this revised order.

(3) If the manufacturer wishes to make sales and deliveries to any other class of purchaser or on other terms and conditions of sale, he must apply to the Office of Price Administration, Washington, D. C., under the Fourth Pricing Method, § 1499.158 of MPR 188, for the establishment of maximum prices for those sales, and no sales or deliveries may be made until maximum prices have been authorized by the Office of Price Administration.

(b) At the time of, or prior to, the first invoice to each purchaser, other than a retailer, who sells from the manufacturer's stock, the manufacturer shall notify the purchaser of the maximum prices and conditions established by this revised order for sales by the purchaser. This notice may be given in any convenient form.

(c) This revised order may be revoked or amended by the Price Administrator at any time.

This revised order shall become effective on the 1st day of September 1945.

Issued this 31st day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-16323; Filed, Aug. 31, 1945; 10:38 a. m.]

[MPR 188, Order 4361]

SOUTHERN METAL STAMPING CO.

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.158 of Maximum Price Regulation No. 188; *It is ordered:*

(a) This order establishes maximum prices for sales and deliveries of certain articles manufactured by the Southern Metal Stamping Company of 2220 Calliope Street, New Orleans 13, Louisiana.

(1) For all sales and deliveries to the following classes of purchasers by the sellers indicated below, the maximum prices are those set forth below:

Article	Model No.	Maximum prices for sales by any seller to—			
		Wholesalers (jobbers)	Chain and dept. stores	Other retailers	Consumers
		Per doz.	*Per doz.*	*Per doz.*	*Each*
Mail box, black enamel, 11 x 5¾ x 15½"	SM03	$4.20	$5.40	$6.00	$0.75
Vegetable bin, 20 gauge steel, white baked enamel, 15" x 7¼" x 21"	SM02	*Each* $1.125	*Each* $1.35	*Each* $1.50	$2.25

These maximum prices are for the articles described in the manufacturer's application dated July 17, 1945.

(2) For sales by the manufacturer, the maximum prices apply to all sales and deliveries since Maximum Price Regulation No. 188 became applicable to those sales and deliveries. They are f. o. b. factory and subject to a cash discount of 2% for payment within 10 days, net 30 days.

(3) For sales by persons other than the manufacturer, the maximum prices apply to all sales and deliveries after the effective date of this order. Those prices are subject to each seller's customary terms and conditions of sale on sales of similar articles.

(4) If the manufacturer wishes to make sales and deliveries to any other class of purchaser or on other terms and conditions of sale, he must apply to the Office of Price Administration, Washington, D. C., under the Fourth Pricing Method, § 1499.158 of Maximum Price Regulation No. 188, for the establishment of maximum prices for those sales, and no sales or deliveries may be made until maximum prices have been authorized by the Office of Price Administration.

(b) The manufacturer shall attach a tag or label to every article for which a maximum price for sales to consumers is established by this order. That tag or label shall contain the following statement with the model number and retail prices properly filled in:

Model No. ------
OPA Retail Ceiling Price—$------
Do Not Detach or Obliterate

(c) At the time of, or prior to, the first invoice to each purchaser for resale, the seller shall notify the purchaser in writing of the maximum prices and conditions established by this order for sales by the purchaser. This notice may be given in any convenient form.

(d) This order may be revoked or amended by the Price Administrator at any time.

(e) This order shall become effective on the 1st day of September 1945.

Issued this 31st day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-16326; Filed, Aug. 31, 1945; 10:36 a. m.]

[MPR 188, Order 4362]

CRYSTAL WARE CO.

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.158 of Maximum Price Regulation No. 188; *It is ordered:*

(a) This order establishes maximum prices for sales and deliveries of certain articles manufactured by Crystal Ware Company, 654 Broadway, New York, N. Y.

(1) For all sales and deliveries to the following classes of purchasers by the sellers indicated below, the maximum prices are those set forth below:

Article	Model No.	For sales by the manufacturer to—		For sales by any person to consumers
		Jobbers	Retailers	
15½" crystal hurricane lamp with hand cut shade, 47 bear drops and hand cut base	23	*Each* $6.38	*Each* $7.50	*Each* $13.50
17½" crystal hurricane lamp with 10" shade hand cut, pressed prisms, fount, block and base	27	5.31	6.25	11.25
Crystal hurricane lamp with hand cut ruby shade, 2 ruby breaks and base	6	7.79	9.17	16.50

These maximum prices are for the articles described in the manufacturer's application dated April 17, 1945.

(2) For sales by the manufacturer, the maximum prices apply to all sales and deliveries since Maximum Price Regulation No. 188 became applicable to those sales and deliveries. For sales to persons other than consumers they are f. o. b. factory, 2% 10 days, net 30. The maximum price to consumers is net, delivered.

(3) For sales by persons other than the manufacturer, the maximum prices apply to all sales and deliveries after the effective date of this order. Those prices are subject to each seller's customary terms and conditions of sale on sales of similar articles.

(4) If the manufacturer wishes to make sales and deliveries to any other class of purchaser or on other terms and conditions of sale, he must apply to the Office of Price Administration, Washington, D. C., under the Fourth Pricing Method, § 1499.158 of Maximum Price Regulation No. 188, for the establishment of maximum prices for those sales, and no sales or deliveries may be made until maximum prices have been authorized by the Office of Price Administration.

(b) The manufacturer shall attach a tag or label to every article for which a maximum price for sales to consumers is established by this order. That tag or label shall contain the following statement, with the proper model number and the ceiling price inserted in the blank spaces:

Model No. ------
OPA Retail Ceiling Price—$------
Do Not Detach

(c) At the time of, or prior to, the first invoice to each purchaser for resale, the manufacturer shall notify the purchaser in writing of the maximum prices and conditions established by this order for sales by the purchaser. This notice may be given in any convenient form.

(d) Jobber's maximum prices for sales of the articles covered by this order shall be established under the provisions of section 4.5 of SR 14J.

(e) This order may be revoked or amended by the Price Administrator at any time.

(f) This order shall become effective on the 1st day of September 1945.

Issued this 31st day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-16327; Filed, Aug. 31, 1945; 10:35 a. m.]

[MPR 188, Order 4363]

WARD M. IRVIN CO.

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.158 of Maximum Price Regulation No. 188; *It is ordered:*

(a) This order establishes maximum prices for sales and deliveries of certain articles manufactured by the Ward M. Irvin Company of 237 Fremont Street, Battle Creek, Mich.

(1) For all sales and deliveries to the following classes of purchasers by the sellers indicated below, the maximum prices are those set forth below:

Article	Model No.	Maximum prices for sales by any seller to—		
		Wholesalers (Jobbers)	Retailers	Consumers
Jar top remover	None	*Each* $0.14	*Each* $0.18	*Each* $0.30

These maximum prices are for the articles described in the manufacturer's application dated June 30, 1945.

(2) For sales by the manufacturer, the maximum prices apply to all sales and deliveries since Maximum Price Regulation No. 188 became applicable to those sales and deliveries. They are f. o. b. factory and subject to a cash discount of 2% for payment within 10 days, net 30 days.

(3) For sales by persons other than the manufacturer, the maximum prices apply to all sales and deliveries after the effective date of this order. Those prices are subject to each seller's customary terms and conditions of sale on sales of similar articles.

(4) If the manufacturer wishes to make sales and deliveries to any other class of purchaser or on other terms and conditions of sale, he must apply to the Office of Price Administration, Washington, D. C., under the Fourth Pricing Method, § 1499.158 of Maximum Price Regulation No. 188, for the establishment of maximum prices for those sales, and no sales or deliveries may be made until maximum prices have been authorized by the Office of Price Administration.

(b) The manufacturer shall attach a tag or label to every article for which a maximum price for sales to consumers is established by this order. That tag or label shall contain the following statement:

OPA Retail Ceiling Price—$0.30 each
Do Not Detach

(c) At the time of, or prior to, the first invoice to each purchaser for resale, the seller shall notify the purchaser in writing of the maximum prices and conditions established by this order for sales by the purchaser. This notice may be given in any convenient form.

(d) This order may be revoked or amended by the Price Administrator at any time.

(e) This order shall become effective on the 1st day of September 1945.

Issued this 31st day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-16328; Filed, Aug. 31, 1945; 10:35 a. m.]

[MPR 188, Order 4364]

LA DOAL'S INC.

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.158 of Maximum Price Regulation No. 188; *It is ordered:*

(a) This order establishes maximum prices for sales and deliveries of certain articles manufactured by La Doal's Incorporated, 2705 Beaver Avenue, Des Moines 11, Iowa.

(1) For all sales and deliveries to the following classes of purchasers by the sellers indicated below, the maximum prices are those set forth below:

Article	Model No.	Maximum prices for sales by any seller to—			
		Wholesalers (Jobbers)	Department and chain stores	Other retailers	Consumers
Kitchen stool, 24" white	None	*Each* $1.38	*Each* $1.65	*Each* $1.84	*Each* $2.75

These maximum prices are for the articles described in the manufacturer's application dated June 23, 1945.

(2) For sales by the manufacturer, the maximum prices apply to all sales and deliveries since Maximum Price Regulation No. 188 became applicable to those sales and deliveries. They are f. o. b. factory and subject to a cash discount of 2% for payment within 10 days, net 30 days.

(3) For sales by persons other than the manufacturer, the maximum prices apply to all sales and deliveries after the effective date of this order. Those prices are subject to each seller's customary terms and conditions of sale on sales of similar articles.

(4) If the manufacturer wishes to make sales and deliveries to any other class of purchasers or on other terms and conditions of sale, he must apply to the Office of Price Administration, Washington, D. C., under the Fourth Pricing Method, § 1499.158 of Maximum Price Regulation No. 188, for the establishment of maximum prices for those sales, and no sales or deliveries may be made until maximum prices have been authorized by the Office of Price Administration.

(b) The manufacturer shall attach a tag or label to every article for which a maximum price for sales to consumers is established by this order. That tag or label shall contain the following statement:

OPA Retail Ceiling Price—$2.76 each
Do Not Detach

(c) At the time of, or prior to, the first invoice to each purchaser for resale, the seller shall notify the purchaser in writing of the maximum prices and conditions established by this order for sales by the purchaser. This notice may be given in any convenient form.

(d) This order may be revoked or amended by the Price Administrator at any time.

(e) This order shall become effective on the 1st day of September 1945.

Issued this 31st day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-16329; Filed, Aug. 31, 1945; 10:36 a. m.]

[MPR 188, Order 4365]

WOOD SPECIALTIES CO.

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.158 of Maximum Price Regulation No. 188; *It is ordered:*

(a) This order establishes maximum prices for sales and deliveries of certain articles manufactured by the Wood Specialties Company, 6550 Ravenna Street, Seattle 5, Wash.

(1) For all sales and deliveries to the following classes of purchasers by the sellers indicated below, the maximum prices are those set forth below:

Article	Model	Maximum prices for sales by any seller to—			
		Wholesalers (jobbers)	Chain and department stores	Other retailers	Consumers
Marketot	None	*Each* $2.25	*Each* $2.70	*Each* $3.00	*Each* $3.60

Description: A rectangular wooden frame, two wheels at one end, a handle at the other; a canvas bag for parcels fastened with upholstery nails to frame; a seat and foot rest for a small child, two props to hold the device in an upright position while at rest.

These maximum prices are for the articles described in the manufacturer's application dated June 21, 1945.

(2) For sales by the manufacturer, the maximum prices apply to all sales and deliveries since Maximum Price Regulation No. 188 became applicable to those sales and deliveries. These prices are f. o. b. factory an : subject to a cash discount of 2% for payment within 10 days, net 30 days.

(3) For sales by persons other than the manufacturer, the maximum prices apply to all sales and deliveries after the effective date of this order. Those prices are subject to each seller's customary terms and conditions of sale on sales of similar articles.

(4) If the manufacturer wishes to make sales and deliveries to any other class of purchaser or on other terms and conditions of sale, he must apply to the Office of Price Administration, Washington, D. C., under the Fourth Pricing Method, § 1499.158 of Maximum Price Regulation No. 188, for the establishment of maximum prices for those sales, and no sales or deliveries may be made until maximum prices have been authorized by the Office of Price Administration.

(b) The manufacturer shall attach a tag or label to every article for which a maximum price for sales to consumers is established by this order. That tag or label shall contain the following statement:

OPA Retail Ceiling Price—$4.50
Do Not Detach

(c) At the time of, or prior to, the first invoice to each purchaser for resale, the seller shall notify the purchaser in writing of the maximum prices and conditions established by this order for sales by the purchaser. This notice may be given in any convenient form.

(d) This order ma,' be revoked or amended by the Price Administrator at any time.

(e) This order shall become effective on the 1st day of September 1945.

Issued this 31st day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-16330; Filed .Aug. 31, 1945; 10:36 a. m.]

[MPR 188, Order 4366]

HALCOLITE CO., INC.

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.158 of Maximum Price Regulation No. 188; *It is ordered:*

(a) This order establishes maximum prices for sales and deliveries of certain articles manufactured by Halcolite Company, Inc., 68 34th Street, Brooklyn 32, N. Y.

(1) For all sales and deliveries to the following classes of purchasers by the sellers indicated below, the maximum prices are those set forth below:

Article	Model No.	For sales by the manufacturer to—		For sales by any person to consumers
		Jobbers	Retailers	
Crystal hurricane lamp with 3" prisms, pressed crystal base and column in swirl effect.	4067	*Each* $4.28	*Each* $5.03	*Each* $9.05
17½" crystal hurricane lamp with 5" prisms, pressed crystal base, break and swirl column.	4033	5.09	5.99	10.80
17½" crystal hurricane lamp with 5" prisms, pressed crystal base, break and swirl column.	4033 (Ruby)	5.31	6.25	11.25
19½" crystal hurricane lamp with base, two diamond shaped breaks and vase.	3060 (Clear)	6.38	7.50	13.50
19½" crystal hurricane lamp with 3" prisms, hand cut base, fount and shade.	4012 (Clear)	8.25	9.71	17.50
Crystal hurricane lamp with 3" heavy prisms, and vase column.	3085	9.06	10.66	19.20
19½" Crystal hurricane lamp with 3" prisms, hand cut base and fount.	4012 (Ruby)	10.63	12.50	22.50
15½" crystal hurricane lamp with 3½" prisms, base, two diamond shaped breaks, hand cut ruby ball break and shade.	4034 (Ruby)	10.92	12.85	23.15
Crystal hurricane lamp with imported prisms, base and hand cut vase and shade.	3089 (Clear)	10.57	12.43	22.40
Crystal hurricane lamp with 4" prisms, crystal base, cube and hand cut vase and shade.	3089 (Ruby)	11.80	13.99	25.20
22½" crystal hurricane lamp with 4" prisms, crystal base, 3 diamond shape breaks, two ball breaks.	4008	13.54	15.93	28.70
22" crystal hurricane lamp with 5" prisms, base, cut ball break and vase.	4030 (Ruby)	15.88	18.62	33.50
24" crystal hurricane lamp with 4½" prisms, base, break and vase.	3064	16.53	19.45	35.00
20" crystal hurricane lamp with 4" prisms, hand cut base, and two ball breaks.	4058	17.00	20.00	36.00
22' crystal hurricane lamp, 6" prisms, hand cut base, break, and vase.	4030	21.25	25.00	45.00

These maximum prices are for the articles described in the manufacturer's application dated June 22, 1945.

(2) For sales by the manufacturer, the maximum prices apply to all sales and deliveries since Maximum Price Regulation No. 188 became applicable to those sales and deliveries. For sales to persons other than consumers they are f. o. b. factory, 2% 10 days, net 30. The maximum price to consumers is net, delivered.

(3) For sales by persons other than the manufacturer, the maximum prices apply to all sales and deliveries after the effective date of this order. Those prices are subject to each seller's customary terms and conditions of sale on sales of similar articles.

(4) If the manufacturer wishes to make sales and deliveries to any other class of purchaser or on other terms and conditions of sale, he must apply to the Office of Price Administration, Washington, D. C., under the Fourth Pricing Method, § 1499.158 of Maximum Price Regulation No. 188, for the establishment of maximum prices for those sales, and no sales or deliveries may be made until maximum prices have been authorized by the Office of Price Administration.

(b) The manufacturer shall attach a tag or label to every article for which a maximum price for sales to consumers is established by this order. That tag or label shall contain the following statement, with the proper model number and the ceiling price inserted in the blank spaces:

Model No. ------
OPA Retail Ceiling Price—$------
Do Not Detach

(c) At the time of, or prior to, the first invoice to each purchaser for resale, the manufacturer shall notify the purchaser in writing of the maximum prices and conditions established by this order for sales by the purchaser. This notice may be given in any convenient form.

(d) Jobber's maximum prices for sales of the articles covered by this order shall be established under the provisions of section 4.5 of SR 14J.

(e) This order may be revoked or amended by the Price Administrator at any time.

(f) This order shall become effective on the 1st day of September 1945.

Issued this 31st day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-16331; Filed, Aug. 31, 1945; 10:37 a. m.]

[MPR 188, Order 4367]

ALCON LIGHTCRAFT CO.

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.158 of Maximum Price Regulation No. 188; *It is ordered:*

(a) This order establishes maximum prices for sales and deliveries of certain articles manufactured by Alcon Lightcraft Company, 95 Elizabeth Street, New York 13, N. Y.

(1) For all sales and deliveries to the following classes of purchasers by the sellers indicated below, the maximum prices are those set forth below:

Article	Model No.	For sales by the manufacturer to—		For sales by any person to consumers
		Jobbers	Retailers	
17½" crystal hurricane lamp, crystal base and column with 10 crystal prisms, cut crystal hurricane chimney.	138–H	*Each* $4.29	*Each* $5.05	*Each* $9.10
20" table lamp, metal base with ruby cut shade polished crullet, crystal bubble ball; and cut ruby fount.	166–T	6.37	7.50	13.50
15" crystal cut hurricane lamp, scalloped metal base with crystal cut fount; and crystal cut chimney.	200–H	4.46	5.25	9.45
13" metal hurricane lamp with scalloped metal base, metal 2-piece fount and crystal cut chimney.	202–H	3.54	4.17	7.50
20" crystal table lamp, with crystal base with floral design on sides; tulip cups top and bottom; 2 ruby cut founts with center crystal bubble ball.	1–T	5.34	6.28	11.30
12" hurricane lamp with metal base, center crystal bubble ball and crystal cut chimney, scalloped top.	203–H	2.57	3.03	5.45
29" table lamp, polished crystal base and two ruby cut shades (one inverted) with center crystal ridged break.	137–T	5.10	6.00	10.80
21" hurricane lamp, polished crystal base with scalloped bubble cup; small ruby cut shade with scalloped crystal bobesch and ten crystal prisms, large ruby cut shade.	148–H	5.76	6.78	12.20
15" hurricane lamp, metal bottom plate with scalloped metal base, opal crystal fount with opal crystal chimney and hand painted flowers.	201–H	5.74	6.75	12.15

These maximum prices are for the articles described in the manufacturer's application dated April 1, 1945.

(2) For sales by the manufacturer, the maximum prices apply to all sales and deliveries since Maximum Price Regulation No. 188 became applicable to those sales and deliveries. For sales to persons other than consumers they are f. o. b. factory. The maximum price to consumers is net, delivered.

(3) For sales by persons other than the manufacturer, the maximum prices apply to all sales and deliveries after the effective date of this order. Those prices are subject to each seller's customary terms and conditions of sale on sales of similar articles.

(4) If the manufacturer wishes to make sales and deliveries to any other class of purchaser or on other terms and conditions of sale, he must apply to the Office of Price Administration, Washington, D. C., under the Fourth Pricing Method, § 1499.158 of Maximum Price Regulation No. 188, for the establishment of maximum prices for those sales, and no sales or deliveries may be made until maximum prices have been authorized by the Office of Price Administration.

(b) The manufacturer shall attach a tag or label to every article for which a maximum price for sales to consumers is established by this order. That tag or label shall contain the following statement, with the proper model number and the ceiling price inserted in the blank spaces:

Model No. ----
OPA Retail Ceiling Price—$------
Do Not Detach

(c) At the time of, or prior to, the first invoice to each purchaser for resale, the manufacturer shall notify the purchaser in writing of the maximum prices and conditions established by this order for sales by the purchaser. This notice may be given in any convenient form.

(d) Jobber's maximum prices for sales of the articles covered by this order shall be established under the provisions of section 4.5 of SR 14J.

(e) This order may be revoked or amended by the Price Administrator at any time.

(f) This order shall become effective on the 1st day of September 1945.

Issued this 31st day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-16332; Filed, Aug. 31, 1945; 10:37 a. m.]

[MPR 188, Order 4368]

GENERAL SALES CO.

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.158 of Maximum Price Regulation No. 188; *It is ordered:*

(a) This order establishes maximum prices for sales and deliveries of certain articles manufactured by the General Sales Company, 222 Colorado National Bank Building, Denver, Colo.

(1) For all sales and deliveries to the following classes of purchasers by the sellers indicated below, the maximum prices are those set forth below:

Article	Model	Maximum prices for sales by any seller to—		
		Wholesalers (jobbers)	Retailers	Consumers
Clothes hamper	Denver #1 Zephyr Century #3 Zephyr.	*Each* $3.15 3.55	*Each* $3.95 4.45	*Each* $6.50 7.45

These maximum prices are for the articles described in the manufacturer's application dated February 28, 1945.

(2) For sales by the manufacturer, the maximum prices apply to all sales and deliveries since Maximum Price Regulation No. 188 became applicable to those sales and deliveries. These prices are f. o. b. factory and are subject to a cash discount of 2% for payment within 10 days, net 30 days.

(3) For sales by persons other than the manufacturer, the maximum prices ap-

ply to all sales and deliveries after the effective date of this order. Those prices are subject to each seller's customary terms and conditions of sale on sales of similar articles.

(4) If the manufacturer wishes to make sales and deliveries to any other class of purchaser or on other terms and conditions of sale, he must apply to the Office of Price Administration, Washington, D. C., under the Fourth Pricing Method, § 1499.158 of Maximum Price Regulation No. 188, for the establishment of maximum prices for those sales, and no sales or deliveries may be made until maximum prices have been authorized by the Office of Price Administration.

(b) The manufacturer shall attach a tag or label to every article for which a maximum price for sales to consumers is established by this order. That tag or label shall contain the following statement with the correct retail ceiling price filled in:

OPA Retail Ceiling Price—$------
Do Not Detach

(c) At the time of, or prior to, the first invoice to each purchaser for resale, the seller shall notify the purchaser in writing of the maximum prices and conditions established by this order for sales by the purchaser. This notice may be given in any convenient form.

Article	Model No.	For sales by the manufacturer to—		For sales by any person to consumers
		Jobbers	Retailers	
		Each	*Each*	*Each*
30" decorated china table lamp with gold plated metal base.	101	$10.63	$12.50	$22.50
25½" china table lamp urn shaped in various solid glazes	200	7.49	8.81	15.85
30" china table lamp in various solid color glazes with gold plated metal base.	205	7.65	9.00	16.20
30" china table lamp, hand decorated, with gold plated metal base.	305	14.65	17.23	31.03
26" hand decorated china table lamp with gold plated metal base.	330	14.51	17.07	30.73
30" china table lamp, hand decorated with gold plated metal base.	350	15.22	17.90	32.20
31" china figures in various colors with metal base and hand sewn, fringe top, silk covered 16" shade.	510/C	13.12	15.43	27.80
25" china table lamp, hand decorated with gold plated base.	646	6.94	8.16	14.70
30" hand decorated opal glass table lamp with double marble base and column composed of two chimneys.	01	8.85	10.41	18.75
27" hand decorated opal glass table lamp with base, column and ball shaped top break.	45-451I	6.71	7.90	14.22
30" hand decorated opal glass table lamp with vase type base, fount and top break.	40/M-41/M	9.95	11.70	21.06
Opal glass, hand decorated table lamp with gold fittings, base, break, column and fount.	0421	11.69	13.75	24.75
Opal glass, hand decorated table lamp with base, column and fount.	45-V	6.35	7.47	13.45
32" crystal table lamp with base, lead crystal hand cut ball break and crystal column.	C/21	9.80	11.53	20.75
31" crystal table lamp, cut and polished with metal base gold or silver plated.	C8/9-CF/9	14.45	17.00	30.60
30" crystal table lamp of lead glass, cut and polished with square gold plated base, break and column.	C1M, C14M (gold)	11.75	13.83	24.90
30" crystal table lamp of lead glass cut and polished with square silver plated base, break and column.	C1M, C14M (silver).	15.15	17.81	32.10
31" lead crystal table lamp cut and polished composed of base, square break, ball break and vase column.	C16	15.01	17.60	31.79
32" ruby crystal table lamp with cut base, vase column and top ball break.	C9-R	15.01	17.05	31.79
27½" ruby crystal table lamp cut and polished	C10-Ruby	12.14	14.28	25.70
27½" crystal table lamp lead crystal, cut and polished	C10-Crystal	9.83	11.57	20.85
32" ruby crystal table lamp base, column and break	18 and 20	8.99	10.58	19.05

These maximum prices are for the articles described in the manufacturer's application dated April 11, 1945.

(2) For sales by the manufacturer, the maximum prices apply to all sales and deliveries since Maximum Price Regulation No. 188 became applicable to those sales and deliveries. For sales to persons other than consumers they are f. o. b. factory, 2% 10 days, net 30. The maximum price to consumers is net, delivered.

(3) For sales by persons other than the manufacturer, the maximum prices apply to all sales and deliveries after the effective date of this order. Those prices are subject to each seller's customary terms and conditions of sale on sales of similar articles.

(4) If the manufacturer wishes to make sales and deliveries to any other class of purchaser or on other terms and conditions of sale, he must apply to the Office of Price Administration, Washington, D. C., under the Fourth Pricing Method, § 1499.158 of Maximum Price Regulation No. 188, for the establishment of maximum prices for those sales, and no sales or deliveries may be made until maximum prices have been authorized by the Office of Price Administration.

(b) The manufacturer shall attach a tag or label to every article for which a maximum price for sales to consumers is established by this order. That tag or label shall contain the following statement, with the proper model number and the ceiling price inserted in the blank spaces:

Model No. ------
OPA Retail Ceiling Price—$------
Do Not Detach

(c) At the time of, or prior to, the first invoice to each purchaser for resale, the manufacturer shall notify the purchaser in writing of the maximum prices and conditions established by this order for sales by the purchaser. This notice may be given in any convenient form.

(d) This order may be revoked or amended by the Price Administrator at any time.

(e) This order shall become effective on the 1st day of September 1945.

Issued this 31st day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-16333; Filed, Aug. 31, 1945; 10:37 a. m.]

[MPR 188, Order 4369]

ALLIED SALES & SERVICE CO. AND THE BRITTANY CO.

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.158 of Maximum Price Regulation No. 188; *It is ordered:*

(a) This order establishes maximum prices for sales and deliveries of certain articles manufactured by Allied Sales & Service Company and The Brittany Company, 401 East 31st Street, New York, New York.

(1) For all sales and deliveries to the following classes of purchasers by the sellers indicated below, the maximum prices are those set forth below:

Article	Model No.	For sales by the manufacturer to—		For sales by any person to consumers
		Jobbers	Retailers	
		Each	*Each*	*Each*
36" decorated china table lamp with gold plated metal base.	101	$10.63	$12.50	$22.50
25½" china table lamp urn shaped in various solid glazes	200	7.49	8.81	15.85
30" china table lamp in various solid color glazes with gold plated metal base.	205	7.65	9.00	16.20
30" china table lamp, hand decorated, with gold plated metal base.	305	14.65	17.23	31.03
26" hand decorated china table lamp with gold plated metal base.	330	14.51	17.07	30.73
30" china table lamp, hand decorated with gold plated metal base.	350	15.22	17.90	32.20
31" china figures in various colors with metal base and hand sewn, fringe top, silk covered 16" shade.	510/C	13.12	15.43	27.80
25" china table lamp, hand decorated with gold plated base.	646	6.94	8.16	14.70
30" hand decorated opal glass table lamp with double marble base and column composed of two chimneys.	01	8.85	10.41	18.75
27" hand decorated opal glass table lamp with base, column and ball shaped top break.	45-451I	6.71	7.90	14.22
30" hand decorated opal glass table lamp with vase type base, fount and top break.	40/M-41/M	9.95	11.70	21.06
Opal glass, hand decorated table lamp with gold fittings, base, break, column and fount.	0421	11.69	13.75	24.75
Opal glass, hand decorated table lamp with base, column and fount.	45-V	6.35	7.47	13.45
32" crystal table lamp with base, lead crystal hand cut ball break and crystal column.	C/21	9.80	11.53	20.75
31" crystal table lamp, cut and polished with metal base gold or silver plated.	C8/9-CF/9	14.45	17.00	30.60
30" crystal table lamp of lead glass, cut and polished with square gold plated base, break and column.	C1M, C14M (gold)	11.75	13.83	24.90
30" crystal table lamp of lead glass cut and polished with square silver plated base, break and column.	C1M, C14M (silver).	15.15	17.81	32.10
31" lead crystal table lamp cut and polished composed of base, square break, ball break and vase column.	C16	15.01	17.60	31.79
32" ruby crystal table lamp with cut base, vase column and top ball break.	C9-R	15.01	17.05	31.79
27½" ruby crystal table lamp cut and polished	C10-Ruby	12.14	14.28	25.70
27½" crystal table lamp lead crystal, cut and polished	C10-Crystal	9.83	11.57	20.85
32" ruby crystal table lamp base, column and break	18 and 20	8.99	10.58	19.05

These maximum prices are for the articles described in the manufacturer's application dated July 30, 1945.

(2) For sales by the manufacturer, the maximum prices apply to all sales and deliveries since Maximum Price Regulation No. 188 became applicable to those sales and deliveries. These prices are f. o. b. factory and subject to a cash discount of 2% for payment within 10 days, net 30 days.

(3) For sales by persons other than the manufacturer, the maximum prices apply to all sales and deliveries after the effective date of this order. Those prices are subject to each seller's customary terms and conditions of sale on sales of similar articles.

(4) If the manufacturer wishes to make sales and deliveries to any other class of purchaser or on other terms and conditions of sale, he must apply to the Office of Price Administration, Washington, D. C., under the Fourth Pricing Method, § 1499.158 of Maximum Price Regulation No. 188, for the establishment of maximum prices for those sales, and no sales or deliveries may be made until maximum prices have been authorized by the Office of Price Administration.

(b) The manufacturer shall attach a tag or label to every article for which a maximum price for sales to consumers is established by this order. That tag or label shall contain the following statement:

OPA Retail Ceiling Price—$9.95
Do Not Detach

(c) At the time of, or prior to, the first invoice to each purchaser for resale, the seller shall notify the purchaser in writing of the maximum prices and conditions established by this order for sales by the purchaser. This notice may be given in any convenient form.

(d) This order may be revoked or amended by the Price Administrator at any time.

(e) This order shall become effective on the 1st day of September 1945.

Issued this 31st day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-16334; Filed, Aug. 31, 1945; 10:37 a. m.]

[MPR 188, Order 4370]

EAST BIRMINGHAM BRONZE FOUNDRY CO.

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.158 of Maximum Price Regulation No. 188; *It is ordered:*

(a) This order establishes maximum prices for sales and deliveries of certain articles manufactured by East Birmingham Bronze Foundry Company, 831 North 36th Way, Birmingham 4, Ala.

(1) For all sales and deliveries to the following classes of purchasers by the sellers indicated below, the maximum prices are those set forth below:

Article	Model No.	Maximum prices for sales by any seller to—				
		Wholesalers	Dropship jobbers	Chain and department stores	Other retailers	Consumers
Aluminum rometer 9 x 12 x 6	LK129-I	$4.88	$5.37	$6.97	$6.61	$9.95

Article	Model No.	For sales by the manufacturer to—		For sales by any person to consumers
		Jobbers	Retailers	
China commode table lamp with floral decoration—spun metal base	76	*Each* $4.25	*Each* $5.00	*Each* $9.00
	73	5.95	7.00	12.60
	69	4.25	5.00	9.00
China commode table lamp with china flower trim—spun metal base	77	5.75	6.75	12.15

These maximum prices are for the articles described in the manufacturer's application dated June 1, 1945.

(2) For sales by the manufacturer, the maximum prices apply to all sales and deliveries since Maximum Price Regulation No. 188 became applicable to those sales and deliveries. For sales to persons other than consumers they are f. o. b. factory, 2% 10 days, net 30. The maximum price to consumers is net, delivered.

(3) For sales by persons other than the manufacturer, the maximum prices apply to all sales and deliveries after the effective date of this order. Those prices are subject to each seller's customary terms and conditions of sale on sales of similar articles.

(4) If the manufacturer wishes to make sales and deliveries to any other class of purchaser or on other terms and conditions of sale, he must apply to the Office of Price Administration, Washington, D. C., under the Fourth Pricing Method, § 1499.158 of Maximum Price Regulation No. 188, for the establishment of maximum prices for those sales, and no sales or deliveries may be made until maximum prices have been authorized by the Office of Price Administration.

(b) The manufacturer shall attach a tag or label to every article for which a maximum price for sales to consumers is established by this order. That tag or label shall contain the following statement, with the proper model number and the ceiling price inserted in the blank spaces:

Model No. ------
OPA Retail Ceiling Price—$------
Do Not Detach

(c) At the time of, or prior to, the first invoice to each purchaser for resale, the manufacturer shall notify the purchaser in writing of the maximum prices and conditions established by this order for sales by the purchaser. This notice may be given in any convenient form.

(d) Jobber's maximum prices for sales of the articles covered by this order shall be established under the provisions of section 4.5 of SR 14J.

(e) This order may be revoked or amended by the Price Administrator at any time.

(f) This order shall become effective on the 4th day of September 1945.

Issued this 31st day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-16336; Filed, Aug. 31, 1945; 10:38 a. m.]

[MPR 188, Order 4372]

SHERMAN, WILLIAMS & PARTNERS

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.158 of Maximum Price Regulation No. 188; *It is ordered:*

(a) This order establishes maximum prices for sales and deliveries of certain articles manufactured by Sherman, Williams & Partners, 807 Matadero Avenue, Palo Alto, Calif.

(1) For all sales and deliveries to the following classes of purchasers by the sellers indicated below, the maximum prices are those set forth below:

Article	Model No.	Maximum prices for sales by any seller to—			
		Jobbers	Chain and dept. stores	Other retailers	Consumers
Fry pan	1	*Each* $1.13	*Each* $1.35	*Each* $1.50	*Each* $2.25

These maximum prices are for the articles described in the manufacturer's application dated August 4, 1945.

(2) For sales by the manufacturer, the maximum prices apply to all sales and deliveries since Maximum Price Regulation No. 188 became applicable to those sales and deliveries. These prices are f. o. b. factory and subject to a cash discount of 2% for payment within 10 days, net 30 days.

(3) For sales by persons other than the manufacturer, the maximum prices apply to all sales and deliveries after the effective date of this order. Those prices are subject to each seller's customary terms and conditions of sale on sales of similar articles.

(4) If the manufacturer wishes to make sales and deliveries to any other class of purchaser or on other terms and conditions of sale, he must apply to the Office of Price Administration, Washington, D. C., under the Fourth Pricing Method, § 1499.158 of Maximum Price Regulation No. 188, for the establishment of maximum prices for those sales, and no sales or deliveries may be made until maximum prices have been authorized by the Office of Price Administration.

(b) The manufacturer shall attach a tag or label to every article for which a maximum price for sales to consumers is established by this order. That tag or label shall contain the following statement

Model No. 1
OPA Retail Ceiling Price—$2.25 Each
Do Not Detach

(c) At the time of, or prior to, the first invoice to each purchaser for resale, the seller shall notify the purchaser in writing of the maximum prices and conditions established by this order for sales by the purchaser. This notice may be given in any convenient form.

(d) This order may be revoked or amended by the Price Administrator at any time.

(e) This order shall become effective on the 1st day of September 1945.

Issued this 31st day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-16337; Filed, Aug. 31, 1945; 10:39 a. m.]

[MPR 188, Order 4373]

UNION PRODUCTS CO.

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.158 of Maximum Price Regulation No. 188; *It is ordered:*

(a) This order establishes maximum prices for sales and deliveries of certain articles manufactured by Union Products Company, 1462 East New York Avenue, Brooklyn, N. Y.

(1) For all sales and deliveries to the following classes of purchasers by the sellers indicated below, the maximum prices are those set forth below:

Article	Model No.	Maximum prices for sales by any seller to—			
		Jobbers	Retailers (6 units or more)	Retailers (less than 6 units)	Consumers
Electric stove, 2 burner, 2 switches, 6' cord	202	*Each* $4.25	*Each* $5.05	*Each* $5.40	*Each* $8.10

These maximum prices are for the articles described in the manufacturer's application dated August 23, 1945. These prices include Federal Excise Tax.

(2) For sales by the manufacturer, the maximum prices apply to all sales and deliveries since Maximum Price Regulation No. 188 became applicable to those sales and deliveries. These prices are f. o. b. factory and are subject to a cash discount of 2% for payment within 10 days, net 30 days.

(3) For sales by persons other than the manufacturer, the maximum prices apply to all sales and deliveries after the effective date of this order. Those prices are subject to each seller's customary terms and conditions of sale on sales of similar articles.

(4) If the manufacturer wishes to make sales and deliveries to any other class of purchaser or on other terms and conditions of sale, he must apply to the Office of Price Administration, Washington, D. C., under the Fourth Pricing Method, § 1499.158 of Maximum Price Regulation No. 188, for the establishment of maximum prices for those sales, and no sales or deliveries may be made until maximum prices have been authorized by the Office of Price Administration.

(b) The manufacturer shall attach a tag or label to every article for which a maximum price for sales to consumers is established by this order. That tag or label shall contain either of the following statements with the correct order number filled in:

Union Products Company
1462 E. New York Ave.
Brooklyn, N. Y.
Model No. 202
OPA Retail Ceiling Price—$8.10
Federal Excise Tax Included
Do Not Detach or Obliterate

or

Order No. 4373 under MPR 188
Model No. 202
OPA Retail Ceiling Price—$8.10
Federal Excise Tax Included
Do Not Detach or Obliterate

(c) At the time of, or prior to, the first invoice to each purchaser for resale, the seller shall notify the purchaser in writing of the maximum prices and conditions established by this order for sales by the purchaser. This notice may be given in any convenient form.

(d) This order may be revoked or amended by the Price Administrator at any time.

(e) This order shall become effective on the 1st day of September 1945.

Issued this 31st day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-16338; Filed, Aug. 31, 1945; 10:47 a. m.]

[MPR 188, Order 4374]

REDAN ELECTRIC CO.

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.158 of Maximum Price Regulation No. 188; *It is ordered:*

(a) This order establishes maximum prices for sales and deliveries of certain articles manufactured by the Redan Electric Company, 34-07 Thirty-sixth Avenue, Astoria, Long Island, N. Y.

(1) For all sales and deliveries to the following classes of purchasers by the sellers indicated below, the maximum prices are those set forth below:

Article	Model	Maximum prices for sales by any seller to—			
		Wholesalers (jobbers)	Retailers (6 units or more)	Retailers (less than 6 units)	Consumers
Electric space heater, brown enamel finish, cord and plug, 1000 watt	BR1000	*Each* $2.75	*Each* $3.22	*Each* $3.47	*Each* $5.20

These maximum prices are for the articles described in the manufacturer's application dated August 1, 1945. They include the Federal Excise Tax.

(2) For sales by the manufacturer, the maximum prices apply to all sales and deliveries since Maximum Price Regulation No. 188 became applicable to those sales and deliveries. These prices are f. o. b. factory and are subject to a cash discount of 2% for payment within 10 days, net 30 days.

(3) For sales by persons other than the manufacturer, the maximum prices apply to all sales and deliveries after the effective date of this order. Those prices are subject to each seller's customary terms and conditions of sale on sales of similar articles.

(4) If the manufacturer wishes to make sales and deliveries to any other class of purchaser or on other terms and conditions of sale, he must apply to the Office of Price Administration, Washington, D. C., under the Fourth Pricing Method, § 1499.158 of Maximum Price Regulation No. 188, for the establishment of maximum prices for those sales, and no sales or deliveries may be made until maximum prices have been authorized by the Office of Price Administration.

(b) The manufacturer shall attach a tag or label to every article for which a maximum price for sales to consumers is established by this order. That tag or label shall contain either of the following statements with the correct order number filled in:

Order No. 4374
Model No. BR1000
OPA Retail Ceiling Price—$5.20
Federal Excise Tax Included
Do Not Detach or Obliterate

or

Redan Electric Company
34-07 Thirty-sixth Avenue
Astoria, Long Island, New York
Model No. BR1000
Federal Excise Tax Included
Do Not Detach or Obliterate

(c) At the time of, or prior to, the first invoice to each purchaser for resale, the seller shall notify the purchaser in writing of the maximum prices and conditions established by this order for sales by the purchaser. This notice may be given in any convenient form.

(d) This order may be revoked or amended by the Price Administrator at any time.

(e) This order shall become effective on the 1st day of September 1945.

Issued this 31st day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-16339; Filed, Aug. 31, 1945; 10:46 a. m.]

[MPR 188, Order 4375]

INDUSTRIAL TOOL & DIE WORKS

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.157 of Maximum Price Regulation No. 188 and section 6.4 of Second Revised Supplementary Regulation No. 14; *It is ordered:*

(a) This order establishes maximum prices for sales and deliveries of single burner electric hot plates manufactured by the Industrial Tool and Die Works, 2824 University Avenue SE., Minneapolis 14, Minn.

(1) For all sales and deliveries to the following classes of purchasers by the sellers indicated below, the maximum prices are those set forth below:

Article	Model	Maximum prices for sales by any seller to—				
		Distributor	Wholesaler (jobber)	Retailer (6 units or more)	Retailer (less than 6 units)	Consumer
Single burner hot plate, 1,000-watt, cord and switch	102	*Each* $1.76	*Each* $2.07	*Each* $2.45	*Each* $2.63	*Each* $3.95

These maximum prices are for the article described in the manufacturer's application dated August 20, 1945. They include the Federal Excise Tax.

(2) For sales by the manufacturer, these maximum prices apply to all sales and deliveries after the effective date of this order. The manufacturer's prices are f. o. b. factory and are subject to a cash discount of 2% for payment within 10 days, net 30 days. The prices for sales by persons other than the manufacturer are subject to each seller's customary terms and conditions of sale on sales of similar articles.

(b) The manufacturer shall attach a tag or label to every article for which a maximum price for sales to consumers is established by this order. That tag or label shall contain either of the following statements with the correct order number filled in:

Order No. 4375
Model No. 102
OPA Retail Ceiling Price—$3.95
Federal Excise Tax Included
Do Not Detach or Obliterate

or

Industrial Tool & Die Works
2824 University Avenue SE.
Minneapolis 14, Minnesota
Model No. 102
OPA Retail Ceiling Price—$3.95
Federal Excise Tax Included
Do Not Detach or Obliterate

(c) At the time of, or prior to, the first invoice to each purchaser for resale, the seller shall notify the purchaser in writing of the maximum prices and conditions established by this order for sales by the purchaser. This notice may be given in any convenient form.

(d) This order may be revoked or amended by the Price Administrator at any time.

(e) This order shall become effective on the 1st day of September 1945.

Issued this 31st day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-16340; Filed, Aug. 31, 1945; 10:46 a. m.]

[MPR 188, Order 4376]

ELITE APPLIANCES, INC.

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.158 of Maximum Price Regulation No. 188; *It is ordered:*

(a) This order establishes maximum prices for sales and deliveries of certain articles manufactured by Elite Appliances, Incorporated, 5014 Fort Hamilton Parkway, Brooklyn, N. Y.

(1) For all sales and deliveries to the following classes of purchasers by the sellers indicated below, the maximum prices are those set forth below:

Article	Model	Maximum prices for sales by any seller to—			
		Wholesalers (jobbers)	Retailers (6 units or more)	Retailers (less than 6 units)	Consumers
Two-burner hot plate, one heat, cord and plug, black enamel finish		*Each* $8.70	*Each* $4.25	*Each* $4.70	*Each* $7.00

These maximum prices are for the articles described in the manufacturer's application dated July 31, 1945. They include the Federal Excise Tax.

(2) For sales by the manufacturer, the maximum prices apply to all sales and deliveries since Maximum Price Regulation No. 188 became applicable to those sales and deliveries. These prices are f. o. b. factory and are subject to a cash discount of 2% for payment within 10 days, net 30 days.

(3) For sales by persons other than the manufacturer, the maximum prices apply to all sales and deliveries after the effective date of this order. Those prices are subject to each seller's customary terms and conditions of sale on sales of similar articles.

(4) If the manufacturer wishes to make sales and deliveries to any other class of purchaser or on other terms and conditions of sale, he must apply to the Office of Price Administration, Washington, D. C., under the Fourth Pricing Method, § 1499.158 of Maximum Price Regulation No. 188, for the establishment of maximum prices for those sales, and no sales or deliveries may be made until maximum prices have been authorized by the Office of Price Administration.

(b) The manufacturer shall attach a tag or label to every article for which a maximum price for sales to consumers is established by this order. That tag or label shall contain either of the following statements with the correct order number filled in:

Order No. 4376
Model No. 88
OPA Retail Ceiling Price—$7.00
Federal Excise Tax Included
Do Not Detach or Obliterate

or

Elite Appliances, Incorporated
5014 Fort Hamilton Parkway
Brooklyn, New York
Model No. 88
OPA Retail Ceiling Price—$7.00
Federal Excise Tax Included
Do Not Detach or Obliterate

(c) At the time of, or prior to, the first invoice to each purchaser for resale, the seller shall notify the purchaser in writing of the maximum prices and conditions established by this order for sales by the purchaser. This notice may be given in any convenient form.

(d) This order may be revoked or amended by the Price Administrator at any time.

(e) This order shall become effective on the 1st day of September 1945.

Issued this 31st day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-16341; Filed, Aug. 31, 1945; 10:46 a. m.]

[MPR 188, Order 4377]

BROOK PRODUCTS, INC.

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.158 of Maximum Price Regulation No. 188, *It is ordered:*

(a) This order establishes maximum prices for sales and deliveries of certain articles manufactured by Brook Products, Inc., 28 West 22d Street, New York 10, N. Y.

(1) For all sales and deliveries to the following classes of purchasers by the sellers indicated below, the maximum prices are those set forth below:

Article	Model No	For sales by the manufacturer to—		For sales by any person to consumers
		Jobbers	Retailers	
13½" crystal vanity lamp of pressed glass	MO-Pear	*Each* $1.19	*Each* $1.40	*Each* $2.50

These maximum prices are for the articles described in the manufacturer's application dated June 4, 1945.

(2) For sales by the manufacturer, the maximum prices apply to all sales and deliveries since Maximum Price Regulation No. 188 became applicable to those sales and deliveries. For sales to persons other than consumers they are f. o. b. factory, 2% 10 days, net 30. The maximum price to consumers is net, delivered.

(3) For sales by persons other than the manufacturer, the maximum prices apply to all sales and deliveries after the effective date of this order. Those prices are subject to each seller's customary terms and conditions of sale on sales of similar articles.

(4) If the manufacturer wishes to make sales and deliveries to any other class of purchaser or on other terms and conditions of sale, he must apply to the Office of Price Administration, Washington, D. C., under the Fourth Pricing Method, § 1499.158 of Maximum Price Regulation No. 188, for the establishment of maximum prices for those sales, and no sales or deliveries may be made until maximum prices have been authorized by the Office of Price Administration.

(b) The manufacturer shall attach a tag or label to every article for which a maximum price for sales to consumers is established by this order. That tag or label shall contain the following statement, with the proper model number and

the ceiling price inserted in the blank spaces:

Model No. ------
OPA Retail Ceiling Price—$------
Do Not Detach

(c) At the time of, or prior to, the first invoice to each purchaser for resale, the manufacturer shall notify the purchaser in writing of the maximum prices and conditions established by this order for sales by the purchaser. This notice may be given in any convenient form.

(d) Jobber's maximum prices for sales of the articles covered by this order shall be established under the provisions of section 4.5 of SR 14J.

(e) This order may be revoked or amended by the Price Administrator at any time.

(f) This order shall become effective on the 1st day of September 1945.

Issued this 31st day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-16342; Filed, Aug. 31, 1945; 10:47 a. m.]

[MPR 188, Order 4378]

FULTON LAMP CO.

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.158 of Maximum Price Regulation No. 188; *It is ordered:*

(a) This order establishes maximum prices for sales and deliveries of certain articles manufactured by Fulton Lamp Company, 1402 Fulton Avenue, Box 56, New York, N. Y.

(1) For all sales and deliveries to the following classes of purchasers by the sellers indicated below, the maximum prices are those set forth below:

Article	Model No.	For sales by the manufacturer to—		For sales by any person to consumers
		Jobbers	Retailers	
27" crystal table lamp with etched square base, four breaks and column	34	*Each* $3.40	*Each* $4.00	*Each* $7.20
17" crystal vanity lamp with round base, two round breaks and one octagon break	32	2.46	2.89	5.20
17" crystal vanity lamp with base, break and tube	(33-M1) (33-M2)	1.70	2.00	3.60
14" crystal vanity lamp with round base, tube and two breaks	33	2.04	2.40	4.30
13" crystal vanity lamp with hexagon base, hexagon break and tube	44	2.01	2.37	4.25
20" crystal vanity lamp with octagon base, three octagon breaks and tube	36	2.75	3.24	5.85

These maximum prices are for the articles described in the manufacturer's application dated April 23, 1945.

(2) For sales by the manufacturer, the maximum prices apply to all sales and deliveries since Maximum Price Regulation No. 188 became applicable to those sales and deliveries. For sales to persons other than consumers they are f. o. b. factory, 2% 10 days, net 30. The maximum price to consumers is net, delivered.

(3) For sales by persons other than the manufacturer, the maximum prices apply to all sales and deliveries after the effective date of this order. Those prices are subject to each seller's customary terms and conditions of sale on sales of similar articles.

(4) If the manufacturer wishes to make sales and deliveries to any other class of purchaser or on other terms and conditions of sale, he must apply to the Office of Price Administration, Washington, D. C., under the Fourth Pricing Method, § 1499.158 of Maximum Price Regulation No. 188, for the establishment of maximum prices for those sales, and no sales or deliveries may be made until maximum prices have been authorized by the Office of Price Administration.

(b) The manufacturer shall attach a tag or label to every article for which a maximum price for sales to consumers is established by this order. That tag or label shall contain the following statement, with the proper model number and the ceiling price inserted in the blank spaces:

Model No. ------
OPA Retail Ceiling Price—$------
Do Not Detach

(c) At the time of, or prior to, the first invoice to each purchaser for resale, the manufacturer shall notify the purchaser in writing of the maximum prices and conditions established by this order for sales by the purchaser. This notice may be given in any convenient form.

(d) Jobber's maximum prices for sales of the articles covered by this order shall be established under the provisions of section 4.5 of SR 14J.

(e) This order may be revoked or amended by the Price Administrator at any time.

(f) This order shall become effective on the 1st day of September 1945.

Issued this 31st day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-16343; Filed, Aug. 31, 1945; 10:39 a. m.]

[MPR 188, Order 4379]

REYNOLDS METALS CO.

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.158 of Maximum Price Regulation No. 188; *It is ordered:*

(a) This order establishes maximum prices for sales and deliveries of certain articles manufactured by the Reynolds Metals Company, 2000 South Ninth Street, Louisville, Ky.

(1) For all sales and deliveries to the following classes of purchasers by the sellers indicated below, the maximum prices are those set forth below:

Article	Maximum price to—			
	Jobbers	Supply houses and large retailers	Other retailers	Consumer
Canteen cup	$0.31	$0.41	$0.49	$0.61
11-qt. stew pan	1.61	2.15	2.58	3.22
11-qt. stew pan semi-processed	1.23	1.64	1.97	2.46
13½-qt. stew pan	1.63	2.17	2.61	3.26

"Seconds" 10% off "firsts."

The above maximum prices include Federal excise tax. They are subject to a cash discount of 2%, 10 days and are f. o. b., factory. These maximum prices are for the articles described in the manufacturer's application dated July 14, 1945.

(2) For sales by the manufacturer, the maximum prices apply to all sales and deliveries since Maximum Price Regulation No. 188 became applicable to those sales and deliveries.

(3) For sales by persons other than the manufacturer, the maximum prices apply to all sales and deliveries after the effective date of this order. Those prices are subject to each seller's customary terms and conditions of sale on sales of similar articles.

(4) If the manufacturer wishes to make sales and deliveries to any other class of purchaser or on other terms and conditions of sale, he must apply to the Office of Price Administration, Washington, D. C., under the Fourth Pricing Method, § 1499.158 of Maximum Price Regulation No. 188, for the establishment of maximum prices for those sales, and no sales or deliveries may be made until maximum prices have been authorized by the Office of Price Administration.

(b) The manufacturer shall attach a tag or label to every article for which a maximum price for sales to consumers is established by this order. That tag or label shall contain the following statement:

OPA Retail Ceiling Price—$------
Do Not Detach

(c) At the time of, or prior to, the first invoice to each purchaser for resale, the manufacturer shall notify the purchaser in writing of the maximum prices and conditions established by this order for sales by the purchaser. This notice may be given in any convenient form.

(d) This order may be revoked or amended by the Price Administrator at any time.

(e) This order shall become effective on the 1st day of September 1945.

Issued this 31st day of August 1945.

CHESTER BOWLES.
Administrator.

[F. R. Doc. 45-16344; Filed, Aug. 31, 1945; 10:45 a. m.]

[MPR 188, Order 4380]

MAYFAIR ELECTRIC CO.

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.158 of Maximum Price Regulation No. 188; *It is ordered:*

(a) This order establishes maximum prices for sales and deliveries of certain articles manufactured by Mayfair Electric Company, 7318 Frankford Avenue, Philadelphia 36, Pa.

(1) For all sales and deliveries to the following classes of purchasers by the sellers indicated below, the maximum prices are those set forth below:

Article	Model No.	For sales by the manufacturer to—		For sales by any person to consumers
		Jobbers	Retailers	
Crystal pin-up lamp with crystal base and rosette break, shade with top and bottom braid trim	101	*Each* $1.28	*Each* $1.70	*Each* $2.70
15½" crystal vanity lamp with crystal base, diamond-shaped break, reeded tube and silk shade with ruching top and bottom	100-S	2.34	2.75	4.95
13½" crystal vanity lamp with crystal base, break and reeded tube. Shade with top and bottom braid trim	100-P	1.26	1.48	2.66

These maximum prices are for the articles described in the manufacturer's application dated April 9, 1945.

(2) For sales by the manufacturer, the maximum prices apply to all sales and deliveries since Maximum Price Regulation No. 188 became applicable to those sales and deliveries. For sales to persons other than consumers they are f. o. b. factory, 2% 10 days, net 30. The maximum price to consumers is net, delivered.

(3) For sales by persons other than the manufacturer, the maximum prices apply to all sales and deliveries after the effective date of this order. Those prices are subject to each seller's customary terms and conditions of sale on sales of similar articles.

(4) If the manufacturer wishes to make sales and deliveries to any other class of purchaser or on other terms and conditions of sale, he must apply to the Office of Price Administration, Washington 25, D. C., under the Fourth Pricing Method, § 1499.158 of Maximum Price Regulation No. 188, for the establishment of maximum prices for those sales, and no sales or deliveries may be made until maximum prices have been authorized by the Office of Price Administration.

(b) The manufacturer shall attach a tag or label to every article for which a maximum price for sales to consumers is established by this order. That tag or label shall contain the following statement, with the proper model number and the ceiling price inserted in the blank spaces:

Model No. ------
OPA Retail Ceiling Price—$------
Do Not Detach

(c) At the time of, or prior to, the first invoice to each purchaser for resale, the manufacturer shall notify the purchaser in writing of the maximum prices and conditions established by this order for

sales by the purchaser. This notice may be given in any convenient form.

(d) Jobber's maximum prices for sales of the articles covered by this order shall be established under the provisions of section 4.5 of SR 14J.

(e) This order may be revoked or amended by the Price Administrator at any time.

(f) This order shall become effective on the 1st day of September 1945.

Issued this 31st day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-16345; Filed, Aug. 31, 1945; 10:45 a. m.]

[MPR 200, Order 5]

HOLTITE MFG. CO., INC.

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith, and filed with the Division of the Federal Register, and pursuant to § 1315.1405b of Maximum Price Regulation 200, it is ordered:

(a) *What this order does.* This order establishes the manufacturer's, wholesalers' and shoe repairmen's maximum prices for sales in the shoe repair trade of super grade women's 10½ iron black and brown composition half soles bearing the brand name Cat's Paw Twin Gripper, and manufactured by the Holtite Manufacturing Company, Inc., Warner and Ostend Streets, Baltimore 30, Md.

(b) *The manufacturer's and wholesalers' maximum prices.* The manufacturer's and wholesalers' maximum prices for sales in the shoe repair trade of the soles described in paragraph (a) are as follows:

	Maximum price per doz. pair—	
	Sales to shoe repairmen	Sales to wholesalers
Black	$2.60	$1.95
Brown	3.70	2.78

The above maximum prices for sales to shoe repairmen shall be reduced by any cash discounts given by the seller to shoe repairmen of the same class during March 1942.

The above maximum prices for sales to wholesalers shall be decreased by 5 percent if the purchaser pays cash within thirty days after delivery.

All other discounts, allowances, and trade practices of sellers covered by this order which were in effect during March 1942, shall apply to sales governed by this order.

(c) *Shoe repairmen's maximum prices for sales of the unattached soles.* The maximum price for a sale of the unattached rubber soles covered by this order, by a shoe repairman, shall be 40 percent of the maximum prices established under the appropriate regulation of the Office of Price Administration for sales of the attached rubber soles.

(d) *Notification of maximum prices.* With or prior to the first delivery to a wholesaler or a shoe repairman of any of the soles covered by this order, the seller shall notify the purchaser in writing of the maximum prices for sales of the unattached soles at retail, as established by paragraph (c) of this order. If the purchaser is a wholesaler, the notification shall include the maximum price applicable to the wholesaler's resales to wholesalers and to shoe repairmen (as established by paragraph (b) of this order), and a statement that such purchaser is required to notify any shoe repairman to whom he sells of the maximum prices for sales by shoe repairmen of the soles unattached, as established by paragraph (c) of this order.

(e) All provisions of Maximum Price Regulation 200 that are not inconsistent with this order shall apply to sales covered by this order.

(f) This order may be revoked or amended by the Administrator at any time.

This order shall become effective September 1, 1945.

Issued this 31st day of August 1945.

CHESTER BOWLES.
Administrator.

[F. R. Doc. 45-16346; Filed, Aug. 31, 1945; 10:38 a. m.]

[MPR 210, Order 15 Under Rev. Supp. Order 99 [1]]

MONTEZUMA KNITTING MILL, INC.

ADJUSTMENT OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and pursuant to Revised Supplementary Order 99 and § 1372.101 (c) of Maximum Price Regulation 210, it is ordered:

(a) *Ceiling prices for sales by Montezuma Knitting Mill, Inc.* (1) On and after September 1, 1945, Montezuma Knitting Mill, Inc., Montezuma, Georgia, may sell and deliver, and any person may buy and receive from it, the following designated fall and winter knitted underwear manufactured by Montezuma Knitting Mill, Inc. at prices not in excess of the following adjusted ceiling prices:

Style No.	Description	Adjusted ceiling price (per dozen)
12E	Men's union suit, rib knit, made of 14/1 carded yarn, net weight 12 pounds per dozen (base size 42), regular sizes	$9.10½
5880E	Boys' flatlock union suit, rib knit, made of 16/1 carded yarn, net weight 6¾ pounds per dozen, in sizes 6-16:	
	HNLSA	6.32½
	SSK	6.07½
5880E	Boys' overlock union suit, rib knit, made of 16/1 carded yarn, net weight 6¾ pounds per dozen, in sizes 6-16:	
	HNLSA	5.94
	SSK	5.69

(2) The adjusted ceiling prices set forth in paragraph (1) above are subject

[1] 10 F.R. 6795, 8657.

to terms of net 30 days and to all trade practices, including practices relating to shipping and the payment of shipping charges customarily used by Montezuma Knitting Mill, Inc., during the period July 15, 1941 to February 10, 1942, both inclusive, on deliveries of comparable types of fall and winter knitted underwear.

(b) *Ceiling prices for sales at wholesale.* (1) On and after September 1, 1945, the ceiling price for a sale at wholesale of the garments enumerated in paragraph (a) of this order, shipped to the seller by Montezuma Knitting Mill, Inc., on or after that date shall be determined in the following manner:

(i) The wholesaler shall first find his "cost base" for the garment being priced from the following table:

Style No.:	*Cost base*
12E	$8.62½
8989E [1]—HNLSA	5.75
8989E [1]—SSK	5.50
5989E [1]—HNLSA	5.50
5989E [1]—SSK	5.25

[1] Sizes 6–16.

(ii) The wholesaler will then apply to the "cost base" for the garment being priced his "initial percentage markup" determined in accordance with the appropriate rule set forth in subparagraph (3) of § 1372.102 (b) of Maximum Price Regulation 210.

(iii) The wholesaler will then add to the amount found in (ii), immediately above, the sum specified below for the style of garment being priced. The resulting figure is the wholesaler's new ceiling price per dozen for the garment being priced.

Style No.:	*Amount that wholesaler may add to his price (per dozen)*
12E	$0.36
8989E [1]—HNSLA	.43
8989E [1]—SSK	.43
5989E [1]—HNLSA	.33
5989E [1]—SSK	.33

[1] Sizes 6–16.

(2) The ceiling prices established for sales at wholesale in this paragraph are subject to all discounts, allowances, price differentials and other trade practices which the wholesaler used during 1942 on deliveries of comparable types of fall and winter knitted underwear.

(c) *Statement which Montezuma Knitting Mill, Inc. must send to wholesalers.* (1) On and after September 1, 1945, Montezuma Knitting Mill, Inc. shall transmit to each wholesaler to whom it makes delivery, on and after that date, of any of the garments listed in paragraph (a) of this order, the following statement:

STATEMENT TO WHOLESALERS OF ADJUSTED CEILING PRICES

The OPA has adjusted our ceiling prices on certain knitted outerwear garments pursuant to the provisions of Order No. 15, issued under Revised Supplementary Order 99. In Column A below you will find our adjusted ceiling prices for these garments.

Under this order the OPA has established the method by which you, as a wholesaler, are to determine your ceiling prices for these garments.

You are required by the OPA to determine your ceiling prices for the specified styles by the following method: You first find the "cost base" for the garment being priced from Column B of the following table. You then apply to this "cost base" your "initial percentage mark-up" (determined in accordance with the appropriate rule set forth in subparagraph (3) of § 1372.102 (b) of Maximum Price Regulation 210). You then find your new ceiling price by adding to the amount thus determined the amount specified in Column C below for the particular style of garment being priced.

Style No.	Column A Montezuma's adjusted ceiling price	Column B "Cost base" to which wholesaler applies "initial percentage mark-up"	Column C Amount of adjustment which wholesaler may add
	Per dozen	*Per dozen*	
12E	$9.10½	$8.62½	$0.36
8989E [1]—HNLSA	6.32½	5.75	.43
8989E [1]—SSK	6.07½	5.50	.43
5989E [1]—HNLSA	5.83	5.50	.33
5989E [1]—SSK	5.69	5.25	.33

[1] Sizes 6–16.

Please note that, as a wholesaler, you are required by the OPA to transmit to each retailer to whom you deliver any of the garments listed above on or after September 1, 1945, a "Wholesaler's Statement to Retailers of OPA Adjustment Charge" in the following form, properly filled in by you with the information applicable to the particular garments being delivered by you to the retailer. You are required to complete this statement as follows: In Column A you shall list the ceiling prices of the particular styles being shipped which were in effect for you under Maximum Price Regulation 210 prior to the date of this order. In Column B you shall list the new ceiling prices which you determine in accordance with the method indicated in this statement to you. In Column C you shall list the difference between the amounts in Column A and Column B below for the respective styles. This notice, when properly completed by you, is to be transmitted with, or annexed to, the invoice, billing or other statement of price accompanying every shipment made by you to your retailer customers of the styles shipped to you by us.

WHOLESALER'S STATEMENT TO RETAILERS OF OPA ADJUSTMENT CHARGE

The Office of Price Administration, pursuant to Order No. 15, issued under Revised Supplementary Order 99, has permitted us to adjust our ceiling prices on the following garments, sold and delivered by us to you on or after ....., 1945.

Style No.	Column A Our old ceiling price	Column B Our new ceiling price	Column C Our OPA adjustment charge (difference between old and new ceiling prices)
	Per dozen	*Per dozen*	*Per dozen*
12E			
8989E [1]—HNLSA			
8989E [1]—SSK			
5989E [1]—HNLSA			
5989E [1]—SSK			

[1] Sizes 6–16.

Please note that the OPA has ruled that you must price these garments in accordance with Maximum Price Regulation 580 or Maximum Price Regulation 210 (whichever regulation governs your sales of the garments listed above). In determining your ceiling prices for these garments the OPA has ruled that you must use as your "net cost" under MPR 580 or your "cost base" under MPR 210 the amount set forth in Column A above. You may not, in any case, include the amount of the OPA adjustment charge set forth in Column C above in determining your ceiling price for these garments under either of these regulations.

(2) The statement required to be sent by Montezuma Knitting Mill, Inc. to its wholesalers, as provided in this paragraph (c), and containing the information applicable to the styles of garments included in the particular shipment, shall be transmitted with or be annexed to the invoice, billing or other statement of price, accompanying every shipment made by Montezuma Knitting Mill, Inc. of the garments listed in paragraph (a) of this order. This statement, with respect to any garment for which the Montezuma Knitting Mill, Inc. is permitted an adjustment of its ceiling price under this order, shall be sent by Montezuma Knitting Mill, Inc. in lieu of the statement required under § 1389.304 (as amended) of Maximum Price Regulation 221.

(d) *Statement which wholesalers must send to their retailers.*

Any seller at wholesale, purchasing any of the garments listed in paragraph (a) of this order from Montezuma Knitting Mill, Inc., after September 1, 1945, shall transmit to each of its own customers, at the time of the delivery by it of any of these garments on or after September 1, 1945, the form of "Wholesaler's Statement to Retailers of OPA Adjustment Charge" contained in the form of "Statement to Wholesalers of OPA Adjustment Charge" required to be sent to wholesalers by Montezuma Knitting Mill, Inc. under paragraph (c) above. This "Wholesaler's Statement to Retailers of OPA Adjustment Charge" shall contain the information applicable to the styles of garments included in the particular shipment and shall be transmitted with, or annexed to, the invoice, billing or other statement of price accompanying every shipment made by the wholesaler after September 1, 1945, of any of the garments covered by this order. Each seller at wholesale shall complete this "Wholesaler's Statement to Retailers of OPA Adjustment Charge" as follows: In Column A he shall list the ceiling prices in effect for sales by him under Maximum Price Regulation 210 prior to this order. In Column B he shall list his new ceiling prices for garments, determined in accordance with paragraph (c) of this order. In Column C he shall list the difference between the amounts in Column A and Column B for the respective styles.

(e) *Statement which Montezuma Knitting Mill, Inc. must send to its retailers.* (1) On and after September 1, 1945, Montezuma Knitting Mill, Inc. shall transmit to each retailer to whom it makes delivery of any of the garments listed in paragraph (a) of this order, the following statement:

STATEMENT TO RETAILERS OF OPA ADJUSTMENT CHARGES

The Office of Price Administration has permitted us to add the adjustment charges set forth below to our ceiling prices on the following garments:

Style No.	Column A Old ceiling price	Column B OPA adjustment charges under MPR 221 and RSO 99
	Per dozen	*Per dozen*
12E	$8.62½	$0.36
8989E [1]—HNLSA	5.75	.43
8989E [1]—SSK	5.50	.43
5989E [1]—HNLSA	5.50	.33
5989E [1]—SSK	5.25	.33

[1] Sizes 6–16.

Please note that the OPA requires you to price these garments in accordance with Maximum Price Regulation 580 or Maximum Price Regulation 210 (whichever regulation governs your sales of the garments listed in this notice). In determining your ceiling prices for these garments OPA has ruled that you must use as your "net cost" under MPR 580, or your "cost base" under MPR 210, the "old ceiling price" stated in Column A above for the garment being priced and you may not include the OPA adjustment charge set forth in Column C above in computing your ceiling prices for these garments under either of these regulations.

(2) The statement required to be sent to its retailers by Montezuma Knitting Mill, Inc., as provided in this paragraph (e), and containing the information applicable to the styles of garments included in the particular shipment, shall be transmitted with, or annexed to the invoice, billing or other statement of price accompanying every shipment made by Montezuma Knitting Mill, Inc. of any of the garments listed in paragraph (a) of this order. This statement, with respect to any garment for which Montezuma Knitting Mill, Inc., is permitted an adjustment of its ceiling price under this order shall be sent by Montezuma Knitting Mill, Inc. in lieu of the statement required under § 1389.304 (as amended) of Maximum Price Regulation 221.

(f) *Garments to which the provision of this order shall apply.* This order shall apply only to those garments of the styles enumerated in paragraph (a) which are shipped by Montezuma Knitting Mill, Inc., on or after September 1, 1945, and before November 1, 1945.

(g) All requests for adjustment set forth in the application of Montezuma Knitting Mill, Inc., dated August 15, 1945, which are not expressly granted by this order are hereby denied.

(h) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective September 1, 1945.

Issued this 31st day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-16358; Filed, Aug. 31, 1945; 10:41 a. m.]

[MPR 260, Order 1798]

AMB-A-TIP CIGAR CO.

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion accompanying this order, and pursuant to § 1358.102 (b) of Maximum Price Regulation No. 260, *It is ordered*, That:

(a) Amb-A-Tip Cigar Company, 1200 W. North Avenue, Baltimore 17, Md. (hereinafter called "manufacturer") and wholesalers and retailers may sell, offer to sell or deliver and any person may buy, offer to buy or receive each brand and size or frontmark, and packing of the following domestic cigars at the appropriate maximum list price and maximum retail price set forth below:

Brand	Size or frontmark	Packing	Maximum list price	Maximum retail price
Amera	Bouquet	50	*Per M* $60	*Cents* 2 for 15

(b) The manufacturer and wholesalers shall grant, with respect to their sales of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the discounts they customarily granted in March 1942 on their sales of domestic cigars of the same price class to purchasers of the same class, unless a change therein results in a lower price. Packing differentials charged by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class may be charged on corresponding sales of each brand and size or frontmark of cigars priced by this order, but shall not be increased. Packing differentials allowed by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class shall be allowed on corresponding sales of each brand and size or frontmark of cigars priced by this order and shall not be reduced. If a brand and size or frontmark of domestic cigars for which maximum prices are established by this order is of a price class not sold by the manufacturer or the particular wholesaler in March 1942, he shall, with respect to his sales thereof, grant the discounts and may charge and shall allow the packing differentials customarily granted, charged or allowed (as the case may be) in March 1942 by his most closely competitive seller of the same class on sales of domestic cigars of the same March 1942 price class to purchasers of the same class.

(c) On or before the first delivery to any purchaser of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the manufacturer and every other seller (except a retailer) shall notify the purchaser of the maximum list price and the maximum retail price established by this order for such brand and size or frontmark of domestic cigars. The notice shall conform to and be given in the manner prescribed by § 1358.113 of Maximum Price Regulation No. 260.

(d) Unless the context otherwise requires, appropriate provisions of Maximum Price Regulation No. 260, shall apply to sales for which maximum prices are established by this order.

(e) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective September 1, 1945.

Issued this 31st day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-16348; Filed, Aug. 31, 1945; 10:40 a. m.]

[MPR 580, Order 109]

STRAUS ROYER & STRASS, INC.

ESTABLISHMENT OF CEILING PRICES

Maximum Price Regulation No. 580, Order 109; establishing ceiling prices at retail for certain articles, Docket No. 6063-580-13-44.

For the reasons set forth in an opinion issued simultaneously herewith and pursuant to section 13 of Maximum Price Regulation No. 580; *It is ordered:*

(a) The following ceiling prices are established for sales by any seller at retail of the following articles manufactured by Straus Royer & Strass, Inc., Elm Avenue and West 32d Street, Baltimore 11, Md., and described in the manufacturer's application dated April 11, 1945:

Article	Brand name	Manufacturer's selling price	Retail ceiling price
Play-suit Shirts	American Golfer Sailing Blues	$5.25 1.31½	$8.95 2.25

(b) The retail ceiling price of an article manufactured for the first time after the effective date of this order and which is sold by the manufacturer at the same price as another article of the same type with the same brand or company name and for which a retail ceiling price has been established by paragraph (a) shall be the retail ceiling price listed for that other article in paragraph (a).

(c) The retail ceiling prices contained in paragraph (a) shall apply in place of the ceiling prices which have been or would otherwise be established under this or any other regulation.

(d) On and after October 1, 1945, Straus Royer & Strass, Inc., must mark each article listed in paragraph (a) with the retail ceiling price under this order, or attach to the article a label, tag or ticket stating the retail ceiling price. This mark or statement must be in the following form:

(Sec. 13, MPR 580)
OPA Price—$------

On and after November 1, 1945, no retailer may offer or sell the article unless it is marked or tagged in the form stated above. Prior to November 1, 1945, unless the article is marked or tagged in this form, the retailer shall comply with the marking, tagging and posting provisions of the applicable regulation.

(e) On or before the first delivery to any purchaser for resale of each article listed in pargaraph (a), the seller shall send the purchaser a copy of this order.

(f) Unless the context otherwise requires, the provisions of the applicable regulation shall apply to sales for which retail ceiling prices are established by this order.

(g) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective September 1, 1945.

Issued this 31st day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-16355; Filed, Aug. 31, 1945; 10:40 a. m.]

[MPR 188, Order 1]

HOUSEHOLD ALUMINUM COOKING UTENSILS

ADJUSTMENT OF CEILING PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.159e of Maximum Price Regulation No. 188, it is ordered:

SECTION 1. *Purpose of this order.* Household aluminum cooking utensils have been found to be a reconversion product in accordance with the standard set forth in § 1499.159e of Maximum Price Regulation No. 188. This order, issued under that section, specifies a price increase factor for the product and contains the specific pricing provisions which manufacturers, wholesalers and retailers are to follow in calculating their ceiling prices for sales of the product.

SEC. 2. *Manufacturers' ceiling prices.* Manufacturers may increase their f. o. b. prices to each class of purchaser, (except ultimate consumers) in effect on January 1, 1941, or which are specifically established for particular articles under the provisions of the second, third or fourth pricing method of Maximum Price Regulation No. 188, by 10% in the case of sheetware, and 3% in the case of castware, except that no increase may be made in a ceiling price which will have the effect of reducing the margin of a retailer (other than a chain store) below 30% of the retail ceiling price fixed in this order. No increase may be made in the manufacturer's prices for his sales to ultimate consumers.

Manufacturers may continue to sell at the prices established by Order No. 3827 under Maximum Price Regulation 188 when they are higher than the prices authorized by the preceding paragraph.

SEC. 3. *Wholesalers' ceiling prices.* Wholesalers may increase their prices to each class of purchaser in effect on January 1, 1941, or established by order under the General Maximum Price Regulation or Maximum Price Regulation No. 188, for articles for which the manufacturer has increased his prices as permitted by this order by 5% in the case of sheetware, and 1½% in the case of castware. However, no increase may be made in a price which will have the effect of reducing the margin of a retailer below 30% of the retail ceiling price fixed by this order.

SEC. 4. *Retailers' ceiling prices.* The retail ceiling prices for all articles of household aluminum cooking utensils shall be calculated by the manufacturer according to the rules in this section. The prices so calculated shall be indicated on each article in accordance with the rules in section 5, paragraph (a).

(a) *Retail ceiling prices for articles sold by manufacturers to chain stores and mail order houses.* A manufacturer shall compute the retail ceiling price of any household aluminum kitchen utensil which he sells to a chain store or mail order house as follows:

(1) Find his f. o. b. factory ceiling price for the sale of the article to that chain store or mail order house.

(2) Multiply that price by

1.60 in the case of sheetware sold to a chain store.
1.71 in the case of castware sold to a chain store.
1.48 in the case of sheetware sold to a mail order house.
1.58 in the case of castware sold to a mail order house.

(3) The result is the retail ceiling price for the sale of that article by a chain store or mail order house. In addition, a mail order house may collect retail ceiling charges in accordance with its customary practice.

As used in this order:

"Chain store" means a store which is one of a group of ten or more commonly owned or controlled retail stores which, as a group have combined sales of over $1,000,000 for the year 1944.

"Mail order house" means an establishment selling at retail, which makes offerings through catalogs or written price lists, receives orders and makes deliveries by mail.

(b) *Retail ceiling prices for articles sold by manufacturers to wholesalers and retailers other than chain stores or mail order houses.* A manufacturer shall compute the retail ceiling price of any household aluminum cooking utensil which he sells to a wholesaler or a retailer other than a chain store or mail order house as follows:

(1) Find his f. o. b. factory ceiling price for the sale of that article to the class of retailer in the zone in which his principal place of business is located, other than a chain store or mail order house, to which he sold the largest volume during 1941.

(2) Multiply that price by

1.60 in the case of sheetware.
1.71 in the case of castware.

(3) The result is the retail ceiling price for the sale of that article by a retailer other than a chain store or mail order house, but in no case may it be higher than the manufacturer's retail list price in effect on January 1, 1941 or March 31, 1942 if that list was different from the January 1, 1941 list.

(c) *Zone differentials.* In the case of a manufacturer whose principal manufacturing plant is in the eastern zone, the retail ceiling prices computed by the manufacturer in accordance with the above provisions are for retail sales in the eastern zone. An amount equal to 10% of those prices may be added to them for retail sales in the following states: Arizona, New Mexico, California, Washington, Oregon, Idaho, Nevada, Utah, Colorado, Wyoming, and Montana. These states comprise the western zone. The other states and the District of Columbia comprise the eastern zone.

SEC. 5. *General provisions*—(a) *Tagging.* (1) Before delivery of a household aluminum cooking utensil, the manufacturer shall tag, label, or stamp each article with the retail price established by this order. In the case of a manufacturer whose principal place of business is in the eastern zone, a tag, label or stamp in the following form with the retail ceiling price properly filled in shall be used:

OPA Retail Ceiling Price $------ Plus 10% in the western zone

If the manufacturer's principal place of business is in the western zone, a tag, label, or stamp in the following form with the retail ceiling price properly filled in shall be used:

OPA Retail Ceiling Price $------

When a tag or label is used the words "Do Not Detach" shall also be imprinted.

(2) On and after October 1, 1945, no person shall display, offer for sale, sell, or deliver a household aluminum cooking utensil for which the retail ceiling price has been established by this order unless the article is tagged, labeled or stamped with the established retail price.

(b) *Terms, discounts and allowances.* The adjusted ceiling prices permitted by this order for sales by manufacturers are subject to a discount of 2% for payment in 10 days, net 30 days. Except as may be required otherwise by the provisions of sections 2 or 3 of this order, every seller must maintain all terms, discounts, allowances and other price differentials in effect on January 1, 1941, or which may have been subsequently established.

(c) *Notice.* At the time of, or prior to, the first invoice to a purchaser for resale, each seller shall notify the purchaser the states in the western zone as specified in this order and manufacturers shall notify purchasers for resale at wholesale of the maximum resale prices and conditions established by this order for sales by the purchaser.

To enable manufacturers to comply with the pricing and tagging provisions of this order, persons who operate both as chain stores and as mail order houses are required to notify manufacturers the method by which they will distribute the articles they purchase. These notices may be given in any convenient form.

(d) *Definitions.* Unless the context requires otherwise, the definitions contained in § 1499.20 of the General Maximum Price Regulation and § 1499.163 of Maximum Price Regulation No. 188, whichever is applicable shall apply to all terms used herein.

(e) *Relationship of this order to the General Maximum Price Regulation and Maximum Price Regulation No. 188.* The provision of this order supersedes the provision of the General Maximum Price Regulation and Maximum Price Regulation No. 188, with respect to sales and deliveries for which ceiling prices are established by this order, only to the extent that they are inconsistent with the provisions of those regulations.

This order shall become effective on the 10th day of September 1945.

Issued this 31st day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-16406; Filed, Aug. 31, 1945; 4:16 p. m.]

[Gen. Order 67]

DELEGATION OF AUTHORITY TO REGIONAL ADMINISTRATORS TO ACT FOR PRICE ADMINISTRATOR

Pursuant to the authority conferred upon the Administrator by the Emergency Price Control Act of 1942, as amended, the Stabilization Act of 1942, as amended, and Executive Orders 9250 and 9328, *It is ordered:*

(a) Each Regional Administrator within his region is hereby authorized to exercise the functions, duties, powers, authority and discretion conferred upon the Price Administrator, for the purpose of issuing adjustable pricing orders or granting permission to enter into adjustable pricing agreements pursuant to § 1340.193 of Maximum Price Regulation No. 112, § 1340.203 of Maximum Price Regulation No. 120, § 1340.243 of Maximum Price Regulation No. 121 and § 1340.258 of Revised Maximum Price Regulation No. 122, where the Regional Administrator has the authority to act upon the request for a change in prices.

(b) Any order issued or other action taken by any Regional Administrator pursuant to this delegation of authority shall have the same force and effect as if issued or taken by the Price Administrator.

This order shall become effective September 10, 1945.

Issued this 4th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-16465; Filed, Sept. 4, 1945; 11:48 a. m.]

[MPR 188, Amdt. 12 to 2d Rev. Order A-3]

CONSUMERS' GOODS SOLD FOR COMMERCIAL, PROFESSIONAL, INDUSTRIAL, OR INSTITUTIONAL USE

ADJUSTMENT OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith, and filed with the Division of the Federal Register, Second Revised Order A-3 under § 1499.159b of Maximum Price Regulation No. 188 is amended to read as follows:

SECTION 1. *Scope of this order.* In order to remove price impediments to supply in certain cases when the cost of living is not affected, this order provides for the adjustment of maximum prices for those manufacturers who produce articles for which maximum prices are fixed under Maximum Price Regulation No. 188 of a type which are not customarily ultimately sold for household use either as a finished good or as a component of a finished good) but, on the contrary, are ultimately sold only for commercial, professional, industrial, or institutional use. An adjustment will be allowed under this order only if it appears that the increase in price to the ultimate user resulting from the adjustment will be an inconsequential cost factor in the operation of his business.

SEC. 2. *When a manufacturer qualifies under this order.* If the manufacturer produces an article which qualifies under section 1, he may obtain an adjustment in his maximum prices for such an article if:

(a) His entire operation is profitable, but his maximum price for the particular article or articles on which he seeks an adjustment is less than his unit manufacturing cost plus his packing cost, and shipping costs when delivered prices are quoted or freight is allowed or equalized; or

(b) His entire operation is being conducted at a loss or will be so within 90 days and his maximum price for the particular article or articles on which he seeks adjustment is less than his total cost to make and sell the article or articles.

SEC. 3. *Amount of adjustment which will be granted.* Any adjusted manufacturer's maximum price established under this order will not exceed the following:

(a) If the manufacturer's entire operation is profitable, an amount sufficient to cover his unit manufacturing cost plus his packing cost, and his shipping costs when delivered prices are quoted or freight is allowed or equalized; or

(b) If a manufacturer's entire operation is at a loss or will be so within 90 days, an amount sufficient to cover his total unit cost to make and sell the article.

SEC. 4. *Manufacturers of a line of articles.* In the case of a manufacturer who makes a line of articles with a well established pattern of price differentials between each of the models in the line, and whose price structure and merchandising plan would be seriously disturbed by price adjustments on the basis of the individual cost of the articles for which he has qualified for adjustment, an equivalent uniform percentage adjustment of the prices of all the articles in the line may be made.

SEC. 5. *Maximum prices for sales by persons other than the manufacturer.* When an adjustment is granted to the manufacturer and the article is not sold by him directly to the user, adjustments may be made in the maximum prices of intermediate sellers. Where adjustments are made, they will generally be made on the basis of allowing the purchaser for resale to add to his maximum price the dollar and cent amount of the adjustment which has been allowed the manufacturer, although in particular cases other methods of dealing with the adjustment may be used in the light of the ability of the purchasers for resale to sustain the increase in cost without changing their maximum prices.

SEC. 6. *Definitions.* The term "unit manufacturing cost" means the total of direct materials, direct labor, and reasonable manufacturing expenses or factory overhead, applicable to each unit of the article.

The term "total unit cost" means the total of unit manufacturing cost and reasonable general, administrative, and selling expenses applicable to the article, excluding income and excess profit taxes.

Depreciation included in cost shall be at rates which do not exceed those approved by the Bureau of Internal Revenue. Expenses not related to the manufacture and sale of the article will be excluded.

SEC. 7. *How to apply under this order.* Applications for adjustment under this order must be filed in accordance with the provisions of Article III of Revised Procedural Regulation No. 1, and should be addressed to the Adjustment Section, Consumer Goods Price Division, Office of Price Administration, Washington 25, D. C.

SEC. 8. *Applications filed before September 9, 1945.* The provisions of this order as they were before September 9, 1945, apply to applications under this order which were filed before that date.

SEC. 9. *Information which should be submitted with the application.* Any person making application under this order for an adjustment should submit with his application the following information:

(a) A description and identification of each article for which price adjustment is requested, including, where possible, specifications, photographs or sketches, and catalogue or price list number.

(b) The current price list of the manufacturer showing maximum list price and trade discounts, or maximum net prices to each class of customer, and all other discounts, terms, and allowances offered for each article or line of articles for which adjustment is requested. Where such current prices differ from March 1942 prices all changes should be explained and reference made to specific orders or authorizations of the Office of Price Administration.

(c) If sales are made to more than one class of purchaser and different trade discounts or net prices are offered to each class, the applicant must state the anticipated proportion of unit sales to each class of customer for the next 90 day period of each article for which adjustment is requested.

(d) For each article for which price adjustment is requested, the unit cost data as of the date when ceiling price was set, and as of the date of the application, listing:

(1) The net unit cost purchase price less discounts for each of those direct materials which together account for at least 90% of the total material cost. The remainder may be shown as "all other direct materials."

(2) The unit cost for each of the direct labor operations which together account for at least 90% of the direct labor cost. The remainder may be shown as "All other direct labor". Supervisory and other indirect labor should be excluded from these costs and shown as part of the factory overhead. All wage rate or other labor cost increases incurred since October 3, 1942 must be substantiated by reference to specific War Labor Board actions approving such increases.

(3) Unit factory overhead cost, showing how it is computed. Indicate by name the expense accounts considered as factory overhead. Show packing and shipping expense separately.

(4) If the applicant's entire operation is at a loss, the selling, general and administrative expense per unit, showing the computation of each of these costs. Indicate by name the expense accounts included in the selling, general and administrative groups.

Whenever the applicant is currently operating at a level substantially lower than his normal volume, the overhead items included in "manufacturing cost" and "total cost" will be adjusted to reasonable levels based upon a normal rate of operations.

(e) An overall profit and loss statement for the two most recent calendar or

fiscal years of the manufacturer's operation, in the detail customarily used by him, and quarterly statements for the period from the closing date of the last statement to the date of filing of the application. These statements must show separately all salaries or drawings of officers, partners, or a sole proprietor included in the expense accounts.

(f) If the application is made on the basis of an unprofitable operation within 90 days, a projected profit and loss statement, in the detail customarily used by the applicant, together with an explanation of the basis for forecasting a loss within the next 90 days.

(g) The manufacturer's most recent balance sheet.

(h) Where sales of the articles for which adjusted maximum prices are requested are made to more than one class of customer, and different trade discounts or net prices apply to each class, there must also be submitted a statement of the proportion of unit sales of each article to each class of customer during the period covered by the most recent profit and loss statement.

(i) For each article for which price adjustment is requested the number of production units per day, month, or otherwise, upon which unit cost data were computed as of the date ceiling prices were fixed, and the date of the application. Significant production changes should be fully explained.

In those instances where it is not possible for the applicant to furnish the required data, a statement must be furnished explaining why the particular information cannot be submitted. The applicant need not file with his application any required price lists or financial data which were previously submitted to the Office of Price Administration, Washington, D. C. Reference should be made in such cases to the date the information was submitted, and to the particular unit to which it was directed.

This amendment will become effective on the 9th day of September 1945.

NOTE: Approval of the reporting requirements of this amendment has been waived by the Bureau of the Budget.

Issued this 4th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-16481; Filed, Sept. 4, 1945; 11:51 a. m.]

Regional and District Office Orders.

LIST OF COMMUNITY CEILING PRICE ORDERS

The following orders under Rev. General Order 51 were filed with the Division of the Federal Register August 24, 1945.

REGION II

Newark Order 7-F, Amendment 17, covering fresh fruits and vegetables in certain areas in New Jersey. Filed 9:30 a. m.

Trenton Order 12-F, Amendment 21, covering fresh fruits and vegetables in certain areas in New Jersey. Filed 9:31 a. m.

REGION III

Charleston Order 7-F, Amendment 26, covering fresh fruits and vegetables in certain areas in West Virginia. Filed 9:32 a. m.

Charleston Order 9-F, Amendment 26, covering fresh fruits and vegetables in certain areas in West Virginia. Filed 9:33 a. m.

Charleston Order 10-F, Amendment 26, covering fresh fruits and vegetables in certain areas in West Virginia. Filed 9:33 a. m.

Charleston Order 11-F, Amendment 26, covering fresh fruits and vegetables in certain areas in West Virginia. Filed 9:33 a. m.

Charleston Order 14-F, Amendment 8, covering fresh fruits and vegetables in certain counties in West Virginia. Filed 9:33 a. m.

Charleston Order 15-F, Amendment 23, covering fresh fruits and vegetables in certain areas in West Virginia. Filed 9:34 a. m.

Charleston Order 16-F, Amendment 22, covering fresh fruits and vegetables in certain areas in West Virgina. Filed 9:34 a. m.

Charleston Order 17-F, Amendment 22, covering fresh fruits and vegetables in certain counties in West Virginia. Filed 9:34 a. m.

REGION IV

Columbia Order 7-F, Amendment 13, covering fresh fruits and vegetables in the entire state of South Carolina. Filed 9:31 a. m.

Savannah Adopting Order 6-0, Amendment 2, covering eggs in certain counties in Georgia. Filed 9:31 a. m.

REGION V

Fort Worth Order 13-F, Amendment 3, covering fresh fruits and vegetables in Tarrant County, Texas. Filed 9:22 a. m.

Fort Worth Order 13-F, Amendment 4, covering fresh fruits and vegetables. Filed 9:22 a. m.

Fort Worth Order 14-F, Amendment 3, covering fresh fruits and vegetables in Taylor County, Texas. Filed 9:22 a. m.

Fort Worth Order 14-F, Amendment 4, covering fresh fruits and vegetables. Filed 9:22 a. m.

Fort Worth Order 15-F, Amendment 3, covering fresh fruits and vegetables in Tom Green County, Texas. Filed 9:22 a. m.

Fort Worth Order 15-F, Amendment 4, covering fresh fruits and vegetables in certain areas in Texas. Filed 9:22 a. m.

Fort Worth Order 16-F, Amendment 3, covering fresh fruits and vegetables in the McLennan County, Texas, Area. Filed 9:23 a. m.

Fort Worth Order 16-F, Amendment 4, covering fresh fruits and vegetables. Filed 9:23 a. m.

Fort Worth Order 17-F, Amendment 3, covering fresh fruits and vegetables in the Wichita County, Texas, Area. Filed 9:23 a. m.

Fort Worth Order 17-F, Amendment 4, covering fresh fruits and vegetables. Filed 9:23 a. m.

Fort Worth Order 18-F, Amendment 1, covering fresh fruits and vegetables. Filed 9:23 a. m.

Houston Order 4-F, Amendment 3, covering fresh fruits and vegetables in certain areas in Texas. Filed 9:32 a. m.

Houston Order 5-F, Amendment 3, covering fresh fruits and vegetables in certain Jefferson and Orange Counties, Texas. Filed 9:32 a. m.

Houston Order 6-F, Amendment 1, covering fresh fruits and vegetables. Filed 9:32 a. m.

Kansas City District Order 4-F, Amendment 3, covering fresh fruits and vegetables in certain areas in Kansas and Missouri. Filed 9:27 a. m.

Kansas City Order 4-F, Amendment 4, covering fresh fruits and vegetables in certain areas in Kansas and Missouri. Filed 9:27 a. m.

Little Rock Order 8-F, Amendment 4, covering fresh fruits and vegetables in Pulaski County, Arkansas. Filed 9:27 a. m.

Little Rock Order 10-F, Amendment 4, covering fresh fruits and vegetables in Garland County, Arkansas. Filed 9:27 a. m.

Little Rock Order 11-F, Amendment 4, covering fresh fruits and vegetables in Sebastian and Crawford Counties, Arkansas. Filed 9:28 a. m.

New Orleans Order 3-F, covering fresh fruits and vegetables in certain areas in Louisiana. Filed 9:28 a. m.

New Orleans Order 3-F, Amendment 3, covering fresh fruits and vegetables in certain areas in Louisiana. Filed 9:28 a. m.

Shreveport Order 4-F, Amendment 3, covering fresh fruits and vegetables in certain areas in Louisiana. Filed 9:29 a. m.

Shreveport Order 5-F, Amendment 3, covering fresh fruits and vegetables in certain areas in Louisiana. Filed 9:29 a. m.

Tulsa Order 9-F, Amendment 1, covering fresh fruits and vegetables in certain areas in Oklahoma. Filed 9:29 a. m.

Tulsa Order 10-F, Amendment 1, covering fresh fruits and vegetables in certain areas in Oklahoma. Filed 9:29 a. m.

Wichita Order 5-F, Amendment 4, covering fresh fruits and vegetables in certain areas in Kansas. Filed 9:24 a. m.

REGION VI

North Platte Order 1-F, Amendment 7, covering fresh fruits and vegetables in certain areas in Nebraska. Filed 9:24 a. m.

North Platte Order 1-F, Amendment 8, covering fresh fruits and vegetables in certain areas in Nebraska. Filed 9:25 a. m.

Omaha Order 10-F, Amendment 23, covering fresh fruits and vegetables in Omaha, Nebraska and Council Bluffs, Iowa. Filed 9:25 a. m.

Omaha Order 11-F, Amendment 24, covering fresh fruits and vegetables in Lincoln, Nebraska. Filed 9:25 a. m.

REGION VII

Nevada Order 11-F, Amendment 3, covering fresh fruits and vegetables in the Reno and Sparks Area. Filed 9:29 a. m.

Nevada Order 13-F, Amendment 3, covering fresh fruits and vegetables in certain areas in Nevada. Filed 9:29 a. m.

Nevada Order 14-F, Amendment 3, covering fresh fruits and vegetables in certain areas in Nevada. Filed 9:30 a. m.

Nevada Order 15-F, Amendment 3, covering fresh fruits and vegetables in certain areas in Nevada. Filed 9:30 a. m.

Wyoming Order 49, Amendment 9, covering dry groceries in the Rock Springs Area. Filed 9:25 a. m.

Copies of any of these orders may be obtained from the OPA Office in the designated city.

ERVIN H. POLLACK,
Secretary.

[F. R. Doc. 45-16500; Filed, Sept. 4, 1945; 11:47 a. m.]

LIST OF COMMUNITY CEILING PRICE ORDERS

The following orders under Rev. General Order 51 were filed with the Division of the Federal Register August 27, 1945.

REGION IV

Montgomery Order 21-F, Amendment 43, covering fresh fruits and vegetables in Montgomery County. Filed 10:06 a. m.

Montgomery Order 22-F, Amendment 44, covering fresh fruits and vegetables in Houston County. Filed 10:06 a. m.

Montgomery Order 24-F, Amendment 41, covering fresh fruits and vegetables in Dallas County. Filed 10:06 a. m.

REGION V

New Orleans Order 3-F, Amendment 2, covering fresh fruits and vegetables in certain areas in Louisiana. Filed 9:56 a. m.

REGION VI

Des Moines Order 1-F, Amendment 76, covering fresh fruits and vegetables in the Des Moines Area in Polk County. Filed 9:56 a. m.

Des Moines Order 3-F, Amendment 24, covering fresh fruits and vegetables in certain counties in Iowa. Filed 9:56 a. m.

Duluth-Superior Order 13, Amendment 1, covering dry groceries in the Duluth, Minnesota Area. Filed 9:56 a. m.

La Crosse Order 1-F, Amendment 84, covering fresh fruits and vegetables in certain areas in Minnesota and Wisconsin. Filed 9:55 a. m.

La Crosse Order 3-F, Amendment 79, covering fresh fruits and vegetables in Eau Claire and Chippewa Falls, Wisconsin. Filed 9:54 a. m.

La Crosse Order 5-F, Amendment 78, covering fresh fruits and vegetables in Rochester, Minnesota. Filed 9:53 a. m.

Milwaukee District Order 8-F, Amendment 22, covering fresh fruits and vegetables in Dane County, Wisconsin. Filed 10:00 a. m.

Milwaukee District Order 9-F, Amendment 22, covering fresh fruits and vegetables in the Sheboygan and Fond Du Lac Counties, Wisconsin. Filed 10:00 a. m.

Milwaukee District Order 11-F, Amendment 14, covering fresh fruits and vegetables in certain areas in Wisconsin. Filed 10:00 a. m.

Peoria Order 7-F, Amendment 19, covering fresh fruits and vegetables in certain areas in Illinois. Filed 10:05 a. m.

Peoria Order 8-F, Amendment 19, covering fresh fruits and vegetables in certain areas in Illinois. Filed 10:05 a. m.

Peoria Order 9-F, Amendment 19, covering fresh fruits and vegetables in certain areas in Illinois. Filed 10:05 a. m.

Peoria Order 10-F, Amendment 19, covering fresh fruits and vegetables in certain areas in Illinois. Filed 10:05 a.m.

Quad-Cities Order 2-F, Amendment 51, covering fresh fruits and vegetables in certain areas in Illinois and Iowa. Filed 10:05 a. m.

REGION VII

Cheyenne Order 57, Amendment 1, covering dry groceries in the Sweetwater and Carbon County Area. Filed 10:04 a. m.

Wyoming Order 9-W, Amendment 7, covering dry groceries in the Rock Springs Area. Filed 9:50 a. m.

Wyoming Order 11-W, Amendment 2, covering dry groceries in the Cheyenne Area. Filed 9:50 a. m.

Wyoming Order 51, Amendment 2, covering dry groceries in the Cheyenne Area. Filed 10:04 a. m.

REGION VIII

Los Angeles Order 1-W, Amendment 6, covering dry groceries. Filed 9:59 a. m.

Los Angeles Order 12, Amendment 7, covering dry groceries in the Los Angeles Area. Filed 9:57 a. m.

Los Angeles Order 12, Amendment 8, covering dry groceries in the Los Angeles Area. Filed 9:57 a. m.

Los Angeles Order 13, Amendment 5, covering dry groceries in the San Bernardino Area. Filed 9:57 a. m.

Los Angeles Order 14, Amendment 5, covering dry groceries in the Santa Barbara-Ventura Area. Filed 9:57 a. m.

Los Angeles Order 15, Amendment 5, covering dry groceries in the San Luis Obispo Area. Filed 9:58 a. m.

Los Angeles Order 16, Amendment 5, covering dry groceries in the Los Angeles Area. Filed 9:58 a. m.

Los Angeles Order 17, Amendment 5, covering dry groceries in the Los Angeles Area. Filed 9:58 a. m.

Portland Order 5-F, Amendment 34, covering fresh fruits and vegetables in certain areas in Oregon. Filed 9:53 a. m.

Portland Order 6-F, Amendment 35, covering fresh fruits and vegetables in certain areas in Oregon. Filed 9:53 a. m.

Portland Order 7-F, Amendment 34, covering fresh fruits and vegetables in Klamath Falls, Oregon. Filed 9:53 a. m.

Portland Order 8-F, Amendment 34, covering fresh fruits and vegetables in Medford, Oregon. Filed 9:52 a. m.

Portland Order 9-F, Amendment 34, covering fresh fruits and vegetables in certain areas in Oregon. Filed 9:53 a. m.

Portland Order 10-F, Amendment 33, covering fresh fruits and vegetables in certain cities in Washington. Filed 9:53 a. m.

Portland Order 12-F, Amendment 31, covering fresh fruits and vegetables in certain areas in Oregon. Filed 9:52 a. m.

Portland Order 13-F, Amendment 30, covering fresh fruits and vegetables in certain areas in Oregon. Filed 9:52 a. m.

Portland Order 14-F, Amendment 30, covering fresh fruits and vegetables in certain areas in Oregon. Filed 9:52 a. m.

Portland Order 15-F, Amendment 30, covering fresh fruits and vegetables in certain areas in Oregon. Filed 9:52 a. m.

Portland Order 16-F, Amendment 24, covering fresh fruits and vegetables in Bend, Oregon. Filed 9:51 a. m.

Portland Order 17-F, Amendment 24, covering fresh fruits and vegetables in certain areas in Oregon. Filed 9:51 a. m.

Portland Order 21-F, Amendment 21, covering fresh fruits and vegetables in Pendleton, Oregon. Filed 9:51 a. m.

Portland Order 22-F, Amendment 21, covering fresh fruits and vegetables in certain areas in Oregon. Filed 10:00 a. m.

Portland Order 27-F, Amendment 19, covering fresh fruits and vegetables in certain cities of La Grande and Baker, Oregon. Filed 9:59 a. m.

Portland Order 28-F, Amendment 19, covering fresh fruits and vegetables in certain areas in Oregon. Filed 9:59 a. m.

Portland Order 29-F, Amendment 18, covering fresh fruits and vegetables in certain areas in Oregon. Filed 9:59 a. m.

Portland Order 30-F, Amendment 11, covering fresh fruits and vegetables in certain areas in Oregon. Filed 9:59 a. m.

Portland Order 31-F, Amendment 8, covering fresh fruits and vegetables in certain areas in Oregon. Filed 10:03 a. m.

Seattle Order 1-W, Amendment 14, covering dry groceries in certain areas in Washington. Filed 10:10 a. m.

Seattle Order 6-F, Amendment 49, covering fresh fruits and vegetables in the Seattle and Bremerton, Washington Area. Filed 9:50 a. m.

Seattle Order 7-F, Amendment 45, covering fresh fruits and vegetables in the Tacoma, Washington Area. Filed 9:50 a. m.

Seattle Order 8-F, Amendment 42, covering fresh fruits and vegetables in the Everett, Washington Area. Filed 9:49 a. m.

Seattle Order 9-F, Amendment 49, covering fresh fruits and vegetables in the Seattle and Bremerton, Washington Area. Filed 9:49 a. m.

Seattle Order 10-F, Amendment 41, covering fresh fruits and vegetables in the Bellingham, Washington Area. Filed 9:49 a. m.

Seattle Order 15-F, Amendment 40, covering fresh fruits and vegetables in the Yakima, Washington Area. Filed 9:57 a. m.

Seattle Order 32, Amendment 7, covering dry groceries in certain areas in Washington. Filed 10:02 a. m..

Seattle Order 33, Amendment 8, covering dry groceries in certain areas in Washington. Filed 10:02 a. m.

Spokane Order 8-F, Amendment 28, covering fresh fruits and vegetables in Spokane County, Washington. Filed 10:03 a. m.

Spokane Order 9-F, Amendment 28, covering fresh fruits and vegetables in Kootenai County, Idaho. Filed 10:03 a. m.

Spokane Order 10-F, Amendment 27, covering fresh fruits and vegetables in Shoshone and Kootenai Counties, Idaho. Filed 10:03 a. m.

Spokane Order 11-F, Amendment 27, covering fresh fruits and vegetables in Latah County, Idaho and Whitman County, Washington. Filed 10:02 a. m.

Copies of any of these orders may be obtained from the OPA Office in the designated city.

ERVIN H. POLLACK,
Secretary.

[F. R. Doc., 45-16501; Filed, Sept. 4, 1945; 11:47 a. m.]

SECURITIES AND EXCHANGE COMMISSION.

B. J. JOHNSON & CO.

ORDER REVOKING REGISTRATION

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 31st day of August, A. D. 1945.

In the matter of Bernard J. Johnson doing business as B. J. Johnson & Company, Rapid City, South Dakota.

A proceeding having been instituted pursuant to section 15 (b) of the Securities Exchange Act of 1934 to determine whether to suspend or revoke the registration of B. J. Johnson & Company as an over-the-counter broker and dealer;

A private hearing having been held after due notice, the Commission being duly advised, having suspended the registration of said B. J. Johnson & Company and having this day issued its findings and opinion herein; on the basis of said findings and opinion,

It is ordered, That the registration of B. J. Johnson & Company as a broker and dealer be and it hereby is revoked.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 45-16437; Filed, Sept. 1, 1945; 11:28 a. m.]

[File No. 1-342]

RED BANK OIL CO.

ORDER FOR HEARING AND DESIGNATING OFFICER TO TAKE TESTIMONY

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 31st day of August A. D. 1945.

In the matter of proceeding under section 19 (a) (2) of the Securities Exchange Act of 1934, as amended, to determine whether the registration of Red Bank Oil Company common stock, $1 par value should be suspended or withdrawn; File No. 1-342.

I. It appearing to the Commission:

That Red Bank Oil Company, a corporation incorporated in the State of Maine on November 17, 1917, is the issuer of Common Stock, $1 Par Value; and

That said Red Bank Oil Company registered its Common Stock No Par Value on the New York Curb Exchange, a national securities exchange, by filing with the Exchange and with the Commission on or about April 9, 1935, an application on Form 10, pursuant to section 12 (b) and (c) of the Securities Exchange Act of 1934 and Rule X-12B-1, as amended, promulgated by the Commission thereunder, registration pursuant to such application having become effective on or about July 1, 1935, and remaining in effect to and including the date hereof; and

That said Red Bank Oil Company registered additional shares of its Common Stock, $1 Par Value (so designated as of February 27, 1942) on the New York Curb Exchange by filing with the Exchange and with the Commission on or about April 28, 1943, an application on Form 8-A pursuant to section 12 (b) and (c) of the Securities Exchange Act of 1934 and Rule X-12B-1, as amended, promulgated by the Commission thereunder, registration pursuant to such application having become effective on or about July 9, 1943, and remaining in effect to and including the date hereof; and

It further appearing to the Commission:

That Rule X-13A-1, promulgated pursuant to section 13 of the Securities Exchange Act of 1934, as amended, did and does require that an annual report for each issuer of a security registered on a national securities exchange shall be filed on the appropriate form prescribed therefor; and

That Rule X-13A-2, promulgated pursuant to section 13 of the Securities Exchange Act of 1934, as amended, did and does prescribe Form 10-K as the annual report form to be used for the annual reports of all corporations except those for which another form is specifically prescribed, and that no other form was or is specified for use by the said Red Bank Oil Company; and

II. The Commission having reasonable cause to believe:

That the said Red Bank Oil Company has failed to comply with the provisions of section 13 of the Securities Exchange Act of 1934, as amended, and Rule X-13A-2 promulgated thereunder, in that the annual reports on Form 10-K as amended filed by said Red Bank Oil Company for the fiscal years ended December 31, 1940, December 31, 1941, December 31, 1942, December 31, 1943 and December 31, 1944, contain statements which at the time and in the light of the circumstances were false and misleading with respect to material facts, or omit material facts required to be stated therein and material facts necessary to make the statements therein not misleading, as more particularly specified in the following numbered or named items of said annual reports:

Item 1. The adequacy and accuracy of the response to part (b) of this item in annual reports as amended for the years ended December 31, 1940, 1941, 1942, 1943 and 1944 in view of various transactions in the registrant's securities by the Bennett interests.

The adequacy and accuracy of the response to part (a) of this item in the annual report for the year ended December 31, 1944, in respect of financial statements for subsidiary companies.

Item 3. The adequacy and accuracy of the response to this item in annual reports as amended for the years ended December 31, 1940, 1941, 1942, 1943 and 1944 in view of various transactions in the registrant's securities by the Bennett interests.

Item 4. The adequacy and accuracy of the response to this item in annual reports as amended for the years ended December 31, 1943 and 1944.

Item 7. The adequacy and accuracy of the response to this item in the annual reports as amended for the years ended December 31, 1943 and 1944 with respect to changes in the character of the business done by the registrant and its subsidiaries.

Item 12. The adequacy and accuracy of the response to this item in annual reports as amended for the years ended December 31, 1943 and 1944 in view of various transactions in the registrant's securities by the Bennett interests.

Financial statements. The adequacy and accuracy of the financial statements and accountants' representations with respect to:

1. The accountants' certificates required in the annual reports for the years ended December 31, 1943 and December 31, 1944

2. The balance sheets of the registrant and consolidation at December 31, 1943 and of the registrant at December 31, 1944 in respect of:

(a) Accounts receivable.
(b) The basis of determining inventory amounts.
(c) The classification of investments.
(d) The nature of obligations for subsidiaries acquired.
(e) Organization expense.
(f) Liabilities secured by liens.
(g) Liabilities to directors, officers, principal stockholders and affiliates.
(h) Earned and other surplus.
(i) Failure to disclose a contingent liability for sales of securities not registered under the Securities Act of 1933.
(j) Failure to disclose profits from transactions in the registrant's securities and contingent claims for amounts recoverable pursuant to Section 16 (b) of the Securities Exchange Act of 1934.

3. The consolidated balance sheet at December 31, 1943 in respect of:

(a) The excess of investments over underlying net assets of subsidiaries.
(b) Renegotiable profits on war contracts.
(c) An inventory increase (of $64,606.31).
(d) The principle of inclusion and exclusion with respect to subsidiaries in consolidation.

4. The profit and loss statements of the registrant and consolidation for the year ended December 31, 1943 in respect of:

(a) Gross operating income.
(b) Inventories.
(c) Non-operating income.
(d) Depletion provisions.
(e) Provisions for Federal income taxes.
(f) The policy followed with respect to depletion, depreciation and assets disposed of.

5. Failure to file consolidated financial statements or separate financial statements of subsidiary companies in the annual report for the year ended December 31, 1944.

6. The balance sheet of a subsidiary, Seatex Oil Company, at October 31, 1943, in respect of:

(a) Depletion reserves.
(b) Liabilities due to officers, directors and affiliated persons.
(c) Surplus.

7. The profit and loss statements of a subsidiary, Seatex Oil Company for the year ended October 31, 1943, in respect of:

(a) Depletion provisions.
(b) The policy followed with respect to depletion, depreciation and assets disposed of; and,

III. It being the opinion of the Commission that the hearing herein ordered to be held is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Securities Exchange Act of 1934 as amended;

It is ordered, Pursuant to section 19 (a) (2) of said act, that a public hearing be held to determine whether Red Bank Oil Company has failed to comply with section 13 of the Securities Exchange Act of 1934, as amended, and the rules, regulations and forms promulgated by the Commission thereunder, in the respects set forth above; and if so, whether it is necessary or appropriate for the protection of investors to suspend for a period not exceeding twelve months or to withdraw the registration of the Common Stock, $1 Par Value of the said Red Bank Oil Company on said New York Curb Exchange;

It is further ordered, Pursuant to the provisions of section 21 (b) of the Securities Exchange Act of 1934, as amended, that for the purpose of such hearing, Richard Townsend, an officer of the Commission, is hereby designated to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law;

It is further ordered, That the taking of testimony in this hearing begin on the 10th day of September, 1945, at 10:00 a. m. eastern war time at the Office of the Securities and Exchange Commission, Room 318, 18th and Locust Streets, Philadelphia, Pennsylvania, and continue thereafter at such time and place as the officer hereinbefore designated may determine.

By direction of the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 45-16435; Filed, Sept. 1, 1945; 11:27 a. m.]

[File Nos. 54-75, 70-726]

COMMONWEALTH AND SOUTHERN CORP. (DELAWARE)

NOTICE REGARDING FILING

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa., on the 30th day of August, A. D. 1945.

Notice is hereby given that a declaration or application (or both) has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by The Commonwealth & Southern Corporation ("Commonwealth"), a registered holding company.

Notice is further given that any interested person may, not later than September 15, 1945, at 5:30 p. m., e. w. t.

request the Commission in writing that a hearing be held on such matter, stating the reasons for such request and the nature of his interest, or may request that he be notified if the Commission should order a hearing thereon. At any time thereafter, said declaration or application, as filed or as amended, may become effective or may be granted, as provided in Rule U-23 of the rules and regulations promulgated pursuant to said act, or the Commission may exempt such transactions as provided in Rules U-20 (a) and U-100 thereof. Any such request should be addressed: Secretary, Securities and Exchange Commission, 18th and Locust Streets, Philadelphia 3, Pennsylvania.

All interested persons are referred to said declaration or application, which is on file in the office of the Commission, for a statement of the transaction therein proposed which is summarized below:

Commonwealth proposes, subject to the approval of the Commission, to pay a dividend of $1.25 per share, an aggregate of $1,852,500, on the outstanding shares of its preferred stock. The dividend was declared on August 28, 1945, and is payable on the 28th day after approval by this Commission to stockholders of record at the close of business on the 14th day after such approval. The pending application is similar in substance to three applications approved by the Commission in 1943, four applications approved in 1944 and two applications approved in 1945, covering proposed distributions to preferred stockholders (see Holding Company Act Release Nos. 4383, June 24, 1943; 4566, September 13, 1943; 4709, November 26, 1943; 4933, March 8, 1944; 5084, June 3, 1944; 5268, September 5, 1944; 5508, December 21, 1944; 5659, March 12, 1945; and 5833, May 30, 1945).

Applicant considers sections 11 and 12 (c) of the act and Rule U-46 as applicable to the proposed transaction.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 45-16438; Filed, Sept. 1, 1945; 11:28 a. m.]

[File Nos. 54-106, 54-107, 70-1111]

BUFFALO, NIAGARA AND EASTERN POWER CORP. AND NIAGARA HUDSON POWER CORP.

INTERIM ORDERS PERMITTING DECLARATIONS TO BECOME EFFECTIVE AND GRANTING APPLICATION FOR EXEMPTION FROM COMPETITIVE BIDDING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 30th day of August 1945.

In the matters of Buffalo, Niagara and Eastern Power Corporation; File No. 54-106; Niagara Hudson Power Corporation, File Nos. 54-107; 70-1111.

Niagara Hudson Power Corporation (Niagara Hudson), a subsidiary of The United Corporation, a registered holding company, and Buffalo, Niagara and Eastern Power Corporation, a subsidiary of Niagara Hudson, having each filed applications and declarations and amendments thereto for approval of plans filed pursuant to section 11 (e) of the Public Utility Holding Company Act of 1935 proposing, among other things, (1) the sale by Niagara Hudson, pursuant to the competitive bidding requirements of Rule U-50, of all of its holdings of the stock of its subsidiary, Central Hudson Gas and Electric Corporation, consisting of 445,738 shares of common stock; and (2) the sale of all of its holdings of the preferred stock of its subsidiary, Central New York Power Corporation, consisting of 41,515 17/20 shares, as to which an exemption from the competitive bidding requirements of Rule U-50 is requested; and

Niagara Hudson having requested that the Commission enter interim orders at this time relating solely to the proposed sale at competitive bidding of its holdings of the common stock of Central Hudson Gas and Electric Corporation and to the requested exemption from the competitive bidding requirements of Rule U-50 in respect of the sale of its holdings of the preferred stock of Central New York Power Corporation; and

Public hearings having been held after appropriate notice on the amended plans filed pursuant to section 11 (e) of the act and on the request for exemption from competitive bidding; and

The Commission having considered the record and having entered its findings and opinion herein;

It is ordered, That pursuant to the applicable provisions of the act the aforesaid declaration solely in regard to the sale by Niagara Hudson of its holdings of the common stock of Central Hudson Gas and Electric Corporation be, and hereby is, permitted to become effective forthwith subject to the terms and conditions prescribed in Rule U-24 and to the following terms and conditions:

(1) That the proposed sale shall not be consummated until the results of competitive bidding have been made a matter of record in this proceeding and a further order shall have been entered by this Commission in the light of the record so completed, which order shall contain such further terms and conditions as may then be deemed appropriate, jurisdiction being reserved for the imposition of such conditions; and

(2) That jurisdiction be further reserved over the payment of any fees or expenses including the fee of counsel for the successful bidders;

Niagara Hudson having requested that the order of the Commission herein conform to the pertinent requirements of sections 371 and 1808 (f) of the Internal Revenue Code, as amended, and contain the recitals and specifications described therein; and it appearing to the Commission that applicant's request in this respect should be granted;

It is further ordered and recited, That the sale by Niagara Hudson of all of its holdings of the stock of Central Hudson Gas and Electric Corporation, consisting of 445,738 shares of common stock is necessary and appropriate to effectuate the provisions of section 11 (b) of the Public Utility Holding Company Act of 1935.

It is further ordered, That the application by Niagara Hudson requesting an exemption from the competitive bidding requirements of Rule U-50 with respect to the proposed sale of its holdings of the preferred stock of Central New York Power Corporation be, and hereby is, granted.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 45-16436; Filed, Sept. 1, 1945; 11:28 a. m.]

[File Nos. 70-1122, 70-1129]

NEW YORK STATE ELECTRIC & GAS CORP. ET AL.

ORDER GRANTING APPLICATION AND PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa., on the 30th day of August, A. D. 1945.

In the matter of New York State Electric & Gas Corporation, NY PA NJ Utilities Company; File No. 70-1122; Iroquois Gas Corporation, File No. 70-1129.

New York State Electric & Gas Corporation, a subsidiary of NY PA NJ Utilities Company, a registered holding company, having filed a declaration pursuant to section 12 (d) of the Public Utility Holding Company Act of 1935 and Rule U-44 promulgated thereunder regarding the sale by it to Iroquois Gas Corporation, a subsidiary of National Fuel Gas Company, a registered holding company, of its natural gas production plants and transmission and distribution facilities located in the Village of Lancaster, in the Town of Lancaster, and in the Town of Alden, all in the State of New York, for a base consideration of $125,000 in cash, plus the reasonable value of all additions and betterments installed in connection with the gas plants between February 26, 1945, and the date of the closing of the transaction, and subject to the proration of taxes, assessments, royalties, and rents as of the date of closing; and

Iroquois Gas Corporation having filed an application pursuant to section 10 of the act regarding the acquisition of said utility assets; and

The New York Public Service Commission having granted its consent to New York State Electric & Gas Corporation to transfer said utility assets to Iroquois Gas Corporation, by reason of which consent there is some question as to whether the acquisition by Iroquois Gas Corporation is subject to the provisions of section 10 of the act or is exempt therefrom by virtue of section 9 (b) (1) of the act; and

Said declaration and application having been filed on August 7, 1945, and August 17, 1945, respectively, and notice of said filings having been given in the form and manner prescribed by Rule U-23 under said act, and the Commission not having received a request for hear-

ing with respect to said declaration and application within the period specified in such notice, or otherwise, and not having ordered a hearing thereon; and

The above-named parties having requested that said declaration and application become effective and be granted on or before September 1, 1945; and

The Commission finding in respect of the application of New York State Electric & Gas Corporation that the provisions of section 12 of the act and Rule U-44 promulgated thereunder are satisfied, and that no adverse findings are necessary thereunder; and deeming it appropriate in the public interest and in the interest of investors and consumers to permit said declaration to become effective; and

The Commission deeming it unnecessary to resolve the question as to whether the acquisition by Iroquois Gas Corporation is exempt from the provisions of section 10 of the act, since, in any event, it is of the opinion that the acquisition by Iroquois Gas Corporation will serve the public interest by tending toward the economical and efficient development of an integrated public utility system, and that no adverse findings are necessary under sections 10 (b) and 10 (c) (1) of the act, and being satisfied that the effective date of such declaration, and the date of granting such application should be advanced:

It is hereby ordered, That, pursuant to Rule U-23 and the applicable provisions of said Act, and subject to the terms and conditions prescribed in Rule U-24, the aforesaid declaration be, and hereby is, permitted to become effective, and the aforesaid application be, and hereby is, granted forthwith.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 45-16434; Filed, Sept. 1, 1945; 11:27 a. m.]

[File Nos. 70-1134, 70-1135, 59-12]

AMERICAN POWER & LIGHT CO. ET AL.

NOTICE OF FILING AND ORDER FOR HEARING AND ORDER CONSOLIDATING PROCEEDINGS

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 30th day of August, A. D. 1945.

In the matter of American Power & Light Company, File No. 70-1134; American Power & Light Company and Electric Power & Light Corporation, File No. 70-1135; Electric Bond and Share Company, American Power & Light Company, National Power & Light Company, et al., respondents; File No. 59-12.

The Commission having, on August 22, 1942, entered orders pursuant to section 11 (b) (2) of the Public Utility Holding Company Act of 1935 requiring that the existence of American Power & Light Company ("American"), and Electric Power & Light Corporation ("Electric"), both registered holding company subsidiaries of Electric Bond and Share Company ("Bond and Share"), also a registered holding company, be terminated and that said companies be dissolved, and that American and Electric proceed with due diligence to submit to the Commission a plan or plans for the prompt dissolution of American and Electric pursuant to section 11 (b) (2) of the act (File No. 59-12, Holding Company Act Release No. 3750):

Notice is hereby given that an application and declaration have been filed by American and that a joint application and declaration has been filed by American and Electric with this Commission pursuant to the Public Utility Holding Company Act of 1935. American has designated sections 6 (a), 7, 9 (a), 10, 12 (d) and 12 (f) of the act and Rules U-23, U-43 and U-44 thereunder as being applicable to the transactions proposed in its application and declaration. American and Electric have designated sections 9 (a), 10, 12 (b) and 12 (d) of the act and Rules U-43, U-44 and U-45 thereunder as being applicable to the transactions proposed in their joint application and declaration.

All interested persons are referred to said documents which are on file in the offices of the Commission for a statement of the transactions therein proposed, which are summarized as follows:

American proposes to organize a new Texas corporation to be known as Texas Utilities Company ("Texas Utilities") to acquire the common stocks of Texas Power & Light Company ("Texas Power") and Texas Electric Service Company ("Texas Electric"), subsidiary companies of American, and Dallas Power & Light Company ("Dallas"), a subsidiary of Electric.

American proposes to transfer to Texas Utilities the common stocks of Texas Power and Texas Electric held by American consisting of 2,500,000 shares (all) of the common stock of Texas Power, 1,704,950 shares (all but 50 shares) of the common stock of Texas Electric, together with options to purchase the said 50 shares of common stock of Texas Electric, and $17,400,000 in cash in exchange for 2,000,000 shares (all) of the no par common stock of Texas Utilities.

American and Electric propose that, pursuant to a purchase and sale agreement, Electric will sell, and American will cause Texas Utilities to purchase, 248,433 shares of the no par common stock of Dallas, owned by Electric, for a cash purchase price of $17,350,000 ($69.84 per share). Dallas has presently outstanding 273,000 shares of such common stock, and the joint filing states that, if the proposed purchase is approved, American will cause Texas Utilities to offer to purchase, at an equivalent price per share, the shares of common stock of Dallas held by others than Electric.

American in its filing states that it unconditionally agrees and stipulates that, if the Commission enters an order or orders granting the applications and permitting the declarations to become effective, American will within one year from the date of said order or orders (unless the Commission extends such time), sever its relations with Texas Utilities and with Texas Power and Texas Electric and Dallas, which are to be subsidiaries of Texas Utilities, and irrevocably and finally dispose of all of its interest, direct or indirect, therein, either by distribution among American's stockholders or by sale, or otherwise, in a manner found by the Commission to be appropriate.

American undertakes that Texas Utilities, upon its organization, shall execute an appropriate instrument joining in this stipulation and agreement and containing an undertaking to perform any acts on its part which may be necessary or appropriate to carry out the terms thereof.

It appearing to the Commission that it is appropriate in the public interest and the interests of investors and consumers that a hearing be held with respect to said applications and declarations, and that said applications should not be granted, nor said declarations become effective, except pursuant to further order of the Commission; and

It further appearing to the Commission that the said applications and declarations are related and involve common questions of law and fact and should be consolidated and heard together, and that the proceedings with respect to said applications and declarations are related to, and involve, common questions of law and fact with the issues in the proceedings instituted by the Commission pursuant to section 11 (b) of the act (File No. 59-12) and should be consolidated therewith for consideration by the Commission:

It is ordered, That the proceedings on the said applications and declarations herein and the proceedings instituted by the Commission pursuant to section 11 (b) of the act (File No. 59-12) be, and they hereby are, consolidated and that evidence adduced in said proceedings instituted by the Commission pursuant to section 11 (b) of the act shall be incorporated in, and be deemed to be part of, the record in the consolidated proceedings herein, without prejudice, however, to the Commission's right, upon its own motion or the motion of any interested party, to strike such portions of the record in the proceedings pursuant to section 11 (b) as may be deemed irrelevant to the issues raised with respect to the applications and declarations herein. The Commission reserves the right, if at any time it may appear conducive to an orderly and economic disposition of any of said matters, to order a separate hearing concerning such matter, to close the record with respect to any of the matters, or to take action on any of the matters prior to the closing of the record on any other matter.

It is further ordered, That a hearing be held on September 12, 1945 at 10:00 a. m., e. w. t., at the offices of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia 3, Pennsylvania. On such day the hearing room clerk in Room 318 will advise as to the room where such hearing will be held. All persons desiring to be heard or otherwise wishing to participate in the proceedings shall notify the Commission in the manner provided by its rules of practice, Rule XVII, on or before September 10, 1945.

It is further ordered, That Willis E. Monty or any other officer or officers of the Commission designated by it for that purpose shall preside at such hearing. The officer so designated to preside at such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said act and to a trial examiner under the Commission's rules of practice.

It is further ordered, That the Secretary of the Commission shall serve by registered mail a copy of this order on the applicants and declarants herein and on the City Councils of the Cities of Dallas, Fort Worth, Waco, Wichita Falls and Tyler, Texas; and that notice of said hearing be given to all other persons by publication of this order in the FEDERAL REGISTER.

It is further ordered, That, without limiting the scope of the issues presented in the proceedings, particular attention will be directed at the hearing to the following matters and questions:

(1) Whether the proposed acquisitions by Texas Utilities and American meet the requirements of the applicable provisions of the act, particularly section 10 thereof.

(2) Whether the proposed issue and sale of the common stock of Texas Utilities Company meet the applicable standards of the act, particularly section 7 thereof.

(3) Whether the price to be paid by Texas Utilities and to be received by Electric for the common stock of Dallas is fair and reasonable and whether the other terms of the proposed sale and purchase agreement between American and Electric meet the applicable standards of the act, particularly section 12 thereof.

(4) Whether the proposed accounting entries meet the applicable standards of the act.

(5) Whether the fees, commissions, or other remunerations to be paid in connection with the proposed transactions are reasonable.

(6) Whether it is necessary or appropriate to impose terms or conditions with respect to the proposed transactions in the public interest or for the protection of investors or consumers, and, if so, what terms and conditions should be imposed.

(7) Generally, whether the proposed transactions comply with the applicable provisions of the act and the rules, regulations and orders promulgated thereunder.

(8) Whether the proposed transactions are necessary or appropriate to effectuate the provision of section 11 (b) of the act, and whether the proposed transactions constitute steps in compliance with the orders of the Commission, dated August 22, 1942, requiring the dissolution of American and Electric.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 45-16429; Filed, Sept. 1, 1945; 11:26 a. m.]

[File Nos. 814-15, 814-44 to 814-49, inclusive]

F-I-F PLAN CORP. ET AL.

NOTICE OF AND ORDER FOR HEARING; AND ORDER CONSOLIDATING PROCEEDINGS

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 30th day of August, A. D. 1945.

In the matter of F-I-F Plan Corporation, File No. 814-15; First Investors Shares Corporation, File No. 814-44; John D. Case, File No. 814-45; Horace G. Powell, File No. 814-46; Rowland A. Robbins, File No. 814-47; John L. Thomas, File No. 814-48; Alvin J. Wilkins, File No. 814-49.

Applications having been filed by F-I-F Plan Corporation, First Investors Shares Corporation, John D. Case, Horace G. Powell, Rowland A. Robbins, John L. Thomas and Alvin J. Wilkins, under and pursuant to the provisions of section 9 (b) of the Investment Company Act of 1940, for orders exempting said applicants from the provisions of section 9 (a) of said act; and

The Commission having granted to each of said applicants a temporary exemption from the provisions of section 9 (a) pending the disposition of the respective applications for permanent or further exemption from the provisions of such section; and

It appearing to the Commission that said applications are related and present questions of law and fact common to each of said applications;

It is ordered, That the proceedings on the aforesaid applications be and the same hereby are consolidated;

It is further ordered, Pursuant to section 40 (a) of said act, that a hearing on the consolidated matter be held on September 12, 1945 at 10:00 A. M., eastern war time, in Room 318 of the Securities and Exchange Commission Building, 18th and Locust Streets, Philadelphia, Pennsylvania;

It is further ordered, That Charles S. Lobingier or any other officer of the Commission designated by it for that purpose shall preside at the hearing on this matter. The officer so designated is hereby authorized to execute all of the powers granted to the Commission under sections 41 and 42 (b) of the Investment Company Act of 1940 and to trial examiners under the Commission's rules of practice.

Notice of such hearing is hereby given to the applicants and to any other persons whose participation in such proceedings may be in the public interest or for the protection of investors.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 45-16428; Filed, Sept. 1, 1945; 11:26 a. m.]

FERENCE

SEP 7 '45

FEDERAL REGISTER

VOLUME 10 NUMBER 175

Washington, Thursday, September 6, 1945

Regulations

TITLE 6—AGRICULTURAL CREDIT

Chapter I—Farm Credit Administration

PART 10—FEDERAL LAND BANKS GENERALLY

STOCK REQUIREMENTS

Section 10.223–64 of Title 6, Code of Federal Regulations, is hereby amended to read as follows:

§ 10.223–64 *Issuance of new stock sufficient to cover existing loan; retirement of existing stock.* Where an applicant who does not own the outstanding stock in connection with the existing bank loan on the farm covered by the mortgage or contract being purchased by the bank from the Corporation desires or is required to acquire such stock or new stock in lieu thereof but cannot acquire the outstanding stock, the outstanding stock may be retired and paid off and new stock issued to the applicant and pledged in connection with the existing bank loan. The bank should require that the applicant purchase only enough new stock to collateralize the existing bank loan in the proportion of one share of stock for every $100 or fraction thereof of the unpaid indebtedness under the existing bank loan. When stock in that amount is issued to the applicant, all other stock outstanding in relation to the existing bank loan should be retired. The Administration hereby approves the retirement of stock in such cases where it is authorized by the bank's board of directors. Where the applicant acquires no stock in connection with the bank loan, then, unless he procures from the owner of the association stock held in connection with the bank loan a power of attorney or other authorization to exercise the exclusive right to vote in connection with both loans, the applicant must agree with the association, in consideration of the bank's purchase of the Corporation asset, to forego the right to vote at any association meeting where he and the other stockholder are present, except when they agree as to which shall cast the one vote.

(Sec. 6, 47 Stat. 14, secs. 7, 13 "Eighth" 39 Stat. 365, 372 as amended; 12 U.S.C. 665, 721, 781 "Eighth")

J. R. ISLEIB,
Acting Land Bank Commissioner.

[F. R. Doc. 45–16528; Filed, Sept. 5, 1945; 11:08 a. m.]

TITLE 7—AGRICULTURE

Chapter IX—Marketing Agreements and Orders

PART 961—MILK IN THE PHILADELPHIA, PENNSYLVANIA, MARKETING AREA

HANDLING OF MILK

Correction

In Federal Register Document 45–15997, appearing at page 11041 of the issue for Wednesday, August 29, 1945, the first paragraph in the third column on page 11043 should read as follows:

Second: Delete paragraph (a) (5) of § 961.1 and substitute therefor the following proposed subparagraphs (5), (6) and (7), and renumber subparagraphs (6) and (7) as (8) and (9), respectively.

Chapter XI—War Food Distribution Orders

[WFO 2, as Amended, Termination]

PART 1401—DAIRY PRODUCTS

REQUIREMENTS FOR PRODUCERS AND AUTHORIZED RECEIVERS TO SET ASIDE BUTTER

War Food Order No. 2, as amended (8 F.R. 253, 5696; 9 F.R. 3623, 4321, 4319, 9584; 10 F.R. 103, 126, 3542, 10419), together with all orders (8 F.R. 5698, 9904, 13378; 9 F.R. 3251, 4567, 6905, 10241; 10 F.R. 516, 2807, 5712, 9313, 10419) issued pursuant to said War Food Order No. 2, as amended, are hereby terminated at 12:01 a. m., e. w. t., September 1, 1945, and all butter set aside, or required to be set aside, pursuant to the provisions of the said War Food Order No. 2, as amended, at the effective time of this termination action is hereby released from

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FEDERAL REGISTER

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The regulatory material appearing herein is keyed to the Code of Federal Regulations, which is published, under 50 titles, pursuant to section 11 of the Federal Register Act, as amended June 19, 1937.

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NOTICE

1944 Supplement

Book 1 of the 1944 Supplement to the Code of Federal Regulations, containing Titles 1–10, including Presidential documents in full text, is now available from the Superintendent of Documents, Government Printing Office, at $3.00 per copy.

A limited sales stock of the Cumulative Supplement and the 1943 Supplement is still available as previously announced.

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all restrictions of the said War Food Order No. 2, as amended. But all persons required by the provisions of War Food Order No. 2–3, as amended (8 F.R. 13378; 9 F.R. 4662, 6289; 10 F.R. 10419), to file reports for August 1945 shall file such reports for that month in accordance with the provisions of said War Food Order No. 2–3, as amended.

With respect to violations, rights accrued, liabilities incurred, or appeals taken under said War Food Order No. 2, as amended, and any of the orders issued pursuant thereto as aforesaid, prior to the effective time of this termination order, all provisions of the said War Food Order No. 2, as amended, and of the said orders issued pursuant thereto in effect prior to the effective time of this termination order shall be deemed to continue in full force and effect for the purpose of sustaining any proper suit, action, or other proceeding with regard to any such violation, right, liability, or appeal.

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423; E.O. 9392, 8 F.R. 14783; E.O. 9577, 10 F.R. 8087)

Issued this 4th day of September 1945.

[SEAL] J. B. HUTSON,
Acting Secretary of Agriculture.

[F. R. Doc. 45–16505; Filed, Sept. 4, 1945; 3:20 p. m.]

[WFO 8, as Amended, Termination]

PART 1401—DAIRY PRODUCTS

FROZEN DAIRY FOODS AND MIX

War Food Order No. 8, as amended (8 F.R. 953, 12163; 9 F.R. 4321, 4319, 4735, 5767, 9584; 10 F.R. 103, 126, 2473, 4057, 5641, 10419), is hereby terminated as of 12:01 a. m., e. w. t., September 1, 1945.

With respect to violations, rights accrued, liabilities incurred, or appeals taken under said War Food Order No. 8, as amended, prior to the effective time of this termination, all of the provisions of the said War Food Order No. 8, as amended, in effect prior to the effective time of this termination shall be deemed to continue in full force and effect for the purpose of sustaining any proper suit, action, or other proceeding with respect to any such violation, right, liability, or appeal.

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423; E.O. 9392, 8 F.R. 14783; E.O. 9577, 10 F.R. 8087)

Issued this 4th day of September 1945.

[SEAL] J. B. HUTSON,
Acting Secretary of Agriculture.

[F. R. Doc. 45–16506; Filed, Sept. 4, 1945; 3:20 p. m.]

[WFO 13, as Amended, Termination]

PART 1401—DAIRY PRODUCTS

CREAM

War Food Order No. 13, as amended (8 F.R. 1479, 11835; 9 F.R. 4321, 4319, 6145, 9584; 10 F.R. 103, 126, 1641, 10419), is terminated as of 12:01 a. m., e. w. t., September 1, 1945.

With respect to violations, rights accrued, liabilities incurred, or appeals taken under said War Food Order No. 13, as amended, prior to the effective time of this termination, all of the provisions of the said War Food Order No. 13, as amended, in effect prior to the effective time of this termination shall be deemed to continue in full force and effect for the purpose of sustaining any proper suit, action, or other proceeding with regard to any such violation, right, liability, or appeal.

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423; E.O. 9392, 8 F.R. 14783; E.O. 9577, 10 F.R. 8087)

Issued this 4th day of September 1945.

[SEAL] J. B. HUTSON,
Acting Secretary of Agriculture.

[F. R. Doc. 45–16507; Filed, Sept. 4, 1945; 3:20 p. m.]

[WFO 79, Partial Termination of Certain Director's Orders]

PART 1401—DAIRY PRODUCTS

CONSERVATION AND DISTRIBUTION OF FLUID MILK AND CREAM

Those provisions of the following orders, as amended, issued pursuant to the provisions of War Food Order No. 79, dated September 7, 1943, as amended (8 F.R. 12426, 13283, 9 F.R. 4321, 4319, 6982, 9459, 10035, 11990, 10 F.R. 103, 5347, 10275), which require the transmission of reports and the keeping and making available of records are terminated effective at 12:01 a. m., e. w. t., September 21, 1945: War Food Orders Nos. 79–1 through 79–24; 79–35; 79–38 through 79–44; 79–46 through 79–54; 79–56 through 79–57; 79–59 through 79–62; 79–66; 79–68 through 79–81; 79–83 through 79–100; 79–103 through 79–139; 79–141 through 79–144.

With respect to violations of said War Food Order 79, as amended, or any of the aforesaid orders issued pursuant thereto, rights accrued, liabilities incurred, or appeals taken thereunder, prior to the effective time hereof, all provisions of said orders in effect prior to the effective time hereof shall continue in full force and effect for the purpose of sustaining any proper suit, action, or other proceeding with respect to any such violation, rights, liability, or appeal.

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423; E.O. 9392, 8 F.R. 14783; E.O. 9577, 10 F.R. 8087; WFO 79, as amended and as partially suspended (8 F.R. 12426, 13283, 9 F.R. 4321, 4319, 6982, 9459, 10035, 11990, 10 F.R. 103, 5347, 10275)

Issued this 1st day of September, 1945.

[SEAL] G. P. PEYTON,
Acting Assistant Administrator, Production and Marketing Administration.

[F. R. Doc. 45–16426; Filed, Sept. 1, 1945; 11:16 a. m.]

[WFO 44, Amdt. 14]

PART 1465—FISH AND SHELLFISH

RESTRICTIONS ON 1945 PACK OF CANNED FISH

War Food Order No. 44, as amended (10 F.R. 10071, 10419, 10963), is further amended as follows:

1. By deleting the first sentence in § 1465.20 (b) (1) and inserting, in lieu thereof, the following: "No canner may sell or deliver any canned fish of his 1945 pack of any of the classes numbered 1 to 10, inclusive (designated herein), except as permitted by the provisions of this order."

2. By deleting the provisions in (b) (3), (4), and (5) of § 1465.20 and inserting, in lieu thereof, the following:

(3) Forty percent, by net weight, of each canner's 1945 pack of each class numbered 2 to 5, inclusive (designated in (b) (1) hereof), is hereby established as each such canner's respective quotas of the 1945 pack of such classes for sale or delivery to governmental agencies.

(4) Sixty-five percent, by net weight, of each canner's 1945 pack of each class numbered 7 and 8 (designated in (b) (1) hereof is hereby established as each such canner's respective quotas of the 1945 pack of such classes for sale or delivery to governmental agencies.

(5) Sixty-five percent, by net weight, of each canner's 1945 pack of each class numbered 6 and 9 (designated in (b) (1) hereof) is hereby established as each such canner's respective quotas of the 1945 pack of such classes for sale or delivery to governmental agencies.

3. By deleting the provisions in (b) (9), (10), and (11) of § 1465.20 and inserting, in lieu thereof, the following:

(9) For each 40 pounds of canned fish of the 1945 pack of each class numbered 2 to 5, inclusive (designated in (b) (1) hereof), which a canner has sold or delivered to any governmental agency or with respect to which he has submitted to any governmental agency a written tender of delivery of such canned fish in compliance with a written contract between such canner and such governmental agency, such canner may sell or deliver 60 pounds of canned fish of the same class to persons other than a governmental agency: *Provided*, That, prior to the time of each such written tender, such canner has obtained, with respect to the canned fish included in such written tender, an inspection certificate, issued by an inspection service approved by the governmental agency to which the tender has been made, indicating that such canned fish meets all the specifications set forth in such canner's aforesaid written contract for such canned fish.

(10) For each 65 pounds of canned fish of the 1945 pack of classes numbered 7 and 8 (designated in (b) (1) hereof) which a canner has sold or delivered to any governmental agency or with respect to which he has submitted to any governmental agency a written tender of delivery of such canned fish in compliance with a written contract between such canner and such governmental

agency, such canner may sell or deliver 35 pounds of canned fish of the same class to persons other than a governmental agency: *Provided*, That, prior to the time of each such written tender, such canner has obtained, with respect to the canned fish included in such written tender, an inspection certificate, issued by an inspection service approved by the governmental agency to which the tender has been made, indicating that such canned fish meets all the specifications set forth in such canner's aforesaid written contract for such canned fish.

(11) For each 65 pounds of canned fish of the 1945 pack of classes numbered 6 and 9 (designated in (b) (1) hereof) which a canner has sold or delivered to any governmental agency or with respect to which he has submitted to any governmental agency a written tender of delivery of such canned fish in compliance with a written contract between such canner and such governmental agency, such canner may sell or deliver 35 pounds of canned fish of the same class to persons other than a governmental agency: *Provided*, That, prior to the time of each such written tender, such canner has obtained, with respect to the canned fish included in such written tender, an inspection certificate, issued by an inspection service approved by the governmental agency to which the tender has been made, indicating that such canned fish meets all the specifications set forth in such canner's aforesaid written contract for such canned fish.

This order shall become effective at 12:01 a. m., p. w. t., September 1, 1945. With respect to violations, rights accrued, liabilities incurred, or appeals taken under War Food Order No. 44, as amended, prior to the effective time of the provisions hereof, the provisions of said War Food Order No. 44, as amended, in effect prior to the effective time hereof shall be deemed to continue in full force and effect for the purpose of sustaining any proper suit, action, or other proceeding with respect to any such violation, right, liability, or appeal.

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423; E.O. 9392, 8 F.R. 14783; E.O. 9577, 10 F.R. 8087)

Issued this 31st day of August 1945.

[SEAL] J. B. HUTSON,
Acting Secretary of Agriculture.

[F. R. Doc. 45-16427; Filed, Sept. 1, 1945; 11:16 a. m.]

TITLE 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs

[T. D. 51303]

PART 4—VESSELS IN FOREIGN AND DOMESTIC TRADES

WAIVER OF CLEARANCE LAWS

AUGUST 31, 1945.

Clearance laws waived to extent necessary to exempt United States Navy vessels carrying commercial passengers from clearing upon departure from ports in the United States for foreign ports or ports in non-contiguous territory.

Waiving compliance with the provisions of section 4197 of the Revised Statutes, as amended, and the Act of April 29, 1902, as amended.

Upon the written request of the Secretary of the Navy, who deems such action necessary in the conduct of the war, and by virtue of the authority vested in me by the provisions of section 501 of the Second War Powers Act, 1942 (50 U.S.C. Sup. App. 635), as extended by the act of December 20, 1944 (50 U.S.C. Sup. App. 645), I hereby waive compliance with the provisions of section 4197 of the Revised Statutes, as amended, and the act of April 29, 1902, as amended (46 U.S.C. 91, 95), to the extent necessary to permit vessels of the United States Navy when transporting commercial cargo or commercial passengers to depart from ports in the United States for foreign ports or ports in non-contiguous territory of the United States without delivering to the collector of customs of the district from which such vessels are about to depart a manifest of all the cargo on board the vessel and without obtaining from the collector a clearance for the vessel and her cargo.

The order of the Acting Secretary of the Treasury dated January 11, 1943, waiving compliance with the provisions of section 4197 of the Revised Statutes, as amended, and the act of April 29, 1902, as amended, to the extent necessary to permit vessels of the United States Navy when transporting commercial cargo to depart from ports in the United States for foreign ports or ports in non-contiguous territory of the United States without delivering to the collector of customs of the district from which such vessels are about to depart a manifest of all cargo on board the vessel and without obtaining from the collector a clearance for the vessel and her cargo is hereby rescinded.

[SEAL] HERBERT E. GASTON,
Acting Secretary of the Treasury.

[F. R. Doc. 45-16522; Filed, Sept. 5, 1945; 10:37 a. m.]

[T. D. 51304]

PART 59—IMPORTATION OF SURPLUS GOVERNMENT PROPERTY

PROHIBITION OF IMPORTATION OF PROPERTY SOLD ABROAD OR FOR EXPORT

§ 59.1 *Importation prohibited; exceptions.* (a) Section 33 of the Surplus Property Act of 1944 (Public Law No. 457, 78th Congress)[1] prohibits, to the extent specified in regulations prescribed by the Surplus Property Board, the importation of surplus Government property[2] sold abroad or for export. The regulations promulgated by that Board and published in the FEDERAL REGISTER of July 14, 1945 (10 F. R. 7118, 7119), as amended by the revised regulations published in the FEDERAL REGISTER of August 1, 1945 (10 F. R. 9540, 9541), provide in part as follows:

§ 8308.15 *Importations into the United States.* Pending further regulations or orders by the Board under section 33 (a) of the act, surplus property which has been sold in foreign areas shall not be imported into the United States in the same or substantially the same form if such property was originally produced in the United States and is readily identifiable as such, and disposal agencies shall include a condition to that effect in the terms of disposition, unless the purchase is made for one of the purposes in the following proviso and the purchaser so certifies to the disposal agency: *Provided, however*, That such property may be so imported (a) on consignment to a person or firm in the United States for the purpose of reconditioning for re-export or (b) by a member of the armed forces abroad for his personal use, if the importer certifies to the Treasury Department that the importation is being made for one of such purposes. Nothing in this section shall prevent surplus property which is owned by a Government agency from being transported to the continental United States, its territories or possessions.

(b) Customs officers shall exclude from entry, except as provided for in paragraphs (c), (d), and (e) hereof, any article arriving in the United States which is readily identifiable as being:

(1) Of the growth, produce, or manufacture of the United States, and

(2) Surplus property, as defined in the Surplus Property Act of 1944 and regulations thereunder, which was sold abroad.

(c) No article shall be excluded from entry under paragraph (b) hereof if there is filed in connection with the entry a certificate of the member of the armed forces by whom or for whose account the merchandise is imported that he purchased it while he was a member of the armed forces of the United States abroad and that it is for his personal or household use and was not bought on commission and is not intended for sale.

(d) No article shall be excluded from entry under paragraph (b) hereof if there are filed in connection with the entry a certificate of the importer that the importation is being made by a person or firm in the United States for the purpose of reconditioning for re-export and the regular immediate delivery and consumption entry bond (single entry), customs Form 7551, or warehouse entry bond, customs Form 7555, with the added condition set out below.

The amount of the bond, as prescribed in Part 25, Customs Regulations of 1943, shall be increased by an amount equal to the value of the merchandise, as set forth in the entry, in order to provide adequate security for the performance of the obligations outlined in the added condition.

For failure to comply with the added condition, the collector shall demand in writing the payment of liquidated damages in an amount equal to the value of the entire shipment, as set forth in the entry. Such demand shall be in addition to any other payment provided for under any other provision of law and regulation. The written demand shall include a statement that a written application for relief from the payment of the full liquidated damages may be filed with the collector within 60 days after the date of the demand.

The added condition referred to above shall be in the following form:

There is incorporated in and made a part of the bond No. ....., dated ....., in the amount of ....., executed by ....., as principal, and ....., as surety, the following added condition:

Whereas, the principal named in the said bond has been permitted to enter merchandise subject to the provisions of the Surplus Property Act of 1944, which has been imported for reconditioning and re-export;

The obligors named in the above-mentioned bond stipulate and agree that there shall be delivered to the collector of customs at the port of entry named in this bond or to the collector of customs at another port of entry, in accordance with the provisions of law and regulations pertaining to the entry and exportation of merchandise, all the above-described merchandise for customs inspection and identification prior to exportation; and if all the merchandise shall be actually so exported within one year from the date of importation, or within any lawful extension of such period, and if the said merchandise shall not be relanded in the United States; or, in default thereof, the obligors shall pay to the collector of customs such amounts as liquidated damages as may be demanded by him in accordance with the law and regulations, not exceeding the amount of this obligation.

Then this added condition shall be void; otherwise to remain in full force and effect.

(e) No article shall be excluded from entry under paragraph (b) hereof if there is filed in connection with the entry a certificate of an authorized representative of a Government agency that the property is owned by such Government agency at the time of importation.

(f) Within 30 days after importation any article which is excluded from entry as surplus property may be entered in bond for exportation, or for transportation and exportation, from continuous customs custody.

(g) Any article which is excluded from entry under this section shall be seized and forfeited pursuant to section 593 (b), Tariff Act of 1930, unless entered in bond within 30 days after importation for exportation, or for transportation and exportation, and exported within a reasonable time thereafter.

(Sec. 33, Pub. Law No. 457, 78th Congress, R. S. 161; 5 U.S.C. 22)

[SEAL] W. R. JOHNSON,
Commissioner of Customs.

Approved: August 31, 1945.

HERBERT E. GASTON,
Acting Secretary of the Treasury.

[F. R. Doc. 45-16523; Filed, Sept. 5, 1945; 10:37 a. m.]

[1] SEC. 33. (a) It is the policy of this Act to prohibit, so far as feasible and necessary to carry out the objectives of this Act, the importation into the United States of surplus property sold abroad or for export. The Board shall prescribe regulations to carry out such policy, and the importation of surplus property into the United States is hereby prohibited to the extent specified in such regulations. The Secretary of the Treasury is authorized and directed to provide for the enforcement of such regulations.

(b) Surplus property sold to members of the armed forces abroad may be brought into the United States without regard to the provisions of subsection (a) if brought in by the original purchaser and upon certificate by him that he is bringing the property into the United States for his personal use.

[2] SEC. 3 (d) The term "property" means any interest, owned by the United States or any Government agency, in real or personal property, of any kind wherever located, but does not include (1) the public domain, or such lands withdrawn or reserved from the public domain as the Surplus Property Board (created by section 5) determines are suitable for return to the public domain for disposition under the general land laws, or (2) naval vessels of the following categories: Battleships, cruisers, aircraft carriers, destroyers, and submarines.

(e) The term "surplus property" means any property which has been determined to be surplus to the needs and responsibilities of the owning agency in accordance with section 11. (Sec. 3 (d) and (e), Surplus Property Act of 1944.)

TITLE 26—INTERNAL REVENUE

Chapter I—Bureau of Internal Revenue

Subchapter C—Miscellaneous Excise Taxes

[T. D. 5475]

PART 320—RETAILERS' EXCISE TAXES

SALES BY RETAILERS OF ARTICLES FOR RESALE AT RETAIL

Regulations 51 (26 CFR, 1941 Supp., Part 320), as last amended by Treasury Decision 5353, approved March 31, 1944, are hereby further amended by inserting immediately after § 320.22 the following:

SALES FOR RESALE

§ 320.23 *Sales for resale.* All sales of taxable articles by persons engaged in the business of selling such articles at retail are presumed to be sales at retail, unless the character of a sale as a sale for resale is evidenced either (a) by a "retailers' exemption certificate" furnished by the purchaser in the form outlined herein, or (b) by equivalent proof of exemption.

The following is the prescribed form of retailers' exemption certificate:

RETAILERS' EXEMPTION CERTIFICATE

....., 19....
(Date)

The undersigned purchaser hereby certifies that he is engaged under the name of .....
(Name under which purchaser operates)
located at ....., in selling at retail
(Address)
articles subject to retailers' excise tax; that the article or articles specified and fully identified in the accompanying order, or on the reverse side hereof, are purchased from ..... for resale; and that
(Name of vendor)
the retailers' excise tax payable in respect of retail sales of luggage, etc., under section 1651 of the Internal Revenue Code, and in respect of retail sales of jewelry, etc., furs, and toilet preparations under sections 2400, 2401 and 2402, respectively, and for the war period under section 1650, will be reported in returns filed by the undersigned with the Collector of Internal Revenue at .....

The undersigned understands that he must be prepared to establish by competent evidence that the articles were actually purchased for the purpose stated and that the tax due thereon was paid to the Government.

It is also understood that the fraudulent use of this certificate to secure exemption will subject the undersigned and all guilty parties to a fine of not more than $10,000.00, or to imprisonment for not more than five years, or both, together with costs of prosecution.

.....
(Name)

.....
(Address)

The proof of exemption considered equivalent to a "retailers' exemption certificate" is not restricted to any particular form, but must be in writing and show the name under which the purchaser is engaged in business, his business address, his intention to resell the articles at retail and pay tax thereon, and the Collector of Internal Revenue to whom the tax will be paid.

Where the certificate of exemption or equivalent proof, as outlined above, is not procured by the retailer from the purchaser prior to or at the time the retailer files his return for the month in which the sale for resale is made, the retailer must include the tax on such sale in such return. However, if the certificate or equivalent proof is later obtained, a claim on Form 843 for refund of the tax may be filed by the retailer or he may take credit upon a subsequent return, but such action must be taken within the 4-year period of limitation prescribed by section 3313. (See § 320.76.)

If it is impracticable to furnish a separate certificate or equivalent proof for each purchase order, a single certificate, or equivalent proof, covering all sales between given dates (the period not to exceed a month) will be acceptable.

The certificates of exemption or equivalent proof and proper records of invoices, orders, etc., relative to tax-free sales must be retained by the vendor selling for resale as provided in § 320.72 and must be readily accessible for inspection by internal revenue officers.

Notwithstanding that an exemption certificate or equivalent proof with respect to any sale is obtained by the vendor, the latter shall be liable for the tax if in fact the sale is at retail.

The provisions of this section apply to sales of toilet preparations in all cases except sales to operators of beauty parlors, etc. For special provisions relating to tax-free sales of toilet preparations to operators of beauty parlors, etc. see § 320.52.

(Secs. 2410 and 3791 of the Internal Revenue Code; 55 Stat. 720, 53 Stat. 467; 26 U.S.C., 2410, 3791)

[SEAL] JOSEPH D. NUNAN, Jr.,
Commissioner of Internal Revenue.

Approved: August 31, 1945.

JOSEPH J. O'CONNELL, Jr.,
Acting Secretary of the Treasury.

[F. R. Doc. 45-16504; Filed, Sept. 4, 1945; 3:23 p. m.]

TITLE 29—LABOR

Chapter IX—Agriculture Department (Agricultural Labor)

[Supp. 71]

PART 1108—SALARIES AND WAGES OF AGRICULTURAL LABOR IN THE STATE OF IDAHO

WORKERS ENGAGED IN HARVESTING WHEAT AND OTHER GRAINS IN CERTAIN IDAHO COUNTIES

§ 1108.9 *Workers engaged in harvesting wheat and other grains in Bonneville, Clark, Fremont, Jefferson, Madison, and*

Teton Counties, State of Idaho. Pursuant to § 4001.7 of the regulations of the Economic Stabilization Director relating to salaries and wages issued August 28, 1943, as amended (8 F.R. 11960, 12139, 16702; 9 F.R. 6035, 14547; 10 F.R. 9478, 9628) and to the regulations of the War Food Administrator issued March 23, 1945 (10 F.R. 3177) entitled "Specific Wage Ceiling Regulations" and based upon a certification of the Idaho USDA Wage Board that a majority of the producers of wheat and other grains in the area affected participating in hearings conducted for such purpose have requested the intervention of the Secretary of Agriculture, and based upon relevant facts submitted by the Idaho USDA Wage Board and obtained from other sources, it is hereby determined that:

(a) *Areas, crops and classes of workers.* Persons engaged in harvesting wheat and other grains in Bonneville, Clark, Fremont, Jefferson, Madison, and Teton Counties, State of Idaho are agricultural labor as defined in § 4001.1 (1) of the regulations of the Economic Stabilization Director issued on August 28, 1943, as amended (8 F.R. 11960, 12139, 16702; 9 F.R. 6035, 14547; 10 F.R. 9478, 9628).

(b) *Maximum wage rates for harvesting wheat and other grains.*

(1) Maximum wages for all classes of workers except farm mechanic—$10 per day plus board.

(2) Farm mechanic—$15 per day plus board.

(c) *Administration.* The Idaho USDA Wage Board, located at Room 521, Idaho Building, Boise, Idaho, will have charge of the administration of this section in accordance with the provisions of the specific wage ceiling regulations issued by the War Food Administrator on March 23, 1945 (10 F.R. 3177).

(d) *Applicability of specific wage ceiling regulations.* This section shall be deemed to be a part of the specific wage ceiling regulations issued by the War Food Administrator on March 23, 1945 (10 F.R. 3177), and the provisions of such regulations shall be applicable to this section and any violation of this section shall constitute a violation of such specific wage ceiling regulations.

Effective date. This Supplement No. 71 shall become effective at 12:01 a. m., Mountain war time, Sept. 4, 1945.

(56 Stat. 765 (1942), 50 U.S.C. App. 961 et seq., (Supp. IV); 57 Stat. 63 (1943); 50 U.S.C. 964 (Supp. IV); 58 Stat. 632 (1944); Pub. Law 108, 79th Cong., E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681; E.O. 9577, 10 F.R. 8087; regulations of the Economic Stabilization Director, 8 F.R. 11960, 12139, 16702, 9 F.R. 6035, 14547, 10 F.R. 9478, 9628; regulations of the War Food Administrator, 9 F.R. 655, 12117, 12611, 10 F.R. 7609, 9581; 9 F.R. 831, 12807, 14206, 10 F.R. 3177)

Issued this 4th day of September 1945.

[SEAL] K. W. BUTLER,
Acting Director of Labor,
U. S. Department of Agriculture.

[F. R. Doc. 45-16527; Filed, Sept. 5, 1945; 11:08 a. m.]

[Supp. 68]

PART 1111—SALARIES AND WAGES OF AGRICULTURAL LABOR IN THE STATE OF WASHINGTON

WORKERS ENGAGED IN HARVESTING PLUMS AND PRUNES IN WALLA WALLA COUNTY, WASHINGTON

§ 1111.16 *Wages of workers engaged in harvesting plums and prunes in Walla Walla County, State of Washington.* Pursuant to § 4001.7 of the regulations of the Economic Stabilization Director relating to salaries and wages issued August 28, 1943, as amended (8 F.R. 11960, 12139, 16702; 9 F.R. 6035, 14547; 10 F.R. 9478, 9628) and to the regulations of the War Food Administrator issued March 23, 1945 (10 F.R. 3177) entitled "Specific Wage Ceiling Regulations" and based upon a certification of the Washington USDA Wage Board that a majority of the producers of plums and a majority of the producers of prunes grown in the area affected participating in hearings conducted for such purpose have requested the intervention of the Secretary of Agriculture and based upon relevant facts submitted by the Washington USDA Wage Board and obtained from other sources, it is hereby determined that:

(a) *Areas, crops and classes of workers.* Persons engaged in harvesting plums and prunes in Walla Walla County, State of Washington, are agricultural labor as defined in § 4001.1 (1) of the regulations of the Economic Stabilization Director issued on August 28, 1943, as amended (8 F.R. 11960, 12139, 16702, 9 F.R. 6035, 14547, 10 F.R. 9478, 9628).

(b) *Definitions.* When used in this section:

(1) The term "picking" includes picking of plums or prunes from either tree or ground.

(2) The term "other harvest labor" means all labor incident to the harvesting of plums or prunes except picking labor and shall include but not be limited to bucking, tractor driving, truck driving, and loading of sleds or trucks.

(c) *Wage rates; maximum wage rates for harvesting plums and prunes.* (1) Picking of prunes or plums or both—30¢ per lug box of 45 pounds.

(2) Other harvest labor—$1.00 per hour.

No perquisites shall be paid in addition to the maximum wage rates specified above. If workers are paid on any other basis, the rate of compensation shall not exceed the equivalent of the rates herein provided.

(d) *Administration.* The Washington USDA Wage Board, located in 235 Liberty Building, Yakima, Washington, will have charge of the administration of this section in accordance with the provisions of the specific wage ceiling regulations issued by the War Food Administrator on March 23, 1945 (10 F.R. 3177).

(e) *Applicability of specific wage ceiling regulations.* This section shall be deemed to be a part of the specific wage ceiling regulations issued by the War Food Administrator on March 23, 1945 (10 F.R. 3177) and the provisions of such regulations shall be applicable to this section and any violation of this section shall constitute a violation of such specific wage ceiling regulations.

Effective date. This Supplement No. 68 shall become effective at 12:01 a. m., Pacific war time, September 4, 1945.

(56 Stat. 765 (1942), 50 U.S.C. App. 961 et seq., (Supp. IV); 57 Stat. 63 1943); 50 U.S.C. 964 (Supp. IV); 58 Stat. 632 (1944); Pub. Law 108, 79th Cong., E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681; E.O. 9577, 10 F.R. 8087; regulations of the Economic Stabilization Director, 8 F.R. 11960, 12139, 16702, 9 F.R. 6035, 14547, 10 F.R. 9478, 9628; regulations of the War Food Administrator, 9 F.R. 655, 12117, 12611, 10 F.R. 7609, 9581; 9 F.R. 831, 12807, 14206, 10 F.R. 3177)

Issued this 4th day of September 1945.

[SEAL] K. A. BUTLER,
Acting Director of Labor,
Department of Agriculture.

[F. R. Doc. 45-16526; Filed, Sept. 5, 1945, 11:08 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter VI—Selective Service System

[No. 305]

REPORT ON CHANGES IN OCCUPATIONAL DEFERMENTS OF FEDERAL GOVERNMENT EMPLOYEES

ORDER PRESCRIBING FORMS

Pursuant to authority contained in the Selective Training and Service Act of 1940, as amended, I hereby prescribe the following change in DSS Forms:

Discontinuance of DSS Form 39A, entitled "Report on Changes in Occupational Deferments of Federal Government Employees."

The foregoing discontinuance shall become a part of the Selective Service Regulations effective within the continental United States immediately upon the filing hereof with the Division of the Federal Register and shall be effective outside the continental limits of the United States on the 30th day after the date of filing hereof with the Division of the Federal Register.

LEWIS B. HERSHEY,
Director.

AUGUST 22, 1945.

[F. R. Doc. 45-16508; Filed, Sept. 4, 1945; 3:43 p. m.]

Chapter IX—War Production Board

AUTHORITY: Regulations in this chapter unless otherwise noted at the end of documents affected, issued under sec. 2 (a), 54 Stat. 676, as amended by 55 Stat. 236, 56 Stat. 177, 58 Stat. 827; E.O. 9024, 7 F.R. 329, E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; E.O. 9599, 10 F.R. 10155; W.P.B. Reg. 1 as amended Dec. 31, 1943, 9 F.R. 64.

PART 1010—SUSPENSION ORDERS

[Suspension Order S-530, Revocation]

WINTHROP MILLS

Winthrop Mills, Winthrop, Maine, was charged by the War Production Board with having done construction without permission of the War Production Board,

of a carbonizing plant as an addition to its mill at an estimated cost of about $13,000, in violation of Conservation Order L-41. Suspension Order No. S-530 was issued against Winthrop Mills on April 17, 1944. In view of the fact that Direction 7 of Conservation Order L-41, issued August 21, 1945, exempts industrial construction, the Chief Compliance Commissioner has directed that the suspension order be revoked.

In view of the foregoing, it is hereby ordered that: *Suspension Order No. S-530* be revoked, effective September 4, 1945.

Issued this 4th day of September 1945.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 45-16519; Filed, Sept. 4, 1945; 4:29 p. m.]

PART 3290—TEXTILE, CLOTHING AND LEATHER

[Conservation Order M-328B, Schedule G, as Amended Sept. 4, 1945]

SPECIAL PROGRAM FOR MEN'S AND BOYS' WORK CLOTHING

§ 3290.120g *Schedule G to Order M-328B*—(a) *Explanation.* This schedule states the special rules in addition to those set forth in Order M-328B for manufacturers of men's and boys' work clothing to get an AA-3 preference rating for fabric to make the items listed in this schedule.

(b) *Definitions.* For the purpose of this schedule:

(1) "Men's and boys' work clothing" means any garment designed for male workers' wear while engaged in their occupations and expressly limited to the types customarily sold under the names specified in the list of items in the Preference Rating Schedule, and made in accordance with War Production Board Limitation Order L-181.

(2) "Base period" means the third calendar quarter of 1942.

(c) *Special requirements for priorities assistance.* (1) Three copies of Form WPB-4302 (and not Form WPB-3732 revised) should be filed in accordance with the rules stated in paragraph (c) of Order M-328B, except that for the third quarter of 1945 the applications must be postmarked by July 31, 1945.

(2) The base period manufacturer who files Form WPB-4302 for the third quarter of 1945 by July 31, 1945, may, as soon as he files his application, apply an AA-3 rating for the purchase of fabrics for deliveries in that quarter for incorporation into the items for which application is made. He may do so only for an item that he made in the base period and only for 70% of the quantity of fabric applied for with respect to any item. Fabric purchased under this provision shall be deducted by the manufacturer from the total yardage for which priorities assistance is ultimately granted on Form WPB-4302. If the applicant does not ultimately receive a grant of the entire quantity thus rated, he shall, upon notification of his grant by the War Production Board, immediately cancel orders for any undelivered quantities which are in excess of his grant. In addition, a base period manufacturer must reduce the yardage of fabric he makes with ratings under this paragraph by whatever amount he gets in the third quarter of 1945 for men's and boys' work clothing with an AA-3 rating assigned under Order M-317A as amended May 10, 1945, or under Direction 16 to M-317, and must charge that amount to the yardage for which he is assigned an AA-3 rating on Form WPB-4302 for that quarter.

(3) A manufacturer who did not make in the base period the items applied for on Form WPB-4302 may not use any preference rating assigned under this order until the War Production Board has assigned him a rating on that form.

(4) A manufacturer who made items listed in the Preference Rating Schedule in the base period may not apply on Form WPB-4302 for priorities assistance to get more fabrics in any quarter than the following amount: The total yardage consumed in the base period for all items less the yardage he expects to use in the quarter for which application is made, in making men's and boys' work clothing and similar garments (such as shirts, other than white dress shirts, dungarees, battle dress, fatigues, etc.) for delivery to an agency of the U. S. Government.

(d) *Provisions in case of governmental cut-backs.* At any time during any calendar quarter, a manufacturer who has received cancellations or cut-backs on military contracts or orders placed by an agency of the United States Government or who has production facilities made available, may apply to the War Production Board on form WPB-4302 for priorities assistance to manufacture items listed in the preference rating schedule. Such applications will be approved to the extent of available materials and the need for additional production of the items applied for.

(e) *Special inventory rule.* Manufacturers who use ratings assigned under this schedule are subject to the inventory provisions of paragraph (f) (4) of Order M-328B except that a 60-day inventory limit applies instead of a 45-day one.

(f) *Notification of unused allocations.* A person who finds that for any reason (such as increases in Army or Navy contracts) he will not place rated orders to the extent authorized on form WPB-4302 for a particular calendar quarter, or will cancel rated orders he has placed, must promptly write a letter giving notice to the Textile, Clothing and Leather Bureau of the War Production Board showing the reference numbers on his authorization. Letters must specify the quantity and kind of fabric in the same terms in which the authorization was made.

(g) *Priorities assistance for component parts.* Persons applying for priorities assistance under this schedule may apply for sewing thread in quantities needed for incorporation into the number of units for which priorities assistance is requested. Applications shall be made on form WPB-2842 filed with the Textile, Clothing and Leather Bureau, War Production Board, Washington 25, D. C. Such applications will be approved to the extent of available materials and to the extent that such allocations are made for the production of items.

(h) *Use of fabrics obtained with priorities assistance.* Beginning September 4, 1945, any person who has obtained any fabrics listed in the Preference Rating Schedule with a rating assigned under this schedule may use them to make any item listed in the Preference Rating Schedule whether or not the rating was assigned for that item.

(i) *This schedule expires September 30, 1945.* Schedule G to Order M-328B shall expire September 30, 1945.

Issued this 4th day of September 1945.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

PREFERENCE RATING SCHEDULE

Item No.	Item column	Fabric column	
		Body fabric	Linings, pocketings, etc.
1	Men's Bib Overalls	(19) Denim (26" basis) 2.45 and heavier. (19) Hickory Stripe (19) Pinstripe and pincheck (19) Express stripe (16a) Drill	(16a) Drill. Sheetings: (16a) Red. (13) Class A. (13) Class B. (14a) Class C. (14c) Soft-filled for napping. (19) Denim lighter than 2.45. Blanket lining: (29) Cotton. Wool. (21a) Flannelette, outing.
2	Boys' (Size 6 and up) Bib Overalls	Same as Item 1	Same as Item 1.
3	Men's and Boys' (Size 6 and up) overall jumpers or coats and blanket-lined overall jumpers or coats.	Same as Item 1	Same as Item 1.
4	Men's Dungarees and Waistband Overalls.	(19) Denim (28" basis) 2.45 & heavier (19) Hickory stripe (19) Pinstripe and pincheck (19) Express stripe	Same as Item 1.
5	Boys' (Size 6 and up) Dungarees and Waistband Overalls.	Same as Item 4	Same as Item 1.
6	Coveralls (One-piece)	(19) Denim (28" basis) (19) Covert (19) Hickory stripe (19) Pinstripe and pincheck (19) Express stripe (16a) Drill (16f) Herringbone Twill (18c) Twill (4-leaf)	Same as Item 1.

PREFERENCE RATING SCHEDULE—Continued

Item No	Item column	Fabric column: Body fabric	Fabric column: Linings, pocketings, etc.
7	Cossack Jackets	(19) Denim (19) Covert (19) Whipcord (25) Moleskin	No pocketing. Linings. (14e) Sheetings, softfilled for napping. Blanket-linings: (29) Cotton. Wool. (21a) Flannelette, Outing. Slide Fasteners (for Cossack Jackets only).
8	Work Coats	Same as Item 7.	Same as Item 7.
9	Work Aprons	(19) Denim (19) Hickory stripe (19) Pinstripe and pincheck (19) Express stripe (12) Osnaburg	None.
10	Work & Shop Caps	(16e) Sateen (26) Corduroy (16a) Drill (16f) Herringbone Twill (16c) Twill (4-leaf) (19) Denim (19) Hickory stripe (19) Pincheek, pinstripe (19) Express stripe (25) Moleskin	(16a) Drill. Sheeting (13) Class B. (11a) Class C. (14c) Soft-filled for napping. (16e) Sateen. (21a) Outing flannelette.
11	Men's work pants and breeches	(19) Covert (12) Cottonade (19) Covert (16a) Drill (16f) Twill, herringbone (16c) Twill (4-leaf) (19) Bedford cord (19) Whipcord and cavalry twill (25) Moleskin (26) Corduroy (19) Denim (28" basis 2.45 and heavier). (19) Pincheek, pinstripe (19) Hickory stripe (32) Cotton and wool mixture containing less than 25% wool	(16a) Drill. Sheeting (15b) Bed. (13) Class A. (13) Class B. (14a) Class C. (12) Osnaburg (17) Print cloth. (16e) Sateen. (18) Tobacco cloth. (19b) Silesia. (17i) 3-leaf twills made of print cloth yarn (may be used only for waistband and fly lining).
12	Boys work pants (in sizes 6 and up).	(19) Denim (28" basis) 2.45 and heavier. (19) Covert (26) Corduroy (thickset only)	Sheeting (15a) Bed. (13) Class A. (13) Class B. (14a) Class C. (17) Print cloth. (16e) Sateen (18) Tobacco cloth.
13	Men's work shirts, meaning work shirts made in accordance with both WPB Limitation Order L-181 and OPA Orders MPR 208 and 301.	(22) Flannel, woven shirting (21a) Flannelette, outing (20) Chambray (16d) Jean, plain and herringbone (24) Suede (17h) Poplin Sheeting (13) Class A (13) Class B (13a) Class C (14c) Soft-filled for napping (32) Cotton and wool mixtures less than 25% wool. (16f) Twill, herringbone (16c) Twills, 4-leaf (20) Covert	None.
14	Boys' work shirts meaning a work shirt made in accordance with WPB Limitation Order L-181 and OPA Orders MPR 208 and 304, in sizes 6 and up.	(22) Flannel, woven shirting (21a) Flannelette, outing (20) Chambray Sheeting (13) Class B (13a) Class C (14c) Soft-filled for napping	None.
15	Washable Service Apparel		None.
	(a) Gowns, suits or coats for doctors, dentists, interns, orderlies, druggists.	(16a) Drill (17h) Poplin Sheetings (13) Class A (13) Class B (13a) Class C (15b) Bed (12) Osnaburg (16a) Drill (16f) Twill, herringbone (16c) Twill, 4-leaf Sheetings: (15a) Bed (13) Class A (13) Class B (13a) Class C	
	(b) Coats or apron sets for bakers, butchers, fish handlers, dairyworkers, cooks, slaughterhouse workers.		

[F. R. Doc. 45 16518; Filed, Sept. 4, 1945; 4:29 p. m.]

PART 3293—CHEMICALS

[Conservation Order M-131, as Amended Sept. 5, 1945]

CINCHONA BARK AND CINCHONA ALKALOIDS

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of cinchona bark and cinchona alkaloids for the war effort, for private account and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the war effort:

§ 3293.131 *(Conservation Order M-131)*—(a) *Definitions.* For the purposes of this order:

(1) "Cinchona alkaloids" means any of the alkaloids or their salts obtained from cinchona bark whether alone or in combination with other alkaloids from cinchona bark, including, but not limited to quinine, totaquine, cinchonine, cinchonidine, quinidine, quinine sulfate, etc., and such alkaloids in standard dosage forms (pills, tablets, capsules, ampoules, etc.) or totaquine, quinine, cinchonine, cinchonidine in packages of one-half ounce or less.

(2) "Quinine" means quinine alkaloid obtained from cinchona bark and its salts and derivatives.

(3) "Cinchonine" means cinchonine alkaloid obtained from cinchona bark, and its salts and derivatives.

(4) "Cinchonidine" means cinchonidine alkaloid obtained from cinchona bark, and its salts and derivatives.

(5) "Quinidine" means quinidine alkaloid obtained from cinchona bark, and its salts and derivatives.

(6) "Totaquine" means a mixture of alkaloids obtained from cinchona bark.

(7) "Cinchona bark" means the bark obtained from the genus Cinchona or from the genus Remijia.

(8) "Anti-malarial agent" means any product or material which according to modern medical opinion is recognized as a specific for suppression, alleviation or cure of malarial infections.

(9) "Producer" means any person who produces or imports cinchona bark or cinchona alkaloids or has cinchona alkaloids produced for him pursuant to toll agreement.

(10) "Distributor" means any person who buys cinchona alkaloids for resale without further processing.

(11) "Supplier" means a producer or distributor.

(b) *Restrictions on deliveries and use.* No person other than Defense Supplies Corporation or any other corporation organized under section 5 (d) of the RFC Act, as amended, or any duly authorized agent of such corporation, or a government disposal agency acting as such, shall deliver, accept delivery of, or use cinchona bark or cinchona alkaloids unless specifically authorized by War Production Board, on Forms WPB 2945 or WPB 2946, whichever is appropriate. However, the U. S. Army, Navy, the U. S. Maritime Commission and War Shipping Administration need not apply for authorization to accept delivery of and use cinchona bark or cinchona alkaloids, but their supplier must list the proposed deliveries, and contract numbers on his application Form WPB 2946, and such supplier shall not make delivery until authorized by War Production Board. Such authorization will also constitute authorization to those services and agencies named to accept delivery of and to use the cinchona bark or cinchona alkaloids.

(c) *Exceptions to restrictions on delivery and use.* Nothing contained in this order shall prohibit the following transactions:

(1) *Deliveries of uncompounded cinchona alkaloids under toll agreement.* Any person may, without authorization from War Production Board, accept delivery of cinchona alkaloids pursuant to toll agreement for the purpose of compounding into standard dosage forms, and thereafter redeliver the same to the owner thereof, provided the person making the delivery in the first instance has received specific authorization to use the cinchona alkaloids and retains title to such cinchona alkaloids and to the products made therefrom.

(2) *Small deliveries of cinchona alkaloids.* Any person may, without authorization from War Production Board, accept small deliveries of cinchona alkaloids for the purpose of resale to licensed physicians, veterinarians or to ultimate consumers, or for the purpose of compounding into dosage form and thereafter reselling the same in such form, provided that small deliveries do not exceed in any calendar month:

(i) 10 ounces of totaquine (uncompounded). 5 ounces of cinchonine or its salts in the aggregate (uncompounded). 5 ounces of cinchonidine or its salts in the aggregate (uncompounded). 5 ounces of quinine or its salts in the aggregate (uncompounded).

(ii) 2 ounces of quinidine or its salts in the aggregate (whether compounded or in standard dosage form), unless acceptance of delivery of this amount, taken together with such person's stock of quinidine on hand on the delivery date exceeds 4 ounces of quinidine or its equivalent in standard dosage form.

No authorization from War Production Board is required for the compounding of such cinchona alkaloids or for any subsequent delivery, acceptance of delivery, or use of such cinchona alkaloids, whether in compounded form or otherwise. However, the certificate referred to in paragraph (d) of this order is required for all small deliveries of quinidine unless the small delivery is made to an ultimate consumer on a physician's prescription as explained in paragraph (e) of this order.

(3) *Deliveries of totaquine, quinine, cinchonine and cinchonidine in standard dosage forms.* Any person may, without authorization from the War Production Board, accept deliveries of totaquine, quinine, cinchonine, cinchonidine in packages of $\frac{1}{2}$-ounce or less or in standard dosage forms. No authorization from War Production Board is required for any subsequent delivery, acceptance of delivery or use of such cinchona alkaloids.

(4) *Delivery and use of cinchona bark on hand April 30, 1942.* Any person may deliver, accept delivery of or use, without authorization from War Production Board, any stock of cinchona bark consisting of less than 50 pounds and which was physically located at any one place on April 30, 1942.

(5) *Delivery and use of cinchona bark or cinchona alkaloids previously compounded.* Any person may deliver, accept delivery of, or use, without authorization from War Production Board:

(i) Any quinine which had been combined or compounded with other medicinal agents on or before April 4, 1942;

(ii) Any totaquine or cinchona bark which had been combined or compounded with other medicinal agents on or before April 30, 1942;

(iii) Any quinine and urea hydrochloride (USP) or quinine hydrochloride and urethane which had been combined or compounded with other medicinal agents on or before January 9, 1943;

(iv) Any cinchonine, cinchonidine or quinidine which had been combined or compounded with other medicinal agents on or before June 19, 1942.

(v) Any anti-malarial agent manufactured on or before January 9, 1943.

(d) *Certification required.* No person shall deliver quinidine pursuant to paragraphs (c) (2), (c) (3) and (c) (5) (v) of this order except upon receipt of a certificate in substantially the form shown below signed manually by a duly authorized official or as provided in Priorities Regulation No. 7. The quantity of material delivered should be specified on the reverse side of the certificate. A certificate is not required in those cases where delivery is made to an ultimate consumer on a physician's prescription as explained in paragraph (e) of this order.

NOTE: Certificate for quinine, cinchonine, cinchonidine, or totaquine, deleted Sept. 5, 1945.

CERTIFICATE FOR QUINIDINE

The undersigned hereby certifies to the War Production Board and to _____ (name of seller or supplier) that the quinidine (or product containing quinidine) ordered hereby (specify quantity on reverse side) is for use in the treatment of cardiac disorders and will not be sold, transferred or delivered by the undersigned for any other purpose and if any part of this purchase order of quinidine is sold to an ultimate consumer it will only be sold upon a physician's prescription as provided in paragraph (e) of Conservation Order M-131; and the undersigned further certifies that acceptance of delivery of this order will not increase his inventory of quinidine on hand on the delivery date in excess of 4 ounces of quinidine or its equivalent in standard dosage form. This certification is made in accordance with terms of Conservation Order M-131 with which the undersigned is familiar.

_____
Name of purchaser

By _____
Name and title of duly authorized official

_____
(Date)

(e) *Restrictions on all deliveries of quinidine to ultimate consumers.* Any person who wishes to get quinidine for consumption and not for resale must furnish the supplier with a physician's prescription. This paragraph applies to all deliveries of quinidine to the ultimate consumer. No person shall deliver quinidine to an ultimate consumer except upon receipt of a written prescription signed by a physician licensed to prescribe drugs, which shall state either that the quinidine prescribed is to be used for the treatment of cardiac disorders or "Pursuant to War Production Board Order M-131, paragraph (e)". No quinidine shall be delivered pursuant to a prescription which is written for more than fifty 3-grain tablets or capsules or for the equivalent of 150 grains of quinidine in other dosage forms. No delivery of quinidine shall be made pursuant to a prescription which is used a second time to obtain additional quantities.

(f) *Applications for authorization to accept delivery or use.* A person requiring authorization to accept delivery or to use cinchona bark or cinchona alkaloids during any calendar month shall file application on Form WPB 2945 (formerly PD-630) with the Chemicals Division, War Production Board, Washington 25, D. C., on or before the 15th of the preceding month. Instructions for filling out this form are set out in Appendix A. One copy of Form WPB 2945 will be returned to the sender, on which War Production Board will indicate the quantity and type of cinchona alkaloids which he is authorized to acquire or use.

(g) *Applications for authorization to deliver.* A supplier desiring authorization to deliver cinchona bark or cinchona alkaloids during any calendar month shall file application on Form WPB 2946 (formerly PD-601) with the Chemicals Division, War Production Board, Washington 25, D. C., on or before the 20th day of the preceding month. Instructions for filling out this form are set out in Appendix B. One copy of Form WPB 2946 will be returned to the supplier on which the War Production Board will indicate the quantity and type of cinchona bark or cinchona alkaloids which he is authorized to deliver.

(h) [Deleted Sept. 5, 1945.]

(i) *Applicability of regulations.* This order and all transactions affected thereby are subject to all applicable regulations of War Production Board, as amended from time to time, except to the extent that any provisions hereof may be inconsistent therewith, in which case the provisions of this order shall govern.

(j) *Inability to deliver.* If a producer or distributor is authorized or directed by War Production Board to deliver cinchona bark or cinchona alkaloids to any specific customer or group of customers, but is unable to make the delivery either because of receipt of notice of cancellation or otherwise, he must immediately notify the War Production Board, Chemicals Division, Washington 25, D. C., Ref: M-131, and shall not deliver the material to anyone else, or use it, until he receives further instructions.

(k) *Appeals.* Appeal from the provisions of this order shall be made by filing a letter in triplicate, referring to the particular provision appealed from and stating fully the grounds of the appeal.

(l) *Violations.* Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States is

guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

(m) *Communications to War Production Board.* All reports required to be filed hereunder, and all communications concerning this order, shall, unless otherwise directed, be addressed to: War Production Board, Chemicals Division, Washington 25, D. C. Ref: M-131.

Issued this 5th day of September 1945.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

APPENDIX A

INSTRUCTIONS FOR FILING APPLICATIONS ON FORM WPB 2945[1] (FORMERLY PD-600) FOR SPECIFIC AUTHORIZATION TO ACCEPT DELIVERY AND USE CINCHONA BARK OR CINCHONA ALKALOIDS

(1) *Who should file.* Specific authorization by War Production Board is required for acceptance of all deliveries of cinchona alkaloids, unless the deliveries fall within the exceptions provided in paragraph (c) of the order. Any producer desiring permission to use part or all of his own production shall also file this application. This form need not be filed by the U. S. Army, Navy, Coast Guard, the U. S. Maritime Commission or War Shipping Administration.

(2) *Where forms may be obtained.* Copies of Form WPB 2945 may be obtained at local field offices of War Production Board.

(3) *Number of copies.* Five copies shall be prepared, of which three shall be forwarded to War Production Board, Chemicals Division, Washington 25, D. C., Ref: M-131, one forwarded to the supplier with whom applicant's order is placed, and the fifth retained for applicant's file. At least one of the copies filed with War Production Board shall be signed by applicant by a duly authorized official. Where the application is solely for authorization to use from inventory, no copy need be prepared for suppliers.

(4) *Special instructions for filling out form.* Follow the instructions on the form except where they conflict with the specific instructions given below:

(a) *Heading.* Under "Name of chemical", specify either "Cinchona bark" or "Cinchona alkaloids", using a separate set of forms for each. Under "WPB Order No.", specify "M-131", under "Unit of Measure", specify "Pounds" in the case of cinchona bark and "Ounces" in the case of cinchona alkaloids.

(b) *Column 1.* In applying for authorization to receive or to use cinchona bark, specify in Column 1 the grade or variety. In applying for authorization to accept delivery or to use cinchona alkaloids, specify in Column 1 the name of each alkaloid or the salt of the alkaloid; for example, quinine alkaloid, quinine sulfate, totaquine, quinidine alkaloid, quinidine sulfate, etc. (It is not necessary to use a separate set of forms for each alkaloid or salt of alkaloid requested).

(c) *Column 2.* Specify the quantity (in pounds) for cinchona bark and (in ounces) for each type of cinchona alkaloid.

(d) *Column 3.* In Column 3 "Primary product" specify the exact name of the product or products in the manufacture or preparation of which the cinchona bark or the cinchona alkaloids will be used or incorporated. Distributors ordering cinchona mark or cinchona alkaloids for resale will specify "Resale". If purchase is for inventory, specify "Inventory".

(e) *Column 4.* In Column 4 specify ultimate use to be made of the primary product, for example, "Anti-malarial" or "cardiac", and if the purpose is to fill Army, Navy, Lend-Lease or other government agencies' contracts, state the contract number. If purpose is for export, the WPB 2945 must first be sent to Foreign Economic Administration together with application for an export license. If the export license is granted, Foreign Economic Administration will then affix the export license number to Form WPB 2945 and forward the document to War Production Board.

APPENDIX B

INSTRUCTIONS FOR FILING SUPPLIER'S APPLICATION ON FORM WPB 2946[1] (FORMERLY PD 601) FOR SPECIFIC AUTHORIZATION TO DELIVER CINCHONA BARK OR CINCHONA ALKALOIDS

(1) *Who should file.* All suppliers (except Army, Navy, etc.—as listed in paragraph (b)), must obtain specific authorization before delivering cinchona bark or cinchona alkaloids.

(2) *Where forms may be obtained.* Copies of Form WPB 2946 may be obtained at local field offices of War Production Board.

(3) *Number of copies.* Four copies shall be prepared, of which three shall be forwarded to War Production Board Chemicals Division, Washington 25, D. C., Ref: M-131, the fourth to be retained by the supplier. Each producer who has filed application on Form WPB 2945 specifying himself as his supplier, shall list his own name as customer on Form WPB 2946 and shall list his request for allocation in the manner prescribed for other customers.

(4) *Special instructions for filling out form.* Follow the instructions on the form except where they conflict with the specific instructions given below:

(a) *Heading.* In the heading under "Name of chemical", specify "Cinchona bark" or "Cinchona alkaloids", as the case may be, using a separate set of forms for each. Under "WPB Order No.", specify "M-131"; under "Unit of measure", specify "Pounds" in the case of cinchona bark and "Ounces" in the case of cinchona alkaloids.

(b) *Column 1.* Specify the names of customers. A producer requiring permission to use a part or all of his own production of cinchona bark or cinchona alkaloids shall list his own name in Column 1 as customer. After completing the list of customers, insert "Total small order deliveries (estimated)" for each alkaloid or salt delivered pursuant to paragraph (c) (2) of this order.

(c) *Column 3.* List each alkaloid or salt (and in the case of cinchona bark, the variety) for which orders for delivery during the applicable month have been received as indicated in the Forms WPB 2945 filed with him by his customers.

(d) *Column 4.* Specify total quantity to be delivered to each customer named in Column 1, and total estimated quantity to be delivered on the "Small order deliveries" mentioned in Column 1.

(e) *Table II.* Each producer will report production, deliveries and stocks as required by Table II, Columns 8 to 16, inclusive. Distributors and importers will enter in Columns 9, 11 and 14 "Receipts" instead of "Production". In Column 8 the supplier will specify in the case of cinchona bark the variety and in the case of cinchona alkaloids each alkaloid or salt of alkaloid for which orders for delivery during the applicable month have been received, as indicated in the Forms WPB 2945 filed with him by his customers.

[F. R. Doc. 45-16536; Filed, Sept. 5, 1945; 11:25 a. m.]

[1] The reporting provisions of this order have been approved by the Bureau of the Budget in accordance with Federal Reports Act of 1942.

PART 4600—RUBBER, SYNTHETIC RUBBER AND PRODUCTS THEREOF

[Rubber Order R-1 as Amended May 30, 1945, Amdt. 4]

Rubber Order R-1 as amended May 30, 1945, is hereby further amended as follows: By deleting § 4600.10, *Tires and tubes.*

(Sec. 2 (a), 54 Stat. 676, as amended by 55 Stat. 236 and 56 Stat. 177; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; E.O. 9246; 7 F.R. 7379, as amended by E.O. 9475, 9 F.R. 10817; WPB Reg. 1 as amended Dec. 31, 1943, 9 F.R. 64)

Issued this 5th day of September 1945.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 45-16537; Filed, Sept. 5, 1945; 11:25 a. m.]

Chapter XI—Office of Price Administration

PART 1305—ADMINISTRATION

[Supp. Order 126, Amdt. 1]

EXEMPTION AND SUSPENSION OF CERTAIN ARTICLES OF CONSUMER GOODS FROM PRICE CONTROL

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.

Supplementary Order No. 126 is amended in the following respects:

1. In section 1, the designations "sections 2 and 3" are amended to read "seconds 2, 3 and 4".

2. Section 4 is added to read as follows:

SEC. 4. *Textile articles.* "Decorative yarns" when sold by the manufacturer in quantities which, except in unusual instances, do not aggregate more than 2,000 pounds of any one style to any one purchaser during any 6-month period. As used herein: "decorative yarns" means yarns designed for and used solely as decoration in those apparel fabrics which do not consist, apart from decoration, entirely of cotton; "style" refers to yarn of a particular count, color and twist.

This amendment shall become effective September 10, 1945.

Issued this 5th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-16543; Filed, Sept. 5, 1945; 11:39 a. m.]

PART 1306—IRON AND STEEL

[RPS 100, Amdt. 4]

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.

Revised Price Schedule No. 100 is amended in the following respects:

1. Section 1306.307 is amended to read as follows:

§ 1306.307 *Definitions.* (a) When used in this Revised Price Schedule No. 100, as amended, the term:

(1) "Person" includes an individual, corporation, partnership, association, or any other organized group of persons or legal successor or representative of the foregoing, and includes the United States or any agency thereof, or any other Government agency, or any of its political subdivisions, or any agency of any of the foregoing.

(2) "Manufacturer" means a person operating a foundry or plant which produces cast iron soil pipe and fittings. Except for purposes of the records requirements of § 1306.304, the term includes, without restricting the generality of the foregoing, any manufacturer's representative, factory commission salesman, or other manufacturer's agent.

(3) "Jobber" and the term "wholesaler" means a person who purchases cast iron soil pipe for purposes of resale, normally maintains a line of pipe and fittings, and sells primarily to plumbers, contractors and industrial concerns.

(4) "Cast iron soil pipe and fittings" means cast iron soil pipe and fittings of the types listed in Appendices B and C of this Schedule.

(5) "Carload shipment," "carload sales," or "carload quantity" means a shipment or quantity of cast iron soil pipe and fittings the aggregate of which totals at least the lowest applicable minimum carload weight as specified in the established tariff of the rail carrier involved, or for which a carload rate would be paid.

(6) "Truckload shipment" means a shipment or quantity of cast iron soil pipe and fittings, the aggregate weight of which totals the highest of the following:

(i) 10 tons, or

(ii) The applicable minimum truckload weight permissible under existing regulations of the Office of Defense Transportation applicable to the carrier involved, or

(iii) The applicable minimum truckload weight permissible under any State regulation applicable to the carrier involved.

(7) "Jobbing point" means a site used by a manufacturer, jobber, or wholesaler for storing cast iron soil pipe and fittings and for distributing such commodities (such as a warehouse).

(8) "Proposed site of installation" means the site of the construction operation designated by the purchaser at which the soil pipe is to be installed.

2. Section 1306.309 is amended to read as follows:

§ 1306.309. *Appendix A: Maximum prices for cast iron soil pipe and fittings*—(a) *Base discounts.* The minimum base discount from the list prices for cast iron soil pipe and fittings described in §§ 1306.310 and 1306.311, shall be as follows:

2" to 6" extra heavy pipe	44½
2" to 6" medium pipe	39½
2" to 6" standard pipe	34½
2" to 6" fittings	29½
2" to 15" victory pipe (as described in section 1306.311)	35½
8" to 15" pipe and fittings	35½

(b) *Sales by manufacturers*—(1) *Carload sales.* The maximum price for carload sales by manufacturers shall be f. o. b. the jobbing point nearest to the point of installation, computed by reducing the minimum base discount for each type and size of cast iron soil pipe and fittings as set forth in (a) above by ¼ point for each 25 cents per ton of freight based upon the lowest railroad tariff for a carload quantity from Birmingham, Alabama, to the jobbing point nearest to the proposed site of installation, and subject to the terminal discounts set forth in (3) below.

(2) *Truckload sales.* The maximum price for truckload sales by manufacturers shall be computed in the same manner as set forth in (1) above except that the manufacturer shall be permitted to add to the price so determined the difference in actual cost between the minimum truck rate from the manufacturing point and the jobbing point, or proposed site of installation, and the applicable carload rate between these points had he shipped by rail. The amount of this charge must be shown as a separate item on the manufacturer's invoice.

(3) *Terminal discounts.* Carload and truckload sales by manufacturers shall be subject to the following terminal discounts:

(i) On sales to jobbers or wholesalers: Successive discounts of 10 and 10 and 5 percent.

(ii) On sales to persons other than jobbers or wholesalers: Successive discounts of 10 and 10 percent.

(c) *Less-than-carload and less-than-truckload sales by manufacturers.* (1) The maximum price for less-than-carload and less-than-truckload sales by manufacturers shall be f. o. b. point of manufacture, computed by reducing the minimum base discount for each type and size of cast iron soil pipe and fitting set forth in (a) above by ¼ point for each 25 cents per ton of freight based upon the lowest railroad tariff for a carload quantity from Birmingham, Alabama, to the place of manufacture, and subject to the terminal discounts set forth in (2) below.

(2) *Terminal discounts.* Less-than-carload and less-than-truckload sales by manufacturers shall be subject to the following terminal discounts:

(i) On sales to jobbers or wholesalers: Successive discounts of 10 and 5 percent.

(ii) On sales to persons other than jobbers or wholesalers: No terminal discounts required.

(d) *Sales by jobbers or wholesalers.* (1) The maximum price for sales by jobbers or wholesalers shall be f. o. b. jobbing point nearest to the point of installation, computed by reducing the minimum base discount for each type of cast iron soil pipe and fitting as set forth in (a) above by ¼ point for each 25 cents per to of freight based upon the lowest railroad tariff for a carload quantity from Birmingham, Alabama, to the jobbing point nearest to the proposed site of installation, and further reduced by the terminal discounts set forth in (2) below:

(2) *Terminal discounts.* Sales by jobbers or wholesalers shall be subject to the following terminal discounts:

(i) Carload or truckload sales direct from the place of manufacture: Successive discounts of 10 and 10 percent.

(ii) Less-than-carload or less-than-truckload sales or out of stock sales: No terminal discounts.

(3) On truckload sales direct from point of manufacture to proposed site of installation, a jobber or wholesaler may add to his maximum price as computed under (1) and (2) above, the actual amount collected from him by the manufacturer under the provisions of paragraph (b) (2), provided, each jobber or wholesaler shows such amount as a separate item on his invoice.

(e) *Delivery charges.* (1) On less-than-carload or less-than-truckload sales the manufacturer may add additional charges for delivering the shipment from the point of manufacture to the proposed site of installation not in excess of the actual cost of delivery from the point of manufacture to the proposed site of installation.

On all other sales by any person there may be added additional charges for delivering the shipment from the jobbing point to the proposed site of installation not in excess of the actual transportation charges paid for a shipment from the jobbing point to the proposed site of installation.

On sales by a jobber or on carload sales or truckload sales by a manufacturer where shipment is made direct from the place of manufacture to the proposed site of installation such additional delivery charge shall not exceed an amount equal to a charge for transporting a shipment of identical weight from the jobbing point to the proposed site of installation calculated at the lowest applicable freight rate for a carrier of the type actually employed in making the delivery.

If such delivery is made in a vehicle owned or controlled by the seller, the delivery charges provided for in this paragraph may not exceed the transportation charge for a shipment of identical weight calculated at the lowest applicable common railroad or motor carrier rate from the appropriate point to the proposed site of installation.

(2) The additional delivery charges provided for in (1) above may not be demanded or collected:

(i) Unless the seller has filed the document or statement which he is required to file by § 1306.304 (b);

(ii) Unless such further delivery charge is shown as a separate item on the billing or invoice;

(iii) Unless the proposed site of installation of the cast iron soil pipe and/or fittings is outside the free delivery zone or zones recognized by the seller on October 1, 1941;

(iv) If in the case of a carload sale by a manufacturer or any sale by a jobber, the delivery is made to a purchaser other than a jobber or wholesaler at the jobbing point.

(f) For the purposes of this section, the seller shall be considered as having delivered to the proposed site of installation when, in the case of a purchase from a jobber or wholesaler, or in the case of a purchase from a manufacturer by a

person other than a jobber or wholesaler, a shipment by railroad arrives at the railroad siding nearest to the site designated by the purchaser, or when a shipment by motor carrier arrives at the site designated by the purchaser.

(g) The maximum price at which a person may export cast iron soil pipe and fittings shall be determined in accordance with the provisions of the Maximum Export Price Regulation issued by the Office of Price Administration.

(h) Where the seller performs the service of wiring or otherwise bundling pipe and fittings for export shipment, an added charge of $1.00 per ton of pipe and fittings may be made.

(h) No additions to the maximum prices established in this Appendix A may be made for treating cast iron soil pipe and fittings with tar.

(i) Credit terms more onerous than those available or in effect on October 1, 1941, shall not be imposed by the seller.

(j) All carload or truckload orders accepted as such must be priced as a carload or truckload shipment regardless of how the order is eventually shipped.

This amendment shall become effective September 7, 1945.

Issued this 5th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-16542; Filed, Sept. 5, 1945; 11:40 a. m.]

PART 1364—FRESH, CURED AND CANNED MEAT AND FISH PRODUCTS

[MPR 418, Amdt. 49]

FRESH FISH AND SEAFOOD

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.

Maximum Price Regulation No. 418 [1] is amended in the following respects:

1. Section 10 (b) is redesignated 10 (b) (1) and paragraph (2) is added to read as follows:

(2) The provisions of section 10 (b) (1) are hereby suspended.

2. In section 22 Tables B, C, and D a footnote [c] is added to the names of schedules 51 through 60 (applicable to Canadian lake fish) to read as follows:

[c] The provisions of this regulation so far as they apply to schedules 51 through 60 (covering various species of Canadian lake fish) of Tables B, C and D are hereby suspended.

This amendment shall become effective as of September 1, 1945.

Issued this 4th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-16510; Filed, Sept. 4, 1945; 4:19 p. m.]

PART 1388—DEFENSE-RENTAL AREAS

[Housing, Correction]

HOUSING

In Schedule A of the Rent Regulation for Housing, Items 68, 81 and 317 are corrected to read as follows:

[1] 10 F.R. 3436, 3555, 3951, 4713, 4714, 5089, 5577, 5603, 6074, 6400, 7253, 7853, 8017.

Name of Defense-Rental Area	State	County or counties in Defense-Rental Areas under rent regulation for housing	Maximum rent date	Effective date of regulation	Date by which registration statement to be filed (inclusive)
(68) Albany, Georgia	Georgia	Dougherty	Mar. 1, 1942	Nov. 1, 1942	Dec. 16, 1942
(81) Coeur d'Alene-Pend Oreille	Idaho	Bonner and Kootenai	do	Dec. 1, 1942	Jan. 16, 1943
(317) Gainesville	Texas	Cooke	do	Oct. 1, 1942	Nov. 15, 1942

Issued and effective September 5, 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-16544; Filed, Sept. 5, 1945; 11:40 a. m.]

PART 1360—MOTOR VEHICLES AND MOTOR VEHICLE EQUIPMENT

[MPR 594]

MAXIMUM PRICES FOR NEW PASSENGER AUTOMOBILES

A statement of considerations involved in the issuance of this regulation has been issued simultaneously herewith and has been filed with the Division of the Federal Register.

ARTICLE I—SCOPE OF REGULATION AND PROHIBITION

Sec.
1. Applicability of regulation.
2. Prohibition against dealing in new automobiles above maximum prices.
3. Relation of this regulation to other regulations.
4. Less than maximum prices.

ARTICLE II—MAXIMUM PRICES FOR MANUFACTURERS

5. General explanation.
6. First method for determining a maximum price.
7. Second method for determining a maximum price.
8. Third method for determining a maximum price.
9. Fourth method for determining a maximum price.

ARTICLE III—MAXIMUM PRICES FOR RESELLERS

10. General explanation.
11. Maximum prices for sales at wholesale.
12. Maximum prices for sales at retail.
13. Maximum prices for sales in territories and possessions.
14. When less than a complete automobile is sold.

ARTICLE IV—PROCEDURAL AND MISCELLANEOUS PROVISIONS

15. Certificate of transfer.
16. Notice to be posted.
17. Records and reports.
18. Adjustable pricing.
19. Licensing.
20. Evasion.
21. Enforcement.
22. Petitions for amendment.
23. Definitions.

Appendix A—List prices of similar 1942 model year new passenger automobiles.
Appendix B—Charges for preparing and conditioning new automobiles for delivery.
Appendix C—Certificate of Transfer Form.

AUTHORITY: § 1360.4 issued under 56 Stat. 23, 765; 57 Stat. 566; Pub. Law 383, 78th Cong.; Pub. Law 108, 79th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681.

ARTICLE I—SCOPE OF REGULATION AND PROHIBITION

SECTION 1. *Applicability of this regulation*—(a) *To what sales this regulation applies.* This regulation applies to all sales by all persons of new passenger automobiles and their extra, special or optional equipment.

(1) *Definition of new passenger automobiles.* A new passenger automobile (called "new automobile" in this regulation) means any 1945 or subsequent model year automobile, including standard equipment, manufactured in the United States having a seating capacity of less than eleven persons which:

(i) Has not been used; or

(ii) Is a demonstrator; or

(iii) Is a dealer company owned or dealer executive car.

(b) *Geographical applicability.* This regulation applies to the forty-eight states of the United States, the District of Columbia, and the territories and possessions of the United States.

SEC. 2. *Prohibition against dealing in new automobiles at prices above the maximum.* (a) No person shall sell or deliver any new automobile at a price higher than the maximum price permitted by this regulation, except as provided in section 18.

(b) No person in the course of trade or business shall buy or receive a new automobile at a price higher than the maximum price permitted by this regulation, except as provided in section 18, but if he, the purchaser, has received from the seller a written statement that the price charged is not in excess of the maximum price, and he has no knowledge to the contrary, he shall be deemed to have complied with this paragraph.

(c) No person shall agree, offer, solicit, or attempt to do any of the acts prohibited in paragraphs (a) and (b) of this section.

SEC. 3. *Relation of this regulation to other regulations*—(a) *In general.* The transactions, persons, and commodities subject to this regulation shall not be subject to any other regulation issued by the Office of Price Administration in so far as they are covered by this regulation, except as provided in paragraph (b).

(b) *Sales for export.* Export sales of the new automobiles covered by this regulation are covered by the Second Revised Maximum Export Price Regulation.

SEC. 4. *Less than maximum prices.* Nothing in this regulation prevents the charging, offering, or paying of prices lower than the maximum prices permitted by this regulation.

ARTICLE II—MAXIMUM PRICES FOR MANUFACTURERS

SEC. 5. *Explanation*—(a) *Coverage of Article II.* Maximum prices for manufacturers are established under this Article II. The word "you" refers to a person who is a manufacturer of new automobiles.

(b) *Methods to be used in determining maximum prices.* There are four methods for determining manufacturers' maximum prices, the first three of which are for use in pricing models similar to the 1942 models of the same makes, and the fourth, in pricing models of new makes or new models of established makes which are not similar to the 1942 models of the same makes.

(1) *When first pricing method is to be used.* A maximum price may be established under the first pricing method, section 6, for any new automobile in which differences in specifications, design, material or equipment do not cause its direct labor and materials costs to be below such costs of the most similar 1942 models of the same make.

(2) *When second pricing method is to be used.* A maximum price may be established under the second pricing method, section 7, for a new automobile which is substantially different from the most similar 1942 model of the same make. A new automobile is "substantially different" if, because of differences in specifications, design, material or equipment, its direct costs for labor and materials are lower or higher than such costs for the model with which it is being compared, except that the omission of a fifth tire from the new automobile shall not be considered as making the new automobile substantially different from the model with which it is compared.

If differences in specification, design, material or equipment cause direct material and labor costs of the new automobile to be lower than such costs of the model with which it is compared, the maximum price for the new automobile must be established under this section unless it is established under section 8.

(3) *When third pricing method is to be used.* Under the third pricing method, which incorporates the OPA's reconversion pricing formula, a maximum price may be established for any new automobile for which a maximum price may be established under the first or second pricing method. However, you may determine maximum prices for some models under section 8 and maximum prices for other models under section 6 or 7, whichever may be applicable.

(4) *When fourth pricing method is to be used.* Under the fourth pricing method maximum prices must be established for makes of new automobiles not previously manufactured or for models of makes of new automobiles which are not similar to 1942 models of the same makes with respect to specifications of major characteristics.

(c) *Costs to be used in determining net differences in direct labor and material costs.* In determining each net difference in direct material and labor costs due to a change in specification, design, material or equipment, use the following costs:

(1) *Material cost.* Use actual current cost whenever possible for the item of material or equipment of the new automobile that reflects a change from the similar item of material or equipment in the base period model with which the new automobile is compared and also for the item of material or equipment in the base period model. When actual current cost cannot be determined for the item of material or equipment of that base period model, use your best estimate of current cost for such an item. Likewise, when actual current cost cannot be determined for the item of material or equipment of the new automobile, use your best estimate of current cost for such an item.

(2) *Labor cost.* Use labor cost based on actual current wage rates and on your best estimate of the time it would currently take to perform the operation. This procedure applies to the item of material or equipment in the base period model as well as the item of material or equipment in the new automobile.

(d) *"Highest price."* The "highest price" referred to in Article II is the highest gross price either for an automobile or its extra, special or optional equipment before any discounts or allowances, and exclusive of charges for outbound transportation, for taxes, and for handling and delivery operations. In the case of the new automobile the "highest price" is also exclusive of the charge for a fifth tire.

(e) *"Base period."* The "base period" referred to in any section in the regulation is "October 1, 1941 to October 15, 1941", except for Packard Motor Car Company and Crosley Corporation, it is "February 2, 1942".

SEC. 6. *First method for determining a maximum price*—(a) *Method.* Your maximum price under this method for each class of purchaser is the sum of the following, less the amount obtained by multiplying (1) and (2) by the respective discounts in effect in the base period:

(1) The highest price you had in effect in the base period for the most similar 1942 model of the same make; and

(2) If the new automobile is equipped with extra, special or optional equipment, the highest prices you had in effect in the base period for the most similar 1942 model extra, special or optional equipment; and

(3) The cost of transportation, if any, not to exceed the actual rail freight charge at carload rates, by the most direct route, for the transportation of the new automobile and extra, special or optional equipment, from the factory to the railroad freight receiving station nearest to the location of the purchaser; and

(4) A charge to cover federal excise taxes, at the current legal rate, on the new automobile and on extra, special or optional equipment, computed in accordance with the method you had in effect on October 15, 1941; and

(5) A charge for handling and delivery operations computed in accordance with the method you had in effect on October 15, 1941.

(b) *When maximum prices under this method may be charged.* Maximum prices determined under this method may be charged and collected without prior approval or authorization.

(c) *Report of maximum prices.* You shall furnish to the Automotive Branch, OPA National Office, Washington, D. C., a report containing a description of each model of each make of new automobile, and of its standard and extra, special or optional equipment, which you intend to price under this section, and the dollars and cents maximum prices you may charge each class of purchaser for this model and equipment. This report shall be mailed to the OPA not later than 5 days after the first sale of the model. Each maximum price shall be broken down to show the following charges and the statement in item (6) shall be made with respect to the models included in each report:

(1) The highest price you had in effect in the base period for the most similar 1942 model of the same make; and

(2) The highest prices you had in effect in the base period for the most similar 1942 model extra, special or optional equipment; and

(3) The discounts you had in effect in the base period, the class of purchasers who received them, and for what purposes they were given; and

(4) The dollars and cents amounts of the charges for federal excise taxes on the new automobile and on the extra, special or optional equipment, and an explanation of how the charges were determined; and

(5) The dollar and cents amounts of the charges for handling and delivery operations and an explanation of these operations; and

(6) A statement that any differences in specification, design, material or equipment in the new automobile or its extra, special or optional equipment, from the most similar 1942 model of the same make or from the most similar 1942 model extra, special, or optional equipment, have not caused direct material and labor costs to be lower than such costs of the 1942 model or its equipment.

SEC. 7. *Second method for determining a maximum price.* A maximum price is provided in this section for a new automobile substantially different from the most similar 1942 model of the same make.

(a) *Method.* Your maximum price under this method for each class of purchaser is the sum of the following, less the amount obtained by multiplying (1), (2), (3), and (4) by the respective discounts in effect in the base period:

(1) The highest price you had in effect in the base period for the most similar 1942 model of the same make; and

(2) If the new automobile is equipped with extra, special or optional equipment, the highest prices you had in effect in the base period for the most similar 1942 model extra, special or optional equipment; and

(3) The dollar and cents amount which after the application of the above discounts will yield the dollar and cent net difference (which may be a minus amount) between the direct materials and labor costs of the new automobile and the same costs of the most similar 1942 model of the same make caused by the differences in specification, design, material or equipment between these two models; and

(4) The dollar and cents amount which after the application of the above discounts will yield the net dollar and cent differences (which may be a minus amount) between the direct materials and labor costs of the new extra, special or optional equipment and such costs of

the most similar 1942 model extra, special or optional equipment caused by the differences in specification, design, or material between such equipment; and

(5) The cost of transportation, if any, not to exceed the actual rail freight charge at carload rates, by the most direct route, for the transportation of the new automobile and extra, special or optional equipment, from the factory to the railroad freight receiving station nearest to the location of the purchaser; and

(6) A charge to cover federal excise taxes, at the current legal rate, on the new automobile and on extra, special or optional equipment, computed in accordance with the method you had in effect on October 15, 1941; and

(7) A charge for handling and delivery operations computed in accordance with the method you had in effect on October 15, 1941.

(b) *Approval of maximum price.* All maximum prices under this section shall be submitted for approval to the Automotive Branch, National OPA Office, Washington, D. C. The report in which the prices are submitted shall contain the following information (Show separately the information for extra, special or optional equipment.):

(1) A description of the new automobile being priced including make, series, model, passenger capacity and standard equipment, and of its extra, special or optional equipment; and

(2) A description of the most similar 1942 model of the same make, including make, series, model, passenger capacity and standard equipment and of its extra, special or optional equipment; and

(3) Your highest price in the base period for the most similar 1942 model of the same make and your highest prices in the base period for the most similar 1942 model extra, special or optional equipment; and

(4) The discounts you had in effect in the base period, the classes of purchasers who received them, and for what purposes they were given; and

(5) The differences between the two automobiles and between the extra, special or optional equipment in specifications, design, materials, or equipment causing differences in direct labor and materials costs, showing:

(i) for each change, the dollars and cents amount of the differences, stated separately, in direct labor cost and in direct materials cost, for both the automobiles and the extra, special or optional equipment, and

(ii) the total dollars and cents amount of the net difference in both such costs caused by all such changes; and

(6) The dollar and cents amount of the charges permitted for excise taxes, and an explanation of its computation; and

(7) The dollars and cents amount permitted for handling and delivery operations, and an explanation of such operations.

(c) *Action by OPA.* A request for approval of maximum prices under this section shall be granted or denied in an order issued by the Administrator. This order shall be issued not later than 7 days from the date the request for approval is filed with the OPA, or from the date that all required information is filed with the OPA. In each order authorizing maximum prices there shall be stated maximum resale prices for all classes of resellers. These maximum resale prices shall reflect the differential you had in effect on November 1, 1941, between your prices and your suggested resale prices. If you did not have suggested resale prices on that date the Administrator shall establish maximum resale prices which reflect the differential between manufacturers' prices and their suggested resale prices generally in effect in the industry on November 1, 1941 for new automobiles in the same price line.

(d) *When the new maximum prices may be charged.* No maximum prices computed under this section may be charged and no payment of them may be received until the order of the Administrator authorizing the prices is effective.

SEC. 8. *Third method for determining a maximum price.* A maximum price may be determined under this section instead of under section 6 or 7. Broadly stated, this method permits you first to calculate a price increase factor reflecting legal increases since January 1, 1941, in your materials prices and basic wage rate schedules and a profit margin over costs. You then apply this factor to your 1941 model prices and make appropriate adjustments for changes in specification, design, material and equipment from your most similar 1941 model of the same make. Rules for the use of the method are stated in the following paragraphs.

(a) *How to calculate your price increase factor.* To calculate your price increase factor, take the following steps:

Step 1. Find your net total sales and total costs by constructing a composite profit and loss statement from the profit and loss statements for the fiscal year ending June 30, 1941, of all your divisions and subsidiaries which either produce or sell and distribute new automobiles, excluding profit and loss statements for divisions or subsidiaries which as a general practice are not engaged in the production or sale and distribution of new automobiles for delivery or use inside the continental United States. If you do not have divisional profit and loss statements for that year, construct a composite of your profit and loss statement and the profit and loss statements of your subsidiaries which produce or sell and distribute new automobiles, except those excluded above.

"Total costs" include the cost of labor and materials, direct and indirect, entering into factory cost, other elements of fatory overhead, and selling, general and administrative expense, but do not include any amount for profit or for income and excess profit taxes.

Step 2. Apply the rules in paragraph (b) below to determine a percentage increase factor for your legal increases in materials prices since January 1, 1941.

Step 3. Apply the rules in paragraph (c) below to determine a percentage increase factor for your legal increases in basic wage rate schedules since January 1, 1941.

Step 4. Adjust your total costs as found in Step 1 by increasing the material and labor costs entering into factory cost by dollar amounts which reflect your respective percentage increase factors for legal increases in material prices and basic wage rate schedules. The result is your "adjusted total costs."

Step 5. Add to your adjusted total costs the higher of the following:

(1) The dollar amount obtained by multiplying your adjusted total costs by your average over-all percentage profit margin over cost for the years 1936–1939; or

(2) The dollar amount obtained by multiplying your adjusted total costs by 4.9%, one-half the industry's percentage over-all profit margin over cost for the years 1936–1939.

The result is your "adjusted total sales."

Step 6. Find the percentage by which your adjusted total sales exceed your total sales as found in Step 1. This percentage is your "price increase factor."

Step 7. Apply the price increase factor to your 1941 model prices according to the rules in paragraph (d) below.

(b) *How to calculate a percentage increase factor for material costs.*—(1) *The method to be used.* Legal increases in material prices shall be calculated by using the bill of materials for your best selling 1941 model regardless of make.

Find the price increases since January 1, 1941, for not less than 75% of the materials going into the largest selling 1941 model. Then add the dollar or cents amounts of the increases together and divide the total by the total dollar cost as of January 1, 1941 of all materials going into the model. The result is your "percentage increase factor for legal increases in materials prices."

In determining the increases make the determination separately for raw materials and other materials, and use the items of material in each case having the highest dollar values in their descending order of importance. Also use as the January 1, 1941 prices from which to measure the increases the following prices:

(i) *For raw materials,* open market prices as of January 2, 1941, for such materials; and

(ii) *For other materials,* the last contract prices prior to January 1, 1941, for representative quantities of such materials.

(2) *Definitions.* (i) "Materials" include raw materials, parts, parts components, and subassemblies and also purchased services renderd in connection with the processing of materials.

(ii) "Legal increases in materials prices" are those due to changes in the general level of materials prices. They do not include increases resulting from purchases from a more distant supplier or from a different class of supplier, or in smaller quantities, or from changes in practices as to the subcontracting of parts, parts components, subassemblies, or service operations or those resulting from any other departure from customary purchasing practices.

(3) *Materials cost increase factors.* If it should appear to the Administrator that the prices being paid to suppliers of parts or other materials are inflationary in that they are reflecting temporary and artificially high elements of cost or profit margins materially greater than were prevailing in a representative peacetime period, he may establish materials cost increase factors applicable to particular parts or other materials or groups of parts or materials. These factors so far as may be reasonable and practicable, shall be in line with the price increases which would be permitted if OPA's reconversion pricing policy were applied to adjust the maximum prices for the parts or other materials.

Where a materials cost increase factor is established, OPA will apply it in place of the increase which you reported for the part or material or group thereof covered by the factor, regardless of whether the factor is lower or higher.

(c) *How to calculate a percentage increase factor for labor costs.*—(1) *The method to be used.* Itemize in cents amount each increase in basic wage rate schedules which has been made since January 1, 1941. (Wherever the increase is a percentage amount, multiply such percentage by the average straight time hourly wage rate of the workers affected by the increase on the date it was granted, in order to express the increase in a cents amount). Then for each increase find the percentage relationship of the factory workers covered by the composite profit and loss statement who were affected by the increase on the date it was granted to the total number of factory workers covered by the composite profit and loss statement who were employed on the date the increase was granted. Then multiply each cents increase by the respective percentage. Add the results together and divide the total by the average straight time hourly earnings to obtain the percentage increase factor for "legal increases in basic wage rate schedules." Do not include any increase in basic wage rate schedules for the types of workers whose compensation was included in general administrative and selling expenses in the period covered by the composite profit and loss statement.

(2) *Definitions.* (i) "A basic wage rate" is the single rate or established range of rates for a given job classification of workers whose wages enter into factory cost.

(ii) "Basic wage rate schedules" include all the basic wage rates and rate ranges covered by the composite profit and loss statement you are using of workers whose wages enter into factory cost.

(iii) "Increase in basic wage rate schedules." An increase in basic wage rate schedules is an increase in a single rate or range of rates applying to one or more job classifications since January 1, 1941. It does not include increases to individual employees which do not alter the job classification rate or rate ranges or to employees whose wages do not enter into factory cost. Nor shall it include any increase in basic wage rate schedules made by collective bargaining or voluntary action under the authority of Section 1 of Title IV of Executive Order No. 9599.

(iv) "Average straight time hourly earnings" are the weighted average dollar hourly earnings at straight time rates in effect during the applicable payroll periods beginning January 1, 1941, or immediately thereafter for all the workers covered by the composite profit and loss statement whose wages enter into factory cost.

(d) *How to apply your price increase factor to your 1941 prices*—(1) *When you are pricing a new automobile not substantially different from your most similar 1941 model.* To price a new automobile not substantially different from the most similar 1941 model of the same make, follow these steps:

Step 1. To price each new automobile, increase by the price factor the highest price you had in effect on January 1, 1941, for the most similar 1941 model. Apply the increase factor separately to the highest base period prices for the most similar 1941 model extra, special or optional equipment.

Step 2. To these adjusted prices, add the charges for outbound transportation, taxes and handling and delivery operations permitted by section 6 or 7. The results, less the discounts to the particular class of purchaser which you had in effect on January 1, 1941, applied in accordance with your practice on that date, are your maximum prices for the particular model, with and without extra, special or optional equipment, to that class of purchaser.

(2) *When you are pricing a new automobile substantially different from your most similar 1941 model.* To price a new automobile which is substantially different from the most similar 1941 model of the same make, follow the steps in subparagraph (1) above, but after Step 1, take the following step:

Step 1–A. Add the dollar and cents amount which after the application of the discounts in Step 2 above will yield the net difference between the direct materials and labor costs of the new automobile and such costs of the most similar 1941 model of the same make caused by the differences in specification, design, material or equipment between the two models. If the differences in the automobile being priced cause its direct materials and labor costs to be lower than those of the 1941 model, subtract, instead of adding, the amount which after the application of the discounts will yield the net difference. Determine separately the net differences between the direct material and labor costs of the extra, special or optional equipment of the two models due to changes in specification, design or material. Increase or decrease, whichever the case may be, the highest prices for the most similar 1941 model extra, special or optional equipment by the amounts which after the application of the discounts will yield these net differences.

(e) *When maximum prices under section 8 may be charged.* No maximum prices determined under this section 8 may be charged until they are authorized in an order issued by the Administrator. An order of authorization will be issued not later than fourteen days from the date the application for maximum prices under this section is filed with OPA or from the date all required information is filed with the OPA.

(f) *How to apply for authorization of maximum prices under section 8.* You shall apply to the Automotive Branch, OPA National Office, Washington, D. C., for authorization to charge maximum prices determined under section 8. The application shall be made on OPA Form 6085–2559 or on a statement of your own design. Your own statement, however, must contain all the applicable information and in the same detail which you are required to furnish on OPA Form 6085–2559.

(g) *Maximum resale prices.* Every order authorizing maximum prices under this section will contain maximum resale prices for all classes of resellers.

SEC. 9. *Fourth method for determining a maximum price.*—(a) *Manufacturers' maximum prices.* Manufacturers' maximum prices under this section shall be prices in line with the general level of prices permitted by the regulation for new automobiles having similar specifications for most major characteristics. Prior to filing an application for maximum prices under this section, a manufacturer shall consult with the Automotive Branch, OPA National Office, Washington, D. C., relative to the information he should include in the application.

When manufacturers qualify for maximum prices under this section such maximum prices shall be authorized in orders issued by the Administrator. No prices under this section may be charged or collected until the orders are effective. An order under this section shall be issued not later than fourteen days from the date the application for maximum prices is filed with the Office of Price Administration or from the date complete information is filed with the OPA.

(b) *Maximum resale prices.* In the orders issued under this section, maximum resale prices shall be authorized for all classes of resellers. These maximum resale prices shall reflect in general the same differential between manufacturers' maximum prices and resellers' maximum prices that section 7 permits for new automobiles in the same price line, having similar major characteristics. However, if a manufacturer's in-line maximum price is established under this section which reflects increases authorized for other new automobiles under section 8, the resellers' prices shall be fixed at levels consistent with the standards to be provided for resellers in section 8.

(c) *When maximum prices may be charged.* No maximum prices under this section may be charged or collected until they are authorized in an order issued by the Administrator.

ARTICLE III—MAXIMUM PRICES FOR RESELLERS

SEC. 10. *General explanation.* Maximum prices for sales at wholesale and retail are established in sections 11, 12 and 13. These maximum prices shall remain in effect unless other applicable maximum prices for sales at wholesale or retail are authorized in orders issued under section 7, 8 or 9.

SEC. 11. *Maximum prices for sales at wholesale.* The maximum price for a sale at wholesale of a new automobile is the sum of the following:

(a) The list price in Appendix A for the most similar 1942 model of the same make less 75% of the retail prices on November 1, 1941 for a natural rubber tire and tube of the same size and make tire and tube that are on the automobile, less the factory recommended discount as of November 1, 1941, to the same class of purchaser (Where a manufacturer did not have a recommended discount in effect on November 1, 1941, a reseller shall use his highest price, exclusive of charges for transportation, taxes and handling and delivery operations, as of that date to the same class of purchaser for the most similar 1942 model of the same make); and

(b) A charge for extra, special or optional equipment not to exceed the manufacturer's recommended prices as of November 1, 1941, to the same class of purchaser for the most similar 1942 model extra, special or optional equipment of the same make (Where a manufacturer did not have recommended prices as of November 1, 1941, a reseller shall use his highest prices, exclusive of charges for taxes and handling and delivery operations, as of that date to the same class of purchaser for the most similar 1942 model extra, special or optional equipment); and

(c) A charge to cover transportation cost, if any, which shall not exceed the actual rail freight charge at carload rates, by the most direct route, for only the transportation of the new automobile to the railroad freight receiving station nearest to the location of the seller making delivery to the purchaser; and

(d) A charge equal to the charge made by his supplier to cover federal excise taxes on the new automobile and extra, special or optional equipment; and

(e) A charge equal to his expense for state and local taxes on the sale or delivery of the new automobile and extra, special or optional equipment; and

(f) A charge for preparing and conditioning the new automobile for delivery not to exceed the applicable charge listed in Appendix B.

SEC. 12 *Maximum prices for sale at retail.* The maximum price for a sale at retail of a new automobile is the sum of the following, less the amount obtained by multiplying (a) and (b) by the respective discounts in effect on November 1, 1941 to the same class of purchaser;

(a) The list price in Appendix A for the most similar 1942 model of the same make, less 75% of the retail price on November 1, 1941, for a natural rubber tire and tube of the same size and make tire and tube that are on the automobile; and

(b) A charge for extra, special or optional equipment not to exceed the manufacturer's recommended list prices as of November 1, 1941, for the most similar 1942 model extra, special or optional equipment of the same make (Where the manufacturer did not have recommended list prices as of November 1, 1941, the manufacturer's factory retail prices as of November 1, 1941, plus transportation costs determined by the method under (c); to the same class of purchaser for such equipment shall be used.); and

(c) A charge to cover transportation cost, if any, which shall not exceed the actual rail freight charge at carload rates, by the most direct route, for the transportation of only the new automobile to the railroad freight receiving station nearest to the location of the seller making delivery to the purchaser; and

(d) A charge equal to the charge made by his supplier to cover federal excise taxes on the new automobile and extra, special or optional equipment; and

(e) A charge equal to his expense for state and local taxes on the sale and delivery of the new automobile and extra, special or optional equipment; and

(f) A charge for preparing and conditioning the new automobile for delivery not to exceed the applicable charge listed in Appendix B.

SEC. 13. *Maximum prices for sales in territories and possessions.* The maximum price for the sale of a new automobile at wholesale or retail in a territory or possession of the United States shall be the maximum price permitted under section 7, 8, 9, 11 or 12, whichever is applicable, to which may be added an amount equal to the expense charged to or incurred by the seller for:

(a) Payment of territorial and insular taxes on the purchase, or sale of the new automobile or its introduction into the territory or possession, when not charged under section 7, 8, 9, 11 or 12; and

(b) Export premiums; and

(c) Boxing and crating for export purposes; and

(d) Marine and war risk insurance; and

(e) Landing, wharfage and terminal operations; and

(f) Ocean freight; and

(g) Freight to port of embarkation when not charged under section 7, 8, 9, 11 or 12.

SEC. 14. *When less than a complete automobile is sold.* Maximum prices under this regulation for sales at wholesale and retail are for new automobiles that are equipped at least with the customary functional and non-functional parts, and with the standard equipment filed with the Office of Price Administration by the manufacturers. If any customary functional or non-functional part or standard equipment is missing its retail price shall be deducted from the retail list price for the automobile with standard equipment that is included in the maximum price.

ARTICLE IV—PROCEDURAL AND MISCELLANEOUS PROVISIONS

SEC. 15. *Certificate of Transfer.* Every person when he makes a sale at wholesale or retail of a new automobile shall prepare a Certificate of Transfer, Appendix C, in accordance with the instructions in that appendix, sign it and turn it in to his local War Price and Rationing Board not later than five days from the date of sale.

SEC. 16. *Notice to be posted.* Every dealer who sells new automobiles at retail shall post in a conspicuous place on his premises where new passenger automobiles are offered for sale, a notice not less than 18 inches by 24 inches in size legibly stating all the following facts:

(a) The make and model of each new automobile offered for sale;

(b) The maximum price of each of the new automobiles broken down to show that

(1) Retail list price for the new automobile including standard equipment;

(2) Charge for transportation;

(3) Charge for federal excise tax;

(4) Charge for state or local taxes on sale or delivery;

(5) Charge for preparing and conditioning for delivery;

(6) In case of a reseller in a territory or possession of the United States, the charges (itemized) for insular or territorial taxes, boxing and crating for export purposes, marine and war risk insurance, landing, wharfage and terminal operations, ocean freight and freight to port of embarkation.

(c) A list of extra, special and optional equipment and the maximum price for each.

(d) A statement that prices lower than maximum prices may be charged.

SEC. 17. *Records and reports.*—(a) *Records.* Every person who is a manufacturer or a reseller, except a consumer, is required to keep certain records, which shall be complete and accurate, for inspection by the OPA, for so long as the Emergency Price Control Act of 1942, as amended, remains in effect. These records are:

(1) *By a manufacturer.*—(i) *Records supporting maximum prices.* All records necessary to substantiate maximum prices under Article II of this regulation.

(ii) *Price lists and discount sheets.* Published price lists and discount sheets in effect in the base period for new automobiles or new automobile equipment.

(2) *By a reseller.*—(i) *Certificate of transfer.* A copy of a completed Certificate of Transfer, OPA Form 6085-2559, covering the sale of every new automobile; and

(ii) *Shop records.* The shop records showing repairs and replacements made in each used car traded in and the charges at retail under applicable maximum price regulations for such repairs and replacements.

(b) *Additional or substituted records and reports.* Every person subject to this regulation shall keep such records and submit such reports including periodic financial statements, as the Office of Price Administration may from time to time require in writing, either in addition to or in substitution for records and reports required by this regulation, subject to the approval of the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

SEC. 18. *Adjustable pricing.* Any person may agree to sell at a price which can be increased up to the maximum price at the time of delivery.

In addition, a person may deliver or agree to deliver at prices to be adjusted upward after delivery in accordance with action taken by OPA if OPA gives him an authorization to do so. This authorization may be given when a request for a maximum price under section 7 or 8 is pending, and if the authorization is necessary to promote distribution or production and if it will not interfere with the purposes of the Emergency Price Control Act of 1942, as amended.

The authorization may be given by the Administrator or by any other official of the OPA having authority to act upon the pending request for a maximum price. This authorization will be given by order.

SEC. 19. *Licensing.* The provisions of Licensing Order No. 1, licensing all persons who make sales under price control, are applicable to all sellers subject to this regulation. A seller's license may be suspended for violations of the license or one or more applicable price schedules or regulations. A person whose license is suspended may not, during the period of the suspension, make any sale for which his license has been suspended.

SEC. 20. *Evasion.* It shall be a violation of this regulation to charge a price above the applicable maximum price in connection with any sale of a new automobile, either alone or in conjunction with any other consideration even though the price increase appears only indirectly.

The following is an illustrative list of the things a reseller is not permitted to do. A reseller is not permitted to require the purchaser, as a condition of the sale or transfer of the new automobile, to make payment over a period of time; to require him to finance the purchase through any particular lending agency; to require him to purchase any equipment, accessories, repairs, parts, or services so as to increase the total compensation above the new automobile maximum price; to require him to purchase any other commodity or service; or to require him to make payment in whole or in part by exchanging, transferring or trading in any other vehicle, product or commodity. Where there is an exchange transfer or trade-in in connection with a sale, it is a violation for the reseller to give the purchaser an allowance for the vehicle, product or commodity exchanged, transferred, or traded in, which is less than its reasonable value.

Furthermore, the reseller is prohibited from providing for the purchase of the new automobile by a lessee under a rental contract at an agreed valuation which together with the amount paid for the rental is higher than the applicable maximum price at the time the rental contract is entered into, and from making the terms and conditions of sale more onerous to purchasers than they customarily have been except to the extent allowed by this regulation. However, the OPA upon written request may grant permission to any dealer subject to this regulation to change his credit terms, where such change is necessitated by orders issued by, or at the request of, the United States Government.

It shall also be a violation for any person to charge, pay or receive a finder's fee or other compensation in connection with the procurement of a new automobile where the finder's fee or other compensation plus the purchase price for the new automobile exceeds the permitted maximum price, except that this prohibition shall not apply to the case of a bona fide employer-employee relationship between a reseller generally engaged in the business of selling new automobiles and an employee of the type of employee generally considered by the motor vehicle retail trade to be a new automobile salesman.

SEC. 21. *Enforcement.* Persons violating any provision of this regulation are subject to the criminal penalties, civil enforcement actions, proceedings for suspension of licenses and suits for treble damages provided for by the Emergency Price Control Act of 1942, as amended.

SEC. 22. *Petitions for amendment.* Any person seeking a modification of any provision of this regulation may file a petition for amendment in accordance with the provisions of Revised Procedural Regulation No. 1 issued by the Office of Price Administration.

SEC. 23. *Definitions.* When used in this regulation the term:

(a) "Dealer" means any person other than a manufacturer who is generally engaged in the business of selling new automobiles.

(b) "Manufacturer" means one of the following:

(1) Any person who produces a new automobile; or

(2) Any person who sells a new automobile under his own brand or trade name.

(c) "Person" includes an individual, corporation, partnership, association, or any other organized group of persons, or legal successor or representative of any of the foregoing, and includes the United States or any agency thereof, or any other government or any of its political subdivisions, or any agency of any of the foregoing.

(d) *"Reasonable value of a used car traded in on a new automobile"* for the purposes of this regulation, means the amount determined by subtracting the charges for repairs and replacements at retail under applicable maximum price regulations needed to place the car traded in in good operating condition as defined in section 7 (b) of Maximum Price Regulation 540 from the lower of the following figures:

(1) The applicable "as is" price for the used car permitted by Maximum Price Regulation 540; or

(2) The fair market value of the top grade used car of the same make, model, body type, passenger capacity and wheel base sold "as is" to a customer by the class of seller to which the seller belongs.

(e) "Reseller" means a seller who is not a manufacturer of the new automobile he is selling.

(f) "Sale" includes sales, dispositions, exchanges, and other transfers and contracts and offers to do any of the foregoing. It includes conditional sales and sales under rental contracts, lease agreements or other agreements. The term "sale", "seller", "selling", "purchaser" and "purchasing" shall be construed accordingly.

(g) "Sale at retail" is either a sale by any class of reseller to a consumer or a sale made by a consumer to any class of purchaser.

(h) "Sale at wholesale" is a sale which is made to a reseller by any class of reseller except a consumer.

(j) "Same class of purchaser" refers to the practice adopted by the seller in setting different prices for new automobiles sold to different purchasers or kinds of purchasers (for example, Government Agency, public institution, dealer, consumer) or for purchasers located in different areas or for different quantities or under different conditions of sale.

(k) "Similar model" means an automobile which has the same use as the new automobile being priced, affords the purchaser fairly equivalent serviceability, and belongs to a type which would ordinarily be sold in the same price line. In determining the similarities of automobiles, differences in style or design which do not affect use or serviceability, or the price line in which the automobiles have been or will be sold, shall not be taken into account.

(l) "Standard equipment" means equipment which the manufacturer has stated to the Office of Price Administration to be standard equipment.

(m) "Substantially different." A new automobile is "substantially different" if because of differences in specification, design, material or equipment its direct costs for labor and materials are lower or higher than such costs for the 1942 or 1941 model with which it is compared, except that the omission of the fifth tire from the new automobile shall not be considered as making it substantially different from the model with which it is compared.

APPENDIX A—LIST PRICES OF SIMILAR 1942 MODEL YEAR PASSENGER AUTOMOBILES

These list prices are to be used by a reseller in determining maximum resale prices under section 11, 12, or 13 when the manufacturer has maximum prices under section 6. When a manufacturer is authorized by an order issued by OPA to charge maximum prices under section 7 or 8, resellers shall be authorized in the same order to charge new maximum resale prices based on the new maximum prices of the manufacturer. When new maximum resale prices for resellers are so authorized, the applicable prices in this list will no longer have any effect.

BUICK

Make and model	List price 1942 models
40 Special—118:	
Utility Coupe	$990.00
2-Door Business Sedan	1,010.00
2-Door Family Sedan	1,045.00
Convertible Coupe	1,260.00
4-Door Touring Sedan	1,080.00
40 Special—121:	
2-Door Business Sedan	1,020.00
2-Door Family Sedan	1,075.00
4-Door Touring Sedan	1,120.00
Estate Wagon	1,450.00
40 Special SE:	
2-Door Family Sedanet	1,130.00
4-Door Touring Sedan	1,200.00
50 Super:	
2-Door Sedanet	1,230.00
Convertible Coupe	1,450.00
4-Door Touring Sedan	1,280.00
60 Century:	
2-Door Sedanet	1,300.00
4-Door Touring Sedan	1,350.00
70 Roadmaster:	
2-Door Sedanet	1,395.00
Convertible Coupe	1,675.00
4-Door Touring Sedan	1,465.00
90 Limited:	
4-Door 6 P Touring Sedan	2,245.00
4-Door 8 P Touring Sedan	2,445.00
4-Door Formal Sedan	2,395.00
4-Door Limousine	2,545.00

CADILLAC

Series—61:	
Sport Coupe	1,450.00
4-Door Sedan	1,530.00
Series—62:	
Sport Coupe	1,545.00
4-Door Sedan (4 Window)	1,630.00
Series—62 Deluxe:	
Sport Coupe	1,630.00
Convertible Coupe	1,880.00
4-Door Sedan (4 Window)	1,705.00
Series—63:	
4-Door Sedan	1,745.00

APPENDIX A: LIST PRICES OF SIMILAR 1942 MODEL YEAR PASSENGER AUTOMOBILES—Con.

CADILLAC—continued

Make and model	List price 1942 models
Series—60 Special:	
4-Door Sedan (4 Window)	$2,265.00
Sedan with Division	2,415.00
Series—67:	
4-Door Sedan	2,700.00
8-Pass. Sedan	2,845.00
Sedan with Division	2,845.00
Imperial Sedan	2,995.00
Series—75:	
4-Door Sedan	3,080.00
8-Pass. Sedan	3,230.00
5-Pass. Formal Sedan	4,060.00
7-Pass. Formal Sedan	4,205.00
Sedan with Division	3,230.00
Imperial Sedan	3,375.00
9-Pass. Bus. Sedan	2,935.00
9-Pass. Bus. Imperial Sedan	3,020.00

CHEVROLET

Stylmaster:	
Business Coupe	760.00
5-Passenger Coupe	790.00
Town Sedan	800.00
Sport Sedan	840.00
Coupe Pickup	800.00
Fleetmaster:	
Business Coupe	815.00
5 Passenger Coupe	845.00
Cabriolet	1,080.00
Town Sedan	855.00
Fleetline Aero Sedan (New)	880.00
Sport Sedan	895.00
Fleetline Sportsmaster Sedan	920.00
Station Wagon	1,095.00

CHRYSLER

Model No. C-34 S:	
4-Door Sedan	1,177.00
2-Door Sedan	1,154.00
Town Sedan	1,222.00
Sedan 7-Passenger	1,535.00
Limousine	1,605.00
Club Coupe	1,168.00
Coupe 3-Passenger	1,075.00
Model No. C-34 C:	
4-Door Sedan	1,255.00
2-Door Sedan	1,220.00
Town Sedan	1,295.00
Sedan 7-Passenger	1,605.00
Limousine	1,685.00
Club Coupe	1,228.00
Convertible Coupe	1,420.00
Coupe 3-Passenger	1,140.00
Station Wagon 6-Pass	1,595.00
Station Wagon 9-Pass	1,635.00
Model No. C-36 K:	
4-Door Sedan	1,405.00
2-Door Sedan	1,365.00
Town Sedan	1,450.00
Club Coupe	1,360.00
Coupe 3-Passenger	1,325.00
Model No. C-36 N:	
4-Door Sedan	1,475.00
2-Door Sedan	1,440.00
Town Sedan	1,520.00
Club Coupe	1,450.00
Convertible Coupe	1,640.00
Coupe 3-Passenger	1,385.00
Model No. C-37:	
4-Door Sedan	2,815.00
7-Passenger Sedan	2,915.00
Limousine	3,065.00

CROSLEY

Convertible Coupe	412.50
Convertible Sedan	467.50
Deluxe Sedan	515.90
Station Wagon	531.90

DE SOTO

Model No. S10 S:	
4-Door Sedan	1,103.00
2-Door Sedan	1,075.00
Town Sedan	1,147.00
Sedan 7-Passenger	1,455.00
Club Coupe	1,092.00
Coupe 3-Passenger	1,010.00

APPENDIX A: LIST PRICES OF SIMILAR 1942 MODEL YEAR PASSENGER AUTOMOBILES—Con.

DE SOTO—continued

Make and model	List price 1942 models
Model No. S-10 C:	
4-Door Sedan	$1,152.00
2-Door Sedan	1,142.00
Town Sedan	1,196.00
Sedan 7-Passenger	1,504.00
Limousine	1,580.00
Club Coupe	1,142.00
Convertible Coupe	1,317.00
Coupe 3-Passenger	1,046.00

DODGE

Model No. D-22 S:	
4-Door Sedan	998.00
2-Door Sedan	958.00
Club Coupe	995.00
Coupe 3-Passenger	895.00
Model No. D-22 C:	
4-Door Sedan	1,048.00
2-Door Sedan	1,008.00
Town Sedan	1,105.00
Sedan 7-Passenger	1,395.00
Limousine	1,475.00
Club Coupe	1,045.00
Convertible Coupe	1,245.00

FORD

Special Six:	
Coupe	780.00
Tudor Sedan	815.00
Fordor Sedan	850.00
Deluxe Six:	
2-Passenger Coupe	805.00
Tudor Sedan	840.00
Fordor Sedan	875.00
Sedan Coupe	865.00
Station Wagon	1,035.00
Super Deluxe Six:	
Coupe	850.00
Tudor Sedan	885.00
Fordor Sedan	920.00
Sedan Coupe	910.00
Convertible Coupe	1,080.00
Station Wagon	1,115.00
Deluxe Eight:	
2-Passenger Coupe	815.00
Tudor Sedan	850.00
Fordor Sedan	885.00
Station Wagon	1,090.00
Sedan Coupe	875.00
Super Deluxe Eight:	
2-Passenger Coupe	860.00
Sedan Coupe	920.00
Convertible Coupe	1,090.00
Tudor Sedan	895.00
Fordor Sedan	930.00
Station Wagon	1,125.00
Mercury:	
2-Door Sedan	1,030.00
4-Door Sedan—Town	1,065.00
Sedan Coupe	1,055.00
Coupe (5 Window)	995.00
Club Convertible	1,215.00
Station Wagon	1,260.00

HUDSON

Six:	
3-Passenger Coupe	828.00
Club Coupe	897.00
2-Door Sedan	877.50
4-Door Sedan	904.50
Six—Deluxe:	
3-Passenger Coupe	916.00
Club Coupe	967.00
2-Door Sedan	945.50
4-Door Sedan	977.50
Convertible Sedan	1,212.00
Six—Super:	
3-Passenger Coupe	1,036.00
Club Coupe	1,090.00
2-Door Sedan	1,064.50
4-Door Sedan	1,092.50
Convertible Sedan	1,332.00
Station Wagon	1,412.00
Six—Commodore:	
3-Passenger Coupe	1,115.00
Club Coupe	1,175.00

APPENDIX A: LIST PRICES OF SIMILAR 1942 MODEL YEAR PASSENGER AUTOMOBILES—Con.

HUDSON—continued

Make and model	List price 1942 models
Six—Commodore—Continued.	
2-Door Sedan	$1,152.50
4-Door Sedan	1,181.50
Convertible Sedan	1,402.00
Eight—Commodore:	
3-Passenger Coupe	1,156.00
Club Coupe	1,215.00
2-Door Sedan	1,186.50
4-Door Sedan	1,223.50
Convertible Sedan	1,451.00
Eight—Commodore—Custom:	
Club Coupe	1,311.00
4-Door Sedan	1,429.50

LINCOLN

Lincoln-Zephyr:	
3-Passenger Coupe	1,650.00
Convertible Coupe	2,150.00
Club Coupe	1,700.00
4-Door Sedan	1,700.00
Lincoln-Zephyr (Custom)	
3-Passenger Coupe	1,735.00
4-Door Sedan	1,795.00
Club Coupe	1,795.00
Lincoln-Continental:	
Coupe	3,000.00
4-Door Cabriolet Sedan	3,000.00
Lincoln-Custom:	
4-Door 8-Pass. Sedan	2,950.00
4-Door Limousine	3,075.00

NASH

Ambassador—600	
Torpedo—4-Door Sedan	918.00
Brougham	883.00
Business Coupe	843.00
2-Door Sedan	873.00
Fast Back 4-Door Sedan	893.00
Ambassador—six:	
Torpedo 4-Door Sedan	1,069.00
Brougham	1,034.00
Business Coupe	994.00
Fast Back 4-Door Sedan	1,044.00
2-Door Sedan	1,024.00
Ambassador—eight:	
Torpedo 4-Door Sedan	1,119.00
Brougham	1,084.00
Fast Back 4-Door Sedan	1,094.00

OLDSMOBILE

"66"—6:	
Business Coupe	915.00
Club Coupe	955.00
Convertible Coupe	1,185.00
2-Door Club Sedan	970.00
2-Door Sedan	960.00
4-Door Sedan	1,005.00
4-Door Town Sedan	1,005.00
Station Wagon	1,280.00
"68"—8:	
Business Coupe	955.00
Club Coupe	995.00
Convertible Coupe	1,225.00
2-Door Club Sedan	1,010.00
2-Door Sedan	1,000.00
4-Door Sedan	1,045.00
4-Door Town Sedan	1,045.00
Station Wagon	1,320.00
"76"—6:	
2-Door Club Sedan	1,010.00
4-Door Sedan	1,065.00
"76D"—6:	
2-Door Club Sedan	1,095.00
4-Door Sedan	1,150.00
"78"—8:	
2-Door Club Sedan	1,050.00
4-Door Sedan	1,105.00
"78D"—8:	
2-Door Club Sedan	1,135.00
4-Door Sedan	1,190.00
"98"—8:	
Club Coupe	1,220.00
Convertible Coupe	1,450.00
4-Door Sedan	1,275.00

APPENDIX A: LIST PRICES OF SIMILAR 1942 MODEL YEAR PASSENGER AUTOMOBILES—Con.

PACKARD

Make and model	List price 1942 models
Six—Series 2000:	
Special:	
1588 Business Coupe	$1,166.00
1585 Club Sedan	1,199.00
1582 Touring Sedan	1,232.00
Custom:	
1505 Club Sedan	1,266.00
1502 Touring Sedan	1,299.00
1589 Convertible	1,375.00
Eight—Series 2001:	
Special:	
1598 Business Coupe	1,208.00
1595 Club Sedan	1,241.00
1592 Touring Sedan	1,275.00
Custom:	
1515 Club Sedan	1,308.00
1512 Touring Sedan	1,341.00
1599 Convertible Coupe	1,409.00
Eight—Series 2003:	
1575 Club Sedan	1,630.00
1572 Touring Sedan	1,688.00
1579 Convertible Coupe	1,786.00
Eight—Series 2004:	
1562 Touring Sedan	1,893.00
Eight—Series 2005:	
1571 Touring Sedan	2,034.00
1570 Touring Limo	2,156.00
1591 Business Sedan	1,888.00
1690 Business Limo	2,010.00
Eight—Series 2006:	
1525 Club Sedan	2,099.00
1522 Touring Sedan	2,196.00
1529 Darrin Conv. Vic	4,519.00
Eight—Series 2007:	
1532 Formal Sedan	3,011.00
1542 Touring Sedan	2,440.00
894 Rollson Cabr. A. W	4,792.00
Eight—Series 2008:	
1551 Touring Sedan	2,523.00
1550 Touring Limo	2,645.00
895 Rollson Town Car A. W	4,889.00
1521 LeBaron Sedan	5,446.00
1520 LeBaron Limo	5,690.00

PLYMOUTH

Model No. P-14S:	
4-Door Sedan	889.00
2-Door Sedan	850.00
Utility Sedan	842.00
Club Coupe	885.00
Coupe—3 Passenger	812.00
Model No. P-14C:	
4-Door Sedan	935.00
2-Door Sedan	895.00
Town Sedan	980.00
Club Coupe	928.00
Convertible Coupe	1,078.00
Coupe—3 Passenger	855.00
Station Wagon	1,145.00

PONTIAC

Torpedo Six:	
Business Coupe	895.00
Sport Coupe	935.00
Convertible Coupe	1,165.00
Sedan Coupe	950.00
2-Door Sedan	940.00
4-Door Sedan	985.00
4-Door Sedan-Metropolitan	985.00
Streamliner Six:	
4-Door Sedan	1,035.00
Sedan Coupe	980.00
Station Wagon	1,265.00
Streamliner Chieftain Six:	
Sedan Coupe	1,030.00
4-Door Sedan	1,085.00
Station Wagon	1,315.00
Torpedo Eight:	
Business Coupe	920.00
Sport Coupe	960.00
Convertible Coupe	1,190.00
Sedan Coupe	975.00
2-Door Sedan	965.00
4-Door Sedan	1,010.00
4-Door Sedan-Metropolitan	1,010.00

APPENDIX A: LIST PRICES OF SIMILAR 1942 MODEL YEAR PASSENGER AUTOMOBILES—Con.

PONTIAC—continued

Make and model	List price 1942 models
Streamliner Eight:	
Sedan Coupe	$1,005.00
4-Door Sedan	1,060.00
Station Wagon	1,290.00
Streamliner Chieftain:	
Sedan Coupe	1,055.00
4-Door Sedan	1,110.00
Station Wagon	1,340.00

STUDEBAKER

Custom Champion:	
Cruising Sedan	804.00
Club Sedan	774.00
Coupe	744.00
Double Dater Coupe	769.00
Deluxstyle Champion:	
Cruising Sedan	839.00
Club Sedan	809.00
Coupe	779.00
Double Dater Coupe	804.00
Custom Commander:	
Cruising Sedan	1,044.75
Land Cruiser	1,079.75
Sedan Coupe	1,024.75
Deluxstyle Commander:	
Cruising Sedan	1,089.75
Land Cruiser	1,124.75
Sedan Coupe	1,069.75
Skyway Commander:	
Cruising Sedan	1,124.75
Land Cruiser	1,159.75
Sedan Coupe	1,104.75
Custom President:	
Cruising Sedan	1,161.00
Land Cruiser	1,196.00
Sedan Coupe	1,141.00
Deluxstyle President:	
Cruising Sedan	1,206.00
Land Cruiser	1,241.00
Sedan Coupe	1,186.00
Skyway President:	
Cruising Sedan	1,241.00
Land Cruiser	1,276.00
Sedan Coupe	1,221.00

WILLYS-OVERLAND

Coupe—Speedway	695.00
Sedan—Speedway	745.00
Coupe—Deluxe	769.00
Sedan—Deluxe	795.00
Coupe—Plainsman	819.00
Sedan—Plainsman	845.00
Station Wagon	978.00

APPENDIX B—CHARGES FOR PREPARING AND CONDITIONING NEW AUTOMOBILES FOR DELIVERY

BUICK

Make and model	Preparing and conditioning charge
40 Special—118	$25.00
40 Special—121	25.00
40 Special—SE	25.00
50 Super	35.00
60 Century	35.00
70 Roadmaster	50.00
90 Limited	50.00

CADILLAC

Series—61	30.00
Series—62	35.00
Series—62 Deluxe	35.00
Series—63	40.00
Series—60 Special	45.00
Series—67	50.00
Series—75	60.00

CHEVROLET

Stylemaster	15.00
Fleetmaster	15.00

CHRYSLER

Model No. C—34S	25.00
Model No. C—34C	25.00
Model No. C—36K	35.00
Model No. C—36N	35.00
Model No. C—37	50.00

APPENDIX B—CHARGES FOR PREPARING AND CONDITIONING NEW AUTOMOBILES FOR DELIVERY—Continued.

CROSLEY

Make and model	Preparing and conditioning charge
All models	$14.00

DE SOTO

Model No. S—10S	20.00
Model No. S—10C	22.00

DODGE

Model No. D—22S	17.00
Model No. D—22C	19.00

FORD

Special Six	15.00
Deluxe Six	15.00
Super Deluxe Six	15.00
Deluxe Eight	15.00
Super Deluxe Eight	15.00

HUDSON

Six	12.50
Six-Deluxe	12.50
Six-Super	15.00
Six-Commodore	15.00
Eight-Commodore	15.00
Eight-Commodore-Custom	20.00

LINCOLN

Lincoln-Zephyr	35.00
Lincoln-Zephyr (Custom)	35.00
Lincoln-Continental	50.00
Lincoln-Custom	50.00

MERCURY

All models	20.00

NASH

Ambassador-600	20.00
Ambassador-Six	25.00
Ambassador-Eight	25.00

OLDSMOBILE

Model "66"-6	20.00
Model "68"-8	20.00
Model "76"-6	22.00
Model "76D"-6	22.00
Model "78"-8	22.00
Model "78D"-8	22.00
Model "98"-8	25.00

PACKARD

Six—Series 2000:	
Special	20.00
Custom	20.00
Eight—Series 2001:	
Special	30.00
Custom	30.00
Eight—Series 2003	40.00
Eight—Series 2004	40.00
Eight—Series 2005	40.00
Eight—Series 2006	40.00
Eight—Series 2007	40.00
Eight—Series 2008	40.00

PLYMOUTH

Model No. P-14S	15.00
Model No. P-14C	15.00

PONTIAC

Torpedo Six	17.00
Streamliner Six	19.00
Streamliner Chieftain Six	19.00
Torpedo Eight	17.00
Streamliner Eight	19.00
Streamliner Chieftain Eight	19.00

STUDEBAKER

Custom Champion	20.00
Deluxestyle Champion	20.00
Custom Commander	23.75
Deluxestyle Commander	23.75
Skyway Commander	23.75
Custom President	23.75
Deluxestyle President	33.75
Skyway President	33.75

WILLYS-OVERLAND

All models	20.00

APPENDIX C

OPA FORM 6085-2550 — FORM APPROVED BUDGET BUREAU NO. 08-R1504

UNITED STATES OF AMERICA
OFFICE OF PRICE ADMINISTRATION
WASHINGTON 25, D. C.

CERTIFICATE OF TRANSFER OF NEW PASSENGER AUTOMOBILES

Under the Provisions of

Maximum Price Regulation 594

Maximum Prices for New Passenger Automobiles

INSTRUCTIONS

Every seller other than a manufacturer is to prepare and sign this certificate and turn the original in to his local War Price and Rationing Board not later than five days from the date of sale, furnish a copy to the purchaser at the time of sale, and keep a copy available for inspection by the Office of Price Administration in accordance with Section 17 of Maximum Price Regulation 594.

Board Action

Board No. | Date

City and Postal Zone | State

Board Recommendation:

Sign Here
(Signature of Board Member)

District Office Action

Reviewed by

Remarks:

Description of Vehicle

Make | Series | Model Year

Model | Body Type

Serial No. | Motor No.

Name of Seller

Address—Number and Street

City and Postal Zone Number | State

Name of Purchaser

Address—Number and Street

City and Postal Zone Number | State

Price Calculation

1 List price of new automobile including standard equipment and prices of extra, special or optional equipment:

a Is list price for new automobile contained in Appendix A of MPR 594? Yes ☐ No ☐

b Is list price for new automobile in order issued under MPR 594? Yes ☐ No ☐

If yes, what is number of order?

c List price for new automobile with standard equipment $
Less discount to class of purchaser % $
Net charge for new automobile $

d Net price of each piece of extra, special or optional equipment

	Description	Price
(1)		$
(2)		
(3)		
(4)		
(5)		
(6)		

(Use continuation sheet if necessary)
Total net price $

2 Charge for Transportation $

3 Charge for excise tax:
New automobile $
Extra, special or optional equipment
$

4 Charge for state and local taxes $

5 Charge for preparing and conditioning new automobile for delivery $

6 Finance charge:
a Amount % $ XXXX
b Length of installment period mos.

7 Total charge for new automobile $

8 Payment:
a Trade-in allowance $
b Cash
c Amount financed
Total payment $

9 Description of used car traded in

Make | Series | Model year

Model | Body type

Serial No. | Motor No.

10 Whichever is lower:
a The "as is" maximum price for used car traded in permitted by MPR 540; or
b Fair market value of top grade used car of same make, model, body type, passenger capacity and wheel base when sold "as is" $

WARNING

Any misrepresentation on this certificate may be cause for $10,000 fine or 10 years imprisonment, or both.

CERTIFICATION OF SELLER

The undersigned hereby certifies that he has complied with the requirements of Maximum Price Regulation 594, Maximum Prices for New Passenger Automobiles, and that the actual sales price of the new automobile is not more than the maximum selling price as established by Maximum Price Regulation 594, and further certifies that no payment directly or indirectly was or will be made in addition to the actual sales price of the new automobile as shown on this certificate.

Sign Here (Signature of seller) (Date of sale)

This regulation shall become effective this 31st day of August 1945.

NOTE: All reporting and record-keeping requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Forms printed in the Federal Register are for information only, and do not follow the exact format prescribed by the issuing agency.

Issued this 31st day of August 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-16402; Filed, Aug. 31, 1945; 4:11 p. m.]

PART 1312—LUMBER AND LUMBER PRODUCTS

[RMPR 293, Amdt. 9]

STOCK MILLWORK

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.

Revised Maximum Price Regulation 293 is amended in the following respects:

1. Section 1 (a) is amended to read as follows:

(a) On and after September 21, 1943, regardless of any contract or other obligations no person shall sell or deliver and no person shall buy or receive any stock millwork for direct mill shipment or for retail shipment at prices higher than the maximum prices fixed by this regulation and no person shall agree, offer or attempt to do any of these things.

2. Section 2 (a) is amended to read as follows:

(a) *Products covered by the regulation.* This regulation covers woodwork items referred to in the appendices when such items are made either wholly or in large part from lumber cut from the following woods: Ponderosa pine (Pinus ponderosa), Idaho pine (Pinus monticola), sugar pine (Pinus lambertiana), Northern or Northeastern pine (Pinus strobus), Southern pine, including shortleaf pine (Pinus echinata), Loblolly pine (Pinus taeda), slash pine (Pinus caribaea), such longleaf pine (Pinus palustris) as contains less than six annular rings per inch and less than one-third summerwood, or any other pinus species known commercially as "Southern pine", California redwood (Sequoia sempervirens) (except on sales of redwood millwork items by manufacturers subject to the provisions of Maximum Price Regulation 253). This regulation also covers veneered doors with hollow or solid cores made of any species of lumber (except fir, larch, spruce or hemlock) or insulating board.

This regulation also covers stock millwork specialties not specifically priced in Appendices A to E and G to K, manufactured wholly or in part from Ponderosa pine (Pinus ponderosa), Idaho pine (Pinus monticola), sugar pine (Pinus lambertiana), Northern or Northeastern pine (Pinus strobus). These specialties include but are not limited to the items listed below:

Stock frames that cannot be priced from List 8-A:

Ornamental entrance frames
Complete casement sash and window units (including frames)
Louvre frames
Complete gable frame and sash units
Overhead garage doors
Porch work
Lock-joint or mitered trim, KD or set up
Mantels, China or corner closets and breakfast nooks
Ironing boards
Telephone and medicine cabinets
Sectional kitchen units in the white
Disappearing stairways
(All to be affixed to and become a permanent part of the building.)

These specialties do not include softwood mouldings, except mouldings which are part of lock-joint or mitered trim.

The appendices of this regulation mention the titles of several millwork and glass lists. These publications are more fully described as follows:

(1) "Standard Woodwork Lists, catalog No. 40" means the document with that title corrected to March 1, 1941 published by the Pinney Printing Company, Clinton, Iowa, and the supplemental lists, based on the Modular Standards, to Catalog No. 40, as incorporated in Appendix N.

(2) "Standard Pine Frames, Catalog No. 8-A" means the document with that title published by the Pinney Printing Company, Clinton, Iowa.

(3) "Design Book No. 25" means the document with that title published by Universal Catalog Bureau, Dubuque, Iowa.

(4) "Jobber's 'A' Light Glass List of August 15, 1938" means the document with that title copyrighted by the National Glass Distributors' Association.

(5) "8000 series Standard Moulding Book" means the 8000 series Standard Moulding Book, Fourth Edition, published in 1940 by Shattock and McKay Company, Chicago, Illinois.

(6) Illustrations, design layouts and specifications as shown in "National Modular Standard for Ponderosa Pine Wood Windows and sash W. S. S. 45".

3. Subparagraph (2) of section 2 (b) is amended to read as follows:

(2) *Retail sales.* This regulation covers all retail sales. For the purpose of establishing a retail price, a retail sale is any sale, except a direct mill sale, made to an ultimate consumer.

4. Paragraph (a) of section 3 is amended to read as follows:

(a) The maximum prices on carload sales of stock millwork and stock millwork specialties are set out in Appendices A to E (sections 17 to 21, inclusive), Appendices G to K (sections 23 to 27, inclusive) and Appendices M to O (sections 29 to 31, inclusive). These ceiling prices are stated as f. o. b. mill prices with full freight allowed. This means that where shipment is by rail the seller must allow the buyer all rail charges (including taxes on the charges) which are paid by the buyer. Where shipment is by truck the seller must allow the buyer all trucking charges (including taxes on the charges) which are paid by the buyer. If the seller pays for the transportation he does not have to allow any freight.

5. Section 9 is amended to read as follows:

SEC. 9. *Maximum prices for retail sales.* The maximum price for a retail sale of a millwork item covered by this regulation (other than combination doors) shall be the sum of the following:

(a) The seller's maximum price for the sale of the item fixed by the General Maximum Price Regulation; and

(b) The amount by which the seller's July 1945 acquisition cost of the item delivered to his warehouse would exceed his March 1942 net acquisition cost of the item if the item had been purchased from a supplier of the same class in the same quantities as in March 1942.

If in March 1942 the seller bought from different classes of suppliers or in different quantities, he may add only the increase in the maximum prices of that class of suppliers which in the period January 1 to March 31, 1942, made the largest total shipments to him. No addition may be made because of cost increases resulting solely from purchasing from a more distant supplier, or from a different class of supplier, or in smaller quantities.

6. In section 5, paragraph (a) is amended to read as follows:

(a) *What this section covers.* This section applies to any item covered by this regulation for which a maximum price cannot be determined under any other section of the regulation.

7. A new section 31, Appendix O is hereby added to read as follows:

SEC. 31. *Appendix O: Maximum prices for miscellaneous stock millwork*—(a) *Purpose of this appendix.* From time to time authorization will be issued for special prices under section 5 of this regulation for items covered by this regulation which cannot be specifically priced under one of the other appendices. Whenever appropriate these special price authorizations will be published in this appendix.

(b) *Maximum prices for combination screen and storm sash.* Listed below are certain manufacturers of combination screen and storm sash and description of the products of each manufacturer for which maximum prices have been approved by the Office of Price Administration. However, the manufacturer named, and the products described in connection with each are not necessarily the only manufacturers or products for which maximum prices have been approved by the Office of Price Administration.

ANGEL NOVELTY CO., FITCHBURG, MASS.

Maximum prices on sales of combination storm sash and screens, of the following specifications, are set forth below:

Specifications: Western ponderosa pine combination storm sash and screen units, in the white, consisting of two 1-light sash and two 1-light screens, 3/4" thick, sash glazed SSB, screen wired with 16-mesh galvanized wire—all as per model submitted and specifications contained in application.

1 LIGHT

Width	Heights										
	14	16	18	20	24	26	28	30	32	34	36
12	3.62	3.84	3.94	4.02	4.19	------	------	------	------	------	------
16	------	4.19	4.25	4.46	4.66	------	------	------	------	------	------
18	------	------	4.43	4.56	4.78	4.92	4.97	5.07	5.30	------	------
20	------	4.42	4.52	4.70	4.89	5.03	5.10	5.20	5.45	------	5.70
24	------	4.55	4.75	4.87	5.12	5.20	5.38	5.50	5.77	------	------
26	------	4.68	4.85	4.99	5.23	5.34	5.60	5.70	5.90	------	------
28	------	4.73	4.90	5.09	5.40	5.54	5.77	5.90	6.15	------	------
30	------	4.88	5.00	5.19	5.50	5.60	6.08	6.22	6.32	------	------
32	------	------	5.11	5.45	5.80	6.08	6.30	6.44	6.52	------	------
34	------	------	5.35	5.55	5.90	6.20	6.43	6.66	6.86	------	------
36	------	------	5.47	5.78	6.15	6.35	6.68	6.78	6.96	------	7.60
40	------	------	------	------	7.64	------	------	------	------	------	------

10 cents per screen or sash may be added for applying hardware subject to jobber's service discounts or concessions as specified in Section 3 (c) of RMPR 293.

The above prices are, freight allowed, for all shipments in quantities of 12,000 pounds or more by truck to a single place or 15,000 pounds or more by rail to one or more places.

THE BURROWS CORP., PORTLAND 3, MAINE

Maximum prices on sales of combination storm sash and screens when shipped in quantities of less than 15,000 pounds by rail or less than 12,000 pounds by truck, to any dealer, selling agency or contractor, f. o. b. factory are set forth below.

Specifications: Combination storm and screen sash consisting of 1 outside frame, 2 single light storm sash, 1 one-half screen; to be made from Ponderosa pine or Maine pine, wood preservative treated; sash glazed with "B" grade glass, screen wired with 16 mesh galvanized wire, painted with 3 coats of high quality exterior house paint; complete with 2 special springs and bracket, 2 special hasps, 2 screws for attaching the unit to the frame;—all as per model submitted and specifications contained in application.

12 sq. ft. and under	$8.50
Over 12 sq. ft. up to and including 15 sq. ft	9.65
Over 15 sq. ft. up to and including 18 sq. ft	10.75
Over 18 sq. ft	11.88

Irregular size openings:
21 x 72 up to and including 25 x 77, price as 15 sq. ft.
26 x 78 up to and including 29 x 80, price as 18 sq. ft.
30 x 81 up to and including 31 x 84, price as 20 sq. ft.

THE NORWOOD MANUFACTURING CO., NORWOOD, CINCINNATI, OHIO

Maximum prices on sales of combination storm sash and screens made from redwood lumber when shipped in quantities of less than 15,000 pounds by rail to one or more places, or less than 12,000 pounds by truck to a single place, are the prices set forth below, when sold f. o. b. factory Cincinnati, Ohio. All as per specifications set forth in application filed with the OPA.

NORWOOD SELLING PRICE TO SEALTITE

TWO LIGHT WINDOWS

[Add 50¢ for weatherstripping—Add $1.30 for ventilator]

Size	Screen included	No screen
16 x 12	$5.23	$4.07
16 x 14	5.31	4.11
16 x 16	5.41	4.17
16 x 18	5.51	4.23
16 x 20	5.76	4.44
16 x 22	6.01	4.65
16 x 24	6.28	4.88
16 x 26	6.46	5.02
16 x 28	6.64	5.16
16 x 30	6.82	5.30
16 x 32	7.01	5.45
16 x 34	7.20	5.60

NORWOOD SELLING PRICE TO SEALTITE—Con.
TWO LIGHT WINDOWS—continued

Size	Screen included	No screen
16 x 36	$7.28	$5.64
16 x 38	7.75	5.96
16 x 40	8.02	6.18
16 x 42	8.30	6.41
16 x 44	8.57	6.63
16 x 46	8.84	6.85
16 x 48	9.12	7.08
16 x 50	9.39	7.30
16 x 52	9.67	7.53
18 x 12	5.57	4.37
18 x 14	5.65	4.42
18 x 16	5.75	4.48
18 x 18	5.86	4.54
18 x 20	6.09	4.72
18 x 22	6.30	4.90
18 x 24	6.50	5.07
18 x 26	6.66	5.18
18 x 28	6.81	5.29
18 x 30	6.94	5.38
18 x 32	7.16	5.56
18 x 34	7.38	5.74
18 x 36	7.60	5.92
18 x 38	7.98	6.14
18 x 40	8.22	6.33
18 x 42	8.50	6.56
18 x 44	8.79	6.80
18 x 46	9.09	7.05
18 x 48	9.34	7.25
18 x 50	9.61	7.47
18 x 52	9.88	7.69
20 x 12	5.66	4.44
20 x 14	5.78	4.50
20 x 16	5.88	4.58
20 x 18	5.98	4.62
20 x 20	6.42	5.02
20 x 22	6.54	5.10
20 x 24	6.66	5.19
20 x 26	6.84	5.32
20 x 28	7.01	5.45
20 x 30	7.20	5.60
20 x 32	7.47	5.83
20 x 34	7.77	6.09
20 x 36	8.00	6.28
20 x 38	8.37	6.48
20 x 40	8.63	6.69
20 x 42	8.90	6.91
20 x 44	9.14	7.10
20 x 46	9.48	7.39
20 x 48	9.67	7.53
20 x 50	9.95	7.76
20 x 52	10.23	7.99
22 x 12	5.90	4.62
22 x 14	6.00	4.68
22 x 16	6.11	4.75
22 x 18	6.22	4.82
22 x 20	6.58	5.14
22 x 22	6.79	5.31
22 x 24	6.92	5.40
22 x 26	7.14	5.58
22 x 28	7.36	5.76
22 x 30	7.44	5.80
22 x 32	7.86	6.17
22 x 34	8.13	6.41
22 x 36	8.40	6.64
22 x 38	8.79	6.85
22 x 40	9.05	7.06
22 x 42	9.30	7.26
22 x 44	9.53	7.46
22 x 46	9.79	7.61
22 x 48	10.16	7.97
22 x 50	10.45	8.21
22 x 52	10.75	8.46
24 x 12	6.12	4.80
24 x 14	6.22	4.86
24 x 16	6.32	4.93
24 x 18	6.44	5.00
24 x 20	6.82	5.34
24 x 22	6.97	5.45
24 x 24	7.17	5.62

NORWOOD SELLING PRICE TO SEALTITE—Con.
TWO LIGHT WINDOWS—continued

Size	Screen included	No screen
24 x 26	$7.38	$5.78
24 x 28	7.60	5.96
24 x 30	7.71	6.03
24 x 32	8.07	6.35
24 x 34	8.59	6.71
24 x 36	8.88	7.03
24 x 38	9.29	7.30
24 x 40	9.55	7.51
24 x 42	9.82	7.74
24 x 44	10.11	7.97
24 x 46	10.42	8.23
24 x 48	10.71	8.47
24 x 50	10.99	8.69
24 x 52	11.29	8.86
26 x 12	6.29	4.93
26 x 14	6.40	5.01
26 x 16	6.51	5.07
26 x 18	6.62	5.04
26 x 20	6.92	5.44
26 x 22	7.15	5.59
26 x 24	7.38	5.75
26 x 26	7.62	5.96
26 x 28	7.86	6.14
26 x 30	8.02	6.28
26 x 32	8.39	6.56
26 x 34	8.71	6.83
26 x 36	9.24	7.24
26 x 38	9.65	7.55
26 x 40	9.90	7.75
26 x 42	10.17	7.96
26 x 44	10.44	8.20
26 x 46	10.74	8.39
26 x 48	11.03	8.61
26 x 50	11.35	9.01
26 x 52	11.67	9.28
28 x 12	6.43	5.03
28 x 14	6.54	5.11
28 x 16	6.65	5.17
28 x 18	6.76	5.24
28 x 20	7.19	5.62
28 x 22	7.40	5.80
28 x 24	7.67	6.02
28 x 26	8.00	6.42
28 x 28	8.16	6.41
28 x 30	8.40	6.64
28 x 32	8.78	6.93
28 x 34	9.16	7.22
28 x 36	9.54	7.56
28 x 38	9.98	7.85
28 x 40	10.24	8.10
28 x 42	10.51	8.32
28 x 44	10.80	8.56
28 x 46	11.09	8.79
28 x 48	11.32	8.95
28 x 50	11.61	9.25
28 x 52	11.97	9.48
30 x 12	6.58	5.14
30 x 14	6.68	5.20
30 x 16	6.79	5.27
30 x 18	6.90	5.34
30 x 20	7.32	5.72
30 x 22	7.61	5.95
30 x 24	7.93	6.23
30 x 26	8.17	6.43
30 x 28	8.40	6.61
30 x 30	8.57	6.77
30 x 32	9.04	7.10
30 x 34	9.72	7.63
30 x 36	10.18	7.94
30 x 38	10.44	8.25
30 x 40	10.72	8.48
30 x 42	11.03	8.71
30 x 44	11.34	9.00
30 x 46	11.65	9.21
30 x 48	11.98	9.51
30 x 50	12.31	9.82
32 x 12	6.82	5.44
32 x 14	6.94	5.42
32 x 16	7.05	5.57
32 x 18	7.18	5.66
32 x 20	7.59	5.98
32 x 22	7.82	6.17
32 x 24	8.14	6.42
32 x 26	8.51	6.73
32 x 28	8.69	6.87
32 x 30	9.04	7.14
32 x 32	9.41	7.44
32 x 34	9.81	7.75
32 x 36	10.39	8.21
32 x 38	10.69	8.45
32 x 40	10.95	8.65
32 x 42	11.26	8.90
32 x 44	11.64	9.20
32 x 46	12.00	9.48
32 x 48	12.27	9.70
32 x 50	12.72	10.05
32 x 52		
34 x 12	7.08	5.59
34 x 14	7.13	5.63
34 x 16	7.22	5.70

NORWOOD SELLING PRICE TO SEALTITE—Con.
TWO LIGHT WINDOWS—continued

Size	Screen included	No screen
34 x 18	$7.32	$5.73
34 x 20	7.76	6.08
34 x 22	8.15	6.43
34 x 24	8.54	6.78
34 x 26	8.89	7.09
34 x 28	9.13	7.29
34 x 30	9.30	7.42
34 x 32	9.55	7.63
34 x 34	9.85	7.89
34 x 36	10.15	8.15
34 x 38	10.64	8.49
34 x 40	10.94	8.55
34 x 42	11.26	8.92
34 x 44	11.70	9.31
34 x 46	12.15	9.71
34 x 48	12.45	9.98
34 x 50	13.10	10.56
34 x 52	13.64	11.05
36 x 12	7.23	5.67
36 x 14	7.33	5.73
36 x 16	7.44	5.80
36 x 18	7.56	5.88
36 x 20	7.96	6.24
36 x 22	8.36	6.60
36 x 24	8.77	6.97
36 x 26	9.18	7.34
36 x 28	9.48	7.60
36 x 30	9.64	7.72
36 x 32	9.90	7.94
36 x 34	10.09	8.09
36 x 36	10.58	8.54
36 x 38	10.98	8.69
36 x 40	11.25	8.91
36 x 42	11.55	9.16
36 x 44	11.89	9.45
36 x 46	12.45	9.96
36 x 48	12.80	10.35
36 x 50	13.20	10.61
36 x 52	14.04	11.40
38 x 12	7.66	5.95
38 x 14	7.81	6.05
38 x 16	7.96	6.15
38 x 18	8.11	6.25
38 x 20	8.55	6.64
38 x 22	8.99	7.03
38 x 24	9.43	7.42
38 x 26	9.84	7.78
38 x 28	10.00	7.89
38 x 30	10.16	8.00
38 x 32	10.51	8.30
38 x 34	10.85	8.59
38 x 36	11.06	8.75
38 x 38	11.38	9.03
38 x 40	11.69	9.30
38 x 42	12.02	9.58
38 x 44	12.54	10.05
38 x 46	12.96	10.42
38 x 48	13.62	11.03
38 x 50	14.05	11.41
38 x 52	14.54	11.85
40 x 12	8.06	6.30
40 x 14	8.23	6.42
40 x 16	8.40	6.54
40 x 18	8.57	6.66
40 x 20	9.00	7.04
40 x 22	9.43	7.42
40 x 24	9.78	7.72
40 x 26	10.09	7.98
40 x 28	10.25	8.09
40 x 30	10.43	8.22
40 x 32	10.78	8.52
40 x 34	11.06	8.75
40 x 36	11.43	9.07
40 x 38	11.79	9.38
40 x 40	11.96	9.52
40 x 42	12.34	9.85
40 x 44	12.90	10.45
40 x 46	13.34	10.75
40 x 48	13.84	11.20
40 x 50	14.29	11.60
40 x 52	14.84	12.10
42 x 12	8.34	6.53
42 x 14	8.48	6.62
42 x 16	8.67	6.76
42 x 18	8.83	6.87
42 x 20	9.24	7.23
42 x 22	9.69	7.63
42 x 24	10.02	7.91
42 x 26	10.35	8.19
42 x 28	10.55	8.34
42 x 30	10.84	8.58
42 x 32	11.07	8.76
42 x 34	11.51	9.15
42 x 36	11.89	9.48
42 x 38	12.37	9.91
42 x 40	12.90	10.40
42 x 42	13.36	10.82
42 x 44	13.79	11.20
42 x 46	14.34	11.70
42 x 48	15.17	12.48
42 x 50	15.63	12.89
42 x 52	16.16	13.37

NORWOOD SELLING PRICE TO SEALTITE—Con.
TWO LIGHT WINDOWS—continued

Size	Screen included	No screen
44 x 12	$8.58	$6.72
44 x 14	8.74	6.83
44 x 16	8.93	6.97
44 x 18	9.10	7.09
44 x 20	9.50	7.44
44 x 22	9.94	7.83
44 x 24	10.28	8.12
44 x 26	10.61	8.40
44 x 28	10.86	8.60
44 x 30	11.04	8.73
44 x 32	11.31	8.95
44 x 34	11.76	9.35
44 x 36	12.11	9.63
44 x 38	12.71	10.20
44 x 40	13.21	10.65
44 x 42	14.09	11.48
44 x 44	14.76	12.10
44 x 46	15.41	12.70
44 x 48	15.96	13.20
44 x 50	16.80	14.01
44 x 52	17.79	14.95
46 x 12	8.85	6.94
46 x 14	8.98	7.02
46 x 16	9.18	7.17
46 x 18	9.37	7.31
46 x 20	9.75	7.61
46 x 22	10.21	8.05
46 x 24	10.54	8.33
46 x 26	10.87	8.61
46 x 28	11.11	8.80
46 x 30	11.34	8.98
46 x 32	11.56	9.15
46 x 34	12.09	9.63
46 x 36	12.47	9.96
46 x 38	13.03	10.47
46 x 40	13.56	10.95
46 x 42	14.35	11.69
46 x 44	15.11	12.40
46 x 46	15.96	13.20
46 x 48	16.71	13.90
46 x 50	17.56	14.70
46 x 52	18.41	15.50
48 x 12	9.10	7.14
48 x 14	9.23	7.22
48 x 16	9.45	7.39
48 x 18	9.63	7.52
48 x 20	10.02	7.86
48 x 22	10.53	8.27
48 x 24	10.87	8.56
48 x 26	11.14	8.83
48 x 28	11.48	9.12
48 x 30	11.74	9.33
48 x 32	11.93	9.47
48 x 34	12.38	9.87
48 x 36	12.79	10.20
48 x 38	13.36	10.75
48 x 40	14.01	11.35
48 x 42	14.74	12.03
48 x 44	15.36	12.60
48 x 46	16.31	13.50
48 x 48	17.06	14.20
48 x 50	17.86	14.95
48 x 52	18.76	15.80

ONE LIGHT SASH

Size	Screen included	No screen
16 x 12	$3.57	$2.71
16 x 14	3.93	2.75
16 x 16	4.03	2.79
16 x 18	4.11	2.83
16 x 20	4.38	3.06
16 x 22	4.64	3.28
16 x 24	4.80	3.40
16 x 26	4.99	3.55
16 x 28	5.18	3.70
16 x 30	5.42	3.90
16 x 32	5.59	4.08
16 x 34	5.76	4.16
16 x 36	5.93	4.29
16 x 38	6.20	4.41
16 x 40	6.35	4.51
16 x 42	6.50	4.61
16 x 44	6.64	4.70
16 x 46	6.79	4.80
16 x 48	6.94	4.90
16 x 50	7.09	5.00
16 x 52	7.24	5.10
16 x 54	7.39	5.20
16 x 56	7.56	5.32
16 x 58	7.73	5.44
16 x 60	7.92	5.58
16 x 62	8.11	5.72
16 x 64	8.30	5.86
16 x 66	8.49	6.00
16 x 68	8.68	6.14
16 x 70	8.87	6.28
16 x 72	9.06	6.42
18 x 12	3.95	2.75
18 x 14	4.02	2.79

ONE LIGHT SASH—continued

Size	Screen included	No screen
18 x 16	$4.10	$2.83
18 x 18	4.19	2.87
18 x 20	4.47	3.10
18 x 22	4.71	3.34
18 x 24	5.01	3.58
18 x 26	5.21	3.73
18 x 28	5.40	3.88
18 x 30	5.59	4.03
18 x 32	5.76	4.16
18 x 34	5.93	4.29
18 x 36	6.09	4.41
18 x 38	6.35	4.51
18 x 40	6.50	4.61
18 x 42	6.64	4.70
18 x 44	6.79	4.80
18 x 46	6.94	4.90
18 x 48	7.09	5.00
18 x 50	7.24	5.10
18 x 52	7.39	5.20
18 x 54	7.54	5.30
18 x 56	7.71	5.42
18 x 58	7.88	5.54
18 x 60	8.07	5.68
18 x 62	8.26	5.82
18 x 64	8.45	5.95
18 x 66	8.64	6.10
18 x 68	8.83	6.24
18 x 70	9.02	6.35
18 x 72	9.21	6.72
20 x 12	4.22	2.99
20 x 14	4.31	3.03
20 x 16	4.39	3.07
20 x 18	4.47	3.11
20 x 20	4.72	3.32
20 x 22	4.98	3.54
20 x 24	5.22	3.75
20 x 26	5.43	3.91
20 x 28	5.65	4.09
20 x 30	5.82	4.22
20 x 32	5.97	4.33
20 x 34	6.13	4.45
20 x 36	6.29	4.57
20 x 38	6.58	4.69
20 x 40	6.53	4.79
20 x 42	6.87	4.88
20 x 44	7.02	4.98
20 x 46	7.16	5.07
20 x 48	7.31	5.17
20 x 50	7.46	4.27
20 x 52	7.61	5.37
20 x 54	7.76	5.47
20 x 56	7.93	5.59
20 x 58	8.10	5.71
20 x 60	8.29	5.85
20 x 62	8.48	5.99
20 x 64	8.67	6.13
20 x 66	8.86	6.27
20 x 68	9.08	6.44
20 x 70	9.27	6.58
20 x 72	9.46	6.72
22 x 12	4.48	3.20
22 x 14	4.57	3.25
22 x 16	4.66	3.30
22 x 18	4.75	3.35
22 x 20	4.97	3.53
22 x 22	5.22	3.74
22 x 24	5.44	3.92
22 x 26	5.65	4.09
22 x 28	5.87	4.27
22 x 30	6.05	4.41
22 x 32	6.18	4.50
22 x 34	6.34	4.62
22 x 36	6.50	4.74
22 x 38	6.81	4.87
22 x 40	6.96	4.97
22 x 42	7.10	5.06
22 x 44	7.25	5.16
22 x 46	7.38	5.24
22 x 48	7.53	5.34
22 x 50	7.66	5.44
22 x 52	7.83	5.54
22 x 54	7.98	5.64
22 x 56	8.15	5.76
22 x 58	8.32	5.88
22 x 60	8.51	6.02
22 x 62	8.70	6.16
22 x 64	8.89	6.30
22 x 66	9.08	6.44
22 x 68	9.30	6.61
22 x 70	9.49	6.75
22 x 72	9.68	6.89
24 x 12	4.72	3.40
24 x 14	4.81	3.45
24 x 16	4.89	3.50
24 x 18	5.01	3.57
24 x 20	5.22	3.74
24 x 22	5.43	3.91
24 x 24	5.72	4.17
24 x 26	5.90	4.30
24 x 28	6.07	4.43
24 x 30	6.24	4.56

NORWOOD SELLING PRICE TO SEALTITE—Con.
ONE LIGHT SASH—continued

Size	Screen included	No screen
24 x 32	$6.40	$4.68
24 x 34	6.55	4.79
24 x 36	6.70	4.90
24 x 38	7.01	5.02
24 x 40	7.18	5.14
24 x 42	7.34	5.25
24 x 44	7.47	5.33
24 x 46	7.61	5.42
24 x 48	7.74	5.50
24 x 50	7.89	5.60
24 x 52	8.04	5.70
24 x 54	8.19	5.80
24 x 56	8.36	5.92
24 x 58	8.53	6.04
24 x 60	8.72	6.18
24 x 62	8.91	6.32
24 x 64	9.10	6.46
24 x 66	9.29	6.60
24 x 68	9.51	6.77
24 x 70	9.76	6.91
24 x 72	9.89	7.05
26 x 12	4.93	3.57
26 x 14	5.03	3.63
26 x 16	5.11	3.67
26 x 18	5.23	3.75
26 x 20	5.44	3.92
26 x 22	5.65	4.09
26 x 24	5.92	4.32
26 x 26	6.10	4.45
26 x 28	6.27	4.59
26 x 30	6.45	4.73
26 x 32	6.61	4.85
26 x 34	6.76	4.96
26 x 36	6.91	5.07
26 x 38	7.19	5.15
26 x 40	7.38	5.29
26 x 42	7.54	5.40
26 x 44	7.68	5.49
26 x 46	7.84	5.60
26 x 48	7.99	5.70
26 x 50	8.14	5.80
26 x 52	8.29	5.90
26 x 54	8.44	6.00
26 x 56	8.61	6.12
26 x 58	8.78	6.24
26 x 60	8.97	6.38
26 x 62	9.16	6.52
26 x 64	9.35	6.66
26 x 66	9.54	6.80
26 x 68	9.76	6.97
26 x 70	9.95	7.11
26 x 72	10.14	7.25
28 x 12	5.15	3.75
28 x 14	5.25	3.81
28 x 16	5.33	3.85
28 x 18	5.44	3.92
28 x 20	5.67	4.10
28 x 22	5.87	4.27
28 x 24	6.11	4.47
28 x 26	6.29	4.61
28 x 28	6.48	4.75
28 x 30	6.66	4.90
28 x 32	6.72	4.92
28 x 34	6.97	5.13
28 x 36	7.13	5.25
28 x 38	7.37	5.38
28 x 40	7.58	5.44
28 x 42	7.73	5.54
28 x 44	7.89	5.65
28 x 46	8.07	5.78
28 x 48	8.24	5.90
28 x 50	8.49	6.10
28 x 52	8.64	6.20
28 x 54	8.79	6.30
28 x 56	8.96	6.42
28 x 58	9.13	6.54
28 x 60	9.32	6.68
28 x 62	9.51	6.82
28 x 64	9.70	6.96
28 x 66	9.89	7.10
28 x 68	10.11	7.27
28 x 70	10.30	7.41
28 x 72	10.49	7.55
30 x 12	5.36	3.92
30 x 14	5.15	3.97
30 x 16	5.54	4.02
30 x 18	5.65	4.09
30 x 20	5.87	4.27
30 x 22	6.09	4.45
30 x 24	6.30	4.62
30 x 26	6.49	4.77
30 x 28	6.68	4.92
30 x 30	6.86	5.06
30 x 32	7.02	5.18
30 x 34	7.18	5.30
30 x 36	7.34	5.42
30 x 38	7.55	5.41
30 x 40	7.79	5.60
30 x 42	7.92	5.68
30 x 44	8.11	5.82
30 x 46	8.30	5.96
30 x 48	8.49	6.10
30 x 50	8.84	6.40
30 x 52	8.99	6.50

NORWOOD SELLING PRICE TO SEALTITE—Con.
ONE LIGHT SASH—continued

Size	Screen included	No screen
30 x 54	$9.14	$6.60
30 x 56	9.31	6.72
30 x 58	9.48	6.84
30 x 60	9.67	6.98
30 x 62	9.86	7.12
30 x 64	10.05	7.26
30 x 66	10.24	7.40
30 x 68	10.46	7.57
30 x 70	10.65	7.71
30 x 72	10.84	7.86
32 x 12	5.57	4.09
32 x 14	5.66	4.14
32 x 16	5.76	4.20
32 x 18	5.87	4.27
32 x 20	6.08	4.44
32 x 22	6.30	4.62
32 x 24	6.51	4.79
32 x 26	6.71	4.95
32 x 28	6.88	5.08
32 x 30	7.07	5.23
32 x 32	7.22	5.34
32 x 34	7.37	5.45
32 x 36	7.51	5.55
32 x 38	7.80	5.61
32 x 40	8.04	5.80
32 x 42	8.21	5.92
32 x 44	8.45	6.11
32 x 46	8.69	6.30
32 x 48	8.89	6.45
32 x 50	9.10	6.70
32 x 52	9.34	6.80
32 x 54	9.49	6.90
32 x 56	9.66	7.02
32 x 58	9.83	7.14
32 x 60	10.02	7.28
32 x 62	10.21	7.42
32 x 64	10.40	7.56
32 x 66	10.59	7.70
32 x 68	10.81	7.87
32 x 70	11.00	8.01
32 x 72	11.19	8.15
34 x 12	5.78	4.26
34 x 14	5.87	4.31
34 x 16	5.98	4.38
34 x 18	6.09	4.45
34 x 20	6.29	4.61
34 x 22	6.51	4.79
34 x 24	6.72	4.95
34 x 26	6.92	5.12
34 x 28	7.08	5.24
34 x 30	7.28	5.40
34 x 32	7.41	5.49
34 x 34	7.53	5.59
34 x 36	7.68	5.68
34 x 38	8.05	5.81
34 x 40	8.29	6.00
34 x 42	8.50	6.16
34 x 44	8.70	6.40
34 x 46	9.08	6.64
34 x 48	9.39	6.90
34 x 50	9.64	7.10
34 x 52	9.79	7.20
34 x 54	9.98	7.30
34 x 56	10.11	7.42
34 x 58	10.28	7.54
34 x 60	10.47	7.68
34 x 62	10.66	7.82
34 x 64	10.85	7.95
34 x 66	11.04	8.10
34 x 68	11.26	8.27
34 x 70	11.45	8.41
34 x 72	11.64	8.55
36 x 12	5.98	4.42
36 x 14	6.09	4.49
36 x 16	6.20	4.56
36 x 18	6.30	4.62
36 x 20	6.51	4.79
36 x 22	6.72	4.95
36 x 24	6.93	5.13
36 x 26	7.11	5.27
36 x 28	7.29	5.41
36 x 30	7.48	5.56
36 x 32	7.61	5.65
36 x 34	7.74	5.74
36 x 36	7.87	5.84
36 x 38	8.30	6.01
36 x 40	8.54	6.20
36 x 42	8.77	6.38
36 x 44	9.13	6.69
36 x 46	9.49	7.00
36 x 48	9.74	7.20
36 x 50	9.99	7.40
36 x 52	10.14	7.50
36 x 54	10.29	7.60
36 x 56	10.46	7.72
36 x 58	10.63	7.84
36 x 60	10.82	7.98
36 x 62	11.01	8.12
36 x 64	11.20	8.26
36 x 66	11.39	8.40
36 x 68	11.61	8.57
36 x 70	11.80	8.71
36 x 72	11.99	8.85

NORWOOD SELLING PRICE TO SEALTITE—Con.
ONE LIGHT SASH—continued

Size	Screen included	No screen
38 x 12	$6.21	$4.58
38 x 14	6.33	4.67
38 x 16	6.45	4.76
38 x 18	6.56	4.84
38 x 20	6.79	4.98
38 x 22	7.02	5.18
38 x 24	7.24	5.34
38 x 26	7.44	5.49
38 x 28	7.64	5.64
38 x 30	7.84	5.79
38 x 32	8.00	5.90
38 x 34	8.16	5.98
38 x 36	8.32	6.08
38 x 38	8.54	6.30
38 x 40	8.77	6.47
38 x 42	9.00	6.64
38 x 44	9.37	6.92
38 x 46	9.74	7.20
38 x 48	10.10	7.45
38 x 50	10.38	7.66
38 x 52	10.40	7.68
38 x 54	10.55	7.80
38 x 56	10.72	7.91
38 x 58	10.89	8.04
38 x 60	11.08	8.18
38 x 62	11.27	8.32
38 x 64	11.46	8.47
38 x 66	11.65	8.60
38 x 68	11.99	8.85
38 x 70	12.32	9.10
38 x 72	12.64	9.33
40 x 12	6.34	4.68
40 x 14	6.46	4.77
40 x 16	6.58	4.86
40 x 18	6.69	4.94
40 x 20	6.93	5.12
40 x 22	7.17	5.29
40 x 24	7.40	5.46
40 x 26	7.60	5.61
40 x 28	7.81	5.77
40 x 30	8.01	5.92
40 x 32	8.19	6.05
40 x 34	8.35	6.16
40 x 36	8.55	6.31
40 x 38	8.78	6.48
40 x 40	9.00	6.64
40 x 42	9.24	6.82
40 x 44	9.61	7.10
40 x 46	9.99	7.37
40 x 48	10.36	7.65
40 x 50	10.65	7.86
40 x 52	10.66	7.87
40 x 54	10.81	7.98
40 x 56	10.98	8.11
40 x 58	11.15	8.23
40 x 60	11.34	8.37
40 x 62	11.53	8.51
40 x 64	11.72	8.65
40 x 66	12.15	8.97
40 x 68	12.51	9.24
40 x 70	12.99	9.59
40 x 72	13.44	9.92
42 x 12	6.47	4.78
42 x 14	6.58	4.86
42 x 16	6.70	4.95
42 x 18	6.82	5.04
42 x 20	7.07	5.22
42 x 22	7.32	5.40
42 x 24	7.55	5.57
42 x 26	7.78	5.74
42 x 28	7.98	5.89
42 x 30	8.18	6.04
42 x 32	8.38	6.19
42 x 34	8.58	6.33
42 x 36	8.78	6.48
42 x 38	9.01	6.65
42 x 40	9.24	6.82
42 x 42	9.48	7.00
42 x 44	9.85	7.27
42 x 46	10.24	7.56
42 x 48	10.62	7.84
42 x 50	10.77	7.95
42 x 52	10.92	8.06
42 x 54	11.07	8.17
42 x 56	11.24	8.30
42 x 58	11.41	8.42
42 x 60	11.81	8.72
42 x 62	12.37	9.13
42 x 64	12.64	9.33
42 x 66	13.04	9.63
42 x 68	13.40	9.89
42 x 70	13.94	10.29
42 x 72	14.41	10.64
44 x 12	6.60	4.74
44 x 14	6.71	4.82
44 x 16	6.83	4.91
44 x 18	6.95	4.99
44 x 20	7.21	5.18
44 x 22	7.47	5.37
44 x 24	7.70	5.53
44 x 26	7.93	5.70
44 x 28	8.15	5.85
44 x 30	8.35	6.00

This Amendment No. 9 shall become effective September 10, 1945.

Issued this 5th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-16541; Filed, Sept. 5, 1945; 11:40 a. m.]

NORWOOD SELLING PRICE TO SEALTITE—Con.
ONE LIGHT SASH—continued

Size	Screen included	No screen
44 x 32	$8.67	$6.21
44 x 34	8.79	6.38
44 x 36	9.01	6.55
44 x 38	9.24	6.73
44 x 40	9.48	6.92
44 x 42	9.74	7.12
44 x 44	10.11	7.45
44 x 46	10.51	7.80
44 x 48	10.90	8.14
44 x 50	11.03	8.24
44 x 52	11.18	8.44
44 x 54	11.34	8.15
44 x 56	11.50	8.56
44 x 58	12.29	9.30
44 x 60	12.84	9.79
44 x 62	13.20	10.11
44 x 64	13.56	10.42
44 x 66	13.93	10.74
44 x 68	14.30	11.06
44 x 70	14.84	11.55
44 x 72	15.39	12.05
46 x 12	6.76	4.85
46 x 14	6.87	4.91
46 x 16	6.99	4.98
46 x 18	7.10	5.06
46 x 20	7.35	5.24
46 x 22	7.62	5.46
46 x 24	7.86	5.65
46 x 26	8.09	5.84
46 x 28	8.32	6.01
46 x 30	8.54	6.17
46 x 32	8.77	6.36
46 x 34	9.01	6.55
46 x 36	9.25	6.74
46 x 38	9.48	6.92
46 x 40	9.72	7.11
46 x 42	9.97	7.31
46 x 44	10.36	7.65
46 x 46	10.77	8.01
46 x 48	11.16	8.35
46 x 50	11.31	8.45
46 x 52	11.46	8.55
46 x 54	11.62	8.95
46 x 56	11.78	8.77
46 x 58	12.65	9.43
46 x 60	14.29	10.15
46 x 62	14.70	10.54
46 x 64	14.24	11.02
46 x 66	14.64	11.38
46 x 68	15.09	11.78
46 x 70	15.64	12.28
46 x 72	16.17	12.70
48 x 12	6.88	4.93
48 x 14	7.00	4.99
48 x 16	7.12	5.06
48 x 18	7.24	5.12
48 x 20	7.51	5.35
48 x 22	7.81	5.58
48 x 24	8.11	5.80
48 x 26	8.28	5.97
48 x 28	8.50	6.14
48 x 30	8.71	6.30
48 x 32	8.95	6.51
48 x 34	9.23	6.72
48 x 36	9.48	6.92
48 x 38	9.72	7.11
48 x 40	9.96	7.30
48 x 42	10.21	7.50
48 x 44	10.62	7.85
48 x 46	11.03	8.22
48 x 48	11.42	8.56
48 x 50	11.57	8.68
48 x 52	11.72	8.78
48 x 54	11.88	8.87
48 x 56	12.01	8.98
48 x 58	12.93	9.80
48 x 60	14.71	10.55
48 x 62	14.70	11.04
48 x 64	14.78	11.22
48 x 66	15.33	12.02
48 x 68	15.85	12.50
48 x 70	16.42	13.01
48 x 72	16.93	13.47

PART 1351—FOOD AND FOOD PRODUCTS

[MPR 280,[1] Amdt. 55]

MAXIMUM PRICES FOR SPECIFIC FOOD PRODUCTS

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.

Maximum Price Regulation No. 280 is amended in the following respects:

1. Section 1351.808 (k) is amended to read as follows:

(k) The milk products known as "liquid ice cream mix" and "liquid ice milk mix" as defined in subparagraph (8) subdivisions (i) and (ii) of § 1351.816 (a). Maximum prices for sales of these products are fixed in Maximum Price Regulation No. 577.

2. Section 1351.816 (a) (8) is redesignated § 1351.816 (a) (8) (i) and is amended by deleting therefrom the term "ice milk mix."

3. A new subdivision (ii) is added to § 1351.816 (a) (8) to read as follows:

(ii) "Liquid ice milk mix" means the liquid unfrozen dairy food intended for the manufacture of ice milk and which does not meet the requirements of liquid ice cream mix as defined in subdivision (i) above. It is made from milk products, any sweetening agent, flavoring, and with or without eggs, stabilizer or coloring. It contains not less than 2% by weight of butterfat, not less than 10% by weight of total milk solids and not more than .6% by weight of stabilizer.

This amendment shall become effective September 4, 1945.

Issued this 4th day of September 1945.

CHESTER BOWLES,
Administrator.

Approved: August 30, 1945.

J. B. HUTSON,
Acting Secretary of Agriculture.

[F. R. Doc. 45-16509; Filed, Sept. 4, 1945; 4:19 p. m.]

PART 1351—FOOD AND FOOD PRODUCTS

[MPR 577,[2] Amdt. 1]

ICE CREAM, LIQUID ICE CREAM MIX, SHERBET, AND OTHER FROZEN DESSERTS

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.

Maximum Price Regulation 577 is amended in the following respects:

1. Section 1.5 is amended as follows:

Paragraphs (b), (c), (d), (e), (f), (g), (h), (i), (j), (k), (l), (m), (n), (o), (p) and (q) are redesignated to read as follows:

Paragraphs (e), (f), (g), (h), (i), (j), (k), (l), (m), (n), (o), (p), (q), (r), (s) and (t).

2. A new section 1.5 (b) is added to read as follows:

(b) "Liquid ice milk mix" means the liquid unfrozen dairy food intended for the manufacture of "ice milk" as defined in paragraph (g) below, and which does not meet the minimum requirements of liquid ice cream mix as defined in paragraph (a) above. It is made from milk products, any sweetening agent, flavoring, and with or without eggs, stabilizer or coloring. It contains not less than 2% by weight of butterfat, not less than 10% by weight of total milk solids and not more than .6% by weight of stabilizer.

3. A new section 1.5 (c) is added to read as follows:

(c) (i) "Liquid sherbet mix" means the liquid unfrozen dairy food, intended for the manufacture of sherbet as defined in paragraph (h) below. It is made from milk products, any sweetening agent, flavoring, which may be derived from fruit juice and lactic, citric or tartaric acid, and with or without stabilizer or coloring. It contains not less than 3% by weight of milk solids, not less than .35% of acid as determined by titrating with standard alkali and expressed as lactic acid.

(ii) "Liquid chocolate sherbet mix" means the liquid unfrozen dairy food intended for the manufacture of chocolate sherbet as defined in paragraph (i) below. It is made from milk products, any sweetening agent, and chocolate flavoring and with or without stabilizer or coloring. It contains more than 3% by weight and not more than 6% by weight of total milk solids, and not more than .6% by weight of stabilizer.

(iii) "Liquid vanilla sherbet mix" means the liquid unfrozen dairy food intended for the manufacture of vanilla sherbet as defined in paragraph (j) below. It is made from milk products, any sweetening agent, and vanilla flavoring, and with or without stabilizer or coloring. It contains more than 3% by weight, and not more than 6% by weight of total milk solids, and not more than .6% by weight of stabilizer.

4. A new Section 1.5 (d) is inserted to read as follows:

(d) "Liquid ice mix" means the liquid unfrozen product intended for the manufacture of ice as defined in paragraph (k) below. It is made from water, any sweetening agent, flavoring, not less than .35% of acid as determined by titrating with standard alkali and expressed as lactic acid, with or without coloring and stabilizer. It contains no milk solids.

5. Section 2.1 is amended to read as follows:

SEC. 2.1 *Base periods.* (a) The base period for ice cream, sherbet, ice, ice milk, liquid sherbet mix, liquid chocolate

[1] 9 F.R. 6520, 9090, 10358, 13004, 13057, 13758, 14067, 15107; 10 F.R. 1968.

[2] 10 F.R. 1968.

sherbet mix, liquid vanilla sherbet mix, and liquid ice mix is March 1942. This base period is the same as the base period in the General Maximum Price Regulation.

(b) The base period for liquid ice cream mix and liquid ice milk mix is September 28, 1942 to October 2, 1942, inclusive. This base period is the same as the base period in Maximum Price Regulation No. 280.

(c) The base period for any product not specifically listed in paragraphs (a) and (b) above, and which is similar to or in imitation of these products, and containing 50% or less of milk ingredients by weight or volume is March 1942, the base period in the General Maximum Price Regulation. The base period for any product not specifically listed in paragraphs (a) and (b) above, and which is similar to or in imitation of these products and containing more than 50% of milk ingredients by weight or volume is September 28, 1942 to October 2, 1942, inclusive, the base period in Maximum Price Regulation No. 260.

6. Section 2.2 is amended by adding the following sentence: "However, the Price Administrator may at any time modify, amend, or revoke, subject to the prior written approval of the Secretary of Agriculture, where such approval is required by law, a maximum price for any product covered by this regulation established prior to the issuance of this regulation under the General Maximum Price Regulation, Order No. 375 to the General Maximum Price Regulation, Amendment No. 119 to Supplementary Regulation No. 14 (now Supp. Reg. 14A)," or Maximum Price Regulation No. 280.

7. Section 2.3 is amended by adding two new paragraphs (c) and (d).

(c) The Price Administrator may at any time modify, amend, or revoke subject to the prior written approval of the Secretary of Agriculture, where such approval is required by law, a maximum price for any product covered by this regulation established after February 15, 1945, either under this Section 2.3 or Section 2.4 below.

(d) The Price Administrator may at any time modify, amend, or revoke subject to the prior written approval of the Secretary of Agriculture, where such approval is required by law, any adjusted maximum price for any product covered by this regulation established under section 4.1 below.

8. Section 2.7 is amended to read as follows:

SEC. 2.7. *Liquid ice milk mix and ice milk, where milk solids reduced; pricing at wholesale.*—(a) *Where butterfat content reduced.* If the butterfat content of liquid ice milk mix or ice milk for which the seller has an established maximum price is reduced, the seller shall reduce such established maximum price for liquid ice milk mix 4¢ per gallon, and for ice milk 2¢ per gallon, for each 1% or fraction thereof that the butterfat content is reduced with proportionate reductions for part of a gallon.

(b) *Where milk solids not fat reduced.* If the milk solids not fat content of any liquid ice milk mix or ice milk for which the seller has an established price is reduced, the seller shall reduce such established maximum price for liquid ice milk mix 2¢ per gallon, and for ice milk 1¢ per gallon, for each 1% or fraction thereof that the milk solids not fat content is reduced, with proportionate reductions for part of a gallon.

This amendment shall become effective September 4, 1945.

Issued this 4th day of September 1945.

CHESTER BOWLES,
Administrator.

Approved: August 30, 1945.

J. B. HUTSON,
Acting Secretary of Agriculture.

[F. R. Doc. 45-16511; Filed, Sept. 4, 1945; 4:19 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Rev. Supp. Reg. 1,[1] Amdt. 106]

LIQUID ICE CREAM MIX, ICE CREAM, SHERBET AND OTHER FROZEN DESSERTS

A statement of the considerations involved in the issuance of this amendment, issued sumultaneously herewith, has been filed with the Division of the Federal Register.

Revised Supplementary Regulation No. 1 is amended in the following respect:

Section 2.3 (d) (2) is amended to read as follows:

(2) Liquid sherbet mix, liquid chocolate sherbet mix, liquid vanilla sherbet mix, liquid ice mix, liquid ice milk mix, sherbet and ice, and any products in imitation of these, or in imitation of ice cream, ice milk or liquid ice cream mix.

This amendment shall become effective September 4, 1945.

Issued this 4th day of September 1945.

CHESTER BOWLES,
Administrator.

Approved: August 30, 1945.

J. B. HUTSON,
Acting Secretary of Agriculture.

[F. R. Doc. 45-16513; Filed, Sept. 4, 1945; 4:19 p. m.]

PART 1499—COMMODITIES AND SERVICES

[SR 14C,[2] Amdt. 10]

PECTIN PREPARATIONS

A statement of considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.

Supplementary Regulation 14C to the General Maximum Price Regulation is amended in the following respects:

1. Section 3.1 (k) is amended by adding the following paragraph after the paragraph beginning "Starch desert preparations."

"Pectin preparations" means a dry or liquid product, the active agent of which is pectin combined with carrying ingredients, the purpose of which is to impart stabilization to other food products.

2. Section 3.1 (l) is amended by adding the following: "Pectin preparations."

This amendment shall become effective September 10, 1945.

Issued this 5th day of September 1945.

CHESTER BOWLES,
Administrator.

Approved: August 27, 1945.

J. B. HUTSON,
Acting Secretary of Agriculture.

[F. R. Doc. 45-16540; Filed, Sept. 5, 1945; 11:39 a. m.]

Chapter XXIII—Surplus Property Board

[SPB Reg. 1,[1] Order 6]

PART 8301—DESIGNATION OF DISPOSAL AGENCIES AND PROCEDURES FOR REPORTING SURPLUS PROPERTY LOCATED WITHIN THE CONTINENTAL UNITED STATES, ITS TERRITORIES AND POSSESSIONS

APPROVAL OF DELEGATION OF AUTHORITY BY DEPARTMENT OF AGRICULTURE TO DEPARTMENT OF COMMERCE FOR DISPOSAL OF CERTAIN TYPES OF PROPERTY

Pursuant to section 8 of the Surplus Property Act of 1944 (58 Stat. 765, 50 U.S.C. App. Sup. 1611): *It is hereby ordered*, That:

1. The Surplus Property Board hereby approves of the delegation of authority and responsibility by the Department of Agriculture to the Department of Commerce to act for and on behalf of the Department of Agriculture in the continental United States, during the period ending December 31, 1945, as disposal agency for the following items of food, owned by the War Department and purchased for use in ration kits or for overseas sale, when sales of such items are made by the Department of Commerce, through the facilities of the War Department, to the original manufacturers of such items who agree to buy the entire quantity of their products available for disposition, regardless of location or condition, at not less than the original cost to the Government, f. o. b. shipping point: candy bars, solid chocolate types; candy bars, coated types; candy bars, uncoated; candy rolls and packages; fruit drops; candy packages; cookies and crackers; gum, chewing, standard types; peanuts, salted, canned; biscuits, all types and packings; cereals, premixed, compressed, and loose; cocoa beverages; coffee product, soluble.

2. The Department of Commerce shall prepare and maintain such records as will show full compliance with the provisions of this order and with the applicable provisions of the act. Reports shall be prepared and filed with the Department of Agriculture and the Board in such manner as may be specified by Order No. 3 under this part (10 F.R. 3771, 9678) and any amendments thereto.

This order shall become effective August 31, 1945.

SURPLUS PROPERTY BOARD,
BY W. STUART SYMINGTON,
Chairman.

AUGUST 31, 1945.

[F. R. Doc. 45-16554; Filed, Sept. 5, 1945; 11:47 a. m.]

PART 8302—PRIORITIES OF GOVERNMENT AGENCIES AND STATE OR LOCAL GOVERNMENTS

[SPB Reg. 2,[1] Order 1]

EXEMPTION FROM THIS PART OF FOOD, DRUGS, COSMETICS, AND TOILETRIES PURCHASED BY THE QUARTERMASTER CORPS

The War Department has reported that it has large supplies of branded items of property of the types designated on Schedule A attached hereto, purchased for assembly in ration kits to be sent overseas, and for other uses. So much of this property as is no longer needed by the quartermaster must be declared surplus in the immediate future.

The Department of Commerce, as disposal agency, has applied to the Surplus Property Board for the exemption of these types of property from the requirements of this part on the ground that it is impracticable and uneconomical to require its disposal according to such requirements.

Pursuant to § 8302.5 (b) (4) and in reliance upon the reports of the War Department and Department of Commerce referred to above, *It is hereby ordered*, That:

The Department of Commerce, as disposal agency, is hereby authorized to dispose of to the original manufacturers the types of property owned by the War Department and designated on Schedule A attached hereto without regard for the provisions of this part, provided that such property shall be sold at not less than the original cost to the government, f. o. b. shipping point.

This order shall become effective August 31, 1945.

SURPLUS PROPERTY BOARD,
BY W. STUART SYMINGTON,
Chairman.

AUGUST 31, 1945.

SCHEDULE A—FOOD, DRUGS, COSMETICS AND TOILETRIES PURCHASED BY THE QUARTERMASTER CORPS

I. FOOD

Candy bars, solid chocolate types.
Candy bars, coated types.
Candy bars, uncoated.
Candy rolls and packages.
Fruit drops.
Candy packages.
Cookies and crackers.
Gum, chewing, standard types.
Peanuts, salted, canned.
Biscuits, all types and packings.
Cereals, premixed, compressed, and loose.
Cocoa beverages.
Coffee product, soluble.

II. DRUGS

Bandages.
Jelly, petroleum.
Solution, antiseptic.

III. COSMETICS

Pomede, lip.
Powder, talcum.

IV. TOILETRIES

Cream, shaving, brushless and lather types.
Deodorant, perspiration.
Fluid, lighter, flame type and flameless type.
Lotion, after shave and sunburn.
Oil, hair.
Paste, tooth, standard brands.
Polish, shoe, paste, brown, standard brands.
Powder, foot.
Powder, antiseptic.
Powder, tooth.
Shampoo, standard brands.
Soaps, standard brands.

[F. R. Doc. 45-16555; Filed, Sept. 5, 1945; 11:47 a. m.]

TITLE 49—TRANSPORTATION AND RAILROADS

Chapter II—Office of Defense Transportation

[Gen. Order ODT 24, as Amended, Revocation]

PART 500—CONSERVATION OF RAIL EQUIPMENT

PASSENGER TRAIN OPERATIONS RESTRICTED

Pursuant to Executive Order 8989, as amended, General Order ODT 24, as amended, §§ 500.40 to 500.45, inclusive (7 F.R. 7814, 9 F.R. 7584), is hereby revoked effective September 16, 1945.

(E.O. 8989, as amended, 6 F.R. 6725, 8 F.R. 14183)

Issued at Washington, D. C., this 4th day of September 1945.

J. M. JOHNSON,
Director,
Office of Defense Transportation.

[F. R. Doc. 45-16502; Filed, Sept. 4, 1945; 3:11 p. m.]

[Gen. Order ODT 52, Amdt. 1]

PART 502—DIRECTION OF TRAFFIC MOVEMENT

PASSENGER RESERVATIONS RESTRICTED

Pursuant to Title III of the Second War Powers Act, 1942, as amended, and Executive Order 8989, as amended, § 502.241 of General Order ODT 52 (10 F.R. 8144) is hereby amended to read as follows:

§ 502.241 *Railroad passenger reservations restricted.* No carrier shall reserve, assign or allocate seating or sleeping space on a passenger train or issue a ticket for a reserved seat or sleeping space on a passenger train more than fourteen days in advance of the scheduled departure of such train.

This Amendment 1 to General Order ODT 52 shall become effective September 9, 1945.

(Title III of the Second War Powers Act, 1942, as amended, 56 Stat. 177, 50 U.S.C. App. 633, 58 Stat. 827; E.O. 8989, as amended, 6 F.R. 6725, 8 F.R. 14183)

Issued at Washington, D. C., this 4th day of September 1945.

J. M. JOHNSON,
Director,
Office of Defense Transportation.

[F. R. Doc. 45-16503; Filed, Sept. 4, 1945; 3:11 p. m.]

Notices

DEPARTMENT OF THE INTERIOR.

Geological Survey.

[Power Site Classification 375]

BIG HORN AND BELLE FOURCHE RIVERS, WYOMING

CLASSIFICATION OF POWER SITES

AUGUST 31, 1945.

THE SECRETARY OF THE INTERIOR,

SIR: Under authority vested in me by the act of March 3, 1879 (20 Stat. 394; 43 U.S.C. 31), the following described land is hereby classified as power sites and, in so far as title thereto remains in the United States and subject to valid existing rights, it is recommended that this classification be given full force and effect under the provisions of section 24 of the act of June 10, 1920, as amended by sec. 211 of the act of August 26, 1935 (41 Stat. 1075, 49 Stat. 846; 16 U.S.C. sec. 818):

POWER SITE CLASSIFICATION NO. 375, BIG HORN AND BELLE FOURCHE RIVERS, WYOMING

SIXTH PRINCIPAL MERIDIAN

T. 50 N., R. 66 W.,
Sec. 6, SW¼NE¼.
T. 51 N., R. 66 W.,
Sec. 26, NE¼NE¼;
Sec. 30, lot 1.
T. 50 N., R. 67 W.,
Sec. 1, lot 1;
Sec. 12, S½SW½;
Sec. 13, SE¼NW¼.
T. 51 N., R. 67 W.,
Sec. 14, NE¼NE¼;
Sec. 22, NE¼NE¼;
Sec. 23, SW¼NW¼, and NW¼SW¼;
Sec. 25, S½NW¼;
Sec. 26, NE¼NE¼, SW¼NE¼, SE¼NW¼, E½SW¼, and W½SE¼;
Sec. 33, SW¼NE¼, N½SW¼, and NW¼SE¼.
T. 37 N., R. 94 W.,
Sec. 5, lots 3 and 4, S½NW¼, SW¼, and NW¼SE¼;
Sec. 6;
Sec. 29, W½NE¼, SE¼NE¼, NE¼SW¼, and NW¼SE¼.
T. 38 N., R. 94 W.,
Sec. 3, W½SW¼;
Sec. 4, lot 4, SW¼NW¼, W½SW¼, SE¼SW¼, NE¼SE¼, and S½SE¼;
Sec. 5;
Sec. 6;
Sec. 7, lots 3 and 4;
Sec. 8, S½;
Sec. 9, NE¼, N½NW¼, and SE¼SW¼;
Sec. 10, SE¼NE¼, and S½NW¼;
Sec. 11, SW¼SW¼;
Sec. 14, NW¼NW¼;
Sec. 17, N½NE¼;
Sec. 13, lots 1, and 2;
Sec. 20, S½SW¼;

Sec. 27, SE¼SW¼, and SW¼SE¼;
Sec. 29, SW¼SE¼;
Sec. 29, NW¼, N½SW¼, and NW¼SE¼;
Sec. 30, lots 1, and 2;
Sec. 31, lots 3, and 4;
Sec. 33, N½N½, and SW¼NE¼;
Sec. 34, NW¼NE¼, and N½NW¼.
T. 39 N., R. 94 W.,
Sec. 5, S½NE¼, S½NW¼, N½SW¼, and SW¼SW¼;
Sec. 6;
Sec. 7, lots 1, 2, and 4;
Sec. 8, NE¼NE¼, S½NE¼, and S½;
Sec. 9, SW¼NW¼, and SW¼;
Sec. 17;
Sec. 18;
Sec. 19;
Sec. 20;
Sec. 21, E½;
Sec. 22, NW¼NW¼, SW¼, and W½SE¼;
Sec. 27, W½NW¼;
Sec. 28, N½, SW¼, and W½SE¼;
Sec. 29;
Sec. 30;
Sec. 31;
Sec. 32, N½, SW¼, N½SE¼, and SW¼SE¼.
T. 40 N., R. 94 W.,
Sec. 31, lots 1 and 2;
Sec. 32, S½SW¼.

W. E. WRATHER,
Director.

Approved: August 25, 1945.

OSCAR L. CHAPMAN,
Assistant Secretary.

[F. R. Doc. 45-16520; Filed, Sept. 5, 1945; 10:02 a. m.]

DEPARTMENT OF LABOR.

Office of the Secretary.

[WLD 99]

ASSOCIATED BUILDING CONTRACTORS, ET AL.

FINDING AS TO CONTRACT IN PROSECUTION OF WAR

In the matter of Associated Building Contractors, et al., Rockford, Illinois. Case No. S-2303.

Pursuant to section 2 (b) (3) of the War Labor Disputes Act (Pub. No. 89, 78th Cong., 1st sess.) and the directive of the President dated August 10, 1943, published in the FEDERAL REGISTER August 14, 1943, and

Having been advised of the existence of a labor dispute involving Local No. 792 of the United Brotherhood of Carpenters and Joiners of America and the members of the Associated Building Contractors, Rockford, Illinois, and certain other concerns engaged in construction, reconstruction and repair activities in and around Rockford, Illinois,

I find that the construction, reconstruction or repair of buildings or other works or facilities, other than for ordinary residential purposes, by any concern involved in the above dispute, pursuant to contract, oral or written, is contracted for in the prosecution of the war within the meaning of section 2 (b) (3) of the War Labor Disputes Act.

Signed at Washington, D. C. this 4th day of September 1945.

L. B. SCHWELLENBACH,
Secretary of Labor.

[F. R. Doc. 45-16524; Filed, Sept. 5, 1945; 11:00 a. m.]

[WLD 100]

HARBOR CARRIERS ASSN. OF THE PORT OF NEW YORK, ET AL.

FINDING AS TO CONTRACT IN PROSECUTION OF WAR

In the matter of Harbor Carriers Association of the Port of New York, et al., New York, New York. Case No. S-2484.

Pursuant to section 2 (b) (3) of the War Labor Disputes Act (Pub. No. 89, 78th Cong., 1st sess.) and the directive of the President dated August 10, 1943, published in the FEDERAL REGISTER August 14, 1943, and

Having been advised of the existence of a labor dispute involving Local Union No. 996 of the International Longshoremen's Association and the members of the Harbor Carriers Association of the Port of New York and certain other concerns engaged in lighterage in the Port of New York,

I find that the water transportation of goods, articles and commodities by any concern involved in the above dispute, pursuant to contracts with concerns engaged in the manufacture or production of such goods, articles or commodities or with railroad companies is contracted for in the prosecution of the war within the meaning of section 2 (b) (3) of the War Labor Disputes Act.

Signed at Washington, D. C. this 4th day of September 1945.

L. B. SCHWELLENBACH,
Secretary of Labor.

[F. R. Doc. 45-16525; Filed, Sept. 5, 1945; 11:00 a. m.]

INTERSTATE COMMERCE COMMISSION.

[Ex Parte MC-39]

PRACTICES OF PROPERTY BROKERS

INSTITUTION OF INVESTIGATION

At a session of the Interstate Commerce Commission, Division 5, held at its office in Washington, D. C., on the 25th day of August, A. D. 1945.

Sections 204 (a) (4) and 211 (c) of the Interstate Commerce Act being under consideration; and good cause appearing therefor:

It is ordered, That an investigation be, and it is hereby, instituted by the Commission, Division 5, on its own motion, into the practices of brokers as defined in section 203 (a) (18) of the said act, excepting those dealing exclusively in transportation of passengers and their baggage, with a view to prescribing such reasonable rules, regulations, and requirements to be observed by such brokers as may be necessary or desirable in the public interest and to taking such other action as the facts and circumstances may warrant.

It is further ordered, That this proceeding be assigned for hearing at such times and places as may hereafter be specified.

It is further ordered, That all such brokers dealing in the transportation of property be, and they are hereby, made respondents to this proceeding.

And it is further ordered, That a copy of this order be served on each of the respondents and that notice of this order be given to the general public by posting a copy of it in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Division of the Federal Register.

By the Commission, Division 5.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 45-16529; Filed, Sept. 5, 1945; 11:20 a. m.]

[S. O. 70-A, Special Permit 1038]

RECONSIGNMENT OF WATERMELONS AT KANSAS CITY, MO.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph (§ 95.35, 8 F.R. 14624) of Service Order No. 70-A of October 22, 1943, permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard entirely the provisions of Service Order No. 70-A insofar as it applies to the reconsignment at Kansas City, Missouri, August 30, 1945, by Oscar Rosenbloom of car PFE 73354, watermelons, now on the Katy to Keith Van Zandt, Bethany, Missouri. (CB&Q).

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 30th day of August 1945.

V. C. CLINGER,
Director,
Bureau of Service.

[F. R. Doc. 45-16530; Filed, Sept. 5, 1945; 11:20 a. m.]

[Rev. S. O. 345, Special Permit No. 9]

REICING OF POTATOES AT CHICAGO, ILL.

Pursuant to the authority vested in me by paragraph (g) of the first ordering paragraph of Revised Service Order No. 345 (10 F.R. 10034), permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard the provisions of Revised Service Order No. 345 insofar as it applies to the furnishing of one reicing only, to full bunker capacity, at Chicago, Illinois, August 30, 1945, as requested by Bacon Brothers, on car MDT 18875, potatoes, on the Chicago Produce Terminal, moving August 30, 1945, to Dekle Brokerage Company, Pensacola, Florida. (C&EI-Frisco.)

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 30th day of August 1945.

V. C. CLINGER,
Director,
Bureau of Service.

[F. R. Doc. 45-16531; Filed, Sept. 5, 1945; 11:20 a. m.]

[Rev. S. O. 345, Special Permit 10]

REICING OF POTATOES AT CHICAGO, ILL.

Pursuant to the authority vested in me by paragraph (g) of the first ordering paragraph of Revised Service Order No. 345 (10 F.R. 10034) permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard the provisions of Revised Service Order No. 345 insofar as it applies to the furnishing of one reicing only, to full bunker capacity, at Chicago, Illinois, August 30, 1945, as requested by National Produce Company, on car PFE 91063, potatoes, on the Chicago Produce Terminal, consigned to Mobile Produce Company, Mobile, Alabama. (IC-GM&O).

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 30th day of August 1945.

V. C. CLINGER,
Director,
Bureau of Service.

[F. R. Doc. 45-16532; Filed, Sept. 5, 1945; 11:20 a. m.]

[Rev. S. O. 345, Special Permit 11]

REFRIGERATION ON ART FREIGHT CAR FROM CHICAGO, ILL.

Pursuant to the authority vested in me by paragraph (g) of the first ordering paragraph of Revised Service Order No. 345 (10 F.R. 10034), permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard the provisions of Revised Service Order No. 345 insofar as it applies to standard refrigeration from Chicago on ART 17696, as ordered by Plowaty Bergart, shipped from Othello, Washington, routed from Chicago CEI-L&N-SAL to Miami, Florida.

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 31st day of August 1945.

V. C. CLINGER,
Director,
Bureau of Service.

[F. R. Doc. 45-16533; Filed, Sept. 5, 1945; 11:20 a. m.]

[Rev. S. O. 346, Special Permit 14]

ICING OF CARROTS AND BROCCOLI AT CHICAGO, ILL.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph of Revised Service Order No. 346 (10 F.R. 10035), permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard the provisions of Revised Service Order No. 346 insofar as it applies to the furnishing of 4 tons of retop ice, August 30 or 31, 1945, on car PFE 24262, carrots and broccoli, on the C. B. & Q. Railroad at Chicago, Illinois, as requested by La Mantia Bros. Artigo.

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 30th day of August 1945.

V. C. CLINGER,
Director,
Bureau of Service.

[F. R. Doc. 45-16534; Filed, Sept. 5, 1945; 11:20 a. m.]

OFFICE OF PRICE ADMINISTRATION.

[MPR 120, Correction to Order 1441]

PACIFIC COAST COAL CO.

AUTHORIZATION OF MAXIMUM PRICES

Order No. 1441 under Maximum Price Regulation No. 120 is corrected in the following respect:

In paragraph (b) the maximum price for Size Group Nos. 6, 7, 8, 9 and 10 for all methods of transportation (except truck or wagon) and for all uses, "665" is deleted and "625" is inserted in lieu thereof.

This correction shall become effective September 5, 1945.

Issued this 4th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-16478; Filed, Sept. 4, 1945; 11:51 a. m.]

[MPR 120, Order 1453]

WALTER BLEDSOE & CO.

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously, herewith, and in accordance with § 1340.210 (a) (6) of Maximum Price Regulation No. 120, *It is ordered:*

(a) Walter Bledsoe & Company's Wick Mine storage pile is hereby assigned Mine Index No. 2029.

(b) ⅛" x 0 carbon reclaimed by Walter Bledsoe & Company from the Wick Mine storage pile, located in Pike County, Indiana, in the Princeton-Ayrshire Subdistrict of District No. 11 may be purchased and sold at per net ton prices not exceeding $1.79.

(c) The price established herein is f. o. b. transportation facilities at rail loading point (Petersburg, Indiana).

(d) This order may be revoked or amended by the Price Administrator at any time.

(e) Except as specifically provided in this order, the provisions of Maximum Price Regulation No. 120 governing the sale of bituminous coal shall remain in effect.

(f) The mine index number assigned herein is permanent, but the maximum prices may be changed by order or amendment.

(g) On all invoices in connection with the sales of coal priced under this order the applicant shall identify all such coal as ⅛" x 0 reclaimed carbon and by the use of Mine Index No. 2029.

This order shall become effective September 5, 1945.

Issued this 4th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-16479; Filed, Sept. 4, 1945; 11:52 a. m.]

[MPR 260, Amdt. 1 to Order 533]

PAUL P. COLLINS

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion accompanying this amendment and pursuant to § 1358.102 (b) of Maximum Price Regulation 260; *It is ordered*, That:

The maximum prices for the "Collins Pride-Invincible", "Rochester King-Straight", "Our Principal Senior-Invincible" and "Golden Hour-Club House" cigars set forth in paragraph (a) of Order No. 533 under Maximum Price Regulation No. 260, are amended to read as follows:

Brand	Size or frontmark	Packing	Maximum list price	Maximum retail price
			Per M	*Cents*
Collins' Pride	Invincible	50	$64	8
Rochester King	Straight	50	48	6
Our Principal Senior	Invincible	50	64	8
Gobden Hour	Club House	10	60	2 for 15

This amendment shall become effective September 5, 1945.

Issued this 4th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-16482; Filed, Sept. 4, 1945; 11:52 a. m.]

[MPR 260, Order 1799]

HOBART M. WOLF

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion accompanying this order, and pursuant to § 1358.102 (b) of Maximum Price Regulation No. 260; *It is ordered*, That:

(a) Hobart M. Wolf, R. D. No. 1, Red Lion, Pa. (hereinafter called "manufacturer") and wholesalers and retailers may sell, offer to sell or deliver and any person may buy, offer to buy or receive each brand and size or frontmark, and packing of the following domestic cigars at the appropriate maximum list price and maximum retail price set forth below:

Brand	Size or frontmark	Packing	Maximum list price	Maximum retail price
			Per M	*Cents*
Collins' Pride	Invincible	50	$64	8

(b) The manufacturer and wholesalers shall grant, with respect to their sales of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the discounts they customarily granted in March 1942 on their sales of domestic cigars of the same price class to purchasers of the same class, unless a change therein results in a lower price. Packing differentials charged by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class may be charged on corresponding sales of each brand and size or frontmark of cigars priced by this order, but shall not be increased. Packing differentials allowed by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class shall be allowed on corresponding sales of each brand and size or frontmark of cigars priced by this order and shall not be reduced. If a brand and size or frontmark of domestic cigars for which maximum prices are established by this order is of a price class not sold by the manufacturer or the particular wholesaler in March 1942, he shall, with respect to his sales thereof, grant the discounts and may charge and shall allow the packing differentials customarily granted, charged or allowed (as the case may be) in March 1942 by his most closely competitive seller of the same class on sales of domestic cigars of the same March 1942 price class to purchasers of the same class.

(c) On or before the first delivery to any purchaser of each brand and size or front mark of domestic cigars for which maximum prices are established by this order, the manufacturer and every other seller (except a retailer) shall notify the purchaser of the maximum list price and the maximum retail price established by this order for such brand and size or frontmark of domestic cigars. The notice shall conform to and be given in the manner prescribed by § 1358.113 of Maximum Price Regulation No. 260.

(d) Unless the context otherwise requires, appropriate provisions of Maximum Price Regulation No. 260, shall apply to sales for which maximum prices are established by this order.

(e) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective September 5, 1945.

Issued this 4th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-16483; Filed, Sept. 4, 1945; 11:52 a. m.]

[MPR 260, Order 1800]

K. & K. CIGAR CO.

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion accompanying this order, and pursuant to § 1358.102 (b) of Maximum Price Regulation No. 260; *It is ordered*, That:

(a) Harry Keeports, d/b/a K. & K. Cigar Company, Rear 857 W. Broadway, Red Lion, Pa. (hereinafter called "manufacturer") and wholesalers and retailers may sell, offer to sell or deliver and any person may buy, offer to buy or receive each brand and size or frontmark, and packing of the following domestic cigars at the appropriate maximum list price and maximum retail price set forth below:

Brand	Size or frontmark	Packing	Maximum list price	Maximum retail price
			Per M	*Cents*
Kay's Quality	Small Corona	50	$48	6

(b) The manufacturer and wholesalers shall grant, with respect to their sales of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the discounts they customarily granted in March 1942 on their sales of domestic cigars of the same price class to purchasers of the same class, unless a change therein results in a lower price. Packing differentials charged by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class may be charged on corresponding sales of each brand and size or frontmark of cigars priced by this order, but shall not be increased. Packing differentials allowed by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class shall be allowed on corresponding sales of each brand and size or frontmark of cigars priced by this order and shall not be reduced. If a brand and size or frontmark of domestic cigars for which maximum prices are established by this order is of a price class not sold by the manufacturer or the particular wholesaler in March 1942, he shall, with respect to his sales thereof, grant the discounts and may charge and shall allow the packing differentials customarily granted, charged or allowed (as the case may be) in March 1942 by his most closely competitive seller of the same class on sales of domestic cigars of the same March 1942 price class to purchasers of the same class.

(c) On or before the first delivery to any purchaser of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the manufacturer and every other seller (except a retailer) shall notify the purchaser of the maximum list price and the maximum retail price established by this order for such brand and size or frontmark of domestic cigars. The notice shall conform to and be given in the manner prescribed by § 1358.113 of Maximum Price Regulation No. 260.

(d) Unless the context otherwise requires, appropriate provisions of Maximum Price Regulation No. 260, shall apply to sales for which maximum prices are established by this order.

(e) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective September 5, 1945.

Issued this 4th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-16484; Filed, Sept. 4, 1945; 11:52 a. m.]

[MPR 260, Order 1801]

L. & M. CIGAR FACTORY

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion accompanying this order, and pursuant to § 1358.102 (b) of Maximum Price Regulation No. 260; *It is ordered*, That:

(a) L. & M. Cigar Factory, 2601 17th Street, Tampa, Fla. (hereinafter called "manufacturer") and wholesalers and retailers may sell, offer to sell or deliver and any person may buy, offer to buy or receive each brand and size or frontmark, and packing of the following domestic cigars at the appropriate maximum list price and maximum retail price set forth below:

Brand	Size or frontmark	Packing	Maximum list price	Maximum retail price
			Per M	*Cents*
Tampa Rico	Epicures	50	$158.00	18
	Brevas	50	160.00	22
	Palmas	50	185.00	24
	Pinas	50	78.75	2 for 21
	Pinas Chica	50	72.00	9
	Londres	50	82.50	11
	Cadetes	50	90.00	12
	Coronas	50	115.00	15

(b) The manufacturer and wholesalers shall grant, with respect to their sales of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the discounts they customarily granted in March 1942 on their sales of domestic cigars of the same price class to purchasers of the same class, unless a change therein results in a lower price. Packing differentials charged by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class may be charged on corresponding sales of each brand and size or frontmark of cigars priced by this order, but shall not be increased. Packing differentials allowed by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class shall be allowed on corresponding sales of each brand and size or frontmark of cigars priced by this order and shall not be reduced. If a brand and size or frontmark of domestic cigars for which maximum prices are established by this order is of a price class not sold by the manufacturer or the particular wholesaler in March 1942, he shall, with respect to his sales thereof, grant the discounts and may charge and shall allow the packing differentials customarily granted, charged or allowed (as the case may be) in March 1942 by his most closely competitive seller of the same class on sales of domestic cigars of the same March 1942 price class to purchasers of the same class.

(c) On or before the first delivery to any purchaser of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the manufacturer and every other seller (except a retailer) shall notify the purchaser of the maximum list price and the maximum retail price established by this order for such brand and size or frontmark of domestic cigars. The notice shall conform to and be given in the manner prescribed by § 1358.113 of Maximum Price Regulation No. 260.

(d) Unless the context otherwise requires, appropriate provisions of Maximum Price Regulation No. 260, shall apply to sales for which maximum prices are established by this order.

(e) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective September 5, 1945.

Issued this 4th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-16485; Filed, Sept. 4, 1945; 11:53 a. m.]

[MPR 260, Order 1802]

MENENDEZ & PULEO CIGAR FACTORY

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion accompanying this order, and pursuant to § 1358.102 (b) of Maximum Price Regulation No. 260; *It is ordered*, That:

(a) Menendez & Puleo Cigar Factory, 2507 Beach Street, Tampa, Fla. (hereinafter called "manufacturer") and wholesalers and retailers may sell, offer to sell or deliver and any person may buy, offer to buy or receive each brand and size or frontmark, and packing of the following domestic cigars at the appropriate maximum list price and maximum retail price set forth below:

Brand	Size or frontmark	Packing	Maximum list price	Maximum retail price
			Per M	*Cents*
M. P. Cigars	Londre	50	$72	9
	Super	50	64	8

(b) The manufacturer and wholesalers shall grant, with respect to their sales of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the discounts they customarily granted in March 1942 on their sales of domestic cigars of the same price class to purchasers of the same class, unless a change therein results in a lower price. Packing differentials charged by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class may be charged on corresponding sales of each brand and size or frontmark of cigars priced by this order, but shall not be increased. Packing differentials allowed by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class shall be allowed on corresponding sales of each brand and size or frontmark of cigars priced by this order and shall not be reduced. If a brand and size or frontmark of domestic cigars for which maximum prices are established by this order is of a price class not sold by the manufacturer or the particular wholesaler in March 1942, he shall, with respect to his sales thereof, grant the discounts and may charge and shall allow the packing differentials customarily granted, charged or allowed (as the case may be) in March 1942 by his most closely competitive seller of the same class on sales of domestic cigars of the same March 1942 price class to purchasers of the same class.

(c) On or before the first delivery to any purchaser of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the manufacturer and every other seller (except a retailer) shall notify the purchaser of the maximum list price and the maximum retail price established by this order for such brand and size or frontmark of domestic cigars. The notice shall conform to and be given in the manner prescribed by § 1358.113 of Maximum Price Regulation No. 260.

(d) Unless the context otherwise requires, appropriate provisions of Maximum Price Regulation No. 260, shall apply to sales for which maximum prices are established by this order.

(e) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective September 5, 1945.

Issued this 4th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-16486; Filed, Sept. 4, 1945; 11:53 a. m.]

[MPR 260, Order 1803]

DEMOCRATIC CIGAR FACTORY

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion accompanying this order, and pursuant to § 1358.102 (b) of Maximum Price Regulation No. 260; *It is ordered*, That:

(a) Democratic Cigar Factory, 2905 13th Street, Tampa, Fla., (hereinafter called "manufacturer") and wholesalers and retailers may sell, offer to sell or deliver and any person may buy, offer to buy or receive each brand and size or frontmark, and packing of the following domestic cigars at the appropriate maximum list price and maximum retail price set forth below:

Brand	Size or frontmark	Packing	Maximum list price	Maximum retail price
			Per M	*Cents*
Colchester	Londres	50	$108.75	2 for 29

(b) The manufacturer and wholesalers shall grant, with respect to their sales of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the discounts they customarily granted in March 1942 on their sales of domestic cigars of the same price class to purchasers of the same class, unless a change therein results in a lower price. Packing differentials charged by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class may be charged on corresponding sales of each brand and size or frontmark of cigars priced by this order, but shall not be increased. Packing differentials allowed by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class shall be allowed on corresponding sales of each brand and size or frontmark of cigars priced by this order and shall not be reduced. If a brand and size or frontmark of domestic cigars for which maximum prices are established by this order is of a price class not sold by the manufacturer or the particular wholesaler in March 1942, he shall, with respect to his sales thereof, grant the discounts and may charge and shall allow the packing differentials customarily granted, charged or allowed (as the case may be) in March 1942 by his most closely competitive seller of the same class on sales

of domestic cigars of the same March 1942 price class to purchasers of the same class.

(c) On or before the first delivery to any purchaser of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the manufacturer and every other seller (except a retailer) shall notify the purchaser of the maximum list price and the maximum retail price established by this order for such brand and size or frontmark of domestic cigars. The notice shall conform to and be given in the manner prescribed by § 1358.113 of Maximum Price Regulation No. 260.

(d) Unless the context otherwise requires, appropriate provisions of Maximum Price Regulation No. 260, shall apply to sales for which maximum prices are established by this order.

(e) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective September 5, 1945.

Issued this 4th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-16487; Filed, Sept. 4, 1945; 11:53 a. m.]

[MPR 260, Order 1804]

ELENA CIGAR FACTORY

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion accompanying this order, and pursuant to § 1358.102 (b) of Maximum Price Regulation No. 260; *It is ordered*, That:

(a) The Elena Cigar Factory, 1609 8th Avenue, Tampa, Fla. (hereinafter called "manufacturer") and wholesalers and retailers may sell, offer to sell or deliver and any person may buy, offer to buy or receive each brand and size or frontmark, and packing of the following domestic cigars at the appropriate maximum list price and maximum retail price set forth below:

Brand	Size or frontmark	Packing	Maximum list price	Maximum retail price
			Per M	*Cents*
Everybody's	Little Kings	50	$101.25	2 for 27
	Kings	50	105.00	14

(b) The manufacturer and wholesalers shall grant, with respect to their sales of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the discounts they customarily granted in March 1942 on their sales of domestic cigars of the same price class to purchasers of the same class, unless a change therein results in a lower price. Packing differentials charged by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class may be charged on corresponding sales of each brand and size or frontmark of cigars priced by this order, but shall not be increased. Packing differentials allowed by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class shall be allowed on corresponding sales of each brand and size or frontmark of cigars priced by this order and shall not be reduced. If a brand and size or frontmark of domestic cigars for which maximum prices are established by this order is of a price class not sold by the manufacturer or the particular wholesaler in March 1942, he shall, with respect to his sales thereof, grant the discounts and may charge and shall allow the packing differentials customarily granted, charged or allowed (as the case may be) in March 1942 by his most closely competitive seller of the same class on sales of domestic cigars of the same March 1942 price class to purchasers of the same class.

(c) On or before the first delivery to any purchaser of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the manufacturer and every other seller (except a retailer) shall notify the purchaser of the maximum list price and the maximum retail price established by this order for such brand and size or frontmark of domestic cigars. The notice shall conform to and be given in the manner prescribed by § 1358.113 of Maximum Price Regulation No. 260.

(d) Unless the context otherwise requires, appropriate provisions of Maximum Price Regulation No. 260, shall apply to sales for which maximum prices are established by this order.

(e) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective September 5, 1945.

Issued this 4th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-16488; Filed, Sept. 4, 1945; 11:53 a. m.]

[MPR 260, Order 1805]

GOVERNOR CIGAR FACTORY

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion accompanying this order, and pursuant to § 1358.102 (b) of Maximum Price Regulation No. 260; *It is ordered*, That:

(a) Governor Cigar Factory, 525 Walsh Street, Joliet, Ill. (hereinafter called "manufacturer") and wholesalers and retailers may sell, offer to sell or deliver and any person may buy, offer to buy or receive each brand and size or frontmark, and packing of the following domestic cigars at the appropriate maximum list price and maximum retail price set forth below:

Brand	Size or frontmark	Packing	Maximum list price	Maximum retail price
			Per M	*Cents*
Governor	Blunt	50	$115	15
	Ambassador	50	192	25

(b) The manufacturer and wholesalers shall grant, with respect to their sales of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the discounts they customarily granted in March 1942 on their sales of domestic cigars of the same price class to purchasers of the same class, unless a change therein results in a lower price. Packing differentials charged by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class may be charged on corresponding sales of each brand and size or frontmark of cigars priced by this order, but shall not be increased. Packing differentials allowed by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class shall be allowed on corresponding sales of each brand and size or frontmark of cigars priced by this order and shall not be reduced. If a brand and size or frontmark of domestic cigars for which maximum prices are established by this order is of a price class not sold by the manufacturer or the particular wholesaler in March 1942, he shall, with respect to his sales thereof, grant the discounts and may charge and shall allow the packing differentials customarily granted, charged or allowed (as the case may be) in March 1942 by his most closely competitive seller of the same class on sales of domestic cigars of the same March 1942 price class to purchasers of the same class.

(c) On or before the first delivery to any purchaser of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the manufacturer and every other seller (except a retailer) shall notify the purchaser of the maximum list price and the maximum retail price established by this order for such brand and size or frontmark of domestic cigars. The notice shall conform to and be given in the manner prescribed by § 1358.113 of Maximum Price Regulation No. 260.

(d) Unless the context otherwise requires, appropriate provisions of Maximum Price Regulation No. 260, shall apply to sales for which maximum prices are established by this order.

(e) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective September 5, 1945.

Issued this 4th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-16489; Filed, Sept. 4, 1945; 11:54 a. m.]

[MPR 260, Order 1806]

FRANK BECERRA

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion accompanying this order, and pursuant to § 1358.102 (b) of Maximum Price Regulation No. 260; *It is ordered*, That:

(a) Frank Becerra, Feria Street, Number 16, Santurce, P. R. (hereinafter called "manufacturer") and wholesalers and retailers may sell, offer to sell or deliver and any person may buy, offer to buy or receive each brand and size or frontmark, and packing of the following domestic cigars at the appropriate maximum list price and maximum retail price set forth below:

Brand	Size or frontmark	Packing	Maximum list price	Maximum retail price
			Per M	*Cents*
Frank's Cigars	Victoria	50	$48	5
	Robin	50	44	2 for 11
	Royalty	50	90	12

(b) The manufacturer and wholesalers shall grant, with respect to their sales of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the discounts they customarily granted in March 1942 on their sales of domestic cigars of the same price class to purchasers of the same class, unless a change therein results in a lower price. Packing differentials charged by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class may be charged on corresponding sales of each brand and size or frontmark of cigars priced by this order, but shall not be increased. Packing differentials allowed by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class shall be allowed on corresponding sales of each brand and size or frontmark of cigars priced by this order and shall not be reduced. If a brand and size or frontmark of domestic cigars for which maximum prices are established by this order is of a price class not sold by the manufacturer or the particular wholesaler in March 1942, he shall, with respect to his sales thereof, grant the discounts and may charge and shall allow the packing differentials customarily granted, charged or allowed (as the case may be) in March 1942 by his most closely competitive seller of the same class on sales of domestic cigars of the same March 1942 price class to purchasers of the same class.

(c) On or before the first delivery to any purchaser of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the manufacturer and every other seller (except a retailer) shall notify the purchaser of the maximum list price and the maximum retail price established by this order for such brand and size or frontmark of domestic cigars. The notice shall conform to and be given in the manner prescribed by § 1358.113 of Maximum Price Regulation No. 260.

(d) Unless the context otherwise requires, appropriate provisions of Maximum Price Regulation No. 260, shall apply to sales for which maximum prices are established by this order.

(e) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective September 5, 1945.

Issued this 4th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-16490; Filed, Sept. 4, 1945; 11:54 a. m.]

[MPR 260, Order 1807]

DAVID A. GLASS

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion accompanying this order, and pursuant to § 1358.102 (b) of Maximum Price Regulation No. 260; *It is ordered*, That:

(a) David A. Glass, 4709 N. Spaulding Avenue, Chicago, Ill. (hereinafter called "manufacturer") and wholesalers and retailers may sell, offer to sell or deliver and any person may buy, offer to buy or receive each brand and size or frontmark, and packing of the following domestic cigars at the appropriate maximum list price and maximum retail price set forth below:

Brand	Size or frontmark	Packing	Maximum list price	Maximum retail price
			Per M	*Cents*
Witz Hav-Cuban	Smoker	50	$72.00	9
Belle Rose	Favorita	50	108.75	2 for 29
El Fondilla	Panatella	50	72.00	9

(b) The manufacturer and wholesalers shall grant, with respect to their sales of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the discounts they customarily granted in March 1942 on their sales of domestic cigars of the same price class to purchasers of the same class, unless a change therein results in a lower price. Packing differentials charged by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class may be charged on corresponding sales of each brand and size or frontmark of cigars priced by this order, but shall not be increased. Packing differentials allowed by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class shall be allowed on corresponding sales of each brand and size or frontmark of cigars priced by this order and shall not be reduced. If a brand and size or frontmark of domestic cigars for which maximum prices are established by this order is of a price class not sold by the manufacturer or the particular wholesaler in March 1942, he shall, with respect to his sales thereof, grant the discounts and may charge and shall allow the packing differentials customarily granted, charged or allowed (as the case may be) in March 1942 by his most closely competitive seller of the same class on sales of domestic cigars of the same March 1942 price class to purchasers of the same class.

(c) On or before the first delivery to any purchaser of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the manufacturer and every other seller (except a retailer) shall notify the purchaser of the maximum list price and the maximum retail price established by this order for such brand and size or frontmark of domestic cigars. The notice shall conform to and be given in the manner prescribed by § 1358.113 of Maximum Price Regulation No. 260.

(d) Unless the context otherwise requires, appropriate provisions of Maximum Price Regulation No. 260, shall apply to sales for which maximum prices are established by this order.

(e) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective September 5, 1945.

Issued this 4th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-16491; Filed, Sept. 4, 1945; 11:54 a. m.]

[MPR 260, Order 1808]

JOSE PATINO CIGAR FACTORY

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion accompanying this order, and pursuant to § 1358.102 (b) of Maximum Price Regulation No. 260; *It is ordered*, That:

(a) Jose Patino Cigar Factory, 1710 19th Street, Tampa, Fla. (hereinafter called "manufacturer") and wholesalers and retailers may sell, offer to sell or deliver and any person may buy, offer to buy or receive each brand and size or frontmark, and packing of the following domestic cigars at the appropriate maximum list price and maximum retail price set forth below:

Brand	Size or frontmark	Packing	Maximum list price	Maximum retail price
			Per M	*Cents*
Jose Patino	Especiales	50	$93.75	2 for 25

(b) The manufacturer and wholesalers shall grant, with respect to their sales of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the discounts they customarily granted in March 1942 on their sales of domestic cigars of the same price class to purchasers of the same class, unless a change therein results in a lower price. Packing differentials charged by the manufacturer or a wholesaler in March 1942 on sales of domestic

cigars of the same price class to purchasers of the same class shall be allowed on corresponding sales of each brand and size or frontmark of cigars priced by this order and shall not be reduced. If a brand and size or frontmark of domestic cigars for which maximum prices are established by this order is of a price class not sold by the manufacturer or the particular wholesaler in March 1942, he shall, with respect to his sales thereof, grant the discounts and may charge and shall allow the packing differentials customarily granted, charged or allowed (as the case may be) in March 1942 by his most closely competitive seller of the same class on sales of domestic cigars of the same March 1942 price class to purchasers of the same class.

(c) On or before the first delivery to any purchaser of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the manufacturer and every other seller (except a retailer) shall notify the purchaser of the maximum list price and the maximum retail price established by this order for such brand and size or frontmark of domestic cigars. The notice shall conform to and be given in the manner prescribed by § 1358.113 of Maximum Price Regulation No. 260.

(d) Unless the context otherwise requires, appropriate provisions of Maximum Price Regulation No. 260, shall apply to sales for which maximum prices are established by this order.

(e) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective September 5, 1945.

Issued this 4th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-16492; Filed, Sept. 4, 1945; 11:54 a. m.]

[MPR 260, Order 1809]

IRVING BORNFRIEND

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion accompanying this order, and pursuant to § 1358.102 (b) of Maximum Price Regulation No. 260; *It is ordered*, That:

(a) Irving Bornfriend, 3569 Broadway, New York 31, N. Y. (hereinafter called "manufacturer") and wholesalers and retailers may sell, offer to sell or deliver and any person may buy, offer to buy or receive each brand and size or frontmark, and packing of the following domestic cigars at the appropriate maximum list price and maximum retail price set forth below:

Brand	Size or frontmark	Packing	Maximum list price	Maximum retail price
			Per M	*Cents*
Bornfriend's	Club House Extra	50	$60	2 for 15
	Queens de Luxe	50	130	3 for 50

(b) The manufacturer and wholesalers shall grant, with respect to their sales of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the discounts they customarily granted in March 1942 on their sales of domestic cigars of the same price class to purchasers of the same class, unless a change therein results in a lower price. Packing differentials charged by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class may be charged on corresponding sales of each brand and size or frontmark of cigars priced by this order, but shall not be increased. Packing differentials allowed by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class shall be allowed on corresponding sales of each brand and size or frontmark of cigars priced by this order and shall not be reduced. If a brand and size or frontmark of domestic cigars for which maximum prices are established by this order is of a price class not sold by the manufacturer or the particular wholesaler in March 1942, he shall, with respect to his sales thereof, grant the discounts and may charge and shall allow the packing differentials customarily granted, charged or allowed (as the case may be) in March 1942 by his most closely competitive seller of the same class on sales of domestic cigars of the same March 1942 price class to purchasers of the same class.

(c) On or before the first delivery to any purchaser of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the manufacturer and every other seller (except a retailer) shall notify the purchaser of the maximum list price and the maximum retail price established by this order for such brand and size or frontmark of domestic cigars. The notice shall conform to and be given in the manner prescribed by § 1358.113 of Maximum Price Regulation No. 260.

(d) Unless the context otherwise requires, appropriate provisions of Maximum Price Regulation No. 260, shall apply to sales for which maximum prices are established by this order.

(e) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective September 5, 1945.

Issued this 4th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-16493; Filed, Sept. 4, 1945; 11:55 a. m.]

[MPR 260, Order 1810]

M. S. CIGAR MANUFACTURER

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion accompanying this order, and pursuant to § 1358.102 (b) of Maximum Price Regulation No. 260; *It is ordered*, That:

(a) M. S. Cigar Manufacturer, 213 South Broadway, Los Angeles 12, Calif. (hereinafter called "manufacturer") and wholesalers and retailers may sell, offer to sell or deliver and any person may buy, offer to buy or receive each brand and size or frontmark, and packing of the following domestic cigars at the appropriate maximum list price and maximum retail price set forth below:

Brand	Size or frontmark	Packing	Maximum list price	Maximum retail price
			Per M	*Cents*
Victory	Victoria	50	$97.50	10
	Corona	50	72.00	9

(b) The manufacturer and wholesalers shall grant, with respect to their sales of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the discounts they customarily granted in March 1942 on their sales of domestic cigars of the same price class to purchasers of the same class, unless a change therein results in a lower price. Packing differentials charged by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class may be charged on corresponding sales of each brand and size or frontmark of cigars priced by this order, but shall not be increased. Packing differentials allowed by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class shall be allowed on corresponding sales of each brand and size or frontmark of cigars priced by this order and shall not be reduced. If a brand and size or frontmark of domestic cigars for which maximum prices are established by this order is of a price class not sold by the manufacturer or the particular wholesaler in March 1942, he shall, with respect to his sales thereof, grant the discounts and may charge and shall allow the packing differentials customarily granted, charged or allowed (as the case may be) in March 1942 by his most closely competitive seller of the same class on sales of domestic cigars of the same March 1942 price class to purchasers of the same class.

(c) On or before the first delivery to any purchaser of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the manufacturer and every other seller (except a retailer) shall notify the purchaser of the maximum list price and the maximum retail price established by this order for such brand and size or frontmark of domestic cigars. The notice shall conform to and be given in the manner prescribed by § 1358.113 of Maximum Price Regulation No. 260.

(d) Unless the context otherwise requires, appropriate provisions of Maximum Price Regulation No. 260, shall apply to sales for which maximum prices are established by this order.

(e) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective September 5, 1945.

Issued this 4th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-16494; Filed, Sept. 4, 1945; 11:55 a. m.]

[MPR 260, Order 1811]

MICHAEL T. WRIGHT

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion accompanying this order, and pursuant to § 1358.102 (b) of Maximum Price Regulation No. 260; *It is ordered*, That:

(a) Michael T. Wright, 7324 McCook Avenue, Hammond, Ind. (hereinafter called "manufacturer") and wholesalers and retailers may sell, offer to sell or deliver and any person may buy, offer to buy or receive each brand and size or frontmark, and packing of the following domestic cigars at the appropriate maximum list price and maximum retail price set forth below:

Brand	Size or frontmark	Packing	Maximum list price	Maximum retail price
			Per M	*Cents*
Wrights Royal	Breva	50	$123	16

(b) The manufacturer and wholesalers shall grant, with respect to their sales of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the discounts they customarily granted in March 1942 on their sales of domestic cigars of the same price class to purchasers of the same class, unless a change therein results in a lower price. Packing differentials charged by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class may be charged on corresponding sales of each brand and size or frontmark of cigars priced by this order, but shall not be increased. Packing differentials allowed by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class shall be allowed on corresponding sales of each brand and size or frontmark of cigars priced by this order and shall not be reduced. If a brand and size or frontmark of domestic cigars for which maximum prices are established by this order is of a price class not sold by the manufacturer or the particular wholesaler in March 1942, he shall, with respect to his sales thereof, grant the discounts and may charge and shall allow the packing differentials customarily granted, charged or allowed (as the case may be) in March 1942 by his most closely competitive seller of the same class on sales of domestic cigars of the same March 1942 price class to purchasers of the same class.

(c) On or before the first delivery to any purchaser of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the manufacturer and every other seller (except a retailer) shall notify the purchaser of the maximum list price and the maximum retail price established by this order for such brand and size or frontmark of domestic cigars. The notice shall conform to and be given in the manner prescribed by § 1358.113 of Maximum Price Regulation No. 260.

(d) Unless the context otherwise requires, appropriate provisions of Maximum Price Regulation No. 260, shall apply to sales for which maximum prices are established by this order.

(e) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective September 5, 1945.

Issued this 4th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-16495; Filed, Sept. 4, 1945; 11:55 a. m.]

[MPR 260, Order 1812]

E. G. MAYS CIGAR FACTORY

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion accompanying this order, and pursuant to § 1358.102 (b) of Maximum Price Regulation No. 260; *It is ordered*, That:

(a) E. G. Mays Cigar Factory, 636 West Orange St., Jacksonville, Fla. (hereinafter called "manufacturer") and wholesalers and retailers may sell, offer to sell or deliver and any person may buy, offer to buy or receive each brand and size or frontmark, and packing of the following domestic cigars at the appropriate maximum list price and maximum retail price set forth below:

Brand	Size or frontmark	Packing	Maximum list price	Maximum retail price
			Per M	*Cents*
Mays Hand Made	Smoker	50	$48	6

(b) The manufacturer and wholesalers shall grant, with respect to their sales of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the discounts they customarily granted in March 1942 on their sales of domestic cigars of the same price class to purchasers of the same class, unless a change therein results in a lower price. Packing differentials charged by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class may be charged on corresponding sales of each brand and size or frontmark of cigars priced by this order, but shall not be increased. Packing differentials allowed by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class shall be allowed on corresponding sales of each brand and size or frontmark of cigars priced by this order and shall not be reduced. If a brand and size or frontmark of domestic cigars for which maximum prices are established by this order is of a price class not sold by the manufacturer or the particular wholesaler in March 1942, he shall, with respect to his sales thereof, grant the discounts and may charge and shall allow the packing differentials customarily granted, charged or allowed (as the case may be) in March 1942 by his most closely competitive seller of the same class on sales of domestic cigars of the same March 1942 price class to purchasers of the same class.

(c) On or before the first delivery to any purchaser of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the manufacturer and every other seller (except a retailer) shall notify the purchaser of the maximum list price and the maximum retail price established by this order for such brand and size or frontmark of domestic cigars. The notice shall conform to and be given in the manner prescribed by § 1358.113 of Maximum Price Regulation No. 260.

(d) Unless the context otherwise requires, appropriate provisions of Maximum Price Regulation No. 260 shall apply to sales for which maximum prices are established by this order.

(e) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective September 5, 1945.

Issued this 4th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-16496; Filed, Sept. 4, 1945; 11:56 a. m.]

[MPR 389, Order 25]

DUBUQUE PACKING CO., ET AL.

ESTABLISHMENT OF MAXIMUM PRICES

Order No. 25 under section 2 (a) (6) of Maximum Price Regulation No. 389; establishing maximum prices for sales of Dubuque Pork Ham Roll and Dubuque Cervelat by Dubuque Packing Company and all wholesalers, peddler-truck-sellers and intermediate distributors.

On March 8, 1945, and May 1, 1945, Dubuque Packing Company, Dubuque, Iowa, filed applications for the establishment of maximum prices on sales of the sausage products known as Dubuque Pork Ham Roll and Dubuque Cervelat and made in accordance with the individual secret formulae submitted by the applicant. Those applications were assigned Docket No. 6036.3-389-2 (a)-26.

Due consideration has been given to the applications and an opinion in support of this order has been issued simultaneously herewith and filed with the Division of the Federal Register.

For the reasons set forth in that opinion, and under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Orders Nos. 9250 and 9328, and pursuant to the provisions of section 2 (a) (6) of Maximum Price Regulation No. 389; *It is ordered:*

(a) That the maximum prices other than at retail for the sausage products known as Dubuque Pork Ham Roll and Dubuque Cervelat and made by Dubuque Packing Company, Dubuque, Iowa, in accordance with the individual formulae submitted to the Office of Price Administration with the application for this order, shall be determined by the seller as follows:

(1) The base price for each product listed is established at the following amounts per hundredweight:

Dubuque pork ham roll	$41.00
Dubuque Cervelat	33.00

NOTE: The above prices include boxing costs. If sold not boxed 50 cents per cwt., must be deducted from the above prices.

(2) To the base price for Dubuque Pork Ham Roll should be added the proper zone differential provided in section 12 (b) of Maximum Price Regulation No. 389 for sausage containing meat and meat byproducts from swine only; and to the price for Dubuque Cervelat should be added the proper zone differential provided in section 12 (b) of Maximum Price Regulation No. 389 for sausage other than kosher sausage, all beef sausage and sausage containing meat and meat by-products from swine only. In determining the proper zone differential to be added, the zone descriptions provided in section 14 of Maximum Price Regulation No. 389 shall be used.

(3) That to the sum of the base price plus the applicable zone differential the "Permitted additions to base prices" provided in section 12 (c) of Maximum Price Regulation No. 389 may be added when applicable.

(b) That with the first delivery of Dubuque Pork Ham Roll or Dubuque Cervelat to a wholesaler, peddler truck seller, or intermediate distributor Dubuque Packing Company shall supply each such seller with a written notice in the following form:

(Insert date)

Our OPA ceiling prices for (insert name of product) have been established by the Office of Price Administration at the base price of $------ per hundredweight, to which may be added the zone differentials provided in section 12 (b) of MPR 389 (see section 14 for zone boundaries) plus the permitted additions of section 12 (c). We are required to inform you that if you are a wholesaler, a peddler truck seller, or an intermediate distributor you must figure your ceiling prices for this product pursuant to the same sections of Maximum Price Regulation No. 389

(c) That with the first delivery of Dubuque Pork Ham Roll or Dubuque Cervelat to a retailer the seller shall supply such retailer with a written notice in the following form:

(Insert date)

Our OPA ceiling prices for (insert name of product) have been established by the Office of Price Administration. We are required to inform you that if you are a retailer, you must figure your ceiling price for this item in accordance with the provisions of the General Maximum Price Regulation.

(d) That all pertinent provisions of Maximum Price Regulation No. 389, including the descriptive labelling and invoicing provisions of section 4, the recording and reporting provisions of section 6, and the definitions of section 13, in addition to the pricing provisions of paragraph (b) and (c) of section 12 shall be applicable to all sales made under this order.

(e) All prayers of the application not herein granted are denied.

(f) This Order No. 25 may be revoked or amended by the Price Administrator at any time.

This Order No. 25 shall become effective September 5, 1945.

NOTE: This action has the prior written approval of the Secretary of Agriculture (10 F.R. 8419).

Issued this 4th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-16497; Filed, Sept. 4, 1945; 11:56 a. m.]

[MPR 580, Order 111]

KING BEDDING CO.

ESTABLISHMENT OF MAXIMUM PRICES

Maximum Price Regulation No. 580, Order 111; establishing ceiling prices at retail for certain articles, Docket No. 6063-580-13-38.

For the reasons set forth in an opinion issued simultaneously herewith and pursuant to section 13 of Maximum Price Regulation No. 580; *It is ordered:*

(a) The following ceiling prices are established for sales by any seller at retail of the following articles manufactured by King Bedding Company, 2119 W. Toronto St., Philadelphia, Pa., and described in the manufacturer's application dated April 9, 1945:

Brand name	Article	Manufacturer's selling price	Retail ceiling price
Four Star Triple Cushion	Mattress	$21	$30.50

(b) The retail ceiling price of an article manufactured for the first time after the effective date of this order and which is sold by the manufacturer at the same price as another article of the same type with the same brand or company name and for which a retail ceiling price has been established by paragraph (a) shall be the retail ceiling price listed for that other article in paragraph (a).

(c) The retail ceiling prices contained in paragraph (a) shall apply in place of the ceiling prices which have been or would otherwise be established under this or any other regulation.

(d) On and after October 1, 1945, King Bedding Company, must mark each article listed in paragraph (a) with the retail ceiling price under this order, or attach to the article a label, tag or ticket stating the retail ceiling price. This mark or statement must be in the following form:

(Sec. 13, MPR 580)
OPA Price $ ------

On and after November 1, 1945, no retailer may offer or sell the article unless it is marked or tagged in the form stated above. Prior to November 1, 1945, unless the article is marked or tagged in this form, the retailer shall comply with the marking, tagging and posting provisions of the applicable regulation.

(e) On or before the first delivery to any purchaser for resale of each article listed in paragraph (a), the seller shall send the purchaser a copy of this order.

(f) Unless the context otherwise requires, the provisions of the applicable regulation shall apply to sales for which retail ceiling prices are established by this order.

(g) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective September 5, 1945.

Issued this 4th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-16498; Filed, Sept. 4, 1945; 11:57 a. m.]

[RMPR 194, Amdt. 1 to Order A-1]

WOMEN'S, GIRLS', CHILDREN'S AND INFANTS' OUTERWEAR GARMENTS

ESTABLISHMENT OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to section 18 (a) of RMPR 194; *It is ordered:*

Order No. A-1 under Revised Maximum Price Regulation 194 is amended in the following respects:

1. Section 1 (c) is amended to read as follows:

(c) *What geographical areas are covered.* This order is limited in it applicability to certain specified areas which are designated by regions.

Region A referred to in this order includes the 2nd and 4th Judicial Divisions, the coastal towns on Bristol Bay and the city of Anchorage. "Judicial Divisions" refers to the four district court and recording divisions of the Territory of Alaska and their boundaries established by Chapter XII, Article I, section 1091, Compiled Laws of Alaska, 1933.

Region B referred to in this order comprises the city of Ketchikan.

2. Section 2 is amended to read as follows:

SEC. 2. *How to figure your ceiling prices under this order.* (a) (1) If you are a retailer in Region A, your ceiling price for any garment listed in section 9, Appendix A, shall be your net invoice cost thereof plus a markup of 85% on such cost (this calculation can be easily made by multiplying the net invoice cost by 1.85).

(2) If you are a retailer in Region B your maximum price for any women's coat or suit listed in section 9 (a) and (b), Appendix A, shall be your net invoice cost thereof plus a markup of 85% on such cost. Your maximum price for any other garment listed in section 9, Appendix A, shall be your net invoice cost thereof plus a markup of 70% on such cost. As used in this subparagraph (2), "women's" includes and is limited to the following size groups:

Women's	Sizes 32 and up.
Misses' and junior misses'	Sizes from 7 to 20, inclusive.

(b) (1) As used in paragraph (a) above, "net invoice cost" means the price you paid to your supplier after deducting all discounts except the discount for prompt payment up to and including 8%. "The price you paid to your supplier" must not exceed your supplier's ceiling price.

(2) "Supplier" means a manufacturer or wholesaler. Your ceiling prices for garments purchased from another retailer are established under this order by section 3.

(3) Do not include as part of your "net invoice cost" any commission (including but not limited to a resident buyer's commission), service, premium, transportation or any other charge not specifically provided for in this order.

This amendment shall become effective October 1, 1945.

Issued this 4th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-16514; Filed, Sept. 4, 1945; 4:20 p. m.]

[MPR 594, Order 1]

FORD MOTOR CO.

MAXIMUM PRICES FOR NEW PASSENGER AUTOMOBILES

(1) *The purpose of this order.* The passenger automobile manufacturers and the Office of Price Administration are now engaged in determining what the maximum prices will be on sales of new passenger automobiles. While this determination is being made, the Ford Motor Company wishes to distribute the new automobiles it is currently producing. These automobiles will be distributed to dealers for use as showroom cars. The Ford Motor Company is, therefore, authorized in this order to sell these automobiles at the existing maximum prices under section 6 of Maximum Price Regulation 594 to be adjusted upwards after deliveries are made by the amounts of the differences between those maximum prices and the respective maximum prices the Office of Price Administration may authorize the Ford Motor Company to charge for the same automobiles under section 7 or 8 of Maximum Price Regulation 594. This order is in accordance with section 18 of Maximum Price Regulation 594. *It is, therefore, ordered:*

(2) The Ford Motor Company, Dearborn, Michigan, is authorized to sell and deliver each 1945 or 1946 model year automobile it manufactures at the maximum price permitted under section 6 of Maximum Price Regulation 594 to be adjusted upwards after delivery is made by the amount of the difference between the maximum price and the maximum price it may be authorized by the Office of Price Administration to charge under section 7 or 8 for the same automobile.

(3) This order applies only to sales made by the Ford Motor Company and does not apply to sales made by resellers.

(4) This order may be modified or revoked by the Price Administrator at any time.

This order shall be effective as of August 31, 1945.

Issued this 4th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-16512; Filed, Sept. 4, 1945; 4:20 p. m.]

[Order 73 Under 3 (c)]

AEROSOL INSECTICIDE DISPENSERS

AUTHORIZATION OF MAXIMUM PRICES

Order No. 73 under § 1499.3 (c) of the General Maximum Price Regulation.

For the reasons set forth in the accompanying opinion and under the authority vested in the Administrator of the Office of Price Administration by § 1499.3 (c) of the General Maximum Price Regulation, *It is hereby ordered:*

Authorization of maximum prices for Aerosol Insecticide Dispensers not sold or delivered during March of 1942.

(a) *Product covered.* This order covers sales of Aerosol Insecticide Dispensers, consisting of a metal container approximately $2\frac{1}{2}$ inches in diameter and 6 inches long, of approximately 1 pound capacity, the minimum net content of which is 15 ounces, including a minimum of 0.6 per cent pyrethrins and 1.0 per cent of DDT in an insecticidal mixture with Freon-12, under pressure, the dispenser so equipped with a discharge valve as to permit release of the contents into the air as desired.

(b) *Maximum prices.* The maximum prices for sales of Aerosol Insecticide Dispensers, all transportation costs to be borne by the seller, shall be:

	Each
For sales to wholesalers or distributors	$2.40
For sales to retailers	3.00
For sales to consumers	4.00

(c) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective September 8, 1945.

Issued this 5th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-16546; Filed, Sept. 5, 1945; 11:42 a. m.]

[RMPR 136, Order 497]

MACHINES, PARTS, AND INDUSTRIAL EQUIPMENT

ADJUSTABLE PRICING FOR STAMPINGS AND SCREW MACHINE PRODUCTS

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to section 23 of Revised Maximum Price Regulation 136, it is ordered:

(a) (1) *Applicability.* This order applies to the sale of any stamping or screw machine product subject to Revised Maximum Price Regulation 136 for which the seller had a maximum price in effect on March 31, 1942 pursuant to section 7 of Revised Maximum Price Regulation 136.

(2) *Authorization to price adjustably.* Any seller of a commodity to which paragraph (1) above applies is authorized, subject to agreement with his buyer, to deliver such commodity at a price which may be adjusted upwards in accordance with the action to be taken by the Office of Price Administration upon the request of the stampings and screw machine products industries for a change in the applicable maximum prices of these commodities: *Provided, however,* That any price stated in such agreement shall not exceed 108% of the applicable base date maximum price.

This order shall become effective September 5, 1945.

Issued this 5th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-16547; Filed, Sept. 5, 1945; 11:42 a. m.]

[MPR 351, Order 4]

FERROUS FORGINGS

ADJUSTABLE PRICING FOR FERROUS FORGINGS

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1390.218b of Maximum Price Regulation 351, *It is ordered:*

(a) (1) *Applicability.* This order applies to the sale of any ferrous forging subject to Maximum Price Regulation 351 for which the seller had a maximum price in effect on October 1, 1941 pursuant to § 1390.204 or 1390.205 of Maximum Price Regulation 351.

(2) *Authorization to price adjustably.* Any seller of a commodity to which paragraph (1) above applies is authorized, subject to agreement with his buyer, to deliver such commodity at a price which may be adjusted upwards in accordance with the action to be taken by the Office of Price Administration upon the request of the ferrous forgings industry for a change in the applicable maximum price of this commodity; provided, however, that any price stated in such agreement shall not exceed 108% of the applicable base date maximum price.

This order shall become effective September 5, 1945.

Issued this 5th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-16550; Filed, Sept. 5, 1945; 11:43 a. m.]

[RMPR 528, Order 60]

TIRES AND TUBES, RECAPPING AND REPAIRING, AND CERTAIN REPAIR MATERIALS

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith, and filed with the Division of the Federal Register, and pursuant to section 16 (d) of Revised Maximum Price Regulation 528, *It is ordered:*

(a) The maximum retail prices for the following sizes and types of new tires shall be:

Size	Ply	Type	Maximum retail price, per tire
10.50–16	12	Truck and bus	$160.50
10.50–16	12	Mud and snow	105.55
7.00–18	8	Combat and run-flat	58 30
7.50–16	8	Combat and run-flat	42 70
10.00–22	14	Combat and run-flat	132 40
10.50–16	12	Combat and run-flat	107 55
12.00–20	16	Combat and run-flat	197 00

(b) All provisions of Revised Maximum Price Regulation 528 not inconsistent with this order shall apply to sales covered by this order.

(c) This order may be revoked or amended by the Office of Price Administration at any time.

This order shall become effective September 10, 1945.

Issued this 5th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45–16551; Filed, Sept. 5, 1945; 11:43 a. m.]

[RMPR 528, Order 61]

TIRES AND TUBES, RECAPPING AND REPAIRING, AND CERTAIN REPAIR MATERIALS

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to section 16 (d) of Revised Maximum Price Regulation 528, *It is ordered:*

(a) The maximum retail prices for sales of new synthetic rubber Life Protector special purpose passenger car tubes manufactured by The Firestone Tire & Rubber Company, Akron, Ohio, in the following sizes, shall be:

Size:	*Maximum retail price, each*
6.50–15	$12.00
7.50–15	13.20
7.50–16	13.45

(b) All provisions of Revised Maximum Price Regulation 528 not inconsistent with this order shall apply to sales covered by this order.

(c) This order may be revoked or amended by the Office of Price Administration at any time.

This order shall become effective September 6, 1945.

Issued this 5th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45–16552; Filed, Sept. 5, 1945; 11:43 a. m.]

[MPR 592, Amdt. 6 to Order 1]

SPECIFIED CONSTRUCTION MATERIALS AND REFRACTORIES

ADJUSTMENT OF MAXIMUM PRICES

An opinion accompanying this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.

A new section 5.1 (c) is added to read as follows:

(c) *Maximum prices for manufacturers in the Counties of Los Angeles and Riverside, California.* The manufacturers' maximum f. o. b. plant prices established pursuant to Maximum Price Regulation No. 592 for refractory products produced in the Counties of Los Angeles and Riverside, California, may be increased by 8.6 percent.

This amendment shall become effective September 10, 1945.

Issued this 5th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45–16553; Filed, Sept. 5, 1945; 11:43 a. m.]

Regional and District Office Orders.

LIST OF COMMUNITY CEILING PRICE ORDERS

The following orders under Rev. General Order 51 were filed with the Division of the Federal Register August 24, 1945.

REGION III

Indianapolis Order 1–O, covering eggs in the Eastern Area of Indiana. Filed 3:02 p. m.

REGION VI

Chicago Order 2–F, Amendment 74, covering fresh fruits and vegetables in certain areas in Illinois and Lake County, Indiana. Filed 3:02 p. m.

Chicago Order 2–F, Amendment 75, covering fresh fruits and vegetables in certain counties in Illinois and Lake County, Indiana. Filed 3:01 p. m.

La Crosse Order 1–O, Amendment 1, covering eggs in certain counties in Wisconsin, Minnesota and Iowa. Filed 2:56 p. m.

La Crosse Order 1–O, Amendment 2, covering eggs in certain counties in Wisconsin, Minnesota and Iowa. Filed 2:56 p. m.

La Crosse Order 2–O, Amendment 1, covering eggs in certain counties in Wisconsin. Filed 2:55 p. m.

La Crosse Order 2–O, Amendment 2, covering eggs in certain counties in Wisconsin. Filed 2:55 p. m.

La Crosse Order 3–O, covering eggs in certain areas in Wisconsin, Minnesota and Iowa. Filed 2:55 p. m.

La Crosse Order 4–O, covering eggs in certain counties in Wisconsin. Filed 2:55 p. m.

REGION VIII

Portland Order 5–F, Amendment 35, covering fresh fruits and vegetables in certain areas in Oregon. Filed 2:53 p. m.

Portland Order 6–F, Amendment 36, covering fresh fruits and vegetables in certain areas in Oregon. Filed 2:53 p. m.

Portland Order 7–F, Amendment 35, covering fresh fruits and vegetables in certain areas in Oregon. Filed 2:53 p. m.

Portland Order 8–F, Amendment 35, covering fresh fruits and vegetables in Medford, Oregon. Filed 2:53 p. m.

Portland Order 9–F, Amendment 35, covering fresh fruits and vegetables in certain areas in Oregon. Filed 2:53 p. m.

Portland Order 10–F, Amendment 34, covering fresh fruits and vegetables in Kelso, West Kelso, and Longview, Washington. Filed 3:19 p. m.

Portland Order 12–F, Amendment 32, covering fresh fruits and vegetables in West Salem and Salem, Oregon. Filed 3:19 p. m.

Portland Order 13–F, Amendment 31, covering fresh fruits and vegetables in certain areas in Oregon. Filed 3:19 p. m.

Portland Order 14–F, Amendment 31, covering fresh fruits and vegetables in certain areas in Oregon. Filed 3:19 p. m.

Portland Order 15–F, Amendment 31, covering fresh fruits and vegetables in certain areas in Oregon. Filed 3:19 p. m.

Portland Order 16–F, Amendment 25, covering fresh fruits and vegetables in Bend, Oregon. Filed 3:17 p. m.

Portland Order 17–F, Amendment 25, covering fresh fruits and vegetables in certain areas in Oregon. Filed 3:17 p. m.

Portland Order 19–F, Amendment 22, covering fresh fruits and vegetables in The Dalles, Oregon. Filed 3:13 p. m.

Portland Order 20–F, Amendment 22, covering fresh fruits and vegetables in certain areas in Oregon. Filed 3:13 p. m.

Portland Order 21–F, Amendment 22, covering fresh fruits and vegetables in the city of Pendleton, Oregon. Filed 3:12 p. m.

Portland Order 22–F, Amendment 22, covering fresh fruits and vegetables in certain areas in Oregon. Filed 3:12 p. m.

Portland Order 27–F, Amendment 20, covering fresh fruits and vegetables in Baker and La Grande, Oregon. Filed 3:12 p. m.

Portland Order 28–F, Amendment 20, covering fresh fruits and vegetables in certain areas in Oregon. Filed 3:12 p. m.

Portland Order 29–F, Amendment 19, covering fresh fruits and vegetables in certain areas in Oregon. Filed 3:12 p. m.

Portland Order 30–F, Amendment 12, covering fresh fruits and vegetables in certain areas in Oregon and Vancouver, Washington. Filed 3:12 p. m.

Seattle Order 11–F, Amendment 42, covering fresh fruits and vegetables in the Olympia, Washington Area. Filed 3:20 p. m.

Seattle Order 12–F, Amendment 41, covering fresh fruits and vegetables in the Aberdeen and Hoquiam, Washington Area. Filed 3:20 p. m.

Seattle Order 13–F, Amendment 42, covering fresh fruits and vegetables in the Centralia and Chehalis, Washington Area. Filed 3:20 p. m.

Seattle Order 14–F, Amendment 42, covering fresh fruits and vegetables in the Wenatchee and East Wenatchee, Washington Area. Filed 3:19 p. m.

Seattle Order 30, Amendment 7, covering dry groceries in certain counties in Washington. Filed 3:11 p. m.

Seattle Order 31, Amendment 9, covering dry groceries in certain counties in Washington. Filed 3:11 p. m.

Spokane Order 12–F, Amendment 28, covering fresh fruits and vegetables in Asotin County, Washington and Nez Perce County, Idaho. Filed 3:10 p. m.

Spokane Order 13–F, Amendment 29, covering fresh fruits and vegetables in Walla Walla and Columbia Counties, Washington. Filed 3:09 p. m.

Spokane Order 14–F, Amendment 29, covering fresh fruits and vegetables in Benton and Franklin Counties, Washington. Filed 3:03 p. m.

Copies of any of these orders may be obtained from the OPA Office in the designated city.

ERVIN H. POLLACK,
Secretary.

[F. R. Doc. 45–16515; Filed, Sept. 4, 1945; 4:18 p. m.]

LIST OF COMMUNITY CEILING PRICE ORDERS

The following orders under Rev. General Order 51 were filed with the Division of the Federal Register August 27, 1945.

REGION I

Augusta Order 3–F, Amendment 9, covering fresh fruits and vegetables in certain areas in Maine. Filed 2:27 p. m.

Augusta Order 3–F, Amendment 10, covering fresh fruits and vegetables in certain areas in Maine. Filed 2:27 p. m.

Augusta Order 5–F, Amendment 9, covering fresh fruits and vegetables in the Bangor and Brewer Area. Filed 2:27 p. m.

Augusta Order 5–F, Amendment 10, covering fresh fruits and vegetables in the Bangor and Brewster Area. Filed 2:27 p. m.

Hartford Order 5–F, Amendment 15, covering fresh fruits and vegetables in the Waterbury and Watertown Areas. Filed 2:25 p. m.

Hartford Order 6–F, Amendment 16, covering fresh fruits and vegetables in certain areas in Connecticut. Filed 2:25 p. m.

Hartford Order 7–F, Amendment 14, covering fresh fruits and vegetables in certain areas in Connecticut. Filed 2:25 p. m.

Hartford Order 8–F, Amendment 15, covering fresh fruits and vegetables in certain areas in Connecticut. Filed 2:24 p. m.

REGION II

Williamsport Order 2–F, Amendment 51, covering fresh fruits and vegetables in certain counties in Pennsylvania. Filed 2:25 p. m.

REGION III

Indianapolis Order 14–F, Amendment 30, covering fresh fruits and vegetables in Marion, Vigo and Tippecanoe. Filed 2:23 p. m.

Indianapolis Order 15–F, Amendment 30, covering fresh fruits and vegetables in Wayne, Delaware and Allen. Filed 2:24 p. m.

Indianapolis Order 16–F, Amendment 30, covering fresh fruits and vegetables in St. Joseph. Filed 2:24 p. m.

Indianapolis Order 17–F, Amendment 30, covering fresh fruits and vegetables in Vanderburgh. Filed 2:24 p. m.

Lexington Order 7–F, Amendment 21, covering fresh fruits and vegetables in Boyd County, Kentucky. Filed 2:27 p. m.

REGION IV

Atlanta Order 6–F, Amendment 47, covering fresh fruits and vegetables in the Atlanta-Decatur Area. Filed 2:20 p. m.

Atlanta Order 16, Amendment 7, covering eggs in certain areas in Georgia. Filed 2:26 p. m.

Atlanta Order 17, Amendment 7, covering eggs in certain counties in Georgia. Filed 2:26 p. m.

Atlanta Order 18, Amendment 7, covering eggs in certain counties in Georgia. Filed 2:26 p. m.

Atlanta Order 19, Amendment 7, covering eggs in certain counties in Georgia. Filed 2:26 p. m.

Atlanta Order 20, Amendment 7, covering eggs in certain counties in Georgia. Filed 2:21 p. m.

Atlanta Order 21, Amendment 7, covering eggs in certain counties in Georgia. Filed 2:26 p. m.

Miami Order 1–F, Amendment 28, covering fresh fruits and vegetables in certain areas in Florida. Filed 2:21 p. m.

Miami Order 2–F, Amendment 26, covering fresh fruits and vegetables in the Tampa, Florida Area. Filed 2:20 p. m.

Montgomery Order 20–F, Amendment 38, covering fresh fruits and vegetables in Mobile County, Alabama. Filed 2:20 p. m.

Nashville Order 11–F, Amendment 19, covering fresh fruits and vegetables in certain areas in Tennessee. Filed 2:23 p. m.

Nashville Order 11–F, Amendment 20, covering fresh fruits and vegetables in certain areas in Tennessee. Filed 2:22 p. m.

Nashville Order 12–F, Amendment 38, covering fresh fruits and vegetables in certain areas in Tennessee and Bristol, Virginia. Filed 2:23 p. m.

Richmond Order 4–F, Amendment 43, covering fresh fruits and vegetables in certain areas in Virginia. Filed 2:20 p. m.

REGION VI

Springfield Order 13–F, Amendment 23, covering fresh fruits and vegetables in the city of Springfield and County of Sangamon, Illinois. Filed 2:22 p. m.

Springfield Order 15–F, Amendment 24, covering fresh fruits and vegetables in the city of Decatur, Macon County, Illinois. Filed 2:21 p. m.

REGION VII

Albuquerque Order 8–F, Amendment 29, covering fresh fruits and vegetables in the city of Albuquerque in the Albuquerque Area. Filed 2:22 p. m.

Copies of any of these orders may be obtained from the OPA Office in the designated city.

ERVIN H. POLLACK,
Secretary.

[F. R. Doc. 45–16516; Filed, Sept. 4, 1945; 4:18 p. m.]

LIST OF COMMUNITY CEILING PRICE ORDERS

The following orders under Rev. General Order 51 were filed with the Division of the Federal Register August 31, 1945.

REGION I

Boston Order 10–F, Amendment 11, covering fresh fruits and vegetables in certain areas in Massachusetts. Filed 9:52 a. m.

Boston Order 12–F, Amendment 3, covering fresh fruits and vegetables in certain areas in Massachusetts. Filed 9:51 a. m.

REGION II

Baltimore Order 4–F, Amendment 51, covering fresh fruits and vegetables in certain areas in Maryland. Filed 9:53 a. m.

Baltimore Order 10–F, Amendment 7, covering fresh fruits and vegetables. Filed 9:53 a. m.

Wilmington Order 4–F, Amendment 48, covering fresh fruits and vegetables in the entire state of Delaware. Filed 9:53 a. m.

REGION III

Columbus Order 10–F, Amendment 6, covering fresh fruits and vegetables in Franklin, Logan and Muskingum Counties, Ohio. Filed 9:53 a. m.

Columbus Order 11–*f*, Amendment 6, covering fresh fruits and vegetables in certain counties in Ohio. Filed 9:54 a. m.

REGION IV

Birmingham Order 1–O, Amendment 5, covering eggs in certain counties in the Birmingham Area. Filed 9:40 a. m.

Birmingham Order 2–O, Amendment 5, covering eggs in certain counties in the Birmingham Area. Filed 9:40 a. m.

Birmingham Order 3–O, Amendment 5, covering eggs in certain counties in the Birmingham Area. Filed 9:40 a. m.

REGION V

Dallas Order 4–F, Amendment 3, covering fresh fruits and vegetables in Dallas County, Texas. Filed 9:40 a. m.

REGION VI

Duluth-Superior Order 1–F, Amendment 84, covering fresh fruits and vegetables in certain areas in Minnesota. Filed 9:41 a. m.

REGION VIII

Sacramento Revised Order 1–P, Amendment 4, covering fresh fish in certain areas in California. Filed 9:41 a. m.

Sacramento Revised Order 2–P, Amendment 4, covering fresh fish in certain areas in California. Filed 9:41 a. m.

Sacramento Revised Order 3–P, Amendment 4, covering fresh fish in certain areas in California. Filed 9:41 a. m.

Sacramento Revised Order 4–P, Amendment 4, covering fresh fish in certain areas in California. Filed 9:48 a. m.

Sacramento Revised Order 23–C under Basic Order 6–B, Amendment 6, covering poultry in certain counties in California. Filed 9:49 a. m.

Sacramento Order 24–C, under Basic Order 6–B, Amendment 6, covering poultry in certain counties in California. Filed 9:49 a. m.

Sacramento Adopting Order 20–F under Basic Order 3–B, Amendment 28, covering fresh fruits and vegetables in certain areas in California. Filed 9:48 a. m.

Sacramento Adopting Order 29–F under Basic Order 3–B, Amendment 29, covering fresh fruits and vegetables in certain areas in California. Filed 9:49 a. m.

San Diego Order 1–F, Amendment 43, covering fresh fruits and vegetables in the San Diego Area. Filed 9:49 a. m.

San Diego Order 1–F, Amendment 44, covering fresh fruits and vegetables in the San Diego Area. Filed 9:49 a. m.

San Diego Order 2–F, Amendment 22, covering fresh fruits and vegetables in certain areas in California. Filed 9:50 a. m.

San Diego Order 3–F, Amendment 19, covering fresh fruits and vegetables in certain areas in California. Filed 9:50 a. m.

San Diego Order 11, Amendment 6, covering dry groceries in the San Diego Area. Filed 9:50 a. m.

San Francisco Order 1–D, Amendment 3, covering butter and cheese in the San Francisco Area. Filed 9:51 a. m.

San Francisco Order 1–O, Amendment 8, covering eggs in certain counties in California. Filed 9:51 a. m.

Spokane District Order 13–F, Amendment 31, covering fresh fruits and vegetables in Umatilla, Oregon and Columbia and Walla Walla Counties, Washington. Filed 9:51 a. m.

Copies of any of these orders may be obtained from the OPA Office in the designated city.

ERVIN H. POLLACK,
Secretary.

[F. R. Doc. 45-16517; Filed, Sept. 4, 1945; 4:18 p. m.]

SURPLUS PROPERTY BOARD.

[SPB Reg. 3, Order 103]

RELEASE OF SURPLUS TRUCKS PREVIOUSLY ALLOCATED FOR DISPOSAL

Acting on the recommendation of the Secretary of Agriculture and pursuant to the authority vested in the Board by the Surplus Property Act of 1944 (58 Stat. 765; 50 U. S. C. App. Sup. 1611), *It is hereby ordered*, That:

1. All surplus trucks not yet disposed of by the Department of Commerce which have been allocated for disposal to farmers and farmers' cooperative associations by Orders 1 to 102, inclusive, under § 8303.4, are hereby released from the provisions of such orders and may be disposed of without regard to such provisions, but such disposals remain subject to the provisions of all other regulations of the Board.

2. The disposal agency shall take steps to relieve dealers from contractual restrictions on the resale of trucks which they have purchased under such orders and have been unable to resell in accordance with the terms of such restrictions.

This order shall become effective August 31, 1945.

SURPLUS PROPERTY BOARD,
By W. STUART SYMINGTON,
Chairman.

AUGUST 31, 1945.

[F. R. Doc. 45-16556; Filed, Sept. 5, 1945; 11:47 a. m.]

WAR PRODUCTION BOARD.

[C-392, Revocation]

WORCESTER WOOLEN MILLS

CONSENT ORDER

Pursuant to an agreement between Myer G. Jasper, the Regional Compliance Manager and the Regional Attorney, Consent Order No. C-392 was issued July 12, 1945, in consequence of a violation of Conservation Order L-41.

The parties to the agreement having now agreed that such order should be revoked, *It is hereby ordered*, That: Consent Order No. C-392 be revoked.

Issued this 5th day of September 1945.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 45-16538; Filed, Sept. 5, 1945; 11:25 a. m.]

REFERENCE

SEP 11 '45

FEDERAL REGISTER

VOLUME 10 NUMBER 176

Washington, Friday, September 7, 1945

The President

EXECUTIVE ORDER 9609

AUTHORIZING THE NATIONAL ADVISORY COMMITTEE FOR AERONAUTICS TO ACQUIRE AND DISPOSE OF PROPERTY

By virtue of and pursuant to the authority vested in me by Title II of the Second War Powers Act, 1942 (56 Stat. 177) as amended, the National Advisory Committee for Aeronautics is hereby authorized to exercise the authority contained in the said Title II of the Second War Powers Act, 1942, to acquire, use, and dispose of any real property, temporary use thereof, or other interest therein, together with any personal property located thereon, or used therewith, which the National Advisory Committee for Aeronautics shall deem necessary for military, naval, or other war purposes.

HARRY S. TRUMAN

THE WHITE HOUSE,
September 5, 1945.

[F. R. Doc. 45-16561; Filed, Sept. 5, 1945; 3:03 p. m.]

Regulations

TITLE 7—AGRICULTURE

Chapter XI—War Food Distribution Orders

[WFO 22, Amdt. 4]

PART 1425—CANNED AND PROCESSED FOODS

CANNED VEGETABLES, CANNED FRUIT, AND CANNED VEGETABLE AND FRUIT JUICES

The fulfillment of requirements for the defense of the United States will result in a shortage in the supply of processed fruits and processed vegetables for defense, for private account, and for export; and it is deemed necessary and appropriate in the public interest and to promote the national defense to amend War Food Order No. 22 (8 F.R. 2243), as amended, as follows:

1. By inserting after § 1425.1 (a) (6) thereof the following additional provision:

(7) "Wholesaler" means any person the larger volume of whose food business is the purchase and resale of food products, without materially changing their form, for distribution out of warehouses to independent retail stores or to commercial, industrial, or institutional users.

2. By adding to the provisions in § 1425.1 (c) the following: "Each canner, processor, or wholesaler, to whom a copy of Census Form No. B-1305 or Census Form No. B-1310 is transmitted, shall correctly fill in and set forth all of the information called for by the respective form of report. The foregoing report, after having been correctly filled in by the respective person obligated to submit the report, shall be mailed to Department of Commerce, Bureau of the Census, by not later than the date specified in the respective form of report or in the letter, accompanying said form, transmitted to the respective canner, processor, or wholesaler by the Department of Commerce, Bureau of the Census."

The provisions of this amendment shall become effective at 12:01 a. m., e. w. t. September 4, 1945. With respect to violations, rights accrued, liabilities incurred, or appeals taken under said War Food Order 22, as amended, prior to the effective time of the provisions hereof, the provisions of said War Food Order No. 22, as amended, in effect prior to the effective time hereof shall be deemed to continue in full force and effect for the purpose of sustaining any proper suit, action, or other proceeding with regard to any such violation, right, liability, or appeal.

NOTE: All reporting requirements of this order have been approved by, and subsequent reporting and record keeping requirements will be subject to the approval of, Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423; E.O. 9392, 8 F.R. 14783; E.O. 9577, 10 F.R. 8087)

Issued this 4th day of September 1945.

[SEAL] J. B. HUTSON,
Acting Secretary of Agriculture.

[F. R. Doc. 45-16558; Filed, Sept. 5, 1945; 1:58 p. m.]

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FEDERAL REGISTER

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NOTICE

1944 Supplement

Book 1 of the 1944 Supplement to the Code of Federal Regulations, containing Titles 1-10, including Presidential documents in full text, is now available from the Superintendent of Documents, Government Printing Office, at $3.00 per copy.

A limited sales stock of the Cumulative Supplement and the 1943 Supplement is still available as previously announced.

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[WFO 141, Amdt. 1]

PART 1468—GRAIN

MISCELLANEOUS AMENDMENTS

War Food Order No. 141 (10 F.R. 9381), is hereby amended as follows:

1. By deleting paragraph (a) (14) and substituting in lieu thereof the following:

(14) "Assistant Administrator" means the Assistant Administrator in charge of regulatory matters, Production and Marketing Administration, United States Department of Agriculture.

2. By deleting paragraph (b) and substituting in lieu thereof the following:

(b) *Use of grain for alcohol, alcoholic beverages and spirits.* Unless authorized by the Assistant Administrator, no distiller shall use grain or grain products for the manufacture of distilled spirits for beverage purposes, and no distiller shall use grain sorghums, corn or corn products for the manufacture of ethyl alcohol except as the production of ethyl alcohol results from the production of butyl alcohol or butyl solvents.

3. By inserting at the beginning of paragraph (d), the following: "Unless otherwise authorized by the Assistant Administrator,".

4. By deleting paragraph (e) and substituting in lieu thereof the following:

(e) *Recovery of feed byproducts.* No distiller shall use any grain in the manufacture of alcohol or alcoholic beverages or spirits by any process which includes distillation unless all feed byproducts from the grain so processed be recovered either by wet feeding, drying, or otherwise, in an amount equivalent to not less than 15 pounds of dried feed per 56 pound bushel of whole grain processed.

5. By deleting paragraph (g) (1) and substituting in lieu thereof the following:

(1) Every distiller shall, within 10 days after the close of each calendar month, mail to the Order Administrator a report showing (i) amounts and kinds of grain used for the distillation of spirits for beverage purposes, (ii) amounts and kinds of grain used for other purposes, and (iii) the amount of feed recovered.

This amendment shall become effective at 12:01 a. m., e. w. t., September 1, 1945. With respect to violations, rights accrued, liabilities incurred, or appeals taken, prior to said date, under War Food Order No. 141, all provisions of said order shall be deemed to remain in full force for the purpose of sustaining any proper suit, action, or other proceeding with respect to any such violation, right, liability or appeal.

NOTE: All reporting requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(E.O. 9280, 7 F.R. 10179; E.O. 9577, 10 F.R. 8087)

Issued this 4th day of September 1945.

[SEAL] J. B. HUTSON,
Acting Secretary of Agriculture.

[F. R. Doc. 45-16557; Filed, Sept. 6, 1945; 12:20 p. m.]

TITLE 29—LABOR

Chapter VI—National War Labor Board

PART 803—GENERAL ORDERS

WAGE ADJUSTMENTS FOR SMALL BUSINESSES

The National War Labor Board hereby repeals General Order No. 4 (§ 803.4).

Approved: August 29, 1945.

FRED E. DESMOND,
Acting Executive Director.

[F. R. Doc. 45-16583; Filed, Sept. 6, 1945; 9:50 a. m.]

PART 803—GENERAL ORDERS

WAGE AND SALARY ADJUSTMENTS BY STATE, COUNTY AND MUNICIPAL GOVERNMENTS

The National War Labor Board and the Commissioner of Internal Revenue hereby revoke the following general order which constituted a joint statement with respect to wage and salary adjustments by State, county and municipal governments and agencies thereof: General Order 12-B (§ 803.12-B).

Adopted August 20, 1945.

(Act of Oct. 2, 1942, C 578, 56 Stat. 765; Pub. Law 729, 77th Cong.; E.O. 9250, Oct. 2, 1942, 7 F.R. 7871; as amended by E.O. 9381, Sept. 25, 1943, 8 F.R. 13083; E.O. 9599, Aug. 18, 1945)

FRED E. DESMOND,
Acting Executive Director.
JOSEPH D. NUNAN, JR.,
Commissioner of Internal Revenue.

[F. R. Doc. 45-16584; Filed, Sept. 6, 1945; 9:50 a. m.]

PART 803—GENERAL ORDERS

WAGE OR SALARY RATES INCREASES; BOARD APPROVAL NOT REQUIRED

The National War Labor Board hereby amends General Order No. 30 to read as follows:

§ 803.30 *Wage or salary rates increases; Board approval not required.* Increases in wage or salary rates which do not bring such rates above 55¢ per hour may be made without the approval of the National War Labor Board although the increase will be used in whole or in part as the basis for seeking an increase in price ceilings or for resisting otherwise justifiable reductions in price ceilings, or, in the case of products or services being furnished under contract with a Federal procurement agency, will increase the cost to the United States.

Adopted: August 30, 1945.

(Act of Oct. 2, 1942, C 578, 56 Stat. 765, Pub. Law 729, 77th Cong.; E.O. 9250 Oct. 2, 1942, 7 F.R. 7871; as amended by E.O. 9381, Sept. 25, 1943, 8 F.R. 13083; E.O. 9599, Aug. 18, 1945)

FRED E. DESMOND,
Acting Executive Director.

[F. R. Doc. 45-16585; Filed, Sept. 6, 1945; 9:51 a. m.]

PART 803—GENERAL ORDERS

WAGE OR SALARY INCREASES MADE BY EMPLOYERS WITHOUT APPROVAL OF BOARD

By virtue of and pursuant to the authority conferred on it by General Order No. 36 (§ 803.36) of the National War Labor Board, the Territorial War Labor Board for Hawaii has adopted the following resolution:

General Resolution No. 16. (a) Employers may, through collective bargaining with duly certified or recognized representatives of the employees involved, or, if there is no such representative by voluntary action, make wage or salary in-

creases without the necessity of obtaining approval therefor, upon the condition that such increases will not be used in whole or in part as the basis for seeking an increase in price ceilings or for resisting otherwise justifiable reductions in price ceilings, or, in the case of products or services being furnished under contract with a federal procurement agency, will not increase the cost to the United States.

(b) The provisions of paragraph (a) above shall be effective as of August 18, 1945, but this shall not preclude the selection by the party or parties of any earlier date as the effective date of the wage or salary increase. The provisions of this general resolution shall not, however, operate as an approval of any wage or salary increase placed into effect before August 18, 1945, and prior to receipt of any approval required by the stabilization act of October 2, 1942, or the orders or regulations issued thereunder.

(c) Wage or salary increases referred to in paragraph (a) above may be made notwithstanding any previous denial or modification of an application for approval thereof by the National War Labor Board or its agencies.

(d) The provisions of this general resolution shall not apply to the building and construction industry until further notice.

Approved: August 27, 1945.

(E.O. 9250, Oct. 3, 1942, 7 F.R. 7871; as amended by E.O. 9381, Sept. 25, 1943, 8 F.R. 13083; E.O. 9328, Apr. 8, 1943, 8 F.R. 4681; Act of Oct. 2, 1942, C 578, 56 Stat. 765, Pub. Law 729, 77th Cong.)

FRED E. DESMOND,
Acting Executive Director.

[F. R. Doc. 45-16586; Filed, Sept. 6, 1945; 9:51 a. m.]

Chapter IX—Agriculture Department (Agricultural Labor)

[Supp. 75]

PART 1108—SALARIES AND WAGES OF AGRICULTURAL LABOR IN THE STATE OF IDAHO

WORKERS ENGAGED IN HARVESTING APPLES AND PRUNES IN CERTAIN IDAHO COUNTIES

§ 1108.10 *Workers engaged in harvesting apples and prunes in Ada, Adams, Canyon, Gem, Owyhee, Payette, and Washington Counties, State of Idaho.* Pursuant to § 4001.7 of the regulations of the Economic Stabilization Director relating to salaries and wages issued August 28, 1943, as amended (8 F.R. 11960, 12139, 16702; 9 F.R. 6035, 14547; 10 F.R. 9478, 9628) and to the regulations of the War Food Administrator issued March 23, 1945 (10 F.R. 3177) entitled "Specific Wage Ceiling Regulations" and based upon a certification of the Idaho USDA Wage Board and the Oregon USDA Wage Board that a majority of the producers of apples and a majority of the producers of prunes in the area described in paragraph (a) of § 1110.10 of this chapter and described in paragraph (a) of this section participating in hearings conducted for such purpose have requested the intervention of the Secretary of Agriculture, and based upon relevant facts submitted by the Idaho USDA Wage Board and the Oregon USDA Wage Board and obtained from other sources, it is hereby determined that:

(a) *Areas, crops and classes of workers.* Persons engaged in harvesting apples and prunes in Ada, Adams, Canyon, Gem, Owyhee, Payette, and Washington Counties, State of Idaho, are agricultural labor as defined in § 4001.1 (1) of the regulations of the Economic Stabilization Director issued on August 28, 1943, as amended (8 F.R. 11960, 12139, 16702; 9 F.R. 6035, 14547; 10 F.R. 9478, 9628).

(b) *Maximum wage rates for harvesting apples and prunes.* (1) Maximum wages for picking apples—10¢ per standard bushel box.

(2) Maximum wages for picking prunes—$1\frac{1}{2}$¢ per pound.

If payment is made on any other basis than the above, payments shall not exceed a wage rate equivalent to the above maximum rates.

(c) *Administration.* The Idaho USDA Wage Board located at Room 521, Idaho Building, Boise, Idaho, will have charge of the administration of this section in accordance with the provisions of the specific wage ceiling regulations issued by the War Food Administrator on March 23, 1945 (10 F.R. 3177).

(d) *Applicability of specific wage ceiling regulations.* This section shall be deemed to be a part of the specific wage ceiling regulations issued by the War Food Administrator on March 23, 1945 (10 F.R. 3177) and the provisions of such regulations shall be applicable to this section and any violation of this section shall constitute a violation of such specific wage ceiling regulations.

Effective date. This Supplement No. 75 shall become effective at 12:01 a. m., Mountain war time, September 6, 1945.

(56 Stat. 765 (1942), 50 U.S.C. App. 961 et seq., (Supp. IV); 57 Stat. 63 (1943); 50 U.S.C. 964 (Supp. IV); 58 Stat. 632 (1944); Pub. Law 108, 79th Cong., E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681; E.O. 9577, 10 F.R. 8087; regulations of the Economic Stabilization Director, 8 F.R. 11960, 12139, 16702, 9 F.R. 6035, 14547, 10 F.R. 9478, 9628; regulations of the War Food Administrator, 9 F.R. 655, 12117, 12611, 10 F.R. 7609, 9581; 9 F.R. 831, 12807, 14206, 10 F.R. 3177)

Issued this 6th day of September 1945.

[SEAL] K. A. BUTLER,
Acting Director of Labor,
U. S. Department of Agriculture.

[F. R. Doc. 45-16611; Filed, Sept. 6, 1945; 11:08 a. m.]

[Supp. 77]

PART 1110—SALARIES AND WAGES OF AGRICULTURAL LABOR IN THE STATE OF OREGON

WORKERS ENGAGED IN HARVESTING APPLES AND PRUNES IN MALHEUR COUNTY, OREGON

§ 1110.10 *Workers engaged in harvesting apples and prunes in Malheur County, State of Oregon.* Pursuant to § 4001.7 of the regulations of the Economic Stabilization Director relating to salaries and wages issued August 28, 1943, as amended (8 F.R. 11960, 12139, 16702; 9 F.R. 6035, 14547; 10 F.R. 9478, 9628) and to the regulations of the War Food Administrator issued March 23, 1945 (10 F. R. 3177) entitled "Specific Wage Ceiling Regulations" and based upon relevant facts submitted by the Idaho USDA Wage Board and the Oregon USDA Wage Board and obtained from other sources, it is hereby determined that:

(a) *Areas, crops and classes of workers.* Persons engaged in harvesting apples and prunes in Malheur County, State of Oregon, are agricultural labor as defined in § 4001.1 (1) of the regulations of the Economic Stabilization Director issued on August 28, 1943, as amended (8 F.R. 11960, 12139, 16702; 9 F.R. 6035, 14547; 10 F.R. 9478, 9628).

(b) *Maximum wage rates for harvesting apples and prunes.* (1) Maximum wages for picking apples—10¢ per standard bushel box.

(2) Maximum wages for picking prunes—$1\frac{1}{2}$¢ per pound.

If payment is made on any other basis than the above, payments shall not exceed a wage rate equivalent to the above maximum rates.

(c) *Administration.* The Idaho USDA Wage Board, located at Room 521 Idaho Building, Boise, Idaho, will have charge of the administration of this section in accordance with the provisions of the specific wage ceiling regulations issued by the War Food Administrator on March 23, 1945 (10 F. R. 3177).

(d) *Applicability of specific wage ceiling regulations.* This section shall be deemed to be a part of the specific wage ceiling regulations issued by the War Food Administrator on March 23, 1945 (10 F.R. 3177) and the provisions of such regulations shall be applicable to this section and any violation of this section shall constitute a violation of such specific wage ceiling regulations.

Effective date. This Supplement No. 77 shall become effective at 12:01 a. m., Pacific war time, September 6, 1945.

(56 Stat. 765 (1942), 50 U.S.C. App. 961 et seq., (Supp. IV); 57 Stat. 63 (1943); 50 U.S.C. 964 (Supp. IV); 58 Stat. 632 (1944); Pub. Law 108, 79th Cong., E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681; E.O. 9577, 10 F.R. 8087; regulations of the Economic Stabilization Director, 8 F.R. 11960, 12139, 16702, 9 F.R. 6035, 14547, 10 F.R. 9478, 9628; regulations of the War Food Administrator, 9 F.R. 655, 12117, 12611, 10 F.R. 7609, 9581; 9 F.R. 831, 12807, 14206, 10 F.R. 3177)

Issued this 6th day of September 1945.

[SEAL] K. A. BUTLER,
Acting Director of Labor,
U. S. Department of Agriculture.

[F. R. Doc. 45-16612; Filed, Sept. 6, 1945; 11:09 a. m.]

[Supp. 72]

PART 1113—SALARIES AND WAGES OF AGRICULTURAL LABOR IN THE STATE OF COLORADO

WORKERS ENGAGED IN HARVESTING BROOM CORN IN CERTAIN COLORADO COUNTIES

§ 1113.1 *Workers engaged in harvesting broom corn in Baca, Bent, Prowers and Las Animas Counties, State of Colorado.* Pursuant to § 4001.7 of the regulations of the Economic Stabilization Director relating to salaries and wages issued August 28, 1943, as amended (8 F.R. 11960, 12139, 16702; 9 F.R. 6035, 14547; 10 F.R. 9478, 9628) and to the regulations of the War Food Administrator issued March 23, 1945 (10 F.R. 3177) entitled "Specific Wage Ceiling Regulations" and based upon a certification of the Colorado USDA Wage Board that a majority of the producers of broom corn in the area affected participating in hearings conducted for such purpose have requested the intervention of the Secretary of Agriculture, and based upon relevant facts submitted by the Colorado USDA Wage Board and obtained from other sources, it is hereby determined that:

(a) *Areas, crops and classes of workers.* Persons engaged in harvesting broom corn in Baca, Bent, Prowers and Las Animas Counties, State of Colorado, are agricultural labor as defined in § 4001.1 (1) of the regulations of the Economic Stabilization Director issued on August 28, 1943, as amended (8 F.R. 11960, 12139, 16702; 9 F.R. 6035, 14547; 10 F.R. 9478, 9628).

(b) *Maximum wage rates for harvesting broom corn*—(1) *Maximum hourly wages for experienced workers.* (i) For cutting and pulling—60¢ per hour with board and lodging, or 80¢ per hour without board and lodging.

(ii) For seeding, green basis—60¢ per hour with board and lodging, or 80¢ per hour without board and lodging.

(iii) For seeding, cured basis—70¢ per hour with board and lodging, or 90¢ per hour without board and lodging.

(iv) For baling—70¢ per hour with board and lodging, or 90¢ per hour without board and lodging.

(2) *Maximum hourly wages for inexperienced workers.* (i) For cutting and pulling—50¢ per hour with board and lodging, or 70¢ per hour without board and lodging.

(ii) For seeding, green basis—50¢ per hour with board and lodging, or 70¢ per hour without board and lodging.

(iii) For seeding, cured basis—60¢ per hour with board and lodging, or 80¢ per hour without board and lodging.

(iv) For baling—60¢ per hour with board and lodging, or 80¢ per hour without board and lodging.

(3) *Maximum piece rate wages.* (i) For cutting and pulling—$2\frac{3}{4}$¢ per pound.

(ii) For seeding and baling, cured basis—1¢ per pound.

An inexperienced worker shall be classed as an experienced worker not later than 10 days after such inexperienced worker commences work and may thereafter be paid in accordance with the maximum wages for experienced workers. If payment is made on any other basis than the above, the payments shall not exceed a wage rate equivalent to the above maximum rates. If board and lodging are furnished employees working on a piece rate basis, charges for such board and lodging shall not be less than $2 per day.

(c) *Administration.* The Colorado USDA Wage Board, the address of which shall be Colorado USDA Wage Board, c/o the Chairman, 202 Museum Building, Denver, Colorado, will have charge of the administration of this section in accordance with the provisions of the specific wage ceiling regulations issued by the War Food Administrator on March 23, 1945 (10 F.R. 3177).

(d) *Applicability of specific wage ceiling regulations.* This section shall be deemed to be a part of the specific wage ceiling regulations issued by the War Food Administrator on March 23, 1945 (10 F.R. 3177) and the provisions of such regulations shall be applicable to this section and any violation of this section shall constitute a violation of such specific wage ceiling regulations.

Effective date. This Supplement No. 72 shall become effective at 12:01 a. m., Mountain war time, Sept. 6, 1945.

(56 Stat. 765 (1942), 50 U.S.C. App. 961 et seq., (Supp. IV); 57 Stat. 63 (1943); 50 U.S.C. 964 (Supp. IV); 58 Stat. 632 (1944); Pub. Law 108, 79th Cong., E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681; E.O. 9577, 10 F.R. 8087; regulations of the Economic Stabilization Director, 8 F.R. 11960, 12139, 16702, 9 F.R. 6035, 14547, 10 F.R. 9478, 9628; regulations of the War Food Administrator, 9 F.R. 655, 12117, 12611, 10 F.R. 7609, 9581; 9 F.R. 831, 12807, 14206, 10 F.R. 3177)

Issued this 6th day of September 1945.

[SEAL] K. A. BUTLER,
Acting Director of Labor,
U. S. Department of Agriculture.

[F. R. Doc. 45-16608; Filed, Sept. 6, 1945; 11:08 a. m.]

[Supp. 73]

PART 1114—SALARIES AND WAGES OF AGRICULTURAL LABOR IN THE STATE OF KANSAS

WORKERS ENGAGED IN HARVESTING BROOM CORN IN CERTAIN KANSAS COUNTIES

§ 1114.1 *Workers engaged in harvesting broom corn in Morton, Stevens, Seward, Grant, Stanton, Hamilton and Karney Counties, State of Kansas.* Pursuant to § 4001.7 of the regulations of the Economic Stabilization Director relating to salaries and wages issued August 28, 1943, as amended (8 F.R. 11960, 12139, 16702; 9 F.R. 6035, 14547; 10 F.R. 9478, 9628) and to the regulations of the War Food Administrator issued March 23, 1945 (10 F.R. 3177) entitled "Specific Wage Ceiling Regulations" and based upon a certification of the Kansas USDA Wage Board that a majority of the producers of broom corn in the area affected participating in hearings conducted for such purpose have requested the intervention of the Secretary of Agriculture, and based upon relevant facts submitted by the Kansas USDA Wage Board and obtained from other sources, it is hereby determined that:

(a) *Areas, crops and classes of workers.* Persons engaged in harvesting broom corn in Morton, Stevens, Seward, Grant, Stanton, Hamilton and Karney Counties, State of Kansas, are agricultural labor as defined in § 4001.1 (1) of the regulations of the Economic Stabilization Director issued on August 28, 1943, as amended (8 F.R. 11960, 12139, 16702; 9 F.R. 6035, 14547; 10 F.R. 9478, 9628).

(b) *Maximum wage rates for harvesting broom corn*—(1) *Maximum hourly wages for experienced workers.* (i) For cutting and pulling—60¢ per hour with board and lodging, or 80¢ per hour without board and lodging.

(ii) For seeding, green basis—60¢ per hour with board and lodging, or 80¢ per hour without board and lodging.

(iii) For seeding, cured basis—70¢ per hour with board and lodging, or 90¢ per hour without board and lodging.

(iv) For baling—70¢ per hour with board and lodging, or 90¢ per hour without board and lodging.

(2) *Maximum hourly wages for inexperienced workers.* (i) For cutting and pulling—50¢ per hour with board and lodging, or 70¢ per hour without board and lodging.

(ii) For seeding, green basis—50¢ per hour with board and lodging, or 70¢ per hour without board and lodging.

(iii) For seeding, cured basis—60¢ per hour with board and lodging, or 80¢ per hour without board and lodging.

(iv) For baling—60¢ per hour with board and lodging, or 80¢ per hour without board and lodging.

(3) *Maximum piece rate wages.* (i) For cutting and pulling—$2\frac{3}{4}$¢ per pound.

(ii) For seeding and baling, cured basis—1¢ per pound.

An inexperienced worker shall be classed as an experienced worker not later than 10 days after such inexperienced worker commences work and may thereafter be paid in accordance with the maximum wages for experienced workers.

If payment is made on any other basis than the above, the payments shall not exceed a wage rate equivalent to the above maximum rates. If board and lodging are furnished employees working on a piece rate basis, charges for such board and lodging shall not be less than $2.00 per day.

(c) *Administration.* The Kansas USDA Wage Board, the address of which shall be Kansas USDA Wage Board, % the Chairman, Kansas State College, Manhattan, Kansas, will have charge of the administration of this section in accordance with the provisions of the specific wage ceiling regulations issued by the War Food Administrator on March 28, 1945 (10 F.R. 3177).

(d) *Applicability of specific wage ceiling regulations.* This section shall be deemed to be a part of the specific wage ceiling regulations issued by the War Food Administrator on March 23, 1945 (10 F.R. 3177) and the provisions of such regulations shall be applicable to this section and any violation of this section shall constitute a violation of such specific wage ceiling regulations.

Effective date. This Supplement No. 73 shall become effective at 12:01 a. m., central war time, September 6, 1945.

(56 Stat. 765 (1942), 50 U.S.C. App. 961 et seq., (Supp. IV); 57 Stat. 63 (1943); 50 U.S.C. 964 (Supp. IV); 58 Stat. 632 (1944); Pub. Law 108, 79th Cong., E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681; E.O. 9577, 10 F.R. 8087; regulations of the Economic Stabilization Director, 8 F.R. 11960, 12139, 16702; 9 F.R. 6035, 14547; 10 F.R. 9478, 9628; regulations of the War Food Administrator, 9 F.R. 655, 12117, 12611, 10 F.R. 7609, 9581; 9 F.R. 831, 12807, 14206, 10 F.R. 3177.)

Issued this 6th day of September 1945.

[SEAL] K. A. BUTLER,
Acting Director of Labor,
U. S. Department of Agriculture.

[F. R. Doc. 45-16609; Filed, Sept. 6, 1945; 11:08 a. m.]

[Supp. 74]

PART 1115—SALARIES AND WAGES OF AGRICULTURAL LABOR IN THE STATE OF OKLAHOMA

WORKERS ENGAGED IN HARVESTING BROOM CORN IN CERTAIN OKLAHOMA COUNTIES

§ 1115.1 *Workers engaged in harvesting broom corn in Harper, Beaver, Texas, and Cimarron Counties, State of Oklahoma.* Pursuant to § 4001.7 of the regulations of the Economic Stabilization Director relating to salaries and wages issued August 28, 1943, as amended (8 F.R. 11960, 12139, 16702; 9 F.R. 6035, 14547; 10 F.R. 9478, 9628) and to the regulations of the War Food Administrator issued March 23, 1943 (10 F.R. 3177) entitled "Specific Wage Ceiling Regulations" and based upon a certification of the Oklahoma USDA Wage Board that a majority of the producers of broom corn in the area affected participating in hearings conducted for such purpose have requested the intervention of the Secretary of Agriculture, and based upon relevant facts submitted by the Oklahoma USDA Wage Board and obtained from other sources, it is hereby determined that:

(a) *Areas, crops and classes of workers.* Persons engaged in harvesting broom corn in Harper, Beaver, Texas, and Cimarron Counties, State of Oklahoma, are agricultural labor as defined in § 4001.1 (i) of the regulations of the Economic Stabilization Director issued on August 28, 1943, as amended (8 F.R. 11960, 12139, 16702; 9 F.R. 6035, 14547; 10 F.R. 9478, 9628).

(b) *Maximum wage rates for harvesting broom corn—(1) Maximum hourly wages for experienced workers.* (i) For cutting and pulling—60¢ per hour with board and lodging, or 80¢ per hour without board and lodging.

(ii) For seeding, green basis—60¢ per hour with board and lodging, or 80¢ per hour without board and lodging.

(iii) For seeding, cured basis—70¢ per hour with board and lodging or 90¢ per hour without board and lodging.

(iv) For baling—70¢ per hour with board and lodging, or 90¢ per hour without board and lodging.

(2) *Maximum hourly wages for inexperienced workers.* (i) For cutting and pulling—50¢ per hour with board and lodging, or 70¢ per hour without board and lodging.

(ii) For seeding, green basis—50¢ per hour with board and lodging, or 70¢ per hour without board and lodging.

(iii) For seeding, cured basis—60¢ per hour with board and lodging, or 80¢ per hour without board and lodging.

(iv) For baling—60¢ per hour with board and lodging, or 80¢ per hour without board and lodging.

(3) *Maximum piece rate wages.* (i) For cutting and pulling—2¾¢ per pound.

(ii) For seeding and baling, cured basis—1¢ per pound.

An inexperienced worker shall be classed as an experienced worker not later than 10 days after such inexperienced worker commences work and may thereafter be paid in accordance with the maximum wages for experienced workers. If payment is made on any other basis than the above, the payments shall not exceed a wage rate equivalent to the above maximum rates. If board and lodging are furnished employees working on a piece rate basis, charges for such board and lodging shall not be less than $2 per day.

(c) *Administration.* The Oklahoma USDA Wage Board, the address of which shall be Oklahoma USDA Wage Board, % the Chairman, 318 Post Office Building, Oklahoma City, Oklahoma, will have charge of the administration of this section in accordance with the provisions of the specific wage ceiling regulations issued by the War Food Administrator on March 23, 1945 (10 F.R. 3177).

(d) *Applicability of specific wage ceiling regulations.* This section shall be deemed to be a part of the specific wage ceiling regulations issued by the War Food Administrator on March 23, 1945 (10 F.R. 3177) and the provisions of such regulations shall be applicable to this section and any violation of this section shall constitute a violation of such specific wage ceiling regulations.

Effective date. This Supplement No. 74 shall become effective at 12:01 a. m., central war time, Sept. 6, 1945.

(56 Stat. 765 (1942), 50 U.S.C. App. 961 et seq., (Supp. IV); 57 Stat. 63 (1943); 50 U.S.C. 964 (Supp. IV); 58 Stat. 632 (1944); Pub. Law 108, 79th Cong., E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681; E.O. 9577, 10 F.R. 8087; regulations of the Economic Stabilization Director, 8 F.R. 11960, 12139, 16702, 9 F.R. 6035, 14547, 10 F.R. 9478, 9628; regulations of the War Food Administrator, 9 F.R. 655, 12117, 12611, 10 F.R. 7609, 9581; 9 F.R. 831, 12807, 14206, 10 F.R. 3177)

Issued this 6th day of September 1945.

[SEAL] K. A. BUTLER,
Acting Director of Labor,
U. S. Department of Agriculture.

[F. R. Doc. 45-16610; Filed, Sept. 6, 1945; 11:08 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter IX—War Production Board

AUTHORITY: Regulations in this chapter unless otherwise noted at the end of documents affected, issued under sec. 2 (a), 54 Stat. 676, as amended by 55 Stat. 236, 56 Stat. 177, 58 Stat. 827; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; E.O. 9599, 10 F.R. 10155; W.P.B. Reg. 1 as amended Dec. 31, 1943, 9 F.R. 64.

PART 1042—IMPORTS OF STRATEGIC MATERIALS[1]

[General Imports Order M-63, as Amended Sept. 5, 1945]

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of certain imported materials for defense, for private account, and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 1042.1 *General Imports Order M-63—(a) Definitions.* For the purposes of this order:

(1) "Person" means any individual, partnership association, business trust, corporation, or any organized group of persons, whether or not incorporated.

(2) "Owner" of any material means any person who has any property interest in such material except a person whose interest is held solely as security for the payment of money.

(3) "Consignee" means the person to whom a material is consigned at the time of importation.

(4) "Import" means to transport in any manner into the continental United States from any foreign country or from any territory or possession of the United States (including the Philippine Islands). It includes shipments into a free port, free zone, or bonded custody of the United States Bureau of Customs (bonded warehouse) in the continental United States and shipments in bond into the continental United States for transshipment to Canada, Mexico, or any other foreign country.

(5) "Place of initial storage" means any warehouse, yard ground storage, or other place, to which the person making the entry or withdrawal from custody of the United States Bureau of Customs of material imported subject to this order directs or has directed that such material be transported from the port of entry to be held until disposed of pursuant to this order.

(6) Material shall be deemed "in transit" if it is afloat, if an on board ocean bill of lading has actually been issued with respect to it, or if it has actually been delivered to and accepted by a rail, truck, or air carrier, for transportation to a point within the continental United States.

[1] Certain food items formerly on Lists I, II, and III are now subject to import control in accordance with War Food Administration Order 63.

(7) "Governing date" with respect to any material means the date when such material first became subject to General Imports Order M-63.

(b) *Restrictions on imports of materials—(1) General restriction.* No person, except as authorized in writing by the War Production Board, shall purchase for import, import, offer to purchase for import, receive, or offer to receive on consignment for import, or make any contract or other arrangement for the importing of, any material subject to this order after the governing date. The foregoing restrictions shall apply to the importation of any material subject to the order regardless of the existence on the governing date or thereafter of any contract or other arrangement for the importation of such material. The materials subject to this order are those listed from time to time upon Lists A and B attached hereto.

(2) *Authorization by War Production Board.* Any person desiring such authorization, whether owner, purchaser, seller, or consignee of the material to be imported, or agent of any of them, shall make application therefor in duplicate on Form WPB-1041 addressed to the War Production Board Ref: M-63, Washington 25, D. C. Unless otherwise expressly permitted, such authorization shall apply only to the particular material and shipment mentioned therein and to the persons and their agents concerned with such shipment; it shall not be assignable or transferable either in whole or in part.

(3) *Restrictions on financing of imports.* No bank or other person shall participate, by financing or otherwise, in any arrangement which such bank or person knows or has reason to know involves the importation after the governing date of any material subject to this order, unless such bank or person either has received a copy of the authorization issued by the War Production Board under the provisions of paragraph (b) (2) or is satisfied from known facts that the proposed transaction comes within the exceptions set forth in paragraph (b) (4).

(4) *Exceptions.* Unless otherwise directed by the War Production Board, the restrictions set forth in this paragraph (b) shall not apply:

(i) To the Foreign Economic Administration, U. S. Commercial Company, Commodity Credit Corporation, Metals Reserve Company, Defense Supplies Corporation, or any other United States governmental department, agency, or corporation, or any agent acting for any such department, agency or corporation; or

(ii) To any material of which any United States governmental department, agency, or corporation is the owner at the time of importation, or to any material which the owner at the time of importation had purchased or otherwise acquired from any United States governmental department, agency or corporation; or

(iii) To any material which on the governing date was in transit to a point within the continental United States.

(iv) [Deleted Mar. 30, 1944]

(v) To any material consigned as a gift or imported for personal use where the value of each consignment or shipment is less than $100.00; or to any material consigned or imported as a sample where the value of each consignment or shipment is less than $25.00; or to any used material in the category of household goods imported by the owner for his own personal use; or

(vi) To materials consigned as gifts for personal use by or to members of the Armed Services of the United States; or

(vii) [Deleted Nov. 13, 1944.]

(viii) To manufactured materials which are imported in bond solely for the purpose of having them repaired and then returned to the owner outside the continental United States; or

(ix) To materials which were grown, produced, or manufactured in the continental United States, and which were shipped outside the continental United States on consignment or pursuant to a contract of purchase, and which are now returned as rejected by the prospective purchaser; or

(x) To materials shipped into the United States in transit from one point in Mexico to another point in Mexico, or from one point in Canada to another point in Canada.

(xi) To materials on List B which are located in, and are the growth, production, or manufacture of, and are transported into the Continental United States overland, by air, or by inland waterway from Canada, Mexico, Guatemala or El Salvador.

(c) [Deleted June 4, 1945.]

(d) [Deleted June 4, 1945.]

(e) *Restrictions on distribution of List A and List B materials.* Unless otherwise provided by the terms of the authorization issued pursuant to paragraph (b) (2), any material on List A or List B which is imported in accordance with the provisions of this order after the governing date, may be sold, delivered, processed, consumed, purchased, or received without restriction under this order, but all such transactions shall be subject to all applicable provisions of the regulations of the War Production Board and to all orders and directions of the War Production Board which now or hereafter may be in effect with respect to such material.

(f) *Reports—(1) Reports on customs entry.* No material which is imported after the governing date, including materials imported by or for the account of the Foreign Economic Administration, U. S. Commercial Company, Commodity Credit Corporation, Metals Reserve Company, Defense Supplies Corporation or any other United States governmental department, agency, or corporation, shall be entered through the United States Bureau of Customs for any purpose, whether for consumption, for warehouse, in transit, in bond, for re-export, for appraisal, or otherwise, unless the person making the entry shall file with the entry Form WPB-1040 in duplicate except in the case of a material described in paragraph (b) (4) (xi) when the person making the entry need not file with the entry Form WPB-1040. The filing of such form a second time shall not be required upon any subsequent entry of such material through the United States Bureau of Customs for any purpose; nor shall the filing of such form be required upon the withdrawal of any material from bonded custody of the United States Bureau of Customs, regardless of the date when such material was first transported into the continental United States. Both copies of such form shall be transmitted by the Collector of Customs to the War Production Board, Division of Stockpiling and Transportation, Ref.: M-63, Washington 25, D. C.

(2) *Other reports.* All persons having any interest in, or taking any action with respect to, any material imported after the governing date, whether as owner, agent, consignee, or otherwise, shall file such other reports as may be required from time to time by the War Production Board.

(3) *Exceptions.* The provisions of this paragraph (f) shall not apply to materials imported and consigned as gifts for personal use by or to members of the Armed Services of the United States.

(g) *Routing of communications.* All communications concerning this order shall, unless otherwise herein directed, be addressed to: War Production Board, Washington 25, D. C. Ref.; M-63.

(h) *Violations.* Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact or who furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using material under priority assistance. In addition, the War Production Board may direct the disposition and use of any material which is imported without authorization as required by paragraph (b).

(i) *Applicability of priorities regulations.* This order and all transactions affected thereby are subject to all applicable provisions of the priorities regulations of the War Production Board, as amended from time to time.

(j) *Effect on liability of removal of material from order.* The removal of any material from the order shall not be construed to affect in any way any liability for violation of the order which accrued or was incurred prior to the date of removal.

Issued this 5th day of September 1945.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

LIST A

NOTE: List A amended Sept. 5, 1945.

The numbers listed after the following materials are commodity numbers taken from Schedule A, Statistical Classification of Imports of the Department of Commerce (issue of January 1, 1943). Materials are included in the list to the extent that they are covered by the commodity numbers listed

below. If no commodity number is listed, the description given shall control.

Material	Commerce Import Class No.	Governing date
Agave fibers, unmanufactured, not elsewhere specified on this order (except flume tow and bagasse waste)	N. S. C.	8/3/43
Agave manufactures and semi-manufactures.		
Sisal cordage, including cables, tarred or untarred composed of 3 or more strands, each strand composed of 2 or more yarns	3417.010	1/18/43
	3417.110	1/18/43
Carpet yarns of agave, dyed or undyed	N. S. C.	7/21/42
Cordage of agave fibers, other than sisal	N. S. C.	1/18/43
Cords and twines of agave fibers	N. S. C.	1/18/43
Fabrics woven of agave fibers	N. S. C.	9/11/42
Other manufactures (including all products in whole or in part of agave fibers)	N. S. C.	1/18/43
Alpargatas	0369.500	6/28/43
Bone grist and ground bones for uses other than feed and fertilizer	N. S. C.	7/20/45
Bones, crude	0911.200	7/2/42
Bristles, hog and pig	0917.000	3/14/42
	0979.100	3/14/42
Cattle, ox, and calf tail hair including switches	3696.100	7/2/42
Chrome ore (Chromite)	6213.100	12/28/41
	6213.300	12/28/41
	6213.500	12/28/41
Coir yarn and coir manufactures:		
Coir yarn	3420.000	11/23/42
Matting and articles of cocoa fiber (coir fiber) or rattan	3963.000	10/21/42
Pile mats and floor coverings of cocoa fiber (coir fiber)	3960.100	10/21/42
Coir manufactures (including all products of coir fiber), other than pile mats, floor coverings, matting, etc., elsewhere specified on this order	N. S. C.	11/23/42
Corundum in grains, or ground, pulverized or refined	N. S. C.	5/22/42
Corundum ore	5460.000	5/22/42
Diamonds, industrial (rough or uncut not advanced in condition or value by cleaving, splitting, cutting, boring, or other process):		
Carbonado and ballas	5952.100	9/16/44
Diamond dust	5952.500	9/16/44
Bort (Glaziers' and engravers' diamonds not set, and miners' diamonds, n. e. s., and other industrial diamonds)	5952.700	9/16/44
Fish liver oil, n. e. s. (include halibut-liver oil)	2220.250	1/12/44
Hair, curled	3696.800	6/29/44
Hemp (Cannabis Sativa type only) unmanufactured.		
Hackled including "line of hemp"	3293.000	9/11/42
Not hackled	3293.200	9/11/42
Tow	3293.300	9/11/42
Hides and skins:		
Buffalo hides dry and wet	0293.000	1/13/42
	0293.100	1/13/42
Buffalo hides (India water buffalo, for use in rawhide articles) dry and wet	0209.000	9/16/44
	0209.100	9/16/44
Calf, dry and wet	0207.000	1/13/42
	0208.000	1/13/42
Cattle hides, dry and wet	0201.000	1/13/42
	0202.000	1/13/42
Goat and kid skins, dry and wet	0241.000	7/2/42
	0242.000	7/2/42
Kip, dry and wet	0205.000	1/13/42
	0206.000	1/13/42
Horse mane and tail hair, raw and drawn, including switches	3694.000	3/14/42
	3694.100	3/14/42
Jute and manufactures:		
Waste bagging and waste sugar sack cloth	3243.000	6/10/43
Jute yarns or roving, single	3244.000	6/10/43
	3244.100	6/10/43
	3244.200	6/10/43
	3244.300	6/10/43
Jute cordage, twine and twist or 2 or more yarns twisted together, size of single yarn or roving:		
Not bleached, dyed or otherwise treated	3245.200	6/10/43
	3245.300	6/10/43
	3245.400	6/10/43
	3245.500	6/10/43
Bleached, dyed or otherwise treated	3245.220	6/10/43
	3245.320	6/10/43
	3245.420	6/10/43
	3245.520	6/10/43

LIST A—Continued

Material	Commerce Import Class No.	Governing date
Jute and manufactures—Con.		
Bagging for cotton, gunny cloth, etc., of single yarns, not bleached, colored, or printed, not exceeding 16 threads in warp and filling to the square inch, or jute or other vegetable fiber	3246.000	6/10/43
	3246.100	6/10/43
Burlaps and other woven fabrics wholly of jute, n. s. p. f.	3247.000	6/10/43
	3247.200	6/10/43
Plain woven fabrics of jute, weighing less than 4 ounces per square yard	3248.000	6/10/43
Woven fabrics of jute for paddings or interlinings exceeding 30 threads in warp and filling to the square inch weighing from 4½ to 12 ounces, inclusive, per square yard	3248.100	6/10/43
Woven fabrics, n. s. p. f. in chief value but not wholly of jute	3248.200	6/10/43
Jute sliver	3250.000	6/10/43
Jute webbing, not exceeding 12 inches in width	3250.700	6/10/43
Jute manufactures, n. s. p. f.	3250.000	6/10/43
Jute bags or sacks	3249.000	4/2/43
	3249.100	4/2/43
Jute butts, unmanufactured	3242.000	10/6/42
Jute, unmanufactured	3241.000	10/6/42
Kapok	3403.000	7/2/42
Lead manufactures:		
Collapsible tube discs or slugs and any other semi-fabricated form, manufactured in whole or in part of lead or lead alloy	N. S. C.	4/16/45
Collapsible tubes, manufactured in whole or in part of lead or lead alloy, filled or empty	N. S. C.	2/14/45
Foil, manufactured in whole or in part of lead or lead alloy	N. S. C.	2/14/45
Storage batteries (lead acid type)	N. S. C.	2/14/45
Leather, unmanufactured:		
Goatskin and kidskin leather (except vegetable-tanned)	(0333.000–0333.500 incl.	7/2/42
	6335.400	7/2/42
	0310.800	7/2/42
	0345.200	7/2/42
	0345.300	7/2/42
Leather made from hides or skins of cattle of the bovine species	(0300.100–0317.900 incl.	7/2/42
Rough tanned leather (incl. India-tanned):		
Vegetable-tanned goat and sheepskins	0339.000	7/2/42
	0339.100	7/2/42
Maguey or cantala, unmanufactured	3409.200	1/18/43
Manganese ore (incl. ferruginous) or concentrates, and manganiferrous iron ore, containing 35 percent and over of manganese	6211.200	5/14/43
	6211.300	5/14/43
Manila or abaca cordage, including cables, tarred or untarred, composed of 3 or more strands, each strand composed of 2 or more yarns	3417.095	6/28/43
	3417.195	6/28/43
Manila or abaca fiber (except T grade tow)	3402.300	4/28/43
Manila or abaca tow (T grade only)	3402.500	4/28/43
Manila or abaca fiber manufactures (incl. all manila or abaca products)	N. S. C.	4/28/43
Meshta fiber	N. S. C.	10/6/42
Mica	5560.810	3/14/42
	5560.890	3/14/42
	5560.850	3/14/42
	5560.940	3/14/42
	5560.960	3/14/42
	5560.990	3/14/42
	5561.000	3/14/42
	5561.300	3/14/42
	5561.450	3/14/42
	5561.500	7/21/42
	5561.600	3/14/42
	5561.800	3/14/42
	5564.000	3/14/42
	5564.200	3/14/42
Molasses and sugar sirup	1640.000	7/2/42
Pyrethrum or insect flowers	2202.000	10/21/42
Pyrethrum or insect flowers, advanced in value or condition	2220.310	10/21/42
Pungs fiber	N. S. C.	3/3/43
Rotenone bearing roots (cube root (timbo or barbasco), derris and tuba), crude and advanced	2210.250	5/1/42
	2210.300	5/1/42
	2220.360	5/1/42
	2220.370	5/1/42
Shark-liver oil, including oil produced from dogfish livers, n. s. p. f.	0805.730	1/12/44

LIST A—Continued

Material	Commerce Import Class No.	Governing date
Sisal and henequen, unmanufactured (except flume tow and bagasse waste)	N. S. C.	1/18/43
Urena lobata fiber	N. S. C.	10/6/42

N. S. C.—No separate class or commodity number has been assigned for the material as described by the Department of Commerce, Statistical Classification of Imports.

LIST B

NOTE: List B amended Sept. 5, 1945.

The numbers listed after the following materials are commodity numbers taken from Schedule A Statistical Classification of Imports of the Department of Commerce (issue of January 1, 1943). Materials are included in the list to the extent that they are covered by the commodity numbers listed below. If no commodity number is listed, the description given shall control.

Material	Commerce Import Class No.	Governing date
Congo gum copal	N. S. C.	1/12/44
Cotton linters (all grades)	5005.000	7/2/42
Glue stock, not elsewhere specified	0930.900	8/5/44
Hide cuttings, raw	0930.500	7/2/42
Paper, standard newsprint	4711.00	8/3/45

N. S. C.—No separate class or commodity number has been assigned for the material as described by the Department of Commerce, Statistical Classification of Imports.

INTERPRETATION 1: Revoked June 4, 1945.

INTERPRETATION 2

The following official interpretation is hereby issued by the War Production Board with respect to the meaning of the term "in transit" as defined in paragraph (a) (6) of General Imports Order M-63 (§ 1042.1) as amended.

By amendment dated December 17, 1942, the definition of material "in transit" was changed by adding the following clause, "or if it has actually been delivered to and accepted by a rail, truck, or air carrier for transportation to a point within the continental United States." The question has been raised as to the meaning of the term as applied to a case where the material on the governing date had been delivered to and accepted by a rail, truck, or air carrier on a through bill of lading for transportation to a specified port and from thence by boat to a point within the continental United States.

The material in the stated case is not deemed to be in transit within the meaning of the term as used in the order. If the material is to be carried to the port of arrival in the continental United States by ship the material must have been afloat, or an on board ocean bill of lading must have been issued with respect to it on the governing date in order for it to be considered as having been in transit on such date.

Material which has been delivered to and accepted by a rail, truck, or air carrier on the governing date for transportation to a point within the continental United States is deemed to be in transit within the meaning of the term as used in the order only when the transportation specified in the bill of lading issued by such carrier calls for delivery of the material at the port of arrival in the continental United States by rail, truck, or air carrier, not by ship. (Issued March 5, 1943.)

INTERPRETATION 3: Revoked June 4, 1945.

[F. R. Doc. 45-16585; Filed, Sept. 5, 1945; 11:25 a. m.]

PART 3290—TEXTILE, CLOTHING AND LEATHER

[Supplementary Order M-317A, as Amended Sept. 5, 1945]

COTTON FABRIC PREFERENCE RATINGS AND RESTRICTIONS

§ 3290.116 *Supplementary Order M-317A*—(a) *Contents of this order.* This Order M-317A is supplementary to Order M-317 and contains preference rating schedules and distribution schedules referred to in that order. These schedules apply only to woven cotton fabrics of more than 12" in width, but do not apply to "duck" as defined in Order M-91. Restrictions on the production of cotton fabrics appear in Order L-99.

(b) *Assignment of preference ratings for small amounts of cotton fabrics.* The preference ratings in Column IV are assigned for each Group to the persons named in Column I to get the cotton fabrics listed in Column II for the uses listed in Column III in accordance with the following rules. This preference rating may not be used to get delivery of more cotton fabrics in any calendar quarter than the amount shown in Column I, nor may the rating be used to get any fabric other than those listed in Column II. To illustrate: In Group CDGS-2 a processor is assigned an AA-2X rating to get a total of 1000 yards of fabrics to make photographic equipment, but in using the rating he is restricted to combed broadcloth, corduroy, and velveteen and cord. He may purchase equal amounts of each of the three fabrics or divide the 1000 yards among the fabrics in any way he chooses. If he needs a rating for more than 1000 yards of these fabrics, he has two alternatives:

(1) He may purchase the additional fabrics without a rating, or

(2) He may file Form WPB-2842 for his total yardage as described below.

(c) *Preference ratings for greater amounts of cotton fabrics than specified in Column I.* Preference ratings will be assigned on Form GA-2543 for more cotton fabrics than the yardage listed in Column I in accordance with the following rules:

(1) Any person named in Column I who wants to use the preference ratings to get, in any calendar quarter for any Group, more of the cotton fabrics shown in Column II than the amount shown in Column I, for the uses listed in Column III, should apply to the War Production Board on Form WPB-2842. Fabrics applied for on Form WPB-2842 shall be described in the same terms as they are listed in Column II of the Preference Rating Schedules of this order. A separate application shall be filed for materials for each Group listed in the schedules. For example, a person who wants to make "Baby baths", (Group CDGS-7) and needs sheeting, would insert in Column (a) of Form WPB-2842: "(13b) Sheeting, coarse, Class B".

(2) Applications on Form WPB-2842 for preference ratings for cotton fabrics to be delivered in the 3d quarter of 1945, must be filed by July 31, 1945, with the Industry Division or Bureau of the War Production Board or the agency specified. Ref: M317A. Applications for preference ratings for cotton fabrics to be delivered in the 4th quarter of 1945, and in each subsequent quarter, must be filed at least 60 days before the beginning of the quarter in which the cotton fabrics are to be received by the applicant.

(3) Priorities assistance will generally be granted on the basis of each applicant's past consumption and inventories of cotton fabrics as shown on his application, the yardage of cotton fabrics available for the particular purpose, and the supply and availability of other materials for the specified uses. Applications from persons who have not previously used cotton fabrics for the specified purposes, will be granted if the supply is in excess of the amounts needed to permit applicants who previously consumed cotton fabrics to continue their operations at a reasonable economic operating level. They will be granted, as far as possible, on an equitable basis.

(4) Under extraordinary conditions, Form WPB-2842 may be filed as an interim application for additional cotton fabrics. In such cases the application must cover only the additional quantities of cotton fabrics for which preference ratings are requested and not for the total requirements for the quarter. The War Production Board will assign ratings on Form GA-2544 in such cases to the extent that the cotton fabrics applied for are available for the proposed uses.

(5) During any calendar quarter fabrics and uses may be added to the Preference Rating Schedules of this order. Persons desiring to file applications for priorities assistance for the additional fabrics or uses may do so within 15 days after the date the fabrics are added to the schedule. To secure ratings for the additional fabrics or uses, separate applications must be filed for each quarter.

(d) *Advance authorizations*—(1) *3d quarter of 1945.* A person named in Column I who files his application for the 3d quarter of 1945 in accordance with paragraph (c), may, as soon as he files his application, use the preference rating in Column IV to get the cotton fabrics listed in Column II for the uses listed in Column III of the applicable Group. He may not use the rating for a greater yardage of these cotton fabrics than requested in his application.

(2) *4th quarter of 1945.* When a person is assigned a preference rating on Form GA-2543 for cotton fabrics for the 3d quarter of 1945, he may use the same rating to order cotton fabrics for delivery in the 4th quarter of 1945, for the same uses, in an amount up to 70% of the yardage of cotton fabrics he has been authorized for each Group. If he does so, however, he must file Form WPB-2842 for the 4th quarter of 1945 by August 1, 1945, in accordance with paragraph (c) (2). In cases where applications are filed for fabrics or uses added to the Preference Rating Schedules after August 1, 1945, Form WPB-2842 must be filed by the date specified in paragraph (c) (5).

(3) *GA-2543 authorizations supersede advance authorizations.* As soon as a person receives authorization for a particular quarter on Form GA-2543, he must promptly adjust his orders carrying preference ratings, cancelling or withdrawing preference ratings where necessary, so that his rated orders do not call for more or different cotton fabrics than authorized for that quarter.

(e) *Compulsory notice to the War Production Board of unused authorizations.* A person who finds that, for any reason, he will not place rated orders to the extent authorized on Form GA-2543 for a particular quarter or will cancel rated orders he has placed, must promptly write a letter giving notice to the Industry Division or Bureau of the War Production Board, or the agency specified in the preference rating schedules, showing the reference number on his authorization. The letter must specify the quantity and kind of fabric in the same terms in which authorization was made, but for which rated orders will not be placed. When necessary, the War Production Board will reduce authorizations given previously by using Form GA-2544.

(f) *Early and late deliveries.* (1) Deliveries of cotton fabrics on orders bearing ratings assigned under this order for a particular quarter may be received before the quarter begins, if the delivery date actually requested was in accordance with the authorization, and they must be charged to that quarter's quota only.

(2) Deliveries of cotton fabrics on orders bearing ratings assigned under this order may be accepted after the quarter for which the deliveries were authorized and charged to that quarter's quota, only if the fabric was produced and billed to the purchaser before the end of the quarter. Otherwise, they must be charged to the next quarter's quota.

(g) *Restrictions on use of all ratings.* (1) Ratings assigned under this order may be used only to get the particular cotton fabrics shown for the particular uses in the Group for which they were assigned, and cotton fabrics obtained with such ratings may be used only for the uses specified in that Group.

(2) Beginning with the 3rd quarter of 1945, no person may use any preference ratings to get delivery, in any quarter, of more of the cotton fabrics listed in Column II for the uses listed in Column III than:

(i) The amount shown in Column I; or

(ii) The amount he has been authorized on Form GA-2543 or GA-2544 to purchase; or

(iii) The amount he is authorized to purchase under paragraph (d) above.

(3) Under Order M-328, a person may use preference ratings other than the ones assigned under this order, such as ratings on contracts from the armed services, to get cotton fabrics. These

ratings may be used by a person who has received an authorization under this order only if he charges the yardages so obtained to the amounts authorized under this order. He may not use these ratings to get more than those yardages. To illustrate: A processor of photographic equipment under Group 10 has received an authorization on Form GA–2543 to buy 5000 yards of fabrics with a rating of AA–2X. He then receives a rating of AA–1 from the Army covering photographic equipment requiring 2000 yards of fabrics. The processor may then apply the AA–1 rating to his orders for 2000 yards, but the remaining 3000 yards must be rated AA–2X, and his total authorization is still 5000 yards.

(h) *Effect of amendment to preference rating schedules.* (1) This paragraph states special rules that apply only to ratings assigned by this order. Whenever any change is made in this order or any action is taken under this order, (including the schedules) which has the effect of revoking a preference rating or limiting its use, each person who has applied such a rating, in a manner no longer allowed, to an order which has not yet been filled, must immediately cancel the order or withdraw the rating. If any person to whom a rating has been applied or extended receives notice that his customer's rating has been withdrawn or that his customer's order has been cancelled, he must immediately withdraw any extensions of the rating which he has made to any orders placed by him. If any person to whom a rating has been applied or extended knows or has reason to know that his customer's rating should be withdrawn and he has on his books this customer's unfilled order bearing such a rating, he must treat it as unrated and must also immediately withdraw any extensions that he has made of that rating.

(2) In order to allow time for the filing of applications under this order as amended July 12, 1945, ratings assigned by Order M–317A as amended May 10, 1945 are not revoked until July 19, 1945, and remain valid until that date. All cotton fabrics delivered on rated orders after June 30, 1945 to a person named in Column I of the Preference Rating Schedules must be charged to the yardage authorized for the third quarter of 1945 under those schedules or by Form GA–2543 or GA–2544. Therefore, applicants must include all such yardage in their applications for that quarter.

(i) *Reports and applications.* The reporting and application requirements of this order have been approved by the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

Issued this 5th day of September 1945.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

PREFERENCE RATING SCHEDULES

NOTE. Preference Rating Schedules amended September 5, 1945.

Group	Column I	Column II	Column III	Column IV
		AIRCRAFT DIVISION		
CAIR-1.....	Processor (500 yards). User (500 yards).	(1a) Airplane fabric. (1b) Balloon cloth (2a) Blanketing, less than 25% wool (4a) Broadcloth, combed. (32b) Bunting, flag. (2a) Chambray and shirting covert. (18a) Cheesecloth, tobacco cloth and bandage cloth (except 44 x 36). (10) Denim, cottonade and pants covert. (31a) Drapery, upholstery and tapestry fabric, excluding cotton, velveteen, cord and corduroy (limited to items 150, 151, and 152, WPB–658B). (21a) Flannelette, outing. (2) Marquisette. (4b) Poplin, combed and part combed. (15a) Sheeting, bed, muslin, carded. (13a) Sheeting, coarse, Class A. (14a) Sheeting, medium, Class C, except Mead's cloth. (6a) Sheeting, percale, combed. (5a) Shirting, fancy, and oxford, combed. (28) Ticking. (30a) Toweling, turkish and terry. (16c) Twill, carded, except filter twill, as defined in M–91. (3a) Twill, combed, part combed and fine carded (average yarn finer than 38s).	Maintenance, repair and operation of commercial aircraft and airlines.	AA–2X.
		ALUMINUM AND MAGNESIUM DIVISION		
ALUM-1....	User (500 yards).	(23) Flannel, canton.	Maintenance, repair and operating supplies of producers of aluminum.	AA–2X.
		AUTOMOTIVE DIVISION		
AUTO-1....	Processor (1,000 yards).	(16a) Drill. (12) Osnaburg. (13a) Sheeting, coarse, Class A. (13b) Sheeting, coarse, Class B. (14a) Sheeting, medium, Class C, except Mead's cloth. (18a) Cheesecloth, tobacco cloth, and bandage cloth, (except 44 x 36).	1. Trucks and trailers which are authorized under Order L–1–E with priorities assistance. 2. Replacement parts for trucks, trailers and automobiles as defined in Order L–158.	AA–2X.
		BUILDING MATERIALS DIVISION		
BLDG-1....	Processor (5,000 yards).	(12) Osnaburg. (17c) Print cloth, less than 64 sley. (14a) Sheeting, medium, Class C, except Mead's cloth.	Membrane waterproofing (asphalt saturated fabric).	AA–3.
		CHEMICALS BUREAU		
CHEM-1....		Applications for cotton fabrics to be chemically coated (other than with rubber) are governed by Supplement 1 to M–317A. Applications will be considered only for the fabric listed in Column II for the uses shown in Column III except under the most extraordinary circumstances: (16a) Drill. (21a) Flannelette, outing. (1e) Lawn. (32g) Leno cloth (not marquisette). (32) Luggage fabric. (12) Osnaburg. (6) Other combed fabrics. (17b) Print cloth, 64 and higher but less than 80 sley. (17c) Print cloth less than 64 sley. (15c) Sateen. (13a) Sheeting, coarse, Class A. (13b) Sheeting, coarse, Class B. (14a) Sheeting, medium, Class C except Mead's cloth. (14c) Sheeting, soft-filled. (28) Ticking.	Apparel binding, bias binding, welting. Baby baths. Baby carriages. Belts. Bicycle saddles. Book cloths, including loose leaf binders. Busses, trolley busses, electric railway cars—new and repair. Crib mattresses. Crib sheeting. Dress shields, including sanitary napkin shields. Enjoti. Electric heating pads. Footwear. Fuel pump diaphragms.	

PREFERENCE RATING SCHEDULES—Continued

Group	Column I	Column II	Column III	Column IV
		CHEMICALS BUREAU—continued		
CHEM-1....		(15b) Tubing, industrial. (16c) Twill, carded, except filter twill as defined in M–91. (3a) Twill, combed, part combed and fine carded (average yarn finer than 35's). (17f) Window shade cloth.	Hat sweat pads. High chair pads. Hospital equipment. Hospital sheeting. Industrial safety clothing. Industrial work aprons. Infants' pants. Instrument and optical cases. Luggage. Medical and diagnosis instruments. Mending tape. Military (specify end use and contract number). Non-allergic mattress and pillow cases. Oilcloth. Oilskin raincoats. Play pen pads. Railroad equipment. Rain capes. Rain coats. Rubber Hollands. Seats for places of public assembly. Trucks—new and replacement. Upholstery repair (restaurants, hotels, etc.). Varnished cambric (electrical insulation). Varnished cambric (rubber separator). Weather-proof jackets. Window shades.	
CHEM-2....	Processor (5,000 yards).	(16a) Drill. (1c) Lawn. (17a) Print cloth, 80 sley and higher. (17b) Print cloth, 64 and higher but less than 80 sley (13a) Sheeting, coarse, Class A. (14a) Sheeting, medium, Class C, except Mead's cloth.	Fabric reinforced laminated plastics, except products containing synthetic rubber as defined in Rubber Order R–1.	AA–2X.
CHEM-3....	User (2,500 yards).	(18a) Cheesecloth, tobacco cloth, bandage fabric (except 44 x 36). (16a) Drill. (23) Flannel, canton. (16d) Jean. (1c) Lawn. (12) Osnaburg. (17a) Print cloth, 80 sley and higher. (17b) Print cloth, 64 and higher but less than 80 sley. (17c) Print cloth, less than 64 sley. (13a) Sheeting, coarse, Class A. (13b) Sheeting, coarse, Class B. (14a) Sheeting, medium, Class C, except Mead's cloth. (14c) Sheeting, soft-filled. (16c) Twill, carded, except filter twill, as defined in M–91. (3a) Twill, combed, part combed and fine carded (average yarn finer than 38s). (1c) Typewriter ribbon cloth.	Filter and wrapping cloths used in the manufacture of chemicals and chemical products. Maintenance, repair and operating supplies of producers of chemicals and chemical products.	AA–2X.
CHEM-4....	Processor (2,500 yards).	(17b) Print cloth, 64 but less than 80 sley. (17c) Print cloth, less than 64 sley. (13a) Sheeting, coarse, Class A. (13b) Sheeting, coarse, Class B. (14a) Sheeting, medium, Class C, except Mead's cloth. (16c) Twill, carded except filter twill as defined in M–91.	Blasting cap fuses and fuses.	AA–2X.
		CONSUMER DURABLE GOODS DIVISION		
CDGS-1....	Processor (1,000 yards).	(1c) Typewriter ribbon cloth.	Inked ribbons.	AA–3.
CDGS-2....	Processor (1,000 yards).	(4a) Broadcloth, combed. (26) Corduroy (lighter than 12 ounces). (27) Velveteen and cord.	Photographic equipment.	AA–2X.
CDGS-3....	Processor (500 yards)	(21a) Flannelette, outing. (17b) Print cloth, 64 and higher but less than 80 sley. (13b) Sheeting, coarse, Class B. (14a) Sheeting, medium, Class C, except Mead's cloth.	Coffee urn bags and coffee filter cloths.	AA–3.
CDGS-4....	Processor [zero (0) yards].	(31a) Drapery, upholstery, and tapestry fabric, except velveteen, cord and corduroy (limited to items 150, 151 and 152, WPB–658B). (17c) Print cloth, less than 64 sley. (13b) Sheeting, coarse, Class B. (14a) Sheeting, medium, Class C, except Mead's cloth. (27) Velveteen and cord.	Upholstered furniture (in accordance with the restrictions of Order L–260a). Items (17c), (13b) and (14a) may not be used on finished exterior portions.	AA–3.
CDGS-5....	Processor [zero (0) yards].	(31a) Drapery, upholstery and tapestry fabric, except cotton velveteen, cord and corduroy (limited to items 150, 151 and 152 WPB–658B). (17c) Print cloth, less than 64 sley. (13b) Sheeting, coarse, Class B. (14a) Sheeting, medium, Class C, except Mead's cloth.	Dual sleeping and seating equipment. Items (17c), (13b) and (14a) may not be used on finished exterior portions.	AA–3.
CDGS-6....	Processor (100 yards).	(16a) Drill. (13b) Sheeting, coarse, Class B.	Repair parts for used vacuum cleaners.	AA–3.
CDGS-7....	Processor (100 yards).	(16a) Drill. (13b) Sheeting, coarse, Class B.	Baby baths. (Not for coating.)	AA–3.
CDGS-8....	Processor (500 yards).	(1a) Airplane fabrics. (16a) Drill. (21a) Flannelette, outing. (17b) Print cloth, 64 and higher but less than 80 sley. (14a) Sheeting, medium, Class C, except Mead's cloth. (28) Ticking.	Athletic equipment. (Does not include clothing.)	AA–3.
CDGS-9....	Processor (500 yards).	(13a) Sheeting, coarse, Class A. (13b) Sheeting, coarse, Class B.	Repair parts for used ironing machines.	AA–3.
CDGS-10..	Processor (500 yards).	(17b) Print cloth, 64 and higher but less than 80 sley.	Stamp pads.....	AA–3.

PREFERENCE RATING SCHEDULES—Continued

Group	Column I	Column II	Column III	Column IV
		CONTAINERS DIVISION		
CONT-1.....	Processor (5,000 yards).	(32a) Bag and baling fabrics special types. (16a) Drill. (16f) Jean. (32c) Leno cloth (not marquisette). (12) Osnaburg. (17b) Print cloth, 64 and higher but less than 80 sley. (17c) Print cloth, less than 64 sley. (13a) Sheeting, coarse, Class A. (13b) Sheeting, coarse, Class B. (14a) Sheeting, medium Class C except Mead's cloth.	New textile bags as defined in Conservation Order M-221. (Attention is called to the restrictions of that order.) Paper lined bags. Multi-wall paper bags. Spiral tube shipping containers. Barrel covers.	AA-2X.
CONT-2.....	Processor (5,000 yards).	(18b) Bandage cloth, 38½" 44 x 36, 8.60 yard and pro rata widths. (16f) Jean. (18a) Cheesecloth, tobacco cloth and bandage cloth (except 44 x 36).	Silica gel bags only.	AA-2X.
		CORK, ASBESTOS AND FIBROUS GLASS DIVISION		
CORK-1.....	Processor (1,000 yards).	(18) Cheesecloth, tobacco cloth and bandage cloth (except 44 x 36). (12) Osnaburg. (32e) Pipe covering fabrics special types 8" 54 x 70 4.38; 57" 72 x 20 4.50. (17b) Print cloth, 64 and higher but less than 80 sley. (17c) Print cloth, less than 64 sley. (13a) Sheeting, coarse, Class A. (13b) Sheeting, coarse, Class B. (14a) Sheeting, medium, Class C, except Mead's cloth.	Asbestos cement sheets. Gasketing material. Magnesia, asbestos fibrous glass and other pipe covering. Linoleum.	AA-2X.
		GENERAL INDUSTRIAL EQUIPMENT DIVISION		
GIEQ-1.....	Processor (100 yards).	(23) Canton flannel. (18a) Cheesecloth, tobacco cloth and bandage cloth (except 44 x 36). (16a) Drill. (17b) Print cloth, 64 and higher but less than 80 sley. (17c) Print cloth, less than 64 sley. (16e) Sateen, carded. (14a) Sheeting, medium, Class C, except Mead's cloth. (16c) Twill, carded except filter twill as defined in M-91.	Dust arrestors used in manufacturing plants. For oil filters and oil filter elements.	AA-2X.
		GOVERNMENT BUREAU, OFFICE OF CIVILIAN REQUIREMENTS		
GOVR-1 ...	User: Hospitals (2,500 yards). Other institutions of a charitable, governmental or welfare type who feed, clothe or house their occupants (1,000 yards).	(31c) Bedspread fabric (including bedspreads). (29) Blanketing, less than 25% wool (including blankets). (15d) Broadcloth, carded. (18a) Cheesecloth, tobacco cloth, and bandage cloth (except 44 x 36). (32c) Diaper cloth, birdseye (including diapers). (17e) Diaper cloth, gauze (including diapers). (21a) Flannelette, outing. (17c) Print cloth, less than 64 sley. (17b) Print cloth, 64 sley and higher but less than 80 sley. (15a) Sheeting, bed, muslin carded (including sheets and pillow cases). (13a) Sheeting, coarse, Class A. (13b) Sheeting, coarse, Class B. (14a) Sheeting, medium, Class C except Mead's cloth. (28) Ticking. (30b) Toweling, except turkish and terry (including towels and wash cloths). (30a) Toweling, turkish and terry (including towels and wash cloths).	Operating supplies.	AA-3.
		MINING DIVISION		
MINE-1.....	User (500 yards).	(18a) Cheesecloth, tobacco cloth, and bandage cloth (except 44 x 36). (16a) Drill. (13a) Sheeting, coarse, Class A.	Mining, smelting and refining.	AA-2X.
MINE-2 ...	Processor (100 yards).	(12) Osnaburg.	Brattice cloth.	AA-2X.
		NATIONAL HOUSING AGENCY		
NHA-1.....	Contractors holding Federal Public Housing Authority contracts (100 yards).	(29) Blanketing, less than 25% wool. (31a) Drapery upholstery and tapestry fabric except cotton velveteen, cord and corduroy. (15a) Sheeting, bed, muslin, carded. (28) Ticking. (30b) Toweling, except turkish and terry (including towels and wash cloths). (30a) Toweling, turkish and terry (including towels and wash cloths).	Initial installation in, and maintenance, repair and operating supplies for dormitories, family units and community facility buildings owned and operated by a government agency or government corporation.	AA-3.
		PAPER DIVISION		
PAPR-1.....	Processor (5,000 yards).	(12) Osnaburg. (14a) Sheeting, medium Class C, except Mead's cloth.	Non-selvage tape designed for industrial uses but limited to the following kinds: Carton tape. Corrugated or fiberboard box stay tape	AA-2X.
PAPR-2 ...	Processor (5,000 yards).	(32a) Bag and baling fabric (limited to victory bagging). (18a) Cheesecloth, tobacco cloth and bandage cloth (except 44 x 36). (2) Marquisette. (17c) Print cloth, less than 64 sley. (14a) Sheeting, medium Class C, except Mead's cloth. (18b) Bandage cloth, 38½", 44 x 36, 8.60 yard and pro rata widths. (17f) Window shade cloth.	Moisture-vapor proof wrapping materials (non-oxidizing materials made from impregnated and laminated fabrics).	AA-2X.

PREFERENCE RATING SCHEDULES—Continued

Group	Column I	Column II	Column III	Column IV
		PRINTING AND PUBLISHING DIVISION		
PRIN-1.....	Processor (700 yards).	(18a) Cheesecloth, tobacco cloth and bandage cloth (except 44 x 36). (16a) Drill.	Bookbinding and textbook reinforcing cloth only (not coated). Back lining for books.	AA-3.
PRIN-2.....	Processor (500 yards).	(17c) Print cloth, less than 64 sley. (1d) Tracing cloth.	Map making or backing.	AA-3.
		RUBBER BUREAU		
RUBR-1....	Processor (700 yards).	(23) Flannel canton. (12) Osnaburg. (17c) Print cloth, less than 64 sley. (15a) Sheeting, bed, muslin, carded. (14a) Sheeting, medium, Class C, except Mead's cloth. (16c) Twill, carded, exc. filter twill as defined in M-91.	Rubber gloves as defined and limited in Rubber Order R-1, as amended May 30, 1945, Appendix I, Table "B" Code 18-E.	AA-2X.
RUBR-2....	Processor (5,000 yards).	(1a) Airplane fabric. (1b) Balloon cloth. (18a) Cheesecloth, tobacco cloth, and bandage cloth (except 44 x 36). (26) Corduroy. (16a) Drill. (23) Flannel, canton. (21a) Flannelette, outing. (1c) Lawn. (2) Marquisette. (12) Osnaburg. (32) Other carded yarn fabrics. (6c) Other combed and fine carded fabrics. (17a) Print cloth, 80 sley and higher. (17b) Print cloth 64 and higher, but less than 80 sley. (17c) Print cloth less than 64 sley. (13a) Sheeting, coarse, Class A. (13b) Sheeting, coarse, Class B. (14a) Sheeting, medium, Class C, except Mead's cloth. (14b) Sheeting, Mead's cloth, 40½" 41", 74 x 86, 2.80-2.50 yard. (15a) Sheeting, bed, muslin, carded. (28) Ticking. (16c) Twill, carded, except filter twill, as defined in M-91. (6a) Twill, combed, part combed and fine carded (average yarn finer than 35's).	Pneumatic tires, tire tubes, tire valves, tire flaps, tire retreading, and tire and tube repair materials, belts, and belting, hose and tubing, packing and gaskets, other mechanical rubber goods, wire and cable, and other rubber products as defined under Rubber Order R-1 as amended May 30, 1945 Appendix I, Table B, Codes groups Nos. 1, 3, 4, 5, 6, 7, 9, 10, 11, 12, 13, (except 13c) 17 (except 17c nonmilitary), 18 (except 18a, 18d, 18e & 18f) 21, and 22 (except 22f).	AA-2X.
RUBR-3....	Processor (100 yards)	(18a) Cheesecloth, tobacco cloth, and bandage (except 40 x 36). (23) Flannel, canton. (17a) Print cloth, 80 sley and higher. (17c) Print cloth less than 64 sley. (14b) Sheeting, Mead's cloth. (16c) Twill, carded, except filter twill as defined in M-91.	Surgical tape and plasters as defined in Rubber Order R-1 as amended May 30, 1945, Appendix I, Table B, Group 18A.	AA-2X.
RUBR-4....	Processor (100 yards).	(17a) Print cloth, 80 sley and higher. (17b) Print cloth, 64 and higher but less than 80 sley. (17c) Print cloth less than 64 sley. (13a) Sheeting, coarse, Class A. (14a) Sheeting, medium, Class C, except Mead's cloth.	Pressure sensitive, friction and other tape as defined in Rubber Order R-1 as amended May 30, 1945, Appendix I, Table B, Groups 13C and 22F.	AA-2X.
RUBR-5....	User (1,000 yards).	(18a) Cheesecloth, tobacco cloth and bandage cloth (except 44 x 36). (16a) Drill. (12) Osnaburg. (17b) Print cloth, 64 and higher but less than 80 sley. (17c) Print cloth, less than 64 sley. (15a) Sheeting, bed, muslin, carded. (13a) Sheeting, coarse, Class A. (13b) Sheeting, coarse, Class B. (14a) Sheeting, medium, Class C, except Mead's cloth. (16c) Twill, carded, except filter cloth as defined in M-91.	Liners, wrapper fabrics, book leaves, and other operating supplies used in the manufacture of tires, tubes, mechanical rubber goods and other rubber products.	AA-2X.
RUBR-6....	Processor (1,000 yards).	(16a) Drill. (12) Osnaburg. (17b) Print cloth, 64 and higher but less than 80 sley. (17c) Print cloth, less than 64 sley. (13a) Sheeting, coarse, Class A. (13b) Sheeting, coarse, Class B. (14a) Sheeting, medium, Class C, except Mead's cloth.	Rubber footwear as defined in Rubber Order R-1 as amended May 30, 1945, Appendix I, Table B, Code 14.	AA-2X.
RUBR-7....	Processor (500 yards).	(16a) Drill. (23) Flannel, canton. (12) Osnaburg. (17c) Print cloth, less than 64 sley. (15a) Sheeting, bed, muslin, carded. (13a) Sheeting, coarse, Class A. (13b) Sheeting, coarse, Class B. (14a) Sheeting, medium, Class C, except Mead's cloth.	1. Proofed fabrics (civilian uses only) not elsewhere listed in Rubber Order R-1. 2. Flat goods and infants' goods, as defined in Rubber Order R-1, as amended May 30, 1945, Appendix I, Table B, Codes 17C, 18D, and 18F.	AA-3.
		SAFETY AND TECHNICAL EQUIPMENT DIVISION		
SATE-1.....	Processor (500 yards).	(18a) Cheesecloth, tobacco cloth, and bandage cloth (except 44 x 36). (23) Flannel, canton. (21a) Flannelette, outing. (17b) Print cloth, 64 and higher but less than 80 sley. (14a) Sheeting, medium, Class C, except Mead's cloth. (16c) Twill.	Safety equipment. This term means equipment and devices designed specifically to promote safety or to prevent or reduce accidents, injuries or occupational hazards, and is expressly limited to the following articles: 1. Industrial respiratory protective equipment. 2. The following kinds of safety clothing: (a) Safety hats and caps, impact-resistant. (b) Dust, heat, acid and paint spray hoods. (c) Safety sleeves, arm protectors, armlets, gloves, mittens, hand pads and finger guards. (d) Safety shin guards, spats, leggings, chaps and kneepads. (e) Safety sweat pads.	AA-2X.

PREFERENCE RATING SCHEDULES—Continued

Group	Column I	Column II	Column III	Column IV
		SAFETY AND TECHNICAL EQUIPMENT DIVISION—con.	Safety equipment—Continued (f) Powder suits specifically designed for use by workers directly engaged in the manufacture and loading of explosives for sale only to government owned-contractor operated explosive and loading plants. 3. Industrial safety belts, life lines, straps and nets.	
SATE-2	Processor (zero (0) yards).	(4a) Broadcloth, combed. (23) Canton flannel. (18a) Cheesecloth, tobacco cloth and bandage cloth (except 44 x 36). (6b) Cotton and rayon mixtures, combed or carded. (21a) Flannelette, outing. (25) Moleskin and suede. (17b) Print cloth, 64 and higher but less than 80 sley. (14a) Sheeting, medium, Class C except Mead's cloth. (16c) Twill, carded, except filter twill as defined in M-91. (27) Velveteen and cord.	Surgical and medical supports and orthopedic appliances requiring nonelastic fabrics.	AA-2X.
SATE-3	Processor (500 yards).	(23) Canton flannel. (21a) Flannelette, outing. (27) Velveteen and cord.	Corrective spectacle cases.	AA-3.
SATE-4	Processor (500 yards).	(27) Velveteen and cord.	Engineering and laboratory instrument cases.	AA-3.
SATE-5	Processor (500 yards).	(1d) Tracing cloth.	Engineers' tracing cloth.	AA-2X.
SERV-1	Processor (200 yards).	SERVICE TRADES DIVISION, OFFICE OF CIVILIAN REQUIREMENTS (16a) Drill. (23) Flannel, canton. (21a) Flannelette, outing. (13a) Sheeting, coarse Class A.	Manufacture of commercial laundry and dry cleaning equipment.	AA-3.
SERV-2	Processor (200 yards).	(23) Canton flannel. (13a) Sheeting, coarse, Class A.	Manufacture of ink pads for duplicating machines.	AA-3.
STRA-1	User (500 yards).	(16a) Drill. (21b) Napped fabrics, except outing and canton flannel, moleskin and suede. (16e) Sateen. (15a) Sheeting, bed, muslin, carded (54" gray width only). (13a) Sheeting, coarse, Class A. (14a) Sheeting, medium, Class C, except Mead's cloth.	Laundry and dry cleaners operating supplies (not including clothing).	AA-3
STRA-2	Merchant, limited to wholesalers (zero (0) yards).	(31a) Drapery, upholstery and tapestry fabric, except cotton velveteen, cord and corduroy (limited to Items 150, 151 and 152, WPB-658B).	Reupholstering and repairing of furniture.	AA-3.
STRA-3	Processor (500 yards).	(17b) Print cloth, 64 and higher but less than 80 sley— (17c) Print cloth, less than 64 sley.	Laundry and dry cleaning tags and tags and labels required by law.	AA-3.
TEXT-1	Processor (5,000 yards).	TEXTILE, CLOTHING AND LEATHER BUREAU (18a) Cheesecloth, tobacco cloth and bandage cloth (except 44 x 36). (16a) Drill. (23) Flannel, canton. (21a) Flannelette, outing, supply. (1c) Lawn. (25) Moleskin and suede. (21b) Napped fabric except outing and canton flannel and moleskin and suede. (17c) Print cloth, less than 64 sley. (17b) Print cloth, 64 and higher but less than 80 sley. (14a) Sheeting, medium Class C, except Mead's cloth. (14c) Sheeting, soft filled. (18b) Bandage cloth, 3⅛", 44 x 36, 8.60 yard and pro rata widths. (16c) Twill, carded, except filter twill as defined in M-91. (27) Velveteen and cord.	Surgical gauze bandage and dressings, except fabrics to be coated.	AA-2X.
TEXT-2	Processor (10,000 yards). Combiner (zero (0) yards) (a combiner means any person or persons engaged in the business of laminating cotton fabrics to other materials [leather and/or fabric] by means of adhesive on machinery owned or operated by him).	(26) Corduroy lighter than 12 ounces). (16a) Drill. (12) Osnaburg. (17b) Print cloth, 64 but less than 80 sley. (14a) Sheeting, medium, Class C, except Mead's cloth. (14c) Sheeting, soft filled. (16c) Twill, carded, except filter twill as defined in M-91. (27) Velveteen and cord.	Footwear as defined and limited in Conservation Order M-217, but excluding rubber footwear as defined in Rubber Order R-1.	AA-2X for rated footwear only. AA-3 for nonrated footwear.
TEXT-3	Processor (500 yards). Merchant (1,000 yards).	(18a) Cheesecloth, tobacco cloth, and bandage cloth (except 44 x 36). (32e) Diaper cloth, birdseye. (17c) Diaper cloth, gauze. (21a) Flannelette, outing. (14c) Sheeting, soft filled.	Diapers or finished diaper cloth packaged for consumer distribution.	AA-3.
TEXT-4	Processor (5,000 yards).	(18a) Cheesecloth, tobacco cloth, and bandage cloth (except 44 x 36).	Sanitary napkins.	AA-3.
TEXT-5	Processor (1,000 yards).	(16a) Drill. (32f) Leno cloth (not marquisette). (13b) Sheeting, coarse, Class B. (28) Ticking.	Horse Collars and pads.	AA-3
TEXT-6	Processor (1,000 yards).	(16a) Drill. (12) Osnaburg. (17c) Print cloth less than 64 sley. (14a) Sheeting, medium, Class C, except Mead's cloth.	Horse and cow blankets.	AA-3.

PREFERENCE RATING SCHEDULES—Continued

Group	Column I	Column II	Column III	Column IV
		TEXTILE, CLOTHING AND LEATHER BUREAU—continued		
TEXT-7	Processor (500) yards.	(32b) Bunting, flag. (17c) Print cloth, less than 64 sley.	Flags (official flags of governmental units [including foreign countries], religious, signal and service flags only).	AA-3.
TOOL-1	Processor (5,000 yards).	TOOLS DIVISION (16a) Drill. (23) Flannel, canton. (17c) Print cloth, less than 64 sley (13a) Sheeting, coarse, Class A. (13b) Sheeting, coarse, Class B. (14a) Sheeting, medium, Class C, except Mead's cloth. (14c) Sheeting, soft filled. (17a) Print cloth, 80 sley and higher. (17b) Print cloth, 64 and higher but less than 80 sley.	Buffing wheels or buffs.	AA-2X.
TOOL-2	Processor (5,000 yards).	(16a) Drill. (16d) Jean. (17b) Print cloth, 64 sley, but less than 80 sley. (16c) Twill, carded, except filter twill as defined in M-91.	Abrasive coated products. Deck tread safety walk.	AA-2X.
TRAN-1	Processor (1,000 yards) User (1,000 yards)	TRANSPORTATION EQUIPMENT DIVISION (29) Blankets, less than 20% wool. (32b) Bunting, flag. (18a) Cheesecloth, tobacco cloth, and bandage cloth (except 44 x 36). (16a) Drill. (12) Osnaburg. (17c) Print cloth, less than 64 sley. (15a) Sheeting, bed, muslin, carded. (13a) Sheeting, coarse, Class A. (13b) Sheeting, coarse, Class B. (14a) Sheeting, medium, Class C, except Mead's cloth. (31b) Table damask. (28) Ticking. (30b) Toweling, except Turkish and Terry (including towels and wash cloths). (16c) Twill, carded, except filter twill as defined in M-91.	1. Maintenance, repair and operating supplies for railroads, buslines and transit companies (not including clothing). 2. Manufacture and repair of transit vehicles, railroad cars and other railroad equipment.	AA-2X.
WFA-1	Processor (500 yards). Merchant (1,000 yards) but only when he buys fabric in the gray state for resale in the gray state.	WAR FOOD ADMINISTRATION (32a) Bag and baling fabrics, special types. (18a) Cheesecloth tobacco cloth, and bandage cloth (except 44 x 36). (16a) Drill. (21a) Flannelette, outing. (12) Osnaburg. (17b) Print cloth, 64 but less than 80 sley. (17c) Print cloth, less than 64 sley. (15a) Sheeting, bed, muslin, carded. (13a) Sheeting, coarse, Class A. (13b) Sheeting, coarse, Class B. (14a) Sheeting, medium, Class C, except Mead's cloth. (14c) Sheeting, soft filled. (16c) Twill, carded except filter twill as defined in M-91.	Agricultural and food processing articles but expressly limited to the following. 1. Brooders for poultry. 2. Cheese bandages and circles. 3. Collector sheets for milk drying. 4. Crop pick sacks. 5. Filter and press cloths essential to the processing of milk, vegetables, vegetable oils and grains, fruits, essential oils, sugar, honey and animal serums. 6. Horticulture and Apiculture supplies. 7. Incubators for poultry. 8. Meat packers' supplies. 9. Pick sheets. 10. Seed bed cloth. 11. Tobacco shade cloth. (NOTE: No rating may be used under this group to get a fabric to be made into wearing apparel or household furnishing or for any agricultural or food processing use other than one listed above.)	AA-2X.
WFA-2	Processor (500 yards). Merchant (1,000 yards) but only when he buys fabric in the gray state for resale in the gray state.	(18b) Bandage cloth, 3⅛" 44 x 36, 8.60 yard and pro rata widths.	1. Seed bed cloth. 2. Cheese bandages and circles.	AA-2X.

DISTRIBUTION SCHEDULES 1 AND 2

The obligations in Columns III, IV and V of Distribution Schedules 1 and 2 are to be calculated from the first day of July, 1945, and from the first day of each later quarter.

(a) Column I indicates the corresponding item numbers of the various cotton fabrics in these schedules as each appears on Form WPB-658-C (6 27 45) for Fine Cotton Goods and Form WPB-658-B (6 27 45) for Carded Gray Goods, Colored Yarn and Napped Fabrics and Specialties.

(b) Column II shows the cotton fabrics covered by these schedules.

(c) Column III shows the percentage of the producer's current calendar quarterly production which must be delivered by him to fill rated export orders for cotton fabrics placed by the Treasury Department, Procurement Division. Deliveries of cotton fabrics, however, may be made to garment manufacturers holding rated Treasury Department Procurement contracts for incorporation only into clothing for delivery on Treasury Procurement export orders, in which cases the fabrics so delivered may be credited to the Column III obligation. Such deliveries must be reported promptly to the Treasury Department, Procurement Division, 50 Church Street, New York, N. Y. Offerings of cotton fabrics to the extent of this Column III obligation should be made directly to the Treasury Department, Procurement Division, at the above address, as early as possible. If Treasury Procurement rejects an offering or does not accept it within 45 days from the date it is made, the producer must add to his Column IV obligation (other rated export orders) as much of his Column III obligation as is unfilled because of rejection or nonacceptance of offerings made to Treasury Procurement.

(d) Column IV shows the percentage of the producer's current calendar quarterly production which must be delivered by him to fill rated export orders for cotton fabrics placed by persons other than Treasury Procurement. Deliveries of cotton fabrics, however, may be made on rated orders of garment manufacturers for incorporation into clothing only for delivery on rated export orders placed by persons other than Treasury Procurement, and fabrics so delivered may be credited to the Column IV obligation. Except for clothing in the above case, exports of cotton fabrics in piece goods form only may be credited to this obligation. For example, delivery of cotton fabrics to a coater to fill a rated export order for coated fabrics may not be credited to the Column III or Column IV obligation. This Column IV obligation may be increased by Treasury Procurement's rejections or nonacceptance of offerings, as explained above in paragraph (c) of this caption.

(e) (1) Only deliveries on purchase orders placed in accordance with paragraph (d) (1) of Order M-317 may be credited toward the obligations of Column III and Column IV. Until the obligations of Columns III and IV are fulfilled, all AA-5 purchase orders given in conformity with such procedures must be treated by the producer as if they were rated AA-3. When these obligations are fulfilled (the obligation of Column IV being subject to increase as explained above in paragraph (c) of this caption), the producer is not required to accept any additional export orders from Treasury Procurement or anyone else, regardless of the provisions of Priorities Regulation 1.

(2) Export by or for the United States Army, Navy, Maritime Commission, War Shipping Administration (including U. S. Army and Marine Corps Post Exchanges, U. S. Navy and Coast Guard Ships' Service Departments, and War Shipping Administration Training Organizations Ships' Service Activities), and the American Red Cross may not be credited toward these obligations.

(3) In calculating the export obligation contained in Distribution Schedule I (Fine Cotton Goods) the producer shall eliminate his production of cotton fabrics wider than 42½". However, if he receives a rated export order for these goods, he must treat it as a rated order to the extent of his obligation and the delivery shall be credited toward his export obligation relating to narrow goods within the same reference number.

(f) Column V shows the percentage of the producer's current calendar quarterly production which must be delivered by him against all rated orders (including those specified in Columns III and IV). The producer, however, is not relieved from the necessity of accepting and filling additional rated orders in accordance with Priorities Regulation 1, except to the extent provided in paragraph (e) (1) above for export orders. However, where the percentage in Column V amounts to 100, unless otherwise specified, seconds, shorts, remnants and rags, which are produced in the normal course of manufacture may be disposed of without regard to this provision to the extent that rated orders are not offered.

(g) Column VI contains special provisions concerning the use and delivery of particular fabrics. Unless otherwise specified, the provisions of this Column apply to cotton fabrics in piece goods form only, not including seconds, shorts, remnants or rags.

(2) Unless otherwise specified, the provisions of Column VI apply only to producers as defined in Order M-317. Where a provision in Column VI requires a purchaser to furnish a certificate, no person giving such a certificate may use or deliver the cotton fabrics he buys contrary to his certificate.

NOTE: Distribution Schedules 1 and 2 amended September 5, 1945.

DISTRIBUTION SCHEDULE 1—FINE COTTON GOODS

Ref. No.	Column I	Column II	Column III	Column IV	Column V	Column VI
		Broadcloths, combed:				
1	10, 11	37" 128 x 68 and 136 x 60	3	5	5	5% of total quarterly production may be delivered only to fill rated export orders to Canada. This is included in the percentage obligation in Column IV.
2	12	All other constructions	0	8	8	
3	13	Dimities	0	5	5	
4	16, 17	Fancy handkerchief fabrics	0	0	0	
5	19 through 21, 23, 25	Lawns	2	4	6	
6	22	Lawns:				
		40" 96 x 100, 4.00–4.15	0	0	0	
7	26	All other combed and part combed lawns	0	15	15	
8	27	All carded lawns	0	11	11	
		Marquisettes:				
9	28, 29, 30	Combed and part combed	2	11	13	
9a	31	All carded	5	10	15	
10	35	Oxfords (except U. S. Army 6-341)	1	2	3	
11	36	Piques	0	5	5	
12	37	Ponzees	0	0	0	
13	39, 40	Poplins, combed (except wind resistant, Type II, U. S. Army 6-321A).	0	10	10	
14	42	Sateens:				
		Combed and part combed (except wind resistant 9 oz., U. S. Army 6-337).	0	5	5	
		Carded (average yarn finer than 35s):				
15	43	Narrow (under 42")	0	9	9	
16	44	Wide (42" and wider)	0	0	0	
17	45	Sheetings, combed, including bed sheetings	0	0	0	
18	46	Shirtings, combed, jacquard gray dobby and colored yarn.	2	9	11	
19	54	Albert twills	0	0	0	
20	55	Gabardines, combed	0	10	10	
21	56	All other combed twills except those specified in Reference No. 28	2	2	4	
22	57	Twill, carded (average yarn finer than 35s).	0	5	5	
23	58	Tracing cloth	0	0	0	
24	59	Typewriter ribbon cloth	0	0	0	
25	60	Voiles	0	10	10	
26	61, 62, and 161 on Form WPB 658 B.	Cotton and rayon fabrics, 50% or more cotton.	1	4	5	
27	63	All other combed, part combed and fine carded fabrics (average yarn finer than 36s).	0	4	4	
28	1 through 9, 14, 15, 32, 33, 34, 35, 38, 41, 47, 48, 49, 51 through 53, 56.	Airplane fabrics and balloon cloth: combed ducks; escape boat cloth, insect netting (PQD-260); flat utility fabric, types I and 4 (PQD-444); oxfords (U. S. Army 6-341) wind resistant poplin, type II (U. S. Army 321A); wind resistant sateen, 9 oz. (U. S. Army 6-337); Army 6 oz. shirting twill (U. S. Army 6-311); Army 8.2 oz. uniform twill (U. S. Army 6-201b); Navy twills (U. S. Navy 27T25a, types A & B); and Marine Corps twills (Marine Corps Specifications).	0	0	0	

DISTRIBUTION SCHEDULE 2—CARDED GRAY GOODS, COLORED YARN AND NAPPED FABRICS AND SPECIALTIES

		Sheeting and Allied Coarse and Medium Yarn Fabrics (approximately 6s to 27s)				
29	1, 6	Osnaburgs	1	4	100	3% of total quarterly production for Reference No. 29 and 1% for Reference No. 30 may be delivered only to rated export orders for Canada. These are included in the percentage obligations in Column IV.
30	2, 5	Osnaburgs	1	1	100	
30a	7, 8	Osnaburgs	1	2	100	
31	3, 4	Osnaburgs	0	0	100	
32	9	Leno bag fabrics	0	0	100	
33	10	Special bag fabrics	0	0	100	
34	11	Bale coverings (for cotton cloth, etc.)	0	0	0	
		Class B Sheetings:				
35	22	40", 48 x 40, 3.75 yd	0	3	100	May be exported only to Canada, except for pillow made 31" 5 yd sheeting.
36	23	37", 48 x 44, 4.00 yd	0	8	100	
37	26	36", 48 x 44, 4.11 yd	0	0	100	
38	25	31", 48 x 44, 5.00 yd	0	2	100	
39	28	32", 38 to 40 x 38 to 40, 6.25 yd	0	0	100	
40	24	40", 44 x 40, 4.25 yard	21	19	100	6% of total quarterly production may be delivered only to fill rated export orders for Canada. This is included in the percentage obligation in Column IV.

DISTRIBUTION SCHEDULE 2—CARDED GRAY GOODS, COLORED YARN AND NAPPED FABRICS AND SPECIALTIES—Continued

Ref. No.	Column I	Column II	Column III	Column IV	Column V	Column VI
		Sheeting and Allied Coarse and Medium Yarn Fabrics (approximately 6s to 27s)—Continued				
41	11 through 21, 26 through 29.	All other Class A and all other Class B sheetings, except item 20, 72", 81" and 90" laundry sheeting.	10	13	100	3% of total quarterly production may be delivered only to fill rated export orders for Canada. This is included in the percentage obligation in Column IV.
41a	20	Class A Sheetings: 72", 81" and 90" laundry sheetings	0	0	0	
42	36	Class C Sheetings: 40", 56 x 48, 4.30 yd	0	0	0	
43	34	40", 64 x 64, 3.15 yd	0	0	0	
44	35	40", 60 x 52, 56 x 56, 3.60 yd	0	0	0	
45	30, 33 and 37 through 39	36", 64 x 64, 3.50 yd.; 36" 44 x 40, 40 x 40, 6.05 to 6.15 yd.; 40", 44 x 40 5.50 yd.; 40", 36 x 40, 5.55 yd.; and pro rata widths to items 30 through 38 under 42".	15	27	42	9% of total quarterly production may be delivered only to fill rated export orders for Canada. This is included in the percentage obligation in Column IV.
46	40	Pro rata widths to items 30 thru 38, 42" and wider.	0	0	0	
47	31, 32, and 41	36" 60 x 52, 56 x 56, 4.00 yd.; 36" 48 x 40, 44 x 40, 5.50 yd.; all other Class C constructions under 42".	14	26	40	6% of total quarterly production may be delivered only to fill rated export orders for Canada. This is included in the percentage obligation in Column IV.
48	42	All other Class C constructions 42" and wider.	8	8	13	
49	13, 14, 15	Bandoleer and Navy mattress cover fabrics and widesheeting (PQD-347A).	0	0	0	
		Bed sheetings and allied fabrics				
50	46	Carded percale bed sheeting	0	0	0	
50a	47	Muslin bed sheetings:				
51	48, 49	Sley of more than 64	2	6	5	3% of total quarterly production for Reference No. 50a and 1% of Reference No. 51 may be delivered only to fill rated export orders for Canada. These are included in the percentage obligations in Column IV.
		64 sley and sley of less than 64	3	5	8	
52	50	Pillow tubings	0	0	0	
53	50	Industrial tubings	0	0	0	
54	51	Carded poplins (sheeting yarns)	0	8	8	3% of total quarterly production may be delivered only to fill rated export orders for Canada. This is included in percentage obligation in Column IV.
		Drills, Twills and Sateens				
55	52	Herringbone twills:				
56	53	Army, 8.5 oz. (U. S. Army 6-261)	0	0	0	
		Marine Corps, 9 oz. (Marine Corp Specification).	0	0	0	
56a	54	Other 3-leaf herringbone twills	0	0	0	
57	55 thru 58	Drills:				
		36" high and low count, 2.50 yard	0	0	0	
		37½" 2 yard (U. S. Army 6-247H, Class A).	0	0	0	
		38½" 1.90–2.00 yard	0	0	0	
57a	59, 60	32" 72-76 x 48, 2.58 yd. and pro rata widths.	0	0	0	
58	59, 60	All other drills, except 32" 72-76 x 48, 2.58 yd. and pro rata widths.	7	14	21	3% of total quarterly production may be delivered only to fill rated export orders for Canada. This is included in the percentage obligations of Column IV.
59	61	Jeans	0	0	0	
60	62	3-leaf pocketing twills, 39", 2.58 or 3.00 yard (Sheeting yarn).	0	0	0	
61	63	3-leaf silesia twills (Sheeting yarn)	0	0	0	
62	64	4-leaf Army 8.2 oz. carded uniform twill, Type IV.	0	0	0	
63	65	4-leaf tent twill (U. S. Army specifications)	0	0	0	
64	66	Navy twills carded (Spec. 27T25a, Type C).	0	0	0	
		All other 4-leaf twills:				
65	67	32" in width and narrower	3	12	15	
65a	68	Over 32" but less than 42"	8	12	20	
66	69 and 70	42" and wider	0	0	0	
67	71	Sateens, warp and filling: Narrow, under 42"	0	10	10	5% of total quarterly production may be delivered only to fill rated export orders for Canada. This is included in the percentage obligation in Column IV.
68	72	Wide, 42" and wider	0	0	0	
69	73	All other carded twills and sateens	5	15	20	
70	74	Gabardine carded	0	10	10	
71	75	Birdseye diaper cloth	0	0	0	
		Print Cloth Yarn Fabrics (approx. 28s to 42s)				
72	76	Window shade cloth, except 38½", 56 x 44, 6.85 yard.	0	0	0	
72a	76	Window shade cloth, 38½", 56 x 44, 6.85 yard.	0	0	0	
73	77, 83, 84	Plain print cloths: 80 sley and higher	0	0	0	
74	78	39", 68 x 72, 4.75 yard and pro rata widths.	0	0	0	
75	78	39", 68 x 64, 4.85 yard and pro rata widths.	4	6	10	3% of total quarterly production may be delivered only to fill rated export orders for Canada. This is included in the percentage obligation in Column IV.
76	79, 81	38½", 64 x 56, 5.50 yard and pro rata widths, 36" and wider.	4	7	11	4% of total quarterly production may be delivered only to fill rated export orders for Canada. This is included in the percentage obligation in Column IV.
77	80	38½", 64 x 60, 5.35. yard and pro rata widths.	4	8	12	4% of total quarterly production may be delivered only to fill rated export orders for Canada. This is included in the percentage obligation in Column IV.
78	81	Pro rata widths to 5.50 yard under 36"	0	0	0	
79	82	38½", 60 x 48, 6.25 yard and pro rata widths.	4	11	15	4% of total quarterly production may be delivered only to fill rated export orders for Canada. This is included in the percentage obligation in Column IV.
80	83	All other plain print cloths less than 80 sley, under 36".	4	8	12	
81	85	All other plain print cloths less than 80 sley, 36" and wider.	6	14	20	

DISTRIBUTION SCHEDULE 2—CARDED GRAY GOODS, COLORED YARN AND NAPPED FABRICS AND SPECIALTIES—Continued

Ref. No.	Column I	Column II	Column III	Column IV	Column V	Column VI
		Print Cloth Yarn Fabrics (approx. 28s to 42s)—Continued				
		Fancy print cloths:				
82	86	Pajamas checks	0	0	0	
83	87	Gauze diaper cloth	0	0	0	
84	88	All other fancy print cloths	6	14	20	
		Bandage cloth, tobacco cloth and cheesecloth:				
85	89	38½", 44 x 36, 8.50-8.60 and pro rata widths under 42"	0	0	0	
86	89.90	38½", 44 x 36, 8.50-8.60 yard and pro rata widths, 42" and wider	0	0	0	
87	91	20 x 12 all widths	2	8	10	
88	92	17 to 18 sley x 12 to 14 pick, all widths	0	0	0	
89	90 and 93	All other constructions including bandage cloth 69 to 72 threads per square inch	2	8	10	
90	94 through 97	Broadcloth, carded, plain and fancy	4	9	13	3% of total quarterly production may be delivered only to fill rated export orders for Canada. This is included in the percentage obligation in Column IV.
91	98	Poplin, carded, plain and fancy (print cloth yarns)	4	8	12	3% of total quarterly production may be delivered only to fill rated export orders for Canada. This is included in the percentage obligation in Column IV.
92	99	3-leaf twills (print cloth yarns)	4	6	10	
		Colored yarn fabrics				
		Denims, clothing (basis 28" width):				
93	100 through 103	2.45 yard and heavier	2	2	4	
94	104 through 106	3.60 yard and lighter	2	8	10	
95	108	Pinstripes, pincheeks, hickory stripes, etc.	16	14	30	
96	109 through 112	Cottonade and suiting coverts	10	15	25	
97	113	Whipcords and bedford cords	0	20	20	
98	114	Ginghams	4	26	30	
99	115, 116	Seersuckers	4	26	30	
		Suitings woven with colored yarn:				
100	117, 118	All cotton	0	25	25	
101	119	Cotton and rayon (51% or more cotton) checks and plaids	0	25	25	
102	120	Cotton and rayon (51% or more cotton) all other	0	20	20	
103	121 through 123	Shirting coverts	5	25	30	
		Chambrays and colored yarn shirtings:				
104	124	36" 3.60 yard	0	0	0	
105	125	All other chambrays and shirtings	8	17	25	
106	126	Bed ticking	6	15	21	
		Towels, toweling and dishcloths				
107	127	Turkish and terry woven	0	0	0	
108	128	Huck, damask and jacquard woven, other than terry	2	3	5	
109	129	Dishtowels and other twill and plain woven towels (including all cotton, part linen and part rayon)	1	4	5	
110	130	Dishcloths	0	0	0	
		Napped fabrics				
111	131	Outing flannels	4	10	14	3% of total quarterly production may be delivered only to fill rated export orders for Canada. This is included in the percentage obligation in Column IV.
112	132, 133	Work shirt flannels	4	21	25	
113	134	Canton flannels	0	0	100	85% of total quarterly production may be delivered only to a person who certifies in writing that these fabrics will be used to make work gloves or that they will be delivered only to a person who makes this same certification.
114	136	Interlining flannels	0	0	0	
115	137	Moleskins and suedes	0	16	16	12% of total quarterly production may be delivered only to fill rated export orders for Canada. This is included in the percentage obligation in Column IV.
116	135	Gunpatch flannel	0	0	0	
117	138	All other napped fabrics except blankets	5	10	15	4% of total quarterly production may be delivered only to fill rated export orders for Canada. This is included in the percentage obligation in Column IV.
		Soft-filled sheetings for napping:				
118	12	Under 42"	9	16	25	
119	13	42" and wider	0	0	0	
		Blankets and blanketing:				
120	139	Crib	0	0	0	
121	140	Other than crib, all cotton	10	15	25	3% of total quarterly production may be delivered only to fill rated export orders for Canada. This is included in the percentage obligation in Column IV.
122	141, 142	Other than crib, part cotton (less than 25% wool)	4	6	10	
		Other woven cotton fabrics and specialties				
		Corduroys (including combed):				
123	160	Men's wear weights, 36" 12 to 13 oz. thicksets	0	4	4	
		All other corduroys	0	4	4	
124	155, 157	Bedspread fabrics, woven style	0	0	0	
125	145, 146	Curtain fabrics, other than marquisettes	0	0	0	
126	147, 148	Flag bunting	0	0	0	
127	149	Drapery, upholstery and tapestry fabrics	0	0	0	
128	150 through 152	Automobile seatcover fabrics	0	0	0	
129	154	Luggage fabrics	0	0	0	
130	153	Velvets, velveteens, plushes and other pile fabric	0	4	4	
131	158, 159	Table damask, covers, cloths and napkins	0	0	0	
132	160	Combination carded cotton and rayon fabrics, 50% or more cotton	1	4	5	
132a	161	Industrial wiping fabrics and cloths	0	0	0	
133	162	All other carded woven fabrics	4	11	15	
134	163					

[F. R. Doc. 45-16639; Filed, Sept. 5, 1945; 11:35 a. m.]

PART 1010—SUSPENSION ORDERS

[Suspension Order S-861, Modification]

CHARLTON PUBLISHING CORP.

Charlton Publishing Corporation of Derby, Connecticut, engaged in the business of song magazines, was suspended on July 26, 1945, by Suspension Order No. S-861. It appealed from the provisions of the suspension order on August 25, 1945. The appeal has been considered by the Chief Compliance Commissioner who has concluded that the present suspension order might permanently affect the business of the respondent in a manner unforseen.

In view of the foregoing, it is hereby ordered, that: § 1010.861 *Suspension Order No. S-861*, issued July 26, 1945 be and hereby is modified by substituting the following paragraph (a) for the present paragraph (a):

(a) Charlton Publishing Corporation, its successors or assigns, shall not use or cause to be used any newsprint unless otherwise specifically authorized in writing by the War Production Board.

Issued this 5th day of September 1945.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 45-16582; Filed, Sept. 5, 1945; 4:38 p. m.]

Chapter XI—Office of Price Administration

PART 1404—RATIONING OF FOOTWEAR

[RO 6A, Revocation]

MEN'S RUBBER BOOTS AND RUBBER WORK SHOES

Subject to section 5.1 of General Ration Order 8, Ration Order 6A (Men's Rubber Boots and Rubber Work Shoes) and all Office of Price Administration revocation or suspension orders, to the extent that they relate to rubber footwear, are revoked.

This order of revocation shall become effective at 12:01 a. m. September 5, 1945.

Issued this 5th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-16566; Filed, Sept. 5, 1945; 4:34 p. m.]

PART 1312—PRIMARY FOREST PRODUCTS

[MPR 533-1,[1] Amdt. 3]

CENTRAL LOGS

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.

Maximum Price Regulation 533-1 is hereby amended in the following respects:

1. In section 1, the words "and the entire State of Iowa" are added at the end of paragraph (a).

2. In section 13, the words "Iowa. The entire State." are added at the end of paragraph (a).

This amendment shall become effective September 11, 1945.

Issued this 6th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-16632; Filed, Sept. 6, 1945; 11:33 a. m.]

PART 1346—BUILDING MATERIALS

[2d Rev. MPR 236, Amdt. 1]

SPECIAL COMBINATION CONVERSION GRATE UNITS

A statement of the consideration involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.

2d Revised Maximum Price Regulation 236 is amended in the following respect:

Section 3 (a) is amended to read as follows:

(a) *General Maximum Price Regulation and Maximum Price Regulation No. 591.* Maximum prices for conversion and repair parts defined as "the metal parts necessary to convert an oil-fired heating boiler other than an industrial or marine boiler, and make it ready for use for hand-fired solid fuels," consisting of "grate assemblies and parts," "grate supports," "shaker handles," "ash-pit doors and frames," "domestic type poker, ash hoe, and clinker tongs," and "smoke hood with check control," formerly subject to Revised Maximum Price Regulation 236, shall be subject to the provisions of Maximum Price Regulation No. 591 when sold by manufacturers, and the General Maximum Price Regulation for sales at all other levels of distribution.

This amendment shall become effective September 11, 1945.

Issued this 6th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-16628; Filed, Sept. 6, 1945; 11:33 a. m.]

PART 1346—BUILDING MATERIALS

[MPR 272, Amdt. 6]

CAST-IRON BOILERS AND CAST-IRON RADIATION

A statement of the considerations involved in the issuance of this Amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.

Maximum Price Regulation 272 is amended in the following respects:

1. Section 1346.252 is amended to read as follows:

§ 1346.252 *General Maximum Price Regulation.* The provisions of the General Maximum Price Regulation are superseded by this Maximum Price Regulation 272 with respect to sales or deliveries of cast-iron boilers and cast-iron radiation for which maximum prices are in effect pursuant to this Maximum Price Regulation 272.

2. Section 1346.268 (a) (5) is amended to read as follows:

(5) *New models or types.* The maximum sheet price for any model or type of cast-iron boiler or cast-iron radiation not set forth in Section 1346.268 (d) and (e) and for which no sheet price was established by this regulation shall be determined in accordance with the provisions of Section 6, and sections therein referred to, of Maximum Price Regulation No. 591.

This Amendment No. 6 shall become effective September 11, 1945.

Issued this 6th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-16629; Filed, Sept. 6, 1945; 11:33 a. m.]

PART 1346—BUILDING MATERIALS

[MPR 317, Amdt. 4]

LOCKS AND LOCK SETS

A statement of the considerations involved in the issuance of this Amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.

Maximum Price Regulation 317 is amended in the following respects:

1. Section 1346.351 (e) is deleted.
2. Section 1346.354 (c) is deleted.
3. Section 1346.357a (f) is deleted.
4. Section 1346.357d (c) is deleted.
5. A new § 1346.354a is added to read as follows:

§ 1346.354a *Manufacturers' maximum prices for any lock or lock set not listed in any appendix of this regulation.* The manufacturer's maximum prices for sales of any lock or lock set for which a maximum price is not set forth in any appendix of this regulation and which differs in size, type, materials, or combination of component parts or trim, in whole or in part, from locks and lock sets listed in any appendix of this regulation shall be determined in accordance with the provisions of section 6, and sections therein referred to, of Maximum Price Regulation No. 591.

This amendment shall become effective September 11, 1945.

Issued this 6th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-16630; Filed, Sept. 6, 1945; 11:33 a. m.]

PART 1346—BUILDING MATERIALS

[RPS 40, Amdt. 5]

BUILDERS' HARDWARE AND INSECT SCREEN CLOTH

The statement of considerations involved in the issuance of this Amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.

[1] 9 F R. 5233, 5914, 6108, 14835.

Revised Price Schedule No. 40 is amended in the following respect:

Section 1346.1 (b) (3) is amended to read as follows:

(3) The maximum price for models or types of builders' hardware or insect screen cloth which cannot be priced in accordance with subparagraph (1) and (2) above, shall be determined in accordance with the provisions of Section 6 and sections therein referred to, of Maximum Price Regulation 591.

Every manufacturer required to establish a maximum price under the provisions of this subparagraph (3) shall notify each purchaser, in writing, at or before the time of the issuance of the first invoice, of the maximum prices so established.

This amendment shall become effective September 11, 1945.

Issued this 6th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-16626; Filed, Sept. 6, 1945; 11:33 a. m.]

PART 1351—FOOD AND FOOD PRODUCTS

[FPR 2, Amdt. 7]

GENERAL PRICING PROVISIONS FOR CERTAIN GRAINS

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.

Food Products Regulation No. 2 is amended in the following respects:

1. The last sentence in subparagraph (1) of paragraph (d) of section 2.3 is amended by deleting the phrase "and for wheat, No. 1 wheat of its sub-class" appearing at the end thereof.

2. The phrase "or 1½ cents per bushel if wheat" is deleted from section 2.5 (a) (1).

3. The phrase "or 2¼ cents per bushel if wheat" is deleted from section 2.5 (a) (2).

4. The phrase "or 3 cents per bushel if wheat" is deleted from section 2.5 (a) (3).

5. Section 2.5 (a) (4) is amended to read as follows:

(4) The markups provided in subparagraphs (1), (2), and (3) are not cumulative.

6. The phrase "or ¾ cent per bushel if wheat" is deleted from section 2.5 (b) (1).

7. The phrase "or 1½ cents per bushel if wheat" is deleted from section 2.5 (b) (2).

8. The phrase "or 2¼ cents per bushel if wheat" is deleted from section 2.5 (b) (3).

9. Section 2.5 (b) (4) is amended to read as follows:

(4) The markups provided in subparagraphs (1), (2), and (3) are not cumulative.

10. The second sentence of section 2.7 (a) is amended to read as follows: "This would apply, for example, to sales of seed grains which are exempted, and to sales of malting barley and the like for which a premium may be charged under the applicable supplement."

11. The reference to "wheat . . . 60" is deleted from section 3.1 (a) (2).

12. The word "Wheat" is deleted from section 3.1 (a) (3).

13. The figures "378" in section 4.3 (a) are changed to "585".

This amendment shall become effective September 11, 1945.

Issued this 6th day of September 1945.

CHESTER BOWLES,
Administrator.

Approved: August 30, 1945.

J. B. HUTSON,
Acting Secretary of Agriculture.

[F. R. Doc 45-16624; Filed, Sept 6, 1945; 11:32 a. m.]

PART 1351—FOOD AND FOOD PRODUCTS

[FPR 3, Amdt. 1 to Supp. 8]

WET CORN MILLING BY-PRODUCTS FOR ANIMAL AND POULTRY FEEDS

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.

Supplement No. 8 to Food Products Regulation No. ? is amended in the following respects:

1. The last sentence of the second paragraph of section 4 (b) is amended to read as follows: "These by-products include but are not limited to corn gluten feed, corn gluten meal and corn oil cake as each is defined in the 1943 issue of the official publication of the Association of American Feed Control Officials."

2. The table contained in section 6 (a) (1) (i) is amended by deleting the words "corn germ meal" and the figures "40.00" which appear opposite it.

This amendment shall become effective September 11, 1945.

Issued this 6th day of September 1945.

CHESTER BOWLES,
Administrator.

Approved: August 30, 1945.

J. B. HUTSON,
Acting Secretary of Agriculture.

[F. R. Doc. 45-16625; Filed, Sept. 6, 1945; 11:32 a. m.]

PART 1351—FOOD AND FOOD PRODUCTS

[RMPR 502, Amdt. 3]

POPCORN

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.

Revised Maximum Price Regulation 502 is amended in the following respects:

1. Section 12 (b) is amended to read as follows:

(b) *Sales from warehouses.* Commercial processors' maximum prices, for commercially processed shelled popcorn in bulk, on sales from a warehouse located as specified below delivered direct to a retailer or manufacturing retailer of popcorn products shall be as follows:

	Per 100 pounds net weight
White hull-less	$10.25 plus transportation cost from processor's plant to warehouse.
Other than white hull-less	$9.65 plus transportation cost from processor's plant to warehouse.

(These prices include all costs for delivery to the purchaser's customary receiving point.)

The processor may charge the prices in section 12 (b) only on sales in bulk of processed shelled popcorn actually warehoused by him in a locality more than 100 miles from his processing plant and only if such processor, prior to December 24, 1943, maintained supplies of popcorn in a warehouse in that locality and made sales from it direct to retailers or to manufacturing retailers of popcorn products.

2. A new section 12a is added to read as follows:

SEC. 12a. *Sales of 500 pounds or less.* To the prices set forth in section 11 and section 12 (a), 50 cents per hundred pounds may be added on sales in quantities of 500 pounds or less.

3. A new section 19 is added to read as follows:

SEC. 19. *Payment of brokers and field agents.* (a) In accordance with existing trade customs, the broker taking part in a sale shall be considered as the agent of the seller and not the agent of the buyer. In any case, the amount paid by the buyer to the broker plus the amount paid by the buyer to the seller shall not exceed the seller's maximum price plus allowable transportation actually paid by the seller or by the broker. The term "broker" does not include a field agent.

(b) Any field agent or field representative performing the functions of contracting popcorn acreage and servicing, buying, receiving and shipping the unshelled or shelled popcorn for the account of a processor will be considered the agent of the processor. The maximum price which may be paid to a field agent for such services shall not exceed 25¢ for each 100 pounds or unshelled or shelled popcorn delivered.

This amendment shall become effective September 5, 1945.

Issued this 5th day of September 1945.

CHESTER BOWLES,
Administrator.

Approved: September 1, 1945.

J. B. HUTSON,
Acting Secretary of Agriculture.

[F. R. Doc. 45-16565; Filed, Sept. 5, 1945; 4:34 p. m.]

PART 1407—RATIONING OF FOOD AND FOOD PRODUCTS

[Control Order 1,[1] Amdt. 21]

LIVESTOCK SLAUGHTER AND MEAT DISTRIBUTION

A rationale for this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.

Control Order 1 is amended in the following respects:

1. Section 12 is amended to read as follows:

SEC. 12. *Quotas of Class 2 slaughterers may be increased by transfers of meat to designated persons.* (a) The quota of a Class 2 slaughterer shall be increased to the extent to which he sells or transfers meat resulting from his slaughter of livestock, or from custom slaughter of livestock for him, to any of the following agencies or persons, if he complies with the provisions of paragraph (b) of this section:

(1) The Army, Navy, Marine Corps, or Coast Guard of the United States (excluding post exchanges, ships' service departments, sales commissaries, and similar organizations);

(2) The Department of Agriculture;

(3) The War Shipping Administration;

(4) The Veterans Administration; and

(5) Contract schools as defined in War Food Order No. 73, and ship suppliers, as defined in War Food Order 74, when acquiring meat in accordance with the provisions of these orders;

(6) Any person who is under contract to sell or transfer meat set aside under War Food Order 75-2, War Food Order 75-3, or War Food Order 75-4, or products prepared in whole or part therefrom, to any person or agency listed in (1), (2), (3), (4), and (5), of paragraph (a) of this section.

(b) (1) At the time of the sale or transfer, he must give to the agency or person specified in (a) an invoice containing the following information:

(i) His name and address, and the name and address of the agency or person to which the meat is sold or transferred;

(ii) The date of the sale or transfer; and

(iii) The quantity, type and grade of meat sold or transferred.

(2) In addition, if the meat is sold or transferred to a person specified in (a) (6), he must obtain from such person, and such person must give to him, during the quota period in which the sale or transfer occurs, a written statement containing the following information:

(i) The name and address of the person to whom the Class 2 slaughterer sold or transferred the meat;

(ii) The name and address of the Class 2 slaughterer who sold or transferred the meat;

(iii) The date the meat was sold or transferred by the Class 2 slaughterer;

(iv) The quantity, type and grade of meat so sold or transferred by the Class 2 slaughterer;

(v) The name of the agency or person (specified in (1) through (5) of paragraph (a)) with whom the person acquiring such meat is under contract to sell or transfer set aside meat or products prepared in whole or part therefrom, and the number of the contract to fulfill which he acquired the meat from the slaughterer; and

(vi) The quantity, type and grade of the meat referred to in (iv) above which will be or has been used by him in the fulfillment of that contract.

The requirements of this subparagraph (2) will be deemed satisfied if the slaughterer obtains from such person, during the quota period in which the sale or transfer occurs, a certification on Form FDO 75-12 of the Department of Agriculture, covering such sale or transfer. The submission of the above statement or certification on Form FDO 75-12 shall constitute a certification and representation to the Office of Price Administration of the truth of the contents thereof. However, no person shall be entitled to rely upon any such statement or certification if he knows or has cause to believe it to be false.

(c) The increase in quota permitted under this section shall be determined and made in the following manner:

(1) Compute, by the use of the appropriate conversion factors in Table II of Supplement 1 to this order, the live weight of the species of livestock from which was derived the meat sold or transferred by the slaughterer to the agencies or persons specified in (1) through (5) of (a), (or in the case of meat transferred to a person specified in (6) of (a), the live weight of the species of livestock from which was derived the quantity of meat which such person has certified was or will be sold or transferred to one or more of the agencies or persons specified in (1) through (5) of (a)), determining separately:

(i) The live weight of such livestock slaughtered by him; and

(ii) The live weight of such livestock custom slaughtered for him.

(2) (i) Add the result of (i) of (1) above to the Class 2 slaughterer's quota for the slaughter of that species of livestock by himself, for the quota period in which he sold or transferred such meat to the agencies or persons specified in (a).

(ii) Add the result in (ii) of (1) above to his quota for the custom slaughter of that species of livestock for him by the custom slaughterer from whose slaughter of livestock for him the meat so sold or transferred was derived, the addition to be made to the quota for the quota period in which he sold or transferred such meat as above.

(d) He must enter on the copy of each invoice which he is required to keep under section 19 (a) (4) of this order, the appropriate conversion factors used by him in making the computations under (c) (1) above, and the result of each computation.

(e) Before any part of the increase in quota may be custom slaughtered for him, he must state, in writing, to the custom slaughterer that the quota for the custom slaughter of that species of livestock for him by such custom slaughterer has been increased for that quota period because of sales or transfers of meat to one or more of the agencies or persons specified in (a), and the amount (live weight) of such increase. Such statement shall be deemed a certification to the Office of Price Administration as to the information contained therein.

(f) If the Class 2 slaughterer slaughters, or has custom slaughtered for him, any part of the increase in quota permitted by this section, he must attach to his report, on OPA Form MC-6, for the quota period in which such slaughter occurred, a certification giving:

(1) The quantity by which he increased his quota, for the quota period in question, for the slaughter of each species of livestock by himself, because of his sales or transfers of meat to the agencies or persons specified in paragraph (a) of this section; and

(2) The quantity by which he increased his quota, for the quota period in question, for the custom slaughter for him of each species of livestock by each custom slaughterer, because of his sales or transfers of meat to the agencies or persons specified above.

2. The undesignated paragraph in section 19 (a) (3) is deleted.

3. Section 19 (a) (4) is added as follows:

(4) He must also keep at that establishment copies of all invoices given, and all statements and certifications received by him pursuant to section 12 covering sales or transfers of meat to the agencies or persons specified in that section. In addition, he must keep a record of the information on which he based each certification attached to his report on OPA Form MC-6, pursuant to paragraph (f) of section 12.

4. Section 19 (a) (5) is added as follows:

(5) He must keep a copy of his registration under this order, and the records upon which that registration was based.

This amendment shall become effective September 10, 1945.

NOTE: The reporting and record-keeping requirements of this amendment have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 6th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-16623; Filed, Sept. 6, 1945; 11:32 a. m.]

PART 1418—TERRITORIES AND POSSESSIONS

[RMPR 373,[1] Amdt. 24]

BOTTLED SOFT DRINKS IN HAWAII

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith,

[1] 10 F.R. 4605.

[1] 10 F.R. 6646, 7407, 7794, 7799, 8020, 8069, 8371, 8979, 9273, 9274, 9275, 9466, 9540, 9620, 9618, 9882, 9928, 10085, 10086, 10125, 10229.

has been filed with the Division of the Federal Register.

Section 28 is amended to read as follows:

SEC. 28. *Maximum retail prices for bottled soft drinks*—(a) *What this section does.* This section sets maximum prices for sales at retail of bottled soft drinks.

(b) *Maximum prices.* Maximum prices for sales at retail of bottled soft drinks shall be:

Bottler	Type of beverage	Size	Maximum retail price per bottle
Aloha Soda Works	Orange, Root Beer, Grape, Creme, Lemon, Strawberry.	6½ oz. or 10 oz	$0.05
Hireleys Orangeade Co	Orangeade, Grapeade, Pineade	6¾ oz	.05
Canada Dry Bottling Co	Ginger Ale	28 oz	.15
		12 oz	.10
	Sparkling Water	28 oz	.15
		12 oz	.10
	Tom Collins	28 oz	.15
		12 oz	.10
	Quinine Tonic Water	12 oz	.15
		6 oz	.10
	Spur	28 oz	.10
		12 oz	.05
	Hi-Spot	28 oz	.15
		6 oz	.05
	Root Beer	28 oz	.15
		6 oz	.05
	Grape	28 oz	.15
		6 oz	.05
	Orange	28 oz	.15
		6 oz	.05
	Creme	28 oz	.15
		6 oz	.05
	Cherry	28 oz	.15
		6 oz	.05
Hawaiian Bottling Works, Ltd	Pepsi-Cola	12 oz	.05
	Root Beer	7 oz	.05
Royal Soda Works	Lemon, Orange, Strawberry, Root Beer, Creme.	6½ oz	.05
Coca-Cola Bottling Co. of Honolulu, Ltd.	Coca-Cola	6½ oz	.05
Honolulu Soda Works	Kist Beverages	7 oz	.05
		12 oz	.05
		29 oz	.10
Maiolo Soda Works	Lemon, Strawberry, Orange, Root Beer, Creme, Grape.	6½ oz	.05
Nehi Beverage Co. of Hawaii	Royal Crown	12 oz	.05
		32 oz	.15
	Nehi Orange	12 oz	.05
	Nehi Root Beer	12 oz	.05
	Par-T-Pak Sparkling Water	32 oz	.10
	Ginger Ale	32 oz	.10
	Tom Collins	32 oz	.10
	Upper Ten	32 oz	.10
	Root Beer	32 oz	.10
	Orange	32 oz	.10
Nesbitt Bottling Co	Nesbitt Orange	10 oz	.05
	Delaware Punch	7½ oz	.05
	Nesbitt Grapefruit	10 oz	.05
O. K. Beverage Co	Strawberry, Root Beer, Creme, Lemon, Orange.	6 oz., 6½ oz., 7 oz., or 8 oz	.05
Pacific Soda Works	Squirt	7 oz	.05
	Strawberry, Lemon, Orange, Root Beer	6½ oz	.05
	Strawberry, Lemon, Orange, Root Beer.	12 oz	.05
Sunrise Soda Works Co	7 Up	7 oz	.05
		29 oz	.15
		6½ oz	.05
	Smile	11 oz	.05
		29 oz	.10
		6½ oz	.05
	Root Beer	10 oz	.05
		29 oz	.10
		6½ oz	.05
	Strawberry	29 oz	.10
		6½ oz	.10
	Sparkling Water	29 oz	.10
	Ginger Ale	29 oz	.15
	Creme	6½ oz	.05
	Nu Grape	7 oz	.05
	Siphon	32 oz	.20
Sunshine Soda Shop	Lemon, Orange, Strawberry, Root Beer.	6½ oz	.05
	Lemon, Orange, Strawberry, Root Beer	12 oz	.05
	Two Way	7 oz	.03
	Siphon	32 oz	.15
All other bottled soft drinks		12 oz. or less	.05
		12½ oz. to 48 oz	.10
		48 oz. or more	.15

(c) *Deposits.* A bottle deposit, which must be refunded when the bottle is returned, of not more than five cents per bottle may be charged.

(d) *Maximum prices for sales by hotels.* Any hotel may apply to the Office of Price Administration, Honolulu 2, T. H., for permission to sell bottled soft drinks in all other places than restaurants or bars, e. g., room service, at prices not in excess of the highest prices for which such soft drinks were sold or offered for sale with such service by such hotel during April, 1942. The application must set forth the name and location of the hotel, and a statement of the seller's April 1942 ceiling prices for such soft drinks.

(e) *Sales in glasses with ice.* The maximum price for sales of bottled soft drinks in any establishment when served in a glass with ice shall be 5¢ per bottle above the listed retail ceiling price.

(f) *Sales by cabarets.* The maximum price for sales of bottled soft drinks in any establishment paying the federal cabaret tax shall be 15¢ per glass having a capacity of no less than 6 oz. and containing ice; no additional charge by reason of any tax to be added.

(g) *Special services.* Any seller may make application to the Office of Price Administration, Honolulu 2, T. H., for the establishment of a ceiling price when special services are rendered in connection with the sale of such beverages. The application must contain the name of the seller, name and address of his place of business, a complete description of the type of services rendered, and the reasons why the seller cannot render such services at the prices set forth in this section.

(h) *Exempt sales.* Sales of bottled soft drinks by any eating and drinking establishment exempt from the provisions of Restaurant Maximum Price Regulation 9–1, in accordance with the provisions of section 16 of that regulation, are exempt from the provisions of this section.

(i) *Prohibited practices.* (1) In addition to the practices prohibited by section 6 of this regulation, the maximum prices established by this section may not be increased by any additional charge which has not been established under this section.

(2) No person who makes sales covered by this section may charge more than the maximum prices established by paragraphs (b), (e), or (f), unless he has received written authorization from the Office of Price Administration, Honolulu 2, T. H., for permission to do so.

(j) *Revocation of orders.* Any order heretofore issued establishing or adjusting maximum prices of any soft drinks covered by this section is revoked as of August 15, 1945.

(k) *Definitions.* When used in this section the term:

(1) "Soft drinks" means flavored or unflavored non-alcoholic beverages and waters in bottles or other closed containers, whether carbonated or not, but excluding milk drinks, fruit juices, vegetable juices, and combinations thereof where at least 85% by weight is pure fruit juice, vegetable juice, milk, or a mixture thereof.

(2) A "cabaret" is any eating or drinking establishment whose receipts are subject to the cabaret tax imposed by Chapter 10 of the Internal Revenue Code, as amended.

This amendment shall become effective as of August 15, 1945.

Issued this 6th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-16631; Filed, Sept. 6, 1945; 11:34 a. m.]

PART 1450—TRANSPORTATION

[MPR 571, Amdt. 8]

RENTAL OF CERTAIN TYPES OF COMMERCIAL MOTOR VEHICLES

A statement of the considerations involved in the issuance of this Regulation, issued simultaneously herewith, has been filed with the Division of the Federal Register.

Maximum Price Regulation 571 is amended in the following respects:

1. A new subparagraph (3) is added to section 2 (b) to read as follows:

(3) All "commercial motor vehicles" leased for use on or in connection with construction or road maintenance projects, as distinguished from use for highway transportation services, are subject to this Regulation, whether furnished with or without driver.

2. Section 3 (d) is amended to read as follows:

(d) The term "commercial motor vehicle" shall include, but is not limited to any passenger automobile, funeral car, hearse, taxicab, bus, truck, or any tractor-truck, trailer, or semi-trailer or any combination thereof, propelled or drawn by mechanical power and constructed for the purpose of transporting property or persons. It includes automotive vehicles, when used on or in connection with construction or road maintenance projects (except dump trucks covered by Maximum Price Regulation 134). It also includes truck mounted equipment where the equipment so mounted is powered from the truck engine. However, it does not include a "combination" truck consisting of self-powered construction equipment mounted on a truck or trailer. (Such truck mounted equipment, including the truck, is subject to Maximum Price Regulation 134 when the mounted equipment is listed in Maximum Price Regulation 134; otherwise, when the mounted equipment is subject to Maximum Price Regulation 136, the latter regulation governs).

3. Section 8 is amended to read as follows:

SEC. 8. *When price previously authorized by the Office of Price Administration.* (a) A maximum price established prior to the effective date of this Regulation shall continue in effect if such price has been established as a result of:

(1) A price determination made in accordance with either Maximum Price Regulation 165 as amended or Revised Maximum Price Regulation 165 and properly reported to the Office of Price Administration.

(2) Any order of adjustment.

(3) Any order of general applicability.

(b) Orders G–12 and G–13 issued by the Regional Administrator Region 8 (San Francisco Regional Office) under Maximum Price Regulation 165 as amended, shall continue in full force and effect under this regulation with respect to the rentals covered by those orders.

This amendment shall become effective September 11, 1945.

Issued this 6th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-16633; Filed, Sept. 6, 1945; 11:35 a. m.]

PART 1499—COMMODITIES AND SERVICES

[RMPR 165,[1] Amdt. 1 to Supp. Service Reg. 48]

DELEGATION OF AUTHORITY TO REQUIRE INVOICES AND RECORDS OF APPLIANCE REPAIR OR FARM EQUIPMENT REPAIR ESTABLISHMENTS IN DESIGNATED AREAS WHICH USE A CUSTOMER'S HOURLY RATE IN PRICING ANY REPAIR SERVICES

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.

The title of Supplementary Service Regulation 48 and § 1499.681 are amended by the deletion of the words "automotive repair".

This amendment shall become effective October 10, 1945.

Issued this 6th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-16634; Filed, Sept. 6, 1945; 11:33 a. m.]

PART 1499—COMMODITIES AND SERVICES

[SR 14E,[2] Amdt. 10]

SALES AT WHOLESALE OF CERTAIN COTTON PRODUCTS

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.

Supplementary Regulation 14E is amended in the following respects:

1. Section 2.5 is amended to read as follows:

SEC. 2.5 *Sales of certain tobacco cloth at wholesale.* Wholesalers of 196" 19 x 44 1.30 yard tobacco cloth manufactured and sold by Fitzgerald Mills Corporation, Fitzgerald, Georgia, as Style No. 440–B may compute their ceiling price by adding one-half cent per square yard to that mill's selling price for the cloth which is the subject of the sale, subject to the terms of sale required by the General Maximum Price Regulation.

2. Section 2.7 is amended by adding the following undesignated paragraph to Note 4 of paragraph g (1):

Where a wholesaler purchases toweling, cuts and hems it and sells the product as a towel, the percentage increase provided in this paragraph (g) shall be applied only to the wholesaler's cost of the toweling.

This amendment shall become effective September 11, 1945.

Issued this 6th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-16627; Filed, Sept. 6, 1945; 11:32 a. m.]

[1] 10 F.R. 2097, 2250, 8025.

[2] 10 F.R. 1183, 2014, 4156, 7117, 7497.

Chapter XVIII—Office of Economic Stabilization

[Directive 79]

PART 4003—SUPPORT PRICES; SUBSIDIES

1945 PEANUT BUTTER DISTRIBUTION PAYMENTS

The Price Administrator having, by letter dated July 5, 1945 recommended my approval of a reduction in the rate of Peanut Butter Distribution Payments now being made by Commodity Credit Corporation pursuant to the approval of the Economic Stabilization Director of November 1, 1943, I hereby find that a reduction in the rate of such payment from 4½ cents to 4 cents per pound of eligible peanut butter will effectuate the policy established by Executive Orders 9250, 9328 and 9599 and specifically will assure the maximum necessary production and distribution of peanut butter to meet military and civilian requirements.

Accordingly, pursuant to the authority vested in me as Economic Stabilization Director, I hereby authorize and direct the Secretary of Agriculture to reduce the rate of Peanut Butter Distribution Payments now being made by Commodity Credit Corporation from 4½ cents to 4 cents per pound.

(E.O. 9250 and E.O. 9328, 3 CFR, Cum. Supp. pp. 1213, 1267; E.O. 9599, 10 F.R. 10155)

Issued and effective this 31st day of August 1945.

WILLIAM H. DAVIS,
Economic Stabilization Director.

[F. R. Doc. 45-16601; Filed, Sept. 6, 1945; 10:34 a. m.]

Chapter XX—Office of Contract Settlement

[Reg. 16, Amdt. 2]

PART 8007—PROGRAM FOR LIMITED COMPANY-WIDE SETTLEMENT OF TERMINATION CLAIMS

Regulation No. 16 of this Office as amended by Amendment No. 1 dated August 27, 1945, is hereby further amended as follows:

1. By inserting at the end of § 8007.8 thereof the following sentence: "Further, where the amount of the claim of the assigned contractor does not exceed $25,000, the above-mentioned statement of allocability from the war contractor in the next higher tier need not be required if: (1) the notice of termination or other evidence satisfactory to the designated agency establishes that the terminated subcontract is a war contract, and (2) the assigned contractor agrees to satisfactory procedures, whether by test check or otherwise, designed to eliminate from the total of its subcontract termination claims against the Government with respect to which the above-mentioned statement of allocability is not obtained, amounts not allocable to

the terminated or modified portions of war contracts in a higher tier."

2. By amending § 8007.6 (f) thereof to read as follows:

(f) That a copy of each final settlement agreement, or of the findings determining the amount due in the case of a formula settlement, be sent to the contracting officer under the prime contract involved, or, where that is not practicable, to the contracting agency involved.

ROBERT H. HINCKLEY,
Director.

SEPTEMBER 6, 1945.

[F. R. Doc. 45-16677; Filed, Sept. 6, 1945; 11:47 a. m.]

Chapter XXIII—Surplus Property Board

[SPB Reg. 4, Amdt. 3]

PART 8304—DISPOSAL OF SURPLUS AERONAUTICAL PROPERTY TO EDUCATIONAL INSTITUTIONS AND STATE OR LOCAL GOVERNMENTS FOR NON-FLIGHT USE

REPORTS

Surplus Property Board Regulation 4, May 4, 1945, entitled "Disposal of Surplus Aeronautical Property to Educational Institutions and State or Local Governments for Non-Flight Use" (10 F. R. 5460, 6785, 10362) is hereby amended by deletion of § 8304.6 in its entirety and by substituting therefor a new § 8304.6 reading as follows:

§ 8304.6 *Reports.* Disposal agencies shall prepare and maintain such records as will show full compliance with the provisions of this part and with the applicable provisions of the act. Reports shall be prepared and filed with the Board in such manner as may be specified by order issued under this part.

This amendment shall become effective September 4, 1945.

SURPLUS PROPERTY BOARD,
By W. STUART SYMINGTON,
Chairman.

SEPTEMBER 4, 1945.

[F. R. Doc. 45-16667; Filed, Sept. 6, 1945; 11:00 a. m.]

[SPB Reg. 5, Amdt. 2]

PART 8305—CONSTRUCTION INVENTORY AND DISPOSAL OF OWNING AGENCIES

WAIVER OF CERTIFICATION PROCEDURE

Surplus Property Board Regulation 5, June 7, 1945, entitled "Construction Inventory and Disposal by Owning Agencies" (10 F. R. 7413, 8956) is hereby amended as the following respects:

1. Subparagraph (2) of § 8305.17 (c) is hereby amended by adding thereto a new paragraph, to be designated as paragraph (3), and by eliminating the period at the end of paragraph (2) and substituting therefor a semicolon, as follows:

(3) In exceptional cases or classes of cases, upon a scrap determination or certification pursuant to subparagraph 2 in each instance and upon a determination by the responsible officer that it would be in the best interests of the Government to dispose of such scrap by negotiated sale, such property may be so disposed of at the best price obtainable. In all such sales a scrap warranty shall be required of the buyer.

2. There is added at the end of § 8309.17 (d) (1) the following:

If the certification is prior to the time that the property is declared surplus, it shall be made by forwarding to the owning agency a memorandum listing and plainly identifying the items in question and containing the following statement:

It is hereby certified that the within described property has been determined to be scrap and it is requested that sale be effected in accordance with the provisions of SPB Regulation No. 9 without further review of such determination.

If the certification is subsequent to the time that the property is declared surplus, it shall be made by forwarding to the owning agency Form SPB-1.1 listing the items in question and otherwise appropriately executed, with the language quoted above plainly inserted below the column headings across the top of the columns provided for the description of the property, its standard commodity classification, condition, etc.

This amendment shall become effective September 8, 1945.

SURPLUS PROPERTY BOARD,
By W. STUART SYMINGTON,
Chairman.

AUGUST 31, 1945.

[F. R. Doc. 45-16667; Filed, Sept. 6, 1945; 11:00 a. m.]

TITLE 30—MINERAL RESOURCES

[Chapter I—Bureau of Mines, Department of the Interior]

[Subchapter C—Explosives, Combustible Material and Blasting Devices; Tests for Permissibility and Suitability, Etc.]

[Subsection [illegible]]

PART [illegible]—REGULATIONS [illegible]

[illegible]

[illegible]

[

the terminated or modified portions of war contracts in a higher tier."

2. By amending § 8007.6 (f) thereof to read as follows:

(f) That a copy of each final settlement agreement, or of the findings determining the amount due in the case of a formula settlement, be sent to the contracting officer under the prime contract involved, or, where that is not practicable, to the contracting agency involved.

ROBERT H HINCKLEY,
Director.

SEPTEMBER 6, 1945.

[F. R. Doc. 45-16677, Filed, Sept. 6, 1945; 11:47 a. m.]

Chapter XXIII—Surplus Property Board

[SPB Reg. 4, Amdt. 3]

PART 8304—DISPOSAL OF SURPLUS AERONAUTICAL PROPERTY TO EDUCATIONAL INSTITUTIONS AND STATE OR LOCAL GOVERNMENTS FOR NON-FLIGHT USE

REPORTS

Surplus Property Board Regulation 4, May 4, 1945, entitled "Disposal of Surplus Aeronautical Property to Educational Institutions and State or Local Governments for Non-Flight Use" (10 F. R. 5460, 6785, 10362) is hereby amended by deletion of § 8304.6 in its entirety and by substituting therefor a new § 8304.6 reading as follows:

§ 8304.6 *Reports.* Disposal agencies shall prepare and maintain such records as will show full compliance with the provisions of this part and with the applicable provisions of the act. Reports shall be prepared and filed with the Board in such manner as may be specified by order issued under this part.

This amendment shall become effective September 4, 1945.

SURPLUS PROPERTY BOARD,
By W. STUART SYMINGTON,
Chairman.

SEPTEMBER 4, 1945.

[F. R. Doc. 45-16606; Filed, Sept. 6, 1945; 11:02 a. m.]

[SPB Reg. 9, Amdt. 2]

PART 8309—CONTRACTOR INVENTORY AND DISPOSALS BY OWNING AGENCIES

SCRAP CERTIFICATION PROCEDURE

Surplus Property Board Regulation 9, June 7, 1945, entitled "Contractor Inventory and Disposals by Owning Agencies" (10 F.R. 7413, 8856) is hereby amended in the following respects:

1. Subparagraph (2) of § 8309.11 (c) is stricken, and the following new subparagraphs (2) and (3) are added:

(2) Upon a determination by the responsible officer, approved by a reviewing authority, that any given property is scrap, such property may be disposed of as such. Whenever the appropriate disposal agency certifies in writing to the owning agency that any given property or any class of property is in its judgment scrap, such property may without further review be disposed of as such. Such certification shall be made by forwarding to the owning agency a memorandum listing and plainly identifying the items in question and containing the following statement:

It is hereby certified that the within described property has been determined to be scrap and it is requested that sale be effected in accordance with the provisions of SPB Regulation No. 9 without further review of such determination.

(3) In exceptional cases or classes of cases, upon a scrap determination or certification pursuant to subparagraph 2 in each instance and upon a determination by the responsible officer that it would be in the best interests of the Government to dispose of such scrap by negotiated sale, such property may be so disposed of at the best price obtainable. In all such sales a scrap warranty shall be required of the buyer.

2. There is added at the end of § 8309.17 (d) (1) the following:

If the certification is prior to the time that the property is declared surplus, it shall be made by forwarding to the owning agency a memorandum listing and plainly identifying the items in question and containing the following statement:

It is hereby certified that the within described property has been determined to be scrap and it is requested that sale be effected in accordance with the provisions of SPB Regulation No. 9 without further review of such determination.

If the certification is subsequent to the time that the property is declared surplus, it shall be made by forwarding to the owning agency Form SPB-1.1 listing the items in question and otherwise appropriately executed, with the language quoted above plainly inserted below the column headings across the top of the columns provided for the description of the property, its standard commodity classification, condition, etc.

This amendment shall become effective September 8, 1945.

SURPLUS PROPERTY BOARD,
By W. STUART SYMINGTON,
Chairman.

AUGUST 31, 1945.

[F. R. Doc. 45-16607; Filed, Sept. 6, 1945; 11:02 a. m.]

TITLE 30—MINERAL RESOURCES

Chapter I—Bureau of Mines, Department of the Interior

Subchapter C—Explosives (Including Sheathed Explosives) and Blasting Devices; Tests for Permissibility and Suitability; Fees

[Schedule 1F]

PART 15—EXPLOSIVES (INCLUDING SHEATHED EXPLOSIVES) AND BLASTING DEVICES

MISCELLANEOUS AMENDMENTS

Pursuant to the authority conferred by the act of February 25, 1913 (37 Stat. 681), as amended by sec. 311 of the act of June 30, 1932 (47 Stat. 410), and Executive Order No. 6611, February 22, 1934, §§ 15.2 (a) (b) (c), 15.4 (a) (3) (vi) (d) of the regulations heretofore promulgated (10 F.R. 1476 and 10 F.R. 3131) are hereby amended by eliminating § 15.2 (a) (6) (iv) in its entirety; by eliminating the reference (6) (iv) in § 15.2 (b) and § 15.2 (c), and by eliminating § 15.4 (a) (3) (vi) (d) in its entirety.

Approved: August 7, 1945.

ABE FORTAS,
Acting Secretary of the Interior.

[F. R. Doc. 45-16687; Filed, Sept. 6, 1945; 9:50 a. m.]

TITLE 31—MONEY AND FINANCE: TREASURY

Chapter II—Fiscal Service

Subchapter B—Bureau of the Public Debt

[1945 Dept. Circ. 653, 2d Rev., 3d Supp.]

PART 316—OFFERING OF UNITED STATES SAVINGS BONDS, SERIES E

REDESIGNATION OF BONDS

United States Savings Bonds of Series E shall hereafter be referred to as bonds of Series E; and Department Circular No. 653, Second Revision, dated August 31, 1943, and the Supplements thereto, dated June 7, 1944 and July 2, 1945, are hereby amended by striking out therein any reference to or designation of such bonds as War Savings Bonds.

United States Savings Bonds of Series E include all bonds issued as Defense Savings Bonds, all those issued as War Savings Bonds, and all those issued as Series E bonds without special designation. As their terms are identical, no distinction is to be made between any bonds of Series E so issued.

Bonds of Series E, without special designation and without change in terms, will be prepared for issue under said circular in regular course without further notice as stocks of prior bonds of Series E become exhausted.

[SEAL] FRED M. VINSON,
Secretary of the Treasury.

[F. R. Doc. 45-16602; Filed, Sept. 6, 1945; 10:46 a. m.]

[1945 Dept. Circ. 657, as amended and supplemented, 2d Supp.]

PART 317—REGULATIONS GOVERNING AGENCIES FOR THE ISSUE OF UNITED STATES SAVINGS BONDS, SERIES E

DESIGNATION OF BONDS

SEPTEMBER 5, 1945.

The provisions of the Third Supplement, dated September 5, 1945, to Department Circular No. 653, Second Revision, shall apply to Department Circular No. 657, dated April 15, 1941, and the amendments and supplement thereto.

United States Savings Bonds of Series E include all bonds issued as Defense Savings Bonds, all those issued as War Savings Bonds, and all those issued as Series E bonds without special designation, and no distinction is to be made between any bonds of Series E so issued.

[SEAL] D. W. BELL,
Acting Secretary of the Treasury.

[F. R. Doc. 45-16603; Filed, Sept. 6, 1945; 10:46 a. m.]

TITLE 46—SHIPPING

Chapter III—War Shipping Administration

PART 301—GENERAL REGULATIONS

[G. O. 27, Revised, Revocation]

SALE, TRANSFER, AND CHARTER OF VESSELS

Pursuant to Executive Orders 8989, as amended, 9054, and 9244, General Order 27, Revised, §§ 301.4 to 301.10, inclusive (8 F.R. 9164), is hereby revoked effective September 4, 1945.

(E.O. 8989, as amended, 6 F.R. 6725, 8 F.R. 14183; E.O. 9054, 7 F.R. 837; E.O. 9244, 7 F.R. 7327)

Issued at Washington, D. C., this 4th day of September 1945.

[SEAL] E. S. LAND,
Administrator,
War Shipping Administration.
J. M. JOHNSON,
Director,
Office of Defense Transportation.

[F. R. Doc. 45-16562; Filed, Sept. 5, 1945; 3:09 p. m.]

TITLE 49—TRANSPORTATION AND RAILROADS

Chapter I—Interstate Commerce Commission

[S. O. 312, Amdt. 1]

PART 95—CAR SERVICE

REDUCTION IN FREE TIME AT GULF PORTS

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 5th day of September, A. D. 1945.

Upon further consideration of Service Order No. 312 (10 F.R. 6315), and good cause appearing therefor: *It is ordered,* That:

Service Order No. 312 (10 F.R. 6315) be, and it is hereby, amended by substituting the following paragraph (c) for paragraph (c) thereof:

(c) *Application.* (1) The provisions of this order shall apply to intrastate and foreign traffic as well as interstate traffic.

(2) The provisions of this order shall not apply to coal or coke. (40 Stat. 101, sec. 402, 41 Stat. 476, sec. 4, 54 Stat. 901; 49 U. S. C. 1 (10)–(17))

It is further ordered, That this amendment shall become effective at 7:00 a. m. September 6, 1945; that a copy of this order and direction shall be served upon the State railroad regulatory bodies of the States of Alabama, Florida, Louisiana, Mississippi, and Texas, and upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

By the Commission, Division 3.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 45-16613; Filed, Sept. 6, 1945; 11:24 a. m.]

Chapter II—Office of Defense Transportation

[Gen. Order ODT 40, Revocation]

PART 502—DIRECTION OF TRAFFIC MOVEMENT

SALE, TRANSFER, AND CHARTER OF VESSELS

Pursuant to Executive Orders 8989, as amended, 9054, and 9244, General Order ODT 40, §§ 502.155 to 502.161, inclusive (8 F.R. 9167), is hereby revoked effective September 4, 1945.

(E.O. 8989, as amended, 6 F.R. 6725, 8 F.R. 14183; E.O. 9054, 7 F.R. 837; E.O. 9244, 7 F.R. 7327)

Issued at Washington, D. C., this 4th day of September 1945.

J. M. JOHNSON,
Director,
Office of Defense Transportation.
E. S. LAND,
Administrator,
War Shipping Administration.

[F. R. Doc. 45-16521; Filed, Sept. 5, 1945; 10:09 a. m.]

Notices

DEPARTMENT OF THE INTERIOR.

General Land Office.

[Misc. 1606481]

CALIFORNIA

NOTICE OF FILING OF PLATS OF SURVEY AND RESURVEY

AUGUST 27, 1945.

Notice is given that the plats of survey and independent resurvey with tract segregations of part or all of the sections mentioned in the following townships:

SAN BERNARDINO MERIDIAN

T. 15 N., R. 10 E., secs. 1 to 12, inclusive, 18 and 19;
T. 16 N., R. 11 E., all—survey and independent resurvey with tract segregations;
T. 16 N., R. 12 E., secs. 1, 2, 11, and 12;
T. 17 N., R. 12 E., secs. 12 to 14, 23 to 27, and 34 to 36, inclusive;
T. 16 N., R. 12½ E., secs. 1, 12, 13, 24, 25, and 36;
T. 17 N., R. 12½ E., secs. 1, 12, 13, 24, 25, and 36;
T. 16 N., R. 13 E., all—survey and independent resurvey with tract segregations;
T. 13 N., R. 14 E., secs. 1, 12, 13, 24, 25, and 36;
T. 15 N., R. 14 E., secs. 3, 4, 7 to 10, 15 to 21, inclusive, 30 and 31;
T. 15½ N., R. 15 E., secs. 19 to 36, inclusive;
T. 15½ N., R. 16 E., secs. 19 to 36, inclusive;
T. 15½ N., R. 17 E., secs. 19, 29 to 33, inclusive,

will be officially filed in the district land office at Sacramento, California, effective at 10:00 a. m. on the 63d day from the date on which this notice is signed. At the time the lands shall, subject to valid existing rights and the provisions of existing withdrawals, become subject to application, petition, location, or selection as follows:

(a) For a period of 90 days, commencing on the day and at the hour named above, the public lands affected by this notice shall be subject to (1) application under the homestead or the desert land laws, or the small tract act of June 1, 1938, 52 Stat. 609 (43 U. S. C. sec. 682a), by qualified veterans of World War II, for whose service recognition is granted by the act of September 27, 1944 (Public Law 434—78th Congress), subject to the requirements of applicable law, and (2) application under any applicable public land law, based on prior existing valid settlement rights and preference rights conferred by existing laws or equitable claims subject to allowance and confirmation. Applications by such veterans shall be subject to claims of the classes described in subdivision (2).

(b) For a period of 20 days immediately prior to the beginning of such 90-day period, such veterans and persons claiming preference rights superior to those of such veterans, may present their applications, and all such applications, together with those presented at 10:00 a. m. on the first day of the 90-day period, shall be treated as simultaneously filed.

(c) Commencing at 10:00 a. m. on the 91st day after the lands become subject to application, as hereinabove provided, any of the lands remaining unappropriated shall become subject to such application, petition, location, or selection by the public generally as may be authorized by the public land laws.

(d) Applications by the general public may be presented during the 20-day period immediately preceding such 91st day, and all such applications, together with those presented at 10:00 a. m. on that day, shall be treated as simultaneously filed.

Veterans shall accompany their applications with certified copies of their certificates of discharge, or other satisfactory evidence of their military or naval service. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their applications by duly corroborated affidavits in support thereof, setting forth in detail all facts relevant to their claims.

Applications for these lands, which shall be filed in the district land office at Sacramento, California, shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations (Circ. 324, May 22, 1914, 43 L. D. 254), and Part 296 of that title, to the extent that such regulations are applicable. Applications under the homestead laws shall be governed by the regulations contained in Subchapter I of Title 43 of the Code of Federal Regulations and applications under the desert land laws and the small tract act of June 1, 1938 shall be governed by the regulations contained in Parts 232 and 257, respectively, of that title.

All inquiries relating to these lands should be addressed to the Register, District Land Office.

FRED W. JOHNSON,
Commissioner.

[F. R. Doc. 45-16588; Filed, Sept. 6, 1945; 9:52 a. m.]

[Misc. 1714715]

WISCONSIN

NOTICE OF FILING OF PLATS OF SURVEY

AUGUST 31, 1945.

Notice is given that the plats of survey of the following-described islands in the Mississippi River in Wisconsin, which were not included in the prior official surveys of the townships involved, will be officially filed in this office at 10:00 a. m. on October 17, 1945:

FOURTH PRINCIPAL MERIDIAN

T. 11 N., R. 7 W., Islands Nos. 137 and 142 in secs. 4, 5, 8, and 22.
T. 17 N., R. 8 W., Islands Nos. 91 and 93 in secs. 20, 29, and 33.
T. 17 N., R. 9 W., Island No. 88 in sec. 12.
T. 18 N., R. 10 W., Island No. 73 in secs. 16 and 17.
T. 19 N., R. 12 W., Islands Nos. 53 and 54 in secs. 2 and 3.

These islands range in size from 2.17 to 66.74 acres, the total area being 212.92 acres, and are included in Swamp Land Selection List, G. L. O. 010545, filed July 25, 1945, on behalf of the State of Wisconsin. It appears from the field notes of survey that all the islands are swamp and overflowed within the meaning of the Swamp Land Act of September 28, 1850 (9 Stat. 519; 43 U. S. C. secs. 982–984). Should the islands finally be determined to be swamp and overflowed in character they must be held to have inured to the States as of the date of the grant.

By Executive Order No. 4280 of August 7, 1925, and subject to the exceptions, conditions and limitations of the act of June 25, 1910 (36 Stat. 847), as amended August 24, 1912 (37 Stat. 497; 43 U.S.C. secs. 141–142), all islands in the Mississippi River between Rock Island, Illinois, and Wabasha, Minnesota, belonging to the United States, were temporarily withdrawn from settlement, location, sale or entry, and reserved in connection with the administration of the act of June 7, 1924 (43 Stat. 650; 16 U.S.C. secs. 721–731), to establish Upper Mississippi River Wild Life and Fish Refuge.

Subject to the above-mentioned withdrawal, claims or rights adverse to the State, if any, may be asserted by the filing of applications within 90 days from the date of filing of the plats. Any application adverse to the State must be accompanied by a showing that the land is nonswamp in character, in accordance with the provisions of 43 CFR 271.2 (b).

All inquiries relating to these islands should be addressed to the Commissioner, General Land Office, Washington (25), D. C.

FRED W. JOHNSON,
Commissioner.

[F. R. Doc. 45-16590; Filed, Sept. 6, 1945; 9:52 a. m.]

[Misc. 2051152]

CALIFORNIA

OPENING OF PUBLIC LANDS

AUGUST 30, 1945.

Restoration Order No. 1196 under Federal Power Act.

By Executive order of May 27, 1913, creating Power Site Reserve No. 364, and Executive order of July 24, 1917, creating Power Site Reserve No. 646, the following described lands were withdrawn for power purposes:

MOUNT DIABLO MERIDIAN

T. 31 N., R. 2 W., sec. 24, NE¼SW¼, S½SW¼, and SE¼.

The Federal Power Commission has determined (DA–634, California) that the value of the above-described lands will not be injured or destroyed for purposes of power development by location, entry, or selection under the public land laws, subject to the provisions of section 24 of the Federal Power Act.

Pursuant to the determination of the Federal Power Commission and in accordance with Departmental Order No. 1799 of March 19, 1943, 8 F.R. 3743, the above-described lands are hereby declared open to disposition under the public land laws as hereinafter provided, and all applications therefor will be subject to the following reservation:

Made in accordance with and subject to the provisions and reservations of section 24 of the Federal Power Act of June 10, 1920 (41 Stat. 1063), as amended by the act of August 26, 1935 (49 Stat. 838, 846, 16 U. S. C. sec. 818).

This order shall not become effective to change the status of this land until 10:00 a. m. on the 63d day from the date on which it is signed. At that time the land shall, subject to valid existing rights, the provisions of existing withdrawals, and the provisions and reservations of section 24 of the Federal Power Act as above stated, become subject to application, petition, location, or selection as follows:

(a) For a period of 90 days, commencing on the day and at the hour named above, the public land affected by this order shall be subject to (1) application under the homestead or the desert land laws, or the small tract act of June 1, 1938 (52 Stat. 609, 43 U.S.C. sec. 682a), by qualified veterans of World War II, for whose service recognition is granted by the act of September 27, 1944 (58 Stat. 747, 43 U.S.C. sec. 282), subject to the requirements of applicable law, and (2) application under any applicable public land law, based on prior existing valid settlement rights and preference rights conferred by existing laws or equitable claims subject to allowance and confirmation. Applications by such veterans shall be subject to claims of the classes described in subdivision (2).

(b) For a period of 20 days immediately prior to the beginning of such 90-day period, such veterans and persons claiming preference rights superior to those of such veterans, may present their applications, and all such applications, together with those presented at 10:00 a. m. on the first day of the 90-day period, shall be treated as simultaneously filed.

(c) Commencing at 10:00 a. m. on the 91st day after the lands become subject to application, as hereinabove provided, any of the lands remaining unappropriated shall become subject to such application, petition, location, or selection by the public generally as may be authorized by the public land laws.

(d) Application by the general public may be presented during the 20-day period immediately preceding such 91st day, and all such applications, together with those presented at 10:00 a. m. on that day, shall be treated as simultaneously filed.

Veterans shall accompany their applications with certified copies of their certificates of discharge, or other satisfactory evidence of their military or naval service. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their applications by duly corroborated affidavits in support thereof, setting forth in detail all facts relevant to their claims.

Applications for this land, which shall be filed in the District Land Office at Sacramento, California, shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations (Circ. 324, May 22, 1914, 43 L. D. 254), and Part 295 of that title, to the extent that such regulations are applicable. Applications under the homestead laws shall be governed by the regulations contained in Subchapter I of Title 43 of the Code of Federal Regulations and applications under the desert land laws and the small tract act of June 1, 1938, shall be governed by the regulations contained in Parts 232 and 257, respectively, of that title.

FRED W. JOHNSON,
Commissioner.

[F. R. Doc. 45-16589; Filed, Sept. 6, 1945; 9:52 a. m.]

CIVIL AERONAUTICS BOARD.

[Docket No. 1941]

PAN AMERICAN AIRWAYS, INC., ET AL.

NOTICE OF HEARING

In the matter of Government travel discount tariff provisions of Pan American Airways, Inc., Pan American-Grace Airways, Inc., Uraba, Medellin and Central Airways, Inc., and Cia Mexicana de Aviacion, S. A.

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, particularly section 205 (a) and 1002 of said act, that hearing in the above-entitled proceeding is assigned to be held on September 28, 1945, at 10 a. m. (eastern war time), in Conference Room "C", Department of Commerce, 14th St. and Constitution Ave. NW., Washington, D. C., before Examiner Curtis C. Henderson.

Dated at Washington, D. C., September 6, 1945.

By the Civil Aeronautics Board.

FRED A. TOOMBS,
Secretary.

[F. R. Doc. 45-16591; Filed, Sept. 6, 1945; 10:03 a. m.]

[Docket No. 1975]

BALTIMORE AS CO-TERMINAL ON NORTH ATLANTIC ROUTES

NOTICE OF HEARING

In the matter of the application of Baltimore, Md., for designation as co-terminal on the North Atlantic routes.

Notice is hereby given pursuant to the Civil Aeronautics Act of 1938, as amended, particularly sections 401 and 1001 of said act, that a hearing in the above-entitled proceeding is assigned to be held on September 21, 1945, at 2:00 p. m., in Room 5132, Department of Commerce Building, 14th Street and Constitution Avenue NW., Washington, D. C., before an examiner of the Board.

Dated Washington, D. C., September 4, 1945.

By the Civil Aeronautics Board.

FRED A. TOOMBS,
Secretary.

[F. R. Doc. 45-16592; Filed, Sept. 6, 1945; 10:03 a. m.]

FEDERAL TRADE COMMISSION.

[Docket No. 5370]

ROBERT ROSOFF

NOTICE OF HEARING

The Federal Trade Commission, having reason to believe that the party respondent named in the caption hereof, and hereinafter more particularly designated and described, since June 19, 1936, has violated and is now violating the provisions of subsection (c) of section 2 of the Clayton Act, as amended by the Robinson-Patman Act, approved June 19, 1936 (U.S.C., Title 15, section 13), hereby issues its complaint, stating its charges with respect thereto as follows:

PARAGRAPH 1. Respondent Robert Rosoff is an individual, trading as Robert Rosoff, with his principal office and place of business located at 370 Seventh Avenue, New York, New York. The respondent, since June 19, 1936, has engaged and is now engaged in the business of buying furs and fur garments for himself and for others for resale.

PAR. 2. The respondent Robert Rosoff is the sole owner of the registered trade name "Rochelle Fur Company" and the business of buying and selling furs and fur garments which is conducted under such name. The respondent maintains the principal office and place of business of said company at 370 Seventh Avenue, New York, New York, in the same offices he occupies in connection with his various other business activities hereinafter more particularly described.

The respondent since June 19, 1936, has purchased and is now purchasing furs and fur garments in the name of Rochelle Fur Company for his own account for resale.

PAR. 3. The respondent Robert Rosoff is Secretary and Treasurer of State Furriers, Inc., a New Jersey corporation, with its principal office and place of business located at 2 North Broad Street, Trenton, New Jersey, which corporation is engaged in the business of purchasing and selling furs and fur garments. The respondent's wife, Betty Rosoff, is Vice-President, and the respondent's father, Joseph Rosoff, is President of State Furriers, Inc. The respondent Robert Rosoff, the respondent's wife, Betty Rosoff, and the respondent's father, Joseph Rosoff, together own all the capital stock of said corporation.

The respondent Robert Rosoff, since June 19, 1936, has purchased, and is now purchasing, furs and fur garments in the name of and for the account of State Furriers, Inc., for resale.

PAR. 4. The respondent Robert Rosoff, since June 19, 1936, has owned a substantial financial interest in several other business establishments which are engaged in the purchase and sale of furs and fur garments. Some such firms are located in various cities of the several states of the United States. The respondent, since June 19, 1936, has purchased, and is now purchasing, furs and fur garments for resale in the name of, and for the account of, such respective business establishments.

PAR. 5. The respondent, since June 19, 1936, has also engaged in the business of buying furs and fur garments for several other distinct classes of purchasers in whose respective businesses he has no financial interest. These dealers may be classified as retail furriers who deal exclusively in furs and fur garments, department stores which have a fur department, and chain stores which also have a department engaged in the buying and selling of furs and fur garments.

The respondent Robert Rosoff as a buyer of furs and fur garments acts as buying agent for and in behalf of such outlets. In such capacity the respondent's manner of operation is that of receiving from such purchasers, for whom he acts as agent, requests, orders or requisitions to purchase a stated quantity of furs or fur garments upon such purchasers' specifications as to the quantity, size, color, type of garment and price. When the respondent receives such an order for such merchandise, he contacts various manufacturers of such merchandise and places the respective purchaser's order with that source of supply which offers the specified requirements on terms and conditions most favorable from the standpoint of the purchaser. When such orders are filled, the merchandise is shipped by the manufacturer direct to the purchaser, although in some instances delivery is arrested to permit inspection of the garment by the respondent at the respondent's place of business. The respondent gives personal attention to the detail of selecting and purchasing furs and fur garments, securing for his client buyers the best possible prices and terms by calling on competing manufacturers and only placing orders where he can receive the most favorable prices and terms.

PAR. 6. In the course and conduct of his business, since June 19, 1936, respondent has placed orders for such furs and fur garments with manufacturers and jobbers thereof located in the State of New York and elsewhere on behalf of dealers and others located in other states of the United States, pursuant to which orders, such merchandise has been shipped and transported by the sellers thereof from the State of New York across state lines to the respective dealers or other purchasers.

Representative of a few of many of the manufacturers and jobbers with whom the respondent has placed orders for furs and fur garments are:

Biltwell Furs, Inc., 210 W. 30th St., New York, N. Y.
Alexander & Perry, 350 Seventh Ave., New York, N. Y.
Weiss & Bernstein, Inc., 307 Seventh Ave., New York, N. Y.
Antis, Goldberg & Tsomos, 266 W. 27th St., New York, N. Y.
Julius Green Fur Co., Inc., 330 Seventh Ave., New York, N. Y.
Normandie Fur Trading Corporation, 210 W. 30th St., New York, N. Y.
Getsos & Dranow, 312 Seventh Avenue, New York, N. Y.
Rothman Fur Company, 251 W. 30th St., New York, N. Y.
Jacob's Furs, 350 Seventh Ave., New York, N. Y.
Feinstein & Feinstein, 330 Seventh Ave., New York, N. Y.

PAR. 7. In the course of the purchasing transactions in interstate commerce as set forth herein, respondent, since June 19, 1936, while acting as purchasing agent for and in his own behalf and for and in behalf of other purchasers of such furs and fur garments, in the manner hereinabove described, has received and accepted, and is receiving and accepting, from the sellers thereof brokerage fees or commissions in substantial amounts.

PAR. 8. The foregoing acts and practices of the respondent in receiving and accepting commissions or brokerage fees from sellers on purchases made from such sellers by respondent for his own account, and on purchases made by respondent while acting in fact for and in behalf of other buyers, in the manner and under the circumstances as hereinabove set forth, is in violation of subsection (c) of section 2 of the act described in the preamble hereof.

Wherefore, the premises considered, the Federal Trade Commission on this 22d day of August, A. D. 1945, issues its complaint against said respondent.

Notice. Notice is hereby given you, Robert Rosoff, respondent herein, that the 28th day of September, A. D. 1945, at 2 o'clock in the afternoon, is hereby fixed as the time, and the offices of the Federal Trade Commission in the City of Washington, D. C., as the place, when and where a hearing will be had on the charges set forth in this complaint, at which time and place you will have the right, under said Act, to appear and show cause why an order should not be entered by said Commission requiring you to cease and desist from the violation of the law charged in the complaint.

You are notified and required, on or before the twentieth day after service upon you of this complaint, to file with the Commission an answer to the complaint. If answer is filed and if your appearance at the place and on the date above stated be not required, due notice to that effect will be given you. The rules of practice adopted by the Commission with respect to answers or fail-

ure to appear or answer (Rule IX) provide as follows:

In case of desire to contest the proceeding the respondent shall, within twenty (20) days from the service of the complaint, file with the Commission an answer to the complaint. Such answer shall contain a concise statement of the facts which constitute the ground of defense. Respondent shall specifically admit or deny or explain each of the facts alleged in the complaint, unless respondent is without knowledge, in which case respondent shall so state.

Failure of the respondent to file answer within the time above provided and failure to appear at the time and place fixed for hearing shall be deemed to authorize the Commission, without further notice to respondent, to proceed in regular course on the charges set forth in the complaint.

If respondent desires to waive hearing on the allegations of fact set forth in the complaint and not to contest the facts, the answer may consist of a statement that respondent admits all the material allegations of fact charged in the complaint to be true. Respondent by such answer shall be deemed to have waived a hearing on the allegations of fact set forth in said complaint and to have authorized the Commission, without further evidence, or other intervening procedure, to find such facts to be true.

Contemporaneously with the filing of such answer the respondent may give notice in writing that he desires to be heard on the question as to whether the admitted facts constitute the violation of law charged in the complaint. Pursuant to such notice, the respondent may file a brief, directed solely to that question, in accordance with Rule XXIII.

In witness whereof, The Federal Trade Commission has caused this, its complaint, to be signed by its Secretary, and its official seal to be hereto affixed, at Washington, D. C., this 22d day of August, A. D. 1945.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 45-16621; Filed, Sept. 6, 1945; 11:22 a. m.]

INTERSTATE COMMERCE COMMISSION.

[Rev. S. O. 346, Amended Gen. Permit 3]

ICING OF VEGETABLES FROM CALIFORNIA

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph of Revised Service Order No. 346 (10 F.R. 10035), permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard the provisions of Revised Service Order No. 346 insofar as it applies to initial bunker icing only on straight carloads of carrots, broccoli or cauliflower, also mixed carloads of broccoli with cauliflower, also any shipment of fresh or green vegetables when loaded in a refrigerator car having a height of less than seven (7) feet, inside measurement, originating at points in California.

This general permit will become effective at 12:01 a. m., September 5, 1945, and will apply only on cars billed on or after that time.

The waybills shall show reference to this general permit.

A copy of this general permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 4th day of September, 1945.

V. C. CLINGER,
Director,
Bureau of Service.

[F. R. Doc. 45-16614; Filed, Sept. 6, 1945; 11:24 a. m.]

[Rev. S. O. 346, 3d Amended Gen. Permit 4]

ICING AT CHICAGO, DECATUR, PEORIA, EAST ST. LOUIS, ILL.; ST. LOUIS, MO., AND MEMPHIS, TENN.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph of Revised Service Order No. 346 (10 F.R. 10035), permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard the provisions of Revised Service Order No. 346 insofar as it applies to the quantity of retop ice furnished at Chicago, Decatur, Peoria, East St. Louis, Illinois, St. Louis, Missouri, and Memphis, Tennessee, one time only.

This general permit shall become effective at 12:01 p. m., August 31, 1945.

The waybills shall show reference to this general permit.

A copy of this general permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 31st day of August 1945.

V. C. CLINGER,
Director,
Bureau of Service.

[F. R. Doc. 45-16615; Filed, Sept. 6, 1945; 11:24 a. m.]

[Rev. S. O. 346, Gen. Permit 6]

ICING OF VEGETABLES FROM COLORADO

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph of Revised Service Order No. 346 (10 F. R. 10035), permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

On any straight or mixed carload of vegetables, originating at any point in Colorado, to disregard the provisions of Revised Service Order No. 346 insofar as it applies to the furnishing of one retop icing in transit only, with not to exceed 12,000 pounds of retop ice, at any point west of the Mississippi River on such cars when destined Arkansas, Texas, Oklahoma and Louisiana.

This general permit shall become effective at 12:01 a. m., August 31, 1945, on cars billed on and after that time.

The waybills shall show reference to this general permit.

A copy of this general permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 31st day of August 1945.

V. C. CLINGER,
Director,
Bureau of Service.

[F. R. Doc. 45-16616; Filed, Sept. 6, 1945; 11:24 a. m.]

[Rev. S. O. 346, Gen. Permit 7]

ICING AT ST. LOUIS, MO., ETC.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph of Revised Service Order No. 346 (10 F.R. 10035), permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard the provisions of Revised Service Order No. 346 insofar as it applies at St. Louis, Missouri, or at any point east of the Mississippi River.

This general permit shall become effective at 12:01 a. m., September 5, 1945, and shall apply on all cars billed or rolling at that time.

The waybills shall show reference to this general permit.

A copy of this general permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 31st day of August 1945.

V. C. CLINGER,
Director,
Bureau of Service.

[F. R. Doc. 45-16617; Filed, Sept. 6, 1945; 11:24 a. m.]

[Rev. S. O. 346, Amended Gen. Permit 7]

ICING AT ST. LOUIS, MO., ETC.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph of Revised Service Order No. 346 (10 F.R. 10035), permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard the provisions of paragraph (c) (1) of Revised Service Order No. 346 insofar as it applies at St. Louis, Missouri, or at any point east of the Mississippi River.

This general permit shall become effective at 12:01 a. m., September 6, 1945, and it shall apply on all cars billed or rolling at that time.

The waybills shall show reference to this general permit.

A copy of this general permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 5th day of September, 1945.

V. C. CLINGER,
Director,
Bureau of Service.

[F. R. Doc. 45-16618; Filed, Sept. 6, 1945; 11:24 a. m.]

[Rev. S. O. 346, Special Permit 15]

ICING IN NEW YORK HARBOR AREA

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph of Revised Service Order No. 346 (10 F.R. 10035), permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard the provisions of Revised Service Order No. 346, insofar as it applies to the retop icing, with not to exceed 8000 pounds retop ice, one time only for each car in transit in the New York Harbor area.

This special permit shall become effective 12:01 p. m. August 31 and shall expire at 12:01 a. m. September 4, 1945.

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 31st day of August 1945.

V. C. CLINGER,
Director,
Bureau of Service.

[F. R. Doc. 45-16620; Filed, Sept. 6, 1945; 11:24 a. m.]

[Rev. S. O. 346, Special Permit 16]

ICING OF PEAS AT JERSEY CITY, N. J.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph of Revised Service Order No. 346 (10 F.R. 10035), permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard the provisions of Revised Service Order No. 346 insofar as it applies to the retop icing, with not to exceed 5,000 pounds retop ice, ART-16530 and 21187, peas on PRR Ball Ground, Jersey City, N. J. as ordered by Kodish & Zwiek.

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 31st day of August 1945.

V. C. CLINGER,
Director,
Bureau of Service.

[F. R. Doc. 45-16619; Filed, Sept. 6, 1945; 11:24 a. m.]

[Special Order ODT R-7, Revocation]

CENTRAL RAILROAD CO. OF NEW JERSEY

DIRECTING THE DISCONTINUANCE AND ADJUSTMENT OF CERTAIN PASSENGER SERVICE

Pursuant to Executive Order 8989, as amended, Special Order ODT R-7 (9 F.R. 2197), is hereby revoked effective September 16, 1945.

(E.O. 8989, as amended, 6 F.R. 6725, 8 F.R. 14183)

Issued at Washington, D. C., this 5th day of September 1945.

J. M. JOHNSON,
Director,
Office of Defense Transportation.

[F. R. Doc. 45-16564; Filed, Sept. 5, 1945; 3:29 p. m.]

[Certain Special Orders ODT LB Series, Revocation]

DIRECTIONS GOVERNING LOCAL PASSENGER TRANSPORT

Pursuant to Executive Orders 8989, as amended, 9156, and 9294, *It is hereby ordered*, That Special Orders ODT LB-1 (7 F.R. 9259), LB-2 (7 F.R. 9259), and LB-3 (7 F.R. 9260), be, and they are hereby, revoked effective November 1, 1945.

(E.O. 8989, as amended, 6 F.R. 6725, 8 F.R. 14183; E.O. 9156, 7 F.R. 3349; E.O. 9294, 8 F.R. 221)

Issued at Washington, D. C., this 6th day of September 1945.

J. M. JOHNSON,
Director,
Office of Defense Transportation.

[F. R. Doc. 45-16604; Filed, Sept. 6, 1945; 10:58 a. m.]

OFFICE OF DEFENSE TRANSPORTATION.

[Certain Special Orders ODT LB Series, Revocation]

DIRECTIONS GOVERNING LOCAL PASSENGER TRANSPORT

Pursuant to Executive Orders 8989, as amended, 9156, and 9294, *It is hereby ordered*, That Special Orders ODT LB-6 (7 F.R. 9261), LB-6-1 (8 F.R. 15920), and LB-7 (7 F.R. 9262), be, and they are hereby, revoked effective November 1, 1945.

(E.O. 8989, as amended 6 F.R. 6725, 8 F.R. 14183; E.O. 9156, 7 F.R. 3349; E.O. 9294, 8 F.R. 221)

Issued at Washington, D. C., this 5th day of September 1945.

J. M. JOHNSON,
Director,
Office of Defense Transportation.

[F. R. Doc. 45-16563; Filed, Sept. 6, 1945; 3:29 p. m.]

OFFICE OF PRICE ADMINISTRATION.

[SR 15, Order 51]

SPALSBURY STEIS DEEVERS SHOE CO.

ESTABLISHMENT OF MAXIMUM PRICES

Order No. 51 Under § 1499.75 (a) (10) of Supplementary Regulation 15 to the General Maximum Price Regulation; Spalsbury Steis Deevers Shoe Co. WLB Case No. 7-24756, 7-25628 OPA Docket No. SO-28-8680. 6064-SR 15.75 (a) (10)—52.

For the reasons set forth in an opinion issued simultaneously herewith and pursuant to § 1499.75 (a) (10) of Supplementary Regulation 15 to the General Maximum Price Regulation, it is ordered:

(a) *Maximum prices for sales of footwear manufactured by Spalsbury Steis Deevers Shoe Co.* (1) The maximum prices at which Spalsbury Steis Deevers Shoe Co. of Fredericktown, Missouri may sell and deliver the following described styles of footwear shall be:

Style No.	Pattern name	Description	Adjusted maximum prices (per pair, net), sales to all retailers other than chain stores
3681	Flexcraft	Elk blucher moccasin oxford	$2 94
3650	do	Aulyn blucher moccasin oxford	3 27
4104X	Master	Crushed kid and calf saddle oxford	3 27
4113	do	Crushed kid and elk saddle oxford	3 27
4121X	do	Elk saddle oxford	2 94
4065X	do	Doeback and elk saddle oxford	2 94
4112X	Trail	Crushed kid and calf saddle oxford	3 27
4112	do	Crushed kid and elk saddle oxford	3 27
4121	do	Elk saddle oxford	2 94
4128	do	Doeback and elk saddle oxford	2 94
4119	Shuttle	Elk loafer type moccasin	2 94
4127X	do	Calf loafer type moccasin	3 27
3141	Serenity	Elk oxford, sc/shoe	2 94
4113X	do	Crushed kid loafer 1 SS last	3 27
4021X	do	Calf oxford, SS last	3 27
4120	Knockabout	Crushed kid high riding pump	3 27
4150	do	Calf high riding pump	3 27
4061	do	Aulyn high riding pump	3 27
4007	Betsy	Crushed kid blucher oxford 12 S last	3 27
4200	do	Calf blucher oxford	3 27
4200X	do	Elk blucher oxford	2 94
3512	Servus	Calf blucher oxford	3 27
3008	do	do	3 27
3041	Strut	do	3 27
4068	Nancy	Crushed kid oxford	3 27
4060X	do	Calf oxford	3 27
4158	do	Elk oxford	2 94
4158X	do	Aulyn oxford	3 27
30 V6054	Lyell	Elk blucher oxford 11 S last	2 94
30 V6054	Flexcraft	Elk blucher moccasin oxford	2 94
V926	do	Pig blucher moccasin oxford	2 94
V911	Master	Elk saddle oxford	2 94

(2) *"OPA adjustment charge".* The "OPA adjustment charge" shall be 6 cents per pair. The maximum prices listed in paragraph (a) (1), above, include, in each case, the "OPA adjustment charge."

(3) *Invoicing of "OPA adjustment charges".* The "OPA adjustment charge" listed in paragraph (a) (2), above, may be made and collected only if separately stated on the invoice accompanying each sale and delivery.

(4) *Discounts.* Any shoe listed in paragraph (a) (1), above, may be billed at a gross price provided that the net price, after discounts, does not exceed the applicable maximum price specified.

(b) *Maximum prices for sales at retail—(1) Sales subject to the General Maximum Price Regulation.* The maximum price for a sale or delivery at retail of any shoe listed in paragraph (a) (1), above, shall be the retailer's maximum price previously established under the General Maximum Price Regulation and may not be increased by reason of the adjustment granted to Spalsbury Steis Deevers Shoe Co. under this order. A retailer who has not previously established a maximum price for such shoes under the General Maximum Price Regulation may not, in determining his maximum price, consider the "OPA adjustment charge" specified in paragraph (a) (2), above, as a part of his unit replacement cost for the shoe.

(2) *Sales subject to Maximum Price Regulation 539.* The maximum price for a sale or delivery at retail of any shoe listed in paragraph (a) (1), above, shall be the retailer's maximum price determined by applying to his invoice net cost, exclusive of the "OPA adjustment charge" specified in paragraph (a) (2), above, the applicable pricing rule of section 7 of Maximum Price Regulation 580 and may not be increased by reason of the adjustment granted to Spalsbury Steis Deevers Shoe Co. under this order.

(c) *Notification.* At the time of (or prior to) the first delivery hereafter of each shoe listed in paragraph (a), above, Spalsbury Steis Deevers Shoe Co. shall notify the purchaser in writing of the applicable method established by paragraph (b), above, for determining his maximum price at retail for sales of such shoe. This notice may be given in any convenient form.

(d) All requests not specifically granted by this order are hereby denied.

(e) This order may be amended, modified, revised or revoked by the Administrator at any time.

This order shall become effective September 6, 1945.

Issued this 5th day of September 1945

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-16545; Filed, Sept. 5, 1945; 11:42 a. m.]

[MPR 188, Order 118 Under 2d Rev. Order A-3]

GRAND WOODWORKING CO.

ADJUSTMENT OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith, and filed with the Division of the Federal Register; and pursuant to Second Revised Order No. A-3 under § 1499.159b of Maximum Price Regulation No. 188, it is ordered:

(a) *Manufacturer's maximum prices.* Grand Woodworking Company, of 4147 W. Ogden Avenue, Chicago, Illinois, may sell and deliver the articles of wood office furniture which it manufactures, and which are described in the manufacturer's application dated February 1, 1945, at prices no higher than its maximum prices in effect immediately prior to the issuance of this order plus an adjustment charge of 15.3 percent.

On all sales other than sales to ultimate consumers, the adjustment charge provided herein may be made and collected only if stated separately on each invoice.

The maximum prices of the manufacturer, as adjusted, are subject to its customary terms, discounts, allowances and other price differentials in effect during March, 1942 on sales to each class of purchaser.

(b) *Maximum prices of purchasers for resale.* A person who hereafter buys an article covered by this order and resells it in substantially the same form, may collect from his customer, in addition to his properly established maximum price in effect immediately before this order was issued, an adjustment charge in the same amount as the adjustment charge herein authorized and which he pays to his supplier. If he did not have a maximum price in effect for the article at the time this order was issued, he may add the same adjustment charge to the maximum price which he hereafter establishes for his sales under the applicable regulation. If the applicable regulation requires the maximum resale price to be computed on the basis of cost, the reseller must find his maximum resale price (not including the permitted adjustment charge) by using as cost his invoice cost less any adjustment charge stated on the invoice as a separate amount.

On all sales other than sales to the ultimate consumer this adjustment charge may be made and collected only if it is separately stated on each invoice. The adjusted price is subject to each seller's customary terms, discounts, and allowances on sales of the same or similar articles.

(c) *Notification.* At the time of, or prior to, the first invoice to a purchaser for resale, showing a price adjusted in accordance with the terms of this order, the seller shall notify the purchaser in writing of the method established in paragraph (b) of this order for determining adjusted maximum prices for resale of the article covered by this order. This notice may be given in any convenient form.

(d) *Statements to be submitted to the Office of Price Administration.* After the effective date of this order, Grand Woodworking Company shall submit to the Office of Price Administration, Washington, D. C., a detailed quarterly profit and loss statement, within thirty days after the close of each quarter.

(e) This order may be revoked or amended by the Price Administrator at any time.

(f) This order shall become effective on September 6, 1945.

Issued this 5th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-16549; Filed, Sept. 5, 1945; 11:43 a. m.]

[MPR 189, Order 4300]

DIAMOLOY TOOL CO.

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.158 of Maximum Price Regulation No. 188; *It is ordered:*

(a) This order establishes maximum prices for sales and deliveries of certain articles manufactured by Diamoloy Tool Company, 907 Eighth Avenue, New York 19, N. Y.

(1) For all sales and deliveries to the following classes of purchasers by the sellers indicated below, the maximum prices are those set forth below:

Article	Model No.	Maximum prices for sales by mfr. seller to				
		Jobbers	Drop-ship jobbers	Chain and department store	Other retailers	Consumers
Tryout	10½ x 1	Each $1.95	Each $2.00	Each $2.67	Each $2.66	Each $4.95

These maximum prices are for the articles described in the manufacturer's application dated July 14, 1945.

(2) For sales by the manufacturer, the maximum prices apply to all sales and deliveries since Maximum Price Regulation No. 188 became applicable to those sales and deliveries. These prices are f. o. b. factory and subject to a cash discount of 2% for payment within 10 days, net 30 days.

(3) For sales by persons other than the manufacturer, the maximum prices apply to all sales and deliveries after the effective date of this order. Those prices are subject to each seller's customary terms and conditions of sale on sales of similar articles.

(4) If the manufacturer wishes to make sales and deliveries to any other class of purchaser or on other terms and conditions of sale, he must apply to the Office of Price Administration, Washington, D. C., under the Fourth Pricing Method, § 1499.158 of Maximum Price Regulation No. 188, for the establishment of maximum prices for those sales, and no sales or deliveries may be made until maximum prices have been authorized by the Office of Price Administration.

(b) The manufacturer shall attach a tag or label to every article for which a maximum price for sales to consumers is established by this order. That tag or label shall contain the following statement

Model No. 10½ x 1
OPA Retail Ceiling Price—$3.95 each
Do Not Detach

(c) At the time of, or prior to, the first invoice to each purchaser for resale, the seller shall notify the purchaser in writing of the maximum prices and conditions established by this order for sales by the purchaser. This notice may be given in any convenient form.

(d) This order may be revoked or amended by the Price Administrator at any time.

(e) This order shall become effective on the 6th day of September 1945.

Issued this 5th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-16548; Filed, Sept. 5, 1945; 11:42 a. m.]

[MPR 188, Amdt. 31 to Order A-2]

HOUSEHOLD WINDOW VENTILATORS

ADJUSTMENT OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to the provisions of § 1499.159b of Maximum Price Regulation No. 188; *It is ordered:*

Paragraph (a) (16) of Order A-2 is amended in the following respect:

Subparagraph (ii) is amended by adding to the list of commodities set forth therein the following: "household window ventilators".

This amendment shall become effective on the 6th day of September 1945.

Issued this 5th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-16569; Filed, Sept. 5, 1945; 4:35 p. m.]

[MPR 61, Amdt. 2 to Order 3]

GARMENT AND GLOVE GOAT LEATHER MEETING SPECIFICATIONS OF WAR PROCUREMENT AGENCIES

MAXIMUM PRICES FOR SALES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register and pursuant to section 11 of Maximum Price Regulation 61; *It is ordered:*

The text of paragraph (a) preceding the table is amended to read as follows:

(a) On and after September 5, 1945, the following shall be the maximum prices, f. o. b. producers' shipping point, at which any person may sell or deliver the leather specified below:

This amendment shall become effective September 5, 1945.

Issued this 5th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-16568; Filed, Sept. 5, 1945; 4:34 p. m.]

Regional and District Office Orders.

LIST OF COMMUNITY CEILING PRICE ORDERS

The following orders under Rev. General Order 51 were filed with the Division of the Federal Register August 30, 1945.

REGION I

Augusta Order 3-F, Amendment 11, covering fresh fruits and vegetables in South Portland, Portland and Westbrook, Maine. Filed 9:32 a. m.

Augusta Order 5-F, Amendment 11, covering fresh fruits and vegetables in the Bangor and Brewer Areas. Filed 9:32 a. m.

Boston Order 7-F, Amendment 2, covering fresh fruits and vegetables in certain areas in Massachusetts. Filed 9:27 a. m.

Boston Order 12-F, Amendment 4, covering fresh fruits and vegetables in certain areas in Massachusetts. Filed 9:32 a. m.

REGION II

Altoona Order 2-F, Amendment 33, covering fresh fruits and vegetables in the entire Altoona Area. Filed 9:33 a. m.

Newark Order 7-F, Amendment 18, covering fresh fruits and vegetables in certain areas in New Jersey. Filed 9:33 a. m.

New York Order 9-F, Amendment 25, covering fresh fruits and vegetables in the five boroughs of New York City. Filed 9:31 a. m.

New York Order 9-F, Amendment 26, covering fresh fruits and vegetables in the five boroughs of New York City. Filed 9:30 a. m.

New York Order 10-F, Amendment 25, covering fresh fruits and vegetables in the Nassau and Westchester Counties, New York. Filed 9:31 a. m.

New York Order 10-F, Amendment 26, covering fresh fruits and vegetables in the Nassau and Westchester Counties, New York. Filed 9:30 a. m.

New York Order 12-F, Amendment 18, covering fresh fruits and vegetables in certain counties in New York. Filed 9:31 a. m.

New York Order 12-F, Amendment 19, covering fresh fruits and vegetables in certain counties in New York. Filed 9:30 a. m.

Syracuse Order 3-F, Amendment 43, covering fresh fruits and vegetables in certain areas in New York. Filed 9:32 a. m.

Trenton Order 12-F, Amendment 22, covering fresh fruits and vegetables in certain counties in New Jersey. Filed 9:33 a. m.

REGION III

Detroit Order 1-O, Amendment 8, covering eggs in certain counties in Michigan. Filed 9:33 a. m.

Detroit Order 5-F, Amendment 30, covering fresh fruits and vegetables in Wayne and Macomb. Filed 9:34 a. m.

Indianapolis Order 14-F, Amendment 31, covering fresh fruits and vegetables in Marion, Vigo and Tippecanoe. Filed 9:35 a. m.

Indianapolis Order 15-F, Amendment 31, covering fresh fruits and vegetables in Wayne, Delaware and Allen. Filed 9:35 a. m.

Indianapolis Order 16-F, Amendment 31, covering fresh fruits and vegetables in St. Joseph. Filed 9:35 a. m.

Indianapolis Order 17-F, Amendment 31, covering fresh fruits and vegetables in Vanderburgh. Filed 9:35 a. m.

Lexington Order 5-F, Amendment 21, covering fresh fruits and vegetables in the Fayette County, Kentucky Area. Filed 9:30 a. m.

Lexington Order 5-W, Amendment 5, covering dry groceries in certain areas in Kentucky. Filed 9:34 a. m.

Lexington Order 6-F, Amendment 21, covering fresh fruits and vegetables in the Campbell and Kenton Counties, Kentucky. Filed 9:29 a. m.

Lexington Order 8-F, Amendment 4, covering fresh fruits and vegetables in certain areas in Kentucky. Filed 9:34 a. m.

Lexington Order 13, Amendment 4, covering dry groceries in certain areas in Kentucky. Filed 9:34 a. m.

REGION IV

Atlanta Order 7-F, Amendment 16, covering fresh fruits and vegetables in certain areas in Georgia. Filed 9:28 a. m.

Atlanta Order 9-F, Amendment 19, covering fresh fruits and vegetables in the Bibb and Muscogee Counties, Georgia and Phenix City, Ala. Filed 9:28 a. m.

REGION V

San Antonio Order 6-F, Amendment 3, covering fresh fruits and vegetables in Bexar County, Texas. Filed 9:28 a. m.

San Antonio Order 7-F, Amendment 3, covering fresh fruits and vegetables in Austin County, Texas. Filed 9:28 a. m.

San Antonio Order 8-F, Amendment 3, covering fresh fruits and vegetables in Corpus Christi, Texas. Filed 9:29 a. m.

St. Louis Order 4-F, Amendment 4, covering fresh fruits and vegetables in the city and county of St. Louis, Missouri. Filed 9:29 a. m.

REGION VI

Springfield Order 14–F, Amendment 24, covering fresh fruits and vegetables in certain areas in Illinois. Filed 9:31 a. m.

REGION VII

Denver Order 4–F, Amendment 10, covering fresh fruits and vegetables in the Denver Area. Filed 9:26 a. m.

Denver Order 5–F, Amendment 10, covering fresh fruits and vegetables in the Pueblo Area. Filed 9:26 a. m.

Denver Order 6–F, Amendment 10, covering fresh fruits and vegetables in the Colorado Springs-Manitou Area. Filed 9:27 a. m.

Denver Order 7–F, Amendment 10, covering fresh fruits and vegetables in the Boulder-Fort Collins-Greeley Area. Filed 9:27 a. m.

Copies of any of these orders may be obtained from the OPA Office in the designated city.

ERVIN H. POLLACK,
Secretary.

[F. R. Doc. 45–16567; Filed, Sept. 5, 1945; 4:34 p. m.]

[Region III Order G–23 Under RMPR 122, Amdt. 1]

SOLID FUELS IN MARION, IND., AREA

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of Region III of the Office of Price Administration by § 1340.260 of Revised Maximum Price Regulation No. 122, *It is hereby ordered*, That Parts I, II, and IV of paragraph (c) (1) of Order No. G–23 under Revised Maximum Price Regulation No. 122 be amended to read as follows:

Column I	*Column II*
I. High volatile bituminous coals from producing district No. 8 (eastern Kentucky, southern West Virginia, western Virginia and northeastern Tennessee) excepting Mine Index Nos. 124, 126 and 127 (the #3, #5 and #6 mines of the Columbus Mining Co.), 207 (the Fourseam Mine of the Fourseam Coal Co.), 225 (the Garco Mine of the Garmeada Coal Co.) and 141 (the Creech Mine of the Creech Coal Co.)	
II. * * *	
A * * *	
2. Mine price classifications B and C	$9 81
* * * * *	
IV. Pennsylvania Anthracite, Egg, Stove and Nut	15 35

This Amendment No. 1 to Order No. G–23 under Revised Maximum Price Regulation No. 122 shall become effective August 24, 1945.

Issued: August 24, 1945.

CLIFFORD J. HOUSER,
Acting Regional Administrator.

[F. R. Doc. 45–16576; Filed, Sept. 5, 1945; 4:36 p. m.]

[Region III Order G–59 Under RMPR 122, Amdt. 1]

SOLID FUELS IN BATTLE CREEK, MICH., AREA

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of Region III of the Office of Price Administration by § 1340.260 of Revised Maximum Price Regulation No. 122, *It is hereby ordered*, That paragraph (c) (2) of Order No. G–59 under Revised Maximum Price Regulation No. 122 be amended to read as follows:

(2) *Discounts.* The above listed maximum prices are subject to the following discounts:

	Per ton
(i) Purchase by one buyer of 20 tons or more	$0.25
(ii) Consumers purchasing at a dealer's yard	.75
(iii) Other dealers purchasing at a dealer's yard for resale	1 50

This Amendment No. 1 to Order No. G–59 under Revised Maximum Price Regulation No. 122 shall become effective August 24, 1945.

Issued: August 24, 1945.

CLIFFORD J. HOUSER,
Acting Regional Administrator.

[F. R. Doc. 45–16570; Filed, Sept. 5, 1945; 4:35 p. m.]

[Region V Order G–2 Under Supp. Order 94]

SURPLUS WAR COMMODITIES IN DALLAS REGION

Pursuant to the Emergency Price Control Act of 1942, as amended, the Stabilization Act of 1942, as amended, and sections 11 and 13 of Supplementary Order No. 94, as amended, and for the reasons set forth in the accompanying opinion, this Order No. G–2 is issued.

(a) *What this order does.* This order establishes maximum prices for new and used butcher blocks when sold as surplus war commodities by the Department of Commerce, Office of Surplus Property, to resellers, and also establishes maximum prices at which such resellers may sell to the ultimate consumer.

(b) *Description of commodities covered.* The commodities covered by this Order No. G–2 are new and used butcher blocks, in two different sizes and built according to the following specifications:

Size 35" x 50" x 16" is made of laminated maple blocks consisting of pieces glued together forming sections running parallel to the sides. The pieces are then bolted together with rods running through the block. The blocks are complete with legs 18" long.

Size 30" x 30" x 16" is made of laminated maple blocks 6" x 2" x 16" of tongue and groove construction bolted together with steel rods. They are complete with detachable legs 18" long and 3½" x 3½" x 3" at the top, tapering slightly to the lower end. The block is finished in a natural wood color with waterproof varnish.

(c) *Geographical applicability.* This Order No. G–2 covers sales of the commodities in question only when made in Region V, which includes all of the States of Texas, Louisiana, Missouri, Kansas, Oklahoma, and Arkansas.

(d) *Maximum prices.* The maximum prices for new and used butcher blocks when sold by the Department of Commerce, Office of Surplus Property, to a reseller, and when sold by a reseller to an ultimate consumer, shall be as follows f. o. b. the place of sale:

(1) *New butcher blocks.*

When sold by the Department of Commerce, Office of Surplus Property, to a reseller:

	Each
Size 35" x 50" x 16"	$56 50
Size 30" x 30" x 16"	23.10

When sold by a reseller to an ultimate consumer or user:

	Each
Size 35" x 50" x 16"	$97.25
Size 30" x 30" x 16"	38.40

(2) *Used butcher blocks.*

Class I. This group includes all used articles which meet the requirements shown below:

1. No part is missing which is necessary to make the block fully useful.

2. The block is in good working condition, can be used by the consumer or user for the purpose intended without further repair, and the article is clean and its appearance is good.

Class II. This includes all used butcher blocks which do not meet the requirements of Class I.

When sold by the Department of Commerce, Office of Surplus Property, to a reseller:

Size 35" x 50" x 16":	
Class I	$43 88
Class II	19 50
Size 30" x 30" x 16":	
Class I	17.32
Class II	7.70

When sold by a reseller to an ultimate consumer or user:

Size 35" x 50" x 16":	
Class I	$72.94
Class II	32 42
Size 30" x 30" x 16":	
Class I	28 80
Class II	12.80

(e) *Licensing.* The provisions of Licensing Order No. 1, licensing all persons who make sales under price control, are applicable to all sellers subject to this Order No. G–2. A seller's license may be suspended for violation of the license or of one or more applicable price schedules or regulations. A person whose license is suspended may not, during the period of suspension, make any sale for which his license has been suspended.

(f) *Right to revoke or amend.* This Order No. G–2 may be revoked, modified, or amended at any time by the Price Administrator or the Regional Administrator.

(g) *Effective date.* This Order No. G–2 shall become effective on the 29th day of August 1945.

Issued this 29th day of August 1945.

W. A. ORTH,
Regional Administrator.

[F. R. Doc. 45–16579; Filed, Sept. 5, 1945; 4:37 p. m.]

[Region V Rev. Order G–1 Under MPR 122 Amdt. 4]

SOLID FUELS IN ST. LOUIS AND ST. LOUIS COUNTY, MO.

Pursuant to the Emergency Price Control Act of 1942, as amended, and the authority vested in the Regional Administrator of Region V by § 1340.260 of Revised Maximum Price Regulation No. 122 and for the reasons set forth in the opinion issued simultaneously herewith, *It is ordered*, That Revised Order G–1 under Revised Maximum Price Regulation No. 122 be, and the same is hereby, amended in the following respects:

Items (1), (2), (3) and (4) under Price Schedule (c) (1) (V) are amended to read as follows:

V. Coke:	
(1) Egg, byproduct, top size 3", bottom size 2⅜" (produced in St. Louis, Mo.)	$12 55
(2) Furnace; stove, byproduct, top size 2⅜", bottom size 1⅜" (produced in St. Louis, Mo.)	12.05
(3) Chestnut; byproduct, top size 1½", bottom size ¾" (produced in St. Louis, Mo.)	12 05
(4) Low temperature, top size no limit, bottom size ⅜" (produced in St. Clair and Franklin Counties, Ill.)	9 70

Items (1), (2) and (3) under Price Schedule (c) (1) (VI) are amended to read as follows:

VI Briquettes:	
(1) Made in Arkansas from District 14 low volatile bituminous coal	$12 65
(2) Made in District 7 low volatile bituminous coal	11.70
(3) Made in Illinois from Southern Illinois high volatile coal	8 25

Amendment No. 3 to Revised Order No. G–1 under Revised Maximum Price Regulation No. 122 insofar as it affects § (c) (1) (V) and (VI) as amended herein is hereby revoked and superseded by this Amendment No. 4.

This amendment is made effective retroactively as of August 20, 1945.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued at Dallas, Texas, this 30th day of August 1945.

W. A. ORTH,
Regional Administrator.

[F. R. Doc. 45–16578; Filed, Sept. 5, 1945; 4:37 p. m.]

SECURITIES AND EXCHANGE COMMISSION.

[File No. 70–1071]

THE NORTH AMERICAN CO.

SUPPLEMENTAL ORDER GRANTING APPLICATION AND PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 4th day of September 1945.

The North American Company, a registered holding company, having on April 24, 1945 filed an application and a declaration, and subsequent amendments thereto, pursuant to sections 6 (a), 7, 9, 10 and 12 of the Public Utility Holding Company Act of 1935, regarding (a) the sale by The North American Company, in accordance with the provisions of Rule U–50, of 700,000 shares of common stock of Pacific Gas and Electric Company, a subsidiary company of The North American Company, (b) the application by The North American Company of the net proceeds of the proposed sale of such stock, together with other treasury funds, to the redemption of its 606,359 outstanding shares of Serial Preferred Stock, 6% Series, of the par value of $50 per share, at the redemption price of $55 per share, or an aggregate price of $33,349,745, plus accrued dividends, (c) the proposed modification of its loan agreement, dated August 3, 1943, with The Chase National Bank of the City of New York and certain other banks, and (d) the purchase upon the New York Stock Exchange, and the San Francisco, Los Angeles and Philadelphia Stock Exchanges of such number of shares of the common stock of Pacific Gas and Electric Company as The North American Company may deem appropriate, in order to stabilize the price of such shares on the day fixed by it for the opening of proposals for the purchase of said stock; and, The North American Company having requested that our order contain the recitals specified by Supplement R of Chapter I and section 1808 (f) of Chapter II of the Internal Revenue Code, as amended, by reciting that the sale by The North American Company of the Pacific Gas and Electric Company common stock and the redemption by The North American Company of its Serial Preferred Stock, 6% Series, are necessary or appropriate to effectuate the provisions of section 11 (b) of the act;

The Commission, after public hearings with respect to such proposed transactions having issued its findings, opinion, and order dated May 15, 1945 (Holding Company Act Release No. 5796) approving the amended application and permitting the amended declaration to become effective subject to the condition that the proposed sale of the common stock of Pacific Gas and Electric Company should not be consummated until the results of competitive bidding, pursuant to Rule U–50, were made a matter of record and a further order of the Commission should have been entered in the light of the record so completed, and the results of the bidding having been made a matter of record and the Commission by its order dated May 23, 1945 (Holding Company Act Release No. 5818) having denied effectiveness to the amended declaration and the transactions proposed therein; and

The North American Company having on August 22, 1945, filed its fifth amendment and having subsequently filed further amendments to its application and declaration for the purpose of reoffering for sale, under the requirements of Rule U–50, were made a matter of record and stock of Pacific Gas and Electric Company, and of consummating each of the transactions heretofore proposed in its original application and declaration, as heretofore amended; the proceedings having been reopened and a reconvened hearing having been held for the purpose of determining, among other things, whether since the date of the Commission's findings, opinion and order of May 15, 1945, conditions and circumstances have changed to the extent that contrary findings are necessary or appropriate with respect to the transactions presently proposed; the Commission having fully considered the record in the light of conditions as they now exist; there appearing no material or substantial change in conditions and circumstances from those existing at the time of the issuance of the Commission's order of May 15, 1945 affecting the presently proposed transactions, except that under the present proposal bids will be opened at 12:00 Noon on September 17, 1945, and The North American Company will, if it accepts any proposal submitted, enter immediately into a contract with the successful bidder for the purchase of the stock and agrees to obtain all necessary regulatory approvals by 3:00 p. m. of the same day; and the Commission observing no reasons for disapproving the presently proposed transactions or for issuing any findings, opinion or order contrary to those issued herein on May 15, 1945:

It is therefore ordered, That the declaration, as amended by declarant's fifth, sixth, seventh, eighth and ninth amendments, be and the same is hereby permitted to become effective, subject to the conditions prescribed by Rule U–24 and to the further condition that the proposed sale of the common stock of Pacific Gas and Electric Company shall not be consummated until the results of competitive bidding, pursuant to the requirements of Rule U–50, have been made a matter of record in this proceeding and a further order shall have been entered by the Commission in the light thereof, jurisdiction being reserved for this purpose;

It is further ordered, That the application, as amended, regarding the acquisition by The North American Company of shares of common stock of Pacific Gas and Electric Company on the New York Stock Exchange, San Francisco Stock Exchange and the Los Angeles Stock Exchange, for the purpose of stabilizing the market price of such stock from 10:00 a. m. on the day on which bids are opened to the time of the opening of bids later in that day be and the same is hereby granted, subject to the condition that The North American Company shall make available to all prospective bidders, at any time prior to the submission of bids, full details with respect to any stabilizing operations it may have conducted including the time of purchases and the number of shares acquired, and subject to the further condition that any common stock of Pacific Gas and Electric Company so acquired by The North American Company shall be subject to the provisions of our divestment order of April 14, 1942 in the same manner as the common shares of Pacific Gas and Electric Company now held by The North American Company;

It is further ordered, That jurisdiction be and the same is hereby reserved over all legal fees to be incurred in connection with the proposed transactions.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 45–16579; Filed, Sept. 5, 1945; 2:20 p. m.]

[File No. 70-1114]

CONSUMERS POWER CO.

ORDER PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 30th day of August, A. D. 1945.

Consumers Power Company, a public utility subsidiary of The Comonwealth & Southern Corporation, a registered holding company, having filed a declaration and amendments thereto, pursuant to sections 6, 7 and 12 (c) of the Public Utility Holding Company Act of 1935 with respect to the issue and sale by Consumers Power Company, by competitive bidding pursuant to Rule U-50 thereunder, of $113,825,000 principal amount of First Mortgage Bonds, % Series, due 1975, the interest rate to be in multiples of $\frac{1}{8}$%, not to exceed $2\frac{7}{8}$%, and at a price to Consumers Power Company of not less than 100% nor more than $102\frac{3}{4}$% of the principal amount, as determined by the results of the competitive bidding, and the issue and sale by Consumers Power Company to banks of $15,000,000 principal amount of $1\frac{3}{4}$% installment notes, payable in 20 equal semiannual installments, of which the first installment is to be payable six months after the date of delivery, the proceeds, together with funds on deposit with the Trustee and treasury funds to be applied to the redemption and retirement of the following securities of Consumers Power Company outstanding in the hands of the public:

Issue	Principal amount outstanding	Redemption price	Funds required, exclusive of accrued interest of dividends
First mortgage bonds:			
3½% series of 1965 due 1965	$18,925,000	*Percent* 105½	$20,587,375
3½% series of 1936 due 1970	75,150,000	105¼	88,737,945
3½% series of 1936 due 1966	21,832,000	103¼	22,978,183
3½% series of 1939 due 1969	17,915,000	108	19,348,200
Total	113,825,000		120,651,703
Preferred stock, no par value $4 preferred	*Shares* 191,924	*Dollars* 105	20,172,020
Total			140,823,723

and regarding certain provisions and adjustments with respect to its utility plant account and other accounting adjustments; and

Hearings having been held on the said declaration after appropriate notice, and the Commission having considered the record and having made and filed its findings and opinion herein:

It is ordered, That the said declaration, as amended, be, and hereby is, permitted to become effective forthwith, subject to the terms and conditions contained in Rule U-24 and to the following terms and conditions:

(a) That the proposed issuance and sale of the $113,825,000 principal amount of First Mortgage Bonds shall not be consummated until the results of the competitive bidding pursuant to Rule U-50 have been made a matter of record in this proceeding and a further order entered in the light of the record so completed, which order may contain such further terms and conditions as may then be deemed appropriate, jurisdiction being reserved for such purpose;

(b) That so long as any of the new bonds or any shares of the $4.50 preferred stock of Consumers Power Company are outstanding, Consumers Power Company shall not declare or pay any dividends on its common stock (other than dividends payable in common stock) or make any distribution of assets to holders of common stock by purchase of shares or otherwise, in an amount which, when added to the aggregate of all such dividends and distributions subsequent to the last day of the month in which the new bonds are issued, would exceed 75% of the balance of the net income earned subsequent to said date available for the payment of dividends on the common stock (or, during the period subsequent to said date and prior to January 1, 1949, would exceed said 75% or an amount equivalent to dividends at the rate of $2 per share per annum since said date, whichever is larger), if, after the payment of any such dividend or the making of any such distribution, the aggregate of the par value of, or stated capital represented by, the outstanding shares of common stock of Consumers Power Company and of the surplus of Consumers Power Company would be less than an amount equal to 25% of the total capitalization and surplus of Consumers Power Company. For the purpose of the foregoing provision, the terms "net income earned subsequent to said date," "total capitalization" and "surplus" shall have the meanings set forth in the registration statement in respect of the new bonds filed by Consumers Power Company under the Securities Act of 1933, as amended.

It is further ordered, That jurisdiction be and it is hereby reserved over the payment of all legal fees and expenses of counsel for Consumers Power Company and for the underwriters in connection with the proposed transactions.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 45-16560; Filed, Sept. 5, 1945; 2:21 p. m.]

[File No. 70-1123]

AMERICAN POWER & LIGHT CO.

ORDER PERMITTING DECLARATION AS AMENDED TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, 3, Pennsylvania, on the 31st day of August, A. D. 1945.

American Power and Light Company ("American"), a subsidiary of Electric Bond and Share Company, both registered holding companies, having filed a declaration and amendment thereto pursuant to the Public Utility Holding Company Act of 1935, particularly sections 12 (c) and 12 (f) thereof and Rule U-44 thereunder, relating to the proposed private sale by American of $4,929,000 principal amount of $4\frac{1}{8}$% Sinking Fund Debentures, due 1979, of Florida Power & Light Company and $4,900,000 principal amount First Mortgage Bonds, $2\frac{3}{4}$% Series, due 1975, of Texas Power & Light Company, both subsidiaries of American, at a price of $104\frac{3}{4}$% of principal amount for said debentures and a price of 100% of principal amount for said bonds, and the employment of the First Boston Corporation to find a purchaser or purchasers for said securities on payment of commissions of $\frac{1}{4}$ of 1% of principal amount; and

Said declaration, as amended, containing a request that the Commission enter an order finding that, with respect to the proposed private sale of said bonds and debentures, compliance with the competitive bidding requirements of Rule U-50 (a) is not necessary or appropriate; and

Said declaration, as amended, containing a request that the Commission enter an order to conform to the requirements of section 371 and 1808 of the Internal Revenue Code, as amended, reciting that the proposed sale of the said debentures and bonds is necessary or appropriate to the integration or simplification of the holding company system of which American is a member and necessary or appropriate to effectuate the provisions of section 11 (b) of the Public Utility Holding Company Act of 1935; and

Said declaration having been filed on August 9, 1945, and an amendment thereto having been filed on August 29, 1945, and notice of said filing having been duly given in the form and manner prescribed by Rule U-23 under said act, and the Commission not having received a request for a hearing with respect to said declaration within the period specified in said notice or otherwise, and not having ordered a hearing therein; and

The Commission finding that, with respect to the proposed sale of the debentures and bonds, an exemption from the competitive bidding requirements of Rule U-50 (a) is appropriate; and

The Commission deeming the proposed sale of said debentures and bonds to be necessary or appropriate to the integration or simplification of the holding company system of which American is a member and necessary or appropriate to effectuate the provisions of section 11 (b) of the act and deeming it appropriate to grant the request of American as to the suggested recitals;

It is hereby ordered, Pursuant to said Rule U-23 and the applicable provisions of said act and subject to the terms and conditions prescribed in Rule U-24, that the aforesaid declaration, as amended, be and the same is hereby permitted to become effective forthwith.

It is further ordered, That the sale of $4,929,000 principal amount of Florida Power & Light Company $4\frac{1}{8}$% Sinking Fund Debentures, due 1979, and $4,900,000 principal amount of Texas Power & Light Company First Mortgage Bonds, $2\frac{3}{4}$% Series, due 1975, is necessary or appropriate to the integration or simplification of the holding company system of which American is a member and necessary or appropriate to effectuate the provisions of section 11 (b) of the Public Utility Holding Company Act of 1935.

By the Commission.

ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 45-16622; Filed, Sept. 6, 1945; 11:22 a. m.]

SURPLUS PROPERTY BOARD.

[Rev. Special Order 3]

POSTPONEMENT OF RESPONSIBILITY OF DISPOSAL AGENCIES FOR CARE AND HANDLING OF SURPLUS PERSONAL PROPERTY

Surplus Property Board Special Order 3, April 23, 1945 (10 F.R. 4368) is hereby revised and amended as set forth below.

Surplus Property Board Regulation No. 1 (10 F.R. 3764, 4356, 10308), as amended, effective May 1, 1945, designates the Department of Commerce, Reconstruction Finance Corporation, War Food Administration (now Department of Agriculture), Maritime Commission, and Department of the Interior (in the territories and possessions) as disposal agencies for surplus personal property.

These agencies are not at this time fully prepared to undertake the care and handling of the surplus property assigned to them. This order is issued pursuant to the authority of section 11 (d) of the Surplus Property Act of 1944 (58 Stat. 765; 50 U. S. C. App. Sup. 1611), which provides that under such circumstances the Board may postpone the responsibility of any disposal agency to assume its duty of care and handling for such period as the Board deems necessary. The policy of the Board is to make full utilization of the existing facilities for the care and handling of surplus property and of the personnel now engaged in that activity, and to avoid unnecessary acquisition of additional storage facilities, as well as to avoid unnecessary shipment of such merchandise from one point to another. *It is, therefore, hereby ordered*, That:

1. With exception of surplus contractor inventory requiring movement to permit reconversion, owning agencies shall continue to be responsible for care and handling of surplus property in their possession and for such other surplus property as may come into their possession.

2. Shipments to or for disposal agencies by owning agencies shall be made only as and when directed by disposal agencies.

3. As to contractor inventory which must be moved to permit reconversion, disposal agencies shall be responsible for care and handling to the extent that facilities permit, and may continue to acquire needed additional space. Construction of any additional facilities shall be subject to approval by the Board.

4. Owning agencies shall assist disposal agencies in every possible way to utilize existing space and equipment now owned or controlled by such owning agencies, to the extent necessary to permit quick and orderly plant clearance. Owning agencies shall prepare and maintain such records as will show full compliance with the provisions of this order and with the applicable provisions of the Act. Reports shall be prepared and filed with the disposal agencies in such manner as may be specified by the Board and approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

5. Disposal agencies shall maintain continuing liaison with each other and with the owning agencies in order to make maximum use of storage space available and to confine shipments of merchandise from one point to another for storage purposes to the minimum consistent with the proper disposal of the property.

This revised special order shall become effective on September 8, 1945.

SURPLUS PROPERTY BOARD,
By W. STUART SYMINGTON,
Chairman.

AUGUST 31, 1945.

[F. R. Doc. 45-16695; Filed, Sept. 6, 1945; 11:02 a. m.]

WAR PRODUCTION BOARD.

NOTICE TO ALL MANUFACTURERS AND FABRICATORS

MICA

Mica of Black Stained, Red Stained, and other varieties required for civilian items is not available in sufficient quantity to meet all needs. This has been due to the emphasis placed upon procurement of mica of the better qualities for war applications. In order to aid the industry in meeting reconversion demands, it will be necessary for the War Production Board to recommend release of a large proportion of Densely Stained, Second Quality Interior Domestic, etc., and other micas of higher price. The following table shows the quantities available and the averaged prices for the stocks of lower quality micas suitable for civilian needs:

Grade	Quantity available	Average [illegible]
	Pounds	
4	80,000	$1.75
5	10,000	2.95
6	15,000	4.25
7	30,000	4.50
All grades	135,000	3.60

In order to distribute the available mica equitably it will be necessary to furnish all the information previously submitted on Form WPB-1085. In addition, each fabricator or manufacturer should state the quantity of mica of the various grades requested that he has in inventory, on the date of his application, in all qualities lower than stained. If he has contracted to purchase mica of this type from other sources he should state the expected date of receipt and the quantity of the various qualities and grades he will receive. Form WPB-1085 should be used in presenting the information.

Based on the information supplied, and available stocks the WPB will recommend the release of the mica on September 21, 1945, in such a manner that every fabricator has a fair share of the various types of mica in stock and available for civilian consumption.

Issued this 5th day of September 1945.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 45-16581; Filed, Sept. 5, 1945; 4:38 p. m.]

[Certificate 70, Revocation]

TRANSPORTATION AND DELIVERY OF MILK IN NASHVILLE AND DAVIDSON COUNTY, TENN.

APPROVAL OF JOINT ACTION PLAN RECOMMENDATION

The ATTORNEY GENERAL:

Pursuant to section 12 of Public Law No. 603, 77th Congress (56 Stat. 357), I hereby withdraw the certificate and finding dated May 26, 1943, concerning a recommendation of the Deputy Director of the Office of Defense Transportation with respect to the transportation and delivery of milk by motor vehicle in the metropolitan area of Nashville, including Davidson County, Tennessee.

Date: August 29, 1945.

J. A. KRUG,
Chairman.

[F. R. Doc. 45-16594; Filed, Sept. 6, 1945; 10:25 a. m.]

[Certificate 114, Revocation]

TRANSPORTATION AND DELIVERY OF ALCOHOLIC BEVERAGES IN CHICAGO, ILL.

APPROVAL OF ODT ORDER

The ATTORNEY GENERAL:

Pursuant to section 12 of Public Law No. 603, 77th Congress (56 Stat. 357), I hereby withdraw the certificate and finding dated August 19, 1943, concerning a recommendation of the Director of the Office of Defense Transportation with respect to the transportation and delivery of alcoholic beverages by motor vehicle in the Chicago, Illinois, area.

Date: August 29, 1945.

J. A. KRUG,
Chairman.

[F. R. Doc. 45-16595; Filed, Sept. 6, 1945; 10:25 a. m.]

[Certificate 126, Revocation]

TRANSPORTATION OF FLOWERS IN DETROIT, MICH.

APPROVAL OF JOINT ACTION PLAN; HART FLORIST, ET AL.

The ATTORNEY GENERAL:

Pursuant to section 12 of Public Law No. 603, 77th Congress (56 Stat. 357), I hereby withdraw the certificate and finding dated September 7, 1943, concerning a recommendation of the Director of the Office of Defense Transportation with respect to the transportation and delivery of flowers and related articles by motor vehicle in Detroit, Michigan.

Date: August 29, 1945.

J. A. KRUG,
Chairman.

[F. R. Doc. 45-16596; Filed, Sept. 6, 1945; 10:25 a. m.]

[Certificate 127, Revocation]

TRANSPORTATION OF FLOWERS IN DETROIT, MICH.

APPROVAL OF JOINT ACTION PLAN; DINSER'S FLOWERS, ET AL.

The ATTORNEY GENERAL:

Pursuant to section 12 of Public Law No. 603, 77th Congress (56 Stat. 357), I hereby withdraw the certificate and finding dated September 7, 1943, concerning a recommendation of the Director of the Office of Defense Transportation with respect to the transportation and delivery of flowers and related articles by motor vehicle in Detroit, Michigan.

Date: August 29, 1945.

J. A. KRUG,
Chairman.

[F. R. Doc. 45-16597; Filed, Sept. 6, 1945; 10:25 a. m.]

[Certificate 135, Revocation]

LIVERNOIS-DAVIDSON FLORISTS, ET AL., OF DETROIT, MICH.

RECOMMENDATION OF JOINT ACTION PLAN

The ATTORNEY GENERAL:

Pursuant to section 12 of Public Law No. 603, 77th Congress (56 Stat. 357), I hereby withdraw the certificate and finding dated September 16, 1943, concerning a recommendation of the Director of the Office of Defense Transportation with respect to the transportation and delivery by motor vehicle of flowers and related articles in the Detroit metropolitan area.

Date: August 29, 1945.

J. A. KRUG,
Chairman.

[F. R. Doc. 45-16598; Filed, Sept. 6, 1945; 10:25 a. m.]

[Certificate 136, Revocation]

ALGERS FINE FLOWERS ET AL., DETROIT, MICH.

RECOMMENDATION OF JOINT ACTION PLAN

The ATTORNEY GENERAL:

Pursuant to section 12 of Public Law No. 603, 77th Congress (56 Stat. 357), I hereby withdraw the certificate and finding dated September 17, 1943, concerning a recommendation of the Director of the Office of Defense Transportation with respect to the transportation and delivery of flowers and related articles by motor vehicle in Detroit, Michigan.

Date: August 29, 1945.

J. A. KRUG,
Chairman.

[F. R. Doc. 45-16599; Filed, Sept. 6, 1945; 10:25 a. m.]

[Certificate 145, Revocation]

ESQUIRE FLOWERS ET AL., DETROIT, MICH., FLORISTS

APPROVAL OF JOINT ACTION PLAN

The ATTORNEY GENERAL:

Pursuant to section 12 of Public Law No. 603, 77th Congress (56 Stat. 357), I hereby withdraw the certificate and finding dated September 27, 1943, concerning a recommendation of the Director of the Office of Defense Transportation with respect to the transportation and delivery of flowers and related articles by motor vehicle in Detroit, Michigan, and certain suburbs.

Date: August 29, 1945.

J. A. KRUG,
Chairman.

[F. R. Doc. 45-16600; Filed, Sept. 6, 1945; 10:25 a. m.]

[C-335, Revocation]

L. GORDON & SON, INC.

CONSENT ORDER

Pursuant to an agreement between the Stylecraft Division of L. Gordon & Son, Inc., the Regional Compliance Manager and the Regional Attorney, Consent Order No. C-335 was issued June 7, 1945, in consequence of violations of Conservation Order M-241-a and Limitation Order L-317.

The parties to the agreement having now agreed that such Order should be revoked, it is hereby ordered that: Consent *Order No. C-335* be revoked.

Issued this 6th day of September 1945.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 45-16675; Filed, Sept. 6, 1945; 11:46 a.m.]

FEDERAL REGISTER

VOLUME 10 NUMBER 177

Washington, Saturday, September 8, 1945

The President

EXECUTIVE ORDER 9610

AUTHORIZING THE ADMINISTRATOR OF VETERANS' AFFAIRS TO ACQUIRE AND DISPOSE OF PROPERTY

WHEREAS the Veterans' Administration is declared by section 100 of the Servicemen's Readjustment Act of 1944 (58 Stat. 284) as amended by Public Law 138, 79th Congress, approved July 6, 1945, to be an essential war agency; and

WHEREAS I find that there exists an acute shortage of space of the type required by the Veterans' Administration to perform the essential war-agency functions which the Veterans' Administration is authorized and directed by law to perform:

NOW, THEREFORE, by virtue of the authority vested in me by Title II of the Second War Powers Act, 1942, approved March 27, 1942 (56 Stat. 177), the Administrator of Veterans' Affairs, or any officer of the Veterans' Administration acting in behalf of the Administrator during his absence or disability, is hereby authorized to exercise the authority contained in the said Title II of the Second War Powers Act, 1942, to acquire, use, and dispose of any real property, temporary use thereof, or other interest therein, together with any personal property located thereon, or used therewith, that shall be deemed necessary for military, naval, or other war purposes.

HARRY S. TRUMAN

THE WHITE HOUSE,
September 6, 1945.

[F. R. Doc. 45-16673; Filed, Sept. 6 1945; 3:49 p. m.]

Regulations

TITLE 7—AGRICULTURE

Subtitle A—Office of the Secretary of Agriculture

SURPLUS REAL PROPERTY

DELEGATION OF AUTHORITY TO DESIGNATED OFFICERS OF FEDERAL FARM MORTGAGE CORPORATION TO ADVERTISE SALES

Whereas, pursuant to section 8 of the Surplus Property Act of 1944 (58 Stat. 765), § 8301.3 (f) (1) of Regulation 1 issued by the Surplus Property Board on April 2, 1945 (10 F.R. 3764), order of the Secretary of Agriculture issued on April 26, 1945 (10 F.R. 4647), and order of the Governor of the Farm Credit Administration issued on April 28, 1945 (10 F.R. 4694), there was delegated to the Federal Farm Mortgage Corporation, subject to the general supervision and direction of the Governor of the Farm Credit Administration and to regulations to be approved by the Secretary of Agriculture, the authority and responsibilities conferred upon the Department of Agriculture by the Surplus Property Board under said § 8301.3 (f) (1) of Regulation 1 of the Board as the disposal agency for surplus agricultural and forest real property, together with such other authority or responsibilities as the Department of Agriculture might be called upon from time to time to exercise or discharge with respect to carrying out the provisions of the Surplus Property Act of 1944 concerning surplus real property, and as might be delegated by the Secretary of Agriculture to the Governor of the Farm Credit Administration; and

Whereas section 3828, Revised Statutes, provides that no advertisement, notice, or proposal for any executive department of the Government, bureau thereof, or office therewith connected shall be published in any newspaper except in pursuance of written authority for such publication from the head of such department, and that no bill for any such advertising or publication shall be paid unless accompanied by a copy of such written authority:

Now, therefore, each Regional Director of Surplus Property Disposal and each Vice President of the Federal Farm Mortgage Corporation are hereby severally authorized, in connection with the disposal of such surplus real property, to order the publication of advertisements and notices in newspapers in accordance with applicable law and regulations.

Issued this 7th day of August 1945.

[SEAL] J. B. HUTSON,
Acting Secretary of Agriculture.

[F. R. Doc. 45-16728; Filed, Sept. 7, 1945; 11:02 a. m.]

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NOTICE

1944 Supplement

Book 1 of the 1944 Supplement to the Code of Federal Regulations, containing Titles 1–10, including Presidential documents in full text, is now available from the Superintendent of Documents, Government Printing Office, at $3.00 per copy.

A limited sales stock of the Cumulative Supplement and the 1943 Supplement is still available as previously announced.

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Chapter VII—War Manpower Commission

RESCISSION OF VARIOUS REGULATIONS, GENERAL ORDERS AND DIRECTIVES

Pursuant to the authority vested in me as Chairman of the War Manpower Commission by Executive Orders Nos. 9133, 9279 and 9309 (7 F.R. 2919, 10177, 8 F.R. 2911), the following War Manpower Commission Regulations, General Orders and Directives are hereby rescinded:

Regulation No. 2, Part 902, §§ 902.1 to 902.5 inclusive, originally entitled "General Order No. 2 (8 F.R. 1440) Training Programs for Armed Forces Carried on in Non-Federal Educational Institutions."

General Order No. 4 entitled "Order Designating Certain Activities and Occupations as Non-Deferable" issued February 3, 1943 (8 F.R. 1996).

General Order No. 7 entitled "Interim Procedure for Requesting Deferment of Government Employees" issued March 10, 1943 (8 F.R. 3334).

Directive No. XII, entitled "Classification of Field Positions in Federal Service" issued September 24, 1942 (7 F.R. 7650).

PAUL V. MCNUTT,
Chairman.

SEPTEMBER 6, 1945.

[F. R. Doc. 45-16720; Filed, Sept. 7, 1945; 10:19 a. m.]

TITLE 10—ARMY: WAR DEPARTMENT

Chapter VIII—Supplies and Equipment

[Procurement Regs. 2–7, 9, 11–14]

MISCELLANEOUS AMENDMENTS

The following amendments and additions to the regulations contained in Parts 802–806 inclusive, 809, 811–814, inclusive, and Parts 821–832 are hereby prescribed. These regulations are also contained in War Department Procurement Regulations dated September 5, 1942 (9 F.R. 8363[1]) as amended by change 51, August 23, 1945, the particular regulations being Nos. 2–7, 9, 11–14.

AUTHORITY: Sec. 5a, National Defense Act, as amended, 41 Stat. 764, 54 Stat. 1225; 10 U.S.C. 1193 1195; the First War Powers Act 1941, 55 Stat. 838, 50 U.S.C. Supp., 601–622; and the Contract Settlement Act of 1944, 58 Stat. 649.

Subchapter A—Procurement

[Procurement Reg. 2]

PART 802—GENERAL PURCHASE POLICIES

SUBPART A—GENERAL

Section 802.201 is amended to read as follows:

§ 802.201 *Rescission of regulations.* Army Regulations 5–140, May 22, 1940, as amended; Army Regulations 5–160, October 24, 1941, as amended; Army Regulations 5–240, February 11, 1936, as amended; and all other prior directives and instructions of whatsoever nature relating to negotiated purchases, open market purchases, procurement without advertising, and other purchasing methods, have been rescinded.

SUBPART B—CONTRACT PLACEMENT

1. Section 802.223 is amended to read as follows:

§ 802.223 *Factors governing placement of contracts.* (a) In planning for and in the actual placement of war contracts the paramount consideration at all times shall be the retention and utilization in war production of facilities with a proven capacity to produce known and contingent future requirements. Subject to this overriding objective, disruption of the national economy should be minimized to the greatest extent practicable.

(b) The selection of a contractor for a particular contract from among the available qualified producers depends on a number of factors. In making such selections effect must be given to various policies expressed by the Office of War Mobilization and Reconversion, by the War Production Board (see Directive No. 2, as amended, May 12, 1945; 10 F.R. 5512), by the War Manpower Commission in its directives, and by Congress, as in the Smaller War Plants Act. These policies, their relation and relative importance are discussed in the following sections, which are applicable both to the placement of new business and to the revision or reduction of existing programs.

[1] See also 10 F.R. 10449.

2. In § 802.223–4a, paragraph (a) is amended to read as follows:

§ 802.223–4a *Group I areas.* Placement of contracts in Group I areas is to be avoided so far as possible.

(a) *Contracts permitted to be placed in Group I areas.* The only contracts or contract supplements which may be placed in a Group I area are those:

(1) Which can not be placed elsewhere with adequate assurance of obtaining satisfactory performance and timely deliveries;

(2) Which in the considered judgment of the chief of the technical service concerned, or his authorized representative, it is impracticable to place elsewhere;

(3) Which are continuation contracts (or contract supplements having the same effect as continuation contracts) with experienced satisfactory producers or with contractors deemed by the chief of the technical service to be necessary to the national defense;

(4) Which are placed, pursuant to § 802.224 with originating manufacturers for newly developed articles; or

(5) Which will not increase employment above 100 wage earners in a plant currently employing less than 100 wage earners.

3. Section 802.223–7 is amended to read as follows:

§ 802.223–7 *Other factors.* When policies relating to ability to perform and labor supply have been met, contracts will be placed so as to give due weight in each instance to the following objectives:

(a) *Cost and efficiency.* Placement of contracts so as to use the minimum number of manhours and the minimum quantity of material to make the supplies needed. In the long run this will result in the lowest cost to the Government. In the absence of actual data as to the relative efficiency of producers in utilizing manpower and material, their comparative prices are normally the best test of their relative efficiency in these respects, unless other differences between them (such as differences in their cost of transportation or in their expenditures for facilities) distort the comparison. Whenever such information is needed producers will be required to furnish actual or estimated cost data covering their production. In so far as possible contracts should provide the maximum incentive to the producer for the reduction of his costs, including subcontract prices.

(b) *Plants available for multiple uses.* Placement of contracts in plants which can be utilized only for specialized war production, in cases where this is desirable in order to leave available plants which can also be utilized in other lines of war production or in essential civilian production.

(c) *Release of privately-owned plants.* Privately-owned plants not normally engaged in production of a military character will be given first priority of release from war production in order to facilitate their reconversion to civilian production, due consideration being given to the wishes of the contractor. Government-owned plants will be kept in operation or reserve until their production is clearly no longer required for military needs.

(d) *New facilities.* Avoidance, so far as possible, of the creation of additional new (as distinguished from existing) machinery, equipment or facilities.

(e) *Transportation.* Conservation of transportation facilities by avoiding unnecessary cross-hauling of raw, semi-finished or finished material from the point of origin to the point of consumption and by avoiding long hauling when such materials are available at a shorter distance.

(f) *Small business concerns.* Placement of contracts so as to make the most effective utilization of the small plants of the nation. To this end as large a proportion of awards as practicable will be made to qualified small concerns, directly, if feasible, and if not, through awards to larger firms which will subcontract to small concerns. In connection with the release from war production, independent small concerns should be retained to the fullest extent practicable, due consideration being given to the wishes of such small concerns as may desire to be released from war production.

(g) *More than one source of supply.* Placement of contracts so as to have for each item of supply and equipment at least two producers so located as not to be subject to the same hazard. This standard need not be adhered to if the chief of the technical service concerned shall determine (1) that such placement is impracticable or (2) that, although such placement is practicable, (i) the plant protection arrangements of the source selected are in his judgment entirely satisfactory, (ii) the source has adequate capacity for all foreseeable needs and (iii) adequate information with regard to the costs of operation of the source and the prices of comparable items are and will be available to ensure that an adequate and efficient analysis may be made of the prices to be charged to the Government for such item. In this connection, consideration will be given to the relative needs of the source selected and of proposed secondary sources for facilities and equipment to perform the contract.

Not all of the seven objectives stated in this section will apply to each case, and no one of them should alone be regarded as controlling. The placement or revision of contracts should reflect an evaluation of all of these objectives which are applicable to the particular case.

4. Section 802.223–8 is amended to read as follows:

§ 802.223–8 *Price*—(a) *With respect to labor areas (prime contracts).* To effectuate the policy with respect to avoiding the placement of prime contracts in Group I labor areas, the technical services are authorized and directed to pay a premium price up to 15 percent higher than the lowest of the prices bid by bidders located in Group I labor areas in any case where payment of such a premium price is necessary to avoid placing the particular prime contract in a Group I labor area.

(b) *With respect to small business concerns (prime contracts).* To effectuate the policy with respect to the placement of prime contracts with small concerns, the technical services are authorized and directed to pay a premium price up to 15 percent higher than the average price at which the purchase can be made by the contracting office from suitable large concerns (over 500 wage earners), regardless of the labor area or areas in which such large concerns are located, in any case where payment of such a premium price is necessary to place a prime contract with a small concern. In this connection, payment of a premium price will only be made when the price bid by the small concern is higher than that of the larger concerns because of justifiably higher costs.

(c) *With respect to other policies.* The technical services are authorized and directed to pay higher prices, subject to applicable maximum price regulations, than would otherwise be required to whatever extent such action is necessary to carry out the other policies expressed in §§ 802.223–1 to 802.223–7, inclusive, including the policies with respect to (1) avoiding placement of subcontracts in critical labor areas and (2) placement of subcontracts with small concerns. The necessity for paying such higher prices, will, however, decrease as manpower, transportation and other shortages are overcome.

(d) If, in the opinion of the chief of a technical service, a premium higher than 15 percent should be paid in a particular case to achieve the purposes referred to in paragraphs (a) and (b) of this section, the proposed prime contract, with supporting data, will be submitted to the Director, Purchases Division, for approval.

(e) When a determination has been made that a contract will be placed at a premium price, such contract will be so placed with due regard for other War Department pricing policies.

(f) When the policies expressed in §§ 802.223–1 to 802.223–7, inclusive, have been met and selection among available contractors is still possible, contracts will be so placed as to obtain the lowest price for the Government.

5. Section 802.225a is amended to read as follows:

§ 802.225a. *Policies for the protection of manufacturers of materials and components.* (a) The Procurement Policy Board of the War Production Board has adopted the following policies for the protection of manufacturers of materials and components:

(1) Manufacturers and suppliers of certain materials and components (including certain B products as defined in the Controlled Materials Plan) used in war production have been obligated to carry stocks of such materials, finished components and work in process and to enter into commitments for work and supplies for the manufacture of such materials and components, in excess of requirements under firm orders of such components actually place with them by their war production customers.

(2) Without such inventory and commitments and without manufacture in anticipation of firm orders, the manufacturers in question would not be in a position to meet promptly the purchase orders which are placed with them by war producers, frequently on short notice or on a short-term basis. These manufacturers are thus faced with a continuing large volume of short-term war production orders requiring the maintenance of an inventory of materials, completed components and work in process, but without the protection of a back-log of legal commitments from customers necessary to cover the production cycle involved. In the event of mass termination, such manufacturers would be unable to collect costs under existing termination procedures, except to the extent that they hold orders for such materials and components.

(3) In view of the administrative difficulties involved in direct dealings with the manufacturers of materials and components the policy is to afford protection to such manufacturers of material and components in the following manner:

(i) Such manufacturers will look for protection to the war contractors and subcontractors with whom they deal by requiring from them adequate placement or advance orders.

(ii) Prime war contractors and their subcontractors requiring use of such materials and components should place advance orders with their respective subcontractors and suppliers, from time to time (but within the total quantitative requirements of the particular contracts) sufficient to protect such subcontractors and suppliers throughout the cycle of production required to produce such materials and components.

(iii) In carrying out this policy it is important to avoid the unreasonable accumulation of excess inventories either by the manufacturers of such materials and components or by the war contractors and subcontractors to whom such manufacturers sell these materials and components. Accordingly, war contractors and subcontractors should carefully schedule production and deliveries under such advance orders and require the manufacturers of such materials and components to adhere reasonably to the schedules so arranged in accordance with sound production planning. However, in the event of the termination of such advance orders, inventories of such materials, components or work in process reasonably acquired for the performance of such orders should be taken into account and paid for in the termination settlement of such orders.

(iv) So far as possible, advance orders placed for such materials and components should contain the approved subcontract termination article for use in fixed price orders or subcontracts. The inclusion of this provision is intended to provide fair compensation to the manufacturer of the materials and components in the event of termination, but the absence of this provision will not operate to deprive such manufacturers of fair compensation in the event of termination of orders placed with them.

(b) In connection with the foregoing policies, reference is made to § 803.309a of this subchapter providing for the inclusion in subcontracts and sub-subcontracts of a reference to the number of the applicable prime contract.

6. Section 802.225b is added as follows:

§ 802.225b *Purchases from or through jobbers, distributors or other intermediaries.* The policy of the War Department is not to pay for function or services which are of no benefit to it. During the period following VE-day some manufacturers who formerly dealt directly with the War Department have attempted to require that contracts for their products be placed with intermediaries, such as jobbers, brokers and distributors. Intervention of an intermediary in this manner will not be permitted unless the intermediary performs a necessary and substantial function or service for the War Department or such intervention will not result in a contract price higher than that which would properly be payable by the War Department if the contract were placed directly with the manufacturer.

7. Section 802.226 is redesignated § 802.227 and a new § 802.226 is added as follows:

§ 802.226 *Transfers of production to and from other war procurement agencies.* Under a statement of policy adopted by the Procurement Policy Board of the War Production Board, the War Department has appointed a Liaison Officer for Transfer and an Alternate charged with the responsibility of administration of a system of coordinating, supplying and utilizing information concerning terminations or cutbacks of other war procurement agencies and of the War Department so that when desired, practicable and economical, transfers of such cutback and terminated production can be effected. The policy is set forth in detail in § 812.241–3 (a) of this chapter and Procurement Policy Board Document No. 164 reproduced in JIR (PR 15) Appendix C.

SUBPART C—CONTRACT PRICE POLICIES

Section 802.239 is amended to read as follows:

§ 802.239 *Subsidy prohibited.* None of the funds appropriated in the Military Appropriation Act, 1946 (Pub. Law 126, 79th Congress) shall be used for the payment of any subsidy on agricultural or other products. (See section 1 of Pub. Law 126, 79th Congress, under subtitle "Subsistence of the Army".)

SUBPART D—NEGOTIATION OF CONTRACTS

Section 802.240–1 is amended to read as follows:

§ 802.240–1 *By negotiation.* Except as provided in § 802.240–2 all contracts and purchases, whether for supplies, services, construction or otherwise, which are made by the War Department will be made by negotiation under authority of the First War Powers Act, 1941, and Executive Order No. 9001, and in accordance with this chapter. While this act and Executive order are construed to embody all the authority conferred by sec-

tions 1 (a) and (b) of the act of July 2, 1940 (Public Law No. 703, 76th Congress), as extended, the earlier act may also be cited as authority for contracting in appropriate cases if desired (see § 802.204–1).

SUBPART E—PRICE SUPERVISION

Section 802.257 is added as follows:

§ 802.257 *Relation of company pricing to pricing of individual contracts.* Information developed in an overall review with a company pursuant to the company pricing program (see Subpart B of Part 812 of this subchapter) may be useful to contracting officers in connection with the pricing of individual contracts. An agreement reached as the result of a company pricing review may establish pricing policies to be followed by the company in preparing and submitting data upon which the negotiations for the prices of subsequent contracts will be based. In the limited instances described in § 801.1220–3 (b) (2) the company pricing agreement may establish the prices to be charged to the Government for items to be sold under future contracts. In either of these cases the contracting officer in negotiating the price under a new contract should recognize and give effect to the company pricing agreement in accordance with its terms. Similar effect and recognition should be given in supervising purchases under cost-plus-a-fixed-fee contracts.

[Procurement Reg. 3]

PART 803—CONTRACTS

SUBPART A—GENERAL

1. Section 803.303–2 is amended to read as follows:

§ 803.303–2 *Formal contracts; when required.* A formal contract is one which is contained in one instrument executed by both parties. Examples are W. D. Contract Forms Nos. 1 (§ 813.1301 of this subchapter), 5 (§ 813.1317d of this subchapter) and 47 (§ 813.1317c of this subchapter). Formal contracts may be used for any purchase transaction, regardless of amount and will be used for all purchase transactions the contract price of which exceeds $500,000.

2. Paragraph (b) of § 803.303a is amended to read as follows:

§ 803.303a *Letters of intent and letter orders.* * * *

(b) *Report on letters of intent, etc.* (1) On or before the 10th of each month the chief of each technical service will file with the Director, Purchases Division, Headquarters, Army Service Forces, a report entitled "Age Analysis of Outstanding Letters of Intent, Etc." (Reports Control Symbol PDS–17) and described in subparagraph (2) below. Notwithstanding the provisions of § 801.108–5 of this subchapter, commanding generals of service commands are not required to submit these reports.

(2) The reports "Age analysis of outstanding letters of intent, etc." (Reports Control Symbol PDS–17) will be submitted in original only, on an unclassified basis. For the purposes of these reports, the phrase "letters of intent, etc." shall be deemed to include letters of intent, letter orders, letter purchase orders, letter contracts, etc. Negative reports and letters of transmittal will not be submitted. Chiefs of technical services where necessary will obtain appropriate data from their procurement district officers, using the same reporting method as required for their report to the Purchases Division, Headquarters, Army Service Forces. These reports shall be in two parts and shall set forth the following information:

Part I. A tabulation, classified by month of origin, of the number of letters of intent, etc. outstanding at the close of the preceding month.

Part II. A separate listing of each letter of intent, etc. which at the close of the reporting month had been outstanding more than 90 days. This listing shall set forth:

(i) Contract number.

(ii) Name of contractor.

(iii) Date of original issuance of letter of intent, letter order, letter purchase order, etc.

(iv) The month in which it is anticipated the outstanding letter of intent, etc. will be converted to a definitive agreement.

(v) A brief statement of the reasons why each letter of intent, etc., which had been outstanding more than 90 days as of the end of the reporting period had not been converted into a definitive contract.

(3) Letters of commitment (see W. D. Contract Form No. 28 and §§ 802.222–7 and 813.1328 of this subchapter) will not be included in either Part I or Part II of these reports.

SUBPART B—AUTHORITY TO MAKE AWARDS, CONTRACTS, AND MODIFICATIONS THEREOF; REQUIRED APPROVALS

1. In § 803.304–1 a new subdivision (x) is added to paragraph (a) and former subdivision (x) is redesignated (xi) and amended, and paragraph (b) is amended to read as follows:

§ 803.304–1 *Standard forms of contract.* * * *

(a) * * *

(x) Contracts With Reconstruction Finance Corporation:

Sale by R. F. C. (Office of Defense Supplies)—(See § 813.1311a).

Sale by R. F. C. (Office of Metals Reserve)—(See § 813.1311b).

Sale by R. F. C. (Office of Defense Plants)—(See § 813.1311c).

Sale by War Department to R. F. C. (Office of Defense Plants)—(See § 813.1311d).

(xi) Miscellaneous contracts:

War Supplies Limited (See § 813.1318).

Government-Owned Equipment: Rental Agreement (See § 813.1311).

Inspection, Delivery and Acceptance (Sale of Property and Waste Material). (See § 813.1326).

Contract of Sale of Property (See § 813.1329).

Letter of Commitment (Raw Materials under CMP) (See § 813.1328).

(b) Forms of contract devised by a particular technical service, or by a staff division exercising procurement functions, to meet the needs of a recurrent situation of a special type which may from time to time be approved by the Legal Assistant to the Director of Matériel or the Chief, Legal Branch, Director of Matériel, Headquarters, Army Service Forces (see § 801.107–8 of this subchapter), for the use of that technical service or staff division. Forms so approved should be periodically revised (see § 803.301–1) to accord with requirements of this chapter published following approval of the forms. If deviation from such requirements appears to be necessary, the forms should be resubmitted for approval.

2. Paragraph (g) of § 803.308h–6 is amended to read as follows:

§ 803.309h–6 *Form of contract or supplemental agreement.* * * *

(g) The contract provisions appearing at § 803.322 (Officials not to benefit), § 803.323 (Covenant against contingent fees), § 803.326 (Disputes), and § 813.1301–23 of this subchapter (Definitions); and the first sentence of § 813.1301–8 of this subchapter (Payments), and paragraph (a) of § 803.342–1 (Renegotiation), to the extent such contract provisions are required when the procurement is being contracted for in the usual manner.

SUBPART C—FORMALITIES IN CONNECTION WITH EXECUTION OF CONTRACTS AND MODIFICATIONS THEREOF

In § 803.309–1, paragraph (c) is amended to read as follows:

§ 803.309–1 *When required.* * * *

(c) The provisions of paragraphs (a) and (b) are not applicable to delivery orders evidencing interbranch or interdepartmental purchases (see § 806.605a and Subpart C of Part 806 of this subchapter). Such delivery orders will not be numbered pursuant to the system described in §§ 803.309–2 and 803.318b–5, but may be given such other identification as may be prescribed by the chiefs of the technical services. If it is contemplated, however, that any such delivery order will involve more than one payment, the procedure prescribed in paragraph (c) of § 803.318–1 will be followed.

SUBPART D—DISTRIBUTION OF CONTRACTS AND ORDERS THEREUNDER

Paragraph (a) of § 803.318–1 is amended to read as follows:

§ 803.318–1 *Purchases under contracts of Procurement Division, Treasury Department; Navy Department; Post Office Department; etc.* (a) Delivery orders covering such purchases will be distributed in accordance with § 803.317 above.

SUBPART H—MANDATORY AND OPTIONAL CONTRACT PROVISIONS

1. Section 803.324–2 is amended to read as follows:

§ 803.324–2. *Termination at the option of the Government (short form).* The following article may be used in any fixed-price supply or construction contract where neither of the articles set out in §§ 803.324 and 803.324–1 is required to be used.

ARTICLE ... *Termination at the option of the Government.* The performance of work under this contract may be terminated by the Government whenever the Contracting Officer shall determine that such action is for the best interests of the Government. If this contract is so terminated, fair compensation, within the meaning of the Contract Settlement Act of 1944 (Public No. 395, 78th Cong.), as the same may from time to time

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[1] To be used in accordance with instructions appearing in the cited section.

be amended, will be provided for the contractor.

2. Section 803.324–3 is added, as follows:

§ 803.324–3 *Termination article to be inserted in cost-plus-a-fixed-fee contracts.* The uniform termination article for cost-plus-a-fixed-fee prime contracts set forth in § 849.932 of this chapter will be inserted in every cost-plus-a-fixed-fee supply or construction contract hereafter entered into.

3. Sections 803.335–1 to 803.335–3, inclusive, are amended to read as follows:

§ 803.335–1 *License under foreground patents.* Where it is proper in a development contract (see §§ 811.1116–1 to 811.1116–7 inclusive, of this subchapter) to require the contractor to grant the government a license under foreground patents, the appropriate contract article is as follows:

ARTICLE ... *Patent rights.* (1) Where used in this article, and not elsewhere in this contract, the expression "Subject Invention" means each invention, improvement and discovery (whether or not patentable) conceived or first actually reduced to practice (i) in the performance of this contract, including any subcontract hereunder except subcontracts for standard commercial items or subcontracts which do not involve either research or development (including engineering which amounts to either research or development) beyond that normally incident to the performance of a supply contract for the class of item involved, or (ii) in the performance of any research or development work relating to the subject-matter hereof which was done upon the understanding that this contract or any subcontract hereunder would be awarded; the expression "Technical Personnel" means each person employed by or working under the direction of Contractor or any subcontractor hereunder who, by reason of the nature of his duties in connection with the performance of this contract, or any subcontract hereunder, would reasonably be expected to make inventions; and the expression "Contractor's Patent Rights" means all patents and applications for patent, under which Contractor now has or may hereafter acquire the right to grant a license, to the extent that they are based upon the disclosure of inventions other than a Subject Invention.

(2) Contractor agrees to and does hereby grant to the Government an irrevocable, non-exclusive, non-transferable and royalty-free license to practice, and cause to be practiced for the Government, throughout the world, each Subject Invention in the manufacture, use and disposition according to law of any article or material, and the use of any method; *Provided, however,* (i) That as respects any Subject Invention made by Technical Personnel employed by or under contract with the Contractor prior to the date of this contract whom Contractor has in good faith endeavored to bring under agreement to pass, or giving Contractor the right to pass, to the Government the rights herein provided, and as respects any Subject Invention made by others than Technical Personnel, and as respects the practice of any Subject Invention in foreign countries, the said license and other rights hereinafter provided shall be to the extent of Contractor's right to grant the same; (ii) that nothing contained in this sentence shall be deemed to grant a license under Contractor's Patent Rights; and (iii) that with respect to any subcontract hereunder, Contractor's obligations under this article will be discharged upon its including in such subcontract a patent rights article not less favorable to the Government than as herein provided.

(3) Contractor agrees (i) to deliver to the Contracting Officer or his designee, promptly and in any event prior to final settlement, a complete written disclosure of each Subject Invention which reasonably appears to be patentable and, as to each such invention, to exert its best efforts to effect such delivery within six months after first publication, public use or sale; (ii) to designate, at the time of such delivery, whether or not said invention has been or will be claimed in a patent application, and to file or cause to be filed in due form and time an application covering each such invention affirmatively so designated; (iii) to furnish to the Contracting Officer or his designee, on request, copies or an irrevocable power to inspect and make copies of each patent application filed by or on behalf of the Contractor covering any Subject Invention; (iv) to deliver to the Contracting Officer or his designee, duly executed, such instruments of assignment, application papers and rightful oaths, prepared by the Government, as the Contracting Officer or his designee deems necessary to vest in the Government (but, as hereinabove provided, only to the extent of Contractor's right to do so) the sole and exclusive ownership in, and the right to apply for and prosecute patent applications covering each Subject Invention which Contractor does not affirmatively designate as aforesaid (subject, however, to the reservation of a non-exclusive and royalty-free license thereunder to Contractor which license shall be assignable to the successor of that part of Contractor's business to which it pertains); and (v) to deliver to the Contracting Officer or his designee, duly executed, such instruments of license, prepared by the Government, as the Contracting Officer or his designee may require.

(4) Contractor agrees to and does hereby grant to the Government, to the full extent of Contractor's right to do so, the right to reproduce, use and disclose for any governmental purpose all or any part of the reports, drawings, blueprints, data and technical information to be delivered by Contractor to the Government under this contract: *Provided, however,* That nothing contained in this sentence shall be deemed to grant a license under any patent now or hereafter issued.

§ 803.335–2 *License under foreground and background patents.* Where it is proper in a development contract (see §§ 801.1116–8 to 801.1116–10 inclusive, of this subchapter) to require the contractor to grant the Government a license under foreground and background patents, the appropriate contract article is as follows:

ARTICLE ... *Patent rights.* (1) Where used in this Article and not elsewhere in this contract, the expression "Subject Invention" means each invention, improvement and discovery (whether or not patentable) conceived or first actually reduced to practice (i) in the performance of this contract, including any subcontract hereunder except subcontracts for standard commercial items or subcontracts which do not involve either research or development (including engineering which amounts to either research or development) beyond that normally incident to the performance of a supply contract for the class of item involved, or (ii) in the performance of any research or development work relating to the subject-matter hereof which was done upon the understanding that this contract or any subcontract hereunder would be awarded; the expression "Technical Personnel" means each person employed by or working under the direction of Contractor or any subcontractor hereunder who, by reason of the nature of his duties in connection with the performance of this contract, or any sub-

contract hereunder, would reasonably be expected to make inventions; and the expression "Contractor's Patent Rights" means all patents and applications for patent, under which Contractor now has or may hereafter acquire the right (without obligation to make payment to others) to grant the license hereinafter set forth, to the extent that they are based upon the disclosure of inventions (other than a Subject Invention) which relate to or are useful in connection with the manufacture or use of the subject-matter of this contract.

(2) Contractor agrees to and does hereby grant to the Government an irrevocable, non-exclusive, non-transferable and royalty-free license to practice, and cause to be practiced for the Government, throughout the world, (a) each Subject Invention in the manufacture, use and disposition according to law of any article or material, and the use of any method; *Provided, however,* That as respects any Subject Invention made by Technical Personnel employed by or under contract with the Contractor prior to the date of this contract whom Contractor has in good faith endeavored to bring under agreement to pass, or giving Contractor the right to pass, to the Government the rights herein provided, and as respects any Subject Invention made by others than Technical Personnel, and as respects the practice of any Subject Invention in foreign countries, the said license and other rights hereinafter provided shall be to the extent of Contractor's right to grant the same; *and provided further,* That with respect to any subcontract hereunder, Contractor's obligations under this article will be discharged upon its including in such subcontract a patent rights article not less favorable to the Government than as herein provided; and (b) each invention covered by Contractor's Patent Rights in the manufacture, use and disposition according to law of any and all [illegible] and parts thereof of the type made or developed in the performance of this contract or any subcontract hereunder, and any modification or improvement thereof, but acceptance or exercise of said license shall not estop the Government at any time to contest the enforceability, validity or scope of, or the title to, any patent so licensed.

(3) Contractor agrees (i) to deliver to the Contracting Officer, or his designee, promptly and in any event prior to final settlement, a complete written disclosure of each Subject Invention which reasonably appears to be patentable and, as to each such invention, to exert its best efforts to effect such delivery within six months after first publication, public use or sale; (ii) to designate, at the time of such delivery, whether or not said invention has been or will be claimed in a patent application, and to file or cause to be filed in due form and time an application covering each such invention affirmatively so designated; (iii) to furnish to the Contracting Officer or his designee, on request, copies or an irrevocable power to inspect and make copies of each patent application filed by or on behalf of the Contractor covering any Subject Invention; (iv) to deliver to the Contracting Officer or his designee, duly executed, such instruments of assignment, application papers and rightful oaths, prepared by the Government, as the Contracting Officer or his designee deems necessary to vest in the Government (but, as hereinabove provided, only to the extent of Contractor's right to do so) the sole and exclusive ownership in, and the right to apply for and prosecute patent applications covering, each Subject Invention which Contractor does not affirmatively designate as aforesaid (subject, however, to the reservation of a non-exclusive and royalty-free license thereunder to Contractor which license shall be assignable to the successor of that part of Contractor's business to which it pertains); and (v) to deliver to the Contracting Officer, or his designee, duly executed, such instruments of license, prepared by the

[illegible] 803.303–2 [illegible] amended, the carrier act may also [illegible] with a company pursuant to the contract [illegible] Subpart B of [illegible] 812 of this subchapter may be [illegible] Formal contracts may be used for any purchase transaction, regardless of amount and will be used for all purchase transactions, the contract price of which exceeds $500,000.

2. Paragraph (b) of § 803.303a is amended to read as follows:

§ 803.303a *Letters of intent and letter orders.* * * *

(b) *Report on letters of intent, etc.* (1) On or before the 10th of each month the chief of each technical service will file with the Director, Purchases Division, Headquarters, Army Service Forces, a report entitled "Age Analysis of Outstanding Letters of Intent, Etc." (Reports Control Symbol PDS–17) and described in subparagraph (2) below. Notwithstanding the provisions of § 801.108–3 of this subchapter, commanding generals of service commands are not required to submit these reports.

(2) The reports "Age analysis of outstanding letters of intent, etc." (Reports Control Symbol PDS–17) will be submitted in original only, on an unclassified basis. For the purposes of these reports, the phrase "letters of intent, etc." shall be deemed to include letters of intent, letter orders, letter purchase orders, [illegible] limited. Chief of technical services where necessary will obtain appropriate data from their procurement district offices using the same reporting methods as required for their report to the Progress D. [illegible] Headquarters, Army Service Forces. [illegible]

[illegible] Contract Form No. 28 [illegible] and 813.1328 of this subchapter) will not be included in either Part I or Part II of these reports.

SUBPART B—AUTHORITY TO MAKE AWARDS, CONTRACTS AND MODIFICATIONS THEREOF, REQUIRED APPROVALS

1. In § 803.304–1 a new subdivision (x) is added to paragraph (a) and former subdivision (x) is redesignated (xi) and amended, and paragraph (b) is amended to read as follows:

§ 803.304–1 *Standard forms of contract.* * * *

(a) * * *

(x) Contracts with Reconstruction Finance Corporation:

Sale by R. F. C. (Office of Defense Supplies)—(See § 813.1311a).

Sale by R. F. C. (Office of Metals Reserve)—(See § 813.1311b).

Sale by R. F. C. (Office of Defense Plants)—(See § 813.1311c).

Sale by War Department to R. F. C. (Office of Defense Plants)—(See § 813.1311d).

(xi) Miscellaneous contracts:

War Supplies Limited (See § 813.1313).

Government-Owned Equipment Rental Agreement (See § 813.1314).

Invitation, Bid and Acceptance (Sale of Property and Waste Material). (See § 813.1326).[1]

Contract of Sale of Property (See § 813.1326).[1]

Letter of Commitment (Raw Materials under CMP) (See § 813.1328).

(b) Forms of contract devised by a particular technical service, or by a staff division exercising procurement functions, to meet the needs of a recurrent situation of a special type which may from time to time be approved by the Legal Assistant to the Director of Matériel or the Chief, Legal Branch, Director of Matériel, Headquarters, Army Service Forces (see § 801.107–8 of this subchapter), for the use of that technical [illegible] The [illegible] of § 803.322 Official [illegible] § 803.323 Covenant against [illegible] § 803.326 Department [illegible] of this subpart [illegible] [illegible] [illegible]

Government, confirmatory of any license rights herein agreed to be granted to the Government, as the Contracting Officer or his designee may require.

(4) Contractor agrees to and does hereby grant to the Government, to the full extent of Contractor's right to do so, the right to reproduce, use and disclose for any governmental purpose all or any part of the reports, drawings, blueprints, data and technical information to be delivered by Contractor to the Government under this contract: *Provided, however,* That nothing contained in this sentence shall be deemed to grant a license under any patent now or hereafter issued.

§ 803.385–3 *Title to foreground patents.* Where it is proper in a development contract (see §§ 801.1116–11 and 801.1116–12 of this subchapter) to require the contractor to assign to the Government title to foreground patents, the appropriate contract article is as follows:

ARTICLE ... *Patent rights.* (1) Where used in this Article and not elsewhere in this contract, the expression "Subject Invention" means each invention, improvement and discovery (whether or not patentable) conceived or first reduced to practice (i) in the performance of this contract, including any subcontract hereunder except subcontracts for standard commercial items or subcontracts which do not involve either research or development (including engineering which amounts to either research or development) beyond that normally incident to the performance of a supply contract for the class of item involved, or (ii) in the performance of any research or development work relating to the subject-matter hereof which was done upon the understanding that this contract or any subcontract hereunder would be awarded, unless disclosed in a patent application filed prior to the commencement of such performance; the expression "Technical Personnel" means each person employed by or working under the direction of Contractor or any subcontractor hereunder who, by reason of the nature of his duties in connection with the performance of this contract, or any subcontract hereunder, would reasonably be expected to make inventions; and the expression "Contractor's Patent Rights" means all patents and applications for patent, under which Contractor now has or may hereafter acquire the right to grant a license, to the extent that they are based upon the disclosure of inventions other than a Subject Invention.

(2) Each Subject Invention made by Technical Personnel and, to the extent of Contractor's assignable rights therein, each Subject Invention made by others than Technical Personnel, shall be the sole and exclusive property of the Government, and the Contracting Officer or his designee shall have sole power to determine to whom, and in what manner and form, consistent with law, title thereto shall be assigned and patent protection therefor shall be obtained in any country: *Provided, however,* (i) That as respects any Subject Invention made by Technical Personnel employed by or under contract with the Contractor prior to the date of this contract whom Contractor has in good faith endeavored to bring under agreement to pass, or giving Contractor the right to pass, to the Government the rights herein provided the foregoing and other rights hereinafter provided shall be to the extent of Contractor's right to assign or grant the same; (ii) that nothing contained in this sentence shall be deemed to grant a license under Contractor's Patent Rights; and (iii) that with respect to any subcontract hereunder, Contractor's obligations under this article will be discharged upon its including in such subcontract a patent rights article not less favorable to the Government than as herein provided.

(3) Contractor agrees (i) to deliver to the Contracting Officer or his designee, promptly and in any event prior to final settlement, a complete written disclosure of each Subject Invention which reasonably appears to be patentable and, as to each such invention, to exert its best efforts to effect such delivery within six months after first publication, public use or sale; and (ii) to deliver to the Contracting Officer or his designee, duly executed, such instruments of assignment, application papers and rightful oaths, relating to each Subject Invention title to which is to be assigned pursuant to this contract, as the Contracting Officer or his designee may require in order to enable patent applications therefor to be filed and prosecuted, and title to such applications to be assigned and recorded, in any country.

(4) Contractor agrees to and does hereby grant to the Government, to the full extent of Contractor's right to do so, the right to reproduce, use and disclose for any governmental purpose all or any part of the reports, drawings, blueprints, data and technical information to be delivered by Contractor to the Government under this contract; *Provided, however,* That nothing contained in this sentence shall be deemed to grant a license under any patent now or hereafter issued.

4. Section 803.350 is revoked, as follows:

§ 803.350 *CPFF construction contracts; termination article.* [Revoked]

5. Paragraph (a) of § 803.363 is amended to read as follows:

§ 803.363 *Disposition of Government-owned property by contractors.* (a) An article substantially as follows may be inserted in cost-plus-a-fixed-fee contracts when authorized by the provisions of § 827.306 of this chapter:

It is recognized that property (including without limitation machine tool and processing equipment, manufacturing aids, raw, manufactured, scrap and waste materials), title to which is or may hereafter become vested in the Government, will be used by or will be in the care, custody or possession of the Contractor in connection with the performance of this contract. With the approval in writing of the Contracting Officer (whether such approval is given prior to or after the giving of a notice of the termination of this contract for the convenience of the Government), the Contractor may transfer or otherwise dispose of such Government-owned property to such parties and upon such terms and conditions as the Contracting Officer may approve or ratify, or, with like approval by the Contracting Officer, the Contractor may itself acquire title to such property or any of it at a price mutually agreeable. The proceeds of any such transfer or disposal or the agreed price of any property, title to which is so acquired by the Contractor, shall be applied in reduction of any payments to be made by the Government to the Contractor under this contract, or shall otherwise be paid in such manner as the Contracting Officer may direct.

6. Sections 803.370–4a and 803.370–4b are added as follows:

§ 803.370–4a *Price revision after filing of Federal income tax returns.* (a) Ordinarily a contractor keeping its accounts on an accrual basis will accrue an amount estimated reasonably to cover price revisions on billings for the current year before closing its books, when the event requiring price revision occurs before the close of that year and the closing takes place before settlement of the revised prices. In such a case, where the Federal income and excess profits tax returns have not been filed before completion of negotiation of the revised price, the price revision is not affected by such taxes or the computation thereof.

(b) On the other hand, where no amount has been accrued in the prior year for a price reduction under a price revision article, and where a price is ultimately decreased under that article and the decrease affects income for a period for which the contractor has previously filed its Federal income and excess profits tax returns, the payment or credit to be made by the contractor shall be reduced as provided in section 3806 of the Internal Revenue Code. The procedure to be followed in any such instance shall be that prescribed in § 1604.–442 of Title 32, Chapter XIV, of the Code of Federal Regulations.

§ 803.370–4b *OPA maximum prices.* In any instance where the item or supplies are subject to OPA maximum prices, neither the original prices nor the revised prices negotiated under any of the price revision articles shall exceed the applicable OPA maximum prices. The responsibilities of contracting officers with regard to OPA maximum prices are stated in § 811.1132–7 of this subchapter.

7. Paragraph (h) of § 803.372–7 is amended to read as follows:

§ 803.372–7 *Text of Form I–C.* * * *

(h) *Termination provisions.* For any of the purposes of Article * * * (Termination at the Option of the Government) of this contract (including, without limitation, the computation of "the total contract price" and "the contract price of work not terminated") the contract price of delivered articles shall be deemed to be,

(1) For all items delivered prior to the effective date of the price revision, the contract price (giving effect to any prior revisions under this Article) applicable to each such item: *Provided, however,* That if this contract is terminated after the effective date of the first price revision but prior to completion of such revision the contract price for all items delivered during the first period shall be determined as provided in subparagraph (2) (B) below:

(2) For all items delivered on or after the effective date of the price revision,

(A) The contract price as revised in accordance with this Article, if such revision shall have been agreed upon; and

(B) If such revision shall not have been agreed upon, then such estimated prices as the Contractor and the Contracting Officer may agree upon as reasonable under all the circumstances and in the absence of such agreement such reasonable prices as may be determined in accordance with Article ... (Disputes).

8. In § 803.372–8, subparagraph (3) of the optional paragraph (e) is amended to read as follows:

§ 803.372–8 *Optional paragraph (e) (Disagreements) for use with Form I–A I–B or I–C.*

* * * * *

(3) The Contractor's delivery of a notice pursuant to this paragraph (e) shall constitute (i) a refusal, within the meaning of section 801, to agree to prices for the items and services to be furnished under this contract lower than those specified in the Contractor's notice, (2) a waiver and release of any right (under said section 801 or otherwise) of the Contractor to further negotiation with any representative of the War Department as to fair and reasonable prices and (3) a consent by the Contractor that an order may be made pursuant to section 801 without other or further notice to the Contractor than the service of such order. In the event of the service of such an order, the contract shall continue in effect except as modified by said order and the Contractor shall have the rights and remedies granted to it under paragraph (c) of said section 801. It is agreed (i) that the prices which shall be applicable from the time at which such price revision was to be effective under this Article until the date of the order shall be the prices fixed in the order and (ii) that if the effect of any court action pursuant to said section 801 is to increase or decrease the prices fixed in the order a corresponding change shall be made in the prices established by clause (1).

9. In § 803.373–7, subparagraph (3) of the optional paragraph (c) is amended to read as follows:

§ 803.373–7 *Optional paragraph (c) (Disagreements) for use with Form II–A or II–B.*

* * * * *

(3) The Contractor's delivery of a notice pursuant to this paragraph (c) shall constitute (1) a refusal, within the meaning of section 801, to agree to prices for the items and services to be furnished under this contract lower than those specified in the Contractor's notice, (2) a waiver and release of any right (under said section 801 or otherwise) of the Contractor to further negotiation with any representative of the War Department as to fair and reasonable prices and (3) a consent by the Contractor that an order may be made pursuant to section 801 without other or further notice to the Contractor than the service of such order. In the event of the service of such an order, the contract shall continue in effect except as modified by said order and the Contractor shall have the rights and remedies granted to it under paragraph (c) of said section 801. It is agreed (i) that the prices which shall be applicable from the time at which such price revision was to be effective under this article until the date of the order shall be the prices fixed in the order and (ii) that if the effect of any court action pursuant to said section 801 is to increase or decrease the prices fixed in the order a corresponding change shall be made in the prices established by clause (1).

10. Paragraphs (b) (1) and (2) of the article in § 803.374–5 are amended to read as follows:

§ 803.374–5 *Text of Form III.*

* * * * *

(b) *Conditions precedent.* If all the following conditions are satisfied, the Contracting Officer shall enter into negotiations with the Contractor for the revision of the prices of items called for under this contract but only to the extent set forth in paragraph (c) of this article:

(1) The Contractor shall advise the Contracting Officer in writing of any reference to the War Labor Board or to any other similar Government agency of any request on behalf of the employees of the Contractor for any adjustment in wages which may materially affect the costs of performing this contract. This advice shall be given within twenty days after the Contractor shall learn that such reference has been made. In the event that the reference has been made prior to the inclusion of this article . . . in this contract and has not been finally acted upon, the written advice shall be given at the time of execution of the instrument effecting such inclusion.

(2) The Contractor, prior to the expiration of thirty days (or such greater period as may be agreed upon in writing within said thirty days) after the date of the order for or authorization of any adjustment in wages, but, in any event, prior to the expiration of one year after the date specified for the delivery of the last item of supplies called for by this contract as it may from time to time be amended, shall submit to the Contracting Officer the following:

A. A true copy of the order or authorization for such adjustment.

B. A written demand that the parties negotiate to revise the contract prices of items delivered and to be delivered under the contract during a period stated in the demand. That period shall not commence at a date earlier than the first day specified in the order or authorization for the adjustment in wages.[1] That period shall not extend after the earliest date after the demand as of which the contract prices of items to be delivered under this contract can be revised pursuant to Article ____ (Revision of Prices).

C. Estimates of the probable effects of such adjustment in wages upon the Contractor's costs of producing the items delivered or to be delivered during the period stated in the demand. These estimates shall give due effect to estimates of completed items and work in process on hand at the beginning of such period and to the fact that the full effect of such adjustment will not normally be reflected immediately in the cost of items delivered under the contract. The estimates shall be accompanied by estimates of the effect of such adjustment on the direct and indirect labor costs of the items delivered and to be delivered during the stated period.

D. Proposed revised prices for the items delivered or to be delivered under the contract during the stated period.

11. Section 803.377–2 is amended to read as follows:

§ 803.377–2 *Conditions for use.* (a) The contingency must come within one of the following categories: (1) Cases where the Government actually fixes the price or effectively controls the entire supply of material to be used by the contractor in performance of the contract (e. g., natural or synthetic rubber); (2) cases where freight rates upon specified materials to be used by the contractor in performing the contract are changed under authority of the Interstate Commerce Commission; (3) cases where the cost of freight on specified materials to be used by the contractor in performing the contract is changed as the result of allocation or priority orders of the Government or any of its instrumentalities; (4) cases where the contractor contemplates the purchase of a single specified important material or component, which is to be used in performing the contract, from a stated source or at a stated price and such source or price is necessarily changed without fault or any voluntary action on the part of the contractor; (5) cases where the contractor's compliance with the delivery schedule of the contract is prevented as a direct or proximate result of any act of the Government or any of its instrumentalities. In each of such cases the probable effect of the happening of the contingency should be a substantial change in the contractor's costs.

(b) The contingency upon which the equitable adjustment is to take place will be set forth in the blank space provided in the Article and will substantially follow the language of the appropriate sample statement set out in the next succeeding paragraph. The statement of any contingency not illustrated by a sample statement but which comes within the provisions of paragraph (a) above, will follow as closely as possible the form and content of the sample statement of the contingency falling within the same category. For example, the statement of a contingency coming within subparagraph (1) in paragraph (a), but which is not made the subject of a sample statement, will be patterned, as nearly as may be, after the apposite sample statement under (1) in paragraph (c) below.

(c) *Sample statements of contingencies.* The categories herein follow the lettering of those in paragraph (a) above.

Category (1)

That the prices which the contractor shall pay for the natural or synthetic rubber to be used by it in the performance of this contract will be the prices now fixed by the agreement between Rubber Reserve Company and the War department, which are shown below:

Type of rubber	*Price per pound*	*Estimated quantity*

In making any adjustment under this article, the difference between the unit price specified above for the particular kind of rubber and the weighted average unit price which the contractor is actually required to pay therefor shall be applied to the estimated quantity shown above.

Category (2)

That the freight rate of ------ per ton upon ------, ------ tons of which are estimated by the contractor to be used in performance of this contract, will not be changed by or under authority of the Interstate Commerce Commission. In making any adjustment under this Article, the difference between the freight rate per ton specified above and the weighted average freight rate per ton which the contractor is actually required to pay for the shipment of the material specified above shall be applied to the estimated quantity shown above.

Category (3)

That the cost of freight upon ----------, based upon the rate of ------ per ton applied to the estimated quantity of ------ tons of the material aforesaid to be used by the contractor in the performance of this contract, will not be changed as the result of any allocation or priority order of the Government or any of its instrumentalities relating to said material. In making any adjustment under this Article, the difference between the freight rate per ton specified above and the weighted average freight rate per ton which the contractor is actually required to pay shall be applied to the estimated quantity shown above.

Category (4)

(i) That the contractor will purchase ---------- in the estimated quantity of -------- to be used by it in the performance of this contract, from ---------- at a unit price of $------ per ----------. No adjustment shall be made under this Article unless the contractor shall be unable, without fault or negligence on its part, to purchase said ---------- from the source stated above. In making any adjustment under this Article, the difference between the unit price specified above and the weighted average unit price actually paid or to be paid by the contractor for said ---------- shall be applied to the estimated quantity shown above.

(ii) That the contractor will purchase -------- in the estimated quantity of ---------- to be used by it in the performance of this contract, at a unit price of $------ per ------. No adjustment shall be made under this Article because of any

change in the applicable O. P. A. maximum price for said ---------- nor in the event the contractor's inability to purchase at the price aforesaid shall be due its fault or negligence. In making any adjustment under this Article, the difference between the unit price specified above and the weighted average unit price actually paid or to be paid by the contractor for said ---------- shall be applied to the estimated quantity shown above.

Category (5)

That the contractor's compliance with the delivery schedule provided in article ------ of this contract will not be prevented as a direct and proximate result of any act of the Government or any of its instrumentalities.

(4) The article is not authorized for use to cover any of the following contingencies: (a) changes in taxes or duties (see § 803.357); (b) changes in wage rates or employment conditions (see § 803.374); (c) changes in OPA maximum prices of either components or end items (see § 803.351); (d) risks arising in connection with patents (see § 803.335); (e) termination of the contract in whole or in part (see § 803.324).

(5) The price must contain no charge or allowance on account of the specified contingency.

(6) In appropriate cases the article may be included in a new contract even though such contract may also contain one of the Form I or Form II Price Revision Articles.

SUBPART J—MISCELLANEOUS

1. Section 803.390–7 is redesignated § 803.390–8 and a new § 803.390–7 is added as follows:

§ 803.390–7 *Coordination with Renegotiation Division, ASF.* An assignment or transfer of a contract, particularly where made in connection with the transfer of the entire business or of a substantial portion of the assets of the contractor, may under certain circumstances affect the interest of the Government by impeding the recovery of excessive profits through statutory renegotiation. While it shall continue to be the responsibility of the person approving any such assignment or transfer to protect the interest of the Government in connection therewith, nevertheless, in any such case the chief of the technical service concerned will notify the Price Adjustment Section to which the contractor has been assigned for statutory renegotiation and will withhold approval or recognition of the proposed assignment pending advice from such Price Adjustment Section. Information with respect to the Price Adjustment Section to which contractors are assigned may be had from the Assignments and Statistics Branch, Renegotiation Division, Headquarters, A. S. F.

2. Sections 803.395 and 803.395–1 are amended to read as follows:

§ 803.395 *Contracts within section 9, Military Appropriation Act, 1945 and 1946.*

§ 803.395–1 (a) Section 9, Military Appropriation Act, 1945 (Public Law 374, 78th Congress) provides:

> Whenever, during the fiscal year ending June 30, 1945, the Secretary of War should deem it to be advantageous to the national defense, and if in his opinion the existing facilities of the War Department are inadequate, he is hereby authorized to employ, by contract or otherwise, without reference to section 3709, Revised Statutes, civil service or classification laws, or section 5 of the act of April 6, 1914 (38 Stat. 335), and at such rates of compensation (not to exceed $25 per day and travel expenses, including actual transportation and per diem in lieu of subsistence while traveling from their homes or places of business to official duty station and return as may be authorized in travel orders or letters of appointment for individuals) as he may determine, the services of architects, engineers, or firms or corporations thereof, and other technical and professional personnel as may be necessary.

(b) Section 9, Military Appropriation Act, 1946 (Public Law 126, 79th Congress) provides:

> Whenever, during the fiscal year ending June 30, 1946, the Secretary of War should deem it to be advantageous to the national defense, and if in his opinion the existing facilities of the War Department are inadequate, he is hereby authorized to employ, by contract or otherwise, without reference to section 3709, Revised Statutes, civil service or classification laws, or section 5 of the act of April 6, 1914 (38 Stat. 335), and at such rates of compensation (not to exceed $25 per day and travel expenses, including actual transportation and per diem in lieu of subsistence while traveling from their homes or places of business to official duty station and return as may be authorized in travel orders or letters of appointment for individuals) as he may determine, the services of architects, engineers, or firms or corporations thereof, and other technical and professional personnel as may be necessary.

3. Section 803.395–5 is amended to read as follows:

§ 803.395–5 Where such contract is with an individual, it will expressly limit the compensation payable to him to not more than twenty-five dollars per day, plus additional compensation for overtime pursuant to the provisions of the War Overtime Pay Act of 1943 (Public Law 49, 78th Congress, approved May 7, 1943), effective during the fiscal year 1945, or the provisions of the Federal Employees Pay Act of 1945 (Public Law 106, 79th Congress, approved June 30, 1945), effective during the fiscal year 1946, as the case may be.

[Procurement Reg. 4]

PART 804—BONDS AND INSURANCE

SUBPART B—BONDS

1. Section 804.407–2 is amended to read as follows:

§ 804.407–2 *Fidelity bonds.* Fidelity bonds will be approved in connection with cost-plus-a-fixed-fee supply contracts, construction contracts or contracts for the operation of Government-owned plants only in those cases where in the opinion of the chief of the technical service concerned it is desirable to obtain the investigating and claims facilities of a surety company and such bonds are considered to be reasonably necessary for the protection of the contractor or the Government. A Primary Commercial Blanket form of bond with a rider providing for retroactive reinstatement for prior losses in the penal sum of $10,000 will be considered sufficient. The following additional clauses will be required:

(a) A rider excluding any claim on the part of the surety company to be subrogated on the payment of loss or otherwise, to any claim against the United States;

(b) A rider providing for pro rata refund of premium in the event of cancellation by the insured;

(c) A rider providing for a notice to the chief of the technical service concerned in the event of any change in or cancellation of the bond;

(d) A rider providing for investigation of all claims;

(e) A rider providing for investigation of all Class "A" employees.

There are a variety of discounts which may be applied to blanket fidelity insurance under certain circumstances. A 30% class discount may be applicable to the class A employee premium charge, depending on the nature of the assured's contracts on hand when the bond is written or renewed. A 10% general discount may be applicable to the combined class A and class B employee premium charge for a Primary Commercial Blanket Bond, depending on the number of employees involved and the amount of the bond. An experience discount ranging as high as 25% may be applicable to the final premium, depending on the size of the premium and the amount of claims or losses incurred. Therefore, when blanket fidelity insurance is purchased, carriers should be cautioned to apply all appropriate discounts.

2. In § 804.409–2, paragraph (c) (2) is amended to read as follows:

§ 804.409–2 *Forwarding of bonds and consents of surety to Judge Advocate General.* • • •

(c) • • •

(2) Blanket fidelity and forgery bonds.

SUBPART C—SURETIES ON BONDS

1. Paragraph (a) of § 804.418 is amended to read as follows:

§ 804.418 *Procedure for accomplishing execution of consent or correction of bonds and consents.* • • •

(a) *Expediter plan.* There has been established in Washington at the Office of the Association of Casualty and Surety Executives, Washington Building, an arrangement whereby either Mr. Howard M. Starling or Mr. Charles M. Walker, on his sole unwitnessed signature, will execute consents of surety and make corrections in bonds and consents in compliance with requests originating either in Washington or in the field offices. These representatives of the surety industry have been so empowered by all of the surety companies on the Treasury Department List and authenticated evidence of their authority as above described has been filed with Office of The Judge Advocate General and with the Section of Surety Bonds, Treasury Department. Whenever a technical service desires to avail itself of the Expediter Plan, it should transmit an unexecuted consent or the incorrect bond or consent in the manner described in paragraph (b) of § 804.409–2 to the Office of The Judge Advocate General. That office will get in touch with Mr. Starling or Mr. Walker who will handle all the details for the surety companies concerned and will execute or correct the instrument. The Office of The Judge Advocate General will then handle the document in the manner set forth in § 803.314–4.

2. Section 804.419–1 is amended to read as follows:

§ 804.419–1 *Corporate surety acceptability requirements.* In order to be acceptable to the War Department, the corporate surety must have obtained from the Secretary of the Treasury authority to do business under the Act of August 13, 1894 (28 Stat. 279), as amended by the Act of March 23, 1910 (36 Stat. 241); 6 U.S.C. 8; M.L. 1939, sec. 534. A list of the corporations approved by the Secretary of the Treasury is published semi-annually by the Treasury Department as Form No. 356 (Section of Surety Bonds). This list indicates the maximum penal sum in which any corporate surety may underwrite any one obligation. Any corporation whose name is on this list is acceptable within the limits of such approval. The chiefs of the technical services are responsible for distributing copies of the list. It may be procured through The Judge Advocate General to whom a requisition for the requirements of each technical service should be sent semi-annually on or before March 15 and September 15.

SUBPART D—INSURANCE

1. Section 804.434 is amended to read as follows:

§ 804.434 *Insurance on Government-owned property.* (a) It is the policy of the War Department not to require or approve insurance covering loss of or damage to property, legal title to which is in the United States and which is to be used in connection with a cost-plus-a-fixed-fee contract. The principle of self-insurance rests to a large degree upon savings to the Government obtained by eliminating the cost of insurance which would otherwise be added to the contract price. To implement this policy of self-insurance on Government-owned property, there will be included in the contract the clause set forth in § 803.365–1 of this subchapter.

(b) Where it is considered advisable to impose specific standards of care such as an obligation to keep the facilities in good operating condition and repair and to make all necessary repairs and replacements, a clause to this effect may be included in the contract.

2. Section 804.436–4 is amended to read as follows:

§ 804.436–4 *Self-insurance.* Self-insurance by cost-plus-a-fixed-fee contractors, in lieu of the requirements outlined in §§ 804.436–1 to 804.436–3, inclusive, will not be approved except in unusual circumstances. Generally self-insurance will be permitted only where the contract operations are commingled with other self-insured operations, or where the contractor has suitable facilities for the administration of a self-insurance program and has successfully operated such a program. Where the chief of the technical service is of the opinion that self-insurance is appropriate, the self-insurance program of the contractor should be examined in detail before approval, paying particular attention to the following:

(a) If the self-insurance program provides for reimbursement on an average rate basis rather than on the basis of losses incurred, the contractor should be advised that the propriety of the average rate will be reviewed in the light of all rating plans available from the insurance industry.

(b) That the contractor's costs for excess insurance in connection with such self-insurance program are not excessive.

In no event should a self-insurance program be approved where the contractor has purchased insurance coverage reimbursing for all or practically all of the contractor's self-insured liability.

3. Section 804.437 is amended to read as follows:

§ 804.437 *Miscellaneous insurance.* The chiefs of the technical services may consider that other forms of insurance are necessary in special instances. When operations under a cost-plus-a-fixed-fee contract are segregated from the contractor's other operations, the circumstances under which these forms of insurance may be authorized are described in §§ 804.437–1 to 804.437–10, inclusive. When the operations under a cost-plus-a-fixed-fee contract are commingled with the contractor's other operations the chief of the technical service concerned may authorize these forms of insurance to be carried.

4. Section 804.440–10 is amended to read as follows:

§ 804.440–10 *Minimum contribution by employees.* If any contractor has a group insurance policy under which the employees' contributions are at a rate lower than specified in this paragraph, the United States shall not make or be liable for reimbursement in an amount greater than the maximum reimbursement that could result under such plan of group insurance if the employees' contributions were at the rates herein set forth. If the group insurance was in force on March 1, 1943, the minimum rate of contributions for the purpose of this paragraph shall be the scale of contributions applicable at that time, and if the group insurance was not in force on March 1, 1943, the minimum contributions shall be the equivalent of 60¢ per month per $1,000 of group life insurance and 60¢ per month per $10 of weekly indemnity for accidents and sickness, unless a lower scale of contributions is approved by the Contract Insurance Branch.

5. Sections 804.440–17, 804.440–18, 804.441 and 804.442 are amended to read as follows:

§ 804.440–17 *Approval of Contract Insurance Branch.* If in the opinion of the Contract Insurance Branch, there are circumstances which would make the application of this plan inappropriate, it shall not become operative, anything contained herein to the contrary notwithstanding.

§ 804.440–18 *Regulation of charges.* Nothing contained herein shall be construed as regulating the charges which an insurance company can make under any policy or policies.

§ 804.441 *Benefits in event of capture or detention of employees.* Standards for the amount of benefits and the methods of providing payment to employees in the event of their capture or detention are set forth in Public Law 784, 77th Congress, as amended. This law sets forth the policy of Congress and provides that upon claims being filed as specified therein, payment or reimbursement will be negotiated through United States Employees' Compensation Commission.

§ 804.442 *Insurance in connection with cost-plus-a-fixed-fee contracts outside the continental United States.* Sections 804.434 to 804.441, inclusive, may not be applicable to cost-plus-a-fixed-fee contacts for work to be performed outside the continental United States. Under each such contract the chief of the technical service concerned will determine the appropriate insurance program. In arriving at this determination consideration will be given, among other factors, to the following:

(a) Nationality of the employees concerned and the applicability of Public Law 784, 77th Congress, as amended, or the propriety of waiving the provisions of that law.

(b) Laws and customs of the country or countries concerned.

(c) Treaties involved.

(d) Insurance facilities available.

(e) Medical and hospital facilities available.

6. Section 804.470–2 is amended to read as follows:

§ 804.470–2 The chief of the technical service concerned will pass upon the acceptability of the insurance carrier whether selected by the contractor or chosen on a competitive basis. The chief of the technical service will obtain from the contractor the following information which will be used by him in conjunction with the standards set forth in § 804.470–1 in determining the acceptability of the carrier:

(a) The name of the insurance carrier;

(b) The jurisdiction in which the insurance carrier is organized;

(c) Whether the insurance carrier is qualified to write the required insurance in the jurisdiction in which the project is located;

(d) A statement executed by an authorized official of the insurance carrier that the insurance carrier meets the standards of acceptability set forth in § 804.470–1;

(e) The engineering, claims and medical facilities, if required, which will be provided at the project by the insurer; and

(f) The latest financial statement of the insurance carrier.

7. Paragraph (b) of § 804.471–3 is amended to read as follows:

§ 804.471–3. • • •

(b) Where the operations of the contractor under a cost-plus-a-fixed-fee contract are commingled with its other operations, or where operations are being performed by the contractor under more than one cost-plus-a-fixed-fee contract with one or several of the technical services or government agencies, the use of

the War Department Insurance Rating Plan may not be appropriate. In such cases the chief of the technical service principally concerned, after coordinating with the other services or agencies involved, if any, will determine the proper insurance requirements.

8. Section 804.471–4 is amended to read as follows:

§ 804.471–4 Insurance coverages which cannot be written under the War Department Insurance Rating Plan will be purchased on the competitive bid basis or as set forth in §§ 804.436–4 or 804.471–3 when the chief of the technical service principally concerned determines that competitive bidding would not be feasible.

9. Section 804.482–1 is amended to read as follows:

§ 804.482–1 Those classifications in the Manual for which no rates appear will be submitted by the insurance carrier to the appropriate rating authority if any, for the establishment of a rate. The rate so established shall be submitted to the chief of the technical service concerned and will be effective upon his approval thereof. Any liability rate so established will be subject to the 50% discount applicable to other liability insurance classifications.

10. In § 804.484, paragraph (c) is deleted.

11. Paragraph (a) of § 804.485 is amended to read as follows:

§ 804.485 *Workmen's compensation policies.* * * *

(a) The War Department Insurance Rating Plan is not available for use in connection with workmen's compensation insurance in the states of Nevada, North Dakota, Ohio and Washington, but the Plan will be used in those states for comprehensive general liability and automobile liability and property damage if the premiums involved are estimated to exceed $5,000. In the State of Ohio special arrangements have been made whereby War Department cost-plus-a-fixed-fee contractors are written under two (2) special classifications erected by the state rating authorities for the Workmen's Compensation liability for such contractors.

12. The last paragraph of § 804.486 is amended to read as follows:

§ 804.486 *Average rates for construction projects insured under the War Department Insurance Rating Plan.* * * *

Upon promulgation by the board or bureau having jurisdiction, all average rates will be submitted to the chief of the technical service concerned and will be effective upon his approval thereof.

13. Section 804.490–2 is amended to read as follows:

§ 804.490–2 *Distribution of copies.* Insurance carriers will be required to submit to the contractor seven properly executed copies of the forms of preliminary settlement, together with any refund which may be called for by the settlement form. The contractor will be instructed to retain one copy and to submit the remaining six copies, together with the refund, to the contracting officer. The contracting officer will make the following distribution:

(a) One copy, together with the refund, to the disbursing officer.

(b) One copy to the General Accounting Office.

(c) Two copies to the chief of the technical service concerned.

(d) Two copies to be retained by the contracting officer. The chief of the technical service will forward one copy to the Contract Insurance Branch.

14. Sections 804.490–4 and 804.490–5 are amended to read as follows:

§ 804.490–4 *Final settlements.* The insurance carriers will be notified to submit simultaneously (a) to the technical service concerned the number of properly completed copies of final settlement statements required by it and (b) directly to the Contract Insurance Branch one (1) properly completed copy of such settlement statement. The Contract Insurance Branch will take appropriate action to reach agreement with the insurance carriers concerning adjustment of losses and allocated expense and will advise the technical service concerned of the amount of losses and allocated expenses approved for inclusion in gross adjusted premium computation. If settlement is deferred, the Contract Insurance Branch will so notify the technical service. The technical service concerned will determine the accuracy of the items other than losses incurred and allocated expense and upon receipt of advice as to approved losses and allocated expenses, will take appropriate steps to secure all necessary revised copies of final settlement statements, releases, and any other pertinent papers, and will close the account.

§ 804.490–5 *Action on claims.* All appropriate action will be taken by the Contract Insurance Branch with respect to the valuation and adjustment of losses and claims.

15. Sections 804.491–1 and 804.491–2 are amended to read as follows:

§ 804.491–1 *Claims service by insurance carriers.* The carrier is required to provide sufficient claims facilities to afford prompt and adequate claims service to the contractor. Any complaints concerning the claims service which is rendered by a carrier in connection with a particular project will be referred for necessary action to the Contract Insurance Branch.

§ 804.491–2 *Claims settlements by insurance carriers.* (a) It is the duty of the insurance carrier to make all decisions with respect to the investigation, settlement and litigation of claims against contractors covered by its policies of insurance "to the extent of its coverage, said policies having been issued under the War Department Insurance Rating Plan."

(b) *Medical benefits in excess of statutory limits.* Medical benefits in excess of the statutory limits on compensation claims may be provided by the insurance carrier if in its best judgment, such extension of benefits will probably reduce disability and the ultimate cost of indemnity payments provided the carrier has received the prior written approval of the Contracting Officer or his representative; or receives the approval of the Contract Insurance Branch.

16. Paragraphs (b) and (c) of § 804.491–6 are amended to read as follows:

§ 804.491–6 *Loss reports.* * * *

(b) *Preliminary settlement.* The approved forms set forth in §§ 804.497–15 to 804.497–21, inclusive, will be used by the insurance carrier in the preparation of preliminary settlements. Distribution of these forms when completed will be made as set forth in § 804.490–2. The chief of the technical service concerned will determine acceptability of a preliminary settlement statement and will take the necessary action thereon. If in his opinion, before accepting such statement, it is advisable to review the losses and allocated expense, he will refer such preliminary settlement statement to the Contract Insurance Branch for the necessary review and approval of such losses and allocated expense.

(c) No other reports by insurance carriers concerning insured losses will be required unless requested by the Contract Insurance Branch.

17. Section 804.493 is amended to read as follows:

§ 804.493 *Reports.* There will be forwarded promptly to the Contract Insurance Branch the following information:

(a) In connection with insurance written under the War Department Insurance Rating Plan copies of all policies, endorsements and any data pertaining to, or bearing upon the review of losses by the Contract Insurance Branch. The Contract Insurance Branch will be notified promptly of the cancellation of any policies.

(b) In connection with any insurance where approval of losses by the Under Secretary of War is required for the determination of premium, copies of all policies or agreements, endorsements, and any data pertaining to, or bearing upon, the review of losses by the Contract Insurance Branch. The Contract Insurance Branch will be notified promptly of the cancellation of any policies or agreements.

[Procurement Reg. 5]

PART 805—FOREIGN PURCHASES

1. Section 805.501 is amended to read as follows:

§ 805.501 *Rescission of regulations.* Army Regulations 5–340, August 10, 1936, as amended, and all other prior directives and instructions relating to the Buy American Act and foreign purchases, have been rescinded.

2. The introductory text of § 805.502 is amended to read as follows:

§ 805.502 *Buy American Act.* The Buy American Act (47 Stat. 1520; U.S.C. 10a), as amended, provides in part as follows:

3. Section 805.502–1 is amended to read as follows:

§ 805.502–1 *Restriction created by Appropriation Act.* (a) The Military Appropriation Act, 1946, approved July 3, 1945 (Public Law 126, 79th Congress) contains a proviso that no part of any appropriation contained in that act "shall be available for the procurement of any article of food or clothing not grown or produced in the United States or its possessions, except to the extent that the Secretary of War shall determine that articles of food or clothing grown or produced in the United States or its possessions cannot be procured of satisfactory quality and in sufficient quantities and at reasonable prices as and when needed, and except procurements by vessels in foreign waters and by establishments located outside the continental United States, except the Territories of Hawaii and Alaska, for the personnel attached thereto."

(b) The restriction created by the provision quoted in paragraph (a) will, for convenience, be referred to hereafter as the Appropriation Restriction.

4. Section 805.503–4 is amended to read as follows:

§ 805.503–4 *Items of food exempt when purchased from specified countries.* The following items of food have been exempted when purchased from the countries specified.

Canned fish—Mexico.
Fish fillet—Bahama Islands.
Fresh beef—Mexico.
Fresh fish—Mexico and Iceland.
Frozen fish—Iceland.
Fresh fruits—Cuba, Mexico and Puerto Rico.
Fresh vegetables—Cuba, Mexico and Puerto Rico.
Guava concentrate—Cuba.
Guava jelly—Cuba.
Guava puree—Cuba.

5. The headnote to § 805.503–6 is amended to read *"Insertion of contract clause."*

6. Section 805.504 is amended to read as follows:

§ 805.504 *Procedure for complying with the acts.* In making purchases of articles of food or clothing which are still subject to the restrictions of the "Buy American" Act, or any cognate act, the chief of the technical service concerned should make every effort to satisfy his requirements for such articles out of domestic production. In any case where the chief of the technical service finds it essential to purchase articles of food or clothing of foreign production, a request for authority to make such purchase should be submitted to the Director, Purchases Division, Headquarters, Army Service Forces.

7. Section 805.505 is amended to read as follows:

§ 805.505 *Clearance thru customs.* The procedure for clearing through customs materials imported by the War Department is set forth in detail in Circular No. 180, War Department, 1945. That circular also describes the circumstances under which such materials may be admitted free of duty. All personnel concerned with procurement of materials abroad should familiarize themselves with the contents of the circular.

8. The introductory text of § 805.505–1 is amended to read as follows:

§ 805.505–1 In connection with Circular No. 180, attention is invited to the following points:

9. Sections 805.507–1 and 805.507–2 are redesignated paragraphs (a) and (b), respectively, of § 805.507.

[Procurement Reg. 6]

PART 806—INTERBRANCH AND INTERDEPARTMENTAL PURCHASES

SUBPART B—INTERBRANCH PROCUREMENT

Section 806.605d is amended to read as follows:

§ 806.605d *Indefinite quantity contracts executed by the Office of The Quartermaster General.* The tabulation set forth below contains certain information with respect to all indefinite quantity contracts executed by the Office of The Quartermaster General, which are applicable to purchases made by activities outside the jurisdiction of The Quartermaster General. More complete information as to these contracts is contained in the War Department Supply Bulletins referred to in the tabulation. These Supply Bulletins are available at Adjutant General Depots.

INDEFINITE QUANTITY CONTRACTS EXECUTED BY OFFICE OF QUARTERMASTER GENERAL

Supply Bulletin No.	Date	Commodity	Contract period	Contract symbol No.	Contractor	Area served	Applicability
8-	June 1945	Books	Fiscal year 1946	See Supply Bulletin No. 10-87		Continental United States and its possessions.	General utilization by the War Department except the Medical Corps.
To be numbered	To be issued	Compressed yeast	Fiscal year 1945	W 11-009-qm-48937	Federal Yeast Corp., Colgate Creek-Highlandtown, P. O., Baltimore, Md.	3rd Service Command	All branches of the War Department.
				W 11-009-qm-48935	National Grain Yeast Corp., Belleville, N. J.	1st Service Command	
				W 11-009-qm-48939	Standard Brands, Incorporated, 595 Madison Ave., N. Y., N. Y.	4th, 8th and 9th Service Commands.	
				W 11-009-qm-48936	Anheuser-Busch, Inc., 721 Pestalozzi St., St. Louis, Mo.	2d and 7th Service Commands and Military District of Washington.	
				W 11-009-qm-48928	Red Star Yeast & Products Co., 221 E. Buffalo St., Milwaukee, Wis.	5th and 6th Service Commands.	
10-	May 1945	Paper rolls, for cash registers.	Fiscal year 1946	W 28-021-qm-38736	The National Cash Register Co., Main & K Sts., Ohio.	See Supply Bulletin No. 10-96	All posts, camps and stations.
10-	June 1945	Oil, engine, grease and gear lubricants [1]	1 July 1945 to 31 December 1945.	W 44-109-qm-610	The Texas Co.	Continental United States, exclusive of Arizona, California, Illinois, Maryland, Massachusetts, New Jersey, North Dakota, Oregon, Pennsylvania, Vermont and Washington.	All War Department activities within continental United States (not including Alaska) for domestic consumption, exclusive of maneuvers ordered by Army Ground Force Headquarters.
				W-44-109-qm-611	Shell Oil Co. Inc. of California.	California, Oregon and Washington.	
				W 44-109-qm-612	Shell Oil Co. Inc. of New York.	Illinois	
				W-41-109-qm-613	Atlantic Refining Co.	Maryland, Massachusetts, New Jersey, and Pennsylvania.	

[1] Contracts pertaining to grease and gear lubricants are contracts of Treasury Department, Procurement Division.

INDEFINITE QUANTITY CONTRACTS EXECUTED BY OFFICE OF QUARTERMASTER GENERAL—Continued

Supply bulletin No.	Date	Commodity	Contract period	Contract symbol No.	Contractor	Area served	Applicability
To be numbered	To be issued	Malt	1 July 1945 to 31 December 1945	W 11-009-qm 48954	Malt-Diastase Company Wyckoff Ave., and Decatur St., Brooklyn, N. Y.	1st, 2nd and 3rd Service Commands; Military District of Washington.	All branches of the War Department.
				W 11-009-qm 48951	Anheuser-Busch, Inc., 721 Pestalozzi St., St. Louis, Mo.	4th Service Command	
				W 11-009-qm 48952	Birk Bros. Brewing Co., Webster and Wayne Sts., Chicago, Ill.	6th Service Command	
				W 11-009-qm 48953	Standard Brands, Inc., War Prod. and Supply Dept. 595 Madison Ave., New York, N. Y.	5th, 7th, 8th and 9th Service Commands.	
19 [illegible]	January 45	Ink, duplicating machine, 1/4ack 1-lb. cans.	1 February 1945 to 31 August 1945.	W 28-021-qm 27720	Howard Flint Ink Co., Clark Ave. and M C. R. R., Detroit 9, Mich.	See Supply Bulletin No. 19 [illegible]	All branches of the War Department.

SUBPART C—INTERDEPARTMENTAL PURCHASES

1. Section 806.606–7 is amended to read as follows:

§ 806.606–7 *Mandatory schedules.* The following is a list of the classes of the General Schedule of Supplies which are mandatory by the terms of the schedules on the field services of the War Department:

Description of item	Schedule of supplies	Period
Explosives and blasting accessories	4, Supp. No. 1	July 1 to Dec. 31, 1941 (extended to Dec. 31, 1945).
Gasoline. Tank wagon and drum deliveries, tank-car, transport-truck and marine deliveries	7 and Supps., Regions 1 to 6, incl.	July 1, 1945, to June 30, 1946.
Fuel oil. Tank wagon and drum deliveries, tank-car, transport-truck, and marine deliveries	7 and 11 and Supps., regions 1 to 6, inclusive.	July 1, 1945, to June 30, 1946.
Gasoline Diesel oil and lubricating oil, service-station deliveries	7 and 11	July 1, 1945, to June 30, 1946.
Tire chains	8	July 1, 1945, to June 30, 1946.
Motor-vehicle accessories, etc., item 9-C-540 (clutch facings only)	Sand 16	July 1, 1945, to June 30, 1946.
Automotive storage batteries	17, Supp. No. 2, revised	March 16 to Sept. 15, 1945.
Telephone and parts	17, Supp. No. 6, revised	Mar. 1 to Aug. 31, 1944 (extended to Aug. 31, 1945).
Electric lamps	17, Supp. No. 3	Sept. 1, 1944, to Aug. 31, 1945.
Wood furniture	26, part I	Jan. 1 to Dec. 31, 1945.
Steel furniture	26, part II, revised	Jan. 1 to Dec. 31, 1942 (extended to Dec. 31, 1945).
Steel insulated filing cabinets	26, part II, Supp. No. 1	July 1 to Dec. 31, 1943 (extended to Dec. 31, 1945).
Floor and wall-type cabinets	27, revised	Oct. 1, 1944, to Sept. 30, 1945.
Books	33	Dec. 1, 1944, to Nov. 30, 1945.
Encyclopedia Britannica	35	Feb. 15 to Nov. 30, 1945.
Machine tools (only the following items: 4o-M-4-00, and 40-P-22 to 40-P-37, inclusive)	40	Sept. 1, 1944, to Aug. 31, 1945.
Woodworking saws	40	July 1, 1945, to June 30, 1946.
Solvents	51	July 1, 1945, to June 30, 1946.
Paper drinking cups	53	July 1, 1944, to June 30, 1945 (extended to June 30, 1946).
Office equipment	54	July 1, 1945 to June 30, 1946.
Offset duplicating supplies, etc	54	July 1, 1945 to June 30, 1946.
Typewriters	54	March 1, 1945 to Feb. 28, 1946.
Portable drinking fountains	63	June 1 to Sept. 30, 1945.
Fuel and coal—public utilities (certain D. C. installations only)	67	
Airplane tires and tubes	83, revised	April 24 to June 30, 1942 (extended to Sept. 30, 1945).
Gas—fuel, public utilities contracts in Baltimore, Md.; New York, N. Y., and Philadelphia, Pennsylvania	101 (electric service) 105 (gas service)	Effective Dec. 1, 1944, and thereafter until further notice.
Shade cloth, plain	103	Feb. 1, 1945, to Jan. 31, 1946.
Recording and transcription service	103, Supp. No. 2, revised	Sept. 1, 1944, to Aug. 31, 1945.

NOTE 1: Some of the schedules listed above are mandatory only upon some of the activities of the War Department. In case of doubt as to whether it is mandatory that a particular item be procured under a schedule, the schedule itself should be consulted and the provisions of the schedule should be regarded as controlling.

NOTE 2: Attention is called to the provisions of § 811.1187 *et seq.*, as to restrictions concerning local purchases and the purchases of restricted or prohibited items. Such restrictions apply to items, even though they may be listed on the General Schedule of Supplies.

2. In § 806.608–3 the item "Wood furniture and specialties" is amended to read as follows:

§ 806.608–3 *General clearance.* • • •

Wood furniture and specialties: Desk trays; costumers; striking tool handles as listed in Fed. Spec. NN–H–93, Grade A only.

3. Section 806.612–1 is amended to read as follows:

§ 806.612–1 *Powers of Secretary of Agriculture and Reconstruction Finance Corporation under Public Law 670.* The functions, powers, and duties, with respect to placing orders for materials, supplies, equipment, work, or services of any kind that any requisitioned Federal agency may be in a position to supply, or to render or to obtain by contract, which are vested in the War Department, Navy Department, Treasury Department, Civil Aeronautics Administration and the Maritime Commission under Public Law 670 may also be exercised (a) by the Secretary of Agriculture and (b) by the Reconstruction Finance Corporation, and by any constituent, subsidiary or controlled agency or corporation thereof designated by it. (See Executive Orders No. 9418 (9 F.R. 1073), February 1, 1944; No. 9440 (9 F.R. 4999), May 12, 1944; and 9577 (10 F.R. 8087), July 3, 1945.)

4. Section 806.613–2 is amended to read as follows:

§ 806.613–2 *Disposal agencies.* (a) The disposal agencies and the general types of property for which they are responsible are as follows:

Reconstruction Finance Corporation—Capital and producers goods.

Department of Commerce—Consumers goods.

U. S. Maritime Commission—Ships and Maritime property.

Department of Agriculture—Food and related products.

A detailed statement of the specific kinds of property assigned to each of the foregoing disposal agencies is set forth in § 827.791 of this chapter.

(b) The surplus property operations of Reconstruction Finance Corporation within the United States are conducted through regional offices. The addresses of these regional offices and the areas that they serve are set forth in § 827.792 of this chapter.

(c) The surplus property operations of the Department of Commerce within the United States are likewise conducted through regional offices. The addresses of these regional offices and the areas that they serve are set forth in § 827.793 of this chapter.

(d) The surplus property operations of U. S. Maritime Commission are conducted through a centralized office, the address of which is:

United States Maritime Commission, Attention: Mr. E. W. Gorman, Assistant to the Director of the Procurement Division, Washington 25, D. C.

5. Section 806.613–3 is amended to read as follows:

§ 806.613–3 *Information as to available surpluses.* Information as to available surpluses may be obtained from the regional offices of Reconstruction Finance Corporation and of the Department of Commerce, and from the Washington offices of U. S. Maritime Commission and of the Department of Agriculture. Although the regional offices of Reconstruction Finance Corporation and of the Department of Commerce maintain detailed inventories only for surplus property located within their respective geographical areas, they are prepared to furnish information as to the availability of specific items of property held by other regional offices, upon request. Both Reconstruction Finance Corporation and the Department of Commerce periodically publish listings of available surplus property, and these lists may be obtained from any of the regional offices of these disposal agencies.

6. Section 806.613–5 is amended to read as follows:

§ 806.613–5 *Procedure for acquiring surplus property.* In general, surplus property will be transferred with reimbursement by the War Department at a fair valuation determined by the disposal agency. Details of transfer procedure may be ascertained from the offices of the disposal agencies. See § 806.614 as to the appropriate form of delivery order to be used in acquiring surplus property from disposal agencies. However, where the property being transferred was declared surplus by another element of the War Department or by the Navy Department, non-reimbursable transfer can be arranged wherever permitted by Special Order No. 6 of the Surplus Property Board, dated May 1, 1945. Non-reimbursable transfers between the War Department and the Navy Department are authorized by 10 U. S. C. 1274. Non-reimbursable transfers between the War Department and Veterans' Administration are authorized by section 102, Title 1, Public Law 346, 78th Congress, approved June 22, 1944.

[Procurement Reg. 9]

PART 809—LABOR

SUBPART H—WAGE AND SALARY STABILIZATION

1. In § 809.952–3, paragraph (d) is amended to read as follows:

§ 809.952–3 *Agencies which exercise functions of the Board subject to its review.* • • •

(d) *War Department Wage Administration Agency.* Pursuant to appropriate delegations of authority, the Wage Administration Section, Industrial Personnel Division, Headquarters, Army Service Forces (referred to as the War Department Wage Administration Agency when acting under such delegations), acting upon behalf of the Secretary of War, is authorized to rule upon all applications for voluntary wage and salary adjustments (insofar as approval thereof has been made a function of the Board) covering civilian employees within the continental limits of the United States employed by (1) the War Department, (2) the Army Exchange Service and (3) certain Government owned, privately operated facilities of the War Department designated in lists furnished from time to time to the Board by the War Department Wage Administration Agency. The chiefs of the technical services are responsible, respectively, for (i) designating to the War Department Wage Administration Agency the facilities which, in their opinion, should be placed upon such lists and (ii) advising the officers of their services concerned of the names of facilities which have been placed upon such lists. The War Department Wage Administration Agency has also been authorized, subject to certain limitations, to establish wage or salary schedules for civilian employees of the War Department in the various Government owned, Government operated installations located in the Territory of Hawaii. The delegations of the Board, contained in the Board's General Orders Nos. 14 and 37, are set forth in full at § 809.993 *et seq.*

2. Section 809.952–7 is amended to read as follows:

§ 809.952–7 *Procedure in dispute cases involving wages or salaries subject to the jurisdiction of the Board.* A dispute case arises out of a disagreement as to wages or working conditions, or both. The National War Labor Board usually accepts dispute cases only on certification by the U. S. Conciliation Service although the Board also has power to take cases on its own initiative. A dispute case is referred to the New Case Committee of the National Board which determines whether the case shall be retained by the National Board for disposition or referred to the appropriate regional board or industry commission for decision. Upon certification of the case to a regional board, the case is considered by a New Case Committee of the regional board and prepared for a hearing. The Committee designates a tripartite panel to hear the case or, if the parties agree, a single person is appointed. Upon conclusion of the hearing by the panel or individual, the findings are reported to the regional board which makes a decision on the panel's findings and recommendations. Arguments may be heard if the panel's report is not unanimous. A regional board may certify to the National Board any case or any question in the case upon which it desires a National Board ruling. Directive orders of agencies (including regional boards to which the National Board has delegated authority to issue, subject to review by the Board, final directive orders in dispute cases) are issued to the parties when made, except that issuance of any provision of a directive order which relates to a wage or salary adjustment may be stayed if two or more public members or one public member of an agency of the Board, which is permitted to function and in fact does function with a quorum of three dissent from the provision and request that its issuance be stayed. In such an event a copy of the directive order and the request of stay, together with a statement of the reason for such request is transmitted to the National Board. Reconsideration of rulings and orders of regional boards may be had upon filing of petition under established rules. For a statement of procedure to be followed by War Department personnel in cases before the Board (or before agencies upon which it has conferred appropriate authority) in which the War Department has an interest, reference is made to § 809.963.

3. Section 809.956 is amended to read as follows:

§ 809.956 *Jurisdiction of the Secretary of Agriculture with respect to the stabilization program.* The Secretary of Agriculture, subject to certain limitations, is authorized to determine whether any salary or wage payments to agricultural labor are made in contravention of the act or any rulings, orders or regulations promulgated thereunder. The authority of the Secretary of Agriculture does not extend to any person whose salary payments, exclusive of bonuses and additional compensation and without regard to the contemplated adjustment, are at a rate, computed on an annual basis, which exceeds $5,000 per annum.

4. Section 809.964 is added as follows:

§ 809.964 *Policy with respect to reimbursement of increases in wages and salaries directed or approved by the Wage Stabilization Agencies.* (a) It is the policy of the War Department that wages and salaries paid by a War Department cost or cost-plus-a-fixed-fee contractor in conformity with Orders or Rulings of the National War Labor Board, the National Railway Labor Panel, or the Salary Stabilization Unit ordering or approving such payments should be considered as reasonable and proper in rate and amount, unless the facts in the particular case clearly indicate the contrary, and, if otherwise properly allowable under or chargeable to the contract, should be accepted for reimbursement under the contract. (In this connection attention is called to memoranda of April 25, 1945 from the Under Secretary of War to the Commanding Generals, Army Air Forces and the Army Service Forces providing, in part, that under the following circumstances the amount of compensation proposed for reimbursement should be scrutinized with particular care to determine its appropriateness: (1) When the total compensation paid to an individual is in excess of $25,000 per annum or (2) when the compensation for the position has been increased substantially since June 30, 1940).

(b) As used in this section:

(1) "Wages and salaries" refer not only to basic rates of pay but also to payments on account of overtime, holiday premiums, shift premiums, vacations and similar matters to the extent otherwise properly allowable under or chargeable to the contract; and

(2) "Orders" and "rulings" mean final mandatory directive orders, and final permissive rulings approving voluntary applications for a wage or salary adjustment directed to the contractor as a party to the proceeding, and General Orders, resolutions and regulations of the Board, the Commissioner, and the National Railway Labor Panel, and of the agencies to which they have delegated appropriate authority.

SUBPART M—MISCELLANEOUS

Section 809.993–1 is amended to read as follows:

§ 809.993–1 *General Order No. 14 of the National War Labor Board.* General Order No. 14, adopted by the National War Labor Board on November 24, 1942, as subsequently amended, reads as follows:

AUTHORIZATION TO THE WAR DEPARTMENT TO PASS ON WAGE AND SALARY ADJUSTMENTS FOR DESIGNATED AND CIVILIAN EMPLOYEES

(a) The National War Labor Board hereby delegates to the Secretary of War, to be exercised on his behalf by the Wage Administration Section within the Industrial Personnel Division, Headquarters, Army Service Forces (hereinafter referred to as the "War Department Agency"), the power to rule upon all applications for voluntary wage and salary adjustments (insofar as approval thereof has been made a function of the National War Labor Board) covering civilian employees within the continental limits of the United States, employed by:

(1) The War Department

(2) The Army Exchange Service, and

(3) Government-owned, privately-operated facilities of the War Department all in accordance with the further provisions of this order.

(b) In the performance of its respective duties the War Department Agency shall comply with the terms of Executive Order No. 9250, dated October 3, 1942, Executive Order No. 9328, dated April 8, 1943, the Directives of the Director of Economic Stabilization, and all general orders and policies of the National War Labor Board announced thereunder.

Any wage or salary adjustment approved by the Agency "which may increase production costs above the level prevailing in comparable plants or establishments" shall become effective only if also approved by the Director of Economic Stabilization. Notice to this effect shall be contained in all rulings and orders issued by the War Department Agency in wage cases.

Applications for approval of voluntary wage adjustments within the jurisdiction of the War Department Agency shall state whether or not the adjustment if granted may increase production costs above the level prevailing in comparable plants or establishments. If the answer is in the affirmative, the War Department Agency shall send to the War Labor Board for processing to the Office of the Director of Economic Stabilization a copy of the application and a copy of its ruling at the time of issuance thereof, for approval as mentioned above.

The War Department Agency, without making an initial ruling thereon, may refer to the Board for decision by the Board any case which, in the opinion of the Agency, presents doubtful questions of sufficient seriousness and import to warrant direct action by the Board.

(c) The War Department Agency shall transmit to the Wage Stabilization Division of the National War Labor Board copies of its rulings and rules of procedure as they are issued. In administering the provisions of this order the Agency shall also transmit monthly reports of its rulings to the Wage Stabilization Director of the National War Labor Board, and such additional data as said Division or the Board may from time to time deem necessary.

(d) Any ruling by the War Department Agency hereunder shall be final, subject

(1) To the National War Labor Board's ultimate power to review rulings on its own initiative, and

(2) In cases under category (a) (3) above, to the right of any aggrieved party, within a period of fourteen days after the mailing of the ruling denying, in whole or in part, the application for approval of a voluntary wage or salary adjustment, to mail to the National War Labor Board an original and six copies of a petition, including supporting documents, seeking review by the National War Labor Board of such ruling on the merits. Also, the party or parties seeking review shall mail a copy of the petition and supporting documents thereto to the Commanding Officer of the facility at the time of mailing the original and copies thereof to the National War Labor Board. The petition shall (i) set forth fully and in detail the contentions of the petitioner with respect to the merits of each issue raised by the petition, with specific reference to any pertinent portions of the record in the case, and (ii) state that a copy of the petition, together with any supporting documents, has been served upon the other parties to the case, and the date of such service.

Within fourteen days after a copy of such a petition for review is mailed by the petitioning party to any other party to the case, such other party may mail an answer to the petition to the National War Labor Board. An original and six copies of the answer shall be transmitted to the National War Labor Board and a copy shall at the same time be served upon the other parties to the case, including a copy thereof to the Commanding Officer of the facility. Such an answer shall include a statement that a copy thereof has been served as required above, and shall show the date of such service. The National War Labor Board shall notify and send to the War Department Agency two copies of the petition and answer, together with two copies of the supporting documents. Upon notification by the National War Labor Board the War Department Agency shall transmit to the National War Labor Board the entire record of the case. The War Department Agency, within fourteen days after notification of the petition and answer, may file its brief with the National War Labor Board and shall mail a copy thereof to each of the interested parties. The National War Labor Board will process the petition and answer thereto in accordance with its regular appeals procedure.

(e) Any ruling by the War Department Agency hereunder shall be deemed to be the Act of the National War Labor Board unless and until reversed or modified by the Board.

(f) The term "government-owned, privately-operated facilities of the War Department" shall include for the purposes of this Order only those facilities (1) in which the War Department has contractual responsibility for the approval of pay roll costs, and (2) which are designated in lists furnished from time to time, to the Board by the War Department Agency. The Board may at any time, upon at least seven days' notice to the War Department Agency, strike from the list any facility if the Board believes that the policies of Executive Order No. 9017, Executive Order No. 9250, Executive Order No. 9328, or the Supplementary Directive of May 12, 1943, will be furthered by the Board's action directly upon the wage and salary adjustments of such facility.

(g) Where disputes about wages and salaries arise between the private operators of said facilities and their employees, the following procedure shall be followed. The dispute shall first be referred for negotiation to the U. S. Conciliation Service. If an agreement is reached, that portion of the agreement pertaining to wages shall be submitted to the War Department Agency for approval. If no agreement is reached, the dispute shall be referred for decision to the appropriate Regional Board, subject to the regular rules of procedure of the National War Labor Board. At the same time, the War Department Agency shall be notified of the dispute and the nature of the case. On its own initiative the Agency may request the Regional Board for any further information concerning the case. When a decision has been reached by the Regional Board, copies of the Board's decision shall be sent to the War Department Agency and the Wage Stabilization Director of the National War Labor Board at the same time that copies are sent to the parties in the dispute. Within the fourteen day period allowed for filing a petition for review, the War Department Agency may request a review of the case according to the rules of procedure, as amended, of the National War Labor Board.

[Procurement Reg. 11]

PART 811—MISCELLANEOUS PURCHASE INSTRUCTIONS

SUBPART E—PATENTS

1. Section 811.1116–3 is amended to read as follows:

§ 811.1116–3 So far as concerns both domestic and foreign practice of the inventions of foreground patents, such license normally will extend for the life of any patent involved, will not be limited to any particular governmental purpose and will include rights of disposal for any purpose authorized by law (see paragraph (d) of § 811.1118); but as to foreign practice of such inventions the license will normally be only to the extent of the contractor's right to grant the same.

2. Section 811.1116–14 is added as follows:

§ 811.1116–14 (a) In order to protect rights acquired by the Government under contracts which provide for the grant to the Government of rights under inventions, it is essential that the contracting officer, or such other persons as the chief of the technical service may authorize, establish a system of follow-up of such contracts, preferably one based on personal contact with representatives of the contractor, in order that inventions under which the Government is entitled to rights may be identified and formal legal instruments evidencing the Government's rights duly obtained. Such follow-up system should include the necessary mechanics and procedures for effectuating the provisions of the contract articles specified in §§ 803.335–1 to 803.335–3 inclusive.

SUBPART D—PRICE AND RATIONING REGULATIONS

In § 811.1135 (c), subparagraph 4 is amended to read as follows:

§ 811.1135 *Rationing regulations.*

* * *

(c) *Where certain War Department instructions may be found.* * * *

4. Circular 224, W. D., 1945—Certain petroleum products; and

SUBPART E—CONTROLLED MATERIALS PLAN

Section 811.1140–4 is amended to read as follows:

§ 811.1140–4 *Adjustment of schedules in contracts.* Appropriate adjustment of a contract to conform to reduced schedules made necessary under the Controlled Materials Plan or otherwise may in many cases be made under contract provisions already in effect, if the contract contains such provisions (see, for example, §§ 803.329 and 803.329a). Where a contract contains no provision permitting such an adjustment, the chief of the technical service concerned is authorized to amend the contract by supplemental agreement, inserting one or more of the contract articles contained in §§ 803.329 and 803.329a so as to provide in the contract itself authority for the making of any later adjustments made necessary by changes in the CMP allotments (see § 812.1233 of this subchapter).

SUBPART F—CONTRACTS INVOLVING RUBBER OR SYNTHETIC RUBBER

Sections 811.1150 to 811.1153, inclusive, are amended to read as follows:

§ 811.1150 *Agreement with Rubber Reserve Company.* (a) Reconstruction Finance Corporation, as successor in interest to Rubber Reserve Company (formerly a subsidiary of Reconstruction Finance Corporation) owns and controls the supply of all natural rubber and substantially all synthetic rubber in this country. Effective June 1, 1943 Rubber Reserve Company found it necessary to increase its price for natural rubber from 22½ cents per pound to 40 cents per pound, but reduced its prices for synthetic rubber to 36 cents per pound for GRS (Buna S); 33 cents per pound for GRI (Butyl); and 45 cents per pound for GRM (Neoprene Type GN).

(b) In order to avoid the necessity of adjusting the outstanding contracts of the War Department and subcontracts thereunder based on a price for natural rubber of 22½ cents per pound and in order to facilitate transition from natural to synthetic rubber and to simplify future procurement of rubber products, the War Department made an agreement with Rubber Reserve Company to pay directly to it part of the cost of such natural and synthetic rubber used for War Department purposes and thereby to maintain lower, stable, prices to rubber manufacturers for such natural and synthetic rubber.

(c) Under this agreement Rubber Reserve Company agreed to supply natural and synthetic rubber to War Department contractors and subcontractors upon payment by them to Rubber Reserve Company at the following rates per pound.

Type	*Price per pound*
Natural	22½¢
GRS Synthetic (Buna S)	18½¢
GRI Synthetic (Butyl)	15½¢
GRM Synthetic (Neoprene Type GN)	27½¢

These rates apply to natural, GRS and GRI Synthetic used after June 1, 1943 and to GRM Synthetic used after August 1, 1943.

(d) The War Department agreed to pay Rubber Reserve Company the difference between these amounts and the prices fixed by Rubber Reserve Company specified in paragraph (a) above, or such lower prices as the Rubber Reserve Company might fix from time to time. This agreement, as amended, will remain in force until June 30, 1946, unless terminated by either party on thirty days notice before that time.

(e) By Joint Resolution approved June 30, 1945 (Public Law 109—79th Congress), Rubber Reserve Company and certain other corporations were dissolved and all of their assets and liabilities transferred to Reconstruction Finance Corporation, which has accordingly succeeded to the rights and obligations of Rubber Reserve Company under the agreement.

§ 811.1151 *Administration of agreement.* (a) To simplify administration of this agreement with Rubber Reserve Company the Ordnance Department is handling the contract on behalf of the entire War Department and will administer it for all of the technical services.

(b) Rubber Reserve Company will obtain from rubber manufacturers reports of the amount of natural and synthetic rubber used on account of War Department contracts and subcontracts and will bill the War Department monthly through the Ordnance Department on the basis of these reports showing the amount due with respect to the contracts and subcontracts of each technical service.

(c) Each technical service has been directed to make available to the Ordnance Department by special allotment or otherwise sufficient funds to cover the estimated amounts payable under the agreement with respect to its contracts and subcontracts up to June 30, 1946. The Chief of Ordnance is authorized to issue such directives or instructions to the chiefs of the other technical services as he deems necessary for the administration of the agreement and the furnishing of such allotments.

§ 811.1152 *Effect of agreement on contracts involving natural rubber.* (a) Since natural rubber will continue to be supplied to rubber manufacturers by Reconstruction Finance Corporation at 22½ cents per pound as heretofore, existing contracts made on this basis will not need to be adjusted.

(b) Likewise, future contracts involving the use of natural rubber can continue to be made on the same basis of 22½-cent rubber, as heretofore.

§ 811.1153 *Existing contracts involving synthetic rubber.* (a) The prices for synthetic rubber specified in the agreement are substantially lower than the prices previously in effect for the same types of synthetic rubber.

(b) Accordingly, the prices under existing contracts involving the use of synthetic rubber and made on the basis of the prices in effect before the agreement, should be promptly adjusted to reflect the reduced prices for such synthetic rubbers.

(c) By its Circular No. 21 dated May 31, 1943, the Rubber Reserve Company directed all rubber manufacturers to report to it all existing contracts made on the basis of prices for natural or synthetic rubber higher than those fixed by this agreement with the War Department and has directed such rubber manufacturers promptly to adjust their prices under such contracts to reflect the reduced prices for synthetic.

SUBPART H—MISCELLANEOUS MATTERS

Section 811.1189 is amended to read as follows:

§ 811.1189 *Certificate required in procurement with respect to motor-propelled passenger-carrying vehicles.* All procuring instruments covering the purchase of supplies, equipment, spare parts, accessories or services, for use in the operation, maintenance, or repair of motor-propelled passenger-carrying vehicles will bear the following certificate:

None of the supplies or services covered by this instrument are to be used in violation of the legal restrictions quoted in Circular No. 165, War Department, 1945.

[Procurement Reg. 12]

PART 812—RENEGOTIATION AND PRICE ADJUSTMENT

SUBPART A—STATUTORY RENEGOTIATION

Section 812.1201–1 is amended to read as follows:

§ 812.1201–1 *Definitions.* As used in this part, the following terms have the meaning set forth below:

(a) *"Renegotiation Act of 1943"; "1943 Act".* These terms mean section 403 of the Sixth Supplemental National Defense Appropriation Act, 1942 (Public Law 528, 77th Congress, approved April 28, 1942) as amended by section 701 of the Revenue Act of 1943 (Public Law 235, 78th Congress, approved February 25, 1944) and by Public Law 104—79th Congress, approved June 30, 1945, and as effective with respect to fiscal years ending after June 30, 1943;

(b) *"Renegotiation Act of 1942"; "1942 Act".* These terms mean section 403 of the Sixth Supplemental National Defense Appropriation Act, 1942, as amended through July 14, 1943, and as further amended by those provisions of section 701 of the Revenue Act of 1943 which are made effective as if they had been a part of section 403 of the Sixth Supplemental National Defense Appropriation Act, 1942, as amended, on the date of its enactment. (See Public Law 235, 78th Congress, sec. 701 (d).)

(c) *"Statutory renegotiation".* This term means renegotiation pursuant to the provisions of the Renegotiation Act of 1943.

(d) *"Departments".* This term means the War, Navy, and Treasury Departments, the Maritime Commission, the War Shipping Administration, the Defense Plant Corporation, Metals Reserve Company, Defense Supplies Corporation and Rubber Reserve Company.[1]

(e) *"Secretary".* This term means the Secretary of the War, Navy and Treasury Departments, the Chairman of the Maritime Commission, the Administrator of the War Shipping Administration, and the Boards of Directors of the Defense

[1] By Joint Resolution of Congress (Public Law 109—79th Congress), which took effect on 1 July 1945, Defense Plant Corporation, Metals Reserve Company, Rubber Reserve Company and Defense Supplies Corporation were dissolved, and their assets and liabilities transferred to Reconstruction Finance Corporation.

Plant Corporation, Metals Reserve Company, Defense Supplies Corporation and Rubber Reserve Company.

(f) "*War Contracts Board*". This term means the War Contracts Price Adjustment Board established by the Renegotiation Act of 1943.

SUBPART B—COMPANY PRICING

Subpart B is added as follows:

Sec.
812.1220 Scope of subpart.
812.1221 Procedure.
812.1222 Company pricing agreements.
812.1223 Procedure after completion of company pricing review.
812.1224 Approved forms.
812.1225 Standard form of report.

§ 812.1220 *Scope of subpart.* This subpart establishes War Department policy and procedure with respect to company pricing.

§ 812.1220–1 *In general.* (a) Company pricing is an additional technique for furthering the War Department's policy of obtaining sound prices from its prime contractors and subcontractors. It involves an approach to proper pricing and proper prices from an over-all company viewpoint and is particularly useful in cases where a contractor's or subcontractor's high prices, high costs or excessive profits indicate the employment of pricing methods which are inconsistent with the policies stated in §§ 802.230 and 802.231 of this subchapter.

(b) Company pricing involves a voluntary review with the appropriate officials of the company of its prices and of its cost and pricing policies and methods, with the objective of arriving at a voluntary agreement as to proper prices and proper cost and pricing policies and methods with respect to all Government business done by the company. Such an over-all review enables Government personnel better to understand the purchasing, pricing and costing problems of the contractor and enables the contractor to conduct a review of all of the war end-use business at one time.

(c) The company pricing technique has been developed because notwithstanding the application of techniques of price analysis and negotiation in the placement of individual contracts, the prices at which war goods have been sold at prime and subcontract levels have not always been sufficiently close to proper costs to accomplish the War Department pricing objectives. This fact has been evidenced in part by the amounts of money which have been recaptured as the result of proceedings under the Renegotiation Act. In some instances unreasonably high prices have resulted from defects in the company's overall cost estimating and pricing practices as, for example, in the case of overabsorption of indirect expenses. In other instances high prices, high costs or excessive profits have occurred at subcontract levels beyond the effective control of a contracting officer negotiating an individual contract.

(d) Company pricing does not eliminate or in any way make less important the necessity for obtaining proper prices at the time of placing individual contracts. In limited types of cases prices of future individual contracts and particularly of materials furnished by subcontractors may be affected by agreements made as a result of a company pricing review (see § 802.257 of this subchapter and § 812.1220–3 (b) (2)). It is important to note that company pricing furnishes a method of achieving proper pricing by subcontractors and suppliers through direct negotiation.

§ 812.1220–2 *The company pricing review.* The company pricing review consists of three principal steps. The first is the consideration by the company pricing team of all the relevant data available, including information in renegotiation files, comparative prices and costs and trends thereof, experience under price revision articles, and other facts known to procurement personnel, in preparation for the meeting with representatives of the company. The second step is the discussion with company officials of the data previously studied by the company pricing team, together with recent sales data, estimates for the future and such other information as may be supplied by the company at the request of the team or at the instance of the company, with a view to the company's acceptance or adoption of prices and pricing policies designed to assist in carrying out the pricing aims of the War Department. Thirdly, when the discussion is concluded the agreement reached is reduced to writing in the form of a formal or an informal agreement.

§ 812.1220–3 *Particular objectives of company pricing.* (a) Ordinarily the over-all company pricing review should result in corrections of erroneous or improper pricing practices and should develop information which will lead to improved pricing of future individual contracts.

Among the types of improvements which may be achieved are:

(1) Elimination of excessive contingency allowances whether explicitly shown, included in profit margin, or concealed in specific elements of cost.

(2) Correction of improper quantities, allowances and prices for labor, materials and factory burden used in estimating costs and the methods of establishing such quantities, allowances and prices. (Such estimating rates ordinarily should be set on projections and budgets of future expenses and bases for distribution thereof, rather than on records of prior periods.)

(3) Adjustment of the profit margins used in establishing the prices where not consistent with the requirement that prices be fair and reasonable.

(4) Elimination from estimates of all items of general and other overhead expense not reasonably related to Government business.

(5) Correction of mis-allocation to fixed price war end-use business of portions of general expense (i) reimbursable under cost-plus-a-fixed-fee contracts or (ii) properly chargeable to civilian business. Civilian business should be charged with the portion of the general expense shown to be expended for its benefit. The amount of remaining general expense subject to allocation should be reasonable in the light of prewar expenses and the basis for allocation should produce an equitable apportionment as between civilian and war end-use business.

(6) Correction of faulty or inefficient methods of purchasing materials and subcomponents.

In many cases the review will, in addition, afford an opportunity for clarification of the company's understanding of the use of contract articles designed to assist in obtaining closer prices, e. g., the price revision articles and the incentive type contract article (see §§ 803.370 to 803.378–5, inclusive, of this subchapter).

(b) In addition to leading to improvement of pricing policies, the over-all review will ordinarily result in agreements improving the prices charged by the contractor for specified war end-use items (see § 812.1222–2).

(1) The agreement may take the form of reduction in prices under existing prime contracts, either as specific price reductions or as percentage discounts from specific prices. Reduction in prices under existing subcontracts may also be achieved by means of specific price reductions or percentage discounts. In limited cases reduction in prices under both existing and future subcontracts may be achieved by means of periodic rebates payable directly to the Government but based on war end-use sales.

(2) In the case of standard commercial items and of "stock" or "shelf" items or components made to standard specifications sold repeatedly in the same form, the agreement may establish for a specified period (ordinarily not to exceed six months) (i) the price to be charged under future contracts on sales directly to the Government, (ii) maximum prices which will not be exceeded in negotiations, if any, for the prices of future first tier subcontracts with cost-plus-a-fixed-fee prime contractors and (iii) maximum prices which will not be exceeded in negotiations for the prices of future subcontracts with other contractors.

(3) In a case where a company wishes to establish itself as incurring close pricing risks for the remainder of a fiscal year already partially completed, and thereby to obtain added consideration for purposes of statutory renegotiation, it may wish to improve the prices of past sales by making a retroactive refund with respect thereto (see § 812.1222–3).

(c) ASF Manual M–609, Company Pricing, contains suggestions for the conduct of a company pricing review, including the selection of appropriate types of agreements. Reference is also made to ASF Manual M–601, Pricing of War Contracts, for certain techniques which may also be employed on an over-all basis in company pricing, and to Renegotiation Regulations and the Army Renegotiation Manual.

§ 812.1220–4 *Responsibility for company pricing.* (a) The Director, Purchases Division, Headquarters, Army Services Forces, is responsible for establishing the policies and procedures relating to company pricing and for staff supervision of company pricing activities. In addition he assists in the correlation of the work of the several technical services in carrying out these activities. He maintains a central file of all company pricing reports and agreements and maintains liaison on company pricing matters with other departments of the Government. He distributes monthly a directory of the company pricing coordinators in the War Department and in other departments and periodic reports as to agreements received and in effect.

(b) The chief of each technical service is responsible for examination and continuing supervision of the pricing policies of all companies assigned to his technical service for company pricing (see § 812.1221–2), for the selection of appropriate companies for company pricing reviews (see § 812.1221–3), for the conduct of such reviews including the execution of the company pricing agreements (see § 812.1222) and the preparation of reports of the reviews (see § 812.1223–2), for taking appropriate action under all company pricing agreements, and for continuing administration of agreements executed by his technical service (see § 812.1223–4).

§ 812.1221 *Procedure.*

§ 812.1221–1 *Company pricing personnel—*(a) *Company pricing coordinators.* The chief of each technical service will appoint an individual in his headquarters and in each district or field office conducting company pricing to coordinate company pricing operations and will keep the Director, Purchases Division, Headquarters, ASF, advised as to the names and addresses of these coordinators. Direct communication among company pricing coordinators is authorized and encouraged.

(b) *Operating personnel.* The chief of each technical service is responsible for the establishment within his service of an organization which will effectively discharge his responsibility with regard to company pricing. As experience has demonstrated that company pricing can be conducted effectively only with the closest cooperation of renegotiation and procurement personnel, including price analysts, it is recommended that the chief of each technical service designate "company pricing teams" to conduct the reviews. These teams should include both renegotiation and procurement personnel.

§ 812.1221–2 *Assignments.* Three methods of assignment for company pricing are described below. Companies so assigned are those whose pricing policies will be examined and from among which some companies will be selected for company pricing review (see § 812.1221–3).

(a) *Basic assignment.* The chief of each technical service is assigned company pricing responsibility for all companies assigned to his technical service for statutory renegotiation.

(b) *Transfers of assignment for both renegotiation and company pricing.* If a company's assignment for renegotiation is transferred for any reason, responsibility for company pricing will be similarly transferred. In such cases all company pricing information will immediately be delivered to the technical service or department to which the renegotiation assignment is transferred. If at the time of transfer, the technical service from which the assignment is transferred has completed a substantial portion of an original or periodic company pricing review, that technical service will carry the review to a conclusion after notice to the technical service or department to which the assignment is transferred.

(c) *Assignments apart from renegotiation.* The Director, Purchases Division, Headquarters, ASF, may from time to time assign to the chief of a technical service for company pricing review companies not assigned to that technical service for statutory renegotiation. Any request for such an assignment should indicate the department or technical service, if any, to which the company is currently assigned for company pricing, the department or technical service to which assignment is desired, and, to the extent practicable, the recommendations of the operating offices of the technical services and departments concerned.

§ 812.1221–3 *Selections for company pricing review from among assigned companies—*(a) *Priorities for selection.* The chief of each technical service will make selections for company pricing reviews from the companies assigned to his service. These selections will be made in the order of the necessity for such reviews, based on the following considerations:

(1) Prices or costs which appear to be unduly high in themselves or in comparison with those of other producers.

(2) Record of excessive profits in statutory renegotiation.

(3) Request by the company for special consideration of its pricing problems.

A company will not be selected for company pricing review if, after preliminary study, it is evident that a review with that company is not necessary in view of the company's pricing policies or the small amount of its anticipated war end-use business.

(b) *Class A and Class B selections.* For administrative convenience, companies selected for company pricing review are designated as Class A cases where the review is conducted and concluded concurrently with statutory renegotiation and as Class B cases where the review is continued after or is otherwise conducted at a different time from the statutory renegotiation. The chief of the technical service responsible for the review will promptly notify the Director, Purchases Division, Headquarters, ASF, in writing of each Class B case, indicating the name and address of the company, its renegotiation assignment and the district or field office which will conduct the review.

(c) *Cancellation of selections.* If after selection of a company and commencement of a company pricing review, it is determined in view of the company's pricing policies or the small amount of its anticipated war end-use business that conclusion of the review would not be necessary, the selection may be canceled by the responsible technical service. The selection will also be canceled in the event of a transfer of company pricing assignment pursuant to § 812.1221–2 unless the review is to be completed as provided therein. No standard form of report (see § 812.1223–2) is required with respect to companies whose selections have been canceled, but notice of the cancellation will be given through channels in Class B cases previously reported pursuant to paragraph (b) above.

§ 812.1221–4 *Coordination with other interested services and departments.* Company pricing may affect the procurement interests of technical services and departments other than the technical service responsible for company pricing. As it is necessary that these interests be adequately protected, before commencing a company pricing review the chief of the technical service conducting the review will determine, so far as practicable, the nature and extent of the prime and subcontract interests of other technical services and departments.

(a) No coordinating action is required with respect to nonidentifiable subcontract interest. No coordinating action is required with respect to the interest of a technical service or department which is nominal in size except in cases where it is proposed to change the prices in existing prime contracts or first tier subcontracts under cost-plus-a-fixed-fee prime contracts with that technical service or department or to establish future prices under such contracts or subcontracts.

(b) In all other cases, the chief of the technical service will notify all interested technical services and departments that a company pricing review is to be conducted, what prime or subcontract interest the technical service or department addressed has in the company (when this information is obtainable), why the company was selected for company pricing, the time and place of any preliminary meetings among the interested technical services and departments, and the time and place of the meetings with the company.

(c) The chief of the technical service will obtain specific written approval by the interested technical services and departments of a company pricing agreement, either at the time of the review or subsequent to it, in the following cases (where another department is concerned, the agreement will also be executed by an authorized individual of that department. See § 803.202–3 (c) regarding execution of agreements for another technical service):

(1) When the company pricing agreement changes the prices in the prime contracts of another technical service or department.

(2) When the company pricing agreement changes the prices in a first-tier subcontract under a cost-plus-a-fixed-fee prime contract of another technical service or department.

(3) When the company pricing agreement affects the future pricing activities of another technical service or department, by establishing specific prices for future contracts or maximum prices for future first-tier subcontracts under cost-plus-a-fixed-fee prime contracts or by establishing specific elements of price which will affect future price negotiations

under such contracts or subcontracts. If all currently interested technical services concur in writing in such an agreement, the technical service conducting the review may act for the entire War Department, binding any other technical services which may acquire an interest in the future. However, Government departments other than the War Department cannot be bound without obtaining their specific written approval.

(d) Any disagreement among the technical services, or with other Government departments, in the course of coordination will be referred immediately to the Director, Purchases Division, Headquarters, ASF.

§ 812.1221–5 *Assignment of company to supervised list.* In some cases where it is determined that the company pricing review of a selected company is necessary it may nevertheless be concluded that no specific action as to prices or pricing policies is currently required. In such cases the company may be assigned to the "supervised list." Such action contemplates periodic reexamination of the necessity for specific action as to prices or pricing policy.

§ 812.1222 *Company pricing agreements.*

§ 812.1222–1 *In general.* (a) As indicated in § 812.1220–1, the purpose of the company pricing review is to arrive at a negotiated agreement which will improve the company's prices and pricing policies. The agreement should of course be reduced to writing and should be assented to by duly authorized representatives of the company and of the Government (see § 812.1221–4 (c)). The War Department signatories will be duly appointed contracting officers (see § 803.302–3) or, where the agreement is made a part of a renegotiation agreement, an authorized representative of the War Contracts Price Adjustment Board. The agreement may take the form of a formal or an informal contract (as defined in §§ 803.303–2 and 803.303–3) or of a statement of intention by the parties which is intended not to create any legally enforceable obligation. It may be embodied in a forward pricing article in a renegotiation agreement pursuant to the Renegotiation Act (see § 812.1224–4), supplemental agreement or separate agreement affecting the prices under specified contracts (see § 803.313–1), a separate company pricing agreement (see e. g. § 812.1224–5) or an informal memorandum or exchange of letters.

(b) In every case the agreement should clearly and expressly indicate whether and to what extent it is intended to affect prices under future contracts, and whether or not it is intended to be legally binding upon the parties.

(c) Except where the company pricing agreement indicates clearly that the parties do not intend it to be legally binding, it is the policy of the War Department to treat it as being legally binding for all administrative purposes including, for example, the numbering and distribution of such agreements (see § 812.1223–3 (a)), amendment of the agreement without consideration moving to the Government (see §§ 803.308a through 803.308g) and the effect to be given the agreement for purposes of statutory renegotiation.

(d) Wherever the results of a company pricing review are predicated upon the volume of all or specific portion of the company's war end-use business, this fact should be recognized and reflected in the company pricing agreement, by means of a sliding scale or otherwise, in order that the written agreement shall be sufficiently flexible to accommodate changes in volume due to changes in the Government's needs. However, such an arrangement should not provide for the increase of the prices under prime contracts above those specified in such contracts.

§ 812.1222–2 *Types of agreement.*—(a) *In general.* The variety of problems raised by company pricing reviews indicates the need for flexibility in the preparation of the company pricing agreements to fit the particular situation. Approved contract articles and forms of agreement which with minor modifications will be suitable for most situations are set out in § 812.1224. Agreements which are substantially in the form there set out may be concluded by chiefs of technical services without further approval by higher authority. In addition, chiefs of technical services, without approval of higher authority, may conclude agreements establishing specific or maximum prices to be paid under future contracts as provided in § 812.1220–3 (b) (2) if the requirements of § 812.1221–4 (c) are met. Any agreement which is intended to be legally binding and which changes the substance of approved articles or forms of agreement, or which does not comply with the rules set out in § 812.1222, and any understanding as to future price policies (see paragraph (e)) which is not specifically authorized by this chapter, shall be made subject to the approval of the Director, Purchases Division, ASF.

(b) *Specific price change.* The article set out in § 812.1224–1 may be used where it is desired to effect specific price changes in existing prime contracts or subcontracts.

(c) *Discount.* The article set out in § 812.1224–2 may be used where it is desired to effect price reductions under existing prime contracts or subcontracts in the form of percentage reductions from specific prices. This method may be useful where large numbers of contracts or items are to be affected. The discounts may be applied against the prices under specific contracts or to catalogue prices, but will be given effect on invoices as currently issued by the company. Such a discount arrangement may be put into effect without amendment of the contracts concerned by having the contractor place the following standard discount stamp on each invoice:

> Special discount granted in recognition of the volume of war business done directly or indirectly with all departments of the United States Government. Remittance for the net amount shown on the invoice will be accepted in full payment of the items enumerated herein.

War Department disbursing officers have been authorized to pay invoices bearing such stamp (see Finance Bulletin 30, April 4, 1945).

(d) *Rebate.* The article set out in § 812.1224–3 may be used under the conditions set out in this paragraph where it is desired to effect net reductions in the company's receipts under subcontracts. Under this article the company agrees to pay directly to the Government a specified rebate measured by designated subcontract prices received during a particular period. The company does not reduce its prices to its customers. The rebate will not be based on prime contract sales. This technique may be used only in one of the following cases:

(1) Where the subcontractor cannot distinguish at the time of invoicing between sales for war end-use and sales for civilian end-use.

(2) Where the subcontractor's price structure cannot be changed without serious post-war results, provided that the chief of the technical service determines that (i) the existing price structure has been developed through a long previous competitive period, (ii) present prices are comparable to those prevailing before the war, (iii) the pre-war price structure was a firm one and not simply a list from which competitive discounts were quoted, (iv) the articles involved will probably be sold after the war in similar form to that in which they were sold before the war, and (v) changed prices in war time would be likely to disrupt the post-war market.

(e) *Understanding as to future pricing policies.* A company pricing review may result in an agreement or understanding as to policies to be followed by the company and reflected in the pricing of contracts thereafter to be negotiated during a specific period. Examples of the types of improvement in pricing policies which may be the subject of such an understanding are listed in § 812.1220–2 (a). That list is not however intended to be exclusive. Because of the nature of such understandings ordinarily it will not be the intention of the parties to make them legally binding.

§ 812.1222–3 *Voluntary retroactive refunds.* (a) A retroactive refund relates only to past business of the company. It is not the policy of the War Department to solicit retroactive refunds in connection with company pricing reviews. Offers of refunds of excessive profits for previous fiscal years will not be dealt with in connection with company pricing reviews but will be referred to the appropriate price adjustment section.

(b) Offers of retroactive refunds of profits accumulated during the current fiscal year may be considered and accepted in connection with a company pricing review where the company desires to effect a reduction of its profits for the current fiscal year. In such cases the refunds will be handled in accordance with current fiscal regulations. (See War Department Memorandum 35–45, June 25, 1945). In § 812.1224–6 there is set out a suggested form of letter agreement designed to secure for such a refund the protection of section 3806 of the Internal Revenue Code. In cases where the company desires to have the refund considered as a prepayment of excessive profits under the Renegotiation Act the offer will be referred to the appropriate price adjustment section for handling under the Renegotiation Regulations.

(c) No provisions for a retroactive refund will be included in any company pricing agreement which is or is intended to be legally enforceable, whether or not the refund is handled by a price adjustment section.

(d) Whenever the refund is based on or measured by procurement of the Reconstruction Finance Corporation the refund will be allocated between the Reconstruction Finance Corporation and the Treasurer of the United States in the manner provided by § 1605.5025 of Title 32, Chapter XIV, of the Code of Federal Regulations.

§ 812.1223 *Procedure after completion of company pricing review.*

§ 812.1223–1 *Procedure in event of failure to agree.* If it is impossible to conclude an agreement on a voluntary basis, the chief of the responsible technical service, after exhausting every possible alternative, will discontinue company pricing negotiations and make a report of the disagreement, through channels, to the Director, Purchases Division, Headquarters, ASF. This report will be made on the standard report form (§ 812.1225) and will include an outline of the negotiations, a statement of the reasons for disagreement, and a specific recommendation as to further action, including, if justified under the policy set forth in § 812.1275 et seq., action under Title VIII of the Revenue Act of 1943, in which event the information required by § 812.1276 must be furnished.

§ 812.1223–2 *Report of results of company pricing review.* The standard report form (§ 812.1225) will be prepared for each company reviewed (whether Class A or B) unless its selection has been cancelled. The form will be completed even when no agreement is reached, or when the company is placed upon the supervised list. If a standard form of report has previously been prepared, subsequent reports need include only the information which differs from that previously forwarded, together with adequate references to prior reports.

§ 812.1223–3 *Numbering and distribution of agreements and reports.* (a) Any company pricing agreement which may involve the receipt or expenditure of public monies will be numbered and distributed in accordance with Subparts C and D of Part 803 of this subchapter unless the agreement indicates clearly that the parties do not intend that it shall be legally binding.

(b) The chief of the responsible technical service will also furnish copies of each standard form of company pricing report and the related company pricing agreement as follows:

(1) One copy to the Headquarters office of each other interested service or department, marked to the attention of the company pricing coordinator;

(2) Two copies through channels to the Director, Purchases Division, Headquarters, ASF, together with a list of the services and departments to which copies were sent pursuant to subparagraph (1);

(3) One copy direct to the Price Adjustment Section to which the company is currently assigned for renegotiation; and

(4) One copy of the standard report form only direct to the company pricing coordinator, Procurement Division ATSC, Wright Field, Dayton, Ohio.

(c) Additional distribution of reports and agreements will be made as required within the technical services to contracting officers, price analysis sections and price adjustment sections, fiscal officers, certifying officers, disbursing officers, purchase inspectors under cost-plus-a-fixed-fee contracts and others.

(d) The Director, Purchases Division, Headquarters, Army Service Forces, publishes a cumulative monthly list of all company pricing agreements currently in effect and also issues weekly supplements to that list. Services which desire additional copies of any agreement will determine from these lists the office which concluded the agreement and will request the desired copies directly from the company pricing coordinator of that office.

§ 812.1223–4 *Administrative responsibilities.* The chief of a technical service, upon receipt of a copy of a company pricing agreement, will be responsible for taking any action necessary to put the agreement into effect with respect to existing contracts with or future purchases by his service. The chief of the technical service responsible for conducting company pricing will be responsible for all other action necessary to put the company pricing agreement into effect, including the handling of overall refunds and rebates, the conduct of periodic reviews and any similar action. He will also be responsible for periodic review of the prices and pricing policies of companies placed on the "supervised list" (see § 812.1221–5).

§ 812.1224 *Approved forms.* Contract articles for insertion in agreements resulting from company pricing reviews are set forth in §§ 812.1224–1 through 812.1224–3. These articles may be inserted either in a skeleton forward pricing article (see § 812.1224–4) in a renegotiation agreement made at the conclusion of a statutory renegotiation, or in a skeleton company pricing agreement (see § 812.1224–5). As indicated in § 812.1222–2 (a), these articles and forms of agreement may be modified by the chiefs of technical services without approval of higher authority, provided that there is no change in substance.

§ 812.1224–1 *Article for specific price change.*

Article ____ Modifications of prices under specific contracts (or for specific items). The prices for the items listed on Schedule A furnished by the Company to the Government (or to the vendee) shall be modified in the amounts and at the time set out in that schedule.

SCHEDULE A

As stated in Article ____ [Modification of prices under specific contracts (or for specific items)] the prices under the contracts and for the items set out below shall be modified in the amounts and at the time shown below.

(1) Contract number.
(2) Name of item.
(3) Old price.
(4) New price.
(5) Effective time of price change. (May be stated as the date of shipment or of delivery, or with reference to the number of items already delivered under the particular contract.) [1]

§ 812.1224–2 *Article for discounts.*

Article ____ Discounts. (1) The Contractor agrees that during the period from ---------- to ---------- it will allow to the vendee a discount of ------% on each sale of the types described in Schedule A made during that period. It is contemplated that for each succeeding (three months) period the parties hereto will negotiate to agree upon (1) the rate of discount to be allowed by the Contractor during such (three months) period and (2) the sales with respect to which such discount shall be applicable. All discounts called for under this Article will be effected by appropriate reductions in the net amounts payable to the Contractor shown in each billing affected by this Article. Each invoice will bear a stamp which states, "Special discount granted in recognition of the volume of war business done directly or indirectly with all departments of the United States Government. Remittance for the net amount shown on the invoice will be accepted in full payment of the items enumerated herein."

(2) Not later than twenty days before the beginning of each subsequent discount period the Contractor will submit to the (Government representative) (1) a Statement (estimated to the extent necessary) of its total sales and costs and of the aggregate sales and related costs with respect to which the Contractor has agreed to allow a discount for the current discount period; [2] and (2) an estimate of its total sales and costs for the next discount period, which estimate shall be as accurate as can reasonably be made at that time.

(3) Upon each filing of the data required under paragraph (2) of this Article, the Contractor and the (Government representative) will negotiate in good faith to agree upon the rate of discount to be allowed by the Contractor during the next discount period and the sales with respect to which such discount shall be applicable. In negotiating the rate of discount consideration will be given to the statements submitted by the Contractor as herein provided and to all factors pertinent to the negotiation of a new contract. Whenever the Contractor by skillful management has reduced costs and the Government would benefit therefrom by an increased rate of discount for the next discount period, the amount of increase in the discount may be so limited as to provide an increase in the contemplated margin of profit for the next discount period.

(4) After each negotiation any agreement reached will be evidenced by a supplemental agreement to this agreement stating the rate of discount and the sales with respect to which such discount shall be applicable. If no agreement can be reached prior to the commencement of the discount period under consideration, this contract shall terminate.

(5) The Contractor agrees that after the rate of discount for any discount period has been agreed upon, it will not during the

[1] See also Schedule A, § 812.1224–2 for suggestions as to identification of subcontract and item prices.

[2] If desired, clause (1) may be appropriately changed to call for experienced sales and cost data over a three-month period ending, for example, one month before the end of the current discount period.

period increase the prices which prevailed at the time of such agreement. Any price increase proposed by the Contractor for a discount period will be taken into consideration in the negotiation of a discount for that period.

(6) The Contractor agrees to supply any additional information relative to this Article which may reasonably be requested by the (Government representative) and to make its books and records available to representatives of the United States for check, verification or audit as the (Government representative) may require, and in particular without limiting the foregoing to supply any additional information as to its estimated sales and related costs of particular items or classes of items and of item sold under specified contracts or to specified vendees.

SCHEDULE A[1]

As stated in paragraph (1) of Article ---- (Discounts) the contractor will allow a discount on each sale of the following types at the rate and during the period stated in that paragraph.

(a) Sales under the following Contracts with United States:
(1) Contract No.
(2) Name of item.
(3) Unit price.
(4) Number of items already delivered at the beginning of period.
(b) All sales to the following:
(1) Name.
(2) Address
(c) Sales under the following specified contracts:
(1) Name of vendee.
(2) Number, date, and other identification of the contract, purchase order, etc.
(3) Name of item.
(4) Unit price.
(5) Number of items delivered at the beginning of the period.
(d) All sales of the following items to any purchasers:
(1) Name of items.

§ 812.1224–3 *Article for percentage rebate on prospective business.*

Article ---- percentage rebate on prospective business. (1) Within 20 days after ---------- (end of fiscal quarter) the Contractor agrees to pay the Government a rebate equal to ------% of the sales described in Schedule A made during the period from ---------- (beginning of fiscal quarter) to ---------- (end of fiscal quarter). For each succeeding three-month period, the parties hereto will negotiate (1) the rate of rebate the Contractor will pay during that period and (2) the sales by which the rebate will be measured.

(2) Not later than ---------- (not more than 20 days after) the beginning of each subsequent rebate period the Contractor will submit to the (Government representative) (1) a statement of its total sales and costs and of the sales by which the rebate is to be measured and the related costs for the rebate period then most recently expired,[2] and (2) estimates—as reasonably accurate as possible under the circumstances—of its total sales and costs, for the rebate period then current.

[1] The purpose of this schedule is to identify adequately the particular transactions to which the discount is to be applied. The methods of description are illustrative and are not intended to be exclusive.

[2] If desired, clause (1) may be appropriately changed to call for experienced sales and cost data over a three-month period ending, for example, one month before the end of the last rebate period. However, additional figures for the rebate period itself will later be required to calculate the amount of the rebate.

(3) Upon each filing of the data required under paragraph (b) of this Article the Contractor and the (Government representative) will negotiate in good faith to agree upon the rate of rebate and the sales by which the rebate is to be measured in computing the rebate to be paid to the Government for the then current rebate period. Within 20 days after the end of a rebate period the Contractor will pay to the Government the rebate computed in the foregoing manner. In negotiating the rate of rebate, consideration will be given to the statements submitted by the Contractor as herein provided and to all factors pertinent to the negotiation of a new contract. Whenever the Contractor by skillful management has reduced costs and the Government would benefit therefrom by an increased rate of rebate for the current rebate period, the amount of increase in the rebate may be so limited as to provide an increase in the contemplated margin of profit for the current rebate period.

(4) After each negotiation any agreement reached will be evidenced by a supplemental agreement to this agreement setting forth the sales by which the rebate is to be measured and the rate of rebate for the then current rebate period. If no agreement for a rebate period can be reached within 20 days after the date on which data is required to be filed pursuant to paragraph (2) this contract shall terminate.

(5) The Contractor agrees that after the rate of rebate for any rebate period has been agreed upon it will not during that period increase the prices which prevailed at the time of such agreement. Any price increase proposed by the contractor for a succeeding rebate period will be taken into consideration in the negotiation of the rebate for that period.

(6) The Contractor agrees to supply any additional information relative to this Article which may reasonably be requested by the (Government representative), and to make its books and records available to representatives of the United States for check, verification or audit, as the (Government representative) may require, and in particular without limiting the foregoing to supply any additional information as to its estimated sales and related costs of particular items or classes of items and of items sold under specified contracts or to specified vendees.

SCHEDULE A

In computing the rebate required by paragraph (a) of this Article ---- (Percentage Rebate) the sales by which the rebate is to be measured shall be those sales which would be renegotiable within the meaning of the Renegotiation Act of 1943 and the Regulations thereunder as in effect at the date hereof[3] regardless of whether that act is in effect when such sales are made and regardless of whether such sales may not be subject to renegotiation by reason of Clause B of subsection 403 (c) 6 of that act. For the purposes of the foregoing the term "sales" shall mean billings net after deducting returns and trade discounts.[4] The use of renegotiable sales for purposes of measuring and determining the rebate payable hereunder shall be without prejudice to any segregation or determination or renegotiable sales for purposes of statutory renegotiation.

§ 812.1224–4 *Article for inclusion in a renegotiation agreement.*

Article ---- Forward Pricing. (1) (Insert one or more of the standard contract Articles (see §§ 812.1224–1, 812.1224–2, and 812.1224–3) as lettered paragraphs of the forward pricing section. Appropriate changes will be made in the language in the body of the standard contract Articles and any related schedules to conform to the scheme of numbering in the renegotiation agreement.)

(2) *Effect on existing contracts.* It is agreed by the parties hereto that except as expressly modified hereby the contracts so enumerated herein or in any attached schedules shall remain in full force and effect. It is further agreed that this agreement shall be and be deemed to be an amendment of each of such contracts which is between the contractor and the Government.

(3) *Title VIII, Revenue Act, 1943.* The modifications and adjustments provided for by, and the terms of, this forward pricing Article, are without prejudice to the right of the head of any department or agency of the Government, including the Secretary of War, to exercise the powers granted him by Title VIII of the Revenue Act of 1943 under the circumstances set forth in, and in accordance with the terms of that act.

(4) *Renegotiation.* Any modification or adjustment, provided for in this forward pricing Article, to any of said contracts and subcontracts is without prejudice to renegotiation under the Renegotiation Act of the sums received or accrued under said contracts and subcontracts in any period during which such modification or adjustment is in effect.

(5) *Duration.* This forward pricing Article may be altered, amended or terminated by agreement of the parties at any time or from time to time. Failing such action it shall remain in full force and effect until ----------
(date)

§ 812.1224–5 *Over-all Company Pricing Contract.*

This contract, entered into this ---- day of ---------- 194... by the United States of America (hereinafter called the Government) represented by the Contracting Officer executing this contract, and ----------[1] a corporation organized and existing under the laws of the State of ----------[1] a partnership consisting of ----------
----

----
[1] an individual trading as ----------
----
of the city of ---------- in the State of ---------- (hereinafter called the Company), witnesseth that the parties hereto mutually agree as follows:

Whereas this contract is authorized by and negotiated under the First War Powers Act of 1941 and Executive Order No. 9001, as amended; and

Whereas, the Company sells items which immediately or ultimately are used in the production of end products purchased by the Government in its war procurement; and

Whereas, the prices for such items are negotiable, directly or indirectly, by the Government; and

Whereas, the Secretary of War has made inquiry whether, in the light of existing circumstances, the prices for such items are fair and reasonable; and

Whereas, as a result of this inquiry the parties hereto after negotiation have agreed upon an agreement for the modification of the prices for such items; and

Whereas, as a result of such negotiations the parties hereto are willing entirely to rescind the contracts under which such items are furnished by the Company together with all rights and liabilities contained therein and to enter into new contracts embodying the modifications in prices agreed to herein, but have determined that such rescission of such contracts is inconvenient and administratively undesirable; and

Whereas, the Company represents that the prices for such items as modified by Article ---- hereof are fair and reasonable.

Now, therefore, the parties hereto in consideration of the premises and intending to be legally bound do mutually agree as follows:

ARTICLE 1. (Insert here one or more of the standard contract articles—see §§ 812.1224–1, 812.1224–2, and 812.1224–3, modified to fit the particular agreement.)

ARTICLE ---. *Effect on existing contracts.* It is agreed by the parties hereto that except as expressly modified hereby the contracts enumerated herein or in any attached schedules shall remain in full force and effect. It is further agreed that this agreement shall be and be deemed to be an amendment of each such contracts which is between the contractor and the Government.

ARTICLE ---. *Title VIII, Revenue Act, 1943.* The modifications and adjustments provided for by, and the terms of, this agreement, are without prejudice to the right of the head of any department or agency of the Government, including the Secretary of War, to exercise the powers granted him by Title VIII of the Revenue Act of 1943 under the circumstances set forth in, and in accordance with the terms of, that act.

ARTICLE ---. *Renegotiation.* Any modification or adjustment provided for in this agreement to any of the contracts enumerated herein, or in any attached schedules, is without prejudice to renegotiation under the Renegotiation Act of the sums received or accrued under said contracts in any period during which such modification or adjustment is in effect.

ARTICLE ---. *General provisions.*
(a) Officials not to benefit. (§ 803.322)
(b) Covenant against contingent fees. (§ 803.323)
(c) Anti-discrimination. (§ 803.325)
(d) Disputes. (§ 803.326)

ARTICLE ---. *Duration.* This agreement shall remain in full force and effect until ----------
(date)

In witness whereof, the parties hereto have executed this contract as of the day and year first above written.

THE UNITED STATES OF AMERICA,
By ----------
(Official Title)

(Contractor)
By ----------

(Business Address)

Two witnesses:

(Address)

(Address)

I ----------, certify that I am the Secretary of the corporation named as Contractor herein; that ---------- who signed this contract on behalf of the Contractor was then ---------- of said corporation; that said contract was duly signed for and on behalf of said corporation by authority of its governing body and is within the scope of its corporate powers.

[3] If when this language is inserted the Renegotiation Act shall no longer be in effect it will be necessary to change the wording so as to refer to a date when that act was in effect.

[4] The method discribed above for determining the sales by which a price rebate on the renegotiable sales is to be measured is not intended to be exclusive. Other methods may be used. For example, in some cases it may be possible to describe the sales by which the rebate is to be measured by reference to the types of articles or the specific contracts, or classes of vendees, or the departments in vendee's company; or simply as a percentage of the contractor's total sales, etc. If any such methods are used, it will be necessary to make appropriate changes to make this standard article fit the paragraph.

[1] Delete all lines which do not ap...

In witness whereof, I have hereunto affixed my hand and the seal of said corporation this ---- day of ----------, 194...
[SEAL] ----------
Secretary

I hereby certify that, to the best of my knowledge and belief, based upon observation and inquiry,
----
----
who signed this contract for the ----------
---------- had authority to execute the same, and is the individual who signs similar contracts on behalf of this corporation with the public generally.

Contracting Officer.

§ 812.1224–6 *Letter agreement.*

Date ----------
---------- Procurement District

GENTLEMEN: Our check in the amount $---------- payable to the order of the Treasurer of the United States [is] [was] forwarded [herewith] [by our letter dated ----------].

This payment [is] [has been] tendered upon the following conditions:

1. The payment represents a reduction of prices charged by us with respect to contracts with the United States, or any agency thereof, or subcontracts thereunder.

2. The payment is made with respect to our receipts or accruals during our fiscal year ending ----------

3. The payment (a) shall not constitute a final or other agreement as to the amount of excessive profits, as defined by the Renegotiation Act, received or accrued by the undersigned, or a "renegotiation" as that term is used in the Renegotiation Act, or any subsection thereof; but (b) shall constitute a refund of "excessive profits" pursuant to a "renegotiation" as those terms are defined in section 3806 (a) (1) of the Internal Revenue Code.

4. No part of the payment shall be refunded to the undersigned as a result of any subsequent renegotiation pursuant to the Renegotiation Act, or pursuant to any contract article inserted in accordance with said Act.

5. The payment shall be considered as a rebate made pursuant to our letter dated ---------- 1945 with respect to our prices and pricing policies and your reply dated ----------.

If you agree to the foregoing conditions, please endorse your acceptance upon the original and copy of this letter and return the copy to the undersigned.

Very truly yours,

By ----------
(Title)

Accepted:
UNITED STATES OF AMERICA,
By ----------
(Title)

§ 812.1225 *Standard form of report.* Attached to every company pricing agreement, understanding, or report of other disposition forwarded to the Director, Purchases Division, Headquarters, ASF, the individual responsible for company pricing will supply the information indicated below. Any information which is not appropriate in a particular case may be omitted, with an adequate explanation such as "Not considered relevant in this case because • • •" or, "Would not contribute materially to the accomplishment of the objectives of company pricing."

1. General Information.
(a) Name and address of company.
(b) Statutory renegotiation: service and district to which company was last assigned; fiscal year and date of completion.
(c) Company pricing: service and district which selected company; period covered; and date of completion.
(d) Principal products: peacetime and wartime.
(e) Procurement interests of Army services and other Government departments; estimate in dollars of uncompleted portions of prime contracts and subcontracts of each agency, and total (if dollar estimate is not possible, indicate the approximate percentages of renegotiable sales in prime and subcontracts); also estimate in dollars of total of uncompleted portions of subcontracts as to which interested service or department cannot be identified. What portion of the business is represented by contracts containing price adjustment clauses?
(f) If company is a subcontractor, the names and addresses of its important war customers, where the agreement will have substantial effect on the costs of the end item purchased on Government prime contracts.

2. Result and description of company pricing.
(a) Description of agreement.
(i) State form: Legally binding or nonbinding.
(ii) State type:
Specific price reductions;
Discount on current invoices;
Specific percentage rebate from specific prices on prospective sales;
Understanding as to other pricing policies;
Assignment to the supervised list; or disagreement.
(iii) State briefly: main provisions of agreement, or reasons for other disposition.
(iv) State whether agreement affects existing prime contract prices, or first-tier subcontract prices under CPFF primes, or any other service or department; and whether it restricts the activities of any other service or department in negotiating prices in future prime contracts or first-tier subcontracts under CPFF primes.
(b) Statement on coordination: have services and departments affected participated in meetings on, delegated authority for, or otherwise concurred in any provisions which (1) change the prices in their existing prime contracts or first-tier subcontracts under CPFF primes, or (2) restrict their pricing activities with respect to future prime contracts or first-tier subcontracts under CPFF primes.
(c) Schedule of dates:
Effective date;
Overall expiration date;
Period for which agreement is firm pending the next review or interim negotiation;
Dates for review during life of agreement; and date for review prior to expiration.
(d) Statement on rebate article if used: how does company meet requirements for use of rebate article in § 812.1222–2 (d).

3. Interpretation and appraisal of company pricing.
(a) State briefly the reasons for selecting the company for company pricing.
(b) Indicate trends in the company's prices and costs.
(c) Indicate comparative prices and costs, and the trends thereof.
(d) Summarize the extent to which estimated costs are supported as to their accuracy by realized costs on finished work.
(e) Summarize the company's methods of estimating costs for pricing purposes. Indicate particularly the methods of computing overhead rates, and the frequency with which they are corrected. Indicate also any improvements in estimating which the company pricing review brought about.

(f) State whether the company's cost accounting system is designed for item, class, job, or process costing, and whether it is based on standard or actual costs. Describe particularly the promptness of correction of rates to reflect current volume of business, the effect of such corrections in developing accurate overhead rates and absorptions in the past, and any improvements which company pricing brought about.

(g) Evaluate the company's purchasing methods and practices. Describe any improvements which company pricing brought about.

(h) Describe and evaluate any cost and efficiency controls which the company may have in effect.

(i) Indicate any other relevant aspects of the company's general pricing policies and practices, including estimated profit margins, and changes and improvements therein for the purpose of obtaining sounder prices under individual contracts.

4. Financial data.

Submit operating statements for the periods indicated, in the following tabular forms:

(a) The most recent completed fiscal period for which the results of renegotiation are available. (Final or preliminary figures available to PAB).

Particulars	Renegotiable Business Before Reneg.	Renegotiable Business After Reneg.	Total Business Before Reneg.	Total Business After Reneg.
Sales				
Profit before taxes				
% of sales				

(b) The most recent quarter or similar accounting period. (Before renegotiation reserves. Actual or estimated figures.)

Particulars	Renegotiable Business	Total Business
Sales		
Profit before taxes		
% of sales		

(c) Projected figures for the fiscal period covered in company pricing, by quarters or for the entire year. If the agreement includes a retroactive refund for a portion of the period, supply a separate projection of operating data for the forward pricing portion of the period alone.

Particulars	Renegotiable Business Before Company Pricing	Renegotiable Business After Company Pricing	Total Business Before Company Pricing	Total Business After Company Pricing
Sales				
Profit before taxes				
% of sales				

5. (a) The office which conducted the company pricing review will state its opinion on the following:

(1) Accuracy, reliability, and adequacy of the financial data submitted by the company.

(2) The adequacy of the arrangement entered into, in the light of the principles laid down in the procurement regulations and ASF Manual M–609, and in the circumstances of the particular case.

(b) What other types of agreement were offered to the contractor, but not accepted by him?

6. Include any other pertinent remarks:

(a) Any action which other interested departments or services should take in amending their contracts with the company, or in following up subcontract price reductions.

(b) Any guidance which can be given to contracting officers to aid them in negotiating individual contract prices. (Refer to above statements on estimating and accounting methods if appropriate.)

(c) Any other comment on the company or the results of the company pricing review.

APPENDIX

In § 812.1290–2, RR 841 and RR 844 are amended to read as follows:

§ 812.1290–2 *Interpretation and application of the mandatory exemption relating to contracts for certain raw materials and agricultural commodities.* * * *

RR 841 provides as follows:

841 *Raw Material Exemption.* Pursuant to subsection (i) (2) of the 1943 Act the War Contracts Board has issued the following regulations concerning the exemption of contracts and subcontracts for certain products of the kind described in subsection (i) (1) (B) of the 1943 Act.

(1) The term "exempted products," as used in this regulation, shall mean any of the following products:

Aggregates including such items as washed or screened sand, gravel or crushed stone.
Alumina; aluminum sulfate; aluminum ingots and pigs.
Asphalt, natural.
Antimony ore, crude; antimony ore, concentrated; antimony metal; antimony oxide; antimony sulfide.
Arsenic, crude; arsenic powder; arsenious oxide (white arsenic).
Asbestos rock; asbestos fibre.
Barite, crude crushed.
Bauxite, crude; calcined or dried bauxite; bauxite abrasive grains.
Bentonite, dried, crushed, granulated and pulverized.
Beryl ore and concentrates; beryllium oxide; beryllium metal; beryllium master alloys.
Bismuth metal.
Borax.
Cadmium flue dust; cadmium oxide; cadmium balls and slabs.
China clay; kaolin; fire clay; brick and tile made from clays other than kaolin, china and fire clay.
Chlorine and hydrogen produced directly by electrolysis of salt brine.
Chromium ore and ferrochrome; chromite not processed beyond the form or state suitable for use as a refractory; bichromates.
Coal, prepared; run-of-mine coal.
Cobalt oxide; cobalt anodes, shot and rondelles.
Columbium ore and concentrates; columbium oxide; ferrocolumbium.
Copper ore, crude; copper ore, concentrated; copper matte; blister copper; copper billets, cathodes, cakes, ingots, ingot bars, powder, slabs and wirebars.
Corundum ore and concentrates; corundum grain.
Cryolite ore and concentrates.
Diaspore; diaspore brick.
Diatomaceous silica, lump, block, brick and powder.
Dolomite; crushed dolomite.
Feldspar, crude and ground.
Ferrosilicon.
Fluorspar ore; fluorspar fluxing gravel; lump ceramic ground fluorspar; acid grades of fluorspar.
Fuller's earth.
Gas, natural, not processed or treated further than the processing or treating customarily occurring at or near the well.
Graphite ore and concentrates; flake graphite; graphite fines, lump and chip; graphite powder.
Gypsum, crude; calcined gypsum.
Indium metal.
Industrial diamonds.
Iridium metal, including ingot and powder.
Iron ore, crude; pig iron.
Kyanite ore and concentrates; kyanite brick.
Lead ore; refined lead bars, ingots and pigs; antimonial lead bars, ingots and pigs.
Limestone; crushed limestone.
Lithium bearing ores and concentrates.
Magnesite; dead burned magnesite.
Magnesium-bearing minerals, including brucite; magnesium oxide; magnesium chloride; metallic magnesium, pigs and ingots.
Mercury ore; mercury metal.
Manganese ore; ferromanganese, including spiegeleisen; silicomanganese.
Mica, crude, hand-cobbed; block mica; sheet mica, including splittings; wet or dry ground mica.
Molybdenum ore and concentrates; molybdenum oxide; calcium molybdate; ferromolybdenum.
Monel ore; monel matte; monel ingots, pigs and shot, produced from monel matte.
Natural gasoline; casinghead gasoline; residue gas.
Nickel ore and concentrates; nickel matte; nickel oxide; nickel ingots; cathodes and shot.
Oil, crude, not processed or treated further than the processing or treating customarily occurring at or near the well.
Osmium metal, including ingot and powder.
Palladium metal, including ingot and powder.
Phosphate rock; elemental phosphorus; ferrophosphorus; phosphorus pentoxide and phosphoric acid derived directly by treatment of phosphate rock; superphosphate.
Platinum ore and concentrates; platinum metal, including ingot and powder.
Pumice, lump.
Quartz, crystal, raw.
Radium bromide; radium sulfate; radium gas.
Rhodium metal, including ingot and powder.
Ruthenium metal, including ingot and powder.
Salt, rock; evaporated salt; soda ash, ammonia and electrolytic caustic soda and bicarbonate of soda when derived directly by treatment of brine.
Sea shells; oyster shells; clam and reef shells.
Selenium metal.
Silver, refined, including bars, shot, powder and grains.
Sodium aluminate.
Stone, rough dimension.
Sulfur crude.
Sulfuric acid; oleum (other than sulfuric acid of oleum produced from crude sulfur or any other product having an industrial use).
Standing timber, logs, logs sawed into lengths and logs with or without bark.
Talc, crude, ground and sawed.
Tantalum ore and concentrates; tantalum double fluoride.
Tellurium metal.
Tin ore and concentrates; refined pig tin.
Titanium-bearing ores and concentrates, including ilmenite and rutile; titanium oxide; ferrotitanium; ferro carbon titanium.
Tungsten ore and concentrates; sodium tungstate; ferrotungsten; tungsten metal, including powder; tungstic oxide; tungstic acid.
Uranium ores and concentrates; uranium oxide.
Vanadium ores and concentrates; sodium vanadate; vanadium pentoxide; ferrovanadium.
Whiting; chalk lump.
Zeolites derived from Glauconite.
Zinc ores and concentrates; zinc and zinc bars, oxide, powder and slabs.
Zirconium ores and concentrates.

(2) Subject to the provisions of paragraph (3) hereof, it is determined that each of the exempted products is "the product of a mine, oil or gas well, or other mineral or natural deposit, or timber, which has not been processed, refined, or treated beyond the first form or state suitable for industrial use" within subsection (i) (1) (B) of the Renegotiation Act. The provisions of such Act shall not apply to contracts and subcontracts for any of the exempted products.

(3) This determination is made under the principles set forth in paragraph 344.1 of the Renegotiation Regulations, including subdivision (2) (d) thereof. The products listed under paragraph (1) of this regulation are exempt only when they represent products of a mine, oil or gas well, or other mineral or natural deposit, or timber, which have not been processed, refined or treated beyond the first form or state suitable for industrial use and are not exempt if manufactured from raw materials which do not fall within the above description or which have at some prior stage been processed, refined or treated beyond such first form or state suitable for industrial use. For example, magnesium products derived from sea water, products manufactured from the atmosphere, secondary aluminum pigs and ingots, and other similar products are not considered exempted products.

(4) This determination applies to fiscal years ending after June 30, 1943.

(5) This regulation may be amended from time to time, revising, amending or supplementing the list of exempted products contained in paragraph (1) hereof.

* * * * * *

RR 844 provides as follows:

844 *List of Exempted Agricultural Commodities.* Determination of the War Contracts Price Adjustment Board of the exemption from renegotiation of contracts and subcontracts for agricultural commodities under section 403 (i) (1) (C) of the Renegotiation Act of 1943.

1. Pursuant to the authority conferred upon the War Contracts Price Adjustment Board by Section 403 (i) (2) of the Renegotiation Act of 1943, the Board hereby determines that under subsection (i) (1) (C) of such section, relating to the exemption of contracts or subcontracts for agricultural commodities, the form or state indicated in the following list, is the last form or state at which the exemption applies:

Agricultural commodity	Last form or state at which exemption is to apply
Beans, dry, and peas, dry	Threshed.
Broom corn	In the comb, or in bulk (not packed).
Beans, edible	Fresh.
Cascara bark	As bark (unprocessed).
Cocoa bean	Fermented and dried.
Coffee	Beans (green).
Corn	As grain (shelled).
Cotton	Ginned (in the bale).
Cottonseed	Unprocessed (as they come from the gin).
Cream, fluid	As sold from farms (not pasteurized).
Dates (natural)	Crude (unground, unprocessed, unstandardized, unpurified) as customarily sold by the basic producer.
Eggs	In the shell (raw).
Fiber flax straw	Deseeded (baled or unbaled).
Flaxseed (linseed)	As seed (unprocessed).
Fruits, edible	Fresh.
Gum opopanax	As gum in its natural state.
Hay	Baled or unbaled.
Hemp fiber	In bales.
Hops	Crude or "country run."
Jute and sisal fiber	In bales.
Latex (sap for chewing gum)	Crude, not processed beyond coagulation or dehydration, for handling and shipping.
Livestock	On the hoof.
Milk, raw, whole	As sold from farms (not pasteurized).
Peanuts	In the shell (raw).
Pine gum	Not distilled or purified.
Poultry	Alive.
Rice	Rough, unpolished (as it comes from the thresher).
Sugar beets	As beets.
Sugar cane	As cane.
Tobacco	Not processed beyond the form or state at which farmers ordinarily sell it.
Tree nuts, edible	In the shell (raw).
Vegetables	Fresh.
Vegetable seeds	Not processed beyond the form or state at which they may be used as seeds.
Wheat, rye, oats and barley	As threshed grain.
Wool	In the grease (as clipped from live animals).

2. This determination is made under the principles set forth in paragraph 344.2 of the Renegotiation Regulations including subdivision (2) (b) thereof.

3. This determination applies to all receipts or accruals under any contract or subcontract for the commodities listed in paragraph 1 of this regulation regardless of the date when such contract or subcontract was made.

4. This regulation may be amended from time to time, revising, amending or supplementing the list of exempted commodities contained in paragraph 1 hereof.

[Procurement Reg. 13]

PART 813—FORMS OF CONTRACT

1. The note preceding the text of Part 813 is amended to read as follows:

NOTE: The regulations governing the use of the contract forms in this part are contained in Subparts A, B, C, D, E and F of Part 803 of this subchapter.

Many of the clauses to be included when these forms are used are not set forth in full in the forms themselves, but are incorporated only by reference to particular sections in Subpart H of Part 803 of this subchapter, in which they are set forth. These clauses will be included only as provided in such sections.

Where, as in the case of many of the short forms (see § 813.1317), the forms themselves contain shorter or modified versions of some of these clauses, the use of the shorter or modified versions is authorized notwithstanding the provisions of Subpart H. Except in the case of clauses required to be inserted without deviation, it will often be found desirable to change some of the words and phrases in the clauses set out in Subpart H to conform them to those used in other parts of the contract in which they will appear.

All or some part of War Department Contract Forms Nos. 1–4, 8–10, 12–16, 20–26, 26A and 27–34 are set forth in this Part 813, the parts not set forth in full being incorporated by reference to specific sections elsewhere in the Procurement Regulations. Certain short forms of contracts for procuring supplies or materials (including War Department Contract Forms No. 9, 383, 383a, 383b, 383c, 18, 47, 47a, 5, 19 and 6) are similarly set forth in § 813.1317 and the succeeding sections bearing numbers beginning with § 813.1317. Certain instructions as to the use of Standard Procurement Form No. 3 and related forms, and Standard Procurement Form No. 4, are contained in §§ 813.1327 and 813.1327a.

2. In § 813.1310, paragraph 3 of the letter order is amended to read as follows:

§ 813.1310 *W. D. Contract Form No. 10.*

* * * * *

3. All applicable articles (other than the article "Termination at the Option of the Government") now required by Federal law, Executive order, or War Department procurement regulations to be included in contracts for work of the kind herein described are incorporated herein by reference.

3. A new § 813.1311 is added as follows, and former §§ 813.1311, 813.1311a, 813.1311b and 813.1311c are redesignated §§ 813.1311a to 813.1311d, inclusive, respectively, and amended to read as follows:

§ 813.1311 *Forms of contracts with Reconstruction Finance Corporation.* By Joint Resolution of Congress (Public Law 109—79th Congress), approved June 30, 1945, Defense Plant Corporation, Metals Reserve Company and Defense Supplies Corporation were dissolved, and their assets and liabilities were transferred to Reconstruction Finance Corporation, of which they had been subsidiaries. Business formerly conducted by said corporations is currently being conducted by Reconstruction Finance Corporation through its newly established Office of Defense Plants, Office of Metals Reserve and Office of Defense Supplies, respectively; and the forms of contract formerly set forth in this section and in §§ 813.1311a, 813.1311b and 813.1311c have been amended to reflect this change, and said sections renumbered 813.1311a, 813.1311b, 813.1311c and 813.1311d, respectively.

§ 813.1311a *W. D. Contract Form No. 13A.* Sale of property to War Department by Reconstruction Finance Corporation (Office of Defense Supplies).

Contract No._____

CONTRACT

(SUPPLIES)

WAR DEPARTMENT

and

RECONSTRUCTION FINANCE CORPORATION

Contract for_____
Amount_____
Location_____
Payment: To be made by _____, U. S. Army, at_____

The supplies and services to be obtained by the instrument are authorized by, are for the purposes set forth in, and are chargeable to the following allotments, the available balances of which are sufficient to cover the cost of the same_____

_____

This contract is authorized by the following laws:_____

_____

CONTRACT FOR SUPPLIES

This Contract, entered into this _____ day of _____, 19____, by the United States of America (hereinafter called the Government), represented by the Contracting Officer executing this contract, and Reconstruction Finance Corporation (hereinafter called the Contractor) a corporation organized and existing under and by virtue of an Act of Congress of the United States, approved January 22, 1932 (47 Stat. 5), as amended and supplemented, having its principal office in Washington, D. C., witnesseth that the parties agree as follows:

ARTICLE 1. *Scope of this Contract.* (Insert Article 1, § 813.1301).

ART. 2. *Changes.* (Insert Article 2, § 813.1301).

ART. 3. *Extras.* (Insert Article 3, § 813.1301).
ART. 4. *Inspection.* (Insert Article 4, § 813.1301).
ART. 5. *Delays—damages.* (Insert § 803.352).
ART. 6. *Responsibility for supplies tendered.* (Insert Article 6, § 813.1301).
ART. 7. *Increase or decrease.* (Insert Article 7, § 813.1301).
ART. 8. *Payments.* (Insert Article 8, § 813.1301).
ART. 9. *Officials not to benefit.* (Insert § 803.322).
ART. 10. *Covenant against contingent fees.* (Insert § 803.323).
ART. 11. *Disputes.* (Insert § 803.326).
ART. 12. *Termination for convenience of the Government.* (Insert § 803.324).
ART. 13. *Notice of shipments.* (Insert § 803.328).
ART. 14. *Subcontractor.* (Insert Article 18, § 813.1301).
ART. 15. *Anti-Discrimination.* (Insert § 803.325).
ART. 16. *Convict labor.* (Insert § 803.345).
ART. 17. *Definitions.* (Insert Article 23, § 813.1301).
ART. 18. *Alterations.* (Insert Article 24, § 813.1301).

In witness whereof, the parties hereto have executed this contract as of the day and year first above written.

UNITED STATES OF AMERICA,
By _____
_____
(Official Title)

Two Witnesses:
_____
_____
(Address)
RECONSTRUCTION FINANCE CORPORATION,
By _____
_____
(Business Address)
_____
(Address)
(Office of Defense Supplies)

§ 813.1311b *W. D. Contract Form No. 13 B.* Sale of property to War Department by Reconstruction Finance Corporation (Office of Metals Reserve).

Contract No. _____

CONTRACT
(SUPPLIES)
WAR DEPARTMENT
and
RECONSTRUCTION FINANCE CORPORATION
(Office of Metals Reserve)

Contract for _____
Amount _____
Location _____
Payment: To be made by _____
_____, U. S. Army, at _____
_____
The supplies and services to be obtained by the instrument are authorized by, are for the purposes set forth in, and are chargeable to the following allotments, the available balances of which are sufficient to cover the cost of the same: _____
_____
This contract is authorized by the following laws: _____
_____
_____

CONTRACT

Subject and pursuant to the terms and conditions hereinafter stated and contained in the Exhibit hereto attached and made a part hereof:

Seller: Reconstruction Finance Corporation, 811 Vermont Avenue, N. W., Washington 25, D. C. (hereinafter called "Contractor"), agrees to sell and deliver.

Buyer: United States of America, (hereinafter called "Government"), represented by the Contracting Officer executing this contract, agrees to buy and receive,

Material _____
_____
Quantity _____
_____
Quality _____
_____
Price and delivery: _____ per _____, f. o. b. railroad cars or trucks at _____ _____ in accordance with delivery schedule attached. The Government is to prepare bills of lading, except where the material is sold on a delivered basis at destination designated by the Government.
Weighing, sampling and analysis _____
_____
_____
Payment: Promptly upon receipt of Contractor's invoice with certificates of weights and analysis, if any, attached.
Cancellation: Notwithstanding any other provision hereof, the obligation of the Contractor to deliver any balance of _____ which might be undelivered after _____, may be canceled by Contractor after _____, upon written notice to the Government, provided the Contractor is not in default. Such cancellation shall be effective upon receipt of such notice.

EXECUTED IN QUADRUPLICATE

Dated _____
RECONSTRUCTION FINANCE CORPORATION
(Contractor)
By _____
(Office of Metals Reserve)
UNITED STATES OF AMERICA,
By _____
(Official Title)

NOTE: Exhibit to be attached to W. D. Contract Form No. 13B (§ 813.1311b).

EXHIBIT

ARTICLE 1. *Changes.* (Insert § 803.329a).
ART. 2 *Extras.* (Insert Article 3, § 813.1301).
ART. 3. *Inspection.* (Insert Article 4, § 813.1301).
ART. 4. *Delays — damages.* (Insert § 803.352).
ART. 5. *Responsibility for supplies tendered.* (Insert Article 6, § 813.1301).
ART. 6. *Payments.* (Insert Article 8, § 813.1301).
ART. 7. *Officials not to benefit.* (Insert § 803.322).
ART. 8. *Covenant against contingent fees.* (Insert § 803.323).
ART. 9 *Disputes.* (Insert § 803.326).
ART. 10. *Termination at the option of the Government.* (Insert Article from § 803.324).
ART. 11. *Notice of shipments.* (Insert § 803.328).
ART. 12. *Subcontracting.* (Insert § 803.367).
ART. 13. *Anti-discrimination.* (Insert § 803.325).
ART. 14. *Convict labor.* (Insert § 803.345).
ART. 15. *Assignment of rights hereunder.* No claim under this contract shall be assigned.
ART. 16. *Disclosure of information.* (Insert § 803.336).
ART. 17. *Employment of aliens.* (Insert § 803.337).
ART. 18. *Definitions.* (Insert Article 23, § 813.1301).
ART. 19. *Alterations.* (Insert Article 24, § 813.1301).

§ 813.1311c *W. D. Contract Form No. 13C.* Sale of property to War Department by Reconstruction Finance Corporation (Office of Defense Plants).

Contract No. _____

CONTRACT
(SUPPLIES)
WAR DEPARTMENT
and
RECONSTRUCTION FINANCE CORPORATION

Contract for _____
Amount _____
Location _____
Payment: To be made by _____
_____
The supplies and services to be obtained by the instrument are authorized by, are for the purposes set forth in, and are chargeable to the following allotments, the available balances of which are sufficient to cover the cost of the same: _____
_____
This contract is authorized by the following laws: _____
_____
_____
_____

This contract, entered into this _____ day of _____, 194__, by and between the United States of America (hereinafter called the Government), represented by the Contracting Officer executing this contract, and Reconstruction Finance Corporation (hereinafter called the Seller), a corporation organized and existing under and by virtue of an Act of Congress of the United States, approved January 22, 1932 (47 Stat. 5), as amended and supplemented, witnesseth that the parties hereto do mutually agree as follows:

ARTICLE 1. *Scope of this contract.* The seller shall sell and deliver and the Government shall buy and accept the property listed in the following schedule, in consideration of the price stated therefor: *Provided, however,* That if at the time of delivery of any such property to the Government a maximum price lower than that stated below shall have been established by the Office of Price Administration and shall be in effect and expressly applicable to such deliveries notwithstanding the existence of a prior contract calling for a higher price, the price hereunder for the items so delivered shall be reduced to such maximum price.

[Schedule of Property and Price]

ART. 2. *Delivery.* Delivery to the Government shall be f. o. b. point of origin and the Government shall remove the property within _____ days after notification to it of the approval of the sale by the Seller.

ART. 3. *Payment.* Payment by check in the order of the seller will be made to the seller as follows: within thirty (30) days after receipt by the Government of invoice therefor.

ART. 4. *Responsibility for property sold.* (a) The Government has had ample opportunity for full inspection of the property prior to the execution of this sales agreement and agrees to accept the property "as is." The seller makes no guarantee, warranty, or representation as to the number, quantity, kind, size, weight, quality, character, description, or condition of the property, or its fitness for any particular purpose.

(b) The Government assumes all liability for the property after notification to it of approval of the sale. The seller will exercise its usual care for protection of the property up to the time limit of removal but will not be responsible for any loss or damage for any cause whatsoever. Title to the property shall vest in the Government immediately upon notification to it of approval of the sale.

ART. 5. *Officials not to benefit.* (Insert § 803.322).

ART. 6. *Covenant against contingent fees.* (Insert § 803.323, substituting "Seller" for "Contractor").

ART. 7. *Definitions.* The term "Contracting Officer" as used herein shall include his duly appointed successor or his authorized representative.

In witness whereof, the parties hereto have executed this contract as of the day and year first written.

THE UNITED STATES OF AMERICA,
By _____
_____
(Official Title)
RECONSTRUCTION FINANCE CORPORATION,
By _____
_____
(Office of Defense Plants)

Two witnesses:
_____
_____
(Address)
_____
(Address)

I _____, certify that I am the _____ of the corporation named as seller herein; that _____, who signed this contract on behalf of the seller was then _____ of said corporation; that said contract was duly signed for and on behalf of said corporation by authority of its governing body and is within the scope of its corporate powers.

_____

§ 813.1311d *W. D. Contract Form No. 13D.* Sale of property to Reconstruction Finance Corporation.

Contract No. _____

CONTRACT OF SALE OF PROPERTY
WAR DEPARTMENT
AND
RECONSTRUCTION FINANCE CORPORATION
(Office of Defense Plants)

Contract for Sale of _____
Amount _____
Location of Property _____

This contract, entered into this _____ day of _____, 194__, by and between the United States of America (hereinafter called the Government), represented by the contracting officer executing this contract, and _____, acting for and on behalf of Reconstruction Finance Corporation (hereinafter called the Purchaser), a corporation organized and existing under and by virtue of an Act of Congress of the United States, approved January 22, 1932 (47 Stat. 5), as amended and supplemented, witnesseth that the parties hereto do mutually agree as follows:

ART. 1. *Scope of this contract.* The Government shall sell and deliver and the purchaser shall buy and accept the property listed in the following schedule, in consideration of the price stated therefor: *Provided, however,* That if at the time of delivery of any such property to the purchaser a maximum price lower than that stated below shall have been established by the Office of Price Administration and shall be in effect and expressly applicable to such deliveries notwithstanding the existence of a prior contract calling for a higher price, the price hereunder for the items so delivered shall be reduced to such maximum price.

[Schedule of Property and Price]

ART. 2. *Delivery.* Delivery to the purchaser shall be f. o. b. point of origin, and the purchaser shall remove the property within _____ days after notification to it of the approval of the sale by the Government.

ART. 3. *Payment.* Payment will be made within thirty (30) days after receipt by the purchaser of bill, invoice, or voucher, by check to the order of the Treasurer of the United States or as otherwise directed in said bill, invoice, or voucher.

ART. 4. *Responsibility for property sold.* (a) The purchaser has had ample opportunity for full inspection of the property prior to the execution of this sales agreement, and agrees to accept the material "as is." The Government makes no guarantee, warranty, or representation as to the number, quantity, kind, size, weight, quality, character, description, or condition of the property, or its fitness for any particular purpose.

(b) The purchaser assumes all liability for the property after notification to it of approval of the sale. The Government will exercise its usual care for protection of the property up to the time limit of removal, but will not be responsible for any loss or damage for any cause whatsoever. Title to the property shall vest in the purchaser immediately upon notification to it of approval of the sale.

ART. 5. *Officials not to benefit.* (Insert § 803.322 or § 813.1326a (b), Article 13).

ART. 6. *Covenant against contingent fees.* (Insert § 813.1326a (b), Article 12).

ART 7. *Definitions.* The term "contracting officer" as used herein shall include his duly appointed successor or his authorized representative.

In witness whereof, the parties hereto have executed this contract as of the day and year first written.

THE UNITED STATES OF AMERICA,
By _____
_____
(Official Title)
_____
Acting for and on behalf of Reconstruction Finance Corporation
By _____
Two witnesses:
_____
_____
(Address)
_____
(Address)

I, _____, certify that I am the _____ of the corporation executing this contract; that _____ who signed this contract on behalf of said corporation, was then _____ of said corporation; that said contract was duly signed for and on behalf of said corporation by authority of its governing body and is within the scope of its corporate powers.

_____

4. Section 813.1315b is amended to read as follows:

§ 813.1315b *W. D. Contract Form No. 27*—(a) *Explanatory notes.* The forms set out in this section are available for use by Procuring Agencies for the procurement of electric, gas, water or sewage service (without connection charge) as follows:

(1) Where the estimated annual expenditure under the contract is $1,000 or less, the form set out in paragraph (b) will be used without any of the Special Provisions contained in the succeeding paragraphs.

(2) Where the estimated annual expenditure under the contract exceeds $1,000, the form set out in paragraph (b) will be used together with Special Provisions, as follows:

(i) Contracts for Electric Service; Special Provision A.
(ii) Contracts for Gas Service; Special Provision B.
(iii) Contracts for Water Service; Special Provision C.
(iv) Contracts for Sewage Service; Special Provision D.
(v) Contracts for Steam Service; Special Provision E.

(b) *Contract forms.*

Contract No. W-_____

NEGOTIATED UTILITY SERVICE CONTRACT
(No Connection Charge—Electric Gas Water Sewage Steam [1] Service

_____
(Station or premises to be served)
_____
(City) (County) (State)
Premises are: ( ) Government-owned. ( ) Government-leased.
Symbol Number of Lease _____
Name of Lessor _____
Bills will be rendered to _____ at _____
Payment will be made by Finance Officer, United States Army, at _____
Estimated annual cost hereunder: $_____
This contract is authorized by the following laws: First War Powers Act, 1941 (Public No. 354, 77th Cong.), and Executive Order No. 9001.
The supplies and services to be obtained by this instrument are authorized by, are for the purposes set forth in, and are chargeable to the appropriations indicated below:

_____
Applicable allotments, having available balances sufficient to cover the cost, will be stated on the procuring instruments or invoices (see General Provision 2).

CONTRACTOR'S PROPOSAL

Date _____

At the request of the United States the undersigned offers and agrees to furnish required _____ service, beginning on _____194____, and thereafter until further notice (see Special Provisions, if any), for the use of the United States at the location shown above, in accordance with the rates and other terms set forth below or attached hereto; General Provisions on the reverse side hereof; and Special Provisions numbered 1 to _____ inclusive (if attached and made part hereof in accordance with the footnote entitled "Special Provisions" [2]).

_____
(Contractor)
_____
(Address)
By _____,
Title _____,
(Authorized to make this proposal)

GOVERNMENT'S ACCEPTANCE

The foregoing Proposal is accepted this _____ day of _____, 194____.
UNITED STATES OF AMERICA,
By _____
Title _____
(Contracting Officer)
_____

RATES

[1] Delete inapplicable words.
[2] *Special provisions.* When the estimated annual expenditure under this contract is more than $1000, Special Provisions A (Electric Service), B (Gas Service), C (Water Service), D (Sewage Service) or E (Steam Service) shall be attached and made part hereof.

[Reverse Side of § 803.1315b (b)]

GENERAL PROVISIONS

1. *Service regulations.* The matter of meters, meter accuracy, reliability of service, and all other similar matters not stipulated in this contract, shall be governed by the rules applicable and on file with the public regulatory body having jurisdiction in said matters.

2. *Payments.* For and in consideration of the faithful performance of the stipulations of this contract, the Contractor shall be paid by the designated disbursing officer for service herein contracted for, at the rates and under the terms and conditions herein set forth. The Contractor hereby declares that said rates are not in excess of the lowest rates now available to any prospective customer under like conditions of service, and agrees that during the life of this contract the Government shall continue to be billed on the lowest available rate for similar conditions of service. Recognition is given to the fact that the Government fiscal year ends on June 30. Payments hereunder shall be contingent upon the availability of appropriations therefor, and shall not be made in advance of service rendered. All bills for service shall be paid without penalty or interest and the Government shall be entitled to any discounts customarily applicable to payment of bills by all customers of the Contractor.

3. *Changes of rates.* If during the life of this contract the public regulatory body having jurisdiction receives for file in authorized manner rates that are higher or rates that are lower than those stipulated herein for like conditions of service, the Contractor hereby agrees to continue to furnish service as stipulated in this contract, and the Government hereby agrees to pay for such service at the higher or lower rates from and after the date when such rates are made effective. Such revised rate schedule, in sextuplicate, shall be promptly furnished to the Contracting Office by the Contractor for attachment to this contract.

4. *Contractor's equipment.* The Government shall provide, free of cost, suitable locations on the premises to be supplied for the installation of the meters and any other equipment of the Contractor necessary to furnish service hereunder, all of which facilities shall be and remain the sole property of the Contractor and shall, at all times during the life of this contract, be operated and maintained by the Contractor at its expense; and all taxes and other charges in connection therewith, together with all liability arising out of the negligence of the Contractor in the construction, operation or maintenance of said facilities shall be assumed by the Contractor. Authorized representatives of the Contractor will be allowed access to the facilities of the Contractor at suitable times to perform the obligations of the Contractor with respect to said facilities. The Contractor shall have the right to remove its property within a reasonable time after termination of this contract, provided termination is not due to fault of the Contractor.

5. *Officials not to benefit.* (Insert § 803.322).

6. *Convict labor.* The Contractor shall not employ any person undergoing sentence of imprisonment at hard labor.

7. *Covenant against contingent fees.* (Insert § 803.323).

8. *Anti-discrimination.* (Insert § 803.325).

9. *Assignment of rights.* If this contract is for an amount of $1,000 or more, claims for monies due or to become due to the Contractor from the Government hereunder may be assigned to a bank, trust company, or other financing institution, including any Federal lending agency, in accordance with the Assignment of Claims Act of 1940 (Public No. 811, 76th Cong.). Payment to an assignee of any claim hereunder shall not be subject to reduction or set-off for any indebtedness of the assignor to the United States arising independently of this contract.

10. *Definitions.* Except for the original signing of this contract, and except as otherwise stated herein, the term "Contracting Officer" as used herein shall include his duly appointed successor or his authorized representative.

SPECIAL PROVISIONS A: ELECTRIC SERVICE

Attached to and made part of Contract No. W ---------

1. *Estimated service requirements.*
Estimated maximum demand: ------- KW
Estimated annual consumption: ----KWH
(The Government is in no way obligated to use nor is it restricted to the above estimated requirements.)

2. *Point of delivery.* The point of delivery of service shall be ----------

3. *Description of electric service.* Contractor will supply ---------- phase, ---------- wire, ---------- cycle, alternating current at --------- volts.

4. *Metering and billing.* Service will be measured at ---------- volts by ---------- watthour meter(s) and --------- demand meter(s), to be furnished, installed, maintained, calibrated and read by the Contractor. The readings of the meters will be: Billed separately.[1] Combined for billing purposes.[1]

5. *Termination.* Notice of intention to terminate this contract shall be at the option of the Government and shall be given in writing by the Contracting Officer to the Contractor not less than thirty days in advance of the effective date of termination.

6. *Approval.* If the estimated maximum demand stated in paragraph 1 above is 1000 KW or more, this contract shall be subject to the approval of the War Department Power Procurement Officer and shall not be binding until so approved.

7. *Renegotiation.* (a) Unless the provisions of subparagraph (b) of this paragraph are applicable to this contract, (1) this contract shall be deemed to contain all the provisions required by sub-section (b) of the Renegotiation Act, as amended; and (2) in compliance with said sub-section (b) of the Renegotiation Act, the Contractor shall insert in the subcontracts specified in said subsection (b) either the provisions of this Article, or the provisions required by said subsection (b).

(b) This contract shall be exempt from statutory renegotiation if (1) the contractor hereunder is a department, bureau, agency or governmental corporation of the United States, or any Territory, possession or State or any agency thereof, or any foreign Government or agency thereof; or (2) made with a public utility for the delivery of electric power of less than 1000 kilowatts of contractual demand except that if the actual demand was 1000 kilowatts or more at any time during any particular fiscal year, amounts received or accrued under this contract for such fiscal year shall not be exempt from renegotiation by reason of anything contained in this sub-paragraph (b) (2).

8. *Disputes.* (Insert General Provision 12 of W. D. Contract Form No. 383, § 818.1317a (b).)

9. *Alterations and additions.*

SPECIAL PROVISIONS B: GAS SERVICE

Attached to and made part of Contract No. W ---------

1. *Estimated service requirements.*
Estimated maximum demand: ---------- MCF per hour.
Estimated annual consumption: -------- MCF. (The Government is in no way obligated to use nor is it restricted to the above estimated requirements.)

2. *Point of delivery.* The point of delivery of gas shall be ----------

3. *Quality of gas.* The Contractor will supply commercially clean and dry gas with a heat content at 14.7 pounds per square inch absolute and 60 degrees Fahrenheit of not less than ---------- British thermal units per cubic foot. Deduction for failure to provide gas at the agreed heat value shall be made as follows: One per cent net of the average price per 1000 cubic feet of gas for each one per cent below the agreed heat value.

4. *Unit of measure.* A "cubic foot of gas" for the purpose of this contract, is the quantity of gas necessary to fill a cubic foot of space when the gas is at a base pressure of ---------- ounces per square inch above atmospheric pressure and at a base temperature of 60 degrees Fahrenheit, and the gas volumes shall be computed into such units. It is agreed that the gas shall be assumed to obey Boyle's law and no correction shall be made for any variation from this law; that the atmospheric pressure is ---------- pounds per square inch, and that the flowing temperature is 60 degrees Fahrenheit.

5. *Metering and billing.* Gas will be measured by ---------- meters to be furnished, installed, maintained, calibrated and read by the Contractor. The readings of the meters will be billed separately.[1] Combined for billing purposes.[1]
(number and type)

When orifice meters are used to measure gas furnished hereunder, such meters shall be of standard manufacture and shall be installed and operated in accordance with the manufacturer's specifications and recommendations. Computations of gas delivered shall be made in accordance with the manufacturer's recommendations and shall be corrected for the specific gravity of the gas which shall be determined by spot specific gravity tests made monthly or at more frequent intervals if required, or by a recording gravitometer.

Upon request of the Contracting Officer or his representative, the Contractor will submit to the Government records and charts from its metering equipment, together with calculations therefrom, for the Government's inspection and verification, subject to return by the Government within ten days after receipt thereof, after which return the charts and records shall be kept on file by the Contractor for the mutual use of both parties for such period and to such extent as may be required by law.

6. *Pressure.* [2] Contractor will maintain at the point of delivery a regulated pressure within ten per cent of the pressure required by the Contracting Officer but shall not be required to maintain more than ---------- pounds or less than ---------- pounds per square inch gauge.

7. *Termination.* Notice of intention to terminate shall be at the option of the Government and shall be given by the Contracting Officer not less than thirty days in advance of the effective date of termination.

8. *Renegotiation.* (a) Unless the provisions of subparagraph (b) of this paragraph 8 are applicable to this contract, (1) this contract shall be deemed to contain all the provisions required by subsection (b) of the Renegotiation Act, as amended; and (2) in compliance with said subsection (b) of the Renegotiation Act, the Contractor shall insert in the subcontracts specified in said subsection (b) either the provisions of this Article or the provisions required by said subsection (b).

[1] Delete inapplicable language.

[2] Contractor will supply gas from the ---------- pressure distribution system at a pressure between ---------- and ---------- ounces per square inch gauge.

(b) This contract shall be exempt from statutory renegotiation if:

(1) the Contractor hereunder is a department, bureau, agency or governmental corporation of the United States, or any Territory, possession or State, or any agency thereof, or any foreign Government or agency thereof; or

(2) the gas to be supplied hereunder is the product of a gas well which has not been processed, refined, or treated beyond the first point or state suitable for industrial use; or

(3) made with a public utility for the delivery of gas, except that if the amounts received or accrued hereunder during any particular fiscal year were $50,000 or more, amounts received or accrued hereunder for such fiscal year shall not be exempt from renegotiation by reason of anything contained in this subparagraph (b) (3). (If such fiscal year is a fractional part of twelve months, the $50,000 amount shall be reduced to the same fractional part thereof for the purposes hereof.)

9. *Disputes.* (Insert General Provision 12 of W. D. Contract Form No. 383, § 813.1317a (b)).

10. *Alterations and additions.*

SPECIAL PROVISIONS C: WATER SERVICE

Attached to and made part of Contract No. W ---------

1. *Estimated service requirements.* Estimated daily maximum demand ---------- Estimated annual consumption ----------
(The Government is in no way obligated to use nor is it restricted to the above estimated requirements.)

2. *Point of delivery.* The point of delivery of water shall be ----------

3. *Description of water service.* The Contractor shall have ---------- gallons per minute of water continuously available at the point of delivery at a pressure of not less than ---------- pounds per square inch gauge.

4. *Quality of water.* The Contractor will supply clear, potable water safe for human consumption in accordance with standards adopted by the United States Public Health Service for drinking and culinary water supplied by common carriers in interstate commerce and such revisions thereof as may be made from time to time.

5. *Metering and billing.* Water will be measured by ---------- meters owned, calibrated and maintained by ----------
(number and size)
The readings of the meters will be: billed separately[1] combined for billing purposes.[1]

6. *Termination.* Notice of intention to terminate this contract shall be at the option of the Government and shall be given in writing by the Contracting Officer to the Contractor not less than thirty days in advance of the effective date of termination.

7. *Renegotiation.* (a) Unless the provisions of subparagraph (b) of this paragraph 7 are applicable to this contract, (1) this contract shall be deemed to contain all the provisions required by subsection (b) of the Renegotiation Act, as amended; and (2) in compliance with said subsection (b) of the Renegotiation Act, the Contractor shall insert in the subcontracts specified in said subsection (b) either the provisions of this Article or the provisions required by said subsection (b).

(b) This contract shall be exempt from statutory renegotiation if:

(1) the contractor hereunder is a department, bureau, agency or governmental corporation of the United States, or any Territory, possession or state, or any agency thereof; or

(2) made with a public utility for the furnishing of water, except that if the amounts received or accrued hereunder during any particular fiscal year were $10,000 or more, amounts received or accrued hereunder for such fiscal year shall not be exempt from renegotiation by reason of anything contained in this subparagraph (b) (2). (If such fiscal year is a fractional part of twelve months, the $10,000 amount shall be reduced to the same fractional part thereof for the purposes hereof.)

8. *Disputes.* (Insert General Provision 12 of W. D. Contract Form No. 383, § 813.1317a (b)).

9. *Alterations and additions.*

SPECIAL PROVISIONS D: SEWAGE

Attached to and made part of Contract No. W----

1. *Estimated service requirements.*
Estimated annual volume----
(The Government is in no way obligated to deliver nor is it restricted to the above estimated requirements.)

2. *Service to be rendered.* Contractor shall furnish a sanitary sewer connection and sanitary sewerage service as required by the Government and shall receive, carry, treat and dispose of all sanitary sewage originating at the project in such amounts as the Government desires to release into Contractor's sewer system and in a manner and by such means as will constitute no hazard to the public health. Contractor shall operate its sewage disposal and treatment facilities in conformity with applicable laws, rules, and regulations promulgated by State and Federal governmental authorities.

3. *Point of delivery.* The sewage shall be delivered to Contractor by the Government at ----------

4. *Termination.* Notice of intention to terminate this contract shall be at the option of the Government and shall be given in writing by the Contracting Officer to the Contractor not less than thirty days in advance of the effective date of termination.

5. *Renegotiation.* (a) Unless the provisions of subparagraph (b) of this paragraph 5 are applicable to this contract, (1) this contract shall be deemed to contain all the provisions required by subsection (b) of the Renegotiation Act, as amended; and (2) in compliance with said subsection (b) of the Renegotiation Act, the Contractor shall insert in the subcontracts specified in said subsection (b) either the provisions of this Article or the provisions required by said subsection (b).

(b) This contract shall be exempt from statutory renegotiation if: (1) the contractor hereunder is a department, bureau, agency or governmental corporation of the United States, or any territory, possession or state or any agency thereof, or any foreign Government or agency thereof; or (2) made with a public utility for the furnishing of steam, except that if the amounts received or accrued hereunder during any particular fiscal year were $10,000 or more, amounts received or accrued hereunder for such fiscal year shall not be exempt from renegotiation by reason of anything contained in this subparagraph (b) (2). (If such fiscal year is a fractional part of twelve months, the $10,000 amount shall be reduced to the same fractional part thereof for the purposes hereof).

8. *Disputes.* (Insert General Provision 12 of W. D. Contract Form No. 383, § 813.1317a (b)).

9. *Alterations and additions.*

[1] Delete inapplicable language.

SPECIAL PROVISIONS E: STEAM SERVICE

Attached to and made part of Contract No. W ---------

1. *Estimated service requirements.*
Estimated hourly maximum demand -------
Estimated annual consumption ----------
(The Government is in no way obligated to use nor is it restricted to the above estimated requirements.)

2. *Point of delivery.* The point of delivery of steam shall be ----------

3. *Description of steam service.* The Contractor shall have -------- pounds per hour of steam continuously available at the point of delivery at a pressure of not less than ---------- pounds or in excess of ---------- pounds per square inch gauge.

4. *Quality of steam.* The steam furnished shall contain not more than 1% moisture and shall be free of condensate at point of delivery.

5. *Metering and billing.* Steam will be measured by ----------
(Number & Type—Condensate or ---------- meters owned, calibrated
Flow Meter)
and maintained by ----------
The readings of the meters will be: billed separately[1] combined for billing purposes.[1]

6. *Termination.* Termination of this contract shall be at the option of the Government and notice of intention to terminate shall be given in writing by the Contracting Officer to the Contractor not less than thirty days in advance of the effective date of termination.

7. *Renegotiation.* (a) Unless the provisions of subparagraph (b) of this paragraph are applicable to this contract, (1) this contract shall be deemed to contain all the provisions required by subsection (b) of the Renegotiation Act, as amended; and (2) in compliance with said subsection (b) of the Renegotiation Act, the Contractor shall insert in the subcontracts specified in said subsection (b) either the provisions of this Article or the provisions required by said subsection (b).

(b) This contract shall be exempt from statutory renegotiation if: (1) the contractor hereunder is a department, bureau, agency or governmental corporation of the United States, or any territory, possession or state or any agency thereof; or (2) made with a public utility for the furnishing of steam, except that if the amounts received or accrued hereunder during any particular fiscal year were $10,000 or more, amounts received or accrued hereunder for such fiscal year shall not be exempt from renegotiation by reason of anything contained in this subparagraph (b) (2). (If such fiscal year is a fractional part of twelve months, the $10,000 amount shall be reduced to the same fractional part thereof for the purposes hereof).

8. *Disputes.* (Insert General Provision 12 of W. D. Contract Form No. 383, § 813.1317a (b)).

9. *Alterations and additions.*

[Procurement Reg. 14]

PART 814—REQUISITIONING OF PERSONAL PROPERTY

SUBPART A—GENERAL

Section 814.1401 is amended to read as follows:

§ 814.1401 *Authority to requisition.* Authority to requisition personal property is conferred under (1) the Act of October 10, 1940 (54 Stat. 1090), as amended by the Act of July 2, 1942 (56 Stat. 467), by the Act of June 28, 1944 (Public Law 379—78th Congress), and by the Act of June 30, 1945 (Public Law 101—79th Congress); (2) the Act of October 16, 1941 (55 Stat. 742), as

amended by the Act of March 27, 1942 (56 Stat. 181), by the Act of June 30, 1943 (Pub. Law 104—78th Congress), by the Act of June 28, 1944 (Public Law 378—78th Congress), and by the Act of June 30, 1945 (Public Law 102—79th Congress); and (3) Executive Orders Nos. 8942 (6 F.R. 5909), 9024 (7 F.R. 329), 9040 (7 F.R. 527), 9133 (7 F.R. 2919), 9280 (7 F.R. 10179), 9294 (8 F.R. 221), 9322 (8 F.R. 3807) and 9334 (8 F.R. 5423). By such Executive orders the President delegated to various persons, including the Secretary of War, the power to initiate requisitions under the Act. The Secretary of War, by Order dated December 11, 1941, assigned to the Under Secretary of War the functions, powers and duties so delegated to him. As a result of such delegation and assignment, the Under Secretary of War makes final determination as to the existence of statutory authority to requisition property desired to be requisitioned by the War Department and, if the Proposal to requisition and the proposed disposal of the property is approved by the Army and Navy Munitions Board and by or on behalf of the Chairman of the War Production Board, the Secretary of Agriculture or the Director of the Office of Defense Transportation (as may be required in the particular case), issues the Requisition. He also makes final administrative determination as to the amount of compensation to be paid for property requisitioned by the War Department.

SUBPART B—ACQUISITION OF PROPERTY BY REQUISITION

Section 814.1405 is amended to read as follows:

§ 814.1405 *Statutory authority to requisition property.* (a) The act of October 10, 1940, as amended, authorizes the taking of property by requisition when it is determined that:

(1) The property is military or naval equipment or munitions, or component parts thereof, or machinery, tools, or materials, or supplies necessary for the manufacture, servicing, or operation thereof;

(2) The property was ordered, manufactured, procured, or possessed for export purposes, and that the exportation thereof has been prohibited or curtailed in accordance with the provisions of section 6 of the act of July 2, 1940 (54 Stat. 714) as amended by the act of June 30, 1942 (56 Stat. 463, 50 U.S.C. App. 701), by the act of July 1, 1944 (Public Law 397—78th Congress), by the act of June 30, 1945 (Public Law 99—79th Congress) or by any other law; and

(3) It is necessary in the interest of national defense or prosecution of the war to requisition and take over the property for use or operation by the United States or in its interest.

(b) The act of October 16, 1941, as amended, authorizes the taking of property, other than fire arms possessed by an individual for his personal protection or sport, possession of which is not prohibited by existing law, by requisition, if the taking will not impair or infringe in any manner the right of any individual to keep and bear arms, when it is determined that:

(1) The property is military or naval equipment, supplies, or munitions, or component parts thereof, or machinery, tools, or materials necessary for the manufacture, servicing, or operation of such equipment, supplies, or munitions;

(2) The use of the property is needed for the defense of the United States;

(3) Such need is immediate and impending and such as will not admit of delay or resort to any other source of supply; and

(4) All other means of obtaining the use of the property for the defense of the United States upon fair and reasonable terms have been exhausted.

SUBPART D—RETURN OF REQUISITIONED PROPERTY AND DISPOSITION OF PROCEEDS OF REQUISITIONED PROPERTY

Section 814.1415 is amended to read as follows:

§ 814.1415 *Return of requisitioned property to former owner under certain conditions.* The act of October 16, 1941, as amended, provides that whenever it is determined that property requisitioned under that act and retained is no longer needed for the defense of the United States it shall, if the original owner desires the property and pays the fair value thereof, be returned to such owner and that, in any event, property so acquired and retained shall, if such owner desires the property and pays the fair value thereof, be returned to him not later than December 31, 1946. Should a technical service determine that property requisitioned by it and retained is no longer needed for the defense of the United States it shall advise the Legal Branch, Director of Matériel, which will prescribe the procedure to be followed in effecting its return.

Subchapter B—Disposition of Property

Subchapter B is amended to read as follows:

[Procurement Reg. 7]

PART 821—GENERAL DISPOSITION OF PERSONAL PROPERTY

Sec

821.100 Scope of Parts 821 to 828, inclusive.
821.102 Definitions.
821.103 Statement of War Department policy.
821.104 Designation of Redistribution and Salvage Officer.
821.105 Establishment of local disposal boards.
821.106 Disposal board at chief of service level.
821.107 Extraordinary cases.
821.109 Direct correspondence authorized.
821.110 Methods of sale.
821.111 Compliance with OPA and WPB regulations.
821.112 Federal excise taxes on property sold.
821.113 Contract formalities, including numbering and distribution.
821.114 Coordination with Property Officer.
821.115 Information as to sales and declarations of War Department property.
821.116 Sales to War Department personnel.
821.117 Assistance in obtaining surplus property.
821.118 Chief of Staff certificate.

§ 821.100 *Scope of Parts 821 to 828, inclusive.*

§ 821.100–1 *General.* (a) Parts 821 to 828, inclusive, and the regulations, manuals and other instructions to which they make reference, include all outstanding instructions of the War Department on the subject of the disposition of personal property, title to which is in the Government, or to which the Government has the contractual right to acquire title. It applies to contractor inventory as defined in Subchapter C of this chapter only to the extent that plant equipment may be subjected to the procedures set forth in Part 826, Subpart A, of this subchapter, and to the extent that certain portions of Parts 821 to 828, inclusive, are incorporated by reference in Subchapter C of this chapter.

(b) Parts 821 to 828, inclusive, do not rescind or otherwise affect TM 38-220 or other publications concerning stock control for military property. They do not relate to:

(1) The disposition of real property.

(2) The repair or reclamation of personal property.

(3) The disposition of the proceeds of sales of property.

(4) The disposition of any property located outside of the continental limits of the United States.

(5) Dispositions to foreign governments.

§ 821.100–2 *Scope of Parts 821 to 828, inclusive, in relation to other regulations.* (a) The matters covered by Parts 821 to 828, inclusive, and other related publications and manuals are as follows:

(1) *Joint Termination Regulation (JTR 15).* All War Department policies and procedures on disposition of contractor inventory.

(2) *Procurement Regulation No. 7.* All War Department policies and procedures on the disposition of military and non-military personal property.

(3) *Procurement Regulation No. 7–A.* All War Department policies and procedures for the classification and disposition of stand-by, excess, and surplus industrial installations located within the continental United States, which are on land owned by or leased to the War Department.

(4) *Army Service Forces Manual M–419.* Procedures of Army Service Forces implementing this Regulation and War Department Circular No. 299, 1944, with respect to the redistribution, transfer, and determination as surplus of excess military property of Army Service Forces.

(5) *Army Air Forces Regulation 65–86 and Air Technical Service Command Regulation 116–5.* Procedures of Army Air Forces, implementing this Regulation and War Department Circular No. 299, 1944, with respect to the redistribution, transfer, and determination as surplus of excess military property of Army Air Forces.

(a) *TM 38–505.* All War Department policies and procedures on disposition of salvage.

(b) All future instructions, or changes to existing instructions, in respect to the matters covered in the publications mentioned in this section will be issued only as changes to one of such publications.

(c) Instructions of the technical services are not affected hereby, but will be promptly conformed to Parts 821 to 828, inclusive.

§ 821.102 *Definitions.* The following terms, when used in Parts 821 to 828, inclusive, have the meanings indicated:

"Best price obtainable" means the highest price offered which is adequate in the light of a reasonable knowledge or test of the market, having due regard for current prices for any raw materials or products for which quotations are published and to the circumstances, nature, condition, quantity, and location of the particular property.

"Care and handling" includes completing, repairing, converting, rehabilitating, operating, maintaining, preserving, protecting, insuring, storing, packing, handling, and transporting, and in the case of property which is dangerous to public health or safety, destroying, or rendering innocuous, such property.

"Contractor inventory" means (1) any property related to a terminated contract of any type with a Government agency or to a subcontract thereunder; (2) any property acquired under a contract pursuant to the terms of which title is vested in the Government, and in excess of the amounts needed to complete performance thereunder; and (3) any property which the Government is obligated to take over under any type of contract as a result of any change in the specifications or plans thereunder.

"Declaration" means the reporting of surplus property to a disposal agency.

"Determination of surplus" means the decision by an authorized agency that property is surplus to the War Department.

"Disposal" means the disposition of surplus property or salvage outside the War Department accomplished by declaration, sale, donation, abandonment, or destruction.

"Disposal agency" means a Government agency designated by the Surplus Property Board to which surplus property is declared.

"Disposition" means the accomplishment of redistribution, transfer or disposal of excess and surplus property.

"Excess property", in the case of military property, means any property in excess of the control level authorized for a particular organization or supply point, or for a technical service, property in excess of the disposition level until such time as it is determined to be surplus.

"Military property" means all property held for issue or issued to or for troops, to military posts within the United States, and to theaters of operation.

"Non-military property" means all property other than military property and contractor inventory.

"Non-repairable property" means property which cannot in the best interests of the Government be amended or restored to serviceability, and scrap and waste; and includes, but is not limited to, any obsolete non-military items, and industrial materials, industrial equipment, components, and assemblies (whether partially or completely fabricated, processed or assembled and whether new, used or deteriorated), which have no reasonable use except as scrap.

"Owning agency" means the executive department, the independent agency in the executive branch of the Federal Government, or the corporation (if a Government agency), having control of such property otherwise than solely as a disposal agency.

"Readjustment Division" means Readjustment Division, Headquarters, Army Service Forces.

"Redistribution" means the disposition of property excess to one supply component to another supply component.

"Serviceable property" is property other than scrap or waste which is suitable for use in its existing condition.

"Small lots" means single items or groups of items of excess or surplus property, where the cost, estimated if not known, of all substantially similar items in surplus at any one time and at any one place does not exceed $300.

"Standard commodity classification number" means the number assigned to a particular item, commodity, or group of commodities in the standard commodity classification.

"Supply components" means any separate station, installation, service command, technical service, or major command under the jurisdiction of the War Department.

"Surplus property" is property which has been determined to be surplus by an authorized agency of the War Department.

"Transfer" means disposition of excess property outside the War Department.

§ 821.103 *Statement of War Department policy.*

§ 821.103–1 *Basic War Department policy.* The demands of the war production program require that the material resources of the nation be used with the utmost efficiency. This can be accomplished only if the accumulation of excess property is avoided and if idle property is put to productive use at the earliest possible moment. Accordingly, it is the policy of the War Department to prevent the acquisition or retention of excess property by the War Department. Excess property will be freely redistributed or transferred under the authority granted in Part 823 of this subchapter. All affected thereby will strictly observe the requirements of ASF Manual M419 "Disposition of Excess and Surplus Army Service Forces Military Property in the Continental United States". In addition, chiefs of technical services will maintain constant and active review of all non-military property on hand or in the process of manufacture, to determine the essentiality of such property for the prosecution of approved functions, activities, projects or industrial operations.

§ 821.103–2 *Policy on direct sales.* Under regulations prescribed by the Surplus Property Board, general responsibility for disposal of surplus Government property has been assigned to certain disposal agencies, as more fully explained in Part 827 of this subchapter. It is the policy of the War Department to have these disposal agencies dispose of surplus War Department property to the fullest extent provided by the regulations of the Surplus Property Board, and to limit direct disposal by the War Department to those categories for which the War Department is clearly responsible. Accordingly, sales by the War Department will be limited to the following:

(a) Sales of contractor inventory as provided in Subchapter C of this chapter.

(b) Sales of small lots of surplus property as provided in § 827.710 of this subchapter.

(c) Sales to war contractors, other government agencies and other limited classes of persons as provided in Part 823 of this subchapter.

(d) Sales of salvage, scrap and waste.

§ 821.103–3 *Policies affecting surplus property.* Readjustment Division maintains liaison between the War Department and the Surplus Property Board, and between the War Department and the disposal agencies. All policy matters affecting surplus property will be cleared with Readjustment Division.

§ 821.104 *Designation of Redistribution and Salvage Officer.* (a) The chief of each technical service will designate a Redistribution and Salvage Officer in his office to coordinate the following activities:

(1) Determination as to which items of non-military property are excess to the technical service.

(2) Determination as to which items of non-military property are surplus.

(3) The offering to other technical services and the Navy of excess items of non-military property in which those agencies might be interested.

(4) The screening of lists of excess items of non-military property received from other technical services and the Navy and the acquisition thereof when needed.

(5) Salvage activities.

(b) Chiefs of technical services will notify the Director, Readjustment Division, of the appointment or change in the appointment of each such officer.

§ 821.105 *Establishment of local disposal boards.* (a) The chiefs of the technical services will establish in their field installations, disposal boards for reviewing and taking appropriate action with respect to proposed transactions required to be reviewed by Parts 821 to 828, inclusive.

(b) Disposal boards will consist of not less than three members. The members thereof may perform other functions, provided the prompt review of property disposal matters is not hindered and the personnel are qualified by training and experience to afford adequate review with respect to such matters.

(c) Records of the proceedings of disposal boards will be maintained by the offices or installations in which they are established. Cases submitted for review will be accompanied by information pertinent to the transaction, particularly as to the following: number of offers or bids solicited and reviewed, and the amounts thereof; condition of the property; status

of the buyer with respect to the use to be made of the property, and any other information necessary to show that the market has been adequately tested and that the sale should be made at the price and in the quantities stated.

(d) Disposal boards are not authorized to waive or to modify the price policies of the Surplus Property Board relating to the disposition of property made under Parts 821 to 828, inclusive, and will not approve sales which are not in conformity with the price policies.

§ 821.106 *Disposal boards at chief of service level.* Disposal boards may be established in the offices of the chiefs of technical services, or in the case of the Army Air Forces, in the headquarters office of a command, to review and take appropriate action with respect to property transactions as to which review at that level is authorized by Parts 821 to 828, inclusive (see §§ 823.301–3 (b) and 824.401–2) or by Subchapter C of this chapter.

§ 821.107 *Extraordinary cases.* Proposed sales or determinations involving unusual problems or difficulties may be presented for the consideration and advice of the Director, Readjustment Division.

§ 821.109 *Direct correspondence authorized.* Direct correspondence is authorized among all levels of the technical services and representatives of other government agencies with respect to redistribution and transfer of excess property under Parts 821 to 828, inclusive.

§ 821.110 *Methods of sale.* All sales of property under this Regulation, including sales made by cost-plus-a-fixed-fee contractors pursuant to § 823.306, will be made by negotiation in a manner to assure such competition (by taking written bids, making oral inquiry, or otherwise) as is practicable in the circumstances, and consistent with economy, efficiency and the expeditious completion of the proposed sale. The negotiating officer will make every effort to effect the sale in such manner and for such further uses as will most effectively facilitate the prosecution of the war. Sales at ceiling or established market prices and sales under § 823.301, need not be delayed for the purpose of soliciting competitive bids.

§ 821.111 *Compliance with OPA and WPB regulations.*

§ 821.111–1 *General.* All actions involving the disposition of property (except transfers or disposals to other Government agencies) made under the authority of Parts 821 to 828, inclusive, or otherwise, shall conform to applicable orders and regulations of the War Production Board and the Office of Price Administration.

§ 821.111–2 *WPB regulations.* Officers responsible for disposal of War Department property may rely upon a representation by the buyer to the effect that the purchase is being made in compliance with all War Production Board regulations affecting the buyer, unless they have knowledge or reason to believe that such representation is false. Such a representation should be incorporated in each written contract of sale.

§ 821.111–3 *Exemptions from OPA price ceilings.* Price ceilings established by the Office of Price Administration do not apply to a sale (other than a sale of food or of a commodity originally purchased solely for the purpose of resale in substantially the same form or for stockpiling) where the sale is:

(a) To another Government agency (§§ 823.307 and 823.308);

(b) To any foreign government or agency thereof;

(c) To a contractor (but not to a subcontractor) for use in carrying out his prime contract with a Government agency (§ 823.301);

(d) To any relief organization for donation or export sale (§ 823.302);

(e) Of a single item or group of items where the sales price estimated to be obtainable for all substantially similar items available for sale at the place of sale does not exceed $300 (§ 827.710);

(f) Of personal property when sold together with an interest in land or buildings in a single transaction;

(g) Of all or substantially all the Government-owned contents of a factory or plant to the owner, lessee, or operator; or to any other single buyer purchasing for use;

(h) Of building installations, facilities, appurtenances, equipment and personal property attached to the land (except standing timber);

(i) Of scrap metal to a dealer in such material purchasing solely for resale, *Provided:*

(1) That the dealer certifies that he is purchasing such material for resale and that in reselling he will not exceed the applicable OPA maximum prices, and

(2) That the seller has no reason to doubt the accuracy of the dealer's certificate.

§ 821.111–4 *Reliance on buyers' certificates.* Unless contracting officers have reason to doubt the accuracy of the certificate hereinafter set forth, they may make any sale (other than of food or of a commodity originally purchased solely for the purpose of resale in substantially the same form or for stockpiling), without verifying OPA ceiling prices, in reliance upon a certificate in the following form executed by the buyer:

> The undersigned hereby certifies that the price paid (to be paid) (to be credited to the Government) for the goods purchased (to be purchased) (to be retained by the undersigned) under (identify contract, bid or quotation) does not exceed one of the following:
>
> (1) The maximum price applicable to purchases by the undersigned, from usual sources of supply, of the goods in the quantity and at the place of delivery specified in such contract (bid, quotation), or
>
> (2) The maximum selling price applicable to sales by the undersigned, in its capacity as a manufacturer, producer or processor of the same goods, disregarding minor differences in specifications or design, in the quantity and at the place of delivery specified in such contract (bid, quotation).

§ 821.111–6 *OPA assistance.* In the event a proposed sale is not exempt from OPA price ceilings (see § 821.111–3), and is not to be made in reliance upon a certificate (see § 821.111–4), contracting officers may call upon the members of the price staff of any OPA office for aid in determining the OPA maximum price, if any, applicable thereto.

§ 821.111–7 *Information obtainable.* If assistance of OPA officials is not available, interested personnel may refer to the terms of OPA Supplementary Order No. 94 for a recital of various exemptions not discussed and various instructions as to methods of determining OPA price ceilings too numerous to set forth in detail in this chapter.

§ 821.111–8 *Liability for violations.* The OPA grants exemption to War Department officials and employees and to contractors making sales in reliance upon certificates, as set forth in § 821.111–4, from any liability for the violation of any OPA maximum price ceilings, unless the seller has reason to doubt the accuracy of such certificates.

§ 821.112 *Federal excise taxes on property sold.* Where property which is subject to Federal excise tax is sold, provisions governing the collection of such taxes found in Subpart F of Part 809 of this chapter will be observed.

§ 821.113 *Contract formalities, including numbering and distribution.* (a) In the case of a sale by the War Department the contract of sale will be executed in substantially the form set forth in § 813.1326 of this chapter or in such other form as may be approved by the Director, Readjustment Division, whenever:

(1) The contract is made under the authority of Part 823; or

(2) The contract is for an amount in excess of $1,000; or

(3) The contract is for an amount in excess of $500 and is not to be performed within 60 days.

In the case of sales by Salvage Officers contracts will be in the form authorized or required by applicable regulations (TM 38–505). All other sales by the War Department shall be evidenced (1) by any such written contract, or (2) on accounting forms now or hereafter prescribed by the chiefs of technical services concerned, subject to the approval of the Fiscal Director, Headquarters, Army Service Forces.

(b) The provisions of §§ 803.309 to 803.309–3, inclusive, and § 803.3109–5 of this chapter relating to the numbering of contracts are applicable to contracts for the sale of property except that in connection with such contracts a separate series of numbers will be used in which the letter "s" will be added immediately after the letters representing the technical service concerned.

(c) Contracts for the sale of property will be distributed in the same manner as other contracts (see Subpart D of Part 803 of this chapter) except that (1) when a sale of War Department property is made under a contract or agreement the officer or agent of the War Department by whom funds are received as a result thereof will, in turning the funds over to a disbursing officer, accompany such remittance with a copy of the contract or agreement covering the terms of the sale; and (2) the original signed number of each unnumbered contract of sale will be forwarded to the General Accounting Office instead of being sent to the disbursing officer, as in the case of unnumbered contracts of purchase.

(d) A copy of each contract of sale of military property the original cost of which exceeded $2,000 will be distributed to the Chairmen of the Military Affairs Committees of the House and Senate within twenty-four hours after the contract has been made.

§ 821.114 *Coordination with Property Officer.* All transfers or disposals of property under authority herein contained must be coordinated with the Property Officer involved for compliance with applicable property accountability regulations.

§ 821.115 *Information as to sales and declarations of War Department property.*

§ 821.115–1 *General policy.* It is the policy of the War Department to have the facts on all public sales of War Department property kept available at the point of sale for public inspection during normal business hours for any proper purpose. The facts on sales to war contractors will likewise be kept available for inspection by the interested parties.

§ 821.115–2 *Furnishing information to periodicals.* When sales are made on written invitations to bid, copies of invitations and information as to awards may be transmitted to periodicals for publicity purposes, or to persons who request invitations for the purpose of advising their clients. In any event, copies of written invitations to bid and information as to awards will be kept available at the point of sale for inspection by representatives of periodicals or other interested parties during normal business hours for any proper purpose.

§ 821.115–3 *Information as to declarations of surplus.* (a) Information as to declarations of surplus property by the War Department, including the reasons why the property became surplus, is a matter of public interest and such information must be made available to the public to the fullest extent practicable.

(b) Under no circumstances will the War Department ask or expect a disposal agency to dispose of property declared surplus by the War Department under any conditions other than normal full publicity.

(c) In those cases where the Readjustment Division, upon the basis of information received from the chiefs of the technical services, considers that proposed declarations of surplus involve substantial or unusual amounts or types of property, Readjustment Division will prepare a statement of the pertinent facts, including the reasons why the property became surplus, which it will process through normal channels for release by the Bureau of Public Relations. Chiefs of technical services will cooperate with Readjustment Division in the preparation of such statements.

§ 821.115–4 *Advance information.* (a) War Department personnel, military and civilian, will refrain from furnishing prospective buyers advance information as to surplus property, and from any other action tending to prefer any buyer or class of buyers over other buyers. Information which may properly be divulged includes such information as that a certain disposal agency has been designated to dispose of particular types of property, that certain property is being offered for sale by a certain disposal agency, or that a salvage officer is currently accepting bids for specified property. Negative information, such as that no property of a type in question has been declared surplus, may also be given.

(b) The foregoing is not to be construed as limiting the provisions of § 821.115–3 above as to furnishing disposal agencies with information on declarations of surplus; or as to the official release of such information through the Bureau of Public Relations. Furnishing information to War Department personnel for use in connection with their official duties is not prohibited.

§ 821.116 *Sales to War Department personnel.* Except as authorized by Part 823 of this subchapter, or by AR 30–2290, AR 700–25, TM–38–505, or other War Department publication, no sales of Government-owned property will be made to any official or employee of the War Department nor any officer, enlisted man, or civilian employee of the Army.

§ 821.117 *Assistance in obtaining surplus property.* War Department personnel, military and civilian, whether or not engaged in surplus property activities, will not render assistance to individuals in obtaining surplus property, except (a) such assistance as is incident to making authorized War Department sales or to the disposal of contractor inventory and (b) such assistance as is involved in making proper response to inquiries, as provided in § 821.115–4 (a) above.

§ 821.118 *Chief of Staff certificate.* The authority granted under Parts 821 to 828, inclusive, may be exercised without first obtaining from the Chief of Staff a certificate under the act of June 28, 1940, Title I, section 14a (54 Stat. 681, 10 U.S.C. 1262A).

PART 823 — DISPOSITION OF PERSONAL PROPERTY FOR PURPOSES DIRECTLY RELATED TO THE PROSECUTION OF THE WAR

Sec.

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823.391 Machine tool pricing policy

§ 823.300 *Scope of part.* (a) This part relates to the disposition of property for direct military use, for war production, and for other purposes related to the prosecution of the war. Such disposition may be made of both military and non-military property, without regard to its serviceability or state of supply.

§ 823.301 *Sales to contractors.*

§ 823.301–1 *Sale to war contractors.* The chiefs of the technical services are authorized, when it is determined by them that such action will facilitate the prosecution of the war, to make contracts by negotiation for the sale of, and to sell to manufacturers and suppliers of war contractors, and to employees of the Government engaged in war production, any machine tool equipment, processing equipment, uniforms, safety clothing and equipment, plant protective clothing and other special articles necessary to persons employed in or otherwise connected with war industries or establishments, manufacturing aids, raw materials, manufactured materials or other materials or facilities presently owned or hereafter acquired by the Government. Such sales, however, shall be made only for the purpose of facilitating the performance of war contracts or war production. Sales to war contractors ordinarily will be made for cash. However, property (except non-repairable property) may be sold to war contractors on credit not exceeding sixty days. Contracts executed in accordance with this paragraph will recite that they are entered into pursuant to the First War Powers Act and Executive Order 9001.

§ 823.301–2 *Pricing policy.* (a) Subject to paragraph (b) below, sales under § 823.301–1 will be made at prices that are fair and reasonable, having due regard for the circumstances of the sale and the nature, condition, quantity, and location of the property.

(b) Sales under § 823.301–1 of all used standard general-purpose machine tools and all used standard machines covered by the following standard commodity classification numbers (excluding special machines), will be made at prices determined in accordance with Surplus War Property Administration Regulation No. 3 and Surplus Property Board Special Order No. 2 (see §§ 823.391–1 and 823.391–2):

Major Group 34, Code 34—40.000 to, but not including, 47.000.
Major Group 34, Code 34—49.000 to, but not including, 70.000.
Major Group 34, Code 34—74.000 to, but not including, 74.900.
Major Group 33, Code 33—6300 through 6620, inclusive.
Major Group 33, Code 33—6800.
Major Group 33, Code 33—6910.
Major Group 33, Code 33—6920.
Major Group 33, Code 33—7210.
Major Group 33, Code 33—7220.
Major Group 33, Code 33—7260.

§ 823.301c *Review of sale.* (a) Sales made in accordance with § 823.301–2 (b),

and sales made to a cost-plus-a-fixed-fee contractor for the account of the Government may be made without review by a Disposal Board. All other sales under § 823.301 will be subject to prior review and approval of a Disposal Board in all cases where the cost (estimated if not known) of the property to be disposed of in the sale:

(1) Exceeds $100,000 and it is proposed to sell below such cost, less freight and handling charges; or

(2) Exceeds $10,000 and it is proposed to sell at more than 50% below such cost, less freight and handling charges.

(b) The chief of a technical service may require or permit review by Disposal Boards established pursuant to § 821.106 where the cost (estimated if not known) of the property to be disposed of exceeds $500,000 and it is proposed to sell at more than 25 percent below such cost.

§ 823.302 *Sales to Red Cross and U. S. O.* The chiefs of the technical services are authorized to make contracts by negotiation and to sell to the Red Cross and the United Service Organization any military, subsistence, or other supplies or property which the chief of the technical service finds is needed by such institution in connection with its activities with the Army: *Provided*, That no such sale of military property will be made without the prior approval of the Commanding General, Army Service Forces (Requirements and Stock Control Division), or in the case of the Army Air Forces property, the Commanding General, Army Air Forces, or his delegate or delegates. All such contracts will recite that they are entered into pursuant to the First War Powers Act and Executive Order No. 9001.

§ 823.303 *Other sales in aid of war production.*

§ 823.303a *Aircraft and related property.* The Commanding General, Army Air Forces, is authorized to effect sales of aircraft and related property whenever it is determined by him that such sales are incident to war production or to the rendition of services which facilitate war production: *Provided*, That such sales are made in accordance with allocations or assignments of the Munitions Assignment Board or the Joint Munitions Allocations Committee or its subcommittee, Joint Allocation (Air).

§ 823.303–2 *Other property.* The chiefs of technical services are authorized to effect sales other than those authorized by §§ 823.301, 823.302, or 823.303–1, whenever it is determined by them that such sales are incident to war production or to the rendition of services which facilitate war production: *Provided*, That such determination is approved by the Director, Readjustment Division, Headquarters, Army Service Forces.

§ 823.303–3 *Pricing policy and review.* Sales under §§ 823.303 to 823.303–3, inclusive, will be made in accordance with the pricing policy established by § 823.301. Such sales will be subject to prior review and approval by a Disposal Board to the same extent as is required by § 823.301–3 for sales made under § 823.301.

§ 823.304 *Leases.* Under the First War Powers Act, 1941, and Executive Order No. 9001, and section 1 of the act of July 2, 1940 (Public No. 703, 76th Congress) as continued in effect by section 13 of the Act of June 5, 1942 (Public No. 580, 77th Congress), the chiefs of the technical services are authorized, when it is determined by them that such action will facilitate the prosecution of the war:

(a) To include in supply contracts the Government-Owned Facilities article prescribed in § 803.332 of this chapter, subject to the regulations set forth as notes to § 803.332 and to other applicable sections of this chapter (see Part 810 for approvals of higher authority which must be obtained in certain cases);

(b) To enter into separate lease agreements (i. e., agreements not made part of supply contracts), as authorized by Part 810 of this chapter.

§ 823.305 *Leases under other statutes.* Authority for the execution of lease agreements may be found in certain statutes other than those mentioned in § 823.304. See AR 850–30 for the terms of those statutes.

§ 823.306 *Disposition by contractors.* (a) The chiefs of the technical services are authorized, when it is determined by them that insertion of such provision will facilitate the prosecution of the war or is necessary to carry out the purposes specified in section 1 of the act of July 2, 1940 (Public Law 703, 76th Congress, 54 Stat. 712), to insert in cost-plus-a-fixed-fee contracts and subcontracts heretofore or hereafter executed, the clause set forth in § 803.363 of this chapter, and any property may be disposed of by contractors pursuant to such clause.

(b) Sales pursuant to the clause set forth in § 803.363 of this chapter ordinarily will be made for cash. However, a contractor may sell property (except nonrepairable property) on credit, not exceeding 60 days, at the risk of the Government, if the approval of the contracting officer is first obtained. Such authorization to sell on credit shall be subject to the condition that the contracting officer obtain in advance from the contractor an assignment or a written agreement to assign to the Government at any time on the request of the contracting officer, but in any event before approval of the final voucher of the contract, all the contractor's right, title and interest in claims against buyers arising out of such sale.

§ 823.307 *Transfer to other Government agencies.*

§ 823.307–1 *Authority.* Any property not declared surplus may, upon requisition of another Federal agency, be transferred to such agency by direction of the chief of technical service having control thereof: *Provided*, That military property of Army Service Forces in normal state of supply (not excess or surplus) may be so transferred only with the approval of the Commanding General, Army Service Forces (Requirements and Stock Control Division).

§ 823.307–2 *Transfer without reimbursement under certain statutes.* When transfers are made to the Navy Department (10 U.S.C. 1274), or to the Veterans Administration upon written request stating that the property is needed for authorized hospital care for veterans (Title 1, P.L. 346, 78th Cong.), or when transfers or loans are made to the Administrator of Civil Aeronautics upon his written request stating that the property will be used in carrying out the purposes of the Civilian Pilot Training Act of 1939 as amended (49 U.S.C. 756), or when aircraft is being acquired for replacement purposes by the Civil Aeronautics Administration (Title III, P.L. 61, 79th Congress), they will be effected without reimbursement of, or transfer or allotment of funds to, the transferor by the transferee for the cost of the property or of packaging, handling and shipment thereof, unless the property is procured by the transferee for the transferee

(a) By assignment of sole purchase responsibility, or

(b) Under procurement pooling arrangements, or

(c) Under any arrangement for procurement by the transferor expressly upon the prior requisition of the transferee.

§ 823.307–3 *Transfers with reimbursement under the Economy Act.* Transfers to the Navy Department or the Administrator of Civil Aeronautics or the Veterans Administration except those authorized to be made without reimbursement under § 823.307–2, and transfers to all other Government agencies, will be made pursuant to section 7 (a) of the act of May 21, 1920, as amended (31 U.S.C. 686; see § 806.612 of this chapter for the pertinent portions of this Act) with reimbursement of, or transfer or allotment of funds to, the transferor by the transferee for the cost of the property, and of packaging, handling and shipping thereof.

§ 823.308 *Redistribution to other supply components.*

§ 823.308–1 *Authority.* Any property not declared surplus may be redistributed to any supply component for any authorized use by direction of the chief of technical service having control thereof: *Provided*, That military property of Army Service Forces in normal state of supply (not excess or surplus) may be so redistributed only with the approval of the Commanding General, Army Service Forces (Requirements and Stock Control Division).

§ 823.308–2 *Redistribution with reimbursement.* Such redistribution will be effected with reimbursement of, or transfer or allotment of funds to, the transferor by the transferee for the cost of the property and of packaging, handling and shipment thereof, when:

(a) The property is transferred to the transferee for use in connection with civil functions administered by the War Department; or

(b) The property is procured by the transferor for the transferee:

(1) By assignment of sole purchase responsibility, or

(2) Under procurement pooling arrangements, or

(3) Under any arrangement for procurement by the transferor expressly upon the prior requisition of the transferee.

§ 823.308–3 *Redistribution without reimbursement.* Such redistribution will be effected without reimbursement of, or transfer or allotment of funds to, the transferor by the transferee for the cost of the property or of packaging, handling or shipment thereof, when made under circumstances other than those set forth in § 823.308–2.

§ 821.313 *Procedure for transfers and redistributions.*

§ 821.313–1 *Without reimbursement.* Officers authorized to transfer or redistribute, or to direct the transfer or redistribution of property without reimbursement under §§ 823.307 and 823.308 will prepare written orders listing in detail the property to be transferred or redistributed, copies of which will be furnished to the Accountable Property Officer and the receiving officers. Such orders will contain a request that the authority directing the transfer be advised of any discrepancies between the order and the property shipped or received. Any discrepancies incident to shipment will be adjusted in accordance with TM 14–904. A copy of such orders will be used as a valid debit or credit voucher to property accounts. It will not be necessary to list for fiscal or property account purposes dollar value of property transferred or redistributed without reimbursement.

§ 823.313–2 *With reimbursement.* Transfers or redistributions of property with reimbursement under §§ 823.307 and 823.308 will require the use of the standard Vendor's Shipping Document (see ASF Manual M–410), or its equivalent, modified as necessary. In addition to the copies required for standard property account purposes, six copies of the document will be prepared, each of which will be marked "Reimbursement Required." Five copies of the document will be furnished to the fiscal officer of the designated billing office and one copy will be furnished to the appropriate property audit office charged with property audits of the shipping office. The fiscal officer will verify prices shown on the documents or will enter prices on all such documents where none have previously been shown. The fiscal officer will sign and return one copy to the initiating property officer as an indication of receipt of the documents. Such receipted copies will be used by the Accountable Property Officer as a credit voucher to his account. Any discrepancies incident to shipment will require action prescribed in TM 14–904.

§ 823.314 *Gifts and loans of drawings and other property.* (a) The chiefs of the technical services are authorized, without further approval, to give or lend drawings, manufacturing and other information and samples of supplies and equipment to be manufactured or furnished, to contractors and private firms which are or may likely be manufacturers or furnishers of supplies and equipment for the use of the War Department under approved production plans.

(b) Whenever they determine that such action will facilitate the prosecution of the war, the chiefs of technical services are authorized to give or lend, by appropriate written agreement reciting such determination, to organizations engaged in experimental research, testing, or developing, such items and any other material, supplies or equipments for use in connection therewith, provided that if in the case of a gift the estimated value of the property in question exceeds $1,000, or, in the case of a loan, $50,000, the approval of the Director, Readjustment Division, Headquarters, Army Service Forces, will first be obtained.

(c) The Commanding General, Army Air Forces, whenever he determines that such action will facilitate the prosecution of the war, may authorize the transfer, loan, bailment or lease, by appropriate written agreement reciting such determination, of aircraft, aircraft engines, or aircraft equipment or materiel, without limitation as to the value thereof, to Army Air Forces contractors for the purpose of experimental research, testing or development, training of contractor's personnel, or urgent transportation requirements of such contractors in connection with the performance of their war contracts.

§ 823.3150 *Exchange of property.* The chiefs of technical services are authorized to make any exchanges of property with suppliers which are authorized by the following statutes: 39 Stat. 635, 10 U.S.C. 1271 (sewing and labor saving machinery, vehicles, band instruments); 53 Stat. 739, 10 U.S.C. 1271 (a) (manufacturing and repairing machines and tools, Ordnance matériel); 40 Stat. 43, 849, 10 U.S.C. 1272 (motor propelled vehicles, aeroplanes, engines, and parts thereof); 38 Stat. 1064, 10 U.S.C. 1273 (typewriters and adding machines by Signal Corps); 38 Stat. 1161, 41 U.S.C. 26 (typewriters and adding machines); 50 Stat. 64, 5 U.S.C. 118d (refrigerators; temperature control devices, watchmen's clocks); 44 Stat. 630, 10 U.S.C. 1209, 1210 (deteriorated and unserviceable ammunition and components); Act of July 2, 1940, Public 703, 76th Congress, as extended, 50 U.S.C. War, Appendix, section 1171 (Exchange of deteriorated, unserviceable, obsolescent, or surplus military equipment, munitions, and supplies for other military equipment, munitions and supplies of which there is a shortage); section 203 of the act approved June 26, 1943, Public Law 90, 78th Congress, and section 203 of the act approved June 27, 1944, Public Law 358, 78th Congress and section 204 of the act approved May 3, 1945, Public Law 49, 79th Congress, 5 U.S.C. 118d–1 (vehicles; road, agricultural, manufacturing, or laboratory equipment; boats; parts, accessories, tires, or equipment thereof).

Any other exchanges will be submitted for the approval of the Director, Readjustment Division.

§ 823.316 *Donations to schools engaged in pre-induction or aeronautical industrial training.* Under the authority conferred upon the Secretary of War by the act of May 26, 1928 (45 Stat. 753, 20 U.S.C. 94) and the act of February 28, 1936 (49 Stat. 1147, 10 U.S.C. 1258), the chiefs of the technical services have been authorized to donate property of the classes specified in paragraph (d) to educational institutions under the following conditions:

(a) To be eligible for donations, an institution must:

(1) Be operated by a State or political subdivision thereof, or must be certified by a State department of education, State board for vocational education, or a similar State authority responsible for the supervision of education, to be an institution not operated for profit and having a standard curriculum in the fields for which it offers training;

(2) Provide a regular course of instruction which will require the use of the property;

(3) Use the property in a pre-induction training program recommended by the Director of Military Training, Army Service Forces or an aeronautical industrial training program recommended by the Assistant Chief, Air Staff, Personnel, Headquarters, Army Air Forces; and

(4) Provide adequate facilities to maintain the property.

(b) Requests for the donation of property to educational institutions will be forwarded, in the case of property to be used in pre-induction training, to the comanding general of the service command in which the institution is located (attention: Pre-induction Training Officer) and, in the case of property to be used in aeronautical industrial training, to the commanding general of the area air technical service command in which the institution is located. The commanding general of the service command or the area air technical service command may approve the request if he determines that:

(1) All efforts to supply the property from salvage have been exhausted;

(2) The request is reasonable and proper in view of the training to be given; and

(3) The institution meets the standards set forth in paragraph (a) above.

(c) If the commanding general of the service command or the area air technical service command approves the request, he shall prepare the specific findings required by paragraph (b) above and shall forward them, together with his recommendation, to the chief of the technical service having control of the property to be donated (attention: Redistribution and Salvage Officer), when such property is to be donated by the Army Service Forces, and to the Director, Air Technical Service Command, Wright Field, Ohio, when such property is to be donated by the Army Air Forces. The chief of the technical service or the Director, Air Technical Service Command, if the request is approved by him, will direct the appropriate installations to ship the property to the educational institution concerned and will include in such direction a citation of this section.

(d) The following property may be donated under the authority of this section:

(1) Obsolete or excess machinery, mechanical equipment and tools;

(2) Aircraft, aircraft parts, instruments or engines which are obsolete or

impaired to the extent that repair would not be economical.

However, under no circumstances will any donation be made which will result in current procurement to replace the property donated, nor will property be considered available for donation after it has been reported as surplus to a Disposal Agency. Aircraft, aircraft parts, instruments or engines will be donated only upon the execution of an agreement by the donee that the property donated will not be used in actual flying.

(c) No property will be shipped until receipt of payment by the donee of all expenses necessary for packing, handling and delivery to the carrier. Property shipped by carrier will be on commercial bill of lading with transportation charges collect. Copies of shipping documents listing the property supported by shipping directions described in paragraph (c) above will constitute valid credit vouchers to the property accounts. No further accounting for the property will be required. Two lists of the property donated will be forwarded to the commanding general of the service command or the area air technical service command who recommended the donation.

§ 823.317 *Sales to contractors for return in kind.* (a) The chiefs of technical services are authorized to sell property from War Department stocks to prime contractors for the purpose of maintaining or expediting production, under agreements by such contractors to replace the items delivered with identical articles procured by the contractors or to make payment therefor, in the form prescribed in this section. Property from War Department stocks will be made available to prime contractors under the authority of this section only when the property is needed by the contractor to maintain or expedite the production rate under the prime contract, and when the contractor has outstanding subcontracts for the acquisition of identical articles which can be used to replace the War Department stock. The property sold to a contractor under the authority of this section will not exceed in estimated value an amount equal to 5% of the total amount of the principal contract.

(b) The following procedure will be followed in making property available to contractors under the authority of this section:

(1) Requests for the delivery of property under this section will be addressed to the chief of the technical service or his delegate, and signed by the contracting officer for the contract involved. The request will state the specific quantity or number of articles desired, and will give technical service number and nomenclature, and will specify the time within which the articles will be replaced. The request will also state fully the reasons and circumstances under which the request is made.

(2) The chief of technical service will notify the contracting officer of the approval or disapproval of the request, and will advise him of the depot from which the property will be delivered, if the request is approved. The chief of the technical service will direct the depot from which the property is to be delivered to make delivery to the contractor, upon receipt of notice from the contracting officer as provided in subparagraph (5) below. The instructions to the depot will require that a special property record be maintained for each such transaction, and that the depot arrange for adequate inspection of the property at the time of its delivery at the contractor's plant, and for inspection of the replacement items upon their delivery to the War Department by the contractor.

(3) Upon approval by the chief of technical service, the contracting officer will arrange with the contractor for the execution of a supplemental agreement in the following form, which agreement will recite that it is executed pursuant to the First War Powers Act and Executive Order No. 9001:

Article ... In consideration of the sale and delivery by the United States to the contractor of the articles listed on Exhibit A, the contractor agrees:

(1) to replace said articles by delivery to the United States of identical articles at the place or places designated by the contracting officer on or before ---------- (or
(date)

(2) failing the replacement of said articles on said date, to pay to the United States an amount to be determined by the contracting officer, which will include the cost to the government of the articles, and all packing, handling and other costs;

(3) that said articles will be used by the contractor only for the performance of the contract; and

(4) that the amount of $---------- shall be withheld by the United States until said articles are replaced or the value thereof determined by the contracting officer in accordance with this agreement;

(5) that if an advance payment is outstanding under the prime contract, the advance payment lien shall attach to the said articles listed in Exhibit A, and any amounts to be withheld, as provided in (4) above, shall be withheld only from amounts remaining due after the deduction of liquidation payments required by the advance payment article.

(4) The contracting officer will specify an amount, not exceeding 5% of the total amount of the principal contract, to be withheld which in his opinion is adequate to cover the cost to the government of the articles to be delivered to the contractor.

(5) Upon the execution of such supplemental agreement, the contracting officer will (i) promptly transmit a copy thereof to the finance officer, with a request that the specified amount be withheld until receipt of notice of replacement or instructions to make a final deduction, and (ii) notify the Depot Supply Officer that he is authorized to deliver the articles.

(6) Three copies of the shipping document covering the property delivered to the contractor will be forwarded by the depot to the contracting officer. Two copies will be signed by the contractor acknowledging receipt of the property. One copy will be retained by the contracting officer and the other forwarded to the Depot Supply Officer. The third copy will be retained by the contractor.

(7) The following notation will be typed on the shipping document and signed by the contractor:

Receipt from the United States Government of the property listed hereon for use on Contract No. ---------- is hereby acknowledged. It is agreed that replacement of this property will be made in kind on or before ---------- (date) or payment made therefor in accordance with said contract.

---------- ----------
(date) (signature of the contractor)

(8) The Depot Supply Officer will notify the contracting officer when the replacement has been made and accepted, and the contracting officer will transmit such notice to the finance officer.

(9) If the property is not replaced in kind by the contractor on or before the date specified in the supplemental agreement, the Depot Supply Officer will report such fact to the contracting officer who will take action to obtain the replacement of the property or will notify the finance officer of the amount payable to the government under the agreement, advising the Depot Supply Officer of the completed action. In the event of payment by the contractor in lieu of replacement, the written advice of the contracting officer to the Depot Supply Officer that settlement has been effected will constitute a valid credit voucher to the Depot Supply Officer's property account.

§ 823.318 *Miscellaneous dispositions under Army Regulations.* The chiefs of the technical services are authorized to sell or otherwise dispose of any property not determined to be surplus, in accordance with AR 30-2280 (Sales of Ice), AR 30-2290 (Sales of Quartermaster supplies and services) AR's. 45-75 and 45-80 (Sales and disposition of Ordnance Property), AR 500-60 (Sales and dispositions for Disaster Relief) and AR 850-100 (Issues for Promotion of Rifle Practice). Property determined to be surplus will be disposed of only in accordance with Part 827 of this subchapter.

§ 823.391 *Machine tool pricing policy.*

§ 823.391-1 *Surplus War Property Administration; Regulation No. 3.* On August 9, 1944, the Administrator of the Surplus War Property Administration issued Regulation No. 3, the text of which is as follows:

STANDARD GENERAL-PURPOSE MACHINE TOOLS

PRICING POLICY FOR SALE BY FFC

Scope of regulation. By Regulation No. 1, Reconstruction Finance Corporation was designated as the disposal agency for surplus war property of the type generally described as capital and producers' goods. Property so assigned includes machine tools.

The purpose of this regulation is to establish a pricing policy for the sale by Reconstruction Finance Corporation of standard general-purpose machine tools which have been used and which it has available for disposal as surplus.

The policy has been established on a fixed price basis so that prospective purchasers will be able to make current plans with reasonable certainty involving the purchase of surplus machine tools. The prices fixed are based on the original price of the machine tool at the plant of its manufacture, depreciated over the period of its active use by rates which take into account, among other things, the usage which most such tools are undergoing in war production.

This regulation does not apply to special types of machine tools or to other production equipment.

This regulation shall become effective August 15, 1944. It is recommended that any arrangements made prior to that date for the sale of used standard general-purpose machine tools at prices differing from those set forth herein, be revised to conform to the prices herein set forth if they have not theretofore become contractually binding.

While this regulation applies only to sales of surplus machine tools, the Administration has been advised by the principal owning agencies that, in such sales of machine tools which have not been declared surplus as may be made by them, they intend to adhere to the prices herein set forth.

Definitions. "Standard general-purpose machine tools" are machine tools being currently produced and are types used in civilian production; they consist of those listed in the Standard Commodity Classification, Vol. I, Major Group 34, Code Number 34 11000 to 34 19900, inclusive, with the exception of Special Machine Tools designed for and used exclusively in the production of war material, such as:

Special gun reaming, rifling and chambering machines
Gun boring and turning lathes
Shell turning lathes
Shell tappers
Small arms ammunition machinery
Special military tank manufacturing machine tools
Special aircraft manufacturing machine tools
Special shipbuilding machine tools
Other special war production machine tools

Price policy. All sales of used standard general purpose machine tools, which have been declared surplus to Reconstruction Finance Corporation as disposal agency, shall be made at prices computed as follows, provided that all sales shall be made in conformity with all applicable War Production Board and Office of Price Administration regulations:

(1) The original price of the manufacturer of the machine tool, inclusive of electric equipment and standard accessories, shall be computed f. o. b. the plant of such manufacturer. If special tooling is to be sold with the machine tool, its original price shall be included, on the same basis.

(2) The period of active use of the machine tool shall be computed on the basis of the best information reasonably available. This period shall run from the estimated date the machine tool was originally put in use to the date of sale, if the machine tool is then still in use. If the machine tool is not in use at the time of sale, the period shall run to the estimated date when the machine tool became idle.

(3) The price computed pursuant to paragraph (1) above shall be used as a base. The price at which machine tool shall be offered for sale shall be computed by applying to that base the percentage appearing in Exhibit I to this regulation opposite the period of active use of the machine tool computed pursuant to paragraph (2) above. The percentage appearing in column B of Exhibit I shall be applied where the buyer is the person who is using the machine tool at the time of sale or, if the machine tool is then idle, the person who last used it, and the percentage appearing in column A shall be applied where the sale is to any other buyer.

(4) The price computed pursuant to paragraph (3) above shall be the sale price f. o. b. cars or trucks at the location of the machine at the time of sale.

(Signed) W. L. Clayton,
W. L. Clayton,
Administrator.

EXHIBIT I

Period of active use	A	B
	Percent	*Percent*
Less than 1 month	85.0	90.0
1 month	82.5	87.5
2 months	80.0	85.0
3 months	77.5	82.5
4 months	75.0	80.0
5 months	72.5	77.5
6 months	70.0	75.0
7 months	69.0	74.0
8 months	68.0	73.0
9 months	67.0	72.0
10 months	66.0	71.0
11 months	65.2	70.2
12 months	64.4	69.4
13 months	63.6	68.6
14 months	62.8	67.8
15 months	62.0	67.0
16 months	61.2	66.2
17 months	60.4	65.4
18 months	59.6	64.6
19 months	58.8	63.8
20 months	58.0	63.0
21 months	57.2	62.2
22 months	56.4	61.4
23 months	55.6	60.6
24 months	54.8	59.8
25 months	54.0	59.0
26 months	53.2	58.2
27 months	52.4	57.4
28 months	51.6	56.6
29 months	50.8	55.8
30 months	50.0	55.0
31 months	49.2	54.2
32 months	48.4	53.4
33 months	47.6	52.6
34 months	46.8	51.8
35 months	46.0	51.0
36 months (or more)	45.2	50.2

§ 823.391-2 *Surplus Property Board; Special Order No. 2.* On April 11, 1945, the Administrator of the Surplus Property Board issued Special Order No. 2, the text of which is as follows:

MACHINE TOOL PRICING POLICY

The purpose of this special order is to make certain administrative determinations relative to the machine tool price policy contained in Regulation No. 3 of the Surplus War Property Administration (9 F.R. 9870). That regulation provides that used standard general-purpose machine tools shall be sold at specified percentages of the manufacturer's original sales price. These percentages, as set forth in the schedule annexed to the regulation, decrease with each month of active use, up to 36 months. At that point the schedule ends with the percentage of 45.2 of original cost, and all tools that have been in active use for more than 36 months are sold at the same percentage (45.2) of the manufacturer's original sales price.

This special order is designed to facilitate the administration of the foregoing price policy. The order permits the disposal agency at its election, to use the March 1, 1941 price of the nearest equivalent new machine tool, as the base price for machine tools manufactured before March 1, 1941.

The order also permits the disposal agency to sell machine tools manufactured prior to January 1, 1936 at current market prices, even if those prices are below the 45.2% minimum specified in the foregoing regulation.

Pursuant to the authority of the Surplus Property Act of 1944 (Pub. Law 457, 78th Congress, 2d Sess.; 58 Stat. 765), It is hereby ordered, That, in applying the provisions of Regulation No. 3 of the Surplus War Property Administration (9 F.R. 9870) relating to the sale of used standard general-purpose machine tools, the Reconstruction Finance Corporation may:

1. Use as an alternative base price for any machine tool manufactured prior to March 1, 1941, the March 1, 1941 price of the nearest equivalent new machine tool, and

2. Sell any such machine tool manufactured prior to January 1, 1936, at current market prices but not in excess of the applicable prices determined in accordance with SWPA Regulation No. 3, and this Special Order No. 2.

This order shall become effective upon publication in the FEDERAL REGISTER.

SURPLUS PROPERTY BOARD,
A. E. HOWSE,
Administrator.

PART 824—DISPOSITION OF NON-REPAIRABLE PERSONAL PROPERTY

Sec.
824.400 Scope of part.
824.401 Non-military property other than current production scrap.
824.402 Current production scrap.
824.404 Non-military property not certified under § 824.401.
824.405 Designation of salvage officer.
824.406 Disposal of salvage.
824.407 Donations to Veterans' organizations, museums and municipal corporations.

§ 824.400 *Scope of part.* This part provides the authority and procedures for determining certain non-military property as non-repairable and for the disposal of non-repairable non-military property and current production scrap. It does not pertain to the classification of military property as non-repairable, which is covered by AR 35-6640 and War Department Circular No. 7, 1944, and current revisions thereof, or to the disposal of non-repairable military property, or post, camp and station salvage, which is covered by AR 700-25 and TM 38-505.

§ 824.401 *Non-military property other than current production scrap.* (a) Government-owned non-military property other than current production scrap may be classified as non-repairable by the submission of a list of the property involved to an authorized officer and the execution thereon by such officer of the following certificate:

It is my opinion that the property listed hereon is (include (1) or (2), whichever is appropriate):

(1) Used or damaged beyond economic repair;

(2) Obsolete or so specialized in design or otherwise of such a nature that it has no reasonable use except as scrap;

and is therefore properly classified as non-repairable non-military property in accordance with the provisions of Procurement Regulation No. 7, and that its condition is not due to fault or neglect.

Where the property is new but nevertheless properly classified as non-repairable (i. e., scrap), as will be the case with many obsolete items and items of work in process, the phrase following the last comma may be omitted.

The certifying officer will inspect the property or require the submission of such statement of fact and report of inspection as he deems necessary as a basis for the execution of the certificate.

(b) Property so certified, except property in the possession of a contractor, will be turned over to a salvage officer for disposal.

(c) A copy of the list with the certificate will be furnished to the accountable property officer. In cases where property is shipped to a salvage officer, a copy of the shipping document, supported by such certified list and evidence of shipment in the manner prescribed in § 827.726, will constitute a valid credit voucher to the property account. When the property is turned over to a local salvage officer, the salvage officer's acknowledgment of receipt of the property on the list with the certificate will be considered a valid credit voucher to the property account.

(d) Non-repairable property in the possession of a contractor may be either (1) sold or retained by the contractor pursuant to the contract clause set forth in § 803.363 of this chapter, (2) sold by the contracting officer to the contractor, or (3) sold by the contracting officer or local salvage officer to a third party, or (4) physically transferred to a salvage officer at another station for disposal. In any case, the contracting officer will furnish the accountable property officer with a written order listing the property and directing transfer to a salvage officer or approving the sale, and the certificate prescribed in paragraph (a), above, will not be required. If there is any question as to the liability of the contractor for the condition of the property, the contracting officer will furnish written advice to the accountable property officer, as prescribed in paragraph 103 of TM 14-910 and paragraph 80 of TM 14-911, respectively. If the property is disposed of under (1), (2), or (3), it is required to be accounted for under the provisions of War Department Technical Manuals 14-910, "Manual for Cost-Plus-a-Fixed-Fee Supply Contracts" or 14-911, "Accounting for Government Property Furnished Under Fixed Price Contracts." If the property is disposed of under (4) evidence of disposition as prescribed in paragraph (c) above is required.

(e) Non-repairable property will not be mutilated except when such mutilation is required for reasons of security or safety.

§ 824.401–1 *Review and approval of classification of property as non-repairable.* Government-owned non-military property (other than that worn out through fair wear and tear) will not be classified as non-repairable property under § 824.401 without the prior review and approval of a local disposal board if the cost (estimated if not known) of the property so classified exceeds $25,000. Property will not be subdivided for the purpose of avoiding this limitation.

§ 824.401–2 *Review at chief of service level.* Disposal boards established pursuant to § 821.106 may review classification of Government-owned non-repairable property under § 824.401, where the cost of such property (estimated if not known) exceeds $500,000.

§ 824.402 *Current production scrap.* Current production scrap, other than that disposed of by cost-plus-a-fixed-fee contractor under contract provisions, will be turned over to a salvage officer, without the certification required under § 824.401. For the purpose of Parts 821 to 828, inclusive, current production scrap is industrial scrap resulting from the fabricating or processing of raw materials (such as chips, cuttings, borings, and short ends of ferrous and non-ferrous metals, clippings and cuttings from wool and cotton fabric, residues from chemicals and plastics, rubber and treated fabric offal, glass, paper and lumber offal, damaged and unsuitable packing materials and containers).

§ 824.404 *Non-military property not certified under § 824.401.* Non-military property which cannot be certified under § 824.401 may be classified as non-repairable and turned over to a salvage officer in accordance with the provisions of AR 35-6040, and War Department Circular No. 7, 1944, and current revisions thereof.

§ 824.405 *Designation of salvage officer.* Chiefs of technical services may designate the salvage officer to receive and dispose of non-repairable non-military property.

§ 824.406 *Disposal of salvage.* All property sold by contracting officers or salvage officers, or turned over to salvage officers, in accordance with this part will be disposed of in accordance with AR 700-25 and TM 38-505.

§ 824.407 *Donations to veterans' organizations, museums, and municipal corporations.* (a) The chiefs of the technical services are authorized to donate to soldier's monument associations, posts of the Grand Army of the Republic, posts of the Veterans of Foreign Wars of the United States, posts of the American Legion and other recognized war veterans' associations, state museums, and incorporated museums operated and maintained for educational purposes only, whose charters deny them the right to operate for profit, municipal corporation, and posts of The Sons of Veterans Reserve, including those organizations or institutions which contributed matériel in the early scrap drives, any items of surplus combat matériel which they are authorized to demilitarize under current War Department procedures. (See WD Circular No. 183, 1945, and ASF Manual M419). Donations made pursuant to this authority will be with such demilitarization as is consistent with the use of the property. Items of captured enemy matériel will not be donated under the authority of this section.

(b) The authority granted in this section cannot be redelegated by the chiefs of the technical services, and in the case of the Army Air Forces cannot be redelegated beyond the headquarters office of a command.

(c) Donations to any one organization will be limited in the case of rifles for ceremonial purposes to not more than ten and in the case of other items to such amounts as the chief of the technical service determines is reasonably required. Requests for amounts considered to be excessive may be referred to the Director, Readjustment Division.

(d) Each donee shall be required to file with the chief of the technical service effecting donation a certificate stating that the property is being acquired for the donee's own use and if the property is at any time disposed of by the donee it will be disposed of only as scrap and then only after it shall have been rendered completely unfit and useless except for its basic material content.

(e) Donations of property under this Regulation shall be without expense to the Government for packing, handling or transportation. Property shipped by carrier will be on commercial bill of lading with transportation charges collect.

(f) Copies of shipping documents listing the property supported by evidence of shipment in the manner prescribed in § 827.726, or a receipt by the donee, together with a copy of the authorization of the donation from the chief of the technical service will constitute a valid credit voucher to the property account and no further accounting for the property is required.

PART 826—DISPOSITION OF SERVICEABLE NON-MILITARY PERSONAL PROPERTY

Sec

826.600 Scope of part.
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826.604 Deviation from procedures.

SUBPART A—PRODUCTION AND UTILITY EQUIPMENT

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SUBPART C—OTHER NON-MILITARY PERSONAL PROPERTY

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826.632 Stockpile materials.
826.633 Determination of surplus.
826.691 Excess Non-Military Property Record.
826.692 Principal Field Procurement Offices of the technical services.
826.693 Stockpile materials.

§ 826.600 *Scope of part.* This part provides authority and procedures for the disposition of excess serviceable non-military property and for the release of War Department sponsorship of equipment owned by Office of Defense Plants (formerly Defense Plant Corporation). This part does not relate to:

(a) The disposition of contractor inventory (except to the extent that production and utility equipment may be subjected to the procedures provided in Subpart A of this part), which is covered by Subchapter C of this chapter.

(b) The disposal of surplus property, which is covered by Part 827.

§ 826.601 *War Department policy.* Basic War Department policy as stated in § 821.103 for all types of property applies equally to non-military property.

§ 826.602 *Determination of excess.*

§ 826.602–1 *Review of stocks.* (a) Chiefs of technical services will require a review of stocks by each installation under their jurisdiction having accountability for non-military property not less frequently than once a month for determination of excesses.

(b) Production and utility equipment and construction equipment will be determined excess when it becomes idle (that is, when it is no longer required for war purposes by the war contractor in possession or by the War Department industrial installation or construction activity in connection with which it was being used), unless there is a definite, foreseeable need for the item in connection with the prosecution of the war, or unless the item has been selected for current modernization of the permanent military establishment. Efforts should be made to consolidate production on as few items of production equipment as possible consistent with production efficiency, in order to make other items available for other war uses or declaration as surplus.

(c) Non-military property other than production and utility equipment and construction equipment will be determined excess when the stock on hand exceeds the established stock level at the plant or installation involved. Established stock levels will conform to applicable industrial inventory regulations of the War Production Board. Determination of excess Government furnished equipment and Government freesistie material may be made at the stock-control point established within a technical service for such property, instead of at the plant or installation level, in those cases where stock control points have been established for such property above the plant or installation level.

§ 826.602–2 *Records of excess.* Chiefs of technical services will require each installation under their jurisdiction having accountability for non-military property to maintain records of excess determinations and disposition of non-military property in accordance with the following:

(a) In the case of items of production and utility equipment and construction equipment for which stock record cards or historical record cards are maintained, the following shall be shown by current entries on such cards:

(1) Date of determination of excess.
(2) Disposition, if not determined surplus (this may be shown by entry in code, if desired).
(3) Date of determination of surplus.
(4) Date of declaration of surplus.

(b) Records of small lots and other items that are determined surplus and turned over to a salvage officer for disposal concurrently with, or within a brief period after, determination of excess will be maintained in any form that will enable the preparation of the monthly report required under Part 828.

(c) In the case of all other items of non-military property, the record will be maintained on WD AGO Form R–5086, "Excess Non-Military Property Record." A copy of this form, together with instructions for its preparation, is set forth in § 826.691. Similar records now being maintained which contain the information called for by WD AGO Form R–5086 may be continued, provided the approval of the Director, Readjustment Division is obtained.

§ 826.603 *Disposition of excess.* (a) When a determination of excess of non-military property has been made, vigorous action will be instituted for the redistribution of the property for use within the technical service of origin or another technical service or transfer for other purpose directly related to the prosecution of the war as set forth in Part 823, and will be continued until such disposition is made or the property is determined surplus.

(b) Generally, such disposition can most effectively be made through efforts of the local installation having custody of the property. Accordingly, procedures established by the chiefs of technical services should not restrict the efforts of local installations, except as otherwise provided in this part and except as in the case of those commodities that are so critical to the technical service concerned as to require centralized control.

(c) Informal direct contact is the most effective means of disposition. Accordingly, each technical service should ascertain what types of property, likely to become excess to its needs, would be of interest to other technical services, and to what offices of the other technical services such types of excess property should be referred. For convenient reference, a list of the principal field procurement offices of the technical services is set forth in § 826.692.

(d) Efforts to redistribute excess property within the technical service of origin to other technical services, and to agencies outside of the War Department, for purposes directly related to the prosecution of the war will be made concurrently to the greatest extent practicable.

(e) Circularization of lists of non-military property is not required. Circularization lists may be used, within the limitations set forth in this Part 826, in those cases where they are considered to be an effective aid to disposition; but they should always be regarded as an adjunct of, and not a substitute for, informal direct communication with those procurement offices having an interest in the particular property.

(f) In establishing procedures for the redistribution of excess non-military property, chiefs of service will provide for the consideration of significant items for troop supply purposes.

(g) Although the basic policy and procedure for disposition of excess and determination of surplus is the same for all types of non-military property, some variation in detail is required for certain types. Accordingly, the procedures established under this part for (1) production and utility equipment, (2) construction equipment, and (3) other non-military property are separately stated hereinafter.

§ 826.604 *Deviation from procedures.* The Director, Readjustment Division, is authorized to permit deviation from the procedures established in this part.

SUBPART A—PRODUCTION AND UTILITY EQUIPMENT

§ 826.610 *Scope of Subpart A.* (a) This subpart establishes procedures (1) for disposition of excess production and utility equipment, (2) for determination of surplus production and utility equipment, and (3) for release of War Department sponsorship of production and utility equipment owned by Office of Defense Plants.

(b) "Production and utility equipment", as used in this subpart includes non-military property of the following types:

Machine tools.
Metal working machinery.
Cleaning and spraying equipment.
Compressors and vacuum pumps.
Industrial pumps.
Industrial conveying machinery.
Engines and turbines, general purpose.
Heat exchanges.
Optical machinery.
Industrial cranes and hoists.
Thermal driers and dehydrators.
Fans, blowers, and exhausters, industrial types.
Pressure and vacuum filters.
Power boilers and pressure vessels.
Electric motor, integral horsepower, and electric motor controls.
Power conversion equipment.
Foundry equipment.
Heat treating equipment.
Packaging machinery.
Industrial scale and weighing equipment.
Industrial laboratory equipment.
Industrial trucks, tractors, trailers, and stackers.
Welding and cutting equipment, industrial types.
Crushing, pulverizing, screening, and mixing equipment and machinery, industrial types.
Special industry machinery (specialized machinery for food products, pulp and paper, printing trades, rubber working, petroleum, ceramics, glass, shoemaking, textile, tanning, pharmaceutical, chemical, and other special industries).
Major items of equipment used in the generating, processing, transmission, or distribution of electricity, gas, and water, and in the disposal of sewage.

§ 826.611 *Production and utility equipment owned by the War Department.*

§ 826.611–1 *Certain items excluded.* The procedures established under §§ 826.611 to 826.611–11, inclusive, do not apply to any items of production and utility equipment:

(a) Located in complete War Department owned industrial installations that have been placed in stand-by or reported excess under the provisions of Parts 850 and 832.

(b) The cost of which (estimated, if not known) is less than $350. The procedures established under Subpart C apply to such items.

(c) The condition of which is "X" under the classification prescribed by the Surplus Property Board. The procedures established under Subpart C apply to such items unless they are classified as non-repairable.

(d) Which was manufactured prior to 1930. The procedures established under Subpart C apply to such items.

§ 826.611–2 *Establishment of Industrial Equipment Redistribution Board.* The Industrial Equipment Redistribution Board (hereinafter in this subpart referred to as "The Board") has been established by a memorandum between the War and Navy Departments and the Defense Plant Corporation, April 24, 1945. The chiefs of the technical services (ex-

cept The Quartermaster General and The Surgeon General) will each designate one representative (and one alternate to act in his absence) stationed in the Military District of Washington to serve as members of the Board. The Quartermaster General and The Surgeon General may, if they desire, each designate one representative to serve on the Board. The Director, Readjustment Division, will designate one representative to act as vice chairman of the Board.

§ 826.611–3 *Functions of Board.* The Board will study operating procedures, forms and practices in connection with the redistribution and reporting of production and utility equipment and will take necessary action or make appropriate recommendations to assure the maximum utilization of such property in war production or for national defense. It will direct its efforts toward eliminating the purchase by the Government of new production and utility equipment, when requirements can be supplied from Government-owned idle property.

§ 826.611–4 *Disposition by chief of service.* During a period of 20 days after determination of excess under § 826.602–1 (b), the owning technical service will take such action as is prescribed by the chief of service for the redistribution of excess War Department-owned Production and Utility Equipment for use within the technical service or another technical service, including current modernization of the permanent military establishment, or transfer for other purposes directly related to the prosecution of the war as set forth in Part 823 of this subchapter; all without reference to the Board. If circularization lists are used as an aid to such disposition, they will be confined to the technical service of origin. Property referred to in W. D. Circular No. 33, 1945, will be redistributed in accordance with the provisions thereof.

§ 826.611–5 *Reporting to Board.* If no disposition (including definite assignment for immediate transfer to war production) is made of excess War Department-owned production and utility equipment within the 20 day period prescribed by § 826.611–4, it will be reported to the Board as "War Available" on suitable Kardex forms approved by the Board (address: Industrial Equipment Redistribution Board, % Office of Defense Plants, 811 Vermont Avenue, N. W., Washington 25, D. C.). Each such form shall include only one item of production and utility equipment and its accessories, and shall be prepared as fully and accurately as possible with particular attention to matters of description and condition. Disposition efforts should be continued by the owning technical service after reporting property to the Board as "War Available": *Provided, however,* That no property so reported may be transferred (except to storage) or returned to production without the approval of the Board. When production and utility equipment is reported to the Board, the owning technical service will indicate which, if any, items it requires for future modernization, stand-by, or War Department industrial reserve, in the event that the Board is unable to make disposition of such items for immediate war use. If a technical service moves any property to storage after it has been reported to the Board as "War Available", it will notify the Board promptly of the change in location.

§ 826.611–6 *War Available Equipment File.* The Board will maintain a War Available Equipment File of production and utility equipment reported to it by the technical services. Property reported to the Board as "War Available" will be available for disposition through the Board for a period not to exceed 40 days from the date of its receipt of such report: *Provided, however,* That the Board may extend such disposition period for an additional period not to exceed 20 days.

§ 826.611–7 *Screening requirements.* The Board member of each technical service will screen his service's requirements for Production and Utility Equipment against the War Available Equipment File and such records of surplus equipment as are maintained centrally by the Reconstruction Finance Corporation. Under the jurisdiction of the Board, the Joint Army-Navy Screening Staff will review War Production Board 542 (formerly PD–3A) certificates, as provided in WPB Directive 23 as amended, and available order boards of equipment manufacturers, and will screen these equipment requirements against the War Available Equipment File and such records of surplus equipment as are maintained centrally by the Reconstruction Finance Corporation.

§ 826.611–8 *Filling requirements.* When the Board ascertains a requirement for items which can be supplied from the War Available Equipment File, it will direct that the member representing the requiring technical service submit in behalf of his service a written request for transfer of the items, together with appropriate instructions, to the owning technical service or Bureau via the Board. If any item selected from the War Available Equipment File proves, upon inspection by the requiring service, not to be in satisfactory condition, the Board will be so advised. Upon receipt of a request for transfer of an item, indorsed by the Board, the owning technical service will promptly transfer the item in accordance with Part 823, even though the owning technical service or Bureau has earmarked the item for future modernization, stand-by or War Department industrial reserve.

§ 826.611–9 *Determination of surplus.* Any items of Production and Utility Equipment for which the Board has been unable to effect disposition within the period designated in § 826.611–6 will be released by the Board, reported back to the owning technical service, and, except for items which the service has been authorized to retain for future modernization, stand-by or War Department industrial reserve, will be deemed surplus without further action. Immediately upon receipt of such report, the owning service will dispose of the property in accordance with Part 823.

§ 826.611–10 *Certain items excepted—*(a) *Plant clearance.* Excess production and utility equipment located in contractors' plants need not be reported to the Board as War Available, but may be determined surplus by the owning technical service after such disposition efforts as the chief of service may prescribe, when

(1) The contractor in possession has submitted an application for removal of the equipment pursuant to Subchapter C of this chapter and the owning technical service intends promptly to report the equipment to a disposal agency and request shipping instructions; however, in such cases the owning technical service will promptly forward to the Board a copy of the surplus report transmitted to the disposal agency; or

(2) The owning technical service agrees to sell the equipment to the contractor in possession pursuant to Subchapter C of this chapter.

If, subsequent to its report of equipment to the Board as "War Available", the owning technical service receives an application for removal from the contractor in possession and instructions promptly to report the equipment to a disposal agency and request shipping instructions, or if the contractor agrees to purchase the equipment, the Board will be notified thereof and will immediately release any of the equipment covered by such application for removal or purchase agreement for which disposition instructions cannot be furnished.

(b) *"Frozen" facilities.* When a technical service contemplates that a facility should be maintained intact for future war production or, where appropriate, for disposal as an integrated unit, it may "freeze" excess production and utility equipment and need not report it to the Board as "War Available"; however, the "freeze" will not constitute actual "standby", which requires disposition in accordance with Parts 823 and 832. Where production and utility equipment is thus "frozen", the owning technical service will report to the Board the name and address of the plant or installation in which such property is located, together with information as to the nature of the property and purpose for which its retention intact is desired.

§ 826.611–11 *Authorized stand-by, future modernization, and War Department industrial reserve.* Prior to the cessation of hostilities, items of production and utility equipment, other than those suitable solely for production of purely military items, will not be held in standby-by or for future modernization or War Department industrial reserve without the prior approval of the Director, Production Division Headquarters, Army Service Forces, or, in the case of production and utility equipment of the Army Air Forces, the Commanding General, Army Air Forces.

§ 826.612 *Production and utility equipment owned by Office of Defense Plants.*

§ 826.612–1 The provisions of §§ 826.612 to 826.612–3, inclusive, will not apply to complete Office of Defense Plants or projects for which redistribution procedures are established by paragraph 4b, WD Memorandum W5–44, January 25, 1944.

§ 826.612–2 The following procedure has been agreed upon between the War Department and Office of Defense Plants with respect to production and utility equipment owned by Office of Defense Plants and sponsored by a technical service, including Production Division, Headquarters, Army Service Forces (referred to in §§ 826.612 to 826.612–3, inclusive, as Production Division) when it is the sponsor:

(a) The ODP Supervising Engineer will cooperate with the local representative of the sponsoring service (in the case of a technical service) or the Director, Production Division, to ascertain when such property is idle.

(b) The Office of Defense Plants will prescribe a standard form upon which contractors will indicate such idle property. The standard form will be filed by the contractor with the ODP Supervising Engineer who will inform the contractor as to the number of copies to be made. The Supervising Engineer will deliver the original and two copies of the form to the local representative of the sponsoring service (in the case of a technical service) or to the Director, Production Division.

(c) Upon receipt of a duly executed standard form, the local representative will forward the original and two copies to the chief of the technical service, who will determine whether such property is required by the service, or may be released to the Office of Defense Plants as no longer required by such service. When Production Division is the sponsor, the determination will be made by the Director, Production Division. The determination will be made within a period of 20 days from the time when the form is submitted to the local representative of the service or to the Director, Production Division. If the property is not redistributed or definitely assigned for immediate war production, including current modernization of the permanent military establishment, by the sponsoring technical service or the Production Division, the chief of the technical service or the Director, Production Division, will acknowledge its release on the original copy of the form and will forward the original to the Office of Defense Plants through the Board. The Board will attempt to redistribute the property in accordance with the procedures prescribed in § 826.611 so far as they are applicable. If redistribution cannot be accomplished, the form will be turned over to the Office of Defense Plants and will constitute a formal release by the War Department.

(d) When the property is not required by the sponsoring technical service or the Production Division for an immediate war production requirement but is required for authorized future modernization, stand-by, or War Department industrial reserve, the release prescribed by paragraph (c) above will not be executed; however, the forms will nevertheless be forwarded to the Office of Defense Plant through the Board with notation to indicate the intention to withhold the property for future modernization, stand-by, or War Department industrial reserve. The Board will attempt to redistribute the property for immediate war production and, if thus redistributed, it will so notify the sponsoring technical service or the Production Division.

§ 826.612–3 The chief of a sponsoring technical service and the Director, Production Division, will expedite the determination of requirements pursuant to § 826.612–2 when notified by the Office of Defense Plants that the contractor in possession has:

(a) Offered to purchase production and utility equipment; or

(b) Requested removal of such property pursuant to section 12 (g) of the Contract Settlement Act of 1944.

In such cases, the chief of the sponsoring service and the Director, Production Division, will not defer action upon a release for a period in excess of 10 days from receipt by the local representatives of the service or by the Director, Production Division, of a request for release accompanied by a schedule of the property and by a notification from Office of Defense Plant as aforesaid.

SUBPART B—CONSTRUCTION EQUIPMENT

§ 826.620 *Scope of Subpart B.* This subpart establishes procedures (a) for the disposition of excess construction equipment, and (b) for the determination of surplus construction equipment.

§ 826.621 *Construction equipment.* "Construction equipment," as used in this subpart, includes nonmilitary construction equipment of the following types: drilling and boring equipment, earth and rock, including core drills, rock drills, churn drills, earth borers and horizontal augers; power cranes and shovels, drag lines, buckets, stiff-leg derricks, and dredges; scrapers, maintainers, and graders; tractors, track-laying and wheel types; tractor-mounted construction equipment including angledozers, bull dozers, and power control units; winches and hoists, contractors' elevating; road brooms, concrete buggies and carts, bins, centerline marking equipment, road discs, ditchers, aggregate dryers, joint and crack filling machinery, road forms, form tamping machines, mud jacks, portable snow loaders, tamping rollers, scarifiers, concrete towers, contractors' crawler wagons, and similar equipment; construction material mixers, spreaders, pavers, surfacers, finishers, tampers, vibrators, and related construction machinery, construction material processing equipment, including asphalt plants and portable crushers.

§ 826.622 *Disposition of excess.* Within a period of 30 days after determination of excess, the owning technical service will complete such action as is prescribed by the chief of service for the redistribution of excess construction equipment for use within the technical service or another technical service or transfer for other purposes directly related to the prosecution of the war as set forth in Part 823.

§ 826.622–1 *Small lots and items in "X" condition.* Unless specific requirements therefor are known to exist, the following types of items will be deemed surplus upon determination as excess and promptly disposed of in accordance with Part 827:

(a) Small lots.

(b) Items the condition of which is "X" under the classification prescribed by the Surplus Property Board (unless such items are classified as non-repairable, in which case they are not regarded as surplus property but as salvage).

§ 826.622–2 *Circularization lists.* If circularization lists are used as an aid to disposition, they will be confined to the technical service of origin and items of the nature set forth in § 826.622–1 will be excluded therefrom.

§ 826.622–3 *Disposition assistance by the Chief of Engineers.* If the owning technical service is other than the Corps of Engineers, it will (in addition to the action prescribed by the chief of service under § 826.622 above), immediately upon determination of excess, transmit to the Chief of Engineers (attention: Redistribution and Salvage Officer) a list of the excess equipment, for redistribution assistance. Reference of excess Construction Equipment to the Chief of Engineers will not be permitted to delay or limit disposition by the owning technical service; nor will approval of the Chief of Engineers be required for disposition by the owning technical service. Requisitions from the Chief of Engineers for excess Construction Equipment will be given the priority usually accorded to requisitions for excess property from other technical services; and requisitions from other agencies referred by the Chief of Engineers to the owning technical service will be given the priority usually accorded to direct requisitions from such agencies. The Chief of Engineers is specifically charged with acquiring items of Construction Equipment which are suitable for troop use or tactical operations of which disposition is not made within the technical service of origin.

§ 826.623 *Determination of surplus.* Excess Construction Equipment for which disposition has not been effected within a period of 30 days after determination of excess will be deemed surplus without further action, and the installation having accountability for the property will promptly dispose of it in accordance with Part 827.

SUBPART C—OTHER NON-MILITARY PERSONAL PROPERTY

§ 826.630 *Scope of Subpart C.* This subpart establishes procedures for disposition of excess and determination of surplus of all non-military property except (a) production and utility equipment covered by Subpart A, (b) construction equipment covered by Subpart B and (c) contractor inventory covered by Subchapter C of this chapter. Such property is referred to hereinafter as "other non-military property."

§ 826.631 *Disposition of excess.* Within a period of 30 days after determination of excess, the owning technical service will take such action as is prescribed by the chief of service for the redistribution of other non-military property for use within the technical service or another technical service or transfer for other

purposes directly related to the prosecution of the war as set forth in Part 823.

§ 826.631–1 *Small lots and items in "X" condition.* Unless specific requirements therefor are known to exist, the following types of items will be deemed surplus upon determination as excess and promptly disposed of in accordance with Part 823.

(a) Small lots.

(b) Items the condition of which is "X" under the classification prescribed by the Surplus Property Board (unless such items are classified as nonrepairable, in which case they are not regarded as surplus property but as salvage).

§ 826.631–2 *Circularization lists.* The use of circularization lists is not required. If circularization lists are used as an aid to disposition of other non-military property they will be disseminated on a selective basis to procuring offices which have indicated an interest in the property being circularized. Items of the nature set forth in § 826.631–1 will be excluded from all circularization lists, and items that are peculiar to the technical service of origin will be excluded from any circularization lists that are transmitted to other technical services.

§ 826.632 *Stockpile materials.*

§ 826.632–1 *Report of stockpile materials.* Items of materials listed in § 826.693–1 (herein referred to as "stockpile materials"), in amounts larger than the minimum quantities therein indicated, of which the technical service of origin has been unable to effect disposition within a period of 30 days after determination of excess, will be immediately reported to the chief of service and will be held for disposition instructions. Such request for instructions will be made in triplicate by the local establishment having jurisdiction over the property on WD, AGO Form 257. A sample of this form, together with instructions for its preparation, is set forth in § 826.693–2. Copies of the form may be requisitioned from Adjutant General depots.

NOTE: On WD, AGO Form 257, as now printed, the reference in the 3rd line at the top of the page to §§ 822.210, 826.603 and 829.909 should be read as § 826.632 and, in the space provided for Second Indorsement, the reference to §§ 822.210–2 (b) and 822.210–2 (c) should be changed to §§ 826.632–2 (b) and 826.632–2 (c), respectively.

§ 826.632–2 *Action by chief of service.* Upon receipt of WD, AGO Form 257 covering any lot of stockpile materials, the chief of technical service concerned will take the following action:

(a) Execute First Indorsement thereto and forward two copies to the Director, Production Division, Headquarters, Army Service Forces, who has been designated by the Under Secretary of War as the administrator of War Department stockpile materials, for disposition instructions.

(b) If the Director, Production Division, issues instructions to hold the material for stockpile, the chief of technical service concerned will:

(1) Arrange for permanent storage of this material;

(2) Issue appropriate instructions to the field installation concerned to accomplish permanent storage;

(3) Advise the Director, Production Division, of the location and manner of storage;

(4) Dispose of the material only upon specific authorization of the Director, Production Division.

(c) If the Director, Production Division, issues instructions not to hold the material for stockpile, it will be deemed surplus, without further action, and the chief of technical service concerned will issue instructions to the local establishment of origin to dispose of the material in accordance with Part 827.

§ 826.633 *Determination of surplus.* Excess other non-military property (except stockpile materials covered by § 826.632) of which disposition has not been effected within a period of 30 days after determination of excess will be deemed surplus without further action and the installation having accountability will promptly dispose of it in accordance with Part 827.

§ 826.691 *Excess non-military property record.*

§ 826.691–1 *Form.*

EXCESS NON-MILITARY PROPERTY RECORD

(1) Controlling agency	(3) Excess determination date	(5) List number .....
(2) Location of property	(4) Surplus determination date	(6) Page ..... of ..... (7) .....

Item No. (8)	Description (9)	Condition (10)	Unit (11)	Number of units (12)	Unit cost (13)	Total cost (14)	Disposition (15)

WD AGO Form R–5086 (Aug. 1, 1945).

§ 826.691–2 *Instructions for preparation.*

Line 1—Name of office, headquarters or installation in possession of the property and maintaining this record.

Line 2—Name of building or plant and city in which the property is located.

Line 3—Date on which the property was determined to be excess. A separate list will be prepared for each date on which property is determined to be excess.

Line 4—Line 3 plus 30 days.

Line 5—Number lists in sequence, beginning with Number "1".

Line 6—Number pages in sequence, beginning with Number "1" for each list.

Line 7—Utility space. May be used to indicate name of officer to contact if copies of record are used as Circularization Lists.

Column 8—Number each item in sequence, starting with Number "1" on each page.

Column 9—Follows SPB instructions for filling out Column b of SPB Form 1.1.

Column 10—Follows SPB instructions for filling out Column d of SPB Form 1.1.

Column 11—Follows SPB instructions for filling out Column e of SPB Form 1.1.

Column 12—Follows SPB instructions for filling out Column f of SPB Form 1.1.

Column 13—Follows SPB instructions for filling out Column g of SPB Form 1.1.

Column 14—Follows SPB instructions for filling out Column h of SPB Form 1.1.

Column 15—Indicate disposition, using substantially the following code and indicating date of action:

W—Withdrawn from excess.
RX—Redistributed to another supply component within same technical service.
R—Redistributed to another technical service.
SO—Turned over to salvage officer.
S—Direct sale.
N—Transferred to Navy.
G—Transferred to another Government agency.
D—Declared to Disposal Agency.

§ 826.692 *Principal field procurement offices of the technical services.*

OFFICE OF THE CHIEF OF ORDNANCE

Birmingham Ordnance District, 700 Frank Nelson Building, Birmingham 1, Alabama.
Boston Ordnance District, Room 1501—1516 Federal Street, Boston 10, Massachusetts.
Chicago Ordnance District, 38 South Dearborn Street, Chicago 3, Illinois.
Cincinnati Ordnance District, The Big Four Building, Cincinnati 1, Ohio.
Cleveland Ordnance District, 1006 Terminal Tower Building, Cleveland 13, Ohio.
Detroit Ordnance District, 1832 National Bank Bldg., Detroit 32, Michigan.
New York Ordnance District, Room 1815, 80 Broadway, New York 5, New York.
Philadelphia Ordnance District, 150 South Broad Street, Philadelphia 2, Pennsylvania.
Pittsburgh Ordnance District, 1202 Chamber of Commerce Bldg., Pittsburgh 19, Pennsylvania.

Rochester Ordnance District, 1238 Mercantile Building, Rochester, New York.
San Francisco Ordnance District, 402 Empire Hotel, San Francisco, California.
St. Louis Ordnance District, 3663 Lindell Blvd., St. Louis 8, Missouri.
Springfield Ordnance District, 95 State Street, Springfield 3, Massachusetts.
Commanding Officer, Frankford Arsenal, Philadelphia 2, Pennsylvania.
Commanding Officer, Picatinny Arsenal, Dover, New Jersey.
Commanding Officer, Redstone Arsenal, Huntsville, Alabama.
Commanding General, Rock Island Arsenal, Rock Island, Illinois.
Commanding Officer, Springfield Armory, Springfield 1, Massachusetts.
Commanding Officer, Watertown Arsenal, Watertown, Massachusetts.
Commanding General, Watervliet Arsenal, Watervliet, New York.
Office, Chief of Ordnance-Detroit, ATTN: Redistribution Division (SPOMC-M), Union Guardian Building, Detroit 32, Michigan.
Field Director of Ammunition Plants, 3637 Lindell Blvd., St. Louis 8, Missouri.

OFFICE OF CHIEF OF ENGINEERS

Division Engineer, Great Lakes Division, 20 North Wacker Drive, Chicago 6, Illinois.
Division Engineer, Lower Mississippi Valley Division, P. O. Box 80, Vicksburg, Mississippi.
Division Engineer, Middle Atlantic Division, Room 909, 101 East Fayette Street, Baltimore 2, Maryland.
Division Engineer, Missouri River Division, Farm Credit Building, 19th and Douglas, Omaha 1, Nebraska.
Division Engineer, New England Division, 75 Federal Street, Boston 10, Massachusetts.
Division Engineer, North Atlantic Division, 21st Floor, 270 Broadway, New York 7, New York.
Division Engineer, Northwest Division, 114, 12 128th Street, Edmonton, Alberta, Canada.
Division Engineer, Ohio River Division, 1120 Huntington Bank Bldg., Columbus 16, Ohio.
Division Engineer, Pacific Division, 351 California Street, San Francisco 19, California.
Division Engineer, South Atlantic Division, 50 Whitehall Street, Atlanta 2, Georgia.
Division Engineer, Southwestern Division, Santa Fe Building, 1114 Commerce Street, Dallas 2, Texas.
Division Engineer, Upper Mississippi Valley Division, Syndicate Trust Bldg., 915 Olive Street, St. Louis 1, Missouri.
Area Engineer, P. O. Box 1111, Clinton, Tennessee.
Area Engineer, P. O. Box 265, Church Street, New York, New York.
Area Engineer, P. O. Box 1712, Wilmington, Delaware.
Area Engineer, P. O. Box 2277, Boston, Massachusetts.
Area Engineer, P. O. Box 550, Pasco, Washington.

OFFICE OF THE CHIEF OF CHEMICAL WARFARE SERVICE

Commanding General, Edgewood Arsenal, Edgewood, Maryland.
Commanding General, Pine Bluff Arsenal, Pine Bluff, Arkansas.
Commanding General, Rocky Mountain Arsenal, Denver 2, Colorado.
Commanding Officer, Huntsville Arsenal, Huntsville, Alabama.
Commanding Officer, Boston CW Procurement District, Room 500, 75 Federal Street, Boston 10, Massachusetts.
Commanding Officer, Chicago CW Procurement District, Room 1600, Civic Opera Building, 20 North Wacker Drive, Chicago 6, Illinois.
Commanding Officer, Dallas CW Procurement District, Mercantile Bank Building, 106 Ervay Street, Dallas 1, Texas.
Commanding Officer, New York CW Procurement District, 292 Madison Avenue, New York N. Y.
Commanding Officer, San Francisco CW Procurement District, Room 201, 1355 Market Street, San Francisco, California.
Commanding Officer, Indianapolis CW Depot, 2060 Northwestern Avenue, Indianapolis 7, Indiana (Subpart C only).

OFFICE OF THE CHIEF OF TRANSPORTATION

Transportation Corps Supply Officer, Marietta Transportation Corps Depot, Marietta, Pa.
Transportation Corps Supply Officer, Montgomery Transportation Corps Depot, Montgomery, Alabama.
Transportation Corps Supply Officer, Voorheesville Transportation Corps Depot, Voorheesville, New York.
Chief, Chicago Procurement Office, TC, 201 North Wells Street, Chicago 6, Illinois.
Chief, New Orleans Procurement Office, TC, P. O. Box 1510, New Orleans 5, La.
Chief, New York Procurement Office, TC, 25 Broad Street, New York 4, N. Y.
Chief, San Francisco Procurement Office, TC, 461 Market Street, San Francisco 6, Calif.
Commanding General, Boston Port of Embarkation, Boston 10, Massachusetts.
Commanding General, Charleston Port of Embarkation, Charleston, S. C.
Commanding General, Hampton Roads Port of Embarkation, Newport News, Va.
Commanding Officer, Los Angeles Port of Embarkation, Wilmington, Calif.
Commanding General, New Orleans Port of Embarkation, New Orleans 12, La.
Commanding General, New York Port of Embarkation, Brooklyn 9, New York.
Commanding General, San Francisco Port of Embarkation, Fort Mason, Calif.
Commanding General, Seattle Port of Embarkation, Seattle 4, Washington.

OFFICE OF THE CHIEF SIGNAL OFFICER

Commanding Officer, Signal Security Agency, Army Communication Service, Office of the Chief Signal Officer, Pentagon Building, Room 3C340, Washington 25, D. C.
Commanding Officer, Storage and Issue Agency, 128 N Broad Street, Philadelphia 2, Penna., Attn.: Redistribution & Salvage Officer.
Officer in Charge, Plant Engineering Agency, SPSLP–82, Architects Building, 17th and Sanson Streets, Philadelphia, Pa.
Commanding Officer, Philadelphia Sig. C. Procurement District, 128 North Broad Street, Philadelphia 2, Pennsylvania, Attn.: Production Division.
Commanding Officer, Monmouth Sig. C. Procurement District, Bradley Beach, New Jersey, Attn.: Production Staff.
Commanding Officer, Dayton Sig. C. Procurement District, 225 South Main Street, Dayton, Ohio, Attn.: Production Staff.
Officer in Charge, Los Angeles Signal Corps, Production Field Office, Rm. 1009, Pacific National Bldg., 315 West Ninth Street, Los Angeles 15, California.
Officer in Charge, New York Signal Corps, Production Field Office, 165 Broadway, New York 6, New York.
Officer in Charge, Philadelphia Signal Corps, Production Field Office, 117 South 17th Street, Philadelphia 3, Pennsylvania.
Officer in Charge, Chicago Signal Corps, Production Field Office, 1 North LaSalle Street, Chicago 2, Illinois.
Commanding General, Eastern Signal Corps Training Center, Fort Monmouth, New Jersey.
Commandant, Southern Signal Corps School, Camp Murphy, Florida.
Commanding Officer, Holabird Signal Depot, Baltimore, Maryland, Attn.: Training Branch.
Commanding Officer, Signal Corps Aircraft Signal Agency, Wright Field, Dayton, Ohio, Attn.: Redistribution and Salvage Officer.
Commandant, Western Signal Corps Training Center, Camp Kohler, California.
Commanding Officer, Dayton Signal Corps Supply Agency, 225 South Main Street, Dayton 2, Ohio, Attn.: Redistribution and Salvage Officer.
Commanding Officer, Signal Corps Ground Signal Agency, Shark River Hotel, Bradley Beach, New Jersey, Attn.: Redistribution and Salvage Officer.
Officer in Charge, Signal Corps Ground Signal Maintenance Br., Architects Building, 17th and Sansom Streets, Philadelphia 3, Pennsylvania.

OFFICE OF THE QUARTERMASTER GENERAL

Commanding Officer, Jersey City Quartermaster Depot, 34 Exchange Place, Jersey City 2, N. J., Attn.: Excess Utilization Section, Buying and Purchase Branch, Procurement Division.

OFFICE OF THE SURGEON GENERAL

Redistribution and Salvage Officer, Army Medical Purchasing Office, 52 Broadway, New York 4, New York.

ARMY AIR FORCES

Chief of Property Disposal Section, Readjustment Division, Air Technical Service Command, Wright Field, Dayton, Ohio.
District Supervisor, Eastern Procurement District, Attention: Redistribution and Salvage Officer, 67 Broad Street, New York, New York.
District Supervisor, Central Procurement District, Attention: Redistribution & Salvage Officer, 6505 West Warren Avenue, Detroit, Michigan.
District Supervisor, Midwestern Procurement District, Attention: Redistribution & Salvage Officer, Municipal Airport, P. O. Box 117, Wichita, Kansas.
District Supervisor, Western Procurement District, Attention: Redistribution & Salvage Officer, 3636 Beverly Blvd., Los Angeles, California.
District Supervisor, Midcentral Procurement District, Attention: Redistribution & Salvage Officer, 111 West Jackson Blvd., Chicago, Illinois.
District Supervisor, Southeastern Procurement District, Attention: Redistribution & Salvage Officer, 86 Edgewood Avenue, N. E., Atlanta, Ga.
Chief of Disposal Section, Supply Division, Air Technical Service Command, Wright Field, Dayton, Ohio.

NAVY DEPARTMENT

Chief of the Bureau of Supplies and Accounts, Navy Department, Attention: S.P.D.—17, Washington 25, D. C.
Officer-in-Charge, P. O. Box "NN"—Chicago 90, Illinois, Attn: Surplus Materials Section.

§ 826.693 *Stockpile materials.*

§ 826.693–1 *List of stockpile materials.*

Material and minimum quantity	*Specific types and grades*
Agar, 250 lbs	Medical Department Supply Catalog, Item Numbers 10460, 10460–12, 10460–32, 10460–40, 10460–48, 10460–50, 10460–88, 1K90020, 10460–46 Bulk Agar.
Aluminum Ingot, 50,000 lbs	Primary or secondary refined metal (99% minimum Al).
Antimony, 25 sh. tons	Refined metal, needle antimony, antimony sulfide, antimony ores and concentrates.

Material and minimum quantity	*Specific types and grades*
Asbestos:	
Rhodesian Chrysolite, 5 sh. tons	Commercial grades C & G 1, C & G 2 Unfabricated.
South African Amosite, 5 sh. tons	Commercial grades B-1, B-3, D-3, 3DM-1 Unfabricated
Bauxite, 25 lg. tons	Commercial Grade A.
Beryl, 5 sh. tons	Beryl ore (minimum 8% BeO), beryllium oxide, beryllium metal.
Bismuth, 5 lbs	Bismuth metal, pharmaceutical compounds.
Cadmium, 5 lbs	Metal in sticks, ingots, slabs, ball anodes or other refined forms.
Calcite, Optical, 100 lbs	Clear, flawless crystals, Minimum 1½" dl.
Chromite:	
Chemical Grade, 25 lg. tons	Commercial ore or concentrates. Dry chromium chemicals.
Metallurgical Grade, 25 lg. tons	Ore (42% minimum Cr_2O_3, 2.8 minimum Cr/Fe ratio), ferrochromium, chromium metal.
Refractory Grade, 25 lg. tons	All commercial grades.
Chalk, English, 10 sh. tons	Any.
Clay, English China, 10 sh. tons	All commercial grades.
Cobalt, 2,000 lbs. Cobalt Content	Refined metal, oxide, ores, concentrates, crudes.
Columbite, 500 lbs. Columbite Content	Ore (45% minimum Cb_2O_5 Ferrocolumbium).
Copper, 25 sh. tons	All primary copper refinery forms. Brass and brass scrap in accordance with special directions to Chief of Ordnance.
Cordage Fibers: Manila and Sisal, 400 lbs. or 1 bale.	Fiber or new cordage.
Corundum, 10,000 lbs	Ore or grain.
Cryolite, natural, 25 lg. tons	Natural ore.
Diamonds, Industrial, No minimum	Stones (unset), powder, dust.
Diamond Dies, No minimum	Finished dies.
Emery, 25 sh. tons	Ore or grain. Turkish or Greek origin only.
Emetine, 100 oz	Medical Department Supply Catalog, Item Numbers 11720, A320800, A320830, A321000, A321010. Emetine in bulk.
Ergot, 250 lbs	Material in bulk quantities.
Fluorspar: Acid or Metallurgical, 25 sh. tons	Commercial grades.
Graphite: Amorphous lump, 97% minimum 5 sh. tons.	Any amorphous lump (97% minimum C).
Crystalline Fines, 25 sh. tons	Madagascar; or domestic grades A, 1A and 1B, smaller than 60 mesh.
Flake, 5 sh. tons	Madagascar flake, 60 mesh or larger.
Hyoscine, 25 oz	Hyoscine hydrobromide in bulk or standard packages.
Indium, 100 Troy oz	Metal in refinery forms. Plating salts.
Iodine, 2,000 lbs	Crude Iodine.
Jewel-Bearings: Instrument Rings, Sapphire Vees, watch rings and other instrument and watch jewels, no minimum.	Set or unset.
Kapok, 100 lbs	Raw fiber.
Kyanite, Indian, 25 sh. tons	Ore.
Lead, 25 sh. tons	Antimonial, common or corroding grade metal in all refinery forms. Ores and concentrates.
Magnesium Ingot, 50,000 lbs	Primary or secondary refined metal.
Manganese:	
Battery grade, 25 lg. tons	Commercial battery ore, lump or pulverized Battery mixes not acceptable.
Metallurgical Grade, 25 lg. tons	Ore (45% minimum Mn).
Mercury, 10 flasks	Metallic or contained in chemicals.
Mica:	
Muscovite Block and Film, Good stained and better, no minimum.	Commercial grade, larger than 1 sq. inch.
Mica—Continued.	
Muscovite Block, stained and lower, no minimum.	Commercial grade, larger than 1 sq inch.
Muscovite Splittings, no minimum	Commercial grades, unbonded.
Phlogopite (Amber) splittings, no minimum.	Commercial grades, unbonded.
Phlogopite (Amber) Block, no minimum	Commercial grade, larger than 1 sq. inch.
Molybdenum, 10,000 lbs. Molybdenum Content.	Molybdenum concentrates, oxide, calcium molybdate, ferromolybdenum, ammonium molybdate, molybdenum powder.
Monazite, 5 sh. tons	Ore.
Nickel (including Monel), 10,000 lbs. Nickel Content.	Refined metal in any form.
Pepper, 1,000 lbs	Commercial grades, ground or unground.
Platinum Group Metals:	
Iridium, no minimum	Refined iridium or alloys with other platinum group metals. Crudes or semi-refined forms.
Osmium, no minimum	Refined osmium or alloys with other platinum group metals. Crudes or semi-finished forms.
Paladium, no minimum	Refined palladium or alloys with other platinum group metals. Crudes or semi-refined forms.
Platinum, no minimum	Refined platinum or alloys with other platinum group metals. Crudes or semi-refined forms.
Rhodium, no minimum	Refined rhodium or alloys with other platinum group metals. Crudes or semi-refined forms.
Ruthenium, no minimum	Refined ruthenium or alloys with other platinum group metals. Crudes or semi-finished forms.
Quartz crystals: Radio Grade, 100 lbs	Crude quartz crystals. Processed quartz in slabs, sections, bars, wafers and blanks in accordance with special instructions to Signal Corps and AAF.
Quebracho, 5 lg. tons	Extract in bulk.
Quinidine Sulfate, 25 oz	Medical Department Supply Catalog, Item No. 13870, Material in bulk.
Quinine, 100 oz	Medical Department Supply Catalog, Item Numbers 13900, 13910, 13900-12, 13900-03, 13900-05, A-717000, A-716500, A-716600. quinine sulfate or hydrochloride in bulk.
Rubber: Crude Rubber and Natural Rubber, Latex, 5 lg. tons.	Any.
Rutile, 5 sh. tons	Ore or concentrates.
Sapphire (Natural and synthetic), no minimum.	Any suitable for jewel bearings.
Selenium, 1000 lbs	Commercial forms or compounds.
Shellac, 10,000 lbs	Bulk shellac of all grades (dry flake).
Strontium, Celestite, 25 sh. tons	Ores.
Talc:	
Steatite, Block or Lava, 10 sh. tons	Quality suitable for electronic tube spacers, Minimum 3-lb. pieces.
Steatite, Ground, 5 sh. tons	Any.
Tantalite, 100 lbs. Tantalite Content	Tantalite ore, potassium tantalum fluoride, tantalum oxide, tantalum metal powder.
Tin, 100 lbs	Concentrates. Pig tin.
Tungsten, 10,000 lbs. Tungsten Content	Ores and concentrates (55% minimum WO_3), commercial ferrotungsten, tungsten powder.
Vanadium, 10,000 lbs. Vanadium Content	Vanadium oxide and ferrovanadium.
Wool 300 lbs	Raw wool, greasy or cleaned.
Zinc, 25 sh. tons	Slab zinc, all grades. Zinc ores and concentrates, Zinc oxide.
Zirconium, Baddeleyite and Zircon, 5 sh. tons.	Ores or concentrates.

§ 826.693–2 *Request for disposition instructions.*

STOCK-PILE MATERIALS—REQUEST FOR DISPOSITION INSTRUCTIONS

See instructions on reverse side. See also §§ 822.210, 826.603, and 829.609

1. From: (Requesting Field Installation)	2. (Responsible Chief of Service) TO		3. Date
Request is made that disposition instructions be obtained for the following lot of material:			
4. Material	5. Subgroup	6. Quantity	7. Analysis. State whether an actual analysis or guaranteed maximum or minimum.
8. Type or grade	9. Physical form and size		Element / Weight (%)
10. Source of analysis shown in 7	11. Specification purchased under		
12. Original producer or source	13. Condition of material		
14. Present location (city)	15. Kind and condition of packaging		
16. Comments or additional descriptive information			
17. Enclosures	18. Name, position, and signature of person preparing report		

1ST ENDORSEMENT

19. From: (Chief of Service)	20. TO The Director, Production Division, Headquarters Army Service Forces Attention: Chief, Materials Branch	21. Date	22. Lot No.
Request is made for a determination as to whether subject lot of material is to be held for stock pile or disposed of as surplus.			
23. Name, position, and signature of person making endorsement for chief of service			

2D ENDORSEMENT

24. From: The Director, Production Division, Headquarters Army Service Forces	25. (Chief of Service) TO	26. Date
Person who determines suitability for stock pile will initial proper action and strike out other.	Subject lot of material is to be held for stock pile. Action required by § 822.210–2 (b) will be taken. This form will be returned with third endorsement completed.	
	Subject lot of material is not desired for stock pile. Action required by § 822.210–2 (c) will be taken. Third endorsement need not be completed	
27. Name, position, and signature of person recommending action	28. For the Director, Production Division Chief, Materials Branch.	

W. D., A. G. O. Form 257
June 13, 1944

3D ENDORSEMENT

29. FROM: (Chief of Service)	30. TO The Director, Production Division, Headquarters Army Service Forces. *Attention:* Chief, Materials Branch	31. Date
Subject lot of material has been placed in permanent storage as directed by 2d endorsement. The following refers to permanent storage location. Any necessary future movement will be similarly reported. Material will not be disposed of without authorization.		
32. Name and location of storage point	33. How stored	
34. Custodian	35. Kind and condition of packaging	
36. Name, position, and signature of person making endorsement for Chief of Service		

INSTRUCTIONS

A separate request will be filed for each lot of material. A lot is defined as any quantity to which the same analysis or other measure of quality applies. Report all material at a given location if the total of all lots at that location equals or exceeds the minimum shown in § 829.609.

In completing items 1 through 16, any available Government records, or contractor's or supplier's records made available to the Government, will be referred to in order that the information will be as complete and specific as possible. A proper determination of suitability for stock piling will depend upon having specific information. No actual analysis or other tests, other than visual inspection, need be carried out in order to complete the information.

The following instructions refer to the corresponding items in the request form and endorsements thereto:

4 and 5. Use terminology as in § 829.609, col. 1. Leave 5 blank if not applicable.
6. State quantity of lot in commercial unit and show unit. State whether quantity applies to the gross weight or to the contained weight of the material named in 4.
7. Show an actual analysis of record, or a guaranteed analysis, if available, and state which. If none available, so state.
8. Where 4 is a generic term, show here the commercial name of the actual subject material, i. e., where 4 is "vanadium," 8 might be "fused black vanadium oxide" or "ferrovanadium."
10. Quote the source or authority for the analysis shown in 7.
11. Where 7 is not available, show a recognized specification under which the material was purchased.
17. Enclose any inspection records or other documents which would add to the information shown in 4 through 16.
22. The chief of service will serial number, upon receipt, all lots of a given material and subgroup handled through his office, regardless of the originating field installation. This will be used for reference in any necessary separate communications.
33. State whether stored in the open (and if so, whether on the ground or on a pavement), in an open shed or in an enclosed building. State also, where applicable, any precautions taken to prevent loss or damage by the elements.
34. Responsible War Department Office or Officer.
35. Repeat item 15 unless material has been packed or repacked or unless condition of packages has changed.

Three copies of each request will be sent by the requesting field installation to the responsible Chief of Service. After completing 1st endorsement, Chief of Service will forward two copies to the Director, Production Division, Headquarters Army Service Forces.

PART 827—DISPOSAL OF SURPLUS PERSONAL PROPERTY

Sec.

827.700 General.

SUBPART A—DIRECT DISPOSAL BY WAR DEPARTMENT

827.710 Small lots.
827.711 Surplus property disposed of as salvage.
827.712 Assistance to be rendered by service commands.
827.713 Accountability.

SUBPART B—DECLARATION TO DISPOSAL AGENCIES

827.720 General.
827.721 Declarations; where made.
827.722 Declarations; how made.
827.723 Withdrawal and adjustments of declarations.
827.724 Special procedures for contractor inventory.
827.725 Care and handling.
827.726 Fiscal procedures.
827.727 Direct disposal by War Department after declaration.
827.791 Assignment of property to disposal agencies.
827.792 Regional offices of Reconstruction Finance Corporation to which declarations of surplus property will be submitted.
827.793 Regional offices of Department of Commerce.
827.794 Surplus Property Board declaration forms.

§ 827.700 *General.* (a) This part provides authority and procedures for the disposal of surplus property within the continental limits of the United States. The policies and procedures prescribed for the determination of surplus are contained in the following:

ASF Military Property—ASF Manual M 419.
AAF Military Property—AAF Reg. 65–66 and ATSC Reg. 116–5.

Non-military Property—Part 826 of this subchapter.
Contractor Inventory—Subchapter C of this chapter.

Property loses its distinction as military or non-military after it has been determined surplus, and there is only one standard procedure prescribed for its disposal; although certain deviations from the standard procedure are provided in the case of contractor inventory and other limited categories.

(b) Two basic methods are prescribed for disposal of surplus property. The first, which is applied to small lots and to property that is salable only as scrap or salvage, is direct sale by the War Department, generally through the agency of the local salvage officer. This procedure to be followed under this method is set forth in Subpart A of this part. The second is declaration to a disposal agency. The procedure to be followed under this method is set forth in Subpart B of this part.

(c) When property has been determined surplus, it is essential that disposal action be initiated immediately, in order (1) to relieve the War Department of the burden of administering, handling and storing property which it no longer needs, (2) to recover the value of the property, and (3) to channel the property into civilian use. Accordingly, a target of five days has been established as the elapsed period between determination of surplus and (i) turn-over to a salvage officer or other agency of the War Department for direct sale, or (ii) declaration to a disposal agency. The elapsed period will not, in any case, exceed ten days.

SUBPART A—DIRECT DISPOSAL BY WAR DEPARTMENT

§ 827.710 *Small lots.*

§ 827.710–1 *General procedure.* (a) Small lots of surplus property will be turned over to the local salvage officer for disposal. The salvage officer will dispose of small lots in accordance with Parts 821 to 828, inclusive, of this subchapter and with regulations applicable to the disposal of salvage (see TM 38–505).

(b) Where it is impracticable to turn the property over to a local salvage officer because of its location, small lots of surplus property originating from contractor inventory will be disposed of by the contracting officer or his representative. In such cases, the contracting officer or his representative will dispose of the property in accordance with Parts 821 to 828, inclusive, of this subchapter and with regulations applicable to the disposal of salvage (see TM 38–505).

(c) Although small lots are disposed of under salvage procedures, they are not disposed of as salvage, but as small lots of surplus property. All documents relating to disposal of small lots will be marked clearly to indicate disposal of small lots of surplus property.

§ 827.710–2 *Exceptions.* (a) Under Surplus Property Board regulations, the War Department is urged to dispose of small lots to the fullest extent possible without declaration to a disposal agency. Accordingly, small lots will be declared to disposal agencies only under the following circumstances:

(1) When the Regional Office of the disposal agency requests declarations of small lots of any given type of property and is in a position to effect expeditious disposition without delaying disposition of other property.

(2) When a disposal agency directs that small lots of a given type of property be declared to it. Under Surplus Property Board regulations, a Disposal Agency is permitted to give such directions where it is of the opinion that direct sales by the War Department of small lots of any given type of property interferes with the orderly marketing of such type of property by the disposal agency. When such directions are given by a disposal agency the particular types of property to which the directions apply will be listed in Parts 821 to 828, inclusive, of this subchapter.

§ 827.710–3 *Standard for determination of small lots.* (a) Determinations as to what are "substantially similar items", as that phrase is used in the definition of small lots (§ 821.102), are not the responsibility of the salvage officer but of the War Department agency directing the transfer to salvage. The standards to be applied in making such determinations are as follows:

(1) Property will not be subdivided or subjected to refined classifications for the purpose of avoiding reporting to disposal agencies.

(2) "Substantially similar items" are items which serve the same immediate purpose. They include items which are commonly considered in ordinary business practice as being in the same class, although they differ in size, weight, color, capacity, composition, quality, or design. Items may be substantially similar although not interchangeable in use.

(b) The phrase "at any one time" appearing in the definition of small lots (§ 821.102) means the time at which the responsible officer has determined the items to be turned over to a salvage officer or declared to a disposal agency. Developments subsequent to the time of the decision need not influence a determination of small lots.

(c) The phrase "at any one place" appearing in the definition of small lots (§ 821.102) means one installation, plant, factory, or location.

§ 827.711 *Surplus property disposed of as salvage.*

§ 827.711–1 *General.* Under certain circumstances, surplus property may be classified as salvage and disposed of as such, notwithstanding that the property is in fact serviceable for use for the purpose for which it was originally intended. Such disposal is not to be confused with the disposal of small lots, which, although disposed of under salvage procedures, are not disposed of as salvage, but as small lots of serviceable surplus property.

§ 827.711–2 *Demilitarization.* Sections 827.711–827.711–4 do not pertain to the disposal as salvage of the residue remaining after authorized demilitarization of combat matériel, which is covered by War Department Circular No. 183, 1945, and ASF Manual M 419, or after the authorized destruction of classified matériel, which is covered by AR 380–5.

§ 827.711–3 *Classification by technical services.* (a) Under Surplus Property Board regulations, the War Department is authorized to classify as salvage, and dispose of as such, any property that is of such a specialized nature that it has no reasonable prospect of sale as a unit.

(b) Ordinarily, classification of specialized non-military property as salvage will be made under § 824.401 without determining the property to be surplus. When such classification is made after determination as surplus, the same procedure, as set forth in §§ 824.401–824.406, will be followed.

(c) Chiefs of technical services are authorized to classify surplus specialized military property as salvage upon a determination that the property is peculiarly military in its characteristics, that it has no civilian use and cannot readily be converted for civilian use (or, in the case of parts and components of military equipment, that they are not interchangeable with parts and components of civilian equipment), and that it has no reasonable prospect of sale as a unit. Military property will not be classified as salvage under the provisions of this subparagraph without the prior review and approval of a disposal board, which may be either a local disposal board or a disposal board at chief of service level. Property so classified will be turned over to the local salvage officer for disposal as salvage in accordance with AR 700–25 and TM 38–505.

§ 827.711–4 *Classification by disposal agencies.* Under Surplus Property Board regulations, disposal agencies are authorized to certify in writing to the War Department that any given property or any class of property is in its judgment scrap, regardless of its condition. General procedures for disposal by the War Department of property so certified are in preparation and will be published in this subchapter. Pending the publication of such procedures, cases arising under this subparagraph will be referred to the Director, Readjustment Division, for instructions.

§ 827.712 *Assistance to be rendered by service commands.* When requested, the Commanding Generals of service commands should, to the extent considered practicable by them and within the limits of their existing facilities, assist the technical services in the disposition of small lots and salvage originating at nearby industrial plants and installations under the jurisdiction of the technical services. Where convenient this assistance will include physical receipt of small lots and salvage.

§ 827.713 *Accountability.*

§ 827.713–1 *Accountability for small lots.* Accountability for small lots will terminate when the accountable officer is in possession of a copy of a property turn-in slip listing the property, which copy has been signed by the salvage officer. The property turn-in slip will describe the property in sufficient detail to furnish a commercial description. Records of surplus property will be maintained by salvage officers by item (Technical Service or Army Air Forces classification) and quantity, either by keeping jacket-files or by posting to detailed records.

§ 827.713–2 *Accountability for surplus property disposed of as salvage.* See AR 35–6520, paragraph 17b.

SUBPART B—DECLARATION TO DISPOSAL AGENCIES

§ 827.720 *General.* (a) Under its Regulation No. 1, as amended, the Surplus Property Board has assigned responsibility for disposal of surplus personal property as indicated in § 827.791 by standard commodity classification numbers. Although the detailed assignments as set forth in § 827.791 will govern, the general basis of assignment of responsibility to the major disposal agencies is as follows:

Reconstruction Finance Corporation—Capital and producers goods.
Department of Commerce — Consumer goods.
United States Maritime Commission—Ships and maritime property.
Department of Agriculture—Agricultural commodities and food.

(b) Promptly upon determination of surplus, property, other than that to be disposed of directly by the War Department (see Subpart A), will be declared to the designated disposal agency by the War Department agencies authorized to determine property as surplus, or by installations or offices instructed by these agencies to make declaration, in accordance with the procedures set forth in this subpart.

§ 827.721 *Declarations; where made.*

§ 827.721–1 *Ships, small watercraft and related property.* Surplus ships of commercial design or susceptible to commercial use will be reported to the United States Maritime Commission, Attention: Commodore E. J. Moran, Director, Division of Small Vessel Procurement, Washington 25, D. C. Before reporting, detailed instructions as to descriptive matter and other information to be supplied will be obtained from that office. Small watercraft and other property assigned to the Maritime Commission as set forth in § 827.791 will be reported to the United States Maritime Commission, Attention: Mr. E. W. Gorman, Assistant to the Director of the Procurement Divison, Washington 25, D. C.

§ 827.721–2 *Aircraft and related property.* (a) Surplus aircraft, and gliders which have been reported to Headquarters, Army Air Forces, in accordance with Army Air Forces Regulation No. 65–86, dated June 14, 1944, or any amendment thereto, will be declared by Headquarters, Army Air Forces to Reconstruction Finance Corporation, Office of Surplus Property, Washington 25, D. C. Link trainers will continue to be reported by Hq. AAF, but in accordance with (b) below.

(b) Surplus aircraft equipment, components and parts in supply or in Government furnished equipment warehouses (as distinguished from items included in termination inventories) included in the following classes listed in Army Air Forces T. O. No. 00–35A–1, and supplements thereto, will be declared to Reconstruction Finance Corporation, Surplus Property Division, Empire Building, Cleveland 1, Ohio.

01–B	01–T	02–Q	10–A [8]
01–C	01–U	03–A	11–A
01–D	02–A	03–B	11–B
01–E	02–B	03–C	11–D
01–F	02–C	03–D	11–E
01–G	02–D	03–E	15
01–H	02–E	03–F [9]	18
01–I	02–F	03–G	19–A [4]
01–J	02–G	03–H	26 [5]
01–K	02–H	03–I	28–A [6]
01–L	02–I	03–J [2]	28–B [7]
01–M	02–J	03–K	28–C
01–N	02–K	03–L	30–A [3]
01–P	02–L	04–A	30–B
01–Q	02–M	05–C	30–C
01–R	02–N	05–D	30–D
01–S	02–P	05–E	30–E

[1] Except safety belts, cushions, fire extinguishers, carbon dioxide (CO_2) cylinders, valves and accessories, life raft accessories such as oars, inflation pump, bailing bucket, bullet hole plugs, etc., and parts.
[2] Except batteries.
[3] Only aerial cameras, gun cameras and their parts, including lenses.
[4] Only aircraft towing gear (excluding tractors), special maintenance dollies, stands, slings, clamps, and supports, engine transportation cradles, chocks and wheel blocks, Hydraulic wing, nose, and axle and tail jacks. Special airplane ladders. Ground type aircraft engine heaters. Mooring kits.
[5] Only those items originally listed in classes set forth in this subparagraph.
[6] Link trainers to be reported by Hq., AAF.
[7] Except two targets, windlasses, windlass installations, parts and windlass motors.
[8] Only instructional aids for aircraft and aircraft equipment assigned to RFC.

(c) Except as otherwise provided above, surplus property in supply or in Government furnished equipment warehouses will be reported to the Regional Office of the Reconstruction Finance Corporation or Department of Commerce for the region in which the property is located.

§ 827.721–3 *Agricultural commodities and food.* Surplus food and related property assigned to the Department of Agriculture as set forth in § 827.791 will be declared to Office of Supply, Commodity Credit Corporation, Department of Agriculture, Washington 25, D. C.

§ 827.721–4 *Portable housing.* Housing of a portable, demountable or prefabricated nature (except house trailers) will be declared to the National Housing Agency, Washington 25, D. C. Structures (not equipped for housing use) of a portable, demountable or prefabricated nature, including quonset and similar huts, when declared surplus separate from any sites thereof, will be declared to the Regional Office of Reconstruction Finance Corporation for the region in which the property is located.

§ 827.721–5 *Other property.* Surplus property other than the types of property specified in the foregoing subparagraphs of this § 827.721 will be declared to the Regional Offices of Reconstruction Finance Corporation or Department of Commerce for the region in which the property is located. The addresses of these Regional Offices and the territories within their jurisdiction are set forth in §§ 827.792 and 827.793.

§ 827.722 *Declarations; how made.*

§ 827.722–1 *Declaration forms.* (a) All declarations of surplus property (except contractor inventory, as to which see § 827.724) will be made on Form SPB–1, titled "Declaration of Surplus Personal Property to Disposal Agency". Copies of this form, together with instructions for its preparation, are set forth in § 827.794.

(b) Declarations of surplus shall designate any such property known to have been processed, produced or donated by the American Red Cross.

(c) Declarations of surplus property shall fully set forth any legal restrictions upon the authority of the Government affecting the disposition of the property, including any restrictions upon the disposal or use thereof arising from any patents or any contract relating thereto.

§ 827.722–2 *Transmittal of declarations.* (The following does not apply to declarations of surplus property originating from contractor inventory that are made under the procedures set forth in § 827.724.) Declarations of surplus property made on Form SPB–1 will be filed with disposal agencies in triplicate. One copy will also be sent to the Navy Department, Washington 25, D. C. (Attention: Chief of the Bureau of Supplies and Accounts, SPD 19) if the total cost of the property covered by the declaration exceeds $1,000. An information copy of each declaration covering property having a total cost of $25,000 or more will be transmitted at the time of declaration to the Director, Readjustment Division. These copies need not be accompanied by a letter of transmittal. An additional copy of each declaration covering property having a total cost of $25,000 or more will be sent to Readjustment Division, attached to the monthly report required by Part 828.

§ 827.723 *Withdrawal, and adjustments of declarations.* (a) Property which has been declared to a disposal agency may be withdrawn by the declaring office for further use by the technical service of origin, with the consent of the disposal agency to which the property was declared. See § 827.724 for special procedures on contractor inventory. It is no longer necessary to withdraw declarations for the purpose of transfer without reimbursement to another technical service or to another Government agency. Under Special Order 6 of the Surplus Property Board, disposal agencies are authorized to transfer property declared by one technical service to another technical service or to another Government agency, without reimbursement when transfer could have been made from the declaring technical service to the transferee service or agency without reimbursement under §§ 823.307 or 823.308.

(b) Withdrawal of property under this paragraph will be effected by transmitting to the Disposal Agency Form SPB–1.1 titled, "Adjustment of Prior Declaration of Surplus Personal Prop-

erty". This form will also be used in reporting any modifications or adjustments in prior declarations. Form SPB–1.1 will be prepared and transmitted in the same manner as Form SPB–1. If a withdrawal covers all the items included in a previous declaration, the phrase "All items to be withdrawn" may be inserted in Column (b) instead of listing the items.

(c) Any approved withdrawals, corrections, adjustments or modifications involving a change in total cost of $25,000 or more will be reported to Readjustment Division, Headquarters, Army Service Forces, by attaching a copy of Form SPB–1.1 to the monthly report required by Part 823 of this subchapter.

(d) See § 827.724–7 as to withdrawals and adjustments of declarations of contractor inventory.

§ 827.724 *Special procedures for contractor inventory.*

§ 827.724–1 *General.* (a) Reconstruction Finance Corporation, with the cooperation of the War Department, has developed a storage system for surplus property originating from contractor inventory, under which disposal centers have already been provided in nearly all major industrial areas, and will be provided in the remaining industrial areas in the immediate future. Through the use of this system, it is contemplated that virtually all surplus property that must be removed from the plants of War Department Contractors (other than property to be disposed of directly by the War Department under Subpart A of this part will be shipped directly from the contractors' plants to RFC Disposal Centers. Under an agreement between Reconstruction Finance Corporation and Department of Commerce, Reconstruction Finance Corporation will move into RFC Disposal Centers surplus items of the types assigned to Department of Commerce which may be included in contractor inventory, or will provide other shipping instructions therefor. Reconstruction Finance Corporation will not, however, provide shipping instructions for property of the types assigned to the United States Maritime Commission or to the Department of Agriculture.

(b) The special procedures set forth in §§ 827.724 to 827.724–7, inclusive, for declaration, request of shipping instructions, issuance of shipping instructions, and documentation of shipment of surplus property from plants of War Department contractors do not apply to property of the types assigned to United States Maritime Commission or Department of Agriculture. Such property will be handled under the procedures set forth in §§ 827.721–1, 827.721–3, 827.722 and 827.723.

§ 827.724–2 *Liaison with Reconstruction Finance Corporation.* Field establishments handling contractor inventories will establish direct and close operational liaison with Regional Offices of Reconstruction Finance Corporation. Such liaison will cover all phases of the operations involved in plant clearance and will include:

(a) Furnishing advance information with respect to impending contract terminations. Insofar as practicable, Regional Offices should be advised of the plant clearance features of pretermination agreements. Upon request, Regional Offices should be furnished copies of termination notices. Termination inventory schedules should be made available to Regional Office representatives.

(b) Consultation with Regional Offices with respect to scrap determinations, possible purchasers of contractor inventory and current market prices of scrap and raw materials.

(c) Consultation with Regional Offices in connection with preparation of declarations. Arrangements should be made for correcting and supplementing inadequate descriptions without delay and without returning declaration forms.

(d) Consultation with Regional Offices on the preparation of property for shipment and shipment to RFC Storage Areas.

(e) Assistance to Regional Offices in obtaining storage space, materials—handling equipment, other facilities, and personnel.

(f) In many cases, Regional Offices are in a position to station representatives in War Department district procurement offices, and vice versa. Such arrangements are desirable, when justified by the work load at the offices concerned.

§ 827.724–3 *Declarations*—(a) *When made.* Declarations should be made as soon as the residual inventory is determined (that is, the serviceable surplus property that will have to be removed after scrapping, sales and retentions by the contractor and diversions to War Department stock or other War Department contractors have been completed). Requests for shipping instructions will usually be made concurrently with declaration (see § 827.724–4).

(b) *Where made.* Declarations will be made to the Regional Office of Reconstruction Finance Corporation for the region in which the property is located.

(c) *Forms used.* (1) Declarations will be made on Form SPB–1.2 (cover sheet), supported by detailed listings on either Termination Inventory Schedules (Office of Contract Settlement Forms 2a, b, c and d), or Form SPB–1.3. In order to meet machine listing limitations of the disposal agencies, no more than ninety-nine pages of detailed listings will be included in a single declaration. Copies of Form SPB–1.2 and Form SPB–1.3, together with instructions for preparation, are set forth in § 827.794.

(2) When Termination Inventory Schedules are used as detailed listings, the type of storage required will be indicated in one of the columns headed "Leave Blank" by the following single letter entry:

H—Heated warehouse
C—Closed unheated warehouse
O—Open storage

(3) Form SPB–1.3 will be used as the detailed listing for termination inventory whenever it is necessary to rewrite Termination Inventory Schedules, because of numerous deletions or failure on the part of the contractor to conform to the requirements of Subchapter C of this chapter as to classification or description in the preparation of schedules, or when schedules are not submitted on Office of Contract Settlement Forms 2a, b, c and d. In transcribing from Termination Inventory Schedules to Form SPB–1.3, the classification of the particular schedules will be followed and a new page started for each property classification; it is not necessary to further classify the items according to the major groups of the Standard Commodity Classification or to segregate items of the type assigned to Department of Commerce. In transcribing descriptions from OCS Form 2a, the sequence of the description columns of that Form will be followed; the abbreviations "thk" for thick, "w" for wide and "l" for long will be supplied after the dimensions; and the descriptive matter appearing under the respective columns of that Form will be set off by semicolons. Example: "BRASS, HR coiled strip, slit edge; ¼ hard, plain pickled; U. S. Army Spec. 57160 R.L. Br.; 0126 thk; 6" w; 42 # coils."

(4) Form SPB–1.3 will in every case be used as the detailed listing for plant equipment. Descriptions of plant equipment for which Historical Record forms are maintained may be confined to a one-line statement of the descriptive name of the machine, manufacturer, size, model or catalog number, and electrical characteristics, provided copies of the pertinent Historical Record forms (edited to conform to the equipment as shipped) are annexed to shipping documents at time of shipment (see § 827.724–6 (a) (3)). A new page will be started for each major group (two digits) of the Standard Commodity Classification; but only one Form SPB–1.2 need be prepared when the detailed listings comprise more than one major group.

(5) Copies of Form SPB–1.2 with supporting detailed listings will be distributed as follows:

(i) Eight (8) sets to the Regional Office of Reconstruction Finance Corporation. The Regional Office will return one set with shipping instructions; or will return 2 or more sets if requested, provided sufficient additional sets are transmitted to the Regional Office in the first instance.

(ii) Declarations covering property having a cost of $25,000 or more: One (1) set to Readjustment Division for information concurrently with transmittal to Regional Office of Reconstruction Finance Corporation (this set will be omitted when a copy of the declaration of production equipment is transmitted to the Industrial Equipment Redistribution Board under § 825.611–10 (a) (1)); and one (1) set to Readjustment Division, attached to the monthly report required by Part 848 of this chapter.

(iii) Additional distribution within the technical service concerned as required for file and record purposes.

§ 827.724–4 *Request for shipping instructions.* Request for shipping instructions will be made on Form SPB–1.2 (Blocks 12 through 17); and will usually be made concurrently with declaration, using a single Form SPB–1.2 for both declaration and request. Under no circumstances will shipping instructions be requested on property for which a firm "date ready for shipment" can not be set. It will usually minimize paper-work if declarations are limited to property for which firm shipping date can be set, so that declaration and request for shipping instructions will cover the same property; even though this may require successive declarations for property originating from a single contractor inventory. However, there will be some cases in which it is desirable to include in a single declaration property for which a firm shipping date cannot be set, as well as property for which a firm shipping date can be set, limiting the request for shipping instructions to the latter. Such partial requests will be identified by an appropriate entry in block 24 of Form SPB–1.2.

§ 827.724–5 *Shipping instructions.* The regional office will return one set of the declaration with appropriate shipping instructions in Blocks 18 through 23 of Form SPB–1.2. Usually the shipping date will be scheduled 10 to 14 days from receipt of request for shipping instructions.

§ 827.724–6 *Documentation of shipment.* (a) Separate documents will be prepared for each shipment as follows:

(1) Vendor's Shipping Document (VSD) will be used as a cover sheet, supported by detailed listings on SPB Form 1.3 (see subparagraph (d) for alternate procedure).

(2) The VSD will be prepared in the usual manner, except that:

(i) The "Reporting Agency Number" assigned by Reconstruction Finance Corporation to the declaration under which the shipment is made will be entered in block 13.

(ii) The "RFC Shipping Authorization Code" under which the shipment is made will be entered in block 14.

(iii) In lieu of completing columns 1 through 14, the following will be typed in capital letters:

SEE ATTACHED DETAIL LISTING PAGES THROUGH

(3) Detailed listings will be prepared on SPB Form 1.3, filling out all blocks and columns except 3 and 13. Copies of detailed listings used for declaration may be utilized for this purpose by deleting items withdrawn, sold or scrapped after declaration; filling out columns 6, 7, 8 and 10; and entering "Reporting Agency No." and "Shipping Authorization." When Historical Record forms are used to support one-line descriptions of plant equipment on Form SPB–1.3 (see § 827.724–3 (c) (4)) they will be edited to conform to property shipped and attached to Form SPB–1.3.

(4) As an alternate procedure the use of Form SPB–1.3 may be omitted and detailed listing may be made on the VSD. If this procedure is followed, full descriptions (including condition code), unit of measure, quantity declared, unit cost and total cost will be transcribed to columns 2, 3, 7, 9 and 10 of the VSD from the detailed listings used in connection with declaration. In transcribing descriptions to column 2 of the VSD, description of each item will be started with the page and line number as shown in the detailed listings supporting declaration and ended with the condition code. See § 827.724–3 (d) (3) for method of transcribing description from OCS Form 2a.

(b) When more than one car or truckload is required to ship property covered by a single declaration, shipments will be serially numbered (beginning with "1" for each declaration) and will be indicated as "final" or "partial" in the space provided on the VSD. When a shipment has been marked "final" and it is discovered that an item or items covered by the declaration have not been shipped, the Regional Office will be consulted as to the manner of adjustment; and, if requested, a new declaration and request for shipment will be made.

(c) If shipment is delayed beyond the usual tolerance period permitted by the particular Regional Office, the Regional Office will be immediately notified. If the matter cannot be adjusted through liaison, a new request for shipping instructions will be made.

(d) Shipping documents will be distributed as follows:

(1) If shipment is by truck:

Four (4) sets with shipment;
Four (4) sets by mail to the RFC Disposal Center;
One (1) set by mail to the RFC Regional Office.

(2) If shipment is by rail:

Two (2) sets with shipment;
Six (6) sets by mail to the RFC Disposal Center;
One (1) set by mail to the RFC Regional Office.

(3) Original copy, and additional copies as required, to the contracting officer. The contracting officer will return one (1) copy to the contractor after executing receipt thereon in accordance with the JTR (PR 15).

(4) Additional copies as required by the contractor.

(e) The RFC Disposal Center to which the property is shipped will return two (2) sets of the shipping documents (with "quantity received" column completed) to the contracting officer as a receiving report. When quantity received differs from quantity shipped, or in case of evident damage, the RFC Storage Area will return an "Over, Short and Damage" report.

(f) In view of the number of copies required, all shipping documentation should be prepared by reproduction methods.

§ 827.724–7 *Withdrawals and adjustments.* It will not be necessary to submit Form SPB–1.1 adjusting quantities declared to quantities shipped. However, the Regional Office will be informed through liaison in advance of shipment when adjustments are such as to affect substantially the amount or type of storage space or handling facilities required; and should be informed through liaison of any substantial adjustments resulting from withdrawal, scrapping or sale of contractor inventory between declaration and shipment.

§ 827.725 *Care and handling.*

§ 827.725–1 *General.* (a) The disposal agencies will dispose of all property declared surplus that is not withdrawn under § 827.723.

(b) All agencies of the War Department concerned with the disposal of surplus property will extend the fullest cooperation to the disposal agencies in this connection. Liaison will be promptly established and maintained between field establishments handling surplus property and the field agencies of the Disposal Agencies. Provisions will be made for furnishing additional information to disposal agencies and for exhibiting declared property held in War Department storage to properly accredited prospective purchasers and representatives of disposal agencies to the fullest extent practicable.

(c) After property has been declared to a disposal agency, the field installation concerned will hold the property subject to disposition instructions from the disposal agency.

(d) The responsibilities of the War Department for storage, processing and shipment of declared surpluses are set forth in detail below. (§§ 827.725–2 to 827.725–5, inclusive, do not apply to contractor inventory declared to Reconstruction Finance Corporation, as to which see § 827.724.)

§ 827.725–2 *Storage of declared surpluses—General.* Disposal of declared surplus may be effected by the disposal agency directly from War Department storage or after removal to storage facilities of the disposal agency. In either event, the field installation concerned will provide storage pending receipt of disposition instructions from the disposal agency.

§ 827.725–3 *Storage of declared surpluses; construction equipment.* After construction equipment (see § 826.621 (b)) has been declared to a disposal agency by a technical service other than the Corps of Engineers, it may be turned over to the Corps of Engineers for storage pending disposition by the disposal agency. When a technical service desires to turn over Construction Equipment to the Corps of Engineers, the local establishment having jurisdiction of the equipment will notify the division engineer of the Corps of Engineers nearest to the location of the equipment, who will issue shipping instructions. The technical service requesting storage will prepare and ship the property in accordance with such shipping instructions. All costs of packing, handling and transportation will be borne by the technical service requesting storage. When unserviceable property is shipped to the Corps of Engineers, the property must be listed on a separate shipping document bearing the following statement on all copies thereof:

All property listed hereon is in an unserviceable condition.

Appropriate inspection by those concerned with determination of responsibility for its condition has been made.

Signed _____
Accountable shipping officer

Accountability will be transferred to the Corps of Engineers without transfer of funds. Transfer will be coordinated with the interested accountable property officer for compliance with applicable regulations in regard to the transfer of accountability for property. The technical service requesting storage will notify the

disposal agency of the change of location of the property, and will submit a copy of such notification, together with a copy of the declaration of surplus, to the storing establishment.

§ 827.725–4 *Storage of declared surplus; Department of Commerce storage system.* (a) The Department of Commerce, with the cooperation of the War Department, has established a number of disposal centers for the storage of military property declared surplus by the War Department. Although it is anticipated that each War Department installation which generates surplus military property of the types for which the Department of Commerce is the designated Disposal Agency will eventually be served by a Commerce Disposal Center, the available facilities are limited at present. Accordingly, selected depots under the jurisdiction of Army Service Forces have been keyed to Commerce Disposal Centers and have been assigned priorities consistent with criticalness of storage conditions, for the guidance of Commerce Department. Depots thus keyed have been notified. As additional space becomes available so that additional depots can be served by Commerce Disposal Centers, or in the event it becomes necessary to revise the keying of depots, the depots concerned will be notified by Storage Division, Headquarters, Army Service Forces. In the case of AAF depots, information as to arrangements with the Department of Commerce may be obtained from Resources Division, OAC/AS, M&S, Headquarters, Army Air Forces.

(b) When depots receive notification that they have been keyed to a Commerce Disposal Center, they should request shipping instructions from the Regional Office of the Department of Commerce to which their declarations have been made, citing the numbers of the declaration forms upon which disposal has not been completed and indicating the desired order of removal. The manner of requesting shipping instructions on surpluses already declared and on future declarations should be ascertained through direct liaison with the Regional Office. Where space is available in keeping with the established priorities, the Regional Office will issue shipping instructions.

(c) In some instances the Department of Commerce may not wish to issue shipping instructions, because of action already initiated to effect sale (such as advertising for bids, etc.), or for other reasons. In such cases, depot personnel will cooperate with the Department of Commerce to the fullest extent consistent with the fulfillment of the military mission of the depot. When it is not possible to reach a mutually satisfactory arrangement with the Department of Commerce in such cases, the matter, with pertinent details, will be referred to Storage Division, Headquarters, ASF, or in the case of AAF Depots, to Resources Division, OAC/AS, M&S, Headquarters, AAF. These offices will consult with the central office of the Department of Commerce and will endeavor to work out a satisfactory solution.

(d) When it becomes necessary to remove surpluses from a depot to make room for storage of troop supplies, and the depot has not been keyed to a Commerce Disposal Center (or if so keyed, has been unable to obtain shipping instruction from the Regional Office), the case with pertinent details will be referred to Storage Division, Headquarters, ASF, or in the case of AAF Depots, to Resources Division, OAC/AS, M&S, Headquarters, AAF. If approval is granted by these offices for the transfer of declared surpluses to another War Department storage point, the depot will notify the Regional Office of the Department of Commerce of the proposed change in location and will fully coordinate the proposed change in location with the Regional Office. In addition, when movement to the new location is completed the Regional Office will be advised.

§ 827.725–5 *Storage of declared surplus: Reconstruction Finance Corporation storage system.* Movement of declared surpluses into Reconstruction Finance Corporation's storage system is at present generally limited to contractor inventory (see § 827.724 for special procedure.) However, Reconstruction Finance Corporation will remove delared surpluses other than contractor inventory into its storage system under emergency conditions. Application for such emergency removal of Army Service Forces property will be made through channels to Storage Division, Headquarters, Army Service Forces, or to Resources Division, OAC/AS, M&S, Headquarters, AAF for Army Air Forces property. These offices will make the necessary arrangements with Reconstruction Finance Corporation.

§ 827.725–6 *Repairing and reconditioning.* The War Department is not required to, and should not, repair, recondition or reprocess surplus property. Where, however, parts, attachments or accessories have been removed temporarily from an item of production equipment, reassembly will be accomplished prior to reporting, if the parts, attachments or accessories are excess to the needs of the owning agency and are on hand or readily available, and if the cost of reassembly is not excessive.

§ 827.725–7 *Removal of components.* The removal, in accordance with applicable directives, regulations, technical orders or other instructions, of needed parts, components and appliances from items determined surplus, and any demilitarization thereof, will be accomplished prior to declaration to the disposal agency, and thereafter only with the concurrence of the disposal agency.

§ 827.725–8 *Shipment upon receipt of disposition instructions.* (a) When property has been disposed of by a Disposal Agency, or when the disposal agency takes custody of the property prior to disposal, the disposal agency will issue appropriate shipping instructions or other disposal documents, sending one copy to the custodian and one copy to the declaring agency (except as otherwise agreed between the declaring agency and the disposal agency in the case of contractor inventory; see § 827.724–3 (c) (5) **(i)**. As directed by the disposal agency, the field installation concerned will, upon receipt of the shipping instructions, prepare and load the property and arrange for its shipment. The expense of preparation and loading for shipment will be borne by the field installation concerned, without reimbursement by the disposal agency.

(b) The use of War Department transportation facilities in moving surplus property into storage facilities of a disposal agency is authorized when the use of such transportation facilities will not interfere with the normal military functions of the installation concerned. Payment of transportation expenses incurred in moving surplus property into storage facilities of a disposal agency by means other than War Department transportation facilities is authorized where transfer to a disposal agency will be expedited or is otherwise required.

(c) Expenses of transportation direct to the disposal agency's vendee will not be borne by the War Department. When shipment is made on commercial bill of lading, the requirements of War Department Commercial Traffic Bulletin No. 27, June 6, 1945, are applicable.

§ 827.726 *Fiscal procedures.* The War Department will not be reimbursed for surplus property delivered to or upon the direction of a disposal agency. Where, at the direction of a disposal agency, surplus property is delivered to a disposal agency, other Government agency, or buyer, an authenticated copy of the delivery order received from the disposal agency, cross-referenced to the receipt of the common carrier or transportation agency on file at the station, will constitute a valid credit voucher to the property account for the material so delivered. Where bill of lading files are not maintained at the same station as that of the accountable property officer, he will secure from the transportation officer an authenticated memorandum copy of the bill of lading for association with the related disposal agency order. In the case of direct delivery to the buyer, his written acknowledgment of receipt on the delivery order will constitute a valid credit voucher to the property account for the material so delivered. Whenever the delivery order is not complete in detail as to quantity and nomenclature of the items ordered to be delivered, a shipping document will be originated and a copy filed in support of the delivery order.

§ 827.727 *Direct disposal by War Department after declaration.* Property will be disposed of directly by the War Department after declaration to a disposal agency only after withdrawal under § 827.723, or under the procedures set forth below.

§ 827.727–1 *Sale after clearance by Disposal Agency.* (a) When special circumstances, such as danger of deterioration or sanitary or other hazard, or urgent requirement for storage space for military supplies, make immediate sale by the War Department desirable, application may be made (either before or after declaration) to the appropriate disposal agency for clearance of the property for direct sale by the War Department. If clearance is obtained after declaration, the installation concerned will transmit to the disposal agency a Form SPB–1–1 withdrawing the property that has been cleared (see § 827.723 (b) for procedure). Such applications may be made directly by the chiefs of the technical services, Commanding Generals of service commands or Commanding Generals of Area Air Technical Service Commands.

(b) Property which a disposal agency has cleared for sale may be sold by negotiated sale. The chief of the technical service obtaining clearance may direct that the property be sold by a particular officer, or that it be sold in a particular manner. In the absence of such directions, sales will be made by the local salvage officer in accordance with regulations applicable to the sale of salvage, except that all documents relating to such sales will be clearly marked to indicate sale of surplus property.

§ 827.727–2 *Property determined scrap by a disposal agency after declaration.* Upon receipt of a written certification from a disposal agency that property previously declared has been determined to be scrap by the disposal agency, such property will be disposed of under the procedure set forth in § 827.711.

§ 827.791 *Assignment of property to disposal agencies.* Assignments of property to disposal agencies is set forth in this paragraph as published in Surplus Property Board Regulation No. 1, Order 1, under the following prefatory notes:

ASSIGNMENT OF SURPLUS PROPERTY

Under Its Regulation No. 1, the Surplus Property Board hereby assigns to the Government disposal agencies named below such items or types of surplus property located in the continental United States as are listed under the name of each agency. The items or types of surplus property listed below under the name of each disposal agency are included within the class of surplus property assigned to each agency for disposal in Regulation No. 1. The code numbers used herein are those of the Standard Commodity Classification (U. S. Government Printing Office) to Volume I of which reference must be made for a complete list of the items or types of surplus property assigned by means of the code number.

PART 1—CRUDE MATERIALS

R. F. C.	Department of Commerce	Department of Agriculture
	01 Live animals, other than food animals.	01 Live animals, except non-food animals. Crude animal products, edible.
03 Crude animal products inedible, except fibers.		02
05–5 Crude rubber and allied gums.		04 Crude vegetable products, edible.
05–6, 8 Lac.		05 Crude vegetable products, inedible, except fibers (except as indicated).
05–7 Crude medicinal herbs, roots, barks, and other plant parts, except U. S. P. and similar grades.		
05–93 Crude cork.		
05–94 Loofa sponges.		
06 Fibers, vegetable and animal, unmanufactured, except domestically produced wool and mohair).		06–1 Cotton.
		06–22 Flax (only domestic production).
		06–25 Hemp (cannabis sativa).
		06–8 Wool and other specialty hair (domestically produced wool and mohair only).
07 Coal, crude petroleum, and related types and their unrefined products.		
08 Metallic ores, tailings, concentrates and their unrefined products.		
09 Industrial minerals, except coal and petroleum.		

PART 2—BASIC MATERIALS AND PRODUCTS

R. F. C.	Department of Commerce	Department of Agriculture
11 Leather.		
12 Boot and shoe cut stock and shoe findings.		
13 Wood basic materials, except pulpwood (except as indicated).	13–92 Rattan, willow, and bamboo stock.	
	13–97 Handles.	
14–1 Pulpwood.	14 Pulp, paper and paper board (except as indicated).	
14–2 Paperbase stocks except pulp.	14–21 Waste paper (located in Washington, D. C.).	
14–3 Woodmeal.		
14–4 Other pulp.		
14–5 Building board.		
15–2 Jute basic textiles.	15 Textile basic manufacturers (except as indicated).	
15–99 Curled hair (similar to 06–7).		
15–71 Silk.		
15–72 Silk semi-manufactures.		
15–81 Rayon, nylon, etc., semi-manufactures.		
15–82 Rayon, nylon, etc., yarn.		
15–83 Jute cordage except sizes less than one-quarter inch cross-sectional diameter.		
15–903 Soft fiber cordage except sizes less than one-quarter inch cross-sectional diameter.		
15–904 Hard fiber cordage and twine (all).		
16–52 Industrial molasses.		
		16 Food and beverage basic materials (except as indicated).
17–6 Floral absolutes, concretes and mixtures of essential and floral oils.	17–5 Essential oils (packaged for veterinary or medicinal use only).	
17–7 Waxes, animal and vegetable.		
17–8 Petroleum and coal products except raw materials for chemical industries.		

PART 3—END PRODUCTS

R. F. C.	Department of Commerce	Maritime Commission
19 Chemicals.		19–271 Rosins. 19–272 Turpentine. 19–273 Pine oil. 19–274 Pine pitch. 19–276 Pine tar.
21 Iron and iron and steel scrap (except as indicated).	21–622 Cast iron soil pipe.	
22 Steel (except as indicated).	22–62 Soil pipe fittings.	
23 Ferro and nonferrous additive alloys.	22–32 Barbed and twisted wire.	
24 Nonferrous metals (except as indicated).	24–82 Gold and gold-base alloy basic shapes and forms.	
25 Fabricated metal basic products (except as indicated).	25–52 Tools, basic.	25–31 Power boilers marine.
	25–53 Builders' basic hardware.	25–5 Marine basic hardware (except builders' hardware and attachments).
	25–54 Motor vehicle hardware.	
	25–56 Casket hardware.	
	25–57 Furniture hardware.	
	25–58 Miscellaneous basic hardware.	
	25–59 Miscellaneous finished hardware.	
	25–61 Automotive vehicle bodies.	
	25–64 Combat vehicle bodies.	
	25–75 Insect screening.	
	25–76 Wire nails, tacks and staples.	
	25–77 Wire springs.	
	25–7961 Wire chain.	
	25–7962 Other link fencing.	
	25–7963 Chain and attachments.	
	25–94 Bolts, nuts, screws, rivets, etc.	
	25–96 Cut nails, tacks and spikes.	
	25–99 Miscellaneous fabricated products.	
26–3 Glass basic products.		
26–8 Nonmetallic mineral basic products, chiefly structural (except as indicated).		

R. F. C.	Department of Commerce	Maritime Commission
27 Nonmetallic mineral basic products—chiefly nonstructural (except as indicated).	27-1 Glass basic products (except 3 items). 27-131 Railroad signal lenses. 27-132 Barlo tubes (glass only). 27-10 Insulators. 27-32 Asbestos and asbestos metallic products and mill shapes. 27-331 Asbestos woven or modified fabrics material. 27-376 Asbestos paper pipe covering insulation. 27-84 Rope covering insulation. 27-92 Pottery. 27-93 Pottery supplies. 27-94 Ceramic products. 29-1 Hard rubber fabricated materials (except items 29-12 reclaimed rubber). 29-2 Plastic fabricated materials to be used as components of end products (except items 29-22 plastic electrical insulating material, 29-24 plastic instrument parts, 29-25 plastic radio parts, 29-26 plastic construction and miscellaneous products, less 29-2506 door and window screening, and 29-24 plastic glass). 29-8 Imitation gem and ornamental stones. 29-91 Button blanks, moulds, and other parts. 29-92 Beads, bugles, and spangles.	
31 General purpose industrial machinery and equipment (except as indicated).	31-1 Engines, gasoline, air, portable, skid or wheel mounted, two stage, powered by gasoline or diesel motors, capacities 30 to 600 cubic feet per minute. 31-2 Engines, gasoline, portable, compressor, diaphragm or sump, powered by gasoline, diesel or electric motors ordinarily used for contractors' purposes or by contractors. 31-30 Hand tamps. 31-31 Crushers, jaw, roll and crushing plants, portable type (except 31-3150—stamp mills and 31-3160—pitch-type breakers). 31-32 Screening plants, portable type. 31-36 Screens rotary, vibrator and gravity type. 31-4101—31-4931 Conveyors, construction material, portable type, and parts. 31-570 Derricks. 31-582 Winches (except fixed shipboard or executive marine winches). 31-6 Industrial trucks, tractors, trailers stackers and accessories. 31-97 Lubrication equipment—to the extent the items are for use in connection with motor vehicles.	31-552 Fixed shipboard or executive marine winches. 31-583 Anchor windlasses. 31-584 Capstans.
32 Electrical machinery and apparatus (except as indicated).	32-1 Batteries, charging generators (except aircraft). 32-45 Motor ignition equipment (except aircraft). 32-52 Lamps. 32-53 Lamp sockets. 32-7 Lamps (except 32-73 aviation service lamps). 32-8 Electric appliances, household and commercial. 32-91 Dry cell batteries. 32-92 Storage batteries.	
33 Special industry machinery	33-122 Peeling and barking machines. 33-125 Veneer lathes and steamers. 33-127 Juice extractors. 33-1313 Milk extractors. 33-1322 Butter cutters. 33-133 Ice cream manufacturing machinery and equipment.	59-19 Hoisting and towing machines. 59-13 Capstans.
34 Metal working machinery.		
35 Agricultural machinery and implements.		43 Skips, small water craft and marine propulsion machinery (except items 43-2 boats, 43-23 aircraft carriers, 43-24 destroyers, and 43-25 submarines).
36 Construction, mining, excavating and related machinery (except as indicated).		
36 31 Oil well machinery.		
37 Tractors.		
38 Office machines.		
39-11 Home type laundry equipment.		
39-20 Homesewing machines.		
39-3 Dishwashing machinery.		
39-43 Calculating and computing scales.		
39-44 Coin operated scales.		
39-45 Spring scales, household.		
39-50 Cash registers.		
39-60 Coin operated machines.		
39-91 Laundry marks.		
41-1 Radio broadcast receivers.		
42-8 Flight equipment for personnel.		
44 Railroad transportation equipment.		
45 Miscellaneous basic materials (except as indicated).	45 Motor vehicles. 49 Miscellaneous transportation equipment.	
	51 Plumbing and heating equipment. 52 Air conditioning and refrigeration equipment (except as indicated).	
	53 Lighting fixtures (except as indicated).	53-2 Marine fixtures.
	54 Furniture and fixtures. 55 Floor coverings and processed miscellaneous goods and processed motion pictures (except as indicated).	
	56 Optical instruments and apparatus. 57-112 Glass stemmed laboratory thermometers. 57-113 Glass stemmed clinical thermometers. 57-114 Household and commercial thermometers. 57-119 Thermometers not elsewhere classified. 57-14 Heating and ventilating controls and accessories. 57-33 Barometers (domestic household types). 57-35 Refrigeration controls. 57-59 Taximeters and parking meters. 57-65 Compasses and accessories (except fixed shipboard types and aircraft types).	57-65 Compasses and accessories (except fixed shipboard types). 57-66 Azimuths, sextants and octants. 57-691 Taff rail logs.
	58 Professional and scientific instruments and apparatus.	
	59 Miscellaneous equipment (except as indicated).	59-16 Water safety equipment.
46 Miscellaneous machinery.		
47 Communications equipment and electronic devices (except as indicated).		
48 Aircraft (except as indicated).		
61 Textile products and miscellaneous finished goods.		
62 Leather and leather products.		
63 Rubber products.		
64 Forest products.		
65 Drugs and medicines (except as indicated).		
66 Toiletries, cosmetics, soap, and household chemical preparations.		
67 Apparel, except footwear.		
68 Footwear.		
69 Fabricated textile products except apparel.		
71 End products of leather except apparel, footwear and luggage.		
72 Converted paper products and pulp goods.		
73 Products of printing and publishing industries (except as indicated).		
74 Rubber end products.		
75 End products of metal industries (except as indicated).		
76 Finished wood products, except furniture and rail work (except as indicated).		
77 End products of glass, clay and stone.		
79 Miscellaneous end products of manufacturing industries (except as indicated).		
81 Small arms and components.		
83 Small arms ammunition and specifically adapted components.		
82 Artillery, Naval Guns, Mortars and Components.		
84 Artillery, Naval, and Mortar Ammunition and specifically Adapted Components.		
85 Aerial Bombs and specifically Adapted Components.		
86 Miscellaneous Ammunition and Related Products.		
87 Common Components of Ammunition.		
88 Fire Control Equipment.		

Such components and accessories within these groups as have civilian utility are assigned to the appropriate disposal agencies handling the classes of property within which such components and accessories fall.

The assignments made to each disposal agency in the manner detailed above, through the use of the Standard Commodity Classification code numbers, are intended to be in aid of and supplementary to the assignment of the general classes of property made in § 8301.3 of Regulation No. 1 of the Surplus Property Board. If, therefore, items fall within a general class of property assigned by Regulation No. 1 but the items are not listed in the Standard Commodity Classification, they are assigned to the disposal agency to which the general class of property is assigned. Similarly, where Order No. 1 assigns an item of property to one disposal agency (for example, winches) and the Standard Commodity Classification does not disclose that certain types of that same item are within the general class of property assigned to another disposal agency (for example, marine winches) such types shall be disposed of by the latter disposal agency.

§ 827.792 *Regional offices of Reconstruction Finance Corporation to which declarations of surplus property will be submitted.*

R. F. C.	Department of Commerce	War Food Administration
59-20 Water purification equipment (except 59-241, hose water softeners). 59-3 Sewage disposal equipment. 59-55 Sprinkler system components. 59-77 Railroad signal controls. 59-78 Industrial process supervisory systems.		
		61 Food, manufactured. 62 Feed, manufactured. 63 Beverages and ice. 64 Tobacco manufactures. 65-481 Marine liver oil, derivatives, and preparations, except marine liver oil concentrates in solution, m. g. 65-48. Vitamins, vitamin-active compounds and preparations containing one and more than one vitamin, m. g.
70-17 Books and pamphlets (instructional aids for equipment assigned to RFC).		
75-7181 High pressure cylinders.		
76-61 Lasts for boots and shoes. 76-62 Last sole patterns.		

Maritime Commission
75-953 Cargo nets, wire rope. 75-954 Wire rope slings. 76-93 Rafts, floats, belts and buoys.
79-974 Life preservers. 79-975 Buoys.

TERRITORY

Atlanta Region: Healey Building, Atlanta 3, Georgia.

Georgia.	Tennessee.
Alabama.	Florida.

Boston Region: 10 Post Office Square, Boston 9, Massachusetts.

Maine.	Massachusetts.
New Hampshire.	Rhode Island.
Vermont.	

Connecticut—(except Fairfield County).

Charlotte Region: Wilson Building, 109 West 3d Street, Charlotte 1, N. C.

North Carolina.	South Carolina.

Chicago Region: 208 South LaSalle Street, Chicago 4, Illinois.

Illinois—except 44 Southern counties in St. Louis Region.

Indiana—except 24 Southern counties in St. Louis Region.

Wisconsin—except 26 Northern counties in Minneapolis Region.

Iowa.

Cleveland Region: Empire Bldg., Cleveland 1, Ohio.

Ohio.

Kentucky—56 Eastern counties: Bath, Bell, Boone, Bourbon, Boyd, Bracken, Breathitt, Campbell, Carter, Clark, Clay, Elliott, Estill, Fayette, Fleming, Floyd, Garrard, Grant, Greenup, Harlan, Harrison, Jackson, Jessamine, Johnson, Kenton, Knott, Knox, Laurel, Lawrence, Lee, Leslie, Letcher, Lewis, Lincoln, McCreary, Madison, Magoffin, Martin, Mason, Menifee, Montgomery, Morgan, Nicholas, Owsley, Pendleton, Perry, Powell, Pulaski, Pike, Robertson, Rockcastle, Rowan, Scott, Whitley, Wolfe, Woodford.

Pennsylvania—19 Western counties: Allegheny, Armstrong, Beaver, Butler, Clarion, Crawford, Erie, Fayette, Forest, Greene, Indiana, Jefferson, Lawrence, Mercer, Somerset, Venango, Warren, Washington, Westmoreland.

West Virginia—6 Northwestern counties: Brooke, Hancock, Marshall, Ohio, Tyler, Wetzell.

Dallas Region: Cotton Exchange Bldg., Dallas 1, Texas.

Texas—except 95 counties in San Antonio and Houston Regions.

Oklahoma—8 Southeastern counties: Atoka, Bryan, Choctaw, Coal, Johnston, McCurtain, Marshall, Pushmataha.

New Mexico—except 13 counties in Denver Region.

Arizona—5 southeastern counties: Cochise, Graham, Greenlee, Pima, Santa Cruz.

Denver Region: Boston Building, Denver 2, Colorado.

Colorado.

New Mexico—13 Northern counties: Bernalillo, Colfax, Harding, McKinley, Mora, Rio Arriba, Sandoval, San Juan, San Miguel, Santa Fe, Taos, Union, Valencia.

Detroit Region: 800 Griswold Bldg., 1214 Griswold St., Detroit 26, Michigan.

Michigan—except Upper Peninsula listed under Minneapolis Region.

Houston Region: Rusk Building, 723 Main St., Houston 2, Texas.

Texas—43 Southeastern counties: Anderson, Angelina, Austin, Bastrop, Brazoria, Brazos, Burleson, Calhoun, Chambers, Cherokee, Colorado, Fayette, Fort Bend, Galveston, Grimes, Hardin, Harris, Houston, Jackson, Jasper, Jefferson, Lavaca, Lee, Liberty, Madison, Matagorda, Montgomery, Nacogdoches, Newton, Orange, Polk, Refugio, Sabine, San Augustine, San Jacinto, Shelby, Trinity, Tyler, Victoria, Walker, Waller, Washington, Wharton.

Kansas City Region: Federal Reserve Bank Bldg., Kansas City 6, Missouri.

Kansas.

Missouri—19 Western counties: Andrew, Atchison, Barton, Bates, Buchanan, Cass, Clay, Clinton, De Kalb, Gentry, Holt, Jackson, Jasper, McDonald, Newton, Nodaway, Platte, Vernon, Worth.

Oklahoma—except 8 Southeastern counties listed in Dallas Region.

Los Angeles Region: Pacific Mutual Building, Los Angeles 14, Calif.

California—9 Southern counties: Imperial, Inyo, Los Angeles, Orange, Riverside, San Bernardino, San Diego, Santa Barbara, Ventura.

Arizona—Except 5 Southeastern counties in Dallas Region.

Minneapolis Region: McKnight Building, Minneapolis 1, Minn.

Minnesota.

North Dakota.

South Dakota.

Michigan—Upper Peninsula, counties of: Alger, Baraga, Chippewa, Delta, Dickinson, Gogebic, Houghton, Iron, Keweenaw, Luce, Mackinac, Marquette, Menominee, Ontonagon, Schoolcraft.

Wisconsin—26 Northern counties: Ashland, Barron, Bayfield, Buffalo, Burnett, Chippewa, Douglas, Dunn, Eau Claire, Florence, Forest, Iron, LaCrosse, Lincoln, Oneida, Pepin, Pierce, Polk, Price, Rusk, St. Croix, Sawyer, Taylor, Trempealeau, Vilas, Washburn.

New Orleans Region: Richards Bldg., 837 Gravier Street, New Orleans 12, La.

Louisiana. Mississippi.

New York Region: 70 Pine Street, New York 5, New York.

New York.

Connecticut—Fairfield County.

New Jersey—except 9 Southern counties in Philadelphia Region.

Omaha Region: Woodman of the World Bldg., Omaha 2, Nebraska.

Nebraska. Wyoming.

Philadelphia Region: 1528 Walnut Street, Philadelphia 2, Pa.

Delaware.

Pennsylvania—except 19 Western counties in Cleveland Region.

New Jersey—9 Southern counties: Atlantic, Burlington, Camden, Cape May, Cumberland, Gloucester, Mercer, Ocean, Salem.

Portland Region: Pittock Block, Portland 5, Oregon.

Oregon—except Klamath and Lake counties.

Montana.

Washington—except 16 Western counties in Seattle Region.

Idaho—10 Northern counties: Benewah, Bonner, Boundary, Clearwater, Idaho, Kootenai, Latch, Lewis, Nez Perce, Shoshone.

Richmond Region: Mutual Assurance Society Bldg., 903 East Main St., Richmond 19, Va.

Maryland.

Virginia.

District of Columbia.

West Virginia—except 6 Northwestern counties in Cleveland Region.

St. Louis Region: Victoria Bldg., 407 North 8th Street, St. Louis 2, Mo.

Missouri—except 19 Western counties in Kansas City Region.

Illinois—44 Southern counties: Adams, Alexander, Bond, Brown, Calhoun, Clay, Clinton, Crawford, Edwards, Effingham, Fayette, Franklin, Gallatin, Greene, Hamilton, Hardin, Jackson, Jasper, Jefferson, Jersey, Johnson, Lawrence, Macoupin, Madison, Marion, Massac, Monroe, Montgomery, Morgan, Perry, Pike, Pope, Pulaski, Randolph, Richland, St. Clair, Saline, Scott, Union, Wabash, Washington, Wayne, White, Williamson.

Indiana—24 Southern counties: Daviess, Dubois, Gibson, Clark, Crawford, Floyd, Greene, Knox, Martin, Pike, Posey, Spencer, Harrison, Jackson, Perry, Sullivan, Vanderburgh, Warrick, Jefferson, Lawrence, Orange, Scott, Washington, Switzerland.

Arkansas.

Kentucky—except 56 Eastern counties in Cleveland Region.

Salt Lake City Region: Dooly Bldg., Salt Lake City 1, Utah.

Utah.

Idaho—except 10 Northern counties in Portland Region.

Nevada—4 Eastern counties: Clark, Elko, Lincoln, White Pine.

San Antonio Region: Alamo National Bldg., San Antonio 5, Texas.

Texas—52 Southern counties: Aransas, Atascosa, Bandera, Bee, Bexar, Blanco, Brewster, Brooks, Caldwell, Cameron, Comal, De Witt, Dimmit, Duval, Edwards, Frio, Gillespie, Goliad, Gonzales, Guadalupe, Hays, Hidalgo, Jim Hogg, Jim Wells, Karnes, Kendall, Kendedy, Kerr, Kimble, Kinney, Kleburg, La Salle, Live Oak, Llano, McMullen, Mason, Maverick, Medina, Nueces, Presidio, Real, San Patricio, Starr, Terrell, Travis, Uvalde, Val Verde, Webb, Willacy, Wilson, Zapata, Zavala.

San Francisco Region: 200 Bush Street, San Francisco 4, Calif.

California—except 9 Southern counties in Los Angeles Region.

Nevada—except 4 Eastern counties in Salt Lake City Region.

Oregon—2 counties (Klamath and Lake).

Seattle Region: Dexter-Horton Bldg., Seattle 1, Washington.

Washington—16 Western counties: Clallam, Grays Harbor, Island, Jefferson, King, Kitsap, Kittitas, Lewis, Mason, Pacific, Pierce, San Juan, Skagit, Snohomish, Thurston, Watcom.

§ 827.793 *Regional offices of Department of Commerce.*

REGIONS AND REGIONAL OFFICES

Region I: Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, Vermont; Office of Surplus Property, Department of Commerce, Park Square Building, Boston 16, Massachusetts.

Region II: New Jersey, New York; Office of Surplus Property, Department of Commerce, 350 Fifth Avenue—62d Floor, New York 1, New York.

Region III: District of Columbia, Delaware, Maryland, Pennsylvania, Virginia; Office of Surplus Property, Department of Commerce, 1126 21st Street NW., Washington 25, D. C.

Region IV: Indiana, Kentucky, Ohio, West Virginia; Office of Surplus Property, Department of Commerce, 704 Race Street, Cincinnati 2, Ohio.

Region V: Illinois, Michigan, Minnesota, North Dakota, South Dakota, Wisconsin; Office of Surplus Property, Department of Commerce, 209 South LaSalle Street, Chicago 4, Illinois.

Region VI: Alabama, Florida, Georgia, Mississippi, North Carolina, South Carolina, Tennessee; Office of Surplus Property, Department of Commerce, Belle Isle Building, 105 Pryor Street NE., Atlanta 3, Georgia.

Region VII: Arkansas, Louisiana, Oklahoma, Texas; Office of Surplus Property, Department of Commerce, 609 Neil P. Anderson Building, Fort Worth 2, Texas.

Region VIII: Iowa, Kansas, Missouri, Nebraska; Office of Surplus Property, Department of Commerce, 2605 Walnut Street, Kansas City 8, Missouri.

Region IX: Colorado, New Mexico, Utah, Wyoming; Office of Surplus Property, Department of Commerce, 1030 15th Street, 7th Floor, Denver 2, Colorado.

Region X: Arizona, California, Nevada; Office of Surplus Property, Department of Commerce, 30 Van Ness Avenue, San Francisco 2, California.

Region XI: Idaho, Oregon, Montana, Washington; Office of Surplus Property, Department of Commerce, 2005 Fifth Avenue, Seattle 1, Washington.

§ 827.794 *Surplus Property Board declaration forms.*

§ 827.794–1 *Form SPB–1 "Declaration of Surplus Property to Disposal Agencies."* Form SPB–1 is printed on white paper as follows:

Form SPB-1

UNITED STATES OF AMERICA
SURPLUS PROPERTY BOARD

DECLARATION OF SURPLUS PERSONAL PROPERTY TO DISPOSAL AGENCY
(In the continental United States, its territories and possessions)

Budget No. 16-R001.2
Approval expires May 1, 1946.

Important—Instructions for completing this form appear on reverse side.

Page ___ of ___ Pages

1. To: Name and address of disposal agency

2. From: Name and address of reporting agency

3. Custodian: Name and address

4. Location of property

7. Standard commodity classification group code

8. Date of report

9. Reporting agency No.

10. Total cost—this report

Do not fill in

Disposal agency No.
Department and Bureau
State
District
City
Site
Transaction code

5. Proceeds—If proceeds are "reimbursable," give symbol and title of appropriation or Government corporation

6. Authorized by

(Name and title of authorized reporting official (*please type*))

By ___
(Signature of authorized official)

Item No. (a)	Description (b)	Standard commodity classifications (c)	Condition (d)	Unit (e)	Number of units (f)	Unit cost (g)	Total cost (h)

§ 827.794–2 *Form SPB–1.1: "Adjustment of Prior Declaration of Surplus Property."* Form SPB–1.1 is printed on yellow paper as follows:

Form SPB-1.1

UNITED STATES OF AMERICA
SURPLUS PROPERTY BOARD

ADJUSTMENT OF PRIOR DECLARATION OF SURPLUS PERSONAL PROPERTY
(To the continental United States, its territories and possessions)

Important—Instructions for completing this form appear on reverse side.

Budget No. 16-R001.2
Approval expires May 1, 1946.

Page ___ of ___ Pages

1. To: Name and address of disposal agency

2. From: Name and address of reporting agency

3. Custodian: Name and address

4. Location of property

7. Standard commodity classification group code

8. Date of report

9. Reporting agency No.

10. Total cost

11. Declaration to be adjusted: Date / Reporting Agency No.

Do not fill in

Disposal agency No.
Department and Bureau
State
District
City
Site
Transaction code

5. Proceeds—If proceeds are "reimbursable," give symbol and title of appropriation or Government corporation

6. Authorized by

(Name and title of authorized reporting official (*please type*))

By ___
(Signature of authorized official)

List: (Continue on separate sheet if necessary)

Item No. (a)	Description (b)	Standard commodity classification (c)	Condition (d)	Unit (e)	Number of units (f)	Unit cost (g)	Total cost (h)

§ 827.794–3 *Instructions for Preparation of Forms SPB–1 and SPB–1.1.* Instructions covering preparation of Forms SPB–1 and SPB–1.1 as published in Regulation 1, Order 3, of the Surplus Property Board, are printed on the reverse of each of said Forms, as follows:

GENERAL INSTRUCTIONS

Forms SPB–1 and SPB–1.1 will be used by all owning agencies for reporting surplus personal property, located in the continental United States, its territories and possessions, to the appropriate disposal agency, as designated by the Surplus Property Board in Regulation No. 1. Detail lists of types of personal property included in the assignments to disposal agencies are contained in Order No. 1, under the above regulation. Form SPB–1 and SPB–1.1 will be used in lieu of the Standard Commodity Classification Forms SPB–, except that column (c) for Standard Commodity Classification need not be provided, nor column (d) for condition when using OCS–2c (Work in Process).

These forms may be reproduced by the owning agency provided that the size and format are identical with the format prescribed by the Board, or meet the requirements specified above with respect to machine tabulated listings and inventory schedules. These forms may be reproduced by the owning agency in fan-fold and carry the name of the owning agency imprinted on the form. The complete instructions will be printed on the back of the forms.

Form SPB–1 will be used by the owning agency as the original declaration of surplus personal property, whereas Form SPB–1.1 will be used for reporting adjustment including withdrawals of prior declarations of surplus personal property. (Form SPB–2 will be used by the Washington office of the owning agencies in reporting declarations to the Surplus Property Board.)

Form SPB–1 may carry the listing of personal property declared surplus, or it may be used as a cover transmittal sheet for either mechanical accounting lists or contract termination inventory schedules. If a machine tabulated form is used for listing the items of property, the column arrangement shall conform with Form SPB–1, and the forms shall be 11" x 11⅞", in size. If contract termination inventory schedules are submitted as the listing of items, the sheets shall meet all the columnar requirements of Form SPB–, except that column (c) for Standard Commodity Classification need not be provided, nor column (d) for condition when using OCS–2c (Work in Process).

These forms may be reproduced by the owning agency provided that the size and format are identical with the format prescribed by the Board or meet the requirements specified above with respect to machine tabulated listings and inventory schedules. These forms may be reproduced by the owning agency in fan-fold and carry the name of the owning agency imprinted on the form. The complete instructions will be printed on the back of the forms.

The items of property listed on any one declaration (SPB–1) shall be confined to property at a single location, to be reported to one disposal agency and classified in a single major group (2 digits) of the Standard Commodity Classification (Government Printing Office). Where an item of property consists of an assembly of component parts in a unit, the unit should be reported to the appropriate disposal agency handling that unit, rather than disassembling and reporting component parts to the disposal agencies handling those parts.

If any legal restrictions exist (including patent restrictions) as to the power of owning agencies to dispose of property reported to a disposal agency as surplus, the report shall include a statement clearly indicating such restrictions.

Continuation sheets. If additional sheets are necessary for the listing of surplus items, continuation sheets in the form prescribed by the Board will be used.

Acknowledgment of receipt. The receipt of each Form SPB–1 and SPB–1.1 by the disposal agency will be acknowledged to the reporting office, e. g., by a post card notice stating the reporting agency number, date of report, and the disposal agency's number. The post card notice will constitute approval of requests for permission to withdraw property submitted on Form SPB–1.1, unless the notice specifically states otherwise.

INSTRUCTIONS FOR FORM SPB–1

Block. 1. State name and complete address of the office of the disposal agency (given in Order No. 2, SPB Reg. No. 1) to which the surplus property is being reported.

2. State the name and complete address of the office transmitting the declaration to the disposal agency. Show department, bureau, office, or other similar subdivision involved. The disposal agency will send one copy of the shipping instructions to the custodian and one copy to the reporting agency shown on the declaration.

3. State the name and complete address of custodian of the property being declared surplus.

4. State the warehouse number and complete address of the site at which the property is located.

5. If the net proceeds from the sale or transfer of such surplus property are reimbursable to the appropriation 30 (b) of the Surplus Property Act of 1944, give the symbol and title of the appropriation to receive the proceeds; for example, "x 6.000 Reclamation Fund, Special Fund," or "Defense Plant Corporation, Washington 25, D. C." Note: A single report on SPB–1 should cover surplus items for which the net proceeds are reimbursable or nonreimbursable—but never both classes of items.

6. On left side of block type in name and title of authorized reporting official, who will enter his signature at right (original only).

7. Enter the code number of the single major group (two digits) of the Standard Commodity Classification in which the items listed on the report are classified.

8. Enter date on which the form is signed by the authorized reporting official.

9. Enter the serial number assigned by the reporting agency to identify each declaration.

10. Enter the sum of all amounts in column (h), Total Cost, of all pages of the declaration and supporting lists.

Column. (a) Enter consecutive numbers starting with "1" on each page for each property item listed, *leaving a blank line space across all columns between successive property items* for use of the disposal agency. The numbering need not be consecutive for termination inventory schedules which are transmitted by Form SPB–1; the first item on *each* inventory sheet will be numbered "1".

(b) The reporting agency shall describe the property in sufficient detail to furnish the disposal agency with an adequate basis for disposal. The minimum standards of description prescribed by the Handbook of

Standards for Describing Surplus Property shall be used as a guide for all such descriptions. In accordance with the instructions in the Handbook, each item should be described in commercial terms in sufficient detail to permit transfer or sale by the disposal agency without calling on the owning agency for additional description. Stock numbers and prefixes, manufacturer's part number, and standard catalogue reference numbers should be supplied. The condition of the most important components of an item should be noted. Specify the type of container or package and the quantities in each. Lengthy descriptions should be written across columns (b)–(h) inclusive but entries in all columns must be clearly identifiable with the particular item number.

(c) If it is practicable for the reporting agency to do so, enter the *detailed* classification numbers for each item according to the Standard Commodity Classification (Government Printing Office). Otherwise, the detailed code numbers will be entered by the disposal agencies.

(d) Indicate condition of property by the following combination letter-number code:

Means	*Means*
N—New	1. Excellent.
U—Used—reconditioned	2. Good.
O—Used—usable without repairs.	3. Fair.
R—Used—repairs required	4. Poor.
X—Items of no further value for use as originally intended but of possible value other than as scrap.	

Do not use any code when declaring scrap.

In stating the condition of consumer goods (excluding food), use only the letter code. For capital and producer goods, a letter-number combination must be used, except in the case of code X. For example: N1 means new but in poor condition.

Where the condition code does not provide an accurate description of the property's condition, leave this column blank and in appropriate language describe the condition of the property in column (b).

(e) Indicate unit of measure for the container, package, or other applicable customary sales unit, such as each, pounds, tons, dozen, gross, thousands, etc. (See Handbook of Standards for Describing Surplus Property). Distinguish between long, short, and metric tons. Standard, clearly understandable abbreviations may be used.

(f) Specify the quantities of each item reported surplus in terms of the "Unit" used in "e."

(g) Insert the recorded procurement cost or, in its absence, the estimated original cost (in dollars or cents) excluding transportation or handling charges incurred after original purchase. Estimated unit costs will be indicated by the prefix (E). For machine tools, other metalworking machinery, and production equipment enter unit costs f. o. b. manufacturer or vendor to owning agencies; designate with the prefix "U" if the item was purchased as used instead of new equipment.

(h) Compute total cost, that is "Number of Units" multiplied by "Unit Cost" equals "Total Cost."

Contractor inventory. If the property being declared surplus is termination inventory, state so by means of a stamp or otherwise in Block 7 provided for the standard commodity classification. All declarations of surplus termination inventory may be filed with the Reconstruction Finance Corporation at the regional office in which the property is located.

INSTRUCTIONS FOR FORM SPB–1.1

Form SPB–1.1 will be used by the owning agency in reporting any adjustments in prior declarations, including requests for permission to withdraw property, or otherwise modifying the information reported previously on Form SPB–1.

In submitting Form SPB–1.1, specify in Block 11 the date and reporting agency number appearing on the original SPB–1 declaration.

Fill in all numbered blocks correctly, underlining any correction that is being made. To identify the individual item being adjusted, insert in column (a) the page and item number appearing on the original declaration. Show the amount of the change. If reporting a withdrawal or addition of the number of units, column (f), or of the total cost, column (h). Specify as "withdrawal" or "addition" below entry.

If additions and withdrawals are reported on the same adjustment sheet, show the sum of the debits and credits separately in Block 10, Total Cost, preceded by (DR) or (CR).

If a withdrawal covers all the items included in a previous declaration the phrase "All items to be withdrawn" may be inserted in column (b) instead of listing the items. All the information in the blocks must be provided.

The disposal agency will use Form SPB–1.1 in notifying the owning agency of any adjustments that appear necessary after verification of the declaration and inspection of the property. Two copies of the form used for this purpose will be sent to the reporting office of the owning agency. A brief explanation of the adjustment will be included on the form.

§ 827.794–4 *Form SPB–1.2.* Form SPB–1.2 bears the same title as Form SPB–1, "Declaration of Surplus Property to Disposal Agency", and is to be used, as set forth in § 827.794–5 in connection with the declaration and shipment of surplus property resulting from contractor inventory. It will be printed in the following form:

Form SPB-1.2 — Budget Bureau No. 16-R045. Approval expires February 1, 1946.

UNITED STATES OF AMERICA SURPLUS PROPERTY BOARD

DECLARATION OF SURPLUS PERSONAL PROPERTY TO DISPOSAL AGENCY

(In the continental United States, its territories and possessions)

7. Standard commodity classification group code | 8. Date of report

9. Reporting agency No. | 10. Total cost, this report $

1. To: Name and address of disposal agency

2. From: Name and address of reporting agency

3. Custodian: Name and address

4. Location of property

Do not fill in:
Disposal agency No.
Department and Bureau
State
District
City
Site
Transaction code

5. Proceeds—If proceeds are "reimbursable," give symbol and title of appropriation of Government corporation

6. Authorized by

(Name and title of authorized reporting official) (Please type) By (Signature of authorized official)

(11) The above declaration covers the Surplus Personal on attached list pages .. to .., inclusive. Authority is granted to the Disposal Agency to amend this declaration to conform to the quantities listed on shipping documents at time of receipt of final shipment. Shipping authorization numbers are requested covering the following car or truck shipments:

(12) Documentary requirements	(13) Originating carrier	(14) Estimated weight	(15) Type storage	(16) Number cars	(17) Date ready for shipment	(18) Date to be shipped	(19) Shipping authorization No.
A. Send warehouse receiving report to:							
B. Send the report of over, short and damage to.							

(20) The above shipments are to be consigned as follows.

(21) Delivering carrier:

(22) Shipping instructions issued by:

(23) Date issued:

(24) ☐ Declaration ☐ Request for shipping instructions.

INSTRUCTIONS FOR USE OF SPB–1.2

General instructions. Form SPB–1.2 is a combined form for declaration of surplus personal property, located in the continental United States, its territories and possessions, for requesting shipping instructions and for issuing shipping instructions and for issuing shipping instructions. Form SPB–1.2 (supported by detailed listings of property on Form SPB–1.3, or other detailed listings of property meeting the requirements set forth in the third paragraph of General Instructions to Form SPB–1) may be used as a substitute for Form SPB–1 as provided in SPB Reg. 1, Order 3 and amendments thereto. Form SPB–1.2 and supporting detailed listings will be filed in such number of copies as may be agreed between the owning agency and the disposal agency.

Form SPB–1.2 may be reproduced by the owning agency provided that the size and format are identical with the format prescribed by the Board. This form may be reproduced in fanfold and carry the name of the owning agency imprinted on the form.

The items of property covered by any one declaration shall be confined to property at a single location.

If any legal restrictions exist (including patent restrictions) as to the power of owning agencies to dispose of property reported to a disposal agency as surplus, the report shall include a statement clearly indicating such restrictions.

Instructions for preparation. Blocks 1 through 10—Follow instructions set forth in General Instructions to Form SPB–1 for blocks 1 through 10 of that Form.

Block 11—Enter page number of supporting detailed listings.

Block 12—Owning agency will designate offices to which disposal agency will transmit Warehouse Receiving Report and Over, Short & Damage Report.

Blocks 13 through 17—Owning agency will complete in accordance with instructions issued by disposal agency.

Blocks 18 through 23—Disposal agency will complete.

Block 24—Owning agency will indicate whether the document constitutes a Declaration or a Request for Shipping Instructions by entering an "X" in the appropriate box; or, if the document is a combined Declaration and Request for Shipping Instructions, by entering an "X" in both boxes.

(b) *Additional instructions issued by War Department and Reconstruction Finance Corporation.* When Form SPB–1.2 is used for declaration of contractor inventories to Reconstruction Finance Corporation, the following additional instructions issued by the War Department and Reconstruction Finance Corporation will apply:

Block 5—State whether the contractor will accept RFC storage agreement, whenever this can be ascertained prior to filing declaration.

Block 7—Enter date of beginning of plant clearance period.

Blocks 13 through 17—Request for shipping instructions will specify the number of car or truck loads to be shipped, broken down by number of cars of property for which a single type of storage is required that can be loaded at one time using the same delivering carrier. For example:

Originating carrier	Estimated weight	Type storage	Number cars	Date ready for shipment
(13)	(14)	(15)	(16)	(17)
PRR	120,000#	H	2	8/30
PRR	70,000#	O	1	8/31
PRR	70,000#	O	1	9/2
Truck	18,000#	H	1	9/3
Truck	10,000#	H	1	9/4
Truck	8,000#	C	1	9/4
Truck	LTL	C	LTL	9/4

Block 24—Partial requests (that is, requests for shipping instructions on only a portion of the property covered by a single declaration) will be serially numbered. The serial number of the partial request will be entered after the phrase "Request for Shipping Instructions". The letter "P" will be added to the serial number of the final partial request. When requests for shipping instructions are made after declaration has been filed, blocks 1, 2, 7, 8, and 9 will be conformed to the original declaration and the Disposal Agency number of the declaration will be entered, if available.

§ 827.794–6 *Form SPB–1.3.* Form SPB–1.3 consists of a detailed listing sheet to be used, as provided in § 827.794–7, in conjunction with Form SPB.1 or Form APB–1.2. It will be printed in the following form:

1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31 32 33 34 35 36 37 38 39 40 41 42 43 44 45 46 47 48 49 50

Form SPB 1.3 — Bureau Bureau No. 16-R047. Approval expires February 1, 1946. UNITED STATES OF AMERICA SURPLUS PROPERTY BOARD LISTING SHEET

Property classification | Reporting agency No. | Shipping authorization | Page ... of ... pages

Item No.	Description and type of storage	Std. Comm. class.	Cond.	Units of meas.	No. of pkgs.	Type of pkg.	Pkg. No.	Quantity declared	Quantity shipped	Unit cost	Total cost	Quantity received
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)	(13)

51 52 53 54 55 56 57 58 59 60 61 62 63 64 65 66 67 68 69 70 71 72 73 74 75 76 77 78 79 80 81 82 83 84 85 86 87 88 89 90 91 92 93 94 95 96 97 98 99 100

§ 827.794–7 *Instructions for preparation of Form SPB–1.3—(a) Surplus Property Board instructions.* Form SPB–1.3 will be used only in connection with the declaration and shipment of surplus property resulting from contractor inventory. Instructions covering preparation of Form SPB–1.3, as published in Regulation 1, Order 3, Amendment 1, of the Surplus Property Board are as follows:

INSTRUCTIONS FOR USE OF FORM SPB–1.3

Form SPB–1.3 is a detailed listing sheet to be used in conjunction with Form SPB–1 or Form SPB–1.2 in the declaration of surplus personal property, located in the continental United States, its territories and possessions. Form SPB–1.3 may be used as the detailed listing sheet in support of Form SPB–1.2 as provided in SPB Regulation No. 1, Order 3, and amendments thereto. Form SPB–1.3 includes certain columns for use by the owning agency and the disposal agency in connection with shipment and receipt and may be used as a detailed listing in support of shipping and receiving documents.

Form SPB–1.3 may be reproduced by the owning agency provided that the size and format are identical with the format prescribed by the Board.

The instructions applicable to columns "a" through "h" of Form SPB–1 (as set forth in General Instructions to Form SPB–1) will be followed in preparing columns 1, 2, 3, 4, 5, 9, 11 and 12, respectively of Form SPB–1.3.

The owning agency will issue instructions for the preparation of columns 6, 7 and 8 (which are provided for use in connection with shipment by the owning agency); and the disposal agency will issue instructions for the preparation of column 13 (which is provided for use in connection with receipt by the disposal agency).

(b) *Additional instructions issued by War Department.* Columns 6, 7 and 8 of Form SPB–1.3 will be prepared in accordance with instructions issued by the War Department for preparation of the corresponding columns of the War Department Vendor's Shipping Document.

PART 828—REPORTS CONNECTED WITH DISPOSITION OF PERSONAL PROPERTY

Sec.
828.800 Scope of part.
828.801 Report of disposition of excess and surplus military property; general description.
828.802 Report of disposition of excess and surplus nonmilitary property, general description.
828.803 Reports of plant equipment.
828.804 W. D., A. G. O. Form No. 586; disposition of excess and surplus property.

§ 828.800 *Scope of part.* This part provides procedures for preparation of recurring reports covering property disposition and related matters. The procedures prescribed in this part will become effective with the reports for the month of September 1945. Similar reports for the month of August 1945 will be made under procedures now in effect.

§ 828.801 *Report of disposition of excess and surplus military property; general description.* This report will show the monthly status and activity of all redistributions other than those within the reporting agency and all transfers and disposals of excess and surplus military property. The report will record military property status and action from the time such property is determined to be excess until disposition is complete.

§ 828.801–1 *Form.* Reports on disposition of excess and surplus military property will be submitted on W. D., A. G. O. Form 586, which will be used by all echelons required to submit the report. Reports Control Symbol RCC–25 has been assigned to this report.

§ 828.801–2 *Date for submitting report.* This report will be submitted monthly, to reach the Readjustment Division on or before the 12th day of the month following the report period, by the chief of each technical service, the Commanding General, Army Air Forces (the Assistant Chief of Air Staff, M&S, Resources Division), and the Commanding General of each numbered service command and the Military District of Washington.

§ 828.801–3 *Army Air Forces reports.* (a) The Director, ATSC, Supply Division, Army Air Forces, will submit to the Office, Assistant Chief of Air Staff, M&S, Resources Division, the original and two copies of a report, together with the required copies of SPB–1 and SPB–1.1 Forms, covering the status and activity of excess and surplus Army Air Forces military property. For the purpose of this report, all property reported through the Supply Division, AAF, will be considered as military property. Property will be determined excess at the time of transfer to Class 27A, and will be considered to have been determined surplus when disposal action, as recorded in Section II of the report form, has been accomplished.

(b) The Commanding General, Army Air Forces (the Assistant Chief of Air Staff, M&S, Resources Division) will submit to the Readjustment Division the original and one copy of a consolidated report covering the status and activity of Army Air Forces excess and surplus military property, including that reported by the Supply Division, and surplus aircraft and related property reported by him under the provisions of § 827.721–2, and one copy of the report, received by him from the Supply Division, AAF, together with the required copies of SPB–1 and SPB–1.1 Forms.

§ 828.801–4 *Service command reports.* (a) Each station commander (including commanders of off-station repair facilities) will submit to the Commanding General of each service command a report, together with the required copies of SPB–1 and SPB–1.1 Forms covering the status and activity of the following types of military property for his station or repair facility.

(1) All excess and surplus property under the jurisdiction of the service commander of a nature as set forth in Section VI of ASF Manual M419, except excesses and surpluses resulting from Army Specialized Training Program and Army Air Forces College Training Contact Terminations;

(2) All salvage property declared to Disposal Agencies by station salvage officers under the provisions of TM 38–505.

(b) Each station commander of Class I and II installations will in addition report all surplus military property under station accountability for which he has been delegated disposal responsibility by the supplying depot or chief of the technical service.

(c) The Commanding General of each service command and the Military District of Washington will submit the original and two copies of a consolidated report for his command, including all stations under his jurisdiction, together with the required copies of SPB–1 and SPB–1.1 Forms, to the Readjustment Division. This report will cover the status and activity of all excess and surplus military property for which the service commander has disposition responsibility.

§ 828.801–5 *Technical service reports.* (a) Each commander of a Repair Facility, Returned Matériel Center, Depot, or Arsenal, under the jurisdiction of a technical service, will submit a report through channels to the appropriate Stock Control Point of the technical service, covering the status and activity of excess and surplus military property for which he is accountable, together with the required copies of SPB–1 and SPB–1.1 Forms.

(b) The commander of each Stock Control Point will consolidate the reports received and submit to the chief of his technical service a consolidated report, together with the required copies of SPB–1 and SPB–1.1 Forms, covering the status and activity of all excess and surplus military property falling under his disposition responsibility.

(c) The chief of each technical service will submit to the Readjustment Division the original and two copies of a report covering the status and activity of excess and surplus military property for which he has disposition responsibility, together with the required copies of SPB–1 and SPB–1.1 Forms. The chief of each technical service will be responsible for reporting all technical service excess and surplus military property for which he has accountability, regardless of the echelon in which the property is physically stored.

§ 828.801–6 *Information required on report form: Section I—Redistribution and transfer.* (a) The succeeding paragraphs indicate the information to be contained in the various lines of the Gross columns of the report form:

Line 2—Determined excess—Enter the cost of property in excess of the disposition levels, exclusive of that redistributed within the reporting agency, which was made available for redistribution, transfer, or disposal during the report period.

Line 4—Redistributed—Enter the cost of excess property which was redistributed during the report period to another service or another service command, or to the Army Ground Forces.

Line 5—Transferred—without reimbursement—Navy—Enter the cost of excess property transferred, prior to determination of surplus, to the Navy Department during the report period.

Line 6—Transferred—without reimbursement—Veterans Administration—Enter the cost of excess property transferred, prior to determination of surplus, to the Veterans Administration during the report period.

Line 7—Transferred—without reimbursement—others—Enter the cost of excess property transferred, prior to determination of surplus, to agencies other than the Navy Department and Veterans Administration during the report period.

Line 8—Transferred total—without reimbursement—Enter total of Lines 5, 6, and 7.

Line 9—Transferred—with reimbursement—contractors—Enter the proceeds from sales and the cost of excess property sold, prior to determination of surplus, to contractors during the report period.

Line 10—Transferred—with reimbursement—Government agencies—Enter the proceeds from sales and the cost of excess property transferred, prior to determination of surplus, to Government agencies during the report period.

Line 11—Transferred—with reimbursement—Red Cross and USO—Enter the proceeds from sales and the cost of excess property sold, prior to determination of surplus, to Red Cross and USO during the report period.

Line 12—Transferred—with reimbursement—others—Enter the proceeds from sales and the cost of excess property sold, prior to determination of surplus, to others during the report period.

Line 13—Transferred total—with reimbursement—Enter the total of Lines 9, 10, 11, and 12.

Line 14—Transferred—total—Enter the total of Lines 8 and 13.

Line 15—Determined surplus—Enter the cost of property determined to be surplus during the report period. This entry shall be the amount added to the determined surplus property record account during the report period.

(b) The following paragraphs relate to the information to be contained in the various lines of the adjustment columns of the report form:

(1) Enter on the appropriate lines of the adjustment columns, over-statements or under-statements of previously recorded transactions. All over-statements will be preceded by a minus (−) sign.

(2) Redistribution within the reporting agency not previously recorded as a reduction of Line 2, Column (E), will be recorded as an adjustment on Line 2, Column (F).

(b) The succeeding paragraphs indicate the information to be contained in the various lines of the Net columns of the report form:

Line 1—Awaiting action—Enter the cost of property in excess of the disposition levels which had not been determined surplus at the beginning of the report period. This figure will be identical with that reported on Line 16 of the report for the preceding report period.

Line 2—Determined excess—Enter Line 2, Column (E), plus or minus Line 2, Column (F).

Line 3—Total available—Enter the total of Lines 1 and 2.

Line 4 through 15—Redistributed—transferred — determined surplus — Enter the amounts shown on the various lines in Column (E), plus or minus Column (F).

Line 16—Awaiting action—Enter the cost of property, included in Line 3, in excess of the redistribution and disposal levels which had not been redistributed, transferred, or determined surplus at the end of the report period. This figure will be Line 3 minus the sum of Lines 4, 14, and 15.

§ 828.801–7 *Information required on report form; Section II—Disposal.* (a) The succeeding paragraphs indicate the information to be contained in the various lines of the gross columns of the report form:

Line 18—Determined surplus—Enter the cost of property determined to be surplus during the report period. This figure will be identical with that reported in Line 15, Column (E).

Line 19—Salvage declared to disposal agencies—Enter the cost of property declared to disposal agencies by salvage officers on Forms SPB–1 in accordance with the provisions of TM 38–505.

Line 21—Disposals—declared—Enter the cost of surplus property declared to disposal agencies on Forms SPB–1 during the report period. This figure will be identical with that reported on Line 31, Column (G).

Line 22—Disposals—sold to contractors—Enter the proceeds from sales and the cost of property determined surplus which was sold to contractors. This will not include sales to contractors reported on Line 9, which refers to sales prior to determination of surplus during the report period.

Line 23—Disposals—small lots—Enter the cost of small lots turned in to salvage officers for disposal during the report period.

Line 24—Disposals—salvage—Enter the cost of property other than small lots turned in to salvage officers for disposal during the report period, including the cost of property demilitarized or cannibalized.

Line 25—Disposals—donated—Enter the cost of determined surplus property which was donated during the report period. This does not include property transferred without reimbursement as recorded on Lines 5, 6, or 7.

Line 26—Disposals—abandoned or destroyed—Enter the cost of property determined surplus which was abandoned or destroyed during the report period.

Line 27—Disposals—other—Enter the proceeds from sales and the cost of property determined surplus which was disposed of by any other method during the report period.

Line 28—Disposal total—Enter the total of Lines 21, 22, 23, 24, 25, 26 and 27.

(b) The following subparagraphs relate to the information to be contained in the various lines of the adjustment columns of the report form:

(1) Enter on the appropriate lines of the adjustment columns over-statements or under-statements of previously recorded transactions. All over-statements will be preceded by a minus (−) sign.

(2) Adjustments on Lines 19 and 21 are those recorded on Forms SPB–1.1 relating to corrections of declarations previously recorded as shown in Section III, Line 32, Column (G) of the report form:

(c) The succeeding paragraphs indicate the information to be contained in the various lines of the net columns of the report form:

Line 17—Awaiting disposal—Enter the cost of property which had previously been determined to be surplus but which had not been disposed of at the beginning of the report period. This figure will be identical with that reported on Line 29 of the report for the preceding report period.

Lines 18 and 19—Determined surplus—salvage declared to D. A.—Enter the amounts shown in Column (E) plus or minus Column (F).

Line 20—Total available—Enter the total of Lines 17, 18 and 19.

Lines 21 through 28—disposals—Enter the amount shown on the various lines in Column (E), plus or minus Column (F).

Line 29—Awaiting disposal—Enter the cost of property, included on Line 20, but not disposed of at the end of the report period. This figure will be Line 20 minus Line 28.

§ 828.801–8 *Information required on report form; Section III—Disposal agencies summary.* The succeeding paragraphs indicate the information to be contained in the various lines of the report form:

Line 30—Awaiting delivery orders—Enter the cost of property declared to disposal agencies in previous months for which shipping or other disposition orders had not been received at the beginning of the report period. Those figures will be identical with those reported on Line 38 of the report for the preceding report period.

Line 31—Gross declarations—Enter the cost of property declared to disposal agencies during the report period on Forms SPB–1. A copy of each declaration, where the cost of the property included in the declaration is $25,000 or more, will be attached to the report.

Line 32—Corrections—Enter the cost of adjustments to prior declarations reported on Forms SPB–1.1 during the report period. This amount will not include the withdrawal of items previously declared. If accountability is transferred to another service after it has been included in Line 30, such accountability transfers will be treated as corrections. The adjustments initiated by disposal agencies will also be treated as corrections. The disposal agency will use Form SPB–1.1 in notifying the owning agency of any such adjustments that appear necessary after its verification of the declaration and inspection of the property. A copy of each Form SPB–1.1, where the cost of the adjustment is $25,000 or more, will be attached to the report.

Line 33—Net declarations—Enter Line 31, plus or minus Line 32. The amount shown on this line must agree with that of Line 21, Column (G).

Line 34—Withdrawals—Enter the cost of approved withdrawals from disposal agencies during the report period, when withdrawal takes place prior to receipt of delivery orders, as reported on Forms SPB–1.1 prepared for this purpose during the report period. For the purpose of this report, withdrawals which take place after delivery orders have been received will not be recorded. A copy of each Form SPB–1.1 where the cost of the withdrawal is $25,000 or more will be attached to the report.

Line 35—Available to disposal agencies—Enter the sum of Lines 30 and 33 minus Line 34.

Line 36—Scrap orders received—Enter the cost of property previously declared to a Disposal Agency for which the Disposal Agency has submitted a certificate that the property declared is scrap and should be so treated by the owning agency.

Line 37—Delivery orders received—Enter the cost of property for which shipping or disposition orders, other than scrap orders, were received during the report period.

Line 38—Awaiting delivery orders—Enter the cost of property declared to Disposal Agencies for which shipping or other disposition orders had not been received at the end of the report period. This is Line 35 minus the sum of Lines 36 and 37.

§ 828.801–9 *Information required on report form; remarks.* (a) Explanation of the nature of all transactions recorded on Lines 7, 12, and 27.

(b) Explanation of adjustments to previously reported figures where the size of the adjustment is of significance in interpretation of the net results.

§ 828.802 *Report of disposition of excess and surplus non-military property; general description.* This report will show the monthly status and activity of all redistributions, transfers and disposals of excess and surplus non-military property. The report will record non-military property status and action from the time the property is recorded as excess as provided under § 826.602–2 until disposition is complete.

§ 828.802–1 *Form.* Reports on disposition of excess and surplus non-military property will be submitted on W.D., A.G.O. Form 586, which will be used by all echelons required to submit the report. Reports Control Symbol RCC–25 has been assigned to this report.

§ 828.802–2 *Date for submitting report.* The report will be submitted monthly to reach the Readjustment Division on or before the 12th day of the month following the report period, by the chief of each technical service, the Commanding General, Army Air Forces (the Assistant Chief of Air Staff, M & S, Resources Division), and the Commanding General of each numbered service command and the Military District of Washington.

§ 828.802–3 *Army Air Forces reports.* The Commanding General, Army Air Forces, will submit the original and one copy of a report covering the status and activity of property for which he has disposition responsibility, together with the required copies of SPB–1 and SPB–1.1 Forms, and one copy of each immediately lower echelon report. For the purpose of this report, all property other than contractor inventory reported through the Readjustment Division, ATSC, will be considered as non-military property.

§ 828.802–4 *Service Command reports.* The Commanding General of each Serv-

ice Command and of the Military District of Washington will submit the original and one copy of a report covering the status and activity of property for which he has disposition responsibility, together with the required copies of SPP-1 and SPB-1.1 forms. For the purpose of this report, ASTP and CTP property will be considered as non-military property.

§ 828.802–5 *Technical service reports.* The chief of each technical service will submit the original and one copy of a report covering the status and activity of property for which he has disposition responsibility, together with the required copies of SPB-1 and SPB-1.1 forms, and one copy of each immediately lower echelon report.

§ 828.802–6 *Information required on report form; Section I—Redistribution and transfer.* (a) The succeeding paragraphs indicate the information to be contained in the various lines of the Gross columns of the report form:

Line 2—Determined excess— Enter the cost of property recorded as excess in accordance with § 826.602–2 during the report period.

Line 4—Redistributed—Enter the cost of property which was redistributed during the report period to another service or another service command, or the Army Ground Forces.

Line 5—Transferred—without reimbursement—Navy—Enter the cost of property transferred, prior to determination of surplus, to the Navy Department during the report period.

Line 6—Transferred—without reimbursement—Veterans Administration—Enter the cost of property transferred, prior to determination of surplus, to the Veterans Administration during the report period.

Line 7—Transferred—without reimbursement—others—Enter the cost of property transferred, prior to determination of surplus, to agencies other than the Navy Department and Veterans Administration during the report period.

Line 8—Transferred total—without reimbursement—Enter total lines 5, 6, and 7.

Line 9—Transferred — with reimbursement—contractors—Enter the proceeds from sales and the cost of property sold, prior to determination of surplus, to contractors during the report period.

Line 10—Transferred—with reimbursement—Government agencies—Enter the proceeds from sales and the cost of property transferred, prior to determination of surplus, to Government agencies during the report period.

Line 11—Transferred—with reimbursement—Red Cross and USO—Enter the proceeds from sales and the cost of property sold, prior to determination of surplus, to Red Cross and USO during the report period.

Line 12—Transferred—with reimbursement—others—Enter the proceeds from sales and the cost of property sold, prior to determination of surplus, to others during the report period.

Line 13—Transferred total—with reimbursement—Enter the total of Lines 9, 10, 11 and 12.

Line 14—Transferred—total—Enter the total of Lines 8 and 13.

Line 15—Determined surplus—Enter the cost of property determined to be surplus during the report period.

(b) The following subparagraphs relate to the information to be contained in the various lines of the Adjustment columns of the report form:

(1) Enter on the appropriate lines of the Adjustment columns over-statements or under-statements of previously recorded transactions. All over-statements will be preceded by a minus (—) sign.

(2) Redistributions of property recorded as excess within the reporting agency will be recorded as an Adjustment on Line 2, Column (F).

(c) The succeeding paragraphs indicate the information to be contained in the various lines of the Net columns of the report form:

Line 1—Awaiting action—Enter the cost of property recorded as excess which had not been determined surplus at the beginning of the report period. This figure will be identical with that reported on Line 16 of the report for the preceding report period.

Line 2—Determined excess—Enter Line 2, Column (E), plus or minus Line 2, Column (F).

Line 3—Total available—Enter the total of Lines 1 and 2.

Line 4 through 15—Enter the amounts shown on the various lines in Column (E), plus or minus Column (F).

Line 16—Awaiting action—Enter the cost of property, included in Line 3, which had been recorded as excess but which had not been redistributed, transferred, or determined surplus at the end of the report period. This figure will be Line 3 minus the sum of Lines 4, 14 and 15.

§ 828.802–7 *Information required on report form; Section II—Disposal.* (a) The succeeding paragraphs indicate the information to be contained in the various lines of the Gross columns of the report form:

Line 18—Determined surplus—Enter the cost of property determined to be surplus during the report period. This figure will be identical with that reported in Line 15, Column (E).

Line 19—Salvage declared to disposal agencies—Enter the cost of property declared to disposal agencies by salvage officers on Forms SPB–1 in accordance with the provisions of TM 38–505.

Line 21—Disposals—Declared—Enter the cost of surplus property declared to disposal agencies on Form SPB–1 during the report period. This figure will be identical with that reported on Line 31, Column (G).

Line 22—Disposals—sold to contractors—Enter the proceeds from sales and the cost of property determined surplus which was sold to contractors. This will not include sales to contractors reported on Line 9, which refers to sales prior to determination of surplus during the report period.

Line 23—Disposals—small lots—Enter the cost of small lots turned over to salvage officers for disposal during the report period.

Line 24—Disposals—salvage—Enter the cost of property other than small lots turned over to salvage officers for disposal during the report period, including the cost of property cannibalized.

Line 25—Disposals—donations—Enter the cost of property determined surplus and donated during the report period. This does not include property transferred without reimbursement as recorded on Line 5, 6, or 7.

Line 26—Disposals—abandoned or destroyed—Enter the cost of property determined surplus which was abandoned or destroyed during the report period.

Line 27—Disposals—others—Enter the proceeds from sales and the cost of property determined surplus which was disposed of by any other method during the report period.

Line 28—Disposal total—Enter the total of Lines 21, 22, 23, 24, 25, 26, and 27.

(b) The following subparagraphs relate to the information to be contained in the various lines of the Adjustment columns of the report form:

(1) Enter on the appropriate lines of the Adjustment columns over-statements or under-statements of previously recorded transactions. All over-statements will be preceded by a minus (—) sign.

(2) Adjustments on Lines 19 and 21 are those recorded on Forms SPB–1.1 relating to corrections of declarations previously recorded as shown in Section III, Line 32, Column (G) of the report form.

(c) The succeeding paragraphs indicate the information to be contained in the various lines of the Net columns of the report form:

Line 17—Awaiting disposal—Enter the cost of property which had previously been determined to be surplus but which had not been disposed of at the beginning of the report period. This figure will be identical with that reported on Line 29 of the report for the preceding report period.

Line 18 and 19—Determined surplus—Salvage declared to D. A—Enter the amounts shown in Column (E), plus or minus Column (F).

Line 20—Total available—Enter the total of Lines 17, 18 and 19.

Lines 21 through 28—Disposals—Enter the amounts shown on the various lines in Column (E), plus or minus Column (F).

Line 29—Awaiting disposal—Enter the cost of property, included on Line 20, but not disposed of at the end of the report period. This figure will be Line 20 minus Line 28.

§ 828.802–8 *Information required on report form; Section III—Disposal agencies summary.* The succeeding paragraphs indicate the information to be contained in the various lines of the report form:

Line 30—Awaiting delivery orders—Enter the cost of property declared to disposal agencies in previous months for which delivery orders had not been received at the beginning of the report period. Those figures will be identical with those reported on Line 38 of the report for the preceding report period.

Line 31—Gross declarations—Enter the cost of property declared to disposal agencies during the report period on Forms SPB–1. A copy of each declaration, where the cost of the property included in the declaration is $25,000 or more, will be attached to the report.

Line 32—Corrections—Enter the cost of adjustments to prior declarations reported on Forms SPB–1.1 during the report period. This amount will not include the withdrawal of items previously declared. If accountability is transferred to another service after it has been included on Line 30, such accountability transfers will be treated as corrections. The adjustments initiated by Disposal Agencies will also be treated as corrections. The Disposal Agency will use Form SPB 1.1 in notifying the owning agency of any such adjustments that appears necessary after its verification of the declaration and inspection of the property. A copy of each Form SPB 1.1, where the cost of the adjustment is $25,000 or more, will be attached to the report.

Line 33—Net declarations—Enter Line 31 plus or minus Line 32. The amount shown on this line must agree with that of Line 21, Column (G).

Line 34—Withdrawals—Enter the cost of approved withdrawals from disposal agencies during the report period, when withdrawal takes place prior to receipt of delivery orders, as reported on Forms SPB–1.1 prepared for this purpose during the report period. For the purpose of this report, withdrawals which take place after delivery orders have been received will not be recorded. A copy of each Form SPB–1.1 where the cost of the withdrawal is $25,000 or more, will be attached to the report.

Line 35—Available to disposal agencies—Enter the sum of Lines 30 and 33 minus Line 34.

Line 36—Scrap orders received—Enter the cost of property previously declared to a disposal agency for which the disposal agency has submitted a certificate that the property declared is scrap and should be so treated by the owning agency.

Line 37—Delivery orders received—Enter the cost of property for which shipping or disposition orders, other than scrap orders, were received during the report period.

Line 38—Awaiting delivery orders—Enter the cost of property declared to disposal agencies for which shipping or other disposition orders had not been received at the end of the report period. This is Line 35 minus the sum of Lines 36 and 37.

§ 828.802–9 *Information required on report form; remarks.* (a) Explanation of all adjustments in Line 2 other than those reflecting redistributions within the reporting agency.

(b) Explanation of other adjustments to previously reported figures where the size of the adjustment is of significance in interpretation of the net results.

(c) Explanation of the nature of all transactions recorded on Lines 7, 12 and 27.

§ 828.803 *Reports of plant equipment.* Instructions for the preparation of monthly sales and quarterly inventory reports relating to plant equipment as required by Order No. 2 under Surplus Property Board Regulation 6 are contained in Part 848 of this chapter. These instructions are applicable to plant equipment as Non-Military Property for which disposition is in accordance with Parts 821 to 828, inclusive, as well as for plant equipment treated as Contractor Inventory.

§ 828.804 *W. D., A. G. O. Form No. 586. Disposition of Excess and Surplus Property.*[1]

[Procurement Reg. 7–A]

PART 830—GENERAL DISPOSITION OF INDUSTRIAL INSTALLATIONS

Sec
830.100 Scope of Parts 830 and 832.
830.101 Prior instructions superseded.
830.102 War Department policy.
830.103 Definitions.

§ 830.100 *Scope of Parts 830 and 832.* (a) Parts 830 and 332 establish policies and procedures for the classification and disposition of standby, excess, and surplus industrial installations located within the continental United States, which are on land owned by or leased to the War Department. Such installations include arsenals; installations acquired under supply contracts, emergency plant facilities contracts, and special facilities contracts; and industrial material testing and proving grounds.

(b) Parts 830 and 832 do not cover machine tools, production equipment, or other equipment located in private facilities; command installations; facilities acquired for civil functions of the War Department; or industrial installations owned by the Reconstruction Finance Corporation, Office of Defense Plants (formerly Defense Plant Corporation).

§ 830.101 *Prior instructions superseded.* Parts 830 and 832 supersede instructions relating to disposition of industrial installations contained in WD Circular 8, 1944, which is rescinded by section II, WD Circular 213, 1945.

§ 830.102 *War Department policy.* The policy of the War Department is to prevent retention of excess industrial installations, to effect the prompt return to productive use of idle industrial installations, to aid the disposal agencies in disposing of surplus industrial installations to the fullest extent provided by the regulations of the Surplus Property Board, and to limit sales of surplus installations by the War Department to cases in which the War Department is clearly responsible for direct disposals.

§ 830.103 *Definitions.* As used in Parts 830 and 832, the following terms shall have the following meanings.

§ 830.103–1 *Active.* "Active" is a term used to describe the status of an installation currently in production, or being constructed or modified for immediate production needs. The term "active" is also used to describe an installation used for industrial storage.

§ 830.103–2 *Disposal agency.* "Disposal agency" means any Government agency designated by the Surplus Property Board to dispose of industrial installations.

§ 830.103–3 *Excess.* "Excess" is a term used to describe the status of an installation that has been determined by the using service to be no longer needed for its production requirements, or, if an approved industrial storage installation, no longer needed for storage.

§ 830.103–4 *Industrial installation or installation.* "Industrial installation" or "installation" means any unit of real property (or reasonably separable portion thereof), including its related production equipment, primarily used or useful for the production of matériel, munitions, or supplies, or for closely related functions. It includes all lands and interests therein, leaseholds, buildings, structures, improvements, and appurtenances which are not a part of command installations. It includes housing which is an integral part of an installation.

§ 830.103–5 *Standby.* "Standby" is a term used to describe the status of an installation not currently in use, but which the War Department desires to keep in readiness to resume production, if necessary.

§ 830.103–6 *Surplus.* "Surplus" is a term used to describe the status of an installation that has been determined by the War Department to be no longer needed for its immediate or foreseeable requirements and responsibilities.

§ 830.103–7 *Using service.* "Using service" means that component of the War Department (a technical service of the Army Service Forces or the Army Air Forces) directly accountable for and charged with command jurisdiction over a specific installation.

[1] Filed with the division of the Federal Register.

PART 832—PROCEDURE WITH RESPECT TO DISPOSITION ON INDUSTRIAL INSTALLATIONS

Sec.
832.200 Classification and reporting of installations as standby or excess.
832.201 Disposition of installations.
832.202 Temporary use of standby, excess, or surplus installations.
832.203 Use of excess installations for storage or essential military operations.
832.204 Withdrawal of excess installations.
832.205 Withdrawal of surplus installations.
832.206 Reduction of overhead.
832.207 Dismantling and removal of equipment.
832.208 Custody of an accountability for standby, excess, and surplus installations.
832.209 Disposals in advance of excess or surplus.
832.210 Sale or lease of installations included for retention in the post-war military establishment.
832.211 Monthly report.

§ 832.200 *Classification and reporting of installations as standby or excess.*

§ 832.200–1 *Duty to classify and report.* Each using service will maintain constant surveillance over the utilization of all installations under its control. Within 20 days from the time an installation, or reasonably separable portion thereof, ceases to be active, the using service will classify and report such property to the Chief of Engineers.

§ 832.200–2 *Reporting of installations classified as standby.* (a) When an installation is classified as standby, the using service will submit a report to the Chief of Engineers, through the Production Division, Army Service Forces, or, in the case of the Army Air Forces, through the Assistant Chief of Air Staff, Matériel and Services, Resources Division. The report will contain the following information:

(1) Location and identification of the installation;

(2) Date the installation was classified as standby;

(3) Purpose for which the installation is retained, justification, and estimated period of retention;

(4) Whether any portion of the installation is available for temporary use by agencies other than the using service, and, if so, the usable portions and the limitations on such use;

(5) Estimated time required by using service to put the installation in production on a substantial scale.

(b) Upon receipt of a report of standby, the Production Division, Army Service Forces, or, in the case of the Army Air Forces, the Assistant Chief of Air Staff Matériel and Services, Resources Division, will determine within 10 days whether the classification as standby should be approved or modified. If the classification is approved, the respective staff division will forward the report to the Under Secretary of War; if the Under Secretary of War approves the classification, he will forward the report to the Chief of Engineers, with copies to the using service, the Production and Readjustment Divisions, Army Service Forces, and the Industrial Equipment Redistribution Board, Reconstruction Finance

Corporation, Washington, D. C. If the classification is disapproved, the report will be returned to the using service with appropriate instructions.

§ 832.200–3 *Reporting of excess installations.* When an installation is classified as excess, a report will be submitted by the using service to the Chief of Engineers, with copies to the Production and Readjustment Divisions, Army Service Forces, and to the Industrial Equipment Redistribution Board, Reconstruction Finance Corporation, Washington, D. C. In the case of the Army Air Forces, this report will be transmitted through the Assistant Chief of Air Staff, Matériel and Services, Resources Division. The report will contain the following information:

(a) Location and identification of the excess installation, with statement as to whether it includes production equipment or whether land, or buildings and land, alone are involved;

(b) Purpose for which the installation is used;

(c) Date on which the installation will cease to be used, and additional time required, if any, before plant will become available for other use;

(d) Contractual obligations affecting disposition, with copies of pertinent documents;

(e) Any additional information, such as commitments to other War Department agencies or other Government agencies, which aids in redistribution or disposition;

(f) The responsible field office which will, when requested, coordinate with the representatives of the Chief of Engineers and other interested agencies.

§ 832.201 *Disposition of installations.*

§ 832.201–1 *Disposition of standby installations.* Upon receipt of a report that an installation has been classified as standby, the Chief of Engineers will determine the feasibility of making the installation available for temporary use by an agency other than the using service. If the Chief of Engineers determines that such use is feasible, and if the using service approves the proposed use, the Chief of Engineers may take appropriate action, in accordance with § 832.202.

§ 832.201–2 *Disposition of excess installations.* (a) Wherever possible, excess industrial installations, including machinery and equipment, should be transferred as a complete facility to avoid the necessity for dismantling and reinstalling equipment. If the report that an installation is excess states that production equipment is included in the installation, the Chief of Engineers will immediately contact the designated field office of the using service to coordinate the preparation of Forms SPB-1 and SPB-5, so as to avoid duplications and omissions.

(b) Upon receipt of a report that an installation has been classified as excess, the Chief of Engineers will consult, or circularize, the other technical services, Production, Storage, Maintenance, and Mobilization Divisions, Army Service Forces, and the Army Air Forces for not more than 10 days to ascertain if there is a need for the installation within the War Department for (1) production, (2) storage of War Department property other than surplus property, or (3) command use. Consultation and circularization may be waived by the Under Secretary of War.

(c) In the event a need is found under paragraph (b), the Chief of Engineers will arrange with the using service and the requesting agency for the transfer of the installation, and will notify the Production and Readjustment Divisions, Army Service Forces, of the new use. All requests for transfer of excess installations will be made to the Chief of Engineers and will include the following information:

(1) Name and location of the installation;

(2) Name of using service;

(3) Agency requesting use;

(4) Purpose for which the installation is to be used;

(5) Particular portions of the installation or amount of space required.

Wherever necessary, the requesting service will process promptly a site letter, as provided in Part 810 of this chapter. In such cases, transfers will not be made until the approvals required by Part 810 of this chapter are obtained. Where the requested use is for storage, the requesting service, except in the case of the Army Air Forces, will process a request to and secure the approval of the Storage Division, Army Service Forces, before the transfer is made.

(d) The Chief of Engineers is authorized to effect transfers to Government agencies, in accordance with existing laws and regulations, provided that it has been determined, under the provisions of paragraph (b) above, that there is no further War Department need for the installation, or, if there is a further War Department need, provided that the transfer has been approved by the Under Secretary of War. In the case of transfers to the Navy Department, the Veterans Administration, the Reconstruction Finance Corporation, or a subsidiary of the Reconstruction Finance Corporation, the Chief of Engineers will notify the Surplus Property Board of the transfer, but the approval of the Board need not be obtained. In cases of transfers to other Government agencies, the approval of the Surplus Property Board will be obtained, and such transfers will only be made with reimbursement.

(e) Should more than one service or agency request the same property, the conflict will be resolved by the Under Secretary of War.

§ 832.201–3 *Disposition of surplus installations.* (a) If, within 15 days of receipt of a report that an installation is excess, no need has been found for the property, as provided in § 832.201–2 (b), the Chief of Engineers will determine the installation to be surplus. Except in the case of leased installations, the Chief of Engineers will promptly forward to the Reconstruction Finance Corporation, with a copy to the using service and to the Production Division, Army Service Forces, a memorandum which will:

(1) Indicate that the installation will be declared surplus within 30 days.

(2) Describe the plant and its related machinery and equipment, if any, in general terms.

(3) Request the Reconstruction Finance Corporation to consult with the using service and the Corps of Engineers as soon thereafter as possible as to the date on which custody and accountability for the installation will be transferred, the method whereby such custody and accountability will be transferred, and the method whereby the property will be prepared for protection.

(4) Designate the responsible field offices of the using service and the Corps of Engineers with which the Reconstruction Finance Corporation should consult, in accordance with subparagraph (3) above.

(b) If the reported installation includes production equipment, the using service will, within 42 days after the installation has been reported as excess, forward to the Chief of Engineers the completed Forms SPB–1 covering such equipment, for transmittal to the Surplus Property Board. The Chief of Engineers will transmit these Forms SPB–1 to the Surplus Property Board with the Form SPB–5 when the complete installation is declared surplus.

(c) Within 45 days of the receipt of a report of excess, the Chief of Engineers will declare the installation surplus to the Surplus Property Board, in accordance with the regulations of the Board, unless the installation is leased to the War Department. To insure that declarations of surplus are made as soon as possible, the Chief of Engineers will initiate a title search and take all other necessary action promptly on receipt of the report of excess, and, where practicable, even in advance of such report.

(d) In the case of surplus leased installations, the Chief of Engineers is authorized to terminate outstanding leases, in accordance with their terms. The Chief of Engineers will notify the Readjustment Division, Army Service Forces, of any declaration of surplus or termination of a lease of a surplus installation.

§ 832.201–4 *Direct sales of installations by the War Department.* Recommendations for the sale of an installation by the War Department under any authority not impaired by the Surplus Property Act of 1944 (Public Law 457—78th Congress, 58 Stat. 765) will be made by the Chief of Engineers to the Under Secretary of War through the Readjustment Division, Army Service Forces, except where existing War Department regulations authorize the Chief of Engineers to dispose of buildings and improvements.

§ 832.201–5 *Disposal of leased installations.* Under existing regulations, the Chief of Engineers is authorized to dispose of surplus installations on land leased to the War Department by termination of lease, sale, demolition, removal, or by any appropriate action incident to the War Department's obligation to restore the premises. In general, negotiations for the sale of large industrial installations erected on land leased to the War Department will be conducted by the Reconstruction Finance Corporation at the request of the Chief of Engineers.

§ 832.202 *Temporary use of standby, excess, or surplus installations.* (a) The Chief of Engineers is authorized to lease or to arrange for the temporary use of standby or excess installations, in accordance with Parts 830 and 832, *Provided*, That:

(1) In the case of standby installations, the using service first approves the finding of the Chief of Engineers that the proposed lease or use will not interfere with the current status of the installation; and

(2) In the case of excess installations, the proposed lease or use will not interfere with the disposal of the installation.

The Chief of Engineers will negotiate leases and make arrangements for temporary use of installations, and will prepare and execute such leases, permits, and other documents as are required.

(b) Property consisting of land alone will not be placed in standby for the sole purpose of providing temporary use.

(c) Leases, permits, or other agreements for use of an installation will not be executed without the prior approval of the Under Secretary of War in any of the following cases:

(1) Where the annual consideration in any lease or other contract exceeds $50,000;

(2) Where the lease or contract price is less than the approved rental value, established rate, or other prevailing standard of value;

(3) Where the lease or contract term exceeds 5 years; or

(4) Where the lease or contract is not revocable at any time.

Requests for approval under this section will be transmitted to the Under Secretary of War through the Readjustment Division, Army Service Forces.

(d) The Chief of Engineers may serve as the leasing agent of the disposal agency for installations declared surplus.

§ 832.203 *Use of excess installations for storage or essential military operations.* (a) Excess installations will be diverted to storage of War Department property (other than surplus), or to essential military operations, only after production needs are satisfied, and then, except for temporary use, only to the extent required for essential military operations.

(b) When transfer of an excess industrial installation for use as a command installation is approved by the Chief of Engineers, the designation and assignment of the property will be made by The Adjutant General, as provided in AR 170–10.

§ 832.204 *Withdrawal of excess installations.* An excess installation which has been reported to the Chief of Engineers may be withdrawn by the using service. Notice of the action taken will be sent to the Readjustment Division, Army Service Forces, by the Chief of Engineers.

§ 832.205 *Withdrawal of surplus installations.* A surplus installation which has been declared to a disposal agency or to the Surplus Property Board may be withdrawn by the Chief of Engineers on the request of the Army Air Forces or a technical service made through the Readjustment Division, Army Service Forces, which will coordinate with other staff divisions, and with the approval of the Under Secretary of War. Form SPB–5 will be used in effecting withdrawals. Upon approval of the request for withdrawal, the Chief of Engineers will assign the property to the service requesting withdrawal and notify the Readjustment Division, Army Service Forces, of the action taken.

§ 832.206 *Reduction of overhead.* The overhead costs of installations in standby, excess, or surplus status will be reduced to the minimum consistent with proper maintenance and security. Unnecessary reports will be discontinued. Administrative duties no longer required will be eliminated. Military personnel no longer needed will be transferred. Civilian personnel will be utilized in place of military personnel, insofar as possible.

§ 832.207 *Dismantling and removal of equipment.* Installations will not, in general, be dismantled, except: (a) To remove production equipment or materials needed for other war purposes, including war reserve and modernization, (b) to provide space for other manufacturing operations, (c) to meet storage requirements for military property, or (d) to make the property safe by decontamination or other means. If it is necessary to raze buildings or structures, the approval of the Chief of Engineers will first be obtained, as provided in section III, WD Circular 195, 1944.

§ 832.208 *Custody of and accountability for standby, excess, and surplus installations.* (a) The using service retains custody of and accountability for installations reported as standby or excess. On request of the using service, however, the Chief of Engineers may assume such custody and accountability on mutually satisfactory terms.

(b) As provided in § 832.201–3, representatives of the Reconstruction Finance Corporation, the Corps of Engineers, and the using service will determine the date on which custody of and accountability for the surplus installation will be transferred from the War Department to the Reconstruction Finance Corporation. Generally, this date should be not later than 30 days after the property has been assigned by the Surplus Property Board to the Reconstruction Finance Corporation for disposal. Custody and accountability will remain the responsibility of the using service until assumed by the Reconstruction Finance Corporation.

(c) If the Reconstruction Finance Corporation is unable, or if it is apparent that it will be unable, to assume custody of and accountability for a surplus installation, the using service may request the Chief of Engineers to assume such custody and accountability on mutually satisfactory terms.

§ 832.209 *Disposals in advance of excess or surplus.* (a) Sales of active installations are to be encouraged; *Provided*, That the continuation of war production is assured for as long as the War Department requires. When a purchase inquiry is received, the using service will refer the prospective buyer to the disposal agency and will inform the Readjustment Division, Army Service Forces, of its action. Upon receipt of this information, the Readjustment Division will notify the Chief of Engineers that the property is under consideration for disposal.

(b) The Readjustment Division, Army Service Forces, on request of the disposal agency to whom a purchase inquiry has been referred, will ascertain, by coordination with the Production Division, Army Service Forces (in the case of the Army Air Forces, the Assistant Chief of Air Staff, Matériel and Services, Resources Division) and the using service, the need for continuing war production at the installation, the availability of the property for inspection, the terms of any options, and the probable date the installation will become surplus. If requested by the disposal agency, the Readjustment Division, Army Service Forces, will arrange, with consent of the using service, for field inspection of the installation by prospective buyers.

(c) When advised by the disposal agency that an advance disposal is ready to be made, the Readjustment Division, Army Service Forces, or, in the case of the Army Air Forces, the Readjustment Division, Army Service Forces, through the Assistant Chief of Air Staff, Matériel and Services, Resources Division, will request the using service to consent to disposal of the installation, subject to conditions determined by the using service to be necessary to protect the War Department's interest in continued production. When the using service consents to disposal of the installation, the using service will forward a statement to the Under Secretary of War stating the conditions on which the consent is given and will send copies of this statement to the Production and Readjustment Divisions, Army Service Forces, or, in the case of the Army Air Forces, to the Assistant Chief of Air Staff, Matériel and Services, Resources Division, and to the Readjustment Division, Army Service Forces. If the Under Secretary of War consents to the disposal, he will direct the Chief of Engineers to declare the installation surplus, subject to such conditions as the Under Secretary of War may determine.

§ 832.210 *Sale or lease of installations included for retention in the postwar military establishment.* With the approval of the Under Secretary of War upon recommendation by the Commanding General, Army Service Forces, or, where appropriate, the Commanding General, Army Air Forces, an installation scheduled for the postwar military establishment may be sold or leased. In such case, the procedure set forth in § 832.200 will be followed.

§ 832.211 *Monthly report.* The Chief of Engineers will report all actions taken under Parts 830 and 832 in Section 4, Monthly Progress Report, Construction, Real Estate, Repairs and Utilities.

NOTE: Forms printed in the FEDERAL REGISTER are for information only and do not follow the exact format prescribed by the issuing agency.

[SEAL] EDWARD F. WITSELL,
Major General,
Acting The Adjutant General.

[F. R. Doc. 45-16044; Filed, Aug. 28, 1945; 9:34 a. m.]

TITLE 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Federal Security Agency

PART 141—TESTS AND METHODS OF ASSAY FOR ANTIBIOTIC DRUGS

PENICILLIN

By virtue of the authority vested in the Federal Security Administrator by the provisions of section 507 of the Federal Food, Drug, and Cosmetic Act (52 Stat. 1040 ff. 21 U.S.C. 301 et seq., as amended by Public Law 139, 79th Cong., 1st Sess., July 6, 1945), the following regulations are hereby promulgated.

Sec.

141.1 Sodium penicillin and calcium penicillin; potency.
141.2 Sodium penicillin and calcium penicillin; sterility.
141.3 Sodium penicillin and calcium penicillin; pyrogens.
141.4 Sodium penicillin and calcium penicillin; toxicity.
141.5 Sodium penicillin and calcium penicillin; moisture.
141.6 Sodium penicillin and calcium penicillin; penicillin X.
141.7 Penicillin in oil and wax.
141.8 Penicillin ointment.
141.9 Tablets buffered penicillin.
141.10 Capsules penicillin in oil.
141.11 Penicillin with aluminum hydroxide gel.
141.12 Penicillin troches.
141.13 Penicillin dental cones.

§ 141.1 *Sodium penicillin and calcium penicillin; potency*—(a) *Cylinders (cups).* Make from standard wall pyrex tubing or from glazed porcelain, stainless steel, or aluminum tubing of the same wall thickness (±0.1 mm), having an outside diameter of 8 mm (±0.1 mm), by cutting into 1.0 cm lengths. Unless made from stainless steel, the cylinders are beveled inside on one end at an angle of 30° to 40°. The beveled surface is ground to a smooth edge.

(b) *Culture media.* (1) Make nutrient agar, for the assay and for carrying the test organism, as follows:

	Gm.
Peptone	6.0
Pancreatic digest of casein	4.0
Yeast extract	3.0
Beef extract	1.5
Glucose	1.0
Agar	15.0
	Ml.
Distilled water, q. s.	1,000.0

pH 6.5 to 6.6 after sterilization.

(2) Make nutrient broth, for preparing an inoculum of the test organism, as follows:

	Gm.
Peptone	5.00
Yeast extract	1.50
Beef extract	1.50
Sodium chloride	3.50
Glucose	1.00
Dipotassium phosphate	3.68
Potassium dihydrogen phosphate	1.32
	Ml.
Distilled water, q. s.	1,000.00

pH 7.0 after sterilization.

(3) *Media ingredients.* (i) The yeast extract used in (1) and (2) is a peptone-like substance which represents the soluble products of yeast cells (S. cerevisiae) prepared under optimum conditions, clarified and desiccated to a powder. One gram of the extract represents not less than 7.5 gms of the original yeast.

It is a reddish-yellow to brown powder with a characteristic but not putrescent odor. It is soluble in water, forming a yellowish to brown solution having a slight acid reaction.

Its nitrogen content after drying to constant weight at 100° C., as determined by the Kjeldahl method, is not less than 7.2% and not more than 9.5%.

Its residue on ignition, as determined by weighing accurately about 0.5 gm and heating slowly until it is thoroughly charred, cooling, adding 1.0 ml of sulfuric acid, and igniting to constant weight, is not more than 15%.

Its loss at 100° C., as determined by weighing accurately about 1.0 gm and drying to constant weight at 100° C., is not more than 5%.

It contains no coagulable protein, as determined by the absence of precipitate when a filtered aqueous solution (1 in 20) is heated to boiling.

Its chloride content, calculated as sodium chloride, is not more than 5%.

It contains no carbohydrate other than that naturally present.

(ii) The pancreatic digest of casein (bacteriological peptone) used in paragraph (b) (1) of this section and in § 141.2 (a) (1), is a grayish-yellow powder, with a characteristic but not putrescent odor. It is freely soluble in water, a 2% solution having a light yellow color, being free from turbidity or sediment, and having a reaction of pH 6.5 to 7.0; it is insoluble in alcohol or ether. The casein used in the preparation of the digest is good commercial grade or better of acid precipitated casein which meets the following specifications.

Ash	Not more than 2.5%.
Moisture	Not more than 8.0%.
Fat	Not more than 0.5%.
Free acid (as lactic acid).	Not more than 0.25%.
Reducing sugars	Trace.
Fineness	100% through a 20-mesh sieve.

The sodium chloride content of the pancreatic digest of casein is not more than 1%.

Its loss at 100° C., as determined by weighing accurately above 2 gms and drying to constant weight at 100° C., is not more than 7%.

Its nitrogen content, after drying to constant weight at 100° C., as determined by the Kjeldahl method, is not less than 10%.

Its residue on ignition, as determined by weighing accurately about 0.5 gm (previously dried to constant weight at 100° C.) and heating it slowly until it is thoroughly charred, cooling, adding 1.0 ml of sulfuric acid, and igniting to constant weight, is not more than 15%.

If the peptone meets the above requirements, it need not be dried to constant weight for the following tests:

It meets the following tests for degree of digestion: Dissolve 1 gm in 10 ml of distilled water.

(*a*) Stratify a few drops of 10% acetic acid in 50% alcohol on about 1 ml of the solution. No ring or precipitate forms at the junction of the two fluids and, when shaken, no turbidity results.

(*b*) Mix 1 ml with 4 ml of a saturated solution of zinc sulfate. A moderate amount of precipitated proteoses is formed.

(*c*) To 1 ml of filtrate from (*b*) add 3 ml of distilled water and 4 drops of saturated bromine water; a distinct reaction for tryptophane is given.

It is free from nitrites as determined by the following test: To about 5 ml of a 2% solution add:

(*a*) A few drops of sulfanilic acid reagent (sulfanilic acid, 0.8 gm; sulfuric acid of sp. gr. 1.84, 5 ml; distilled water, 100 ml), and

(*b*) A few drops of dimethylalpha-naphthylamine reagent (dimethylalpha-naphthylamine, 0.6 ml; glacial acetic acid, 30 ml; distilled water, 70 ml).

Mix and allow to stand for 15 minutes. No pink or red color develops.

It meets the following tests for bacteria-nutrient properties:

Prepare media by adding to distilled water:

(*a*) 2% of the bacteriological peptone, 0.5% of sodium chloride;

(*b*) 1% of the bacteriological peptone, 0.5% of sodium chloride;

(*c*) 0.1% of the bacteriological peptone, 0.5% of sodium chloride;

(*d*) 1% of the bacteriological peptone, 0.5% of sodium chloride, 0.5% of dextrose;

(*e*) 2% of the bacteriological peptone, 0.5% of sodium chloride, 1.5% of agar.

Adjust the reaction of all media to pH 7.2 to 7.4.

To medium (*a*) add sufficient phenol red indicator to give a readable color, tube in Durham fermentation tubes, and autoclave. Inoculate with a loop of 24-hour culture of Escherichia coli. Neither acid nor gas is produced during incubation for 48 hours at 37° C.

Inoculate 5 ml of medium (*b*) with Eberthella typhosa. Suspend between the cotton plug and the mouth of the test tube a strip or loop of lead acetate paper so that it hangs about 2 inches above the medium. After incubation at 37° C. for 24 hours the lower tip of the lead acetate paper shows little, if any, darkening; after 48 hours it shows an appreciable amount of brownish blackening (lead sulfide).

Incubate 5 ml of medium (c) inoculated with Escherichia coli for 24 hours at 37° C.; add about 0.5 ml of indol reagent (paradimethylaminobenzaldehyde, 1 gm; ethyl alcohol, 95 ml; hydrochloric acid of sp. gr. 1.18, 20 ml); a distinct pink or red color forms which is soluble in chloroform.

Inoculate 5 ml of medium (*d*) with Aerobacter aerogenes, and incubate for 24 hours at 37° C. Test by adding to the culture an equal volume of 10% solution of sodium or potassium hydroxide; shake and allow to stand at room temperature for several hours. The presence of acetyl-methyl-carbinol is shown by the appearance of a pink color.

In lieu of preparing the medium from the individual ingredients specified in paragraph (b) (1) and (2) of this section, they may be made from a dehydrated mixture which, when reconstituted with distilled water, has the same composition as such media.

(c) *Working standard.* Keep the working standard (obtained from the Food and Drug Administration) in tightly stoppered vials, which in turn are kept in larger stoppered tubes containing anhydrous calcium sulfate, constantly at freezing temperature. Weigh out carefully between 4 and 5 mg of the working standard and dilute with sterile 1% phosphate buffer (pH 6.0) to make a stock solution of any convenient concentration. Keep this solution at a temperature of about 10° C.; do not use it later than 3 days after it is made. From this stock solution make daily a working dilution containing 1.0 unit per ml and another containing 0.25 unit per ml.

(d) *Preparation of sample.* Dissolve aseptically, in pyrogen-free sterile distilled water, the sample to be tested to make a stock solution containing 5,000 units (estimated) per ml. In the assay for potency, place 1.0 ml of this solution in a 100 ml volumetric flask and make up to volume by the addition of sterile distilled water. Transfer 1.0 ml of this 50 unit (estimated) per ml solution to a flask containing 49 ml of 1% phosphate buffer (pH 6.0). Transfer 1.0 ml of this 1.0 unit (estimated) per ml solution to 3 ml of buffer to make a solution containing 0.25 unit (estimated) per ml. Use these last two dilutions in the assay for potency.

(e) *Preparation of plates.* Add 21 ml of agar to each Petri dish (20 x 100 mm). After the agar has been distributed evenly in the plates and has hardened, store in the refrigerator until the following day. (They may be kept several days before use.) The test organism is Staphylococcus aureus (F. D. A. 209–P). Maintain the test organism on agar slants and transfer to a fresh agar slant about once a week. Prepare an inoculum for the plates by transferring the culture from the agar slant into broth and incubate at 37° C. From 16 to 24 hours thereafter add 2.0 ml of this broth culture to each 100 ml of agar which has been melted and cooled to 48° C. Mix the culture and agar thoroughly and add 4 ml to each of the plates containing the 21 ml of the uninoculated agar. Tilt the plates back and forth to spread the inoculated agar evenly over the surface. Replace the glass covers of these inoculated plates with porcelain covers glazed on the outside. Place four cylinders on the agar surface (beveled end down) so that they are at approximately 90° intervals on a 2.8 cm radius. In so placing the cylinders drop them from a height of ½ inch, using a mechanical guide or device.

(f) *Assay.* Use four plates for each sample. Fill one cylinder on each plate with the 1.0 unit per ml dilution, and one with the 0.25 unit per ml dilution, of the working standard. Add the estimated dilutions of 1.0 unit per ml and 0.25 unit per ml of the sample under test to the remaining 2 cylinders on each plate. Carefully place the plates in racks and incubate 16 to 18 hours at 37° C. After incubation measure the diameter of each circle of inhibition to the nearest 0.5 mm using a colony counter with a mm scale etched into the supporting glass over the light source. Other measuring devices of equal accuracy may be used.

(g) *Estimation of potency and error.* (1) Use the accompanying chart (Chart 1) and nomograph (Chart 2) for estimating the potency and its error. To use the chart for estimating potency two values, namely, V and W, are required. For each plate calculate two values.

$$v=(u_L+u_H)-(s_L+s_H)$$

and

$$w=(u_H+s_H)-(u_L+s_L)$$

where s_H and s_L are the diameters of the zones of inhibition in mm of the 1.0 unit and 0.25 unit dilutions of the standard, respectively, and u_H and u_L refer similarly to the corresponding dilutions of the sample under test. The value V is the sum of the v values for all plates and W is the sum of the w values for all plates. To estimate the potency locate the point on the chart corresponding to the values V and W, and the potency can be read from the radial lines on the chart.

(2) The error of the assay is estimated by using the nomograph which requires five values, namely, the potency, V, W, R_v, and R_w. R_v (the range of the v's) is the highest value of v minus the lowest value of v obtained from the individual plates. Similarly, R_w is the difference between the highest and lowest w values. After obtaining these five values, connect with a straight edge the points corresponding to v and w on the respective scales on the right side of the nomograph. Mark with a pin or sharp-pointed pencil the intersection of the straightedge and the diagonal line of the nomograph. Move the straightedge so that it connects the value of R_w on its scale and the diagonal line at the point of the pin. The value for Q is thus determined by the scale value where the straightedge crosses the line labeled "Q." T is obtained by adding the squares of Q and R_v. On the left side of the chart connect the values of T and W with the straightedge and read the value of the ratio (error of assay ÷ potency) where the straightedge intersects the scale of values for the ratio. This value multiplied by the potency equals the percentage error of the assay. The error of the assay calculated here estimates only how closely one assayist can check himself on any given set of dilutions of unknown and standard. It does not include any errors of weighing or errors due to variations in materials or subdivisions of a lot of penicillin.

The chart for determining potency should not be used for determinations of potency lower than 50% or higher than 150% of the standard. If the potency lies outside these limits, the assay should be repeated using a higher or lower dilution. The radial lines on the chart beyond these limits permit a rough estimation of potency from as low as 5% to as high as 1,000% when low values of W are found. If the value of V or W falls outside the limits of the chart, divide both V and W by the same proper number to bring them into the range of the chart and read the potency from the radial lines as before. If 11.4 R_w is greater than W, the slope of the assay does not differ significantly from zero and the assay is invalid. (The figure 11.4 was obtained by use of Student's "t" test for determining the significance of a slope.)

In certain laboratories it has been noted that with the 4 to 1 ratio, involving concentrations of 0.25 unit for the low dose, the zone of inhibition given by this dose may either be too small for accurate reading or have edges which are poorly defined. In order to permit the use of a higher concentration of penicillin for the low dose the third of the attached charts (Chart 3) may be used in assays in which the ratio of doses is 2 to 1, i. e., the high dose (s_H) is twice the low dose (s_L). As in the preceding chart (Chart 1), if the potency lies outside the limits of 50% to 150% the assay should be repeated, using a lower or higher dilution. The potencies beyond these limits are to be used for rough estimation purposes only. These extensions can also be used for four (or more) plate assays if both V and W are divided by the same proper number to bring them into the range of the chart.

(3) The potency of sodium penicillin and calcium penicillin is satisfactory when assayed by the method described in paragraph (f) of this section if the immediate containers are represented to contain:

200,000 units or less and contain 85% or more of the number of units so represented;

More than 200,000 units and contain 90% or more of the units so represented.

§ 141.2 *Sodium penicillin and calcium penicillin; sterility*—(a) *Culture medium.* (1) Prepare fluid thioglycollate medium as follows:

	Gms.
l-cystine (reagent)	0.75
Sodium chloride	2.50
Dextrose (anhydrous)	5.00
Granular agar (less than 15% moisture by weight)	.75
Yeast extract (dehydrated)	5.00
Pancreatic digest of casein	15.00
Sodium thioglycollate (Thioglycollic acid may be used if a sample of it, when converted to the sodium salt by means of an equivalent weight of sodium hydroxide complies with the requirements of subparagraph (2) (iii) of this section.)	.50
	Ml.
0.1% solution resazurine (freshly prepared)	1.00
	Liter
Distilled water, q. s.	1.00

Mix in a mortar all of the dry ingredients except the sodium thioglycollate in the order given above. Mix into a smooth paste with a portion of the distilled water and dissolve by heating in flowing steam or by boiling; dissolve the sodium thioglycollate therein and adjust the reaction with sodium hydroxide so that after sterilization the pH is 7.1±0.1. Clarify the hot medium by filtration and transfer into 150 x 20 mm tubes, using 15 ml per tube; sterilize for 18 to 20 minutes at 121° to 123° C. (15 to 17 pounds pressure). Store in a cool place. If a pinkish color develops during storage and extends more than one-half inch below the surface of the medium, heat for 5 minutes in flowing steam. One reheating only is permissible. Cool before using.

PENICILLIN ASSAY

Nomographs for estimating Error of Assay

(2 dose, 4 plate method. Ratio of doses 4:1)

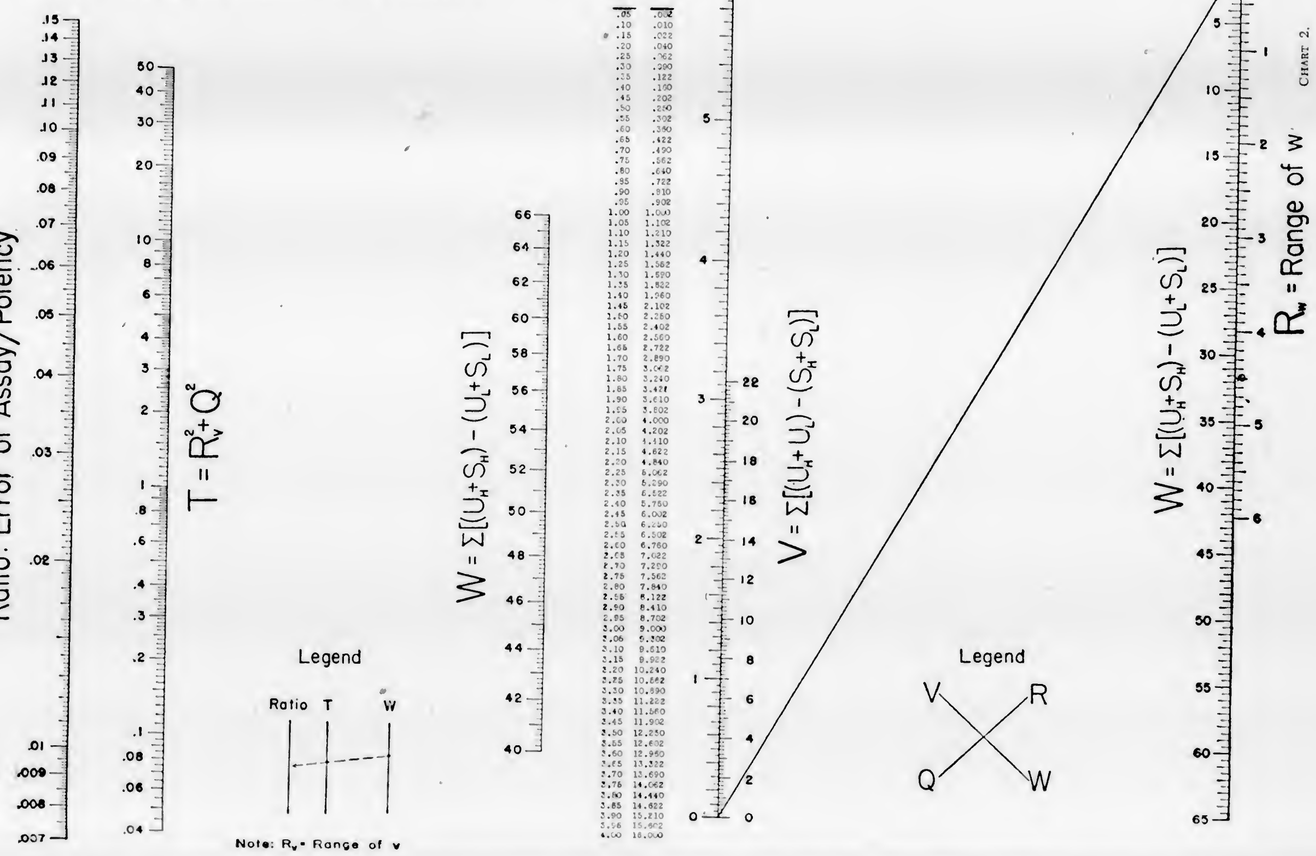
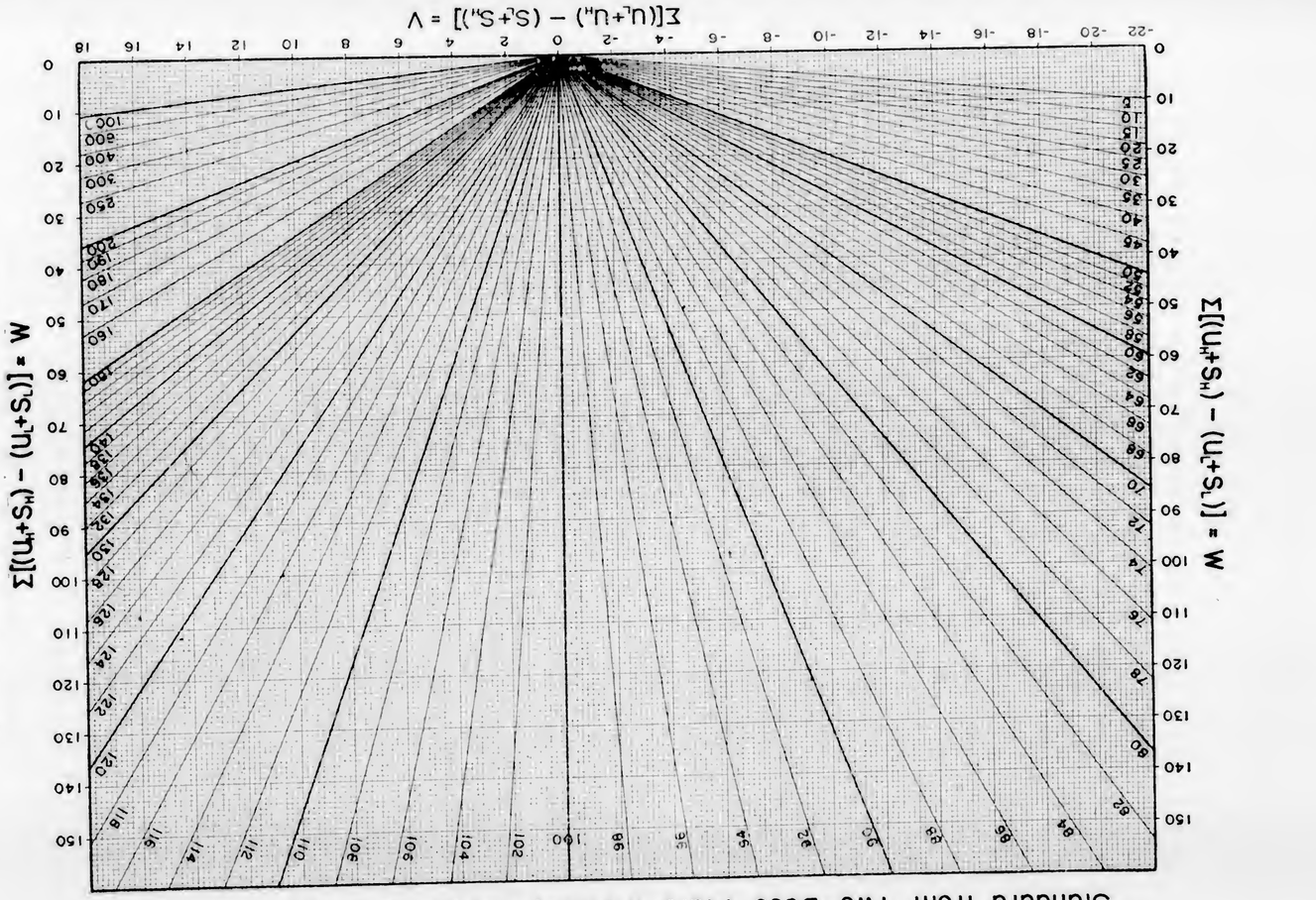
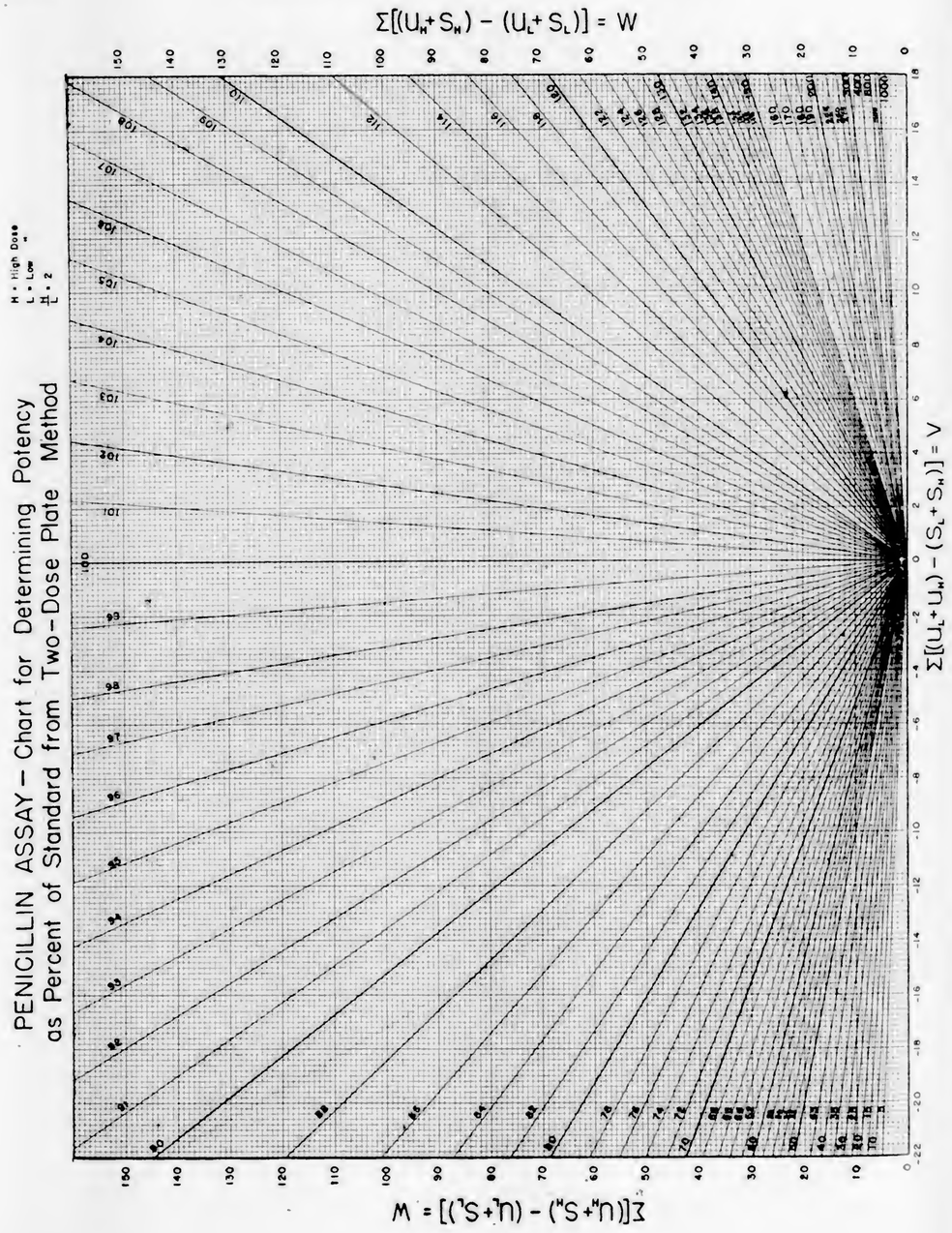


CHART 2.

PENICILLIN ASSAY – Chart for Determining Potency as Percent of Standard from Two-Dose Plate Method; Ratio of Doses 4:1

H = High Dose
L = Low Dose
$\frac{H}{L} = 4$





In lieu of preparing the medium from the individual ingredients specified above, it may be made from a dehydrated mixture which, when reconstituted with distilled water, has the same composition as such medium and has growth-promoting, buffering, and oxygen tension controlling properties equal to or better than those of such medium.

In the preparation of the medium, from either the individual ingredients or any dehydrated mixture, avoid contamination with calcium.

(2) Medium ingredients.

(i) The yeast extract used conforms to the specifications prescribed in § 141.1 (b) (3) (i).

(ii) The pancreatic digest of casein used conforms to the specifications prescribed in § 141.1 (b) (3) (ii).

(iii) The sodium thioglycollate used is a white crystalline powder with a slight but characteristic odor, not of sulfides. Do not use it if it is yellowish or darker. Seventy grams dissolve in 100 ml water. It is slightly soluble in 95% ethyl alcohol or methanol. It meets the following tests for identity: To a very small amount add 5 ml of water, one drop of ferric chloride, then 2 ml of dilute ammonium hydroxide. An intense Burgundy color indicates the presence of the thioglycollate group. Some other organic sulfhydril compounds also give this test. It gives an intense and persistent golden yellow flame on ignition.

It meets the following test for purity: Accurately weigh 0.2 to 0.3 gm and dissolve in 50 ml of distilled water and 2 ml of 6N hydrochloric acid. Boil 2 minutes to destroy any inorganic sulfides present, cool and titrate with tenth-normal standard iodine solution, using 1% starch solution as indicator. Calculate the percentage of sodium thioglycollate as follows:

$$\%\ SHCH_2COONa = \frac{\text{Normality of I} \times \text{ml used} \times 114.10}{\text{Weight of sample} \times 10}$$

Its purity should be not less than 75% at the time of use.

It is free from sulfides, as determined by dissolving about 0.5 gm in 10 to 20 ml of water and 2 to 3 ml of concentrated hydrochloric acid, bringing to a boil, and placing a strip of paper moistened with lead acetate solution in the vapors. No darkening should take place.

Preserve sodium thioglycollate in tightly stoppered bottles in a cool, dry place protected from light. Special care should be taken to avoid contamination with water.

(iv) The resazurin used is in fine crystals of brownish-purple color. One gram dissolves in 100 ml water. Its solution has a deep violet color. Its dye content is not less than 90%. No other dye, except traces of resorufin, is present; the remainder consists only of sodium carbonate or sodium acetate or both, and moisture.

Hydrogen sulfide and other compounds with the —SH group decolorize aqueous solutions of resazurin. On shaking the decolorized solution in the presence of air a rose color develops (dihydroresorufin to resorufin).

An aqueous solution shows maximum absorption at 605 millimicrons on the spectrophotometer.

(b) *Conduct of test.* Dissolve the sample to be tested in sufficient sterile, freshly prepared solution of 1:300 hydroxylamine hydrochloride, adjusted to pH 6.0 with sodium hydroxide, so that each ml contains approximately 5,000 units. Shake vigorously. Let stand one hour, transfer 1 ml aseptically to each of four tubes containing 15 ml of fluid thioglycollate medium. Inoculate one of these tubes with 1.0 ml of a 1:1000 dilution of an 18 to 24 hour broth culture of S. aureus 209–P, and incubate all four tubes for four days at 37° C. The inoculated tube should show growth at the end of four days; if so and no other tube shows growth, the sample is sterile.

§ 141.3 *Sodium penicillin and calcium penicillin; pyrogens*—(a) *Test animal.* Use healthy rabbits, weighing 1,500 gms or more, which have been maintained for at least one week on a uniform unrestricted diet and have not lost weight during this period. For subsequent tests, animals utilized for previous tests may be used after a rest period of not less than two days. Use a clinical rectal thermometer after it has been tested in a rabbit to determine the time required to reach maximum temperature. (Other recording devices of equal sensitivity are acceptable). Insert the thermometer or other recording device beyond the internal sphincter and allow it to remain a sufficient time to reach maximum temperature as determined above. Make four rectal temperature readings on each of the animals to be used in the test at 2-hour intervals, 1 to 3 days before such use (this may be omitted for any animal that has been used in such tests during a preceding period of two weeks). House the test animals in individual cages and protect them from disturbances likely to cause excitement. Exercise particular care to avoid exciting the animals on the day of taking the control temperatures and on the test day. Maintain the animals in an environment of uniform temperature (±5° F.) at all times.

(b) *Conduct of test.* Heat all syringes and needles to be used in a muffle furnace at 250° C. for not less than 30 minutes to render them pyrogen-free and sterile. Perform the test in a room held at the same temperature as that in which the animals are housed. During the test restrain the animals in individual stocks. Withhold all food from one hour before the first temperature reading until after the final reading of the day. Take a control temperature reading not more than 15 minutes after the animal is removed from the cage. Use three animals for each test, but do not use those with control temperature of 38.8° C. or under and 39.9° C. or over. Warm the remainder of the stock solution prepared under § 141.1 (d) to approximately 37° C. and inject 2,000 units (estimated) per kg of rabbit intravenously through an ear vein within 15 minutes subsequent to the control temperature reading. Read temperatures one hour after injection and each hour thereafter until three readings have been made. The sample is nonpyrogenic if when so tested no animal shows a rise in any of the temperature readings, after injection, of 0.6° C. or more above the control temperature of such animal. If only one animal shows such a rise in temperature, or if the sum of the temperature rises of the three animals exceeds 1.4° C., repeat the test on five additional animals. The sample is nonpyrogenic if not more than one of these five animals shows a rise in temperature of 0.6° C. or more above the control temperature of such animal.

§ 141.4 *Sodium penicillin and calcium penicillin; toxicity.* Inject intravenously each of five mice, within the weight range of 18 to 25 grams, with 0.5 ml of a solution of the sample prepared by diluting with sterile distilled water to approximately 4,000 units per ml a portion of the stock solution referred to in § 141.1 (d). The injection should be made over a period of not more than 5 seconds. If no animal dies within 48 hours, the sample is nontoxic. If one or more animals die within 48 hours, repeat the test with five unused mice weighing 20 grams (±0.5 gm) each; if all animals survive the repeat test, the sample is nontoxic.

§ 141.5 *Sodium penicillin and calcium penicillin; moisture.* In an atmosphere of about 10% relative humidity, transfer 30 to 50 mgm of the finely powdered sample to a tared weighing bottle or weighing tube equipped with a capillary-tube stopper, the capillary having an inside diameter of 0.20 to 0.25 mm. Weigh the bottle or tube and place it in a vacuum oven, without removing the stopper, and dry at a temperature of 60° C. and a pressure of 5 mm of mercury or less for three hours. At the end of the drying period, fill the vacuum oven with air dried by bubbling it through sulfuric acid; place weighing bottles or tubes in a desiccator over phosphorous pentoxide, allow to cool to room temperature, and reweigh. Divide the loss in weight by the weight of the sample and multiply by 100 to obtain the percentage of moisture.

§ 141.6 *Sodium penicillin and calcium penicillin; penicillin X.* Dissolve the contents of a 100,000 unit ampul in about 20 ml of ice cold distilled water. Transfer quantitatively to a 100 ml volumetric flask, rinsing the ampul with small portions of ice cold water and make to 100 ml. Pipette a 50 ml aliquot into a 125 ml separatory funnel, then add 50 ml of cold chloroform and shake the mixture. Add an amount of approximately 1N H_2SO_4 to bring the pH of the aqueous layer to 2.0. (The amount of 1N H_2SO_4 to be added is calculated by titrating a separate 5 ml aliquot of the 100 ml dilution to pH 2.0 using a suitable pH meter.) Shake the mixture vigorously for one minute. Allow the layers to separate and filter the chloroform layer through a small pledget of cotton, moistened with chloroform, into a second 125 ml separatory funnel. Shake the acid aqueous solution with a second 50 ml of cold chloform and, when the layers have separated, withdraw the chloroform through the same filter into the second separatory funnel. Immediately neutralize the acid aqueous solution, containing the penicillin X, with 0.1N NaOH to pH 6.5 to 7.0 using the pH meter and make to 100 ml with water. Make esti-

mated dilutions of 1.0 unit per ml and 0.25 unit per ml in 1% phosphate buffer at pH 6.0. Assay these last two dilutions as directed in § 141.1 (f). Shake the combined chloroform extracts, containing any penicillin G, etc., with small successive portions of cold $NaHCO_3$ solution (0.1%), until the combined $NaHCO_3$ extracts give a pH of 7.0, and make to 100 ml with water. Make estimated dilutions of 1.0 unit per ml and 0.25 unit per ml in 1% phosphate buffer at pH 6.0. Assay these last two dilutions as directed in § 141.1 (f). The potency of the penicillin X fraction plus the potency of the penicillin G, etc., fraction should approximate that of the potency of the original solution. All of the above extractions should be carried out in a cold room.

§ 141.7 *Penicillin in oil and wax*—(a) *Potency.* Proceed as directed in § 141.1 except paragraph (g) (3) thereof and, in lieu of the directions in paragraph (d), prepare sample as follows:

Liquefy the sample by warming, thoroughly mix, and withdraw 1.0 ml using a 5-ml pipette. Wipe the adhering material from the outside of the pipette and transfer the contents to a separatory funnel containing approximately 50 ml of peroxide-free ether. Remove the material adhering to the inside of the pipette by thoroughly rinsing with the ether contained in the separatory funnel. Shake the separatory funnel vigorously to bring about complete mixing of the material with the ether. Shake with a 25-ml portion of 1% phosphate buffer at pH 7.0. Remove the buffer layer and repeat the extraction with a second 25-ml quantity of buffer. Combine the extracts and make estimated dilutions of 1.0 unit per ml and 0.25 unit per ml in 1% phosphate buffer at pH 6.0. If the label represents the potency of the penicillin in oil and wax as 200,000 units per ml or less it is satisfactory if it is 85% or more of the potency so represented; if represented as more than 200,000 units per ml, it is satisfactory if it is 90% or more of the potency so represented.

(b) *Sterility.* Proceed as directed in § 141.2, except that sufficient penicillinase is added to the thioglycollate medium to inactivate the penicillin added in the test and, in lieu of the directions in the first three sentences of paragraph (b), proceed as follows:

Liquefy the sample by warming and add aseptically approximately 1.0 ml to 9.0 ml of sterile warm cottonseed oil. Shake vigorously. Transfer 1.0 ml aseptically to each of four tubes containing 15 ml of fluid thioglycollate medium with added penicillinase.

(c) *Moisture.* Weigh 1.0 (±0.2) gm of the sample into a shallow glass moisture dish. Dry to constant weight in a vacuum oven at a uniform temperature not less than 20° C. nor more than 25° C. above the boiling point of water at the working pressure, which does not exceed 100 mm of mercury. Constant weight is attained when successive dryings for 1-hour periods show additional loss of not more than 0.10%. Cool the sample in an efficient desiccator for 30 minutes before reweighing.

§ 141.8 *Penicillin ointment*—(a) *Potency.* Proceed as directed in § 141.1, except paragraph (g) (3) thereof and, in lieu of the directions in pargraph (d), prepare the sample as follows:

Accurately weigh the tube and contents and squeeze 0.5 to 1.0 gm into a separatory funnel containing approximately 50 ml of peroxide-free ether. Reweigh the tube to obtain weight of ointment used in the test. Shake ointment and ether until homogeneous. Shake with a 25-ml portion of 1% phosphate buffer at pH 7.0. Remove the buffer layer and repeat the extraction with a second 25-ml quantity of buffer. Combine the two buffer portions. Make estimated dilutions of 1.0 unit per ml and 0.25 unit per ml in 1% phosphate buffer at pH 6.0. The potency of penicillin ointment is satisfactory if it contains not less than 85% of the number of units per gram it is represented to contain.

(b) *Moisture.* Proceed as directed in § 141.7 (c).

(c) *Microorganism count.* Prepare nutrient agar as directed in § 141.1 (b) (1). Cool to approximately 48° C. and add sufficient sterile penicillinase solution so that each 20 ml will contain enough to completely inactivate the amount of penicillin contained in the sample under test. Pour 20 ml of the agar-penicillinase mixture into Petri dishes and allow to harden. Accurately weigh the tube and contents and squeeze from 0.1 to 0.5 gm of the ointment onto the agar surface. Reweigh tube to obtain weight of ointment used in test. Spread the ointment evenly over the surface of the agar with a sterile glass rod, invert, and place in a 37° C. incubator for 48 hours. Count the number of colonies appearing on the plates and calculate therefrom the number of viable microorganisms per gram of ointment.

§ 141.9 *Tablets buffered penicillin*—(a) *Potency.* Proceed as directed in § 141.1, except paragraph (g) (3) thereof and, in lieu of the directions in paragraph (d), prepare sample as follows:

Place 12 tablets in a mortar and add approximately 20 ml of 1% phosphate buffer at pH 6.0. Disintegrate the tablets by grinding with a pestle. Transfer with the aid of small portions of the buffer solution to a 100 ml volumetric flask and make to 100 ml by adding sufficient phosphate buffer. Make estimated dilutions of 1.0 unit per ml and 0.25 unit per ml in 1% phosphate buffer at pH 6.0. The average potency of the tablets of buffered penicillin is satisfactory if it contains not less than 85% of the number of units per tablet it is represented to contain.

(b) *Moisture.* Proceed as described in § 141.5.

§ 141.10 *Capsules penicillin oil*—(a) *Potency.* Proceed as directed in § 141.1, except paragraph (g) (3) thereof and, in lieu of the directions in paragraph (d), prepare sample as follows:

Add 75 ml of peroxide-free ether to a 125 ml separatory funnel. Cut each of 12 capsules with a pair of sharp scissors while holding in the neck of a separatory funnel with a pair of forceps and allow the cut capsule and contents to fall into the funnel. Wash the forceps and scissors in the ether. Shake the separatory funnel vigorously to bring about complete mixing of the material with the ether. Shake with a 25 ml portion of 1% phosphate buffer at pH 7.0. Remove the buffer layer and repeat the extraction with a second 25 ml quantity of buffer. Combine the two buffer portions. Make estimated dilutions of 1.0 unit per ml and 0.25 unit per ml in 1% phosphate buffer at pH 6.0. The average potency of capsules penicillin in oil is satisfactory if it contains not less than 85% of the number of units per capsule it is represented to contain.

(b) *Moisture.* Proceed as directed in § 141.7 (c).

§ 141.11 *Penicillin with aluminum hydroxide gel*—(a) *Sodium penicillin and calcium penicillin.* Proceed as directed in §§ 141.1, 141.2, 141.4 and 141.5.

(b) *Aluminum hydroxide gel.* Thoroughly shake the aluminum hydroxide gel and transfer aseptically 1.0 and 0.1 ml portions in triplicate to sterile Petri dishes. Pour into each Petri dish 20 ml of nutrient agar, described in § 141.1 (b) (1), which has been melted and cooled to 48° C. Thoroughly mix the aluminum hydroxide and melted agar. Allow the agar to solidify, invert the Petri dishes, and incubate for 48 hours at 37° C. Count the number of colonies appearing on the plates and calculate therefrom the number of viable bacteria per ml of the aluminum hydroxide gel.

§ 141.12 *Penicillin troches*—(a) *Potency.* Proceed as directed in § 141.1, except paragraph (g) (3) thereof and, in lieu of the directions in paragraph (d), prepare sample as follows:

If the troche does not contain a masticatory substance, proceed as directed in § 141.9 (a) using five troches. If the troche contains a masticatory substance, place five troches in a separatory funnel containing 75 ml of *n*-hexane; shake until the troches are dissolved. Shake with a 25-ml portion of 1% phosphate buffer at pH 7.0. Remove the buffer layer and repeat the extraction with a second 25-ml quantity of buffer. Combine the two buffer portions. Make estimated dilutions of 1.0 unit per ml and 0.25 unit per ml in 1% phosphate buffer at pH 6.0. The average potency of the troche is satisfactory if it contains not less than 85% of the number of units per troche it is represented to contain.

(b) *Moisture.* Proceed as directed in § 141.5 or if it contains a masticatory substance as directed in § 141.7 (c).

§ 141.13 *Penicillin dental cones*—(a) *Potency.* Proceed as directed in § 141.1, except paragraph (g) (3) thereof and, in lieu of the directions in paragraph (d), prepare sample using one cone as directed in § 141.9 (a). The potency of the cone is satisfactory if it contains not less than 85% of the number of units per cone it is represented to contain.

(b) *Microorganism count.* Accurately weigh from 3 to 5 cones in a small test tube and add sufficient sterile penicillinase, contained in a total volume of 2 ml to inactivate the penicillin present. Let stand one hour. Thoroughly shake the mixture and transfer, aseptically, the entire amount to a sterile Petri dish. Pour into the Petri dish 20 ml of nutrient agar, described in § 141.1 (b) (1) which has been melted and cooled to 48° C. Thoroughly mix, allow the agar to solidify, invert the Petri dish, and incubate for 48 hours at 37° C. Count the number of colonies appearing on the plates and calculate therefrom the number of viable microorganisms per gram.

(c) *Moisture.* Proceed as directed in § 141.5.

The regulations hereby promulgated shall become effective on the date of their publication in the FEDERAL REGISTER.

Dated: August 30, 1945.

[SEAL] PAUL V. MCNUTT,
Administrator.

[F. R. Doc. 45-16373; Filed, Aug. 31, 1945; 11:21 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter IX—War Production Board

AUTHORITY: Regulations in this chapter unless otherwise noted at the end of documents affected, issued under sec. 2 (a), 54 Stat. 676, as amended by 55 Stat. 236, 56 Stat. 177, 58 Stat. 827; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; E.O. 9599, 10 F.R. 10155; W.P.B. Reg. 1 as amended Dec. 31, 1943, 9 F.R. 64.

PART 1010—SUSPENSION ORDERS

[Suspension Order S-560, Amdt. 3]

GORDON STORES CO., INC.

The Gordon Stores Company, Inc., a corporation with its principal office at Denver, Colorado, owns and operates seven general merchandise chain stores. The corporation began construction on a store building located at 315 Main Street, Montrose, Colorado, in February 1944, without authorization from the War Production Board, in violation of Conservation Order L-41. In view of the amendment of June 11, 1945 to Order L-41, the Chief Compliance Commissioner has directed that Suspension Order No. S-560 be amended to allow construction up to, but not exceeding $5,000 for each store building.

In view of the foregoing, it is hereby ordered, that: § 1010.560 *Suspension Order No. S-560*, issued June 8, 1944, amended November 4, 1944, and June 22, 1945, be further amended by the substitution of the following paragraph (a) for the present paragraph (a):

(a) Neither the Gordon Stores Company, Inc., its successors or assigns, nor any other person, shall do any construction on the premises at 315 Main Street, Montrose, Colorado, including putting up or altering the structure, or on any of the other stores owned or operated by that corporation, except that the Gordon Stores Company may do construction to the extent of the $5,000 limit for each store building permitted by the amendment of L-41 dated June 11, 1945, unless hereafter specifically authorized in writing by the War Production Board.

Issued this 6th day of September 1945.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 45-16676; Filed, Sept. 6, 1945; 11:46 a. m.]

PART 1010—SUSPENSION ORDERS

[Suspension Order S-775, Reinstatement and Amdt.]

MID-WEST EQUIPMENT CO.

Roy R. Williams, doing business as Mid-West Equipment Company, 421 Southwest Boulevard, Kansas City, Missouri, engaged in the business of distributing gasoline service station and bulk plant equipment and steel storage tanks and similar items, was suspended on May 10, 1945, by Suspension Order No. S-775. He appealed from the provisions of the suspension order and, pending determination of the appeal, the suspension order was stayed by the Chief Compliance Commissioner on May 12, 1945. The appeal has been considered by Deputy Chief Compliance Commissioner Flood who has dismissed the appeal and directed that the stay be terminated and the suspension order reinstated.

In view of the foregoing, it is hereby ordered, that: § 1010.775 *Suspension Order No. S-775*, issued April 30, 1945, and effective May 10, 1945, be and hereby is reinstated effective September 9, 1945, to expire December 23, 1945; the stay of execution directed by the Chief Compliance Commissioner on May 12, 1945, be and hereby is revoked effective September 8, 1945; and that the suspension order be amended by substituting the following paragraph (a) for the present paragraph (a) and by striking paragraph (c) therefrom:

(a) Roy R. Williams shall not, from the effective date of this order to December 23, 1945, apply or extend any preference ratings to obtain steel tanks regardless of the delivery date named in any purchase order to which such a rating may be applied or extended.

Issued this 30th day of August 1945.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 45-16778; Filed, Sept. 7, 1945; 11:40 a. m.]

PART 1010—SUSPENSION ORDERS

[Suspension Order S-806, Reinstatement and Amdt.]

ROYAL HEATING CO.

Michael Palmer, doing business as Royal Heating Company, 5328 Chene Street, Detroit, Michigan, engaged in the sale and installation of new and used heating systems, was suspended on June 14, 1945, by Suspension Order No. S-806. He appealed from the provisions of the suspension order and, pending determination of the appeal, the suspension order was stayed by the Chief Compliance Commissioner on June 27, 1945. The appeal has been considered by Deputy Chief Compliance Commissioner Flood who has dismissed the appeal and directed that the stay be terminated and the suspension order reinstated.

In view of the foregoing, it is hereby ordered, that: § 1010.806 *Suspension Order No. S-806*, issued June 7, 1945, and effective June 14, 1945, be and hereby is reinstated effective September 9, 1945, to expire November 12, 1945; the stay of execution directed by the Chief Compliance Commissioner on June 27, 1945, be and hereby is revoked effective September 8, 1945; and that the suspension order be modified by substituting the following paragraph (a) for the present paragraph (a) and by striking paragraph (b) therefrom:

(a) Michael Palmer shall not, from the effective date of this order to November 12, 1945, apply or extend any preference ratings regardless of the delivery date named in any purchase order to which such ratings may be applied or extended.

Issued this 30th day of August 1945.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 45-16779; Filed, Sept. 7, 1945; 11:40 a. m.]

PART 1010—SUSPENSION ORDERS

[Suspension Order S-900]

R. C. CRAMER LUMBER CO.

R. C. Cramer, Spencer Cramer, Loring Cramer and Clifford Cramer, partners doing business as R. C. Cramer Lumber Company are engaged in the retail buying, and selling of lumber and lumber products at 320 North Courtland Street, East Stroudsburg, Pennsylvania. During the period between January 1, 1945 and April 20, 1945, the partners purchased 113,670 board feet of lumber on orders bearing a preference rating of AA-2X or AA-3, when, in fact, they were authorized to place orders bearing these ratings for only 32,784 board feet, in violation of Priorities Regulation No. 3. In addition and during the same period the partners failed to keep and preserve accurate and complete records of the details of their transactions in lumber and failed to maintain proper inventory records of lumber involved, in violation of Priorities Regulation No. 1. The partners were aware of the provisions of Priorities Regulation Nos. 1 and 2 and their actions constituted grossly negligent violations thereof.

These violations have diverted critical materials to uses not authorized by the War Production Board. In view of the foregoing, it is hereby ordered, that:

§ 1010.900 *Suspension Order No. S-900.* (a) R. C. Cramer, Spencer Cramer, Loring Cramer and Clifford Cramer shall not for two months from the effective date of this order apply or extend any preference ratings on purchase orders for lumber, regardless of the delivery date named in any purchase order to which such ratings may be applied or extended.

(b) R. C. Cramer, Spencer Cramer, Loring Cramer and Clifford Cramer shall cancel immediately all preference ratings which they have applied or extended to purchase orders for lumber which have not yet been filled, except orders for lumber already in transit for delivery to them on the effective date of this order.

(c) Nothing contained in this order shall be deemed to relieve R. C. Cramer,

Spencer Cramer, Loring Cramer and Clifford Cramer from any restriction, prohibition, or provision contained in any other order or regulation of the War Production Board, except insofar as the same may be inconsistent with the provisions hereof.

(d) The restrictions and prohibitions contained herein shall apply to R. C. Cramer, Spencer Cramer, Loring Cramer and Clifford Cramer, doing business as R. C. Cramer Lumber Company or under any other name, their successors or assigns, or persons acting on their behalf. Prohibitions against the taking of any action include the taking indirectly as well as directly of any such action.

(e) This order shall take effect on September 7, 1945.

Issued this 31st day of August 1945.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 45-16780; Filed, Sept. 7, 1945; 11:40 a. m.]

PART 1075—CONSTRUCTION

[Conservation Order L-41, as Amended Sept. 7, 1945]

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of materials and facilities required for construction for defense, for private account and for export, and the following order is deemed necessary and appropriate in the public interest and to promote the national defense.

§ 1075.1 *Conservation Order L-41*—(a) *What this order does.* This order forbids certain kinds of construction by any person who has not received specific authorization from the War Production Board. This prohibition applies whether or not the materials needed for the construction are on hand. Other orders of the War Production Board place restrictions on the use of certain kinds of scarce materials. The provisions of these other orders must be observed even though the work does not require permission under L-41.

(b) *What is meant by construction.* The word "construction" as used in this order means building, putting up, erecting, or constructing any new structure including buildings, bridges, dams, and the like, or adding to, enlarging or extending any structure, or reconstructing any structure after substantially complete demolition. The erection of a prefabricated or portable building is construction except where the use to which the building is put requires that it be moved about so frequently that the building is left on skids or wheels.

(c) *Prohibited construction.* No person shall begin or carry on any construction which has not been specifically authorized under this order unless the construction is of a kind described in and permitted under paragraph (d) or paragraph (e) of this order. This prohibition applies to a person who does his own construction work, to a person who gets a contractor to do it for him and to any contractor, subcontractor, architect, or engineer who works on the job or gets others to work on it or to supply materials for it. No person shall accept an order for, sell, deliver or cause to be delivered materials which he knows or has reason to believe will be used in violation of the terms of this order.

(d) *Permitted construction.* (1) It is not necessary to get War Production Board permission under this order for construction jobs done on a unit if the total cost of all of the construction jobs begun on that unit in the same calendar year, including the cost of the proposed job or jobs, does not exceed the appropriate allowance indicated below. If a building is used for more than one purpose and might therefore fall within more than one of the classes indicated, the use to which the greatest part of the floor area is or will be put will determine the allowance. If a building is being converted from one purpose to another, the allowance applicable to the building after the conversion is available for the conversion, less any amounts previously spent on the unit during the calendar year.

(i) $1,000 for a house or other residential unit designed for occupancy by not more than one family, including a farmhouse (a building on a farm used for residential purposes), or a boarding house; $2,000 for a residential unit designed for occupancy by two families; $3,000 for a residential unit designed for occupancy by three families; $4,000 for a residential unit designed for occupancy by four families.

(ii) [Deleted Sept. 7, 1945.]

(iii) $1,000 for an irrigation or drainage system serving more than one farm.

(iv) $5,000 for a hotel, apartment house, tourist camp, motor court, or other residential unit designed for occupancy by five or more families.

(v) $5,000 for a building or other unit used primarily for one or more commercial or service establishments such as offices, banks, stores, laundries, garages, restaurants, theatres, repair shops, warehouses (other than commercial cold storage warehouses), radio stations, frozen food locker plants serving individual customers, golf courses, amusement parks, or the like.

(vi) $10,000 for a church, hospital, school, college, USO club, public playground for children, for a publicly owned building or group of buildings used for public purposes, for an orphanage or other building used exclusively for charitable purposes, for a military exchange situated on a reservation of the Army or Navy, or for a canal, storm sewer, dam, levee or for a jetty or retaining wall needed for shore protection.

(vii) [Deleted Sept. 7, 1945.]

(viii) $1,000 for any other kind of unit.

(2) The word "unit" means a single independently operated structure or building, or a group of buildings or structures (including roadways, pipelines, etc.) which are situated near to each other and which serve the same general purpose or closely related purposes. For example, each of the following is a unit: a suburban house together with a detached garage, tennis court, swimming pool, etc., a farm including the barns, hen houses, dairy, etc., but excluding the farm house, a manufacturing plant with a number of buildings used for the same or different processes together with administration buildings, cafeterias, etc. On the other hand, every separate dwelling house or apartment house constitutes a separate unit. If a person owns several different houses and apartment houses, each one must be treated as a separate unit and the appropriate allowance for each must be determined under paragraph (d). In no case may a single building or structure be treated as more than one unit.

(3) For the purpose of determining whether a construction job may be started without getting permission from the War Production Board, "cost" means the cost of the entire construction job, including the cost of all paid labor, regardless of who pays for it, and including the cost or value of equipment, fixtures and materials incorporated in the construction, whether or not obtained without paying for them, but excluding, however, the cost or value of previously used equipment, fixtures and materials, the value of unpaid labor and the cost of architects' and engineers' fees. A piece of equipment or fixture is considered to be incorporated in the construction when the equipment or fixture is attached to the building and used as a part of the building or when the equipment or fixture is so firmly attached to the building that removal would result in material injury to the building or the fixture. A construction job which would ordinarily be done as a single piece of work may not be subdivided for the purpose of coming within the exemptions given by this paragraph (d). For example, it is not permissible to put in foundations for a house at a cost of $1,000 in 1945 and to do additional work on the walls of the house for another $1,000 in 1946. The total cost of the entire building must be taken into consideration at the time the job is started, as the entire building is a single construction job.

(e) *Exceptions for special kinds of construction.* It is not necessary to get War Production Board permission under this order for the following kinds of construction and the cost of such construction need not be charged against the annual limits stated in paragraph (d):

(1) Maintenance and repair work not involving any exterior addition to a building, including repairs of damages caused by fire, flood, tornado, earthquake, explosion or other disaster, and also including reconstructing buildings or structures destroyed by such causes on or after April 9, 1942.

(2) Altering, rehabilitating and modernizing buildings, but not including the making of exterior additions or the complete rebuilding of a building.

(3) [Deleted Sept. 7, 1945.]

(4) [Deleted Sept. 7, 1945.]

(5) [Deleted Sept. 7, 1945.]

(6) [Deleted Sept. 7, 1945.]

(7) Construction on farms, excluding farmhouses (which are covered by paragraph (d) (1) (i)). A "farm" means a place used primarily for raising crops, livestock, dairy products, poultry, etc., for the market. It does not include a suburban residence with a garden or orchard, except where the primary purpose of the entire unit is the raising of crops, etc., for the market.

(8) Drilling and casing water wells, not including any use of pipe to conduct water on the surface.

(9) Grading, ditch-digging or similar earth-moving operations, if no lumber or other building materials are permanently installed, except drainage pipe. This applies only to jobs to the extent that they can be carried on without the permanent installation of any other materials.

(10) [Deleted Sept. 7, 1945.]

(11) Construction of highways, streets and access roads.

(12) [Deleted Sept. 7, 1945.]

(13) Construction which is regulated by any petroleum administrative order or other order issued or administered by the Petroleum Administration for War.

(14) Construction of facilities which will be used directly in furnishing wire communications services, electric, gas, water or steam heating services, or for a sewerage system.

(15) [Deleted Sept. 7, 1945.]

(16) [Deleted Sept. 7, 1945.]

(17) Construction of transportation facilities such as railroad or street railway tracks, airports or airway facilities, bridges, tunnels, overpasses, underpasses, and buildings used directly for transportation, such as railroad stations, repair shops and the like, and bus terminals and truck terminals operated by common or contract carriers by truck, and oil and gas pipelines including terminal, loading and unloading facilities.

(18) [Deleted Sept. 7, 1945.]

(19) Industrial construction. The term "industrial construction" means (i) any construction of or on a factory, plant or other unit, where the unit is to be primarily used for the manufacturing, processing or assembling of any goods or materials (other than as retail service work), (ii) construction in a unit not primarily engaged in industrial work, if the purpose of the construction is to prepare a part of the unit for the manufacturing, processing or assembling of goods or materials, or (iii) construction of facilities owned by a manufacturer which are not located in an industrial unit and in which no manufacturing, processing or assembling is done, if the facilities are necessary for the handling of raw materials or components in the course of moving them to the manufacturing plant or are necessary for the storage of the manufactured item after manufacture or the distribution of the item to the retailer (not including retail stores or other retail outlets or administration or office buildings owned by the manufacturer, unless they are part of an industrial unit as covered by (i) above).

(*a*) In addition to the usual manufacturing operations, the following kinds of work are also considered manufacturing, processing, or assembling goods or materials and units primarily engaged in such work are exempted under this paragraph:

(*1*) Mining, smelting and refining, foundries, and other operations related to the extraction of minerals and their conversion to finished form, including scrap dealers who are primarily engaged in such processing operations as baling, pressing or briquetting light iron, cutting up heavy melting steel, breaking up cast iron, detinning cans or smelting non-ferrous metals for the purpose of making the scrap available for further use.

However, an automobile graveyard where automobiles are taken apart and the parts are sold without any change and a junk dealer's yard where items are sorted and cleaned are not considered to be engaged in manufacturing, processing or assembling goods within the meaning of this paragraph.

(*2*) Logging and lumbering operations, sawmills, planing mills, kilns and millwork manufacturers (but not retail lumber yards).

(*3*) Pilot plants and industrial research laboratories.

(*4*) Food processing plants, slaughterhouses, commercial food freezing plants, commercial cold storage warehouses, commercial food packing plants, bottling plants, grain elevators, canneries (but not butcher or grocery stores or frozen food locker plants serving individual customers).

(*5*) Textile mills, cotton mills, clothing manufacturers and the like (but not tailors' or dressmakers' establishments primarily engaged in making clothes for individual customers).

(*6*) Printing and publishing establishments, including those publishing newspapers or printing books, magazines or periodicals.

(*7*) Establishments producing motion pictures, including the construction of temporary or permanent motion picture sets (but not including theatres).

(*8*) Operations directly incident to the discovery, development or depletion of petroleum pools, the extraction or recovery of natural gasoline and associated hydrocarbons, or the processing, reprocessing or alteration of petroleum, including compounding or blending operations.

(*b*) Rental service establishments performing services for individual customers are not considered engaged in manufacturing, processing or assembling goods or materials and construction on such units is not exempted from L-41 by this paragraph. See subparagraph (d) (1) (v) above for the annual allowance applicable to commercial and service establishments.

(20) [Deleted Sept. 7, 1945.]

(21) Construction of buildings or structures owned by the United States Army, Navy, Maritime Commission, War Shipping Administration, Coast Guard, Marine Corps, Veterans' Administration, Civil Aeronautics Administration, Coast and Geodetic Survey or Panama Canal.

(22) Facilities to house prisoners of war assigned by the Army to the builder when priorities assistance for the construction has been granted on Form CMPL-593 Navy (Army).

(23) Construction jobs which began before this order originally became effective (April 9, 1942) or at a time when the job was not limited by this order and which have gone on without interruption.

(f) *Applications and authorizations.* (1) Applications may be filed for permission to do construction jobs which may not be done under paragraph (d) or paragraph (e) of this order. If the construction to be done is housing covered by WPB Directive 24, application Form WPB-2896 should be filed with the FHA field office having jurisdiction over this site. If the application is for farm construction, including farm dwellings, application Form WPB-617 should be filed with the County Agricultural Conservation Committee having jurisdiction over the site. Applications for other kinds of construction restricted by this order should be made on Form WPB-617 and filed with the local War Production Board District Office. When a specific authorization under L-41 is given for a job, the cost of the authorized job need not be deducted from the annual allowance given under paragraph (d) (1). However, the cost of an authorized job may not be increased by the annual allowance for the unit in question nor may

construction in addition to that which is covered by the authorization be done under the annual allowance if the authorized job and the additional work are so closely related as to be a single construction job. The annual allowance may only be used for jobs separate and distinct from the work covered by an authorization. (The application forms specified in this paragraph have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.)"

(2) In case of emergency, application may be made by wire or in person. Application should be made to the office where the written application form would otherwise be filed. The emergency application should state the cause of the emergency (fire, flood, etc.), the use to which the building will be put, the type of construction, the estimated cost of construction and the reasons why immediate construction is necessary.

(3) The issuance of certain preference rating orders or certificates constitutes authorization under L–41 even though the order or certificate does not specifically state that construction is authorized. If you receive or have in the past received one of the following orders or certificates you are authorized under L–41 to perform the work covered by the authorization: orders in the P–14 series, orders in the P–19 series, P–41, orders in the P–55 series, P–110, PD–3, PD–3A, WPB–542, CMPL–593 Navy (Army), CMPL–224, GA–1456 and WPB–2774. The issuance of preference rating orders or certificates other than those listed in this subparagraph does not authorize construction under this order.

(g) *Penalties for violations.* Any person who wilfully violates any provision of this order or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any Department or Agency of the United States is guilty of a crime and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining any further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

Issued this 7th day of September 1945.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 45–16764; Filed, Sept. 7, 1945; 11:40 a. m.]

PART 1075—CONSTRUCTION

[Conservation Order L–41, Revocation of Interpretation 2]

Interpretation 2 to Conservation Order L–41 is revoked.

Issued this 7th day of September 1945.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 45–16770; Filed, Sept. 7, 1945; 11:41 a. m.]

PART 1075—CONSTRUCTION

[Conservation Order L–41, Revocation of Interpretation 9]

Interpretation 9 to Conservation Order L–41 is revoked.

Issued this 7th day of September 1945.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 45–16771; Filed, Sept. 7, 1945; 11:40 a. m.]

PART 1075—CONSTRUCTION

[Conservation Order L–41, Revocation of Interpretation 11]

Interpretation 11 to Conservation Order L–41 is revoked.

Issued this 7th day of September 1945.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 45–16772; Filed, Sept. 7, 1945; 11:41 a. m.]

PART 1075—CONSTRUCTION

[Conservation Order L–41, Revocation of [Interpretation 13]

Interpretation 13 to Conservation Order L–41 is revoked.

Issued this 7th day of September 1945.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 45–16773; Filed, Sept. 7, 1945; 11:41 a. m.]

PART 1075—CONSTRUCTION

[Conservation Order L–41, Revocation of Direction 3]

Direction 3 to Conservation Order L–41 is revoked.

Issued this 7th day of September 1945.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 45–16765; Filed, Sept. 7, 1945; 11:41 a. m.]

PART 1075—CONSTRUCTION

[Conservation Order L–41, Revocation of Direction 5]

Direction 5 to Conservation Order L–41 is revoked.

Issued this 7th day of September 1945.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 45–16766; Filed, Sept. 7, 1945; 11:40 a. m.]

PART 1075—CONSTRUCTION

[L–41, Direction 6, as Amended Sept. 7, 1945]

COMPLETION OF PROJECTS WHICH WERE STARTED IN VIOLATION OF L–41 AND HAVE BEEN STOPPED

The following amended direction is issued pursuant to L–41:

(a) In the past certain construction jobs costing more than the limits provided in L–41 have been stopped as a result of action by the War Production Board. This action may have taken various forms. In some cases the War Production Board has obtained injunctions in the Federal Courts against continuance of construction. In other cases a suspension order or a consent order or a "stop construction" telegram has been issued directing the builder to cease construction on a project. In other cases telegrams have been sent warning builders to "stop violating" Conservation Order L–41.

(b) The limits on the cost of construction permissible without War Production Board authorization under L–41 have been raised by recent amendments. Accordingly, some construction jobs which were violations when started would now be permissible without application. It is the general policy of the War Production Board in such cases to release the builder from the restrictions imposed by the issuance of "stop construction" telegrams, suspension or consent orders or to recommend to the Court which granted the injunction that it be amended or dismissed. Releases from these restrictions will not be given, however, nor will recommendations be made to the Court in the case of an injunction, where completion of the construction would interfere with the war effort.

(c) If the total cost of the entire construction job, including both the cost of the part of the work previously done and the cost of its completion, is within the present appplicable annual limit under paragraph (d) (1) of L–41 (after subtracting from the allowance the cost of any other jobs done on the unit within the present calendar year), and if the builder has stopped construction either voluntarily or because of a telegram from an official of the War Production Board instructing him to "stop violating" L–41, the builder may proceed with the work without consulting the War Production Board.

(d) On the other hand, if the continuance of the particular construction job has been specifically forbidden by an official "stop construction" telegram or by a consent or suspension order issued by the War Production Board or by an injunction granted by court, then it is necessary to apply for relief from the telegram, order or injunction before resuming construction, in spite of the fact that the cost of the entire construction job is within the present applicable annual limit under paragraph (d) (1) of L–41 and no priorities assistance is needed. If a suspension order has been issued, the request for relief should be made to the Chief Compliance Commissioner, War Production Board, Washington 25, D. C. If a consent order or "stop construction" telegram has been issued, the request should be made to the nearest field office of the War Production Board. If an injunction has been issued, the request for relief should be made to the Court which granted the injunction (in order to expedite the request, it is suggested that the information requested below be given to the War Production Board field office at the time relief is requested from the Court). The request should contain a statement of the nature and cost of the work previously done and a statement of the nature and cost of the work required for completion. The request should also state whether any other construction work has been done on the unit in question during the present calendar year.

(e) The instructions given above apply when authorization under L–41 is not needed for the completion of the job. If the total cost of the entire construction job, including both the cost of the part of the work previously done and the cost of completion, is in excess of the limit provided in paragraph (d) (1) of L–41, an application for permission under L–41 to complete the job should be filed as indicated in paragraph (f) of that order. The applicant should give, either on the application or in a letter attached to the application, full information about beginning the construction (including a statement of the nature and cost of the work previously done and a statement of the nature and cost of the work required for completion) and about the circumstances under which construction was stopped, referring particularly to any stop telegram, suspension or consent order or injunction.

Issued this 7th day of September 1945.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 45–16767; Filed, Sept. 7, 1945; 11:40 a. m.]

PART 1075—CONSTRUCTION

[Conservation Order L–41, Revocation of Direction 7]

Direction 7 to Conservation Order L–41 is revoked.

Issued this 7th day of September 1945.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 45–16768; Filed, Sept. 7, 1945; 11:41 a. m.]

PART 1075—CONSTRUCTION

[Conservation Order L–41, Direction 8]

EFFECT OF AMENDMENTS TO L–41 INCREASING EXEMPTIONS FOR CERTAIN TYPES OF CONSTRUCTION ON AUTHORIZATIONS PREVIOUSLY ISSUED FOR SUCH CONSTRUCTION

The following direction is issued pursuant to Conservation Order L–41:

(a) *What this direction does.* From time to time amendments and directions to L–41 have increased the amount of construction permitted in a year without getting permission and have exempted completely certain kinds of construction. This direction tells what may and may not be done as to construction and as to use of priorities assistance by builders who have received authorizations on Form GA–1456 to do construction jobs for which permission was necessary at the time the authorization was issued but which could now be done without getting permission.

(b) *Changes in the proposed construction job.* If a person has received an authorization under L–41 on Form GA–1456 to build a building or do other construction at a time when permission under L–41 for the work was necessary, and if, because of an amendment to L–41, it would now be permissible for the builder to do the work without getting permission under L–41, no amendment to the authorization is necessary if the builder wishes to change the proposed construction, as long as the entire job as revised does not require authorization under L–41. For example, a builder who has received permission to build a store 20 feet by 30 feet at a cost of $3,000 may enlarge the size of the store as long as he stays below the revised exemption (now $5,000), or a person who has received an authorization to build a $50,000 one story factory may now build a three story factory regardless of the cost.

(c) *Priorities assistance.* If an authorization on Form GA–1456, covering work which required permission under L–41 at the time the authorization was issued, but which could now be done without getting permission from the War Production Board, assigned priorities assistance to get materials or equipment for the construction, the builder may continue to use the priorities assistance, within the limitations prescribed in Priorities Regulation 29 and other priorities regulations, if he continues to build the building in accordance with the authorization (note that Priorities Regulation 29 provides that AA ratings and allotment symbols are invalid on orders for delivery after September 30, 1945). However, if the builder wishes to take advantage of the modified exemption given by an amendment to L–41, as indicated in paragraph (b) above, he may not thereafter place any rated orders or any controlled material orders; he may, however, use in the revised construction job materials already delivered to him even though obtained on rated orders and he need not unrate orders previously placed which have not yet been filled.

(d) *Effect of other orders.* The provisions of this direction should be followed by builders who have received GA–1456 authorizations, instead of the provisions of Section 944.10a (b) of Priorities Regulation 1.

Issued this 7th day of September 1945.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 45–16769; Filed, Sept. 7, 1945; 11:41 a. m.]

PART 1075—CONSTRUCTION

[Conservation Order L–41–e, Revocation]

PUBLIC HIGHWAYS AND STREET CONSTRUCTION

Section 1075.16 *Conservation Order L–41–e* is hereby revoked. This revocation does not affect any liabilities incurred for violation of the order or of actions taken by the War Production Board under this order. All specific orders previously issued by the War Production Board (other than "suspension" orders or "consent" orders issued on the basis of a violation of War Production Board orders or regulations) which directed individual builders to stop construction on public highway or street projects are revoked, including provisions of such orders forbidding delivery of materials for the project. However, the priorities assistance previously assigned for such projects is not reinstated.

Issued this 7th day of September 1945.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 45–16774; Filed, Sept. 7, 1945; 11:41 a. m.]

PART 3175—REGULATIONS APPLICABLE TO THE CONTROLLED MATERIALS PLAN

[CMP Reg. 4, as Amended Sept. 7, 1945]

SALES OF CONTROLLED MATERIALS BY WAREHOUSES AND DISTRIBUTORS

§ 3175.4 *CMP Regulation 4*—(a) *Purpose and scope.* This regulation describes the procedure to be followed by warehouses and distributors in delivering controlled materials from stock (including consigned stock) except that in the case of steel, deliveries from one distributor to another are governed by Direction 3 to Order M–21.

Steel

(b) *Definitions with respect to steel.* The following definitions shall apply for the purpose of this regulation and for the purpose of any other CMP regulation unless otherwise indicated:

(1) "Steel" means carbon steel, alloy steel, and wrought iron, in the forms and shapes listed in Schedule I of CMP Regulation No. 1.

(2) "Distributor" means any person (including a warehouse, jobber, dealer, retailer, or scrap dealer) who is engaged in the business of receiving steel into one or more warehouse stocks regularly maintained by him for sale or resale in the form received, or after performing such operations as cutting to length, shearing to size, torch cutting or burning to shape, sorting and grading, pipe threading, or corrugating or otherwise forming sheets for roofing and siding; but a person who, in connection with any sale, bends, punches or performs any fabricating operation designed to prepare steel for final use or assembly shall not be deemed a distributor with respect to such sale.

(c) *Rejection of orders.* (1) [Deleted July 10, 1945.]

(2) [Deleted Jan. 13, 1944.]

(3) A distributor must not accept an authorized controlled material order bearing an allotment number which requires a quarterly identification after the end of the quarter for which the allotment was issued. A distributor must not deliver any steel on an authorized controlled material order which requires a quarterly identification earlier than 15 days preceding the beginning or later than 60 days after the end of the calendar quarter for which the allotment was issued. Orders bearing symbols which do not have to bear any quarterly identification such as MRO (see Interpretation 25 to CMP Regulation 1) are not subject to this provision. Such orders may be accepted and delivered at any time.

(4) A distributor may reject any order for steel on which the customer does not specify immediate delivery. Even if he elects to accept an authorized controlled material order calling for future delivery, he is not allowed to set aside the steel covered by such order. He must deliver it on any order calling for immediate delivery that he is required to fill under paragraphs (d) (1), (2) or (3), and may deliver it on any order calling for immediate delivery that he is permitted to fill under paragraph (d) (4).

(5) A distributor may reject any order calling for the delivery of steel which he does not have in stock or which he does not know is in transit to his stock.

(6) A distributor may reject all or any part of an order which the War Production Board specifically authorizes him to reject. If a delivery would deplete his stock to a point where his function in the distribution of steel would be seriously impaired, he may apply to the War Production Board for authority to reject the order and may delay filling the order until his application is acted upon.

(d) *Orders which can be filled.* A distributor must fill orders of the kinds described in paragraphs (d) (1), (2) and (3) unless he is required or permitted to reject them under paragraph (c), Re-

jection of orders) and he may fill orders of the kind described in paragraph (d) (4). Paragraph (p) explains the preference that must be given in filling various classes of orders:

(1) A distributor must fill all authorized controlled material orders.

(2) A distributor must fill orders for delivery to farmers as required by Priorities Regulation No. 19.

(3) A distributor must fill orders bearing preference ratings of AAA.

(4) A distributor may fill any other order. No endorsement is required on orders which a distributor is permitted to fill under this paragraph (d) (4). Deliveries made pursuant to this paragraph (d) (4) shall not be used to support a WH—Authorized Stock Replacement Order.

Copper

(e) *Definitions with respect to copper.* The following definitions shall apply for the purpose of this regulation and for the purpose of any other CMP regulation unless otherwise indicated:

(1) "Copper wire mill product" means bare, insulated or armored wire or cable for electrical conduction made from copper or copper base alloy or copper-clad steel containing more than 20% copper by weight.

(2) "Brass mill product" means sheet, wire, rod or tube made from copper or copper base alloy. This does not include copper wire mill products.

(3) "Warehouse" means any industrial supplier, mill supplier, plumbing supply house, electrical wholesaler or other person engaged in the business of distributing brass mill products or copper wire mill products to industry or trade otherwise than as a controlled materials producer and includes warehouses owned by mills.

(4) "Item of copper wire mill product" means any wire or cable made from copper, copper base alloy or copper-clad steel containing more than 20% copper by weight for electrical conduction which is different from all other items of that form by reason of one or more differences of its specifications, such as size, alloy or insulation. Differences in temper or length do not differentiate items.

(5) "Item of brass mill product" means sheet, wire, rod or tube made from copper or copper base alloy, which is different from all other items of that form, by reason of one or more differences of its specifications, such as size, shape, gauge, thickness or alloy. Differences in temper or length do not differentiate items except in the case of copper and brass sheet, where differences in temper will constitute different items.

(6) "Warehouse stock" means brass mill or copper wire mill products physically located in warehouse inventories, whether owned or held on consignment by the warehouse.

(f) *Delivery from warehouse stock on authorized controlled material orders—*(1) *Delivery from warehouse stock.* (i) A warehouse must fill authorized controlled material orders for brass mill or copper wire mill products, in accordance with this regulation, if it can fill the orders from its stock. A warehouse is entitled to rely on a certificate furnished by any of its customers under paragraph (f) (1) (iv) of this regulation, unless it knows or has reason to believe the certificate to be false.

(iii) [Deleted May 10, 1945.]

(iv) No person shall place an order under this paragraph (f) (1) and no warehouse shall accept an order unless it is accompanied by, or endorsed with, a certificate in the form provided in CMP Regulation No. 7 (or a certificate prescribed by any regulation or order of the War Production Board for use in placing an authorized controlled material order), signed manually or as provided in Priorities Regulation No. 7.

(2) *Delivery from warehouse stock on other than authorized controlled material orders.* Effective immediately, a brass mill warehouse, and effective July 1, 1945, a copper wire mill warehouse may but need not fill any order other than those which it is required or permitted to fill under paragraph (f) (1) or (f) (3).

(3) *Shipments direct to customer or to fill specific orders.* If a warehouse wants to order material to fill a specific authorized controlled material order of a customer instead of filling it from stock, it may order the material either for direct shipment to the customer or for shipment via the warehouse, by placing on its order the customer's name and allotment number or symbol. Such an order is to be treated as an authorized controlled material order. The warehouse may not treat the delivery to the customer as made from stock and may not request a replacement. In addition, a warehouse may, under the provisions of CMP Regulation 1, place unrated orders for material either for direct shipment to a customer or for shipment via the warehouse.

(4) *Rejection of orders.*

(i) [Deleted May 10, 1945]

(ii) A warehouse must not deliver any brass mill or copper wire mill product on an authorized controlled material order except in the quarter for which the allotment appearing on the order is valid. Orders bearing symbols such as "MRO" or "SO" which do not have to bear any quarterly identification may be filled during any quarter, but such orders must indicate when delivery is required if for other than immediate delivery.

(iii) A warehouse may reject any order calling for immediate delivery of brass mill or copper wire mill products which it does not have in stock or know to be in transit to its stock.

(iv) A warehouse may reject an order calling for future delivery. If it elects to accept the order, it must not set aside or hold any material to fill it.

(v) If delivery of an order would deplete a warehouse stock to a point where its function in the distribution of brass mill products or copper wire mill products would be seriously impaired, the warehouse may apply to the War Production Board for authority to reject the order and may delay filling the order until its application is acted upon.

(vi) A warehouse may reject any order other than those it is required to fill by paragraph (f) (1).

Aluminum

(g) *Definitions with respect to aluminum.* The following definitions shall apply for the purpose of this regulation and for the purpose of any other CMP Regulation unless otherwise indicated:

(1) "Aluminum" means aluminum in any of the forms and shapes constituting controlled material as defined in CMP Regulation No. 1.

(2) "Distributor" means any person who has received or proposes to receive physical delivery of aluminum into his stock for sale or resale in the same form, or after performing such operations as cutting to length, shearing to size, sorting and grading.

(h) (1) *Deliveries of aluminum by distributors.* Each distributor must, to the extent of his available stock, fill authorized controlled material orders, orders bearing the symbol AM (except orders bearing symbols from AM 9500 through AM 9699) and orders which he has been specifically directed in writing by the War Production Board to fill. Orders bearing symbols from AM 9500 through AM 9599 need not be accepted, but if accepted, must be treated as authorized controlled material orders. Orders bearing symbols from AM 9600 through AM 9699 must be treated as deferred ("Z") orders before July 1, 1945, and as unrated orders on and after that date.

(2) Effective immediately, an aluminum warehouse may, but need not deliver aluminum (except extrusions, CMP Code Numbers 4201 and 4311), and effective July 1, 1945, a warehouse may but need not deliver extrusions on orders other than those he is required to fill under paragraph (h) (1).

(3) The restrictions of this regulation do not apply to aluminum powder, flake, pigment, or paste delivered for the purpose of making paint, ink, or other coating or liquid welding compound. Such aluminum powder, flake, pigment or paste may be delivered by a distributor on rated or unrated purchase orders subject to the provisions of Priorities Regulation No. 1.

(4) A warehouse may reject any order which it is otherwise required or permitted to accept if the order is for delivery at one time to one destination of more than 2,000 pounds of any gauge, alloy and sizes of aluminum sheet, strip or plate, or more than 900 pounds of any alloy shape and size of aluminum wire, rod and bar, or more than 600 pounds of any alloy, size and shape of aluminum tubing, extrusions or structural shapes.

General Provisions Applicable to Steel, Brass Mill Products, Copper Wire Mill Products and Aluminum

(i) *Directions to distributors and warehouses.* Each distributor and warehouse shall comply with such directions as may be issued from time to time by the War Production Board with respect to making or withholding deliveries of steel, brass mill products, copper wire mill products or aluminum, and with respect to the earmarking of stocks of such material.

(j) *Placement of authorized controlled material orders.* A delivery order for steel, brass mill products, copper wire mill products or aluminum, shall be deemed an authorized controlled material order, if but only if,

(1) It is specifically designated as an authorized controlled material order by any regulation or order of the War Production Board; or

(2) It is endorsed with the appropriate certification and allotment number or symbol in the way prescribed by paragraph (s) (3) of CMP Regulation No. 1.

(3) A delivery order for steel, brass mill products, copper wire mill products or aluminum, placed with a distributor or warehouse shall be considered as calling for immediate delivery unless the order specifically provides otherwise.

(k) *Verbal delivery orders.* Any delivery order which a distributor is required to fill requiring shipment within seven days may be placed verbally or by telephone by stating to the distributor or warehouse the substance of the information required by this regulation, *Provided*, That the person placing the order furnishes to the distributor or warehouse, within fifteen days after placing the same, written confirmation of the order complying with the requirements of this regulation. In case of failure to receive written confirmation within fifteen days, the distributor or warehouse shall not accept any other order from, or deliver any additional material of any kind to, the purchaser until such written confirmation is furnished. On or before the twentieth day of each month any distributor or warehouse who has received in the prior month a delivery order by telephone, which he is required to fill shall notify the appropriate Regional Compliance Office of the War Production Board, of any case in which a purchaser has failed to furnish to him the written confirmation when due.

(l) *Special provisions with respect to AAA orders.* Notwithstanding the foregoing provisions of this regulation an authorized controlled material order placed with a distributor or warehouse bearing a rating of AAA shall be filled in preference to any other authorized controlled material orders regardless of time of receipt.

(m) [Deleted July 10, 1945.]

(n) *Communications.* All communications concerning this regulation should be addressed to the War Production Board, Washington 25, D. C., Ref: CMP Regulation No. 4 (specify whether steel, copper or aluminum).

(o) *Processing customer's material.* A warehouse or distributor that has facilities for slitting, trimming, bending, etc., may accept controlled material from his customer and re-deliver to him without requiring an authorized controlled material order or other authority as required by this regulation, as long as such work does not interfere with filling authorized controlled material orders.

(p) *Preference in filling orders.* Irrespective of the time the order is received, a distributor or warehouse must not fill an order if filling it would prevent filling another order on hand which calls for delivery of the same item within the next 30 days and which is in a prior class in the following series:

(1) Orders rated AAA.

(2) Authorized controlled material orders, other than orders bearing a CMP allotment symbol including the letter Z; orders specifically authorized by the WPB, and orders for steel described in subparagraph (d) (2) of this regulation.

(3) Orders bearing a CMP allotment symbol including the letter Z.

(4) Unrated orders.

(q) *Expiration.* As provided in Priorities Regulation 29, this regulation and all directions issued under it, including directions issued to named warehouses before August 21, 1945, expires on September 30, 1945. Steel distributors, copper wire mill warehouses, brass mill warehouses, and aluminum warehouses shall schedule and deliver after that date on AAA, MM and CC ratings in accordance with the provisions of Priorities Regulation 1, 3, 29 and other applicable orders and regulations of the War Production Board.

Issued this 7th day of September 1945.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

INTERPRETATION 1

DISTRIBUTORS OF AUTOMOTIVE REPLACEMENT PARTS

The definitions of "distributor" and "warehouse" appearing in paragraphs (b) (2) and (e) (3) of CMP Regulation No. 4 are not deemed to include persons engaged solely in the business of distributing automotive replacement parts. Consequently, such persons may sell, for use as automotive replacement parts, such items as bulk or spooled primary and spark plug wire, battery cables and magnet wire without reference to the terms of CMP Regulation No. 4, but subject to the provisions of General Limitation Order L–158 and other applicable regulations or orders. (Issued Feb. 27, 1943).

[F. R. Doc. 45–16763; Filed, Sept. 7, 1945; 11:42 a. m.]

PART 3270—CONTAINERS

[Limitation Order L–103, Schedule B, as Amended Sept. 7, 1945]

GLASS CONTAINERS AND CLOSURE SIMPLIFICATION; MALT BEVERAGES

§ 3270.48 *Schedule B to Limitation Order L–103—(a) Definitions.* For the purposes of this schedule:

(1) "Malt beverages" means beer, ale, stout, near-beer, and beverages of a similar kind, made by alcoholic fermentation of malted barley with or without other food products, and with hops or hop extracts.

(2) A "standard glass container for malt beverages" means a glass container described in Exhibits B–1, B–2, B–3–a, B–4, B–5–a, B–6 to B–9, inclusive, B–10–a, and B–11 to B–14, inclusive of this schedule, which possesses the finish prescribed for the respective container in the said exhibits or any other finish which is interchanged therewith in accordance with paragraph (g) of Limitation Order L–103.

(b) *Restrictions.* (1) Only standard glass containers for malt beverages may be produced for bottling malt beverages.

(2) No molds may be manufactured for a glass container for malt beverages which do not conform to the specifications of a standard glass container for malt beverages.

(3) The standard glass containers described in Exhibits 12, 13 and 14 shall be manufactured only for malt beverages to be shipped (i) outside of the forty-eight states of the United States and the District of Columbia, and (ii) to points within the 48 States of the United States and the District of Columbia to or for the account of any of the following persons:

Army, Navy, Marine Corps, Maritime Commission, War Shipping Administration of the United States (including persons operating vessels for such administration or commission for use thereon) the United Seamen's Service, Inc., and any person for packing products for retail sale or distribution through post exchanges, sales commissaries, officers' messes, servicemen's clubs, ship service stores or outlets; provided same are located at Army or Navy camps, are not operated for private profit and are established primarily for the use of Army or Navy personnel within Army or Navy establishments or on Army or Navy vessels.

(4) No provision of this schedule shall be construed to restrict the sale, delivery or use of glass containers which were completely manufactured on or before September 12, 1942.

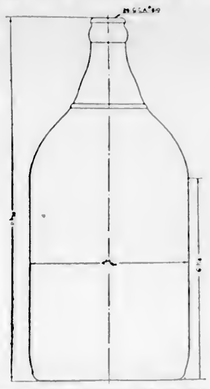
(c) *Lettering.* (1) Except as specifically permitted by the exhibits of this schedule the lettering on standard glass containers for malt beverages shall be limited to manufacturers' identification (which may include trademark, name or symbol), place of manufacture, date of manufacture by year, design number and mold or cavity number.

Issued this 7th day of September 1945.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

EXHIBIT B–1

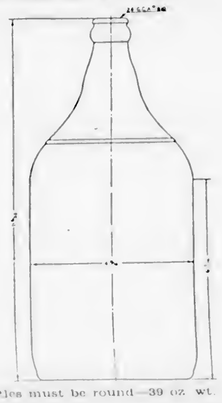
Standard Glass Container—Steinie Shape Beer Bottle for Unpasteurized Beer 64 ounce capacity, 66½ overflow



Bottles must be round—34 oz. wt.

EXHIBIT B–2

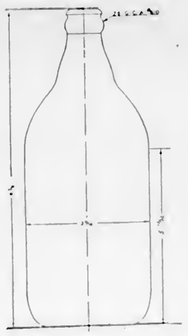
Standard Glass Container—Steinie Shape Beer Bottle for Pasteurized Beer, 64 ounce capacity, 68 overflow



Bottles must be round—39 oz. wt.

EXHIBIT B–3–A

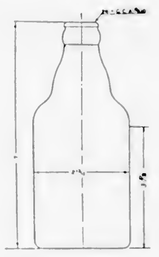
Standard Glass Container—Steinie Shape Beer Bottle, 32 ounce capacity, 33¾ overflow



Any interchangeable finish may be used.
Optional weights 20 and 24 oz.—adjust diameter to make capacity.
Bottles must be round.

EXHIBIT B–4

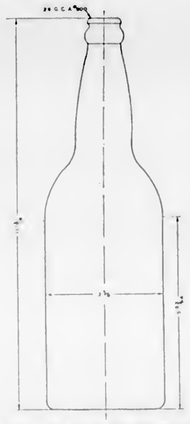
Standard Glass Container—Steinie Shape Beer Bottle, 12 ounce capacity, 12$\frac{33}{32}$ overflow



Bottles must be round 9¼ oz. wt.

EXHIBIT B–5–A

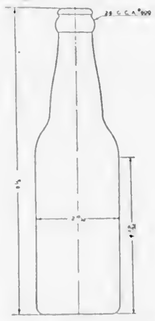
Standard Glass Container—Export Shape Beer Bottle, 32 ounce capacity, 33¼ overflow



Bottles must be round—28 oz. wt.
Any interchangeable finish may be used.

EXHIBIT B–6

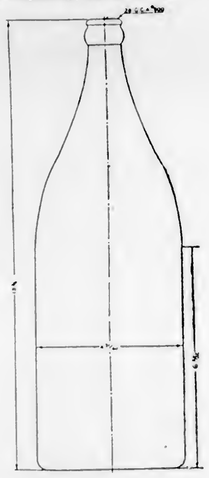
Standard Glass Container—Export Shape Beer Bottle, 12 ounce capacity, 12$\frac{33}{32}$ overflow



Bottles must be round—12 oz. wt.

EXHIBIT B–7

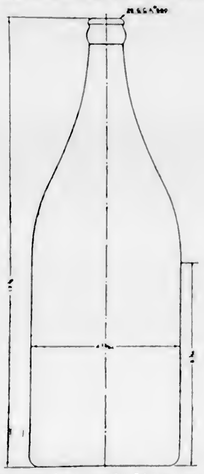
Standard Glass Container—Select Shape Beer Bottle for Pasteurized Beer, 64 ounce capacity, 68 overflow



Bottles must be round—39 oz. wt.

EXHIBIT B–8

Standard Glass Container—Select Shape Beer Bottle for Unpasteurized Beer, 64 ounce capacity, 66½ overflow



Bottles must be round—36 oz. wt.

EXHIBIT B–9

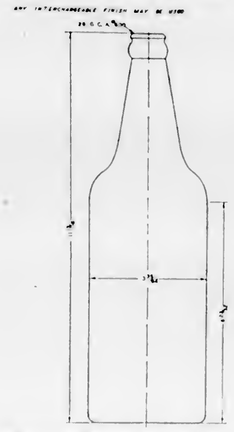
Standard Glass Container—Select Shape Beer Bottle, 12 ounce capacity, 12$\frac{33}{32}$ overflow



Bottles must be round—12 oz. wt.

EXHIBIT B–10–A

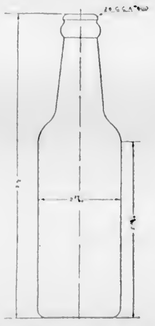
Standard Glass Container—Ale Bottle, 32 ounce capacity, 33¼ overflow



Bottles must be round—28 oz. wt.

EXHIBIT B–11

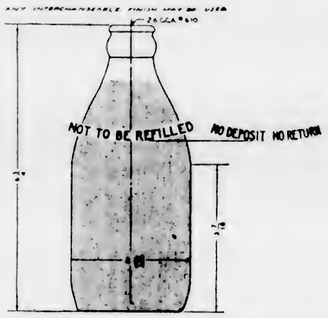
Standard Glass Container—Ale Bottle, 12 ounce capacity, 12$\frac{33}{32}$ overflow



Bottles must be round—12 oz. wt.

EXHIBIT B–12

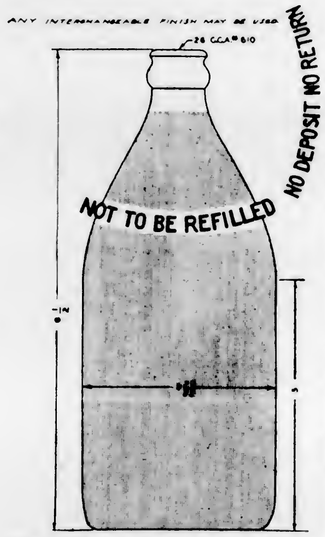
Standard Glass Container—Single Trip Beer Bottle, 12 ounce capacity, 12$\frac{33}{32}$ overflow



The bottle shall be round with stippling and lettering as shown—8 oz. max. weight.

EXHIBIT B–13

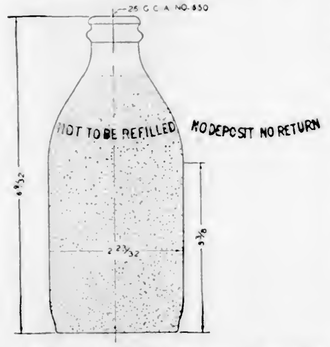
Standard Glass Container—Single Trip Beer Bottle, 32 ounce capacity, 33¾ overflow



The bottle shall be round with stippling and lettering as shown—18 oz. max. weight.

EXHIBIT B-14

Standard Class Container—Single Trip Beer Bottle, 12 ounce capacity, ounce overflow



The bottle must be plain round, except for stippling and lettering shown—6½ oz. max. weight

[F. R. Doc. 45-16775; Filed, Sept. 7, 1945; 11:41 a. m.]

PART 3270—CONTAINERS

[Supplementary Order L-103-b, as Amended Sept. 7, 1945]

NEW TINPLATE CLOSURES

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of new glass containers and of materials entering into the manufacture of new tinplate closures for defense, for private account and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense.

§ 3270.36 *Supplementary Order L-103-b—(a) What this order does.* This order specifies maximum tin coatings for new tinplate closures to commercially pack certain products. Used closures are not restricted. This order does not restrict the use of closures made of any material other than tinplate. The manufacture of home canning closures with a tinplate coating in excess of .50 lb. per base box is prohibited.

(b) *Definitions.* Wherever used in this order: (1) [Deleted Sept. 7, 1945.]

(2) "Tinplate closures" means any new sealing or covering device made in whole or in part of tinplate and affixed or to be affixed to a glass container for the purpose of retaining the contents within the container. The term shall not include bulbs or droppers for medicinal bottles.

(3) "Tinplate" means sheet steel coated with tin, and includes, "primes", "seconds", and all other forms of tinplate except waste and waste-waste.

(4) "Waste" means scrap tinplate, including strips and circles produced in the ordinary course of manufacturing tinplate or tinplate closures.

(5) "Waste-waste" means hot dipped or electrolytic tin coated steel sheets which have been rejected during processing by the producer because of imperfections which disqualify such sheets from sale as primes or seconds.

(6) "Packer" means any person who uses tinplate closures for commercially packing any product in any of the forty-eight States of the United States or the District of Columbia.

(c) *General restrictions on sale and delivery.* (1) No person shall sell or deliver any tinplate closures which he knows or has reason to believe will be accepted or used in violation of any provision of this order.

(d) [Deleted Sept. 7, 1945.]

(e) [Deleted Sept. 7, 1945.]

(f) [Deleted Sept. 7, 1945.]

(g) [Deleted Sept. 7, 1945.]

(h) [Deleted Sept. 7, 1945.]

Tinplate Closures

(i) *Tinplate closures with specific coatings to pack only listed products.* No packer may accept or use tinplate closures for any purpose other than for packing the three classes of products listed in Schedule "B" below and in accordance with the tinplate specifications set forth for each of the listed classes of products. Classes one and two listed below are limited to those which are intended and suitable for human consumption. The designation ".50" means that no tinplate closures having a tin coating in excess of .50 lb. per base box may be used to pack the applicable class of products. ".50" shall include "menders" arising in the production of such tinplate which have been hot dipped with a maximum tin coating of 1.25 lbs. per base box. The designation "1.50" means that no tinplate closures having a tin coating in excess of 1.50 lbs per base box may be used to pack the applicable class of products.

SCHEDULE B

Product	Tinplate
1. All food products (excluding malt beverages and non-alcoholic beverages) if preserved in an hermetically sealed container made sterile by heat; and olives, pickles, relishes, sauces, vinegar, French dressing, flavoring extracts, spices, mustard, horseradish and cherries	1.50
2. Meat and fish and products made from them; ice cream mix; apple cider and juice; fruits (only crush, fountain fruit and ice cream toppings); soup mix; cheese spreads; spaghetti and macaroni products; corn beef hash; and sauerkraut	.50
3. Biologicals; blood plasma; drug chemicals; dental supplies; glycerites; liniments of ammonia; magmas; drug oils; ointments, penicillin; prescriptions; medicinal soaps; aromatic spirits of ammonia; ammonia products; aromatic chemicals; reagent chemicals; deodorants, liquid or paste (not for use on human body); dyes; germicides; hypochloride powders; phenols; photographic supplies; and all other liquid chemicals	.50

(j) *Manufacturing restrictions on home canning closures.* No person shall use any tinplate with a tin coating in excess of .50 lb. per base box for the manufacture of home canning closures.

(k) [Deleted Sept. 7, 1945.]

General Exceptions

(l) *Exports.* The provisions of this order do not apply to the sale or delivery of unused tinplate closures for shipment outside of the forty-eight States of the United States and the District of Columbia.

(m) *Certain agencies and persons.* The provisions of this order do not apply to the purchase, acceptance of delivery, or use of tinplate closures by any of the following agencies or persons or by any person for packing any product to be delivered to or for the account of any of the following agencies or persons: United States Army or Navy (exclusive of post exchanges or ship's service departments located within the 48 States and the District of Columbia) Maritime Commission, War Shipping Administration, Veterans Administration, American Red Cross, Office of Scientific Research and Development or the Panama Canal, including the Panama Railroad Company and any agency procuring for delivery pursuant to the Act of Congress of May 11, 1941 entitled "An Act to Promote the Defense of the United States" (Lend Lease Act).

Miscellaneous

(n) *Appeals.* Appeals from this order shall be filed by addressing a letter in triplicate to the Containers Division, War Production Board, Washington 25, D. C., Ref: L-103-b. The letter of appeal need not follow any particular form. It should state informally, but completely, the particular provision appealed from, the precise relief desired, the reasons why denial of the appeal would result in exceptional and unreasonable hardship, and such other statistical and narrative information as may be pertinent.

(o) *Communications.* All communications concerning this order shall be addressed to: Containers Division, War Production Board, Washington 25, D. C. Ref: L-103-b.

(p) *Violations.* Any person who wilfully violates any provision of this order or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States, is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or accepting further deliveries of or from processing or using material under priority control and may be deprived of priorities assistance.

(q) *Applicability of regulations.* This order and all transactions affected thereby are subject to all applicable provisions of the regulations of the War Production Board, as amended from time to time.

(r) [Deleted Sept. 7, 1945.]

Issued this 7th day of September 1945.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 45-16776; Filed, Sept. 7, 1945; 11:42 a. m.]

PART 3290—TEXTILE, CLOTHING AND LEATHER

[General Conservation Order M-85, as Amended Sept. 7, 1945]

KAPOK

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of kapok for defense, for private account and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense.

§ 3290.331 *General Conservation Order M-85—(a) Applicability of regulations.* This order and all transactions affected thereby are subject to all applicable regulations of the War Production Board, as amended from time to time.

(b) *Additional definitions.* For the purposes of this order:

(1) "Kapok" means the fiber or pulp from the pod of the Ceiba or Kapok tree before incorporation into a finished product.

(2) [Deleted May 22, 1944]

(3) "Manufacturer" means any person producing any product of which kapok is a component part or into which it is physically incorporated.

(c) *Restrictions on sales and deliveries of kapok.* No person shall buy, sell, deliver, or accept delivery of any kapok, unless specifically authorized in writing by the War Production Board. This shall not apply to sales to the Defense Supplies Corporation. Anyone wishing to buy kapok from the Defense Supplies Corporation may apply to the War Production Board on Form WPB-2562.

(d) *Restrictions on the use of kapok for manufacturing purposes.* Unless authorized pursuant to application filed on Form WPB-1076, no manufacturer shall use any kapok of Java grades except for life vests, life jackets and collars to fill orders to be submitted for approval as specified in paragraph (e) below and placed directly by:

(1) The Army or Navy of the United States, the United States Maritime Commission, the War Shipping Administration, or by prime contractors or subcontractors therefor; or

(2) Ship chandlers and marine supply distributors to whom preference ratings have been assigned on Form WPB-646.

No manufacturer shall use kapok of grades other than Java in any product unless required by a defense order and authorized pursuant to application on Form WPB-1076.

Upon completion of any order requiring the use of kapok the remaining inventory is subject to all the provisions of this order and may be disposed of only as permitted in paragraph (e).

(e) *Specific approval required for filling orders for life vests or life jackets and collars.* No manufacturer may make any delivery under any order for kapok life vests, or life jackets and collars unless he has the written approval of such order by the War Production Board. Application for such approval may be made by letter or telegram addressed to the War Production Board, Equipage Branch, Textile, Clothing and Leather Bureau, Washington 25, D. C. Manufacturers shall return all orders not approved to the Procurement Officer issuing such order advising him of the action taken by the War Production Board.

(f) *Restrictions on inventory.* No person may accept title to or accept delivery of any kapok if his inventory will thereby exceed the amount required for continuing his operations at his current rate for a thirty-day period, unless otherwise authorized in writing by the War Production Board.

(g) *Assignment of preference rating.* A preference rating of AA-5 is hereby assigned to all orders for kapok placed by the Foreign Economic Administration, the Defense Supplies Corporation, or any corporation organized under the authority of section 5d of the Reconstruction Finance Corporation Act, as amended, or any representative designated for the purpose by any of the foregoing, and such rating may be applied in the manner prescribed by Priorities Regulation No. 3, as amended.

(h) *Appeals.* Any appeal from the provisions of this order shall be made by filing a letter in triplicate, referring to the particular provisions appealed from and stating fully the grounds of the appeal.

(i) *Communications to the War Production Board.* All reports required to be filed hereunder, and all communications concerning this order, shall, unless otherwise directed, be addressed to: War Production Board, Textile, Clothing and Leather Division, Washington 25, D. C., Ref.: M-85.

(j) *Violations.* Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States, is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

(k) *Reports.* On or before the 15th day of each calendar month, all owners of kapok shall file two copies of Form WPB-642 with the Textile, Clothing and Leather Bureau, War Production Board, Washington 25, D. C., Reference M-85. The reporting requirements of this paragraph have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 7th day of September 1945.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 45-16777; Filed, Sept. 7, 1945; 11:42 a. m.]

Chapter XI—Office of Price Administration

PART 1389—APPAREL

[RMPR 304[1], Amdt. 2]

SPECIFIED UTILITY SHIRTS

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.

Paragraph (c) is added to section 11 to read as follows:

(c) *Specific authorization for certain manufacturers of cotton flannel and cotton domet shirts.* (1) Manufacturers of certain utility shirts (as specified in subparagraph (2) below) made of cotton flannel or cotton domet materials purchased on or after June 21, 1945, may sell and deliver such garments at the maximum price in effect on June 1, 1945, and reserve the right to charge the difference, if any, between that maximum price and any higher maximum price which may thereafter be established by OPA: *Provided*, That the additional charge may in no event exceed 4 per cent of the manufacturer's maximum price in effect on June 1, 1945.

(2) The permission provided in subparagraph (1) above shall apply only to the following:

(i) Any cotton flannel or cotton domet shirt made in a group A factory and sold at the Class I ceiling price;

(ii) Any cotton flannel or cotton domet shirt made in a group B factory; and

(iii) Any boys' in-and-outer cotton flannel shirt made in a work shirt factory and sold at the Class I ceiling price.

(3) Any manufacturer who elects to exercise the adjustable pricing permission provided in this paragraph (c) must, in connection with each contract of sale, deliver to the purchaser the following statement in writing, or stamp such statement on the invoice required by section 8 (d):

For as long as permitted by OPA, (name of the manufacturer) reserves the right to charge you, for the following quantities of garments delivered pursuant to this contract, the difference between our ceiling price in effect on June 1, 1945 and any higher ceiling price which may thereafter be established by OPA: *Provided*, That the additional charge will in no event exceed 4 per cent of our ceiling price in effect on June 1, 1945.

Lot No. ------ Quantity ------
(No. of dozen)

OPA has ruled that in determining your ceiling price for these garments you must use as your "supplier's net ceiling price" our net ceiling price to you exclusive of the additional charge which we may be permitted to make.

(4) The permission granted in this paragraph (c) shall remain in effect only until the date revised maximum prices of general applicability are first hereafter established for manufacturers'

sales of utility shirts or this paragraph is revoked, whichever is earlier.

(5) Any purchaser who buys utility shirts under a contract containing an adjustable pricing clause authorized by this paragraph (c) shall disregard that clause, and any additional charge made pursuant to it, in determining his ceiling prices for resale of the garments so purchased.

(6) No person is authorized to collect an amount in excess of the ceiling in effect on June 1, 1945 for any utility shirts unless prior to the revocation of this paragraph (c), revised maximum prices of general applicability have been established for such garments.

This amendment shall become effective September 12, 1945.

Issued this 7th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-16737; Filed, Sept. 7, 1945; 11:33 a. m.]

PART 1381—SOFTWOOD LUMBER

[RMPR 94,[1] Incl. Amdts. 1-2]

WESTERN PINE AND ASSOCIATED SPECIES OF LUMBER

This compilation of Revised Maximum Price Regulation 94 includes Amendment 2, effective September 11, 1945. The text added and amended by Amendment 2 is underscored. Deletions, redesignations and changes in tables are indicated by notes.

In the judgment of the Price Administrator, the maximum prices established by this regulation are and will be generally fair and equitable and will effectuate the purposes of the Emergency Price Control Act of 1942, as amended, and Executive Orders 9250 and 9328. A statement of the considerations involved in the issuance of this regulation, issued simultaneously herewith, has been filed with the Division of the Federal Register.[2]

Such specifications and standards as are used in this regulation were, prior to such use, in general use in the industry affected.

§ 1381.501 *Maximum prices for western pine and associated species of lumber.* Under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Orders 9250 and 9328, Revised Maximum Price Regulation 94 (Western Pine and Associated Species of Lumber), which is annexed hereto and made a part hereof, is hereby issued.

ARTICLE I—SCOPE OF THE REGULATION

Sec.
1. Prices higher than ceiling prohibited.
2. What products are covered.
3. What transactions are covered.
4. What persons are covered.

ARTICLE II—MAXIMUM PRICES AND TERMS OF SALE

5. Basic prices and cash discount.
6. Direct-mill retail sales.
7. Sales on delivered basis.
8. Maximum prices for Alaskan lumber.
9. Grades, items, services or extras not listed.

[1] 9 F.R. 6634.

[2] Statements of considerations are also issued simultaneously with amendments. Copies may be obtained from the Office of Price Administration.

ARTICLE III—SPECIFIC DUTIES AND PROHIBITED PRACTICES

Sec.
10. What the invoice must contain.
11. Averaging out.
12. What records must be kept.
13. Prohibited practices.
14. Adjustable pricing.
15. Special pricing rules.

ARTICLE IV—MISCELLANEOUS

16. Applications for adjustment or petitions for amendment.
17. Enforcement.
18. Licensing.
19. Grades.

ARTICLE V—PRICE TABLES

20. Ponderosa pine.
21. Idaho white pine.
22. Sugar pine.
23. Inland larch, Douglas fir and hemlock.
24. White fir.
25. Engelmann spruce and Lodgepole pine.
26. Inland red cedar.
27. Incense cedar.
28. Differentials and rules, applicable to all grades of all species.
29. Maximum prices for lumber produced in the "fringe area" and Canada and Mexico.
30. Maximum prices for ungraded, log-run lumber.

ARTICLE VI—PERMITTED ESTIMATED WEIGHTS

AUTHORITY: § 1381.501 issued under 56 Stat. 23, 765; 57 Stat. 566; Pub. Law 383, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681.

ARTICLE I—SCOPE OF THE REGULATION

SECTION 1. *Prices higher than ceiling prohibited.* (a) On and after June 20, 1944, regardless of any contract or other obligation, no person shall sell or deliver, and no person shall buy or receive in the course of business any Western pine and associated species of lumber for direct mill shipment at prices higher than the maximum prices fixed by this regulation, and no person shall agree, offer, or attempt to do any of these things.

(b) Prices lower than the maximum prices may, of course, be charged and paid.

SEC. 2. *What products are covered—*(a) *General.* This regulation covers all Western pine and associated species of lumber, whether the grades, sizes and specifications are specifically named in the price tables or not. The term "lumber" as used here specifically includes mouldings.

[Paragraph (a) amended by Am. 1, 9 F.R. 12976, effective 11-2-44]

(b) *Species and area.* The following species from the following areas are covered by this regulation:

(1) Incense cedar (libocedrus decurrens), Ponderosa pine (pinus ponderosa), Idaho White pine (pinus monticola), Sugar pine (pinus lambertiana), Lodgepole pine (pinus contorta), Mexican White pine (pinus strobiformis), Limber pine (pinus flexiles), Arizona pine (pinus arizonica), Apache pine (pinus apacheca), Chihuahua pine (pine chihuahuana), and any other pine commercially sold as Ponderosa, Western or Mexican pine, produced in Oregon, Washington, California, Idaho, Montana, South Dakota, Wyoming, Colorado, Utah, Nevada, Arizona, New Mexico, or in Canada or Mexico.

(2) Douglas fir (pseudotsuga taxifolia), West Coast hemlock (tsuga heterophylla, tsuga mertensiana), True fir (ables), and Inland larch (larix occidentalis), produced in Idaho, Montana, South Dakota, Wyoming, Colorado, Utah, Nevada, Arizona, New Mexico, Mexico, and those portions of Washington, Oregon and Canada east of the crest of the Cascade Mountains. If a mill is located near the crest of the Cascade Mountains and has customarily graded and sold its lumber of these species under the West Coast Lumbermen's Association Standard Grading and Dressing Rules, it may apply to the Portland, Oregon office of the Office of Price Administration for special permission to use the maximum prices in Revised Maximum Price Regulation No. 26, instead of the prices in this Revised Maximum Price Regulation No. 94.

(3) Engelmann spruce (picea) and Red cedar (thuja plicata), produced in Idaho, Montana, South Dakota, Wyoming, Colorado, Utah, Nevada, Arizona, New Mexico, California, Alaska, Mexico, and in those portions of Oregon, Washington, and Canada east of the crest of the Cascade Mountains.

SEC. 3. *What transactions are covered—*(a) *Direct mill shipments.* This ceiling applies to all shipments originating at a mill, no matter who the seller is and no matter whether he usually is known as a mill, wholesaler, retailer, or anything else. It does not apply to sales out of distribution yard stock. (The prices for yard sales may be found either in Second Revised Maximum Price Regulation No. 215[4] or in the General Maximum Price Regulation,[5] depending on the nature of the sale and the purchaser.) A shipment is regarded as originating at a mill if the lumber reaches the purchaser without ever becoming an integral part of the stock of a distribution yard. A sale is considered a sale out of distribution yard stock only if the lumber was a part of regular yard stock at the time the sale was made. For example, if a retail yard takes an order for a defense housing project, and then brings the lumber from a mill, puts it in his yard, and delivers it as needed, the sale is subject to this regulation.

(b) *How to tell a mill from a distribution yard.* The term "mill", as used here, covers what are known in the trade as sawmills, planing mills, and concentration yards. Three types of establishment are described below: The first, (1), a typical sawmill or planing mill; the second, (2), a typical concentration yard; and the third, (3), a typical distribution yard. An establishment which resembles (1) or (2) more than it does (3) is considered a mill; and one which resembles (3) more than it does (1) and (2) is considered a distribution yard.

(1) "A typical sawmill or planing mill" is an establishment which is chiefly engaged in manufacturing lumber from logs or rough lumber by sawing or planing; which is located in or near a lumber producing area; which makes and sells chiefly Western pine and associated species of lumber;

(2) "A typical concentration yard" is an establishment which concentrates and prepares lumber for commercial shipment, which keeps in stock mostly

[4] 9 F.R. 12271.

[5] 9 F.R. 1385, 5169, 6106, 8150, 10193, 11274.

Western pine and associated species of lumber, which has its lumber brought in chiefly in rough green form by truck from small local sawmills and sells chiefly for rail shipment, and which has been located at its particular site to be near the lumber producing area;

(3) "A typical distribution yard" is a wholesale or retail lumber yard which gets lumber from mills or other yards; unloads, sorts, stores, and resells or redistributes it; which regularly maintains a varied stock of lumber from different regions; which gets its lumber mostly by rail and sells mostly for truck shipment; which is equipped to make quick deliveries of many different items of lumber; and which has been located at its particular site in order to be near a lumber consuming area.

(c) *No quantity limits.* There are no quantity limits on the transactions covered by this regulation. All direct mill sales, large or small, are covered.

[Paragraph (c), formerly (d), redesignated by Am. 2, effective 9-11-45. Former paragraph (c) deleted by Am. 2]

SEC. 4. *What persons are covered.* Any person who makes the kind of sale or purchase described above, for himself or others, is subject to this regulation. The term "person" includes an individual, corporation, partnership, association or any other organized group, their legal successors and representatives, the United States or any government or any of their political subdivisions or any agency of any of the foregoing.

ARTICLE II—MAXIMUM PRICES AND TERMS OF SALE

SEC. 5. *Basic prices and cash discount—*(a) *Basic prices on shipments from mills located on railroad.* The basic mill ceiling prices are set forth in Article V—Price Tables.

(b) *Basic prices on shipments from mills located off railroad.* The basic mill ceiling prices set forth in Article V—Price Tables apply on shipments from off-rail mills, as follows:

(1) All shipments from off-rail mills subject to the provisions of section 29 or 30.

(2) All shipments from off-rail mills not subject to the provisions of section 29 or 30 except where the buyer takes delivery at the mill.

On a shipment made by an off-rail mill not selling under the provisions of section 29 or 30, where the buyer takes delivery at the mill, the basic mill ceiling prices must be reduced by the proper trucking charge figured under paragraph (a) (2) of section 7 for the distance from the mill to the mill's usual rail shipping point.

(c) *Cash discount.* If cash is paid the maximum price must be reduced by the seller's October 1941 cash discount. For example, if the October 1941 discount for cash was 2%, and the maximum price without discount according to this regulation is $30.00, the maximum price when cash is paid is $29.40. If the seller was not in business in October 1941 the discount for cash shall be 2%. In any case on specific written allocations issued by the Office of the Chief of Engineers, War Department, the terms 30 days net may be used regardless of former practices.

[Sec. 5 amended by Am. 2, effective 9-11-45].

SEC. 6. *Direct-mill retail sales.* An addition of $3.50 per thousand board feet may be made on a sale of less than 20,000 ft. BM (or less than carload if by rail), to any buyer who does not purchase for resale, where the shipment originates at a mill and the seller:

(a) Sees that the lumber is delivered to the job site at such time and in such manner as the buyer specifies. This does not mean that the seller must make free delivery. When delivery is made by private truck owned or controlled by the seller, delivery charge may be made as provided in section 7 (a) (2).

(b) Gives the buyer the privilege of exchanging the lumber and returning unused material; and

(c) Agrees to make good any shortage promptly from stocks kept on hand for that purpose.

The size of the sale is determined by the total quantity involved in the transaction without regard to whether it is broken up into smaller orders or deliveries.

SEC. 7. *Sales on delivered basis—*(a) *Transportation addition.* On sales on delivered basis transportation charges set forth below may be added to the maximum f. o. b. mill prices.

(1) *Common or contract carrier.* (i) When the estimated dry weights in Article VI are used, the rate times the estimated weight is the proper transportation charge even if the estimated dry weights are higher than actual weights. Estimated green weights may be used in calculating transportation charges only if the moisture content is greater than 19%. Higher estimated weights than those in Article VI may not be used. The estimated weight must be the weight for the exact kind of lumber actually shipped. For example, green weights cannot be used if dry lumber is shipped. The transportation charge may be evened out to the nearest quarter dollar per M.

(ii) When estimated weights are not used, the amount added for transportation must not be more than the amount actually paid to the common or contract carrier, evened out to the nearest quarter dollar per M.

(2) *Private truck.* (i) When shipment is by truck owned or controlled by the seller, the following amounts may be added for transportation: For distances up to and including 10 miles, $1.50 per M'; over 10 and up to and including 20 miles, $2.00 per M'; and over 20 and up to and including 30 miles, $2.50 per M'. Where the distance is greater than 30 miles the seller may charge the amount of the railroad charge at the carload rate for the most similar haul or $3.00 per M', whichever is greater. Distance, as used in this paragraph means the distance from the mill to the point of destination as measured by the speedometer. No addition may be made for the return trip.

(ii) The provisions of this section 7 (a) (2) and (3) shall not apply to sales and deliveries of mixed species, log run lumber from mills in the "fringe area." As to these transactions, the permitted additions for trucking by private truck and trucking to railhead are shown separately in paragraphs (b) and (c) of section 30.

(3) *Trucking to railhead.* When a truck haul precedes rail shipment, as when a mill located away from the railhead hauls lumber by truck to the railhead, no addition may be made for the truck haul. However, where a mill's rail connection has been abandoned since September 5, 1941, the mill may apply for special permission to make an addition.

The application should be made by letter to the Lumber Branch of the Office of Price Administration, Washington, D. C., and may be acted upon by letter. The addition may not be made on quotations or sales until permission has been received.

(4) *Truck delivery after rail haul.* When truck delivery follows a rail haul, there may be added for the delivery an amount not greater than the addition permitted by subparagraphs (1) and (2) of this paragraph, whichever is applicable.

(5) *All truck haul.* When an all-truck haul ends in delivery to the job site, no special addition may be made above the charges provided in subparagraphs (1) and (2) of this paragraph, since in this case delivery to the job site involves no extra expense.

(b) *Susanville rate on sales to California.* Regardless of other provisions of this section, on delivered sales to purchasers in California, if shipment originates at a mill in California from which the railroad freight rate to the California destination is less than the rate from Susanville, California to the same destination, the addition for transportation may be computed by multiplying the appropriate estimated weight as shown in Article VI by the applicable freight rate from Susanville, California to the California destination. This addition does not apply to direct-mill retail sales. Since the maximum prices established by this paragraph are delivered prices, no transportation addition is permitted other than "basing point" freight to destination. In every case the maximum delivered price must finally be determined according to this paragraph. As to pricing f. o. b. mill's shipping point, note the following examples:

(1) In a sale to a distribution yard at the mill's shipping point, since shipping point and final destination are the same, the addition for basing point freight may be made even though the sale has all the usual characteristics of a sale "f. o. b. mill". Delivery to distribution yard must be made by the mill either by truck

owned or controlled by the mill, or if loaded on car to be switched to distribution yard, switching charge must be absorbed by the mill, or if delivery is by truck owned or controlled by the distribution yard, price must be reduced by an amount equal to proper trucking charge as set forth in paragraph (a) (2) of this section.

(2) If either the mill or a wholesaler should make an f. o. b. mill sale for direct mill shipment, the price f. o. b. mill's shipping point would be figured by first adding to proper price in price tables the freight from Susanville, California to final destination (figured on estimated weights taken from "Schedule of Estimated Weights" in Article VI times rate from Susanville to final destination) and deducting therefrom freight from mill's shipping point to final destination (figured on estimated weights taken from "Schedule of Estimated Weights" in Article VI times actual rate from mill's shipping point to final destination).

[Paragraph (b) amended by Am. 2, effective 9-11-45]

(c) *Government bill of lading.* Where shipment is made on government bill of lading, the maximum price payable to the seller may be computed by determining what would be the maximum delivered price on the basis of estimated weights and commercial rates and subtracting therefrom the commercial rate times the actual weights.

SEC. 8. *Maximum prices for Alaskan lumber.* (a) The maximum f. o. b. mill prices for Engelmann spruce, Red cedar, and Incense cedar lumber produced in Alaska and delivered to points outside the continental United States shall be the maximum f. o. b. mill prices set forth in Article V, plus an amount equal to freight under the Maritime Commission's published freight rate from Seattle, Washington, to the mill's shipping point, including surcharges, War Risk insurance, and wharfage and handling charges under the published Seattle Wharfage and Handling rate for comparable lumber.

(b) The maximum delivered prices for such lumber shall be the maximum f. o. b. mill price arrived at according to the foregoing, plus transportation charges permitted by section 7.

SEC. 9. *Grades, items, services, or extras not listed.* (a) If a seller wishes to sell a grade or item which is not specifically priced in the price tables, or wishes to make an addition for special workings, specifications, services, or other extras for which additions are not specifically permitted, he must apply to the Lumber Branch, Office of Price Administration, Washington, D. C., for a maximum price.

He must provide the following information:

[Section headnote and first sentence amended by Am. 2, effective 9-11-45]

(1) The requested price;

(2) A complete description of the item to be priced;

(3) The price differential between it and the most comparable item in the price tables, between October 1, 1941 and June 1, 1942, from the seller's own records, or if that is impossible, from the experience of the trade. If no established price differential existed, a detailed analysis of comparative value should be furnished.

(b) As soon as the request has been filed, quotations and deliveries may be made at the requested price, but the final payment may not be made until the price has been approved. Action on the request may be by letter or telegram.

(c) In all cases where special prices have been approved by the Lumber Branch of the Office of Price Administration under § 1381.507 (c) of the earlier regulation, Maximum Price Regulation 94, these special prices shall no longer apply if specific prices for the items are established by this regulation; but if no specific prices are established in the price tables, the price approved under the earlier regulation shall continue in effect.

(d) On any sale involving a "non-listed" price or addition contemplated by paragraph (a) of this section, if the seller, for any reason, shall have failed to apply for approval of a maximum price under paragraph (a), the maximum price for the item sold shall be $15.00 per thousand board feet, which maximum price shall include all allowances or additions for grade, size, condition, special workings, specifications or other extras.

[Paragraph (d) added by Am. 1, 9 F.R. 12966, effective 11-2-44]

ARTICLE III—SPECIFIC DUTIES AND PROHIBITED PRACTICES

SEC. 10. *What the invoice must contain*—(a) *Sales f. o. b. mill.* All invoices must contain a sufficiently complete description of the lumber to show whether the price is proper or not. Any working, specification, or extra which affects the maximum price must be mentioned in the description. The amount added for these does not have to be separately shown.

(b) *Sales on delivered basis.* In addition to information called for in paragraph (a) above, on all delivered sales, invoice must also show the:

(1) Point of origin of shipment;

(2) Destination;

(3) Rail rate, if estimated weights are used; otherwise actual amount added for transportation;

(4) The words "Direct-mill shipment";

(5) Any separate charge which the seller is permitted to make for truck delivery after rail haul, or for trucking to railhead, must be shown separately on the invoice.

(c) *Direct-mill retail sales.* If the "direct-mill retail sale" mark-up is permissible and is added, this must be separately indicated on the invoice.

SEC. 11. *Averaging out*—(a) *Different grades, classes or sizes.* Different grades, classes, or sizes of lumber may be sold and invoiced at an average price if all the following conditions are observed:

(1) The footage of each item must be shown separately, and a piece tally must be furnished for each shipment.

(2) The average price for the lumber actually shipped must not be higher than it would have been if all the individual grades, classes, and sizes shipped had been sold separately at the individual ceiling price.

(3) If the order is shipped in more than a single carload, truckload, or boat shipment, the following invoicing and charging practices must also be followed:

(i) The invoice must show that it is part of a larger order and identify the order. It must also show the individual ceiling prices for the various items of lumber actually contained in each shipment, and the average selling price agreed upon.

(ii) The charges which may be made and collected on account for each shipment must not exceed the average price agreed upon or the total for the items in the particular shipment, whichever is the lower. Thus, if an average price of $40.00 was quoted on items with ceiling prices ranging from $38.00 to $42.00, and if a car of items with ceiling price of $38.00 was shipped, only the $38.00 price can be charged and collected on the car. But if a car of items with ceiling price of $42.00 was shipped, only the average price of $40.00 could be charged on that car.

(iii) Upon completion of the order the seller must render a final invoice showing the quantity of each shipment or delivery, the freight charge for each if sold on a delivered basis, the amount received on account, the total amount due on the order at the agreed average price and a reconciliation of the total amount so computed with the maximum prices permitted by this regulation. Final payment and all necessary adjustments between the buyer and seller are to be made upon the final reconciliation.

(b) *Different freight rates.* When a single order, for which a single flat delivered price was quoted and accepted, is shipped from two or more mills to a single destination on varying freight rates, the seller may average out the transportation charges. For example, if a wholesaler bids $33.00 per MBM on a single order of a hundred thousand feet of lumber, the ceiling price being $30.00 per MBM and the estimated freight $3.00, he can ship half of it on a rate resulting in a $2.00 freight charge and half on a rate resulting in a $4.00 freight charge.

(1) Where this practice is adopted, the seller must observe all of the following conditions:

(i) Each invoice must state that the particular shipment is part of a larger order and identify the order. It must also show the individual rates for each shipment or delivery.

(ii) The transportation charges which may be made and collected for each shipment or delivery, on account, must not exceed the average transportation charge figured on the entire order or the actual transportation charge for the particular shipment based upon the permitted estimated weights, whichever is the lower.

(iii) Upon completion of the order the seller must render a final invoice showing the individual f. o. b. mill prices separately, the amount shipped from each mill, the freight charge for each shipment, and a reconciliation of the total amount so computed with the agreed delivered selling prices and also with the maximum prices permitted by this regulation. In the event that the sale was made at an average price for different grades, classes or sizes of lumber as well as an averaging-out of transportation charges, the provisions of (a) above shall also be observed. Final payment and all necessary adjustments between the buyer and seller are to be made upon the final reconciliation.

SEC. 12. *What records must be kept.* All sellers and all buyers who, in any one calendar month, sell or buy 20,000 board feet or more of any lumber covered by this regulation must keep records which will contain a complete description of the lumber involved, the name and address of the other party to the transaction, the date of the sale, and the prices. Such records must be retained for two years, for inspection by the Office of Price Administration.

SEC. 13. *Prohibited practices*—(a) *General.* Any practice which is a device to get the effect of a higher-than-ceiling price without actually raising the dollars-and-cents price is as much a violation of this regulation as an outright over-ceiling price. This applies to changes in credit practices and cash discounts and to devices making use of commissions, services, transportation arrangements, premiums, special privileges, tying-agreements, trade understandings and the like.

(b) *Specific practices.* The following are some of the specific practices prohibited:

(1) Getting the effect of a higher price by changing credit practices from what they were in October 1941. This includes decreasing credit periods or making greater charges for extension of credit.

(2) Refusing, without good reason, to ship except in specified or restricted random lengths or under other circumstances which bring the seller an extra return.

(3) Selling as specified lengths or widths, a specific lot or shipment of lumber which is substantially equivalent to random lengths or widths; except that, even though an order or inquiry does not call for definite quantities of specified widths or lengths, on grades where no random width prices are provided under sections 20 to 27, inclusive, if the shipper separates the widths, with the grades properly identified in loading, and separately tallies the widths and grades in invoicing, he may charge the prices provided for the separate widths and grades.

Reselling intact as specified lengths or widths a specific lot or shipment bought by the seller as standard or random lengths or widths, unless specifically permitted in the price tables. This prohibition shall not apply to shipments or deliveries which have been sorted out as to widths and lengths and then resold. Stock ordered S4S or run to pattern requiring separation as to widths may be sold at specified width prices regardless of how ordered.

[Subparagraph (3) amended by Am. 1, 9 F.R. 12966, effective 11-2-44 and Am. 2, effective 9-11-45]

(4) Grading as a special grade, lumber which can be graded as a standard grade; or wrongly or falsely grading or invoicing lumber.

[Subparagraph (4) amended by Am. 1, 9 F.R. 12966, effective 11-2-44]

(5) Making additions for special specifications, services, or other extras which are not specifically permitted.

(6) Refusing to sell on an f. o. b. mill basis, or refusing to sell on a delivered basis.

(7) Failing to invoice properly and in accordance with the requirements of this regulation.

(8) Unnecessarily routing lumber through a distribution yard.

(9) Quoting a gross price above the maximum price, even if accompanied by a discount the effect of which is to bring the net price below the maximum.

(10) Getting a higher price by charging the buyer for ripping or resawing, or charging on a basis of an original size larger than the item actually delivered (for example, charging the price of 8/4 x 8 resawn to 4/4 x 8 on a sale of 4/4 x 8) except where the items ordered and delivered are non-standard sizes not specifically priced in the tables. This prohibition has no application where the buyer specifies the larger size to be ripped or resawn into items of smaller size and the resulting items are priced higher in the tables than the original larger size; for example, the buyer may order 1 x 4 C Select, priced at $61.00 per MBM ripped to 1 x 2. By buying the larger size ripped the price to the buyer is lower ($62.00) than it would have been had he ordered the 1 x 2 as such ($64.00). In this example the maximum price is $62.00.

(11) Making the buyer take something he does not want; for example, making a buyer who orders No. 3 Common take all the upper and lower grades developing in running the No. 3.

(12) Breaking up an order or apportioning deliveries in order to get the $3.50 direct-mill retail sale addition.

(c) *Adding commission to ceiling prohibited.* It is unlawful for any person to charge, receive or pay a commission for the service of procuring (including buying, selling, or locating lumber, or for any related service such as "expediting") which does not involve actual physical handling of lumber, if the commission plus the purchase price results in a total payment by the buyer of lumber which is higher than the maximum price of the lumber. For the purpose of this regulation, a commission is any compensation, however designated, which is paid for the procurement of lumber. This prohibition has no application to the case of a bona fide employer-employee relationship where the employee serves only one employer, insofar as lumber procurement is concerned, and where the compensation paid by the employer is a fixed salary and not based directly on the quantity, price, or value of the lumber in connection with which the service is rendered.

(d) *Combination grades.* Lumber sold on combination grades may not be sold above the maximum price for the lowest priced grade actually named in the combination. For example, the maximum price for lumber sold as No. 3 Common and better is the maximum price fixed for No. 3 common lumber. It is permissible to quote with specified higher grades as developed but when the lumber is shipped, the quantities falling in each grade must be tallied separately on a board foot basis and either loaded separately or so marked that the buyer may easily identify each grade for the purpose of checking against invoice when unloading, and separately invoiced at prices not in excess of ceiling prices for the respective grades. The provision for separating or marking grades does not apply to shop grades when sold to millwork establishments.

SEC. 14. *Adjustable pricing.* Any person may agree to sell at a price which can be increased up to the maximum price in effect at the time of shipment; but no person may, unless authorized by the Office of Price Administration, deliver or agree to deliver at prices to be adjusted upward in accordance with action taken by the Office of Price Administration after shipment. Such authorization may be given when a request for a change in the applicable maximum price is pending, but only if the authorization is necessary to promote distribution or production and if it will not interfere with the purpose of the Emergency Price Control Act of 1942, as amended. The authorization may be given by the Administrator or by any official of the Office of Price Administration having authority to act upon the pending request for a change in price or to give the authorization.

The authorization will be given by order, except that it may be given by letter or telegram when the contemplated revision will be the granting of an individual application for adjustment.

SEC. 15. *Special pricing rules.* (a) Where the buyer specifies restricted lengths or restricted widths and the shipment fails to conform, the entire shipment must be priced at the random length or random width price (unless the agreed price is lower).

(b) Where the buyer orders a random length shipment, and the given percentages of lengths as specified in footnotes to some of the price tables are not met because there is too large a percentage of shorts, the excess shorts must be priced at the separate prices for the short lengths.

ARTICLE IV—MISCELLANEOUS

SEC. 16. *Applications for adjustment or petitions for amendment*—(a) *Government contracts.* See Procedural Regulation No. 6 [9] for adjustment provisions on certain government contracts or subcontracts.

[9] 9 F.R. 10628; 10 F.R. 1382.

(b) *Petitions for amendment.* Any person seeking an amendment of any provisions of this regulation may file a petition for amendment in accordance with the provisions of Revised Procedural Regulation No. 1 [1] issued by the Office of Price Administration.

(c) In treating with petitions for amendment or adjustment, consideration will not be given to log costs which are higher than the applicable maximum purchase prices for logs established in Maximum Price Regulation 348, or any revision or amendment to that regulation. This rule shall be followed regardless of whether the petitioner gets logs by purchasing them, logging his own standing timber, contracting for the logging of his own standing timber, or any other means. All petitions in any way based on the cost of logs must show the actual cost to the petitioner of logs received at his plant during the three months immediately prior to filing the petition and the cost which would have been incurred by the petitioner if all of these logs had been purchased by him at ceiling prices.

SEC. 17. *Enforcement.* (a) Persons violating any provision of this regulation are subject to the criminal penalties, civil enforcement actions, suits for treble damages, and proceedings for suspension of licenses provided for by the Emergency Price Control Act of 1942, as amended.

(b) War procurement agencies and their contracting or paying finance officers are not subject to any liability, civil or criminal, imposed by this regulation. Persons who make sales covered by this regulation to war procurement agencies and buyers to whom lumber has been allocated by any such agencies are, however, subject to all the liabilities imposed by this regulation. "War procurement agencies" include the War Department, the Navy Department, the United States Maritime Commission and the Lend-Lease Section in the Procurement Division of the Treasury Department or any of their agencies.

SEC. 18. *Licensing.* The provisions of Licensing Order No. 1,[2] licensing all persons who make sales under price control, are applicable to all sellers subject to this regulation. A seller's license may be suspended for violations of the license or of one or more applicable price schedules or regulations. A person whose license is suspended may not, during the period of suspension, make any sale for which his license has been suspended.

SEC. 19. *Grades.* All grades and size terms appearing in this regulation refer to and have the meaning given in current Grading and Dressing Rules issued by the Western Pine Association.

[1] 9 F.R. 10476, 13715.
[2] 9 F.R. 13240.

ARTICLE V—PRICE TABLES

SEC. 20. *Ponderosa pine.* For Ponderosa pine lumber (and other species commercially sold as Ponderosa, Western, or Mexican pine lumber, if not specifically priced in another section) the maximum prices f. o. b. mill per one thousand feet board measure, surfaced, and air dried or kiln dried (except where otherwise specified in price tables), in mixed or straight load shipments, shall be as follows:

TABLE 1—SELECT GRADES (PONDEROSA PINE)

R. L. S2S or S4S	4/4	5/4	6/4	8/4	10/4	12/4	16/4
B and 2 clear (B and better):							
Specified widths:							
2"	$68.00	$75.00	$75.00	$81.00			
3"	70.00	75.00	75.00	81.00			
4"	65.00	72.00	72.00	78.00	$103.00	$108.00	$110.00
5"	71.00	82.00	82.00	88.00	113.00	118.00	120.00
6"	67.00	72.00	72.00	78.00	103.00	108.00	110.00
8"	69.00	77.00	77.00	83.00	108.00	113.00	121.00
10"	71.00	82.00	82.00	88.00	113.00	118.00	120.00
12" and 13" and wider	100.00	92.00	112.00	98.00	123.00	128.00	130.00
R. W. 4" and wider	71.00	72.00	72.00	78.00	103.00	108.00	110.00
C Selects:							
Specified widths:							
2"	64.00	69.00	69.00	74.00			
3"	66.00	66.00	69.00	74.00			
4"	61.00	66.00	66.00	71.00	92.00	96.00	105.00
5"	67.00	76.00	76.00	81.00	102.00	105.00	115.00
6"	63.00	66.00	66.00	71.00	92.00	96.00	105.00
8"	65.00	71.00	71.00	76.00	97.00	101.00	110.00
10"	67.00	76.00	76.00	81.00	102.00	105.00	115.00
12" and 13" and wider	86.00	86.00	86.00	91.00	112.00	116.00	125.00
R. W. 4" and wider	67.00	66.00	66.00	71.00	92.00	96.00	105.00
D Selects:							
Specified widths:							
2"	51.00	55.00	55.00	60.00			
3"	53.00	55.00	55.00	60.00			
4"	48.00	52.00	52.00	57.00	73.00	78.00	86.00
5"	54.00	62.00	62.00	67.00	83.00	88.00	96.00
6"	50.00	52.00	52.00	57.00	73.00	78.00	86.00
8"	52.00	57.00	57.00	62.00	78.00	83.00	91.00
10"	54.00	62.00	62.00	67.00	83.00	88.00	96.00
12" and 13" and wider	68.00	72.00	72.00	77.00	93.00	98.00	106.00
R. W. 4" and wider	54.00	52.00	52.00	57.00	73.00	78.00	86.00

D and better short selects, 5' to 9' S2S or S4S
1 x 4 and wider—$44.
5/4 and thicker, 4" and wider—$47.

Condition:
1. Rough, all thicknesses—deduct $2.
2. Green, deduct 10 percent from dry price.
Grade differentials:
3. Stain: Stained selects that for defects other than stain would grade:
B and better—Deduct $5 from price of B and better.
C or C and better—Deduct $5 from price of C.
D or D and better—Deduct $5 from price of D.
4. Pitchy selects, deduct $10 from price of D select.
5. Australian clears, same price as D select.
Widths:
6. Specified widths:
Specified widths over 12", for each inch over 12"—add $2.00 to 12" price.
Odd widths, 7", 9" and 11"—add $1.00 to 8", 10" and 12" and so scaled.
Widths—Continued.
7. Special random widths:
6" and wider—add $0.50 to RW price.
8" and wider—add $2 to RW price.
10" and wider—add $7 to RW price.
12" and wider, same as 12" price.
14" and wider—add $5 to 12" price.
16" and wider—add $10 to 12" price.
18" and wider—add $15 to 12" price.
20" and wider, (except drainboards)—add $20 to 12" price.
22" and wider (except drainboards)—add $25 to 12" price.
Lengths:
8. Specified lengths:
4/4–10', 12' and 14'—add $2.
4/4–16'—add $5.
4/4–18' and 20'—add $10.
5/4 and thicker—16' and shorter—add $5.
5/4 and thicker–18' and 20'—add $10.
9. Restricted random lengths: 10' and longer 4/4 and thicker—add $2.

TABLE 2—SHOP LUMBER (PONDEROSA PINE)

S2S RW and RL	4/4	5/4	6/4	8/4	10/4	12/4	16/4
4/4 shop common	$33.50						
No. 3 clear	42.00	$56.00	$56.00	$70.00	$81.00	$89.00	$98.00
No. 1 shop		43.00	43.00	53.00	65.00	69.00	78.00
No. 2 shop		38.00	38.00	44.00	50.00	52.00	59.00
No. 3 shop		31.00	31.00	32.00	36.00	38.00	42.00

Condition:
1. Rough:
4/4 shop common—deduct $1.
No. 3 clear—deduct $2.
No. 1 shop—deduct $2.
No. 2 and No. 3 shop—deduct $1.
2. Green: Deduct 10 percent from dry price.
Grade differentials:
3. Stained:
4/4 shop—deduct 5 percent from grade price.
5/4 and thicker, all grades—deduct 10 percent from grade price.

TABLE 3—4/4" COMMON BOARDS (PONDEROSA PINE)

RL S2S or S4S to 25/32"	1 x 4" and wider	1 x 4"	1 x 6"	1 x 8"	1 x 10"	1 x 12"	1 x 14"	1 x 16"	1 x 18"	1 x 20"
No. 1		$47	$47	$47	$48	$53	$56	$60	$64	$68
No. 2		41	41	39	39	41	44	48	52	56
No. 3		36	36	35	35	36	36	38	40	42
No. 4		$26	25	26	27	27	27	27	27	27
No. 5		18	18	18	19	19	19	19	19	19

No. 4 and Better Short Common S2S or S4S to 25/32":
1 x 4" and wider 6' and 8'—$21.00
1 x 4" only, 6' and 8'—25.00
1 x 6" and 1 x 8", 6' and 8'—25.00
1 x 10" and 1 x 12", 6' and 8'—25.00

[1] See note and footnotes following table 3B.

TABLE 3A[1]—3/4" COMMON BOARDS (ON GRADE)

RL S1S, S1S2E, S2S or S4S to 3/4"	3/4" x 4" and wider	3/4" x 4"	3/4" x 6"	3/4" x 8"	3/4" x 10"	3/4" x 12"
No. 1		$46.00	$46.00	$46.00	$47.00	$52.00
No. 2		40.00	39.00	38.00	38.00	40.00
No. 3		35.00	35.00	34.00	34.00	34.00
No. 4	$25.25	24.25	25.25	26.25	26.25	26.25
No. 5	17.50	17.50	17.50	18.50	18.50	18.50

[1] See note and footnotes following table 3B.

TABLE 3B—11/16" COMMON BOARDS (ON GRADE)

RL S1S, S1S2E, S2S or S4S to 11/16"	11/16 x 4" and wider	11/16 x 4"	11/16 x 6"	11/16 x 8"	11/16 x 10"	11/16 x 12"
No. 1		$41.00	$41.00	$43.00	$41.75	$45.50
No. 2		35.75	35.00	31.25	34.25	35.75
No. 3		31.25	31.25	30.50	30.50	30.50
No. 4	$23.00	22.25	23.00	23.75	23.75	23.75
No. 5	17.00	17.00	17.00	17.75	17.75	17.75

FOOTNOTES APPLICABLE TO TABLES 3, 3A AND 3B

NOTE: No. 1, 2, and 3 Common RW, see section 28, Note 24.

No. 4 and 5 Common RW/RL may contain 20% 4" and 20% 4' to 8'.

Condition:
1. Rough—deduct $2.00.
2. Green—deduct $4.50.
Grade differentials:
3. Knotty Pine Panel Stock (4/4" only)—add $5 to price of regular grade from which selected.
Widths:
4. Special Random Widths:
No. 1 and 2 Common, 13" and wider (4/4 only)—add $4.00 to 12" price.
No. 3 Common, 13" and wider (4/4 only)—add $2.00 to 12" price.
No. 4 and 5 Common, 1 x 6" and wider (4/4 only)—add $0.50 to RW price.
No. 4 and 5 Common, 13" and wider—same price as 12".
All grades—3/4", 11/16" and 5/4" and thicker, 13" and wider—same price as 12".
5. Odd Widths:
7", 9", and 11"—add $1.00 to 8", 10" and 12" price and so scaled.
Odd widths 13" and wider—price at next lower width price, scale actual.
Length:
6. Specified lengths:
No. 1, 2, and 3 Common:
4" and 6"—16', 18' and 20'—add $2.00 to RL price.
8" and wider—10', 12', 18' and 20'—add $2.00 to RL price.
No. 4 and 5 Common:
All widths—10', 12', 14', 16', 18', and 20'—add $2.00 to RL price.
When shipped all 6' (all grades)—deduct $3.00 from RL price.
Lengths not mentioned (all grades)—use RL price.
7. Restricted Random lengths: 10' and longer, 4/4" and thicker—add $1.00 to RL price.
Thickness:
8. Additions to 4/4 price:
No. 1 Common:
5/4 and 6/4—$4.00.
7/4 and 8/4—$2.00.
No. 2 Common:
5/4 and 6/4—$3.00.
7/4 and 8/4—$1.00.
No. 3 Common:
5/4 and 6/4—$2.00.
7/4 and 8/4—$0.75.
No. 4 and 5 Common:
5/4 and 6/4—$1.00.
7/4 and 8/4—same price as 4/4.

[Table 3 amended and Tables 3A and 3B added by Am. 2, effective 9-11-45]

TABLE 4—DIMENSION (PONDEROSA PINE)

RL S1S1E or S4S 1-9/16" HM scaled as 2"	2 x 4"	2 x 6"	2 x 8"	2 x 10"	2 x 12"
No. 1	$31.00	$30.00	$29.50	$30.00	$30.00
No. 2	28.00	27.00	27.00	27.00	27.00
No. 3	18.50	17.50	17.50	17.50	17.50

Condition:
1. Rough—deduct $1.
2. Green—deduct $2.

Widths:
3. Wider than listed. For each 2" wider than listed: Add $1 to price of widest listed width.
3a. Random widths in No. 1, 2 and 3 Dimension. See Sec. 28, Note 24.

[Footnote 3a added by Am. 2, effective 9-11-45]

Lengths:
4. Specified lengths:
14' and shorter—add $1.
16'—add $0.50.
18' and 20'—add $2.
Thickness:
5. Thicker than listed:
For 1 5/8" add, No. 1—$4.50, No. 2—$4, No. 3—$3.
For 1 3/4" add, No. 1—$6.75, No. 2—$6, No. 3—$4.75.

TABLE 5—NO. 1 PLANK AND TIMBERS (PONDEROSA PINE)

S1S1E or S4S, green	8, 12, 14, 16' or RL	10, 18, 20'	22, 24'
3 x 4", 3 x 6", 4 x 4", 4 x 6"	$33.50	$35.50	$36.50
3 x 8", 4 x 8"	34.50	36.50	37.50
3 x 10", 3 x 12", 4 x 10", 4 x 12"	35.50	37.50	38.50
6 x 6" to 8 x 10"	35.50	37.50	38.50
6 x 12" to 8 x 12"	36.50	38.50	39.50
10 x 10" to 12 x 12"	37.50	39.50	40.50

Condition:
1. Rough—deduct $1.
2. Dry—add $10.
Grade differentials:
3. No. 2 and better—deduct $1.
4. No. 2—deduct $3.
5. No. 3—deduct $10.
Width and thickness:
6. Wider and/or thicker than listed: For each 2" increase in either dimension add $1 to price of largest listed size.

TABLE 6—MILL RUN BOX AND SHOP DROPPINGS (PONDEROSA PINE)

4/4 RW/RL rough dry—$27.50.
5/4 and thicker RW/RL rough dry—$28.50.

Condition:
1. S2S—add $1.00.
2. Green—deduct $1.50.
Grade:
3. Mill Run Box is a combination of No. 1 and No. 2 Box, including not over 15% No. 2.
Widths:
4. Specified widths, no addition.

TABLE 6A—SHORT BOX (PONDEROSA PINE)

4/4 and thicker RW 12" to 47" rough dry—$18.00.

Condition:
1. S2S or S1S—add $1.00.
Grade:
2. As described in Western Pine Association Standard Grading Rules.
Measurement:
3. May be sold on actual board measure scale, or may be sold on weight figuring 2,000 lbs. per 1,000 ft. on surfaced stock or 2,500 lbs. per 1,000 ft. on rough stock.

[Table 6 amended and Table 6A added by Am. 2, effective 9-11-45]

TABLE 7—BEVEL SIDING (PONDEROSA PINE)

7/16" x 3 1/2" SM—3' and longer	B&Btr.	C	D	E
1/2 x 4"	$29.50	28.00	$20.50	$16.00
1/2 x 5"	32.00	30.50	23.50	
1/2 x 6"	31.50	30.00	23.00	16.50
5/8 x 4" shorts 3 to 8'	21.50	20.00	12.50	10.00
5/8 x 6" shorts 3 to 8'	23.50	22.00	15.00	10.50

Lengths:
1. B & Btr., C and D may contain 20% 3' to 8½' in multiples of 6".
2. E may contain 35% 3' to 8½' in multiples of 6".
3. Restricted random lengths: 9' and longer—add $3.

TABLE 8—MOULDING STOCK (PONDEROSA PINE)

4/4 RW and RL S2S	$43
5/4 and thicker RW and RL S2S	45

Condition:
1. Rough—deduct $1.
2 Green—deduct 10% from dry price.

TABLE 9—MOULDING LUMBER AND BETTER (PONDEROSA PINE)

4/4 RW and RL, rough dry	$48
5/4 and thicker RW and RL rough dry	50

Condition:
1. For S2S—add $1.
2. Green—deduct 10% from dry price.
Grade:
3. Product of log above No. 1 shop, producing 50% rips 2" and wider 10' and longer.

TABLE 10—DRAINBOARD STOCK (PONDEROSA PINE)

5/4 and 6/4 1 and 2 clear (B & Btr) S2S selected:	
20" and wider RWRL	$110
22" and wider RWRL	125

Condition:
1. Rough—deduct $2.
2. Green—deduct 10% from dry price.
Thickness:
3. For 8/4—add $5.

TABLE 11—LATH (PONDEROSA PINE)

3/8" x 1½"—4' No. 1—$6 per M Pcs.
3/8" x 1½"—4' No. 2—$5 per M Pcs.
3/8" x 1½"—32" No. 1—$2.70 per M Pcs.
½" x 1½"—4' Fence lath (80% No. 1-20% No. 2)—$7.25 per M Pcs.

TABLE 12—BARKY STRIPS (PONDEROSA PINE)

1 x 4" RL S2S or S1S, may contain 25% 6' and 8'	$21.75
1 x 4"-6' and 8' only S2S or S1S	13.75

1. Rough—deduct $1.
2. Green—deduct $1.50.

TABLE 13—PANEL STOCK (PONDEROSA PINE)

RW/RL S2S	7/16"	9/16"
B and better	$62.00	$67.00
C and better	57.00	62.00
D	42.00	47.00

1. Specified widths and lengths: Use differentials established for ¾" Select under Table 1.

TABLE 14—BATTENS (PONDEROSA PINE)

1¾" (OG) net—$8.50 per M lin. ft.
2" (OG) net—$9.50 per M lin. ft.
2¼" (OG) net—$10.50 per M lin. ft.
⅜" x 2¾" net, flat, rough or S1S—$6 per M lin. ft.

1. For 18' and 20' lengths—add $1.

For differentials and rules applicable to all grades of all species see section 28.

SEC. 21. *Idaho White pine.* For Idaho White pine lumber the maximum prices f. o. b. mill per one thousand feet board measure, surfaced, air dried or kiln dried (except where otherwise specified in price tables), in mixed or straight load shipments, shall be as follows:

TABLE 1—SELECT GRADES (IDAHO WHITE PINE)

RL S2S or S4S	1 x 2"	1 x 3"	1 x 4"	1 x 5"	1 x 6"	1 x 8"	1 x 10"	1 x 12"
B and better	$78.00	$79.00	$76.00	$79.00	$77.00	$77.00	$81.00	$100.00
C select	71.00	72.00	69.00	72.00	70.00	70.00	74.00	90.00
D select	54.50	54.50	52.50	57.50	52.50	52.50	61.00	77.00

RL S2S or S4S	5/4 x 2"	5/4 x 3"	5/4 x 4" or 5/4 x 4" and wider	5/4 x 5"	5/4 x 6"	5/4 x 8"	5/4 x 10"	5/4 x 12"
B and better	$92.00	$94.00	$89.00	$93.00	$91.00	$94.00	$96.00	$109.00
C select	82.00	84.00	79.00	80.00	81.00	84.00	86.00	99.00
D select	70.00	72.00	67.00	77.00	69.00	72.00	77.00	87.00

D and better short selects, 5' to 9' S2S or S4S:

1 x 4" and wider (35% 4")	$46
1 x 4"	44
1 x 6"	45
1 x 8"	48
5/4 and thicker, RW	50

Condition:
1. Rough, all thicknesses—deduct $2
2. Green—deduct 10% from dry price.

Grade differentials:
3. Stain: For stained selects that for defects other than stain would grade:
B and better—deduct $5 from price of B and better.
C or C and better—deduct $5 from price of C.
D or D and better—deduct $5 from price of D.
4 Pitchy selects, deduct $10 from price of D select.

Widths:
5. Specified widths over 12" for each inch over 12"—add $2 to 12" price.
6. 13" and wider, random widths, 4/4 and thicker: Same price as 12".
7. Special random widths, 5/4 and thicker:
6" and wider RW—add $2 to 4" and wider price.
8" and wider RW—add $5 to 4" and wider price.
8 Odd widths, 7", 9" and 11"—add $1 to 8", 10" and 12" price, and so scaled.

Lengths:
9 Specified lengths:
4/4 6', 10', 12', and 14'—not 16', 18', and 20'—add $19
5/4 and thicker 16' and shorter—add $5. 18' and 20'—add $10.
10 Restricted random lengths:
10' and longer 4/4 and thicker—add $2.
11. 4/4-14' and shorter RL (No 15' included)—deduct $3.
12. Random lengths may contain 5% shorter than 8' and 15% odd lengths.
Thickness:
13. Additions for thickness to 5/4 RL S2S price:

	6/4	8/4	10/4	12/4	16/4
B and better	None	$15.00	$30.00	$51.00	$81.00
C	None	11.00	22.00	41.00	71.00
D	None	5.00	25.00	35.00	45.00

TABLE 2—SHOP LUMBER (IDAHO WHITE PINE)

RW & RL S2S	4/4	5/4	6/4	8/4	10/4	12/4	16/4
4/4 shop common	$35.00						
No. 1 shop		$57.50	$57.00	$72.50	$97.50	$107.50	$117.50
No. 2 shop		42.00	42.00	47.00	67.50	69.50	76.50
No. 3 shop		32.50	32.50	33.50	47.50	49.50	53.50

Condition:
1. Rough:
4/4 shop common—deduct $1.
No. 1 shop—deduct $2.
No. 2 and 3 shop—deduct $1.
2. Green: deduct 10% from dry price.

Grade differentials:
3. When sold as No. 3 and better, pile run on grade prices, deduct $5 from No. 1 shop price and $2 from No. 2 shop price.
4. Stain: For stained shop:
4/4 shop common; deduct 5%.
5/4 & thicker, all grades, deduct 10%.

TABLE 3 1—4/4" COMMON BOARDS (IDAHO WHITE PINE)

RL S2S or S4S to 25/32"	1 x 4" and wider	1 x 4"	1 x 5"	1 x 6"	1 x 8"	1 x 10"	1 x 12"	1 x 13" and wider RW
Colonial (No. 1)		$51.50	$49.50	$49.50	$49.50	$55.75	$77.00	$82.00
Sterling (No. 2)		47.50	48.00	45.50	45.50	47.00	51.00	56.00
Standard (No. 3)		36.00	36.00	38.50	37.50	45.50	37.50	42.50
No. 3 and Btr. shorts (5'/8' RL)	$32.00	28.00	28.00	34.50	33.50	33.50	33.50	33.50
Utility (No. 4)	24.50	27.00	27.00	30.00	31.00	30.00	30.00	30.00
No. 4 and Btr. Shorts (6'/8' RL)	31.00	27.00	27.00	30.50	32.50	32.50	32.50	32.50
No. 4, 1 x 6" and wider, 4' and longer—$31.00								
Industrial (No. 5)	23.00	21.50	21.50	22.50	23.50	23.50	23.50	23.50

1 See note and footnotes following table 3B.

TABLE 3A 1—¾" COMMON BOARDS (ON GRADE)

RL S1S, S1S2E, S2S or S4S to ¾"	¾ x 4" and wider	¾ x 4"	¾ x 5"	¾ x 6"	¾ x 8"	¾ x 10"	¾ x 12"	¾ x 13" and wider
Colonial (No. 1)		$50.50	$48.50	$48.50	$48.50	$54.75	$76.00	$81.00
Sterling (No. 2)		46.50	47.00	44.50	44.50	46.00	50.00	55.00
Standard (No. 3)		35.00	35.00	37.50	36.50	44.50	36.50	41.50
Utility (No. 4)	$28.75	24.25	26.25	29.25	30.25	29.25	29.25	29.25
Industrial (No. 5)	22.50	21.00	21.00	22.00	23.00	23.00	23.00	23.00

1 See note and footnotes following table 3B.

TABLE 3B 1—11/16" COMMON BOARDS (ON GRADE)

RL S1S, S1S2E, S2S or S4S to 11/16"	11/16 x 4" and wider	11/16 x 4"	11/16 x 5"	11/16 x 6"	11/16 x 8"	11/16 x 10"	11/16 x 12"	11/16 x 13" and wider
Colonial (No. 1)		$47.25	$45.75	$45.75	$45.75	$50.50	$69.50	$70.25
Sterling (No. 2)		42.75	43.25	41.25	41.25	42.50	45.50	49.25
Standard (No. 3)		31.25	31.25	29.00	32.25	32.25	32.25	36.00
Utility (No. 4)	$25.50	23.75	23.75	26.00	26.75	26.00	26.00	26.00
Industrial (No. 5)	20.75	19.50	19.50	20.25	21.00	21.00	21.00	21.00

FOOTNOTES APPLICABLE TO TABLES 3, 3A AND 3B

NOTE: No. 1, 2 and 3 Common RW. See Section 28, Note 24.

No. 4 and 5 Common RW/RL may contain 20% 4" and 20% 4' to 8'.

Condition:
1. Rough-less than 8/4—deduct $2.00.
2. Rough-8/4 and thicker—deduct $1.00.
3. Green—deduct $4.50.

Grade differential:
4. Knotty Pine Panel Stock (4/4 only)—add $5.00 to price of regular grade from which selected.

Width:
5. Specified even widths over 12":
No. 1, No. 2 and No. 3 (4/4 only)—add $2.00 to 13" and wider price for each inch over 12".
No. 4 and No. 5—use 12" price.
6. Specified odd widths:
7", 9" and 11"—add $1.00 to 8", 10" and 12" price and so scaled.
13" and wider—price at next lower width price, scale actual.
For 5" width in 5/4 and thicker (No. 1 only)—add $1.00 to 10" price.

Length:
7. Specified lengths:
No. 1, No. 2 and No. 3 Common:
4/4", 3/4 and 11/16":
4" and 6"—8', 10', 12' and 14'—deduct $1.00 from RL price.
4" and 6"—16', 18' and 20'—add $1.00 to RL price.
8", 10" and 12"—10', 12', 18' and 20'—add $1.00 to RL price.
8", 10" and 12"—8', 14' and 16'—deduct $1.00 from RL price.

Length—Continued
7. Specified lengths—Continued
5/4 and thicker:
8', 10', 12' and 14'—add $5.00 to RL price.
16'—use RL price.
No. 4 and No. 5 Common:
10', 12', 14', 16', 18' and 20'—add $2.00 to RL price.
8' only—use RL price.
When shipped all 6' (all grades)—deduct $3.00 from RL price.
8. Restricted random lengths:
10' and longer, 4/4 and thicker—add $1.00 to RL price.

Thickness:
9. Addition to 4/4 price:

No. 1 Common, all widths except 5":	
5/4, 6/4 and 8/4	$8.00
7/4	2.00
10/4 and 12/4	15.00
16/4	18.00
No. 2 Common, all widths:	
5/4, 6/4 and 8/4	6.00
7/4	2.00
10/4	8.00
12/4	10.00
16/4	13.00
No. 3 Common, all widths:	
5/4, 6/4 and 8/4	2.00
7/4	.75
10/4	3.00
12/4	7.00
16/4	9.00
No. 4 and No. 5 Common, all widths:	
5/4, 6/4 and 8/4	1.00
7/4—same price as 4/4.	

[Table 3 amended and Tables 3A and 3B added by Am. 2, effective 9-11-45]

TABLE 4—BEVEL SIDING (IDAHO WHITE PINE)

7/16" x 9/16" SM, 3' and longer	B and better	C	D	E
½ x 4"	$32.25	$29.00	$20.75	$15.00
½ x 5"	37.50	34.25	25.00	
½ x 6"	37.00	33.75	24.75	16.50
½ x 4" shorts 3 to 8'	24.75	21.50	13.25	9.00
½ x 6" shorts 3 to 8'	29.50	26.25	17.25	10.50

1. B and better, C and D, may contain 20% 3' to 8½' in multiples of 6".
2. E, may contain 35% 3' to 8½' in multiples of 6".
3. Restricted random length: 9' and longer—add $3.00.

TABLE 5—PANEL STOCK (IDAHO WHITE PINE)

RW RL S2S	7/16	9/16
B and better	$62.00	$67.00
C and better	57.00	62.00
D	42.00	47.00

1. Specified widths and lengths, use differentials established for 5/4 C Selects Table 1 Section 20.

TABLE 6—BATTENS (IDAHO WHITE PINE)

1¾" (OG) net—$8.50 per M. lin. ft.
2" (OG) net—$9.50 per M. lin. ft.
2¼" (OG) net—$10.50 per M. lin. ft.
⅜ x 2¾" net flat rough or S1S—$6 per M. lin. ft.

1. For 18 and 20'—add $1.

TABLE 7—LATH (IDAHO WHITE PINE)

⅜" x 1½"—4' No 1—$6 per M pcs.
⅜" x 1½"—4' No 2—$5 per M pcs.
⅜" x 1½"—32' No. 1—$2.70 per M pcs.
½" x 1½"—4' fence lath (80% No. 1-20% No. 2)—$7.25 per M. pcs.

TABLE 8—BARKY STRIPS (IDAHO WHITE PINE)

1 x 4" R. L. 6 to 20' (may contain 25% 6' & 8')—$22.75
1 x 4" 6' and 8' only—$19.75

1. Rough—Deduct $1.
2. Green—Deduct $1.50.

For differentials and rules applicable to all grades of all species see section 28.

SEC. 22. *Sugar pine lumber.* For sugar pine lumber, maximum prices, f. o. b. mill, per one thousand feet board measure surfaced, air dried or kiln dried (except where otherwise specified in price tables), in mixed or straight load shipments, shall be as follows:

TABLE 1—SELECT GRADES (SUGAR PINE)

S2S or S4S, RW&RL	4/4	5/4	6/4	8/4	10/4	12/4	16/4
1 & 2 clear (B and better)	$77.00	$79.00	$78.00	$92.00	$108.00	$117.00	$127.00
C select	75.00	76.00	75.00	88.00	105.00	112.00	122.00
D select	62.00	64.00	63.00	78.00	89.00	97.00	106.00

D and better 5' to 9' short selects S2S or S4S:

1 x 8" and wider	$55
5/4 and thicker 8" and wider	57
1 x 4"	44
1 x 6"	45

Condition:
1. Rough—Deduct $3.
2. Green—Deduct 10% from grade price.

Grade differentials:
3. Stain: For stained selects that for defects, other than stain, would grade:
B and better—deduct $5 from price of B and better.
C or C and better—deduct $5 from price of C.
D or D and better—deduct $5 from price of D.
4. Pitchy selects: Deduct $10 from price of D select.
5. Australian clears—same price as D select.

TABLE 2—SHOP LUMBER (SUGAR PINE)

S2S RW&RL	4/4	5/4	6/4	8/4	10/4	12/4	16/4
No. 1 clear	$47.00	$62.00	$61.00	$82.00	$91.00	$98.00	$106.00
No. 1 shop		42.00	48.00	59.00	72.00	77.00	87.00
No. 2 shop		42.00	41.00	47.00	57.00	58.00	61.00
No. 3 shop		34.00	34.00	35.00	36.00	36.00	41.00
Shop common	38.00						

Condition:
1. Rough
No. 3 Clear, deduct $3.
No. 1 Shop, deduct $3.
No. 2 Shop, deduct $2.
No. 3 Shop, deduct $1.
4/4 Shop Common, deduct $2.

Condition—Continued
2. Green—deduct 10% from dry price.
Grade differentials:
3. Stained Shop
4/4—deduct 5% from grade price.
5/4 and thicker—deduct 10% from grade price.

TABLE 3 [1]—4/4" COMMON BOARDS (SUGAR PINE)

RL S2S or S4S to 25/32"	1 x 4" and wider	1 x 4"	1 x 6"	1 x 8"	1 x 10"	1 x 12"	1 x 14"	1 x 16"	1 x 18"	1 x 20"
No. 2 and Better	$43	$43	$43	$43	$43	$43	$47	$51	$55	$59
No. 3	34	35	35	35	35	35	36	38	40	42
No. 4	25	25	25	27	27	27	27	27	27	27
No. 5	18	18	18	19	19	19	19	19	19	19

No. 4 and Better Short Common 6' and 8' S2S or S4S:
- 1 x 4" and wider $24
- 1 x 4" only 21
- 1 x 6" and 8" 2
- 1 x 10" and 12" 55

[1] See note and footnotes following table 3B.

TABLE 3A [1]—¾" COMMON BOARDS (ON GRADE)

RL S1S, S1S2E, S2S or S4S to ¾"	¾ x 4" and wider	¾ x 4"	¾ x 6"	¾ x 8"	¾ x 10"	¾ x 12"
No. 2 and Better	$42.00	$42.00	$42.00	$42.00	$42.00	$42.00
No. 3	33.00	34.00	34.00	34.00	34.00	34.00
No. 4	25.25	24.25	25.25	26.25	26.25	26.25
No. 5	17.50	17.50	17.50	18.50	18.50	18.50

[1] See note and footnotes following table 3B.

TABLE 3B—$1\frac{11}{16}$" COMMON BOARDS (ON GRADE)

RL S1S, S1S2E, S2S or S4S to $1\frac{11}{16}$"	$1\frac{11}{16}$ x 4" and wider	$1\frac{11}{16}$ x 4"	$1\frac{11}{16}$ x 6"	$1\frac{11}{16}$ x 8"	$1\frac{11}{16}$ x 10"	$1\frac{11}{16}$ x 12"
No. 2 and Better	$36.50	$36.50	$36.50	$36.50	$36.50	$36.50
No. 3	29.75	30.50	30.50	30.50	30.50	30.50
No. 4	23.00	22.25	23.00	23.75	23.75	23.75
No. 5	17.00	17.00	17.00	17.75	17.75	17.75

FOOTNOTES APPLICABLE TO TABLES 3, 3A AND 3B

NOTE: No. 4 and 5 Common RW/RL may contain 20% 4" and 20% 4' to 8'.

Condition:
1. Rough-less than 8/4—deduct $2.00.
2. Rough-8/4 and thicker—deduct $1.00.
3. Green—deduct $4.50.

Grade differentials:
4. Knotty Pine Panel Stock (4/4 only)—add $5.00 to price of grade from which selected.

Width:
5. Special random widths:
   - No. 2 and better Common, 13" and wider (4/4 only)—add $5.00 to 1 x 4" and wider price.
   - No. 3 Common, 13" and wider (4/4 only)——add $3.00 to 1 x 4" and wider price.
   - No. 4 and 5 Common, 1 x 6" and wider (4/4 only)—add $0.50 to RW price.
   - No. 4 and 5 Common, 13" and wider—same price as 12".
   - All grades 3/4", 11/16" and 5/4" and thicker, 13" and wider—same price as 12".
6. Odd widths:
   - 7", 9" and 11"—add $1.00 to 8", 10" and 12" price and so scaled.
   - Odd widths 13" and wider—price at next lower width price, scale actual.

Lengths:
7. Specified lengths:
   - No. 2 and better and No. 3 Common:
     - 4" and 6"—16', 18' and 20'—add $2.00 to RL price.
     - 8" and wider—10', 12', 18' and 20'—add $2.00 to RL price.
   - No. 4 and 5 Common:
     - 10', 12', 14', 16', 18' and 20'—add $2.00 to RL price.
     - When shipped all 6' (all grades)—deduct $3.00 from RL price.
     - Lengths not mentioned (all grades)—use RL price.
8. Restricted random lengths:
   - 10' and longer, 4/4 and thicker—add $1.00 to RL price.

Thickness:
9. Addition to 4/4" price:

No. 2 and Better Common:	
5/4 and 6/4	$2.00
8/4	3.00
7/4	1.00
10/4	4.00
12/4 and 16/4	5.00
No. 3 Common:	
5/4, 6/4 and 8/4	2.00
7/4	0.75
10/4 and thicker	5.00
No. 4 and 5 Common:	
5/4, 6/4 and 8/4	1.00
7/4—same price as 4/4.	

[Table 3 amended and Tables 3A and 3B added by Am. 2, effective 9-11-45]

TABLE 4—DIMENSION (SUGAR PINE)

RL S1S1E or S4S $1\frac{2}{16}$" HM scaled as 2"	2 x 4"	2 x 6"	2 x 8"	2 x 10"	2 x 12"
No. 1	$31.00	$30.00	$29.50	$30.00	$30.00
No. 2	28.00	27.00	27.00	27.00	27.00
No. 3	18.50	17.50	17.50	17.50	17.50

Condition:
1. Rough—deduct $1.
2. Green—deduct $2.

Lengths:
3. Specified lengths:
   - 14' and under 14'—add $1.
   - 16'—add $0.50.
   - 18' and 20'—add $2.

Widths:
4. Wider than listed: for each 2" wider than listed, add $1 to price of widest listed width.

4a. Random widths No. 1, 2 and 3 dimension, see Sec. 28, Note 24.

[Footnote 4a added by Am. 2, effective 9-11-45]

Thickness:
5. Thicker than listed:
   - For 1¾" add, No. 1—$4.50, No. 2—$4, No. 3—$3.
   - For 1¾" add, No. 1—$6.75, No. 2—$6, No. 3—$4.75.

TABLE 5—NO. 1 PLANK AND TIMBERS (SUGAR PINE)

S1S1E or S4S, green	8, 12, 14, 16' or R. L.	10, 18, 20'	22, 24
3 x 4", 3 x 6", 4 x 4", 4 x 6"	$33.50	$35.50	$36.50
3 x 8", 4 x 8"	34.50	36.50	37.50
3 x 10", 3 x 12", 4 x 10", 4 x 12"	35.50	37.50	38.50
6 x 6" to 8 x 10"	35.50	37.50	38.50
6 x 12" to 8 x 12"	36.50	38.50	39.50
10 x 10" to 12 x 12"	37.50	39.50	40.50

Condition:
1. Rough—deduct $1.
2. Dry—add $10.

Grade differentials:
3. No. 2 and better—deduct $1.
4. No. 2—deduct $3.
5. No. 3—deduct $10.

Widths and thickness:
6. Wider and/or thicker than listed: For each 2" increase in either dimension add $1 to price of largest listed size.

TABLE 6.—MILL RUN BOX AND SHOP DROPPINGS (SUGAR PINE)

4/4 RW/RL, rough dry—$27.50.
5/4 & thicker, RW/RL, rough dry—$28.50.

Condition:
1. S2S—add $1.00.
2. Green—deduct $1.50.

Grade:
3. Mill Run Box is a combination of No. 1 Box and No. 2 Box, including not over 15% No. 2.

Widths:
4. Specified widths, no addition.

TABLE 6A.—SHORT BOX (SUGAR PINE)

4/4 and thicker, RW 12" to 47" rough dry—$18.00.

Condition:
1. S2S or S4S—add $1.00.

Grade:
2. As described in Western Pine Association Standard Grading Rules.

Measurement:
3. May be sold on actual board measure scale, or may be sold on weight figuring 2,000 lbs. per 1,000 ft. on surfaced stock or 2,500 lbs. per 1,000 ft. on rough stock.

[Table 6 amended and Table 6A added by Am. 2, effective 9-11-45]

TABLE 7—MOULDING STOCK (SUGAR PINE)

¾ RW&RL S2S or S4S	$50
5/4 and 6/4 RW&RL S2S or S4S	52
8/4 RW&RL S2S or S4S	55

1. Rough—deduct $1.
2. Green—deduct 10% from dry price.

TABLE 8—MOULDING LUMBER AND BETTER (SUGAR PINE)

4/4 RW&RL rough	$55
5/4 and thicker RW&RL rough	59

Condition:
1. Surfacing S2S—add $1.
2. Green—deduct 10% from dry price.

Grade:
3. Product of log above No. 1 Shop producing 50% rip 2" and wider 10' and longer.

TABLE 9—PANEL STOCK (SUGAR PINE)

1. When shipment contains any Ponderosa pine panel stock, use prices in table 13, section 20, covering Ponderosa pine.
2. Where buyer specifies all Sugar pine: add $5 to Ponderosa pine prices.
3. Specified widths and length: use differentials established for 5/4" C Select, table 1, section 20.

TABLE 10—BATTENS (SUGAR PINE)

	Per M linear feet
1¾" (OG) net	$8.50
2" (OG) net	9.50
2¼" (OG) net	10.50
⅞ x 2¾" net flat, rough or S1S	6.00

1. For 18' and 20'—add $1.

TABLE 11—LATH (SUGAR PINE)

	Per M. Pcs.
⅜ x 1½"—4' No. 1	$6.00
⅜ x 1½"—4' No. 2	5.00
⅜ x 1½"—32" No. 1	2.70
½ x 1½"—4' Fence lath (80% No. 1—20% No. 2)	7.25

TABLE 12—BARKY STRIPS (SUGAR PINE)

1 x 4" RL (may contain 25% 6' & 8')	$21.75
1 x 4"—6' & 8' only	18.75

1. Rough—deduct $1.
2. Green—deduct $1.50.

TABLE 13—DRAINBOARDS (SUGAR PINE)

1 & 2 clear (B & better) selected, S2S:	
20" & wider RL 5/4 & 6/4	$125
20" & wider RL 8/4	130
22" & wider RL 5/4 & 6/4	135
22" & wider RL 8/4	140

1. Rough—deduct $3.
2. Green—deduct 10% from dry price.

DIFFERENTIALS FOR WIDTHS AND LENGTHS (SUGAR PINE):

1. Narrow widths:
   - 2⅝" and less, S4S, all grades—add $3.
2. Random widths:
   - 4 to 7" (D select & btr. only)—deduct $5.
   - 10" & wider (shop & btr.)—add $5.
   - 12" or 13" & wider (shop & btr.)—add $15.
   - 14" & wider (shop & btr.)—add $20.
   - 16" & wider (shop & btr.)—add $25.
   - 18" & wider (shop & btr.)—add $30.
   - 20" & wider (shop & btr.) (except drainboard stock)—add $35.
   - 22" & wider (shop & btr.) (except drainboard stock)—add $40.
3. Specified widths:
   - 4, 6, & 8" (D select & btr. only)—net.
   - 5, 7, & 10" (D select & btr. only)—add $5.
   - 12 & 13" (shop & btr.)—add $15.
   - 14 & 15" (shop & btr.)—add $25.
   - 16 & 17" (shop & btr.)—add $30.
   - 18 & 19" (shop & btr.)—add $35.
   - 20 & 21" (shop & btr.)—add $45.
   - 22" & wider (shop & btr.)—add $55.
4. Specified lengths:
   - 4/4 & thicker, 8 to 16' (select and shop grades)—add $5.
   - 4/4 & thicker, 18 & 20' (select and shop grades)—add $10.
5. Restricted random lengths:
   - 10' and longer, 4/4 & thicker (select and shop grades)—add $2.

For differentials and rules applicable to all grades of all species see section 28.

SEC. 23. *Inland larch, Douglas fir and hemlock.* For Inland larch, Douglas fir and hemlock the maximum price f. o. b. mill per one thousand feet board measure, surfaced, air dried or kiln dried (except where otherwise specified in price tables), in mixed or straight load shipments, shall be as follows:

TABLE 1—SELECTS (LARCH-DOUGLAS FIR AND HEMLOCK)

RL S2S or S4S	RW/RL	1 x 4"	1 x 5"	1 x 6"	1 x 8"	1 x 10"	1 x 12"
B and Better	$53.50	$44.50	$55.50	$50.50	$55.50	$60.50	$62.50
C and Better	48.50	39.50	50.50	45.50	50.50	55.50	57.50
C Select	47.50	38.50	49.50	44.50	49.50	54.50	56.50
D Select	45.50	36.50	47.50	42.50	47.50	52.50	54.50

D and Better Short Selects 5' to 9' S2S or S4S:
- 1 x 4" $32.50
- 1 x 6" 37.50

Flooring, drop siding and ceiling	⅝ x 4"		1 x 3"		1 x 4"		1 x 6"		1 x 8"	
	V. G.	F. G.	V. G.	F. G.	V. G.	F. G.	V. G.	F. G.	V. G.	F. G.
B and Better		$38.25	$53.50		$54.50	$45.50	$56.50	$50.50		$52.50
C and Better		33.25	48.50		49.50	40.50	51.50	45.50		47.50
C Select		32.25	47.50		48.50	39.50	50.50	44.50		46.50
D Select		30.25	45.50		46.50	37.50	48.50	42.50		44.50

[Table 1 amended by Am. 1, 9 F.R. 12966, effective 11-2-44 and Am. 2, effective 9-11-45]

Condition:
1. Rough, 4/4 and thicker—deduct $2.
2. Green—deduct 10% from dry price.

Widths:
3. Odd widths: 7", 9", 11", add $1 to 8", 10", and 12" price and so scaled.
4. Specified widths over 12", for each inch over 12" add $2 to 12" price.
5. Random widths: 13" and wider, same price as 12" of same grade and thickness.

Lengths:
6. Specified lengths, 10' and longer—add $2.
7. Restricted random lengths, 10' and longer, 4/4 and thicker—add $2.

Thickness:
8. 5/4 and 6/4-4 to 10"—add $5.
9. 5/4 and 6/4-12" and wider—add $3.
10. 5/4 and 6/4-4" and wider RW—add $4.
11. 8/4-4", 6" and 8"—add $3.
12. 8/4-10" and wider—add $2.
13. 8/4-4" and wider RW—add $2.

TABLE 2—¼ SHOP (LARCH-DOUGLAS FIR AND HEMLOCK)

S2S—RW—RL:	¼
No. 3 clear	$40
Shop common	32

1. Rough:
   - No. 3 clear—deduct $2.
   - Shop common—deduct $1.
2. Green—deduct 10% from dry price.

TABLE 3 [1]—4/4" COMMON BOARDS (LARCH-DOUGLAS FIR AND HEMLOCK)

RL S2S or S4S to 25/32"	1 x 4" and wider	1 x 4"	1 x 6"	1 x 8"	1 x 10"	1 x 12"
No. 1 and 2	$37.75	$36.75	$37.75	$37.75	$37.75	$40.25
No. 3 and Better	34.75	34.75	34.75	34.75	34.75	34.75
No. 3	33.75	33.75	33.75	33.75	33.75	33.75
No. 4	25.50	24.50	25.50	26.50	26.50	26.50
No. 5	18.00	18.00	18.00	19.00	19.00	19.00

[1] See note and footnotes following table 3B.

TABLE 3A [1]—¾" COMMON BOARDS (ON GRADE)

RL S1S, S1S2E, S2S or S4S ¾"	¾ x 4" and wider	¾ x 4"	¾ x 6"	¾ x 8"	¾ x 10"	¾ x 12"
No. 1 and 2	$36.75	$35.75	$36.75	$36.75	$36.75	$39.25
No. 3 and Better	33.75	33.75	33.75	33.75	33.75	33.75
No. 3	32.75	32.75	32.75	32.75	32.75	32.75
No. 4	24.75	23.75	24.75	25.75	25.75	25.75
No. 5	17.50	17.50	17.50	18.50	18.50	18.50

[1] See note and footnotes following table 3B.

TABLE 3B—$1\frac{3}{16}$" COMMON BOARDS (ON GRADE)

RL S1S, S1S2E, S2S or S4S $1\frac{3}{16}$"	$1\frac{3}{16}$ x 4" and wider	$1\frac{3}{16}$ x 4"	$1\frac{3}{16}$ x 6"	$1\frac{3}{16}$ x 8"	$1\frac{3}{16}$ x 10"	$1\frac{3}{16}$ x 12"
No. 1 and 2	$32.50	$31.75	$32.50	$32.50	$32.50	$34.25
No. 3 and Better	30.25	30.25	30.25	30.25	30.25	30.25
No. 3	29.50	29.50	29.50	29.50	29.50	29.50
No. 4	22.50	21.75	22.50	23.25	23.25	23.25
No. 5	17.00	17.00	17.00	17.75	17.75	17.75

FOOTNOTES APPLICABLE TO TABLES 3, 3A AND 3B

NOTE: Nos. 4 and 5 Common RW/RL may contain 20% 4" and 20% 6' to 8'.

Condition:
1. Rough—deduct $2.00.
2. Green—deduct $3.00.

Width:
3. Odd widths:
7", 9" and 11"—add $1.00 to 8", 10" and 12" price and so scaled.

Length:
4. Specified lengths:
10' to 20' (all grades)—add $2.00 to RL price.
8' (all grades)—same price as RL.
6' (all grades)—deduct $3.00 from RL price.
5. Restricted random lengths:
10' and longer, 4/4 and thicker—add $1.00 to RL price.

Thickness:
6. Additions to 4/4" price:
No. 1 and 2, No. 3 and Better:
5/4 and 6/4—$2.00.
7/4—$0.75.
No. 4 and 5 Common:
5/4 and 6/4—$1.00.
7/4—Same price as 4/4.
7. 8/4 board grades are subject to special prices under Sec. 9.

[Table 3 amended and tables 3A and 3B added by Am. 2, effective 9-11-45]

TABLE 4.—No. 1 DIMENSION (LARCH-DOUGLAS FIR AND HEMLOCK)

S1S1E, S4S to 1⅝" or rough	8', 10', 12', 14' or RL	16'	18' & 20'	22' & 24'	26' to 32'
2 x 4"	$33.75	$34.75	$35.25	$37.25	$39.75
2 x 6"	33.75	33.75	34.25	37.25	40.25
2 x 8"	33.75	34.75	34.25	37.25	40.25
2 x 10"	33.75	34.25	35.50	39.50	41.50
2 x 12"	35.00	35.75	35.75	38.75	40.25
2 x 14"	37.00	37.75	37.75	40.75	42.25

Condition:
1. Green—deduct $2.

Grade differentials:
2. No. 2 dimension—deduct $3.
3. No. 3 dimension—deduct $13.
4. Common structural—add $3.

Widths:
5. Wider than listed: For each 2" wider than listed add $1 to price of widest listed width.
5a. Random widths in No. 1, 2 and 3 Dimension, see Sec. 28, Note 24.

[Footnote 5a added by Am. 2, effective 9-11-45]

Lengths:
6. For 6' all widths, deduct $2 from 8' price.

Thickness:
7. Special thicknesses:
1 9/16" dimension—deduct $2.
1¾" dimension, add No. 1—$2.25, No. 2—$2, No. 3—$1.75.

Working charge:
8. Worked to D & M, shiplap and well curbing—add $2.

TABLE 5—No. 1 PLANK AND TIMBERS (LARCH-DOUGLAS FIR AND HEMLOCK)

Surfaced or rough, green	RL	8', 12', 14', 16'	10', 18', 20'	22' & 24'	26' to 32'
3 x 4" to 6 x 6" (inclusive)	$30.50	$30.50	$32.50	$33.50	$34.50
3 x 8", 4 x 8"	31.50	31.50	33.50	34.50	35.50
3 x 10", 3 x 12", 4 x 10", 4 x 12"	31.00	31.00	33.00	34.00	35.00
6 x 8" to 8 x 10"	30.75	30.75	30.75	31.75	32.75
6 x 12", 8 x 12"	32.75	32.75	32.75	33.75	34.75
10 x 10" to 12 x 12"	31.75	31.75	31.75	32.75	33.75

Condition:
1. For dry—add $10.

Grade Differentials:
2. Common structural—add $3.
3. No. 2—deduct $5.
4. No. 3—deduct $10.

Width and thickness:
5. Wider and/or thicker than listed:
For each 2" increase in either dimension, add $1.00 to price of largest listed size.

Working charges:
6. Worked to pattern—add $2.

TABLE 6—LATH (LARCH-DOUGLAS FIR AND HEMLOCK)

	Per M Pieces
⅜ x 1½"—4' No. 1	$4.75
⅜ x 1½"—4' No. 2	3.85
½ x 1½"—4' Fence Lath (80% No. 1—20% No. 2)	6.00

For differentials and rules applicable to all grades of all species see section 28.

SEC. 24. *White fir.*—For white fir lumber the maximum prices f. o. b. mill per one thousand feet board measure, surfaced, air dried or kiln dried (except where otherwise specified in price tables) in mixed or straight load shipments, shall be as follows:

TABLE 1—SELECTS (WHITE FIR)

S2S or S4S, RL	B & Btr.	C & Btr.	D & Btr.	D
1 x 4"	$47.50	$42.50	$41.25	$40.25
1 x 5"	50.50	45.50	44.50	43.50
1 x 6"	50.00	45.00	43.75	42.75
1 x 8"	50.50	45.50	44.50	43.50
1 x 10"	53.25	48.25	47.00	46.00
1 x 12" or 1 x 13" and wider	63.00	58.00	56.75	55.75
RW—RL	50.00	45.00	43.75	42.75

Condition:
1. Rough—deduct $2.
2. Green—deduct 10% from dry price.

Widths:
3. Specified widths over 12", for each inch over 12"—add $2 to 12" price.
4. Odd widths: 7", 9", 11", add $1 to 8", 10", & 12" price, and so scaled.

Lengths:
5. Specified lengths, 10' and longer—add $2.
6. Special random lengths, 10' and longer, 4/4 and thicker—add $2.

Thickness:
7. 5/4 & thicker—add $3.

TABLE 2—4/4 SHOP (WHITE FIR)

RW—RL S2S:	
No. 3 Clear	$40
Shop Common	32

1. Rough:
No. 3 Clear—deduct $2.
Shop Common—deduct $1.
2. Green—deduct 10% from dry price.

TABLE 3 [1]—4/4" COMMON BOARDS (WHITE FIR)

RL S2S or S4S to 25/32"	1 x 4" and wider	1 x 4"	1 x 5"	1 x 6"	1 x 8"	1 x 10"	1 x 12"
No. 1 and 2	$38.00	$40.00	$38.00	$39.00	$38.00	$38.00	$40.00
No. 3 and Better	34.00	35.00	34.00	35.00	34.00	34.00	34.00
No. 3	32.50	32.50	32.50	32.50	32.50	32.50	32.50
No. 4	26.00	25.00	27.00	26.00	27.00	27.00	27.00
No. 5	18.00	18.00	19.00	18.00	19.00	19.00	19.00

[1] See note and footnotes following table 3B.

[Table 3 amended by Am. 1, 9 F. R. 12966, effective 11-2-44 and Am. 2, effective 9-11-45]

TABLE 3A [1]—¾" COMMON BOARDS (ON GRADE)

RL S1S, S1S2E, S2S or S4S to ¾"	¾ x 4" and wider	¾ x 4"	¾ x 6"	¾ x 8"	¾ x 10"	¾ x 12"
No. 1 and 2	$37.00	$39.00	$38.00	$37.00	$37.00	$39.00
No. 3 and Better	33.00	34.00	34.00	33.00	33.00	33.00
No. 3	31.50	31.50	31.50	31.50	31.50	31.50
No. 4	25.25	24.25	25.25	26.25	26.25	26.25
No. 5	17.50	17.50	17.50	18.50	18.50	18.50

[1] See note and footnotes following table 3B.

TABLE 3B—13/16" COMMON BOARDS (ON GRADE)

RL S1S, S1S2E, S2S or S4S to 13/16"	13/16 x 4" and wider	13/16 x 4"	13/16 x 6"	13/16 x 8"	13/16 x 10"	13/16 x 12"
No. 1 and 2	$32.75	$34.25	$33.50	$32.75	$32.75	$34.25
No. 3 and Better	29.75	30.50	30.50	29.75	29.75	29.75
No. 3	28.50	28.50	28.50	28.50	28.50	28.50
No. 4	23.00	22.25	23.00	23.75	23.75	23.75
No. 5	17.00	17.00	17.00	17.75	17.75	17.75

FOOTNOTES APPLICABLE TO TABLES 3, 3A AND 3B

NOTE: No. 4 and 5 Common RW RL may contain 20% 4" and 20% 4' to 8'.

Condition:
1. Rough—deduct $2.00.
2. Green—deduct $4.50.

Widths:
3. Special Random:
No. 4 and 5 Common, 1 x 6" and wider—add $0.50 to 1 x 4" and wider price.

Lengths:
4. Specified lengths:
10' and longer (all grades)—add $2.00 to RL price.
8' only (all grades)—same price as RL.
6' only (all grades)—deduct $3.00 from RL price.
5. Restricted random lengths:
10' and longer, 4/4 and thicker—add $1.00 to RL price.

Thickness:
6. Additions to 4/4" price:
No. 1 & 2, No. 3 & better, and No. 3: 5/4 and 6/4—$2.00.
7/4—$0.75.
No. 4 and No. 5:
5/4 and 6/4—$1.00.
7/4—Same price as 4/4.
7. 8/4 board grades are subject to special prices under Section 9.

[Tables 3A and 3B added by Am. 2, effective 9-11-45]

TABLE 4—No. 1 DIMENSION (WHITE FIR)

S1S1E, S4S to 1⅝" or rough	6'	8'	10', 12', 14'	16'	18', 20'	22', 24'	26' to 32'
2 x 4"	$27.25	33.00	$32.00	$33.00	$33.50	$35.50	$38.00
2 x 6"	27.25	29.75	32.00	32.00	32.50	34.50	38.50
2 x 8"	27.25	29.75	32.00	32.00	32.50	35.50	38.50
2 x 10"	27.25	29.75	32.00	32.50	33.75	37.75	39.75
2 x 12"	27.25	30.25	33.25	34.00	34.00	37.00	8.50
2 x 14"	29.25	32.25	35.25	36.00	36.00	39.00	40.50

Condition:
1. Green—deduct $2.

Grade differentials:
2. Common structural—add $3.
3. No. 2—deduct $3.
4. No. 3—deduct $13.

Lengths:
5. Random lengths: Same as 14' price.

Thickness:
6. 1-9/16" dimension—deduct $2.
7. 1-3/4" dimension add, No. 1—$2.25, No. 2—$2., No. 3—$1.75.

Working:
8. Worked to D and M, Shiplap and well curbing—add $2.

Widths:
9. Random widths in No. 1, 2 & 3 Dimension, see Sec. 28, Note 24.

[Caption "widths" and footnote 9 added by Am. 2, effective 9-11-45]

TABLE 5—No. 1 PLANK AND TIMBERS (WHITE FIR) GREEN

Surfaced or rough green	RL	8, 12, 14, 16'	10, 18, 20'	22, 24'	26 to 32'
3 x 4" & 4 x 4" to 6 x 6"	$29.50	$29.50	$31.50	$32.50	$33.50
3 x 8", 4 x 8"	29.50	29.50	31.50	32.50	33.50
3 x 10", 4 x 10", 3 x 12", 4 x 12"	30.00	30.00	32.00	33.00	34.00
6 x 8" to 8 x 10"	29.75	29.75	29.75	30.75	31.75
6 x 12", 8 x 12"	31.75	31.75	31.75	32.75	33.75
10 x 10" to 12 x 12"	30.75	30.75	30.75	31.75	32.75

Condition:
1. Dry, add $10

Grade differentials:
2. Common structural, add 3
3. No. 2, deduct 5
4. No. 3, deduct 10

Working:
5. Worked to pattern, add 2

TABLE 6—LATH (WHITE FIR)

⅜ x 1½"—4' No. 1—$4.50 per M pcs.
⅜ x 1½"—4' No. 2—$3.50 per M pcs.
½ x 1½"—4' Fence Lath (80% No. 1—20% No. 2)—$5.75 per M pcs.

For differentials and rules applicable to all grades of all species see section 28.

SEC. 25. *Engelmann spruce and Lodgepole pine.* For Engelmann spruce and Lodgepole pine lumber the maximum prices f. o. b. mill per one thousand feet board measure, surfaced, air dried or kiln dried (except where otherwise specified in price tables) in mixed or straight load shipments, shall be as follows:

TABLE 1—SELECTS (ENGELMANN SPRUCE AND LODGEPOLE PINE)

S2S or S4S, RL	RW	1 x 4"	1 x 6"	1 x 8"	1 x 10"	1 x 12"
B and better	$59.00	$57.00	$59.00	$59.50	$64.50	$76.50
C and C and better	56.00	54.00	56.00	56.50	61.50	73.50
D and better	43.00	41.00	43.00	43.50	49.50	63.00
D	42.00	40.00	42.00	42.50	48.50	62.00

Condition:
1. Rough—deduct $2.
2. Green—deduct 10% from dry price.

Grade differentials:
3. D and better short selects 5' to 9', deduct $7 from corresponding item of D Select.
4. Stained Selects, that for defects other than stain would grade:
B and better—deduct $5 from price of B and better.
C or C and better—deduct $5 from price of C.
D or D and better—deduct $5 from price of D.

Widths:
5. Odd widths: 7", 9", 11"—add $1 to 8", 10", 12" price, and so scaled.
6. Widths over 12", for each inch over 12", add $2 to 12" price.

Lengths:
7. Specified lengths:
4/4"—10', 12' and 14'—add $2.
4/4"—16'—add $5.
4/4"—18' and 20'—add $10.
5/4 and thicker, 16' and shorter—add $5.
5/4 and thicker, 18' and 20'—add $10.
Restricted Random: 10' and longer ¾ and thicker—add $2.

Thickness:
8. B and better, C and C and better:
5/4 and 6/4, 4" to 10"—add $7.
5/4 and 6/4, 12"—add $3.
8/4, 4" to 10"—add $12.
8/4 x 12"—add $8.
9. D and D and better:
5/4 and 6/4, 4" to 10"—add $5.
5/4 and 6/4, 12"—add $3.
8/4, 4" to 10"—add $12.
8/4, 12"—add $8.

TABLE 2 [1]—4/4" COMMON BOARDS (ENGELMANN SPRUCE AND LODGEPOLE PINE)

RL S2S or S4S to 25/32"	1 x 4" and wider	1 x 4"	1 x 6"	1 x 8"	1 x 10"	1 x 12"
No. 1 and 2		$43.00	$43.00	$42.00	$42.00	$43.00
No. 3		36.00	36.00	35.00	35.00	35.00
No. 1	$26.00	25.00	26.00	27.00	27.00	27.00
No. 5	18.00	18.00	18.00	19.00	19.00	19.00
No. 4—6' and 8' only	23.00	22.00	25.00	25.00		
No. 5—6' and 8' only	15.00	14.00	17.00	17.00		

[1] See note and footnotes following table 2B.

TABLE 2A [1]—¾" COMMON BOARDS (ON GRADE)

RL S1S, S1S2E, S2S or S4S to ¾"	¾ x 4" and wider	¾ x 4"	¾ x 6"	¾ x 8"	¾ x 10"	¾ x 12"
No. 1 and 2		$42.00	$42.00	$41.00	$41.00	$42.00
No. 3		35.00	35.00	34.00	34.00	34.00
No. 4	$25.25	24.25	25.25	26.25	26.25	26.25
No. 5	17.50	17.50	17.50	18.50	18.50	18.50

[1] See note and footnotes following table 2B.

TABLE 2B—13/16" COMMON BOARDS (ON GRADE)

RL S1S, S1S2E, S2S or S4S to 13/16"	13/16 x 4" and wider	13/16 x 4"	13/16 x 6"	13/16 x 8"	13/16 x 10"	13/16 x 12"
No. 1 and 2		$36.50	$36.50	$35.75	$35.75	$36.50
No. 3		31.25	31.25	30.50	30.50	30.50
No. 4	$23.00	22.25	23.00	23.75	23.75	23.75
No. 5	17.00	17.00	17.00	17.75	17.75	17.75

TABLE 6—BEVEL SIDING (ENGELMANN SPRUCE AND LODGEPOLE PINE)

25/16" x 3/16" SM—3' and longer	B and better	C	D	E
1/2 x 4"—3' and longer	$29.50	$28.00	$20.50	$15.00
1/2 x 5"—3' and longer	32.50	30.50	23.00	15.00
1/2 x 6"—3' and longer	31.50	30.00	12.50	9.00
1/2 x 8"—3' to 8'	29.50	28.00	15.00	9.00
1/2 x 4"—3' shorts—3' to 8'	23.50	22.00	15.00	9.00
1/2 x 6"—3' shorts—3' to 8'				

1. B & Better, C and D may contain 20% 3' to 8½' in multiples of 6".
2. E may contain 35% 3' to 8½' in multiples of 6".
3. Restricted random lengths: 9' and longer—add $3.00.

TABLE 7—LATH (ENGELMANN SPRUCE AND LODGEPOLE PINE)

Per M pieces	
3/8 x 1½"—4' No. 1	$5.85
3/8 x 1½"—4' No. 2	4.85
½ x 1½"—4' Fence Lath (80% No. 1—20% No. 2)	7.10

For differentials and rules applicable to all grades of all species see section 28.

SEC. 26. *Inland red cedar.* For Inland red cedar lumber, the maximum prices f. o. b. mill per one thousand feet board measure, surfaced, air dried or kiln dried (except where otherwise specified in price tables) in mixed or straight lot shipments, shall be as follows:

TABLE 2—1" COMMON BOARDS (INLAND RED CEDAR)

RL S2S or S4S to 25/32"	1 x 4" and wider	1 x 6"	1 x 8"	1 x 10"	1 x 12"
No. 3 and Better	$36.75	$37.00	$39.50	$39.50	$41.00
No. 4	25.00	26.00	28.00	28.00	28.00
No. 5	19.00	19.00	20.00	20.00	20.00

[See note and footnotes following table 2B.

TABLE 2A—¾" COMMON BOARDS (ON GRADE)

RL S1S, S1S2E, S2S or S4S to ¾"	3 3/16" and wider	4 3/16"	5 3/16"	6 3/16"	7 3/16"	8 3/16"	10 3/16"	12 3/16"
No. 3 & Better	$37.75	$36.00	$37.75	$38.50	$38.50	$38.50	$38.50	$40.00
No. 4	24.75	23.25	24.25	25.25	25.25	25.25	25.25	26.25
No. 5	18.50	17.50	18.50	19.50	19.50	19.50	19.50	19.50

[See note and footnotes following table 2B.

FOOTNOTES APPLICABLE TO TABLES 2, 2A AND 2B

NOTE: No. 1, 2 and 3 Common RW, see Section 28, Note 24.
No. 4 and 5 Common RW/RL may contain 20% 4" and 20% 6' to 8'.

Condition:
1. Rough—deduct $2.00.
2. Green—deduct $4.50.

Widths:
3. Special random widths:
No. 4 and 5, 1 x 6" and wider—add $0.50 to 1 x 4" and wider price.

Lengths:
4. Specified lengths:
10' and longer (all grades)—add $2.00 to RL price.
8' only (all grades)—same price as RL.
6' only (all grades)—deduct $3.00 from RL price.
5. Restricted random lengths:
10' and longer, 4/4 and thicker—add $1.00 to RL price.

[Table 2 amended and Tables 2A and 2B added by Am. 2, effective 9-11-45]

TABLE 3—NO. 1 DIMENSION (ENGELMANN SPRUCE AND LODGEPOLE PINE)

SIZE of S4S to 1½" or rough	6'	8'	10, 12, 14' or RL	16'	18 & 20'	22 & 24'	26 to 32'
2 x 4"	$26.00	$34.75	$38.75	$34.75	$35.25	$37.25	$39.75
2 x 6"	28.00	33.50	33.75	34.25	34.25	37.25	40.25
2 x 8"	29.00	31.50	33.75	33.75	34.25	37.25	40.25
2 x 10"	29.00	31.50	33.75	34.25	35.50	39.50	41.50
2 x 12"	29.00	32.00	35.00	35.75	35.75	38.75	40.25

Condition:
1. Green—deduct $2.

Grade differentials:
2. For No. 2—deduct $3.
3. For No. 3—deduct $13.

Width:
4. Wider than listed: add $1.00 for each 2" wider than listed to price of 2 x 12".
4a. Random widths in No. 1, 2 & 3 Dimension, see Sec. 28, Note 24.

[Footnote 4a added by Am. 2, effective 9-11-45]

Thickness:
5. For 1 9/16"—deduct $2
6. For 1¾", add, No. 1—$2.25, No. 2—$2, No. 3—$1.75.

Working:
7. Worked to pattern, D & M shiplap and well curbing, add $2.

TABLE 4—NO. 1 FLANK AND TIMBERS (ENGELMANN SPRUCE AND LODGEPOLE PINE) GREEN

Surfaced or rough, green	R. L.	8, 12, 14, 16'	10, 18, 20'	22 and 24'	26 to 32'
			Per M		
3 x 4" to 6 x 6"	$30.50	$30.50	$32.50	$33.50	$34.50
3 x 8", 4 x 8"	30.50	30.50	32.50	33.50	34.50
3 x 10" to 4 x 12"	31.00	31.00	33.00	34.00	35.00
6 x 8" to 8 x 10"	31.75	31.75	33.75	34.75	35.75
6 x 12" to 8 x 12"	32.75	32.75	32.75	33.75	34.75
10 x 10" to 12 x 12"	31.75	31.75	31.75	32.75	33.75

Condition:
1. For dry—add $10.

Grade differentials:
2. For No. 2—deduct $5.
3. For No. 3—deduct $10.

Width and thickness:
4. Wider and/or thicker than listed: For each 2" increase in either dimension, add $1.00 to price of largest size listed.

Working:
5. Worked to pattern—add $2.

TABLE 5—BATTENS (ENGELMANN SPRUCE AND LODGEPOLE PINE)

	Per M Lineal Feet
1¾" (OG) net	$8.50
2" (OG) net	9.50
2¼" (OG) net	10.50
3/8 x 2¾" net, flat, rough or S1S	6.00

1. For 18 and 20'—add $1.

TABLE 2B—1 3/16" COMMON BOARDS (ON GRADE)

RL S1S, S1S2E, S2S or S4S to 1 3/16"	1 3/16 x 4" and wider	1 3/16 x 4"	1 3/16 x 6"	1 3/16 x 8"	1 3/16 x 10"	1 3/16 x 12"
No. 3 and Better	$33.25	$32.00	$33.25	$33.75	$33.75	$35.00
No. 4	22.50	21.50	22.25	23.00	23.00	23.00
No. 5	17.75	17.00	17.75	18.50	18.50	18.50

FOOTNOTES APPLICABLE TO TABLES 2, 2A AND 2B

NOTE: All RL shipments may contain 20% 6' and 8'.
No. 4 and 5 Common RW/RL may contain 20% 4" and 20% 4' to 8'.

Condition:
1. Rough—deduct $2.00.
2. Green—deduct $4.50.

Lengths:
3. Specified lengths:
10' and longer (all grades)—add $2.00 to RL price.
8' only (all grades)—same price as RL.
6' only (all grades)—deduct $3.00 from RL price.
4. Restricted random lengths:
10' and longer, 4/4" and thicker—add $1.00 to RL price.

Thickness:
5. Additions to 4/4" price:
No. 3 and Better:
5/4, 6/4 and 8/4"—$2.00.
7/4—$0.75.
Nos. 4 and 5 Common:
5/4, 6/4 and 8/4"—$1.00.
7/4—same price as 4/4".

[Table 2 amended and Tables 2A and 2B added by Am. 2, effective 9-11-45]

TABLE 3—DIMENSION (INLAND RED CEDAR)

1 5/8" scaled as 2" RL, S1S1E or S4S	2 x 4"	2 x 6"	2 x 8"	2 x 10"	2 x 12"
No. 1	$35.75	$34.50	$34.00	$34.50	$34.50
No. 2	32.25	31.00	31.00	31.00	31.00
No. 3	21.50	20.50	20.50	20.50	20.50

Condition:
1. Rough—deduct $1.
2. Green—deduct $2.

Width:
3. Wider than listed, add $1 for each 2" wider than listed to 2 x 12" price.

3a. Random widths in No. 1, 2 & 3 Dimension, see Sec. 28, Note 24.

[Footnote 3a added by Am. 2, effective 9-11-45]

Length:
4. Specified lengths:
14' and shorter—add $1.
16'—add $0.50.
18 and 20'—add $2.

Thickness:
5. For 1 9/16", deduct No. 1—$4.50, No. 2—$4, No. 3—$3.
6. For 1¾", add, No. 1—$2.25, No. 2—$2, No. 3—$1.75.

Timbers:
7. Timbers S1S1E, S4S or rough, deduct $1 from price of same grade, width and length of dimension.
8. Prices for timbers thicker than 4" are for all conditions of moisture content, and the deduction for lumber not seasoned is not applicable.

TABLE 4—BEVEL SIDING (INLAND RED CEDAR)

25/16" x 3/16" SM	B and better	C	D	E
1/2 x 4"—3' and longer	$29.50	$28.00	$20.50	$16.00
1/2 x 5"—3' and longer	31.50	30.00	23.00	16.50
1/2 x 6"—3' to 8'	21.50	20.00	12.50	10.00
1/2 x 8"—3' to 8'	23.50	22.00	15.00	10.50

1. For 9' and longer—add $3.
2. B and better, C and D, may contain 20% 3' to 8½' in multiples of 6".
3. E, may contain 35% 3' to 8½' in multiples of 6"

TABLE 5—LATH (INLAND RED CEDAR)

3/8 x 1½"—4' No. 1—$5.60 per M pieces.
3/8 x 1½"—4' No. 2—$4.60 per M pieces.
½ x 1½"—4' Fence Lath (80% No. 1—20% No. 2)—$6.85 per M pieces.

For differentials and rules applicable to all grades of all species see section 28.

SEC. 27. *Incense cedar lumber.* For Incense cedar lumber, the maximum prices f. o. b. mill per one thousand feet board measure, surfaced, air dried or kiln dried (except where otherwise specified in price tables) in mixed or straight load shipments, shall be as follows:

TABLE 1—PENCIL BLANK STOCK (INCENSE CEDAR)

No. 1 Grade, 50% and over cutting	$36 rough RL, air dry.
No. 2 Grade, 25% to 50% cutting	$25 rough RL, air dry.
No. 3 Grade, 12½% to 25% cutting	$18 rough RL, air dry.

Condition:
1. For kiln dried—Add $5.00.
2. Green—Deduct $2.00.

Lengths:
3. Specified lengths:
14' or shorter—Add $1.00.
16'—Add $0.50.
18' and 20'—Add $2.00.

Thickness:
4. Scale based on dry thickness.

[Footnote 2 added and former footnotes 2 and 3 redesignated 3 and 4 by Am. 2, effective 9-11-45]

[Table 1 amended by Am. 1, 9 F.R. 12966, effective 11-2-44]

TABLE 2—SELECTS (INCENSE CEDAR)

C and better 1 x 4" and wider RL S2S or S4S—$67.

D and better 1 x 4" and wider RL S2S or S4S—$54.

D 1 x 4" and wider RL S2S or S4S—$52.

Condition:
1. Rough—deduct $2.
2. Green—deduct 10% from dry price.

Widths:
3. Specified widths, C and better, use differentials for C Select Ponderosa, Section 20, Table 1.
4. Specified widths, D and better, and D, use differentials for D Select Ponderosa, Section 20, Table 1.

Lengths:
5. Specified lengths, use differentials as shown for Ponderosa in Section 20, Table 1.

Thickness:
6. 5/4 and thicker, C and better, use same price and same differentials for widths and lengths as shown for C Select Ponderosa in Section 20, Table 1.
7. 5/4 and thicker, D and better, use same price and same differentials for widths and lengths as shown for D select Ponderosa in Section 20, Table 1.
8. 5/4 and thicker D, deduct $2 from price of same width, length and thickness of corresponding item of D select Ponderosa as shown in Section 20, Table 1.

TABLE 3—COMMONS (INCENSE CEDAR)

1. No. 3 and better, same prices as shown for No. 3 Ponderosa pine, Section 20, Tables 3, 3A and 3B.
2. No. 4 and No. 5, same prices as respective grades of Ponderosa pine, Section 20, Tables 3, 3A and 3B.
3. Differentials for width, length and thickness and for rough and green, same as shown for Ponderosa pine, Section 20, footnotes to Table 3.

[Table 3 amended by Am. 2, effective 9-11-45]

For differentials and rules applicable to all grades of all species see section 28.

SEC. 28. *Differentials and rules, applicable to all grades of all species:*

1. Ordinary resawing—add $2.
2. Resawing and S2S, all grades—add $3.
3. Ripping, per rip—add $1.
4. Novelty-saw ripping—add $2.
5. Ripping and S4S—add $3.
6. Cross cutting, per cut—add $1.
7. Cleating (ordinary)—add $1.50.
8. Bundling (ordinary)—add $1.
9. Bundling (export)—add $5.
10. For 4/4 and thicker stock dressed thicker than standard (may be hit and miss) for 1/32" add $1, for 1/16" add $2, and for 3/32" add $3. No further addition is permitted.
11. For stock run S4S wider than Standard (may be hit or miss)—add $1.
12. Standard patterns of Casing and Base, Jambs, Sill Stock, Pulley Stiles, Log Cabin Siding, Bungalow Siding, Dolly Varden Siding, 8" or 10" Bevel Siding, Corn Cribbing and all similar patterns (not moulding grade), may be run from any grade desired and shipped machine run. To price of grade ordered, add $5.00.

[Notes, 1, 2, 10 and 12 amended by Am. 1]

13. Patterns not conforming to Association Standard Patterns where additional expense is entailed due to special setups and/or making special knives—add $2.50.
14. Standard patterns, other than S2S and S4S, which are not provided for in item 12, above, add $2; but no such addition shall apply to the following:
(1) Shiplap.
(2) Beaded shelving.

[Note 14 items (1) and (2) revoked, (3) and (4) redesignated (1) and (2) by Am. 1, 9 F.R. 12966, effective 11-2-44]

15. Cutting to specified exact length—add $1.
16. All stock shipped in inter-divisional stop-over cars—add $1.
17. Random lengths are 6' and longer unless otherwise provided in list.
18. No extra charge for double end trimming.
19. All prices shown, except where otherwise specified (plank and timbers), are for dry lumber. For green lumber not specified green in tables, proper deductions are shown under each price table. Lumber shall be considered green if, when shipped, the moisture content is greater than 19 percent.
20. 7/4" grades where not priced in footnotes may be sold at the price of corresponding width and grade of 6/4". Rough dry thickness of 7/4" shall be at least 80% to measure 1¾" with a tolerance of 1/32" permitted on not to exceed 20%. Surfaced dry thickness shall be surfaced full 1 9/32".
21. Any prices based on a percentage addition or deduction are to be figured to the nearest 25 cents.
22. The resawn product 5/4, 6/4 and 7/4 may be priced on the basis of the original size plus the resawing addition only when a written statement is furnished by the buyer that the material is to be used for boxing, crating or other industrial uses. When surfaced and resawn the two resawn pieces shall measure as follows: 5/4" the two resawn pieces shall measure not less than 1 5/16", 6/4" the two resawn pieces shall measure not less than 1 5/16", 7/4" the two resawn pieces shall measure not less than 1½". 8/4" may, in no case, be sold as 8/4" resawn, but must, in all cases, be regraded after resawing and sold at the grade price applying to the 4/4" size of the grade actually produced. 8/4" Common board grades may be sold at prices provided in tables only where purchaser provides a statement on face of order affirming that it is to be used in full thickness and is not to be resawn. In the absence of such statement the 4/4" Common board grade prices of respective species will apply.

[Notes 20 and 22 amended by Am. 2, effective 9-11-45]

23. Inter-mill sales. On sales by a producing mill to another mill or to a concentration yard for drying and/or further processing and for resale under the provisions of this regulation, if the original sale is made on grade, deductions for rough and for green applying to tables covering Common board grades only of all species, shall be as follows: For 4/4" for rough only, deduct $2.00; for surfaced green only, deduct $3.00; for rough-green, deduct a total of $4.00. 5/4" and thicker, for rough only, deduct $1.00; for surfaced green only, deduct $2.00; for rough-green, deduct a total of $3.00. For other grades, deductions shall be as established in the respective price tables.
24. Where random widths in grades of 1, 2 and 3 Common boards and Dimension are not priced in tables, and where individual widths are not separately tallied, invoiced and loaded, the shipment is subject to special pricing under Section 9. However, regardless of how ordered, if these widths are separately loaded and tallied they may be invoiced at the prices provided for the separate widths and grades.
25. For open car loading when required by buyer and when material is of a type ordinarily loaded in box cars, a charge of $7.50 per car may be made including the cost of stakes and all other material required to firmly secure the load. Timbers 6" thick, wider than 8", and all timbers thicker than 6" are not subject to this charge.

Where the conditions in the preceding paragraph are met and, in addition to open car loading, the buyer requires packaging in sling lots or otherwise whereby the load is divided into individual parcels for the purpose of facilitating mechanical unloading, an additional charge may be made of $6.50 per car including the cost of all material and labor used in packaging.

No charge may be made to buyer under this note when cars of lumber not sold on a delivered basis are routed through a custom mill.

[Notes 23, 24 and 25 added by Am. 2, effective 9-11-45]

SEC. 29. *Maximum prices for lumber produced in the "fringe area" and Canada and Mexico.* (a) For lumber produced in the fringe area, in Canada, or in Mexico, which is separated as to species and sold on grade, the maximum prices shall be delivered prices consisting of the f. o. b. mill prices set forth in the appropriate price table plus an amount equal to estimated freight charges based on estimated weights from Article VI times the carload rate from the appropriate basing point shown below to destination. ("Destination" means the final point to which the lumber moves in "direct-mill shipment" as defined in section 7 (a) (1).) The basing points are:

[Above paragraph amended by Am. 2, effective 9-11-45]

(1) Fringe area (South Dakota, Wyoming, Colorado, Utah, Nevada, Arizona and New Mexico): Spokane, Washington; Klamath Falls, Oregon; or Susanville, California—whichever produces the lowest rate to destination.
(2) Canada: Spokane, Washington.
(3) Mexico: Susanville, California.

(b) Since the maximum prices established by paragraph (a) of this section are delivered prices, no transportation addition is permitted other than "basing point" freight to destination, and section 7 does not apply. In every case the maximum delivered price must finally be determined according to paragraph (a) of this section. As to pricing f. o. b. mill's shipping point, note the following examples:

(1) In a sale to a distribution yard at the mill's shipping point, since shipping point and final destination are the same, the addition for basing point freight may be made even though the sale has all the usual characteristics of a sale "f. o. b. mill". Delivery to distribution yard must be made by the mill either by truck owned or controlled by the mill, or if loaded on car to be switched to distribution yard, switching charge must be absorbed by the mill, or if delivery is by truck owned or controlled by the distribution yard price must be reduced by an amount equal to proper trucking charge as set forth in paragraph (a) (2) of section 7.

(2) If either the mill or a wholesaler should make an f. o. b. mill sale for direct mill shipment, the price f. o. b. mill's shipping point would be figured by first adding to proper price in price tables the freight from the appropriate basing point to final destination (figured on estimated weights taken from "Schedule of Estimated Weights" in Article VI, times rate from the appropriate basing point to final destination) and deducting therefrom freight from mill's shipping point to final destination (figured on estimated weights taken from "Schedule of Estimated Weights" in Article VI times actual rate from mill's shipping point to final destination).

[Paragraph (b) amended and (c) deleted by Am. 2, effective 9-11-45]

(c) [Deleted]

SEC. 30. *Maximum prices for ungraded, log-run lumber.* (a) For ungraded, log-run lumber produced in the states of South Dakota, Wyoming, Colorado, Utah, Nevada, Arizona, New Mexico, Montana, Idaho, California, and Alaska and Mexico, and in those portions of Oregon, Washington and Canada east of the crest of the Cascade Mountains, the maximum prices loaded at mill per M BM, in any size load or shipment, shall be as set forth in the following tables:

[Above paragraph amended by Am. 2, effective 9-11-45]

TABLE 1

Mixed species (not separated as to species) or for straight shipments of larch, Douglas fir, hemlock, White fir, Engelmann spruce, Lodge Pole pine, Red cedar, Incense cedar, Mexican White pine, Limber pine, Arizona pine, Apache pine, Chihuahua, or any other pine produced in Mexico.

2" and thicker, green, rough	$28 50
4/4", 5/4", 6/4" and 7/4", green, rough	29 50

TABLE 2

Ponderosa pine and/or Sugar pine in straight or mixed shipments (no other species included).

2" and thicker, green, rough	$29 50
4/4", 5/4", 6/4" and 7/4", green, rough	31 50

TABLE 3

Idaho White pine (no other species included).

2" and thicker, green, rough	$31
4/4", 5/4", 6/4" and 7/4", green, rough	35

NOTES APPLYING TO TABLES 1, 2 AND 3

(1) For surfaced stock	add $3.
(2) For dry	add $2.
(3) For specified lengths	add $1.

[Tables 1, 2 and 3 amended by Am. 2, effective 9-11-45]

(b) *Truck delivery by private truck.* When shipment is by truck owned or controlled by the seller, the following amounts may be added for transportation: For distances up to and including 10 miles, $1.50 per M; over 10 miles and up to and including 20 miles, $2.00 per M; over 20 miles and up to and including 30 miles, $2.50 per M; over 30 miles an addition of 5 cents per mile per M feet may be added to the $2.50 per M charge permitted for first 30 miles. Distance as used in this paragraph means the distance from the mill to the point of destination as measured by the speedometer. No addition may be made for the return trip.

(c) *Trucking to railhead.* When a truck haul precedes rail shipment, as when a mill located away from a railhead hauls lumber by truck to the railhead, no addition may be made for the truck haul. However, where a mill's rail connection has been abandoned since September 5, 1941, the mill may apply for special permission to make an addition. The application should be made by letter to the Lumber Branch of the Office of Price Administration, Washington 25, D. C., and may be acted upon by letter or telegram. The addition may not be made on quotations or sales until permission has been received.

(d) *Susanville rate on sales to California.* Regardless of other provisions of this section, on delivered sales to purchasers in California, if shipment originates at a mill in California from which the railroad freight to the California destination is less than the rate from Susanville, California to the same destination, the addition for transportation may be computed by multiplying the appropriate estimated weight as shown in Article VI by the applicable freight rate from Susanville, California to the California destination. This addition does not apply to direct-mill retail sales. Since the maximum prices established by this paragraph are delivered prices, no transportation addition is permitted other than "basing point" freight to destination. In every case the maximum delivered price must finally be determined according to this paragraph. As to pricing f. o. b. mill's shipping point, note the following examples:

(1) In a sale to a distribution yard at the mill's shipping point, since shipping point and final destination are the same, the addition for basing point freight may be made even though the sale has all the usual characteristics of a sale "f. o. b. mill". Delivery to distribution yard must be made by the mill either by truck owned or controlled by the mill, or if loaded on car to be switched to distribution yard, switching charge must be absorbed by the mill, or if delivery is by truck owned or controlled by the distribution yard, price must be reduced by an amount equal to proper trucking charge as set forth in paragraph (b) of this section.

(2) If either the mill or a wholesaler should make an f. o. b. mill sale for direct mill shipment, the price f. o. b. mill's shipping point would be figured by first adding to proper price in price tables the freight from Susanville, California, to final destination (figured on estimated weight taken from "Schedule of Estimated Weights" in Article VI times rate from Susanville to final destination) and deducting therefrom freight from mill's shipping point to final destination (figured on estimated weight taken from "Schedule of Estimated Weights" in Article VI times actual rate from mill's shipping point to final destination).

[Paragraph (d) amended by Am. 2, effective 9-11-45]

[Sec. 30 amended by Am. 1, 9 F.R. 12966, effective 11-2-44]

ARTICLE VI—PERMITTED ESTIMATED WEIGHTS

The following estimated weights for dry lumber may be used in computing freight charges even though higher than actual weights.

When shipped with a moisture content greater than 19 percent, the estimated green weights may be used in quoting a delivered price, even though higher than actual weights.

SCHEDULE OF ESTIMATED WEIGHTS

Ponderosa pine, Idaho white pine white fir, Engelmann spruce, Lodgepole pine, and any other species commercially sold as Ponderosa, Western, or Mexican pine	Per M feet board measure	
	Pounds dry	Pounds green
Selects, commons and shop:		
Standard surfacing 4/4" S2S, S4S or pattern	1,50	2,450
Standard surfacing, or pattern 5/4" and thicker	2,200	2,800
Surfaced or pattern ¾"	1,800	2,350
Surfaced, or pattern 11/16"	1,650	2,150
Rough 4/4	2,400	3,100
Rough, 5/4 and thicker	2,600	3,300
Dime stock:		
Standard surfacing 1-5/8" S1S 1E or S4S	2,000	2,700
Substandard surfacing 1-9/16" S1S1E or S4S	1,800	2,500
Surfaced thicker than standard 1-3/4" S1S1E or S4S	2,200	2,900
Rough	2,600	3,300
Plank and timbers:		
Surfaced S1S1E or S4S	2,200	2,900
Rough	2,600	3,300
Lath:		
4 feet (per M pieces)	450	750
32" (per M pieces)	300	500
Snow fence	700	1,100
Cut stock:		
Machined to pattern	1,600	------
S2S	2,000	------
Rough	2,500	------
Other grades and patterns:		
Log cabin siding	1,600	------
⅝" or ¾" panel stock	1,400	------
Bevel siding	750	------
Additions and deductions: Pitchy Select, add 300 lbs. to corresponding items.		
Sugar pine		
4/4 and thicker, S4S or S2S	2,000	2,550
4/4 and thicker, rough	2,300	3,000
All other sugar pine items, same weights as ponderosa pine.		
Red cedar		
4/4 all grades, surfaced or pattern	1,600	2,200
4/4 all grades, rough	2,100	2,800
5/4 and thicker, surfaced or pattern	2,000	2,700
5/4 and thicker, rough	2,300	3,000
Timbers and plank surfaced	2,000	2,700
Bevel siding	700	------
Lath	450	750
Incense cedar		
Pencil stock	2,300	------
All other incense cedar items, same weights as Ponderosa pine		
Larch-Douglas fir		
4/4 S2S or S4S	2,200	2,800
5/4 surfaced	2,100	2,700

SCHEDULE OF ESTIMATED WEIGHTS—Continued

Larch-Douglas fir	Per M feet board measure	
	Pounds dry	Pounds green
11/16" surfaced	1,950	2,450
4/4 run to pattern	2,000	2,600
¾" run to pattern	1,900	2,500
11/16" run to pattern	1,750	2,300
1", 1¼", 1½" or 2" all grades rough	2,700	3,300
Timbers and plank, surfaced	2,800	3,400
Timbers and plank, rough	3,000	3,600
Dimension, standard surfacing:		
2 x 4	2,200	2,800
2 x 6 and 2 x 8	2,250	2,850
2 x 10 and 2 x 12	2,300	2,900
5/8 and thicker, surfaced or pattern same weights as corresponding widths of standard dimension:		
1 5/16" dimension	1,900	2,600
1 9/16" dimension—all Douglas fir	1,900	2,500
Log cabin siding	1,700	2,200
⅝" stock machined to pattern	1,400	------
¾" stock machined to pattern	900	------
½" bevel siding	800	------
¾ x 8 and 10" bevel siding	1,200	------
4' lath, per M pieces	600	900
32" lath, per M pieces	350	550
Snow fence lath, per M pieces	800	1,100

Hemlock

Rough or surfaced, dry: clears, boards and shiplap, drop siding, etc., flooring, ceiling, stepping, and plank and small timbers S4S: Use same weights as shown for Larch-Douglas fir.

Surfaced, green: Clears, boards and shiplap, dimension S4S, plank and small timbers S4S, and timbers, S1S1E or S4S, standard: Add 400 lbs. to Larch-Douglas fir weights.

Rough-green: *Pounds*

Boards and shiplap	3,800
Dimension, plank and timbers	3,800
Clears	4,000
All other grades	3,800

Square edge flooring, add 200 lbs. to corresponding item of Larch-Douglas fir weights.

Ceiling, worked to 25/32" net, deduct 100 lbs. from Larch-Douglas fir flooring weight.

8" width, drop siding, etc., add 100 lbs. to 6" pattern, in Larch-Douglas for pattern weights.

Bevel and bungalow siding, add 100 lbs. to Larch-Douglas fir weight.

Shipping weight formula for sizes not listed. Rough or surfaced, dry, all grades, same weight basis as Larch-Douglas fir, and deducting the equivalent to the percentage of difference between the rough and surfaced size, breaking on the next greater fifty pounds.

Battens (all above pieces)	Per M lineal feet	
	Pounds dry	Pounds green
1" battens plain or O. G.	300	------
⅝" battens	200	------

[Article VI amended by Am. 2, effective 9-11-45]

Geographical applicability. This regulation applies in the 48 states of the United States and the District of Columbia.

This revised regulation shall become effective June 20, 1944.

[RMPR 94 originally issued June 15, 1944]

[Effective dates of amendments are shown in notes following parts affected]

NOTE: All reporting and record-keeping requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 6th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-16679; Filed, Sept. 6, 1945; 4:11 p. m.]

PART 1305—ADMINISTRATION

[Supp. Order 49, Amdt. 1]

SALES UNDER ORDER L–219 OF WAR PRODUCTION BOARD

A statement of the considerations involved in the issuance of this amendment to Supplementary Order 49 has been issued simultaneously herewith and filed with the Division of the Federal Register.

Supplementary Order No. 49 is amended by adding to the list of maximum price regulations in Appendix A the following:

Maximum Price Regulation 580—Retail Ceiling Prices for Certain Apparel and House Furnishings (10 F.R. 3015, 3468, 3642, 4236, 4494, 4611, 9962); excepting sales within the provisions of paragraph (a) of section 9.

This amendment shall become effective September 12, 1945.

Issued this 7th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45–16738; Filed, Sept. 7, 1945; 11:32 a. m.]

PART 1305—ADMINISTRATION

[Supp. Order 126, Amdt. 2]

HOUSEHOLD FURNITURE

A statement of considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.

Supplementary Order 126 is amended in the following respect:

Section 2 (g) is amended by adding the following articles to the list contained therein:

Hand decorated articles of furniture rebuilt from substantially different articles of used furniture.

Custom-built, non-upholstered, wooden furniture, produced to fill the particular specifications of a single purchaser involving only one transaction, and sold in a quantity not exceeding two units or, in the case of dining room chairs, not exceeding a set of twelve. If stock pattern frames are used, the article is not considered custom-built. Sales of larger quantities than those specified above, or repeat sales of the same article (whether or not minor changes are made), are not exempted and remain subject to the pricing and reporting provisions of § 1499.155 through § 1499.158 of Maximum Price Regulation No. 188.

This amendment shall become effective on the 12th day of September 1945.

Issued this 7th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45–16739; Filed, Sept. 7, 1945; 11:32 a. m.]

PART 1305—ADMINISTRATION

[Supp. Order 132]

EXEMPTION AND SUSPENSION FROM PRICE CONTROL OF CERTAIN FOODS, GRAINS AND CEREALS, FEEDS, TOBACCO AND TOBACCO PRODUCTS, AGRICULTURAL CHEMICALS, INSECTICIDES AND BEVERAGES

A statement of the considerations involved in the issuance of this supplementary order has been issued and filed with the Division of the Federal Register.

AUTHORITY: § 1305.159 issued under 56 Stat. 23,765; 57 Stat. 566; Pub. Law 383, 78th Cong.; Pub. Law 108, 79th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681.

SECTION 1. *Exemption from price control.* Notwithstanding the provisions of any price regulation heretofore or hereafter issued by the Office of Price Administration, all purchases, sales and deliveries by any person of the following listed commodities are exempt from price control:

(a) Foods listed under the following categories (unless otherwise stated, the list covers only domestic commodities):

(1) Fish, fats and oils category, as follows:

Caviar, canned (the salted roe of sturgeon, spoonbill, whitefish and salmon; domestic)
Caviar, canned (the salted roe of various large fish of the sturgeon genus; imported)
Clam juice, canned
Conchs, canned
Frog legs
Shark fins, dried (imported)
Snails, canned (imported)
Sturgeon, smoked, including smoked spoonbill

(2) Fruits and vegetables, fresh or processed, category, as follows:

Artichokes, canned (domestic and imported)
Bamboo sprouts, canned and frozen
Bean Sprouts, canned and frozen
Catawba Grape Juice
Cauliflower, brined (imported and domestic)
Cauliflower, canned (imported)
Compressed dehydrated fruits, vegetables and berries
Corn-on-the-cob, canned and frozen
Crab Apples, canned
Crab Apple Juice, canned
Horseradish, processed
Horseradish Root
Mushrooms, canned (imported)
Mushroom sauce, canned (does not include mushroom soup)
Nectarines, canned and frozen
Peppers, brined (imported and domestic) (does not include pimientos)
Pickled Onions, canned (imported)
Water Chestnuts, canned
Watermelon, brined (imported and domestic)

(3) Grocery products category, as follows:

Brown Buckwheat Groats (the product produced in further processing white buckwheat groats by toasting).

(4) Meats and poultry category, as follows:

Pate de Foie Gras, canned (a meat paste processed from the livers of fat geese; imported)
Wild Rabbits (rabbits which have not been produced, raised or fed in captivity)

(5) Miscellaneous category, as follows:

Bar le duc (a preserve consisting principally of whole white seeded currants, gooseberries, strawberries, or raspberries; imported)
Capers (the flower bud of the caper bush; imported)
Dehydrated Garlic Powder
Onion Powder and Onion Flakes
Tom and Jerry batter (a mixture of eggs, powdered or fresh, sugar or sugar syrup and spices beaten together and used generally for mixing with liquors and hot water in the preparation of a beverage called "Tom and Jerry")
Truffles (imported)

(b) The following items in the feeds category:

Ground peanut hay
Whole crab and shrimp meal

(c) The following items in the tobacco and tobacco products category:

Native or Island Twist Chewing Tobacco (twist chewing tobacco pressed flat and made of fire-cured or dark air-cured tobacco, or a combination of both, and treated with a casing mixture of molasses, syrup, glycerin, alcohol and such flavorings as are normally used on twist tobacco consumed by the natives of New Guinea, the Solomon Islands and other islands in the Southwest Pacific area)

(d) The following items in the beverages category:

Bottled egg nog (a specialty holiday beverage, not containing any distilled spirits, made from fresh or powdered eggs, syrup, cream and milk)

(e) The following items in the agricultural chemicals and insecticide category:

Humus (a brown or black material formed by the partial decomposition of vegetable or animal matter. Commercially, the name is applied to Peat that has decayed to such an extent that "the structure of the fiber is no longer evident")
Muck (thoroughly decomposed organic deposits containing appreciable amounts of mineral matter, especially sand, silt and clay)
Sphagnum moss and peatmoss

SEC. 3. *Relationship between this order and other regulations.* The provisions of this supplementary order supersede the provisions of Supplementary Order 45 as to any commodity listed in this order.

Nothing in this order shall apply to sales of any commodity by an eating and drinking establishment for consumption on or about the premises. Such sales remain subject to Restaurant Maximum Price Regulation No. 2.

SEC. 4. *Records.* Exemption or suspension from price control shall not affect the responsibility of a person to prepare and preserve records which prior to exemption or suspension, were required to be kept under the provisions of the applicable price regulation or regulations. Records of individual transactions during the period of exemption or suspension need not be kept, unless the exemption or suspension action is accompanied by a provision requiring the keeping of such records.

SEC. 5. *Definitions.* For the purposes of this Supplementary Order, the following terms have the following meaning:

(a) "Person" means an individual, corporation, partnership, association, government agency, or any other organized group of persons or legal successor or representative of any of the foregoing.

(b) "Price regulation" means a price schedule effective in accordance with the provisions of section 206 of the Emergency Price Control Act of 1942, as amended, a maximum price regulation or temporary maximum price regulation issued by the Office of Price Administration, or any order issued pursuant to any such regulation or schedule.

(c) "Canned" means processed and packed in any container whether or not hermetically sealed. It does not include any product when processed by freezing, drying or dehydrating, nor does it include any of the packed products known as preserves, relishes or pickles.

SEC. 6. *Commodities not affected by this order.* The provisions of this order do not exempt or suspend from price control commodities which are not listed, although such commodities may have incorporated in them or are to be sold with, commodities which are exempted or suspended from price control.

SEC. 7. *Geographical applicability.* The provisions of this order shall apply to purchases, sales and deliveries in the forty-eight states of the United States and the District of Columbia.

This supplementary order shall become effective September 12, 1945.

Issued this 7th day of September 1945.

CHESTER BOWLES,
Administrator.

Approved: August 30, 1945.

J. B. HUTSON,
Acting Secretary of Agriculture.

[F. R. Doc. 45–16740; Filed, Sept. 7, 1945; 11:32 a. m.]

PART 1340—FUEL

[MPR 112, Amdt. 29]

PENNSYLVANIA ANTHRACITE

A statement of considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.

Maximum Price Regulation No. 112 is amended in the following respects:

1. Section 1340.200 (b) is added to read as follows:

(b) *Maximum price instructions*—(1) *Discounts.* The following cash discounts and quantity discounts or rebates f. o. b. trucks are required to be deducted from the maximum prices established in paragraph (a) of this section. No other discounts or allowances need be allowed.

(i) In the case of rail shipment the following discounts for cash or payment within 15 days from date of invoice:

	Cents per net ton
Broken, egg, stove and nut	15
Pea and buckwheat	10
Rice, barley and smaller	05

(ii) In the case of truck shipment the cash discounts and quantity discounts or rebates f. o. b. trucks in effect for similar sales at each mine, adjunct preparation plant or ground storage facility during the period October 1–15, 1941. New mines beginning operations subsequent to October 1–15, 1941, must allow the same cash discounts as their nearest competitor.

(2) *Credit terms.* The rate of interest on overdue accounts or on a note, trade acceptance or other form of indebtedness accepted in payment of an account shall not exceed the rate charged by the seller on similar transactions during the period October 1–15, 1941, or if the seller was not in business during October 1–15, 1941, the rates charged by its nearest competitor.

(3) *Pocket charges.* (i) There may be added to the applicable maximum prices set forth in paragraph (a) of this section a sum not to exceed the pocket charge that each producer had in effect at each mine, adjunct preparation plant or ground storage facility, during the period October 1–15, 1941, for services rendered in loading trucks from pockets for delivery entirely by truck without intervening rail shipment.

(ii) If a producer is unable to qualify for a pocket charge under subdivision (i) above he may not make a charge for such services unless he first receives permission in writing from the Administrator to do so in accordance with the provisions of subsection (iii) of this paragraph.

(iii) Upon proper application being filed the Administrator may by order authorize a producer who is unable to qualify for a pocket charge on one or more sizes under subdivision (i) above to make a charge not to exceed 50 cents per net ton on all sizes through rice and 25 cents on smaller sizes for services rendered in loading trucks from pockets when it appears to his satisfaction that:

(*a*) The mine, preparation plant or ground storage facility involved is equipped to load trucks from pockets, other than railroad car pockets, and to weigh anthracite on retail scales.

(*b*) The anthracite loaded into trucks is cleaned by any of the following methods: cone, jig, swirl, koppers rheolaveur, DuPont-sink and float (heavy liquid), hydrotator.

(*c*) Additional costs are incurred by reason of rendering this service.

(*d*) The anthracite loaded into trucks meets the requirements of Solid Fuels Administration for War as to ash content.

A producer desiring to obtain permission to make a pocket charge on truck shipments must file an application submitting facts to show that the above conditions are met. In addition the application must show the exact location of its mine, adjunct preparation plant or ground storage facility from which truck deliveries are made; the total monthly tonnage produced and the percentage of truck sales according to type of sale (i. e., local, over the road, wholesale, etc.); the name and location of his nearest competitor and the pocket charge and cash or quantity discounts such nearest competitor has in effect. The Administrator may, in connection with the granting of permission to make a pocket charge, prescribe cash and quantity discounts that must be deducted from the producers maximum price for truck shipments. Any order issued hereunder may be revoked or amended at any time. Failure to comply with regulations and directions of the Solid Fuels Administration for War shall be grounds for revocation.

(4) *Special service charge other than pocket charges.* (i) In addition to the maximum prices set forth in paragraph (a) of this section a producer or distributor may charge for any special service rendered a sum not to exceed the price charged or in effect during the period October 1–15, 1941, at each mine, adjunct preparation plant or ground storage facility: *Provided*, That any producer whose special service charge for bags and bagging of anthracite during the period October 1–15, 1941, was less than $2.30 per net ton, may charge for this special service an amount not in excess of $2.30 per net ton. The term "special service" includes (specifically but not exclusively) calcium chloride treatment, specially prepared sizes, split cars (containing more than one size) boxcar loading, the making of local or retail deliveries from the mine, adjunct preparation plant or ground storage facility and bags and bagging. It does not include a pocket charge.

(ii) If a maximum price for a special service cannot be determined under subdivision (i) above a producer may file with the Solid Fuels Price Branch of the Office of Price Administration, Washington 25, D. C., an application for approval of a maximum price in line with the level of maximum prices established by this regulation for similar services. The application shall contain a full description of the service to be rendered and the method and equipment used in rendering such service, the reason why it cannot be priced under subdivision (i) above, the price charged by the applicants nearest competitor for the same service, the costs to be incurred in rendering the service and the proposed maximum price. The applicant may also be required to furnish such additional information as may be deemed necessary.

(5) *Transportation charge.* Where anthracite is delivered from a mine, adjunct preparation plant or ground storage facility in any transportation facilities owned or subject to the control of the producer or a distributor, or subsidiary or affiliate of the producer or distributor, or in any transportation facilities hired by the producer or a distributor, there may be added to the applicable maximum prices the actual transportation costs incurred, determined in a reasonable maner, but in no event to exceed the lowest common carrier rate for a haul between the same points.

(6) *Transportation tax.* There may be added to the maximum prices established herein an amount not in excess of the tax imposed by section 620 of the Revenue Act of 1942 when incurred by a producer or distributor of anthracite if the amount of said tax is separately stated to all purchasers except the United States or any agency thereof, the District of Columbia, any state government of any political subdivision thereof.

(7) *Posting maximum prices.* Each producer must post in a prominent place at the colliery truck scales a schedule of his maximum prices, authorized pocket charges, special service charges and required cash and quantity discounts.

2. Section 1340.200 (c) is deleted.

3. Section 1340.200 (d) is redesignated § 1340.200 (c) and paragraph (4) thereof is amended by deleting the numerals

"$1.80" and inserting in lieu thereof the numerals "$2.25".

This amendment shall become effective September 12, 1945.

Issued this 7th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-16734: Filed, Sept. 7, 1945; 11:32 a. m.]

PART 1364—FRESH, CURED AND CANNED MEAT AND FISH PRODUCTS

[RMPR 507,[1] Amdt. 5]

CEILING PRICES OF CERTAIN FRESH AND FROZEN FISH AND SEAFOOD SOLD AT RETAIL

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.

Revised Maximum Price Regulation No. 507 is amended in the following respects:

1. In Table A–I of section 26, a footnote reference 2 is added after the words "I. Fresh fish."

2. In section 26, a new footnote 2 is added to Table A–I to read as follows:

[2] The mark-ups for items (42) to (49), both inclusive, are suspended from September 6, 1945.

This amendment shall become effective September 6, 1945.

Issued this 6th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-16681: Filed, Sept. 6, 1945; 4:11 p. m.]

PART 1407—RATIONING OF FOOD AND FOOD PRODUCTS

[Control Order 1,[2] Amdt. 22]

LIVESTOCK SLAUGHTER AND MEAT DISTRIBUTION

A rationale for this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.

Control Order 1 is amended in the following respects:

1. Each reference to War Food Order 139 is amended to read "War Food Order 139, as amended."

2. Section 1 (d) is amended to read as follows:

(d) *Class 1 slaughterer.* Any person who has a Class 1 slaughtering establishment is a "Class 1 slaughterer." The term "Class 1 slaughterer" also includes:

(1) An owner of livestock to the extent that the custom slaughter for him of any species of livestock in a Class 1 slaughtering establishment (other than a place subject to Federal inspection) is covered by a currently valid certification granted to him by the Secretary of Agriculture, or his designee, pursuant to War Food Order 139, as amended; and

(2) An owner of livestock who has registered as a slaughterer pursuant to this order and who, between January 1, 1945 and July 31, 1945, had custom slaughtered for him any species of his livestock in a slaughtering establishment subject to Federal inspection, to the extent that he continues to have such species of livestock custom slaughtered for him at that establishment.

3. Section 1 (h) is amended to read as follows:

(h) *Additional Class 2 slaughterers.* Any person, other than a Class 3 slaughterer and a Class 1 slaughterer specified in paragraph (d) (1) and (2) above, who has cattle, calves, sheep, lambs or swine which he owns slaughtered for him by a custom slaughterer, is a Class 2 slaughterer with respect to any such livestock.

4. Section 5 is amended by substituting for the sentence in parentheses the following: "(However, a Class 2 or Class 3 slaughterer who becomes a Class 1 slaughterer must comply with section 14 (a).)"

5. Section 21 is amended by substituting for the definition of "certificate number" the following: "'Certificate number' means the certificate number assigned to a slaughtering plant by the Secretary of Agriculture, or his designee, in granting certification of such plant pursuant to War Food Order 139, as amended, or the certificate number assigned under that order to the owner of livestock for the custom slaughter of his livestock for him in a certified slaughtering plant."

6. Section 21 is further amended by substituting for the definition of "Class 1 slaughterer" the following:

"Class 1 slaughterer" means any person who has a Class 1 slaughtering establishment. The term "Class 1 slaughterer" also includes:

(1) An owner of livestock to the extent that the custom slaughter for him of any species of livestock in a Class 1 slaughtering establishment (other than a place subject to Federal inspection) is covered by a currently valid certification granted to him by the Secretary of Agriculture, or his designee, pursuant to War Food Order 139, as amended; and

(2) An owner of livestock who has registered as a slaughterer pursuant to this order and who, between January 1, 1945 and July 31, 1945, had custom slaughtered for him any species of his livestock in a slaughtering establishment subject to Federal inspection, to the extent that he continues to have such species of livestock custom slaughtered for him at that establishment.

7. Section 23 (p) is added as follows:

(p) (1) A Class 1 slaughterer specified in section 1 (d) (1) or (2) of this order must comply with (2) below if the average weekly quantity of meat delivered by him during any two consecutive calendar weeks beginning on or after September 9, 1945 exceeds the average weekly quantity of meat delivered by him during his first three full reporting periods in 1944 or, if his authorized distribution pattern is based on deliveries made during some other period, the average weekly deliveries of meat during the period used as a basis for his current distribution pattern.

(2) Within ten (10) days after the end of the second of such two calendar weeks, he must submit to the Washington Office a written statement containing the following:

(i) His name, and the name and address of his establishment; and

(ii) The average weekly quantity of meat delivered by him during the two calendar week period, and the beginning and ending dates of such period.

(3) The Director of the Food Rationing Division of the Office of Price Administration may authorize or direct the slaughterer to deliver his meat in such manner or to such areas and in such quantities as he considers necessary to alleviate area shortages of meat or to further the fair distribution of meat among consumers or other users. Such authorization or direction, to the extent of the meat and deliveries covered by it, shall become part of the slaughterer's distribution pattern under this section.

(4) A slaughterer who is required to comply with (2) above and who has not submitted the statement by the date specified in (2), may not make any deliveries of his meat until he submits such statement. This restriction is in addition to any actions, penalties, or proceedings which may be authorized by law for his failure to comply.

This amendment shall become effective on September 11, 1945.

NOTE: The reporting and record-keeping requirements of this amendment have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 7th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-16733: Filed, Sept. 7, 1945; 11:31 a. m.]

PART 1415—PROTECTIVE COATINGS

[RMPR 264, Corr. to Amdts. 1, 2, 3, 4 and 5]

VEGETABLE WAXES AND BEESWAX

The approval of the Secretary of Agriculture having been inadvertently omitted, Revised Maximum Price Regulation 264, issued May 30, 1944 (9 F.R. 5956), amendment 1 thereto issued July 20, 1944 (9 F.R. 8254), amendment 2 thereto issued November 6, 1944 (9 F.R. 13209), amendment 3 thereto issued February 8, 1945 (10 F.R. 1668), amendment 4 thereto issued April 10, 1945 (10 F.R. 3919), and amendment 5 thereto issued July 26, 1945 (10 F.R. 9335) are hereby corrected by adding the following at the end of each: "Approved with respect to agricultural commodities August 27, 1945.

"J. B. HUTSON,
"Acting Secretary of Agriculture."

Issued this 7th day of September 1945.

CHESTER BOWLES,
Administrator.

Approved: August 27, 1945.

J. B. HUTSON,
Acting Secretary of Agriculture.

[F. R. Doc. 45-16736; Filed, Sept. 7, 1945; 11:33 a. m.]

PART 1420—BREWERY, DISTILLERY AND WINERY PRODUCTS

[MPR 445,[1] Amdt. 30]

DISTILLED SPIRITS AND WINES

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.

Maximum Price Regulation 445 is amended in the following respect:

Section 1.4 (d) is revoked.

This amendment shall become effective September 6, 1945.

Issued this 6th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-16680; Filed, Sept. 6, 1945; 4:11 p. m.]

PART 1499—COMMODITIES AND SERVICES

[RMPR 165, Amdt. 1 to Rev. Supp. Service Reg. 28]

SERVICES OF ALTERING AND REPAIRING MILITARY UNIFORMS IN CERTAIN COUNTIES IN CALIFORNIA, OREGON AND WASHINGTON

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.

Revised Supplementary Service Regulation 28 is amended in the following respects:

1. In § 1499.2259 (a), the following counties are added to the list of counties covered by the regulation: "Imperial in the State of California and Spokane in the State of Washington."

2. Section 1499.2259 is further amended by adding paragraph (g) to read as follows:

(g) *Sales slips and receipts.* Any seller subject to this regulation shall furnish each customer with a sales slip or receipt containing the following information: (1) the name and address of the establishment, (2) the date, (3) a brief description of and the number of each service supplied, as described and numbered in Appendix A, and (4) the amount charged for each service and the total charge.

This amendment shall become effective September 12, 1945.

[1] 10 F.R. 7444, 8241, 8395, 9626, 10,224.

Issued this 7th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-16735: Filed, Sept. 7, 1945; 11:32 a. m.]

Chapter XIV—War Contracts Price Adjustment Board

RENEGOTIATION REGULATIONS

The changes and additions to Parts 1601, 1603, 1604, 1605, 1607 and 1608 set forth below are also contained in Revision 20 of the Renegotiation Regulations dated August 10, 1945.

MAURICE HIRSCH,
Colonel, General Staff Corps,
Chairman.

PART 1601—AUTHORITY AND ORGANIZATION FOR RENEGOTIATION

SUBPART A—SUMMARY OF RENEGOTIATION ACT OF 1943 AND RELATED STATUTES

1. Section 1601.111–3 is amended to read as follows:

§ 1601.111–3 *Termination of renegotiation.* The 1943 act, as amended, provides that renegotiation shall apply only to profits derived from contracts with the Departments and subcontracts which are determined under regulations prescribed by the Board to be reasonably allocable to performance prior to the close of the termination date, which is defined as December 31, 1945 or such earlier date as may be proclaimed by the President or specified in a concurrent resolution of the two Houses of Congress as the date of the termination of hostilities in the present war. (See §§ 1603.371, 1601.372 and 1608.801–8 of this chapter.) [RR 111.3]

2. Section 1601.112–4 is amended to read as follows:

§ 1601.112–4 *Repricing of war contracts.* Title VIII of the Revenue Act of 1943 provides that in cases in which the Secretary of a Department considers the price of any article or service required by his Department to be unreasonable or unfair he may fix by agreement, if possible, a fair and reasonable price therefor. If no agreement can be reached, the Secretary is authorized to fix, by order, a fair and reasonable price for deliveries after the date of such order and to prescribe the period during which such price shall be effective and such other terms and conditions as he deems appropriate. Contractors or subcontractors aggrieved by such an order may sue the United States for fair and just compensation. Repricing under Title VIII applies to both prime and subcontracts and applies without exemption or restriction, except that it shall not apply to any contract with a Department or subcontract made after December 31, 1945 or such earlier date as may be proclaimed by the President or specified in a concurrent resolution of the two Houses of Congress as the date of the termination of hostilities in the present war. The statutory provisions relating to repricing are set forth in § 1608.804 of this chapter. [RR 112.4]

3. Section 1601.112–5 is added as follows:

§ 1601.112–5 *Other statutes.* Reference is made to Subpart A of Part 1608 of this chapter for the text of other statutes relating to the Renegotiation Act. [RR 112.5]

SUBPART B—PRELIMINARY MATERIAL

1. Section 1601.122–5 is amended to read as follows:

§ 1601.122–5 *"Department."* The term "department" means "department" as defined in subsection (a) of the Renegotiation Act of 1943 as follows:

(1) The term "Department" means the War Department, the Navy Department, the Treasury Department, the Maritime Commission, the War Shipping Administration, Defense Plant Corporation, Metals Reserve Company, Defense Supplies Corporation, and Rubber Reserve Company, respectively,

and by reason of Public 109, 79th Congress, approved June 30, 1945, the term "department" as used in the Renegotiation Act also means Reconstruction Finance Corporation as successor to Defense Plant Corporation, Metals Reserve Company, Defense Supplies Corporation and Rubber Reserve Company under said Public 109. (§§ 1601.122–13, 1608.809–1 and 1608.809–2 of this chapter.) [RR 122.5]

2. Section 1601.122–10 is amended to read as follows:

§ 1601.122–10 *"Renegotiation Act of 1943", "1943 Act".* The terms "Renegotiation Act of 1943" and "1943 Act" mean section 403 of the Sixth Supplemental National Defense Appropriation Act, 1942, as amended by section 701 of the Revenue Act of 1943 (Public 235, 78th Congress, enacted February 25, 1944), and expressed to be effective only with respect to the fiscal years ending after June 30, 1943 as provided in subsection (d) of said section 701 of the Revenue Act of 1943, and as further amended by Public 104, 79th Congress, approved June 30, 1945 (see § 1608.801 of this chapter). [RR 122.10]

3. Section 1601.122–13 is amended to read as follows:

§ 1601.122–13 *"Secretary."* The term "Secretary" means the Secretary of a Department and means "Secretary" as defined in subsection (a) of the Renegotiation Act of 1943 as follows:

(2) In the case of the Maritime Commission, the term "Secretary" means the Chairmain of such Commission, in the case of the War Shipping Administration, the term "Secretary" means the Administrator of such Administration, and in the case of Defense Plant Corporation, Metals Reserve Company, Defense Supplies Corporation, and Rubber Reserve Company, the term "Secretary" means the board of directors of the appropriate corporation.

and by reason of Public 109, 79th Congress, approved June 30, 1945, the term "Secretary" as used in the Renegotiation Act also means the board of directors of Reconstruction Finance Corporation, as successor to Defense Plant Corporation, Metals Reserve Company, Defense Supplies Corporation and Rubber Reserve Company under said Public 109. (See

§§ 1601.122–5, 1608.809–1 and 1608.809–2 of this chapter.) [RR 122.14]

SUBPART C—ORGANIZATION AND FUNCTIONS OF THE PRICE ADJUSTMENT BOARDS AND SECTIONS

Section 1601.137 is amended to read as follows:

§ 1601.137 *RFC Price Adjustment Board.* The boards of directors of Defense Plant Corporation, Metals Reserve Company, Defense Supplies Corporation and Rubber Reserve Company established the RFC Price Adjustment Board. The Reconstruction Finance Corporation has authorized the RFC Price Adjustment Board to act on its behalf. (See §§ 1601.122–5, 1601.122–13, 1608.809–1 and 1608.809–2.) The office of this Board is located in Washington, D. C. [RR 137]

PART 1603—DETERMINATION OF RENEGOTIABLE BUSINESS AND COSTS

SUBPART A—FISCAL YEAR BASIS FOR RENEGOTIATION AND EXCEPTIONS

Section 1603.308–2 is amended to read as follows:

§ 1603.308–2 *When received or accrued.* For purposes of renegotiation amounts payable to a contractor or subcontractor on account of any termination claim under a contract or subcontract will be deemed to have been received or accrued to the extent, and in the fiscal year for which, such amounts are estimated, upon the basis of the circumstances existing at the time of renegotiation, to be includible in the computation of taxable income under the Internal Revenue Code (see Treasury Decision 5405 and Bureau of Internal Revenue Mimeograph No. 5897 reproduced herein at §§ 1608.852–5 and 1608.852–6 of this chapter). Renegotiation will not be postponed or delayed pending the settlement of a termination claim whether by a "no-cost" waiver, or otherwise. [RR 308.2]

2. Section 1603.309–1 is amended to read as follows:

§ 1603.309–1 *When authorized.* Renegotiation with parent and subsidiary companies may be conducted on a consolidated basis, in the discretion of the Department conducting the renegotiation and with the consent of each of the entities to be consolidated, whether or not the parent and subsidiaries constitute an "affiliated group" as defined in subsection (d) of section 141 of the Internal Revenue Code. [RR 309.1]

3. Section 1603.310–1 is amended to read as follows:

§ 1603.310–1 *When authorized.* Renegotiation with two or more business enterprises which are under common control as a result of common ownership rather than as a result of parent-subsidiary relationship may be conducted on a consolidated basis in the discretion of the Department conducting the renegotiation and with the consent of each of the entities to be consolidated, if:

(a) Such consolidation is reasonably necessary for the protection of the interests of the Government. This is especially likely if one or more of such enterprises is a subcontractor of another of the enterprises commonly owned; and

(b) The extent of the common ownership is such that consolidation for renegotiation purposes is not, in the opinion of the Department conducting the renegotiation, inequitable to minority interests in one or more of the enterprises.

It is not essential that the interests of the common owners be identical in extent or nature in each of the enterprises commonly owned. [RR 310.1]

Section 1603.312 is amended to read as follows:

§ 1603.312 *Where consolidated basis not used.* Companies should not be consolidated for purposes of renegotiation unless they have the same fiscal year for Federal tax purposes and unless the parent-subsidiary relationship or common control existed for the entire fiscal period. Whenever parent and subsidiary companies are renegotiated not on a consolidated basis but separately, renegotiations with the individual members of the controlled group should be conducted concurrently if possible. [RR 312]

SUBPART B—METHODS FOR SEGREGATING SALES BETWEEN RENEGOTIABLE AND NON-RENEGOTIABLE BUSINESS

Section 1603.323 is amended to read as follows:

§ 1603.323 *Segregation with respect to contracts with Reconstruction Finance Corporation or its subsidiaries.* In connection with prime contracts between a contractor and Defense Plant Corporation, Metals Reserve Company, Defense Supplies Corporation or Rubber Reserve Company or between a contractor and Reconstruction Finance Corporation as successor to any of such corporations under Public 109, 79th Congress, approved June 30, 1945 (see §§ 1601.122–5, 1601.122–13, 1608.809–1 and 1608.809–2 of this chapter), a segregation of sales and allocation of costs is necessary in order that excessive profits, if any, attributable to such contracts may be computed. Such segregation shall not be necessary in cases in which the total amounts received or accrued under such prime contracts do not exceed $50,000 during the period under renegotiation and no such computation of excessive profits under such prime contracts will be made. When it appears from such a computation that excessive profits are attributable to such prime contracts, appropriate provision should be made so that the portion of the profits eliminated, allocable to such prime contracts, will be paid to the RFC Price Adjustment Board (see § 1605.502–5 of this chapter). The address of the RFC Price Adjustment Board is set out in § 1607.797–1 of this chapter. [RR 323]

SUBPART C—CONTRACTS AND SUBCONTRACTS WITHIN THE SCOPE OF THE 1943 ACT

1. Section 1603.332–1 is amended to read as follows:

§ 1603.332–1 *General.* Subject to the exemptions contained in the 1943 Act, all contracts made by the War and Navy Departments, the Maritime Commission, the War Shipping Administration, Defense Plant Corporation, Defense Supplies Corporation, Rubber Reserve Company, Metals Reserve Company, or Reconstruction Finance Corporation as successor to any of such corporations under Public 109, 79th Congress, approved June 30, 1945, are subject to renegotiation. Contracts of the Treasury Department subject to renegotiation include:

(a) Contracts placed under section 201 of Title II of the First War Powers Act, 1941, 55 Stat. 839. These are principally lend-lease contracts which may be identified by the symbols "DA–TPS" preceding the contract number.

(b) Contracts for strategic and critical materials placed under the authority of the act of June 7, 1939, 53 Stat. 811. Such contracts made after March 1, 1943 may be identified by the symbols "SCM–TPS" preceding the contract number.

(c) Contracts for supplies for refugee relief under the Red Cross program, placed under the authority contained in Title II of the Third Supplemental National Defense Appropriation Act, 1942, 55 Stat. 817, or in section 40 of the Emergency Relief Appropriation Act, fiscal year 1941, 54 Stat. 627, and Title I of the Second Deficiency Appropriation Act, 1942, approved July 2, 1942. Such contracts may be identified by the symbols "TRR" preceding the contract number. [RR 332.1]

2. Section 1603.332–11 is added as follows:

§ 1603.332–11 *Reconstruction Finance Corporation and subsidiary corporations.* The Renegotiation Act is applicable to contracts with Defense Plant Corporation, Metals Reserve Company, Defense Supplies Corporation and Rubber Reserve Company and to subcontracts thereunder. Effective July 1, 1945, these corporations were dissolved and their functions, powers, duties and authority were transferred to Reconstruction Finance Corporation. (See §§ 1601.122–5, 1601.122–13, 1608.809–1 and 1608.809–2 of this chapter.) The Reconstruction Finance Corporation thereupon obtained all the powers, functions, authority and duties vested in such subsidiary corporations under the Renegotiation Act, both as to contracts previously entered into by those subsidiaries and as to contracts which the Reconstruction Finance Corporation, on and after July 1, 1945, might enter into under the authority transferred by the resolution, and as to subcontracts thereunder. [RR 332.11]

SUBPART D—MANDATORY EXEMPTIONS AND EXCLUSIONS FROM RENEGOTIATION

Section 1603.348–3 is amended to read as follows:

§ 1603.348–3 *No reduction by refund below exemption.* (a) No determination of excessive profits to be eliminated from the aggregate amount of gross receipts or accruals under subcontracts referred to in subsection (a) (5) (B) of the 1943 Act shall be made in an amount greater than that which when deducted from the aggregate amount of such gross receipts or accruals for the contractor's fiscal year will reduce them below $25,000.

(b) No determination of excessive profits to be eliminated from the aggregate amount of gross receipts or accruals under contracts and subcontracts (other than subcontracts referred to in subsection (a) (5) (B) of the 1943 Act or under contracts and subcontracts (other than subcontracts referred to in subsection (a) (5) (B) of the 1943 Act), as the case may be, for the period of time which is the fiscal year of the contractor will reduce the aggregate amount of such receipts or accruals below the minimums set forth in this section. In the application of such limitation, if any such affiliate has been renegotiated prior to the renegotiation of the contractor, the receipts or accruals of such affiliate received or accrued during the contractor's fiscal year shall be adjusted. In the absence of evidence to the contrary excessive profits determined shall, for the purposes of this paragraph, be deemed to adjust receipts or accruals in each month ratably, according to the ratio of such monthly receipts or accruals to the aggregate receipts or accruals for such affiliate's fiscal year. There shall not be included in the aggregate amount of receipts or accruals of such affiliates any amount received or accrued by any such affiliate in any part of the fiscal year of the contract during which the affiliation did not exist. Ordinarily, all of the members of the affiliated group will have been assigned for renegotiation to the same renegotiation agency; if the fiscal years of the members of the affiliated group differ, renegotiation should be conducted with the members of the group in the order of the expiration of their respective fiscal years.

(f) If two or more contractors are renegotiated on a consolidated basis, their combined adjusted receipts or accruals will be computed without the elimination of inter-company sales (see § 1603.348–2 (b)). [RR 348.3]

ceipts or accruals for the contractor's fiscal year will reduce them below $25,000.

(b) No determination of excessive profits to be eliminated from the aggregate amount of gross receipts or accruals under contracts and subcontracts (other than subcontracts referred to in subsection (a) (5) (B) of the 1943 Act) shall be made in an amount greater than that which when deducted from the aggregate amount of such gross receipts or accruals for the contractor's fiscal year will reduce them below $500,000.

(c) In the case of a renegotiation with respect to a fiscal year consisting of a fractional part of twelve months, these limitations are to be pro-rated accordingly.

(d) In any case in which an adjustment for taxes (other than Federal) measured by income is required (see § 1603.389), excessive profits shall first be determined, and the appropriate adjustment for such taxes measured by income shall be made, without regard to any limitations imposed by this section. The limitations of this section shall then be applied in determining the amount of excessive profits to be eliminated.

(e) In the case of a contractor who has affiliates (as defined in § 1603.348–2 (b)) excessive profits to be eliminated may be determined in an amount not greater than that which when deducted from the aggregate amount of receipts or accruals of the contractor and his affiliates under subcontracts referred to in subsection (a) (5) (B) of the 1943 Act or under contracts and subcontracts (other than subcontracts referred to in subsection (a) (5) (B) of the 1943 Act), as the case may be, for the period of time which is the fiscal year of the contractor will reduce the aggregate amount of such receipts or accruals below the minimums set forth in this section. In the application of such limitation, if any such affiliate has been renegotiated prior to the renegotiation of the contractor, the receipts or accruals of such affiliate received or accrued during the contractor's fiscal year shall be adjusted. In the absence of evidence to the contrary excessive profits determined shall, for the purposes of this paragraph, be deemed to adjust receipts or accruals in each month ratably, according to the ratio of such monthly receipts or accruals to the aggregate receipts or accruals for such affiliate's fiscal year. There shall not be included in the aggregate amount of receipts or accruals of such affiliates any amount received or accrued by any such affiliate in any part of the fiscal year of the contract during which the affiliation did not exist. Ordinarily, all of the members of the affiliated group will have been assigned for renegotiation to the same renegotiation agency; if the fiscal years of the members of the affiliated group differ, renegotiation should be conducted with the members of the group in the order of the expiration of their respective fiscal years.

(f) If two or more contractors are renegotiated on a consolidated basis, their combined adjusted receipts or accruals will be computed without the elimination of inter-company sales (see § 1603.348–2 (b)). [RR 348.3]

SUBPART E—PERMISSIVE EXEMPTIONS FROM RENEGOTIATION

In § 1603.351–2 paragraphs (b) and (c) are redesignated (c) and (d) respectively and a new paragraph (b) is added as set forth below:

§ 1603.351–2 *Exemption.* • • •

(b) Except as provided in the last sentence of this paragraph, if a contractor assigned for renegotiation has receipts or accruals from a contract or subcontract described in paragraph (a) above, the renegotiating agency shall, before completing the renegotiation, furnish to the Department which entered into such contract or into the contract under which such subcontract was made, the following information:

(1) A statement as to whether administrative difficulties do or do not make impracticable the renegotiation of such contract or subcontract,

(2) A statement of opinion based upon all the facts available to the renegotiating agency as to whether the procurement program of the United States will be adversely affected by the renegotiation of such contract or subcontract,

(3) A statement of opinion based upon all the facts available to the renegotiating agency as to whether such renegotiation will be contrary to the interests of the United States and

(4) A request that a determination be made that such contract or subcontract is or is not exempt from the provisions of the Renegotiation Act.

The Secretary of the Department to which the foregoing is submitted, or any authority to whom the power to exempt individual contracts under subsection (i) (4) (A) of the 1943 Act has been, or may be delegated or redelegated, shall make the findings with respect to the matters set forth in paragraph (a) above and promptly notify the renegotiating agency of such findings. The finding called for in subparagraph (1) of paragraph (a) may be based entirely upon the statement called for in subparagraph (1) of this paragraph. If such findings cannot be made, that fact will be promptly communicated to the renegotiating agency. The renegotiating agency need not follow the foregoing procedure if it appears that a clearance or cancellation of the assignment would be appropriate even though the receipts or accruals from the contract or subcontract in question were considered as subject to renegotiation.

SUBPART G—TERMINATION OF RENEGOTIATION

1. Section 1603.371 is amended to read as follows:

§ 1603.371 *Statutory provision.* Subsection (h) of the 1943 Act provides:

(h) This section shall apply only with respect to profits derived from contracts with the Departments and subcontracts which are determined under regulations prescribed by the Board to be reasonably allocable to performance prior to the close of the termination date. Notwithstanding the method of accounting employed by the contractor in keeping his books, profits determined to be so allocable shall be considered as having been received or accrued not later than the termination date. For the purposes of this subsection, the term "termination date" means whichever of the following dates first occurs:

(1) December 31, 1945; or

(2) The date proclaimed by the President as the date of the termination of hostilities in the present war; or

(3) The date specified in a concurrent resolution of the two Houses of Congress as the date of the termination of hostilities in the present war.

[RR 371]

2. Section 1603.372 is amended to read as follows:

§ 1603.372 *History of termination date of Renegotiation Act.* The Renegotiation Act of 1943 originally provided for termination on December 31, 1944, subject to power in the President to extend the termination date to not later than June 30, 1945. Proclamation 2631 executed by the President, specified June 30, 1945, as the termination date within the meaning of subsection (h) of the Renegotiation Act. (See § 1608.808 of this chapter.) On June 30, 1945, the amendment to subsection (h) of the 1943 Act set forth in § 1603.371 was approved (Public 104, 79th Congress) which extended the termination date as indicated in § 1603.371. [RR 372]

SUBPART H—COSTS ALLOCABLE AND ALLOWABLE AGAINST RENEGOTIABLE BUSINESS

1. Paragraph (d) of § 1603.383–2 is amended to read as follows:

§ 1603.383–2 *Accelerated amortization and renegotiation rebate.* • • •

(d) Subsection (a) (4) (C) of the 1943 Act provides that no amount shall be allowed as an item of cost in renegotiation by reason of a recomputation of the amortization deduction pursuant to section 124 (d) of the Internal Revenue Code until after such recomputation has been made in connection with a determination of the contractor's Federal taxes for the fiscal year being renegotiated. That subsection further provides that the absence of such recomputation shall not be cause for postponing renegotiation. If, however, the amortization period with respect to any facility has been terminated pursuant to section 124 (d) of the Internal Revenue Code, in any case in which a determination of excessive profits or a determination of no excessive profits for any fiscal year is embodied in an agreement, there may be conditionally allowed as an item of cost in the renegotiation for such fiscal year an amount equivalent to the portion of the increased amortization deduction estimated to be allowable for tax purposes for such year which is allocable to renegotiable business. No such conditional allowance shall be made, however, (1) in a case in which a determination of excessive profits is made, notwithstanding such conditional allowance, unless the clause set forth in § 1607.741–2 (h) of this chapter is incorporated in the renegotiation agreement, or (2) in a case in which by reason of such conditional allowance, a determination of no excessive profits is made, unless an appropriate conditional allowance clause consistent with the clause set forth in § 1607.741–2 (h) of this chapter is incorporated in a clearance agreement.

2. Section 1603.386–1 is amended to read as follows:

§ 1603.386–1 *Allowance.* Interest on borrowed capital is deductible under the Internal Revenue Code and will, therefore, be allowed in renegotiation to the extent allocable to renegotiable business. [RR 386.1]

3. Section 1603.386–2 is amended to read as follows:

§ 1603.836–2 *Allocation.* (a) Interest on borrowed funds should be allocated between renegotiable and non-renegotiable business according to the general principles set forth in § 1603.381–4.

(b) Where, however, a contractor has incurred obligations which results in a cash position obviously disproportionate to the current volume of business, then interest on that portion of such obligations which produces excess cash should not be allocated to renegotiable business. Scrutiny should also be directed to the amount of funds of the contractor invested in securities or other assets which are not related to the production of renegotiable income. In such cases the cost of borrowed funds which can be demonstrated to have been invested in such assets or which can reasonably be allocated to the financing of such assets should be allocated to non-renegotiable business.

(c) Ordinarily, there should not be allocated to renegotiable business any part of the premium or other cost in connection with the redemption of retirement of obligations. [RR 396.2]

4. Section 1603.388–3 is redesignated § 1603.388–4 and a new § 1603.388–3 is added as set forth below:

§ 1603.388–3 *Charitable contributions; proprietorships and partnerships.* No portion of charitable contributions made by individuals or partners will be allocated to renegotiable business unless the contractor demonstrates clearly that such contributions are reasonable in amount and properly related to the conduct of the business. [RR 338.3]

PART 1604—DETERMINATION AND ELIMINATION OF EXCESSIVE PROFITS

SUBPART A—PRINCIPLES AND FACTORS IN DETERMINING EXCESSIVE PROFITS

Paragraph (a) of § 1604.407–3 is amended to read as follows:

§ 1604.407–3 *Allocation of costs to cost-plus-fixed-fee contracts.* (a) In determining costs allocable to cost-plus-fixed-fee contracts, the principles set forth in Subpart H of Part 1608 of this chapter relating to the allocation of costs generally should be followed without regard to whether any particular item of cost is or is not reimbursable under the terms of the contracts. Therefore, in the allocation of costs to fixed-price renegotiable business, to cost-plus-fixed-fee renegotiable business, and to non-renegotiable business all costs applicable and necessary to performance under the cost-plus-fixed-fee contracts should be allocated to such contracts whether or not reimbursable under the terms thereof. Properly allocable non-reimbursable costs will, therefore, be included in the total cost of performance of the cost-plus-fixed-fee contracts.

SUBPART B—RECOVERY OF EXCESSIVE PROFITS ALREADY REALIZED

1. Paragraph (a) of § 1604.422–4 is amended to read as follows:

§ 1604.422–4 *Interest.* (a) No renegotiation agreement when originally made shall require the payment of interest on installments of the refund which are not in default thereunder and which are provided to be payable within a two-year period after the close of the fiscal period to which the renegotiation relates. A renegotiation agreement providing for the payment of an installment of a refund beyond two years after the close of the fiscal period to which the renegotiation relates, shall require the payment of interest on such installment at the rate of six (6) per cent per annum from and after the date which is two years after the last day of the fiscal period to which the renegotiation relates.

2. Section 1604.425 is added as set forth below:

§ 1604.425 *Interest of Reconstruction Finance Corporation.* Reference is made to §§ 1603.323 and 1605.502–5 of this chapter. [RR 425]

SUBPART D—RENEGOTIATION AND TAXES

Paragraph (a) of § 1604.442–2 is amended to read as follows:

§ 1604.442–2 *Computation of credit for Federal taxes.* (a) The Bureau of Internal Revenue computes the credit allowable under section 3806 of the Internal Revenue Code for Federal income and excess profits taxes assessed for a prior taxable year. The contractor should submit written requests for such determinations directly to the Internal Revenue Agent in Charge of the Division of the Bureau of Internal Revenue where the contractor filed its tax return for the fiscal year involved. Forms for requesting computation of the credit appear at §§ 1607.731, 1607.732 and 1607.733 of this chapter. (See also § 1604.452 (a) (3)). The requests should not be sent to the Collector of Internal Revenue.

SUBPART E—INTERIM PREPAYMENT OF EXCESSIVE PROFITS

1. Section 1604.450 is amended to read as follows:

§ 1604.450 *Scope of part.* Excessive profits are determined under the Renegotiation Act (including subsection (a) (4) (D) which provides for a renegotiation rebate) only pursuant to a renegotiation proceeding commenced and conducted in the manner prescribed by the act. Profits refunded prior to renegotiation will be deemed to be "excessive profits determined" within the meaning of the Renegotiation Act only if such refund is made in the manner prescribed in § 1604.452 as an interim prepayment of excessive profits to be determined by the War Contracts Board in a subsequent renegotiation and only to the extent that the amount of such prepayment is determined in such renegotiation to constitute excessive profits within the meaning of the Renegotiation Act. It is the purpose of this section to discuss: (a) The circumstances under which renegotiating agencies will accept such interim prepayments; and (b) the method by which prepayments may be made. Reference is made to § 1604.413–2 for a discussion of the effect of refunds made prior to renegotiation upon the statutory factor of "risk". [RR 450]

2. Paragraph (a) of § 1604.452 is amended to read as follows:

§ 1604.452 *Procedure for acceptance of prepayments of excessive profits.* * * *

(a) Each prepayment must be made pursuant to a letter agreement in the form prescribed as follows:

(1) If the refund is made prior to the close of the fiscal year to which it relates, a letter agreement in the form set forth in § 1607.743 of this chapter will be used;

(2) If the refund is made after the close of the fiscal year to which it relates, but before the Federal tax return for such year has been filed, a letter agreement in the form set forth in § 1607.743 of this chapter will be used except that the word "ending" appearing in the first sentence of such form will be changed to "ended";

(3) If the refund is made after the Federal tax return has been filed for the fiscal year to which the refund relates, a letter agreement in the form set forth at § 1607.744 of this chapter will be used. In this latter case, it will be necessary for the contractor to request a tax credit under section 3806 of the Internal Revenue Code. Reference is made to §§ 1607.731 to 1607.733 inclusive of this chapter for appropriate forms of letters which, with one change, can be used in requesting the computation of tax credit. Before using either of such forms, the contractor should insert immediately after the word "profits" appearing in the third line of the appropriate form, the following phrase: ", as such term is defined in section 3806 of the Internal Revenue Code,".

PART 1605—AGREEMENTS AND STATEMENTS

SUBPART A—AGREEMENTS AND CLEARANCES

1. Paragraphs (a) and (b) of § 1605.502–5 are amended to read as follows:

§ 1605.502–5 *Terms of payment.* (a) The schedule of payments to be made will be set forth in Article 4. A suggested form of such schedule is set forth in § 1607.741–2 (e) of this chapter. The Department which has conducted the renegotiation will also provide, in this article, for the place of payment. In the event that the profits agreed in Article 1 to be eliminated are derived in part from prime contracts with Defense Plant Corporation, Metals Reserve Company, Defense Supplies Corporation or Rubber Reserve Company or from prime contracts with Reconstruction Finance Corporation as successor to any of such corporations under Public 109, 79th Congress, approved June 30, 1945 (see §§ 1601.122–5, 1601.122–13, 1608.809–1, and 1608.809–2 of this chapter) and the total amounts received or accrued under such prime contracts exceed $50,000, the payment provision in accordance with the footnote to Article 4 on the standard form will require payment of the excessive profits under such prime contracts to the RFC Price Adjustment Board. (See § 1607.741–1.) In cases in which the total amounts received or accrued under such prime contracts do not exceed $50,000, it shall not be necessary to make a separate computation of the profits derived from such contracts and the entire refund shall be payable as though no contracts with the Reconstruction Finance Corporation or its former subsidiaries were involved. (See § 1603.323 of this chapter.)

(b) For the purpose of determining the portion of the profits which are to be eliminated which were derived from such prime contracts, the Department conducting renegotiation will segregate the amounts received or accrued under such contracts from amounts received or accrued under other renegotiable contracts and subcontracts involved in the renegotiation of a particular contractor. It will also generally segregate the profits derived from such prime contracts. Where, however, it is indicated that the margin of profit attributable to such prime contracts is substantially the same as that attributable to other contracts and subcontracts involved in the renegotiation, a fair allocation of the profits to be eliminated may be effected by prorating the amount of the refund on the basis of the amount of renegotiable business attributable to such prime contracts and the amount of such business attributable to other contracts and subcontracts. Accordingly, the Department conducting renegotiation may determine the amount of the renegotiation refund to be paid to the RFC Price Adjustment Board on such basis where it is believed that the application of the same will result in a fair and reasonably accurate result.

2. Section 1605.508–3 is amended to read as follows:

§ 1605.508–3 *Use and form of clearance agreement.* Upon request of the contractor, a clearance agreement executed by the contractor and the Government may be used in place of the clearance notice. Such government should follow the general structure of the standard form of renegotiation agreement (see § 1605.506 and § 1607.741–1) except that Articles 3, 4, 5 and 9 of the standard agreement should be omitted. The articles used should be renumbered consecutively. The first article should be substantially the same as that contained in the standard form, except that the finding and agreement should be that no profits should be refunded pursuant to the act. Whenever renegotiation conducted on a completed-contract basis in the cases referred to in § 1605.506–4 results in the execution of a clearance agreement, the appropriate clause therein prescribed will be included in the clearance agreement. [RR 508.3]

PART 1607—FORMS OF RENEGOTIATION

SUBPART B—FORMS RELATING TO OPERATION OF RENEGOTIATION

In § 1607.722 Exhibit 4 is added, as follows:

§ 1607.722 *Contractor's Information and Work Sheet for Renegotiation.*

* * * * *

Budget Bureau No. 49–R 260
Approval Expires 12 31 45

EXHIBIT 4

Note

If the contractor has previously filed this information *for the same fiscal period* with a Royalty Adjustment Board or Officer, the time and place of filing may be indicated in lieu of completing this form.

Name of Contractor_____
Address _____ Fiscal Year Ended _____

Statement of Royalties for the Use of Inventions Received or Accrued and Paid or Incurred

Notwithstanding the provisions of Section P–1 (a) of the Contractor's Information and Work Sheet, for the purposes of renegotiation the following information as to royalties for the use of inventions is requested in lieu thereof, to be furnished substantially in the following form:

A. Royalties received or accrued:

Licensee	*Address*	*Amount*
1.		$
2.		
3.		
4.		
5.		
All other under $15,000 each (number involved)		
Total per statement of income		$

B. Royalties paid or incurred:

Licensor	*Address*	*Amount*
1.		$
2.		
3.		
4.		
5.		
All other under $5,000 each (number involved _____)		
Total per statement of income		$

NOTE: Under A above, list individually the entities from which royalties in excess of $15,000, together with the aggregate amounts, were received or accrued. Under B above, list individually the entities to which royalties in excess of $5,000, together with the aggregate amounts, were paid or incurred. All others may be grouped as indicated.

[RR 722]

SUBPART C—FORMS RELATING TO TAX CREDIT

Identical references should be inserted in §§ 1607.731, 1607.732 and 1607.733 after the words "excessive profits" in the first sentence of the letter agreements. The references should read as follows: "(see § 1604.452 (a) (3))."[2]

SUBPART D—FORMS RELATING TO AGREEMENTS AND UNILATERAL DETERMINATIONS

1. The footnote to paragraph 4 of the Standard Form of Agreement set forth in § 1607.741–1 is amended to read as follows:

[2] Under the conditions referred to in paragraphs 323 and 502.5, insert here—"to the extent of $_____, less the pro rata portion of the tax credit, if any, applicable thereto, and by check to the order of and forwarded to the Reconstruction Finance Corporation Price Adjustment Board, 811 Vermont Avenue, N. W., Washington 25, D. C.,"

to the extent of $_____ less the pro rata portion of the tax credit, if any, applicable thereto."

2. Paragraph (8) is added to the variations in the standard form presented in § 1607.741–2 to read as set forth below:

§ 1607.741–2 *Variations in the standard form.*

* * * * *

(8) The following clause may be used when appropriate (see RR § 803.383–2 (d)):

The Contractor represents that pursuant to section 124 (d) of the Internal Revenue Code it has elected to compute its amortization deduction with respect to the facilities described in Non-Necessity Certificate No. _____ dated _____ based on an amortization period of less than sixty (60) months, and that the amortization deduction with respect to such facilities which the Contractor estimates will be allowed in the determination of its Federal income and excess profits taxes for the taxable year ended _____ based on said period of less than sixty (60) months is $_____ (hereinafter referred to in this article as "said amount"). The Contractor further represents that ____% (hereinafter called the "allocable percentage") of said amount is properly allocable to said contracts and subcontracts. Based upon the foregoing, there has been allowed as an item of cost in the determination of the amount of profits agreed in Article 1 to be eliminated, the allocable percentage of said amount. The Contractor agrees, however, that if the amortization deduction finally allowed in the determination of the Contractor's Federal income and excess profits taxes with respect to such facilities for said taxable year shall be less than said amount, the Contractor will, within thirty days thereafter, pay to the Government as additional profits for said fiscal year which should be eliminated, a sum equal to the allocable percentage of the difference between said amount and the amortization deduction so finally allowed plus interest at the rate of 6 per centum per annum upon such additional profits from and after the date two years following the close of said fiscal year.

In the elimination of said additional profits the Contractor shall be allowed the tax credit, if any, provided by section 3806 of the Internal Revenue Code.

The Contractor hereby waives all right to a renegotiation rebate under subsection (a) (4) (D) of the Renegotiation Act on account of any recomputation of the amortization deduction with respect to such facilities for said fiscal year except to the extent by which the allocable percentage of the amount of such recomputed amortization deduction finally allowed with respect to such facilities in the determination of the Contractor's Federal income and excess profits taxes for said taxable year exceeds the allocable percentage of said amount.

[RR 741.2]

3. In § 1607.743 a reference should be inserted after the words "fiscal year ending" in the first sentence of the letter agreement. The reference should read as follows "(see § 1604.452)."

4. Section 1607.744 is added as follows:

§ 1607.744 *Letter agreement providing for prepayment of excessive profits after close of fiscal year.*

_____
(Date)

_____

_____

_____

(Departmental Price Adjustment Board and Address)

Gentlemen: Of the profits received or accrued in our fiscal year ended _____ (hereinafter referred to as "such fiscal year") derived from contracts and/or subcontracts subject to the provisions of the Renegotiation Act, we intend to pay to you as a prepayment of excessive profits, the sum $_____ (hereinafter referred to as the "gross prepayment").

This prepayment is to be made on the understanding (1) that the gross prepayment shall be deemed to be a payment in elimination of "excessive profits" within the meaning of such term as defined in Section 3806 of the Internal Revenue Code; (2) that the gross prepayment has been included in the Federal income and excess profits tax returns filed by the undersigned for such fiscal year; (3) that the undersigned will promptly apply for a computation by the Bureau of Internal Revenue, based upon the assessments made to the date of such computation, of the amount by which the taxes of the undersigned for such fiscal year payable under Chapters 1, 2A, 2B, 2D, and 2E of the Internal Revenue Code will be decreased by reason of the elimination from income of the gross prepayment pursuant to section 3806 of the Internal Revenue Code; and (4) that the undersigned will, upon receiving such computation, pay to the Government the gross prepayment, less the amount of the tax credit, if any, so computed by the Bureau of Internal Revenue. The undersigned represents that this prepayment is not made in satisfaction or discharge, in whole or in part, of any legally binding obligation heretofore existing.

It is agreed that neither acceptance of this letter nor acceptance of the prepayment to be made hereunder constitutes a commencement of renegotiation pursuant to the Renegotiation Act and that, except as provided herein, renegotiation may be conducted in all respects as though this prepayment had not been made. It is further agreed that if renegotiation pursuant to the Renegotiation Act shall hereafter be concluded with respect to such fiscal year, (1) the amount of the gross prepayment will, for the purpose of such renegotiation, be included in renegotiable receipts or accruals, (2) upon such basis, excessive profits, if any, will be determined under the Renegotiation Act and the regulations promulgated thereunder, and (3) upon such determination of excessive profits, the amount of gross prepayment will be applied in elimination of the excessive profits so determined, and, to the extent so applied, the gross prepayment will be deemed to be "excessive profits determined" within the meaning of the Renegotiation Act. It is intended that, if the amount of excessive profits so determined is less than the amount of the gross prepayment, or if for any reason renegotiation pursuant to the Renegotiation Act shall not be concluded with respect to such fiscal year, then the excess of this gross prepayment, or the full amount thereof, as the case may be, shall constitute a payment in elimination of "excessive profits" as such term is defined in section 3806 of the Internal Revenue Code, even though not constituting an elimination of "excessive profits determined" within the meaning of the Renegotiation Act.

It is further agreed that no part of this prepayment shall be refunded to the undersigned, *Provided, however*, That if this gross prepayment, or a portion thereof, shall be deemed to be "excessive profits determined" within the meaning of the Renegotiation Act, nothing herein contained shall prejudice any right which the undersigned may have to receive any refund or rebate provided for in the Renegotiation Act with respect to the excessive profits so determined. The undersigned further agrees that if this gross prepayment, or a portion thereof, shall be deemed to be "excessive profits determined" within the meaning of the Renegotiation Act, the undersigned shall not be entitled to any tax credit with respect to the gross prepayment, or portion thereof, as the case may be, other than the tax credit computed as provided in the second paragraph of this agreement, and that the undersigned will so inform the Bureau of Internal Revenue at the time it applies for a computation of tax credit with respect to the "excessive profits determined" pursuant to the Renegotiation Act.

If this prepayment is acceptable on the foregoing terms, please so indicate by indorsement of one of the three (3) copies inclosed and return such copy to us.

Yours very truly,

_____
(Name of Contractor)

By _____
(Title)

Accepted by _____
Acting on behalf of the War Contracts Price Adjustment Board

If a corporation add (corporate seal)

Attest:

_____
(Secretary)

[RR 744]

SUBPART I—ADDRESSES

1. In § 1607.793–1, the eighth paragraph is amended to read as follows:

§ 1607.793–1 *Headquarters.* * * *

The Surgeon General, Attention: Director, Renegotiation Division, Room 505, Maritime Building, 1818 H Street, NW., Washington 25, D. C.; Tel. Republic 6700, Ext. 78455.

2. Section 1607.793–2 is amended by deleting the second and third addresses for the Army Air Forces.

3. Section 1607.797–2 is amended to read as follows:

§ 1607.797–2 *Field offices of price adjustment sections.*

Healey Building, Atlanta 3, Georgia, Tel. Main 5612.

Comer Building, Birmingham 3, Alabama, Tel. Birmingham 4–2661.

10 Post Office Square, Boston 9, Massachusetts, Tel. Liberty 8000.

317 South Tryon Street, Charlotte 2, North Carolina, Tel. Charlotte 3–7161.

208 S. LaSalle Street, Chicago 4, Illinois, Tel. State. 0800.

Federal Reserve Bank Building, Cleveland 1, Ohio, Tel. Main 8515; Night, Main 8518.

Cotton Exchange Building, Dallas 1, Texas, Tel. LD 171 or Riverside 6751.

Boston Building, Denver 2, Colorado, Tel. Alpine 0415.

800 Griswold Building, 1?14 Griswold Street, Detroit 26, Michigan.

P. O. Box 177, Power Block, Helena, Montana, Tel. Helena 481.

Rusk Building, 723 Main Street, Houston 2, Texas, Tel. Charter 4–6711.

Western Union Building, Jacksonville 2, Florida, Tel. Jacksonville 5–1650.

Federal Reserve Bank Building, Kansas City 6, Missouri, Tel. Victor 3113.

Pyramid Building, Little Rock, Arkansas, Tel. Little Rock 4–0254.

Pacific Mutual Building, Los Angeles 14, California, Tel. Michigan 6321.

Lincoln Bank Building, 421 W. Market Street, Louisville 2, Kentucky, Tel. Wabash 6771.

McKnight Building, Minneapolis 1, Minnesota, Tel. Geneva 8601.

Nashville Trust Company Building, Union Street, Nashville 3, Tennessee, Tel. LD 48 or 5–2182.

Union Building, 837 Gravier Street, New Orleans 12, Louisiana,. Tel. Canal 2701.

44 Pine Street, New York 5, New York, Tel. Rector 2–8100.

Cotton Exchange Building, Oklahoma City 2, Oklahoma, Tel. LD 647 or 2–8541.

Woodmen of the World Bldg., Omaha 2, Nebraska, Tel. Jackson 8200.

Lincoln-Liberty Building, Philadelphia 7, Pennsylvania, Tel. Kingsley 1500.

Pittock Block, Portland 5, Oregon, Tel. Atwater 6401.

Mutual Assurance Society Building, 909 East Main Street, Richmond 19, Virginia, Tel. Richmond 3–6741.

Victoria Building, 407 North 8th Street, St. Louis 1, Missouri, Tel. Garfield 3750.

Dooly Building, Salt Lake City 1, Utah, Tel. Salt Lake City 5–7493.

Alamo National Building, San Antonio 5, Texas, Tel. Cathedral 1461.

200 Bush Street, San Francisco 4, California, Tel. Exbrook 6206.

Dexter Horton Building, Seattle 4, Washington, Tel. Main 1080.

Columbia Building, Spokane 8, Washington, Tel. Main 5111.

[RR 797.2]

4. Sections 1607.799 and 1607.799–1 are amended and § 1607.799–2 is added as follows:

§ 1607.799 *Maritime Commission and War Shipping Administration.* [RR 799]

§ 1607.799–1 *Maritime Commission Price Adjustment Board.*

(a) Headquarters, Attention: Mr. John R. Paull, Room 512, Electrical Workers Building, Washington 5, D. C.; Tel. Executive 3340, Ext. 608.

(b) Pacific Coast Division, 333 Kearny Street, San Francisco, California; Tel. Garfield 3715.

[RR 799.1]

§ 1607.799–2 *War Shipping Administration Price Adjustment Board.*

(a) New York Division, 39 Broadway, New York 6, New York; Tel. Whitehall 3–8000.

(b) Pacific Coast Division, 427 Mills Tower Building, 220 Bush Street, San Francisco 4, California; Tel. Garfield 3715.

[RR 799.2]

PART 1608—TEXT OF STATUTES, ORDERS, JOINT REGULATIONS AND DIRECTIVES

SUBPART A—STATUTES AND EXECUTIVE ORDERS

1. Section 1608.801 is amended to read as follows:

§ 1608.801 *Renegotiation Act of 1943.* Section 403 of the Sixth Supplemental National Defense Appropriation Act, 1942 (Public 528, 77th Congress), approved April 28, 1942, as amended by section 801 of the Revenue Act of 1942 (Public 753, 77th Congress) approved October 21, 1942; by section 1 of the Military Appropriation Act, 1944 (Public 108, 78th Congress), approved July 1, 1943; by Public 149, 78th Congress, approved July 14, 1943; as amended in full by section 701 (b) of the Revenue Act of 1943 (Public 235, 78th Congress) enacted February 25, 1944, and as further amended by Public 104, 79th Congress, approved June 30, 1945. [RR 801]

2. Section 1608.801–8 is amended to read as follows:

§ 1608.801–8 *Section 403 (h).* This section shall apply only with respect to profits derived from contracts with the Departments and subcontracts which are determined under regulations prescribed by the Board to be reasonably allocable to performance prior to the close of the termination date. Notwithstanding the method of accounting employed by the contractor in keeping his books, profits determined to be so allocable shall be considered as having been received or accrued not later than the termination date. For the purposes of this subsection, the term "termination date" means whichever of the following dates first occurs:

(a) December 31, 1945; or

(b) The date proclaimed by the President as the date of the termination of hostilities in the present war; or

(c) The date specified in a concurrent resolution of the two Houses of Congress as the date of the termination of hostilities in the present war. [RR 801.8]

3. Section 1608.801–16 is added as follows:

§ 1608.801–16 *Transfer to Reconstruction Finance Corporation of powers of certain subsidiaries.* See § 1608.809. [RR 801.16]

4. Section 1608.804 is amended to read as follows:

§ 1608.804 *Repricing of war contracts.* Title VIII of the Revenue Act of 1943, enacted February 25, 1944, as amended in section 802 (b) by Public 104, 79th Congress, approved June 30, 1945, provides as follows. [RR 804]

5. Section 1608.804–2 is amended to read as follows:

§ 1608.802–2 *Section 802; effective date.*

(a) Section 801 shall be effective from the date of the enactment of this act.

(b) Section 801 shall not apply to any contract with a Department or any subcontract made after (1) the date proclaimed by the President as the date of the termination of hostilities in the present war, or (2) the date specified in a concurrent resolution of the two Houses of Congress as the date of such termination, or (3) December 31, 1945, whichever date is the earlier.

[RR 804.2]

6. Section 1608.808 is amended by inserting a reference to § 1608.801–8 immediately following the section headnote, as follows:

§ 1608.808 *Proclamation 2631 specifying June 30, 1945, as the termination date of the Renegotiation Act.* (See also § 1608.801–8.)

7. Sections 1608.809, 1608.809–1 and 1608.809–2 are added as follows:

§ 1608.809 *Transfer to Reconstruction Finance Corporation of powers of Defense Plant Corporation, Metals Reserve Company, Defense Supplies Corporation and Rubber Reserve Company.* [RR 809]

§ 1608.809–1 *Text of statute.*

[PUBLIC LAW 109—79TH CONGRESS]

[CHAPTER 215—1ST SESSION]

[S. J. Res. 65]

JOINT RESOLUTION

To transfer to the Reconstruction Finance Corporation the functions, powers, duties, and records of certain corporations.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding any other provision of law, all functions, powers, duties, and authority of the corporations hereinafter designated, are hereby transferred, together with all their documents, books of account, records, assets, and liabilities of every kind and nature, to Reconstruction Finance Corporation and shall be performed, exercised, and administered by that Corporation in the same manner and to the same extent and effect as if originally vested in Reconstruction Finance Corporation, and the designated corporations are hereby dissolved: Defense Plant Corporation, Metals Reserve Company, Rubber Reserve Company, and Defense Supplies Corporation, created by Reconstruction Finance Corporation pursuant to the Act of June 25, 1940 (54 Stat. 572), and Disaster Loan Corporation, created by the Act of February 11, 1937 (50 Stat. 19), are hereby designated as the corporations to which this joint resolution applies.

SEC. 2. The Reconstruction Finance Corporation shall assume and be subject to all liabilities, whether arising out of contract or otherwise, of the corporations dissolved by this joint resolution. No suit, action, or other proceeding lawfully commenced by or against any of such corporations shall abate by reason of the enactment of this joint resolution, but the court, on motion or supplemental petition filed at any time within twelve months after the date of such enactment, showing a necessity for the survival of such suit, action, or other proceeding to obtain a determination of the questions involved, may allow the same to be maintained by or against the Reconstruction Finance Corporation.

SEC. 3. This joint resolution shall take effect on July 1, 1945.

Approved June 30, 1945.

[RR 809.1]

§ 1608.809–2 *Extract from Committee report.* (See Congressional Record, Thursday, June 28, 1945, Vol. 91, No. 129, pages 7002–7003). [RR 809.2]

SUBPART B—DELEGATIONS OF AUTHORITY

1. Section 1608.821–1 is amended to read as follows:

§ 1608.821–1 *Delegation dated August 10, 1945, to the Secretaries.*

DELEGATION BY THE WAR CONTRACTS PRICE ADJUSTMENT BOARD OF POWERS, FUNCTIONS AND DUTIES UNDER THE RENEGOTIATION ACT

AUGUST 10, 1945.

1. For the purpose of this delegation, the following terms are defined:

a. The term "Board" means the War Contracts Price Adjustment Board.

b. The term "Department" means the Departments enumerated in subsection (a) (1) of the Renegotiation Act and Reconstruction Finance Corporation as successor to Defense Plant Corporation, Metals Reserve Company, Defense Supplies Corporation and Rubber Reserve Company under Public Law 109, 79th Congress, approved June 30, 1945.

c. The term "Secretary" means the Secretary of War, the Secretary of the Navy, the Secretary of the Treasury, the Chairman of the Maritime Commission, the Administrator of the War Shipping Administration and the board of directors of Reconstruction Finance Corporation, as successor to Defense Plant Corporation, Metals Reserve Company, Defense Supplies Corporation and Rubber Reserve Company under Public Law 109, 79th Congress, approved June 30, 1945.

d. The term "Act" means the Renegotiation Act. Renegotiation authority relating to Reconstruction Finance Corporation as successor to Defense Plant Corporation, Metals Reserve Company, Defense Supplies Corporation and Rubber Reserve Company under Public Law 109, 79th Congress, approved June 30, 1945, is authority under the Act.

2. Pursuant to the provisions of subsection (d) (4) of the Act, the Board hereby delegates to each Secretary:

a. All of the powers, functions and duties conferred upon the Board by subsections (a) (4) (B); (a) (4) (C); (a) (4) (D); (a) (5) (B); (c) (1); (c) (2); (c) (3); (c) (4) (c) (5) (B); and (h) of the Act;

b. All of the powers, functions and duties conferred upon the Board to require the furnishing of information, records and data pursuant to the provisions of subsection (c) (5) (A) of the Act, except the financial statement provided for in the first sentence of said subsection; and

c. All of the powers, functions and duties conferred upon the Board to interpret and apply the exemptions provided for in subsection (i) (1) (A), (B), (C), (E) and (F), the definition contained in subsection (a) (7) and the provisions of subsection (i) (3).

The foregoing delegation of powers, functions and duties, however, shall be effective as to each Secretary, only as to contractors and subcontractors assigned by the Board, or pursuant to its authority, to such Secretary or his Department for renegotiation.

3. Pursuant to the provisions of subsection (d) (4) of the Act, the Board hereby delegates to each Secretary the power conferred upon the Board by subsection (i) (4) of the Act to exempt from some or all of the provisions of the Act, individual contracts entered into pursuant to his authority or the authority of his Department, and subcontracts under any such contracts (including subcontracts under any such contracts which are also subcontracts under contracts with other Departments); excepting from such delegation, however, any power to exempt from any of the provisions of the Act, any such contracts or subcontracts by general classes or types other than as provided in paragraph 4 hereof.

4. Pursuant to the provisions of subsection (d) (4) of the Act, the Board hereby delegates to each Secretary the power conferred upon the Board by subsection (i) (4) of the Act to exempt from some or all of the provisions of the Act any contracts or subcontracts with respect to patents or inventions, which contracts or subcontracts are license agreements, assignments, releases of, or covenants not to sue with respect to, claims for the manufacture or use of inventions, and any contracts or subcontracts for royalties charged or chargeable directly or indirectly to the United States which royalties are the subject of a royalty adjustment contract either pursuant to Public Law 768, 77th Congress, Chapter 634—2d Session, or otherwise: *Provided, however*, That each exemption made under this paragraph 4 which relates to general classes or types of contracts or subcontracts shall be limited to the contracts or subcontracts of specific contractors or subcontractors to whom amounts are or may be paid or payable under such contracts or subcontracts.

5. The powers, functions and duties hereby delegated to each Secretary may be delegated in whole or in part by him to such officers or agencies of the United States as he may designate, and he may authorize successive redelegations of such powers, functions and duties.

6. Without intending to limit the powers, functions and duties hereby delegated, nevertheless, each Sec. tary and each officer or agency of the United States to whom any power, function or duty is delegated or redelegated hereunder, shall exercise such power, function and duty, and all authority and discretion thereunder, in accordance with such interpretations of the Act and such regulations relating thereto as are issued or adopted by the Board and in accordance with the principles, policies and procedures established by the Board. Where a determination with respect to the amount of excessive

profits of a contractor or subcontractor is embodied in an agreement between the contractor or subcontractor and a duly authorized representative of the Board such agreement shall be conclusive according to its terms and shall not be subject to review by the Board or any representative of the Board. Nothing herein contained, however, shall be construed to limit the right of the Board to review determinations with respect to the amount of excessive profits made by order and not embodied in an agreement with the contractor or subcontractor concerned.

7. This delegation is subject to revocation or modification in whole or in part at any time.

8. The powers, functions and duties delegated hereby shall be effective immediately and shall be retroactive to the effective date of the Revenue Act of 1943.

9. This delegation supersedes the delegations dated February 26, 1944 and November 10, 1944 made by the War Contracts Price Adjustment Board to the Secretaries. The authority so superseded is not withdrawn from the Secretaries but is incorporated herein. Any action under such superseded delegations is not affected hereby and all delegations of authority thereunder shall remain in force until amended or rescinded.

By Order of the War Contracts Price Adjustment Board:

MAURICE HIRSCH,
Colonel, General Staff Corp.,
Chairman.

[RR 821.1]

2. Section 1608.821–2 is revoked as follows:

§ 1608.821–2 *Delegation dated November 10, 1944, to the secretaries.* [Revoked]

SUBPART E—OTHER ORDERS AND DIRECTIVES

1. Section 1608.852–6 is amended to read as follows:

§ 1608.852–6 *Mimeograph 5897.* (Replacing Mimeograph 5766.)

JULY 24, 1945.

Com.-Mimeograph
Coll. No. 5897
R. A. No 1444
T. S. No. 385

TREATMENT OF COMPENSATION FOR TERMINATION OF WAR CONTRACTS, DEDUCTIONS UPON TERMINATION, AND NO-COST SETTLEMENTS—MIMEOGRAPH 5766 RESTATED AND SUPPLEMENTED

COLLECTORS OF INTERNAL REVENUE.
Internal Revenue Agents in Charge.
Heads of Field Divisions of the Technical Staff, and Others Concerned:

Mimeograph 5766, dated November 1, 1944, contains rules governing the treatment of compensation for the termination of fixed-price contracts which constitute war contracts within the meaning of section 3 of the Contract Settlement Act of 1944, in cases where the contractor renders his returns other than on a basis of cash receipts and disbursements and the compensation is received pursuant to a negotiated settlement, together with rules with respect to the effect of a no-cost settlement in respect of a termination of a fixed-price contract. The method of treatment therein prescribed will continue to be followed. Pursuant to the provisions of § 29.42–1, Regulations 111, as amended by T. D. 5405, promulgated on September 22, 1944, the provisions of Mimeograph 5766 are however restated in this mimeograph and are supplemented to prescribe rules for the treatment of compensation for the termination of all war contracts in all cases where the contractor renders his returns other than on a basis of cash receipts and disbursements.

(a) *When compensation included in gross income.* In the case of a termination of a contract which constitutes a war contract within the meaning of section 3 of the Contract Settlement Act of 1944, compensation for the termination shall be included in computing gross income for the taxable year or years determined in accordance with the following rules:

(1) *Taxable years ending prior to July 21, 1944.* In case a war contract is terminated within a taxable year ending prior to July 21, 1944, the effective date of the Contract Settlement Act of 1944, compensation for the termination shall be included in computing gross income for the taxable year in which the claim is allowed (or the settlement proposal is accepted) or for the taxable year in which its value is otherwise definitely determined or for the first taxable year ending after July 20, 1944, whichever year is the earliest: *Provided, however,* That the contractor shall not be required or permitted to include in income for such year any part of the income from the contract termination which was included in income for the taxable year of the contract termination.

The provisions of the preceding sentence are applicable in the case of negotiated settlements of fixed-price war contracts and in all other cases of terminations of war contracts. Under such provisions, if pursuant to contractual provisions relating to the contract termination a contractor is entitled, upon termination, to compensation for any particular item of cost, expense or loss incurred within the taxable year of the contract termination or within any prior taxable year, the compensation for such item shall be included in computing gross income for the taxable year of the contract termination. Where there is an agreement to pay to the contractor upon termination of the contract, as compensation for the termination, amounts which are specified in the agreement or which are definitely ascertainable by the contractor by a calculation or computation based on ascertained factors, such amounts shall be included in computing gross income for the taxable year of the contract termination. In any other case of an agreement to pay to the contractor upon termination compensation for the termination (as, for example, where at the time of the contract termination there is a binding agreement to pay the contractor compensation for the termination and the amounts due under such agreement can be estimated but can be definitely ascertained only by agreement of the parties, by determination of a governmental agency, or by litigation), the contractor shall not be permitted or required merely by reason of such agreement, to include in income for such year any part of such amounts which is in excess of that so included by him in filing his return for such year. In the case of a negotiated lump-sum settlement of a fixed-price contract (see paragraph (b), below), the amounts which under the preceding provisions of this subparagraph are properly includible in computing gross income for the taxable year of the contract termination, shall be applied against the amount of the lump-sum settlement for the purposes of determining the part of such settlement which is includible in computing gross income for any taxable year subsequent to the year of the contract termination.

If at the close of the taxable year of the contract termination there is no agreement to pay to the contractor any compensation for the termination, or if the agreement to pay is conditioned upon events which have not occurred, no compensation for the contract termination shall be includible in computing gross income for such year. If by contractual provisions relating to the contract termination a contractor is entitled to compensation for any particular item of cost, expense or loss incurred within a taxable year subsequent to the year of the contract termination, the compensation for such item shall be included in computing gross income for such subsequent year, except that this rule shall not apply in the case of a negotiated lump-sum settlement of a fixed-price contract (see paragraph (b), below) where the amount of such settlement is includible in computing gross income for any prior taxable year or years.

(2) *Taxable years ending on or after July 21, 1944.* In case a war contract is terminated within a taxable year ending on or after July 21, 1944, the income from the contract termination shall be included in computing gross income for the taxable year of the contract termination. The foregoing method shall apply in all such cases unless a different method is prescribed or approved by the Commissioner. Notwithstanding the foregoing provisions of this subparagraph, if any part of the compensation is for any particular item of cost, expense or loss incurred within a taxable year subsequent to the year of the contract termination such part shall be included in computing gross income for such subsequent year. The rule stated in the preceding sentence is applicable where, for example, any such item is incurred under contractual provisions entitling the contractor to reimbursement, or where the contractor is entitled to compensation for a particular item under contractual provisions relating to the termination, or pursuant to practices and practices under the Contract Settlement Act of 1944 other than those referred to in the Director's statement in paragraph (b), below.

(3) *Adjustment of return.* If the income from the contract termination which, under the above subparagraph (1), is to be taken into account in computing gross income for the taxable year in which the Contract Settlement Act of 1944 became effective, or which, under the above subparagraph (2) is to be taken into account for the year of the contract termination, is not definitely ascertained at the time of filing the return, the contractor shall include in his return a reasonable estimate of such income, and should attach to his return a statement identifying the contract termination to which such estimate relates. When the correct amount of such income from the contract termination is ascertained, an adjustment shall be made for the year for which such income was included. Cf. Continental Tie & Lumber Co v United States (1932), 286 U. S. 290.

(4) *Compensation for inventory items.* Despite the provisions of the above subparagraphs (1) and (2), if any part of the compensation is for, or in reimbursement of, any articles of inventory, or the costs thereof, which, upon termination or as a condition to the allowance of the compensation, are required to be transferred to the Government or any customer, such part of the compensation shall, to the extent not in excess of the cost of such articles, be included in computing gross income for the taxable year within which such transfer occurs. See, however, paragraph (b), below.

(5) *Special provisions as to cost-plus-a-fixed-fee contracts.* In the case of a termination of a cost-plus-a-fixed-fee contract, the part of the reimbursements, fixed-fee or other income, accruing to the contractor under the contract prior to the date of the contract termination shall be included in computing gross income for the taxable year for which it accrues. See I. T. 3459, C. B. 1941–1 236. As used herein, the term "cost-plus-a-fixed-fee contract" includes the provisions of a contract denominated a fixed-price contract, in case such provisions call for the manufacture, construction or acquisition, on a reimbursable cost basis, of facilities, materials or services.

(6) *Correlation of deductions and income.* As a general rule, items which are deductible in computing net income and which for contract termination purposes are allocable to the uncompleted portion of a terminated contract shall be deductible in computing net income for the taxable year for which the income from the contract termination is includible in gross income. Cf. *Hoe & Co. v. Commissioner* (1929; C. C. A. 2nd) 30 Fed. (2d) 630. In the case of a fixed-price war contract terminated within a taxable year ending prior to July 21, 1944, the rule stated in the preceding sentence shall not apply to any item allocable to the uncompleted portion of the terminated contract in case there is no agreement upon termination to pay to the contractor compensation for the termination or for such item. In the case of a fixed-price contract, regardless of when it is terminated, a contractor shall not be permitted to deduct for the taxable year of the contract termination expenses incurred, or losses, depreciation or amortization sustained. In a taxable year prior to the year of the contract termination (see, however, paragraph (b) of § 29.42–4, Regulations 111, in case the income from the contract may be reported upon the completed contract basis); but if any such item is properly includible as a part of the cost of articles of inventory, it shall be so included. With respect to costs of articles of a kind which would properly be included in the inventory of the contractor if on hand at the close of a taxable year, if upon termination of a war contract a contractor becomes definitely bound or obligated by law or contractual provisions to transfer any such articles to the Government or to any other customer, and is entitled to compensation for, in reimbursement of, or allocable to, such articles or the costs thereof (but see paragraph (b), below), such articles if on hand at the close of any taxable year, shall be inventoried at cost, unless prior to the close of such year the contractor has been relieved of his obligation to make the transfer, and his right to compensation for such articles has been cancelled. The cost of any such articles which are transferred to the Government or other customer shall be included as a part of the cost of goods sold within the taxable year of the transfer. Where, by contractual provisions relating to the termination, or by procedures and practices under the Contract Settlement Act of 1944 other than those referred to in the Director's Statement in paragraph (b) below, a contractor becomes entitled, upon termination of a war contract, to compensation or reimbursement for any particular articles of inventory previously acquired or for the costs thereof which were previously incurred, though the contractor is not under an obligation to transfer such articles to the Government or any other customer, such articles, if on hand at the close of a taxable year, shall be inventoried at cost, unless such compensation or reimbursement is includible in gross income for such year or unless prior to the close of such year a settlement of the contractor's right to such compensation or reimbursement has been made. In the case of inventory costs or other items incurred pursuant to contractual provisions entitling the contractor to reimbursement therefor, such costs or other items, if deductible, shall be deducted only for the taxable year for which the reimbursement is includible in computing gross income, or for the taxable year within which a settlement is made, whichever taxable year is the earlier. The rule stated in the preceding sentence is also applicable with respect to items incurred within the taxable year of the contract termination, in case compensation for such items is provided for by law or contractual provisions or by procedures and practices under the Contract Settlement Act of 1944, other than those referred to in the Director's Statement in paragraph (b), below.

(b) *Scope of negotiated settlements.* By letter to the Bureau, dated October 25, 1944, the Director of Contract Settlement states:

"Under the procedures and practices prescribed by this office under the Contract Settlement Act of 1944 in respect of negotiated settlements of claims arising out of terminations of fixed-price contracts, no part of the compensation for the contract termination as determined for the purposes of the Act and as agreed to by the contractor and the contracting agency is made in payment of any particular item, except that a part of the compensation may be authorized and agreed to as payment for a part of the cost of an emergency facility as defined in section 124 of the Internal Revenue Code, as amended". This statement is referred to herein as the "Director's statement". In view of this statement, in the case of a negotiated lump-sum settlement of a claim for compensation for termination of a fixed-price contract, the contractor is precluded from showing, and the Commissioner from determining for Federal income and excess profits tax purposes, that any part of the compensation is for, in reimbursement of, or attributable to, any particular item of property, cost, expense or loss, except that this does not apply in cases where specific provisions in the settlement agreement require otherwise. In such excepted cases, there shall be excluded from income that portion of the compensation which (1) under such provisions is for, or in reimbursement of, any such item, and (2) is to be applied in reduction of the cost or basis of such item or, in the event such item is deductible, is includible in income for the taxable year in which such item is incurred. Such reduction in basis shall be made as of the effective date of the contract termination. See *Glendenning, McLeish & Co.*, 24 B. T. A. 518, affirmed 61 Fed. (2d) 950; *A. J. Tower Co. v. Commissioner* (1930; C. A. A. 1st), 38 Fed. (2d) 618; *New York, Chicago & St. Louis R. R. Co.*, 26 B. T. A. 1229, 1289; *Edith Henry Barbour*, 44 B. T. A. 1117; and, also, section 124 (b) of the Internal Revenue Code. The compensation which is to be treated as having been received pursuant to a negotiated settlement does not include any amounts determined as fair compensation (1) by the contracting agency pursuant to section 13 (a) of the Contract Settlement Act of 1944 (2) by the Appeal Board provided for in section 13 of such Act, (3) by arbitration as provided for in such Act, or (4) by any court. With respect to such amounts, the contractor is not precluded from showing, and the Commissioner is not precluded from determining, the portion which is for, in reimbursement of, or attributable to, any particular item of property, costs, expense or loss.

(c) *No-cost settlements of terminations of fixed-price contracts.* "No-cost settlement" as used herein refers to a settlement in respect of a contract termination pursuant to which the contractor waives or releases all claim to compensation for the contract termination. In the case of a settlement which is a no-cost settlement except for the fact that the contractor reserves or retains a claim for compensation in respect of one or more particular items, the rules hereinafter stated with respect to no-cost settlements are applicable only to the no-cost provisions of such settlement. In case a no-cost settlement is made in respect of a termination of a fixed-price contract, regardless of whether it is made pursuant to the provisions of section 6 (c) of the Contract Settlement Act of 1944 or otherwise, in view of the Director's statement (see paragraph (b), above), the treatment of such settlement for Federal income and excess profits tax purposes shall be consistent with the following:

(1) *Effect on income.* No amount shall be treated as income from the contract termination for the purpose of the above paragraph (a), and, if any such amount is included in the return for any year, the return shall be adjusted to accord with the provisions of this subparagraph. This adjustment may be made at any time within the period prescribed by the statute of limitations, regardless of when the no-cost settlement is made.

(2) *Effect on deductions.* The execution of a no-cost settlement does not preclude the contractor from being entitled, in computing net income for a given taxable year, to deduct any item which is allowable as a deduction under the provisions of the Internal Revenue Code. Conversely, the execution of such settlement does not alone establish for the contractor a right to deduct for any particular year any item not otherwise allowable in computing net income for such year. Cf. *H. D Lee Mercantile Co. v. Commissioner* (1935); (C. C. A. 10th) 79 Fed. (2d) 291; C. B. XV–1, 302. The deductibility of any item is to be determined upon the basis of all the pertinent facts and circumstances and irrespective of whether a no-cost settlement is or is not made. Consequently, in terminations of fixed-price contracts the provisions of the Contract Settlement Act of 1944, as construed and applied by the Director of Contract Settlement in negotiated settlements, including no-cost settlements, do not preclude the deduction of expenses incurred, or losses, depreciation or amortization sustained, in connection with the terminated contract, though such items are allocable to the uncompleted portion of such contract; and the deductibility of such items is to be determined without regard to any right of the contractor to compensation in such cases.

(3) *Effect on inventories.* Regardless of when the no-cost settlement is made, the determination of what articles are properly includible in the closing inventory of the year of the contract termination or the closing inventory of any subsequent year, and the valuation of such articles for inventory purposes, are to be made without regard to any right of the contractor to compensation for termination of a contract terminated prior to the inventory date. *U. S. Cartridge Co. v. United States* (1932), 284 U. S. 511; *American Propeller and Mfg. Co. v. United States* (1936; Ct. Cls.) 14 Fed. Supp. 168. If upon termination of a war contract a contractor becomes entitled to compensation for, or in reimbursement of, any particular articles or the costs thereof, such circumstances, if prevailing on the inventory date, shall be taken into consideration in valuing the articles for inventory purposes (cf. paragraph (a) (6), above).

(4) *Treatment of special agreements or procedures.* Despite the provisions of the preceding subparagraphs (1), (2) and (3), in the case of any no-cost settlement, consideration shall be given to any pertinent special agreement or procedure, as, for example, (i) where there is an agreement to pay the contractor upon termination of the contract, as compensation for the termination, amounts which are specified in the agreement or which are definitely ascertainable by the contractor by a calculation or computation based on ascertained factors, (ii) where compensation for particular items is definitely provided for by law or contractual provisions or by procedures and practices under the Contract Settlement Act of 1944, other than those referred to in the Director's Statement, or (iii) where, prior to the settlement, fair compensation for the contract termination has been determined by the contracting agency pursuant to section 13 (a) of the Contract Settlement Act of 1944 or has been determined by a court or by the Appeal Board referred to in section 13 (b) of such Act. The extent to which the provisions of the preceding subparagraphs (1), (2) and (3) are applicable in such cases shall be determined by reference to all the pertinent facts in the particular case. In this connection, see paragraph (a), above.

(d) *Compensation for property.* Except in the case of property of a kind which would properly be included in the inventory of the contractor if on hand at the close of a taxable year, if any part of the compensation for the contract termination is for property, or a loss with respect to property, which is required to be transferred to the Government upon termination or as a condition to the allowance of the compensation, such part of the compensation shall, to the extent not in excess of the adjusted basis of the property at the date of the contract termination, be excluded in determining the amount of compensation to be included in computing gross income pursuant to the provisions of the above paragraph (a), and the amount of such exclusion shall be treated as consideration for the property. In such case, if the property with respect to which the allowance is received is an emergency facility as defined by section 124 of the Internal Revenue Code, as amended, all rights to amortization deductions under such section cease at the time of the contract termination and no such deductions are allowable with respect to the facility for the month of the contract termination or for any subsequent month; and no recomputation of the amortization deductions under the provisions of section 124 (d) of the Code shall be made, unless the date of the President's proclamation (or the date specified in a non-necessity certificate issued with respect to the facility) falls within a month which is earlier than the month of the contract termination.

Correspondence in regard to this mimeograph should refer to its number and the symbols IT:NDC.

JOSEPH D. NUNAN, Jr.,
Commissioner.

[RR 852.6]

2. Section 1608.852–7 is added as follows:

§ 1608.852–7 *Mimeograph 5870.*

Com.-Mimeograph	1 June 1945
Coll. No. 5870	
R. A. No. 1429	
T. S. No. 372	

TREATMENT OF RECONVERSION COSTS OF WAR CONTRACTORS

Collectors of Internal Revenue, Internal Revenue Agents in Charge, Heads of Field Divisions of the Technical Staff, and Others Concerned:

In a case of a war contractor who reconverts to peace-time production and incurs reconversion costs, such costs shall be treated for Federal income and excess profits tax purposes in accordance with the following:

(a) *General rules applicable.* (1) Section 23 (a) (1) of the Internal Revenue Code provides that in computing net income there shall be allowed as deductions all the ordinary and necessary expenses paid or incurred in carrying on a trade or business, and § 29.23 (e)–3, Regulations 111, contains provisions for deducting losses where property is abandoned or discarded. (2) Section 24 of the Code provides that in computing net income no deduction shall in any case be allowed in respect of any amount paid for new buildings or for permanent improvements or betterments made to increase the value of any property, or in respect of any amount expended to restore property.

(b) *Scope of deductible reconversion costs.* In general such costs include the expenditures necessary to restore the plant layout to an operating condition substantially equivalent to that existing when it was converted to war production. The term does not include costs which result in enlargement or substantial improvement of the facilities over their condition prior to conversion to war purposes. Ordinarily the full cost of converting newly acquired war facilities shall be capitalized. For example, in the case of facilities which were constructed or acquired for war production purposes and are owned by the Government, if a taxpayer acquired any such facilities with a view to rehabilitating or remodeling them and making them suitable for his peace-time production, no loss is deductible by reason of any demolition cost in remodeling the facilities, and the cost of remodeling constitutes a capital expenditure. A similar rule is applicable with respect to facilities, the entire cost of which is being recovered by the taxpayer through amortization deductions under section 124 of the Internal Revenue Code.

(c) *Costs not borne by taxpayer.* If a taxpayer is definitely entitled to compensation or reimbursement for any item of reconversion cost incurred, as, for example, where there is specific provision therefor in an agreement, the amount of the item, to the extent deductible, shall be deducted in computing net income for the taxable year for which the compensation for such item is includible in gross income; and if the compensation or reimbursement is not includible in income, the amount of such item, to the extent that it does not exceed the amount of the compensation or reimbursement, shall not be deductible for any taxable year.

(d) *Removal of war facilities and materials.* Subject to the exceptions stated in this paragraph and in the preceding paragraph, the costs of removing war facilities and materials from the contractor's plant shall be deducted in computing net income for the taxable year in which such costs are incurred. In the case of facilities subject to depreciation at rates based on cost less net salvage value (i. e. gross salvage value less cost of removal), the cost of removal of such facilities shall be deductible only to the extent that they exceed the amount deducted therefor in computing such net salvage value. In the case of a facility subject to amortization deductions under section 124 of the Internal Revenue Code, as amended, the cost of removing such facility is deductible only to the extent that it exceeds the salvage value of the facility at the time of removal.

(e) *Loss of useful value of facilities.* If upon termination of war production or upon reconversion to peace-time production a facility is abandoned or permanently discarded within the meaning of section 29.23 (e)–3 of Regulations 111, a deduction for loss of useful value is allowable for the taxable year in which the facility is so abandoned or discarded, regardless of whether the facility is an emergency facility within the meaning of section 124 of the Internal Revenue Code, as amended (cf. I. T. 3652, I. R. B. 1944–7, 4). See, however, the above paragraph (c). The adjusted basis of the facility for the purpose of determining the amount of such loss shall be the adjusted basis at the date the facility is abandoned or discarded.

(f) *Cost of moving machinery.* As used in this paragraph, the "cost of moving" includes expenses incidental to rearranging machinery for peacetime production and does not include installation or reinstallation costs which are discussed in paragraph (g), below. Where machinery was removed from the plant in converting to war production, the cost of moving such machinery to the plant in reconverting is deductible in computing net income for the taxable year in which the expense is incurred. A similar deduction is allowed for the cost of moving machinery from one location to another within the plant. Also, where machinery installed by the contractor for war production purposes is to be used by the contractor in peace-time production, the cost of moving such machinery in rearranging the plant is deductible. The rule stated in the preceding sentence is not applicable in the case of Government-owned machinery which is acquired and moved by the taxpayer, if the Government is obligated to remove the machinery.

(g) *Reinstallation of machinery.* When machinery is purchased and set up ready for use, ordinarily the cost of such installation is part of the original cost of such machinery and constitutes a capital expenditure, for the machinery is not ready for use until installed and the installing of machinery constitutes an improvement. *MacAdam and Foster, Inc.*, 8 B. T. A. 967. In some circumstances, however, as in the case of heavy machines, the cost of foundations and the installation costs may be charged to separate accounts, rather than to the cost of the machine. In such cases, the cost of the original foundations and original installations, less depreciation accrued thereon and less the salvage value thereof, constitute a deduction at the time they were removed to convert to war production, *Provided*, That such deduction was taken by the taxpayer in filing his return for the year of removal. Upon reconverting to peace-time production, the cost of new foundations or installations in such cases shall, to the extent of the adjusted basis of the old foundations at the time of their removal, be treated as capital expenditures. If any such foundations were constructed for war production purposes or any such installations were made for such purposes, and if in reconverting to peace-time production such foundations or installations are removed, the cost thereof, less depreciation or amortization to the date of the removal and less any salvage value, constitute a deduction in computing net income for the taxable year of the removal. In the case of machinery which was installed for war production purposes and is moved and reinstalled for peace-time production, if the entire cost of installation is being recovered through amortization under section 124 of the Code, as amended, the cost of reinstallation is not deductible and shall be capitalized as part of the cost of the machinery. The installation cost with respect to new machinery replacing old machinery which was abandoned upon conversion to war production or which is unusable upon reconversion to peace-time production, and the installation cost of any other additional machinery, constitute capital expenditures. Also, the costs of reinstalling Government-owned machinery which is acquired and moved by the taxpayer, constitute capital expenditures. Subject to the foregoing, if the original installation cost was not deducted for the taxable year in which the machinery was moved in converting to war production, the cost of reinstalling such machinery is deductible in computing the taxable income for the year in which such cost is incurred. For the purpose of the foregoing provisions of this paragraph, "machinery" includes machines; electrical apparatus such as generators, motors, etc.; electrical accessories; ovens and furnaces; conveyor equipment, provided that they are movable. See, also, the above paragraph (c).

(h) *Cost of reconverting building.* As used herein, the term "building" includes piping, wiring, fixtures and other building equipment which constitute an integral part of the building and are necessary for the general purpose for which the building would ordinarily be used in peacetime production. For example, such equipment may include plumbing and toilet facilities, water, sewer and drain pipe, sprinkler and fire protection systems, power wiring from connections with main line systems to wall outlets, lighting wiring, heating systems (including boilers, furnaces, and accessories) installed within the building, ventilating systems, elevators, fire escapes, and steel floor plates which serve as a part of the floor. For Federal income and excess profits tax purposes, a building, together with all such equipment, may be included in one account with a composite rate of depreciation, or the building equipment may be set up in separate accounts, in which event separate rates of depreciation may be applicable to the particular items. If in converting to war production any part of a building was demolished by a taxpayer, ordinarily such taxpayer is entitled, in computing net income for the taxable year of such demolition, to deduct the undepreciated cost of the part of the building demolished. For example, if in making alterations for the purpose of converting to war production the taxpayer tore out a wall, discarded floors, or changed the roof and ceiling, the depreciated cost of the portion of the building so demolished constitutes a proper deduction in computing net income for the year in which the demolition occurred. In some cases, however, it will be very difficult to establish the undepreciated cost of the portion of the building removed or demolished. *Cf. Treat Hardware Co.*, 6 B. T. A. 768. In such cases, where the taxpayer has not claimed and is not allowed any deduction of a loss for the taxable year of the removal or demolition, and it is not feasible to determine the amount of such loss, if upon reconverting to peacetime production the parts of the building so removed or demolished are replaced to restore the building to its original condition, the taxpayer may, in computing net income for the taxable year of the change, deduct the cost of making the restoration or replacements. If, however, the part of the building previously removed or demolished is, upon reconversion to peacetime production, replaced with a new and improved type of material or device, the amount allowable as a deduction in computing net income for the taxable year of the reconversion shall not exceed a reasonable estimate of the amount necessary to restore such part of the building to its original condition. The provisions of the preceding sentence are not applicable where, for example, the taxpayer installs a new heating, sprinkler, or ventilating system, for in such case the amount of loss deductible for the taxable year in which the old system was discarded is reasonably ascertainable. However, the taxpayer is entitled to deduct as ordinary and necessary business expenses (1) the cost of removing and relocating any building equipment which was moved and relocated for war production purposes and which, upon conversion to peacetime production, must again be moved and relocated and (2) the costs of reinstalling any building equipment which was removed and stored during the period of war production. The provisions of the preceding sentence are applicable, for example, in a case of pipe, wiring, and building fixtures. See, however, the above paragraph (c). The foregoing provisions of this paragraph are applicable in the case of a lessee of a building with respect to which changes were made to adapt it to war production purposes. Furthermore, if the lessee is under an obligation to restore any part of the premises to substantially its former condition, the entire cost of making such restoration is deductible in computing net income for the taxable year in which such cost is incurred.

(i) *Repairs.* The cost of incidental repairs made in connection with reconversion to peacetime production is deductible in computing net income for the taxable year in which the repairs are made. Such repairs are limited to those which do not materially add to the value of the property or appreciably prolong its life. See § 29.23 (a)–5, Regulations 111. Among the items included in this category are, for example, the cost of painting; replacing broken, damaged, or short-lived parts of machinery; replacing defective parts of a wiring system; and replacing broken or wornout rails in a transportation system. See, however, the above paragraph (c).

Correspondence in regard to this mimeograph should refer to its number and to the symbols IT:NDC.

JOSEPH D. NUNAN, Jr.,
Commissioner.

[RR 852.7]

[F. R. Doc. 45-16421; Filed, Sept. 1, 1945; 10:02 a. m.]

Chapter XVIII—Office of Economic Stabilization

[Directive 61, Amdt. 1]

PART 4004—PRICE STABILIZATION; MAXIMUM PRICES

FROZEN VEGETABLES, 1945

Directive 61, issued June 27, 1945 (10 F.R. 8072), contained two price designations which were erroneous and differed from those which had been previously approved. To correct these errors, Directive 61 is hereby amended in the following respects:

1. In Schedule A, under "Beans, snap," the price applicable in the States of Minnesota, Wisconsin, Michigan, Illinois, Indiana, Iowa, Ohio, and Nebraska is changed from $83.60" to "$85.00."

2. In Schedule A, under "Peas, green," the price applicable in the State of New York is changed from $88.50" to "$88.00."

(E.O. 9250 and E.O. 9328, 3 CFR Cum., Supp. pp. 1213, 1267; E.O. 9599 (10 F.R. 10155)

Issued this 5th day of September 1945.

WILLIAM H. DAVIS,
Economic Stabilization Director.

[F. R. Doc. 45-16729; Filed, Sept. 7, 1945; 11:10 a. m.]

TITLE 37—PATENTS AND COPYRIGHTS

Chapter I—Patent Office, Department of Commerce

[Order 384]

PART 1—PATENTS

ORAL HEARINGS AND APPLICATIONS

Sections 1.137 and 1.138 (Patent Office Rules Nos. 137 and 138 respectively) of the Code of Federal Regulations are hereby amended to read as follows:

§ 1.137 *Oral hearing before Board of Appeals.* On filing of an appeal to the board of appeals a day of hearing will be fixed and due notice thereof given to the appellant, who shall file a brief of the authorities and arguments on which he will rely to maintain his appeal twenty days before the day of hearing. The examiner may thereupon, in his discretion and at least five days before the day of hearing, reply thereto. At the time of making any such reply, the examiner shall furnish a copy of the same to the appellant.

§ 1.138 *Applications remanded to primary examiner.* Affidavits or exhibits submitted after the case has been appealed will not be admitted without remanding the application to the primary examiner for reconsideration; but the appellant tribunal may in their discretion refuse to remand the case and proceed with the same without accepting the affidavits or exhibits.

(Sec. A 83 R.S., U.S.C., Title 35, sec. 6)

[SEAL] CASPER W. OOMS,
Commissioner of Patents.

Approved: September 6, 1945.

H. A. WALLACE,
Secretary of Commerce.

[F. R. Doc. 45-16781; Filed, Sept. 7, 1945; 11:58 a. m.]

TITLE 46—SHIPPING

Chapter II—United States Maritime Commission

Subchapter E—War Contracts

[Rev. G. O. 57, Supp. 1]

PART 298—SETTLEMENT OF CLAIMS ARISING UNDER TERMINATED WAR CONTRACTS

CONTRACTS BY COMMISSION OR ITS OFFICERS

The regulations with respect to the termination of work under contracts for the convenience or at the option of the Commission, the settlement of claims arising therefrom, and the disposition of property, Revised General Order 57, March 6, 1945 (10 F.R. 2619), are amended by revising § 298.63 to read:

§ 298.63 *Contracts by the Commission or its officers.* The Director, Contract Settlement and Surplus Materials Division, or his designee, is authorized to settle by agreement or determine the amount due under termination claims arising under all contracts entered into by the Commission or any of its officers, except prime contracts for the construction of vessels; and the Chairman or Vice-Chairman of the Commission or such officer of the Commission as the Chairman shall designate in writing is authorized to settle by agreement or determine the amount due under termination claims arising under prime contracts for the construction of vessels; but no such agreement or determination shall be binding upon the Commission if the amount thereof shall exceed the sum of $10,000, computed in accordance with the provisions of the last sentence in paragraph (c) of section 6 of the act, unless it shall have been submitted to the Settlement Review Board and approved by such Board or not disapproved by it within 30 days of the date of such submission.

(58 Stat. 649)

By order of the United States Maritime Commission.

[SEAL] A. J. WILLIAMS,
Secretary.

SEPTEMBER 6, 1945.

[F. R. Doc. 45-16727; Filed, Sept. 7, 1945; 10:36 a. m.]

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

STATIONS IN AGRICULTURE, COASTAL, MARINE RELAY, FIXED PUBLIC, EMERGENCY, AVIATION, MISCELLANEOUS AND EXPERIMENTAL SERVICES [1]

STATEMENT OF POLICY FOR HANDLING APPLICATIONS

Pursuant to the action of the War Production Board in removing its con-

[1] Part 5—Rules and Regulations Governing Experimental Radio Services; Part 6—Rules Governing Fixed Public Radio Services; Part 7—Rules Governing Coastal and Marine Relay Services; Part 9—Rules and Regulations Governing Aviation Services; Part 10—Rules Governing Emergency Radio Services; Part 11—Rules Governing Miscellaneous Radio Services.

trols over the production and sale of radio transmitting equipment, the Commission has terminated the policies expressed in its memorandum opinions dated July 7 and July 21, 1942, and its supplemental statement of policy dated January 26, 1944.

The foregoing opinions and statement of policy prohibited the grant of applications involving the use of materials to construct or change transmitting facilities of any Class 3 Experimental Station, or any point-to-point station in the Agriculture Service; and restricted the grant of such applications with respect to any Aeronautical Fixed (domestic) Station, itinerant Aircraft Station, Flying School Station, or station operating in the following services: Coastal, Marine Relay, Fixed Public, Emergency, and Miscellaneous.

Henceforth, the Commission will consider applications to construct or change transmitting facilities of such radio stations upon the basis of a showing that the public interest, convenience or necessity will be served, and without specifically requiring the applicant to show in each instance (1) that necessary materials are available, or (2) that the grant of the application would serve an essential military need, or (3) that the grant would serve a vital public need which could not otherwise be met.

Dated: August 28, 1945.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 45-16732; Filed, Sept. 7, 1945; 11:11 a. m.]

[Order 128]

PART 13—RULES GOVERNING COMMERCIAL RADIO OPERATORS

APPLICATIONS FOR RENEWAL OF LICENSES

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 28th day of August 1945:

The Commission having under consideration its existing orders and rules providing for the renewal of commercial radio operator licenses, other than Temporary Emergency Radiotelegraph Second Class Licenses; and

It appearing, that many licensed and formerly licensed commercial radio operators now serving in the armed forces or in the United States Maritime Service, or employed outside of the continental limits of the United States, do not have actual possession of their licenses and cannot ascertain their expiration dates, or for other reasons beyond their control have found it difficult or impossible to file timely application for the renewal of such licenses; and

It appearing, that the requirement of a showing of service or use of a license as a condition precedent to renewal pursuant to § 13.28 has been suspended under the provisions of Commission Order No. 77-D; and that the requirement for filing applications for renewal of commercial radio operator licenses during the last year of the license term pursuant to § 13.11 has been modified by Commission Order No. 124, which permits renewal applications filed prior to December 31, 1945, and within one year from the expiration date of the affected license, to be acted upon by the Commission; and

It appearing, that the provisions of Commission Order No. 124 are inadequate to provide for the renewal of numerous expired commercial radio operator licenses held by persons serving or who have served in the armed forces or the United States Maritime Service, or are or have been employed outside of the continental limits of the United States;

It is ordered, That any application filed or mailed not later than June 30, 1946, for renewal of a commercial radio operator license (other than Temporary Emergency Radiotelegraph Second Class Operator Licenses) which was valid on December 7, 1941, and has expired by its own terms without having been cancelled or suspended, may, until the further order of the Commission, be acted upon, notwithstanding the provisions of § 13.11 if a statement is filed as a part of the renewal application showing that:

(1) The applicant is serving in the armed forces of the United States or has been honorably discharged therefrom since December 7, 1941; or

(2) The applicant is serving in the United States Maritime Service or has voluntarily left that Service since December 7, 1941; or

(3) The applicant is or has been employed outside the continental United States and has been unable to file timely application for renewal of license because of such employment outside the continental United States.

It is further ordered, That all licenses issued under the authority of this order shall be dated as of the date the application for renewal is granted by the Commission and not as of the date of the expiration of the former license.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 45-16730; Filed, Sept. 7, 1945; 11:11 a. m.]

PART 63—EXTENSION OF LINES AND DISCONTINUANCE OF SERVICE BY CARRIERS

STATEMENT OF POLICY REGARDING APPLICATIONS

Pursuant to the action of the War Production Board in removing its controls over construction of wire telephone and telegraph lines, the Commission has terminated the policies and procedures set forth in its memorandum opinion of December 1, 1942, with respect to applications involving such construction.

Henceforth, the Commission will consider applications for authority to construct telephone or telegraph lines upon the basis of a showing that the present or future public convenience and necessity require, or will require such construction, as stated in section 214 of the Communications Act of 1934, and without specifically requiring the applicant to show in each instance that the proposed facilities will serve an essential military need, or a vital public need which cannot otherwise be met.

By the Commission.

Dated: August 28, 1945.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 45-16731; Filed, Sept. 7, 1945; 11:11 a. m.]

TITLE 49—TRANSPORTATION AND RAILROADS

Chapter I—Interstate Commerce Commission

[S.O. 113-A]

PART 95—CAR SERVICE

DEMURRAGE ON FLAT CARS

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 6th day of September, A. D. 1945.

Upon further consideration of the provisions of Service Order No. 113 (8 F.R. 2890), as amended (8 F.R. 4488, 8012, 10369), and good cause appearing therefor: *It is ordered*, That:

(a) Service Order No. 113 (8 F.R. 2890), as amended (8 F.R. 4488, 8012, 10369), 49 C. F. R. § 95.501, *Demurrage charges on flat cars*, be, and it is hereby, vacated and set aside.

(b) *Announcement required.* Each of the railroads affected by this order shall within fifteen (15) days from the effective date of this order, publish, file, and post a supplement to each of its tariffs affected announcing the vacation by this order on the effective date hereof, of Service Order No. 113 and stating that the provisions in said tariffs which were suspended by such order will be restored on the effective date of this order. (40 Stat. 101, sec. 402, 418, 41 Stat. 476, sec. 4, 54 Stat. 901, 911; 49 U.S.C. 1 (10)-(17), 15 (2))

It is further ordered, That this order shall become effective at 7:00 a. m., September 7, 1945; that a copy of this order and direction shall be served upon all common carriers by railroad subject to the Interstate Commerce Act; and upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

By the Commission, Division 3.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 45-16721; Filed, Sept. 7, 1945; 10:23 a. m.]

[S. O. 242-B, Amdt. 2]

PART 95—CAR SERVICE

DEMURRAGE ON BOXCARS

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 6th day of September, A. D. 1945.

Upon further consideration of Service Order No. 242-B (10 F.R. 2929), as amended (10 F.R. 6848) and good cause appearing therefor: *It is ordered*, That:

Service Order No. 242-B as amended, be, and it is hereby, further amended by adding paragraph (h) thereto:

(h) *Suspension of order.* Service Order No. 242-B as amended be, and it is hereby suspended, effective at 7:00 a. m., September 7, 1945, until further order of this Commission. (40 Stat. 101, sec. 402, 41 Stat. 476, sec. 4, 54 Stat. 901; 49 U.S.C. 1 (10)-(17))

It is further ordered, That copies of this order and direction shall be served upon the State railroad regulatory bodies of all States and upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director of the Federal Register.

By the Commission, Division 3.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 45-16722; Filed, Sept. 7, 1945; 10:23 a. m.]

[S. O 246-B, Amdt. 1]

PART 95—CAR SERVICE

DEMURRAGE ON THE STATE BELT RAILROAD OF CALIFORNIA

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 6th day of September, A. D. 1945.

Upon further consideration of Service Order No. 246-B (10 F.R. 3469) and good cause appearing therefor: *It is ordered*, That:

Service Order 246-B be, and it is hereby, amended by adding paragraph (e) thereto:

(e) *Suspension of order.* Service Order No. 246-B be, and it is hereby suspended, effective at 7:00 a. m., September 7, 1945, until further order of this Commission. (40 Stat. 101, Sec. 402, 41 Stat. 476, Sec. 4, 54 Stat. 901; 49 U.S.C. 1 (10)-(17))

It is further ordered, That copies of this order and direction shall be served upon the California State Railroad Commission and upon the State Belt Railroad of California; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director of the Federal Register.

By the Commission, Division 3.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 45-16723; Filed, Sept. 7, 1945; 10:23 a. m.]

Chapter II—Office of Defense Transportation

[Gen. Order ODT 44A, as Amended, Revocation]

PART 501—CONSERVATION OF MOTOR EQUIPMENT

RATIONING OF NEW COMMERCIAL MOTOR VEHICLES

Pursuant to Title III of the Second War Powers Act, 1942, as amended, Executive Orders 8989, as amended, 9156, 9214, and 9294, and War Production Board Directive 36, as amended, *It is hereby ordered*, That:

(1) Section 501.421, as amended (relating to application for certificate of transfer), of General Order ODT 44A, as amended (10 F.R. 9125, 10237, 10402), be, and it is hereby, revoked effective September 22, 1945.

(2) Sections 501.422 (relating to the issuance of certificate of transfer), 501.424 (relating to notification of transfer), 501.425 (relating to subsequent transfers), 501.426 (relating to vehicles subject to General Order ODT 35), and 501.428 (relating to records and reports) of General Order ODT 44A, as amended, be, and they are hereby, revoked effective October 1, 1945.

(3) Sections 501.423 (relating to transfer of vehicle upon presentation of certificate of transfer) and 501.431 (relating to communications) of General Order ODT 44A, as amended, be, and they are hereby, revoked effective November 1, 1945.

(4) Sections 501.420 (relating to restrictions on transfers of new commercial motor vehicles), 501.427 (relating to exemptions), 501.429, as amended (relating to applicability), and 501.430, as amended (relating to definitions), of General Order ODT 44A, as amended, be, and they are hereby, revoked effective December 1, 1945: *Provided*, That:

(a) Notwithstanding the provisions of § 501.420 of General Order ODT 44A, as amended, during the calendar month of November 1945, any sales agency having in stock, or in stock available to it, any new commercial motor vehicle in respect of which it is not under commitment to any holder of a valid certificate of transfer pursuant to a contract, agreement, or other arrangement made prior to November 1, 1945, may transfer such vehicle to any person not the holder of a certificate of transfer and any such person is authorized to accept transfer of such vehicle. The foregoing provision is to be construed so as to assure that any holder of a valid certificate of transfer who, on or before October 31, 1945, shall have delivered or surrendered such certificate to a sales agency pursuant to a contract, agreement, or other arrangement for the delivery of a new commercial motor vehicle but who shall not have received delivery of such vehicle prior to November 1, 1945, shall, during the calendar month of November 1945, have a preference and priority with such sales agency for such vehicle over any other person not holding a certificate of transfer; and

(b) During the period September 7, 1945, to November 30, 1945, inclusive, no person shall export or cause to be exported any new commercial motor vehicle (i) from the United States to the Dominion of Canada without the written approval of the War Production Board, or (ii) from the United States to any other foreign country without the written approval of the Foreign Economic Administration.

(5) Any certificate of transfer issued pursuant to General Order ODT 44A, as amended, which according to its terms will not expire until a date subsequent to November 30, 1945, shall cease to be of any force or effect on and after December 1, 1945, notwithstanding any date specified in the certificate to the contrary.

(Title III of the Second War Powers Act, 1942, as amended, 56 Stat. 177, 50 U.S.C. App. 633, 58 Stat. 827; E.O. 8989, as amended, 6 F.R. 6725, 8 F.R. 14183; E.O. 9156, 7 F.R. 3349; E.O. 9214, 7 F.R. 6097; E.O. 9294, 8 F.R. 221; WPB Directive 36, as amended, 10 F.R. 9658)

Issued at Washington, D. C., this 7th day of September 1945.

J. M. JOHNSON, *Director, Office of Defense Transportation.*

[F. R. Doc. 45-16695; Filed, Sept. 7, 1945; 9:13 a.m.]

[Administrative Order ODT 27A, as Amended, Revocation]

PART 503—ADMINISTRATION

RATIONING OF NEW COMMERCIAL MOTOR VEHICLES

Pursuant to Title III of the Second War Powers Act, 1942, as amended, Executive Orders 8989, as amended, 9156, 9214, and 9294, and War Production Board Directive 36, as amended, *It is hereby ordered*, That:

(1) Sections 503.470 (relating to application for certificate of transfer and 503.474 (relating to the filing of new application after disapproval) of Administrative Order ODT 27A, as amended (10 F.R. 9128, 10366), be, and they are hereby, revoked effective September 22, 1945;

(2) Sections 503.471 (relating to issuance of certificate of transfer), 503.472 (relating to appeal from decision of district manager), 503.473 (relating to issuance of certificate by director), 503.475 (relating to subsequent transfer), 503.476 (relating to delegation of authority), 503.477, as amended (relating to applicability), 503.478 (relating to definitions), and 503.479 (relating to communications) of Administrative Order ODT 27A, as amended, be, and they are hereby, revoked effective October 1, 1945.

(Title III of the Second War Powers Act, 1942, as amended, 56 Stat. 177, 50 U.S.C. App. 633, 58 Stat. 827; E.O. 8989, as

amended, 6 F.R. 6725, 8 F.R. 14183; E.O. 9156, 7 F.R. 3349; E.O. 9214, 7 F.R. 6097; E.O. 9294, 8 F.R. 221; WPB Directive 36, as amended, 10 F.R.9658)

Issued at Washington, D. C., this 7th day of September 1945.

J. M. JOHNSON,
Director,
Office of Defense Transportation.

[F. R. Doc. 45-16696; Filed, Sept. 7, 1945; 9:13 a. m.]

[Gen. Order ODT L-5, Revocation]

PART 504—DIRECTION OF MOTOR TRAFFIC MOVEMENT

MOTOR TRANSPORTATION OF ANTHRACITE FROM DESIGNATED AREAS

Pursuant to Executive Orders 8989, as amended, and 9156, General Order ODT L-5, §§ 504.40 to 504.44, inclusive (10 F.R. 4721), is hereby revoked effective November 1, 1945.

(E.O. 8989, as amended, 6 F.R. 6725, 8 F.R. 14183; E.O. 9156, 7 F.R. 3349)

Issued at Washington, D. C., this 7th day of September 1945.

J. M. JOHNSON,
Director,
Office of Defense Transportation.

[F. R. Doc. 45-16715; Filed, Sept. 7, 1945; 10:11 a. m.]

TITLE 50—WILDLIFE

Chapter I—Fish and Wildlife Service

Subchapter C—National Wildlife Refuge; Individual Regulations

PART 26—EAST CENTRAL REGION NATIONAL WILDLIFE REFUGES

SENEY NATIONAL WILDLIFE REFUGE, MICH.; HUNTING REGULATIONS

Under authority of section 84 of the act of March 4, 1909 (35 Stat. 1104; 18 U.S.C. 145), as amended, and § 12.9 of the regulations for the Administration of National Wildlife Refuges dated December 19, 1940 (5 F.R. 5284), as amended, the following is ordered:

Supersedes § 26.825a approved September 3, 1941 (6 F.R. 4762):

§ 26.825a *Seney National Wildlife Refuge, Michigan; hunting of deer.* Deer may be taken, during the open season prescribed by the State Conservation Department for the hunting of deer, on all of the lands of the Seney National Wildlife Refuge, Michigan except that part of the refuge bounded as follows:

On the north by Holland Ditch from the common section line of secs. 11 and 12, T. 45 N., R. 14 W., to the south section line sec. 7, T. 45 N. R. 13 W., and thence east along the south section line of secs. 7, 8, and 9, T. 45 N., R. 13 W. to State Highway No. 77; on the east by State Highway No. 77, on the south by the Manistique River west to the mouth of Pine Creek, on the west by the Pine Creek Road.

Entry on and use of the refuge for any purpose is governed by the regulations of the Secretary dated December 19, 1940 (5 F.R. 5284), and strict compliance therewith is required. Persons entering the refuge for the purpose of hunting shall use such routes of travel within the refuge as are designated by posting. The carrying or being in possession of firearms within the areas of the refuge not open to public hunting is prohibited, except that such firearms may be possessed or transported across such closed areas provided they are unloaded, and broken or properly encased.

Any person who hunts within the refuge must comply with State hunting laws and regulations and must have on his person and exhibit at the request of any authorized Federal or State officer whatever license is required by the State of Michigan. The said license shall serve as a Federal permit for hunting on the refuge.

§ 26.825b *Seney National Wildlife Refuge, Michigan; hunting of upland game birds.* Upland game birds may be taken, during the open season prescribed by the State Conservation Department for the hunting of upland game birds, on that part of the lands of the Seney National Wildlife Refuge, Michigan, particularly described as follows:

All lands of the refuge situated west of the Driggs River to its confluence with the Manistique River and thence west of the Manistique River to the south boundary of the refuge in T. 44 N., Rs. 13 and 14 W., and in T. 45 N., R. 14 W., and Secs. 1 to 6 inclusive, 12, 13, 24, 25 and 36; T. 44 N. R. 15 W., Sec. 1; T. 44 N., R. 16 W., all of T. 45 N., R. 15 W., Secs. 1, 12, 13, 24, 25 and 36, T. 45 N., R. 16 W., Secs. 31 to 36, inclusive, T. 46 N., R. 15 W., Sec. 36; T. 46 N., R. 16 W., Michigan Meridian.

Entry on and use of the refuge for any purpose is governed by the regulations of the Secretary dated December 19, 1940 (5 F.R. 5284), and strict compliance therewith is required. Persons entering the refuge for the purpose of hunting shall use such routes of travel within the refuge as are designated by posting. The carrying or being in possession of firearms within the areas of the refuge not open to public hunting is prohibited, except that such firearms may be possessed or transported across such closed areas provided they are unloaded, and broken or properly encased.

Any person who hunts within the refuge must comply with State hunting laws and regulations and must have on their person and exhibit at the request of any authorized Federal or State officer whatever license is required by the State of Michigan. The said license shall serve as a Federal permit for hunting on the refuge.

§ 26.825c *Seney National Wildlife Refuge, Michigan; hunting of migratory waterfowl.* Migratory waterfowl except geese, but including coots, may be taken in accordance with the regulations promulgated pursuant to the authority contained in the Migratory Bird Treaty Act and with the applicable hunting laws and regulations of the State of Michigan, on that part of the lands of the Seney National Wildlife Refuge, Michigan, particularly described as follows:

All lands of the refuge situated west of the Driggs River to its confluence with the Manistique River and thence west of the Manistique River to the south boundary of the refuge in T. 44 N., Rs. 13 and 14 W., and in T. 45 N., R. 14 W., and Secs. 1 to 6 inclusive, 12, 13, 24, 25 and 36; T. 44 N., R. 15 W., Sec. 1; T. 44 N., R. 16 W., all of T. 45 N., R. 15 W., Secs. 1, 12, 13, 24, 25 and 36, T. 45 N., R. 16 W., Secs. 31 to 36, inclusive, T. 46 N., R. 15 W., Sec. 36; T. 46 N., R. 16 W. Michigan Meridian.

Entry on and use of the refuge for any purpose is governed by the regulations of the Secretary dated December 19, 1940 (5 F.R. 5284), and strict compliance therewith is required. Persons entering the refuge for the purpose of hunting shall use such routes of travel within the refuge as are designated by posting. The carrying or being in possession of firearms within the areas of the refuge not open to public hunting is prohibited, except that such firearms may be possessed or transported across such closed areas provided they are unloaded, and broken or properly encased.

Any person who hunts within the refuge must have on their person and exhibit at the request of any authorized Federal or State officer whatever license is required by the State of Michigan, and, if hunting migratory waterfowl and being over sixteen years of age, a properly validated migratory-bird hunting stamp. The said license and stamp shall serve as a Federal permit for hunting on the refuge.

Dated: August 30, 1945.

ALBERT M. DAY,
Acting Director.

[F. R. Doc. 45-16699; Filed, Sept. 7, 1945; 9:56 a. m.]

Subchapter K—Alaska Wildlife Protection

PART 91—ALASKA GAME REGULATIONS

GAME ANIMALS, FUR ANIMALS, GAME BIRDS, NON-GAME BIRDS, AND GAME FISHES IN ALASKA

Pursuant to the authority contained in the Alaska Game Law of January 13, 1925 (43 Stat. 739), as amended July 1, 1943 (57 Stat. 301), I, Oscar L. Chapman, Assistant Secretary of the Interior, upon consultation with and recommendation from the Alaska Game Commission, have determined when, to what extent, and by what means fur animals may be taken in Alaska, and in accordance with such determination do hereby adopt the following, effective September 8, 1945, as a suitable amendatory regulation permitting and governing the taking of fur animals in Alaska:

Subparagraph (1) Open seasons and limits of paragraph (b) *Game Animals* of § 91.9 is amended by deleting therefrom the words "except Hawkins and Knight Islands, September 20 to September 30" and inserting in lieu thereof the words "September 8 to September 30".

In testimony whereof I have hereunto set my hand and caused the official seal of the United States Department of the Interior to be affixed in the City of Washington this 5th day of September, 1945.

OSCAR L. CHAPMAN,
Assistant Secretary.

SEPTEMBER 5, 1945.

[F. R. Doc. 45-16700; Filed, Sept. 7, 1945; 9:56 a. m.]

Chapter IV—Office of the Coordinator of Fisheries

[Area Coordinator's Gen. Direction H-11A]

PART 401—PRODUCTION OF FISHERY COMMODITIES OR PRODUCTS

ALLOCATION OF HALIBUT

Pursuant to Order No. 1956 of the Secretary of the Interior, as amended June 11, 1945, commonly referred to as the "halibut order", 50 C. F. R. § 401.4 entitled "Allocation of Halibut", and in order to accomplish the purposes thereof, including, particularly, paragraph (d) (2) of that order, this General Direction No. H-11A is issued.

1. The Area Coordinator has determined that the following persons in British Columbia are participants in and conform to a voluntary program for the allocation of halibut which is in accord with the purposes and policy of the halibut order:

B. C. Packers, Ltd.
Bacon Fisheries
Booth Fisheries Corp.
Fishermen's Cooperative Federation.
Royal Fish Co.
Rupert Fish Co.
San Juan Fishing & Packing Co.
Whiz Fish Products Co.

2. In accordance with the halibut order, particularly paragraph (d) (2) thereof, fishermen subject to the terms of that order may sell or deliver or arrange to sell or deliver halibut in British Columbia to the persons named above.

3. Notice is hereby given that any fisherman from a vessel of American registry who, acting for himself or through an agent, sells or delivers or arranges to sell or deliver halibut to any person in British Columbia other than a person named above, will be guilty of a violation of that order and subject to the penalties provided for violations of that order.

Issued this 23d day of August 1945.

V. J. SAMSON,
Area Coordinator, Area I.

[F. R. Doc. 45-16693; Filed, Sept. 6, 1945; 4:16 p. m.]

Notices

INTERSTATE COMMERCE COMMISSION.

[S. O. 353]

UNLOADING OF PAPER AT ST. LOUIS, MO.

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 5th day of September, A. D. 1945.

It appearing, that certain cars containing newsprint paper at St. Louis, Missouri, on the Illinois Terminal Railroad, have been on hand for an unreasonable length of time and that the delay in unloading said cars is impeding their use; in the opinion of the Commission an emergency exists requiring immediate action. It is ordered, that:

Newsprint paper at St. Louis, Mo., be unloaded. (a) The Illinois Terminal Railroad Company, its agents or employees shall unload forthwith cars CN 473490, 484948, 473386, 482027, 471215, 484010, 474506, CP 248708, 248819, containing newsprint paper on hand at St. Louis, Mo., consigned to the St. Louis Globe-Democrat.

(b) Said carrier shall notify the Director of the Bureau of Service, Interstate Commerce Commission, Washington, D. C., when such carloads have been completely unloaded in compliance with the requirements of paragraph (a). Upon the unloading and receipt of such notice this order shall expire. (40 Stat. 101, sec. 402, 41 Stat. 476, sec. 4, 54 Stat. 901, 911; 49 U. S. C. 1 (10)-(17), 15 (2))

It is further ordered, that this order shall become effective immediately, and that a copy of this order and direction shall be served upon the Illinois Terminal Railroad Company, and upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission, at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

By the Commission, Division 3.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 45-16724; Filed, Sept. 7, 1945; 10:23 a. m.]

OFFICE OF DEFENSE TRANSPORTATION.

TOLEDO, PEORIA & WESTERN RAILROAD

TERMINATION OF GOVERNMENT POSSESSION, OPERATION, AND CONTROL

Pursuant to Executive Orders 9108, as amended (7 F.R. 2201, 8 F.R. 3687, and 10 F.R. 7315), and 9603 (10 F.R. 10960), and the approval of the Director of Economic Stabilization having been obtained, it is hereby ordered, that:

1. *Termination of possession, operation, and control.* Possession, operation, and control by the United States of the Toledo, Peoria & Western Railroad, and of all real and personal property, franchises, rights, and other assets of the Toledo, Peoria & Western Railroad not heretofore returned, are hereby terminated and relinquished effective at 12:01 o'clock a. m. C. w. t., October 1, 1945. No further action shall be required to effect the termination of Government control and operation and the relinquishment of possession hereby ordered.

2. *Communications.* Communications concerning this order should be addressed to the Office of Defense Transportation, Washington 25, D. C.

Issued at Washington, D. C., this 6th day of September, 1945.

J. M. JOHNSON,
Director, Office of
Defense Transportation.

[F. R. Doc. 45-16694; Filed, Sept. 7, 1945; 9:13 a. m.]

OFFICE OF PRICE ADMINISTRATION.

[MPR 591, Order 10]

SCOVILL MFG. CO.

ADJUSTMENT OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register and pursuant to section 16 (b) (1) of Maximum Price Regulation No. 591, it is ordered:

(a) *Adjustment of maximum prices for the Scovill Manufacturing Company, Sturgis, Michigan.*

(1) This order permits the Scovill Manufacturing Company of Sturgis, Michigan, to increase its maximum net prices to each class of customer by 9 percent for the following items:

SVB Anti-Syphon Ballcock.
No. 14 Semi-Silent Ballcock.
No. 3037 Ballcock.
No. 41 Flush Valve.

(2) The maximum net prices enumerated in (a) (1) above are subject to cash discounts and transportation allowances at least as favorable as those granted as a deduction from net prices to each class of customer during March 1942 on comparable sales of similar commodities.

(b) *Maximum prices for resellers.* All resellers of the commodities for which adjustment is granted the Scovill Manufacturing Company in (a) above may add to their new costs resulting from this adjustment the same percentage margins currently enjoyed on sales of these commodities.

(c) *Notification to all purchasers.* The Scovill Manufacturing Company shall send the following notice to every purchaser of the commodities adjusted by this order at or before the time of the first billing after the effective date of this Order:

Order No. 10 under section 16 (b) (1) of Maximum Price Regulation No. 591 provides for a 9 percent increase in net prices for sales of SVB Anti-syphon ballcock, No. 14 Semi-silent ballcock, No. 3037 Ballcock, No. 41 Flush valve manufactured by the Scovill Manufacturing Company. Resellers may add the same percentage markup to their new cost resulting from this adjustment as currently in effect on these commodities.

(d) All prayers of the application of the Scovill Manufacturing Company not granted in this order are denied.

(e) This order may be amended or revoked by the Price Administrator at any time.

This order shall become effective September 7, 1945.

Issued this 6th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-16673; Filed, Sept. 6, 1945; 11:46 a. m.]

[Order No. 74 Under 3 (e)]

ARTHUR TIEDMANN

ESTABLISHMENT OF MAXIMUM PRICES

For the reasons set forth in an opinion, issued simultaneously herewith, *It is ordered:*

(a) The maximum prices for sales by Arthur Tiedmann, Kimberly, Wisconsin, of "Copposheen Finish for Metal Surface" shall be:

(1) Per gallon:

To jobber, $3.04 f. o. b. factory; 2% 10 days, 30 days net.

To retailer, $3.80 f. o. b. supplier's warehouse or delivered to retailer's store in accordance with seller's practice in effect during March 1942; 2% 10 days, 30 days net.

Sales at retail, $5.00.

(2) No extra charge may be made for containers.

(b) With or prior to the first delivery of Copposheen Finish for Metal Surface on or after the effective date of this order to a jobber or retailer, Arthur Tiedmann, Kimberly, Wisconsin or any other seller shall furnish such jobber or retailer with a written notice containing the schedule of maximum prices set out in paragraph (a) above of this order, a statement that they have been approved by the Office of Price Administration, and in the case of a delivery to a jobber, also a statement that with or prior to the jobber's first delivery to a retailer, such jobber is required by the Office of Price Administration to furnish such retailer with a written notice containing the schedule of maximum prices set out in paragraph (a) above of this order and a statement that they have been approved by the Office of Price Administration.

(c) Prior to making any delivery of Copposheen Finish for Metal Surface on or after the effective date of this order, Arthur Tiedmann, Kimberly, Wisconsin shall mark or cause to be marked on each container the following legend:

Retail Ceiling Price $5.00

(d) This order may be revoked or amended by the Administrator at any time.

This order shall become effective September 7, 1945.

Issued this this 6th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-16636; Filed, Sept. 6, 1945; 11:35 a. m.]

[Rev. Order No. 752 Under 3 (b)]

ETHYL CORP.

ESTABLISHMENT OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith, and pursuant to §§ 1499.3 (b) (2) and 1499.3 (e) (3), Order No. 752 under § 1499.3 (b), issued January 8, 1945 is redesignated Revised Order No. 752 and revised and amended to read as follows:

(a) The maximum prices for sales of Ethyl Cleaner, a car (automobile) cleaner also usable for household purposes, produced by Ethyl Corporation, New York, shall be:

(1)

Bottle size	Bottles per standard case	To consumers at retail per bottle	To retail dealers per bottle: Case lots	To retail dealers per bottle: Broken case lots	To jobbers per bottle delivered to jobber's city freight station 2% for cash [illegible]: Less than 25 cases	To jobbers per bottle delivered to jobber's city freight station 2% for cash [illegible]: 25 cases up to carload	To jobbers per bottle delivered to jobber's city freight station 2% for cash [illegible]: Carload and over
6-ounce	36	$0.35	$0.21	$0.23	$0.18	$0.17	$0.
16-ounce	12	.75	.45	.50	.38	.36	.
24-ounce	12	1.00	.60	.67	.51	.48	.
32-ounce	12	1.20	.72	.80	.61	.58	.
128-ounce	4	4.50	2.70	3.00	2.15	2.01	1.

On sales to consumers at retail and retail dealers, the prices are either f. o. b. dealer's store and jobber's warehouse, respectively, or delivered to consumer's residence and dealer's store, respectively, in accordance with the seller's practice in effect during March 1942.

(2) All prices shall be subject to the discounts, allowances and trade practices (other than those specified in (1) above) of the seller in effect during March 1942.

(3) No extra charge may be made for containers.

(b) With or prior to the first delivery of Ethyl Cleaner on or after the effective date of this Revised Order No. 752 to a jobber or retail dealer, Ethyl Corporation or any other seller shall furnish such jobber or retail dealer with a written notice containing the schedule of maximum prices set out in paragraph (a) above of this Revised Order No. 752, a statement that they have been approved by the Office of Price Administration, and in the case of a delivery to a jobber, also a statement that with or prior to the jobber's first delivery to a retail dealer, such jobber is required by the Office of Price Administration to furnish such retail dealer with a written notice containing the schedule of maximum prices set out in paragraph (a) above of this Revised Order No. 752 and a statement that they have been approved by the Office of Price Administration.

(c) Prior to making any delivery of Ethyl Cleaner on or after the effective date of this Revised Order No. 752, Ethyl Corporation shall mark or cause to be marked on each bottle, whichever of the following legends is applicable:

6-oz. "Retail Ceiling Price $0.35".
16-oz. "Retail Ceiling Price $0.75".
24-oz. "Retail Ceiling Price $1.00".
32-oz. "Retail Ceiling Price $1.20".
128-oz. "Retail Ceiling Price $4.50".

(d) This order may be revoked or amended by the Administrator at any time.

This revised order shall become effective September 7, 1945.

Issued this 6th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-16635; Filed, Sept. 6, 1945; 11:35 a. m.]

[MPR 64, Rev. Order 147]

BROWN STOVE WORKS, INC.

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to sections 7 and 11 of Maximum Price Regulation No. 64, *It is ordered*, That Order 147 under Maximum Price Regulation No. 64 is revised and amended to read as follows:

(a) Brown Stove Works, Inc., Cleveland, Tennessee, may sell and deliver the new model No. 630-M magazine feed circulating coal heater which it manufactures, at prices no higher than the following:

	Per unit
To distributors	$44 27
To retailers in carload lots	46 69
To retailers in less than carload	49 51

These prices are f. o. b. factory, and are subject to discounts, allowances, and terms no less favorable than those in effect with respect to the manufacturer's comparable Model No. 120-LM circulating heater.

(b) Any wholesale distributor may sell and deliver to dealers, the model No. 630-M magazine feed circulating coal heater manufactured by Brown Stove Works, Inc., Cleveland, Tennessee, at prices no higher than those set forth below for sales in each zone:

	Per unit
Zone 1	$55 60
Zone 2	57 81
Zone 3	59 97
Zone 4	63 91

These prices are f. o. b. distributor's city. They are subject to each seller's customary terms, discounts, allowances, and other conditions of sale on sales of similar articles.

(c) Any person may sell and deliver at retail the model No. 630-M magazine feed circulating coal heater manufactured by Brown Stove Works, Inc., Cleveland, Tennessee, at prices no higher than those set forth below for sales in each zone:

	Per unit
Zone 1	$88 95
Zone 2	92 50
Zone 3	95 95
Zone 4	102 25

These prices are subject to each seller's customary terms, discounts, allowances and other conditions of sale on sales of similar articles.

(d) At the time of, or prior to the first invoice to a purchaser for resale covering the sale of any model No. 630-M coal heater, Brown Stove Works, Inc., shall notify the purchaser of the maximum prices set by this order for resales by the purchaser. This notice may be given in any convenient form. In addition, Brown Stove Works, Inc., shall, before delivering any model No. 630-M coal heaters manufactured on or after the effective date of this revised order, attach securely to the front of each heater, a tag or label which plainly states the maximum retail prices established by this revised order in each zone together with a list of the states included in each zone. This tag or label may not be removed until after the heater has been sold to an ultimate consumer.

(e) For the purposes of this order, zones 1, 2, 3, and 4 shall comprise the following states:

Zone 1: Kentucky, Tennessee, North Carolina, Mississippi, Alabama, Georgia, South Carolina, Florida.

Zone 2: Illinois, Indiana, Virginia, Louisiana, Arkansas, Missouri, Iowa, Wisconsin, Michigan, Ohio, West Virginia, District of Columbia, Maryland, Delaware, Pennsylvania, New Jersey, New York, Connecticut, Rhode Island, Massachusetts.

Zone 3: North Dakota, South Dakota, Nebraska, Minnesota, Colorado, Kansas, Oklahoma, Texas, Maine, Vermont, New Hampshire.

Zone 4: Montana, Wyoming, Idaho, Utah, Nevada, New Mexico, Arizona, California, Oregon, Washington.

(f) This order may be revoked or amended by the Price Administrator at any time.

(g) This revised order shall become effective on the 7th day of September 1945.

Issued this 6th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-16637; Filed, Sept. 6, 1945; 11:35 a. m.]

[MPR 64, Correction to Order 182]

LOCKE STOVE CO.

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to sections 7 and 11 of Maximum Price Regulation No. 64; *It is ordered:*

That Order No. 182 under Maximum Price Regulation No. 64 is amended in the following respect:

The table of prices in paragraph (a) (3) is corrected to read as follows:

Zone 1	Zone 2	Zone 3
Each $72.50	*Each* $85.50	*Each* $75

This correction shall become effective immediately.

Issued this 6th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-16638; Filed, Sept. 6, 1945; 11:36 a. m.]

[MPR 88, Amdt. 1 to Order 50]

PETROLEUM PRODUCTS

ESTABLISHMENT OF MAXIMUM PRICES

For the reasons set forth in the accompanying opinion and under the authority vested in the Administrator of the Office of Price Administration by section 1,2 (a) (3) of Maximum Price Regulation No. 68; *It is hereby ordered*, That Order No. 50 is amended by inserting the following table in place of the table now appearing in said order:

[Cents per gallon]

Area	78 Octane ASTM and above gasoline	72-74 or 75-76 octane ASTM gasoline	Kerosene, range, or kerosene and No. 1 fuel oil	Nos. 2 and 3 and 36 gravity fuel oil
New York: All counties within Zone 6	8.7	7.7	6.5	.....
New York: Counties of Allegany, Cattaraugus, Chautauqua, Schuyler and Steuben	.....	.....	.....	6.125
Counties of Erie, Genesee, Livingston, Monroe, Niagara, Orleans and Wyoming	.....	.....	.....	6.075
Counties of Ontario, Seneca, Wayne and Yates	.....	.....	.....	5.975
Pennsylvania: All counties within Zone 6	8.7	7.7	6.5	.....
Counties of Cameron, Elk, McKean, Potter, Tioga and Warren	.....	.....	.....	6.125
Counties of Allegheny, Armstrong, Beaver, Butler, Clarion, Crawford, Erie, Fayette, Forest, Greene, Jefferson, Lawrence, Mercer, Venango, Washington and Westmoreland	.....	.....	.....	5.875
West Virginia: All counties within Zone 6	9.0	8.0	6.5	5.8

This Amendment No. 1 to Order No. 50 may be revoked, amended, or corrected at any time.

This Amendment No. 1 to Order No. 50 shall become effective as of September 1, 1945.

Issued this 6th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-16639; Filed, Sept. 6, 1945; 11:36 a. m.]

[SO 119, Order 1]

THE OHIO ART CO.

ADJUSTMENT OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith, and filed with the Division of the Federal Register; and pursuant to the provisions of Supplementary Order No. 119, it is ordered:

(a) *Manufacturer's maximum prices.* The Ohio Art Company, of 620 East High Street, Bryan, Ohio, may increase its present maximum prices for sales to each class of purchaser of the metal toys which it manufactures, and which are referred to in its application, by 17.99 percent.

The manufacturer's maximum prices, as adjusted, are subject to its customary terms, discounts, allowances, and other price differentials, in effect during March, 1942.

(b) *Maximum prices of purchasers for resale.* A wholesaler or retailer, reselling any article covered by this order, shall determine his maximum price for his sales pursuant to Maximum Price Regulation No. 210 by applying his initial percentage markup (calculated under § 1372.102 (b) (3) of Maximum Price Regulation No. 210) to the dollar-and-cents price which he actually pays to his supplier, or his supplier's maximum price, whichever is lower.

(c) *Notification.* At the time of, or prior to, the first invoice to each purchaser for resale, The Ohio Art Company shall notify each such purchaser for resale, in writing, of the method provided herein for determining the resale price. This notification may be given in any convenient form.

(d) *Revocation or amendment.* This order may be revoked or amended by the Price Administrator at any time.

(e) *Effective date.* This order shall become effective on September 7, 1945.

Issued this 6th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-16674; Filed, Sept. 6, 1945; 11:36 a. m.]

[MPR 120, Order 1454]

ISLAND CREEK SALES CO.

ESTABLISHMENT OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and in accordance with § 1340.210 (a) (6) of Maximum Price Regulation No. 120, *It is ordered:*

(a) Mine Index No. 7480 is hereby assigned Island Creek Sales Company's mixture consisting of approximately 95% Island Creek Seam coal and 5% Draper Seam coal, loaded over its No. 1 Mine Tipple at Holden, Logan County, West Virginia in Subdistrict No. 5 of District No. 8.

(b) The Island Creek Sales Company's mixture consisting of approximately 95% Island Creek Seam coal and 5% Draper Seam coal, loaded over its No. 1 Mine Tipple at Holden, Logan County, West Virginia in Subdistrict No. 5 of District No. 8, may be purchased and sold at per net ton prices in cents per net ton not exceeding the following:

	Size group Nos.														
	1	2	3	4	5	6	7	8	9	10	15, 16, 17	18	19	20, 21	22	23
Rail shipments	365	365	360	360	335	335	325	320	320	355	315	310	300	295	255	295
Railroad fuel	365	365	360	360	335	335	325	325	325	355	315	310	300	295	255	295
Truck shipments	395	375	350	350	335	310	275	270	.....	.....	.....	.....	.....	.....	.....	.....

(c) The maximum prices established herein are f. o. b. the mine or preparation plant for truck or wagon shipments, f. o. b. the rail or river shipping point for rail or river shipments and f. o. b. the rail shipping point for railroad fuel for all uses.

(d) All prayers of the applicant not granted herein are hereby denied.

(e) This order may be revoked or amended by the Price Administrator at any time.

(f) Except as specifically provided in this order, the provisions of Maximum Price Regulation No. 120 governing the sale of bituminous coal shall remain in effect.

(g) The mine index number assigned herein is permanent, but the maximum prices may be changed by order or amendment.

This order shall become effective September 7, 1945.

Issued this 6th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-16640; Filed, Sept. 6, 1945; 11:37 a. m.]

[RMPR 122, Amdt. 5 to Order 33]

POCAHONTAS FUEL CO., INC.

ESTABLISHMENT OF MAXIMUM PRICES

Amendment No. 5 to Order No. 33 under Revised Maximum Price Regulation No. 122; solid fuels sold and delivered by dealers, Docket No. 3122-229.

For the reasons set forth in an opinion issued simultaneously herewith, and pursuant to § 1340.260 of Revised Maximum Price Regulation No. 122, *It is ordered:*

Order No. 33, as amended, under Revised Maximum Price Regulation No. 122, is amended in the following respect:

(1) Paragraphs (c), (d), (e) and (f) are relettered (d), (e), (f) and (g), respectively and a new paragraph (c) is added to read as follows:

(c) There may be added to the maximum prices set forth in paragraph (b) above, as amended by Amendment No. 4 to this order, the amount of any general increase in the maximum prices of the coals described therein, authorized by Maximum Price Regulation No. 120 subsequent to August 13, 1945.

This Amendment No. 5 to Order No. 33 shall be effective September 7, 1945.

Issued this 6th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-16641; Filed, Sept. 6, 1945; 11:37 a. m.]

[MPR 188, Order 102 Under 2d Rev. Order A-3, Amdt. 1]

TELESCOPE FOLDING FURNITURE CO., INC.

ADJUSTMENT OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith, and filed with the Division of the Federal Register, and pursuant to Second Revised Order A-3 under § 1499.159 of Maximum Price Regulation No. 188; *It is ordered:*

Paragraph (a) of Order No. 102 under Second Revised Order A-3 is amended to read as follows:

(a) *Manufacturer's maximum prices.* Telescope Folding Furniture Co., Inc., Granville, New York, may add the following adjustment charges to its maximum prices for sales and deliveries to all classes of purchasers of the articles listed below, which it manufactures, resulting in the following adjusted maximum prices:

Article	Model No.	Maximum price	Adjustment charge permitted by this order	Total adjusted maximum price
Chair	44	$0.85	$0.32	$1.17
	45	.80	.35	1.15
	46	.69	.27	.96
	47	.75	.30	1.05
	48	.92	.34	1.26

The adjustment charges listed above may be made and collected only if each is separately stated on each invoice. The adjusted maximum prices are subject to the manufacturer's customary discounts, allowances and other price differentials in effect during March 1942 on sales to each of the above classes of purchasers.

This amendment shall become effective on the 7th day of September 1945.

Issued this 6th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-16653; Filed, Sept. 6, 1945; 11:40 a. m.]

[MPR 188, Order 109 Under Order A-2]

NIAGARA SEARCHLIGHT CO.

ADJUSTMENT OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to paragraph (a) (16) of Order A-2 under § 1499.159b of Maximum Price Regulation No. 188; it is ordered:

(a) *Manufacturer's maximum prices.* Niagara Searchlight Company, Niagara Falls, N. Y., on and after the effective date of this order may sell its No. 12 portable flashlight lantern without battery, of its manufacture, to wholesalers (jobbers) and retailers at prices no higher than its prices for each such sale in effect prior to the effective date of this order plus an adjustment charge of $.043 each.

This adjustment charge may be collected only if it is separately stated on each invoice. The adjusted prices are subject to the manufacturer's discounts, allowances and other price differentials in effect during March 1942 on sales to each class of purchaser.

(b) *Maximum prices of purchasers for resale.* A person who hereafter buys an article covered by this order and resells it in substantially the same form, may collect from his customer, in addition to his properly established maximum price in effect prior to the issuance of this order, an adjustment charge in the same amount as the adjustment charge herein authorized for and which he pays to his supplier. If such a purchaser did not have an established maximum price for sales of the article prior to the issuance of this order, he may add the same adjustment charge to the maximum price which he hereafter establishes for his sales under the applicable price regulation. If the applicable regulation requires maximum resale prices to be computed on the basis of cost, the reseller must find his maximum prices (without the permitted adjustment charge) by using as costs his invoice costs not including any adjustment charges stated on the invoice. On all sales except sales to ultimate consumers these additional adjustment charges may be made and collected only if they are separately stated on each invoice. The adjusted maximum prices are subject to each seller's customary terms, discounts, and allowances on sales of the same or similar articles, to each class of purchaser.

(c) *Notification.* At the time of or prior to the first invoice to a purchaser for resale on and after the effective date of this order, showing a price adjusted in accordance with the terms of this order, the seller shall notify the purchaser in writing of the method established by paragraph (b) of this order for determining adjusted maximum prices for resales of the article. This notice may be given in any convenient form.

(d) All requests not specifically granted by this order are hereby denied.

(e) This order may be revoked or amended by the Price Administrator at any time.

(f) This order shall become effective on the 7th day of September 1945.

Issued this 6th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-16651; Filed, Sept. 6, 1945; 11:40 a. m.]

[MPR 188, Order 110 Under Order A-2]

ENNIS MFG. CO.

ADJUSTMENT OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith, and filed with the Division of the Federal Register; and pursuant to paragraph (a) (16) of Order No. A-2 under § 1499.159b of Maximum Price Regulation No. 188, It is ordered:

(a) *Manufacturer's maximum prices.* Ennis Manufacturing Co., of Reading, Pennsylvania, may sell and deliver the articles, listed below, which it manufactures, and which are described in its application dated May 24, 1945 at prices no higher than its maximum prices in effect immediately prior to the issuance of this order plus the appropriate one of following adjustment charges:

Article	Model No.	Adjustment charge
		Per dozen
Trowel	424	$0.04
	426	.02
	427	.05

On all sales other than sales to ultimate consumers, the adjustment charge provided herein may be made and collected only if stated separately on each invoice.

The maximum prices of the manufacturer, as adjusted, are subject to its customary terms, discounts, allowances and other price differentials in effect during March, 1942 on sales to each class of purchaser.

(b) *Maximum prices of purchasers for resale.* A person who hereafter buys an article covered by this order and resells it in substantially the same form, may collect from his customer, in addition to his properly established maximum price in effect immediately before this order was issued, an adjustment charge in the same dollar and cents amount as the adjustment charge herein authorized and which he pays to his supplier. If he did not have a maximum price in effect for the article at the time this order was issued, he may add the same adjustment charge to the maximum price which he hereafter establishes for his sales under the applicable regulation. If the applicable regulation requires the maximum resale price to be computed on the basis of cost, the reseller must find his maximum resale price (not including the permitted adjustment charge) by using as cost his invoice cost less any adjustment charge stated on the invoice as a separate amount.

On all sales other than sales to the ultimate consumer this adjustment charge may be made and collected only if it is separately stated on each invoice. The adjusted price is subject to each seller's customary terms, discounts, and allowances on sales of the same or similar articles.

(c) *Notification.* At the time of, or prior to, the first invoice to a purchaser for resale, showing a price adjusted in accordance with the terms of this order, the seller shall notify the purchaser in writing of the method established in paragraph (b) of this order for determining adjusted maximum prices for resale of the article covered by this order. This notice may be given in any convenient form.

(d) This order may be revoked or amended by the Price Administrator at any time.

(e) This order shall become effective on the 7th day of September 1945.

Issued this 6th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-16652; Filed, Sept. 6, 1945; 11:40 a. m.]

[MPR 188, Order No. 117 Under 2d Rev. Order A-3]

W. L. OAKES MFG. CO.

ADJUSTMENT OF MAXIMUM PRICES

For the reasons set forth in an opinion, issued simultaneously herewith, and filed with the Division of the Federal Register, and pursuant to Second Revised Order A-3 under § 1499.159b of Maximum Price Regulation No. 188, it is ordered:

(a) *Manufacturer's maximum prices.* W. L. Oakes Manufacturing Company, 615 S. W. 9th Street, Oklahoma City, Oklahoma, on and after the effective date of this order may sell the ladders listed below, of its manufacture, to each class of purchaser at prices no higher than its prices for such sales in effect immediately prior to the effective date of this order plus the adjustment charges set forth opposite each article:

Item	Model	Permitted adjustment
		Per ladder foot
Ladder	Elite (competitive)	$0.043
	Decorator	.143
	Superior	.078
	Superior strength	.118

These adjustment charges may be collected only if they are separately stated on each invoice. The adjusted prices are subject to the manufacturer's discounts, allowances, and other price differentials in effect during March 1942 on sales to each class of purchaser.

(b) *Maximum prices of purchaser for resale.* A person who hereafter buys an article covered by this order and resells it in substantially the same form, may collect from his customer, in addition to his properly established maximum price in effect prior to the issuance of this order, an adjustment charge in the same amount as the adjustment charge herein authorized for and which he pays to his supplier. If such a purchaser did not have an established maximum price for sales of the article prior to the issuance of this order, he may add the same adjustment charge to the maximum price which he hereafter establishes for his sales under the applicable price regulation. If the applicable regulation requires maximum resale prices to be computed on the basis of costs, the reseller must find his maximum prices (without the permitted adjustment charge) by using as costs his invoice costs not including any adjustment charges stated on the invoice. On all sales except sales to ultimate conumers these additional adjustment charges may be made and collected only if they are separately stated on each invoice. The adjusted maximum prices are subject to each seller's customary terms, discounts, and allowances on sales to the same or similar articles, to each class of purchaser.

(c) *Notification.* At the time of or prior to the first invoice to a purchaser for resale on and after the effective date of this order, showing a price adjusted in accordance with the terms of this order, the seller shall notify the purchaser in writing of the method established by paragraph (b) of this order for determining adjusted maximum prices for resales of the article. This notice may be given in any convenient form.

(d) All requests not specifically granted by this order are hereby denied.

(e) This order may be revoked or amended by the Price Administrator at any time.

(f) This order shall become effective on the 7th day of September 1945.

Issued this 6th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-16654; Filed, Sept. 6, 1945; 11:41 a. m.]

[MPR 188, Order 4381]

MERIT LAMP CO.

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.158 of Maximum Price Regulation No. 188; *It is ordered:*

(a) This order establishes maximum prices for sales and deliveries of certain articles manufactured by Merit Lamp Company, 54-56 Garden Street, Brooklyn, 6, N. Y.

(1) For all sales and deliveries to the following classes of purchasers by the sellers indicated below, the maximum prices are those set forth below:

Article	Model No.	For sales by the manufacturer to—		For sales by any person to consumers
		Jobbers	Retailers	
Bronze plated and high lighted junior floor lamp with diffusing bowl, constructed without fire hazards	600	*Each* $6.50	*Each* $7.75	*Each* $13.95
Bronze plated and high lighted torchiere floor lamp without glass reflector but constructed without fire hazards	800	$8.08	$9.60	$17.50

These maximum prices are for the articles described in the manufacturer's application dated April 10, 1945.

(2) For sales by the manufacturer, the maximum prices apply to all sales and deliveries since Maximum Price Regulation No. 188 became applicable to those sales and deliveries. For sales to persons other than consumers they are f. o. b. factory, 1% 10 days, net 30. The maximum price to consumers is net, delivered.

(3) For sales by persons other than the manufacturer, the maximum prices apply to all sales and deliveries after the effective date of this order. Those prices

are subject to each seller's customary terms and conditions of sale on sales of similar articles.

(4) If the manufacturer wishes to make sales and deliveries to any other class of purchaser or on other terms and conditions of sale, he must apply to the Office of Price Administration, Washington, D. C., under the Fourth Pricing Method, § 1499.158 of Maximum Price Regulation No. 188, for the establishment of maximum prices for those sales, and no sales or deliveries may be made until maximum prices have been authorized by the Office of Price Administration.

(b) The manufacturer shall attach a tag or label to every article for which a maximum price for sales to consumers is established by this order. That tag or label shall contain the following statement, with the proper model number and the ceiling price inserted in the blank spaces:

Model No. ------
OPA Retail Ceiling Price—$------
Do Not Detach

(c) At the time of, or prior to, the first invoice to each purchaser for resale, the manufacturer shall notify the purchaser in writing of the maximum prices and conditions established by this order for sales by the purchaser. This notice may be given in any convenient form.

(d) Jobber's maximum prices for sales of the articles covered by this order shall be established under the provisions of section 4.5 of SR 14J.

(e) This order may be revoked or amended by the Price Administrator at any time.

(f) This order shall become effective on the 7th day of September 1945.

Issued this 6th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-16642; Filed, Sept. 6, 1945; 11:37 a. m.]

[MPR 183, Order 4382]

ELMONT LAMP SHADE

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.158 of Maximum Price Regulation No. 188, *It is ordered:*

(a) This order establishes maximum prices for sales and deliveries of certain articles manufactured by Elmont Lamp Shade, 1822 Westchester Avenue, Bronx, N. Y.

(1) For all sales and deliveries to the following classes of purchasers by the sellers indicated below, the maximum prices are those set forth below:

Article	Model No.	For sales by the manufacturer to—		For sales by any person to consumers
		Jobbers	Retailers	
Highly decorated large china lamp vase and rayon silk shade	1300	*Each* $10.20	*Each* $12.00	*Each* $21.60

These maximum prices are for the articles described in the manufacturer's application dated April 30, 1945.

(2) For sales by the manufacturer, the maximum prices apply to all sales and deliveries since Maximum Price Regulation No. 188 became applicable to those sales and deliveries. For sales to persons other than consumers they are f. o. b. factory, 2% 10 days, net 30. The maximum price to consumers is net, delivered.

(3) For sales by persons other than the manufacturer, the maximum prices apply to all sales and deliveries after the effective date of this order. Those prices are subject to each seller's customary terms and conditions of sale on sales of similar articles.

(4) If the manufacturer wishes to make sales and deliveries to any other class of purchaser or on other terms and conditions of sale, he must apply to the Office of Price Administration, Washington, D. C., under the Fourth Pricing Method, § 1499.158 of Maximum Price Regulation No. 188, for the establishment of maximum prices for those sales, and no sales or deliveries may be made until maximum prices have been authorized by the Office of Price Administration.

(b) The manufacturer shall attach a tag or label to every article for which a maximum price for sales to consumers is established by this order. That tag or label shall contain the following statement, with the proper model number and the ceiling price inserted in the blank spaces:

Model No. ------
OPA Retail Ceiling Price—$------
Do Not Detach

(c) At the time of, or prior to, the first invoice to each purchaser for resale, the manufacturer shall notify the purchaser in writing of the maximum prices and conditions established by this order for sales by the purchaser. This notice may be given in any convenient form.

(d) Jobber's maximum prices for sales of the articles covered by this order shall be established under the provisions of section 4.5 of SR 14J.

(e) This order may be revoked or amended by the Price Administrator at any time.

(f) This order shall become effective on the 7th day of September 1945.

Issued this 6th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-16643; Filed, Sept. 6, 1945; 11:37 a. m.]

[MPR 188, Order 4383]

KENT FOUNDRY CO.

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.158 of Maximum Price Regulation No. 188; *It is ordered:*

(a) This order establishes maximum prices for sales and deliveries of certain articles manufactured by the Kent Foundry Company of 400 Hoover Avenue, Bloomfield, New Jersey.

(1) For all sales and deliveries to the following classes of purchasers by the sellers indicated below, the maximum prices are those set forth below:

Article	Model No.	Maximum prices for sales by any seller to—			
		Wholesalers (jobbers)	Chain and department stores	Other retailers	Consumers
Aluminum griddle wood handle	B	*Each* $2.31	*Each* $2.77	*Each* $3.08	*Each* $4.62

These maximum prices are for the articles described in the manufacturer's application dated June 26, 1945.

(2) For sales by the manufacturer, the maximum prices apply to all sales and deliveries since Maximum Price Regulation No. 188 became applicable to those sales and deliveries. These prices are f. o. b. factory and subject to a cash discount of 2% for payment within 10 days, net 30 days.

(3) For sales by persons other than the manufacturer, the maximum prices apply to all sales and deliveries after the effective date of this order. Those prices are subject to each seller's customary terms and conditions of sale on sales of similar articles.

(4) If the manufacturer wishes to make sales and deliveries to any other class of purchaser or on other terms and conditions of sale, he must apply to the Office of Price Administration, Washington, D. C., under the Fourth Pricing Method, § 1499.158 of Maximum Price Regulation No. 188, for the establishment of maximum prices for those sales, and no sales or deliveries may be made until maximum prices have been authorized by the Office of Price Administration.

(b) The manufacturer shall attach a tag or label to every article for which a maximum price for sales to consumers is established by this order. That tag or label shall contain the following statements with the correct model number and retail prices properly filled in:

Model No. ------
OPA Retail Ceiling Price $------
Do Not Detach or Obliterate

(c) At the time of, or prior to, the first invoice to each purchaser for resale, the seller shall notify the purchaser in writing of the maximum prices and conditions established by this order for sales by the purchaser. This notice may be given in any convenient form.

(d) This order may be revoked or amended by the Price Administrator at any time.

(e) This order shall become effective on the 7th day of September 1945.

Issued this 6th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-16644; Filed, Sept. 6, 1945; 11:38 a. m.]

[MPR 188, Order 4384]

EKCO PRODUCTS CO.

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.158 of Maximum Price Regulation No. 188; *It is ordered:*

(a) This order establishes maximum prices for sales and deliveries of certain articles manufactured by the EKCO Products Company of 1949 North Cicero Avenue, Chicago 39, Ill.

(1) For all sales and deliveries to the following classes of purchasers by the sellers indicated below, the maximum prices are those set forth below:

Article	Model No.	Maximum prices for sales by any seller to—				
		Wholesalers (jobbers)	Chain and department stores	Other retailers	Consumers	
					East	West
Pressure cooker no gauge	6404	*Each* $5.98	*Each* $7.17	*Each* $7.97	*Each* $11.95	*Each* $12.95
Pressure cooker w/gauge	6414	6.48	7.77	8.63	12.95	13.95
Pressure cooker w/petcock cover	6424	6.98	8.37	9.30	13.95	14.95
Pressure cooker w/gauge	6434	7.48	8.97	9.97	14.95	15.95

These maximum prices are for the articles described in the manufacturer's application dated August 8, 1945.

(2) For sales by the manufacturer, the maximum prices apply to all sales and deliveries since Maximum Price Regulation No. 188 became applicable to those sales and deliveries. These prices are f. o. b. factory and are subject to a cash discount of 2% for payment within 10 days, net 30 days.

(3) For sales by persons other than the manufacturer, the maximum prices apply to all sales and deliveries after the effective date of this order. Those prices are subject to each seller's customary terms and conditions of sale on sales of similar articles.

(4) If the manufacturer wishes to make sales and deliveries to any other class of purchaser or on other terms and conditions of sale, he must apply to the Office of Price Administration, Washington, D. C., under the Fourth Pricing Method, § 1499.158 of Maximum Price Regulation No. 188, for the establishment of maximum prices for those sales, and no sales or deliveries may be made until maximum prices have been authorized by the Office of Price Administration.

(b) The manufacturer shall attach a tag or label to every article for which a maximum price for sales to consumers is established by this order. That tag or label shall contain the following statements with the correct model number and retail prices properly filled in:

Model No.
Western Zone OPA Retail Ceiling Price $------
Eastern Zone OPA Retail Ceiling Price $------
Do Not Detach or Obliterate

(c) At the time of, or prior to, the first invoice to each purchaser for resale, the seller shall notify the purchaser in writing of the maximum prices and conditions established by this order for sales by the purchaser. This notice may be given in any convenient form.

(d) This order may be revoked or amended by the Price Administrator at any time.

(e) This order shall become effective on the 7th day of September 1945.

Issued this 6th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-16645; Filed, Sept. 6, 1945; 11:38 a. m.]

[MPR 188, Order 4385]

HORST SPECIALTY MFG. CO.

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.158 of Maximum Price Regulation No. 188; *It is ordered:*

(a) This order establishes maximum prices for sales and deliveries of certain articles manufactured by Horst Specialty Manufacturing Company, 4615 Washington Street, Denver 16, Colo.

(1) For all sales and deliveries to the following classes of purchasers by the sellers indicated below, the maximum prices are those set forth below:

Article	Model No.	Maximum prices for sales by any seller to—			
		Jobbers	Chain and dept. stores	Other retailers	Consumers
Aluminum griddle wood handle	B	*Each* $2.31	*Each* $2.77	*Each* $3.08	*Each* $4.62

These maximum prices are for the articles described in the manufacturer's application dated June 26, 1945.

(2) For sales by the manufacturer, the maximum prices apply to all sales and deliveries since Maximum Price Regulation No. 188 became applicable to those sales and deliveries. These prices are f. o. b. factory and subject to a cash discount of 2% for payment within 10 days, net 30 days.

(3) For sales by persons other than the manufacturer, the maximum prices apply to all sales and deliveries after the effective date of this order. Those prices are subject to each seller's customary terms and conditions of sale on sales of similar articles.

(4) If the manufacturer wishes to make sales and deliveries to any other class of purchaser or on other terms and conditions of sale, he must apply to the Office of Price Administration, Washington, D. C., under the Fourth Pricing Method, § 1499.158 of Maximum Price Regulation No. 188, for the establishment of maximum prices for those sales, and no sales or deliveries may be made until maximum prices have been authorized by the Office of Price Administration.

(b) The manufacturer shall attach a tag or label to every article for which a maximum price for sales to consumers is established by this order. That tag or label shall contain the following statement, with the proper model number and the ceiling price inserted in the blank spaces:

Model No. ------
OPA Retail Ceiling Price—$------
Do Not Detach

(c) At the time of, or prior to, the first invoice to each purchaser for resale, the manufacturer shall notify the purchaser in writing of the maximum prices and conditions established by this order for sales by the purchaser. This notice may be given in any convenient form.

(d) Jobber's maximum prices for sales of the articles covered by this order shall be established under the provisions of section 4.5 of SR 14J.

(e) This order may be revoked or amended by the Price Administrator at any time.

(f) This order shall become effective on the 7th day of September 1945.

Issued this 6th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-16646; Filed, Sept. 6, 1945; 11:38 a. m.]

[MPR 188, Order 4386]

ART METAL GUILD CO.

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.158 of Maximum Price Regulation No. 188, and section 6.4 of SR14; *It is ordered:*

(a) This order establishes maximum prices for sales and deliveries of certain articles manufactured by Art Metal

(1) For all sales and deliveries to the following classes of purchasers by the sellers indicated below, the maximum prices are those set forth below:

Article	Model No.	Maximum prices for sales by any seller to—			
		Jobbers	Chain and dept. stores	Other retailers	Consumers
Aluminum griddle wood handle	B	*Each* $2.31	*Each* $2.77	*Each* $3.08	*Each* $4.62

These maximum prices are for the articles described in the manufacturer's application dated June 26, 1945.

(2) For sales by the manufacturer, the maximum prices apply to all sales and deliveries since Maximum Price Regulation No. 188 became applicable to those sales and deliveries. These prices are f. o. b. factory and subject to a cash discount of 2% for payment within 10 days, net 30 days.

(3) For sales by persons other than the manufacturer, the maximum prices apply to all sales and deliveries after the effective date of this order. Those prices are subject to each seller's customary terms and conditions of sale on sales of similar articles.

(4) If the manufacturer wishes to make sales and deliveries to any other class of purchaser or on other terms and conditions of sale, he must apply to the Office of Price Administration, Washington, D. C., under the Fourth Pricing Method, § 1499.158 of Maximum Price Regulation No. 188, for the establishment of maximum prices for those sales, and no sales or deliveries may be made until maximum prices have been authorized by the Office of Price Administration.

(b) The manufacturer shall attach a tag or label to every article for which a maximum price for sales to consumers is established by this order. That tag or label shall contain the following statement, with the proper model number and the ceiling price inserted in the blank spaces:

Model No. ------
OPA Retail Ceiling Price—$------
Do Not Detach

(c) At the time of, or prior to, the first invoice to each purchaser for resale, the seller shall notify the purchaser in writing of the maximum prices and conditions established by this order for sales by the purchaser. This notice may be given in any convenient form.

(d) This order may be revoked or amended by the Price Administrator at any time.

(e) This order shall become effective on the 7th day of September 1945.

Issued this 6th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-16646; Filed, Sept. 6, 1945; 11:38 a. m.]

[MPR 188, Order 4386]

ART METAL GUILD CO.

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.158 of Maximum Price Regulation No. 188, and section 6.4 of SR14; *It is ordered:*

(a) This order establishes maximum prices for sales and deliveries of certain articles manufactured by Art Metal

Article	Model No.	For sales by the manufacturer to—		For sales by any person to consumers
		Jobbers	Retailers	
		Each	*Each*	*Each*
Gold or silver plated zinc alloy and crystal 3-way floor lamp	1105	$12.75	$15.00	$27.00
Gold or silver plated and lacquered zinc alloy 3-way special floor lamp with cut glass tubing and mirror base	1101	21.67	25.50	45.90
Plated and lacquered zinc alloy, steel or brass tubing 3-way floor lamp	1102-3-4-5, and 12	9.77	11.50	20.70
Gold plated and lacquered zinc alloy 3-way special floor lamp with brass tubing and onyx insert	1109-1110	13.17	15.50	27.90
Gold plated and lacquered zinc alloy 3-way special floor lamp with brass tubing and onyx insert	1107	20.42	24.00	43.20
Plated and lacquered zinc alloy 3-way special floor lamp with steel or brass tubing and onyx insert	1108	17.42	20.50	36.90
Plated and lacquered zinc alloy 3-way special floor lamp with steel or brass tubing and onyx insert	1011-1611	19.12	22.50	40.50
Plated and lacquered zinc alloy torchiere and 6-way special floor lamp with steel or brass tubing and onyx insert	1009-1010-1609-1610	14.87	17.50	31.50
Plated and lacquered zinc alloy torchiere and 6-way floor lamp with cut glass tubing and mirror insert	1009-1001-1040-1601	23.37	27.50	49.50
Gold or silver plated and lacquered zinc alloy torchiere and 6-way special floor lamp with cut glass tubing and mirror insert	1006-1008	22.10	26.00	46.80
Gold plated and lacquered zinc alloy torchiere and 6-way special floor lamp with brass tubing and onyx insert	1007-1607	23.37	27.50	49.50
Gold or silver plated zinc alloy and crystal torchiere and 6-way floor lamp	1006-1005	14.15	17.00	30.60
Plated and lacquered zinc alloy torchiere and 6-way floor lamp with steel or brass tubing	1002-3-4-5-12, 1602-3-4-5-12	11.47	13.50	24.30
28" Gold plated and polished zinc alloy and crystal table lamp (base only)	1801-1801	12.75	15.00	27.00
	1700-1802-1803	7.80	9.25	16.65
	ST-1-ST-6	7.22	10.50	18.90
Plated zinc alloy and steel torchiere and 6-way floor lamp	ST-4		8.90	15.30
Mushroom desk lamp	2860	$2.12	$2.50	$4.50

All lamps equipped with molded glass reflectors or diffusers.

These prices are for the articles described in the manufacturer's application dated June 15, 1945.

(2) For sales by the manufacturer, the maximum prices apply to all sales and deliveries since Maximum Price Regulation No. 188 became applicable to those sales and deliveries. This notice may be given in any convenient form.

(3) For sales by persons other than the manufacturer, the maximum prices apply to all sales and deliveries after the effective date of this order. Those prices are subject to each seller's customary terms and conditions of sale on sales of similar articles.

(4) If the manufacturer wishes to make sales and deliveries to any other class of purchaser or on other terms and conditions of sale, he must apply to the Office of Price Administration, Washington, D. C., under the Fourth Pricing Method, § 1499.158 of Maximum Price Regulation No. 188, for the establishment of maximum prices for those sales, and no sales or deliveries may be made until maximum prices have been authorized by the Office of Price Administration.

(b) The manufacturer shall attach a tag or label to every article for which a maximum price for sales to consumers is established by this order. That tag or label shall contain the following statement, with the proper model number and the ceiling price inserted in the blank spaces:

Model No. ------
OPA Retail Ceiling Price—$------
Do Not Detach

(c) At the time of, or prior to, the first invoice to each purchaser for resale, the manufacturer shall notify the purchaser in writing of the maximum prices and conditions established by this order for sales by the purchaser. This notice may be given in any convenient form.

(d) Jobber's maximum prices for sales of the articles covered by this order shall be established under the provisions of section 4.5 of SR 14J.

(e) This order may be revoked or amended by the Price Administrator at any time.

(f) This order shall become effective on the 7th day of September 1945.

Issued this 6th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-16646; Filed, Sept. 6, 1945; 11:30 a. m.]

Guild Company, 999 Metropolitan Avenue, Brooklyn, N. Y.

(1) For all sales and deliveries to the following classes of purchasers by the sellers indicated below, the maximum prices are those set forth below:

Article	Model No.	For sales by the manufacturer to—		For sales by any person to consumers
		Jobbers	Retailers	
		Each	*Each*	*Each*
Mushroom desk lamp	2860	$2.12	$2.50	$4.50

These prices are for the articles described in the manufacturer's application dated June 15, 1945.

(2) For sales by the manufacturer, the maximum prices apply to all sales and deliveries since Maximum Price Regulation No. 188 became applicable to those sales and deliveries. This notice may be given in any convenient form.

(3) For sales by persons other than the manufacturer, the maximum prices apply to all sales and deliveries after the effective date of this order. Those prices are subject to each seller's customary terms and conditions of sale on sales of similar articles.

(4) If the manufacturer wishes to make sales and deliveries to any other class of purchaser or on other terms and conditions of sale, he must apply to the Office of Price Administration, Washington, D. C., under the Fourth Pricing Method, § 1499.158 of Maximum Price Regulation No. 188, for the establishment of maximum prices for those sales, and no sales or deliveries may be made until maximum prices have been authorized by the Office of Price Administration.

(b) The manufacturer shall attach a tag or label to every article for which a maximum price for sales to consumers is established by this order. That tag or label shall contain the following statement, with the proper model number and the ceiling price inserted in the blank spaces:

Model No. ------
OPA Retail Ceiling Price—$------
Do Not Detach

(c) At the time of, or prior to, the first invoice to each purchaser for resale, the manufacturer shall notify the purchaser in writing of the maximum prices and conditions established by this order for sales by the purchaser. This notice may be given in any convenient form.

(d) Jobber's maximum prices for sales of the articles covered by this order shall be established under the provisions of section 4.5 of SR 14J.

(e) This order may be revoked or amended by the Price Administrator at any time.

(f) This order shall become effective on the 7th day of September 1945.

Issued this 6th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-16647; Filed, Sept. 6, 1945; 11:30 a. m.]

[MPR 188, Order 4387]

STADLER & NEUWIRTH

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.158; *It is ordered:*

(a) This order establishes maximum prices for sales and deliveries of certain articles manufactured by Stadler & Neuwirth, 40-36 22nd Street, Long Island City 1, N. Y.

(1) For all sales and deliveries to the following classes of purchasers by the sellers indicated below, the maximum prices are those set forth below:

Article	Model No.	Maximum prices for sales by any seller to—				
		Jobbers	Chain and department stores	Other retailers	Consumers	
Fry pan, 2 piece	A1	$1.50	$1.80	$2.00	$3.00	
Broiler and skillet	A4	3.00	3.60	4.00	6.00	
Chicken fryer	A2	2.25	2.70	3.00	4.50	
Four corn stick pan	A3	1.00	1.20	1.33	2.00	

These maximum prices are for the articles described in the manufacturer's application dated July 27, 1945.

(2) For sales by the manufacturer, the maximum prices apply to all sales and deliveries since Maximum Price Regulation No. 188 became applicable to those sales and deliveries. These prices are f. o. b. factory and subject to a cash discount of 2% for payment within 10 days, net 30 days.

(3) For sales by persons other than the manufacturer, the maximum prices apply to all sales and deliveries after the effective date of this order. Those prices are subject to each seller's customary terms and conditions of sale on sales of similar articles.

(4) If the manufacturer wishes to make sales and deliveries to any other class of purchaser or on other terms and conditions of sale, he must apply to the Office of Price Administration, Washington, D. C., under the Fourth Pricing Method, § 1499.158 of Maximum Price Regulation No. 188, for the establishment of maximum prices for those sales, and no sales or deliveries may be made until maximum prices have been authorized by the Office of Price Administration.

(b) The manufacturer shall attach a tag or label to every article for which a maximum price for sales to consumers is established by this order. That tag or label shall contain the following statement with the correct model number and retail prices properly filled in:

OPA Retail Ceiling Price—$------
Do Not Detach

(c) At the time of, or prior to, the first invoice to each purchaser for resale, the seller shall notify the purchaser in writing of the maximum prices and conditions established by this order for sales by the purchaser. This notice may be given in any convenient form.

(d) This order may be revoked or amended by the Price Administrator at any time.

(e) This order shall become effective on the 7th day of September 1945.

Issued this 6th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-16650; Filed, Sept. 6, 1945; 11:40 a. m.]

[MPR 188, Order 4388]

ACME MASTERCRAFTS CO. INC.

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.159c of Maximum Price Regulation No. 188, and section 6.4 of SR14; *It is ordered:*

(a) This order establishes maximum prices for sales and deliveries of certain articles manufactured by Acme Mastercrafts Co. Inc., 54 West 21st Street, New York 10, New York.

(1) For all sales and deliveries to the following classes of purchasers by the sellers indicated below, the maximum prices are those set forth below:

Article	Model No.	For sales by the manufacturer to—		For sales by any person to consumers
		Jobbers	Retailers	
		Each	*Each*	*Each*
Crystal pin-up lamp with crystal base and break	1956-W	$1.39	$1.66	$2.95
Crystal pin-up lamp with beveled mirror base and crystal break	2511-W	1.54	1.81	3.25
1-5/8" crystal vanity lamp base, footed and beaded metal base with crystal mount and break and reeded tube	2557	2.13	2.50	4.50
1-5/8" crystal vanity lamp base, footed and beaded metal base with crystal mount and ball break, reeded tube	2705	2.13	2.50	4.50
2" crystal vanity lamp base with crystal base, break and reeded tube	3089-A	2.13	2.50	4.50
1-5/8" crystal vanity lamp base with crystal base, break and reeded tube	1954	1.19	1.40	2.50

These maximum prices are for the articles described in the manufacturer's application dated May 24, 1945.

(2) For sales by the manufacturer, the maximum prices apply to all sales and deliveries since Maximum Price Regulation No. 188 became applicable to those sales and deliveries. For sales to persons other than consumers they are f. o. b. factory, 2% 10 days, net 30. The maximum price to consumers is net, delivered.

(3) For sales by persons other than the manufacturer, the maximum prices apply to all sales and deliveries after the effective date of this order. Those prices are subject to each seller's customary terms and conditions of sale on sales of similar articles.

(4) If the manufacturer wishes to make sales and deliveries to any other class of purchaser or on other terms and conditions of sale, he must apply to the Office of Price Administration, Washington, D. C., under the Fourth Pricing Method, § 1499.158 of Maximum Price Regulation No. 188, for the establishment of maximum prices for those sales, and no sales or deliveries may be made until maximum prices have been authorized by the Office of Price Administration.

(b) The manufacturer shall attach a tag or label to every article for which a maximum price for sales to consumers is established by this order. That tag or label shall contain the following statement, with the proper model number and the ceiling price inserted in the blank spaces:

Model No. ------
OPA Retail Ceiling Price—$------
Do Not Detach

(c) At the time of, or prior to, the first invoice to each purchaser for resale, the manufacturer shall notify the purchaser in writing of the maximum prices and conditions established by this order for sales by the purchaser. This notice may be given in any convenient form.

(d) Jobber's maximum prices for sales of the articles covered by this order shall be established under the provisions of section 4.5 of SR 14J.

(e) This order may be revoked or amended by the Price Administrator at any time.

(f) This order shall become effective on the 7th day of September 1945.

Issued this 6th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-16649; Filed, Sept. 6, 1945; 11:29 a. m.]

[MPR 188, Order 4389]

SEWELL FOUNDRY

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.158 of Maximum Price Regulaton No. 188, *It is ordered:*

(a) This order establishes maximum prices for sales and deliveries of certain articles manufactured by Sewell Foundry, 801 McPherson Street, Oxford, Alabama.

(1) For all sales and deliveries to the following classes of purchasers by the sellers indicated below, the maximum prices are those set forth below:

Brand	Size or frontmark	Packing	Maximum list price	Maximum retail price
			Per M	*Cents*
National Asset..	Perfecto	50	$48	6

[MPR 260, Amdt. 1 to Order 258]

CARL K. SHEETZ

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion accompanying this amendment and pursuant to § 1358.102 (b) of Maximum Price Regulation 260; *It is ordered*, That:

The maximum prices for the "National Asset-Perfecto" cigars set forth in paragraph (a) of Order No. 258 under Maximum Price Regulation No. 260, are amended to read as follows:

This amendment shall become effective September 7, 1945.

Issued this 6th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-16655; Filed, Sept. 6, 1945; 11:41 a. m.]

[MPR 260, Amdt. 1 to Order 794]

STRAIGHT HAVANA CIGAR CO.

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion accompanying this amendment and pursuant to § 1358.102 (b) of Maximum Price Regulation 260; *It is ordered*, That:

The maximum prices for the "Dan Patch-Dan Patch", "Camilla-Camilla", "Citizen-Citizen" and "Arbella-Arbella" cigars set forth in Paragraph (a) of Order No. 794 under Maximum Price Regulation No. 260, are amended to read as follows:

Brand	Size or frontmark	Packing	Maximum list price	Maximum retail price
			Per M	*Cents*
Dan Patch	Dan Patch	50	$60	2 for 15
Camilla	Camilla	50	75	10
Citizen	Citizen	50	40	5
Arbella	Arbella	50	40	5

This amendment shall become effective September 7, 1945.

Issued this 6th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-16656; Filed, Sept. 6, 1945; 11:42 a. m.]

[MPR 260, Amdt. 1 to Order 897]

ROTHSCHILD AND REGAN CIGAR CO.

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion accompanying this amendment and pursuant to § 1358.102 (b) of Maximum Price Regulation 260; *It is ordered*, That:

The maximum prices for the "Pente-Perfecto" and "Pente-Mild-Boxed-Pente" cigars set forth in paragraph (a) of Order No. 897 under Maximum Price Regulation No. 260, are amended to read as follows:

Brand	Size or frontmark	Packing	Maximum list price	Maximum retail price
			Per M	*Cents*
Pente	Perfecto	50	$48	6
Pente-Mild	Boxed-Pente	50	72	9

This amendment shall become effective September 7, 1945.

Issued this 6th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-16657; Filed, Sept. 6, 1945; 11:42 a. m.]

[MPR 260, Amdt. 1 to Order 1138]

CARL K. SHEETZ

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion accompanying this amendment and pursuant to § 1358.102 (b) of Maximum Price Regulation 260; *It is ordered*, That:

The maximum prices for the "Prince of Mecca-Perfecto" cigar set forth in paragraph (a) of Order No. 1138 under Maximum Price Regulation No. 260, are amended to read as follows:

Brand	Size or frontmark	Packing	Maximum list price	Maximum retail price
			Per M	*Cents*
Prince of Mecca	Perfecto	50	$60	2 for 15

This amendment shall become effective September 7, 1945.

Issued this 6th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-16658; Filed, Sept. 6, 1945; 11:41 a. m.]

[MPR 260, Amdt. 1 to Order 1291]

IRWIN MARKLEY CIGAR CO. INC.

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion accompanying this amendment and pursuant to § 1358.102 (b) of Maximum Price Regulation 260; *It is ordered*, That:

The maximum prices for the "Garcia Imperial-Imperial" cigars set forth in paragraph (a) of Order No. 1291 under Maximum Price Regulation No. 260, are amended to read as follows:

Brand	Size or frontmark	Packing	Maximum list price	Maximum retail price
			Per M	*Cents*
Garcia Imperial	Imperial	50	$72	9

This amendment shall become effective September 7, 1945.

Issued this 6th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-16659; Filed, Sept. 6, 1945; 11:42 a. m.]

[MPR 260, Amdt. 1 to Order 1618]

BENSON AND HEDGES

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion accompanying this amendment and pursuant to § 1358.102 (a) of Maximum Price Regulation 260; *It is ordered*, That:

The maximum prices for "Benson and Hedges—Granadas" cigars set forth in paragraph (a) of Order No. 1618 under Maximum Price Regulation 260 are amended to read as follows:

Brand	Frontmark	Packing	Maximum list price	Maximum retail price
			Per M	*Cents*
Benson & Hedges	Granadas	50	$262.50	25

This amendment shall become effective September 7, 1945.

Issued this 6th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-16660; Filed, Sept. 6, 1945; 11:42 a. m.]

[MPR 260, Order 1813]

SECOND FRONT CIGAR FACTORY

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion accompanying this order, and pursuant to § 1358.102 (b) of Maximum Price Regulation No. 260; *It is ordered*, That:

(a) Second Front Cigar Factory, 2213 Armenia Avenue, Tampa, Fla. (hereinafter called "manufacturer") and wholesalers and retailers may sell, offer to sell or deliver and any person may buy, offer to buy or receive each brand and size or frontmark, and packing of the following domestic cigars at the appropriate maximum list price and maximum retail price set forth below:

Brand	Size or frontmark	Packing	Maximum list price	Maximum retail price
			Per M	*Cents*
Batling Kid	Conchas	50	$72.00	10
	Blunts	50	93.75	2 for 25
	Selectos	50	101.25	2 for 27

(b) The manufacturer and wholesalers shall grant, with respect to their sales of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the discounts they customarily granted in March 1942 on their sales of domestic cigars of the same price class to purchasers of the same class, unless a change therein results in a lower price. Packing differentials charged by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class may be charged on corresponding sales of each brand and size or frontmark of cigars priced by this order, but shall not be increased. Packing differentials allowed by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class shall be allowed on corresponding sales of each brand and size or frontmark of cigars priced by this order and shall not be reduced. If a brand and size or frontmark of domestic cigars for which maximum prices are established by this order is of a price class not sold by the manufacturer or the particular wholesaler in March 1942, he shall, with respect to his sales thereof, grant the discounts and may charge and shall allow the packing differentials customarily granted, charged or allowed (as the case may be) in March 1942 by his most closely competitive seller of the same class on sales of domestic cigars of the same March 1942 price class to purchasers of the same class.

(c) On or before the first delivery to any purchaser of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the manufacturer and every other seller (except a retailer) shall notify the purchaser of the maximum list price and the maximum retail price established by this order for such brand and size or frontmark of domestic cigars. The notice shall conform to and be given in the manner prescribed by § 1358.113 of Maximum Price Regulation No. 260.

(d) Unless the context otherwise requires, appropriate provisions of Maximum Price Regulation No. 260, shall apply to sales for which maximum prices are established by this order.

(e) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective September 7, 1945.

Issued this 6th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-16661; Filed, Sept. 6, 1945; 11:42 a. m.]

[MPR 260, Order 1814]

D. VALENTI CIGAR FACTORY

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion accompanying this order, and pursuant to § 1358.102 (b) of Maximum Price Regulation No. 260; *It is ordered*, That:

(a) D. Valenti Cigar Factory, 2922 22 Street, Tampa, Fla. (hereinafter called "manufacturer") and wholesalers and retailers may sell, offer to sell or deliver and any person may buy, offer to buy or receive each brand and size or frontmark, and packing of the following domestic cigars at the appropriate maximum list price and maximum retail price set forth below:

Brand	Size or frontmark	Packing	Maximum list price	Maximum retail price
			Per M	*Cents*
La Torre	Corona Chica	50	$75	10

(b) The manufacturer and wholesalers shall grant, with respect to their sales of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the discounts they customarily granted in March 1942 on their sales of domestic cigars of the same price class to purchasers of the same class, unless a change therein results in a lower price. Packing differentials charged by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class may be charged on corresponding sales of each brand and size or frontmark of cigars priced by this order, but shall not be increased. Packing differentials allowed by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class shall be allowed on corresponding sales of each brand and size or frontmark of cigars priced by this order and shall not be reduced. If a brand and size or frontmark of domestic cigars for which maximum prices are established by this order is of a price class not sold by the manufacturer or the particular wholesaler in March 1942, he shall, with respect to his sales thereof, grant the discounts and may charge and shall allow the packing differentials customarily granted, charged or allowed (as the case may be) in March 1942 by his most closely competitive seller of the same class on sales of domestic cigars of the same March 1942 price class to purchasers of the same class.

(c) On or before the first delivery to any purchaser of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the manufacturer and every other seller (except a retailer) shall notify the purchaser of the maximum list price and the maximum retail price established by this order for such brand and size or frontmark of domestic cigars. The notice shall conform to and be given in the manner prescribed by § 1358.113 of Maximum Price Regulation No. 260.

(d) Unless the context otherwise requires, appropriate provisions of Maximum Price Regulation No. 260 shall apply to sales for which maximum prices are established by this order.

(e) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective September 7, 1945.

Issued this 6th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-16662; Filed, Sept. 6, 1945; 11:43 a. m.]

[MPR 260, Order 1815]

JUSTINO FERRER

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion accompanying this order, and pursuant to § 1358.102 (b) of Maximum Price Regulation No. 260; *It is ordered*, That:

(a) Justino Ferrer, Georgetti Street, Caguas, Puerto Rico (hereinafter called "manufacturer") and wholesalers and retailers may sell, offer to sell or deliver and any person may buy, offer to buy or receive each brand and size or frontmark, and packing of the following domestic cigars at the appropriate maximum list price and maximum retail price set forth below:

Brand	Size or frontmark	Packing	Maximum list price	Maximum retail price
			Per M	*Cents*
Justino Ferrer	Corona #1	50	$96	7
	Corona #11	50	48	6

(b) The manufacturer and wholesalers shall grant, with respect to their sales of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the discounts they customarily granted in March 1942 on their sales of domestic cigars of the same price class to purchasers of the same class, unless a change therein results in a lower price. Packing differentials charged by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class may be charged on corresponding sales of each brand and size or frontmark of cigars priced by this order, but shall not be increased. Packing differentials allowed by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class shall be allowed on corresponding sales of each brand and size or frontmark of cigars priced by this order and shall not be reduced. If a brand and size or frontmark of domestic cigars for which maximum prices are established by this order is of a price class not sold by the manufacturer or the particular wholesaler in March 1942, he shall, with respect to his sales thereof, grant the discounts and may charge and shall allow the packing differentials customarily granted, charged or allowed (as the case may be) in March 1942 by his most closely competitive seller of the same class on sales of domestic cigars of the same March 1942 price class to purchasers of the same class.

(c) On or before the first delivery to any purchaser of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the manufacturer and every other seller (except a retailer) shall notify the purchaser of the maximum list price and the maximum retail price established by this order for such brand and size or frontmark of domestic cigars. The notice shall conform to and be given in the manner prescribed by § 1358.113 of Maximum Price Regulation No. 260.

(d) Unless the context otherwise requires, appropriate provisions of Maximum Price Regulation No. 260, shall apply to sales for which maximum prices are established by this order.

(e) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective September 7, 1945.

Issued this 6th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-16663; Filed, Sept. 6, 1945; 11:43 a. m.]

[MPR 260, Order 1816]

SANCHEZ & MONTESINO CIGAR FACTORY

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion accompanying this order, and pursuant to § 1358.102 (b) of Maximum Price Regulation No. 260; *It is ordered*, That:

(a) Sanchez & Montesino Cigar Factory, P. O. Box 5173, 3107 17th Street, Tampa 5, Fla. (hereinafter called "manufacturer") and wholesalers and retailers may sell, offer to sell or deliver and any person may buy, offer to buy or receive each brand and size or frontmark, and packing of the following domestic cigars at the appropriate maximum list price and maximum retail price set forth below:

Brand	Size or frontmark	Packing	Maximum list price	Maximum retail price
			Per M	*Cents*
El Mundo	Panetela Extra.	50	$82.50	11
	Senators	50	101.25	2 for 27
	Beacon	50	82.50	11
	Panetelas	50	138.00	18
	Sargents	50	123.00	16
	Colonels	50	105.00	14

(b) The manufacturer and wholesalers shall grant, with respect to their sales of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the discounts they customarily granted in March 1942 on their sales of domestic cigars of the same price class to purchasers of the same class, unless a change therein results in a lower price. Packing differentials charged by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class may be charged on corresponding sales of each brand and size or frontmark of cigars priced by this order, but shall not be increased. Packing differentials allowed by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class shall be allowed on corresponding sales of each brand and size or frontmark of cigars priced by this order and shall not be reduced. If a brand and size or frontmark of domestic cigars for which maximum prices are established by this order is of a price class not sold by the manufacturer or the particular wholesaler in March 1942, he shall, with respect to his sales thereof, grant the discounts and may charge and shall allow the packing differentials customarily granted, charged or allowed (as the case may be) in March 1942 by his most closely competitive seller of the same class on sales of domestic cigars of the same March 1942 price class to purchasers of the same class.

(c) On or before the first delivery to any purchaser of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the manufacturer and every other seller (except a retailer) shall notify the purchaser of the maximum list price and the maximum retail price established by this order for such brand and size or frontmark of domestic cigars. The notice shall conform to and be given in the manner prescribed by § 1358.113 of Maximum Price Regulation No. 260.

(d) Unless the context otherwise requires, appropriate provisions of Maximum Price Regulation No. 260, shall apply to sales for which maximum prices are established by this order.

(e) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective September 7, 1945.

Issued this 6th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-16664; Filed, Sept. 6, 1945; 11:43 a. m.]

[MPR 260, Order 1817]

INSPIRATION CIGAR FACTORY

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion accompanying this order, and pursuant to § 1358.102 (b) of Maximum Price Regulation No. 260; *It is ordered*, That:

(a) Inspiration Cigar Company, 2128 Main Street, Tampa, Fla. (hereinafter called "manufacturer") and wholesalers and retailers may sell, offer to sell or deliver and any person may buy, offer to buy or receive each brand and size or frontmark, and packing of the following domestic cigars at the appropriate maximum list price and maximum retail price set forth below:

Brand	Size or frontmark	Packing	Maximum list price	Maximum retail price
			Per M	*Cents*
Flor de Antonio Porro	Royals	50	$108.75	2for29
	Pipl	50	72.60	9

(b) The manufacturer and wholesalers shall grant, with respect to their sales of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the discounts they customarily granted in March 1942 on their sales of domestic cigars of the same price class to purchasers of the same class, unless a change therein results in a lower price. Packing differentials charged by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class may be charged on corresponding sales of each brand and size or frontmark of cigars priced by this order, but shall not be increased. Packing differentials allowed by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class shall be allowed on corresponding sales of each brand and size or frontmark of cigars priced by this order and shall not be reduced. If a brand and size or frontmark of domestic cigars for which maximum prices are established by this order is of a price class not sold by the manufacturer or the particular wholesaler in March 1942, he shall, with respect to his sales thereof, grant the discounts and may charge and shall allow the packing differentials customarily granted, charged or allowed (as the case may be) in March 1942 by his most closely competitive seller of the same class on sales of domestic cigars of the same March 1942 price class to purchasers of the same class.

(c) On or before the first delivery to any purchaser of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the manufacturer and every other seller (except a retailer) shall notify the purchaser of the maximum list price and the maximum retail price established by this order for such brand and size or frontmark of domestic cigars. The notice shall conform to and be given in the manner prescribed by § 1358.113 of Maximum Price Regulation No. 260.

(d) Unless the context otherwise requires, appropriate provisions of Maximum Price Regulation No. 260 shall apply to sales for which maximum prices are established by this order.

(e) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective September 7, 1945.

Issued this 6th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-16665; Filed, Sept. 6, 1945, 11:44 a. m.]

[MPR 260, Order 1818]

WILLIAM C. MARLEY

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion accompanying this order, and pursuant to § 1358.102 (b) of Maximum Price Regulation No. 260; *It is ordered*, That:

(a) William C. Marley, Ontonagon, Michigan (hereinafter called "manufacturer") and wholesalers and retailers may sell, offer to sell or deliver and any person may buy, offer to buy or receive each brand and size or frontmark, and packing of the following domestic cigars at the appropriate maximum list price and maximum retail price set forth below:

Brand	Size or frontmark	Packing	Maximum list price	Maximum retail price
			Per M	*Cents*
Lord Coke	Excellentes	50	$78.75	2for15

(b) The manufacturer and wholesalers shall grant, with respect to their sales of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the discounts they customarily granted in March 1942 on their sales of domestic cigars of the same price class to purchasers of the same class, unless a change therein results in a lower price. Packing differentials charged by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class may be charged on corresponding sales of each brand and size or frontmark of cigars priced by this order, but shall not be increased. Packing differentials allowed by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class shall be allowed

on corresponding sales of each brand and size or frontmark of cigars priced by this order and shall not be reduced. If a brand and size or frontmark of domestic cigars for which maximum prices are established by this order is of a price class not sold by the manufacturer or the particular wholesaler in March 1942, he shall, with respect to his sales thereof, grant the discounts and may charge and shall allow the packing differentials customarily granted, charged or allowed (as the case may be) in March 1942 by his most closely competitive seller of the same class on sales of domestic cigars of the same March 1942 price class to purchasers of the same class.

(c) On or before the first delivery to any purchaser of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the manufacturer and every other seller (except a retailer) shall notify the purchaser of the maximum list price and the maximum retail price established by this order for such brand and size or frontmark of domestic cigars. The notice shall conform to and be given in the manner prescribed by § 1358.113 of Maximum Price Regulation No. 260.

(d) Unless the context otherwise requires, appropriate provisions of Maximum Price Regulation No. 260, shall apply to sales for which maximum prices are established by this order.

(e) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective September 7, 1945.

Issued this 6th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-16666; Filed, Sept. 6, 1945; 11:44 a. m.]

[MPR 260, Order 1819]

JAMES CIGAR CO.

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion accompanying this order, and pursuant to § 1358.102 (b) of Maximum Price Regulation No. 260; *It is ordered*, That:

(a) Tennie James, d/b/a James Cigar Company, P. O. Box 267, E. Main Street, Cambria, Calif. (hereinafter called "manufacturer") and wholesalers and retailers may sell, offer to sell or deliver and any person may buy, offer to buy or receive each brand and size or frontmark, and packing of the following domestic cigars at the appropriate maximum list price and maximum retail price set forth below:

Brand	Size or frontmark	Packing	Maximum list price	Maximum retail price
			Per M	*Cents*
James Extra Quality Cigar	Coronas Especiales	50	$115.00	15
		50	93.75	2for25

(b) The manufacturer and wholesalers shall grant, with respect to their sales of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the discounts they customarily granted in March 1942 on their sales of domestic cigars of the same price class to purchasers of the same class, unless a change therein results in a lower price. Packing differentials charged by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class may be charged on corresponding sales of each brand and size or frontmark of cigars priced by this order, but shall not be increased. Packing differentials allowed by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class shall be allowed on corresponding sales of each brand and size or frontmark of cigars priced by this order and shall not be reduced. If a brand and size or frontmark of domestic cigars for which maximum prices are established by this order is of a price class not sold by the manufacturer or the particular wholesaler in March 1942, he shall, with respect to his sales thereof, grant the discounts and may charge and shall allow the packing differentials customarily granted, charged or allowed (as the case may be) in March 1942 by his most closely competitive seller of the same class on sales of domestic cigars of the same March 1942 price class to purchasers of the same class.

(c) On or before the first delivery to any purchaser of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the manufacturer and every other seller (except a retailer) shall notify the purchaser of the maximum list price and the maximum retail price established by this order for such brand and size or frontmark of domestic cigars. The notice shall conform to and be given in the manner prescribed by § 1358.113 of Maximum Price Regulation No. 260.

(d) Unless the context otherwise requires, appropriate provisions of Maximum Price Regulation No. 260, shall apply to sales for which maximum prices are established by this order.

(e) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective September 7, 1945.

Issued this 6th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-16667; Filed, Sept. 6, 1945; 11:44 a. m.]

[MPR 260, Order 1820]

NATHAN D. KAPLAN

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion accompanying this order, and pursuant to § 1358.102 (b) of Maximum Price Regulation No. 260; *It is ordered*, That:

(a) Nathan D. Kaplan, 180 N. Wacker Drive, Chicago 6, Ill. (hereinafter called "manufacturer") and wholesalers and retailers may sell, offer to sell or deliver and any person may buy, offer to buy or receive each brand and size or frontmark, and packing of the following domestic cigars at the appropriate maximum list price and maximum retail price set forth below:

Brand	Size or frontmark	Packing	Maximum list price	Maximum retail price
			Per M	*Cents*
John Rodgers	Palmas	50	$185	21
	Victoria	50	135	18
	Corona	50	115	15
	Perfectos Finas	50	169	22

(b) The manufacturer and wholesalers shall grant, with respect to their sales of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the discounts they customarily granted in March 1942 on their sales of domestic cigars of the same price class to purchasers of the same class, unless a change therein results in a lower price. Packing differentials charged by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class may be charged on corresponding sales of each brand and size or frontmark of cigars priced by this order, but shall not be increased. Packing differentials allowed by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class shall be allowed on corresponding sales of each brand and size or frontmark of cigars priced by this order and shall not be reduced. If a brand and size or frontmark of domestic cigars for which maximum prices are established by this order is of a price class not sold by the manufacturer or the particular wholesaler in March 1942, he shall, with respect to his sales thereof, grant the discounts and may charge and shall allow the packing differentials customarily granted, charged or allowed (as the case may be) in March 1942 by his most closely competitive seller of the same class on sales of domestic cigars of the same March 1942 price class to purchasers of the same class.

(c) On or before the first delivery to any purchaser of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the manufacturer and every other seller (except a retailer) shall notify the purchaser of the maximum list price and the maximum retail price established by this order for such brand and size or frontmark of domestic cigars. The notice shall conform to and be given in the manner prescribed by § 1358.113 of Maximum Price Regulation No. 260.

(d) Unless the context otherwise requires, appropriate provisions of Maximum Price Regulation No. 260, shall apply to sales for which maximum prices are established by this order.

(e) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective September 7, 1945.

Issued this 6th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-16668; Filed, Sept. 6, 1945; 11:44 a. m.]

[MPR 260, Order 1821]

ASSOCIATED CIGAR CO.

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion accompanying this order, and pursuant to § 1358.102 (b) of Maximum Price Regulation No. 260; *It is ordered*, That:

(a) Associated Cigar Company, No. Railroad Alley, Red Lion, Pa. (hereinafter called "manufacturer") and wholesalers and retailers may sell, offer to sell or deliver and any person may buy, offer to buy or receive each brand and size or frontmark, and packing of the following domestic cigars at the appropriate maximum list price and maximum retail price set forth below:

Brand	Size or frontmark	Packing	Maximum list price	Maximum retail price
			Per M	*Cents*
La Fama de Marca.	Perfecto	50	$96	7

(b) The manufacturer and wholesalers shall grant, with respect to their sales of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the discounts they customarily granted in March 1942 on their sales of domestic cigars of the same price class to purchasers of the same class, unless a change therein results in a lower price. Packing differentials charged by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class may be charged on corresponding sales of each brand and size or frontmark of cigars priced by this order, but shall not be increased. Packing differentials allowed by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class shall be allowed on corresponding sales of each brand and size or frontmark of cigars priced by this order and shall not be reduced. If a brand and size or frontmark of domestic cigars for which maximum prices are established by this order is of a price class not sold by the manufacturer or the particular wholesaler in March 1942, he shall, with respect to his sales thereof, grant the discounts and may charge and shall allow the packing differentials customarily granted, charged or allowed (as the case may be) in March 1942 by his most closely competitive seller of the same class on sales of domestic cigars of the same March 1942 price class to purchasers of the same class.

(c) On or before the first delivery to any purchaser of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the manufacturer and every other seller (except a retailer) shall notify the purchaser of the maximum list price and the maximum retail price established by this order for such brand and size or frontmark of domestic cigars. The notice shall conform to and be given in the manner prescribed by § 1358.113 of Maximum Price Regulation No. 260.

(d) Unless the context otherwise requires, appropriate provisions of Maximum Price Regulation No. 260, shall apply to sales for which maximum prices are established by this order.

(e) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective September 7, 1945.

Issued this 6th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-16669; Filed, Sept. 6, 1945; 11:45 a. m.]

[MPR 389, Order 26]

SUGARDALE PROVISION CO. ET AL.

ESTABLISHMENT OF MAXIMUM PRICES

Order No. 26 under section 2 (a) (6) of Maximum Price Regulation No. 389; establishing maximum prices for sales of corned beef loaf by Sugardale Provision Company, and all wholesalers, peddler-truck-sellers and intermediate distributors.

On March 31, 1945, Sugardale Provision Company, McKinley Ave., S. W., and Pennsylvania R. R., Canton, Ohio, filed an amended application for the establishment of maximum prices on sales of the sausage product known as Corned Beef Loaf and made in accordance with the individual secret formula submitted by the applicant. That amended application was assigned Docket No. 6036.3-389-2 (a)-29.

Due consideration has been given to the application and an opinion in support of this order has been issued simultaneously herewith and filed with the Division of the Federal Register.

For the reasons set forth in that opinion, and under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Orders Nos. 9250 and 9328, and pursuant to the provisions of section 2 (a) (6) of Maximum Price Regulation No. 389. *It is ordered:*

(a) That the maximum prices other than at retail for the sausage product known as Corned Beef Loaf and made by Sugardale Provision Company, McKinley Ave., S. W., and Pennsylvania R. R., Canton, Ohio, in accordance with the individual formula submitted to the Office of Price Administration with the application for this order except that the volume of bull meat used per hundred pounds of the finished product may be increased from 80 pounds to 90 pounds, and the volume of gelatin used per hundred pounds of the finished product may be decreased to not less than 3 pounds, shall be determined by the seller as follows:

(1) The base price for this product is established at $23.25 per hundredweight.

(2) To the base price should be added the proper zone differential provided in section 12 (b) of Maximum Price Regulation No. 389 for all beef sausage. In determining the proper zone differential to be added, the zone descriptions provided in Section 14 of Maximum Price Regulation No. 389 shall be used.

(3) That to the sum of the base price plus the applicable zone differential the "Permitted additions to base prices" provided in section 12 (c) of Maximum Price Regulation No. 389 may be added when applicable.

(b) That with the first delivery of corned beef loaf to a wholesaler, peddler truck seller, or intermediate distributor Sugardale Provision Company shall supply each such seller with a written notice in the following form:

(Insert date)

Our OPA ceiling prices for Corned Beef Loaf have been established by the Office of Price Administration at the base price of $23.25 per hundredweight, to which may be added the zone differentials provided in section 12 (b) of MPR 389 (see section 14 for zone boundaries) plus the permitted additions of section 12 (c). We are required to inform you that if your are a wholesaler a peddler truck seller, or an intermediate distributor you must figure your ceiling prices for this product pursuant to the same sections of Maximum Price Regulation No. 389.

(c) That with the first delivery of Corned Beef Loaf to a retailer the seller shall supply such retailer with a written notice in the following form:

(Insert date)

Our OPA ceiling prices for Corned Beef Loaf have been established by the Office of Price Administration. We are required to inform you that if you are a retailer, you must figure your ceiling price for this item in accordance with the provisions of the General Maximum Price Regulation.

(d) That all pertinent provisions of Maximum Price Regulation No. 389, including the descriptive labelling and invoicing provisions of section 4, the recording and reporting provisions of section 6, and the definitions of section 13, in addition to the pricing provisions of paragraph (b) and (c) of section 12 shall be applicable to all sales made under this order.

(e) All prayers of the application not herein granted are denied.

(f) This Order No. 26 may be revoked or amended by the Price Administrator at any time.

This Order No. 26 shall become effective September 7, 1945.

NOTE: This action has the prior written approval of the Secretary of Agriculture (10 F.R. 8419).

Issued this 6th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-16670; Filed, Sept. 6, 1945; 11:45 a. m.]

[MPR 591, Order 8]

READING FOUNDRY CO.

ADJUSTMENT OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register and pursuant to section 16 (b) (1) of Maximum Price Regulation No. 591, it is ordered:

(a) *Maximum prices for the Reading Foundry Company of Reading, Pa.* (1) The maximum list prices for sales by the Reading Foundry Company of the following cast iron hot water supply boilers, shall be:

Model No.:	Price (each)
D-50	$13.24
D-68	16.16
D-82	19.05
D-100	21.46

(2) The maximum list prices established in (a) (1) above are subject to a trade discount of 50 percent.

(3) The maximum prices established under (a) (1) above are subject to cash discounts and transportation allowances at least as favorable as those granted to each class of customer during March 1942 on comparable sales of similar commodities.

(b) *Resellers maximum prices.* All resellers of the above commodities may add to their presently established maximum prices the actual dollars-and-cents increase resulting from the adjustment granted the manufacturer.

(c) The Reading Foundry Company shall send the following notice to every purchaser of the commodities adjusted by this order at or before the time of the first billing after the adjustment is put into effect:

Order No. ____ under section 16 (b) (1) of Maximum Price Regulation No. 591 establishes adjusted maximum prices as follows for the following cast iron hot water supply boilers:

Model No. (list all model Nos. included in Order No. 8)	Maximum price (insert adjusted maximum net price)

Resellers are permitted to add to their established maximum prices the actual dollars-and-cents increase resulting from the adjustment granted the manufacturer by this order.

(d) All prayers of the application of the Reading Foundry Company not granted in this order are denied.

(e) This order may be amended or revoked by the Price Administrator at any time.

This order shall become effective September 7, 1945.

Issued this 6th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-16671; Filed, Sept. 6, 1945; 11:45 a. m.]

[MPR 591, Order 9]

COMMONWEALTH CO.

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register and pursuant to section 13 of Maximum Price Regulation No. 591; *It is ordered:*

(a) The maximum prices, f. o. b. point of shipment, for sales by any person of the following single wall heaters gas or oil fired manufactured by the Commonwealth Company of Alhambra, California, and described in its application dated June 22, 1945, shall be:

(1) On sales to distributors:	
No. 38-S-WH	$40.82
No. 28-S-WH	40.03
No. 20-S-WH	39.40
(2) On sales to jobbers:	
No. 38-S-WH	45.37
No. 28-S-WH	44.28
No. 20-S-WH	43.76
(3) On sales to dealers and building contractors:	
No. 38-S-WH	63.01
No. 28-S-WH	61.77
No. 20-S-WH	60.77
(4) On sales to consumers:	
No. 38-S-WH	100.82
No. 28-S-WH	98.82
No. 20-S-WH	97.23

(b) The maximum prices specified in (a) above shall be subject to discounts, allowances including transportation allowances and the rendition of services which are at least as favorable as each seller extended or rendered or would have extended or rendered to purchasers of the same class on comparable sales of similar commodities during March 1942.

(c) The maximum prices on an installed basis of the commodities covered by this order shall be determined in accordance with the provisions of Revised Maximum Price Regulation No. 251.

(d) Each seller of the commodities covered by this order, except on sales to consumers, shall notify each of his purchasers, in writing, at or before the issuance of the first invoice after the effective date of this order, of the maximum prices established by this order for each such seller as well as the maximum prices established for purchasers upon resale, including allowable transportation and crating charges.

(e) The Commonwealth Company shall stencil in a conspicuous place on each of the single wall heaters covered by this order the following:

OPA Maximum Consumer Price—$_____
Plus freight and crating as provided in Order No. 9 under Maximum Price Regulation No. 591.

(f) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective September 7, 1945.

Issued this 6th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-16672; Filed, Sept. 6, 1945; 11:45 a. m.]

[MPR 591, Order 11]

BUTLER BOILER AND TANK COMPANY, INC.

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to section 9 of Maximum Price Regulation No. 591, *It is ordered:*

(a) The maximum prices, f. o. b. point of shipment, for sales by any person of the following septic tanks manufactured by the Butler Boiler and Tank Company, Inc. of Chattanooga, Tennessee, and described in its application of June 12, 1945, shall be:

(1) On sales to consumers:

38" x 48" black steel (14 gauge) welded septic tank black asphalt painted finish	$31.00
42" x 48" black steel (12 gauge) welded septic tank black asphalt painted finish	42.75
52" x 60" black steel (10 gauge) welded septic tank black asphalt painted finish	75.00

(2) On sales to dealers:

The maximum prices, f. o. b point of shipment, shall be those specified above in (a) (1) less a discount of 25 percent.

(3) On sale to jobbers:

The maximum prices, f. o. b. point of shipment, shall be those specified in (a) (1) above less successive discounts of 25 and 20 percent.

(b) In addition to the discounts enumerated above in (a) (2) and (a) (3) the maximum prices established by this order shall be subject to such further discounts, allowances including transportation allowances and the rendition of services which are at least as favorable as those which each seller extended or rendered or would have extended or rendered to purchasers of the same class on comparable sales of similar commodities during March, 1942.

(c) The maximum prices for sales on an installed basis of the commodities covered by this order shall be determined in accordance with Revised Maximum Price Regulation No. 251.

(d) Each seller except on sales to consumers shall notify in writing each of his purchasers at the time or before the first invoice, after the effective date of this order of the maximum prices established by this order for his sales to such purchasers as well as such purchasers maximum prices upon resale.

(e) The Butler Boiler and Tank Company, Inc., shall stencil in a conspicuous place on each of the septic tanks covered by this order the following:

OPA Maximum Consumers Price—$_____

(f) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective September 7, 1945.

Issued this 6th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-16663; Filed, Sept. 6, 1945; 4:12 p. m.]

[Supp. Order 130, Order 1]

GREY GOODS OR YARNS

ESTABLISHMENT OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed

with the Division of the Federal Register, and pursuant to section 3 of Supplementary Order No. 130, it is ordered:

(a) *What this order does.* This order establishes maximum prices for sales by a prime contractor or subcontractor of contractor inventory retained by him and consisting of grey goods or yarns made from cotton, synthetic fibre, silk or any admixtures thereof or finished goods made from cotton, synthetic fibre, silk or any admixtures thereof.

(b) *Relation of this order to Supplementary Order 130.* This order supersedes the provisions of section 2 of Supplementary Order No. 130 with respect to the textile commodities covered herein. The definitions in Supplementary Order 130 apply to the defined terms when used in this order.

(c) *Maximum prices for contractor inventory of the textiles set forth below—* (1) *Grey cotton fabrics and yarns.* (i) The maximum price for contractor inventory grey cotton fabrics and yarns for which uniform specific dollar and cent maximum prices are set forth in any price schedule or regulation shall be the specific uniform dollar and cent maximum prices set forth in such price schedule or regulation. Where a price schedule or regulation provides or permits a premium above a specific dollar and cent maximum price for sales and deliveries of grey cotton fabrics made for use in the manufacture of finished goods meeting the specifications of a war procurement agency or for sales of yarns of premium quality when sold to users requiring such quality, such premium may be charged for sales of premium goods or yarns of these types which are on hand or are manufactured within 90 days after the date of contract termination, regardless of the purpose for which they are sold.

(ii) The maximum price for contractor inventory combed grey fabrics which would be subject to the specific per pound prices set forth in Table III of Maximum Price Regulation No. 11 shall be the latest war contract price of the individual seller, appropriately adjusted for differences in credit and delivery terms.

(iii) The maximum price for contractor inventory grey cotton fabrics of types which were sold by the contractor under war contracts in the grey state and for which there is no uniform dollar and cent price set forth in any price schedule or regulation shall be the latest war contract price of the individual seller, appropriately adjusted for differences in credit and delivery terms.

(iv) The maximum price for contractor inventory grey cotton fabrics which have been sold to war procurement agencies in the finished state only, and for which no uniform specific dollar and cent maximum grey goods prices are set forth in any price schedule or regulation shall be the latest war contract price of the individual seller, appropriately adjusted for differences in credit and delivery terms less 105% of the total finishing expense (total finishing expense means actual finishing cost, working allowance, freight to finishing plant and put-up).

(2) *Rayon grey goods and yarns.* The maximum price for contractor inventory rayon grey goods and rayon yarns shall be the maximum price determined pursuant to the provisions of Revised Price Schedule No. 23 or Maximum Price Regulation No. 167, whichever shall be appropriate.

(3) *Synthetic fibre (except rayon) and silk grey goods and yarns.* The maximum price for contractor inventory synthetic fibre (except rayon) and silk grey goods and yarns shall be the latest war contract price of the individual seller, appropriately adjusted for differences in credit and delivery terms.

(4) *Finished piece goods originally manufactured to fulfil a war contract.* The maximum price for contractor inventory finished piece goods originally manufactured to fulfil a war contract shall be the lower of the seller's latest war contract price, appropriately adjusted for differences in credit and delivery terms, or the maximum price computed in accordance with the provisions of Maximum Price Regulation No. 127 except that "basic grey goods cost" shall be determined in accordance with (1), (2), or (3) above.

(5) The maximum price for contractor inventory 7.5 oz. drill fully shrunk made to United States Army specification No. 6–247A shall be the uniform specific dollar and cent price set forth in Maximum Price Regulation No. 118.

(d) Except as modified by this order all the provisions of Supplementary Order 130 shall apply to sales and deliveries of contractors inventory of the textiles for which maximum prices are set forth above.

(e) This order may be revoked or amended at any time.

This order shall become effective September 6, 1945.

Issued this 6th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45–16682; Filed, Sept. 6, 1945; 4:11 p. m.]

Regional and District Office Orders.

[Region III Order G–10 Under RMPR 122, Amdt. 4]

SOLID FUELS IN ST. JOSEPH COUNTY, IND.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of Region III of the Office of Price Administration by § 1340.260 of Revised Maximum Price Regulation No. 122, *It is hereby ordered*, That Part III of paragraph (c) (1) of Order No. G–10 under Revised Maximum Price Regulation No. 122 be amended to read as follows:

SCHEDULE I

COALS TRANSPORTED BY RAIL

Column I	Column II	Column III
III. High volatile bituminous coals from deep, machine loaded mines in producing district No. 10 (Illinois):		
A. Lump and egg:		
1. Size group Nos. 1, 2 and 3 (bottom sizes larger than 2")		
a. Price group Nos. 1, 2 and 8	$8.95	$7.90
b. Price group Nos. 10, 12, 13 and 16 through 26	7.60	6.55
c. Price group Nos. 5 and 7	8.20	7.15
2. Size group Nos. 4 and 5 (bottom size larger than 1½" but not exceeding 2") Price group Nos. 1, 2 and 8	8.60	7.55
B. Stoker, nut and pea, size group Nos. 9 through 12 (top size 2" and smaller x bottom size larger than 10 mesh or ⅝2" but not exceeding ¾") Price group Nos. 1, 2 and 8	7.85	6.80
C. Raw screenings, size group No. 14 (top size larger than 48" x 0 but not exceeding 1½" x 0 (price group Nos. 1 and 2	7.10	6.05
D. To the prices stated in sections A, B and C of part III may be added $0.10 per ton if the coal has been subjected to an oil or chemical treatment by the supplier and providing such charge has been made by supplier.		

This amendment No. 4 to Order No. G–10 under Revised Maximum Price Regulation No. 122 shall become effective August 24, 1945.

Issued: August 24, 1945.

CLIFFORD J. HOUSER,
Acting Regional Administrator.

[F. R. Doc. 45–16575; Filed, Sept. 5, 1945; 4:36 p. m.]

[Region III Order G–35 Under RMPR 122, Amdt. 2]

SOLID FUELS IN MARTINSBURG, W. VA., AREA

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of Region III of the Office of Price Administration by § 1340.260 of Revised Maximum Price Regulation No. 122, *It is hereby ordered*, That paragraph (c) of Order No. G–35 under Revised Maximum Price Regulation No. 122 be amended to read as follows:

(c) *Schedule for sales of coal.* This schedule sets forth maximum prices for cash sales of specified sizes, kinds and quantities of solid fuels. Column I describes the coal for which prices are established; Column II shows maximum prices for cash or credit sales on "direct delivery" basis; and Column III shows maximum prices for "yard sales" to dealers reselling coal. All prices are for sales on a net ton basis.

SCHEDULE I

COALS TRANSPORTED BY RAIL

Column I	Column II	Column III
I. Low volatile bituminous coals from producing district No. 7 (southeastern West Virginia and northeastern Virginia): [1]		
A. Egg, size group No. 2 (top size larger than 3" x bottom size not smaller than ¾" mine price classifications B and C		

See footnotes at end of table.

SCHEDULE I—Continued

COALS TRANSPORTED BY RAIL—continued

Column I	Column II	Column III
I. Low volatile bituminous coals from producing district No. 7 (southeastern West Virginia and northeastern Virginia): [1] [2]—Continued.		
B. Stove, size group No. 3 (top size larger than 1¼" but not exceeding 3" x bottom size smaller than 3")	$9.20	$8.05
1. Mine price classification A	9.40	8.90
2. Mine price classifications B and C		
C. Nut or dedusted screenings, size group No. 4 (top size larger than ¾" but not exceeding 1¼" x bottom size smaller than 1¼" mine price classification A	8.65	8.15
D. Pea or dedusted screenings (stoker) size group No. 5 (top size not exceeding ¾" x bottom size smaller than ¾") mine price classification A	8.05	7.55
II. Bituminous coals from producing district No. 1 (Central Pennsylvania, western Maryland and northeastern West Virginia):		
A. Lump or egg, size group No. 1 (all lump coal, double screened coal with top size larger than 2") mine price classification E	7.98	7.48
B. Run of mine (all types and sizes)		
1. Coals from the Consolidation Coal Company or the Berwind-White Coal Mining Company or Mine Index No. 2963 of the Haws Coal Company	8.03	7.53
2. All other coals:		
(i) Mine Price classification B through E	7.58	7.08
(ii) Mine price classification G and H	7.13	6.63
III. Bituminous coals from producing district No. 3 (northwestern West Virginia excluding Panhandle): [1]		
A. Egg, size group No. 2 (double screened coals with bottom size 2" and smaller) mine price classifications H and J	7.43	6.93

SCHEDULE II

COALS TRANSPORTED BY TRUCK

I. Bituminous coals from producing district No. 1 (central Pennsylvania, western Maryland and northeastern West Virginia): [2]	
A. Run of mine (all types and kinds):	
1. From the Big Vein or Tyson seams	$7.28
2. From the Bakerstown seam	7.08
II. Bituminous coals from producing district No. 3 (northwestern West Virginia excluding Panhandle): [1]	
A. Run of mine (all types and kinds) from the Freeport or Bakerstown seams	6.63

[1] Ten cents per ton may be added to the prices of these coals if the coal has been subjected to an oil or calcium chloride treatment by the producer to allay dust or prevent freezing.

[2] These prices reflect certain increases which are in lieu of all increases authorized by regional supplementary orders Nos. 7 and 8 which reflect the adjustments granted in Amendment No. 137 to Maximum Price Regulation No. 120 and issued May 1, 1945 and Amendment No. 146 to Maximum Price Regulation No. 120 as issued August 3, 1945.

This Amendment No. 2 to Order No. G–35 under Revised Maximum Price Regulation No. 122 shall become effective August 24, 1945.

Issued: August 24, 1945.

CLIFFORD J. HOUSER,
Acting Regional Administrator.

[F. R. Doc. 45–16574; Filed, Sept. 5, 1945; 4:36 p. m.]

[Region III Order G–43 Under RMPR 122, Amdt. 4]

SOLID FUELS IN GRAND RAPIDS, MICH., AREA

For the reasons set forth in an opinion issued simultaneously herewith, and under the authority vested in the Regional Administrator of Region III of the Office of Price Administration by § 1340.260 of Revised Maximum Price Regulation No. 122; *It is hereby ordered*, That Part I of paragraph (c) (1) of Order No. G–43 under Revised Maximum Price Regulation No. 122 be amended to read as follows:

Column I	Column II	Column III
I. Low volatile bituminous coals from producing district No. 7 (southwestern West Virginia and northwestern Virginia) excluding mine index No. 73 (Glen Rogers No. 2 Mine of the Raleigh Wyoming Mining Co.) and 98 (Carswell), 93 (Keystone) and 114 (Maitland) of the Koppers Coal Division of the Eastern Gas and Fuel Associates).		

This Amendment No. 4 to Order No. G–43 under Revised Maximum Price Regulation No. 122 shall become effective August 24, 1945.

Issued: August 24, 1945.

CLIFFORD J. HOUSER,
Acting Regional Administrator.

[F. R. Doc. 45–16573; Filed, Sept. 5, 1945; 4:36 p. m.]

[Region III Order G–48 Under RMPR 122, Amdt. 6]

SOLID FUELS IN DETROIT, MICH., AREA

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of Region III of the Office of Price Administration by § 1340.260 of Revised Maximum Price Regulation No. 122, *It is hereby ordered*, That Parts I and II of paragraph (c) (1) of Order No. G–48 under Revised Maximum Price Regulation No. 122 be amended to read as follows:

Column I	Column II
I. Low volatile bituminous coals from producing district Nos. 7 and 8 (southern West Virginia and western Virginia) excluding mine index Nos. 98 (Carswell mine) 93 (Keystone mine) and 114 (Maitland mine) all of the Koppers Coal Division of the Eastern Gas and Fuel Association	
II. High volatile bituminous coal from producing district Nos. 7 and 8 (eastern Kentucky, southern West Virginia, western Virginia, and northeastern Tennessee) excluding mine index Nos. 219 (Glen Alum), 285 (The King Knob Mine No. 2 of the Elkhorn Coal Co.), 439 (The Star Slope Mine of the Dixport Coal Co.), 658 (The Jubilee Mine of the Clover Daily Coal Co.), and mine index Nos. 49 and 50 (both of the Black Mountain Corporation). All of these excluded mines are in producing district No. 8	

This Amendment No. 6 to Order No. G–48 under Revised Maximum Price Regulation No. 122 shall become effective August 24, 1945.

Issued: August 24, 1945.

CLIFFORD J. HOUSER,
Acting Regional Administrator.

[F. R. Doc. 45–16572; Filed, Sept. 5, 1945; 4:35 p. m.]

[Region III Order G–49 Under RMPR 122, Amdt. 7]

SOLID FUELS IN CLEVELAND, OHIO, AREA

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of Region III of the Office of Price Administration by § 1340.260 of Revised Maximum Price Regulation No. 122, *It is hereby ordered*, That Parts I and III of paragraph (c) (1) of Order No. G–49 under Revised Maximum Price Regulation No. 122 be amended to read as follows:

Column I	Column II	Column III	Column IV
I. High volatile bituminous coals from Producing District No. 8 (Eastern Kentucky, southwestern West Virginia, Western Virginia, and Northeastern Tennessee) *excluding* Mine Index Nos. 25 and 459 (the Anvier #5 and Thogika #3 Mines of the Northeast Coal Co.), 481 (the Virglow Mine of the Benedict Coal Corp.), 437 (The Darby Mine of the Peerless Darby Coal Co.), 49 and 50 (the #30 and #31 Mines of the Black Mountain Corporation) and 439 (Star Slope Mine of the Dixport Coal Co.) [1]			
III. High volatile bituminous coals from Producing District No. 3 (Northwestern West Virginia excluding Ian Handle) *excluding* Mine Index No. 65 (Golden Ridge #6 of the Minds Coal Mining Corp.), 46 (Bergoo #2 Mine of the Pardee and Curtin Coal Mining Co.), and 167 (Arthurdale Mine of the Fairfax Mining Co.) [1]			

This Amendment No. 7 to Order No. G–49 under Revised Maximum Price Regulation No. 122 shall become effective August 24, 1945.

Issued: August 24, 1945.

CLIFFORD J. HOUSER,
Acting Regional Administrator.

[F. R. Doc. 45–16571; Filed, Sept. 5, 1945; 4:35 p. m.]

[Region VII Order G–2 Under RMPR 136]

WILLIAM AINSWORTH & SONS, INC.

ADJUSTMENT OF MAXIMUM PRICES

Order No. G–2 under Revised Maximum Price Regulation No. 136. Adjusted maximum prices for certain precision instruments and appliances manufactured by William Ainsworth and Sons, Inc., Denver, Colorado; Docket No. 7–136–21 (a)–1.

Pursuant to the Emergency Price Control Act of 1942, as amended, the Stabilization Act of 1942, as amended, and section 21 of Revised Maximum Price Regulation No. 136, and for the reasons set forth in the accompanying opinion, this Order No. G–2 is issued.

(a) *What this order does.* This Order No. G–2 adjusts the maximum list prices for specified precision instruments and appliances manufactured by William Ainsworth and Sons, Inc. of Denver, Colorado; requires the manufacturer to maintain its customary trade

discounts, differentials and allowances and adjusts the maximum prices of all resellers by permitting them to sell at the manufacturers adjusted list prices subject to the respective resellers' customary discounts, differentials and allowances.

(b) *Manufacturer's maximum list prices.* (1) Upon and after the effective date of this Order No. G–2, the maximum list prices that may be charged or collected by William Ainsworth and Sons, Inc., for the articles specified in the following schedule when sold f. o. b. its place of business in Denver, Colorado, shall be as follows:

SCHEDULE OF MAXIMUM LIST PRICES F. O. B. DENVER, COLORADO

Items	List price
Grade B Rider Single	$0.75
3 in box	2.00
6 in box	3.00
12 in box	6.20
Grade C Rider Single	.55
3 in box	1.65
6 in box	2.70
12 in box	4.50
Class S–2 Rider Single	.50
Carrier weights, grade A:	
30 M G	1.50
20 M G	1.15
10 M G	1.15
5 M G	1.15
1 M G	1.10
Carrier weights, grade B:	
1000 M G	4.00
500 M G	2.80
30 M G	1.10
20 M G	.80
10 M G	.80
5 M G	.80
2 M G	.80
1 M G	.80
Set No.:	
252 A	46.65
253 A	33.45
254 A	41.45
352 A	41.45
353 A	29.00
354 A	36.25
36.25	36.25
452 A	24.50
453 A	31.10
454 A	42.00
257 B	28.99
258 B	36.75
357 B	37.00
358 B	24.40
359 B	31.75
457 B	33.00
458 B	20.75
459 B	27.75
262 C	40.00
263 C	28.90
264 C	34.90
362 C	35.00
363 C	24.40
364 C	29.90
462 C	31.00
463 C	20.75
464 C	25.90
301	28.75
302	29.25
303	25.30
401	26.45
402	17.25
403	23.75
501	25.65
502	15.25
503	21.75
305	26.45
307	24.15
405	24.15
407	21.90
505	23.20
507	19.00
Class S2 GL:	
20 GM	1.70
10 GM	1.70
5 GM	1.65
1 GM	.80
Class S–Rhod	
20 GM	4.30
5 GM	2.70
2 GM	3.30
1 GM	3.00
Class S–OT:	
100 GM	5.70
50 GM	5.15
20 GM	3.45
10 GM	2.55
5 GM	2.20
1 GM	2.25

DENVER, COLORADO—Continued
DENVER COLORADO—Continued

Items	List price
Grade A–1:	
1000 MG	$0.05
500 MG	3.75
100 MG	2.50
50 MG	2.25
Grade A	
30 MG	3.40
100 MG	2.05
50 MG	1.75
20 MG	1.50
10 MG	1.50
5 MG	1.45
2 MG	1.40
1 MG	1.30
Grade B–1:	
1000 MG	5.60
500 MG	3.30
200 MG	2.80
100 MG	2.10
50 MG	1.90
Carrier weights, grade C:	
1000	3.55
500	2.55
200 MG	.75
20 MG	.60
10 MG	.70
5 MG	.70
3 MG	.70
2 MG	.70
1 MG	.70
Set No.:	
100 A	28.45
100	25.40
150 A	18.90
150	15.25
200 C	15.25
200	12.20
650	6.60
700	8.15
Carrier weights:	
1000–10 Gr. A	20.30
1000–10 Gr. B	11.75
1000–10 Gr. C	11.15
500–5 Gr. A	16.25
500–5 Gr. B	11.15
500–5 Gr. C	9.15
Set Nos.:	
30	20.00
31	17.15
32	14.25
20	18.00
21	15.15
22	12.25
10	16.50
11	13.65
12	10.75
Class S Loc.:	
100 GM	3.80
50 GM	3.00
20 GM	2.60
10 GM	2.60
5 GM	1.80
2 GM	1.70
1 GM	1.50
Grade B:	
1000 MG	6.00
500 MG	3.15
200 MG	1.90
100 MG	1.85
50 MG	1.45
20 MG	.75
Grade B:	
10 MG	.75
5 MG	.75
2 MG	.75
1 MG	.75
Grade C 1:	
1000 MG	5.05
500 MG	2.85
200 MG	1.80
100 MG	1.60
50 MG	1.10
Grade C:	
1000 MG	3.45
500 MG	2.25
200 MG	1.40
100 MG	1.20
50 MG	.90
20 MG	.75
10 MG	.75
5 MG	.75
2 MG	.75
1 MG	.70
Class S 2:	
200 MG	1.05
100 MG	.80
50 MG	.60
20 MG	.55
10 MG	.55
5 MG	.55
2 MG	.55
1 MG	.55
Grade A Rider Single	1.10
3 in Box	3.15
6 in Box	5.40
12 in Box	9.00

(2) The manufacturer's list prices as hereinabove set forth are subject to all of the trade discounts, differentials, and allowances heretofore customarily granted by such manufacturer, who is hereby required to maintain the same: *Provided, however,* That the manufacturer shall not be required to allow or give any discount for cash payment.

(3) The maximum list prices above specified for sales f. o. b. Denver, Colorado, include all costs incident to wrapping, packing, boxing, and carting.

(c) *Adjusted maximum prices for resellers.* The maximum list prices as hereinabove set forth in paragraph (b), shall be the maximum prices for all resellers purchasing the commodities in question from William Ainsworth and Sons, Inc., *Provided, however,* That all such resellers shall continue to maintain and allow their customary discounts, differentials and allowances, if any.

(d) *Notice to be given purchasers for resale.* The manufacturer, William Ainsworth and Sons, Inc., shall accompany the invoice covering the first sale made to a reseller, on or after August 15, 1945, with a full and complete copy of its adjusted maximum list prices as established by this Order No. G–2.

(e) *Applicability of other regulations.* The pricing provisions of the General Maximum Price Regulation have no application to the prices established by this order No. G–2 for sales by the manufacturer or any reseller. But except insofar as the same may be contradictory of, or inconsistent with this Order No. G–2, the manufacturer and all sellers shall remain subject to all of the applicable terms and provisions of Revised Maximum Price Regulation No. 136, as amended, and must continue to comply with the same.

Letter Order No. 7–136–25a (a)–1, issued by this Regional Office on February 20, 1945, is superseded by this Order No. G–2, as of August 15, 1945.

(f) *Geographical applicability.* This Order No. G–2 applies in the 48 states of the United States, in the District of Columbia, and in the territories and possessions of the United States.

(g) *Licensing.* The provisions of Licensing Order No. 1, licensing all persons who make sales under price control, are applicable to all sellers subject to this Order No. G–2. A seller's license may be suspended for violation of the license or of any one or more applicable price schedules or regulations. A person whose license is suspended may not, during the period of suspension, make any sale for which his license has been suspended.

(h) *Right to revoke or amend.* This Order No. G–2 may be revoked, modified, or amended at any time by the Price Administrator or the Regional Administrator.

Effective date. This Order No. G–2 shall become effective as of August 15, 1945.

Issued this 20th day of August 1945.

RICHARD Y. PATTERTON,
Regional Administrator.

[F. R. Doc. 45–16580; Filed, Sept. 5, 1945; 4:37 p. m.]

[Region VII Order G–26 Under RMPR 122, Amdt. 38]

SOLID FUELS IN DENVER REGION

Order No. G–26 under Revised Maximum Price Regulation No. 122, Amendment No. 38. Solid fuels sold and delivered by dealers. Maximum prices for solid fuels when sold by dealers within specified trade areas in Region VII; Docket No. 7–122–259 (a) (1)–260–18.

Pursuant to the Emergency Price Control Act of 1942, as amended, and §§ 1340.259 (a) and 1340.260 of Revised Maximum Price Regulation No. 122, and for the reasons set forth in the accompanying opinion, this Amendment No. 38 is issued.

1. *What this Amendment No. 38 does.* This Amendment No. 38 affects only Appendices VI, X, XI, and XL of Order No. G–26 under Revised Maximum Price Regulation No. 122, by adjusting the maximum prices for coal mined in District 16 to conform to the f. o. b. mine increases authorized by Amendment 147 to Maximum Price Regulation No. 120 issued by the Washington Office of the Office of Price Administration and made effective on August 3, 1945. Such adjusted price increases apply both to rail and truck shipments.

2. *Appendix VI, Denver Metropolitan Trade Area.* The table of maximum prices, as set forth in paragraph (3) of Appendix VI, Denver Metropolitan Trade Area, as heretofore amended by Amendment No. 12, is hereby further amended to make the price lines (A1) to (L1), both inclusive, for sub-bituminous coal produced in the specified sub-districts of District 16 read as follows:

Kind and letter designation	Size	Part 1, delivered prices	Part 2, yard prices to—	
		Per ton	Dealers, per ton	Others, per ton
Subdistricts 1, 2 and 4, Louisville, Lafayette and Marshall No. 4:				
(A)	#2, #3, and #5—8" lump, 2½" lump, and egg, and 8" x 2½" grate.	$8.13	$7.13	$7.63
(B)	#6—1" x 2½" nut	7.48	6.48	6.98
(C)	#2 and #3—3" lump and 2½" lump and egg.	7.48	6.48	6.98
Subdistrict 5, Marshall #3, and Subdistrict 6, Erie (C)	#2, #3, and #5—8" lump, 2½" lump and egg, and 2½" x 8" grate.	7.38	6.38	6.88
Subdistricts 8 and 9, Frederick and El Paso (D)	#6—1" x 2½" nut	5.93	5.43	
Subdistrict 9, El Paso (E1)	#3 and #5—2½" lump and 8" x 2½" grate.	6.73	5.73	6.23
Subdistrict 10, Jefferson (E)	#6—1" x 2½" nut	6.38	5.88	
(G)				
All Subdistricts:				
(H1)	#5—2½" x 1¼" nut	6.18	5.18	5.68
(I1)	#1—1½" x 3½" pea	6.23	5.23	5.73
(J1)	#10—3½" x 0" slack	4.58	4.08	
(K1)	#11—1½" x 0" slack	4.58	4.08	
(L1)	#12—¾ x 0" slack	4.33	3.83	

3. *Appendix X, Northern Colorado Trade Area.* The table of maximum prices, as set forth in paragraph (3) of Appendix X, Northern Colorado Trade Area, is hereby amended to make price lines (A) to (T), both inclusive, read as follows:

[Per net ton—delivered]

Kind and letter designation	Subdistrict #1, Louisville	Subdistrict #2, Lafayette	Subdistrict #4, Marshall #2	Subdistrict #5, Erie	Subdistrict #6, Erie	All subdistricts
(A) #2-8" lump	$7.03	$7.83	$7.28	$7.18	$7.68	
(B) #3-2½" lump	7.03	7.68	7.28	7.18	7.68	
(C) #4-8 x 4 grate	7.08					
(D) #5-8 x 2½ grate	7.08		7.28	7.18	7.68	
(E) #6-1 x 2½ nut	6.83		6.53	6.43	6.93	
(F) #7-1½ x ¾ Mod. pea	6.83		6.53	6.43	6.93	
(G) #10-3½ x 0 slack	6.33		6.03	5.93	6.43	
(H) #11-1½ x 0 slack						$4.58
(I) #12-¾ x 0 slack						4.33

6. *Relation to original appendices and amendments thereto.* The dollars-and-cents prices set forth in this Amendment No. 38 supersede the prices as originally established by said Appendices VI, X, XI, and XL, respectively, and all previous amendments thereto.

7. *Effective retroactively.* This Amendment No. 38 is hereby made effective retroactively as of August 4, 1945.

Issued this 22d day of August 1945.

JOSEPH W. PENFOLD,
Acting Regional Administrator.

[F. R. Doc. 45–16577; Filed, Sept. 5, 1945; 4:37 p. m.]

SECURITIES AND EXCHANGE COMMISSION.

[File No. 59–15]

NORTHERN NEW ENGLAND CO. AND NEW ENGLAND PUBLIC SERVICE CO.

ORDER POSTPONING HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 5th day of September, A. D. 1945.

The Commission having, by order dated August 28, 1945, designated September 7, 1945 as the date for reconvening the above entitled proceedings at the Philadelphia office of the Commission for

the purpose of adducing any additional evidence with respect to an amendment filed on July 16, 1945 by New England Public Service Company to its amended plan of reorganization and with respect to an application filed on the same date for an order pursuant to the applicable provisions of the Internal Revenue Code, as amended, regarding the sale by New England Public Service Company of its interests in New England Industries, Inc., Keyes Fibre Company and Bucksport Water Company; and

New England Public Service Company having requested that the hearings in this matter be postponed to Septe..ber 13, 1945; and it appearing appropriate to the Commission that the request be granted:

It is ordered, That the hearings in this matter, previously scheduled to reconvene on September 7, 1945 at 10:00 a. m., e. w. t., at the offices of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia 3, Pennsylvania, be and hereby are postponed to September 13, 1945 at the same hour and place and before the trial examiner heretofore designated.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 45-16697; Filed, Sept. 7, 1945; 9:56 a. m.]

[File Nos. 70-1137, 54-117, 59-72]

COLUMBIA GAS & ELECTRIC CORP., ET AL.

NOTICE OF FILING AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 5th day of September 1945.

In the matters of Columbia Gas & Electric Corporation, Cincinnati Gas & Electric Company, Miami Power Corporation, The Union Light, Heat and Power Company, File No. 70-1137; and Columbia Gas & Electric Corporation, File No. 54-117; and Columbia Gas & Electric Corporation and its subsidiaries, Respondents, File No. 59-72.

Notice is hereby given that Columbia Gas & Electric Corporation (Columbia), a registered holding company and a subsidiary of The United Corporation, also a registered holding company, and Columbia's subsidiaries, Cincinnati Gas & Electric Company (Cincinnati), Miami Power Corporation (Miami), The Union Light, Heat and Power Company (Union) have filed a joint application-declaration, pursuant to the provisions of the Public Utility Holding Company Act of 1935 regarding a series of transactions which may be summarized as follows:

(1) Miami and Union will respectively repay $100,000 and $300,000 of 6% Demand Notes owing to Columbia; Cincinnati will purchase Columbia's holdings of the common stocks and indebtedness of Miami Union and The West Harrison Electric and Water Company, Inc. (West Harrison), at an estimated price of $6,312,896 representing the aggregate principal amount of indebtedness due by said companies to Columbia plus the aggregate underlying book value of the common stocks of said companies.

(2) Columbia will make a capital contribution of $6,000,000 to Cincinnati.

(3) Cincinnati will issue and sell at competitive bidding $45,000,000 principal amount of First Mortgage Bonds and will apply sufficient of the proceeds thereof to the redemption of all of its outstanding indebtedness consisting of $31,063,000 principal amount of 3¼% First Mortgage Bonds, series due 1966, and $9,031,000 principal amount of 3½% First Mortgage Bonds, series due 1967.

(4) Cincinnati will issue 280,000 shares of New Preferred Stock which will be offered in exchange, to the extent available, for its outstanding 400,000 shares of Cumulative Preferred Stock, 5% Series A, on a share-for-share basis. Such shares as are not exchanged will be sold to underwriters at 107½% of the par value, the dividend rate on the New Preferred and underwriters' compensation for effecting exchanges will be determined at competitive bidding. Cincinnati will call for redemption at 107½% of the par value of $100 all unexchanged shares of its outstanding 5% series Cumulative Preferred Stock.

According to the filing, the approval of the Public Utilities Commission of Ohio will be obtained with respect to the issue and sale of the New First Mortgage Bonds and New Preferred Stock.

Columbia states that the proposed transactions constitute one of the steps to be taken by it in carrying out its program of compliance with section 11 (b) of the act and the order of this Commission dated November 30, 1944 (Holding Company Act Release No. 5455) directing, among other things, that Columbia dispose of its interests in Cincinnati, Union, Miami and West Harrison. Columbia requests that the order to be issued with respect to the proposed transactions conform with the provisions of sections 371, 373 and 1808 (f) of the Internal Revenue Code as amended.

It appearing to the Commission that some of the evidence in the consolidated proceedings under sections 11 (b) (1), 11 (b) (2) and 11 (e) of the act with respect to Columbia Gas & Electric Corporation and its subsidiaries (File Nos. 54-117 and 59-72) is or may be relevent to the issues presented by the instant application-declaration and may involve common questions of law and fact and should be consolidated with the instant proceedings; and

It appearing to the Commission that it is appropriate in the public interest and in the interest of investors and consumers that a hearing be held with respect to said application-declaration and that said application-declaration shall not be granted except pursuant to further order of the Commission:

It is hereby ordered, That the proceedings with respect to the instant application-declaration and the proceedings under File Nos. 54-117 and 59-72 be, and the same hereby are, consolidated, and that a hearing on said consolidated proceedings under the applicable provisions of the act and the rules of the Commission thereunder be held on September 14, 1945 at 10:00 a. m., e. w. t. in the offices of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia, Pennsylvania. On such day the hearing room clerk in Room 318 will advise as to the room in which such hearing will be held.

It is further ordered, That Charles S. Lobingier or any other officer or officers of the Commission designated by it for that purpose shall preside at such hearing. The officer so designated to preside at such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said act and to a trial examiner under the Commission's rules of practice.

It is further ordered, That the Secretary of the Commission shall serve, by registered mail, a copy of this order on the applicants and declarants herein and to the Public Utilities Commission of the States of Ohio, Kentucky and Indiana and to The United Corporation, the City Solicitors of Cincinnati, Ohio, Covington, Kentucky and to the Federal Power Commission; and that notice of said hearing be given to all other persons by publication of this order in the FEDERAL REGISTER. Any person desiring to be heard in connection with these proceedings, or proposing to intervene herein, shall file with the Secretary of the Commission on or before September 12, 1945, his request or application therefor, as provided by Rule XVII of the rules of practice of the Commission.

It is further ordered, That without limiting the scope of the issues presented by said application-declaration, particular attention will be directed at said hearing to the following matters and questions:

(1) Whether the proposed issue and sale by Cincinnati of New First Mortgage Bonds and the proposed issue, sale and exchange of New Preferred Stock is solely for the purpose of financing the business of said company and has been expressly authorized by the State Commission of the state in which it is organized and doing business.

(2) Whether the terms and conditions of the issue of the New First Mortgage Bonds and New Preferred Stock are detrimental to the public interest or to the interests of investors or consumers.

(3) Whether the terms and conditions of the proposed exchange offer are fair and reasonable and appropriate in the public interest or the interests of investors or consumers.

(4) Whether the acquisition by Cincinnati of the securities of Miami, Union and West Harrison will be detrimental to the carrying out of the provisions of section 11 and will have the tendency required by section 10 (c) (2) of the act and will otherwise meet the requirements of section 10.

(5) Whether it is necessary that the security structure of Union be revised prior to the transfer of the securities of that company by Columbia to Cincinnati and, if so, what action is required in that connection.

(6) Whether the proposed accounting entries to be recorded on the books of Cincinnati and Columbia reflecting the proposed transactions are consistent with sound accounting principles and conform to the standards of the Act.

(7) Whether the fees, commission or other remuneration to be paid in connection with the proposed transactions are reasonable.

(8) Generally, whether the proposed transactions comply with the applicable provisions of the act or the rules and regulations promulgated thereto.

(9) Whether in the event the application-declaration shall be granted and permitted to become effective, it is necessary to impose any terms or conditions to ensure compliance with the standards of the act.

It is further ordered, That the Commission reserve the right, if at any time it appears conducive to an orderly, efficient or economic disposition of any proceeding or proceedings herein, to order a separate hearing concerning any of the issues in the consolidated proceedings, to close the record with respect to any such issue or to take action on any such issues prior to the closing of the record on the other issues therein.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 45-16698; Filed, Sept. 7, 1945; 9:56 a. m.]

UNITED STATES COAST GUARD.

WITHDRAWAL OF APPROVAL OF EQUIPMENT

By virtue of the authority vested in me by R. S. 4405, 4417a, 4426, 4488, and 4491, as amended, 49 Stat. 1544 (46 U.S.C. 375, 391a, 404, 481, 489, 367), and Executive Order 9083, dated February 28, 1942 (3 CFR, Cum. Supp.), the following withdrawal of approval of equipment is prescribed:

FIRING ATTACHMENTS FOR LINE-THROWING GUNS

Firing attachment for line-throwing gun, Model VK-L3 (Dwg. No. F 325, dated 2 April, 1944), submitted by Van Karner Chemical Arms Corp., 202 East 44th Street, New York. (Approved 9 F.R. 4126, 18 April, 1944)

Firing attachment for line-throwing gun, designated VK-M24 (Dwg. No. VK-M24, dated 10 April, 1945), submitted by Van Karner Chemical Arms Corp., 202 East 44th Street, New York 17, N. Y. (Approved 10 F.R. 5569, 15 May, 1945)

Croton Cartridge Firing Attachment, Model A (Dwg. No. 013, dated 17 April, 1944), submitted by Hawley Smith Machinery Company, Croton Falls, New York. (Approved 9 F.R. 4825, 6 May, 1944)

Firing attachment for Lyle gun (Dwg. No. F-100, dated 15 March, 1944), submitted by the Naval Company, 3419 Richmond Street, Philadelphia, Pa. (Approved 9 F.R. 7119, 27 June, 1944)

Firing attachment for line-throwing gun, Type F-101 (Dwg. No. F-101-A, dated 19 January, 1945), submitted by the Naval Company, 3419 Richmond Street, Philadelphia, Pa. (Approved 10 F.R. 1582, 6 February 1945)

Firing attachment for line-throwing gun, Model A (Dwg. No. F-101, dated 21 April, 1945), submitted by Edward Samara Inc., 37 South Street, New York, N. Y. (Approved 10 F.R. 8331, 5 July, 1945)

Dated: September 6, 1945.

L. T. CHALKER,
Rear Admiral, U. S. C. G.,
Acting Commandant.

[F. R. Doc. 45-16725; Filed, Sept. 7, 1945; 10:31 a. m.]

WAR PRODUCTION BOARD.

[Certificate 46, Revocation]

TRANSPORTATION OF PETROLEUM DESIGNATED IN WESTERN AND SOUTHERN STATES

The ATTORNEY GENERAL:

Pursuant to section 12 of Public Law No. 603, 77th Congress (56 Stat. 357), I hereby withdraw the certificate and finding dated March 30, 1943, concerning Petroleum Directive No. 65 of the Office of Petroleum Administrator for War; and also Amendment 1 thereto dated April 26, 1943, and Amendment 2 thereto dated March 15, 1944.

Dated: September 1, 1945.

J. A. KRUG,
Chairman,
War Production Board.

[F. R. Doc. 45-16716; Filed, Sept. 7, 1945; 10:17 a. m.]

[Certificate 72, Revocation]

PETROLEUM SUPPLY

The ATTORNEY GENERAL:

Pursuant to section 12 of Public Law No. 603, 77th Congress (56 Stat. 357), I hereby withdraw the certificate and finding dated May 27, 1943, concerning Petroleum Directive 67 of the Office of Petroleum Administration for War.

Dated: September 1, 1945.

J. A. KRUG,
Chairman,
War Production Board.

[F. R. Doc. 45-16717; Filed, Sept. 7, 1945; 10:17 a. m.]

[Certificate 76, Revocation]

MARKETING OF PETROLEUM

The ATTORNEY GENERAL:

Pursuant to section 12 of Public Law No. 603, 77th Congress (56 Stat. 357), I hereby withdraw the certificate and finding dated June 3, 1943, concerning Petroleum Directive 68 of the Office of Petroleum Administration for War.

Dated: September 1, 1945.

J. A. KRUG,
Chairman,
War Production Board.

[F. R. Doc. 45-16718; Filed, Sept. 7, 1945; 10:17 a. m.]

[Certificate 149, Revocation]

MOTOR FUEL DISTRIBUTION FACILITIES

The ATTORNEY GENERAL:

Pursuant to section 12 of Public Law No. 603, 77th Congress (56 Stat. 357), I hereby withdraw the certificate and finding dated October 2, 1943, concerning Petroleum Directive 74 of the Office of Petroleum Administration for War.

Dated: September 1, 1945.

J. A. KRUG,
Chairman,
War Production Board.

[F. R. Doc. 45-16719; Filed, Sept. 7, 1945; 10:17 a. m.]

FERENCE

SEP 13 '45

FEDERAL REGISTER

VOLUME 10 NUMBER 178

Washington, Tuesday, September 11, 1945

Regulations

TITLE 6—AGRICULTURAL CREDIT

Chapter II—Department of Agriculture (Commodity Credit)

[Supp. Announcement 7]

PART 295—DISPOSAL OF SURPLUS AGRICULTURAL COMMODITIES FOR EXPORT

TERMS AND CONDITIONS OF COTTON SALES FOR EXPORT PROGRAM

Commodity Credit Corporation is amending its Cotton Sales for Export Program to provide that irrigated cotton will be sold on the basis of points "on" or "off" the price, under the program, of rain-grown cotton of the same quality at the same location. The number of points must be specified in the purchase orders submitted by exporters, and any purchase order may be accepted or rejected by Commodity Credit Corporation. Effective September 11, 1945, location differentials under the program will be the location differentials applicable under the 1945 Cotton Loan Program, and prices for non-tenderable qualities will be based on the premiums and discounts announced by the Corporation or the average premiums and discounts quoted on the ten spot markets (the Memphis market in the case of cotton longer than $1^1/_{16}$ inches), whichever will result in the lower prices under the Cotton Sales for Export Program. Accordingly, the "Terms and Conditions of Cotton Sales for Export Program" is amended in the following respects:

1. Section 295.4[1] is amended by the addition of the following paragraph (c) (5):

(5) *Irrigated cotton differential.* If the cotton is irrigated cotton, the base price (after other adjustments) shall be adjusted by the number of points "on" or "off" specified in the exporter's purchase order. Any such purchase order may be rejected by the Corporation.

This amendment shall be applicable to purchase orders submitted with respect to export sales of which the Corporation hereafter receives notice and, to the extent that any exporter may desire, to purchase orders submitted with respect to export sales of which the Corporation has heretofore received notice.

2. Section 295.4 (c) (1) is amended, effective September 11, 1945, by substituting "1945" for "1944" wherever such year appears.

3. Section 295.4 (c) (2) is amended, effective September 11, 1945, by the deletion of the last sentence thereof and the substitution of the following sentence: "If the cotton is of a non-tenderable quality, the base price (after adjustment for location) shall be adjusted by (i) the premium or discount announced by Commodity Credit Corporation and in effect at the time the Corporation receives notice of the export sale of the corresponding cotton, or (ii) the average premium or discount quoted on the ten spot markets (or, in case the staple length of the cotton is in excess of $1^1/_{16}$ inches, on the Memphis market) on the day the Corporation receives notice of the export sale of the corresponding cotton, whichever adjustment will result in the lower price under this Cotton Sales for Export Program."

Dated this 7th day of September 1945.

[SEAL] COMMODITY CREDIT CORPORATION,
By G. G. ARMSTRONG,
Vice President.

Attest:

ZELMA DAVIS,
Assistant Secretary.

[F. R. Doc. 45-16805; Filed, Sept. 8, 1945; 11:16 a. m.]

[1] Appears as section 5 at 9 F.R. 13795, 10 F.R. 9311.

Chapter III—Farm Security Administration

PART 300—GENERAL

DELEGATION OF AUTHORITY TO ASSISTANT ADMINISTRATOR WITH RESPECT TO FARM OWNERSHIP AND RURAL REHABILITATION LOANS, LOAN SERVICING, AND ASSISTANCE

Section 300.15 of Title 6, Code of Federal Regulations, is amended and modified to read as follows:

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FEDERAL REGISTER

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NOTICE

1944 Supplement

Book 1 of the 1944 Supplement to the Code of Federal Regulations, containing Titles 1–10, including Presidential documents in full text, is now available from the Superintendent of Documents, Government Printing Office, at $3.00 per copy.

A limited sales stock of the Cumulative Supplement and the 1943 Supplement is still available as previously announced.

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§ 300.15 *Delegation of authority to Assistant Administrator with respect to farm ownership and rural rehabilitation loans, loan servicing, and assistance.* (a) By virtue of the authority vested in me by the Secretary of Agriculture,[1] there is hereby delegated to Stephen C. Hughes, Assistant Administrator of Farm Security Administration, the power and authority, subject to my general direction and supervision, to do all things the Administrator of Farm Security Administration is required or empowered to do to administer and supervise the activities of Farm Security Administration relating to: (1) the making and servicing of Farm Ownership loans and all other functions of the Farm Ownership Division, and (2) the making and servicing of Rural Rehabilitation loans (including, but not limited to, joint-ownership and master-borrower loans) and all other functions of the Rural Rehabilitation Division. This delegation includes, but is not limited to, authority to compromise claims pursuant to the provisions of section 41 (g) of the Bankhead-Jones Farm Tenant Act and to execute and deliver the necessary legal instruments relating to the loans and property under the jurisdiction of the Farm Ownership and Rural Rehabilitation Divisions, such as leases and conveyances of real and personal property, and releases and satisfactions of mortgages, deeds of trust, and other liens.

(b) This delegation shall: (1) Supersede the delegation of authority to the Assistant Administrator issued July 7, 1945 (10 F.R. 9206), and (2) revoke or modify other existing authorization and instructions only to the extent that such other authorizations and instructions are in conflict herewith.

(c) In his discretion, the Assistant Administrator may redelegate any of the power or authority granted herein to subordinates under his jurisdiction and may revoke or modify existing authorities within the scope of this delegation.

(d) In the absence of the Assistant Administrator, or in the event of his inability to carry out the authority herein delegated, such authority may be exercised by the Acting Assistant Administrator serving in his place and stead.

(e) This delegation shall have effect as of September 1, 1945, and shall remain in effect until revoked or modified by subsequent delegations.

Issued this 29th day of August 1945.

[SEAL] FRANK HANCOCK,
Administrator.

[F. R. Doc. 45–16782; Filed, Sept. 7, 1945; 12:13 p. m.]

[1] Memorandum No. 738, Sept. 30, 1937 (2 F.R. 2077), as continued and extended by War Food Administrator's Memorandum No. 37, March 13, 1944 (9 F.R. 2840), War Food Administrator's Delegation of Authority, August 2, 1944 (9 F.R. 9389), Executive Order 9577, June 29, 1945 (10 F.R. 8087), and Memorandum No. 1106 of the Secretary of Agriculture dated July 3, 1945.

PART 300—GENERAL

DELEGATION OF AUTHORITY TO ASSISTANT ADMINISTRATOR WITH RESPECT TO PROJECT SALES, ENGINEERING, COOPERATIVE, MEDICAL, AND HEALTH PROGRAMS, AND GENERAL EXECUTIVE FUNCTIONS

§ 300.16 *Delegation of authority to Assistant Administrator with respect to project sales, engineering, cooperative, medical, and health programs, and general executive and managerial functions.* (a) By virtue of the authority vested in me by the Secretary of Agriculture,[1] there is hereby delegated to C. Stott Noble, Assistant Administrator of Farm Security Administration, the power and authority, subject to my general direction and supervision, to do all things the Administrator of Farm Security Administration is required or empowered to do to administer and supervise the activities of Farm Security Administration relating to: (1) the liquidation of resettlement projects and rural rehabilitation projects for resettlement purposes including, but not limited to, land-leasing and land-purchasing associations and defense relocation corporations, and all other functions carried on by the Project Sales Division; (2) the architectural engineering, construction, and inspection work and all other functions carried on by the Engineering Division; (3) the servicing and liquidation of loans to cooperative associations and the furnishing of special services to such associations, and all other duties performed by the Cooperative Division; (4) the making and servicing of loans and grants and the furnishing of special services to medical and health associations; (5) such general executive and managerial duties as are necessary in the administration and supervision of the affairs of the agency, including, but not limited to, personnel, budget and fiscal, business management, audit, investigation and information matters, and (6) such special matters and functions as may be assigned by me from time to time. This delegation includes, but is not limited to, authority to execute and deliver contracts, deeds, bills of sale, releases and satisfactions of mortgages, deeds of trust and other liens, leases, and use permits, and other instruments relating to loans and property under the jurisdiction of Farm Security Administration.

(b) This delegation shall revoke or modify other existing authorizations and instructions only to the extent that such other authorizations and instructions are in conflict herewith.

(c) In his discretion, the Assistant Administrator may redelegate any of the power or authority granted herein to subordinates under his jurisdiction and may revoke or modify existing authorities within the scope of this delegation.

(d) In the absence of the Assistant Administrator, or in the event of his inability to carry out the authority herein delegated, such authority may be exercised by the Acting Assistant Administrator serving in his place and stead.

(e) This delegation shall have effect as of September 1, 1945, and shall remain in effect until revoked or modified by subsequent delegations.

Issued this 29th day of August 1945.

[SEAL] FRANK HANCOCK,
Administrator.

[F. R. Doc. 45–16783; Filed, Sept. 7, 1945; 12:13 p. m.]

[1] Memorandum No. 738, Sept. 30, 1937 (2 F.R. 2077), as continued and extended by War Food Administrator's Memorandum No. 37, March 13, 1944 (9 F.R. 9389), Executive Order 9577, June 29, 1945 (10 F.R. 8087), and Memorandum No. 1106 of the Secretary of Agriculture, dated July 3, 1945.

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

[Amdt. 43–2]

PART 43—GENERAL OPERATION RULES

IDENTIFICATION CARD

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 5th day of September 1945.

Effective September 5, 1945, § 43.401 of the Civil Air Regulations is repealed.

(52 Stat. 984, 1007; 49 U.S.C. 425, 551)

By the Civil Aeronautics Board.

FRED A. TOOMBS,
Secretary.

[F. R. Doc. 45–16819; Filed, Sept. 10, 1945; 11:01 a. m.]

TITLE 24—HOUSING CREDIT

Chapter VII—National Housing Agency

[NHA Reg. 60–16]

PART 702—PRIVATE WAR HOUSING

RELAXATION OF RESTRICTIONS REQUIRING PRIVATE WAR HOUSING (H–1 AND H–2) TO BE HELD FOR RENTAL

The purpose of §§ 702.42 to 702.44, inclusive, is to relax National Housing Agency controls which require certain private war housing (H–1 and H–2) to be held for rental (§§ 702.1 to 702.56, inclusive).

All restrictions and controls of the National Housing Agency which require any private war housing (H–1 and H–2) to be held for rental are hereby revoked as to any such housing now or hereafter vacant: *Provided*, That such vacancy is not created by the eviction of a tenant for the

occupancy of an owner or purchaser who is not otherwise entitled to the possession of such housing: *And provided further*, That before any such housing is sold for occupancy a maximum authorized sales price has been established in the application for priority assistance or for authority to begin construction or as otherwise provided in NHA regulations.

Nothing in §§ 702.42 to 702.44, inclusive, shall affect any restriction or control with respect to a maximum authorized rental or sales price contained in any application for priorities assistance or for authority to begin construction or in any regulation or control of the National Housing Agency, the War Production Board, or the Office of Price Administration.

This regulation shall be effective immediately.

(55 Stat. 838; E.O. 9070, 7 F.R. 1529; 54 Stat. 676 as amended by 55 Stat. 236 and 56 Stat. 177; E.O. 9024, 7 F.R. 329, as amended by E.O. 9040, 7 F.R. 527, and E.O. 9125, 7 F.R. 2719)

JOHN R. BLANDFORD, Jr.,
Administrator.

[F. R. Doc. 45-16813; Filed, Sept. 10, 1945; 10:19 a. m.]

[NHA Reg. 70-1A-1]

PART 702—PRIVATE WAR HOUSING

ESTABLISHMENT OF SALES PRICE FOR PRIVATE H-2 HOUSING

Regulation No. 70-1A (10 F.R. 8809) did not provide for the sale, except for investment, of any private H-2 housing approved for rental, and therefore did not provide for the establishment of sales prices for such housing. However, the issuance of Regulation No. 60-16 concurrently with this Regulation No. 70-1A-1 now permits the sale of vacant private H-2 housing originally approved for rental. It is the purpose of this regulation to provide for the establishment of approved sales prices for such housing.

Section 702.53 (b) of Regulation No. 70-1A (10 F.R. 8809) is hereby amended by adding at the end thereof the following:

(4) Prior to the sale of any private H-2 housing authorized to be sold by Regulation No. 60-16, the owner shall upon written request obtain the establishment of an approved sales price for such housing from the local office of the Federal Housing Administration. In establishing such approved sales price the Federal Housing Administration shall be governed by the same considerations and restrictions as though the sales price were being established in the original application for authority to begin construction. The Federal Housing Administration shall notify the owner in writing of the approved sales price and shall advise that it constitutes the "approved sales price" under §§ 702.50 to 702.56, inclusive, in excess of which the housing may not be sold.

This regulation shall be effective immediately.

(55 Stat. 838; E.O. 9070, 7 F.R. 1529; 54 Stat. 676 as amended by 55 Stat. 236 and 56 Stat. 177; E.O. 9024, 7 F.R. 329, as amended by E.O. 9040, 7 F.R. 527, and E.O. 9125, 7 F.R. 2719)

JOHN B. BLANDFORD, Jr.,
Administrator.

[F. R. Doc. 45-16814; Filed, Sept. 10, 1945; 10:19 a. m.]

TITLE 30—MINERAL RESOURCES

Chapter VI—Solid Fuels Administration for War

[SFAW Reg. 31, Amdt. 1]

PART 602—GENERAL ORDERS AND DIRECTIVES

RESTRICTIONS ON EXPORT; PROCEDURE FOR OBTAINING APPROVAL

To coordinate the procedure prescribed by the Foreign Economic Administration for obtaining FEA export licenses and the procedure prescribed in SFAW Regulation No. 31 for obtaining SFAW approval to export solid fuel, SFAW Regulation No. 31 is amended in the following respects:

Section 602.851 is amended to read as follows:

§ 602.851 *Restrictions on export*—(a) *Restrictions applicable to Federal agencies.* Except as indicated in § 602.853 of this regulation, no agency of the United States shall export overseas, or make available for export overseas any solid fuel in cargo unless the Solid Fuels Administration for War has approved the export of such solid fuel as evidenced by an SFAW approval number on Form SFA No. 428 issued pursuant to this regulation.

(b) *Restrictions applicable to other persons.* No person, other than an agency of the United States, shall export overseas or make available for export overseas, any solid fuel in cargo unless the Solid Fuels Administration for War has approved the export of such solid fuel as evidenced by an SFAW approval number on Form SFA No. 428-A attached to and made a part of a valid FEA export license.

Section 602.852 is amended to read as follows:

§ 602.852 *Procedure for obtaining SFAW approval*—(a) *Procedure applicable to Federal agencies.* Any agency of the United States subject to this regulation desiring to export overseas any solid fuel in cargo may make application for SFAW approval by filing four copies of Form SFA No. 428 with the Solid Fuels Administration for War, Washington 25, D. C. A separate application shall be made for each cargo of solid fuel for export overseas. Application forms may be obtained from any SFAW Area Distribution Manager, or from the Solid Fuels Administration for War, Washington 25, D. C. An SFAW approval number will be assigned to each application on which favorable action has been taken and two copies of the approved application, bearing the SFAW approval number, will be returned to the applicant. Such approval shall be effective for a period of 30 days from the date of approval, and shall be limited to the tonnages, source (mine or mines) and port of exportation specified in the approval.

(b) *Procedure applicable to other persons.* Any person, other than an agency of the United States, desiring to export overseas any solid fuel in cargo shall make application for an FEA export license to the Foreign Economic Administration under the procedure prescribed by that agency. Two copies of Form SFA No. 428-A, bearing an SFAW approval number for each cargo of solid fuel for export overseas, will be returned to the applicant with an approved FEA export license whenever favorable action has been taken by FEA and SFAW on the application. SFAW approval shall be effective only if, within seven days from the date of such approval, the applicant notifies the Solid Fuels Administration for War, Washington 25, D. C., of his willingness and intention to export the tonnage indicated on Form SFA No. 428-A from the source (mine or mines) and the port of exportation specified in the form. The tonnages, source and port of exportation for which SFAW approval will be granted may differ from those set forth by the applicant in his application. The date on which SFAW approval expires will be indicated on Form SFA No. 428-A.

(c) *General provisions.* An SFAW approval for export overseas of solid fuel is not transferable and is for use only by the person to whom approval has been issued. Each person to whom such approval has been issued, shall, within seven days after the cargo covered by the approval has been loaded, file with the Solid Fuels Administration for War, Washington 25, D. C., one copy of the SFAW approval, together with the cargo manifest, consist report or dumping sheet and other information required to be filed by SFAW Order No. 3, as amended.

This amendment shall become effective August 20, 1945.

NOTE: The reporting requirements of this regulation have been approved by the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

(E.O. 9332, 8 F.R. 5355; E.O. 9125, 7 F.R. 2719; sec. 2 (a), 54 Stat. 676, as amended by 55 Stat. 236, 56 Stat. 176 and 58 Stat. 827)

Issued this 5th day of September 1945.

ABE FORTAS,
Acting Solid Fuels Administrator for War.

[F. R. Doc. 45-16784; Filed, Sept. 7, 1945; 3:35 p. m.]

PART 602—GENERAL ORDERS AND DIRECTIVES

DIRECTION TO SHIPPERS AND INDUSTRIAL CONSUMERS OF COAL PRODUCED IN DISTRICTS 9, 10 AND 11

Correction

In the last sentence of paragraph (2) of Federal Register Document 45-15044, appearing at page 10076 of the issue for Wednesday, August 15, 1945, the phrase following the date September 1945 should read "than he is permitted to receive from District 9 or 11."

TITLE 32—NATIONAL DEFENSE

Chapter IX—War Production Board

AUTHORITY: Regulations in this chapter unless otherwise noted at the end of documents affected, issued under sec. 2 (a), 54 Stat. 676, as amended by 55 Stat. 236, 56 Stat. 177, 58 Stat. 827; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; E.O. 9599, 10 F.R. 10155; W.P.B. Reg. 1 as amended Dec. 31, 1943, 9 F.R. 64.

PART 3900—SPECIAL ORDERS APPLICABLE TO THE TERRITORY OF HAWAII

[Territory of Hawaii Order 2, Revocation]

Territory of Hawaii Order 2 is hereby revoked. The provisions of Conservation Order L-41 as amended September 7, 1945, and subsequent amendments now apply in the territory of Hawaii. This revocation does not affect any liabilities incurred under THO-2, or actions of the War Production Board taken pursuant to that order.

Issued this 7th day of September 1945.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 45-16786; Filed, Sept. 7, 1945; 4:18 p. m.]

Chapter XI—Office of Price Administration

PART 1315—RUBBER AND PRODUCTS AND MATERIALS OF WHICH RUBBER IS A COMPONENT

[Rev. RO 1C, Amdt. 4]

TIRE RATIONING REGULATIONS FOR VIRGIN ISLANDS

A rationale accompanying this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.

Revised Ration Order 1C is amended in the following respects:

1. Section 2.1 to section 10.2, inclusive, are amended by changing the words "OPA Form R-2" to "OPA Form R-2a" wherever they appear.

2. Section 2.1 to section 10.2 inclusive are amended by deleting the words "Part C of OPA Form R-2" wherever they appear.

3. Section 2.1 to section 10.2 inclusive are amended by deleting the words: Tractor, tractors, tractor type tire, tractor type tires, combine, implement, implements, farm implement, farm implements, implement tire, implement tires, farm equipment, industrial type tire, industrial type tires, off-the-road equipment, construction equipment, earthmover, earth-movers, road-grader, road-graders, non-highway equipment, wherever they appear.

4. Section 8.2a (3) is amended by deleting the first sentence thereof.

This amendment shall become effective September 1, 1945.

Issued this 31st day of August 1945.

NELSON H. NICHOLS, Jr.,
Acting Territorial Director,
Virgin Islands.

Approved:

JAMES P. DAVIS,
Regional Administrator,
Region IX.

[F. R. Doc. 45-16794; Filed, Sept. 7, 1945; 4:37 p. m.]

PART 1360—MOTOR VEHICLES AND MOTOR VEHICLE EQUIPMENT

[RPS 85,[1] Amdt. 17]

NEW PASSENGER AUTOMOBILES

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.

Revised Price Schedule 85 is amended in the following respects:

1. Section 1360.52 (f) is amended by including in the first sentence following the phrase "from the Procurement Division, United States Treasury" the phrase "or the United States Department of Commerce."

2. Section 1360.52a is amended to read as follows:

§ 1360.52a *Maximum prices for new passenger automobiles owned by the United States when sold by the Procurement Division, United States Treasury, or the United States Department of Commerce.* The price of an automobile owned by the United States when sold by the Procurement Division, United States Treasury or the United States Department of Commerce shall not exceed the total of the charges permitted by paragraphs (a) to (c), inclusive, of § 1360.52 and 10% of the list price of the automobile in Appendix A.

3. The certification in § 1360.52c (b) is amended to read as follows:

The undersigned hereby certifies with respect to _____ automobile bearing
make
motor number _____ and or serial number _____:

As to condition of automobile purchased from Procurement Division, United States Treasury or United States Department of Commerce: That he has purchased this automobile from the Procurement Division, United States Treasury ( ) or the United States Department of Commerce ( ) (check one applicable) and that it is in the condition required by § 1360.52 (f) of Revised Price Schedule 85 for the inclusion in the maximum price of an allowance not to exceed 27½ of the list price in Appendix A of that schedule.

Date _____

_____
Name

_____
Address

4. The paragraph in § 1360.52c (c) immediately following the certification "As to delivery operations" is amended by inserting in the second sentence following the phrase, "from the Procurement Division, United States Treasury," and before the phrase, "and is not required," the phrase "or the United States Department of Commerce,".

5. Section 1360.59 (g) is amended to read as follows:

(g) "New passenger automobile" means a 1942 model year automobile which has been driven less than one thousand miles.

This amendment shall become effective September 20, 1945.

Issued this 6th day of September 1945.

JAMES G. ROGERS, Jr.,
Acting Administrator.

[F. R. Doc. 45-16797; Filed, Sept. 7, 1945; 4:37 p. m.]

PART 1432—RATIONING OF CONSUMERS' DURABLE GOODS

[Rev. RO 9B, Amdt. 1]

NEW COOKING STOVES IN HAWAII

A rationale accompanying this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.

Revised Ration Order 9B is hereby amended in the following respects:

The effective date of the order is changed to read as follows:

Effective date. Revised Ration Order 9B shall become effective on May 5, 1945 and shall expire September 1, 1945 subject to section 5.1 of General Ration Order No. 8; except that any person required by section 2.1 to keep records shall retain such records in his possession for six months after the expiration date of the order. Suspension orders in effect on the expiration date of the order, to the extent that they prohibit any person from receiving and transfer or delivery of, or from selling, using, or otherwise disposing of a cooking stove, shall terminate simultaneously with the expiration of the order.

This amendment shall become effective September 1, 1945.

NOTE: All record keeping and reporting requirements of this amendment have been approved by the Bureau of the Budget as required by the Federal Reports Act of 1942.

Issued this 31st day of August 1945.

GERALD A. BARRETT,
Territorial Director,
Hawaii.

Approved:

JAMES P. DAVIS,
Regional Administrator,
Region IX.

[F. R. Doc. 45-16795; Filed, Sept. 7, 1945; 4:38 p. m.]

PART 1314—RAW MATERIALS FOR SHOES AND OTHER LEATHER PRODUCTS

[MPR 61,[2] Amdt. 3]

LEATHER

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith,

[1] 7 F.R. 1364, 1675, 2134, 2132, 6048, 6897, 7100, 7436, 7942, 8948, 9899; 8 F.R. 1450, 2040, 3215.

[2] 10 F.R. 4715.
[3] 9 F.R. 15151; 10 F.R. 1450, 2029.

has been filed with the Division of the Federal Register.

The text of section 10 (a), preceding subparagraph (1), is amended to read as follows:

(a) Every bend and shoulder, or strip cut therefrom, and every full sole, tap, block and square sold in the form of bundled or boxed full soles, taps, blocks or squares, shall have stamped or indelibly marked thereon the following:

This amendment shall become effective September 7, 1945.

Issued this 7th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-16791; Filed, Sept. 7, 1945; 4:36 p. m.]

PART 1360—MOTOR VEHICLES AND MOTOR VEHICLE EQUIPMENT

[MPR 540,[1] Incl. Amdts. 1–10]

MAXIMUM PRICES FOR USED PASSENGER AUTOMOBILES

This compilation of Maximum Price Regulation 540, includes Amendment 10, effective September 20, 1945. Appendices B and D are amended by Amendment 10. Additional text amended or added by Amendment 10 is indicated by underscoring.

In the judgment of the Price Administrator, prices of used passenger automobiles have risen to an extent and in a manner inconsistent with the purposes of the Emergency Price Control Act of 1942, as amended. The Price Administrator has ascertained and given due consideration to the prices of used passenger automobiles prevailing between October 1 and 15, 1941, and has made adjustments for such relevant factors as he has determined to be of general applicability. So far as practicable, the Price Administrator has consulted with and has been advised by representative members of the industry which will be affected by this regulation.

In the judgment of the Price Administrator the maximum prices established by this regulation are and will be generally fair and equitable and will effectuate the purposes of the act. A statement of the considerations involved in the issuance of this regulation has been issued simultaneously herewith and has been filed with the Division of the Federal Register.[2]

Such specifications and standards as are used in this regulation were, prior to such use, in general use in the trade or industry affected.

§ 1360.652 *Maximum prices for used passenger automobiles.* Under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Orders 9250 and 9328, Maximum Price Regulation 540 (Maximum Prices for Used Passenger Automobiles), which is annexed hereto and made a part hereof, is hereby issued.

[1] 10 F.R. 1383.

[2] Statements of Consideration are also issued simultaneously with amendments. Copies may be obtained from the Office of Price Administration.

ARTICLE I—SCOPE OF REGULATION AND PROHIBITION

Sec.
1. Applicability of this regulation.
2. Prohibition against dealing in used cars at prices above the maximum.
3. Relation to other regulations.
4. Less than maximum prices.

ARTICLE II—MAXIMUM PRICES

5. Maximum prices for used cars.
6. Base prices.
6a. Maximum price for a station wagon consisting of a used chassis and a new station wagon body.
6b. Maximum prices of used cars which cannot be priced under section 5 or 6a.
7. Warranted used cars.

ARTICLE III—MISCELLANEOUS

8. Federal and state taxes.
9. Evasion.
10. Label or tag to be attached to a used car.
11. Certificate of transfer and purchaser's statement that must be completed for a sale of a used car.
12. Records and reports.
13. Enforcement.
14. Licensing.
15. Definitions.
16. Petitions for amendment of general applicability.

Appendix A.
Appendix B.
Appendix C.
Appendix D.
Appendix E.
Appendix F.
Appendix G. [Revoked]
Appendix H.
Appendix J.
Appendix K.

AUTHORITY: § 1360.652 issued under 56 Stat. 23, 765; 57 Stat. 566; Pub. Law 383, 78th Cong.; Pub. Law 108, 79th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681.

ARTICLE I—SCOPE OF REGULATION AND PROHIBITION

SECTION 1. *Applicability of this regulation*—(a) *To what sales this regulation applies.* This regulation applies to all sales by dealers and other persons of used passenger automobiles.

(1) *Definition of used passenger automobile ("used car").* "Used passenger automobile" (called "used car" in this regulation) means any passenger automobile having a seating capacity of less than eleven persons which has been driven 1,000 miles or more, and the chassis or body of such an automobile. This definition includes, among others, used taxicabs and station wagons having a seating capacity of less than eleven persons.

[Subparagraph (1) amended by Am. 1, 9 F.R. 7871, effective 7–10–44 and Am. 10, effective 9–20–45]

(b) *Geographical applicability.* This regulation applies to the forty-eight states of the United States and the District of Columbia, but not to the territories and possessions of the United States.

SEC. 2. *Prohibition against dealing in used cars at prices above the maximum.* (a) On and after July 10, 1944, regardless of any contract or other obligation, except as provided in paragraphs (b), (c) and (d):

(1) No person shall sell or deliver any used car at a price higher than the maximum price permitted by this regulation, except as provided in paragraph (d); and

(2) No person, in the course of trade or business, shall buy or receive a used car at a price higher than the maximum price permitted by this regulation, except as provided in paragraph (d), but if he, the purchaser, has received from the seller a written statement that the price charged does not exceed the maximum price, and he has no knowledge to the contrary, he shall be deemed to have complied with this subparagraph (2); and

[Subparagraphs (1) and (2) amended by Am. 6, 10 F.R. 1911, effective 5–9–45]

(3) No dealer shall retain payment in excess of the adjusted maximum price where the maximum price has been adjusted downward, pursuant to section 5 (a) (3), because of his failure to make the repairs or replacements required under his warranty.

(4) No person shall agree, offer or attempt to do any of the acts prescribed in subparagraphs (1), (2), and (3) of this section.

(b) A war procurement agency as defined in section 15 (d), or any contracting officer thereof, or any country whose defense the President deems vital to the defense of the United States under the terms of the Lend-Lease Act, or any government agency of such a country, shall not be subject to the provisions of paragraph (a) (2). Moreover, any war procurement agency contracting officer, with respect to purchases he makes, in his official capacity, of used cars, and any paying finance officer of the United States, with respect to payments he may make, in his official capacity, in connection with purchases of used cars, shall be relieved of any and every liability, civil or criminal, imposed by this regulation or by the Emergency Price Control Act of 1942, as amended.

(c) Nothing in this regulation shall prevent the fulfillment of any written contract for the purchase of a used car whether in the nature of a conditional sales agreement, rental contract providing for purchase or other arrangement, entered into before July 10, 1944, and under which the used car has been delivered prior to July 10, 1944.

(d) Where a promissory note covering payment to a dealer or other seller for a car is discounted by a bank, finance company, or other person and the latter takes possession of the used car after default by the maker of the note, the return of the repossessed used car to the dealer in connection with the recovery from him of the unpaid balance of the note does not constitute a sale, purchase, or transfer subject to the regulation. However, the sale of a repossessed used car by such a holder of "car paper" at public or private sale, except the return of a used car in connection with a contract to repurchase, is subject to the regulation. Notwithstanding the provisions of this paragraph, where a promissory note covering payment to a dealer or other seller for a car is discounted by a bank, finance company, or other person, and the latter takes possession of the used car after default by the maker of the note, nothing in this regulation shall prevent the bank, finance company, or other person, who discounted the note from selling the used car for an amount not exceeding the unpaid balance on the note, or the applicable maximum price if it is higher, in the case of a used car delivered prior to July 10, 1944, by the dealer or other seller to the person making the note.

[Paragraph (b), (c) and (d) added by Am. 6, 10 F.R. 1911, effective 5–9–45]

[Sec. 2 amended by Am. 1, 9 F.R. 7871, effective 7–10–44; Am. 5, 10 F.R. 1383, effective 3–1–45 and as otherwise noted]

SEC. 3. *Relation to other regulations*—(a) *In general.* The transactions, persons, and commodities subject to this regulation shall not be subject to any other regulation issued by the Office of Price Administration in so far as they are affected by this regulation, except as provided in paragraphs (b), and (c).

[Paragraph (a) amended by Am. 2, 9 F.R. 10872, effective 9–12–44; and Am. 4, 9 F.R. 15059, effective 1–1–45]

(b) Export sales of the used cars covered by this regulation are governed by the Second Revised Maximum Export Price Regulation.[3]

[Paragraph (b) amended by Am. 10, effective 9–20–45]

(c) *Foreign used cars.* Used cars manufactured new in any foreign country, except Canada and Mexico, are exempted from price control.

[Paragraph (c) added by Am. 4, 9 F.R. 15059, effective 1–1–45. Original paragraph (c) revoked by Am. 2, 9 F.R. 10872, effective 9–12–44]

(d) *1925 and prior model year used cars.* Used cars of Model Year 1925 and prior model years are exempted from price control.

[Paragraph (d) added by Am. 6, 10 F.R. 1911, effective 5–9–45]

SEC. 4. *Less than maximum prices.* Prices lower than maximum prices established by this regulation may be charged and paid.

ARTICLE II—MAXIMUM PRICES

SEC. 5. *Maximum prices for used cars*—(a) *For sales prior to January 1, 1946.* To figure the maximum price of a used car sold and delivered prior to January 1, 1946, the seller must:

[Above paragraph amended by Am. 10, effective 9–20–45]

(1) Find the base price according to section 6; and

(2) Add to it the allowance in Appendix D for any piece of equipment listed there which is sold attached to the car (No other equipment allowances may be included in or added to the maximum price regardless of the equipment on the car); and

[Subparagraph (2) amended by Am. 6]

(3) If the car is sold as a warranted used car (as defined in section 7) and the sale is by a dealer to a person not generally engaged in the business of selling used cars, add $100, or if it is higher, add 25% of the total of the base price and the equipment allowance. If the amount to be added is in cents (that is a certain number of dollars and cents) the amount shall be evened to the nearest dollar.

The inclusion in the maximum prices of an additional amount when a used car is warranted is conditioned on the used car being in good operating condition as defined in section 7 (b). If a dealer sells at the "warranted" maximum price a used car not in good operating condition he makes an overcharge in excess of the permitted maximum price (the "non-warranted" maximum price).

The inclusion in the maximum price of an additional amount when a used car is warranted is also conditioned upon the making of repairs or replacements in accordance with the dealer's warranty. If the dealer refuses so to make these repairs or replacements, the maximum price for the car shall be the maximum price for the car when warranted reduced by 50% of the amount the purchaser would have to pay for the repairing or replacement which the dealer should have made under his warranty, and the dealer shall refund the amount of that reduction to the buyer. Refusal to refund that amount will constitute an overcharge in excess of the maximum price. If, upon the dealer's refusal to make repairs or replacements in accordance with his warranty, the purchaser has such work done by another before receiving a refund from the dealer, the actual cost of such work shall be considered the amount which the purchaser would have to pay and 50% of that figure shall be the amount by which the maximum price is reduced. For the purposes of this section, failure to make repairs or replacements required by the warranty within a reasonable time from the date the car is delivered to the place of business of the dealer shall constitute a refusal to make such repairs or replacements regardless of the reasons why they are not made.

[Above paragraph amended by Am. 6, 10 F.R. 1911, effective 5–9–45]

When a dealer charges the "warranted" maximum price for a used car not in good operating condition, or fails to make the above refund when he, the dealer, does not make the repairs or replacements required by his warranty, he is liable to the sanctions imposed by the Emergency Price Control Act of 1942, as amended, including the payment of damages to the buyer pursuant to section 205 (e).

[Above three paragraphs added by Am. 5, 10 F.R. 1383, effective 3–1–45]

(b) *For sales on and after January 1, 1946.* For any used car sold and delivered on and after January 1, 1946, the price a seller may charge is the total of the following applicable charges:

[Above paragraph amended by Am. 10, effective 9–20–45]

(1) The base price determined in accordance with section 6, reduced by 4% for each half year after January 1, 1946, including the half year containing the date of sale. If the amount is in cents (that is a certain number of dollars and cents) it shall be evened to the nearest dollar; and

(2) The applicable equipment allowance in Appendix D reduced by 4% for each half year after January 1, 1946, including the half year containing the date of sale (This allowance may not be evened to the nearest dollar); and

[Subparagraphs (1) and (2) amended by Am. 10, effective 9–20–45]

(3) When the car is sold as warranted used car (as defined in section 7) and the sale is by a dealer to a person not generally engaged in the business of selling cars, add $100, or if it is higher add 25% of the total of the allowances permitted in (1) and (2) above. If the warranted maximum price is in cents (that is a certain number of dollars and cents) it shall be evened to the nearest dollar.

[Paragraph (b) amended by Am. 8, 10 F.R. 6954, effective 7–1–45]

[Sec. 5 amended by Am. 1, 9 F.R. 7871, effective 7–10–44; and Am. 4, 9 F.R. 15059, effective 1–1–45 and as otherwise noted]

SEC. 6 *Base prices*—(a) *How to find the base price*—(1) *In general.* In figuring his maximum price, the seller shall take as his base price a price found by following the directions below which apply to the used car he is selling, always using, when he does so, the prices given in Appendix B for the particular region in which the car is located at the time of sale, except where the car is located at the time of sale not more than 100 miles from the boundary between regions A and B or the boundary between regions B and C.

[Subparagraph (1) amended by Am. 6, 10 F.R. 1911, effective 5–9–45]

(2) *When the used car is located only a hundred miles or less from a regional boundary line.* If the car is located only 100 miles, or a lesser number of miles, from either the boundary line between regions A and B or the boundary line between regions B and C, the following shall determine what region shall be used for the purpose of selecting the price in Appendix B.

(i) If the seller is a dealer, or other seller generally engaged in the business of selling used cars, he shall use the Appendix B price for the region in which is located his established place of business. If he has an established place of business in more than one region, he shall use the first applicable of the following:

(a) The Appendix B price for the region in which is located the established place of business from which the sale is made;

(b) The Appendix B price for the region in which is located the established place of business closest to the place of sale.

(ii) If the seller is a person not generally engaged in the business of selling used cars, he shall use the Appendix B price for the region which contains the state where the used car being sold is registered at the time of sale, or if not registered at the time of sale, the state where it was last registered before the time of sale. In the case of a used car registered in Illinois or Wisconsin at the

[3] 8 F.R. 4132, 5987, 7662, 9998, 15193; 9 F.R. 1936, 5435, 5923, 7201, 9835, 11273, 12919, 14486; 10 F.R. 803, 923, 2432.

time of sale, or if not registered at the time of sale but last registered in Illinois or Wisconsin prior to the time of sale, take the Appendix B price for the region containing the first applicable of the following:

(*a*) The county in Illinois or Wisconsin in which the person whose name the used car is registered at the time of sale resides;

(*b*) The county in Illinois or Wisconsin in which the person in whose name the used car is registered at the time of sale last resided when living in that state;

(*c*) The county in Illinois or Wisconsin in which the person in whose name the used car was last registered prior to the time of sale resides;

(*d*) The county in Illinois or Wisconsin in which the person in whose name the used car was last registered prior to the time of sale last resided when living in that state.

[Subparagraph (ii) amended by Am. 6, 10 F.R. 1911, effective 5-9-45]

The regions for which prices are listed in Appendix B, and the states included in each region, are stated in Appendix A.

(b) *Base price for a used car, complete with standard equipment, listed in Appendix B.* Take the base price listed in Appendix B. "Standard equipment" means all functional parts of a car and other parts with which it is customarily equipped when delivered as a new vehicle from the factory.

(c) *Base price for a used car, complete with standard equipment, not listed in Appendix B.* (1) If its model year is 1937 or later but its make is listed in Appendix B (for example, a used car consisting of a body and chassis made by different manufacturers): Take the base price in Appendix B for the car of the same make most comparable as to model year, body type, passenger capacity, wheel base and horsepower.

(2) If its model year is 1937 or later but its make is not listed in Appendix B: Take the base price in Appendix B for the most comparable car as to model year, body type, passenger capacity, wheel base and horsepower.

(3) If its model year is 1936 or before and the make is listed in Appendix B: Take the base price in Appendix B for the 1937 car most comparable as to body type, passenger capacity, wheel base and horsepower.

(4) If its model year is 1936 or before and the make is not listed in Appendix B: Take the base price in Appendix B for the comparable 1937 make and model listed in Appendix C or if a comparable 1937 make and model is not listed in Appendix C, take the base price for the 1937 make and model listed in Appendix B which is most comparable as to body type, passenger capacity, wheel base and horsepower.

[Paragraph (c) amended by Am. 6]

(d) *Base price for a used chassis or body complete with standard equipment.* "Standard equipment" means all functional parts of a chassis or body and other parts with which it is customarily equipped when delivered as a new commodity from the factory.

(1) If a chassis of a used car is sold separately, the base price shall be 70% of the base price established by this section for the car complete with standard equipment.

(2) If the body of a used car is sold separately, the base price shall be 30% of the base price established by this section for the car complete with standard equipment.

(e) *Base price for a used car, chassis or body, minus standard equipment.* The base prices in Appendix B are for used cars complete with standard equipment. Where a used car, chassis, or body, is minus standard equipment at the time of sale, the base price shall be the price determined under paragraph (b), (c) or (d), whichever would be applicable if the unit being priced were complete with standard equipment, less 50% of the retail list price which would be charged for each piece of missing standard equipment if it were new.

[Sec. 6 amended by Am. 2, 9 F.R. 10872, effective 9-12-44; Am. 3, 9 F.R. 12679, effective 7-10-44; and Am. 5, 10 F.R. 1383, effective 3-1-45]

SEC. 6a. *Maximum price for a station-wagon consisting of a used chassis and a new station-wagon body.* The maximum price for the sale by a dealer of a station-wagon consisting of a used chassis and a new station-wagon body is as follows:

(a) *Sale by dealer who installed the new station-wagon body on the used chassis or who had the installation made.* The maximum price for a station-wagon consisting of a used chassis and a new station-wagon body installed by a dealer or installed at his request, shall be a warranted maximum price (that is a price in accordance with section 7) specifically authorized by the Regional Office of the Office of Price Administration for the region in which the dealer's principal place of business is located or by an Office of Price Administration District Office in that region having authority to authorize such a price. A dealer who seeks such an authorization under the provisions of this section shall file with the above office an application setting forth:

(1) Both the base price under section 6 (b), and a description of the used car from which the chassis being used in the combination was taken. In the case where the used chassis is a used truck chassis report the "as is" price under Revised Maximum Price Regulation 341. (The description shall show the make, year, series model, body type, and serial and motor numbers);

(2) The actual or, if not available, the estimated, market value of the equipment removed from the used vehicle described under (a), and not to be used in the conversion;

(3) The cost to the dealer of the new station-wagon body;

(4) The cost to the dealer of preparing the chassis for the new station-wagon body, not including reconditioning costs;

(5) Any other installation costs to the dealer separately itemized;

(6) The price the dealer proposes to charge and the reasons for such a price;

(7) Any other facts, including costs, which the dealer wishes to submit in support of the application. The authorization will be given in the form of an order.

(b) *Sale by a dealer who purchases the station-wagon after the new station-wagon body has been installed.* This paragraph establishes a maximum price for a station-wagon consisting of a used chassis and a new station-wagon body when sold by a dealer who neither installed the station-wagon body on the used chassis nor had it installed at his request but who purchased the station-wagon at a price his seller was authorized under this section to charge. Such a dealer's maximum price shall be a price:

(1) Authorized, in an order, by the Office of Price Administration Regional Office for the region in which is located the dealer's place of business, or by an Office of Price Administration District Office in that region having authority to authorize such a price; and

(2) Which shall not exceed the maximum price authorized by the Office of Price Administration for the sale of the station-wagon by the person from whom he acquired it; and

(3) Which is a warranted maximum price in accordance with section 7.

The dealer seeking a price shall submit his request to the Office of Price Administration in a letter which shall include a complete description of the station-wagon, a statement that it has not been used since the installation of the new station-wagon body for any purpose except for the purpose of sale, and a certified copy of the Office of Price Administration's order in which was authorized a maximum price for the sale of the station-wagon by the person from whom the dealer seeking a price acquired it.

[Section 6a added by Am. 2, 9 F.R. 10872, effective 9-12-44 and amended by Am. 6, 10 F.R. 1911, effective 5-9-45]

SEC. 6b. *Maximum prices of used cars which cannot be priced under section 5 or 6a.* The maximum price for a used car which cannot be priced under section 5 or 6a shall be a price in line with the level of maximum prices established by this regulation, specifically authorized by the National Office of the Office of Price Administration, Washington, D. C. Any seller seeking such an authorization shall file an application with the National Office of the Office of Price Administration, Washington, D. C. If the seller who cannot establish a price under section 5 or 6a does not file an application under this section, the Office of Price Administration may establish a maximum price of its own accord. This price shall be in line with the level of maximum prices established by this regulation. Authorization of prices under this paragraph shall be by order.

[Sec. 6b added by Am. 4, 9 F.R. 15059, effective 1-1-45]

SEC. 7. *Warranted used cars*—(a) *Definition.* A warranted used car is a used car:

(1) Which is in good operating condition as defined in paragraph (b); and

(2) For which a dealer (as defined in section 15 (b)) furnishes in writing to his purchaser at the time of sale the warranty in paragraph (c); and

(3) In the case of a dealer who does not have adequate facilities for repairing or reconditioning used cars, it shall be a used car which, in addition to satisfying the conditions of (1) and (2), is one for which the service supplier that makes the repairs or replacements for the dealer in accordance with section 15 (b) guaranties in writing the making of the repairs or replacements the dealer is obligated to make under his warranty. The guaranty shall be made in the manner stated in paragraph (d).

(b) *Good operating condition.* A used car is in good operating condition when its functional parts, and those of its non-functional parts which are customarily attached to a car, are in a condition that will permit the used car to be driven safely and efficiently. Functional parts include but are not limited to: the chassis, motor, clutch, transmission, drive shaft, differential, steering mechanism, front axle, rear axle, brakes, battery and lighting system.

(c) *Dealer's warranty.* The warranty a dealer shall furnish in writing to a purchaser at the time of sale is:

DEALER'S WARRANTY

The used car described below, including any equipment named in Appendix D of Maximum Price Regulation 540, is hereby warranted to be in good operating condition and to remain in such condition under normal use and service for a period of 30 days after delivery, or 1,000 miles, whichever may first occur.

We, the undersigned, agree, if said car is delivered during the above period to our place of business, to make with reasonable promptness any repairs or replacements which may be necessary to its good operating condition in accordance with normal use and service, at a cost to the purchaser named below of not more than 50% of the normal charge for such repairs or replacements. Our normal charge is not in excess of OPA ceilings.

This warranty does not extend to tires, tubes, paint, glass, upholstery, or to any repairs or replacements made necessary by misuse, negligence or accident.

Make of Used Car _____
Model _____ Body Type _____
Serial Number _____ Date of Delivery _____
Motor Number _____ Total Selling Price ____
Speedometer Reading _____

_____ _____
Name of Purchaser

Signature of Dealer making sale, or name of Dealer and signature of authorized agent.

_____ _____
Address Dealer's Address

(d) *Service supplier's guaranty.* The guaranty which a service supplier shall furnish in connection with the sale of a warranted used car shall be part of the same document that contains the "Dealer's Warranty" for such a used car, and shall be stated in that document immediately below the address of the dealer given in that warranty. The service supplier's guaranty is as follows:

The undersigned service supplier guaranties the making of the repairs or replacements which the dealer furnishing the above warranty is required to make under that warranty.

_____
Signature of Service Supplier who will perform reconditioning or repairing under the warranty, or name of such person and signature of authorized agent.

_____
Service Supplier's Address

(e) *Additional warranties by dealer.* A dealer may extend to the purchaser warranties in addition to those provided in the warranty stated in paragraph (c), but this shall be done in warranties separate and in addition to the warranty provided in paragraph (c), and the maximum price established by section 5 shall not be increased thereby.

(f) *Purchaser's customary legal remedies for dealer's failure to perform obligations of warranty or service supplier's failure to perform obligations of his guaranty.* Nothing in this regulation restricts the legal remedies available to a purchaser of a used car under the applicable state law for the breach either of a dealer's warranty or a service supplier's guaranty.

[Sec. 7 amended by Am. 1, 9 F.R. 7871, effective 7-10-44; and Am. 5, 10 F.R. 1383, effective 3-1-45]

ARTICLE III—MISCELLANEOUS

SEC. 8. *Federal and state taxes.* There may be added to the maximum price for the sale of any used car the amount of any Federal, State, county or municipal tax upon, or incident to, the particular sale, or delivery or processing in connection with such sale. There may also be added to this maximum price the amount of any Federal, State, county or municipal tax on the use of such car which applies to any unexpired part of the period the tax covers. The amount of such taxes must be included in the certificate of transfer required under section 11. Any tax paid on the car or extra equipment when new are not to be added to, or included in, the maximum price under this section.

SEC. 9. *Evasion.* It shall be a violation of this regulation to charge a price above the applicable maximum price in connection with any sale of a used car, either alone or in conjunction with any other consideration even though the price increase appears only indirectly. Specifically, but not exclusively, the seller is not permitted to require the purchaser, as a condition of the sale or transfer of the car, to make payment over a period of time; to require him to finance the purchase through any particular lending agency; to require him to purchase any equipment, accessories, repairs, parts or services so as to increase the total compensation above the maximum price; to require him to purchase any other commodity or service; or to require him to make payment in whole or in part by exchanging or transferring or trading in any other vehicle or other product or commodity, or where there is an exchange, transfer or trade-in, to give him an allowance for the vehicle, product or commodity exchanged, transferred or traded in which is below its reasonable value.

Furthermore, the seller is prohibited from providing for purchase of the used car by a lessee under a rental contract at an agreed valuation which together with the amount paid for the rental is higher than the applicable maximum price at the time the rental contract is entered into, and from making the terms and conditions of sale more onerous to purchasers than they have customarily been except to the extent allowed by this regulation. However, the Office of Price Administration may upon written request grant written permission to any dealer subject to this regulation to change his credit terms, where such change is necessitated by orders issued by, or at the request of, the United States.

It shall also be a violation of this regulation for any person to charge, pay or receive a finder's fee or other compensation in connection with the procurement of a used car where the finder's fee or other compensation plus the purchase price for the used car exceeds the permitted maximum price, except that this prohibition shall not apply to the case of a bona fide employer-employee relationship between a seller generally engaged in the business of selling used cars and an employee of the type of employee generally considered by the automotive retail trade to be a used car salesman.

It shall also be a violation of this regulation for any person to offer to sell a used car by advertising in any publication unless there is stated in the advertisement the make, model year, model and body type of the used car, the seller's offering price, and a notice containing the words "Within OPA ceiling" or other words which express the same meaning.

[Section 9 amended by Am. 5, 10 F.R. 1383, effective 3-1-45 and Am. 6, 10 F.R. 1911, effective 5-9-45]

SEC. 10. *Label or tag to be attached to a used car.* Every dealer, or other seller generally engaged in the business of selling used cars, shall attach to every used car he has on display a label or tag not smaller than 4" x 8" in the form set forth in Appendix E, on which shall be set forth legibly all of the information called for in Appendix E. The part of the used car to which the label or tag shall be attached shall be a place which will permit the person looking at the used car to readily see, and be able to read, the label or tag.

[Section 10 amended by Am. 5, 10 F.R. 1383, effective 3-1-45 and Am. 6, 10 F.R. 1911, effective 5-9-45]

SEC. 11. *Certificate of transfer and purchaser's statement that must be completed for a sale of a used car.* Every person when he sells a used car covered by this regulation shall prepare a certificate of transfer, Appendix F, in accordance with the instructions in that appendix, sign the certificate and give it to the purchaser.

When a dealer or other person generally engaged in the business of selling used cars is the purchaser, he shall sign the purchaser's certification on the reverse side of the certificate and turn the certificate in to his local War Price and Rationing Board. The only action a

purchaser who is not a person generally engaged in the business of selling used cars takes with respect to the certificate is to turn it in to his local War Price and Rationing Board. However, every purchaser who is not a dealer or other person generally engaged in the business of selling used cars shall complete a purchaser's statement which he shall also turn in to his local War Price and Rationing Board. This purchaser's statement is set out in Appendix H of this regulation.

Where the purchaser is not a dealer, or other person generally engaged in the business of selling used cars, he shall turn in the certificate of transfer and the purchaser's statement to his local War Price and Rationing Board on or before the date he applies to that Board for a gasoline ration for the used car he has purchased. Where the purchaser is a dealer, or other person generally engaged in the business of selling used cars, he shall turn in the certificate of transfer to his local War Price and Rationing Board not later than 5 days from the date he purchases the used car.

For the purpose of this section a trade-in of a used car is a sale, and the person trading in the used car must take the steps required of sellers by this section, and the person accepting the used car traded in must take the steps required of purchasers by this section. Copies of the certificate of transfer may be obtained from sellers generally engaged in the business of selling used cars or from local War Price and Rationing Boards. The purchaser's statement will be obtained by the purchaser from his local War Price and Rationing Board when he submits the certificate of transfer to that Board.

[Sec. 11 amended by Am. 1, 9 F.R. 7871, effective 7-10-44; Am. 2, 9 F.R. 10872, effective 9-12-44; and Am. 5, 10 F.R. 1383, effective 3-1-45]

SEC. 12. *Records and reports*—(a) *Records.* Every person generally engaged in the business of selling used cars shall, so long as this regulation remains in effect, keep and make available for examination by the Office of Price Administration the following information in regard to every used car he has acquired for resale:

(1) A complete description of the used car including make, model year, serial number, motor number, body type and passenger capacity;

(2) The name and address of the person from whom he acquired the used car;

(3) The price he paid for the used car either on an outright purchase or on a trade-in;

(4) The cost of repairs and replacements made in the used car and a description of the repairs and replacements made;

(5) The name and address of the person to whom he sold the used car;

(6) The price he charged the purchaser for the used car excluding taxes and finance charges;

(7) The amount he charged the purchaser to cover taxes and the taxes for which the amount was charged;

(8) The amount he charged the purchaser for financing the sale on an installment basis, if any;

(9) A copy of the warranty he furnished the purchaser if he sold the used car at a price higher than the base price in Appendix B plus permissible equipment allowances in Appendix D.

[Paragraph (a) amended by Am. 6, 10 F.R. 1911, effective 5-9-45]

(b) *Inventory report of used cars as of September 11, 1944.* Every dealer, or other seller generally engaged in the business of selling used cars, shall file with his local War Price and Rationing Board not later than September 21, 1944, a report of all used cars in his stock as of September 11, 1944, inclusive.

(c) *Additional records and reports.* Every dealer, or other seller generally engaged in the business of selling used cars, shall keep such records and file such reports in addition to those required by paragraphs (a) and (b) as the Office of Price Administration may from time to time require. Such additional records and reports, however, shall be subject to the approval of the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

[Sec. 12 amended by Am. 2, 9 F.R. 10672, effective 9-12-44]

SEC. 13. *Enforcement.* Persons violating any provisions of this regulation are subject to the criminal penalties, civil enforcement actions, proceedings for suspension of licenses, and suits for treble damages provided for by the Emergency Price Control Act of 1942, as amended.

SEC. 14. *Licensing.* The provisions of Licensing Order No. 1,[8] licensing all persons who make sales under price control, are applicable to all sellers subject to this regulation. A seller's license may be suspended for violations of the license or of one or more applicable price schedules or regulations. A person whose license is suspended may not, during the period of suspension, make any sale for which his license has been suspended.

SEC. 15. *Definitions.* When used in this regulation, the term:

(a) "Person" includes an individual corporation, partnership, association or any other organized group of persons, or legal successor or representaive of any of the foregoing, and includes the United States or any agency thereof, or any other government, or any of its political subdivisions, or any agency of any of the foregoing.

(b) "Dealer" is a person who has received an order from the Office of Price Administration authorizing him to charge for a warranted used car defined in section 7 a warranted maximum price permitted by section 5, and whose authorization has not been revoked in accordance with paragraph (2) or (5) below.

(1) *Application for dealer authorization*—(i) *Preparation of application form.* A person who seeks authorization to act as a dealer must request this authorization from the Office of Price Administration on OPA Form No. 694-2163, "Application for Authorization to Act as a Dealer in Automotive and Related Vehicles." This form is Appendix J of the regulation. The form will be acceptable as an application only when the information the form requests is inserted in, or attached to, the form, and it is signed by the applicant or his authorized representative.

(ii) *Place of filing.* The application must be filed in the district office of the Office of Price Administration having jurisdiction of the area in which the place of business of the applicant is located. If applicant has a place of business in more than one district office area a separate application must be filed for each place of business with the district office having jurisdiction over the area in which the place of business is located. If the applicant has more than one place of business within one district office area he shall file one application for the group of businesses in that area.

(iii) *Investigation of application.* Upon receipt of an application for dealer authorization, the authorized district office may make such investigation of the facts involved in the application, hold such conferences, and request the filing of such supplementary information, as may be necessary to the disposition of the application.

(iv) *Disposition of application for dealer authorization by District Director.* The District Director of the district office having jurisdiction over the area in which the applicant's place of business is located shall either grant or deny by order an application for dealer authorization. The requirements that must be present before the grant shall be made are contained in (v) below. If they are not all present the application shall be denied.

(v) *Requirements for grant of application by District Director.* An application for authorization to sell as a dealer shall be granted if:

(*a*) The applicant is generally engaged in the business of acquiring for sale, selling, displaying, repairing and reconditioning used cars; and

(*b*) The applicant has a place for selling and displaying used cars; and

(*c*) The applicant has a shop and equipment for reconditioning and repairing which in general are adequate for placing used cars in good operating condition as defined in section 7 (b) and for fulfilling the terms of the warranty in section 7 (c). (The location of the shop and equipment beyond a reasonable distance from the place of delivery of used cars to purchasers, is one of the reasons why such facilities are not adequate); but

(*d*) In the case of an applicant who does not have the facilities described in (c) above, as a substitute for them, he may have a working arrangement, evidenced by a written contract, with a service supplier, who has the adequate reconditioning and repairing facilities described in (c) above, whereby the service supplier will perform the reconditioning and make the replacements the applicant, as a dealer, is required to make to place a used car in good operating condition as defined in section 7 (b) or to fulfill the terms of the warranty in section 7 (c);

(vi) *Publicizing of dealer authorization.* Every person who receives an order authorizing him to sell as a dealer shall place this order in a conspicuous place in his place of business. Such a person shall also state on every Certificate of Transfer he prepares in accordance with the regulation the dealer authorization number which he shall receive in the dealer authorization order.

(2) *Revocation of dealer authorization*—(i) *General.* The District Director of a district office having jurisdiction over the area in which a dealer's place of business is located may by order revoke a dealer's authorization for the reasons stated in (ii) below. However, no order of revocation shall be effective unless the dealer against whom the order is directed was notified by registered mail or by personal service of the District Director's intention to revoke the authorization and the reasons for such action at least 10 days prior to the issuance date of the revocation order, and had a reasonable opportunity prior to the issuance of the order to present information either orally or in writing to the District Director, or a responsible official in the district office designated by the District Director, to show that the authorization should not be revoked.

(ii) *Basis for revocation of dealer authorization.* An order granting a dealer authorization may be revoked if the District Director finds from substantial evidence that:

(*a*) Any one of the requirements in (b) (1) (v) was not in existence at the time the applicant filed his application although he represented in his application that the requirement was in existence; or

(*b*) Any one of the requirements in (b) (1) (v) is not in existence after the date of filing of the application; or

(*c*) A person authorized to sell as a dealer does not comply with the provisions of the regulation which permit a markup of the base price plus Appendix D equipment allowances by 25% or $100, whichever is higher; or

(*d*) Reconditioning and repairing facilities are beyond a reasonable distance from the dealer's place of delivery of used cars.

(3) *Request for review*—(i) *General.* Any person generally engaged in the business of selling used cars whose application for dealer authorization has been denied, or whose dealer authorization has been revoked, by an authorized District Director of a district office may file with that district office a request for review by the Regional Administrator for the region in which the district office is located. However, where an application for dealer authorization is denied in the first instance or a dealer authorization is revoked by an authorized Regional Administrator the request for review shall be filed with his regional office. The request for review shall be made on OPA Form 694-2050 set out in Appendix K, and shall be filed not later than 60 days after the date on which the order of denial or revocation was mailed. Requests for review shall be deemed filed on the date received by the district office. However, requests for review addressed to the appropriate district office bearing a postmark dated within 60 days after the date the order of denial or revocation was mailed which are received after the expiration of the 60 day period shall be considered filed within that period.

(ii) *Action on review.* After due consideration, the Regional Administrator shall grant or deny the application for dealer authorization or affirm or reverse the order of revocation issued by the District Director. However, where the authorized Regional Administrator denied the application for dealer authorization in the first instance or revoked the dealer authorization, the Administrator shall grant or deny the application for dealer authorization or affirm or reverse the order of revocation. The person whose application has been reviewed or the person who has had the revocation of his dealer authorization reviewed, shall be informed by order of the action taken.

[Subparagraph (1) and (11) amended by Am. 9, 10 F.R. 7930, effective 6-27-45]

(iii) *Maximum prices of applicant for dealer authorization or of person whose dealer authorization has been revoked*—(*a*) *Applicant for dealer authorization.* No applicant for dealer authorization shall charge prices higher than base prices determined in accordance with section 6 plus permissible equipment allowances in Appendix D unless he is specifically authorized by order to charge maximum warranted prices in section 5 for warranted used cars defined in section 7.

(*b*) *Person whose dealer authorization has been revoked.* No person whose dealer authorization has been revoked shall charge prices higher than base prices determined in accordance with section 6 plus permissible equipment allowances in Appendix D unless he is specifically authorized by order to resume charging warranted maximum prices in section 5 for warranted used cars defined in section 7.

[Headnote of subparagraph (b) amended by Am. 10, effective 9-20-45]

(4) *Protest of denial of application for dealer authorization or of revocation of dealer authorization.* When on request for review the Regional Administrator or the Administrator, whoever is applicable, issues an order denying an application for dealer authorization, or affirming a revocation of a dealer authorization, the applicant or the person whose dealer authorization has been revoked, whoever it may be, may file a protest against such order in accordance with the provisions of Revised Procedural Regulation No. 1.[9] There is no specific statutory limit of time within which protests must be filed. However, if the filing of a protest is unduly delayed, the defense of laches (unreasonable delay) may be available to the Administrator. Where an order is issued denying an application for dealer authorization or revoking a dealer authorization, ordinarily there will be no reason why a protest cannot be filed promptly after the order is issued. Accordingly, if a protest is filed more than 90 days after the issuance of the order, the Administrator will ordinarily regard the delay as unreasonable and dismiss the protest unless special circumstances are shown which justify the delay.

[Above paragraph amended by Am. 10, effective 9-20-45]

(5) *Revocation of authorizations to sell as dealers in effect prior to August 1, 1945.* Any and all authorizations to sell as dealers which were granted under section 15 (b) prior to its amendment by Amendment 7 either by the wording of that section alone or by its wording and a special authorization issued by the Office of Price Administration are revoked as of August 1, 1945.

[Paragraph (b) amended by Am. 5, 10 F.R. 1383, effective 3-1-45 and Am. 7, 10 F.R. 5037, effective 8-1-45 except as to the filing and processing of applications and the issuance of orders of authorization and denial it shall become effective June 27, 1945. Effective date provision of Am. 7 amended by Am. 9, 10 F.R. 7930, effective 6-27-45]

(c) "Sale" includes sales, dispositions, exchanges, and other transfers and contracts and offers to do any of the foregoing. It includes conditional sales and sales under rental contracts, lease agreements or other agreements. It also includes transfers by banks, finance companies, or other persons discounting promissory notes following the taking of possession by such persons upon default of the person making such promissory notes except as excluded by section 2 (d). The term "sale" does not refer to the adjustments of losses made in connection with settlements of claims under contracts of insurance against fire, theft, collision, other loss of property or other coverage, even though the right of subrogation may be involved, or to transfers to insurers in connection with adjustments of total losses under insurance contracts. The terms "sale", "seller", "selling", "purchase", "purchaser" and "purchasing" shall be construed accordingly.

[Paragraph (c) amended by Am. 5, 10 F.R. 1383, effective 3-1-45 and Am. 6, 10 F.R. 1911, effective 5-9-45]

(d) "War procurement agency" includes the War Department, the Department of the Navy, the United States Maritime Commission, the Lend-Lease Section of the Procurement Division of the Treasury Department, and the following subsidiaries of the Reconstruction Finance Corporation: Rubber Reserve Corporation, Metals Reserve Corporation, Defense Plant Corporation, and Defense Supplies Corporation, or any agency of any of the foregoing.

(e) "Reasonable value of a used car traded in on another used car," for the purposes of this regulation, means the amount determined by subtracting the charges for repairs and replacements at

[8] 8 F.R. 13240.

[9] 9 F.R. 10476, 13715.

retail under applicable maximum price regulations needed to place the car traded in in good operating condition as defined in section 7 (b) from the lower of the following figures:

(1) The applicable "as is" price permitted by the regulation; or

(2) The fair market value of the top grade used car of the same make, model, body type, passenger capacity and wheel base sold "as is" to a consumer by the class of seller to which the seller belongs.

[Paragraph (e) added by Am. 10, effective 9-20-45]

SEC. 16. *Petitions for amendment of general applicability.* Any person seeking a modification of any provision of this regulation may file a petition for amendment in accordance with the provisions of Revised Procedural Regulation No. 1 issued by the Office of Price Administration.

APPENDIX A—REGIONS FOR WHICH BASE PRICES ARE LISTED IN APPENDIX B AND STATES INCLUDED IN SUCH REGIONS

Region A: Alabama; Connecticut; Delaware; District of Columbia; Florida; Georgia; Illinois except Madison, St. Claire and Rock Island Counties; Indiana; Kentucky; Maine; Maryland; Massachusetts; Michigan; Mississippi; New Hampshire; New Jersey; New York; North Carolina; Ohio; Pennsylvania; Rhode Island; South Carolina; Tennessee; Vermont; Virginia; West Virginia; and Wisconsin except Douglas County.

Region B: Arkansas; Colorado; Madison, St. Claire and Rock Island Counties of Illinois; Iowa; Kansas; Louisiana; Minnesota; Missouri; Montana; Nebraska; New Mexico; North Dakota; Oklahoma; South Dakota; Texas; Douglas County of Wisconsin; and Wyoming.

Region C: Arizona; California; Idaho; Nevada; Oregon; Utah; and Washington.

[Appendix A amended by Am. 1, 9 F.R. 7871, effective 7-10-44; and Am. 5, 10 F.R. 1383, effective 3-1-45]

APPENDIX B—TABLE OF "BASE PRICES"—LIST OF ABBREVIATIONS

A/S—	Auxiliary seat
A/W—	All weather
Bus—	Business
Comb—	Combination
Comp—	Compartment
Cont—	Continental
Conv—	Convertible
Cur—	Curtain
Div—	Division
Dr—	Door
F/B—	Fast back
F/W—	Full-width rear seat
Holyd—	Hollywood
LeB—	LeBaron
N/C—	Noncollapsible
Nos—	Numbers
O/S—	Opera seats
P/Top—	Power top
Riv—	Riverside
R/S—	Rumble seat
S/C—	Semi-collapsible
SE—	Super equipped
S/L—	Streamlined
S/S—	Self shifter; slipstream
Tk—	Trunk
Tour—	Touring
2W. 5W—	2 window, 5 window
W/P—	With partition
Wilby—	Willoughby

(1) AMERICAN BANTAM

Model, serial No., body type, and passenger capacity	Base price in region A	B	C
1941—4—Series 65 super "4" serial Nos. continued thru from 1940:			
Standard Coupe—2	$379	$398	$418
Master Coupe—2	422	446	470
Conv. Coupe—2	499	523	552
Master Roadster—2	422	446	470
Conv. Sedan—4	518	547	576
Station Wagon	533	562	595
1940—4—Series 65, Serial Nos. 65-500 and up:			
Standard Coupe—2	307	341	374
Master Coupe—2	346	384	422
Conv. Coupe—2	408	451	494
Master Roadster—2	346	384	422
Conv. Sedan—4	422	470	514
Station Wagon	437	485	528
Conv. Coupe Holyd.—2	437	485	528
Speedster—4	446	494	538
Conv. Sedan Riv.—4			
1939—4—Series 62, Serial Nos. 62-001 to 63-666:			
Standard Roadster—2	283	322	360
Special Roadster—2	308	344	384
Deluxe Roadster—2	331	374	418
Standard Coupe—2	290	283	317
Special Coupe—2	274	312	350
Sunair Coupe—2	268	341	384
Deluxe Coupe—2	293	336	374
Speedster—4	312	355	398
Deluxe Speedster—4	346	394	437
Station Wagon	355	403	451
1938—4—Series 60, Serial Nos. 60-001 to 61-666:			
Special Roadster—2	226	274	317
Standard Roadster—2	240	293	336
Deluxe Roadster—2	264	317	370
Business Coupe—2	202	245	283
Standard Coupe—2	202	245	283
Master Coupe—2	221	269	307
Deluxe Coupe—2	235	283	331
Speedster—4	250	302	350
Station Wagon	283	340	398
1937—4—Series 575—Bantam: Serial Nos. R10000 and up: motor Nos. E21000and up:			
Roadster—2	182	226	264
Roadster Custom—2	211	259	307
Business Coupe—2	158	197	230
Standard Coupe—2	173	211	250
Deluxe Coupe	182	226	264

(2) BREWSTER CARS—ALL YEARS—ALL BODY TYPES

Ford—Chassis	$1,646	$2,016	$2,386
Packard—Chassis	1,987	2,434	2,880
Lincoln—Chassis	3,038	3,744	4,430
Cadillac—70—Chassis	2,679	3,280	3,881
Buick—80—Chassis	2,098	2,520	2,982

(3) BUICK

Model, serial No., body type, and passenger capacity	Base price in region A	B	C
1942—8—Series 40A—Special: Serial Nos. 14257442 to 14364444, 24273684 to 24313644, 34263684 to 34317140: Motor Nos. 4457941A to 4556999A:			
Utility Coupe—5—44	$1,061	$1,094	$1,133
Conv. Coupe F/W—6—44C	1,339	1,378	1,411
Business Sedanet—3—48	1,080	1,118	1,157
Family Sedanet—6—48	1,118	1,152	1,190
Tour. Sedan 4 Dr.—6—47	1,152	1,190	1,229
1942—8—Series 40B—Special: Serial Nos. 14257442 to 14364444, 24273684 to 24313644, 34263684 to 34317140: Motor Nos. 44579414 to 45566994:			
Business Sedanet—3—46	1,090	1,128	1,166
Family Sedanet—6—46S	1,147	1,186	1,224
SE Family Sedanet—6—46SE	1,205	1,243	1,282
Sedan, 4 Dr.—6—41	1,195	1,299	1,307
SE Sedan 4 Dr.—6—41SE	1,277	1,315	1,349
Estate Wagon—6—49	1,536	1,574	1,608
1942—8—Series 50—Super: Serial Nos. 14257442 to 14364444, 24273684 to 24313644, 34263684 to 34317140: Motor Nos. 5-4457941 to 5-4556999:			
Conv. Coupe F/W—6—56C	1,536	1,574	1,608
Sedanet F/W—6—56S	1,310	1,344	1,382
Tour. Sedan, 4 Dr.—6—51	1,358	1,397	1,435
1942—8—Series 60—Century: Serial Nos. 14257442 to 14364444, 24273684 to 24313644, 34263684 to 34317140: Motor Nos. 6-4457941 to 6-4556999:			
Sedanet F/W—6—66S	1,382	1,413	1,464
Sedan, 4 Dr.—6—61	1,430	1,460	1,507

(3) BUICK—continued

Model, serial No., body type, and passenger capacity	Base price in region A	B	C
1942—8—Series 70—Roadmaster: Serial Nos. 14257442 to 14364444, 24273684 to 24313644, 34263684 to 34317140: Motor Nos. 7-4457941 to 7-4556999:			
Conv. Coupe F/W—6—76C	$1,728	$1,762	$1,800
Sedanet F/W—6—76S	1,478	1,517	1,550
Tour. Sedan, 4 Dr.—6—71	1,550	1,589	1,622
1942—8—Series 90—Limited: Serial Nos. 14257442 to 14364444, 24273684 to 24313644, 34263684 to 34317140: Motor Nos. 94457941 to 9-4556999:			
Tour. Sedan, 4 Dr.—6—91	2,184	2,218	2,256
Tour. Sedan, 4 Dr. A/S—8—90	2,342	2,381	2,419
Formal Sedan—6—91F	2,270	2,309	2,342
Limousine A/S—8—90L	2,424	2,462	2,501
1941—8—Series 40A—Special: Serial Nos. 14034052 to 14257441, 23694170 to 24243877, 34007924 to 34253683: Motor Nos. A 4074859 to A 4457940:			
Business Coupe—3—44	917	970	1,018
Conv. Coupe F/W—6—41C	1,133	1,195	1,258
Sport Coupe F/W—6—44S	970	1,022	1,075
Tour. Sedan, 4 Dr.—6—47	1,013	1,066	1,121
1941—8—Series 40B—Special: Serial Nos. 13886012 to 14257441, 23892068 to 24243877, 33807008 to 34253683: Motor Nos. 44074859 to 4-4457940:			
Business Coupe—3—46	941	989	1,042
Sedanet F/W—6—46S	1,051	1,114	1,171
Sedanet F/W—6—46SE	1,042	1,099	1,157
Sedan, 4 Dr.—6—41	1,128	1,190	1,253
Sedan, 4 Dr.—6—41 SE	1,358	1,430	1,507
Estate Wagon—6—49			
1941—8—Series 50—Super: Serial Nos. 13886012 to 14257441, 23892068 to 24243877, 33807008 to 34253683: Motor Nos. 5-4074859 to 5-4457940:			
Conv. Sport Phaeton, 4 Dr.—6—51C	1,546	1,632	1,714
Business Coupe—3—56	1,013	1,066	1,123
Conv. Coupe F/W—6—56C	1,293	1,320	1,392
Sport Coupe F/W—6—56S	1,094	1,157	1,219
Tour. Sedan, 4 Dr.—6—51	1,166	1,234	1,299
1941—8—Series 60—Century: Serial Nos. 13886012 to 14257441, 23892068 to 24243877, 33807008 to 34253683: Motor Nos. 6-4074859 to 6-4457940:			
Business Coupe—3—66	1,187	1,243	1,310
Sedanet F/W—6—66S	1,224	1,296	1,364
Sedan, 4 Dr.—6—61	1,272	1,344	1,411
1941—8—Series 70—Roadmaster: Serial Nos. 13886012 to 14257441, 23892068 to 24243877, 33807008 to 34253683: Motor Nos. 74085000 to 7-4457940.			
Conv. Phaeton, 4 dr.—6—71C	1,757	1,853	1,949
Conv. Coupe F/W—6—76C	1,430	1,507	1,589
Sport Coupe F/W—6—76S	1,253	1,320	1,392
Tour. Sedan, 4 dr.—6—71	1,334	1,411	1,483
1941—8—Series 90—Limited: Serial Nos. 13886012 to 14257441, 23892068 to 24243877, 33807008 to 34253683: Motor Nos. 94085000 to 9-4457940:			
Tour. Sedan, 4 Dr.—6—91	2,141	2,261	2,376
Tour. Sedan, 4 Dr. A/S—8—90	2,352	2,482	2,611
Formal Sedan—6—91 F	2,299	2,424	2,554
Limousine A/S—8—90L	2,458	2,592	2,726
1940—8—Series 40—Special: Serial Nos. 13596807 to 13886011, 23601856 to 23871217, 33611856 to 33874783; motor Nos. 4-3786214 to 44074857:			
Conv. Sport Phaeton—5—41C	1,109	1,234	1,344
Business Coupe—2—46	734	816	888
Sport Coupe F/W—5—46S	773	859	936
Conv. Coupe F/W—5—46C	878	974	1,066
Tour. Sedan, tk, 2 Dr.—5—48	773	859	941
Tour. Sedan tk, 4 Dr.—6—41	811	902	984
1940—8—Series 50—Super: Serial Nos 13596807 to 13886011, 23601856 to 23871217, 33611856 to 33874783; motor Nos. 5-3786214 to 54074857:			
Conv. Sport Phaeton—5—51C	1,202	1,402	1,531
Sport Coupe F/W—5—56S	854	946	1,032
Conv. Coupe—5—56C	979	1,090	1,190
Tour. Sedan tk, 4 dr.—6—51	893	994	1,083
Estate Wagon—6—59	1,008	1,118	1,219
1940—8—Series 60—Century: Serial Nos. 13596807 to 13886011, 23601856 to 23871217, 33611856 to 33874783: Motor Nos. 6-3812000 to 64074858:			
Conv. Sport Phaeton Tk—5—61C	1,320	1,409	1,503
Business Coupe—2—66	912	1,013	1,104

(3) BUICK—continued

Model, serial No., body type, and passenger capacity	Base price in region A	B	C
1940—8—Series 60—Continued.			
Sport Coupe F/W—5—66S	$960	$1,056	$1,152
Conv. Coupe F/W—5—66C	1,050	1,214	1,325
Tour. Sedan Tk, 4 Dr.—5—61	979	1,090	1,190
1940—8—Series 70—Roadmaster: Serial Nos. 13596807 to 13886011, 23601856 to 23871217, 33611856 to 33874783; Motor Nos. 7-3812000 to 74074858:			
Conv. Sport Phaeton—5—71C	1,435	1,594	1,738
Sport Coupe F/W—6—76S	1,022	1,138	1,243
Conv. Coupe—5—76C	1,152	1,282	1,397
Tour. Sedan Tk, 4 Dr.—6—71	1,050	1,214	1,325
1940—8—Series 80—Limited: Serial Nos. 13596807 to 13886011, 23601856 to 23871217, 33611856 to 33874783; Motor Nos. 8-3812000 to 84074858:			
8 L Conv. Sport Phaeton—6—80C	1,789	1,766	1,925
Conv. Sport Phaeton Tk—6—80C			
Tour. Sedan tk, 4 Dr.—6—81	1,789	1,766	1,925
8 L Sport Sedan, 4 Dr.—6—87	1,253	1,392	1,522
Formal Sedan Tk—6—81F	1,397	1,555	1,699
8 L Formal Sedan—6—87F	1,397	1,555	1,699
1940—8—Series 90—Limited, Serial Nos. 13596807 to 13886011, 23601856 to 23871217, 33611856 to 33874783; Motor Nos. 9-3812000 to 94074858:			
Tour Sedan Tk, 4 Dr.—6—91	1,579	1,757	1,915
Tour Sedan Tk, 4 Dr. A/S—8—90	1,709	1,886	2,089
Limousine Tk A/S—8—90L	1,709	1,992	2,174
1939—8—Series 40—Special, Serial Nos. 13388547 to 13596866, 23586588 to 23892131, 33405088 to 33593652; motor Nos. 4-3575952 to 44780913:			
Conv. Sport Phaeton Tk—5—41C	931	1,061	1,196
Business Coupe—2—46	566	667	749
Sport Coupe—5—46S	624	710	797
Conv. Coupe—4—46C	710	811	907
Tour sedan Tk, 2 Dr.—5—48	629	715	802
Tour sedan Tk, 4 Dr.—5—41	653	744	835
1939—8—Series 60—Century: Serial Nos. 13388547 to 13596866, 23586588 to 23892131, 33405088 to 33593652; Motor Nos. 6-3575952 to 64780913:			
Conv. Sport Phaeton Tk—5—41C	931	1,061	1,196
Business Coupe—2—46	566	667	749
Sport Coupe—5—46S	624	710	797
Conv. Coupe—4—46C	710	811	907
Tour sedan Tk, 2 Dr.—5—48	629	715	802
Tour sedan Tk, 4 Dr.—5—41	653	744	835
1939—8—Series 70—Roadmaster, Serial Nos. 13388547 to 13596866, 23586588 to 23892131, 33405088 to 33593652; Motor Nos. 7-3575952 to 74780913:			
7 L Sport Phaeton, 4 Dr.—6—80C	1,310	1,493	1,675
Sport Phaeton, tk, 4 Dr.—6—80C			
Tour sedan tk, 4 Dr.—6—81	1,310	1,493	1,675
Sport Sedan—6—87	1,013	1,157	1,296
Formal sedan tk—6—81F	1,013	1,157	1,296
1939—8—Series 90—Limited, Serial Nos. 13388547 to 13596866, 23586588 to 23892131, 33405088 to 33593652; motor Nos. 9-3575952 to 94780913:	1,162	1,320	1,483
Tour Sedan Tk, 4 Dr.—6—91	1,368	1,535	1,747
Tour sedan tk A/S—8—90L	1,555	1,771	1,982
Limousine Tk A/S—8—90L	1,622	1,848	2,074
1938—8—Series 40-Special Serial Nos. 13218848 to 13388546, 23285767 to 23586843, 33245765 to 33376283: Motor Nos. 4-3376284 to 44572951			
Conv. Phaeton—7—40C	749	907	1,046
Business Coupe—2—46	499	605	696
Sport Coupe O/S—4—46S	533	636	739
Conv. Coupe—4—46C	680	796	821
Sport Sedan Tk, 2 Dr.—5—44	518	629	725
Tour Sedan Tk, 2 Dr.—5—45	533	647	744
8 L Sport Sedan, 4 Dr.—5—47	742	653	758
Tour Sedan Tk, 4 Dr.—5—41	557	672	778
1938—8—Series 60—Century: Serial Nos. 13218848 to 13388546, 23285767 to 23586843, 33245765 to 33376283; Motor Nos. 6-3376284 to 64572951:			
Conv. Phaeton—5—60C	912	1,099	1,272
Sport Coupe O/S—4—66S	648	782	902
Conv. Coupe—4—60C	720	869	1,003
Tour sedan Tk, 2 Dr.—5—68	662	802	926
Sport Sedan, 4 Dr.—5—67	672	811	941
Tour. Sedan Tk, 4 Dr.—5—61	680	830	960

(3) BUICK—continued

Model, serial No., body type, and passenger capacity	Base price in region A	B	C
1938—8—Series 80—Roadmaster, Serial Nos. 13218848 to 13388546, 23285767 to 23586843, 33245765 to 33376283; Motor Nos. 83366937 to 83572951:			
Conv. Phaeton Tk—6—80C	$1,095	$1,277	$1,477
Tour. Sedan Tk, 4 Dr.—6—81	874	1,056	1,219
S/L Sport Sedan—6—87	874	1,056	1,219
Formal Sedan—6—81F	956	1,128	1,306
1938—8—Series 90—Limited: Serial Nos. 13218848 to 13388546, 23285767 to 23586843, 33245765 to 33572951; Motor Nos. 93366937 to 93572951:			
Tour. Sedan Tk 4 Dr.—6—91	1,157	1,397	1,618
Tour. Sedan Tk A/S—8—90	1,293	1,542	1,747
Limousine Tk A/S—8—90L	1,506	1,579	1,824
1937—8—Series 40—Special: Serial Nos. 2596467 to 3219847; Motor Nos. 4-3146225 to 43396936:			
Conv. Phaeton—5—40C	598	662	782
Business Coupe—2—46	360	442	523
Sport Coupe O/S—4—46S	389	473	566
Conv. Coupe R/S—4—46C	427	527	639
Sedan, 2 Dr.—5—44	384	470	565
Tour. Sedan Tk, 2 Dr.—5—48	394	485	573
Sedan, 4 Dr.—5—47	398	490	576
Tour. Sedan Tk, 4 Dr.—5—41	413	504	595
1937—8—Series 60—Century: Serial Nos. 2596467 to 3219847; Motor Nos. 6-3176225 to 6-3396936:			
Conv. Phaeton—5—60C	674	778	922
Sport Coupe O/S—4—66S	480	586	686
Conv. Coupe R/S—4—66C	578	654	749
Sedan, 2 Dr.—5—64	470	576	682
Tour. Sedan Tk, 2 Dr.—5—68	585	680	701
Sedan, 4 Dr.—5—67	490	600	706
Tour. Sedan Tk, 4 Dr.—5—61	499	614	725
1937—8—Series 80—Roadmaster, Serial Nos. 2596467 to 3219847; Motor Nos. 8-3176225 to 83396936:			
Conv. Phaeton Tk—6—80C	739	902	1,070
Tour. Sedan Tk, 4 Dr.—6—81	600	734	870
Formal Sedan—6—81F	658	806	950
1937—8—Series 90—Limited, Serial Nos. 2596467 to 3219847; Motor Nos. 9-3176225 to 93396936:			
Tour. Sedan Tk, 4 Dr. F/W—6—91	811	994	1,176
Tour. Formal Sedan Tk, 4 Dr. F/W—6—91F	893	1,094	1,291
Tour. Sedan Tk, F/W—8—90	893	1,094	1,291
Tour. Limousine Tk, F/W—8—90L	941	1,152	1,363

(4) CADILLAC

Model, serial No., body type, and passenger capacity	Base price in region A	B	C
1942—8—Series 61; Serial Nos. 5380001 to 5385237, 5386001 to 5386540:			
Club Coupe—5—6107	$1,502	$1,556	$1,574
Sedan, 4 Dr.—5—6109	1,571	1,613	1,646
1942—8—Series 62; Serial Nos. 8380001 to 8384401, 8386001 to 8386540:			
Club Coupe—5—6207	1,384	1,622	1,661
Deluxe Club Coupe—5—6207D	1,651	1,690	1,723
Sedan, 4 Dr.—5—6209	1,651	1,690	1,723
Deluxe Sedan, 4 Dr.—5—6209D	1,714	1,747	1,786
Club Conv. Coupe—5—6267D	1,863	1,895	1,925
1942—8—Series 63; Serial Nos. 7380001 to 7381560, 7389001 to 7389250:			
Sedan, 4 Dr.—5—6319	1,742	1,781	1,819
1942—8—Series 60 Special—Fleetwood; Serial Nos. 6380001 to 6386375:			
Sedan, 4 Dr.—5—6069	2,064	2,102	2,141
Sedan (Div.) 4 dr.—5—6069F	2,270	2,304	2,342
1942—8—Series 67; Serial Nos. 9380001 to 9380920, 9386001 to 9386180:			
Sedan—5—6719	2,496	2,534	2,568
Sedan (Div.)—5—6719F	2,696	2,645	2,683
Sedan—7—6723	2,696	2,645	2,683
Imperial Sedan—7—6733	2,726	2,765	2,803
1942—8—Series 75—Fleetwood; Serial Nos. 3380001 to 3381200, 3386001 to 3386327:			
Sedan—5—7519	2,794	2,832	2,870
Sedan (Div.)—5—7519F	2,909	2,947	2,986
Business Sedan—9—7523L	2,678	2,717	2,755
Imperial Business Sedan—9—7533L	2,794	2,832	2,870
Sedan—7—7523	2,909	2,947	2,986
Imperial Sedan—7—7533	3,024	3,062	3,101
Formal Sedan—5—7559	3,562	3,600	3,638
Formal Sedan—7—7533F	3,677	3,716	3,754

(4) CADILLAC—continued

Model, serial No., body type, and passenger capacity	Base price in region A	B	C
1941—V8—Series 62; Serial Nos. 8340001 to 8364734			
Coupe—4—6227	$1,411	$1,488	$1,565
Deluxe Coupe—2—4—6227D	1,498	1,579	1,661
Deluxe Conv. Coupe—2—4—6267D	1,642	1,728	1,819
Tour. Sedan—5—6219	1,483	1,563	1,645
Deluxe Tour. Sedan—5—6219D	1,574	1,666	1,752
Deluxe Conv. Sedan—5—6259D	1,903	2,074	2,179
1941—V8—Series 61; Serial Nos. 7340001 to 7356258:			
Coupe—5—6127	1,321	1,411	1,484
Deluxe Coupe—5—6127D	1,430	1,507	1,589
Tour. Sedan—5—6119	1,435	1,517	1,594
Deluxe Tour. Sedan—5—6119D	1,551	1,585	1,669
1941—V8—Series 63; Serial Nos. 7340000 to 7345050:			
Tour. Sedan—5—6319	1,680	1,776	1,867
1941—V8—Series 60 Special-Fleetwood; Serial Nos. 6340001 to 6344410:			
Tour. Sedan—5—6019	2,184	2,401	2,421
Tour. Sedan (Div.)—6019F	2,342	2,467	2,507
1941—V8—67; Serial Nos. 9340001 to 9340922:			
Tour. Sedan—5—6719	2,587	2,731	2,870
Tour. Sedan (Div.)—5—6719F	2,746	2,854	3,041
Tour. Sedan—7—6723	2,791	2,885	3,034
Tour. Imperial Sedan—7—6733	2,840	3,048	3,206
1941—V8—Series 75—Fleetwood; Serial Nos. 3340001 to 3342104:			
Tour. Sedan—5—7519	2,980	3,174	3,347
Tour. Sedan (Div.)—5—7519F	3,144	3,322	3,494
Business Sedan—9—7523L	2,887	3,043	3,202
Business Imperial Sedan—9—7533L	3,043	3,211	3,374
Tour. Sedan—7—7523	3,134	3,305	3,483
Tour. Imperial Sedan—7—7533	3,293	3,475	3,178
Formal sedan—5—7559	3,501	4,107	4,303
Formal Sedan—7—7533F	4,056	4,282	4,502
1940—V8—Series 60S; Serial Nos. 6320001 to 6324000			
Tour. Sedan, 4 Dr.—5—6019S	1,709	1,896	2,089
Tour. Sedan (Div.)—5—6019F			
Town Car—5—6033MB	1,824	2,000	2,218
Town Car—5—6033LB	2,004	3,182	3,470
1940—V8—Series 62, Serial Nos. 8320001 to 8325640	3,163	3,348	3,840
Coupe—2—4—6227	1,373	1,526	1,666
Conv. Coupe—2—4—6267	1,503	1,642	1,781
Tour. Sedan, 4 Dr.—5—6219	1,426	1,584	1,728
Conv. Sedan Tk—5—6259	1,800	2,002	2,184
1940—V8—Series 72—Fleetwood; Serial Nos. 7320001 to 7321925:			
Tour. Sedan, 4 Dr.—5—7219	2,184	2,429	2,650
Tour. Sedan (Div.)—5—7219F	2,346	2,496	2,722
Tour. Sedan—7—7223	2,280	2,534	2,764
Tour. Imperial Sedan—7—7233	2,490	2,659	2,899
Tour. Sedan—9—7253L	2,393	2,448	2,671
Tour. Imperial Sedan—9—7243L	2,514	2,573	2,808
Formal Sedan—5—7259	3,043	3,384	3,691
Formal Sedan—7—7233F	3,043	3,384	3,691
1940—V8—Series 75—Fleetwood; Serial Nos. 3320001 to 3320656			
Coupe—2—4—7557	2,488	2,650	3,261
Coupe—5—7557B	2,774	3,086	3,365
Conv. Coupe—2—4—7567	2,774	3,086	3,365
Tour. Sedan—5—7519	2,448	2,729	2,951
Tour. Sedan (Div.)—7—7519F	2,887	2,870	3,129
Town Sedan Tk—5—7539	2,980	3,032	3,624
Conv. Sedan Tk—5—7529	3,245	3,610	3,999
Formal Sedan Tk—7—7559	3,388	3,648	4,089
Formal Sedan Tk—7—7559F	3,388	3,648	4,089
Tour. Sedan—7—7523	2,630	2,923	3,192
Tour. Imperial Sedan—7—7533	2,757	3,067	3,345
Town Car Tk—7—7553	4,229	4,704	5,144
1940—V16—Serial No. Series 90; Serial Nos. 5320001 to 5320063:			
Coupe—2—4—6057	4,597	4,804	5,338
Conv. Coupe—2—4—6067	4,483	4,987	5,438
Coupe—5—6057B	4,483	4,987	5,438
Tour. Sedan—5—6019	4,294	4,769	5,193
Tour. Sedan (Div.)—5—6019F	4,294	4,769	5,193
Town Sedan Tk—5—6039	4,686	4,776	5,241
Tour. Sedan—7—6023	4,569	5,122	5,608
Tour. Imperial Sedan—7—6033	4,464	4,968	5,419
Formal Sedan Tk—5—6059	4,597	5,108	6,002
Formal Sedan Tk—7—6059L	4,597	5,108	6,002
Town Car Tk—7—6053	5,958	6,605	7,203
Conv. Sedan Tk—5—6029	4,964	5,510	6,010
1939—V8—Series 61; Serial Nos. 8290001 to 8295904			
Coupe O/S—2—4—6127	1,004	1,205	1,344
Conv. Coupe O/S—2—4—6167	1,165	1,370	1,488
Tour. Sedan—5—6119	1,104	1,258	1,341
Conv. Sedan Tk—5—6129	1,440	1,642	1,848
Tour. Sedan (Div.)—5—6119F	1,234	1,402	1,771
Tour. Sedan, 2 Dr.—5—6111	1,228	1,042	1,668
1939—V8—Series 60S; Serial Nos. 6290001 to 6295513:			
Tour. Sedan—5—6019	1,382	1,574	1,762

(4) CADILLAC—continued

Model, serial No., body type, and passenger capacity	Base price in region A	B	C
1939—V8—Serial 75—Fleetwood: Serial Nos. 3290001 to 3292069:			
Coupe—2-4—7557	$2,174	$2,477	$2,779
Coupe—7—7557H	2,246	2,558	2,866
Conv. Coupe—2—4—7567	2,246	2,558	2,866
Tour. Sedan—5—7519	1,982	2,256	2,534
Tour. Sedan (Div.)—5—7519F	2,093	2,386	2,674
Town Sedan Tk—5—7539	2,419	2,755	3,089
Conv. Sedan Tk—5—7529	2,626	2,990	3,355
Formal Sedan Tk—5—7559	2,659	3,029	3,398
Formal Sedan Tk—7—7533F	2,659	3,029	3,398
Tour. Sedan—7—7521	2,126	2,424	2,717
Tour Imperial Sedan—7—7533	2,202	2,539	2,851
Business Tour Sedan—7—7521L	2,099	2,342	2,630
Tour Imperial Sedan—8—7533L	2,160	2,462	2,760
Town Car Tk—7—7553	3,418	3,893	4,368
1939—V16—Series 90—Fleetwood: Serial Nos. 3290001 to 3290138			
Coupe—2-4—5057	3,557	4,051	4,546
Conv. Coupe—2-4—5067	3,629	4,133	4,632
Coupe—7—5057H	3,629	4,133	4,632
Tour. Sedan—5—5019	3,322	3,803	4,373
Town Sedan Tk—5—5039	3,802	4,330	4,851
Conv. Sedan Tk—5—5029	4,038	4,595	5,122
Tour. Sedan (Div.)—5—5019F	3,475	3,960	4,440
Tour. Sedan—7—5023	3,509	3,995	4,483
Tour. Imperial Sedan—7—5033	3,614	4,114	4,618
Formal Sedan Tk—5—5059	4,042	4,603	5,165
Formal Sedan Tk—7—5033F	4,042	4,603	5,165
Town Car Tk—7—5053	4,899	5,467	6,134
1938—V8—Series 60; Serial Nos. 8270001 to 8273062			
Coupe O/S—2—6127	902	1,060	1,238
Conv. Coupe R/S—2—6167	985	1,166	1,349
Tour. Sedan—5—6119	998	1,142	1,329
Conv. Sedan—5—6179	1,186	1,430	1,656
1938—V8—Series 60—Special; Serial Nos. 6270001 to 6273704			
Tour. Sedan—7—6019S	1,114	1,344	1,555
1938—V8—Series 65; Serial Nos. 7270001 to 7274476:			
Tour. Sedan—5—6519	1,219	1,469	1,699
Tour. Sedan (Div.)—5—6519F	1,258	1,517	1,757
Conv. Sedan—5—6549	1,392	1,680	1,944
1938—V8—Series 75—Fleetwood: Serial Nos. 3270001 to 3271911:			
Coupe—2—7557	1,752	2,117	2,448
Coupe—7—7557H	1,810	2,184	2,525
Conv. Coupe O/S—2-4—7567	1,810	2,184	2,525
Tour. Sedan—5—7519	1,646	1,982	2,294
Tour. Sedan (Div.)—5—7519F	1,685	2,035	2,352
Town Sedan—5—7539	1,949	2,332	2,722
Conv. Sedan Tk—5—7529	2,117	2,554	2,952
Formal Sedan—5—7559	2,144	2,587	2,990
Formal Sedan—7—7533F	2,144	2,587	2,990
Tour. Sedan—7—7521	1,714	2,069	2,395
Tour Imperial Sedan—7—7533	1,800	2,170	2,510
Tour. Sedan—8—7523L	1,661	2,002	2,314
Tour. Imperial Sedan—8—7533L	1,742	2,102	2,434
Town Car—7—7553	2,755	3,326	3,845
1938—V16—Series 90—Fleetwood, Serial Nos. 3270001 to 3270315:			
Coupe—2—5057	2,866	3,461	4,003
Conv. Coupe—2—5067	2,923	3,528	4,080
Coupe—5—5057H	2,923	3,528	4,080
Tour. Sedan—5—6019	2,760	3,326	3,850
Town Sedan—5—6039	3,062	3,696	4,277
Conv. Sedan Tk—5—6029	3,220	3,868	4,507
Tour. Sedan (Div.)—5—6019F	2,798	3,379	3,907
Tour. Sedan—7—6023	2,827	3,413	3,959
Tour. Imperial Sedan—7—6033	2,914	3,514	4,066
Formal Sedan—5—6059	3,254	3,931	4,546
Formal Sedan Tk—7—6033F	3,254	3,931	4,546
Town Car—7—6053	3,869	4,670	5,401
1937—V8—Series 60; Serial Nos. 6670001 to 6675003:			
Coupe—2—6027	682	835	989
Conv. Coupe—2—6067	744	907	1,075
Tour. Sedan—5—6019	730	893	1,056
Conv. Sedan—5—6049	888	1,090	1,296
Tour. Coupe, 2 Dr.—5—6011	864	1,056	1,248
1937—V8—Series 65; Serial Nos. 7370001 to 7382401:			
Tour. Sedan—5—6519	917	1,123	1,330
1937—V8—Series 70—Fleetwood, Serial Nos. 3130001 to 3134232:			
Sport Coupe—2—7057	1,248	1,526	1,805
Conv. Coupe—2—7067	1,291	1,584	1,872
Tour. Sedan—5—7019	1,152	1,411	1,670
Conv. Sedan—5—7029	1,315	1,613	1,906
Tour. Coupe, 2 dr.—5—7011	1,670	2,045	2,419
1937—V8—Series 75—Fleetwood: Serial Nos. 3130001 to 3134232:			
Tour. Sedan—5—7519	1,248	1,526	1,805
Town Sedan—5—7539	1,483	1,814	2,146
Conv. Sedan—5—7529	1,622	1,987	2,352
Formal Sedan—5—7559 F	1,646	2,016	2,386
Special Tour. Sedan—7—7523S	1,152	1,411	1,670
Special Tour. Imperial Sedan—7—7533S	1,248	1,526	1,805
Tour. Sedan—7—7523	1,315	1,613	1,906
Tour. Imperial Sedan—7—7533	1,411	1,728	2,045
Business Tour. Sedan—8—7529SL	1,214	1,483	1,757

(4) CADILLAC—continued

Model, serial No., body type, and passenger capacity	Base price in region A	B	C
1937—V8—Series 75—Con. Business Imperial Tour. Sedan—8—7733 SL	$1,306	$1,598	$1,891
Town Car—7—7543	2,141	2,621	3,101
Sedan—5—7509	1,248	1,526	1,805
1937—V12—Series 85—Fleetwood: Serial Nos. 4130001 to 4130478:			
Tour. Sedan—5—8519	1,574	1,930	2,280
Town Sedan—5—8539	1,810	2,218	2,621
Conv. Sedan—5—8529	1,054	2,300	2,827
Formal Sedan—5—8509 F	1,944	2,300	2,827
Town Sedan—7—8523	1,606	2,016	2,386
Tour. Imperial Sedan—7—8533	1,742	2,131	2,520
Town Car—7—8543	2,467	3,024	3,576
Imperial Sedan—7—8513	1,776	2,174	2,573
1937—V16—Series 60—Fleetwood; Serial Nos. 5130301 to 5130350:			
Coupe—2—5757	3,235	3,960	4,685
Conv. Coupe—2—5809	3,435	4,202	5,045
Town Sedan—5—5853S	3,413	3,176	4,944
Conv. Sedan—5—5880	3,696	4,522	5,352
Sedan—7—5876S	3,461	4,234	5,011
Limousine—7—5875	3,552	4,349	5,150
Town Cabriolet—7—5825	3,696	4,517	5,342
Limousine Brougham—7—5891	3,826	4,689	5,539

(5) CHEVROLET

Model, serial No., body type, and passenger capacity	Base price in region A	B	C
1942—6—Series BG—Styledmaster: Serial Nos. BG-1001 to 13210: Motor Nos. 2AA-1001 and up, HA-1001 and up, 2AC-1001 and up:			
Coupe—2	$821	$849	$898
Conv.—5	854	888	926
Town Sedan, 2 Dr.—6	861	902	936
Sport Sedan, 4 Dr.—6	907	941	979
1942—6—Series BH—Fleetmaster: Serial Nos. BH-1001 to 27350: Motor Nos. 2AA-1001 and up, HA-1001 and up, 2AC-1001 and up:			
Coupe—2	878	917	950
Conv.—5	912	946	984
Cabriolet—5	1,152	1,190	1,224
Town Sedan, 2 Dr.—5	922	955	994
Sport Sedan, 4 Dr.—6	960	998	1,037
Station Wagon—8	1,166	1,205	1,243
Fleetline Aero Sedan—6	946	984	1,018
Sportmaster—6	989	1,022	1,061
1941—6—Series AG—Master Deluxe, Serial Nos. AG—1001 to 62708; Motor Nos. AA—1001 to 1163720, AC—1001 to 1954450:			
Business Coupe—2	730	768	806
Coupe—5	788	802	845
Town Sedan, 2 Dr.—5	773	811	854
Sport Sedan, 4 Dr.—5	816	859	898
1941—6—Series AH—Special Deluxe; Serial Nos. AH—1001 to 92574; Motor Nos. AA—1001 to 1163729; AC—1001 to 1954459:			
Business Coupe—2	787	830	869
Coupe—5	821	864	912
Cabriolet—5	974	1,027	1,080
Town Sedan, 2 Dr.—5	830	874	922
Sport Sedan, 4 Dr.—5	874	922	970
Fleetline Sedan, 4 Dr.—5	898	946	994
Station Wagon—8	1,022	1,080	1,133
1940—6 Series KB-85—Master; Serial Nos. KB-1001 to 29846, Motor Nos. 2697268 to 3665962; B-105462 to 221935:			
Business Coupe—2	552	610	662
Town Sedan Tk, 2 Dr.—5	590	653	710
Sport Sedan Tk, 4 Dr.—5	624	696	754
Station Wagon—8	768	850	922
1940—6—Series KH—Master Deluxe; Serial Nos. KH-1001 to 37644; Motor Nos. 2697268 to 3665962, B-105462 to 221935:			
Business Coupe—2	576	638	696
Town Sedan Tk, 2 Dr.—5	610	677	734
Sport Sedan Tk, 4 Dr.—5	648	720	782
Sport Coupe F/W—4	605	672	730
1940—6—Series KA—Special Deluxe, serial Nos. KA-1001 to 72869, 2697268 to 3665962, B-105462 to 221935:			
Business Coupe—2	605	667	725
Sport Coupe F/W—4	634	701	768
Conv. Cabriolet F/W—4	763	850	922
Town Sedan Tk, 2 Dr.—5	643	715	778
Sport Sedan Tk, 4 Dr.—5	677	754	821
Station Wagon—8	792	878	960
1939—6—Series JB-85—Master; Serial Nos. JB-1001 to 33221; Motor Nos. 1915447 to 2697267, B-10503 to 105461:			
Coupe—2	432	490	547
Coneh—6	451	514	576

(5) CHEVROLET—continued

Model, serial No., body type, and passenger capacity	Base price in region A	B	C
1939—6—Series JB-85—Con. Town Sedan Tk, 2 Dr.—5	$461	$523	$580
Sedan, 4 Dr.—5	480	547	611
Sport Sedan Tk, 4 Dr.—5	499	557	621
Station Wagon—8	586	662	740
1939—6—Series JA—Master Deluxe; Serial Nos. JA-1001 to 58510; motor Nos. 1915447 to 2697267, B-10503 to 105461.			
Business Coupe—2	480	542	610
Sport Coupe—4	504	571	638
Coneh—5	494	562	624
Town Sedan Tk, 2 Dr.—5	509	581	650
Sedan, 4 Dr.—5	523	595	667
Station Wagon—8	648	734	824
Conv. Coupe—6	542	614	686
Coupe—3	1,493	1,581	1,668
1938—6—Series HH—Master; Serial Nos. HH-1001 and up; Motor Nos. 1187822 to 1915446, B-1 to 10502:			
Coupe—2	350	418	485
Cabriolet—4	408	494	566
Coneh—5	360	437	501
Town Sedan Tk, 2 Dr.—5	374	451	518
Sport Sedan Tk—5	408	490	562
Sedan, 4 Dr.—5	394	475	547
1938—6—Series HA—Master Deluxe; Serial Nos. HA-1001 and up; Motor Nos. 1187822 to 1915446, B-1 to 10502:			
Coupe—2	389	470	542
Sport Coupe—4	408	494	571
Coneh—5	394	475	552
Town Sedan Tk, 2 Dr.—5	413	499	576
Sedan, 4 Dr.—5	432	518	600
Sport Sedan Tk—5	437	528	610
1937—6—Series GA—Master; Serial Nos. GH-1001 and up; Motor Nos. 1 to 1187821:			
Coupe—2	254	312	365
Cabriolet—2-4	293	365	427
Coneh—5	259	317	370
Town Sedan Tk, 2 Dr.—5	269	331	389
Sedan 4 Dr.—5	288	350	413
Sport Sedan Tk—5	298	365	427
1937—6—Series GA—Master Deluxe, Serial Nos. GA-1001 and up Motor Nos. 1 to 1187821:			
Coupe—2	283	341	403
Sport Coupe—2-4	298	360	427
Coneh—5	288	355	422
Town Sedan Tk, 2 Dr.—5	302	370	442
Sedan, 4 Dr.—5	317	394	466
Sport Sedan Tk—5	326	388	470

(6) CHRYSLER

Model, serial No., body type, and passenger capacity	Base price in region A	B	C
1942—6—Series C34—Royal; Serial Nos. 70001001 to 70010179; Motor Nos. C34-1001 to 23920			
Coupe—3	$1,142	$1,181	$1,219
Club Coupe—6	1,238	1,277	1,315
Brougham—6	1,224	1,262	1,300
Sedan—6	1,248	1,286	1,325
Town Sedan—6	1,206	1,330	1,368
Sedan—8	1,608	1,646	1,685
Limousine—8	1,666	1,704	1,738
1942—6—Series C34—Serial Nos. 70501001 to 70514481; Motor Nos. C34-1001 to 23922:			
Windsor.			
Coupe—3	1,210	1,248	1,286
Club Coupe—6	1,301	1,339	1,378
Conv. Coupe—6	1,492	1,536	1,574
Brougham—6	1,296	1,330	1,368
Sedan—6	1,330	1,368	1,402
Town Sedan—6	1,373	1,406	1,445
Town and Country Sedan—6	1,656	1,694	1,733
Town and Country Sedan—9	1,728	1,766	1,805
Sedan—8	1,666	1,704	1,738
Limousine—8	1,728	1,766	1,805
Highlander.			
Sedan-4 Dr.—6	1,358	1,397	1,430
Sedan-2 Dr.—6	1,325	1,358	1,397
Town Sedan—6	1,402	1,435	1,474
Sedan—7	1,660	1,728	1,762
Limousine—8	1,757	1,790	1,829
Club Coupe—6	1,330	1,368	1,406
Conv. Coupe—6	1,526	1,565	1,603
Coupe—3	1,228	1,277	1,315
Town and Country Sedan—6	1,680	1,718	1,757
Town and Country Sedan—9	1,757	1,790	1,829
1942—8—Series C36—Saratoga; Serial Nos. 6762501 to 7640094; Motor Nos. C36-1001 to 13316			
Coupe—3	1,402	1,440	1,474
Club Coupe—6	1,459	1,493	1,536
Brougham—6	1,445	1,478	1,526
Sedan—6	1,483	1,522	1,560
Town Sedan—6	1,531	1,570	1,608

(6) CHRYSLER—continued

Model, serial No., body type, and passenger capacity	Base price in region A	B	C
1942—8—Series C36—Serial Nos. 6674201 to 6684754, Motor Nos. C36-1001 to 13526: New Yorker.			
Coupe—3	$1,464	$1,502	$1,536
Club Coupe—6	1,531	1,570	1,603
Conv. Coupe—6	1,694	1,728	1,766
Brougham—6	1,522	1,555	1,594
Sedan—6	1,555	1,594	1,632
Town Sedan—6	1,598	1,632	1,670
Highlander.			
Sedan—4 Dr.—6	1,584	1,622	1,661
Sedan—2 Dr.—6	1,550	1,584	1,622
Town Sedan—6	1,622	1,656	1,694
Club Coupe—6	1,560	1,594	1,632
Conv. Coupe—6	1,718	1,752	1,790
Coupe—3	1,493	1,581	1,668
1942—8—Series C37—Crown Imperial; Serial Nos. 7808401 to 7808844; Motor Nos. C37-1001 to 1417.			
Sedan—6	2,640	2,674	2,712
Sedan—8	2,722	2,755	2,794
Limousine—8	2,842	2,880	2,914
1941—6—Series C28—Royal; Serial Nos. 6757501 to 7736429; Motor Nos. C28-1001 to 1357725:			
Coupe—3	965	1,018	1,070
Club Coupe—6	1,061	1,118	1,181
Luxury Brougham—6	1,042	1,099	1,157
Town Sedan—6	1,070	1,133	1,190
Sedan—6	1,133	1,195	1,258
Sedan—8	1,354	1,426	1,502
Limousine—8	1,430	1,507	1,584
1941—6—Series C28—Windsor; Serial Nos. 7301001 to 7357099; Motor Nos. C28-1001 to 1357725:			
Coupe—3	1,018	1,075	1,128
Club Coupe—6	1,118	1,181	1,243
Conv. Coupe—6	1,301	1,373	1,445
Luxury Brougham—6	1,094	1,157	1,219
Sedan, 4 Dr.—6	1,147	1,210	1,272
Town Sedan—6	1,200	1,267	1,330
Town and Country Sedan—6	1,426	1,502	1,579
Town and Country Sedan—9	1,502	1,589	1,670
Sedan—8	1,421	1,502	1,579
Limousine—8	1,498	1,584	1,666
1941—6—Series C28—Highlander; Coupe—3	1,042	1,099	1,157
Conv. Coupe	1,325	1,397	1,474
Club Coupe	1,142	1,205	1,267
Sedan, 2 Dr.	1,123	1,186	1,243
Sedan, 4 Dr.	1,171	1,238	1,301
Sedan—7	1,450	1,526	1,608
Limousine	1,526	1,608	1,694
Town Sedan	1,224	1,291	1,358
1941—8—Series C30—Saratoga; Serial Nos. 676501 to 6762251, Motor Nos. C30-1001 to 25734:			
Coupe—3	1,219	1,286	1,354
Club Coupe—6	1,291	1,363	1,435
Luxury Brougham—6	1,272	1,344	1,411
Sedan—6	1,306	1,378	1,445
Town Sedan—6	1,354	1,430	1,502
1941—8—Series C30—New Yorker; Serial Nos. 6624101 to 6642655; Motor Nos. C30-1001 to 25734:			
Coupe—3	1,301	1,373	1,445
Club Coupe—6	1,363	1,435	1,512
Conv. Coupe—6	1,526	1,608	1,694
Luxury Brougham—6	1,354	1,426	1,502
Sedan—6	1,373	1,445	1,522
Town Sedan—6	1,402	1,478	1,555
1941—8—Series C39—Highlander. Coupe—3	1,325	1,397	1,474
Conv. Coupe	1,550	1,637	1,718
Club Coupe	1,387	1,464	1,541
Sedan, 2 Dr.	1,378	1,454	1,526
Sedan, 4 Dr.	1,397	1,474	1,550
Town Sedan	1,426	1,507	1,584
1941—8—Series C30—Crown Imperial; Serial Nos. 6624101 to 6642655; Motor Nos. C33—1001—1735:			
Special Town Sedan 6	1,661	1,752	1,843
1941—8—Series C33—Crown Imperial; Serial Nos. 7867501 to 7898214; Motor Nos. C33—1001 to 1735:			
Sedan—6	2,443	2,578	2,712
Sedan—8	2,580	2,678	2,818
Limousine—8	2,635	2,779	2,923
1940—6—Series C25—Royal; Serial Nos. 7626001 to 7657487; Motor Nos. C25—1001 to 78447:			
Coupe—3	730	806	883
Coupe—6	782	869	946
Victoria Sedan—6	782	869	946
Sedan—6	811	902	984
Sedan—8	1,003	1,118	1,219
Limousine—8	1,066	1,189	1,291

(6) CHRYSLER—continued

Model, serial No., body type, and passenger capacity	Base price in region A	B	C
1940—6—Series—Windsor; Serial Nos. 6955201 to 6663727; Motor Nos. C25—1001 to 72607:			
Coupe—3	$763	$845	$922
Coupe—6	811	898	970
Conv. Coupe—6	946	1,051	1,142
Victoria Sedan, 2 Dr.—6	811	898	970
Sedan, 4 Dr.—6	835	926	1,013
Sedan—8	1,037	1,152	1,258
Limousine—8	1,099	1,219	1,330
1940—6—Series C25—Highlander: Coupe—6	880	922	1,008
Conv. Coupe—6	965	1,070	1,166
Sedan, 4 Dr.	864	960	1,046
1940—8—Series C26—Traveler; Serial Nos. 6758101 to 6764117; Motor Nos. C26—1001 to 18753:			
Coupe—3	893	989	1,080
Coupe—6	996	1,042	1,133
Victoria Sedan—6	936	1,042	1,133
Sedan—6	960	1,066	1,166
1940—8—Series C26—New Yorker; Serial Nos. 6613401 to 6624067, Motor Nos. C26—1001 to 18761:			
Coupe—3	955	1,061	1,157
Coupe—6	1,003	1,114	1,214
Conv. Coupe—6	1,118	1,243	1,354
Victoria Sedan—6	1,003	1,114	1,214
Sedan—6	1,027	1,138	1,243
Special Formal Sedan—6	1,085	1,210	1,315
1940—8—Series C26—Highlander: Coupe—6	1,022	1,133	1,238
Conv. Coupe—6	1,158	1,297	1,382
Sedan, 4 dr	1,051	1,171	1,277
1940—8—Series C26—Saratoga; Serial Nos. 6673501 to 6674100; Motor Nos. C26—1001 to 18760:			
Sedan—6	1,118	1,243	1,354
Special Formal Sedan—6	1,181	1,310	1,430
1940—8—Series C27—Crown Imperial; Serial Nos. 7805551 to 7807401; Motor Nos. C27—1001 to 1875:			
Sedan—6	1,824	2,030	2,213
Sedan—8	1,966	2,117	2,309
Limousine—8	1,987	2,208	2,410
1939—6—Series C22—Royal; Serial Nos. 7574001 to 7624876; Motor Nos. C22—1001 to 58748:			
Coupe—2	695	686	773
Victoria Coupe—4	638	730	816
Brougham—5	643	730	821
Sedan—5	667	758	850
Sedan—7	817	926	1,037
Limousine Sedan—7	874	994	1,114
1939—6—Series C22—Royal Windsor; Serial Nos. 6648301 to 6658447; Motor Nos. C22—1001 to 58748:			
Coupe—2	648	739	826
Victoria Coupe—4	682	778	869
Club Coupe—5	778	888	994
Sedan—5	706	806	902
1939—8—Series C23—Imperial; Serial Nos. 6742201 to 6750055; Motor Nos. C23—1001 to 13107:			
Coupe—2	739	845	946
Victoria Coupe—4	763	869	974
Brougham—5	768	874	979
Sedan—5	787	898	1,008
1939—8—Series C23—New Yorker; Serial Nos. 6606001 to 6613333; Motor Nos. C23—1001 to 13107:			
Coupe—2	806	917	1,027
Victoria Coupe—4	830	946	1,061
Club Coupe—5	917	1,046	1,171
Sedan—5	854	974	1,099
1939—8—Series C23—Saratoga; Serial Nos. 6672701 to 6673414; Motor Nos. C23—1001 to 13107:			
Club Coupe—5	864	1,118	1,258
Sedan—5	950	1,080	1,214
1939—8—Series C24—Custom Imperial; Serial Nos. 7862501 to 7866507; Motor Nos. C24—1001 to 1322:			
Sedan—5	1,704	1,944	2,179
Sedan—7	1,704	1,944	2,179
Sedan Limousine—7	1,771	2,016	2,261
1938—6—Series C18—Royal; Serial Nos. 7632801 to 7673257; Motor Nos. C18—1001 to 43001:			
Business Coupe—2	490	586	682
Coupe 3—4	614	714	710
Conv. Coupe 2—4	676	696	802
Brougham Comp.—5	814	614	710

(6) CHRYSLER—continued

Model, serial No., body type, and passenger capacity	Base price in region A	B	C
1938—6—Series C18—Continued. Tour. Brougham Tk—5	$548	$624	$720
Sedan Comp.—5	528	658	730
Tour. Sedan Tk—5	558	648	740
Conv. Sedan Tk—5	758	902	1,056
Sedan Tk—7	658	792	912
Sedan Limousine Tk—7	706	850	979
1938—8—Series C19—Imperial; Serial Nos. 6734001 to 6742205; Motor Nos. C19—1001 to 9172:			
Business Coupe—2	595	720	830
Coupe 2—4	614	744	856
Conv. Coupe 2—4	677	816	940
Tour. Brougham Tk—5	619	744	864
Tour. Sedan Tk—5	658	768	888
Conv. Sedan Tk—5	845	1,018	1,181
1938—8—Series C19—New York Special; Serial Nos. 6667901 to 6668912; Motor Nos. C20—1001 to 9172:			
Business Coupe—2	667	802	926
Sedan Tk—5	730	878	1,014
1938—8—Series C20—Custom Imperial; Serial Nos. 7805501 to 7806933; Motor Nos. C20—1001 to 3525:			
Sedan Tk—5	1,219	1,469	1,699
Sedan Tk—7	1,219	1,469	1,699
Sedan Limousine Tk—7	1,272	1,531	1,771
1937—6—Series C16—Royal; Serial Nos. 6865101 to 6948225; Motor Nos. C16—1001 to 88646:			
Business Coupe—2	336	413	490
Coupe—2—4	360	442	524
Conv. Coupe 2—4	432	528	624
Brougham Comp. 2 Dr.—5	365	446	528
Tour. Brougham, 2 Dr. Tk—5	370	456	538
Sedan Comp. 4 Dr.—5	384	470	557
Tour. Sedan, 4 Dr. Tk—5	386	475	566
Conv. Sedan Tk—5	586	720	850
Sedan Tk—7	494	605	715
Sedan Limousine Tk—7	542	662	782
1937—8—Series C14—Imperial; Serial Nos. 6719601 to 6733606; Motor Nos. C14—1001 to 15572:			
Business Coupe—2	437	533	624
Coupe 2—4	456	557	658
Conv. Coupe 2—4	504	614	730
Tour. Brougham Tk—5	456	557	658
Tour. Sedan, 4 Dr. Tk—5	470	576	682
Sedan Conv. Tk—5	658	806	950
1937—8—Series C17—Airflow; Serial Nos. 7019401 to 7024000; Motor Nos. C17—1001 to 5018:			
Coupe—6	696	850	1,008
Sedan Tk—6	696	850	1,008
1937—8—Series C15—Custom Imperial; Serial Nos. 7804001 to 7805201; Motor Nos. C15—1001 to 2237:			
Sedan Tk—5	893	1,064	1,241
Sedan Tk—7	893	1,064	1,241
Sedan Limousine Tk—7	941	1,152	1,363

(7) CROSLEY

Model, serial No., body type, and passenger capacity	Base price in region A	B	C
1942—2—Series 94-42; Serial Nos. C2-42—32000 to 35050; Motor Nos. 25000 to 27179:			
Conv. Coupe—4	$446	$499	$571
Conv. Sedan—4	504	523	542
Deluxe Sedan—4	552	571	590
Station Wagon—4	624	638	656
1941—2—Series C4-41; Serial Nos. 300—30000 to 31999; Motor Nos. 21000 to 24999:			
Conv. Coupe—2	317	331	350
Standard Conv. Sedan—4	363	389	408
Deluxe Conv. Sedan—4	379	398	418
Covered Wagon—4	418	442	466
Station Wagon—4	475	499	523
1940—2—Series 2A; Serial Nos. 300—20000 to 29666; Motor Nos. 12000 to 20999:			
Conv. Coupe—2	230	259	284
Standard Sedan—4	269	302	326
Deluxe Sedan—4	278	307	336
Covered Wagon—4	307	341	374
Station Wagon—4	346	389	422
Conv. Sedan Coupe—4	254	283	307
Station Wagon—2	331	365	398
1939—2—Series 2; Serial Nos. 300—10000 to 19999; Motor Nos. 10000 to 11999:			
Conv. Coupe—2	206	230	250
Conv. Sedan—4	221	250	278

(8) DE SOTO

Model, serial No., body type, and passenger capacity	Base price in region A	B	C
1942—6—Series S10—Deluxe; Serial Nos. 6142001 to 6153101; Motor Nos. S10-1001 to 25551:			
Business Coupe—2	$1,080	$1,114	$1,152
Coupe—6	1,162	1,200	1,238
Sedan, 2 Dr.—5	1,147	1,181	1,219
Sedan, 4 Dr.—5	1,176	1,210	1,248
Town Sedan—5	1,219	1,258	1,296
Sedan—7	1,541	1,574	1,613
1942—6—Series S10—Custom: Serial Nos. 5771001 to 5783503; Motor Nos. S10-1001 to 25551:			
Coupe—2	1,114	1,152	1,190
Club Coupe—5	1,214	1,253	1,296
Conv. Coupe—5	1,397	1,430	1,469
Brougham—5	1,214	1,253	1,296
Sedan, 4 Dr.—5	1,224	1,262	1,301
Town Sedan—5	1,272	1,306	1,344
Sedan—7	1,584	1,622	1,661
Limousine—7	1,651	1,685	1,723
1941—6—Series S8—Deluxe; Serial Nos. 6099001 to 6141730; Motor Nos. S8-1001 to 100247:			
Business Coupe—2	917	965	1,018
Coupe—5	1,003	1,061	1,114
Sedan, 2 Dr.—5	984	1,037	1,094
Sedan, 4 Dr.—5	1,013	1,070	1,128
Sedan—7	1,282	1,349	1,421
1941—6—Series S8—Custom; Serial Nos. 5720101 to 5770983; Motor Nos. S8-1001 to 100247:			
Coupe—2	965	1,018	1,070
Club Coupe—5	1,056	1,114	1,171
Conv. Coupe—5	1,219	1,286	1,354
Brougham, 2 Dr.—5	1,042	1,099	1,152
Sedan, 4 Dr.—5	1,066	1,123	1,186
Town Sedan—5	1,118	1,176	1,238
Sedan—7	1,320	1,392	1,464
Limousine—7	1,397	1,471	1,550
1940—6—Series S7—Deluxe; Serial Nos. 6064501 to 6085028; Motor Nos. S7-1001 to 67427:			
Business Coupe—2	686	763	835
Coupe A/S—2—4	734	821	893
Tour. Sedan, 2 Dr.—5	768	854	931
Tour. Sedan, 4 Dr.—5	955	1,061	1,157
Tour. Sedan—7			
1940—6—Series S7—Custom; Serial Nos. 5698801 to 5720329; Motor Nos. S7-1001 to 67427:			
Coupe—2	720	802	874
Coupe A/S—2—4	768	854	931
Conv. Coupe—4	895	989	1,080
Tour. Sedan, 2 Dr.—5	768	854	931
Tour. Sedan, 4 Dr.—5	802	893	970
Tour. Sedan—7	989	1,099	1,200
Limousine—7	1,051	1,166	1,272
1939—6—Series S6—Deluxe; Serial Nos. 5634001 to 5687134; Motor Nos. S6-1001 to 55461:			
Business Coupe—2	571	653	730
Coupe A/S—2—4	610	696	778
Tour. Sedan, 2 Dr.—5	614	696	782
Tour. Sedan, 4 Dr.—5	638	730	816
Tour. Sedan—7	787	898	1,003
Limousine Sedan—7	845	965	1,080
1939—6—Series S6—Custom; Serial Nos. 5634001 to 5687134; Motor Nos. S6-1001 to 55461:			
Coupe—2	610	691	778
Coupe A/S—2—4	643	734	821
Club Coupe—4	754	859	960
Tour. Sedan, 2 Dr.—5	648	739	826
Tour. Sedan, 4 Dr.—5	672	768	859
Tour. Sedan—7	821	936	1,046
Limousine Sedan—7	878	1,003	1,123
1938—6—Series S5; Serial Nos. 5558301 to 5632942; Motor Nos. S5-1001 to 39664:			
Business Coupe—3	461	557	643
Conv. Coupe—3—5	557	667	773
Tour. Brougham Tk, 2 Dr.—6	494	595	691
Sedan Comp., 4 Dr.—6	509	614	710
Tour. Sedan Tk, 4 Dr.—6	514	619	720
Conv. Sedan Tk—5	730	875	1,018
Sedan Tk—7	704	763	883
Limousine Sedan—7	682	821	950
1937—6—Series S3; Serial Nos. 5547301 to 5597700; Motor Nos. S3-1001 to 77230:			
Business Coupe—3	326	398	470
Coupe—3—5	346	427	508
Conv. Coupe—3—5	413	504	595
Brougham Comp., 2 Dr.—6	350	432	509
Tour. Brougham Tk, 2 Dr.—6	355	437	518
Sedan Comp., 4 Dr.—6	370	456	538
Tour. Sedan Tk, 4 Dr.—6	374	461	542
Conv. Sedan Tk—5	566	691	816
Sedan Tk—7	485	590	701
Limousine Sedan—7	518	634	749

(9) DODGE

Model, serial No., body type, and passenger capacity	Base price in region A	B	C
1942—6—Series D22 Serial Nos. 30577001 and up; Motor Nos. D22—1001 and up.			
Deluxe:			
Coupe—3	$960	$998	$1,032
Club Coupe—6	1,066	1,099	1,138
Sedan, 2-Dr.—6	1,027	1,061	1,099
Sedan, 4-Dr.—6	1,066	1,104	1,138
Custom:			
Club Coupe—6	1,114	1,152	1,190
Conv. Coupe—5	1,320	1,358	1,397
Brougham—6	1,075	1,114	1,147
Sedan, 4-Dr.—6	1,118	1,152	1,190
Town Sedan—6	1,176	1,214	1,248
Sedan—7	1,478	1,512	1,550
Limousine—7	1,560	1,598	1,632
1941—6—Series D18; Serial Nos. 3004201 and up; Motor Nos. D19-1001 and up:			
Deluxe:			
Coupe—2	840	888	931
Sedan, 2 Dr.—6	898	946	988
Sedan, 4 Dr.—6	941	989	1,042
Custom:			
Club Coupe—6	979	1,032	1,085
Conv. Coupe—5	1,147	1,210	1,272
Brougham, 2 Dr.—6	946	994	1,046
Sedan, 4 Dr.—6	984	1,037	1,094
Town Sedan—6	1,013	1,070	1,128
Sedan—7	1,200	1,262	1,330
Limousine—7	1,272	1,344	1,416
1940—6—Series D17; Serial Nos. 4340001 to 4415505; Motor Nos. D14-1001 to 193835;			
Special:			
Coupe—2	614	682	744
Sedan, 2 Dr.—5	662	739	800
Sedan, 4 Dr.—5	699	773	845
1940—6—Series D14; Serial Nos. 3021601 to 30842333; Motor Nos., D14-1001 to 193835;			
Deluxe:			
Coupe—2	653	730	792
Coupe A/S 2-4	696	773	845
Conv. Coupe—5	840	931	1,018
Sedan, 2-Dr.—5	701	778	850
Sedan, 4-Dr.—5	734	821	893
Sedan—7	893	989	1,080
Limousine—7	950	1,056	1,152
1939—6—Series D11—Luxury Liner; Serial Nos. 4276701 to 4347700; Motor Nos. D11-1001 to 1861148.			
Coupe—2	499	566	634
Sedan, 2-Dr.—5	538	610	686
Sedan, 4-Dr.—5	562	643	720
Serial Nos. 30100001 to 30214458, Motor Nos. D11-1001 to 185881; Deluxe:			
Coupe—2	528	605	677
Coupe A/S 2-4	566	643	725
Town Coupe—5	696	792	888
Sedan, 2-Dr.—5	586	667	744
Sedan, 4-Dr.—5	595	677	758
Limousine—7	778	888	994
Sedan—7	730	821	922
1938—6—Series D8; Serial Nos. 30001001 to 30097066, 40001001 to 40016525; Motor Nos. D8-1001 to 114330:			
Business Coupe—2	432	518	600
Coupe 2-4	456	552	634
Conv. Coupe 2-4	509	614	710
Comp. Sedan, 2-Dr.—5	456	552	634
Tour Sedan Tk, 2-Dr.—5	461	557	643
Comp. Sedan, 4-Dr.—5	475	576	667
Tour. Sedan Tk, 4-Dr.—5	485	581	672
Conv. Sedan Tk—5	677	816	946
Sedan Tk—7	581	701	811
Limousine Tk—5	629	758	878
1937—6—Series D5; Serial Nos. 4330451 to 4789907, 9115801 to 9149361; Motor Nos. D5-1001 to 294176:			
Business Coupe—2	302	370	437
Coupe 2-4	331	403	475
Conv. Coupe 2-4	389	475	566
Comp. Sedan, 2-Dr.—5	331	408	485
Tour. Sedan Tk, 2-Dr.—5	336	413	490
Comp. Sedan, 4-Dr.—5	350	432	509
Tour. Sedan Tk, 4-Dr.—5	355	437	518
Conv. Sedan—5	542	662	782
Sedan—7	470	576	682
Limousine—5	518	634	749

(10) FORD

Model, serial No., body type, and passenger capacity	Base price in region A	B	C
1942—6—Series 2GA—90 H. P.; Serial Nos. 1GA-34861 and up:			
Special:			
Coupe—3—77C	$840	$878	$917
Tudor Sedan—5—70C	874	912	950
Fordor Sedan—5—73C	912	950	988
Deluxe:			
Coupe—3—77A	864	902	941
Sedan Coupe—6—72A	926	965	1,003
Tudor Sedan—6—70A	902	941	979
Fordor Sedan—6—73A	941	974	1,014
Station Wagon—8—79A	1,104	1,142	1,176
Super Deluxe:			
Coupe—3—77B	912	950	989
Sedan Coupe—6—72B	974	1,013	1,051
Conv. Club Coupe—5—76	1,147	1,186	1,222
Tudor Sedan—6—70B	950	984	1,022
Fordor Sedan—6—73B	984	1,022	1,060
Station Wagon—8—79B	1,186	1,224	1,262
1942—V-8—Series 21A—60H. P.; Serial No. 18-6769636 and up.			
Deluxe:			
Coupe—3—77A	874	912	950
Sedan Coupe—6—72A	936	974	1,013
Tudor Sedan—6—70A	912	950	989
Fordor Sedan—6—73A	950	984	1,022
Station Wagon—8—79A	1,162	1,195	1,234
Super Deluxe:			
Coupe—3—77B	922	960	998
Sedan Coupe—6—72B	984	1,022	1,061
Conv. Club Coupe—5—76	1,162	1,195	1,234
Tudor Sedan—6—70B	960	998	1,032
Fordor Sedan—6—73B	994	1,032	1,070
Station Wagon—8—79B	1,195	1,234	1,272
1941—6—Series 1GA—90 H. P.; Serial Nos. 1GA-1 to 34800;			
Special:			
Coupe—2—77C	686	734	778
Tudor Sedan—5—70C	734	773	816
Fordor Sedan—5—73C	778	821	859
Deluxe:			
Coupe 5W—2—77A	730	768	811
Coupe A/S 2—4—67A	758	802	845
Tudor Sedan—5—70A	773	811	854
Fordor Sedan—5—73A	811	859	902
Station wagon—8—79A	965	1,018	1,070
Super deluxe:			
Coupe—5W—2—77B	778	821	859
Coupe A/S 2—4—67B	806	854	898
Sedan coupe—5—72	850	898	941
Conv. Club Coupe—2—4—76	950	1,003	1,051
Tudor Sedan—5—70B	816	864	907
Fordor Sedan—5—73A	859	907	955
Station Wagon—8—79B	1,018	1,075	1,128
1941—V-8—Series 11A—90 H. P.; Serial Nos. 18-5896295 to 6769635.			
Special:			
Coupe—2—77C	715	754	792
Tudor Sedan—5—70C	749	792	840
Fordor Sedan—5—73C	792	835	878
Deluxe:			
Coupe 5W—2—77A	730	768	811
Coupe A/S 2—4—67A	778	821	864
Tudor Sedan—5—70A	773	811	854
Fordor Sedan—5—73A	811	859	902
Station Wagon—8—79A	979	1,032	1,080
Super Deluxe:			
Coupe 5W—2—77B	778	821	859
Coupe A/S 2—4—67B	826	889	941
Sedan Coupe—5—72	850	898	941
Conv. Club Coupe 2—4—76	950	1,003	1,051
Tudor Sedan—5—70B	816	864	907
Fordor Sedan—5—73B	859	907	955
Station Wagon—8—79B	1,018	1,075	1,128
1940—V-8—Series 01A—60 H. P.; Serial Nos. 18-5210701 to 18-5896294			
Standard:			
Coupe 5W—2—77A	547	610	667
Business Coupe—4—67A	566	629	686
Tudor Sedan—5—70A	581	648	705
Fordor Sedan—573A	619	691	754
Station Wagon—8—79A	730	811	883
Deluxe:			
Coupe 5W—2—77B	600	667	730
Business Coupe—4—67B	619	686	749
Conv. Club Coupe 2—4—66	706	787	859
Tudor Sedan—5—70B	634	706	768
Fordor Sedan—5—73B	672	749	816
Station Wagon—8—79B	787	878	955

(10) FORD—continued

Model, serial No., body type, and passenger capacity	Base price in region A	B	C
1939—V-8—Series 922A—60 h.p.; serial Nos. 54-5639681 (approx.) to 54-5695500; Standard:			
Coupe 5W—2—77A	$403	$461	$514
Tudor Sedan—5—70A	432	490	547
Fordor Sedan—5—73A	461	523	580
1938—V-8—Series 91A—85 h. p.; Serial Nos. 18-4961001 to 18-5210700:			
Standard:			
Coupe 5W—2—77A	432	490	547
Tudor Sedan—5—70A	456	523	586
Fordor Sedan—5—73A	499	557	624
Station Wagon—8—79A	595	645	720
Deluxe:			
Coupe 5W—2—77B	470	538	605
Conv. Coupe 2—4—76	533	605	677
Tudor Sedan—5—70B	490	590	638
Fordor Sedan—5—73B	533	605	677
Conv. Sedan—5—74	619	706	792
Station Wagon—8—70B	619	701	787
1938—V-8—Series 82A—60 h. p.; Serial Nos. 51-3563335 to 54-5639682 (approx.); Standard:			
Coupe 5W—2—770A	317	384	442
Tudor Sedan—5—700C	341	413	475
Fordor Sedan—5—730C	365	442	509
1938—V-8—Series 81A—85 h. p.; Serial Nos. 18-4189447 to 18-4961000; Standard:			
Coupe 5W—2—770A	331	403	466
Tudor Sedan—5—700C	355	427	494
Fordor Sedan—5—730C	379	456	528
Station Wagon—8—790	437	528	610
Deluxe:			
Phaeton—5—760	437	523	610
Coupe 5W—2—770B	365	442	509
Conv. Coupe 2—4—760A	408	494	571
Club Coupe—5—790	398	480	552
Conv. Club Coupe—5—760B	427	514	595
Tudor Sedan—5—700B	384	466	538
Fordor Sedan—5—730B	408	494	571
Conv. Sedan—5—740	480	576	667
1937—V-8—Series 74—Standard—60 h. p.; Serial Nos 54-6602 to 54-3583301:			
Tudor—5—700A	226	278	331
Fordor—5—730A	235	288	341
Tour. Tudor—5—700C	245	302	355
Fordor—5—730A	264	322	379
Tour. Fordor—5—730C	274	326	398
Station Wagon (cur.)—8—790A	350	432	509
Station Wagon (glass)—8—790B	360	442	523
1937—V-8—Series 78—85 h. p.; Serial Nos. 18-3331857 to 18-4189446:			
Standard:			
Coupe 5W—2—770A	245	302	355
Tudor—5—700A	254	312	365
Tour. Tudor—5—700C	264	326	384
Fordor—5—730A	283	349	408
Tour. Fordor—5—730C	293	360	422
Station Wagon (cur.)—8—790A	355	437	514
Station Wagon (glass)—8—790B	365	446	528
Deluxe:			
Roadster 2—4—710	298	360	427
Phaeton—5—760	322	394	466
Coupe 5W—2—770B	269	326	389
Cabriolet 2—4—760A	298	360	427
Club Coupe 5W—5—720	298	360	427
Club Cabriolet—5—760B	326	398	470
Tudor—5—740B	274	336	398
Tour. Tudor—5—760D	288	350	413
Fordor—5—730B	302	370	437
Tour. Fordor—5—730D	317	384	456
Conv. Sedan—5—740	374	456	542

(11) GRAHAM

Model, serial No., body type, and passenger capacity	Base price in region A	B	C
1941—6—Series 113; Serial Nos. 900001 and up; Motor Nos. 910001 and up; Custom Hollywood, Sedan, 4 Dr.—5	$912	$965	$1,013
1941—6—Series 103; Serial Nos. 700416 and up, Motor Nos. 710416 and up; Custom Hollywood Supercharged; Sedan, 4 Dr.—5	1,003	1,061	1,114
1940—6—Series 108; Serial Nos. 607001 to 646561; Motor Nos. 615001 to 645657; Deluxe:			
Comb. Coupe—5	787	874	955
Sedan Tk, 2 Dr.—5	768	854	931
Sedan Tk, 4 Dr.—5	782	869	950
Custom:			
Comb. Coupe—5	893	994	1,085
Sedan Tk, 2 Dr.—5	874	974	1,061
Sedan Tk, 4 Dr.—5	893	998	1,090

No. 178——3

(11) GRAHAM—continued

Model, serial No., body type, and passenger capacity	Base price in region A	B	C
1940—6—Series 107; Serial Nos. 505001 to 505358; Motor Nos. 515001 to 515575; Deluxe Supercharger:			
Comb. Coupe—5	$893	$994	$1,085
Sedan Tk, 2 Dr.—5	874	974	1,061
Sedan Tk, 4 Dr.—5	893	994	1,085
Custom Supercharger:			
Comb. Coupe—5	998	1,109	1,210
Sedan Tk, 2 Dr.—5	974	1,085	1,181
Sedan Tk, 4 Dr.—5	998	1,109	1,210
1940—6—Series 106; Serial Nos. 700001 to 700145; Motor Nos. 710001 to 710045; Hollywood Custom Super.			
Conv. Coupe—3	1,061	1,181	1,291
Sedan 4 dr.—5	965	1,070	1,166
1939—6—Series 96; Serial Nos. 600001 to 602913; Motor Nos. 610001 to 612930:			
Special:			
Comb. Coupe—5	586	667	749
Sedan Tk, 2 Dr.—6	586	667	749
Sedan Tk, 4 Dr.—6	605	685	768
Custom Special:			
Comb. Coupe—5	667	768	854
Sedan Tk, 2 Dr.—6	667	768	854
Sedan Tk, 4 Dr.—6	682	778	874
1939—6—Series 97; Serial Nos. 500001 to 502479; Motor Nos. 510001 to 512507:			
Supercharger:			
Comb. Coupe—5	667	768	854
Sedan Tk, 2 Dr.—6	667	768	854
Sedan Tk, 4 Dr.—6	682	778	874
Custom Supercharger:			
Comb. Coupe—5	749	854	955
Sedan Tk, 2 Dr.—6	749	854	955
Sedan Tk, 4 Dr.—6	763	869	974
1938—6—Series 96; Serial Nos. 225001 to 227602; Motor Nos. 230001 to 232605:			
Standard:			
Sedan Tk, 4 Dr.—6	514	619	720
Special:			
Sedan Tk, 4 Dr.—6	542	653	754
1938—6—Series 97; Serial Nos. 140001 to 142463; Motor Nos. 145001 to 147434.			
Supercharger:			
Sedan Tk, 4 Dr.—6	600	725	840
Custom Supercharger:			
Sedan Tk, 4 Dr.—6	662	802	926
1937—6—Series 85; Serial Nos. 215001 to 219318; Motor Nos. 320001 to 324360; Crusader:			
Tour. Sedan, 2 Dr.—5	583	746	908
Tour. Sedan Tk, 2 Dr.—5	298	360	427
Tour. Sedan, 4 Dr.—5	317	394	466
Tour, Sedan Tk, 4 Dr.—5	331	403	475
1937—6—Series 95; Serial Nos. 215001 to 223270; Motor Nos. 220001 to 228370; Cavalier:			
Business Coupe—3	341	418	494
Coupe 3—5	365	446	528
Conv. Coupe 3—5	490	590	691
Tour. Sedan, 2 Dr.—5	350	432	509
Tour. Sedan Tk, 2 Dr.—5	365	446	528
Tour. Sedan Tk, 4 Dr.—5	379	460	552
Tour. Sedan, 4 Dr.—5	365	446	528
1937—6—Series 116; Serial Nos. 130001 to 135551; Motor Nos. 135001 to 140209; Supercharger:			
Business Coupe—3	408	499	590
Coupe 3—5	422	518	610
Conv. Coupe 3—5	437	533	634
Tour. Sedan, 2 Dr.—5	408	499	590
Tour. Sedan Tk, 2 Dr.—5	422	518	610
Tour. Sedan, 4 Dr.—5	422	518	610
Tour. Sedan Tk, 4 Dr.—5	437	533	634
1937—6—Series 120; Serial Nos. 120001 to 120199, 110001 to 113002; Motor Nos. 115001 to 118864; Custom Supercharger:			
Business Coupe—3	446	547	648
Coupe 3—5	461	562	667
Conv. Coupe 3—5	475	581	688
Tour. Sedan, 4 Dr.—5	470	576	682
Tour. Sedan Tk, 4 Dr.—5	485	590	701

(12) HUDSON

Model, serial No., body type, and passenger capacity	Base price in region A	B	C
1942—6—Series 20 T—Traveler; Serial Nos. T-20101 to T-2041232:			
Coupe—3	$888	$926	$963
Club Coupe—4	960	998	1,030
Club Sedan, 2 Dr.—6	941	979	1,013
Tour. Sedan, 4 Dr.—6	970	1,003	1,042

(12) HUDSON—continued

Model, serial No., body type, and passenger capacity	Base price in region A	B	C
1942—6—Series 20 P-Deluxe; Serial Nos. P-20101 to P-2041232			
Coupe—3	$979	$1,018	$1,051
Club Coupe—4	1,032	1,066	1,104
Club Sedan, 2 Dr.—6	1,008	1,046	1,085
Tour. Sedan, 4 Dr.—6	1,042	1,080	1,118
Conv. Sedan—6	1,282	1,320	1,358
1942—6—Series 21—Super, Serial Nos. 21101 to 2141232:			
Coupe—3	1,104	1,138	1,176
Club Coupe—4	1,157	1,195	1,234
Club Sedan, 2 Dr.—6	1,133	1,171	1,205
Tour. Sedan, 4 Dr.—6	1,162	1,200	1,234
Conv. Sedan—6	1,406	1,445	1,483
Station Wagon	1,488	1,526	1,565
1942—6—Series 22—Commodore; Serial Nos. 22101 to 2241232:			
Coupe—3	1,186	1,219	1,258
Club Coupe—5	1,248	1,282	1,320
Club Sedan, 2 Dr.—6	1,224	1,258	1,296
Tour. Sedan, 4 Dr.—6	1,253	1,291	1,330
Conv. Sedan—6	1,483	1,517	1,555
1942—8—Series 24—Commodore; Serial Nos. 24101 to 2441232:			
Coupe—3	1,229	1,262	1,301
Club Coupe—5	1,286	1,325	1,363
Club Sedan, 2 Dr.—6	1,258	1,296	1,334
Tour. Sedan, 4 Dr.—6	1,286	1,334	1,373
Conv. Sedan—6	1,531	1,570	1,603
1942—8—Series 25—Commodore-Custom; Serial Nos. 25101 to 2541232; Club Coupe—4	1,387	1,421	1,459
1942—8—Series 27—Commodore—Custom; Serial Nos. 27101 to 2741232; Tour. Sedan, 4 Dr.—6	1,507	1,546	1,584
1941—6—Series 10 T—Traveler; Serial Nos. T-10101 and up:			
Coupe—3	691	730	768
Club Coupe—4	787	830	874
Club Sedan, 2 Dr.—6	763	806	850
Tour. Sedan, 4 Dr.—6	792	835	878
1941—6—Series 10 C—Utility; Serial Nos. C 10101 and up:			
Coupe—6	778	821	864
Coupe—6	720	758	797
1941—6—Series 10 P—Deluxe; Serial Nos. P—10101 and up:			
Coupe—3	802	845	893
Club Coupe—4	850	898	946
Club Sedan, 2 Dr.—6	826	869	917
Tour. Sedan, 4 Dr.—6	859	907	955
Conv. Sedan—6	1,070	1,128	1,186
1941—8—Series 11—Super Serial Nos. 11101 and up:			
Coupe—3	874	922	970
Club Coupe—4	931	984	1,037
Club Sedan, 2-Dr.—6	898	946	994
Tour. Sedan, 4-Dr.—6	926	979	1,032
Conv. Sedan—6	1,157	1,219	1,282
Station Wagon	1,258	1,306	1,373
1941—6—Series 12—Commodore; Serial Nos. 12101 and up:			
Coupe—3	960	1,013	1,066
Club Coupe—4	1,022	1,075	1,133
Club Sedan, 2-Dr.—6	989	1,046	1,099
Tour. Sedan, 4-Dr.—6	1,018	1,075	1,128
Conv. Sedan—6	1,229	1,296	1,363
1941—6—Series 18—Big Boy; Serial Nos. P 18101 and up:			
Sedan—7	1,152	1,214	1,282
Carry-all	1,022	1,075	1,133
1941—8—Series 14—Commodore; Serial Nos. 14101 and up:			
Coupe—3	1,003	1,056	1,114
Club Coupe—4	1,066	1,123	1,181
Club Sedan, 2-Dr.—6	1,027	1,085	1,138
Tour. Sedan, 4-Dr.—6	1,061	1,123	1,181
Conv. Sedan—6	1,277	1,349	1,421
Station Wagon	1,330	1,402	1,474
1941—8—Custom Series 15—Commodore Custom; Serial Nos. 15101 and up:			
Coupe—3	1,090	1,147	1,210
Club Coupe—4	1,152	1,214	1,282
1941—8—Series 17—Commodore Custom; Serial Nos. 17101 and up:			
Tour. Sedan, 4 Dr.—6	1,253	1,325	1,392
Sedan—7	1,454	1,531	1,613
1940—6—Series 40 T—Travelers; Serial Nos. 40101 to 4089192:			
Coupe—3	542	605	662
Victoria Coupe—4	610	682	739
Tour. Sedan, 2 Dr.—6	600	667	725
Tour. Sedan, 4 Dr.—6	619	691	754
Utility Coach	605	677	734
Utility Coupe	576	638	696
1940—6—Series 40 P—Deluxe; Serial Nos. 40101 to 4089192:			
Coupe—3	614	682	744
Victoria Coupe—4	653	725	792

(12) HUDSON—continued

Model, serial No., body type, and passenger capacity	Base price in region A	B	C
1940—6—Series 40 P—Continued.			
Conv. Coupe—5	$768	$884	$931
Tour. Sedan, 2 Dr.—6	638	710	773
Tour. Sedan, 4 Dr.—6	662	739	806
Conv. Sedan—6	787	878	955
1940—6—Series 41—Super, Serial Nos. 41101 to 4189192:			
Coupe—3	658	734	802
Victoria Coupe—4	701	782	854
Conv. Coupe—5	816	907	989
Tour. Sedan, 2 Dr.—6	686	763	830
Tour. Sedan, 4 Dr.—6	710	792	859
Conv. Sedan—6	845	941	1,022
1940—6—Series 43—Country Club; Serial Nos. 43101 to 4389192:			
Tour. Sedan, 4 Dr.—6	845	941	1,027
Sport Tour. Sedan, 4 Dr.—6	860	965	1,051
Sedan—7	1,013	1,128	1,229
1940—6—Series 48—Big Boy; Serial Nos. 48101 to 4889192:			
Carry-all	806	893	974
Sedan—7	893	994	1,085
1940—8—Series 44—Hudson Eight; Serial Nos. 44101 to 4489192:			
Coupe—3	701	782	854
Victoria Coupe—4	773	859	936
Conv. Coupe—5	893	994	1,080
Tour. Sedan, 2 Dr.—6	784	835	912
Tour. Sedan, 4 Dr.—6	778	869	946
Conv. Sedan—6	922	1,022	1,118
1940—8—Series 45—Deluxe; Serial Nos. 45101 to 4589192:			
Tour. Sedan, 2 Dr.—6	782	869	946
Tour. Sedan, 4 Dr.—6	806	898	979
1940—8—Series 47—Country Club; Serial Nos. 47101 to 4789192:			
Tour. Sedan, 4 Dr.—6	931	1,032	1,128
Sport Tour. Sedan, 4 Dr.—6	950	1,056	1,152
Sedan—7	1,094	1,219	1,330
1939—6—Series 90—Hudson 112 Deluxe; Serial Nos. 90101 to 9054902:			
Traveler Coupe—3	456	518	581
Coupe—3	490	557	624
Victoria Coupe—4	528	595	667
Conv. Coupe—3	589	667	749
Tour. Brougham—6	509	581	653
Conv. Brougham—6	619	706	792
Tour. Sedan—6	583	665	677
Utility Coach—6	470	538	600
Utility Coupe—3	490	557	624
Station Wagon	614	701	787
1939—6—91—Hudson Pacemaker; Serial Nos. 91101 to 9154902:			
Coupe—3	518	590	662
Victoria Coupe—5	557	634	710
Tour. Brougham—6	542	614	691
Tour. Sedan—6	562	638	715
1939—6—92—Hudson Six Serial Nos. 92101 to 9254902:			
Coupe—3	547	619	696
Victoria Coupe—5	576	658	734
Conv. Coupe—3	643	734	826
Tour. Brougham—6	566	648	725
Conv. Brougham—6	686	782	878
Tour. Sedan—6	595	677	758
1939—6—Series 93—Country Club Six; Serial Nos. 93101 to 9354902:			
Coupe—3	610	699	782
Victoria Coupe—6	643	734	821
Conv. Coupe—3	701	797	898
Tour. Brougham—6	638	730	816
Conv. Brougham—6	744	845	950
Tour. Sedan, 4 Dr.—6	662	754	845
1939—6—Series 98—Big Boy Serial Nos. 98101 to 9854902:			
Tour. Sedan—6	581	658	739
Sedan—7	734	835	936
1939—8—Series 95—Country Club Eight; Serial Nos. 95101 to 9554902:			
Coupe—3	662	754	845
Victoria Coupe—5	691	787	883
Conv. Coupe—3	749	854	955
Tour. Brougham—6	691	787	878
Conv. Brougham—6	792	902	1,013
Tour. Sedan—6	710	806	907
1939—8—Series 97—Custom; Serial Nos. 97101 to 9754902:			
Tour. Sedan—6	773	878	984
Sedan—7	946	1,075	1,203
1938—6—Series 80—Terraplane Utility; Serial Nos. 80101 to 8056040; Motor Nos. 360000 and up. (Note—Beginning with Serial No. 8011630 motor No. is identical with Serial No.):			
Coupe—3	408	494	571
Coach—6	403	485	562
Tour. Coach—6	413	499	576
Station Wagon	509	614	710

(12) HUDSON—continued

Model, serial No., body type, and passenger capacity	Base price in region A	B	C
1938—6—Series 88—Big Boy; Serial Nos. 88101 to 8856040. (Note.—Beginning with Serial No. 8811630 Motor No. is identical with Serial No.):			
Sedan—6	$509	$614	$710
Tour. Sedan—6	518	624	725
1938—6—Series 81—Terraplane Deluxe; Serial Nos. 81101 to 8156040. Motor Nos. 360000 and up. (Note—Beginning with Serial No. 8111630 Motor No. is identical with Serial No.):			
Coupe—3	413	494	571
Victoria Coupe—3–5	437	523	610
Conv. Coupe—3	485	586	677
Brougham—6	427	514	595
Tour. Brougham—6	437	528	610
Sedan—6	451	542	629
Tour. Sedan—6	461	557	648
Conv. Brougham—6	518	624	725
1938—6—Series 82—Terraplane Super, Serial Nos. 82101 to 8256040; Motor Nos. 360000 and up. (Note—Beginning with serial No. 8211630 motor No. is identical with serial No.):			
Coupe—3	451	542	629
Victoria Coupe—3–5	475	571	658
Conv. Coupe—3	518	629	725
Brougham—6	466	562	653
Tour. Brougham—6	480	576	667
Sedan—6	485	586	682
Tour. Sedan—6	499	600	696
Conv. Brougham—6	552	667	773
1938—6—Series 83—Hudson Custom; Serial Nos. 83101 to 8356040; Motor Nos. 98000 and up. (Note—Beginning with Serial No. 8311630 Motor No. identical with Serial No.):			
Coupe—3	485	586	677
Victoria Coupe—3–5	509	614	710
Conv. Coupe—3	557	672	778
Brougham—6	504	610	701
Tour. Brougham—6	514	619	720
Sedan—6	529	639	739
Tour. Sedan—6	533	643	744
Conv. Brougham—6	590	710	821
1938—6—Series 89—Hudson 112, Serial and Motor Nos. 8928566 to 8956040:			
Standard:			
Coupe—3	360	432	499
Victoria Coupe—4	384	461	538
Conv. Coupe—3	437	528	610
Brougham—6	371	451	518
Tour. Brougham—6	384	461	538
Sedan—6	389	470	542
Tour. Sedan—6	398	485	557
Conv. Brougham—6	466	562	648
Utility:			
Coupe—3	374	451	523
Coach—6	360	432	499
Tour. Coach—6	370	446	514
Deluxe:			
Coupe—3	365	442	509
Victoria Coupe—4	389	470	542
Conv. Coupe—3	437	528	614
Brougham—6	379	456	528
Tour. Brougham—6	389	470	542
Sedan—6	394	475	552
Conv. Brougham—6	466	562	653
Tour. Sedan—6	408	490	569
1938—8—Series 84—Hudson Deluxe; Serial Nos. 84101 to 8456040; Motor Nos. 360000 and up. (Note—Beginning with Serial No. 8411126 Motor No. is identical with Serial No.):			
Coupe—3	528	634	734
Victoria Coupe—3–5	547	658	768
Conv. Coupe—3	600	725	835
Brougham—6	547	658	763
Tour. Brougham—6	557	672	778
Sedan—6	562	682	787
Tour. Sedan—6	576	691	802
Conv. Brougham—6	634	769	883
1938—8—Series 85—Hudson Custom; Serial Nos. 85101 to 8556040; Motor Nos. 360000 and up. (Note.—Beginning with Serial No. 8514126 Motor No. is identical with Serial No.):			
Coupe—3	566	682	787
Victoria Coupe—3–5	590	715	826
Brougham—6	590	715	826
Tour. Brougham—6	605	730	845
Sedan—6	614	739	854
Tour. Sedan—6	624	754	869

(12) HUDSON—continued

Model, serial No., body type, and passenger capacity	Base price in region A	B	C
1938—8—Series 87—Country Club; Serial Nos. 87101 to 8756040 Motor Nos. 35000 and up; (Note—Beginning with serial No. 8714126 Motor No. is identical with Serial No.):			
Sedan—6	$624	$754	$871
Tour. sedan—6	638	768	885
1937—6—Series 70—Terraplane Deluxe, Serial Nos. 70101 to 726801 Motor Nos. 250000 to 352074			
Station Wagon	384	480	576
1937—6—Series 71—Terraplane Deluxe, Serial Nos. 71101 to 7170046, motor Nos. 200000 to 352074:			
Business Coupe—2	302	370	437
Coupe—3	307	379	446
Victoria Coupe—3	331	403	475
Conv. Coupe—2	365	446	528
Brougham, 2 Dr.—5	317	389	461
Tour. Brougham, 2 Dr.—5	326	398	470
Sedan, 4 Dr.—5	341	418	494
Tour. Sedan, 4 Dr—5	350	427	505
Conv. Brougham—4	398	490	581
1937—6—Series 72—Terraplane Super Six; Serial Nos. 72101 to 7216607; Motor Nos. 250000 to 352074:			
Coupe—3	346	422	499
Victoria Coupe—3	365	446	528
Conv. Coupe—2	398	485	576
Brougham, 2 Dr.—5	355	432	509
Tour. Brougham, 2 Dr—5	365	446	528
Sedan, 4 Dr—5	374	461	542
Tour. Sedan, 4 Dr—5	384	470	557
Conv. Brougham—4	432	528	624
1937—6—Series 73—Hudson Custom Six; Serial Nos. 73101 to 7369915, Motor Nos. 90000 to 97682:			
Business Coupe—2	360	442	523
Coupe—3	374	456	542
Victoria Coupe—3	394	483	571
Conv. Coupe—3	422	514	610
Brougham, 2 Dr—5	384	470	557
Tour. Brougham, 2 Dr.—5	394	485	576
Sedan, 4 Dr.—5	408	499	590
Tour. Sedan, 4 Dr.—5	418	514	610
Conv. Brougham—4	461	562	667
1937—8—Series 74—Hudson Deluxe Eight; Serial Nos. 74101 to 745725, Motor Nos. 18000 to 34162:			
Coupe—5	403	490	581
Victoria Coupe—3	422	518	614
Conv. Coupe—2	456	557	658
Brougham, 2 Dr.—5	413	509	605
Tour. Brougham, 2 Dr.—5	427	523	619
Sedan, 4 Dr.—5	432	533	629
Tour. Sedan, 4 Dr.—5	446	547	643
Conv. Brougham—4	494	605	717
1937—8—Series 75—Hudson Deluxe Eight, Serial Nos. 75101 to 761197, Motor Nos. 18000 to 34162:			
Sedan, 4 Dr.—5	446	547	643
Tour. Sedan, 4 Dr.—5	456	562	662
1937—8—Series 75—Hudson Custom Eight; Serial Nos. 75101 to 753374; Motor Nos. 18000 to 34162:			
Coupe—3	437	533	629
Victoria Coupe—3	461	562	667
Conv. Coupe—2	494	605	725
Brougham, 2 Dr.—5	456	557	658
Tour. Brougham, 2 Dr.—5	466	571	677
Sedan, 4 Dr.—5	475	586	691
Tour. Sedan, 4 Dr.—5	490	600	710
Conv. Brougham—4	533	653	773
1937—8—Series 77—Hudson Custom Eight, Serial Nos. 77101 to 773752, Motor Nos. 18000 to 34162:			
Sedan, 4 Dr—5	490	600	710
Tour. Sedan, 4 Dr.—5	499	614	725

(13) HUPMOBILE

Model, serial No., body type, and passenger capacity	Base price in region A	B	C
1941—6—Series R113; Serial Nos. R-100500 and up:			
Tour. Sedan, 4 Dr.—5–RQK	$1,092	$1,060	$1,118
1940—6—Series—R—615 Custom, Serial Nos. R-100532 to 100589 Skylark Custom:			
Tour. Sedan, 4 Dr.—5–RQK	936	1,042	
1939—6—Series 922F; Serial Nos. E-72001 to 72600; Deluxe:			
Tour. Sedan, 4 Dr.—6–EQ	691	787	883
Custom: Tour. Sedan, 4 Dr.—6–EQQ	758	861	965

(13) HUPMOBILE—continued

Model, serial No., body type, and passenger capacity	Base price in region A	B	C
1939—8—Series 925H; Serial Nos. H-30001 to 30200; Deluxe:			
Tour. Sedan, 4 Dr.—6–HQ	$792	$902	$1,013
Custom: Tour. Sedan, 4 Dr.—6–HQD	864	984	1,099
1938—6—Series 822E; Serial Nos. 35001 to 35300, E30001 to 72000:			
Standard Tour. Sedan, 4 Dr.—6	576	696	806
Regular Tour. Sedan, 4 Dr.—6	590	715	826
Deluxe Tour. Sedan, 4 Dr.—6	660	725	840
Custom Tour. Sedan, 4 Dr.—6	667	806	931
1938—8—Series 825H, Serial Nos. H-25001 to 30000:			
Regular Tour. Sedan, 4 Dr.—6	653	787	912
Deluxe Tour. Sedan, 4 Dr.—6	677	816	946
Custom Tour. Sedan, 4 Dr.—6	744	898	1,037
1937—6—Series—G; Serial Nos. G6551 to 6749			
Business Coupe—3	336	413	490
Coupe—3	355	437	518
Victoria Coupe—3	365	442	509
Conv. Coupe—2	398	485	576
Tour. Sedan, 2 Dr.—6	360	442	523
Sedan, 4 Dr.—6	365	446	528
Tour. Sedan, 4 Dr.—6	379	466	547
1937—8—Series N; Serial Nos. N-8251 to 8289			
Coupe—3–5	442	538	638
Sedan, 2 Dr.—6	422	518	610
Tour. Sedan, 2 Dr.—6	442	538	638
Sedan, 4 Dr—6	442	538	638
Tour. Sedan, 4 Dr.—6	456	557	662

(14) LASALLE

Model, serial No., body type, and passenger capacity	Base price in region A	B	C
1940—V8—Series 50—Fleetwood; Serial Nos. 2320001 to 2330382:			
Coupe F/W 2—4—5027	$1,008	$1,123	$1,224
Conv. Coupe F/W 2—4—5067	1,142	1,272	1,387
Tour Sedan Tk. 4 Dr.—5—5019	1,080	1,200	1,310
Conv. Sedan Tk. 4 Dr.—5—5029	1,478	1,646	1,795
Tour. Sedan Tk. 2 Dr.—5—5011	1,046	1,162	1,267
1940—V8—Series 52 LaSalle Special; Serial Nos. 4320001 to 4333375:			
Coupe F/W 2—4—5027	1,128	1,255	1,373
Conv. Coupe F/W 2—4—5067	1,262	1,402	1,531
Conv. Sedan Tk. 4 Dr.—5—5029	1,560	1,738	1,896
Tour. Sedan Tk., 4 Dr.—5219	1,181	1,315	1,430
1939—V8—Series 50; Serial Nos. 2290001 to 2313028:			
Coupe O S 2—4—5027	816	931	1,046
Conv. Coupe O. S. 2—4—5067	926	1,051	1,181
Tour. Sedan Tk., 4 Dr.—5—5019	874	994	1,114
Conv. Sedan Tk., 4 Dr.—5—5029	1,200	1,363	1,531
Tour. Sedan Tk., 2 Dr.—5—5011	845	960	1,080
1938—V8—Series 50; Serial Nos. 2275001 to 2285301			
Coupe O S 2—4—5027	691	835	965
Conv. Coupe (Rumble) 2—4—5067	758	912	1,056
Tour. Sedan Tk., 4 Dr.—5—5019	739	888	1,027
Conv. Sedan, 4 Dr.—5—5029	974	1,176	1,363
Tour. Sedan Tk., 2 Dr.—5—5011	715	864	998
1937—V8—Series 50; Serial Nos. 2230001 to 2295005			
Coupe O S 2—4—5027	470	576	682
Conv. Coupe (Rumble) 2—4—5067	557	677	802
Tour. Sedan Tk., 2 Dr.—5—5011	523	638	754
Tour. Sedan Tk., 4 Dr.—5—5019	542	662	782
Conv. Sedan—5—5049	701	859	1,013

(15) LINCOLN

Model, serial No., body type, and passenger capacity	Base price in region A	B	C
1942—V12—Series 268M—Custom; Serial Nos. H-129091 and up:			
Sedan—5–31	$2,760	$2,798	$2,832
Limousine—5–32	2,861	2,899	2,938
1942—V12—Series 26H—Continental, Serial Nos. H-129091 and up:			
Coupe—3–57	2,803	2,837	2,875
Conv. Cabriolet—6–56	2,803	2,837	2,875

(15) LINCOLN—continued

Model, serial No., body type, and passenger capacity	Base price in region A	B	C
1941—V12—Series 168H—Custom; Serial Nos. H-107688 and up:			
Sedan—8–31	$2,699	$2,815	$2,966
Limousine—8–32	2,803	2,957	3,110
1941—V12—Series 16H—Continental; Serial Nos. H-107688 and up:			
Coupe—6–57	2,774	2,928	3,082
Cabriolet—6–56	2,827	2,981	3,139
1939—V12—Series K; Serial Nos. K9401 and up:			
Conv. Roadster LeBaron—2—4–410	3,595	4,094	4,594
LeBaron Coupe—5–412	3,595	4,094	4,594
Wilby Coupe—5–406	4,013	4,570	5,126
Sedan 2W/3W—5–404A and 404B	3,322	3,782	4,243
Brunn Conv. Victoria—5–408	4,013	4,570	5,126
Judkins Berline 2W—5–417A	4,080	4,646	5,213
Judkins Berline 3W—5–417B	4,147	4,723	5,299
Judkins Sedan Limousine—7–415	4,286	4,882	5,477
Brunn Cabriolet N/C—409A	4,704	5,357	6,010
Brunn Cabriolet S/C—409B	4,771	5,434	6,096
Brunn Tour. Cabriolet—2–425	4,910	5,592	6,274
Brunn Bronichan—7–411	4,771	5,434	6,096
Sedan—7–407A	3,456	3,936	4,416
Limousine—7–407B	3,528	4,018	4,507
Conv. Sedan LeBaron—5–413A	3,941	4,488	5,035
Conv. Sedan LeBaron W/P—5–413B	4,080	4,646	5,213
Wilby Limousine—7–419	4,219	4,805	5,390
Wilby Sport Sedan—5–421	4,771	5,434	6,096
1938—V12—Series K; Serial Nos. K9001 to 9450:			
Conv. LeBaron Roadster 2—4–410	2,659	3,206	3,710
Coupe LeBaron—2–412	2,659	3,206	3,710
Wilby Coupe—5–406	2,987	3,571	4,133
Sedan 2W/3W—5–404A and 404B	2,458	2,966	3,432
Brunn Conv. Victoria—5–408	2,957	3,571	4,133
Wilby Tour. Sedan—7–403	2,957	3,571	4,133
Judkins Berline 2W—5–417A	3,010	3,629	4,200
Judkins Berline 3W—5–417B	3,058	3,691	4,272
Judkins Sedan Limousine—7–415	3,158	3,811	4,411
Brunn Cabriolet N/C—5–409A	3,461	4,176	4,829
Brunn Cabriolet S.C—5–409B	3,529	4,234	4,901
Brunn Tour. Cabriolet—2–425	3,610	4,358	5,040
Brunn Brougham—7–411	3,509	4,234	4,901
Sedan—7–407A	2,568	3,086	3,571
Limousine—7–407B	2,666	3,149	3,643
LeBaron Conv. sedan—5–413A	2,909	3,509	4,061
LeBaron Conv. Seden W/P—5–413B	3,010	3,629	4,200
Wilby Limousine—7–419	3,110	3,754	4,339
Wilby Sport Sedan—5–421	3,509	4,234	4,901
Wilby Panel Brougham—7–423	3,710	4,478	5,179
1937—V12—Series K; Serial Nos. K7569 to 8490:			
Conv. Roadster LeBaron—5–360	2,309	2,822	3,341
Coupe LeBaron—2–362	2,309	2,822	3,341
Wilby Coupe—5–356	2,587	3,168	3,749
Sedan 2W/3W—5–364A and 364B	2,074	2,534	3,000
Brunn Conv. Victoria—5–358	2,587	3,168	3,749
Wilby Tour. Sedan—5–353	2,587	3,168	3,749
Judkins Berline 2W—4–367A	2,635	3,226	3,821
Judkins Berline 3W—4–367B	2,683	3,283	3,888
Judkins Sedan Limousine—7–395	2,779	3,398	4,022
Brunn Cabriolet N/C—359A	3,109	3,802	4,502
Brunn Cabriolet S/C—359B	3,154	3,859	4,570
Brunn Tour. Cabriolet—5–375	3,250	3,974	4,704
Brunn Brougham—7–361	3,154	3,859	4,570
Sedan—7–357A	2,213	2,707	3,206
Limousine—7–357B	2,261	2,765	3,274
Conv. Sedan Lebaron—5–363A	2,544	3,110	3,682
Conv. Sedan Lebaron W/P—5–363B	2,635	3,226	3,821
Wilby Limousine—7–369	2,731	3,341	3,955
Wilby Sport Sedan—5–371	3,202	3,917	4,637
Wilby Panel Brougham—7–373	3,293	4,032	4,771

(16) LINCOLN ZEPHYR

Model, serial No., body type, and passenger capacity	Base price in region A	B	C
1942—V12—Series 26H; Serial Nos. H-129091 to 136284:			
Coupe—3–72	$1,704	$1,742	$1,781
Club Coupe—6–77	1,747	1,781	1,819
Conv. Coupe—6–76	2,112	2,150	2,184
Sedan, 4 Door—6–73	1,747	1,781	1,819
Custom Interior:			
Coupe—3–72	1,776	1,810	1,848
Club Coupe—6–77	1,824	1,858	1,896
Sedan, 4 Dr.—6–73	1,824	1,858	1,896

(16) LINCOLN ZEPHYR—continued

Model, serial No., body type, and passenger capacity	Base price in region A	B	C
1941—V12—Series 16H; Serial Nos. H-107688 and up:			
Coupe—3–72A	$1,454	$1,536	$1,618
Coupe-A/S—3–5–72B	1,488	1,570	1,651
Club Coupe—6–77	1,522	1,603	1,685
Conv. Coupe—6–76	1,834	1,934	2,035
Sedan, 4 Dr.—6–73	1,522	1,603	1,685
Custom Interior:			
Coupe—3–72	1,536	1,618	1,704
Club Coupe—6–77	1,618	1,709	1,795
Sedan, 4 Dr.—6–73	1,618	1,709	1,795
1940—V12—Series 06H; Serial Nos. H-8501 and up:			
Coupe—3–72A	1,162	1,296	1,411
Coupe A/S—5–72B	1,186	1,320	1,440
Club Coupe—6–77	1,200	1,334	1,454
Conv. Coupe—5–76	1,512	1,685	1,838
Cont. Club Coupe—5–57	2,309	2,568	2,800
Cont. Cabriolet—5–56	2,429	2,702	2,947
Sedan—6–73	1,200	1,334	1,454
Custom Interior:			
Coupe—3–72A	1,248	1,387	1,517
Club Coupe—6–77	1,282	1,426	1,555
Sedan—6–73	1,282	1,426	1,555
Town Limousine—5–22	1,488	1,656	1,805
1939—V12—Series 96H; Serial Nos. H-43641 to 85640:			
Coupe—3–72	912	1,042	1,166
Conv. Coupe—2–4–76	1,176	1,339	1,502
Coupe Sedan, 2 Dr.—5–70	922	1,051	1,176
Sedan, 4 Dr.—5–73	941	1,070	1,205
Conv. Sedan—5–74	1,298	1,411	1,584
Custom Interior:			
Coupe—5–72	1,003	1,142	1,282
Coupe Sedan, 2 Dr.—5–70	1,027	1,166	1,310
Sedan, 4 Dr.—5–73	1,046	1,190	1,334
Town Limousine Sedan—5–22	1,176	1,339	1,502
1938—V12—Series 86H; Serial Nos. H-43530 to 64640:			
Coupe—3–720	686	830	960
Conv. Coupe—3–760B	902	1,060	1,258
Coupe Sedan, 2 Dr.—5–700	720	869	1,003
Sedan, 4 Dr.—6–730	730	878	1,018
Conv. Sedan—5–740	950	1,147	1,325
Town Limousine—5–737	821	994	1,147
1937—V12—Series 11B; Serial Nos. H-15529 to 43529:			
Coupe—3–720	514	629	744
Coupe Sedan, 2 Dr.—6–700	552	677	802
Sedan, 4 Dr.—6–730	562	686	811
Town Limousine—6–737	638	778	922

(17) MERCURY

Model, serial No., body type, and passenger capacity	Base price in region A	B	C
1942—VS—Series 29A—100 H. P. Serial Nos. 99A—466701 and up:			
Coupe—3—77	$1,066	$1,099	$1,138
Sedan Coupe—6–72	1,123	1,162	1,200
Conv. Club Coupe—5–76	1,291	1,325	1,363
Tudor Sedan—6–70	1,099	1,138	1,171
Town Sedan, 4 Dr.—6–73	1,138	1,171	1,210
Station Wagon—8–79	1,334	1,373	1,411
1941—VS—Series 19A—100 H. P. Serial Nos. 99A—257101 and up:			
Coupe-5W—2–77	926	979	1,032
Coupe A/S 2—4–67	965	1,018	1,070
Sedan Coupe—6–72	998	1,051	1,101
Conv. Club Coupe 2—4–76	1,123	1,185	1,241
Tudor Sedan—6–70	965	1,018	1,070
Town Sedan, 4 Dr.—6–73	1,008	1,061	1,118
Station Wagon—8–79	1,162	1,229	1,291
1940—VS—Series 09A-95 H. P.; Serial Nos. 99A-101701 and up:			
Club Conv. Coupe—5–76	998	998	1,060
Sedan, 2 Dr.—6–70	787	878	965
Coupe Sedan, 2 Dr.—6–72	827	912	998
Town Sedan, 4 Dr.—6–73	821	912	998
Conv. Sedan—6–74	1,098	1,123	1,224
1939—VS—Series 99A-95 H. P.; Serial Nos. 99A-1 to 101700:			
Club Conv. Coupe—5–76	686	782	878
Sedan, 2 Dr.—5–70	649	701	787
Coupe Sedan, 2 Dr.—5–72	643	734	826
Town Sedan—5–73	643	734	826

(18) NASH

Model, serial No., body type, and passenger capacity	Base price in region A	B	C
1942—6—Series 4240—Ambassador "600," Serial Nos. K-57601 to 77600:			
Business Coupe—3—4242	$902	$936	$974
Brougham, 2 Dr.—6—4243	941	979	1,018
S/S Sedan, 2 Dr.—6—4249	931	970	1,003
S/S Sedan, 4 Dr.—6—4248	950	989	1,027
Sedan, Tk. 4 Dr.—6—4240	979	1,013	1,051
1942—6—Series 4260—Ambassador Six, Serial Nos. R-384001 to 393666:			
Business Coupe—3—4262	1,007	1,040	1,125

(18) NASH—continued

Model, serial No., body type, and passenger capacity	Base price in region A	B	C
1942—6—Series 4260—Continued.			
Brougham, 2 Dr.—6—4263	$1,094	$1,133	$1,171
S/S Sedan, 2 Dr.—6—4269	1,085	1,124	1,162
S/S Sedan, 4 Dr.—6—4268	1,104	1,142	1,181
Sedan, Tk., 4 Dr.—6—4260	1,133	1,166	1,205
1942—8—Series, 4280—Ambassador Eight, Serial Nos. B114001 to 115000:			
Business Coupe—3—4282	1,104	1,142	1,182
Brougham, 2 Dr.—6—4284	1,147	1,181	1,219
S/S Sedan, 2 Dr.—6—4289	1,128	1,166	1,240
S/S Sedan, 4 Dr.—6—4288	1,157	1,195	1,229
Sedan, Tk, 4 Dr.—6—4280	1,181	1,219	1,258
1941—Series 4140—Ambassador "600", Serial Nos. K-5001 to 55100.			
Special:			
Business Coupe—3—4145	730	768	811
S/S Sedan, 2 Dr.—6—4136	744	782	821
S/S Sedan, 4 Dr.—6—4147	778	821	864
Deluxe:			
Business Coupe—3—4142	782	826	869
Brougham, 2 Dr.—6—4145	811	854	898
S/S Sedan, 2 Dr.—6—4149	778	816	859
S/S Sedan, 4 Dr.—6—4148	811	854	898
Sedan, Tk, 4 Dr.—6—4140	864	907	955
1941—6—Series 4160—Ambassador SIX, Serial Nos. R-355001 to 383400:			
Business Coupe—3—4162	917	970	1,018
Special Business Coupe—3—4165	845	893	941
All Purpose Cabriolet—5—4161	1,069	1,157	1,219
Brougham, 2 Dr.—6—4163	970	1,022	1,075
Special S/S Sedan, 2 Dr.—6—4169	893	941	989
Special S/S Sedan, 4 Dr.—6—4167	926	974	1,027
Deluxe S/S Sedan, 4 Dr.—6—4168	979	1,032	1,085
Sedan, Tk, 4 Dr.—6—4160	1,027	1,085	1,142
1941—8—Series 4180—Ambassador Eight Serial Nos. B-110001 to 115300			
Cabriolet—5—4181	1,214	1,282	1,349
Deluxe Brougham 2 Dr.—6—4183	1,075	1,133	1,190
Special S/S Sedan, 4 Dr.—6—4187	1,042	1,099	1,157
Deluxe S/S Sedan, 4 Dr.—6—4188	1,099	1,157	1,214
Sedan, tk, 4 Dr.—6—4180	1,147	1,210	1,272
1940—6—Series 4040—Deluxe Lafayette Serial Nos. H 57000 to 103202; Motor Nos. HE-56500 to 102862:			
Business Coupe—3—4044	667	739	806
All Purpose Coupe—5—4042	710	792	864
All Purpose Cabriolet—5—4041	816	907	989
F/B Sedan, 2 Dr.—6—4043	706	787	859
F/B Sedan, 4 Dr.—6—4018	734	816	888
Sedan, Tk 4 Dr.—6—4040	734	816	888
1940—6—Series 4020—Nash Ambassador Six, Serial Nos. R 340000 to 352517; Motor Nos. E-338500 to 352017:			
Business Coupe—3—4025	773	859	941
All Purpose Coupe—5—4022	802	893	974
All Purpose Cabriolet—5—4021	907	1,008	1,104
F/B Sedan, 2 Dr.—6—4023	797	888	970
F/B Sedan, 4 Dr.—6—4028	826	917	998
Sedan Tk 4 Dr.—6—4020	826	917	998
1940—8—Series 4080—Nash Ambassador Eight. Serial Nos. B-103300 to 106549; Motor Nos. B-105900 to 109049:			
Business Coupe—3—4085	950	1,056	1,152
All Purpose Coupe—5—4082	979	1,080	1,190
All Purpose Cabriolet—5—4081	1,085	1,205	1,315
F/B Sedan, 2 Dr.—6—4083	974	1,085	1,181
F/B Sedan, 4 Dr.—6—4088	998	1,114	1,214
Sedan, Tk, 4 Dr.—6—4080	998	1,114	1,214
1939—6—Series 3940—Nash Lafayette: Serial Nos. H 19480 to 56761: Motor Nos. HE-18950 to 56261:			
Special:			
Business coupe—3—3945	523	595	667
F/S sedan, 2 Dr.—6—3946	547	624	701
F/S sedan, 4 Dr.—6—3947	571	648	730
Sedan tk, 4 Dr.—6—3949	571	648	730
Deluxe:			
Business coupe—3—3944	562	638	715
All purpose coupe—5—3942	586	662	744
All purpose cabriolet—5—3941	643	734	826
F/S sedan, 2 Dr.—6—3943	581	662	739
F/S sedan, 4 Dr.—6—3948	600	682	768
Sedan tk, 4 Dr.—6—3940	600	682	768
1939—6—Series 3920—Nash Ambassador Six: Serial Nos. R 331400 to 339899: Motor Nos. E 82800 to 339999:			
Business Coupe—3—3925	629	715	802
All Purpose Coupe—5—3922	653	744	830

(18) NASH—continued

Model, serial No., body type, and passenger capacity	Base price in region A	B	C
1939—6—Series 3920—Continued.			
All Purpose Cabriolet—5—3921	$710	$811	$912
F/B Sedan, 2 Dr.—6—3923	648	739	826
F/B Sedan, 4 Dr.—6—3928	667	763	854
Sedan Tk, 4 Dr.—6—3920	667	763	854
1939—8—Series 3880—Nash Ambassador Eight: Serial Nos. B 89000 to 106051: Motor Nos. B 101700 to 105551:			
Business Coupe—3—3885	797	907	1,018
All Purpose Coupe—5—3882	821	936	1,046
All Purpose Cabriolet—5—3881	878	998	1,123
F/B Sedan, 2 Dr.—6—3883	816	931	1,046
F/B Sedan, Dr.—6—3888	840	955	1,070
Sedan Tk, 4 Dr.—6—3880	840	955	1,070
1938—6—Series 3810—Nash Lafayette: Serial Nos. L 106281 to 128924 H 10501 to 19099: Motor Nos. L E 10581 to 128624 H E 10601 to 18899:			
Master:			
Business Coupe—3—3815	422	509	586
Sedan, 2 Dr.—6—3816	442	533	614
Sedan Tk, 4 Dr.—6—3817	466	562	648
Deluxe:			
Business Coupe—2—3814	451	542	624
All Purpose Coupe—5—3812	470	566	653
Cabriolet—5—3811	504	610	715
Victoria, 2 Dr.—6—3813	466	566	653
Sedan Tk 4 Dr.—6—3818	491	595	686
1938—6—Series 3820—Nash Ambassador Six: Serial Nos. R324311 to 331303: Motor Nos. E75711 to 82760:			
Business Coupe—3—3825	533	638	739
All Purpose Coupe—5—3822	557	672	773
Cabriolet—5—3821	595	720	830
Victoria, 2 Dr.—6—3823	547	662	763
Sedan Tk, 4 Dr.—6—3828	576	691	802
1938—8—Series 3880—Nash Ambassador Eight: Serial Nos. B98331 to 98960: Motor Nos. B98731 to 101660:			
Business Coupe—3—3885	614	739	854
All Purpose Coupe—5—3882	638	768	888
Cabriolet—5—3881	677	821	946
Victoria, 2 Dr.—6—3883	629	758	878
Sedan Tk 4 Dr.—6—3888	658	792	917
1937—6—Series 3710—Nash Lafayette "400": Serial Nos. L56781 to 100280, H1001 to 10500: Motor Nos. LE56781 to 103780, H E501 to 1000:			
Business Coupe—3—3712	283	340	408
Coupe—3—5—3712R	307	374	446
All Purpose Coupe—5—3712A	312	384	461
Cabriolet—5—3711	350	427	504
Victoria Sedan, 2 Dr.—3713	312	379	446
Sedan Tk 4 Dr.—6—3718	334	403	480
1937—6—Series 3720—Nash Ambassador Six: Serial Nos. R-305311 to 324300: Motor Nos. E-66711 to 75700:			
Business Coupe—3—3722	355	437	518
Coupe—3—5—3722R	374	461	542
All Purpose Coupe—5—3722A	384	470	552
Cabriolet—5—3721	408	499	590
Victoria Sedan, 2 Dr.—6—3723	374	461	542
Sedan Tk.—6—3728	398	490	576
1937—8—Series 3780—Nash Ambassador Eight: Serial Nos. B-86031 to 86930: Motor Nos. B-92731 to 98730:			
Business Coupe—3—3782	403	552	686
Coupe—3—5—3782R	422	518	610
All Purpose Coupe—5—3782A	432	528	624
Cabriolet—3—5—3781	451	557	658
Victoria Sedan, 2 Dr.—6—3783	422	518	610
Sedan Tk.—6—3788	446	547	648

(19) OLDSMOBILE

Model, serial No., body type, and passenger capacity	Base price in region A	B	C
1942—6—Series 66: Serial Nos. 66—86001 to 111810; 66L1201 to 13925; 66C9001 to 11076; Motor Nos. G-424001 to 472809:			
Business Coupe—3	$984	$1,018	$1,056
Club Coupe F/W 3—6	1,027	1,061	1,099
Conv. Coupe F/W 3—6	1,262	1,301	1,334
Club Sedan—6	1,042	1,075	1,114
Sedan, 2 Dr.—6	1,027	1,066	1,104
Tour. Sedan, 4 Dr.—6	1,075	1,114	1,152
Town Sedan, 4 Dr.—6	1,075	1,114	1,152
Station Wagon—8	1,358	1,397	1,435
1942—6—Series 76: Serial Nos. 76—75001 to 91101, 76L11001 to 12922, 76C7001 to 8338; Motor Nos. G-424001 to 472809:			
Club Sedan—6	1,080	1,118	1,157
Sedan, 4 Dr.—6	1,138	1,176	1,214
Series 76D:			
Club Sedan—6	1,171	1,205	1,243
Sedan, 4 Dr.—6	1,224	1,262	1,301

(19) OLDSMOBILE—continued

Model, serial No., body type, and passenger capacity	Base price in region A	B	C
1942—8—Series 68: Serial Nos. 68—9001 to 12599, 68L 3001 to 3225, 68C3001 to 3265; Motor Nos. L426001 to 468773:			
Business Coupe—3	$1,027	$1,061	$1,099
Club Coupe O/S—2—4	1,066	1,104	1,142
Conv. Coupe F/W—2—5	1,301	1,339	1,378
Tour. Sedan, 2 Dr.—5	1,080	1,118	1,157
Sedan, 4 Dr.—6	1,070	1,109	1,147
Tour. Sedan, 4 Dr.—6	1,118	1,152	1,190
Town Sedan, 4 Dr.—6	1,118	1,152	1,190
Station Wagon—8	1,402	1,435	1,474
1942—8—Series 78: Serial Nos. 78—20001 to 32881, 78L4001 to 4444, 78C4001 to 4478: Motor Nos. L426001 to 468773:			
Club Sedan—6	1,123	1,162	1,200
Sedan, 4 Dr.—6	1,181	1,214	1,253
series 78D			
Club Sedan—6	1,210	1,248	1,287
Sedan, 4 Dr.—6	1,267	1,306	1,339
1942—8—Series 98: Serial Nos. 98—25001 to 31097, 98L6001 to 6274, 98C4001 to 4232: Motor Nos. L426001 to 468773			
Conv. Coupe—3—6	1,736	1,774	1,813
Club Sedan—3—6	1,296	1,334	1,373
Tour. Sedan, 4 Dr.—6	1,354	1,392	1,430
1941—6—Series 66—Special, serial Nos. 66—1001 to 82216, 66L-1001 to 11770, 66C1001 to 8868, Motor Nos. G-225001 to 423445:			
Business Coupe—3	845	893	941
Club Coupe F/W—3—4	888	936	984
Conv. Coupe F/W—3—6	1,042	1,080	1,118
Tour. Sedan, 2 Dr.—6	893	941	989
Tour. Sedan, 4 Dr.—6	941	989	1,037
Town sedan, 4 Dr.—6	941	989	1,037
Station Wagon—8	1,099	1,162	1,225
1941—6—Series 76—Dynamic, Serial Nos. 76-1001 to 75224, 76L1001 to 10426, 76C1001 to 6843; Motor Nos. G 225001 to 423445:			
Business Coupe—3	888	946	994
Club Sedan—6	946	994	1,042
Sedan, 4 Dr.—6	1,003	1,056	1,114
Deluxe:			
Business Coupe—3	979	1,032	1,080
Sedan Club—6	1,027	1,085	1,133
Sedan, 4 Dr.—6	1,085	1,142	1,200
1941—6—Series 96—Custom: Series Nos. 96-1001 to 6745, 96L1001 to 1161, 96C1001 to 1936; Motor Nos. G 225001 to 423445:			
Club Coupe F/W—3—4	1,032	1,080	1,133
Conv. Coupe F/W—3—6	1,186	1,248	1,310
Tour. Sedan, 4 Dr.—6	1,090	1,152	1,200
1941—8—Series 98—Special: Serial Nos. 98-1001 to 8851, 98L1001 to 2951, 98C1001 to 2174; Motor Nos. L379001 to 449105:			
Business Coupe—3	888	936	989
Club Coupe F/W—3—6	926	979	1,032
Conv. Coupe F/S—3—6	1,085	1,142	1,200
Tour. Sedan, 2 Dr.—6	931	984	1,037
Tour. Sedan, 4 Dr.—6	979	1,032	1,090
Town Sedan, 4 Dr.—6	979	1,032	1,090
Station Wagon—8	1,142	1,205	1,263
1941—8—Series 98—Dynamic, Serial Nos. 98-1001 to 28815, 98L1001 to 3924, 98C1001 to 3035; Motor Nos. L379001 to 449105:			
Business Coupe—3	931	984	1,037
Club Sedan, 2 Dr.—6	979	1,032	1,090
Sedan, 4 Dr.—6	1,037	1,091	1,142
Deluxe:			
Business Coupe—3	1,018	1,075	1,133
Club Sedan, 2 Dr.—6	1,066	1,123	1,181
Sedan, 4 Dr.—6	1,123	1,186	1,243
1941—8—Series 98—Custom: Serial Nos. 98-1001 to 24485, 98L1001 to 5245, 98C1001 to 3356; Motor Nos. L379001 to 449105:			
Club Coupe F/W—3—6	1,070	1,128	1,186
Conv. Coupe F/W—3—6	1,219	1,286	1,339
Conv. Phaeton, Tk—6	1,574	1,666	1,758
Tour. Sedan, 4 Dr.—6	1,128	1,186	1,243
1940—6—Series 60—F40: Serial Nos. F703601 to 758729, LF-556001 to 563474, CF-515001 to 519651; Motor Nos. G-79001 to 224652:			
Business Coupe—2	658	700	743
Club Coupe F/W—2—5	691	768	811
Conv. Coupe F/W—2—5	816	907	989
Tour. Sedan, 2 dr.—5	696	773	854
Tour., Sedan, 4 Dr.—5	734	816	898
Station Wagon—8	854	946	1,037

(20) PACKARD

Model, serial No., body type, and passenger capacity	Base price in region A	B	C
1942—6—Series 110—Clipper; Serial Nos. E-1501 to 12200: Special Series 2000:			
Business Coupe—3—1588	$1,234	$1,272	$1,310
Club Sedan 2 Dr.—6—1585	1,272	1,306	1,344
Tour. Sedan, 4 Dr.—6—1582	1,306	1,339	1,378
Custom Series 2010:			
Club Sedan, 2 Dr.—6—1505	1,344	1,373	1,411
Tour. Sedan, 4 Dr.—6—1502	1,373	1,411	1,445

(19) OLDSMOBILE—continued

Model, serial No., body type, and passenger capacity	Base price in region A	B	C
1940—6—Series 70-G40: Serial Nos. G-355001 to 417940, LG-108601 to 117596, CG16001 to 21070; Motor Nos. G 79001 to 224652:			
Business Coupe—2	$701	$782	$854
Club Coupe F/W—2—5	734	816	888
Conv. Coupe F/W—2—5	854	946	1,032
Tour. Sedan, 2 Dr.—5	739	820	898
Tour. Sedan 4 Dr.—5	782	874	950
1940—8—Series 60—L40: Serial Nos. L242001 to 281191, LL202001 to 205267, CL1501 to 102700; Motor Nos. L334001 to 378661; Custom Cruiser:			
Conv. Phaeton—5	1,286	1,430	1,560
Club Coupe F/W—3—6	869	965	1,056
Conv. Coupe F/W—3—6	968	1,109	1,240
Tour. Sedan, 4 Dr.—5	922	1,022	1,118
1939—6—Series 60—F39; Serial Nos. F663601 to 702688; CF511001 to 514115; LF554701 to 556685; Motor Nos. F30001 to 902730:			
Business Coupe—2	709	581	653
Club Coupe O/S—2—4	547	624	701
Sedan, Tk 2 Dr.—5	552	629	706
Sedan, Tk 4 Dr.—5	586	667	749
1939—6—Series; 70-G39; Serial Nos. G300001 to 354552, CG-10001 to 15325, LG100001 to 107782; Motor Nos. G10001 to 78468			
Business Coupe—2	552	629	706
Club Coupe O/S—2—4	586	667	749
Conv. Coupe O/S—2—4	691	787	878
Sedan, Tk 2 Dr.—5	595	677	758
Sedan, Tk 4 Dr.—5	629	715	802
1939—8—Series 80—L39; Serial Nos. L228201 to 241850, CL188001 to 190358, LL-195001 to 201119; Motor Nos. L316001 to 333127:			
Business Coupe—2	605	686	768
Club Coupe O/S—2—4	638	725	816
Conv. Coupe O/S—2—4	739	840	941
Sedan, Tk, 2 Dr.—5	653	744	830
Sedan, Tk, 4 Dr.—5	686	782	878
1938—6—Series F38; Serial Nos. F590001 to 622232, CF505001 to 510598, LF545001 to 551136; Motor Nos. 828001 to 960462:			
Business Coupe—2	461	557	643
Club Coupe O/S—2—4	490	595	686
Conv. Coupe R/S—2—4	557	672	773
Sedan, 2 Dr.—5	485	586	677
Tour. Sedan, 2 Dr.—5	499	605	696
Sedan, 4 Dr.—5	514	619	715
Tour. Sedan, 4 Dr.—5	528	638	734
1938—8—Series L38; Serial Nos. L212001 to 228196, CL187001 to 188751, LL197001 to 198599; Motor Nos. 266001 to 315781:			
Business Coupe—2	523	629	730
Club Coupe O/S—2—4	547	662	763
Conv. Coupe R/S—2—4	619	744	859
Sedan, 2 Dr.—5	547	658	758
Tour Sedan, 2 Dr.—5	557	672	778
Sedan, 4 Dr.—5	571	691	797
Tour Sedan, 4 Dr.—5	586	706	821
1937—6—Series F37; Serial Nos. F-557001 to 603700, CF-503001 to 504720; LF546001 to 549750; Motor Nos. 670001 to 812949:			
Business Coupe—2—4	326	398	470
Club Coupe O/S—2—4	350	427	504
Conv. Coupe R/S—2—4	394	485	571
Sedan, 2 Dr.—5	350	427	504
Tour. Sedan Tk, 2 Dr.—5	360	442	523
Sedan, 4 dr.—5	374	456	542
Tour. Sedan Tk, 4 Dr.—5	384	470	557
1937—8—Series L37; Serial Nos. LL19001 to 186544, CLL18001 to 140240, LL190001 to 195312; Motor Nos. 250001 to 293424:			
Business Coupe—2	370	456	538
Club Coupe O/S—2—4	398	485	576
Conv. Coupe—R/S 2—4	442	542	638
Sedan, 2 Dr.—5	398	485	576
Tour. Sedan Tk, 2 Dr.—5	408	499	590
Sedan, 4 Dr.—5	422	514	610
Tour. Sedan Tk, 4 Dr.—5	432	528	624

(20) PACKARD—continued

Model, serial No., body type, and passenger capacity	Base price in region A	B	C
1942—6—Series 110—Con. Series 2020:			
Conv. Coupe—5—1589	$1,450	$1,488	$1,526
1942—8—Series 120—Clipper; Serial Nos. E200001 to 319350: Special Series 2001:			
Business Coupe—3—1598	1,248	1,315	1,354
Club Sedan, 2 Dr.—6—1595	1,315	1,349	1,387
Tour. Sedan 4 Dr.—6—1592	1,349	1,382	1,421
Custom Series 2011:			
Club Sedan, 2 Dr.—6—1515	1,382	1,421	1,454
Tour. Sedan, 4 Dr.—6—1512	1,416	1,454	1,493
Series 2021:			
Conv. Coupe—5—1599	1,550	1,584	1,622
1942—8—Series 160—Super Clipper; Serial Nos. E-250001 to 303371:			
Series 2003:			
Club Sedan, 2 Dr.—6—1575	1,680	1,718	1,752
Tour. Sedan, 4 Dr.—6—1572	1,728	1,762	1,800
Series 2023:			
Conv. Coupe—5—1579	1,805	1,843	1,872
Series 2004:			
Tour. Sedan, 4 Dr.—6—1562	1,891	1,930	1,968
Series 2005:			
Tour. Sedan, 4 Dr. 7—1571	2,056	2,045	2,078
Tour. Limousine—7—1570	2,107	2,141	2,179
Series 2055:			
Business Sedan, 4 Dr.—7—1591	1,886	1,925	1,963
Business Limousine—7—1590	1,987	2,026	2,059
1942—8—Series 180—Custom Super; Serial Nos. CE500001 to 503371:			
Series 2006:			
Club Sedan, 4 Dr.—6—1525	2,059	2,093	2,131
Tour. Sedan, 4 Dr.—6—1522	2,136	2,174	2,208
Special Series 2606:			
Victoria Conv. Darrin—5—1529	4,008	4,042	4,080
Series 2007:			
Tour. Sedan, 4 Dr.—6—1542	2,333	2,371	2,405
Formal Sedan—6—1532	2,794	2,827	2,866
Cabriolet A/W Rollson—7—894	4,229	4,262	4,301
Series 2008:			
Tour. Sedan, 4 Dr.—7—1551	2,460	2,434	2,472
Tour, Limousine—7—1550	2,460	2,534	2,573
Tour. Sedan Lebaron—7—1521	4,757	4,790	4,829
Tour. Limousine Lebaron—7—1520	4,954	4,987	5,026
Town Car A/W Rollson—7—895	4,306	4,344	4,382
1941—6—Series 110 Series 1960; Special; Serial Nos. D1501 to 99699:			
Business Coupe—2—1488	907	955	1,003
Club Coupe—2—4—1485	998	1,056	1,109
Conv. Coupe—2—4—1489	1,181	1,243	1,310
Tour, Sedan, 2 Dr.—5—1484	1,027	1,080	1,138
Tour, Sedan, 4 Dr.—5—1482	1,056	1,114	1,176
Station Wagon—8—1483	1,238	1,306	1,373
Deluxe:			
Club Coupe—2—4—1485DE	1,037	1,094	1,152
Conv. Coupe—2—4—1489DE	1,214	1,282	1,349
Tour, Sedan, 2dr.—5—1484DE	1,085	1,147	1,205
Tour. Sedan, 4 Dr.—5—1482DE	1,118	1,181	1,243
Station Wagon—8—1483	1,296	1,368	1,440
1941—8—Series 120; Serial Nos. D3600001 to 3999999: Series 1901:			
Business Coupe—2—1498	1,104	1,166	1,224
Club Coupe—2—4—1495	1,209	1,267	1,330
Conv. Coupe—2—4—1499	1,373	1,450	1,526
Tour. Sedan, 2 dr.—5—1494	1,224	1,291	1,358
Tour. Sedan, 4 dr.—5—1492	1,258	1,325	1,397
Sedan, 4 Dr.—5	1,728	1,824	1,920
Station Wagon—8—1493	1,435	1,512	1,594
Deluxe Station Wagon—8—1473	1,498	1,579	1,661
1941—8—Series 1951—Clipper; Serial Nos. D4000001 to 4999999: Tour, Sedan, 4 dr.—5—1401	1,373	1,450	1,522
1941—8—Series160—Super Eight; Serial Nos. D700001 to 999999:			
Series 1903:			
Business Coupe—2—1478	1,589	1,675	1,762
Club Coupe—2—4—1475	1,704	1,800	1,891
Conv. Coupe—2—4—1479	1,891	1,997	2,098
Tour. Sedan, 4 dr.—5—1472	1,747	1,843	1,939
Conv. Sedan—5—1477	2,184	2,304	2,424
Deluxe:			
Conv. Coupe—2—4—1479DE	2,069	2,184	2,299
Conv. Sedan—5—1477DE	2,414	2,549	2,678
Series 1901:			
Tour. Sedan, 4 Dr.—5—1462	2,011	2,122	2,232
Series 1905:			
Tour. Sedan—7—1471	2,165	2,285	2,405
Tour. Limousine—7—1470	2,294	2,424	2,549
1941—8—Series180—Custom Super; Serial Nos. CD500001 to 599999; Series 1906:			
Victoria Conv. Darrin—5—1429	4,608	4,862	5,112

(20) PACKARD—continued

Model, serial No., body type, and passenger capacity	Base price in region A	B	C
1941—8—Series 180—Con. Series 1907:			
Tour. Sedan, 4 Dr.—5—1442	$2,602	$2,746	$2,890
Formal Sedan 5—1432	3,072	3,240	3,408
Sport Brougham, 4 Dr.—5—1452	3,533	3,730	3,922
Cabriolet A/W Rollson—7—794	4,709	4,966	5,227
Sport Sedan Darrin—5—1422	4,810	5,074	5,342
Series 1908:			
Tour. Sedan—7—1451	2,741	2,894	3,043
Tour. Limousine—7—1450	2,890	3,048	3,206
Town A/W Rollson—7—795	4,838	5,102	5,366
Tour. Sedan LeBaron—7—1421	5,371	5,669	5,966
Tour. Limousine LeBaron—7—1420	5,630	5,938	6,250
1940—6—Series 110; Serial Nos. C1501 to 56669; Series 1809:			
Business Coupe—2—1288	710	787	859
Club Coupe—2—4—1385	758	840	917
Conv. Coupe—2—4—1389	893	994	1,085
Tour. Sedan, 2 Dr.—5—1384	773	859	936
Tour. Sedan, 4 Dr.—5—1382	802	888	970
Station Wagon—8—1383	984	1,094	1,195
1940—8—Series 120; Serial Nos. C300001 to 395999; Series 1801:			
Business Coupe—2—1388	845	941	1,022
Club Coupe—2—4—1395	893	994	1,080
Conv. Coupe—2—4—1389	1,027	1,142	1,248
Tour. Sedan, 2 Dr.—5—1384	907	1,008	1,104
Tour. Sedan, 4 Dr.—5—1382	926	1,037	1,133
Club Sedan—5—1396	994	1,104	1,205
Conv. Sedan—5—1397	1,272	1,416	1,546
Station Wagon—8—1383	1,142	1,272	1,387
Victoria Conv. Darrin—5—700	3,154	3,504	3,826
Deluxe:			
Club Coupe—2—4—1396 DE	936	1,037	1,133
Conv. Coupe—2—4—1389 DE	1,061	1,181	1,286
Tour. Sedan, 4 dr.—5—1382 DE	998	1,114	1,214
Club Sedan—5—1396 DE	1,096	1,176	1,282
1940—8—Series160—Super Eight; Serial Nos. C500001 to 599999; Series 1803:			
Business Coupe—2—1378	1,243	1,382	1,507
Club Coupe—2—4—1375	1,301	1,450	1,570
Conv. Coupe—2—4—1379	1,450	1,613	1,762
Tour. Sedan 4 dr.—5—1372	1,334	1,483	1,618
Club Sedan—5—1376	1,502	1,560	1,704
Conv. Sedan—5—1377	1,680	1,872	2,040
Series 1804:			
Tour. Sedan, 4 dr.—5—1372	1,550	1,728	1,882
Series 1805:			
Tour. Sedan—7—1371	1,661	1,848	2,016
Tour. Limousine—7—1370	1,771	1,968	2,146
1940—8—Series 180—Custom Super; Serial Nos. CC4000 to 599599; Series 1806:			
Club Sedan, 4 Dr.—5—1376	1,834	2,040	2,222
Victoria Conv. Darrin—5—700	3,787	4,214	4,594
Series 1807:			
Tour. Sedan, 4 Dr.—5—1372	1,973	2,194	2,357
Formal Sedan—5—1332	2,333	2,597	2,892
Cabriolet A/W Rollson—7—694	3,486	4,104	4,474
Conv. Sedan Darrin—5—710	5,232	5,822	6,350
Darrin Spt. Sedan—5—720	5,009	5,635	6,149
Series 1808:			
Tour, Sedan—7—1351	2,083	2,318	2,525
Tour, Limousine—7—1350	2,189	2,434	2,659
Town Car A/W Rollson—7—695	3,742	4,219	4,603
1939—6—Motor Nos. B1501 to 99699; Series 1700:			
Business Coupe—2—1288	581	662	744
Club Coupe—2—4—1285	619	706	792
Conv. Coupe—2—4—1289	720	821	922
Tour. Sedan, 2 Dr.—5—1284	634	720	811
Tour. Sedan 4 Dr.—5—1282	653	744	835
Station Wagon	931	1,061	1,190
1939—8—Motor Nos. B300001 to 399999; Series 1701:			
Business Coupe—2—1288	715	816	917
Club Coupe—2—4—1285	749	854	955
Conv. Coupe—2—4—1289	845	960	1,080
Tour. Sedan, 2 Dr.—5—1284	763	864	974
Tour. Sedan, 4 Dr.—5—1282	782	893	998
Conv. Sedan—5—1297	1

(20) PACKARD—continued

Model, serial No., body type, and passenger capacity	Base price in region A	B	C
1939—12: Motor Nos. B666001 to 690599: Series 1707:			
Coupe—2—4—1238	$2,640	$3,010	$3,374
Coupe—5—1237	2,760	3,144	3,528
Conv. Coupe—2—4—1239	2,803	3,192	3,581
Tour. Sedan, 4 Dr.—5—1233	2,741	3,120	3,499
Club Sedan—5—1236	2,868	3,197	3,586
Formal Sedan—5—1232	3,221	3,672	4,118
Victoria—5—1227	3,384	3,850	4,320
Cabriolet A/W Rollston—7—594	4,517	5,146	5,774
Series 1708:			
Tour. Sedan—7—1234	2,962	3,374	3,787
Conv. Sedan—5—1233	3,494	3,979	4,461
Tour. Limousine—7—1235	3,101	3,533	3,965
Town Car A/W Packard Rollston—7—595	4,622	5,266	5,904
Tour. Cabriolet Brunn—5—4086	5,626	6,408	7,189
Cabriolet A/W Brunn—6—4087	5,626	6,408	7,189
1938—6: Motor Nos. A1501 to 999999: Series 1600:			
Business Coupe—2—1188	518	634	720
Club Coupe—2—4—1185	542	653	758
Conv. Coupe—2—4—1189	605	730	840
Tour. Sedan, 2 Dr.—5—1184	552	667	773
Tour. Sedan, 4 Dr.—5—1182	571	686	797
1938—8: Motor Nos. A30001 to 399999: Series 1601:			
Business Coupe—2—1198	648	782	902
Club Coupe—2—4—1195	672	811	941
Conv. Coupe—2—4—1199	725	874	1,008
Tour. Sedan, 2 Dr.—5—1194	686	826	953
Tour. Sedan, 4 Dr.—5—1192	701	845	970
Conv. Sedan—5—1197	878	1,061	1,229
Series 1601 D:			
Tour. Sedan, 4 Dr.—5—1172	816	980	1,142
Series 1602:			
Tour. Sedan—7—1191	1,046	1,262	1,459
Tour. Limousine—7—1190	1,128	1,363	1,574
1938—8—Super Eight: Motor Nos. A500001 to 599999:			
Series 1603:			
Tour. Sedan, 4 Dr.—5—1103	1,469	1,771	2,050
Series 1604:			
Coupe—2—4—1178	1,546	1,862	2,155
Coupe—5—1117	1,565	1,891	2,189
Conv. Coupe—2—4—1119	1,699	2,050	2,376
Club Sedan—5—1116	1,579	1,906	2,203
Tour. Sedan, 4 Dr.—5—1113	1,579	1,906	2,208
Formal Sedan—5—1112	1,968	2,376	2,750
Victoria—5—1107	1,949	2,352	2,722
1938—8—Series 1605:			
Tour. Sedan—7—1114	1,675	2,021	2,338
Conv. Sedan—5—1143	2,112	2,549	2,947
Tour. Limousine—7—1115	1,762	2,112	2,443
1938—12—Motor Nos. A600001 to 620899: Series 1607:			
Coupe—2—4—1138	2,131	2,568	2,971
Coupe—5—1137	2,222	2,683	3,106
Conv. Coupe—2—4—1139	2,256	2,722	3,154
Tour. Sedan, 4 Dr—5—1133	2,208	2,664	3,082
Club Sedan—5—1136	2,261	2,731	3,158
Formal Sedan—5—1132	2,597	3,134	3,624
Victoria—5—1127	2,726	3,288	3,806
Series 1608:			
Tour. Sedan—7—1134	2,386	2,880	3,330
Conv. Sedan—5—1153	2,813	3,394	3,931
Tour. Limousine—7—1135	2,501	3,014	3,490
1937—6—Motor Nos. T1500 to 99999:			
Series 115C:			
Business coupe—2—1088	374	461	542
Conv. coupe—2—4—1089	432	528	624
Sport coupe—2—4—1085	398	485	576
Tour. coupe—5—1084	408	499	590
Sedan—5—1083	422	518	614
Club sedan—5—1086	427	518	614
Tour. sedan—5—1082	432	528	624
Station wagon	562	686	811
1937—8—Motor Nos. X-100000 to 199999:			
Series 120C:			
Business coupe—2—1098	446	547	648
Conv. coupe—2—4—1099	499	614	726
Sport coupe—2—4—1095	466	571	677
Tour. coupe—5—1094	475	586	691
Sedan—5—1093	494	605	715
Club Sedan—5—1096	494	605	720
Tour. Sedan—5—1092	499	614	725
Conv. Sedan—5—1097	638	782	929
Station Wagon	720	773	912
Series 120CD—Deluxe:			
Tour. Coupe—5—1094CD	600	734	869
Club Sedan—5—1096CD	595	730	859
Tour. Sedan—5—1092CD	600	734	869
Series 138CD—Deluxe:			
Tour. Limousine — 7 — CD1090	869	1,061	1,258
Tour. Sedan—7—CD 1091	797	974	1,152

(20) PACKARD—continued

Model, serial No., body type, and passenger capacity	Base price in region A	B	C
1937—8—Super Eight: Motor Nos. 395500, T449999:			
Series 1500:			
Tour. Sedan—5—1003	$1,099	$1,349	$1,594
Series 1501:			
Coupe Roadster—2—4—1019	1,262	1,546	1,829
Coupe—2—4—1018	1,085	1,397	1,651
Coupe—5—1017	1,181	1,450	1,714
Club Sedan—5—1016	1,199	1,459	1,728
Tour. Sedan—5—1013	1,195	1,464	1,728
Formal Sedan—5—1012	1,522	1,867	2,208
Victoria—5—1007	1,483	1,814	2,150
Cabriolet A/W Lebaron—5—7-L394	2,285	2,794	3,307
Series 1502			
Conv. Sedan—5—1003	1,579	1,930	2,285
Tour. Sedan—5—7—1014	1,272	1,560	1,848
Business Sedan—5—8—1014	1,214	1,488	1,762
Tour. Limousine—5—7—1015	1,339	1,637	1,939
Business Limousine—5—8—1015	1,277	1,565	1,853
Town Car—7—L395	2,347	2,875	3,403
1937-12-Motor Nos. 949500 to 999999:			
Series 1506:			
Tour. sedan—5—1023	1,042	2,011	2,381
Series 1507:			
Coupe roadster—2—4—1039	1,627	1,987	2,352
Coupe—2—4—1038	1,613	1,973	2,333
Coupe—5—1037	1,690	2,069	2,448
Club sedan—5—1036	1,723	2,112	2,490
Tour. sedan—5—1033	1,675	2,054	2,429
Formal sedan—5—1032	2,096	2,458	2,904
Conv. victoria—5—1027	2,112	2,587	3,062
Cabriolet A/W LeBaron 5—7—1394	2,683	3,283	3,888
Series 1508:			
Conv. sedan—5—1073	2,189	2,678	3,173
Tour. sedan—5—7—1034	1,829	2,242	2,650
Tour. limousine—5—7—1035	1,926	2,357	2,784
Town car A/N LeBaron—5—7—L395	2,779	3,398	4,022

(21) PLYMOUTH

Model, serial No., body type, and passenger capacity	Base price in region A	B	C
1942—6—Series P14—Deluxe, Serial Nos. 15135501 to 15153935, 3134501 to 3136266, 22637601 to 22641356, Motor Nos. P14-1001 to 149158:			
Coupe—3	$874	$912	$946
Club Coupe—6	950	984	1,022
Sedan, 2 Dr.—6	912	950	984
Sedan, 4 Dr.—6	950	989	1,027
Utility Sedan, 2 Dr.—2	902	941	979
1942—6—Series P14—Special Deluxe, Serial Nos. 11369501 to 11404048, 3297601 to 3306776, 20148001 to 20164436, Motor Nos. P14-1001 to P14-149158:			
Coupe—3	917	950	989
Club Coupe—6	964	1,027	1,066
Conv. Coupe—6	1,147	1,186	1,219
Sedan, 2 dr.—6	960	994	1,032
Sedan 4 dr.—6	989	1,037	1,075
Town sedan—6	1,040	1,080	1,118
Station wagon—8	1,214	1,253	1,291
1941—6—Series P11: serial Nos. 15000101 to 15135031, 3121501 to 3133963, 22001001 to 22036-668; Motor Nos. P11-1001 to 535686:			
Roadking:			
Coupe—2	682	720	758
Sedan, 2 dr.—5	734	778	816
Sedan, 4 dr.—5	778	821	864
Utility sedan, 2 dr.—2	734	778	816
Deluxe:			
Coupe—2	744	782	826
Sedan, 2 dr.—5	792	840	883
Sedan, 4 dr.—5	835	883	926
1941—6—Series P12: serial Nos. 11125001 to 11369251, 3269301 to 3296573, 20105001 to 20147922. Motor Nos. P12-1001 to 535686:			
Special deluxe:			
Coupe—2	773	816	859
Coupe—2—4	821	864	912
Conv. coupe—2—4	989	1,042	1,099
Sedan, 2 dr.—5	820	869	917
Sedan, 4 dr.—5	854	902	950
Station wagon—8	1,013	1,070	1,123
Sedan—7	1,066	1,123	1,181
Limousine sedan—7	1,142	1,205	1,267

(21) PLYMOUTH—continued

Model, serial No., body type, and passenger capacity	Base price in region A	B	C
1940—6—Series P9—Roadking, Serial Nos. 1378001 to 1454305, 3114801 to 3121386, 9062001 to 9061376; Motor Nos. P9-1001 to 415402:			
Coupe—2	$628	$586	[illegible]
Tour. Sedan, 2 Dr.—5	571	634	[illegible]
Tour. Sedan, 4 Dr.—5	605	672	[illegible]
Utility Sedan, 2 Dr.	571	634	[illegible]
1940—6—Series P10—Deluxe: Serial Nos. 1083001 to 1122939, 3242501 to 3266097, 20063001 to 20104466; Motor Nos. P10-1001 to 415402:			
Coupe—2	590	658	717
Coupe—2—4	629	696	[illegible]
Conv. Coupe—2—4	773	859	[illegible]
Tour. Sedan, 2 Dr.—5	629	701	[illegible]
Tour. Sedan, 4 Dr.—5	658	730	[illegible]
Station Wagon (Glass)—8	792	878	[illegible]
Sedan—Limousine—7	878	979	[illegible]
Sedan—7	816	907	[illegible]
Utility Sedan	629	701	[illegible]
1939—6—Series P7—Roadking; Serial Nos. 1268001 to 1377476, 3110601 to 3114681, 9150601 to 9104594. Motor Nos. P8-1001 to 411924:			
Coupe—2	427	485	[illegible]
Sedan, 2 Dr.—5	451	514	[illegible]
Tour. Sedan Tk, 2 Dr.—5	461	524	[illegible]
Sedan, 4 Dr.—5	490	547	[illegible]
Tour. Sedan Tk, 4 Dr.—5	490	557	[illegible]
Utility Sedan, 2 Dr	451	514	[illegible]
1939—6—Series P8—Deluxe: Serial Nos. 1040001 to 1087875, 3222601 to 3242201, 20027001 to 20062200, Motor Nos. P8-1001 to 411924:			
Coupe—2	480	542	[illegible]
Coupe—2—4	499	566	[illegible]
Conv. Coupe—2—4	590	672	[illegible]
Sedan, 2 Dr.—5	504	571	[illegible]
Tour. Sedan Tk, 2 Dr.—5	549	581	[illegible]
Sedan, 4 Dr.—5	523	595	[illegible]
Tour. Sedan Tk, 4 Dr.—5	533	605	[illegible]
Suburban (Cur)—8	644	696	[illegible]
Suburban (Glass)—8	672	720	[illegible]
Conv. Sedan Tk—5	758	864	[illegible]
Sedan Tk—7	662	754	[illegible]
Sedan Limousine—7	720	821	[illegible]
1938—6—Series P5—Roadking Serial Nos. 1240001 to 1268616, 3105201 to 3109408, 9067601 to 9107726; motor Nos. P6-1001 to 286020:			
Coupe—2	346	413	[illegible]
Sedan 2 Dr.—5	365	442	[illegible]
Sedan 4 Dr.—5	389	470	[illegible]
Tour. Sedan Tk, 2 Dr.—5	374	451	[illegible]
Tour. Sedan Tk, 4 Dr.—5	398	480	[illegible]
1938—6—Series P6—Deluxe: Serial Nos. 1017001 to 1062651, 3206001 to 3223668, 20001001 to 20028901; Motor Nos. P6-1001 to 286020:			
Coupe—2	389	470	[illegible]
Conv. Coupe—2—4	408	491	[illegible]
Conv. Coupe—2—4	451	547	[illegible]
Sedan, 2 Dr.—5	413	494	[illegible]
Tour. Sedan Tk, 2 Dr.—5	418	504	[illegible]
Sedan, 4 Dr.—5	427	514	[illegible]
Tour. Sedan Tk, 4 Dr.—5	432	528	[illegible]
Suburban—8	466	562	[illegible]
Sedan Tk—7	533	643	[illegible]
Sedan Limousine—7	581	701	[illegible]
1937—6—Series P3—Business, Serial Nos. 1184001 to 1237469, 3101401 to 3105169, 9068501 to 9067493; Motor Nos. P4-1001 to 571569:			
Coupe—2	240	298	[illegible]
Sedan, 2 Dr.—5	259	317	[illegible]
Sedan, 4 Dr.—5	283	346	[illegible]
1937—6—Series P4—Deluxe: Serial Nos. 10101001 to 10458044, 3162501 to 3205579, 9950001 to 9999000, 91900021 to 91950 74; Motor Nos. P4—1001 to 571569:			
Coupe—2	274	331	[illegible]
Coupe—2—4	298	360	[illegible]
Conv. Coupe—2—4	350	432	[illegible]
Sedan, 2 Dr.—5	302	370	[illegible]
Tour. Sedan Tk, 2 Dr.—5	307	374	[illegible]
Sedan, 4 Dr.—5	317	389	[illegible]
Tour. Sedan Tk, 4 Dr.—5	322	394	[illegible]
Sedan, 4 Dr.—7	432	528	[illegible]
Sedan Limousine—7	466	571	[illegible]

(22) PONTIAC

Model, serial No., body type, and passenger capacity	Base price in region A	B	C
1942—6—Series 25 KA—Torpedo: Serial Nos. P6KA—1001—25802, C6KA—1001 to 3260, L6KA—1601 to 3428.			
Business Coupe—3	$960	$908	$1,037
Sedan Coupe—6	1,018	1,056	1,090
Sport Coupe—F/W, 2 Dr.—3—6	1,003	1,037	1,075
Conv. Sedan Coupe—F/W, 2 Dr.—3—6	1,238	1,277	1,315
Sedan Tk., 2 Dr.—6	1,018	1,046	1,080
Sedan Tk., 4 Dr.—6	1,056	1,090	1,128
Metropolitan Sedan—Tk., 4 Dr.—6	1,056	1,090	1,128
1942-6—Series 26 KB; Serial Nos. P6KB-1001-11115, C6KB-1001 to 2170, L6KB-1001 to 2181:			
Streamliner:			
Sedan coupe—6	1,051	1,085	1,123
Sedan, 4 Dr.—6	1,104	1,142	1,181
Station wagon—6	1,344	1,382	1,416
Streamliner Chieftain—6:			
Sedan, coupe—6	1,099	1,138	1,176
Sedan, 4 dr.—6	1,157	1,195	1,234
Station wagon—6	1,392	1,430	1,469
1942—8—Series 27 KA—Torpedo; Serial Nos., P8KA-1001-13146, C8KA-1001 to 2070, L8KA-1001 to 2205:			
Business coupe—3	989	1,022	1,061
Sedan coupe—6	1,012	1,080	1,118
Sport coupe—F/W, 2 dr.—3—6	1,027	1,065	1,099
Conv. sedan coupe—F/W, 2 dr.—3—6	1,262	1,301	1,339
Sedan Tk, 2 dr.—6	1,032	1,070	1,109
Sedan Tk, 4 dr.—6	1,080	1,114	1,152
Metropolitan Sedan—Tk., 4 dr.—6	1,080	1,114	1,152
1942—8—Series 28 KB; Serial Nos. P8KB-1001-22928, C8KB-1001 to 3127, L8KS-1001 to 3131.			
Streamliner:			
Sedan Coupe—6	1,075	1,114	1,147
Sedan, 4 Dr.—6	1,133	1,166	1,205
Station Wagon—8	1,368	1,406	1,445
Streamliner Chieftain—8:			
Sedan Coup—6	1,128	1,162	1,200
Sedan, 4 Dr.—6	1,181	1,219	1,258
Station Wagon—6	1,421	1,459	1,493
1941—6—Series JA 25—DeLuxe Torpedo; Serial Nos. P6JA-1001 to 8460, C6JA-1001 to 12200, L6JA-1001-26004; Motor Nos. 6-761501 to 971788:			
Business Coupe—3	826	869	912
Sedan Coupe—F/W, 2 Dr.—3—6	859	907	955
Conv. Sedan Coup—F/W, 2 Dr.—3—6	1,022	1,080	1,133
Metropolitan Sedan Tk.—6	917	970	1,018
Sedan Tk, 2 Dr.—6	869	917	965
Sedan Tk, 4 Dr.—6	917	970	1,018
1941—6—Series JB26—Streamliner "Torpedo", serial Nos. C6JB-1001 to 7810, L6JB-1001 to 14764, P6JB-1001 to 42745; motor Nos. 6-761201 to 971788:			
Sedan coupe—F/W, 2 Dr.—2—5	917	970	1,018
super sedan coupe—F/W, 2 dr.—3—5	965	1,018	1,070
Sedan, 4 Dr.—6	974	1,027	1,080
Super sedan, 4 Dr.—6	1,022	1,080	1,133
1941—6—Series JC24—Custom Torpedo, serial Nos. P6JC-1001 to 6245, C6JC-1001 to 2633, L6JC-1001 to 2878; motor Nos. 6-761501 to 971788:			
Sedan coupe—F/W, 2 dr.—3—6	989	1,046	1,099
Sedan tk., 4 Dr.—6	1,046	1,104	1,162
Standard station wagon—8	1,104	1,166	1,229
Deluxe station wagon—6	1,157	1,224	1,286
1941—8—Series JA27—Deluxe "Torpedo"; Serial Nos. P8-JA-1001 to 27219, C8JA-1001 to 4862, L8JA-1001 to 5742. Motor Nos. 8-246501 to 398240:			
Business Coupe—3	850	898	941
Sedan Coupe—F/W, 2 Dr.—3—6	888	936	984
Conv. Sedan Coupe—F/W, 2 Dr.—3—6	1,046	1,104	1,162
Sedan Tk., 2 Dr.—6	998	946	994
Sedan Tk., 4 Dr.—6	946	994	1,046
Metropolitan Sedan Tk., 4 Dr.—6	946	994	1,046

(22) PONTIAC—continued

Model, serial No., body type, and passenger capacity	Base price in region A	B	C
1941—8—Series JB28—Streamliner "Torpedo"; Serial Nos. P8JB—1001 to 52428, C8JB—1001 to 6493, L8JB—1001 to 10366; Motor Nos. 8—246501 to 398240:			
Sedan Coupe—F/W, 2 Dr.—3—6	$946	$994	$1,046
Super Sedan Coupe—F/W, 2 Dr.—3—6	989	1,046	1,099
Sedan, 4 Dr.—6	1,003	1,051	1,114
Super Sedan, 4 Dr.—6	1,046	1,104	1,162
1941—8—Serial JC29—Custom Torpedo; Serial Nos. P8JC—1001 to 12576, C8JC—1001 to 2512, L8JC—1001 to 4083; Motor Nos. 8—246501 to 398240:			
Sedan Coupe—F/W, 2 Dr.—3—6	1,018	1,075	1,128
Sedan, Tk., 4 Dr.—6	1,075	1,133	1,190
Standard Station Wagon—8	1,133	1,195	1,258
Deluxe Station Wagon—6	1,186	1,248	1,315
1940—8—Serial 25—HA—Special Six; Serial Nos. 6HA—1001 to 81545, L6HA—1001 to 13111, C6HA-1001 to 10328; Motor Nos. 6-686801 to 761162:			
Business Coupe—2	698	710	773
Sport Coupe—F/W 3—5	907	744	811
Sedan Tk., 4 Dr.—5	715	797	869
Sedan Tk., 2 Dr.—5	677	784	821
Station Wagon—8	830	922	1,008
1940—6—Series 25—HB—Deluxe Six; Serial Nos. P6HB-1001 to 44266, D6HB—1001 to 5184, L6HB—1001 to 10988; Motor Nos. 6-595801 to 761162:			
Business Coupe—2	682	758	826
Sport Coupe—F/W 2—4	715	797	869
Conv. Cabriolet—F/W 2—4	821	912	998
Sedan Tk., 4 Dr.—5	763	850	926
Sedan Tk., 2 Dr.—5	720	802	874
1940—8—Series 28 HA—Deluxe Eight; Serial Nos. P8HA-1001 to 16817, C8HA-1001 to 2563, L8HA-1001 to 4253; Motor Nos. 8-194401 to 246073:			
Business Coupe—2	715	797	869
Sport Coupe—F/W, 2—4	744	830	902
Conv. Cabriolet-F/W 2—4	854	950	1,037
Sedan Tk., 4 Dr.—5	792	883	960
Sedan Tk., 2 Dr.—5	749	835	907
1940—8—Series 29 HB—Torpedo; Serial Nos. P8HB-1001 to 24376, C8HB-1001 to 4490, L8HB-1001 to 7358; Motor Nos. 8-194401 to 246073:			
Sport Coupe—F/W 3—5	830	922	1,008
Sedan Tk., 4 Dr.—6	878	974	1,066
1939—6—Series 25 EA—Deluxe 115-Six; Serial Nos. P6EA-1001 to 43679, C6EA-1001 to 4235, L6EA-1001 to 7303; Motor Nos. C-880201 to 6-595763:			
Sedan Tk., 4 Dr.—5	571	653	730
Sedan Tk., 2 Dr.—5	542	614	691
Business Coupe—2	499	566	638
Sport Coupe—O/S—2-4	533	610	682
Station Wagon—8	698	749	840
1939—6—Series 26EB—Deluxe 120-six; serial Nos. P6EB-1001 to 41263, C6EB-1001 to 5120, L6EB-1001 to 8566; Motor Nos. 6-686201 to 6-595763:			
Sedan Tk, 4 dr.—5	610	696	778
Sedan Tk, 2 dr.—5	576	658	734
Business coupe—2	538	614	686
Sport coupe opera—2—4	571	653	730
Conv. cabriolet—6 or 8—2—4	658	749	840
1939—8—Series 28EA—Deluxe; Serial Nos. P8EA-1001 to 27627, C8EA-1001 to 3625, L8EA-1001 to 6522; motor Nos. 8-195601 to 8-194880:			
Sedan Tk, 4 dr.—5	643	730	821
Sedan Tk, 2 dr.—5	605	691	773
Business coupe—5	566	648	725
Sport coupe—o/s—2—4	605	686	768
Conv. coupe—o/s—2—4	691	787	883
1938—6—Series 26DA—1001 to 60416, C6DA—2601 to 8155, L6DA—1001 to 8942; Motor Nos. 6—395501 to 6—486022:			
Sedan, 4 Dr.—5	490	560	682
Tour. Sedan Tk., 4 Dr.—5	564	645	701
Conv. Sedan, 4 Dr.—5	706	850	964
Sedan, 2 Dr.—5	461	557	643
Tour. Sedan Tk., 2 Dr.—5	475	571	662

(22) PONTIAC—continued

Model, serial No., body type, and passenger capacity	Base price in region A	B	C
1938—6—Series 26 DA—Con.			
Business Coupe—2	$446	$538	$619
Sport Coupe O/S—2—4	475	571	662
Conv. Coupe R/S—2—4	533	625	730
Station Wagon—8	595	720	830
1938—Series 28DA—Deluxe; Serial Nos. SDA—1001 to 15720, LSDA—1001 to 4671, C—SDA—1001 to 2730; Motor Nos. 8—140001 to 159441:			
Sedan, 4 Dr.—5	523	629	730
Tour. Sedan Tk., 4 Dr.—5	538	648	749
Conv. Sedan, 4 Dr.—5	725	874	1,013
Sedan, 2 Dr.—5	495	600	696
Tour. Sedan Tk., 2 Dr.—5	514	619	715
Business Coupe—2	480	576	667
Sport Coupe O/S—2—4	509	614	710
Conv. Coupe R/S—2—4	566	682	787
1937—6—Series 6 CA—Deluxe; Serial Nos. P6CA-1001 to 154827; C6CA-1001 to 16434, L6CA-1001 to 8516; Motor Nos. 6-22001 to 399280:			
Sedan, 4 Dr.—5	350	432	509
Tour. Sedan Tk., 4 Dr.—5	365	446	628
Conv. Sedan, 4 Dr.—5	499	610	720
Sedan, 2 Dr.—5	331	403	475
Tour. Sedan Tk., 2 Dr.—5	341	418	494
Business Coupe—2	307	374	446
Sport Coupe O/S—2—4	341	418	494
Conv. Coupe R/S—2—4	403	490	581
Station Wagon—8	403	490	581
1937—8—Series 8CA—Deluxe; Serial Nos. P8CA-1001 to 40842, C8CA-1001 to 4765, L8CA-1001 to 5437; Motor Nos. 8-83001 to 8-139668:			
Sedan, 4 Dr.—5	379	466	552
Tour. Sedan Tk., 4 Dr.—5	394	480	566
Conv. Sedan, 4 Dr.—5	518	634	749
Sedan, 2 Dr.—5	360	442	518
Tour. Sedan Tk., 2 Dr.—5	370	456	538
Business Coupe—2	341	418	494
Sport Coupe O/S—2—4	370	451	533
Conv. Coupe R/S—2—4	403	490	581

(23) STUDEBAKER

Model, serial No., body type, and passenger capacity	Base price in region A	B	C
1942—6—Series 4G—Champion, Serial Nos., G-165501 to 192583, G-821001 to 823645; Motor Nos. 186301 to 216050:			
Custom:			
Coupe—3	$811	$850	$888
Double-dater coupe—5	835	874	912
Club sedan, 2 dr.—6	840	878	917
Cruising sedan—6	874	107	946
Delux style:			
Coupe—3	850	883	922
Double-dater coupe—5	874	907	946
Club sedan, 2 dr.—6	878	912	950
Cruising sedan—6	107	941	979
1942—6—Series 12A—Commander; Serial Nos. 4216501 to 4232296, 4816001 to 4818305; Motor Nos. H-164301 to 181812:			
Custom:			
Sedan coupe—6	1,104	1,138	1,176
Cruising sedan—6	1,123	1,157	1,195
Land cruiser—6	1,157	1,195	1,229
Delaxstyle:			
Sedan Coupe—6	1,147	1,186	1,210
Cruising Sedan—6	1,166	1,205	1,244
Land Cruiser—6	1,200	1,238	1,277
Skyway:			
Sedan Coupe—6	1,181	1,219	1,258
Cruising Sedan—6	1,200	1,238	1,277
Land Cruiser—6	1,238	1,272	1,310
1942—8—Series 8C—President, Serial Nos. 7145501 to 7148659, 7804501 to 7804943; Motor Nos. H—52101 to 55008:			
Custom:			
Sedan Coupe—6	1,224	1,262	1,296
Cruising Sedan—6	1,243	1,282	1,320
Land Cruiser—6	1,277	1,315	1,354
Deluxstyle:			
Sedan Coupe—6	1,267	1,306	1,344
Cruising Sedan—6	1,286	1,325	1,363
Land Cruiser—6	1,325	1,358	1,397
Skyway:			
Sedan Coupe—6	1,301	1,339	1,378
Cruising Sedan—6	1,325	1,358	1,397
Laud Cruiser—6	1,358	1,392	1,430

(23) STUDEBAKER—continued

Model, serial No., body type, and passenger capacity	Base price in region A	B	C
1941—6—Series 30—Champion; Serial Nos. G-90101 to 165400, G-811201 to 820602; motor Nos. 101201 to 189259:			
Custom:			
Coupe—3	$682	$720	$758
Opera Coupe—5	720	758	797
Club Sedan, 2 Dr.—3	725	763	806
Cruising Sedan—5	768	811	850
Double-Dater Coupe—5	720	758	797
Custom Deluxe:			
Coupe—3	715	754	792
Opera Coupe—5	749	792	835
Club Sedan, 2 Dr.—5	758	797	840
Cruising Sedan—5	797	840	888
Double-Dater Coupe—5	748	792	835
Deluxe—Tone:			
Coupe—3	749	792	835
Opera Coupe—5	787	830	874
Club Sedan, 2 Dr.—5	792	835	878
Cruising Sedan—5	835	878	926
Double-dater Coupe—5	787	830	874
1941—6—Series 11A—Commander; Serial Nos. 4178801 to 4216180; 4811901 to 4816518, Motor Nos. H-122201 to 164222:			
Custom:			
Sedan Coupe—6	965	1,018	1,070
Cruising Sedan—6	984	1,037	1,090
Land Cruiser—6	1,032	1,085	1,142
Deluxe—Tone:			
Cruising sedan—6	1,051	1,109	1,166
Land cruiser—6	1,099	1,157	1,219
Skyway:			
Sedan coupe—6	1,056	1,114	1,171
Cruising sedan—6	1,080	1,138	1,195
Land cruiser—6	1,109	1,171	1,229
1941—8—Series 76—President; serial Nos. 7139101 to 7145407; 7803901 to 7804592; motor Nos. B-45001 to 52012:			
Custom:			
Cruising Sedan—6	1,104	1,166	1,224
Land Cruiser—6	1,152	1,214	1,277
Deluxe—Tone:			
Cruising Sedan—6	1,171	1,238	1,301
Land Cruiser—6	1,219	1,286	1,354
Skyway:			
Sedan Coupe—6	1,176	1,243	1,306
Cruising Sedan—6	1,200	1,267	1,330
Land Cruiser—6	1,229	1,296	1,368
1940—6—Series 2G—Champion; Serial Nos. G-30501 to 60069; G-803701 to 811191; Motor Nos. 34101 to 101169:			
Custom:			
Coupe—3	538	595	648
Opera Coupe—5	571	634	691
Club Sedan, 2 Dr.—5	571	634	691
Cruising Sedan—5	605	672	734
Deluxe:			
Coupe—3	586	653	710
Opera Coupe—5	619	691	754
Club Sedan, 2 Dr.—5	619	691	754
Cruising Sedan—5	658	730	797
Custom Deluxe:			
Coupe—3	592	624	682
Opera Coupe—5	690	658	715
Club Sedan—5	595	662	725
Cruising Sedan—5	629	701	763
Champion Deluxe-Tone:			
Coupe—3	586	653	710
Opera Coupe—5	619	686	749
Club Sedan—5	619	691	754
Cruising Sedan—5	658	730	797
1940—6—Series 10A—Commander; Serial Nos. 4148501 to 4178797; 4807601 to 4811895; Motor Nos. M-87601 to 122199:			
Custom:			
Coupe—3	730	811	888
Club Sedan, 2 Dr.—6	758	840	917
Cruising Sedan—6	792	878	960
Deluxe-Tone:			
Coupe—3	763	850	926
Club Sedan—6	792	878	960
Cruising Sedan—6	826	917	998
1940—8—Series 66—President, Serial Nos. 7133101 to 7139058, 7803301 to 7803885; Motor Nos. 8—38501 to 44999:			
Coupe—3	830	922	1,008
Club Sedan, 2 Dr—6	854	920	1,037
Cruising Sedan—6	893	989	1,080
Deluxe-Tone:			
Coupe—3	864	960	1,051
Club Sedan, 2 Dr.—6	893	989	1,080
Cruising Sedan—6	929	1,027	1,123
1939—6—Series G—Champion; Serial Nos. G-60001 to 90400, G-800001 to 803900, Motor Nos. 101 to 34100:			
Custom:			
Coupe—3	432	494	552
Club Sedan—6	461	523	580
Cruising Sedan—6	490	557	624

(23) STUDEBAKER—continued

Model, serial No., body type, and passenger capacity	Base price in region A	B	C
1939—6—Series G—Continued.			
Deluxe:			
Coupe—3	$475	$542	$605
Club Sedan—6	504	571	643
Cruising Sedan—6	533	605	677
1939—6—Series 9A—Commander; Serial Nos. 4110001 to 4148500; 4802301 to 4807600; Motor Nos. H-42501 to 87550:			
Business Coupe—3	576	658	739
Custom Coupe—3	595	677	758
Club Sedan—6	634	720	806
Cruising Sedan—6	658	730	816
Convertible Sedan—6	864	984	1,104
1939—8—Series 5C—State President; Serial Nos. 7128501 to 7133050; 7802401 to 7803240; Motor Nos. S-30201 to 38560:			
Custom Coupe—3	682	773	869
Club Sedan—6	725	826	926
Cruising Sedan—6	730	830	930
Convertible Sedan—6	974	1,109	1,243
1938—6—Series 7A—Commander, Serial Nos. 5582001 to 5599146, 7857501 to 7859914, Motor Nos. H-101 to 42253:			
Business Coupe—3	470	566	658
Custom Coupe—3	485	586	677
Club Sedan—6	523	629	730
Cruising Sedan—6	528	634	734
Convertible Sedan—6	710	859	994
1938—6—Series 8A—State Commander, Serial Nos. 4090001 to 4109817, 4800001 to 4802235, Motor Nos. H-101 to 42253:			
Custom Coupe—3	509	614	710
Club Sedan—6	547	658	763
Cruising Sedan—6	552	667	768
Convertible Sedan—6	744	902	1,042
1938—8—Series 40—President; Serial Nos. 7120701 to 7125002, 7801801 to 7802311; Motor Nos. H-24601 to 30069:			
Coupe—3	590	715	826
Club Sedan—6	629	758	874
Cruising Sedan—6	634	763	883
State President:			
Coupe—3	595	720	830
Club Sedan—6	634	763	883
Cruising Sedan—6	658	768	883
Convertible Sedan—6	835	1,003	1,162
1937—6—Series 5A and 6A—Dictator six; serial Nos. 5536001 to 5581500, 5852801 to 5857400, 5955001 to 5988000, 8802501 to 8807700; motor Nos. D-112601 to 201637:			
Business coupe—3	341	413	490
Custom coupe—3	365	442	523
Custom coupe—5	374	456	542
St. Regis custom sedan—5	379	461	547
St. Regis cruising sedan Tk.—6	389	475	562
1937—6—Series 5A and A—Con.			
Custom sedan—6	394	480	566
Cruising sedan Tk.—6	403	490	581
1937—8—Series 3C—President; Serial Nos. 7111001 to 7119150, 7806801 to 7807750; Motor Nos. B—15501 to 24504:			
Custom Coupe—3	485	590	701
Custom Coupe—5	499	610	720
St. Regis Custom Sedan—6	509	619	734
St. Regis Cruising Sedan Tk.—6	518	634	749
Custom Sedan—6	518	638	754
Cruising Sedan Tk.—6	528	648	768
State President:			
Custom Coupe—5	514	624	739
Custom Coupe—3	499	610	720
Custom Sedan—6	533	653	773
Cruising Sedan—6	542	667	787

(24) WILLYS

Model, serial No., body type, and passenger capacity	Base price in region A	B	C
1942—4—Series Americar; serial Nos. 80101 to 92020; motor Nos. 80301 to 92011.			
Speedway:			
Coupe—2	$754	$792	$830
Sedan, 4 Dr.—5	806	845	878
Deluxe:			
Coupe—2	830	864	902
Sedan, 4 Dr.—5	854	893	931
Station wagon—5	1,046	1,080	1,118
Plainsman:			
Coupe—2	893	917	955
Sedan, 4 Dr.—5	907	946	979
1941—4—Series 441—Americar; Serial Nos. 50001 to 80100:			
Speedway:			
Coupe—2	624	658	691
Sedan, 4 Dr.—5	683	686	720
Deluxe:			
Coupe—2	667	701	739
Sedan, 4 Dr.—5	696	734	773

(24) WILLYS—continued

Model, serial No., body type, and passenger capacity	Base price in region A	B	C
1941—4—Series Americar—Con.			
Station Wagon—5	$850	$907	$977
Plainsman:			
Coupe—2	720	758	797
Sedan, 4 Dr.—5	749	792	835
1940—4—Series 440; serial Nos. 17001 to 49341:			
Speedway:			
Coupe—2	427	470	514
Sedan, 4 dr—5	466	518	566
Deluxe:			
Coupe—2	504	562	614
Sedan, 4 dr.—5	533	590	643
Station wagon—6	638	710	778
1939—4—Series 39—Overland; serial Nos. 39-1001 to 17000:			
Speedway:			
Coupe—2	389	442	494
Sedan, 2 dr.—5	403	461	514
Sedan, 4 dr.—5	413	470	528
Deluxe:			
Coupe—2	422	480	533
Sedan, 2 Dr.—5	427	499	557
Sedan, 4 Dr.—5	456	518	581
Speedway Special:			
Coupe—2	379	432	485
Sedan, 2 Dr.—5	364	451	504
Sedan, 4 Dr.—5	403	461	514
1939—4—Series 48, Serial Nos. 91751 to 94375:			
Coupe—2	346	394	437
Sedan, 2 Dr.—5	370	422	470
Sedan, 4 Dr.—5	384	437	491
1939—4—Series 38, Serial Nos. 89001 to 91750:			
Standard:			
Coupe—2	346	394	442
Sedan, 2 Dr.—5	374	427	480
Sedan, 4 Dr.—5	389	446	499
Deluxe:			
Coupe—2	398	456	509
Sedan, 2 Dr.—5	398	456	509
Sedan, 4 Dr.—5	427	485	542
1938—4—Series 38, Serial Nos. 65001 to 89040:			
Standard Coupe—2	250	302	350
Deluxe Coupe—2	288	350	403
Clipper Sedan, 2 Dr.—5	274	326	374
Standard Sedan—5	283	341	398
Deluxe Clipper Sedan, 2 Dr.—5	288	350	403
Deluxe Sedan—5	312	374	432
Custom Sedan—5	350	427	490
1937—4—Series 37, Serial Nos. 1001 to 65000:			
Coupe—2	187	230	269
Deluxe Coupe—2	206	254	298
Sedan—5	216	259	307
Deluxe Sedan—5	230	283	336

[Appendix B amended by Am. 1, 9 F.R. 7871, effective 7-10-44; Am. 2, 9 F.R. 10872, effective 9-12-44; Am. 3, 9 F.R. 12679, effective 7-10-44; Am. 5, 10 F.R. 1383, effective 3-1-45; Am. 6, 10 F.R. 1911, effective 5-9-45 and Am. 10, effective 9-20-45]

APPENDIX C—SOME OF THE MAKES OF USED CARS NOT LISTED IN APPENDIX B BECAUSE THEY WERE MANUFACTURED PRIOR TO 1937, AND THE 1937 MAKES AND MODELS LISTED IN APPENDIX B WHICH ARE COMPARABLE TO SUCH USED CARS

Make not listed in Appendix B:	*Comparable 1937 make and model listed in Appendix B*
American 4 cylinder.	Austin, American Bantam.
Auburn, 6 cylinder	Hudson 5—Custom 8.
Auburn, 8 cylinder	Hudson 8—Deluxe 8.
Auburn, 12 cylinder.	Hudson 8—Custom 8.
Continental, 4 & 6 cylinder.	Willys, Model 37.
Cord, 8 cylinder	Cadillac, 8 cylinder, Series 60-65.
Devaux, 6 cylinder	Willys, Model 37.
Dusenberg, 8 cylinder.	Lincoln, 12 cylinder, V 12.
Durant, 6 cylinder	Dodge—Model D 5.
Essex, 6 cylinder	Terraplane Delux D 5.
[Deleted.]	
Franklin, 6 & 12 cylinder.	Hudson 8—Custom 8.
Jordan, 8 cylinder	Hudson Deluxe 8.
Lafayette, 6 cylinder	Nash, Lafayette, "400."

APPENDIX C—Continued

Make not listed in Appendix B:	*Comparable 1937 make and model listed in Appendix B*
Paige, 6 cylinder	Graham 6—Supercharger.
Peerless, 8 cylinder	Hudson Deluxe 8.
Pierce Arrow, 8 & 12 cylinder.	Cadillac, 8 cylinder Series 70-75.
Reo, 6 cylinder	Oldsmobile, 6 — F37 Model.
Reo, 8 cylinder	Oldsmobile, 8 L37 Model.
Rockne, 6 cylinder	Studebaker, 6 cylinder Dictator.
Stutz, 8 cylinder	Oldsmobile, 8 L37 Model.
Willys Knight, 6 cylinder.	Hudson 6—Custom 6.
Willys, 4 & 6 cylinder.	Willys, Model 37.
Willys, 8 cylinder	Hudson 8—Deluxe 8.

[Appendix C amended by Am. 1, 9 F.R. 7871, effective 7-10-44; and Am. 5, 10 F.R. 1383, effective 3-1-45]

APPENDIX D—TABLE OF ALLOWANCES FOR "IN-BUILT" EQUIPMENT, HEATERS AND RADIOS WHICH MAY BE INCLUDED IN MAXIMUM PRICES

	Year and make	Description	Price
(1)	1938 Buick	Automatic transmission	$19.20
(2)	1937 Buick	do	4.40
(3)	1942 Cadillac	Hydramatic transmission	66.00
(4)	1941 Cadillac	do	81.60
(5)	1942 Chrysler	Vacumatic transmission and fluid drive.	43.20
(6)	1941 Chrysler	do	33.60
(7)	1940 Chrysler	Overdrive transmission	24.00
(8)	1939 Chrysler	do	19.20
(9)	1938 Chrysler	do	4.40
(10)	1937 Chrysler	do	9.60
(11)	1942 DeSoto	Simplimatic transmission and overdrive	43.20
(12)	1941 DeSoto	do	33.60
(13)	1940 DeSoto	Overdrive transmission	24.00
(14)	1939 DeSoto	do	19.20
(15)	1938 DeSoto	do	14.40
(16)	1937 DeSoto	do	9.60
(17)	1942 Dodge	Oil fluid drive	28.80
(18)	1941 Dodge	Fluid drive	24.00
(19)	1942 Hudson	Drivemaster	43.20
(20)	1942 Hudson	Overdrive transmission	43.20
(21)	1942 Hudson	Vacumotive drive	14.40
(22)	1941 Hudson	Overdrive transmission	33.60
(23)	1941 Hudson	Vacumotive drive	14.40
(24)	1940 Hudson	Overdrive transmission	24.00
(25)	1942 Lincoln	Automatic overdrive	67.20
(26)	1942 Lincoln	Liquamatic drive	81.60
(27)	1941 Lincoln	do	62.40
(28)	1942 Lincoln Zephyr.	do	81.60
(29)	1941 Lincoln Zephyr.	Overdrive transmission	33.60
(30)	1940 Lincoln Zephyr.	do	24.00
(31)	1939 Lincoln Zephyr.	do	19.20
(32)	1938 Lincoln Zephyr.	do	14.40
(33)	1937 Lincoln Zephyr.	do	9.60
(34)	1942 Mercury	Liquamatic drive	62.40
(35)	1941 Mercury	Overdrive transmission	33.60
(36)	1940 Mercury	do	24.00
(37)	1939 Mercury	do	19.20
(38)	1942 Nash	do	38.40
(39)	1941 Nash	do	28.80
(40)	1940 Nash	do	24.00
(41)	1939 Nash	do	24.00
(42)	1938 Nash	do	19.20
(43)	1937 Nash	do	14.40
(44)	1942 Oldsmobile	Hydramatic transmission	72.00
(45)	1941 Oldsmobile	do	62.40
(46)	1940 Oldsmobile	do	48.00
(47)	1939 Oldsmobile	Automatic transmission	24.00
(48)	1938 Oldsmobile	do	19.20
(49)	1937 Oldsmobile	do	14.40
(50)	1942 Packard	Overdrive transmission	38.40
(51)	1942 Packard	Electromatic clutch	9.60
(52)	1941 Packard	Overdrive transmission	33.60
(53)	1941 Packard	Electromatic clutch	9.60
(54)	1940 Packard	Overdrive transmission	28.80
(55)	1939 Packard	do	24.00
(56)	1942 Studebaker	do	38.40
(57)	1941 Studebaker	do	28.80
(58)	1940 Studebaker	do	24.00
(59)	1939 Studebaker	do	24.00
(60)	1938 Studebaker	do	19.20
(61)	1937 Studebaker	do	14.40
(62)	1942 Willys	do	33.60
(63)	1941 Willys	do	$21.60
(64)	All years and makes.	Heater	[1] 9.60
(65)	All years and makes.	Radio	[1] 28.80

[1] This is the maximum allowance that may be included in the maximum price for this equipment regardless of the number of units.

[Appendix D amended by Am. 1, 9 F. R. 7871, effective 7-10-44; Am. 2, 9 F. R. 10872, effective 9-12-44; Am. 5, 10 F. R. 1383, effective 3-1-45 and Am. 10, effective 9-20-45]

APPENDIX E

OFFICE OF PRICE ADMINISTRATION

Washington, D. C.

Form 694-757 Region No. _____

This tag[1] is in accordance with the Office of Price Administration Maximum Price Regulation 540, section 10, a copy of which is available for inspection.

Make _____ Year _____
Model _____ Body Type _____
Serial No. _____ Motor No. _____
☐ No ☐ No
Radio (check one) Heater (check one)
☐ Yes ☐ Yes
List of Built In Equipment: _____

Warranted ☐ Not Warranted ☐
(check one)
Maximum Price _____ $_____
Addition for State or City Taxes (If any) _____
Total Maximum Price and Taxes (If any) _____ $_____

Seller's Name _____

Address _____

[Appendix E amended by Am. 1, 9 F.R. 7871, effective 7-10-44; and Am. 5, 10 F.R. 1383, effective 3-1-45]

APPENDIX F

OPA Form 694:758 (1-45) Form Approved Budget Bureau No. 08-R633.1

UNITED STATES OF AMERICA
OFFICE OF PRICE ADMINISTRATION
WASHINGTON 25, D. C.

CERTIFICATE OF TRANSFER OF USED PASSENGER AUTOMOBILES

UNDER THE PROVISIONS OF REVISED MAXIMUM PRICE REGULATION NO. 540

MAXIMUM PRICES FOR USED PASSENGER AUTOMOBILES

INSTRUCTIONS

The seller is to prepare and sign this certificate and give it to the purchaser.

Where the seller is a dealer, or other seller generally engaged in the business of selling used cars, in addition to the information he must insert on the face of the certificate, he must insert on the reverse side of the certificate the following:

(a) When he sells a used car he acquired prior to September 12, 1944, he must insert a statement showing (1) the date he purchased the used car, (2) the name and address of his local War Price and Rationing Board, and (3) whether or not the used car is listed in the inventory report of used cars as of September 11, 1944, he filed with his local War Price and Rationing Board.

(b) When he sells a used car he acquired on or after September 12, 1944, he must insert a statement showing (1) the date he purchased the used car, (2) the name and address of the person from whom he purchased it, (3) the name and address of his local War Price and Rationing Board, and (4) whether or not he filed with his local War Price and Rationing Board a Certificate of Transfer for this purchase.

Whether the seller is under paragraph (a) or (b) above, he must affix his signature just below the statement he makes on the reverse side of the certificate.

Where the purchaser is a dealer, or other seller generally engaged in the business of selling used cars, he must present this certificate to his local War Price and Rationing Board not later than 5 days after he purchases the used car.

Where the purchaser is neither a dealer nor other seller generally engaged in the business of selling used cars, he must present this certificate to his local War Price and Rationing Board on or before the date he applies for a gasoline ration for the used car he purchased.

The information required under "Description of Vehicle" shall be supplied insofar as possible from the vehicle registration card.

To Be Filled In By The Seller

DESCRIPTION OF VEHICLE

Make _____ Year _____
Model _____ Body Type _____
Serial No. _____ Motor No. _____

PRICE CALCULATION

1. Base price of vehicle as listed in Appendix B of MPR 540 $_____
2. Allowance for extras:
   a. Is car equipped with heater?
   ☐ Yes ☐ No $_____

Name of purchaser _____
Address—number and street _____
City and Postal Zone number _____ State _____
Name of seller _____
Dealer Authorization No. (If any) _____
Address—number and street _____
City and Postal Zone number _____ State _____

DO NOT WRITE IN SPACE WITHIN HEAVY LINES

BOARD ACTION

Board No. _____ Date _____
City and Postal Zone number _____ State _____
Board recommendation:
Sign
here
_____
(Signature of Board Member)

[1] The dealer shall be responsible for the reproduction of the tag.

DISTRICT OFFICE ACTION

Reviewed by

Remarks:

b. Is car equipped with radio?
☐ Yes ☐ No
$

c. If car is equipped with built-in equipment (see appendix D of MPR 540), itemize and price each item below:

3. Maximum price for used car without Dealer Warranty: (Total of 1 and 2a, b and c) $

4. Maximum price for used car if sold with Dealer Warranty $

5. Federal, State, and local taxes which may be collected by seller $

6. Actual sales price for used car including taxes $

State or Territory in which the used car was last registered or titled by the owner.

Is the seller a dealer?
☐ Yes ☐ No

If you are a dealer selling with a warranty, did you deliver to the purchaser a copy of this warranty?
☐ Yes ☐ No

WARNING: ANY MISREPRESENTATION ON THIS CERTIFICATE MAY BE CAUSE FOR A $10,000 FINE, OR 10 YEARS IMPRISONMENT, OR BOTH.

CERTIFICATION OF SELLER

The undersigned hereby certifies that he has complied with the requirements of Maximum Price Regulation No. 540, Maximum Prices for Used Passenger Automobiles, and that the actual sales price of the used car is not more than the actual sales price shown on this certificate, and further certifies that no payment directly or indirectly was or will be received in addition to the actual sales price of the used car.

Sign Here
(Seller or Authorized Agent) Date

If seller is a dealer, or other seller generally engaged in the business of selling used cars, execute applicable statement on reverse side.

If buyer is a dealer or other seller generally engaged in the business of selling used cars, complete purchaser's certification on the reverse side.

TO BE FILLED OUT BY THE DEALER OR OTHER SELLER GENERALLY ENGAGED IN BUSINESS OF SELLING USED CARS

WHEN SELLING A USED CAR ACQUIRED PRIOR TO SEPTEMBER 12, 1944

Date you purchased car

Your local War Price and Rationing Board

Board's Address—Number and Street

City and State

Is the used car listed in the inventory report of used cars as of September 11, 1944, which you filed with your board?
☐ Yes ☐ No

Sign Here
(Seller or authorized agent)

WHEN SELLING A USED CAR ACQUIRED ON OR AFTER SEPTEMBER 12, 1944

Date you purchased car

Name of person from whom you purchased car

His address—number and street

City and State

Your local War Price and Rationing Board

Board's address—number and street

City and State

Did you file a Certificate of Transfer with your board for this purchase? ☐ Yes ☐ No

Sign Here
(Seller or authorized agent)

To be signed by purchaser who is a dealer or other person generally engaged in the business of selling used cars.

PURCHASER'S CERTIFICATION

The undersigned hereby certifies that he has complied with the requirements of Maximum Price Regulation 540, Maximum Prices for Used Passenger Automobiles, and that the actual sale's price of the used car is not more than the actual sale's price shown on the face of this certificate, and further certifies that no payment directly or indirectly was or will be paid in addition to the actual sale's price of the used car.

Signature of purchaser or authorized agent

Date

[Appendix F amended by Am. 1, 9 F.R. 7871, effective 7-10-44; Am. 2, 9 F.R. 10872, effective 9-12-44; and Am. 5, 10 F.R. 1383, effective 3-1-45]

Appendix G [Revoked].

[Appendix G, added by Am. 2, 9 F.R. 10872, effective 9-12-44; and revoked by Am. 5, 10 F.R. 1383, effective 3-1-45]

APPENDIX H

OPA FORM 694: 2195

This form may be reproduced only by authorization of the Office of Price Administration.

Form Approved
Budget Bureau No. 08-R1049.1

UNITED STATES OF AMERICA

OFFICE OF PRICE ADMINISTRATION

WASHINGTON 25, D. C.

PURCHASER'S STATEMENT REGARDING HIS PURCHASE OF A USED CAR

To be completed by every purchaser, except a dealer, under section 15 (b) of Maximum Price Regulation 540 or other person generally engaged in the business of selling used cars.

HELP OPA HELP YOU!

If the used car was not purchased in the course of trade or business you did not incur any liability by paying more than the permitted maximum price. Moreover, you may obtain a refund of as much as three times the amount of the overcharge. Your local War Price and Rationing Board will tell you how this may be done. If any statements on the Certificate of Transfer are not true or correct, inform your local War Price and Rationing Board of the untrue or incorrect statements.

If you purchased a warranted car did the dealer give you a written warranty?
☐ Yes ☐ No
(Check one)

Name of purchaser

Address: Number and street

City and Postal Zone number State

PURCHASER'S STATEMENT

The undersigned states he purchased on
date of purchase
a
make used car of
Model , Model Year
Body type from
Name of seller
Address
for a price of $
Price paid less Finance charges

Signature of purchaser.

See reverse side

NOTICE

THIS STATEMENT IS FOR YOUR PROTECTION
READ IT CAREFULLY

The person who sold you the car is in violation of Maximum Price Regulation 540 if:

1. He required you to pay any money or to give him any other consideration, not shown on the Certificate of Transfer;
2. He required you to pay for the car on time when you offered to pay cash;
3. He charged you excessive time payments so that the excessive time payments plus the purchase price exceeds the maximum price

[Item 3 amended by Am. 10, effective 9-20-45]

4. He required you to trade in a car to obtain the car you purchased.
5. He did not give you a reasonable trade-in allowance on your old car;
6. He required you to purchase another commodity in order to obtain the car you purchased;
7. He required you to purchase extra equipment and the amount you paid him for this equipment is not shown on the Certificate of Transfer.
8. He required you to pay full maximum price when standard equipment was missing from the car.

Your War Price and Rationing Board is here to assist you. Tell it about anything the seller did which you believe is not in accordance with the regulation.

HELP OPA HELP YOU!

[Appendix H added by Am. 5, 10 F.R. 1383, effective 3-1-45]

PART II

1 Firm Name of Service Supplier

2 Address—Number and Street

City, Postal Zone Number, State

How long in business?
Years Months

3 Board Number and Address of Service Supplier

Additional Information:

PART III

1 Address of Service Department of Applicant or Service Supplier, whichever is applicable

City, Postal Zone Number, State

2 Floor area in square feet

3 Number of mechanics, helpers, etc., regularly employed

4 Approximate value of tools and machinery $

5 Approximate value of repair parts and supplies on hand $

The Office of Price Administration relies upon the statements made in this application as a basis for granting authorization to the applicant to purchase and use commercial motor vehicles or all-purpose vehicles for commercial purposes in excess of the limitations imposed by the rationing regulations, and the Office of Price Administration may revoke any authorization granted on the basis of any statement in this application which is false. Any person who knowingly makes a false statement in this application is subject to criminal penalties under section 35A of the Second War Powers Act, 1942, and section 205 (b) of the Emergency Price Control Act of 1942, as amended, and to the revocation provision of section 15 (b) of Maximum Price Regulation 540, section 16 (b) of Maximum Price Regulation 269, or section 18 (b) of Revised Maximum Price Regulation 341, whichever is applicable.

The undersigned hereby certifies that the statements contained herein are true and correct to the best of his knowledge, information, and belief.

Sign here
(Name of Applicant) (Title) (Date)

If signed by authorized agent or other person authorized to sign for applicant, place applicant's name on above line and sign own name and title below.

Sign here
(Name of Authorized Agent) (Title) (Date)

If applicant does not have his own service department, have service supplier sign.

Sign here
(Name of Service Supplier) (Date)

If signed by authorized agent or other person authorized to sign for service supplier, place service supplier's name on above line and sign own name and title below.

Sign here
(Name of Authorized Agent) (Title) (Date)

WARNING: Any false statement made in this application may be cause for a $10,000 fine, 10 years IMPRISONMENT, or both.

OPA FORM 694-2163 (1-45) BACK

APPENDIX J

OPA Form 694-2163 (1-45)
Form Approved Budget Bureau No. 08-R1064

UNITED STATES OF AMERICA
OFFICE OF PRICE ADMINISTRATION
WASHINGTON 25, D. C.

APPLICATION FOR AUTHORIZATION
TO ACT AS A DEALER IN
AUTOMOTIVE AND RELATED VEHICLES

This application must be filed with the District Office of the Office of Price Administration for the area in which applicant's place of business is located. If applicant has a place of business in more than one district office area a separate application must be filed for the place of business located in each district office area. Persons having only one place of business within one district office area, he should file one application for the group of businesses in that area.

Firm name of applicant

Principal Business Address—Number and Street

City, Postal Zone Number, State

This application is for (check one or more as applicable):

☐ Authorization to sell as a used car dealer in accordance with section 15 (b) of Maximum Price Regulation 540.
☐ Authorization to sell as a used motorcycle dealer in accordance with section 16 (b) of Maximum Price Regulation 269.
☐ Authorization to sell as a used commercial motor vehicle dealer in accordance with section 18 (b) of Revised Maximum Price Regulation 341.

PART I—GENERAL

			Yes	No
1	Firm Name of Applicant			
2	Principal Business Address—Number and Street			
	Applicant's Board—Number and Address			
3	List below all addresses and area in square feet where used vehicles are displayed and sold. *(If more space is needed use reverse side of this form.)*			
	Address	Area		
4	a Do you have a dealer's license (if it is required by State or Municipal Law)?		☐	☐
	b If "Yes," what is the license number?			
5	Do you have a dealer's license plate?		☐	☐
6	a Are you a new car, new motorcycle, or new truck dealer?		☐	☐
	b If "Yes," give name(s) of new make(s) handled			
7	How long have you been in business? Years Months			
8	Name of your finance company			
	Address of finance company			
9	Do you operate your own service department?		☐	☐
	If answer is "Yes," do not fill out Part II			
10	If answer to Item 9 is "No," do you have a written agreement by which your service supplier who has facilities, in general, adequate to place a vehicle in good operating condition as defined in the applicable regulation or to make the applicable adjustment or repair required by the warranty in the applicable regulation?		☐	☐
	If answer is "Yes," attach a certified copy of the agreement, contract and answer both Part II and Part III.			

APPENDIX K

OPA Form 694 2530 (4-45)
Form Approved Budget Bureau No. 08-R1365

UNITED STATES OF AMERICA
OFFICE OF PRICE ADMINISTRATION

REQUEST FOR REVIEW OF ORDER

Name of person making request

Address—Number and street

City and State

The following data is submitted in support of a request for review of order—
Check which
☐ Denying application for dealer authorization.
☐ Revoking dealer authorization.

I am—
Check which
☐ An applicant for dealer authorization
☐ A seller whose dealer authorization has been revoked.

The regulation(s) and section(s) of regulation(s) involved are—
Check applicable regulation(s)
☐ Section 18 (b) of Revised Maximum Price Regulation 341.
☐ Section 15 (b) of Maximum Price Regulation 540.
☐ Section 16 (b) of Maximum Price Regulation 563.

I hereby request the appropriate Regional Administrator to review order of—
Check which
☐ denial,
☐ revocation, No. . . . , issued by the District Director of the district office at (City and State)
and mailed to me on (Date)

My objections to the above order are as follows: (The errors should be stated briefly and concisely and separately numbered)

(If more space is needed attach an additional sheet)

Sign here . . . . . (Signature of person making request or authorized agent) (Title) (Date)

[Appendices J and K added by Am. 7, 10 F.R. 5037, effective 8-1-45, except as to the filing and processing of applications and the issuance of orders of authorization and denial it shall become effective June 27, 1945. Effective date provision of Am. 7 amended by Am. 9, 10 F.R. 7930, effective 6-27-45]

This regulation shall become effective July 10, 1944. [MPR 540 originally issued June 10, 1944]

[Effective dates of amendments are shown in notes following the parts affected]

NOTE: All reporting and record-keeping requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Forms printed in the Federal Register are for information only, and do not follow the exact format prescribed by the issuing agency.

Issued this 6th day of September 1945.

JAMES G. ROGERS, Jr.,
Acting Administrator.

[F. R. Doc. 45-16792; Filed, Sept. 7, 1945; 4:37 p. m.]

PART 1432—RATIONING OF CONSUMERS' DURABLE GOODS

[RO 21,[1] Amdt. 1]

NEW HOUSEHOLD WATER HEATERS IN HAWAII

A rationale accompanying this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.

Ration Order 21 is hereby amended in the following respects:

The effective date of the order is changed to read as follows:

Effective date. Ration Order 21 shall become effective on May 5, 1945 and shall expire September 1, 1945, subject to section 5.1 of General Ration Order No. 8; except that any person required by section 2.1 to keep records shall retain such records in his possession for six months after the expiration date of the order. Suspension orders in effect on the expiration date of the order, to the extent that they prohibit any person from receiving and transfer or delivery of, or from selling, using, or otherwise disposing of a water heater, shall terminate simultaneously with the expiration of the order.

This amendment shall become effective September 1, 1945.

NOTE: All record keeping and reporting requirements of this amendment have been approved by the Bureau of the Budget as required by the Federal Reports Act of 1942.

Issued this 31st day of August 1945.

GERALD A. BARRETT,
Territorial Director,
Hawaii.

Approved:

JAMES P. DAVIS,
Regional Administrator, Region IX.

[F. R. Doc. 45-16796; Filed, Sept. 7, 1945; 4:38 p. m.]

[1] 10 F.R. 4717.

PART 1407—RATIONING OF FOOD AND FOOD PRODUCTS

[Control Order 1, Suspension]

LIVESTOCK SLAUGHTER AND MEAT DISTRIBUTION

Subject to section 5.1 of General Ration Order 8, Control Order 1 (Livestock Slaughter and Meat Distribution) except for § 1407.309 (which appears as Supplement No. 2 to the control order), revocation and suspension orders relating to the slaughter of livestock and orders relating to the distribution of meat which were issued pursuant to section 23 of Control Order 1 are suspended.

This order of suspension shall become effective at 12:01 a. m., September 8, 1945.

Issued this 8th day of September 1945

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-16803; Filed, Sept. 8 1945; 10:18 a. m.]

PART 1407—RATIONING OF FOOD AND FOOD PRODUCTS

[Control Order 1, Amdt. 5 to Supp. 2]

LIVESTOCK SLAUGHTER AND MEAT DISTRIBUTION

Section 1407.309 in Supplement No. 2 to Control Order 1 is amended in the following respects:

1. Paragraph (a) (1) (iv) is amended to read as follows:

(iv) For quota periods beginning on or after August 26, 1945:

	Percent
Cattle	No limit
Calves	No limit
Sheep and lambs	No limit
Swine	No limit

2. Paragraph (a) (2) (ii) is added to read as follows:

(ii) For quota periods beginning on or after August 26, 1945:

	Percent
All species	No limit

This amendment shall become effective at 12:01 a. m., September 8, 1945.

Issued this 8th day of September 1945

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-16804; Filed, Sept. 8, 1945; 10:18 a. m.]

PART 1351—FOOD AND FOOD PRODUCTS

[FPR 1, Amdt. 1 to Supp. 13]

PACKED FRUITS, BERRIES AND VEGETABLES (1945 AND LATER PACKS)

A statement of the considerations involved in the issuance of this amendment has been issued and filed with the Division of the Federal Register.

In Table 3 of Appendix C to section 15, items 25 through 36 are added to Part 2—Sweet Peas, to read as follows:

TABLE 3—PERMITTED INCREASES AND PRICE RANGES PER DOZEN CONTAINERS FOR PROCESSORS OF PACKED PEAS WHO MADE SALES DURING THE BASE PERIOD

PART 2—SWEET PEAS

Item No.	Area	Sieve Sizes	No. 2 cans						No. 10 cans					
			Fancy		Extra Standard		Standard		Fancy		Extra Standard		Standard	
			Permitted increase	Price ranges	Permitted increase	Price ranges	Permitted increase	Price ranges	Permitted increase	Price ranges	Permitted increase	Price ranges	Permitted increase	Price ranges
25	5	No. 1	$0.36	$1.66-$1.86	$0.33	$1.54-$1.70	$0.31	$1.38-$1.52	$1.83	$8.43-$9.45	$1.68	$7.82-$8.64	$1.57	$7.01-$7.72
26		No. 2	.36	1.63- 1.83	.33	1.51- 1.67	.31	1.36- 1.50	1.83	8.28- 9.30	1.68	7.67- 8.48	1.57	6.91- 7.62
27		No. 3	.36	1.46- 1.66	.33	1.36- 1.52	.31	1.22- 1.36	1.83	7.42- 8.43	1.68	6.91- 7.72	1.57	6.20- 6.91
28		No. 4	.36	1.39- 1.59	.33	1.29- 1.45	.31	1.16- 1.30	1.83	7.06- 8.08	1.68	6.55- 7.37	1.57	5.89- 6.60
29		No. 5 and up	.36	1.33[2] 1.53	.33	1.24- 1.40	.31	1.11- 1.25	1.83	6.76- 7.77	1.68	6.30- 7.11	1.57	5.64- 6.35
30		Ungraded	.36	1.42- 1.62	.33	1.33- 1.49	.31	1.19- 1.33	1.83	7.21- 8.23	1.68	6.76- 7.57	1.57	6.04- 6.76
31	6	No. 1	.41	1.71- 1.91	.38	1.59- 1.75	.36	1.43- 1.57	2.08	8.68- 9.70	1.93	8.07- 8.89	1.83	7.26- 7.98
32		No. 2	.41	1.68- 1.88	.38	1.56- 1.72	.36	1.41- 1.55	2.08	8.53- 9.55	1.93	7.92- 8.74	1.83	7.16- 7.88
33		No. 3	.41	1.51- 1.71	.38	1.41- 1.57	.36	1.27- 1.41	2.08	7.67- 8.69	1.93	7.16- 7.98	1.83	6.45- 7.17
34		No. 4	.41	1.44- 1.64	.38	1.34- 1.50	.36	1.21- 1.35	2.80	7.31- 8.33	1.93	6.80- 7.62	1.83	6.15- 6.87
35		No. 5 and up	.41	1.38- 1.58	.38	1.29- 1.45	.36	1.16- 1.30	2.08	7.01- 8.03	1.39	6.55- 7.37	1.83	5.89- 6.61
36		Ungraded	.41	1.47- 1.67	.38	1.38- 1.54	.36	1.24- 1.38	2.08	7.46- 8.48	1.93	7.00- 7.82	1.83	6.30- 7.02

This amendment shall become effective September 7, 1945.

Issued this 7th day of September 1945.

CHESTER BOWLES,
Administrator.

Approved: September 6, 1945.

J. B. HUTSON,
Acting Secretary of Agriculture.

[F. R. Doc. 45-16790; Filed, Sept. 7, 1945; 4:36 p. m.]

PART 1364—FRESH, CURED AND CANNED MEAT AND FISH PRODUCTS

[MPR 579,[1] Amdt. 10]

CERTAIN SPECIES OF FRESH AND FROZEN FISH AND SEAFOOD

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.

Maximum Price Regulation No. 579 is amended by adding the following subparagraph (1) to section 1.1 (e).

(1) Notwithstanding any other provision of this regulation the prices set forth below are the maximum prices for sales of the items of frozen fish listed below to the Quartermaster Corps of the United States Army: *Provided*, That such items are frozen after September 30, 1945 and delivered to such governmental agency prior to April 1, 1946 in the case of East Coast species and are frozen after August 31, 1945 and sold and delivered to such governmental agency prior to May 1, 1946 in the case of West Coast species. These prices are the maximum prices f. o. b. shipping point for the listed items of frozen fish processed and packed in accordance with the specifications of the buying governmental agency. No transportation, container or other charge may be added to these maximum prices:

	Price per pound
East Coast species:	
Codfish, Atlantic, fillets, skinless	$0.29
Codfish, Atlantic, fillets, skin on	.26
Blackback, fillets	.31
Dab, sea and yellowtail, fillets	.31
Haddock, fillets	.28½
West Coast species:	
Lingcod, fillets	.30¾
Lingcod, steaks	.19½
Flounder (All Pacific coast species) fillets	.30
Sole (All Pacific coast species), fillets	.30

This amendment shall become effective September 12, 1945.

Issued this 7th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-16793; Filed, Sept. 7, 1945; 4:37 p. m.]

Chapter XXIII—Surplus Property Board

[SPB Reg. 10]

PART 8310—GOVERNMENT-OWNED INDUSTRIAL REAL PROPERTY

Sec.
8310.1 Definitions.
8310.2 Scope.
8310.3 Basic policy.
8310.4 Duties of owning and disposal agencies.
8310.5 Restriction on disposal in certain cases.
8310.6 Price.
8310.7 Studies by disposal agency.
8310.8 Scrambled facilities and multiple tenancy.
8310.9 Procedures by disposal agency prior to disposal of industrial real property.
8310.10 Inspection.
8310.11 Priority for Government agencies and State or local governments.
8310.12 Proposals.
8310.13 Consideration of proposals.
8310.14 Options.
8310.15 Submission to Attorney General.
8310.16 Disposal contract.
8310.17 Restrictions on dismantling.
8310.18 Form of transfer.
8310.19 Disposals under laws other than the Surplus Property Act.
8310.20 Records and reports.
8310.21 Regulations to be reported to the Surplus Property Board.
8310.22 Amendment or repeal.

AUTHORITY: §§8310.1 to 8310.22, inclusive, issued under Surplus Property Act of 1944, 58 Stat. 765; 50 USC App. Sup. 1611.

§ 8310.1 *Definitions*—(a) *Terms defined in act.* Terms not defined in paragraph (b) of this section which are defined in the Surplus Property Act of 1944 shall in this part have the meaning given to them in the act.

(b) *Other terms.* (1) "Disposal agency" means the Government agency designated pursuant to the act to dispose of industrial real property.

(2) "Industrial real property" means real property primarily or predominantly suitable for purposes of manufacturing, fabricating or processing of products, and real property which is suitable and equipped for mining operations. It includes unimproved land, as well as land together with buildings, fixtures, facilities and equipment located on such land or adapted to use in connection with such purposes. In any case, the Board may determine whether real property is or is not industrial real property as defined herein.

(3) "Plant" includes land together with all buildings, fixtures, facilities, and equipment of all types located on or used in the operation of given industrial real property.

(4) "Priority" means the right, subject to stated conditions and limitations, to purchase or lease industrial real property to the exclusion of others.

(5) "Real property" means any interest owned by the United States or any Government agency in land and in any fixtures or improvements thereon of any kind, but does not include the public domain or such lands withdrawn or reserved from the public domain as the Surplus Property Board determines are suitable for return to the public domain for disposition under the general land laws.

(6) "Scrambled facility" means any government-owned industrial real property together with its appurtenant equipment, structures, and other personal property which is operated as an integral part of a privately owned plant and is not capable of economic operation as a separate and independent unit.

(7) "Small business" shall include any commercial, industrial or manufacturing enterprise, or group of enterprises under common ownership or control, which does not at the date of purchase or lease of industrial real property hereunder have more than five hundred employees, or any commercial, industrial or manufacturing enterprise which by reason of its relative size and position in its industry is certified by Smaller War Plants Corporation, with the approval of the Surplus Property Board, to be a small business.

(8) "Single purpose plant" means any plant the basic structure of which cannot be readily adapted to uses other than those for which it was originally designed and used.

(9) "State or local government" means any State, territory or possession of the United States, the District of Columbia, and any political subdivision or instrumentality thereof.

(10) "Transportation facilities" includes vehicles, rights of way, roads, structures, and equipment used or intended to be used for transportation purposes, except when appurtenant to industrial real property.

§ 8310.2 *Scope.* This part applies to all Government-owned industrial real property in the United States, its territories and possessions, including plants constructed under Emergency Plant Facilities Contracts but excluding any other plants located on land which the Government does not own. Nothing in this part applies to real property included within the scope of Part 8305 or to airports, harbors, marine terminals, port terminals, power transmission lines, transportation facilities, or pipe lines and facilities used for transporting petroleum products or gas, except when any such facility is an integral part of a plant subject to this part.

§ 8310.3 *Basic policy.* (a) In all studies, negotiations, disposals, and any other actions taken pursuant to this part the disposal agency shall give due weight to the applicable objectives set forth in section 2 of the act. The Surplus Property Board finds that it is imperative that prompt action be taken with respect to the disposal of government-owned industrial real property except such property as may be needed for purposes of national defense. Whenever feasible, the owning agency with the consent of any sponsoring agency may, while property is still in production, declare the property surplus subject to leases and to any other outstanding contract rights and also subject to any conditions the owning or sponsoring agency may deem necessary in the interest of national defense. The disposal agency should, subject to the approval of the owning agency in cases in which national security is involved, enter into negotiations for the sale or lease of plants and take other steps hereunder toward the disposal of such plants prior to their declaration as surplus: *Provided, however,* That no final action shall be taken until such plant has been declared surplus.

(b) It is the policy of the Board that industrial real property shall be disposed of generally by negotiated sale or lease as provided in this part and in appropriate cases by sealed bids.

§ 8310.4 *Duties of owning and disposal agencies*—(a) *General.* Upon receipt by the disposal agency of a declaration, it shall undertake immediately to dispose of the property covered by the declaration in accordance with the requirements of the act and of this part.

(b) *Care and handling.* (1) The disposal agency shall promptly upon receipt of a declaration of surplus industrial real property, undertake to work out with the owning agency mutually satisfactory arrangements for the disposal agency's assumption of the care and handling of, and accountability for, the property covered by such declaration. Such assumption shall be completed within ninety (90) days after the disposal agency receives the declaration unless additional time is allowed by the Surplus Property Board. Any taxes or rentals becoming due on such property after the date of such assumption shall be paid by the disposal agency.

(2) The disposal agency shall make or cause to be made repairs necessary for the protection and maintenance of the property. It shall give careful consideration to what improvements or changes may be necessary for the completing, converting or rehabilitating of the property in order best to attain the applicable objectives of the act, and may make commitments and expenditures for such purposes as in its opinion will further such objectives: *Provided, however,* That not more than $100,000 shall be expended by the disposal agency for any such changes or improvements in connection with any one plant or property without prior approval by the Board in writing.

(3) The disposal agency may renew any lease relating to surplus industrial real property and shall assume and carry out any obligation which may have been entered into by an owning agency to restore any such property. The disposal agency as such shall not by exercise of any option or otherwise purchase industrial real property for resale or lease without the prior written consent of the Board.

(c) *Transfer of title papers, documents, etc.* Upon request of the disposal agency, and consistent with any necessary restrictions in the interest of national security, the owning agency shall immediately supply the disposal agency with the originals or true copies of all documents or portions thereof pertaining to the surplus industrial real property which are in the possession of the owning agency and copies of which have not been filed with the declaration. These shall include appraisal reports, abstracts of titles, tax receipts, deeds, affidavits of title, copies of judgment in condemnation proceedings, and all other title papers relating to the property. All such papers and documents which may still be needed by the owning agency shall be returned to it as soon as the needs of the disposal agency have been satisfied. The disposal agency may transfer to the purchaser of surplus industrial real property, as a part of the disposal transaction, any abstract of title or title guaranty or title insurance policy which relates to the property being transferred and which is no longer needed either by the owning or by the disposal agency. The terms upon which such transfer shall be made shall be fixed by the disposal agency.

§ 8310.5 *Restriction on disposal in certain cases.* Any plant or facility classified by the Surplus Property Board as an aluminum, magnesium, synthetic rubber, chemical, aviation gasoline, iron and steel, or aircraft plant or facility or shipyard which cost more than $500,000 may be disposed of by sale or lease in accordance with this part only with prior written approval by the Board: *Provided, however,* That any aircraft plant or facility or shipyard which the Board acting under Part 8301 classifies as readily adaptable to or desirable for uses other than aircraft manufacture or shipbuilding or repair, respectively, may be disposed of by sale or lease without prior written approval by the Board.

§ 8310.6 *Price.* (a) The price at which the disposal agency shall make a sale of industrial real property to a person other than a Government agency shall be determined by taking into consideration actual proposals received and the use of property most desirable in the light of the applicable objectives of the act. It need not necessarily be the same as the fair value of the property determined in accordance with Special Order 19 of the Surplus Property Board.

(b) In accordance with the requirements of section 12 (c) of the act, all transfers of industrial real property to Government agencies as provided in § 8310.11 of this part shall be at the fair value as determined and recorded pursuant to the provisions of Special Order 19 of the Board unless transfer without reimbursement or transfer of funds is otherwise authorized by law.

§ 8310.7 *Studies by disposal agency.* (a) The disposal agency shall compile appropriate information regarding all industrial real property to be disposed of hereunder, including generally the data listed on Exhibit A to this part.

(b) *Collection of information.* Any report by any expert engaged to collect or evaluate information pursuant to this part shall contain a certificate that he has no interest, direct or indirect, which would conflict in any manner or degree with the preparation and submission of an impartial report. Consistent with any necessary restrictions in the interest of national security, the owning agency shall render all possible assistance to the disposal agency in compiling such information, and where the owning agency shall have prepared any such information it shall immediately upon request forward the same to the disposal agency and shall cooperate with the disposal agency in obtaining any further necessary information. The owning agency and the disposal agency shall avoid duplication of work in compiling or preparing any such information. Studies pursuant to this section shall so far as possible be coordinated with the preparation of the reports required under section 19 of the act.

§ 8310.8 *Scrambled facilities and multiple tenancy.* In the case of any scrambled facilities the disposal agency shall give careful study to the desirability of conversion to a unit capable of independent operation. In all appropriate cases careful consideration shall also be given to the feasibility of sub-dividing a plant to make it available for multiple tenancy or joint use by more than one small business.

§ 8310.9 *Procedures by disposal agency prior to disposal of industrial real property.* The disposal agency shall widely publicize all industrial real property which becomes available for disposal hereunder, giving information adequate to inform interested persons of the general nature of the property and its possible uses. Such publicity shall be by public advertising, by press releases and, particularly in the case of single purpose plants, by direct circularization to potential purchasers and by personal interviews. No industrial real property shall be disposed of hereunder unless it shall have been publicly advertised for sale for a period of at least fourteen (14) days, *Provided, however,* That the advertising may take place either before or after the property is declared surplus or partly before and partly after. If no disposition of property is made within six (6) months after the end of the advertising period, the property shall be advertised again for another period of fourteen (14) days prior to sale. The disposal agency should consult with local groups and organizations. The disposal agency shall upon request supply to bona fide potential purchasers and lessees adequate preliminary information and shall make available for inspection all information compiled pursuant to § 8310.7 and, with the cooperation of the owning agency where necessary, shall render such assistance to such persons as may enable them so far as feasible to acquire complete information regarding plants. Interested persons should be encouraged to make offers to purchase or lease on whatever terms they may deem expedient in the light of the use or uses, products, processes, methods of production, or other factors, which bear upon the adaptability of such property for peacetime production. The disposal agency shall establish procedures so that all such persons showing due diligence are given full and complete opportunity to make a proposal.

§ 8310.10 *Inspection.* All persons interested in the acquisition of industrial real property available for disposal hereunder shall, with the cooperation of the owning agency where necessary, be permitted to make a complete inspection of such property, subject to any necessary restrictions in the interest of national security and subject to such rules or regulations as may be prescribed by the disposal agency. The consent of the owning or sponsoring agency is required where the industrial real property is still in production or is not yet declared surplus.

§ 8310.11 *Priority for Government agencies and State or local governments*—(a) *Priorities.* Government agencies shall be accorded first priority to acquire industrial real property hereunder for their use: *Provided,* That the Smaller War Plants Corporation shall have such priority to purchase any such property for its use and for resale or lease to small business when in its judgment such disposition is authorized by section 13 (c) of the act. State or local governments shall be accorded second priority hereunder.

(b) *Notice.* In the case of any given property a notice calling attention to the advertising made pursuant to § 8310.9, shall be sent at the earliest possible time to all Government agencies listed on Exhibit B, to the governments of the State and of each political subdivision in which the property is physically located, and to State or local governments which have expressed an interest in the property. If the advertising is repeated for an additional period of fourteen (14) days pursuant to the provisions of § 8310.9, the notice required by this section need not be repeated.

(c) *Time and method of exercise.* The priorities provided for by the act and established hereunder may be exercised at any time prior to the execution of a binding contract for disposal of the property. A priority holder wishing to exercise his priority shall indicate his intention to do so by making an offer for the purchase or lease of the property or by submitting to the disposal agency a written application requesting that the property be held for disposal to the priority holder. Such offer or application shall state the price or rental that the applicant is willing to pay, or state that a transfer without reimbursement or transfer of funds is authorized by law, and shall give all pertinent facts pertaining to the applicant's need for the property. If the applicant shall require time to acquire funds or to obtain the authority to take the property without reimbursement or transfer of funds, it shall so state and indicate the length of time needed for that purpose. Upon receipt of an offer or an application with such a statement the disposal agency shall forward a copy thereof, together with its recommendation to the Surplus Property Board. The Board will review the application, determine what time (if any) shall be allowed applicant to conclude the acquisition of the property, and advise the disposal agency and the applicant of such determination. During the time thus allowed the property may not be disposed of to any other person.

(d) *Determination between claimants having same priority.* Whenever two or more Government agencies or two or more State or local governments, respectively, shall make acceptable offers for the same property, the disposal agency shall determine, on the basis of the relative needs of the claimants, which offer to accept of those within the same class of priority. No disposal of such property shall be made until five (5) days after the claimants have been notified of such determination, and, if any claimant shall feel aggrieved by such determination and shall so notify the disposal agency in writing within such five (5) days, the disposal agency shall report the matter in writing to the Surplus Property Board setting forth all the facts, including the basis of the respective claims and of the determination by the disposal agency, together with any statements in writing that the claimants or any of them may wish to file with the Board. The Board will review the matter and report its determination to the disposal agency. Pending such determination by the Board, no disposal of such property shall be made. The Board's determination shall be final for all purposes.

§ 8310.12 *Proposals.* All proposals made by any person interested in the acquisition of any industrial real property shall be in writing and, in addition to the financial terms upon which the proposal is predicated, shall contain such information as the disposal agency may request. Any information submitted the disclosure of which might tend to subject the person submitting it to a competitive business disadvantage shall upon request be held in strict confidence by the disposal agency and by any other Government agency to which it is made available.

§ 8310.13 *Consideration of proposals.* Whenever in any case more than one proposal is received, the disposal agency shall accept that proposal which it finds upon an evaluation of all the information available to it, will most clearly tend to meet the applicable objectives of the act. In any case, the disposal agency shall reject any proposal if it finds that on the whole it conflicts with such objectives. In considering proposals the disposal agency shall give thorough consideration to whether such objectives can best be met by leasing. Emphasis shall be placed upon the urgency of getting plants into civilian production speedily so as to provide maximum employment in the post-war period. Due regard shall be given, however, to the possibility of enlarging the present major contribution to this objective which is made by small business as defined herein and to the importance in this connection of maintenance of free independent competitive enterprise and the establishment of a maximum of independent operators in industry.

It is the policy of the Board that plants, particularly medium-sized and small plants, be sold or leased to local or small firms, preferably those owned or controlled by veterans. The disposal agency should therefore accept offers from responsible local groups with adequate working capital, experience and other necessary qualifications, and should where necessary extend liberal credit terms over a period of years, in preference to a cash offer from a firm or group which would tend to concentrate economic power.

The disposal agency should seriously consider offers to purchase or lease which will result in a lower monetary return if the applicable objectives of the act will be better attained thereby.

The disposal agency shall keep a written record of the factors it weighed in arriving at a decision and shall forward to the Board copies of all complaints it may receive from unsuccessful bidders.

§ 8310.14 *Options.* Industrial real property shall be declared surplus subject to any outstanding rights of refusal or options to purchase or otherwise acquire such plants, and nothing in this part shall be deemed to impair the right of any person to exercise any valid right of refusal or option. In no case, however, shall any owning agency sell or lease plants pursuant to such rights or options, but all dispositions pursuant to such rights or options shall be made by the disposal agency, which shall request the assistance of the owning agency when necessary. Upon the lapse or waiver of any such right or option the property

shall be disposed of as promptly as possible in accordance with the provisions of this part.

§ 8310.15 *Submission to Attorney General.* In any case in which a plant cost $1,000,000 or more a complete statement of the proposed disposal which has been tentatively decided upon, including all information compiled or obtained pursuant to §§ 8310.7 and 8310.12 shall be made available to the Attorney General as required by section 20 of the act.

§ 8310.16 *Disposal contract.* As a part of each disposal pursuant to this part, the person acquiring the industrial real property shall certify in writing that he is acquiring the property for his own use, and, in the case of a purchase, that he is not purchasing it for the purpose of reselling or leasing it, and that in no case will he resell or lease it within three (3) years without written notice to the disposal agency of the purchaser or lessee and the conditions of such resale or lease within thirty (30) days of such event. If the disposal agency extends credit, the purchaser shall agree that until full payment is made, he will not resell or lease the property without the prior written consent of the disposal agency to such resale or lease. In appropriate cases, after consultation with the owning agency or with any other interested agency if such consultation is requested in either case, the disposal agency shall require an agreement that the productive facilities of the plant shall remain available to the Government for present or future Governmental defense needs upon such terms as may then be mutually agreed upon. All representations and agreements required by this section shall be recited in the instrument of transfer.

§ 8310.17 *Restrictions on dismantling.* (a) No fixtures, machinery or equipment shall be removed by the disposal agency from any plant subject to this part except such as is determined by the disposal agency in writing not to be essential to the operation of the plant for the purposes for which it determines that the plant should be disposed of.

(b) No surplus plant other than a scrambled facility shall be dismantled by the disposal agency or disposed of to any person who does not expect to operate it at the place where it is located, unless the governments of the State and of each political subdivision in which such plant is physically located have been given at least thirty (30) days' notice by the disposal agency of its intention to dismantle such plant or dispose of it to a person who intends to dismantle it. If within such thirty (30) days any such government shall indicate an interest in acquiring such plant, it shall be given a reasonable additional opportunity to submit an offer or application pursuant to § 8310.11.

(c) A plant may be disposed of to a person for the purpose of dismantling and exporting it only after at least fifteen (15) days' prior written notice to the Board.

§ 8310.18 *Form of transfer.* The form of deed or instrument of transfer shall be approved by the Attorney General. Transfers shall be by quitclaim deed unless the disposal agency finds that a warranty deed is necessary to obtain a reasonable price for the property or to render the title marketable and unless the use of such a deed is recommended and approved by the Attorney General as provided in the act.

§ 8310.19 *Disposals under laws other than the Surplus Property Act.* (a) Except as provided in paragraph (b) of this section, disposals of surplus industrial real property shall not be made under laws other than the Surplus Property Act of 1944 but shall be made only by the disposal agency in strict accordance with the provisions of this part unless the Surplus Property Board upon written application by the owning agency shall consent in writing to a different procedure.

(b) Transfers of industrial real property to Government agencies for war production purposes shall not be subject to any of the provisions of this part and may be made by the owning agency directly.

§ 8310.20 *Records and reports.* Owning and disposal agencies shall prepare and maintain such records as will show full compliance with the provisions of this part and with the applicable provisions of the act. Reports shall be prepared and filed with the Surplus Property Board in such manner as may be specified by order issued under this part subject to the approval of the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

§ 8310.21 *Regulations to be reported to the Board.* Each owning and disposal agency shall file with the Surplus Property Board copies of all regulations, orders, and instructions of general applicability which it may issue in furtherance of the provisions, or any of them, of this part.

§ 8310.22 *Amendment or repeal.* This part, and any order issued under it, shall be subject to amendment or repeal by the Surplus Property Board by any regulation or order of the Board duly published in the FEDERAL REGISTER.

NOTE: All reporting requirements of this part have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

This part shall become effective September 11, 1945.

SURPLUS PROPERTY BOARD,
By W. STUART SYMINGTON,
Chairman.

SEPTEMBER 7, 1945.

EXHIBIT A—INFORMATION TO BE COMPILED PURSUANT TO § 8310.7

Plants

(1) Legal description of the property, including its exact location and area.
(2) Plot plans and maps of vicinity.
(3) Description of roads and other means of transportation part of or adjacent to the premises.
(4) Statement of costs of acquisition and construction.
(5) Any available documents, such as drawings, specifications, etc., relating to unexecuted plans for improvement of the property.
(6) General information relative to local housing in non-urban areas, transportation, power and water supplies, sewage systems, and rates of property taxes.
(7) Description of buildings (including available structural drawings and photographs, area, floor loads, clearances, bays, type of construction and condition, type of ventilation and heating, location of fire protection, water and sewer mains, and power outlets, etc.)
(8) Inventory of plant equipment with general statement of its condition.
(9) Patent situation relating to operation of the plant in so far as such information may be available to the owning and disposal agencies.

Unimproved Sites

Information with respect to unimproved sites may be limited to the subjects listed in subparagraphs (1) to (6), inclusive, above.

Single-purpose Plants

In the case of any single-purpose plant of any class enumerated in section 19 of the act (regardless of cost) or of any other class which the Board may from time to time designate, the disposal agency shall also compile any available and pertinent or appropriate information which may be of interest to prospective buyers and lessees concerning:
(1) The relation of such plant to similar plants owned by the government;
(2) Materials and equipment which may be available and necessary or useful for peacetime operation of such plant, with particular reference to available and necessary or useful materials and equipment which are or may become surplus;
(3) Other sources of raw materials and equipment;
(4) Conversion possibilities;
(5) Transportation;
(6) Potential outlets for production;
(7) Relevant national productive capacity;
(8) Capacities and production costs in other individual plants.

EXHIBIT B

Government agencies to be given notice of impending disposal by mail:

Department of War
Department of the Navy
Department of the Interior
Department of Commerce
Reconstruction Finance Corporation
U. S. Maritime Commission
Tennessee Valley Authority
Office of Scientific Research and Development
Smaller War Plants Corporation.

The mail address of these agencies is Washington 25, D. C.

[F. R. Doc. 45-16839; Filed, Sept. 10, 1945; 11:34 a. m.]

[Special Order 19]

PART 8310—GOVERNMENT-OWNED INDUSTRIAL REAL PROPERTY

FAIR VALUE

Section 12 (c) of the Surplus Property Act of 1944 (58 Stat. 765; 50 U. S. C. App. Sup. 1611) provides that the disposal agency shall transfer property to the Government agency acquiring it "at the fair value of such property as fixed by the disposal agency, under regulations prescribed by the Board."

Surplus Property Board Regulation 1[1], September 7, 1945, entitled "Government-Owned Industrial Real Property," provides for the transfer of industrial real property from one Government agency to another.

In furtherance of the foregoing provision of the act and pursuant to the authority thereof; *It is hereby ordered*, That:

Prior to or concurrent with the offering for disposal of any industrial real property under Surplus Property Board Regulation 10, September 7, 1945, the disposal agency shall obtain a written estimate of the fair value of the property. The fair value shall be considered to be the maximum price which a well-informed buyer acting intelligently and voluntarily, would be warranted in paying if he were acquiring the property for long-term investment or for continued use with the intention of devoting it to a profit-making purpose which represents the most productive type of use for which the property is suitable. The estimate shall take into account only those rights in land, structures, facilities or equipment which would be of use to such a buyer and only to the degree to which they would be of use. It shall be recognized that the fair value of the property is not in excess of the prices at which other similar properties having a like utility and productive capacity are actually available on the market or in excess of the total cost which would be required to secure an equally useful site and erect and equip similarly useful structures. Neither the original cost to the Government nor the characteristics or readiness to buy of any particular prospective purchaser shall be taken into account. The disposal agency shall maintain an adequate written record to support its estimate of fair value and for this purpose may, if necessary, incur reasonable expenses for services by qualified persons, including appraisers, consultants or other Government agencies.

This order shall become effective September 11, 1945.

SURPLUS PROPERTY BOARD,
By W. STUART SYMINGTON,
Chairman.

SEPTEMBER 7, 1945.

[F. R. Doc. 45-16838; Filed, Sept. 10, 1945; 11:33 a. m.]

[1] *Supra.*

TITLE 36—PARKS AND FORESTS

Chapter I—National Park Service, Department of the Interior

PART 3—NATIONAL CAPITAL PARKS REGULATIONS

This part is hereby completely revised to read as follows:

GENERAL PROVISIONS

Sec.
3.1 Applicability of regulations.
3.2 Applicability of federal laws.
3.3 Applicability of District of Columbia and State laws.
3.4 Definitions.
3.5 Penalties.
3.6 Place of trial.

PUBLIC PROPERTY

3.7 Park property; miscellaneous provisions.
3.8 Lamps and lamp posts.
3.9 Comfort stations and other structures.
3.10 Trees, shrubs, plants, grass and other vegetation.

DOMESTIC ANIMALS

3.11 Dogs and cats.
3.12 Horses.
3.13 Grazing; permitting animals to run loose.

PICNICKING, SPORTS, HUNTING AND FISHING

3.14 Picnics.
3.15 Athletics.
3.16 Model planes.
3.17 Gambling.
3.18 Hunting and fishing.

MEETINGS AND DEMONSTRATIONS

3.19 Parades and other functions without permits prohibited; exceptions.
3.20 Areas available at all times subject to permit for public meetings; permit applications.
3.21 Public meetings may be held subject to permit in any park area; exceptions.
3.22 Areas in which parades and public gatherings are prohibited.

COMMERCIAL ACTIVITIES, DISORDERLY CONDUCT, INDECENCY, ETC.

3.23 Soliciting, advertising, sales.
3.24 Nuisances; disorderly conduct.
3.25 Indecency, immorality, profanity.
3.26 Loitering, camping, vagrancy.
3.27 Use of liquors; intoxication.

TRAFFIC AND MOTOR VEHICLE REGULATIONS

3.28 Laws and regulations applicable to traffic control; enforcement.
3.29 Obstructing entrances, exits, sidewalks.
3.30 Speed restrictions.
3.31 Reckless driving; prohibited operations.
3.32 Parking restrictions; impounding of vehicles.
3.33 Traffic signs.
3.34 Washing of cars prohibited.
3.35 Commercial vehicles and Common Carriers.
3.36 Vehicles; weight and tread restrictions.
3.37 Tampering with vehicles prohibited.
3.38 Prevention of smoke.
3.39 Bicycling, roller skating, and coasting restrictions.
3.40 Boating.

MISCELLANEOUS

3.41 Collection of scientific specimens.
3.42 Lost and found articles.
3.43 Photographing; restrictions.
3.44 Fees; admission, service, utility.
3.45 Supersedure.

AUTHORITY: §§ 3.1 to 3.45, inclusive, issued under sec. 6, 30 Stat. 571, sec. 3, 39 Stat. 535, as amended, sec. 3, 43 Stat. 963, sec. 16 (b), 43 Stat. 1126, sec. 1 (a), 46 Stat. 483, E. O. 6166, June 10, 1933, 54 Stat. 785; 8 D. C. Code 143, 16 U. S. C. 3, 40 D. C. Code 613, 5 U. S. C. 132 (note).

GENERAL PROVISIONS

§ 3.1 *Applicability of part.* This part applies to all public parks, parkways, waters, reservations, roads, streets and sidewalks in the National Capital and in its environs in Maryland and Virginia under the jurisdiction of the National Park Service and administered through the Office of the National Capital Parks.

This part shall not be construed to prevent the performance of any duly authorized or required function within the areas described.

CROSS REFERENCE: For statutory provisions and other materials pertaining to jurisdiction, administrative powers and duties, see Appendix [1] to this part.

§ 3.2 *Applicability of federal laws.* In all park areas all acts of Congress shall be enforced insofar as applicable.

§ 3.3 *Applicability of District of Columbia and State laws.* (a) The laws and regulations promulgated for the District of Columbia shall be enforced, insofar as applicable, in all park areas within the District of Columbia.

(b) In areas under the jurisdiction of the National Park Service in the environs of the National Capital, but outside the geographical limits of the District of Columbia, the laws of the State within which the area is located shall be invoked and enforced in accordance with section 289 of the Criminal Code, 18 U. S. C. 468.

§ 3.4 *Definitions.* As used in this part the following words shall have the following meanings:

(a) *Park area.* Any and all developed and undeveloped park areas, ground, playgrounds, plazas, squares, circles, triangles, islands, ways, streets, sidewalks, roads, boulevard, parkways, canals, waters, buildings, monuments, structures, and other properties under the jurisdiction of the National Park Service and administered through the Office of the National Capital Parks.

(b) *Secretary.* The Secretary of the Interior.

(c) *Director.* The Director of the National Park Service and any subordinate official authorized by the Secretary to act for the Director.

(d) *Superintendent.* The Superintendent of the National Capital Parks and any subordinate official authorized by the Director to act for the Superintendent.

(e) *Official permit.* Permits issued by the authority of the Secretary, the Director or the Superintendent.

(f) *Official signs.* Any sign or signs posted by order of the Secretary, Director or the Superintendent.

(g) *Person.* Individuals, partnerships, firms, corporations, governmental agencies, and voluntary associations.

(h) *Driver.* The rider, driver, or leader of any horse or other riding or draft animal; a person who pushes, draws or propels a vehicle, and the operator of a motor vehicle.

(i) *Horse.* Any riding or draft animal or beast of burden.

(j) *Public highway.* Any street, road, highway or public thoroughfare in a park area.

(k) *Vehicle.* Any conveyance or animal ordinarily used for riding or driving purposes.

(l) *Commercial vehicle.* Any vehicle designed and regularly used for carrying freight or merchandise.

(m) *Parking.* Any vehicle left standing, whether or not attended, except when standing in obedience to traffic regulations, signs or signals, or to a police officer.

§ 3.5 *Penalties*—(a) *Regulations in this part.* Any person violating any of

[1] Filed as part of the original document.

the provisions of this part, except violations of traffic and motor vehicle regulations in park areas in the District of Columbia, shall, upon conviction thereof, be punished by a fine of not more than $500 or imprisonment for not exceeding six months or both. (Sec. 6, 30 Stat. 571, sec. 5, 41 Stat. 732; 3 D.C. Code 143, 16 U.S.C. 3)

(b) *Traffic violations in District of Columbia.* Any person violating any of the provisions of the traffic and motor vehicle regulations contained in this part in park areas in the District of Columbia, except where a penalty is otherwise provided, shall, upon conviction thereof, be punished by a fine of not more than $300 or imprisonment of not more than 10 days or both. (Sec. 6, 30 Stat. 571, sec. 16 (b), 43 Stat. 1126; 8 D.C. Code 143, 40 D.C. Code 613)

(c) *Statutes: other applicable regulations.* Any person violating any Act of Congress or State law adopted by Congress or rule or regulation promulgated by other Federal officials, the Commissioners of the District of Columbia or other municipal officials, which is in force and applicable in any park area shall, upon conviction, be punished in accordance with the penalty provisions of such act, rule or regulation.

§ 3.6 *Place of trial.* Any person violating any of the regulations contained in this part in park areas within the District of Columbia is subject to prosecution and trial in the Municipal Court for the District of Columbia. Any person violating any of the regulations contained in this part in park areas within the States of Maryland or Virginia may be tried by a United States Commissioner authorized to try petty offenses in the judicial district in which the offense was committed or, if the person charged with the offense so elects, he shall be tried in the district court of the United States which has jurisdiction over the offense. (18 U.S.C. 576, 576a.)

PUBLIC PROPERTY

§ 3.7 *Park property: miscellaneous provisions*—(a) *Statues and other structures.* No person shall climb upon or in any way injure any statue, fountain, wall, banister, ledge, fence, balustrade, railing or other structure.

(b) *Water system.* No person shall tamper with drinking fountains, hydrants, or other water system facilities.

(c) *Life buoys.* No person shall tamper with or remove life buoys from their fastenings except for the purpose of aiding a person who is in the water.

(d) *Injury to lawns.* No person shall make any use of lawn areas which tends to injure the lawns in any manner. This part shall not be construed to prohibit casual strolling over lawn areas.

(e) *Short cuts.* No person shall make short cuts which tend to make paths.

(f) *Signs.* No person shall tamper with, mar, remove or destroy any official or public sign.

(g) *Dumping.* No person shall dump any material or refuse of any description in any park area, except when authorized by the Superintendent.

(h) *Storage.* No person shall store material of any description, or displace, leave, house, or permit to be placed or left in any park area any vehicle or parts of vehicles, or rubbish of any description, except when authorized by the Superintendent.

(i) *Fences and other structures.* No person shall enclose any park area or erect any fence, wall, or build any trail, road, bridge or other structure in any park area, except when authorized by the Director.

(j) *Spilling of deleterious substances.* No person shall pour or cause to spill or permit to escape in any park area any oil, gas, salt, acid or other deleterious substance whether liquid, solid or gaseous, except when authorized by the Superintendent.

(k) *Other injury or removal.* Any other injury to or removal of any government property is prohibited.

§ 3.8 *Lamps and lamp posts.* (a) No person shall break, damage, or carry away any lantern, glass, frame, street designation, fixture, or other part or appurtenance of any public lamp; or hitch, tie or unfasten any animal to any lamp post or appurtenance thereof.

(b) No person shall take up or carry away any public lamp post, or extinguish or obstruct the light in any public lamp, or cap or plug the service pipe of any public lamp.

(c) No person shall climb, damage or destroy any public lamp post, or attach any guy line or sign thereto, or deface any public lamp post or appurtenance thereof by means of lime, mortar, paint, or other material; or pile material of any kind against any public lamp post.

§ 3.9 *Comfort stations and other structures.* (a) No person shall stand or climb on any closet, basin, or fitting or push or crowd other persons, or interfere with any attendant in the discharge of his or her duties within or around any public comfort station, structure, or other park facility.

(b) No person shall deposit any body waste in or about any comfort station or other structure except in fixtures properly provided for that waste.

(c) No person shall cut, deface, write upon or scratch on any surface of any comfort station, other structure, facility, or fixture.

(d) No person shall waste towels, soap or paper, or misuse any facility or equipment provided for the public use in any park area, comfort station or other structure.

§ 3.10 *Trees, shrubs, plants, grass and other vegetation*—(a) *General injury.* No person shall prune, cut, carry away, pull up, dig, fell, bore, chop, saw, clip, pick, move, sever, climb, molest, take, break, deface, destroy, set fire to, burn, scorch, carve, paint, mark, repair, treat, or in any manner interfere with, tamper, mutilate, misuse, disturb or damage any tree, shrub, plant, grass, or part thereof, nor shall any person permit any chemical, whether solid, fluid or gaseous, to seep, drip, drain or be emptied, sprayed, dusted or injected upon, about or into any tree, shrub, plant, grass or part thereof; nor shall any person build fires or station or use any tar kettle, heater, road roller or other engine within a park area in such a manner that the vapor, fumes or heat therefrom may injure any tree or other vegetation.

CROSS REFERENCE: For parking which may impair vegetation and trees, see § 3.32 (a) (1) and (8).

(b) *Animals.* No person shall hitch, tie or fasten any horse or other animal to, or within reach of, any tree, shrub, plant, tree box or tree guard.

CROSS REFERENCE: For domestic animals, see also §§ 3.11 to 3.13, inclusive.

(c) *Attachments.* No person shall hitch, tie, fasten, nail, anchor, screw or otherwise attach any wire, cable, chain, rope, card, sign, poster advertisement, notice, announcement, handbill, board or other article or device to any tree, shrub or plant, without first obtaining an official permit.

(d) *Excavations.* No person shall excavate any ditches, tunnels, holes or trenches, or lay any sewer or pipe line, drain, conduit or cable, walk, path, drive or highway within or affecting any park area, without first obtaining an official permit. In making permitted excavations proper care shall be taken to prevent injury to the roots of trees, shrubs, or plants. Upon completion of the work, the ground surface shall be restored by the permittee and the correction of any future settling of the back fill shall likewise be the responsibility of the permittee.

(e) *Guards.* All trees, shrubs, or other plants growing within any park area near any excavation or construction of any kind, shall be protected with a substantial and adequate guard constructed by the permittee.

(f) *Gas.* Any person owning or operating beneath the ground, in or adjacent to park areas, any pipes or other conduits for the transmission or delivery of illuminating gas, oil, steam or other substance in liquid or gaseous form, shall locate and maintain such pipes or conduits free from leaks and in such condition as to prevent injury to any tree, shrub, plant, lawn, or other vegetation growing within park areas.

(g) *Wires.* No person shall string any wire or wires through or above any park areas; nor prune or remove branches or trees which may now or hereafter interfere, rub or grow near existing wires; nor attach any wire, insulator or device to trees or within any area covered by the root system of trees, without first obtaining an official permit. Any person having jurisdiction or control over any wire or conduit for the transmission of an electric current shall guard all trees through which such wires or conduits pass, against any injury from the wires or the electric current carried thereby. The device or means used shall, in each case, be of a type approved by the Superintendent.

(h) *Planting.* No person shall plant or cause to be planted any tree, shrub or plant within a park area without first obtaining an official permit.

(i) *Adjacent trees.* Any tree, shrub or plant growing upon private property and which overhangs any park area in such a way as to present a hazard or impede, obstruct or interfere with traffic, travel or park use shall be trimmed, removed, braced, or otherwise treated by the owner of the premises on which such tree, shrub or plant is located, in a manner prescribed by the Superintendent. In an emergency, the Superintendent is empowered to enter such premises and to trim, remove, brace or otherwise treat any tree which is deemed hazardous to park travel or use, in such a manner that the hazard shall be eliminated.

DOMESTIC ANIMALS

§ 3.11 *Dogs and cats.* (a) The laws and regulations of the District of Columbia, Maryland and Virginia, relating to licenses and muzzles shall apply to dogs in the park areas located within the geographical limits of the respective jurisdictions.

(b) No dog or cat, unless caged or on a leash not more than six feet long and entirely under control, shall be taken into or exercised in park areas.

(c) No dog or cat shall be permitted by the person exercising or walking the animal to commit any nuisance on playgrounds, trees, shrubs, plants, lawns, sidewalks, footpaths, or in flower beds, buildings, or in any other park area, except in park roadways.

CROSS REFERENCE: For tying of animals to lamp posts or trees, see §§ 3.8 (a) and 3.10 (b) respectively.

§ 3.12 *Horses.* (a) A horse shall not be left unbridled or unattended without being securely fastened, unless harnessed to a vehicle with wheels so secured as to prevent its being dragged faster than a walk.

(b) A driver shall continuously hold the reins in his hand while riding, driving, or leading a horse.

(c) No more than two horses abreast shall be permitted on the bridle paths.

(d) Horses shall not be allowed to move over lawn areas other than those especially designated for horse exercise.

(e) Fast or reckless riding or driving is prohibited. Equestrians shall be careful to come down to a walk or slow trot before passing pedestrians.

CROSS REFERENCE: For regulations prohibiting the tying of horses or other animals to lamp posts or trees, see §§ 3.8 (a) and 3.10 (b) respectively.

§ 3.13 *Grazing; permitting animals to run loose.* Using park areas for grazing, allowing to graze, or permitting to run loose thereon any animal, is prohibited, unless authorized by an official permit. Any owner or custodian of an animal or animals shall prevent such animal or animals from doing any of the acts enumerated in this section.

PICNICKING, SPORTS, HUNTING AND FISHING

§ 3.14 *Picnics*—(a) *Permits.* Persons holding official permits for the use of established picnic groves shall be entitled to the exclusive use of such groves on the dates and between the hours specified in the permits. All persons not holding permits will be required to vacate the groves upon the arrival of permit holders.

(b) *Fires.* Fires shall be burned only in established fireplaces except when otherwise authorized by official permit.

(c) *Garbage.* Picnic groves shall be left in a clean condition by persons using the groves. Garbage and refuse of all kinds shall be placed in receptacles provided for the purpose.

§ 3.15 *Athletics*—(a) *Permits for set games.* Playing baseball, football, croquet, tennis, and other set games or sports except under official permit and upon the grounds provided for such purpose, is prohibited.

(b) *Wet grounds.* Persons holding official permits to engage in games and sports at certain times and at places authorized for this use are prohibited from exercising the privilege of play accorded by the permit if the grounds are wet or otherwise unsuitable for play without damage to the turf.

(c) *Golf and tennis; fees.* No person shall use golf and tennis facilities except by payment of the prescribed fee, if one is required, and in compliance with regulations approved by the Director. Use of public golf and tennis facilities is restricted to authorized players and persons accompanying them; trespassing, intimidating, harassing or otherwise interfering with authorized golf players, or interfering with the play of tennis players is prohibited.

(d) *Archery.* No bows and arrows shall be used in park areas except in places designated by order of the Superintendent.

(e) *Ice skating.* When ice is forming on the Tidal Basin, the Reflecting Pool, and other bodies of water within park areas, all persons shall abide by the directions of the Park Police as to when and where the ice shall be available for skating. When skating is allowed, all persons shall be under obligation to refrain from fast and reckless skating when such skating might endanger the life or limb of other persons.

§ 3.16 *Model planes.* No model powered plane shall be flown from any park area unless authorized by an official permit.

§ 3.17 *Gambling.* Participating in game for money or property, or the operation of gambling devices whether for merchandise or otherwise, is prohibited.

§ 3.18 *Hunting and fishing*—(a) *Hunting in park areas prohibited.* No person shall at any time or at any place within a park area, trap, catch, kill, injure, pursue or needlessly disturb, or attempt to trap, catch, kill, injure, or pursue wild animals or birds, except upon proper authorization by the Superintendent.

(b) *Fishing in ornamental pools prohibited.* Fishing in fountain basins and ornamental pools is prohibited.

(c) *Fishing in park areas in Maryland and Virginia.* Persons fishing from boats or from the shore of areas under the jurisdiction of the National Park Service, lying within the geographical limits of Maryland or Virginia, must be licensed by and comply with the applicable State laws.

(d) *Fishing in Tidal Basin.* Fishing in the Tidal Basin may be permitted at the discretion of the Superintendent except from March 31 to May 30 each year when fishing is prohibited. All bass under 10 inches, all crappie under 6 inches, all bream under 4 inches in length shall be returned to the Basin. No person may in any one day catch and retain more than 5 bass, 5 crappie, 5 bream, and 12 winter shad.

(e) *Fishing from unposted banks of streams in park areas permitted.* Fishing will be permitted from the banks of the Potomac River, Anacostia River, Rock Creek, Georgetown Channel, Washington Channel, Chesapeake and Ohio Canal or other waters within park areas, except where such banks have been posted with official signs prohibiting fishing in the vicinity.

MEETINGS AND DEMONSTRATIONS

§ 3.19 *Parades and other functions without permits prohibited; exceptions.* Parades, ceremonies, entertainments, and functions of all kinds, are prohibited unless authorized by an official permit, except that public meetings and assemblies may be held and speeches and the expression of views publicly may be made without any permit in the following places, which shall be open and available for such purposes at all times to any person, group of persons, or organization:

(a) *Franklin Park.* On the north-south center walk between I Street and the center display fountain. (Approximately 100 feet north of the north curb line of I Street.)

(b) *Judiciary Park.* On the north-south axis of the park between E Street and the statue of Jose de San Martin.

(c) *Smithsonian Grounds.* In the northeast corner of the park and adjacent to Constitution Avenue and 9th Street, N. W.

(d) *United States Reservation 46.* North side of Pennsylvania Avenue, west of 8th Street and south of D Street, S. E.

§ 3.20 *Areas available at all times subject to permit for public meetings; permit applications*—(a) *Available areas.* Public meetings and assemblies may be held and speeches and the expression of views publicly may be made in the following places, which shall be open and available for such purposes at all times to any person, group of persons, or organization, subject to the condition that an official permit therefor be first obtained.

(1) Anacostia Park west of 11th Street.
(2) Polo Field.
(3) Banneker Recreation Center, north side.
(4) Monument Grounds, Sylvan Theater.
(5) Water Gate.
(6) Bunker Hill, Amphitheater.

(b) *Application for permits.* Any application for a permit authorizing the holding of a meeting or other function within the areas covered by this section shall set forth the names of proposed speakers and the nature of all proposed speeches. This information shall be submitted sufficiently in advance of the date of the proposed meeting or function to allow persons desiring to reply to such speeches sufficient opportunity to apply for equal facilities. All such applications shall be available to public inspection. Persons or organizations wishing to present views in opposition to those

scheduled for presentation under pending application shall be entitled to preference in applying for permission to use the same facilities immediately following or immediately preceding the meeting or function for which the original application was made.

(c) *Permit may be refused if there is a prior application.* The Superintendent may refuse to grant a permit for the above-named places only if a prior application for use of the same place at the same time has been made and such prior application has been or will be granted. In applying for such permit the applicant shall comply with the provisions of paragraph (b) and shall specify the time and place desired.

§ 3.21 *Public meetings may be held subject to permit in any park area; exceptions.* Public meetings and assemblies may be held and speeches and the expressions of views publicly may be made in any park area other than the areas described in §§ 3.19, 3.20 and 3.22 subject to the condition that an official permit therefor be first obtained. The Superintendent shall forthwith issue a permit for such a place unless a prior application for the same time and place has been made which has been or will be granted, or unless, in his judgment, the permit should be refused because of traffic conditions, or because the particular use to which the area is primarily devoted makes its use for public gatherings contrary to the comfort, convenience and interest of the general public. In applying for such permit, the applicant shall comply with the provisions of § 3.20 (b) and shall specify the time and place desired.

§ 3.22 *Areas in which parades and public gatherings are prohibited.* Parades, public gatherings of any kind, and the making of speeches are prohibited in the following places because of traffic conditions, or because the particular purpose to which the area is primarily devoted makes its use for public gatherings contrary to the comfort, convenience and interest of the general public:

(a) Lafayette Park.
(b) Sherman Square.
(c) United States Reservation 617, Fifteenth Street and Pennsylvania Avenue, N. W.
(d) Farragut Park.
(e) Rawlings Park.
(f) Mt. Vernon Park.
(g) Stanton Park.
(h) The paved area in the Mall near Second Street.
(i) State Place.
(j) West and South Executive Avenues.

COMMERCIAL ACTIVITIES, DISORDERLY CONDUCT, INDECENCY, ETC.

§ 3.23 *Soliciting, advertising, sales—*(a) *Soliciting.* (1) Soliciting of alms and contributions for private gain and of patronage by guides or other persons in park areas is prohibited.

(2) Commercial soliciting of any kind in park areas without an official permit is prohibited.

(b) *Advertising.* (1) The display or distribution of any form of commercial advertising is prohibited, except when authorized by official permit in connection with park activities.

(2) No photograph which may include a public monument or memorial shall be taken of any commercial vehicle or bus in a park area without an official permit.

(3) The photographing in park areas of models demonstrating wearing apparel or other commercial articles, for reproduction in commercial advertising, without an official permit, is prohibited.

(c) *Sales.* No sales shall be made nor admission fee charged, and no article shall be exposed for sale in a park area without an official permit.

§ 3.24 *Nuisances: disorderly conduct.* Committing a nuisance of any kind or engaging in disorderly conduct within park areas is prohibited. The following shall include, but shall not be construed to limit acts committed in park areas which constitute disorderly and unlawful conduct:

(a) *Wrestling.* Scuffling and wrestling in the vicinity of other persons.

(b) *Throwing of breakable articles.* Intentional throwing, dropping or causing to be thrown or dropped, any breakable article such as glass, pottery, or any sharp article which may cause injury to the person or property of others, upon a park road, path, walk or other park area.

(c) *Throwing of stones.* Throwing stones or other missiles.

(d) *Throwing or dropping objects from Washington Monument.* Throwing or dropping any object from the windows at the top of the Washington Monument, or from the staircase or landings of the Monument, unless authorized by the Superintendent.

(e) *Rubbish.* Throwing or leaving paper, fruit skins or other rubbish anywhere except in receptacles officially provided for the purpose, or placing refuse therein brought from private property in the vicinity.

(f) *Spitting.* Spitting upon walks or paths.

(g) *Fireworks.* Discharging or setting off fireworks, firearms or other explosives: *Provided*, That upon public holidays or on special occasions the Superintendent may permit, at his discretion, use of such grounds as he may deem best suited for the purpose of fireworks display and the firing of salutes.

(h) *Unauthorized bathing.* Bathing, swimming or wading in any fountain or pool except where officially authorized. Bathing, swimming or wading in the Tidal Basin, the Chesapeake and Ohio Canal, or Rock Creek, or entering from park areas the Potomac River, Anacostia River, Washington Channel or Georgetown Channel, except for the purpose of saving a drowning person.

(i) *Dangerous weapons.* Carrying or possessing, while in any park area, a gun, air gun, sling, dart, projectile thrower, knife with blade exceeding three inches, or other dangerous weapon: *Provided*, That nothing in this paragraph shall be so construed as to prevent the drill or activities of any organized military or semi-military body under an official permit.

§ 3.25 *Indecency, immorality, profanity—*(a) *Indecent exposure.* Obscene or indecent exposure by any male or female of his or her person or their persons, in a street, road, park or other space or enclosure, or automobile, dwelling or other building within park areas wherefrom the same may be seen in any street, avenue, alley, road, or highway, open space, public square, or public or private building or enclosure is prohibited.

(b) *Urinating or defecating.* Urinating or defecating in any place other than the places officially provided therefor is prohibited.

(c) *Adultry and fornication.* Adultry and sexual intercourse with or between unmarried persons in park areas is prohibited.

(d) *Soliciting for immoral purposes.* Addressing, soliciting or attempting to make the acquaintance of another person for immoral or indecent purposes in park areas is prohibited.

(e) *Profanity.* The use of profane and indecent language within hearing of another person or persons, is prohibited.

(f) *Other obscene and indecent acts.* The committing of any other obscene or indecent act is prohibited.

§ 3.26 *Loitering, camping, vagrancy—*(a) *Park benches.* Lying on park benches is prohibited.

(b) *Loitering with intent to remain more than four hours.* Sleeping, loitering or camping, with intent to remain for a period of more than four hours in any park area, is prohibited, except upon proper authorization of the Superintendent.

(c) *Vagrancy.* Habitually using any park area as a place of abode, sleeping therein, loafing therein by day and night by persons having no lawful employment and no lawful means of support realized from a lawful occupation or source and unable to establish the fact of residence elsewhere, is prohibited.

§ 3.27 *Use of liquors; intoxication—*(a) *Drinking in park areas.* By statute drinking beer, wine or spirituous liquors within park areas in the District of Columbia (25 D. C. Code 128) and Virginia (Va. Code, Sec. 4675(52)), is prohibited, except at places licensed for the sale and serving of such alcoholic drinks.

(b) *Intoxication.* Entering or remaining in park areas in a visibly intoxicated condition is prohibited.

(c) *Driving motor vehicle while intoxicated.* No person who is under the influence of intoxicating liquor or narcotic drugs shall operate or drive a motor vehicle of any kind in any park area.

TRAFFIC AND MOTOR VEHICLE REGULATIONS

§ 3.28 *Laws and regulations applicable to traffic control; enforcement—*(a) *District of Columbia, Maryland and Virginia laws and regulations.* The laws and regulations relating to traffic control promulgated for the District of Columbia and the laws of Maryland and Virginia respectively, as adopted by section 289 of the Criminal Code, 18 United States Code 468, shall constitute the traffic and motor vehicle regulations in all park areas within their respective geographical limits unless otherwise provided for by act of Congress or the regulations contained in this part.

(b) *Enforcement of traffic regulations.* All traffic regulations applicable in park areas shall be observed by the operators of vehicles, equestrians, and by pedestrians, who shall also comply with official traffic signs and signals, and traffic direction by voice, hand or whistle, from any member of the United States Park Police, Metropolitan Police or special policemen, properly equipped with police badge on duty in a park area. These directions may include signals for slowing down, stopping, backing, approaching or departing from any place, the manner of taking up or setting down passengers, and the loading or unloading of any material.

(c) *Special regulations governing parades and other ceremonies.* On the days of parades, ceremonies, celebrations and entertainments, special regulations as to parking vehicles and the positions and movements of spectators shall be promulgated by the Superintendent. All persons within the area of such special regulations shall obey the lawful orders of the park police or other authorized persons engaged in maintaining order and comply therewith.

§ 3.29 *Obstructing entrances, exits, sidewalks.* (a) Assembling, loitering and congregating singly or in groups, in or about the entrances and exits to the various park areas or within park areas in such a way as to hinder or obstruct the sidewalks, roads, or bridlepaths, is prohibited.

(b) Congregating or loitering in or about any comfort station or other public structure in any park area, in such a manner as to obstruct the proper use thereof, or to the annoyance of the people using or visiting such structures, is prohibited.

(c) Occupying, parking, stopping or leaving a bicycle, coaster wagon, perambulator, or other similar vehicle, on any sidewalk, bridge, road, footpath, or bridlepath, in such position as to hinder or obstruct the proper use of same is prohibited.

§ 3.30 *Speed restrictions—*(a) *District of Columbia.* No specific speed limits shall apply to the highways in park areas in the District of Columbia, unless a speed limit is prescribed for a particular road, or section of roadway, by the posting of official signs.

(b) *Maryland and Virginia.* The speed limits prescribed by the states of Maryland and Virginia shall constitute the speed restrictions on highways in park areas within their respective geographical limits, unless a lesser speed limit is prescribed for a particular road, or section of road, by the posting of official signs.

§ 3.31 *Reckless driving; prohibited operations.* Persons operating motor vehicles within park areas shall drive in a safe manner. The following are prohibited:

(a) Driving carelessly and heedlessly in willful or wanton disregard of the rights or safety of others, or without due caution and circumspection and at a speed or in a manner so as to endanger or be likely to endanger any person or property.

(b) Failing to keep any vehicle under proper control.

(c) Operating any vehicle in such a manner as to cause same to collide with another vehicle, person, fixed or moving object.

(d) Driving on wrong side of street or road.

(e) Following another vehicle too closely to permit clear vision of road ahead or sufficient distance in which to stop within the assured clear distance ahead.

(f) Operating a motor vehicle in grossly unsafe mechanical condition.

(g) Operating a closed passenger-carrying vehicle with side shades or curtains drawn more than half way, except when going to or returning from a funeral or when necessary as protection from the elements.

(h) Operating a motor vehicle when the rear windows are cracked, scarred, clouded or otherwise obscured or defective so as substantially to obstruct vision.

(i) Operating a motor vehicle when either or both identification tags thereon are obscured by snow, mud or other matter.

(j) Changing from one lane of traffic to another without proper and timely signal and due regard to the traffic on the roadway. Every person operating a motor vehicle shall stay within one lane of traffic as much as possible, that lane to be the one nearest the right edge of the road; and he shall determine in advance, before changing from the lane in which he is driving, that the condition of traffic is such as to make it safe to change. He shall furthermore have the duty of giving a timely signal before changing from one lane to the other.

(k) Making or executing a left turn with any motor vehicle from any one-way road in a park area from any lane other than that nearest the left curb or edge of the roadway.

(l) Operating or driving or stopping a motor vehicle on any footpath, bridlepath, towpath, walk, sidewalk, footbridge, horsebridge or lawn area within a park area.

CROSS REFERENCE: For driving vehicle while intoxicated, see § 3.27 (c).

§ 3.32 *Parking restrictions; impounding of vehicles—*(a) *General provisions—*(1) *Undesignated spaces.* Driving over or parking on an area other than a road, street or a designated parking space, whether such is grassed or not, is prohibited.

(2) *Official signs.* Stopping, standing or parking in any park area contrary to the direction of official signs, is prohibited.

(3) *Night parking.* Parking of vehicles between dark and daylight in park areas where no lighting equipment is installed is prohibited.

(4) *Screened windows.* Stopping or parking motor vehicles upon any park road, by day or by night, with windows screened or curtains drawn so as to obscure or conceal the interior of the vehicle, is prohibited.

(5) *Constitution Avenue and Nineteenth Street.* Between the hours of 4 p. m. and 6 p. m. on any day, except Sundays and legal holidays, no driver of a vehicle shall stop, stand or park to take on or discharge a passenger or passengers, on the south side of Constitution Avenue, Northwest, between the east curb line of Nineteenth Street and a point 100 feet in an easterly direction.

(6) *Parades.* Parking on park roads through which a parade will pass two hours prior to the moving of such parade is prohibited. The placing of an official sign by the park police on a park road or in a parking zone by 7:00 a. m. on the day a parade is to take place, informing the public of the time to vacate the park road or parking zone, shall be sufficient notice; and if the owner or person in charge of any vehicle shall fail and neglect to remove such vehicle before or by the time specified on the sign, he shall be subject to prosecution.

(7) *Gutters.* Driving or parking in gutters where no curb exist, is prohibited.

(8) *Trees and shrubs.* Parking which involves contact with any tree, shrub, or plant, or with its exposed roots, is prohibited.

(b) *Parking on public ground within District of Columbia; penalty.* No vehicle of any kind shall be parked, stored, or left, whether attended or not, on any park area in the District of Columbia, other than public highways and designated public parking spaces, except when authorized by official permit. Any person violating the provisions of this paragraph, shall, upon conviction thereof, be punished by a fine of not more than $25. (Sec. 2, 56 Stat. 6.)

(c) *Impounding of illegally parked vehicles.* Any unattended vehicle parked in violation of any traffic law or regulation, except overtime parking, may, in the discretion of the park police, be removed and impounded until the owner thereof, or other duly authorized person, shall deposit collateral for his appearance in court.

CROSS REFERENCES: For place of trial, see § 3.6.

§ 3.33 *Traffic signs.* Drivers of all vehicles shall comply with the directions of all official traffic signs posted in park areas.

§ 3.34 *Washing of cars prohibited.* Washing, cleaning, lubricating, repairing or performing any mechanical work upon vehicles within park areas is prohibited, except in case of emergency.

§ 3.35 *Commercial vehicles and common carriers—*(a) *Operation in park areas prohibited; exceptions.* Commercial vehicles and common carriers, loaded or unloaded, are prohibited on park roads and bridges except on roads designated by order of the Superintendent, or when authorized by official permit in an emergency, or when operated in compliance with paragraphs (b), (c) or (d) of this section.

(b) *George Washington Memorial Parkway; passenger-carrying vehicles; permits; fees.* (1) Excepting taxicabs licensed in the District of Columbia, Maryland, or Virginia, all persons operating passenger-carrying vehicles for hire or compensation upon any portion of the George Washington Memorial Parkway between the south end of Key Bridge and Mount Vernon, must procure a permit, issued on an annual basis, ef-

fective from April 1 until the following March 31, at the rate of $3 for each passenger-carrying seat in every vehicle so operated.

(2) A quarterly permit may be procured for a fee of 75 cents for each passenger-carrying seat in such vehicle. A quarterly permit may be effective for quarterly increments.

(3) Permits for operation of any such vehicle on the parkway for a single day may be procured at the rate of $1 per vehicle per day.

(c) *Commercial trucks.* The use of any park road by commercial trucks when such trucking is in no way connected with the operation of the park system is prohibited, except that in special cases trucking permits may be issued at the discretion of the Superintendent for which a special fee of from $1 to $10 based on the size of the truck and the distance traveled on park roads, will be charged.

(d) *Taxicabs*—(a) *Operations around memorials.* Parking, except in officially designated taxicab stands, or cruising on the access roads to the Washington Monument, the Lincoln Memorial, the Jefferson Memorial, and the circular roads around the same, of any taxicab or hack without passengers is prohibited. However, this section shall not be construed to prohibit the operation of empty cabs responding to definite calls for hack service by passengers waiting at such Memorials, or of empty cabs which have just discharged passengers at the entrances of the Memorials, when such operation is incidental to the empty cabs leaving the area by the shortest route.

(2) *Stands.* Taxicab stands to serve the public convenience may be established by order of the Superintendent in suitable and convenient places.

§ 3.36 *Vehicles; weight and tread restrictions*—(a) *Maximum weight.* No vehicle, the weight of which including load, exceeds the officially posted weight limit appearing at or on the bridge, shall cross any bridge unless authorized by an official permit.

(b) *Permissible solid tires.* (1) No vehicle equipped with solid rubber tires shall be driven or moved over any park road unless the entire traction surface of the tire is at least 1 inch thick above the edge of the flange for the entire periphery of the tire.

(2) No vehicle equipped with steel tires, loaded or unloaded, shall be driven or moved over any park road if the total gross weight is in excess of 6,000 pounds.

(c) *Prohibited treads.* There shall not be operated or moved upon any park road, except by hauling on an approved type of conveyance, any vehicle of any kind the face of the wheels, or tracks of which are fitted with flanges, ribs, clamps, cleats, lugs, spikes or any device which may tend to injure the roadway. This part applies to all rings or flanges upon guiding or steering wheels on any such vehicle but it shall not be construed as preventing the use of ordinary detachable tire or skid chains.

§ 3.37 *Tampering with vehicles prohibited.* Tampering with or attempting to enter or start any motor vehicle parked in a park area, without authority from the owner of such vehicle, is prohibited.

§ 3.38 *Prevention of smoke.* The engine and power mechanism of every motor vehicle shall be so equipped and adjusted as to prevent the escape of excessive fumes or smoke.

§ 3.39 *Bicycling, roller skating, and coasting restrictions*—(a) *Bicycling.* Bicycle riding, except upon the roads or other areas designated by order of the Superintendent to be used for that purpose, is prohibited. Walking, driving, or riding bicycles or motorcycles on bridle paths, is prohibited.

(b) *Roller skating.* Roller skating, except upon areas designated by order of the Superintendent to be used for that purpose, is prohibited.

(c) *Coasting.* The operation of sleds, sleighs, scooters, coaster wagons, or similar vehicles by children or adults on any road, walk, bridle path, bridge, or lawn area, other than those places designated by order of the Superintendent to be used for such purposes, is prohibited.

CROSS REFERENCE: For parking, stopping or leaving of any vehicle, such as a bicycle or coaster wagon, on any sidewalk or other public thoroughfare, see § 3.29 (c).

§ 3.40 *Boating.* No privately owned boat, canoe, raft, or other floating craft shall be placed or operated upon the waters of any park area without an official permit. Such permit will be revoked upon the failure of the permittee to comply with the terms and conditions of the permit and the permittee will be required to immediately remove his craft from the park area.

MISCELLANEOUS

§ 3.41 *Collection of scientific specimens.* Collection of natural objects for scientific or educational purposes shall be permitted only in accordance with an official permit. No permits will be issued to individuals or associations to collect specimens for personal use, but only to persons officially representing reputable scientific or educational institutions in procuring specimens for research, group study, or museum display. Permits will be issued only on condition that the specimens taken will become part of a permanent public museum or herbarium collection, or will in some suitable way be made permanently available to the public. No permits may be granted for the collection of specimens the removal of which would disturb the remaining natural features or mar their appearance. Permits to secure rare natural objects will be granted by the Director only upon proof of special need for scientific use and of the fact that such objects cannot be secured elsewhere.

§ 3.42 *Lost and found articles.* Lost articles which are found in park areas should be turned in immediately to an official representative of the National Park Service on duty in the park area or to the United States Park Police. Proper records shall be kept at Park Police Headquarters of the receipt and disposition of articles turned in. If the article or money turned in is not claimed by the owner within a period of 90 days, it shall be returned to the finder and appropriate receipt obtained.

§ 3.43 *Photographing; restrictions*—(a) *Frivolous and undignified posing.* Photographing of persons posing in a frivolous or undignified manner within, upon, or by, any National Memorial, is prohibited.

(b) *Use of tripod or other devices.* The use of a tripod or other device for the support of the camera or other instrument on the floors or steps of any memorial, or other park structure, is prohibited, unless the tripod or device is equipped in such a manner as will prevent scratching or other damage.

(c) *Motion or sound pictures.* Before any motion or sound pictures may be filmed in any park area except by amateurs and bona fide newsreel photographers, authority must first be obtained in writing from the Superintendent, which authority will be granted in the discretion of the Superintendent in accordance with the provisions of 43 CFR, Part 5 (10 F.R. 2522).

CROSS REFERENCE: For use of pictures taken in park areas for commercial advertising, see § 3.23 (b) (2) and (3).

§ 3.44 *Fees; admission, service, utility*—(a) *Admission fees.* An admission fee shall be charged each person entering the following places, except children 16 years of age or under, or groups of school children 18 years of age, or under, when accompanied by adults assuming responsibility for their safety and orderly conduct:

Lee Mansion in Arlington National Cemetery	$0.10
Lincoln Museum	.10
House where Lincoln Died	.10

(b) *Elevator service fees.* A fee of ten cents shall be charged each person using the elevator in the Washington Monument, except children 16 years of age or under, or groups of school children 18 years of age or under, when accompanied by adults assuming responsibility for their safety and orderly conduct.

(c) *Installation and annual fees: public utilities.* No public utility may be installed in any park area without an official permit. Installation and annual charges shall be required for the permitted use of park areas except:

(1) No installation or annual charge shall be made when public facilities are installed and maintained by or primarily for the benefit of the Federal Government, the government of the District of Columbia, and operators of park properties.

(2) (i) No installation or annual fee shall be charged when conduits are installed and space provided therein, without cost, for the use of the Federal Government, or the government of the District of Columbia.

INSTALLATION CHARGES

Conduits:	*Per ft.*
1 and 2-way	$1.00
4 to 6-way	1.25
8 to 12-way	1.50
	Each
Manholes	$25.00
Cable underground:	*Per ft.*
No conduit	$1.00
Overhead wires:	*Per ft.*
Wires	$0.50
	Each
Poles	$50.00
Anchors	50.00
Transformers	50.00

INSTALLATION CHARGES—Continued

Gas mains:	*Per ft.*
4 to 10-inch pipe	$1.50
12 to 16-inch pipe	2.00

ANNUAL FEE FOR CONTINUED USE OF AREA

Amount of original installation fee:	*Annual fee*
Minimum installation fee	$2.00
$200 installation fee	2.00
$200 installation fee	3.00
$400 installation fee	4.00
$500 installation fee	5.00
$500–$1,000 installation fee	7.50
$1,001–$2,000 installation fee	15.00
$2,001–$3,000 installation fee	25.00
$3,001–$4,000 installation fee	35.00
$4,001–$5,000 installation fee	45.00
$5,001 and over installation fee	50.00

(ii) The amount of annual fees where no installation fee has been charged will be determined on the basis of the amount the installation fee would have been had such a fee been required at the time the installation was made. Payments of annual fees shall become effective on the 1st day of the month following the determination of the charge, and thereafter payments shall be made annually in advance as of January 1 of each year.

CROSS REFERENCE: For fee charges for the operation of commercial vehicles upon the George Washington Memorial Parkway, see § 3.35 (b).

§ 3.45 *Supersedure.* The regulations contained in this part shall become effective as of September 15, 1945, and they shall supersede the Parks Regulations promulgated by the Director of Public Buildings and Parks, June 16, 1927, and approved by the President of the United States, and all amendments and supplements thereto.

[SEAL] HAROLD L. ICKES,
Secretary of the Interior.

SEPTEMBER 7, 1945.

[F. R. Doc. 45-16812; Filed, Sept. 10, 1945; 10:16 a. m.]

TITLE 46—SHIPPING

Chapter I—Coast Guard: Inspection and Navigation

Subchapter N—Explosives or Other Dangerous Articles or Substances and Combustible Liquids on Board Vessels

PART 146—TRANSPORTATION OR STORAGE OF EXPLOSIVES OR OTHER DANGEROUS ARTICLES OR SUBSTANCES, AND COMBUSTIBLE LIQUIDS ON BOARD VESSELS

SUBPART—TRANSPORTATION OF MILITARY EXPLOSIVES ON BOARD VESSELS DURING PRESENT EMERGENCY

Part 146 is amended by redesignating the existing center headnotes and sections appearing thereunder as subparts, by deleting §§ 146.29–1 to 146.29–50, inclusive, § 146.29–75 and § 146.29–100, and by substituting in lieu thereof the following new subpart immediately after § 146.28–22 to read as follows:

Sec.

146.29–1	Existing regulations inapplicable.
146.29–2	Scope.
146.29–3	Effective date.
146.29–4	Port security regulations.
146.29–5	Import shipments.
146.29–6	Definitions.
146.29–7	Permit to load explosives.
146.29–8	Application for permit to load explosives.
146.29–9	Packing and marking.
146.29–10	Stowage on board vessels.
146.29–11	Stowage on board barges.
146.29–12	Stowage of ammunition or explosives in bulk in holds containing coal.
146.29–13	On deck stowage.
146.29–14	Stowage adjacent to other dangerous articles.
146.29–15	Stowage with nondangerous cargo in the same hold.
146.29–16	Stowage and dunnaging of ammunition and containers of explosives in bulk.
146.29–17	Cargo working gear and equipment.
146.29–18	Handling drafts of lumber.
146.29–19	Lights, tools and portable equipment.
146.29–20	Fires and fire protection.
146.29–21	Smoking.
146.29–22	Liquor or drugs.
146.29–23	Handling and slinging of explosives.
146.29–24	Weight per draft.
146.29–25	Requirement for the opening of hatches.
146.29–26	Loading military explosives and other cargo simultaneously.
146.29–27	Fire hose.
146.29–28	Damaged or leaking containers of explosives.
146.29–29	Defective ammunition.
146.29–30	Recoopering damaged packages.
146.29–31	Explosives loading detail.
146.29–32	Personnel identification.
146.29–33	Ship's officer present.
146.29–34	Constructing magazines.
146.29–35	Preparation of magazines, decks, hatches and holds for handling military explosives.
146.29–36	Location of magazines and ammunition stowage.
146.29–37	Types of stowage.
146.29–38	Allocation of stowages.
146.29–39	Magazine, type A.
146.29–40	Specifications, type A magazine.
146.29–41	Ammunition stowage.
146.29–42	Chemical ammunition stowage.
146.29–43	Pyrotechnic stowage.
146.29–44	Stowage of blasting caps, detonators, primer detonators, etc.
146.29–45	Portable magazine.
146.29–46	Bomb-fin assemblies and fuzes.
146.29–47	Special stowage.
146.29–48	Ventilation of magazines.
146.29–49	Authority to load—Loading facilities and use.
146.29–50	Statements of characteristic properties and hazards.
146.29–75	Stowage chart.
146.29–100	Military ammunition and explosives in bulk.

AUTHORITY: §§ 146.29–1 to 146.29–50, inclusive; § 146.29–75 and § 146.29–100 issued under R.S. 4472, as amended; 46 U.S.C., 170; E.O. 9083, Feb. 28, 1942, 7 F.R. 1609.

§ 146.29–1 *Existing regulations inapplicable.* Sections 146.02–11, 146.02–21, 146.03–3, 146.06–9, 146.06–19, 146.09–1 to 146.09–6, inclusive; 146.10–6 (b); 146.20–7 to 146.20–25, inclusive; 146.20–42, 146.20–50, 146.20–100, 146.23–4 (d), 146.23–7 (a), (b), and (c); 146.24–10; the entry "Chemical ammunition (containing Class "A" poisonous gases or liquids)" and the entry "Chemical ammunition containing Class "C" poisons, liquids or gases" appearing in 146.25–100, 146.27–3 to 146.27–6, inclusive; and 146.27–100 are hereby declared inapplicable to the transportation of military explosives.

§ 146.29–2 *Scope.* (a) The provisions of the regulations contained in this subpart apply to the transportation of military explosives, as cargo, on board all vessels that are subject to the regulations in this part.

(b) Commercial shipments of explosives shall be tendered and transported in compliance with the applicable provisions of the regulations contained in the other sections in this part.

(c) Where reference is made to inflammable liquids and other dangerous articles in this subpart, it is understood that the reference refers to these categories of substances as defined in §§ 146.02–1 to 146.27–100, inclusive.

§ 146.29–3 *Effective date.* Under the provisions of subsection (9) of R.S. 4472, as amended, the regulations contained in §§ 146.29–1 to 146.29–50, inclusive, §§ 146.29–75 and 146.29–100; are effective immediately and shall remain in effect for the duration of the war and for six months thereafter, except as subsequently modified or rescinded.

§ 146.29–4 *Port security regulations.* The applicable provisions of the regulations entitled "Regulations for Security of Ports and the Control of Vessels in the Navigable Waters of the United States" (33 CFR, Part 6) and "Regulations for the Protection of Waterfront Facilities" (33 CFR, Part 7), shall unless specifically authorized to the contrary by any provision of this subpart be complied with by vessels, masters, agents or charterers thereof and by all persons engaged in handling, loading, stowing or unloading explosives.

§ 146.29–5 *Import shipments.* Import shipments of military explosives or ammunition shall be made in accordance with the applicable provisions of the regulations in this subpart.

§ 146.29–6 *Definitions and abbreviations.* For the purpose of the regulations in this subpart, military explosives are defined as follows:

(a) *Military explosives.* Military explosives consist of all I. C. C. Class A, B, or C explosives shipped by, for or to the U. S. Navy or War Departments; or similar types of explosives shipped by, for or to the government of any country whose defense is deemed vital to the defense of the United States. These explosives are divided into two classes as follows:

(1) *Ammunition.* Ammunition consists of all types of shells, projectiles, cartridges, grenades, bombs, mines, torpedoes, torpedo warheads, propellant powder charges, pyrotechnics, rockets, chemical, smoke or incendiary ammunition, or other "made up" explosive devices that are utilized by the armed forces in the prosecution of the war.

(2) *Explosives in bulk.* Explosives in bulk consist of any high explosives, black powder and low explosives or smokeless powder in accordance with the definitions in §§ 146.20–1, 146.20–2 and 146.20–3, when such substances are shipped in containers other than containers such as shells, bombs, grenades, mines, torpedoes, powder bags in individual containers, cartridges, fuzes, detonators, caps, primers and similar "made up" ammunition devices.

(b) *Related terms*—(1) *Complete round.* A complete round of "cannon ammunition," "artillery ammunition" or "gun ammunition" includes ammunition

used in cannon or gun of caliber 37 mm. and above. It includes complete round with components. The complete round comprises all of the components necessary to fire the cannon or gun once. These components are, in general, the projectile (fuzed or unfuzed), the propellent charge and the primer. Depending upon both the type of propellent charge and the method of loading of components into the cannon, complete round of "cannon ammunition," "artillery ammunition" or "gun ammunition" are described as fixed, semi-fixed or separate loading ammunition.

(2) *Fixed ammunition.* Fixed ammunition describes "cannon ammunition," "artillery ammunition" or "gun ammunition" of the type comprising a cartridge case with primer, a propellent charge and a projectile (fuzed or unfuzed) all of these components being assembled as a unit for one firing.

(3) *Semi-fixed ammunition (Army).* Complete rounds composed of a projectile (fuzed) and a cartridge case with a primer and propellent charge which is in a cloth bag or bags of small size. The base of the projectile fits free in the neck of the cartridge case and may be readily detached from the cartridge case. The round is loaded into the cannon with the projectile assembled to the cartridge case and is handled similarly to fixed ammunition in loading. It may be packed with the projectile disassembled from the cartridge case containing the propellent. The projectile is usually assembled loosely in the cartridge case and is packed in the same individual container.

(4) *Semi-fixed ammunition (Navy).* Semi-fixed ammunition is ammunition in which the primer and propellent charge are firmly secured in the cartridge case with the projectile separate from the cartridge case. The propellent charge is loaded loosely in the cartridge case, differing in this respect from that of the Army which is loaded in a bag. The end of the cartridge case is sealed with a prepared plug or disc which is fired with the powder and is usually shipped stowed in a metal tank. The projectile is shipped separate. The U. S. Army may refer to this ammunition as separate loading ammunition.

(5) *Separate loading ammunition.* Complete rounds in which the separate components—projectile, propellent charge and primer—are loaded into the cannon or gun separately are known as "separate loading ammunition." Although the propellent charge may be in one section, it is usually divided into parts with each part assembled in a bag packed in outside shipping containers which may be of wood, fiber or metal.

(6) *Definitions of other dangerous articles.* For definition of inflammable liquids see §§ 146.21–1 and 146.21–2; for inflammable solids and oxidizing materials see §§ 146.22–1, 146.22–2 and 146.22–3; for corrosive liquids see §§ 146.23–1 and 146.23–2; for compressed gases see §§ 146.24–1 and 146.24–2; for poisons Class A see § 146.25–2; for Class B see §§ 146.25–3 and 146.25–4; for Class C see § 146.25–5; for combustible liquids see §§ 146.26–1 and 146.26–2; for hazardous articles see §§ 146.27–1 and 146.27–2.

(7) *Cargo hold.* A cargo hold is a space allotted entirely to the carriage of cargo and is bounded by permanent steel bulkheads, decks and the shell of the vessel; the deck openings being provided with means of effectively closing the hold against the weather, and in the case of superimposed holds, effectively closing off each hold.

(8) *Tween deck hold.* A tween deck hold is a space located between the weather deck and the lower hold.

(9) *Compartment.* A compartment is any space formed by permanent steel bulkheads and the ship's side and decks. The limits of a compartment are determined by the integrity of the bulkheads, shell or decks forming its boundaries. Access openings fitted with doors, hatch covers (steel or wood) or bolted plates are accepted as preserving the integrity of deck, bulkhead or shell.

(10) *Shelter deck space.* A shelter deck space is a space available for cargo situated above the uppermost complete continuous deck (main deck) and the deck next above. Normally this space contains no permanent watertight transverse bulkheads except at its forward and aft extremities.

(11) *Cargo net.* A cargo net is a net made of rope and used as a means of handling loose or package cargo to and from the hold of a vessel.

(12) *Tray.* A tray is any flat group of boards securely fastened to bearers in order to provide a level surface for the loading of cargo. Trays are given various names, those applied in some ports differing from those in other ports, according to (i) shape, (ii) method of securing to cargo handling gear, and (iii) use or lack of sideboards in conjunction with the tray.

(13) *Skipboard.* A skipboard is the term generally applied to a rectangular or square tray without sideboards.

(14) *Pieplate.* A pieplate is the term generally applied to a round, oval or hexagonal tray without sideboards.

(15) *Pallet.* A pallet is a tray so designed as to be picked up by a fork truck or similar cargo handling equipment. Pallets are not usually equipped with sideboards.

(16) *Palletized unit.* Individual packages or unpackaged items stowed in a compact mass upon a pallet or skids and banded together and to the pallet or skids by metal straps to form a unit consisting of pallet and packages.

(17) *Dunnage.* Lumber of not less than 1" commercial thickness or an equivalent substitute material laid over tank tops, decks or against bulkheads, frames, plating, ladders, etc. to insure that packages do not contact metal parts of the vessel. Dunnage is also used for filling up voids occurring in stowage of cargo and is usually fitted between and around the cargo to prevent damage during transportation.

(18) *Type "A" dunnage floor.* A type "A" dunnage floor shall be constructed of two layers of commercial 1" thick dunnage of widths not less than 4" fitted as close as possible, edge to edge, and butt to butt, the top course being laid crosswise to the lower course. A single layer of 2" lumber of widths not less than 6" fitted as close as possible edge to edge, and butt to butt, may be substituted in lieu of the type "A" dunnage floor.

(19) *Type "B" dunnage floor.* A type "B" dunnage floor shall be constructed of one layer of commercial 1" thick dunnage of widths not less than 4" fitted as close as possible, edge to edge, and butt to butt.

(20) *Partition bulkhead.* A partition bulkhead is a temporary bulkhead constructed of commercial 1" lumber of widths not less than 4", secured alternately on both sides of the uprights and spaced not more than 6" apart. The uprights are at least 2" x 4" size, spaced not more than 30" apart.

(21) *Division bulkhead.* When part of a compartment or hold is utilized for the stowage of ammunition or explosives in bulk, the remaining portion of a compartment or hold may be utilized for the stowage of general cargo provided a temporary wooden bulkhead is constructed in the compartment or hold to completely divide and protect the stowage of ammunition or explosives in bulk from the general cargo. The scantlings and construction of such bulkheads shall be as follows: For tween deck compartments or holds construction shall be of commercial 2" boarding, secured on 4" x 6" uprights spaced not to exceed 30" center to center. For lower holds construction shall be of commercial 2" boarding secured on 6" x 6" uprights, spaced not more than 24" center to center. Random widths of boarding may be used. The boarding shall be close fitted, edge to edge and butt to butt to form a smooth surface facing the explosive stowage. Nails shall not protrude beyond the surface of the boarding.

See § 146.29–39 (c) for construction of a partition bulkhead within a Class "A" magazine measuring more than 40' in any direction.

When general cargo is to be stowed adjacent to the exterior of the Class "A" magazine see § 146.29–40 (d) for regulation.

(22) *Shoring.* Shoring is a method of securing cargo against movement sidewise or downward. In this subpart it describes the use of timbers fitted vertically or at an angle to the side of the stowage. It may also describe the use of timber to support a stowage from moving downward.

(23) *Tomming.* Tomming is a method of securing cargo against displacement or movement upwardly. In this subpart it describes the use of timber fitted horizontally or at an angle to the top of the stowage.

(24) *Tween deck height.* The height of a tween deck is ascertained by measuring the distance from the heel of the overhead deck beam to the heel of the under-deck beam. (The thickness of the plating forming the deck is not deducted from the height.)

For height of a tween-deck affected by the shear of a deck measure as above at both the forward and after ends of the hold and divide by two.

(c) *Abbreviations.*

AA	Anti-aircraft.
AC	Aircraft.
AC	Hydrocyanic acid gas.
AD	Auxiliary detonating.
ADB	Aircraft depth bomb.
Ammo	Ammunition.
Ammun	Ammunition.
AP	Armor-piercing.
APC	Armor-piercing capped.
AT	Anti-tank.
BBC	Brombenzylcyanide (tear gas).
BD	Base detonating.
BDF	Base detonating fuze.
BL & P	Blind loaded and plugged.
BL & T	Blind loaded and traced.
Cal	Caliber.
CG	Phosgene.
CK	Cyanogen chloride.
CNS	Chloracetophenone solution (tear gas).
CWS	Chemical Warfare Service.
D	Explosive "D" (ammonium picrate).
D C	Depth charge.
Demo	Demolition.
DM	Adamsite (sneeze gas).
DP	Diphosgene.
Exp	Explosive.
Ex	Explosive.
FNH	Flashless, nonhygroscopic.
Frag	Fragmentation.
FM	Titanium tetrachloride (smoke).
FS	Sulfur trioxide in chlorsulfonic acid (smoke).
GP	General purpose (bomb).
HC	Hexachlorethane mixture (smoke).
HC	High-capacity.
H	Mustard gas.
HBX	Desensitized torpex.
H E	High explosive.
HEAT	High explosive anti-tank.
HEI	High explosive incendiary.
HET	High explosive traced.
HN	Nitrogen mustard gases.
IM	Thickened gasoline.
M	Model.
L	Lewisite.
Mk	Mark.
mm	Millimeter.
Mod	Modification.
NC	Nitrocellulose.
NH	Non-hygroscopic.
NP	Thickened gasoline.
PD	Point detonating.
PDF	Point detonating fuze.
Proj	Projectile.
PS	Chlorpicrin.
PWP	Plasticized white phosphorus.
PT	Thickened fuel.
SA	Small-arms.
SAP	Semi-armor piercing.
SP	Smokeless powder (DF or CG).
T	Tentative model designation.
TH	Thermate.
TNT	Trinitrotoluene.
TPX	Torpex.
w/	With.
w/o	Without.
WP	White phosphorus.

§ 146.29–7 *Permit to load explosives.* Owners, charterers, agents, the master of the vessel or other person in charge of the vessel shall not accept on board a vessel any military explosives or ammunition or military lethal chemicals as cargo until a permit authorizing such loading has been granted by the Captain of the Port.

§ 146.29–8 *Application for permit to load explosives.* Owners, charterers, agents, the master of a vessel or other person in charge of the vessel are required to file with the Captain of the Port a written application for a permit authorizing the loading on board a vessel of explosives as cargo. When filed, the application shall be accompanied by a preliminary cargo stowage plan showing the proposed stowage of the military explosives or ammunition. In addition there shall also be shown on the preliminary cargo stowage plan the proposed stowage of any other dangerous cargo as defined in the regulations in this part. A preliminary manifest of all the explosives and other dangerous articles comprising the cargo of the vessel shall also accompany the application for permit. Changes in the final stowage from that shown on the preliminary cargo stowage plan may be made upon approval of the Captain of the Port.

§ 146.29–9 *Packing and marking.* Military explosives shall not be offered to vessels or accepted by vessels subject to the regulations in this part unless they are in proper condition for transportation and are packed, marked, labeled, described, certified and otherwise acceptable in accordance with the applicable provisions of the regulations in this part.

§ 146.29–10 *Stowage on board vessels.* (a) All articles of cargo classified as military explosives by the regulations in this subpart shall be stowed on board a vessel in conformity with the provisions of the regulations in this subpart.

(b) Mixed stowage of ammunition or explosives in bulk with other ammunition or explosives, or other dangerous articles or substances, or combustible liquids or hazardous articles shall be in conformity with the provisions of the loading and stowage chart, § 146.29–75, § 146.29–100 and other applicable specific provisions of this subpart.

(c) Specifications governing construction and location of magazines and lockers and the preparation of cargo compartments to be used in the stowage of ammunition or explosives in bulk are detailed in §§ 146.29–34 to 146.29–48, inclusive.

§ 146.29–11 *Stowage on board barges.* (a) Barges subject to the regulations in this part, engaged in the transfer of explosives between receiving points and delivery points within the harbors, bays, sounds, lakes and rivers, including the explosives anchorages on the navigable waters, shall conform to the applicable provisions of §§ 146.10–1 to 146.10–50, inclusive. Ammunition or explosives in bulk, in combustible outside packages, stowed "On deck in open" shall after loading and during transportation be covered by tarpaulins securely lashed in place.

(b) Notwithstanding the requirements of this subpart relative to the stowage of detonators, blasting caps and fuzes, Class VIII, such articles may be stowed "On deck" on Class AA and Class AB barges with other ammunition or explosives in bulk stowed thereon, provided a sandbag barrier of at least two feet in thickness intervenes between the ammunition or explosives in bulk and the detonators, blasting caps or fuzes. When both are stowed "On deck" the height of this barrier shall be at least equal to the height of the stowage of the detonators, blasting caps or fuzes, or the ammunition or explosives in bulk, whichever is highest. The barrier shall either completely surround the detonators, blasting caps or fuzes or extend across the width of the barge. With this type of barrier no additional separation is required. For Class AC barges, the stowage of detonators, blasting caps or fuzes, Class VIII, shall, when no permanent steel bulkhead intervenes, be separated from the stowage of ammunition or explosives in bulk by a distance of forty feet; with a permanent steel bulkhead intervening, detonators, blasting caps or fuzes shall be separated from the stowage of explosives in bulk by a distance of 25 feet and from the stowage of ammunition by a distance of 10 feet. If, under deck, a two foot sandbag barrier is utilized to intervene between the stowage of ammunition or explosives in bulk, it shall be considered as though a permanent steel bulkhead or deck intervenes. Notwithstanding the provisions of § 146.10–50, Class CA and Class CB barges may transport ammunition on deck.

§ 146.29–12 *Stowage of ammunition or explosives in bulk in holds containing coal.* Unless expressly authorized by the Commandant of the Coast Guard ammunition or explosives in bulk shall not be stowed in a hold containing coal as cargo nor in a hold above or adjacent to one containing coal as cargo.

§ 146.29–13 *On deck stowage.* (a) Articles classified as ammunition or explosives in bulk, the stowage of which is permitted "On deck" by the regulations in this section shall be properly secured. Such security may be obtained by using existing vessel's structures such as bulwarks, hatch coamings, shelter deck and poop bulkheads as part boundaries and effectively closing in the cargo by fitting angle bar closing means, secured by bolting to clips or other parts of the ship's structure. Lashing of deck stowage permitted, provided eye pads are fitted to carry such lashings. Guard rails shall not be used to secure such lashings.

(b) Bulky articles may be secured by lashing with individual wire rope lashings.

(c) Shoring of such bulky articles of cargo shall be in addition to the foregoing means of securing.

(d) Ammunition or explosives in bulk stowed "On deck" shall not be stowed within a distance of twenty feet of an incinerator, the topside terminus of an ash hoist or a coal or oil fired galley or bake shop. For vessels fitted with electrically operated galleys and bake shops, the ammunition or explosives in bulk stowed on deck may be stowed within ten feet of such galleys and bake shops provided no incinerators or topside terminus of ash hoist is within a distance of twenty feet of such stowage.

§ 146.29–14 *Stowage adjacent to other dangerous articles.*—(a) *Inflammable liquids.* (1) Ammunition or explosives in bulk shall not be stowed in the same hold, nor in a hold below, above or adjacent to one in which inflammable liquids are stored. Military vehicles, including ducks, buffaloes, alligators, and similar amphibious types of craft hereafter referred to as "vehicles" or "military vehicles," using an inflammable liquid as fuel may be stowed in holds adjacent to a hold in which ammunition or explosives are stored provided the fuel is confined to the vehicle's tank and is not in excess of approximately 75% of the capacity of the fuel tank.

(2) Military vehicles, landing craft and small boats using an inflammable liquid as fuel and having the fuel confined to the vehicle's or boat's tank and not in excess of approximately 75% of

the capacity of said tank may be stowed "On deck" over a hold in which ammunition or explosives are stowed provided that the weather deck is tight and the cargo hatch is fitted with a tight raised coaming and that such stowage is not made over the square of the hatch, except that amphibious type vehicles, landing craft or boats having fuel tanks installed within a tight hull may be stowed over the square of a hatch.

(3) Inflammable liquids as cargo shall not be stowed "On deck" and immediately above a hold in which ammunition or explosives are stowed. The applicable provisions of §§ 146.21–1 to 146.21–100 shall be observed in the stowage of inflammable liquids "On deck."

(b) *Inflammable solids or oxidizing materials.* (1) Ammunition or explosives in bulk shall not be stowed in the same hold nor in a hold above, below or adjacent to one in which inflammable solids or oxidizing materials are stowed, except as specifically authorized by the provisions of § 146.29–100.

(2) Inflammable solids or oxidizing materials may be stowed "On deck" over a hold in which ammunition or explosives are stowed: *Provided*, That the weather deck is tight and the cargo hatch is fitted with a tight raised coaming and such stowage is accomplished by means of a crib and platform so constructed as to provide a free space of at least six inches in height between the deck and the floor of the crib in such a manner as to allow flushing of any leakage that may occur: *And provided further*, That such stowage is not made over the square of the hatch.

(c) *Corrosive liquids.* (1) Ammunition or explosives in bulk shall not be stowed in the same hold nor in a hold below one in which corrosive liquids are stowed except as specifically authorized by the provisions of § 146.29–100. Corrosive liquids may be stowed "On deck" over a hold in which ammunition or explosives are stowed: *Provided*, That the weather deck is tight and the cargo hatch is fitted with a tight raised coaming and such stowage is accomplished by means of a crib and a platform so constructed as to provide a free space of at least six inches in height between the deck and the floor of the crib in such a manner as to allow flushing of any leakage that may occur: *And further provided*, That such stowage is not made over the square of the hatch.

(2) The substances listed below shall not be transported on board a vessel which is carrying in excess of 100 tons of ammunition or explosives:

Acid sludge.
Bromine.
Chloracetyl chloride.
Dimethyl sulfate.
Hydrofluoric acid, anhydrous.
Nitrating (mixed) acid.
Nitric acid.
Phosphorus oxychloride.
Phosphorus tribromide.
Phosphorus trichloride.
Spent acid (sulfuric or mixed).
Sulfur chloride.

(3) Provisions applying to vehicles with electrolyte are set forth in the following paragraph.

(d) *Military vehicles with electrolyte.* (1) Notwithstanding the provisions of §§ 146.23–1 to 146.23–100, electrolyte of not over 47% strength (39° Baumé) may be accepted for transportation and be stowed on board vessels carrying military explosives or ammunition under the following conditions of packing:

(2) In glass or earthenware containers, not exceeding 160 ounces capacity (one imperial gallon) in fiberboard cartons of a size to permit cushioning with an incombustible, absorbent material of a sufficient amount to absorb the contents of the container in event of breakage. The outside container shall consist of a wooden box (ICC 15A, 16B or Army Specification) in which 1, 2, 3 or 4 fiberboard cartons may be packed. The outside containers shall carry the white (acid) label. No explosives or ammunition shall be included within this package.

(3) Electrolyte packed in accordance with the provisions set forth in paragraph (d) (2) of this section may be stowed: "On deck in open" including deck areas over holds containing explosives or ammunition; "Tween-deck" or "Under deck" in holds adjacent to or below holds containing ammunition or explosives.

(4) Electrolyte, when packed in accordance with the provisions of paragraph (d) (2) of this section may be accepted for transportation when securely fastened within or on a military vehicle or other military equipment whether such vehicle or equipment is shipped crated, boxed or without crating or boxing. Such military vehicle or military equipment, when shipped crated or boxed, may be accepted for transportation when the container of electrolyte is securely fastened on the inside of the shipping crate or box containing the vehicle or military equipment. When so shipped, the over-all crate or box shall carry the white (acid) label and shall be marked "This side up" and "Inside packages comply with prescribed specifications".

(5) Electrolyte packed in accordance with the provisions of paragraph (d) (2) of this section when offered for transportation under the conditions set forth in paragraph (d) (4) of this section, may be stowed as follows: "On deck in open", including deck areas over holds containing explosives or ammunition; "Tween-deck" or "Under deck" in holds adjacent, below or over holds containing explosives or ammunition; or in the same hold containing Class I, IV–B, V, VII or X, provided the stowage of military vehicles and the stowage of ammunition are separated by a division bulkhead or a two-inch dunnage floor.

(6) Military vehicles (crated or uncrated) containing an electrolyte storage battery shall not be stowed in the same hold over ammunition or explosives in bulk stowed therein. Such vehicles may be stowed in the same hold under or alongside of ammunition or explosives in bulk stowed therein provided all the applicable provisions of this section are observed and provided further that the vehicles are processed, the fuel tank drained dry, the battery terminal leads disconnected, taped and protected against short circuit.

(7) Military vehicles or military equipment as used in this section includes naval vehicles or naval equipment.

(e) *Inflammable compressed gases.* (1) Ammunition or explosives in bulk shall not be stowed in the same hold nor in a hold below, above or adjacent to one in which inflammable compressed gases are stowed.

(2) Inflammable compressed gases shall not be stowed "On deck" over a hold in which Class II–A, II–B, II–C, II–D II–E, II–G, V, VI, VII, VIII, IX–A, IX–B, IX–C, X, XI–A or XI–B is stowed.

(3) Inflammable compressed gases may be stowed "On deck" over a hold in which Class I, II–F, II–J, III, IV–A or IV–B is stowed provided that the weather deck is tight and the cargo hatch is fitted with a tight raised coaming, and such stowage is accomplished by means of skids at least six inches in height off the deck or a crib and platform so constructed as to provide a free space of at least six inches in height between the deck and the floor of the crib. Other applicable provisions of §§ 146.24–1 to 146.24–100 shall be observed, stowage may be over the square of the hatch.

(f) *Non-inflammable compressed gases.* Ammunition of the following Classes I, II–G, IV–A, IV–B, V and VII may be stowed in the same hold or compartment with non-inflammable compressed gases provided the two stowages are separated by a type "A" dunnage floor or a division bulkhead. This mixed stowage is not permitted for the following non-inflammable gases: Boron trifluoride, chlorine, oxygen and sulphur dioxide.

(g) *Poisons*—(1) *Class "A".* Classes I and II–F ammunition may be stowed in the same hold or compartment with Class "A" poisons provided the two stowages are separated by a type "A" dunnage floor or a division bulkhead.

(2) *Class "B."* Ammunition of the following classes, I, II–F, IV–A, IV–B, V, VII, XI–A and XI–B may be stowed in the same hold or compartment with Class "B" poisons provided the two stowages are separated by a type "A" dunnage floor or a division bulkhead.

(g) *Class "C," tear gas.* Ammunition of the following Classes I, II–F, II–G, IV–A, IV–B, V, VII, XI–A and XI–B may be stowed in the same hold or compartment with Class "C" poisons provided the two stowages are separated by a type "A" dunnage floor or a division bulkhead. Class II–B may also be stowed in the same hold with Class "C" poisons provided the two stowages are separated by a type "A" dunnage floor or a division bulkhead and, in addition, provided the Class II–B ammunition is given top stowage.

(h) *Hazardous articles.* Ammunition or explosives in bulk shall not be stowed in the same hold or in a hold below, above or adjacent to one in which hazardous articles are stowed.

(j) *Combustible liquids.* (1) Ammunition or explosives in bulk shall not be stowed in the same hold nor in a hold below one in which combustible liquids are stowed.

(2) Combustible liquids may be stowed "On deck" over a hold in which ammunition or explosives are stowed, providing that the weather deck is tight and the cargo hatch is fitted with a tight raised coaming and such stowage is accomplished by means of a crib and a platform so constructed as to provide a free space of at least six inches in height between the deck and the floor of the crib in such a manner as to allow flushing of any leakage that may occur, and providing further that such stowage is not made over the square of a hatch.

(k) *"On deck" stowage.* When containers of inflammable liquids, inflammable solids or oxidizing materials, corrosive liquids, compressed gases, poisons, combustible liquids or hazardous articles are stowed "On deck," such containers shall not bear on any steam pipes fitted on deck or in such close proximity thereto as to adversely affect the lading of the containers.

§ 146.29–15 *Stowage with nondangerous cargo in the same hold.* Ammunition or explosives in bulk that are stowed in the same hold with nondangerous cargo shall be protected from damage likely to be caused by heavy nondangerous cargo. Shafting, steel bar, steel shapes, pipe, heavy machinery, military vehicles (uncrated), and similar types of cargo shall, when stowed in the same hold with ammunition or explosives in bulk, be so isolated or dunnaged or secured as to prevent damage to ammunition or explosives in bulk or magazines containing said substances, or temporary bulkheads protecting explosive stowages, under any conditions likely to be encountered during the voyage.

§ 146.29–16 *Stowage and dunnaging of ammunition and containers of explosives in bulk.* (a) Ammunition and the containers of ammunition or explosives in bulk shall be so stowed and dunnaged as to prevent damage to the cargo or the vessel from shafting cargo caused by forces incident to the voyage of the vessel.

(b) Containers of ammunition or explosives in bulk marked, "This side up" or otherwise marked, directing their stowage position shall be so stowed.

(c) Kegs of black powder shall be stowed in an upright position, the bungs or other filling openings "up." Each tier shall be floored off.

(d) Metal containers of smokeless powder in bulk or metal tanks or other containers of propellent charges having closure means which protrude beyond the chime or the surface of the container shall be so dunnaged as to prevent damage occurring to such closures.

(e) The uppermost tier of ammunition or containers of ammunition or explosives in bulk shall be so braced, blocked or strapped that no displacement can occur either upwardly or laterally.

(f) When the uppermost tier of ammunition or containers of ammunition or explosives in bulk are floored over and other cargo is towed above, such ammunition or containers are not required to be tommed on their top side provided the nature of the cargo stowed above is of sufficient unit weight and quantity as to prevent upward movement of the ammunition or explosives in bulk.

(g) Containers of ammunition or explosives in bulk shall be so stowed that they are not liable to be pierced by the dunnaging or crushed by superimposed weight.

(h) Containers of ammunition or explosives in bulk shall not be "cant" stowed. They shall always be stowed in full bearing. Broken stowage may, at the turn of the bilge, be dunnaged out with cordwood or otherwise so cribbed as to provide maximum bearing attainable for the container to be stowed in the tier above. Broken stowage in other locations in the hold may be compensated for by cribbing out or by the insertion of sufficient dunnage to provide proper bearing for packages in the tier above.

(j) Fixed or semi-fixed ammunition in fiber containers, crated or uncrated, may be stowed on its base or on its side. Dunnaging shall be accomplished in such manner as to bear only upon the metal part of the container. No dunnage or weight shall bear directly upon the fiber portion of the container.

(k) Fuzed ammunition shall, when stowed within eight feet of the ship's side, be stowed in a horizontal position with its long axis parallel to the ship's side. Such types of ammunition as are required to be stowed in a vertical position, may be so stowed without compliance with this provision.

(l) Propellent powder charges in uncrated fiber containers shall be stowed on end. Dunnaging shall be accomplished in such manner as to bear only upon the metal part of the container. No dunnage or weight shall bear directly upon the fiber portion of the container.

(m) Separate-loading shells, boxed, crated, unboxed or uncrated may be stowed on their bases or on their sides.

(n) When tween-deck holds of cargo vessels are utilized for the stowage of military explosives, the quantity of such military explosives stowed in the tween-deck hold shall not be in excess of forty-five pounds per square foot of deck space for each foot of tween-deck height, i. e. a tween-deck hold having a deck height of ten feet is permitted to load up to 450 pounds per square foot of deck area except that for "Victory" vessels the quantity of such explosives shall not be in excess of fifty-six pounds per square foot of deck space for each foot of tween-deck height.

§ 146.29–17 *Cargo working gear and equipment.* (a) Before military explosives are loaded or unloaded on or from a vessel the master or other person in charge of the vessel is required to ascertain by examination the adequacy, the condition and working order of all slings, crates, baskets, boxes, chutes, mattresses, tackle and other equipment to be used in the transfer operation.

(b) Any and all equipment which in the judgment of the master or other person in charge of the vessel is not adequate or in safe working condition shall be rejected by him and he shall prohibit its use and take such precautions as he may deem necessary to be certain such rejected equipment is not used for the purpose of loading or unloading explosives. The master or other person in charge of the vessel shall keep watch of all equipment used during the transfer of explosives and if any part of the equipment shows any defect or is damaged in use, work shall be stopped and the damaged or defective equipment repaired or replaced before permitting the loading or unloading to continue.

(c) This inspection of cargo working equipment shall apply to the vessel's equipment and to stevedores' or other contractor's equipment.

(d) The Captain of the Port or his representative may prohibit the use of any cargo working gear or equipment, including stevedore equipment which he deems unsafe.

§ 146.29–18 *Handling drafts of lumber.* All lumber in excess of three feet in length shall be handled into or out of the holds of vessels loading, unloading or containing military explosives or ammunition by use of a double sling. Small pieces of lumber used in chocking and dunnaging shall be handled in trays with sideboards. Cargo nets may also be used provided they are lined with canvas or similar fabric. Dunnage shall not be lowered directly onto stowages of ammunition or explosives. Landing mats or timbers shall be laid to receive such drafts.

§ 146.29–19 *Lights, tools, and portable equipment.* (a) No artificial light except electric lights or electric lamps or flood lights shall be used while loading or unloading military explosives. Such light fixtures shall not be used unless protected against accidental breakage by metal guards. Portable electric lights shall be fitted with stout guards protecting the bulb. Wire of such lights shall be sound and show no evidence of liability to short circuit.

(b) Portable lights shall be so installed as to prevent any part of the light or its cable from coming in contact with the deck or the cargo. A hanging portable light shall not be suspended from its cord but shall be fitted with a gantline so installed that no strain is carried by the light cable. No portable light shall be taken into a hold or compartment in which the stowage of ammunition or explosives has been completed without prior approval by the Captain of the Port or his representative. A portable light that is permitted in a hold under these circumstances shall be so guarded and protected that neither the light nor the light cord shall be in bearing with any metal part of the vessel or with any of the ammunition or explosives, or the containers thereof.

(c) Flashlights of a non-spark type shall be provided by the vessel owner, agent or its master or other person in charge of the vessel, for personnel required to enter holds in which explosives are stowed.

(d) Members of the crew of the vessel and other persons permitted on board the vessel to aid and assist in loading or unloading military explosives shall not be permitted to carry on their persons firearms, matches, flame producing devices, knives, bale hooks, metallic tools except as provided in paragraph (e) of this section or personal packages of any description, except the prohibition against knives shall not apply to the seaman's knife in possession of a member of the crew of the vessel, provided such crew member is not actually working the explosives or ammunition. Lunch boxes, pails, thermos bottles, other food containers or personal packages of any description shall not be brought on board a vessel unless such have been examined and passed by the Coast Guard detail. Food containers that are passed on board

the vessel shall not be stored in the hold in which explosives are being worked nor shall their contents be eaten in said hold.

(e) The Captain of the Port may authorize the use of pinch bars of metal or wood, in "breaking out" or stowing unfuzed bombs, larger caliber separate loading shells and packages of ammunition shipped in heavy unit weight containers. He may also permit the use of handsaws and hand hammers in the hold of a vessel when necessary in fitting dunnage or constructing a partition or a division bulkhead and installing protection required for the stowage of ammunition or explosives in bulk.

§ 146.29–20 *Fires and fire protection.* (a) No unnecessary fire shall be permitted on docks, lighters, or vessels while loading or unloading military explosives.

(b) Fires deemed necessary must be properly safeguarded and be in constant charge of a competent person assigned for that purpose by the master or person in charge of the vessel for the entire period of cargo transfer.

(c) Barges, lighters, towboats and other types of vessels engaged in the handling and transfer of military explosives and equipped with means for heating, cooking, lighting or power involving use of smoke pipes shall have such smoke pipes protected by spark screens. Insofar as practicable, such barges, lighters, towboats and other types of vessels shall not come alongside a vessel loading or discharging military explosives opposite the area where hatches are open to receive cargo, unless fires are extinguished. (See § 146.29–35 (f))

(d) Welding or cutting operations involving the use of open flames or arc shall not be undertaken on a vessel having explosives on board as cargo, except in case of an emergency affecting the security of a vessel, and then only upon special permission of the Captain of the Port.

(e) The cleaning of fireside of boilers shall not be undertaken on a vessel while at an explosives loading terminal or at an explosives anchorage, except upon express permission of the Captain of the Port.

(f) Bunkering of a vessel shall not be done while the vessel is at an explosives-loading terminal.

(g) Vessels at an explosives loading terminal shall not transfer fuel oil between its own fuel oil storage tanks or from its storage tanks to the settling tank, except under the close supervision of a licensed engineer attached to the vessel. It is required that this officer be in constant attendance until the operation is completed.

(h) The transfer of lubricating oils, cleaning oils or fuel oil for galley ranges either from containers on board the vessel or by pipe line or hose shall not be done at an explosives loading terminal. The fueling of powered lifeboats or units of the vessel's machinery shall not be done while at an explosives loading terminal.

(j) Boiler room and engine room bilges must be clean and free of oil or unnecessary residue before proceeding to an explosives loading terminal, and it is further required that these bilges be maintained in this condition during the entire time the vessel is moored at the explosives loading terminal.

§ 146.29–21 *Smoking.* Smoking is prohibited on or near any vessel loading or unloading explosives. Smoking areas may be designated upon approval by the Captain of the Port provided such areas are located at a safe distance from the vessel. "No Smoking" warning signs shall be posted during operations of loading and unloading such cargo. At least one such "No Smoking" sign shall be located on the pier at a reasonable distance from the vessel when such loading or unloading is taking place at a pier.

§ 146.29–22 *Liquor or drugs.* No person who, in the judgment of the master, person in charge of the vessel or the officer in charge of the Coast Guard detail, is considered as being under the influence of liquor or of drugs shall be permitted to work on board a vessel while operations involving the loading, stowage, unloading or transportation of explosives are being carried on.

§ 146.29–23 *Handling and slinging of explosives.* (a) All ammunition and explosives in bulk or chemical warfare agents in bulk shall be handled carefully. Packages and other containers shall not be dropped, dragged, tumbled, walked, slid over each other or over the deck or otherwise subjected to shock. Nor shall they be rolled unless rolling is specifically permitted by the provisions governing handling as set forth in § 146.29–100.

(b) In transferring ammunition or explosives in bulk between pier facilities and vessels or from vessel to vessel, or within the hold of a vessel the items may be handled by hand, power operated mechanical hoist or power operated conveyor approved by the Captain of the Port, power operated cargo lift truck, hand truck or non-powered roller conveyor (hand controlled); or where permitted by the regulations in this subpart, a specification chute and mattress may be used. (Refer to §§ 146.09–11 and 146.09–12 for specification of chute and mattress.)

(c) Ammunition or explosives in bulk shall be hoisted and lowered carefully onto a mattress or other shock absorbing material. The Captain of the Port may authorize omission of a mattress when its use is unnecessary due to use of pallets or other special gear.

(d) The Captain of the Port may permit the use of gasoline-powered cargo-handling vehicles or equipment on docks, wharves or piers for the handling of ammunition or explosives under such conditions as he may prescribe. Such type vehicles or equipment shall not be used within a hatch of a vessel having ammunition or explosives in any hold within said hatch. Electric or battery powered vehicles or equipment of explosion-proof or spark-proof type may be used to handle ammunition or explosives on docks, wharves, piers or in the holds of vessels under such conditions as the Captain of the Port may prescribe. All power-operated cargo-handling vehicles or equipment shall at all times be maintained in safe mechanical, electrical and operating condition. The use of such cargo-handling vehicles or equipment may be suspended or prohibited by the Captain of the Port or his representative when he considers such use inimical to safety.

(e) When loading or unloading by mechanical means, all ammunition or explosives in bulk shall be handled in the type equipment specified for the various classes of explosives in § 146.29–100. Containers of explosives shall be arranged on trays so that no portion of any package or container overhangs the tray. For trays provided with sideboards, packages of explosives shall not extend above the sideboard to a height exceeding $\frac{1}{3}$ of the vertical dimension of the package as stowed on the tray. Rope net slings with pieplates, pallet, skipboard or similar base shall be so loaded that when lifted a minimum displacement of packages shall occur and the cargo net shall completely encompass the entire load except on its topside.

(f) The mesh of a cargo net shall not be of such size as will permit any item or container of ammunition or explosives in bulk in the draft from passing through the mesh under any possible circumstances.

(g) Drafts shall not be raised or stopped in lowering by sudden application of power or brake. Drafts shall not be unloaded by tripping or freeing one side of the net, tray or pallet and tumbling the ammunition or explosives out of the gear. All drafts, beams, shackles bridles, slings, hooks, etc. shall be hand freed before the winch takes control. Slings shall not be disengaged by hand unhooking and then dragged from under draft by means of winch. Handles or beckets on ammunition packages shall not be used for slinging purposes.

(h) Blasting caps, detonators, primer-detonators, fulminate of mercury and initiating or priming explosives as defined in the regulations in this part shall be considered as constituting a distinct class of dangerous explosives, and because of the hazard involved they shall be handled with extreme care and shall always be landed onto a mattress or other shock absorbing material. (See Class VIII and Class IX–C, § 146.29–100.)

(j) "Cant" or barrel hooks shall not be used for raising or lowering a barrel, drum, depth bomb, depth charge or other container of military explosives. Metal bale hooks shall not be used in handling packages of explosives.

(k) Combination woven rope and wire slings are not permitted for use in handling explosives. A sling that is formed by use of an open hook shall not be used in hoisting or lowering a draft of ammunition or explosives in bulk.

(l) Wire rope, including splices thereof, used in handling ammunition and explosives shall be kept bare.

(m) Bombs shall not be handled by attaching cargo gear to the lifting lug or suspension lugs.

§ 146.29–24 *Weight per draft*—(a) *Ammunition or explosives in bulk.* (1) The maximum permitted weight per draft of all classes of ammunition or explosives in bulk except Classes VIII and IX–C when handled by pallet, skipboard or tray fitted with cargo net or sideboards shall not exceed 2,400 lbs. plus 10%, except as otherwise specifically permitted by this subpart or the provisions of § 146.29–100.

(2) Drafts of palletized ammunition or bulk explosives consisting of one or more palletized units shall not exceed 4,000 lbs. plus 10%.

(b) *Class I ammunition.* (1) The maximum permitted weight per draft when handled by pallet, skipboard, or tray fitted with cargo net or sideboards shall not exceed 3,000 lbs. plus 10%.

(2) Drafts of palletized Class I ammunition consisting of one or more palletized units shall not exceed 4,000 lbs. plus 10%.

(c) *Class VIII ammunition.* (1) The maximum permitted weight per draft when handled by tray fitted with sideboards shall not exceed 1,000 lbs. plus 10%.

(2) Drafts of palletized Class VIII ammunition consisting of one or more palletized units shall not exceed 2,400 lbs. plus 10%.

(3) The maximum permitted weight for purpose of lift of a portable magazine containing class VIII ammunition shall not exceed 2,400 lbs. plus 10%.

(d) *Bombs, more than one to a draft.* Drafts shall not exceed 4,000 lbs. plus 10%. (See § 146.29–100, Class X, table of limiting loads under "Handling.")

(e) *Single items or assembled units (other than palletized).* Such items designed to be handled as a unit may be loaded regardless of weight provided the cargo handling gear is of a design capable of handling a working load at least 50% additional to the actual weight of the item or unit comprising the draft, and provided further the integrity of the cargo handling gear is unimpaired. (For example, in loading a six ton bomb, the working load of the cargo boom and gear shall not be less than nine tons.)

(f) *Class IX–C explosives.* (1) The maximum permitted weight per draft when handled by tray fitted with sideboards shall not exceed 1000 lbs. plus 10%.

(2) The maximum permitted weight for purpose of lift of a portable magazine containing Class IX–C explosives shall not exceed 2400 lbs. plus 10%.

§ 146.29–25 *Requirement for the opening of hatches*—(a) *Vessels at explosives loading piers or at ammunition loading piers.* (1) A weather deck hatch through which ammunition or explosives are being worked shall have sufficient hatch covers and hatch beams removed across the entire width of the hatch so that the resulting opening, measured parallel to the side of the vessel, is at least equal to twice the longest axis of the largest draft being loaded.

(2) Strongbacks or hatch beams left in place shall be firmly secured by hatch batten or other approved means.

(b) *Vessels at explosives anchorages.* A weather deck hatch through which ammunition or explosives are being worked shall have all hatch covers and all hatch beams removed unless otherwise authorized by the Captain of the Port.

(c) *Vessels at explosives anchorages having a magazine constructed in the square of a weather deck hatch.* (1) Sufficient hatch covers and hatch beams shall be removed from the weather deck hatch to expose the entire magazine.

(2) During the working of ammunition and explosives to or from the deep holds, the tween-deck hatch openings shall at all time be equal to if not greater than the weather deck hatch openings.

(3) The use of open hooks in removing or replacing hatch beams or hatch strongbacks is prohibited. Closed hooks or shackles shall be used in this operation.

§ 146.29–26 *Loading military explosives and other cargo simultaneously.* (a) Ammunition or explosives in bulk shall not be loaded in the same hatch at the same time as other cargo is being worked in any of the holds serviced through said hatch.

(b) Ammunition or explosives in bulk shall not be loaded in the same hatch from both sides of the ship simultaneously, unless the hatch is fitted with cargo handling gear located at both the forward and after ends of the hatch.

(c) When explosives in bulk are stowed in a hole below one in which other cargo is being worked, the tween-deck hatch dividing the two holds will have all of its covers securely in place.

(d) Ammunition or explosives in bulk may be loaded in a hold before or after other cargo, provided that all precautions are taken to assure full protection to the explosives against the hazard of articles being dropped from the cargo sling. When possible, tween-deck hatches should be partially covered to assure such protection.

(e) Pad eyes, angle bars, or other devices for securing deck cargo shall not be welded to the deck of a vessel in which military explosives are stowed except upon special permission of the Captain of the Port, and then only in the presence of an officer of the Coast Guard detail and in conformity with said officer's instructions.

§ 146.29–27 *Fire hose.* (a) During loading or unloading of ammunition or explosives in bulk the vessel shall "run out" or otherwise make ready for quick use two lines of hose on the weather deck. The fire hose valves controlling these lines shall remain "cracked open" (except in freezing weather) so casual observation may indicate that water is available.

(b) Additional fire lines shall be "run out" or otherwise made ready adjacent to each hatch working or containing military explosives. These lines shall be of sufficient length to reach all portions of the hold or compartment.

§ 146.29–28 *Damaged or leaking containers of explosives.* (a) Any container of explosives or chemical warfare agents showing evidence of failure, leaking of a liquid ingredient or inability to retain its contents shall not be accepted for transportation, storage or stowage on board any vessel.

(b) Any container of an explosive when offered for transportation, storage or stowage, showing excessive dampness or which is moldy or shows outward signs of any oil stain or other indications that absorption of the liquid part of the explosive is not perfect, or that the amount of the liquid part of the explosive is greater than the absorbent can carry, shall not be accepted for transportation. The shipper must substantiate any claim that a stain is due to accidental contact with grease, oil or similar substances. In case of doubt the container shall be refused.

§ 146.29–29 *Defective ammunition.* Ammunition found to be defective while being unloaded from a barge, freight car or other vehicle, shall not be placed on board a vessel. If found to be defective while on board the vessel, it shall, if at all possible, be removed from the vessel to an isolated location as quickly as possible.

§ 146.29–30 *Recoopering damaged packages.* Defective packages shall not be recoopered in the hold of a vessel. Such packages shall not be recoopered elsewhere on board the vessel except upon and under conditions authorized by the Captain of the Port. Replacing bomb shipping bands, loose covers, nose plugs or strapping containers is not classed as recoopering.

§ 146.29–31 *Explosives loading detail.* (a) There may be assigned to every vessel, subject to the regulations in this part, loading or discharging military explosives at an explosives anchorage, explosives loading pier or an ammunition loading pier, a Coast Guard detail to supervise such loading or discharge. The owners, agents, charterers, master or person in charge of the vessel and all persons engaged in the handling, loading and stowage of the military explosives shall obey all orders, oral or written, that are given by the person in charge of said detail.

(b) A vessel, subject to the regulations in this part, loading or discharging military explosives at a Navy or Army depot, arsenal, navy yard, port of embarkation or other facility under the direct control and operation of the Navy or Army shall apply to the Captain of the Port for a permit for such loading. A Coast Guard detail may be assigned to such a vessel unless the commanding officer of such Navy or Army facility declines the detail.

§ 146.29–32 *Personnel identification.* (a) The provisions of this section shall apply to vessels loading or discharging military explosives in accordance with the provisions of § 146.29–31 (a).

(b) No person shall enter upon a vessel loading or unloading military explosives unless such person first identifies himself to the satisfaction of the Coast Guard detail.

(c) Every person who is permitted to enter into a magazine or a hold or compartment of a vessel wherein military explosives are being handled or stowed shall provide the Coast Guard representative with his name and address and the name and address of the firm employing him, furnishing satisfactory identification to substantiate such information.

(d) A person who, for any reason, is requested to leave a vessel loading or discharging military explosives by the person in charge of the Coast Guard detail shall immediately obey the request and not return until permission is granted.

§ 146.29–33 *Ship's officer present.* (a) During the entire operation involv-

ing the building of a magazine, the preparation of holds, and the actual handling and stowage of military explosives, it shall be the responsibility of the master of the vessel to assign a deck officer of the vessel who shall be in constant attendance. It shall be this officer's responsibility to see that the provisions of the regulations in this part, insofar as such provisions apply to the vessel, are complied with.

(b) It shall be this officer's further responsibility at the end of the work shift to see that all means of access to the partially loaded holds are closed off in such a manner as to provide the maximum safety and protection for the explosives stowed within the hold.

§ 146.29–34 *Constructing magazines.* All work in connection with the construction of a magazine, or other conditioning of holds, decks or hatches shall be completed before the actual loading of ammunition or bulk explosives is undertaken, except as provided in § 146.29–19 (e). Magazines construction in holds in which explosives are not actually being loaded or which do not contain any explosives is permitted.

§ 146.29–35 *Preparation of magazines, decks, hatches and holds for handling military explosives.* (a) The floors of all magazines and holds shall be cleared of all rubbish, discarded dunnage and be swept broom clean before commencing to load any ammunition or explosives in bulk. Bilges shall be examined and any residue of previous cargo removed therefrom.

(b) All decks, gangways and hatches over or through which ammunition or explosives in bulk must be passed or handled in loading or unloading shall be freed of all loose material and shall be swept broom clean both before and after loading or unloading.

(c) The hatches or cargo ports opening into a compartment in which ammunition or explosives in bulk are stowed shall be kept closed at all times except during the operation of loading or unloading of the compartment. When closed, wooden hatch covers shall be covered with tarpaulins.

(d) No debris of any description shall be permitted to stand on the weather deck adjacent to a cargo hatch in which ammunition or explosives in bulk are being worked.

(e) Hatch covers shall, where possible, be stowed on the opposite side of the hatch from that over which the ammunition or explosives in bulk are being worked. If this is impossible the hatch covers that are stowed on the working side shall be so stowed as to form as level a platform as possible.

(f) During the time a hatch is open and military explosives are being worked or stowed, the vessel's officer on duty supervising the handling of explosives shall warn the masters of other vessels coming alongside and the operator of any dock equipment (capable of producing sparks) to stay clear of the area adjacent to open hatches as far as practicable.

§ 146.29–36 *Location of magazines and ammunition stowage.* (a) (1) A cool location being an important factor, magazines shall be built and ammunition stowed in an authorized location in accordance with the following factors in the order listed.

(2) A tween-deck hold, preferably a lower tween deck.

(3) A lower hold.

(4) In the square of a hatch. If in the square of a weather deck hatch, having wooden hatch covers, a steel plate of not less than five pounds weight per square foot, or other approved protection adequately secured in place shall be fitted over the top side of the wooden hatch covers, as protection against strafing. This subparagraph shall be complied with except when the Commanding Officer of the Port of Embarkation or the Port Director at the loading port submits a written statement to the Captain of the Port that the requirement relative to the use of a steel plate over wooden hatch covers need not be complied with for this specific voyage.

(5) A shelter deck in a location as far removed from uptakes or engine casing as possible.

(6) A forecastle, poop or permanent deck house provided the space is ventilated and does not contain any "In use" crew accommodations, nor vessel stores and can be closed off from traffic while at sea.

(7) "On deck" stowage.

(8) Insulated spaces normally comprising refrigerator spaces may be used for the stowage of all classes of ammunition or bulk explosives, except chemical ammunition, provided all regulations relative to stowage of explosives with other dangerous articles of cargo are observed and the spaces may be ventilated sufficiently to provide a temperature consistent with the temperature of other holds of the vessel. When such spaces are fully ceiled, the entire compartment will be considered as a magazine, however, any pipes within the compartment shall be protected by horizontal cargo battens of a size not less than commercial 2" x 4", spaced not more than twelve inches apart, center to center and secured to 4" x 6" uprights spaced not more than thirty-six inches apart. Refrigerator spaces, the floors of which are lined with lead, shall not be used as a stowage for picric acid in bulk or ammonium picrate.

(b) (1) When it is necessary to construct a magazine or to stow ammunition adjacent to engine or boiler-room bulkheads, uptakes, casings or galley or coal bunker bulkheads, the following provisions shall be complied with:

(2) A tight wooden bulkhead shall be constructed at least one foot off the engine room, boiler room, galley or coal bunker bulkheads or the engine or boiler-room uptakes or casings.

(3) Construction of this bulkhead shall be of commercial two inch boarding secured on 4" x 6" uprights if constructed in a tween or shelter deck 6" x 6" uprights if constructed in a lower hold. Spacing of uprights shall not exceed thirty inches in a tween-deck or twenty-four inches in a lower hold. Horizontal bracing shall be fitted between temporary and permanent bulkheads.

(4) Temporary bulkheads shall be constructed with smooth side facing the stowage of the ammunition.

(5) Nails shall not protrude beyond surface of the boarding.

(c) A magazine shall not be constructed in bearing with the forward collision bulkhead. A minimum distance of one foot shall be maintained between the collision bulkhead and the forward end of a magazine.

(d) Stowages provided for ammunition and explosives in bulk shall be dry and should be well ventilated.

(e) Ammunition as cargo shall not be stowed within a distance of ten feet of a vessel's radio shack, receiving or transmitting apparatus, radio antenna or antenna lead-in.

§ 146.29–37 *Types of stowage.* The types of stowage prescribed for military explosives are described as follows:

Magazine stowage A.
Ammunition stowage.
Chemical ammunition stowage (including Class XI–A and XI–B).
Pyrotechnic stowage.
Stowage of blasting caps, detonators, primer detonators.
Portable magazine stowage.
Bomb-fin stowage.
Special stowage.

§ 146.29–38 *Allocation of stowages.* Ammunition or explosives in bulk that are tendered to a vessel for transportation, as cargo, shall be stowed on board the vessel utilizing the type of stowage authorized for the particular ammunition or explosives in bulk by the provisions of § 146.29–100.

§ 146.29–39 *Magazine, type A.* (a) The following regulations shall be observed in the construction of a magazine required for "magazine A" type of stowage.

(b) A type "A" magazine may be constructed of wood, using clean undressed lumber. Sizes as given in the specifications are minimum. Increased sizes may be used if desired. Nails shall not protrude beyond the surface of the lumber.

(c) When a class A magazine measures more than forty feet in any direction, a partition bulkhead shall be fitted within the magazine as near half length as practicable, extending from the deck to at least the top of the stowage. Such partition bulkhead shall be constructed to the same scantlings as the sides of the magazine, except the boarding may be spaced not more than six inches apart alternately on both sides of the uprights. This bulkhead shall be constructed before loading commences and care shall be exercised that nail points do not protrude beyond the surface of the boarding.

§ 146.29–40 *Specifications, type A magazine.* (a) Magazines may be constructed of steel or wood.

(b) Laminated gypsum board of at least two layers having a combined thickness of not less than one inch may be used as siding in the construction of magazines or as dunnage against that side of the bulkhead not carrying stiffeners.

(c) Magazines constructed of steel shall have the whole of the interior thoroughly protected by wood dunnage of a minimum thickness of ¾". This lining may be installed during the progress of the stowage. Metal stanchions within the magazine shall be boxed with wood

of a thickness of not less than ¾". Bulkhead stiffeners or other structural members extending into the stowage spaces shall not be protected by dunnaging but shall be completely boarded over. When bare steel decks or tank tops are utilized to form the floor of a magazine, a wooden floor consisting of at least two layers of commercial one-inch thick dunnaging shall be laid, the top course being laid crosswise to the lower course. When steel decks or tank tops are originally fitted with a wood flooring or are ceiled, it shall only be necessary to fit one course of dunnage. All flooring formed by these methods shall be laid with commercial one inch lumber of widths not less than four inches, fitted as close as possible, edge to edge and butt to butt.

(d) Magazines constructed of wood shall comply with the following specifications: The bulkheads forming the sides and ends shall be constructed of commercial one inch lumber or of ¾" tongue and groove sheathing, secured to uprights of at least a 3" x 4" size, spaced not more than eighteen inches apart and secured at top, bottom and center with horizontal bracing. When a magazine is constructed as a permanent compartment in the vessel, increased size and finish of lumber and other methods of fastening may be used provided such fastenings are recessed below the surface of the boarding to avoid projections within the interior of the magazine. All boarding shall be fitted and finished so as to form a smooth surface within the interior of the magazine. Construction shall be such as to separate all containers of explosives from contact with metal surfaces of the structure of the vessel. When a metal stanchion, post or other obstruction is located within the interior area of the magazine, such obstruction must be completely covered with wood of a thickness of at least ¾", secured in place with nails or screws. When screws are used for fastening, the screw heads shall be countersunk below the surface of the wood. When nondangerous cargo is to be stowed adjacent to the exterior of the magazine, wooden cargo battens of not less than commercial 2" x 4" size, spaced not more than twelve inches, center to center, shall be fitted horizontally to the uprights forming the frame of the magazine. The floor of the magazine shall conform to the provisions of paragraph (c) of this section.

(e) Uprights shall not be stepped directly onto a metal deck. A 2" x 4" beam to carry the uprights shall be laid upon the metal deck. A 2" x 4" header shall be fitted against the underside of an overhead deck to receive the top of uprights. Top of uprights fitted against channel beams may be wedged direct to the beam with 2" x 4" spacers fitted between. Care shall be taken in securing upright framing that no nails penetrate to the interior of the magazine.

(f) A magazine constructed in accordance with the provisions of paragraphs (c) and (d) of this section, in which it is proposed to stow containers of explosives within 12" of the overdeck beams, or hatch coaming, shall have such deck beams and coaming sheathed with wood in a manner similar to that required for metal stanchions, posts or other obstructions by the provisions of paragraph (d).

(g) The door of the magazine shall be of substantial construction fitted reasonably tight into its jamb. The door may be secured in place by the use of exterior battens and wedges.

§ 146.29–41 *Ammunition stowage.* Ammunition that is authorized to be given ammunition stowage by the provisions of § 146.29–100 shall be stowed in a location selected in accordance with the procedure as set forth in § 146.29–36. Dunnage shall be laid over metal decks or tank tops. Dunnaging shall be fitted to insure that no packages or articles of ammunition directly contact metal parts of the vessel. Tiers of ammunition will be floored off with wood dunnage as required. Ammunition shall not be overstowed unless such overstowing is permitted by the provisions of the regulations in this subpart.

§ 146.29–42 *Chemical ammunition stowage.* (a) Chemical ammunition, Class XI–A and XI–B shall be afforded ammunition stowage and shall preferably be stowed in a deep tank or lower hold. When stowed in a deep tank pump suctions shall be effectively sealed off to prevent the escape of any leakage which may take place. When stowed in a lower hold the hatch covers, ventilators and pump suction shall be effectively sealed off to prevent the escape of any leakage which may take place.

(b) When the quantity of chemical ammunition or chemical agents in bulk exceeds the capacity of deep tanks and lower hold, other holds may be used, preference being given to other lower holds or to a tween-deck hold directly over a lower hold in which such substances are stowed. Chemical ammunition or containers of chemical agents in bulk stowed in a tween-deck shall not be stowed within eight feet of the side of the vessel.

(c) When the quantity of chemical ammunition to be stowed on board the vessel does not justify the use of a deep tank or lower hold, a suitable tween-deck space may be selected and the ammunition stowed in a portable magazine especially constructed to prevent any leakage from the ammunition escaping outside of the magazine. Such portable magazine shall be located at least eight feet from ship's side.

(d) Before entering a deep tank or a lower hold containing chemical ammunition the air inside the compartment must be tested by competent personnel to ascertain if leakage has taken place. If leakage has occurred the operation of removing the ammunition or chemical agent shall be conducted by skilled personnel, preferably representatives of the Chemical Warfare Service or Navy Department.

§ 146.29–43 *Pyrotechnic stowage.* (a) Pyrotechnic ammunition shall be afforded ammunition stowage as described in § 146.29–41. This class of ammunition shall not be stowed in a hold or compartment with any other military ammunition or explosives except as permitted by the stowage chart (§ 146.29–75). Pyrotechnics shall not be overstowed with other cargo. The location of this type stowage shall be away from heat and so protected as to insure no moisture contacting the packages.

(b) For limited quantities of pyrotechnic ammunition an alternate stowage may be utilized consisting of stowing in metal lockers or portable magazines so located as to conform with the provisions of paragraph (a) of this section as regards other explosives, overstowage, heat and moisture.

§ 146.29–44 *Stowage of blasting caps, detonators, primer detonators, etc.* (a) Stowage of Classes III, VI and VIII type ammunition shall conform to the following provisions:

(b) Classes III and VI shall be afforded ammunition stowage, special stowage or portable magazine stowage.

(c) Class VIII ammunition shall be afforded magazine stowage "A," portable magazine or special stowage.

(d) Class VIII ammunition may be stowed with Classes I, III and V ammunition.

(e) (1) The stowage of Class VIII ammunition and the stowage of Classes II, IV, V or VII ammunition on board the same vessel shall be separated as follows:

(2) With a permanent steel deck or bulkhead intervening, the separation shall not be less than 10' in any direction.

(3) Without a permanent steel deck or bulkhead intervening, the separation shall not be less than 25' in any direction.

(f) (1) The stowage of Class VIII ammunition and the stowage of Classes IX, X and XI ammunition or explosives in bulk on board the same vessel shall be separated as follows:

(2) With a permanent steel deck or bulkhead intervening, the separation shall not be less than 25' in any direction.

(3) Without a permanent steel deck or bulkhead intervening, the separation shall not be less than 40' in any direction.

(g) Class VIII ammunition shall not be stowed within eight feet of the vessel's side.

(h) When Class III or VI ammunition are stowed with Class VIII ammunition the provisions governing the stowage and separations of Class VIII ammunition shall apply.

(i) When Class VIII ammunition is stowed over tween-deck hatch covers and ammunition or explosives in bulk are stowed in a hold below, a single layer of commercial two inch lumber is required over the tween-deck hatch cover to form the floor of the magazine. Under these conditions, wooden hatch covers may be considered an integral part of the permanent steel deck and the separation requirements of paragraphs (e) (2) and (f) (2) of this section shall apply.

(k) When a portable magazine is used for detonator stowage, such magazine may be stowed in the square of a weather deck hatch, provided § 146.29–36 (a) (4) is complied with.

(l) Upon approval by the Captain of the Port, a portable magazine containing Class VIII ammunition may be stowed in an isolated cabin or a steel deck house secure from aircraft machine-gun fire and not subjected to casual contact by persons on board the vessel.

§ 146.29–45 *Portable magazine.* Portable magazines shall be of a size not greater than 100 cubic feet capacity. They may be constructed of wood or of metal lined with wood. When constructed of wood, the frame bottom and siding shall be not less than the scantling requirements as given for a type "A" magazine in § 146.29–40. A strong close-fitting, hinged cover reinforced with wooden battens (at least 1¼" thick by 5" wide) shall be fitted. Effective securing means shall be provided for the cover. At least four (4) pad eyes with lashing rings, not less than 3" I. D. x ⅜" wire, shall be permanently attached to the magazine. When constructed of metal, the minimum thickness shall be not less than ⅛". The interior shall be lined with wood sheathing of a minimum thickness of ¾". Securing means shall be countersunk below the surface of the sheathing. Effective means shall be provided for securing the cover in place. Lashing rings as detailed above, or other methods for securing the stowage of the magazine shall be provided. All inner surfaces of the magazines shall be smooth and free of nails, screws or other projections. Portable magazines shall carry the legend: "Inflammable—Keep Lights and Fire Away."

§ 146.29–46 *Bomb-fin assemblies and fuzes.* (a) The stowage of bomb fin assemblies (Bomb tail assemblies) shall be as follows:

(b) Bomb-fin assemblies uncrated, crated, boxed or in metal containers without the bomb fuze being included in the packing constitute an inert, nondangerous cargo and may be stowed in any suitable location on board the vessel.

(c) Bomb-fin assemblies, crated, boxed or in metal containers with the bomb fuze included within the packing may be stowed in the same compartment, hold or magazine with demolition bombs or fragmentation bombs. They shall not be stowed with smokeless powder in bulk, propellent powder charges for separate loading ammunition, nor with any Class IX or XI types of ammunition or explosives in bulk.

(d) Bomb-fin assemblies, as described in paragraph (c) of this section, may be stowed in a hold or compartment with ammunition other than described in paragraph (c).

(e) Bomb-fin assemblies shall not be overstowed.

§ 146.29–47 *Special stowage.* Special stowage may be on deck protected from the elements, in a deck house, mast house, mast locker or in a vacant stateroom provided such a location conforms to the distance separation rule applicable to the items so stowed and adjacent ammunition or explosives in bulk and provided further that such spaces do not contain any machinery or equipment used during the navigation of the vessel. Dunnage shall be fitted to prevent packages contacting any metal part of the space used for this type of stowage.

§ 146.29–48 *Ventilation of magazines.* A magazine that is not fitted with ventilating ducts to the atmosphere shall be ventilated by omitting the top course of boarding on the sides of the magazine to provide a clear space at least one inch and not more than six inches below the lower flange or toe of the deck beam within the compartment or hold in which the magazine is constructed. Ventilators of system feeding directly into a magazine or a hold in which explosives are stowed shall be covered with a double layer of wire screen of not less than 8 x 8 mesh at the weather end of the cowl. This wire may be attached by folding it back along the cowl and securing the same in place by a sufficient serving with light line or wire to insure a positive closure.

§ 146.29–49 *Authority to load; loading facilities and use.* (a) (1) For the purpose of the regulations contained in this subpart, the explosives anchorages, explosives loading piers and ammunition loading piers which are under the provisions of "Regulations for Security of Ports and the Control of Vessels in the Navigable Waters of the United States" (33 CFR, Part 6), authorized to be used in loading or unloading explosives are identified as follows:

(2) Explosives anchorages are those areas upon the navigable waters that are designated as areas within which a vessel may anchor or moor to receive or discharge cargo consisting of explosives.

(3) Explosives loading piers are those piers designated by a Captain of the Port to which a vessel may moor to receive or discharge cargo consisting of explosives.

(4) Ammunition loading piers are those piers designated by a Captain of the Port at which a vessel may moor to accept or discharge cargo consisting of military ammunition.

(b) Ammunition or explosives in bulk shall not be taken on board or unloaded from a vessel except at one of the authorized locations described in paragraph (a) of this section.

(c) A vessel shall not take on board as cargo or unload any class or type of ammunition or explosives in bulk at a facility described in paragraph (a) of this section unless the provisions of § 146.29–100 authorize the use of such facility for the handling of the class of ammunition or explosives in bulk involved.

(d) The handling and stowing of ammunition or explosives in bulk on board a vessel shall be in accordance with the applicable provisions of the regulations in this part.

(e) Explosives prohibited by subsection 3, of R.S. 4472, as amended, shall not be accepted by any vessel.

(f) A passenger vessel shall not accept any Class A explosives for transportation as cargo.

(g) A passenger vessel shall not accept for transportation as cargo the following Class B explosives: Ammunition for cannon with empty projectile, ammunition for cannon with sand-loaded projectile, ammunition for cannon with solid projectile, ammunition for cannon without projectile or smokeless powder.

(h) A vessel, subject to the regulations in this part, may load or discharge military explosives at any Navy or Army depot, arsenal, navy yard, port of embarkation or other facility under the direct control and operation of the Navy or Army; provided a permit authorizing such loading has been granted by the Captain of the Port. (See §§ 146.29–31 and 146.29–32.)

(j) In an emergency arising by reason of military necessity or casualty, a vessel may, upon authorization by a Captain of the Port, load or discharge military explosives in any location authorized by said Captain of the Port.

§ 146.29–50 *Statements of characteristic properties and hazards.* (a) In § 146.29–100 there are statements in italics setting forth certain characteristics and hazards of the substances or articles listed therein. It is not intended, nor shall it be assumed, that these statements set forth all of the characteristic properties or hazards of the particular substance or article and such statements as are shown are informative only.

(b) For the purpose of the regulations in this subpart Army Class XII explosives are treated as follows:

1. Ammonium nitrate is classified as an oxidizing material.
2. Dinitrotoluene (DNT) is classified as a high explosive Class IX.
3. Wet nitrocellulose wet with 25% of water is classified as an inflammable solid.
4. Wet nitrocellulose wet with 30% of alcohol or inflammable solvent is classified as an inflammable liquid.

§ 146.29–75 *Stowage chart.* The letter "X" at the intersection of a horizontal and a vertical column indicates that the particular class of military explosives shown by the heading of the horizontal column to the left may be stowed in the same hold or compartment with the particular class of military explosives indicated by the heading of the vertical column at the top of the chart. For specific provisions of stowage, and items included in each class, refer to § 146.29–100.

NOTE A: Class II–F may be stowed in the same deep tank, lower hold or tween-deck hold with Classes II–C, II–E, II–G and III provided the Class II–F ammunition is bottom stowed and provided further that no other class of explosives or ammunition is stowed in a hold or tank directly below.

NOTE B: Class II–F may be stowed in the same deep tank, lower hold or tween-deck hold with Classes IV–A, IV–B, V and VII provided the Class II–F ammunition is bottom stowed and provided further that no other class of explosives or ammunition is stowed in a hold or tank directly below.

NOTE C: Propellent charges Class II–B for separate loading artillery shell filled with Class XI–A or XI–B chemical may be stowed together in the same hold or compartment provided the propellent charges are "top stowed", the two items being separated by a type "A" dunnage floor. When so stowed the propellent charges shall not be overstowed with any other cargo.

NOTE D: Class II–J TH incendiary filled ammunition shall be stowed only in a deep tank or lower hold, and in all cases bottom stowed.

NOTE E: Classes V and VII (unfused) may be stowed with Class X.

	Class	I	II–A	II–B	II–C	II–D	II–E	II–F	II–G	II–H	II–J	III	IV–A	IV–B	V	VI	VII	VIII	IX–A	IX–B	IX–C	X	XI–A	XI–B
Small-arms ammunition w/o explosive bullets, mechanical time fuze w/o booster and like items	I		×	×	×	×	×	×	×		D	×	×	×	×	×	×	×	×	×	×	×	×	×
Bulk propellents such as ballistite, cordite, FNH, NH, and NC powders	II–A	×		×															×					
Smokeless powder propellents, "Made-up bag charges" in outside shipping containers	II–B	×	×										×	×	×		×		×				C	C
Pyrotechnics (Fireworks)	II–C	×					×	A			D													
Chemical ammunition—WP or PWP filled (solid)	II–D	×					×																	
Chemical ammunition—HC filled (solid)	II–E	×			×	×		A	×			×												
Chemical ammunition—FS or FM filled smoke (liquid)	II–F	×			A		A		A			A	B	B	B		B						×	×
Chemical ammunition—IM, NP or PT filled, incendiary composition (oil gel)	II–G	×					×	A			D												×	×
Chemical ammunition—water activated	II–H																							
Chemical ammunition—TH filled, incendiary composition (solid)	II–J	D			D				D				D	D										
Fuzes, BD, PD, AT mine (non-chemical), tracer, primers, etc	III	×					×	A					×	×	×	×		×						
Fixed ammunition w/o explosive projectile (shell) and like items	IV–A	×		×				B			D	×		×	×	×	×							×
Fixed and semi-fixed ammunition with explosive loaded projectile (shell)	IV–B	×		×				B			D	×	×		×	×	×							×
Separate loading shells filled with explosive "D"	V	×		×				B				×	×	×		×	×					E		×
B.D fuzes, bomb fuzes, rocket fuzes and like items	VI	×										×	×	×	×			×						
Separate loading shells filled with H. E other than explosive "D"	VII	×		×				B					×	×	×							E		×
Bursting caps, detonators, primer detonators, AT base fuzes (chemical), etc	VIII	×										×				×								
Explosives in bulk, such as black powder, smokeless powder for small arms, etc	IX–A	×	×	×																				
High explosives, such as dynamite, TNT, demolition blocks, etc	IX–B	×																				×		
Igniting and priming explosives in bulk	IX–C	×																						
Explosive bombs, mines, torpedoes, etc	X	×									-				E		E		×					
Chemical ammunition—lethal	XI–A	×		C				×	×															×
Chemical ammunition—non-lethal	XI–B	×		C				×	×				×	×	×		×						×	

§ 146.29–100 *Military ammunition and explosives in bulk.*

CLASS I

Small-arms ammunition w/o explosive bullets, mechanical time fuze w/o booster, and like items.

DESCRIPTION

Small-arms ammunition includes all fixed ammunition, blank ammunition and shot gun shells, such as used in pistols, revolvers, rifles, shot guns, and similar firearms, or in machine guns, with nonexplosive bullets and consists usually of a paper or metallic cartridge case, the primer, and the propelling powder charge, with or without shot, bullet (except explosive bullets), tear gas material; the component parts necessary for one firing being all in one assembly.

This definition includes all of these types of ammunition up to but not including 37 mm. size[1] provided the ammunition does not have explosive bullets or projectiles. The presence of tracer or incendiary compositions does not change the classification.

[1] The purpose of the above USCG definition of small-arms ammunition is to govern safety in transportation, handling and stowage on board merchant vessels. The U. S. Army and Navy definition of small-arms ammunition (.09 to .60 caliber inclusive, plus all gauges of shot gun shells) is based on tactical considerations. This USCG definition shall take precedence in all cases involving transportation, handling and stowage as cargo on board merchant vessels which are subject to these regulations.

Other items of ammunition and component parts of ammunition, having similar hazard characteristics to small-arms ammunition, are also included in this class.

Includes but is not limited to—

Bouchon ignition fuze.
Cartridges:
Aircraft engine starter.
Armor piercing.
Armor piercing incendiary.
Armor piercing incendiary, traced.
Ball.
Blank.
Carbine.
Velocity power tool, shipped separately.
Gallery practice.
Guard.
High pressure test.
Ignition.
Incendiary.
Tear gas.
Tracer.
Rifle grenade.
Slick marker (Mk 1).
Sub-caliber.
Chemical delay pencil.
Cordeau detonant.
Empty cartridge case, primed.
Firing device without detonator.
Grenades, empty primed.
Grenade projection adaptor and similar inert devices when packed with blank small-arms cartridge.
Igniter (Mk–3).
Igniter, Torpedo.
Mechanical time fuze w/o booster.
Primacord.
Primer, Lock combination.
Primer, Small-arms.
Primers, Percussion cap (such as used in small-arms ammunition).
Safety fuse.
Shell, Shot gun.
Small-arms ammunition without explosive bullets.
"T" Cutter (Mk. 2).
Velocity power tool with cartridge packed in the same outside box.

I. C. C. MARKING

"Small-arms ammunition."
"Time fuze (mechanical w/o booster)."
"Small-arms ammunition, tear gas cartridge."
"Small-arms primer."
"Cannon primer."
"Combination primer."
"Cordeau detonant."
"Empty cartridge case, primed."
"Explosive mine cutters."
"Grenades, empty, primed."
"Percussion cap."
"Percussion fuze."
"Safety fuse."

HAZARD

The principal hazard in connection with the stowage of this class of ammunition is its involvement in fire from outside source. Under such conditions the presence of this type of ammunition will not contribute excessively to the fire.

Fire may be controlled and extinguished by flooding or spraying with large amounts of water.

Missiles from burning ammunition will not be projected with any considerable velocity.

Fire fighting personnel should take normal precautions and not expose themselves unnecessarily.

STOWAGE

Any compartment or hold.
Shall not be stowed in a compartment or hold in which inflammable liquids, inflammable solids, inflammable compressed gases or corrosive liquids are stowed.
May be overstowed.

LOADING

Any location in any area.

HANDLING

1. Observe marking on package to be certain that no small-arms ammunition with explosive bullets is included.
2. Do not subject packages to rough handling.
3. Maximum weight per draft shall not exceed 3,000 lbs. plus 10%.
4. Drafts consisting of one or more palletized units shall not exceed 4,000 lbs. plus 10%.
5. Lifts of palletized units shall not be tiered except when using a sling so designed as to prevent the upper tier or tiers from shifting or falling from the draft.

CLASS II–A

Bulk propellents such as: Ballistite, Cordite, FNH, NH and NC powders.

DESCRIPTION

Smokeless powder for cannon in bulk.
Rocket propellents in bulk.

Includes but is not limited to—

Ballistite (bulk) for any purpose in large grains, sheets or masses.
Cordite.
FNH powder.
NC powder.
NH powder.
SPCA powder.
SPCG powder.

I. C. C. MARKING

"Smokeless powder for cannon."

HAZARD

Loose powder may be ignited by spark, friction or intense heat.
Powder dust is especially hazardous. Burns rapidly with excessive heat.
Burning powder in ship's hold may explode, producing structural damage and missiles.
May become unsafe if subjected to high temperatures.
If involved in a fire, immediately apply water freely and in quantity.

STOWAGE

Ammunition stowage

Shall not be overstowed with any other kind of cargo except bomb fin assemblies, empty water fillable practice bombs and empty auxiliary gas tanks.
Shall not be stowed in the same hold or magazine with other permitted ammunition or explosives, unless the two are separated by a partition bulkhead, or a type "A" dunnage floor.

LOADING

Explosives anchorage.
Explosives loading pier.

HANDLING

1. Handle by hand or mechanical means.
2. Do not drop, drag, tumble, walk or otherwise subject packages to shock.
3. Packages shall be handled in such a manner as to insure that no spark or friction will occur.
4. Observe packages or containers for evidence of sifting or inability to retain contents and reject any showing such signs.
5. In event a package is damaged and powder is spilled, immediately stop operations and sweep up any loose powder.
6. Remove damaged container and residue of powder to a safe location.
7. Gravity roller conveyor shall not be used unless authorized by the Captain of the Port in ports or facilities under his jurisdiction. At other ports or facilities authority for such use may be granted by the Officer in Charge.
8. Cargo handling stevedore gear may be trays, skipboards, pallets or pieplates provided they are fitted with cargo nets or sideboards. Boxes or trays with fixed or removable sides are authorized.
9. Cargo nets without trays, skipboards, pallets or pieplates are not permitted.
10. The maximum permitted weight per draft when handled by pallet, skipboard, tray or pieplate fitted with cargo net or sideboards shall not exceed 2400 lbs. plus 10%.
11. Drafts consisting of one or more palletized units shall not exceed 4000 lbs. plus 10%.
12. Lifts of palletized units shall not be tiered except when using a sling so designed as to prevent the upper tier or tiers from shifting or falling from the draft.

CLASS II–B

Smokeless powder propellents.
"Made-up bag charges" in outside shipping containers.

DESCRIPTION

Smokeless powder propellent charges (made-up charges) in cloth powder bags with igniter attached but without primer and packed in outside metal or fiberpack containers.

Includes but is not limited to—

Propellent charges without primers for separate loading ammunition such as: 4.5", 5"/50, 5"/51, 6"/47, 6"/50, 6"/53, 7", 8", 10", 12", 14", 15", 16", 155 mm., 240 mm.

I. C. C. MARKING

"Smokeless Powder for Cannon."

HAZARD

Loose powder may be ignited by spark, friction or intense heat.
Powder dust is especially hazardous.
Burns rapidly with excessive heat.
Burning powder in ship's hold may explode, producing structural damage and missiles.
May become unsafe if subjected to high temperatures.
If involved in a fire immediately apply water freely and in quantity.

STOWAGE

Ammunition stowage

When packed in metal tanks or in fiberpack containers with outside wood crate or when palletized.
Type "A" Magazine: Fiber-pack containers when shipped without outside wood crates and not palletized shall be stowed in a Type "A" magazine.
Fiber-pack containers without outside wood crates and stowed on their sides shall not be tiered more than 6 high.
Fiber-pack containers without outside wood crates, or metal tanks not palletized, when stowed on end shall have each tier floored off with a Type "B" dunnage floor.
Shall not be overstowed with any other kind of cargo except bomb fin assemblies, empty water fillable practice bombs and empty auxiliary gas tanks.
Shall not be stowed in the same magazine or hold with other permitted ammunition or explosives unless the two stowages are separated by a partition, bulkhead or type "A" dunnage floor.
May be stowed in a deep tank with other permitted classes in accordance with stowage chart.

LOADING

Explosives anchorage.
Explosives loading pier.
Ammunition loading pier.

HANDLING

1. Handle by hand or mechanical means.
2. Do not drop, drag, tumble, walk or otherwise subject packages to shock.
3. Packages shall be handled in such a manner as to insure that no spark or friction will occur.
4. Observe packages or containers for evidence of sifting or inability to retain contents and reject any showing such signs.
5. In event a package is damaged and powder is spilled immediately stop operations and sweep up any loose powder.
6. Remove damaged container and residue of powder to a safe location.
7. Gravity roller conveyor shall not be used unless authorized by the Captain of the Port in ports or facilities under his jurisdiction. At other ports or facilities authority for such use may be granted by the Officer in Charge.
8. Cargo handling stevedore gear may be trays, skipboards, pallets or pieplates provided they are fitted with cargo nets or sideboards. Boxes or trays with fixed or removable sides are authorized.
9. Cargo nets without trays, skipboards, pallets or pieplates are not permitted.
10. The maximum permitted weight per draft when handled by pallet, skipboard, tray or pieplate fitted with cargo net or sideboards shall not exceed 2400 lbs. plus 10%.
11. Drafts consisting of one or more palletized units shall not exceed 4000 lbs. plus 10%.
12. Lifts of palletized units shall not be tiered except when using a sling so designed as to prevent the upper tier or tiers from shifting or falling from the draft.

CLASS II–C

Pyrotechnics (Fireworks).

DESCRIPTION

Fireworks are all manufactured articles designed primarily for the purpose of producing visible or audible pyrotechnic effects by combustion or explosion.

Includes but is not limited to—

Blue sump
Delay electric igniter
Depth charge markers, day
Fire crackers
Fire starter
Fireworks—bombs
Fireworks—shell
Flares of all types, such as:
  Aircraft
  Airport
  Bombardment
  Float
  Hand identification
  High altitude parachute
  Hooded (7")
  Parachute
  Parachute trip
  Signal
  Tow target
  Trip
Flash cartridge under 72 grains

Flash crackers
Flash sheets (ltd. packing, ICC)
Float lights
Fuse igniters
Fuse lighters
Igniters, M1 and M2
Illuminating grenades
Instantaneous fuse
Kit, 4.5" aircraft rocket
Metal powders (ltd. packing, ICC)
Pinwheels
Photographic flash powder (ltd. packing, ICC)
Pull wire fuse lighter
Quick match
Railway fusee
Roman candles
Flash reducer
Salutes.
Signals:
  Aircraft float lights.
  Caterpillar.
  Chameleon.
  Day distress aircraft.
  Distress hand smoke.
  Double star.
  Drift day (bronze powder, inert).
  Drift night (red phosphorus).
  Emergency identification: smoke, star, submarine.
  Ground cluster.
  Ground high burst ranging;
  Ground parachute star.
  Ground parachute smoke.
  Highway.
  Miniature practice bomb.
  Pepper.
  Pistol rocket: Comet, shower, smoke, star.
  Single star.
  Submarine float.
Slow match.
Sparklers.
Spreader cartridges (less than 72 grains).
Squibs of all kinds.
Tear gas pot fuse.
Toy caps.
Torches.
  Torpedoes including: Cap, railway, toy, track.
Very signal lights.
Signal flare of tracer incendiary composition.

I. C. C. MARKING

"Fireworks"
"Fuse igniters"
"Fuse lighters"
"Safety squibs"
"Electric squibs"

HAZARD

The principal hazard is involvement in a fire.
Some pyrotechnics may ignite spontaneously if exposed to moisture or high temperature, but under these conditions most types tend to become less sensitive and more difficult to ignite.
Aircraft flares and high burst ranging ground signals involved in a fire may explode.
Most other types burn with intense heat and without serious explosion.
If involved in a fire immediately apply water freely and in quantity.
Steam or fog is also effective but less so than water.
Fire fighting personnel should work from behind barriers and not expose themselves unnecessarily.

STOWAGE

Ammunition stowage, deep tank stowage or pyrotechnic locker:
Shall be stowed away from heat and in a dry location, protected against moisture contacting the stowage.
May be stowed in a deep tank with other permitted classes in accordance with stowage chart.
Shall not be stowed in a hold or compartment with any other explosives except as permitted by the stowage chart.
Shall not be overstowed with any other kind of cargo.

LOADING

Explosives anchorage.
Explosives loading pier.
Ammunition loading pier.

HANDLING

1. Handle by hand or mechanical means.
2. Do not drag, drop, tumble, walk or otherwise subject packages to shock.
3. Do not load during excessive rainy weather, unless complete protection against moisture coming in contact with the package is provided.
4. Do not use chute in loading or unloading.
5. Cargo handling stevedore gear may be trays, skipboards, pallets, or pieplates provided they are fitted with cargo nets or sideboards. Boxes or trays with fixed or removable sides are authorized.
6. Cargo nets without trays, skipboards, pallets or pieplates are not permitted.
7. Packages or containers shall be stowed in the position indicated by their markings.
8. The maximum permitted weight per draft when handled by pallet, skipboard, tray or pieplate fitted with cargo net or sideboards shall not exceed 2400 lbs. plus 10%.
9. Drafts consisting of one or more palletized units shall not exceed 4000 lbs. plus 10%.
10. Lifts of palletized units shall not be tiered except when using a sling so designed as to prevent the upper tier or tiers from shifting or falling from the draft.

NOTE: Photoflash bombs, see Class X.
Flashlight powder in bulk, see Class IX–A.
Illuminating projectiles, see Class IV–B.

CLASS II–D

Chemical ammunition.
WP or PWP filled (solid).

DESCRIPTION

All chemical ammunition, including fixed, semifixed and separate loading, filled WP or PWP (white phosphorus) when assembled or packed with or without their ignition elements, bursting charges, fuzes or propellents.
WP or PWP shipped in bulk in drums, barrels or other authorized shipping containers shall be classified as an inflammable solid.
WP or PWP when shipped in authorized ICC specification containers or CWS specification containers of integrity equal to ICC containers, (including projectiles, bombs and rocket heads, without ignition elements, bursting charges or fuzes) may be handled and stowed either as an inflammable solid or as chemical ammunition Class II–D.

Includes but is not limited to—

Bombs, Aircraft, WP or PWP filled.
British Calling Cards.
Fire Leaves.
Grenades, Hand, WP or PWP filled.
Igniters, Phosphorus filled.
Rockets, assembled with motors, WP or PWP filled.
Rocket Heads, WP or PWP filled.
Projectiles (Shells) WP or PWP filled packed with or without propellents.

I. C. C. MARKING

"Ammunition for Cannon with Explosive Projectile."
"Explosive Projectile."
"Explosive Bomb."
"Ammunition for Cannon with Smoke Projectile."
"Grenades, Hand, Smoke."

HAZARD

The principal characteristic of white phosphorus is that of spontaneously igniting upon exposure to air, burning with an intensely hot flame, and giving off large volumes of white smoke. The fumes are highly discomforting.
Burning phosphorus gives off phosphorus oxide which is toxic upon sustained exposure thereto.
Phosphorus is intensely poisonous when taken internally. It becomes liquid at 111° F.
Leakage which sometimes occurs, usually gives warning by smoke.
Ammunition fitted with fuzes and boosters, if involved in a fire, will usually explode with moderate violence thus tending to spread the fire rapidly.
Apply water freely and in quantity to control spread of fire.
Steam or fog is also effective but less so than water.
It is necessary to keep the loose WP or PWP completely covered with water to prevent reignition.
Organic material contaminated with WP or PWP, such as dunnage in the holds of vessels, must be removed and disposed of by burning. Otherwise, after drying out, these substances are likely to reignite.
Rockets, phosphorus filled, assembled with motor and involved in a fire will present an additional hazard due to the propulsive nature of the rocket.
Loose phosphorus in contact with skin tissue will adhere causing painful burns and continue to consume skin tissue until removed. A solution of copper sulphate is effective in counteracting this action. Use rubber protective gloves, boots, aprons and gas masks to provide effective protection.

STOWAGE

Ammunition stowage, chemical ammunition stowage; or deep tank stowage

It is important to stow in locations not subject to temperatures above 100° F.
Shall not be stowed in a hold or compartment with any other ammunition except as permitted by the stowage chart.
Drums or other authorized I. C. C. or CWS specification containers filled with WP or PWP may be stowed in the same hold or compartment with chemical ammunition Class II–D.

LOADING

Explosives anchorage.
Explosives loading pier.
Ammunition loading pier.

HANDLING

1. Handle by hand or mechanical means.
2. Do not drop, drag, tumble, walk or otherwise subject packages to shock.
3. Do not use chute in loading or unloading.
4. Observe packages or projectiles (shells) for leakage and reject any showing such signs.
5. Packages or containers shall be stowed in the position indicated by their marking.
6. Cargo handling stevedore gear may be trays, skipboards, pallets or pieplates provided they are fitted with cargo nets or sideboards. Boxes or trays with fixed or removable sides are authorized.
7. Cargo nets without trays, skipboards, pallets or pieplates are not permitted.
8. The maximum permitted weight per draft when handled by pallet, skipboard, tray or pieplate fitted with cargo net or sideboards shall not exceed 2400 lbs. plus 10%.
9. Drafts consisting of one or more palletized units shall not exceed 4000 lbs. plus 10%.
10. Lifts of palletized units shall not be tiered except when using a sling so designed as to prevent the upper tier or tiers from shifting or falling from the draft.
11. Wire rope slings are permitted when handling unboxed bombs or containers filled with WP or PWP. (See Table of Limiting Loads, Class X.)
12. Drums of WP or PWP shall not be handled by attaching hooks to the chime of the drums.

NOTE: The U. S. Army and Navy, when shipping ammunition filled with white phosphorus mark such ammunition and the containers thereof with the word "smoke" and the symbol WP or PWP. The ammunition is also marked with one yellow band.

CLASS II–E

Chemical ammunition.
HC filled (solid).

DESCRIPTION

All chemical ammunition, including fixed, semi-fixed and separate loading, filled with HC (hexachlorethene mixture) when assembled or packed with or without their ignition elements, bursting charges, ejection charges, fuzes or propellents.

HC (hexachlorethane mixture) shipped in bulk in drums, barrels or other authorized shipping containers shall be classified as an oxidizing material.

HC (hexachlorethane mixture) when shipped in authorized ICC specification containers or CWS specification containers of integrity equal to ICC containers (including shells and bombs, without ignition elements, bursting charges or fuzes) may be handled and stowed either as an oxidizing material or as chemical ammunition Class II–E.

Includes but is not limited to—

Bombs, aircraft, smoke, HC filled.
Bombs, floating, smoke, HC filled.
Bombs, smoke identification, HC filled.
Floats, smoke, HC filled.
Grenades, Hand, HC filled.
Grenades, Signal, HC filled.
Grenades, Colored smoke, HC filled.
Pots, smoke, HC filled.
Shells, artillery, smoke, HC filled.
Shells, mortar, smoke, HC filled.

I. C. C. MARKING

"Ammunition for Cannon with Smoke Projectile."
"Grenade, Hand, Smoke."
"Explosive Projectile."
"Explosive Bomb."

HAZARD

HC (hexachlorethane mixture) is subject to spontaneous ignition through the action of moisture on the HC mixture. Once started, the temperature rises quickly and may be sufficient to cause adjacent containers of HC to ignite. The reaction once started is self-supporting and requires no oxygen.

Water can be applied freely to prevent spread of fire. The use of Foamite, CO_2 or fog nozzles is less effective.

Personnel fighting fire involving HC articles of ammunition, especially when stowed in the hold of a vessel, should avoid working in dense smoke if not wearing rescue breathing apparatus or gas masks, if the space is not provided with sufficient ventilation.

STOWAGE

Ammunition stowage, chemical ammunition stowage, or deep tank stowage—

It is important to stow in locations not subject to temperatures above 100° F. and protected from moisture.

Shall not be stowed in a hold or compartment with any other ammunition except as permitted by the stowage chart.

Stowage shall be accessible from cargo hatch or other access means to the hold or compartment.

Drums or other authorized ICC or CWS specification containers filled with HC may be stowed in the same hold or compartment with chemical ammunition Class II–E.

LOADING

Explosives anchorage.
Explosives loading pier.
Ammunition loading pier.

HANDLING

1. Handle by hand or mechanical means.
2. Do not drop, drag, tumble, walk or otherwise subject packages to shock.
3. Do not use chute in loading or unloading.
4. Observe packages or projectiles (shells) for leakage and reject any showing such signs.
5. Packages or containers shall be stowed in the position indicated by their marking.
6. Cargo handling stevedore gear may be trays, skipboards, pallets or pieplates provided they are fitted with cargo nets or sideboards. Boxes or trays with fixed or removable sides are authorized.
7. Cargo nets without trays, skipboards, pallets or pieplates are not permitted.
8. The maximum permitted weight per draft when handled by pallet, skipboard, tray or pieplate fitted with cargo net shall not exceed 2400 lbs. plus 10%.
9. Drafts consisting of one or more palletized units shall not exceed 4000 lbs. plus 10%.
10. Lifts of palletized units shall not be tiered except when using a sling so designed as to prevent the upper tier or tiers from shifting or falling from the draft.
11. Wire rope slings are permitted when handling unboxed bombs or containers filled with HC (hexachlorethane mixture). (See Table of Limiting Loads, Class X.)
12. Drums of HC (hexachlorethane mixture) shall not be handled by attaching hooks to the chime of the drums.

NOTE: The U. S. Army and Navy when shipping ammunition filled with HC smoke or colored smoke mark such ammunition HC smoke or colored smoke and mark the ammunition with one yellow band.

CLASS II–F

Chemical ammunition.
FS or FM smoke filled (liquid).

DESCRIPTION

All chemical ammunition including fixed, semi-fixed and separate loading filled with smoke, FS (sulfur trioxide in chlorsulfonic acid) or FM (titanium tetrachloride) when assembled or packed with or without their bursting charges, fuzes or propellents.

FS or FM shipped in drums, barrels, cylinders or other authorized containers shall be classified as a corrosive liquid.

FS or FM when shipped in authorized ICC specification containers or CWS specification containers of integrity equal to ICC containers (including shells, rocket heads, without bursting charges or fuzes) may be handled and stowed either as a corrosive liquid or as chemical ammunition Class II–F.

Includes but is not limited to—

Grenades, Frangible, smoke FS or FM filled.
Grenades, smoke, FS or FM filled.
Rockets, FS or FM filled.
Shell, artillery, FS or FM filled.
Shell, mortar, FS or FM filled.
Spotting Charges, FS filled.

I. C. C. MARKING

"Ammunition for cannon with smoke projectile."
"Grenade, hand, smoke."
"Explosive projectile."

HAZARD

FS (sulfur trioxide in chlorsulfonic acid) and FM (titanium tetrachloride) are liquids which fume badly when hot. They react violently with small amounts of water and form a dense white smoke upon release to the atmosphere.

FS is highly corrosive both as a liquid and as a smoke.

FM is corrosive in liquid form only but its smoke is very irritating.

Leakage of FS or FM should be washed off immediately with large volumes of water.

Personnel working in a confined space where high concentrations of FS or FM smoke exist should use rubber protective gloves, boots, aprons and gas masks for effective protection.

STOWAGE

Ammunition stowage, chemical ammunition stowage: deep tank stowage—

It is important to stow away from heat and to protect from moisture.

Shall not be stowed with any other types of ammunition except as permitted by stowage chart.

Drums or other authorized ICC or CWS specification containers filled with FS or FM may be stowed in the same hold or compartment with chemical ammunition Class II–F.

Shall not be stowed over other types of ammunition.

LOADING

Explosives anchorage.
Explosives loading pier.
Ammunition loading pier.

HANDLING

1. Handle by hand or mechanical means.
2. Do not drop, drag, tumble, walk or otherwise subject packages to shock.
3. Observe packages or projectiles (shells) for leakage and reject any showing such signs.
4. Containers or projectiles shall be stowed in the position indicated by their marking.
5. Cargo handling stevedore gear may be trays, skipboards, pallets or pieplates provided they are fitted with cargo nets or sideboards. Boxes or trays with fixed or removable sides are authorized.
6. Cargo nets without trays, skipboards, pallets or pieplates are not permitted.
7. The maximum permitted weight per draft when handled by pallet, skipboard tray or pieplate fitted with cargo net or sideboards shall not exceed 2400 lbs. plus 10%.
8. Drafts consisting of one or more palletized units shall not exceed 4000 lbs. plus 10%.
9. Lifts of palletized units shall not be tiered except when using a sling so designed as to prevent the upper tier or tiers from shifting or falling from the draft.
10. Drums of FS or FM shall not be handled by hooks attached to the chime of the drums.

NOTE: The U. S. Army and Navy when shipping ammunition filled with FS or FM smoke mark such ammunition and the containers thereof with the word "Smoke" and the symbol FS or FM. The ammunition is also marked with one yellow band.

CLASS II–G

Chemical ammunition.
Incendiary composition IM, PT or NP filled (oil gel).

DESCRIPTION

Chemical ammunition filled with IM, PT or NP (thickened fuels) when assembled or packed with or without ignition elements, bursting charges or fuzes.

IM, PT or NP shipped in drums, barrels or other authorized shipping containers shall be classified as an inflammable solid.

IM, PT or NP when shipped in authorized ICC specification containers or CWS specification containers of integrity equal to ICC containers (including bombs without ignition elements, bursting charges or fuzes) may be handled and stowed either as an inflammable solid or as chemical ammunition Class II–G.

Includes but is not limited to—

Bombs.
Bombs, cluster incendiary (AN–M12 and AN–M13 typical).
Frangible grenades.

I. C. C. MARKING

"Explosive Bomb."
"Grenade, Hand, Incendiary."

HAZARD

The principal hazard of IM, PT or NP filled items is involvement in a fire.

They burn rapidly with intense heat.

Extinguishment of fires is best accomplished by means of water fog.

Fog foam or a foam stream (mechanical or chemical) is likewise effective.

CO_2 should not be used unless the fire is small and in its incipient stage.

In the holds of a vessel large volumes of water are recommended as a cooling agent, provided such may be employed without "floating off" burning gel.

The vapors from heated napalm are toxic and rescue breathing apparatus should be worn while working in noticeable concentrations.

Clusters of incendiary bombs in this category may contain a certain percentage of bombs having a high explosive charge capable of causing fragments which would be dangerous to fire-fighting personnel.

STOWAGE

Ammunition stowage, chemical ammunition stowage: or deep tank stowage

Shall not be stowed in proximity of a heat bulkhead or in a hold or compartment with any other explosives except as permitted by the stowage chart.

LOADING

Explosives anchorage.
Explosives loading pier.
Ammunition loading pier.

HANDLING

1. Handle by hand or mechanical means.
2. Do not drop, drag, tumble, walk or otherwise subject packages, containers or bombs to shock.
3. Do not use chute in loading or unloading.
4. Observe packages, containers or bombs for failure or inability to retain contents and reject any showing such signs.
5. Packages, or containers shall be stowed in the position indicated by their marking.
6. Cargo handling stevedore gear may be trays, skipboards, pallets or pieplates provided they are fitted with nets or sideboards. Boxes or trays with fixed or removable sides are authorized.
7. Cargo nets without trays, skipboards, pallets or pieplates are not permitted.
8. The maximum permitted weight per draft when handled by pallet, skipboard, tray or pieplate fitted with cargo net sideboards shall not exceed 2400 lbs. plus 10%.
9. Drafts consisting of one or more palletized units shall not exceed 4000 lbs. plus 10%.
10. Lifts of palletized units shall not be tiered except when using a sling so designed as to prevent the upper tier or tiers from shifting or falling from the draft.
11. Wire rope slings are permitted when handling unboxed bombs or containers filled with IM, PT or NP. (See Table of Limiting Loads, Class X.)
12. Drums of IM, PT or NP shall not be handled by attaching hooks to the chime of the drums.

NOTE: The U. S. Army and Navy when shipping ammunition filled with these incendiary compositions mark such ammunition or containers thereof with the CWS symbol of the filler and one purple band.

CLASS II–H

Chemical ammunition.
Water activated.

DESCRIPTION

Chemical ammunition filled with sodium, calcium carbide, calcium phosphide, lithium hydride, with or without explosive components.

Includes but is not limited to—

Beacons, NEA.
Can, false target.
Depth Charge Markers, night.
Grenades, sodium filled.
Igniters, sodium filled.
Pots, torpedo torch.
Shell, false target.

HAZARD

Sodium or lithium hydride

On contact with moisture metallic sodium or lithium hydride will liberate large quantities of hydrogen gas thus producing an explosive hazard.

The reaction of metallic sodium with water is sufficiently violent to cause ignition of the liberated hydrogen.

Fumes from burning sodium are caustic.

Calcium carbide or calcium phosphide

On contact with moisture calcium carbide or calcium phosphide will liberate phosphine and acetylene gases.

The phosphine is toxic but extremely unstable, ignites spontaneously and at the same time ignites the acetylene gas.

Fires involving these items cannot be extinguished by water, carbon dioxide or foam. Smothering with an inert substance such as dry sand or dry soda ash offers effective control.

Jettisoning should not be accomplished in a port or roadstead as the floats will continue to burn until filter is consumed jeopardizing other vessels and piers.

STOWAGE

Special stowage

On deck in a portable magazine, in a deck house or other location readily accessible for jettisoning.

Stowage shall be waterproof.

Shall not be stowed with any other dangerous articles.

LOADING

Explosives loading anchorage.
Explosives loading pier.
Ammunition loading pier.

HANDLING

1. Handle by hand or mechanical means.
2. Do not drop, drag, tumble, walk or otherwise subject packages to shock.
3. Do not use chute in loading or unloading.
4. Do not load during excessive rainy weather unless complete protection against moisture coming in contact with the package is provided.
5. Observe packages or containers for evidence of sifting or inability to retain contents and reject any showing such signs.
6. In event a package is damaged and powder is spilled, immediately stop operations and sweep up any loose powder.
7. Remove damaged container and residue of powder to a safe location.
8. Cargo handling stevedore gear may be trays, skipboards, pallets or pieplates provided they are fitted with cargo nets or sideboards. Boxes or trays with fixed or removable sides are authorized.
9. Cargo nets without trays, skipboards, pallets or pieplates are not permitted.
10. The maximum permitted weight per draft when handled by pallet, skipboard, tray or pieplate fitted with cargo net or sideboards shall not exceed 2,400 lbs. plus 10%.
11. Drafts consisting of one or more palletized units shall not exceed 4,000 lbs. plus 10%.
12. Lifts of palletized units shall not be tiered except when using a sling so designed as to prevent the upper tier or tiers from shifting or falling from the draft.

CLASS II–J

Chemical ammunition; TH incendiary composition filled (solid).

DESCRIPTION

All chemical ammunition filled with incendiary composition—TH (thermite, thermate or thermate magnesium) with fuze or explosive element.

Includes but is not limited to—

Bombs, incendiary cluster.
Grenades, thermate.
Incendiary safe destroyers.
Thermite burning charges.
Thermite charges under water.
Thermite igniters.
Thermite units 10 lbs.

I. C. C. MARKING

Grenade, hand incendiary.
Explosive bomb.

HAZARD

The principal hazard of TH filled items is involvement in a fire.

They burn rapidly with intense heat and usually form large quantities of molten iron.

The presence of a small explosive charge in some TH items forms an additional hazard in case of fire.

Carbon dioxide and carbon tetrachloride extinguishers should not be used to combat fires involving TH because the reaction of carbon tetrachloride with molten metal produces toxic gases and that of carbon dioxide on magnesium may produce an explosion.

In the hold of a vessel large volumes of water are recommended as an extinguishing agent. Fire fighters should work from behind barriers when possible.

STOWAGE

Deep tank stowage or ammunition stowage

Shall not be stowed in a hold or compartment with any other explosives except as permitted by stowage chart.

LOADING

Explosives anchorage.
Explosives loading pier.
Ammunition loading pier.

HANDLING

1. Handle by hand or mechanical means.
2. Do not drop, drag, tumble, walk or otherwise subject packages to shock.
3. Do not use chute in loading or unloading.
4. Observe packages or containers for evidence of failure or inability to retain contents and reject any showing such signs.
5. Cargo handling stevedore gear may be trays, skipboards, pallets or pieplates provided they are fitted with cargo nets or sideboards. Boxes or trays with fixed or removable sides are authorized.
6. Cargo nets without trays, skipboards, pallets or pieplates are not permitted.
7. The maximum permitted weight per draft when handled by pallet, skipboard, tray or pieplate fitted with cargo net or sideboards shall not exceed 2400 lbs. plus 10%.
8. Drafts consisting of one or more palletized units shall not exceed 4000 lbs. plus 10%.
9. Lifts of palletized units shall not be tiered except when using a sling so designed as to prevent the upper tier or tiers from shifting or falling from the draft.
10. Wire rope slings are permitted when handling unboxed bombs or containers filled with TH. (See Table of Limiting Loads, Class X.)

NOTE. The U. S. Army and Navy when shipping ammunition filled with these incendiary compositions, mark such ammunition or containers thereof with the CWS symbol of the filler and with one purple band.

CLASS III

Fuzes, PD and BD; fuze, AT mine non-chemical; fuze, tracer; primers, etc.

DESCRIPTION

Point detonating fuzes for projectiles; minor caliber base detonating fuzes; powder train time fuze; anti-tank mine fuzes (non-chemical); primers, cannon other than lock primer when packed in separate shipping containers.

Includes but is not limited to—

Case combination primer.
Case percussion ignition primer.
Case percussion primer.
Combination electric and percussion primer.
Fuze, anti-tank, mine (non-chemical).
Fuze, base percussion.
Fuze, minor caliber base detonating.
Fuze, percussion.
Fuze, point detonating.
Fuze, TSQ.
Tracer, fuze.
Fuze, powder train.
Magazine, extension primers.
Percussion primers other than lock

I. C. C. MARKING

"Combination Fuzes."
"Detonating Fuzes."
"Percussion Fuzes."
"Tracer Fuzes."
"Cannon Primers."
"Combination Primers."

HAZARD

The amount of explosives in single items of this class, including the booster varies from 30 to 500 grains. It is likely they will explode progressively.

Structural damage caused by the pressures generated would probably be limited to the immediate vicinity.

Missiles are light and usually fall within 300 feet.

These types of ammunition are loaded with explosives that are sensitive to shock and friction.

Shock and fire are the principal hazards to this type of ammunition.

If involved in a fire, fire fighting personnel should take normal precautions and not expose themselves unnecessarily.

Fire may be controlled and extinguished by flooding or spraying with large amounts of water.

STOWAGE

Ammunition stowage, special stowage, or portable magazine, which may be stowed in a hold or on deck—

This class of ammunition shall not be overstowed with any other cargo or ammunition except Classes VI and VIII.

LOADING

Explosives anchorage.
Explosives loading pier.
Ammunition loading pier.

HANDLING

1. Handle by hand or mechanical means.
2. Do not drop, drag, tumble, walk or otherwise subject packages to shock.
3. Gravity roller conveyors not authorized.
4. Do not use chute in loading or unloading.
5. Trays with sideboards shall be used when loading by mechanical means.
6. Packages shall not be stacked on a tray to a height above its sideboards.
7. Trays shall not be swung unnecessarily over open hatches or holds containing ammunition, explosives in bulk, or other dangerous cargo.
8. Trays shall be hoisted and lowered carefully and deposited without undue shock on a mattress or other shock absorbing material.
9. Packages shall be stowed in the position indicated by their markings.
10. The maximum permitted weight per draft when handled by tray with sideboards shall not exceed 2400 lbs. plus 10%.
11. Drafts consisting of one or more palletized units shall not exceed 4000 lbs. plus 10%.
12. Lifts of palletized units shall not be tiered except when using a sling so designed as to prevent the upper tier or tiers from shifting or falling from the draft.
13. A portable magazine in which this class of ammunition is stowed and hoisted on board a vessel as a unit load shall not exceed 4000 lbs. plus 10%.

CLASS IV–A

Fixed ammunition without explosive projectile (shell) and like items.

DESCRIPTION

Fixed ammunition with solid projectile, blind loaded projectile, empty projectile or without projectile—(the explosive components consisting of the primer and powder charges in a cartridge case); cartridge cases primed and containing powder charge; practice grenades; practice and target rockets.

Includes but is not limited to—

Ammunition for cannon:
  Blank.
  Blind loaded and plugged.
  Blind loaded with tracer.
  Empty projectile.
  Solid projectile.
  Without projectile.
Ammunition, armor piercing, shot (without H. E.).
Cartridges, blank, saluting.
Cartridges, semi-fixed for Navy type guns: 5"/38, 5"/51, 5"/54, 6"/47.
Cartridge, semi-fixed 4.7" (Army w/o projectile).
Charges: Catapult, "K" gun, spotting, black powder, torpedo impulse, "Y" gun.
Grenade, hand, practice.
Grenade, rifle, practice.
Rocket-target.
Rocket motors (without rocket heads).
Rockets, packed with but not assembled to inert rocket heads.

I. C. C. MARKING

"Ammunition for cannon with empty projectile."
"Ammunition for cannon with sand-loaded projectile."
"Ammunition for cannon with solid projectile."
"Ammunition for cannon without projectile."

HAZARD

The principal hazard associated with this class of ammunition is its involvement in a fire.

Pressures which would cause serious structural damage are not usually generated.

If involved in a fire, it is possible the fire may be controlled or extinguished by flooding or spraying with large amounts of water.

Fire fighting personnel should take appropriate precautions and not expose themselves unnecessarily.

STOWAGE

Ammunition stowage

Boxed and crated ammunition may be overstowed with nondangerous cargo.

Fiber-bundle pack containers, crated or uncrated, may be stowed on their bases or sides.

Unboxed or uncrated fiber pack containers shall not be overstowed with other cargo.

Tanked ammunition may be overstowed with bomb fin assemblies, empty water fillable practice bombs and empty auxiliary gas tanks.

LOADING

Explosives anchorage.
Explosives loading pier.
Ammunition loading pier.

HANDLING

1. Handle by hand or mechanical means.
2. Do not drop, drag, tumble, walk or otherwise subject packages to shock.
3. Cargo handling stevedore gear may be trays, skipboards, pallets or pieplates provided they are fitted with cargo nets or sideboards. Boxes or trays with fixed or removable sides are authorized.
4. Cargo nets without trays, skipboards, pallets or pieplates are not authorized.
5. The maximum permitted weight per draft when handled by pallet, skipboard, tray or pieplate fitted with cargo net or sideboards shall not exceed 2400 lbs. plus 10%.
6. Drafts consisting of one or more palletized units shall not exceed 4000 lbs. plus 10%.
7. Lifts of palletized units shall not be tiered except when using a sling so designed as to prevent the upper tier or tiers from shifting or falling from the draft.

CLASS IV–B

Fixed and semifixed ammunition with explosive loaded projectile or shell.

DESCRIPTION

Fixed and semifixed ammunition, packed as complete rounds, including artillery, mortar and gun ammunition; grenades and rockets; when assembled with explosive projectile or bursting charge. Small-arms ammunition with explosive bullets or projectiles.

Includes but is not limited to—

Artillery ammunition of calibers 20 mm. to 5" inclusive, with explosive projectiles or illuminating projectiles.
Grenades, hand, defensive.
Grenades, hand, defensive, TNT filled, fuzed.
Grenades, hand, defensive, TNT filled, unfuzed.
Grenades, hand, fragmentation.
Grenades, rifle, A. T.
Grenades, rifle, fragmentation.
Grenades, rifle, H. E. filled.
Gun ammunition of calibers 20 mm to 5" inclusive, with explosive projectiles or illuminating projectiles.
Mortar ammunition (explosive or illuminating).
Rockets, 2.36" A. T. (Bazooka).
Rockets, with explosive or illuminating heads packed in the same container with motors.
Small-arms ammunition with explosive bullets (calibers .50 and .60).

I. C. C. MARKING

"Ammunition for Cannon with Explosive Projectiles."
"Ammunition for Small Arms with Explosive Bullets."
"Ammunition for Small Arms with Explosive Projectiles."
"Hand Grenades."
"Rifle Grenades."

HAZARD

Articles in this class present a severe fire hazard and usually explode progressively, only a few boxes at a time, many explosions or individual rounds being of a very low order.

Pressures which would cause serious structural damage are not usually generated.

Most missiles would fall within 600 feet.

If involved in a fire, it is possible the fire may be controlled or extinguished by flooding or spraying with large amounts of water.

Fire fighting personnel should take appropriate precautions and not expose themselves unnecessarily.

STOWAGE

Ammunition stowage

Boxed and crated ammunition may be overstowed with nondangerous cargo.

Fiber bundle pack containers, crated or uncrated, may be stowed on their bases or sides.

Unboxed or uncrated fiber pack containers shall not be overstowed with other cargo.

Tanked ammunition may be overstowed with bomb fin assemblies, empty water fillable practice bombs and empty auxiliary gas tanks.

LOADING

Explosives anchorage.
Explosives loading pier.
Ammunition loading pier.

HANDLING

1. Handle by hand or mechanical means.
2. Do not drop, drag, tumble, walk or otherwise subject packages to shock.
3. Cargo handling stevedore gear may be trays, skipboards, pallets or pieplates, provided they are fitted with cargo nets or sideboards. Boxes or trays with fixed or removable sides are authorized.
4. Cargo nets without trays, skipboards, pallets or pieplates are not authorized.
5. The maximum permitted weight per draft when handled by pallet, skipboard, tray or pieplate fitted with cargo net or sideboards shall not exceed 2400 lbs. plus 10%.
6. Drafts consisting of one or more palletized units shall not exceed 4000 lbs. plus 10%.
7. Lifts of palletized units shall not be tiered except when using a sling so designed as to prevent the upper tier or tiers from shifting or falling from the draft.

CLASS V

Separate loading shells filled with explosive "D."

DESCRIPTION

Separate loading shell of all calibers filled with explosive "D," fuzed or unfuzed; and shell filled with explosive "D," fuzed or unfuzed, not assembled to or packed with cartridge cases.

Explosive "D" is used as a bursting charge for all projectiles which must withstand severe stresses and shocks before detonating; such as armor-piercing projectiles.

Includes but is not limited to—

Armor piercing shells.
Deck piercing shells.

I. C. C. MARKING

"Explosive Projectile."

HAZARD

If involved in a fire will very likely detonate as a result of exposure to heat.

These shells usually explode one at a time and in practically all cases with low order explosion. There is no certainty that en masse explosion will not occur.

Most missiles will fall within 1,200 feet.

STOWAGE

Ammunition stowage

This ammunition, boxed, unboxed, or palletized units thereof, may be overstowed.

Care must be taken not to damage rotating bands of shells that are not in containers.

LOADING

Explosives anchorage.
Explosives loading pier.
Ammunition loading pier.

Fire fighting personnel should take appropriate precautions and not expose themselves unnecessarily.

STOWAGE

Ammunition stowage

Boxed and crated ammunition may be overstowed with nondangerous cargo.

Fiber bundle pack containers, crated or uncrated, may be stowed on their bases or sides.

Unboxed or uncrated fiber pack containers shall not be overstowed with other cargo.

Tanked ammunition may be overstowed with bomb fin assemblies, empty water fillable practice bombs and empty auxiliary gas tanks.

LOADING

Explosives anchorage.
Explosives loading pier.
Ammunition loading pier.

HANDLING

1. Handle by hand or mechanical means.
2. Do not drop, drag, tumble, walk or otherwise subject packages to shock.
3. Cargo handling stevedore gear may be trays, skipboards, pallets or pieplates, provided they are fitted with cargo nets or sideboards. Boxes or trays with fixed or removable sides are authorized.
4. Cargo nets without trays, skipboards, pallets or pieplates are not authorized.
5. The maximum permitted weight per draft when handled by pallet, skipboard, tray or pieplate fitted with cargo net or sideboards shall not exceed 2400 lbs. plus 10%.
6. Drafts consisting of one or more palletized units shall not exceed 4000 lbs. plus 10%.
7. Lifts of palletized units shall not be tiered except when using a sling so designed as to prevent the upper tier or tiers from shifting or falling from the draft.

NOTE: In general, Classes V and VII types of projectiles will be shipped in accordance with the following basic rules: Point fuzed shell with false ogives will be crated. Point fuzed shell without false ogives will have grommets and eyebolt lifting plugs. Base fuzed shell with relatively fragile parts such as false ogives, steel caps and windshields will be crated. Base fuzed shell without false ogives will not be crated but will have grommets to protect rotating bands.

CLASS VI

BD fuzes.
Bomb fuzes.
Rocket fuzes.
And like items.

DESCRIPTION

Major and medium caliber base detonating fuzes; bomb fuzes and rocket fuzes with or without booster; auxiliary booster assembled to or packed with the fuze; depth charge pistol with detonator and with or without booster assembled to or packed with pistol.

(For boosters, auxiliary boosters, bursters, etc. having no initiating or priming elements and packed independently, see Class X.)

Includes but is not limited to—

Adapter booster, with detonator.
Auxiliary booster, with detonator.
Booster assembly, with detonator.
Burster, with detonator.
Fuze:
  Auxiliary detonating.
  Bomb nose.
  Bomb tail.
  Hydrostatic bomb.
  Hydrostatic bomb tail.
  Major caliber base detonating.
  Medium caliber base detonating.
  Rocket.
  VT with or without booster.
Depth charge pistol, with detonator and with or without booster.
Mine firing mechanism, C–1.

I. C. C. MARKING

"Detonating Fuzes."

HAZARD

The amount of explosive in single items does not usually exceed one-half pound.

It is likely they would explode progressively.

Structural damage caused by the pressure generated would probably be limited to the immediate vicinity.

Missiles are light and usually fall within 600 feet.

These types of ammunition are loaded with explosives that are sensitive to shock and heat.

If involved in a fire, it is possible the fire may be controlled or extinguished by flooding or spraying with large amounts of water.

Fire fighting personnel shall take appropriate precautions and not expose themselves unnecessarily.

STOWAGE

Ammunition stowage, special stowage, or portable magazine, which may be stowed in hold or on deck

This class of ammunition shall not be overstowed with any other cargo or ammunition except classes III and VIII.

LOADING

Explosives anchorage.
Explosives loading pier.
Ammunition loading pier.

HANDLING

1. Handle by hand or mechanical means.
2. Do not drop, drag, tumble, walk or otherwise subject package to shock.
3. Gravity roller conveyors not authorized.
4. Do not use chute in loading or unloading.
5. Trays with sideboards shall be used when loading by mechanical means.
6. Packages shall not be stacked on a tray to a height above its sideboards.
7. Trays shall not be swung unnecessarily over open hatches or holds containing ammunition, explosives in bulk, or other dangerous cargo.
8. Trays shall be hoisted and lowered carefully and deposited without undue shock on a mattress or other shock absorbing material.
9. Packages shall be stowed in the position indicated by their markings.
10. The maximum permitted weight per draft when handled by tray with sideboards shall not exceed 2400 lbs. plus 10%.
11. Drafts consisting of one or more palletized units shall not exceed 4000 lbs. plus 10%.
12. Lifts of palletized units shall not be tiered except when using a sling so designed as to prevent the upper tier or tiers from shifting or falling from the draft.
13. A portable magazine in which this class of ammunition is stowed and hoisted on board a vessel as a unit load shall not exceed 4000 lbs. plus 10%.

CLASS VII

Separate loading shells with H. E. other than explosive "D".

DESCRIPTION

Separate loading shell of all calibers, fuzed or unfuzed, except those loaded with explosive "D", and loaded shell, except those loaded with explosive "D", and loaded shell, except those loaded with explosive "D", fuzed or unfuzed, not assembled to or packed with cartridge cases, fuzed cluster fragmentation bombs, rocket heads, fuzed or unfuzed, and less than 200 lbs. gross weight, anti-tank mines, fuzed or packed with fuzes in the same container or box.

Includes but is not limited to—

Anti-tank mines, fuzed.
Cluster, fragmentation bomb (with individual bombs fuzed, but without cluster fuzed).
High explosive shell.
High explosive anti-tank shell.
Rocket heads, fuzed or unfuzed and under 200 lbs. not assembled to or shipped with rocket motors.
Wafers of fragmentation bombs (with individual bombs fuzed).

I. C. C. MARKING

"Explosive Projectile."
"Explosive Bomb."

HAZARD

The principal hazard in transportation will be involvement in fire from sources other than the ammunition itself.

Shells or bombs in this class may explode progressively but very likely en masse.

Most missiles will fall within 1800 feet and detonation will result in severe structural damage increasing in severity and range in relation to the amount of high explosives involved.

STOWAGE

Ammunition stowage

This ammunition, boxed, unboxed, or palletized units thereof, may be overstowed.

Care must be taken not to damage rotating bands of unboxed shells.

LOADING

Explosives anchorage.
Explosives loading pier.
Ammunition loading pier.

HANDLING

1. Handle by hand or mechanical means.
2. Do not drop, drag, tumble, walk or otherwise subject packages to shock.
3. Do not use chute in loading or unloading.
4. Bare projectile (shells) shall not be rolled except under hand control and on a level surface without appreciable incline.
5. Protect rotating bands from damage. Avoid injury to or removal of paint or grease from bourrelet.
6. When handling items packed in outside containers, cargo handling stevedore gear may be trays, skipboards, pallets or pipeplates provided they are fitted with cargo nets or sideboards. Boxes or trays with removable sides are authorized.
7. Shell tongs or lifting stud and eye are authorized. Wire slings of a design approved by the Captain of the Port may be used.
8. Cargo nets without trays, skipboards, pallets or pieplates are not permitted.
9. The maximum permitted weight per draft when handled by trays, skipboards, pallets or pieplates fitted with cargo nets or sideboards shall not exceed 2400 lbs. plus 10%.
10. Single shells weighing in excess of 2201 lbs. must be loaded or unloaded one at a time.
11. Drafts consisting of one or more palletized units shall not exceed 4000 lbs. plus 10%.
12. Lifts of palletized units shall not be tiered except when using a sling so designed as to prevent the upper tier or tiers from shifting or falling from the draft.

NOTE: In general, Classes V and VII types or projectiles will be shipped in accordance with the following basic rules: Point fuzed shell with false ogives will be crated. Point fuzed shell without false ogives will have grommets and eyebolt lifting plugs. Base fuzed shell with relatively fragile parts such as false ogives, steel caps, and windshields will be crated. Base fuzed shell without false ogives will not be crated but will have grommets to protect rotating bands.

CLASS VIII

Blasting caps.
Detonators.
Primer detonators.
AT mine fuzes (chemical) etc.

DESCRIPTION

Blasting caps of all types, detonators; grenade fuzes, detonating type; primer detonators for bombs; fuzes, anti-tank mine (chemical).

Includes but is not limited to—

Blasting caps.
Blasting caps with safety fuse.
Electric blasting caps.
Detonating grenade fuzes.
Detonators, all types.
Detonators, torpedo.
Destructor AN–M1 and AN–M3.
Fuzes, AT mine (chemical).
Priming assembly for demolition outfit Mk 104.
Primer detonators.

I. C. C. MARKING

"Blasting Caps."
"Blasting Caps with Safety Fuse."
"Electric Blasting Caps."
"Detonating Fuzes."

HAZARD

The two primary hazards in the transportation of these devices are shock and involvement in fire.

A collateral hazard is the effect of the detonation of these articles upon other explosives or ammunition stowed in proximity to such articles.

All of this class ammunition in a unit stowage may explode at one time, but as the total amount of explosives involved is limited, structural damage would not tend to be great.

Light missiles having limited range would be formed.

STOWAGE

Magazine stowage "A," special stowage, or portable magazine, which may be stowed in hold or on deck

The location of magazines is restricted to a hold or compartment in which no other explosives or ammunition (except classes I, III, and VI) are stowed.

Shall not be stowed in the same hold or compartment with inflammable liquids, inflammable solids, oxidizing materials, corrosive liquids, compressed gases, poisons or hazardous articles.

Shall not be stowed within 8 feet of the vessel's side.

This class of ammunition shall not be overstowed with any other cargo.

For detail of stowage see § 146.29–44.

LOADING

Explosives anchorage.
Explosives loading pier.
Ammunition loading pier.

HANDLING

Ammunition of Class VIII constitutes a distinct class of ammunition when not assembled in projectiles, bombs, or other ammunition. These types of ammunition are loaded with explosives that are sensitive to shock. The handling and stowage provisions of these regulations give consideration to the probable effect accidental detonation of these devices may have upon other ammunition or explosives stowed within the vessel.

1. Handle by hand or mechanical means.
2. Do not drop, drag, tumble, walk or otherwise subject package to shock.
3. Gravity roller conveyors not authorized.
4. Do not use chute in loading or unloading.
5. Trays with sideboards shall be used when loading by mechanical means.
6. Packages shall not be stacked on a tray to a height above its sideboards.
7. Trays shall not be swung unnecessarily over open hatches or holds containing ammunition, explosives in bulk or other dangerous cargo.
8. Trays shall be hoisted and lowered carefully and deposited without undue shock on a mattress or other shock absorbing material.
9. Packages shall be stowed in the position indicated by their markings.
10. The maximum permitted weight per draft when handled by tray with sideboards shall not exceed 1000 lbs. plus 10%.
11. Drafts consisting of one or more palletized units shall not exceed 2400 lbs. plus 10%.
12. Lifts of palletized units shall not be tiered except when using a sling so designed as to prevent the upper tier or tiers from shifting or falling from the draft.
13. A portable magazine in which this class of ammunition is stowed and hoisted on board a vessel as a unit load shall not exceed 2400 lbs. plus 10%.

CLASS IX–A

Explosives in bulk such as:
Black powder.
Smokeless powder for small arms, etc.

DESCRIPTION

Black powder in bulk, ballistite (for small arms), smokeless powder for small arms, black blasting powder, flash powder and powders having similar hazard characteristics to those named.

Includes but is not limited to—

Black blasting powder.
Black fuze powder.
Black pellet powder.
Black powder.
Black powder and magnesium mixtures.
Black rifle powder.
Black shell powder.
Cannon powder.
Charges, Lyle gun.
Charges, saluting.
Empty powder bags, with black powder igniters.
FF black powder.
FF unglazed black powder.
FFFG black powder.
Flash cartridges over 72 grains.
Flash powder sheets inner unit over 2 ounces.
Flash sheets in bulk.
Flashlight powder in bulk.
Igniter pads.
Low blasting explosives.
Rifle powder.
Smokeless powder for small arms:
Ballistite for S. A.
Bull's eye powder #2.
E. C. blank fire powder.
High vel. #65.
IMR #1185.
IMR #4166.
IMR #4676.
Pistol powder #5.
Sodium nitrate black powder.
Spherehexagonal black powder.
Sporting powder.
Sulfurless black powder.
Smoke Puff charge.

I. C. C. MARKING

"Smokeless Powder for Small Arms."
"Black Powder."
"Low Explosives."

HAZARD

Group IX–A explosives constitute a group having relatively similar hazard characteristics which principally consist of being very susceptible to ignition by spark or friction.

They burn with explosive violence and under even slight confinement are likely to explode en masse.

They are adversely affected by high temperature.

Powder dust is especially hazardous.

STOWAGE

Magazine stowage "A"

Shall not be stowed in the same magazine with other permitted ammunition or explosives unless the two stowages are separated by a partition bulkhead, or a Type "A" dunnage floor.

Shall not be overstowed with any other kind of cargo.

LOADING

Explosives anchorage.
Explosives loading pier.

HANDLING

1. Handle by hand or mechanical means.
2. Do not drop, drag, tumble, walk or otherwise subject packages to shock.
3. Packages shall be handled in such a manner as to insure that no spark or friction will occur.
4. Observe packages or containers for evidence of sifting or inability to retain contents and reject any showing such signs.
5. In event a package is damaged and powder is spilled, immediately stop operations and sweep up any loose powder.
6. Remove damaged container and residue of powder to a safe location.
7. Gravity roller conveyor not authorized.
8. Drums and kegs shall be stowed on end with bungs up. Metal cans shall be stowed with filling openings up. Packages or containers shall be stowed in the position indicated by their markings.
9. Cargo handling stevedore gear may be trays, skipboards, pallets, or pipeplates provided they are fitted with cargo nets or sideboards. Boxes or trays with fixed or removable sides are authorized.
10. Cargo nets without trays, skipboards, pallets or pieplates are not permitted.
11. The maximum permitted weight per draft when handled by pallet, skipboard, tray or pieplate fitted with cargo net, or sideboards shall not exceed 2,400 lbs. plus 10%.
12. Drafts consisting of one or more palletized units shall not exceed 4,000 lbs. plus 10%.
13. Lifts of palletized units shall not be tiered except when using a sling so designed as to prevent the upper tier or tiers from shifting or falling from the draft.

CLASS IX–B

High explosives such as:
Dynamite.
TNT.
Demolition blocks, etc.

DESCRIPTION

High explosives in bulk, items of high explosive such as shaped charges for demolition or other purposes, and powder in bulk, possessing the characteristics of being likely to detonate en masse.

Includes but is not limited to—

Amatol.
Amatex.
Ammonite.
Ammonol.
Ammonium Picrate.
Anchor charges.
Aquaeous smakes.
A. S. A. pellets.
Atlas amodyn.
Balls of Cellulose nitrate.
Barimol.
Beehive charges.
Blasting gelatin.
British beehive.
C E pellet.
Chain demolition.
Chlorate explosives—dry.
Chlorate powders.
Clams, M3.
Composition "A".
Composition "B" and "B2".
Composition "C" and "C2".
Cratering charges.
Cyclonite.
Demolition blocks.
Depth bomb explosives.
Dinitrotoluene.
DNT.
Dynamite.
Ednatol.
Explosive "D".
Explosive gelatin.
808 plastic.
Gelatin dynamite
Gelignite.
General wade.
Grenite.
Guncotton.
HBX.
Halelite.
Hayrick charges.
Hercomite.
Hexogen.
Limpet.
Minol.
Negative cotton.
Nitrocellulose—dry.
Nitroguanidine—dry.
Nitrostarch—dry.
Nitrourea.
Nobel's ammonal (704B).
Nobel's explosives (808).
PEP–1, 2 and 3.
Pentolite.
Picrates—dry
Picric acid—dry or wet.
Plastic explosives.
PTX, 1 and 2.
RDX.
Reddy Fox.
Seachest demolition blocks.
Shellite.
Supplementary charges.
Tetryl.
Tetrytol.
TNT.
TNX.
Torpex.
Tridite.
Trilite.
Trimonite.
Trinitroaniline.
Trinitrobenzene.
Trinitrocresol.
Trinitrophenylmethylnitramine.
Trinitrotoluene.
Tritonal.
Trinitroresorcinal.
Trinitroxylene.
Trinitroxylol.
Trojan powder.
Triton blocks.
Urea Nitrate—dry or wet.
Shaped charges.
Snake demolition explosive charges.

I. C. C. MARKING

"High Explosives."

HAZARD

High explosives in bulk, and demolition blocks have relatively similar hazard characteristics.

They may be considered stable in stowage.

Can be ignited by spark or friction and detonated by shock.

When ignited, will burn vigorously.

Bulk shipments in amounts likely to be found on board vessels would, if ignited, be very likely to detonate.

STOWAGE

Ammunition stowage

Shall not be stowed in the same hold or compartment with other permitted ammunition, or explosives, unless the two are separated by a partition bulkhead or a Type "A" dunnage floor.

Shall not be overstowed with any other kind of cargo.

LOADING

Explosives anchorage.
Explosives loading pier.

HANDLING

1. Handle by hand or mechanical means.
2. Do not drop, drag, tumble, walk or otherwise subject packages to shock.
3. Do not use chute in loading or unloading.
4. Packages shall be handled in such a manner as to insure that no spark or friction will occur.
5. Observe packages or containers for evidence of sifting or inability to retain contents and reject any showing such signs.
6. In event a package is damaged and powder is spilled, immediately stop operations and sweep up loose powder.
7. Remove damaged containers and residue of powder to a safe location.
8. Gravity roller conveyors not authorized.
9. Packages or containers shall be stowed in the position indicated by their markings.
10. Cargo handling stevedore gear may be trays, skipboards, pallets or pipeplates provided they are fitted with cargo nets or sideboards. Boxes or trays with fixed or removable sides are authorized.
11. Cargo nets without tray, skipboards, pallets or pieplates are not permitted
12. The maximum permitted weight per draft when handled by pallet, skipboard, tray or pieplate fitted with cargo nets or sideboards shall not exceed 2400 lbs. plus 10%.
13. Drafts consisting of one or more palletized units shall not exceed 4000 lbs. plus 10%.
14. Lifts of palletized units shall not be tiered except when using a sling so designed as to prevent the upper tier or tiers from shifting or falling from the draft.

CLASS IX–C

Initiating and priming explosives in bulk.

DESCRIPTION

Initiating and priming explosives when shipped in bulk.

Includes but is not limited to—

DDNP.
Diazodinitrophenol.
Guanyl-nitrosamino-guanilidene-hydrazine.
Guanyl-nitrosamino-guanyl-tetrazene.
Lead azide.
Lead styphnate.
Lead trinitroresorcinate.
Mercury fulminate.
Nitro mannite.
Nitrosoguanidine.
Pentaerythrite tetranitrate.
PETN.
Tetrazene.

I. C. C. MARKING

"Initiating Explosive."

HAZARD

Bulk initiating and priming explosives constitute a distinct class of explosives.

They are extremely sensitive to shock.

The only permitted packing for transportation in bulk consists of a sift-proof cotton duck, rubber or rubberized cloth bag in a metal barrel or drum or wooden barrel or keg and wet with 20 to 40% of water or water alcohol mixture.

Mercury fulminate and lead azide also have 3" of sawdust saturated with water between the bag and the outer container.

STOWAGE

Magazine stowage "A," special stowage, or portable magazine stowage

Shall not be stowed in the same magazine with other ammunition or explosives.

When tiering containers of explosives of this class in a magazine, have each tier floored off with a type "A" dunnage floor.

The location of a magazine is restricted to a hold or compartment in which no other ammunition or explosives (except class 1) are stowed.

Shall not be stowed in the same hold or compartment with inflammable liquids, inflammable solids, oxidizing materials, corrosive liquids, compressed gases, poisons or hazardous articles.

Shall not be stowed within 8 feet of the vessel's side.

This class of ammunition shall not be overstowed with any other cargo.

LOADING

Explosives anchorage.
Explosives loading pier.

HANDLING

1. Handle by hand or mechanical means.
2. Do not drop, drag, tumble, walk or otherwise subject packages to shock.
3. Do not use chute in loading or unloading.
4. Do not roll barrels on their bilges.
5. Gravity roller conveyor not authorized.
6. Barrels or drums contain 20 to 40% of water or water alcohol mixture.
7. Observe barrels, drums or containers for evidence of leakage or inability to retain contents and reject any showing such signs.
8. In event a container is damaged immediately stop operations and carefully remove damaged container to a safe location.
9. Drums and kegs shall be stowed on end with bungs up. Containers shall be stowed in the position indicated by their markings.
10. Trays with sideboards shall be used when handling by mechanical means.
11. Containers shall not be stacked on a tray to a height above its sideboards.
12. The maximum permitted weight per draft when handled by tray fitted with sideboards shall not exceed 1000 lbs. plus 10%.
13. Trays shall be hoisted and lowered carefully and deposited without undue shock on a mattress or other shock absorbing material.

NOTE: Bulk priming or initiating explosives in dry condition are not permitted to be transported on board vessels.

CLASS X

Explosive bombs, mines, torpedoes, etc.

DESCRIPTION

Bombs, bomb clusters, mines, depth charges, warheads (all unfuzed), rocket heads (unfuzed and without motors); rocket heads (fuzed and without motors 200 lbs. or more gross weight); projector charges (unfuzed and without motors); torpedo bangalore (unfuzed); and other unfuzed ammunition filled with relatively large amounts of HE; all possessing a similar hazard characteristic of en masse detonation.

Includes but is not limited to—

Bombs:
- Armor-piercing.
- Demolition.
- Depth.
- Fragmentation.
- G. P.
- Light case.
- Photoflash.
- S. A. P.
- Shallow water depth.

Depth charge.
Mines:
- Aerial.
- Aircraft.
- Anti-tank (unfuzed).
- Anti-tank non-metallic (unfuzed).
- Anti-personnel (unfuzed).
- Anti-personnel fragmentation (unfuzed).
- Grenade.
- High explosive.
- Land.

Projector charges.
Rocket heads (fuzed and without motors 200 lbs. or more gross weight).
Rocket heads (unfuzed and without motors).
Torpedo bangalore.
Torpedo warheads.
"Long John".
"Tiny Tim".
"Big Dick".
Activator—without detonator.
Boosters—without detonator.
Booster, adapter—without detonator.
Booster, auxiliary—without detonator
Burster—without detonator.

I. C. C. MARKING

"Explosive Bombs."
"Explosive Mines."
"Explosive Torpedoes."

HAZARD

Fire and shock are the primary hazards to this class of ammunition. They are particularly dangerous because of their tendency to detonate en masse if involved in a fire or subjected to shock.

Detonation will result in severe structural damage, increasing in severity and range in relation to the amount of high explosive involved.

All high explosive loaded items in this class having thin container walls are relatively easily ruptured or dented.

Denting of the container walls by impacts, though not sufficiently severe to rupture them, has occasionally resulted in partial or complete detonation, and such kind of ammunition is said to possess 'Container-dent sensitivity."

A certain degree of confinement combined with local heating of the contained explosive by a particular kind of impact apparently causes instantaneous explosive action. But whatever may be the actual mechanics of this phenomenon, the kinds of impacts known to have caused explosions of these items include such impacts as dropping on or striking against a rounded corner, similar to a hatch coaming, impact of one bomb against another, or being struck by handling and transportation equipment.

In placing or removing dunnage, an accidental or misdirected blow from a sledge hammer, pinch bar or other hand tool may cause such explosions. The impact need not be violent. A short drop of only two feet caused a low-order detonation of a depth bomb.

Warheads, depth bombs, depth charges, Naval mines and like items are in the "Container-dent sensitivity" category.

All of the foregoing also apply in substantial effect to containers of this class of ammunition that are not thin walled.

STOWAGE

Ammunition stowage

Shall not be overstowed with cargo of unit weight in excess of 20 lbs. per square foot.

Except for wooden barrels or boxes and fiberboard containers, no inflammable or combustible material as cargo or containers of same shall be stowed in a hold in which this class of ammunition is stowed.

Shall not be stowed in the same hold or compartment with other permitted ammunition of explosives in bulk unless the two are separated by a partition bulkhead or a Type "A" dunnage floor.

LOADING

Explosives anchorage.
Explosives loading pier.

HANDLING

1. Handle by hand or mechanical means.
2. Do not drop, drag, slide, tumble, walk or otherwise subject these articles to shock.
3. Do not use chute in loading or unloading.
4. Cargo nets shall not be used except to enclose a pallet, skipboard, or tray as a preventor or save-all.
5. Bombs, not crated or boxed, without external fittings or with external fittings protected by lug guards, may be rolled only under continuous hand control on even surfaces or on non-powered roller conveyors, provided these surfaces or conveyors are relatively level and free from projections.
6. Unboxed or uncrated warheads, depth bombs, depth charges, or other thin walled items shall not be tiered in "making up" drafts (hoists).
7. No "cant" or barrel hooks shall be used on this class of ammunition.
8. Depth charges and rocket heads that are not boxed or crated shall be loaded by use of pallet, skipboard or tray fitted with cargo net or sideboards.
9. Bombs, except depth bombs, may be loaded by use of wire rope slings, or by pallet skipboard or tray fitted with cargo net or sideboards.
10. Depth bombs shall be loaded only by using pallet, skipboard or tray fitted with cargo net or sideboards. (See Sec. 146.29–23)
11. Slings for use in hoisting this class of ammunition must be approved for use by the Captain of the Port.
12. Single slings made up in multiple assembly with spreader may be used in handling bombs that do not exceed 1,101 pounds each. Two legged slings shall be used in handling bombs of more than 1,101 pounds each.

Table of limiting loads

(applicable when handling bombs by sling method)

Weight of individual bomb or cluster:	Maximum limits in one draft:
1 lb. to 250 lbs.[1]	8 units per draft.
276 lbs. to 500 lbs.[1]	6 units per draft.
551 lbs. to 1000 lbs.[1]	4 units per draft.
1101 lbs. to 2000 lbs.	2 units per draft.
2201 lbs. or over.	1 unit per draft.

[1] A tolerance of 10% per unit is allowed. (For example, a bomb weighing 550 lbs. may be considered as coming within the 500 lb. group.)

13. Naval mines, uncrated and fitted with lifting eye shall be loaded by using wire rope and shackle.
14. Naval mines, uncrated and not fitted with lifting eye may be loaded by use of wire rope slings or trays fitted with sideboards.
15. The following items when boxed or crated: photoflash bombs, anti-tank mines, anti-personnel mines, Naval mines, warheads, depth charges, torpedo bangalore, projector charges and rocket heads shall be loaded by the use of pallet, skipboard or tray fitted with cargo net or sideboards.
16. Warheads, crated in such a manner that the nose lifting ring is exposed, may be loaded by means of said ring.
17. The maximum permitted weight per draft when handled by pallet, skipboard, tray or pieplate fitted with cargo net or sideboards shall not exceed 2,400 lbs. plus 10%.
18. Drafts consisting of one or more palletized units shall not exceed 4,000 lbs. plus 10%.
19. Lifts of palletized units shall not be tiered except when using sling so designed as to prevent the upper tier or tiers from shifting or falling from the draft.

NOTE: Jet assist take-off units, sometimes referred to as JATO propulsion units, are classified as an oxidizing material, N. O. S., and may be stowed as such or with Class 7 ammunition.

CLASS XI–A

Chemical ammunition lethal.

DESCRIPTION

Chemical ammunition filled with lethal gases such as mustard gas (H), lewisite gas (l), phosgene gas (CG), hydrocyanic acid (AC), nitrogen mustard gas (HN), diphosgene gas (DP), chlorpicrin gas (PS), cyanogen chloride (CK), when shipped assembled with or without their ignition elements, bursting charges or fuzes.

When these substances are shipped in drums, barrels, cylinders or other authorized containers they shall be classified as Class A, Poison Gas.

When these substances are shipped in authorized ICC specification containers or CWS specification containers of integrity equal to ICC containers (including shells, bombs and rockets without ignition elements, bursting charges or fuzes) may be handled and stowed either as Class A poison gas or chemical ammunition Class XI–A.

Includes but is not limited to the following items when filled with any of the above agents—

Ammunition for cannon with gas projectile (shell).
Bombs, chemical.
Frangible grenade.
Hand grenade.
Land mine.
Livens projector shell.
Mortar shell.
Rockets, chemical.
Separate-loading projectile.

I. C. C. MARKING

"Ammunition for Cannon with Gas Projectile."
"Explosive Bomb."
"Explosive Projectile."
"Explosive Mine."
"Hand Grenade, Gas."
"Rifle Grenade, Gas."

HAZARD

This type of ammunition or bulk shipments of these substances in containers other than ammunition, represents a particular and special hazard.

Minute quantities of either liquid or vapor can cause serious burns and death.

The liquid or vapor will contaminate everything with which it comes in contact, cause serious and painful burns to exposed portions of the body and the eyes, and attack the respiratory system, usually with fatal results.

Gas masks and special protective clothing are required in case of leakage.

STOWAGE

Chemical ammunition stowage, special stowage, or portable magazine

Bulk shipments of chemical agents in ICC cylinders, tanks or CWS specification containers of integrity equal to ICC containers may be stowed in a shelter deck space or in a deck house suitable for such stowage.

Chemical ammunition (explosive) shall be stowed in a deep tank, lower hold or tweendeck, and such stowage shall be effectively sealed off to prevent the escape of any leakage which may take place. (See § 146.29–42.)

Drums or other authorized ICC or CWS specification containers filled with Class A poison gas may be stowed in the same hold or compartment with chemical ammunition Class XI–A.

LOADING

Explosives anchorage.

Explosives loading pier, or a temporary location authorized by the Captain of the Port for the specific loading.

HANDLING

When possible and the amount of such ammunition or containers of these chemical substances warrant, the loading and stowage of chemical ammunition or chemical agents for such should be supervised by a representative of the Chemical Warfare Service or U. S. Navy.

1. Handle by hand or mechanical means.
2. Do not drop, drag, tumble, walk or otherwise subject packages to shock.
3. Do not use chute in loading or unloading.
4. Shall not be rolled except under hand control and on a level surface without appreciable incline.
5. Packages shall be braced so as to prevent any movement. Top tiers shall be braced to prevent upward movement.
6. Packages or containers shall be stowed in the position indicated by their markings. When not so marked, boxes shall be stowed on the most stable side and arranged in such a manner that the joints between boxes are staggered.
7. No packages shall be "cant" stowed.
8. Dunnage shall be applied to the sides, ends and tops of the boxes before bracing is applied.
9. Cargo handling stevedore gear may be trays, skipboards, pallets or pieplates provided they are fitted with cargo nets or sideboards. Boxes or trays with removable sides are authorized.
10. Cargo nets without trays, skipboards, pallets or pieplates are not permitted.
11. Wire rope slings are permitted when handling unboxed bombs or containers filled with this class of chemical warfare material.
12. The maximum permitted weight per draft when handled by trays, skipboards, pallets or pieplates fitted with cargo nets or sideboards shall not exceed 2400 lbs. plus 10%.
13. Single bombs or other unit containers weighing in excess of 2201 lbs. must be loaded or unloaded one at a time.
14. Drafts consisting of one or more palletized units shall not exceed 4000 lbs. plus 10%.
15. Lifts of palletized units shall not be tiered except when using a sling so designed as to prevent the upper tier or tiers from shifting or falling from the draft.

NOTE: The U. S. Army, Chemical Warfare Service or U. S. Navy, when shipping chemical ammunition, mark such ammunition and the containers thereof, in general, as follows: (a) By the use of color bands painted upon the ammunition and the containers thereof; by letter symbol to indicate the particular kind of chemical therein and by the word "Gas" stenciled upon the ammunition or the containers thereof. (b) Persistent gases are marked with two (2) green bands. Nonpersistent gases with one (1) green band. (c) The word "Gas" will be stenciled upon shells and upon the outside containers of shells, grenades, bombs, candles, etc., the stenciling to be of the same color as the designating band. (d) The bodies of all ammunitions containing gas will be painted gray.

CLASS XI–B

Chemical ammunition non-lethal.

DESCRIPTION

Chemical ammunition filled with nonlethal gases such as Chloracetophenone gas (CN), Chloracetophenone solution (CNB) or (CNS), Brombenzylcyanide (BBC) and Adamsite (DM) when shipped assembled with or without their ignition elements, bursting charges or fuzes.

When these substances are shipped in drums, barrels, cylinders or other authorized containers, they shall be classified as tear gases or irritating substances, Class C—poisons.

When these substances are shipped in authorized ICC specification containers or CWS specification containers of integrity equal to ICC containers (including shells, bombs and rockets, without ignition elements, bursting charges or fuzes) may be handled and stowed either as Class C—poisons or as chemical ammunition Class XI–B.

Includes but is not limited to the following items when filled with any of the above agents—

Ammunition for cannon with gas projectile (shell).
Bombs, aircraft.
Bombs, aircraft cluster.
CN capsules.
Gas identification sets.
Grenades, hand.
Grenades, frangible, hand.
Grenades, rifle.
Rockets.
Shell, Livens projector.
Shell, mortar.
Tear gas candles.
Tear gas pots.

I. C. C. MARKING

"Ammunition for Cannon with Gas Projectile."
"Explosive Bomb."
"Explosive Projectile."
"Gas Hand Grenade."
"Gas Rifle Grenade."
"Tear Gas Grenade."
"Tear Gas Candle."

HAZARD

Fire and intolerable vapors.

The fire hazard of some of these items is similar to that of smokeless powder.

The vapors are rarely lethal as concentrations far below the lethal range are intolerable.

Gas mask provides complete protection.

STOWAGE

Chemical ammunition stowage, special stowage, or portable magazine

It is important to stow in locations not subject to temperatures above 100° F.

Stowage shall be accessible from cargo hatch or other access means to the hold or compartment.

Drums or other authorized ICC or CWS specification containers filled with Class C poison gas may be stowed in the same hold or compartment with chemical ammunition, Class XI–B.

LOADING

Explosives anchorage.

Explosives loading pier or a temporary location authorized by the Captain of the Port for the specific loading.

HANDLING

When possible and the amount of such ammunition or containers of these chemical substances warrants, the loading and stowage of chemical ammunition or chemical agents for such should be supervised by a representative of the Chemical Warfare Service or U. S. Navy.

1. Handle by hand or mechanical means.
2. Do not drop, drag, tumble, walk or otherwise subject packages to shock.
3. Do not use chute in loading or unloading.
4. Shall not be rolled except under hand control and on a level surface without appreciable incline.
5. Packages shall be braced so as to prevent any movement. Top tiers shall be braced to prevent upward movement.
6. Packages or containers shall be stowed in the position indicated by their markings. When not so marked, boxes shall be stowed on the most stable side and arranged in such a manner that the joints between boxes are staggered.
7. No packages shall be "cant" stowed.
8. Dunnage shall be applied to the sides, ends and tops of the boxes before bracing is applied.

9. Cargo handling stevedore gear may be trays, skipboards, pallets, or pieplates provided they are fitted with cargo nets or sideboards. Boxes or trays with removable sides are authorized.

10. Cargo nets without trays, skipboards, pallets or pieplates are not permitted.

11. Wire rope slings are permitted when handling unboxed bombs or containers filled with this class of chemical warfare material.

12. The maximum permitted weight per draft when handled by trays, skipboards, pallets or pieplates fitted with cargo nets or sideboards shall not exceed 2400 lbs. plus 10%.

13. Single bombs or other unit containers weighing in excess of 2201 lbs. must be loaded or unloaded one at a time.

14. Drafts consisting of one or more palletized units shall not exceed 4000 lbs. plus 10%.

15. Lifts of palletized units shall not be tiered except when using a sling so designed as to prevent the upper tier or tiers from shifting or falling from the draft.

NOTE: The U. S. Army and Navy when shipping harassing gas ammunition, mark such ammunition and the containers thereof with the word "gas" and CWS symbol of the gas with one red band.

R. R. WAESCHE,
Commandant U. S. Coast Guard.

[F. R. Doc. 45-16593; Filed, Sept. 6, 1945; 10:10 a. m.]

Chapter III—War Shipping Administration

[G. O. 34, Supp. 3]

PART 306—GENERAL AGENTS AND AGENTS

COMPENSATION PAYABLE TO GENERAL AGENTS, AGENTS, AND BERTH AGENTS

1. Section 306.72 *Compensation of Agents and General Agents* is amended, effective as of July 1, 1945, to read:

§ 306.72 *Compensation of Agents and General Agents.* (a) In addition to the compensation otherwise provided in this order, each General Agent shall be paid for husbanding the vessel and for services related thereto at the rate of $60.00 per day per vessel for each dry cargo vessel, and $65.00 per day per vessel for each fully refrigerated vessel and for each troop transport as defined in § 306.91 (r) and (s).

(b) In addition to the compensation otherwise provided in this order, each Agent and General Agent shall be paid at the rate of $15.00 per day per vessel for acting as accounting line, for performing duties for which no compensation is specifically provided in this order, and to enable him to absorb items of expense that are not included in the voyage accounts, such as certain communication expenses, bond premiums, and the like.

(c) In addition to the compensation otherwise provided in this order, each Agent and General Agent shall be paid a fee of $100.00 each time a vessel, assigned to the Agent or General Agent under his service agreement, calls at a continental United States port. Except for services for which compensation is provided in § 306.73, the fee provided in this paragraph covers all port services including arrangements for pilots and tugs, where required, and entrance and clearance through local customs. Except as provided in § 306.75 (or except as provided in § 306.98 where applicable), each Agent, General Agent, and Berth Agent shall compensate all sub-agents, branch houses, and customs brokers performing services which are required to be performed by him under the service agreements from the compensation received by the Agent, General Agent, or Berth Agent under the provisions of this section or § 306.73. The Administrator reserves the right to disallow, in whole or in part, fees paid to sub-agents that are considered by the Administrator to be excessive or unreasonable for the purposes of § 306.96 (a); and to establish, upon reasonable notice, maxima fees, minima fees, or both, to be paid to sub-agents for performing services on behalf of an Agent, General Agent, or Berth Agent.

(d) In determining the compensation provided in this section, part days shall be counted as whole days.

2. Section 306.73 *Compensation for port services in the continental United States* is amended, effective as of July 1, 1945, to read:

§ 306.73 *Compensation for services in continental United States ports.* Except as otherwise provided, and except for cargoes carried on an FIO basis for which the Administrator will determine special rates, the Agent, General Agent, or Berth Agent who performs services in continental United States ports in connection with the activities set forth below shall be compensated at the rates set forth below, out of which the Agent, General Agent, or Berth Agent, as the case may be, shall pay his sub-agent:

(a) *Army or Navy cargo and mail.* (1) 20¢ per manifest ton outward and 15¢ per manifest ton inward, if the Agent is required to prepare bills of lading, or other cargo documents, tally the cargo or perform other cargo services; bulk cargo, 6¢ per manifest ton outward or inward; 6¢ for each bag of Army or Navy mail and for each mail bag that is filled with empty mail bags, handled by the Agent.

(2) If the cargo (including mail) is handled by the Army or Navy, and the agent is not required to perform the cargo services referred to in subparagraph (1) of this paragraph, $100.00 per port call. This lump sum fee shall be paid whether or not the vessel is loaded or discharged at a commercial terminal or at any Army or Navy terminal.

(b) *Lend Lease cargo.* 6¢ per manifest ton for outward or inward bulk Lend-Lease cargo; all other Lend-Lease cargo, 20¢ per manifest ton outward, and 15¢ per manifest ton inward.

(c) *Other cargoes*—(1) *General cargo.* All general cargo outward, 36¢ per manifest ton; 30¢ per manifest ton inward: *Provided, however,* That if the outward rates prescribed in this section do not produce a total fee under this section which averages at least $4.00 per bill of lading at each port of loading then the rates prescribed in this section shall not be applicable and the agent shall be compensated at the rate of $4 per bill of lading.

(2) *Bulk cargo.* 6¢ per manifest ton for all outward or inward bulk cargo; except coastwise cargoes, 6¢ per manifest ton loaded and discharged (one fee for both operations).

(3) *Ad valorem cargo and mail.* On ad valorem cargo, 3% of the vessel's revenue outward, and 2% of the vessel's inward, maximum fee $750.00; 6¢ for each bag of mail and for each mail bag that is filled with empty mail bags.

(d) *Passengers.* (The terms "passenger" and "military personnel" are defined in § 306.91 (g) and (h).)

(1) *Commercial passengers*—(i) *Agents, General Agents, or Berth Agents.* The Agent, General Agent, or Berth Agent, as the case may be, shall be paid $3.75 for each passenger carried outward, maximum fee $1,500.00; and $2.50 for each passenger carried inward, maximum fee $1,000.00.

(ii) *General Agents.* For extra husbanding duties and other miscellaneous services, each General Agent shall be paid for services rendered by him:

For commercial passengers carried outward:

$1.00 per passenger up to 300;
$0.75 per passenger from 301 to 600;
$0.50 per passenger, 601 and over;

maximum $750.00, regardless of the number of ports of embarkation.

For commercial passengers carried inward:

$1.00 per passenger; maximum $300.00

(2) *Military personnel*—(i) *Agents, General Agents, or Berth Agents.* For additional expenses connected with the operation of the vessels as well as for ticketing and other miscellaneous services, each Agent, General Agent or Berth Agent shall be paid (for services performed by him):

$1.80 for each military passenger carried inward; maximum $360.00;
$1.20 for each military passenger carried inward; maximum $240.00.

(ii) *General Agent.* For extra husbanding duties and other miscellaneous services, each General Agent shall be paid (for services rendered by him):

For military passengers carried outward:

$1.00 per passenger up to 300;
$0.75 per passenger from 301 to 600;
$0.50 per passenger, 601 and over;

maximum $750.00, regardless of the number of ports of embarkation.

For military passengers carried inward:

$1.00 per passenger, maximum $300.00.

(e) *Miscellaneous.* If a vessel loads cargo at a port outside of the continental United States and is lost prior to arrival at the port of destination of the cargo, the Agent, General Agent, or Berth Agent that is responsible for the cargo business shall be paid one fee of 50% of the inward rates provided in this § 306.73.

(f) *Ballast.* For ballast operations, $50.00 per port of call.

3. Section 306.77 *Compensation of Agents, General Agents and Berth Agents* is amended, effective as of July 1, 1945, to read:

§ 306.77 *Compensation of Agents, General Agents and Berth Agents.* (a) In addition to the compensation otherwise provided in this order, each General Agent shall be paid for husbanding the vessel and for services related thereto at the rate of $60.00 per day per vessel.

(b) In addition to the compensation otherwise provided in this order, each Agent and General Agent shall be paid at the rate of $15.00 per day per vessel for acting as accounting line, for performing duties for which no compensation is specifically provided in this order, and to enable him to absorb items of expense that are not included in the voyage accounts, such as certain expenses incurred in the handling of liquid cargo, certain communication expenses, bond premiums, and the like.

(c) Except as provided in § 306.79 (or except as provided in § 306.98 where applicable), each Agent, General Agent, and Berth Agent shall compensate all sub-agents, branch houses, and customs brokers performing services which are required to be performed by him under the service agreements from the compensation received by the Agent, General Agent, or Berth Agent under the provisions of this section or § 306.78. The Administrator reserves the right to disallow, in whole or in part, fees paid to sub-agents that are considered by the Administrator to be excessive or unreasonable for the purposes of § 306.96 (a); and to establish, upon reasonable notice, maxima fees, minima fees, or both, to be paid to sub-agents for performing services on behalf of an Agent, General Agent, or Berth Agent.

(d) In determining the compensation provided in this section, part days shall be counted as whole days.

(e) Except as otherwise provided, the Agent, General Agent, or Berth Agent for tank vessels who performs services in connection with passengers, dry cargo, or mail carried on a tank vessel shall be compensated at the rates set forth in §§ 306.73 and 306.74 for comparable services performed by agents in connection with dry cargo vessels.

4. Section 306.78. *Compensation for port services of sub-agents in the continental United States* is amended, effective as of July 1, 1945, to read:

§ 306.78 *Compensation for port services in continental United States ports.* In addition to the compensation otherwise provided in this order, each Agent and General Agent shall be paid a fee of $100.00 each time a vessel, assigned to the Agent or General Agent under his service agreement, calls at a continental United States port. Except for services for which compensation is provided in § 306.77 (e), the fee provided in this section covers all port services including arrangements for pilots and tugs, where required, and entrance and clearance through local customs.

5. Paragraph (b) of § 306.81 *Compensation of General Agents* is amended, effective as of July 1, 1945, to read:

(b) In addition to the compensation otherwise provided in this order, each General Agent shall be paid a fee of $100.00 each time a vessel, assigned to the General Agent under his service agreement, calls at a continental United States port. Except for services for which compensation is provided in § 306.82, the fee provided in this paragraph covers all port services including arrangements for pilots and tugs, where required, and entrance and clearance through local customs. Except as provided in § 306.83 (or except as provided in § 306.98 where applicable), each General Agent and Berth Agent shall compensate all sub-agents, branch houses, and customs brokers performing services which are required to be performed by him under his service agreement from the compensation received by the General Agent or Berth Agent under the provisions of this section or § 306.82. The Administrator reserves the right to disallow, in whole or in part, fees paid to sub-agents that are considered by the Administrator to be excessive or unreasonable for the purposes of § 306.96 (a); and to establish, upon reasonable notice maxima fees, minima fees, or both, to be paid to sub-agents for performing services on behalf of an Agent, General Agent, or Berth Agent.

6. Section 306.85 *Compensation of Agents and General Agents* is amended, effective as of July 1, 1945, to read:

§ 306.85 *Compensation of Agents and General Agents.* (a) In addition to the compensation otherwise provided in this order, each General Agent shall be paid at the rate of $50.00 per day per vessel for husbanding the vessel and for services related thereto.

(b) In addition to the compensation otherwise provided in this order, each Agent and General Agent shall be paid at the rate of $15.00 per day per vessel for acting as accounting line, for performing duties for which no compensation is specifically provided in this order, and to enable him to absorb items of expense that are not included in the voyage accounts, such as certain communication expenses, bond premiums, and the like.

(c) Except as provided in § 306.98 where applicable, each Agent and General Agent shall compensate all sub-agents, branch houses, and customs brokers performing services which are required to be performed by the Agent or General Agent under the service agreements from the compensation received by the Agent or General Agent under the provisions of this section or § 306.86. The Administrator reserves the right to disallow, in whole or in part, fees paid to sub-agents that are considered by the Administrator to be excessive or unreasonable for the purposes of § 306.96 (a); and to establish, upon reasonable notice, maxima fees, minima fees, or both, to be paid to sub-agents for performing services on behalf of an Agent, General Agent, or Berth Agent.

(d) In determining the compensation provided in this section, part days shall be counted as whole days.

7. Section 306.86 *Compensation for port services of sub-agents in the continental United States* is amended, effective as of July 1, 1945, to read:

§ 306.86 *Compensation for port services in continental United States ports.* In addition to the compensation otherwise provided in this order, each General Agent shall be paid a fee of $50.00 each time a vessel, assigned to the Agent or General Agent under his service agreement, calls at a continental United States port. The fee provided in this section covers all port services including arrangements for pilots and tugs, where required, and entrance and clearance through local customs.

8. Paragraph (b) of § 306.88 *Compensation of General Agents* is amended, effective as of July 1, 1945, to read:

(b) Except as provided in § 306.90 (or except as provided in § 306.98 where applicable), each General Agent shall compensate all sub-agents performing services which are required to be performed by him under his service agreement from the compensation received by the General Agent under the provisions of this section or § 306.89. The Administrator reserves the right to establish, upon reasonable notice, maxima fees, minima fees, or both, to be paid to sub-agents for performing services on behalf of a General Agent.

9. Section 306.91 *Definitions* is amended by adding the following three paragraphs:

(r) *Fully refrigerated vessels.* A "fully refrigerated vessel" is a vessel in which the greater part of the cargo carrying space is fitted for the carrying of cargo requiring refrigeration and is so certified by the Assistant Deputy Administrator for Ship Operations.

(s) *Troop transport.* A "troop transport" is a vessel, other than a passenger vessel as defined in paragraph (f) of this section, that is permanently fitted to carry one thousand or more troops and is so certified by the Assistant Deputy Administrator for Ship Operations. Permanent fittings do not include standee bunks or other equipment that may be removed after a voyage.

(t) *Cargo carried on an FIO basis.* Cargo carried on an FIO basis ("free in and out of the vessel") is cargo with respect to which the cargo interests pay the loading and discharging expenses. These expenses are free to the vessel, cargo interests paying stevedoring and other charges in handling the cargo in and out of the vessel.

10. Paragraph (a) of § 306.96 *Recapture to eliminate excessive profits* is amended, effective as of July 1, 1945, to read:

(a) If the aggregate amount of the compensation accrued to an Agent, General Agent, or Berth Agent, including the fees received from other Agents, General Agents, or Berth Agents for acting as sub-agent, except compensation paid to an Agent who is not also a General Agent, under Subparts I, II, III and IV of this order, after deducting therefrom fees paid to the sub-agents for performing services which are required to be performed by the Agent, General Agent, or Berth Agent under the provisions of this order, exceeds the sum of:

(1) Such agent's fair and reasonable overhead expenses as determined by the Administrator for the comparable period involved, after deducting from such expense (i) sums allowed such agents and their related companies (as defined in Article 13 of the service agreements) in

the Administrator's calculation of the hire for vessels chartered to the Administration to cover overhead expenses, and (ii) in instances where such agents or related companies engage in other activities in addition to the conduct of the business of the vessels in connection with which the aforesaid compensation accrued, such proportion of the agents' overhead expenses as, in the judgment of the Administrator, is properly allocable to such additional activities; and

(2) $15.00 per day per vessel for all dry cargo, tank, and collier vessels operated by a General Agent under General Agency service agreements; $5.00 per day per vessel for all dry cargo, tank, and collier vessels operated by an Agent under Time Charter service agreements; 5 cents per gross ton per month for passenger vessels operated by a General Agent under General Agency service agreement, as amended by Part II thereof, but not less than $15.00 per day per passenger vessel; 10% of the fees received under § 306.73; and 20% of the fees received from other Agents, General Agents, or Berth Agents under a domestic sub-agency form of service agreement granting indemnities to the sub-agent similar to those afforded to Agents, General Agents, or Berth Agents under the standard forms of service agreements; then 90% of such excess shall be recaptured by, and remitted to, the United States.

11. Section 306.98 *Increases and reductions of compensation under certain circumstances* is amended, effective as of July 1, 1945, by adding the following paragraph:

(e) Commencing July 1, 1945, the compensation payable to General Agents under §§ 306.72 (a) and (b), 306.77 (a) and (b) and 306.85 (a) and (b), for services rendered during the following six months and for each successive six months thereafter, shall be subject to adjustment by the Administrator before payment to the General Agent and before recapture, as provided in § 306.96 (a), in any case in which the Administrator finds, upon consideration of the size and scope of the operation and such other factors as he may deem pertinent, that the compensation therein provided for should be reduced provided the reduction shall not exceed 20% of the basic compensation otherwise prescribed. Each General Agent shall be advised as soon as practical after the date of this order as to whether the Administrator intends to exercise the right of adjustment for the six months period commencing July 1, 1945, and shall furnish similar advice for each successive six months period thereafter. Pending the receipt of such advice, compensation shall be paid in accordance with the rates prescribed in §§ 306.72 (a) and (b), 306.77 (a) and (b), and 306.85 (a) and (b), but such payment shall be tentative and subject to final adjustment as prescribed in this paragraph.

12. Section 306.100 *Effective date* is amended by adding the following:

(d) The rates of compensation payable pursuant to §§ 306.71 to 306.100, inclusive (General Order 34 and the supplements thereto) shall continue in force up to and including December 31, 1945. Pending a determination of the rate of compensation payable on and after January 1, 1946, there shall be paid to the agents on account the compensation heretofore authorized pursuant to §§ 306.71 to 306.100 inclusive (General Order 34 and the supplements thereto) subject to such adjustment as may be necessary to conform with the new rate schedules thereafter to be issued.

(E.O. 9054, 7 F.R. 857)

[SEAL] E. S. LAND,
Administrator.

AUGUST 31, 1945.

[F. R. Doc. 45-16726; Filed, Sept. 7, 1945; 10:36 a. m.]

TITLE 50—WILDLIFE

Chapter I—Fish and Wildlife Service

PART 22—MOUNTAIN REGION NATIONAL WILDLIFE REFUGES

MEDICINE LAKE NATIONAL WILDLIFE REFUGE, MONT.; HUNTING REGULATIONS

Under authority of section 84 of the Act of March 4, 1909 (35 Stat. 1104; 18 U.S.C. 145), as amended, and section 12.9 of the General Regulations for the Administration of National Wildlife Refuges (5 F.R. 5284), as amended, the following is ordered:

§ 22.631a *Medicine Lake National Wildlife Refuge, Montana; hunting.* Migratory waterfowl and coots may be taken within the areas herein described of the Medicine Lake National Wildlife Refuge, Montana, in accordance with the regulations promulgated pursuant to the authority contained in the Migratory Bird Treaty Act and with the applicable hunting laws and regulations of the State of Montana.

Public shooting Area No. 1—N½, N½SW¼, SW¼SW¼, NW¼SE¼, Sec. 1; NE¼ east of the Great Northern Railway Right-of-way, SE¼, Sec. 2; T. 31 N., R. 55 E., N½, NE¼SW¼, N½SE¼, SE¼SE¼, Sec. 6; T. 31 N., R. 56 E., Sec. 36; T. 32 N., R. 55 E., S½N½, S½, Sec. 31; T. 32 N., R. 56 E.

Public shooting Area No. 2—W½, Sec. 27; Sec. 28, N½, Sec 33; NW¼, Sec. 34; T. 32 N., R. 57 E.

Entry on and use of the refuge for any purpose is governed by the regulations of the Secretary dated December 19, 1940 (5 F.R. 5284), and strict compliance therewith is required. Persons entering the refuge for the purpose of hunting shall use such routes of travel within the refuge as are designated by posting. The carrying or being in possession of firearms within the areas of the refuge not open to public hunting is prohibited, except that such firearms may be possessed or transported across such closed areas provided they are unloaded, and broken or properly encased. The carrying or being in possession of rifled firearms or the use of single-ball or slug-load shotgun shell on the refuge is prohibited.

Any person who hunts within the refuge must have on their person and exhibit at the request of any authorized Federal or State officer whatever license is required by the State of Montana, and, if hunting migratory waterfowl and being over sixteen years of age, a properly validated migratory-bird hunting stamp. The said license and stamp shall serve as a Federal permit for hunting on the refuge.

Each person hunting on the public shooting ground will be permitted to take his hunting dogs, not to exceed two in number, upon such areas for the purpose of retrieving dead or wounded birds, but such dogs shall not be permitted to run at large on the public shooting grounds or elsewhere on the refuge.

Dated: August 30, 1945.

ALBERT M. DAY,
Acting Director.

[F. R. Doc. 45-16802; Filed, Sept. 7, 1945; 4:40 p. m.]

Notices

OFFICE OF INTER-AMERICAN AFFAIRS.

DUTIES AND FUNCTIONS OF DIRECTOR

DESIGNATION AND DELEGATION OF AUTHORITY

By virtue of authority vested in the Director of Inter-American Affairs by Executive Order No. 9532 (10 F.R. 3173), Francis A. Jamieson is hereby authorized in the absence of the Director to perform and exercise as Acting Director, all of the duties, powers and functions heretofore and hereafter authorized by law to be performed and exercised by the Director, and in the absence of the Director and the said Francis A. Jamieson, Harold B. Gotaas is authorized to perform and exercise as Acting Director the aforesaid duties, powers and functions, and in the absence of the Director and the said Francis A. Jamieson and Harold B. Gotaas, John W. Hisle is authorized to perform and exercise such duties, powers and functions as Acting Director, and in the absence of the Director and the said Francis A. Jamieson, Harold B. Gotaas and John W. Hisle, Kenneth R. Iverson is authorized to perform and exercise such duties, powers and functions as Acting Director, and in the absence of the Director, the said Francis A. Jamieson, Harold B. Gotaas, John W. Hisle, and Kenneth R. Iverson, G. Kenneth Holland is authorized to perform and exercise such duties, powers and functions as Acting Director.

This authorization shall remain in effect until specifically revoked by the Director and shall supersede the order designating the Acting Director of Inter-American Affairs, dated July 27, 1945 (10 F.R. 9482).

Dated: September 4, 1945.

WALLACE K. HARRISON,
Director.

[F. R. Doc. 45-16789; Filed, Sept. 7, 1945; 4:31 p. m.]

OFFICE OF ALIEN PROPERTY CUSTODIAN.

[Vesting Order 2691, Amdt.]

PATENTSVERWERTUNGS UND INDUSTRIE AKTIENGESELLSCHAFT

In re: Patents and contractual interests of "Patiag" Patentsverwertungs und Industrie Aktiengesellschaft.

Vesting Order Number 2691, dated November 30, 1943, is hereby amended as follows and not otherwise:

By changing in subparagraph 3 thereof the patent number 1,771,836 to 1,771,863.

All other provisions of said Vesting Order Number 2691 and all action taken on behalf of the Alien Property Custodian in reliance thereon, pursuant thereto and under the authority thereof are hereby ratified and confirmed.

Executed at Washington, D. C., on July 23, 1945.

[SEAL] JAMES E. MARKHAM,
Alien Property Custodian.

[F. R. Doc. 45-16701; Filed, Sept. 7, 1945; 10:06 a. m.]

[Vesting Order 2949, Amdt.]

FEDERATION OF THE ITALIAN WORLD WAR VETERANS IN THE UNITED STATES OF AMERICA, INC.

Vesting Order Number 2949, dated January 15, 1944, is hereby amended as follows and not otherwise:

By deleting therefrom the following:

hereby vests in the Alien Property Custodian all property of any nature whatsoever situated in the United States and owned or controlled by, payable or deliverable to, or held on behalf of or on account of or owing to Federation of the Italian World War Veterans in the United States of America, Inc., and the interests therein or any and all of the members of Federation of the Italian World War Veterans in the United States of America, Inc., to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States, and • • •

and substituting therefor the following:

hereby vests in the Alien Property Custodian all property within the United States of any nature whatsoever owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, Federation of the Italian World War Veterans in the United States of America, Inc. (including but not limited to the bank accounts and securities particularly described in Exhibit A, attached hereto and by reference made a part hereof, in the possession of the persons named in the column entitled "Name and Location of Bank" in said Exhibit A), and the interests therein of any and all of the members of Federation of the Italian World War Veterans in the United States of America, Inc., to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States, and • • •

All other provisions of said Vesting Order Number 2949, and all action taken on behalf of the Alien Property Custodian in reliance thereon, pursuant thereto and under the authority thereof, are hereby ratified and confirmed.

Executed at Washington, D. C., on September 4, 1945.

[SEAL] JAMES E. MARKHAM,
Alien Property Custodian.

EXHIBIT A

Bank Accounts and Securities Owned or Controlled by Federation of the Italian World War Veterans in the United States of America, Inc., as of May 29, 1943.

Name and Location of Bank and Name and Description of Account or Property	*Amount*
Banco di Napoli Trust Co., New York City; Federation of the Italian World War Veterans in the U S A Inc., Special Italian Relief Fund	$17,569.50
Banco di Napoli Trust Co., New York City; Federation of the Italian World War Veterans, Bronx, New York Chapter Savings Account	1,091.95
Manufacturers Trust Co., New York City; Federation of the World War Veterans in the USA Inc., New York City Chapter:	
Checking	1,561.43
Checking	2,177.38
Interest Account	4,371.10
East River Savings Bank, New York City; New York Chapter, Savings	1,500.08
Manufacturers Trust Co., New York City, New York Chapter, War Savings Bonds	2,220.00
Whitney National Bank, New Orleans, La.; Italian World War Veterans Association, New Orleans Chapter	41.59
Fifth Third Union Trust Co., Cincinnati, Ohio; Associazione Nazionale Combattenti Italiani	22.97
First Central Trust Co., Akron, Ohio:	
Italian War Veterans Savings	268.95
Italian Legion Auxiliary Savings	29.93
Bank of America National Trust & Savings Association, Columbus Branch, San Francisco, Calif.:	
Associazione Nazionale Combattenti Italiani Sez Di San Francisco	41.85
Italian War Relief Federation of the Italian World War Veterans in the USA, Inc.	554.10
The First National Bank & Trust Co., Tuckahoe, N. Y.:	
Tuckahoe Chapter of Italian World War Veterans in the United States of America, Inc	150.35
Savings	201.97

[F. R. Doc. 45-16702; Filed, Sept. 7, 1945; 10:06 a. m.]

[Vesting Order 5114]

I. G. FARBENINDUSTRIE A. G.

In re: Patents standing of record in the name of I. G. Farbenindustrie A. G.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding;

1. That I. G. Farbenindustrie A. G. is a corporation organized and existing under the laws of Germany and is a national of a foreign country (Germany);

2. That the property described in subparagraph 3 hereof is property of I. G. Farbenindustrie A. G.;

3. That the property described as follows: All right, title and interest, including all accrued royalties and all damages and profits recoverable at law or in equity from any person, firm, corporation or government for past infringement thereof, in and to the United States Letters Patent identified in Exhibit A attached hereto and made a part hereof,

is property of a national of a foreign country (Germany);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC-1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C. on July 16, 1945.

[SEAL] JAMES E. MARKHAM,
Alien Property Custodian.

EXHIBIT A

Patent No., Date of Issue, Inventor, and Title

1,691,647; 11-13-28; Fritz Doerinckel et al.; Process for the preparation of anhydrides of organic acids.

1,726,547; 9-3-29; Otto Eisenhut; Recovery of reaction products from gases treated with electric arcs.

1,735,433; 11-12-29; Friedrich August Henglein et al.; Process for the manufacture and production of acetic acid anhydride from acetic acid.

1,780,632; 11-4-30; Wilhelm Pungs; Oxidation of fats, waxes and resins.

1,839,191; 1-5-32; Otto Ambros et al.; Production of rubber from rubber latex.

1,873,937; 8-23-32; Wilhelm Lommel et al.; Accelerator for vulcanizing rubber compounds.

1,882,741; 10-18-32; Hans Beller et al.; Production of emulsifying agents.

1,897,133; 2-14-33; Martin Luther et al.; Production of masses resembling rubber oil substitute.

1,965,959; 7-10-34; Hans Klein et al.; Production of stoving lacquers.

2,054,979; 9-22-36; Michael Jahrstorfer et al.; Polycarboxylic acid esters suitable as softening and gelatinizing agents and their production.

2,090,942; 8-24-37; Reinhold Fick; Process for the production of cyanhydrins.

2,187,185; 1-16-40; Julius Soll; New plastic material.

[F. R. Doc. 45-16703; Filed, Sept. 7, 1945; 10:05 a. m.]

[Vesting Order 5115]

JULIUS PINTSCH KOMMANDITGESELLSCHAFT

In re: Patent owned by Julius Pintsch Kommanditgesellschaft.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

1. That Julius Pintsch Kommanditgesellschaft is a business enterprise organized under the laws of Germany and is a national of a foreign country (Germany);

2. That the property described in subparagraph 3 hereof is property of Julius Pintsch Kommanditgesellschaft;

3. That the property described as follows: All right, title and interest, including all accrued royalties and all damages and profits recoverable at law or in equity from any person, firm, corporation or government for past infringement thereof, in and to the following United States Letters Patent:

Patent No.; Date of Issue, Inventor and Title

1,837,086; 12-15-31; Johann Friedrich Von Schutz; Gas pressure regulator.

is property of a national of a foreign country (Germany);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC-1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C. on July 16, 1945.

[SEAL] JAMES E. MARKHAM,
Alien Property Custodian.

[F. R. Doc. 45-16704; Filed, Sept. 7, 1945; 10:05 a. m.]

[Vesting Order 5116]

LEON L. DE KRAMOLIN AND EMIL E. MAYER

In re: Interest of Leon L. de Kramolin in certain United States patents and in an agreement with Emil E. Mayer.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

1. That Leon L. de Kramolin is a resident of Germany and a national of a foreign country (Germany);

2. That the property described in subparagraph 3 hereof is property of Leon L. de Kramolin;

3. That the property described as follows: Property identified in Exhibit A attached hereto and made a part hereof,

is property of, or is property payable or held with respect to patents or rights related thereto in which interests are held by, and such property itself constitutes interests held therein by, a national of a foreign country (Germany);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC-1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on July 16, 1945.

[SEAL] JAMES E. MARKHAM,
Alien Property Custodian.

EXHIBIT A

(1) All right, title and interest (including all accrued royalties and all damages and profits recoverable at law or in equity from any person, firm, corporation or government for past infringement thereof) in and to the following United States Letters Patent:

Patent No., Date of Issue, Inventor and Title

2,129,730; 9-13-38; Leon Ladislas de Kramolin; Space Discharge Device.

(2) The undivided seven-tenths (70%) interest of Leon L. de Kramolin in and to the following United States Letters Patent:

Patent No., Date of Issue, Inventor and Title

1,967,917; 7-24-34; Leon Ladislas de Kramolin; Grid bias arrangements in thermionic valve circuits.

1,969,209; 8-7-34; Leon Ladislas de Kramolin; Radio receiving apparatus.

including all royalties and all damages and profits recoverable at law or in equity from any person, firm, corporation or government for past infringement thereof, to which the owner of such undivided interest is entitled,

(3) All interests and rights (including all royalties and other monies payable or held with respect to such interests and rights and all damages for breach of the agreement hereinafter described, together with the right to sue therefor) created in Leon L. de Kramolin by virtue of an agreement entered into on September 5, 1934 between Leon L. de Kramolin and Emil E. Mayer (including all modifications thereof and supplements thereto, if any) which agreement, relates, among other things, to United States Letters Patent No. 1,969,209.

[F. R. Doc. 45-16705; Filed, Sept. 7, 1945; 10:05 a. m.]

[Vesting Order 5142]

ERWIN FALKENTHAL

In re: Interest of Erwin Falkenthal in Patent No. 1,877,569.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

1. That Erwin Falkenthal is a resident of Germany and a national of a foreign country (Germany);

2. That the property described in subparagraph 3 hereof is property of Erwin Falkenthal;

3. That the property described as follows: The undivided one-half interest of Erwin Falkenthal in and to the following United States Letters Patent:

Patent No., Date of Issue, Inventor and Title

1,877,569; 9-13-32; Erwin Falkenthal; Electromagnetic apparatus,

including all royalties and all damages and profits recoverable at law or in equity from any person, firm, corporation or government for past infringement thereof, to which the owner of such undivided interest is entitled,

is property of a national of a foreign country (Germany);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC-1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on July 23, 1945.

[SEAL] JAMES E. MARKHAM,
Alien Property Custodian.

[F. R. Doc. 45-16706; Filed, Sept. 7, 1945; 10:05 a. m.]

[Vesting Order 5143]

ERNST JORDAN

In re: Patents Nos. 1,816,551 and 2,266,555 owned by Ernst Jordan.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

1. That Ernst Jordan is a resident of Germany and is a national of a foreign country (Germany);

2. That the property described in subparagraph 3 hereof is property of Ernst Jordan;

3. That the property described as follows: All right, title and interest, including all accrued royalties and all damages and profits recoverable at law or in equity from any person, firm, corporation or government for past infringement thereof, in and to the following United States Letters Patent:

Patent No., Date of Issue, Inventor and Title

1,816,551; 7-28-31; Wilhelm Steinhorst; Nut lock.

2,266,555; 12-16-41; Ernst Jordan and Wilhelm Steinhorst; Lock washer and method for making same.

is property of a national of a foreign country (Germany);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC-1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C. on July 23, 1945.

[SEAL] JAMES E. MARKHAM,
Alien Property Custodian.

[F. R. Doc. 45-16707; Filed, Sept. 7, 1945; 10:05 a. m.]

[Vesting Order 5174]

KOMET STAHLHALTER-UND WERKZEUGFABRIK ROBERT BREUNING

In re interests of Komet Stahlhalter-und Werkzeugfabrik Robert Breuning in a certain trade-mark and good will.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

1. That Komet Stahlhalter-und Werkzeugfabrik Robert Breuning whose principal place of business is in Germany is a national of a designated enemy country (Germany);

2. That the property described in subparagraph 3 hereof is property of Komet Stahlhalter-und Werkzeugfabrik Robert Breuning;

3. That the property described as follows: All right, title and interest of whatsoever kind or nature, including without limitation any reversionary interest, under the statutory or common law of the United States and of the several States thereof, of Komet Stahlhalter-und Werkzeugfabrik Robert Breuning in and to any and all good will of the business in the United States of Comet Tools, Inc. and/or Comet Tool Company and in and to any and all registered and unregistered trade-marks (including but not limited to Registration No. 359,155 dated August 9, 1938) and trade names appurtenant to said business, and in and to every license, agreement, privilege, power and right of whatsoever kind or nature arising under or with respect thereto,

is property within the United States owned or controlled by a national of a designated enemy country (Germany);

And determining that to the extent that such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC-1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on August 1, 1945.

[SEAL] JAMES E. MARKHAM,
Alien Property Custodian.

[F. R. Doc. 45-16708; Filed, Sept. 7, 1945; 10:05 a. m.]

[Vesting Order 5180]

WALTER FRIEDRICH

In re: Patent No. 2,248,226 owned by Walter Friedrich.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

1. That Walter Friedrich is a resident of Germany and a national of a foreign country (Germany);

2. That the property described in subparagraph 3 hereof is property of Walter Friedrich;

3. That the property described as follows: All right, title and interest, including all accrued royalties and all damages and profits recoverable at law or in equity from any person, firm, corporation or government for past infringement thereof, in and to the following United States Letters Patent:

Patent No., Date of Issue, Inventor and Title

2,248,226; 7-8-41; Walter Friedrich; Nut locking device.

is property of a national of a foreign country (Germany):

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC–1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on August 9, 1945.

[SEAL] JAMES E. MARKHAM,
Alien Property Custodian.

[F. R. Doc. 45–16703; Filed, Sept. 7, 1945; 10:05 a. m.]

[Vesting Order 5181]

CARL KLINGSPOR ET AL.

In re: Interests of Carl Klingspor and or C. Klingspor G. m. b. H. in an agreement with Mid-West Abrasive Company.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

1. That Carl Klingspor is a resident of Germany and is a national of a foreign country (Germany);

2. That C. Klingspor G. m. b. H. is a corporation organized under the laws of, and maintaining its principal place of business in Germany and is a national of a foreign country (Germany);

3. That the property described in subparagraph 4 hereof is property of Carl Klingspor and or C. Klingspor G. m. b. H.;

4. That the property described as follows: Property identified in Exhibit A attached hereto and made a part hereof,

is property payable or held with respect to patents or rights related thereto in which interests are held by, and such property itself constitutes interests held therein by, nationals of a foreign country (Germany);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC–1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on August 9, 1945.

[SEAL] JAMES E. MARKHAM,
Alien Property Custodian.

EXHIBIT A

All interests and rights, including all royalties and other monies payable or held with respect to such interests and rights and all damages for breach of the agreement hereinafter described, together with the right to sue therefor, created in Carl Klingspor and C. Klingspor G. m. b. H., and each of them, by virtue of an agreement dated November 7, 1934, including all modifications thereof and supplements thereto, including, but not by way of limitation, an instrument of assignment by Mid-West Abrasive Company, a corporation of Delaware, dated February 8, 1936, and acknowledged February 18, 1936, and a declaration of consent to such assignment by Carl Klingspor dated May 30, 1936, by and between Carl Klingspor and Mid-West Abrasive Company, a corporation of Michigan, which agreement relates, among other things, to United States Letters Patent No. 1,833,715.

[F. R. Doc. 45–16710; Filed, Sept. 7, 1945; 10:05 a. m.]

[Supp. Vesting Order 5202]

SEAMLESS STEEL EQUIPMENT CORP.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the Alien Property Custodian, after investigation:

1. Having found and determined in Vesting Order Number 259, dated October 28, 1942, that Seamless Steel Equipment Corporation is a business enterprise within the United States and a national of a designated enemy country or countries (Germany and or Hungary);

2. Finding that Rheinmetall-Borsig, A. G., has a claim against Seamless Steel Equipment Corporation, which is represented on the books and records of Seamless Steel Equipment Corporation as an account payable, in the amount of $2,118.34 as of March 31, 1944, subject to any accruals or deductions thereafter, and which represents an interest in Seamless Steel Equipment Corporation;

3. Finding that Rheinmetall-Borsig, A. G., whose last known address is Berlin, Germany, is a national of a designated enemy country (Germany);

and determining:

4. That to the extent that such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the interest of Rheinmetall-Borsig, A. G., in Seamless Steel Equipment Corporation more fully described in subparagraph 2 hereof, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC–1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national", "designated enemy country" and "business enterprise within the United States" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on September 4, 1945.

[SEAL] JAMES E. MARKHAM,
Alien Property Custodian.

[F. R. Doc. 45–16711; Filed, Sept. 7, 1945; 10:06 a. m.]

[Vesting Order CE 39]

COSTS AND EXPENSES INCURRED IN CERTAIN ACTIONS OR PROCEEDINGS IN CERTAIN CALIFORNIA COURTS

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the Alien Property Custodian:

Having found that each of the persons named in Column 1 of Exhibit A, attached hereto and by reference made a part hereof, was a person within the designated enemy country or enemy-occupied territory appearing opposite such person's respective name in Column 2 of said Exhibit A;

Having determined that it was in the interest of the United States to take measures in connection with representing each of said persons in the court or administrative action or proceeding identified in Column 3 of said Exhibit A, and having taken such measures;

Finding that as a result of such action or proceeding each of said persons obtained or was determined to have an interest in property, which interest is particularly described in Column 4 of said Exhibit A;

Finding that such property is in the possession, custody or control of the person described in Column 5 of said Exhibit A; and

Finding that the Alien Property Custodian has incurred, in each of such court or administrative actions or proceedings, costs and expenses in the amount stated in Column 6 of said Exhibit A,

hereby vests in the Alien Property Custodian, to be used or otherwise dealt with in the interest, and for the benefit, of the United States, from the property in the possession, custody, or control of the persons described in said Column 5 of said Exhibit A, the sums stated in said Column 6 of said Exhibit A, such sums being the amounts of such property equal to the costs and expenses incurred by the Alien Property Custodian in such actions or proceedings.

This order shall not be deemed to limit the powers of the Alien Property Custodian to return such property if and when it should be determined that such return should be made.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on September 4, 1945.

[SEAL] JAMES E. MARKHAM,
Alien Property Custodian.

EXHIBIT A

Column 1 Name	Column 2 Country or territory	Column 3 Action or proceeding	Column 4 Interest	Column 5 Depositary	Column 6 Sum vested
		Item 1			
Giuseppe Bertagnoli	Italy	Estate of Adami Massimo, also known as Massimo Adami, deceased, in the Superior Court of the State of California, in and for the County of Los Angeles, No. 231073.	$100.00	Giulio Sauro, Executor of the Last Will and Testament of Adami Massimo, deceased, 711 Spring Arcade Bldg., 241 South Spring St., Los Angeles, Calif.	$11.30
		Item 2			
Ida Bertagnoli	Italy	Same	100.00	Same	11.30
		Item 3			
Angelina Bertagnoli	Italy	Same	100.00	Same	11.30
		Item 4			
Celestino Bertagnoli	Italy	Same	100.00	Same	11.30
		Item 5			
Maria Bertagnoli	Italy	Same	100.00	Same	11.30
		Item 6			
Maria Bertagnoli	Italy	Same	100.00	Same	11.30
		Item 7			
Mary Mill. Bistis	Greece	Estate of Leon Bistis, also known as L. Bistis, also known as Leon Milton Bistis, deceased, in the Superior Court of the State of California, in and for the City and County of San Francisco, No. 85940.	354.34	Phil C. Katz, Administrator of the Estate of Leon Bistis, deceased, 463 City Hall, San Francisco, Calif.	23.75
		Item 8			
Louis J. Karavelas	Greece	Same	354.34	Same	23.76
		Item 9			
Sylvia Peyron	France	Estate of Jean Peyron, also known as J. P. Peyron, deceased, in the Superior Court of the State of California, in and for the County of Los Angeles, No. 181011.	550.00	Vesta Castera, Executrix of the Last Will and Testament of Jean Peyron, deceased, 145 North Broadway St., Los Angeles, Calif.	5.98
		Item 10			
Adeline Peyron	France	Same	1,750.00	Same	20.91
		Item 11			
Marie Marseille	France	Same	1,750.00	Same	20.91
		Item 12			
Louise Peyron	France	Same	6,500.00	Same	77.67
		Item 13			
Maria K. Spation	Greece	Estate of Steve Nichols, deceased, in the Superior Court of the State of California, in and for the County of Los Angeles, No. 229–719.	1,000.00	Myrtle M. Nichols, Administratrix of the Estate of Steve Nichols, deceased, 840 South Flower St., c/o Jean Hotel, Los Angeles, Calif.	60.29
		Item 14			
Mary A. Denos	Greece	Same	500.00	Same	30.11
		Item 15			
Sura Siegel	Poland	Estate of Solomon Stutz, deceased, in the Superior Court of the State of California, in and for the County of Los Angeles, No. 231328.	1,000.00	Union Bank and Trust Company of Los Angeles, Los Angeles, Calif., Account No. 97443.	77.46
		Item 16			
Zelig Stutsky	Poland	Same	1,000.00	Union Bank and Trust Company of Los Angeles, Los Angeles, Calif., Account No. 97412.	77.14

EXHIBIT A—Continued

Column 1 Name	Column 2 Country or territory	Column 3 Action or proceeding	Column 4 Interest	Column 5 Depositary	Column Sum vested
		Item 17			
Kristine Andreasen	Denmark	Estate of Andrew Benson, deceased, in the Superior Court of the State of California, in and for the County of Santa Clara, No. 25540.	$3,750.00	A. Sporon-Fiedler, Consul General of Denmark, Mills Bldg., San Francisco, Calif.	$62.74
		Item 18			
Marie Jensen	Denmark	Same	3,750.00	Same	62.74
		Item 19			
Alma Jonassen	Denmark	Same	3,750.00	Same	62.55
		Item 20			
Christiane Mailbom	Denmark	Same	3,750.00	Same	62.56
		Item 21			
Martinus Mortensen	Denmark	Estate of Christian Mortensen, deceased, in the Superior Court of the State of California, in and for the County of Colusa, No. 3050.	65.42	Same	7.19
		Item 22			
Soren Mortensen	Denmark	Same	65.42	Same	7.19
		Item 23			
Margrethe Pedersen	Denmark	Same	65.42	Same	7.20
		Item 24			
Camilla Bjerre	Denmark	Estate of Catherine C. Hammond, deceased, in the Superior Court of the State of California, in and for the County of Alameda, No. 78484.	660.31	Same	29.03
		Item 25			
Maren Jeppesen	Denmark	Same	660.31	Same	29.04
		Item 26			
Lauritz Anderson	Denmark	Same	660.31	Same	29.04
		Item 27			
Christen Skjellerup	Denmark	Estate of Aksel Skjellerup, deceased, in the Superior Court of the State of California, in and for the City and County of San Francisco, No 79902.	11.18	A. Sporon-Fiedler, Consul General of Denmark, Mills Bldg., San Francisco, Calif.	2.82
		Item 28			
Niels M. Skjellerup	Denmark	Same	11.18	Same	2.82
		Item 29			
Nicoline Skjellerup	Denmark	Same	11.18	Same	2.82
		Item 30			
Jens Skjellerup	Denmark	Same	11.17	Same	2.83
		Item 31			
Clara Johanson, now known as Klara Marie Nilsson.	Denmark	Estate of Ida Bucke, deceased, in the Superior Court of the State of California, in and for the County of Los Angeles, No. LB P-12315.	7,915.12	Same	284.87
		Item 32			
Catherine Christensen	Denmark	Estate of Heinrich Truelsen Moller, also known as H. T. Miller, also known as Henry T. Miller, deceased, in the Superior Court of the State of California, in and for the County of San Mateo.	5,000.00	Same	62.11
		Item 33			
Hanna Rosendahl	Finland	Estate of Carl J. Rosendahl, also known as C. J. Rosendahl, also known as Carl Johan Rosendahl, deceased, in the Superior Court of the State of California, in and for the County of Los Angeles, No LB P 12646.	971.65	Bank of America National Trust and Saving Association, Executor of the Last Will and Testament of Carl J. Rosendahl, deceased, 350 Pine Ave., Long Beach, Calif.	79.95
		Item 34			
James Boyd Romine	Japan	Estate of Marie A. Riordan, deceased, in the Superior Court of the State of California, in and for the County of Los Angeles, No. 233071	53.00	Rose Cook, Administratrix of the Estate of Marie A. Riordan, deceased, 5294½ South Catalina St., Los Angeles, Calif.	7.39
		Item 35			
Margaret DuMoulin	France	Estate of Edward B. Warden, deceased, in the Superior Court of the State of California, in and for the County of Los Angeles, No 212736	41.67	Security-First National Bank of Los Angeles, First and Spring Street Branch, Los Angeles, Calif., Account No. 397408	7.79
		Item 36			
Caleb Mendelsohn	Poland	Trust under the Will of Max Stein, deceased, in the Superior Court of the State of California in and for the City and County of San Francisco, No. 96784.	[1]50.00	Bank of America National Trust and Savings Association, Trustee under the Will of Max Stein, deceased, 300 California St., San Francisco, Calif.	2.04
		Item 37			
Abraham Monschein	Poland	Same	[1]50.00	Same	2.04

[1] Per month for life.

APPENDIX A—Continued

Column 1 Name	Column 2 Country or territory	Column 3 Action or proceeding	Column 4 Interest	Column 5 Depositary	Column 6 Sum vested
		Item 38			
Juan Flores	Philippine Islands	Estate of Marcelo Ducolor Flores, also known as Marcelo Duculan Flores, also known as Marcelo D. Flores, in the Superior Court of the State of California, in and for the City and County of San Francisco, No. 97304.	$139.75	Phil C. Katz, Public Administrator of the City and County of San Francisco, 463 City Hall, San Francisco, Calif.	$8.18
		Item 39			
Alejandra Duculan	Philippine Islands	Estate of Marcelo Ducolor Flores, also known as Marcelo Ducalan Flores, also known as Marcelo D. Flores, deceased, in the Superior Court of the State of California, in and for the City and County of San Francisco, No. 97301.	139.75	Phil C. Katz, Public Administrator of the City and County of San Francisco, 463 City Hall, San Francisco, Calif.	6.49
		Item 40			
Virginia Botto	Italy	Estate of Osea Perrone, also known as O Perrone, deceased, in the Superior Court of the State of California, in and for the City and County of San Francisco, No. 91523.	14,382.06	Dario Perrone and Narciso Perrone, as Executors of the Last Will and Testament of Osea Perrone, deceased, 124 Harding Ave., Los Gatos, Calif.	44.31
		Item 41			
Flora Perrone Lagomarsino	Italy	Same	14,382.06	Same	44.32

[F. R. Doc. 45-16712; Filed, Sept. 7, 1945; 10:06 a. m.]

[Vesting Order CE 40]

COSTS AND EXPENSES INCURRED IN CERTAIN ACTIONS OR PROCEEDINGS IN CERTAIN MARYLAND, PENNSYLVANIA, MISSISSIPPI, AND DISTRICT OF COLUMBIA COURTS

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the Alien Property Custodian:

Having found that each of the persons named in Column 1 of Exhibit A, attached hereto and by reference made a part hereof, was a person within the designated enemy country or enemy-occupied territory appearing opposite such person's respective name in Column 2 of said Exhibit A;

Having determined that it was in the interest of the United States to take measures in connection with representing each of said persons in the court or administrative action or proceeding identified in Column 3 of said Exhibit A, and having taken such measures;

Finding that as a result of such action or proceeding each of said persons obtained or was determined to have an interest in property, which interest is particularly described in Column 4 of said Exhibit A;

Finding that such property is in the possession, custody or control of the person described in Column 5 of said Exhibit A; and

Finding that the Alien Property Custodian has incurred, in each of such court or administrative actions or proceedings, costs and expenses in the amount stated in Column 6 of said Exhibit A,

hereby vests in the Alien Property Custodian, to be used or otherwise dealt with in the interest, and for the benefit, of the United States, from the property in the possession, custody, or control of the persons described in said Column 5 of said Exhibit A, the sums stated in said Column 6 of said Exhibit A, such sums being the amounts of such property equal to the costs and expenses incurred by the Alien Property Custodian in such actions or proceedings.

This order shall not be deemed to limit the powers of the Alien Property Custodian to return such property if and when it should be determined that such return should be made.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on September 4, 1945.

[SEAL] JAMES E. MARKHAM,
Alien Property Custodian.

EXHIBIT A

Column 1 Name	Column 2 Country or Territory	Column 3 Action or Proceeding	Column 4 Interest	Column 5 Depositary	Column 6 Sum Vested
		Item 1			
Maria Beatrice Andreozzi Bernini Benzoni.	Italy	Standard Oil Company of New Jersey versus Maria Beatrice Andreozzi Bernini Benzoni, et al, in the Circuit Court of Baltimore City, Maryland, Docket 84-A, Folio 216.	$718.16	Alex. Yearley & Son, Inc., 2 East Lexington St., Baltimore, Md., Agent	$33.03
		Item 2			
Maria Ghibaudi Chiapponi.	Italy	Estate of Secondo Ghibaudi, deceased, in the District Court of the United States for the District of Columbia, Holding Probate Court, Adm. No. 61191.	$66.49	Charles M. Irelan, Administrator of the Estate of Secondo Ghibaudi, deceased, Washington Loan and Trust Bldg., Washington, D. C.	5.65
Luisa Ghibaudi	Italy	*Item 3* Same	$66.49	Same	5.64
		Item 4			
Vasilios Natheoupoulos	Albania	Estate of Konstantinos Natheoupoulos, deceased, in the District Court of the United States for the District of Columbia, No. 61501.	⅓ net profits from operation of "Boston Restaurant" until John Natheoupoulos reaches 21 years.	Edward Samaha, 525 Morse St. NE., Washington, D. C.; Alexios Dakos, 732 4th St. SW., Washington, D. C.; Trustees under the Will of Konstantinos Natheoupoulos.	49.04
Lucas Natheoupoulos	Albania	*Item 5* Same	$20 per month until John Natheoupoulos reaches 21 years.	Same	49.03

EXHIBIT A—Continued

Column 1 Name	Column 2 Country or Territory	Column 3 Action or Proceeding	Column 4 Interest	Column 5 Depositary	Column 6 Sum Vested
		Item 6			
Yecha Kaplan	Poland	Estate of Rebecca Wein, also known as Beckie Portish, deceased, in the District Court of the United States for the District of Columbia, No. 63381.	$2,146.76	Fred Kogod, Administrator of the Estate of Rebecca Wein, 621 E St. NW., Washington, D. C.	$
		Item 7			
Louis Dumont	France	Estate of Paul C. Stewart, deceased, in the Orphans' Court of Philadelphia County, Pennsylvania, No. 206 of 1944.	$500.00	Girard Trust Company, Broad and Chestnut Sts., Philadelphia, Pennsylvania, surviving executor.	1
		Item 8			
Charles W. Dopson	France	Same	$500.00	Same	1
		Item 9			
Robert T. W. Moss	France	Same	$1,000.00	Same	2
		Item 10			
Charles J. Theriat	France	Same	$1,000.00	Same	2
		Item 11			
Bertha Steele	France	Same	$10,287.72	Same	20
		Item 12			
Mary Beslemann de Montbrison	France	Same	$31,236.74 and 1/4 invested remainder interest in $160,000 trust.	Same	625
		Item 13			
Gus Constantinos Drakopoulos	Greece	Estate of Michael Drakopoulos, deceased, in the District Court of the United States for the District of Columbia, Holding Probate Court.	$381.08	Security Savings and Commercial Bank, 9th and G Sts., Washington, D. C.; Account George J. Chapatas, trustee for Gus Constantinos Drakopoulos	1
		Item 14			
Alfredo Gentilini	Italy	Estate of Joseph Gentilini, deceased, in the Chancery Court of Washington County, Miss. No. 1973.	U. S. "E" Bonds $1,200.00 maturity value.	A. D. Brooks, Clerk of the Chancery Court of Washington County, Greenville, Miss.	5
		Item 15			
Vincenzo Gentilini	Italy	Same	U. S. "E" Bonds $1,200.00 maturity value, War Savings Stamps $8.00.	Same	5

[F. R. Doc 45-16713; Filed, Sept. 7, 1945, 10:06 a. m.]

[Vesting Order CE 41]

COSTS AND EXPENSES INCURRED IN CERTAIN ACTIONS OR PROCEEDINGS IN CERTAIN NEW YORK COURTS

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the Alien Property Custodian:

Having found that each of the persons named in Column 1 of Exhibit A, attached hereto and by reference made a part hereof, was a person within the designated enemy country or enemy-occupied territory appearing opposite such person's respective name in Column 2 of said Exhibit A;

Having determined that it was in the interest of the United States to take measures in connection with representing each of said persons in the court or administrative action or proceeding identified in Column 3 of said Exhibit A, and having taken such measures;

Finding that as a result of such action or proceeding each of said persons obtained or was determined to have an interest in property, which interest is particularly described in Column 4 of said Exhibit A;

Finding that such property is in the possession, custody or control of the person described in Column 5 of said Exhibit A; and

Finding that the Alien Property Custodian has incurred, in each of such court or administrative actions or proceedings, costs and expenses in the amount stated in Column 6 of said Exhibit A,

hereby vests in the Alien Property Custodian, to be used or otherwise dealt with in the interest, and for the benefit, of the United States, from the property in the possession, custody, or control of the person described in said Column 5 of said Exhibit A, the sums stated in said Column 6 of said Exhibit A, such sums being the amounts of such property equal to the costs and expenses incurred by the Alien Property Custodian in such actions or proceedings.

This order shall not be deemed to limit the powers of the Alien Property Custodian to return such property if and when it should be determined that such return should be made.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on September 4, 1945.

[SEAL] JAMES E. MARKHAM,
Alien Property Custodian.

EXHIBIT A

Column 1 Name	Column 2 Country or Territory	Column 3 Action or proceeding	Column 4 Interest	Column 5 Depositary	Column 6 Sum Vested
		Item 1			
Henri Cottenet	France	Estate of Marie Francoise Kuhler Renard, deceased, Surrogate's Court, County of New York, N. Y.	$23,033.01. Cash mortgage certificates and other real estate securities, $47,514.40.	Brown Bros. Harriman & Co., 59 Wall St., New York, N. Y.	

EXHIBIT A—Continued

Column 1 Name	Column 2 Country or territory	Column 3 Action or proceeding	Column 4 Interest	Column 5 Depositary	Column 6 Sum vested
		Item 2			
Ingrid Nathalie Gronli	Norway	Estate of Eslund or Aamund Gronli, deceased, Surrogate's Court, Kings County, New York, Index No. A-3885 41.	$425.62	William V. Elliott, Public Administrator, Kings County, Municipal Bldg., Brooklyn, N. Y., as Administrator of the Estate of Eslund or Aamund Gronli.	$49.
		Item 3			
Marit Gunnove Gronli	Norway	Same	$83.75	Same	9.
		Item 4			
Ivar Bernhard Gronli	Norway	Same	$83.75	Same	9.
		Item 5			
Olaf Bonde Gronli	Norway	Same	$83.74	Same	9.
		Item 6			
Leiga Dina Bergman (nee Rosenkrantz).	Poland	Estate of Max Rosen, deceased, Surrogate's Court, New York County, N. Y., Docket No. P-2118/1941.	$261.00	Mildred Rosen, 171 West 85th St., New York, N. Y., Executrix of the Estate of Max Rosen, deceased.	25.
		Item 7			
S. Keyser Thorne	France	In the Matter of S. Keyser Thorne, an absentee.	$973,033	Henry B. Guthrie, 55 Wall St., New York 5, N. Y., as Temporary Administrator of the Estate of S. Keyser Thorne, an absentee.	589.
		Item 8			
Clara Juana Fineyro	France	City Bank Farmers Trust Co., as Trustee, Plaintiff vs. Maria L. Dalton, et al., defendants.	$55.28	City Bank Farmers Trust Company, 22 William St., New York 5, N. Y., Trustee	55.
		Item 9			
Pauline Chiquet Drusno	France	Estate of Elisa Frauchiger, deceased, Surrogate's Court, Suffolk County, N. Y.	$75.00	Marie Koereisz, Amityville, Suffolk County, N. Y., Executrix of the Estate of Elisa Frauchiger, deceased.	25.
		Item 10			
Jeanne Chiquet Meylan	France	Same	$75.00	Same	25.
		Item 11			
Louis Arnolin	France	Same	$25.00	Same	25.
		Item 12			
Juliette LaGarde	France	Estate of Lester Field, deceased, Surrogate's Court, New York County, N. Y., Docket No. P-1510/38.	Income beneficiary for life from trust in the amount of $12,745.51; accumulated income, $835.69.	Bankers Trust Co., 16 Wall St., New York, N. Y., Trustee under the will of Lester Field, deceased.	38.

[F. R. Doc. 45-16714; Filed, Sept. 7, 1945; 10:06 a. m.]

OFFICE OF ECONOMIC STABILIZATION.

[WLB Case No. 111-4667-D]

WENTWORTH BUS LINES, INC. AND AMALGAMATED ASSOCIATION OF STREET, ELECTRIC RAILWAY AND MOTOR COACH EMPLOYEES OF AMERICA, LOCAL 1340, AFL

DIRECTIVE TO ODT AND OPA WITH RESPECT TO PRIORITIES AND ALLOCATIONS

On June 2, 1945, pursuant to the authority vested in me by Executive Order 9370, I directed the Office of Defense Transportation and the Office of Price Administration to deny the Wentworth Bus Lines, Inc. of Dover, N. H., its successors and assigns, all applications for priority assistance or for the allocation of materials which were short in supply and to cancel all outstanding priorities and allocations of that company by July 9, 1945. The effective date of the cancellation orders which were issued by these agencies pursuant to this directive was later postponed to August 15, 1945 by Directive of July 6, 1945. Subsequently the National Labor Relations Board ordered a hearing on the Company's petition seeking withdrawal and cancellation of the order of the National Labor Relations Board designating Division 1340, Amalgamated Association of Street, Electric Railway and Motor Coach Employees of America as the exclusive bargaining representative of the bus drivers and mechanics of the Company. Accordingly, on August 3, 1945 the Acting Economic Stabilization Director directed the Office of Defense Transportation and the Office of Price Administration to postpone to October 1, 1945 the effective dates of the cancellation orders which had been issued by these agencies.

It now appears that, with minor exceptions, priority and allocation controls affecting this company have been withdrawn as a result of the surrender of Japan. It is therefore no longer appropriate to continue in effect my directive of June 2, 1945.

Therefore, by virtue of and pursuant to the authority vested in me by Executive Order 9370, I hereby withdraw the directive to the Office of Defense Transportation and Office of Price Administration issued by me on June 2, 1945, (10 F.R. 6804) and I hereby direct:

1. That the Office of Price Administration shall withdraw Cancellation Order No. 1, under General Ration Order No. 8, issued in this case under date of June 30, 1945.

2. That the Office of Defense Transportation shall withdraw the cancellation order issued in this case under date of June 26, 1945.

Issued and effective this 6th day of September 1945.

WILLIAM H. DAVIS,
Economic Stabilization Director.

[F. R. Doc 45-16785; Filed, Sept. 7, 1945; 4:10 p. m.]

OFFICE OF PRICE ADMINISTRATION.

[Order 75 Under 3 (e)]

DAVIDSON RUBBER CO.

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.3 (e) of the General Maximum Price Regulation, it is ordered:

(a) *Applicability of this order.* This order applies to all sales of GR-S sponge rubber make-up puffs manufactured by the Davidson Rubber Company, 50 Brighton Street, Charlestown, Massachusetts.

(b) *Maximum prices.* The maximum net prices for sales of the commodity described in paragraph (a) of this order are as follows:

To wholesalers: $3.39 per gross.
To mass distributors: $3.76 per gross.
To independent retailers: $4.52 per gross.
At retail: $0.05 each.

(c) *Notification of maximum prices.* With or prior to the first delivery of the sponge rubber make-up puff described in paragraph (a) to a wholesaler, mass distributor, or an independent retailer, the seller shall give the purchaser a written notice of the maximum retail price applicable thereto as established by paragraph (b) of this order. If the purchaser is a wholesaler, the notification shall include the maximum wholesale price as established by paragraph (b) of this order and a statement that each purchaser is required by this order to notify any retailer to whom he sells of the maximum retail price.

(d) All provisions of the General Maximum Price Regulation that are not inconsistent with this order shall apply to sales covered by this order.

(e) This order may be revoked or amended by the Office of Price Administration at any time.

This order shall become effective September 8, 1945.

Issued this 7th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-16743; Filed, Sept. 7, 1945; 11:34 a. m.]

[Order 76 Under 3 (e)]

CALIFORNIA HOUSEWARES CO.

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith, and filed with the Division of the Federal Register and pursuant to § 1499.3 (e) of the General Maximum Price Regulation, it is ordered:

(a) *Applicability.* This order applies to all sales of RUG-TEX, a synthetic rubber-like solution containing GR-S latex type 3, manufactured by the California Housewares Company, 4517 Mullen Avenue, Los Angeles 43, California, and sold in a glass bottle containing one pint for use on the back of rugs to prevent slipping.

(b) *Maximum prices.* The maximum prices for sales in one pint bottles of the commodity described in paragraph (a) shall be:

$0.53 per pint to wholesalers.
$0.71 per pint to retailers.
$1.19 per pint at retail.

(c) *Notification of maximum prices.* With or prior to the first delivery to a reseller of the commodity priced by this order, the seller shall notify the purchaser in writing of the maximum retail price established by this order for sales at retail. If such purchaser is a wholesaler, such notification shall also give the specific maximum prices for sales to retailers as established by paragraph (b) of this order.

(d) This order may be amended or revoked at any time by the Office of Price Administration.

This order shall become effective September 8, 1945.

Issued this 7th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-16744; Filed, Sept. 7, 1945; 11:34 a. m.]

[MPR 64, Order 188]

GENERAL WESCO STOVE CO.

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to sections 8 and 11 of Maximum Price Regulation No. 64, *It is ordered:*

(a) This order establishes maximum prices for sales of the Model 19 General and Model 77 Major radiant magazine coal heaters and the Model 20 General circulating magazine coal heater manufactured by the General Wesco Stove Company, 621 North Jefferson Street, Springfield, Missouri, as follows:

(1) For sales by the manufacturer to retail dealers the maximum prices are as follows:

Model and Maximum Price to Retail Dealers

	Each
19 General	$32.00
77 Major	23.75
20 General	56.85

These prices are f. o. b. factory and are subject to a cash discount of two percent for payment within ten days. They are also subject to the manufacturer's customary terms, discounts, allowances, and other price differentials which are no less favorable than those in effect during the period January 15 to June 1, 1941.

(2) For sales in each zone by retail dealers to ultimate consumers the maximum prices are those set forth below:

Model	Maximum prices to ultimate consumers			
	Zone 1	Zone 2	Zone 3	Zone 4
	Each	*Each*	*Each*	*Each*
19 General	$25.95	$28.95	$31.50	$34.50
77 Major	41.50	43.25	45.25	46.95
20 General	99.50	103.95	108.25	112.95

These prices are subject to each seller's customary terms, discounts, allowances and other price differentials in effect on sales of similar articles.

(b) At the time of, or prior to, the first invoice to each purchaser for resale after the effective date of this order, the General Wesco Stove Company shall notify the purchaser of the maximum prices and conditions established by this order for resales by the purchaser. This notice may be given in any convenient form.

(c) The General Wesco Stove Company, before delivering any stove covered by this order after the effective date of this order shall attach securely to the front of each stove a tag or label which plainly states the maximum retail prices in each zone, together with a list of the states included in each zone. This tag or label may not be removed until after the stove has been sold to an ultimate consumer.

(d) For purposes of this order, Zones 1, 2, 3, and 4 comprise the following states:

Zone 1: Missouri, Arkansas, Kansas and Oklahoma.

Zone 2: Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, New York, Pennsylvania, New Jersey, Maryland, Delaware, Virginia, West Virginia, Ohio, Kentucky, Indiana, Michigan, Wisconsin, Illinois, Iowa, Minnesota, North Dakota, South Dakota, Nebraska, Texas, Louisiana, North Carolina, South Carolina, Tennessee, Georgia, Alabama, Mississippi, Florida and the District of Columbia.

Zone 3: Montana, Wyoming, Utah, Colorado, and New Mexico.

Zone 4: Washington, Oregon, Idaho, California, Nevada, and Arizona.

(e) This order may be revoked or amended by the Price Administrator at any time.

(f) This order shall become effective on the 8th day of September 1945.

Issued this 7th day of September 1945

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-16745, Filed, Sept. 7, 1945, 11:34 a. m.]

[MPR 64, Order 189]

MALLEABLE IRON RANGE CO.

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to sections 3 and 11 of Maximum Price Regulation No. 64, it is ordered:

(a) *Maximum prices.* This order establishes maximum prices for sales of the Models L. N. 156 PC, 156 PC, L. N 56 PC, 56 PC, 163 P and 63 P electric ranges manufactured by the Malleable Iron Range Company, Beaver Dam, Wisconsin, as follows:

(1) For sales by the manufacturer to retail dealers the maximum prices including the Federal excise tax are those set forth below:

Model	Maximum prices to retail dealers	
	In carload lots	In less than carload lots
L. N. 156 PC (closed units, lamp and cooker)	*Each* $101.10	*Each* Same
156 PC (closed units and cooker)	95.60	Same
L. N. 56 PC (open units, lamp and cooker)	88.78	90.40
56 PC (open units and cooker)	85.50	87.00
163 P (electric low oven cooker with open units)	79.21	81.00
63 P (electric low oven cooker with closed units)	76.80	78.40

These prices are f. o. b. factory. The prices of the Models L. N. 156 PC, 156 PC L. N. 56 PC, and 56 PC are subject to a $2.00 allowance for cooperative advertising if the dealer earns it by spending at least a like amount. In all other respects, the manufacturer's prices are subject to his customary terms, discounts, and allowances which are no less favorable than those in effect during the period January 15, to June 1, 1941.

(2) For sales in each zone by retail dealers to ultimate consumers, the maximum prices including the Federal excise tax but not including any local sales taxes are those set forth below:

Model	Maximum prices to ultimate consumers			
	Zone 1	Zone 2	Zone 3	Zone 4
	Each	*Each*	*Each*	*Each*
L. N. 156 PC (closed units, lamp and cooker)	$170.25	$174.25	$178.25	$179.50
156 PC (closed units and cooker)	164.95	168.95	172.75	174.00
L. N. 56 PC (open units, lamp and cooker)	149.50	153.50	157.50	158.75
56 PC (open units and cooker)	144.25	148.25	152.00	153.25
163 P (electric low oven cooker with open units)	99.75	102.25	104.25	104.95
63 P (electric low oven cooker with closed units)	79.00	81.50	83.50	84.25

These maximum prices include delivery, installation with connection to the electric facilities provided by the purchaser, and a one year warranty. They are subject to each seller's customary terms, discounts, allowances, and other price differentials in effect on sales of similar articles.

(b) *Notification.* At the time of or prior to the first invoice to each purchaser for resale the manufacturer shall notify the purchaser of the maximum prices and conditions established by this order for resales by the purchaser. This notice may be given in any convenient form.

(c) *Labeling.* The manufacturer, prior to shipping any range covered by this order to a purchaser for resale, shall attach securely to the outside panel of the oven door of each range, a label showing the name of the manufacturer, the model number of the range, its OPA retail ceiling price in each zone and a list of the states included in each zone. The manufacturer may, however, in the case of ranges he ships to dealers in Zone 4 for sales in that zone, attach a label showing instead of the OPA retail ceiling price in all four zones, and the states included in each zone, only the Zone 4 ceiling price and the states included in that zone. Every label shall also contain a statement that the ceiling prices shown on the label include delivery, installation with connection to the electric facilities provided by the purchaser, a one year warranty, and the Federal excise tax. This label may not be removed until after the range has been sold to an ultimate consumer.

(d) For purposes of this order Zones 1, 2, 3, and 4 comprise the following states:

Zone 1: Iowa, Wisconsin and Illinois.

Zone 2: North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, Minnesota, Missouri, Arkansas, Louisiana, Tennessee, Kentucky, Indiana, Michigan, Ohio, Virginia, West Virginia, Pennsylvania, Maryland, Delaware, New Jersey, New York, Maine, Vermont, New Hampshire, Massachusetts, Connecticut, Rhode Island and the District of Columbia.

Zone 3: North Carolina, South Carolina, Georgia, Florida, Alabama, Mississippi, Texas, New Mexico, Colorado, Utah, Wyoming, and Montana.

Zone 4: Washington, Oregon, Idaho, California, Nevada and Arizona.

(e) This order may be revoked or amended by the Price Administrator at any time.

(f) This order shall become effective on the 8th day of September 1945.

Issued this 7th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-16746; Filed, Sept. 7, 1945; 11:34 a. m.]

[MPR 120, Amdt. 5 to Order 1343]

BITUMINOUS COAL IN DISTRICT 8

ESTABLISHMENT OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith, and in accordance with § 1340.207 (a) of Maximum Price Regulation No. 120, *It is ordered:*

Order No. 1343 under Maximum Price Regulation No. 120 is amended in the following respect:

In the table of maximum prices appearing in paragraph (1) a new mine index number, mine name, subdistrict number and maximum prices are added as follows:

Mine Index No.	Name	Subdistrict	Maximum prices and size group numbers for high volatile coal for shipment by rail or river, including railroad fuel—all uses													
			1	2	3	4	5	6	7	8	9	10	15, 16, 17	18	20, 21	22	23
458	Swords' Creek	7	380	350	345	345	375	335	315	365	365	395	315	315	315	315	.....

This Amendment No. 5 To Order No. 1343 shall become effective as of April 16, 1945.

Issued this 7th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-16747; Filed, Sept. 7, 1945; 11:35 a. m.]

[MPR 120, Amdt. 1 to Rev. Order 1432]

BITUMINOUS COAL IN DISTRICT 8

ESTABLISHMENT OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and in accordance with § 1340.207 (a) of Maximum Price Regulation No. 120, *It is ordered:*

Revised Order No. 1432 under Maximum Price Regulation No. 120 is amended in the following respect:

Paragraph (c), (d), (e) and (f) are relettered (d), (e), (f) and (g), respectively, and a new paragraph (c) is added to read as follows:

(c) In addition to 50 cents per net ton increase authorized by paragraph (a) of this Revised Order No. 1432 under Maximum Price Regulation No. 120, there may be added the sum of 25 cents per net ton to the maximum prices for Size Groups 15, 16 and 17 authorized therein for coals produced at the following mines:

Names:	*Index Nos.*
Cutshin Coal Co	3647
Smith Coal Co	5427, 5631
Wooten Coal Co	7281
Raider Coal Co	5130
Viper Coal Co	7255

This Amendment No. 1 to Revised Order No. 1432 under Maximum Price Regulation No. 120 shall become effective September 8, 1945.

Issued this 7th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-16748; Filed, Sept. 7, 1945; 11:35 a. m.]

[MPR 132, Amdt. 1 to Order 5]

PERRY RUBBER CO.

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1315.70 (b) of Maximum Price Regulation 132 and section 6.4 of Second Revised Supplementary Regulation No. 14 to the General Maximum Price Regulation, paragraph (b) of Order No. 5 to Maximum Price Regulation 132, which establishes maximum prices for sales at all levels of trade of the neoprene dipped footwear item bearing the brand name "Shower Toes" and manufactured by the Perry Rubber Company, Massillon, Ohio, is amended to read as follows:

(b) *Maximum prices.* The maximum prices for sales to distributors, to jobbers, to retailers, and at retail of the footwear item described in paragraph (a) of this order shall be as follows:

Class of Purchaser and Maximum Price

To distributors: $3.15 per dozen pairs in pouch and box.

To jobbers: $3.36 per dozen pairs in pouch and box.

To retailers: $4.20 per dozen pairs in pouch and box.

At retail: $0.70 per pair in pouch.

This order shall become effective September 8, 1945.

Issued this 7th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-16749; Filed, Sept. 7, 1945; 11:35 a. m.]

[MPR 188, Order 119 Under 2d Rev. Order A-3]

AKRON LAMP & MFG. CO.

ADJUSTMENT OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith, and filed with the Division of the Federal Register, and pursuant to Second Revised Order No. A-3 under § 1499.159b of Maximum Price Regulation No. 188, it is ordered:

(a) *Manufacturer's maximum prices.* The Akron Lamp & Mfg. Co., of 592–606 S. High Street, Akron, Ohio, may sell and deliver the Model No. 132 Gasoline (Pressure Type) Twin Mantle Lantern which it manufactures, and which is described in the manufacturer's application dated July 16, 1945 to Montgomery Ward, of Chicago, Illinois, at prices no higher than its maximum prices in effect immediately prior to the issuance of this order plus an adjustment charge of $0.53 per unit.

On all sales of this article to Montgomery Ward, the adjustment charge provided herein may be made and collected only if stated seperately on each invoice.

The maximum price of the manufacturer, as adjusted, is subject to its customary terms, discounts, allowances and other price differentials in effect during March, 1942, on sales to Montgomery Ward.

(b) *Maximum resale prices of Montgomery Ward.* Montgomery Ward may not increase its present maximum prices for sales of the article described in (a) by reason of any adjustment permitted the manufacturer under this order.

(c) *Notification.* At the time of, or prior to, the first invoice to Montgomery Ward, the seller shall notify Montgomery Ward in writing that this order does not permit it to increase its present maximum prices by reason of any adjustment authorized for the manufacturer.

(d) This order may be revoked or amended by the Price Administrator at any time.

(e) This order shall become effective on September 8, 1945.

Issued this 7th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-16760; Filed, Sept. 7, 1945; 11:35 a. m.]

[MPR 188, Order 120 Under 2d Rev. Order A-3]

SNOW & NEALLEY CO.

ADJUSTMENT OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith, and filed with the Division of the Federal Register; and pursuant to Second Revised Order No. A-3 under § 1499.159b of Maximum Price Regulation No. 188, it is ordered:

(a) *Manufacturer's maximum prices.* Snow & Nealley Co., of 84–90 Exchange Street, Bangor, Maine, may sell and deliver the pulp hooks, listed below, which it manufactures, and which are described in the manufacturer's catalogue revised to February 24, 1942, to wholesalers and to commissary departments at prices no higher than its maximum prices in effect immediately prior to the issuance of this order plus the appropriate one of the following adjustment charges:

Pattern	Adjustment charge on sales to—	
	Wholesalers	Commissary departments
	Dozen	*Dozen*
Foss	$2.03	$2.70
Bentley (12" regular)	2.03	2.70
Scales (for white birch)	2.03	2.70
Trembley (for white birch)	2.03	2.70
Eastern	2.03	2.70
Hutts	2.03	2.70
Berlin	2.03	2.70
Oxford	2.03	2.70
Houghton (York)	2.03	2.70

On all sales to wholesalers and to commissary departments, the adjustment charges provided herein may be made and collected only if stated separately on each invoice.

The maximum prices of the manufacturer, as adjusted, are subject to its customary terms, discounts, allowances and other price differentials in effect during March, 1942 on sales to each class of purchaser.

(b) *Maximum prices of purchasers for resale.* A person who hereafter buys an article covered by this order and resells it in substantially the same form, may collect from his customer, in addition to his properly established maximum price in effect immediately before this order was issued, an adjustment charge in the same amount as the adjustment charge herein authorized and which he pays to his supplier. If he did not have a maximum price in effect for the article at the time this order was issued, he may add the same adjustment charge to the maximum price which he hereafter establishes for his sales under the applicable regulation. If the applicable regulation requires the maximum resale price to be computed on the basis of cost, the reseller must find his maximum resale price (not including the permitted adjustment charge) by using as cost his invoice cost less any adjustment charge stated on the invoice as a separate amount.

On all sales other than sales to the ultimate consumer this adjustment charge may be made and collected only if it is separately stated on each invoice. The adjusted price is subject to each seller's customary terms, discounts, and allowances on sales of the same or similar articles.

(c) *Notification.* At the time of, or prior to, the first invoice to a purchaser for resale, showing a price adjusted in accordance with the terms of this order, the seller shall notify the purchaser in writing of the method established in paragraph (b) of this order for determining adjusted maximum prices for resale of the article covered by this order. This notice may be given in any convenient form.

(d) This order may be revoked or amended by the Price Administrator at any time.

(e) This order shall become effective on September 8, 1945.

Issued this 7th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-16761; Filed, Sept. 7, 1945 11:36 a. m.]

[MPR 188, Amdt. 1 to Order 3073]

EDWARD KRUMPE

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.158 of MPR 188, *It is ordered*, That Order No. 3073 under § 1499.158 of MPR 188 be and it hereby is amended in the following respects:

(a) The following articles and maximum prices are added to those listed in paragraph (a) (1):

Article	Model No.	Maximum price to persons, other than retailers, who sell the articles from their own stock	Maximum price to persons other than retailers, who sell the articles from manufacturer's stock	Maximum price to retailers
		Each	*Each*	*Each*
Victorian fireplace	930	$44.11	$15	$22.06
Baroque mirror	6065	24.91	26	12.46
Plume coffee table	1906	22.09	24	11.05
Acanthus lamp table	101	22.03	23	11.02
Wheat console	1507	24.91	26	12.46
Scroll fernery	1450	44.07	46	22.04

(b) The following articles and maximum prices are added to those listed in paragraph (a) (2):

Article	Model No.	Maximum price
		Each
Victorian fireplace	930	$22.06
Baroque mirror	6065	12.46
Plume coffee table	1906	11.05
Acanthus lamp table	101	11.02
Wheat console	1507	12.46
Scroll fernery	1450	22.04

(c) All other provisions of Order No. 3073 under MPR 188, remain unchanged.

(d) This amendment may be revoked or amended by the Price Administrator at any time.

This amendment shall become effective on the 8th day of September 1945.

Issued this 7th day of September 1945

CHESTER BOWLES,
Administrator

[F. R. Doc. 45-16750; Filed, Sept. 7 1945; 11:36 a. m.]

[MPR 188, 2d Rev. Order 3263]

KINNEY ALUMINUM CO.

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.158 of Maximum Price Regulation No. 188, *It is ordered:*

Order No. 3263 is amended and revised as follows:

(a) This order establishes maximum prices for sales and deliveries of certain articles manufactured by Kinney Aluminum Company of 5900 South Boyle Avenue, Los Angeles, Calif.

(1) For all sales and deliveries to the following classes of purchasers by the sellers indicated below, the maximum prices are those set forth below:

Article and model	Maximum prices for sales by any seller to—				
	Wholesalers (jobbers)	Department stores	Syndicates	Other retailers	Consumers
Sauce pan and cover (standard or stippled finish).					
1-quart	*Each* $2.13	*Each* $2.55	*Each* $2.30	*Each* $3.84	*Each* $4.25
2-quart	2.43	2.91	2.62	3.91	4.85
3-quart	2.68	3.57	3.21	3.97	5.95
4-quart	3.48	4.17	3.75	4.64	6.95
5-quart	3.98	4.77	4.29	5.32	7.95
Dutch oven (standard or stippled finish):					
5-quart	3.88	4.65	4.19	5.17	7.75
6-quart	4.28	5.13	4.62	5.70	8.55
Fryers (standard or stippled finish):					
7-inch no cover	1.25	1.50	1.35	1.67	2.50
8-inch with cover	2.63	3.15	2.84	3.50	5.25
9-inch, with cover	2.98	3.57	3.21	3.97	5.95
10-inch, with cover	3.45	4.14	3.73	4.60	6.90
Chicken fryer (standard or stippled finish:					
10-inch with cover	3.63	4.35	3.92	4.84	7.25
11-inch with cover	4.18	5.01	4.51	5.57	8.35
Oval roaster (standard or stippled finish):					
11 x 16	7.43	8.91	8.02	9.90	14.85
Griddle (standard or stippled finish).					
10½-inch, with handle	2.15	2.58	2.32	2.87	4.30

These maximum prices are for the articles described in the manufacturer's application dated May 18, 1945.

(2) For sales by the manufacturer, these maximum prices apply to all sales and deliveries after the effective date of this order. The manufacturer's prices are f. o. b. factory and subject to a cash discount of 2% for payment within 10 days, net 30 days. The prices for sales by persons other than the manufacturer are subject to each seller's customary terms and conditions of sale on sales of similar articles.

(b) The manufacturer shall attach a tag or label to every article for which a maximum price for sales to consumers is established by this order. That tag or label shall contain the following statement with the prices properly filled in:

OPA Retail Ceiling Price—$_____
Do Not Detach or Obliterate

(c) At the time of, or prior to, the first invoice to each purchaser for resale, the seller shall notify the purchaser in writing of the maximum prices and conditions established by this order for sales by the purchaser. This notice may be given in any convenient form.

(d) This order may be revoked or amended by the Price Administrator at any time.

(e) This order shall become effective on the 8th day of September 1945.

Issued this 7th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-16751; Filed, Sept. 7, 1945; 11:37 a. m.]

[MPR 188, Rev. Order 3618]

M & M WOODWORKING CO., INC.

APPROVAL OF MAXIMUM PRICES

Order No. 3618 under § 1499.158 of MPR 188 is revised and amended to read as follows:

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.158 of MPR 188, *It is ordered:*

(a) This revised order establishes maximum prices for sales and deliveries of certain articles of furniture manufactured by M & M Woodworking Company, Inc., 725 East 98th Street, Brooklyn, New York.

(1) For all sales and deliveries to the following classes of purchasers by the sellers indicated below, the maximum prices are those set forth below:

Article	Model No.	Manufacturer's maximum price to persons, other than retailers, who sell from their own stock	Manufacturer's maximum price to persons, other than retailers, who sell from the manufacturer's stock	Maximum price for sales to retailers by the manufacturer, and to persons, other than retailers, who sell from the manufacturer's stock
		Each	*Each*	*Each*
Broom cabinet	519-B	$6.10	$6.49	$7.63
Linen cabinet	519-L	5.26	5.58	6.57
	525-C	6.91	7.34	8.64
	525-L	6.81	7.24	8.51
	531-L	8.23	8.75	10.29
Wardrobe	7124	7.17	7.62	8.96
	7129	10.29	10.93	12.86
	7131	9.70	10.31	12.13

These prices are f. o. b. factory, are subject to a cash discount of two percent for payment within ten days, net thirty days, and are for the articles described in the manufacturer's application dated October 7, 1944.

(2) For sales by the manufacturer the maximum prices apply to all sales and deliveries since the effective date of MPR 188. For sales by persons, other than retailers, who sell from the manufacturer's stock, the maximum prices apply to all sales and deliveries after the effective date of this revised order.

(3) If the manufacturer wishes to make sales and deliveries to any other class of purchaser or on other terms and conditions of sale, he must apply to the Office of Price Administration, Washington, D. C., under the Fourth Pricing Method, § 1499.158, of MPR 188, for the establishment of maximum prices for those sales, and no sales or deliveries may be made until maximum prices have been authorized by the Office of Price Administration.

(b) At the time of, or prior to, the first invoice to each purchaser, other than a retailer, who sells from the manufacturer's stock, the manufacturer shall notify the purchaser of the maximum prices and conditions established by this revised order for sales by the purchaser. This notice may be given in any convenient form.

(c) This revised order may be revoked or amended by the Price Administrator at any time.

This revised order shall become effective on the 8th day of September 1945.

Issued this 7th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-16752; Filed, Sept. 7, 1945; 11:36 a. m.]

[MPR 188, Revocation of Order 4024]

KINNEY ALUMINUM CO.

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.157 of Maximum Price Regulation No. 188 and section 6.4 of Second Revised Supplementary Regulation No. 14, *It is ordered:*

Order No. 4024 establishing maximum prices for sales and deliveries of stippled finish aluminum utensils manufactured by the Kinney Aluminum Company, 5900 Boyle Avenue, Los Angeles 11, California, is hereby revoked.

This order of revocation shall become effective on the 8th day of September 1945.

Issued this 7th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-16753; Filed, Sept. 7, 1945; 11:37 a. m.]

[MPR 188, Rev. Order 4184]

IRVING SCHNEIDER

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.158 of Maximum Price Regulation No. 188, *It is ordered:* Order No. 4148 under Maximum Price Regulation No. 188 is revised and amended to read as set forth herein.

(a) This revised order establishes maximum prices for sales and deliveries of certain articles manufactured by Irving Schneider, 135 East 12th Street, New York 3, N. Y.

(1) For all sales and deliveries to the following classes of purchasers by the sellers indicated below, the maximum prices are those set forth below:

Article	Model No.	For sales by the manufacturer to—		For sales by any person to consumers
		Jobbers	Retailers	
Crystal boudoir lamp	204	*Each* $1.20	*Each* $1.40	*Each* $2.50
	205			
	206			
Crystal table lamp	207	3.06	3.60	6.50

These maximum prices are for the articles described in the manufacturer's application dated August 9, 1945.

(2) For sales by all persons the maximum prices apply to all sales and deliveries after the effective date of this order. These prices are subject to each seller's customary terms and conditions of sale on sales of similar articles.

(3) For sales by persons other than the manufacturer, the maximum prices apply to all sales and deliveries after the effective date of this order. Those prices are subject to each seller's customary terms and conditions of sale on sales of similar articles.

(4) If the manufacturer wishes to make sales and deliveries to any other class of purchaser or on other terms and conditions of sale, he must apply to the Office of Price Administration, Washington, D. C., under the Fourth Pricing Method, § 1499.158 of Maximum Price Regulation No. 188, for the establishment of maximum prices for those sales, and no sales or deliveries may be made until maximum prices have been authorized by the Office of Price Administration.

(b) The manufacturer shall attach a tag or label to every article for which a maximum price for sales to consumers is established by this revised order. That tag or label shall contain the following statement, with the proper model number and the ceiling price inserted in the blank spaces:

Model No. ------
OPA Retail Ceiling Price—$------
Do Not Detach

(c) At the time of, or prior to, the first invoice to each purchaser for resale, the manufacturer shall notify the purchaser in writing of the maximum prices and conditions established by this revised order for sales by the purchaser. This notice may be given in any convenient form.

(d) Jobber's maximum prices for sales of the articles covered by this revised order shall be established under the provision of Section 4.5 of SR 14J.

(e) This revised order may be revoked or amended by the Price Administrator at any time.

(f) This revised order shall become effective on the 8th day of September 1945.

Issued this 7th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-16754; Filed, Sept. 7, 1945; 11:36 a. m.]

[MPR 188, Order 4391]

McPHILBEN MFG. CO., INC.

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.159c of Maximum Price Regulation No. 188, and section 6.4 of SR14, *It is ordered:*

(a) This order establishes maximum prices for sales and deliveries of certain articles manufactured by McPhilben Manufacturing Co., Inc., 102 Wooster Street, New York 12, N. Y.

(1) For all sales and deliveries to the following classes of purchasers by the sellers indicated below, the maximum prices are those set forth below:

Article	Model No.	For sale by the manufacturer to—		For sales by any person to consumers
		Jobbers	Retailers	
Fluorescent bed lamp	BL-114	*Each* $3.53	*Each* $4.50	*Each* $8.10

These maximum prices are for the articles described in the manufacturer's application dated March 10, 1945.

(2) For sales by the manufacturer, the maximum prices apply to all sales and deliveries since Maximum Price Regulation No. 188 became applicable to those sales and deliveries. For sales to persons other than consumers they are f. o. b. factory, 2% 10 days, net 30. The maximum price to consumers is net, delivered.

(3) For sales by persons other than the manufacturer, the maximum prices apply to all sales and deliveries after the effective date of this order. Those prices are subject to each seller's customary terms and conditions of sale on sales of similar articles.

(4) If the manufacturer wishes to make sales and deliveries to any other class of purchaser or on other terms and conditions of sale, he must apply to the Office of Price Administration, Washington, D. C., under the Fourth Pricing Method, § 1499.158 of Maximum Price Regulation No. 188, for the establishment of maximum prices for those sales, and no sales or deliveries may be made until maximum prices have been authorized by the Office of Price Administration.

(b) The manufacturer shall attach a tag or label to every article for which a maximum price for sales to consumers is established by this order. That tag or label shall contain the following statement, with the proper model number and the ceiling price inserted in the blank spaces:

Model No. ------
OPA Retail Ceiling Price—$------
Do Not Detach

(c) At the time of, or prior to, the first invoice to each purchaser for resale, the manufacturer shall notify the purchaser in writing of the maximum prices and conditions established by this order for sales by the purchaser. This notice may be given in any convenient form.

(d) Jobber's maximum prices for sales of the articles covered by this order shall be established under the provisions of section 4.5 of SR 14J.

(e) This order may be revoked or amended by the Price Administrator at any time.

(f) This order shall become effective on the 8th day of September 1945.

Issued this 7th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-16755; Filed, Sept. 7, 1945; 11:37 a. m.]

[MPR 188, Order 4392]

SUPERIOR BED LITE CO., INC.

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.158 of Maximum Price Regulation No. 188, *It is ordered:*

(a) This order establishes maximum prices for sales and deliveries of certain articles manufactured by Superior Bed Lite Company, Inc., 24 Avenue A, New York, N. Y.

(1) For all sales and deliveries to the following classes of purchasers by the sellers indicated below, the maximum prices are those set forth below:

Article	Model No.	For sale by the manufacturer to—		For sales by any person to consumers
		Jobbers	Retailers	
Taffeta and satin over wire frame bed lamp trimmed with dressed doll decoration and complete with socket, plug, and wire	100	*Each* $1.70	*Each* $2.00	*Each* $3.90

These maximum prices are for the articles described in the manufacturer's application dated May 17, 1945.

(2) For sales by the manufacturer, the maximum prices apply to all sales and deliveries since Maximum Price Regulation No. 188 became applicable to those sales and deliveries. For sales to persons other than consumers they are f. o. b. factory, 2% 10 days, net 30. The maximum price to consumers is net, delivered.

(3) For sales by persons other than the manufacturer, the maximum prices apply to all sales and deliveries after the effective date of this order. Those prices are subject to each seller's customary terms and conditions of sale on sales of similar articles.

(4) If the manufacturer wishes to make sales and deliveries to any other class of purchaser or on other terms and conditions of sale, he must apply to the Office of Price Administration, Washington, D. C., under the Fourth Pricing Method, § 1499.158 of Maximum Price Regulation No. 188, for the establishment of maximum prices for those sales, and no sales or deliveries may be made until maximum prices have been authorized by the Office of Price Administration.

(b) The manufacturer shall attach a tag or label to every article for which a maximum price for sales to consumers is established by this order. That tag or label shall contain the following statement, with the proper model number and the ceiling price inserted in the blank spaces:

Model No. ------
OPA Retail Ceiling Price—$------
Do Not Detach

(c) At the time of, or prior to, the first invoice to each purchaser for resale, the manufacturer shall notify the purchaser in writing of the maximum prices and conditions established by this order for sales by the purchaser. This notice may be given in any convenient form.

(d) Jobber's maximum prices for sales of the articles covered by this order shall be established under the provisions of section 4.5 of SR 14J.

(e) This order may be revoked or amended by the Price Administrator at any time.

(f) This order shall become effective on the 7th day of September 1945.

Issued this 7th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-16756; Filed, Sept. 7, 1945; 11:38 a. m.]

[MPR 188, Order 4393]

BOREN'S WOOD PRODUCTS MFG. CO.

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.158 of MPR 188; *It is ordered:*

(a) This order establishes maximum prices for sales and deliveries of certain articles of furniture manufactured by Boren's Wood Products Manufacturing Company, 2400 W. 7th Street, Little Rock, Arkansas.

(1) For all sales and deliveries to the following classes of purchasers by the sellers indicated below, the maximum prices are those set forth below:

Article	Model No.	Manufacturer's maximum price to persons other than retailers, who sell from their own stock	Manufacturer's maximum price to persons, other than retailers, who sell from the manufacturer's stock	Maximum prices for sales to retailers by persons other than manufacturer, who sell from the manufacturer's stock
Arm rocker chair	100B	*Each* $2.12	*Each* $2.25	*Each* $2.65
Vanity table		2.00	2.13	2.50
Table and chair set:				
Table	W-20	1.40	1.49	1.75
Chair	W-20	1.40	1.49	1.75

These prices are f. o. b. factory, and include packing.

(2) For sales by the manufacturer the maximum prices apply to all sales and deliveries since the effective date of MPR 188. For sales by persons, other than retailers, who sell from the manufacturer's stock, the maximum prices apply to all sales and deliveries after the effective date of this order.

(3) If the manufacturer wishes to make sales and deliveries to any other class of purchaser or on other terms and conditions of sale, he must apply to the Office of Price Administration, under the Fourth Pricing Method, § 1499.158 of MPR 188, for the establishment of maximum prices for those sales, and no sales or deliveries may be made until maximum prices have been authorized by the Office of Price Administration.

(b) At the time of, or prior to, the first invoice to each purchaser, other than a retailer, who sells from the manufacturer's stock, the manufacturer shall notify the purchaser of the maximum prices and conditions established by this order for sales by the purchaser. This notice may be given in any convenient form.

(c) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective on the 8th day of September 1945.

Issued this 7th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-16757; Filed, Sept. 7, 1945; 11:38 a. m.]

[MPR 188, Order 4394]

STANDARD SALES CO.

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.158 of Maximum Price Regulation No. 188, *It is ordered:*

(a) This order establishes maximum prices for sales and deliveries of certain articles manufactured by the Standard Sales Company, 1133 Broadway, New York 10, N. Y.

(1) For all sales and deliveries to the following classes of purchasers by the sellers indicated below, the maximum prices are those set forth below:

Article	Model	Maximum prices for sales by any seller to—			
		Wholesaler (Jobber)	Retailer (6 units or more)	Retailer (less than 6 units)	Consumer
Two-burner electric hot plate, two switches and cord	M1	*Each* $3.70	*Each* $4.25	*Each* $4.70	*Each* $7.00

These maximum prices are for the articles described in the manufacturer's application dated August 20, 1945. They include the Federal Excise Tax.

(2) For sales by the manufacturer, the maximum prices apply to all sales and deliveries since Maximum Price Regulation No. 188 became applicable to those sales and deliveries. These prices are f. o. b. factory and are subject to a cash discount of 2% for payment within 10 days, net 30 days.

(3) For sales by persons other than the manufacturer, the maximum prices apply to all sales and deliveries after the effective date of this order. Those prices are subject to each seller's customary terms and conditions of sale on sales of similar articles.

(4) If the manufacturer wishes to make sales and deliveries to any other class of purchaser or on other terms and conditions of sale, he must apply to the Office of Price Administration, Washington, D. C., under the Fourth Pricing Method, § 1499.158 of Maximum Price Regulation No. 188, for the establishment of maximum prices for those sales, and no sales or deliveries may be made until maximum prices have been authorized by the Office of Price Administration.

(b) The manufacturer shall attach a tag or label to every article for which a maximum price for sales to consumers is established by this order. That tag or label shall contain either of the following statements with the correct order number filled in:

Order No. 4394
Model No. N1
OPA Retail Ceiling Price—$7.00
Federal Excise Tax Included
Do Not Detach or Obliterate

or

Standard Sales Company
1133 Broadway
New York, New York
Model No. M1
OPA Retail Ceiling Price—$7.00
Federal Excise Tax Included
Do Not Detach or Obliterate

(c) At the time of, or prior to, the first invoice to each purchaser for resale, the seller shall notify the purchaser in writing of the maximum prices and conditions established by this order for sales by the purchaser. This notice may be given in any convenient form.

(d) This order may be revoked or amended by the Price Administrator at any time.

(e) This order shall become effective on the 8th day of September 1945.

Issued this 7th day of September 1945

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-16758; Filed, Sept. 7, 1945; 11:38 a. m.]

[MPR 188, Order 4395]

NATHAN KLUGER & SON

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.158 of Maximum Price Regulation No. 188; *It is ordered:*

(a) This order establishes maximum prices for sales and deliveries of certain articles manufactured by Nathan Kluger & Son, 197 Throop Avenue, Brooklyn, N. Y.

(1) For all sales and deliveries to the following classes of purchasers by the

sellers indicated below, the maximum prices are those set forth below:

Article	Model No.	For sales by the manufacturer to—		For sales by any person to consumers
		Jobbers	Retailers	
26" cut crystal hurricane lamp with ruby fount		*Pair* 181 $25.07	*Pair* $29.30	*Pair* $34.10
22" crystal table lamp with cuttings on base, break, and tube	706	*Each* 85.11	*Each* $9.25	*Each* $11.25
18" crystal table lamp with two silver plated breaks and crystal base	710	10.75	12.65	22.75
28" crystal table lamp with cuttings on base and column	707	6.80	8.00	11.40
28" crystal table lamp with cuttings on base and column, bicone flip and leaf	708	11.64	14.05	24.65
20" crystal table lamp with cuttings on base, break, column and ball break	709	7.67	9.05	16.25

These maximum prices are for the articles described in the manufacturers' application dated April 28, 1945.

(2) For sales by the manufacturer, the maximum prices apply to all sales and deliveries since Maximum Price Regulation No. 188 became applicable to those sales and deliveries. For sales to persons other than consumers they are f. o. b. factory, 2% 10 days, net 30. The maximum price to consumers is net, delivered.

(3) For sales by persons other than the manufacturer, the maximum prices apply to all sales and deliveries after the effective date of this order. Those prices are subject to each seller's customary terms and conditions of sale on sales of similar articles.

(4) If the manufacturer wishes to make sales and deliveries to any other class of purchaser or on other terms and conditions of sale, he must apply to the Office of Price Administration, Washington, D. C., under the Fourth Pricing Method, § 1499.158 of Maximum Price Regulation No. 188, for the establishment of maximum prices for those sales, and no sales or deliveries may be made until maximum prices have been authorized by the Office of Price Administration.

(b) The manufacturer shall attach a tag or label to every article for which a maximum price for sales to consumers is established by this order. That tag or label shall contain the following statement, with the proper model number and the ceiling price inserted in the blank spaces:

Model No. ------
OPA Retail Ceiling Price—$ ------
Do Not Detach

(c) At the time of, or prior to, the first invoice to each purchaser for resale, the manufacturer shall notify the purchaser in writing of the maximum prices and conditions established by this order for sales by the purchaser. This notice may be given in any convenient form.

(d) Jobber's maximum prices for sales of the articles covered by this order shall be established under the provisions of section 4.5 of SR 14J.

(e) This order may be revoked or amended by the Price Administrator at any time.

(f) This order shall become effective on the 8th day of September 1945.

Issued this 7th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-16759; Filed, Sept. 7, 1945; 11:38 a. m.]

[MPR 591, Order 12]

VICTOR PRODUCTS CORP.

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register and pursuant to section 9 of Maximum Price Regulation No. 591, *It is ordered:*

(a) The maximum net prices, f. o. b. point of shipment for sales by any person of the following Quick Freeze Units manufactured by the Victor Products Corporation and as described in its application dated June 26, 1945, which is on file with the Building Materials Price Branch, Office of Price Administration, Washington 25, D. C., shall be:

	On sales to distributors	On sales to dealers	On sales to consumers
Model Q 450-10 cu. ft. with ¼ H.P. condensing unit	$215	$258	$400
Model Q 454-15 cu. ft. with ½ H.P. condensing unit	285	342	570
Model Q 456-20 cu. ft. with ½ H.P. condensing unit	350	420	700

(b) On sales by the Victor Products Corporation the maximum net prices established in (a) above may be increased by the following amount to each class of purchaser as a charge to cover the cost of crating, when crating is actually supplied: $6.00.

(c) The maximum net prices established by this order shall be subject to discounts and allowances and the rendition of services which are at least as favorable as those which each seller extended or rendered to purchasers of the same class on comparable sales of similar commodities during March 1942.

(d) On sales by a distributor or dealer the following charges may be added to the maximum prices established in (a) above:

(1) The actual amount of freight paid to obtain delivery to his place of business. Such charges shall not exceed the lowest common carrier rates.

(2) Crating charges actually paid to his supplier but in no instance exceeding the amount noted above.

(e) Each seller of the commodity covered by this order, except a dealer, shall notify each of his purchasers, in writing, at or before the issuance of the first invoice after the effective date of this order, of the maximum prices established by this order for each such seller as well as the maximum prices established for purchasers upon resale, including allowable transportation and crating charges.

(f) The Victor Products Corp., shall stencil on the inside of the lid or cover of the quick freeze units covered by this order, the maximum net prices to consumers established by this order. The stencil shall contain substantially the following:

OPA Maximum Retail Price—$------
Plus freight and crating as provided in Order No. 12 under Maximum Price Regulation No. 591

(g) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective September 8, 1945.

Issued this 7th day of September 1945

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-16762; Filed, Sept. 7, 1945; 11:39 a. m.]

[Supp. Order 108, Special Order 4]

MAXIMUM AVERAGE PRICES AVAILABLE TO NEW SELLERS

A statement of the considerations involved in the issuance of this special order, issued simultaneously herewith, has been filed with the Division of the Federal Register.

SECTION 1. *Purpose of this order.* This order provides a simplified procedure by which certain manufacturers establish maximum average prices for the fourth quarter of 1945. The order applies only to manufacturers of the categories listed in section 7, below, who have filed, or who would be required to file, applications for maximum average prices for any category under section 9 of Supplementary Order 108. This order supersedes any individual orders of authorization issued by the OPA under Supplementary Order 108.

SEC. 2. *Maximum average prices for certain manufacturers.* Under this section, maximum average prices are fixed for certain new sellers who received orders of authorization from OPA under RMPR 287 and MPR 570 which placed their highest price line limitations at the "permissible price levels" or "exemption levels" provided in those regulations. The provision of section 9 (a) of Supplementary Order 108 which prohibits such manufacturers from delivering any item in the category after September 30, 1945 unless they have received orders of maximum average price authorization from OPA, shall not apply to manufacturers described in (a) below.

(a) *What maximum average prices must be established under this section.* You must establish your maximum average prices under this section for any category in which you did not deliver any items during 1943 or 1944 if both of the following conditions are true in your case:

(1) You have received from OPA an order of authorization to establish ceiling prices under section 12 of RMPR 287 or section 8 of MPR 570; and

[1] 10 F.R. 4336, 5994, 6402, 6368, 7008.

(2) None of the highest price line limitations for the categories covered by the order described in (1) exceeds the prices listed for those categories in Appendix G of Revised Maximum Price Regulation 287 in effect on September 7, 1945 and Group G of Appendix D of Maximum Price Regulation 570.

(b) *Maximum average prices under this section.* If you are required to establish your maximum average price for any category under this section, your maximum average price for the fourth quarter of 1945 is the price listed for that category in section 7.

SEC. 3. *Election to use specified maximum average prices*—(a) *Manufacturers who have filed applications under section 9 of Supplementary Order 108.* If you are not covered by section 2 of this order and you have filed an application for a maximum average price for any category listed in section 7 you may, if you wish, elect to use for the fourth quarter of 1945 the maximum average price specified for that category in section 7 by filing the notice described in paragraph (c) below.

(b) *Manufacturers who have not filed applications under section 9 of Supplementary Order 108.* If you are not covered by section 2 of this order and you are required to file an application for a maximum average price for any category listed in section 7 but have not yet filed your application, you may, instead of filing such application, elect to use for the fourth quarter of 1945 the maximum average price specified for that category in section 7 by filing the notice described in paragraph (c) below.

(c) *Notice of election.* Notices of election must be filed with the seller's OPA District Office, and must contain (1) the seller's business name, (2) address of main office from which billings will be made, and (3) category number and title of each category for which this election is made.

SEC. 4. *Acknowledgment in lieu of order of authorization.* Any manufacturer who has received an acknowledgment of receipt of his notice of election from his OPA District Office may sell and deliver items in the category in which he has elected to use the maximum average price specified in this order during the fourth quarter of 1945. This acknowledgment shall take the place of the order of authorization provided for in section 9 of Supplementary Order 108 during the fourth quarter of 1945.

SEC. 5. *Maximum average price limitation.* Any manufacturer who establishes his maximum average price for any category under this order shall include all deliveries made by him between October 1, 1945 and December 31, 1945, both inclusive, in figuring his weighted average price for that category for the fourth quarter of 1945. All provisions of Supplementary Order 108, including record keeping and reporting provisions, shall apply to deliveries of that category after October 1, 1945.

SEC. 6. *Relation to other regulations.* Nothing in this order shall be construed to eliminate the requirement of applying for a ceiling price or a highest price line limitation from those regulations which require such applications.

SEC. 7. *Specified maximum average price.* The maximum average prices specified in this order may be elected only for the fourth quarter of 1945. Maximum average prices available for the first and second quarters of 1946 will appear in a later order to be issued by the OPA.

(1) Category number:	(2) *Maximum average price*
A-1	$10.81 each.
A-4	$7.82 each.
A-7	$4.37 each.
A-10	$4.37 each.
A-13	$3.91 each.
A-16	$3.22 each.
A-17	$14.49 per dozen.
A-18	$2.30 each.
A-20	$1.72½ each.
A-21	$1.61 each.
A-23	$1.21 each.
A-24	$14.49 per dozen.
A-25	$11.04 per dozen.
A-26	$5.29 each.
A-27	$15.18 per dozen.
A-28	$3.22 each.
A-29	$3.77 each.
A-30	$14.49 per dozen.
A-31	$2.30 each.
A-32	$2.40 each.
A-33	$10.35 per dozen.
A-34	$17.60 per dozen.
A-36	$12.42 per dozen.
A-37	$15.18 per dozen.
A-39	$8.97 per dozen.
A-40	$10.58 per dozen.
A-42	$7.82 per dozen.
A-43	$9.66 per dozen.
B-1	$6.21 per dozen.
B-2	$11.50 per dozen.
B-4	$5.52 per dozen.
B-5	$10.25 per dozen.
B-6	$20.70 per dozen.
B-8	$7.36 per dozen.
B-9	$10.06 per dozen.
B-11	$15.18 per dozen.
B-12	$22.08 per dozen.
B-14	$8.28 per dozen.
B-16	$14.49 per dozen.
B-22	$7.82 per dozen.
B-23	$2.99 per dozen.
B-25	$3.68 per dozen.
B-34	$8.05 each.
B-35	$2.53 each.
B-36	$3.22 each.
B-37	$2.53 each.
B-38	$16.56 per dozen.
B-39	$20.70 per dozen.
B-41	$7.82 per dozen.
B-42	$5.29 per dozen.
B-43	$20.70 per dozen.
B-45	$5.29 per dozen.
B-47	$30.36 per dozen.
C-2	$6.90 per dozen.
C-3	$9.66 per dozen.
C-4	$6.90 per dozen.
E-78	$4.00 per dozen.
E-79	$3.25 per dozen.
E-120	$3.28 each.
E-121	$8.46 each.
E-122	$4.00 each.
E-123	$3.06 each.
E-124	$7.52 each.
E-125	$3.53 each.

This order shall become effective September 7, 1945.

NOTE: All reporting and record-keeping requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 7th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-16798; Filed, Sept. 7, 1945; 4:36 p. m.]

[2d Rev. Max. Export Price Reg., Order 70]

CERTAIN COTTON TEXTILES

ADJUSTABLE PRICING BY EXPORTERS

For the reasons stated in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to section 12 of the Second Revised Maximum Export Price Regulation, *it is hereby ordered:*

(a) *Adjustable pricing authorized.* Notwithstanding the provisions of section 8.2 of the Second Revised Maximum Export Price Regulation, any exporter of any cotton textiles for which adjustable pricing is authorized in the domestic market by Revised Supplementary Order No. 114 may sell, deliver, invoice and collect for such textiles at prices which do not exceed his otherwise applicable maximum export prices therefor plus an adjustment charge calculated as follows:

(1) Where the exporter is the manufacturer or converter of the textiles—the amount (expressed in dollars and cents) which he would be permitted to reserve as an adjustment charge in addition to his current maximum price if such sales were made to a similar domestic purchaser pursuant to Revised Supplementary Order No. 114, plus any export premium thereon allowed by section 8.2 of the Second Revised Maximum Export Price Regulation.

(2) Where the exporter is not the manufacturer or converter of the textiles—the amount (expressed in dollars and cents) which the manufacturer or converter has properly reserved pursuant to Revised Supplementary Order No. 114 as an adjustment charge in addition to his current maximum price to a domestic wholesaler or jobber, plus any export premium thereon allowed by section 8.2 of the Second Revised Maximum Export Price Regulation: *Provided, however*, That if no export premium may be or is charged, the exporter may compute such adjustment charge exactly as if he were making the sale as a qualified domestic wholesaler or jobber pursuant to Revised Supplementary Order No. 114.

(b) *Invoice statement required.* Any exporter who, at any time prior to final approval of the underlying adjustment of the maximum domestic price, includes the amount of such adjustment charge, or any portion thereof, in his invoice for such textiles, shall include on such invoice the following statement, with the amount of the adjustment charge properly inserted:

Our invoiced price includes an adjustment charge of $------ in addition to our established maximum export price. This charge, which is now pending before the Office of Price Administration for approval, will be refunded in any amount not finally approved by the OPA.

(c) *Refund required.* In the event that the exporter collects all or any part of such adjustment charge, and the underlying adjustment in the maximum domestic price is thereafter denied in whole or in part, the exporter shall refund to his customer the excess collected over the amount which he would have been entitled to collect had such denial taken place prior to sale.

(d) *Reservation of right to adjustment.* Any exporter entitled to make the

adjustment charge specified in paragraph (a) may, instead of invoicing and collecting such amount in advance of action by the Office of Price Administration upon the underlying adjustment in the maximum domestic price, invoice and collect his otherwise applicable maximum export price and also reserve the right to make a subsequent adjustment charge computed in accordance with paragraph (a) but on the basis of the actual adjustment thereafter granted by the Office of Price Administration in the maximum domestic price upon which his maximum export price is based. In the event of sale or delivery upon such terms the exporter shall include on his contract of sale or invoice the following statement, with the maximum amount of the adjustment charge properly inserted:

> The Office of Price Administration is now considering an adjustment which may increase our maximum export price by $. We reserve the right to make such additional charge or such part thereof as may be approved by the OPA.

(e) *Expiration of this order.* The authority given by this order to make or to reserve the right to make an adjustment charge in addition to the exporter's current maximum export price shall apply only to contracts made on or after August 7, 1945 and to deliveries made pursuant thereto and shall expire whenever the adjustable pricing permission given by Revised Supplementary Order No. 114 is revoked with respect to sale to a domestic purchaser similar to the purchaser outside continental United States.

(f) *Amendment or revocation.* This order may be amended or revoked at any time.

This order shall become effective September 7, 1945.

Issued this 7th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-16709, Filed, Sept. 7, 1945; 4:36 p. m.]

Regional and District Office Orders.

[Little Rock Order G-2 Under RMPR 259, Revocation]

DOMESTIC MALT BEVERAGES IN LITTLE ROCK, ARK.

For the reasons set forth in the accompanying opinion, and under the authority vested in the District Director of the Little Rock District of the Office of Price Administration, and pursuant to the provisions of Revised Maximum Price Regulation 259, *It is ordered*, That Order No. 1, issued by the District Director of the Little Rock District Office of the Office of Price Administration on June 16, 1945, be and the same hereby is revoked.

This order shall become effective immediately.

Issued at Little Rock, Arkansas, this 30th day of August, 1945.

B. L. HARTON,
Acting District Director.

[F. R. Doc. 45-16691; Filed Sept. 6, 1945; 4:14 p. m.]

[Region V Order G-7 Under RMPR 122, Amdt. 5]

SOLID FUELS IN SPRINGFIELD, MO.

Pursuant to the Emergency Price Control Act of 1942, as amended, and the authority vested in the Regional Administrator of Region V by § 1340.260 of Revised Maximum Price Regulation No. 122 and for the reasons set forth in the opinion issued simultaneously herewith, *It is ordered*, That Order No. G-7 under Revised Maximum Price Regulation No. 122, maximum prices for solid fuels sold in the City of Springfield, Missouri, be, and the same is hereby amended as follows:

1. Section (c), Price Schedule (1), is amended to read as follows:

(c) *Price schedule.* (1) Below and a part of this section is the maximum price schedule which sets forth maximum prices for sales by direct delivery of specified sizes, kinds and quantities of solid fuels.

SPRINGFIELD, MISSOURI, MAXIMUM PRICE SCHEDULE

Description of fuel	Maximum price per ton produced at		
	Strip mines	Underground mines	
		Machine cut	Solid shot
II Low volatile bituminous coal from district 14 (Arkansas and Oklahoma):			
(A) Production groups 2 and 3: From mines in the Denning-Coal Hill, Altus and Philpott Fields and the Park Basin of Franklin, Logan, and Johnson Counties, Ark.:			
(1) Lump (bottom size 2½" or larger)	—	$12.70	$11.70
(2) Household stoker, washed (top size 1½", bottom size ¾" or smaller)	—	9.60	—

Amendment No. 4 to Order G-7 under Revised Maximum Price Regulation No. 122 insofar as it affects section (c) (1) (II) (A) (1) and (2) as amended herein is hereby revoked and superseded by this Amendment No. 5.

This amendment is made effective retroactively as of August 17, 1945.

(56 Stat. 23, 765; 57 Stat. 566; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871, E.O. 9328, 8 F.R. 4681)

Issued at Dallas, Texas, this 30th day of August, 1945.

W. A. ORTH,
Regional Administrator.

[F. R. Doc. 45-16692; Filed, Sept. 6, 1945; 4:14 p. m.]

[Region VI Order G-16 Under RMPR 122, Amdt. 53]

SOLID FUELS IN LINCOLN, NEBR., AREA

An opinion accompanying this amendment has been issued simultaneously herewith. Order No. G-16 under Revised Maximum Price Regulation No. 122 is amended in the following respects: In Appendix No. 15 to Order No. G-16 covering the Lincoln, Nebraska, area, paragraph (b), Price Schedule, is amended as follows:

1. The last paragraph of page 1 is amended to read,

The prices established by the following schedule supersede those established by the adjustment permitted by Regional Order No. G-19 and G-23 under Revised Maximum Price Regulation No. 122.

2. Subparagraph I is amended to read:

	Delivered, per ton
I. High Volatile Bituminous Coal from District No. 10 (Illinois):	
A. Southern subdistrict price group Nos. 1, 2, and 8 (deep machine mines):	
1. Lump and Egg—size group Nos. 1, 2, and 3 (all lump and egg coals, bottom size larger than 2" washed or raw) including 6" lump and 6" x 3" egg	$11.00
2. Egg—size group No. 5 (all egg coals bottom size larger than 1½" but not exceeding 2" and top size larger than 2" but not exceeding 4", washed or raw, including 3" x 2")	10.40
3. Stove—size group No. 8 (all stove coal, bottom size larger than ⅜" and top size larger than 1½" but not exceeding 2", washed or raw, including 2" x 1¼")	10.15
4. Special stoker—size group Nos. 21, 22 and 28 (washed or air cleaned nut and pea coal, bottom size larger than 1 millimeter and top size not exceeding 2"; and dry dedusted special stoker, bottom size larger than 28 mesh and top size not exceeding ⅜")	9.50
B. Duquoin subdistrict price group No. 8 (deep machine mines):	
1. Washed screenings—size group Nos. 23 and 24 (washed or air cleaned screenings top size not exceeding 2")	8.90
C. Belleville and Duquoin subdistricts price group Nos. 10 and 16-22 inclusive:	
1 Lump and egg—size group Nos. 1, 2, and 3 (for size description see I. A. 1 above):	
Strip mines	9.65
Deep machine mines	9.70

3. Subparagraph II, A, 1 is amended to read:

	Delivered, per ton
A. Production group Nos. 1, 1A, and 1B (includes all mines in Pope County, all mines in the "Spadra field" of Johnson County, Ark., and all mines in the Scranton field of Logan County, Ark.:	
1. Nut size group No. 9, 10 and 11:	
a. Production group No. 1 (strip mines) mine index Nos. 593, 1014, 1021, 1030, 1032, 1040, 1047, 1050, and 1051 only	$15.75

4. Subparagraph II, B, is amended to read:

	Delivered, per ton
B. Production group Nos. 2, 2A, and 2B (includes all mines in the Denning-Coal Hill and Altus fields of Franklin and Johnson Counties, and all mines in the Philpott field of Johnson and Franklin Counties, Ark.):	
1. Production group No. 2 (strip mines) mine index Nos. 537 and 585.	
a. Lump size group No. 3A	$13.45
b. Lump size group No. 3	13.30
c. Grate furnace—egg size group Nos. 6, 7 and 8	13.45

	Delivered, per ton
B. Production group Nos. 2, 2A, and 2B—Continued.	
2. Production group No. 2B (underground mines solid shot): Mine index Nos. 45, 168, 179, 401, 476, 487, 586, and 628 only:	
a. Lump-furnace-grate egg—size group Nos. 3A, 6, 7, and 8	$14.00
b. Lump—size group No. 3	13.85
3. Production group No. 2A (underground mines machine cut): Mine index Nos. 104, 148, 211, and 562 only:	
a. Lump-furnace-grate egg—size group Nos. 4, 6, 7, and 8	14.35
b. Lump size group No. 5	14.20
Mine index No. 559 only:	
a. Lump-furnace-grate egg—size group Nos. 4, 6, 7 and 8	15.40
b. Lump size group No. 5	15.25

5. Subparagraph II, D, is amended to read:

	Delivered per ton
D Production Group Nos. 5, 5A, and 5B (includes all mines in Sebastian County, Ark.):	
1. Production group No. 5 (strip mines) mine index Nos. 484, 511, 547, 548, 601, 630, 104, 1010, 1019, 1020, 1023, 1026, 1029, 1033, 1043 only:	
a. Lump-grate-furnance and Egg—size group Nos. 3A, 6, 7, and 8	$13.30
b Lump—size group No. 3	13.15
2 Production group No. 5 (strip mines) mine index No. 1001, 1005 only:	
a. Lump-grate-furnace-egg—size group Nos. 3A, 6, 7, and 8	13.60
b Lump—size group No. 3	13.45
3. Production group No. 5B (underground mines solid shot) mine index Nos. 56, 79, 80, 170, 182, 198, 329, 336, 340, 349, 603, 611, 1011, 1017, 1027, 1038, and 1043:	
a. Lump-grate-furnace-egg—size group Nos. 3A, 6, 7, and 8	13.80
b Lump—size group No. 3	13.65
4. Production group No. 5A (underground mines machine cut) mine index Nos. 2, 34, 89, 106, 580, 608, and 627 only:	
a. Lump-grate-furnace-egg—size group Nos. 4, 6, 7, and 8	14.55
b Lump—size group No. 5	14.40
5 Production group No. 5A (underground mines machine cut):	
a Lump-grate-furnace-egg—size group Nos. 4, 6, 7, and 8:	
1 Mine index No. 121 only	15.05
2. Mine index No. 13 only	14.70
b. Lump—size group No. 5:	
1. Mine index No. 121 only	14.90
2 Mine index No. 13 only	14.55

6. Subparagraph II, E, 1 is amended to read:

	Delivered, per ton
E Production group No. 6 and 6A (includes all mines in the "Panama field" of Leflore County, Okla.):	
1 Production group No. 6 (strip mines) mine index Nos. 1024, 1025, 1041, and 1049 only:	
a Lump—size group No. 3A	$13.40
b Lump—size group No. 3	13.25
c. Grate-furnace-egg — size group Nos. 6, 7, and 8	13.30

7. Subparagraph II, G, 3 is amended by deleting the Mine Index No. "627" and substituting for it mine index No. "624".

8. Subparagraph III is amended to read:

	Delivered, per ton
III. High volatile bituminous coal from district No. 15 (Kansas, Missouri, and part of Oklahoma):	
A. Production group No. 1 (all mines located in Cherokee, Crawford, Bourbon, Neosho, Labette, and Wilson Counties, Kans.; and Barton, Jasper, Dade, Cedar, and that portion of Vernon County lying south of an east and west line drawn through the town of Nevada, Mo.) (strip mines):	
1. Washed egg—size group No. 3 (all washed double screened coals with a top size larger than 3" but not exceeding 10", bottom size larger than 1¼")	$9.42
2. Standard nut—size group No. 6 (double screened coals with a top size larger than 2" but not exceeding 3"; bottom size 1¼" and smaller, including 3" x 1¼")	9.07
3. No. 2 nut—size group No. 7 (double screened coals with a top size larger than 1¼" but not exceeding 2") washed coal only	8.52
4. Stoker—size group No. 11 (double screened coals with a top size 1¼" and smaller, bottom size larger than ¼" but not exceeding ⅜")	8.07
B Production group No. 2 (all mines in Linn County, Kans.; and Bates, Henry, St. Clair, Miller, Morgan, Pettis, and Johnson Counties, and that portion of Vernon County lying north of an east and west line drawn through the town of Nevada in Missouri) (strip mines):	
1. Furnace or egg—size group No. 3 (double screened coals with a top size larger than 3" but not exceeding 10", bottom size larger than 1¼")	8.67
C. Production group No. 3 (all mines located in Boone, Callaway, Audrain, Randolph, Clark, Macon, Moniteau, Linn, Grundy, Harrison, Adair, Chariton, Schuyler, Putnam, Cole, Howard, Monroe, Warren, Lincoln, Sullivan, and Rails Counties in Missouri) (strip mines):	
1. Furnace or egg—size group No. 3 (double screened coals with a top size larger than 3" but not exceeding 10", bottom size larger than 1½")	8.72
2. Fancy nut—size group No. 5 (double screened coals with a top size larger than 2" but not exceeding 3", bottom size larger than 1¼")	8.22
3. Special stoker—size group No. 11 (double screened coals with a top size 1¼" and smaller, bottom size larger than ¼" but not exceeding ⅜")	7.67
4. Washed screenings—size group No. 13 (all washed screenings top size not exceeding 1¼"" x 0)	7.27
III. High volatile bituminous coal from district No. 15—Con.	
D. Production group No. 10 (all mines located in McIntosh and in Okmulgee Counties, Okla.):	
1. Lump—size group Nos. 1 and 2 (all single screened lump coal with a bottom size 3" and smaller; all double screened coals with a top size larger than 10") from deep shaft mines only	$12.20
2. Special stoker—size group No. 11 (double screened coals with a top size 1¼" and smaller, bottom size larger than ¼" but not exceeding ⅜") from deep shaft mines only	9.50
E. Production group No. 11 (all mines located in Tulsa, Wagoner, Roger, Craig, and Nowata Counties, Okla., and all that part of Muskogee County, Okla., north of a line drawn straight east and west across Muskogee County along the southern limits of the town of Porum, Okla.) strip mines:	
1. Lump—size group Nos. 1 and 2 (all single screened lump coal with a bottom size of 3" and smaller; all double screened coals with a top size larger than 10")	10.52
2. Standard nut—size group No. 6 (double screened coals with a top size larger than 2" but not exceeding 3", bottom size 1¼" and smaller)	9.87
3. Special stoker—size group No. 11 (double screened coals with a top size 1¼" and smaller, bottom size larger than ¼" but not exceeding ⅜")	9.02

This Amendment No. 53 to Order No. G-16 shall be effective immediately.

Issued this 30th day of August 1945.

RAE E. WALTERS,
Regional Administrator.

[F. R. Doc. 45-16690; Filed, Sept. 6, 1945; 4:14 p. m.]

[Region VIII Rev. Order G-2 Under RMPR 122, Amdt. 1]

SOLID FUELS IN SEATTLE, WASH., AREA

An opinion accompanying this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.

Revised Order No. G-2 under Revised Maximum Price Regulation No. 122 is amended in the following respect.

(1) Tables V, VI, VII, VIII, and IX, in paragraph (b) (1) are amended by adding to each the following footnote:

NOTE: The maximum prices listed above for bulk sales are increased by 10c per half ton, or 20c per ton.

This amendment shall become effective August 27, 1945.

Issued this 22d day of August 1945.

FRANK H. SLOSS,
Acting Regional Administrator.

[F. R. Doc. 45-16687; Filed, Sept. 6, 1945; 4:13 p. m.]

[Region VIII Order G–7 Under MPR 579]

REX SOLE IN SAN FRANCISCO REGION

For the reasons set forth in the accompanying opinion and under the authority vested in the Regional Administrator by sections 4.2 (c), 2.2 (c), and 4.13 (c) of Maximum Price Regulation Number 579, *It is hereby ordered:*

(a) The maximum price at which any person may sell or deliver rex sole in Region VIII shall be the maximum price set forth for such fish in Revised Order No. G–6 under Maximum Price Regulation No. 418, as amended.

(b) Words and phrases used in this order shall have the same meaning as in Revised Order No. G–6 under Maximum Price Regulation No. 418, as amended.

(c) This order may be amended, corrected, or revoked at any time.

(d) This order shall become effective August 15, 1945.

Issued this 23d day of August 1945.

CHAS. R. BAIRD,
Regional Administrator.

[F. R. Doc. 45–16685; Filed, Sept. 6, 1945; 4:13 p. m.]

[Region VIII Order G–7 Under RMPR 122, Amdt. 4]

SOLID FUELS IN TACOMA, WASH., AREA

An opinion accompanying this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.

Order No. G–7 under Revised Maximum Price Regulation No. 122 is amended in the following respect:

(1) Tables IV, V, VI, and VII, in paragraph (b) (1) are amended by adding to each the following footnote:

NOTE: The maximum prices listed above for bulk sales are increased by 10¢ per half-ton, or 20¢ per ton.

This amendment shall become effective August 27, 1945.

Issued this 22d day of August 1945.

FRANK H. SLOSS,
Acting Regional Administrator.

[F. R. Doc. 45–16686; Filed, Sept. 6, 1945; 4:13 p. m.]

[Region VIII Order G–9 Under Supp. Order 94, Amdt. 1]

USED STERILIZED FEATHER PILLOWS IN CALIFORNIA AND WASHINGTON

For the reasons set forth in the accompanying opinion, Order Number G–9, under Supplementary Order Number 94, as amended, is amended as follows:

(1) The title of such order shall read as follows: Maximum prices for sales of certain used sterilized feather pillows in the State of California and the State of Washington.

(2) A new sentence is hereby added to paragraph (c) as follows: "Used sterilized feather pillows above described, sold in the State of Washington, shall bear the California sterilization stamp."

(3) A new paragraph designated as paragraph (d) is hereby added, as follows:

(d) This order shall apply to sales in the States of California and Washington.

This amendment 1 shall become effective August 28, 1945.

Issued this 23d day of August, 1945.

CHAS. R. BAIRD,
Regional Administrator.

[F. R. Doc. 45–16688; Filed, Sept. 6, 1945; 4:13 p. m.]

[Region VIII Rev. Order G–22 Under 18 (c), Amdt. 2]

MILK IN SAN FRANCISCO REGION

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of the Office of Price Administration by § 149918 (c) as amended of the General Maximum Price Regulation, *It is ordered*, That paragraph (a) (1) be amended to read as follows:

(a) The amount of the addition may equal 10% of the carrier's original maximum price, plus such further amount as shall be necessary so that the addition shall compensate the carrier for the increase during the first five months of 1945 over the first five months of 1942 in the cost to the carrier of fuel and lubrication, repair and maintenance, tires and tubes, and labor (including labor supplied by the individual or partners owning or operating the truck, computed at the wage rates paid by the carrier to employees performing similar service, or, if the carrier had no such employees, then at the wage rates paid by the most nearly similar carrier to employees performing similar service), but the additional shall not in any event exceed 15% of the original maximum price.

This amendment shall become effective immediately.

Issued this 22d day of August 1945.

FRANK H. SLOSS,
Acting Regional Administrator.

[F. R. Doc. 45–16689; Filed, Sept. 6, 1945; 4:13 p. m.]

[Portland Order G–24 Under 18 (c)]

FIREWOOD IN SEASIDE-CANNON BEACH AREA, OREG.

For the reasons set forth in an opinion issued simultaneously herewith, and under the authority vested in the District Director of the Office of Price Administration by § 1499.18 (c), as amended, of the General Maximum Price Regulation and by Order of Delegation No. 75 issued by the Regional Administrator of Region VIII, *It is hereby ordered*, That:

(a) The maximum prices as established by §§ 1499.2 and 1499.3 of the General Maximum Price Regulation, or by any previous order issued pursuant to such regulation or any supplementary regulation issued thereto, for the sale and delivery of the types of firewood specified in this Order No. G–24 when sold and delivered at retail in the Seaside-Cannon Beach area as herein defined are hereby adjusted to the maximum prices provided in this Order No. G–24.

(b) This Order No. G–24 supersedes Order No. G–10, including Amendment 1 under § 1499.18 (c) of the General Maximum Price Regulation, "Adjusted Maximum Prices for Certain Firewood in the Cannon Beach-Seaside-Astoria Area" issued on October 21, 1944, and amended on November 14, 1944, by the District Director of the Portland District Office of the Office of Price Administration, and that Order No. G–10, as amended, is hereby revoked.

(c) *Definitions.* When used in this order, the following terms shall have the meaning set out below:

(1) The "Seaside Area" means that portion of Clatsop County in the State of Oregon extending six miles East from the Pacific Ocean and extending North from Cannon Beach Junction to three miles North of Gearhart. Included are the Cities of Seaside, Gearhart, and Ecola Park and Cannon Beach Junction.

(2) The "Cannon Beach Area" means that portion of Clatsop County in the State of Oregon extending six miles East from the Pacific Ocean and extending South from, but not including, Cannon Beach Junction, to three miles South of Tolovana Park. Included are the Cities of Cannon Beach and Tolovana Park.

(3) "Green slabwood" means mill run slabwood, mixed block and slabwood, or mixed slabwood and edgings, and also includes green tie mill slabwood.

(4) "Dry slabwood" means slabwood which is generally recognized by the trade as being dry and which has been piled and air dried for a period of not less than ninety days. Included is dry slabwood of the following kinds: millrun slabwood, mixed block, and slabwood, mixed slabwood and edgings, and tie mill slabwood.

(5) "Forest wood" means any forest cord wood and includes old growth fir, second growth fir, alder, and any other type of forest hard wood.

(d) *Maximum prices.* (1) The maximum prices for sales at retail by any seller of the kinds and types of firewood described in Table I set forth below in the "Seaside Area" as herein defined, shall be the prices set forth in said Table I.

TABLE I

Type of Firewood and Maximum Prices Per Cord Delivered to Premises of Ultimate Consumer	
4' green slabwood	$10.00
12"–16" green slabwood	11.00
4' dry slabwood	11.50
12"–16" dry slabwood	12.50
4' forest wood	13.00
16" forest wood	14.25
12" forest wood	14.50

(2) The maximum prices for sales at retail by any seller of the kinds and types of wood described in Table I, when delivered to the premises of an ultimate consumer in the "Cannon Beach Area" as herein defined, shall be the prices established in Table I plus $2.50 per cord.

(e) *Evasion.* No seller subject to this order No. G–24 shall evade any of the provisions thereof by changing the customary allowances, discounts, or other price differentials unless such change shall result in a lower price.

(f) *Invoices and records.* Every person making a sale of firewood for which a maximum price is set by this order shall give the purchaser or his agent at the time of sale, an invoice or other memorandum of sale, which shall show:

(1) The date of sale.

(2) The name and address of the buyer and seller.

(3) The quantity of firewood sold.

(4) A description of the firewood sold, in the same manner as it is described in this order. (This shall include the kind of wood, i. e., old or second growth, or hardwood, or green or dry slabwood, and the length of the pieces of wood.)

(5) Place of sale, and

(6) The total price of the wood.

The seller shall keep an exact copy of such invoice or memorandum for so long as the Emergency Price Control Act of 1942, as amended, remains in effect and such copy shall be made available for inspection by the Office of Price Administration.

(g) This order may be revoked, amended, or corrected at any time. This order shall become effective August 30, 1945.

NOTE: The record keeping provisions of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(56 Stat. 566, Pub. Law 383, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F. R. 4681)

Issued this 30th day of August 1945.

MCDANNELL BROWN,
District Director.

[F. R. Doc. 45–16684; Filed, Sept. 6, 1945; 4:12 p. m.]

LIST OF COMMUNITY CEILING PRICE ORDERS

The following orders under Rev. General Order 51 were filed with the Division of the Federal Register September 5, 1945.

REGION I

Connecticut Order 1–O, Amendment 4, covering eggs in certain areas in Connecticut. Filed 9:54 a. m.

Connecticut Order 6–F, Amendment 13, covering fresh fruits and vegetables in the Hartford Area. Filed 9:57 a. m.

Hartford Order 5–F, Amendment 16, covering fresh fruits and vegetables in the Waterbury and Watertown Areas. Filed 9:57 a. m.

Hartford Order 6–F, Amendment 17, covering fresh fruits and vegetables in the Hartford Area. Filed 9:57 a. m.

Hartford Order 7–F, Amendment 15, covering fresh fruits and vegetables in the New Haven Area. Filed 9:58 a. m.

Hartford Order 8–F, Amendment 16, covering fresh fruits and vegetables in the Bridgeport Area. Filed 9:58 a. m.

REGION II

Buffalo Order 3–F, Amendment 24, covering fresh fruits and vegetables in certain areas in New York. Filed 9:51 a. m.

Buffalo Order 4–F, Amendment 24, covering fresh fruits and vegetables in certain areas in New York. Filed 9:51 a. m.

Philadelphia Order 6–F, Amendment 42, covering fresh fruits and vegetables in the city and county of Philadelphia, Pennsylvania. Filed 9:52 a. m.

Philadelphia Order 11–F, Amendment 17, covering fresh fruits and vegetables in certain counties in Pennsylvania. Filed 9:52 a. m.

Philadelphia Order 12–F, Amendment 17, covering fresh fruits and vegetables in certain counties in Pennsylvania. Filed 9:52 a. m.

REGION IV

Jackson Order 5–F, Amendment 12, covering fresh fruits and vegetables in certain areas in Mississippi. Filed 9:52 a. m.

REGION V

San Antonio Order 6–F, Amendment 4, covering fresh fruits and vegetables in Bexar County, Texas. Filed 9:53 a. m.

San Antonio Order 7–F, Amendment 4, covering fresh fruits and vegetables in Austin, Texas. Filed 9:53 a. m.

San Antonio Order 8–F, Amendment 4, covering fresh fruits and vegetables in Corpus Christi, Texas. Filed 9:53 a. m.

REGION VI

Duluth-Superior District Order 1–F, Amendment 85, covering fresh fruits and vegetables in certain areas in Minnesota. Filed 9:53 a. m.

Omaha Order 10–F, Amendment 21, covering fresh fruits and vegetables in Omaha, Nebraska and Council Bluffs, Iowa. Filed 9:53 a. m.

Omaha Order 11–F, Amendment 22, covering fresh fruits and vegetables in Lincoln, Nebraska. Filed 9:54 a. m.

REGION VII

Cheyenne Order 7–C, Amendment 1, covering poultry in certain counties in Wyoming. Filed 9:54 a. m.

Cheyenne Order 8–C, Amendment 1, covering poultry in certain counties in Wyoming. Filed 9:55 a. m.

Cheyenne Order 9–C, Amendment 2, covering poultry in certain counties in Wyoming. Filed 9:55 a. m.

Cheyenne Order 10–C, Amendment 2, covering poultry in certain counties in Wyoming. Filed 9:56 a. m.

Cheyenne Order 14–C, Amendment 1, covering poultry in certain counties in Wyoming. Filed 9:56 a. m.

Wyoming Order 11–W, Amendment 3, covering dry groceries in the Cheyenne Area. Filed 10:00 a. m.

Wyoming Order 50, Amendment 9, covering dry groceries in the Sheridan Area. Filed 9:59 a. m.

Wyoming Order 51, Amendment 3, covering dry groceries in the Cheyenne Area. Filed 9:59 a. m.

REGION VIII

Portland Order 5–F, Amendment 37, covering fresh fruits and vegetables in certain areas in Oregon. Filed 9:56 a. m.

Portland Order 7–F, Amendment 37, covering fresh fruits and vegetables in certain areas in Oregon. Filed 9:56 a. m.

Portland Order 8–F, Amendment 37, covering fresh fruits and vegetables in Medford, Oregon. Filed 9:57 a. m.

Portland Order 9–F, Amendment 37, covering fresh fruits and vegetables in certain areas in Oregon. Filed 9:57 a. m.

Copies of any of these orders may be obtained from the OPA Office in the designated city.

ERVIN H. POLLACK,
Secretary.

[F. R. Doc. 45–16742; Filed, Sept. 7, 1945; 11:31 a. m.]

LIST OF COMMUNITY CEILING PRICE ORDERS

The following orders under Rev. General Order 51 were filed with the Division of the Federal Register September 1, 1945.

REGION I

Concord Order 9–F, Amendment 16, covering fresh fruits and vegetables in certain areas in New Hampshire. Filed 10:34 a. m.

Montpelier Order 2–F, Amendment 15, covering fresh fruits and vegetables in certain areas in Vermont. Filed 10:34 a. m.

Providence Order 3–F, Amendment 16, covering fresh fruits and vegetables in certain areas in Rhode Island. Filed 10:38 a. m.

Rhode Island Order 3–F, Amendment 15, covering fresh fruits and vegetables in the Providence, Rhode Island Area. Filed 10:37 a. m.

Vermont Order 1–W, Amendment 11, covering dry groceries for the State of Vermont. Filed 10:34 a. m.

REGION II

Binghamton District Order 2–F, Amendment 46, covering fresh fruits and vegetables in certain areas in New York. Filed 10:34 a. m.

Camden Order 3–F, Amendment 46, covering fresh fruits and vegetables in certain areas in New Jersey. Filed 10:35 a. m.

Camden Order 4–F, Amendment 46, covering fresh fruits and vegetables in the Cape May and Atlantic Counties, New Jersey. Filed 10:36 a. m.

District of Columbia Order 5–F, Amendment 23, covering fresh fruits and vegetables in certain areas in Region II. Filed 10:36 a. m.

Philadelphia Order 6–F, Amendment 41, covering fresh fruits and vegetables in the city and county of Philadelphia. Filed 10:34 a. m.

Philadelphia Order 11–F, Amendment 16, covering fresh fruits and vegetables in certain counties in Pennsylvania. Filed 10:36 a. m.

Philadelphia Order 12–F, Amendment 16, covering fresh fruits and vegetables in certain counties in Pennsylvania. Filed 10:36 a. m.

Syracuse Order 3–F, Amendment 44, covering fresh fruits and vegetables in certain areas in New York. Filed 10:35 a. m.

Syracuse Order 4–F, Amendment 31, covering fresh fruits and vegetables in certain areas in New York. Filed 10:36 a. m.

REGION III

Charleston Order 9–F, Amendment 27, covering fresh fruits and vegetables in certain areas in West Virginia. Filed 10:31 a. m.

Charleston Order 10–F, Amendment 27, covering fresh fruits and vegetables in certain areas in West Virginia. Filed 10:30 a. m.

Charleston Order 11–F, Amendment 27, covering fresh fruits and vegetables in certain counties in West Virginia. Filed 10:30 a. m.

Charleston Order 15–F, Amendment 24, covering fresh fruits and vegetables in certain areas in West Virginia. Filed 10:30 a. m.

Charleston Order 16–F, Amendment 23, covering fresh fruits and vegetables in certain counties in West Virginia. Filed 10: 31 a. m.

Charleston Order 17–F, Amendment 23, covering fresh fruits and vegetables in certain areas in West Virginia. Filed 10:31 a. m.

Cincinnati Order 4–F, Amendment 34, covering fresh fruits and vegetables in Hamilton County, Ohio. Filed 10:32 a. m.

Columbus Order 10–F, Amendment 7, covering fresh fruits and vegetables in Franklin, Logan and Muskingum Counties, Ohio. Filed 10:32 a. m.

Columbus Order 11–F, Amendment 7, covering fresh fruits and vegetables in certain areas in Ohio. Filed 10:33 a. m.

Lexington Order 5–F, Amendment 22, covering fresh fruits and vegetables in the Fayette County, Kentucky Area. Filed 10:30 a. m.

Lexington Order 6–F, Amendment 22, covering fresh fruits and vegetables in the Campbell and Kenton Counties, Kentucky Filed 10:37 a. m.

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Lexington Order 7–F, Amendment 22, covering fresh fruits and vegetables in the Boyd County, Kentucky, Area. Filed 10:37 a. m.

Louisville Order 12–F, Amendment 33, covering fresh fruits and vegetables in Clark and Floyd, Indiana and Jefferson County, Kentucky. Filed 10:33 a. m.

Louisville Order 13–F, Amendment 33, covering fresh fruits and vegetables in McCracken County, Kentucky. Filed 10:33 a. m.

Louisville Order 14–F, Amendment 33, covering fresh fruits and vegetables in Daviess and Henderson Counties, Kentucky. Filed 10:33 a. m.

Louisville Order 15–F, Amendment 11, covering fresh fruits and vegetables in certain counties in Kentucky. Filed 10:33 a. m.

REGION VI

Sioux City Order 2–F, Amendment 85, covering fresh fruits and vegetables in Sioux City, Iowa and South Sioux City, Nebraska. Filed 10:33 a. m.

REGION VII

Wyoming Order 7–W, Amendment 7, covering dry groceries in the Casper Area. Filed 10:26 a. m.

Wyoming Order 10–W, Amendment 6, covering dry groceries in the Sheridan Area. Filed 10:27 a. m.

Wyoming Order 12–W, Amendment 3, covering dry groceries in the Laramie Area. Filed 10:27 a. m.

Wyoming Order 44, Amendment 9, covering dry groceries in certain areas in Wyoming. Filed 10:27 a. m.

Wyoming Order 45, Amendment 9, covering dry groceries in the Casper Area. Filed 10:28 a. m.

Wyoming Order 47, Amendment 8, covering dry groceries in Cody, Greybull, Lovell and Powell Areas. Filed 10:29 a. m.

Wyoming Order 50, Amendment 8, covering dry groceries in the Sheridan Area. Filed 10:29 a. m.

Wyoming Order 52, Amendment 3, covering dry groceries in the Laramie Area. Filed 10:29 a. m.

REGION VIII

Phoenix Adopting Order 1–F, under Basic Order 1–B, Amendment 33, covering fresh fruits and vegetables in the Tucson Area. Filed 10:26 a. m.

Phoenix Adopting Order 18 under Basic Order 1–B, covering dry groceries in the Yuma Area. Filed 10:26 a. m.

Phoenix Adopting Order 22–W under Basic Order 2–B, covering dry groceries in the Yuma Area. Filed 10:26 a. m.

Copies of any of these orders may be obtained from the OPA Office in the designated city.

ERVIN H. POLLACK,
Secretary.

[F. R. Doc. 45–16741; Filed, Sept. 7, 1945; 11:31 a. m.]

[Alaska Order AG–12 Under RMPR 288]

CERTAIN BREAKFAST CEREALS IN ALASKA

For the reasons set forth in an opinion issued simultaneously herewith, and under the authority vested in the Territorial Director of the Office of Price Administration by section 5 of Revised Maximum Price Regulation 288, *It is hereby ordered:*

(a) The maximum prices given in section 27 of Revised Maximum Price Regulation 288 for Quaker Rolled Oats, Premium Crystal Wedding, are hereby adjusted and established as follows:

Locality:	Price
Ketchikan, Wrangell, Petersburg	$0.46
Juneau, Douglas	.47
Skagway, Haines	.47
Sitka	.47
Cordova, Valdez, Seward	.50
Kodiak	.51
Anchorage	.51
Palmer and points on Alaska R. R. north of Anchorage and south of Curry	.53
Curry and points on Alaska R. R. north of Curry to and including Fairbanks	.61
Nome and other west coast towns	.57

(b) Unless previously revoked or amended, this order shall remain in effect until superseded by an appropriate amendment to the regulation.

This order shall become effective August 7, 1945.

A copy of this order has been filed today with the Territorial Office of the Office of Price Administration in Juneau where it may be inspected by the public.

Issued this 7th day of August 1945.

MILDRED R. HERMANN,
Territorial Director.

[F. R. Doc. 45–16800; Filed, Sept. 7, 1945; 4:38 p. m.]

FERENCE

SEP 14 '45

THE NATIONAL ARCHIVES
LITTERA SCRIPTA MANET
FEDERAL REGISTER
OF THE UNITED STATES
1934

VOLUME 10 NUMBER 179

Washington, Wednesday, September 12, 1945

The President

PROCLAMATION 2662

REMOVAL OF ALIEN ENEMIES

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS section 4067 of the Revised Statutes of the United States (50 U.S.C. 21) makes provision relative to the restraint and removal from the United States of alien enemies in the interest of the public safety;

WHEREAS the Congress by joint resolutions approved by the President on December 8 and 11, 1941, and June 5, 1942, declared the existence of a state of war between the United States on the one hand and Japan, Germany, Italy, Bulgaria, Hungary, and Rumania on the other hand;

WHEREAS in accordance with Resolution XVII of the Conference of Foreign Ministers at Rio de Janeiro adopted on January 28, 1942, and subsequently by undertakings based upon Resolution XX of the Emergency Advisory Committee for Political Defense adopted at Montevideo on May 21, 1943, there has been assumed by the Government of the United States responsibility for the restraint and repatriation of certain dangerous alien enemies sent to the United States from other of the American republics in the interest of the security of the Western Hemisphere;

WHEREAS by Resolution VII of the Inter-American Conference on Problems of War and Peace adopted at Mexico City on March 8, 1945, the American republics recommended the adoption of measures to prevent any person whose deportation was deemed necessary for reasons of security of the continent from further residing in this hemisphere, if such residence would be prejudicial to the future security or welfare of the Americas;

WHEREAS I find it necessary in the light of the commitments of the Government and in the interest of national defense and public safety to prescribe regulations additional and supplemental to all other regulations affecting the restraint and removal of alien enemies in order to cover the case of the persons above referred to:

NOW, THEREFORE, I, HARRY S. TRUMAN, President of the United States of America, acting under and by virtue of the authority vested in me by the Constitution of the United States and the aforesaid section of the Revised Statutes of the United States, do hereby prescribe and proclaim the following regulations, additional and supplemental to all other regulations affecting the restraint and removal of alien enemies:

All alien enemies now within the continental limits of the United States (1) who were sent here from other American republics for restraint and repatriation pursuant to international commitments of the United States Government and for the security of the United States and its associated powers and (2) who are within the territory of the United States without admission under the immigration laws are, if their continued residence in the Western Hemisphere is deemed by the Secretary of State prejudicial to the future security or welfare of the Americas as prescribed in Resolution VII of the Inter-American Conference on Problems of War and Peace, subject upon the order of the Secretary of State to removal to destinations outside the limits of the Western Hemisphere in territory of the enemy governments to which or to the principles of which they have adhered. The Department of Justice and all other appropriate agencies of the United States Government are directed to render assistance to the Secretary of State in the prompt effectuation of such orders of removal.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the United States of America to be affixed.

DONE at the City of Washington this 8th day of September in the year of our Lord nineteen hundred and forty-five and of the Independence of the United States of America the one hundred and seventieth.

[SEAL]

HARRY S. TRUMAN

By the President:

DEAN ACHESON,
Acting Secretary of State.

[F. R. Doc. 45–16957; Filed, Sept. 11, 1945; 12:30 p. m.]

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FEDERAL REGISTER

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NOTICE

1944 Supplement

Book 1 of the 1944 Supplement to the Code of Federal Regulations, containing Titles 1-10, including Presidential documents in full text, is now available from the Superintendent of Documents, Government Printing Office, at $3.00 per copy.

A limited sales stock of the Cumulative Supplement and the 1943 Supplement is still available as previously announced.

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EXECUTIVE ORDER 9611

REESTABLISHING THE ADVISORY BOARD ON JUST COMPENSATION

WHEREAS by Executive Order 9387 of October 15, 1943, the Advisory Board on Just Compensation (hereinafter referred to as the Board) was established in order, among other things, to establish fair and equitable standards, rules, and formulae of general applicability for the guidance of the War Shipping Administration in determining the just compensation to be paid for all vessels requisitioned, purchased, chartered, or insured by the Administration; and

WHEREAS the members of the Board were authorized to serve for a period of three months or for such shorter period of time as might be required for the completion of its functions; and

WHEREAS in completion of its functions, the Board by its report on December 7, 1943, to the Administrator, War Shipping Administration, established such fair and equitable standards, rules, and formulae of general applicability; and

WHEREAS certain specific problems have arisen in determining just compensation to be paid for vessels requisitioned pursuant to the act of June 6, 1941, 55 Stat. 242:

NOW, THEREFORE, by virtue of the authority vested in me by the Constitution and statutes, and particularly by the First War Powers Act, 1941, as President of the United States and Commander in Chief of the Army and Navy, it is hereby ordered as follows:

1. The Board established by the said Executive Order 9387 is hereby re-established to serve for a period of sixty days, or for such shorter period of time as may be required for the completion of its functions, for the limited purpose of establishing fair and equitable standards, rules, and formulae of general applicability for the guidance of the War Shipping Administration in determining the just compensation to be paid for all vessels requisitioned pursuant to the act of June 6, 1941, 55 Stat. 242.

2. The Board, as hereby re-established, shall consist of the following members: Judge John J. Parker, Judge Joseph C. Hutcheson, Jr., and Justice Irwin Untermyer.

3. The Board, as re-established, shall have all the power and authority conferred upon it by Executive Order 9387, and the War Shipping Administration shall furnish assistance to, and shall be guided by, the determination of the Board to the extent provided by the said Executive order.

HARRY S. TRUMAN

THE WHITE HOUSE,
September 10, 1945.

[F. R. Doc. 45-16879; Filed, Sept. 10, 1945; 4:43 p. m.]

Regulations

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 18—WAR SERVICE REGULATIONS

RESTORATION AFTER RETURN FROM MILITARY SERVICE

For the purpose of clarifying the provisions of paragraphs (a) and (b) in § 18.13 (9 F.R. 7242; 10 F.R. 695, 7153), they now read as follows:

§ 18.13 *Restoration after return from military service*—(a) *Persons entitled to restoration by law.* Any civilian employee of the Executive branch of the Government covered by the Selective Training and Service Act or other statutes providing for reemployment after military service who has left or leaves his position (other than a temporary position) in order to perform active military or naval service for the United States and (1) is honorably separated from such service, (2) is still qualified

to perform the duties of such position, and (3) makes application for reemployment within ninety days after he is relieved from such active duty or service or from hospitalization continuing after discharge for a period of not more than one year, shall be restored within thirty days to the position he left or, if that position does not exist, to a position of like seniority, status, and pay: *Provided*, That failure of the agency to act within the said period will not affect the employee's right to restoration: *Provided further*, That the employee's tenure with the agency will determine whether he left other than a temporary position and the fact that the last position the returning veteran held through promotion or reassignment carried a time limitation will not of itself affect his right to be restored to that position or one of like seniority, status and pay.

(b) *Persons not entitled to restoration by law.* (1) Any person having appointment under the civil service rules and the war service regulations not limited to one year or less who left or leaves a temporary position (within the meaning of the statutes providing for restoration) in any department or agency of the Executive branch of the Federal Government in order to perform active military or naval service for the United States and (i) is honorably separated from such service, (ii) is still qualified to perform the duties of such position, and (iii) makes application for reemployment within ninety days after he is relieved from such active duty or service or from hospitalization continuing after discharge for a period of not more than one year, shall be reemployed within thirty days either in the position he left or in a position of like seniority, status, and pay in the same geographical locality in which he was employed formerly: *Provided*, That such reemployment will not require the removal through reduction in force of any employee in a higher retention group: *Provided further*, That reemployment under this paragraph shall not extend the limitation placed upon his original appointment: *Provided further*, That failure of the agency to act within the said period will not affect the employee's right to restoration: *Provided further*, That the fact that the last position the returning veteran held through promotion or reassignment carried a time limitation will not of itself affect his right to be restored to that position or one of like seniority, status and pay.

(2) Any person who, in order to perform active military or naval service for the United States, left or leaves a position in a public or private enterprise (other than a temporary position limited to one year or less) which was or is subsequently taken over by the Federal Government shall be entitled to the reemployment rights set forth in subparagraph (1) of this paragraph upon meeting the conditions therein.

(Pub. Law 473, 78th Cong.; E.O. 9063 as amended by E.O. 9378, 8 F.R. 13037)

NOTE: Since the above changes represent a clarification of the provisions of paragraphs (a) and (b), and make no change in policies, they are considered to have been in effect from the date of the original promulgation of this regulation (5 CFR, 1943 Supp., 18.13).

By the United States Civil Service Commission.

[SEAL] H. B. MITCHELL,
President.

AUGUST 4, 1945.

[F. R. Doc. 45-16808; Filed, Sept. 10, 1945; 10:00 a. m.]

TITLE 9—ANIMALS AND ANIMAL PRODUCTS

Chapter II—Production and Marketing Administration, Livestock Branch

Subchapter A—Packers and Stockyards

PART 201—REGULATIONS UNDER THE PACKERS AND STOCKYARDS ACT

REVISION OF DEFINITIONS

By virtue of the authority vested in the Secretary of Agriculture under the Packers and Stockyards Act, 1921 (42 Stat. 159), as amended (7 U.S.C. and Supp. IV, 181 *et seq.*), Part 201 of Chapter II of Title 9, as amended by 10 F.R. 1471, is amended:

1. By striking § 201.2 (b), (c), (h), and (m) and substituting in lieu thereof the following:

§ 201.2 *Terms defined.* * * *

(b) "Administration" means the Production and Marketing Administration, Department of Agriculture.

(c) "Assistant Administrator" means the Assistant Administrator for Regulatory and Market Service matters, Production and Marketing Administration, Department of Agriculture, or any officer or employee of that Administration to whom the Assistant Administrator has heretofore lawfully delegated or to whom the Assistant Administrator may hereafter lawfully delegate, the authority to act in his stead.

* * * * *

(h) "Livestock Branch" means the Livestock Branch, Production and Marketing Administration, Department of Agriculture.

* * * * *

(m) "Secretary" means the Secretary of Agriculture or any person to whom authority has heretofore lawfully been delegated or to whom authority may hereafter lawfully be delegated to act in his stead.

2. By striking the words "Office of Marketing Services, War Food Administration" wherever they appear in the regulations and substituting in lieu thereof the words "Production and Marketing Administration, Department of Agriculture."

3. By striking the word "Director" wherever it appears in the regulations and substituting in lieu thereof the words "Assistant Administrator."

The foregoing amendments shall become effective at 12:01 a. m., e. w. t., September 10, 1945.

Done at Washington, D. C., this 10th day of September 1945.

[SEAL] J. B. HUTSON,
Acting Secretary of Agriculture.

[F. R. Doc. 45-16877; Filed, Sept. 10, 1945; 3:18 p. m.]

Subchapter B—Meat Inspection Regulations

PART 257—FACILITIES FOR INSPECTION

OVERTIME WORK OF MEAT INSPECTION EMPLOYEES

Pursuant to the authority conferred upon the Secretary of Agriculture by act of Congress approved July 24, 1919 (7 U.S.C. 1940 ed. 394), and the act of Congress approved March 4, 1907, as amended and extended (21 U.S.C., 1940 ed., 71–91, 96; 21 U.S.C., 1940 ed., Sup. IV, 71), § 257.4, Subchapter B, Chapter II, Title 9 (10 F.R. 3316, 3319), Code of Federal Regulations, as amended July 5, 1945 (10 F.R. 8421) and August 28, 1945 (10 F.R. 10963), is hereby further amended to read as follows, effective September 9, 1945:

§ 257.4 *Overtime work of meat inspection employees.* The management of an official establishment desiring to work under conditions which will require the services of an employee of the division on Saturday, Sunday, or a holiday, or for more than 8 working hours of any day including Monday through Friday, shall, sufficiently in advance of the period of overtime, request the inspector in charge or his assistant to provide inspection service during such overtime period, and shall reimburse the Secretary of Agriculture for the cost of such overtime upon receipt of notice from an authorized official of the department. It will be administratively determined from time to time which days constitute holidays.

Done at Washington, D. C., this 10th day of September 1945.

[SEAL] J. B. HUTSON,
Acting Secretary of Agriculture.

[F. R. Doc. 45-16875; Filed, Sept. 10, 1945; 3:18 p. m.]

TITLE 10—ARMY: WAR DEPARTMENT

Chapter III—Claims and Accounts

PART 306—CLAIMS AGAINST THE UNITED STATES

CLAIMS OF MILITARY PERSONNEL AND CIVILIAN EMPLOYEES FOR PROPERTY DAMAGED, LOST, DESTROYED, CAPTURED, OR ABANDONED IN THE SERVICE

Section 306.27 is rescinded and the following substituted in lieu thereof:

§ 306.27 *Claims of military personnel and civilian employees for property damaged, lost, destroyed, captured, or abandoned in the service*—(a) *Scope.* Claims of military personnel and of civilian employees of the War Department or of the Army for damage to or loss, destruction, capture, or abandonment of personal property, reasonable, useful, necessary, or proper under the attendant circumstances, occurring incident to their service. Claims within the scope of the Military Personnel Claims Act of 1945 and this section and which would otherwise be within the provisions of §§ 306.12–306.23, 306.25 and 306.26 will be settled under the provisions of this section.

(b) *Classes of claims payable.* Claims are payable under the provisions of this section when damage, loss, destruction, capture, or abandonment of personal property occurs under any of the following circumstances:

(1) *Saving Government property or human life.* Where property is damaged, lost, destroyed, or abandoned in consequence of the claimant having given his attention to the saving of property belonging to the United States or to the saving of human life of another: *Provided*, Such Government property or such human life was in danger at the same time and under similar circumstances and the situation was such that the claimant could have saved all or part of the property in relation to which claim is made if he had elected to do so.

(2) *Being engaged in military duties in connection with the disaster.* Where property is damaged, lost, destroyed, or abandoned while the claimant was engaged in the performance of authorized military duties in connection with the disaster in which such damage, loss, destruction, or abandonment occurred, provided the situation was such that the claimant could have saved all or part of the property in relation to which claim is made if he had not been engaged in the performance of such military duties.

(3) *Property endangered by efforts to save Government property or human life.* Where property becomes endangered in consequence of the claimant giving his attention to the saving of property belonging to the United States or to the saving of human life of another and as a result thereof is damaged, lost, destroyed, or abandoned.

(4) *Performing military duties in connection with civil disturbance, public disaster, or disorders.* Where property is damaged, lost, destroyed, or abandoned in consequence of the claimant performing military duties in connection with civil disturbance, with public disaster, or with disorders involving persons subject to military law.

(5) *Property subjected to extraordinary risks.* Where property is damaged, lost, destroyed, or abandoned as a direct result of extraordinary risks to which it has been necessarily subjected in consequence of the performance by the claimant of noncombat military duties.

(6) *Marine disaster.* Where property is damaged, lost, destroyed, or abandoned incident to the service of the claimant in consequence of shipwreck, fire on board, collision, sinking, capsizing, or stranding of a vessel, or perils of the sea.

(7) *Aircraft disaster.* Where property is damaged, lost, destroyed, or abandoned incident to the service of the claimant in consequence of hazards in connection with aircraft.

(8) *Property furnished to others.* Where property is damaged, or lost to the claimant, in consequence of the claimant having furnished it, at the direction or request of superior authority or by reason of military necessity, to others in immediate and urgent need thereof.

(9) *Property used for benefit of Government.* Where property is damaged, lost, destroyed, or abandoned while being used, or held for use, for the benefit of the Government at the direction or request of superior authority or by reason of military necessity.

(10) *Property located at quarters or other authorized places.* Where property is damaged or destroyed by fire, flood, hurricane, or other serious occurrence, while located at:

(i) Quarters wherever situated, occupied by the claimant, which were assigned to him, or otherwise provided in kind, by the Government; or

(ii) Quarters not within continental United States, occupied by the claimant, but not assigned to him, or otherwise provided in kind, by the Government (for the purposes hereof Alaska is deemed to be not within continental United States), except where the claimant, if a civilian employee, is a local inhabitant or not a national of the United States; or

(iii) Any warehouse, office, hospital, baggage dump, or other place (except quarters, but see (i) and (ii) above), designated by superior authority for the reception of the property.

(11) *Transportation losses.* Where property, including baggage checked or in personal custody, is damaged, lost or destroyed incident to transportation by a carrier, an agent or agency of the Government, or private conveyance:

(i) When shipped under orders; or

(ii) In connection with travel under orders irrespective of the purpose of such travel; or

(iii) In connection with travel in performance of military duty with or without troops.

Such claims may be approved only to the extent of the weight limit of the claimant's regulation allowance of baggage permitted to be shipped at Government expense.

(12) *Negligence of the Government.* Where property is damaged, lost, destroyed, or abandoned incident to the service of the claimant and a proximate cause of such damage, loss, destruction, or abandonment was the negligent act or omission of agents or employees of the Government acting within the scope of their employment. See §§ 306.12 to 306.23 or § 306.26 in cases where the provisions of this section are not applicable.

(13) *Abandonment or destruction.* Where property is abandoned or destroyed:

(i) By order of superior authority, or

(ii) By reason of military emergency requiring such abandonment or destruction: *Provided*, If the claimant is a civilian employee not subject to military law, the abandonment or destruction occurred incident to the service of the claimant.

(14) *Enemy action.* Where property is damaged, destroyed, or captured by the enemy or is destroyed to prevent its falling into the hands of the enemy: *Provided*, If the claimant is a civilian employee not subject to military law, the damage, destruction, or capture occurred incident to the service of the claimant.

(15) *Lost in the field during campaign.* Where property is damaged, lost, destroyed, captured, or abandoned in the field incident to combat or to movement which is part of a combat mission: *Provided*, If the claimant is a civilian employee not subject to military law, the damage, loss, destruction, capture, or abandonment occurred incident to the service of the claimant.

(16) *Belligerent activities.* Where property is damaged, lost, destroyed, captured, or abandoned by reason of hostile or belligerent activities in the course of warfare to which the United States is not a party, confiscation, guerilla activity, or organized brigandage, in a foreign country in which the claimant is present by reason of the performance of his duties for the Government of the United States: *Provided*, If the claimant is a civilian employee not subject to military law, the damage, loss, destruction, capture, or abandonment occurred incident to the service of the claimant.

NOTE: Any particular claim may be within one or more of the above classes. Civilian employees subject to military law are for the purposes of this section considered as military personnel. Claims of military personnel, and civilian employees subject to military law, based on subparagraphs (1) to (5), (8) to (11), or (13) to (16) above are always incident to service. Claims of all personnel based on subparagraphs (6), (7), or (12) above are payable only if the damage, loss, destruction, capture or abandonment occurred incident to the service of the claimant. Claims of civilian employees not subject to military law based on subparagraphs (1) or (3) or (6) to (16) above are payable only if the damage, loss, destruction, capture, or abandonment occurred incident to the service of the claimant. Subparagraphs (2), (4), and (5) above are not applicable to claims of civilian employees not subject to military law.

(c) *Claims not payable.* Claims otherwise within the scope of paragraph (b) are nevertheless not payable under the provisions of this section (but see §§ 306.12–306.23, 306.25 and 306.26) when the damage, loss, destruction, capture, or abandonment involves any of the following classes of property or when losses occur under any of the following circumstances:

(1) *Clothing being worn.* Clothing being worn at the time when damaged, lost, or destroyed.

(2) *Unserviceable property.* Worn-out or unserviceable property.

(3) *Souvenirs, etc.* Souvenirs, ornamental jewelry, and articles acquired to be disposed of as gifts.

(4) *Intangible property.* Choses-in-action, or evidences thereof, such as bank books, checks, promissory notes, stock certificates, bonds, bills of lading, warehouse receipts, baggage checks, insurance policies, money orders, and travelers' checks.

(5) *Government property.* Property owned by the United States, except such property for which the claimant is responsible to an agency of the Government other than the War Department or the Army.

(6) *Non-personal items.* Property not personal to the use of the claimant, such as wearing apparel of other members of the claimant's household.

(7) *Motor vehicles.* Motor vehicles, of any type, except in cases where the damage, loss, destruction, capture, or abandonment occurred prior to July 1, 1942.

(8) *Enemy property.* Property of civilian employees who are nationals of a country at war with the United States, or of any ally of such enemy country, except as it is determined that the claimant is friendly to the United States; property of prisoners of war or interned enemy aliens; and property of civilian employees of questionable loyalty to the United States or who have collaborated with an enemy, or with an ally of an enemy, of the United States.

(9) *Losses of subrogees.* Losses of insurers and other subrogees.

(10) *Losses recoverable from insurer.* Losses, or any portion thereof, which have been recovered or are recoverable from an insurer. See paragraphs (k) and (l).

(11) *Losses recoverable from carrier.* Losses, or any portions thereof, which have been recovered or are recoverable from a carrier. See paragraphs (h) to (m).

(12) *Losses in quarters.* Where damage, loss, destruction, capture, or abandonment occurs at quarters occupied by the claimant within continental United States (excluding Alaska) which are not assigned to him, or otherwise provided in kind, by the Government.

(13) *Losses of seamen.* Losses of merchant seamen, and of War Department seamen, to any part of which marine or war risk insurance issued by War Shipping Administration is applicable.

(14) *Contractual coverage.* Losses, or any portions thereof, which have been recovered or are recoverable pursuant to contract.

(15) *Negligence of claimant.* Where the damage, loss, destruction, capture, or abandonment was caused in whole or in part by any negligence or wrongful act on the part of the claimant, or of his agent or employee acting within the scope of his employment.

(16) *Losses concurrent with or after death.* Property damaged, lost, destroyed, captured, or abandoned concurrently with or subsequent to death.

NOTE: Property, or the circumstances under which damage, loss, destruction, capture, or abandonment occurs, may be within one or more of the above categories.

(d) *Type and quantity of property.* Claims are payable under this section only for the damage, loss, destruction, capture, or abandonment of such types of tangible personal property including money, and such quantities or amounts thereof, as shall be determined by the approving authority to be reasonable, useful, necessary, or proper under the attendant circumstances. Among such items of personal property is such property as by law or regulations is required to be possessed or used by military personnel or civilian employees of the War Department or of the Army Incident to their service. Claims which are otherwise within this section will not be disapproved for the sole reason that the property was not in the possession of the claimant at the time of the damage, loss, destruction, capture, or abandonment, or for the sole reason that the claimant was not the legal owner of the property in relation to which the claim is made; for example, property reasonable, useful, necessary, or proper to the claimant may be the subject of a claim even though borrowed from others.

(e) *Expensive articles.* Allowance for expensive articles, or for items purchased at unreasonably high prices, will be based upon fair and reasonable prices for substitute articles appropriate for the claimant under the particular circumstances of his service.

(f) *Statute of limitations.* No claim may be paid under this section unless presented in writing within 1 year after the occurrence of the accident or incident out of which the claim arises; *Provided*, That if the accident or incident occurs in time of war, or if war intervenes within 2 years after its occurrence, a claim may, if good cause for delay is shown, be presented within 1 year after peace is established.

(g) *Application to pending claims.* This section applies to all claims otherwise within the scope hereof, not heretofore paid, arising out of accidents or incidents occurring on or after December 7, 1939, including claims, or portions thereof, heretofore presented and disapproved as not within the scope of the then applicable laws and regulations.

(h) *Demand on carrier.* Whenever property is damaged, lost, or destroyed while being transported by a carrier, the claimant should make demand in writing upon the last carrier known or believed to have handled the shipment for reimbursement for such damage, loss, or destruction. If more than one bill of lading or contract was issued, a separate demand should be made upon the last carrier under each bill of lading or contract. Such demand should be made prior to the filing of a claim against the Government under this section and within the period provided by statute, by regulations of the Interstate Commerce Commission, or by other applicable limitation and, in any event, within 9 months subsequent to the date of delivery of the shipment or, if no portion of the shipment is delivered, within 9 months subsequent to the date when delivery would in the normal course have been made. The liability of the carrier is governed by the terms of the bill of lading or contract. The liability of a rail carrier with respect to property shipped on a Government bill of lading is normally limited to 10 cents per pound for each article damaged, lost, or destroyed; the liability is normally limited to 30 cents per pound if shipped by motor carrier. As the portion of any loss which is recovered or recoverable from a carrier must be deducted from the amount otherwise payable by the Government under this section (see paragraph (c) (11)), it is important that the claimant accept from the carrier any payment correctly determined in satisfaction of the carrier's limited liability as above outlined. Copies of such demand and of any subsequent demands and related correspondence, as well as the originals of any replies, should be retained by the claimant for presentation with any claim subsequently filed against the Government under the provisions of these regulations. In the event the carrier denies liability it will be presumed that no amount is recoverable, and if the carrier fails to reply to the claimant's demand within a reasonable time it will be presumed that the carrier denies liability.

(i) *Form of demand on carrier.* It is suggested that demands on carriers (see paragraph (h)) be made by letter in substantially the following form:

DEMAND ON CARRIER

_____ (Date)

_____ (Name of carrier)

_____ (Address)

GENTLEMEN: Claim is presented by the undersigned for _____ in connection with the following (Loss or damage)

shipment

from _____ (Consignor) _____ (City, town or station)

to _____ (Consignee) _____ (City, town or station)

in connection with _____ (Bill of lading, contract, or baggage check)

No. _____, dated _____, covering shipment of

_____ (Household goods, footlocker, flight bag, etc.)

described as follows:

Description of container (or of article if uncrated)	Approximate weight (lbs)	Nature and extent of damage	Amount claimed
			$
Total amount of claim			

Detailed description of property lost or damaged, including identifying marks on containers.

Remarks:

Yours very truly,

_____ (Name)

_____ (Address)

(j) *Failure to make demand on carrier.* In cases where, under this section (see paragraph (h)), demand on a carrier is required and the claimant fails to make such demand seasonably or fails to make reasonable efforts to collect the amount recoverable from the carrier, the amount otherwise payable under this section will be reduced by the maximum amount recoverable from the carrier if claim therefor had been filed seasonably with the carrier: *Provided*, That the circumstances of the claimant's service were not such as to preclude seasonable filing of such claim with the carrier: *And provided further*, That it shall not be found that a demand in any event was impracticable or would have been unavailing.

(k) *Demand on insurer.* Whenever property damaged, lost, destroyed, captured, or abandoned was insured in whole or in part (see paragraph (c) (10)), the claimant should make demand in writing upon the insurer for reimbursement under the terms and conditions of the insurance coverage. Such demand should be made prior to the filing of claim against the Government under this section and within the time limit provided in the policy. Copies of such demand and of any subsequent demands and related correspondence, as well as the originals of any replies, should be retained by the claimant for presentation with any claim subsequently filed against the Government under this section. In the event the insurer denies liability it will be presumed that no amount is recoverable, and if the insurer fails to reply to the claimant's demand within a reasonable time it will be presumed that the insurer denies liability.

(l) *Failure to make demand on insurer.* In cases where, under this section (see paragraph (k)), demand on an insurer is required and the claimant fails to make such demand seasonably or fails to make reasonable efforts to collect the amount recoverable from the insurer, the amount otherwise payable under this section will be reduced by the maximum amount recoverable from the insurer if claim therefor had been filed seasonably with the insurer: *Provided*, That the circumstances of the claimant's service were not such as to preclude seasonable filing of such claim with the insurer: *And provided further*, That it shall not be found that a demand in any event was impracticable or would have been unavailing.

(m) *Transfer of rights against carrier or insurer.* Whenever a carrier or insurer denies liability or fails to satisfy such liability and a claim for the property in relation to which the claim is made is approved under this section, without deduction of the amount for which the carrier or insurer is deemed liable, the claimant by the acceptance of payment of such claim under this section will be deemed to have assigned to the United States, to the extent of the deductions not so made, his right, title, and interest in and to any claim he may have against the carrier or insurer and to have agreed that he will, upon request, execute and deliver to the United States a written assignment thereof together with the original or a copy of the bill of lading or contract, insurance policy, and all other papers which may be required to enable the United States to press the claim against the carrier or insurer.

(n) *Proration of recovery from carrier or insurer.* When the amount recovered or recoverable by the claimant from a carrier or insurer is less than the total loss, the amount so recovered or recoverable will be prorated between:

(i) The amount approved; and

(ii) The sum of:

(a) The amount disapproved for items not reasonable, useful, necessary, or proper;

(b) The amount disapproved for items not personal to the claimant's use;

(iii) The disapproved portion of the actual value of expensive articles and of items purchased at unreasonably high prices; and

(iv) The amount disapproved as the portion of damage allocated to excess baggage (see paragraph o).

(o) *Proration in event of excess baggage.* Where claim is made under paragraph (b) (11) for damage, loss, or destruction of property comprising a shipment the total weight of which is in excess of the regulation allowance of baggage permitted to be shipped at Government expense, there may be approved for payment only that proportionate part of the total damage, loss, or destruction which the regulation allowance on the basis of weight bears to the total weight shipped. When two or more shipments are made under or in connection with the same orders and the regulation allowance is exhausted or exceeded by the first or by the first and succeeding shipments, all further shipments will be deemed to be not within this section.

(p) *Claims within provisions of other regulations.* Claims within the scope of this section and which but for the existence of the Military Personnel Claims Act of 1945 and this section would be within the provisions of §§ 306.12–306.23, 306.25 and 306.26 will be settled under the provisions of this section which are preemptive of other claims provisions. Claims for damage, loss, destruction, capture, or abandonment not within the provisions of this section should be processed under the military claims provision (§§ 306.12–306.23), or under Article of War 105 (see § 306.25), or under the foreign claims provision (§ 306.26) if applicable.

(q) *Sections 306.1 to 306.10 applicable.* So far as not inconsistent with this section, the procedure set forth in §§ 306.1 to 306.10 will be followed as to claims within the provisions of this section.

(r) *Claimants.* Claims may be presented by the military personnel or civilian employee (or his duly authorized agent or legal representative) incident to whose service the property was damaged, lost, captured, destroyed, or abandoned. The claim, if filed by an agent or legal representative, should show the title or capacity of the person signing and be accompanied by evidence of the appointment of such person as agent, executor, administrator, or other fiduciary. In the event of the death of the military personnel or civilian employee subsequent to the accident or incident out of which the claim arose and prior to his filing a claim in person (or by a duly authorized agent), the claim may be presented by any of the following:

(1) A duly appointed executor or administrator;

(2) The widow or widower of the decedent;

(3) Any child or other descendant of the decedent;

(4) The father or mother of the decedent; or

(5) Any brother or sister, or any descendant of any brother or sister, of the decedent.

(s) *Form of claim.* Claim will be submitted by presenting a detailed statement in triplicate, signed by or on behalf of the claimant, on **WD Form 30B**, Attention is directed to the provisions of paragraph (t) outlining specific types of evidence required in particular classes of claims; careful compliance with such requirements is essential to avoid delays resulting from the necessity of returning the claim for amplification.

(t) *Evidence in support of claim.* The claim should be supported by the data required by the claim form (WD Form **30B**) and, when and to the extent applicable and feasible, supplemental data and exhibits as follows:

(1) Sworn statements, by the claimant's commanding officer if possible, or by others having personal knowledge of the facts to corroborate the claimants statement of facts, in the claim form and other evidence submitted in support of the claim. The claimant should so far as practicable, and prior to filing the claim, obtain such evidence by personal correspondence or otherwise.

(2) Statement of property recovered or replaced in kind.

(3) Statement regarding insurance, if any such statement should include:

(i) Type and amount of insurance.

(ii) Insurance policy, or copy thereof, or explanation as to inability to furnish same.

(iii) Certificate in substantially the following form:

CERTIFICATE OF DEMAND ON INSURER

_____ (Date)

I, the undersigned, hereby certify that on _____ (Date) I made written demand on _____ (Insurer) in accordance with the terms and conditions of insurance coverage by said insurer by properly mailing to such insurer a letter, a copy of which, together with the originals or copies of the policy and other agreements evidencing such coverage, is attached to this certificate. I further certify that there are also attached to this certificate originals of all replies (if any) received from, and copies of all further corerspondence (if any) sent to, said insurer.

_____ (Signature of claimant)

(4) Itemized bill for repairs, if damaged property has been repaired; or written estimates, by at least one competent disinterested witness, of the probable cost of repairs, if the property is reparable and has not been repaired.

(5) In any case where the military personnel or civilian employee is deceased, or if for any other reason the claim is submitted by an agent or legal representative, an attested copy of the power of attorney or a certificate of appointment of the executor or administrator or other fiduciary or, if no such appointment has been made, a statement as to the relationship which the person presenting the claim bears to the deceased.

(6) If claim is asserted under paragraph (b) (1) (saving Government property or human life), or under paragraph (b) (2) (being engaged in military duties in connection with the disaster):

(i) A statement in detail as to the claimant's location, acts, and conduct immediately before, during, and immediately after the disaster, and stating facts (not mere conclusions) from which it can be determined whether (if under paragraph (b) (1)) the claimant gave his attention to saving Government

property or human life of another instead of property in relation to which claim is made, or whether (if under paragraph (b) (2)) performance of authorized military duties in connection with the disaster prevented the claimant from saving property in relation to which claim is made; and

(ii) A statement in detail of the actual facts and circumstances surrounding the damage, loss, destruction, or abandonment from which it can be determined whether the situation was such that the claimant could have saved property in relation to which claim is made if (under paragraph (b) (1)) he had not elected to save Government property or human life of another, or if (under paragraph (b) (2)) he had not been engaged in the performance of authorized military duties in connection with the disaster.

(7) If claim is asserted under paragraph (b) (3) (property endangered by efforts to save Government property or human life):

A statement in detail of the actual facts and circumstances surrounding the damage, loss, destruction, or abandonment, and as to the claimant's location, acts, and conduct immediately before, during, and immediately after the disaster, stating facts (not mere conclusions) from which it can be determined whether the property in relation to which claim is made was previously in a position of safety but was endangered, and was subsequently damaged, lost, destroyed, or abandoned, as a consequence of the claimant having given his attention to saving Government property or human life of another.

(8) If claim is asserted under paragraph (b) (4) (performing military duties in connection with civil disturbance, public disaster, or disorders), or under paragraph (b) (5) (property subjected to extraordinary risks), or under paragraph (b) (6) (marine disaster), or under paragraph (b) (7) (aircraft disaster):

A statement in detail of the actual facts and circumstances surrounding the damage, loss, destruction, or abandonment.

(9) If claim is asserted under paragraph (b) (8) (property furnished to others), or under paragraph (b) (9) (property used for benefit of Government):

A statement in detail including the date and occasion of furnishing the property, the name and designation of the superior authority directing or requesting such action, and the names of the persons to whom the property was delivered.

(10) If claim is asserted under paragraph (b) (10) (property located at quarters or other authorized places)

A statement in detail including, if the property was located at quarters, the geographical location thereof, whether such quarters were assigned or otherwise provided in kind by the Government, and whether the quarters were at the time regularly occupied by the claimant, and including, if the property was located at other authorized places, the geographical location thereof, the name and designation of the authority designating such place as a proper place for such property to be left or located, and, including also, whether located at quarters or other authorized place, the actual facts and circumstances surrounding the damage or destruction.

(11) If claim is asserted under paragraph (b) (11) (transportation losses):

(i) Copy of orders authorizing the travel, transportation, or shipment. If such copies are not obtainable, there should be included in lieu thereof a certificate, corroborated if possible by a sworn statement by at least one person explaining the absence of such orders or copies thereof, stating the substance thereof and setting forth sufficient facts to establish the travel, if any, by the claimant and the transportation or shipment of the property.

(ii) Statement specifying the weight limit of claimant's regulation allowance of baggage under the attendant circumstances and total weight of the shipment.

(iii) Statement, in cases where the weight of shipment is in excess of the regulation allowance, showing whether such shipment included any articles not personal to the use of the claimant (such as wearing apparel belonging to members of the claimant's household) and, if so, a list thereof showing the approximate weight of each article.

(iv) In cases of missing baggage or effects, a statement as to the steps taken by the claimant in an effort to locate the property, attaching all correspondence, including replies, with former organizations, hospitals, and other installations.

(v) Statement, in cases where property was turned over to a quartermaster, transportation officer, supply officer, or contract packer, setting forth the following:

(*a*) Name (or designation) and address of quartermaster, transportation officer, supply officer, or contract packer.

(*b*) Date property was turned over.

(*c*) Condition when property was turned over.

(*d*) When and where property was packed.

(*e*) Methods of packing and crating.

(*f*) Date when property was shipped and reshipped.

(*g*) Copies of all manifests, bills of lading, and contracts.

(*h*) Date and place of delivery of property to claimant.

(*i*) Date property was unpacked.

(*j*) Statement by quartermaster, transportation officer, or supply officer as to condition of property when received and delivered, as to handling and storage, as to reasons for and conditions of storage, whether property was handled by local carrier, and whether damage occurred during such handling.

(*k*) Whether negligence on the part of any Government employee acting within the scope of his employment caused the damage, loss, or destruction.

(*l*) Whether last common carrier was given a clear receipt.

(*m*) Whether local civilian carrier was given a clear receipt.

(vi) Certificate, if a carrier is involved, in substantially the following form:

CERTIFICATE OF DEMAND ON CARRIER

---------- (Date)

I, the undersigned, hereby certify that on ---------- I made written demand (Date)

on ---------- by properly mailing (Carrier)

to such carrier a letter, a copy of which is attached to this certificate. I further certify that there are also attached to this certificate originals of all replies (if any) received from, and copies of all further correspondence (if any) sent to, said carrier.

(Signature of claimant)

(12) If claim is asserted under paragraph (b) (12) (negligence of the Government):

A statement in detail setting forth the actual facts and circumstances surrounding the damage, loss, destruction, or abandonment, including the names and addresses of the Government agents or employees whose negligent acts or omissions caused the damage, loss, destruction, or abandonment, and specifying the acts or omissions claimed to have been negligent and the facts relied upon to establish that such agents or employees were acting within the scope of their employment.

(13) If claim is asserted under paragraph (b) (13) (abandonment or destruction):

A statement in detail by claimant, corroborated if possible by statement from claimant's commanding officer or others having personal knowledge of the facts, stating facts (not mere conclusions) from which it can be determined that the property was abandoned or destroyed by order of superior authority or by reason of military emergency requiring such abandonment or destruction.

(14) If claim is asserted under paragraph (b) (14) (enemy action), or under paragraph (b) (15) (lost in the field during campaign), or under paragraph (b) (16) (belligerent activities):

(i) Copy of orders, or other available evidence, to establish claimant's entry into the area or location involved.

(ii) Any additional evidence (including original receipts, if any, by whomever issued) to establish (if under paragraph (b) (14)) that the property was damaged, destroyed, or captured by the enemy or was destroyed to prevent its falling into the hands of the enemy, or (if under paragraph (b) (15)) that the property was damaged, lost, destroyed, captured, or abandoned in the field incident to combat or to movement which was part of a combat mission, or (if under paragraph (b) (16)) that the property was damaged, lost, destroyed, captured, or abandoned by reason of hostile or belligerent activities in the course of warfare to which the United States was not a party, confiscation, guerilla activity, or organized brigandage, in a foreign country in which the claimant was present by reason of the performance of his duties for the Government of the United States.

(u) *Filing of claim.* All claims within the provisions of this section will be submitted to the commanding officer of the organization to which the claimant belongs or with which he is serving if practicable, otherwise to the commanding officer of any post, camp, station, or other military establishment, if practicable the one nearest to the point where investigation of the facts and circumstances can most conveniently be made. Claims may also be submitted to the commanding general of any service command, or air technical service command, within the United States, its territories, and possessions, or to any office of the command claims service in any theater of operations or other command outside the continental limits of the United States. In any case where submission under the foregoing provisions is impracticable, claims may be submitted direct to The Judge Advocate General, Washington 25, D. C. Acceptance of a claim for filing will not be refused even though the claim appears not to be within the provisions of this section.

(v) *Approval and payment approving authorities.* (1) Claims submitted under the provisions of this section will be considered, ascertained, adjusted, determined, settled and, when substantiated as within the provisions of this section, will be approved or disapproved, by any officer or officers designated by The Judge Advocate General from his staff for that purpose, or (subject to such jurisdictional limits as to amount as may be from time to time fixed) by any foreign claims commission designated by him for that purpose. The Judge Advocate General has designated the Chief of the Claims Division, Office of the Judge Advocate General, to approve or disapprove such claims.

(2) Notice to claimant. Upon disapproval of a claim by the approving authority, the claimant will be notified in writing of the action taken and the reason therefor.

(3) Effect of action. The action of the approving authority in approving or disapproving a claim in whole or in part will be final and conclusive for all purposes.

(4) Acceptance agreement. No acceptance agreement by the claimant is necessary, and no such acceptance agreement will be required or included in the file, at any stage in the processing of the claim.

(5) *Payment.* Upon approval of a claim in whole or in part, the claim, with related file, will be transmitted by the approving authority to the appropriate disbursing officer for payment. (41 Stat. 1436; 31 U.S.C. 218–222 as amended by the Military Personnel Claims Act of 1945, Public Law 67—79th Congress) [AR 25–100, 29 May 1945]

[SEAL] EDWARD F. WITSELL,
Major General,
Acting The Adjutant General.

[F. R. Doc. 45–16878; Filed, Sept. 10, 1945; 3:41 p. m.]

TITLE 24—HOUSING CREDIT

Chapter VII—National Housing Agency

[NHA Reg. 60–16]

PART 702—PRIVATE WAR HOUSING

RELAXATION OF RESTRICTIONS REQUIRING PRIVATE WAR HOUSING (H–1 AND H–2) TO BE HELD FOR RENTAL

Corrected Reprint

The purpose of this regulation is to relax National Housing Agency controls which require certain private war housing (H–1 and H–2, comprising §§ 702.1 to 702.56, inclusive) be held for rental.

All restrictions and controls of the National Housing Agency which require any private war housing (H–1 and H–2) to be held for rental are hereby revoked as to any such housing now or hereafter vacant: *Provided*, That such vacancy is not created by the eviction of a tenant for the occupancy of an owner or purchaser who is not otherwise entitled to the possession of such housing: *And provided further*, That before any such housing is sold for occupancy a maximum authorized sales price has been established in the application for priority assistance or for authority to begin construction or as otherwise provided in NHA regulations.

Nothing in this regulation shall affect any restriction or control with respect to a maximum authorized rental or sales price contained in any application for priorities assistance or for authority to begin construction or in any regulation or control of the National Housing Agency, the War Production Board, or the Office of Price Administration.

This regulation shall be effective immediately.

(55 Stat. 838; E.O. 9070, 7 F.R. 1529; 54 Stat. 676 as amended by 55 Stat. 236 and 56 Stat. 177; E.O. 9024, 7 F.R. 329, as amended by E.O. 9040, 7 F.R. 527, and E.O. 9125, 7 F.R. 2719)

JOHN R. BLANDFORD, JR.,
Administrator.

[F. R. Doc. 45–16813; Filed, Sept. 10, 1945; 10:19 a. m.]

TITLE 29—LABOR

Chapter V—Wage and Hour Division

PART 526—INDUSTRIES OF A SEASONAL NATURE

APPLICATION FOR EXEMPTION OF BEET SUGAR INDUSTRY FROM MAXIMUM HOURS PROVISIONS [1]

Whereas, the determination, made by the Administrator, under section 7 (b) (3) of the Fair Labor Standards Act of 1938, on August 24, 1940 (5 F.R. 3167) that the first processing and canning of perishable or seasonal fresh fruits and vegetables is an industry of a seasonal nature within the meaning of the exemption provided by that section of the act, does not apply to all operations performed in the beet sugar industry but is limited to the first processing of sugar beets; and

Whereas, upon consideration of an application for the exemption of the beet sugar industry from the maximum hours provisions of the Fair Labor Standards Act of 1938 as an industry of a seasonal nature, pursuant to section 7 (b) (3) of the act and Part 526, as amended, of the regulations issued thereunder, a preliminary determination was made that a prima facie case had been shown for the granting of the aforesaid exemption to the beet sugar industry and notice thereof was published in the FEDERAL REGISTER on July 14, 1944 (9 F.R. 7860) in accordance with the provisions of § 526.5 (b) (ii) of the regulations; and

Whereas, within 15 days following the publication of the said preliminary determination, the Administrator received objections and requests for hearing; and

Whereas, pursuant to notice in accordance with §§ 526.5 and 526.6 of regulations Part 526, as amended, a public hearing was held in Denver, Colorado, on September 22, 1944 before Nathan Rubinstein, an authorized representative of the Administrator, who was authorized to receive evidence and hear argument for the purpose of determining:

Whether the beet sugar industry is an industry of a seasonal nature within the meaning of section 7 (b) (3) of the act and Part 526, as amended, of the regulations issued thereunder, and if so, the appropriate limits of the industry and the extent to which any determination made pursuant to these proceedings shall supersede the determination made by the Administrator on August 24, 1940 (5 F.R. 3167) granting an exemption under section 7 (b) (3) of the act for the first processing of perishable or seasonal fresh fruits and vegetables insofar as that determination is applicable to the first processing of sugar beets; and

Whereas, following such hearing the said Nathan Rubinstein duly made the following findings:

(1) Sugar beets mature and are harvested during a regularly recurring season each year beginning in most beet producing areas about the middle of September and ending before freezing weather sets in. Although sugar beets are frequently stored for limited periods, deterioration sets in within a short time after they have been harvested and the beets must therefore be processed as quickly as possible to prevent substantial deterioration and loss of sugar;

(2) Sugar beets are processed into sugar during a regularly recurring season each year from about October through January, a period of about four months, except in California, where the season may be as long as six months each year;

(3) Sugar beet processing establishments cease production during the remainder of the year except for such work as maintenance, repair, clerical and sales work, because sugar beets are no longer available for processing as a result of natural conditions;

(4) The beet sugar industry as defined in this determination is an industry of a seasonal nature within the meaning of section 7 (b) (3) of the Fair Labor Standards Act of 1938 and Part 526 of the regulations, as amended, issued thereunder;

(5) As used in this determination, the term "beet sugar industry" includes: receiving the sugar beets at the factory site or at receiving stations operated by the beet sugar factory; the transporting of the beets from such receiving stations to the factory when performed by employees of the sugar beet

[1] Affects tabulation in § 526.701.

processor; the production of sugar from the beets and the further extraction of sugar from sugar beet molasses by mixing and concurrently processing the molasses with the beet juice obtained directly from the sugar beets; and the following operations when performed by employees of the sugar beet processor on or near the premises of the beet sugar plant while the sugar beets are being received at the factory or are being processed into sugar: the powdering of sugar; the compressing and artificial drying of wet beet pulp; the weighing, handling, packaging, bagging and storing of sugar, wet beet pulp, dried beet pulp and molasses; the removal of these products from the premises and placing them in transportation facilities; and any operations or services necessary or incident to the foregoing, such as the testing of the equipment, maintenance, repairs, clerical work or sales work. The term "beet sugar industry" does not include the quarrying of lime, the manufacture of bags or other sugar containers, or the manufacturer of yeast, citric acid, or any other by-products not specifically included in this definition.

The application is granted in accordance with the above findings and determination, and if and when made final and effective will supersede the determination made by the administrator on August 24, 1940 (5 F.R. 3167) granting an exemption under section 7 (b) (3) for the first processing of perishable or seasonal fresh fruits and vegetables insofar as that determination is applicable to the first processing of sugar beets;

and

Whereas, said findings and determination were duly filed with the Administrator on June 23, 1945 at the National Office of the Wage and Hour Division, 165 West 46th Street, New York 19, New York, and have been available for examination by all interested parties; and

Whereas, on July 12, 1945, there was caused to be published in the FEDERAL REGISTER (10 F.R. 8673), pursuant to the provisions of § 526.7 of the aforementioned regulations, a notice to the effect that any person aggrieved by the said findings might, within 15 days after July 12, 1945, file a petition with the Administrator requesting that he review the action of the said representative upon the record of the hearing; and

Whereas, petitions for review of the said findings of the presiding officer were duly filed with the Administrator; and

Whereas, after careful consideration by the Administrator of the issues raised by the petitioners, it has been determined that the aforesaid petitions do not present any new or additional facts warranting a review of the findings of the presiding officer:

Now, therefore, pursuant to the provisions of § 526.7 of regulations, Part 526, the petitions for review of the findings of the presiding officer in this matter are hereby denied and the exemption provided by section 7 (b) (3) of the Fair Labor Standards Act of 1938 will become effective in accordance with the aforementioned findings upon publication of this determination in the FEDERAL REGISTER.

Signed at New York, New York, this 7th day of September 1945.

L. METCALFE WALLING,
Administrator.

[F. R. Doc. 45-16938; Filed, Sept. 11, 1945; 11:16 a. m.]

Chapter IX—Agriculture Department (Agricultural Labor)

[Supp. 65, Revocation]

PART 1103—SALARIES AND WAGES OF AGRICULTURAL LABOR IN THE STATE OF TEXAS

WORKERS ENGAGED IN PICKING AMERICAN UPLAND COTTON IN CERTAIN COUNTIES OF TEXAS

Supplement 65 to the specific wage ceiling regulations which Supplement 65 was issued by the Secretary of Agriculture on August 10, 1945 (10 F.R. 9999) together with its amendment, issued August 23, 1945 (10 F. R. 10348) is hereby revoked as to all counties specified therein: *Provided, however,* That the provisions of said Supplement 65 shall continue to remain in full force and effect for the purpose of allowing or sustaining any suit, action, proposition, or administrative or other proceeding heretofore or hereafter commenced with respect to any violation committed or right or liability accruing under or pursuant to the terms of the provisions of such Supplement 65.

Effective date. This revocation shall become effective at 12:01 a. m., Central War Time, September 8, 1945.

(56 Stat. 765 (1942), 50 U.S.C. App. 961 et seq., (Supp. IV); 57 Stat. 63 (1943); 50 U.S.C. 964 (Supp. IV); 58 Stat. 632 (1944); Pub. Law 108, 79th Cong., E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4581; E.O. 9577, 10 F.R. 8087; regulations of the Economic Stabilization Director, 8 F.R. 11960, 12139, 16702, 9 F.R. 6035, 14547, 10 F.R. 9478, 9628; regulations of the War Food Administrator, 9 F.R. 655, 12117, 12611, 10 F.R. 7609, 9581; 9 F.R. 831, 12807, 14206, 10 F.R. 3177)

Issued this 8th day of September 1945.

[SEAL] K. A. BUTLER,
Acting Director of Labor,
Department of Agriculture.

[F. R. Doc. 45-16821; Filed, Sept. 10, 1945; 11:05 a. m.]

[Supp. 78]

PART 1104—SALARIES AND WAGES OF AGRICULTURAL LABOR IN THE STATE OF SOUTH DAKOTA

WORKERS ENGAGED IN HARVESTING POTATOES IN CERTAIN SOUTH DAKOTA COUNTIES

§ 1104.2 *Workers engaged in harvesting potatoes in Coddington, Hamlin, Day, Clark, Grant, Deuel, Brookings, and Kingsbury Counties, State of South Dakota.* Pursuant to § 4001.7 of the regulations of the Economic Stabilization Director relating to salaries and wages issued August 28, 1945, as amended (8 F.R. 11960, 12139, 16702; 9 F.R. 6035, 14547; 10 F.R. 9478, 9628) and to the regulations of the War Food Administrator issued March 23, 1945 (10 F.R. 3177) entitled "Specific Wage Ceiling Regulations" and based upon a certification of the South Dakota USDA Wage Board that a majority of the producers of potatoes in the area affected participating in hearings conducted for such purpose have requested the intervention of the Secretary of Agriculture, and based upon relevant facts submitted by the South Dakota USDA Wage Board and obtained from other sources, it is hereby determined that:

(a) *Areas, crops and classes of workers.* Persons engaged in harvesting potatoes in Coddington, Hamlin, Day, Clark, Grant, Deuel, Brookings, and Kingsbury Counties, State of South Dakota, are agricultural labor as defined in § 4001.1 (1) of the regulations of the Economic Stabilization Director issued on August 28, 1943, as amended (8 F.R. 11960, 12139, 16702; 9 F.R. 6035, 14547; 10 F.R. 9478, 9628).

(b) *Definitions.* When used in this section:

(1) The term "Area I" means all that area in 12 townships in Coddington County, being Townships 116 N, 117 N, and 118 N in Ranges W 51, 52, 53, and 54, and all that area in four townships in Hamlin County, being Townships 115 N in Ranges W 51, 52, 53, and 54.

(2) The term "Area II" means all of Coddington and Hamlin Counties not included within Area I and all of Day, Clark, Grant, Deuel, Brookings and Kingsbury Counties.

(c) *Maximum wage rates for harvesting potatoes.* (1) Maximum wages for harvesting potatoes in Area I:

(i) For picking potatoes—5¢ per 35-pound basket.

(ii) For loading and unloading potatoes—3¢ per sack of 70 pounds.

(iii) For all potato harvest labor other than picking, loading and unloading—$1 per hour.

(2) Maximum wages for harvesting potatoes in Area II:

(i) For picking potatoes—6¢ per 35-pound basket.

(ii) For loading and unloading potatoes—3¢ per sack of 70 pounds.

(iii) For all potato harvest labor other than picking, loading and unloading—$1.25 per hour.

(d) *Administration.* The South Dakota USDA Wage Board, the address of which shall be South Dakota USDA Wage Board, c/o the Chairman, Huron, South Dakota, will have charge of the administration of this section in accordance with the provisions of the specific wage ceiling regulations issued by the War Food Administrator on March 23, 1945 (10 F.R. 3177).

(e) *Applicability of specific wage ceiling regulations.* This section shall be deemed to be a part of the specific wage ceiling regulations issued by the War Food Administrator on March 23, 1945 (10 F.R. 3177) and the provisions of such regulations shall be applicable to this section and any violation of this section shall constitute a violation of such specific wage ceiling regulations.

Effective date. This Supplement No. 78 shall become effective at 12:01 a. m., Central War Time, September 8, 1945.

(56 Stat. 765 (1942), 50 U.S.C. App. 961 et seq., (Supp. IV); 57 Stat. 63 (1943); 50 U.S.C. 964 (Supp. IV); 58 Stat. 632 (1944); Pub. Law 108, 79th Cong., E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681; E.O. 9577, 10 F.R. 8087; regulations of the Economic Stabilization Director, 8 F.R. 11960, 12139, 16702, 9 F.R. 6035, 14547, 10 F.R. 9478, 9628; regulations of the War Food Administrator, 9 F.R. 655, 12117, 12611, 10 F.R. 7609, 9581; 9 F.R. 831, 12807, 14206, 10 F.R. 3177)

Issued this 8th day of September, 1945.

K. A. BUTLER,
Acting Director of Labor,
U. S. Department of Agriculture.

[F. R. Doc. 45-16823; Filed, Sept. 10, 1945; 11:05 a. m.]

[Supp. 71]

PART 1108—SALARIES AND WAGES OF AGRICULTURAL LABOR IN THE STATE OF IDAHO

WORKERS ENGAGED IN HARVESTING WHEAT AND OTHER GRAINS IN CERTAIN IDAHO COUNTIES

Correction

In Federal Register Document 45-16527, appearing at page 11343 of the issue for Thursday, September 6, 1945, the signature at the end should read "K. A. Butler".

[Supp. 76]

PART 1116—SALARIES AND WAGES OF AGRICULTURAL LABOR IN THE STATE OF OHIO

WORKERS ENGAGED IN THE PRODUCTION OF GREENHOUSE VEGETABLES IN CERTAIN OHIO COUNTIES

§ 1116.1 *Workers engaged in the production of greenhouse vegetables in Cuyahoga, Erie, Lorain, and Medina Counties, State of Ohio.* Pursuant to § 4001.7 of the regulations of the Economic Stabilization Director relating to salaries and wages issued August 28, 1943, as amended (8 F. R. 11960, 12139, 16702; 9 F. R. 6035, 14547; 10 F. R. 9478, 9628) and to the regulations of the War Food Administrator issued March 23, 1945 (10 F. R. 3177) entitled "Specific Wage Ceiling Regulations" and based upon a certification of the Ohio USDA Wage Board that a majority of the producers of greenhouse vegetables in the area affected participating in hearings conducted for such purpose have requested the intervention of the Secretary of Agriculture, and based upon relevant facts submitted by the Ohio USDA Wage Board and obtained from other sources, it is hereby determined that:

(a) *Areas, crops and classes of workers.* Persons engaged in the production of greenhouse vegetables in Cuyahoga, Erie, Lorain, and Medina Counties, State of Ohio, are agricultural labor as defined in § 4001.1 (1) of the regulations of the Economic Stabilization Director issued on August 28, 1943, as amended (8 F. R. 11960, 12139, 16702; 9 F. R. 6035, 14547; 10 F. R. 9478, 9628).

(b) *Definitions.* When used in this section:

(1) The term "skilled worker" means a worker capable of boiler operations, temperature and humidity control, maintenance and repair functions, operating machinery and watering, in addition to performing duties as unskilled and semi-skilled worker.

(2) The term "semi-skilled worker" means a worker capable of pollanizing, pruning, planting, exercising pest control, such as spraying, dusting, plowing, picking, and grading.

(3) The term "beginner or unskilled worker" means a worker capable of shoveling coal, hauling manure, picking vegetables and when under supervision of an experienced worker, pollenizing and pruning.

(4) The term "foreman" means a worker having knowledge necessary to performing the functions of a skilled worker plus a working knowledge of personnel management.

(c) *Maximum wage rates for the production of greenhouse vegetables.* (1) Maximum hourly wages for beginners or unskilled workers—75¢ per hour.

(2) Maximum hourly wages for semi-skilled workers—$1 per hour.

(3) Maximum hourly wages for skilled workers—$1.25 per hour.

(4) Maximum hourly wages for workers employed as foremen—$1.50 per hour.

(d) *Administration.* The Ohio USDA Wage Board, the address of which shall be Ohio USDA Wage Board, c/o J. I. Falconer, Chairman, Townsend Hall, Ohio State University, Columbus, Ohio, will have charge of the administration of this section in accordance with the provisions of the specific wage ceiling regulations issued by the War Food Administrator on March 23, 1945 (10 F.R. 3177).

(e) *Applicability of specific wage ceiling regulations.* This section shall be deemed to be a part of the specific wage ceiling regulations issued by the War Food Administrator on March 23, 1945 (10 F.R. 3177) and the provisions of such regulations shall be applicable to this section and any violation of this section shall constitute a violation of such specific wage ceiling regulations.

Effective date. This Supplement No. 76 shall become effective at 12:01 a. m., Eastern War Time, September 8, 1945.

(56 Stat. 765 (1942), 50 U.S.C. App. 961 et seq., (Supp. IV); 57 Stat. 63 (1943); 50 U.S.C. 964 (Supp. IV); 58 Stat. 632 (1944); Pub. Law 108, 79th Cong., E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681; E.O. 9577, 10 F.R. 8087; regulations of the Economic Stabilization Director, 8 F.R. 11960, 12139, 16702, 9 F.R. 6035, 14547, 10 F.R. 9478, 9628; regulations of the War Food Administrator, 9 F.R. 655, 12117, 12611, 10 F.R. 7609, 9581; 9 F.R. 831, 12807, 14206, 10 F.R. 3177)

Issued this 8th day of September 1945.

K. A. BUTLER,
Acting Director of Labor,
U. S. Department of Agriculture.

[F. R. Doc. 45-16822; Filed, Sept. 10, 1945; 11:05 a. m.]

[Supp. 79]

PART 1117—SALARIES AND WAGES OF AGRICULTURAL LABOR IN THE STATE OF MINNESOTA

WORKERS ENGAGED IN HARVESTING POTATOES IN CERTAIN MINNESOTA COUNTIES

§ 1117.1 *Workers engaged in harvesting potatoes in Clay, Norman, Polk, Marshall, and Kittson Counties, State of Minnesota.* Pursuant to § 4001.7 of the regulations of the Economic Stabilization Director relating to salaries and wages issued August 28, 1943, as amended (8 F.R. 11960, 12139, 16702; 9 F.R. 6035, 14547; 10 F.R. 9478, 9628) and to the regulations of the War Food Administrator issued March 23, 1945 (10 F.R. 3177) entitled "Specific Wage Ceiling Regulations" and based upon a certification of the Minnesota USDA Wage Board that a majority of the producers of potatoes in the area affected participating in hearings conducted for such purpose have requested the intervention of the Secretary of Agriculture, and based upon relevant facts submitted by the Minnesota USDA Wage Board and obtained from other sources, it is hereby determined that:

(a) *Areas, crops and classes of workers.* Persons engaged in harvesting potatoes in Clay, Norman, Polk, Marshall, and Kittson Counties, State of Minnesota, are agricultural labor as defined in § 4001.1 (1) of the regulations of the Economic Stabilization Director issued on August 28, 1943, as amended (8 F.R. 11960, 12139, 16702; 9 F.R. 6035, 14547; 10 F.R. 9478, 9628).

(b) *Maximum wage rates for harvesting potatoes.* (1) Maximum wages for picking potatoes—10¢ per 75 to 80-pound bag.

(2) Maximum wages for loading potatoes—$1.25 per hour.

(3) Maximum wages for driving truck or potato digger—$1 per hour.

When board is furnished workers, charges for such board shall be less than $2 per day per worker.

(c) *Administration.* The Minnesota USDA Wage Board, the address of which shall be Minnesota USDA Wage Board, c/o S. H. Rutford, Chairman, Department of Agriculture, University of Minnesota, St. Paul, Minnesota, will have charge of the administration of this section in accordance with the provisions of the specific wage ceiling regulations issued by the War Food Administrator on March 23, 1945 (10 F.R. 3177).

(d) *Applicability of specific wage ceiling regulations.* This section shall be deemed to be a part of the specific wage ceiling regulations issued by the War Food Administrator on March 23, 1945 (10 F.R. 3177) and the provisions of such regulations shall be applicable to this section and any violation of this section shall constitute a violation of such specific wage ceiling regulations.

Effective date. This section shall become effective at 12:01 a. m., Central War Time, September 8, 1945.

(56 Stat. 765 (1942), 50 U.S.C. App. 961 et seq. (Supp. IV); 57 Stat. 63 (1943); 50 U.S.C. 964 (Supp. IV); 58 Stat. 632 (1944); Pub. Law 108, 79th Cong., E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681; E.O. 9577, 10 F.R. 8087; regulations of the Economic Stabilization Director, 8 F.R. 11960, 12139, 16702, 9 F.R. 6035, 14547, 10 F.R. 9478; 9628; regulations of the War Food Administrator, 9 F.R. 655, 12117, 12611, 10 F.R. 7609, 9581; 9 F.R. 831, 12807, 14206, 10 F.R. 3177)

Issued this 8th day of September 1945.

K. A. BUTLER,
Acting Director of Labor,
U. S. Department of Agriculture.

[F. R. Doc. 45-16824; Filed, Sept. 10, 1945; 11:05 a. m.]

TITLE 30—MINERAL RESOURCES

Chapter VI—Solid Fuels Administration for War

[SFAW Suspension Order 6]

PART 602—GENERAL ORDERS AND DIRECTIVES

WALKER ICE AND COAL CO.

Thomas Walker and Edward Walker, 1429 North American Street, Philadelphia, Pennsylvania, are engaged in the business, under the name of Walker Ice and Coal Company, of buying and reselling anthracite as a retail dealer. An investigation by SFAW including an examination of the books and records of this company, discloses that it had, during the period from April 1, 1945 to June 4, 1945, delivered regulated sizes of anthracite to almost all of its customers without first obtaining Consumer Declarations from them as required by § 602.653 of SFAW Regulation No. 26, as amended. The investigation also disclosed that this dealer made numerous deliveries of such coal to consumers during that period in amounts in excess of 50 per cent of their normal annual requirements in violation of § 602.657 (c) of SFAW Regulation No. 26, as amended. The investigation also disclosed that this dealer was not keeping accurate and complete records of its deliveries of solid fuel as required by § 602.663 of SFAW Regulation No. 26, as amended.

At an informal conference attended by representatives of SFAW on June 13, 1945, Thomas Walker agreed in writing, on behalf of Walker Ice and Coal Company, that Consumer Declarations would be obtained from each of the customers to whom the company had delivered anthracite without obtaining Consumer Declarations, that these declarations would be submitted to the Philadelphia office of SFAW for checking, that all deliveries made during the period from April 1 to June 13, 1945 would be recorded on the reverse side of the Consumer Declarations obtained by the company and that the company would keep its books and records in such order as to permit their inspection by SFAW representatives. This agreement was not carried out.

In a letter dated July 18, 1945, the Deputy Solid Fuels Administrator notified Walker Ice and Coal Company of the results of the SFAW investigation and of the fact that the agreement signed by Thomas Walker had not been carried out. The company was afforded an opportunity to file within 10 days a statement making such explanations as it might care to offer and to present any facts deemed by it to be pertinent to demonstrate why a suspension order should not be issued against it.

In an affidavit sworn to on July 26, 1945, Thomas Walker averred that although his company had hitherto "failed to keep accurate and complete records of his receipts and distribution of solid fuel, he will endeavor to do so in the future as he is installing a new bookkeeping system . . ." Subsequently, on August 13, 1945, investigation by SFAW representatives of the books and records of the company disclosed that it had not taken steps to keep complete and accurate records of transactions governed by SFAW Regulation No. 26, as amended, and that the company had not yet obtained the required Consumer Declarations.

In view of the foregoing; *It is hereby ordered:*

(1) Thomas Walker and Edward Walker, doing business as Walker Ice and Coal Company, their successors or assigns, shall not acquire, sell, transfer, ship, deliver, or otherwise distribute those sizes of anthracite the distribution of which by retail dealers is regulated by the Solid Fuels Administration for War.

(2) No producer, wholesaler or retail dealer shall sell, transfer, ship, deliver, or otherwise distribute any of the sizes of anthracite referred to in (1) above to Thomas Walker and Edward Walker, doing business as Walker Ice and Coal Company, their successors or assigns, License No. 14249 and License No. 13106, issued to this company as an over-the-road trucker pursuant to § 702.670 of SFAW Regulation No. 28, as amended, are revoked.

(3) Nothing in this order shall be deemed to prohibit Thomas Walker and Edward Walker, doing business as Walker Ice and Coal Company, their successors or assigns, from selling the sizes of anthracite referred to in (1) above now in transit to or for their account, or in their possession or control, on and after the effective date of this order, to other retail dealers doing business in Philadelphia, Pennsylvania: *Provided*, That they sell such anthracite pursuant to written consent and instruction of the Regional Representative of the Solid Fuels Administration for War in Philadelphia, Pennsylvania.

(4) This order shall become effective five days after the date of the service thereof, unless otherwise hereafter ordered.

(5) This order shall be in effect until April 1, 1946, unless otherwise directed.

Issued this 5th day of September 1945.

C. J. POTTER,
Deputy Solid Fuels
Administrator for War.

[F. R. Doc. 45-16809; Filed, Sept. 10, 1945; 10:05 a. m.]

[SFAW Suspension Order 7]

PART 602—GENERAL ORDERS AND DIRECTIVES

JOSEPH SANTANA

Joseph Santana, 1513 N. Hancock Street, Philadelphia, Pennsylvania, is engaged in the business of buying and reselling anthracite as a retail dealer. An investigation by SFAW including an examination of the books and records of this retail dealer, disclosed that he had, during the period from April 1, 1945 to June 4, 1945, delivered regulated sizes of anthracite to almost all of his customers without first obtaining Consumer Declarations from them as required by § 602.653 of SFAW Regulation No. 26, as amended. The investigation also disclosed that this dealer made numerous deliveries of such coal to consumers during that period in amounts in excess of 50 percent of their normal annual requirements in violation of § 602.657 (c) of SFAW Regulation No. 26, as amended. The investigation also disclosed that this dealer was not keeping accurate and complete records of his deliveries of solid fuel as required by § 602.663 of SFAW Regulation No. 26, as amended.

At an informal conference attended by representatives of SFAW on June 13, 1945, Joseph Santana agreed in writing that Consumer Declarations would be obtained from each of the customers to whom he had delivered anthracite without obtaining Consumer Declarations, that these declarations would be submitted to the Philadelphia office of SFAW for checking, that all deliveries made during the period from April 1, 1945, to June 13, 1945, would be recorded on the reverse side of the Consumer Declarations obtained by him and that he would keep his books and records in such order as to permit their inspection by SFAW representatives. This agreement was not carried out.

In a letter dated July 18, 1945, the Deputy Solid Fuels Administrator notified Joseph Santana of the results of the SFAW investigation and of the fact that the agreement signed by Joseph Santana had not been carried out. The retail dealer was afforded an opportunity to file within 10 days a statement making such explanations as he might care to offer and to present any facts deemed by him to be pertinent to demonstrate why a suspension order should not be issued against him.

In an affidavit sworn to on July 26, 1945, Joseph Santana averred that although he had hitherto "failed to keep accurate and complete records for receipts and distribution of solid fuel because he is unable to read or write any language and because he cannot afford to employ any persons for said purpose * * * he will, however, endeavor in the future" to keep such records. Subsequently, on August 13, 1945, investigation by SFAW representatives of the books and records of Santana disclosed that he had not taken steps to keep complete and accurate records of transactions governed by SFAW Regulation No. 26, as amended, and that he had not yet obtained the required Consumer Declarations.

In view of the foregoing; *It is hereby ordered:*

(1) Joseph Santana, his successors or assigns, shall not acquire, sell, transfer, ship, deliver, or otherwise distribute those sizes of anthracite the distribution of which by retail dealers is regulated by the Solid Fuels Administration for War.

(2) No producer, wholesaler or retail dealer shall sell, transfer, ship, deliver, or otherwise distribute any of the sizes of anthracite referred to in (1) above to Joseph Santana, his successors or assigns. License No. 13995, issued to this retail dealer as an over-the-road trucker pursuant to Section 702.670 of SFAW Regulation No. 28, as amended, is revoked.

(3) Nothing in this order shall be deemed to prohibit Joseph Santana, his successors or assigns, from selling the sizes of anthracite referred to in (1) above now in transit to or for their account, or in his possession or control, on and after the effective date of this order, to other retail dealers doing business in Philadelphia, Pennsylvania; *Provided*, That he sells such anthracite pursuant to written consent and instruction of the Regional Representative of the Solid Fuels Administration for War in Philadelphia, Pennsylvania.

(4) This order shall become effective five days after the date of the service thereof, unless otherwise hereafter ordered.

(5) This order shall be in effect until April 1, 1946, unless otherwise directed.

Issued this 5th day of September 1945.

C. J. POTTER,
Deputy Solid Fuels
Administrator for War.

[F. R. Doc. 45-16810; Filed, Sept. 10, 1945; 10:05 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter IX—War Production Board

AUTHORITY: Regulations in this chapter unless otherwise noted at the end of documents affected, issued under sec. 2 (a), 54 Stat. 676, as amended by 55 Stat. 236, 56 Stat. 177, 58 Stat. 827; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; E.O. 9599, 10 F.R. 10155; W.P.B. Reg. 1 as amended Dec. 31, 1943, 9 F.R. 64.

PART 3281—PULP AND PAPER

[General Preference Order M-93, Revocation]

Section 3281.6 *General Preference Order M-93* and Direction 1 thereto are hereby revoked, effective midnight September 30, 1945.

Until that time, the provisions of the order and of Direction 1 thereto, as well as all directions, authorizations, production and delivery schedules and other instruments previously or hereafter addressed to named persons, pursuant to the order and Direction 1 thereto, remain in full force and effect. Liabilities incurred for violations thereof will not be affected by this revocation.

Issued this 11th day of September 1945.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 45-16931; Filed, Sept. 11, 1945; 11:18 a. m.]

PART 3286—MISCELLANEOUS MINERALS

[General Preference Order M-109, Revocation of Supplement 1]

GENERAL PURPOSE AND ADMINISTRATIVE POLICY

Section 3286.26a *Supplement 1 to General Preference Order M-109* is revoked. This revocation does not affect any liabilities incurred for violation of this supplement or of actions taken by the War Production Board under it. The sale and delivery of industrial diamonds remain subject to General Preference Order M-109 as amended September 11, 1945, and all other applicable orders and regulations of the War Production Board.

Issued this 11th day of September 1945.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 45-16933; Filed, Sept. 11, 1945; 11:18 a. m.]

PART 3290—TEXTILE, CLOTHING AND LEATHER

[Supplementary Order M-317A, Interpretation 1]

VALIDITY OF AUTOMATIC RATINGS APPLIED OR EXTENDED UNDER SUPPLEMENTARY ORDER M-317A, AS AMENDED MAY 10, 1945

The following interpretation is issued with respect to Supplementary Order M317A:

The amendment of Order M-317A on July 12, 1945 changed the order of May 10, 1945 by eliminating the automatic ratings formerly assigned for unlimited amounts of fabrics and by substituting ratings assigned on individual applications, except for small quantities of material for which automatic ratings were assigned. Under paragraph (h) (2), however, the old automatic ratings were not revoked until July 19, and remained valid until that date.

Paragraph (h) (1) provides that when changes made by the order have the effect of revoking a preference rating or limiting its use; each person who has applied the rating to an unfilled order in a manner no longer allowed must immediately cancel the order or withdraw the rating.

Under these provisions taken together, it was required that purchase orders carrying ratings assigned under M-317A, as amended May 10, 1945, which were not filled by July 19 had to be unrated, except to the extent that the person was entitled at that time to use the same rating for the same purpose under the order as amended July 12, 1945. There were only two instances in which this could have been the case: First, automatic ratings allowed in paragraph (b) of the order for the limited amount of materials shown in Column (1) of the Preference Rating Schedules; and, second, advance authorization under paragraph (d) (1) pursuant to application on Form WPB-2842 filed by July 19, 1945, as the rating could be used for third quarter deliveries as soon as the application was filed.

This interpretation covers all products included in the May 10 amendment of M-317A, except work gloves, and men's and boys' work clothing. Under Direction 17 to Order M-317 the automatic ratings assigned for them under M-317A were validated until July 31. After that date no ratings assigned under M-317A for those products were valid for any purpose whatever since they were covered by Schedules F and G of Order M-328B.

Issued this 10th day of September 1945.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 45-16886; Filed, Sept. 10, 1945, 4:41 p. m.]

PART 3290—TEXTILE, CLOTHING AND LEATHER

[Conservation Order M-328B, Schedule B, as Amended Sept. 10, 1945]

SPECIAL PROGRAM FOR COTTON AND WOOL MACHINE KNITTED ITEMS

§ 3290.120b *Schedule B to Order M-328B*—(a) *Explanation.* This schedule states the special rules in addition to these set forth in Order M-328B for manufacturers of cotton and wool machine knitted items to get an AA-3 preference rating for yarn to make the items listed in this schedule.

(b) *Definitions.* For the purpose of this schedule, (1) "Yarns" means all yarns applicable to machine knitting whether oil, grey, bleached, colored, mercerized, glazed, polished, single, plied, cabled or braided, except yarns made of or containing continuous filament synthetic fiber.

(2) "Cotton yarn" means yarn spun on the cotton system even though it contains wool fiber.

(3) "Worsted yarn" means yarn spun on the Bradford or French Systems.

(4) "Woolen yarn" means yarn containing wool fiber, and spun on the woolen system.

(c) *Special requirements for obtaining priorities assistance.* (1) Separate applications must be filed for each section of Preference Rating Schedule I. For example, a manufacturer who makes both underwear and outerwear files one application for all items under section B—Underwear, and another application for all items for which he applies under section C—Outerwear. Four copies of form WPB-3732 (revised) should be filed for each section in accordance with the rules stated in paragraph (c) of Order M-328B.

(2) The quantity of yarn for which a manufacturer may apply for priorities assistance for the production of any item or combination of items under a single section of this schedule is limited to the following amount which is called his "yarn eligibility". He must compute the total poundage of yarns as defined in paragraph (b) (1) he consumed in the base period in the production of all articles in a single class of knit goods (that is, either hosiery, underwear or outerwear), whether or not the articles are included in the relevant section of this

schedule. He then must deduct the poundage to be used to fill rated orders for all articles in that class in the quarter for which he requests priorities assistance. The remainder is his "yarn eligibility". The applicant must state under the "Remarks" section of his application form WPB–3732 (revised), the poundage of yarns he consumed in the base period in the production of that class of knit goods, and the total poundage of yarn to be used to fill rated orders in the quarter for which he applies.

(3) In making application on form WPB–3732 (revised), each base period manufacturer must apply with respect to each item for which application is made, as follows:

(i) He must apply for yarn for each price of the item at which he produced it in the base period, irrespective of weight or style (except for heavyweight underwear, where he must apply for each price for each weight he made) unless the facilities utilized for the production of the item at a particular price in the base period are devoted to the production on orders received from Government Procurement Agencies or have been sold or otherwise disposed of. When such facilities are no longer available the applicant must explain it in the "Remarks" section of form WPB–3732 (revised).

(ii) The quantity of an item for which application is made at each price shall be in the same proportion to the total quantity of the item applied for as the quantity produced at each similar price in the base period was to his total production of the item in the base period. For example, if an applicant made in the base period 300 dozen girls' sweaters, of which 100 dozen (or ⅓) were priced at $11.50 per dozen, 100 dozen (or ⅓) at $15.75, and 100 dozen (or ⅓) at $21.00, and he wishes to apply for girls' sweaters under this program, ⅓ of whatever total quantity he applies for must be at each of these base period prices. To base period prices may be added any increase subsequently granted by the Office of Price Administration.

(iii) The whole or any part of an application for an item may be shifted from a higher to a lower price than required under the above rule, but not from a lower to a higher price unless the weighted average price of the total number of units applied for is at or below the weighted average price of the total number of units of that item delivered in the base period.

(iv) In reporting production by price on form WPB–3732 (revised), items sold as seconds or as close-outs shall be reported under the price it was intended they would be sold when produced.

(v) Items in this schedule not included in a category of O. P. A. Supplementary Order 108, are exempt from the provisions of this paragraph (c) (3) and the provisions of paragraph (h).

(4) A base period manufacturer who files form WPB–3732 (revised) for the third calendar quarter of 1945 by July 21, 1945, may, as soon as he files his application, apply an AA–3 rating for the purchase of yarn for delivery in that quarter for incorporation into the items for which application is made. He may do so only for an item he made in the base period and only for 66⅔% of the quantity of yarn applied for with respect to any item. Yarn purchased under this provision shall be deducted by the manufacturer from the total quantity for which priorities assistance is ultimately granted on Form WPB–3732 (revised). If the applicant does not ultimately receive a grant of the entire quantity thus rated, he shall, upon notification of his grant by the War Production Board, immediately cancel orders for any undelivered quantities which are in excess of his grant. Base period manufacturers of heavyweight knit underwear and men's cotton work socks who have applied an AA–3 rating for the purchase of yarn for delivery in the third quarter of 1945 under Directions 14 or 17 to Order M–328 may not also apply that rating under this paragraph for the items covered by those directions.

(5) Manufacturers who did not produce in the base period the items applied for on form WPB–3732 (revised) may not use any preference ratings under this schedule until the War Production Board has assigned them a quota on that form.

(6) Manufacturers who did not produce the item in the base period must state in the "Remarks" section on form WPB–3732 (revised) the assortment of sizes which he proposes to produce for each size range applied for.

(d) *Grants of priorities assistance.* Grants to base period manufacturers will be made pro rata to the extent that yarn is available, based upon the quantity applied for for each item. Persons who are not base period manufacturers for the particular items applied for, but who have yarn eligibility under the rules stated in paragraph (c) (2) for the class in which the items applied for belongs, will also be granted assistance pro rata on the basis of the quantity applied for, if they comply with the provisions of paragraph (c) (6) of Order M–328B and paragraph (e) of this schedule.

(e) *Pricing for other than base period manufacturers.* Applications of persons other than base period manufacturers for priorities assistance under this schedule will be granted only if the price at which the item will be sold is at or below the weighted average price for applicants who are base period manufacturers, unless the facilities are needed to meet the quantitative requirements of the program. In this case such applications will be considered on the basis of next higher price increments above the average price of the base period manufacturer applicants.

(f) *Priorities assistance for component parts.* Persons applying for priorities assistance under this schedule may apply for cotton or rayon fabrics, ribbons, tapes, braids or stays, sewing thread and buttons in quantities needed for incorporation into the number of units for which priorities assistance is requested. Applications for cotton materials shall be made on form WPB–2842 filed with the Textile, Clothing and Leather Bureau, War Production Board, Washington 25, D. C., and for rayon materials and buttons on form WPB–541, filed with the Textile, Clothing and Leather Bureau, War Production Board, Washington 25, D. C. Such applications will be approved to the extent of available materials and to the extent that allocations are made for the production of items. A base period manufacturer who files forms WPB–2842 and WPB–541 for the third calendar quarter of 1945 by August 31, 1945, may, as soon as he files his application, apply an AA–3 rating for the purchase of cotton or rayon fabrics, ribbons, tapes, braids or stays and buttons (but not thread) for delivery in that quarter for incorporation into the items for which he has made application on form WPB–3732. He may do so only for 66⅔% of the quantity of each of these components for which application was made. Components purchased under this provision shall be deducted by the manufacturer from the total quantity for which priorities assistance is granted on forms WPB–2842 and WPB–541. If the applicant does not receive a grant of the entire quantity thus rated, he shall, upon notification of his grant by the War Production Board, immediately cancel orders for any undelivered quantities which are in excess of his grant.

(g) *Provisions in case of governmental cut-backs.* At any time during any calendar quarter a manufacturer who has received cancellations or cut-backs on military contracts or orders placed by an agency of the U. S. Government, or who during the quarter has production facilities made available, may apply to the War Production Board on Form WPB–3732 (revised) for priorities assistance to manufacture items listed in this schedule. Such applications will be approved to the extent of available materials and the need for additional production of the items applied for.

(h) *Special rules for weighted average price of items.* For each manufacturer who has been assigned a rating under this schedule for the third quarter of 1945 for any item, the weighted average price of the total number of units of that item which he makes in that quarter may not be higher than the weighted average price of the total number of units of that item for which he was assigned a ratine under this schedule. This paragraph covers all items listed on this schedule, whether made from yarn obtained with ratings assigned under this schedule or obtained without ratings, except items made for direct or ultimate delivery to the Army, Navy, Maritime Commission or War Shipping Administration. Manufacturers unable to comply with this paragraph may appeal for relief under the provisions of paragraph (1) of Order M–328B.

(i) [Deleted Sept. 10, 1945.]

(j) *This schedule expires September 30, 1945.* Schedule B to Order M–328B shall expire September 30, 1945.

Issued this 10th day of September 1945.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary

PREFERENCE RATING SCHEDULE NUMBER 1

[Applicants shall submit separate applications for items in each section (A, B, and C) of this schedule. Where more than one category of apparel is included in an item, applications for each category must be listed separately. For example, Item B–15 covers women's vests, pants and bloomers. Vests should be applied for on a separate line from pants, etc.]

NOTE: Section A amended Sept. 10, 1945.

SECTION A—HOSIERY

Item No.	Items	Sizes	Yarns
	Infants' and children's hosiery		
A–1	Infants' long ribbed hose	3–6½	Cotton.
A–2	Infants' half socks	4–7½	Cotton.
A–3	Infants' anklets	4–7½	Cotton.
A–4	Boys' half socks—boys' crew socks.	7–12	Cotton.
A–5	Boys' golf hose	7–12	Cotton.
A–6	Children's ⅜s and long ribbed hose.	6–10½	Cotton.
A–7	Children's and misses' anklets.	6–10½	Cotton.
	Men's hosiery		
A–8	Men's half hose, all cotton body.	9½ and above	Cotton.
A–9	Men's half hose, all rayon body.	9½ and above	Cotton.
A–10	Men's half hose, cotton and rayon body.	9½ and above	Cotton.
A–11	Men's half hose, wool body	9½ and above	Cotton; woolen.
A–12	Men's slack socks, all cotton body.	9½ and above	Cotton.
A–13	Men's slack socks, all rayon body.	9½ and above	Cotton.
A–14	Men's slack socks, cotton and rayon body.	9½ and above	Cotton.
A–15	Men's slack socks, wool body	9½ and above	Cotton; woolen.
A–16	Men's cotton work socks	9½ and above	Cotton.
A–17	Men's wool work socks	9½ and above	Cotton; woolen.
	Women's hosiery		
A–18	Women's full fashioned rayon hose, cotton reinforced toe, heel and sole.	8 and above	Cotton.
A–19	Women's full fashioned cotton hose.	8 and above	Cotton.
A–20	Women's full fashioned wool hose.	8 and above	Cotton; worsted.
A–21	Women's full fashioned rayon hose (white and black only), with cotton welt and cotton reinforced toe, heel and sole.	8 and above	Cotton.
A–22	Women's seamless rayon hose.	8 and above	Cotton.
A–23	Women's seamless cotton hose.	8 and above	Cotton.
A–24	Women's seamless cotton ribbed hose.	8 and above	Cotton.
A–25	Women's seamless wool hose.	8 and above	Cotton; worsted.
A–26	Women's seamless rayon hose (white and black only), with cotton welt heel and toe.	8 and above	Cotton.
A–27	Women's anklets	8 and above	Cotton.
A–28	Women's footlets	8 and above	Cotton.

NOTE: Section B amended Sept. 10, 1945.

SECTION B—UNDERWEAR

B–1	Men's heavy unionsuits 9 pounds and heavier.	34 and up incl. outsizes.	Cotton; woolen.
B–2	Boys' heavy unionsuits 6 pounds and heavier.	6–16	Cotton; woolen.
B–3	Men's light unionsuits	34 and up incl. outsizes.	Cotton.
B–4	Boys' light unionsuits	6–16	Cotton.
B–5	Men's heavy shirts and drawers 7 pounds and heavier as to shirts, drawers and same weight fabrics.	30 and up incl. outsizes.	Cotton; woolen.
B–6	Boys' heavy shirts and drawers.	6–16	Cotton; woolen.
B–7	Men's medium, light and Balbriggan, long and short shirts and drawers.	30 and up incl. outsizes	Cotton; woolen.
B–8	Boys' medium, light and Balbriggan, long and short shirts and drawers.	6–16	Cotton woolen.
B–9	Men's athletic shirts	34 and up	Cotton.
B–10	Boys' athletic shirts	6–16	Cotton.
B–11	Men's briefs and shorts	28 and up	Cotton.
B–12	Boys' briefs and shorts	18–34	Cotton.
B–13	Women's heavy unionsuits 6 pounds and heavier.	34 and up incl. outsizes.	Cotton.
B–14	Women's light unionsuits	34 and up incl. outsizes.	Cotton.
B–15	Women's vests, pants and bloomers (cotton) except tuckstitch.	34 and up incl. outsizes.	Cotton.
B–16	Women's tuckstitch vests and pants.	34 and up incl. outsizes.	Cotton.
B–17	Women's and Misses' cotton slips.	34 and up incl. outsizes.	Cotton.
B–18	Children's heavy unionsuits	2–16	Cotton; woolen.
B–19	Children's light unionsuits	2–16	Cotton.
B–20	Children's waist suits	2–12	Cotton.
B–21	Children's vests, pants and bloomers tuckstitch and plain stitch	2–16	Cotton; worsted.
B–22	Children's sleepers	8–16	Cotton.
B–23	Children's gowns	8–16	Cotton.
B–24	Infants' long and short sleeve shirts.	1–6	Cotton; worsted.
B–25	Infants' bands	1–6	Cotton; worsted.
B–26	Infants' pants	1–6	Cotton; worsted.
B–27	Infants' diapers		Cotton.
B–28	Infants' sleepers	0–6	Cotton.
B–29	Infants' gowns	0–6	Cotton.
B–30	Corsets and girdles	All sizes	Cotton.

NOTE: Section C amended Sept. 10, 1945.

SECTION C—OUTERWEAR (MACHINE KNITTED)

C–1	Men's utility sweaters model "D" or "E" of Sch. A, WPB Order L–310 (finished garment to contain not less than 20% wool by weight).	34 and up incl. outsizes.	Worsted woolen; cotton.
C–2	Men's sweaters other than Item C–1.	34 and up incl. outsizes.	Worsted woolen; cotton.
C–3	Men's polo, "T" and basque shirts.	34 and up incl. outsizes.	Cotton.
C–4	Men's sweat shirts	34 and up incl. outsizes.	Cotton.
C–5	Boys' sweaters, jerseys, jackets and pullovers.	8–14	Worsted woolen; cotton.
C–6	Boys' polo, "T" and basque shirts.	8–14	Cotton.
C–7	Boys' sweat shirts	8–14	Cotton.
C–8	Women's utility sweater coats.	38–46 (for model "E") 38 and up incl. outsizes (for model "F" or "G").	Worsted woolen; cotton.
C–9	Women's pullover sweaters.	34–40	Worsted woolen; cotton.
C–10	Women's polo, "T" and basque shirts.	34 and up	Cotton.
C–11	Girls' pullover and coat sweaters and jerseys.	8–14	Worsted woolen; cotton.
C–12	Girls' polo, "T", basque and other knit shirts.	8–14	Cotton.
C–13	Infants' sweaters and sacques.	0–3	Worsted woolen; cotton.
C–14	Infants' creeper sand rompers.	6, 12, 18 mos	Cotton.
C–15	Infants' sonkers and pilchers.		Worsted Woolen; cotton.
C–16	Infants' polo shirts	1–3	Cotton.
C–17	Infants' overall suits, pantie suits and dresses.	1–3	Cotton.
C–18	Infants' booties		Cotton; worsted.
C–19	Infants' shawls, crib blankets, and carriage covers, knitted or woven when made of knitting yarn.		Worsted woolen; cotton.
C–20	Infants' legging sets		Worsted woolen; cotton.
C–21	Infants' and children's mittens.		Worsted woolen; cotton.
C–22	Children's sweaters	2–8	Worsted woolen; cotton.
C–23	Children's polo, "T" and basque shirts.	2–8	Cotton.
C–24	Children's overall suits, pantie suits and dresses.	2–8	Cotton.
C–25	Infants' headwear		Worsted woolen; cotton.
C–26	Children's caps, toques and other headwear.		Worsted woolen; cotton.
C–27	Shawls, hoods and other headwear.		Worsted woolen; cotton.
C–28	Women's and Misses' gloves and mittens (cut and sewed only).		Worsted woolen; cotton.
C–29	Men's and Boys' gloves and mittens (cut and sewed only).		Worsted woolen cotton.
C–30	Infants' and children's gloves and mittens (cut and sewed only).		Worsted woolen; cotton.
C–31	Replacement wristlets and anklets for over-the-counter sale.		Cotton; worsted

NOTE: Items of special colors or insignia intended for restricted distribution to or use by institutions are not within the scope of this program, and no application may be made for such items.

[F. R. Doc. 45–16887; Filed, Sept. 10, 1945; 4:41 p. m.]

PART 1010—SUSPENSION ORDERS

[Suspension Order S–895, Amdt. 1 to Stay of Execution]

GILBERTON CO., ET AL.

Gilberton Company, Philip Sparacino, Island Publishing Company, Inc., Eugene Blumenthal, and Howard Cummings, all of New York, are appealing from the provisions of Suspension Order No. S–895 (1010.895), issued August 22, 1945, and have requested a stay on the ground that irreparable harm would be done their business if the suspension order were not stayed. A stay of execution was issued August 29, 1945 which contained only the name of the Gilberton Company. Deputy Chief Compliance Commissioner Bok has directed that the stay be amended to include also the names of Philip Sparacino, Island Publishing Company, Inc., Eugene Blumenthal, and Howard Cummings.

In view of the foregoing; *It is hereby ordered*, That: The stay of execution effective on August 29, 1945, be hereby amended to include Philip Sparacino, Island Publishing Company, Inc., Eugene Blumenthal, and Howard Cummings, and the provisions of Suspension Order No. S–895, issued August 22, 1945, and effective August 29, 1945, are hereby stayed, subject to reinstatement, pending final determination of an appeal or until further order by the Chief Compliance Commissioner, or his Deputy.

This amended stay of execution shall take effect on August 29, 1945.

This amendment shall be effective as of the original date of the stay of execution.

Issued this 7th day of September 1945.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 45–16788; Filed, Sept. 7, 1945; 4:18 p. m.]

PART 1010—SUSPENSION ORDERS

[Suspension Order S–888]

RADIO COMMUNICATIONS CO.

Joseph A. Stiffelman is an individual doing business as Radio Communications Company with its principal place of business at 7033 Manchester Avenue, St. Louis, Missouri. During the period from August 13, 1943, to July 21, 1944, he made thirty sales or transfers of electronic equipment on orders bearing no preference ratings in violation of Limitation Order L–265. During the same period he made twelve sales on orders bearing blanket MRO ratings in violation of Priorities Regulation No. 3. He also failed to keep accurate and complete records in violation of Priorities Regulation No. 1.

These violations were wilful and diverted critical materials to uses not authorized by the War Production Board. In view of the foregoing, it is hereby ordered, that:

§ 1010.888 *Suspension Order No. S–888.* (a) Joseph A. Stiffelman shall not for one month from the effective date of this order apply or extend any preference ratings, regardless of delivery date named in any purchase order to which such ratings may be applied or extended.

(b) Joseph A. Stiffelman shall cancel immediately all preference ratings which he has applied or extended to orders which have not yet been filled, except that if he has extended a customer's rating to get an item for delivery without change in form to that customer (as distinct from replacing it in inventory) he need not cancel the rating, provided the item when received is promptly delivered to the customer whose rating was extended.

(c) All preference ratings, allotments, and allocations presently outstanding in connection with orders for delivery of materials to Joseph A. Stiffelman or placed prior to one month from the effective date of this order are void and shall not be given any effect by suppliers of Joseph A. Stiffelman or by any other person. This does not apply to material already delivered or in transit for delivery to him on the effective date of this order.

(d) The restrictions and prohibitions contained herein shall apply to Joseph A. Stiffelman, doing business as Radio Communications Company or under any other name, his successors and assigns or persons acting in his behalf. Prohibitions against the taking of any action include the taking indirectly as well as directly of any such action.

(e) Nothing contained in this order shall be deemed to relieve Joseph A. Stiffelman from any restriction, prohibition or provision contained in any other order or regulation of the War Production Board, except insofar as the same may be inconsistent with the provisions hereof.

(f) This order shall take effect on the 10th day of September 1945.

Issued this 31st day of August 1945.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 45–16888; Filed, Sept. 10, 1945; 4:41 p. m.]

PART 1001—TIN

[General Preference Order M–43, as Amended Sept. 10, 1945]

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of tin for defense, for private account and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 1001.1 *General Preference Order M–43*—(a) *Applicability of regulations.* This order and all transactions affected thereby are subject to all applicable regulations of the War Production Board, as amended from time to time.

(b) *Applicability of order.* Insofar as any other order of the War Production Board may have the effect of limiting or curtailing to a greater extent than herein provided the use of tin in the production of any item or article, the limitations of such other order shall be observed.

(c) *Definitions.* For the purposes of this order:

(1) "Tin" means and includes both pig tin and secondary tin.

(2) "Pig tin" means metal containing 98% or more by weight of the element tin, in shapes current in the trade (including anodes, small bars, and ingots) produced from ores, residues or scrap.

(3) "Secondary tin" means any alloy which contains less than 98% but not less than 1.5% by weight of the element tin.

(4) "Manufacture" means to fabricate, assemble, melt, cast, extrude, roll, turn, spin, produce, coat, or process in any way, but does not include the processing of tin ore, concentrates, residues or scrap into metallic tin.

(5) "Inventory" of a person includes the inventory of affiliates and subsidiaries of such person, and the inventory of others where such inventory is under the control of or under common control with, or available for the use of such person.

(6) "Implements of war" means combat end-products, complete for tactical operations (including, but not limited to, aircraft, ammunition, armaments, weapons, ships, tanks, military vehicles and radio and radar equipment), and any parts, assemblies or materials to be incorporated in any of the foregoing items. This term does not include facilities or equipment used to manufacture the foregoing items.

(7) "Base period" means the corresponding calendar quarter of 1944.

(8) "Distributor" means any person regularly engaged in the business of buying and selling tin, and includes warehousemen and jobbers.

(9) "Person" means any individual, partnership, association, business trust, corporation, governmental corporation or agency, or any organized group of persons, whether incorporated or not.

(d) *General restrictions on use of tin.* (1) No product or article or part thereof shall be manufactured of pig tin if it is possible to use secondary tin for such purpose.

(2) No tin in any form (including solder containing tin) shall be used in the manufacture of any item or in any process appearing on List A of this order, except as indicated; nor shall tin be used for any purpose except to manufacture the items or for the purposes listed in the schedules of this order and then only within the limitations and restrictions specified in the schedule with respect to such item or purpose.

(e) *Restrictions on the use of certain tin products.* No person shall use any of the tin bearing products on List B of this order in the manufacture or treating of any other product or article except that when any such tin bearing product is listed in a schedule of this order it may be used for the purposes for which it is permitted to be manufactured as specified in the schedule.

(e–1) The restrictions of paragraphs (d) and (e) and of the schedules to this order except quota restrictions shall not apply to the manufacture of "Implements of war" produced for the Army or Navy of the United States, U. S. Maritime Commission or War Shipping Administration where the use of tin contrary to those restrictions is required either by the latest applicable specifications, on drawings, or by letter or contract of the government service or agency for which the "Implements of war" are being produced.

(f) *Restrictions on deliveries of pig tin.* (1) No person shall deliver or accept delivery of pig tin without a specific allocation in writing by the War Production Board, except that pig tin may be delivered without specific allocation:

(i) To the Metals Reserve Company or to any other corporation organized under section 5(d) of the Reconstruction Finance Corporation Act as amended (15 U. S. C., sec. 606 (b)), or to any duly authorized agent of any such corporation.

(ii) By any distributor in lots one long ton or less but not exceeding a total of three long tons to any one customer in the same calendar month. The aggregate of such deliveries which any person may receive from all distributors pursuant to the authority of this paragraph shall in no event exceed three long tons in any calendar month. Any person seeking such a delivery shall, at the time of placing his purchase order, designate his end use and file with the distributor a statement substantially in the following form, signed manually or as provided in Priorities Regulation No. 7 by an official duly authorized for such purpose.

The undersigned hereby certifies:

(a) That no allocation of pig tin has been made to the undersigned by the War Production Board during the calendar month in which delivery of the pig tin covered by the accompanying purchase order is specied;

(b) That such pig tin if delivered will not cause the undersigned's total receipts of pig tin from all distributors during the same calendar month pursuant to the authorization of paragraph (f) of General Preference Order M–43, as amended, to exceed five long tons; and

(c) That such pig tin will not be used or disposed of by the undersigned in violation of this order or any other order or regulation of the War Production Board.

(Name of purchaser)

By
(Duly authorized official)

(2) On or before the 10th day of each calendar month, each distributor shall report to the War Production Board in such form and detail as said Board may from time to time prescribe, (subject to the approval of the Bureau of the Budget pursuant to the Federal Reports Act of 1942) his transactions in all pig tin during the previous month.

(g) *Allocations of pig tin.* The War Production Board will from time to time allocate the supply of pig tin, including all pig tin released by the Metals Reserve Company, and issue specific directions as to the source, destination and the amount of pig tin to be delivered or acquired. In general no person shall receive by allocation of the War Production Board during any calendar quarter a quantity of pig tin in excess of the quantity received by him during the base period. The War Production Board may also specifically direct the purposes and end products for which any person may convert, process or fabricate pig tin allocated to him.

(h) *Applications for and reports of pig tin.* Application for allocations of pig tin under paragraph (f) shall be made to the War Production Board not later than the 20th day of the month next preceding the month in which delivery is desired, on Form WPB–412 or such other form as the War Production Board may from time to time prescribe. Any person who on the first day of a calendar month has in his possession or under his control two long tons or more of pig tin or who used during the preceding calendar month 2,000 pounds or more of pig tin, shall, not later than the 20th day of such month, report to the War Production Board on Form WPB–412 in accordance with the instructions accompanying such form, regardless of whether or not he seeks an allocation of pig tin during the next succeeding month.

(i) (1) *Prohibitions against sales or deliveries with knowledge of intended misuse.* Notwithstanding the authorization by the War Production Board of a sale or delivery of tin, no person shall sell or deliver any tin or tin-bearing material or product thereof in the form of raw materials, semi-processed materials, finished parts or sub-assemblies to any person if he knows or has reason to believe such material or any product thereof is to be used in violation of the term of this order. A supplier may rely upon the written statement of the customer seeking delivery of any such material, as to the purposes for which it will be used, unless the supplier knows or has reason to believe such statement to be false, and any such statement shall constitute on the part of the person making the same, a representation to the War Production Board within the meaning of section 35 (A) of the United States Criminal Code, 18 UU.S.C. Sec. 80.

(2) *Prohibitions on purchases or sales of certain articles containing tin or tin plate on List A.* The use of tin in the manufacture of articles on List A marked with an asterisk has been prohibited since April 30, 1942. The use of tin plate in the manufacture of such articles is restricted by Schedule VI. No person, for the purpose of resale, shall buy or receive from a manufacturer any new articles of the kinds on List A marked with an asterisk which contain tin plate or tin in any form other than solder used for joining purposes. After February 28, 1945, no person shall sell or deliver any new articles of the kinds on List A marked with an asterisk which contain tin plate or tin in any form other than solder used for joining purposes, except as authorized in writing by the War Production Board. A person who wishes to secure such authorization shall file by letter in triplicate an inventory report of all new articles of the kinds on List A marked with an asterisk which contain tin plate or tin in any form other than solder used for joining purposes. For each group of items on List A marked with an asterisk which contain tin plate or tin in any form other than solder used for joining purposes, the letter shall state the quantities owned by him or in his possession on March 1, 1945, the names and addresses of the sellers from whom the purchases were made, and the date of the purchases. Authorizations will ordinarily be granted except where it appears that the articles were obtained in violation of this paragraph (i) (2). "New article" for the purpose of paragraph (i) (2) means an article which has not been used by an ultimate consumer. A purchaser of new articles for the purpose of resale of the kinds on List A marked with an asterisk may rely on a written certification by his supplier that they contain no tin plate or tin in any form other than solder used for joining purposes, unless the purchaser knows or has reason to believe that the statement is false.

(j) *Limitation on inventories.* No person shall receive delivery of tin, or products thereof, in the form of raw materials, semi-processed materials, finished parts or sub-assemblies nor shall he put into process any raw material, in quantities which in either case shall result in an inventory of such raw, semi-processed or finished material in excess of a minimum practicable working inventory, taking into consideration the limitations placed upon the production of tin products by this order. Forty-five days inventory of pig tin shall, for the purpose of this order, be deemed a practicable working inventory for any person except a manufacturer of tin plate as tin plate is defined in Schedule VI, as from time to time amended.

(k) *Appeals and communications.* Any appeal from the provisions of this order shall be made by filing a letter in triplicate referring to the particular provision appealed from and stating fully the grounds of the appeal. Appeals, reports and all communications concerning this order shall, unless otherwise directed, be addressed to the War Production Board, Tin, Lead and Zinc Division, Washington 25, D. C., reference: M–43.

(l) *Violations.* Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

Issued this 10th day of September 1945.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

LIST A—PROHIBITION ON USE OF TIN IN MANUFACTURE

Pursuant to paragraph (d) (2) and Schedule VI of this order, the use of tin in any form, including semi-finished end products, and of tin plate, in the manufacture of items and for the purposes listed below is prohibited except as indicated; prohibitions against sales or purchases of the articles marked with an asterisk are set forth in paragraph (l) (2) of the order:

*1. Advertising specialties.

*2. Art objects.

3. Automobile body solder, or any similar material commonly used as a filler or smoother for automobile or truck bodies or fenders.

4. Band and other musical instruments (except as permitted in Schedule I under the item "pipe organs", paragraph 11).
*5. Britannia metal, pewter metal or other similar tin bearing alloy.
6. Broom wire.
*7. Buckles.
*8. Buttons.
9. Chimes and bells.
*10. Emblems and insignia.
11. Fasteners: eyelets, spiral binders, office and industrial staples, book match clips, paper clips, slide fasteners, dress hooks, snap fasteners, and other clothing fasteners.
12. Foil (except as permitted in Schedule I under the item "foil" paragraph 4).
13. Zinc galvanizing.
*14. Household furnishings and equipment.
*15. Jewelry.
16. Kitchen equipment (including cutlery and tableware), except as permitted in Schedule I, paragraphs 6 and 15.
*17. Novelties, souvenirs and trophies.
*18. Ornaments and ornamental fittings.
19. Plating or coating for decorative purposes.
20. Powder (decorative).
21. Refrigerator trays and shelves—all types.
22. Seals and labels.
23 Slot, game and vending machines.
24 Coated paper.
25. Tin oxide and other tin chemicals (except as permitted in Schedule I, paragraph 18).
*26. Toys and games.
27. Tablets, markers and memorials (added to List A Sept. 10, 1945).
28. Hardware, all kinds (added to List A Sept. 10, 1945).
29. Electrical and other fixtures (added to List A Sept. 10, 1945).
30. Braces, handles, levers (added to List A Sept. 10, 1945).

List B—Prohibition on Use of Tin-Bearing Products in Manufacture

The following tin-bearing products shall not be used in the manufacture or treating of any other products except in accordance with the provisions of paragraph (e) of the foregoing order:

1. Automobile body solder or any similar material containing tin, commonly used as a filler or smoother for automobile or truck bodies or fenders or for any other items.
2. Tin oxide and other tin chemicals.
3. Solder containing more than 30% tin by weight.
4. Babbitt metal or similar alloys used as babbitt containing more than 10% by weight of tin.
5. Britannia metal, pewter metal or other similar tin bearing alloy.
6. Foil containing more than 1% tin by weight.
7. Copper-base alloy containing more than 1.5% tin by weight.

PERMITTED USES

Pursuant to the foregoing order, tin may be used only in the production of the items and for the purposes set forth in these Schedules, subject to any limitations, restrictions or conditions specified with respect to any such items or purpose and then, only to the extent that substitution of either a less critical material or one of lesser tin content is impracticable.

Schedule I—Miscellaneous

1. *Detonators and blasting caps (including electric blasting caps).* This item includes all necessary parts and accessories but is limited to detonators and blasting caps which are to be used in mining, quarrying, or oil drilling operations. Necessary materials to be incorporated in such detonators or blasting caps shall be exempt from the limitations, conditions and restrictions specified in this schedule with respect to any such material.

2. *Tin plate, terne plate, and terne metal.* Tin plate, terne plate and terne metal, as respectively defined in Schedule VI of this order, may be manufactured as permitted under the provisions of said Schedule VI. Terne metal, however, may be manufactured from secondary tin only.

3. *Collapsible tubes.* The use of tin in the manufacture of collapsible tubes is permitted subject to the limitations and restrictions of Conservation Order M-115, as amended from time to time.

4. *Foil.* In the manufacture of foil the tin content shall be limited as follows, according to the purposes for which it is to be used:

(i) Electrotypers foil—not more than 16% tin by weight.

(ii) Dental foil—not more than 30% tin by weight.

(iii) Foil to be used in condensers—not more than 4½% tin by weight.

(iv) Soft babbit foil for the preparation of industrial metallic packing—not more than 1.5% tin by weight.

(v) Foil to be used in aircraft magnetos—not more than 50% tin by weight.

The quantity of tin which any person may use in the manufacture of foil during any calendar quarter shall be limited to 80% of the quantity used by him in the manufacture of foil during the base period.

5. *Dairy equipment.* (a) Tin may be used to coat fluid milk shipping containers. (b) Tin may be used to manufacture dairy equipment other than such fluid milk shipping containers, but the total quantity used by any person in the manufacture of such other dairy equipment during any calendar quarter, shall be limited to the quantity used by him for such purposes during the base period. (c) Any dairy equipment may be retinned, *Provided only*, That the amount of tin which any retinner may use during any calendar quarter, for the retinning of dairy equipment, shall be limited to the quantity used by him for such purposes during the base period.

6. Kitchen, galley and mess equipment for the Army or Navy of the United States, the United States Maritime Commission, the War Shipping Administration, the Forest Service of the United States Department of Agriculture or the Veterans Administration. Tin may be used to coat the foregoing equipment excluding flat ware, to the extent required by the applicable specifications of the service or agency to which such equipment is to be delivered.

7. *Wire—Coating.* Tin or tin alloys may be prepared and used for coating wire only as follows and then, only when specified:

(a) *For copper wire.* There shall be no limitation upon the tin content of the coating alloy when the copper wire to be coated therewith is of a size of .0320" nominal diameter or finer. If the wire to be coated is of size larger than .0320" nominal diameter, the tin content of the coating alloy shall be limited to 12% tin by weight.

(b) *For steel wire.* (i) To be used as armature binding wire.

(ii) To be used in the manufacture of equipment for the production of textiles.

(iii) To be used in the packaging or marking of meat where the wire comes into actual contact with the meat.

(iv) In the liquor finishing process of fine steel bright wire.

8. *Foundry chaplets—Coating.* Alloys containing not more than 5% of tin by weight may be manufactured and used for coating foundry chaplets. Tin in no other form may be used for such coating, except as permitted under Schedule VI, as amended.

9. *Printing plates and type metal* for use by the printing, publishing and related service industries. Secondary tin only may be used in the manufacture of such plates and type metal. The quantity of secondary tin which any person may use in the manufacture of such plates and type metal during any calendar quarter, shall be limited to the quantity of tin used by him for such purposes during the base period.

10. *Dental amalgam alloys.* Tin may be used in the manufacture of dental amalgam alloys but the tin content of any such alloy shall be limited to 30% tin by weight.

11. *Pipe organs for religious and educational institutions.* Alloys containing tin may be taken from the inventories of organ builders to repair or rebuild pipe organs for religious or educational institutions provided alloys containing an equal or greater weight of tin can be salvaged from the repaired or rebuilt pipe organs and returned to said inventories.

12. Bolster metal for use in the manufacture of cutlery and surgical instruments for the Army or Navy of the United States, the United States Maritime Commission, the War Shipping Administration or the Veterans Administration. The tin content of such bolster metal shall not exceed 10% by weight and shall be derived from secondary tin only.

13. *Fusible alloys and dry pipe valve seat rings.* Tin may be used in the manufacture of fusible alloys and dry pipe valve seat rings to the extent required to meet performance specifications with respect to the operation of the product in which such alloy is to be contained.

14. *Lead-base alloys for coating sheet, tube or wire.* Lead-base alloys containing tin may be manufactured and used to coat steel sheet, steel tubes or steel wire provided the tin content of any such alloy does not exceed 2.5% by weight and is not derived from pig tin.

15. *Equipment for preparing and handling food.* In addition to the purposes specified in item (5) of this schedule with respect to dairy products, tin may be used in the manufacture or repair of the following types of equipment, but only to the extent herein indicated:

(i) To coat or to retin articles of equipment used in the processing or handling of meat in the meat-packing industry, to the extent that any such articles come into actual contact with meat. The equipment intended to be covered by this provision includes, but is not limited to: bacon combs, hangers, metal molds, shovels, forks and scoops for handling sausage and cooking utensils.

(ii) To coat or retin utensils, forks, ladles, basting spoons, strainers, skimmers, colanders, and dishpans containing 21 quarts or more used in the processing or cooking of any food by institutions or by industrial or commercial establishments. (Each retailer of any of the above items shall furnish his supplier with a certification on his purchase order that he will sell such items only to institutions and industrial and commercial establishments and all suppliers shall require such certifications on all purchase orders from retailers. Suppliers must not sell such items to any users thereof except institutions and industrial or commercial establishments.)

16. Tin pipe and sheet tin for lining for use in the repair or maintenance of beverage dispensing units and parts thereof. Tin pipe and sheet tin may be manufactured only for use in the repair or maintenance of beverage dispensing units and parts thereof, provided that any customer for whom such pipe or sheet tin is manufactured shall return to the manufacturer a quantity of used pipe or scrap tin equal in tin content to that of the new pipe or sheet tin delivered to him.

17. [Deleted May 31, 1945.]

18. *Tin and tin chemicals.* Pig tin may be reprocessed for use as laboratory reagents and may be used in the manufacture of tin chemicals for use as such reagents, for medicinal purposes and also for use in plating processes where tin plating is permitted.

19. The total quantity of pig tin which any person may use during any calendar quarter for the production of any one of the items or for any one of the purposes set forth in this Schedule I shall not exceed the quantity used by him for any such production or for any such purpose during the base period, except in the case of the manufacturer of foil which is controlled by paragraph 4 of this Schedule I.

Schedule II—Solders

(a) No manufacturer or wholesale distributor shall sell or deliver any solder to a wholesale distributor or retailer and no wholesale distributor or retailer shall purchase or accept delivery of any solder unless the purchaser has given to the seller a statement that he will not resell the solder to a user without obtaining from the user the certificate called for below. No manufacturer, wholesale distributor or retailer shall sell or deliver any solder to a user and no user shall purchase or accept delivery of any solder from a manufacturer, wholesale distributor or retailer unless the user has given to the seller the certificate called for below. However, if the solder is in wire form, solid or cord, not to exceed 3/32 inch in diameter and contains not more than 30% of tin by weight, any person may sell or deliver it to a wholesale distributor or retailer without getting any statement from him and the retailer may sell it to a user without getting any certificate from him.

The undersigned purchaser certifies, subject to the penalties of section 35 (A) of the United States Criminal Code, to the seller and to the War Production Board that the tin contained in the material covered by this order shall be used solely for the purpose listed in Schedule II, section ---- of General Preference Order M-43, or is to be incorporated in an "Implement of war" and the tin content of the material has been definitely specified in accordance with paragraph (e-1) of this order.

(b) In the manufacture of solder, the tin content by weight shall be limited as follows, according to the purpose for which it is to be used:

1. Manufacture of all cellular type radiators—solder per radiator shall average not more than 21% tin by weight.

2. Manufacture of all fin and tube type radiators for military and civilian use—solder per radiator shall average not more than 32% tin by weight.

3 Solder containing not more than 40% tin by weight may be used for the following:

(a) Ammunition box liners.

(b) Manufacture, maintenance and repair of refrigeration equipment, not including, however, coating such equipment or soldering the seams of ice cans.

(c) Manufacture, maintenance and repair of radio and radar equipment.

(d) Manufacture and repair of any type of indicating, recording, measuring or controlling instruments and their associate control valves, excluding manufacture and repair of gas meters which are provided for in paragraph (5) (g) and Schedule V.

Note: Subparagraphs (c) and (f) and paragraphs (b) 4, (b) 5, (b) 6, (b) 7, and (b) 8, formerly subparagraphs (a) and (b), and paragraphs (b) 5, (b) 6, (b) 7, (b) 8 and (b) 9, redesignated, Sept. 10, 1945.

(e) Manufacture and repair of all galvanized iron or zinc tanks.

(f) Installation and repair of water service pipes connecting the piping of a structure with the outside water main.

4 Solder containing not more than 35% tin by weight may be used for the following:

(a) All radiator repair, but only in the form of solid or cored wire solder not to exceed 5/32" in diameter.

(b) Manufacture and repair of tanks (except galvanized and zinc tanks). (Solder containing not more than 38% tin by weight may be used in the manufacture and repair of fuel tanks of more than 20 gallon capacity.)

(c) Manufacture and repair of dairy ware and dairy equipment where solder comes in contact with products.

(d) Manufacture, assembly and repair of galvanized iron items (except tanks) where the assembly is done with a "soldering iron."

(e) Manufacture, maintenance and repair of electric motors, generators, armatures, electrical equipment and appliances.

(f) Manufacture of electrical fuses.

(g) Manufacture of gas meters.

(h) Wiping lead sheathed cable joints or lead pipe joints.

(i) Manufacture or repair of lap and top combs, and other equipment used in the textile industry.

(j) Manufacture of foundry patterns and for soldering patterns to the gates.

(k) Manufacture and repair of the following dairy and egg processing equipment: cheese vats, clarifiers, separators, coolers, heaters and preheaters, dehydrators, fillers, filters, fore-warmers, hot wells, homogenizers and high pressure sanitary pumps, pasteurizers, sanitary centrifugal and positive pumps, vacuum pans and sanitary pipe lines in connection with soldering on sanitary ferrules and fittings.

5. Solder containing not more than 21% tin by weight may be used for the following:

(a) Sealing of milk cans. (Solder used for this purpose is commonly referred to as "tipping solder".)

(b) Soldering end seams on all solder seamed cans.

6. Solder containing not more than 5% tin by weight may be used for the following:

(a) For soldering side seams in the manufacture of cans made with either lock or lap side seam or with a combination of lock and lap side seam.

7. Solder containing not more than 30% tin by weight may be used for all other uses not covered above under paragraph (b) of Schedule II, except those uses prohibited by List A, but only to the extent that substitution of either a less critical material or one of lesser tin content is impracticable

8. The total quantity of pig tin which any person may use in the manufacture of solder during any calendar quarter shall be limited to 90% of the quantity used by him in the manufacture of solder during the base period.

Schedule III—Babbitt

(a) No manufacturer or wholesale distributor of babbitt shall deliver any babbitt containing more than 10% tin by weight to any wholesale distributor of babbitt and no wholesale distributor of babbitt shall accept delivery from a manufacturer or a wholesale distributor unless he shall have furnished the manufacturer or other wholesale distributor with a statement on his purchase order to the effect that he will not resell such babbitt containing more than 10% tin by weight to any user unless he has received the certificate from such user set forth below. No manufacturer of babbitt or wholesale distributor of babbitt shall deliver any babbitt containing more than 10% tin by weight to any user and no user shall accept delivery of any babbitt containing more than 10% tin by weight from any manufacturer of babbitt or wholesale distributor of babbitt unless the user shall have furnished the manufacturer or wholesale distributor with the certificate set forth below.

No manufacturer of finished bearings containing babbitt metal of more than 10% tin by weight shall deliver such bearings to any user and no user shall accept delivery of such bearings from the manufacturer unless the user shall have furnished the manufacturer with the certificate set forth below.

The undersigned purchaser certifies, subject to the penalties of section 35 (A) of the United States Criminal Code to the seller and to the War Production Board, that the tin contained in the material covered by this order shall be used solely for the purpose listed in Schedule III, section — of General Preference Order M-43, or is to be incorporated in an "Implement of war" and the tin content of the material has been definitely specified in accordance with paragraph (e-1) of said Order M-43.

(b) In the manufacture of babbitt metal and similar alloys used as babbitt, the tin content shall be limited as follows, according to the purpose for which it is to be used:

1. Repair, maintenance or replacement in existing diesel engines, turbines, locomotive connecting rod or coupling rod bearings, and irrigation water pumping engines and equipment—not more than 90% tin by weight.

2. Manufacture, repair, maintenance or replacement of multivane crosshead linings in locomotives and for lining aluminum crossheads—no restriction.

3. Repair, maintenance or replacement in an industrial engine, compressor, or pump being used by operator engaged in the petroleum industry; *Provided*, In any such case, that any priorities assistance required for such repair, maintenance or replacement is obtained in accordance with Preference Rating Order P-98-b, as amended—not more than 90% tin by weight.

4. Repair, maintenance or replacement in vessels or shipping facilities pursuant to a preference rating duly established or assigned by the United States Maritime Commission—not more than 90% tin by weight.

5. Manufacture, repair, maintenance or replacement of connecting rod and main engine bearings for trucks and tractors, and for passenger carriers having a seating capacity of not less than 11 persons as defined in Limitation Order L-158—not more than 90% tin by weight and then only to the extent that substitution of either a less critical material or one of lesser tin content has been proven impracticable in service.

6. For all other purposes—not more than 10% tin by weight, and then only to the extent that substitution of either a less critical material or one of lesser tin content is impracticable. Only secondary tin shall be used.

7. The total quantity of pig tin which any person may use in the manufacture of babbitt metal or other similar alloys used as babbitt during any calendar quarter shall be limited to 80% of the quantity used by him in the manufacture of babbitt or other similar alloys used as babbitt during the base period.

Schedule IV—Brass and Bronze

A. Cast alloys

(a) No person shall cast or have any person cast for him any copper base alloy containing tin for other than the specific purposes listed below. The tin content of any such alloy shall not be more than the amount specified for each purpose.

	Maximum percent tin content
1. For the manufacture of high ratio worm gears, fire engine pump gears, jack nuts, feed nuts, elevating nuts, thrust washers or disks, machine tool spindle bearings, hydraulic pump bodies and ends for gear pumps, grinder spindle sleeve bearings or step bearings	12

	Maximum percent tin content
2. For the manufacture of piston rings for locomotives and for airbrake equipment	20
3. For use as bearings	8
4. For all other castings, except for items under List A, and no pig tin may be used to produce them	6
5. For production of or use in items under List A, provided that the tin used shall not be derived from pig tin, secondary tin or by addition of other tin bearing alloys	1.5

(b) The total quantity of pig tin which any person may use in the production of copper base cast alloys during any calendar quarter shall be limited to 60% of the quantity used by him in the production of copper base cast alloys during the base period.

(c) Any person receiving copper base alloy castings containing tin shall furnish his supplier with a certificate on his purchase order stating the end use of such castings. All suppliers shall require such a certificate. If the end use is not permitted by M-43, and the purchaser has no special authorization from the War Production Board, the supplier shall refuse the order.

B. WROUGHT ALLOYS

(a) No person shall purchase or use and no supplier shall sell copper base wrought alloys containing tin for other than the specific purposes listed below. The tin content of any such alloy shall not be more than the amount specified for each purpose.

	Maximum percent tin
1. Fourdrinier wire	8.0
2. All uses on shipboard for functional parts, except condenser tube	5.8
3. All uses for functional parts for power plants and industrial electric distribution equipment carrying more than 1000 amperes	5.8
4. All railroad and street railway equipment for functional parts	5.8
5. Functional springs (excluding clips, jaws, fasteners, clamps, etc.)	5.8
6. The manufacture of discs and diaphragms for industrial control instruments, bronze welding rods, and rifle nuts in air hammers	10.0
7. All uses in functional parts for commercial aircraft	5.8
8. Condenser tube	1.2
9. All other uses, provided that no pig tin shall be used in the manufacture of copper base wrought alloys for such uses	1.5

(b) The total quantity of pig tin which any person may use in the production of copper base wrought alloys during any calendar quarter shall be limited to 70% of the quantity used by him in the production of copper base wrought alloys during the base period.

(c) Except as specifically authorized in writing by the War Production Board, no person other than a brass mill shall melt or process (1) brass mill scrap containing in excess of 1.5% tin or (2) termination inventories of brass mill products containing in excess of 1.5% tin and which are being disposed of as scrap, nor shall any person dispose of either of such materials in any way other than by delivery to a brass mill.

(d) Any person receiving wrought copper base alloys shall furnish his supplier with a certificate on his purchase order stating that he will use such alloy only as permitted by General Preference Order M-43, or that he will not dispose of said alloy without obtaining such a certificate from the person to whom he disposes of said alloy. All suppliers shall require such statements on all purchase orders.

SCHEDULE V—USE OF TIN TO REPAIR GAS METERS

(a) *Restrictions on use of tin.* Solder containing not more than 38% tin by weight may be used for the repair of gas meters. The solder and other tin alloys used in such repair must be derived from alloys reclaimed from old meters brought in for repair or salvage.

SCHEDULE VI—TIN PLATE, TERNE PLATE AND TERNE METAL

(a) *Definitions.* For the purposes of this schedule:

(1) "Tin plate" means steel sheets coated with tin (including primes, seconds, and waste-waste) and includes:

(i) "Electrolytic tin plate," in which the tin coating is applied by electrolytic deposition, and

(ii) "Hot dipped tin plate," in which the tin coating is applied by immersion in molten tin.

(2) "Terne plate" means steel sheets coated with terne metal (including primes, seconds, and waste-waste) and includes:

(i) "Short ternes," meaning steel sheets coated with terne metal on tin mill coating machines, and

(ii) "Long ternes," meaning steel sheets coated with terne metal on sheet mill coating machines.

(3) "Reconditioned tin plate or terne plate" means damaged tin plate or terne plate which has been put into useable condition by recoating.

(4) "Terne metal" means the lead-tin alloy used as the coating for terne plate, but does not include lead recovered from secondary sources which contains not more than 2½% residual tin.

(5) "Waste-waste" means hot dipped or electrolytic tin coated steel sheets or steel sheets coated with terne metal which have been rejected during processing by the producer because of imperfections which disqualify such sheets from sale as primes or seconds.

(b) *Restrictions on use of tin plate and terne plate.* Except to the extent specified in List C:

(1) No person shall use tin plate or terne plate in the production of any item or part thereof.

(2) No person shall use hot dipped tin plate with a pot yield in excess of 1.25 pounds per base box except in gauges heavier than 112 pounds per base box, which have been coated with the minimum practicable weight of tin.

(3) No person shall use electrolytic tin plate with a coating (as determined by average spot coating tests) in excess of .50 pound per base box.

(4) No person shall use short ternes with a pot yield in excess of 1.30 pounds per base box.

(5) No person shall use long ternes with a pot yield in excess of 4 pounds per base box.

(c) *Restrictions on use of terne metal.*

(1) No person shall use terne metal containing over 15% tin in tin mill coating machines.

(2) No person shall use terne metal containing over 10% tin in sheet mill coating machines.

(d) *Restrictions on production, sale and delivery of tin plate and terne plate.* No person shall produce, sell, or deliver tin plate or terne plate to or for the account of any person if he knows or has reason to believe that such material will be used in violation of the terms of this order or any other or further order or direction of the War Production Board.

(e) *Exceptions.* The provisions of paragraph (b) shall not apply to the materials listed in List D, except that no person shall use such materials in the production of (1) any items, or parts thereof, other than those items in the production of which iron or steel is permitted by other existing or future orders of the War Production Board or (2) any article on List A of this order, except as indicated therein.

(f) *Substitution of material with lower tin content.* Wherever List C permits use of tin plate or terne plate in any grade, tin plate or terne plate coated with less tin per base box may be used.

(g) *Applicability of other orders.* Insofar as any other order of the War Production Board may have the effect of limiting to a greater extent than herein provided the use of any material in the production of any item, the limitation of such order shall be observed.

(h) The total quantity of pig tin which any person may use in the production of tin plate or terne plate for the purposes set forth in this Schedule VI during any calendar quarter shall be limited to 95 of the quantity used by him for such production during the base period.

LIST C

Permitted use	Permitted materials	Maximum permitted coating of tin or of terne metal (per single base box)
1. Cans	As specifically authorized by or pursuant to Conservation Order M-81 as amended.	
2. Closures	As specifically authorized by or pursuant to Limitation Order L-103-b, as amended.	
3. Baking pans for institutions and commercial bakers (Each retailer of such pans shall furnish his supplier with a certificate on his purchase order that he will sell such pans only to institutions and commercial bakers and all suppliers shall require such certifications on all purchase orders from retailers. Suppliers must not sell such pans to any users except institutions and commercial bakers).	Hot dipped tin plate Electrolytic tin plate Reconditioned tin plate	1.25 lbs. per base box. 0.50 lb. per base box.

LIST C—continued

Permitted use	Permitted materials	Maximum permitted coating of tin or of terne metal (per single base box)
4. Brushes, power driven	Short ternes Long ternes Reconditioned terne plate	1.30 lbs. per base box. 4 lbs. per base box.
5. Carbide non-explosive emergency lights	Short ternes Long ternes Reconditioned terne plate	1.30 lbs. per base box. 4 lbs. per base box.
6. Chaplets, skimgates and tin forms for foundry use	Hot dipped tin plate Electrolytic tin plate Reconditioned tin plate	1.25 lbs. per base box. 0.50 lb. per base box.
7. Cheese vats	Short ternes Long ternes Reconditioned terne plate	1.30 lbs. per base box. 4 lbs. per base box.
8. Component parts for: Internal combustion engines including air cleaners, cooling systems, fuel systems, and lubricating systems, but only where less essential material is impractical because of corrosion or solderability.	Hot dipped tin plate Reconditioned tin plate Short ternes Long ternes Reconditioned terne plate	11 lbs. per base box. 1.30 lbs. per base box. 4 lbs. per base box.
9. Cylinder liners for lard and fruit presses		
10. Dairy ware and equipment, including dairy pails, milk strainer pails, hooded milking pails, milk kettles, setter or creams cans, weigh cans, measures and test ware, bottle conveyors, ice cream freezers, milk filters, receiving tanks, separators, strainers, upper and lower troughs and covers for surface type heaters and coolers, and testing equipment.	Hot dipped tin plate Hot dipped tin plate Electrolytic tin plate Reconditioned tin plate	1.25 lbs. per base box. 3.30 lbs. per base box. (2A charcoal). 0.50 lb. per base box.
11. Diamond cutting wheels		
12. Dusters and sprayers, hand, for disinfectant and pest control: parts requiring solderable coatings.	Electrolytic tin plate Reconditioned tin plate Short ternes Long ternes Reconditioned terne plate	0.50 lb. per base box. 1.30 lbs. per base box. 4 lbs. per base box.
13. Electrical equipment parts requiring solderable coatings.	Electrolytic tin plate Reconditioned tin plate Short ternes Long ternes Reconditioned terne plate	0.50 lb. per base box. 1.30 lbs. per base box. 4 lbs. per base box.
14. (a) Fuel tanks, except for automotive equipment	Electrolytic tin plate Short ternes Long ternes Reconditioned terne plate	0.50 lb. per base box. 1.30 lbs. per base box 4 lbs. per base box.
(b) Fuel tanks, for automotive equipment	Short ternes Long ternes Reconditioned terne plate	1.30 lbs. per base box. 6 lbs. per base box.
15. Gas mask canisters	Short ternes Long ternes Reconditioned terne plate	1.30 lbs. per base box 4 lbs. per base box.
16. Gas meters	Hot dipped tin plate Electrolytic tin plate Reconditioned tin plate	3.30 lbs. per base box. (2A charcoal). 0.50 lb. per base box.
17. Heat exchangers	Short ternes Long ternes Reconditioned terne plate	1.30 lbs. per base box. 4 lbs. per base box.
18. Integral parts of signal cells—but only for current collectors and baskets.	Short ternes Long ternes Reconditioned terne plate	1.30 lbs. per base box. 4 lbs. per base box.
19. Lining of drying chambers for milk and egg dehydration.	Hot dipped tin plate Electrolytic tin plate Reconditioned tin plate	1.25 lbs. per base box. 0.50 lb. per base box.
20. Maple syrup evaporators	Hot dipped tin plate	11 lbs. per base box.
21. Oilers (excluding cans as defined by Order M-81)	Reconditioned tin plate Hot dipped tin plate Reconditioned tin plate	11 lbs. per base box.
22. Oil lanterns	Short ternes Long ternes Reconditioned terne plate	1.30 lbs. per base box. 4 lbs. per base box.
23. Safety cans for inflammable liquids	Short ternes Long ternes Reconditioned terne plate	1.30 lbs. per base box. 4 lbs. per base box.
24. Textile spinning cylinders, card screens, spools and bobbins.	Short ternes Long ternes Reconditioned terne plate Hot dipped tin plate Electrolytic tin plate Reconditioned tin plate	1.30 lbs. per base box. 4 lbs. per base box. 1.25 lbs. per base box. 0.50 lb per base box.
25. Torpedoes for oil and gas well shooting	Short ternes Long ternes Reconditioned terne plate	1.30 lbs. per base box. 4 lbs. per base box.
26. Vaporizing liquid fire extinguishers	Hot dipped tin plate Short ternes Long ternes Reconditioned terne plate	1.25 lbs. per base box. 1.30 lbs. per base box. 4 lbs. per base box.
27. Wick holders for oil stoves	Short ternes Long ternes Reconditioned terne plate	1.30 lbs. per base box. 4 lbs. per base box.
28. Closures for steel drums	Hot dipped tin plate Electrolytic tin plate Short ternes Long ternes Reconditioned terne plate	1.25 lbs. per base box. 0.50 lb. per base box. 1.30 lbs. per base box. 4 lbs. per base box.
29. Repair parts for domestic laundry equipment	Hot dipped tin plate Electrolytic tin plate Reconditioned tin plate	1.25 lbs. per base box. 0.50 lb. per base box.
30. Articles to be purchased by or for the account of the Army and Navy of the United States, the United States Maritime Commission, the War Shipping Administration and the Veterans Administration.	As specified (meinding performance specifications).	

LIST D

1. Hot dipped tin plate waste-waste.
   Electrolytic tin plate waste-waste.
   Short terne waste-waste.
2. Hot dipped tin plate, electrolytic tin plate, and terne plate where total annual consumption of all these grades does not exceed 100 base boxes.

[F. R. Doc. 45-16885; Filed, Sept. 10, 1945; 4:41 p. m.]

PART 4600—RUBBER, SYNTHETIC RUBBER AND PRODUCTS THEREOF

[Rubber Order R-1, Revocation of Appendix IV]

Appendix IV (Tire Allotment Plan) of Rubber Order R-1 and all authorizations and directions issued under it are revoked. This revocation does not affect any liabilities incurred for violation of Appendix IV or of actions taken by the War Production Board under it.

The acquisition of tires and tubes by vehicle manufacturers for original equipment is governed by Rubber Order R-1. The acquisition of tires and tubes for replacement purposes is governed by Rubber Order R-1 and OPA Ration Order 1-A.

(Sec. 2 (a), 54 Stat. 676, as amended by 55 Stat. 236 and 56 Stat. 177; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; E.O. 9246, 7 F.R. 7379, as amended by E.O. 9475, 9 F.R. 10817; WPB Reg. 1 as amended Dec. 31, 1943, 9 F.R. 64)

Issued this 7th day of September 1945.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 45-16787; Filed, Sept. 7, 1945; 4:18 p. m.]

PART 3175—REGULATIONS APPLICABLE TO THE CONTROLLED MATERIALS PLAN

[CMP Reg. 6, Revocation of Schedule A]

Section 3175.6a. *Schedule A to CMP Regulation 6*, including Appendix I and Appendix II to that schedule, is hereby revoked. This revocation does not affect any liabilities incurred for violation of the schedule or of actions taken by the War Production Board under the schedule. Builders who have been authorized to do construction subject to the restrictions of Schedule A to CMP Regulation 6 may continue construction without regard to the provisions formerly contained in the schedule, except where some other order of the War Production Board contains restrictions on the use of materials or equipment. For example, the restrictions on the use of tin contained in M-43 are still applicable to the use of tin or tin products in construction. Priorities assistance previously assigned on Form GA-1456 to construction projects for machinery or equipment may only be applied or used in accordance with the provisions of Appendix II of Schedule A in effect at the time of the assignment of

the priorities assistance. Priorities assistance for equipment for projects approved after this revocation will only be assigned in accordance with Priorities Regulation 28.

Issued this 11th day of September 1945.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 45-16930; Filed, Sept. 11, 1945; 11:18 a. m.]

PART 3286—MISCELLANEOUS MINERALS

[General Preference Order M-109 as Amended Sept. 11, 1945]

ROUGH DIAMONDS

§ 3286.26 *General Preference Order M-109*—(a) *Applicability of regulations.* This order and all transactions affected hereby are subject to all applicable provisions of War Production Board regulations as amended from time to time.

(b) *Definitions.* As used in this order: (1) "Rough diamond" means any diamond material that has not been cut and polished as a gem stone, and, unless otherwise stated, shall include rough diamonds incorporated in an unused tool or other industrial device.

(2) "Industrial diamond" means any rough diamond which is not a cuttable rough diamond as defined in subparagraph (3) below. It includes crushing bortz and diamond powder.

(3) "Cuttable rough diamonds" means rough diamonds for gem purposes imported in bulk and/or in series provided by primary distributors or rough diamonds selected from such series. General run-of-mine shipments or mixed assortments acquired on the foreign open market will be presumed to contain a proportion of industrial diamonds and are subject to the provisions of General Imports Order M-63.

(4) "Crushing bortz" means the lowest grade of rough diamonds, useful only after having been crushed into powder.

(5) "Dealer" means any person whose principal business, as far as concerns rough diamonds, is the buying and selling of rough diamonds, and who only incidentally, if at all, incorporates such diamonds in tools or other industrial devices, or cuts, polishes, or otherwise consumes them.

(6) "Toolmaker" means any person whose principal business, as far as concerns rough diamonds, is the manufacture of tools or other industrial devices containing diamonds, and who only incidentally, if at all, consumes in other ways, or sells rough diamonds.

(7) "Consumer" means any person, other than a dealer or toolmaker who uses rough diamonds, either loose or incorporated in tools or other industrial devices, by applying them to some business or industrial use. The term does not include a trustee or agent who holds rough diamonds for the account of some other person, unless such other person is a consumer; nor does it include any person who holds rough diamonds for investment or speculative purposes.

(c) *Restrictions on sales and transfers of loose industrial diamonds and of cuttables emanating from industrial goods*—(1) *Restrictions on sales of loose industrial diamonds.* Except as authorized in writing by the War Production Board no person shall purchase or otherwise acquire title to or sell or otherwise transfer to any one purchaser, loose industrial diamonds in a quantity of 1000 carats or more in any calendar month. Application for such authorization shall be made by the seller on Form WPB-751 which shall be executed by both the purchaser and the seller and filed in quadruplicate. If the sale is approved, two copies of the executed form will be returned to the seller, one to be retained by him, the other to be delivered to the purchaser at the time the transaction is closed.

(2) *Restrictions upon sale of crushing bortz and diamond powder.* Except as authorized in writing by the War Production Board, no person shall purchase, sell or transfer crushing bortz in any quantity or diamond powder in a quantity exceeding 250 carats per month for the purpose of cutting and polishing gem diamonds. Application for such authorization shall be filed with the War Production Board on Form WPB-751.

(3) *Restrictions upon sales of cuttables emanating from industrial goods.* Except as authorized in writing by the War Production Board no person shall sell, transfer or use any diamond as a cuttable stone or for the purpose of making a gem therefrom which he acquired as an industrial stone. If the stone was acquired as part of an allotment, assortment or series of industrial stones it shall be conclusively presumed that the stone is an industrial stone. Application for such authorization shall be filed with the War Production Board on Form WPB-751.

(d) *Reports of stocks.* Every dealer and toolmaker who at any time during the calendar quarter ending September 30, 1945, or at any time during any calendar quarter thereafter has title to 1000 carats or more of industrial diamonds including those incorporated in any unused tool or other device shall file Form WPB-749 in duplicate with the War Production Board on or before the 15th day of the month succeeding the end of the quarter.

(e) *Report of imports.* Every importer of industrial diamonds shall, within ten days after receipt of each imported shipment, file a report with the War Production Board on Form WPB-751 in duplicate giving all of the information required thereby to be furnished by the importer. Such report shall give the name of, but need not be signed by the person from whom such industrial diamonds were imported. Imports of industrial diamonds are subject to the provisions of General Imports Order M-63.

(f) *Reports of sales and transfers*—(1) *Reports of sale of loose industrial diamonds in amounts less than 1000 carats.* Every person who makes any sale or transfer of loose industrial diamonds in a quantity of less than 1000 carats to any one person in any calendar month shall file with the War Production Board on or before the 15th day of the month succeeding the month in which the sale or transfer occurred, Form WPB-750 in duplicate, covering all such sales and transfers.

(2) *Reports of sales of industrial diamonds in tools in amounts of 250 carats or more.* Every person who makes any sales or transfers of diamond tools, wheels, bits and other devices into which have been incorporated industrial diamonds aggregating 250 carats or more in any calendar month, shall file with the War Production Board on or before the 15th day of the month succeeding the month in which the sales or transfers occurred, Form WPB-750 in duplicate, covering all such sales and transfers. Sales of diamond tools, wheels, bits and other devices into which have been incorporated industrial diamonds aggregating less than 250 carats in any calendar month need not be reported.

NOTE: Paragraphs (g) to (j), inclusive, formerly (h) to (k), inclusive, redesignated Sept. 11, 1945. Former paragraphs (g) and (i) deleted Sept. 11, 1945.

(g) *Federal Reports Act of 1942.* The reporting requirements of this order have received the approval of the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

(h) *Appeals.* Any appeal from the provisions of this order shall be made by filing a letter in triplicate, referring to the particular provisions appealed from, and stating fully the grounds of the appeal.

(i) *Communications and reports.* All reports, applications, and certificates required to be filed under this order and all communications concerning this order shall be addressed to: War Production Board, Empire State Building, New York, New York, Ref: M-109.

(j) *Violations.* Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

Issued this 11th day of September 1945.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 45-16932; Filed, Sept. 11, 1945; 11:18 a. m.]

PART 3290—TEXTILE, CLOTHING AND LEATHER

[Conservation Order M-328, Revocation of Direction 21]

PRODUCTION AND DISTRIBUTION OF COTTON AND SYNTHETIC FIBER TIRE AND FUEL CELL CORD

Direction 21 to Conservation Order M-328 is hereby revoked. This revocation does not affect any liabilities incurred for violation of the direction or of actions taken by the War Production Board under the direction.

Issued this 11th day of September 1945.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 45-16934; Filed, Sept. 11, 1945; 11:18 a. m.]

PART 3290—TEXTILE, CLOTHING AND LEATHER

[Conservation Order M-328, Direction 25]

EXPIRATION OF INDIVIDUAL INSTRUMENTS TO NAMED PERSONS, ISSUED PRIOR TO JULY 1, 1945, UNDER PARAGRAPH (C) OF ORDER M-328, AND CERTAIN OTHER INDIVIDUAL INSTRUMENTS WITH RESPECT TO MANUFACTURE, SALE, DISTRIBUTION, OR DELIVERY OF ITEMS ON SCHEDULE A OF ORDER M-328

The following direction is issued pursuant to Conservation Order M-328:

(a) *Expiration of certain individual instruments addressed to named persons.* All directions, authorizations, production or delivery schedules, and other instruments, dated before July 1, 1945, and addressed to named persons and requiring or permitting them to take specific action with respect to the manufacture, sale, distribution or delivery of any item on Schedule A of Conservation Order M-328, including but not limited to directions issued under paragraph (c) of that order, shall expire at the end of September, 1945, unless any such instrument expires sooner by its terms, or is otherwise revoked before that time. This rule does not apply to instruments listed in paragraph (b).

(b) *Instruments not affected.* This direction does not affect any of the directions, authorizations, production or delivery schedules, or other instruments described below:

(1) Those issued under any of the following orders, or any schedules, supplements or published directions to any of them:

I-99 —Operation of Looms for Cotton Broad Woven Fabric Production
M-47 —Burlap and Burlap Products
M-51 —Pigs' and Hogs' Bristles and Bristle Products
M-84 —Cordage Fiber, Cordage Yarn, Cordage and Hemp Fiber
M-85 —Kapok
M-217 —Footwear
M-277 —Vegetable Tanning Materials
M-310 —Hides, Skins and Leather
M-312 —Coir Yarn and Products
M-317 —Cotton Textile Distribution and Sale Yarn Production
M-317A—Cotton Fabric Preference Ratings and Restrictions
M-328B—Special Programs: Textiles, Clothing and Related Products

(2) Those assigning preference ratings.

(3) Those granting appeals from or relaxing restrictions in any order or regulation; or

(4) "Suspension orders", "consent orders", and other instruments, such as quota readjustment orders, resulting from compliance action.

(c) This direction does not affect any liabilities incurred for violation of the instruments before their expiration. The manufacture, sale, distribution and delivery of the items covered by these instruments remain subject to all other applicable orders and regulations of the War Production Board.

Issued this 11th day of September 1945.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 45-16935; Filed, Sept. 11, 1945; 11:18 a. m.]

Chapter XI—Office of Price Administration

PART 1418—TERRITORIES AND POSSESSIONS

[Territorial Consumer Goods Reg. 1, Amdt. 1 to Supp. 4]

CERTAIN IMPORTED CHINA, GLASSWARE, WALLETS, TOYS, AND MISCELLANEOUS PERSONAL AND HOUSEHOLD ACCESSORIES IN HAWAII

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.

Supplement 4 to Territorial Consumer Goods Regulation 1 is amended in the following respect:

Section 10, Table A, paragraph (c), is amended by deleting the classification "7. Smoker's articles: (except cigars, cigarettes and tobacco)," including all items listed thereunder.

This amendment shall become effective as of June 15, 1945.

Issued this 11th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-16906; Filed, Sept. 11, 1945; 11:08 a. m.]

PART 1418—TERRITORIES AND POSSESSIONS

[MPR 201,[1] Amdt. 13]

ADDITION OF MUNICIPAL TAXES TO PRICES IN VIRGIN ISLANDS

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.

Section 1418.107b is added to read as follows:

§ 1418.107b *Addition of municipal taxes.* The seller may add to the applicable maximum prices established by this regulation, or by any order issued or to be issued under it, an amount not in excess of any excise or sales tax imposed in the Virgin Islands, if the seller has paid or incurred such tax, and if he separately states the amount of the tax in sales to all purchasers.

This amendment shall become effective as of August 1, 1945.

Issued this 11th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-16905; Filed, Sept. 11, 1945; 11:08 a. m.]

PART 1315—RUBBER AND PRODUCTS AND MATERIALS OF WHICH RUBBER IS A COMPONENT

[MPR 200, Amdt. 22]

RUBBER HEELS AND SOLES IN THE SHOE REPAIR TRADE

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.

In § 1315.1424, item 11 of Table I-A is amended to read as follows:

	Maximum prices for sales to wholesalers		Maximum prices for sales to shoe repairmen		Unit of sales to wholesalers and shoe repairmen	Maximum prices to consumers for heels attached by shoe repairmen (per pair)	
	Brown	Black	Brown	Black		Brown	Black
11. Skl heels, by thickness:							
3/8"	$1.99	$1.60	$2.65	$2.25	12 pairs	$0.60	$0.55
1/2"	2.18	1.88	2.90	2.50	12 pairs	.65	.60
5/8"	2.55	2.25	3.40	3.00	12 pairs	.70	.65

This amendment shall become effective September 17, 1945.

Issued this 11th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-16904; Filed, Sept. 11, 1945; 11:08 a. m.]

[1] 9 F.R. 10494, 10 F.R. 2025.

PART 1305—ADMINISTRATION

[Supp. Order 133]

INDIVIDUAL COMPANY ADJUSTMENT PROVISION FOR MANUFACTURERS OF CERTAIN PRODUCTS

A statement of the considerations involved in the issuance of this supplementary order, issued simultaneously herewith, has been filed with the Division of the Federal Register.

Sec.

1. Purpose.
2. To what products, and to the manufacturers of what products this order applies.
3. What a manufacturer must show to qualify for an adjustment under this order.
4. Adjustment of ceiling prices.
5. Reports of operations after adjustment.
6. Ceiling prices of purchasers for resale.
7. How to apply for an adjustment under this order.
8. Adjustable pricing.
9. Relationship to other adjustment provisions.
10. Delegation of authority.
11. Orders modifying this supplementary order.

Appendix A—List of maximum price regulations.

AUTHORITY: § 1305.161 issued under 56 Stat. 23, 765; 57 Stat. 566; Pub. Law 383, 78th Cong.; Pub. Law 108, 79th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681; E.O. 9599, 10 F.R. 10155.

SECTION 1. *Purpose.* The purpose of this order is to authorize individual adjustments in the ceiling prices of products produced by manufacturers who would otherwise be compelled to conduct their entire business operations at a loss. However, the order is limited in its application to situations in which such adjustments will not impair the established structure of ceiling prices in the industry and are consistent with the purposes of the stabilization laws.

SEC. 2. *To what products, and to the manufacturers of what products, this order applies.* This order applies only to manufacturers of products the ceiling prices of which are established under the maximum price regulations listed in Appendix A. Adjustments may be made under this order only in ceiling prices for these products.

SEC. 3. *What a manufacturer must show to qualify for an adjustment under this order.* To qualify for an adjustment under this order a manufacturer must show each of the following:

(a) That unless an adjustment of his ceiling price or prices is authorized he will be compelled to conduct his entire business operations at a loss. As a part of this showing, the manufacturer must submit with his application a profit and loss statement for the most recent period, not less than three months in length, for which such a statement can be prepared. In no case will an adjustment be authorized under this order unless this statement discloses an actual loss during this period on the manufacturer's entire business operations or unless the manufacturer demonstrates by clear and convincing evidence, first, that changes in conditions which have already taken place will cause him immediately to incur such a loss and, second, what the minimum amount of this loss will be.

To aid the Office of Price Administration in determining whether an applicant has made the showing required by this section, a manufacturer shall, where he was in operation during such periods, further submit with his application a profit and loss statement for the fiscal years ending in 1941 and 1944 and for any periods, annually or quarterly, subsequent to the 1944 fiscal year. If the net profits or loss as a percentage of sales during the accounting period on which the application is based under this paragraph differ significantly from those during the applicant's most recent twelve months operation for which operating statements are available, the applicant must clearly establish that the results during the period on which the application is based are in fact representative and are not attributable to factors (1) through (7) of paragraph (b).

(b) That the loss shown by the statement or other evidence submitted in accordance with paragraph (a) and for which the manufacturer seeks an offsetting adjustment in his ceiling prices is due to factors other than any of the following:

(1) To seasonal, non-recurring or temporary factors affecting his operations; or

(2) To a reduction in volume of production below the normal economical capacity of his plant; or

(3) To the payment of unlawful wages or excessive salaries or of unlawful or excessive prices for materials; or

(4) To the payment of voluntary wage increases instituted pursuant to section 1 of Title IV of Executive Order 9599 (August 18, 1945); or

(5) To the incurring of factory overhead costs or of selling, administrative and general costs which are abnormally high relative to sales or other costs unless such excess is demonstrated by clear and convincing evidence to have been unavoidable in the exercise of sound business judgment and management; or

(6) To any transactions with affiliated corporations or businesses which either are of a kind which would not result from arm's-length bargaining or differ from the transactions which the manufacturer has customarily had with such affiliated corporations or businesses; or

(7) To provisions for war reserves or other contingencies.

The Office of Price Administration will not, under this order, give consideration to any amount of loss arising because of the preceding seven factors.

SEC. 4. *Adjustment of ceiling prices.* (a) Except as otherwise provided in paragraphs (b) and (c) of this section, adjustments under this order will take the form of a uniform percentage increase in the ceiling prices of all products manufactured by the applicant which are subject to adjustment under section 2 of this order. If all of the products manufactured by the applicant are subject to adjustment under section 2, this increase will be in an amount sufficient to compensate for the prospective loss established by the applicant in accordance with section 3, assuming that sales will be made at ceiling prices and in the same volume and proportions of products as was assumed in establishing the prospective loss. If only a part of his products are subject to adjustment the increase will be in an amount sufficient to compensate for that proportion of the applicant's total loss which his sales of products subject to adjustment bear to his total sales of all products (assuming that sales will be made at ceiling prices and in the same volume and proportions of products as was assumed in establishing the prospective loss.

(b) In lieu of providing for a uniform increase in all the applicant's ceiling prices, in accordance with paragraph (a), the Administrator or his authorized representative may provide for increases of greater amounts on certain products offset by lesser increases or no increases on other products, if in his judgment such action will result in a price structure which is better balanced or in better accord with the purposes of the stabilization program.

(c) *Denial of adjustment.* Ceiling price adjustment may be denied, notwithstanding the other provisions of this order, in any case where the Price Administrator or his authorized representative determines that the granting of an adjustment would unsettle established dollar and cent maximum prices at subsequent levels of distribution, result in increased prices for raw materials not subject to price control, improperly divert raw material supplies from other users, or otherwise impair effective compliance or endanger the purposes of the stabilization laws.

SEC. 5. *Reports of operations after adjustment.* Within four months after the effective date of any adjustment granted under this order, the manufacturer receiving such adjustment shall file, with the OPA office which issued the adjustment order, a profit and loss statement covering the first three months of his operations under the order. The adjustment may be revoked or the adjusted ceiling prices modified if in the judgment of the Administrator such report discloses that the adjustment, as originally authorized, was erroneous. Nothing in this section, however, shall be construed to restrict the usual power of the Administrator to revoke or modify an order of adjustment at any time.

SEC. 6. *Ceiling prices of purchasers for resale.* When adjustments are authorized under this order, the Administrator or his authorized representative may provide, in the order of adjustment or otherwise, for such increases as he deems necessary in the ceiling prices of purchasers and subsequent purchasers for resale. Except as authorized by regulation or order, no adjustment under this order shall be a basis for an increase in a ceiling price of any such purchaser.

SEC. 7. *How to apply for an adjustment under this order.* A manufacturer who qualifies for adjustment under this order shall file an application for an adjustment under this order on and in compliance with Form 000. Such a manufacturer may not change his ceiling prices until his application has been acted upon and he has been notified by the Office of Price Administration that he may do so. The manufacturer may, however, apply for adjustable pricing under section 8 of this order.

SEC. 8. *Adjustable pricing.* Any manufacturer may agree to sell at a price which can be increased up to the maximum price in effect at the time of delivery; but no manufacturer may, unless specifically authorized by the Office of Price Administration, deliver or agree to deliver at prices to be adjusted upward in accordance with action taken by the Office of Price Administration after delivery. Such authorization may be given when an application for adjustment in the applicable maximum price is pending under this order, but only if the authorization is necessary to promote distribution or production and will not interfere with the purposes of the stabilization laws. The authorization may be given by order by the Administrator or by any official of the Office of Price Administration having authority to act upon the application for adjustment.

SEC. 9. *Relationship to other adjustment provisions.* The adjustment provisions of this order do not supersede or revoke any adjustment provision contained in any other maximum price regulation or order. Application for adjustment under this order does not preclude application under any other applicable adjustment provision. However, in making application pursuant to this or any such other adjustment provision, the applicant shall notify the Office of Price Administration of any adjustment requested or granted under the provisions of this order or any other adjustment provision. In determining the extent of adjustment to be granted under this order, or under other applicable adjustment provisions, the Price Administrator may take into consideration the total amount of adjustment granted or to be granted under all applicable provisions. Where adjustment has been granted under one such provision and application is thereafter made pursuant to another, the Price Administrator may modify the adjustment previously granted in order that the total amount of adjustment shall conform to that which would have been granted if the applications had been considered simultaneously. An application filed pursuant to one applicable adjustment provision may, at the discretion of the Price Administrator, also be considered under other applicable adjustment provisions.

SEC. 10. *Delegation of authority.* The Price Administrator, any Regional Administrator, and any District Director who has been authorized to act by the appropriate Regional Administrator, may make adjustments or act upon applications for adjustment under this order.

SEC. 11. *Orders modifying this supplementary order.* The provisions of this supplementary order as applied to certain commodities or persons subject to the order, may be modified by general orders under this section or by orders under any regulation or section establishing manufacturers ceiling prices for articles subject to this supplementary order.

This supplementary order shall become effective on the 15th day of September 1945.

Issued this 10th day of September 1945.

CHESTER BOWLES,
Administrator.

APPENDIX A—LIST OF MAXIMUM PRICE REGULATIONS

General Maximum Price Regulation (except food, grains and cereals, seeds, feeds, tobacco and tobacco products, agricultural chemicals, insecticides and beverages).

MPR 2	Aluminum Scrap and Secondary Aluminum.
MPR 3	Zinc Scrap Materials and Secondary Slab Zinc.
RPS 6	Iron and Steel Products.
RPS 8	Pure Nickel Scrap, Monel Metal Scrap, Stainless Steel Scrap, and Other Scrap Materials Containing Nickel; Secondary Monel Ingot, Secondary Monel Shot, and Secondary Copper-Nickel Shot.
RPS 10	Pig Iron.
RPS 12	Brass Mill Scrap.
RPS 15	Copper.
MPR 17	Tin.
RPS 21	Formaldehyde.
MPR 23	Rayon Grey Goods.
MPR 28	Industrial Ethyl Alcohol—Eastern Te .itory.
MPR 29	By-Product and Retort Gas Coke.
RPS 31	Acetic Acid.
RPS 34	Wood Alcohol.
MPR 36	Acetone.
MPR 37	Butyl Alcohol, Butyl Acetate, Dibutyl Phohalate and Dibutyl Sebacate.
MPR 38	Glycerine.
MPR 39	Woven Decorative Fabrics (Manufacturers only).
RPS 41	Steel Castings and Railroad Specialties.
RPS 42	Paraffin Wax.
MPR 57	Wood Floor Coverings.
MPR 58	Wool and Wool Tops and Yarns.
MPR 64	Domestic Cooking and Heating Stoves.
RPS 68	Hide Glue Stock.
RPS 69	Primary Lead.
MPR 70	Lead Scrap Materials: Secondary Lead; Battery Lead Scrap; and Primary and Secondary Antimonial Lead.
RPS 71	Primary and Secondary Cadmium.
RPS 76	Hide Glue.
MPR 77	Beehive Oven Coke.
MPR 79	Carbon Tetrachloride and Certain Blends Thereof.
RPS 81	Primary Slab Zinc.
MPR 88	Fuel Oil, Gasoline and Liquefied Petroleum Gas.
RPS 93	Mercury.
MPR 116	China and Pottery.
MPR 123	Raw and Processed Wool Waste Materials.
MPR 124	Rolled Zinc Products.
MPR 128	Processing Piece Goods.
RMPR 131	Camelback and Tire and Tube Repair Materials.
RMPR 138	Ferromanganese and Manganese Alloys and Metal.
RMPR 147	Bolts, Nuts, Screws and Rivets.
MPR 151	New Bags.
RMPR 159	Fabricated Concrete Reinforcement Bars.
MPR 167	Rayon Yarn and Staple Fiber.
MPR 168	Converted Rayon Yarn and Converting Charges.
MPR 172	Charges of Contractors in Apparel Industry.
MPR 177	Men's and Boys' Tailored Clothing.
MPR 178	Women's Fur Garments.
MPR 179	Pine Oil.
MPR 188	Manufacturers' Maximum Prices for Specified Building Materials and Consumer Goods other than Apparel (except Orders Z-1470, Z-1509, Z-1849, Z-3149 and all other orders of general applicability, heretofore or hereafter issued, under MPR 188 which establish dollar-and-cents maximum prices).
RMPR 191	Cotton Linters and Hull Fibres.
RMPM 198	Silver.
MPR 199	Lead Bullet Rod.
MPR 202	Brass and Bronze Alloy Ingot and Shot.
MPR 203	Vitamin A Natural Oils and Concentrates.
MPR 208[1]	Maximum Prices for Staple Work Clothing (except articles priced under Appendix D).
MPR 214	High Alloy Castings.
MPR 220	Certain Rubber Commodities.
MPR 221	Manufacturers' Prices for Fall and Winter Knitted Underwear.
MPR 235	Manganese Steel Castings and Manganese Steel Castings Products.
MPR 241	Malleable Iron Castings.
MPR 244	Gray Iron Castings.
MPR 245	Shellac.
MPR 273	Certain Articles of Apparel in Which Materials Have Been Replaced.
MPR 276	Asphalt Tile.
MPR 278	Totaquina and Totaquina Products.
MPR 282	Certain Private Formula Drug and Cosmetic Products.
RMPR 287	Manufacturers' Prices for Fall and Winter Knitted Underwear.
MPR 295	Industrial Ethyl Alcohol—Western Territory.
MPR 297	Natural Resins.
MPR 302	Magnesium Scrap and Remelt Magnesium Ingot.
MPR 309	Platinum Group Metals and Their Products.
MPR 314	Magnesium and Magnesium Alloy Ingot.
MPR 323	Asphalt and Asphalt Products.
MPR 327	Certain Nonmetalic Minerals.
MPR 332	Simplified Men's and Boy's Shirts and Pajamas.
MPR 347	Mica.
MPR 350	Packers' Tin Cans and Condensed Milk Cans.
MPR 353	Certain Fine Chemicals.
MPR 358	Insulation Cambric and Separator Cloth.
MPR 377	Die Castings.
MPR 382	Wide Mouth Glass Containers.
MPR 391	Household Soaps and Cleansers Sold by Manufacturers and Certain Wholesalers.
MPR 392	Packaged Drugs.
MPR 393	Packaged Cosmetics.
MPR 405	Ferrosilicon and Silicon Metal.
MPR 406	Synthetic Resins and Plastic Materials.
MPR 407	Ferrochromium and Chromium Metal.
MPR 416	Basic Refractories Products.
MPR 420	Hardwood Heels.
MPR 431	Charcoal.
MPR 446	Pine Tar and Pine Tar Oil.
MPR 447	Coal Tars.

[1] Appendix D to RMPR 208 provides dollar-and-cent prices for war models of work clothing and should, therefore, be excluded.

MPR 466	Asbestos-Cement Building Materials.
MPR 472	Certain Essential Oils.
MPR 489	Tungsten, Molybdenum, Vanadium, Cobalt, and Certain Other Alloys and Metals.
MPR 497	Antimony Metal and Antimony Compounds.
MPR 508	Rayon Knit Fabrics and the Knitting Thereof.
MPR 510	Lubricating Oils, Greases, and Certain Other Petroleum Products.
MPR 519	Thermosetting Plastic Laminates.
MPR 563	Wet Gelatin Raw Stock.
MPR 570	Women's, Misses' and Children's Underwear, Nightwear and Negligee Garments.
MPR 572	Manufacturers' Prices for Certain Fall and Winter Outerwear.
MPR 575	Chromium Chemicals.
MPR 583	Prefabricated and Non-Dwelling Structures.

[F. R. Doc. 45-16855; Filed, Sept. 10, 1945; 12:01 p. m.]

PART 1305—ADMINISTRATION

[Gen. RO 18,[1] Amdt. 1]

DISTRIBUTION OF BASES TO CERTAIN FORMER MEMBERS OF THE ARMED FORCES

A rationale for this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.

General Ration Order 18 is amended in the following respects:

1. Section 1 is amended to read as follows:

SECTION 1. *Who may apply.* A person who was in the Army, Navy, Marine Corps or Coast Guard of the United States on or after September 16, 1940, and was discharged or released under conditions other than dishonorable, after active service of ninety days or more, or by reason of an injury or disability incurred in service in line of duty, and who wishes to open an industrial user establishment or to receive a base for refreshment services for a Group III institutional user establishment, may apply for registration and assignment to him of a base or bases for one or both of these purposes.

2. Section 3 (a) (2) is amended to read as follows:

(2) Whether he is applying for registration as an industrial user, or for the assignment of a base for refreshment services for institutional user establishment or for both;

3. Section 3 (a) (5) is amended to read as follows:

(5) That he is not and will not be financed directly or indirectly in the operation of that business by any person already registered as an industrial user entitled to an allotment under Second Revised Ration Order 3, Revised Ration Order 13 or Revised Ration Order 16, or as an institutional user providing refreshment services under General Ration Order 5 and that he will not use the premises, facilities, or equipment in use by any such industrial or institutional user.

[1] 10 F.R. 3086.

4. Section 3 (a) (9) is amended to read as follows:

(9) The amount of the base (or bases) of rationed foods he wishes for the establishment covered by the application, stated separately for each group of products or type of refreshment service covered by the application;

5. Section 3 (a) (10) (i) is amended to read as follows:

(i) That he does not have any other business than the establishment covered by the application and did not have any such business on or after the date of his discharge or release, or March 22, 1945, whichever is later;

6. Section 3 (a) (10) (iv) is amended to read as follows:

(iv) The products or uses for which the base is desired.

(Certain groups of products or uses for industrial users are shown in Schedule I of the supplement to this order);

7. Section 3 (a) (10) (v) is revoked.

8. Section 3 (a) (11) (i) is amended to read as follows:

(i) That he does not have any other business than the establishment covered by the application and did not have any such business on or after the date of his discharge or release, or March 22, 1945, whichever is later, except an institutional user establishment at the same location as the one covered by the application which does not have a base for refreshment services;

9. Section 3 (a) (11) (iii) is amended to read as follows:

(iii) The type, or types, of refreshment services for which the base is desired. (Certain types of refreshment services for institutional user establishments are shown in Schedule II of the supplement to this order);

10. Section 3 (a) (11) (viii) is deleted and section 3 (a) (11) (ix) is redesignated section 3 (a) (11) (viii).

11. Section 3 (a) (12) is added to read as follows:

(12) If he applies for an industrial user base to make products in more than one group, or a refreshment service base for more than one type of refreshment service, or for both an industrial user and an institutional user refreshment base, he must state separately with respect to each group of products and each type of refreshment service for which he applies what percentage he wishes of the base to which he would be entitled under this order if he were to engage exclusively in making that group of products or that type of refreshment service. In no event may these percentages total more than 100 percent.

(c) No person may obtain a base under this order unless:

(1) He is the principal owner and active head of the business covered by the application; or

(2) He is a joint owner of the business covered by the application and will be actively engaged in the operation of the business covered by the application and the only other persons who own a part of that business are members of his immediate family or persons who would themselves be entitled to a base under this order; or

(3) He is a joint owner of the business and will be actively engaged in the operation of the business, and the financial interests held by himself and by members of his immediate family or persons who would themselves be entitled to a base under this order aggregate the principal ownership of the business.

12. Section 4 (b) (1) is amended by inserting in the first sentence thereof between the words "District Office finds" and "that the statements made" the words "that he will engage in the business for which he applies," and by adding at the end of the subparagraph the following: "However in many cases products for which no maximum base has been provided in the supplement to this order require excessively large amounts of rationed foods or are of a kind designed primarily for other than direct consumption. The present tight food supply situation makes it inadvisable to provide bases for such products. Most applications for bases to make products for which a maximum base has not been provided will, therefore, be denied."

13. Section 4 (b) (2) is amended to read as follows:

(2) If the application is for registration as an institutional user providing refreshment services of a type listed in Schedule II and the District Office finds that the applicant will engage in the business covered by the application, that the statements made in the application are true, and that the application satisfies the requirements of section 3 and section 4 (a) it shall register the applicant as an institutional user, or amend his registration as an institutional user, as the case may be, and grant him a base for refreshment services. However, that base shall not be larger than the base of a comparable establishment in the area in which the establishment is located, or the maximum base for refreshment services applicable to his type of operation as set out in Schedule II of the supplement to this order. If the type of operation for which the applicant requests rationed foods is not included in Schedule II the District Office may not act upon the application but must send it, together with any other information received, to the Washington Office for decision, or take such other action as the Washington Office may authorize or direct.

14. Sections 4 (b) (3) and (4) are added to read as follows:

(3) If the application is for an industrial user base for the production of products in more than one group, or for an institutional user refreshment base for more than one type of refreshment service, or for both, and the District Office finds that the applicant will engage in the business for which he applies, that the statements made in the application are true, and that the application satisfies the requirements of section 3 and section 4 (a), it shall register the applicant as an industrial user or as both, as the case may be, and grant him a base or bases for the operations for which he applies. However, the base or bases granted shall not be larger than the smaller of the following:

(i) The base or bases of a comparable establishment in the area in which the establishment is located; or

(ii) With respect to each group of products or type of refreshment service for which he requests a base, the percentage requested by him of the base for that group of products or type of refreshment service which he could obtain under subparagraph (1) or (2) of this section if he were to engage only in making that group of products or providing that type of refreshment service.

For example, he may state in his application that he wishes to produce ice cream (Group 3) and candy (Group 7) as an industrial user, and make a refreshment service of ice cream (Type 4) and carbonated beverages (Type 7). He may state that he wishes an industrial user base for ice cream equal to 40% of what he would be entitled to receive if he were to engage in that business exclusively; an industrial user base for candy equal to 10% of what he would be entitled to receive if he were to be engaged in that business exclusively; a refreshment service base for ice cream equal to 15% of what he would be entitled to receive if he were to engage in that type of service exclusively; and a refreshment service base for carbonated beverages equal to 35% of what he would be entitled to receive if he were to engage in that type of service exclusively. Such person would be entitled to 40% of the base of an industrial user ice cream business in the way provided by subparagraph (1), 10% of the base of candy business as provided in that subparagraph, 15% of the base for a refreshment service of ice cream as provided in subparagraph (2), and 35% of the base for a refreshment service of carbonated beverages as provided in subparagraph (2). However, if the bases of a comparable establishment in the area where his establishment is located which makes and serves substantially the same products are lower he may obtain bases no greater than those of the comparable establishment.

(4) If the applicant is already registered as an institutional user with a meal service base, the only base he may be granted under this order is a base for incidental refreshment services for use in connection with his institutional user establishment (the maximum base for that type of service is provided in Schedule II, Item 8) and he may not be granted an industrial user base or any other institutional user refreshment base.

15. Section 5 (a) (2) is amended to read as follows:

(2) The facts stated in paragraphs (a) (5), (a) (7), or (c) of section 3 cease to be true; or

16. Section 5 (b) is added to read as follows:

(b) No person who obtains a base or bases under this order may use his allotments of rationed foods for any product, or refreshment service, not included in the group of products or type of refreshment service for which he was granted the base or bases. Furthermore, no such person may use, to make any group of products, or type of refreshment service, as shown in Schedules I or II, more rationed foods than the part of his allotment for those foods based on his base for that group of products or type of refreshment service.

17. Section 10 is redesignated section 11 and a new section 10 is added to read as follows:

SEC. 10. *Certain industrial users may obtain an adjustment.* (a) Any person who would be entitled to a base under this order except for the fact that he already has an industrial user base, may apply for an adjustment in that base if the base he has is less than the base he would be entitled to get under this order. Application for an adjustment under this section shall be made in the same way as any other application for a base under this order, except that the applicant shall state in his application the amount of the base he has for each product or use he will make.

(b) The District Office shall, if it finds that the applicant meets the requirements of paragraph (a), grant the applicant an adjustment in his base in the amount that the base he would be eligible to receive under this order exceeds the amount of the base he has.

This amendment shall become effective September 14, 1945.

NOTE: All reporting and record-keeping requirements of this amendment have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 10th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-16852; Filed, Sept. 10, 1945; 12:04 p. m.]

PART 1305—ADMINISTRATION

[Gen. RO 18, Amdt. 4 to Supp. 1]

DISTRIBUTION OF BASES TO CERTAIN FORMER MEMBERS OF THE ARMED FORCES

Supplement 1 to General Ration Order 18 is amended in the following respects:

1. Schedule I, Item 2, is amended to read as follows:

2. General baking products (not including bread and rolls):	
Sugar	23,939
Butter	480
Margarine	840
Lard, shortening, cooking and salad oils	22,680

2. Schedule I, Item 7 is amended to read as follows:

7. Candy:	
Sugar	16,000
Butter, margarine, lard, shortening, cooking or salad oils (if required)	675

3. Schedule II is amended to read as follows:

	Maximum monthly refreshment base permitted
1. Establishments serving potato chips; Meat-fats	3,240 points.
2. Establishments serving popcorn or nuts; Meat-fats	1,080 points.
3. Establishments serving processed fruit juices, vegetable juices or tomato juice:	
Sugar	160 pounds.
4. Establishments serving ice cream, sherbets, or frozen custard:	
Sugar	720 pounds.
5. Establishments serving coffee, tea, lemonade or orangeade:	
Sugar	400 pounds.
6. Establishments serving alcoholic beverages:	
Sugar	80 pounds.
7. Establishments serving carbonated beverages:	
Sugar	400 pounds.
8. Establishments engaged primarily in meal services with some incidental refreshment service business:	
Sugar	120 pounds.
Meat-Fats	150 points.
9. Other	(1)

[1] To be determined by the Washington Office.

4. Schedule III is amended to read as follows:

OPA Form R-1226 (9-45 (Rev.)) Form approved Budget Bureau No. 08-R1336 1

UNITED STATES OF AMERICA
OFFICE OF PRICE ADMINISTRATION

VETERANS' APPLICATION FOR REGISTRATION AND ASSIGNMENT OF BASE

PURSUANT TO GENERAL RATION ORDER 18

Name of applicant

Address—Number and street

City, postal zone number, State

Address of establishment—Number and street

City, postal zone number, State

Name of establishment (if any)

DO NOT WRITE IN THIS SPACE—TO BE FILLED IN BY LOCAL BOARD

Date | Board No. | County and State

I certify that the following information appeared on the discharge papers or certificate of satisfactory completion of active duty shown to me by the applicant:

Type of papers presented _____
Date of discharge or release _____
Discharge: ☐ Dishonorable ☐ Other _____

Signature of board member

DO NOT WRITE IN THIS SPACE—TO BE FILLED IN BY DISTRICT OFFICE

Date | District Office | County and State

Industrial user, bases (annual)
Institutional user, bases (monthly)

☐ Disapproved ☐ Approved as shown

NOTE.—Enter symbol in *line 1* for type of operation checked by applicant in "B" (industrial) and/or "C" (institutional). Example: "B7", "C3", etc. (If institutional

user base is involved, cross out "lbs." appearing in line 3; if industrial user base is involved cross out "pts." in line 3.)

1. *Symbol*						
2. Sugar base	Lbs.	Lbs.	Lbs.	Lbs.	Lbs.	Lbs.
3. Meat-fats base	Pts. Lbs.	Pts. Lbs.	Pts. Lbs.	Pts. Lbs.	Pts. Lbs.	Pts. Lbs.

Signature of food rationing representative.

INSTRUCTIONS

You may apply to your local War Price and Rationing Board for permission to register and receive a "base" for your establishment if you meet these tests: (1) you were i. the armed services of the United States on or after September 16, 1940; (2) you were discharged or released under conditions other than dishonorable, after service of 90 days or more, or in less than 90 days if you were released or discharged because of an injury or disability incurred in service in line of duty.

When you make application at your local board, you must show your discharge papers or certificate of satisfactory completion of active duty (or photostatic copy thereof) to the board member handling your application.

"Base": originally institutional users were allotted rationed foods on the basis of a designated percentage of their *past use* of those foods during a selected period of time. The figure obtained after applying the percentage was designated as their *"base"* or *base period use*. Base period use for industrial users was determined by selecting a pre-rationing representative period of use of foods covered by the food rationing regulations. The number of pounds of such foods used during the selected pre-rationing period by persons who later became industrial users under the food rationing regulations was designated as their *"base"* or *base period use* of those foods. The base figure obtained for both institutional and industrial users is used for the purpose of determining bi-monthly allotments for institutional users and quarterly allotments for industrial users. Since veterans *were not* in business during the *selected periods of time* mentioned above, a base must be determined for them. Thus, the term "base" is simply the basic figure from which a veteran's allotments of rationed foods will be computed. It does not necessarily mean that his allotments will be equivalent to the bases established for his operation.

A. Application for (check one):
- ☐ Industrial user establishment
- ☐ Institutional user establishment
- ☐ Combination of operations

B. If you are applying for permission to register as an *industrial user*, indicate by check-mark in the appropriate box, which group of products (or uses) you wish to make. Check group or groups selected.)
- ☐ 1. Bread and rolls only
- ☐ 2. General bakery products (not including bread and rolls)
- ☐ 3. Ice cream, ices, sherbets, frozen custards (excluding mixes used for any of these purposes)
- ☐ 4. Bottled beverages (non-alcoholic)
- ☐ 5. Potato chips
- ☐ 6. Popcorn
- ☐ 7. Candy
- ☐ 8. Other (specify) ----------

C. If you are applying for permission to register as an *institutional user*, indicate by check-mark which type of refreshment operation you wish to engage in. (Check type or types selected.)
- ☐ 1. Potato chips
- ☐ 2. Popcorn or nuts
- ☐ 3. Establishments serving processed fruit juices, vegetable juices or tomato juice
- ☐ 4. Ice cream, sherbet or frozen custards
- ☐ 5. Coffee, tea, lemonade, or orangeade
- ☐ 6. Alcoholic beverages
- ☐ 7. Carbonated beverages
- ☐ 8. Establishment engaged primarily in meal service, with some incidental refreshment service business
- ☐ 9. Other (specify) ----------

D. Do you already have a base for any rationed foods? If "yes," state address and type of establishment for which you have that base. Yes ☐ No ☐

E. If you meet the eligibility tests set forth in GRO–18, the rationed foods bases established for you will be the lowest of the following: (1) The maximum permissible bases stated in GRO–18; (2) the bases assigned to a comparable establishment in the area, or (3) the bases which you request.

If you have checked *only one* item in "B" or "C", enter in the first column, line 1 of the table below, the item checked in "B" or "C". *Example: Enter "B2" for General Bakery Products.* (You need not enter a percentage figure in line 2 when you check *only one* item in "B" or "C".) In lines 3 through 9, you must enter the amount of each rationed food you wish established as your "base" for the product checked in "B" or "C". (See definition of "base" under instructions.)

If you have checked *more than one* item in "B" and "C", additional steps are necessary in determining your bases. Since you will engage in a combination of operations, you will not be granted bases for each operation checked in "B" and "C" equivalent to the bases you might receive for only one operation. You may be granted for each operation a base which is a percentage of the base you would receive for that operation alone. To assist you in determining the base you wish for each product checked in "B" and "C", you should request your local Board or District Office to provide you with figures showing the maximum bases which may be assigned for *single* operations under GRO–18. Having obtained these maximum base figures, you must determine the percentage of the maximum base that you wish for each product checked in "B" and "C". *The sum of the percentages must be exactly 100%.*

For example, you might decide to engage in a combination of operations consisting of the production of general bakery products (B2) and the service of coffee and tea (C5). You might decide that you want a 14,300 pound annual sugar base to produce B2 products. 14,300 pounds is equal to 60% of the maximum base which may be assigned under GRO–18. The other rationed foods bases that you select to produce B2 products must be in the same proportion as the base selected for sugar. Since your B2 bases are equivalent to 60% of the maximum permissible bases for B2 products, then you should request an annual sugar base of not more than 2,400 pounds of sugar (40% of maximum permissible base in GRO–18) for C5 products. Thus, your percentages for the two operations (B2 and C5) total exactly 100%.

In filling out the table below, you are to fill out as many columns as there are items checked in "B" and "C". Enter in the blank space of each column (line 1) the items which you have checked in "B" and "C". For example, for General Bakery Goods, enter B2 in line 1 of the first column. Enter 60% in line 2 of the first column and enter the figure 14,300 in line 3 (sugar) of the first column. Also enter other rationed foods bases in the appropriate commodity lines for B2 products in the first column. Follow the same procedure for C5 bases by entering the appropriate figures in the second column.

1. *Symbol*						
2. Percentage of base	%	%	%	%	%	%
Rationed foods required:	Lbs.	Lbs.	Lbs.	Lbs.	Lbs.	Lbs.
3. Sugar						
4. Cheese						
5. Butter						
6. Margarine						
7. Lard						
8. Shortening						
9. Cooking & salad oils						

The bases you select are subject to adjustment by the District Office. However, the District Office will attempt to assign bases in approximately the same proportion as those shown on your application. In no event will the bases assigned exceed those of comparable establishments in the area where your business will be located.

(NOTE: The rationed foods bases assigned to you for a *particular* operation cannot be used interchangeably in your *combination* of operations. If you receive a base of 2,400 pounds of sugar for use in the service of coffee and tea, you may not use any part of that sugar base to produce baked goods.)

1. Do you have any other application pending under GRO–18? Yes ☐ No ☐

2. Were you in the Army, Navy, Marine Corps or Coast Guard on or after September 16, 1940? Yes ☐ No ☐
Specify branch of service----------

a. Were you on active service 90 days or more? Yes ☐ No ☐

b. If you were on active service less than 90 days, were you discharged or released because of an injury or disability incurred in service in line of duty? Yes ☐ No ☐

3. Are you now in possession of the necessary premises and equipment to operate the establishment checked by you in item A? Yes ☐ No ☐

a. If "no," will you obtain the necessary premises and equipment if you are assured that you will be assigned a base? Yes ☐ No ☐

4. Have you been, or will you be, financed directly or indirectly, in the operation of your establishment, by an industrial user entitled to an allotment under the fuel or meat-fats rationing regulations; or by an institutional user providing refreshment services under the institutional user rationing regulations? Yes ☐ No ☐

a. Will any part of the facilities and equipment *in use* by such an industrial user or institutional user also be used by you? Yes ☐ No ☐

ANSWER EITHER QUESTION 5 OR 6, WHICHEVER IS APPLICABLE

5. Are you or will you be the *principal owner* and active head of the establishment covered by this application? Yes ☐ No ☐

6. If you are or will be a *joint owner* of the establishment covered by this application, answer the following questions:

a. Will you be actively engaged in the operation of the business? Yes ☐ No ☐

b. Are the only other persons who own a part of the business members of your immediate family, or veterans entitled to a base under GRO–18? Yes ☐ No ☐

If you checked "No," for (B), answer the following question:

c. Do the interests held by you, together with members of your immediate family or veterans entitled to a base under GRO–18, constitute principal ownership of the business? Yes ☐ No ☐

7. Will your principal occupation consist of operating the establishment covered by this application? Yes ☐ No ☐

IF YOU ARE APPLYING FOR REGISTRATION AND ASSIGNMENT OF AN INDUSTRIAL USER BASE, ANSWER QUESTIONS 8 AND 9

8. Are you engaged in any business other than that covered by this application? Yes ☐ No ☐

Answer either (A) or (B), whichever is applicable:

a. If you were discharged or released *before* March 22, 1945, did you have any business after March 22, 1945? Yes ☐ No ☐

b. If you were discharged or released *after* March 22, 1945, did you have any business on or after the date of your discharge or release? Yes ☐ No ☐

9. Describe briefly the facilities and equipment you will use in producing the products checked in Item 3. ----------

IF YOU ARE APPLYING FOR REGISTRATION AND ASSIGNMENT OF AN INSTITUTIONAL USER REFRESHMENT BASE, ANSWER QUESTIONS 10 THROUGH 14

10. Are you engaged in any business other than that covered by this application (except an institutional user establishment without a refreshment base at the same location as the establishment for which this application is made: Yes ☐ No ☐

Answer either (A) or (B) whichever is applicable:

a. If you were discharged or released before March 22, 1945, did you have a business after March 22, 1945? Yes ☐ No ☐

b. If you were discharged or released *after* March 22, 1945, did you have a business on or after the date of your discharge or release? Yes ☐ No ☐

11. Describe briefly the facilities and equipment you will use in the preparation and service of refreshment items at your establishment.

a. What is or will be the seating capacity of your establishment? ------ persons

12. Will the establishment covered by this application be operated on a *year-round* basis or on a *seasonal* basis? (Check one.)
☐ year-round ☐ seasonal

a. If on a seasonal basis, state period that establishment will be in operation.

13. How many persons do you expect to serve refreshments during your first 30 days of operation? ------ persons

14. a. If you have checked items 2, 3, 4, or 5 of item B indicate which of the items, listed in type of operations you have checked, you intend to serve.

b. If you have checked item 8 of item C, list the refreshment items you intend to serve.

I certify that the above statements are true and correct to the best of my knowledge and belief.

Sign here---------- ----------
(Name of applicant) Date

A false certification is a criminal offense

This amendment shall become effective September 14, 1945.

NOTE: All reporting and record-keeping requirements of this amendment have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Forms printed in the FEDERAL REGISTER are for information only and do not follow the exact format prescribed by the issuing agency.

Issued this 10th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45–16853; Filed, Sept. 10, 1945; 12:04 p. m.]

PART 1340—COMMODITIES AND SERVICES

[RMPR 165, Amdt. 2 to Rev. Supp. Service Reg. 30]

SERVICES

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.

Section 1499.2263 (a) is amended by adding to the last undesignated paragraph thereof a new sentence to read as follows: "A sales agent who establishes a weighted average cents per ton commission for all sales of coal from a mine pursuant to this paragraph may thereafter take such cents per ton commission as his maximum commission for all sales of coal from mines of the same price classification and having the same maximum prices, for which he subsequently becomes the exclusive sales agent."

This amendment shall become effective September 15, 1945.

Issued this 10th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45–16842; Filed, Sept. 10, 1945; 12:00 m.]

PART 1351—FOOD AND FOOD PRODUCTS

[RMPR 285,[1] Amdt. 6]

IMPORTED FRESH BANANAS, SALES EXCEPT AT RETAIL

A statement of the considerations involved in the issuance of this amendment has been issued and filed with the Division of the Federal Register.

Revised Maximum Price Regulation 285 is amended in the following respects:

1. Section 3 (a) is amended in the following respects:

a. The first undesignated paragraph is amended to read as follows:

The maximum price that an importer may pay for green bananas is, in each case, his maximum price for sales of green bananas from the country of production of the bananas being priced, less all costs incurred by him incident to transporting the bananas from the country of production to the port of entry and less all sums he pays for purchasing services.

b. The second undesignated paragraph is amended by adding the words "at the port of entry" after the words "delivering them to the importer."

2. In the table in section 3 (b) (1) the item, "Mexico, $3.50," is deleted.

3. Section 5 (a) is amended by adding subparagraphs (4) and (5) to read, respectively, as follows:

(4) To determine and announce by order or otherwise, the cost of transporting bananas from ports of entry to individual or groups of wholesale receiving points within his jurisdiction by the most direct route at the lowest available common carrier rate;

(5) To determine and announce by order or otherwise, with respect to individual buyers or groups of buyers, whether a particular railroad produce delivery yard is "local," or whether, in any case, a buyer's premises is his wholesale receiving point.

This amendment shall become effective September 12, 1945.

Issued this 10th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45–16844; Filed, Sept. 10, 1945; 12:02 p. m.]

PART 1400—TEXTILE FABRICS, COTTON, WOOL, SILK, SYNTHETICS AND ADMIXTURES

[MPR 39, Amdt. 9]

WOVEN DECORATIVE FABRICS

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.

Maximum Price Regulation No. 39 is amended in the following respects:

1. Section 1400.161 (a) (4) is amended to read as follows:

(4) "Woven decorative fabrics" means any finished fabric woven on a loom and predominantly used for upholstery coverings (which includes upholstery coverings for furniture, airplanes, railway cars, caskets, etc.), draperies, furniture or automobile slip covers or bedspreads: *Provided*, That the term shall not include coated fabrics for which maximum prices are established by Maximum Price Regulation No. 478—Coated and Combined Fabrics, or bedspread fabrics for which maximum prices are established by Maximum Price Regulation No. 118—Cotton Products—Woven woolen or worsted automobile flat fabrics for which maximum prices are established by Maximum Price Regulation No. 595. Woven woolen or Worsted Automobile Flat Fabrics.

This amendment shall become effective September 10, 1945.

Issued this 10th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45–16847; Filed, Sept. 10, 1945; 12:02 p. m.]

[1] 10 F.R. 7532, 8746, 8934.

PART 1400—TEXTILE FABRICS: COTTON, WOOL, SILK, SYNTHETICS AND ADMIXTURES

[MPR 595]

WOVEN WOOLEN AND WORSTED AUTOMOBILE FLAT FABRICS

A statement of the considerations involved in the issuance of this regulation has been issued simultaneously herewith and filed with the Division of the Federal Register.

ARTICLE I—MAXIMUM PRICES

Sec.

1. Applicability of this regulation.
2. Maximum prices for manufacturers.
3. Maximum prices for jobbers.
4. Customary discounts, trade practices and transportation costs.
5. Adjustable pricing.

ARTICLE II—INVOICES, RECORDS, REPORTS

6. Invoices.
7. Records.
8. Reports.

ARTICLE III—ENFORCEMENT

9. Prohibition against dealing in woolen or worsted automobile flat fabrics above maximum prices.
10. Evasion.
11. Licensing.
12. Enforcement.

ARTICLE IV—AMENDMENT AND ADJUSTMENT

13. Petition for amendment.
14. Adjustment of maximum prices.

ARTICLE V—DEFINITIONS

15. Definitions.

AUTHORITY: § 1400.204 issued under 56 Stat. 23, 765; 57 Stat. 566; Pub. Law 383, 78th Cong.; Pub. Law 108, 79th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681; E.O. 9599, 10 F.R. 10155.

ARTICLE I—MAXIMUM PRICES

SECTION 1. *Applicability of this regulation.* This regulation applies to sales of woven woolen and worsted automobile flat fabrics by a manufacturer or a jobber.

SEC. 2. *Maximum prices for manufacturers*—(a) *Manufacturers who sold automobile flat fabrics during the base period.* A manufacturer who sold woven woolen or worsted automobile flat fabrics between January 1, 1941 and June 30, 1941 (which shall be known as the base period) shall determine his maximum price as follows:

(1) *Fabrics sold during base period.* (i) The manufacturer's maximum price for a woolen or worsted automobile flat fabric sold by him during the base period shall be his standard opening price for the fabric in that period plus the applicable percentage of that standard opening price set forth below:

(*a*) If the standard opening price was $2.75 or less per finished yard (56"/58" wide), 17½%;

(*b*) If the standard opening price was more than $2.75 per finished yard (56"/58" wide), 15%;

(ii) For the purpose of this paragraph, the standard opening price for a fabric (excluding any fabric, sales of which totalled less than 1000 yards) is the selling price per yard at which the largest yardage of the fabric was sold during the base period.

(2) *Fabrics not sold during base period (January to June 1941).* (i) The maximum price for a woolen or worsted automobile flat fabric not sold during the base period shall be the manufacturer's maximum price, determined in accordance with paragraph (a) (1) of this section, for the most comparable base period fabric increased or decreased by (*a*), the difference in the cost of the raw material used therein and (*b*) the difference in the manufacturing cost thereof. The raw material cost for both fabrics shall be calculated at the maximum price established by the Office of Price Administration and in effect at the time the ceiling price determination for this fabric is filed pursuant to section 8. The manufacturing cost for both fabrics shall be calculated at the cost which would have been incurred if they had been manufactured in like quantities within 30 days prior to the date of filing the ceiling price determination for this fabric pursuant to section 8.

(ii) The "most comparable" fabric is the automobile flat fabric subject to paragraph (a) (1) which is nearest to the fabric being priced, based upon the following criteria, which are listed in the order of their importance for this purpose:

(*a*) Type of fabric (upholstery, sidewall, headlining);

(*b*) Weight of the finished fabric, adjusted for differences in width;

(*c*) Sum of ends and picks per inch of finished fabric;

(*d*) Type of dyeing.

(b) *Manufacturers who sold no automobile flat fabric during base period.* A manufacturer who, during the base period, sold no woolen or worsted automobile flat fabric or sold no single fabric of that kind in a total quantity of at least 1,000 yards, shall compute his maximum price for an automobile flat fabric by adding 25¢ to the factory or mill cost (consisting of direct material, direct labor, factory overhead and supplies) of the fabric where the factory cost does not exceed $2.75 per yard, and by adding 32½¢ to such cost where the factory cost does exceed $2.75 per yard. The cost of raw material shall be calculated at the maximum price in effect at the time of the ceiling price determination for the fabric; manufacturing cost shall be calculated at the cost which would have been incurred had such fabric been manufactured in quantity in April 1945. Factory overhead includes all other costs, allocated to the particular fabric, in addition to direct labor and direct material costs, necessary to bring the product to completion in the factory but does not include general administration costs, selling expense, or allowance for seconds.

SEC. 3. *Maximum prices for jobbers.* (a) The maximum price for a sale or delivery of a woolen or worsted automobile flat fabric by a jobber shall be the quotient of the sum of the fabric manufacturer's net invoice price (but in no case higher than the fabric manufacturer's maximum price) and the allowable in-freight charges, divided by the applicable division factor set forth below. The allowable in-freight charges are, in the case of a shipment direct to the jobber from the fabric manufacturer, the amount actually paid by the jobber for the transportation of the fabric from the fabric manufacturer's shipping point to the jobber's place of business or, in any other case, the freight charges actually paid by the purchaser from the fabric manufacturer for the fabric from the fabric manufacturer's shipping point to such purchaser's place of business, plus the freight charges actually paid by the jobber for the transportation of the fabric from his supplier's shipping point to his place of business. The applicable division factors are:

(1) Fabrics sold in piece lots, 0.90.

(2) Fabrics sold in less than piece lots, 0.85.

(b) The maximum price for sales and deliveries of mill ends, close outs, seconds and irregular pieces by jobbers shall be the manufacturer's maximum price therefor, determined in accordance with this Regulation.

SEC. 4. *Customary discounts, trade practices and transportation costs.* Every manufacturer or jobber of woolen or worsted automobile flat fabrics shall continue his customary terms of sale, allowances, discounts and other price differentials to different purchasers and different classes of purchasers.

SEC. 5. *Adjustable pricing.* Any person may offer or agree to adjust prices for automobile flat fabrics in accordance with the provisions set forth for civilian apparel fabrics in § 1400.118 of MPR 163.

ARTICLE II—INVOICES, RECORDS AND REPORTS

SEC. 6. *Invoices.* Every manufacturer who makes a sale subject to this Regulation must give the purchaser an invoice which shall include his own and the purchaser's name and address, the manufacturer's style number or a brief description of the fabric, and the date, price, quantity and terms of sale. Every jobber who makes a sale subject to this Regulation must give the purchaser an invoice which shall include his own and the purchaser's name and address, the manufacturer's net invoice price, the freight charges paid, and the division factor used; together with the style number, date, price, quantity and terms of sale.

SEC. 7. *Records.* The records required by this regulation shall be kept for inspection by the Office of Price Administration for so long as the Emergency Price Control Act of 1942, as amended, remains in effect. Every manufacturer of woolen or worsted automobile flat fabrics shall keep a copy of each invoice he gives in accordance with section 6, and the same records as those required for civilian apparel fabrics in § 1410.110 (a) of MPR 163. Every jobber of woolens or worsted automobile flat fabrics shall keep each invoice he receives, and a copy of each invoice he gives, in accordance with section 6.

SEC. 8. *Reports.* Within 10 days after a manufacturer has offered for sale a fabric priced pursuant to section 2 (a) (2) or (2) (b) of this regulation, and before he makes delivery thereof, he shall file with the Office of Price Administration, Washington 25, D. C., with respect to such fabrics, a report on Form No. — which may be obtained from the Office of Price Administration, Washington 25, D. C.

ARTICLE III—ENFORCEMENT

SEC. 9. *Prohibition against dealing in woolen or worsted automobile flat fabrics above maximum prices.* On and after September 10, 1945, regardless of any contract or obligation:

(a) No person shall sell or deliver any woolen or worsted automobile flat fabric at a price higher than the maximum price established by this regulation.

(b) No person in the course of trade or business shall buy or receive any woolen or worsted automobile flat fabric at a price higher than the maximum price established by this regulation.

(c) No person shall agree, offer, solicit or attempt to do any of the foregoing.

SEC. 10. *Evasion.* The price limitations set forth in this regulation shall not be evaded whether by direct or indirect methods, in connection with an offer, solicitation, agreement, sale, delivery, purchase or receipt of or relating to woolen or worsted automobile flat fabrics, alone or in conjunction with any other commodity or by way of commission, service, transportation, or other charge, or discount, premium or other privilege, or by tying-agreement or other trade understanding, or otherwise.

SEC. 11. *Licensing.* The provisions of Licensing Order No. 1, licensing all persons who make sales under price control, are applicable to all sellers subject to this regulation or schedule. A seller's license may be suspended for violations of the license or of one or more applicable price schedules or regulations. A person whose license is suspended may not, during period of suspension, make any sale for which his license has been suspended.

SEC. 12. *Enforcement.* Persons violating any provisions of this regulation are subject to the criminal penalties, civil enforcement actions, license suspension proceedings and suits for treble damages provided for by the Emergency Price Control Act of 1942, as amended.

ARTICLE IV—AMENDMENT AND ADJUSTMENT

SEC. 13. *Petition for amendment.* Any person seeking an amendment of any provision of this regulation may file a petition for amendment in accordance with the provisions of Revised Procedural Regulation No. 1.

SEC. 14. *Adjustment of maximum prices.* Any manufacturer may apply for adjustment of his maximum price for a woolen or worsted automobile flat fabric in accordance with the standards set forth for civilian apparel fabrics in § 1410.109 of MPR 163. In the event that the maximum price of any manufacturer determined in accordance with section 2 of this regulation is abnormally high in relation to the maximum prices of other manufacturers for the same or comparable woolen or worsted automobile flat fabrics, the Office of Price Administration may, upon its own motion, adjust such maximum price by the issuance of an appropriate order.

ARTICLE V—DEFINITIONS

SEC. 15. *Definitions.* (a) "Person" includes an individual, corporation, partnership, association, or any other organized group of persons, or legal successor, or representative of any of the foregoing, and includes the United States or any agency thereof, or any other government, or any of its political sub-divisions, or any agency of any of the foregoing.

(b) "Manufacturer" means the producer of woven woolen or worsted automobile flat fabric and includes his agent and any person controlling, controlled by or under common control with the manufacturer.

(c) "Woolen or worsted automobile flat fabrics" means upholstery, sidewall and headlining fabrics, containing 25% or more of woolen fiber by weight and manufactured on the woolen, worsted or cotton system.

(d) "Jobber" means a person who purchases automobile flat fabrics and resells them in the performance of a recognized distributive function.

(e) "Manufacturing costs" consist of direct labor and factory overhead including supplies allocated to the particular fabric.

This regulation shall become effective September 10, 1945.

NOTE: The reporting and record-keeping requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 10th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-16848; Filed, Sept. 10, 1945; 12:02 p. m.]

PART 1404—RATIONING OF FOOTWEAR

[RO 17,[1] Amdt. 110]

SHOES

A rationale accompanying this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.

Ration Order 17 is amended in the following respects:

1. Section 2.10 (a) is amended to read as follows:

(a) An establishment that is unable to fill a consumer's order for which it has received valid ration currency, and an establishment making a refund for returned shoes as permitted by section 1.10 (a), must return to the consumer a special shoe stamp as a refund for the currency or shoes received. War ration shoe stamps may not be used for refund purposes. Where an establishment is able to fill a consumer's order, but does not do so, it may return a special shoe stamp to the consumer if it has received valid ration currency for the order. The establishment may get special shoe stamps for this purpose from its Board or District Office, in exchange for a ration check drawn to the account of the Office of Price Administration or in exchange for valid shoe stamps or certificates received from customers.

2. Section 2.13 (b) (13) is added to read as follows:

(13) Written notices received from the District Office showing the establishment of a reduced inventory responsibility.

3. Section 2.13 (d) is amended by adding the following: "Upon checking the inventory responsibility of any establishment the District Office may, where a deficit appears, establish a new inventory responsibility for the establishment, for the number of pairs of shoes and amount of ration currency actually in its inventory at the time the check is made. The District Office shall notify the establishment in writing of its reduced inventory responsibility. Where an overage appears the District Office may require the establishment to surrender to it ration currency in an amount equivalent to the amount of the overage. The establishment of a reduced inventory responsibility or surrender of ration currency in the amount of an overage shall not operate as a waiver of any violation of this order."

This amendment shall become effective September 14, 1945.

Issued this 10th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-16850; Filed, Sept. 10, 1945; 12:03 p. m.]

PART 1404—RATIONING OF FOOTWEAR

[RO 17,[1] Amdt. 111]

SHOES

A rationale accompanying this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.

Section 3.5 (a) (1) and (2) are amended to read as follows:

(1) Shoes may be shipped to a territory, possession or dependency of the United States (other than the District of Columbia and the Philippine Islands) or transferred to Ship's Service Stores Afloat, or to any person as slop chest supplies or ships' stores for use of crew members aboard any ocean-going vessel operating in foreign, coastwise, or intercoastal trade, without prior consent from any person or agency.

(2) Shoes having a declared value of $25 or more may be exported to any foreign country, other than Canada, and shoes of any value may be exported to the Philippine Islands under an individual, special program or special project license, issued by the Foreign Economic Administration.

This amendment shall become effective September 10, 1945.

Issued this 10th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-16851; Filed, Sept. 10, 1945; 12:03 p. m.]

[1] 10 F.R. 6960, 7537, 8576, 8747, 8748.

PART 1418—TERRITORIES AND POSSESSIONS

[2d Rev. MPR 183,[1] Amdt. 6]

IMPORTED DISTILLED SPIRITS AND WINES IN PUERTO RICO

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.

Second Revised Maximum Price Regulation 183 is amended in the following respects:

1. Section 1.16 is added to read as follows:

SEC. 1.16 *Suspension of certain commodities from price control.* For the commodities listed below, the provisions of this Second Revised Maximum Price Regulation 183 are suspended and shall be inoperative with respect to sales and deliveries made on or after the applicable suspension date set forth below:

Commodity and suspension date

All imported distilled spirits and imported wines, set forth in section 4.2 below excepting foreign and American whiskies, September 17, 1945.

2. Section 1.9 (d) is added to read as follows:

(d) *Application to suspended commodities.* The provisions of this section 1.9 shall be inoperative with respect to any commodity suspended from price control by section 1.16 of this regulation on sales or deliveries made during the period of such commodity's suspension from price control.

Issued this 10th day of September 1945.

This amendment shall become effective as of September 17, 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-16843; Filed, Sept. 10, 1945; 12:00 m.]

PART 1418—TERRITORIES AND POSSESSIONS

[Restaurant MPR 9-1, Amdt. 1 to Order R-183]

SPECIFIC DOLLAR AND CENT PRICES FOR CERTAIN FOOD AND DRINK ITEMS SOLD BY EATING AND DRINKING ESTABLISHMENTS IN HAWAII

For the reasons set forth in an opinion issued simultaneously herewith, and under the authority vested in the Territorial Director of the Office of Price Administration for the Territory of Hawaii by section 17 of Restaurant Maximum Price Regulation No. 9-1, Order No. R-183 is amended in the following respects:

Appendix A (a) 4 is amended by having added thereto the following:

(XIII) S. & W. Liquid Apple, 12 oz. bottle_ . 25

This amendment shall become effective as of August 13, 1945.

Issued this 10th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-16849; Filed, Sept. 10, 1945; 12:05 p. m.]

[1] 10 F.R. 7635, 8933, 9223, 9227, 10224, 10976.

PART 1418—TERRITORIES AND POSSESSIONS

[RMPR 373,[1] Amdt. 25]

TIRES AND TUBES IN HAWAII

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.

Table C-II under Appendix C of Section 23 is amended by deleting the item: "11.00-20 $41.00 $14.40" and by adding the same item to Table C-III between these items: "10.50-24 $43.45 $14.40" and "11.00-24 $43.45 $14.40".

This amendment shall become effective as of August 17, 1945.

Issued this 10th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-16845; Filed, Sept. 10, 1945; 12:02 p. m.]

PART 1418—TERRITORIES AND POSSESSIONS

[RMPR 395,[2] Amdt. 9]

ADDITION OF MUNICIPAL TAXES TO PRICES IN VIRGIN ISLANDS

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.

Section 7a is added to read as follows:

SEC. 7a. *Addition of municipal taxes.* The seller may add to the applicable maximum prices established by this regulation, or by any order issued or to be issued under it, an amount not in excess of any excise or sales tax imposed in the Virgin Islands, if the seller has paid or incurred such tax, and if he separately states the amount of the tax in sales to all purchasers.

This amendment shall become effective as of August 1, 1945.

Issued this 10th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-16846; Filed, Sept. 10, 1945; 12:02 p. m.]

PART 1388—DEFENSE-RENTAL AREAS

[Housing,[3] Amdt. 67]

HOUSING

The Rent Regulation for Housing is amended in the following respects:

1. Section 2 (b) of the Rent Regulation for Housing is eliminated.

2. Section 2 (d) (1) is amended to read as follows:

(d) *Security deposits*—(1) *General prohibition.* Regardless of any contract, agreement, lease or other obligation heretofore or hereafter entered into, no person on or after September 1, 1944 shall demand or receive a security deposit for or in connection with the use or occupancy of housing accommodations within the Defense-Rental Area or retain any security deposit received prior to or on or after September 1, 1944 except as provided in this paragraph (d). The term "security deposit," in addition to its customary meaning, includes any prepayment of rent except payment in advance of the next periodic installment of rent for a period no longer than one month but shall not include rent voluntarily prepaid subsequent to possession by a tenant under a written lease for his own convenience.

3. Section 5 (a) (5) is amended to read as follows:

(5) *Lease for term commencing one year or more before maximum rent date.* There was in force on the maximum rent date, a written lease, for a term commencing on or prior to the date one year before the maximum rent date, requiring a rent lower than the rent generally prevailing in the Defense-Rental Area for comparable housing accommodations on the maximum rent date; or the housing accommodations were not rented on the maximum rent date, but were rented during the two months ending on that date and the last rent for such accommodations during that two-month period was fixed by a written lease, for a term commencing on or prior to the date one year before the maximum rent date, requiring a rent lower than the rent generally prevailing in the Defense-Rental Area for comparable housing accommodations on the maximum rent date.

4. Section 5 (a) (6) is amended to read as follows:

(6) *Varying rents.* The rent on the date determining the maximum rent was established by a lease or other rental agreement which provided for a higher rent at other periods during the term of such lease or agreement.

5. Section 5 (c) (5) is amended to read as follows:

(5) *Varying rents.* The rent on the date determining the maximum rent was established by a lease or other rental agreement which provided for a lower rent at other periods during the term of such lease or agreement.

6. Section 5 (d) is amended to read as follows:

(d) *Orders where facts are in dispute, in doubt, or not known.* If the rent on the date determining the maximum rent, or any other fact necessary to the determination of the maximum rent, or the services, furniture, furnishings or equipment provided with the accommodations on the date determining the maximum rent, is in dispute between the landlord and the tenant, or is in doubt, or is not known, the Administrator on petition of the landlord filed within thirty days after the effective date of regulation, or at any time on his own initiative, may enter an order fixing the maximum rent by determining such fact, or determining the

[1] 10 F.R. 6646, 7407, 7794, 7799, 8020, 8069, 8371, 8979, 9273, 9274, 9275, 9486, 9540, 9620, 9618, 9882, 9928, 10085, 10086, 10086, 10125, 10086, 10229.

[2] 10 F.R. 5941, 6946, 7799, 8069, 8899, 9227, 9925.

[3] 10 F.R. 3436, 3555, 3951, 4714, 4713, 5089, 5577, 5603, 6074, 6400, 7853, 7849, 8017.

services, furniture, furnishings, and equipment provided with the accommodations on the date determining the maximum rent or both. If the Administrator is unable to ascertain such fact, or facts, he shall enter the order on the basis of the rent which he finds was generally prevailing in the defense-rental area for comparable housing accommodations on the maximum rent date and, where appropriate, may determine the services, furniture, furnishings and equipment included in such rent.

7. Section 6 (a) (1) is amended to read as follows:

(1) *Tenant's refusal to renew lease.* The tenant, who had a written lease or other written rental agreement, has refused upon demand of the landlord to execute a written extension or renewal thereof for a further term of like duration but not in excess of one year, or if the lease was for a term of more than three months and was non-seasonal in character, for a term of not more than one year, for a rent not in excess of the maximum rent, but otherwise on the same terms and conditions as the previous lease or agreement, except insofar as such terms and conditions are inconsistent with this regulation; or

8. Section 6 (a) (5) is eliminated.

9. Section 6 (a) (6) is amended to read as follows:

(6) *Occupancy by landlord.* The landlord owned, or acquired an enforceable right to buy or the right to possession of, the housing accommodations prior to the effective date of regulation (or prior to October 20, 1942 where the effective date of regulation is prior to that date, or prior to November 6, 1942 for housing accommodations within the Hastings Defense-Rental Area), and has an immediate compelling necessity to recover possession of such accommodations for use and occupancy as a dwelling for himself, or has served during the period of the war emergency in the armed forces of the United States and in good faith seeks possession for his own occupancy. If a tenant has been removed or evicted under this paragraph (a) (6) from housing accommodations, the landlord shall file a written report on a form provided therefor before renting the accommodations or any part thereof during a period of six months after such removal or eviction.

10. Section 6 (b) (1) is amended to read as follows:

(1) *Removals not inconsistent with act or regulation.* No tenant shall be removed or evicted on grounds other than those stated above unless, on petition of the landlord, the Administrator certifies that the landlord may pursue his remedies in accordance with the requirements of the local law. The Administrator shall so certify if the landlord establishes that removals or evictions of the character proposed are not inconsistent with the purposes of the act or this regulation and would not be likely to result in the circumvention or evasion thereof. The certificate shall authorize the pursuit of local remedies at the expiration of six months after the date of filing of the petition unless the Area Rent Director has determined that a three months' period is adequate for the purposes of the act in the particular area in issuing certificates under section 6 (b) (2), in which event the applicable period shall be three months. Within the discretion of the Area Rent Director the certificate may authorize the pursuit of local remedies for the removal or eviction of the tenant at a time less than six or three months, as the case may be, after the date of the filing of the petition if the petitioner establishes that unusual hardship would otherwise result, or that a lesser period in the particular case is consistent with the purposes of the regulation and the act.

11. The first paragraph of section 6 (b) (2) (i) is amended to read as follows:

(i) Where the Administrator finds that the payment or payments of principal made by the purchaser aggregate twenty per cent or more of the purchase price, he shall, on petition of either the vendor or purchaser issue a certificate authorizing the vendor or purchaser to pursue his remedies for removal or eviction of the tenant in accordance with the requirements of the local law. Except as herein provided and unless the Area Rent Director shall determine that a three months' period is adequate for the purposes of the act in the particular defense-rental area, the certificate shall authorize the pursuit of local remedies at the expiration of six months after the date of filing of the petition.

12. Section 6 (b) (2) (ii) is amended to read as follows:

(ii) Where the Administrator finds (*a*) that equivalent accommodations are available for rent into which the tenant can move without substantial hardship or loss, or (*b*) that the vendor has or had a substantial necessity requiring the sale and that a reasonable sale or disposition of the accommodations could not be made without the removal or eviction of the tenant, or (*c*) that other special hardship would result, or (*d*) the purchaser has, during the period of the war emergency, served in the armed forces of the United States and requires possession of the accommodations for the adequate housing of himself and family, a certificate may be issued although less than twenty per cent of the purchase price has been paid and may authorize the vendor or purchaser to pursue his remedies for removal or eviction of the tenant at a time less than six or three months as the case may be in any particular area after the date of filing of the petition.

13. The third paragraph of section 7 (a) is amended to read as follows:

Where, since the filing of the registration statement but prior to May 5, 1945, there has been a change in the identity of the landlord, by transfer of title or otherwise, the present landlord, on or before May 31, 1945, shall file a notice of such change on a form provided for that purpose, to be known as a notice of change in identity. Where such change occurs on or after May 5, 1945, or the effective date of regulation, whichever is the later, the new landlord shall file such notice within thirty days after the change: *Provided*, That this sentence shall not apply where a petition has been filed under section 6 (b) (2) seeking a certificate for occupancy by the new landlord. If the new landlord indicates on the notice of change in identity that he has not obtained the landlord's copy of the original registration statement, the Administrator shall cause to be prepared and delivered to him a true copy of said original, which may be used to satisfy all requirements of this paragraph (a).

14. The first paragraph of section 7 (d) (4) is amended to read as follows:

(4) Where, since the filing of the notice of maximum rent or the registration statement but prior to June 1, 1945, there has been a change in the identity of the landlord, by transfer of title or otherwise, the present landlord, on or before June 25, 1945 shall file a notice of such change on a form provided for that purpose, to be known as a notice of change in identity. Where such change occurs on or after June 1, 1945 the new landlord shall file such notice within thirty days after the change: *Provided*, That this sentence shall not apply where a petition has been filed under section 6 (b) (2) seeking a certificate for occupancy by the new landlord. If the new landlord indicates on the notice of change in identity that he has not obtained the landlord's copy of the original registration statement, the Administrator shall cause to be prepared and delivered to him a true copy of said original, which may be used to satisfy all requirements of this paragraph.

15. Section 9 (b) is amended to read as follows:

(b) *Purchase of property as condition of renting.* Specifically, but without limitation on the foregoing, no person shall require a tenant or prospective tenant to purchase or agree to purchase furniture or any other property as a condition of renting housing accommodations unless the prior written consent of the Administrator is obtained.

16. The unnumbered third paragraph of section 5 is amended to read as follows:

In all other cases except those under paragraphs (a) (7), (a) (12), (a) (13), (c) (6), and (c) (9) of this section, the adjustment shall be on the basis of the rent which the Administrator finds was generally prevailing in the defense-rental area for comparable housing accommodations on the maximum rent date: *Provided*, That in cases under paragraphs (a) (6) and (c) (5) of this section the adjustment may be on the basis of the rental agreement in force on the date determining the maximum rent: *And provided further*, That in cases under paragraph (c) (8) of this section due consideration shall be given to any increased occupancy of the accommodations since that date by subtenants or

PART 1418—TERRITORIES AND POSSESSIONS

[RMPR 183,[1] Amdt. 7]

IMPORTED DISTILLED SPIRITS AND WINES IN PUERTO RICO

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.

Second Revised Maximum Price Regulation 183 is amended in the following respects:

1. Section 1.16 is added to read as follows:

SEC. 1.16 *Suspension of certain commodities from price control.* For the commodities listed below, the provisions of this Second Revised Maximum Price Regulation 183 are suspended and shall be inoperative with respect to sales and deliveries made on or after the applicable suspension date set forth below:

Commodity and suspension date

All imported distilled spirits and imported wines, set forth in section 4.2 below excepting foreign and American whiskies, September 17, 1945.

2. Section 1.9 (d) is added to read as follows:

(d) *Application to suspended commodities.* The provisions of this section 1.9 shall be inoperative with respect to any commodity suspended from price control by section 1.16 of this regulation on sales or deliveries made during the period of such commodity's suspension from price control.

Issued this 10th day of September 1945.

This amendment shall become effective as of September 17, 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-16844; Filed, Sept. 10, 1945; 12:00 m.]

[1] 10 F.R. 7635, 8933, 9223, 9227, 10224, 10976.

PART 1418—TERRITORIES AND POSSESSIONS

[Restaurant MPR 9-1, Amdt. 2 to Order R-183]

SPECIFIC DOLLAR AND CENT PRICES FOR CERTAIN FOOD AND DRINK ITEMS SOLD BY EATING AND DRINKING ESTABLISHMENTS IN HAWAII

For the reasons set forth in an opinion issued simultaneously herewith, and under the authority vested in the Territorial Director of the Office of Price Administration for the Territory of Hawaii by section 17 of Restaurant Maximum Price Regulation No. 9-1, Order No. R-183 is amended in the following respects:

Appendix A (a) 4 is amended by having added thereto the following:

(XIV) Pineapple Juice, 12 oz. bottle_ . 25

This amendment shall become effective as of August 13, 1945.

Issued this 10th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-16850; Filed, Sept. 10, 1945; 12:05 p. m.]

other persons occupying under a rental agreement with the tenant.

This amendment shall become effective September 15, 1945.

NOTE: All reporting and record-keeping requirements of this amendment have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 10th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-16895; Filed, Sept. 10, 1945; 4:52 p. m.]

PART 1388—DEFENSE RENTAL AREAS

[Housing, New York City,[1] Amdt. 20]

HOUSING IN NEW YORK CITY

The Rent Regulation for Housing in the New York City Defense-Rental Area is amended in the following respects:

1. Section 2 (b) is eliminated.

2. Section 2 (d) (1) is amended to read as follows:

(d) *Security deposits*—(1) *General prohibition.* Regardless of any contract, agreement, lease or other obligation heretofore or hereafter entered into, no person on or after September 1, 1944 shall demand or receive a security deposit for or in connection with the use or occupancy of housing accommodations within the Defense-Rental Area or retain any security deposit received prior to or on or after September 1, 1944 except as provided in this paragraph (d). The term "security deposit," in addition to its customary meaning, includes any prepayment of rent except payment in advance of the next periodic installment of rent for a period no longer than one month but shall not include rent voluntarily prepaid subsequent to possession by a tenant under a written lease for his own convenience.

3. The second unnumbered paragraph of section 5 is amended to read as follows:

In all other cases except those under paragraphs (a) (7), (a) (12), (a) (13), (c) (6), (c) (8) and (c) (9) of this section, the adjustment shall be on the basis of the rent which the Administrator finds was generally prevailing in the defense-rental area for comparable housing accommodations on March 1, 1943: *Provided*, That in cases under paragraphs (a) (6) and (c) (5) of this section the adjustment may be on the basis of the rental agreement in force on the date determining the maximum rent.

4. Section 5 (a) (5) is amended to read as follows:

(5) *Lease for term commencing one year or more before March 1, 1943.* There was in force on March 1, 1943, a written lease, for a term commencing on or prior to March 1, 1942, requiring a rent lower than the rent generally prevailing in the defense-rental area for comparable housing accommodations on March 1, 1943; or the housing accommodations were not rented on March 1, 1943, but were rented during January or February, 1943 and the last rent for such accommodations during that two-month period was fixed by a written lease, for a term commencing on or prior to March 1, 1942, requiring a rent lower than the rent generally prevailing in the defense-rental area for comparable housing accommodations on March 1, 1943.

5. Section 5 (a) (6) is amended to read as follows:

(6) *Varying rents.* The rent on the date determining the maximum rent was established by a lease or other rental agreement which provided for a higher rent at other periods during the term of such lease or agreement.

6. Section 5 (c) (5) is amended to read as follows:

(5) *Varying rents.* The rent on the date determining the maximum rent was established by a lease or other rental agreement which provided for a lower rent at other periods during the term of such lease or agreement: *Provided*, That this subparagraph shall not apply to cases covered by paragraph (c) (8) of this section.

7. Section 5 (d) is amended to read as follows:

(d) *Orders where facts are in dispute, in doubt, or not known.* If the rent on the date determining the maximum rent, or any other fact necessary to the determination of the maximum rent, or the services, furniture, furnishings or equipment provided with the accommodations on the date determining the maximum rent, is in dispute between the landlord and the tenant, or is in doubt, or is not known, the Administrator on petition of the landlord filed on or before November 30, 1943, or at any time on his own initiative, may enter an order fixing the maximum rent by determining such fact, or determining the services, furniture, furnishings and equipment provided with the accommodations on the date determining the maximum rent or both. If the Administrator is unable to ascertain such fact, or facts, he shall enter the order on the basis of the rent which he finds was generally prevailing in the defense-rental area for comparable housing accommodations on March 1, 1943, and, where appropriate, may determine the services, furniture, furnishings and equipment included in such rent.

8. Section 6 (a) (1) is amended to read as follows:

(1) *Tenant's refusal to renew lease.* The tenant, who had a written lease or other written rental agreement, has refused upon demand of the landlord to execute a written extension or renewal thereof for a further term of like duration but not in excess of one year, or if the lease was for a term of more than three months and was non-seasonal in character, for a term of not more than one year, for a rent not in excess of the maximum rent, but otherwise on the same terms and conditions as the previous lease or agreement, except insofar as such terms and conditions are inconsistent with this regulation; or

9. Section 6 (a) (5) is eliminated.

10. Section 6 (a) (6) is amended to read as follows:

(6) *Occupancy by landlord.* The landlord owned, or acquired an enforceable right to buy or the right to possession of, the housing accommodations prior to November 1, 1943, and has an immediate compelling necessity to recover possession of such accommodations for use and occupancy as a dwelling for himself, or has served during the period of the war emergency in the armed forces of the United States and in good faith seeks possession for his own occupancy. If a tenant has been removed or evicted under this paragraph (a) (6) from housing accommodations, the landlord shall file a written report on a form provided therefor before renting the accommodations or any part thereof during a period of six months after such removal or eviction.

11. Section 6 (b) (1) is amended to read as follows:

(1) *Removals not inconsistent with act or regulation.* No tenant shall be removed or evicted on grounds other than those stated above unless, on petition of the landlord, the Administrator certifies that the landlord may pursue his remedies in accordance with the requirements of the local law. The Administrator shall so certify if the landlord establishes that removals or evictions of the character proposed are not inconsistent with the purposes of the act or this regulation and would not be likely to result in the circumvention or evasion thereof. The certificate shall authorize the pursuit of local remedies at the expiration of six months after the date of filing of the petition unless the Area Rent Director has determined that a three months' period is adequate for the purposes of the act in this area in issuing certificates under section 6 (b) (2), in which event the applicable period shall be three months. Within the discretion of the Areat Rent Director the certificate may authorize the pursuit of local remedies for the removal or eviction of the tenant at a time less than six or three months, as the case may be, after the date of the filing of the petition if the petitioner establishes that unusual hardship would otherwise result, or that a lesser period in the particular case is consistent with the purposes of the regulation and the act.

12. The first paragraph of section 6 (b) (2) (i) is amended to read as follows:

(i) Where the Administrator finds that the payment or payments of principal made by the purchaser aggregate twenty per cent or more of the purchase price, he shall, on petition of either the vendor or purchaser issue a certificate authorizing the vendor or purchaser to pursue his remedies for removal or eviction of the tenant in accordance with the requirements of the local law. Except as herein provided and unless the Area Rent Director shall determine that a three months' period is adequate for the purposes of the act in this dei rise-

[1] 9 F.R. 14987; 10 F.R. 331, 1452, 1974, 2406, 3014, 5090.

rental area, the certificate shall authorize the pursuit of local remedies at the expiration of six months after the date of filing of the petition.

13. Section 6 (b) (2) (ii) is amended to read as follows:

(ii) Where the Administrator finds (*a*) that equivalent accommodations are available for rent into which the tenant can move without substantial hardship or loss, or (*b*) that the vendor has or had a substantial necessity requiring the sale and that a reasonable sale or disposition of the accommodations could not be made without the removal or eviction of the tenant, or (*c*) that other special hardship would result, or (*d*) the purchaser has, during the period of the war emergency, served in the armed forces of the United States and requires possession of the accommodations for the adequate housing of himself and family, a certificate may be issued although less than twenty per cent of the purchase price has been paid and may authorize the vendor or the purchaser to pursue his remedies for removal or eviction of the tenant at a time less than six or three months as the case may be in this area after the date of filing of the petition.

14. The second unnumbered paragraph of section 7 (a) is amended to read as follows:

Where, since the filing of the registration statement but prior to May 5, 1945, there has been a change in the identity of the landlord, by transfer of title or otherwise, the present landlord, on or before May 31, 1945, shall file a notice of such change on a form provided for that purpose, to be known as a notice of change in identity. Where such change occurs on or after May 5, 1945, or the effective date of regulation, whichever is the later, the new landlord shall file such notice within thirty days after the change: *Provided*, That this sentence shall not apply where a petition has been filed under section 6 (b) (2) seeking a certificate for occupancy by the new landlord. If the new landlord indicates on the notice of change in identity that he has not obtained the landlord's copy of the original registration statement, the Administrator shall cause to be prepared and delivered to him a true copy of said original, which may be used to satisfy all requirements of this paragraph (a).

15. Section 9 (b) is amended to read as follows:

(b) *Purchase of property as condition of renting.* Specifically, but without limitation on the foregoing, no person shall require a tenant or prospective tenant to purchase or agree to purchase furniture or any other property as a condition of renting housing accommodations unless the prior written consent of the Administrator is obtained.

This amendment shall become effective September 15, 1945.

NOTE: All reporting and record-keeping requirements of this amendment have been approved by the Budget Bureau in accordance with the Federal Reports Act of 1942.

Issued this 10th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-16892; Filed, Sept. 10, 1945; 4:51 p. m.]

PART 1388—DEFENSE-RENTAL AREAS

[Housing, Atlantic County,[1] Amdt. 13]

HOUSING IN ATLANTIC COUNTY, N. J.

The Rent Regulation for Housing in the Atlantic County Defense-Rental Area is amended in the following respects:

1. Section 2 (b) is eliminated.

2. Section 2 (d) (1) is amended to read as follows:

(d) *Security deposits*—(1) *General prohibition.* Regardless of any contract, agreement, lease or other obligation heretofore or hereafter entered into, no person on or after September 1, 1944 shall demand or receive a security deposit for or in connection with the use or occupancy of housing accommodations within the defense-rental area or retain any security deposit received prior to or on or after September 1, 1944 except as provided in this paragraph (d). The term "security deposit," in addition to its customary meaning, includes any prepayment of rent except payment in advance of the next periodic installment of rent for a period no longer than one month but shall not include rent voluntarily prepaid subsequent to possession by a tenant under a written lease for his own convenience.

3. The unnumbered third paragraph of section 5 is amended to read as follows:

In all other cases except those under paragraphs (a) (7), (a) (12), (a) 13, (c) (6), and (c) 8) of this section, the adjustment shall be on the basis of the rent which the Administrator finds was generally prevailing in the defense-rental area for comparable housing accommodations on the maximum rent date: *Provided*, That in cases under paragraphs (a) (6) and (c) (5) of this section the adjustment may be on the basis of the rental agreement in force on the date determining the maximum rent.

4. Section 5 (a) (5) is amended to read as follows:

(5) *Lease for term commencing one year or more before maximum rent date.* There was in force on the maximum rent date, a written lease, for a term commencing on or prior to the date one year before the maximum rent date, requiring a rent lower than the rent generally prevailing in the Defense-Rental Area for comparable housing accommodations on the maximum rent date; or the housing accommodations were not rented on the maximum rent date, but were rented during the two months ending on that date and the last rent for such accommodations during that two-month period was fixed by a written lease, for a term commencing on or prior to the date one year before the maximum rent date, requiring a rent lower than the rent generally prevailing in the defense-rental area for comparable housing accommodations on the maximum rent date.

5. Section 5 (a) (6) is amended to read as follows:

(6) *Varying rents.* The rent on the date determining the maximum rent was established by a lease or other rental agreement which provided for a higher rent at other periods during the term of such lease or agreement.

6. Section 5 (c) (5) is amended to read as follows:

(5) *Varying rents.* The rent on the date determining the maximum rent was established by a lease or other rental agreement which provided for a lower rent at other periods during the term of such lease or agreement.

7. Section 5 (d) is amended to read as follows:

(d) *Orders where facts are in dispute, in doubt, or not known.* If the rent on the date determining the maximum rent, or any other fact necessary to the determination of the maximum rent, or the services, furniture, furnishings or equipment provided with the accommodations on the date determining the maximum rent, is in dispute between the landlord and the tenant, or is in doubt, or is not known, the Administrator on petition of the landlord filed within thirty days after the effective date of regulation, or at any time on his own initiative, may enter an order fixing the maximum rent by determining such fact, or determining the services, furniture, furnishings and equipment provided with the accommodations on the date determining the maximum rent or both. If the Administrator is unable to ascertain such fact, or facts, he shall enter the order on the basis of the rent which he finds was generally prevailing in the defense-rental area for comparable housing accommodations on the maximum rent date and, where appropriate, may determine the services, furniture, furnishings, and equipment included in such rents.

8. Section 6 (a) (1) is amended to read as follows:

(1) *Tenant's refusal to renew lease.* The tenant, who had a written lease or other written rental agreement, has refused upon demand of the landlord to execute a written extension or renewal thereof for a further term of like duration but not in excess of one year, or if the lease was for a term of more than three months and was non-seasonal in character, for a term of not more than one year, for a rent not in excess of the maximum rent, but otherwise on the same terms and conditions as the previous lease or agreement, except insofar as such terms and conditions are inconsistent with this regulation; or

9. Section 6 (a) (5) is eliminated.

10. Section 6 (a) (6) is amended to read as follows:

[1] 9 F.R. 6819, 8054, 10189, 10634, 11349, 12415, 14987; 10 F.R. 330, 1452, 1911, 1973, 2402, 2617.

(6) *Occupancy by landlord.* The landlord owned, or acquired an enforceable right to buy or the right to possession of, the housing accommodations prior to the effective date of regulation, and has an immediate compelling necessity to recover possession of such accommodations for use and occupancy as a dwelling for himself, or has served during the period of the war emergency in the armed forces of the United States and in good faith seeks possession for his own occupancy. If a tenant has been removed or evicted under this paragraph (a) (6) from housing accommodations, the landlord shall file a written report on a form provided therefor before renting the accommodations or any part thereof during a period of six months after such removal or eviction.

11. Section 6 (b) (1) is amended to read as follows:

(1) *Removals not inconsistent with act or regulation.* No tenant shall be removed or evicted on grounds other than those stated above unless, on petition of the landlord, the Administrator certifies that the landlord may pursue his remedies in accordance with the requirements of the local law. The Administrator shall so certify if the landlord establishes that removals or evictions of the character proposed are not inconsistent with the purposes of the act or this regulation and would not be likely to result in the circumvention or evasion thereof. The certificate shall authorize the pursuit of local remedies at the expiration of six months after the date of filing of the petition unless the Area Rent Director has determined that a three months' period is adequate for the purposes of the act in this area in issuing certificates under section 6 (b) (2), in which event the applicable period shall be three months. Within the discretion of the Area Rent Director the certificate may authorize the pursuit of local remedies for the removal or eviction of the tenant at a time less than six or three months, as the case may be, after the date of the filing of the petition if the petitioner establishes, that unusual hardship would otherwise result, or that a lesser period in the particular case is consistent with the purposes of the regulation and the act.

12. The first paragraph of section 6 (b) (2) (i) is amended to read as follows:

(i) Where the Administrator finds that the payment or payments of principal made by the purchaser aggregate twenty per cent or more of the purchase price, he shall, on petition of either the vendor or purchaser issue a certificate authorizing the vendor or purchaser to pursue his remedies for removal or eviction of the tenant in accordance with the requirements of the local law. Except as herein provided and unless the Area Rent Director shall determine that a three months' period is adequate for the purposes of the act in this defense-rental area, the certificate shall authorize the pursuit of local remedies at the expiration of six months after the date of filing of the petition.

13. Section 6 (b) (2) (ii) is amended to read as follows:

(ii) Where the Administrator finds (*a*) that equivalent accommodations are available for rent into which the tenant can move without substantial hardship or loss, or (*b*) that the vendor has or had a substantial necessity requiring the sale and that a reasonable sale or disposition of the accommodations could not be made without the removal or eviction of the tenant, or (c) that other special hardship would result, or (*d*) the purchaser has, during the period of the war emergency, served in the armed forces of the United States and requires possession of the accommodations for the adequate housing of himself and family, a certificate may be issued although less than twenty per cent of the purchase price has been paid and may authorize the vendor or purchaser to pursue his remedies for removal or eviction of the tenant at a time less than six or three months as the case may be in this area after the date of filing of the petition.

14. The third paragraph of section 7 (a) is amended to read as follows:

Where, since the filing of the registration statement but prior to May 5, 1945, there has been a change in the identity of the landlord, by transfer of title or otherwise the present landlord, on or before May 31, 1945, shall file a notice of such change on a form provided for that purpose, to be known as a notice of change in identity. Where such change occurs on or after May 5, 1945, or the effective date of regulation, whichever is the later, the new landlord shall file such notice within thirty days after the change: *Provided*, That this sentence shall not apply where a petition has been filed under section 6 (b) (2) seeking a certificate for occupancy by the new landlord. If the new landlord indicates on the notice of change in identity that he has not obtained the landlord's copy of the original registration statement, the Administrator shall cause to be prepared and delivered to him a true copy of said original, which may be used to satisfy all requirements of this paragraph (a).

15. Section 9 (b) is amended to read as follows:

(b) *Purchase of property as condition of renting.* Specifically, but without limitation on the foregoing, no person shall require a tenant or prospective tenant to purchase or agree to purchase furniture or any other property as a condition of renting housing accommodations unless the prior written consent of the Administrator is obtained.

This amendment shall become effective September 15, 1945.

NOTE: All reporting and record-keeping requirements of this amendment have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 10th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-16893; Filed, Sept. 10, 1945; 4:51 p. m.]

PART 1388—DEFENSE-RENTAL AREAS

[Housing, Miami,[1] Amdt. 17]

HOUSING IN MIAMI, FLA.

The Rent Regulation for Housing in the Miami Defense-Rental Area is amended in the following respects:

1. Section 2 (b) is eliminated.

2. Section 2 (d) (1) is amended to read as follows:

(d) *Security deposits*—(1) *General prohibition.* Regardless of any contract, agreement, lease or other obligation heretofore or hereafter entered into, no person on or after September 1, 1944 shall demand or receive a security deposit for or in connection with the use or occupancy of housing accommodations within the defense-rental area or retain any security deposit received prior to or on or after September 1, 1944 except as provided in this paragraph (d). The term "security deposit," in addition to its customary meaning, includes any prepayment of rent except payment in advance of the next periodic installment of rent for a period no longer than one month but shall not include rent voluntarily prepaid subsequent to possession by a tenant under a written lease for his own convenience.

3. Section 5 (a) (5) is amended to read as follows:

(5) *Written lease for term commencing on or prior to September 1, 1941.* There was in force on September 1, 1943, or during some portion of the year ending on August 31, 1943, a written lease for a term commencing on or prior to September 1, 1941, and as a result the maximum rent for the housing accommodations is lower than the maximum rent generally prevailing in the defense-rental area for comparable housing accommodations.

4. Section 5 (d) is amended to read as follows:

(d) *Orders where facts are in dispute, in doubt, or not known.* If the rent on the date determining the maximum rent, or any other fact necessary to the determination of the maximum rent, or the services, furniture, furnishings or equipment provided with the accommodations on the date determining the maximum rent, is in dispute between the landlord and the tenant, or is in doubt, or is not known, the Administrator on petition of the landlord filed within thirty days after the effective date of regulation, or at any time on his own initiative, may enter an order fixing the maximum rent by determining such fact, or determining the services, furniture, furnishings and equipment provided with the accommodations on the date determining the maximum rent or both. If the Administrator is unable to ascertain such fact, or facts, he shall enter the order on the basis of the maximum rent which he finds was generally prevailing in the defense-rental area for comparable housing accommodations, and, where appropriate, may determine the services, furniture, furnishings and equipment included in such rent.

5. Section 6 (a) (1) is amended to read as follows:

(1) *Tenant's refusal to renew lease.* The tenant, who had a written lease or other written rental agreement, has refused upon demand of the landlord to execute a written extension or renewal thereof for a further term of like duration but not in excess of one year, or if the lease was for a term of more than three months and was non-seasonal in character, for a term of not more than one year, for a rent not in excess of the maximum rent, but otherwise on the same terms and conditions as the previous lease or agreement, except insofar as such terms and conditions are inconsistent with this regulation; or

6. Section 6 (a) (5) is eliminated.

7. Section 6 (a) (6) is amended to read as follows:

(6) *Occupancy by landlord.* The landlord owned, or acquired an enforceable right to buy or the right to possession of the housing accommodations prior to September 15, 1943 (or, for housing accommodations in the City of Hollywood and the Town of Hallandale in the County of Broward, prior to October 15, 1943), and has an immediate compelling necessity to recover possession of such accommodations for use and occupancy as a dwelling for himself, or has served during the period of the war emergency in the armed forces of the United States and in good faith seeks possession for his own occupancy. If a tenant has been removed or evicted under this paragraph (a) (6) from housing accommodations, the landlord shall file a written report on a form provided therefor before renting the accommodations or any part thereof during a period of six months after such removal or eviction.

8. Section 6 (b) (1) is amended to read as follows:

(1) *Removals not inconsistent with act or regulation.* No tenant shall be removed or evicted on grounds other than those stated above unless, on petition of the landlord, the Administrator certifies that the landlord may pursue his remedies in accordance with the requirements of the local law. The Administrator shall so certify if the landlord establishes that removals or evictions of the character proposed are not inconsistent with the purposes of the Act or this regulation and would not be likely to result in the circumvention or evasion thereof. The certificate shall authorize the pursuit of local remedies at the expiration of six months after the date of filing of the petition unless the Area Rent Director has determined that a three months' period is adequate for the purposes of the act in this area in issuing certificates under section 6 (b) (2), in which event the applicable period shall be three months. Within the discretion of the Area Rent Director the certificate may authorize the pursuit of local remedies for the removal or eviction of the tenant at a time less than six or three months, as the case may be, after the date of the filing of the petition if the petitioner establishes that unusual hardship would otherwise result, or that a lesser period in the particular case is consistent with the purposes of the regulation and the act.

9. The first paragraph of section 6 (b) (2) (i) is amended to read as follows:

(i) Where the Administrator finds that the payment or payments of principal made by the purchaser aggregate twenty per cent or more of the purchase price, he shall, on petition of either the vendor or purchaser issue a certificate authorizing the vendor or purchaser to pursue his remedies for removal or eviction of the tenant in accordance with the requirements of the local law. Except as herein provided and unless the Area Rent Director shall determine that a three months' period is adequate for the purposes of the act in this defense-rental area, the certificate shall authorize the pursuit of local remedies at the expiration of six months after the date of filing of the petition.

10. Section 6 (b) (2) (ii) is amended to read as follows:

(ii) Where the Administrator finds (*a*) that equivalent accommodations are available for rent into which the tenant can move without substantial hardship or loss, or (*b*) that the vendor has or had a substantial necessity requiring the sale and that a reasonable sale or disposition of the accommodations could not be made without the removal or eviction of the tenant, or (c) that other special hardship would result, or (*d*) the purchaser has, during the period of the war emergency, served in the armed forces of the United States and requires possession of the accommodations for the adequate housing of himself and family, a certificate may be issued although less than twenty per cent of the purchase price has been paid and may authorize the vendor or purchaser to pursue his remedies for removal or eviction of the tenant at a time less than six or three months as the case may be in this area after the date of filing of the petition.

11. The fourth paragraph of section 7 (a) is amended to read as follows:

Where, since the filing of the registration statement but prior to May 5, 1945, there has been a change in the identity of the landlord, by transfer of title or otherwise, the present landlord, on or before May 31, 1945, shall file a notice of such change on a form provided for that purpose, to be known as a notice of change in identity. Where such change occurs on or after May 5, 1945, or the effective date of regulation, whichever is the later, the new landlord shall file such notice within thirty days after the change: *Provided*, That this sentence shall not apply where a petition has been filed under section 6 (b) (2) seeking a certificate for occupancy by the new landlord. If the new landlord indicates on the notice of change in identity that he has not obtained the landlord's copy of the original registration statement the Administrator shall cause to be prepared and delivered to him a true copy of said original, which may be used to satisfy all requirements of this paragraph (a).

12. Section 9 (b) is amended to read as follows:

(b) *Purchase of property as condition of renting.* Specifically, but without limitation on the foregoing, no person shall require a tenant or prospective tenant to purchase or agree to purchase furniture or any other property as a condition of renting housing accommodations unless the prior written consent of the Administrator is obtained.

This amendment shall become effective September 15, 1945.

NOTE: All reporting and record-keeping requirements of this amendment have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 10th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-16894; Filed, Sept. 10, 1945; 4:51 p. m.]

[1] 9 F.R. 14994; 10 F.R. 331, 1973, 2403, 2872, 5090.

Chapter XXIII—Surplus Property Board

[SPB Reg. 1,[1] Amdt. 1 to Order 2]

PART 8301—DESIGNATION OF DISPOSAL AGENCIES AND PROCEDURES FOR REPORTING SURPLUS PROPERTY LOCATED WITHIN THE CONTINENTAL UNITED STATES, ITS TERRITORIES AND POSSESSIONS

LOCATION OF DISPOSAL AGENCY OFFICES (TERRITORIES AND POSSESSIONS)

Surplus Property Board Regulation 1, Order 2 (10 F.R. 3769), issued April 2, 1945, effective May 1, 1945, entitled "Location of Disposal Agency Offices," is hereby amended by amending section 5 thereof to read as follows:

SEC. 5. Declarations of surplus personal property located in the territories and possessions of the United States shall be filed at the following offices of the appropriate disposal agencies designated in § 8301.6:

RECONSTRUCTION FINANCE CORPORATION

Hawaii and all Pacific Ocean Territories and Possessions: Reconstruction Finance Corporation, P. O. Box 3738, Honolulu, T. H.

Alaska: Reconstruction Finance Corporation, Box 1349, Fairbanks, Alaska.

Puerto Rico and Virgin Islands:

Aircraft: Reconstruction Finance Corporation, Washington 25, D. C.

Aircraft Parts: Reconstruction Finance Corporation, Federal Reserve Bank Building, Cleveland 1, Ohio.

MARITIME COMMISSION

United States Maritime Commission, Washington 25, D. C.

WAR FOOD ADMINISTRATION

Commodity Credit Corporation, Department of Agriculture, Washington 25, D. C.

DEPARTMENT OF THE INTERIOR

Hawaii and all Pacific Ocean Territories and Possessions: Department of the Interior, Surplus Property Office, Honolulu, T. H.

Alaska: Department of the Interior, Surplus Property Office, Anchorage, Alaska.

Puerto Rico and Virgin Islands: Department of the Interior, Surplus Property Office, San Juan, Puerto Rico.

[1] 10 F.R. 3764, 4356, 10398.

This amendment shall become effective September 15, 1945.

SURPLUS PROPERTY BOARD,
By W. STUART SYMINGTON,
Chairman.

SEPTEMBER 7, 1945.

[F. R. Doc. 45-16939; Filed, Sept. 11, 1945; 11:35 a. m.]

[SPB Reg. 2,[1] Order 2]

PART 8302—PRIORITIES OF GOVERNMENT AGENCIES AND STATE OR LOCAL GOVERNMENTS

EXEMPTION FROM THIS PART OF OFFICE OF CIVILIAN DEFENSE PROPERTY LOANED TO STATE AND LOCAL GOVERNMENTS

During the war the Office of Civilian Defense loaned to the several States and to their political subdivisions certain items of property for purposes of air raid protection. A large amount of this property remains in the custody of the States and the political subdivisions to which it was loaned, and it will entail heavy expense to the Government to require the preparation of inventories and reports and to offer this property to Government agencies and State and local governments in accordance with this part.

The Department of Commerce, as disposal agency, has applied to the Surplus Property Board for an exemption from the requirements of this part for this property on the ground that it is impracticable and uneconomical to require its disposal of this property according to such requirements. The Department of Commerce believes the quantities of this property are clearly in excess of the needs of Government agencies.

Pursuant to § 8302.5 (b) (4) and in reliance upon the findings of the Department of Commerce referred to above, *It is hereby ordered*, That:

The Department of Commerce, as disposal agency, is hereby authorized to dispose of without regard for the provisions of this part to the States and their political subdivisions any items of property originally loaned by the Office of Civilian Defense to such States or political subdivisions.

This order shall become effective September 7, 1945.

SURPLUS PROPERTY BOARD,
By W. STUART SYMINGTON,
Chairman.

SEPTEMBER 7, 1945.

[F. R. Doc. 45-16940; Filed, Sept. 11, 1945; 11:35 a. m.]

TITLE 36—PARKS AND FORESTS

Chapter II—Forest Service

PART 251—LAND USES

PERMITS FOR ROADS AND TRAILS

By virtue of the authority vested in the Secretary of Agriculture by the act of June 4, 1897 (30 Stat. 35, 16 U.S.C. 551), and the act of February 1, 1905 (33 Stat. 628, 16 U.S.C. 472), Regulation U-14 of the rules and regulations governing the occupancy, use, protection and administration of the national forests, which constitutes § 251.5, Part 251, Chapter II, Title 36, Code of Federal Regulations, is amended to read as follows:

§ 251.5 *Permits for roads and trails.* Rights-of-way over national forest land for State or county highways or roads which are a part of an approved system of public roads shall be 132 feet in width in the case of Federal Aid and State highways and 66 feet in width in the case of county and community roads or other roads of a secondary character. The center line of the highway or road shall be the center line of the right-of-way except where otherwise provided by the permit. Rights-of-way in excess of 132 feet in width may be authorized only with the specific approval of the regional forester. National forest lands on which a highway or road right-of-way is located shall continue to be administered by the Forest Service but their use for highway or road purposes shall be dominant, and no use or occupancy thereof for other purposes shall be authorized unless concurred in by the appropriate State or county official, except that in the event agreement cannot be reached regarding such other use or occupancy as is essential to the proper use and management of national forests, the matter shall be submitted to the Secretary of Agriculture for decision. Direction and caution signs shall be erected and maintained by the State or county highway department. Information signs shall be approved by the Forest Service prior to erection.

Approval by the Secretary of Agriculture of a forest highway construction program shall constitute authorization for the occupancy of national forest lands for the highways included in such construction program, but where a special use permit for a project included within a forest highway program is desired by a State or county to meet legal or fiscal requirements, or for the execution of road contracts, a permit shall be issued by the regional forester and shall contain such stipulations as may be necessary to protect national forest interests.

Except as provided in the preceding paragraph, no highway or road shall be constructed on national forest land unless or until the occupancy of said land for highway or road purposes shall have been authorized by permit. Application for permit to construct a highway or road shall be filed with the forest supervisor and shall be accompanied by a plat showing the precise location of the proposed highway or road. The forest supervisor shall then determine the effect of the proposed highway or road on the national forest and the changes in location or other features that may be necessary to safeguard the national forest, recording his findings in appropriate form and manner. Permits for State and county highways or roads of similar importance shall be issued by the regional forester. Forest supervisors may be authorized by the regional forester to issue permits for roads of lesser importance within such limitations as the regional forester may prescribe.

Trails may be constructed without permit upon consent and under the supervision of a forest officer, except that in the national forests in Alaska such consent and supervision will not be required.

No toll shall be charged for the use of roads or trails over national forest lands, and they shall be open to free public use unless otherwise authorized by the Chief of the Forest Service. Roads built at private expense may be temporarily closed to public use by order of the regional forester, if their unrestricted use endangers public safety and property or interferes with the primary purpose for which they were built.

Roads across national forest lands which are not parts of State or county highway systems and which are constructed and maintained wholly at the expense of the Federal Government and its private cooperators may be designated by the regional forester as "special service" roads, and public use of such roads may be prohibited or regulated by the regional forester when necessary to the public interest.

In testimony whereof, I have hereunto set my hand and caused the official seal of the Department of Agriculture to be affixed, in the City of Washington, this 10th day of September, 1945.

[SEAL] J. B. HUTSON,
Acting Secretary of Agriculture.

[F. R. Doc. 45-16825; Filed, Sept. 10, 1945; 11:05 a. m.]

TITLE 49—TRANSPORTATION AND RAILROADS

Chapter II—Office of Defense Transportation

[Administrative Order ODT 19, Revocation]

PART 503—ADMINISTRATION

TRANSPORTATION OF DAIRY PRODUCTS BY COMMERCIAL MOTOR VEHICLES

Pursuant to Executive Orders 8989, as amended, and 9156, Administrative Order ODT 19, §§ 503.385 to 503.398, inclusive (9 F.R. 2693), is hereby revoked effective November 1, 1945.

(E.O. 8989, as amended, 6 F.R. 6725, 8 F.R. 14183; E.O. 9156, 7 F.R. 3349)

Issued at Washington, D. C., this 11th day of September 1945.

J. M. JOHNSON,
Director,
Office of Defense Transportation.

[F. R. Doc. 45-16943; Filed, Sept. 11, 1945; 11:49 a. m.]

[Administrative Order ODT 26, Revocation]

PART 503—ADMINISTRATION

TRANSPORTATION OF FARM PRODUCTS BY COMMERCIAL MOTOR VEHICLES FROM PRODUCING AREAS

Pursuant to Executive Orders 8989, as amended, and 9156, Administrative Order ODT 26, §§ 503.450 to 503.464, inclusive (9 F.R. 7456), is hereby revoked effective November 1, 1945.

(E.O. 8989, as amended, 6 F.R. 6725, 8 F.R. 14183; E.O. 9156, 7 F.R. 3349)

Issued at Washington, D. C., this 11th day of September 1945.

J. M. JOHNSON,
Director,
Office of Defense Transportation.

[F. R. Doc. 45-16944; Filed, Sept. 11, 1945; 11:49 a. m.]

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[1] 10 F.R. 5104, 8911, 9478, 9886.

Notices

DEPARTMENT OF AGRICULTURE.

Farm Security Administration.

FRANKLIN COUNTY, IND.

DESIGNATION OF LOCALITIES AND DETERMINATION OF AVERAGE VALUE OF FARMS

In accordance with the War Food Administrator's delegation of authority to the Administrator of the Farm Security Administration issued August 2, 1944, 9 F.R. 9389, as extended by Executive Order 9577 issued June 29, 1945, 10 F.R. 8087, for the purpose of making loans under Title I of the Bankhead-Jones Farm Tenant Act, the value of the average farm unit of 30 acres or more within each of the localities designated below, as determined by the 1940 farm census, is as follows:

REGION III

INDIANA

Franklin County

Locality I, consisting of Butler, Highland, Metamora, Ray, and Salt Creek Townships	$3,716
Locality II, consisting of Bath, Blooming Grove, Fairfield, Laurel, and Posey Townships	6,664
Locality III, consisting of Brookville, Springfield, and Whitewater Townships	7,976

The purchase price limit previously established for the county above-mentioned is hereby cancelled.

Approved: September 10, 1945.

[SEAL] FRANK HANCOCK,
Administrator.

[F. R. Doc. 45-16876; Filed, Sept. 10, 1945; 3:18 p. m.]

Production and Marketing Administration.

PRODUCTION OF SUGAR CANE IN PUERTO RICO AND VIRGIN ISLANDS

NOTICE OF HEARINGS WITH RESPECT TO WAGE RATES

Pursuant to the authority contained in subsections (b) and (d) of section 301 and section 511 of the Sugar Act of 1937 (Public, No. 414, 75th Congress), as amended, notice is hereby given that public hearings will be held at San Juan, Puerto Rico, in the Auditorium of the Insular Department of Agriculture and Commerce on September 20, 1945, at 9:30 a. m. and at Christiansted, St. Croix, Virgin Islands, in the Municipal Council Hall, on September 24, 1945 at 9:30 a. m.

The purpose of such hearings is to receive evidence likely to be of assistance to the Secretary of Agriculture in determining (1), pursuant to the provisions of subsection (b) of section 301 of the said act, fair and reasonable wage rates to be paid in Puerto Rico and in the Virgin Islands to persons employed in connection with the production, cultivation, or harvesting of sugarcane during the calendar year 1946 on farms with respect to which applications for payment under the said act are made, and (2), pursuant to the provisions of subsection (d) of section 301 of the said act, fair and reasonable prices for sugarcane of the 1945–46 crop in Puerto Rico and the 1946 crop in the Virgin Islands to be paid, under either purchase or toll agreements, by persons who, as producers, apply for payments under the said act; and to receive evidence likely to be of assistance to the Secretary of Agriculture in making recommendations, pursuant to the provisions of section 511 of the said act, with respect to the terms and conditions of contracts between producers and processors of sugarcane and with respect to the terms and conditions of contracts between laborers and producers of sugarcane.

These hearings, after being called to order at the time and place mentioned herein, may be continued from day to day within the discretion of the presiding officers, and may be adjourned to a later day or to a different place without notice other than the announcement thereof at the hearings by the presiding officers.

C. M. Nicholson, H. H. Simpson, and G. Laguardia are hereby designated as presiding officers to conduct, either jointly or severally, the foregoing hearings.

Issued this 10th day of September 1945.

[SEAL] J. B. HUTSON,
Acting Secretary of Agriculture.

[F. R. Doc. 45-16874; Filed, Sept. 10, 1945; 3:18 p. m.]

DEPARTMENT OF LABOR.

Wage and Hour Division.

LEARNER EMPLOYMENT CERTIFICATES

ISSUANCE TO VARIOUS INDUSTRIES

Notice of issuance of special certificates for the employment of learners under the Fair Labor Standards Act of 1938.

Notice is hereby given that the special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rate applicable under section 6 of the act have been issued to the firms hereinafter mentioned under section 14 of the act, Part 522 of the regulations issued thereunder (August 16, 1940, 5 F.R. 2862, and as amended June 25, 1942, 7 F.R. 4725), and the determinations, orders and/or regulations hereinafter mentioned. The names and addresses of the firms to which certificates were issued, industry, products, number of learners, and effective and expiration dates of the certificates are as follows:

Single Pants, Shirts and Allied Garments, Women's Apparel, Sportswear, Rainwear, Robes and Leather and Sheep-Lined Garments Divisions of the Apparel Industry, Learner Regulations, July 20, 1942 (7 F.R. 4724), as amended by Administrative Order March 13, 1943 (8 F.R. 3079), and Administrative Order, June 7, 1943 (8 F.R. 7693).

Bound Brook Novelty Company, 324 Talmadge Avenue, Bound Brook, New Jersey; boys' wash suits; two (2) learners; (T); effective September 1, 1945, expiring August 31, 1946.

Dixie Shirt Company, Inc., Spartanburg, South Carolina; men's dress shirts; 10 percent (T); effective August 29, 1945, expiring August 28, 1946.

Dixie Shirt Company, Inc., Greenville, South Carolina; men's dress shirts; 10 percent (T); effective September 10, 1945, expiring September 9, 1946.

Industrial Undergarment Corporation, 240 Mill Street, Poughkeepsie, New York; ladies' and misses' slips; 10 percent (T); effective September 1, 1945, expiring August 31, 1946.

Sport-Life Sport Wear, Schuylkill County, Sheppton, Pennsylvania; boys' dress shirts and sports shirts; twenty-five (25) learners (E); effective September 8, 1945, expiring March 7, 1946.

Cigar Industry Learner Regulations, April 22, 1944 (9 F.R. 4230).

General Cigar Company, Inc., 205 Court Street, Evansville, Indiana; cigars; 10 percent (T); hand cigar making for a learning period of 960 hours at 30 cents per hour for the first 480 hours, and 35 cents per hour for the remaining 480 hours; machine stripping for a learning period of 160 hours at 30 cents per hour; effective September 9, 1945, expiring September 8, 1946.

General Cigar Company, Inc., 5th and Hickory Streets, Mt. Carmel, Pennsylvania; cigars; 10 percent (T); hand cigar making for a learning period of 960 hours at 30 cents per hour for the first 480 hours, and 35 cents per hour for the remaining 480 hours; effective September 7, 1945, expiring September 6, 1946.

General Cigar Company, Inc., 17 South Grant Street, Shenandoah, Pennsylvania; cigars; 10 percent (T); hand cigar making for a learning period of 960 hours at 30 cents per hour for the first 480 hours, and 35 cents per hour for the remaining 480 hours; cigar packing for a learning period of 320 hours at 30 cents per hour; effective September 8, 1945, expiring September 7, 1946.

Jno. H. Swisher & Son, Inc., 16th and Ionia Streets, Jacksonville, Florida; cigars; 10 percent (T); stripping machine operators for a learning period of 160 hours at 30 cents per hour; cigar machine operators for a learning period of 320 hours at 30 cents per hour; cigar packing for a learning period of 160 hours at 30 cents per hour; effective August 31, 1945, expiring August 30, 1946.

Hosiery Learner Regulations, September 4, 1940 (5 F.R. 3530), as amended by Administrative Order March 13, 1943 (8 F.R. 2979).

Fort Payne Hosiery Mills, Inc., Fort Payne, Alabama; seamless hosiery; 10 percent (E); effective September 9, 1945, expiring March 8, 1946.

Unique Knitting Company, Acworth, Georgia; seamless hosiery; twenty-four (24) learners (E); effective August 29, 1945, expiring January 22, 1946.

Independent Telephone Learner Regulations, July 17, 1944 (9 F.R. 7125).

Florida Telephone Corporation, Eustis, Florida (T); effective September 7, 1945, expiring September 6, 1946.

Florida Telephone Corporation, Live Oak, Florida (T); effective September 7, 1945, expiring September 6, 1946.

Florida Telephone Corporation, Leesburg, Florida (T); effective September 7, 1945, expiring September 6, 1946.

Independent Telephone Learner Regulations, July 17, 1944 (9 F.R. 7125).

International Telephone Company, International Falls, Minnesota (T); effective September 8, 1945, expiring September 7, 1946.

Lexington Telephone Company, Buena Vista, Virginia (T); effective September 6, 1945, expiring September 5, 1946.

Lexington Telephone Company, Lexington, Virginia (T); effective September 6, 1945, expiring September 5, 1946.

Regulations, Part 522—Regulations Applicable to the Employment of Learners (supra).

The Huse Publishing Company, 116 N. 4th St., Norfolk, Nebraska; Publishers, Printing and Book-Binding; seven (7) learners; Linotype operator, Pressman for a learning period of 480 hours at 30 cents per hour; Compositor, Proofreader for a learning period of 480 hours at 30 cents per hour; Engraver and Bindery worker for a learning period of 480 hours at 30 cents per hour; effective August 30, 1945, expiring March 15, 1946.

Kansas Bank Note Company, 5th & Jefferson Streets, Fredonia, Kansas; Job Printing and Lithography; four (4) learners; Bindery girl for a learning period of 480 hours at 35 cents per hour; Press feeder for a learning period of 480 hours at 35 cents per hour; effective August 29, 1945, expiring November 29, 1945.

Runkle Company, 901 S. Wayne Street, Kenton, Ohio; Candies, Cookies, Chocolates; six (6) learners; candy strokers for a learning period of 240 hours at 35 cents per hour; fancy chocolate packers for a learning period of 240 hours at 35 cents per hour; effective September 4, 1945, expiring December 11, 1945.

The employment of learners under these certificates is limited to the terms and conditions therein contained and is subject to the provisions of the applicable determinations, orders and/or regulations cited above. These certificates have been issued upon the employers' representations that experienced workers for the learner occupations are not available for employment and that they are actually in need of learners at subminimum rates in order to prevent curtailment of opportunities for employment. The certificates may be cancelled in the manner provided in the regulations and as indicated in the certificates. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of regulations, Part 522.

Signed at New York, New York, this 7th day of August 1945.

PAULINE C. GILBERT,
Authorized Representative of the Administrator.

[F. R. Doc. 45-16836; Filed, Sept. 10, 1945; 11:19 a. m.]

FEDERAL POWER COMMISSION.

[Docket No. G-658]

CONSOLIDATED GAS UTILITIES CORP.

NOTICE OF APPLICATION

SEPTEMBER 10, 1945.

Notice is hereby given that on August 31, 1945, an application was filed with the Federal Power Commission by Consolidated Gas Utilities Corporation ("Applicant"), a Delaware corporation with its principal place of business at Oklahoma City, Oklahoma, for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, as amended, to authorize Applicant to construct, drill and operate certain facilities, hereinafter more particularly described.

Applicant owns and operates certain natural-gas pipeline systems in Texas, Oklahoma and Kansas, including a natural-gas pipeline system extending from Humboldt, Kansas, to Sycamore, Kansas, from which Applicant delivers natural gas for distribution in the municipalities of Chanute, Neodesha and Humboldt and to certain industrial customers. The natural gas so delivered consists, in part, of gas which originates in Kansas and, in part, of gas which originates in Texas and Oklahoma, whence it is transported by Cities Service Gas Company which sells the same to Applicant at a point of connection in Wilson County, Kansas, with Applicant's Humboldt-Sycamore system.

The facilities which Applicant seeks authorization to construct, drill and operate are the following:

(1) A maximum of approximately 9 injection and withdrawal wells to a depth of approximately 950 feet, for the development and operation of an underground gas storage reservoir, referred to as "Sutcliffe Storage," covering an area of approximately 1,200 acres in Wilson and Neosho Counties, Kansas, adjacent to Applicant's 8-inch gas transmission pipeline in its Humboldt-Sycamore system;

(2) A 6⅝-inch O. D. steel pipeline, approximately 1,900 feet in length, commencing at Applicant's said 8-inch transmission line near the southwest corner of the northwest quarter of Section 23, Township 28 South, Range 17 East, Neosho County, Kansas, and extending in a southeasterly direction to a central point in the area of the underground gas storage reservoir, to be used to transport gas to and from such reservoir; and approximately 1,500 feet of 4½-inch O. D. steel pipe, to connect the injection and withdrawal wells with the aforementioned 6⅝-inch pipeline;

(3) 2 orifice meter stations and 2 regulator stations, to be used respectively to measure gas injected and withdrawn from the reservoir and to control pressures at which gas will be delivered therefrom; and appurtenant equipment.

The application recites that the aforementioned storage project is needed to provide an additional supply of gas on its Humboldt, Kansas, to Sycamore, Kansas, pipeline system during periods of peak demand; that the gas to be injected into the "Sutcliffe Storage" will be obtained from numerous small gas wells connected to said system and from Cities Service Gas Company; that the capacity of the "Sutcliffe Storage" when restored to the original pressure of 300 pounds will be 200,000 Mcf; that the maximum capacity of the above-described facilities which Applicant proposes to construct will be approximately 4,000 Mcf of gas per day; that the estimated maximum quantity of gas which will be delivered through such facilities on the peak day of any year will be 3,000 Mcf; and that the minimum daily quantity of gas which will be delivered through such facilities will be approximately 500 Mcf.

Any person desiring to be heard or to make any protest with reference to said application should, on or before the 25th day of September, 1945, file with the Federal Power Commission, Washington 25, D. C., a petition or protest in accordance with the Commission's provisional rules of practice and regulations under the Natural Gas Act.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 45-16840; Filed, Sept. 10, 1945, 11:57 a. m.]

[Docket No. G-660]

TENNESSEE GAS AND TRANSMISSION CO.

NOTICE OF APPLICATION

SEPTEMBER 8, 1945.

Notice is hereby given that on September 5, 1945, Tennessee Gas and Transmission Company (Applicant), a Tennessee Corporation, having its principal place of business at Houston, Texas, filed with the Federal Power Commission an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, as amended, to authorize the construction and operation of approximately 95 miles of 16-inch O. D. pipeline, extending from the San Salvador field in Hidalgo County, Texas, in a general northeasterly direction to a point of connection with Applicant's main transmission pipeline in Nueces County, Texas, together with a dehydration plant to be operated in connection therewith.

The application recites that the proposed pipeline known as the "San Salvador Project" was previously considered by the Commission in an application filed by Applicant in Docket No. G-621, the Commission, by its order of June 8, 1945, dismissing without prejudice the application for authority to construct and operate the facilities involved in that project, such facilities being the subject of the present application.

It is asserted that when the Commission considered this matter previously, Applicant contemplated that the proposed pipeline would be operated at a small percent of its capacity. However, Applicant states that it is now in a position to operate such pipeline at its full capacity.

The estimated capacity of the proposed pipeline is approximately 99.4 million cubic feet per day at a pressure base of 15,025 pounds. The maximum operating pressure is 1,012 p. s. i. gauge. The proposed dehydration plant will be operated so that it will be capable of dehydrating the capacity of the proposed pipeline.

Regarding the gas supply for the proposed facilities, applicant recites that it has contractual arrangements with the Gulf States Oil Company whereby the latter will sell natural gas received from the San Salvador Field to applicant. It is also claimed that gas reserves are also available along the proposed facilities from The Chicago Corporation or its nominees in the Los Indios, La Reforma and Seeligson fields. Applicant is also negotiating with Magnolia Petroleum Company, Transwestern Oil Company, Sinclair-Prairie Oil Company and other operators in the Seeligson field for the purchase of a minimum of 20,000 Mcf per day of casinghead gas which is presently being vented to the air for lack of a market. Applicant claims that it may be possible to purchase vent gas from other fields such as La Gloria, Tijerina and Canales fields.

The estimated over-all capital cost of the proposed facilities is $2,260,442.00. Applicant proposes to submit a plan of financing such facilities as well as a firm commitment from responsible sources for such financing.

According to the application, it is urged that the construction and operation of the proposed facilities is necessary in order to prevent interruptions of service due to restrictive orders of the Railroad Commission of Texas which have been issued affecting Applicant's present sources of gas supply.

Any person desiring to be heard or to make any protest with reference to said application should, on or before the 26th day of September, 1945, file with the Federal Power Commission, Washington 25, D. C., a petition or protest in accordance with the Commission's provisional rules of practice and regulations under the Natural Gas Act.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 45-16841; Filed, Sept. 10, 1945; 11:58 a. m.]

INTERSTATE COMMERCE COMMISSION.

[S. O. 70-A, Special Permit 1039]

RECONSIGNMENT OF POTATOES AT KANSAS CITY, MO.—KANS.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph (§ 95.35, 8 F.R. 14624) of Service Order No. 70-A of October 22, 1943, permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard entirely the provisions of Service Order No. 70-A insofar as it applies to the reconsignment at Kansas City, Mo.-Kan., August 31, 1945, by Cochrane Brokerage Company, of cars ART 17207 and PFE 99456, potatoes, now on the Union Pacific Railroad, to Carey Fruit Company, Coffeyville, Kansas (A. T. & S. F.), and Wright Company, Dallas, Texas, (MKT).

The waybills shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 31st day of August 1945.

V. C. CLINGER,
Director, Bureau of Service.

[F. R. Doc. 45-16826; Filed, Sept. 10, 1945; 11:18 a. m.]

[2d Rev. S. O. 300, Special Permit 47]

ICING OF POTATOES AT NEW YORK AND BUFFALO, N. Y.

Pursuant to the authority vested in me by paragraph (e) of the first ordering paragraph of Second Revised Service Order No. 300 (10 F.R. 6802), permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard the provisions of Second Revised Service Order No. 300 insofar as it applies to the furnishing of initial icing at 60th Street, New York, N. Y. (NYC), and one reicing in transit only, at Buffalo (Gardenville), N. Y. (NYC), on 34 cars of potatoes to move from points on the Long Island Railroad between September 6 and 11, 1945, inclusive, consigned to U. S. Army Q. M. Market Center, New Orleans, Louisiana, for export (LI-NYC-GM&O), as requested by U. S. Army.

The waybills shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 4th day of September 1945.

V. C. CLINGER,
Director, Bureau of Service.

[F. R. Doc. 45-16827; Filed, Sept. 10, 1945; 11:18 a. m.]

[2d Rev. S. O. 300, Special Permit 48]

ICING OF POTATOES AT JERSEY CITY, N. J., AND CINCINNATI, OHIO

Pursuant to the authority vested in me by paragraph (e) of the first ordering paragraph of Second Revised Service Order No. 300 (10 F.R. 6802), permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard the provisions of Second Revised Service Order No. 300 insofar as it applies to the furnishing of initial icing at Jersey City, N. J. (B&O) and one reicing in transit only, at Cincinnati (Brightwood), Ohio (B&O), on 22 cars of potatoes to move from points on the Long Island Railroad, between September 6 and 9, 1945, inclusive, consigned to U. S. Army Q. M. Market Center, New Orleans, Louisiana, for export (LI-B&O-L&N), as requested by U. S. Army.

The waybills shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 4th day of September 1945.

V. C. CLINGER,
Director, Bureau of Service

[F. R. Doc. 45-16828; Filed, Sept. 10, 1945; 11:18 a. m.]

[Rev. S. O. 345, Special Permit 12]

REICING OF POTATOES AT FT. WORTH, TEX.

Pursuant to the authority vested in me by paragraph (g) of the first ordering paragraph of Revised Service Order No. 345 (10 F.R. 10034), permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard the provisions of Revised Service Order No. 345 insofar as it applies to the furnishing of one additional reicing in transit only, August 31 or September 1, 1945, at Ft. Worth, Texas (on St. L-S.F. Railroad), on car IC 54147, potatoes, as requested by Pacific Fruit Express Company, account car sent to Ft. Worth in error, and back hauled to billed destination at Ft. Smith, Ark.

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 31st day of August 1945.

V. C. CLINGER,
Director, Bureau of Service.

[F. R. Doc. 45-16829; Filed, Sept. 10, 1945; 11:18 a. m.]

[Rev. S. O. 345, Special Permit 13]

REICING OF POTATOES AT CHICAGO, ILL.

Pursuant to the authority vested in me by paragraph (g) of the first ordering paragraph of Revised Service Order No. 345 (10 F.R. 10034), permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard the provisions of Revised Service Order No. 345 insofar as it applies to the reicing, one time only, with not to exceed 6,000 pounds of ice, at Chicago, Illinois, September 5, 1945, of car PFE 94930, potatoes,

on the C&NW Railroad at Wood Street, as requested by Garibaldi & Cuneo.

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 5th day of September 1945.

V. C. CLINGER,
Director,
Bureau of Service.

[F. R. Doc. 45-16330; Filed, Sept. 10, 1945; 11:18 a. m.]

[Rev. S. O. 346, Special Permit 17]

ICING OF PEAS AT NEW YORK, N. Y.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph of Revised Service Order No. 346 (10 F.R. 10035), permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard the provisions of Revised Service Order No. 346 insofar as it applies to the furnishing of not to exceed 5,000 pounds of retop ice, one time only, September 4, 1945, on car MDT 19383, peas, now at 37th Street Station, New York, N. Y., on the Pennsylvania Railroad, as requested by Justman & Frankenthal.

The way bill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 4th day of September 1945.

V. C. CLINGER,
Director,
Bureau of Service.

[F. R. Doc. 45-16331; Filed, Sept. 10, 1945; 11:18 a. m.]

[Rev. S. O. 346, Special Permit 18]

ICING OF MIXED VEGETABLES AT JERSEY CITY, N. J., AND NEW YORK, N. Y.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph of Revised Service Order No. 346 (10 F.R. 10035), permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard the provisions of Revised Service Order No. 346 insofar as it applies to the furnishing of not to exceed five thousand (5,000) pounds of retop ice per car, one time only, September 4, 1945, on MDT 22393, peas, MDT 20351, mixed vegetables, NRC 7690 and PFE 73414, both lettuce, all four cars on C. of N. J. (B&O) at Jersey City, N. J., and on PFE 29184, carrots, at 26th Street Team Tracks, New York, N. Y. (B&O), as ordered by Tassini & Salisch.

The waybills shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 4th day of September 1945.

V. C. CLINGER,
Director,
Bureau of Service.

[F. R. Doc. 45-16332; Filed, Sept. 10, 1945; 11:18 a. m.]

[Rev. S. O. 346, Special Permit 19]

ICING OF LETTUCE AT COUNCIL BLUFFS, IOWA

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph of Revised Service Order No. 346 (10 F.R. 10035), permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard the provisions of Revised Service Order No. 346 insofar as it applies to the furnishing of one additional retop icing in transit, one time only, at Council Bluffs, Iowa (U.P.), on car URT 27074, lettuce, which, account bad order was transferred from PFE 17168, as requested by Union Pacific Railroad.

The waybills shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 4th day of September 1945.

V. C. CLINGER,
Director,
Bureau of Service.

[F. R. Doc. 45-16333; Filed, Sept. 10, 1945; 11:18 a. m.]

[Rev. S. O. 346, Special Permit 20]

ICING OF LETTUCE AT AVONDALE, LA.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph of Revised Service Order No. 346 (10 F.R. 10035), permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard the provisions of Revised Service Order No. 346 insofar as it applies to the retop icing with 8,000 pounds of retop ice, one time only, September 5 or 6, 1945, at Avondale, Louisiana, of cars SFRD 25045, lettuce, consigned to Nelder & Hirsch, Tampa, Florida, and SFRD 24214, lettuce, consigned to Kaler Produce Company, Miami, Florida, account no icing station east of Mississippi River en route.

The waybills shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 5th day of September 1945.

V. C. CLINGER,
Director,
Bureau of Service.

[F. R. Doc. 45-16834; Filed, Sept. 10, 1945; 11:18 a. m.]

[Rev. S. O. 346, Special Permit 21]

ICING OF LETTUCE

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph of Revised Service Order No. 346 (10 F.R. 10035), permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard the provisions of Revised Service Order No. 346 insofar as it applies to the furnishing of one (1) additional retop icing, on the Union Pacific Railroad, not later than September 6, 1945, on car PFE 94204, lettuce, as requested by the Union Pacific Railroad account car bad ordered at Ogden, Utah, and held 5 days.

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 5th day of September 1945.

V. C. CLINGER,
Director,
Bureau of Service.

[F. R. Doc. 45-16835; Filed, Sept. 10, 1945; 11:18 a. m.]

OFFICE OF ALIEN PROPERTY CUSTODIAN.

[Vesting Order 5200]

WILLIAM KREMER

In re: Estate of William Kremer, also known as Wilhelm Kramer and William Kramer, deceased; File No. D-28-9577; E. T. sec. 13156.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding;

That the property described as follows: All right, title, interest and claim of any kind or character whatsoever of Wilhelm Kramer in and to the estate of William Kremer, also known as Wilhelm Kramer and William Kramer, deceased,

is property payable or deliverable to, or claimed by, a national of a designated enemy country, Germany, namely,

National and Last Known Address

Wilhelm Kramer, Germany.

That such property is in the process of administration by James W. Brown, as Administrator of the Estate of William Kremer, also known as Wilhelm Kramer and William Kramer, acting under the judicial supervision of the Surrogate's Court of Bronx County, New York;

And determining that to the extent that such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC-1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on September 4, 1945.

[SEAL] JAMES E. MARKHAM,
Alien Property Custodian.

[F. R. Doc. 45-16816; Filed, Sept. 10, 1945; 10:34 a. m.]

[Supp. Vesting Order 5203]

SIEMENS, INC.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the Alien Property Custodian, after investigation:

1. Having found in Vesting Order Number 35, dated June 30, 1942, that all of the outstanding common capital stock of Siemens, Incorporated, a corporation organized under the laws of the State of New York, consisting of 50 shares of $100 par value, was owned by the persons listed below in the amount set opposite each name, and having vested said 50 shares of stock:

Name:	*Number of shares*
Siemens & Halske, A. G.	25
Siemens-Schuckertwerke, A. G.	25
Total	50

2. Finding that Siemens, Incorporated, a corporation organized under the laws of the State of New York, is a business enterprise within the United States;

3. Finding that Siemens & Halske, A. G., and Siemens-Schukertwerke, A. G., whose principal places of business are located in Berlin, Germany, are nationals of a designated enemy country (Germany);

4. Finding that Siemens-Schuckert, Ltda., has a claim against Siemens, Incorporated, in the amount of $1,709.03, as of June 30, 1941, which is represented on the books and records of Siemens, Incorporated, as an account payable, subject to any accruals or deductions thereafter and which represents an interest in Siemens, Incorporated;

5. Finding that Siemens-Schuckert, Ltda., whose principal place of business is located in Santiago, Chile, is a branch of Siemens-Schuckertwerke, A. G., or Siemens & Halske, A. G.;

and determining:

6. That Siemens-Schuckert, Ltda., is controlled by or acting for or on behalf of Siemens-Schuckertwerke, A. G., or Siemens & Halske, A. G., and is a national of a designated enemy country (Germany);

7. That Siemens, Incorporated, is controlled by or acting for or on behalf of Siemens & Halske, A. G., and Siemens-Schuckertwerke, A. G., and is a national of a designated enemy country (Germany);

8. That to the extent that such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany);

and having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the interest of Siemens Schuckert, Ltda., in Siemens, Incorporated, more fully described in subparagraph 4 hereof, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC-1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national", "designated enemy country" and "business enterprise within the United States" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on September 6, 1945.

[SEAL] JAMES E. MARKHAM,
Alien Property Custodian.

[F. R. Doc. 45-16817; Filed, Sept. 10, 1945; 10:34 a. m.]

[Vesting Order 5204]

HELENE KADATZ

In re: Estate of Helene Kadatz, also known as Helena Kadatz, deceased; File No. D-28-7494; E. T. sec. 7788.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding;

That the property described as follows: All right, title, interest and claim of any kind or character whatsoever of Elizabeth Kleiner, also known as Lisette Kleiner, Heinrich Graser, also known as Heinrich Glaser, and Jacob Essig, and each of them, in and to the Estate of Helene Kadatz, also known as Helena Kadatz, deceased,

is property payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

Nationals and Last Known Address

Elizabeth Kleiner, also known as Lisette Kleiner, Germany.

Heinrich Graser, also known as Heinrich Glaser, Germany.

Jacob Essig, Germany.

That such property is in the process of administration by Frederick W. Werner, as Executor, acting under the judicial supervision of the Surrogate's Court, Richmond, County, New York;

And determining that to the extent that such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC–1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on September 6, 1945.

[SEAL] JAMES E. MARKHAM,
Alien Property Custodian.

[F. R. Doc. 45–16818; Filed, Sept. 10, 1945; 10:34 a. m.]

[Vesting Order 500A–171]

COPYRIGHTS OF CERTAIN GERMAN NATIONALS

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned after investigation:

1. Finding that each and all of the identified persons to whom reference is made in Column 5 of Exhibit A attached hereto and made a part hereof (the names of which persons are listed (a) in Column 3 of said Exhibit A as the authors of the works, the titles of which are listed in Column 2, and the copyright numbers, if any, of which are listed in Column 1, respectively, of said Exhibit A, and/or (b) in Column 4 of said Exhibit A as the owners of the copyrights, the numbers, if any, of which are listed in Column 1, and the titles of the works covered by which are listed in Column 2, respectively, of said Exhibit A, and/or (c) in Column 5 of said Exhibit A as others owning or claiming interests in such copyrights) are nationals of one or more foreign countries;

2. Determining, therefore, that the property described as follows:

All right, title, interest and claim of whatsoever kind or nature, under the statutory and common law of the United States and of the several States thereof, of each and all of the identified persons to whom reference is made in Column 5 of said Exhibit A, and also of each and all other unidentified individuals who, as of the date of this order, are residents of, and of each and all other unidentified corporations, partnerships, associations or business organizations of any kind or nature which, as of the date of this order, are organized under the laws of, or have their principal places of business in, Germany, Italy, Japan, Bulgaria, Hungary, Rumania and/or any territory occupied by one or more of such six named countries, whether or not such unidentified persons are named elsewhere in this order or in said Exhibit A, in, to and under the following:

a. Each and all of the copyrights, if any, described in said Exhibit A;

b. Every copyright, claim of copyright and right to copyright in each and all of the works described in said Exhibit A and in every issue, edition, publication, republication, translation, arrangement, dramatization and revision thereof, in whole or in part, of whatsoever kind or nature, and of each and all other works designated by the titles therein set forth, whether or not filed with the Register of Copyrights or otherwise asserted, and whether or not specifically designated by copyright number;

c. Every license, agreement, privilege, power and right of whatsoever nature arising under or with respect to any or all of the foregoing;

d. All monies and amounts, and all right to receive monies and amounts, by way of royalty, share of profits or other emolument, accrued or to accrue, whether arising pursuant to law, contract or otherwise, with respect to any or all of the foregoing;

e. All rights of renewal, reversion or revesting, if any, in any or all of the foregoing;

f. All causes of action accrued or to accrue at law or in equity with respect to any or all of the foregoing, including but not limited to the right to sue for and recover all damages and profits and to ask and receive any and all remedies provided by common law or statute for the infringement of any copyright or the violation of any right or the breach of any obligation described in or affecting any or all of the foregoing;

is property payable or held with respect to copyrights, or rights related thereto, in which interests are held by, and such property constitutes interests held therein by, nationals of one or more foreign countries;

3. Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise; and

4. Deeming it necessary in the national interest;

hereby vests in the Alien Property Custodian the property hereinbefore described in subparagraph 2, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive order.

Executed at Washington, D. C., on August 7, 1945.

[SEAL] JAMES E. MARKHAM,
Alien Property Custodian.

EXHIBIT A

Column 1 Copyright numbers	Column 2 Titles of works	Column 3 Names and last known nationalities of authors	Column 4 Names and last known addresses of owners of copyrights	Column 5 Identified persons whose interests are being vested
Unknown	Die Geigen- und Lautenmacher, 1922	Lutgendorff (nationality not established)	Frankfurter Verlagsamstalt A.-G. Frankfurt A. M., Germany (nationality German).	Owner.
Unknown	Geschichte der Zahnheilkunde, 2d edition, 1929.	Karl Sudhoff (nationality not established)	Johann Ambrosius Barth, Leipzig, Germany (nationality German).	Owner.
A for. 36781	Der Erkreis, 1935	Martin Hürlimann (nationality not established.)	Atlantis-Verlag, G. m. b. H., Berlin, Germany (nationality German).	Owner.
A for. 38429	Dr. Paul Wolff—Arbeit, 1937	Dr. Paul Wolff (nationality not established).	H. Bechhold Verlagsbuchhandlung Frankfort/Main, Germany (nationality German).	Owner.
Unknown	Palästina Arabien und Syrien Baukunst-Landschaft Volksleben, 1925.	Karl Gröber (nationality not established).	Verlag von Ernst Wasmuth, A. G., Berlin, Germany (nationality German).	Owner.
Unknown	Baukunst und Landschaft in China Eine Reise Durch Zwölf Provinzen, 1926.	Ernst Boerschmann (nationality not established).	Verlag von Ernst Wasmuth, A. G., Berlin, Germany (nationality German).	Owner.
Unknown	Das Unbekannte Spanien, Baukunst, Landschaft, Volksleben, 1922.	Kurt Hielscher (nationality not established).	Verlag von Ernst Wasmuth, A. G., Berlin, Germany (nationality German).	Owner.

[F. R. Doc. 45–16815; Filed, Sept. 10, 1945; 10:35 a. m.]

OFFICE OF DEFENSE TRANSPORTATION.

[ODT Certificates S Series, Withdrawal]

SUBSTITUTION OF RAIL FOR MOTOR COMMON CARRIER SERVICE

Pursuant to § 501.10a (b) of General Order ODT 3, Revised, as amended (9 F.R. 6778), *It is hereby ordered*, That ODT Certificates Nos. S–1 (9 F.R. 5743), S–2 (9 F.R. 9842), S–3 (9 F.R. 10103), S–4 (9 F.R. 11550), S–5 (9 F.R. 11977), S–6 (9 F.R. 12056), S–7, as amended (9 F.R. 12056, 10 F.R. 1797), S–8 (9 F.R. 12057), S–9 (9 F.R. 14740), S–10 (10 F.R. 4937), and S–11 (10 F.R. 5383), be, and they are hereby withdrawn effective November 1, 1945.

Issued at Washington, D. C., this 10th day of September 1945.

J. M. JOHNSON,
Director,
Office of Defense Transportation.

[F. R. Doc. 45–16811; Filed, Sept. 10, 1945; 10:15 a. m.]

[Recommendation for Industry Transportation Plans, as Amended, Revocation]

TRANSPORTATION OF AGRICULTURAL COMMODITIES AND PRODUCTS

Pursuant to Executive Orders 8989, as amended, and 9156; *It is hereby ordered*, That:

(1) Recommendation for Industry Transportation Plans for transportation of agricultural commodities and products, as amended, dated March 22, 1943 (8 F.R. 3744), be, and it is hereby, revoked.

(2) All approvals and directions issued by the Office of Defense Transportation in respect of industry transportation plans pursuant to the provisions of said recommendation be, and they are hereby, vacated and revoked.

(3) All Industry Transportation Committees and all Industry Advisory Committees selected pursuant to the provisions of said recommendation be, and they are hereby, dissolved.

(4) Any participant in an industry transportation plan approved by and placed into effect upon the direction of the Office of Defense Transportation pursuant to the provisions of said recommendation may at any time withdraw from participation in such plan by serving written notice of such withdrawal upon the administrator of said plan.

Paragraphs (1), (2), and (3) of this revocation order shall become effective November 1, 1945. Paragraph (4) of this revocation order shall become effective September 10, 1945.

(E.O. 8969, as amended, 6 F.R. 6725, 8 F.R. 14183; E.O. 9156, 7 F.R. 3349)

Issued at Washington, D. C., this 10th day of September 1945.

J. M. JOHNSON,
Director,
Office of Defense Transportation.

[F. R. Doc. 45–16820; Filed, Sept. 10, 1945; 11:03 a. m.]

[Recommendation for Livestock Transportation Program, Revocation]

TRANSPORTATION OF LIVESTOCK BY COMMERCIAL MOTOR VEHICLE

Pursuant to Executive Orders 8989, as amended, and 9156; *It is hereby ordered*, That:

(1) Recommendation for Transportation of Livestock by Commercial Motor Vehicle, dated August 20, 1943 (8 F.R. 11702), be, and it is hereby, revoked.

(2) All directions issued and actions taken by the Office of Defense Transportation in respect of the movement of motor trucks in the transportation of livestock pursuant to the provisions of said recommendation be, and they are hereby, vacated and revoked.

(3) All Area Livestock Industry Transportation Advisory Committees and all Local Livestock Industry Transportation Committees selected pursuant to the provisions of said recommendation be, and they are hereby, dissolved.

(4) Any person operating in furtherance of any action taken, or under any direction issued, by the Office of Defense Transportation pursuant to the provisions of said recommendation may at any time be relieved from compliance with said action or direction by serving written notice upon the administrator appointed under said recommendation of his desire to be so relieved.

Paragraphs (1), (2), and (3) of this revocation order shall become effective November 1, 1945. Paragraph (4) of this revocation order shall become effective September 10, 1945.

(E.O. 8989, as amended, 6 F.R. 6725, 8 F.R. 14183; E.O. 9156, 7 F.R. 3349)

Issued at Washington, D. C., this 10th day of September 1945.

J. M. JOHNSON,
Director,
Office of Defense Transportation.

[F. R. Doc. 45–16880; Filed, Sept. 10, 1945; 4:40 p. m.]

OFFICE OF PRICE ADMINISTRATION.

[Supp. Order 94, Order 77]

U. S. DEPARTMENT OF COMMERCE

SPECIAL MAXIMUM PRICES FOR CERTAIN ARMY FLYING SUITS

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and in accordance with section 11 of Supplementary Order 94, it is ordered:

(a) *What this order does.* This order establishes maximum prices at which the new Army flying suits hereinafter described may be sold and delivered by the United States Department of Commerce and by any subsequent reseller.

(b) *Maximum prices.* Maximum prices per new Army flying suit described herein shall be:

Description of flying suit. New 70% wool gabardine Army flying suit, color green, type L–1, specification No. 8237, AAF Stock No. 8300–810030, two zipper pockets on chest, hips and above knees, two pockets below knees, pencil pockets on left arm below elbow, one long zipper from neck to crotch and zipper on each leg from knee to ankle.

Department of Commerce's and wholesaler's price to retailer, f. o. b. shipping point	$11.00
Price for all sales at retail	17.00

(c) *Discounts.* Every seller shall continue to maintain his customary discounts for cash.

(d) *Notification.* Any person who sells the flying suits described in paragraph (b) to a retailer shall furnish the retailer with an invoice of sale setting forth the retailer's maximum price, and stating that the retailer is required by this order to attach to each flying suit before sale a tag or label containing the following:

OPA ceiling price	$17.00

(e) *Tagging.* Any person who sells the flying suits described in paragraph (b) at retail shall attach to each flying suit before sale a tag or label which plainly states the retail ceiling price.

(f) *Relation to other regulations and orders.* This order with respect to the commodities it covers supersedes any other regulation or order previously issued by the Office of Price Administration.

(g) *Definitions.* (1) "Wholesaler" means any person who sells to purchasers for resale.

(2) "Sale at retail" means a sale to an ultimate consumer.

(h) *Revocation and amendment.* This order may be revoked or amended at any time.

This order shall become effective September 11, 1945.

Issued this 10th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45–16854; Filed, Sept. 10, 1945; 12:04 p. m.]

[Max. Import Price Reg., Order 102]

IMPORTED RAYON NET

ESTABLISHMENT OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to section 21 of the Maximum Import Price Regulation, it is ordered:

(a) *What this order does.* This order establishes maximum prices at which importers and wholesalers may sell, and maximum prices at which industrial users, wholesalers and retailers may purchase from such sellers, imported rayon net.

(b) *Maximum prices.* Notwithstanding the provisions of the Maximum Import Price Regulation, on and after September 14, 1945, regardless of any contract, agreement, or other obligation, no importer or wholesaler may sell or deliver and no person may buy or receive from such seller imported rayon net at prices higher than the following:

Hole count	Maximum prices	
	Wholesalers and industrial users	Retailers
26	$0.975	$1.085
28	1.025	1.135
30	1.075	1.195
31	1.125	1.250

The above maximum prices are per linear yard, f. o. b. U. S. shipping point, for rayon net 72 inches wide, subject to terms of 8%, 10 days, E. O. M. Such maximum prices may be increased proportionately for widths greater than 72 inches.

(c) *Notification of maximum prices.* Any importer who sells or delivers imported rayon net shall include on his invoice to wholesalers the following statement:

The invoiced imported rayon net is sold to you at prices established by Order No. 102 under the Maximum Import Price Regulation. Your own maximum resale prices are established by the same order.

(d) *Brokers or agents commissions.* The maximum prices established by this order include and may not be increased by any commission paid to any broker or to any buying or selling agent.

(e) *Less than maximum prices.* Lower prices than those established by this order may be charged, demanded, paid or offered.

(f) *Application of the Maximum Import Price Regulation.* Unless the context otherwise requires, the provisions of the Maximum Import Price Regulation, as amended, shall apply to sales for which maximum prices are established by this order.

(g) *Revocation and amendment.* This order may be revoked or amended at any time.

This order shall become effective September 14, 1945.

Issued this 10th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-16856; Filed, Sept. 10, 1945; 12:05 p. m.]

[MPR 188, Amdt. 32 to Order A-2]

TOILETRY AND COSMETIC GLASS BOTTLES AND CONTAINERS

APPROVAL OF MAXIMUM PRICES

An opinion accompanying this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.

Paragraph (a) (16) (ii) of Order A-2 under Maximum Price Regulation No. 188, is amended by adding to the list of commodities set forth therein the following:

Toiletry and cosmetic glass bottles and containers.

This amendment shall become effective September 14, 1945.

Issued this 10th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-16857; Filed, Sept. 10, 1945; 12:06 p. m.]

[MPR 188, Order 4396]

ACME SPINNING MFG. CO.

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.158 of Maximum Price Regulation No. 188; *It is ordered:*

(a) This order establishes maximum prices for sales and deliveries of certain articles manufactured by Acme Spinning Manufacturing Company, 1465 South Lorena Street, Los Angeles, Calif.

(1) For all sales and deliveries to the following classes of purchasers by the sellers indicated below, the maximum prices are those set forth below:

Article	Model No.	For sales by the manufacturer—		For sales by any person to consumers
		Jobbers	Retailers	
Metal table lamp, plated in two-tone effect with clear lacquer applied, 14" and 15" hand made shades in various styles.	300 ..... 10-12 and 14 shades.	*Each* $6.56	*Each* $7.72	*Each* $13.00

These maximum prices are for the articles described in the manufacturer's application dated May 12, 1945.

(2) For sales by the manufacturer, the maximum prices apply to all sales and deliveries since Maximum Price Regulation No. 188 became applicable to those sales and deliveries. For sales to persons other than consumers they are f. o. b. factory, 2% 10 days, net 30. The maximum price to consumers is net, delivered.

(3) For sales by persons other than the manufacturer, the maximum prices apply to all sales and deliveries after the effective date of this order. Those prices are subject to each seller's customary terms and conditions of sale on sales of similar articles.

(4) If the manufacturer wishes to make sales and deliveries to any other class of purchaser or on other terms and conditions of sale, he must apply to the Office of Price Administration, Washington, D. C., under the Fourth Pricing Method, § 1499.158 of Maximum Price Regulation No. 188, for the establishment of maximum prices for those sales, and no sales or deliveries may be made until maximum prices have been authorized by the Office of Price Administration.

(b) The manufacturer shall attach a tag or label to every article for which a maximum price for sales to consumers is established by this order. That tag or label shall contain the following statement, with the proper model number and the ceiling price inserted in the blank spaces:

Model No. ------
OPA Retail Ceiling Price—$------
Do Not Detach

(c) At the time of, or prior to, the first invoice to each purchaser for resale, the manufacturer shall notify the purchaser in writing of the maximum prices and conditions established by this order for sales by the purchaser. This notice may be given in any convenient form.

(d) Jobber's maximum prices for sales of the articles covered by this order shall be established under the provisions of section 4.5 of SR 14J.

(e) This order may be revoked or amended by the Price Administrator at any time.

(f) This order shall become effective on the 11th day of September 1945.

Issued this 10th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-16858; Filed, Sept. 10, 1945; 12:06 p. m.]

Article	Model No.	Maximum price	Adjustment permitted by paragraph (d) of this order	Additional adjustment charge permitted by this order	Total adjusted maximum price
Dresser base	505	$31.75	$1.59	$1.63	$34.97
Mirror	505	8.25	.41	.42	9.08
Chest	505	33.75	1.69	1.74	37.18
Chest on chest	506	39.75	1.99	2.04	43.78
Vanity base	506	32.75	1.64	1.69	36.08
Bed 4/6	505	26.25	1.31	1.35	28.91
Night table	506	13.50	.68	.69	14.87
Bed 4/6	510	32.50	1.63	1.67	35.80
Mirror	510	9.25	.46	.48	10.19
	511	10.75	.54	.55	11.84
	506	9.75	.49	.50	10.74
Bench	505	7.75	.39	.40	8.54

The adjustment charges listed above may be made and collected only when each is separately stated on each invoice. The adjusted maximum prices are subject to the manufacturer's customary terms, discounts, allowances, and other price differentials in effect during March 1942 on sales to each class of purchaser.

This amendment shall become effective September 11, 1945.

Issued this 10th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-16855; Filed, Sept. 10, 1945; 12:05 p. m.]

[MPR 188, Amdt. 1 to Order 43 Under Order 1052]

FREWSBURG FURNITURE CO.

ADJUSTMENT OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith, and filed with the Division of the Federal Register, and pursuant to paragraph (g) of Order No. 1052 under Maximum Price Regulation No. 188, *It is ordered*, That Order No. 43 under Order No. 1052 under Maximum Price Regulation No. 188 be amended in the following respect:

Paragraph (a) is amended to read as follows:

(a) *Manufacturer's maximum prices.* Frewsburg Furniture Company, Frewsburg, New York, may add the following additional adjustment charges to its maximum prices for sales and deliveries to retailers of the articles of wood household furniture listed below which it manufactures, resulting in the following adjusted maximum prices:

Article	Model No.	For sales by the manufacturer to—		For sales by any person to consumers
		Jobbers	Retailers	
Decorated china table lamp vase with gold trim handles	102	*Each* $5.35	*Each* $6.30	*Each* $11.35

These maximum prices are for the articles described in the manufacturer's application dated June 20, 1945.

(2) For sales by the manufacturer, the maximum prices apply to all sales and deliveries since Maximum Price Regulation No. 188 became applicable to those sales and deliveries. For sales to persons other than consumers they are f. o. b. factory, 2% 10 days, net 30. The maximum price to consumers is net, delivered.

(3) For sales by persons other than the manufacturer, the maximum prices apply to all sales and deliveries after the effective date of this order. Those prices are subject to each seller's customary terms and conditions of sale on sales of similar articles.

(4) If the manufacturer wishes to make sales and deliveries to any other class of purchaser or on other terms and conditions of sale, he must apply to the Office of Price Administration, Washington, D. C., under the Fourth Pricing Method, § 1499.158 of Maximum Price Regulation No. 188, for the establishment of maximum prices for those sales, and no sales or deliveries may be made until maximum prices have been authorized by the Office of Price Administration.

(b) The manufacturer shall attach a tag or label to every article for which a maximum price for sales to consumers is established by this order. That tag or label shall contain the following statement, with the proper model number and the ceiling price inserted in the blank spaces:

Model No. ------
OPA Retail Ceiling Price—$------
Do Not Detach

(c) At the time of, or prior to, the first invoice to each purchaser for resale, the manufacturer shall notify the purchaser in writing of the maximum prices and conditions established by this order for sales by the purchaser. This notice may be given in any convenient form.

(d) Jobber's maximum prices for sales of the articles covered by this order shall be established under the provisions of section 4.5 of SR 14J.

(e) This order may be revoked or amended by the Price Administrator at any time.

(f) This order shall become effective on the 11th day of September 1945.

Issued this 10th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-16859; Filed, Sept. 10, 1945; 12:06 p. m.]

[MPR 188, Order 4398]

TRI-K MFG. CO.

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.158 of Maximum Price Regulation No. 188; *It is ordered:*

(a) This order establishes maximum prices for sales and deliveries of certain articles manufactured by the Tri-K Manufacturing Company of 334 Bowery, New York 12, N. Y.

(1) For all sales and deliveries to the following classes of purchasers by the sellers indicated below, the maximum prices are those set forth below:

Article	Model	Maximum prices for sales by any seller to—			
		Wholesalers (jobbers)	Retailers (6 units or more)	Retailers (less than 6 units)	Consumers
Simple burner electric hot plate	151	*Each* $0.94	*Each* $1.11	*Each* $1.20	*Each* $1.79

These maximum prices are for the articles described in the manufacturer's application dated July 18, 1945.

(2) For sales by the manufacturer, the maximum prices apply to all sales and deliveries since Maximum Price Regulation No. 188 became applicable to those sales and deliveries. These prices include the Federal Excise Tax. They are f. o. b. factory and subject to a cash discount of 2% for payment within 10 days, net 30 days.

(3) For sales by persons other than the manufacturer, the maximum prices apply to all sales and deliveries after the effective date of this order. Those prices are subject to each seller's customary terms and conditions of sale on sales of similar articles.

(4) If the manufacturer wishes to make sales and deliveries to any other class of purchaser or on other terms and conditions of sale, he must apply to the Office of Price Administration, Washington, D. C., under the Fourth Pricing Method, § 1499.158 of Maximum Price Regulation No. 188, for the establishment of maximum prices for those sales, and no sales or deliveries may be made until maximum prices have been authorized by the Office of Price Administration.

(b) The manufacturer shall attach a tag or label to every article for which a maximum price for sales to consumers is established by this order. That tag or label shall contain the following statement, with the proper model number and the ceiling price inserted in the blank spaces:

Model No. ------
OPA Retail Ceiling Price—$------
Do Not Detach or Obliterate

(c) At the time of, or prior to, the first invoice to each purchaser for resale, the manufacturer shall notify the purchaser in writing of the maximum prices and conditions established by this order for sales by the purchaser. This notice may be given in any convenient form.

(d) Jobber's maximum prices for sales of the articles covered by this order shall be established under the provisions of section 4.5 of SR 14J.

(e) This order may be revoked or amended by the Price Administrator at any time.

(f) This order shall become effective on the 11th day of September 1945.

Issued this 10th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-16860; Filed, Sept. 10, 1945; 12:06 p. m.]

[MPR 188, Order 4397]

LASALLE SALES CO.

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.158 of Maximum Price Regulation No. 188; *It is ordered:*

(a) This order establishes maximum prices for sales and deliveries of certain articles manufactured by LaSalle Sales Company, 187 North LaSalle Street, Chicago 1, Ill.

(1) For all sales and deliveries to the following classes of purchasers by the sellers indicated below, the maximum prices are those set forth below:

Article	Model No.	For sales by the manufacturer to—		For sales by any person to consumers
		Jobbers	Retailers	
Metal table lamp, plated in two-tone effect with clear lacquer applied, 14" and 15" hand made shades in various styles.	300 ..... 10-12 and 14 shades.	*Each* $6.56	*Each* $7.72	*Each* $13.00

These maximum prices are for the articles described in the manufacturer's application dated May 12, 1945.

(2) For sales by the manufacturer, the maximum prices apply to all sales and deliveries since Maximum Price Regulation No. 188 became applicable to those sales and deliveries. For sales to persons other than consumers they are f. o. b. factory, 2% 10 days, net 30. The maximum price to consumers is net, delivered.

(3) For sales by persons other than the manufacturer, the maximum prices apply to all sales and deliveries after the effective date of this order. Those prices are subject to each seller's customary terms and conditions of sale on sales of similar articles.

(4) If the manufacturer wishes to make sales and deliveries to any other class of purchaser or on other terms and conditions of sale, he must apply to the Office of Price Administration, Washington, D. C., under the Fourth Pricing Method, § 1499.158 of Maximum Price Regulation No. 188, for the establishment of maximum prices for those sales, and no sales or deliveries may be made until maximum prices have been authorized by the Office of Price Administration.

(b) The manufacturer shall attach a tag or label to every article for which a maximum price for sales to consumers is established by this order. That tag or label shall contain the following statement, with the proper model number and the ceiling price inserted in the blank spaces:

Model No. ------
OPA Retail Ceiling Price—$------
Do Not Detach

(c) At the time of, or prior to, the first invoice to each purchaser for resale, the manufacturer shall notify the purchaser in writing of the maximum prices and conditions established by this order for sales by the purchaser. This notice may be given in any convenient form.

(d) Jobber's maximum prices for sales of the articles covered by this order shall be established under the provisions of section 4.5 of SR 14J.

(e) This order may be revoked or amended by the Price Administrator at any time.

(f) This order shall become effective on the 11th day of September 1945.

Issued this 10th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-16858; Filed, Sept. 10, 1945; 12:06 p. m.]

[MPR 188, Order 4399]

BO-LOW LAMP CO.

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.158 of Maximum Price Regulation No. 188; *It is ordered:*

(a) This order establishes maximum prices for sales and deliveries of certain articles manufactured by Bo-Low Lamp Company, 1 Chester Court, Brooklyn, New York.

(1) For all sales and deliveries to the following classes of purchasers by the sellers indicated below, the maximum prices are those set forth below:

Article	Model No.	For sales by the manufacturer to—		For sales by any person to consumers
		Jobbers	Retailers	
Hand painted lamps made figures hand modeled from maple. Shades are hand-painted. Height of lamps 18".	201, 202, 203-B, 204-L, 205, 206, and 207.	*Each* $4.54	*Each* $5.34	*Each* $9.60

These maximum prices are for the articles described in the manufacturer's application dated April 21, 1945.

(2) For sales by the manufacturer, the maximum prices apply to all sales and deliveries since Maximum Price Regulation No. 188 became applicable to those sales and deliveries. For sales to persons other than consumers they are f. o. b. factory, 5% 10 days. The maximum price to consumers is net, delivered.

(3) For sales by persons other than the manufacturer, the maximum prices apply to all sales and deliveries after the effective date of this order. Those prices are subject to each seller's customary terms and conditions of sale on sales of similar articles.

(4) If the manufacturer wishes to make sales and deliveries to any other class of purchaser or on other terms and conditions of sale, he must apply to the Office of Price Administration, Washington, D. C., under the Fourth Pricing Method, § 1499.158 of Maximum Price Regulation No. 188, for the establishment of maximum prices for those sales, and no sales or deliveries may be made until maximum prices have been authorized by the Office of Price Administration.

(b) The manufacturer shall attach a tag or label to every article for which a maximum price for sales to consumers is established by this order. That tag or label shall contain the following statement, with the proper model number and the ceiling price inserted in the blank spaces:

Model No. ------
OPA Retail Ceiling Price—$------
Do Not Detach

(c) At the time of, or prior to, the first invoice to each purchaser for resale, the manufacturer shall notify the purchaser in writing of the maximum prices and conditions established by this order for sales by the purchaser. This notice may be given in any convenient form.

(d) Jobber's maximum prices for sales of the articles covered by this order shall be established under the provisions of section 4.5 of SR 14J.

(e) This order may be revoked or amended by the Price Administrator at any time.

(f) This order shall become effective on the 11th day of September 1945.

Issued this 10th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-16861; Filed, Sept. 10, 1945; 12:07 p. m.]

[MPR 188, Order 4400]

HARRY FENBERG

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.158 of Maximum Price Regulation No. 188; *It is ordered:*

(a) This order establishes maximum prices for sales and deliveries of certain articles manufactured by Harry Fenberg, 415 Brainard Street, Detroit 1, Michigan.

(1) For all sales and deliveries to the following classes of purchasers by the sellers indicated below, the maximum prices are those set forth below:

Article	Model No.	For sales by the manufacturer to—		For sales by any person to consumers
		Jobbers	Retailers	
Figurine lamp and shade.	460 and 461.	*Each* $10.73	*Each* $12.50	*Each* $22.50

These maximum prices are for the articles described in the manufacturer's application dated May 23, 1945.

(2) For sales by the manufacturer, the maximum prices apply to all sales and deliveries since Maximum Price Regulation No. 188 became applicable to those sales and deliveries. For sales to persons other than consumers they are f. o. b. factory, 2% 10 days, net 30. The maximum price to consumers is net, delivered.

(3) For sales by persons other than the manufacturer, the maximum prices apply to all sales and deliveries after the effective date of this order. Those prices are subject to each seller's customary terms and conditions of sale on sales of similar articles.

(4) If the manufacturer wishes to make sales and deliveries to any other class of purchaser or on other terms and conditions of sale, he must apply to the Office of Price Administration, Washington 25, D. C., under the Fourth Pricing Method, § 1499.158 of Maximum Price Regulation No. 188, for the establishment of maximum prices for those sales, and no sales or deliveries may be made until maximum prices have been authorized by the Office of Price Administration.

(b) The manufacturer shall attach a tag or label to every article for which a maximum price for sales to consumers is established by this order. That tag or label shall contain the following statement, with the proper model number and the ceiling price inserted in the blank spaces:

Model No. ------
OPA Retail Ceiling Price—$------
Do Not Detach

(c) At the time of, or prior to, the first invoice to each purchaser for resale, the manufacturer shall notify the purchaser in writing of the maximum prices and conditions established by this order for sales by the purchaser. This notice may be given in any convenient form.

(d) Jobber's maximum prices for sales of the articles covered by this order shall be established under the provisions of section 4.5 of SR 14J.

(e) This order may be revoked or amended by the Price Administrator at any time.

(f) This order shall become effective on the 11th day of September 1945.

Issued this 10th day of September 1945

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-16862; Filed, Sept. 10, 1945; 12:07 p. m.]

[MPR 188, Order 4401]

S. KRASNOW

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.158 of Maximum Price Regulation No. 188; *It is ordered:*

(a) This order establishes maximum prices for sales and deliveries of certain articles manufactured by S. Krasnow, 120 West 20th Street, New York 11, N. Y.

(1) For all sales and deliveries to the following classes of purchasers by the sellers indicated below, the maximum prices are those set forth below:

Article	Model No.	For sales by the manufacturer to—		For sales by any person to consumers
		Jobbers	Retailers	
Special 11" boudoir lamp shade, washer top, hand sewn	900	*Each* $1.99	*Each* $3.48	*Each* $6.85
Special 16" bell lampshade, drape and festoon models—hand sewn and custom made	1000	6.19	7.28	13.10
Special 17" bell lamp shade with swirl skirted top, hand sewn and custom made	1100	8.93	10.50	19.00

These maximum prices are for the articles described in the manufacturer's application dated June 12, 1945.

(2) For sales by the manufacturer, the maximum prices apply to all sales and deliveries since Maximum Price Regulation No. 188 became applicable to those sales and deliveries. For sales to persons other than consumers they are f. o. b. factory, 2% 10 days, net 30. The maximum price to consumers is net, delivered.

(3) For sales by persons other than the manufacturer, the maximum prices apply to all sales and deliveries after the effective date of this order. Those prices are subject to each seller's customary terms and conditions of sale on sales of similar articles.

(4) If the manufacturer wishes to make sales and deliveries to any other class of purchaser or on other terms and conditions of sale, he must apply to the Office of Price Administration, Washington, D. C., under the Fourth Pricing Method, § 1499.158 of Maximum Price Regulation No. 188, for the establishment of maximum prices for those sales, and no sales or deliveries may be made until maximum prices have been authorized by the Office of Price Administration.

(b) The manufacturer shall attach a tag or label to every article for which a maximum price for sales to consumers is established by this order. That tag or label shall contain the following statement, with the proper model number and the ceiling price inserted in the blank spaces:

Model No. ------
OPA Retail Ceiling Price—$------
Do Not Detach

(c) At the time of, or prior to, the first invoice to each purchaser for resale, the manufacturer shall notify the purchaser in writing of the maximum prices and conditions established by this order for sales by the purchaser. This notice may be given in any convenient form.

(d) Jobber's maximum prices for sales of the articles covered by this order shall be established under the provisions of section 4.5 of SR 14J.

(e) This order may be revoked or amended by the Price Administrator at any time.

(f) This order shall become effective on the 11th day of September 1945.

Issued this 10th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-16863; Filed, Sept. 10, 1945; 12:07 p. m.]

[MPR 188, Order 4404]

LAKESIDE ALUMINUM CO.

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.158 of Maximum Price Regulation No. 188; *It is ordered:*

(a) This order establishes maximum prices for sales and deliveries of certain articles manufactured by Lakeside Aluminum Company, Menomonie, Wis.

(1) For all sales and deliveries to the following classes of purchasers by the sellers indicated below, the maximum prices are those set forth below:

Article	Model No.	Maximum prices for sales by any seller to—			
		Jobbers	Chain and department stores	Other retailers	Consumers
Pressure cooker with insert	Streamliner	$9.45	$11.34	$12.60	*Eastern zone* $18.90 *Western zone* 19.80
Pressure cooker without insert	...do...	8.45	10.14	11.27	*Eastern zone* 16.90 *Western zone* 17.80

These maximum prices are for the articles described in the manufacturer's application dated June 19, 1945.

(2) For sales by the manufacturer, the maximum prices apply to all sales and deliveries since Maximum Price Regulation No. 188 became applicable to those sales and deliveries. These prices are f. o. b. factory and subject to a cash discount of 2% for payment within 10 days, net 30 days.

(3) For sales by persons other than the manufacturer, the maximum prices apply to all sales and deliveries after the effective date of this order. Those prices are subject to each seller's customary terms and conditions of sale on sales of similar articles.

(4) If the manufacturer wishes to make sales and deliveries to any other class of purchaser or on other terms and conditions of sale, he must apply to the Office of Price Administration, Washington, D. C., under the Fourth Pricing Method, § 1499.158 of Maximum Price Regulation No. 188, for the establishment of maximum prices for those sales, and no sales or deliveries may be made until maximum prices have been authorized by the Office of Price Administration.

(b) The manufacturer shall attach a tag or label to every article for which a maximum price for sales to consumers is established by this order. That tag or label shall contain the following statement with the correct model number and retail prices properly filled in:

Lakeside Aluminum Company,
Menomonie, Wisconsin
Model No. ------
Eastern Zone OPA Ceiling Price—$------
Western Zone OPA Ceiling Price—$------
Do Not Detach or Obliterate

(c) At the time of, or prior to, the first invoice to each purchaser for resale, the seller shall notify the purchaser in writing of the maximum prices and conditions established by this order for sales by the purchaser. This notice may be given in any convenient form.

(d) This order may be revoked or amended by the Price Administrator at any time.

(e) This order shall become effective on the 11th day of September 1945.

Issued this 10th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-16866; Filed, Sept. 10, 1945; 12:08 p. m.]

[MPR 591, Order 13]

BROOKS OF CALIFORNIA

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register and pursuant to section 9 of Maximum Price Regulation No. 591; *It is ordered:*

(a) The maximum prices, f. o. b. point of shipment for sales by any person of the following control valves manufactured by Brooks of California of Los Angeles, California, and described in its application of July 17, 1945, shall be:

(1) On sales to consumers:

¾" brass control valve with female pipe threads	$3.35
¾" brass control valve with union connection and anti-syphon device	5.00
¾" brass control valve with female iron pipe thread and anti-syphon device	4.60

(2) On sales to dealers, the maximum prices shall be those specified in (a) (1) less a discount of 20 percent.

(3) On sales to jobbers in lots of 5 000 or more, the maximum price shall be those specified in (a) (1) less successive discounts of 20–25 percent.

(b) In addition to the discounts enumerated above in (a) (2) and (a) (3) the maximum prices established by this order are subject to such further discounts, allowances including transportation allowances and the rendition of services which are at least as favorable as those which each seller extended or rendered or would have extended or rendered to purchasers of the same class on comparable sales of similar commodities during March 1942.

(c) The maximum prices for sales on an installed basis of the commodities covered by this order shall be determined in accordance with Revised Maximum Price Regulation No. 251.

(d) Each seller, except on sales to consumers, shall notify in writing each of his purchasers of the maximum prices established by this order for his sales to such purchasers as well as the maximum prices established for such purchaser's resale.

(e) Brooks of California shall attach a tag to each of the control valves covered by this order and shall print in a conspicuous place on the tag the following:

OPA Maximum Retail Price—$------

(f) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective September 11, 1945.

Issued this 10th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-16869; Filed, Sept. 10, 1945; 12:08 p. m.]

[MPR 188, Order 4402]

REX CUTLERY CO.

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.158 of Maximum Price Regulation No. 188; *It is ordered:*

(a) This order establishes maximum prices for sales and deliveries of certain articles manufactured by the Rex Cutlery Company, 16–24 Cordier Street, Irvington, N. J.

(1) For all sales and deliveries to the following classes of purchasers by the sellers indicated below, the maximum prices are those set forth below:

Article	Model No.	Maximum prices for sales by any seller to—					
		Carbon steel			Stainless steel		
		Wholesaler (jobber)	Retailer	Consumer	Wholesaler (jobber)	Retailer	Consumer
		Each	*Each*	*Each*	*Each*	*Each*	*Each*
Nail file	3½	$0.09	$0.12	$0.20	$0.14	$0.18	$0.30
	4	.11	.15	.25	.16	.21	.35
	4½	.13	.18	.30	.18	.24	.40
	5	.16	.21	.35	.20	.27	.45
	6½	.18	.24	.40	.22	.30	.50
	7	.20	.27	.45	.25	.33	.55
	8	.25	.33	.55	.29	.39	.65
	9	.27	.36	.60	.32	.42	.70
		Nickel Plated			Chrome Plated		
Serrated pusher	1940	$0.14	$0.18	$0.30	$0.18	$0.24	$0.40
Serrated pusher	1960	.22	.30	.50	.25	.33	.55
Black bend remover	X40	.14	.18	.30	.16	.21	.35
High polish black bend remover	X60	.22	.30	.50	.25	.33	.55
Serrated tweezers	T1940	.16	.21	.35	.18	.24	.40
	T1840	.16	.21	.35	.18	.24	.40
	T1140	.16	.21	.35	.18	.24	.40
	T1960	.22	.30	.50	.25	.33	.55
	T1840	.22	.30	.50	.25	.33	.55
	T1160	.22	.30	.50	.25	.33	.55
Manicure scissors	S1750X30	.56	.75	1.25	.68	.90	1.50
	S1750B3	.56	.75	1.25	.68	.90	1.50
	S2003	.79	1.05	1.75	.90	1.20	2.00
Manicure scissors, professional	S2250	.90	1.20	2.00	1.00	1.35	2.25
	NS200	.79	1.05	1.75	.90	1.20	2.00
Manicure scissors, professional nipper box lock	18225	.90	1.20	2.00	1.00	1.35	2.25
	400	1.45	1.95	3.25	1.58	2.10	3.50
	SS400	1.45	1.95	3.25	1.58	2.10	3.50
Nipper oval pattern bows scissors needle point	1950	1.70	2.25	3.75	1.80	2.40	4.00
	930	.63	.87	1.45	.77	1.06	1.65
	94	.63	.87	1.45	.77	1.06	1.65
	95	.70	.93	1.55	.80	1.10	1.80
	96	.85	1.05	1.75	.90	1.20	2.00
	194	.63	.87	1.45	.77	1.06	1.65
	195	.70	.93	1.55	.80	1.10	1.80
	196	.80	1.05	1.75	.90	1.20	2.00
Flat pattern fitted bows needle point	33½	.75	1.00	1.65	.85	1.15	1.90
	34	.75	1.00	1.65	.85	1.15	1.90
	35	.85	1.15	1.90	.97	1.30	2.15
	36	.97	1.30	2.15	1.10	1.45	2.40
	134	.75	1.00	1.65	.85	1.15	1.90
	135	.85	1.15	1.90	.97	1.30	2.15
	136	.97	1.30	2.15	1.10	1.45	2.40
	144	.75	1.00	1.65	.85	1.15	1.90
	145	.85	1.15	1.90	.97	1.30	2.15
	146	.97	1.30	2.15	1.10	1.45	2.40
Light trimmer	147	1.17	1.55	2.60	1.32	1.75	2.90
Flat pattern fitted bows, needle point streamlined	533½	.90	1.20	2.00	1.00	1.35	2.25
	54	.90	1.20	2.00	1.00	1.35	2.25
	55	1.15	1.50	2.50	1.25	1.65	2.75
	56	1.25	1.65	2.75	1.35	1.80	3.00
	154	.90	1.20	2.00	1.00	1.35	2.25
	155	1.15	1.50	2.50	1.25	1.65	2.75
	156	1.25	1.65	2.75	1.35	1.80	3.00
Deluxe line, circle rings, needle point	630½	.90	1.20	2.00	1.00	1.35	2.25
	64	.90	1.20	2.00	1.00	1.35	2.25
	65	1.15	1.50	2.50	1.25	1.65	2.75
	66	1.25	1.65	2.75	1.35	1.80	3.00
	164	.90	1.20	2.00	1.00	1.35	2.25
	165	1.15	1.50	2.50	1.25	1.65	2.75
	166	1.25	1.65	2.75	1.35	1.80	3.00

These maximum prices are for the articles described in the manufacturer's application dated July 25, 1945.

(2) For sales by the manufacturer, the maximum prices apply to all sales and deliveries since Maximum Price Regulation No. 188 became applicable to those sales and deliveries. These prices are f. o. b. factory and are subject to a cash discount of 2% for payment within 10 days, net 30 days.

(3) For sales by persons other than the manufacturer, the maximum prices apply to all sales and deliveries after the effective date of this order. Those prices are subject to each seller's customary terms and conditions of sale on sales of similar articles.

(4) If the manufacturer wishes to make sales and deliveries to any other class of purchaser or on other terms and conditions of sale, he must apply to the Office of Price Administration, Washington, D. C., under the Fourth Pricing Method, § 1499.158 of Maximum Price Regulation No. 188, for the establishment of maximum prices for those sales, and no sales or deliveries may be made until maximum prices have been authorized by the Office of Price Administration.

(b) The manufacturer shall attach a tag or label to every article for which a maximum price for sales to consumers is established by this order. That tag or label shall contain the following statement:

OPA Retail Ceiling Price $------
Do Not Detach or Obliterate

(c) At the time of, or prior to, the first invoice to each purchaser for resale, the seller shall notify the purchaser in writing of the maximum prices and conditions established by this order for sales by the purchaser. This notice may be given in any convenient form.

(d) This order may be revoked or amended by the Price Administrator at any time.

(e) This order shall become effective on the 11th day of September, 1945.

Issued this 10th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-16861, Filed, Sept. 10, 1945, 12:07 p. m.]

[MPR 188, Order 4416]

METALLIC ARTS CO.

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.158 of Maximum Price Regulation No. 188; *It is ordered:*

(a) This order establishes maximum prices for sales and deliveries of certain articles manufactured by Metallic Arts Company, 2100 South Morgan Street Chicago 8, Ill.

(1) For all sales and deliveries to the following classes of purchasers by the sellers indicated below; the maximum prices are those set forth below:

Article	Model No.	For sales by the manufacturer to—		For sales by any person to consumers
		Jobbers	Retailers	
		Each	*Each*	*Each*
19" x 15" floor lamp leatherette parchment shade	260	$0.58	$0.80	
15" x 10" empire table leatherette parchment shade	261	.60	.70	1.20
14" x 12" drum table shade pigskin parchment	262	.60	.70	1.20
14" x 15" student bridge pigskin parchment shade	263	.60	.70	1.20
12 x 7" bridge leatherette parchment shade	264	.59	.70	1.20
19 x 15" floor lamp leatherette parchment	225	.93	1.10	2.00
15 x 10" empire table leatherette parchment	226	.93	1.10	2.00
13 x 12" drum table pigskin parchment	227	.93	1.10	2.00
13 x 9" student bridge pigskin parchment	228	.93	1.40	2.40
12 x 7" bridge leatherette parchment shade	229	.85	1.00	1.80
19 x 15" floor lamp shades cloth covered	250	1.40	1.75	3.00
15 x 10" empire table cloth covered	251	1.40	1.65	3.00
13 x 12" drum table cloth covered	252	1.40	1.65	3.00
13 x 19" student bridge cloth covered	253	1.40	1.65	3.00
12 x 17" bridge cloth covered	254	1.30	1.65	2.80
19 x 14" floor lamp silk	500	3.26	3.95	6.75
14 x 18" table rayon silk	501	2.76	3.25	5.75
17" student bridge rayon silk	502	2.76	3.25	5.75
12½ x 11" table lamp shade leatherette and pigskin	101	.85	1.00	1.80
12½ x 11" bridge lamp shade	301-10	.85	1.00	1.80
12½ x 11" Davenette shade	301-11	1.06	1.25	2.20
15 x 10" Empire table spun rayon over parchment vellum	261	1.57	1.85	3.30

Article	Model No.	For sales by the manufacturer to—		For sales by any person to consumers
		Jobbers	Retailers	
		Each	*Each*	*Each*
13 x 12" Parchment vellum drum table shade	262	$1.57	$1.85	$3.35
12 x 11" Parchment vellum student bridge	263	1.49	1.75	3.15
8 x 8" Parchment vellum boudoir	264	1.19	1.40	2.35
10 x 6" Parchment vellum boudoir	265	1.06	1.25	2.25
19 x 15" Parchment vellum floor	260	1.67	1.95	3.50
12" Spun rayon lining silk lamp shade	600	4.04	4.75	8.55
15" Student Bridge	601	3.36	3.75	7.00
14 or 13" Table Lamp	602	3.36	3.75	7.00
18 x 18" Floor drum lamp chealsea cloth	255	1.56	1.95	3.50
14 x 12" Drum shade parchment over vellum	256	1.57	1.85	3.35
15 x 13" Student bridge with reflector Bitter	257	1.57	1.85	3.35

These maximum prices are for the articles described in the manufacturer's application dated April 11, 1945.

(2) For sales by the manufacturer, the maximum prices apply to all sales and deliveries since Maximum Price Regulation No. 188 became applicable to those sales and deliveries. For sales to persons other than consumers they are f. o. b. factory, 1% 10 days, net 30. The maximum price to consumers is net, delivered.

(3) For sales by persons other than the manufacturer, the maximum prices apply to all sales and deliveries after the effective date of this order. Those prices are subject to each seller's customary terms and conditions of sale on sales of similar articles.

(4) If the manufacturer wishes to make sales and deliveries to any other class of purchaser or on other terms and conditions of sale, he must apply to the Office of Price Administration, Washington, D. C., under the Fourth Pricing Method, § 1499.158 of Maximum Price Regulation No. 188, for the establishment of maximum prices for those sales, and no sales or deliveries may be made until maximum prices have been authorized by the Office of Price Administration.

(b) The manufacturer shall attach a tag or label to every article for which a maximum price for sales to consumers is established by this order. That tag or label shall contain the following statement, with the proper model number and the ceiling price inserted in the blank spaces:

Model No. ------
OPA Retail Ceiling Price—$------

(c) At the time of, or prior to, the first invoice to each purchaser for resale, the manufacturer shall notify the purchaser in writing of the maximum prices and conditions established by this order for sales by the purchaser. This notice may be given in any convenient form.

(d) Jobber's maximum prices for sales of the articles covered by this order shall be established under the provisions of section 4.5 of SR 14J.

(e) This order may be revoked or amended by the Price Administrator at any time.

(f) This order shall become effective on the 11th day of September 1945.

Issued this 10th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-16867; Filed, Sept. 10, 1945; 12:08 p. m.]

[MPR 591, Order 14]

A. O. SMITH CORP.

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register and pursuant to section 9 of Maximum Price Regulation No. 591; *It is ordered:*

(a) The maximum delivered price exclusive of federal excise tax for sales on an installed basis to consumers in Southern California by any person of the following gas fired water heaters manufactured by the A. O. Smith Corporation of Milwaukee 1, Wisconsin, shall be:

Model	*Maximum installed price*
PG 20E, Automatic gas fired water heater, complete with controls, glass lined tank, 20 gallon capacity	$108.75
PG 30E, Automatic gas fired water heater, complete with controls, glass lined tank, 30 gallon capacity	127.50
PG 45E, Automatic gas fired water heater, complete with controls, glass lined tank, 45 gallon capacity	173.75
PG 60E, Automatic gas fired water heater, complete with controls, glass lined tank, 60 gallon capacity	240.00
PG 75E, Automatic gas fired water heater, complete with controls, glass lined tank, 75 gallon capacity	302.50
DG 20G, Automatic gas fired water heater, complete with controls, zinc lined tank, 20 gallon capacity	93.75
DG 30G, Automatic gas fired water heater, complete with controls, zinc lined tank, 30 gallon capacity	112.50
DG 45G, Automatic gas fired water heater, complete with controls, zinc lined tank, 45 gallon capacity	152.50
DG 60G, Automatic gas fired water heater, complete with controls, zinc lined tank, 60 gallon capacity	187.00
DG 75G, Automatic gas fired water heater, complete with controls, zinc lined tank, 75 gallon capacity	247.50
MG 20G, Automatic gas fired water heater, complete with controls, galvanized tank, 20 gallon capacity	74.25
MG 30G, Automatic gas fired water heater, complete with controls, galvanized tank, 30 gallon capacity	90.25

(b) The maximum prices specified in (a) above shall be subject to a trade-in allowance of 10 percent.

(c) The maximum delivered prices exclusive of federal excise tax on sales to authorized SMITHway dealers in Southern California by any persons shall be the maximum prices specified in (a) above subject to successive discounts of 40–10 percent.

(d) The maximum delivered prices exclusive of federal excise tax on sales to all other dealers in Southern California by any person shall be the maximum prices specified in (a) above subject to a discount of 40 percent.

(e) In addition to the discounts enumerated in (b), (c), and (d) above, the maximum prices established by this order shall be subject to such other discounts, allowances including transportation allowances, and the rendition of services which are at least as favorable as those which each seller extended or rendered or would have extended or rendered to purchasers of the same class on comparable sales of similar articles during March 1942.

(f) As used in this order, the term "Southern California" means the counties of Los Angeles, Imperial, Inyo, Kern, Orange, Riverside, San Diego, San Bernardino, San Luis Obispo, Santa Barbara and Ventura.

(g) Each seller, except on sales to consumers, shall notify in writing each of his purchasers at or before the time of the first invoice after the effective date of this order of the maximum prices established by this order for sales by each seller to his purchasers and his purchasers maximum resale prices.

(h) The A. O. Smith Corporation shall stencil in a conspicuous place on each of the heaters covered by this order, the following:

Approved OPA installed maximum price------ $------
Less 10 percent trade-in allowance------
Approved OPA installed maximum net price------
This price is exclusive of federal excise tax.

(i) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective September 11, 1945.

Issued this 10th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-16870; Filed, Sept. 10, 1945; 12:09 p. m.]

[MPR 591, Order 15]

NEW CASTLE WELDING AND MANUFACTURING CO.

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register and pursuant to section 9 of Maximum Price Regulation No. 591, *It is ordered:*

(a) The maximum prices, f. o. b. point of shipment for sales by any person of the following septic tanks manufactured by the New Castle Welding and Manufacturing Company of New Castle, Pennsylvania, and described in its application of July 14, 1945, shall be:

(1) On sales to consumers:

38" x 48" steel (14 gauge) septic tank with 200 gallon capacity	$23.00
46" x 48" steel (14 gauge) septic tank with 300 gallon capacity	31.00
52" x 60" steel (14 gauge) septic tank with 500 gallon capacity	51.00

(2) On sales to dealers:

38" x 48" steel (14 gauge) septic tank with 200 gallon capacity	$17.25
46" x 48" steel (14 gauge) septic tank with 300 gallon capacity	23.25
52" x 60" steel (14 gauge) septic tank with 500 gallon capacity	38.25

(3) On sales to jobbers:

38" x 48" steel (14 gauge) septic tank with 200 gallon capacity	$13.75
46" x 48" steel (14 gauge) septic tank with 300 gallon capacity	18.50
52" x 60" steel (14 gauge) septic tank with 500 gallon capacity	30.20

(4) On sales to manufacturers' agents:

38" x 48" steel (14 gauge) septic tank with 200 gallon capacity	$12.25
46" x 48" steel (14 gauge) septic tank with 300 gallon capacity	15.50
52" x 60" steel (14 gauge) septic tank with 500 gallon capacity	27.50

(b) The maximum prices specified in (a) above shall be subject to discounts, allowances including transportation allowances and the rendition of services which are at least as favorable as those which each seller extended or rendered or would have extended or rendered to purchasers of the same class on comparable sales of similar commodities during March 1942.

(c) The maximum prices for sales on an installed basis of the commodities covered by this Order shall be determined in accordance with the provisions of Revised Maximum Price Regulation No. 251.

(d) Each seller, except on sales to consumers, shall notify in writing each purchaser of the maximum prices established by this order as well as the maximum prices established for such purchaser's resale.

(e) The New Castle Welding and Manufacturing Company shall stencil in a conspicuous place on each of the septic tanks the following:

OPA Maximum Consumer Price $_____
Plus freight as provided in Order No. 15 under maximum price Regulation No. 591.

(f) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective September 11, 1945.

Issued this 10th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-16871; Filed, Sept. 10, 1945; 12:09 p. m.]

[MPR 591, Order 16]

THOMAS H. BENTLEY CO.

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register and pursuant to section 9 of Maximum Price Regulation No. 591, *It is ordered:*

(a) The maximum net prices, f. o. b. point of shipment, for sales by any person of the following Model F-14 food freezer cabinet manufactured by the Thomas H. Bentley Company and as described in its application of July 10, 1945 which is on file with the Building Materials Price Branch, Office of Price Administration, Washington 25, D. C., shall be:

Item	Sizes	On sales to distributors	On sales to dealers	On sales to consumers
Model F-14	13.8 cu. ft. without condensing unit, coils or refrigerating equipment.	$147.50	$177	$265

(b) On sales by the Thomas H. Bentley Company, the maximum net prices established in (a) above may be increased by the following amount to each class of purchaser as a charge to cover the cost of crating, when crating is actually supplied: $6.00.

(c) The maximum net prices established by this order shall be subject to discounts and allowances and the rendition of services which are at least as favorable as those which each seller extended or rendered to purchasers of the same class on comparable sales of similar commodities during March 1942.

(d) On sales by a distributor or dealer the following charges may be added to the maximum prices established in (a) above:

(1) The actual amount of freight paid to obtain delivery to his place of business. Such charges shall not exceed the lowest common carrier rates.

(2) Crating charges actually paid to his supplier but in no instance exceeding the amount noted above.

(e) Each seller of the commodity covered by this order, except a dealer, shall notify each of his purchasers, in writing, at or before the issuance of the first invoice after the effective date of this order, of the maximum prices established by this order for each such seller as well as the maximum prices established for purchasers upon resale, including allowable transportation and crating charges.

(f) The Thomas H. Bentley Company shall stencil on the inside of the lid or cover of the Model F-14 food freezer covered by this Order. The stencil shall contain substantially the following:

OPA maximum retail price, $295.00 plus freight and crating, as provided in Order No. 16 under Maximum Price Regulation No. 591.

(g) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective September 11, 1945.

Issued this 10th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-16872; Filed, Sept. 10, 1945; 12:09 p. m.]

[MPR 592, Amdt. 7 to Order 1]

CALCINED GYPSUM PLASTER

MODIFICATION OF MAXIMUM PRICES

An opinion accompanying this Amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.

A new section 7.11 is added to read as follows:

SEC. 7.11 *Modification of maximum prices for calcined gypsum plaster.* (a) The manufacturers' maximum prices established pursuant to Maximum Price Regulation 592, for calcined gypsum plaster "bag goods" commonly sold in 80# and 100# sizes, including the several sizes of barrels containing 180# or more per barrel, may be increased by adding an amount not in excess of $2.40 per net ton to the f. o. b. plant or delivered prices, where the sale is made f. o. b. a mill located within the geographical area described in (b) below, or the sale is made on a delivered basis and the delivered destination is within the geographical area defined in (b) below.

(b) This section applies to the Eastern Seaboard which means:

All of the New England States, and that portion of the State of New York east and south of the western and northern boundaries of the following counties: Essex, Warren, Saratoga, Fulton, Montgomery, Otsego, Delaware, Broome; and that portion of the State of Pennsylvania east and south of the north and western boundaries of the following counties: Susquehanna, Wyoming, Luzerne, Columbia, Montour, Northumberland, Union, Centre, Huntingdon, Bedford, Somerset; and all of the States of New Jersey, Delaware, Maryland, including Washington, D. C., and that portion of the State of West Virginia east of the west boundaries of the following counties: Grant, Pendleton; and that portion of the State of Virginia embraced in the Counties of Loudoun, Fairfax, Arlington, Prince William, Fauquier, Accomac, Northampton; and all of the States of Mississippi, Alabama, Georgia, Florida, South Carolina, and that portion of the State of North Carolina south of the northern boundaries of the following counties: Mecklenburg, Cabarrus, Stanly, Montgomery, Moore, Hoke, Cumberland, Sampson, Duplin, Jones, Craven, and Pamlico.

(c) Any reseller purchasing calcined gypsum plaster as described in (a) above, for resale in the same form, may increase his maximum prices, established under the General Maximum Price Regulation, by a dollars-and-cents amount not exceeding his actual dollars-and-cents increase in cost resulting from the increase permitted in (a) above.

(d) The maximum prices established herein shall be subject to quantity, cash, and other discounts, transportation allowances, services, and other terms and conditions of sale at least as favorable as the seller extended or rendered on comparable sales to purchasers of the same class during March 1942.

This amendment shall become effective September 14, 1945.

Issued this 10th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-16873; Filed, Sept. 10, 1945; 12:10 p. m.]

[MPR 188, Order 4403]

BURBANK METAL SPECIALTIES CO.

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.158 of Maximum Price Regulation No. 188; *It is ordered:*

(a) This order establishes maximum prices for sales and deliveries of certain articles manufactured by Burbank Metal Specialties Company, of 2321 N. Lincoln Street, Burbank, Calif.

(1) For all sales and deliveries to the following classes of purchasers by the sellers indicated below, the maximum prices are those set forth below:

Article	Model No.	Maximum prices for sales by any seller to—		
		Jobber (who drop-ships)	Retailer	Consumer
Garden cart. On orders:	200			
1 to 5		*Each* $6.61	*Each* $7.35	*Each* $10.50
5 or more		6.14	6.83	10.50

These maximum prices are for the articles described in the manufacturer's application dated July 25, 1945.

(2) For sales by the manufacturer, the maximum prices apply to all sales and deliveries since Maximum Price Regulation No. 188 became applicable to those sales and deliveries. These prices are f. o. b. factory, Burbank, California.

(3) For sales by persons other than the manufacturer, the maximum prices apply to all sales and deliveries after the effective date of this order. Those prices are subject to each seller's customary terms and conditions of sale on sales of similar articles.

(4) If the manufacturer wishes to make sales and deliveries to any other class of purchaser or on other terms and conditions of sale, he must apply to the Office of Price Administration, Washington, D. C., under the Fourth Pricing Method, § 1499.158 of Maximum Price Regulation No. 188, for the establishment of maximum prices for those sales, and no sales or deliveries may be made until maximum prices have been authorized by the Office of Price Administration.

(b) The manufacturer shall attach a tag or label to every article for which a maximum price for sales to consumers is established by this order. That tag or label shall contain the following statement:

OPA Retail Ceiling Price—$10.50
Do Not Remove or Obliterate

(c) At the time of, or prior to, the first invoice to each purchaser for resale, the seller shall notify the purchaser in writing of the maximum prices and conditions established by this order for sales by the purchaser. This notice may be given in any convenient form.

(d) This order may be revoked or amended by the Price Administrator at any time.

(e) This order shall become effective on the 11th day of September 1945.

Issued this 10th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-16865; Filed, Sept. 10, 1945; 12:08 p. m.]

[Gen. Order 68]

REGIONAL ADMINISTRATORS

DELEGATION OF AUTHORITY TO ESTABLISH MAXIMUM PRICES FOR SALES OF CERTAIN BUILDING AND CONSTRUCTION MATERIALS BY PERSONS OTHER THAN MANUFACTURERS

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Orders Nos. 9250 and 9328, *It is ordered:*

(a) Each Regional Administrator of the Office of Price Administration is authorized to issue and put into effect orders establishing maximum prices, applicable to a particular community or defined area, for sales by all persons, except manufacturers, of commodities under the jurisdiction of the Building Materials and Construction Price Branch which are covered by the following regulations:

1. General Maximum Price Regulation.
2. 3rd RMPR 13.
3. MPR 44 (except as to sales covered by MPR 525).
4. MPR 293 (except as to sales covered by MPR 525).
5. MPR 381.

(b) Regional Administrators shall observe the following standards in issuing orders under this general order:

(1) Maximum prices shall be set forth in dollars-and-cents unless this shall clearly appear impracticable or inappropriate.

(2) Maximum prices thus set forth shall not exceed the general level of prices as fixed by the regulation which would otherwise be applicable.

(c) Orders issued under this general order shall be filed with the Division of the Federal Register.

(d) Orders issued under this general order shall have the same force and effect as if issued by the Price Administrator.

(e) Orders issued under this general order shall supersede the provisions of the regulation which would otherwise be applicable to the extent provided in the order issued.

This General Order No. 68 shall become effective September 16, 1945.

Issued this 11th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-16903; Filed, Sept. 11, 1945; 11:08 a. m.]

[Supp. Order 130, Order 2]

WOOL AND YARNS AND FABRICS MADE OF WOOL

ESTABLISHMENT OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to section 3 of Supplementary Order No. 130, it is ordered:

(a) *What this order does.* This order establishes maximum prices for sales by a prime contractor or subcontractor of contractor inventory retained by him and "in production" at the time of termination, consisting of woven or knitted woolen or worsted greige or finished goods containing 25% or more of wool fiber by weight and made on the woolen or worsted system or knitted on machines, wool top, or yarns containing 10% or more of wool by fiber weight, except imported yarns. "In production" refers to fiber or fabric which has progressed in the case of piece-dyed woolen fabrics into the first blending operation, in the case of stock-dyed woolen fabrics into the dyed stage, and in the case of worsted fabrics into the scoured stage.

(b) *Relation of this order to supplementary Order 130.* This order supersedes the provisions of section 2 of Supplementary Order No. 130 with respect to the textile commodities covered herein. The definitions in Supplementary Order 130 apply to the defined terms when used in this order.

(c) *Maximum prices for contractor inventory of partly processed wool and of yarns and fabrics made of wool.*—(1) *Finished goods.* (i) The maximum price for contractor inventory finished wool fabrics, whether finished or not at the time of termination, but meeting the specifications for yarn content, ends and picks, and weight per finished yard of fabric of a war procurement agency contract, shall be the contract price increased by the addition of any redyeing or refinishing costs, including shrinkage, incurred by the contractor or subcontractor in preparing the goods for sale.

(ii) The maximum price for contractor inventory finished wool fabrics, not meeting the specifications for yarn content, ends and picks, and weight per finished yard of fabric of a war procurement agency contract, shall be the maximum price determined pursuant to the provisions of Maximum Price Regulation 163 in the case of woven apparel fabrics and of the General Maximum Price Regulation, in the case of knit and of other woven goods, increased by any redyeing or refinishing costs, including shrinkage, incurred by the contractor or subcontractor in preparing the goods for sale.

(2) *Greige goods.* The maximum price for contractor inventory greige wool fabrics shall be the maximum price determined pursuant to the provisions of § 1410.102 (d) of Maximum Price Regulation 163 for woven wool apparel fabrics and pursuant to the provisions of the General Maximum Price Regulations for knitted and of all other woven wool fabrics.

(3) *Dyed wool yarns.* The maximum price for contractor inventory dyed wool yarns shall be the maximum price determined pursuant to the provisions of Revised Price Schedule 58 increased by the addition of any redyeing costs, including shrinkage, incurred by the contractor or subcontractor in preparing the goods for sale.

(4) *Wool yarns.* The maximum price for contractor inventory wool yarns shall be the maximum price determined pursuant to the provisions of Revised Price Schedule 58.

(5) *Dyed wool top.* The maximum price for contractor inventory dyed wool top shall be the maximum price for wool top determined pursuant to the provisions of Revised Price Schedule 58 increased by any actual dyeing and/or redyeing costs, including shrinkage, incurred by the contractor or subcontractor in preparing the goods for sale.

(6) *Wool top.* The maximum price for contractor inventory wool top shall be the maximum price determined pursuant to the provisions of Revised Price Schedule 58.

(7) *Intermediate stages between raw wool and wool top or woolen yarn.* The maximum price for contractor inventory raw wool which has progressed in the case of piece dyed woolen fabrics into the first blending operation, in the case of stock dyed woolen fabrics into the dyed stage, and in the case of worsted fabrics into the scoured stage but which has not yet been processed into wool top or woolen yarn shall be the maximum price for the raw wool determined pursuant to the provisions of Revised Price Schedule 58 or Maximum Price Regulation 106, whichever would have been applicable prior to the issuance of Supplementary Order 130, increased by the cost incurred by the contractor or subcontractor in bringing the wool to the condition in which it is sold.

(d) Except as modified by this order all the provisions of Supplementary Order 130 shall apply to sales and deliveries of contractor inventory of the textiles for which maximum prices are set forth above.

(e) This order may be revoked or amended at any time.

This order shall become effective September 10, 1945.

Issued this 10th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-16891; Filed, Sept. 10, 1945; 4:50 p. m.]

[MPR 61, Amdt. 1 to Order 1]

CHROME RETAN MILITARY UPPER LEATHER

MAXIMUM PRICES FOR SALES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the division of the Federal Register and pursuant to Section 11 of Maximum Price Regulation 61, *It is ordered:*

Order No. 1 under Maximum Price Regulation 61 is amended in the following respects:

1. The title of the order is amended by deleting therefrom the word "Producers'".

2. The text of paragraph (a) preceding the table is amended to read as follows:

(a) On and after September 10, 1945, the following shall be the maximum prices, f. o. b. producer's shipping point, at which any person may sell or deliver the leather specified below:

This amendment shall become effective September 10, 1945.

Issued this 10th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-16890; Filed, Sept. 10, 1945; 4:50 p. m.]

[MPR 188, Revocation of Order 2092]

SHUTTLE COCKS

MAXIMUM PRICES FOR SALES

For the reasons set forth in an opinion, issued simultaneously herewith, and filed with the Division of the Federal Register and pursuant to § 1499.159b of Maximum Price Regulation No. 188, *It is ordered:* That Order No. 2092 under § 1499.159b of Maximum Price Regulation No. 188 issued on August 18, 1944, is hereby revoked.

This order of revocation is effective on the 12th day of September 1945.

Issued this 11th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-16908; Filed, Sept. 11, 1945; 11:09 a. m.]

[RMPR 49 Order 24]

HAMPDEN WATCH CO.

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to section 14 of Revised Maximum Price Regulation 499, it is ordered:

(a) *Effect of this order.* This order established maximum prices for all sales by the classes of sellers named below of the watches specified below imported by Hampden Watch Company, 29 East Madison Street, Chicago, Illinois, hereinafter called the "importer."

(b) *Maximum prices.* The maximum prices for sales of the Hampden watches identified below are as follows:

LADIES' WATCHES

Style No.	Description	Importers' maximum prices	Wholesalers' maximum prices	Maximum retail prices (including tax)
4208, 4213–16, 4218–21	17J 14K	$22.45	$29.20	$58.50
4209	17J 10K Gold filled, link bracelet	19.20	24.95	49.50
4217	17J 14K high crystal	24.45	31.80	66.00
4222	17J 10K Gold filled snake bracelet	19.20	24.95	49.50
4223–28	17J 10K Gold filled	18.20	23.65	49.75
4229–28, 4230	17J 14K	19.30	25.10	49.50
4231	17J 10K Gold filled, bracelet	17.45	22.70	43.75
4232–4, 4243–4	17J 10K Gold filled	16.45	21.40	41.25
4235, 45, 47, 49, and 51	17J 10K RGP	14.90	19.35	38.50
4236, 46, 48, 50 and 52	7J 10K RGP	11.50	14.95	30.25
4237	17J 10K RGP snake bracelet	15.90	18.05	41.25
4238	7J 10K RGP snake bracelet	12.50	16.25	32.75
4239	17J 10K RGP steel back, round	12.75	16.60	30.25
4240	7J ditto	9.95	12.95	24.75
4241	17J 10K RGP steel back expansion bracelet	15.80	20.55	41.25
4242	7J ditto	12.75	16.60	30.25
4302	17J 14K, sweepsecond	22.55	29.30	57.75
4305	17J Swiss RGP case	17.95	20.75	41.25
4306A	17J 14K case, high crystal	21.95	28.55	56.00
4306B	17J 14K bracelet	22.95	29.85	57.00

MEN'S WATCHES

4257	17J 10K RGP link bracelet	$16.70	$21.70	$41.25
4258	7J ditto	13.40	17.40	32.75
4259	17J 10K RGP	12.15	15.80	30.25
4260	7J ditto	17.95	23.35	44.25
4261	17J 10K RGP expansion bracelet	15.34	20.10	41.25
4262	7J ditto	15.45	20.75	41.25
4263, 5, 7, and 9	17J 10K RGP	12.15	15.80	30.25
4264, 6, 8 and 4270	7J ditto	17.45	22.70	43.75
4271, 75, 83–6 and 4288	17J 10K Gold filled	28.95	37.65	73.00
4272–4	17J 14K	30.95	40.25	80.00
4273A & B	17J 14K	13.05	16.95	32.75
4276, 8, and 4280	17J 10K RGP steel back	10.60	13.60	25.75
4277, 9, and 4281	7J ditto	18.70	24.30	49.50
4282	17J 10K Gold filled, link bracelet	32.90	42.75	80.00
4300	17J shockproof 14K case	17.20	22.35	43.75
4309	17J 10K Gold filled	14.98	19.45	41.25
4311	17J 10K Gold filled	21.20	27.55	57.00
4312	17J 10K Gold filled expansion bracelet	17.65	22.95	44.25
4313	7J ditto			

POCKET WATCHES

4287A and B, 4292	17J 10K Gold filled case	$17.30	$22.50	$47.25
4288 and 4290	17J 10K RGP	15.30	19.90	41.25
4289, 4291	7J ditto	12.40	16.10	32.75
4293	17J 14K solid gold	36.30	47.20	102.00

WATERPROOF AND SPECIAL PURPOSE WATCHES

4294	17J steel wpf, sweepsecond	$18.45	$24.00	$41.25
4295	17J 10K RGP, Doctors' sweepsecond	15.50	20.15	41.25
4296	17J 10K RGP, Nurses' sweepsecond	13.65	17.75	38.50
4297	17J sterling case, Nuns' sweepsecond	14.35	18.65	38.50
4304	17J 13L Swiss steel case	15.06	19.55	38.50
4314	17J 11½L shockproof, Swiss steel wpf, case, rouage circle	21.52	28.00	57.00
4315	17J Swiss yellow top, steel back wpf, case, shockproof, sweepsecond, expansion bracelet	31.95	41.55	87.00
4316	17J 14K wpf, case, shockproof, sweepsecond	44.90	58.35	120.00

All of the above watches are complete with straps or cords (except where bracelets are specified) and with high quality individual gift boxes.

The importer's maximum prices set forth above are subject to his customary freight terms and his credit terms which are 2%, 10th proximo.

The maximum prices established for sales by wholesalers to retailers are f. o. b. the wholesaler's city and are subject to terms of 2%, 30 days.

No charge may be added to the above maximum retail prices for extension of credit except under the conditions specified and to the extent permitted by section 12a of Revised Maximum Price Regulation 499. The above maximum retail prices are inclusive of the Federal excise tax, of 10% (20% in the case of watches retailing for over $65.00).

(c) *Notification.* Any person who sells the above watches to a purchaser for resale shall, at the time of or prior to the first invoice, furnish the purchaser with a copy of this order or a price list incorporating the above prices to retailers and to consumers and containing a certification that they are maximum prices established by the Office of Price Administration. In addition, he shall include on every invoice covering a sale of these watches the following statement:

OPA Order No. 24 under RMPR 499 establishes prices at which you may sell these watches.

This notification requirement supersedes the notification requirement in section 12 of Revised Maximum Price Regulation 499 with respect to the watches covered by this order.

(d) *Tagging.* The importer shall include with every watch covered by this order delivered to a purchaser for resale after its effective date, a tag or label setting forth the maximum retail price of the particular watch. This tag or label must not be removed until the watch is sold to an ultimate consumer.

(e) This order may be revoked or amended by the Price Administrator at any time.

(f) Unless the context otherwise requires the definitions set forth in section 2 of Revised Maximum Price Regulation No. 499 shall apply to the terms used herein.

This order shall become effective on the 12th day of September 1945.

Issued this 11th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-16928; Filed, Sept. 11, 1945; 11:14 a. m.]

[MPR 574, Revocation of Order 1]

LIVE BOVINE ANIMALS (CATTLE AND CALVES)

MAXIMUM PERCENTAGES OF GOOD AND CHOICE CATTLE

For the reasons set forth in the accompanying opinion and pursuant to the provisions of section 14 of Maximum Price Regulation No. 574, Live Bovine Animals (Cattle and Calves), *It is hereby ordered:*

That Order No. 1, as amended, under Maximum Price Regulation No. 574 be, and it hereby is, revoked.

This revocation of Order No. 1, as amended, under Maximum Price Regulation No. 574 shall become effective September 12, 1945.

Issued this 11th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-16929; Filed, Sept. 11, 1945; 11:08 a. m.]

Regional and District Office Orders.

LIST OF COMMUNITY CEILING PRICE ORDERS

The following orders under Rev. General Order 51 were filed with the Division of the Federal Register September 6, 1945.

REGION I

Connecticut Order 8-F, Amendment 16, covering fresh fruits and vegetables. Filed 9:58 a. m.

REGION V

San Antonio Order 1-M, covering malt beverages in Bexar County, Texas. Filed 9:41 a. m.

St. Louis Order 4-F, Amendment 5, covering fresh fruits and vegetables in the city and county of St. Louis, Missouri. Filed 9:41 a. m.

Wichita Order 5-F, Amendment 5, covering fresh fruits and vegetables in certain areas in Kansas. Filed 9:41 a. m.

REGION VI

Green Bay Order 4-F, Amendment 28, covering fresh fruits and vegetables in certain areas in Wisconsin. Filed 9:43 a. m.

Green Bay Order 5-F, Amendment 28, covering fresh fruits and vegetables in certain areas in Wisconsin. Filed 9:43 a. m.

Green Bay Order 6-F, Amendment 28, covering fresh fruits and vegetables in Florence, Forest and Marinette. Filed 9:43 a. m.

Springfield Order 13-F, Amendment 24, covering fresh fruits and vegetables in Springfield, Sangamon County, Illinois. Filed 9:42 a. m.

Springfield Order 14-F, Amendment 25, covering fresh fruits and vegetables in certain areas in Illinois. Filed 9:41 a. m.

Springfield Order 15-F, Amendment 25, covering fresh fruits and vegetables in Decatur, Macon County, Illinois. Filed 9:42 a. m.

Springfield Order 20-F, covering fresh fruits and vegetables in certain counties in Illinois. Filed 9:43 a. m.

Twin Cities Revised Order 1-F, Amendment 31, covering fresh fruits and vegetables in St. Paul and Minneapolis. Filed 9:42 a. m.

REGION VII

Boise Order 2-C, covering poultry in certain counties in Idaho. Filed 9:31 a. m.

Boise Order 3-C, covering poultry in Malheur County, Oregon. Filed 9:32 a. m.

REGION VIII

Nevada Order 11-F, Amendment 3-A, covering fresh fruits and vegetables in the Reno and Sparks Area. Filed 9:33 a. m.

Portland Order 5-F, Amendment 36, covering fresh fruits and vegetables in certain areas in California and Oregon. Filed 9:33 a. m.

Portland Order 6-F, Amendment 37, covering fresh fruits and vegetables in certain areas in Oregon. Filed 9:33 a. m.

Portland Order 7-F, Amendment 36, covering fresh fruits and vegetables in certain areas in Oregon. Filed 9:33 a. m.

Portland Order 8-F, Amendment 36, covering fresh fruits and vegetables in Medford, Oregon. Filed 9:33 a. m.

Portland Order 9-F, Amendment 36, covering fresh fruits and vegetables in certain areas in Oregon. Filed 9:33 a. m.

Portland Order 10-F, Amendment 35, covering fresh fruits and vegetables in Kelso, West Kelso and Longview, Washington. Filed 9:32 a. m.

Portland Order 10-F, Amendment 36, covering fresh fruits and vegetables in Kelso, West Kelso and Longview, Oregon, Washington. Filed 9:29 a. m.

Portland Order 12-F, Amendment 33, covering fresh fruits and vegetables in certain areas in Oregon. Filed 9:32 a. m.

Portland Order 13-F, Amendment 32, covering fresh fruits and vegetables in certain areas in Oregon. Filed 9:32 a. m.

Portland Order 13-F, Amendment 33, covering fresh fruits and vegetables in certain areas in Oregon. Filed 9:30 a. m.

Portland Order 15-F, Amendment 32, covering fresh fruits and vegetables in certain areas in Oregon. Filed 9:30 a. m.

Portland Order 16-F, Amendment 26, covering fresh fruits and vegetables in Bend, Oregon. Filed 9:40 a. m

Portland Order 16-F, Amendment 27, covering fresh fruits and vegetables in Bend, Oregon. Filed 9:30 a. m.

Portland Order 17-F, Amendment 26, covering fresh fruits and vegetables in certain areas in Oregon. Filed 9:40 a. m.

Portland Order 17-F, Amendment 27, covering fresh fruits and vegetables in certain areas in Oregon. Filed 9:30 a. m.

Portland Order 19-F, Amendment 23, covering fresh fruits and vegetables in Dalles, Oregon. Filed 9:40 a. m.

Portland Order 20-F, Amendment 23, covering fresh fruits and vegetables in certain areas in Oregon. Filed 9:40 a. m.

Portland Order 21-F, Amendment 23, covering fresh fruits and vegetables in the city of Pendleton, Oregon. Filed 9:31 a. m.

Portland Order 22-F, Amendment 23, covering fresh fruits and vegetables in certain areas in Oregon. Filed 9:31 a. m.

Portland Order 27-F, Amendment 21, covering fresh fruits and vegetables in Baker and La Grande, Oregon. Filed 9:39 a. m.

Portland Order 28-F, Amendment 21, covering fresh fruits and vegetables in the Haines, Wallowa, Enterprize and Oregon Area. Filed 9:39 a. m.

Portland Order 29-F, Amendment 20, covering fresh fruits and vegetables in certain areas in Oregon. Filed 9:31 a. m.

Portland Order 30-F, Amendment 13, covering fresh fruits and vegetables in certain areas in Oregon and Washington. Filed 9:39 a. m.

Portland Order 30-F, Amendment 14, covering fresh fruits and vegetables in certain areas in Oregon and Washington. Filed 9:31 a. m.

Portland Order 31-F, Amendment 9, covering fresh fruits and vegetables in the Hood River-Clatskanie-Mcminnville, Oregon and Camas, Wash. Area. Filed 9:40 a. m.

Portland Order 31-F, Amendment 10, covering fresh fruits and vegetables in the Camas, Washington Area and the Hood River-Clatskanie-Mcminnville, Oregon. Filed 9:31 a. m.

Phoenix Order 9-F, covering fresh fruits and vegetables in the Phoenix Area. Filed 9:33 a. m.

San Francisco Order 13-F, Amendment 14, covering fresh fruits and vegetables in certain areas in California. Filed 9:35 a. m.

San Francisco Order 14 F, Amendment 14, covering fresh fruits and vegetables in certain areas in California. Filed 9:36 a. m.

San Francisco Order 15-F, Amendment 14, covering fresh fruits and vegetables in certain areas in California. Filed 9:35 a. m.

San Francisco Order 16 F, Amendment 14, covering fresh fruits and vegetables in certain areas in California. Filed 9:25 a. m.

Seattle Order 6–F, Amendment 51, covering fresh fruits and vegetables in the Seattle and Bremerton, Washington Area. Filed 9:39 a. m.

Seattle Order 7–F, Amendment 46, covering fresh fruits and vegetables in the Tacoma, Washington Area. Filed 9:37 a. m.

Seattle Order 8–F, Amendment 43, covering fresh fruits and vegetables in the Everett, Washington Area. Filed 9:38 a. m.

Seattle Order 9–F, Amendment 51, covering fresh fruits and vegetables in the Seattle and Bremerton, Washington Area. Filed 9:39 a. m.

Seattle Order 10–F, Amendment 42, covering fresh fruits and vegetables in the Bellingham, Washington Area. Filed 9:37 a. m.

Seattle Order 11–F, Amendment 43, covering fresh fruits and vegetables in the Olympia, Washington Area. Filed 9:38 a. m.

Seattle Order 12–F, Amendment 42, covering fresh fruits and vegetables in the Aberdeen and Hoquiam, Washington Area. Filed 9:36 a. m.

Seattle Order 13–F, Amendment 43, covering fresh fruits and vegetables in the Centralia and Chehalis, Washington Area. Filed 9:38 a. m.

Seattle Order 14–F, Amendment 43, covering fresh fruits and vegetables in the Wenatchee and East Wenatchee, Washington Area. Filed 9:39 a. m.

Seattle Order 15–F, Amendment 41, covering fresh fruits and vegetables in the Yakima, Washington Area. Filed 9:37 a. m.

Spokane Order 8–F, Amendment 29, covering fresh fruits and vegetables in the Spokane County, Washington Area. Filed 9:34 a. m.

Spokane Order 9–F, Amendment 29, covering fresh fruits and vegetables in the Kootenai County, Idaho Area. Filed 9:34 a. m.

Spokane Order 10–F, Amendment 28, covering fresh fruits and vegetables in the Shoshone and Kootenai Counties, Idaho Area. Filed 9:34 a. m.

Spokane Order 11–F, Amendment 28, covering fresh fruits and vegetables in Latah County, Idaho and Whitman County, Washington. Filed 9:34 a. m.

Spokane Order 12–F, Amendment 29, covering fresh fruits and vegetables in Asotin County, Washington and Nez Perce County, Idaho. Filed 9:34 a. m.

Spokane Order 13–F, Amendment 30, covering fresh fruits and vegetables in the Columbia and Walla Walla Counties, Washington. Filed 9:35 a. m.

Spokane Order 14–F, Amendment 30, covering fresh fruits and vegetables in the Benton and Franklin Counties, Washington Areas. Filed 9:35 a. m.

Copies of any of these orders may be obtained from the OPA Office in the designated city.

ERVIN H. POLLACK,
Secretary.

[F. R. Doc. 45–16889; Filed, Sept. 10, 1945; 4:50 p. m.]

[Region I Order G–12 Under MPR 426]

FRUITS IN BOSTON, MASS.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of Region I of the Office of Price Administration by Article III, section 15, Appendix J (j) (3) and (j) (4) and Appendix K (r) (3) and (r) (4) of Maximum Price Regulation No. 426, *It is hereby ordered:*

(a) The maximum prices for sales of sweet cherries, apricots, plums, fresh Italian prunes and pears as established by Article III, section 15, Appendix J of Maximum Price Regulation No. 426 are modified by increasing certain of the maximum markups appearing in Table A of Appendix J so that they will read as follows:

Col. 1	Col. 2	Col. 3	Col. 11
Item No.	Commodity	Unit	Sales by a grower-distributor, buyer-distributor and buyer-grower or any person through a grower's sales agent. Through a commission merchant in less-than-carlots or less-than-trucklots. Ex-terminal sales platform.
1	Sweet cherries	(Items 1–11, table 1: Campbell lug 13½–15½ pounds Campbell lug 16–18 pounds Calex lug 19–21 pounds Fruit box 19½–20½ pounds Lug box 24–25 pounds Above containers with a net weight of less than or more than that specified for each container, and sweet cherries packed in all other containers, and those sold ungraded (orchard run) in any container, or in bulk—per pound.	$0.39. $0.44. $0.50. $0.70. $0.79. $0.16 per container for all containers over 14 pounds plus 2½ cents per pound. For all others 2½ cents per pound.
2	Apricots	Items 1–11, table 2: Southwest lug 13–15 pounds Brentwood lug 24–26 pounds Above containers with a net weight of less than or more than that specified for each container, and apricots packed in any other container, and those sold ungraded (orchard run) in any container, or in bulk—per pound.	$0.18 $0.32 1½ cents.
3	Plums	Items 1–11, table 3: Standard 4-basket crate with a net weight of 25–33 pounds Standard 4-basket crate with a net weight of less than 23 pounds or more than 33 pounds, and plums packed in any other container, and those sold ungraded in any container, or in bulk—per pound.	$0.36 1½ cents
4	Fresh Italian prunes	All (items 1–10, table 4) ½ bushel basket 28–32 pounds Standard prune box 15–17 pounds Above containers with net weight of less than or more than that specified for each container and fresh Italian prunes packed in all other containers and those sold loose and ungraded in any container, or in bulk—per pound.	$0.32. $0.17. $0.11 per container for all containers over 20 lbs. plus ½¢ per pound. For all others 1½¢ per pound
5	Pears	All States (all items, table 5, Standard Western pear box, one-way lug, two-standard ½ pear boxes: 46–50 pounds, 11 California, and Josephine and Jackson counties, Oreg. 44–48 pounds, 11 all other areas Washington pear lug, 19–21 pounds Above containers with net weight of less than or more than that specified for each container, and those sold loose and ungraded in any container, or in bulk (loose without container, or in containers furnished by the buyer)—per pound	$0.46. $0.44. $0.19 ½ cent

(b) The maximum prices for sales of sweet cherries, apricots, plums, fresh Italian prunes and pears as established by Article III, section 15, Appendix J of Maximum Price Regulation No. 426 are modified by increasing certain of the maximum markups appearing in Table B in Appendix J so that they will read as follows:

Col. 1	Col. 2	Col. 3	Col. 5
Item No.	Commodity	Unit	Sales by primary receivers in less-than-carlots or less-than-trucklots. Through an auction or terminal sales platform
1	Sweet cherries	Items 1–14, table 1: Campbell lug 14½–15½ pounds Campbell lug 16–18 pounds Calex 19–21 pounds Fruit box 19½–20½ pounds Lug box 24–25 pounds Above containers with a net weight of less than or more than that specified for each container and sweet cherries packed in all other containers, and those sold ungraded (orchard run) in any container, or in bulk—per pound.	$0.41. $0.46. $0.52. $0.72. $0.81. $0.18 per container for all containers over 14 pounds plus 2¢ per pound. For all others 2½¢ per pound.
2	Apricots	Items 1–11, table 2: Northwest lug 13–15 pounds Brentwood lug 24–26 pounds Above containers with a net weight of less than or more than that specified for each container, and apricots packed in any other container, and those sold ungraded (orchard run) in any container, or in bulk—per pound.	$0.20. $0.35. 1½ cents.
3	Plums	Items 1–11, table 3: Standard 4-basket crate with a net weight of 25–33 pounds Standard 4-basket crate with a net weight of less than 23 pounds or more than 33 pounds, and plums packed in any other container, and those sold ungraded in any container, or in bulk—per pound.	$0.40. 1½ cents.

(c) The maximum prices for sales of table grapes and apples as established by Article III, section 15, Appendix K of Maximum Price Regulation No. 426 are modified by increasing certain of the maximum markups appearing in Table A of Appendix K so that they will read as follows:

Col. 1	Col. 2	Col. 3	Col. 11
Item No.	Commodity	Unit	Sales by any person (including grower-packers) through a grower's sales agent and sales by shipping point distributors. Through a commission merchant in less-than-carlots or less than-trucklots. Ex-terminal sales platform.
2a	Table grapes	Grown in Arizona or in Riverside or Imperial County or the Borego Valley area of San Diego County in California (items 3–4, table 2): Lug box with a net weight of 24 pounds or more. Lug box with a net weight of less than 24 pounds and all other containers and bulk per pound. Grown elsewhere in California (items 5–12, table 2): Lug box with a net weight of 28 pounds or more. Lug box with a net weight of less than 28 pounds and all other containers and bulk per pound.	$0.35. 1⅛o cents. $0.25. ⅝o cent.
3	Apples	Standard boxes, bushels (items 1–11) Standard barrels (items 12–22) Above containers, the contents of which do not meet requirements of pack specified for standard containers (see paragraph (b) (3)); apples packed in all other containers; and those sold loose and ungraded in any container, or in bulk—per pound.	$0.28. $0.88. ⅝o cent.

(d) The maximum prices for sales of table grapes and apples as established by Article III, section 15, Appendix K of Maximum Price Regulation No. 426 are modified by increasing certain of the maximum markups appearing in Table B of Appendix K so that they will read as follows:

Col. 1	Col. 2	Col. 3	Col. 5
Item No.	Commodity	Unit	Sales by primary receivers in less-than-carlots or less-than-trucklots. Through an auction or terminal sales platform
2a	Table grapes	Grown in Arizona or in Riverside or Imperial County or the Borego Valley area of San Diego County in California (items 3–4, table 2): Lug box with a net weight of 24 pounds or more. Lug box with a net weight of less than 24 pounds and all other containers and bulk, per pound. Grown elsewhere in California (items 5–12, table 2): Lug box with a net weight of 28 pounds or more. Lug box with a net weight of less than 28 pounds and all other containers and bulk per pound.	$0.38. 1⅝o cents. $0.28. ⅝o cent.
3	Apples	Standard boxes, bushels (items 1–11) U. S. Standard barrel (items 12–22) Above containers, the contents of which do not meet requirements of pack specified for standard containers (see paragraph (b) (3)); apples packed in all other containers; and those sold loose and ungraded in any container, or in bulk—per pound.	$0.33. $1.03. ⅝o cent.

(e) This order applies to sales or deliveries in the City of Boston, Commonwealth of Massachusetts.

(f) Lower prices than those established by this order may be charged. This order may be revoked, amended or corrected at any time.

This order shall become effective on August 11, 1945.

Issued this 6th day of August 1945.

ELDON C. SHOUP,
Regional Administrator.

[F. R. Doc. 45–16801; Filed, Sept. 7, 1945; 4:39 p. m.]

SECURITIES AND EXCHANGE COMMISSION.

[File Nos. 70–1020, 68–46]

WESTERN LIGHT & TELEPHONE CO. AND THE KANSAS POWER CO.

SUPPLEMENTAL ORDER PERMITTING DECLARATIONS AND APPLICATIONS TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 6th day of September, A. D. 1945.

Western Light & Telephone Company (Western), a registered holding company, and The Kansas Power Company (Kansas), a subsidiary of Western, having filed joint declarations and applications and amendments thereto pursuant to sections 6, 7, 9 (a), 10, 12 (c), 12 (e) and 12 (f) of the Public Utility Holding Company Act of 1935 and Rules U-50 and U-62 thereunder regarding, among other things, the merger of Western and Kansas and the issuance and sale by Western Light & Telephone Company, Inc. (Western, Inc.), the surviving company, at competitive bidding of $6,200,000 principal amount of Series A First Mortgage Bonds due 30 years after the issuance thereof and the application of the net proceeds from the sale of said bonds to retire Western's First Mortgage and Collateral Bonds and Kansas' First Mortgage Bonds aggregating $6,189,000 principal amount; and

The Commission having by order entered herein under date of June 29, 1945, permitted said amended declarations and applications to become effective and granted subject to a condition that the proposed issuance and sale of securities should not be consummated until the results of competitive bidding pursuant to Rule U-50 shall have been made a matter of record in this proceeding and a further order entered in the light of the record so completed; and

Western, Inc., having filed a further amendment to the declarations and applications, setting forth the action taken to comply with the requirements of Rule U-50 and showing that, pursuant to the invitation for competitive bids, five bids on said bonds by five groups of underwriters, headed by the firms set forth below, were received:

Underwriting groups	Coupon rate	Price to company [1] (percent of principal amount)	Annual cost to company
	Percent		
Harris, Hall & Co	3	101.10	2.945
Halsey, Stuart & Co., Inc	3	100.18	2.991
Kidder, Peabody & Co	3¼	102.0699	3.019
Kuhn, Loeb & Co	3¼	101.91	3.027
Glore, Forgan & Co	3¼	101.87	3.029

[1] Plus accrued interest.

The said amendment having further stated that Western, Inc. has accepted the bid of the group headed by Harris, Hall & Company, as set out above, and that the bonds will be offered for sale to the public at a price of 101.95% of the principal amount thereof plus accrued interest from July 1, 1945, resulting in an underwriter's spread of 0.85% of the principal amount of said bonds; and

A further hearing having been held, and the Commission having examined the record in the light of said amendment, and finding no basis for imposing terms and conditions with respect to the price to be paid to the company for said bonds, the underwriter's spread and its allocation:

It is ordered, That, subject to the terms and conditions contained in Rule U-24, said declarations and applications, as amended, be and the same are hereby permitted to become effective and granted forthwith.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 45-16806; Filed, Sept. 10, 1945; 9:53 a. m.]

[File No. 70-1130]

ASSOCIATED ELECTRIC CO. AND MANILA ELECTRIC CO.

ORDER PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 7th day of September, A. D. 1945.

Associated Electric Company ("Aelec"), a registered holding company, and its subsidiary, Manila Electric Company, having filed a joint declaration pursuant to section 12 of the Public Utility Holding Company Act of 1935 and the general rules and regulations promulgated thereunder, regarding the following proposals: (1) The charge by Aelec and credit by Manila Electric Company of their respective non-interest-bearing open accounts with each other in the sum of $339,768.06, representing the book cost to Aelec (or its predecessors) of $383,000 principal amount of The Manila Electric Railroad and Lighting Corporation bonds due 1953 and $17,000 principal amount of Manila Electric Company bonds due 1946, which Aelec on July 30, 1945, surrendered for cancellation to the trustee under the indentures securing such bonds; and (2) the payment to The New York Trust Company, as Trustee under the Indenture securing The Manila Suburban Railways Company bonds due 1946, of the sum of $16,796.74 by Aelec for the account of Manila Electric Company for the purpose of retiring such bonds which are publicly held in the principal amount of $21,000, and the charge by Aelec and credit by Manila Electric Company of their respective non-interest-bearing open accounts with each other in the sum of $16,796.74 representing the amount so advanced; and

Said declaration having been filed on August 18, 1945, and having been amended, and notice of said filing having been duly given in the form and manner prescribed in Rule U-23, promulgated pursuant to said act, and the Commission not having received a request for a hearing with respect to said declaration within the period specified in said notice, or otherwise, and not having ordered a hearing thereon; and

The declarants having requested that the Commission advance the effective date of said declaration, and the Commission observing no basis for adverse findings under section 12 (b) or any other applicable section of the act or rules promulgated thereunder, and deeming it appropriate to grant the declarants' request for an acceleration:

It is hereby ordered, Pursuant to Rule U-23 and the applicable provisions of said act, that the aforesaid declaration, as amended, be, and hereby is, permitted to become effective forthwith, subject to the terms and conditions prescribed in Rule U-24.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 45-16807; Filed, Sept. 10, 1945; 9:53 a. m.]

[File No. 70-1131]

GENERAL GAS & ELECTRIC CORP.

MEMORANDUM OPINION AND ORDER PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 7th day of September A. D. 1945.

Declaration of dividends out of capital surplus. Declaration by registered holding company pursuant to section 12 (c) and Rule U-46 permitted to become effective with respect to the payment of dividends to prior preferred shareholders out of capital surplus where no prejudice to security holders or public is found.

General Gas & Electric Corporation (hereinafter called Gengas), a registered holding company, which is a subsidiary of Denis J. Driscoll and Willard L. Thorp, Trustees of Associated Gas and Electric Corporation (hereinafter called Trustees), a registered holding company, has filed a declaration pursuant to section 12 (c) of the public Utility Holding Company Act of 1935 (the act), in which it proposes to declare out of capital or unearned surplus a dividend for the quarterly period ending September 15, 1945, of $1.25 per share, on its $5 Prior Preferred Stock, no par value.

The entire issue outstanding is 60,000 shares, of which 27,889.1 shares are held by the Trustees, who have, by a letter dated August 9, 1945, waived their right to collect such quarterly dividend, until further order of the Commission. The number of shares in the hands of the public is 32,110.9 (of which 8.9 shares are held in scrip, and such scrip will not receive a dividend), so that $40,127.50 will be required to make the dividend payment.

After appropriate notice a public hearing was held. No one appeared at the hearing to oppose the proposed dividend payment. Having considered the record therein, the Commission makes the following findings:

As at June 30, 1945, the assets of Gengas, per books, totalled $31,965,321. The only securities of, or claims against, Gengas which, according to its books, are senior to the $5 Prior Preferred Stock, consist of certain obligations payable to the Trustees. These obligations, including interest thereon, aggregate $3,501,733.

The books of Gengas, as at June 30, 1945, reflect an earned surplus deficit of $2,794,684; the capital surplus is shown as $12,621,385.

Net income of Gengas for the twelve months ended June 30, 1945, amounted to $743,434. As at June 30, 1945, Gengas had cash on hand and in banks in the amount of $152,927 and United States Treasury Certificates costing $4,850,000.

A cash forecast for the five months ending December 31, 1945, submitted by the company in connection with the filing, indicates that Gengas will be able to meet all its cash requirements, including those under the recently approved plan of reorganization for the company,[1] continue to maintain an adequate cash balance, and pursue its present dividend policy. The forecast contemplates that at the end of the period the cash balance, assuming consummation of the plan of reorganization during the period, will aggregate $726,156.78.

This is the fifteenth time that Gengas has filed a declaration to declare a dividend on its publicly held Prior Preferred Stock out of capital surplus. We have on each occasion considered that the assets of Gengas were substantial in relation to the size of the proposed dividend, and that the Prior Preferred Stock is, by its terms, entitled to be paid dividend arrearages in full before dividends can be paid on the other preferred stocks. These same factors are equally cogent with regard to the present declaration.

We make no adverse findings under the applicable sections of the act and rules promulgated thereunder.

It is therefore ordered, That, pursuant to the applicable provisions of the Public Utility Holding Company Act of 1935, the said declaration, as amended, be, and hereby is, permitted to become effective forthwith, subject, however, to the terms and conditions prescribed in Rule U-24 of the general rules and regulations.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 45-16936; Filed, Sept. 11, 1945; 11:18 a. m.]

[1] S. E. C. ——, Holding Company Act Release No. 5950 (July 25, 1945).

[File Nos. 2-5754, 1-342]

RED BANK OIL CO.

ORDER CHANGING TIME OF HEARING AND DESIGNATING OFFICER TO TAKE EVIDENCE

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 7th day of September, A. D. 1945.

The Commission, having heretofore, on August 28, 1945 ordered that a hearing under section 8 (d) of the Securities Act of 1933, as amended, be held in the Matter of Red Bank Oil Company on September 10, 1945, and having ordered on August 31, 1945 that a hearing under section 19 (a) (2) of the Securities Exchange Act of 1934, as amended, be held in said matter on September 10, 1945, and having further ordered on August 31, 1945 that said proceedings be consolidated; and

Counsel for the registrant, having requested a postponement of such hearing;

It is ordered, That such hearing be convened on Monday, October 1, 1945, at 10 o'clock in the forenoon, Eastern War Time, in Room 318, Securities and Exchange Commission Building, 18th and Locust Streets, Philadelphia, Pennsylvania, and to continue thereafter at such time and place as the officer hereinafter designated may determine; and

It is further ordered, That Richard Townsend, an officer of the Commission, be and he hereby is designated to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law.

Upon the completion of testimony in this matter, the officer is directed to close the hearing and make his report to the Commission.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 45-16937; Filed, Sept. 11, 1945; 11:19 a. m.]

SURPLUS PROPERTY BOARD.

[Special Order 20]

DONATION OF SMALL ITEMS OF CAPTURED ENEMY EQUIPMENT TO THE TREASURY DEPARTMENT AND ITS WAR FINANCE COMMITTEES

Pursuant to section 13 (b) of the Surplus Property Act of 1944 (58 Stat. 765; 50 U. S. C. App., Sup. 1661); *It is hereby ordered*, That:

1. The War Department is authorized to donate to the Treasury Department or the War Finance Committees of that Department small items of captured enemy equipment when the War Department finds that such items either have no commercial value or that the cost of their care, handling and disposition would exceed the estimated proceeds. Such findings shall be reduced to writing and have attached thereto any supporting data or information.

2. The War Department shall prepare and maintain such records as will show full compliance with the terms of this order and the applicable provisions of the act. Reports shall be prepared and filed with the Board in such manner as may be specified by the Board, subject to the approval of the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

This order shall become effective September 7, 1945.

SURPLUS PROPERTY BOARD,
By W. STUART SYMINGTON,
Chairman.

SEPTEMBER 7, 1945.

[F. R. Doc. 45-16941; Filed, Sept. 11, 1945; 11:35 a. m.]

UNITED STATES COAST GUARD.

APPROVAL OF EQUIPMENT

By virtue of the authority vested in me by R. S. 4405, 4417a, 4418, 4426, and 4491, as amended, 49 Stat. 1544 (46 U.S.C. 375, 391a, 392, 404, 489, 367), and Executive Order 9083, dated February 28, 1942 (3 CFR, Cum. Supp.), the following approval of equipment is prescribed:

TELEPHONE SYSTEMS

Sound powered telephone, Type A, Model W, splashproof, Dwg. No. 1, Alt. 2; Sound powered telephone, Type A, Model E, splashproof, Dwg. No. 3, Alt. 2; Sound powered telephone, Type A, Model E, splashproof, Dwg. No. 4, Alt. 2; Sound powered telephone, Type A, Model W. T., watertight, bulkhead mounted, with external 3" Bell, Dwg. No. 5, Alt. 2; Sound powered telephone, Type A, Model W. T., watertight, bulkhead mounted, with external 6" Bell, Dwg. No. 6, Alt. 2; Sound powered telephone, Type A, Model W. T. P., watertight, pedestal mounting, with external 6", 8", or 10" Bell, Dwg. No. 8, Alt. 2; Sound powered telephone, Type A, Model W. T.-1, watertight, bulkhead mounted, with external 6" Bell, Dwg. No. 11, Alt. 2; submitted by Hose-McCann Telephone Co., Inc., 172 Pacific Street, Brooklyn, New York. (Supersedes approvals of 8 August, 1944, 9 F.R. 9622, and 9 January, 1945, 10 F.R. 409. Any equipment manufactured under the prior approvals may remain in use until replacements are necessary.)

Dated: September 10, 1945.

L. T. CHALKER,
Rear Admiral, U. S. C. G.,
Acting Commandant.

[F. R. Doc. 45-16942; Filed, Sept. 11, 1945; 10:50 a. m.]

WAR PRODUCTION BOARD.

[Certificate 57, Revocation]

COORDINATED OPERATION OF CERTAIN TAXICAB OPERATORS IN CHICAGO, ILL.

The ATTORNEY GENERAL:

Pursuant to section 12 of Public Law No. 603, 77th Congress (56 Stat. 357), I hereby withdraw the certificate and finding dated April 26, 1943, concerning Special Order ODT TC-1 issued by the Director of the Office of Defense Transportation.

Dated: September 1, 1945.

J. A. KRUG,
Chairman.

[F. R. Doc. 45-16837; Filed, Sept. 10, 1945; 11:37 a. m.]

[C-274, Revocation]

FRED J. SATTERLEE AND JOHN WEIMER

CONSENT ORDER

Pursuant to an agreement between the above-named parties, the Regional Compliance Manager and the Regional Attorney, Consent Order No. C-274, was issued March 7, 1945, in consequence of a violation of Conservation Order L-41.

The parties to the agreement having now agreed that such order should be revoked, *It is hereby ordered*, That:

Consent Order No. C-274 be revoked.

Issued this 10th day of September 1945.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 45-16882; Filed, Sept. 10, 1945; 4:41 p. m.]

[C-325, Revocation]

LAWRENCE POWERS

CONSENT ORDER

Pursuant to an agreement between Lawrence Powers, the Regional Compliance Manager and the Regional Attorney, Consent Order C-325 was issued April 30, 1945, in consequence of a violation of Conservation Order L-41.

The parties to the agreement having now agreed that such order should be revoked, *It is hereby ordered*, That:

Consent Order No. C-325 be revoked.

Issued this 10th day of September 1945.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 45-16883; Filed, Sept. 10, 1945; 4:41 p. m.]

[C-329, Revocation]

FRED WILLERTZ

CONSENT ORDER

Pursuant to an agreement between Fred Willertz, the Regional Compliance Manager and the Regional Attorney, Consent Order No. C-329 was issued May 4, 1945, in consequence of a violation of Conservation Order L-41.

The parties to the agreement having now agreed that such order should be revoked, *It is hereby ordered*, That:

Consent Order No. 329 be revoked.

Issued this 10th day of September 1945.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 45-16884; Filed, Sept. 10, 1945; 4:41 p. m.]

[Certificate 15, Revocation]

PLASTIC MATERIALS

EST TO MANUFACTURERS TO EXCHANGE TECHNICAL INFORMATION

The ATTORNEY GENERAL.

Pursuant to section 12 of Public Law No. 603, 77th Congress (56 Stat. 357), I hereby withdraw the certificate and finding dated September 25, 1942, concerning request to all manufacturers of plastic materials to collaborate in the exchange of technical information respecting the physical properties of plastics materials and the methods for testing those materials and in the further improvement and development of those materials and testing methods, upon the express condition and understanding that the information resulting from such collaboration will be available to all such manufacturers and the armed forces.

Dated: September 1, 1945.

J. A. KRUG,
Chairman.

[F. R. Doc. 45-16902; Filed, Sept. 11, 1945; 9:54 a. m.]

[C-251, Revocation]

BROWN AND BIGELOW

CONSENT ORDER

Brown and Bigelow, 1286 University Avenue, St. Paul, Minnesota, engaged in the production and manufacture of remembrance advertising, greeting cards, novelties and similar items, was charged with having violated War Production Board Orders L-241 and L-289. A consent order No. C-251 was entered into by Brown and Bigelow, the Regional Manager, Compliance, and the Regional Attorney, with the approval of the Regional Compliance Commissioner. In view of the fact that Limitation Orders L-241 and L-289 were revoked on August 24, 1945, the Chief Compliance Commissioner has directed that the consent order be revoked.

In view of the foregoing: *It is hereby ordered*, That: Consent Order No. C-251 be revoked.

Issued this 10th day of September, 1945.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 45-16881; Filed, Sept. 10, 1945; 4:41 p. m.]

Regulations

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 18—WAR SERVICE REGULATIONS

RATING AND ELIGIBILITY

In § 18.3 paragraph (d) (9 F.R. 7237; 10 F.R. 2154) is amended as follows:

§ 18.3 *Rating and eligibility.* • • •

(d) *Term of eligibility.* Eligibility on any list shall continue until terminated by the Commission for all eligibles on the list or in accordance with § 18.4 (c): *Provided*, That eligibility granted under paragraph (e) of this section or as a result of a reopened examination under § 18.1 (b) shall not be terminated except in accordance with § 18.4 (c), in less than one year unless a new register is established on the basis of more exacting requirements which have been determined to be more appropriate for the position concerned.

(E.O. 9063, as amended by E.O. 9378, 8 F.R. 12037)

By the United States Civil Service Commission.

H. B. MITCHELL,
President.

AUGUST 10, 1945.

[F. R. Doc. 45-17034; Filed, Sept. 12, 1945; 11:28 a. m.]

TITLE 7—AGRICULTURE

Chapter XI—War Food Distribution Orders

[WFO 66, Amdt. 11]

PART 1468—GRAINS

MALTED GRAINS, MALT SYRUP, RICE, HOPS, HOP PRODUCTS, AND CORN

War Food Order No. 66, as amended (8 F.R. 10480, 13841; 9 F.R. 1084, 4321, 4319, 9584, 11461, 11979, 14122; 10 F.R. 103, 126, 1722, 4849, 6793, 10419), is hereby further amended as follows:

1. By deleting the provisions of § 1468.2 (a) (5) and inserting, in lieu thereof, the following:

(5) "Hops" means the pistillate cones, in the dried or green state, of the vine Humulus lupulus or Humulus americanus produced in 1945 or previous years.

2. By deleting the provisions of § 1468.2 (e) and inserting, in lieu thereof, the following:

(e) *Restrictions on acquirement of hops and hop products.* (1) After September 1, 1945, no brewer shall acquire

(Continued on p. 11697)

FERENCE

SEPT 4 '45

THE NATIONAL ARCHIVES
LITTERA SCRIPTA MANET
1934
OF THE UNITED STATES

FEDERAL REGISTER

VOLUME 10 NUMBER 180

Washington, Thursday, September 13, 1945

The President

EXECUTIVE ORDER 9612

AMENDING EXECUTIVE ORDER 8902 PRESCRIBING REGULATIONS PERTAINING TO THE ENTRY OF COFFEE INTO THE UNITED STATES FROM COUNTRIES SIGNATORIES OF THE INTER-AMERICAN COFFEE AGREEMENT

By virtue of the authority vested in me by section 2 of the joint resolution of Congress approved April 11, 1941, 55 Stat. 133, it is ordered that Executive Order 8902 of September 17, 1941 be, and it is hereby, amended by adding thereto the following paragraphs:

"3. The provisions of paragraphs 1 and 2 of this order shall be suspended during any period in which Article VI of the Inter-American Coffee Agreement is inoperative.

"4. The Secretary of State shall notify the Secretary of the Treasury whenever Article VI of the Inter-American Coffee Agreement becomes inoperative by reason of action of the Inter-American Coffee Board or by expiration of the existing Inter-American Coffee Agreement."

HARRY S. TRUMAN

THE WHITE HOUSE,
September 12, 1945.

[F. R. Doc. 45-17098, Filed, Sept. 12, 1945; 12:11 p. m.]

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FEDERAL REGISTER

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NOTICE

1944 Supplement

Book 1 of the 1944 Supplement to the Code of Federal Regulations, containing Titles 1–10, including Presidential documents in full text, is now available from the Superintendent of Documents, Government Printing Office, at $3.00 per copy.

A limited sales stock of the Cumulative Supplement and the 1943 Supplement is still available as previously announced.

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[1] Appears in Notices section.

(by purchase or otherwise) or accept delivery of a quantity of hops grown in the continental United States in excess of his purchase quota as provided for in the following sentence of this paragraph. Each brewer's purchase quota, after September 1, 1945, of hops grown in the continental United States shall be 150 percent of the total quantity of hops, regardless of where grown, which he used in the manufacture of malt beverages in the year which ended June 30, 1945, minus the quantity of hops, regardless of where grown, which he owned, possessed, or in any other manner controlled on September 1, 1945.

(2) After September 1, 1945, no brewer shall acquire (by purchase or otherwise) or accept delivery of a quantity of hop products produced in the continental United States in excess of his purchase quota as provided for in the following sentence of this paragraph. Each brewer's purchase quota, after September 1, 1945, of hop products produced in the continental United States shall be 150 percent of the total quantity of hop products, regardless of where produced, which he used in the manufacture of malt beverages in the year which ended June 30, 1945, minus the quantity of hop products, regardless of where produced, which he owned, possessed, or in any other manner controlled on September 1, 1945.

The provisions of this amendment shall be effective as of 12:01 a. m., e. w. t., September 12, 1945. With respect to violations, rights accrued, liabilities incurred, or appeals taken under said War Food Order No. 66, as amended, prior to the effective time of the provisions hereof, the provisions of the said War Food Order No. 66, as amended, in effect prior to the effective time hereof shall be deemed to continue in full force and effect for the purpose of sustaining any proper suit, action, or other proceeding with regard to any such violation, right, liability, or appeal.

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423; E.O. 9392, 8 F.R. 14783; E.O. 9577, 10 F.R. 8087)

Issued this 10th day of September 1945.

[SEAL] J. B. HUTSON,
Acting Secretary of Agriculture.

[F. R. Doc. 45 16959; Filed, Sept. 11, 1945; 2:20 p. m.]

TITLE 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs

[T. D. 51308]

PART 6—AIR COMMERCE REGULATIONS

DESIGNATION OF MALONE-DUFORT AIRPORT, MALONE, N. Y., AS AIRPORT OF ENTRY

SEPTEMBER 10, 1945.

The Malone-Dufort Airport, Malone, New York, is hereby designated as an airport of entry for civil aircraft and merchandise carried thereon arriving from places outside the United States, as defined in section 9 (b) of the Air Commerce Act of 1926 (U.S.C. title 49, sec. 179 (b)), for a period of 1 year from the date of this order.

The list of temporary airports of entry in section 6.13, Customs Regulations of 1943 (19 CFR, Cum. Supp., 6.13), is hereby amended by inserting therein the location and name of this airport, date designated, and the period "1 year."

(Sec. 7 (b), 44 Stat. 572; 49 U.S.C. 177 (b)).

[SEAL] HERBERT E. GASTON,
Acting Secretary of the Treasury.

[F. R. Doc. 45-16960; Filed, Sept. 11, 1945; 4:31 p. m.]

TITLE 24—HOUSING CREDIT

Chapter IV—Home Owners' Loan Corporation

[Bulletin 380]

PART 401—GENERAL

DEPUTATIONS

Amending Part 401, Chapter IV, Title 24 of the Code of Federal Regulations.

Section 401.04–1 (b) is amended to read as follows:

§ 401.04–1 *For regional offices.* • • •

(b) Unless otherwise directed by the General Manager, authorization of deputies to perform duties or functions vested in or required of the Regional Manager with respect to the operations of the Loans and Properties Division shall be limited to employees of such Division, and with respect to the operations of the Comptroller's Division shall be limited to the employees of that Division: *Provided, however,* That no such deputy shall exercise any power now or hereafter conferred upon the Regional Manager to direct advances of Corporation funds for, or to approve extensions for the accounts of, salaried employees, irrespective of whether such employees are mortgagors, vendees or their successors in interest. The foregoing limitations with respect to the appointment of deputies shall not apply to the appointment of deputies to approve, on behalf of the Regional Manager, vouchers for reimbursement of travel or transportation expense.

Effective: September 12, 1945.

(Secs. 4 (a) and 4 (k), 48 Stat. 129, 132, 643, 647; 12 U.S.C. and Sup. 1463; E.O. 9070, 3 C.F.R. Cum. Supp.)

[SEAL] J. FRANCIS MOORE,
Secretary.

[F. R. Doc. 45–17048; Filed, Sept. 12, 1945; 11:35 a. m.]

TITLE 26—INTERNAL REVENUE

Chapter I—Bureau of Internal Revenue

Subchapter A—Income and Excess Profits Taxes

[T. D 5476]

PART 23—CONSOLIDATED INCOME TAX RETURNS

PART 33—CONSOLIDATED EXCESS PROFITS TAX RETURNS

AFFILIATED CORPORATIONS

Regulations 104, relating to consolidated income tax returns of affiliated corporations, and Regulations 110, relating to consolidated excess profits tax returns of affiliated corporations, amended with respect to deduction for charitable contributions, and with respect to certain computations involving capital gains and losses and gains and losses under section 117 (j) of the Internal Revenue Code.

Effective for taxable years for which the return is due to be filed on or after the date of the approval of this Treasury Decision, Regulations 104 (Title 26 CFR, Cum. Supp. Part 23) and Regulations 110 (Title 26 CFR, Cum. Supp. Part 33) are amended as follows:

PARAGRAPH 1. Section 23.31 (b) (2) (i) (*a*), as amended by Treasury Decision 5244, approved March 13, 1943, is further amended to read as follows:

(*a*) Minus the sum of:

(*1*) Any consolidated net operating loss deduction,

(*2*) Any consolidated net loss from involuntary conversions and from sales or exchanges of property subject to the provisions of section 117 (j), and

(*3*) The aggregate amount of any contributions or gifts made by the several affiliated corporations during the taxable year, subject to the provisions of section 23 (q), but not in excess of 5 percent of the consolidated net income computed without regard to such contributions or gifts, and

PAR. 2. Section 23.31 (b) (2) (iii) (*d*), as amended by Treasury Decision 5244, is further amended to read as follows:

(*d*) The amount of the net operating loss, if any, sustained by such corporation

for the second preceding taxable year reduced by the net income, if any, of such corporation for the first preceding taxable year, or, if the income of such corporation is included in the consolidated return for the first preceding taxable year, reduced either by the net income of such corporation for such year increased with respect to its separate net short-term and long-term capital gains (or for years beginning after December 31, 1941, its separate net capital gain) and increased or decreased, as the case may be, with respect to its separate gains or losses from involuntary conversions and from sales or exchanges of property subject to the provisions of section 117 (j) or by the consolidated net income for such first preceding taxable year, whichever is the lesser, the net income for the first preceding taxable year being computed in either case with the exceptions, additions, and limitations provided in section 122 (d) (1), (2), (4), and (6), and with a net operating loss deduction or a consolidated net operating loss deduction, as the case may be, for the first preceding taxable year determined without regard to the net operating loss of such corporation for the first succeeding taxable year, and

PAR. 4. Section 23.31 (d) (1), as amended by Treasury Decision 5341, approved March 14, 1944, is further amended by striking from subdivision (vi) the word "and"; by striking the period at the end of subdivision (vii) and inserting in lieu thereof a comma and the word "and"; and by inserting therein the following new subdivision:

(viii) No deduction under section 23 (q) with respect to charitable or other contributions shall be taken into account.

PAR. 5. Section 23.31 (d) (2) (iii), as amended by Treasury Decision 5341, is further amended as follows:

(A) By revising that portion thereof preceding the lettered subdivisions to read:

(iii) Capital gains and losses, short-term capital gains and losses, long-term capital gains and losses, and the additional capital loss deduction authorized by section 204 (c) (5) shall be determined without regard to:

(B) By revising subdivision (c) to read:

(c) The net capital loss carry-overs provided in section 117 (e) (1), and, in the first taxable year beginning after December 31, 1941, the net short-term capital loss carry-over provided in section 117 (e) (2),

PAR. 6. Section 23.31 (d) (2) (ix), as added by Treasury Decision 5341, is amended to read as follows:

(ix) Gains and losses from involuntary conversions and from sales or exchanges of property subject to the provisions of section 117 (j) shall be determined without regard to:

(*a*) Gains or losses from intercompany transactions, and

(*b*) In the case of a corporation which became a member of the affiliated group subsequent to March 14, 1941, common parent corporation or subsidiary, as the case may be, such portion of any such loss as is disallowed pursuant to the provisions of subparagraph (11) of this paragraph.

PAR. 7. Section 23.31 (d) (3), as amended by Treasury Decision 5244, is further amended by striking the period at the end of the first sentence and by inserting in lieu thereof the following: "and increased or decreased, as the case may be, with respect to its separate gains or losses from involuntary conversions and from sales or exchanges of property subject to the provisions of section 117 (j)."

PAR. 8. Section 23.31 (d) (10), as added by Treasury Decision 5341, is amended by striking the period at the end and by inserting in lieu thereof the following: "increased with respect to its separate net gains from involuntary conversions and from sales or exchanges of property subject to the provisions of section 117 (j)."

PAR. 9. Section 33.31 (b) (1) (i), as amended by Treasury Decision 5245, approved March 13, 1943, is further amended to read as follows:

(i) Minus the sum of:

(*a*) Any consolidated net operating loss deduction,

(*b*) Any consolidated net loss from involuntary conversions and from sales or exchanges of property subject to the provisions of section 117 (j), and

(*c*) The aggregate amount of any contributions or gifts made by the several affiliated corporations during the taxable year, subject to the provisions of section 23 (q), but not in excess of 5 percent of the consolidated net income computed without regard to such contributions or gifts, and

PAR. 10. Section 33.31 (b) (3), as amended by Treasury Decision 5245, is further amended by striking all of that portion thereof following subdivision (iii) and by inserting in lieu thereof the following:

(iv) The amount of the net operating loss, if any, sustained by such corporation for the second preceding taxable year reduced by the net income, if any, of such corporation for the first preceding taxable year, or, if the income of such corporation is included in the consolidated return for the first preceding taxable year, reduced either by the net income of such corporation for such year increased with respect to its separate net short-term and long-term capital gains (or for years beginning after December 31, 1941, its separate net capital gain) and increased or decreased, as the case may be, with respect to its separate gains or losses from involuntary conversions and from sales or exchanges of property subject to the provisions of section 117 (j) or by the consolidated net income for such year, whichever is the lesser, the net income for the first preceding taxable year being computed in such case with the exceptions, additions, and limitations provided in section 122 (d) (1), (2), (4), and (6), and with a net operating loss deduction or a consolidated net operating loss deduction, as the case may be, for such first preceding taxable year determined without regard to the net operating loss of such corporation for the second preceding taxable year and without regard to any net operating loss carry-back,

but only to the extent that such net operating losses, consolidated or separate, as the case may be, were not absorbed as net operating loss carry-backs, and, with respect to net operating losses subject to the provisions of (iv), were not absorbed by the group in the first preceding taxable year as war losses pursuant to the last sentence of section 141 (b) of the Code;

PAR. 11. Section 33.31 (b) (3) (iii), as amended by Treasury Decision 5245, is further amended to read as follows:

(iii) The amount of the net operating loss, if any, sustained by such corporation for the first succeeding taxable year reduced by the net income, if any, of such corporation for the first preceding taxable year, or, if the income of such corporation is included in the consolidated return for the first preceding taxable year, reduced either by the net income of such corporation for such year increased with respect to its separate net short-term and long-term capital gains (or, for years beginning after December 31, 1941, its separate net capital gain) and increased or decreased, as the case may be, with respect to its separate gains or losses from involuntary conversions and from sales or exchanges of property subject to the provisions of section 117 (j) or by the consolidated net income for such first preceding taxable year, whichever is the lesser, the net income for the first preceding taxable year being computed in either case with the exceptions, additions, and limitations provided in section 122 (d) (1), (2), (4), and (6), and with a net operating loss deduction or a consolidated net operating loss deduction, as the case may be, for the first preceding taxable year determined without regard to the net operating loss of such corporation for the first succeeding taxable year, and

PAR. 12. Section 33.31 (c) (1), as amended by Treasury Decision 5341, approved March 14, 1944, is further amended by striking from subdivision (vi) the word "and"; by striking the period at the end of subdivision (vii) and inserting in lieu thereof a comma and the word "and"; and by inserting therein the following new subdivision:

(viii) No deduction under section 23 (q) with respect to charitable or other contributions shall be taken into account.

PAR. 13. Section 33.31 (c) (2) (ii), as amended by Treasury Decision 5341, is further amended by striking from subdivision (*a*) the word "and"; by inserting immediately following the semicolon at the end of subdivision (*b*) the word "and"; and by inserting therein the following new subdivision:

(c) Capital gains and losses, short-term capital gains and losses, and long-term capital gains and losses shall be determined without regard to:

(*1*) Gains or losses from involuntary conversions and from sales or exchanges of property subject to the provisions of section 117 (j), and

(2) The net capital loss carry-overs provided in section 117 (e) (1), and, in the first taxable year beginning after December 31, 1941, the net short-term capital loss carry-over provided by section 117 (e) (2);

PAR. 14. Section 33.31 (c) (3), as amended by Treasury Decision 5245, is further amended by striking the period at the end of the first sentence and by inserting in lieu thereof the following: "and increased or decreased, as the case may be, with respect to its separate gains or losses from involuntary conversions and from sales or exchanges of property subject to the provisions of section 117 (j)."

PAR. 15. Section 33.31 (c) (15), as added by Treasury Decision 5341, is amended by striking the period at the end and by inserting in lieu thereof the following: "increased with respect to its separate net gains from involuntary conversions and from sales or exchanges of property subject to the provisions of section 117 (j)."

(Sec. 141 (b), I.R.C., as amended by sec. 159 of Revenue Act of 1942 (53 Stat. 58, 56 Stat. 853; U.S.C., and Sup. 141))

[SEAL] JOSEPH D. NUNAN, Jr.,
Commissioner of Internal Revenue.

Approved: September 10, 1945.

JOSEPH J. O'CONNELL, Jr.,
Acting Secretary of the Treasury.

[F. R. Doc. 45-16961; Filed, Sept. 11, 1945; 4:31 p. m.]

TITLE 29—LABOR

Chapter IX—Agriculture Department (Agricultural Labor)

[Supp. 80]

PART 1110—SALARIES AND WAGES OF AGRICULTURAL LABOR IN THE STATE OF OREGON

WORKERS ENGAGED IN HARVESTING HOPS IN CERTAIN OREGON COUNTIES

§ 1110.11 *Workers engaged in harvesting hops in Marion and Polk counties, State of Oregon.* Pursuant to § 4001.7 of the regulations of the Economic Stabilization Director relating to salaries and wages issued August 28, 1943, as amended (8 F.R. 11960, 12139, 16702; 9 F.R. 6035, 14547; 10 F.R. 9478, 9628) and to the regulations of the War Food Administrator issued March 23, 1945 (10 F.R. 3177) entitled "Specific Wage Ceiling Regulations" and based upon a certification of the Oregon USDA Wage Board that a majority of the producers of hops in the area affected participating in hearings conducted for such purpose have requested the intervention of the Secretary of Agriculture, and based upon relevant facts submitted by the Oregon USDA Wage Board and obtained from other sources, it is hereby determined that:

(a) *Areas, crops and classes of workers.* Persons engaged in harvesting hops in Marion and Polk Counties, State of Oregon, are agricultural labor as defined in § 4001.1 (i) of the regulations of the Economic Stabilization Director issued on August 28, 1943, as amended (8 F.R. 11960, 12139, 16702; 9 F.R. 6035, 14547; 10 F.R. 9478, 9628).

(b) *Maximum wage rates for picking hops.* (1) Maximum wages for picking hops—3½¢ per pound.

No perquisites shall be paid in addition to the maximum wage rates specified above, except the furnishing of cabins, tents, fuel, lights, and water.

(c) *Administration.* The Oregon USDA Wage Board, located at 701 Pittock Block, Portland 5, Oregon, will have charge of the administration of this section in accordance with the provisions of the specific wage ceiling regulations issued by the War Food Administrator on March 23, 1945 (10 F.R. 3177).

(d) *Applicability of specific wage ceiling regulations.* This section shall be deemed to be a part of the specific wage ceiling regulations issued by the War Food Administrator on March 23, 1945 (10 F.R. 3177) and the provisions of such regulations shall be applicable to this section and any violation of this section shall constitute a violation of such specific wage ceiling regulations.

(e) *Effective date.* This Supplement No. 80 shall become effective at 12:01 a. m., Pacific war time, September 11, 1945.

(56 Stat. 765 (1942), 50 U.S.C. App. 961 et seq., (Supp. IV); 57 Stat. 63 (1943); 50 U.S.C. 964 (Supp. IV); 58 Stat. 632 (1944); Pub. Law 108, 79th Cong., E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681; E.O. 9577, 10 F.R. 8087; regulations of the Economic Stabilization Director, 8 F.R. 11960, 12139, 16702, 9 F.R. 6035, 14547, 10 F.R. 9478, 9628; regulations of the War Food Administrator, 9 F.R. 655, 12117, 12611, 10 F.R. 7699, 9581; 9 F.R. 831, 12807, 14206, 10 F.R. 3177)

Issued this 11th day of September 1945.

[SEAL] K. A. BUTLER,
Acting Director of Labor,
U. S. Department of Agriculture.

[F. R. Doc. 45-17035; Filed, Sept. 12, 1945; 11:29 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter IX—War Production Board

AUTHORITY: Regulations in this chapter unless otherwise noted at the end of documents affected, issued under sec. 2 (a), 54 Stat. 676, as amended by 55 Stat. 236, 56 Stat. 177, 58 Stat. 827; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; E.O. 9599, 10 F.R. 10155; W.P.B. Reg. 1 as amended Dec. 31, 1943, 9 F.R. 64.

PART 903—DELEGATIONS OF AUTHORITY

[Directive 41, as Amended Sept. 12, 1945]

PREFERENCE RATING AUTHORITY OF THE ARMY AND NAVY MUNITIONS BOARD

§ 903.54 *Directive 41.*—(a) *Purpose and effect.* The purpose of this directive is to delegate to and define the authority of the Army and Navy Munitions Board with respect to the assignment of preference ratings. It replaces Directives 23, 31 and 32. However, this directive shall not affect the validity of preference ratings heretofore properly assigned.

(b) *Priorities instructions of the Army and Navy Munitions Board.* The Army and Navy Munitions Board, after approval by the War Production Board, may issue instructions governing the assignment of preference ratings within limits prescribed by WPB program determinations covering contracts, purchase orders and other similar procurement documents for the delivery of materials (including products, commodities, equipment, accessories, parts or assemblies) to or for the account of:

(1) The Army (including the Panama Canal) and the Navy (including the Marine Corps and the Coast Guard).

(2) U. S. Army and Marine Corps Post Exchanges, U. S. Navy and Coast Guard Ships Service Departments, War Shipping Administration Training Organization Ships Service Activities, all for overseas or shipboard use only (except for items specifically approved for domestic use in WPB program determinations).

(3) The following agencies of the Federal Government: Coast and Geodetic Survey, National Advisory Committee on Aeronautics, Civil Aeronautics Administration (only for activities performed at the request or under the sponsorship of the Army or Navy), Selective Service System, Office of Scientific Research and Development, Office of Strategic Services, Weather Bureau, U. S. Soldiers Home (Washington, D. C.), War Shipping Administration, Maritime Commission (only for ship construction directed by the

Joint Chiefs of Staff), and the Coordinator of Ship Repair and Conversion.

(4) American Red Cross and United Service Organizations, Inc., activities directly connected with military personnel overseas.

(5) [Deleted Sept. 12, 1945.]

(6) [Deleted Sept. 12, 1945.]

(7) [Deleted Sept. 12, 1945.]

(c) *Deliveries which may be rated.* The Army and Navy Munitions Board may assign preference ratings to:

(1) Deliveries in fulfillment of contracts and purchase orders of the kinds described in paragraph (b), including deliveries of material to be incorporated in construction, but only if the construction is command construction, Panama Canal construction or Maritime ship construction. (See paragraphs (2), (4) and (5) below.)

(2) Command construction; that is, the following types of projects ordered built by either the Chief of Staff, U. S. Army, or the Chief of Naval Operations, U. S. Navy: air fields; military housing; facilities for the repair of finished items of munitions; ports and depots; overseas or theatre of operations construction; seacoast fortifications; military hospitals; maneuvering, training, and staging areas and proving grounds; and Manhattan District project.

(3) [Deleted Sept. 12, 1945.]

(4) Panama Canal construction; that is, projects (other than command construction) which are owned by the Panama Canal.

(5) Maritime ship construction; that is, construction of ships directed by the Joint Chiefs of Staff.

(6) Maritime MRO and inventories; that is, deliveries of materials and equipment immediately required for the maintenance, repair and operation of ships under the control of the War Shipping Administration, facilities directly operated by the Maritime Commission or by the War Shipping Administration which are used for ship construction directed by the Joint Chiefs of Staff or which are used for the repair of ships under the control of the War Shipping Administration, facilities operated by the Coordinator of Ship Repair and Conversion for the repair of military ships or ships under the control of the War Shipping Administration, and neutral ships in ports of the United States after clearance of the vessel's status has been made with the Foreign Economic Administration; also deliveries of materials for inventory purposes (not exceeding a 90-day inventory) to ship repair yards, to ship repair facilities, to river and harbor maintenance facilities, to ship chandlers and other distributors of marine supplies and to sales and distribution outlets of manufacturers of marine supplies, *Provided*, That such material is of a kind necessary for shipping activities under the control of the War Shipping Administration or military shipping activities, and *Provided further*, That material for delivery to ship chandlers and other distributors of marine supplies, and to sales and distribution outlets of manufacturers of marine supplies shall include only items specifically approved in War Production Board program determinations."

(7) [Deleted Sept. 12, 1945.]

(8) [Deleted Sept. 12, 1945.]

(d) *Restrictions on rating authority.* (1) Any preference rating certificate which assigns a rating to the delivery of tires or tubes shall before issuance be reviewed and approved by the War Production Board.

(2) All construction, other than that covered by the provisions of paragraphs (c) (2), (c) (4) and (c) (5), will be rated only by the War Production Board, even though the facilities when completed will be owned, leased or operated by the Army, Navy or Maritime Commission.

(e) *Redelegation of authority to assign ratings.* The authority delegated to the Army and Navy Munitions Board in paragraph (c) may be redelegated by the Board only to authorized officials of the agencies enumerated in paragraphs (b) (1), (b) (2) and (b) (3) except that the authority to assign preference ratings under paragraph (c) (6) may be redelegated only to the Maritime Commission, the War Shipping Administration and the Coordinator for Ship Repair and Conversion and officials thereof.

(f) *Method of assigning ratings.* (1) [Deleted Sept. 12, 1945.]

(2) Preference ratings assigned under this directive shall be assigned on Form WPB-542, on Form WPB-646, or as prescribed in subparagraph (3) below.

(3) When any Government agency having the authority assigns a preference rating to deliveries to be made to or for its account, it may do so by placing the rating on the purchase order or contract and endorsing the order or contract with a certification substantially as follows: "By authority of the War Production Board the preference ratings indicated are assigned to the deliveries on this purchase order or contract." This certification may be placed on a purchase order or contract by means of a rubber stamp or printed on the order or contract form. The certification need not be signed separately if the purchase order or contract is signed by an official who is authorized to assign the ratings on behalf of the agency which is placing the order or contract. This method of assigning the rating may not be used when the assignment of the rating is subject to review and approval by the War Production Board before issuance.

(4) Re-ratings may be issued or effected within War Production Board program determinations in the manner prescribed by Priorities Regulation 12.

(5) Every rating assigned under this directive on a form or certification shall be assigned in the manner prescribed therein without attaching any further conditions or qualifications, except that in approving any Form WPB-542 for tires or tubes the War Production Board may limit the use of the rating to a specific make of tire or tube, or may provide that delivery may only be obtained from a specified supplier.

(g) *Application and extension of ratings.* Ratings assigned under this directive may be applied and extended only in accordance with applicable regulations of the War Production Board.

(h) [Deleted Sept. 12, 1945.]

(i) *Authority to change destination of shipments or to allot materials.* Specific authority to issue on Form GA-209 instructions to contractors and subcontractors for change in destination of shipments of items being produced for Army or Navy programs, or authority to allot specific materials for specified purposes, may be delegated from time to time to officers of the Army and Navy respectively, by the Chairman or Program Vice Chairman of the War Production Board.

(j) *Directives and delegations of authority superseded.* This directive supersedes Directives 23, 31 and 32 and all individual delegations of authority to assign preference ratings which have heretofore been issued by officials of the War Production Board to the Army and Navy Munitions Board or to any service of the Army, to the Army Air Forces or to any Bureaus of the Navy or Maritime Commission.

(k) *Effective date.* This Directive 41, as amended, shall take effect on September 15, 1945.

Issued this 12th day of September 1945.

LINCOLN GORDON,
Program Vice Chairman.

[F. R. Doc. 45-17095; Filed, Sept. 12, 1945, 11:54 a. m.]

PART 944—REGULATIONS APPLICABLE TO THE OPERATION OF THE PRIORITIES SYSTEM

[Priorities Reg. 3, as Amended Sept. 11, 1945]

§ 944.23 *Priorities Regulation 3*—(a) *Purpose of this regulation.* This regulation states the rules for the use of preference ratings, what kind of purchase orders or services may be rated and how a rating may be put on an order. It also places restrictions on the use of ratings and includes lists of products for which ratings may not be used at all or for which certain kinds of ratings may not be used. In general this regulation should be consulted before using a rating whether it was gotten directly from the War Production Board or from a customer.

(b) *Definitions.* For the purposes of this regulation:

(1) "Person" and "material" mean the same thing they do in Priorities Regulation 1.

(2) "Assignment" of a preference rating. A preference rating is assigned to a person when the War Production Board or someone that it has authorized issues an order or preference rating certificate giving him the right to use the rating.

(3) "Application" of a preference rating. A preference rating is applied when the person to whom it is assigned uses the rating. A rating is applied also when any governmental agency which is authorized by the War Production Board rates an order for delivery of material directly to it.

(4) "Extension" of a preference rating. A preference rating is extended when it is used by the person to whom it is applied or extended by another person.

(c) *Use of ratings in general.* (1) When a regulation, preference rating order or preference rating certificate assigns a rating to any person, either by naming him or by describing the class of persons to which he belongs (as is done in the schedules to CMP Regulation 5), that person may apply the rating to get delivery of material or the performance of certain services. Also, a person may under certain conditions extend a rating which has been applied or extended to his deliveries of material, but not one applied to services. More detailed rules as to how and when ratings may be applied or extended are set out below in this regulation.

(2) When a War Production Board order or certificate states the quantities and kinds of material or the particular services which are rated, the person to whom it is assigned may use the rating to get only that quantity and kind of material or that particular service named in the order or certificate. If the quantities of material are not stated in the order or certificate assigning the rating it may be applied only to get the minimum amount needed.

(3) No person may place rated orders for more material than he is authorized to rate even though he intends to cancel some of the orders or reduce the quantity of material ordered to the authorized amount before it is all delivered.

(d) *When AA ratings may be extended for material.* The following provisions of this paragraph (d) apply to all extensions of preference AA ratings to get deliveries of material, unless they are modified by or are inconsistent with the provisions of any particular order.

(1) A manufacturer of Class B products under the Controlled Materials plan and a holder of Form WPB-2613 (formerly PD-870) may not extend his customers' AA ratings as explained in more detail in CMP Regulation 3 and in Priorities Regulation 11B.

(2) When a person has received a AA rated order for the delivery of material, he may extend the AA rating to get the material which he will deliver on that order, or which will be physically incorporated in material which he will deliver. If the material is to be processed, this includes the portion of it which would normally be consumed or converted into scrap or by-products in the course of processing.

(3) If a person has made delivery of material, or has incorporated it into other material which he has delivered on an AA rated order, he may extend the AA rating to replace it in his inventory. However, if after delivering the material he still has a practicable working minimum inventory he may not extend the AA rating to replace the material delivered; and if by making the delivery his inventory is reduced below this minimum, the AA rating may be extended to get only the amount necessary to restore the inventory to a practicable working minimum. Any material ordered to replace in inventory must be substantially the same as the material which the person delivered or incorporated in the material which he delivered, except for minor variations in size, shape or design.

(4) A person to whom an AA rating has been applied or extended to get material may not extend that AA rating to get containers or closures to pack the material except as permitted by any order in the Containers, Part 3270, Series (Orders P-140 and P-146 are the only ones that now permit the extension of such AA ratings). Nor may he extend such AA rating to get any material for his own plant improvement, expansion or construction, or to get machine tools or other items which he will carry as capital equipment, or to get business machines for his own use whether purchased or leased, or to get maintenance, repair or operating supplies for his own use. Other orders or regulations, such as CMP Regulation 5 and some orders in the "P" series, assign ratings which may be used by the proper persons to get maintenance, repair or operating supplies and minor capital additions.

(d-1) *AAA, MM and CC ratings.* (1) AAA and MM ratings may be extended under the same conditions as AA ratings, as described in paragraph (d), subject to the conditions of this regulation; except that manufacturers of Class B and unclassified products may extend these ratings for deliveries of production materials to them during the fourth quarter of 1945 and subsequent quarters.

(2) CC ratings may not be extended by a supplier to get production materials needed to make the item sold to his customer, or to replace in inventory materials used to make the item. A distributor, warehouse, retailer, or other person who resells the item without further fabrication may extend the CC rating where he does not have the item in inventory, but may not extend the rating to replace the item in inventory.

A textile converter receiving a CC rating from his customer for finished fabric may extend the rating to get the gray fabric (including the portion of it which would normally be consumed or converted into scrap or by-product in the course of processing) which he will deliver in finished state on that order, or to replace in inventory fabric used to fill the order. However, if after delivering the material he still has a practicable working minimum inventory he may not extend the CC rating to replace the material delivered; and if by making the delivery his inventory is reduced below this minimum, the CC rating may be extended to get only the amount necessary to restore the inventory to a practicable working minimum. Any material ordered to replace inventory must be substantially the same (except for the finishing) as the material which the person delivered, except for minor variations in construction.

(e) *Additional restrictions upon use of ratings for certain materials.* Because of special circumstances which exist with respect to certain materials and products, the use of preference ratings to get items on Lists A or B attached to this regulation is restricted as follows:

(1) *Items as to which preference ratings have no effect; List A.* Any item on List A may be produced or delivered without regard to preference ratings. No person shall apply or extend any rating to get any of these items and no person selling any such item shall require a rating as a condition of sale. Any rating purporting to be applied or extended to any such item shall be void and no person shall give any effect to it in filling an order.

(2) *Items to which blanket MRO ratings do not apply; List B.* Blanket MRO ratings may not be applied to get any item on List B, except as permitted by the list. A blanket MRO rating means a rating assigned by CMP Regulation 5 or 5A, or by any other War Production Board regulation, order (including an order in the "P" series), form or certificate which assigns a rating for maintenance, repair or operating supplies without specifying the kind and quantity of the material to which the rating may be applied. Where the quantity of material is specified in terms of dollar value only, the rating is a blanket MRO rating. No person shall give any effect to any rating applied to his deliveries of any item on List B if he knows or has reason to believe that it is a blanket MRO rating. Any blanket MRO rating applied to an order for any item on List B which was not delivered before the date the item was added to the list shall be deemed void. The restrictions of this paragraph are not applicable when the blanket MRO rating is applied to get an item on the list for use on board ship, but in such a case the rating may not be extended by the person to whom it is applied.

(3) *Illustration.* A manufacturer of a product listed in Schedule II of CMP Regulation 5 is assigned a rating of AA-2 for operating supplies. He may not use the rating to buy wooden shelving for his own use since it is on List B. A contractor has received an order bearing a rating of AA-3 to install wooden shelving in an Army camp. He may extend that rating to get the wooden shelving from the manufacturer since in this case the shelving is production material as to him and not operating supplies. If, however, wooden shelving were on List A instead of List B, neither rating could be used.

(f) *Use of ratings for services*—(1) *Ratings may not be used for personal services.* Preference ratings may never be used to get labor or personal services as distinct from services performed in the course of a regular business involving the use of plant, machinery or equipment owned by the person furnishing the services. For example, ratings may be used to get a repair job done in a repair shop as explained below but may not be used to compel an individual employee to work on a repair job or to obtain the services of a consulting engineer.

(2) *Three cases where ratings may be used for services.* There are only three situations in which a preference rating may be used to get services, as distinct from the production or delivery of material:

(i) *A rating assigned for the purpose.* If the War Production Board assigns a rating to a named person to get specified services, he may use the rating for that purpose.

(ii) *For processing.* When a person has a rating which he may use to get processed material, he may (unless prohibited by another regulation or order) furnish the unprocessed material to a processor and use the same rating to get it processed.

(iii) *For repairs.* A blanket MRO rating may be applied by the person to whom it is assigned to get his plant, machinery or equipment repaired even if the repair job does not involve the delivery of repair parts or materials. See paragraph (e) (2) for definition of a blanket MRO rating. A rating assigned on Form WPB-541 (formerly PD-1A) or WPB-542 (formerly PD-3A), or any other rating which may be applied to the delivery of specific repair parts or materials, may also be applied to the installation of the repair parts or materials or to the repair job alone if it is found that installing the parts or materials is not necessary. However, in the case of ordinary plumbing, heating, electrical, automotive or refrigeration repairs, a rating may not be applied to repair work even if the rating is expressly applicable to repair parts or materials. As used in this subparagraph, "repair" means to fix a plant, machinery or equipment after it has broken down or when it is about to break down. "Repair" does not mean upkeep or maintenance service such as periodic inspection, cleaning, painting, lubricating, etc.

(3) *Ratings for services only may not be extended.* A person to whom a rating for services, as distinct from the production or delivery of material, has been applied or extended may not extend the rating for any purpose.

(g) *How to apply or extend a rating.* (1) When a person applies or extends a preference rating he must put the rating (and symbol, if appropriate) on the order together with a certification signed as prescribed in Priorities Regulation 7. He may use the standard certification set out in that regulation, or if he prefers the following:

CERTIFICATION

The undersigned purchaser hereby represents to the seller and to the War Production Board that he is entitled to apply or extend the preference ratings indicated opposite the items shown on this order, and that such application or extension is in accordance with Priorities Regulation 3 as amended, with the terms of which the undersigned is familiar.

_____
(Name of Purchaser)

_____
(Address)

By _____
(Signature and Title of Duly Authorized Officer)

_____
(Date)

The person who receives the certification shall be entitled to rely on it as a representation of the buyer unless he knows or has reason to know that it is false.

(4) When a person applies or extends a rating he shall also include on his purchase order or contract any information which may be required by any applicable War Production Board order. However, he is not required to include the serial number of the preference rating certificate assigning the rating.

(5) Each person who applies or extends a rating must keep at his regular place of business all documents including purchase orders and preference rating orders and certificates which authorize him to apply or extend the rating. These documents, orders and certificates must be kept in such a way that they can be readily segregated and furnished to representatives of the War Production Board for inspection.

(6) When either certification authorized in this paragraph (g) is used it will not be necessary to use any other certification in order to apply or extend a preference rating, nor will it be necessary to furnish a copy of any preference rating order no matter what any regulation, preference rating order or preference rating certificate says unless it expressly states that this regulation does not apply. This does not affect the requirements of Priorities Regulation No. 9 (§ 944.30) when ratings are applied to certain types of exports, in which case its terms control.

(7) No person shall knowingly purport to apply or extend a preference rating to any order unless he is entitled to do so. No person shall apply or extend a rating for material or services after he has received the material or after the services have been performed, and any person who receives such a rating shall not extend it.

(h) *Provisions applicable to extensions; deferment and grouping.* No matter what any applicable preference rating order or certificate may say,

(1) No person may extend any rating to replace inventory after three months have passed from the time he could have first extended it;

(2) When a person has two or more ratings of the same grade which were assigned by different preference rating certificates or orders he may combine them and extend them to one delivery; and

(3) When a person has two or more ratings of different grades, or where they were assigned by the same or different certificates or orders, he may extend them to deliveries under one purchase order. However, the purchase order must show the amount of each material to which a particular grade of rating is extended. If the type and quantity of the material is such that the supplier can readily determine the exact effect of the extension of the rating on his production and delivery schedule from percentage figures alone, then the purchase order may show the amount of the material to which the particular grade of rating is extended on a percentage basis; otherwise, it must be shown as a separate item. In order to avoid production or delivery of material in quantities smaller than the minimum commercially practicable a person may combine ratings of different grades and extend the rating of the lowest grade to the total production or delivery.

(i) *Restrictions in other orders.* When any person applies or extends a rating he shall be subject to any applicable rule or restriction which may be set forth in the order of the War Production Board which assigns the rating or any other order which regulates transactions in the material or the facilities for which he is using the rating. This includes restrictions as to the kind and amount of material to which ratings may be applied or extended, requirements for written approval of any particular transaction, restrictions on certain uses of material or facilities and any other rules which may be applicable to the particular transaction. However, the rules of paragraphs (g) (4) and (g) (6) apply unless some other order or certificate expressly says that they do not.

Issued this 11th day of September 1945.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

LIST A

The following items may be delivered without regard to any War Production Board preference ratings:

Chemicals of the following types manufactured or produced for exclusive use in the petroleum industry, as petroleum industry is defined in Preference Rating Order P-98-b:

a. Antioxidants (gum inhibitors) for motor fuels.

b. Chemical additives and compound bases for heavy duty gasoline engine, diesel engine and aviation engine oils.

c. Chemical additives and compound bases for hypoid gear oils.

d. Synthetic catalysts for oil cracking operation.

e. Synthetic catalysts for cumene and codimer manufacture.

f. Synthetic catalysts for petroleum isomerization operations.

g. Synthetic catalysts for petroleum sweetening operations.

Communications services.

Dental burs.

Electric energy.

Gas, manufactured combustible, of the type generally distributed by utilities.

Gas, natural.

Petroleum; restricted products as defined in Order M-201.

Silicon carbide settling tank and dust collector fines.

Steam heating, central.

Track-laying tractor repair parts.

Ice.

Tobaccos.[1]

Vegetable, fish, marine animal and animal fats and oils, whether edible or inedible and including their by-products and residues (whether resulting from refining, distillation, saponification, pressing or settling).[1]

Sulfated, sulfonated, and sulfurized fats and oils.[1]

Tall oil.[1]

Wool grease.[1]

Soap (other than metallic).[1]

Fatty acids.[1]

Food for human or animal consumption.[1]

Glycerine.[1]

Graphite crucibles.

Pig iron.

Alarm clocks.

Waste paper.

Water.

Containerboard, as defined in Order M-290.

Low and high temperature fractional distillation equipment for gas and gasoline analysis.

Roofing granules.

LIST B

Blanket MRO ratings, as defined in paragraph (e) (2), may not be used to obtain the items on this list. If a rating is needed to get a specified quantity of any product on the list, application may be made on Form WPB-541 (formerly PD-1A) or on any other form which may be designated for a particular product or for use by a particular person in a War Production Board order.

Adhesive tape backed with cellophane or similar transparent material derived from cellulose.

Animal traps.

Anti-freeze, all types.

Athletic and sport equipment.

Auger Bits, Type I as defined in Schedule VIII to Order L-157.

Automotive maintenance equipment as defined in Limitation Order L-270.

Automotive replacement batteries as defined in Limitation Order L-180.

Automotive replacement parts as defined in Limitation Order L-158.

Award emblems, badges, buttons and other similar award pins (not including identification badges).

Bicycles.

Blowers, portable electric hand, and industrial vacuum cleaners.

Can, jar and bottle capping, closing and sealing machinery and equipment (other than screw capping machines) having a retail sales value of $25 or more, inclusive of motors.

Cast iron cooking utensils.

Cellophane and cellulose acetate film less than three one thousandths (0.003) of one inch thick.

Cellulose caps or bands of any gauge.

Chain, welded coil, sizes 5/16" and under.

Chemicals listed in Direction No. 5 of this regulation. (See that direction for MRO ratings which may be used.)

Chinaware.

Civilian defense devices: any device, equipment, instrument, preparation or other material designed or adapted for use in connection with:

a. Air raid warnings or detection of the presence of enemy aircraft; or

b. Blackouts or dimouts; or

c. The protection of civilians, either individually or collectively against enemy action or attack.

Clocks, watches and timers, including chronometers, chronographs and electrical timers, but excluding interval timers.

Clock and watch repair materials including mainsprings.[2]

Closures and closing devices required for packaging products to be shipped or delivered, as follows:

a. Closures for glass containers

b. Gummed stay and sealing tape paper and cloth.

c. Paper and paperboard bottle caps, closures, and hoods.

Compressors, reciprocating type for compressing air in any size smaller than 10 horsepower, of the tank mounted design sometimes referred to as the garage or service station type of compressors (new).

Containers, fabricated (in knock-down or set-up form, whether assembled or unassembled) required for packaging products to be shipped or delivered. For the purpose of this item the word "containers" shall not include shipping reels and skids, or any item which is specifically excluded from the following sub-items (such as "shell containers" in sub-item f.) It shall, however, include but is not limited to:

a. Bags, all types and specialty envelopes (including those made of paper, textile, combinations of materials, transparent films, metallic foils, parchment, kraft or sulphite).

b. Baskets and hampers

c. Cans, as defined in Order M-81

d. Collapsible tubes

e. Cooperage, tight and slack

f. Fibre cans, fibre tubes (except shell containers), fibre bottles, fibre mailing cases, and fibre drums.

g. Folding and set-up boxes (paperboard)

h. Gas cylinders (including only metal containers as described in Item 1 of Table 17 of Order M-293).

i. Glass containers

j. Ice cream cans (paperboard) and paraffin cartons and pails.

k. Paper cups and paper food containers, except as permitted by Order L-336.

l. Paper milk containers.

m. Steel shipping drums as defined in Order L-197

n. Wooden and fibre inner containers

o. Wooden and fibre shipping containers and parts, as defined in Order P-140.

p. Metal strapping, as covered in Order P-152.

Corrugated and solid fiber sheets, not constituting "fibre shipping containers" as defined in Order P-146.

Cutlery, as defined in any order of the L-140 series.

Domestic and commercial electric fans.

Domestic electric ranges.

Drums, hard rubber.

Electrical appliances as defined in Order L-65.

Electric irons.

Electronic heating generators.

Electronic intercommunicating systems, including public address systems.

Enameled ware, as defined by Limitation Order L-30-b.

Fans (see "Industrial air circulators, new" and "Domestic and commercial electric fans").

Filing cabinets, wooden.

Fire protective equipment, including only:

a. Fire pumps.

b. Fire sprinkler systems.

Flatware.

Frying pans.

Fuel.

Furniture for any use, except furniture specifically designed for schools.

Galvanized ware and non-metal coated metal articles as governed by Limitation Order L-30-a (except for funnels, oil and gasoline cans having a capacity of from 1 to 5 gallons, inclusive, and flexible spout measures).

Glass tableware.

Glass tumblers.

Incandescent photoflash lamps.

Industrial air circulators, new (The term includes any new propeller type fan designed for desk, pedestal, wall bracket, ceiling, or floor mounting, for circulating air within a room or space without the use of ducts, and powered by an electric motor drawing more than 200 watts. Such a fan is sometimes referred to as a "man-cooler" or a "restaurant fan". It does not include propeller type fans designed for exhausting air from inside a building or room to the outside, or for supplying air from the outside to the space within, and normally mounted in a window or over a door or in a wall.)

Kitchenware, heavy duty (except ratings applied by a food processor, which includes any person engaged in the business of preparing, processing, canning, packing or packaging human or animal foods for distribution. It does not include any person who prepares food for consumption on the premises (such as a hotel, restaurant, hospital or educational institution) or distributes it at retail (such as a grocery or retail meat market)):

a. Bakery utensils;

b. Butcher benches;

c. Butcher blocks;

d. Canopies or hoods;

e. Carriers, food;

f. Carriers, tray;

g. Coffee mills and grinders;

h. Counters, cafeteria, lunch and serving;

i. Counter protectors;

j. Cutters, french fry;

k. Cutters, meat, bone and fish;

l. Dispensers, milk and cream;

m. Display racks;

n. Dough dividers;

o. Dough troughs;

p. Knife sharpeners and grinders;

q. Pans, cold;

r. Potato mashers;

s. Potato and vegetable parers or peelers;

t. Racks, bread (bakery);

u. Racks, dump (bakery);

v. Racks, pans (bakery);

w. Sandwich units;

x. Slicers, meat and bread;

y. Tables, bakers;

z. Tables, cooks, chef, salad and work;

aa. Tables, soiled and clean dish;

bb. Toaster stands;

cc. Tray stands;

dd. Trucks, food;

ee. Urn stands;

Insulation blowing machines complete (new only), and the following parts thereof:

(a) Internal combustion engines, or electric motors.

(b) Blowers.

(c) Speed reduction units.

Kitchen household and miscellaneous articles governed by Limitation Order L-30-d.

Laboratory instruments and equipment, including parts thereof. (Except ratings assigned by Preference Rating Orders P-43, P-68, P-89 and P-98-b, and ratings assigned pursuant to Order P-56; but those ratings may not be used for items on List A of Order L-144.)

Lawn mowers, including power and gang mowers.

Lockers, wooden, for offices and factories.

Medical, surgical and dental equipment and supplies (except parts for the maintenance or repair of existing equipment) including:

a. Anaesthesia and oxygen equipment and accessories;

b. Atomizers;

c. Clinical thermometers;

d. Crutches;

e. Dental consumable supplies;

[1] Subject to War Food Order 71 (formerly FD Regulation No. 1) of the War Food Administration.

[2] It is not contemplated that any preference ratings will be assigned by the War Production Board on Form WPB-541 for clock and watch repair materials including mainsprings.

f. Dental equipment and appliances (except dental lathes);
g. Diagnostic instruments and apparatus;
h. Electric light bulbs for diagnostic instruments;
i. Hearing aids;
j. Hospital and medical rubber drug sundries, except surgeons' gloves when acquired in accordance with Order R-1
k. Hospital enamelware and stainless steel ware;
l. Hypodermic needles and syringes;
m. Operating and examining room furniture;
n. Operating and examining room lights;
o. Opthalmic goods.
p. Orthopedic appliances including splints, belts and trusses;
q Physical therapy equipment and supplies;
r Sterilizers;
s Surgical dressings;
t. Suture needles;
u. Sutures;
v. X-ray equipment and supplies, including X-ray tubes, X-ray valve tubes, X-ray developing hangers, X-ray timers, and similar supplies and accessories.
Medical, surgical and dental instruments.
Medicinal preparations, including vitamins.
Metal bathtubs
Monorail system and additions thereto, except one complete addition valued at less than $200.00.
Pails and tubs, wooden, including wooden mop pails.
Paper and paperboard and products manufactured therefrom and molded pulp products; excluding carbon paper, tracing paper, reproduction paper, sensitized paper, engineering graph paper, chemically treated paper for engineering use, litmus paper and filter paper and paper tags
Paper charts for recording instruments.
Pencils, mechanical.
Pencils, wood cased.
Pens, fountain.
Pen holders.
Pen nibs, steel.
Photographic film sensitized, as controlled by Order L-233.
Photographic papers, sensitized, except blueprint, whiteprint, ozalid, photostat, rectigraph and other line reproduction papers. (See Direction 24 to CMP Regulation 5.)
Pins, common and safety
Printing and publishing:
a. Printed matter including items such as letterheads, envelopes, forms and printed and ruled stationery;
b. Processed printing plates;
c. Type metal, stereotyping metal and electrotype backing-metal;
d. Printing paper, paperboard and binders board;
e. Book cloth;
f. Blankbook and loose-leaf binders, metal parts and units;
g. Mechanical bindings.
Radio transmitters, receivers and transceivers.
Refrigeration and air conditioning systems and parts, except as permitted in Direction 10 to Priorities Regulation 3.
Screen cloth, metal insect.
Scales and balances
Softwood plywood, as defined in Limitation Order L-150-a.
Tire retreading, recapping and repair equipment, including full circle and sectional air bags.
Venetian blinds.
Wooden shelving.
Woodworking machinery, Class I, as defined in Order L-311.

INTERPRETATION 1

Interpretation 1 of Priorities Regulation 3 [Revoked Nov. 17, 1943.]

INTERPRETATION 2

EFFECT OF LISTS A AND B ON UNFILLED ORDERS

The restrictions on the use of ratings for the items on Lists A and B apply to orders for such items which had been placed before the date the item was put on the list but were not yet filled. (Issued Nov. 17, 1943.)

INTERPRETATION 3

FIRE PROTECTIVE EQUIPMENT

The term "Fire protective equipment" on List B of Priorities Regulation 3 includes only the end items listed and does not include materials or parts required for the repair or maintenance of those items.

For example, fire pumps and fire sprinkler systems are listed and therefore may not be obtained on blanket MRO ratings, whereas a part required to repair a pump or sprinkler system may be obtained on blanket MRO ratings. Similarly, blanket MRO ratings may not be used to extend an existing sprinkler system, but such ratings may be used to repair or replace sprinkler heads which have been opened up by fire or damaged in any other way. (Issued Oct. 21, 1944.)

INTERPRETATION 4

CMPL-224 AND GA-1456 AUTHORIZATION

Reference is made in various War Production Orders to P-19-h orders or to orders in the P-19 series, and in some of these orders the delivery of material or equipment is not allowed, unless the material or equipment is rated under a P-19-h order or an order in the P-19 series. Order P-19-h has in a large measure been superseded by CMPL-224 authorizations and this last form has in turn been superseded by form GA-1456. Consequently any reference to a P-19-h order or to an order in the P-19 series is also reference to an authorization on form CMPL-224 or GA-1456, and if the delivery of an item is permitted under a P-19-h order or an order in the P-19 series it also may be delivered under a CMPL-224 or GA-1456 authorization. (Issued Apr. 23, 1945.)

INTERPRETATION 5

RESTRICTIONS OF OTHER ORDERS; "MASKING" TAPE

(a) *Restrictions of other orders on use of ratings or delivery.* The provisions of paragraph (e) relate only to the items which appear on the lists. When any other order of the War Production Board restricts the use of preference ratings to obtain any product, or restricts delivery of a product in any way, those restrictions are applicable even though that product is not listed in Priorities Regulation 3 (§ 944.23). This rule specifically applies to the items which were on List C before the amendment of August 10, 1943.

(b) *"Masking tape.* Blanket MRO ratings may be used to get industrial pressure sensitive adhesive tape (paper and cloth), also called "masking" tape. This type of tape is not included in "Gummed stay and sealing tape, paper and cloth."

This interpretation is not applicable to adhesive tape backed with cellophane or similar transparent materials derived from cellulose which may not be obtained with blanket MRO ratings. (Issued Dec. 18, 1943.)

INTERPRETATION 6

EFFECT OF PREFERENCE RATING CERTIFICATE REFERRING TO PRODUCT OF A PARTICULAR MANUFACTURER

(a) When a preference rating certificate in assigning a rating to a product describes the product by its trade name or by the manufacturer's name and catalogue number, the rating may ordinarily be used to get the product from any manufacturer if the model actually obtained is substantially identical in size, operation and function with that named in the certificate.

(b) The rule stated in the preceding paragraph is consistent with the statement in paragraph (c) (2) of Priorities Regulation 3 (§ 944.23), that a preference rating may be applied only to the specific quantities and kinds of material authorized. Ordinarily a reference in a preference rating certificate to a particular product of a particular manufacturer is no more than a shorthand way of describing the product. It is safe to assume, unless the certificate clearly states otherwise, that what is being rated is a certain kind and size of product which may be obtained from any manufacturer who makes that kind and size. If it is intended to confine the rating to a particular product of a particular manufacturer, the certificate should say so explicitly (Issued Sept. 8, 1943.)

INTERPRETATION 7

LIMITATIONS ON THE RIGHT TO USE RATINGS TO GET MATERIALS PROCESSED

(a) *What this interpretation covers.* This interpretation explains the limitations on the use of a preference rating assigned to the delivery of a material to get material processed under paragraph (f) (2) (ii) of the regulation.

(b) *Controlled materials.* Preference ratings cannot be used to buy controlled materials (steel, copper, and aluminum in controlled material form) from a producer or warehouse and consequently no rating may be used to get material processed into a controlled material by a producer or warehouse. There is one exception to this general rule which is covered by paragraph (d-1) of CMP Regulation No. 8, which assigns a preference rating to steel producers for use in getting steel processed into a controlled material form.

(c) *Class B products.* Paragraph (g) (3) of CMP Regulation No 1 prohibits allotments of controlled materials to B product manufacturers except by the War Production Board and, as explained in Interpretation No. 16 to CMP Regulation No 1, also prohibits a customer from furnishing controlled materials to a B product manufacturer. A special exception to this general rule is provided in Direction 36 to CMP Regulation No. 1. In all cases not covered by the exception, it is improper for a person to furnish controlled materials to a B product manufacturer for processing and consequently no preference rating can be used to get such processing done. In this connection, attention is called to the fact that all products, whether Class A products or Class B products, which are bought for use as maintenance, repair, or operating supplies are treated as though they were Class B products. This is covered by paragraph (k-1) (2) of CMP Regulation No 1. As pointed out in Interpretation No. 13 to CMP Regulation No. 1, a Class A repair part is handled on a Class B basis and therefore paragraph (g) (3) of the regulation is applicable.

(d) *Ratings not to interfere with authorized controlled material orders.* While a person who has been assigned a rating to get material may use the rating to get the use of the facilities of a controlled materials producer to have the material processed (if the material, when processed, is not a controlled material) rated orders for the use of a controlled materials producer's facilities must not interfere with the acceptance, production, or delivery of orders which he is permitted to fill under paragraph (t) (3) of CMP Regulation No. 1. Attention is called to Interpretation No. 4 to Priorities Regulation No. 1 on this subject. (Issued Nov. 18, 1943.)

INTERPRETATION 8

ELECTRONIC INTERCOMMUNICATING SYSTEMS

List B of Priorities Regulation 3 (§ 944.23) forbids the use of blanket MRO ratings to obtain electronic intercommunicating systems. This restriction applies only to getting systems not yet installed. Therefore, blanket MRO ratings may be used to obtain repair parts and materials for existing intercommunicating systems. Also, those blanket MRO ratings which may be used for minor capital additions, may within prescribed dollar limits be used to add stations to an existing intercommunicating system to bring it to its designed capacity. Thus, if an intercommunicating system is designed for 16 stations, with only 12 stations originally installed, four stations may be added by the use of blanket MRO ratings. However, an expansion beyond the 16 stations, or any enlargement of or an extension beyond the designed capacity, may not be obtained by use of blanket MRO ratings. (Issued Feb 27, 1945.)

INTERPRETATION 9

CERTAIN MRO RATINGS ASSIGNED UNDER P-98-b ARE NOT BLANKET MRO RATINGS

Paragraph (e) (2) of Priorities Regulation 3 prohibits the use of a "blanket MRO rating" to get any item on List B. See that paragraph for a definition of a "blanket MRO rating". Some of the items which are on List B also appear on Schedule B of Preference Rating Order P-98-b. That schedule provides a way to get a rating for the items which appear on it so that such P-98-b ratings will not be "blanket MRO ratings". These ratings are assigned to specific purchase orders for a specific kind and quantity of the material desired.

Therefore, when a rating assigned pursuant to Schedule B of P-98-b (as evidenced by the symbol MRO-P-3) is applied to a purchase order for any item which is set out on Schedule B of that order that rating is valid, despite the fact the item is also on List B of Priorities Regulation 3.

The order does not require the purchaser to furnish a copy of his approved purchase order to the supplier, and the supplier should give effect to the rating and certification unless he knows or has reason to believe that the purchase order has not been rated as provided in Schedule B of Order P-98-b. (Issued Jan. 24, 1944.)

INTERPRETATION 10

USE OF RATING TO OBTAIN LEASED MACHINERY

(a) A preference rating which has been assigned for the delivery of an item of machinery or equipment may be used to lease the equipment as long as the following conditions are fulfilled:

(1) The lease must be a long-term semi-permanent arrangement where both parties contemplate the comparatively permanent installation of the machine or equipment. For instance, a rating could be used to obtain a machine under lease where the lease was for one year, with provision for renewal at the end of each year, and both parties expected that the lease would be renewed from time to time. However, the rating could not be used to obtain a machine for a month's use.

(2) If the rating is limited by specific dollar amount, it may be used only to lease machinery or equipment whose fair market value is no greater than the amount specified. For example, CMP Regulation No. 5 assigns a rating for the purchase of minor capital additions not exceeding $500. This rating can be used to lease a machine if its fair market value is not more than $500.

(b) If the instrument assigning the ratings specifies a lease rather than a purchase, it is not necessary to comply with the above conditions. (Issued April 25, 1944.)

INTERPRETATION 11

IDENTIFICATION OF BLANKET MRO RATINGS

Generally speaking, ratings accompanied by the symbol "MRO" are blanket MRO ratings when they are applied to get an item on List B of Priorities Regulation 3. Therefore, any person receiving an order for a List B item bearing a rating accompanied by the symbol "MRO" must assume that the rating is a blanket MRO rating and give it no effect, unless the person who applied or extended it demonstrates (1) that it is not a blanket MRO rating or (2) that it is an extension of a blanket MRO rating applied on an order which was filled before the item was added to List B. (See paragraph (e) (2) of Priorities Regulation 3 for definition of "blanket MRO rating.")

It should not be assumed, however, that all blanket MRO ratings are accompanied by the "MRO" symbol. Several "P" and "U" Orders assign blanket MRO ratings which are accompanied by symbols other than "MRO." For example, a blanket MRO rating is assigned by Preference Rating Order P-68, but the symbol accompanying the rating is "S 8".

The question has been raised whether the War Production Board assigns the symbol "MRO" in connection with the assignment of a rating on Form WPB-541 (PD-1A) for a List B item. The answer to this question is "No." Therefore, no rating which was assigned on Form WPB-541 for a List B item could properly be accompanied by the "MRO" symbol. (Issued April 25, 1944.)

INTERPRETATION 12

RECORDS OF EXPORTERS

Paragraph (g) (5) of Priorities Regulation No. 3 requires each person who applies or extends a rating to keep all documents including preference rating orders and certificates which authorize him to apply or extend the rating at his regular place of business. The Foreign Economic Administration and its predecessors, the Board of Economic Warfare and the Office of Economic Warfare, have assigned preference ratings to exporters for export by endorsing appropriate legends upon export licenses. The original of every export license, however, is required by other government regulations to be surrendered to export officials at the time of shipment. Consequently, persons who receive their assignments of preference ratings on export licenses are not in a position to retain the original of the export license and thus are not required to do so by paragraph (g) (5) except only in those cases where other government regulations do not require the surrender to the government of the documents referred to. However, such persons must keep any copies of the export licenses which are returned to them for their files. (Issued August 24, 1945.)

INTERPRETATION 13

TIME LIMIT ON USE OF RATINGS

Preference ratings may not be extended to replace material in inventory after three months from the time delivery was made to the customer. This is the rule of paragraph (h) (1) of the regulation.

When a rating is being applied (except a blanket rating such as one assigned by CMP Regulation 5) or when any rating is extended for some purpose other than to replace inventory, this may be done only within a reasonable time after the rating was received. Generally speaking, more than three months is deemed to be an unreasonable delay in the use of a rating. In a particular case there may be circumstances which make a reasonable time shorter or longer than three months. For example,

(1) A rating assigned to a construction project on a form which says when the rating expires (such as GA-1456 or CMPL 593) may be applied for material going into the project until the expiration date stated, even though more than three months may have elapsed.

(2) A rating assigned in connection with an export license may be applied as long as the license is valid and expires when the license expires or is revoked. (For explanation of this rule see Interpretation 2, Directive 27.)

(3) When a rating is applied to a long term contract (such as the construction of a ship), it may be extended for material needed to fill the contract, even though more than three months have elapsed.

(4) If the purpose for which the rating was assigned no longer exists, the rating may not be applied even though three months have not elapsed.

(5) When a rating is extended by a person to get material to deliver to his customer, or to incorporate in such material, the time within which it may be done will, in general, be controlled by the delivery date on his customer's order.

The fact that a person has not been able to get his rated order accepted by a supplier does not lengthen the time within which he may use his rating. (Issued June 23 1944.)

INTERPRETATION 14: Revoked Apr. 23, 1945.

INTERPRETATION 15

REFERENCES IN LISTS A AND B TO ORDERS WHICH HAVE BEEN REVOKED

In many items on Lists A and B of Priorities Regulation 3 reference is made to specific WPB orders or schedules for a definition of the specific items covered by the lists. Sometimes the order or schedule referred to is revoked without any change in the listing on List A or B. When one of these orders or schedules is revoked, the listing of the item on List A or B, nevertheless, remains in full force and effect, and the item as listed on List A or B has the same meaning as before the revocation of the order. (Issued July 3, 1945.)

[F. R. Doc. 45-16998; Filed, Sept. 11, 1945; 4:51 p. m.]

PART 1010—SUSPENSION ORDERS

[Revocations, List 3]

REVOCATION OF DESIGNATED SUSPENSION ORDERS

In view of the revocation of certain Limitation and Conservation Orders controlling the supply and distribution of materials, the Chief Compliance Commissioner has directed that the suspension orders hereinafter listed be revoked forthwith.

In view of the foregoing, it is hereby ordered that the following suspension orders be revoked, effective September 12, 1945: *Provided, however,* That this revocation does not affect any liabilities incurred for violations of the suspension order prior to revocation:

§ 1010.862 S-862—Allyn & Bacon.
§ 1010.805 S-805—The Grask Company, Inc.
§ 1010.875 S-875—Leonard Tissue Company.
§ 1010.672 S-672—Phillipsburg Textile Print Works.
§ 1010.596 S-596—Reliance Manufacturing Company.

Issued this 12th day of September, 1945.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 45-17097; Filed, Sept. 12, 1945; 11:54 a. m.]

PART 1010—SUSPENSION ORDERS

[Suspension Order S-757, Revocation]

PETER DENUZZE AND CARMELLA DENUZZE

Suspension Order No. S-757 was issued April 13, 1945, against Peter Denuzze and Carmella Denuzze, 54 Underhill Avenue, New Britain, Connecticut, for violations of Conservation Order L-41. In view of the fact the construction has now been determined to be essential, the Chief Compliance Commissioner has directed that Suspension Order No. S-757 be revoked. In view of the foregoing, it is hereby ordered, that: § 1010.757, *Suspension Order No. S-757* be revoked.

Issued this 12th day of September 1945.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 45-17096; Filed, Sept. 12, 1945; 11:54 a. m.]

PART 1010—SUSPENSION ORDERS

[Suspension Order S-825, Stay of Execution]

THE WASHINGTON DAILY NEWS

The Washington Daily News, a corporation located in Washington, D. C., has appealed from the provisions of Suspension Order No. S-825, issued July 9, 1945 (§ 1010.825) and has requested a stay pending final determination of its appeal. The Chief Compliance Commissioner has directed that the suspension order be stayed to the extent of 29.15 tons of the amount required to be paid back in the third quarter of 1945, pending final determination of the appeal or until further order of the Chief Compliance Commissioner or his Deputy.

In view of the foregoing, *it is hereby ordered*, That: The provisions of Suspension Order No. S-825, issued July 9, 1945, are hereby stayed to the extent that the Washington Daily News shall be required to reduce its consumption of print paper during the third quarter of 1945 by 29.15 tons under the quota it would otherwise be entitled to use pursuant to the provisions of Limitation Order L-240 instead of by the amount required for this period by the suspension order, pending final determination of the appeal or until further order by the Chief Compliance Commissioner or his deputy.

Issued this 11th day of September 1945.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 45-17060; Filed, Sept. 11, 1945; 4:51 p. m.]

PART 3290—TEXTILE, CLOTHING AND LEATHER

[Conservation Order M-328, Direction 18, as amended Sept. 11, 1945]

CC RATINGS FOR TEXTILES AND RELATED ITEMS

Direction 18 to Conservation Order M-328 is amended to read:

(a) *Purpose of this direction.* The revised priorities system will become fully applicable to textile and related items covered by Schedule A of Order M-328 after the end of September, 1945, under Priorities Regulation 29 as amended on September 11, 1945. The rules for the use of AAA, MM and CC ratings for such items are now stated in that and other general regulations. Priorities Regulation 28, as amended the same date, states when the new ratings may be granted. This direction explains in more detail how ratings may be applied for under orders in the M-317 and M-328 series. It also explains when a CC rating specifically assigned by the War Production Board constitutes a rerating of a former AA rating, and why AA ratings for textile and related items remain valid until the end of September.

(b) *How to apply for CC ratings.* Applications for CC ratings may be made for deliveries after the end of September, 1945, for purposes and under the rules for which priorities assistance may be given under orders in the M-317 series and M-328 series, and their schedules and directions, as amended from time to time. The application form specified by the order, schedule or direction under which the application is being made should be used. (Applications already filed under those rules and not yet acted on by War Production Board will be considered by WPB without having to be filed again).

Applications for CC ratings for textiles and related items for other purposes, including exports, may be made in accordance with Priorities Regulation 28.

(c) *Use of CC ratings.* When a person has placed an order with an AA rating for any textile or related items for delivery after September 30, 1945 and the War Production Board specifically assigns him a CC rating for the same items on an individual certificate or form, he may rerate the order CC under the rerating procedure of Priorities Regulation 12 if he uses the new rating by September 30, 1945. A CC rating used after September 30, 1945, does not constitute a rerating but must be applied or extended as an original rating under Priorities Regulation 3.

(d) *Validity of AA ratings.* As explained in Priorities Regulation 29, AA ratings for textile and related items remain valid through September 30, 1945, both for delivery before and after that date (unless unrated by the customer or specifically cancelled by War Production Board in particular cases, under a rule in an order in the M-317 series, the M-328 series, their schedules or directions, or by some other specific action of the War Production Board revoking an AA rating assigned to a particular person). It is necessary for the AA ratings assigned for delivery after September 30, 1945 to remain valid until that time, to get orderly scheduling of those materials which have to be ordered in advance. Although such ratings will become invalid at the end of September, suppliers cannot be sure that orders carrying AA ratings for delivery after the end of September will not be confirmed under the new rating system before the end of September, and they must therefore accept such orders and keep them in their schedules until the end of September, 1945, according to priorities regulations.

Issued this 11th day of September 1945.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 45-16999; Filed, Sept. 11, 1945; 4:51 p. m.]

Chapter XI—Office of Price Administration

PART 1312—PRIMARY FOREST PRODUCTS

[MPR 534-2,[1] Amdt. 4]

HICKORY AND ASH LOGS AND OTHER SPECIALTY WOODS

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.

Maximum Price Regulation 534-2 is hereby amended in the following respects:

1. Section 11 is amended to read as follows:

SEC. 11. *Hickory special logs—(a) Zone definitions.*

Zone 1. That portion of the State of Tennessee west of the Tennessee River. In Mississippi, those counties north of and including Coahoma, Quitman, Panola, Lafayette, Pontotoc, Lee and Itawamba. In Arkansas, those counties east of and including Sharp, Independence, White, Lonoke and Arkansas.

Zone 2. All that portion of the United States lying east of the 100th meridian not specifically included in Zone 1.

(b) *Maximum prices.*

TABLE I—HICKORY LOGS AND BOLTS

(Logs per M (f.b.))

	Extra	No. 1	No. 2	Timber run	Grade
Zone 1	$55.00	$40.00	$22.00	$30.00	$12.00
Zone 2	45.00	35.00	20.00	35.00	10.00

(Bolts per Cord [128 cu. ft.])

Zone 1	$25.00	$20.00	$11.50	$20.00	$6.00
Zone 2	22.50	17.50	10.00	17.50	5.00

(c) *Short logs.* Logs below 7 feet in length can be purchased on a board foot log scale basis by paying 10 percent less than the log prices herein stipulated.

(d) *Scaling rules for Table 1.* (1) All logs are to be scaled with the Doyle Log Rule, with the diameter measured inside the bark at the small end of the log and at the smallest diameter.

(2) The basis for measurement of hickory bolts shall be the standard cord of 128 cubic feet. The purchase of units or specifications different from the normal cord specifications of 4' x 4' x 8' shall be made by converting to cubic feet and adjusting the price upward or downward in proportion to 128 cubic feet.

(3) Logs are to be cut in even lengths unless otherwise specified by the buyer, with the lowest acceptable length 7 feet.

(4) Bolts are to be cut into lengths specified by the buyer, with the lowest acceptable length 40 inches.

(5) All unsound and unusable wood must be deducted by allowance in measurement. The defects for which full allowance must be made include bird pecks, holes from any cause, windshake, brashy or light weight, decay, sap stain, and crock. Crooked logs are to be scaled to actual measurement of usable portion.

(e) *Grading Rules for Table 1 (logs or bolts).* "Face defects" are knots, catfaces, scabs, and ingrown bark. "End defects" are bird pecks, holes from any cause, windshake, brashy or light weight, decay or sap stain.

(1) *Extra quality.* Must have a ring of white wood measuring not less than 3½" in from bark. All logs or bolts 8" and up in diameter must have all clear faces and clear ends.

(2) *No. 1 quality.* All logs and bolts 8" and up in diameter must have at least 3 clear faces and must have clear ends.

(3) *No. 2 quality.* All logs and bolts 8" and up in diameter must have at least 2 clear faces; and defects are permitted. If the defects reduce the footage out from the log more than 25 percent, the log will be classed as a cull.

(4) *Timber-run quality.* A combination of extra quality, No. 1 and No. 2 logs or bolts containing not over 20 percent No. 2.

(f) *Delivery.* The above prices are:

(1) Loaded on railroad cars at any rail siding.

(2) Delivered to place at which water shipment is to begin.

(3) Delivered by truck to the buyer's plant.

2. Section 12 (d) (3), Zone definitions, is amended by striking out the definitions of Zone 7 and Zone 8 and inserting the following:

Zone 7. The entire State of Pennsylvania; the entire State of New Jersey; in the State of Maryland, that portion lying north of U. S. Highway No. 50 and west of Chesapeake Bay and the Susquehanna River; in the State of Virginia, that portion of the state lying north of U. S. Highway No. 50; in the State of West Virginia that part of the northeastern section of the state north of U. S. Highway No. 50 and east of the west boundary of the State of Maryland.

Zone 8. The entire State of Delaware; in the State of Maryland, those portions of the State south of U. S. Highway No. 50 and east of the Susquehanna River and Chesapeake Bay; in the State of Virginia, Accomac and Northampton counties and that portion of the state lying south of U. S. Highway No. 50 not included in Zone 10.

3. A new section 14 is added to read as follows:

SEC. 14. *Jobber's commission.* Mills which use ash logs or bolts, or Extra Grade and No. 1 grade hickory logs, may apply to the Lumber Branch, Office of Price Administration, Washington 25, D. C., for permission to pay a jobber's commission not to exceed 10 percent of the f. o. b. car price of the logs.

This commission shall be paid only to log jobbers who are regularly engaged in locating, purchasing, and supervising cutting, skidding, loading on cars, and delivering logs to the mill yard, and whose commission therefrom constitutes the major portion of their income during the period of log jobbing, or to sawmills receiving logs in mixed lots who sort out specialty logs and ship them to the mill.

The buyer's application must contain:

(1) The name and address of the mill buying the logs or bolts.

(2) The name and address of the jobber or sawmill operator to whom the commission will be paid, and a statement as to whether such person will operate as a jobber of hickory and ash logs, or as a sawmill operator who will sort out these logs for sale to the specialty mill.

(3) A statement that the person to whom the commission is paid is not an employee carried on the payroll of the buyer.

(4) A statement of the area from which the jobber intends to secure the logs.

(5) A statement by the buyer that the payment of the commission will not require any adjustment in the ceiling prices for the items to be produced from the logs.

This amendment shall become effective September 17, 1945.

NOTE: All reporting and record-keeping requirements of this amendment have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 12th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-17063; Filed, Sept. 12, 1945, 11:43 a. m.]

PART 1315—RATIONING OF RUBBER AND PRODUCTS AND MATERIAL OF WHICH RUBBER IS A COMPONENT

[Rev. RO 1E,[2] Amdt. 1]

MILEAGE RATIONING; TIRE REGULATIONS FOR HAWAII

A rationale accompanying this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.

Revised Ration Order 1E is amended in the following respects:

1. The text of section 4.1 (a) is amended to read as follows:

(a) *Immediate needs.* That the tire is to equip a vehicle which is held for use and not for resale, and is:

2. Sections 4.1 (b) (1), 4.1 (c), 4.2 (a) (2) and 4.2 (a) (3) are revoked.

3. Section 4.2 (b) is amended to read as follows:

(b) *Eligibility for Grade I Tires.* A certificate for a Grade I tire may be issued for a passenger automobile which is registered for use.

4. Section 6.7 (k) is amended by adding sub-paragraph (v) to read as follows:

(v) Tractor, implement and industrial type tires.

This amendment shall become effective September 1, 1945.

NOTE: All reporting and record-keeping requirements in this amendment have been approved by the Bureau of Budget in accordance with the Federal Report Act of 1942.

Issued this 12th day of September 1945.

GERALD A. BARRETT,
Territorial Director,
Hawaii.

Approved:

JAMES P. DAVIS,
Regional Administrator,
Region IX.

[F. R. Doc. 45-17049; Filed, Sept. 12, 1945; 11:39 a. m.]

PART 1340—FUEL

[RMPR 137, Amdt. 13]

PETROLEUM PRODUCTS SOLD AT RETAIL ESTABLISHMENTS AND CERTAIN OTHER RETAIL SALES OF LIQUEFIED PETROLEUM GAS

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.

Revised Maximum Price Regulation No. 137 is amended in the following respects:

1. Section 8 (b) is amended to read as follows:

(b) *Kerosene, prime white distillate, Nos. 1 and 2 fuel oil and range oil.*

(1) CONNECTICUT

(i) In the Bridgeport, Connecticut Area, comprising the townships and cities of Bridgeport, Easton, Fairfield, Monroe, Stratford, Trumbull, Weston and Westport, the maximum price for sellers at retail establishments of kerosene, No. 1 fuel oil and range oil shall be 11.3 cents per gallon

(ii) In the Danbury, Connecticut Area, comprising the following townships and cities in the State of Connecticut, Bethel, Bridgewater, Brookfield, Danbury, Redding, Ridgefield, New Fairfield, New Milford, Newtown and Sherman, the maximum price for sellers at retail establishments of kerosene, No. 1 fuel oil and range oil shall be 11.8 cents per gallon.

(iii) In the Greenwich-Norwalk, Connecticut Area, comprising the town and cities of Darien, Greenwich, New Canaan, Norwalk, Stamford, Stamford City and Wilton, the maximum price for sellers at retail establishments of kerosene, No. 1 fuel oil and range oil shall be 11.5 cents per gallon.

(iv) In the Hartford, Connecticut Area, comprising the townships and cities of Bloomfield, East Hartford, Glastonbury, Hartford, Newington, Wethersfield, Windsor, Windsor Locks, East Windsor, South Windsor and West Hartford, the maximum price for sellers at retail establishments of kerosene, No. 1 fuel oil and range oil shall be 11.5 cents per gallon.

(v) In the New Haven, Connecticut Area, comprising the townships and cities of Bethany, Branford, East Haven, Hamden, Milford, North Branford, North Haven, New Haven, Orange, West Haven and Woodbridge, the maximum price for sellers at retail establishments of kerosene, No. 1 fuel oil and range oil shall be 11.3 cents per gallon.

(vi) In the Waterbury, Connecticut Area, comprising the towns and cities of Waterbury, Naugatuck, Middlebury, Woodbury, Watertown, Wolcott, Prospect, and Cheshire, the maximum price for sellers at retail establishments of kerosene, No. 1 fuel oil and range oil shall be 11.5 cents per gallon.

(2) MARYLAND

Within the corporate limits of the City of Baltimore, Maryland, the maximum price for sellers at retail establishments of kerosene, No. 1 fuel oil and range oil shall be 11.8 cents per gallon.

(3) MASSACHUSETTS

In the Metropolitan Boston, Massachusetts Area comprising the following towns and cities: Arlington, Belmont, Boston, Braintree, Brookline, Cambridge, Canton, Chelsea, Cohasset, Dedham, Dover, Everett, Hingham, Hull, Lexington, Lynn, Malden, Medford, Melrose, Milton, Nahant, Needham, Newton, Quincy, Reading (but not North Reading), Revere, Saugus, Somerville, Stoneham, Swampscott, Wakefield, Waltham, Watertown, Wellesley, Weston, Westwood, Weymouth, Winchester, Winthrop and Woburn, the max-

[1] 9 F.R. 5243, 6159, 12022, 13849.

[2] 10 F.R. 6067.

imum price for sellers at retail establishments of kerosene, No. 1 fuel oil and range oil shall be 11.2 cents per gallon.

(4) MICHIGAN

Within the counties of Genesee, Macomb, Washtenaw, Monroe, Oakland and Wayne in the State of Michigan the maximum prices for sellers at retail establishments of kerosene, prime white distillate, Nos. 1 and 2 fuel oil and range oil, also known as stove oil or heater oil, shall be as follows:

	Cents per gallon
Kerosene	14.5
Range oil, also known as stove oil or heater oil	11.5
Prime white distillate and Nos. 1 and 2 fuel oil	11.0

(5) NEW HAMPSHIRE

In the Conway, New Hampshire Area comprising the town and cities of Albany, Bartlett, Chatham, Conway, Eaton, Hales's Location, Jackson, Madison and Tamworth, the maximum price for sellers at retail establishments of kerosene, No. 1 fuel oil and range oil shall be 13.0 cents per gallon.

(6) NEW JERSEY

(i) Within the counties of Union, Middlesex, Essex, Hudson, Bergen, and Passaic, State of New Jersey, the maximum price for sellers at retail establishments of kerosene, No. 1 fuel oil and range oil, also known as stove oil, shall be 12.5 cents per gallon.

(ii) Within the counties of Morris and Sussex, State of New Jersey, the maximum price for sellers at retail establishments of kerosene, No. 1 fuel oil and range oil, also known as stove oil, shall be 13.0 cents per gallon.

(7) NEW YORK

(i) Within the corporate limits of New York City, New York, the maximum prices for sellers at retail establishments of kerosene, No. 1 fuel oil and range oil, also known as stove oil, shall be 12.8 cents per gallon.

(ii) Within the counties of Westchester, Nassau and Suffolk, State of New York, the maximum prices for sellers at retail establishments of kerosene, No. 1 fuel oil and range oil, also known as stove oil, shall be 12.5 cents per gallon.

(iii) In the townships and cities in the State of New York of Brewster, Patterson and Palding, the maximum price for sellers at retail establishments of kerosene, No. 1 fuel oil and range oil shall be 11.8 cents per gallon.

(8) PUERTO RICO

Maximum prices of kerosene at retail establishments in Puerto Rico shall be 18¢ per gallon, and 5¢ per quart when a quantity less than one gallon is sold; except that in the Islands of Culebra and Vieques the maximum price shall be 20¢ per gallon, and 5¢ per quart when a quantity less than one gallon is sold.

(9) RHODE ISLAND

In the State of Rhode Island in the towns and cities named below, the maximum prices for sellers at retail establishments of kerosene, No. 1 fuel oil and range oil shall be as follows:

City or town:	*Sales at retail establishments cents per gal.*
1. Barrington	11.6
2. Bristol	11.6
3. Burrillville	11.6
4. Central Falls City	11.1
5. Charlestown	11.1
6. Coventry	11.6
7. Cranston City	11.1
8. Cumberland	11.1
9. East Greenwich	11.6
10. East Providence	11.1
11. Exeter	11.6
12. Foster	11.6
13. Glocester	11.6
14. Hopkinton	11.1
15. Jamestown	11.6
16. Johnston	11.1
17. Lincoln	11.1
18. Little Compton	11.6
19. Middletown	11.6
20. Narragansett	11.1
21. Newport City	11.6
22. North Kingstown	11.6
23. North Providence	11.1
24. North Smithfield	11.1
25. Pawtucket City	11.1
26. Portsmouth	11.6
27. Providence City	11.1
28. Richmond	11.1
29. Scituate	11.6
30. Smithfield	11.1
31. South Kingstown	11.1
32. Tiverton	11.6
33. Warren	11.6
34. Warwick City	11.6
35. Westerly	11.1
36. West Greenwich	11.6
37. West Warwick	11.6
38. Woonsocket	11.1

(10) WASHINGTON, D. C.

Within the Washington, D. C. tankwagon area the maximum price for sellers at retail establishments of kerosene, No. 1 fuel oil and range oil shall be 13.3 cents per gallon.

2. Section 10 (b) (1) (i) is amended to read as follows:

(i) *Eastern Seaboard increases and reductions.* The following table sets forth an amount per gallon for specified areas and products which shall be added to or subtracted from March, 1942 prices for each specified product in arriving at a maximum price under section 9 (a) (1).

	Amount of increase or decrease in cents per gallon to be added or deducted from March 1942 prices					
	Gasoline		Kerosene range oil and No. 1 fuel oil		No. 2 fuel oil and Diesel fuel	
	Increase	Decrease	Increase	Decrease	Increase	Decrease
Connecticut	0	0.8	0.2			0.1
Delaware	0	.8	.2			.1
Florida (East of the Apalachicola River)	0	.8	.2			.1
Georgia	0	.8	.2			.1
Maine	0	.8	.2			.1
Maryland	0	.8	.2			.1
Massachusetts	0	.8	.2			.1
New Hampshire	0	.8	.2			.1
New Jersey	0	.8	.2			.1
New York						
Excepting Schedule D area comprising the Counties of Allegany, Cattaraugus, Chautauqua, Erie, Niagara and Steuben	0	.8	.2			.1
North Carolina	0	.8	.2			.1
Pennsylvania						
Excepting Schedule D area comprising the Counties of Allegheny, Armstrong, Beaver, Butler, Cameron, Clarion; the township of Sandy in Clearfield County; the townships of Chapman, East Keating, Leidy, Noyes and West Keating in Clinton County; Crawford, Elk, Erie, Fayette, Forest, Greene, Jefferson, Lawrence, McKean, Mercer, Potter, Tioga, Venango, Warren, Washington, and all of Westmoreland except the townships of Derry, Fairfield, Ligonier, and St. Clair	0	.8	.2			.1
Rhode Island	0	.8	.2			.1
South Carolina	0	.8	.2			.1
Vermont	0	.8	.2			.1
Virginia	0	.8	.2			.1
West Virginia						
Excepting the Counties of Berkeley, Grant, Hampshire, Hardy, Jefferson, Mineral, Morgan, Pendleton, Randolph, and Tucker	0	.8	.2			.1
District of Columbia	0	.8	.2			.1
Corporate limits, Bristol, Tennessee	0	.8	.2			.1

This amendment shall become effective September 17, 1945.

Issued this 12th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-17053; Filed, Sept. 12, 1945; 11:40 a. m.]

PART 1340—FUEL

[MPR 189, Amdt. 30]

BITUMINOUS COAL SOLD FOR DIRECT USE AS BUNKER FUEL

A statement of considerations involved in the issuance of this amendment issued simultaneously herewith, has been filed with the Division of the Federal Register.

Maximum Price Regulation No. 189 is amended in the following respects:

In § 1340.313 (h) (1) the table of maximum prices is amended to read as follows:

For coals produced at any mine in district No. 13 in the following maximum price group numbers	Maximum price for any grade or size of bituminous coal delivered	
	Washed	[illegible]
1	636	
2	656	
3	666	
4	681	
5	701	
6	691	
7	726	
8	711	
9	686	
Exceptions:		
Mine Index No. 11	686	
Mine Index No. 56	721	
Mine Index No. 22	701	

This amendment shall become effective September 17, 1945.

Issued this 12th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-17059; Filed, Sept. 12, 1945; 11:42 a. m.]

PART 1351—FOODS AND FOOD PRODUCTS

[MPR 53,[1] Corr. to Amdt. 44]

FATS AND OILS

Item 3 of Amendment 44 to Maximum Price Regulation No. 53 is corrected to read as follows:

3. The introductory paragraph to section 8.6 is amended to read as follows:

SEC. 8.6 *Sales in containers of one gallon or less of olive oil to wholesalers, retailers and commercial, industrial and institutional users, and sales to household consumers.* The maximum prices for olive oil when sold in containers of one gallon or less to wholesalers as defined in Maximum Price Regulation No. 421 other than a packer or to a retailer as defined in Maximum Price Regulation No. 422 and Maximum Price Regulation No. 423 or to a commercial, industrial and institutional user and a sale by persons other than wholesalers or retailers to a household consumer shall be the prices listed in the following table. These prices are f. o. b. shipping point nearest seller's place of business. No additional charges may be added for transportation, shipping container or otherwise. (See paragraph (c). Limitation.)

Issued this 12th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-17052; Filed, Sept. 12, 1945; 11:40 a. m.]

PART 1386—SOAP AND GLYCERINE

[MPR 391, Amdt. 7]

HOUSEHOLD SOAPS AND CLEANSERS SOLD BY MANUFACTURERS AND CERTAIN WHOLESALERS

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.

Maximum Price Regulation 391 is amended as follows:

Section 17 is amended by deleting the words "Until September 7, 1945" appearing therein and substituting in lieu thereof the following: "Until otherwise ordered by the Office of Price Administration."

This amendment shall become effective as of September 7, 1945.

Issued this 11th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-16966; Filed, Sept. 11, 1945; 4:43 p. m.]

PART 1389—APPAREL

[RMPR 208,[1] Amdt. 7]

MAXIMUM PRICES FOR STAPLE WORK CLOTHING

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.

Revised Maximum Price Regulation 208 is amended in the following respects:

1. An undesignated paragraph is added at the end of section 1.1 (a) (2) to read as follows:

The terms "work shirts" and "work pants" include all shirts and pants which are made of the listed materials that have been obtained under WPB conservation orders relating to work clothing fabrics.

2. Subdivision (ii) of section 2.2 (b) (2) is amended to read as follows:

(ii) The garment contains body material which is the same with respect to construction, weight and thread count (within the tolerance of the Worth Street Rules), finish (including shrinkage treatment), and color fastness ("seconds" of body materials shall not be considered the same as such fabrics in first quality);

3. An undesignated paragraph is added to section 2.4 (b) (2) to read as follows:

However, in calculating the maximum price for a garment made of first quality fabrics, other than denim, chambray and covert, made to military specifications and released by the military for use in civilian garments, "cost of body material" means the maximum net price which the seller could lawfully be charged for such material if purchased on his customary terms from his customary source of supply under the price schedules and maximum price regulations of the Office of Price Administration in effect on September 1, 1945.

4. In the proviso in section 5.6 (d) (1), the figure "3" is amended to read "4".

5. In the proviso of the notice in section 5.6 (d) (2), the figure "3" is amended to read "4".

This amendment shall become effective September 17, 1945.

Issued this 12th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-17060; Filed, Sept. 12, 1945; 11:42 a. m.]

PART 1397—CONSTRUCTION OF BUILDINGS AND STRUCTURES

[MPR 251, Amdt. 3]

CONSTRUCTION SERVICES AND SALES OF INSTALLED BUILDING MATERIALS

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.

Section 9 (a) (2) of Revised Maximum Price Regulation 251 is amended to read as follows:

(2) Maximum prices fixed by any such pricing order shall not exceed the general level of prices in the area.

This amendment shall become effective September 17, 1945.

Issued this 12th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-17062; Filed, Sept. 12, 1945; 11:43 a. m.]

PART 1407—RATIONING OF FOOD AND FOOD PRODUCTS

[Rev. RO 16,[1] Amdt. 71]

MEAT, FATS, FISH AND CHEESES

A rationale for this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.

Section 15.11a is added to read as follows:

SEC. 15.11a. *Retailers and wholesalers may apply for adjustment of point inventory*—(a) *How to apply.* A retailer or wholesaler may apply for an adjustment if:

He has not been granted an adjustment under section 15.11 of this order, and his net point inventory at the time of application is less than 75% of his allowable inventory, or would be if he were required to give up points for his remaining excess inventory); or

He has been granted an adjustment under section 15.11 of this order or for losses for indeterminable causes under section 15.2, and his net point inventory is less than 55% of his allowable inventory (or would be if he were required to give up points for his remaining excess inventory). The application may be made at any time from September 17, 1945 through October 13, 1945, to the Board with which he is registered. The application shall be made in writing and shall give the following information:

(1) The point value of his inventory of foods covered by this order (other than butter or canned fish acquired with loans from the Washington Office) as of any date between September 17, and September 29, 1945.

(2) If the point value of butter or canned fish he has is included in his reported inventory (subparagraph (1)), a statement that that inventory does not include any butter or canned fish acquired with loans from the Washington Office.

In addition it must show, as of the date of the application:

(3) The number of points he has on hand;

(4) The number of points in his ration bank account, if any (less the amount of any outstanding checks):

[1] 9 F.R. 9978, 10493, 11960, 13297; 10 F.R. 2873.

[1] 9 F.R. 6731.

(5) The number of points which he has already given up for foods not yet shipped to him;

(6) The number of points he has not yet received for foods he has already shipped;

(7) The number of points owed to the Office of Price Administration for outstanding loans (he must include that portion of any loans to acquire butter or canned fish represented by butter or canned fish he has and which he is required to exclude from (1) above);

(8) The number of points he has received for foods which he has not yet shipped;

(9) The number of points he owed for foods already shipped to him; and

(10) Whether or not he has received an adjustment under section 15.11 of this order, or for losses for indeterminable causes under section 15.2.

(b) *Action on application.* (1) The Board may grant an adjustment if it finds that his net point inventory (the total of subparagraphs (1), (3), (4), (5), and (6) of paragraph (a) less the total of subparagraphs (7), (8), and (9) of paragraph (a)) is less than 75% of his allowable inventory (or that it would be so reduced if he were required to give up points for his remaining excess inventory), and if it finds that he has not been granted an adjustment under section 15.11 of this order or for losses for indeterminable causes under section 15.2. The Board shall, in this case, issue a check to the applicant equal to the amount by which 75% of his allowable inventory exceeds his net point inventory, and shall also cancel any remaining excess inventory. If his net point inventory is greater than 75% of his allowable inventory, it will cancel that part of his excess inventory which, if he were required to give up points therefor, would reduce his net point inventory below 75% of his allowable inventory.

(2) If he has been granted an adjustment under section 15.11 of this order or for losses for indeterminable causes under section 15.2, the Board may grant an adjustment if it finds that his net point inventory, as defined in subparagraph (1) of this paragraph, has been reduced to less than 75% of his allowable inventory (or that it would be so reduced if he were required to give up points for his remaining excess inventory). The Board shall, in this case, issue a check to the applicant equal to the amount by which 55% of his allowable inventory exceeds his net point inventory, and shall also cancel his remaining excess inventory. If his net point inventory is greater than 55% of his allowable inventory, it shall cancel that part of his excess inventory which, if he were required to give up points therefor, would reduce his net point inventory below 55% of his allowable inventory.

(c) *General.* Only one application under this section may be made by a retailer or wholesaler. Nothing in this section shall be considered to forgive or excuse any violations by the applicant of this or any other order of the Office of Price Administration, or to affect any action which may be taken by the Office of Price Administration with respect to any such violation.

This amendment shall become effective September 17, 1945.

NOTE: All reporting and record-keeping requirements of this amendment have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 12th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-17050; Filed, Sept. 12, 1945; 11:40 a. m.]

PART 1407—RATIONING OF FOOD AND FOOD PRODUCTS

[Rev. RO 16,[1] Amdt. 62 to 2d Rev. Supp. 1]

MEATS, FATS, FISH AND CHEESES

The official Table of Consumer Point Values (No. 29), referred to in § 1407.3027 (a) is amended by reducing the point value of all cheeses to zero and section C—Fats, Oils and Dairy Products of the Official Table of Trade Point Values (No. 29), referred to in § 1407.3027 (a) is amended by reducing the point value of all cheeses to zero.

This amendment shall become effective at 12:01 a. m. September 12, 1945.

Issued this 11th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-16964; Filed, Sept. 11, 1945; 4:43 p. m.]

PART 1421—IRON AND STEEL FOUNDRY PRODUCTS

[MPR 244,[2] Amdt. 10]

GRAY IRON CASTINGS

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.

Section 1421.166 (a) of Maximum Price Regulation No. 244 is amended in the following respects:

Subparagraph (1) is amended to read as follows:

(1) Where the casting to be priced is identical with a casting which the seller sold or offered for sale in the period between August 1, 1941 and February 1, 1942, the maximum price for such casting is the highest net price at which the casting was sold or offered for sale by the seller during such period plus 10% of such price: *Provided*, That the maximum price for such casting to a purchaser to whom the casting was sold or offered for sale by the seller in the period between August 1, 1941 and February 1, 1942 shall be the highest net price at which the seller sold or offered for sale the casting to such purchaser during such period plus 10% of such price. As used in this paragraph (a), the term "net price" means the price at which the casting was sold or offered for sale, adjusted for the seller's applicable customary charges, discounts, quantity differentials and allowances in effect between August 1, 1941 and February 1, 1942.

Subparagraph (2) is amended to read as follows:

(2) Where the casting to be priced is not identical with a casting which the seller sold or offered for sale in the period between August 1, 1941 and February 1, 1942, but is substantially the same as a casting which the seller sold or offered for sale during such period to the purchaser to whom the casting is being priced, the maximum price for such casting to such purchaser shall be the highest net price at which the casting which is substantially the same was sold or offered for sale by the seller to such purchaser during such period, plus 10% of such price.

This amendment shall become effective September 17, 1945.

Issued this 12th day of September 1945

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-17061; Filed, Sept. 12, 1945; 11:42 a. m.]

PART 1499—COMMODITIES AND SERVICES

[RMPR 165, Amdt. 3 to Supp. Service Reg. 16]

LOGGING SERVICES

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.

Paragraph (d) (1) in § 1499.666 of Supplementary Service Regulation No. 16 is amended by deleting the figures "$0.13" appearing in the paragraph, and substituting, in their place, the figures "$0.15."

This amendment shall become effective September 17, 1945.

Issued this 12th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-17058; Filed, Sept. 12, 1945; 11:42 a. m.]

PART 1499—COMMODITIES AND SERVICES

[RMPR 165, Supp. Service Reg. 60]

CERTAIN SERVICES IN HAWAII

A statement of the considerations involved with the issuance of this Supplementary Service Regulation No. 60 has been filed with the Division of the Federal Register. For the reasons set forth in that statement and under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Orders 9250 and 9328, Supplementary Service Regulation No. 37 is hereby issued.

[1] 10 F.R. 48, 521, 857, 293, 294.
[2] 9 F.R. 2290, 6451.
[3] 8 F.R. 8750, 9386, 10433.

§ 1499.693 *Certain services in the Territory of Hawaii*—(a) *Maximum prices for certain services in the Territory of Hawaii.* The maximum prices established by Revised Maximum Price Regulation No. 165, as amended (Services), for sales in the Territory of Hawaii of the services listed in the following paragraphs are modified in accordance with the provisions set forth in such paragraphs.

(b) *Dollars-and-cents maximum prices for direct positive photography services sold in the Territory of Hawaii*—(1) *Maximum prices.* The maximum prices for direct positive photography services sold in the Territory of Hawaii shall be as follows:

Direct positive photographs

Size of photograph:	
1½" x 2", 5 pictures	$0.25
1½" x 2", with hula girl, 5 pictures	.50
2½" x 3¼", 3 pictures	.50
2½" x 3¼", with hula girl, 3 pictures	.75
2½" x 3½", 3 pictures	.50
Size of photograph:	
2½" x 3½", with hula girl, 3 pictures	$0.75
4" x 5", each	.50
4" x 5", with hula girl, each	.75
5" x 7", each	.75
5" x 7", with hula girl, each	1.00

The maximum price for any direct positive photograph other than the sizes listed above shall be the maximum price of the listed size next smaller to the one being sold as measured in square inches.

(2) Definitions as used in this paragraph of this Supplementary Service Regulation No. 60, the term:

(i) "Direct positive photograph" means a photograph made on sensitized photographic paper by reversal processing without intermediate use of film.

(ii) "Direct positive photographer" means any person taking direct positive photographs for sale to the subject thereof.

(iii) "Hula girl" means any female posing for compensation or profit for a direct positive photograph whether paid by the photographer or the subject of the photograph.

(3) *Extra charges.* No extra charge may be made in connection with the sale of direct positive photography services in addition to the maximum prices established under paragraph (b) above. Specifically, but not exclusively, the following extra charges are prohibited.

(i) For any extra person permitted in such pictures other than the subject or subjects thereof except for a hula girl. Hula girls may be charged for only as permitted in paragraph (b).

(ii) For pictures ruined in the process of taking or finishing pictures.

(4) *Mailing folders, frames, or allied material.* The maximum prices for sales of mailing folders, frames, and allied material sold in connection with Direct Positive Photography Service are determined under the provisions of the General Maximum Price Regulation for the Territory of Hawaii.

(5) *Posting requirements.* Within thirty days after the issuance of this Supplementary Service Regulation, every direct positive photography establishment shall fulfill the requirements of Supplementary Service Regulation No. 60, General Posting Requirements in the Territory of Hawaii.

(6) *Applicability of Revised Maximum Price Regulation 165; services.* The provisions of sections 3, 4, 5, 6, and 16 (a) of Revised Maximum Price Regulation No. 165, Services, shall not apply to direct positive photography services in the Territory of Hawaii. All other sections of Revised Maximum Price Regulation No. 165, together with existing and subsequent amendments, shall apply to direct positive photography services and are hereby incorporated by reference into this Supplementary Service Regulation.

(7) *Less than maximum prices.* Lower prices than those established by this regulation may be charged, demanded, paid or offered.

(8) *Other photography services.* Photography services other than direct positive photography shall continue to be governed by Revised Maximum Price Regulation No. 165.

This Supplementary Service Regulation No. 60 shall become effective as of March 5, 1945.

Issued this 12th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-17054; Filed, Sept. 12, 1945; 11:41 a. m.]

PART 1499—COMMODITIES AND SERVICES

[RMPR 165, Amdt. 1 to Supp. Service Reg. 60]

CERTAIN SERVICES IN HAWAII

A statement of the considerations involved with the issuance of this Amendment 1 issued simultaneously herewith, has been filed with the Division of the Federal Register.

Supplementary Service Regulation No. 60, Certain Services in the Territory of Hawaii, is amended to read as follows:

1. Paragraph (b) (1) is amended by changing the third and fourth items listed thereunder to read as follows:

Direct positive photographs

Size of photograph:	
2¼" x 3¼", 3 pictures	$0.50
2¼" x 3¼", with hula girl, 3 pictures	.75

2. Paragraph (b) (1) is amended by adding two new items and prices to read as follows:

Direct positive photographs

Size of photograph:	
3" x 4", each	$0.25
3" x 4", with hula girl, each	.50

This amendment shall become effective as of March 26, 1945.

Issued this 12th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-17055; Filed, Sept. 12, 1945; 11:41 a. m.]

PART 1499—COMMODITIES AND SERVICES

[RMPR 165, Amdt. 2 to Supp. Service Reg. 60]

SHOE REPAIR SERVICES IN HAWAII

A statement of the considerations involved with the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.

Supplementary Service Regulation No. 60, Certain Services in the Territory of Hawaii, is amended by adding a new paragraph (c) to read as follows:

(c) *Dollars-and-cents maximum prices established for certain retail shoe repair services sold on the Island of Oahu only*—(1) *Maximum prices.* The maximum prices for the retail shoe repair services set forth below on the Island of Oahu, Territory of Hawaii, shall be as follows:

RETAIL SHOE REPAIR SERVICES

	All men's shoes and boys' shoes, sizes 2½ and up	All women's shoes, boys' shoes, sizes 13½ to 2, incl. girls' shoes, sizes 11½ and up	Children's shoes, sizes 13 and under
1. Full soles and heels, leather or rubber	Per pair $4.00	Per pair	Per pair
2. Half soles only, leather or rubber	2.00		
3. Half soles only, leather or rubber, tacked		$1.25	$1.25
4. Half soles only, leather or rubber, cemented		1.50	
5. Half soles only, leather or rubber, sewn		2.00	
6. Additional charges in the following amounts may be added to the prices established in items 1 through 5 when the following leather is used—prime, fine, military or Government Selection Leathers:			
(a) Whole sole only	.35	.35	.25
(b) Half soles only	.25	.25	.25
7. Heels, leather or rubber:			
Men's top lift	.75		
Women's top lift, spike or Cuban		.50	
Women's top lift, wedge		.60	
Badly worn heels, cut down		.15	
Underlifting	.15		
8. Old stitches picked	.25	.25	
9. Leather toe tip	.60	.40	.30
10. Rips sewed, per inch	.25	.25	.25
11. Welt repair	.25	.25	

Single Shoe: Maximum prices for shoe repair services on a single shoe shall be one-half of the maximum prices set forth above.

(2) *Definitions.* When used in this paragraph (c) of this Supplementary Service Regulation No. 60, the term:

(i) "Old stitches picked" means all old stitches are removed from welt by machinery or by hand, and new stitches are inserted in original holes.

(ii) "Fine grade leather" means sole leather with fine fibers, free of brands and open scratches.

(iii) "Government selection" means cut half-soles which come from a bundle which has been appropriately identified as being of Government selection.

(iv) "Half-sole service" means the attachment of all half-soles regardless of the method used. The term includes all operations and materials customarily supplied in the base period by any seller

subject to this order, except those operations and materials for which additional charges are permitted in this order. The following shall not be considered parts of the half-sole service: repairing a Goodyear welt; attaching a pulled-out upper to a Goodyear welt by hand-sewing; replacing an innersole in whole or in part; or repairing or replacing a broken shank piece.

(v) "Leather" means all sole (and heel) leather, regardless of the method of tanning, treatment, or of the finish.

(vi) "Lift" means the full top piece of leather of a heel.

(vii) "Military selection" means cut half-soles that come from a bundle which has been appropriately identified as being of Military selection.

(viii) "Prime grade leather" means sole leather with prime fibers, of clear grain, and which is free of brands and open scratches.

(ix) "Retail shoe repair services" means shoe repair services supplied to a person other than a commercial, industrial, or Governmental user.

(x) "Shoe repair services" means the repair of footwear designed for general street or outdoor use, heavy work shoes, but does not include the repair of specially designed occupational footwear, cowboy boots, loggers' shoes, safety shoes, etc.

(3) *Posting requirements.* Every person who sells or offers to sell any shoe repair services covered by this supplementary service regulation shall fulfil the requirements of Supplementary Service Regulation No. 60, General Posting Requirements in the Territory of Hawaii.

(4) *Sales slips or receipts.* (i) Any person who uses premium leather (Prime, Fine, Military, or Government Selection Leather) in supplying any shoe repair service covered by paragraph (c) of this Supplementary Service Regulation No. 60, and who makes the extra charges for use of such premium leather which are permitted by subparagraph (c) (1) above, shall either:

(*a*) Affix to the shank of the shoe a sticker, label, marker or any other clear price identification, stating: "OPA permitted charge of ____¢ for premium leather", after inserting the proper figure in the blank space; or

(*b*) Furnish the customer with a sales slip or receipt setting forth the seller's name and address, the date, description and quantity of each service sold; the price charged for each such service, the grade of leather used and the price charged for the premium leather used.

(ii) When other than premium leather is used, if the seller has customarily given a purchaser a sales slip or receipt, he must continue to do so. Upon request by a purchaser, he must, regardless of previous custom, give the purchaser a sales slip or receipt. Such sales slip or receipt must contain the information set forth in subparagraph (*b*) above.

(5) *Elimination of individual adjustment.* On and after the effective date of this paragraph (c) the provisions of section 16 (a), Revised Maximum Price Regulation No. 165, shall no longer be available to sellers covered by this paragraph (c).

(6) *Less than maximum prices.* Lower prices than those established by this regulation may be charged, demanded, paid or offered.

(7) *Other shoe repair services.* Shoe repair services for which maximum prices are not set forth in subparagraph (c) (1) above shall continue to be governed by Revised Maximum Price Regulation 165.

This amendment shall become effective as of April 9, 1945.

Issued this 12th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-17056; Filed, Sept. 12, 1945; 11:41 a. m.]

PART 1499—COMMODITIES AND SERVICES

[RMPR 165, Amdt. 3 to Supp. Service Reg. 60]

HAND LAUNDRY SERVICES IN HAWAII

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.

Supplementary Service Regulation No. 60, Certain Services in the Territory of Hawaii, is amended in the following respects:

1. A new paragraph (d) is added to read as follows:

(d) Dollars and cents maximum prices established for certain retail hand laundry services on the Island of Oahu only, Territory of Hawaii.

(1) *Maximum prices.* The maximum prices for retail hand laundry services set forth below in the Island of Oahu, Territory of Hawaii, shall be as follows:

	Maximum prices
Shirts	$0.20
Shirts, silk or rayon	.25
Shirts, Aloha, short sleeve	.15
Trousers, cotton, any color	.25
Coveralls or overalls	.35
Pajamas	.15
Undershirts	.05
Shorts	.05
Handkerchiefs, men's	.03
Socks, per pair	.05
Sheets, single	.10
Sheets, double	.12
Pillowcases	.05
Towels, bath	.05
Towels, dish and hand	.03
Bedspread, plain, cotton	.20
Bedspread, chenille	.35
Napkins, cotton, 2 for	.05
Napkins, linen	.05
Tablecloth, small not over 2 sq. yds	.15
Tablecloth, over 2 sq. yds. but not over 4 sq. yds	.30
Dresses, cotton	.30
Dresses, silk or rayon	.50
Blouses, cotton	.20
Blouses, silk or rayon	.25
Skirts, cotton	.15
Skirts, silk or rayon	.20
Slips	.10
Nightgowns or pajamas	.15
Slacks	.25
Slack Suit	.45
Handkerchief, ladies	.02

Prices listed above include starching when item is customarily finished in that manner.

(2) *Definitions.* As used in this paragraph, the term:

(i) "Hand laundry" means a retail laundry establishment receiving and distributing laundry, generally finishing wearing apparel by hand ironing done on the premises, giving only limited, if any, delivery service, and employing eight or less employees.

(ii) "Shirts" as used in subparagraph (1) above, means all shirts except full dress shirts.

(3) *Posting requirements.* Every person who sells or offers to sell any home laundry service covered by this supplementary service regulation shall fulfill the requirements of Supplementary Service Regulation No. 60, General Posting Requirements in the Territory of Hawaii.

(4) *Elimination of individual adjustments.* On and after effective date of this paragraph (d), the provisions of section 16 (a) of Revised Maximum Price Regulation 165, Services, shall no longer be available to sellers covered by this paragraph (d).

(5) *Revocation of orders.* Any order issued prior to April 12, 1945, pursuant to the provisions of section 24 of Revised Maximum Price Regulation No. 165, affecting the maximum prices for the sale of any home laundry service covered by this paragraph (d) is revoked as of April 12, 1945.

(6) *Less than maximum prices.* Lower prices than those established by this paragraph may be charged, paid, demanded, or offered.

(7) *Other services supplied by hand laundries.* Laundry services not listed in subparagraph (1) above performed by hand laundries shall be governed by Revised Maximum Price Regulation No. 165, Services.

(8) *Prohibited practices.* The following practice is prohibited:

(i) Making a charge per bundle if such charge exceeds the total of the maximum prices for the individual items contained in the bundle.

This amendment shall become effective as of April 12, 1945.

Issued this 12th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-17057; Filed, Sept. 12, 1945; 11:41 a. m.]

PART 1499—COMMODITIES AND SERVICES

[SR 14D,[1] Amdt. 5]

TWIST TOBACCO

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.

Section 2 of Supplementary Regulation 14D is amended in the following respect:

[1] 10 F.R. 1180, 5103, 7855, 7932, 8718.

The following sentences are substituted for the last two sentences of subparagraph (2) of paragraph (e): "Where the addition of the allowed price increase results in a price containing a fraction less than ½ cent, the maximum retail price shall be increased to the ½ cent, and if the fraction is more than ½ cent, the maximum retail price shall be increased to the next higher full cent. If such price contains the fraction, ½ cent, the purchaser shall be given the option of buying two twists at a multiple unit price, or one twist at a maximum price rounded to the next higher full cent; if the retailer refuses to sell more than one twist to a purchaser, his maximum price shall be rounded to the next lower full cent."

This amendment shall become effective September 17, 1945.

Issued this 12th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-17051; Filed, Sept. 12, 1945; 11:40 a. m.]

Chapter XV—Board of War Communications

[Order 31]

REVOCATION OF DESIGNATED ORDERS

Whereas, the Board of War Communications (formerly the Defense Communications Board) has since its organization issued various orders and amendments thereto, deemed by the Board to be necessary for the national security and defense and the successful conduct of the war; and

Whereas, in the light of present conditions it appears that certain of the said orders have served the purposes for which they were issued and are no longer required for such purposes;

Now, therefore, pursuant to the authority contained in Executive Orders 8964 and 9089, dated December 10, 1941, and March 6, 1942, respectively, *It is hereby ordered*, That the following orders of the Board of War Communications be, and the same are hereby cancelled, effective immediately: Order No. 5, dated April 16, 1942 (7 F.R. 2953); Order No. 7, dated May 28, 1942; Order No. 8, dated May 28, 1942 (7 F.R. 4183); Order No. 8-A, dated June 25, 1942 (7 F.R. 5089); Order No. 8-B, dated June 25, 1942 (7 F.R. 5090); Order No. 9, dated May 28, 1942 (7 F.R. 4456); Order No. 10, dated June 18, 1942 (7 F.R. 4701); Order No. 11, dated June 25, 1942 (7 F.R. 4929); Order No. 12, dated July 9, 1942 (7 F.R. 5523); Order No. 13, dated July 10, 1942 (7 F.R. 5523); Order No. 14, dated July 15, 1942 (7 F.R. 5524); Order No. 16, dated July 29, 1942 (7 F.R. 6009); Order No. 21, dated October 15, 1942 (7 F.R. 8563); Order No. 23, dated October 22, 1942 (7 F.R. 8748); Order No. 25, dated November 5, 1942 (7 F.R. 9256); Order No. 25-A, dated November 12, 1942 (7 F.R. 9622); Order No. 25-B, dated December 10, 1942; Order No. 25-C, dated December 17, 1942 (7 F.R. 10794); Order No. 25-D, dated May 4, 1945 (10 F.R. 5379); Order No. 25-E, dated May 17, 1945 (10 F.R. 6121); Order No. 25-F, dated June 28, 1945 (10 F.R. 8980); Order No. 28, dated January 21, 1943 (8 F.R. 1238); Order No. 29, dated May 13, 1943 (8 F.R. 6689) and Order No. 30, dated April 13, 1944 (9 F.R. 4455).

BOARD OF WAR COMMUNICATIONS.
PAUL A. PORTER,
Chairman.

Attest: August 16, 1945.

HERBERT E. GASTON,
Secretary.

[F. R. Doc. 45-17002; Filed, Sept. 12, 1945; 10:33 a. m.]

TITLE 49—TRANSPORTATION AND RAILROADS

Chapter I—Interstate Commerce Commission

[2d Rev. S O. 345]

PART 95—CAR SERVICE

REFRIGERATION RESTRICTIONS ON POTATOES

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 11th day of September, A. D. 1945.

It appearing, That there is an acute shortage of ice for the icing of cars of potatoes by carriers which is adversely affecting the movement of potatoes originating at points in certain States, shipped in refrigerator cars thereby impeding unduly the use, control, supply, movement, and distribution of such cars and contributing to the shortage of equipment and congestion of traffic; the Commission is of opinion an emergency exists in all sections of the country requiring immediate action in order to best promote the service in the interest of the public and the commerce of the people: It is ordered, that:

(a) *Initial and two reicings.* No common carrier by railroad subject to the Interstate Commerce Act, on any refrigerator car intended to be loaded with potatoes originating at any point or points located in the States of Idaho, Utah, Arizona and west thereof; shall furnish or supply initial bunker ice until such car is completely loaded; nor after the first or initial icing accord more than one reicing in the territory west of the eastern boundaries of Minnesota, Iowa, Missouri, Arkansas and Louisiana (west of the Mississippi River), or more than one additional reicing in the territory east (see exception) of the Mississippi River including the State of Wisconsin.

Exception: The second and final reicing in transit may be accorded at Clinton, Iowa by the C. & N. W. Ry., at Oelwein, Iowa by the C. G. W. Ry., or at Waterloo, Iowa by the I. C. RR., when such reicing is so ordered by shippers of the cars to be reiced at these points.

(b) *Initial and one reicing.* No common carrier by railroad subject to the Interstate Commerce Act, on any refrigerator car intended to be loaded with potatoes originating at any point or points located in the States of Montana, Wyoming, New Mexico, Colorado, North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, Texas, Minnesota, Iowa, Missouri, Arkansas and Louisiana (west of the Mississippi River) shall furnish or supply initial bunker ice until such car is completely loaded; nor shall furnish bunker ice in excess of the following amounts: initial icing 8,000 pounds; one reicing at any point in the United States, 8,000 pounds.

(c) *Place of icing at railroad option.* Any railroad may perform icing provided herein at the first icing station on either side of the place designated by shipper.

(d) *Application.* The provisions of this order shall apply only to carload shipments of potatoes billed on or after the effective date hereof.

(e) *Tariff provisions suspended; announcement required.* The operation of all tariff rules and regulations insofar as they conflict with the provisions of this order is hereby suspended, and each railroad subject to this order, or its agent, shall publish, file and post a supplement to each of its tariffs affected hereby, in substantial accordance with the provisions of Rule 9 (k) of the Commission's Tariff Circular No. 20 § 141.9 (k) of this chapter, announcing such suspension.

(f) *Special and general permits.* The provisions of this order shall be subject to any special or general permits issued by the Director of the Bureau of Service, Interstate Commerce Commission, Washington, D. C., to meet specific needs or exceptional circumstances.

(g) *Effective date.* This order shall become effective at 12:01 a. m., September 12, 1945, and shall apply only on cars billed on or after that time.

(h) *Expiration date.* This order shall expire at 11:59 p. m., October 20, 1945, unless otherwise modified, changed, suspended or annulled by order of this Commission. (49 Stat. 101, sec. 402, 41 Stat. 476, sec. 4, 54 Stat. 901; 49 U.S.C. 1 (10)-(17))

It is further ordered, that this order shall vacate and supersede Revised Service Order No. 345 on the effective date hereof; that a copy of this order and direction shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

By the Commission, Division 3.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 45-17018; Filed, Sept. 12, 1945; 11:26 a. m.]

[2d Rev. S. O. 346]

PART 95—CAR SERVICE

RESTRICTIONS ON REFRIGERATION OF VEGETABLES

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 11th day of September, A. D. 1945.

It appearing, That there is an acute shortage of ice for the icing of cars of vegetables by carriers which is adversely affecting the movement thereof in railroad freight cars accorded retop icing, resulting in congestion of traffic; the Commission is of opinion an emergency exists in all sections of the country requiring immediate action in order to best promote the service in the interest of the public and the commerce of the people; It is ordered, that:

(a) *Definition of the term vegetables.* The term "vegetables" as used herein means all fresh or green vegetables as described in Item 1132, Agent J. J. Quinn's tariff I. C. C. No. 22, supplements thereto, or reissues thereof, under the heading "Vegetables".

(b) *Bunker icing restricted on vegetables.* No common carrier by railroad subject to the Interstate Commerce Act shall initially bunker ice, or reice in transit in bunkers, any railroad freight car loaded with vegetables originating at any point or points located in the States of Montana, Wyoming, Colorado, or New Mexico, or west thereof, also that part of Texas north of an air line from the southeast corner of New Mexico through Sierra Blanca to the Rio Grande River, when such car has been top iced or retop iced.

(c) *Retop icing restricted on vegetables.* (1) No common carrier by railroad subject to the Interstate Commerce Act, on any railroad freight car loaded with vegetables originating at any point or points located in the States of Montana, Wyoming, Colorado or New Mexico, or west thereof, also that part of Texas north of an air line from the southeast corner of New Mexico through Sierra Blanca to the Rio Grande River, shall retop ice such a car in transit more than once at any point west of the Massisippi River, excluding St. Louis, Missouri and Avondale, Louisiana.

(2) *Exemption of Nampa, Idaho.* The restriction on retop icing shall not apply at Nampa, Idaho, on shipments originating at, and initially top iced at, stations in Idaho Group B or Oregon Group B described in Agent J. J. Quinn's tariff I. C. C. No. 22.

(3) *Exemption of Los Angeles, California.* The restriction on retop icing shall not apply at Los Angeles, California, on shipments originating on Pacific Electric Railway Company, and on Southern Pacific Company, from and including Canoga Park and San Fernando south to Los Angeles and between and including Los Angeles and San Pedro and between Los Angeles and Tustin.

(d) *Application.* The provisions of this order shall apply only to carload shipments of vegetables billed on or after the effective date hereof.

(e) *Tariff provisions suspended; announcement required.* The operation of all tariff rules and regulations insofar as they conflict with the provisions of this order is hereby suspended and each railroad subject to this order, or its agent, shall publish, file, and post a supplement to each of its tariffs affected hereby, in substantial accordance with the provisions of Rule 9 (k) of the Commission's Tariff Circular No. 20 § 141.9 (k) of this chapter) announcing such suspension.

(f) *Special and general permits.* The provisions of this order shall be subject to any special or general permits issued by the Director of the Bureau of Service, Interstate Commerce Commission, Washington, D. C., to meet specific needs or exceptional circumstances.

(g) *Effective date.* This order shall become effective at 12:01 a. m., September 12, 1945, and shall apply on cars billed or in transit on or after that time.

(h) *Expiration data.* This order shall expire at 11:59 p. m., October 20, 1945, unless otherwise modified, changed, suspended or annulled by order of this Commission. (40 Stat. 101, sec. 402, 41 Stat. 476, sec. 4, 54 Stat. 901; 49 U. S. C. 1 (10)–(17))

It is further ordered, that this order shall vacate and supersede Revised Service Order No 346 on the effective date hereof, that a copy of this order and direction shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

By the Commission, Division 3.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 45-17019; Filed, Sept. 12, 1945; 11:26 a. m.]

Notices

DEPARTMENT OF AGRICULTURE.

Rural Electrification Administration.

[Administrative Order 947]

ALLOCATION OF FUNDS FOR LOANS

AUGUST 11, 1945.

By virtue of the authority vested in me by the provisions of section 4 of the Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said act, funds for loans for the projects and in the amounts as set forth in the following schedule:

Project designation:	*Amount*
Kansas 46040A2 Leavenworth	$155,000
Kansas 46041A1 Wilson	375,000
Montana 46025A2 Sheridan	413,000
North Carolina 46064A1 Hatteras Island	82,000
North Carolina 46064G1 Hatteras Island	60,000
Texas 46071C1 Clay	190,000

[SEAL] CLAUDE R. WICKARD, *Administrator.*

[F. R. Doc. 45-17036; Filed, Sept. 12, 1945; 11:29 a. m.]

[Administrative Order 948]

ALLOCATION OF FUNDS FOR LOANS

AUGUST 21, 1945.

By virtue of the authority vested in me by the provisions of section 4 of the Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said act, funds for loans for the projects and in the amounts as set forth in the following schedule:

Project designation:	*Amount*
Alabama 46026B2 Barbour	$50,000
Illinois 46046C1 Madison	180,000
North Dakota 46017D1 McHenry	515,000

[SEAL] CLAUDE R. WICKARD, *Administrator.*

[F. R. Doc. 45-17037; Filed, Sept. 12, 1945; 11:29 a. m.]

[Administrative Order 949]

ALLOCATION OF FUNDS FOR LOANS

AUGUST 21, 1945.

By virtue of the authority vested in me by the provisions of section 4 of the Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said act, funds for loans for the projects and in the amounts as set forth in the following schedule:

Project designation:	*Amount*
Arkansas 46010F1 Pulaski	$42,000
Indiana 46040B2 Knox	30,000
Iowa 46018A3 Wright	5,000
Iowa 46027E2 Buena Vista	66,000
Iowa 46082A1 Monroe	455,000
Louisiana 46019C Jefferson Davis	200,000
North Carolina 46055A4 Craven	50,000
Texas 46101E1 Parker	132,000

[SEAL] CLAUDE R. WICKARD *Administrator.*

[F. R. Doc. 45-17038; Filed, Sept. 12, 1945; 11:29 a. m.]

[Administrative Order 950]

ALLOCATION OF FUNDS FOR LOANS

AUGUST 21, 1945.

By virtue of the authority vested in me by the provisions of section 4 of the Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said act, funds for loans for the projects and in the amounts as set forth in the following schedule:

Project designation:	*Amount*
Illinois 46036C1 Jasper	$210,000
Indiana 46053B3 Steuben	30,000
Louisiana 46009H1 Lafayette	162,000
Missouri 46057B1 Lincoln	383,000
Wyoming 46021A2 Carbon	50,000

[SEAL] CLAUDE R. WICKARD, *Administrator.*

[F. R. Doc. 45-17039; Filed, Sept. 12, 1945; 11:29 a. m.]

[Administrative Order 951]

ALLOCATION OF FUNDS FOR LOANS

AUGUST 24, 1945.

By virtue of the authority vested in me by the provisions of section 4 of the Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said act, funds for loans for the projects and in the amounts as set forth in the following schedule:

Project designation:	*Amount*
Alabama 46033A2 St. Clair	$50,000
Florida 46017E1 Jackson	392,000
Georgia 46073C1 Dodge	395,000
Illinois 46038D1 McLean	165,000
Indiana 46070C1 White	175,000
Iowa 46038E1 Pocahontas	228,000
Kansas 46031D1 Crawford	160,000
Mississippi 46031E1 Washington	275,000
Nebraska 46079C1 Red Willow District Public	250,000
Ohio 46041E1 Licking	150,000
Oklahoma 46006L1 Caddo	260,000
Tennessee 46039A1 Lincoln	270,000
Texas 46060D1 Lynn	300,000
Wisconsin 46064GT7 La Crosse	1,250,000

[SEAL] CLAUDE R. WICKARD, *Administrator.*

[F. R. Doc. 45-17040; Filed, Sept. 12, 1945; 11:29 a. m.]

[Administrative Order No. 952]

ALLOCATION OF FUNDS FOR LOANS

AUGUST 30, 1945.

By virtue of the authority vested in me by the provisions of section 4 of the Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said act, funds for loans for the projects and in the amounts as set forth in the following schedule:

Project designation:	*Amount*
Georgia 46086D1 Seminole	$462,000
Illinois 46021K1 Menard	285,000
Illinois 46041D1 Jefferson	125,000
Kansas 46014C1 Summer-Cowley	160,000
Kansas 46032F1 Reno	200,000
Minnesota 46056D1 Crow Wing	219,000
Nevada 46003A3 Alamo District Public	37,000
New Mexico 46014A2 Mora	96,000
Ohio 46042E1 Darke	50,000
Tennessee 46019A2 Fayette	50,000
Texas 46010F1 Bowie	350,000

[SEAL] CLAUDE R. WICKARD, *Administrator.*

[F. R. Doc. 45-17041; Filed Sept. 12, 1945; 11:29 a. m.]

[Administrative Order 953]

ALLOCATION OF FUNDS FOR LOANS

AUGUST 31, 1945.

By virtue of the authority vested in me by the provisions of section 4 of the Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said act, funds for a loan for the project and in the amount as set forth in the following schedule:

Project designation:	*Amount*
Virginia 46034T1 Lee	$250,000

[SEAL] CLAUDE R. WICKARD, *Administrator.*

[F. R. Doc. 45-17042; Filed, Sept. 12, 1945; 11:29 a. m.]

[Administrative Order 954]

ALLOCATION OF FUNDS FOR LOANS

SEPTEMBER 1, 1945

By virtue of the authority vested in me by the provisions of section 4 of the Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said act, funds for loans for the projects and in the amounts as set forth in the following schedule:

Project designation:	*Amount*
Illinois 46018G4 Pike	$170,000
Iowa 46057D1 Mitchell	138,000
Iowa 46061C4 Cherokee	36,000
Kansas 46007D1 Jewell	250,000
Kentucky 46058C2 Floyd	50,000
Mississippi 46034F1 Leflore	274,000
Nebraska 46063C1 Stanton District Public	150,000
Nebraska 46076F1 Southern Nebraska District Public	106,000
Nebraska 46084A1 Grant	300,000
New Mexico 46009E1 Curry	330,000
North Carolina 46048B1 Jones	301,000
South Dakota 46007D2 Lincoln	158,000
Tennessee 46031B1 McNairy	160,000
Texas 46086D1 Comanche	261,000
Texas 46091D1 San Patricio	157,000
Vermont 46010C1 Windham	124,000
Virginia 46041A3 Prince William	181,000
Virginia 46041G3 Prince William	12,000
Washington 46046A1 Ferry District Public	420,000
Wisconsin 46025E3 Monroe	80,000
Wisconsin 46047D1 Jackson	52,000
Wyoming 46016A2 Hot Springs	37,000

[SEAL] CLAUDE R. WICKARD, *Administrator.*

[F. R. Doc. 45-17043; Filed, Sept. 12, 1945; 11:30 a. m.]

[Administrative Order 955]

ALLOCATION OF FUNDS FOR LOANS

SEPTEMBER 4, 1945.

By virtue of the authority vested in me by the provisions of section 4 of the Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said act, funds for loans for the projects and in the amounts as set forth in the following schedule:

Project designation:	*Amount*
Georgia 46099B1 McIntosh	$129,000
Indiana 46033D1 Hendricks	135,000
Iowa 46033D1 Calhoun	100,000
Louisiana 46007B3 Grant	65,000
Mississippi 46001E2 Monroe	50,000
Mississippi 46026E1 Panola	290,000
Missouri 46019F1 Boone	126,000
Nebraska 46085A1 Holt District Public	325,000
North Dakota 46022A2 Bottineau	200,000
Ohio 46088D2 Gallia	170,000
Oregon 46018B2 Eugene	350,000
South Dakota 46020B1 Day	330,000
Tennessee 46025C1 Jackson	460,000
Wisconsin 46014G2 Oconto	125,000
Wisconsin 46025F2 Monroe	18,000

[SEAL] CLAUDE R. WICKARD, *Administrator.*

[F. R. Doc. 45-17044; Filed, Sept. 12, 1945; 11:30 a. m.]

CIVIL AERONAUTICS BOARD.

[Docket No. 1700]

TRANSCONTINENTAL AND WESTERN AIR, INC.

NOTICE OF HEARING

In the matter of the compensation for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith.

Notice is hereby given that the above-entitled matter is assigned to be heard on September 14, 1945, at 2 p. m. (Eastern war time) in Room 5416, Department of Commerce Building, Washington, D. C.

Dated at Washington, D. C., September 11, 1945.

By the Civil Aeronautics Board.

FRED A. TOOMES, *Secretary.*

[F. R. Doc. 45-17093; Filed, Sept. 12, 1945; 11:45 a. m.]

INTERSTATE COMMERCE COMMISSION.

[S. O. 70-A, Special Permit 1040]

RECONSIGNMENT OF TOMATOES AT PHILADELPHIA, PA.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph (§ 95.35, 8 F R. 14624) of Service Order No. 70-A of October 22, 1943, permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard entirely the provisions of Service Order No. 70-A insofar as it applies to the reconsignment at Philadelphia, Pennsylvania, September 6, 1945, by Chas. Taxin Company, of cars FGE 37806 and FGE 52326, tomatoes, now on the Pennsylvania Railroad, to Fairchester Packing Company, Pier 28, New York, N. Y., (P. R. R.), and car MDT 5658, tomatoes, now on the Pennsylvania Railroad, to Chas. Feldman, Bronx Terminal Market, New York, N. Y., (P. R. R.-N. Y. C.).

The waybills shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 6th day of September 1945.

V. C. CLINGER, *Director, Bureau of Service.*

[F. R. Doc. 45-17020; Filed, Sept. 12, 1945; 11:27 a. m.]

[S. O. 70-A, Special Permit 1041]

RECONSIGNMENT OF POTATOES AT KANSAS CITY, MO.

Pursuant to the authority vested in me by paragraph (f) of the first order-

ing paragraph (§ 95.35, 8 F.R. 14624) of Service Order No. 70–A of October 22, 1943, permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard entirely the provisions of Service Order No. 70–A insofar as it applies to the reconsignment at Kansas City, Missouri, September 6, 1945, by Cochrane Brokerage Company, of car PFE 60862, potatoes, now on the Union Pacific Railroad, to El Reno Wholesale Grocery Company, El Reno, Oklahoma. (R. I.)

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 6th day of September 1945.

V. C. CLINGER,
Director,
Bureau of Service.

[F. R. Doc. 45–17021; Filed, Sept. 12, 1945; 11:27 a. m.]

[S. O. 70–A, Special Permit 1042]

RECONSIGNMENT OF ONIONS AT CHICAGO, ILL.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph (§ 95.35, 8 F.R. 14624) of Service Order No. 70–A of October 22, 1943, permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard entirely the provisions of Service Order No. 70–A insofar as it applies to the reconsignment at Chicago, Illinois, September 6, 1945, by E. I. Wilens & Company, of car ART 16792, onions, now on the A. T. & S. F. Railroad, to Wheaton Produce Company, Wheaton, Illinois.

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 6th day of September 1945.

V. C. CLINGER,
Director,
Bureau of Service.

[F. R. Doc. 45–17022; Filed, Sept. 12, 1945; 11:27 a. m.]

[S. O. 70–A, Special Permit 1043]

RECONSIGNMENT OF POTATOES AT CHICAGO, ILL.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph (§ 95.35, 8 F.R. 14624) of Service Order No. 70–A of October 22, 1943, permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard entirely the provisions of Service Order No. 70–A insofar as it applies to the reconsignment at Chicago, Illinois, September 6, 1945, by S. Friedman, of cars ERDX 9559 and MDT 18471, potatoes, now on the Wood Street Terminal, to H. Leshinsky, Milwaukee, Wisconsin. (C&NW) and car FGE 45565, potatoes, now on the Wood Street terminal, to J. Waxman & Company, Milwaukee, Wisconsin (C&NW).

The waybills shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 6th day of September 1945.

V. C. CLINGER,
Director,
Bureau of Service.

[F. R. Doc. 45–17023; Filed, Sept. 12, 1945; 11:27 a. m.]

[S. O. 70–A, Special Permit 1044]

RECONSIGNMENT OF ONIONS AT ST. LOUIS, MO.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph (§ 95.35, 8 F.R. 14624) of Service Order No. 70–A of October 22, 1943, permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard entirely the provisions of Service Order No. 70–A insofar as it applies to the reconsignment at St. Louis, Missouri, September 6, 1945, by Plowaty Bergart Company, of car SFRD 19316, onions, now on the Missouri Pacific Railroad, to themselves at Chicago, Illinois. (Wab.).

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 6th day of September 1945.

V. C. CLINGER,
Director,
Bureau of Service.

[F. R. Doc. 45–17024; Filed, Sept. 12, 1945; 11:27 a. m.]

[S. O. 70–A, Special Permit 1045]

RECONSIGNMENT OF POTATOES AT WICHITA, KANS.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph (§ 95.35, 8 F.R. 14624) of Service Order No. 70–A of October 22, 1943, permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard entirely the provisions of Service Order No. 70–A insofar as it applies to the reconsignment at Wichita, Kansas, August 3, 1945, by Mathews Produce Co., of car ART 17116, potatoes, on the A. T. & S. F. Railroad, to Edw. H. Anderson, Chicago, Illinois. (Sante Fe).

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 7th day of September 1945.

V. C. CLINGER,
Director,
Bureau of Service.

[F. R. Doc. 45–17025; Filed, Sept. 12, 1945; 11:27 a. m.]

[S. O. 70–A, Special Permit 1046]

RECONSIGNMENT OF PEAS AT CHICAGO ILL.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph (§ 95.35, 8 F.R. 14624) of Service Order No. 70–A of October 22, 1943, permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard entirely the provisions of Service Order No. 70–A insofar as it applies to the reconsignment at Chicago, Illinois, September 7, 1945, by Justman Frankenthal Company, of car ART 19297, peas, now on the Wabash Railroad, to themselves at Philadelphia, Pennsylvania. (P. R. R.).

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 7th day of September 1945.

V. C. CLINGER,
Director,
Bureau of Service.

[F. R. Doc. 45–17026; Filed, Sept. 12, 1945; 11:27 a. m.]

[2d Rev. S. O. 300, Special Permit 48]

REFRIGERATION OF POTATOES FROM GREENPORT AND BRIDGEHAMPTON, LONG ISLAND, N. Y.

Pursuant to the authority vested in me by paragraph (e) of the first ordering paragraph of Second Revised Service Order No. 300 (10 F.R. 6802), permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard the provisions of Second Revised Service Order No. 300 insofar as it applies to the furnishing of standard refrigeration on cars FGE 51568 and FGE 51463, potatoes, shipped September 6, 1945, from Greenport, L. I., consigned to N. Geraci & Company, Tampa, Florida (LI–PRR–RF&P–SAL), and on PFE 94077, potatoes, shipped from Bridgehampton, L. I., September 6, 1945, consigned to Margaret Ann Stores, Tampa, Florida (LI–PRR–RF&P–SAL), all shipped by F. H. Vahlsing, Inc.

The waybills shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 6th day of September 1945.

V. C. CLINGER,
Director,
Bureau of Service.

[F. R. Doc. 45–17029; Filed, Sept. 12, 1945; 11:28 a. m.]

[Rev. S. O. 345, Special Permit 14]

ICING OF FREIGHT CARS AT ARGENTINE, KANS., AND AT KANSAS CITY, MO.

Pursuant to the authority vested in me by paragraph (g) of the first ordering paragraph of Revised Service Order No. 345 (10 F.R. 10034), permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard the provisions of Revised Service Order No. 345 insofar as it applies to the furnishing of one additional bunker icing in transit, of not to exceed 8,000 pounds of ice per car, at Argentine, Kansas, by the A. T. & S. F. Railroad, on cars MDT 21508, SFRD 25084 FGE 34434, BREX 75405, SFRD 35003, MDT 10875 and SFRD 33010; and at Kansas City, Mo., by the Missouri Pacific Railroad, on cars PFE 36145 and FGE 19136; all moving from Atchison, Kansas, September 7 or 8, 1945, consigned to G. H. Hammond Company, Chicago, Illinois; as requested by Commodity Credit Corporation.

The waybills shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 7th day of September 1945.

V. C. CLINGER,
Director,
Bureau of Service.

[F. R. Doc. 45–17030; Filed, Sept. 12, 1945; 11:28 a. m.]

[Rev. S. O. 345, Special Permit 15]

REFRIGERATION OF POTATOES FROM CHICAGO, ILL.

Pursuant to the authority vested in me by paragraph (g) of the first ordering paragraph of Revised Service Order No. 345 (10 F.R. 10034), permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard the provisions of Revised Service Order No. 345 insofar as it applies to the furnishing of standard refrigeration on car PFE 62346, potatoes, moving September 7, 1945, from Chicago, Illinois, consigned to Plowaty Bergart Company, advise City Produce Company, Miami, Florida, (IC–NC&StL–GaRR–S&A–SAL), as requested by Plowaty Bergart Company.

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 7th day of September 1945.

V. C. CLINGER,
Director,
Bureau of Service.

[F. R. Doc. 45–17031; Filed, Sept. 12, 1945; 11:28 a. m.]

[Rev. S. O. 346, 2d Amended Gen. Permit 3]

ICING OF CERTAIN VEGETABLES FROM CALIFORNIA

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph of Revised Service Order No. 346 (10 F.R. 10035), permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard the provisions of Revised Service Order No. 346 insofar as it applies to initial bunker icing only on straight carloads of carrots, celery, broccoli or cauliflower, also mixed carloads of broccoli with cauliflower, also any shipment of fresh or green vegetables when loaded in a refrigerator car having a height of less than seven (7) feet, inside measurement, originating at points in California.

This general permit will become effective at 12:01 a. m., September 11, 1945, and will apply only on cars billed on or after that time.

The waybills shall show reference to this general permit.

A copy of this general permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 10th day of September 1945.

V. C. CLINGER,
Director,
Bureau of Service.

[F. R. Doc. 45–17032; Filed, Sept. 12, 1945; 11:28 a. m.]

[Rev. S. O. 346, Gen. Permit 8]

ICING OF CARROTS FROM OREGON, WASHINGTON, IDAHO, UTAH, ARIZONA, NEW MEXICO AND NEVADA

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph of Revised Service Order No. 346 (10 F.R. 10035), permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard the provisions of Revised Service Order No. 346 insofar as it applies to initial bunker icing only on straight carloads of carrots originating at points in Oregon, Washington, Idaho, Utah, Arizona, New Mexico or Nevada.

This general permit will become effective at 12:01 a. m., September 11, 1945, and will apply only on cars billed on or after that time.

The waybills shall show reference to this general permit.

A copy of this general permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 10th day of September 1945.

V. C. CLINGER,
Director,
Bureau of Service.

[F. R. Doc. 45–17033; Filed, Sept. 12, 1945; 11:28 a. m.]

PERMIT AGENTS

APPOINTMENT WITH RESPECT TO COTTON

Pursuant to the authority vested in me by paragraph (d) of Service Order 249,

105. M. S. Senton, Laurel, Miss.

is hereby appointed alternate permit agent to issue permits pursuant to paragraph (c) of said order.

A copy of this notice has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of these appointments shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 7th day of September 1945.

V. C. CLINGER,
Director,
Bureau of Service.

[F. R. Doc. 45-17027; Filed, Sept. 12, 1945; 11:27 a. m.]

PERMIT AGENTS

APPOINTMENT WITH RESPECT TO COTTON

Pursuant to the authority vested in me by paragraph (d) of Service Order No. 249 the appointments of the following permit agents to issue permits pursuant to paragraph (c) of said order are hereby revoked:

12. W. P. Miles, Magnolia, Ark.
89. S. D. Moss, Lepanto, Ark.

The following permit agents are hereby appointed to issue permits pursuant to paragraph (c) of said order:

12. C. J. Bobbitt, Magnolia, Ark.
89. B. E. Zook, Lepanto, Ark.

A copy of this notice has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of these appointments shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 11th day of September 1945.

V. C. CLINGER,
Director,
Bureau of Service.

[F. R. Doc. 45-17028; Filed, Sept. 12, 1945; 11:27 a. m.]

MARITIME WAR EMERGENCY BOARD.

[Decision 2 D]

WAR RISK BONUSES

In view of the cessation of hostilities with Japan and the occupation of that country by United States Military forces, the Maritime War Emergency Board today announces additional adjustments in war risk bonuses, which are paid to seamen employed on vessels of the American Merchant Marine. These adjustments have been incorporated in this Decision 2 D, which is effective October 1, 1945, and which supersedes all previous bonus decisions of the Board.

Basis for decisions of the Board. Soon after Pearl Harbor, in order to resolve the potentially continuous disputes between the shipowners and the maritime unions over the issue of bonuses incident to war risks and changes in war risks; to eliminate the chaotic basis for the determination of bonuses in individual disputes, to provide an agency for securing confidential war risk information not accessible to the parties; to provide equitable uniformity in establishing war risk bonuses; to promote stability in the maritime industry; and to facilitate the successful prosecution of the war against the Axis powers, the Maritime War Emergency Board was established by the shipowners and the maritime unions signatory to the Statement of Principles.

In fulfillment of these responsibilities and accordingly to resolve the continuing general disputes on the basis of such confidential information with regard to war risks and changes in war risks on all the oceans, which the Maritime War Emergency Board was created to adjudge on a global basis, the Board from time to time raised the bonuses on a national industry-wide scale as risks increased with the advances of the Axis powers, and, in like manner, reduced the bonuses as risks decreased with the retreats and defeats of the Axis powers.

In accordance with its responsibilities under the Statement of Principles the Board has issued several bonus decisions. During the war years the distribution of war risk at sea has not been constant. In the first years of the war there was a pervading risk on all oceans. Therefore, the earlier decisions of the Board placed greater emphasis on increases in voyage bonuses. With the onset of offensive action by the Allied Nations, risks became intensified and concentrated in the active theaters of war. Therefore, the Board made provision for special area and attack bonuses, and began to decrease voyage bonuses. In so doing, the Board gave consideration to a policy of making decreases in voyage bonuses in several steps. As a part of this policy, the Board indicated in anticipation of V-E Day that a global voyage bonus floor of 33⅓% ($40 minimum) would be maintained as long as there were hostilities on any ocean.

Now, however, hostilities have terminated on all oceans. Consequently, overall war hazard at sea no longer exists. Therefore, the Board has eliminated all voyage bonuses. However, the Board finds that some risk still exists, but only in specific areas and only by reason of residual hazards, such as mines. Therefore, the Board has retained the vessel attack bonus unchanged, and has continued the area bonus in a modified form as compensation for these residual hazards.

New decision based on confidential and official information. Decision 2 D is based on all available confidential and official information (including directives of the Governments of the United Nations defining combat and non-combat areas) on war risk at sea and in port received by the Board from authoritative sources of official information. As has been the practice since its establishment, the Board has constantly consulted with and been guided by these sources on all phases of hazard. In this Decision 2 D the Board has been particularly guided by the changes in hazard resulting from cessation of hostilities with Japan. In this connection, the Board has been advised that in addition to the European ports and waters adjacent to the European Continent that will continue to be hazardous to some extent for an indefinite period, certain areas in the Pacific are not yet clear of all danger.

Consultation with signatories to the Statement of Principles. On August 23, 1945, the Board met with representatives of steamship operators and maritime labor organizations who were Signatories to the Statement of Principles, to discuss adjustments in war risk bonus necessitated by the cessation of hostilities with Japan, as it had done on May 12, 1945, to discuss the effect on war risk of the surrender of Germany. At the conclusion of the hearing, the Board allowed the parties signatory to submit written statements on or before August 28, 1945 and stated that any adjustments which it made would become effective 30 days after a decision was issued. In reaching this Decision 2 D the Board has given full consideration to the advice, statements, and views of all parties signatory on matters which were within the scope of its authority and jurisdiction.

Jurisdiction of the Board limited to war risk bonuses and war risk insurance. With regard to the authority and jurisdiction of the Board, it is clear that the Statement of Principles limits the authority and jurisdiction of the Board to determination of war risk bonus and war risk insurance. It must be emphasized that the parties signatory have vested no other authority in the Board. Therefore, it appears to this Board that the parties have followed correct procedure in taking their wage cases to the War Labor Board.

ARTICLE I. *Area bonus and vessel attack bonus required.* Area bonus and vessel attack bonus shall be paid under this Decision to licensed and unlicensed personnel employed as regular crew members on United States flag vessels of the American Merchant Marine.

ART. II. *Area bonus*—(a) *Amount of area bonus.* Area bonus at the rate of $2.50 per day shall be payable to each crew member of a vessel within any of the areas specified in paragraph (b) of this Article II, including periods during which the vessel is in port or at an anchorage.

(b) *Areas*—(1) *European area.* All waters within the area bounded on the east by 60° east longitude to its intersection with the north coast of Russia and thence following the coast of continental Europe and Africa to its intersection with 12° west longitude; and bounded on the west by 12° west longitude.

(2) *Mediterranean area.* All waters within the Mediterranean Sea, including the Adriatic Sea, the Aegean Sea, the Black Sea, the Sea of Azov, the Sea of Marmora, the Dardanelles and the Bosporus.

(3) *Pacific area.* All waters within the area bounded on the north by 60° north latitude; on the east by the 180th meridian; on the south by 13° south latitude; and on the west by 90° east longitude to its intersection with the coast of continental Asia and thence following the coast of continental Asia to its intersection with 60° north latitude.

(c) *Time when area bonus payments start and stop.* Area bonus shall commence as of midnight prior to the day during which the vessel enters the area and shall cease at midnight of the day during which the vessel departs from the area.

ART. III. *Vessel attack bonus.* In addition to area bonus, vessel attack bonus of $125 shall be payable to each crew member of a vessel (a) which is destroyed or substantially damaged as a result of direct war hazard or (b) on which any person is killed or seriously injured as a result of direct war hazard or (c) which is otherwise subjected to extreme and immediate danger of destruction as a result of direct war hazard. Vessel attack bonus shall be payable whether the vessel is within or without any of the areas specified in paragraph (b) of Article II above, and whether the vessel is in a port or at an anchorage or on the high seas. Only one vessel attack bonus shall be payable in the course of any passage of the vessel between ports or anchorages. A passage between ports or anchorages shall be deemed to commence at the time the vessel departs from a port or anchorage and to end at the time the vessel departs from its next port or anchorage. Shifts in berth shall not be deemed passages between anchorages.

ART. IV. *Periods during which area and vessel attack bonus payable*—(a) *During ordinary course of voyage.* Area and vessel attack bonus shall be payable to a regular crew member of the vessel on which he is employed during the course of his employment aboard such vessel.

(b) *When bonus payable after separation from vessel and during repatriation.* (1) If a crew member is separated from his vessel as the result of a peril described in Article 3, as amended, of the form of insurance policy attached to Decision 1A, area and vessel attack bonus shall be payable to such crew member until midnight of the day on which he reaches a port, but area bonus shall be payable only while within a bonus area.

(2) If a crew member is repatriated to the United States after separation from his vessel as a result of either:

(i) A peril referred to in paragraph (1) above, or

(ii) Illness or injury incurred in the service of his vessel and not occasioned by his wilful misconduct,

area and vessel attack bonus shall be payable to such crew member during his repatriation, from midnight of the day prior to which the vessel or other conveyance on which he is being repatriated departs until midnight of the day of arrival of such vessel or other conveyance at a continental United States port, but area bonus shall be payable only while within a bonus area.

(c) *When bonus not payable after separation from vessel.* (1) Bonus shall not be payable while a crew member is on land after separation from his vessel.

(2) Bonus shall not be payable during the period that a crew member is detained either by capture by an enemy of the United States or by internment.

(3) Bonus shall not be payable to a crew member:

(i) After voluntary termination of his employment aboard his vessel for a reason other than one set forth in paragraph (b) (2),

(ii) After desertion or discharge from his employment aboard his vessel,

(iii) After a crew member accepts employment on another vessel for a purpose other than to be repatriated,

(iv) After a crew member refuses without good cause to be repatriated to the United States.

(4) A crew member repatriated after occurrence of an event specified in subparagraph (3) of this paragraph (c) is not entitled to bonus from his original vessel during repatriation. If such crew member signs on as a replacement in the crew of the repatriating vessel, he shall be entitled to bonus from the repatriating vessel. If such crew member signs on as a workaway on the repatriating vessel, he shall not be entitled to bonus from the repatriating vessel.

(d) *No double bonus.* If a crew member signs on the vessel on which he is being repatriated, either as a crew member or workaway on such repatriating vessel, he shall not be entitled to bonus from such vessel in addition to bonus payable under paragraph (b) of this Article IV.

(e) *Death of a crew member.* Bonus shall not be payable for any period after death of a crew member.

ART. V. *Effective date.* This Decision shall be effective at 12:01 a. m. October 1, 1945, as to all vessels whether at sea or in port. The provisions of this Decision shall not be retroactive.

ART. VI. *Repeal.* Decision 2C (10 F.R. 7502), previously issued by the Maritime War Emergency Board, is repealed as of the effective date of this Decision, except as to any voyage, area and vessel attack bonus payable for any period prior to 12:01 a. m. of October 1, 1945.

Dated: August 31, 1945.

[SEAL] MARITIME WAR EMERGENCY BOARD,
JOHN M. CARMODY,
Chairman.
JOHN R. STEELMAN.
FRANK P. GRAHAM.

[F. R Doc. 45-16958; Filed, Sept. 11, 1945; 2:12 p. m.]

OFFICE OF DEFENSE TRANSPORTATION.

[Notice and Order of Termination 34]

CONSOLIDATED FREIGHTWAYS, INC.

POSSESSION, CONTROL AND OPERATION OF MOTOR CARRIERS

Pursuant to Executive Order 9462 (9 F.R. 10071), I hereby determine that possession and control of the motor carrier transportation system of Consolidated Freightways, Inc., by the United States is no longer necessary for the successful prosecution of the war, and it is hereby ordered, that:

1. *Termination of possession and control.* Possession and control by the United States of the motor carrier transportation system of Consolidated Freightways, Inc., 2029 N. W. Quimby, Portland, Oregon, including all real and personal property and other assets of said motor carrier, taken and assumed pursuant to Executive Order 9462 and the Notice and Order of the Director of the Office of Defense Transportation issued August 11, 1944, is hereby terminated and relinquished as of 12:01 o'clock a. m., September 12, 1945. No further action shall be required to effect the termination of Government control and relinquishment of possession hereby ordered.

2. *Communications.* Communications concerning this order should be addressed to the Office of Defense Transportation, Washington 25, D. C., and should refer to "Notice and Order of Termination No. 34."

Issued at Washington, D. C., this 11th day of September 1945.

J. M. JOHNSON,
Director,
Office of Defense Transportation.

[F. R. Doc. 45-16945; Filed, Sept. 11, 1945; 11:48 a. m.]

[Notice and Order of Termination 35]

MERCHANTS MOTOR FREIGHT, INC.

POSSESSION, CONTROL AND OPERATION OF MOTOR CARRIERS

Pursuant to Executive Order 9462 (9 F.R. 10071), I hereby determine that possession and control of the motor carrier transportation system of Merchants Motor Freight, Inc., by the United States is no longer necessary for the successful prosecution of the war, and it is hereby ordered, that:

1. *Termination of possession and control.* Possession and control by the United States of the motor carrier transportation system of Merchants Motor Freight, Inc., 2625 Territorial Road, St. Paul, Minnesota, including all real and personal property and other assets of said motor carrier, taken and assumed pursuant to Executive Order 9462 and the Notice and Order of the Director of the Office of Defense Transportation issued August 11, 1944, is hereby terminated and relinquished as of 12:01 o'clock a. m., September 12, 1945. No further action shall be required to effect the termination of Government control

and relinquishment of possession hereby ordered.

(2) *Communications.* Communications concerning this order should be addressed to the Office of Defense Transportation, Washington 25, D. C., and should refer to "Notice and Order of Termination No. 35."

Issued at Washington, D. C., this 11th day of September 1945.

J. M. JOHNSON,
Director,
Office of Defense Transportation.

[F. R. Doc. 45-16946; Filed, Sept. 11, 1945; 11:48 a. m.]

[Notice and Order of Termination No. 36]

HENNEPIN TRANSPORTATION CO.

POSSESSION, CONTROL AND OPERATION OF MOTOR CARRIERS

Pursuant to Executive Order 9462 (9 F.R. 10071), I hereby determine that possession and control of the motor carrier transportation system of Hennepin Transportation Company by the United States is no longer necessary for the successful prosecution of the war, and it is hereby ordered, that:

1. *Termination of possession and control.* Possession and control by the United States of the motor carrier transportation system of Louis M. Shapiro and Samuel Shapiro, doing business as Hennepin Transportation Company, 28 N. E. 4th Street, Minneapolis, Minnesota, including all real and personal property and other assets of said motor carrier, taken and assumed pursuant to Executive Order 9462 and the Notice and Order of the Director of the Office of Defense Transportation issued August 11, 1944, is hereby terminated and relinquished as of 12:01 o'clock a. m., September 12, 1945. No further action shall be required to effect the termination of Government control and relinquishment of possession hereby ordered.

2. *Communications.* Communications concerning this order should be addressed to the Office of Defense Transportation, Washington 25, D. C., and should refer to "Notice and Order of Termination No. 36."

Issued at Washington, D. C., this 11th day of September 1945.

J. M. JOHNSON,
Director,
Office of Defense Transportation.

[F. R. Doc. 45-16947; Filed, Sept. 11, 1945; 11:48 a. m.]

[Supp. Order ODT 3, Rev. 762, Amdt. 1]

MICHIGAN

COORDINATED OPERATIONS OF CERTAIN CARRIERS

Upon consideration of a petition for the amendment of Supplementary Order ODT 3, Revised-762 (10 F.R. 8710), filed with the Office of Defense Transportation by the carriers subject thereto, and good cause appearing therefor, it is hereby ordered, that:

Appendix 1 and item 1 (parties to the plan) of Appendix 2 of Supplementary Order ODT 3, Revised-762, be, and they hereby are, amended by adding thereto the following:

Commercial Carriers, Inc., Detroit, Mich.
Arthur C. Brockman, doing business as Art Brockman, Detroit, Mich.
Frank E. Thompson, Pontiac, Mich.
Barney Kosofsky, doing business as Barney's Cartage Co., Detroit, Mich.

It is further ordered that item 10 of Appendix 2 be, and it is hereby, revoked.

This Amendment 1 to Supplementary Order ODT 3, Revised-762, shall become effective August 13, 1945.

Issued at Washington, D. C., this 13th day of August 1945.

GUY A. RICHARDSON,
Director,
Highway Transport Department,
Office of Defense Transportation.

[F. R. Doc. 45-16950; Filed, Sept. 11, 1945; 11:50 a. m.]

[Supp. Order ODT 3, Rev. 424, Revocation]

EL PASO AND ODESSA, TEX.

COORDINATED OPERATIONS OF CERTAIN CARRIERS

Upon consideration of an application for revocation of Supplementary Order ODT 3, Revised-424 (9 F.R. 15064), filed with the Office of Defense Transportation by carriers subject thereto, and good cause appearing therefor,

It is hereby ordered, That Supplementary Order ODT 3, Revised-424, be, and it hereby is, revoked, effective August 13, 1945.

Issued at Washington, D. C., this 13th day of August 1945.

GUY A. RICHARDSON,
Director,
Highway Transport Department,
Office of Defense Transportation.

[F. R. Doc. 45-16949; Filed, Sept. 11, 1945; 11:50 a. m.]

[Supp. Order ODT 3, Rev. 223, Corr. to Amdt. 1]

KANSAS AND MISSOURI

COORDINATED OPERATIONS OF CERTAIN CARRIERS

NOTE: A correction to Amendment 1 to Supplementary Order ODT 3, Revised 223, affecting Appendix 2, was filed with the Division of the Federal Register on September 11, 1945, at 11:50 a. m., as Federal Register Document No. 45-16948.

[Supp. Order ODT 3, Rev. 781]

MINNEAPOLIS-ST. PAUL, MINN., AND LA CROSSE, WIS.

COORDINATED OPERATIONS OF CERTAIN CARRIERS

Upon consideration of a plan for joint action filed with the Office of Defense Transportation by the persons named in Appendix 1 hereof to facilitate compliance with the requirements and purposes of General Order ODT 3, Revised, as amended (7 F.R. 5445, 6689, 7694; 8 F.R. 4660, 14582; 9 F.R. 2793, 3264, 3357, 6778)[1] a copy of which is attached hereto as Appendix 2,[1] and

It appearing that the proposed coordination of operations is necessary in order to assure maximum utilization of the facilities, services, and equipment, and to conserve and providently utilize vital equipment, materials, and supplies, of the carriers, and to provide for the prompt and continuous movement of necessary traffic, the attainment of which purposes is essential to the successful prosecution of the war, *It is hereby ordered,* That:

1. The plan for joint action above referred to is hereby approved and the carriers are directed to put the plan in operation forthwith, subject to the following provisions, which shall supersede any provisions of such plan that are in conflict therewith.

2. Each of the carriers forthwith shall file a copy of this order with the appropriate regulatory body or bodies having jurisdiction over any operations affected by this order, and likewise shall file, and publish in accordance with law, and continue in effect until further order, tariffs or supplements to filed tariffs, setting forth any changes in rates, charges, operations, rules, regulations, and practices of the carrier which may be necessary to accord with the provisions of this order and of such plan; and forthwith shall apply to such regulatory body or bodies for special permission for such tariffs or supplements to become effective on the shortest notice lawfully permissible, but not prior to the effective date of this order.

3. Whenever transportation service is performed by one carrier in lieu of service by another carrier, by reason of a diversion, exchange, pooling, or similar act made or performed pursuant to the plan for joint action hereby approved, the rates, charges, rules, and regulations governing such service shall be those that would have applied except for such diversion, exchange, pooling, or other act.

4. The provisions of this order shall not be so construed or applied as to require any carrier subject hereto to perform any service beyond its transportation capacity, or to authorize or require any act or omission which is in violation of any law or regulation, or to permit any carrier to alter its legal liability to any shipper. In the event that compliance with any term of this order, or effectuation of any provision of such plan, would conflict with, or would not be authorized under, the existing interstate or intrastate operating authority of any carrier subject hereto, such carrier forthwith shall apply to the appropriate regulatory body or bodies for the granting of such operating authority as may be requisite to compliance with the terms of this order, and shall prosecute such application with all possible diligence. The coordination of operations directed by this order shall be subject to the carriers' possessing or obtaining the requisite operating authority.

[1] Filed as part of the original document.

5. All records of the carriers pertaining to any transportation performed pursuant to this order and to the provisions of such plan shall be kept available for examination and inspection at all reasonable times by accredited representatives of the Office of Defense Transportation.

6. Withdrawal of a carrier from participation in the plan for joint action hereby approved shall not be made without prior approval of the Office of Defense Transportation.

7. The provisions of this order shall be binding upon any successor in interest to any carrier named in this order. Upon a transfer of any operation involved in this order, the successor in interest and the other carriers named in this order forthwith shall notify, in writing, the Office of Defense Transportation of the transfer and, unless and until otherwise ordered, the successor in interest shall perform the functions of his predecessor in accordance with the provisions of this order.

8. The plan for joint action hereby approved and all contractual arrangements made by the carriers to effectuate the plan shall not continue in operation beyond the effective period of this order.

9. Communications concerning this order should refer to it by the supplementary order number which appears in the caption hereof, and, unless otherwise directed, should be addressed to the Highway Transport Department, Office of Defense Transportation, Washington 25, D. C.

This order shall become effective August 13, 1945, and shall remain in full force and effect until the termination of the present war shall have been duly proclaimed, or until such earlier time as the Office of Defense Transportation by further order may designate.

Issued at Washington, D. C., this 13th day of August 1945.

GUY A. RICHARDSON,
Director,
Highway Transport Department,
Office of Defense Transportation.

APPENDIX 1

Glendenning Motorways, Inc., St. Paul, Minn.
Earl F. Schultz, doing business as Service Transfer & Storage Company, La Crosse, Wis.

[F. R. Doc. 45-16951; Filed, Sept. 11, 1945; 11:50 a. m.]

[Supp. Order ODT 3, Rev. 782]

CHICAGO AND FREEPORT, ILL., AND BELOIT, WIS.

COORDINATED OPERATIONS OF CERTAIN CARRIERS

Upon consideration of a plan for joint action filed with the Office of Defense Transportation by the persons named in Appendix 1 hereof to facilitate compliance with the requirements and purposes of General Order ODT 3, Revised, as amended (7 F.R. 5445, 6689, 7694; 8 F.R. 4660, 14582; 9 F.R. 2793, 3264, 3357, 6778), a copy of which plan is attached hereto as Appendix 2,[1] and

[1] Filed as part of the original document.

It appearing that the proposed coordination of operations is necessary in order to assure maximum utilization of the facilities, services, and equipment, and to conserve and providently utilize vital equipment, materials, and supplies, of the carriers, and to provide for the prompt and continuous movement of necessary traffic, the attainment of which purposes is essential to the successful prosecution of the war, *It is hereby ordered,* That:

1. The plan for joint action above referred to is hereby approved and the carriers are directed to put the plan in operation forthwith, subject to the following provisions, which shall supersede any provisions of such plan that are in conflict therewith.

2. Each of the carriers forthwith shall file a copy of this order with the appropriate regulatory body or bodies having jurisdiction over any operations affected by this order, and likewise shall file, and publish in accordance with law, and continue in effect until further order, tariffs or supplements to filed tariffs, setting forth any changes in rates, charges, operations, rules, regulations, and practices of the carrier which may be necessary to accord with the provisions of this order and of such plan; and forthwith shall apply to such regulatory body or bodies for special permission for such tariffs or supplements to become effective on the shortest notice lawfully permissible, but not prior to the effective date of this order.

3. Whenever transportation service is performed by one carrier in lieu of service by another carrier, by reason of a diversion, exchange, pooling, or similar act made or performed pursuant to the plan for joint action hereby approved, the rates, charges, rules, and regulations governing such service shall be those that would have applied except for such diversion, exchange, pooling, or other act.

4. The provisions of this order shall not be so construed or applied as to require any carrier subject hereto to perform any service beyond its transportation capacity, or to authorize or require any act or omission which is in violation of any law or regulation, or to permit any carrier to alter its legal liability to any shipper. In the event that compliance with any term of this order, or effectuation of any provision of such plan, would conflict with, or would not be authorized under, the existing interstate or intrastate operating authority of any carrier subject hereto, such carrier forthwith shall apply to the appropriate regulatory body or bodies for the granting of such operating authority as may be requisite to compliance with the terms of this order, and shall prosecute such application with all possible diligence. The coordination of operations directed by this order shall be subject to the carriers' possessing or obtaining the requisite operating authority.

5. All records of the carriers pertaining to any transportation performed pursuant to this order and to the provisions of such plan shall be kept available for examination and inspection at all reasonable times by accredited representatives of the Office of Defense Transportation.

6. Withdrawal of a carrier from participation in the plan for joint action hereby approved shall not be made without prior approval of the Office of Defense Transportation.

7. The provisions of this order shall be binding upon any successor in interest to any carrier named in this order. Upon a transfer of any operation involved in this order, the successor in interest and the other carriers named in this order forthwith shall notify, in writing, the Office of Defense Transportation of the transfer and, unless and until otherwise ordered, the successor in interest shall perform the functions of his predecessor in accordance with the provisions of this order.

8. The plan for joint action hereby approved and all contractual arrangements made by the carriers to effectuate the plan shall not continue in operation beyond the effective period of this order.

9. Communications concerning this order should refer to it by the supplementary order number which appears in the caption hereof, and, unless otherwise directed, should be addressed to the Highway Transport Department, Office of Defense Transportation, Washington 25, D. C.

This order shall become effective August 13, 1945, and shall remain in full force and effect until the termination of the present war shall have been duly proclaimed, or until such earlier time as the Office of Defense Transportation by further order may designate.

Issued at Washington, D. C., this 13th day of August 1945.

GUY A. RICHARDSON,
Director,
Highway Transport Department,
Office of Defense Transportation.

APPENDIX 1

Knox Motor Service, Inc., Cherry Valley, Ill.
Ray Jones, doing business as Jones Transfer, Rockford, Ill.

[F. R. Doc. 45-16952; Filed, Sept. 11, 1945; 11:49 a. m.]

[Supp. Order ODT 3, Rev. 783]

KANSAS CITY, MISSOURI-KANSAS, AND TULSA, OKLAHOMA

COORDINATED OPERATIONS OF CERTAIN CARRIERS

Upon consideration of a plan for joint action filed with the Office of Defense Transportation by the persons named in Appendix 1 hereof to facilitate compliance with the requirements and purposes of General Order ODT 3, Revised, as amended (7 F.R. 5445, 6689, 7694; 8 F.R. 4660, 14582; 9 F.R. 2793, 3264, 3357, 6778), a copy of which plan is attached hereto as Appendix 2,[1] and

It appearing that the proposed coordination of operations is necessary in order to assure maximum utilization of the facilities, services, and equipment, and to conserve and providently utilize vital equipment, materials, and supplies, of the carriers, and to provide for the prompt and continuous movement of necessary traffic, the attainment of which purposes

is essential to the successful prosecution of the war, *It is hereby ordered*, That:

1. The plan for joint action above referred to is hereby approved and the carriers are directed to put the plan in operation forthwith, subject to the following provisions, which shall supersede any provisions of such plan that are in conflict therewith.

2. Each of the carriers forthwith shall file a copy of this order with the appropriate regulatory body or bodies having jurisdiction over any operations affected by this order, and likewise shall file, and publish in accordance with law, and continue in effect until further order, tariffs or supplements to filed tariffs, setting forth any changes in rates, charges, operations, rules, regulations, and practices of the carrier which may be necessary to accord with the provisions of this order and of such plan; and forthwith shall apply to such regulatory body or bodies for special permission for such tariffs or supplements to become effective on the shortest notice lawfully permissible, but not prior to the effective date of this order.

3. Whenever transportation service is performed by one carrier in lieu of service by another carrier, by reason of a diversion, exchange, pooling, or similar act made or performed pursuant to the plan for joint action hereby approved, the rates, charges, rules, and regulations governing such service shall be those that would have applied except for such diversion, exchange, pooling, or other act.

4. The provisions of this order shall not be so construed or applied as to require any carrier subject hereto to perform any service beyond its transportation capacity, or to authorize or require any act or omission which is in violation of any law or regulation, or to permit any carrier to alter its legal liability to any shipper. In the event that compliance with any term of this order, or effectuation of any provision of such plan, would conflict with, or would not be authorized under, the existing interstate or intrastate operating authority of any carrier subject hereto, such carrier forthwith shall apply to the appropriate regulatory body or bodies for the granting of such operating authority as may be requisite to compliance with the terms of this order, and shall prosecute such application with all possible diligence. The coordination of operations directed by this order shall be subject to the carriers' possessing or obtaining the requisite operating authority.

5. All records of the carriers pertaining to any transportation performed pursuant to this order and to the provisions of such plan shall be kept available for examination and inspection at all reasonable times by accredited representatives of the Office of Defense Transportation.

6. Withdrawal of a carrier from participation in the plan for joint action hereby approved shall not be made without prior approval of the Office of Defense Transportation.

7. The provisions of this order shall be binding upon any successor in interest to any carrier named in this order. Upon a transfer of any operation involved in this order, the successor in interest and the other carriers named in this order forthwith shall notify, in writing, the Office of Defense Transportation of the transfer and, unless and until otherwise ordered, the successor in interest shall perform the functions of his predecessor in accordance with the provisions of this order.

8. The plan for joint action hereby approved and all contractual arrangements made by the carriers to effectuate the plan shall not continue in operation beyond the effective period of this order.

9. Communications concerning this order should refer to it by the supplementary order number which appears in the caption hereof, and, unless otherwise directed, should be addressed to the Highway Transport Department, Office of Defense Transportation, Washington 25, D. C.

This order shall become effective August 13, 1945, and shall remain in full force and effect until the termination of the present war shall have been duly proclaimed, or until such earlier time as the Office of Defense Transportation by further order may designate.

Issued at Washington, D. C., this 13th day of August 1945.

GUY A. RICHARDSON,
Director,
Highway Transport Department,
Office of Defense Transportation.

APPENDIX 1

Ark Transportation Lines, Inc., Arkansas City, Kans.
Lee Way Motor Freight, Inc., Oklahoma City, Okla.

[F. R. Doc. 45-16953; Filed, Sept. 11, 1945; 11:49 a. m.]

[Supp. Order ODT 3, Rev. 784]

LITTLE ROCK AND BALD KNOB, ARK.

COORDINATED OPERATIONS OF CERTAIN CARRIERS

Upon consideration of a plan for joint action filed with the Office of Defense Transportation by the persons named in Appendix 1 hereof to facilitate compliance with the requirements and purposes of General Order ODT 3, Revised, as amended (7 F.R. 5445, 6689, 7694; 8 F.R. 4660, 14582; 9 F.R. 2793, 3264, 3357, 6778), a copy of which plan is attached hereto as Appendix 2,[1] and

It appearing that the proposed coordination of operations is necessary in order to assure maximum utilization of the facilities, services, and equipment, and to conserve and providently utilize vital equipment, materials, and supplies, of the carriers, and to provide for the prompt and continuous movement of necessary traffic, the attainment of which purposes is essential to the successful prosecution of the war, *It is hereby ordered*, That:

1. The plan for joint action above referred to is hereby approved and the carriers are directed to put the plan in operation forthwith, subject to the following provisions, which shall supersede any provisions of such plan that are in conflict therewith.

2. Each of the carriers forthwith shall file a copy of this order with the appropriate regulatory body or bodies having jurisdiction over any operations affected by this order, and likewise shall file, and publish in accordance with law, and continue in effect until further order, tariffs or supplements to filed tariffs, setting forth any changes in rates, charges, operations, rules, regulations, and practices of the carrier which may be necessary to accord with the provisions of this order and of such plan; and forthwith shall apply to such regulatory body or bodies for special permission for such tariffs or supplements to become effective on the shortest notice lawfully permissible, but not prior to the effective date of this order.

3. Whenever transportation service is performed by one carrier in lieu of service by another carrier, by reason of a diversion, exchange, pooling, or similar act made or performed pursuant to the plan for joint action hereby approved, the rates, charges, rules, and regulations governing such service shall be those that would have applied except for such diversion, exchange, pooling, or other act.

4. The provisions of this order shall not be so construed or applied as to require any carrier subject hereto to perform any service beyond its transportation capacity, or to authorize or require any act or omission which is in violation of any law or regulation, or to permit any carrier to alter its legal liability to any shipper. In the event that compliance with any term of this order, or effectuation of any provision of such plan, would conflict with, or would not be authorized under, the existing interstate or intrastate operating authority of any carrier subject hereto, such carrier forthwith shall apply to the appropriate regulatory body or bodies for the granting of such operating authority as may be requisite to compliance with the terms of this order, and shall prosecute such application with all possible diligence. The coordination of operations directed by this order shall be subject to the carriers' possessing or obtaining the requisite operating authority.

5. All records of the carriers pertaining to any transportation performed pursuant to this order and to the provisions of such plan shall be kept available for examination and inspection at all reasonable times by accredited representatives of the Office of Defense Transportation.

6. Withdrawal of a carrier from participation in the plan for joint action hereby approved shall not be made without prior approval of the Office of Defense Transportation.

7. The provisions of this order shall be binding upon any successor in interest to any carrier named in this order. Upon a transfer of any operation involved in this order, the successor in interest and the other carriers named in this order forthwith shall notify, in writing, the Office of Defense Transportation of the transfer and, unless and until otherwise ordered, the successor in interest shall perform the functions of his predecessor in accordance with the provisions of this order.

8. The plan for joint action hereby approved and all contractual arrangements made by the carriers to effectuate the plan shall not continue in operation beyond the effective period of this order.

9. Communications concerning this order should refer to it by the supplementary order number which appears in the caption hereof, and, unless otherwise directed, should be addressed to the Highway Transport Department, Office of Defense Transportation, Washington 25, D. C.

This order shall become effective August 13, 1945, and shall remain in full force and effect until the termination of the present war shall have been duly proclaimed, or until such earlier time as the Office of Defense Transportation by further order may designate.

Issued at Washington, D. C., this 13th day of August 1945.

GUY A. RICHARDSON,
Director,
Highway Transport Department,
Office of Defense Transportation.

APPENDIX 1

H. Q. Hamilton, Nell Sims and Roy C. Martin, copartners, doing business as Motor Express, Fort Smith, Ark.
C. K. Powell, Higginson, Ark.

[F. R. Doc. 45-16954; Filed, Sept. 11, 1945; 11:49 a. m.]

[Supp. Order ODT 3, Rev. 785]

WASHINGTON, OREGON, AND CALIFORNIA

COORDINATED OPERATIONS OF CERTAIN CARRIERS

Upon consideration of a plan for joint action filed with the Office of Defense Transportation by the persons named in Appendix 1 hereof to facilitate compliance with the requirements and purposes of General Order ODT 3, revised, as amended (7 F.R. 5445, 6689, 7694; 8 F.R. 4660, 14582; 9 F.R. 2793, 3264, 3357, 6778), a copy of which plan is attached hereto as Appendix 2,[1] and

It appearing that the proposed coordination of operations is necessary in order to assure maximum utilization of the facilities, services, and equipment, and to conserve and providently utilize vital equipment, materials, and supplies, of the carriers, and to provide for the prompt and continuous movement of necessary traffic, the attainment of which purposes is essential to the successful prosecution of the war; *It is hereby ordered*, That:

1. The plan for joint action above referred to is hereby approved and the carriers are directed to put the plan in operation forthwith, subject to the following provisions, which shall supersede any provisions of such plan that are in conflict therewith.

2. Each of the carriers forthwith shall file a copy of this order with the appropriate regulatory body or bodies having jurisdiction over any operations affected by this order, and likewise shall file, and publish in accordance with law, and continue in effect until further order, tariffs or supplements to filed tariffs, setting forth any changes in rates, charges, operations, rules, regulations and practices of the carrier which may be necessary to accord with the provisions of this order and of such plan; and forthwith shall apply to such regulatory body or bodies for special permission for such tariffs or supplements to become effective on the shortest notice lawfully permissible, but not prior to the effective date of this order.

3. Whenever transportation service is performed by one carrier in lieu of service of another carrier, by reason of a diversion, exchange, pooling, or similar act made or performed pursuant to the plan for joint action hereby approved, the rates, charges, rules, and regulations governing such service shall be those that would have applied except for such diversion, exchange, pooling, or other act.

4. The provisions of this order shall not be so construed or applied as to require any carrier subject hereto to perform any service beyond its transportation capacity, or to authorize or require any act or omission which is in violation of any law or regulation, or to permit any carrier to alter its legal liability to any shipper. In the event that compliance with any term of this order, or effectuation of any provision of such plan, would conflict with, or would not be authorized under, the existing interstate or intrastate operating authority of any carrier subject hereto, such carrier forthwith shall apply to the appropriate regulatory body or bodies for the granting of such operating authority as may be requisite to compliance with the terms of this order, and shall prosecute such application with all possible diligence. The coordination of operations directed by this order shall be subject to the carriers' possessing or obtaining the requisite operating authority.

5. All records of the carriers pertaining to any transportation performed pursuant to this order and to the provisions of such plan shall be kept available for examination and inspection at all reasonable times by accredited representatives of the Office of Defense Transportation.

6. Withdrawal of a carrier from participation in the plan for joint action hereby approved shall not be made without prior approval of the Office of Defense Transportation.

7. The provisions of this order shall be binding upon any successor in interest to any carrier named in this order. Upon a transfer of any operation involved in this order, the successor in interest and the other carriers named in this order forthwith shall notify, in writing, the Office of Defense Transportation of the transfer and, unless and until otherwise ordered, the successor in interest shall perform the functions of his predecessor in accordance with the provisions of this order.

8. The plan for joint action hereby approved and all contractual arrangements made by the carriers to effectuate the plan shall not continue in operation beyond the effective period of this order.

9. Communications concerning this order should refer to it by the supplementary order number which appears in the caption hereof, and, unless otherwise directed, should be addressed to the Highway Transport Department, Office of Defense Transportation, Washington 25, D. C.

This order shall become effective August 13, 1945, and shall remain in full force and effect until the termination of the present war shall have been duly proclaimed, or until such earlier time as the Office of Defense Transportation by further order may designate.

Issued at Washington, D. C., this 13th day of August 1945.

GUY A. RICHARDSON,
Director,
Highway Transport Department,
Office of Defense Transportation.

APPENDIX 1

Bekins Van Lines, Inc., Los Angeles, Calif.
Bekins Van and Storage Co., Los Angeles, Calif.
Bekins Moving & Storage Co., Portland, Oreg.
Bekins Moving & Storage Co., Seattle, Wash.

[F. R. Doc. 45-16955; Filed, Sept. 11, 1945; 11:50 a. m.]

[Supp. Order ODT 3, Rev. 786]

TRANSPORTATION OF HOUSEHOLD GOODS BETWEEN VARIOUS STATES

COORDINATED OPERATIONS OF CERTAIN CARRIERS

Upon consideration of a plan for joint action filed with the Office of Defense Transportation by the persons named in Appendix 1 hereof to facilitate compliance with the requirements and purposes of General Order ODT 3, Revised, as amended (7 F.R. 5445, 6689, 7694; 8 F.R. 4660, 14582; 9 F.R. 2793, 3264, 3357, 6778), a copy of which plan is attached hereto as Appendix 2,[1] and

It appearing that the proposed coordination of operations is necessary in order to assure maximum utilization of the facilities, services, and equipment, and to conserve and providently utilize vital equipment, materials, and supplies, of the carriers, and to provide for the prompt and continuous movement of necessary traffic, the attainment of which purposes is essential to the successful prosecution of the war; *It is hereby ordered*, That:

1. The plan for joint action above referred to is hereby approved and the carriers are directed to put the plan in operation forthwith, subject to the following provisions, which shall supersede any provisions of such plan that are in conflict therewith.

2. Each of the carriers forthwith shall file a copy of this order with the appropriate regulatory body or bodies having jurisdiction over any operations affected by this order, and likewise shall file, and publish in accordance with law, and con-

[1] Filed as part of the original document.

[1] Filed as part of the original document.

tinue in effect until further order, tariffs or supplements to filed tariffs, setting forth any changes in rates, charges, operations, rules, regulations, and practices of the carrier which may be necessary to accord with the provisions of this order and of such plan; and forthwith shall apply to such regulatory body or bodies for special permission for such tariffs or supplements to become effective on the shortest notice lawfully permissible, but not prior to the effective date of this order.

3. Whenever transportation service is performed by one carrier in lieu of service by another carrier, by reason of a diversion, exchange, pooling, or similar act made or performed pursuant to the plan for joint action hereby approved, the rates, charges, rules, and regulations governing such service shall be those that would have applied except for such diversion, exchange, pooling, or other act.

4. The provisions of this order shall not be so construed or applied as to require any carrier subject hereto to perform any service beyond its transportation capacity, or to authorize or require any act or omission which is in violation of any law or regulation, or to permit any carrier to alter its legal liability to any shipper. In the event that compliance with any term of this order, or effectuation of any provision of such plan, would conflict with, or would not be authorized under, the existing interstate or intrastate operating authority of any carrier subject hereto, such carrier forthwith shall apply to the appropriate regulatory body or bodies for the granting of such operating authority as may be requisite to compliance with the terms of this order, and shall prosecute such application with all possible diligence. The coordination of operations directed by this order shall be subject to the carriers' possessing or obtaining the requisite operating authority.

5. All records of the carriers pertaining to any transportation performed pursuant to this order and to the provisions of such plan shall be kept available for examination and inspection at all reasonable times by accredited representatives of the Office of Defense Transportation.

6. Withdrawal of a carrier from participation in the plan for joint action hereby approved shall not be made without prior approval of the Office of Defense Transportation.

7. The provisions of this order shall be binding upon any successor in interest to any carrier named in this order. Upon a transfer of any operation involved in this order, the successor in interest and the other carriers named in this order forthwith shall notify, in writing, the Office of Defense Transportation of the transfer and, unless and until otherwise ordered, the successor in interest shall perform the functions of his predecessor in accordance with the provisions of this order.

8. The plan for joint action hereby approved and all contractual arrangements made by the carriers to effectuate the plan shall not continue in operation beyond the effective period of this order.

9. Communications concerning this order should refer to it by the supplementary order number which appears in the caption hereof, and, unless otherwise directed, should be addressed to the Highway Transport Department, Office of Defense Transportation, Washington 25, D. C.

This order shall become effective August 13, 1945, and shall remain in full force and effect until the termination of the present war shall have been duly proclaimed, or until such earlier time as the Office of Defense Transportation by further order may designate.

Issued at Washington, D. C., this 13th day of August 1945

GUY A. RICHARDSON,
Director,
Highway Transport Department,
Office of Defense Transportation.

APPENDIX 1

Allied Van Lines, Inc., Birmingham, Ala.
Aero Mayflower Transit Co., Birmingham, Ala.
J. C. White, doing business as White's Moving & Storage Co., Birmingham, Ala.
Samuel Joseph Harrell, Jr., doing business as Continental Van Lines, Birmingham, Ala.
Birmingham Storage Company, Inc., Ensley, Ala.
Bradley White, doing business as Bradley White Co., Birmingham, Ala.
Robert G. Allison, doing business as Allison Coal, Transfer Warehouse, Birmingham, Ala.
Jacks Coal and Transfer Co., Inc., Birmingham, Ala.

[F. R. Doc. 45-16956; Filed, Sept. 11, 1945; 11:50 a. m.]

OFFICE OF PRICE ADMINISTRATION.

[MPR 260, Order 1823]

F. & F. CIGAR FACTORY

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion accompanying this order, and pursuant to § 1358.102 (b) of Maximum Price Regulation No. 260; *It is ordered*, That:

(a) F. & F. Cigar Factory, 1518 15th Avenue, Tampa 5, Fla. (hereinafter called "manufacturer") and wholesalers and retailers may sell, offer to sell or deliver and any person may buy, offer to buy or receive each brand and size or frontmark, and packing of the following domestic cigars at the appropriate maximum list price and maximum retail price set forth below:

Brand	Size or frontmark	Packing	Maximum list price	Maximum retail price
			Per M	*Cents*
Rosado	Corona Chica	50	$101.25	2 for 27
	Corona Extra	50	115.00	15
	Dahlias [1]	50	75.00	10
	Blunts	50	93.75	2 for 25
	Pangtela	50	72.00	9
	Victorias	50	105.00	14

[1] These prices apply to this brand and frontmark containing the tobacco composition specified in amended application dated 8-11-45.

(b) The manufacturer and wholesalers shall grant, with respect to their sales of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the discounts they customarily granted in March 1942 on their sales of domestic cigars of the same price class to purchasers of the same class, unless a change therein results in a lower price. Packing differentials charged by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class may be charged on corresponding sales of each brand and size or frontmark of cigars priced by this order, but shall not be increased. Packing differentials allowed by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class shall be allowed on corresponding sales of each brand and size or frontmark of cigars priced by this order and shall not be reduced. If a brand and size or frontmark of domestic cigars for which maximum prices are established by this order is of a price class not sold by the manufacturer or the particular wholesaler in March 1942, he shall, with respect to his sales thereof, grant the discounts and may charge and shall allow the packing differentials customarily granted, charged or allowed (as the case may be) in March 1942 by his most closely competitive seller of the same class on sales of domestic cigars of the same March 1942 price class to purchasers of the same class.

(c) On or before the first delivery to any purchaser of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the manufacturer and every other seller (except a retailer) shall notify the purchaser of the maximum list price and the maximum retail price established by this order for such brand and size or frontmark of domestic cigars. The notice shall conform to and be given in the manner prescribed by § 1358.113 of Maximum Price Regulation No. 260.

(d) Unless the context otherwise requires, appropriate provisions of Maximum Price Regulation No. 260, shall apply to sales for which maximum prices are established by this order.

(e) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective September 12, 1945.

Issued this 11th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-16927; Filed, Sept. 11, 1945; 11:14 a. m.]

[MPR 165, Order 1 to Rev. Supp. Service Reg. 50]

TRIMM MFG. CO.

APPROVAL OF MAXIMUM RENTAL RATES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.648 (c) (4) of Revised Supplementary Service Regulation 50 to Revised Maximum Price Regulation No. 165; *It is ordered:*

(a) This order establishes maximum prices for rentals at retail of hearing aids manufactured by the Trimm Manufacturing Company, 1770 West Berteau Avenue, Chicago, or its affiliates.

(1) For all rentals at retail by Trimm Distributors, Inc., or any affiliated company, the maximum rates are those set forth below:

For the first year of rental: $80.00 subject to 2% cash discount for payment upon receipt of instrument, or net for payment of 50% on receipt of instrument, balance within 60 days.

For any following year: $75.00, subject to same terms as above.

The maximum rates are for the services and conditions described in the manufacturer's application dated December 28, 1944, except that the contract draft therein enclosed is to be modified to restrict to $15.00 the recovery to the firm offering the instrument for rent in the event that such instrument is lost by the lessee, and a new contract is not entered into.

(2) If any person wishes to rent Trimm hearing aides to any other class of purchaser or on other terms and conditions of rental, he must apply to the Office of Price Administration, Washington, D. C., under section 4 of Revised Supplementary Service Regulation No. 50 to Revised Maximum Price Regulation No. 165 for the establishment of maximum rates for those rentals and no rentals or deliveries may be made until Maximum rates have been authorized by the Office of Price Administration.

(b) This order may be revoked or amended by the Price Administrator at any time.

(c) This order shall become effective on the 12th day of September 1945.

Issued this 11th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-16907; Filed, Sept. 11, 1945; 11:09 a. m.]

[MPR 188, Rev. Order 3952]

L. W. HOLMES CO.

APPROVAL OF MAXIMUM PRICES

Order No. 3952 under Maximum Price Regulation No. 188 is revised and amended to read as follows:

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.158 of Maximum Price Regulation No. 188, *It is ordered:*

(a) This revised order establishes maximum prices for sales and deliveries of certain articles manufactured by the L. W. Holmes Company, North Main Street, Oronoque, Connecticut.

(1) For all sales and deliveries to the following classes of purchasers by the sellers indicated below, the maximum prices are those set forth below:

Article	Model No.	Jobber	Maximum prices to retailer	Consumer
Fishing Reel	S-1	*Each* $8.41	*Each* $11.22	*Each* $18.70
	H-1	7.42	9.90	16.50
	H-2	6.43	8.58	14.30
	H-4	5.40	7.20	12.00

The above prices are exclusive of Federal excise tax. Terms are 2 percent 10 days, f. o. b. factory.

These maximum prices are for the articles described in the manufacturer's application dated April 30, 1945.

(2) For sales by the manufacturer, the maximum prices apply to all sales and deliveries since Maximum Price Regulation No. 188 became applicable to those sales and deliveries.

(3) For sales by persons other than the manufacturer, the maximum prices apply to all sales and deliveries after June 14, 1945. Those prices are subject to each seller's customary terms and conditions of sale on sales of similar articles.

(4) If the manufacturer wishes to make sales and deliveries to any other class of purchaser or on other terms and conditions of sale, he must apply to the Office of Price Administration, Washington, D. C. under the Fourth Pricing Method, § 1499.158 of Maximum Price Regulation No. 188, for the establishment of maximum prices for those sales, and no sales or deliveries may be made until maximum prices have been authorized by the Office of Price Administration.

(b) The manufacturer shall attach a tag or label to every article for which a maximum price for sales to consumers is established by this revised order. That tag or label shall contain the following statement with the blank proper filled in:

Revised Order 3952—MPR 188
OPA Retail Ceiling Price—$_____
Do Not Detach

(c) At the time of, or prior to, the first invoice to each purchaser for resale after the effective date of this revised order, the manufacturer shall notify the purchaser in writing of the maximum prices and conditions established by this revised order for sales by the purchaser. This notice may be given in any convenient form.

(d) This revised order may be revoked or amended by the Price Administrator at any time.

(e) This revised order shall become effective on the 12th day of September 1945.

Issued this 11th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-16909; Filed, Sept. 11, 1945; 11:13 a. m.]

[MPR 188, Rev. Order 4063]

LIBERTY METAL PRODUCTS CO.

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.158 of Maximum Price Regulation No. 188; *It is ordered:*

Order No. 4063 under § 1499.158 of Maximum Price Regulation No. 188 is amended and revised as follows:

(a) This revised order establishes maximum prices for sales and deliveries of certain articles manufactured by the Liberty Products Company, 174 Wooster Street, New York, New York.

(1) For all sales and deliveries to the following classes of purchasers by the sellers indicated below, the maximum prices are those set forth below:

Article	Model No.	Maximum prices for sales by any seller to—			
		Wholesalers (jobbers)	Retailers (6 units or more)	Retailers (less than 6 units)	Consumers
Electric hot plate two burner open elements 6' cord two switches black crackel finish	7	*Each* $8.70	*Each* $1.37	*Each* $4.71	*Each* $7.09
Electric hot plate one burner open element 6' cord and switch black crackel finish	8	1.13	1.37	1.40	2.25
Electric hot plate one burner closed element pin type connection	9	1.29	1.52	1.64	2.45

These maximum prices are for the articles described in the manufacturer's application dated May 29, 1945.

(2) For sales by the manufacturer, the maximum prices apply to all sales and deliveries since Maximum Price Regulation No. 188 became applicable to those sales and deliveries. These prices include the Federal Excise Tax. They are f. o. b. factory and subject to a cash discount of 2% for payment within 10 days, net 30 days.

(3) For sales by persons other than the manufacturer, the maximum prices apply to all sales and deliveries after the effective date of this order. These prices are subject to each seller's customary terms and conditions of sale on sales of similar articles.

(4) If the manufacturer wishes to make sales and deliveries to any other class of purchaser or on other terms and conditions of sale, he must apply to the Office of Price Administration, Washington, D. C., under the Fourth Pricing Method, § 1499.158 of Maximum Price Regulation No. 188, for the establishment of maximum prices for those sales, and no sales or deliveries may be made until maximum prices have been authorized by the Office of Price Administration.

(b) The manufacturer shall attach a tag or label to every article for which a maximum price for sales to consumers is established by this order. That tag or label shall contain either of the following statements with the correct order

number, model number and retail prices properly filled in:

Rev. Order No. 4063
Model No. ------
OPA Retail Ceiling Price $------
Federal Excise Tax Included
Do Not Detach or Obliterate

or

Liberty Metal Products Company
174 Wooster Street
New York, New York
Model No. ------
OPA Retail Ceiling Price $------
Federal Excise Tax Included
Do Not Detach or Obliterate

(c) At the time of, or prior to, the first invoice to each purchaser for resale, the seller shall notify the purchaser in writing of the maximum prices and conditions established by this order for sales by the purchaser. This notice may be given in any convenient form.

(d) This order may be revoked or amended by the Price Administrator at any time.

(e) This order shall become effective on the 12th day of September 1945.

Issued this 11th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-16910; Filed, Sept. 11, 1945; 11:13 a. m.]

[MPR 188, Rev. Order 4094]

D & W DISTRIBUTING CO.

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.158 of Maximum Price Regulation No. 188; *It is ordered:*

(a) This order establishes maximum prices for sales and deliveries of certain articles manufactured by the D & W Distributing Company, 174 Eldridge Street, New York, New York.

(1) For all sales and deliveries to the following classes of purchasers by the sellers indicated below, the maximum prices are those set forth below:

Article	Model	Maximum prices for sales by any seller to—			
		Wholesalers (jobbers)	Retailers (6 units or more)	Retailers (less than 6 units)	Consumers
		Each	*Each*	*Each*	*Each*
Two burner hot plate, two switches, cord and plug	1A	$3.25	$4.01	$4.33	$5.50
Electric space heater, bowl type	3A	2.88	3.40	3.67	5.50

These maximum prices are for the articles described in the manufacturer's application dated June 19, 1945. They include the Federal Excise Tax.

(2) For sales by the manufacturer, the maximum prices apply to all sales and deliveries since Maximum Price Regulation No. 188 became applicable to those sales and deliveries. These prices are f. o. b. factory and are subject to a cash discount of 2% for payment within 10 days, net 30 days.

(3) For sales by persons other than the manufacturer, the maximum prices apply to all sales and deliveries after the effective date of this order. These prices are subject to each seller's customary terms and conditions of sale on sales of similar articles.

(4) If the manufacturer wishes to make sales and deliveries to any other class of purchaser or on other terms and conditions of sale, he must apply to the Office of Price Administration, Washington, D. C., under the Fourth Pricing Method, § 1499.158 of Maximum Price Regulation No. 188, for the establishment of maximum prices for those sales, and no sales or deliveries may be made until maximum prices have been authorized by the Office of Price Administration.

(b) The manufacturer shall attach a tag or label to every article for which a maximum price for sales to consumers is established by this order. That tag or label shall contain either of the following statements with the correct order number, model number and retail ceiling price filled in:

Rev. Order No. 4094
Model No. ------
OPA Retail Ceiling Price—$------
Federal Excise Tax Included
Do Not Detach or Obliterate

or

D & W Distributing Company
174 Eldridge Street
New York, New York
Model No. ------
OPA Retail Ceiling Price—$------
Federal Excise Tax Included
Do Not Detach or Obliterate

(c) At the time of, or prior to, the first invoice to each purchaser for resale, the seller shall notify the purchaser in writing of the maximum prices and conditions established by this order for sales by the purchaser. This notice may be given in any convenient form.

(d) This order may be revoked or amended by the Price Administrator at any time.

(e) This order shall become effective on the 12th day of September 1945.

Issued this 11th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-16911; Filed, Sept. 11, 1945; 11:13 a. m.]

[MPR 188, Amdt. 1 to Order 4347]

ELLIS SILVERSTONE

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.158 of Maximum Price Regulation No. 188, *It is ordered:*

Paragraph (b) is amended to read as follows:

(b) The manufacturer shall attach a tag or label to every article for which a maximum price for sales to consumers is established by this order. That tag or label shall contain either of the following statements with the correct order properly filled in:

Order No. 4347
Model No. 18"
OPA Retail Ceiling Price $52.18 ea.
To Users Other Than
Industrial, Commercial
or Institutional
Do Not Detach or Obliterate

or

Ellis Silverstone
1816 Ontario Place, NW.,
Washington, D. C.
Model No. 18"
OPA Retail Ceiling Price $52.18 ea
To Users Othen Than
Industrial, Commercial or
Institutional
Do Not Detach or Obliterate

This order shall become effective on the 12th day of September 1945.

Issued this 11th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-16912; Filed, Sept. 11, 1945; 11:09 a. m.]

[MPR 188, Order 4405]

MCALEER MFG. CO.

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.158 of Maximum Price Regulation No. 188; *It is ordered:*

(a) This order establishes maximum prices for sales and deliveries of certain articles manufactured by McAleer Manufacturing Company, P. O. Box 149, Rochester, Mich.

(1) For all sales and deliveries to the following classes of purchasers by the sellers indicated below, the maximum prices are those set forth below:

Article	Model	Maximum prices for sales by any seller to—			
		Wholesalers (jobbers)	Retailers (6 units or more)	Retailers (less than 6 units)	Consumers
		Each	*Each*	*Each*	*Each*
Electric heater, fan type, 1,100 watts	101	$7.00	$9.34	$10.00	$14.50

These maximum prices are for the articles described in the manufacturer's application dated July 12, 1945.

(2) For sales by the manufacturer, the maximum prices apply to all sales and deliveries since Maximum Price Regulation No. 188 became applicable to those sales and deliveries. These prices include the Federal Excise Tax. They are f. o. b. factory and subject to a cash discount of 2% for payment within 10 days, net 30 days.

(3) For sales by persons other than the manufacturer, the maximum prices apply to all sales and deliveries after the effective date of this order. Those prices are subject to each seller's customary terms and conditions of sale on sales of similar articles.

(4) If the manufacturer wishes to make sales and deliveries to any other class of purchaser or on other terms and conditions of sale, he must apply to the Office of Price Administration, Washington, D. C., under the Fourth Pricing Method, § 1499.158 of Maximum Price Regulation No. 188, for the establishment of maximum prices for those sales, and no sales or deliveries may be made until maximum prices have been authorized by the Office of Price Administration.

(b) The manufacturer shall attach a tag or label to every article for which a maximum price for sales to consumers is established by this order. That tag or label shall contain either of the following statements with the correct model number, order number and retail prices properly filled in:

Order No. 4405
Model No. ------
OPA Retail Ceiling Price—$------
Federal Excise Tax Included
Do Not Detach or Obliterate

or

McAleer Manufacturing Company
P. O. Box 149
Rochester, Michigan
Model No. ------
OPA Retail Ceiling Price—$ -----
Federal Excise Tax Included
Do Not Detach or Obliterate

(c) At the time of, or prior to, the first invoice to each purchaser for resale, the seller shall notify the purchaser in writing of the maximum prices and conditions established by this order for sales by the purchaser. This notice may be given in any convenient form.

(d) This order may be revoked or amended by the Price Administrator at any time.

(e) This order shall become effective on the 12th day of September 1945.

Issued this 11th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-16913; Filed, Sept. 11, 1945; 11:09 a. m.]

[MPR 188, Order 4406]

GALLANT MFG. CO.

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.158 of Maximum Price Regulation No. 188; *It is ordered:*

(a) This order establishes maximum prices for sales and deliveries of certain articles manufactured by Gallant Manufacturing Co., 806 East 162d Street, New York, N. Y.

(1) For all sales and deliveries to the following classes of purchasers by the sellers indicated below, the maximum prices are those set forth below:

Article	Model No.	For sales by the manufacturer to—		For sales by any person to consumers
		Jobbers	Retailers	
		Each	*Each*	*Each*
[illegible] linked-crown slik [illegible] shade ruching trim	720	$1.80	$2.10	$3.80

and conditions of sale, he must apply to the Office of Price Administration, Washington, D. C., under the Fourth Pricing Method, § 1499.158 of Maximum Price Regulation No. 188, for the establishment of maximum prices for those sales, and no sales or deliveries may be made until maximum prices have been authorized by the Office of Price Administration.

(b) The manufacturer shall attach a tag or label to every article for which a maximum price for sales to consumers is established by this order. That tag or label shall contain either of the following statements with the correct model number, order number and retail prices properly filled in:

Order No. 4405
Model No. ------
OPA Retail Ceiling Price—$------
Federal Excise Tax Included
Do Not Detach or Obliterate

or

McAleer Manufacturing Company
P. O. Box 149
Rochester, Michigan
Model No. ------
OPA Retail Ceiling Price—$ -----
Federal Excise Tax Included
Do Not Detach or Obliterate

(c) At the time of, or prior to, the first invoice to each purchaser for resale, the seller shall notify the purchaser in writing of the maximum prices and conditions established by this order for sales by the purchaser. This notice may be given in any convenient form.

(d) This order may be revoked or amended by the Price Administrator at any time.

(e) This order shall become effective on the 12th day of September 1945.

Issued this 11th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-16913; Filed, Sept. 11, 1945; 11:09 a. m.]

[MPR 188, Order 4406]

GALLANT MFG. CO.

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.158 of Maximum Price Regulation No. 188; *It is ordered:*

(a) This order establishes maximum prices for sales and deliveries of certain articles manufactured by Gallant Manufacturing Co., 806 East 162d Street, New York, N. Y.

(1) For all sales and deliveries to the following classes of purchasers by the sellers indicated below, the maximum prices are those set forth below:

Article	Model No.	For sales by the manufacturer to—		For sales by any person to consumers
		Jobbers	Retailers	
		Each	*Each*	*Each*
[illegible] linked-crown slik [illegible] shade ruching trim	720	$1.80	$2.10	$3.80

These maximum prices are for the articles described in the manufacturer's application dated June 7, 1945.

(2) For sales by the manufacturer, the maximum prices apply to all sales and deliveries since Maximum Price Regulation No. 188 became applicable to those sales and deliveries. For sales to persons other than consumers they are f. o. b. factory, 2% 10 days, net 30. The maximum price to consumers is net, delivered.

(3) For sales by persons other than the manufacturer, the maximum prices apply to all sales and deliveries after the effective date of this order. Those prices are subject to each seller's customary terms and conditions of sale on sales of similar articles.

(4) If the manufacturer wishes to make sales and deliveries to any other class of purchaser or on other terms and conditions of sale, he must apply to the Office of Price Administration, Washington, D. C., under the Fourth Pricing Method, § 1499.158 of Maximum Price Regulation No. 188, for the establishment of maximum prices for those sales, and no sales or deliveries may be made until maximum prices have been authorized by the Office of Price Administration.

(b) The manufacturer shall attach a tag or label to every article for which a maximum price for sales to consumers is established by this order. That tag or label shall contain the following statement, with the proper model number and the ceiling price inserted in the blank spaces:

Model No. ------
OPA Retail Ceiling Price—$------
Do Not Detach

(c) At the time of, or prior to, the first invoice to each purchaser for resale, the manufacturer shall notify the purchaser in writing of the maximum prices and conditions established by this order for sales by the purchaser. This notice may be given in any convenient form.

(d) Jobber's maximum prices for sales of the articles covered by this order shall be established under the provisions of section 4.5 of SR 14J.

(e) This order may be revoked or amended by the Price Administrator at any time.

(f) This order shall become effective on the 12th day of September 1945.

Issued this 11th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-16914; Filed, Sept. 11, 1945; 11:10 a. m.]

[MPR 188, Order 4407]

ELECTRONIC DEVICES CO.

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.158 of Maximum Price Regulation No. 188; *It is ordered:*

(a) This order establishes maximum prices for sales and deliveries of certain articles manufactured by Electronic Devices Co., 601 W. 26th Street, New York 1, N. Y. The article for which prices are hereby established is a six-tube, 2 band, AC/DC, walnut cabinet, table model radio, Model #100R.

(1) For all sales and deliveries to the following classes of purchasers by the sellers indicated below, the maximum prices are those set forth below:

U. S. Government, jobbers, export agents	Maximum prices to retailers	Consumers
Each	*Each*	*Each*
$16.72	$22.29	$37.15

The above maximum prices are exclusive of Federal excise tax. The price to U. S. Government, Jobbers and Export Agents is subject to a 2 percent cash discount in 10 days or net 30 days. Prices are f. o. b. manufacturing plant. Cost of packing for export may be added to the above maximum prices.

These maximum prices are for the articles described in the manufacturer's application dated July 2, 1945, supplemented August 9, 1945, and completed August 17, 1945.

(2) For sales by the manufacturer, the maximum prices apply to all sales and deliveries since Maximum Price Regulation No. 188 became applicable to those sales and deliveries.

(3) For sales by persons other than the manufacturer, the maximum prices apply to all sales and deliveries after the effective date of this order. Those prices are subject to each seller's customary terms and conditions of sale on sales of similar articles.

(4) If the manufacturer wishes to make sales and deliveries to any other class of purchaser or on other terms and conditions of sale, he must apply to the Office of Price Administration, Washington, D. C., under the Fourth Pricing Method, § 1499.158 of Maximum Price Regulation No. 188, for the establishment of maximum prices for those sales, and no sales or deliveries may be made until maximum prices have been authorized by the Office of Price Administration.

(b) The manufacturer shall attach a tag or label to every article for which a maximum price for sales to consumers is established by this order. That tag or label shall contain the following statement:

OPA Retail Ceiling Price—$37.15 each, excluding Federal excise tax
Do Not Detach
Electronic Devices Co.

(c) At the time of, or prior to, the first invoice to each purchaser for resale, the seller shall notify the purchaser in writing of the maximum prices and conditions established by this order for sales by the purchaser. This notice may be given in any convenient form.

(d) This order may be revoked or amended by the Price Administrator at any time.

(e) This order shall become effective on the 12th day of September 1945.

Issued this 11th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-16915; Filed, Sept. 11, 1945; 11:10 a. m.]

[MPR 188, Order 4408]

PENN CERAMIC MFG. CO., INC.

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.158 of Maximum Price Regulation No. 188; *It is ordered:*

(a) This order establishes maximum prices for sales and deliveries of certain articles manufactured by the Penn Ceramic Manufacturing Company, Incorporated, Aspers, Pa.

(1) For all sales and deliveries to the following classes of purchasers by the sellers indicated below, the maximum prices are those set forth below:

Article	Model No.	Maximum prices for sales by any seller to—			
		Wholesalers (jobbers)	Retailers (6 units or more)	Retailers (less than 6 units)	Consumers
Two-burner hot plate cord and plug	10 x 9½ x 5½	*Each* $4.25	*Each* $5.05	*Each* $5.40	*Each* $8.10

These maximum prices are for the articles described in the manufacturer's application dated July 9, 1945.

(2) For sales by the manufacturer, the maximum prices apply to all sales and deliveries since Maximum Price Regulation No. 188 became applicable to those sales and deliveries. These prices include the Federal Excise Tax. These prices are f. o. b. factory and subject to a cash discount of 2% for payment within 10 days, net 30 days.

(3) For sales by persons other than the manufacturer, the maximum prices apply to all sales and deliveries after the effective date of this order. Those prices are subject to each seller's customary terms and conditions of sale on sales of similar articles.

(4) If the manufacturer wishes to make sales and deliveries to any other class of purchaser or on other terms and conditions of sale, he must apply to the Office of Price Administration, Washington, D. C., under the Fourth Pricing Method, § 1499.158 of Maximum Price Regulation No. 188, for the establishment of maximum prices for those sales, and no sales or deliveries may be made until maximum prices have been authorized by the Office of Price Administration.

(b) The manufacturer shall attach a tag or label to every article for which a maximum price for sales to consumers is established by this order. That tag or label shall contain either of the following statements with the correct order number, model number and retail prices properly filled in:

Order No. 4408
Model No. ------
OPA Retail Ceiling Price—$------
Federal Excise Tax Included
Do Not Detach or Obliterate

or

Penn Ceramic Manufacturing Co., Inc.
Aspers, Pennsylvania
Model No. ------
OPA Retail Ceiling Price—$------
Federal Excise Tax Included
Do Not Detach or Obliterate

(c) At the time of, or prior to, the first invoice to each purchaser for resale, the seller shall notify the purchaser in writing of the maximum prices and conditions established by this order for sales by the purchaser. This notice may be given in any convenient form.

(d) This order may be revoked or amended by the Price Administrator at any time.

(e) This order shall become effective on the 12th day of September 1945.

Issued this 11th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-16916; Filed, Sept. 11, 1945; 11:10 a. m.]

[MPR 188, Order 4409]

HARRY & LOUIS MARK

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.158 of Maximum Price Regulation No. 188; *It is ordered:*

(a) This order establishes maximum prices for sales and deliveries of certain articles manufactured by Harry & Louis Mark, 1729 President Street, Brooklyn, N. Y.

(1) For all sales and deliveries to the following classes of purchasers by the sellers indicated below, the maximum prices are those set forth below:

Article	Model No.	For sales by the manufacturer to—		For sales by any person to consumers
		Jobbers	Retailers	
Crystal table lamp	1-T	*Each* $3.40	*Each* $4.00	*Each* $7.20
Pottery table lamp	2-T	3.40	4.00	7.20
China and glass vanity lamp	1-V	1.91	2.25	4.05

These maximum prices are for the articles described in the manufacturer's application dated May 1, 1945.

(2) For sales by the manufacturer, the maximum prices apply to all sales and deliveries since Maximum Price Regulation No. 188 became applicable to those sales and deliveries. For sales to persons other than consumers they are f. o. b. factory, 2% 10 days, net 30. The maximum price to consumers is net, delivered.

(3) For sales by persons other than the manufacturer, the maximum prices apply to all sales and deliveries after the effective date of this order. Those prices are subject to each seller's customary terms and conditions of sale on sales of similar articles.

(4) If the manufacturer wishes to make sales and deliveries to any other class of purchaser or on other terms and conditions of sale, he must apply to the Office of Price Administration, Washington, D. C., under the Fourth Pricing Method, § 1499.158 of Maximum Price Regulation No. 188, for the establishment of maximum prices for those sales, and no sales or deliveries may be made until maximum prices have been authorized by the Office of Price Administration.

(b) The manufacturer shall attach a tag or label to every article for which a maximum price for sales to consumers is established by this order. That tag or label shall contain the following statement, with the proper model number and the ceiling price inserted in the blank spaces:

Model No. ------
OPA Retail Ceiling Price—$------
Do Not Detach

(c) At the time of, or prior to, the first invoice to each purchaser for resale, the manufacturer shall notify the purchaser in writing of the maximum prices and conditions established by this order for sales by the purchaser. This notice may be given in any convenient form.

(d) Jobber's maximum prices for sales of the articles covered by this order shall be established under the provisions of section 4.5 of SR 14J.

(e) This order may be revoked or amended by the Price Administrator at any time.

(f) This order shall become effective on the 12th day of September 1945.

Issued this 11th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-16917; Filed, Sept. 11 1945; 11:10 a. m.]

[MPR 188, Order 4410]

APPLIANCE INDUSTRIES OF AMERICA

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.158 of Maximum Price Regulation No. 188; *It is ordered:*

(a) This order establishes maximum prices for sales and deliveries of certain articles manufactured by the Appliance Industries of America, 666 North Lake Shore Drive, Chicago 11, Ill.

(1) For all sales and deliveries to the following classes of purchasers by the sellers indicated below, the maximum prices are those set forth below:

Article	Model	Maximum prices for sales by any seller to—				
		Wholesaler (jobber)	Dropship jobber	Retailer (6 units or more)	Retailer (less than 6 units)	Consumer
Electric heater, 1,000 watts, cord and plug, 10" x 8" x 10"	C1	*Each* $3.58	*Each* $4.30	*Each* $4.60	*Each* $4.90	*Each* $6.95

These maximum prices are for the articles described in the manufacturer's application dated August 21, 1945. They include the Federal Excise Tax.

(2) For sales by the manufacturer, the maximum prices apply to all sales and deliveries since Maximum Price Regulation No. 188 became applicable to those sales and deliveries. These prices are f. o. b. factory and are subject to a cash discount of 2% for payment within 10 days, net 30 days.

(3) For sales by persons other than the manufacturer, the maximum prices apply to all sales and deliveries after the effective date of this order. Those prices are subject to each seller's customary terms and conditions of sale on sales of similar articles..

(4) If the manufacturer wishes to make sales and deliveries to any other class of purchaser or on other terms and conditions of sale, he must apply to the Office of Price Administration, Washington, D. C., under the Fourth Pricing Method, § 1499.158 of Maximum Price Regulation No. 188, for the establishment of maximum prices for those sales, and no sales or deliveries may be made until maximum prices have been authorized by the Office of Price Administration.

(b) The manufacturer shall attach a tag or label to every article for which a maximum price for sales to consumers is established by this order. That tag or label shall contain either of the following statements with the correct order number filled in:

Order No. 4410
Model No. C1
OPA Retail Ceiling Price $6.95
Federal Excise Tax Included
Do Not Detach or Obliterate

or

Appliance Industries of America
666 North Lake Shore Drive
Chicago 11, Illinois
Model No. C1
OPA Retail Ceiling Price $6.95
Federal Excise Tax Included
Do Not Detach or Obliterate

(c) At the time of, or prior to, the first invoice to each purchaser for resale, the seller shall notify the purchaser in writing of the maximum prices and conditions established by this order for sales by the purchaser. This notice may be given in any convenient form.

(d) This order may be revoked or amended by the Price Administrator at any time.

(e) This order shall become effective on the 12th day of September, 1945.

Issued this 11th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-16918; Filed, Sept. 11, 1945; 11:11 a. m.]

[MPR 188, Order 4411]

ALUMINUM FABRICATORS

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.158 of Maximum Price Regulation No. 188; *It is ordered:*

(a) This order establishes maximum prices for sales and deliveries of certain articles manufactured by Aluminum Fabricators, P. O. Box 463, Lake Grove, Oreg.

(1) For all sales and deliveries to the following classes of purchasers by the sellers indicated below, the maximum prices are those set forth below:

Article	Model No.	Maximum prices for sales by any seller to—				
		Distributors	Wholesalers	Chain and dept. stores	Other retailers	Consumers
Cast aluminum griddle	F	*Each* $1.80	*Each* $2.00	*Each* $2.40	*Each* $2.65	*Each* $4.00

These maximum prices are for the articles described in the manufacturer's application dated July 24, 1945.

(2) For sales by the manufacturer, the maximum prices apply to all sales and deliveries since Maximum Price Regulation No. 188 became applicable to those sales and deliveries. These prices are f. o. b. factory and subject to a cash discount of 2% for payment within 10 days, net 30 days.

(3) For sales by persons other than the manufacturer, the maximum prices apply to all sales and deliveries after the effective date of this order. Those prices are subject to each seller's customary terms and conditions of sale on sales of similar articles.

(4) If the manufacturer wishes to make sales and deliveries to any other class of purchaser or on other terms and conditions of sale, he must apply to the Office of Price Administration, Washington, D. C., under the Fourth Pricing Method, § 1499.158 of Maximum Price Regulation No. 188, for the establishment of maximum prices for those sales, and no sales or deliveries may be made until maximum prices have been authorized by the Office of Price Administration.

(5) The manufacturer shall attach a tag or label to every article for which a maximum price for sales to consumers is established by this order. That tag or label shall contain the following statement:

Model No. F
OPA Retail Ceiling Price $4.00
Do Not Detach

(c) At the time of, or prior to, the first invoice to each purchaser for resale, the seller shall notify the purchaser in writing of the maximum prices and conditions established by this order for sales by the purchaser. This notice may be given in any convenient form.

(d) This order may be revoked or amended by the Price Administrator at any time.

(e) This order shall become effective on the 12th day of September 1945.

Issued this 11th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-16919; Filed, Sept. 11, 1945; 11:11 a. m.]

[MPR 188, Order 4412]

REGAL ELECTRONICS CORP.

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.158 of Maximum Price Regulation No. 188; *It is ordered:*

(a) This order establishes maximum prices for sales and deliveries of the Model L46 Radio manufactured by Regal Electronics Corporation, of 20 West 20th St., New York 11, N. Y.

(1) For all sales and deliveries to the following classes of purchasers by the sellers indicated below, the maximum prices are those set forth below:

Maximum Prices for all sales to—

Jobbers	$19.20
Retailers	23.97
Consumers	39.95

The above wholesale prices are subject to a discount of 2% 10 days, net 30 days. Manufacturer's prices are f. o. b. New York. The above prices do not include Federal Excise Tax.

These maximum prices are for the articles described in the manufacturer's application dated August 25, 1945.

(2) For sales by the manufacturer, the maximum prices apply to all sales and deliveries since Maximum Price Regulation No. 188 became applicable to those sales and deliveries.

(3) For sales by persons other than the manufacturer, the maximum prices apply to all sales and deliveries after the effective date of this order. Those prices are subject to each seller's customary terms and conditions of sale on sales of similar articles.

(4) If the manufacturer wishes to make sales and deliveries to any other class of purchaser or on other terms and conditions of sale, he must apply to the Office of Price Administration, Washington, D. C., under the Fourth Pricing Method, § 1499.158 of Maximum Price Regulation No. 188, for the establishment of maximum prices for those sales, and no sales or deliveries may be made until maximum prices have been authorized by the Office of Price Administration.

(b) The manufacturer shall attach a tag or label to every article for which a maximum price for sales to consumers is established by this order. That tag or

label shall contain the following statement:

Model No. L–46
OPA Retail Ceiling Price—$------
Federal Excise Tax $------
Do Not Detach
Manufactured by Regal Electronics Corp., New York, New York

(c) At the time of, or prior to, the first invoice to each purchaser for resale, the seller shall notify the purchaser in writing of the maximum prices and conditions established by this order for sales by the purchaser. This notice may be given in any convenient form.

(d) This order may be revoked or amended by the Price Administrator at any time.

(e) This order shall become effective on the 12th day of September 1945.

Issued this 11th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45–16920; Filed, Sept. 11, 1945; 11:11 a. m.]

[MPR 188, Order 4413]

NATIONAL LAMP MFG. CORP.

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.158 of Maximum Price Regulation No. 188, *It is ordered:*

(a) This order establishes maximum prices for sales and deliveries of certain articles manufactured by National Lamp Manufacturing Corporation, 59 Myrtle Avenue, Brooklyn, New York.

(1) For all sales and deliveries to the following classes of purchasers by the sellers indicated below, the maximum prices are those set forth below:

Article	Model No.	For sales by the manufacturer to—		For sales by any person to consumers
		Jobbers	Retailers	
		Each	*Each*	*Each*
Decorated pottery table lamp (base only)	C–15	$4.25	$5	$9.00
Gold plated white metal table lamp with marble insert (base only)	L–604	3.40	4	7.20

These maximum prices are for the articles described in the manufacturer's application dated June 26, 1945.

(2) For sales by the manufacturer, the maximum prices apply to all sales and deliveries since Maximum Price Regulation No. 188 became applicable to those sales and deliveries. For sales to persons other than consumers they are f. o. b. factory. The maximum price to consumers is net, delivered.

(3) For sales by persons other than the manufacturer, the maximum prices apply to all sales and deliveries after the effective date of this order. Those prices are subject to each seller's customary terms and conditions of sale on sales of similar articles.

(4) If the manufacturer wishes to make sales and deliveries to any other class of purchaser or on other terms and conditions of sale, he must apply to the Office of Price Administration, Washington, D. C., under the Fourth Pricing Method, § 1499.158 of Maximum Price Regulation No. 188, for the establishment of maximum prices for those sales, and no sales or deliveries may be made until maximum prices have been authorized by the Office of Price Administration.

(b) The manufacturer shall attach a tag or label to every article for which a maximum price for sales to consumers is established by this order. That tag or label shall contain the following statement, with the proper model number and the ceiling price inserted in the blank spaces:

Model No. ------
OPA Retail Ceiling Price—$------
Do Not Detach

(c) At the time of, or prior to, the first invoice to each purchaser for resale, the manufacturer shall notify the purchaser in writing of the maximum prices and conditions established by this order for sales by the purchaser. This notice may be given in any convenient form.

(d) Jobber's maximum prices for sales of the articles covered by this order shall be established under the provisions of section 4.5 of SR 14J.

(e) This order may be revoked or amended by the Price Administrator at any time.

(f) This order shall become effective on the 12th day of September 1945.

Issued this 11th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45–16921; Filed, Sept. 11, 1945; 11:12 a. m.]

[MPR 188, Order 4414]

METALLIC ARTS CO.

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.158 of Maximum Price Regulation No. 188; *It is ordered:*

(a) This order establishes maximum prices for sales and deliveries of certain articles manufactured by Metallic Arts Company, 2100, 2100 South Morgan Street, Chicago 8, Ill.

(1) For all sales and deliveries to the following classes of purchasers by the sellers indicated below, the maximum prices are those set forth below:

Article	Model No.	For sales by the manufacturer to—		For sales by any person to consumers
		Jobbers	Retailers	
		Each	*Each*	*Each*
Metal table lamp (commode style)	1020	$4.25	$5	$9
China decorated table lamp base	1010	4.25	5	9
	1011	4.25	5	9
	1012	4.25	5	9

These maximum prices are for the articles described in the manufacturer's application dated April 11, 1945.

(2) For sales by the manufacturer, the maximum prices apply to all sales and deliveries since Maximum Price Regulation No. 188 became applicable to those sales and deliveries. For sales to persons other than consumers they are f. o. b. factory, 2% 10 days, net 30. The maximum price to consumers is net, delivered.

(3) For sales by persons other than the manufacturer, the maximum prices apply to all sales and deliveries after the effective date of this order. Those prices are subject to each seller's customary terms and conditions of sale on sales of similar articles.

(4) If the manufacturer wishes to make sales and deliveries to any other class of purchaser or on other terms and conditions of sale, he must apply to the Office of Price Administration, Washington, D. C., under the Fourth Pricing Method, § 1499.158 of Maximum Price Regulation No. 188, for the establishment of maximum prices for those sales, and no sales or deliveries may be made until maximum prices have been authorized by the Office of Price Administration.

(b) The manufacturer shall attach a tag or label to every article for which a maximum price for sales to consumers is established by this order. That tag or label shall contain the following statement, with the proper model number and the ceiling price inserted in the blank spaces:

Model No. ------
OPA Retail Ceiling Price—$------
Do Not Detach

(c) At the time of, or prior to, the first invoice to each purchaser for resale, the manufacturer shall notify the purchaser in writing of the maximum prices and conditions established by this order for sales by the purchaser. This notice may be given in any convenient form.

(d) Jobber's maximum prices for sales of the articles covered by this order shall be established under the provisions of section 4.5 of SR 14J.

(e) This order may be revoked or amended by the Price Administrator at any time.

(f) This order shall become effective on the 12th day of September 1945.

Issued this 11th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45–16922; Filed, Sept. 11, 1945; 11:12 a. m.]

[MPR 188, Order 4415]

ATLANTIC LAMP FACTORY

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.158 of Maximum Price Regulation No. 188; *It is ordered:*

(a) This order establishes maximum prices for sales and deliveries of certain articles manufactured by Atlantic Lamp Factory, 663 North Wells Street, Chicago, Ill.

(1) For all sales and deliveries to the following classes of purchasers by the sellers indicated below, the maximum prices are those set forth below:

Article	Model No.	For sales by the manufacturer to—		For sales by any person to consumers
		Jobbers	Retailers	
		Each	*Each*	*Each*
China table lamp, decalcomania, and shade with top and bottom lined trim	11	$5.82	$6.85	$12.35
	22	7.00	8.20	14.80
	11–45	7.29	8.58	15.45
	35	10.05	11.83	21.30

These maximum prices are for the articles described in the manufacturer's application dated May 9, 1945.

(2) For sales by the manufacturer, the maximum prices apply to all sales and deliveries since Maximum Price Regulation No. 188 became applicable to those sales and deliveries. For sales to persons other than consumers they are f. o. b. factory. The maximum price to consumers is net, delivered.

(3) For sales by persons other than the manufacturer, the maximum prices apply to all sales and deliveries after the effective date of this order. Those prices are subject to each seller's customary terms and conditions of sale on sales of similar articles.

(4) If the manufacturer wishes to make sales and deliveries to any other class of purchaser or on other terms and conditions of sale, he must apply to the Office of Price Administration, Washington, D. C., under the Fourth Pricing Method, § 1499.158 of Maximum Price Regulation No. 188, for the establishment of maximum prices for those sales, and no sales or deliveries may be made until maximum prices have been authorized by the Office of Price Administration.

(b) The manufacturer shall attach a tag or label to every article for which a maximum price for sales to consumers is established by this order. That tag or label shall contain the following statement, with the proper model number and the ceiling price inserted in the blank spaces:

Model No. ------
OPA Retail Ceiling Price—$------
Do Not Detach

(c) At the time of, or prior to, the first invoice to each purchaser for resale, the manufacturer shall notify the purchaser in writing of the maximum prices and conditions established by this order for sales by the purchaser. This notice may be given in any convenient form.

(d) Jobber's maximum prices for sales of the articles covered by this order shall be established under the provisions of section 4.5 of SR 14J.

(e) This order may be revoked or amended by the Price Administrator at any time.

(f) This order shall become effective on the 12th day of September 1945.

Issued this 11th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45–16923; Filed, Sept. 11, 1945; 11:12 a. m.]

[MPR 188, Order 4417]

CENTRAL MERCHANDISE

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.158 of Maximum Price Regulation No. 188; *It is ordered:*

(a) This order establishes maximum prices for sales and deliveries of certain articles manufactured by Central Merchandise Company, 38 East 21st Street, New York 10, New York.

(1) For all sales and deliveries to the following classes of purchasers by the sellers indicated below, the maximum prices are those set forth below:

Article	Model No.	For sales by the manufacturer to—		For sales by any person to consumers
		Jobbers	Retailers	
		Each	*Each*	*Each*
24" Glazed china table lamp with leg handles, solid color ivory	4700	$3.83	$4.50	$8.45
20½" Metal table lamp enameled and decal decorated	8000	3.40	4.00	7.20
21" Plain china table lamp, glazed	4600	2.98	3.50	6.30
16" Boudoir lamp, crystal bobnail base, 2 bobnail ball breaks	1003	1.18	1.40	2.52
15" Crystal vanity lamp with bobnail base, bobnail ball break, fluted and bobnail top break	1001	1.58	1.80	3.24
12" Crystal vanity lamp bobnail base, and ball break, fluted tube and bobnail top break	1002	1.40	1.65	2.97
6" Pin-up lamp	1026	1.62	1.90	3.42

These maximum prices are for the articles described in the manufacturer's application dated May 7, 1945.

(2) For sales by the manufacturer, the maximum prices apply to all sales and deliveries since Maximum Price Regulation No. 188 became applicable to those sales and deliveries. For sales to persons other than consumers they are f. o. b. factory, 2% 10 days, net 30 days. The maximum price to consumers is net, delivered.

(3) For sales by persons other than the manufacturer, the maximum prices apply to all sales and deliveries after the effective date of this order. Those prices are subject to each seller's customary terms and conditions of sale on sales of similar articles.

(4) If the manufacturer wishes to make sales and deliveries to any other class of purchaser or on other terms and conditions of sale, he must apply to the Office of Price Administration, Washington, D. C., under the Fourth Pricing Method, § 1499.158 of Maximum Price Regulation No. 188, for the establishment of maximum prices for those sales, and no sales or deliveries may be made until maximum prices have been authorized by the Office of Price Administration.

(b) The manufacturer shall attach a tag or label to every article for which a maximum price for sales to consumers is established by this order. That tag or label shall contain the following statement, with the proper model number and the ceiling price inserted in the blank spaces:

Model No. ------
OPA Retail Ceiling Price—$------
Do Not Detach

(c) At the time of, or prior to, the first invoice to each purchaser for resale, the manufacturer shall notify the purchaser in writing of the maximum prices and conditions established by this order for sales by the purchaser. This notice may be given in any convenient form.

(d) Jobber's maximum prices for sales of the articles covered by this order shall be established under the provisions of section 4.5 of SR 14J.

(e) This order may be revoked or amended by the Price Administrator at any time.

(f) This order shall become effective on the 12th day of September, 1945.

Issued this 11th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45–16924; Filed, Sept. 11, 1945; 11:12 a. m.]

[MPR 260, Amdt. 1 to Order 1647]

F. & F. CIGAR FACTORY

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion accompanying this amendment and pursuant to § 1358.102 (b) of Maximum Price Regulation 260; *It is ordered*, That:

The maximum prices for the "F & F-Corona Especial" cigars set forth in Paragraph (a) of Order No. 1647 under Maximum Price Regulation No. 260, are amended to read as follows:

Brand	Size or frontmark	Packing	Maximum list price	Maximum retail price
			Per M	*Cents*
F & F	Corona Especial	50	$101.25	2 for 27

This amendment shall become effective September 12, 1945.

Issued this 11th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45–16925; Filed, Sept. 11, 1945; 11:14 a. m.]

[MPR 260, Order 1822]

EL GUASO CIGAR FACTORY

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion accompanying this order, and pursuant to § 1358.102 (b) of Maximum Price Regulation No. 260; *It is ordered*, That:

(a) El Guaso Cigar Factory, 918 11th Avenue, Tampa 5, Fla. (hereinafter called "manufacturer") and wholesalers and retailers may sell, offer to sell or deliver and any person may buy, offer to buy or receive each brand and size or frontmark, and packing of the following domestic cigars at the appropriate maxi-

mum list price and maximum retail price set forth below:

Brand	Size or frontmark	Packing	Maximum list price	Maximum retail price
			Per M	*Cents*
El Nemas	McKays	50	$68.75	2 for 25
	Caddies	50	108.75	2 for 29

(b) The manufacturer and wholesalers shall grant, with respect to their sales of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the discounts they customarily granted in March 1942 on their sales of domestic cigars of the same price class to purchasers of the same class, unless a change therein results in a lower price. Packing differentials charged by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class may be charged on corresponding sales of each brand and size or frontmark of cigars priced by this order, but shall not be increased. Packing differentials allowed by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class shall be allowed on corresponding sales of each brand and size or frontmark of cigars priced by this order and shall not be reduced. If a brand and size or frontmark of domestic cigars for which maximum prices are established by this order is of a price class not sold by the manufacturer or the particular wholesaler in March 1942, he shall, with respect to his sales thereof, grant the discounts and may charge and shall allow the packing differentials customarily granted, charged or allowed (as the case may be) in March 1942 by his most closely competitive seller of the same class on sales of domestic cigars of the same March 1942 price class to purchasers of the same class.

(c) On or before the first delivery to any purchaser of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the manufacturer and every other seller (except a retailer) shall notify the purchaser of the maximum list price and the maximum retail price established by this order for such brand and size or frontmark of domestic cigars. The notice shall conform to and be given in the manner prescribed by § 1358.113 of Maximum Price Regulation No. 260.

(d) Unless the context otherwise requires, appropriate provisions of Maximum Price Regulation No. 260, shall apply to sales for which maximum prices are established by this order.

(e) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective September 12, 1945.

Issued this 11th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-16926; Filed, Sept. 11, 1945; 11:14 a. m.]

[Gen. RO 8,[1] Revocation of Cancellation Order 1[2]]

WENTWORTH BUS LINES, INC.

Cancellation Order No. 1 issued under General Ration Order No. 8, dated June 30, 1945 (10 F.R. 8163) is hereby revoked.

This order shall become effective September 11, 1945.

Issued this 11th day of September 1945.

MAX MCCULLOUGH,
Deputy Administrator for Rationing.

[F. R. Doc. 45-16963; Filed, Sept. 11, 1945; 4:43 p. m.]

[MPR 592, Amdt. 8 to Order 1]

SPECIFIED CONSTRUCTION MATERIALS AND REFRACTORIES

An opinion accompanying this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.

Order No. 1 is amended in the following respects:

1. The title of article II is amended to read as follows:

ARTICLE II—MODIFICATION OF MAXIMUM PRICES FOR CLAY PRODUCTS EXCEPT REFRACTORIES

2. A new section 2.5 is added to article II of Order No. 1 to read as follows:

SEC. 2.5 *Definition of "purchaser of the same class".* The term "purchaser of the same class" as defined in section 5 (b) (4) of Maximum Price Regulation No. 592 shall not apply to manufacturers' sales of structural clay products (building brick, building tile, mortar mix, conduit, filter block, liners, underdrain and paving brick) and miscellaneous clay products (drain tile, floor, quarry, roofing and wall tile). As applied to manufacturers' sales of these products the following definition shall apply:

"Purchaser of the same class" means functional class such as consumer, contractor, dealer, distributor, jobber, industrial purchaser, or government agency. In determining the highest price charged to a functional class of purchaser, the seller may not consider isolated sales, or sales under unusual circumstances, which were unusually high in comparison with the seller's general level of prices charged to each class of purchasers.

Where the seller has a practice of quoting delivered prices for well defined areas, purchasers in each of such areas shall be considered as a separate functional class. For the purpose of this section, "delivered price" does not include sales made on a plant freight allowed or deducted basis.

This Amendment No. 8 shall become effective September 17, 1945.

Issued this 12th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-17091; Filed, Sept. 12, 1945; 11:53 a. m.]

[1] 8 F.R. 3783, 5677, 9626, 15455; 9 F.R. 402, 1325, 2746, 4196, 4878, 7419; 10 F.R. 860, 8836.
[2] 10 F.R. 8163, 8577, 9891.

Regional and District Office Orders.

[Vermont Order G-1 Under RMPR 259]

MODIFICATION OF DEDUCTION FOR F. O. B. SALES TO RETAILERS IN VERMONT

For the reasons set forth in the accompanying opinion, it is hereby ordered:

SECTION 1. *What this order does.* In accordance with the provisions of section 4.2 (b) of RMPR 259, this order establishes the amount to be deducted for sales to retailers made F. O. B. the sellers' premises from the ceiling price for sales to retailers delivered within the base delivery zone premises.

SEC. 2. *Where this order applies.* The provisions of this order apply to all wholesalers located within Vermont.

SEC. 3. *Applicability.* No person subject to this order may sell to any retailer within his base delivery zone, F. O. B. his premises without deducting five cents from his ceiling price.

SEC. 4. *Definitions.* Unless the context otherwise requires, the definitions set forth in section 302 of the Emergency Price Control Act of 1942, as amended, and in RMPR 259, as amended, shall apply to the terms used herein.

This order shall become effective September 5, 1945.

Issued this 30th day of August 1945.

JAMES J. CARNEY,
District Director.

[F. R. Doc. 45-16898; Filed, Sept. 10, 1945; 4:53 p. m.]

[Region V Order G-1 Under Supp. SR 43 to RMPR 165]

COTTON PICKING SERVICES IN BRAZORIA, CALHOUN, COLORADO, FORT BEND, JACKSON, MATAGORDA, REFUGIO, VICTORIA, AND WHARTON COUNTIES, TEX.

MAXIMUM RATES FOR COTTON PICKING SERVICES SUPPLIED BY INDEPENDENT CONTRACTORS

For the reasons set forth in the opinion issued simultaneously herewith and pursuant to the authority vested in the Regional Administrator of Region V by Supplementary Service Regulation No. 43 to Revised Maximum Price Regulation No. 165, it is ordered:

(a) *What this order does.* This order establishes maximum prices for the services of picking, pulling and snapping cotton when supplied by independent contractors in the counties of Brazoria, Calhoun, Colorado, Fort Bend, Jackson, Matagorda, Refugio, Victoria, and Wharton, Texas.

(b) *Maximum prices.* The maximum prices which an independent contractor may charge in the area defined in (a) for services in connection with the picking of well picked clean seed cotton and the pulling or snapping of cotton are established, as follows:

(1) Contractors may add to the amount per hundred pounds paid to cotton pickers, provided pickers' wages do not exceed the wage ceilings established by the Department of Agriculture, the following amounts, depending upon the distance from the field in which the cotton is picked to the gin in which the cotton is ginned:

Distance from Field to Gin:	*Amount contractors may add to pickers' wages, cents per 100*
Not more than 5 miles	25
More than 5 and not in excess of 10 miles	30
More than 10 miles	35

Contractor's maximum price would, therefore, be the sum of the amount per hundred pounds paid to picker not to exceed wage ceilings, plus the permitted additions shown above.

(2) Maximum prices herein established shall include the following services to be rendered to the cotton grower and cotton picker by the independent contractor at his own expense:

(i) Securing cotton pickers;
(ii) Hauling cotton pickers to the field;
(iii) Supervising the picking of the cotton;
(iv) Supplying drinking water to the pickers in the field;
(v) Weighing the cotton in the field and keeping records of the field weights of cotton picked by each picker;
(vi) Hauling the cotton to the gin; and
(vii) Paying the pickers out of the contract price for picking received from the producer of the cotton.

(3) Extra Services: No extra charge may be made by a contractor for the performance of services other than those listed in sub-paragraph (2) above.

(c) *Prohibited prices.* All practices which are designed to obtain prices higher than the maximum price established in this order are prohibited, including, but not limited to the giving or offering of a bonus to a contractor by a cotton producer and the demanding or receiving of a bonus from a cotton producer by a contractor.

(d) *Record keeping.* Contractors who supply services subject to this order are required to keep the following records and make them available for inspection upon request to authorized officials of the Office of Price Administration and the United States Department of Agriculture.

(1) Name and address of producers to whom services subject to this order are supplied.

(2) Number of pounds of cotton picked for each producer.

(3) The amount per hundred pounds paid to pickers by the contractor and the field weights on which such payments were made.

(4) The amount of payment received from producers for services supplied pursuant to this order.

(e) *Definition and terms used in this order.* "Independent contractor", as used in this regulation, refers to a person who supplies or offers to supply all of the services listed in paragraph (b) (2) herein and who is generally referred to in the trade as a crew leader.

This order may be revoked, revised, or modified at any time by the Office of Price Administration.

This order shall remain in effect for a period of 90 days from the issuance hereof; however, this order may be continued in effect by amendment issued either prior to or after the expiration of the 90 day period.

(56 Stat. 23, 765; 57 Stat. 566; Pub. Law 383, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued at Dallas, Texas, and effective this 30th day of August 1945.

W. A. ORTH,
Regional Administrator.

[F. R. Doc. 45-16899; Filed, Sept. 10, 1945; 4:53 p. m.]

[Quad-Cities Order G-1 Under Supp. Service Reg. 50 to RMPR 165]

CLEANING OF CESSPOOLS AND SEPTIC TANKS IN QUAD-CITIES DISTRICT

For reasons set forth in the accompanying opinion, it is hereby ordered:

SECTION 1. *What this order does.* This order establishes dollars-and-cents ceiling prices for cleaning of cesspools, septic tanks and services incidental thereto.

SEC. 2. *Area covered.* This order covers all sales of the above services to purchasers in the counties of Boone, Carroll, DeKalb, Hancock, Henderson, Henry, Jo Daviess, Lee, Mercer, Ogle, Rock Island, Stephenson, Whiteside and Winnebago in the State of Illinois, and Counties of Cedar, Clinton, Des Moines, Dubuque, Henry, Jackson, Jones, Lee, Louisa, Muscatine and Scott in the State of Iowa.

SEC. 3. *Applicability of RMPR 165.* Except as otherwise provided herein, all provisions now or hereafter incorporated in Revised Maximum Price Regulation 165 shall be and remain in full force and effect.

SEC. 4. *Dollars-and-cents ceiling prices established by this order.* 1. For cleaning all septic tanks and cesspools, $0.50 per cubic foot of refuse therein originally contained. This price shall be computed on and governed by the following factors:

A. Charge may only be made on the amount of refuse actually contained prior to cleaning.

B. In no case may the charge exceed the unit price times the cubic content of the container.

C. This price includes all necessary digging, mileage, estimating, and unclogging of the immediate inlet and outlet.

D. This price does not include major repairs to the receptacle itself, or to the sanitary system.

E. This price does not include any unclogging other than of the immediate inlet and outlet.

SEC. 5. *Invoices, statements and receipts.* I. All persons subject to this order are required to furnish each purchaser with an invoice, whether demanded or not, showing:

A. Cubic content of receptacle
B. Volume of refuse removed
C. Unit price and total charge
D. Itemized additional charges, if any, for major repairs

II. A copy of the above statement must be kept by the service supplier for his own records and must always be available for inspection by the OPA.

Effective date. This order shall become effective August 22, 1945.

Issued this 14th day of August 1945.

ROBERT M. HARPER,
District Director.

[F. R. Doc. 45-16900; Filed, Sept. 10, 1945; 4:53 p. m.]

[Quad-Cities Order G-2 Under RMPR 259]

CONTAINERS AND CASES OF DOMESTIC MALT BEVERAGES, IN QUAD-CITIES DISTRICT

For the reasons set forth in the accompanying opinion, it is hereby ordered:

SECTION 1. *What this order does.* In accordance with the provisions of section 5.2 (c) of RMPR 259, this order establishes uniform maximum deposit charges which may be imposed by wholesalers and retailers for cases and containers in connection with sales of domestic malt beverages in bottles or cases.

SEC. 2. *Where this order applies.* The provisions of this order apply to all wholesalers and retailers located within the Counties of Boone, Carroll, DeKalb, Hancock, Henderson, Henry, Jo Daviess, Lee, Mercer, Ogle, Rock Island, Stephenson, Whiteside and Winnebago in the State of Illinois and Counties of Cedar, Clinton, Des Moines, Dubuque, Henry, Jackson, Jones, Lee, Louisa, Muscatine and Scott in Iowa.

SEC. 3. *Applicability.* No wholesaler or retailer located within the area where this order is applicable may require a deposit from purchasers in excess of the sum permitted by this order.

SEC. 4. *Deposit charges established by this order.* The maximum deposit charges for all sellers to which this order is applicable are as follows:

	Cases	*Cents*
Wooden		52
Solid Fibre		32
Corrugated Carton		12
	Containers	
12-oz. bottle and smaller		2
32-oz. bottle		4

SEC. 5. *Definitions.* Unless the context otherwise requires, the definitions set forth in section 302 of the Emergency Price Control Act of 1942, as amended, shall apply to the terms used herein.

This order shall become effective August 20, 1945.

Issued this 31st day of July 1945.

ROBERT M. HARPER,
District Director.

[F. R. Doc. 45-16901; Filed, Sept. 10, 1945; 4:54 p. m.]

[Region VIII Order G-1 Under Gen. Order 61]

LUMBER IN SAN FRANCISCO REGION

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of the Office of Price Administration by Section 1 of General Order No. 61, it is hereby ordered:

(a) *F. o. b. sales.* The maximum prices in Region VIII at which any person may sell or deliver used lumber are as follows, f. o. b. location:

MAXIMUM PRICE PER 1,000 FEET BOARD MEASURE

Construction Lumber	In that part of region VIII in Arizona, California, and Nevada			In that part of region VIII in Oregon, Washington, and Idaho		
	Under 6' lengths	6' to 20' lengths	Over 20' lengths	Under 6' lengths	6' to 20' lengths	Over 20' lengths
Prime grade:						
Dimension and boards	$30	$40	$46	$24	$34	$40
Planks and timbers	32	42	48	27	36	42
Second grade:						
Dimension and boards	23	31	39	17	27	33
Planks and timbers	25	35	41	19	29	35

(For random length boards (minimum 3' and not over 20' 2" under 6') deduct $2 from 6' to 20' price for each area and grade.)

Finished lumber	Over 3' lengths	Over 3' lengths
Clear, boards, S4S (4/4", 5/4", 6/4")	$50	$45
Flooring and ceiling (T & G) and siding (run to pattern) (clear softwood):		
Vertical grain	50	45
Flat grain	40	35
Flooring (hardwood):		
3/8"	50	50
25/32"	75	75

NOTE: The above prices for construction and finished lumber are for lumber from which nails, bolts, plaster, and other foreign materials have been removed and split ends have been trimmed. Otherwise deduct $5.00 per MBM.

MAXIMUM PRICES PER SQUARE FOOT THROUGHOUT REGION VIII

Plywood	Wallboard grade	Sound 2 sides
Thickness:	*Cents*	*Cents*
1/4 inch	2.8	3.0
3/8 inch	3.8	4.0
1/2 inch	5.2	5.4
5/8 inch	6.1	6.3
3/4 inch	6.0	7.2

NOTE: For sales of less than $10.00, the prices provided by this paragraph (a) may be increased by 10 percent.

Used lumber not meeting the minimum specifications of the foregoing and used lumber the specifications for which do not appear on the seller's invoice shall be classified as firewood, for which the maximum price is $5.00 per cord of 128 cubic feet.

(b) *Delivered sales.* The maximum prices in Region VIII at which any person may sell or deliver used lumber, delivered at the customer's request to any point, shall be the maximum f. o. b. prices provided by paragraph (a) hereof plus the differential the seller had in effect in March 1942 between yard and delivered prices for deliveries of the same quantity of lumber for an equal distance. If the seller made no such deliveries he shall use the price differential of his nearest competitor but not exceeding the lowest available carrier rate.

(c) *Definitions.* Unless the context requires otherwise, expressions used in this order shall have the meaning given them by General Order No. 61, by the General Maximum Price Regulation, and by any Maximum Price Regulation applicable to new lumber. For the purposes of this order the following particular expressions shall have the following meaning:

(1) "Prime grade" is used lumber which is sound, strong, well manufactured, with firm grain suitable for substantial construction purposes, free from loose or rotten knots, knot holes, checks, rot, and defects which materially impair the strength of the piece. The size of the knots and nail or bolt holes shall be considered in connection with the size of the piece, and in combination must not impair the strength of the lumber. It includes used lumber which has been manufactured to meet these specifications.

(2) "Second grade" is used lumber which fails to qualify as prime grade but is reasonably good construction lumber. It may contain loose knots, knot holes, and other defects which do not interfere with its use for construction purposes.

(3) "Region VIII" means the states of Washington, Oregon (except Malheur county), California, Nevada, Arizona (except those portions of Coconino and Mohave counties north of the Colorado River), and the following counties in the State of Idaho: Benewah, Bonner, Boundary, Clearwater, Kootenai, Latah, Lewis, Nez Perce, Shoshone, and Idaho.

(d) Any seller who is equipped to remanufacture used lumber may apply to the Regional Office of the Office of Price Administration for authorization to make additions for ripping, resawing, and surfacing as provided by RMPR No. 539. Applications for such authorization must describe the seller's facilities for remanufacturing. Authorization, if granted, will be given by the Regional Administrator by written order.

(e) *General Order No. 61.* The provisions of General Order No. 61 are hereby adopted and made a part of this order, including particularly the following:

Section 5. Posting ceiling prices;
Section 6. Sales slips and receipts;
Section 7. Prohibited practices;
Section 9. Enforcement;
Section 10. Definitions.

(f) This order may be amended, corrected, or revoked at any time.

This order shall become effective this 4th day of September 1945.

Issued this 29th day of August 1945.

CHAS. R. BAIRD,
Regional Administrator.

[F. R. Doc. 45-16896; Filed, Sept. 10, 1945; 4:52 p. m.]

[Region VIII Order G-105 Under 18 (c), Revocation]

USED LUMBER IN SAN FRANCISCO REGION

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator by § 1499.18 (c) of the General Maximum Price Regulation and pursuant to the authority reserved in Order No. G-105 under § 1499.18 (c) of the General Maximum Price Regulation; *It is hereby ordered:*

(a) Order No. G-105 under § 1499.18 (c) of the General Maximum Price Regulation titled "Adjusted Maximum Prices for Used Lumber" is hereby revoked.

This order shall become effective this 4th day of September 1945.

Issued this 29th day of August 1945.

CHAS. R. BAIRD,
Regional Administrator.

[F. R. Doc. 45-16897; Filed, Sept. 10, 1945; 4:53 p. m.]

SELECTIVE SERVICE SYSTEM.

[Operations Order 38-A]

WEST COAST SHIP REPAIR YARDS EMPLOYEES POSTPONEMENT OF INDUCTION

Pursuant to the authority vested in me by the Selective Training and Service Act of 1940, as amended, I hereby rescind Operations Order No. 38.

This order shall become effective on August 28, 1945.

LEWIS B. HERSHEY,
Director

SEPTEMBER 11, 1945.

[F. R. Doc. 45-16962; Filed, Sept. 11, 1945; 4:37 p. m.]

WAR PRODUCTION BOARD.

[C-418]

STANLEY RIVERS

CONSENT ORDER

Stanley Rivers, of Wooden Shoe Camp, Gladwin, Michigan, is charged by the War Production Board with having begun and carried on construction during October 1943 and thereafter, without permission of the War Production Board, of a restaurant and beer parlor at Gladwin, Michigan, at an estimated cost in excess of the limit permitted by, and in violation of Conservation Order L-41. Stanley Rivers admits the violation as charged, does not desire to contest the charge, and has consented to the issuance of this order.

Wherefore, upon the agreement and consent of Stanley Rivers, the Regional Compliance Chief, and the Regional Attorney, and upon the approval of the Compliance Commissioner, *It is hereby ordered*, That:

(a) Stanley Rivers shall do no construction on the premises at Wooden Shoe Camp, Gladwin, Michigan, including putting up, altering or finishing the structure, unless hereafter specifically authorized in writing by the War Production Board.

(b) Nothing contained in this order shall be deemed to relieve Stanley Rivers from any restriction, prohibition or provision contained in any other order or regulation of the War Production Board, except in so far as the same may be inconsistent with the provisions hereof.

(c) The restrictions and prohibitions contained herein shall apply to Stanley Rivers, his successors or assigns, or persons acting on his behalf. Prohibitions against the taking of any action include the taking indirectly as well as directly of any such action.

Issued this 12th day of September 1945.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 45-17094; Filed, Sept. 12, 1945; 11:54 a. m.]

SEP 17 '45

FEDERAL REGISTER

VOLUME 10 NUMBER 181

Washington, Friday, September 14, 1945

The President

PROCLAMATION 2663

DISCONTINUING THE CASCO BAY, PORTSMOUTH, NEW HAMPSHIRE, BOSTON, CAPE HATTERAS, AND KEY WEST MARITIME CONTROL AREAS

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS the continuance of the maritime control areas hereinafter designated is no longer necessary in the interests of national defense:

NOW, THEREFORE, I, Harry S. Truman, by virtue of the authority vested in me as President of the United States, and as Commander in Chief of the Army and Navy of the United States, do hereby discontinue the following designated maritime control areas:

1. Boston Maritime Control Area, established by Proclamation No. 2540 of February 10, 1942.

2. Casco Bay Maritime Control Area, established by Proclamation No. 2569 of October 21, 1942.

3. Portsmouth, New Hampshire, Maritime Control Area, established by Proclamation No. 2569 of October 21, 1942.

4. Cape Hatteras Maritime Control Area, established by Proclamation No. 2569 of October 21, 1942.

5. Key West Maritime Control Area, established by Proclamation No. 2569 of October 21, 1942.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the United States of America to be affixed.

DONE at the City of Washington this 11th day of September in the year of our Lord nineteen hundred and forty-five, and of the independence of the United States of America the one hundred and seventieth.

[SEAL]

HARRY S. TRUMAN

By the President:

DEAN ACHESON,
Acting Secretary of State.

[F. R. Doc. 45-17133; Filed, Sept. 13, 1945; 11:36 a. m.]

Regulations

TITLE 14—CIVIL AVIATION

Chapter II—Administrator of Civil Aeronautics

[Amdt. 84]

PART 600—DESIGNATION OF CIVIL AIRWAYS

MISCELLANEOUS AIRWAYS

AUGUST 27, 1945.

Acting pursuant to the authority vested in me by section 302 of the Civil Aeronautics Act of 1938, as amended, I hereby amend Part 600 of the Regulations of the Administrator of Civil Aeronautics as follows:

Designation of Civil Airways: Blue Civil Airway No. 46. Redesignation of Civil Airways: Red Civil Airway No. 20. Blue Civil Airway No. 14.

1. By striking in § 600.10219 *Red civil airway No. 20 (Lansing, Mich., to Washington, D. C.)* the words: "the Martinsburg, W. Va., radio range station" and substituting in lieu thereof the following: "the intersection of the center lines of the on course signals of the southeast leg of the Pittsburgh, Pa., radio range and the northwest leg of the Washington, D. C., radio range".

2. By amending § 600.10313 *Blue civil airway No. 14 (Riverside, Calif., to Oakland, Calif.)* to read as follows:

§ 600.10313 *Blue civil airway No. 14 (Riverside, Calif., to Bakersfield, Calif.).* From the Riverside, Calif., radio range station via the intersection of the center lines of the on course signals of the northwest leg of the Riverside, Calif., radio range and the southeast leg of the Palmdale, Calif., radio range and the Palmdale, Calif., radio range station to the intersection of the center lines of the on course signals of the northwest leg of the Palmdale, Calif., radio range and the south leg of the Bakersfield, Calif., radio range.

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FEDERAL REGISTER

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NOTICE

1944 Supplement

Book 1 of the 1944 Supplement to the Code of Federal Regulations, containing Titles 1–10, including Presidential documents in full text, is now available from the Superintendent of Documents, Government Printing Office, at $3.00 per copy.

A limited sales stock of the Cumulative Supplement and the 1943 Supplement is still available as previously announced.

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3. By adding a new § 600.10345 to read as follows:

§ 600.10345 *Blue civil airway No. 46 (Los Angeles, Calif., to Oakland, Calif.)* From a point located at 34°52′ north latitude and 118°44′30″ west longitude to a point located at 37°00′30″ north latitude and 121°17′15″ west longitude.

This amendment shall become effective 0001 e. w. t., September 15, 1945.

A. E. STOCKBURGER,
Acting Administrator of Civil Aeronautics.

[F. R. Doc. 45-17115; Filed, Sept. 13, 1945; 9:35 a. m.]

[Amdt. 117]

PART 601—DESIGNATION OF AIRWAY TRAFFIC CONTROL AREAS, AIRPORT APPROACH ZONES, AIRPORT TRAFFIC ZONES AND RADIO FIXES

DESIGNATION OF AIRPORT APPROACH ZONES

AUGUST 27, 1945.

Acting pursuant to the authority vested in me by section 308 of the Civil Aeronautics Act of 1938, as amended, and Special Regulation No. 197 of the Civil Aeronautics Board, I hereby amend Part 601 of the Regulations of the Administrator of Civil Aeronautics as follows:

1. By adding a new § 601.200103 to read as follows:

§ 601.200103 *(Albany, Georgia, Airport Approach Zone).* Within a 25 mile radius of Turner Army Air Field, Albany, Georgia, up to and including the altitude of 600 feet above mean sea level.

2. By adding a new § 601.200104 to read as follows:

§ 601.200104 *(Hobbs, New Mexico, Airport Approach Zone.)* Within a 30 mile radius of Hobbs Army Air Field, Hobbs, New Mexico, up to and including the altitude of 11,000 feet above mean sea level.

3. By adding a new § 601.200105 to read as follows:

§ 601.200105 *(Liberal, Kansas, Airport Approach Zone).* Within a 25 mile radius of Liberal Army Air Field, Liberal, Kansas.

4. By adding a new § 601.200106 to read as follows:

§ 601.200106 *(Alexandria, Louisiana, Airport Approach Zone).* Within a 30 mile radius of Alexandria Army Air Field, Alexandria, Louisiana.

5. By adding a new § 601.200107 to read as follows:

§ 601.200107 *(Roswell, New Mexico, Airport Approach Zone).* Within a 30 mile radius of Roswell Army Air Field, Roswell, New Mexico.

This amendment shall become effective 0001 e. w. t., September 15, 1945.

A. E. STOCKBURGER,
Acting Administrator of Civil Aeronautics.

[F. R. Doc. 45-17116; Filed, Sept. 13, 1945; 9:35 a. m.]

[Amdt. 118]

PART 601—DESIGNATION OF AIRWAY TRAFFIC CONTROL AREAS, CONTROL ZONES OF INTERSECTION, CONTROL AIRPORTS AND RADIO FIXES

MISCELLANEOUS AIRWAYS, ETC.

AUGUST 27, 1945.

Acting pursuant to the authority vested in me by section 308 of the Civil Aeronautics Act of 1938, as amended, and Special Regulation No. 197 of the Civil Aeronautics Board, I hereby amend Part 601 of the Regulations of the Administrator of Civil Aeronautics as follows:

Redesignation of Airway Traffic Control Areas: Blue Civil Airway No. 14. Designation of Radio Fixes: Red Civil Airway No. 20. Redesignation of Radio Fixes: Green Civil Airways Nos. 2, 3 and 4. Amber Civil Airways Nos. 5 and 7. Red Civil Airways Nos. 12 and 13. Blue Civil Airways Nos. 14 and 46.

1. By amending § 601.10314 *Blue civil airway No. 14 airway traffic control areas (Riverside, Calif., to Oakland, Calif.)* to read as follows:

§ 601.10314 *Blue civil airway No. 14 airway traffic control areas (Riverside,*

Calif., to Bakersfield, Calif.). All of Blue civil airway No. 14.

2. By amending § 601.4002 *Green civil airway No. 2 (Seattle, Wash., to Boston, Mass.)* to read as follows:

§ 601.4002 *Green civil airway No. 2 (Seattle, Wash., to Boston, Mass.).* Seattle, Wash., radio range station; Ellensburg, Wash., radio range station; Ephrata, Wash., radio range station; Spokane, Wash., radio range station; Coeur D'Alene, Idaho radio range station; Mullan Pass, Idaho radio range station; Superior, Mont., radio range station; Missoula, Mont., radio range station; Drummond, Mont., radio range station; Helena, Mont., radio range station; Bozeman, Mont., radio range station; Livingston, Mont., radio marker station; Billings, Mont., radio range station; Custer, Mont., radio range station; Miles City, Mont., radio range station; Dickinson, N. Dak., radio range station; Bismarck, N. Dak., radio range station; Fargo, N. Dak., radio range station; Alexandria, Minn., radio range station; Minneapolis, Minn., radio range station; La Crosse, Wis., radio range station; Lone Rock, Wis., radio range station; Madison, Wis., radio range station; Milwaukee, Wis., radio range station; Muskegon, Mich., radio range station; Grand Rapids, Mich., radio range station; Lansing, Mich., radio range station; Wixom, Mich., fan type radio marker station or the intersection of the center lines of the on course signals of the north leg of the Romulus, Mich., (Romulus Army Air Field) radio range and the east leg of the Lansing, Mich., radio range; (Romulus Army Air Field) radio range station; the intersection of the center lines of the on course signals of the east leg of the Romulus, Mich., (Romulus Army Air Field) radio range and the southeast leg of the Selfridge, Mich., radio range; the intersection of the center lines of the on course signals of the east leg of the Clear Creek, Ontario radio range and the southwest leg of the Buffalo, N. Y., radio range; Buffalo, N. Y., radio range station; Syracuse, N. Y., radio range station; Utica, N. Y., radio range station; Albany, N. Y., radio range station; Westfield, Mass., radio range station; the intersection of the center lines of the on course signals of the northeast leg of the Hartford, Conn., radio range and the southeast leg of the Westfield, Mass., radio range; Franklin, Mass., fan type radio marker station or the intersection of the center lines of the on course signals of the northeast leg of the Providence, R. I., radio range and the southwest leg of the Boston, Mass., radio range; Boston, Mass., radio range station.

3. By amending § 601.4003 to read as follows:

§ 601.4003 *Green civil airway No. 3 (San Francisco, Calif., to New York, N. Y.).* San Francisco, Calif., radio range station; Oakland, Calif., radio range station; Sacramento, Calif., radio range station; Donner Summit, Calif., radio range station; Reno, Nev., radio range station; Humboldt, Nev., radio range station; Battle Mountain, Nev., radio range station; Elko, Nev., radio range station; Lucin, Utah, radio range station; Ogden, Utah, radio range station; Fort Bridger, Wyo., radio range station; Rock Springs, Wyo., radio range station; Sinclair, Wyo., radio range station; Cheyenne, Wyo., radio range station; North Platte, Nebr., radio range station; Grand Island, Nebr., radio range station; the intersection of the center lines of the on course signals of the north leg of the Lincoln, Nebr., radio range and the west leg of the Omaha, Nebr., radio range; Omaha, Nebr., radio range station; Des Moines, Iowa, radio range station; Iowa City, Iowa, radio marker station; Joliet, Ill., radio range station; the intersection of the center lines of the on course signals of the southeast leg of the Chicago, Ill., radio range and the west leg of the Goshen, Ind., radio range, Goshen, Ind., radio range station; Toledo, Ohio, radio range station; Cleveland, Ohio, radio range Station; Youngstown, Ohio, radio range station; Phillipsburg, Pa., radio range station; the intersection of the center lines of the on course signals of the north leg of the Harrisburg, Pa., radio range and the east leg of the Philipsburg, Pa., radio range; Allentown, Pa., radio range station; the intersection of the center lines of the on course signals of the east leg of the Allentown, Pa., radio range and the southwest leg of the Newark, N. J., radio range; the intersection of the center lines of the on course signals of the southeast leg of the Newark, N. J., radio range and the southwest leg of the New York, N. Y., (New York, LaGuardia Field) radio range; New York, N. Y., (New York, LaGuardia Field) radio range station.

4. By amending § 601.4004 to read as follows:

§ 601.4004 *Green civil airway No. 4 (Los Angeles, Calif., to Philadelphia, Pa.).* Los Angeles, Calif., radio range station; the intersection of the center lines of the on course signals of the north leg of the Los Angeles, Calif., radio range and the southwest leg of the Palmdale, Calif., radio range or the Newhall, Calif., radio range station; Palmdale, Calif., radio range station; the intersection of the center lines of the on course signals of the west leg of the Daggett, Calif., radio range and the north leg of the Riverside, Calif., radio range; Daggett, Calif., radio range station; the intersection of the center lines of the on course signals of the east leg of the Daggett, Calif., radio range and the southeast leg of the Silver Lake, Calif., radio range; Needles, Calif., radio range station; Prescott, Ariz., radio range station; Winslow, Ariz., radio range station; El Morro, N. Mex., radio range station; Acomita, N. Mex., radio range station; Albuquerque, N. Mex., radio range station; Tucumcari, N. Mex., radio range station; Amarillo, Tex., radio range station; the intersection of the center lines of the on course signals of the southwest leg of the Gage, Okla., radio range and the northwest leg of the Pampa, Tex., radio range; Gage, Okla., radio range station; Wichita, Kans., radio range station; Lebo, Kans., radio range station; Kansas City, Mo., radio range station; Columbia, Mo., radio range station; St. Louis, Mo., radio range station; Effingham, Ill., radio range station; Terre Haute, Ind., radio range station; Indianapolis, Ind., radio range station; Dayton, Ohio, radio range station; Columbus, Ohio, radio range station; Zanesville, Ohio, radio marker station; the intersection of the center lines of the on course signals of the west leg of the Pittsburgh, Pa., radio range and the south leg of the Youngstown, Ohio, radio range; Pittsburgh, Pa., radio range station; Altoona, Pa., radio range station; Harrisburig, Pa., radio range station; Philadelphia, Pa., radio range station.

5. By amending § 601.4015 to read as follows:

§ 601.4005 *Amber civil airway No. 5 (New Orleans, La., to Milwaukee, Wis.).* Jackson, Miss., radio range station; Greenwood, Miss., radio range station; Advance, Mo., radio range station; the intersection of the center lines of the on course signals of the south leg of the St. Louis, Mo., radio range and the southwest leg of the Scott Field, Ill., radio range; Springfield, Ill., radio range station; the intersection of the center lines of the on course signals of the east leg of the Peoria, Ill., radio range and the northeast leg of the Springfield, Ill., radio range; Chicago, Ill., radio range station; the intersection of the center lines of the on course signals of the northwest leg of the Chicago, Ill., radio range and the northeast leg of the Joliet, Ill., radio range.

6. By amending § 601.4017 to read as follows:

§ 601.4017 *Amber civil airway No. 7 (Key West, Fla., to Caribou, Maine).* Key West, Fla., radio range station; the intersection of the center lines of the on course signals of the northeast leg of the Key West, Fla., radio range and the southwest leg of the Homestead, Fla., radio range; Homestead, Fla., radio range station; Miami, Fla., radio range station; Morrison Field, West Palm Beach, Fla., radio range station; Melbourne, Fla., radio range station; Daytona Beach, Fla., radio range station; Savannah, Ga., radio range station; Charleston, S. C., radio range station; Florence, S. C., radio range station; Raleigh, N. C., radio range station; the intersection of the center lines of the on course signals of the northeast leg of the Washington, D. C., radio range and the west leg of the Baltimore, Md., radio range; Newark, N. J., radio range station; Port Chester, N. Y., fan type radio marker station or the intersection of the center lines of the on course signals of the southeast leg of the Stewart Field, N. Y., radio range and the northeast leg of the Newark, N. J., radio range; Hartford, Conn., radio range station; the intersection of the center lines of the on course signals of the northeast leg of the Boston, Mass., radio range and the southeast leg of the Concord, N. H., radio range; Portland, Maine, radio range station; Augusta, Maine, radio range station; Bangor, Maine, radio range station; Presque Isle, Maine, radio range station; Caribou, Maine, radio range station.

7. By amending § 601.40212 to read as follows:

§ 601.40212 *Red civil airway No. 12 (Kansas City, Mo., to Detroit, Mich.).* Kirksville, Mo., radio range station; Burlington, Iowa, radio range station; the intersection of the center lines of the on course signals of the north leg of the Peoria, Ill., radio range and the southwest leg of the Chicago, Ill., radio range; the intersection of the center lines of the on course signals of the southwest leg of the Chicago, Ill., radio range and the northwest leg of the Joliet, Ill., radio range; South Bend, Ind., radio range station; the intersection of the center lines of the on course signals of the south leg of the Lansing, Mich., radio range and the west leg of the Romulus, Mich., radio range.

8. By amending § 601.40213 to read as follows:

§ 601.40213 *Red civil airway No. 13 (Sunbury, Pa., to Boston, Mass.).* Wilkes-Barre, Pa., radio range station; Stewart Field, N. Y., radio range station; the intersection of the center lines of the on course signals of the southwest leg of the Boston, Mass., radio range and the west leg of the Providence, R. I., radio range; Providence, R. I., radio range station.

9. By amending § 601.40314 *Blue civil airway No. 14 (Bakersfield, Calif., to Oakland, Calif.)* to read as follows:

§ 601.40314 *Blue civil airway No. 14 (Riverside, Calif., to Bakersfield, Calif.).* The intersection of the center lines of the on course signals of the north leg of the Riverside, Calif., radio range and the southeast leg of the Palmdale, Calif., radio range.

10. By adding a new § 601.40346 to read as follows:

§ 601.40346 *Blue civil airway No. 46 (Los Angeles, Calif., to Oakland, Calif.)* No radio fix designation.

This amendment shall become effective 0001 E. w. t., September 15, 1945.

A. E. STOCKBURGER,
Acting Administrator of Civil Aeronautics.

[F. R. Doc. 45-17117; Filed, Sept. 13, 1945; 9:36 a. m.]

TITLE 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs

[T. D. 51309]

PART 4—VESSELS IN FOREIGN AND DOMESTIC TRADES

CANADIAN HALIBUT FISHING VESSELS; PERMISSION TO LAND CATCH OF HALIBUT IN ALASKA

SEPTEMBER 11, 1945.

Waiving compliance with the provisions of section 4311 of the Revised Statutes.

Upon the written recommendation of the Acting Secretary of State and by virtue of the authority vested in me by section 501 of the Second War Powers Act, 1942 (50 U.S.C. Sup. App. 635), as extended by the act of December 20, 1944 (50 U.S.C. Sup. App. 645), I hereby waive compliance with the provisions of section 4311 of the Revised Statutes (46 U.S.C. 251), to the extent necessary, until and including December 31, 1945, to permit Canadian fishing vessels engaging in the North Pacific halibut fishery only to land their catch of halibut in ports of entry in Alaska upon compliance with the applicable customs laws. I deem that such action is necessary in the conduct of the war.

[SEAL] HERBERT E. GASTON,
Acting Secretary of the Treasury.

[F. R. Doc. 45-17093; Filed, Sept. 12, 1945; 2:52 p. m.]

TITLE 30—MINERAL RESOURCES

Chapter VI—Solid Fuels Administration for War

[SFAW Reg. 31, Amdt. 2]

PART 602—GENERAL ORDERS AND DIRECTIVES

EXPORT OVERSEAS OF COKE

It appears appropriate to include coke under the provisions of SFAW Regulation No. 31, governing the export overseas of solid fuel.

Paragraph (b) of § 602.850 of SFAW Regulation No. 31 is, accordingly, amended to read as follows:

(b) "Solid fuel" means any form of bituminous, subbituminous, or lignitic coal; anthracite and semianthracite; processed fuel, briquettes and packaged fuel; and coke.

This amendment shall become effective immediately.

(E.O. 9332, 8 F.R. 5355; E.O. 9125, 7 F.R. 2719; Sec. 2 (a), 54 Stat. 676, as amended by 55 Stat. 236, 56 Stat. 176 and 58 Stat. 827)

Issued this 11th day of September 1945.

C. J. POTTER,
Deputy Solid Fuels Administrator for War.

[F. R. Doc. 45-17092; Filed, Sept. 12, 1945; 12:04 p. m.]

[SFAW Order 26, Revocation]

PART 602—GENERAL ORDERS AND DIRECTIVES

RETAIL DISTRIBUTION OF SOLID FUELS

It appears appropriate to relinquish SFAW controls on the retail distribution of solid fuels. Accordingly, pursuant to Executive Order No. 9332 (8 F. R. 5355), SFAW Regulation No. 26, as amended, is hereby revoked.

The provisions of this order shall become effective immediately. This order does not affect any liability heretofore incurred under the regulation.

(E.O. 9332, 8 F.R. 5355; E.O. 9125, 7 F.R. 2719; WPB Directive No. 33, is amended, 9 F.R. 64; sec. 2 (a), 54 Stat. 676, as amended by 55 Stat. 236, 56 Stat. 176 and 58 Stat. 827)

Issued this 12th day of September 1945.

HAROLD L. ICKES,
Solid Fuels Administrator for War.

[F. R. Doc. 45-17132; Filed, Sept. 13, 1945; 11:27 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter IX—War Production Board

AUTHORITY: Regulations in this chapter unless otherwise noted at the end of documents affected, issued under sec. 2 (a), 54 Stat. 676, as amended by 55 Stat. 236, 56 Stat. 177, 58 Stat. 827; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; E.O. 9599, 10 F.R. 10155; W.P.B. Reg. 1 as amended Dec. 31, 1943, 9 F.R. 64.

PART 904—PROCUREMENT

[Directive 4, Revocation]

PLACEMENT OF ORDERS FOR MACHINE TOOLS ALLOCATED TO FOREIGN COUNTRIES

Section 904.3 *Directive 4* is hereby revoked.

Issued this 13th day of September 1945.

J. A. KRUG,
Chairman.

[F. R. Doc. 45-17154; Filed, Sept. 13, 1945; 11:43 a. m.]

PART 905—SPECIFICATIONS

[Directive 29, Revocation]

NATIONAL EMERGENCY SPECIFICATIONS FOR THE DESIGN, FABRICATION AND ERECTION OF STRESS GRADE LUMBER AND ITS FASTENINGS FOR BUILDINGS

Section 905.3 *Directive 29* is hereby revoked.

Issued this 13th day of September 1945.

LINCOLN GORDON,
Program Vice Chairman.

[F. R. Doc. 45-17136; Filed, Sept. 13, 1945; 11:43 a. m.]

PART 944—REGULATIONS APPLICABLE TO THE OPERATIONS OF THE PRIORITIES SYSTEM

[Priorities Reg. 28, as Amended Sept. 11, 1945]

RESTRICTED PRIORITIES ASSISTANCE FOR NON-MILITARY PURPOSES

§ 944.49 *Priorities Regulation 28*—(a) *What this regulation does.* As a result of victory over Japan, military procurement has been drastically reduced. The supply of materials for non-military use is expected to increase rapidly so as to be generally adequate to meet all demands. There is consequently no further need for general priorities assistance for essential non-military needs, and WPB has announced in Priorities Regulation 29 the termination of AA ratings and the Controlled Materials Plan at the end of September. It is WPB's general policy not to grant further priorities assistance for non-military purposes. However, WPB is introducing

a new non-extendible CC rating for limited priorities assistance, where required in individual cases to assist reconversion or insure the continued fulfillment of essential civilian or export needs. This includes preference ratings for all purposes other than military procurement including production, construction, capital equipment, maintenance, repair, operating supplies, and export materials. This regulation explains the conditions under which WPB will assign the CC rating.

(b) *Other procedures for assigning ratings replaced.* Preference ratings for non-military purposes will be assigned from now on only in the way and under the conditions described in this regulation which supersedes previous procedures, such as Priorities Regulation 24, Direction 5 to Order L-41, and applications under CMP.

(c) *Applications*—(1) *How to apply for a CC rating.* Ordinarily, application for a CC rating under this regulation will be made on Form WPB-541A (revised) at your local field office. In a few cases, WPB may announce that a form other than WPB-541A (revised) may be provided. For instance, applications for textiles and related items for certain end uses should be made as explained in the orders in the M-317 series, and the M-328 series, and their schedules and directions.

(2) *WPB will return applications now on hand.* Since the surrender of Japan will make priorities assistance generally unnecessary, WPB will not process applications for preference ratings and allotments of controlled materials which have already been filed under old procedures, but will return them without action, except those requiring immediate emergency assistance. If you still need a preference rating, and if you can meet the conditions described in this regulation, you may file again.

(d) *When the WPB may assign a CC rating.* It is the general policy of the WPB not to grant further priorities assistance for non-military purposes. However, the WPB may in limited cases grant CC preference ratings for specific items and quantities of materials or equipment under the following conditions:

(1) The applicant is not able, without preference rating assistance, to get the item in the minimum quantity and on the latest date practicable, and the item is required for at least one of the following reasons:

(i) It is a "bottleneck item", a great majority of materials being obtainable without priorities assistance, and it is needed to maintain or begin operations at the minimum economic rate or to complete construction required for reconversion or other essential needs, or

(ii) The item is needed to prevent a delay in the completion on time of military production or construction, or

(iii) The item is needed to sustain or increase production of an item or a service which is in such tight supply that it is a serious threat to the economy, or

(iv) The item is needed to eliminate serious hazard to life, health, or safety of a large number of people, or to maintain essential public or other community services, or

(v) The item is needed in an emergency to remedy an actual or imminent breakdown or to replace an item which has been destroyed by flood, fire, tornado, or other Act of God, or

(vi) The item is needed for construction on a home to be occupied by a World War II veteran; and the application is made by the veteran. (In such cases, priorities assistance will be granted without a showing that the veteran is unable to get other suitable accommodations in accordance with the policy established by Congress in the Independent Offices Appropriation Act of 1946. Priorities assistance will be given to veterans who need it for other purposes if they meet the other conditions described in this paragraph (d),) or

NOTE: Subdivision (vii), formerly (vi), redesignated Sept. 11, 1945.

(vii) Where for other reasons, failure to obtain delivery of the item would result in unreasonable and exceptional hardship.

(2) Special consideration will be given to the needs of small business.

(3) WPB will not grant a CC rating in cases where it would preempt an undue proportion of the limited amounts available. If a material is in such short supply that it is generally hard to obtain, WPB may provide other procedures rather than a rating under this regulation.

(4) In addition to the above, CC ratings may be granted for textile and related items for certain uses as provided in orders in the M-317 series and the M-328 series, and their schedules and directions.

(f) *CC ratings for export*—(1) *In general.* In the case of materials for export (other than those textiles and related items referred to in paragraph (f) (2) below), applications from Canada will be handled on the same basis as United States applications. In the case of other exports, WPB will assign a CC rating to materials where it is demonstrated that a rating is necessary for procurement of materials in this country to prevent serious injury to the minimum essential civilian economies of friendly foreign nations or to obtain vitally needed supplies from foreign sources, or for other reasons of high public policy. Applications for such rating should be made to the Foreign Economic Administration on the forms prescribed by that agency.

(2) *Certain textiles and related items.* For exports, including shipments to Canada, of cotton broad woven fabrics for which set-asides are provided in the distribution schedules of Order M-317A, seine twine, fish netting, and cotton yarn, CC ratings may be granted, on specific applications only, to the extent of the export programs fixed by the WPB. Applications for such rating should be made to the Foreign Economic Administration, on the forms prescribed by that agency; except that for shipments to Canada applications should be filed with the Cotton Administrator of the Wartime Prices and Trade Board and will be acted on by the WPB.

Issued this 11th day of September 1945.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 45-16996; Filed, Sept. 11, 1945; 4:50 p. m.]

PART 944—REGULATIONS APPLICABLE TO THE OPERATIONS OF THE PRIORITIES SYSTEM

[Priorities Reg. 29, as Amended Sept. 11 1945]

REVISED PRIORITIES SYSTEM

§ 944.50 *Priorities Regulation 29*—(a) *What this regulation does:* This regulation describes the accelerated transition to a revised and simplified priorities system. The system previously announced in Priorities Regulation 29 to take effect on January 1, 1946 was designed to insure the continuing production of military and other essential requirements for the Japanese war. Victory over Japan has reduced military requirements to such an extent that the previously announced system is no longer appropriate. There are four principal features of the modified system as explained in this regulation: (1) the new system will become fully effective on October 1 instead of January 1 as originally announced; (2) WPB is introducing a new nonextendible "CC" preference rating which will be used in individual cases to assist reconversion and insure the continued fulfillment of essential civilian and export needs; (3) the MM rating originally introduced for military use will be continued for the time being to support the requirements of the occupation forces and other continuing military needs; (4) Priorities Regulation 30, which provided for direct assignment of MM ratings by WPB under certain circumstances, has been revoked. There will also be changes in other orders and regulations of the WPB. It may not be practicable to make all such changes before this regulation is published and if there is any inconsistency between this regulation and any other regulation or order of the WPB, this one controls unless the other expressly states the contrary.

(b) *General description of new rating system.* The present system of AA ratings (AA-1, AA-2, AA-2X, AA-3, AA-4 and AA-5) and the Controlled Materials Plan will be discontinued on September 30, 1945 and will be replaced by the following:

(1) The AAA rating will still be assigned in emergencies as under existing procedures.

(2) The new MM rating will be assigned by the Army and Navy and other military agencies. WPB Directive 41 and other WPB Directives will explain the rules governing the assignment of ratings by those agencies. The WPB will not generally assign the MM rating directly to manufacturers, and Priorities Regulation 30 which was issued for that purpose has been revoked. In a few instances, the WPB may assign MM ratings directly for specific items and quantities of materials or equipment, but this will be done only where it is clearly necessary for requirements of high urgency. Do not apply to WPB for an MM rating unless it is specifically announced by a direction to this regulation or other formal action of the WPB that WPB will assign it.

(3) The new CC rating will be assigned as described in Priorities Regulation 28. That regulation describes the limited conditions under which WPB may assign the CC rating for any purpose, except actual military procurement. The new CC rating is not extendible except as explained in paragraph (g) (2) at the end of this regulation, and in Priorities Regulation 3.

(4) The rules for the acceptance and filling of rated orders and the use of ratings are the same for the MM and CC ratings as for ratings in the AA series, except as otherwise stated in this regulation or other orders and regulations of the WPB. During the period from July 1 through September 30, the MM rating is equivalent to AA-1, and the CC rating is equivalent to AA-2.

(5) [Deleted Sept. 11, 1945.]

(c) *Expiration of AA ratings.* (1) The AA rating system remains effective as to deliveries between now and the end of September, 1945.

(2) Effective immediately, all preference ratings in the AA series are cancelled on purchase orders calling for delivery after September 30. Suppliers must disregard any AA ratings on purchase orders for delivery after September 30 which they have received or which they may receive, and must treat such orders as unrated. However, in the case of textile and related items covered by Schedule A of Order M-328, AA ratings on purchase orders for delivery after the end of September remain valid through September 30, 1945. After that time, AA ratings for textile and related items shall expire, and orders bearing AA ratings must be treated as unrated unless a specific new rating of AAA, MM or CC is received.

(3) WPB will discontinue immediately the assignment of AA ratings for delivery after September 30.

(4) Orders bearing AA ratings identified as military orders will not be automatically re-rated MM as previously provided in this regulation. Most of them have already been unrated, as explained in Direction 1 to this regulation. Other military orders with AA ratings which call for delivery after September 30 must be treated as unrated orders in the same way as all other orders bearing ratings in the AA series. Some orders may be specifically re-rated MM or CC, but a supplier must not assume that this will be done and must treat the orders as unrated unless a specific re-rating is received.

(d) *End of Controlled Materials Plan.* (1) On October 1, the Controlled Materials Plan and all regulations and directions issued under it (except inventory restrictions) will automatically expire, including directions or directives issued before August 21, 1945, to individually named controlled materials producers, warehouses, or distributors.

(2) Until the end of September, deliveries of controlled materials will continue to be regulated by the Controlled Materials Plan alone and not by ratings. However, an order for controlled materials rated AAA, MM, or CC is to be treated as an authorized controlled material order.

(3) Effective immediately, all fourth quarter and subsequent allotments of controlled materials are cancelled. Controlled material producers and warehouses must treat every authorized controlled material order for fourth or subsequent quarter delivery as an unrated order, unless it is specifically re-rated AAA, MM or CC.

(4) Authorized controlled material orders identified as military orders will not be automatically re-rated MM as previously provided in this regulation. Most of them have already been unrated as explained in Direction 1 to this regulation. Other authorized controlled material orders which call for delivery after September 30, must be treated as unrated orders in the same way as all other authorized controlled material orders. Some orders may be specifically re-rated MM or CC, but a supplier must not assume that this will be done and must treat the orders as unrated unless a specific re-rating is received.

(e) *Maintenance, repair and operating supplies.* (1) CMP Regulations 5 and 5A and the P and U orders assigning priorities assistance for maintenance, repair and operating supplies will remain in effect through September 30 at which time they will expire.

(2) Under the new rating system, after September 30, ratings will not be given for maintenance, repair and operating supplies on a blanket basis similar to CMP Regulations 5 and 5A and the present P and U orders.

(f) *Construction, facilities and equipment.* (1) CC ratings for construction material, facilities and equipment will be assigned by WPB under the conditions described in Priorities Regulation 28, instead of Priorities Regulation 24, which has been revoked, and Direction 5 to Order L-41.

(2) Military agencies will assign the MM rating for certain construction, facilities and equipment, required for military prime and subcontracts as described in the appropriate WPB Directives. Application for these ratings should be made on Form WPB-542 to the appropriate military agency. In a few cases, the WPB may assign the MM rating for construction where it is clearly necessary for requirements of high urgency. Do not apply to WPB for an MM rating for construction unless WPB has specifically announced that it will assign such rating.

(g) *Extension of customers' ratings*—(1) *MM ratings.* The rules of Priorities Regulation 3 as to extension of customers' ratings apply to MM ratings in the same way as to AA ratings. Manufacturers of Class B products and unclassified products who receive their production material ratings from the WPB and are forbidden by CMP Regulation 3 and Priorities Regulation 11B to extend their customers' ratings, may nevertheless extend customers' MM ratings for delivery after September 30 as explained in Priorities Regulation 3.

(2) *CC ratings.* The CC rating cannot be extended by a supplier to get production materials needed to make the item sold to his customer, or to replace in inventory materials used to make the item. A distributor, warehouse, retailer or other person who resells the item without further fabrication may extend the CC rating where he does not have the item in inventory, but may not extend the rating to replace the item in inventory.

A textile converter receiving a CC rating from his customer for finished fabric may extend the rating to get the gray fabric (including the portion of it which would normally be consumed or converted into scrap or by-product in the course of processing) which he will deliver in finished state on that order, or to replace in inventory fabric used to fill the order. However, if after delivering the material he still has a practicable working minimum inventory he may not extend the CC rating to replace the material delivered; and if by making the delivery his inventory is reduced below this minimum, the CC rating may be extended to get only the amount necessary to restore the inventory to a practicable working minimum. Any material ordered to replace inventory must be substantially the same (except for the finishing) as the material which the person delivered, except for minor variations in construction.

Issued this 11th day of September 1945.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 45-16997; Filed, Sept. 11, 1945; 4:51 p. m.]

PART 944—REGULATIONS APPLICABLE TO THE OPERATION OF THE PRIORITIES SYSTEM

[Priorities Reg. 31, Amdt. 2]

BLANKET REVOCATION OF CERTAIN WPB ORDERS

Section 944.52 *Priorities Regulation 31* is amended by adding the following orders to the list of orders revoked:

LIST OF ORDERS REVOKED AND EFFECTIVE DATE OF REVOCATION

TEXTILES, CLOTHING AND LEATHER

Section 1238.1, L-130, Men's and Boys' Apparel, etc., September 12, 1945.

Section 3260.145, L-163, Patterns for Garments, etc., September 12, 1945.

Section 3290.140, L–169, Shirts, exclusive of Work Shirts, and Pajamas, September 12, 1945.

LUMBER AND LUMBER PRODUCTS

Section 3285.121, L–335, Lumber Control Order, September 30, 1945.

Issued this 12th day of September 1945.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 45-17110; Filed, Sept. 12, 1945; 4:45 p. m.]

PART 3290—TEXTILE, CLOTHING AND LEATHER

[Conservation Order M–328B, Schedule C, as Amended Sept. 12, 1945]

SPECIAL PROGRAM FOR COTTON FABRICS FOR CIVILIAN APPAREL ITEMS

§ 3290.120c *Schedule C to Order M–328B*—(a) *Explanation.* This schedule states the special rules in addition to those set forth in Order M–328B for manufacturers of civilian apparel made of cotton fabric to get an AA–3 preference rating for fabric to make the items listed in this schedule.

(b) *Definitions.* (1) "Fabric", unless otherwise designated, means a woven fabric twelve inches or more in width.

(2) "Cotton fabric" means any fabric containing less than 25% wool by weight, but of which the remaining fibers are 50% or more cotton by weight.

(3) "Cotton item" means an item of which more than 50% of the fabric yardage incorporated in it, exclusive of linings, bindings and trimmings, is cotton fabric.

(4) "Base period manufacturer" and "base period" mean the same as they do in M–328B except that a person who did not manufacture an item listed in this schedule during the base period at or below the maximum price set forth in the schedule shall not be a base period manufacturer.

(c) *Requirements for obtaining priorities assistance.* (1) Three copies of form WPB–3732 must be filed in making application for priorities assistance under this schedule in accordance with the rules stated in paragraph (c) of Order M–328B, except that for the fourth quarter of 1945 applications shall be postmarked not later than September 5, 1945.

(2) A person who has received a rated quota under Order M–388A pursuant to an application on Form WPB–4200 who files Form WPB–3732 (revised) for the third calendar quarter of 1945 by July 21, 1945, may, as soon as he files his application, apply an AA–3 rating for the purchase of cotton fabrics for delivery in that quarter for incorporation into the cotton items for which application is made. He may do so only for an item he made in the base period and only for 15% of his rated quota under M–388A with respect to any item. Cotton fabrics purchased under this provision shall be deducted by the manufacturer from the total quantity for which priorities assistance is ultimately granted on form WPB–3732 (revised). If the applicant does not ultimately receive a grant of the entire quantity thus rated, he shall, upon notification of his grant by the War Production Board, immediately cancel orders for any undelivered quantities which are in excess of his grant.

(3) A manufacturer receiving an allocation for an item under this schedule for a quarter must subtract from his rated quota for that item under Order M–388A for that quarter, the total yardage of fabrics for which priorities assistance is granted under this schedule to determine the quantity of fabrics which he may purchase with an AA–4 rating under his M–388A rated quota. If the quantity of fabrics for which an AA–3 rating is authorized for an item under this schedule is in excess of his AA–4 rated quota in M–388A, the manufacturer may not use an AA–4 rating under M–388A for that item.

(4) A manufacturer who files Form WPB–3732 for the fourth quarter of 1945 by September 5, 1945, may, as soon as he files his application, apply an AA–3 rating for the purchase of cotton fabric for delivery in that quarter for incorporation into the items for which application is made. He may do so only for an item he made in the base period at or below the price shown in the preference rating schedule or for which he received an allocation under this schedule, for the third quarter of 1945, and only for one-third of the yardage of fabric consumed in the production of that item during the base period or 50% of the yardage allocated to him by the War Production Board for the third quarter, whichever is smaller. Fabric purchased under this provision shall be deducted by the manufacturer from the total quantity for which priorities assistance is granted pursuant to his application on Form WPB–3732. If the applicant does not receive a grant of the entire quantity thus rated he shall upon notification of his grant by the War Production Board immediately unrate or cancel orders for any undelivered quantities which are in excess of his grant.

Manufacturers who did not produce in the base period the items applied for on Form WPB–3732 at or below the price shown in the preference rating schedule, or who do not receive an allocation for them under this schedule for the third quarter of 1945, may not use any ratings under this schedule for the fourth quarter of 1945, until the War Production Board has assigned them a quota.

(5) *Provisions in case of governmental cut-backs.* At any time during any calendar quarter a manufacturer who has received cancellations or cut-backs on military contracts or orders placed by any agency of the U. S. Government, or who during the quarter has production facilities made available, may apply to the War Production Board on Form WPB–3732 for priorities assistance to manufacture items listed in this schedule. Such applications will be approved to the extent of available materials and the need for additional production of the items applied for.

(6) When a fabric is removed from the fabric column for any item, each manufacturer must immediately cancel or unrate any unfilled orders for that fabric which he placed with ratings assigned under this Schedule for that item.

(7) Whenever a fabric is added to a Preference Rating Schedule for any item, an applicant who has filed WPB–3732 for that item need not file a new application, but may send a letter to the War Production Board, Textile, Clothing and Leather Bureau, Washington 25, D. C., requesting authorization to use the new fabric in place of or in addition to fabrics previously applied for. Where the change is only in the sley of the fabric, the authorization to be issued by the War Production Board will give effect to such change and no letter is required. The letter must specify the item number, the description of the item, the complete description of all of the authorized fabrics which the applicant wishes to use during the quarter and the number of linear yards of each fabric for which priorities assistance is requested. Such letters should be mailed within five days of the issuance date of an amendment incorporating additional fabrics for an item.

(d) *General provisions.* (1) Preference ratings assigned under this schedule may be used only to get the particular cotton fabrics shown in the fabric column of the preference rating schedule to make the cotton items specified.

(2) The fabrics must be incorporated into an item produced for sale by the manufacturer at or below the lower of the following two prices:

(i) The price at which the manufacturer is permitted to sell the item under regulations of the Office of Price Administration; or

(ii) The price specified in the Maximum Price column.

(3) If applications are received for fabric in excess of the amount of fabric which can be allocated to any item, allocations will be assigned in proportion to the manufacturer's base period production of that item. However, an equitable portion of available fabrics will be allocated to applicants who did not produce the items in the base period. If the quantity of a specific construction of fabric is requested in excess of the quantity of that construction which is available for allocation under this schedule the War Production Board may substitute other fabrics for the fabrics applied for taking into account the price of such fabrics with relationship to the price at which the manufacturers will sell the finished item.

(4) A manufacturer who is not a base period manufacturer must comply with the provisions of paragraph (c) (6) of M–328B.

(5) The quantity of cotton fabric which may be applied for by a base period manufacturer, for making an item in each price specified in his application, may not be greater than 100% of the linear yardage used by him in the base period for making that item at such specified price; except that a manufacturer may apply for a larger quantity of an item at a lower price if he decreases the quantity of an item applied for at a higher price by the same number of units.

(6) Additional priorities assistance may be given for the procurement of cotton narrow woven selvage edge tape needed for incorporation into the number of units for which priorities assistance is granted. Requests for this additional priorities assistance shall be made on Form WPB–3732 separately for each item for which application is made.

(7) Manufacturers who did not manufacture an item in the base period must produce the item in the size assortments listed opposite each item in the size assortment column. Where normal industry practice appears, the manufacturer should state his proposed sizes in the remarks section of Form WPB–3732 (revised). If his application is granted, he must comply with these size assortments.

Issued this 12th day of September 1945.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

AA–3 PREFERENCE RATING SCHEDULE NO. 1—COTTON FABRICS FOR CHILDREN'S APPAREL

NOTE: This schedule applies to the use of preference ratings for the delivery of fabric during the third quarter of 1945.

M–388A Item No.	Description of cotton item	Size range	Size assortment per dozen for other than base period manufacturers [1]	Maximum price column	Fabric column
A–9	Creepers, Rompers	6 mos–2 yrs	6 mo.–1–1½–2 3–3–3–3	$8.50	Carded poplin, sheeting yarn. Print cloth, sley of 66 to 78. Carded broadcloth, 80 sley and less. Chambray, 4.20 yard and lighter.
A–10(a)	Pajamas; 2-piece button-on with or without feet.	1–4	1–2–3–4 3–3–3–3	9.00	Outing flannel.
(b)	Pajamas; 2-piece button-on with extra pants	1–4	1–2–3–4 3–3–3–3	10.50	Print cloth, sley of 56 to 65 (plisse). Outing flannel.
A–11(a)	Pajamas; 1-piece with or without feet	2–8	2–4–6–8 2–2–4–4	9.00	Outing flannel.
(b)	Pajamas; 2-piece jacket sytle	2–8	2–4–6–8 2–2–4–4	10.50	Print cloth, sley of 56 to 65 (plisse). Outing flannel.
A–12	Pajamas; 2-piece jacket style	8–16	8–10–12–14–16 2–2–3–3–2	12.00	Outing flannel.
A–13	Night gowns: Infants	0–1	Normal Industry Practice	13.50	Print cloth, sley of 56 to 65 (plisse).
A–14	Night gowns; Children's	1–4	Normal Industry Practice	4.50	Outing flannel. Print cloth, sley of 56 to 65 (plisse).
A–15	Night gowns; Children's	2–8	Normal Industry Practice	4.50	Outing flannel.
A–16	Night gowns; Children's	8–16	8–10–12–14–16–2–2–3–3–2	7.50	Outing flannel.
A–17	Kimonos; Infants	0–1	Normal Industry Practice	10.50	Outing flannel.
A–18	Gertrudes: Infants	0–1	Normal Industry Practice	4.50	Outing flannel. Print cloth, sley of 56 to 65 (plisse).
A–19	Dresses: Infants	0–1	Even	4.50	Outing flannel. Print cloth, sley of 56 to 65 (plisse).
A–20	Dresses: Toddlers	1–3	1–2–3 2–4–6	9.75	Lawns, 96 x 100. Dimity. Print cloth, sley of 62 to 65.
A–21	Dresses: Children's	3–6X	3–4–5–6–6X 1–2–3–3–3	10.50	Carded broadcloth, more than 80 sley. Lawns, 96 x 100. Pique. Print cloth, sley of 66 to 78.
A–22	Dresses: Girls	7–14	Normal Industry Practice	10.50	Carded broadcloth, more than 80 sley. Carded poplin, sley of 88 to 99.
A–23	Slips: Toddlers	1–3	1–2–3 4–4–1	15.75	Print cloth, sley of 66 to 78. Carded broadcloth, more than 80 sley. Carded poplin, sheeting yarn. Gingham, 4.00 and heavier.
A–24	Slips: Girls, gertrude type	2–14	2–4–6–8–10–12–14 1–2–2–3–2–1–1	8.75	Lawns, 96 x 100. Lawns, 76 x 72.
A–25	Slips: Girls, shoulder strap style	10–16	10–12–14–16 1–4–4–3	6.75	Lawns, 96 x 100. Lawns, 76 x 72. Print cloth, sley of 66 to 78. Carded broadcloth, 80 sley or less.
A–27	Blouses: Girls	2–6X	Normal Industry Practice	9.75	Lawns, 96 x 100. Lawns, 76 x 72. Print cloth, sley of 66 to 78. Carded broadcloth, 80 sley or less. Dotted Swiss.
A–28	Blouses, Girls	7–14	7–8–10–12–14 2–2–3–3–2	8.50	Dimity. Carded broadcloth, more than 80 sley.
A–29	Panties: Girls	2–12	2–4–6–8–10–12 1–2–2–3–2–2	9.75	Dotted Swiss Dimity. Print cloth, sley of 66 to 78. Carded broadcloth, more than 80 sley. Carded poplin, sley of 88 to 99
A–30	Overalls and Coveralls (includes crawlers)	1–4	1–2–3–4 3–3–3–3	8.75	Print cloth, sley of 62 to 65.
A–32	Overalls and Coveralls	2–8	Normal Industry Practice	9.00	Print cloth, sley of 66 to 78. Carded poplin, sley of 88 to 99. Sport denim. Chambray, 4.20 and lighter. Ticking.
A–34	Wash suits: Boys; Toddlers	1–4	Normal Industry Practice	10.50	Print cloth, sley of 66 to 78. Carded poplin, sley of 88 to 99. Sport denim. Chambray, 4.20 and lighter. Carded poplin, sheeting yarn.
A–[illegible]	Wash suits: Boys; short pants	2–8	Normal Industry Practice	9.25	Pique. Carded poplin, sley of 88 to 99. Print cloth, sley of 66 to 78.
(b)	Wash suits: Boys; long pants	2–8	Normal Industry Practice	10.50	Carded broadcloth more than 80 sley. Carded poplin, sley of 88 to 99. Seersucker.
A–[illegible]	Shirts and Blouses: Boys	2–10	2–4–6–8–10 2–2–3–3–2	10.50	Print cloth, sley of 66 to 78. Carded broadcloth, more than 80 sley. Carded poplin, sley of 88 to 99. Seersucker.
A–[illegible]	Shirts: Boys	11–14½	Normal Industry Practice	8.50	Print cloth, sley of 66 to 78. Carded poplin, sheeting yarn. Carded poplin, sley of 88 to 99. Print cloth, sley of 66 to 78.
A–37	Pants: Boys, short	4–10	Normal Industry Practice	10.50	Carded broadcloth, more than 80 sley. Carded poplin, sheeting yarn. Carded poplin, sley of 88 to 99 Suitings.
A–38	Pants: Boys, long	4–12	Normal Industry Practice	10.50	Carded poplin, sheeting yarn
A–39	Under shorts: Boys	6–10	Normal Industry Practice	15.75	Suitings. Carded poplin, sheeting yarn.
				3.50	Carded poplin, sheeting yarn. Print cloth, sley of 62 to 65.

[1] First line indicates size. Second line the number of each size.

AA-3 PREFERENCE RATING SCHEDULE NO. 2—COTTON FABRICS FOR CIVILIAN APPAREL

NOTE: This schedule applies to the use of preference ratings for the delivery of fabric during the fourth quarter of 1945. NOTE: Schedule amended September 12, 1945.

Item No.	Description of cotton item	Size range	Size assortment per dozen for other than base period manufacturers[1]	Maximum price column	Fabric column
1	Dresses: Misses', Women's, and Juniors'	38 to 44 10 to 20 9 to 17 46 and up	Normal Industry Practice	$24.00 27.00	Cotton and spun rayon mixtures containing less than 25% by weight of rayon and lighter than 3.00 square yards per pound. Carded gingham 5.50 yards per pound and heavier. Window shade quality print cloth, 64 sley and higher, 56 sley and higher, 5.70 yards per pound and heavier on 39 inch basis. Print cloths, sley 62 and higher. Carded broadcloths and not more than 100 sley. Carded poplins not more than 100 sley. Class "C" sheeting.
2	Slips: Women's	38 to 44 46 and up	Normal Industry Practice Normal Industry Practice	8.50 9.75	Print cloths, sley of 62 and higher. Carded broadcloth, not more than 100 sley.
3	Nightgowns: Women's	42 and up	Normal Industry Practice	18.50	88/80 lawns. 76/72 lawns. Outing flannel, 4.50 yards per pound and lighter. Carded poplins, sley of 88 and higher.
4	Shirts: Men's	14 to 17 17½ and up	Normal Industry Practice	16.50 19.50	Carded broadcloth, any sley. Print cloths, sley of 66 and higher. Oxford, carded.
5	Shirts: Men's	14 to 17 17½ and up	Normal Industry Practice	24.00 27.00	Combed broadcloth, any sley. Shirting, jacquard, gray-dobby and colored yarn (combed). Oxfords, combed. Carded poplins, sley of 88 and higher.
6	Undershorts: Men's	28 to 44 46 and up	Normal Industry Practice	5.50 7.25	Carded broadcloth, any sley. Oxford, carded. Print cloth, sley of 62 and higher.
7	Undershorts: Men's	28 to 44 46 and up	Normal Industry Practice	8.50 9.75	Oxford, combed. Shirting, jacquard, gray-dobby and colored yarn (combed).
8	Creepers, rompers	6 mos. to 2 yrs	6 mos—1-1½-2 3-3-3-3	10.50	Print cloth, sley of 62 to 72. Print cloth, sley of 56 to 65 (plisse). Carded broadcloth, not more than 100 sley. Carded poplin, sley of 88 to 100. Carded chambray, lighter than 3.90 yards per pound.
9	Pajamas: Button-on 2-piece, with or without feet or button-on with extra pants.	1 to 4	1-2-3-4 3-3-3-3	12.00	Print cloth, sley of 56 to 65, (plisse). Outing flannel, 4.50 yards per pound and lighter. Print cloth, sley of 62 to 65. Print cloth, sley of 62 and higher.
10	Pajamas: 1-piece with or without feet	2 to 8	2-4-6-8 2-2-4-4	12.00	Print cloth, sley of 56 to 65 (plisse). Carded broadcloth, not more than 100 sley. Outing flannel, 4.50 yards per pound and lighter.
11	Pajamas: 2-piece jacket type	2 to 8	2-4-6-8 2-2-4-4	13.50	Carded broadcloth, not more than 100 sley. Outing flannel, 4.50 yards per pound and lighter. Print cloth, sley of 62 and higher. Print cloth, sley of 56 to 61 (plisse).
12	Pajamas: 2-piece jacket type	8 to 16	8-10-12-14-16 2-2-3-3-2	15.75	Carded broadcloth, not more than 100 sley. Outing flannel, 4.50 yards per pound and lighter. Print cloth, sley of 62 and higher. Print cloth, sley of 56 to 61 (plisse). Print cloth, sley of 56 to 65 (plisse).
13	Nightgowns: Infants'	0 to 1	Normal Industry Practice	4.50	76/72 lawns. 72/56 lawns. Outing flannel, 4.50 yards per pound and lighter. Print cloth sley of 62 to 65.
14	Nightgowns	1 to 3	Normal Industry Practice	6.00	Print cloth, sley of 62 to 65. Print cloth, sley of 56 to 65 (plisse). 88/80 lawns. 76/72 lawns. 72/56 lawns. Outing flannel, 4.50 yards per pound and lighter.
15	Nightgowns	2 to 8	Normal Industry Practice	8.50	88/80 lawns. 76/72 lawns. Print cloth, sley of 56 to 65, (plisse). Outing flannel, 4.50 yards per pound and lighter. Print cloth, sley of 62 to 65.
16	Nightgowns	8 to 16	8-10-12-14-16 2-2-3-3-2	12.00	88/80 lawns. 76/72 lawns. Print cloth, sley of 56 to 65, (plisse). Outing flannel, 4.50 yards per pound and lighter. Print cloth, sley of 62 to 65.
17	Kimonos: Infants'	0 to 1	Normal Industry Practice	4.50	Print cloth, sley of 56 to 65, (plisse). Outing flannel, 4.50 yards per pound and lighter. Print cloth, sley of 62 to 65.
18	Gertrudes: Infants'	0 to 1	Normal Industry Practice	4.50	88/80 lawns. 76/72 lawns. 72/56 lawns. Outing flannel, 4.50 yards per pound and lighter.
19	Dresses: Infants'	0 to 1 yr.	Even	10.50	Dimities. Carded poplin, 100 sley and less. Carded broadcloth, 80 sley and less. 88/80 lawns. 76/72 lawns. 72/56 lawns. Print cloth, sley of 62 to 65. Print cloth, sley of 62 and higher. Print cloth, sley of 56 to 61, (plisse). Piques.
20	Dresses: Toddlers' and Children's	1 to 3 3 to 6x	1-2-3 2-4-6 3-4-5-6-6x 1-2-3-3-3	15.75	Print cloth, sley of 62 to 65, (plisse). Carded poplin, 100 sley and less. Carded broadcloth, not more than 100 sley. 88/80 lawns. 76/72 lawns. 72/56 lawns. Carded chambray, lighter than 3.90 yards per pound. Dimities. Dotted swiss, carded undyed yarn.

[1] First line indicates size. Second line the number of each size.

AA-3 PREFERENCE RATING SCHEDULE NO. 2—COTTON FABRICS FOR CIVILIAN APPAREL—Continued

Item No.	Description of cotton item	Size range	Size assortment per dozen for other than base period manufacturers[1]	Maximum price column	Fabric column
21	Dresses, Girls'	7 to 14	Normal Industry Practice	16.50	Print cloth, sley of 62 and higher. Print cloth, sley of 56 to 65 (plisse). Carded poplin, 100 sley and less. Carded broadcloth, not more than 100 sley. Carded chambray, lighter than 3.90 yards per pound. Carded gingham and seersucker.
22	Dresses, Teen-age Girls'	10 to 16	Normal Industry Practice	18.75	Print cloth, sley of 62 and higher. Print cloth, sley of 56 to 65 (plisse). Carded poplin, 100 sley and less. Carded broadcloth, not more than 100 sley. Carded chambray, lighter than 3.90 yards per pound. Seersucker. Carded gingham.
23	Slips: Toddlers'	1 to 3	1-2-3 4-4-4	4.50	Carded broadcloth, not more than 100 sley. 88/80 lawns. 76/72 lawns. 72/56 lawns. Print cloth, sley of 62 to 65.
24	Slips: Girls' Gertrude type	2 to 14	2-4-6-8-10-12-14 1-2-2-3-2-1-1	6.75	Carded broadcloth, not more than 100 sley. Print cloth, sley of 62 and higher. 88/80 lawns. 76/72 lawns. 72/56 lawns.
25	Slips: Girls' Shoulder strap	10 to 16	10-12-14-16 1-4-4-3	9.75	Carded broadcloth, not more than 100 sley. 88/80 lawns. Print cloth, sley of 62 and higher.
26	Blouses: Children's	2 to 6X	Normal Industry Practice	12.00	Carded poplin, 100 sley and less. Carded broadcloth, not more than 100 sley. 76/72 lawns. Dimities. Dotted swiss, carded undyed yarn.
27	Blouses: Girls'	7 to 14	7-8-10-12-14 2-2-3-3-2	13.50	Print cloth, sley of 62 and higher. Dimities. Carded poplin, 100 sley and less. Carded broadcloth, not more than 100 sley. 88/80 lawns. 76/72 lawns. Dotted swiss, carded undyed yarns.
28	Panties: Girls'	2 to 12	2-4-6-8-10-12 1-2-2-3-2-2	4.50	Carded broadcloth, not more than 100 sley. Print cloth, sley of 62 and higher. 88/80 lawns. 76/72 lawns. 72/56 lawns.
29	Overalls and coveralls	1 to 4 years 2 to 8 years	1-2-3-4 3-3-3-3 Normal Industry Practice.	12.00	Print cloth, sley. of 56 to 65, (plisse). Sport denims. Carded chambray, lighter than 3.90 yards per pound. Twills (other than 3 leaf). Drills.
30	Overalls: Crawler type	6 mos. to 2 years.	Normal Industry Practice	10.50	Print cloth, sley of 62 and higher. Print cloth, sley of 56 to 65, (plisse). Carded poplin, 100 sley and less. Carded broadcloth, not more than 100 sley. Carded chambray, lighter than 3.90 yards per pound.
31	Wash suits, boys', toddlers'	1 to 4, 2 to 8	Normal Industry Practice	15.75	Carded poplin, 100 sley and less. Carded broadcloth, not more than 100 sley. Print cloth, sley of 62 and higher. Print cloth, sley of 56 to 65, (plisse). Carded chambray, lighter than 3.90 yards per pound. Sport denim. Pique. Seersucker. Carded poplin, sheeting yarns. Drills. Twills (other than 3 leaf).
32	Boys' shirts and blouses	2 to 10	2-4-6-8-10 2-2-3-3-2	9.00	Print cloth, sley of 62 and higher. Carded poplin, 100 sley and less. Carded broadcloth, not more than 100 sley.
33	Shirts: Boys'	11 to 14½	Normal Industry Practice	12.00	Carded poplin, sley of 88 and higher. Carded broadcloth, 80 sley and higher. Print cloth, sley of 62 and higher.
34	Pants: Boys'	4 to 10	Normal Industry Practice	13.50	Drills. Twills (other than three leaf). Gabardines. Suitings (cotton; cotton and rayon, and mixtures containing less than 25% wool).
35	Undershorts: Boys'	6 to 16	Normal Industry Practice	4.25	Carded poplin, sheeting yarn. Carded poplin, sley of 88 and higher. Carded broadcloth, 80 sley and higher. Print cloth, sley of 62 and higher.
36	Sun suits: Boys' and Girls'	1 to 8	Normal Industry Practice	9.00	Sport denim. Carded chambray, lighter than 3.90 yds/lb. Print cloth, sley of 62 and higher. Print cloth, sley of 56 to 65 (plisse). Pique. Carded broadcloth not more than 100 sley. 88/80 lawns. 76/72 lawns.
37	Wash suits: Boys' (Must be made in full size range of at least 3 to 10).	3 to 12	Normal Industry Practice	17.25	Carded poplin, 100 sley and less. Carded poplin, 100 sley and less. Carded broadcloth, 100 sley and less. Print cloth, sley of 62 and higher. Carded chambray, lighter than 3.90 yds/lb. Carded poplin, sheeting yarns. Print cloth, sley of 56 to 65 (plisse). Drills. Twills (other than three leaf). Sport denim. Pique. Seersucker.

[1] First line indicates size. Second line the number of each size.

[F. R. Doc. 45-17111; Filed, Sept. 12, 1945; 4:45 p. m.]

PART 4600—RUBBER, SYNTHETIC RUBBER AND PRODUCTS THEREOF

[Rubber Order R–1, Amdt. 7 to Appendix II, as Amended May 30, 1945]

Appendix II, Manufacturing Regulations, as amended May 30, 1945, is hereby further amended in the following particulars:

1. By deleting List 1, *Regulations for the Tire and Tube Production Pattern.*

2. By changing List 8, *Regulations for the Manufacture of Tires and Tire Casings (Except Airplane and Bicycle Tires)*, to read as follows:

LIST 8—REGULATIONS FOR THE MANUFACTURE OF TIRES AND TIRE CASINGS (EXCEPT AIRPLANE AND BICYCLE TIRES)

(a) *General provisions.* (1) The natural rubber content of any tire or tire casing governed by this List 8 shall not include processing losses or natural rubber used in curing bags.

(2) No natural rubber latex shall be consumed in the cord treatment. Dispersions of natural rubber may be used for cord treatment and the amount of natural rubber solids so consumed shall be included in the maximum content natural rubber permitted for each tire.

(3) The use of rayon in the manufacture of tires and tire casings governed by this List 8 shall conform to the regulations set forth in List 15, Appendix II.

(4) Fewer plies of 2200 denier rayon cord may be used than specified for standard cord provided "ply rating" as defined by current Tire and Rim Association standards is not reduced. The same permitted "maximum content natural rubber" shall remain in effect.

(5) Only 100 level tires as commonly known to the tire industry may be manufactured in any size, ply and type, and that grade must be consistent with maintaining a quality adequate for the service for which the tire is designed. All types of pneumatic tires shall be manufactured with black sidewalls only.

(6) Where "Mud-snow" type tread is designated in this List 8, tires with either directional or non-directional (ND) tread designs may be manufactured.

(7) Single marked high pressure type tires or single marked balloon type tires may be substituted for dual marked type tires.

(b) *Manufacturing regulations.* (1) Pneumatic tires of any size, ply and tread type may be manufactured provided that they conform to the regulations for S–3 synthetic construction tires in List 6, Appendix II.

(2) Solid tires (except bogie, idler and support rollers), including cured-on solid tires, 4" x 1½" up, and lug base industrial (unbonded) type may be manufactured: Provided, that:

Natural rubber is consumed only as follows:

Hard rubber base type. Natural rubber shall be consumed only in cements and or hard base and shall not exceed, by weight, ten percent of the total RHC.

Tie-gum base (soft base) type. Natural rubber shall be consumed only in cement and or tie gum and shall not exceed, by weight, eight percent of the total RHC. Individual sizes may exceed the eight percent maximum, *Provided*, That, the average natural rubber content of all sizes does not exceed the eight percent maximum.

Lug base industrial (unbonded) type. Natural rubber shall be consumed only in cements and/or splicing gum and shall not exceed, by weight, .75 percent of the total RHC. Individual sizes may exceed the .75 percent maximum, *Provided*, That, the average natural rubber content of all sizes does not exceed the .75 percent maximum.

(3) The manufacture of tires and tire casings consuming more natural rubber than permitted by paragraph (b) (1) and (b) (2) of this List 8 shall be limited to the sizes, plies and tread types listed in this paragraph (b) (3), subject to the maximum natural rubber contents or construction designated therefor.

TABLE A—TRUCK AND BUS TIRES

Size	Ply	Tread type	Construction		Maximum content natural rubber in pounds			
			Civilian orders	Government orders	Civilian orders		Government orders	
					Rayon	Cotton	Rayon	Cotton
7.00–18	10	Highway	S–4	S–4	4.05		3.70	
-20(32 x 6)	10	do	S–4	S–4	4.05		4.05	
-20(32 x 6)	10	Mud-snow	S–4	S–4	4.60		4.60	
-24(36 x 6)	10	Highway	S–4	S–4	2.85		2.85	
7.50–16	6	do	S–4	S–4	3.20		3.20	
-16	8	do	S–4	S–4	4.20			2.20
-16	8	Mud-snow	S–4	S–4	3.60		3.60	
-17	8	Highway	S–4	S–4	3.85		3.85	
-18	8	do	S–4	S–4	4.05		4.05	
-20	8	do	S–4	S–4	4.05			3.30
-20	8	Mud-snow	S–4	S–4				
-20(34 x 7)	10	Highway	S–4	S–4	4.70		4.70	
-20(34 x 7)	10	Mud-snow	S–4	S–4	4.70		4.70	
-24(38 x 7)	10	Highway	S–4	S–4	5.35		5.35	
8.25–18	10	do	S–6	S–6	10.85		10.85	
-20	10	do	S–6	S–6	11.95		11.95	
-20	10	Mud-snow	S–4	S–4	5.35		5.35	
-20	12	Highway	7–6	S–6	12.60		12.60	
9.00–16	8	Mud-snow		S–4				3.40
-16	10	Highway		S–4			5.50	
-16	10	Mud-snow		S–6	12.80		5.50	
-18	10	Highway	S–6	S–6	14.85		12.80	
-20	10	do	S–4	S–6	16.75		13.85	
-20	10	Mud-snow	S–4	S–6	14.85		6.75	
-20(36 x 8	12	Highway	S–6	S–6	14.75		14.85	
-22	10	do	S–6	S–6	17.40		14.75	
-24(40 x 8	12	do		S–4			17.40	
-24(40 x 8	12	Mud-snow		S–4			7.20	
10.00–18	12	Highway	S–6	S–6	15.55		15.55	
-20	12	do	S–6	S–6	16.75		16.75	
-20	12	Mud-snow	S–4	S–4	7.50		7.50	
-20	14	do		S–6			8.25	
-20(38 x 9	14	Highway	S–6	S–6	18.50		17.50	
-24(38 x 9	11	Highway	S–6	S–6	18.15		18.15	
-22	12	do		S–4			8.00	
-22	12	Mud-snow		S–4			7.20	
-24	12	Highway	S–6	S–6	19.30		19.30	
-24	12	Mud-snow		S–6			8.50	
-24	12	Highway		S–6			17.50	
10.50–16	12	Mud-snow		S–6			17.50	
-16	10	do		S–4			7.00	
-18	10	do		S–4				
11.00–18	10	Desert		S–6				
-18	12	Highway	S–6	S–6	19.00			
-20	12	do	S–6	S–6	20.00			
-20	12	Mud-snow	S–6	S–6	20.00		20.00	
-20	14	Highway		S–6	20.90		20.90	
-20	14	Mud-snow		S–6				
-22	12	Highway		S–6	21.00			
-22	14	do	S–6	S–6	22.50		22.50	
-22	14	Mud-snow		S–6				
-22	12	Highway	S–6	S–6	22.40		22.40	
-24	14	do	S–6	S–6	23.80		23.80	
-24	14	Mud-snow		S–6				
-24	14	Highway	S–6	S–6	24.50		24.50	
12.00–20	16	do	S–6	S–6			25.20	
-20	16	Mud-snow		S–6			26.20	
-20	14	Highway	S–6	S–6	27.00			
-24	16	do		S–6			28.70	
-24	16	Mud-snow		S–6			28.70	
13.00–20	16	Highway	S–6	S–6	28.00		28.00	
-24	16	do	S–6	S–6	32.00		32.00	
-24	16	Mud-snow		S–6			32.00	
-24	12	do		S–4			14.00	
14.00–20	18	Highway	S–7	S–7	80.00			
-20	20	do		S–7			82.00	
-20	20	Mud-snow	S–7	S–7	60.00		80.00	
-20	18	Highway		S–7				
-24	20	do		S–7			141.00	
-24	20	Mud-snow	S–6	S–11	7.80		148.40	
7.50–15	10	Std. lowpbt, tlr	S–6	S–6			7.80	
-15	12	do	S–6	S–6	10.50		8.60	
8.25–15	12	do		S–6			10.50	
-15	14	do		S–6			12.40	
9.00–15	12	do	S–6	S–6	12.40		12.40	
10.00–15	12	do		S–6			13.50	
-15	14	do	S–6	S–6	15.00		15.08	
7.50 down	All	City bus mileage	S–4	S–6	(1)			
8.25 up	All	do	S–6	S–6	(2)			
7.50 down	All	Interclty bus mileage	S–4	S–6	(1)			
8.25 and 9.00	All	do	S–6	S–6				
10.00 up	All	do	S–6	S–6				

[1] 13⅓% of total RHC by weight.
[2] 33⅓% of total RHC by weight
[3] 10-ply 2200 denier rayon construction permitted. The "maximum content natural rubber" shall be the same for 10-ply cotton.

TABLE B—SPECIAL-PURPOSE TIRES

Size	Ply [2]	Tread type	Construction		Maximum content natural rubber in pounds [1]			
			Civilian orders	Government orders	Civilian orders		Government orders	
					Rayon	Cotton	Rayon	Cotton
8.25–20	10	Earthmover	S–6	S–6		15.00		15.00
9.00–20	10	do	S–6	S–6		18.00		18.00
10.00–20	12	do	S–6	S–6		21.00		21.00
11.00–20	12	do	S–6	S–6		23.00		23.00
12.00–20	12	do	S–6	S–6		25.00		25.00
-20	16	do	S–6	S–6		29.00		29.00
13.00–20	14	do	S–6	S–6		31.00		31.00
14.00–20	16	do	S–6	S–6		40.00		40.00
16.00–20	16	do	S–6	S–6		52.00		52.00
18.00–24	16	do	S–6	S–6		70.00		70.00
18.00–24	20	do	S–6	S–6		78.00		78.00
21.00–24	16	do	S–7	S–7		314.00		314.00
-24	20	do	S–7	S–7		333.00		333.00
24.00–32	24	do	S–7	S–7		448.00		448.00
-32	36	do	S–7	S–7		516.00		516.00
7.00–15	10	Rock service and logger	S–7	S–7		31.00		31.00
7.50–15	12	do	S–7	S–7		32.50		32.50
8.25–15	12	do	S–7	S–7		41.00		41.00
-20	12	do	S–7	S–7		45.00		45.00
9.00–20	12	do	S–7	S–7		54.00		54.00
10.00–20	14	do	S–7	S–7		64.00		64.00
-22	14	do	S–7	S–7		68.00		68.00
11.00–20	14	do	S–7	S–7		76.00		76.00
-22	14	do	S–7	S–7		79.00		79.00
-24	14	do	S–7	S–7		84.00		84.00
12.00–20	16	Rock service	S–7	S–7		95.00		95.00
-24	16	do	S–7	S–7		101.00		101.00
13.00–24	18	do	S–7	S–7		131.00		131.00
14.00–20	20	do	S–7	S–7		150.00		150.00
-24	20	do	S–7	S–7		168.00		168.00
16.00–24	20	do	S–7	S–7		234.00		234.00
-24	24	do	S–7	S–7		265.00		265.00
-32	24	do	S–7	S–7		310.00		310.00
18.00–24	20	do	S–7	S–7		296.00		296.00
-24	24	do	S–7	S–7		325.00		325.00
21.00–24	20	do	S–7	S–7		436.00		436.00
-24	24	do	S–7	S–7		463.00		463.00
8.25–20	10	Logger	S–7	S–7		30.00		30.00
9.00–20	10	do	S–7	S–7		37.00		37.00
10.00–20	12	do	S–7	S–7		44.00		44.00
-22	12	do	S–7	S–7		49.00		49.00
11.00–20	12	do	S–7	S–7		52.00		52.00
-22	12	do	S–7	S–7		55.00		55.00
18.00–21	16	Mud-snow	S–7	S–7		218.00		218.00
-24	20	do	S–7	S–7		252.00		252.00
21.00–24	16	do	S–7	S–7		300.00		300.00
-24	20	do	S–7	S–7		310.00		310.00
-28	20	do	S–7	S–7		370.00		370.00
21.00–28	24	do	S–7	S–7		420.00		420.00
-32	24	do	S–7	S–7		448.00		448.00
-42	36	do	S–7	S–7		505.00		505.00
24.00–32	28	do	S–7	S–7		715.00		715.00
7.00–20	10	Ribbed (flat base)	S–4	S–4		2.60		2.60
-24	10	do	S–4	S–4		3.00		3.00
7.50–20	10	do	S–4	S–4		3.40		3.40
9.00–24	10	do	S–4	S–4		5.00		5.00
-24	10	Traction (flat base)	S–4	S–4		4.60		4.60
-24	10	Traction (drop center)	S–4	S–4		4.60		4.60
10.00–24	8	do	S–4	S–4		6.80		6.80
11.00–24	8	do	S–4	S–4		7.10		7.10
12.00–24	8	do	S–4	S–4		8.10		8.10
13.00–20	10	do	S–4	S–4		9.60		9.60
-24	8	do	S–4	S–4		10.00		10.00
14.00–20	12	do	S–4	S–4		12.30		12.30
8.00–16		Combat					4.60	
8.25–20		do					26.00	
9.00–20		do					30.00	
11.00–20		Combat (mud-snow)		S–11			210.00	
-20		Combat (highway)		S–11			210.00	

[1] "Maximum content natural rubber" is based on cotton or 2200 denier rayon construction.
[2] Extra ply 1100 denier rayon construction is permitted. The "maximum content natural rubber" of standard 10-ply cotton construction shall be effective for such extra ply construction
[3] 32 ply 2200 denier rayon construction permitted. The "maximum content natural rubber" for 36 ply shall be established.

TABLE C—BOGIE, IDLER AND SUPPORT ROLLERS

Description of product:	Maximum percent, by weight, of total hydrocarbon which may be natural rubber
Bogie wheels:	
26 x 6	8
20½ x 6¼	8
25¼ x 4¼	8
20 x 6 x 16	8
14 x 4⅛	8
12 x 4⅛	8
20 x 3	8
8 x 1¼	8
20 x 9 x 16	(1)
12 x 7¼	(1)

[1] As needed.

TABLE C—BOGIE, IDLER AND SUPPORT ROLLERS—continued

Description of product:	Maximum percent, by weight, of total hydrocarbon which may be natural rubber
Idler wheels:	
22 x 6¼	8
19 x 3	8
7 x 7¼	8
Support rollers:	
14 x 3	8
13½ x 3¾	8
10 x 5	8
11 x 3	8
9 x 6	8
7¼ x 1¼	8
24 x 7¼	(1)
All other	(1)

(c) *Branding of tires.* (1) All synthetic rubber tires or tire casings manufactured to fill either Civilian or Government orders shall have a colored dot, either circular or rectangular (with or without rounded corners or ends) and with an average effective dimension of at least one inch, vulcanized on both sides of the tire, appropriate color to be determined from paragraph (c) (2) of List 6. In addition, all synthetic rubber pneumatic tires or tire casings shall bear, on both sides of the tire and in characters at least five-eighths inch high, a brand showing the appropriate synthetic construction identification. The colored dot and the brand shall be permanent and may be superimposed if desired. The color dot and synthetic construction identification may be smaller than the designated minimum on sizes of tires for which the designated minimum is unreasonably large.

(d) *Definitions.* (1) Where used in this List 8, "Highway" as applied to tread type means regular skid-depth, "100" level, on-the-road type.

(2) Where used in this List 8, "Mud-snow" as applied to tread type means extra traction, on-and-off-the-road type.

3. By changing List 9, *Regulations for the Manufacture of Tire Tubes (Except Airplane and Bicycle Tire Tubes)* to read as follows:

LIST 9—REGULATIONS FOR THE MANUFACTURE OF TIRE TUBES (EXCEPT AIRPLANE AND BICYCLE TIRE TUBES)

(a) *Manufacturing regulations.* (1) Tubes of any size and type may be manufactured to fill both Government and Civilian orders (subject, for Government orders, to the approval of the procuring agency): *Provided*, That:

(i) Natural rubber and natural rubber latex may be consumed only in valves (where permitted in List 16), valve adhesion pads, splicing gum strips and cements, and identification inks and cements.

(ii) Passenger car tubes of all types shall contain not more than .02 pound of natural rubber per tube.

(2) The manufacture of tubes consuming more natural rubber than permitted by paragraph (a)(1)(i) of this List 9 is prohibited.

(3) The manufacture of tubes from GR–I shall be limited to the sizes and types listed in Tables A and B

TABLE A—GOVERNMENT ORDERS ONLY

Size:	Type
6.00–16	Passenger.
6.00–16	Truck.
6.00–16	Combat (U. S.).
6.00–20	Do.
8.00–16	Do.
8.25–20	Do.
9.00–20	Do.
14.00–20	Do.
14.00–24	Do.
10.50 11.00–18	Truck and bus (desert).
14.00–20	Do.

TABLE B—GOVERNMENT AND CIVILIAN ORDERS

Size:	Type
6.00–17	Truck and bus.
6.00–20	Do.
6.50 and larger, all rim diameters.	Do.
6.50 and larger, all rim diameters.	Passenger.
All	Motorcycle.
All	Pneumatic Industrial
All	Tractor and Implement; except 5.50–16 and 6.00–16.

(c) *Marking of synthetic tubes.* All tubes containing synthetic rubber shall have a permanent circumferential colored stripe at least three-eighths inch wide applied on the

base section of the tube. The appropriate color shall be determined from paragraph (c) (2) of List 6, Appendix II.

4. By changing List 14, *Regulations for the Manufacture of Tank Tracks and Band Tracks*, to read as follows:

LIST 14—REGULATIONS FOR THE MANUFACTURE OF TANK TRACKS AND BAND TRACKS

Manufacturing regulations. The manufacture of tank tracks and band tracks is subject only to the regulations on the use of natural rubber shown in Table A below:

TABLE A—TANK TRACKS AND BAND TRACKS

Description of product:	*Maximum percent, by weight, of total hydrocarbon which may be natural rubber*
Band tracks, tractor M–2	31.
Band tracks, carrier, cargo, M–29 and M–29C	60.
Band tracks, half-track vehicles	30.
Tank track blocks	8.
Rubber backed tracks	8.
Tank rack pin bushings, and links	As required.
All other	As required.

(Sec. 2 (a), 54 Stat. 676, as amended by 55 Stat. 236 and 56 Stat. 177; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; E.O. 9246, 7 F.R. 7379, as amended by E.O. 9475, 9 F.R. 10317; WPB Reg. 1 as amended Dec. 31, 1943, 9 F.R. 64)

Issued this 13th day of September 1945.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 45–17137; Filed, Sept. 13, 1945; 11:44 a. m.]

PART 1010—SUSPENSION ORDERS

[Suspension Order S–690, Revocation]

BORIS LIPKIN

Boris Lipkin, 2300 South Adams Street, Peoria, Illinois, was charged with beginning unauthorized construction on a farm of 487 acres near Mackinaw, Illinois, in the vicinity of Peoria, Illinois, which exceeded the limit of $1,000.00 permitted by Conservation Order L–41. This construction was as follows: A new hen house, a new garage attached to new hen house, a new hog house, a new sheep shed on the rear of the barn, and new and extensive cement driveways. Suspension Order No. S–690 was issued against Boris Lipkin on January 12, 1945. In view of the fact that Conservation Order L–41 as amended on September 7, 1945, places no limit on farm construction (exclusive of farm houses), the Chief Compliance Commissioner has directed that the suspension order be revoked.

In view of the foregoing:

It is hereby ordered, That: Suspension Order No. S–690 be revoked, effective September 12, 1945.

Issued this 12th day of September 1945.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 45–17112; Filed, Sept. 12, 1945; 4:45 p. m.]

PART 3175—REGULATIONS APPLICABLE TO THE CONTROLLED MATERIALS PLAN

[CMP Reg. 1, Direction 16, as Amended Sept. 13, 1945]

REPLACEMENT OF DEFECTIVE CONTROLLED MATERIAL

The following direction is issued pursuant to CMP Regulation No. 1 (§ 3175.1) to all controlled materials producers providing for the replacement of material rejected by a customer because of nonconformity with specifications.

STEEL

(1) When steel is rejected by a customer for non-conformity with specifications, or other defect, the producer must schedule and make replacement in preference to all other orders for similar material, without requiring an additional allotment, in the absence of specific written instructions by the War Production Board or the customer to the contrary. The provisions of paragraphs (t) (4) and (t) (5) of CMP Regulation No. 1 shall not restrict delivery of replacement orders.

(2) [Deleted Sept. 13, 1945.]

(3) [Deleted Sept. 13, 1945.]

(4) Deleted Feb. 1, 1944. (The deletion of this paragraph means that beginning February 1, 1944 the rules stated above apply equally to replacement orders for stainless steel.)

COPPER

(1) Copper produced to fill authorized Controlled Material orders and rejected by a customer for nonconformity with specifications shall be replaced in preference to all other orders in the absence of specific instructions by the Copper Division of the War Production Board to the contrary. The provisions of subparagraphs (4) and (5) of paragraph (t) of CMP Regulation No. 1 shall not restrict delivery of replacement orders.

(2) Such replacements shall be made without requiring the extension of an additional allotment, even though delivery of the material is made in a subsequent quarter. If, however, some of the material cannot be replaced in time to meet a War Production Board production schedule or the delivery requirements of the producer's customer, the producer shall immediately notify the Copper Division in writing, giving a full explanation. The customer may receive the replacement copper without making further charge to an allotment, even if the copper is delivered in a subsequent quarter

(3) [Deleted Sept. 13, 1945.]

ALUMINUM

(1) Replacement orders for rejected aluminum shall be filled in preference to all other orders not in actual production on the day of the receipt of the replacement order. The provisions of subparagraphs (4) and (5) of paragraph (t) of CMP Regulation No. 1 shall not restrict delivery of replacement orders.

(2) Replacement orders for rejected aluminum are deemed to be covered by the same authorized controlled material order or other authorized order against which the rejected shipment was made. Accordingly, the producer shall not require an additional allotment or other authorization from his customer to secure replacement material if the original shipment was made in accordance with applicable regulations and directives even though delivery of the material is made in a subsequent quarter. The customer may receive the replacement aluminum without making further charge to an allotment, even if delivered in a subsequent quarter.

(3) [Deleted Sept. 13, 1945.]

GENERAL PROVISIONS

(1) Rejected steel, copper or aluminum may be used or disposed of without restriction subject to inventory restrictions and any other regulations of WPB.

Issued this 13th day of September 1945.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 45–17135; Filed, Sept. 13, 1945; 11:43 a. m.]

Chapter XI—Office of Price Administration

PART 1340—FUEL

[MPR 88, Corr. to Amdt. 32]

FUEL OIL, GASOLINE AND LIQUEFIED PETROLEUM GAS

Amendment No. 32 to Maximum Price Regulation No. 88 is corrected in the following respects:

1. The term "Article II" in section 5.1 (j) is corrected to read "Article IV."

2. Section 6.5 (a) (1) (iii) is renumbered section 6.5 (b) (1) and the following heading is inserted as section 6.5 (b): (b) *Throughout the United States.*

3. Section 6.5 (c) is revoked.

This correction shall become effective as of September 1, 1945.

Issued this 13th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45–17141; Filed, Sept. 13, 1945; 11:48 a. m.]

PART 1350—EMERGENCY CIVILIAN DEFENSE MATERIAL AND EQUIPMENT

[MPR 234, Revocation]

APPROVED STIRRUP PUMPS

A statement of consideration involved in the revocation of this regulation, issued simultaneously herewith, has been filed with the Division of the Federal Register.

Maximum Price Regulation 234 is hereby revoked subject to the provisions of Supplementary Order 40.[1]

This revocation shall become effective on the 18th day of September 1945.

Issued this 13th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45–17143; Filed, Sept. 13, 1945; 11:48 a. m.]

PART 1351—FOOD AND FOOD PRODUCTS

[FPR 1, Corr. to Supp. 13]

PACKED FRUITS, BERRIES AND VEGETABLES (1945 AND LATER PACKS)

1. In section 6 (a) (4), the footnote to the table reading "Area 4: * No adjustment," is corrected to read as follows:

Area 4: *Oregon and Washington (California, no adjustment).

2. In section 6 (g) (2), the caption of the fifth table reading "Peaches, Freestone" is corrected to read "Part 5—Peaches, Freestone", and the column heading in that table reading "No. 2 cans" is corrected to read "No. $2\frac{1}{2}$ cans".

3. In the second sentence of section 6 (e) a comma is added immediately following the phrase "under section 5 of this supplement".

This correction shall become effective as of September 3, 1945.

Issued this 13th day of September 1945.

CHESTER BOWLES,
Administrator.

Approved: September 6, 1945.

J. B. HUTSON,
Acting Secretary of Agriculture.

[F. R. Doc. 45–17139; Filed, Sept. 13, 1945; 11:48 a. m.]

PART 1351—FOOD AND FOOD PRODUCTS

[RMPR 490,[1] Amdt. 2]

EDIBLE TREE NUTS

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.

Revised Maximum Price Regulation 490 is amended in the following respects:

1. Section 1 (b) is amended to read as follows:

(b) As used in this Article I, the terms, "walnut," "filbert," "almond" and "pecan" include only those nuts as described above. Maximum prices for imported edible tree nuts, and for other kinds of walnuts, filberts, almonds and pecans, as well as for all other kinds of edible tree nuts, except walnuts, filberts and almonds in orchard run condition, are established by Article II.

2. Section 2 (a) (1) Table I is amended to read as follows:

TABLE I

Kind of edible tree nut	Grade and size	Growers', country dealers', packers' and sheller's prices (cents per pound)				Primary distributors' prices (these prices are available only to certain primary distributors; see paragraph (d) for explanation) (cents per pound)			
		In shell		Shelled		In shell		Shelled	
		Col. 1	Col. 2	Col. 1	Col. 2	Col. 1	Col. 2	Col. 1	Col. 2
Walnuts	(1st quality large	32	33½			34½	36		
	1st quality medium and No. 1 size	29½	31			31½	33		
	2d quality large	29½	31			31½	33		
	2d quality medium and No. 1 size	28	29½			30	31½		
	3d quality large	29½	31			31½	33		
	3d quality medium and No. 1 size	28	29½			30	31½		
	Baby sizes, all types and qualities (except Eurekas)	26½	28			28½	30		
	Eurekas, babies	27½	29			29½	31		
	Light halves			80½	82½			87	91
	All kinds other than light halves			75½	77½			83	85
Filberts	Jumbo	35	36½			37½	39		
	Large (except Brixmats)	32	33½			34	35½		
	Fancy	31	32½			33	34½		
	Baby	30	31½			32	33½		
	Oregon No. 1 Jumbo and Large			87½	89½			90½	93½
	Oregon No. 1 Medium and Small			85½	87½			94	96
	Oregon broken			80	82			88	90
Pecans	U. S. No. 1 oversize	36	37½			40	41½		
	U. S. No. 1 extra large	35	36½			39	40½		
	U. S. No. 1 large	32	33½			35½	37		
	U. S. No. 1 medium	26	27½			29	30½		
	U. S. No. 1 small	19½	21			22	23½		
	Commercial, oversize	33	34½			36½	38		
	Commercial, extra large	32	33½			35½	37		
	Commercial, large	29	30½			32	33½		
	Commercial, medium	23	24½			25½	27		
	Commercial, small	19½	21			22	23½		
	Orchard run, improved	26½	28						
	Orchard run; seedlings	19½	21						
	Halves			83½	84½			91	93
	Pieces			80½	82½			89	91
	Amber			70	72			77	79
Almonds	*Variety*								
	Nonpareil	49	50½						
	I X L	41	42½			53½	55		
	Ne Plus	41½	43			44½	46		
	Peerless	34½	36			45½	47		
	Drake, Mission and Misc	34½	36			37½	39		
	Grade A whole almonds graded: (count to the ounce, lower figure included; higher figure excluded):					37½	39		
	16–18			87	89			95	97
	18–20			85	87			93	95
	20–22			84	86			92	94
	22–24			83	85			90½	92½
	24–26			82	84			89½	91½
	26–28			83	85			90½	92½
	28–30			86	88			94	96
	30 and Over			87	89			95	97
	Grade B—Sheller run			81	83			88	90
	Grade C—Whole and Broken			80	82			87	89
	Grade D—Pieces			79	81			86	88

[1] 10 F.R. 12614, 13852.

3. Section 2 (a) (1) (i) (*f*) is amended to read as follows:

(f) Maximum prices for pecans in-shell which have been bleached and polished shall be the applicable prices shown in Table I above plus $1\frac{1}{2}$c per pound.

4. Section 2 (a) (2) Table II is amended by deleting under the column headed "Pecans" in lines five and six the figures "2."

5. Section 2 (b) (1) is amended to read as follows:

(1) The maximum price established by paragraph (a) for growers', country dealers', packers' and shellers' sales of the item being priced, less 1 cent per pound on sales of in-shell walnuts and filberts; 1 cent per pound on sales of shelled almonds, and $\frac{1}{2}$ cent per pound on sales of in-shell almonds. (If warehouse is located in Zone I use price provided by paragraph (a) for f. o. b. shipping point sales less the amounts specified above in this sub-paragraph (1); if warehouse is located in Zone II use price provided by paragraph (a) for delivered sales less the same amounts as specified above.)

6. Section 2 (c) is amended to read as follows:

(c) A grower's, country dealer's, packer's and sheller's maximum price for sales to consumers shall be his price established by paragraph (a) for a corresponding sale of the same item, less 1 cent per pound on sales of in-shell walnuts and filberts, 1 cent per pound on sales of shelled almonds, and $\frac{1}{2}$ cent per pound on sales of in-shell almonds, multiplied by 1.25.

7. Section 3 (a) is amended by adding the following: "If the seller cannot determine his maximum price by either of the methods set out above in this section, his maximum price shall be the "highest price charged" during the period October 25 to October 30, 1943, inclusive, for the sale of the item to the same class of purchaser by his most closely competitive seller of the same class."

8. Section 4 (a) (1) is amended by adding the following: "If he has not received a delivery of the item before September 11, 1945, his maximum price for a sale of the item shall be the maximum price established under this regulation for the sale of the same item to the same class of purchaser by his most closely competitive seller of the same class."

9. Section 4 (a) (2) is amended by adding the following: "If he has not received a delivery of the item before September 11, 1945, his maximum price for a sale of the item shall be the maximum price established under this regulation for the sale of the same item to the same class of purchaser by his most closely competitive seller of the same class."

10. Section 4 (b) (1) is amended by adding the following: "If he has not received a delivery of the item before September 11, 1945, his maximum price for a sale of the item shall be the maximum price established under this regulation for the sale of the same item to the same

class of purchaser by his most closely competitive seller of the same class."

11. Section 4 (c) (1) is amended by adding the following: "If he has not received a delivery of the item before September 11, 1945, his maximum price for a sale of the item shall be the maximum price established under this regulation for the same item to the same class of purchaser by his most closely competitive seller of the same class."

12. Section 4 (c) (2) is amended by adding the following: "If he has not received a delivery of the item before September 11, 1945, his maximum price for a sale of the item shall be the maximum price established under this regulation for the sale of the same item to the same class of purchaser by his most closely competitive seller of the same class."

13. The table of prices set forth in section 4a is amended by deleting the words "except brixnuts" following the word "Large."

14. Section 5 is hereby revoked.

15. Section 8 (a) (2) is amended to read as follows:

(2) "Country dealer" means a person who buys in the producing area the kind of edible tree nuts being priced in raw unshelled condition (either graded or not) for resale in substantially the same form. It includes, for example, persons furnishing services as handlers known in the trade as "accumulators" and "itinerant truckers."

16. Section 8 (a) (8) is amended to read as follows:

(8) "Wagon wholesaler" means a person who purchases the kind of edible tree nuts being priced and sells them, by periodically running definitely established routes, to retailers or to commercial, industrial or institutional users from an inventory stocked in trucks or other conveyances under the supervision of driver-salesmen who make delivery at the time and place of sale.

17. Section 10a is added to read as follows:

SEC. 10a. *Individual authorization of maximum prices.* If a seller cannot otherwise determine his maximum price for an item of edible tree nuts under the pricing methods given elsewhere in this regulation, before delivering the item to any purchaser, he shall apply to the Office of Price Administration, Washington, D. C., for a maximum price. His application shall set forth:

(a) A description in detail of the item for which a maximum price is sought, including its grade and brand name (if any) to be used, the number of packages in each shipping case, and a statement of the facts which make it different from the most similar item for which he has determined a maximum price, identifying the similar item and stating its maximum price;

(b) 1 An itemized current cost breakdown of the item to be priced, showing separately, according to his own system of accounts or regularly prepared operating statements, all major component cost factors (e. g., direct costs, such as ingredients, packaging materials and direct labor; indirect costs, such as indirect labor, additional factory overhead and selling, advertising and administrative cost, together with an explanation showing the method of allocation of the indirect cost factors; and average outbound cost transportation (if sold on a delivered basis)) indicating whether each cost item is an actual or an estimated cost; and

2 An identical current cost breakdown of the most closely similar or comparable food product (if any) which contributes substantially to his total volume of business;

(c) The proposed maximum price for the item, including a statement showing any discounts or allowances which should be made applicable to the proposed price, and (for comparison) the maximum prices in sales to each class of customer sold, for the second product included in paragraph (b) 2 of this section, including a list of his customary discounts, transportation and other allowances and price differentials;

(d) The method of distribution to be employed by the seller in marketing the item (i. e., whether it is to be sold to wholesalers, wagon wholesalers, retailers, consumers or other classes of purchasers);

(e) In furnishing the information required in this section, concerning maximum prices, both established and desired, the seller shall include the f. o. b. point of the price; if the sale is made on a delivered basis, he shall likewise include the average outbound transportation.

Upon receipt of the application, the Price Administrator will authorize a maximum price, or a method of determining a maximum price, for the applicant or for the sellers of the item generally, including purchasers for resale or for a class of such resellers. The maximum price authorized will be one which bears a proper relationship to those for comparable commodities and sellers. Separate maximum prices will be authorized for sales to government procurement agencies.

After filing the application, the seller may deliver the item, but he may not receive payment for it until a maximum price is authorized.

Where any cost factor set forth in the application is an estimated amount, the processor shall file with the Office of Price Administration, Washington, D. C., not earlier than three months nor later than six months after a maximum price has been authorized, a statement showing the actual cost factor in his production of the item since the maximum price was authorized.

If the seller fails to apply for a maximum price under this section, when required to do so, the Price Administrator may authorize a maximum price for his sales of the item bearing a proper relationship to those for comparable commodities and sellers. This will not relieve the seller of his obligation to comply with this section or with any other provision of this regulation, nor will it relieve him of any penalty for failure to do so.

Any maximum price established under this section shall be subject to revision at any time by the Office of Price Administration.

"Most closely similar or comparable commodity" means a food product, covered by this regulation (1) whose current "direct cost" is closest to but not less than two-thirds of the "direct cost" of the item being priced; and (2) for which the methods employed in its sale and merchandising are similar to those which will be used in the sale and merchandising of the item being priced. As between two or more such commodities having the same "direct cost," the one whose maximum price represents the smallest percentage of its "direct cost" shall be used.

This amendment shall become effective September 11, 1945.

Issued this 11th day of September 1945.

NOTE: All reporting and record-keeping requirements of this amendment have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

CHESTER BOWLES,
Administrator.

Approved: September 10, 1945.

J. B. HUTSON,
Acting Secretary of Agriculture.

[F. R. Doc. 45-16965; Filed, Sept. 11, 1945; 4:43 p. m.]

PART 1358—TOBACCO

[MPR 260 [1], Amdt. 14]

CIGARS, CIGAR CUTTINGS AND CLIPPINGS

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.

Maximum Price Regulation 260 is amended in the following respects:

1. Section 1358.102 (a) (8) is amended to read as follows:

(8) A manufacturer who has received an adjustment in his average retail price ceiling pursuant to paragraph (c) (3) below, may apply for an adjustment of the maximum list and maximum retail prices established by this regulation for any one or more brands and sizes of domestic cigars manufactured by him which he sold in March, 1942. Applications shall be made by letter to the Office of Price Administration, Tobacco Section, Washington, D. C., signed by the manufacturer or his authorized agent, setting forth:

(i) The manufacturer's name and address, and the name and title of the person signing the application.

(ii) The brands and sizes of domestic cigars which are the subject of the application, three samples of each shall be enclosed.

(iii) The manufacturer's March, 1942, list price and March, 1942, stated retail price for these cigars.

(iv) The length and ring gauge of each such domestic cigar, and the number of pounds and kind of weight of each type number and grade of filler, binder and wrapper leaf tobacco used in making that cigar.

(v) A list showing each brand and size of domestic cigar manufactured by the applicant which he sold in March, 1942, with his present maximum list and stated retail prices for each such cigar (determined as provided in this paragraph (a)).

(vi) A list showing each brand and size of new domestic cigar manufactured by the applicant for which maximum list and retail prices have been established by order of the Price Administrator pursuant to paragraph (b) below, the date of each such order and the prices established for each such cigar.

The Price Administrator may by order grant or deny, in whole or in part, the adjustment requested. No adjustment shall be granted under this subparagraph (8) if any cigar listed in the application under items (v) and (vi) above has a maximum retail price which exceeds the average retail price ceiling established for the applicant by order of the Price Administrator pursuant to paragraph (c) (3) below. Any adjustment granted under this subparagraph (8) shall be limited to an amount (or amounts) which will bring the maximum list and retail prices in line with industry average prices for domestic cigars of similar size, shape and tobacco content.

2. Section 1358.102 (c) is amended to read as follows:

(c) *Manufacturers' average retail price ceilings*—(1) *Requirement that average retail price ceiling be maintained.* A manufacturer of domestic cigars may sell any quantity of a particular brand and size of domestic cigars, the maximum list and maximum retail prices of which are properly established under this regulation; *Provided*, That, except as otherwise provided in subparagraph (6) below, the weighted average retail price of all domestic cigars manufactured by him which he sells tax paid during the calendar quarter beginning January 1, 1945, or during any calendar quarter thereafter, shall not exceed his average retail price ceiling for that quarter determined in accordance with subparagraph (2), (3) or (5) or paragraph (d) below.

NOTE: For the purpose of this subparagraph (1) and subparagraphs (4) and (6) below, if a manufacturer maintains one or more distribution outlets separate and distinct from his manufacturing premises and his storage facilities, all transfers tax-paid to such distribution outlets from such manufacturing premises or storage facilities during any given quarter shall be included in his sales for that period; however, sales made from such distribution outlets during that period shall be excluded from his sales for that period.

(2) *Determination of average retail price ceilings.* Each manufacturer of domestic cigars shall determine his average retail price ceiling in accordance with any applicable provision set forth in subdivisions (i) (ii) (iii) or (iv) below.[1]

(i) *Manufacturers who sold domestic cigars in the first half of 1943 which they sold in March 1942.* If he manufactured and sold domestic cigars during March 1942, the manufacturer shall establish his average retail price ceiling by completing OPA Form 635-2077, shown in Appendix E (or copies of that form made by the manufacturer), and filing the completed form, in duplicate, with the Office of Price Administration, Tobacco Section, Washington, D. C. Printed copies of that form may be obtained, on request, from the National Office, or from any Regional or District Office of the Office of Price Administration. If the manufacturer had alternative March 1942 stated retail prices for a brand and size of domestic cigars sold by him in that month, the lowest of the alternative prices shall be used. If the manufacturer had no March 1942 stated retail price for a brand and size of domestic cigars sold by him in that month, he shall use as his March 1942 stated retail price for those cigars the amount ascertained by multiplying his March 1942 list price per thousand for them by the appropriate factor indicated below and dividing the resulting total by 1.000.

March 1942 list price:	*Multiplying factor*
$74 per thousand or less	1.25
More than $74, but less than $114 per thousand	1.33
$114 per thousand or more	1.30

In determining an average retail price ceiling under this subdivision, the manufacturer shall disregard brands and sizes of domestic cigars manufactured and sold by him in the first half of the calendar year 1943, but not manufactured and sold by him in March 1942.

(ii) *Manufacturers who sold new domestic cigars in the first half of 1943 and who are not required to use (iii) below.* Unless required to use subdivision (iii) below, any manufacturer of domestic cigars who was in business for 30 or more consecutive days during the period from January 1 through June 30, 1943, and who sold during that period one or more sizes and brands of new domestic cigars manufactured by him, may establish his average retail price ceiling, or at his option amend his average retail price ceiling previously established prior to September 24, 1945, under this regulation, by filing in duplicate, on or before December 1, 1945, with the Office of Price Administration, Washington, D. C., 4 copies of OPA Form 635-2077 (or 4 copies of that form):[2] *Provided, however*, That a manufacturer may not establish or amend an average retail price ceiling pursuant to this subdivision (ii) if he sold during the period from January 1 through June 30, 1943, any new domestic cigar manufactured by him which he also sold at any time after January 1, 1945, and for which cigar no maximum retail price ever has been established by order of the Price Administrator pursuant to paragraph (b) of this § 1358.102, or if

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[1] Orders issued prior to September 24, 1945 under § 1358.102 (c) (3) that establish lower ceilings than are determined under this section (c) (2) are revoked; those orders which establish higher ceilings are continued in effect.

[2] *Instructions for completing these forms.* (a) On one sheet of OPA Form 635-2077, he shall write across the first line under the column headings, "Sheet I. March 1942 brands and sizes." He shall then complete Sheet I as provided in subdivision (i) above, following the instructions on the form, except that he shall not complete the weighted average retail price calculation at the bottom of the form.

(b) On a second sheet of that form, he shall write across the first line under the column headings, "Sheet II. New domestic cigars also sold after January 1, 1945". Under that heading, he shall enter in columns 1 and 2 each brand size of new domestic cigar manufactured by him which he sold both during the period from January 1 through June 30, 1943, and at any time since January 1, 1945; For each cigar listed in columns 1 and 2, he shall enter in column 3, the date and number of the order issued by the Price Administrator pursuant to paragraph (b) of this section, establishing a maximum retail price for that cigar, and in column 4, the maximum retail price established for that cigar by that order. Columns 5 and 6 shall be completed according to the instructions on the form. (Ignore instructions 1, 2 and 3 on this sheet). He shall not complete the weighted average price calculation at the bottom of the form.

(c) On a third sheet of that form, he shall write across the first line under the column headings "Sheet III. New domestic cigars not sold after January 1, 1945." Under that heading, he shall enter in columns 1 and 2 each brand and size of new domestic cigar manufactured by him which he sold during the period from January 1 through June 30, 1943, which he has not sold at any time since January 1, 1945. For each cigar listed in columns 1 and 2, he shall enter in column 3 the date on which he established the maximum retail price of that cigar by filing the report required by former § 1358.102 (e) of this regulation, and in column 4 the maximum retail price so established for that cigar (or, if such maximum retail price was modified by order of the Price Administrator issued pursuant to former § 1358.102 (e), the maximum retail price established by such order.) Columns 5 and 6 shall be completed according to the instruction on the form (ignore instructions 1, 2 and 3 on this sheet). He shall not complete the weighted average retail price calculation on the bottom of the form.

(d) On a fourth sheet of that form, he shall write across the first line under the column heading, "Sub-totals carried forward from Sheets I, II, and III." On the next line, he shall write across columns 1, 2, 3 and 4, "Sub-total from Sheet I", and enter in columns 5 and 6 the totals shown on Sheet I for those columns. On the third line, he shall write "Sub-total from Sheet II" and enter in columns 5 and 6 the totals for those columns shown on Sheet II. On the fourth line, he shall write "Sub-total from Sheet III" and enter in columns 5 and 6 the totals for those columns shown on Sheet III. (If he sold no cigars in the category covered by any one of Sheets I, II or III, that sheet must be completed, and the word "none" written in under the subheading. In that case, the totals carried from that sheet to Sheet IV will be zero.) He shall then total columns 5 and 6 on Sheet IV, and complete the weighted average price ceiling computation at the bottom of that Sheet, according to the instruction on the form.

[1] 7 F.R. 8997, 10255, 10475, 11113, 8 F.R. 1974, 2208, 4476; 9 F.R. 3037, 3710, 7060, 10583, 13288, 13592, 14067; 10 F.R. 7852.

he sold during that period any new domestic cigar manufactured by him which he has not sold at any time since January 1, 1945, for which cigar he did not establish a maximum retail price by filing the report required by former § 1358.102 (e) of this regulation, in effect during that period.

(iii) *Manufacturers who during the first half of 1943 sold new domestic cigars but who during such period did not sell any March, 1942, brands.* Any manufacturer of domestic cigars, to whom apply the conditions set forth in subdivisions (a) through (f) below, must establish his average retail price ceiling, or amend his average retail price ceiling previously established pursuant to this paragraph (c), by filing in duplicate, on or before December 1, 1945, with the Office of Price Administration, Washington, D. C., OPA Form 635–2077 (or a copy of that form) completed in accordance with the instructions set forth in footnote 2 to subdivision (ii) above.

(a) He was in business for 30 or more consecutive days during the period from January 1 through June 30, 1943; and

(b) He did not sell during that period any cigar manufactured by him which he also sold during March, 1942, and

(c) He sold during that period one or more new domestic cigars manufactured by him; and

(d) A maximum retail price has been established by order of the Price Administrator, pursuant to paragraph (b) of this section, for each new domestic cigar manufactured by him which he sold both during that period and at any time since January 1, 1945; and

(e) He established, by filing the report required by former § 1358.102 (e) of this regulation, a maximum price for each new cigar manufactured by him which he sold during that period but has not sold at any time since January 1, 1945; and

(f) No average retail price ceiling has been established for him by order of the Price Administrator pursuant to subparagraph (3) of this paragraph (c) or paragraph (d) below.

(iv) *For certain other manufacturers (including all who commenced business after June 1, 1943).* A manufacturer who is neither establishing (or amending) his average retail price ceiling pursuant to any of subdivisions (i), (ii), or (iii) above, and for whom no average retail price ceiling has been established by order of the Price Administrator pursuant to subparagraph (3) below, shall establish his average retail price ceiling, or amend his average retail price ceiling previously established pursuant to this paragraph (c), as provided in subdivisions (a) and (b) below.

However, any manufacturer who, prior to this amendment, established his average retail price ceiling by reference to Appendix G as contained in Amendment 10 to this regulation, may continue to use his average retail price ceiling so established until January 1, 1946.

(a) *Definitions of Class I and II manufacturers.* A manufacturer of cigars is a Class I manufacturer if fifty percent or more of the domestic cigars which he produces annually are both bunched and rolled by automatic machine. Any other cigar manufacturer is a Class II manufacturer.

(b) *For new Class I manufacturers.* If he is a Class I manufacturer (defined in subdivision (a) above), he shall make a written application in duplicate to the Office of Price Administration, Tobacco Section, Washington, D. C., on or before December 1, 1945, or ten days prior to the date of his first sale of domestic cigars manufactured by him, whichever is later. Such application shall show the location of each of his factories, the date on which he commenced (or intends to commence) operations, the total number of domestic cigars (if any) manufactured by him in the year preceding the date of his application and the total number of such cigars which were both bunched and rolled by automatic machine. On receipt of such application, the Price Administrator will, by order or amendment, establish, or provide a method for establishing, the average retail price ceiling for such manufacturer.

(c) *For new Class II manufacturers.* If he is a Class II manufacturer (defined in subdivision (a) above) and manufactures domestic cigars in one cigar factory, or in two or more cigar factories all located within a single Internal Revenue Collection District, his average retail price ceiling shall be the amount listed in Appendix G for that Internal Revenue Collection District. If he is a Class II manufacturer and manufactures domestic cigars in two or more cigar factories located in two or more Internal Revenue Collection Districts, his average retail ceiling price shall be the smallest of the amounts listed in Appendix G for those Internal Revenue Collection Districts. A manufacturer establishing his average retail price ceiling under this subdivision shall make a written report in duplicate, showing the location of each of his factories, the date on which he commenced (or intends to commence) operations, the total number of domestic cigars (if any) produced in the year preceding the date of his application, the number of these which were both bunched and rolled by automatic machine, and the amount of his average price ceiling determined pursuant to this subparagraph. He shall file this report in duplicate with the Office of Price Administration, Tobacco Section, Washing. D. C., on or before December 1, 1945, or ten days prior to the date of his first sale of domestic cigars manufactured by him, whichever is later.

(3) *Adjustments of average retail price ceilings.* A manufacturer who is unable to maintain his average retail price ceiling determined under subparagraph (2) above or subparagraph (5) below and earn a net operating profit (before taxes on income) of 4.5 percent of his dollar net sales (Dollar net sales, for the purpose of this amendment, must be interpreted as meaning sales of all cigars sold during the period at manufacturers' list price, less discounts allowed and returns and allowances. Such sales shall not include transfers to distribution centers, but shall include sales made from those distribution centers.) may apply to the Price Administrator for an adjustment of his average retail price ceiling. Such application shall be filed in duplicate with the Office of Price Administration, Tobacco Section, Washington, D. C., and shall be signed by the manufacturer or his authorized agent. It shall contain:

(i) Applicant's name and address, and the name and title of the person signing the application.

(ii) A statement setting forth separately as to intended use (filler, binder or wrapper) the weight and kind of weight of each grade of each type number of tobacco held in inventory on January 2, 1945, by the applicant.

(iii) Applicant's operating and profit and loss statements (prepared according to his usual system of accounting) for the period from January 1 through June 30, 1945.

(iv) Applicant's statement of cigars sold during the above accounting period, setting forth (a) the total number of cigars sold by retail sales price, separated between domestic tax paid and tax free cigars, and (b) rates of discounts allowed on each price group.

(v) The brand name, front mark or size, length and ring gauge of each domestic cigar manufactured by applicant during the period from January through June 30, 1945, showing the percentage of each grade of each type number of tobacco used as filler, binder and wrapper in making each such cigar, and the total number and method of manufacture of cigars of each brand name and front mark or size produced during the period from January 1 through June 30, 1945.

(vi) Applicant's average retail price ceiling and the date on which he established or last amended that average retail price ceiling pursuant to subparagraph (2) above, or the date of the order issued by the Price Administrator pursuant to paragraph (d) below, establishing such average retail price ceiling.

After receipt of the application, and if any further information or evidence considered necessary and requested for purposes of determining the propriety of an adjustment, the Price Administrator will, by order, grant or deny, in whole or in part, the adjustment requested. Any adjustment granted may be limited as to time. An order granting or denying an adjustment may be revoked or modified by the Price Administrator at any time. Adjustments granted under this subparagraph shall be limited to an amount found by the Price Administrator to be the price reflected on the average in the industry for cigars made by the applicant from tobacco of the grade and type contained in the applicant's January 2, 1945 inventory. However, no adjustment shall be granted under this subparagraph in an amount which exceeds that found by the Price Administrator to be reasonably necessary to allow the applicant profits, before income and excess profits taxes, on his domestic cigar manufacturing operations, equal to 4.5 percent of his dollar sales.

(4) *Quarterly reports of sales of domestic cigars.* On or before April 15, 1945, and on or before the 15th day of each third month thereafter, every manufacturer of domestic cigars shall file in duplicate with the Office of Price Administration, Tobacco Section, Washington, D. C., a complete and accurate report on OPA Form 635–2076 shown in Appendix F (or on copies of that form), showing the weighted average retail price of all domestic cigars manufactured by him which he sold (tax-paid) during the preceding quarter. For this purpose, his "sales" during any prescribed quarter shall have the meaning given to that term in subparagraph (c) (1) above.

(5) *Increase in average retail price ceilings for manufacturers using Cuban tobacco.* A manufacturer who has established or amended his average retail price ceiling pursuant to paragraph (c) (2) above, or whose average retail price ceiling has been established by order of the Price Administrator pursuant to paragraph (d) below, and who uses Cuban tobacco in the manufacture of domestic cigars during any quarter, may submit a separate written report showing the stemmed weight of Cuban tobacco and the stemmed weight of all tobacco (including Cuban tobacco) used by him in the manufacture of domestic cigars during that quarter. This report shall be submitted in duplicate together with his report on OPA Form 635–2076 for that quarter, except that any such report for the second quarter of 1945 may be submitted after submission of his report on OPA Form 635–2076 for the second quarter of 1945 but no later than October 15, 1945. Thereupon his average retail price ceiling for the quarter immediately following the quarter for which such report is made shall be increased by an amount computed as follows:

(i) The stemmed weight of Cuban tobacco so reported shall be divided by the stemmed weight of all tobacco so reported.

(ii) The resulting decimal factor shall be multiplied by .18.

(iii) His maximum average price ceiling shall be multiplied by the second resulting decimal factor.

However, average retail price ceilings established pursuant to paragraph (c) (3) above, which has not been amended pursuant to paragraph (c) (2), above, may not be increased pursuant to this subparagraph (5).

(6) *Surcharges and credits*—(i) *How to compute surcharges or credits.* If a manufacturer's weighted average retail price for any prescribed quarter, three calendar months' period, as reported on OPA Form 635–2076, exceeds his average retail price ceiling for that quarter, he had incurred a "surcharge"; if it is less than his average retail price ceiling, he has earned a "credit." The amount of the surcharge or credit is computed by first finding the difference between the manufacturer's weighted average retail price for the quarter and his average retail price ceiling, and then multiplying that difference by the number of domestic cigars manufactured by him which he sold (tax paid) during that quarter.

(ii) *When a net surcharge or net credit must be computed.* At the end of each quarter a manufacturer must determine whether he has incurred a net "surcharge." A net surcharge is the amount by which a surcharge incurred by a manufacturer in any quarter exceeds any net credit earned by him in the immediately preceding quarter. A net credit is the amount by which a credit earned by a manufacturer in any quarter exceeds any net surcharge incurred by him in the immediately preceding quarter.

(iii) *Tolerances.* Each manufacturer has an "allowable tolerance" for any given quarter, which amounts to 5% of the dollar amount which results from multiplying his average retail price ceiling for that quarter by the number of domestic cigars manufactured by him which he sold tax paid during that quarter.

(iv) *When net surcharge is regarded as a violation.* A manufacturer who incurs during any quarter a net surcharge in a dollar amount which is larger than his allowable tolerance for that quarter shall be deemed to have violated this regulation and shall be subject to the criminal penalties, enforcement actions, license suspension suits and suits for treble damages provided by the Emergency Price Control Act of 1942, as amended.

(v) *Redemption of excessive surcharge.* A manufacturer who incurs during any quarter a net surcharge in a dollar amount which is equal to or smaller than his allowable tolerance for that quarter may discharge that net surcharge during the immediately following quarter, by earning in such following quarter a credit equal to or greater in dollar amount than such net surcharge. To the extent that such manufacturer fails to discharge such net surcharge during the immediately following quarter, he shall be deemed to have violated this regulation and shall be subject to the criminal penalties, enforcement actions, license suspension suits, and suits for treble damages provided by the Emergency Price Control Act of 1942, as amended.

3. Appendix G is amended to read as follows:

Column 1—Internal Revenue collection district	Column 2—Average retail price (per cigar)
Alabama	$0.0775
Arkansas	.0775
1st California	.1096
6th California	.1096
Colorado	.0775
Connecticut	.0885
Delaware	.0775
Florida	.1107
Georgia	.0775
Idaho	.0775
1st Illinois	.0829
8th Illinois	.0775
Indiana	.0775
Iowa	.0775
Kansas	.0775
Kentucky	.0775
Louisiana	.0775
Maine	.0724
Maryland	.0775
Massachusetts	.0724
Michigan	.0829
Minnesota	.0829
1st Missouri	.0775
6th Missouri	.0775
Montana	.0775
Nebraska	.0775
New Hampshire	.0724
1st New Jersey	.0775
5th New Jersey	.0865
1st New York	$0.0865
2nd New York	.0865
3rd New York	.0865
14th New York	.0865
21st New York	.0865
28th New York	.0775
North Carolina	.0775
North Dakota	.0775
1st Ohio	.0775
10th Ohio	.0775
11th Ohio	.0583
18th Ohio	.0583
Oregon	.1096
1st Pennsylvania	.0775
12th Pennsylvania	.0775
23rd Pennsylvania	.0583
Rhode Island	.0724
South Carolina	.0775
South Dakota	.0775
Tennessee	.0775
1st Texas	.0775
2nd Texas	.0775
Utah	.0775
Virginia	.0775
Washington	.0775
West Virginia	.0583
Wisconsin	.0829

NOTE: If the manufacturer manufactures domestic cigars in a factory located in a collection district other than those listed in this column, his average retail price ceiling is to be determined under § 1358.102 (d).

This amendment shall become effective September 24, 1945.

Issued this 13th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc 45–17144; Filed, Sept. 13, 1945; 11:47 p. m.]

PART 1418—TERRITORIES AND POSSESSIONS

[RMPR 378,[1] Amdt. 26]

FRESH FLUID MILK AND BUTTERMILK IN HAWAII

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.

Section 62 is amended by deleting the last paragraph thereof erroneously designated "(a) What this section covers.", and as hereinafter corrected and amended making it section 63 (a).

Section 63 is amended in the following respects:

1. The title is amended to read as follows:

SEC. 63. *Maximum prices for sales of fresh fluid milk and buttermilk at wholesale and retail.*

2. Paragraph (a) is corrected and amended to read as follows:

(a) *What this section covers.* This section applies to all sales at wholesale and retail of fresh and flavored fluid cow's milk on the Islands of Oahu, Hawaii, Maui, Kauai and Lanai, with the exception of sales of fresh fluid milk and

[1] 10 F.R. 6646, 7407, 7794, 7799, 8020, 8069, 8371, 8979, 9273, 9274, 9275, 9466, 9540, 9620, 9618, 9882, 9928, 10085, 10086, 10125, 10229.

flavored fresh fluid milk in ½ pint containers and flavored fresh fluid milk in ¾ pint containers for consumption on the premises by hotels, restaurants, soda fountains, cafes and other eating establishments located on the Islands of Oahu, Hawaii and Maui. These excepted sales are covered by the provisions of Restaurant Maximum Price Regulation 9–1.

This section further applies to all sales of buttermilk on the Island of Oahu except buttermilk sold in ½ pint containers for consumption on the premises by hotels, restaurants, soda fountains, cafes and other eating establishments.

This section does not apply to sales by the glass of fresh and flavored fluid cows' milk on the Islands of Oahu, Hawaii and Maui and sales by the glass of buttermilk on the Island of Oahu for consumption on the premises by hotels, restaurants, soda fountains, cafes and other eating establishments.

3. A new paragraph (i) is added to read as follows:

(i) *Maximum prices for sales of buttermilk.* Maximum prices for buttermilk on the Island of Oahu shall be:

Quantity	Wholesale price	Retail price
Gallon	$0.50	$0.57
Quart	.15	.17
Pint	.08	.10
¾ pint	.07	.09
½ pint	.05	.07

This amendment shall become effective as of August 20, 1945.

Issued this 13th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-17145; Filed, Sept. 13, 1945; 11:49 a. m.]

PART 1439—UNPROCESSED AGRICULTURAL COMMODITIES

[MPR 425,[1] Incl. Amdts. 1–17]

FRESH FRUITS, BERRIES AND VEGETABLES FOR PROCESSING

This compilation of Maximum Price Regulation 425 includes Amendment 17, effective September 18, 1945. The text amended by Amendment 17 is underscored. Deletions and redesignations are indicated by notes.

In the judgment of the Price Administrator, the maximum prices established by this regulation are and will be generally fair and equitable and will effectuate the purposes of the Emergency Price Control Act of 1942, as amended. A statement of the considerations involved in the issuance of this regulation has been issued and filed with the Division of the Federal Register.[2] The grades and standards used in this regulation were, prior to the regulation, in general use in the trade or industry affected.

[Above paragraph amended by Am. 8, 9 F.R. 7858, effective 7–17–44]

[1] 8 F.R. 9303.

[2] Statements of considerations are also issued simultaneously with amendments. Copies may be obtained from the Office of Price Administration.

§ 1439.354 *Maximum prices for sales of fresh fruits, berries and vegetables to processors.* Under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Orders Nos. 9250 and 9328, Maximum Price Regulation No. 425 (Fresh Fruits, Berries and Vegetables for Processing), which is annexed hereto and made a part hereof, is hereby issued.

ARTICLE I—EXPLANATION OF THE REGULATION

Sec.

1. Purpose and applicability of the regulation.
2. Definitions.

ARTICLE II—PRICING SECTIONS

3. Maximum prices for certain varieties of grapes.
4. Maximum prices for certain berries.
5. Maximum prices for fresh fruits, berries and vegetables of lower than specified grade.
6. Maximum prices for sales by growers to processors on a "cooperative basis."

ARTICLE III—GENERAL PROVISIONS

7. Adjustable pricing.
8. Records.
9. Compliance with the regulation.
10. Petitions for amendment.
11. Position of brokers and "finders."
12. Adjustments by Regional or District Offices.

AUTHORITY: § 1439.354 issued under 56 Stat. 23, 765; 57 Stat. 566; Pub. Law 383, 78th Cong.; Pub. Law 108, 79th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681.

ARTICLE I—EXPLANATION OF THE REGULATION

SECTION 1. *Purpose and applicability of the regulation*—(a) *Purpose.* The purpose of this regulation is to establish maximum prices for sales of certain fresh fruits, berries and vegetables to processors. In cases of inconsistency between general provisions and special provision applicable to a particular commodity covered by the regulation, the special provision shall control with respect to that commodity.

(b) *Geographical applicability.* The provisions of this regulation shall apply to the 48 States of the United States and the District of Columbia except as may be otherwise provided for a particular commodity.

(c) *Export sales.* Maximum prices for export sales of the commodities covered by the regulation shall be determined under the provisions of Second Revised Maximum Export Price Regulation.[1]

(d) *Relation to other maximum price regulations.* This regulation supersedes all other maximum price regulations to the extent that they would otherwise apply to sales to or purchases by processors of the commodities covered by this regulation.

[Sec. 1 amended by Am. 17, effective 9–18–45]

SEC. 2. *Definitions.* Unless the context indicates otherwise, the definitions set forth in the General Maximum Price Regulation[1] shall be applicable to similar terms used in this regulation. When used in this regulation, the term:

(a) "Processor" means a person who commercially processes the fresh fruit, berry or vegetable being priced. For example, one who cans or freezes the product being priced, or who uses it in making confectionery or bakery products, is a "processor".

(b) "Sales to processors" means sales by any person to a processor.

(c) "Commodity covered by this regulation" means any fresh fruit, berry or vegetable for which a maximum price for sales to processors is established by this regulation.

(d) "Fresh fruit, berry or vegetable of lower than specified grade" means any commodity covered by this regulation which does not conform to at least the minimum quality standard or grade specified for such commodity under the provisions of this regulation.

ARTICLE II—PRICING SECTIONS

SEC. 3. *Maximum prices for certain varieties of grapes.* These maximum prices apply to the following varieties, delivered to the processor's customary receiving point: Concord, Early Concord, Cottage, Eaton, Fredonia, Hicks, King, Moore, Early, Rockwood and Worden.

State of production:	Dollars per ton
Maine, Vermont, New Hampshire, Connecticut, Massachusetts, Rhode Island, New York, Pennsylvania, New Jersey, Ohio, Michigan, North Dakota, South Dakota, Iowa, Nebraska, Illinois, Indiana, Wisconsin, Minnesota	$35
Washington, Oregon, Idaho, Montana, Wyoming	54

[1] For grapes produced in this group of states during 1945, the figure of $85 is suspended and a figure of $127 is substituted.

[Footnote 1 added and table amended by Am. 16, 10 F.R. 11153 effective 8–23–45]

"Delivered to the customary receiving point" means delivered to the processing plant, or delivered to the receiving station or assembly point where the particular buyer maintained, during the calendar year 1942, facilities for grading, weighing, repacking and loading onto the buyer's conveyance. In other words, the prices named include all transportation to that point. Any amount the buyer pays to get the goods to that point must be subtracted from the maximum price named. Any amount the seller pays to move the goods beyond that point may be added to the maximum price named.

[Sec. 3 corrected 8 F.R. 9879; amended by Am. 1, 8 F.R. 12632, effective 9–18–43; Am. 2, 8 F.R. 12952, effective 9–24–43; corrected, 8 F.R. 14154, effective 10–1–43; Am. 3, 8 F.R. 15674, effective 11–22–43; Am. 4, 8 F.R. 16293, effective 11–30–43; Am. 6, 9 F.R. 7330, effective 6–29–44; Am. 10, 9 F.R. 12173, effective 10–6–44, except that with respect to sales and deliveries of the specified varieties of grapes for processing that are produced in the states of Michigan and Washington it shall become effective as of 12:01 a. m. August 15, 1944 (Effective date provision of Am. 10 amended by Am. 12, 9 F.R. 14437, effective 8–15–44); Am. 16, 10 F.R. 11153, effective 8–28–45. Section heading amended by Am. 17, effective 9–18–45]

[1] 8 F.R. 4132, 5087, 7662, 9998, 15193; 9 F.R. 1036, 5435, 5923, 7201, 9834, 11273, 12919, 14346; 10 F.R. 863, 923, 2432.

[1] 9 F.R. 1385, 5169, 6106, 8150, 10193, 11274.

SEC. 4. *Maximum prices for certain berries.* The prices in the following table are maximum prices for sales of the listed fresh berries to processors, delivered to the buyers' customary receiving point. They apply only to sales of berries produced in the counties of Whatcom, Skagit, Snohomish, King, Pierce, Lewis, Skamania, and all counties west thereof in the state of Washington, and the counties of Hood River, Clackamas, Marion, Linn, Lane and all counties west thereof in the state of Oregon.

Variety:	Cents per pound
Strawberries (Ettersburg, Redheart, Corvallis) stemmed	17
Strawberries (other) stemmed	15
Red Raspberries	15
Black Raspberries	13
Youngberries	12
Boysenberries	12
Loganberries	12
Blackberries	12
Gooseberries	8

[Sec. 4 corrected, 8 F.R. 9879; amended by Am. 1, 8 F.R. 12632, effective 9–18–43; Am. 7, 9 F.R. 7330, effective 6–29–44; and Am. 14, 10 F.R. 7500, effective 6–20–45. Section heading amended by Am. 17, effective 9–18–45]

SEC. 5. *Maximum prices for fresh fruits, berries and vegetables of lower than specified grade.* The maximum price for sales of any fresh fruit, berry or vegetable of lower than specified grade shall be the maximum price established for the lowest specified grade of that particular commodity under the applicable provisions of this regulation.

[Sec. 5, formerly 6, redesignated by Am. 17, effective 9–18–45. Former sec. 5 added by Am. 2, 8 F.R. 12952, effective 9–24–43; corrected 8 F.R. 14154, effective 10–1–43; amended by Am. 8, 9 F.R. 7858, 8188, effective 7–17–44; Am. 9, 9 F.R. 10264, effective 8–28–44; Am. 13, 10 F.R. 5045, effective 5–9–45; and deleted by Am. 17, effective 9–18–45]

SEC. 6. *Maximum prices for sales by growers to processors on a "cooperative basis".* The maximum prices named above in sections 3, 4 and 5 do not apply to sales by growers to processors on a "cooperative basis".

In such cases, the grower's maximum price for the fresh product shall be the processor's lawful sale price for the processed food product less (1) that proportion of the sale price which the processor received under the last "cooperative sales contract" which the grower and processor entered into prior to April 28, 1942, and (2) the costs of labor, processing, selling, financing, handling, supplies or taxes, as specified under that contract.

In cases where no such contract was entered into by the grower and processor prior to that date, the grower's maximum price for the fresh product shall be the processor's lawful sale price for the processed food product less (1) that proportion of the sale price which the processor received under the last "cooperative sales contract" which the processor entered into prior to April 28, 1942, with any grower, and (2) the costs of labor, processing, selling, financing, handling, supplies or taxes, as specified under the contract.

In cases where no such contract was entered into by the processor prior to April 28, 1942, with any grower, the grower's maximum price for the fresh product shall be the processor's lawful sale price for the processed food product less (1) that proportion of the sale price which the nearest processor, who bought that kind of fresh product from growers on a "cooperative basis" before April 28, 1942, received under the last "cooperative sales contract" which he entered into prior to that date, with any grower, and (2) the costs of labor, processing, selling, financing, handling, supplies or taxes, as specified under that contract.

In all other cases the grower's maximum price for the fresh product shall be the processor's lawful sale price for the processed food product less (1) 7% and (2) the costs of labor, processing, selling, financing, handling, supplies and taxes.

[Above paragraph added by Am. 15, 10 F.R. 8373, effective 7–4–45]

However, in no event shall the grower's maximum price be less than the maximum price otherwise applicable under sections 3, 4 and 5.

"Cooperative basis" means pursuant to a "cooperative sales contract."

"Cooperative sales contract" means a contract of purchase and sale of fresh fruits, berries and vegetables under which the processor agrees to return to the seller all receipts from the sale of the processed food product after the deduction of (1) the cost of labor, processing, selling, financing, handling, supplies or taxes, as specified under the contract, and (2) a dollars-and-cents or percentage figure named in the contract, as compensation to the processor.

[Sec. 6, formerly 6a, added by Am. 11, 9 F.R. 13857, effective 7–5–43, except that as to cooperative sales contracts made on or after November 20, 1944, it shall become effective November 20, 1944; and redesignated by Am. 17, effective 9–18–45]

ARTICLE III—GENERAL PROVISIONS

SEC. 7. *Adjustable pricing.* Any person may agree to sell at a price which can be increased up to the maximum price in effect at the time of delivery; but no person may, unless authorized by the Office of Price Administration, deliver or agree to deliver at prices to be adjusted upward in accordance with action taken by the Office of Price Administration after delivery. Such authorization may be given when a request for a change in the applicable maximum price is pending, but only if the authorization is necessary to promote distribution or production and if it will not interfere with the purposes of the Emergency Price Control Act of 1942, as amended. The authorization may be given by the Administrator or by any official of the Office of Price Administration to whom the authority to grant such authorization has been delegated. The authorization shall be given by order.

[NOTE: Procedural Regulation No. 6 (9 F.R. 10628; 10 F.R. 1382, 9394) provides for the filing of applications for adjustment of maximum prices for commodities or services under Government contracts or subcontracts. Revised Supplementary Order No. 9 (8 F.R. 6175, 10 F.R. 9394) makes the provisions of Procedural Regulation No. 6 applicable to all price regulations, excepting those which expressly prohibit such applications and certain specific regulations listed in Revised Supplementary Order No. 9.]

[NOTE: Supplementary Order 106 (10 F.R. 2015) permits, under certain conditions, the addition of extra packing expenses to maximum prices on sales to procurement agencies of the United States.]

SEC. 8. *Records.* A person, other than a producer, who sells or delivers any fresh fruit, berry or vegetable to a processor, or a processor who buys or receives any such commodity, shall keep for examination by the Office of Price Administration, so long as the Emergency Price Control Act of 1942, as amended, shall remain in effect, records showing in each case the date of sale, the quantity and grade sold, the price charged, and the name and address of the purchaser or seller, as the case may be. Records shall be available for examination by the Office of Price Administration at any reasonable time.

SEC. 9. *Compliance with the regulation*—(a) *No buying or selling above maximum prices.* After this regulation is effective, regardless of any contract, agreement or other obligation, no person shall sell or deliver any fresh fruit, berry or vegetable to any processor, and no processor shall buy or receive the commodity, at prices higher than the maximum prices established for it under this regulation; and no person shall agree, offer, solicit or attempt to do any of these things. However, prices lower than the maximum prices may be charged and paid.

(b) *Evasion.* The maximum prices established under this regulation shall not be evaded by direct or indirect methods, whether by commission, service, transportation or other charge or discount, premium or other privilege; by tying-agreement or other trade understanding; by business practices relating to grading or packing, or in any other way.

(c) *Enforcement.* Any person violating the provisions of this regulation is subject to the criminal penalties, civil enforcement actions and suits for treble damages as provided in the Emergency Price Control Act of 1942, as amended.

(d) *Licensing.* The provisions of Licensing Order No. 1, licensing all persons who make sales under price control, are applicable to all sellers subject to this regulation or schedule. A seller's license may be suspended for violations of the license or of one or more applicable price schedules or regulations. A person whose license is suspended may not, during the period of suspension, make any sale for which his license has been suspended.

[Paragraph (d), formerly sec. 9a added by Supplementary Order 72, 8 F.R. 13244, effective 10–1–43 and redesignated by Am. 17, effective 9–18–45]

SEC. 10. *Petitions for amendment.* Persons seeking modification of any provision of this regulation may file a petition for amendment in accordance with the provisions of Revised Procedural Regulation No. 1.[1]

[1] 9 F.R. 10476, 13715.

TABLE A—INCREASES PER DOZEN PACKAGES

Size of item in ounces	Manufacturer's old maximum net selling price per pound of this item (as paid)				
	0 to 23 cents	More than 23 but not more than 35 cents	More than 35 but not more than 50 cents	More than 50 but not more than 112 cents	More than 112 cents
Below 3	$0.00	$0.00	$0.00	$0.00	$0.00
3	.00	.00	.00	.00	.00
4	.00	.00	.00	.00	.00
5	.00	.00	.00	.00	.00
6	.00	.00	.00	.00	.00
7	.00	.00	.00	.00	.00
8	.00	.00	.00	.00	.00
9	.00	.00	.00	.00	.00
10	.00	.00	.00	.00	.00
11	.00	.00	.00	.00	.00
12	.00	.00	.00	.00	.00
13	.00	.00	.00	.00	.00
14	.00	.00	.00	.00	.00
15	.00	.00	.00	.00	.00
16	.00	.00	.00	.00	.00
Over 16	.00	.00	.00	.00	.00

[1] If the manufacturer's net selling price per pound (or fraction thereof) of packaged tobacco is more than $1.00, no increase is allowed.

A manufacturer may adjust his list price to a level which, less the customary discounts and allowances which he actually allows, will reflect no more than the above permitted increases in his maximum net selling price.

(ii) A private brand owner of packaged tobacco may adjust his maximum net selling prices by not more than the increase in the net selling price of his manufacturer supplier allowed in (i) above and actually taken by the manufacturer. The maximum net selling prices of manufacturers of tobacco sold in bulk without payment of Internal Revenue tax are increased by the appropriate amounts specified in Table B below.

TABLE B

Net selling price per pound of bulk tobacco:	*Allowed increase (cents per pound)*
35 or less	15
Over 35 but not more than 65	10
Over 65 but not more than 85	7
Over 85 but not more than $1.05	5
Over $1.05 but not more than $1.25	4
Over $1.25	0

(2) *For reductions in package contents:* Any manufacturer of an item of packaged tobacco for which a new maximum net selling price has been established under paragraph (a) (1) who desires to reduce the quantity of package contents of that item in order to maintain the old net selling price and old retail prices which were in effect shall determine the weight of the new package by the following calculations:

(i) Divide the sum of his old maximum net selling price per dozen packages of the item and the adjustment allowed in Table A for that item by the weight in ounces of the package before reduction.

(ii) Divide his old maximum net selling price per dozen packages by the result obtained at (i). The result is the minimum weight in ounces allowable for the new package contents before rounding off as allowed by (iii).

(iii) If the new weight, as determined above, does not equal a weight ending in an eighth of an ounce the contents of the new package may be lowered to the next lower eighth of an ounce. If such next lower eighth of an ounce is nearer to the weight determined at (ii) above, than is the next higher eighth of an ounce.

Example: Manufacturer desires to maintain old maximum net selling price of $.42336 per dozen on a three-fourths of an ounce package, so his old net selling price and old retail prices can remain unchanged.

Step (1). To manufacturer's old maximum net selling price, before allowed adjustments, ($.42336 cents); add adjustment allowed from Table A, (*six* cents), total: $.48336 cents. Divide $.48336 cents by .75, (number of ounces in present package). Result $.6448 cents per dozen ounces.

Step (2). Divide manufacturer's old maximum net selling price ($.42336) by $.6448 (result of step 1). The result, equals .6569 ounces per package (minimum contents allowable for new package before step (3)).

Step (3). The weight computed between even eighths of an ounce; therefore the weight of the package shall be not less than five-eighths ounces, the next lower eighth of an ounce and nearer to .6569 ounces than is .75 ounces, the next higher eighth of an ounce.

Before making a reduction in package contents, the manufacturer shall apply by letter to the Tobacco Section of the Office of Price Administration, Washington, D. C. The letter shall state:

(i) The reduction the manufacturer desires to make in the quantity of package contents.

(ii) His old maximum net selling price per dozen, his old list price and customary discounts and allowances on the item.

(iii) Computations in accordance with this subparagraph.

If the Office of Price Administration makes no objection to the proposed change in package contents within fifteen days of its receipt of such letter the manufacturer may reduce the package contents as his letter proposed. A manufacturer may not take the increase in his net selling price allowed by paragraph (a) (1) and later reduce the package contents of the item.

(3) *Notification to purchasers.* On or before his first delivery of an item of packaged tobacco the maximum net selling price or contents of which has been adjusted in accordance with subparagraphs (1) or (2) of this paragraph, the manufacturer shall give each purchaser the applicable written notice attached to or stated on the invoice covering such first delivery:

(Insert date)

The Office of Price Administration has authorized an increase in our maximum net selling price for our ------ (describe item by brand and container type and size) of ------ cents per dozen. Wholesalers and jobbers are authorized to increase their net selling prices for this item by ------ cents per dozen. Retailers may add ------ cents per item to their March 1942 prices legally in effect. The Office of Price Administration requires that you keep this notice for examination.

(Insert date)

The Office of Price Administration has authorized us to reduce the quantity of package contents of our ------ (describe item by brand and container type) from ------ ozs. to ------ ozs. The permission given us does not allow you an increase in your maximum prices for this brand nor is any increase in the maximum retail price for this item authorized. The Office of Price Administration requires you to keep this notice for examination.

(b) *Wholesalers' maximum prices; notice to purchasers.* (1) Upon receipt of notification pursuant to paragraph (a) (3) above, of an adjustment of his supplier's maximum net selling price allowed by paragraph (a) (1), above, for an item of packaged tobacco, a wholesaler's maximum net selling price is increased by the amount of the net increase in the price of his supplier. Such adjustment shall be applicable to floor stocks. Where any manufacturer has not adjusted his maximum net selling price pursuant to paragraph (a) (1) above, with respect to any item of packaged tobacco, no increase may be charged by the wholesaler with respect to that item.

If the increase in the supplier's maximum net selling price results in an increase ending in a fraction of a cent per dozen to the wholesaler or jobber, the wholesaler or jobber may round off his new maximum price per dozen to the next higher full cent.

(2) After receipt of notice from his supplier, any wholesaler may sell, and any person may buy from that wholesaler, an item of packaged tobacco, the quantity contents of which have been reduced pursuant to paragraph (a) (2) above, at the same maximum price which he had legally in effect before the package contents were reduced.

(3) On or before his first delivery of an item of packaged tobacco the quantity contents of which have been reduced pursuant to paragraph (a) (2), above, the wholesaler shall give the purchaser the following written notice:

(Insert date)

The Office of Price Administration has authorized the manufacturer of ------ (identify item by brand and container type) to reduce the quantity of this item's contents from ------ ozs., to ------ ozs. Wholesalers, jobbers and retailers are authorized to sell this item with its reduced weight without changing their ceiling prices for this item. The Office of Price Administration requires you to keep this notice for examination.

(4) On or before his first delivery of an item of packaged tobacco the maximum net selling price of which has been increased as allowed by paragraph (a) (1), above, the wholesaler shall give the purchaser the following written notice:

(Insert date)

The Office of Price Administration has authorized a price increase of ------ cents in the manufacturer's net selling price per dozen of ------ (identify item by brand and container type and size) and an increase in the retail price of ------ cents per item. Wholesalers and jobbers are authorized to add the amount of the manufacturer's increase to their maximum net selling prices. Retailers are allowed to add the amount of the increase in the retail price to their maximum prices established under the General Maximum Price Regulation. Fractions of a cent to be added to a maximum retail price are to be rounded off as prescribed in the regulation.[1] Retailers must maintain their customary price differentials allowed by them during March 1942 below the manufacturer's stated retail price. If any. The Office of Price Administration requires that you keep this notice for examination.

(c) *Retailers' maximum prices.* (1) Upon receipt of notification pursuant to paragraph (b) (4) above, from the wholesaler or jobber of an adjustment of the manufacturer's net selling price for an item of packaged tobacco pursuant to paragraph (a) (1), above, a retailer is authorized to add the amount of the increase per item to his March 1942 prices established under the General Maximum Price Regulation to determine his new maximum price, in accordance with such notification. Such adjustment shall be applicable to floor stocks. Where the addition of the allowed price increase results in a price containing a fraction less than ½ cent the maximum retail price shall be increased to the ½ cent, and if the fraction is more than ½ cent, the maximum retail price shall be increased to the next higher full cent. If such price contains the fraction ½ cent, the purchaser shall be given the option of buying two of the items of packaged tobacco at a multiple unit price, or one item at a maximum price rounded to the next higher full cent; if the retailer refuses to sell more than one item to a purchaser, his maximum price shall be rounded to the next lower full cent. Retailers must maintain their customary price differentials allowed by them during March 1942 below the manufacturer's stated retail price.

(2) After receipt of notice from his supplier pursuant to paragraph (b) (3) above, any retailer may sell, and any person may buy from that retailer, packaged tobacco of which the weight of contents has been reduced in accordance with paragraph (a) (2), above, at the retailer's March 1942 maximum price as established under the General Maximum Price Regulation.

(d) *Maintenance of customary discounts and allowances.* A seller's customary discounts and allowances shall not be less than those given by him in March 1942 on his sales of packaged tobacco. Every retailer shall maintain his customary price differentials, if any, allowed in March 1942 below the manufacturer's stated retail price.

(e) *State and local taxes.* Maximum prices established by this section are exclusive of any increases in State and local taxes upon tobacco products which have been added since the General Maximum Price Regulation went into effect or which may be added, or are caused by the increases in maximum prices allowed by this section. Sellers may add to these prices the amount of such tax applicable to the item being priced and paid or payable by them to the taxing authorities or to a prior vendor.

(f) *Units of sale.* Maximum prices shall be stated in terms of the same general units (like dozens, packages, etc.), in which the seller has customarily quoted prices for the product.

(g) *Geographical applicability.* Provisions of this section shall be applicable to the forty-eight States of the United States and to the District of Columbia.

(h) *Definitions.* When used in this section, the term:

"Packaged tobacco" means manufactured tobacco in which the product consists of granulated tobacco, crushed plug, various plug cuts, crimp cut, sliced cut, long cuts (tobacco cut into shreds or strings), all so-called mixtures, fine cut, cigarette tobacco and tobacco scraps, cuttings or clippings, prepared or suitable for smoking or chewing purposes. "Packaged tobacco" does not mean snuff or any item of manufactured tobacco the price of which has been increased under Section 2, 4 or 5 of this Supplementary Regulation.

"List price" means the manufacturer's gross price before discounts and allowances.

"Net selling price" means the manufacturer's or other seller's net price after deduction of discounts and allowances.

[1] This sentence should be omitted if the authorized increase in the retail price contains no fraction of a cent.

[Sec. 10, formerly 12, redesignated by Am. 17, effective 9-18-45. Former sec. 10 deleted by Am. 17]

[NOTE: Supplementary Order No 28 (7 F.R. 9619, 8 F.R. 7256) provides for the filing of applications for adjustment or petitions for amendment based on a pending wage or salary increase requiring the approval of the National War Labor Board.]

SEC. 11. *Position of brokers and "finders."* Maximum prices named in this regulation include brokerage, commission charges and all selling and buying expenses. In each case, the amount paid by the processor to the broker plus the amount paid by the processor to the seller shall not exceed the seller's maximum price, plus allowable transportation actually paid by the seller or by the broker. The term "broker" includes a "finder."

[Sec. 11, formerly 14, added by Am. 3, 8 F.R. 15674, effective 11-22-43 and redesignated by Am. 17, effective 9-18-45. Former sec. 11 deleted by Am. 17]

SEC. 12. *Adjustments by Regional or District Offices.* The following authority is hereby delegated to each Regional Administrator which he may in turn redelegate to any of the District directors within his region:

(a) To determine, for any area within his jurisdiction, and with respect to each commodity covered by this regulation, whether it has been a well-established custom in that area for a substantial number of processors to employ brokers or other agents to secure raw materials for processing. If such a custom is found to exist, the authorized officer shall issue an appropriate order permitting processors in that region or district to pay such an agent his usual commissions or fees in addition to paying the maximum price as established under the regulation to the supplier.

Any such order shall modify section 11 of this regulation to the extent necessary to effectuate the purposes of the order.

(b) To determine, for any area within its jurisdiction, and with respect to each commodity covered by this regulation, whether it has been a well-established custom in that area for a substantial number of processors to receive the raw material at points where they do not maintain their own facilities for grading, weighing, repacking and loading onto their conveyances. If such a custom is found to exist, the authorized officer shall issue an appropriate order to the effect that for the particular area the definition of "delivered to customary receiving points" in section 3 does not apply, and that processors' customary receiving points are the places where, in the past, they have customarily received the raw materials, whether or not they maintained the above mentioned facilities at that point.

[Sec. 12, formerly 15, added by Am. 5, 9 F.R. 7505, effective 7-10-44 and redesignated by Am. 17, effective 9-18-45. Former sec. 12 deleted by Am. 17]

Effective date. This regulation shall become effective July 5, 1943. [Maximum Price Regulation 425 originally issued July 5, 1943.]

[Effective dates of amendments are shown in notes following parts affected.]

NOTE: All reporting and record-keeping requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 13th day of September 1945.

CHESTER BOWLES,
Administrator.

[Amendment 17 approved by J. B. Hutson, Acting Secretary of Agriculture on August 30, 1945]

[F. R. Doc. 45-17146; Filed, Sept. 13, 1945; 11:47 a. m.]

PART 1499—COMMODITIES AND SERVICES

[SR 14D,[1] Amdt. 6]

PACKAGED TOBACCO

A statement of the considerations involved in the issuance of this amendment has been issued and filed with the Division of the Federal Register.

Supplementary Regulation 14D to the General Maximum Price Regulation is amended in the following respects:

1. Section 6 is added to read as follows:

SEC. 6. *Packaged tobacco—(a) Adjustment of manufacturers' maximum prices; notice to purchasers—(1) For same package contents.* (i) The new maximum net selling price of any manufacturer for a dozen packages of a particular item of packaged tobacco shall be his old maximum net selling price per dozen packages plus the applicable increase provided in Table A below.

[1] 10 F.R. 1180, 5103, 7855, 7953, 8784.

"Item" means a particular brand (if any), container type and size of packaged tobacco.

"Old maximum net selling price" means a net selling price determined as a seller's maximum price under the General Maximum Price Regulation.

"New maximum net selling price" means a seller's old maximum net selling price plus the applicable increase allowed in Table A herein.

2. In section 5 the word "chewing" is deleted wherever it appears in the term "plug chewing tobacco."

3. Subparagraph (1) of section 5 (g) is amended to read as follows:

(1) "Plug tobacco" means manufactured plug tobacco prepared from tobacco leaves pressed into flat cakes, flavored, sweetened, and intended for both smoking and chewing purposes, as defined in Regulation No. 8 relating to taxes on tobacco products, issued by the Bureau of Internal Revenue, U. S. Treasury Department.

NOTE: All reporting and record keeping requirements of this amendment have been approved by the Bureau of the Budget, in accordance with the Federal Reports Act of 1942.

Effective this 18th day of September 1945.

Issued this 13th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-17140; Filed, Sept. 13, 1945; 11:48 a. m.]

Chapter XIII—Petroleum Administration for War

[Petroleum Dir. 19, Revocation]

PART 1503—PRODUCTION

CONSERVATION AND DEVELOPMENT OF PETROLEUM IN DISTRICT FIVE

Section 1503.4 (Petroleum Directive No. 19, Issued July 3, 1944, 9 F.R. 7525) is hereby revoked, effective October 1, 1945.

(E.O. 9276, 7 F.R. 10091; E.O. 9319, 8 F.R. 3687)

Issued September 13, 1945.

RALPH K. DAVIES,
Deputy Petroleum Administrator.

[F. R. Doc. 45-17004; Filed, Sept. 12, 1945; 10:39 a. m.]

[Recommendation 23, Revocation]

PART 1504—PROCESSING AND REFINING

PRODUCTION OF ALKYLATE FOR USE IN MANUFACTURE OF 100 OCTANE AVIATION GASOLINE

Sections 1504.19 and 1504.20 (Recommendation Nos. 23 of the Office of Petroleum Coordinator for National Defense) are hereby revoked, effective September 15, 1945.

(E.O. 9276, 7 F.R. 10091; E.O. 9319, 8 F.R. 3687)

Issued September 13, 1935.

RALPH K. DAVIES,
Deputy Petroleum Administrator.

[F. R. Doc. 45-17012; Filed, Sept. 12, 1945; 10:37 a. m.]

[Recommendation 31, Revocation]

PART 1504—PROCESSING AND REFINING

MANUFACTURE OF BUTADIENE

Sections 1504.22 and 1504.24, inclusive, (Recommendation No. 31 of the Office of Petroleum Coordinator for National Defense), are hereby revoked, effective August 15, 1945.

(E.O. 9276, 7 F.R. 10091; E.O. 9319, 8 F.R. 3687)

Issued: September 13, 1945.

RALPH K. DAVIES,
Deputy Petroleum Administrator.

[F. R. Doc. 45-17013; Filed, Sept. 12, 1945; 10:37 a. m.]

[Recommendation 40, Revocation]

PART 1504—PROCESSING AND REFINING

REFINING AND DISTRIBUTION OF AUTOMOBILE LUBRICANTS CONTAINING ADDITIVES

Sections 1504.40 to 1504.49, inclusive (Recommendation No. 40, Amendment of the Office of Petroleum Coordinator for National Defense), are hereby revoked, effective August 15, 1945.

(E.O. 9276, 7 F.R. 10091; E.O. 9319, 8 F.R. 3687)

Issued September 13, 1945.

RALPH K. DAVIES,
Deputy Petroleum Administrator.

[F. R. Doc. 45-17014; Filed, Sept. 12, 1945; 10:37 a. m.]

[Recommendation 41, Revocation]

PART 1504—PROCESSING AND REFINING

CATALYTIC CRACKING AND HYDRO CATALYTIC REFORMING

Sections 1504.52 to 1504.54, inclusive, (Recommendation No. 41 of the Office of Petroleum Coordinator for National Defense) are hereby revoked, effective October 15, 1945.

(E.O. 9276, 7 F.R. 10091; E.O. 9319, 8 F.R. 3687)

Issued September 13, 1945.

RALPH K. DAVIES,
Deputy Petroleum Administrator.

[F. R. Doc. 45-17015; Filed, Sept. 12, 1945; 10:38 p. m.]

[Recommendation 48, Revocation]

PART 1504—PROCESSING AND REFINING

WAR PROCESSES

Sections 1504.60 to 1504.63, inclusive, (Recommendation No. 48 of the Office of Petroleum Coordinator for War) are hereby revoked, effective September 15, 1945.

(E.O. 9276, 7 F.R. 10091; E.O. 9319, 8 F.R. 3687)

Issued September 13, 1945.

RALPH K. DAVIES,
Deputy Petroleum Administrator.

[F. R. Doc. 45-17016; Filed, Sept. 12, 1945; 10:38 a. m.]

[Petroleum Dir. 52, Revocation]

PART 1504—PROCESSING AND REFINING

SYNTHETIC RUBBER

Sections 1504.66 to 1504.70, inclusive, (Petroleum Directive No. 52 of the Office of Petroleum Coordinator for War) are hereby revoked, effective August 15, 1945.

(E.O. 9276, 7 F.R. 10091; E.O. 9319, 8 F.R. 3687)

Issued September 13, 1945.

RALPH K. DAVIES,
Deputy Petroleum Administrator.

[F. R. Doc. 45-17005; Filed, Sept. 12, 1945; 10:39 a. m.]

[Recommendation 55, Revocation]

PART 1504—PROCESSING AND REFINING

CONSERVATION OF PARATONE

Sections 1504.74 to 1504.78, inclusive, (Recommendation No. 55 of the Office of Petroleum Coordinator for War) are hereby revoked, effective September 15, 1945.

(E.O. 9276, 7 F.R. 10091; E.O. 9319, 8 F.R. 3687)

Issued September 13, 1945.

RALPH K. DAVIES,
Deputy Petroleum Administrator.

[F. R. Doc. 45-17017; Filed, Sept. 12, 1945; 10:38 a. m.]

[PAO 16, Revocation]

PART 1535—PETROLEUM PROCESSING AND REFINING

PETROLEUM SULFONATES

Section 1535.3 (Petroleum Administrative Order No. 16) is hereby revoked, effective August 15, 1945.

(E.O. 9276, 7 F.R. 10091; E.O. 9125, 7 F.R. 2719; E.O. 9319, 8 F.R. 3681; WPB Directive No. 30, 8 F.R. 11559; sec. 2 (a), Public Law 671, 76th Cong., as amended by Public Laws 89 and 507, 77th Cong.; Public Law 509, 78th Cong.)

Issued September 13, 1945.

RALPH K. DAVIES,
Deputy Petroleum Administrator.

[F. R. Doc. 45-17003; Filed, Sept. 12, 1945; 10:38 a. m.]

[Petroleum Dir. 77, Revocation]

PART 1535—PETROLEUM PROCESSING AND REFINING

HIGH-OCTANE AVIATION GASOLINE

Section 1535.4 (Petroleum Directive No. 77) is hereby revoked, effective August 15, 1945.

(E.O. 9276, 7 F.R. 10091; E.O. 9319, 8 F.R. 3687)

Issued September 13, 1945.

RALPH K. DAVIES,
Deputy Petroleum Administrator.

[F. R. Doc. 45-17008; Filed, Sept. 12, 1945; 10:39 a. m.]

[Petroleum Dir. 75, Revocation]

PART 1540—PROCESSING AND REFINING CRUDE OIL AND NATURAL GASOLINE

Section 1540.1 (Petroleum Directive No. 75) is hereby revoked, effective August 15, 1945.

(E.O. 9276, 7 F.R. 10091; E.O. 9319, 8 F.R. 3687)

Issued September 13, 1945.

RALPH K. DAVIES,
Deputy Petroleum Administrator.

[F. R. Doc. 45-17006; Filed, Sept. 12, 1945; 10:39 a. m.]

[Petroleum Dir. 80, Revocation]

PART 1541—MANUFACTURING ASPHALT

Section 1541.1 (Petroleum Directive No. 80 as amended June 30, 1945) is hereby revoked, effective August 15, 1945.

(E.O. 9276, 7 F.R. 10091; E.O. 9319, 8 F.R. 3687)

Issued September 13, 1945.

RALPH K. DAVIES,
Deputy Petroleum Administrator.

[F. R. Doc. 45-17009; Filed, Sept. 12, 1945; 10:39 a. m.]

[PDO 21, Revocation]

PART 1543—PETROLEUM PROCESSING, REFINING, AND MARKETING

PREMIUM MOTOR FUEL

Section 1543.1 (Petroleum Distribution Order No. 21) is hereby revoked, effective August 15, 1945.

(E.O. 9276, 7 F.R. 10091; E.O. 9125, 7 F.R. 2719; E.O. 9319, 8 F.R. 3681; WPB Directive No. 30, 8 F.R. 11559; sec. 2 (a), Public Law 671, 76th Cong., as amended by Public Laws 89 and 507, 77th Cong.; Public Law 509, 78th Cong.)

Issued September 13, 1945.

RALPH K. DAVIES,
Deputy Petroleum Administrator.

[F. R. Doc. 45-17010; Filed, Sept. 12, 1945; 10:38 a. m.]

[PDO 22, Revocation]

PART 1543—PETROLEUM PROCESSING, REFINING, AND MARKETING

MANUFACTURE AND DELIVERY OF FUEL OIL

Section 1543.2 (Petroleum Distribution Order No. 22) is hereby revoked, effective August 15, 1945.

(E.O. 9276, 7 F.R. 10091; E.O. 9125, 7 F.R. 2719; E.O. 9319, 8 F.R. 3681; WPB Directive No. 30, 8 F.R. 11559; sec. 2 (a), Public Law 671, 76th Cong., as amended by Public Laws 89 and 507, 77th Cong.; Public Law 509, 78th Cong.)

Issued September 13, 1945.

RALPH K. DAVIES,
Deputy Petroleum Administrator.

[F. R. Doc. 45-17011; Filed, Sept. 12, 1945; 10:38 a. m.]

[Petroleum Dir. 76, Revocation]

PART 1576—PETROLEUM INDUSTRY; DISTRICT FIVE

PETROLEUM SUPPLY ON WEST COAST, ALASKA AND HAWAII

Section 1576.1 (Petroleum Directive No. 76) is hereby revoked, effective September 15, 1945.

(E.O. 9276, 7 F.R. 10091; E.O. 9319, 8 F.R. 3687)

Issued September 13, 1945.

RALPH K. DAVIES,
Deputy Petroleum Administrator.

[F. R. Doc. 45-17007; Filed, Sept. 12, 1945; 10:39 a. m.]

Chapter XX II—Surplus Property Board

[SPB Reg. 4,[1] Order 2]

PART 8304—DISPOSAL OF SURPLUS AERONAUTICAL PROPERTY TO EDUCATIONAL INSTITUTIONS AND STATE OR LOCAL GOVERNMENTS FOR NON-FLIGHT USE

FORMS FOR REPORTING DISPOSALS

Pursuant to the authority of the Surplus Property Act of 1944 (58 Stat. 765, 50 U.S.C. App. Sup. 1611), and in accordance with § 8304.6; *It is hereby ordered*, That:

1. The disposal agencies shall report monthly to the Surplus Property Board disposals of surplus aeronautical property to educational institutions and State or local governments for non-flight use in the continental United States or any territory or possession of the United States on Form SPB-21, "Monthly report of disposals of surplus aeronautical property to educational institutions and State or local governments for non-flight use".[2]

2. The names of the States within which any educational institution, State or local government reported under this order is located shall be arranged on Form SPB-21 in the sequence shown in Schedule A attached. The names of the territories and possessions of the United States shall be arranged alphabetically following the States, then the Philippine Islands and finally the names of any foreign countries arranged alphabetically.

3. Form SPB-21 may be reproduced by the disposal agencies on sheets 8½" X 14", provided that the format is identical with that on file with the Division of the Federal Register, sample copies of which may be obtained from the Board.

This order shall become effective September 15, 1945.

NOTE: All reporting requirements of this part have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

SURPLUS PROPERTY BOARD,
By W. STUART SYMINGTON,
Chairman.

SEPTEMBER 4, 1945.

[1] 10 F.R. 5460, 6785, 10362.

[2] Filed as part of the original document.

SCHEDULE A—SEQUENCE FOR REPORTING STATES

New England:
- Maine
- New Hampshire
- Vermont
- Massachusetts
- Rhode Island
- Connecticut

Middle Atlantic:
- New York
- New Jersey
- Pennsylvania

East North Central:
- Ohio
- Indiana
- Illinois
- Michigan
- Wisconsin

West North Central:
- Minnesota
- Iowa
- Missouri
- North Dakota
- South Dakota
- Nebraska
- Kansas

South Atlantic:
- Delaware
- Maryland
- District of Columbia
- Virginia
- West Virginia
- North Carolina
- South Carolina
- Georgia
- Florida

East South Central:
- Kentucky
- Tennessee
- Alabama
- Mississippi

West South Central:
- Arkansas
- Louisiana
- Oklahoma
- Texas

Mountain:
- Montana
- Idaho
- Wyoming
- Colorado
- New Mexico
- Arizona
- Utah
- Nevada

Pacific:
- Washington
- Oregon
- California

[F. R. Doc. 45-17118; Filed, Sept. 13, 1945; 10:38 a. m.]

TITLE 46—SHIPPING

Chapter III—War Shipping Administration

PART 301—GENERAL REGULATIONS

[G. O. 38, Supp. 2]

FORWARDING OF WATER-BORNE DEFENSE-AID BULK CARGO

Section 301.53 *Compensation* is hereby amended to read:

§ 301.53 *Compensation.* The compensation for services rendered shall be at such fair and reasonable rates as the Administrator shall from time to time determine. Until further notice the Administrator finds and hereby determines that the following shall constitute a fair and reasonable rate:

(a) Grain in bags or bulk, five cents a long ton.

(b) Coal in bulk, five cents a long ton.

(c) All other cargo within the scope of this general order, 1¼% of the base freight charges on the cargo, before all surcharges, war or otherwise: *Provided, however*, That compensation shall not be paid on that portion of freight charges in excess of $5.00 per long ton in the nearby trades, which includes Caribbean and Canadian, and $8.00 per long ton in the long voyage trades.

This supplement supersedes § 301.53 of General Order 38, Supp. 1, dated January 19, 1945.

(Pub. Law 498, 77th Cong.; 56 Stat. 171; E.O. 9054, 7 F.R. 837)

E. S. LAND,
Administrator.

SEPTEMBER 12, 1945.

[F. R. Doc. 45-17114; Filed, Sept. 13, 1945; 9:59 a. m.]

TITLE 49—TRANSPORTATION AND RAILROADS

Chapter II—Office of Defense Transportation

[Gen. Order ODT 57, Revocation]

PART 502—DIRECTION OF TRAFFIC MOVEMENT

PASSENGER RESERVATIONS

Pursuant to Executive Order 8989, as amended, General Order ODT 57, §§ 502.244 to 502.248, inclusive (10 F.R. 9124), is hereby revoked effective October 1, 1945.

(E.O. 8989, as amended, 6 F.R. 6725, 8 F.R. 14183)

Issued at Washington, D. C., this 12th day of September 1945.

J. M. JOHNSON,
Director,
Office of Defense Transportation.

[F. R. Doc. 45-17100; Filed, Sept. 12, 1945; 4:03 p. m.]

Notices

WAR DEPARTMENT.

[Public Proclamation 24]

WEST COAST EXCLUSION ZONE

RESCISSION OF INDIVIDUAL EXCLUSION ORDERS

SEPTEMBER 4, 1945.

Headquarters Western Defense Command, Presidio of San Francisco, California

To: The people within the States of Arizona, California, Idaho, Montana, Nevada, Oregon, Utah, and Washington, and the Public generally:

Whereas, the Imperial Japanese Government has proclaimed the surrender of its armed forces to the allied forces; and

Whereas, the present military situation no longer requires, as a matter of military necessity, certain restrictions heretofore imposed within designated areas of the Western Defense Command; and

Whereas, the Secretary of War has designated the undersigned as the Military Commander to carry out the duties and responsibilities imposed by Executive Order No. 9066, (7 F.R. 1407) dated February 19, 1942, for that portion of the United States embraced in the Western Defense Command, and authorized the undersigned to modify or cancel any orders issued under the said Executive order by former Commanding Generals of the Western Defense Command:

Now, therefore, I, H. C. Pratt, Major General, U. S. Army, by virtue of the authority vested in me by the President of the United States and by the Secretary of War and my powers and prerogatives as Commanding General, Western Defense Command, do hereby declare and proclaim that:

(a) All Individual Exclusion Orders heretofore issued by the Commanding General, Western Defense Command, and now in effect are rescinded.

(b) The effect of the rescission in paragraph (a) hereof is to remove all restrictions heretofore imposed by or because of Individual Exclusion Orders issued by the Commanding General, Western Defense Command. All persons permitted to return to West Coast areas by reason of the rescission of Individual Exclusion Orders should be accorded the same treatment and allowed to enjoy the same privileges accorded law abiding American citizens or residents.

(c) This Proclamation shall not affect any offense heretofore committed, nor any conviction or penalty incurred because of violations of the provisions of Public Proclamations, Civilian Exclusion Orders, Civilian Restrictive Orders, or Individual Exclusion Orders heretofore issued.

(d) All Public Proclamations and Civilian Restrictive Orders, insofar as they are in conflict with this Proclamation, are amended accordingly.

(e) All Public Proclamations, Civilian Exclusion Orders, Civilian Restrictive Orders, and Individual Exclusion Orders herein referred to are those issued by the Commanding General, Western Defense Command.

(f) This Proclamation shall become effective at midnight, 2400 p. w. t., September 4, 1945.

[SEAL] H. C. PRATT,
Major General, U. S. Army,
Commanding.

Confirmed:

EDWARD F. WITSELL,
Major General,
Acting The Adjutant General.

[F. R. Doc. 45-17113; Filed, Sept. 13, 1945; 9:35 a. m.]

DEPARTMENT OF AGRICULTURE.

Farm Security Administration.

WASHINGTON COUNTY, MD.

DESIGNATION OF LOCALITIES FOR LOANS AND DETERMINATION OF AVERAGE VALUE OF FARMS

In accordance with the War Food Administrator's delegation of authority to the Administrator of the Farm Security Administration issued August 2, 1944, 9 F.R. 9389, as extended by Executive Order 9577 issued June 29, 1945, 10 F.R. 8087, for the purpose of making loans under Title I of the Bankhead-Jones Farm Tenant Act, the value of the average farm unit of 30 acres or more within the county designated below, as determined by the 1940 farm census, is as follows:

REGION I—MARYLAND

Washington County	$7300

The purchase price limits established for localities in Washington County, Maryland, on March 24, 1942, are hereby cancelled.

Approved: September 1, 1945.

[SEAL] FRANK HANCOCK,
Administrator.

[F. R. Doc. 45-17123; Filed, Sept. 13, 1945; 11:56 a. m.]

CIVIL AERONAUTICS BOARD.

[Docket No. SA-106]

ACCIDENT OCCURRING NEAR FLORENCE, S. C.

NOTICE OF HEARING

In the matter of investigation of accident involving aircraft of United States Registry NC 33631, which occurred near Florence, South Carolina, on September 7, 1945.

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, particularly section 702 of said act, in the above-entitled proceeding, that hearing is hereby assigned to be held on Wednesday, September 19, 1945, at 9:00 a. m. (e. w. t.) in Room 421, County Courthouse, Miami, Florida.

Dated at Washington, D. C., September 12, 1945.

WM. K. ANDREWS,
Presiding Officer.

[F. R. Doc. 45-17122; Filed, Sept. 13, 1945; 10:56 a. m.]

[Docket No. 535 et al.]

ALL AMERICAN AVIATION, INC., ET AL.; GREAT LAKES AREA CASE

NOTICE OF HEARING

In the matter of the applications of All American Aviation, Inc., and other applicants for certificates, and amendments of certificates, of public convenience and necessity, known as the Great Lakes Area case, under section 401 of the Civil Aeronautics Act of 1938, as amended.

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, particularly sections 401, 408, and 1001 of said act, that a hearing in the above-entitled proceeding is assigned to be held on October 1, 1945, at 10:00 o'clock a. m., at the Lincoln Hotel, Indianapolis, Indiana, before Examiner William F. Cusick.

Dated: Washington, D. C., September 12, 1945.

By the Civil Aeronautics Board.

FRED A. TOOMBS,
Secretary.

[F. R. Doc. 45-17121; Filed, Sept. 13, 1945; 10:56 a. m.]

FEDERAL TRADE COMMISSION.

[Docket No. 5299]

CENTURY TRAVEL SERVICE, INC., ET AL.

ORDER APPOINTING TRIAL EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 11th day of September, A. D., 1945.

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission,

It is ordered, That Andrew B. Duvall, a trial examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony in this proceeding begin on Tuesday, September 18, 1945, at two o'clock in the afternoon of that day (Eastern standard time), in Room 500, 45 Broadway, New York, New York.

Upon completion of testimony for the Federal Trade Commission, the trial examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The trial examiner will then close the case and make his report upon the facts; conclusions of facts; conclusions of law; and recommendation for appropriate action by the Commission.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 45-17119; Filed, Sept. 13, 1945; 10:54 a. m.]

[Docket No. 5331]

AMERICAN SALES CO. ET AL.

ORDER APPOINTING TRIAL EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

At a regular session of the Federal Trade Commission held at its office in the City of Washington, D. C., on the 11th day of September A. D. 1945.

In the matter of Isidore Gendelman, Samuel Gendelman, individually and as copartners, trading and doing business as American Sales Company, Universal Bargain House and National Sales Company.

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission,

It is ordered, That Randolph Preston, a trial examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony in this proceeding begin on Wednesday, September 19, 1945, at ten o'clock in the forenoon of that day (eastern standard time), in Room 505, 45 Broadway, New York, New York.

Upon completion of testimony for the Federal Trade Commission, the trial examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The trial examiner will then close the case and make his report upon the facts; conclusions of facts; conclusions of law; and recommendation for appropriate action by the Commission.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 45-17120; Filed, Sept. 13, 1945; 10:54 a. m.]

OFFICE OF DEFENSE TRANSPORTATION.

WENTWORTH BUS LINES, INC.

WITHDRAWAL OF CANCELLATION ORDER

Pursuant to a directive issued by the Director of the Office of Economic Stabilization September 6, 1945 (10 F.R. 11621),

It is hereby ordered, That the Cancellation Order issued June 26, 1945, by the Office of Defense Transportation, in the matter of Wentworth Bus Lines, Inc., Dover, New Hampshire (10 F.R. 7945, 8566, 10044), be, and it is hereby, withdrawn and vacated effective September 12, 1945.

Issued at Washington, D. C., this 12th day of September 1945.

J. M. JOHNSON,
Director,
Office of Defense Transportation.

[F. R. Doc. 45-17101; Filed, Sept. 12, 1945; 4:03 p. m.]

OFFICE OF PRICE ADMINISTRATION.

[MPR 580, Order 112]

NATIONAL-ROSE SPRING & MATTRESS CO.

ESTABLISHMENT OF MAXIMUM PRICES

Order 112 under Maximum Price Regulation 580. Establishing ceiling prices at retail for certain articles. Docket No. 6063-580-13-121.

For the reasons set forth in an opinion issued simultaneously herewith and pursuant to section 13 of Maximum Price Regulation No. 580; *It is ordered:*

(a) The following ceiling prices are established for sales by any seller at retail of the following articles manufactured by National-Rose Spring & Mattress Co., 80-82 W. Virginia Avenue, Memphis, Tenn., having the brand name "Serta", and described in the manufacturer's application dated April 5, 1945:

Article	Style Number	Retail ceiling price
Mattress	4-A	$30 50
Box spring	4-A	30 50
Mattress	3-A	29 95
Box spring	3-A	29 95
Mattress	2-A	24 95
Box spring	2-A	24 95
Mattress	1-A	19 95
Box spring	1-A	19 95
Mattress	Tiny 4-A	9 95
Mattress	Perfect Sleeper	39 50
Box spring	do	39 50
Mattress	Restal Knight	34 75
Box spring	do	34 75
Mattress	Smooth Rest	29 75
Box spring	do	29 75
Mattress	Tiny Sleeper	14 75

(b) The retail ceiling price of an article manufactured for the first time after the effective date of this order and which is sold by the manufacturer at the same price as another article of the same type with the same brand or company name and for which a retail ceiling price has been established by paragraph (a) shall be the retail ceiling price listed for that other article in paragraph (a).

(c) The retail ceiling prices contained in paragraph (a) shall apply in place of the ceiling prices which have been or would otherwise be established under this or any other regulation.

(d) On and after October 1, 1945, National-Rose Spring & Mattress Co. must mark each article listed in paragraph (a) with the retail ceiling price under this order, or attach to the article a label, tag or ticket stating the retail ceiling price. This mark or statement must be in the following form:

(Section 13, MPR 580)
OPA Price—$------

On and after November 1, 1945, no retailer may offer or sell the article unless it is marked or tagged in the form stated above. Prior to November 1, 1945, unless the article is marked or tagged in this form, the retailer shall comply with the marking, tagging and posting provisions of the applicable regulation.

(e) On or before the first delivery to any purchaser for resale of each article listed in paragraph (a), the seller shall send the purchaser a copy of this order.

(f) Unless the context otherwise requires, the provisions of the applicable regulation shall apply to sales for which retail ceiling prices are established by this order.

(g) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective September 13, 1945.

Issued this 12th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-17064; Filed, Sept. 12, 1945; 11:43 a. m.]

[MPR 580, Order 113]

GORDON-CHAPMAN CO.

ESTABLISHMENT OF MAXIMUM PRICES

Order 113 under Maximum Price Regulation 580. Establishing ceiling prices

at retail for certain articles. Docket No. 6063–580–13–130.

For the reasons set forth in an opinion issued simultaneously herewith and pursuant to section 13 of Maximum Price Regulation No. 580; *It is ordered:*

(a) The following ceiling prices are established for sales by any seller at retail of the following articles manufactured by Gordon-Chapman Company, 3976 C Street, Detroit 16, Michigan, having the brand name "Serta", and described in the manufacturer's application dated March 30, 1945:

Article	Style Name	Retail ceiling price
Mattress	Deluxe Perfect Sleeper	$44.50
Box spring	do	44.50
Mattress	Perfect Sleeper	39.50
Box spring	do	39.50
Mattress	Restal Knight	34.75
Box spring	do	34.75
Mattress	Smoothrest	29.75
Box spring	do	29.75
Mattress	4A	39.50
Box spring	4A	39.50
Mattress	5A	44.50
Box spring	5A	44.50
Mattress	2A	24.95
Box spring	2A	24.95
Mattress	1A	19.95
Box spring	1A	19.95
Mattress	Tiny 4A	9.95

(b) The retail ceiling price of an article manufactured for the first time after the effective date of this order and which is sold by the manufacturer at the same price as another article of the same type with the same brand or company name and for which a retail ceiling price has been established by paragraph (a) shall be the retail ceiling price listed for that other article in paragraph (a).

(c) The retail ceiling prices contained in paragraph (a) shall apply in place of the ceiling prices which have been or would otherwise be established under this or any other regulation.

(d) On and after October 1, 1945, Gordon-Chapman Company must mark each article listed in paragraph (a) with the retail ceiling price under this order, or attach to the article a label, tag or ticket stating the retail ceiling price. This mark or statement must be in the following form:

(Section 13, MPR 580)
OPA Price—$_____

On and after November 1, 1945, no retailer may offer or sell the article unless it is marked or tagged in the form stated above. Prior to November 1, 1945, unless the article is marked or tagged in this form, the retailer shall comply with the marking, tagging and posting provisions of the applicable regulation.

(e) On or before the first delivery to any purchaser for resale of each article listed in paragraph (a), the seller shall send the purchaser a copy of this order.

(f) Unless the context otherwise requires, the provisions of the applicable regulation shall apply to sales for which retail ceiling prices are established by this order.

(g) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective September 13, 1945.

Issued this 12th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45–17065; Filed, Sept. 12, 1945; 11:44 a. m.]

[MPR 580, Order 114]

AUGUSTA BEDDING CO.

ESTABLISHMENT OF MAXIMUM PRICES

Order 114 under Maximum Price Regulation 580. Establishing ceiling prices at retail for certain articles. Docket No. 6063–580–13–137.

For the reasons set forth in an opinion issued simultaneously herewith and pursuant to section 13 of Maximum Price Regulation No. 580, *It is ordered:*

(a) The following ceiling prices are established for sales by any seller at retail of the following articles manufactured by Augusta Bedding Company, 922 8th Street, Augusta, Ga., having the brand name "Serta," and described in the manufacturer's application dated April 2, 1945:

Article	Style number	Retail ceiling price
Mattress	4–A	$39.50
Box spring	4–A	39.50
Mattress	3–A	29.95
Box spring	3–A	29.95
Mattress	2–A	24.95
Box spring	2–A	24.95
Mattress	1–A	19.95
Box spring	1–A	19.95
Mattress	Tiny 4–A	9.95
Mattress	Perfect Sleeper	39.50
Box spring	do	39.50
Mattress	Restal Knight	34.75
Box spring	do	34.75
Mattress	Smooth Rest	29.75
Box spring	do	29.75

(b) The retail ceiling price of an article manufactured for the first time after the effective date of this order and which is sold by the manufacturer at the same price as another article of the same type with the same brand or company name and for which a retail ceiling price has been established by paragraph (a) shall be the retail ceiling price listed for that other article in paragraph (a).

(c) The retail ceiling prices contained in paragraph (a) shall apply in place of the ceiling prices which have been or would otherwise be established under this or any other regulation.

(d) On and after October 1, 1945, Augusta Bedding Company must mark each article listed in paragraph (a) with the retail ceiling price under this order, or attach to the article a label, tag or ticket stating the retail ceiling price. This mark or statement must be in the following form:

(Section 13, MPR 580)
OPA Price—$_____

On and after November 1, 1945, no retailer may offer or sell the article unless it is marked or tagged in the form stated above. Prior to November 1, 1945, unless the article is marked or tagged in this form, the retailer shall comply with the marking, tagging and posting provisions of the applicable regulation.

(e) On or before the first delivery to any purchaser for resale of each article listed in paragraph (a), the seller shall send the purchaser a copy of this order.

(f) Unless the context otherwise requires, the provisions of the applicable regulation shall apply to sales for which retail ceiling prices are established by this order.

(g) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective September 13, 1945.

Issued this 12th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45–17066; Filed, Sept. 12, 1945; 11:44 a. m.]

[MPR 580, Order 115]

AMERICAN WHOLESALERS

ESTABLISHMENT OF MAXIMUM PRICES

Order 115 under Maximum Price Regulation 580. Establishing ceiling prices at retail for certain articles. Docket No. 6063–580–13–138.

For the reasons set forth in an opinion issued simultaneously herewith and pursuant to section 13 of Maximum Price Regulation No. 580, *It is ordered:*

(a) The following ceiling prices are established for sales by any seller at retail of the following articles manufactured by American Wholesalers, Fourth and Channing Streets NE., Washington, D. C., having the brand name "Serta" and described in the manufacturer's application dated March 30, 1945:

Article	Style name	Retail ceiling price
Mattress	Four A	$39.50
Box spring	Four A	39.50
Mattress	Three A	29.95
Box spring	Three A	29.95
Mattress	Two A	24.95
Box spring	Two A	24.95
Mattress	One A	19.95
Box spring	One A	19.95
Mattress	Tiny Four A	11.75
Mattress	Perfect Sleeper	39.50
Box spring	do	39.50
Mattress	Restal Knight	34.75
Box spring	do	34.75
Mattress	Smooth Rest	29.75
Box spring	do	29.75

(b) The retail ceiling price of an article manufactured for the first time after the effective date of this order and which is sold by the manufacturer at the same price as another article of the same type with the same brand or company name and for which a retail ceiling price has been established by paragraph (a) shall be the retail ceiling price listed for that other article in paragraph (a).

(c) The retail ceiling prices contained in paragraph (a) shall apply in place of the ceiling prices which have been or would otherwise be established under this or any other regulation.

(d) On and after October 1, 1945, American Wholesalers must mark each article listed in paragraph (a) with the retail ceiling price under this order, or attach to the article a label, tag or ticket stating the retail ceiling price. This mark or statement must be in the following form:

(Section 13, MPR 580)
OPA Price $_____

On and after November 1, 1945, no retailer may offer or sell the article unless it is marked or tagged in the form stated above. Prior to November 1, 1945, unless the article is marked or tagged in this form, the retailer shall comply with the marking, tagging and posting provisions of the applicable regulation.

(e) On or before the first delivery to any purchaser for resale of each article listed in paragraph (a), the seller shall send the purchaser a copy of this order.

(f) Unless the context otherwise requires, the provisions of the applicable regulation shall apply to sales for which retail ceiling prices are established by this order.

(g) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective September 13, 1945.

Issued this 12th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45–17067; Filed, Sept. 12, 1945; 11:44 a. m.]

[MPR 580, Order 116]

F. S. HARMON MFG. CO.

ESTABLISHMENT OF MAXIMUM PRICES

Order 116 under Maximum Price Regulation 580. Establishing ceiling prices at retail for certain articles. Docket No. 6063–580–13–98.

For the reasons set forth in an opinion issued simultaneously herewith and pursuant to section 13 of Maximum Price Regulation No. 580; *It is ordered:*

(a) The following ceiling prices are established for sales by any seller at retail of the following articles manufactured by F. S. Harmon Manufacturing Company, 1838–48 Pacific Avenue, Tacoma, Wash., having the brand name "Serta," and described in the manufacturer's application dated April 6, 1945:

Article	Style name	Retail ceiling price
Mattress	Smooth Rest	$29.75
Box spring	do	29.75
Mattress	Restal Knight	34.75
Box spring	do	34.75
Mattress	Perfect Sleeper	39.50
Box spring	do	39.50
Mattress	Perfect Sleeper Deluxe	44.50
Box spring	do	44.50
Mattress	3A	29.95
Box spring	3A	29.95
Mattress	4A	39.50
Box spring	4A	39.50
Mattress	5A	44.50
Do	5A	44.50

(b) The retail ceiling price of an article manufactured for the first time after the effective date of this order and which is sold by the manufacturer at the same price as another article of the same type with the same brand or company name and for which a retail ceiling price has been established by paragraph (a) shall be the retail ceiling price listed for that other article in paragraph (a).

(c) The retail ceiling prices contained in paragraph (a) shall apply in place of the ceiling prices which have been or would otherwise be established under this or any other regulation.

(d) On and after October 1, 1945, F. S. Harmon Manufacturing Company must mark each article listed in paragraph (a) with the retail ceiling price under this order, or attach to the article a label, tag or ticket stating the retail ceiling price. This mark or statement must be in the following form:

(Section 13, MPR 580)
OPA Price $_____

On and after November 1, 1945, no retailer may offer or sell the article unless it is marked or tagged in the form stated above. Prior to November 1, 1945, unless the article is marked or tagged in this form, the retailer shall comply with the marking, tagging and posting provisions of the applicable regulation.

(e) On or before the first delivery to any purchaser for resale of each article listed in paragraph (a), the seller shall send the purchaser a copy of this order.

(f) Unless the context otherwise requires, the provisions of the applicable regulation shall apply to sales for which retail ceiling prices are established by this order.

(g) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective September 13, 1945.

Issued this 12th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45–17068; Filed, Sept. 12, 1945; 11:45 a. m.]

[MPR 580, Order 117]

HANDCRAFT BEDDING CORP.

ESTABLISHMENT OF MAXIMUM PRICES

Order 117 under Maximum Price Regulation 580. Establishing ceiling prices at retail for certain articles. Docket No. 6063–580–13–129.

For the reasons set forth in an opinion issued simultaneously herewith and pursuant to section 13 of Maximum Price Regulation No. 580; *It is ordered:*

(a) The following ceiling prices are established for sales by any seller at retail of the following articles manufactured by Handcraft Bedding Corporation, 887 Niagara Street, Buffalo 13, N. Y., having the brand name "Serta", and described in the manufacturer's application dated April 9, 1945.

Article	Style name	Retail ceiling price
Mattress	Five A	$44.50
Box spring	do	44.50
Mattress	Four A	39.50
Box spring	do	39.50
Mattress	Three A	29.95
Box spring	do	29.95
Mattress	Two A	24.95
Box spring	do	24.95
Mattress	One A	19.95
Box spring	do	19.95
Mattress	Tiny Perfect Sleeper	11.75
Mattress	Perfect Sleeper	39.50
Box spring	do	39.50
Mattress	Restal Knight	34.75
Box spring	do	34.75
Mattress	Smooth Rest	29.75
Box spring	do	29.75
Mattress	Deluxe Perfect Sleeper	44.50
Box spring	do	44.50

(b) The retail ceiling price of an article manufactured for the first time after the effective date of this order and which is sold by the manufacturer at the same price as another article of the same type with the same brand or company name and for which a retail ceiling price has been established by paragraph (a) shall be the retail ceiling price listed for that other article in paragraph (a).

(c) The retail ceiling prices contained in paragraph (a) shall apply in place of the ceiling prices which have been or would otherwise be established under this or any other regulation.

(d) On and after October 1, 1945, Handcraft Bedding Corporation must mark each article listed in paragraph (a) with the retail ceiling price under this order, or attach to the article a label, tag or ticket stating the retail ceiling price. This mark or statement must be in the following form:

(Section 13, MPR 580)
OPA Price—$_____

(Section 13, MPR 580)
OPA Price—$_____

On and after November 1, 1945, no retailer may offer or sell the article unless it is marked or tagged in the form stated above. Prior to November 1, 1945, unless the article is marked or tagged in this form, the retailer shall comply with the marking, tagging and posting provisions of the applicable regulation.

(e) On or before the first delivery to any purchaser for resale of each article listed in paragraph (a), the seller shall send the purchaser a copy of this order.

(f) Unless the context otherwise requires, the provisions of the applicable regulation shall apply to sales for which retail ceiling prices are established by this order.

(g) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective September 13, 1945.

Issued this 12th day of September, 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45–17069; Filed, Sept. 12, 1945; 11:45 a. m.]

[MPR 580, Order 118]

Re-Ly-On Products Co.

Establishment of Maximum Prices

Order 118 under Maximum Price Regulation 580. Establishing ceiling prices at retail for certain articles. Docket No. 6063-580-13-100.

For the reasons set forth in an opinion issued simultaneously herewith and pursuant to section 13 of Maximum Price Regulation No. 580; *It is ordered:*

(a) The following ceiling prices are established for sales by any seller at retail of the following articles manufactured by Re-Ly-On Products Co., 1106 Reedsdale St., Pittsburgh 12, Pa., having the brand name "Serta," and described in the manufacturer's application dated April 6, 1945:

Article	Style name	Retail ceiling price
Mattress	4A	$39.50
Box Spring	4A	39.50
Mattress	3A	29.95
Box Spring	3A	29.95
Mattress	2A	24.95
Box Spring	2A	24.95
Mattress	1A	19.95
Box Spring	1A	19.95
Mattress	Perfect sleeper	39.50
Box Spring	do	39.50
Mattress	Restal knight	34.75
Box Spring	do	34.75
Mattress	Smoothrest	29.75
Box Spring	do	29.75

(b) The retail ceiling price of an article manufactured for the first time after the effective date of this order and which is sold by the manufacturer at the same price as another article of the same type with the same brand or company name and for which a retail ceiling price has been established by paragraph (a) shall be the retail ceiling price listed for that other article in paragraph (a).

(c) The retail ceiling prices contained in paragraph (a) shall apply in place of the ceiling prices which have been or would otherwise be established under this or any other regulation.

(d) On and after October 1, 1945, Re-Ly-On Products Company must mark each article listed in paragraph (a) with the retail ceiling price under this order, or attach to the article a label, tag or ticket stating the retail ceiling price. This mark or statement must be in the following form:

(Section 13, MPR 580)
OPA Price—$------

On and after November 1, 1945, no retailer may offer or sell the article unless it is marked or tagged in the form stated above. Prior to November 1, 1945, unless the article is marked or tagged in this form, the retailer shall comply with the marking, tagging and posting provisions of the applicable regulation.

(e) On or before the first delivery to any purchaser for resale of each article listed in paragraph (a), the seller shall send the purchaser a copy of this order.

(f) Unless the context otherwise requires, the provisions of the applicable regulation shall apply to sales for which retail ceiling prices are established by this order.

(g) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective September 13, 1945.

Issued this 12th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-17070; Filed, Sept. 12, 1945; 11:46 a. m.]

[MPR 580, Order 119]

Ingraham Mattress & Mfg. Co.

Establishment of Maximum Prices

Order 119 under Maximum Price Regulation 580. Establishing ceiling prices at retail for certain articles. Docket No. 6063-580-13-168.

For the reasons set forth in an opinion issued simultaneously herewith and pursuant to section 13 of Maximum Price Regulation No. 580, *It is ordered:*

(a) The following ceiling prices are established for sales by any seller at retail of the following articles manufactured by Ingraham Mattress & Mfg. Co., Seventh & Grant Sts., Phoenix, Arizona, P. O. Box 2508, having the Brand name "Serta" and described in the manufacturer's application:

Article	Style name	Retail ceiling price
Mattress	Four A	$39.50
Box spring	do	39.50
Mattress	Three A	29.95
Box spring	do	29.95
Mattress	Two A	24.95
Box spring	do	24.95
Mattress	One A	19.95
Box spring	do	19.95
Mattress	Perfect Sleeper	39.50
Box spring	do	39.50
Mattress	Restal Knight	34.75
Box spring	do	34.75
Mattress	Smoothrest	29.75
Box spring	do	29.75

(b) The retail ceiling price of an article manufactured for the first time after the effective date of this order and which is sold by the manufacturer at the same price as another article of the same type with the same brand or company name and for which a retail ceiling price has been established by paragraph (a) shall be the retail ceiling price listed for that other article in paragraph (a).

(c) The retail ceiling prices contained in paragraph (a) shall apply in place of the ceiling prices which have been or would otherwise be established under this or any other regulation.

(d) On and after October 1, 1945, Ingraham Mattress & Mfg. Co. must mark each article listed in paragraph (a) with the retail ceiling price under this order, or attach to the article a label, tag or ticket stating the retail ceiling price. This mark or statement must be in the following form:

(Section 13, MPR 580)
OPA Price $------

On and after November 1, 1945, no retailer may offer or sell the article unless it is marked or tagged in the form stated above. Prior to November 1, 1945, unless the article is marked or tagged in this form, the retailer shall comply with the marking, tagging and posting provisions of the applicable regulation.

(e) On or before the first delivery to any purchaser for resale of each article listed in paragraph (a), the seller shall send the purchaser a copy of this order.

(f) Unless the context otherwise requires, the provisions of the applicable regulation shall apply to sales for which retail ceiling prices are established by this order.

(g) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective September 13, 1945.

Issued this 12th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-17071; Filed, Sept. 12, 1945; 11:46 a. m.]

[MPR 580, Order 120]

Enterprise-Moakler Co., Inc.

Establishment of Maximum Prices

Order 120 under Order 120, Establishing ceiling prices at retail for certain articles. Docket No. 6063-580-13-69.

For the reasons set forth in an opinion issued simultaneously herewith and pursuant to section 13 of Maximum Price Regulation No. 580, *It is ordered:*

(a) The following ceiling prices are established for sales by any seller at retail of the following articles manufactured by Enterprise-Moakler Co., Inc., 155 Second Street, East Cambridge 41, Massachusetts, having the brand name "Serta", and described in the manufacturer's application dated April 16, 1945:

Article	Style name	Retail ceiling price
Mattress	Perfect Sleeper	$39.50
Box spring	do	39.50
Mattress	Restal Knight	34.75
Box spring	do	34.75
Mattress	Smoothrest	29.75
Box spring	do	29.75
Mattress	Tiny Four A	19.95
Mattress	Serta 1A	19.95
Box spring	do	19.95
Mattress	Serta 2A	24.95
Box spring	do	24.95
Mattress	Serta 3A	29.95
Box spring	do	29.95
Mattress	Serta 4A	39.50
Box spring	do	39.50

(b) The retail ceiling price of an article manufactured for the first time after the effective date of this order and which is sold by the manufacturer at the same price as another article of the same type with the same brand or company name and for which a retail ceiling price has been established by paragraph (a) shall be the retail ceiling price listed for that other article in paragraph (a).

(c) The retail ceiling prices contained in paragraph (a) shall apply in place of the ceiling prices which have been or would otherwise be established under this or any other regulation.

(d) On and after October 1, 1945, Enterprise-Moakler Co., Inc. must mark each article listed in paragraph (a) with the retail ceiling price under this order, or attach to the article a label, tag or ticket stating the retail ceiling price. This mark or statement must be in the following form:

(Section 13, MPR 580)
OPA Price—$------

On and after November 1, 1945, no retailer may offer or sell the article unless it is marked or tagged in the form stated above. Prior to November 1, 1945, unless the article is marked or tagged in this form, the retailer shall comply with the marking, tagging and posting provisions of the applicable regulation.

(e) On or before the first delivery to any purchaser for resale of each article listed in paragraph (a), the seller shall send the purchaser a copy of this order.

(f) Unless the context otherwise requires, the provisions of the applicable regulation shall apply to sales for which retail ceiling prices are established by this order.

(g) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective September 13, 1945.

Issued this 12th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-17072; Filed, Sept. 12, 1945; 11:46 a. m.]

[MPR 580, Order 121]

Enterprise Mattress Co.

Establishment of Maximum Prices

Order 121 Under Maximum Price Regulation 580. Establishing ceiling prices at retail for certain articles. Docket No. 6063-580-13-134.

For the reasons set forth in an opinion issued simultaneously herewith and pursuant to section 13 of Maximum Price Regulation No. 580; *It is ordered:*

(a) The following ceiling prices are established for sales by any seller at retail of the following articles manufactured by Enterprise Mattress Co., Inc., 45 Cress Street, Portland, Maine, having the brand name "Serta", and described in the manufacturer's application dated April 9, 1945:

Article	Style name	Retail ceiling price
Mattress	Four A	$39.50
Box spring	Four A	39.50
Mattress	Three A	29.95
Box spring	Three A	29.95
Mattress	Two A	24.95
Box spring	Two A	24.95
Mattress	Tiny Four A	9.95
Mattress	Perfect Sleeper	39.50
Box spring	do	39.50
Mattress	Restal Knight	34.75
Box spring	do	34.75
Mattress	Smooth Rest	29.75
Box spring	do	29.75

(b) The retail ceiling price of an article manufactured for the first time after the effective date of this order and which is sold by the manufacturer at the same price as another article of the same type with the same brand or company name and for which a retail ceiling price has been established by paragraph (a) shall be the retail ceiling price listed for that other article in paragraph (a).

(c) The retail ceiling prices contained in paragraph (a) shall apply in place of the ceiling prices which have been or would otherwise be established under this or any other regulation.

(d) On and after October 1, 1945, Enterprise Mattress Co., Inc., must mark each article listed in paragraph (a) with the retail ceiling price under this order, or attach to the article a label, tag or ticket stating the retail ceiling price. This mark or statement must be in the following form:

(Section 13, MPR 580)
OPA Price $------

On and after November 1, 1945, no retailer may offer or sell the article unless it is marked or tagged in the form stated above. Prior to November 1, 1945, unless the article is marked or tagged in this form, the retailer shall comply with the marking, tagging and posting provisions of the applicable regulation.

(e) On or before the first delivery to any purchaser for resale of each article listed in paragraph (a), the seller shall send the purchaser a copy of this order.

(f) Unless the context otherwise requires, the provisions of the applicable regulation shall apply to sales for which retail ceiling prices are established by this order.

(g) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective September 13, 1945.

Issued this 12th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-17073; Filed, Sept. 12, 1945; 11:47 a. m.]

[MPR 580, Order 122]

Jamison Bedding, Inc.

Establishment of Maximum Prices

Order 122, under MPR 580. Establishing ceiling prices at retail for certain articles. Docket No. 6063-580-13-125.

For the reasons set forth in an opinion issued simultaneously herewith and pursuant to section 13 of Maximum Price Regulation No. 580; *It is ordered:*

(a) The following ceiling prices are established for sales by any seller at retail of the following articles manufactured by Jamison Bedding, Inc., 100 North 1st Streeet, Nashville 6, Tenn., having the brand name "Serta," and described in the manufacturer's application dated April 5, 1945:

Article	Style name	Retail ceiling price
Mattress	Four A	$39.50
Box spring	do	39.50
Mattress	Three A	29.95
Box spring	do	29.95
Mattress	Two A	24.95
Box spring	do	24.95
Mattress	One A	19.95
Box spring	do	19.95
Mattress	Tiny Four A	9.95
Mattress	Perfect Sleeper	39.50
Box spring	do	39.50
Mattress	Restal Knight	34.75
Box spring	do	34.75
Mattress	Smooth Rest	29.75
Box spring	do	29.75

(b) The retail ceiling price of an article manufactured for the first time after the effective date of this order and which is sold by the manufacturer at the same price as another article of the same type with the same brand or company name and for which a retail ceiling price has been established by paragraph (a) shall be the retail ceiling price listed for that other article in paragraph (a).

(c) The retail ceiling prices contained in paragraph (a) shall apply in place of the ceiling prices which have been or would otherwise be established under this or any other regulation.

(d) On and after October 1, 1945, Jamison Bedding, Inc., must mark each article listed in paragraph (a) with the retail ceiling price under this order, or attach to the article a label, tag or ticket stating the retail ceiling price. This mark or statement must be in the following form:

(Section 13, MPR 580)
OPA Price $------

On and after November 1, 1945, no retailer may offer or sell the article unless it is marked or tagged in the form stated above. Prior to November 1, 1945, unless the article is marked or tagged in this form, the retailer shall comply with the marking, tagging and posting provisions of the applicable regulation.

(e) On or before the first delivery to any purchaser for resale of each article listed in paragraph (a), the seller shall send the purchaser a copy of this order.

(f) Unless the context otherwise requires, the provisions of the applicable regulation shall apply to sales for which retail ceiling prices are established by this order.

(g) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective September 13, 1945.

Issued this 12th day of September 1945

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-17074; Filed, Sept. 12, 1945; 11:47 a. m.]

[MPR 580, Order 123]

Adam Wuest, Inc.

Establishment of Maximum Prices

Order 123 under Maximum Price Regulation 580. Establishing ceiling prices

at retail for certain articles. Docket No. 6063–580–13–117.

For the reasons set forth in an opinion issued simultaneously herewith and pursuant to section 13 of Maximum Price Regulation No. 580; *It is ordered:*

(a) The following ceiling prices are established for sales by any seller at retail of the following articles manufactured by Adam Wuest, Inc., 514 E. Pearl Street, Cincinnati 2, Ohio, having the brand name "Serta," and described in the manufacturer's application dated April 2, 1945:

Article	Style name	Retail ceiling price
Mattress	Four A	$39.50
Box spring	do	39.50
Mattress	Three A	29.95
Box spring	do	29.95
Mattress	Two A	24.95
Box spring	do	24.95
Mattress	One A	19.95
Box spring	do	19.95
Mattress	Perfect Sleeper	39.50
Box spring	do	39.50
Mattress	Restal Knight	34.75
Box spring	do	34.75
Mattress	Smooth Rest	29.75
Box Spring	do	29.75
Mattress	Tiny Perfect Sleeper	11.75

(b) The retail ceiling price of an article manufactured for the first time after the effective date of this order and which is sold by the manufacturer at the same price as another article of the same type with the same brand or company name and for which a retail ceiling price has been established by paragraph (a) shall be the retail ceiling price listed for that other article in paragraph (a).

(c) The retail ceiling prices contained in paragraph (a) shall apply in place of the ceiling prices which have been or would otherwise be established under this or any other regulation.

(d) On and after October 1, 1945, Adam Wuest, Inc., must mark each article listed in paragraph (a) with the retail ceiling price under this order, or attach to the article a label, tag or ticket stating the retail ceiling price. This mark or statement must be in the following form:

(Section 13, MPR 580)
OPA Price $------

On and after November 1, 1945, no retailer may offer or sell the article unless it is marked or tagged in the form stated above. Prior to November 1, 1945, unless the article is marked or tagged in this form, the retailer shall comply with the marking, tagging and posting provisions of the applicable regulation.

(e) On or before the first delivery to any purchaser for resale of each article listed in paragraph (a), the seller shall send the purchaser a copy of this order.

(f) Unless the context otherwise requires, the provisions of the applicable regulation shall apply to sales for which retail ceiling prices are established by this order.

(g) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective September 13, 1945.

Issued this 12th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45–17075; Filed, Sept. 12, 1945; 11:47 a. m.]

[MPR 580, Order 124]

CHATTANOOGA MATTRESS CO.

ESTABLISHMENT OF MAXIMUM PRICES

Order 124 under Maximum Price Regulation 580. Establishing ceiling prices at retail for certain articles. Docket No. 6063–580–13–157.

For the reasons set forth in an opinion issued simultaneously herewith and pursuant to section 13 of Maximum Price Regulation No. 580, *It is ordered:*

(a) The following ceiling prices are established for sales by any seller at retail of the following articles manufactured by Chattanooga Mattress Company, 426 Chestnut Street, Chattanooga, Tennessee, having the brand name "Serta" and described in the manufacturer's application dated April 2, 1945:

Article	Style name	Retail ceiling price
Mattress	Four A	$39.50
Box spring	do	39.50
Mattress	Three A	29.95
Box spring	do	29.95
Mattress	One A	19.95
Box spring	do	19.95
Mattress	Tiny Four A	9.95
Mattress	Perfect Sleeper	39.50
Box spring	do	39.50
Mattress	Smooth Rest	29.75
Box spring	do	29.75

(b) The retail ceiling price of an article manufactured for the first time after the effective date of this order and which is sold by the manufacturer at the same price as another article of the same type with the same brand or company name and for which a retail ceiling price has been established by paragarph (a) shall be the retail ceiling price listed for that other article in paragraph (a).

(c) The retail ceiling prices contained in paragraph (a) shall apply in place of the ceiling prices which have been or would otherwise be established under this or any other regulation.

(d) On and after October 1, 1945, Chattanooga Mattress Company must mark each article listed in paragraph (a) with the retail ceiling price under this order, or attach to the article a label, tag or ticket stating the retail ceiling price. This mark or statement must be in the following form:

(Section 13, MPR 580)
OPA Price—$------

On and after November 1, 1945, no retailer may offer or sell the article unless it is marked or tagged in the form stated above. Prior to November 1, 1945, unless the article is marked or tagged in this form, the retailer shall comply with the marking, tagging and posting provisions of the applicable regulation.

(e) On or before the first delivery to any purchaser for resale of each article listed in paragraph (a), the seller shall send the purchaser a copy of this order.

(f) Unless the context otherwise requires, the provisions of the applicable regulation shall apply to sales for which retail ceiling prices are established by this order.

(g) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective September 13, 1945.

Issued this 12th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45–17076; Filed, Sept. 12, 1945; 11:48 a. m.]

[MPR 580, Order 125]

SALT LAKE MATTRESS & MFG. CO.

ESTABLISHMENT OF MAXIMUM PRICES

Order 125 under Maximum Price Regulation 580. Establishing ceiling prices at retail for certain articles. Docket No. 6063–580–13–143.

For the reasons set forth in an opinion issued simultaneously herewith and pursuant to section 13 of Maximum Price Regulation No. 580: *It is ordered:*

(a) The following ceiling prices are established for sales by any seller at retail of the following articles manufactured by Salt Lake Mattress & Mfg. Co., 535 West Broadway, Salt Lake City, Utah, having the brand name "Serta", and described in the manufacturer's application dated April 3, 1945:

Article	Style name	Retail ceiling price
Mattress	Four A	$39.50
Box spring	do	39.50
Mattress	Three A	29.95
Box spring	do	29.95
Mattress	Two A	24.95
Box spring	do	24.95
Mattress	One A	19.95
Box spring	do	19.95
Mattress	Tiny Four A	9.95
Mattress	Perfect Sleeper	39.50
Box spring	do	39.50
Mattress	Restal Knight	34.75
Box spring	do	34.75
Mattress	Smooth Rest	29.75
Box spring	do	29.75

(b) The retail ceiling price of an article manufactured for the first time after the effective date of this order and which is sold by the manufacturer at the same price as another article of the same type with the same brand or company name and for which a retail ceiling price has been established by paragraph (a) shall be the retail ceiling price listed for that other article in paragraph (a).

(c) The retail ceiling prices contained in paragraph (a) shall apply in place of the ceiling prices which have been or would otherwise be established under this or any other regulation.

(d) On and after October 1, 1945, Salt Lake Mattress & Mfg. Co., must mark each article listed in paragraph (a) with the retail ceiling price under this order, or attach to the article a label, tag or ticket stating the retail ceiling price. This mark or statement must be in the following form:

(Section 13, MPR 580)
OPA Price—$------

On and after November 1, 1945, no retailer may offer or sell the article unless it is marked or tagged in the form stated above. Prior to November 1, 1945, unless the article is marked or tagged in this form, the retailer shall comply with the marking, tagging and posting provisions of the applicable regulation.

(e) On or before the first delivery to any purchaser for resale of each article listed in paragraph (a), the seller shall send the purchaser a copy of this order.

(f) Unless the context otherwise requires, the provisions of the applicable regulation shall apply to sales for which retail ceiling prices are established by this order.

(g) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective September 13, 1945.

Issued this 12th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45–17077; Filed, Sept. 12, 1945; 11:48 a. m.]

[MPR 580, Order 126]

F. C. HUYCK & SONS

ESTABLISHMENT OF MAXIMUM PRICES

Order 126 under Maximum Price Regulation 580. Establishing ceiling prices at retail for certain articles. Docket No. 6063–580–13–284.

For the reasons set forth in an opinion issued simultaneously herewith and pursuant to section 13 of Maximum Price Regulation No. 580: *It is ordered:*

(a) The following ceiling prices are established for sales by any seller at retail of the following articles manufactured by Huyck & Sons, Albany 1, New York, having the brand name "Kenwood," and described in the manufacturer's application dated August 1, 1945:

Article	Style No. and name	Size	Manufacturer's selling price	Retail ceiling prices	
				Arizona, California, New Mexico, Oklahoma, Texas, Colorado, Idaho, Montana, Nevada, Utah, Oregon, Washington, Wyoming, North Dakota, South Dakota	All other States and the District of Columbia
Blanket	99 Arondac	72" x 90"	$8.60	$11.70	$10.95

(b) The retail ceiling price of an article manufactured for the first time after the effective date of this order and which is sold by the manufacturer at the same price as another article of the same type with the same brand or company name and for which a retail ceiling price has been established by paragraph (a) shall be the retail ceiling price listed for that other article in paragraph (a).

(c) The retail ceiling prices contained in paragraph (a) shall apply in place of the ceiling prices which have been or would otherwise be established under this or any other regulation.

(d) On and after October 15, 1945, F. C. Huyck & Sons, must mark each article listed in paragraph (a) with the retail ceiling price under this order, or attach to the article a label, tag or ticket stating the retail ceiling price. This mark or statement must be in the following form:

(Section 13, MPR 580)
OPA Price—$------

On and after November 15, 1945, no retailer may offer or sell the article unless it is marked or tagged in the form stated above. Prior to November 15, 1945, unless the article is marked or tagged in this form, the retailer shall comply with the marking, tagging and posting provisions of the applicable regulation.

(e) On or before the first delivery to any purchaser for resale of each article listed in paragraph (a), the seller shall send the purchaser a copy of this order.

(f) Unless the context otherwise requires, the provisions of the applicable regulation shall apply to sales for which retail ceiling price are established by this order.

(g) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective September 13, 1945.

Issued this 12th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45–17078; Filed, Sept. 12, 1945; 11:48 a. m.]

[MPR 580, Order 127]

J. C. HIRSCHMAN CO.

ESTABLISHMENT OF MAXIMUM PRICES

Order 127 under Maximum Price Regulation 580. Establishing ceiling prices at retail for certain articles. Docket No. 6063–580–13–123.

For the reasons set forth in an opinion issued simultaneously herewith and pursuant to section 13 of Maximum Price Regulation No. 580; *It is ordered:*

(a) The following ceiling prices are established for sales by any seller at retail of the following articles manufactured by J. C. Hirschman Company, 1201 E. Maryland St., Indianapolis, Ind., having the brand name "Serta," and described in the manufacturer's application dated April 6, 1945:

Article	Style name	Retail ceiling price
Mattress	Four A	$39.50
Box spring	do	39.50
Mattress	Three A	29.95
Box spring	do	29.95
Mattress	Two A	24.95
Box spring	do	24.95
Mattress	One A	19.95
Box spring	do	19.95
Mattress	Tiny Four A	9.95
Mattress	Perfect Sleeper	39.50
Box spring	do	39.50
Mattress	Restal Knight	34.75
Box spring	do	34.75
Mattress	Smooth Rest	29.75
Box spring	do	29.75
Mattress	De Luxe Perfect Sleeper	44.50
Box spring	do	44.50

(b) The retail ceiling price of an article manufactured for the first time after the effective date of this order and which is sold by the manufacturer at the same price as another article of the same type with the same brand or company name and for which a retail ceiling price has been established by paragraph (a) shall be the retail ceiling price listed for that other article in paragraph (a).

(c) The retail ceiling prices contained in paragraph (a) shall apply in place of the ceiling prices which have been or would otherwise be established under this or any other regulation.

(d) On and after October 1, 1945, J. C. Hirschman Company must mark each article listed in paragraph (a) with the retail ceiling price under this order, or attach to the article a label, tag or ticket stating the retail ceiling price. This mark or statement must be in the following form:

(Section 13, MPR 580)
OPA Price $------

On and after November 1, 1945, no retailer may offer or sell the article unless it is marked or tagged in the form stated above. Prior to November 1, 1945, unless the article is marked or tagged in this form, the retailer shall comply with the marking, tagging and posting provisions of the applicable regulation.

(e) On or before the first delivery to any purchaser for resale of each article listed in paragraph (a), the seller shall send the purchaser a copy of this order.

(f) Unless the context otherwise requires, the provisions of the applicable regulation shall apply to sales for which retail ceiling prices are established by this order.

(g) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective September 13, 1945.

Issued this 12th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45–17079; Filed, Sept. 12, 1945; 11:49 a. m.]

[MPR 580, Order 128]

PHOENIX HOSIERY CO.

ESTABLISHMENT OF MAXIMUM PRICES

Order 128 under Maximum Price Regulation 580. Establishing ceiling prices

at retail for certain articles. Docket No. 6063–580–13–269.

For the reasons set forth in an opinion issued simultaneously herewith and pursuant to section 13 of Maximum Price Regulation No. 580; *It is ordered:*

(a) The following ceiling prices are established for sales by any seller at retail of the following articles manufactured by Phoenix Hosiery Company, 320 East Buffalo Street, Milwaukee, Wis., having the brand name "Phoenix," and described in the manufacturer's application dated July 27, 1945:

CHILDREN'S AND MISSES' HOSE

Style No.	Manufacturer's ceiling price (per dozen)	Retail ceiling price per pair
A412	$2.10	$0.29
A413	2.10	.29
A422	2.10	.29
A488	2.10	.29
A3210	2.10	.29
A3211	2.10	.29
A3212	2.10	.29
H3220	2.10	.29
H3221	2.10	.29
S3206	2.10	.29
H3200	2.00	.29
H3205	2.00	.29
A417	2.75	.39
A3235	2.75	.39
A845	2.80	.39
A3230	2.80	.39
A3231	2.80	.39
C3247	2.80	.39
C3248	2.80	.39
C3249	2.80	.39
Y3209	2.80	.39
C880	3.00	.45
C3256	3.00	.45
Y3261	3.00	.45
A414	$3.50	.50
A3238	3.50	.50
A3239	3.50	.50
A869	4.65	.69
A812	4.65	.69
A864	4.65	.69
S834	5.65	.79
M3242	5.65	.79
S835	7.25	1.00

MEN'S HOSE

E586	$3.65	$0.55
R9207	3.65	.55
E9219	3.65	.55
E9220	3.65	.55
E9221	3.65	.55
E9222	3.65	.55
E9231	3.65	.55
R585	3.65	.55
E3230	3.65	.55
E9280	3.65	.55
E9282	3.65	.55
E9297	3.65	.55
R181	4.50	.65
R561	4.50	.65
E260	4.50	.65
E922	4.50	.65
R921	4.50	.65
E902	4.50	.65
R161	4.50	.65
E921	4.50	.65
E943	4.50	.65
E9236	4.50	.65
E9239	4.50	.65
E9238	4.50	.65
E9242	4.50	.65
E9247	4.50	.65
E9249	4.50	.65
E263	5.25	.75
E266	5.25	.75
E558	5.25	.75
R175	7.00	1.00
E652	7.00	1.00
E655	7.00	1.00
E658	7.00	1.00
E681	7.00	1.00
E9284	7.00	1.00
E960	7.10	1.00
E985	7.10	1.00
E980	7.10	1.00
E972	7.10	1.00
E980	7.10	1.00
E989	7.10	1.00
R985	7.10	1.00
R645	8.25	1.15
E588	8.25	1.15

MEN'S HOSE—Continued

Style No.	Manufacturer's ceiling price (per dozen)	Retail ceiling price per pair
R981	$9.50	$1.35
R557	10.50	1.50
R982	10.50	1.50
R990	10.50	1.50
R5204	10.50	1.50

NECKTIES

T872	$10.50	$1.50
T875	10.50	1.50
T876	10.50	1.50
T877	10.50	1.50

(b) The retail ceiling price of an article manufactured for the first time after the effective date of this order and which is sold by the manufacturer at the same price as another article of the same type with the same brand or company name and for which a retail ceiling price has been established by paragraph (a) shall be the retail ceiling price listed for that other article in paragraph (a).

(c) The retail ceiling prices contained in paragraph (a) shall apply in place of the ceiling prices which have been or would otherwise be established under this or any other regulation.

(d) On and after October 1, 1945, Phoenix Hosiery Company must mark each article listed in paragraph (a) with the retail ceiling price under this order, or attach to the article a label, tag or ticket stating the retail ceiling price. This mark or statement must be in the following form:

(Section 13, MPR 580)
OPA Retail Ceiling Price—$------

On and after November 1, 1945, no retailer may offer or sell the article unless it is marked or tagged in the form stated above. Prior to November 1, 1945, unless the article is marked or tagged in this form, the retailer shall comply with the marking, tagging and posting provisions of the applicable regulation.

(e) On or before the first delivery to any purchaser for resale of each article listed in paragraph (a), the seller shall send the purchaser a copy of this order.

(f) Unless the context otherwise requires, the provisions of the applicable regulation shall apply to sales for which retail ceiling prices are established by this order.

(g) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective September 13, 1945.

Issued this 12th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45–17080; Filed, Sept. 12, 1945; 11:50 a. m.]

[MPR 580, Order 129]

ROYAL BEDDING CO.

ESTABLISHMENT OF MAXIMUM PRICES

Order 129 under Maximum Price Regulation 580. Establishing ceiling prices at retail for certain articles. Docket No. 6063–580–13–120.

For the reasons set forth in an opinion issued simultaneously herewith and pursuant to section 13 of Maximum Price Regulation No. 580, *It is ordered:*

(a) The following ceiling prices are established for sales by any seller at retail of the following articles manufactured by Royal Bedding Company, 721 Cass Avenue, St. Louis, Missouri, having the brand name "Serta" and described in the manufacturer's application dated April 6, 1945:

Article	Style name	Retail ceiling price
Mattress	Four A	$39.50
Box spring	Four A	39.50
Mattress	Three A	29.95
Box spring	Three A	29.95
Mattress	Two A	24.95
Box spring	Two A	24.95
Mattress	One A	19.95
Box spring	One A	19.95
Mattress	Tiny Four A	34.75
Mattress	Perfect Sleeper	39.50
Box spring	do	39.50
Mattress	Regal Knight	34.75
Box spring	do	34.75
Mattress	Smooth Rest	29.75
Box spring	do	29.75

(b) The retail ceiling price of an article manufactured for the first time after the effective date of this order and which is sold by the manufacturer at the same price as another article of the same type with the same brand or company name and for which a retail ceiling price has been established by paragraph (a) shall be the retail ceiling price listed for that other article in paragraph (a).

(c) The retail ceiling prices contained in paragraph (a) shall apply in place of the ceiling prices which have been or would otherwise be established under this or any other regulation.

(d) On and after October 1, 1945, Royal Bedding Company must mark each article listed in paragraph (a) with the retail ceiling price under this order, or attach to the article a label, tag or ticket stating the retail ceiling price. This mark or statement must be in the following form:

(Section 13, MPR 580)
OPA Price $------

On and after November 1, 1945, no retailer may offer or sell the article unless it is marked or tagged in the form stated above. Prior to November 1, 1945, unless the article is marked or tagged in this form, the retailer shall comply with the marking, tagging and posting provisions of the applicable regulation.

(e) On or before the first delivery to any purchaser for resale of each article listed in paragraph (a), the seller shall send the purchaser a copy of this order.

(f) Unless the context otherwise requires, the provisions of the applicable regulation shall apply to sales for which retail ceiling prices are established by this order.

(g) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective September 13, 1945.

Issued this 12th day of September 1945

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45–17081; Filed, Sept. 12, 1945, 11:50 a. m.]

[MPR 580, Order 130]

ALEXANDRIA BEDDING CO.

ESTABLISHMENT OF MAXIMUM PRICES

Order 130 under Maximum Price Regulation 580. Establishing ceiling prices at retail for certain articles. Docket No. 6063–580–13–139.

For the reasons set forth in an opinion issued simultaneously herewith and pursuant to section 13 of Maximum Price Regulation No. 580; *It is ordered:*

(a) The following ceiling prices are established for sales by any seller at retail of the following articles manufactured by Alexandria Bedding Company, Maple and Tenth Ave., South, Alexandria, La., having the brand name "Serta," and described in the manufacturer's application dated April 9, 1945:

Article	Style name	Retail ceiling price
Mattress	Perfect Sleeper	$39.50
Box spring	do	39.50
Mattress	Regal Knight	34.75
Box spring	do	34.75
Mattress	Smooth Rest	29.75
Box spring	do	29.75
Mattress	Serta I A	39.50
Box spring	do	39.50
Mattress	Serta I A	29.95
Box spring	do	29.95

(b) The retail ceiling price of an article manufactured for the first time after the effective date of this order and which is sold by the manufacturer at the same price as another article of the same type with the same brand or company name and for which a retail ceiling price has been established by paragraph (a) shall be the retail ceiling price listed for that other article in paragraph (a).

(c) The retail ceiling prices contained in paragraph (a) shall apply in place of the ceiling prices which have been or would otherwise be established under this or any other regulation.

(d) On and after October 1, 1945, Alexandria Bedding Company must mark each article listed in paragraph (a) with the retail ceiling price under this order, or attach to the article a label, tag or ticket stating the retail ceiling price. This mark or statement must be in the following form:

(Section 13, MPR 580)
OPA Price—$------

On and after November 1, 1945, no retailer may offer or sell the article unless it is marked or tagged in the form stated above. Prior to November 1, 1945, unless the article is marked or tagged in this form, the retailer shall comply with the marking, tagging and posting provisions of the applicable regulation.

(e) On or before the first delivery to any purchaser for resale of each article listed in paragraph (a), the seller shall send the purchaser a copy of this order.

(f) Unless the context otherwise requires, the provisions of the applicable regulation shall apply to sales for which retail ceiling prices are established by this order.

(g) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective September 13, 1945.

Issued this 12th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R Doc. 45 17062; Filed, Sept. 12, 1945; 11:50 a. m.]

[MPR 580, Order 131]

SERTA OF CHICAGO

ESTABLISHMENT OF MAXIMUM PRICES

Order 131 under Maximum Price Regulation 580. Establishing ceiling prices at retail for certain articles. Docket No. 6063–580–13–119.

For the reasons set forth in an opinion issued simultaneously herewith and pursuant to section 13 of Maximum Price Regulation No. 580, *It is ordered:*

(a) The following ceiling prices are established for sales by any seller at retail of the following articles manufactured by Serta of Chicago, 1300 West Fulton Street, Chicago 7, Illinois, having the brand name "Serta," and described in the manufacturer's application dated April 9, 1945:

Article	Style name	Retail ceiling price
Mattress	Five A	$44.50
Box spring	do	44.50
Mattress	Four A	39.50
Box spring	do	39.50
Mattress	Three A	29.95
Box spring	do	29.95
Mattress	Two A	24.95
Box spring	do	24.95
Mattress	One A	19.95
Box spring	do	19.95
Mattress	Deluxe Perfect Sleeper	44.50
Box spring	do	44.50
Mattress	Perfect Sleeper	39.50
Box spring	do	39.50
Mattress	Regal Knight	34.75
Box spring	do	34.75
Mattress	Smooth Rest	29.75
Box spring	do	29.75

(b) The retail ceiling price of an article manufactured for the first time after the effective date of this order and which is sold by the manufacturer at the same price as another article of the same type with the same brand or company name and for which a retail ceiling price has been established by paragraph (a) shall be the retail ceiling price listed for that other article in paragraph (a).

(c) The retail ceiling prices contained in paragraph (a) shall apply in place of the ceiling prices which have been or would otherwise be established under this or any other regulation.

(d) On and after October 1, 1945, Serta of Chicago must mark each article listed in paragraph (a) with the retail ceiling price under this order, or attach to the article a label, tag or ticket stating the retail ceiling price. This mark or statement must be in the following form:

(Section 13, MPR 580)
OPA Price—$------

On and after November 1, 1945, no retailer may offer or sell the article unless it is marked or tagged in the form stated above. Prior to November 1, 1945, unless the article is marked or tagged in this form, the retailer shall comply with the marking, tagging and posting provisions of the applicable regulation.

(e) On or before the first delivery to any purchaser for resale of each article listed in paragraph (a), the seller shall send the purchaser a copy of this order.

(f) Unless the context otherwise requires, the provisions of the applicable regulation shall apply to sales for which retail ceiling prices are established by this order.

(g) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective September 13, 1945.

Issued this 12th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R Doc. 45–17083; Filed, Sept. 12, 1945; 11:51 a. m.]

[MPR 580, Order 132]

LIBERTYVILLE TEXTILES, INC.

ESTABLISHMENT OF MAXIMUM PRICES

Order 132 under Maximum Price Regulation 580. Establishing ceiling prices at retail for certain articles. Docket No. 6063–580–13–241.

For the reasons set forth in an opinion issued simultaneously herewith and pursuant to section 13 of Maximum Price Regulation No. 580, *It is ordered:*

(a) The following ceiling prices are established for sales by any seller at retail of the following articles manufactured by Libertyville Textiles, Inc., 2033 W. Charleston Street, Chicago 47, Ill., bearing the brand name "Tumble-Twist," and described in the manufacturer's application dated June 12, 1945.

RUGS

Size	Manufacturer's selling price	Retail ceiling price
22" x 36"	$2.50	$4.95
24" x 48"	4.10	6.95
27" x 54"	5.50	8.95
30" x 60"	7.10	11.95
48" x 72"	11.75	19.75
6' x 9' 1	31.05	54.00
8' x 10' 1	46.00	80.00
9' x 12' 1	62.10	108.00
9' x 15' 1	77.00	135.00

1 Sewing Included.

(b) The retail ceiling price of an article manufactured for the first time after the effective date of this order and which is sold by the manufacturer at the same price as another article of the same type with the same brand or company name and for which a retail ceiling price has been established by paragraph (a) shall be the retail ceiling price listed for that other article in paragraph (a).

(c) The retail ceiling prices contained in paragraph (a) shall apply in place of the ceiling prices which have been or would otherwise be established under this or any other regulation.

(d) On and after October 1, 1945, Libertyville Textiles, Inc., must mark each article listed in paragraph (a) with the retail ceiling price under this order, or attach to the article a label, tag or

ticket stating the retail ceiling price. This mark or statement must be in the following form:

(Section 13, MPR 580)
OPA Price—$------

On and after November 1, 1945, no retailer may offer or sell the article unless it is marked or tagged in the form stated above. Prior to November 1, 1945, unless the article is marked or tagged in this form, the retailer shall comply with the marking, tagging and posting provisions of the applicable regulation.

(e) On or before the first delivery to any purchaser for resale of each article listed in paragraph (a), the seller shall send the purchaser a copy of this order.

(f) Unless the context otherwise requires, the provisions of the applicable regulation shall apply to sales for which retail ceiling prices are established by this order.

(g) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective September 13, 1945.

Issued this 12th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-17084; Filed, Sept. 12, 1945; 11:51 a. m.]

[MPR 580, Order 133]

HERR MFG. CO.

ESTABLISHMENT OF MAXIMUM PRICES

Order 133 under Maximum Price Regulation 580. Establishing ceiling prices at retail for certain articles. Docket No. 6063-580-13-127.

For the reasons set forth in an opinion issued simultaneously herewith and pursuant to section 13 of Maximum Price Regulation No. 580, *It is ordered:*

(a) The following ceiling prices are established for sales by any seller at retail of the following articles manufactured by Herr Manufacturing Company, 118-124 South Christian Street, Lancaster, Pa., having the brand name "Serta," and described in the manufacturer's application dated April 5, 1945:

Article	Style number	Retail ceiling price
Mattress	4A	$39.50
Box spring	4A	39.50
Mattress	3A	29.95
Box spring	3A	29.95
Mattress	1A	19.95
Box spring	1A	19.95
Mattress	Perfect Sleeper Deluxe	44.50
Mattress	Perfect Sleeper	39.50
Box spring	do	39.50
Mattress	Rental Knight	34.75
Box spring	do	34.75
Mattress	Smooth Rest	29.75
Box spring	do	29.75
Mattress	Tiny Perfect Sleeper	11.75

(b) The retail ceiling price of an article manufactured for the first time after the effective date of this order and which is sold by the manufacturer at the same price as another article of the same type with the same brand or company name and for which a retail ceiling price has been established by paragraph (a) shall be the retail ceiling price listed for that other article in paragraph (a).

(c) The retail ceiling prices contained in paragraph (a) shall apply in place of the ceiling prices which have been or would otherwise be established under this or any other regulation.

(d) On and after October 1, 1945, Herr Manufacturing Company must mark each article listed in paragraph (a) with the retail ceiling price under this order, or attach to the article a label, tag or ticket stating the retail ceiling price. This mark or statement must be in the following form:

(Section 13, MPR 580)
OPA Price—$------

On and after November 1, 1945, no retailer may offer or sell the article unless it is marked or tagged in the form stated above. Prior to November 1, 1945, unless the article is marked or tagged in this form, the retailer shall comply with the marking, tagging and posting provisions of the applicable regulation.

(e) On or before the first delivery to any purchaser for resale of each article listed in paragraph (a), the seller shall send the purchaser a copy of this order.

(f) Unless the context otherwise requires, the provisions of the applicable regulation shall apply to sales for which retail ceiling prices are established by this order.

(g) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective September 13, 1945.

Issued this 12th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-17085; Filed, Sept. 12, 1945; 11:51 a. m.]

[MPR 580, Order 134]

KENTUCKY SANITARY BEDDING CO.

ESTABLISHMENT OF MAXIMUM PRICES

Order 134 under Maximum Price Regulation 580. Establishing ceiling prices at retail for certain articles. Docket No. 6063-580-13-126.

For the reasons set forth in an opinion issued simultaneously herewith and pursuant to section 13 of Maximum Price Regulation No. 580; *It is ordered:*

(a) The following ceiling prices are established for sales by any seller at retail of the following articles manufactured by Kentucky Sanitary Bedding Company, 1122 Rowan Street, Louisville, Kentucky, having the brand name "Serta," and described in the manufacturer's application dated April 4, 1945:

Article	Style name	Retail ceiling price
Mattress	Four A	$39.50
Box spring	do	39.50
Mattress	Three A	29.95
Box spring	do	29.95
Mattress	Two A	24.95
Box spring	do	24.95
Mattress	One A	19.95
Box spring	do	19.95
Mattress	Tiny Four A	9.95
Mattress	Perfect Sleeper	39.50
Box spring	do	39.50
Mattress	Rental Knight	34.75
Box spring	do	34.75
Mattress	Smooth Rest	29.75
Box spring	do	29.75

(b) The retail ceiling price of an article manufactured for the first time after the effective date of this order and which is sold by the manufacturer at the same price as another article of the same type, with the same brand or company name and for which a retail ceiling price has been established by paragraph (a) shall be the retail ceiling price listed for that other article in paragraph (a).

(c) The retail ceiling prices contained in paragraph (a) shall apply in place of the ceiling prices which have been or would otherwise be established under this or any other regulation.

(d) On and after October 1, 1945, Kentucky Sanitary Bedding Company must mark each article listed in paragraph (a) with the retail ceiling price under this order, or attach to the article a label, tag or ticket stating the retail ceiling price. This mark or statement must be in the following form:

(Section 13, MPR 580)
OPA Price—$------

On and after November 1, 1945, no retailer may offer or sell the article unless it is marked or tagged in the form stated above. Prior to November 1, 1945, unless the article is marked or tagged in this form, the retailer shall comply with the marking, tagging and posting provisions of the applicable regulation.

(e) On or before the first delivery to any purchaser for resale of each article listed in paragraph (a), the seller shall send the purchaser a copy of this order.

(f) Unless the context otherwise requires, the provisions of the applicable regulation shall apply to sales for which retail ceiling prices are established by this order.

(g) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective September 13, 1945.

Issued this 12th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-17086; Filed, Sept. 12, 1945; 11:52 a. m.]

[MPR 580, Order 135]

A. GRONA MATTRESS CO., INC.

ESTABLISHMENT OF MAXIMUM PRICES

Order 135 under Maximum Price Regulation 580. Establishing ceiling prices at retail for certain articles. Docket No. 6063-580-13-190.

For the reasons set forth in an opinion issued simultaneously herewith and pursuant to section 13 of Maximum Price Regulation No. 580; *It is ordered:*

(a) The following ceiling prices are established for sales by any seller at retail of the following articles manufactured by A. Grona Mattress Company, Inc., 1907 So. St. Mary's Street, San Antonio, Texas, having the brand name "Serta," and described in the manufacturer's application dated May 8, 1945:

Article	Style name	Retail ceiling price
Mattress	Four A	$39.50
Box spring	do	39.50
Mattress	Three A	29.95
Box spring	do	29.95
Mattress	Two A	24.95
Box spring	do	24.95
Mattress	One A	19.95
Box spring	do	19.95
Mattress	Tiny Four A	9.95
Mattress	Perfect Sleeper	39.50
Box spring	do	39.50
Mattress	Rental Knight	34.75
Box spring	do	34.75
Mattress	Smooth Rest	29.75
Box spring	do	29.75

(b) The retail ceiling price of an article manufactured for the first time after the effective date of this order and which is sold by the manufacturer at the same price as another article of the same type with the same brand or company name and for which a retail ceiling price has been established by paragraph (a) shall be the retail ceiling price listed for that other article in paragraph (a).

(c) The retail ceiling prices contained in paragraph (a) shall apply in place of the ceiling prices which have been or would otherwise be established under this or any other regulation.

(d) On and after October 1, 1945, A. Grona Mattress Company, Inc., must mark each article listed in paragraph (a) with the retail ceiling price under this order, or attach to the article a label, tag or ticket stating the retail ceiling price. This mark or statement must be in the following form:

(Section 13, MPR 580)
OPA Price $------

On and after November 1, 1945, no retailer may offer or sell the article unless it is marked or tagged in this form, the retailer shall comply with the marking, tagging and posting provisions of the applicable regulation.

(e) On or before the first delivery to any purchaser for resale of each article listed in paragraph (a), the seller shall send the purchaser a copy of this order.

(f) Unless the context otherwise requires, the provisions of the applicable regulation shall apply to sales for which retail ceiling prices are established by this order.

(g) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective September 13, 1945.

Issued this 12th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-17087; Filed, Sept. 12, 1945; 11:52 a. m.]

[MPR 580, Order 136]

MCCURRACH ORGANIZATION

ESTABLISHMENT OF MAXIMUM PRICES

Order 136 under Maximum Price Regulation 580. Establishing ceiling prices at retail for certain articles. Docket No. 6063-580-13-203.

For the reasons set forth in an opinion issued simultaneously herewith and pursuant to section 13 of Maximum Price Regulation No 580; *It is ordered:*

(a) The following ceiling prices are established for sales by any seller at retail of the following articles manufactured by McCurrach Organization, 411 Fifth Avenue, New York, N. Y., under the brand name "McCurrach" and described in the manufacturer's application dated May 16, 1945:

Article	Manufacturer's ceiling price	Retail ceiling price
	Per dozen	
Ties	$7.25	$1.00
	10.50	1.50
	14.00	2.00
	17.50	2.50
	24.00	3.50
Ties (woven fabrics)	33.00	5.00
Ties (printed fabrics)	36.00	5.00

(b) The retail ceiling price of an article manufactured for the first time after the effective date of this order and which is sold by the manufacturer at the same price as another article of the type with the same brand or company name and for which a retail ceiling price has been established by paragraph (a) shall be the retail ceiling price listed for that other article in paragraph (a).

(c) The retail ceiling prices contained in paragraph (a) shall apply in place of the ceiling prices which have been or would otherwise be established under this or any other regulation.

(d) On and after October 1, 1945, McCurrach Organization must mark each article listed in paragraph (a) with the retail ceiling price under this order, or attach to the article a label, tag or ticket stating the retail ceiling price. This mark or statement must be in the following form:

(Section 13, MPR 580)
OPA Price $------

On and after November 1, 1945, no retailer may offer or sell the article unless it is marked or tagged in the form stated above. Prior to November 1, 1945, unless the article is marked or tagged in this form, the retailer shall comply with the marking, tagging and posting provisions of the applicable regulation.

(e) On or before the first delivery to any purchaser for resale of each article listed in paragraph (a), the seller shall send the purchaser a copy of this order.

(f) Unless the context otherwise requires, the provisions of the applicable regulation shall apply to sales for which retail ceiling prices are established by this order.

(g) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective September 13, 1945.

Issued this 12th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-17088; Filed, Sept. 12, 1945; 11:52 a. m.]

[MPR 580, Order 137]

L. C. DOUP CO.

ESTABLISHMENT OF MAXIMUM PRICES

Order 137 under Maximum Price Regulation 580. Establishing ceiling prices at retail for certain articles. Docket No. 6063-580-13-133.

For the reasons set forth in an opinion issued simultaneously herewith and pursuant to section 13 of Maximum Price Regulation No. 580; *It is ordered:*

(a) The following ceiling prices are established for sales by any seller at retail of the following articles manufactured by L. G. Doup Company, 1301 Nicholas Street, Omaha, Nebr., having the brand name "Serta," and described in the manufacturer's application dated April 3, 1945:

Article	Name or style number	Retail ceiling price
Mattress	4-A	$39.50
Box spring	4-A	39.50
Mattress	3-A	29.95
Box spring	3-A	29.95
Mattress	2-A	24.95
Box spring	2-A	24.95
Mattress	1-A	19.95
Box spring	1-A	19.95
Mattress	Tiny 4-A	9.95
Do	Perfect Sleeper	39.50
Box spring	Perfect Sleeper	39.50
Mattress	Rental Knight	34.75
Box spring	Rental Knight	34.75
Mattress	Smooth Rest	29.75
Box spring	Smooth Rest	29.75
Mattress	Perfect Sleeper Deluxe	44.50
Box spring	do	44.50

(b) The retail ceiling price of an article manufactured for the first time after the effective date of this order and which is sold by the manufacturer at the same price as another article of the same type with the same brand or company name and for which a retail ceiling price has been established by paragraph (a) shall be the retail ceiling price listed for that other article in paragraph (a).

(c) The retail ceiling prices contained in paragraph (a) shall apply in place of the ceiling prices which have been or would otherwise be established under this or any other regulation.

(d) On and after October 1, 1945, L. G. Doup Company must mark each article listed in paragraph (a) with the retail ceiling price under this order, or attach to the article a label, tag or ticket stating

the retail ceiling price. This mark or statement must be in the following form:

(Section 13, MPR 580)
OPA Price—$_____

On and after November 1, 1945, no retailer may offer or sell the article unless it is marked or tagged in the form stated above. Prior to November 1, 1945, unless the article is marked or tagged in this form, the retailer shall comply with the marking, tagging and posting provisions of the applicable regulation.

(e) On or before the first delivery to any purchaser for resale of each article listed in paragraph (a), the seller shall send the purchaser a copy of this order.

(f) Unless the context otherwise requires, the provisions of the applicable regulation shall apply to sales for which retail ceiling prices are established by this order.

(g) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective September 13, 1945.

Issued this 12th day of September, 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-17089, Filed Sept. 12, 1945; 11:53 a. m.]

[MPR 580, Order 138]

CAPITAL BEDDING CO., INC.

ESTABLISHMENT OF MAXIMUM PRICES

Order 128 under Maximum Price Regulation 580. Establishing ceiling prices at retail for certain articles. Docket No. 6063-580-13-136.

For the reasons set forth in an opinion issued simultaneously herewith and pursuant to section 13 of Maximum Price Regulation No. 580; *It is ordered:*

(a) The following ceiling prices are established for sales by any seller at retail of the following articles manufactured by Capital Bedding Company, Inc., 14th and Howard Streets, Harrisburg, Pa., having the brand name of "Serta" and described in the manufacturer's application dated April 5, 1945.

Article	Style name	Retail ceiling price
Mattress	Perfect Sleeper deluxe	$44.50
Box spring	do	44.50
Mattress	Perfect Sleeper	39.50
Box spring	do	39.50
Mattress	Restal Knight	34.75
Box spring	do	34.75
Mattress	Smooth Rest	29.75
Box spring	do	29.75
Mattress	4A	39.50
Box spring	4A	39.50
Mattress	3A	29.95
Box spring	3A	29.95
Mattress	2A	24.95
Box spring	2A	24.95
Mattress	1A	19.95
Box spring	1A	19.95

(b) The retail ceiling price of an article manufactured for the first time after the effective date of this order and which is sold by the manufacturer at the same price as another article of the same type with the same brand or company name and for which a retail ceiling price has been established by paragraph (a) shall be the retail ceiling price listed for that other article in paragraph (a).

(c) The retail ceiling prices contained in paragraph (a) shall apply in place of the ceiling prices which have been or would otherwise be established under this or any other regulation.

(d) On and after October 1, 1945, Capital Bedding Company, Inc. must mark each article listed in paragraph (a) with the retail ceiling price under this order, or attach to the article a label, tag or ticket stating the retail ceiling price. This mark or statement must be in the following form:

(Section 13, MPR 580)
OPA Price $_____

On and after November 1, 1945, no retailer may offer or sell the article unless it is marked or tagged in the form stated above. Prior to November 1, 1945, unless the article is marked or tagged in this form, the retailer shall comply with the marking, tagging and posting provisions of the applicable regulation.

(e) On or before the first delivery to any purchaser for resale of each article listed in paragraph (a), the seller shall send the purchaser a copy of this order.

(f) Unless the context otherwise requires, the provisions of the applicable regulation shall apply to sales for which retail ceiling prices are established by this order.

(g) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective September 13, 1945.

Issued this 12th day of September 1945.

CHESTER BOWLES,
Administrator

[F. R. Doc. 45-17090; Filed, Sept. 12, 1945; 11:53 a. m.]

[SR 15 Order 52]

LAKE MILLS SHOE CO.

APPROVAL OF MAXIMUM PRICES

Order No. 52 under § 1499.75 (a) (10) of Supplementary Regulation 15 to the General Maximum Price Regulation. Lake Mills Shoe Company, WLB Case No. 6-48886; OPA Docket No. SO-28-7299, 6984-SR 15.75 (a) (10)-22.

For the reasons set forth in an opinion issued simultaneously herewith and pursuant to § 1499.75 (a) (10) of Supplementary Regulation 15 to the General Maximum Price Regulation; It is ordered:

(a) *Maximum prices for manufacturer's sales of footwear by Lake Mills Shoe Company*—(1) *Maximum prices.* On and after September 10, 1945, the maximum prices, at which Lake Mills Shoe Company, Lake Mills, Wisconsin, may sell and deliver the footwear specified below to mail order retailers shall be as follows:

Style No.	Description	Size run	"OPA adjustment charge"	Adjusted invoicing price per pair
			Cents per pair	
1092	Misses' black calf oxford (perforated)	11½-3	4	5.95
1112	Misses' brown elk oxford (perforated)	11½-3	11	7.95
1708	Children's black elk boot	8½-11	15	7.95
1709	Misses' brown elk oxford (tip)	11½-3	7	7.95
1710	Misses' black calf oxford (tip)	11½-3	1	5.95
1873	Misses' black patent T strap (perforated)	11½-3	4	7.95
90336	Infants' brown elk boot	2½-8	6	4.95
90067	Infants' black elk boot	2½-8	2	4.95
90083	Infants' white elk boot	2½-8	8	4.95
91505	Misses' white elk boot	11½-3	12	7.95
1707	Misses' brown elk boot	11½-3	12	8.95

(2) *Invoicing of "OPA adjustment charges".* The "OPA adjustment charges" listed in subparagraph (1), above, may be made and collected only if separately stated on the invoice accompanying each sale and delivery.

(3) *Discounts.* Any shoe listed in subparagraph (1), above, may be billed at a gross price provided that the net price, after discounts, does not exceed the maximum price specified.

(b) *Maximum prices for sales at retail*—(1) *Sales subject to the General Maximum Price Regulation.* The maximum price for a sale or delivery at retail of any shoe listed in paragraph (a), above, shall be the retailer's maximum price previously established under the General Maximum Price Regulation and may not be increased by reason of the adjustment granted to Lake Mills Shoe Company under this order. If a retailer has not previously established a maximum price under the General Maximum Price Regulation, he may not, in determining his maximum price, consider the "OPA adjustment charge" specified in paragraph (a) (1), above, as part of his net unit replacement cost for the shoe.

(2) *Sales subject to Maximum Price Regulation 580.* The maximum price for a sale or delivery at retail of any shoe listed in paragraph (a), above, shall be the retailer's maximum price determined by applying to his invoice net cost, exclusive of the "OPA adjustment charge" specified in paragraph (a) (1), above, the applicable pricing rule of section 7 of Maximum Price Regulation 580. Such maximum price may not be increased by reason of the adjustment granted to Lake Mills Shoe Company under this order.

(c) *Notification.* At the time of or prior to the first delivery of each shoe to a purchaser for resale on and after the effective date of this order, the seller shall notify the purchaser in writing of the applicable method established by paragraph (b), above, for determining maximum prices for resale of the footwear. This notice may be given in any convenient form.

This order shall become effective September 13, 1945.

Issued this 12th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-17091; Filed, Sept. 12, 1945; 11:53 a. m.]

(d) All requests not specifically granted by this order are hereby denied.

(e) This order may be amended, modified, revised or revoked by the Administrator at any time.

This order shall become effective as of September 10, 1945.

Issued this 12th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-17107; Filed, Sept. 12, 1945; 4:18 p. m.]

[RMPR 122, Amdt. 34 to Rev. Order 47]

MORRELLVILLE COAL MINING CO.

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith, and in accordance with § 1340.260 of Revised Maximum Price Regulation No. 122, *It is ordered*, That Revised Order No. 47 under Revised Maximum Price Regulation No. 122 be amended in the following respects:

1. New paragraph (f16) is added to read as follows:

(f16) The prices set forth in paragraphs (c) (1), (d) and (f) for the respective areas and for "direct delivery" and "yard sales" may be increased for the sales of Morrellville Coal Mining Company's anthracite, by no more than 50 cents per net ton for the egg, stove, nut and pea sizes; by no more than 35 cents per net ton for the buckwheat size; and by no more than 15 cents for the rice size; if:

(1) The dealer keeps Morrellville Coal Mining Company's anthracite separate in storage and delivery from any other kind of solid fuels;

(2) The dealer keeps complete and accurate records of the Morrellville Coal Mining Company's anthracite for such time as this paragraph (f16) is in effect. The records shall show the date he received the coal; the name and address of the producer; the quantity in net tons of each delivery to him of such anthracite and all invoices sent to him by the producer; and,

(3) Morrellville Coal Mining Company's anthracite is produced by Morrellville Coal Mining Company at its Gowan Colliery.

2. In paragraph (c) Price Schedule I—Sales on a "direct delivery" basis—the maximum prices for Glen Rogers Briquettes and Berwind Briquettes are deleted and the following prices are established as follows:

Kind and size	Per ton net (2,000 lbs.)	Per ½ ton net (1,000 lbs.)
Glen Rogers briquettes	$10.92	$5.96
Berwind briquettes	10.72	5.86

3. In paragraph (d) Price Schedule II—"Yard Sales"—the maximum prices for Glen Rogers Briquettes and Berwind Briquettes are deleted and the following prices are established as follows:

Kind and size	Consumer prices, net ton, 2,000 lbs.	Dealer prices	
		Per 100 lbs.	Net ton, 1,000 lbs.
Glen Rogers briquettes	$10.03		
Berwind briquettes	9.83		

This amendment shall become effective September 12, 1945.

Issued this 12th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-17108; Filed, Sept. 12, 1945; 4:18 p. m.]

[FPR 1, Amdt. 2 to Order 24 Under Supplement 7]

PACKED TOMATOES

AUTHORIZATION OF MAXIMUM PRICES

An opinion accompanying this amendment has been issued and filed with the Division of the Federal Register.

Paragraph (d) is added to read as follows:

(d) Notwithstanding the provisions of paragraph (a), above, with respect to any delivery of packed tomatoes made prior to July 5, 1945 pursuant to an agreement under this order the processor, in determining the applicable maximum price pursuant to section 10 (j) of Supplement 13 to Food Products Regulation No. 1, shall add (to the applicable maximum price for sales to purchasers other than government procurement agencies, under section 2.12 (a) (2) of Food Products Regulation No. 1 the appropriate amount of direct subsidy payment specified below and not the amount specified in Supplement 13.

(1) *For tomatoes other than Italian pear shaped tomatoes.*

Container size:	*Amount to be added per dozen containers*
No. 1—Picnic	$0.08
No. 1—Tall	.10
No. 303	.10
No. 2 & 95 Vacuum	.12
No. 2½	.16
No. 10	.54

(2) *For Italian pear shaped tomatoes.* The amount of subsidy payment per dozen containers applicable to his 1944 pack of Italian pear shaped tomatoes under Supplement 7 to Food Products Regulation No. 1.

This amendment shall become effective as of September 3, 1945.

Issued this 12th day of September 1945.

CHESTER BOWLES,
Administrator.

Approved: September 10, 1945.

J. B. HUTSON,
Acting Secretary of Agriculture.

[F. R. Doc. 45-17106; Filed, Sept. 12, 1945; 4:18 p. m.]

Regional and District Office Orders.

[Region I Supp. Order 17 Under RMPR 122, Amdt. 1]

SOLID FUELS IN BOSTON REGION

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of Region I of the Office of Price Administration by §§ 1340.259 (a) (1) and 1340.260 of Revised Maximum Price Regulation No. 122 and the Emergency Price Control Act of 1942, as amended, paragraph (b) of Region I Supplementary Order No. 17 is amended by deleting "G-68_____Fall River, Massachusetts" from the list of orders set forth therein.

This Amendment No. 1 to Supplementary Order No. 17 shall become effective September 1, 1945.

Issued this 29th day of August 1945.

ELDON C. SHOUP,
Regional Administrator.

[F. R. Doc. 45-16990; Filed, Sept. 11, 1945; 4:48 p. m.]

[Region I Order G-63 Under RMPR 122, Amdt. 1]

SOLID FUELS IN WOONSOCKET, R. I., AREA

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of Region I of the Office of Price Administration by § 1340.260 of Revised Maximum Price Regulation No. 122 and the Emergency Price Control Act of 1942, as amended, paragraph (f) of Region I Order G-63 under Revised Maximum Price Regulation No. 122 is hereby amended to read as follows:

(f) *Certain named Pennsylvania anthracite coals.* The specific maximum prices set forth above for Pennsylvania Anthracite may be increased by the following amounts when the following sizes of the listed named Pennsylvania Anthracite coals are sold: *Provided*, That said coals are kept separate in storage and delivery and are invoiced and sold by the specified name:

Kind and size	Amount of addition			
	Per net ton	Per ½ ton	Per ¼ ton	Per 100 lbs.
Jeddo Highland:				
Egg, stove, and chestnut	$0.50	$0.25	$0.15	$0.05
Broken, pea and buckwheat	.25	.15	.05	None
Rice	.15	.10	None	None
Greenwood:				
Egg, stove and chestnut	.50	.25	.15	.05
Pea	.25	.15	.05	None
Silver Brook:				
Broken, egg, stove, pea, chestnut and buckwheat	.50	.25	.15	.05
Rice	.35	.20	.10	None

This Amendment No. 1 to Order G-63 shall become effective September 1, 1945.

Issued this 29th day of August 1945.

ELDON C. SHOUP,
Regional Administrator.

[F. R. Doc. 45-16984; Filed, Sept. 11, 1945; 4:49 p. m.]

[Region I Order G-68 Under RMPR 122, Amdt. 3]

SOLID FUELS IN FALL RIVER, MASS., AREA

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of Region I of the Office of Price Administration by § 1340.259 (a) (2) and § 1340.260 of Revised Maximum Price Regulation No. 122 and the Emergency Price Control Act of 1942, as amended, Region I, Order No. G-68 under Revised Maximum Price Regulation No. 122 is hereby amended in the following respects:

1. In paragraph (b) (1), the table of prices for coke in Price Schedule I is amended to read as follows:

Kind and size	Per Net ton	Per ½ ton	Per ¼ ton	Per 100 lbs.
Coke (egg, stove, and chestnut):				
New England	$16.55	$8.80	$4.75	$1.00
Providence	16.30	8.65	4.70	1.00
Gloucoke	15.65	8.35	4.55	.95

2. In paragraph (b) (2), the table of prices for coke in Price Schedule II is amended to read as follows:

Kind and size	Per Net ton	Per ½ ton	Per ¼ ton	Per 100 lbs.
Coke (egg, stove, and chestnut):				
New England	$15.55	$8.30	$4.50	$0.95
Providence	15.50	8.15	4.45	.95
Gloucoke	14.65	7.85	4.30	.90

3. In paragraph (b) (3), the table of prices for coke in Price Schedule III is amended to read as follows:

Kind and size	Per net ton	Per ½ ton	Per ¼ ton
Coke (egg, stove, and chestnut):			
New England	$13.05	$6.55	$3.30
Providence	12.80	6.40	3.20
Gloucoke	12.15	6.20	3.10

4. Paragraph (b) (4) is amended to read as follows:

(4) *Certain named Pennsylvania Anthracite coals.* The specific prices set forth above for Pennsylvania Anthracite may be increased by the following amounts when the following sizes of Franklin and/or Salem Hill Anthracite are sold: *Provided*, That said coals are kept separate in storage and delivery from any other kind of solid fuel, and are sold and invoiced by name:

Kind and size	Amount of addition			
	Per net ton	Per ½ ton	Per ¼ ton	Per 100 lbs.
Franklin or Salem Hill:				
Broken and chestnut	$0.75	$0.40	$0.20	$0.05
Egg	1.00	.50	.25	.05
Stove	1.25	.65	.30	.05
Pea	.40	.20	.10	None
Rice	.20	.10	.05	None

This Amendment No. 3 to Order No. G-68 shall become effective September 1, 1945.

Issued this 29th day of August 1945.

ELDON C. SHOUP,
Regional Administrator.

[F. R. Doc. 45-16985; Filed, Sept. 11, 1945; 4:49 p. m.]

[Region I Order G-73 Under RMPR 122, Amdt. 1]

PENNSYLVANIA ANTHRACITE IN BOSTON REGION

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of Region I of the Office of Price Administration by §§ 1340.259 (a) (1) and 1340.260 of Revised Maximum Price Regulation No. 122 and the Emergency Price Control Act of 1942, as amended, Region I Order No. G-73 under Revised Maximum Price Regulation No. 122 is hereby amended in the following respects:

(1) In paragraph (c), the sentence reading "An application may be filed only if the dealer did not take automatic increases during the previous calendar month pursuant to paragraph (b) hereof" is amended to read as follows: "As to applications filed hereunder subsequent to September 10, 1945, an application may be filed only if the dealer did not take automatic increases during the previous calendar month pursuant to paragraph (b) hereof."

(2) In paragraph (c), the provision numbered (iii) is amended to read as follows:

(iii) A statement declaring that the applicant did not segregate any higher cost anthracite (except as specifically permitted above) during the previous calendar month and avail himself of the automatic increases under paragraph (b) hereof (but applications filed on or before September 10, 1945 need not contain this statement), with a separate statement as to any higher cost anthracites which were properly separately handled.

(3) In paragraph (c), a new paragraph is added at the end of said paragraph (c) to read as follows:

A dealer who has once applied for and obtained a price under the provisions of this paragraph (c) shall not thereafter sell anthracite under the provisions of paragraph (b) hereof, without first applying to and obtaining permission to do so from said Boston Regional Office; in such instance said Regional Office may determine a price for said dealers' sales of anthracite for a one month period as a condition to permitting said dealer to exercise his option to sell anthracite thereafter under said paragraph (b).

(4) In Appendix A, the permitted net ton increase for "Delano" is amended to read as follows:

	Broken	Egg	Stove	Nut	Pea	Buckwheat	Rice	Barley
(11) "Delano"	$0.75	$0.75	$0.75	$0.75	$0.75	$0.65	$0.35	.....

(5) In Appendix A, the permitted net ton increase for "Locust" is amended to read as follows:

	Broken	Egg	Stove	Nut	Pea	Buckwheat	Rice	Barley
(12) "Locust"	$0.60	$0.60	$0.60	$0.60	$0.60	$0.60	$0.40	.....

(6) In Appendix A, a provision for a new named coal, "Cranberry" is added to read as follows:

	Broken	Egg	Stove	Nut	Pea	Buckwheat	Rice	Barley
(30) "Cranberry"	$0.25	$0.25	$0.25	$0.25	$0.25	$0.22	$0.25	.....

("Cranberry" includes anthracite produced and prepared by Cranberry Improvement Company at its Cranberry Colliery located at Hazelton, Pennsylvania.)

This Amendment No. 1 shall become effective August 14, 1945.

Issued this 14th day of August 1945.

ELDON C. SHOUP,
Regional Administrator.

[F. R. Doc. 45-16986; Filed, Sept. 11, 1945; 4:49 p. m.]

[Region II Rev. Order G-3 Under RMPR 285]

IMPORTED FRESH BANANAS IN NEW YORK REGION

For the reasons stated in the accompanying opinion, this order is issued.

SECTION 1. *What this order does.* This order adjusts upward the maximum prices for "processor's" sales of bananas: *Provided*, That the bananas have been (a) transported by rail from a United States port of entry, unloaded from a rail car at a rail terminal located in Philadelphia, Pennsylvania, loaded onto a motor vehicle and transported to the processor's warehouse or ripening room, and (b) "processed." No adjustment is provided for bananas which do not meet all of these conditions.

SEC. 2. *Where this order applies.* This order applies to all "processors" of bananas whose warehouses or ripening rooms are located in Philadelphia, Pennsylvania.

SEC. 3. *Adjustment.* The maximum price for sales by "processors" of bananas shall, if sections 1 and 2 above have been satisfied, be increased by 12¢ per crt.

The maximum prices otherwise applicable to all subsequent sales of such bananas shall be increased in each case by the same amount.

SEC. 4. *Definitions.* The terms "processed bananas" and "processor" are to be understood as defined in section 2 of Revised Maximum Price Regulation No. 285.

SEC. 5. *Effective date.* This order shall become effective on September 5, 1945.

(56 Stat. 23, 765; 57 Stat. 566; Pub. Law 383, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681; RMPR 285, 10 F.R. 1403)

Issued September 4, 1945.

LEO F. GENTNER,
Acting Regional Administrator.

[F. R. Doc. 45-16995; Filed, Sept. 11, 1945; 4:47 p. m.]

[Region IV 2d Rev. Order G-15 Under RMPR 122, Amdt. 1]

SOLID FUELS IN WINSTON-SALEM, N. C.

For the reasons set forth in an opinion issued simultaneously herewith, and under the authority vested in the Regional Administrator, Region IV, Office of Price Administration, by § 1340.260 of Revised Maximum Price Regulation No. 122, subparagraph (e) (3) of Second Revised Order No. G-15 under Revised Maximum Price Regulation No. 122 issued by this office on June 7, 1945 is amended to read as follows:

(3) *Low volatile bituminous coal from District No. 7.*

Size	Per ton (2,000 lbs.)	Per ½ ton (1,000 lbs.)	Per ¼ ton (500 lbs.)
Egg (size group No. 2) in price classification A	$10.55	$5.53	$2.83
Stove (size group No. 3) in price classification A	10.20	5.35	2.74
Nut (size group No. 4) in price classification A	9.25	4.85	2.50
Pea stoker (size group No. 5) in price classification A, and domestic run-of-mine (size group No. 6) in price classifications A and B	9.00	4.75	2.44
Screened run-of-mine (size group No. 7) in price classifications A and B	9.55	5.03	2.58
Briquettes	11.26	5.88	3.00

Effective date. This amendment shall become effective as of August 5, 1945.

Issued: August 17, 1945.

ALEXANDER HARRIS,
Regional Administrator.

[F. R. Doc. 45-16970; Filed, Sept. 11, 1945; 4:47 a. m.]

[Region IV Rev. Order G-16 Under RMPR 122, Amdt. 3]

SOLID FUELS IN LYNCHBURG, VA., AREA

For the reasons set forth in an opinion issued simultaneously herewith, and under the authority vested in the Regional Administrator, Region IV, Office of Price Administration, by § 1340.260 of Revised Maximum Price Regulation No. 122, subparagraph (e) (2) of Revised Order No. G-16 under Revised Maximum Price Regulation No. 122 issued by this office April 20, 1945 is hereby amended to read as follows:

(2) *Low volatile bituminous coal from District No. 7.*

Size	Per ton (2,000 lbs.)	Per ½ ton (1,000 lbs.)	Per ¼ ton (500 lbs.)
Egg	$10.00	$5.25	$2.75
Stove	9.30	4.90	2.58
Domestic or screened run-of-mine	8.55	4.53	2.39
Stoker	8.25	4.38	2.31
Nut	8.45	4.48	2.36
Slack	7.80	4.15	2.20

Effective date. This amendment shall become effective as of August 3, 1945.

Issued: August 17, 1945.

ALEXANDER HARRIS,
Regional Administrator.

[F. R. Doc. 45-16971; Filed, Sept. 11, 1945; 4:46 p. m.]

[Region IV Rev. Order G-20 Under RMPR 122, Amdt. 1]

SOLID FUELS IN NEW BERN, N. C.

For the reasons set forth in an opinion issued simultaneously herewith, and under the authority vested in the Regional Administrator, Region IV, Office of Price Administration, by § 1340.260 of Revised Maximum Price Regulation No. 122, subparagraphs (e) (1) and (e) (4) of Revised Order No. G-20 under Revised Maximum Price Regulation No. 122 issued by this office on June 5, 1945, are amended to read as follows:

(1) *Low volatile bituminous coal from District No. 7.*

Size	Per ton (2,000 lbs.)	Per ½ ton (1,000 lbs.)	Per ¼ ton (500 lbs.)
Egg (size group No. 2), top size larger than 3", bottom size no limit, in price classification A through F, inclusive	$12.55	$6.53	$3.39
Screened or domestic run-of-mine (size group 6), in price classifications A and B	10.45	5.48	2.86
Pea stoker (size group 5), top size not exceeding ¾", bottom size smaller than ¾", in price classification A, and straight run-of-mine (size group 7), larger than 1¼" x 0", in price classifications A and B	9.85	5.18	2.71

(4) *Briquettes.*

Size	Per ton (2,000 lbs.)	Per ½ ton (1,000 lbs.)	Per ¼ ton (500 lbs.)
"Glen Rogers" briquettes	$11.07	$7.29	$3.77

Effective date. This amendment shall become effective as of August 3, 1945.

Issued: August 17, 1945.

ALEXANDER HARRIS,
Regional Administrator.

[F. R. Doc. 45-16972; Filed, Sept. 11, 1945; 4:46 p. m.]

[Region IV Rev. Order G-21 Under RMPR 122, Amdt. 1]

SOLID FUELS IN FLORENCE, S. C.

For the reasons set forth in an opinion issued simultaneously herewith, and under the authority vested in the Regional Administrator, Region IV, Office of Price Administration, by § 1340.260 of Revised Maximum Price Regulation No. 122, subparagraph (e) (1) of Revised Order No. G-21 under Revised Maximum Price Regulation No. 122 issued by this office on June 4, 1945 is amended to read as follows:

(1) *Low volatile bituminous coal from District No. 7.*

Size	Per ton (2,000 lbs.)	Per ½ ton (1,000 lbs.)	Per ¼ ton (500 lbs.)
Stoker—pea (size group No. 5)	$9.65	$5.08	$2.79

Effective date. This amendment shall become effective as of August 5, 1945.

Issued: August 17, 1945.

ALEXANDER HARRIS,
Regional Administrator.

[F. R. Doc. 45-16973; Filed, Sept. 11, 1945; 4:46 p. m.]

[Region IV Rev. Order G-22 Under RMPR 122, Amdt. 2]

SOLID FUELS IN WILSON, N. C.

For the reasons set forth in an opinion issued simultaneously herewith, and under the authority vested in the Regional Administrator, Region IV, Office of Price Administration, by § 1340.260 of Revised Maximum Price Regulation No. 122, subparagraph (e) (1) of Revised Order No. G-22 under Revised Maximum Price Regulation No. 122 issued by this office June 4, 1945 is amended to read as follows:

(1) *Low volatile bituminous coal from Districts No. 7 and 8.*

Size	Per ton (2,000 lbs.)	Per ½ ton (1,000 lbs.)	Per ¼ ton (500 lbs.)
Egg: Top size larger than 3" bottom size no limit, in price classifications A and B	$11.70	$6.10	$3.43
Egg: From mine index 390, the No. 2 mine of Raven Red Ash Coal Co., in district No. 8	11.55	6.03	3.39
Stove: Top size 3" to larger than 4½", bottom size smaller than 3", in price classification A	10.90	5.70	3.23
Stoker Pea: Top size not exceeding ¾", bottom size smaller than ¾", in price classification A	9.35	4.93	2.84
Screened run-of-mine in price classifications A through D, inclusive	9.41	4.96	2.85

Effective date. This amendment shall become effective as of August 3, 1945.

Issued: August 17, 1945.

ALEXANDER HARRIS,
Regional Administrator.

[F. R. Doc. 45-16974; Filed, Sept. 11, 1945; 4:46 p. m.]

[Region IV Order G–38 Under RMPR 122, Amdt. 3]

SOLID FUELS IN NORFOLK AND PRINCESS ANNE COUNTIES AND NORFOLK, PORTSMOUTH AND SOUTH NORFOLK, VA.

For the reasons set forth in an opinion issued simultaneously herewith, and under the authority vested in the Regional Administrator, Region IV, Office of Price Administration, by § 1340.260 of Revised Maximum Price Regulation No. 122 subparagraphs (e) (1) and (e) (5) of Order No. G–38 under Revised Maximum Price Regulation No. 122 issued by this office on April 14, 1945 are amended to read as follows:

(1) *Low volatile bituminous coal from District No. 7.*

Size	Per ton (2,000 lbs.)	Per ½ ton (1,000 lbs.)
Egg (top size larger than 3", bottom size no limit, in price classifications A through F, inclusive), and Stove (top size larger than 1¾" but not exceeding 3", bottom size smaller than 3") in price classifications A, B, and C	$12.45	$6.48
Nut (top size larger than ¾" but not exceeding 1¾", bottom size smaller than 1¾") in price classification A	11.45	5.98
Stoker pea (top size not exceeding ¾", bottom size smaller than ¾") in price classification A	10.85	5.68
Screened (domestic) run-of-mine in price classifications A through D, inclusive	10.96	5.73
Straight (industrial) run-of-mine in price classifications A and B	8.55	.....

* * * * *

(5) *Briquettes.*

Size	Per ton (2,000 lbs.)	Per ½ ton (1,000 lbs.)
Pennsylvania briquettes	$14.05	$7.28
Briquettes from District No. 7	13.92	7.21

Effective date. This amendment shall become effective as of August 3, 1945.

Issued: August 20, 1945.

ALEXANDER HARRIS,
Regional Administrator.

[F. R. Doc. 45–16978; Filed, Sept. 11, 1945; 4:46 p. m.]

[Region IV Order G–43 Under RMPR 122, Amdt. 2]

SOLID FUELS IN WAYNESBORO, VA.

For the reasons set forth in an opinion issued simultaneously herewith, and under the authority vested in the Regional Administrator, Region IV, Office of Price Administration, by § 1340.260 of Revised Maximum Price Regulation No. 122, subparagraph (e) (1) of Order No. G–43 under Revised Maximum Price Regulation No. 122 issued by this office April 13, 1945 is amended to read as follows:

(1) *Low volatile bituminous coal from Districts No. 7 and 8.*

Size	Per ton (2,000 lbs.)	Per ½ ton (1,000 lbs.)	Per ¼ ton (500 lbs.)
Treated:			
Egg from District No. 7	$9.29	$4.90	$2.57
Egg from District No. 8	9.15	4.83	2.54
Stove from District No. 7	9.04	4.77	2.51
Stove from District No. 8	8.90	4.70	2.48
Nut	8.34	4.42	2.34
Stoker pea	8.19	4.35	2.30

Effective date. This amendment shall become effective as of August 3, 1945.

Issued: August 20, 1945.

ALEXANDER HARRIS,
Regional Administrator.

[F. R. Doc. 45–16979; Filed, Sept. 11, 1945; 4:45 p. m.]

[Region IV Order G–48 Under RMPR 122, Amdt. 1]

SOLID FUELS IN KINSTON, N. C.

For the reasons set forth in an opinion issued simultaneously herewith, and under the authority vested in the Regional Administrator, Region IV, Office of Price Administration, by § 1340.260 of Revised Maximum Price Regulation No. 122, subparagraph (e) (1) of Order No. G–48 under Revised Maximum Price Regulation No. 122 issued by this office on May 31, 1945 is amended to read as follows:

(1) *Bituminous coal from District No. 7.*

Size	Per ton (2,000 lbs.)	Per ½ ton (1,000 lbs.)	Per ¼ ton (500 lbs.)
Egg—size group No. 2	$12.55	$6.28	$3.39
Stove—size group No. 3, and stoker (nut or pea)—size groups No. 4 and 5	9.96	4.98	2.74
Briquettes	12.61	6.31	3.40

Effective date. This amendment shall become effective as of August 3, 1945.

Issued: August 20, 1945.

ALEXANDER HARRIS,
Regional Administrator.

[F. R. Doc. 45–16980; Filed, Sept. 11, 1945; 4:45 p. m.]

[Region IV Order G–50 Under RMPR 122, Amdt. 1]

SOLID FUELS IN ELIZABETH CITY, N. C.

For the reasons set forth in an opinion issued simultaneously herewith, and under the authority vested in the Regional Administrator, Region IV, Office of Price Administration, by § 1340.260 of Revised Maximum Price Regulation No. 122, subparagraph (e) (1) of Order No. G–50 under Revised Maximum Price Regulations No. 122 issued by this office on June 1, 1945 is amended to read as follows:

(1) *Low volatile bituminous coal from District No. 7.*

Size	Per ton (2,000 lbs.)	Per ½ ton (1,000 lbs.)	Per ¼ ton (500 lbs.)
Egg	$11.55	$6.03	$3.11
Pea stoker and nut	9.50	5.00	2.64
Domestic run-of-mine	9.75	5.13	2.69
Stove	11.45	5.98	3.11

Effective date. This amendment shall become effective as of August 3, 1945.

Issued: August 20, 1945.

ALEXANDER HARRIS,
Regional Administrator.

[F. R. Doc. 45–16981; Filed, Sept. 11, 1945; 4:45 p. m.]

[Region IV Order G–51 Under RMPR 122, Amdt. 1]

SOLID FUELS IN ORANGE COUNTY, N. C.

For the reasons set forth in an opinion issued simultaneously herewith, and under the authority vested in the Regional Administrator, Region IV, Office of Price Administration, by § 1340.260 of Revised Maximum Price Regulation No. 122, subparagraph (e) (2) of Order No. G–51 under Revised Maximum Price Regulation No. 122, issued by this office June 2, 1945, is amended to read as follows:

(2) *Low volatile bituminous coal from Districts No. 7 and 8.*

Size	Per ton (2,000 lbs.)	Per ½ ton (1,000 lbs.)	Per ¼ ton (500 lbs.)
Egg: Top size larger than 3", bottom size no limit—in price classification A	$10.55	$5.50	$2.80
Egg: 2½" x 7", size group No. 2, from the Red Ash seam	10.00	5.25	2.70
Stove: Top size larger than 1¼" but not exceeding 3", bottom size smaller than 3"—in price classification A	10.00	5.25	2.70
Nut: Top size 1¼" to larger than ¾", bottom size smaller than 1¼"—in price classification A	9.20	4.85	2.50
Stoker Pea: Top size not exceeding ¾", bottom size smaller than ¾"—in price classification A	9.15	4.83	2.50

Effective date. This amendment shall become effective as of August 3, 1945.

Issued: August 20, 1945.

ALEXANDER HARRIS,
Regional Administrator.

[F. R. Doc. 45–16982; Filed, Sept. 11, 1945; 4:44 p. m.]

[Region IV Order G–53 Under RMPR 122, Amdt. 1]

SOLID FUELS IN GOLDSBORO, N. C.

For the reasons set forth in an opinion issued simultaneously herewith, and under the authority vested in the Regional Administrator, Region IV, Office of Price Administration, by § 1340.260 of Revised Maximum Price Regulation No. 122, subparagraph (e) (1) of Order No. G–53 under Revised Maximum Price Regulation No. 122 issued by this office June 2, 1945 is amended to read as follows:

(1) *Low volatile bituminous coal from District No. 7.*

Size	Per ton (2,000 lbs.)	Per ½ ton (1,000 lbs.)	Per ¼ ton (500 lbs.)
Egg, top size larger than 3", bottom size no limit, in price classification A	$11.66	$5.96	$3.17
Stove, or declisted screenings, top size larger than 1¾" but not exceeding 3", bottom size smaller than 3¼", in price classification A	10.60	5.43	2.90
Stoker, pea, or declisted screenings top size not exceeding ¾" bottom size smaller than ¾" in price classification A	9.50	4.88	2.63
Screened or domestic run-of-mine in price classification A	9.15	4.70	2.54
Briquettes	11.06	6.11	3.24

Effective date. This amendment shall become effective as of August 3, 1945.

Issued: August 20, 1945.

ALEXANDER HARRIS,
Regional Administrator.

[F. R. Doc. 45–16983; Filed, Sept. 11, 1945; 4:44 p. m.]

[Region VII Order G–26 Under RMPR 122, Amdt. 40]

SOLID FUELS IN DENVER REGION

Order No. G–26 under Revised Maximum Price Regulation No. 122, Amendment No. 40; (Solid Fuels Sold and Delivered by Dealers). Maximum prices for solid fuels when sold by dealers within specified trade areas in Region VII; Docket No. 7–122–259 (a) (1), 260–20.

Pursuant to the Emergency Price Control Act of 1942, as amended, the Stabilization Act of 1942, as amended, §§ 1340.259 (a) and 1340.260 of Revised Maximum Price Regulation No. 122, and for the reasons set forth in the accompanying opinion, this Amendment No. 40 is issued.

1. Price lines (F1) and (G1) of the table of maximum prices, as set forth in paragraph (3) of Appendix VI, Denver Metropolitan Trade Area, as last amended by Amendment No. 38, are hereby further amended to read as follows:

Kind and letter designation	Size	Part 1—Delivered prices: Per ton	Part 1—Delivered prices: Per ½ ton	Part 2—Yard prices: To dealers per ton	Part 2—Yard prices: To others per ton
Sub-district 10, Jefferson: (F1)	#2 and #5—2½" lump & 8" x 2½" grate.	$7.18	.....	$6.18	$6.68
(G1)	#6—4" x 2¾" nut.	6.98	.....	6.48	.....

2. This Amendment No. 40 supersedes Amendment No. 38 insofar as coals produced in Sub-district 10, Jefferson, are concerned, as of the effective date hereof.

3. *Effective date.* This Amendment No. 40 is hereby made effective retroactively as of August 23, 1945.

Issued this 28th day of August 1945.

RICHARD Y. BATTERTON,
Regional Administrator.

[F. R. Doc. 45–16976; Filed, Sept. 11, 1945; 4:47 p. m.]

[Region VII Order G–30 Under RMPR 122, Amdt. 1]

SOLID FUELS IN DENVER REGION

Order No. G–30 Under Revised Maximum Price Regulation No. 122, Amendment No. 1; adjustment of specific maximum prices of dealers in Region VII to compensate for increases in suppliers' prices under Amendment No. 146 to Maximum Price Regulation No. 120; Docket No. 7–122–259 (a)–260–2a.

Pursuant to the Emergency Price Control Act of 1942, as amended, the Stabilization Act of 1942, as amended, and §§ 1340.259 (a) and 1340.260 of Revised Maximum Price Regulation No. 122, and for the reasons set forth in the accompanying opinion, this Amendment No. 1 is issued.

1. Paragraph (b) is amended to make the "Dealers' Permitted Price Increases Under Amendment No. 146 to Maximum Price Regulation No. 120" read as follows:

DEALERS' PERMITTED PRICE INCREASES UNDER AMENDMENT 146 TO MAXIMUM PRICE REGULATION NO. 120

Kind	Permitted increase: Per ton	Permitted increase: Per ½ ton
All bituminous coal produced by hand loading mines in District 17	*Cents* 5	*Cents* 3
All bituminous coal produced in District 18	13	7
All bituminous coal produced in District 22	12	6
All Cerrillos anthracite coal, Madrid, N. M.	13	7

2. *Effective date.* This Amendment No. 1 shall become effective on the 24th day of August 1945.

Issued this 24th day of August 1945.

JOSEPH W. PENFOLD,
Acting Regional Administrator.

[F. R. Doc. 45–16977; Filed, Sept. 11, 1945; 4:50 p. m.]

[Region VIII Order G–33 Under 3 (e)]

F. B. CONNELLY CO.

DETERMINATION OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith, and under the authority vested in the Regional Administrator of the Office of Price Administration by § 1499.3 (e) (2) of the General Maximum Price Regulation; *It is hereby ordered as follows:*

(a) The maximum price for sales at retail of Shuler Combination Walker

Administrator, Region IV, Office of Price Administration, by § 1340.260 of Revised Maximum Price Regulation No. 122, subparagraph (e) (1) of Order No. G–53 under Revised Maximum Price Regulation No. 122 issued by this office June 2, 1945 is amended to read as follows:

(1) *Low volatile bituminous coal from District No. 7.*

Size	Per ton (2,000 lbs.)	Per ½ ton (1,000 lbs.)	Per ¼ ton (500 lbs.)
Egg, top size larger than 3", bottom size no limit, in price classification A	$11.66	$5.96	$3.17
Stove, or declisted screenings, top size larger than 1¾" but not exceeding 3", bottom size smaller than 3¼", in price classification A	10.60	5.43	2.90
Stoker, pea, or declisted screenings top size not exceeding ¾" bottom size smaller than ¾" in price classification A	9.50	4.88	2.63
Screened or domestic run-of-mine in price classification A	9.15	4.70	2.54
Briquettes	11.06	6.11	3.24

Effective date. This amendment shall become effective as of August 3, 1945.

Issued: August 20, 1945.

ALEXANDER HARRIS,
Regional Administrator.

[F. R. Doc. 45–16983; Filed, Sept. 11, 1945; 4:44 p. m.]

[Region VII 3d Rev. Order G–24 Under RMPR 122, Amdt. 5]

SOLID FUELS IN DENVER REGION

Third Revised Order No. G–24 Under Revised Maximum Price Regulation No. 122, Amendment No. 5; (Solid Fuels Sold and Delivered by Dealers). Adjustment of specific maximum prices of dealers in Region VII to compensate for increases in supplier's price under Amendment 74 to Maximum Price Regulation No. 120; Docket No. 7–122–260–8.

Pursuant to the Emergency Price Control Act of 1942, as amended, the Stabilization Act of 1942, as amended, and § 1340.260 of Revised Maximum Price Regulation No. 122, and for the reasons set forth in the accompanying opinion, this Amendment No. 5 is issued.

1. *Correction.* Price category (2), Lion Coal Corporation, Star Mine, in Part II, *Mines in District 19*, is hereby amended by deleting therefrom Index No. 24 and substituting therefor Index No. 23.

2. *Part IV added.* Paragraph (d) is hereby amended by adding thereto Part IV, *Mines in District 16*, to read as follows:

NOTE: Notwithstanding anything to the contrary in this Third Revised Order No. G–24, the increases above set forth in paragraphs (1) and (2) of this Part IV are applicable to shipments made by truck as well as to shipments made by rail.

PART IV—MINES IN DISTRICT 16

Operator	Subdistrict	Index No.	Size groups	Amount	Effective date
				Cents	
(1) Boulder Valley Coal Co.: Centennial	2	3	2 and 3	47	7–30–45
			4	47	7–30–45
			5	47	7–30–45
			6 and 8	52	7–30–45
			9	7	7–30–45
			10 through 12	67	7–30–45
			13	12	7–30–45
(2) National Fuel Co.: Monarch	1	13	1	12	7–30–45
			2 through 5	62	7–30–45
			6	87	7–30–45
			8	82	7–30–45
			9	57	7–30–45
			10 through 12	77	7–30–45
			13	27	7–30–45

3. *Effective date.* This Amendment No. 5 is hereby made effective retroactively as of August 6, 1945.

Issued this 22d day of August 1945.

JOSEPH W. PENFOLD,
Acting Regional Administrator.

[F. R. Doc. 45–16975; Filed, Sept. 11, 1945; 4:49 p. m.]

and Stroller, Model Number 811 T, distributed by F. B. Connelly Company of Seattle, Washington, by sellers subject to the General Maximum Price Regulation who can not determine their maximum prices under § 1499.2 of the General Maximum Price Regulation, shall be $12.95 each, less discounts, allowances and price differentials no less favorable than those customarily granted by the sellers.

(b) This order shall apply to all sales in the states of California, Washington, Nevada and Oregon (except Malheur County), and Arizona, except those portions of Coconino and Mohave Counties lying north of the Colorado River; and the following counties in the State of Idaho: Benewah, Bonner, Boundary, Clearwater, Kootenai, Latah, Lewis, Nez Perce, Shoshone, and Idaho.

This order may be amended, corrected, or revoked at any time.

This order shall become effective August 25, 1945.

Issued this 20th day of August 1945.

CHAS. R. BAIRD,
Regional Administrator.

[F. R. Doc. 45-16992; Filed, Sept. 11, 1945; 4:47 p. m.]

[Region VIII Order G-34 Under 3 (e)]

HARPER-MEGGEE, INC.

DETERMINATION OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith, and under the authority vested in the Regional Administrator of the Office of Price Administration by § 1499.3 (e) (2) of the General Maximum Price Regulation; *It is hereby ordered*, as follows:

(a) The maximum price for sales at retail of Parkway Stroller, Model No. 1500, distributed by Harper-Meggee, Inc., of Seattle, Washington, by sellers subject to the General Maximum Price Regulation who can not determine their maximum prices under § 1499.2 of the General Maximum Price Regulation, shall be $12.40 each, less discounts, allowances and price differentials no less favorable than those customarily granted by the sellers.

(b) This order shall apply to sales in the States of California, Washington, Nevada and Oregon (except Malheur County), and Arizona, except those portions of Coconino and Mohave Counties lying north of the Colorado River; and the following counties in the State of Idaho: Benewah, Bonner, Boundary, Clearwater, Kootenai, Latah, Lewis, Nez Perce, Shoshone, and Idaho.

This order may be amended, corrected, or revoked at any time.

This order shall become effective August 25, 1945.

Issued this 20th day of August 1945.

CHAS. R. BAIRD,
Regional Administrator.

[F. R. Doc. 45-16993; Filed, Sept. 11, 1945; 4:47 p. m.]

[Region VIII Order G-35 Under 3 (e)]

PLASTAL SPECIALTIES CO.

DETERMINATION OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of Region VIII of the Office of Price Administration by § 1499.3 (e) of the General Maximum Price Regulation: *It is hereby ordered:*

(a) The maximum price for sale to retailers and at retail of No. 600 plastic tooth brush holder and dryer, manufactured by Plastal Specialties Company, 3215 Western Avenue, Seattle, Washington, by sellers subject to the General Maximum Price Regulation who cannot determine their maximum prices under § 1499.2 of the General Maximum Price Regulation, shall be as follows:

Maximum price to retailers: 21¢ each, f. o. b. wholesalers warehouse, net 30 days.
Maximum price at retail: 35¢ each.

(b) This order shall apply to sales in the States of California, Washington, Nevada, Oregon except Malheur County; Arizona, except those portions of Coconino County and Mohave County lying north of the Colorado River; and the following counties of Idaho: Benewah, Bonner, Boundary, Clearwater, Idaho, Kootenai, Latah, Lewis, Nez Perce and Shoshone.

(c) This order may be corrected, amended, or revoked at any time.

(d) This order shall become effective August 27, 1945.

Issued this 22d day of August 1945.

FRANK H. SLOSS,
Acting Regional Administrator.

[F. R. Doc. 45-16994; Filed, Sept. 11, 1945; 4:47 p. m.]

[Region VIII Order G-10 Under RMPR 251]

PLUMBING SERVICES IN NORTHERN CALIFORNIA

For the reasons set forth in an opinion issued simultaneously herewith, and under the authority vested in the Regional Administrator of the Office of Price Administration by sections 9 and 20 of Revised Maximum Price Regulation No. 251, it is hereby ordered:

(a) *Geographical applicability.* This order shall apply to sellers located in the following counties in California, grouped into Areas I and II:

Area I. Alameda, Contra Costa, Marin, Napa, San Francisco, San Mateo, Solano, and Sacramento.

Area II. Alpine, Amador, Butte, Calaveras, Colusa, Del Norte, El Dorado, Glenn, Humboldt, Lake, Lassen, Mendocino, Modoc, Mono, Nevada, Placer, Plumas, Shasta, Sierra, Siskiyou, Sonoma, Sutter, Tahama, Trinity, Tuolumne, Yolo, Monterey, San Benito, San Joaquin, Santa Clara, Santa Cruz, and Yuba.

(b) *Maximum prices.* The maximum price for a seller of plumbing services located in the above areas shall be the sum of a charge computed on the basis of the customer's hourly rates and the maximum price of the materials used, as specified below. No additional charges may be made for use of equipment or for fees or for overtime except as is otherwise provided in this order.

(1) *Customer's hourly rate for journeyman or master plumbers'*—A. *Old sellers.* For any seller who sold plumbing services in March 1942 or to whom an order has been issued under Revised Maximum Price Regulation No. 251, the maximum hourly rate shall be his present legal maximum customer's hourly rate for journeyman plumbers or master plumbers, except that:

(i) In Area I if such rate is less than $2.00 it may be increased to $2.00 and if it exceeds $3.00 it shall be reduced to $3.00.

(ii) In Area II if such rate is less than $1.75 it may be increased to $1.75 and if it exceeds $2.50 it shall be reduced to $2.50.

B. *New sellers.* For any other seller the maximum customer's hourly rate shall be as follows:

(i) For plumbing services performed in communities having a population in excess of 100,000: $3.00.

(ii) For plumbing services performed in communities having a population between 50,000 and 100,000 inclusive: $2.50

(iii) For plumbing services performed in any other area: $2.00

In determining the population of any community there shall be considered only the population within the limits of the city in which the service is performed, except that in the case of adjoining cities, the population of all such cities shall be considered. Population shall be that shown by the United States Census for 1940. In the case of services performed outside the limits of any city, the maximum customer's hourly rate shall be determined under subparagraph (b) (1) B (iii) above.

(2) *Customer's hourly rate for apprentice plumbers and common labor.* The maximum customer's hourly rate for such labor shall be 150% of the wage cost.

(3) *Overtime.* The maximum hourly rate for services performed during overtime hours shall be one and one-half times the hourly rate provided above, except that in Monterey, San Francisco, and San Mateo Counties, overtime on Sundays and holidays may be charged at the rate of double the hourly rate.

(4) *Measurement of hours.* The number of hours to be charged against any job shall be calculated as beginning at the time the workman leaves the shop or the previous job (whichever is later) and as terminating at the time he completes the job except when he returns directly to the shop in which event the termination shall be the time at which he arrives at the shop. In no case shall charges be made for time in excess of that shown in the seller's pay-roll records or in the records which the seller is required to prepare for this order.

(5) *Minimum charge.* If a job requires less than one man-hour, the maximum charge shall be for one man-hour.

(6) *Rental of equipment.* A seller's maximum hourly rental rate for the use of powerdriven equipment shall be his highest hourly rental rate in effect during March 1942: *Provided, however*, That he has written records kept in the regular course of business substantiating such rates.

(7) *Materials.* The maximum price of any new materials supplied in connection with plumbing services shall be the highest price charged for such materials by the seller during March 1942 or the price published as of the date of issuance of this order in "A Price Guide on Plumbing Materials" published by Current Price Bureau Service, 55 New Montgomery Street, San Francisco, whichever is lower. The maximum price of any used materials supplied in connection with plumbing services shall be the ceiling price established by Maximum Price Regulation No. 465, Used Pressure Tanks, or Maximum Price Regulation No. 546, Used Plumbing Equipment, whichever is applicable. The maximum price for any new or used materials for which a maximum price cannot be established as hereinabove provided, shall be the seller's landed cost therefor, not exceeding the maximum wholesale price therefor applicable to sales by his supplier to him plus 35%.

(c) *Definitions.* (1) "Plumbing services" means plumbing repair, maintenance, and installation services, and includes the sale of installed plumbing materials and the installation of oil burners and feed lines. "Plumbing" means gas, water, and steam distribution or waste removal systems.

(2) "Overtime" means hours of work performed at customer's request on Saturday or Sunday or between the hours of 5:00 p. m. and 8:00 a. m., Monday to Saturday.

(3) "Sundays and holidays" refers to work performed at customer's request on Sundays and national holidays and emergency night calls made at customer's request.

(4) "Labor cost" means the wage rates in effect on October 3, 1942, or wage rates which have been established by proper governmental agencies, but not more than the wage rate actually paid.

(d) *Jobs in excess of $200.* The maximum price of jobs in excess of $200.00 shall be the maximum price calculated under this order but shall not exceed a price calculated under section 7 of Revised Maximum Price Regulation No. 251, using the sum of labor costs, material costs, direct costs, and a margin not exceeding the margin used on the most comparable job in the period January 1, 1939, to March 31, 1942, or, for sellers not in business in March 1942, a margin not exceeding 30% of the sum of labor and material and other direct costs.

(e) A seller may offer to supply a plumbing service covered by this order on the basis of an estimated price, and guarantee that the price charged will not exceed the quoted price: *Provided, however*, That the price charged and collected therefor shall not exceed the maximum price established by this order.

(f) *Records and sales slips.* (1) Every seller subject to this order must keep a record showing the time spent by him and his employees on any job involving plumbing services and the wage rate for each such employee. Such records shall be kept by the seller at his place of business and shall be available for inspection by the Office of Price Administration.

(2) Every seller subject to this order shall furnish to the customer an invoice or sales slip on which he has shown separate charges for labor and materials and on which he shall certify "the price charged does not exceed the prices permitted by Order No. G-10 under Revised Maximum Price Regulation No. 251." Duplicates of such invoices or such sales slips shall be kept by the seller at his place of business and shall be available for inspection by the Office of Price Administration.

(3) Every seller subject to this order shall preserve, and make available for examination by the Office of Price Administration, all records showing the basis upon which he determined his maximum customer's hourly rates.

(g) *Statement to be filed.* (1) Every person making sales subject to this order shall file with his local War Price and Rationing Board a "Statement of Plumbers Service Charges" in the form shown below, on or before the 20th day of August, 1945. Every new seller subject to this order shall file the "Statement of Plumbers Service Charges" within 15 days after the effective date of this order or his first sale of plumbing services, whichever is later.

(2) Form of statement:

STATEMENT OF PLUMBERS SERVICE CHARGES

1. Name of establishment_____
2. Address_____
3. Name and position of person making report_____
4. In business during March 1942_____ Not in business during March 1942_____
5. Maximum customer's hourly rate, straight time (if such rate has been established):

Letter order authorizing rates received_____
Plumbers_____
Apprentices_____
Laborers_____

The rates set forth herein are substantiated by records showing the basis upon which the maximum customer's hourly rate were determined.

Firm name_____
Address_____
Signed by_____
Date_____

(h) This order supersedes sections 6, 7, and 8 of Revised Maximum Price Regulation No. 251 with respect to plumbing services supplied in the described areas, except as otherwise provided herein.

(i) This order may be amended or revoked at any time.

(j) This order shall become effective August 20, 1945, except that it shall not apply to sales made pursuant to contracts entered into prior to such date.

Issued this 11th day of August 1945.

FRANK H. SLOSS,
Acting Regional Administrator.

[F. R. Doc. 45-16987; Filed, Sept. 11, 1945; 4:45 p. m.]

LIST OF COMMUNITY CEILING PRICE ORDERS

The following orders under Rev. General Order 51 were filed with the Division of the Federal Register September 7, 1945.

REGION I

Boston Order G-2, Amendment 12, covering dry groceries in certain areas in New England. Filed 3:13 p. m.

Boston Order 7-F, Amendment 15, covering fresh fruits and vegetables in the Boston Area, Massachusetts. Filed 3:13 p. m.

Boston Order 7-F, Amendment 16, covering fresh fruits and vegetables in the Boston Area, Massachusetts. Filed 3:10 p. m.

Boston Order 8-F, Amendment 12, covering fresh fruits and vegetables in certain areas in Massachusetts. Filed 3:12 p. m.

Boston Order 8-F, Amendment 13, covering fresh fruits and vegetables in certain areas in Massachusetts. Filed 3:10 p. m.

Boston Order 9-F, Amendment 13, covering fresh fruits and vegetables in certain areas in Massachusetts. Filed 3:12 p. m.

Boston Order 9-F, Amendment 14 covering fresh fruits and vegetables in certain areas in Massachusetts. Filed 3:11 p. m.

Boston Order 10-F, Amendment 13, covering fresh fruits and vegetables in certain areas in Massachusetts. Filed 3:11 p. m.

Boston Order 11-F, Amendment 12, covering fresh fruits and vegetables in certain areas in Massachusetts. Filed 3:12 p. m.

Boston Order 11-F, Amendment 13, covering fresh fruits and vegetables in certain areas in Massachusetts. Filed 3:18 p. m.

Montpelier Order 3-F, Amendment 5, covering fresh fruits and vegetables in certain areas in Vermont. Filed 3:31 p. m.

REGION II

Buffalo Order 3-F, Amendment 23, covering fresh fruits and vegetables in certain areas in New York. Filed 3:10 p. m.

Buffalo Order 4-F, Amendment 23, covering fresh fruits and vegetables in certain areas in New York. Filed 3:10 p. m.

Williamsport Order 2-F, Amendment 52, covering fresh fruits and vegetables in certain areas in Pennsylvania. Filed 3:10 p. m.

REGION III

Cincinnati Order 8-F, Amendment 4, covering fresh fruits and vegetables in certain areas in Ohio. Filed 3:09 p. m.

Cleveland Order F-1, Amendment 54, covering fresh fruits and vegetables in the Cuyahoga Area, Ohio. Filed 3:10 p. m.

Cleveland Order 3-F, Amendment 54, covering fresh fruits and vegetables in the Mahoning and Trumbull Counties, Ohio. Filed 3:09 p. m.

Escanaba Order 1-O, covering eggs in certain areas in Michigan. Filed 3:16 p. m.

REGION IV

Atlanta Order 6-F, Amendment 48, covering fresh fruits and vegetables in the Atlanta-Decatur Area. Filed 3:32 p. m.

Atlanta Order 6-F, Amendment 49, covering fresh fruits and vegetables in the Atlanta-Decatur Area. Filed 3:33 p. m.

Atlanta Order 7-F, Amendment 17, covering fresh fruits and vegetables in certain areas in Georgia. Filed 3:32 p. m.

Atlanta Order 8-F, Amendment 17, covering fresh fruits and vegetables in certain areas in Georgia. Filed 3:31 p. m.

Atlanta Order 9-F, Amendment 20, covering fresh fruits and vegetables in Phenix City, Ala. and Bibb and Muscogee Counties, Georgia. Filed 3:32 p. m.

Birmingham Order 3-F, Amendment 31, covering fresh fruits and vegetables in Jefferson County, Alabama. Filed 3:33 p. m.

Birmingham Order 3-F, Amendment 32, covering fresh fruits and vegetables in Jefferson County, Alabama. Filed 3:33 p. m.

Jacksonville Order 9-F, Amendment 37, covering fresh fruits and vegetables in the Jacksonville, Florida Area. Filed 3:33 p. m.

Memphis Order 6-F, Amendment 45, covering fresh fruits and vegetables in Memphis and Shelby Counties, Tennessee. Filed 3:31 p. m.

Richmond Order 4–F, Amendment 44, covering fresh fruits and vegetables in certain areas in Virginia. Filed 3:14 p. m.

Roanoke Order 11–F, Amendment 27, covering fresh fruits and vegetables in certain areas in Virginia. Filed 3:34 p. m.

Savannah Order (Adopt.) 7–F, Amendment 45, covering fresh fruits and vegetables in certain areas in Georgia. Filed 3:09 p. m.

REGION V

Dallas District Order 3–F, Amendment 55, covering fresh fruits and vegetables. Filed 3:34 p. m.

Dallas Order 4–F, Amendment 4, covering fresh fruits and vegetables in Dallas County, Texas. Filed 3:34 p. m.

Fort Worth Order 13–F, Amendment 5, covering fresh fruits and vegetables in Tarrant County, Texas. Filed 3:27 p. m.

Fort Worth Order 14–F, Amendment 5, covering fresh fruits and vegetables in Taylor County, Texas. Filed 3:27 p. m.

Fort Worth Order 15–F, Amendment 5, covering fresh fruits and vegetables in Tom Green County, Texas. Filed 3:27 p. m.

Fort Worth Order 16–F, Amendment 5, covering fresh fruits and vegetables in the McLennan County, Texas Area. Filed 3:27 p. m.

Fort Worth Order 17–F, Amendment 5, covering fresh fruits and vegetables in the Wichita County, Texas Area. Filed 3:27 p. m.

Houston Order 1–M, covering malt beverages in certain areas in Texas. Filed 3:19 p. m.

Houston Order 4–F, Amendment 5, covering fresh fruits and vegetables in certain areas in Texas. Filed 3:28 p. m.

Houston Order 5–F, Amendment 5, covering fresh fruits and vegetables in Orange and Jefferson County, Texas. Filed 3:28 p. m.

Kansas City Order 4–F, Amendment 5, covering fresh fruits and vegetables in certain areas in Kansas and Missouri. Filed 3:29 p. m.

Little Rock Order 4–F, Amendment 59, covering fresh fruits and vegetables. Filed 3:29 p. m.

Little Rock Order 8–F, Amendment 5, covering fresh fruits and vegetables in the Pulaski County Area. Filed 3:29 p. m.

Little Rock Order 8–F, Amendment 6, covering fresh fruits and vegetables in the Pulaski County, Arkansas Area. Filed 3:29 p. m.

Little Rock Order 10–F, Amendment 5, covering fresh fruits and vegetables in the Garland County Area. Filed 3:29 p. m.

Little Rock Order 10–F, Amendment 6, covering fresh fruits and vegetables in the Garland County, Arkansas Area. Filed 3:30 p. m.

Little Rock Order 11–F, Amendment 5, covering fresh fruits and vegetables in the Sebastian and Crawford Counties, Arkansas. Filed 3:30 p. m.

Little Rock Order 11–F, Amendment 7, covering fresh fruits and vegetables in the Sebastian and Crawford Counties, Arkansas Area. Filed 3:30 p. m.

New Orleans Order 3–F, Amendment 4, covering fresh fruits and vegetables in certain areas in Louisiana. Filed 3:31 p. m.

Shreveport Order 4–F, Amendment 4, covering fresh fruits and vegetables in certain areas in Louisiana. Filed 3:31 p. m.

Shreveport Order 5–F, Amendment 4, covering fresh fruits and vegetables in certain areas in Louisiana. Filed 3:31 p. m.

REGION VI

Chicago Order 1–O, Amendment 3, covering eggs in certain areas in Illinois. Filed 3:17 p. m.

Chicago Order 2–F, Amendment 76, covering fresh fruits and vegetables in certain areas in Illinois. Filed 3:16 p. m.

Des Moines Order 1–F, Amendment 78, covering fresh fruits and vegetables in Des Moines, Polk County, Iowa. Filed 3:17 p. m.

Des Moines Order 3–F, Amendment 26, covering fresh fruits and vegetables in certain areas in Iowa. Filed 3:17 p. m.

La Crosse Order 3–F, Amendment 80, covering fresh fruits and vegetables in Eau Claire and Chippewa Falls, Wisconsin. Filed 3:11 p. m.

Milwaukee District Order 8–F, Amendment 23, covering fresh fruits and vegetables in Dane County, Wisconsin. Filed 3:25 p. m.

Milwaukee District Order 9–F, Amendment 23, covering fresh fruits and vegetables in Sheboygan and Fond du Lac Counties, Wisconsin. Filed 3:25 p. m.

Milwaukee District Order 10–F, Amendment 6, covering fresh fruits and vegetables in certain areas in Wisconsin. Filed 3:17 p. m.

Milwaukee District Order 10–F, Amendment 7, covering fresh fruits and vegetables in certain counties in Wisconsin. Filed 3:17 p. m.

North Platte Order 2–F, Amendment 4, covering fresh fruits and vegetables in certain areas in Nebraska. Filed 3:08 p. m.

North Platte Order 6, covering dry groceries in certain areas in Nebraska. Filed 3:08 p. m.

North Platte Order 41, Amendment 3, covering dry groceries in certain areas in Nebraska. Filed 3:08 p. m.

REGION VII

Wyoming Order 10–W, Amendment 7, covering dry groceries in the Sheridan Area. Filed 3:25 p. m.

Wyoming Order 11–W, Amendment 4, covering dry groceries in the Cheyenne Area. Filed 3:21 p. m.

Copies of any of these orders may be obtained from the OPA Office in the designated city.

ERVIN H. POLLACK,
Secretary.

[F. R. Doc. 45–16967; Filed, Sept. 11, 1945; 4:43 p. m.]

LIST OF COMMUNITY CEILING PRICE ORDERS

The following orders under Rev. General Order 51 were filed with the Division of the Federal Register September 7, 1945.

REGION I

Boston Order 12–F, Amendment 5, covering fresh fruits and vegetables in certain areas in Massachusetts. Filed 9:48 a. m.

Concord Order 9–F, Amendment 17, covering fresh fruits and vegetables in certain areas in New Hampshire. Filed 9:40 a. m.

REGION II

Baltimore Order 4–F, Amendment 52, covering fresh fruits and vegetables in certain areas in Maryland. Filed 9:41 a. m.

Baltimore Order 10–F, Amendment 8, covering fresh fruits and vegetables in certain areas in Maryland. Filed 9:41 a. m.

Binghamton Order 2–F, Amendment 47, covering fresh fruits and vegetables in certain areas in New York. Filed 9:40 a. m.

Harrisburg Order 2–F, Amendment 33, covering fresh fruits and vegetables in certain areas in Pennsylvania. Filed 9:40 a. m.

Harrisburg Order 2–F, Amendment 34, covering fresh fruits and vegetables in certain areas in Pennsylvania. Filed 9:40 a. m.

Newark Order 7–F, Amendment 19, covering fresh fruits and vegetables in certain areas in New Jersey. Filed 9:41 a. m.

Trenton Order 12–F, Amendment 23, covering fresh fruits and vegetables in certain areas in New Jersey. Filed 9:41 a. m.

REGION III

Cleveland Order F–1, Amendment 55, covering fresh fruits and vegetables in Cuyahoga County, Ohio. Filed 9:42 a. m.

Cleveland Order 3–F, Amendment 55, covering fresh fruits and vegetables in the Mahoning and Trumbull Areas, Ohio. Filed 9:42 a. m.

Cleveland Order 4–F, Amendment 54 covering fresh fruits and vegetables in Stark and Summit Counties, Ohio. Filed 9:48 a. m.

Cleveland Order 4–F, Amendment 55, covering fresh fruits and vegetables in Stark and Summit Counties, Ohio. Filed 9:42 a. m.

Columbus Order 10–F, Amendment 8, covering fresh fruits and vegetables in Logan, Franklin and Muskingum Counties, Ohio. Filed 9:43 a. m.

Columbus Order 11–F, Amendment 8, covering fresh fruits and vegetables in certain areas in Ohio. Filed 9:43 a. m.

Indianapolis Order 14–F, Amendment 32, covering fresh fruits and vegetables in Marion, Vigo and Tippecanoe. Filed 9:43 a. m.

Indianapolis Order 15–F, Amendment 32, covering fresh fruits and vegetables in Wayne, Delaware and Allen. Filed 9:42 a. m.

Indianapolis Order 16–F, Amendment 32, covering fresh fruits and vegetables in the County of St. Joseph. Filed 9:44 a. m.

Indianapolis Order 17–F, Amendment 32, covering fresh fruits and vegetables in Vanderburgh. Filed 9:44 a. m.

REGION IV

Jacksonville Order 9–F, Amendment 38, covering fresh fruits and vegetables in the city of Jacksonville, Florida. Filed 9:44 a. m.

Jacksonville Order 11–F, Amendment 18, covering fresh fruits and vegetables in certain areas in Florida. Filed 9:45 a. m.

Jacksonville Order 20–O, covering eggs in the Jacksonville Area. Filed 9:46 a. m.

Jacksonville Order 21–O, covering eggs in the Jacksonville Area. Filed 9:46 a. m.

Jacksonville Order 22–O, covering eggs in the Jacksonville Area. Filed 9:47 a. m.

Jacksonville Order 23–O, covering eggs in the Jacksonville Area. Filed 9:47 a. m.

Miami Order 1–F, Amendment 30, covering fresh fruits and vegetables in certain areas in Florida. Filed 9:45 a. m.

Miami Order 2–F, Amendment 28, covering fresh fruits and vegetables in the Tampa, Florida, Area. Filed 9:45 a. m.

REGION VII

Albuquerque Order 8–F, Amendment 30, covering fresh fruits and vegetables in the Albuquerque, including the city of Albuquerque. Filed 9:58 a. m.

Boise Order 1–C, covering poultry in certain areas in Idaho. Filed 9:59 a. m.

Boise Order 4–C, covering poultry in certain areas in Idaho. Filed 9:49 a. m.

Boise Order 5–C, covering poultry in certain counties in Idaho. Filed 9:57 a. m.

Boise Order 5–F, Amendment 9, covering fresh fruits and vegetables in certain areas in Idaho. Filed 9:58 a. m.

Boise Order 6–C, covering poultry in certain areas in Malheur County, Oregon. Filed 9:57 a. m.

Cheyenne Order 9–C, Amendment 1, covering poultry in certain area in Wyoming. Filed 10:00 a. m.

Cheyenne Order 10–C, Amendment 1, covering poultry in certain areas in Wyoming. Filed 10:01 a. m.

Cheyenne Order 13–C, covering poultry in certain areas in Wyoming. Filed 10:01 a. m.

Cheyenne Order 14–C, covering poultry in certain areas in Wyoming. Filed 10:01 a. m.

Salt Lake City Order 11–F, Amendment 10, covering fresh fruits and vegetables in certain areas in Utah. Filed 9:59 a. m.

Salt Lake City Order 11–F, Amendment 11, covering fresh fruits and vegetables in certain areas in Utah. Filed 9:59 a. m.

Salt Lake City Order 12–F, Amendment 10, covering fresh fruits and vegetables in certain areas in Utah. Filed 10:00 a. m.

Salt Lake City Order 12–F, Amendment 11, covering fresh fruits and vegetables in certain areas in Utah. Filed 10:00 a. m.

Salt Lake City Order 13–F, Amendment 10, covering fresh fruits and vegetables in certain areas in Utah. Filed 10:00 a. m.

Salt Lake City Order 13–F, Amendment 11, covering fresh fruits and vegetables in certain areas in Utah. Filed 10:01 a. m.

Wyoming Order 44, Amendment 10, covering dry groceries in certain areas in Wyoming. Filed 10:02 a. m.

Wyoming Order 49, Amendment 10, covering dry groceries in the Rock Springs Area. Filed 10:02 a. m.

Wyoming Order 51, Amendment 4, covering dry groceries in the Cheyenne Area. Filed 10:03 a. m.

Copies of any of these orders may be obtained from the OPA Office in the designated city.

ERVIN H. POLLACK,
Secretary.

[F. R. Doc. 45–16968; Filed, Sept. 11, 1945; 4:44 p. m.]

LIST OF COMMUNITY CEILING PRICE ORDERS

The following orders under Rev. General Order 51 were filed with the Division of the Federal Register September 8, 1945.

REGION II

Harrisburg Order 2–F, Amendment 29, covering fresh fruits and vegetables in certain areas in Pennsylvania. Filed 11:03 a. m.

Harrisburg Order 2–F, Amendment 31, covering fresh fruits and vegetables in certain areas in Pennsylvania. Filed 11:02 a. m.

Scranton Order 4–F, Amendment 38, covering fresh fruits and vegetables in certain areas in Pennsylvania. Filed 11:05 a. m.

Wilmington Order 4–F, Amendment 49, covering fresh fruits and vegetables in the entire state of Delaware. Filed 11:03 a. m.

REGION III

Cincinnati Order 4–F, Amendment 35, covering fresh fruits and vegetables in certain areas in Ohio. Filed 11:03 a. m.

Escanaba Order 2–C, Amendment 3, covering poultry in certain areas in Michigan. Filed 11:03 a. m.

REGION IV

Memphis Order 7–F, Amendment 17, covering fresh fruits and vegetables in certain areas in Tennessee. Filed 11:02 a. m.

Miami Order 3–F, Amendment 13, covering fresh fruits and vegetables in certain areas in Florida. Filed 11:02 a. m.

Miami Order 4–F, Amendment 13, covering fresh fruits and vegetables in Monroe County, Florida. Filed 11:01 a. m.

Roanoke Order 11–F, Amendment 28, covering fresh fruits and vegetables in certain areas in Virginia. Filed 11:01 a. m.

Roanoke Order 12–F, Amendment 17, covering fresh fruits and vegetables in certain areas in Virginia. Filed 11:01 a. m.

REGION VI

Peoria District Order 7–F, Amendment 20, covering fresh fruits and vegetables in certain areas in Illinois. Filed 11:01 a. m.

Peoria District Order 8–F, Amendment 21, covering fresh fruits and vegetables in certain areas in Illinois. Filed 11:01 a. m.

Peoria District Order 9–F, Amendment 21, covering fresh fruits and vegetables in certain areas in Illinois. Filed 11:00 a. m.

Peoria District Order 10–F, Amendment 21, covering fresh fruits and vegetables in certain areas in Illinois. Filed 11:00 a. m.

Springfield Order 13–F, Amendment 25, covering fresh fruits and vegetables in Springfield, Sangamon County, Illinois. Filed 11:00 a. m.

Springfield Order 14–F, Amendment 26, covering fresh fruits and vegetables in certain areas in Illinois. Filed 11:05 a. m.

Springfield Order 15–F, Amendment 26, covering fresh fruits and vegetables in Decatur, Macon County, Illinois. Filed 11:05 a. m.

Twin Cities Revised Order 1–F, Amendment 32, covering fresh fruits and vegetables in St. Paul and Minneapolis. Filed 11:05 a. m.

Twin Cities Order O–1, Amendment 2, covering eggs in the Twin Cities Area. Filed 11:04 a. m.

Twin Cities Revised Order 2–F, Amendment 16, covering fresh fruits and vegetables in certain counties in Minnesota and Wisconsin. Filed 11:05 a. m.

Denver Order 4–F, Amendment 11, covering fresh fruits and vegetables in the Denver Area. Filed 11:04 a. m.

Denver Order 5–F, Amendment 11, covering fresh fruits and vegetables in the Pueblo Area. Filed 11:04 a. m.

Denver Order 6–F, Amendment 11, covering fresh fruits and vegetables in the Colorado Springs-Manitou Area. Filed 11:04 a. m.

Denver Order 7–F, Amendment 11, covering fresh fruits and vegetables in the Boulder-Fort Collins-Greeley Area. Filed 11:04 a. m.

REGION VIII

Los Angeles Order 1–C, Amendment 9, covering poultry in Los Angeles, Inyo and Orange Counties. Filed 11:08 a. m.

Los Angeles Order 1–O, Amendment 6, covering eggs in certain areas in California. Filed 11:08 a. m.

Los Angeles Order 2–C, Amendment 9, covering poultry in Riverside-San Bernardino Counties. Filed 11:08 a. m.

Los Angeles Order 2–O, Amendment 6, covering eggs in certain counties in California. Filed 11:08 a. m.

Los Angeles Order 3–F, Amendment 11, covering fresh fruits and vegetables in the Los Angeles Area. Filed 11:06 a. m.

Los Angeles Order 3–F, Amendment 12, covering fresh fruits and vegetables in the Los Angeles Area. Filed 11:07 a. m.

Los Angeles Order 4–F, Amendment 11, covering fresh fruits and vegetables in the Long Beach-San Bernardino Area. Filed 11:07 a. m.

Los Angeles Order 4–F, Amendment 12, covering fresh fruits and vegetables in the Long Beach-San Bernardino Area. Filed 11:07 a. m.

Los Angeles Order 5–F, Amendment 11, covering fresh fruits and vegetables in Santa Barbara-Ventura and San Luis Obispo Areas. Filed 11:07 a. m.

Los Angeles Order 5–F, Amendment 12, covering fresh fruits and vegetables in the Santa Barbara-Ventura and San Luis Obispo Areas. Filed 11:07 a. m.

Los Angeles Order 6–F, Amendment 11, covering fresh fruits and vegetables in the Santa Barbara-Ventura and San Luis Obispo Areas. Filed 11:07 a. m.

Los Angeles Order 6–F, Amendment 13, covering fresh fruits and vegetables in the Santa Barbara-Ventura and San Luis Obispo Areas. Filed 11:08 a. m.

Nevada Order 5–C, covering poultry in the county of Washoe in the state of Nevada. Filed 11:10 a. m.

Nevada Order 6–C, covering poultry in the county of Washoe in the state of Nevada. Filed 11:10 a. m.

Nevada Order 7–C, covering poultry in certain counties in Nevada. Filed 11:10 a. m.

Nevada Order 8–C, covering poultry in certain counties in Nevada. Filed 11:11 a. m.

Nevada Order 8–O, Amendment 1, covering poultry in the Nevada Area. Filed 11:12 a. m.

Nevada Order 9–C, covering poultry in certain counties in Nevada. Filed 11:11 a. m.

Nevada Order 9–O, Amendment 1, covering poultry in the Nevada Area. Filed 11:12 a. m.

Nevada Order 10–C, covering poultry in certain counties in Nevada. Filed 11:11 a. m.

Nevada Order 10–O, Amendment 1, covering poultry in the Nevada Area. Filed 11:12 a. m.

Nevada Order 11–F, Amendment 4, covering fresh fruits and vegetables in the Reno and Sparks Area. Filed 11:09 a. m.

Nevada Order 11–O, Amendment 1, covering eggs in the Nevada Area. Filed 11:12 a. m.

Nevada Order 12–F, Amendment 4, covering fresh fruits and vegetables in certain areas in Nevada. Filed 11:09 a. m.

Nevada Order 12–O, Amendment 1, covering eggs in Clark County, Nevada. Filed 11:12 a. m.

Nevada Order 13–F, Amendment 4, covering fresh fruits and vegetables in certain areas in Nevada. Filed 11:09 a. m.

Nevada Order 13–O, Amendment 1, covering eggs in Clark County, Nevada. Filed 11:12 a. m.

Nevada Order 14–F, Amendment 4, covering fresh fruits and vegetables in certain areas in Nevada. Filed 11:09 a. m.

Nevada Order 15–F, Amendment 4, covering fresh fruits and vegetables in certain areas in Nevada. Filed 11:09 a. m.

Phoenix Order 9–F, Amendment 1, covering fresh fruits and vegetables in the Phoenix Area. Filed 11:13 a. m.

Phoenix Order 9–F, Amendment 2, covering fresh fruits and vegetables in the Phoenix Area. Filed 11:13 a. m.

Phoenix Order 10–F, covering fresh fruits and vegetables in the Tucson Area. Filed 11:13 a. m.

Phoenix Order 10–F, Amendment 1, covering fresh fruits and vegetables in the Tucson Area. Filed 11:13 a. m.

Phoenix Order 11–F, covering fresh fruits and vegetables in the Cochise Area. Filed 11:13 a. m.

San Francisco Order 13–F, Amendment 15, covering fresh fruits and vegetables in certain areas in California. Filed 11:06 a. m.

San Francisco Order 14–F, Amendment 15, covering fresh fruits and vegetables in certain areas in California. Filed 11:06 a. m.

San Francisco Order 15–F, Amendment 15, covering fresh fruits and vegetables in certain areas in California. Filed 11:06 a. m.

San Francisco Order 16–F, Amendment 15, covering fresh fruits and vegetables in certain counties (except Eureka) in California. Filed 11:06 a. m.

Copies of any of these orders may be obtained from the OPA Office in the designated city.

ERVIN H. POLLACK,
Secretary.

[F. R. Doc. 45–17138; Filed, Sept. 13, 1945; 11:47 a. m.]

[Region I Order G–1 Under 3 (e)]

STERN-BROWN, INC.

ESTABLISHMENT OF MAXIMUM PRICES

For the reasons set forth in the opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of the Office of Price Administration by the Emergency

Price Control Act of 1942, as amended, and by § 1499.3 (c) (2) of the General Maximum Price Regulation; *It is ordered:*

(a) On and after the effective date of this order the maximum prices for the sales of the No. 6H Electric Broiler and the No. 1B Electric Hot Plate, manufactured by Stern-Brown, Inc., Long Island City, New York, at wholesale and at retail by sellers located in Region I shall be the prices set forth below. Lower prices than those listed may be charged.

AT WHOLESALE

Description	Maximum selling price (each)
No. 6H electric broiler:	
Without underwriter's approved heater cord	$7.83
With underwriter's approved heater cord	8.23
No. 1B electric hot plate:	
Without underwriter's approved heater cord	2.68
With underwriter's approved heater cord	3.08

The above prices are inclusive of Federal Excise Tax and are f. o. b. point of shipment.

AT RETAIL

Description	Maximum selling price (each)
No. 6H electric broiler:	
Without underwriter's approved heater cord	$12.98
With underwriter's approved heater cord	13.58
No. 1B electric hot plate:	
Without underwriter's approved heater cord	3.98
With underwriter's approved heater cord	4.58

The above prices are inclusive of Federal Excise Tax. Each seller shall continue to maintain his customary allowances, discounts, and other price differentials.

(b) *Notification.* Any person who sells the above-described commodities to a retailer shall furnish the retailer with an invoice setting forth the retailer's maximum price, and shall state that the retailer is required by this order to attach a tag or label plainly stating the retail ceiling price.

(c) *Tagging.* Any person who sells the above-described items at retail shall attach to said items before sale a tag or label which plainly states the retail ceiling price.

(d) *Definitions.* (1) "Sale at wholesale" means a sale by a person who buys the above described items and resells them to any person other than the ultimate consumer. A sale to any industrial, commercial, or institutional user by such reseller shall also be considered a "sale at wholesale".

(2) "Sale at retail" means a sale by a person who buys the above described items and resells them to an ultimate consumer other than industrial, commercial or institutional users.

(3) "Region I" comprises the territory within the geographical boundaries of the following states: Maine, New Hampshire, Vermont, Massachusetts, Connecticut, and Rhode Island.

(e) Except as otherwise provided herein all transactions subject to this order remain subject to all the provisions of the General Maximum Price Regulation, together with all the amendments which have been heretofore or which may hereafter be issued.

(f) This order may be amended, revoked or revised by the Office of Price Administration at any time.

(g) This order shall become effective immediately.

Issued this 30th day of August 1945.

ELDON C. SHOUP,
Regional Administrator.

[F. R. Doc. 45-16991; Filed, Sept. 11, 1945; 4:48 p. m.]

[Region I Rev. Supp. Order 2 Under RMPR 122, Revocation]

SOLID FUELS IN BOSTON REGION

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of Region I of the Office of Price Administration by §§ 1340.259 (b) (1) and 1340.260 of Revised Maximum Price Regulation No. 122 and the Emergency Price Control Act of 1942, as amended; *It is hereby ordered,* That Region I Revised Supplementary Order No. 2 under Revised Maximum Price Regulation No. 122 (Named Pennsylvania Anthracites) be and it hereby is revoked.

This order shall become effective September 1, 1945.

Issued this 29th day of August 1945.

ELDON C. SHOUP,
Regional Administrator.

[F. R. Doc. 45-16988; Filed, Sept. 11, 1945; 4:48 p. m.]

[Region I Supp. Order 8 Under RMPR 122, Amdt. 12]

SOLID FUELS IN BOSTON REGION

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of Region I of the Office of Price Administration by §§ 1340.259 (a) (1) and 1340.260 of Revised Maximum Price Regulation No. 122 and the Emergency Price Control Act of 1942, as amended; paragraphs (c) (d) and (e) of Region I Supplementary Order No. 8 under Revised Maximum Price Regulation No. 122 are revoked.

This Amendment No. 12 shall become effective September 1, 1945.

Issued this 29th day of August 1945.

ELDON C. SHOUP,
Regional Administrator.

[F. R. Doc. 45-16989; Filed, Sept. 11, 1945; 4:48 p. m.]

SECURITIES AND EXCHANGE COMMISSION.

[File Nos. 70-1101, 70-1102]

PUBLIC SERVICE CO. OF INDIANA, INC., AND INDIANA GAS & WATER CO., INC.

ORDER GRANTING APPLICATIONS AND PERMITTING DECLARATIONS TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 5th day of September, A. D., 1945.

In the matters of Public Service Company of Indiana, Inc., File No. 70-1101; Public Service Company of Indiana, Inc. and Indiana Gas & Water Company, Inc., File No. 70-1102.

Public Service Company of Indiana, Inc. and its subsidiary, Indiana Gas & Water Company, Inc., direct and indirect public utility subsidiaries, respectively, of The Middle West Corporation, a registered holding company, having filed applications and declarations pursuant to sections 6 (a), 6 (b), 7, 9, 10, 12 (c), (e) and (f) of the Public Utility Holding Company Act of 1935, and rules thereunder, with respect to the following transactions:

Public Service Company of Indiana, Inc., and Indiana Gas & Water Company, Inc. propose the sale by Public Service Company of Indiana, Inc., and the purchase by Indiana Gas & Water Company, Inc., of the gas, water, and Sheridan ice properties, now owned by Public Service Company of Indiana, Inc., at their book value at the date of transfer. Such value as of June 30, 1945 is stated to have been approximately $14,540,000 representing about 13% of the net assets of Public Service Company of Indiana, Inc.

Indiana Gas & Water Company, Inc., proposes to issue and sell at competitive bidding $6,000,000 principal amount of its First Mortgage Bonds at not less than face value plus accrued interest.

Public Service Company of Indiana, Inc., proposes to subscribe for 277,500 shares of the common stock of Indiana Gas & Water Company, Inc. (including 40 incorporators' shares) at such price as is necessary to enable Indiana Gas & Water Company, Inc., to make such portion of the cash payment to be made by it for the properties to be purchased as is in excess of the net proceeds from the sale of the above $6,000,000 principal amount of bonds.

Public Service Company of Indiana, Inc., proposes (a) to issue and sell at competitive bidding, at not less than face value plus accrued interest, $48,000,000 principal amount of its Series F bonds which will be secured by a first mortgage on its property other than that to be transferred to Indiana Gas & Water Company, Inc., (b) to borrow $13,000,000 from banks and evidence such loans by its 1 to 10-year Notes, (c) to issue and sell at competitive bidding, at not less than par value plus accrued dividends, 150,000 shares of the company's Cumulative Preferred Stock, (d) to call for redemption the Series B Bonds, Series C Bonds, Series D Bonds and Series E Bonds now outstanding in the principal amount of $59,314,500, (e) to prepay, at or before the date of issue of the 1- to 10-year Notes, $7,750,000 aggregate principal amount of its Serial Notes now outstanding, and (f) to call for redemption its 148,185.9 shares of outstanding Series A Preferred Stock.

Public Service Company of Indiana, Inc., and Indiana Gas & Water Company, Inc., having requested that in the event their registration statements under the Securities Act of 1933 do not become effective on September 7, 1945 and September 6, 1945, respectively, the ten-day period for inviting bids, as provided by Rule U-50 (b), be shortened to seven days.

Public Service Company of Indiana, Inc., having also proposed to solicit proxies from its shareholders to be voted at a meeting to be called on or about August 31, 1945, to consider the matters of giving consent to the sale of its gas, water and Sheridan ice properties to Indiana Gas & Water Company, Inc., and amending the charter of Public Service Company of Indiana, Inc.; and having proposed to engage the services of the firm of King & Squires to solicit the proxies of the preferred and common stockholders of Public Service Company of Indiana, Inc.; and this Commission having entered its interim order on July 27, 1945, approving the requested solicitation of proxies and the engaging of the services of King & Squires (Holding Company Act Release No. 5958); and

Public Service Company of Indiana, Inc., now proposing to pay a fee not in excess of $25,000 to King & Squires, New York, as compensation for services in soliciting such proxies; and

It appearing to the Commission that there are presently outstanding four conditions applicable to Public Service Company of Indiana, Inc., which were imposed by this Commission after proceedings heretofore had (File No. 70-091), and Public Service Company of Indiana, Inc., having requested that this Commission terminate these conditions; and it further appearing that it is appropriate in the public interest and in the interest of investors and consumers that such request be granted except as hereinafter set forth; and

A public hearing having been held after appropriate notice and the Commission having considered the record and having made and filed its findings and opinion herein:

It is ordered, That the said applications and declarations, respectively, are hereby granted and permitted to become effective, subject however to the terms and conditions contained in Rule U-24 and subject to the following terms and conditions:

(1) The proposed issue and sale of the bonds and preferred stock of Public Service Company of Indiana, Inc., and the proposed issue and sale of the bonds of Indiana Gas & Water Company, Inc. shall not be consummated until the results of the competitive bidding pursuant to Rule U-50 have been made a matter of record in this proceeding and a further order shall have been entered by this Commission in the light of the record so completed, which order may contain further terms or conditions as may then be deemed appropriate, jurisdiction being reserved for this purpose and to pass upon the price to be paid for said bonds and preferred stock and the underwriter's spread.

(2) After September 1, 1945 Service Company shall not pay any dividends (other than dividends payable in shares of its common stock) on any shares of its common stock, nor shall Service Company make any other distribution on, or purchase or otherwise retire any shares of its common stock unless the earned surplus of Service Company after making such payment, distribution, purchase or retirement shall be not less than the sum of $1,000,000.

(3) Public Service Company of Indiana, Inc., shall not declare or pay any dividends (other than dividends payable in shares of its common stock) on any shares of its common stock, nor shall Public Service Company of Indiana, Inc., make any other distribution on its common stock or purchase or otherwise retire any shares of its common stock unless Public Service Company of Indiana, Inc., has, for the period from the effective date of the sale of its gas, water and Sheridan ice properties to Indiana Gas & Water Company, Inc., to the date of the proposed payment of such dividends or the making of such declaration, payment, distribution, purchase or retirement, charged against income as a provision for depreciation (in addition to amounts charged through clearing accounts) an amount which on an annual basis is not less than $2,825,000, plus 2¾% of the original cost of additions to depreciable property made from the effective date of the sale of its gas, water and Sheridan ice properties to Indiana Gas & Water Company, Inc., to December 31st of the calendar year immediately preceding the year in which such depreciation provision is made, and minus 2¾% of the original cost of retirements of depreciable property made during such period.

(4) Indiana Gas & Water Company, Inc., shall not declare or pay any dividends (other than dividends payable in shares of its common stock) on any shares of its common stock, nor shall Indiana Gas & Water Company, Inc., make any other distribution on its common stock or purchase or otherwise retire any shares of its common stock unless Indiana Gas & Water Company, Inc., has, for the period from the effective date of the purchase of the gas, water and Sheridan ice properties from Public Service Company of Indiana, Inc., to the date of the proposed payment of such dividends or the making of such declaration, payment, distribution, purchase or retirement, charged against income as a provision for depreciation (in addition to amounts charged through clearing accounts) an amount which on an annual basis is not less than $240,000, plus 2% of the original cost of additions to depreciable property made from the effective date of the purchase of the gas, water and Sheridan ice properties from Public Service Company of Indiana, Inc., to December 31st of the calendar year immediately preceding the year in which such depreciation provision is made, and minus 2% of the original cost of retirements of depreciable property made during such period.

It is also ordered, That jurdisdiction shall be reserved for the purpose of passing upon the amount of the fee to be paid to King & Squires by Public Service Company of Indiana, Inc., for soliciting proxies from its shareholders to obtain their consent for the sale of its gas, water and Sheridan ice properties and to amend its Articles of Consolidation.

It is further ordered, That, dependent on the effective dates of the registration statements of Public Service Company of Indiana and Indiana Gas & Water Company, Inc., under the Securities Act of 1933, and in accordance with their requests, the ten-day period for inviting bids as provided by Rule U-50 (b) be, and hereby is, shortened to a period of not less than seven days.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 45-17102; Filed, Sept. 12, 1945; 2:16 p. m.]

[File No. 70-1136]

SPOKANE UNITED RAILWAYS

NOTICE OF FILING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia 3, Pennsylvania, on the 10th day of September, A. D. 1945.

Notice is hereby given that an application and declaration has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by Spokane United Railways ("Spokane"), a wholly-owned subsidiary of The Washington Water Power Company ("Washington"), which is in turn a subsidiary of American Power and Light Company, a registered holding company subsidiary of Electric Bond and Share Company, also a registered holding company.

Notice is further given that any interested person may not later than the 19th day of September, 1945 at 5.30 p. m., e. w. t., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request and the nature of his interest, or may request that he be notified if the Commission should order a hearing thereon. At any time thereafter, said application and declaration, as filed or as amended, may be approved or may be permitted to become effective as provided in Rule U-23 of the Rules and Regulations promulgated under this act, or the Commission may exempt such transaction as provided in Rule U-20 (a) and Rule U-100 thereof. Any such request should be addressed: Secretary, Securities and Exchange Commission, 18th and Locust Streets, Philadelphia 3, Pennsylvania.

All interested persons are referred to said application and declaration, which is on file in the office of this Commission, for a statement of the transactions therein proposed, which are summarized as follows:

On July 7, 1945 Spokane sold all of its operating physical assets and franchise to Spokane City Lines, Inc., a non-affiliated corporation, for a base price of $850,000, subject to certain minor adjustments. Spokane has outstanding in the hands of Washington, First and General Mortgage Ten-year Gold Bonds in the principal amount of $1,942,000. All other securities of Spokane are held by Washington. Spokane proposes to institute dissolution proceedings under the General Laws of the State of Washington, which laws provide for the nomination and appointment of Trustees in Dissolution under the su-

pervision of the Superior Court of Spokane County.

It is proposed that prior to the institution of dissolution proceedings the sum of $900,000 in cash be paid by Spokane to Washington on account of the said bonds, and upon completion of the dissolution proceedings, the Trustees are to distribute the remaining assets of Spokane to the creditors of Spokane, including Washington, as their claims may be established. Spokane estimates that prior to the institution of dissolution proceedings and after all known liabilities have been paid or provided for, it will have on hand, in cash, $920,149.70.

Spokane has designated section 12 (c) and Rule U-42 as applicable to the proposed transaction.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 45-17103; Filed, Sept. 12, 1945; 2:17 p. m.]

[File No. 1-1905]

SUBURBAN ELECTRIC SECURITIES CO.

ORDER SETTING HEARING ON APPLICATION TO WITHDRAW FROM LISTING AND REGISTRATION

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 11th day of September, A. D. 1945.

The Suburban Electric Securities Company, pursuant to section 12 (d) of the Securities Exchange Act of 1934 and Rule X-12D2-1 (b) promulgated thereunder, having made application to the Commission to withdraw its Common Stock, No Par Value and $4.00 Cumulative Second Preferred Stock, No Par Value, from listing and registration on the Boston Stock Exchange;

The Commission deeming it necessary for the protection of investors that a hearing be held in this matter at which all interested persons be given an opportunity to be heard;

It is ordered, That the matter be set down for hearing at 10:00 a. m. on Tuesday, October 16, 1945, at the office of the Securities and Exchange Commission, 82 Devonshire Street, Boston, Massachusetts, and continue thereafter at such times and places as the Commission or its officer herein designated shall determine, and that general notice thereof be given; and

It is further ordered, That Frank Kopelman, an officer of the Commission, be and he hereby is designated to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 45-17104; Filed, Sept. 12, 1945; 2:17 p. m.]

[File No. 70-1125]

MINNESOTA POWER & LIGHT CO.

ORDER PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia 3, Pennsylvania, on the 6th day of September, A. D. 1945.

Minnesota Power & Light Company ("Minnesota"), an electric utility company and a registered holding company subsidiary of American Power & Light Company, a registered holding company, which in turn is a subsidiary of Electric Bond and Share Company, also a registered holding company, has filed a declaration and amendments thereto under the Public Utility Holding Company Act of 1935 and particularly sections 6 (a) and 7 regarding (a) the issue and public sale by Minnesota of $26,000,000 principal amount of First Mortgage Bonds ——% Series due 1975 in accordance with Rule U-50 (b) promulgated under said Act, (b) the issue and private sale of $6,000,000 principal amount of unsecured Ten Year Serial Notes, said notes to be sold at 100% of principal amount and to bear interest at 2% per annum, and (c) the use of the proceeds of said sales, together with treasury cash, for the redemption of its First and Refunding Mortgage Gold Bonds, 5% Series due 1955, its First Refunding Mortgage Gold Bonds, 4½% Series due 1978 and Great Northern Power Company First Mortgage 5% Gold Bonds due February 1, 1950; and

A public hearing having been held on such declaration, after appropriate notice, and the Commission having examined the record, and having filed its findings and opinion based thereon;

It is ordered, That said declaration as amended be, and the same hereby is, permitted to become effective forthwith, except as to the price to be paid for such bonds, their redemption prices, the interest rate thereon, the underwriters' spread and its allocation, and all legal fees to be paid in connection with the proposed transactions, as to which matters jurisdiction be, and the same hereby is, specifically reserved, and subject to the terms and conditions contained in Rule U-24.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc 45-17105; Filed, Sept. 12, 1945; 2:18 p. m.]

[File Nos. 54-106, 54-107]

BUFFALO, NIAGARA AND EASTERN POWER CORP. AND NIAGARA HUDSON POWER CORP.

SUPPLEMENTAL ORDER PERMITTING DECLARATION TO BECOME EFFECTIVE AND CONTINUING JURISDICTION

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 11th day of September 1945.

Niagara Hudson Power Corporation (Niagara Hudson), a subsidiary of The United Corporation, a registered holding company, and Buffalo, Niagara and Eastern Power Corporation, a subsidiary of Niagara Hudson, having each filed applications and declarations and amendments thereto for approval of plans filed pursuant to section 11 (e) of the Public Utility Holding Company Act of 1935 proposing, among other things, the sale by Niagara Hudson, pursuant to the competitive bidding requirements of Rule U-50, of all its holdings of stock of its subsidiary, Central Hudson Gas and Electric Corporation, consisting of 445,738 shares of common stock; and

The Commission having on August 30, 1945, issued an interim order permitting the declaration solely with respect to the sale of said common stock to become effective subject to the conditions prescribed in Rule U-24 and to the further condition that the proposed sale of said securities should not be consummated until the results of competitive bidding have been made a matter of record in this proceeding and a further order entered by this Commission in the light of the record so completed and subject to a reservation of jurisdiction concerning the payment of any fees or expenses of counsel; and

Niagara Hudson having filed a further amendment stating that in accordance with the permission granted by said interim order of the Commission dated August 30, 1945, such common stock was offered for sale pursuant to the competitive bidding requirements of Rule U-50 and the following bids therefor were received:

Bidder	Bid per share	Gross proceeds to Niagara Hudson
Kidder Peabody & Co	$9.3295	$4,1[illegible]
Harriman Ripley & Co., Inc.	9.212	4,10[illegible]
White Weld & Co. and Stone & Webster and Blodgett Inc.	9.075	4,04[illegible]

Said amendment further stating that Niagara Hudson has accepted the bid of Kidder Peabody & Co. for the common stock, as set out above, and that said common stock will be offered for sale to the public at $9.70 per share or a gross of $4,323,658.60 representing a spread to the underwriters of $0.3735 per share or an aggregate of $166,483.14; and

The Commission having examined said amendment and having considered the record herein;

It is ordered, That the aforesaid declaration solely in regard to the sale by Niagara Hudson of its holdings of the common stock of Central Hudson Gas and Electric Corporation be, and hereby is, permitted to become effective forthwith subject to the terms and conditions prescribed in Rule U-24.

It is further ordered, That jurisdiction heretofore specifically reserved over the payment of any fees or expenses including the fee of counsel for successful bidders be, and the same hereby is, continued.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 45-17131; Filed, Sept. 13, 1945; 11:06 a. m.]

[File No. 59-15]

NORTHERN NEW ENGLAND CO. AND NEW ENGLAND PUBLIC SERVICE CO.

ORDER POSTPONING HEARING

At a reguar session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 12th day of September 1945.

The Commission having, by order dated August 28, 1945, designated September 7, 1945, as the date for reconvening the above entitled proceedings at the Philadelphia office of the Commission for the purpose of adducing any additional evidence with respect to an amendment filed on July 16, 1945 by New England Public Service Company to its amended plan of reorganization and with respect to an application filed on the same date for an order pursuant to the applicable provisions of the Internal Revenue Code, as amended, regarding the sale by New England Public Service Company of its interests in New England Industries, Inc., Keyes Fibre Company and Bucksport Water Company; and

New England Public Service Company having requested that the hearings in this matter be postponed to September 13, 1945, and the Commission having granted such request; and

New England Public Service Company having now requested a further postponement until September 19, 1945, and it appearing appropriate to the Commission that the request be granted:

It is ordered, That the hearings in this matter, previously scheduled to reconvene on September 13, 1945 at 10:00 a. m., e. w. t., at the offices of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia 3, Pennsylvania, be and hereby are postponed to September 19, 1945 at the same hour and place and before the trial examiner heretofore designated.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 45-17129; Filed, Sept. 13, 1945; 11:05 a. m.]

[File No. 70-736]

FEDERAL WATER AND GAS CORP. AND ALABAMA WATER SERVICE CO.

NOTICE OF FILING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 10th day of September, A. D. 1945.

Notice is hereby given that a joint declaration has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935, as part of Amendments No. 9, No. 9A and No. 9B to the filing in the above captioned proceeding, by Federal Water and Gas Corporation ("Federal"), a registered holding company, and Alabama Water Service Company ("Alabama"), a subsidiary of Federal.

Notice is further given that any interested person may, not later than the 17th day of September, 1945, at 5:30 p. m., e. w. t., request the Commission in writing that a hearing be held on such declaration, stating the reasons for such request and the nature of his interest, or request that he be notified if the Commission should order a hearing thereon; at any time thereafter such declaration, as filed or as amended, may be permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated pursuant to the act, or the Commission may exempt the proposed transactions as provided in Rule U-20 (a) and Rule U-100 thereof. Any such request should be addressed: Secretary, Securities and Exchange Commission, 18th and Locust Streets, Philadelphia 3, Pennsylvania.

All interested persons are referred to said declaration, which is on file in the office of this Commission, for a statement of the transactions therein proposed, which are summarized as follows:

Alabama proposes to sell its water distribution system located in the City of Greensboro, Alabama, and territory contiguous thereto in Hale County, Alabama, to Greensboro Water Company, a company organized on June 13, 1945, under the laws of Alabama, for $25,000 in cash. All the capital stock of Greensboro Water Company is owned in equal portions by W. E. Matthews, III, president of Alabama, and W. C. Christian, an employee of Alabama. The proposed sale of these properties by Alabama, and the purchase thereof by Greensboro Water Company, have been approved by the Alabama Public Service Commission.

Federal and Alabama request, among other things, that this Commission find that the proposed sale is necessary or appropriate to the integration or simplification of the holding company system of which Federal and Alabama are members, and that our order to issue herein conform with the requirements of sections 371 (b), 371 (d), 371 (f), and 1808 (f) of the Internal Revenue Code, as amended, and contain the recitals and specifications described therein.

The filing indicates that sections 11 (b), 11 (e) and 12 (f) of the act are applicable to the proposed transactions.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 45-17126; Filed, Sept. 13, 1945; 11:04 a. m.]

[File No. 70-736]

FEDERAL WATER AND GAS CORP. AND ALABAMA WATER SERVICE CO.

SUPPLEMENTAL ORDER REGARDING SALES AND RESERVING JURISDICTION

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 10th day of September, A. D. 1945.

The Commission on February 10, 1943, having issued an order pursuant to sections 11 (b) and 11 (e) of the Public Utility Holding Company Act of 1935 directing, among other things, that Federal Water and Gas Corporation ("Federal"), a registered holding company, dispose of its interests in Alabama Water Service Company ("Alabama"), a direct subsidiary of Federal, and approving a plan filed by Federal providing, among other things, that Federal would dispose of its interest in Alabama; Federal and Alabama subsequently from time to time having filed certain applications and declarations concerned with the divestment by Alabama of certain of its properties and the use by Alabama of the proceeds derived from such sales for the satisfaction and discharge of certain of the security obligations of Alabama; said applications and declarations bearing the above set forth caption heretofore having been granted and permitted to become effective; Federal and Alabama now having filed joint amendments to these latter-mentioned proceedings concerned, among other things, with the following transactions:

(a) The divestment by Alabama of the water distribution system of Alabama serving the Town of Brantley, Alabama and territory contiguous thereto in Crenshaw County, Alabama, to L. E. Stephenson, a resident of Brantley, Alabama, not an affiliate either of Alabama or of Federal, for the sum of $5,500 in cash;

(b) The divestment by Alabama of the water distribution system of Alabama serving the Town of Coffee Springs, Alabama, and territory contiguous thereto in Geneva County, Alabama, to The Water Works Board of the Town of Coffee Springs, Alabama, or to the Town of Coffee Springs, Alabama, for the sum of $2,000 in cash and notes;

(c) The divestment by Alabama of the water distribution system of Alabama serving the City of Headland, Alabama, and territory contiguous thereto in Henry County, Alabama to The Water Works Board of the City of Headland, Alabama, or to the City of Headland, Alabama, for the sum of $37,500 in cash plus certain adjustments as of the date of closing; and

(d) The divestment by Alabama of the water distribution system of Alabama serving the City of Wetumpka, Alabama, and territory contiguous thereto in Elmore County, Alabama, to The Water Works Board of the City of Wetumpka, Alabama, or to the City of Wetumpka, Alabama, for the sum of $75,000 in cash;

It appearing that these transactions are steps in the consummation by Federal of its program for the divestment of its interests in the business and properties of Alabama and are necessary and appropriate to the integration or simplification of the holding company system of which Federal and Alabama are members, and to effectuate the requirements of section 11 (b) of the act; and

Federal and Alabama having requested that such order or orders as we shall issue in this matter conform with the requirements of sections 371 (b), 371 (d), 371 (f) and 1808 (f) of the Internal Revenue Code, as amended, and contain the recitals and specifications described therein;

It is ordered and recited, That the following sales by Alabama Water Service Company of the properties specified and itemized in this order and other documents herein referred to and incorpo-

rated in this order by reference are necessary and appropriate to the integration or simplification of the Federal Water and Gas Corporation holding company system, of which Alabama Water Service Company is a member, and are necessary and appropriate to effectuate the provisions of section 11 (b) of the Public Utility Holding Company Act of 1935;

(a) The sale to L. E. Stephenson, a resident of Brantley, Alabama, of the water distribution system of Alabama Water Service Company serving the Town of Brantley, Alabama, and territory contiguous thereto in Crenshaw County, Alabama, for the sum of $5,500 in cash;

(b) The sale to The Water Works Board of the Town of Coffee Springs, Alabama, or to the Town of Coffee Springs, Alabama, of the water distribution system of Alabama Water Service Company serving the Town of Coffee Springs, Alabama, and territory contiguous thereto in Geneva County, Alabama, for the sum of $2,000 in cash and notes;

(c) The sale to The Water Works Board of the City of Headland, Alabama, or to the City of Headland, Alabama, of the water distribution system of Alabama Water Service Company serving the City of Headland, Alabama, and territory contiguous thereto in Henry County, Alabama, for the sum of $37,500 in cash plus certain adjustments as of the date of closing; and

(d) The sale to The Water Works Board of the City of Wetumpka, Alabama, or to the City of Wetumpka, Alabama, of the water distribution system of Alabama Water Service Company serving the City of Wetumpka, Alabama, and territory contiguous thereto in Elmore County, Alabama, for the sum of $75,000 in cash;

The properties referred to in subdivisions (a), (b), (c) and (d) hereof being more completely specified, itemized and described in certain documents entitled "Specification and Itemization of Property of Alabama Water Service Company to be Sold", marked respectively Exhibits H–1, H–2, H–5 and H–6 to Amendment No. 9B and filed with the Securities and Exchange Commission as part of the record in this proceeding, which documents are hereby incorporated by reference in this order and made a part hereof with the same force and effect as if fully set forth herein;

It is further ordered, That the sales of said properties be completed within six months from the date of this order, and that jurisdiction be and it is hereby reserved with respect to the application of the proceeds of said sales.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 45–17125; Filed, Sept. 13, 1945; 11:04 a. m.]

[File No. 70–882]

NORTHERN INDIANA PUBLIC SERVICE CO.

ORDER RELEASING JURISDICTION

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 12th day of September, A. D. 1945.

Northern Indiana Public Service company, a subsidiary of Clarence A. Southerland and Jay Samuel Hartt, Trustees of the Estate of Midland Utilities Company, a registered holding company, having filed applications-declarations, as amended, pursuant to sections 6 (b) and 12 of the Public Utility Holding Company Act of 1935 and the rules and regulations promulgated thereunder, with respect to the refinancing of 220,078 shares of its cumulative preferred stock; and

The Commission having granted and permitted such applications-declarations, as amended, to become effective subject to the reservation of jurisdiction with respect to the proposed payment of $20,000 to Stone & Webster and Blodget, Inc., and Harriman, Ripley & Co., Inc., for asserted financial services and advice, and expenses; and

Upon the basis of a record developed at a public hearing after appropriate notice with respect to this matter, the Commission deeming it unnecessary to make any adverse findings regarding the reasonableness of the amount of the said fees and expenses proposed to be paid:

It is therefore ordered, That the jurisdiction heretofore reserved with respect to the proposed payment of $20,000 to Stone & Webster and Blodget, Inc., and Harriman, Ripley & Co., Inc., for financial services and advice, and expenses, be, and the same hereby is, released.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 45–17128; Filed, Sept. 13, 1945; 11:05 a. m.]

[File No. 70–1114]

CONSUMERS POWER CO.

SUPPLEMENTAL ORDER CONTINUING JURISDICTION OVER LEGAL FEES

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa., on the 11th day of September, A. D. 1945.

Consumers Power Company, a public utility subsidiary of The Commonwealth & Southern Corporation, a registered holding company, having filed a declaration and amendments thereto pursuant to sections 6 and 7 of the Public Utility Holding Company Act of 1935 regarding the issue and sale by Consumers Power Company, in accordance with the competitive bidding requirements of Rule U-50, of $113,825,000 principal amount of First Mortgage Bonds, ——% Series due 1975, the interest rate to be determined by the results of competitive bidding, but not to exceed 2⅞%, and regarding other matters stated in said declaration;

The Commission having by order dated August 30, 1945 permitted said declaration, as amended, to become effective subject to the condition, among others, that said issue and sale shall not be consummated until the results of competitive bidding pursuant to Rule U-50 have been made a matter of record in this proceeding and a further order shall have been entered by the Commission in the light of the record so completed, jurisdiction having been reserved for this purpose and subject also to the condition that jurisdiction be reserved with respect to the legal fees and expenses proposed to be paid to counsel for Consumers Power Company and counsel for the underwriters in connection with the proposed transactions;

Consumers Power Company having on September 11, 1945 filed a further amendment to its declaration, as amended, in which it is stated that, in accordance with the permission granted by the order of the Commission dated August 30, 1945, it has offered such First Mortgage Bonds for sale pursuant to the competitive bidding requirements of Rule U-50, and has received the following bids:

Bidder	Price to com-pany	Coupon rate	Cost to com-pany
	Percent	Percent	Percent
Halsey, Stuart & Co. Inc.	101.6799	2⅞	2.7929
Morgan Stanley & Co.	101.529	2⅞	2.78

the amendment further stating that Consumers Power Company has accepted the bid of Halsey, Stuart & Co. Inc. for said First Mortgage Bonds as set out above and that said bonds will be offered for sale to the public at a price of 102.37%, resulting in an underwriters' spread of .6901%;

Consumers Power Company having further amended its declaration to provide that such First Mortgage Bonds, due 1975, will be redeemable at the scale of redemption prices set forth in such amendment; and

The Commission having examined said amendment and having considered the record herein, and finding no reason for imposing terms and conditions with respect to the price to be paid for said First Mortgage Bonds, due 1975, the redemption prices therefor, the interest rate thereon, and the underwriters' spread;

It is ordered, That the jurisdiction heretofore reserved over the price to be paid for said First Mortgage Bonds, the redemption prices therefor, the interest rate thereon, and the underwriters' spread, be, and the same hereby is released, and that said declaration, as further amended, be, and the same hereby is, permitted to become effective, subject, however, to the terms and conditions prescribed in Rule U–24 and to the condition imposing a restriction on the payment of dividends on common stock, contained in our order of August 30, 1945, and

It is further ordered, That the jurisdiction heretofore reserved over all legal fees and expenses of counsel for Consumers Power Company and for the successful bidders to be paid in connection with the proposed transactions be and the same is hereby continued.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 45–17124; Filed, Sept. 13, 1945; 11:04 a. m.]

[File No. 70–1138]

AMERICAN UTILITIES SERVICE CORP.

NOTICE OF FILING AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa., on the 12th day of September, 1945.

Notice is hereby given that a declaration has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by American Utilities Service Corporation, a registered holding company. All interested persons are referred to said declaration which is on file in the office of the Commissioner for a statement of the transactions therein proposed, which may be summarized as follows:

American Utilities Service Corporation proposes to issue and sell to Harris Trust & Savings Bank of Chicago, Illinois, a promissory note, in the principal amount of $2,000,000, bearing interest at the rate of 2¼% per annum and maturing in five years from the date the note is issued which will be on or about October 1, 1945. Such note may be prepaid, in whole or in part, at the option of the company, without premium if such prepayment is made with funds other than borrowed money. If such prepayment is made with borrowed money, then American will pay a premium of one-eighth of one per cent with respect to the amount so prepaid, for each year by which the maturity of the secured note is anticipated; *Provided*, That no premium shall be paid if such prepayment is made with borrowed funds on or after April 1, 1949. The declaration states that no fees and commissions will be paid by the company in obtaining the proposed bank loan.

The proceeds of such notes ($2,000,000), together with treasury funds, are to be utilized for the redemption and retirement of all the 6% Collateral Trust Bonds of American Utilities Service Corporation, due November 1, 1964 presently outstanding in the principal amount of $2,200,000. Such bonds are to be called at the then applicable call price of 104½% plus accrued interest.

American Utilities Service Corporation will pledge as collateral for said bank loan substantially the same securities now pledged as security for the 6% Collateral Trust Bonds.

It appearing to the Commission that it is appropriate in the public interest and in the interest of investors and consumers that a hearing be held in respect to such matters and that said declaration shall not become effective except pursuant to further order of the Commission:

It is ordered, That a hearing be held on such matters under applicable provisions of said Act and the Rules of the Commission promulgated thereunder on September 25, 1945, at 11:00 a. m., e. w. t., at the offices of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia 3, Pennsylvania. On such date the hearing room clerk in Room 318 will advise as to the room in which such hearing will be held. At such hearing cause shall be shown why such declaration shall be permitted to become effective.

It is further ordered, That Richard Townsend, or any other officer or officers of the Commission designated by it for that purpose, shall preside at such hearing in such matter. The officer so designated to preside at any such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said act and to a trial examiner under the Commission's rules of practice of this Commission.

It is further ordered, That without limiting the scope of the issues presented by said declaration, particular attention be directed at said hearing to the following matters and questions:

(1) Whether the promissory note proposed to be issued is reasonably adapted to the earning power and the security structure of declarant and the other companies in its holding company system and is necessary and appropriate to the economic and efficient operation of the business in which declarant is engaged;

(2) Whether the fees and expenses to be paid in connection with the issue and sale of said note are reasonable;

(3) Whether the terms and conditions of the issue of said note are detrimental to the public interest or the interest of investors and consumers;

(4) Whether the proposed pledge of securities by declarant meets the requirements of section 12 (d) of the act and rules promulgated thereunder;

(5) Whether the action proposed to be taken by declarant is fair and equitable to the persons affected thereby;

(6) Whether the accounting entries to be recorded in connection with the proposed transactions are proper and conform to sound and accepted principles of accounting under the standards of the Act;

(7) Whether it is necessary or appropriate in the public interest or for the protection of investors or consumers to impose any terms and conditions with respect to the proposed transactions;

(8) Generally, whether the proposed transactions comply with all the applicable provisions and requirements of the Act and Rules promulgated thereunder.

It is further ordered, That the Secretary of the Commission shall serve notice of the hearing aforesaid by mailing a copy of this order by registered mail to American Utilities Service Corporation, and that notice be given to all other persons by publication of a copy of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 45–17130; Filed, Sept. 13, 1945; 11:06 a. m.]

[File No. 70–1140]

CRESCENT PUBLIC SERVICE CO. AND CENTRAL OHIO LIGHT & POWER CO.

NOTICE REGARDING FILING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 11th day of September, A. D. 1945.

Notice is hereby given that a declaration or application (or both) has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by Crescent Public Service Company, a registered holding company, and its subsidiary, Central Ohio Light & Power Company; and

Notice is further given that any interested person may, not later than September 28, 1945, at 5:30 p. m., e. w. t., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request and the nature of his interest, or may request that he be notified if the Commission should order a hearing thereon. At any time thereafter such declaration or application (or both), as filed or as amended, may become effective or may be granted, as provided in Rule U-23 of the rules and regulations promulgated pursuant to said act or the Commission may exempt such transactions as provided in Rules U-20 (a) and U-100 thereof. Any such request should be addressed: Secretary, Securities and Exchange Commission, 18th and Locust Streets, Philadelphia 3, Pennsylvania.

All interested persons are referred to said declaration or application (or both), which is on file in the office of said Commission, for a statement of the transactions therein proposed, which may be summarized as follows:

Central Ohio Light & Power Company proposes to declare and pay out of earned surplus, during the month of October, 1945, a dividend of $2.50 per share to the holder of its Common Stock, such dividend aggregating $50,000. All of the Common Stock of Central Ohio Light & Power Company is owned by Crescent Public Service Company. This filing is stated to be made pursuant to section 12 (c) of the act and the Commission's order, dated February 3, 1944 (Holding Company Act Release No. 4872) which provides, in part, that so long as any of the First Mortgage 3½% Bonds, Series A, due February 1, 1974, of Central Ohio Light & Power Company shall be unredeemed and outstanding or until further order of the Commission, no dividend shall be declared or paid on the said Common Stock except on application to, and approval by order of, the Commission.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 45–17127; Filed, Sept. 13, 1945; 11:05 a. m.]

WAR PRODUCTION BOARD.

[Certificate 1, Revocation]

SYNTHETIC NITRATION GRADE TOLUENE

EXCHANGE OF TECHNICAL INFORMATION BY MANUFACTURERS

The ATTORNEY GENERAL.

Pursuant to section 12 of Public Law No. 603, 77th Congress (56 Stat. 357), I hereby withdraw the certificate and finding dated June 24, 1942, concerning a proposed plan for the exchange by all manufacturers of synthetic nitration grade toluene of technical information respecting such manufacture; and also Amendment 1 thereto dated September 10, 1942.

Dated: September 1, 1945.

J. A. KRUG,
Chairman.

[F. R. Doc. 45-17045; Filed, Sept. 12, 1945; 11:30 a. m.]

[Certificate 194, Revocation]

COMMON CARRIERS IN PHOENIX, ARIZ., AREA

COORDINATION OF MOTOR VEHICLE SERVICE

The ATTORNEY GENERAL.

Pursuant to section 12 of Public Law No. 603, 77th Congress (56 Stat. 357), I hereby withdraw the certificate and finding dated January 21, 1944, concerning Special Order ODT LB-15A issued by the Director of the Office of Defense Transportation.

Dated: September 1, 1945.

J. A. KRUG,
Chairman.

[F. R. Doc. 45-17046; Filed Sept. 12, 1945; 11:30 a. m.]

[Certificate 263, Revocation]

MANUFACTURERS OF PENICILLIN

COLLOBORATION IN EXCHANGE OF TECHNICAL INFORMATION

The ATTORNEY GENERAL.

Pursuant to section 12 of Public Law No. 603, 77th Congress (56 Stat. 357), I hereby withdraw the certificate and finding dated June 21, 1944, concerning a proposal described in a memorandum dated June 5, 1944, from the Director of the Chemicals Bureau and the Director of the Office of Production Research and Development of the War Production Board, that certain named manufacturers of penicillin, as well as others who may be added from time to time, be requested to collaborate in the exchange of technical information respecting the production and processing of penicillin derived by fermentation from penicillium notatum and of any raw material or intermediate components of penicillin; and also Amendment 1 thereto dated July 14, 1944.

Dated: September 1, 1945.

J. A. KRUG,
Chairman.

[F. R. Doc. 45-17047; Filed, Sept. 12, 1945; 11:30 a. m.]

[Consent Order, Revocations, List 1]

BREDE, INC., ET AL.

In view of the revocation of certain limitation and conservation orders controlling the supply and distribution of materials, the Director of the Compliance Division and the General Counsel have directed that the consent orders hereinafter listed be revoked forthwith.

In view of the foregoing, *It is hereby ordered*, That the following consent orders be revoked, effective September 13, 1945, *Provided, however*, That this revocation does not affect any liabilities incurred for violations of the consent order prior to revocation:

C-414	Brede, Inc.
C-407	Pebbleford Distilleries, Inc.
C-401	The Chilcote Co.
C-397	Willis Music Co.
C-395	M. K. M. Knitting Mills
C-389	Childhood Interests, Inc.
C-383	Boice-Crane Co.
C-381	Paw Paw Wine Co.
C-380	Quality Paper Box Co.
C-369	Michigan Wineries, Inc.
C-349	Woolson Spice Co.
C-348	Carrom Industries, Inc.
C-328	Alfred Hart Distilleries, Inc.
C-304	Park Chemical Co.
C-293	Nicolay-Dancey, Inc.
C-256	Mrs. Schlorer's Inc.
C-243	Whole-Sum Products Co.
C-228	Lewis Co.
C-227	Buddies Box Lunch
C-225	Texas Equipment Co., Inc.
C-181	Publications for Catholic Youth
C-262	Radio Dealers Supply Co.
C-201	Sam Moore Chairs, Inc.

Issued this 13th day of September 1945.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 45-17134; Filed, Sept. 13, 1945; 11:43 a. m.]

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SEP 17 '45

FEDERAL REGISTER

VOLUME 10 NUMBER 182

Washington, Saturday, September 15, 1945

The President

EXECUTIVE ORDER 9613

WITHDRAWING AND RESERVING FOR THE USE OF THE UNITED STATES LANDS CONTAINING RADIO-ACTIVE MINERAL SUBSTANCES

By virtue of the authority vested in me as President of the United States, it is hereby ordered as follows:

1. Subject to valid existing rights, all public lands of the United States, including Alaska, which contain deposits of radio-active mineral substances, and all deposits of such substances, are hereby withdrawn from sale and all other forms of disposal under the public-land laws, including the mining laws, and reserved for the use of the United States.

2. So far as not in conflict with existing law, all lands in the United States, its territories or possessions, heretofore acquired by the United States which contain deposits of radio-active mineral substances owned by the United States are hereby reserved from sale, and all leases, licenses, or other authorizations of whatever kind hereafter granted to occupy or use such lands, shall reserve to the United States the right, at any and all times, to enter upon such lands, and mine and remove such mineral substances; and all such lands hereafter acquired by the United States shall become subject to the provisions of this paragraph upon their acquisition; *Provided*, That no reservation under this paragraph shall interfere with the use of the lands established or indicated by any act of Congress.

HARRY S. TRUMAN

THE WHITE HOUSE,
September 13, 1945.

[F. R. Doc. 45-17169; Filed, Sept. 13, 1945; 2:18 p. m.]

EXECUTIVE ORDER 9614

TERMINATION OF THE WAR REFUGEE BOARD

By virtue of the authority vested in me by the Constitution and the statutes of the United States it is hereby ordered as follows:

The War Refugee Board, established in the Executive Office of the President by Executive Order No. 9417 of January 22, 1944,[1] is hereby terminated.

The Secretary of the Treasury is authorized and directed (1) to liquidate all of the activities and obligations, and wind up all of the affairs, of the Board as rapidly as practicable, and not later than June 30, 1946; (2) to utilize therefor such of the personnel, property, records, and unexpended appropriations of the Board as may be necessary; and (3), consonant with applicable law and regulations and at such times as may be appropriate, to separate the personnel from the service of the Board and to dispose of its property and records.

This order shall become effective at the close of business September 15, 1945.

HARRY S. TRUMAN

THE WHITE HOUSE,
September 14, 1945.

[F. R. Doc. 45-17213; Filed, Sept. 14, 1945; 11:46 a. m.]

EXECUTIVE ORDER 9615

MAKING CERTAIN TIME LIMITATIONS IMPOSED BY EXECUTIVE ORDER NO. 4601 OF MARCH 1, 1927, PRESCRIBING REGULATIONS PERTAINING TO THE AWARD OF THE DISTINGUISHED FLYING CROSS, INAPPLICABLE TO CERTAIN CASES

By virtue of and pursuant to the authority vested in me by section 12 of the act of July 2, 1926, 44 Stat. 789, as amended, it is hereby ordered as follows:

The time limitations imposed by the first sentence of paragraph 8 of Executive Order No. 4601 of March 1, 1927, prescribing rules and regulations pertaining to the award of the distinguished flying cross, shall not apply to any case in which (1) the act or achievement justifying the award is performed during the period commencing December 7, 1941, and ending with the date of the termination of hostilities in the present

[1] 9 F.R. 935.

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FEDERAL REGISTER

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NOTICE

1944 Supplement

Book 1 of the 1944 Supplement to the Code of Federal Regulations, containing Titles 1-10, including Presidential documents in full text, is now available from the Superintendent of Documents, Government Printing Office, at $3.00 per copy.

A limited sales stock of the Cumulative Supplement and the 1943 Supplement is still available as previously announced.

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[1] Appears under War Department in Notices section.

war, and (2) the recommendation of an award for such act or achievement is initiated within six months after the latter date. The term "date of the termination of hostilities in the present war" means the date proclaimed by the President as the date of such termination.

HARRY S. TRUMAN

THE WHITE HOUSE,
September 14, 1945.

[F. R. Doc. 45-17212; Filed, Sept. 14, 1945; 11:46 a. m.]

Regulations

TITLE 6—AGRICULTURAL CREDIT

Chapter II—Department of Agriculture, Commodity Credit Corporation

[1945 C. C. C. Cover Crop and Hay and Pasture Seed Bulletin 1, Amdt. 3]

PART 267—COVER CROP AND HAY AND PASTURE SEED LOANS

MISCELLANEOUS AMENDMENTS

Pursuant to the provisions of section 302 of the Agricultural Adjustment Act of 1938, as amended (52 Stat. 43; 7 U. S. C., 1302), Commodity Credit Corporation has authorized the making of loans on cover crop and hay and pasture seed in accordance with the regulations in this part (1945 C. C. C. Cover Crop and Hay and Pasture Seed Bulletin 1, as amended; 10 F.R. 8987). Such regulations are hereby amended as follows:

The "Schedule of Loan Rates With Basic Specifications for Percentage of Seed Purity, Germination, Maximum Weed Content, and Maximum Mixture of Other Crops for the Various Crop Seeds" is amended by inserting in Column 1, Line 41, under the heading "Pure Seed", a Footnote 13, reading as follows:

[13] Total winter legumes of which at least 80 percent must be rough peas.

The "Schedule of Loan Rates Per 100 Pounds for Seed Not Meeting Specifications for Loan at Basic Rates" is amended by deleting the table designated "Rough Pea (Wild Winter Pea)" and substituting therefor the following table:

ROUGH PEA (WILD WINTER PEA—CALEY PEA—SINGLETARY PEA—PEAVINE)

Pure seed		Germination and hard seed [2]							
		90 to 100% [1] (both inclusive)		85 to 89% (both inclusive)		80 to 84% (both inclusive)		75 to 79% (both inclusive)	
Rough Peas	Total winter legumes	Southern	Other	Southern	Other	Southern	Other	Southern	Other
[13] 80	98	$6.00	$6.00	$5.65	$4.65	$5.30	$4.30	$4.95	$3.95
[13] 80	97	5.85	4.85	5.50	4.50	5.15	4.15	4.80	3.80
[13] 80	96	5.70	4.70	5.35	4.25	5.00	4.00	4.65	3.65
[13] 80	95	5.55	4.55	5.20	4.20	4.85	4.20	4.50	3.50
[13] 80	94	5.40	4.40	5.05	4.05	4.70	4.70	4.35	3.35

[1] Or higher.
[2] For rough peas and/or the mixture of rough peas and other winter legumes.
[3] Seed produced in Southern and East Central Regions (A.A.A.).

Dated: August 6, 1945.

[SEAL] C. C. FARRINGTON,
Vice President.

[F. R. Doc. 45-17189; Filed, Sept. 14, 1945; 11:12 a. m.]

TITLE 7—AGRICULTURE

Chapter IX—Production and Marketing Administration

PART 900—GENERAL REGULATIONS UNDER THE AGRICULTURAL MARKETING AGREEMENT ACT OF 1937

MISCELLANEOUS AMENDMENTS

By virtue of the authority vested in the Secretary of Agriculture by Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C., 601 et seq.), the following amendments to the rules of practice and procedure issued thereunder (7 CFR, Cum. Supp., 900.1 et seq.), as amended, are hereby promulgated:

1. Sections 900.2 (e) and (f) are amended to read as follows:

§ 900.2 *Definitions.* • • •

(e) The term "Assistant Administrator" means the Assistant Administrator for Regulatory and Marketing Service matters, Production and Marketing Administration, of the Department or any officer or employee of the Department to whom the Assistant Administrator has heretofore lawfully delegated, or to whom he may hereafter lawfully delegate, the authority to act in his stead.

(f) The term "Administration" means the Production and Marketing Administration of the Department.

2. Section 900.3 is amended to read as follows:

§ 900.3 *Proposals.* (a) A marketing agreement or a marketing order may be proposed by the Secretary or by any other person. If any person other than the Secretary proposes a marketing agreement or marketing order, he shall file with the Assistant Administrator a written application, together with at least four copies of the proposal, requesting the Secretary to hold a hearing upon the proposal. Upon receipt of such proposal, the Assistant Administrator shall cause such investigation to be made and such consideration thereof to be given as, in his opinion, are warranted. If the investigation and consideration lead the Assistant Administrator to conclude that the proposed marketing agreement or marketing order will not tend to effectuate the declared policy of the act, and that a hearing should not be held on the proposal, he shall so advise the person who filed the proposal.

(b) If the investigation and consideration lead the Assistant Administrator to conclude that the proposed marketing agreement or marketing order will tend to effectuate the declared policy of the act, or if the Secretary desires to propose a marketing agreement or marketing order, he shall sign and cause to be served

a notice of hearing, as hereinafter provided.

3. Section 900.4 (a) is amended to read as follows:

§ 900.4 *Institution of proceeding—*(a) *Filing and contents of the notice of hearing.* The proceeding shall be instituted by filing the notice of hearing with the hearing clerk. The notice of hearing shall define the scope of the hearing as specifically as may be practicable; shall contain the complete text or a summary of the major provisions of any proposed marketing agreement or marketing order which may have been formulated by the Secretary or which may have been filed with the Assistant Administrator, as hereinbefore provided in § 900.3; and shall state the industry, area, and class of persons to be regulated, the time and place of such hearing, and the place where copies of such proposed marketing agreement or marketing order may be obtained or examined. The time of the hearing shall not be less than 15 days after the date of publication of the notice in the FEDERAL REGISTER, as hereinafter provided, unless the Assistant Administrator shall determine that an emergency exists which requires a shorter period of notice, in which case the period of notice shall be that which the Assistant Administrator may determine to be reasonable in the circumstances: *Provided*, That, in the case of hearings on amendments to marketing agreements or marketing orders, the time of the hearing may be less than 15 days but shall not be less than 3 days after the date of publication of the notice in the FEDERAL REGISTER.

4. Section 900.51 (e) and (f) are amended to read as follows:

§ 900.51 *Definitions.* • • •

(e) The term "Assistant Administrator" means the Assistant Administrator for Regulatory and Marketing Service matters, Production and Marketing Administration, of the Department or any officer or employee of the Department to whom the Assistant Administrator has heretofore lawfully delegated, or to whom he may hereafter lawfully delegate, the authority to act in his stead.

(f) The term "Administration" means the Production and Marketing Administration of the Department.

5. Section 900.101 (e) and (f) are amended to read as follows:

§ 900.101 *Definitions.* • • •

(e) The term "Assistant Administrator" means the Assistant Administrator for Regulatory and Marketing Service matters, Production and Marketing Administration, of the Department or any officer or employee of the Department to whom the Assistant Administrator has heretofore lawfully delegated, or to whom he may hereafter lawfully delegate, the authority to act in his stead.

(f) The term "Administration" means the Production and Marketing Administration of the Department.

6. Section 900.200 (e) and (f) are amended to read as follows:

§ 900.200 *Definitions.* • • •

(e) The term "Assistant Administrator" means the Assistant Administrator for Regulatory and Marketing Service matters, Production and Marketing Administration, of the Department or any officer or employee of the Department to whom the Assistant Administrator has heretofore lawfully delegated, or to whom he may hereafter lawfully delegate, the authority to act in his stead.

(f) The term "Administration" means the Production and Marketing Administration of the Department.

7. The regulations in this part are further amended in that wherever the word "Director" appears there shall be substituted in lieu thereof the word "Assistant Administrator."

Done at Washington, D. C., this 11th day of September 1945. Witness my hand and the seal of the Department of Agriculture.

[SEAL] J. B. HUTSON,
Acting Secretary of Agriculture.

Approved: September 11, 1945.

HARRY S. TRUMAN,
The White House.

[F. R. Doc. 45-17191; Filed, Sept. 14, 1945; 11:12 a. m.]

Chapter XI—War Food Distribution Orders

[WFO 131-1, Amdt. 3]

PART 1430—SUGAR

REVISED DISTRIBUTION QUOTAS FOR APRIL–SEPTEMBER 1945 QUOTA PERIOD

War Food Order No. 131–1, as amended (10 F.R. 7132, 8201, 9382), is further amended by deleting the table which appears in Appendix A and substituting in lieu thereof the following:

SHORT TONS AS DELIVERED

	U. S. Department of Agriculture	Gov't. Agencies other than USDA & WSA	Authorized purchasers	Civilian
Atlantic & Gulf Refiners:				
American Sugar Refg. Co	13,040	105,935	52,197	850,203
J. Aron & Co		6,487	2,291	25,561
Colonial Sugars, Inc	4,120	11,589	2,078	59,229
Godchaux Sugars, Inc	2,580	19,149	7,881	93,944
Henderson Sugar Refinery		5,474	2,565	27,625
Imperial Sugar Co	2,240	11,752	5,050	73,997
National Sugar Refg. Co	10,730	67,060	33,502	332,787
Pepsi-Cola Company			3,897	17,119
Refined Syrups & Sugars, Inc	854	8,310	8,084	58,105
Revere Sugar Refinery	1,741	11,831	7,659	77,809
Savannah Sugar Refinery	1,501	18,856	6,340	89,261
South Coast Corporation	1,060	2,780	2,025	29,886
Sterling Sugars, Inc		1,130	1,566	17,700
Sucrest & Affl		19,257	2,200	42,741
West Coast Refiners:				
California & Hawaiian Sugar Refg. Co	6,964	25,613	20,972	261,997
Western Sugar Refinery	5,553	15,180	7,383	66,904
Inland Refiners:				
Chase Candy Co			66	1,710
Inland Sugar Co			612	6,888
Liquid Sugars, Inc		3,068	2,613	8,779
Lively Operators, Inc		50	373	14,402
Beet Sugar Companies:				
Amalgamated Sugar Co		1,797	3,578	49,548
American Crystal Sugar Co		1,588	6,035	51,471
Buckeye Sugar Co			3	44
Franklin County Sugar Co		627	77	1,035
Garden City Company		100	244	2,881
Great Lakes Sugar Company			14	221
Great Western Sugar Co		515	14,605	156,791
Holly Sugar Corp		1,281	5,287	61,005
Isabella Sugar Co			35	870
Lake Shore Sugar Co			60	1,085
Layton Sugar Co		114	182	2,062
Los Alamitos Sugar Co		275	550	6,925
Menominee Sugar Co			10	222
Michigan Sugar Co			254	3,561
Monitor Sugar Co			1	106
National Sugar Mfg. Co		44	255	3,293
Southeastern (Franklin)			1	12
Spreckles Sugar Co		2,307	4,962	38,993
Superior Sugar Ref. Co			70	1,174
Union Sugar Co		275	2,872	8,854
Utah-Idaho Sugar Co. (incl. Gunnison)		1,609	3,735	63,712
Importers of Direct Consumption Sugar:				
Cuban-American Mercantile Corp		485	1,570	27,367
Czarnikow-Rionda Sugar Co		3,309	2,208	29,483
Dyer Sugar Company		1,536	1,481	20,611
Elal Commercial				430
Farr & Company			233	4,305
M. Golodetz & Co			202	2,902
Hershey Sugar Sales Corp		3,039	5,194	94,795
Lamborn & Co., Inc		325	2,881	36,113
Loumbard & Co		782	821	11,835
Marianao Sugar Trading Corp		391	765	22,515
Minford & Co		205	1,301	18,471
Olavarria & Co		604	5,857	61,109
Revere Sugar Refinery			49	923
Mainland Cane Mills				0

[1] Stocks on hand April 1, 1945.

This amendment shall become effective at 12:01 a. m., e. w. t., September 14, 1945. With respect to violations, rights accrued, liabilities incurred, or appeals taken, prior to said date, under War Food Order No. 131.1, as amended, all provisions of said order shall be deemed to remain in full force for the purpose of sustaining any proper suit, action, or other proceeding with respect to any such violation, right, liability, or appeal.

(E.O. 9280, 7 F.R. 10179; E.O. 9577, 10 F.R. 8087; WFO 131, 10 F.R. 7131, 8685)

Issued this 13th day of September 1945.

[SEAL] C. W. KITCHEN,
Assistant Administrator, Production and Marketing Administration.

[F. R. Doc. 45-17153; Filed, Sept. 13, 1945; 12:08 p. m.]

TITLE 19—CUSTOM DUTIES

Chapter I—Bureau of Customs

[T. D. 51311]

PART 3—DOCUMENTATION OF VESSELS

REGISTRATION OF HOUSE FLAG AND FUNNEL MARK BY SOCONY-VACUUM OIL CO., INC.

SEPTEMBER 13, 1945.

The Commissioner of Customs, by virtue of the authority vested in him by section 7 of the act of May 28, 1908 (U.S.C. Title 46, sec. 49), as modified by Executive Order No. 9083 (7 F.R. 1609), and in accordance with section 3.81 (a) of the Customs Regulations of 1943 (19 CFR 3.81 (a)), has registered the house flag and funnel mark of Socony-Vacuum Oil Company, Incorporated, described below:

(a) *House flag.* The house flag is a swallow-tail burgee pennant, bearing a white field upon which is superimposed a red Pegasus, or winged horse, above and below which at the top and bottom edges of the pennant are navy blue stripes. The proportionate dimensions are as follows: Hoist, 1.0; fly, 1.6; indentation of swallow-tail notch on horizontal center line of pennant, 0.4; height at swallow-tail end, 0.8; width of stripe at outer edges of the pennant, 0.1; extreme length of the Pegasus, 0.77; extreme height of the Pegasus, 0.57.

(b) *Funnel mark.* The funnel mark consists of a white shield on a black funnel with a navy blue stripe around the entire shield near the edge, on which shield there is imposed a red Pegasus, or winged horse. The shield is of the following form: The top edge is a straight horizontal line; the sides consist of straight vertical lines with an outward straight flare at the top and an outward curved flare near the bottom; the bottom is an arc of a circle, the center of which is above the arc, with a downward curved flare, each side of the center point of the arc, forming a symmetrical downward projection at the vertical center line of the shield. The proportionate dimensions of the funnel mark are as follows: Diameter of the funnel, 1.0; width of the top edge of the funnel mark, 0.925; width of the mark between the straight sections of the sides, 0.849; width of the mark at the upper ends of the arc at the bottom of the shield, 0.924; distance from the top edge of the mark to the upper ends of the arc at the bottom of the shield, 0.539; radius of the arc at the bottom of the shield, 0.705; overall vertical length of the shield, 0.750; distance of the stripe from the edge of the shield, 0.00757; width of the stripe near the outer edge of the shield, 0.01515; extreme horizontal length of the Pegasus, 0.788; extreme vertical height of the Pegasus, 0.541; distance from the top of the mark to the top of the Pegasus, 0.106; radius of the bend of the shield, 0.545; distance of the top of the shield below the top of the hood on the funnel, 0.894.

Colored scale replica drawings of the house flag and of the funnel mark described above have been filed with the Division of the Federal Register.

Dated: September 13, 1945.

[SEAL] FRANK DOW,
Acting Commissioner of Customs.

[F. R. Doc. 45-17211; Filed, Sept. 14, 1945; 11:40 a. m.]

TITLE 29—LABOR

Chapter IX—Production and Marketing Administration (Agricultural Labor)

PART 1100—REGULATIONS RELATIVE TO SALARIES AND WAGES OF AGRICULTURAL LABOR

TEXAS SALARY AND WAGE RATES

The appendix to this part entitled "Salary and Wage Rates Determined by the Secretary of Agriculture to be Equivalent to $200 per Month" is hereby amended by adding after the line which reads "Washington — All — All — Same" the following line: "Texas — All — All — Same".

(56 Stat. 765 (1942), 50 U.S.C. App. 961 et. seq., (Supp. III), as amended by 57 Stat. 63 (1943), 50 U.S.C. App. 964 (Supp. III), and by 58 Stat. 632 (1944); E.O. 9328, 3 CFR, Cum. Supp.; Regs. of Economic Stabilization Director, dated August 28, 1943, 8 F.R. 11960, 12139, 16702, 9 F.R. 6035, 14547)

Issued this 13th day of September 1945.

[SEAL] CLINTON P. ANDERSON,
Secretary of Agriculture.

[F. R. Doc. 45-17190; Filed, Sept. 14, 1945; 11:12 a. m.]

TITLE 37—PATENTS AND COPYRIGHTS

Chapter I—Patent Office, Department of Commerce

[Order 385]

PART 3—LICENSES TO FILE APPLICATIONS FOR PATENTS IN FOREIGN COUNTRIES

OPTIONAL PROCEDURE

A new section is added reading as follows:

§ 3.18 *Optional procedure.* In addition to the optional procedure specified in § 3.16 (Comr's. Order No. 366), a petition for license to file an application for patent and any amendments thereto in any foreign country may be in the form of a letter addressed to the Commissioner of Patents, and need not be accompanied by the material specified in §§ 3.4, 3.9 and 3.10 (Comr's. Reg. 4, 9 and 10). Such petition must, however, contain the statement that the proposed foreign application is substantially identical with an application on file in the United States Patent Office, which latter application must be identified by the names of the inventor, serial number, title of the invention and date of filing. The issued license will permit filing in all countries except Germany and Japan. Licensed material destined for Bulgaria, Italy, Austria, Roumania and Hungary must be forwarded to the Technical Data Licensing Section of the Foreign Economic Administration for transmission abroad. In all other cases, the licensed material may be mailed or forwarded direct by the licensee without presentation to the Post Office Department.

(Pub. Law 239, 77th Cong., approved Aug. 21, 1941, 55 Stat. 657, 35 U.S.C. 42a)

Dated: September 10, 1945.

[SEAL] CASPER W. OOMS,
Commissioner of Patents.

Approved:

H. A. WALLACE,
Secretary of Commerce.

[F. R. Doc. 45-17257; Filed, Sept. 14, 1945; 12:08 p. m.]

TITLE 32—NATIONAL DEFENSE

Chapter VIII—Foreign Economic Administration

Subchapter B—Export Control

[Amdt. 85]

PART 801—GENERAL REGULATIONS

PART 802—GENERAL LICENSES

PART 804—INDIVIDUAL LICENSES

MISCELLANEOUS AMENDMENTS

The second General Revision of Export Regulations of the Foreign Economic Administration (10 F.R. 4418) as amended, are hereby further amended in the following respects:

1. Section 801.2 *Prohibited exportations* is hereby amended to read as follows:

§ 801.2 *Prohibited exportations.* (a) The exportation from the United States of all commodities and the exportation from the United States of all technical data as defined in § 806.1 of this subchapter, except to Canada (including that part of Labrador under Canadian authority) or for the official use of or consumption by the United States armed forces when shipped by or consigned to any branch thereof, is hereby prohibited unless and until a license authorizing such exportation shall have been issued by the Foreign Economic Administration.

(b) The following commodities may not be exported from the United States to any destination unless and until an individual license authorizing the exportation shall have been applied for and granted by the Foreign Economic Administration, except where exportation of such commodities is made in accordance with the provisions of general license "GLV" as set forth in § 802.10 of this subchapter, and except where the prohibition herein imposed is modified with respect to exportation of certain commodities to certain destinations or country groups by the provisions of a footnote relating to such commodity or commodities.

Dept. of Commerce Schedule B No.	Commodity	Unit	GLV dollar value limits country group K	GLV dollar value limits country group E
	ANIMALS, EDIBLE			
001000	Cattle for breeding	Units	100	25
001200	Other cattle	Units	500	25
	MEAT PRODUCTS			
002000	Beef & veal, except canned: Fresh or frozen	Lbs	10	1
002100	Pickled or cured	Lbs	10	1
002700	Pork, except canned: Fresh or frozen pork (report pickled or salted in 003200 & canned in 003700)	Lbs	25	1
002800	Hams & shoulders, cured (include cooked)	Lbs	25	1
002900	Bacon	Lbs	25	1
003000	Cumberland and Wiltshire sides	Lbs	25	1
003200	Other pork, pickled or salted	Lbs	25	25
003400	Mutton and lamb, (report canned in 003900)	Lbs	25	25
003500	Sausage, bologna & frankfurters, (report canned in 003840)	Lbs	25	1
003600	Beef, canned: Beef hash & hamburger steak	Lbs	10	10
003800	Corned beef	Lbs	1	1
003900	Roast & boiled beef	Lbs	10	10
003960	Other canned beef (include beef & ox tongues)	Lbs	25	25
003700	Pork, canned (include canned hams, canned bacon & pork tongues)	Lbs	25	1
003800	Sausage, bologna & frankfurters, canned (include luncheon meats, except pork)	Lbs	25	1
003901	Chicken, canned	Lbs	10	10
003907	Tushonka, canned	Lbs	25	25
003909	Other canned meat	Lbs	25	25
004000	Poultry & game, fresh or frozen (report canned in 003901 & 003909)	Lbs	25	25
004100	Kidneys & livers, fresh, frozen or cured, except canned	Lbs	25	25
004300	Tongues, fresh, frozen, pickled or cured, except canned	Lbs	25	25
004400	Sausage ingredients, salted or otherwise cured, except canned (include ears, cheeks, jowls, heads, snouts, feet, knuckles, tripe trimmings, testes, cuttings, & tails (report pigs' feet for other purposes, pickled or salted, in 003200, canned in 003760 & fresh in 002700)	Lbs	25	25
004500	Other meats, except canned (include smoked poultry): Beef hearts, fresh or frozen	Lbs	10	1
004520	Ox tails, fresh or frozen	Lbs	10	1
004580	Other meats, except canned	Lbs	25	25
	ANIMAL OILS & FATS, EDIBLE			
005000	Olen oil	Lbs	1	1
005100	Oleo stock	Lbs	1	1
005200	Tallow (report inedible tallow in 085700)	Lbs	1	1
005300	Lard, including neutral lard (report lard substitutes in 144700)	Lbs	10	1
005600	Oleo stearin (report lard stearin in 084300)	Lbs	1	1
005800	Oleomargarine of animal or vegetable fats	Lbs	10	1
	DAIRY PRODUCTS			
	Milk and cream:			
006100	Condensed (sweetened)	Lbs	10	1
006200	Evaporated (unsweetened)	Lbs	1	1
006300	Dried whole milk (include partially skimmed)	Lbs	1	1
006310	Dried skimmed milk	Lbs	1	1
006500	Butter, natural	Lbs	1	1
006570	Butter oil	Lbs	1	1
006580	Butter-spreads	Lbs	1	1
	Cheese, processed, blended & spreads:			
006775	Processed American cheddar	Lbs	1	1
006778	Other cheese, processed, blended & spreads	Lbs	1	1
006795	Cheese, whether or not in original loaves, except any cheese processed other than by division into pieces: American cheddar	Lbs	1	1
006798	Other	Lbs	1	1
006803	Ice-cream powder, mix & preparations	Lbs	25	25
006808	Dairy products, n. e. s.: Casein, edible	Lbs	250	25
006898	Icecream	Lbs	10	1
006908	Plastic cream	Lbs	1	1
006998	Other dairy products, n. e. s.	Lbs	250	25
	FISH & FISH PRODUCTS			
007800	Fish, salted, pickled or dry cured: Cod, haddock, hake, pollock & cusk	Lbs	1	1
008100	Fish, canned: Salmon	Lbs	1	1
008200	Sardines (include pilchards)	Lbs	1	1
008401	Cod, haddock, hake, pollock & cusk	Lbs	1	1
008403	Herring	Lbs	1	1
008498	Other canned fish, except shellfish	Lbs	1	1
008710	Shrimp	Lbs	1	1
008811	Lobster	Lbs	1	1
008813	Crab meat and crabs	Lbs	1	1
008815	Clams & Oysters	Lbs	1	1
008898	Other	Lbs	1	1

Dept. of Commerce Schedule B No.	Commodity	Unit	GLV dollar value limits country group K	GLV dollar value limits country group E
	OTHER EDIBLE ANIMAL PRODUCTS			
009200	Eggs, hatching	Doz	100	25
009250	Eggs, other, in the shell	Doz	10	10
009303	Egg albumen (frozen, dried or otherwise preserved)	Lbs	10	10
009305	Eggs, dried	Lbs	10	10
009307	Eggs, frozen	Lbs	10	10
009398	Eggs, otherwise preserved	Lbs	10	10
009600	Meat extracts & bouillon cubes	Lbs	100	25
009900	Edible animal products, n. e. s. (include dog food, empty gelatin capsules, suet, turtle meat, junket, frog legs): Rennet		100	25
009600	Beef scraps dried	Lbs	100	25
009800	Bone scraps	Lbs	100	25
009898	Dog foods, chief ingredient meat	Lbs	100	25
009899	Meat scraps	Lbs	100	25
	HIDES & SKINS, RAW, EXCEPT FURS			
020101	Cattle hides, dry (over 12 lbs.)	Lbs	100	25
020102	Cattle hides, dry (over 12 lbs.) (quantity only)	Piece	100	25
020103	Cattle hides, wet (over 25 lbs.)	Lbs	100	25
020104	Cattle hides, wet (over 25 lbs.) (quantity only)	Piece	100	25
020901	Calf skins, dry (not over 6 lbs.)	Lbs	100	25
020902	Calf skins, dry (not over 6 lbs.) (quantity only)	Piece	100	25
020903	Calf skins, wet (not over 12 lbs.)	Lbs	100	25
020904	Calf skins, wet (not over 12 lbs.) (quantity only)	Piece	100	25
020201	Kip skins, dry (not over 12 lbs.)	Lbs	100	25
020702	Kip skins, dry (not over 12 lbs.) (quantity only)	Piece	100	25
020703	Kip skins, wet (not over 25 lbs)	Lbs	100	25
020704	Kip skins, wet (not over 25 lbs) (quantity only)	Piece	100	25
025010	Goat skins	Lbs	100	25
025012	Goat skins (quantity only)	Piece	100	25
025015	Kid skins	Lbs	100	25
025016	Kid skins (quantity only)	Piece	100	25
025098	Hides & skins, raw, n. e. s. (include fresh & pickled splits, bellies & shoulders; specify kind)	Lbs	100	25
	LEATHER			
	Upper leather (except lining and patent): Cattle, side upper:			
030000	Grain, black	Sq. ft	100	25
030100	Grain, other	Sq. ft	100	25
030200	Splits, finished	Sq. ft	100	25
030300	Splits, wax & rough	Lbs	100	25
	Calf & kip:			
030410	Sides, black	Sq. ft	100	25
030470	Whole skins, black	Sq. ft	100	25
030510	Sides, other	Sq. ft	100	25
030529	Whole skins, other	Sq. ft	100	25
030700	Sheep & lamb (include shearlings & cabretta)	Sq. ft	100	25
	Goat & kid (include glazed kid):			
030800	Black	Sq. ft	100	25
030900	Other	Sq. ft	100	25
031150	Deer & elk	Sq. ft	100	25
031199	Upper leather (except lining & patent) n. e. s. (specify kind)	Sq. ft	100	25
	Patent upper leather:			
031210	Cattle (include kip & calf side)	Sq. ft	100	25
	Other:			
031950	Goat & kid	Sq. ft	100	25
031950	Sheep & lamb	Sq. ft	100	25
031950	Whole calf & whole kip	Sq. ft	100	25
031950	Other patent upper leather (specify kind)	Sq. ft	100	25
	Lining leather:			
032100	Sheep & lamb	Sq. ft	100	25
	Other lining leathers:			
032300	Calf & kip lining leather	Sq. ft	100	25
032300	Cattle lining leather	Sq. ft	100	25
032300	Goat & kid lining leather	Sq. ft	100	25
032300	Other lining leather	Sq. ft	100	25
032100	Sole leather (bends, backs & sides) (report offal in 033210)	Lbs	100	25
	Boot & shoe cut stock:			
032700	Soles, outer	Doz. pr	100	25
032800	Other cut stock (include inner soles, heels, lifts, counters, box toes, rands, uppers, etc. Specify by names):			
032800	Calf & kip		100	25
032800	Cattle		100	25
032800	Goat & kid		100	25
032800	Sheep & lamb		100	25
032800	Other cut stock		100	25
033000	Belting leather (report belting leather offal in 033210)	Lbs	100	25
033210	Sole welting & belting leather offal	Lbs	100	25
	Glove & garment leather (but leather includes):			
033650	Sheep & lamb (include shearlings & cabretta)	Sq. ft	100	25
033850	Pig & hog (include leather made from peccary & carpincho skins)	Sq. ft	100	25
033950	Other (include cattle, calf & kip, goat & doeskins specify kind):			
033950	Cattle	Sq. ft	100	25
033950	Goat & kid	Sq. ft	100	25
033950	Other glove & garment leather	Sq. ft	100	25

Footnotes at end of table.

Dept. of Commerce Schedule B No.	Commodity	Unit	GLV dollar value limits country group K	GLV dollar value limits country group E
	LEATHER—continued			
035300	Upholstery & automobile leather: Cattle	Sq. ft	100	25
035300	Other upholstery & automobile leather	Sq. ft	100	25
035650	Case, bag & strap leather (include handbag leather) (report reptilian, aquatic & fancy leather in 035760):			
035650	Case, bag & strap leather, except handbag	Sq. ft	100	25
035650	Handbag leather:			
035650	Sheep & lamb (include shearlings & cabretta)	Sq. ft	100	25
035650	Cattle	Sq. ft	100	25
035650	Goat & kid	Sq. ft	100	25
035650	Other handbag leather, except reptilian, aquatic & fancy	Sq. ft	100	25
035660	Leather & tanned skins, n. e. s. (include skivers, welting leather, harness & saddlery leather for athletic goods, fancy & scrap leather & other finished leather; specify kind):			
035900	Packing leather		100	25
035900	Other leather & tanned skins		100	25
	LEATHER MANUFACTURES			
	Boots, shoes & other footwear with leather uppers:			
	Boots & shoes (include athletic & sporting):			
	Men's:			
064510	McKay sewed	Pr	25	25
064530	Welt	Pr	25	25
064540	Stitchdown	Pr	25	25
064560	Other	Pr	25	25
064600	Youth's & boys'	Pr	25	25
	Women's & misses':			
064710	McKay sewed	Pr	25	25
064730	Welt	Pr	25	25
064740	Stitchdown	Pr	25	25
064750	With cemented soles	Pr	25	25
064765	Other	Pr	25	25
064800	Infants' & childrens	Pr	25	25
064900	Slippers & moccasins for housewear, all leather	Pr	25	25
	Boots, shoes & other footwear, with uppers of materials except leather: (include evening slippers, ballet slippers, house slippers of felt & artificial leather, beach sandals & other footwear with fabric uppers)			
065510	Leather soled	Pr	25	25
065900	Leather belting, new	Lbs	100	25
065510	Harness, saddlery & whips		25	25
	ANIMAL & FISH OILS & GREASES, INEDIBLE			
084900	Neat's-foot oil	Lbs	1	1
084901	Lard oil	Lbs	25	1
084905	Sperm & whale oil	Lbs	1	1
084998	Inedible animal oils, n. e. s. (report oleo oil in 005600)	Lbs	1	1
085000	Fish oils (report medicinal fish oils in 811605)	Lbs	1	1
084100	Grease stearin (include lard stearin)	Lbs	1	1
084700	Oleic acid, or red oil	Lbs	25	1
084900	Stearic acid	Lbs	5	5
085700	Tallow, inedible	Lbs	10	1
085805	Hog grease & wool grease: Lanolin	Lbs	1	1
085805	Pig's-foot grease	Lbs	10	1
085805	Other hog & wool grease	Lbs	1	1
085898	Inedible animal greases & fats, n. e. s. (report lubricating greases in 304100): Beef suet	Lbs	1	1
085898	Other	Lbs	25	25
	OTHER INEDIBLE ANIMALS & PRODUCTS			
	Animals:			
[illegible]	Horses for breeding	Units	100	25
[illegible]	Horses, other	Units	100	25
[illegible]	Mules, asses & burros	Units	100	25
086500	Bristles, sorted, bunched or prepared	Lbs	25	25
086900	Casein, inedible	Lbs	100	25
	Animal products, inedible, n. e. s.:			
[illegible]	Blood meal		100	25
[illegible]	Bone scrap		100	25
[illegible]	Glue stock, hide		25	25
[illegible]	Liver meals		100	25
	GRAINS & PREPARATIONS			
[illegible]	Barley (bu. 48 lbs.), except seed	Bu	100	25
[illegible]	Barley for seed	Bu	100	25
[illegible]	Malt (bu. 34 lbs.)	Bu	100	25
[illegible]	Corn (bu. 56 lbs.)	Bu	100	25
[illegible]	Corn for seed, including popcorn	Bu	100	25
[illegible]	Cornmeal (bbl. 196 lbs.) (report corn flour in 281100)	Bu	100	25
[illegible]	Hominy & corn grits (include canned & brewers' flakes)	Lbs	100	25
[illegible]	Grain sorghums (bu. 56 lbs.), except seed	Bu	100	25
[illegible]	Grain sorghum for seed	Bu	100	25
[illegible]	Paddy or rough rice	Lbs	100	25

Dept. of Commerce Schedule B No.	Commodity	Unit	GLV dollar value limits country group K	GLV dollar value limits country group E
	GRAINS & PREPARATIONS—continued			
105500	Paddy or rough rice for seed	Bu	100	25
105700	Milled rice, including brown rice, broken rice, and rice screenings	Lbs	100	25
105800	Rice flour, meal & polish	Lbs	1	1
106100	Rye (bu. 56 lb.), except seed	Bu	100	25
106100	Rye for seed	Bu	100	25
107100	Wheat (bu. 60 lbs.)	Bu	100	25
107300	Wheat flour, wholly of U. S. wheat (include graham, malt, pastry & macaroni flours)	Cwt	100	25
107400	Wheat flour, not wholly of U. S. wheat (include graham, malt, pastry & macaroni flours)	Cwt	100	25
	FODDERS & FEEDS, N. E. S.			
	Oil cake & oil-cake meal:			
111200	Cottonseed	L. ton	100	25
111400	Linseed	L. ton	100	25
111700	Peanut	L. ton	100	25
111800	Soybean	L. ton	100	25
112905	Copra	L. ton	100	25
112909	Other	L. ton	100	25
114000	Fish meal for feed	L. ton	100	25
118000	Mixed dairy and poultry feeds	L. ton	100	25
118500	Other prepared & mixed feeds (include yeast, dried buttermilk and distillers' dried solubles)	L. ton	100	25
118710	Rolled barley for feed	L. ton	100	25
119000	Cracked or crushed wheat for feed	L. ton	100	25
119000	Other wheat feeds	L. ton	100	25
119600	Brewers' grain, dried	L. ton	100	25
119600	Corn grits & corn meal	L. ton	100	25
119600	Cracked corn	L. ton	100	25
119600	Cull beans	L. ton	1	1
119600	Gluten corn feed	L. ton	100	25
119600	Hominy feed	L. ton	100	25
	VEGETABLES & PREPARATIONS, EDIBLE			
120110	Beans, dry, ripe	Lbs	1	1
120150	Seed beans	Lbs	100	25
120213	Cowpeas, dry, ripe	Lbs	100	25
120215	Chickpeas (garbanzos), dry, ripe	Lbs	100	25
120219	Peas, dry, ripe (except cowpeas & chickpeas)	Lbs	100	1
120250	Seed peas	Lbs	100	25
	Vegetables, canned:			
124100	Asparagus	Lbs	10	1
124200	Baked beans & pork & beans	Lbs	100	25
124290	Corn	Lbs	100	25
124400	Peas	Lbs	100	25
124500	Soups (include vegetable, meat & fish soups)	Lbs	100	25
124600	Tomatoes	Lbs	100	25
124700	Tomato paste & puree (include tomato sauce for cooking purposes) (report table sauces in 125100)	Lbs	100	25
124800	Tomato juice	Lbs	100	25
124910	Beans, string, or stringless	Lbs	100	25
124930	Lima beans	Lbs	100	25
124950	Spinach	Lbs	100	25
124990	Canned vegetables & juices, n. e. s. (include canned pimentos & sauerkraut)			
124990	Pumpkin	Lbs	100	25
124990	Rhubarb	Lbs	100	25
124990	Other canned vegetables & juices, n. e. s	Lbs	100	25
125100	Ketchup, chili sauce & other tomato table sauces (report tomato cooking sauces in 124700)	Lbs	10	1
125295	Olives (include green, ripe, stuffed, or pickled olives in bottles, cans, kegs, or barrels)	Lbs	100	25
125300	Cider vinegar	Gals	10	1
125901	Dehydrated soups	Lbs	100	25
	Farinaceous substances:			
125905	Arrowroot, crude, refined or flour	Lbs	1	1
125905	Tapioca flour, inedible	Lbs	100	25
125905	Other farinaceous substances	Lbs	100	25
125911	Soybean flour, edible (report inedible in 293898)	Lbs	100	25
	FRUITS & PREPARATIONS			
	Fruits, fresh or frozen:			
131000	Apples in baskets (approx. weight 48 lbs. per basket)	Bkt	100	25
131100	Apples in boxes (approx. weight 48 lbs. per box)	Box	100	25
131200	Apples in barrels (weight 144 lbs.)	Bbl	100	25
	Dried & evaporated fruits (include dripack in tins):			
132100	Dried fruits for salad	Lbs	50	10
132200	Pears	Lbs	100	25
132400	Raisins & currants	Lbs	50	10
132500	Apples	Lbs	100	25
132600	Apricots	Lbs	100	25
132700	Peaches	Lbs	100	25
132800	Prunes	Lbs	100	25
132900	Apple waste (include apple cores, chops, peelings, screenings, & skins)	Lbs	50	10
133005	Figs	Lbs	10	1
133058	Dried & evaporated fruits, n. e. s.	Lbs	10	1
133100	Dates, fresh, dried or otherwise prepared	Lbs	1	1
	Canned fruits (report fruit pulp in 135093):			
133200	Grapefruit	Lbs	10	10

Footnotes at end of table.

Dept. of Commerce Schedule B No.	Commodity	Unit	GLV dollar value limits country group K	GLV dollar value limits country group E
	FRUITS & PREPARATIONS—continued			
	Canned fruits, etc.—Continued.			
133200	Loganberries	Lbs	1	1
133400	Other canned berries	Lbs	1	1
133500	Apples & apple sauce	Lbs	50	10
133600	Grapes	Lbs	1	1
133800	Apricots	Lbs	50	10
134000	Cherries	Lbs	10	1
134100	Prunes & plums	Lbs	50	10
134200	Peaches	Lbs	100	25
134300	Pears	Lbs	100	25
134400	Pineapples	Lbs	10	1
134500	Fruits for salad (include fruit cocktail)	Lbs	50	10
134600	Canned fruits, n. e. s.	Lbs	1	1
	NUTS & PREPARATIONS			
137400	Apricot & peach pits & kernels	Lbs	100	25
	VEGETABLE OILS & FATS, EDIBLE			
142000	Coconut oil, refined (include solidified or hardened oil & coconut fat).	Lbs	1	1
142500	Cottonseed oil, refined (include Wesson oil & hydrogenated cottonseed oil).	Lbs	1	1
143000	Soybean oil, refined (report lecithin refined soybean oil in 125998, crude soybean oil in 224912.	Lbs	10	1
143100	Peanut oil	Lbs	1	1
143400	Corn oil (include Mazola & Amalzo)	Lbs	1	1
143200	Cocoa butter	Lbs	100	25
143700	Cooking fats, except lard (include Crisco, Snowdrift & all lard substitutes of animal or vegetable origin).	Lbs	10	1
144001	Olive oil, edible	Lbs	1	1
144002	Sunflower seed oil, edible	Lbs	1	1
144003	Palm & palm-kernel oil, edible or refined (all varieties).	Lbs	1	1
144004	Rapeseed oil, refined	Lbs	1	1
144005	Vegetable stearin	Lbs	1	1
144998	Edible vegetable oils & fats, n. e. s.	Lbs	1	1
	TABLE BEVERAGE MATERIALS			
150100	Cocoa beans	Lbs	1	1
150200	Cocoa, powdered	Lbs	10	1
150300	Chocolate, sweetened or unsweetened (report candy in 163400).	Lbs	10	1
150500	Tea	Lbs	1	1
151100	Coffee, green	Lbs	100	25
151200	Coffee, roasted (include decaffeinated)	Lbs	100	25
	SPICES			
154002	Cinnamon (ground or unground)	Lbs	1	1
154004	Cassia (ground or unground)	Lbs	1	1
154007	Nutmegs, unground	Lbs	1	1
154011	Pepper, unground	Lbs	1	1
154998	Spices, n. e. s. (report mustard salves in 127598):			
154998	Black pepper, ground	Lbs	100	25
154998	Mace	Lbs	1	1
154998	Nutmegs, ground	Lbs	1	1
154998	White pepper, ground	Lbs	1	1
	SUGAR & RELATED PRODUCTS			
161910	Sugar, refined	Lbs	1	1
161950	Sugar, raw cane processed for human consumption.	Lbs	1	1
162000	Molasses	Gals	100	25
	Confectionery:			
163410	Chocolate candy	Lbs	10	1
163500	Other candy	Lbs	10	1
163700	Confections & desserts, n. e. s. (include chocolate & vanilla pudding, flavoring sugar, etc.)	Lbs	10	1
164200	Honey	Lbs	100	25
164300	Glucose (sugar) or pharmaceutical dextrose (glucose) in 541798.	Lbs	100	25
	Liquid cane sugar (report Karo & other corn syrup specially prepared for table use in 154798):			
164400	Dry	Lbs	100	25
164700	Syrup (for table use) (include maple)	Gals	100	25
	BEVERAGES			
170000	Malt extract & malt syrup (include malt-tonic-ing) (report medicinal in 549000).	Lbs	100	25
	Fruit juices (concentrated included):			
173200	Pineapple	Gals	50	10
173400	Grapefruit	Gals	100	25
173420	Orange	Gals	100	25
173500	Fruit juices, n. e. s. (include grape juice, other citrus fruit juices, n. e. s., & mixed fruit juices) (report tomato juice in 124800).	Gals	100	25
	RUBBER (NATURAL, ALLIED GUMS, & SYNTHETICS) & MANUFACTURES			
200100	Crude rubber & allied gums: Crude rubber (dry rubber content) (include Hevea, Caucho, Guayule, Para, smoked ribbed sheets, crepe rubber & milk or latex).	Lbs	1	1

Dept. of Commerce Schedule B No.	Commodity	Unit	GLV dollar value limits country group K	GLV dollar value limits country group E
	RUBBER (NATURAL, ALLIED GUMS, & SYNTHETICS) & MANUFACTURES—continued			
	Synthetic rubbers:			
200901	Buna S copolymers of butadiene & styrene	Lbs	1	1
200903	Butyl copolymers of isobutylene & isoprene or other diolefins	Lbs	1	1
200904	Neoprene polymers of chloroprene	Lbs	1	1
200905	Buna N copolymers of butadiene & acrylonitrile	Lbs	1	1
200906	Thiokol organic polysulfides	Lbs	1	1
200907	Polyisobutylene-polymers of isobutylene	Lbs	1	1
200998	Synthetic rubbers, n. e. s.	Lbs	1	1
201100	Rubber, reclaimed	Lbs	1	1
201200	Rubber scrap (report used casings averaging $2 or over in 200600, 200700, 200800).	Lbs	1	1
203100	Boots, rubber	Prs	1	1
203900	Rubber gloves, surgeon's	Doz. pr.	25	25
	Tires & inner tubes:			
	Automobile casings (include retreaded tires & used casings, averaging $2 & over each) (report used casings averaging less than $2 each in 201200).			
209000	Truck & bus casings	Units	1	1
209200	Other automobile casings	Units	1	1
209300	Automobile inner tubes (truck and bus included).	Units	1	1
209400	Other casings & inner tubes (include bicycle, motocycle, airplane, tractor & farm implement).	Units	1	1
	Solid tires:			
209700	For automobiles & trucks	Units	1	1
209700	Other	Lbs	1	1
	Tire sundries & repair materials:			
209905	Camelback	Lbs	1	1
209998	Other	Lbs	1	1
	Rubber thread:			
209510	Bare or uncovered	Lbs	1	1
209520	Textile-covered	Lbs	1	1
209800	Latex or other forms of rubber compounded or proposed for use in further manufacture (include rubber sheets, compounded, or processed, & masterbatch).			
209990	Natural and synthetic rubber manufactures, n. e. s.		1	1
	NAVAL STORES, GUMS & RESINS			
211000	Gum rosin (bbl. 500 lbs gross weight)	Lbs	100	25
211100	Wood rosin (bbl. 500 lbs. gross weight) (report "B" wood rosin in 211800).	Lbs	100	25
211610	Other terpene hydrocarbons derived from naval stores:			
211610	Dipentene	Gals	100	25
212500	Tall oil (light sulfate wood resin) (report sulfate lignin liquor in 266998).	Lbs	100	25
218993	Gum spirits	Lbs	None	None
218995	Natural gums and resins, refined or modified in condition.	Lbs	1	1
218998	Natural gums & resins, crude	Lbs	1	1
	DRUGS, HERBS, LEAVES, & ROOTS, CRUDE			
220994	Cinchona bark	Lbs	None	None
220949	Pyrethrum or insect flowers	Lbs	1	1
220988	Colchicum corm	Lbs	1	1
220988	Cube, timbo, barbasco root	Lbs	1	1
220988	Derris or tuba root	Lbs	1	1
220988	Ipecac roots	Lbs	1	1
220988	Nux vomica	Lbs	1	1
	OILSEEDS			
221000	Soybeans, except canned	Lbs	25	5
222801	Castor beans	Lbs	1	1
222802	Cottonseed:			
222802	For planting	Lbs	100	25
222802	Other	Lbs	25	5
222803	Flaxseed	Lbs	25	5
222920	Hemp, perilla, poppy, rape, & sunflower seeds			
223020	Cohune nuts & kernels	Lbs	25	5
223020	Hemp	Lbs	None	None
223020	Perilla	Lbs	1	1
223020	Poppy	Lbs	25	5
223020	Rape	Lbs	1	1
223020	Sunflower seed	Lbs	25	5
223020	Palm nuts & kernels	Lbs	1	1
223030	Copra	Lbs	None	None
223098	Other oilseeds	Lbs	25	5
	VEGETABLE OILS & FATS, INEDIBLE			
	Expressed oils (except essential), & fats, inedible			
223600	Coconut oil, crude	Lbs	1	1
223100	Cottonseed oil, crude	Lbs	1	1
224200	Linseed oil	Lbs	1	1
224801	Fatty acids of vegetable origin	Lbs	1	1
	Vegetable oil foots:			
224803	Olive oil	Lbs	1	1
224805	Other	Lbs	1	1
224898	Vegetable soap stock (include vegetable tallow if used for soap stock).	Lbs	1	1
224901	Castor oil, commercial	Lbs	1	1
224902	Corn oil, crude	Lbs	1	1

Footnotes at end of table.

Dept. of Commerce Schedule B No.	Commodity	Unit	GLV dollar value limits country group K	GLV dollar value limits country group E
	Expressed oils (except essential), & fats, inedible—Continued.			
	VEGETABLE OILS & FATS, INEDIBLE—con.			
224903	Peanut oil, crude	Lbs	1	1
224904	Perilla oil, inedible	Lbs	1	1
224906	Rapeseed & oiticica oil, inedible	Lbs	1	1
224910	Tung oil	Lbs	1	1
224912	Soybean oil, crude (see 125998 & 143000)	Lbs	10	1
224915	Olive oil, inedible, except sulfured or foots	Lbs	1	1
224925	Palm & palm-kernel oil, crude (all varieties)	Lbs	1	1
224950	Sunflower seed oil, inedible	Lbs	1	1
224998	Other expressed oils (except essential), and fats, inedible:			
224998	Cashew nutshell oil	Lbs	1	1
224998	Chaulmoogra oil	Lbs	1	1
224998	Mahwah oil, natural	Lbs	None	None
224998	Other expressed oils (except essential), & fats inedible.	Lbs	1	1
	Essential oils, natural, distilled or expressed included:			
226800	Peppermint	Lbs	1	1
226600	Spearmint & other mint oils, n. e. s.	Lbs	100	25
227100	Citrus oils:			
227100	Lemon oil	Lbs	100	25
227100	Other citrus oils	Lbs	100	25
227903	Oil of citronella	Lbs	100	25
227905	Lemon grass oil	Lbs	100	25
227998	Other essential oils, natural (distilled or expressed included):			
227995	Hop aroma	Lbs	100	25
227998	Other essential oils, natural	Lbs	100	25
	VEGETABLE DYEING & TANNING EXTRACTS			
233100	Chestnut extract	Lbs	25	25
233905	Quebracho extract	Lbs	1	1
233998	Divi divi tanning extract	Lbs	25	25
233998	Mimosa tanning extract	Lbs	25	25
233998	Myrobalans tanning extract	Lbs	25	25
233998	Wattle tanning extract	Lbs	25	25
	SEEDS, EXCEPT OILSEEDS			
	Grass and field seeds:			
240100	Alfalfa	Lbs	25	25
240300	Red Clover	Lbs	25	25
240360	Alsike clover seed	Lbs	25	25
240400	Other clover	Lbs	26	2
240700	Kentucky bluegrass	Lbs	25	25
240800	Red top	Lbs	100	25
241010	Sugar beet seed	Lbs	100	25
241920	Orchard grass seed	Lbs	25	25
241930	Fescue grass seed (include tall, meadow, sheep, & red).	Lbs	25	25
241950	Bermuda	Lbs	1	1
241950	Bluegrass, Canada	Lbs	1	1
241950	Bluestem, little	Lbs	25	25
241950	Buffalo grass	Lbs	25	25
241950	Canada wild ryegrass	Lbs	25	25
241950	Carpet grass	Lbs	25	25
241950	Dallis grass	Lbs	25	25
241950	Dropseed	Lbs	25	25
241950	Oatgrass tall	Lbs	25	25
241950	Ryegrass, common	Lbs	100	25
241920	Ryegrass, perennial	Lbs	100	25
241950	Sacaton alkali	Lbs	25	25
241950	Sudan grass	Lbs	100	25
241950	Wheatgrass, slender	Lbs	25	25
241950	Wheatgrass, Western	Lbs	25	25
241960	Field seeds, n. e. s.:			
241990	Grama, blue	Lbs	25	25
241990	Grama, side oats	Lbs	25	25
241990	Millet	Lbs	100	25
241990	Sorghum	Lbs	100	25
241990	Vetch	Lbs	100	25
	MISCELLANEOUS VEGETABLE PRODUCTS, INEDIBLE			
281100	Cornstarch & corn flour (include edible):			
281100	Brewers' corn grits, refined	Lbs	100	25
281100	Other cornstarch & corn flour	Lbs	100	25
281300	Other starch, edible included	Lbs	100	25
283100	Hops (report hop aroma in 227998)	Lbs	100	25
	MISCELLANEOUS VEGETABLE PRODUCTS, INEDIBLE			
299905	Candelilla wax	Lbs	1	1
299905	Carnauba wax	Lbs	1	1
299905	Ouricury wax	Lbs	1	1
299905	Vegetable tallow & wax, other	Lbs	1	1
299991	Hop extract	Lbs	100	25
299995	Divi divi, crude		25	25
299995	Mimosa, crude		25	25
299995	Myrobalans fruit, crude		25	25
299995	Wattle bark, crude		25	25
299998	Inedible vegetable products, n. e. s:			
299998	Cocoa expeller cake or press cake		100	25
299998	Hop lupulin or lupulin extract		100	25
299998	Tapioca flour, inedible	Lbs	100	25

Dept. of Commerce Schedule B No.	Commodity	Unit	GLV dollar value limits country group K	GLV dollar value limits country group E
	COTTON, UNMANUFACTURED			
	Linters:			
300400	Grades 1 to 8, inclusive (U. S. official standard) (include cottonseed hull fiber & motes).	Lbs	100	25
300401	Grades 1 to 8, inclusive (U. S. official standard) (include cottonseed hull fiber & motes) (quantity only).	Bales	100	25
	COTTON, SEMIMANUFACTURES			
300900	Cotton pulp (include cottonseed hull shavings pulp, cotton pulpboard bleached & purified linters).	Lbs	100	25
301030	Cotton thread waste	Lbs	100	25
301050	Other soft waste	Lbs	100	25
	Cotton yarn for manufacturing:			
301110	Carded yarn, gray (include "double-carded" & "super-carded") (report tire cord in 301700).	Lbs	25	25
301120	Carded yarn, bleached, colored & novelty (include chenille yarn).	Lbs	25	25
301200	Mercerized, all kinds	Lbs	25	25
301310	Combed, not finished or mercerized	Lbs	25	25
301320	Combed, finished, except mercerized (include gassed, tinted, bleached & dyed).	Lbs	25	25
	COTTON MANUFACTURES			
	Cotton thread, twine, cordage & rope:			
301500	Sewing thread	Lbs	25	25
301600	Crochet, darning & embroidery cotton	Lbs	25	25
301700	Tire cord on cones or warps (include rubberized & untreated cords).	Lbs	25	25
301800	Seine twine	Lbs	25	25
	Cotton cloth, duck & tire fabric:			
301900	All cotton cloth when exported to Philippine Islands to be embroidered and otherwise manufactured and returned to the U. S.	Sq. yds	25	------
302000	Cord tire fabric (report tire cord on cones or warps in 301700).	Sq. yds	25	25
302100	Other tire fabrics	Sq. yds	25	25
302900	Heavy filter cloth, hose & belting duck (report narrow duck under 12" & machinery belting in 314000).	Sq. yds	25	25
302500	Ounce duck (include Army duck)	Sq. yds	25	25
302900	Numbered, biscuit & naught duck (include paper dryer).	Sq. yds	25	25
	Cotton cloth (gray), medium & coarse yarn fabrics:			
	40" wide & narrower:			
303110	Drills, twills & warp sateens	Sq. yds	25	25
303120	Sheetings	Sq. yds	25	25
	Wider than 40":			
303310	Drills, twills & warp sateens	Sq. yds	25	25
303320	Sheetings	Sq. yds	25	25
303400	Osnaburgs, all widths (report bleached in 304210, 304610; printed & dyed in 304220, 304300 & 304710 according to type & width).	Sq. yds	25	25
	Printcloth yarn (gray) fabrics, all widths:			
303600	Tobacco & cheese cloth 36 x 32 count & lower constructions.	Sq. yds	25	25
303700	Other printcloth yarn fabric constructions (above 36 x 32 count).	Sq. yds	25	25
303900	Gray cloth, n. e. s. (include unbleached (gray) cantons).	Sq. yds	25	25
	Finished cloth, bleached, dyed, printed, stiffened or otherwise converted & colored yarn fabrics:			
	40" wide & narrower:			
	Drills, twills & warp sateens:			
304000	Bleached	Sq. yds	25	25
304110	Dyed in the piece (include khaki & Bedford cord).	Sq. yds	25	25
304120	Printed (include printed ticking (Stifel).	Sq. yds	25	25
	Sheetings:			
304210	Bleached	Sq. yds	25	25
304220	Dyed in the piece	Sq. yds	25	25
304300	Printed (include cretonnes)	Sq. yds	25	25
	Wider than 40":			
304510	Drills, twills & warp sateens	Sq. yds	25	25
	Sheetings:			
304610	Bleached	Sq. yds	25	25
304710	Dyed & printed (include wide cretonnes).	Sq. yds	25	25
	Printcloth yarn fabrics (all widths):			
	Carded broadcloth:			
304800	Bleached	Sq. yds	25	25
304910	Dyed in the piece	Sq. yds	25	25
304920	Printed	Sq. yds	25	25
305000	Cheese cloth & gauze, bleached or dyed (full pieces) (report medicinal gauze in 398000).	Sq. yds	25	25
	Printcloth:			
305110	Bleached	Sq. yds	25	25
305210	Dyed in the piece	Sq. yds	25	25
305220	Printed	Sq. yds	25	25

Footnotes at end of table.

Dept. of Commerce Schedule B No.	Commodity	Unit	GLV dollar value limits country group K	GLV dollar value limits country group E
	COTTON MANUFACTURES—continued			
	Cotton cloth, duck & tire fabric—Con. Finished cloth, bleached, dyed, printed, stiffened or otherwise converted & colored yarn fabrics—Continued.			
	Napped fabrics:			
305510	Cotton flannels, bleached or colored (include shaker, domet, canton & outing).	Sq. yds.	25	25
305590	Other napped fabrics in the piece (include moleskin, blanketing & padding).	Sq. yds.	25	25
	Colored yarn fabrics:			
305700	Denims (include express stripes)	Sq. yds.	25	25
305800	Suitings, twill-coverts, cottonades (include "Palmer" napped trousering & "drill").	Sq. yds.	25	25
305900	Chambrays, cheviots & shirtings (include plain weave covert).	Sq. yds.	25	25
306100	Other colored yarn fabrics, n. e. s. (include seersucker & tickings, n. e. s.).	Sq. yds.	25	25
306200	Colored duck & awning materials (include bleached, dyed, stenciled, painted, proofed & printed duck, & woven awning stripes).	Sq. yds.	25	25
	Fine goods & combed cotton fabrics (bleached, dyed, printed, flock-dot or clipped):			
306700	Voiles, organdies, lawns & batiste, combed.	Sq. yds.	25	25
307000	Piques, combed.	Sq. yds.	25	25
307300	Marquisettes, combed.	Sq. yds.	25	25
307400	Combed & carded goods, n. e. s. (include madras).	Sq. yds.	25	25
307600	Cotton & wool mixtures (cotton chief value 80–85% cotton by weight).	Sq. yds.	25	25
307900	Cotton & rayon mixtures (cotton chief value) (report cotton & silk mixtures in 306100, 306700–307000).	Sq. yds.	25	25
	Other cotton fabrics:			
308000	Knit fabrics in the piece (include beef clothing).	Lbs.	25	25
308200	Table damask in the piece.	Sq. yds.	25	25
308400	Tapestry & other upholstery & drapery materials, plain, Jacquard & dobby-woven (report pile fabrics in 308700 & 308800).	Sq. yds.	25	25
308700	Plushes.	Sq. yds.	25	25
308800	Other pile fabrics (include velveteens, corduroys & terry fabrics).	Sq. yds.	25	25
308950	Cotton remnants & fabrics, n. e. s. sold by the pound (include mill ends & short pieces of less than 10 yards) (report pieces of 10 yards or over in respective classes, rags in 308801, duck in 308700–308800, paper-cloth in 308900 & laundry-padding in 305700 when sold in full pieces on the pound price basis).	Lbs.	25	25
	Cotton wearing apparel:			
308980	Handkerchiefs	Doz.	25	25
309110	Gloves, cotton (woven or knit): Work gloves, mitts, & gauntlets, fabric (including reinforced leather palm).	Doz. pr.	25	25
	Knit goods:			
	Hosiery:			
309200	Women's	Doz. pr.	25	25
309400	Children's	Doz. pr.	25	25
309500	Men's	Doz. pr.	25	25
	Underwear:			
309650	Men's & boys'	Doz.	25	25
309700	Women's & children's	Doz.	25	25
309800	Nightwear, knit, women's & children's (include bathrobes pajamas & dentons).	Units.	25	25
	Outer, knit:			
309910	Men's boys' sweaters, jersey pullovers & sweatshirts.	Units.	25	25
309950	Women's & children's sweaters & shawls.	Units.	25	25
	Knit apparel, n. e. s. (include men's & boys' (include knit dresses).	Units.	25	25
311300	Garments of woven fabrics: Men's & boys' jackets & windbreakers.	Units.	25	25
311400	Overalls, breeches, pants, aprons, & men's work clothing, n. e. s. (include institutional uniforms).	Doz.	25	25
311500	Nightwear, men's & boys'	Doz.	25	25
311610	Underwear, men's & boys'	Doz.	25	25
311710	Work shirts	Doz.	25	25
311720	Shorts, except work shirts, men's & boys' (except knit).	Doz.	25	25
311900	Clothing, men's and boys' of woven fabrics, n. e. s.	Doz.	25	25

Dept. of Commerce Schedule B No.	Commodity	Unit	GLV dollar value limits country group K	GLV dollar value limits country group E
	COTTON MANUFACTURES—continued			
	Cotton wearing apparel—Continued.			
	Garments of woven fabrics—Continued			
312200	Women's dresses & ensembles (include eyelet, velveteen & lace) (one, two, and three piece as one unit).	Units	25	25
312400	Women's & children's underarwear & nightwear, not knit (include diapers).	Dor.	25	25
312700	Children's outerwear, not knit.	Dor.	25	25
312800	Women's apparel of woven fabrics, n. e. s. (include blouses, skirts, bathrobes, uniforms & washable apparel, n. e. s.).		25	25
	Cotton house furnishings:			
317100	Blankets (report blanketing in the piece in 305500).	Units	25	25
317300	Quilts, comfortables and quilted bedpads	Units	25	25
	Bedspreads:			
317500	Candlewick, Chenille, & tufted	Units	25	25
317600	Plain, crinkle, dobby & Jacquard woven.	Units	25	25
317800	Bedsheets and pillow cases	Doz.	25	25
318100	Curtains and draperies (include cotton shower bath curtains).		25	25
318700	Terry woven towels, wash cloths & bath mats.	Doz.	25	25
318800	Huck damask & plain woven towels & toweling (include dishcloths, lens-woven).		25	25
318900	Cotton house furnishings, n. e. s. (include papery, cotton floor coverings & furniture slip covers) (report terry woven bath mats in 318700).		25	25
	Other fabricated products of cotton, n. e. s.:			
	Cotton bags:			
319110	New (include mesh, leno-woven, net, laundry & dye bags).	Lbs.	100	25
319111	New (include mesh, leno-woven, net, laundry & dye bags) (quantity only).	Units	100	25
319150	Used & reclaimed bags	Lbs.	100	25
319151	Used & reclaimed bags (quantity only)	Units	100	25
319600	Fish netting, tarred or not tarred (not a finished product).		25	25
319900	Coated cotton fabrics, except duck, and more than 12" wide, (as defined in WPB Order M-317 A, supplement #1).	Lin. yd.	100	25
	VEGETABLE FIBERS & MANUFACTURES			
320500	Jute	L. ton	25	25
320511	Kapok	L. ton	25	25
320515	Manila or abaca	L. ton	25	25
320519	Sisal or henequen	L. ton	25	25
322400	Bags of jute, new and used	Lbs.	25	25
322401	Bags of jute (quantity only), new and used	Units	25	25
322905	Jute burlaps	Lbs.	25	25
	Cordage, except of cotton or jute			
311100	Binder twine and baler twine	Lbs.	25	25
311400	Manila cordage	Lbs.	25	25
311700	Sisal, twine, cord & cordage	Lbs.	25	25
312509	Sisal yarns	Lbs.	25	25
	WORSTED MANUFACTURES			
364200	Worsted cloth and dress goods	Lbs.	25	25
364201	Worsted cloth and dress goods (quantity only)	Yds.	25	25
364900	Other worsted fabrics	Lbs.	25	25
368005	Men's overcoats, suits & pants, (worsted only)	Units	25	25
368088	Boys' overcoats, suits and pants, (worsted only)	Units	25	25
368200	Women's & children's dresses and ensembles, except knit (worsted only).	Units	25	25
368300	Women's and children's apparel, except knit, n. e. s. (worsted only)	Units	25	25
368950	Men's & boys' apparel, except knit, n. e. s. (worsted only).		25	25
368998	Worsted yarn manufactures, n. e. s.		25	25
	RAYON, NYLON, & OTHER SYNTHETIC TEXTILES			
384013	Viscose high-tenacity tire cord or yarn, on cones or warps, treated, dipped, or untreated (fuel-cell high-tenacity cord or yarn included)			
384013	Rayon	Lbs.	25	25
384013	Other	Lbs.	25	25
	Woven filament yarn fabrics, n. e. s. (include fabrics of nylon & glass fibers—			
384925	Cord tire and fuel cell fabrics (rubber coated).	Lbs.	25	25
384926	Cord tire and fuel cell fabric (rubber-coated) (quantity only).	Sq. yd.	25	25
	MISCELLANEOUS TEXTILE PRODUCTS			
391100	Oilcloth, all kinds	Lin. yd.	100	25
391300	Window shade cloth, cotton base, coated, as defined in WPB Order M-317 A, Supplement No. 1).	Lin. yd.	100	25
391410	Book cloth, cotton base, pyroxylin coated or impregnated.	Lin. yd.	100	25
391420	Book cloth, cotton base, starch filled	Lin. yd.	100	25
391500	Pyroxylin coated or impregnated cotton base fabrics, except duck, and more than 12" wide (as defined in WPB Order M-317 A, Supplement No. 1).	Lin. yd.	100	25

Dept. of Commerce Schedule B No.	Commodity	Unit	GLV dollar value limits country group K	GLV dollar value limits country group E
	MISCELLANEOUS TEXTILE PRODUCTS—con.			
391700	Coated or impregnated cotton fabrics, except duck, and more than 12" wide (as defined in WPB Order M-317 A, Supplement No. 1).	Lin. yd.	100	25
398400	Absorbent cotton, gauze, and sterilized bandages (include cellucotton bandages) (report full pieces of bleached gauze in 305000):			
398000	Surgical & medicinal gauze, sterilized, in lengths of 100 yds. and over.	Lbs.	25	25
398000	Other	Lbs.	100	25
399900	Coated cotton fabrics, except duck, and more than 12" wide (defined in WPB Order M-317 A, Supplement No. 1).	Lin. yd.	100	25
	WOOD, UNMANUFACTURED			
	Logs & hewn timber (indicate quantity scale) (include stumps & burls):			
	Hardwoods (report burls in 400600):			
400100	Ash & hickory	M b. f.	None	None
400200	Cottonwood & aspen	M b. f.	None	None
400400	Walnut	M b. f.	None	None
400600	Hardwood burls (estimate bd. ft. at about 10 lbs. to the bd. ft.).	M b. f.	None	None
400605	Mahogany logs	M b. f.	None	None
400607	Lignum-vitae logs	M b. f. & lbs.	None	None
400609	Teak logs	M b. f.	None	None
400999	Other hardwood logs & hewn timber (include balsa wood).	M b. f.	None	None
	Softwoods:			
401200	Douglas fir	M b. f.	None	None
401400	Hemlock	M b. f.	None	None
401600	Western red cedar	M b. f.	None	None
401700	Port Orford cedar	M b. f.	None	None
401800	Other cedar (includes eastern)	M b. f.	None	None
401900	Other softwood logs & timber (include southern pine).	M b. f.	None	None
	Railroad ties, hewn (report sawed in 415600 & 415000):			
402000	Creosoted or otherwise treated	M b. f.	None	None
402000	Other	M b. f.	None	None
403100	Creosoted piling	Lin. ft.	None	None
403200	Other piling	Lin. ft.	None	None
404400	Telegraph, trolley, & electric-light poles	Units & Lin. ft.	None	None
	SAWMILL PRODUCTS (LUMBER)			
	Sawed timber, 5" or larger in least dimension:			
	Softwoods, not treated:			
405000	Southern pine	M b. f.	None	None
405000	Douglas fir	M b. f.	None	None
405000	Cedar	M b. f.	None	None
405000	Other softwoods (include hemlock & sitka spruce).	M b. f.	None	None
407000	Hardwoods, not treated	M b. f.	None	None
	Creosoted or otherwise treated:			
408000	Southern pine	M b. f.	None	None
408700	Other	M b. f.	None	None
	Boards, planks & scantlings, less than 5" in least dimension:			
	Softwoods:			
410000	Cypress	M b. f.	None	None
410100	Douglas fir, rough	M b. f.	None	None
410200	Douglas fir, dressed	M b. f.	None	None
410400	Southern pine, rough	M b. f.	None	None
410500	Southern pine, dressed	M b. f.	None	None
410610	Ponderosa pine	M b. f.	None	None
410700	White pine (include northern white, Norway, Idaho white & sugar pine).	M b. f.	None	None
410720	Port Orford cedar	M b. f.	None	None
410730	Other cedar (includes western red)	M b. f.	None	None
410800	Redwood	M b. f.	None	None
410900	Spruce	M b. f.	None	None
410950	Hemlock	M b. f.	None	None
410960	Other softwoods	M b. f.	None	None
	Hardwoods:			
411000	Ash	M b. f.	None	None
411050	Birch, beech & maple	M b. f.	None	None
411060	Chestnut	M b. f.	None	None
412000	Cottonwood	M b. f.	None	None
412000	Gum, red & sap	M b. f.	None	None
412300	Gum, tupelo & black	M b. f.	None	None
412400	Hickory	M b. f.	None	None
412900	Oak	M b. f.	None	None
412000	Poplar	M b. f.	None	None
412000	Walnut	M b. f.	None	None
412000	Mahogany	M b. f.	None	None
412000	Magnolia	M b. f.	None	None
412000	Lignum-vitae	M b. f.	None	None
412000	Teak	M b. f.	None	None
412000	Oak flooring	M b. f.	None	None
412000	Other hardwood flooring	M b. f.	None	None
412000	Waron-oak planks (include railway car material)	M b. f.	None	None
	Small hardwood dimension stock:			
413000	Except squares	M b. f. & units.	None	None
413700	Oak squares	M. f. b. & units.	None	None
413000	Other squares	M. b. f. & units.	None	None
413000	Other hardwoods	M. b. f. & units.	None	None
	SAWMILL PRODUCTS (LUMBER)—continued			
	Railroad ties, sawed (one tie equals 35 bd. ft.) (report hewn in 402600 & 402800):			
415000	Creosoted or otherwise treated	M. b. f.	None	None
415000	Other	M. b. f.	None	None
	WOOD MANUFACTURES			
421401	Plywood, aero grade	Sq. ft.	None	None
421405	Plywood, hardwood, except aero garde	Sq. ft.	None	None
421407	Plywood, Douglas fir, except aero grade	Sq. ft.	None	None
421409	Plywood, softwood, except Douglas fir & aero grade.	Sq. ft.	None	None
422200	Lath	M	None	None
422500	Shingles (square coverage of 100 sq. ft.)	Squares	None	None
422600	Doors	Units	None	None
422980	Trim & moldings	Lin. ft.	None	None
423200	Sash & blinds, n. e. s.	Units	None	None
423950	Prefabricated and ready-cut houses	Units	None	None
423960	Other millwork & house fixtures (include cupboards, cabinets, mantels, grilles, panels (except plywood), partitions, stairs, columns, window & door frames other built-in house fixtures, made-up or knock-down).	Bd. ft.	None	None
	PAPER BASE STOCKS			
469805	Waste paper: Oversissue news (all white, large size, overrun newspapers from newspaper offices, packed in securely tied bundles, small or large bales).	Lbs.	100	25
469809	Other waste paper	Lbs.	100	25
	PAPER, RELATED PRODUCTS & MANUFACTURES			
471200	Printing paper: Standard newsprint (standard newsprint paper reported herein conforms to the following specifications: Weight—not less than 30 lbs. nor more than 35 lbs. per ream of 500 sheets, each 24 x 36 inches. Rolls or sheets—rolls not less than 16 inches wide & 28 inches in diameter; sheets not less than 24 x 30 inches. Stock—not less than 70% of the total fiber shall be groundwood, the balance shall be unbleached sulfite. Color—Such colors as are chiefly used in the publication of newspapers. (Note all colored sheets are excluded because newsprint paper, to be standard must be in the form chiefly used for newspapers.) Thickness—not exceeding 0.004 of an inch).	Lbs.	1	1
473600	Fibre insulation board, 7/16" & over in thickness except quilt or blanket types.	Sq. ft.	25	25
473800	Wallboard, paper or pulp, ¼" to less than 7/16" in thickness.	Sq. ft.	25	25
	COAL & RELATED FUELS			
500100	Coal, anthracite	L. ton	100	25
500200	Coal, bituminous	L. ton	100	25
500300	Coal & coke briquets	L. ton	100	25
500400	Coke (include coal-tar coke) (report petroleum coke in 504800).	L. ton	100	25
	PETROLEUM & PRODUCTS			
501707	Other motor fuel & gasoline from which by commercial distillation there can be separated more than 3% of a total fraction having an A. S. T. M. end point of 300° F. which will have, with the addition of 3 cc. tetraethyl lead per gal., an octane number by the A. S. T. M. Knock Test Method of 80 or more.	Bbls.	100	None
501795	Other motor fuels & gasoline not conforming to specifications in 501705, 501698 & 501707.	Bbls.	100	None
503000	Gas oil and distillate fuel oil	Bbls.	100	None
503100	Residual fuel oil	Bbls.	100	None
	Lubricating oils, cylinder:			
503510	Bright stocks	Bbls.	100	None
503520	Steam refined stocks	Bbls.	100	None
504001	High viscosity index grade (include any lubricating oil of more than 95 seconds Saybolt Universal viscosity at 210° F. with a viscosity index of 35 or more).	Bbls.	100	None
504008	Medium viscosity index grade (include any lubricating oil of more than 60 seconds, Saybolt Universal viscosity at 210° F. with a viscosity index of 60 or over).	Bbls.	100	None
504700	Paraffin wax, unrefined, including slack waxes.	Lbs.	None	None
504600	Paraffin wax, refined & semi-refined	Lbs.	None	None
505000	Intralatum wax	Gals.	None	None
505900	Plastilende wax	Gals.	None	None
505000	Substitute mineral waxes derived from petroleum bases.	Gals.	100	None
505900	All other slop waxes	Gals.	100	None
	OTHER NONMETALLIC MINERALS, INCLUDING PRECIOUS			
	Abrasives:			
840910	Diamond dust	Carat	None	None
840998	Corundum	Lbs.	1	1

Footnotes at end of table.

Dept. of Commerce Schedule B No.	Commodity	Unit	GLV dollar value limits country group K	GLV dollar value limits country group E
	OTHER NONMETALLIC MINERALS, INCLUDING PRECIOUS—continued			
547201	Graphite	Lbs	100	25
551000	Unmanufactured mica (unprocessed block mica, including thumb-trimmed, knife-trimmed, and sickle-trimmed).	Lbs	1	1
553000	Mica, block pack splittings and good stained and better block or film	Lbs	100	25
557025	Mineral wax (except paraffin wax)	Lbs	None	None
598845	Diamonds suitable only for industrial use	Carat	None	None
598898	Diamonds other than jewel bearings (include gem cut).		100	25
	STEEL MILL PRODUCTS			
600700	Pig iron	L. ton	None	None
603300	Iron sheets, galvanized	Lbs	1	1
603400	Steel sheets, galvanized	Lbs	1	1
604100	Tinplate & taggers tin	Lbs	1	1
604200	Terneplate, including long ternes	Lbs	100	25
604800	Metal lath (expanded metal)	Lbs	100	25
608805	Cast iron soil pipe	Lbs	None	None
608810	Woven wire screen cloth, insect	Lbs	25	25
612010	Tin hollow ware, except dairy farm milk pails	Lbs	100	25
612300	Tin cans, finished or unfinished	Units	100	25
612400	Bath tubs, cast iron	Lbs	100	25
614000	Housheating radiators, cast iron	Units	None	None
615515	Circular diamond saws	Units	None	None
615905	Diamond saws, except circular	Units	None	None
617891	Tools incorporating industrial diamonds (include diamond drilling bits, wheel dressers, glass cutters & similar articles).		100	25
617909	Padlocks, iron, steel, brass & bronze	Doz	100	25
618009	Door locks and lock sets of iron, steel, brass and bronze.	Doz	100	25
618109	Cabinet and other locks of iron, steel, brass and bronze.	Doz. pr	100	25
618209	Hinges and butts, iron and steel		100	25
618309	Other builders' hardware		100	25
618409	Other furniture hardware		100	25
618809	Other hardware, n. c. s.			
	BRASS AND BRONZE MANUFACTURES			
644009	Brass & bronze, scrap and old (bronze only)	Lbs	1	1
644109	Brass & bronze ingots (bronze only)	Lbs	1	1
644801	Brass & bronze bars, rods & unfinished shafting (bronze only)	Lbs	1	1
644805	Brass & bronze blanks (bronze only)	Lbs	1	1
647906	Brass & bronze structural shapes (bronze only)	Lbs	1	1
647911	Brass & bronze castings & forgings (bronze only)	Lbs	1	1
647919	Brass & bronze circles (bronze only)			
	LEAD AND MANUFACTURES			
650700	Pigs & bars (include blocks & ingots)	Lbs	100	25
650800	Sheets & pipes (include bends)	Lbs	1	1
651200	Solder	Lbs	100	25
651505	Type metal (antimonial lead)			
	TIN AND MANUFACTURES			
656502	Collapsible tubes		1	1
656507	Tin metal in ingots, pigs, bars, blocks, slabs & other forms	Lbs	1	1
656508	Tin scrap & waste (include dross)	Lbs	1	1
656598	Other tin & manufactures, except phosphorus tin.			
	OTHER NONFERROUS ORES, METALS & ALLOYS, EXCEPT PRECIOUS			
664708	Monazite sand		None	None
664988	Uranium ores & concentrates	Lbs	1	1
664901	Metals & alloys in primary forms, n. c. s. (except ferro-alloys): Antimony (include metal or regulus, needle or lirpated antimony, alloys & antimony-bearing scrap metal).	Lbs	1	1
664950	Radium metal (radium content)	Mg	100	25
664988	Uranium metal	Lbs	1	1
667000	Tin ores	Lbs	100	25
692205	Platinum bars, ingots, sheets, wire, sponge & other forms (include scrap).	Tr. oz	1	1
692505	Platinum manufactures (except jewelry) (include crucibles).	Tr. oz	1	1
	ELECTRICAL MACHINERY & APPARATUS			
700505	Steam turbine generator sets, ¾ and less than 500 kw.	Units	25	25
700508	Steam turbine generator sets under 3/4 kw.	Units	25	25
700800	Steam turbine generator sets 500 kw. and larger	Units	25	25
701300	Batteries, storage, 6 & 12 volt, include aircraft, automotive, and radio batteries and knocked-down assemblies.	Units	None	None
702200	Oil circuit breakers and switches	Units	25	25
703500	Electric watt hour meters	Units	None	None
704500	Electric underground mining locomotives, include crawler trucks, shuttle cars.	Units	100	25
705700	Electric household refrigerators, with or without cabinets.	Units	None	None
708300	Telephone instruments		None	None
708700	Hand generators and parts		None	None
708705	Magnetos and parts		None	None
708750	Ringers and parts		None	None
708760	Batteries and boxes		None	None
708790	Telephone instrument parts		1	1
709300	Varnished cambric, electrical insulation or rubber separators, (as defined in WPB Order M-317-A, Supplement #1).	Lin. yd	100	25
711300	Mechanical drive turbines, steam, land use	Units	100	25
713200	Steam boilers, fire tube, steel above 15 lbs. per sq. in. pressure, not shipboard or locomotive.	Sq. ft	100	25
714300	Steam boilers, water tube, steel above 15 lbs. per sq. in. pressure, not shipboard or locomotive.	Sq. ft	100	25
	ENGINES, TURBINES & PARTS			
716300	Water wheels, water turbines, & parts hydraulic		100	25
719900	Gas turbines and parts		100	25
	CONSTRUCTION & CONVEYING MACHINERY			
720500	Dredging machinery, mining include bucket, elevator & hydraulic types.		100	25
729000	Belt conveyors, underground mine	Units	100	25
729100	Chain & elevator conveyors, shaker conveyors, duck bills, track loaders, mining.		100	25
	MINING, WELL & PUMPING MACHINERY			
730500	Coal cutters, longwall, shortwall, universal & arcwall cutters.	Units	100	25
731100	Drills, underground mine, electric		100	25
733000	Undereround loaders		None	None
733900	Diamond drill bits (including diamond core drill bits).		None	None
745503	Diamond dies for power-driven metal-working machines.	Units	None	None
748512	Metal alloy slugs containing diamonds	Units	None	None
	OTHER INDUSTRIAL MACHINERY & EQUIPMENT			
759300	Milk shipping containers	L b s. & Units.	100	25
774100	Gas meters and parts		1	1
774200	Water meters and parts		1	1
780200	Milk shipping cans	L b s. & Units.	100	25
	AUTOMOBILES, PARTS, ACCESSORIES & SERVICE EQUIPMENT			
	Automobiles, parts & accessories: Motor trucks, busses, & chassis (new) (include automotive fire engines in class according to capacity): Under 1 ton:			
790101	¼ ton & under	Units	100	25
790102	Over ¼ ton, not over ½	Units	100	25
790103	Over ½ ton & under 1 ton	Units	100	25
790201	1 and not over 1½ tons. 1 ton	Units	100	25
790202	Over 1, not over 1½ tons	Units	100	25
790301	Over 1½, not over 2½ tons: Over 1½, not over 2½ tons, n. e. s	Units	100	25
790431	Over 2½ tons: Diesel & semi-Diesel (injection type): Over 2½, not over 4 tons	Units	100	25
790433	Over 4, not over 5 tons	Units	100	25
790435	Over 5 tons		100	25
790461	Gasoline (carburetor type): Over 2½, not over 4 tons	Units	100	25
790463	Over 4, not over 5 tons	Units	100	25
790465	Over 5 tons	Units	100	25
790500	Bus chassis	Units	100	25
790600	Motor trucks, busses & chassis (second hand).			
790700	Passenger cars & chassis (new): Not over $850 (list price)	Units	100	25
790800	Over $850, not over $1,200 (list price)	Units	100	25
790900	Over $1,200, not over $2,000 (list price)	Units	100	25
791000	Over $2,000 (list price)	Units	100	25
791100	Passenger cars & chassis (second hand)	Units	100	25
	Automobile, motor-truck & bus engines: For assembly on new vehicles with American trade names: Motor truck & bus engines:			
792800	Diesel & semi-Diesel (injection type)	Units	100	25
792850	Gasoline (carburetor type)	Units	100	25
792900	Passenger car engines	Units	100	25
798250	For replacement on vehicles with either American or foreign trade name or assembly on new vehicles with foreign trade name.			
792600	Diesel & semi-Diesel (injection type)	Units	25	25
793130	Gasoline (carburetor type)	Units	25	25
793150	Automotive trailers	Units	100	25
793400	Underground mine cars	Units	100	25
795750				
	COAL-TAR PRODUCTS			
800300	Crude & refined coal tar	Gals	100	25
800600	Benzol or benzene	Gals	100	25
801100	Toluol (Toluene)	Lbs	100	25
802998	Tar acid oil	Lbs	100	25
	COAL-TAR PRODUCTS—continued			
	Coal-tar acids, crude & intermediate:			
802400	Cresylic acid & cresols	Lbs	1	1
802420	Benzoic acid, technical & medicinal grade	Lbs	1	1
	Coal-tar intermediates except acids:			
802501	Dimethylaniline	Lbs	100	25
802502	Phthalic anhydride	Lbs	25	25
802508	Dimethyl phthalate	Lbs	100	25
802598	Para-nitraniline	Lbs	25	25
802601	Color lakes and toners	Lbs	100	25
802603	Sulfur black	Lbs	100	25
802605	Synthetic indigo (all types)	Lbs	100	25
802809	Other coal tar dyes except household dyes in small packages.	Lbs	100	25
	MEDICINAL & PHARMACEUTICAL PREPARATIONS			
811100	Castor oil (report commercial grades in 224601)	Gals	25	25
811905	Fish oils & fish-liver oils & concentrates medicinal grade, except cod-liver oil.		1	1
812000	Insulin		1	1
812300	Liver extract in bulk		100	25
812400	Pancreatin		100	25
812500	Suprarenalin		100	25
812730	Cinchonidine sulfate	Lbs	*None	*None
812730	Cinchonine salts & compounds with sulfate	Lbs	*None	*None
812730	Quinine sulfate	Av. oz	*None	*None
812730	Other quinine salts & compounds (quinine sulfate content):			
812750	Cinchonidine salts & compounds, except sulfate.	Av. oz	*None	*None
812750	Cinchonine salts & compounds, except sulfate.	Av. oz	*None	*None
812750	Quinidine salts & compounds	Av. oz	*None	*None
812750	Quinine salts & compounds	Av. oz	*None	*None
	Medicinal chemicals for prescription use (include U. S. P.):			
813071	Caffeine alkaloid	Lbs	1	1
813072	Caffeine salts & compounds	Lbs	1	1
813077	Strychnine and strychnine salts	Av. oz	1	1
813518	Theobromine & theobromine salts & compounds.	Lbs	1	1
813598	Medicinal chemicals for prescription use, n. e. s.: Bismuth salts—sub-carbonate		1	1
813598	Bismuth salts—sub-gallate		1	1
813598	Bismuth salts & compounds, other, medicinal grade.		1	1
813598	Cinchona salts		*None	*None
813598	Colchicine		None	None
813598	Emetine and emetine salts		*None	*None
813598	Penicillin or penicillin products, not salable in the United States.		None	None
813598	Pharmaceutical dextrose & glucose including dextrosemonohydrate.		100	25
813598	Quinidine alkaloid		*None	*None
813741	Malarial chill and fever remedies containing quinine.		None	None
	CHEMICAL SPECIALTIES			
824000	Nicotine sulfate (40% basis) (report nicotine mixtures & free nicotine in 820598).	Lbs	1	1
820570	Nicotine alkaloid	Lbs	1	1
820590	Copper sulfate (blue vitriol)	Lbs	100	25
820730	Lead arsenate	Lbs	100	25
820750	Pyrethrum extract	Lbs	1	1
820892	Pyrethrum or insect flower powders	Lbs	1	1
820903	Rotenone	Lbs	1	1
820998	DDT: dichlorodiphenyltrichloroethane	Lbs	100	25
820998	DDT: dichlorodiphenyltrichloroethane	Lbs	1	1
823040	Nacconal NRSF	Lbs	None	None
823043	Nacconal HG	Lbs	None	None
823043	Nacconal NRG	Lbs	None	None
823043	Nacconal NR	Lbs	None	None
823043	Santomerse No. 1	Lbs	None	None
823043	Santomerse No. 3	Lbs	None	None
823043	Santomerse No. 55	Lbs	None	None
823043	MP 189	Lbs	None	None
823043	MP 189 SX	Lbs	None	None
823043	MP 646	Lbs	None	None
823043	Ultrawet A	Lbs	None	None
823043	Ultrawet 40 A	Lbs	None	None
823043	Ultrawet 60 A	Lbs	None	None
823043	Ivepon T	Lbs	None	None
823043	Ivepon T/D	Lbs	None	None
823043	Synthetic detergent 92	Lbs	1	1
823043	Neutronyx 3	Lbs	1	1
823043	Artic Syntex M	Lbs	1	1
823043	Vel	Lbs	100	25
827011	Chromium tanning mixtures	Lbs	1	1
827500	Ester gum in powder, flake or liquid form (include scrap) (include Rezyl, etc.).	Lbs	100	25
829200	Tanners' fat liquor	Lbs	100	25
829300	Pectin	Lbs	100	25
829400	Desoxycorticost		1	1
829500	Rosin size	Lbs	25	25
	INDUSTRIAL CHEMICALS			
	Acids & anhydrides, organic:			
	Tartaric acid	Lbs	1	
	Citric acid	Lbs	*1	*1
	INDUSTRIAL CHEMICALS—continued			
830910	Acids & anhydrides, inorganic: Chromic	Lbs	1	1
	Alcohols:			
831000	Methanol	Gals	100	25
831100	Ethylene glycol	Lbs	25	25
831200	Denatured alcohol (solidified)	Lbs	1	1
831300	Butyl alcohol	Lbs	100	25
831598	Ethyl Alcohol	Lbs	1	1
831598	Glycols	Lbs	100	25
831598	Glycols, mixed	Lbs	100	25
831598	Lauryl alcohol	Lbs	100	25
831600	Acetone	Lbs	100	25
831700	Butyl acetate	Lbs	100	25
832200	Amyl acetate	Lbs	1	1
832200	Amyl alcohol	Lbs	1	1
832998	Lead acetate (basic)	Lbs	100	25
832998	Lead acetate (normal)	Lbs	100	25
832998	Uranium acetate	Lbs	25	25
835700	Potassium bichromate & chromate	Lbs	1	1
835998	Superphosphate	Lbs	100	25
836000	Sodium bichromate & chromate	Lbs	1	1
837700	Sodium phosphate, tri-, or pyro-	Lbs	1	1
837999	Sodium perborate	Lbs	1	1
837998	Sodium nitrate	Lbs	1	1
837998	Sodium peroxide	Lbs	1	1
837998	Sodium plumbite	Lbs	100	25
838100	Tin compounds	Lbs	1	1
	Ammonium compounds:			
838505	Chloride (sal ammoniac)	Lbs	100	25
838517	Nitrate	Lbs	100	25
838598	Ammonium sulfate	Lbs	100	25
838000	Ammonia, anhydrous	Lbs	100	25
839003	Antimony oxide	Lbs	100	25
839008	Antimony sulfite	Lbs	100	25
839031	Bismuth subnitrate	Lbs	1	1
839031	Bismuth sub-salicylate	Lbs	1	1
839038	Bismuth salts & compounds, other except bismuth carbonates and mixtures and bismuth nitrates and mixtures.	Lbs	1	1
839070	Chromium salts & compounds (except chemical pigments).	Lbs	1	1
839076	Nickel salts & compounds	Lbs	1	1
839090	Uranium salts and compounds	Gram	*1	*1
839098	Hydrogen peroxide (report hydrogen peroxide in small packages for household use in 814260).		25	25
839098	Lead antimonate		100	25
839098	Lead arsenate		100	25
839098	Lead chloride		100	25
839098	Lead dioxide		100	25
839098	Lead nitrate		100	25
839098	Lead silicate (mono)		100	25
839098	Lead silicate (di)		100	25
	PIGMENTS, PAINTS AND VARNISHES			
841100	Zinc oxide	Lbs	1	1
841400	Lithopone	Lbs	100	25
842300	Carbon black or gas black: Acetylene black	Lbs	1	1
842300	Other carbon black or gas black	Lbs	100	25
842100	Red lead, dry	Lbs	100	25
842500	Litharge	Lbs	100	25
	White lead:			
842600	Dry (basic lead carbonate)	Lbs	100	25
842700	In oil	Lbs	100	25
842898	Titanium dioxide & titanium pigments	Lbs	1	1
842905	Chrome pigments containing 10% or more chromium, including chromium oxide, chromic oxide (chrome green), lead chromate (chrome yellow) & zinc chromate.	Lbs	1	1
842913	Basic sulfate of white lead	Lbs	100	25
842919	Zinc sulfide	Lbs	1	1
843103	Red lead in oil	Lbs	100	25
842998	Cadmium lithopone	Lbs	*100	*25
	FERTILIZERS & FERTILIZER MATERIALS			
	Nitrogenous fertilizer materials:			
850500	Ammonium sulfate	Lbs	300	25
850903	Calcium cyanamide	Lbs	1	1
850905	Calcium nitrate	Lbs	300	25
850919	Sodium nitrate, n. e. s	Lbs	300	25
850925	Urea	Lbs	300	25
850998	Nitrogenous chemical materials, n. e. s.: Ammonium nitrate as fertilizer	Lbs	300	25
850998	Other nitrogenous chemical materials, n. e. s. (report ammonium nitrate for industrial purposes in 838517).	Lbs	300	25
851000	Nitrogenous organic waste materials (include fish meal, hoof meal, guano, castor-bean pomace, manures, packing-house offal intended for fertilizer).	Lbs	300	25
	Phosphatic fertilizer materials:			
851510	Phosphate rock, Florida: High-grade hard rock	L. ton	100	25
851520	Land pebble	L. ton	100	25
851590	Other (include soft rock, colloidal & sintered matrix).	L. ton	100	25
851580	Phosphate rock, Tennessee, Idaho & Montana.	L. ton	100	25

Footnotes at end of table.

Dept. of Commerce Schedule B No.	Commodity	Unit	GLV dollar value limits country group K	GLV dollar value limits country group E
	FERTILIZERS & FERTILIZER MATERIALS—con.			
1851501	Normal (standard) superphosphate, containing not more than 25% available phosphoric acid (P_2O_5)	Lbs.	300	25
851509	Concentrated superphosphate, containing more than 25% available phosphoric acid (P_2O_5)	Lbs.	300	25
852000	Other phosphate material (include bone ash dust & meal & animal carbon for fertilizer, base slag, South Carolina river rock, etc.) (report ammonium phosphate as fertilizer in 853000; acid industrial chemical in 885081).	Lbs.	300	25
	Potassic fertilizer materials:			
853110	Potassium chloride	Lbs.	300	25
853160	Potassium sulfate	Lbs.	300	25
853197	Potassic fertilizer materials, n. e. s., containing 20% or more potassium oxide (K_2O) equivalent (reported on 25% K_2O basis).	Lbs.	300	25
853187	Potassic fertilizer materials containing less than 20% potassium oxide (K_2O) equivalent.	Lbs.	300	25
854000	Nitrogenous phosphatic types (concentrated chemical fertilizers) (include ammonium phosphate).	Lbs.	700	25
855100	Prepared fertilizer mixtures:			
1855100	Plant foods	Lbs.	100	25
855160	Other	Lbs.	200	25
	SOAP & TOILET PREPARATIONS			
	Soap:			
871000	Medicated	Lbs.	5	1
871200	Toilet or fancy	Lbs.	10	1
871300	Laundry	Lbs.	5	1
871600	Powdered or flaked (include Lux, Fab, Chipso, Ivory Flakes, Beads, Rinso, etc.):			
	Industrial soap powders	Lbs.	25	5
871640	Other	Lbs.	1	1
871880	Shaving creams	Lbs.	5	1
871900	Shaving cakes, powders & sticks	Lbs.	5	1
872400	Scouring bricks, pastes, powders, soaps (abrasive type) & household washing powders (fat content not over 25%) (include Bon Ami, Dutch Cleanser, Gold Dust, mechanics' soaps, etc.).		100	25
872500	Other soap	Lbs.	1	1
	PHOTOGRAPHIC & PROJECTION GOODS			
	Motion picture films, not exposed:			
	Sensitized, 35 mm:			
911710	Positive film	Lin. ft.	100	25
911720	Negative film	Lin. ft.	100	25
	SCIENTIFIC & PROFESSIONAL INSTRUMENTS, APPARATUS & SUPPLIES			
915500	Dental burrs		1	1
	FIREARMS, AMMUNITION & PYROTECHNICS			
	Revolvers & pistols (report parts accessories in 917000):			
917004	.22 caliber	Units	None	None
917101	Rifles, .22 caliber	Units	None	None
917300	Shotguns	Units	None	None
	Ammunition for small arms (.22 caliber & under):			
918101	Balls	Round	None	None
918103	Tracers	Round	None	None
918162	Shotgun shells	Units	None	None
	Ammunition, n. e. s., for in excess of .22 caliber (include fuses & primers):			
918701	Fuses for guns	Units	None	None
918702	Primers for guns	Units	None	None
918704	Components for fuses & primers	Units	None	None
	MISCELLANEOUS COMMODITIES, N. E. S.			
	Jewelry & other personal articles:			
992000	Of solid gold or platinum (include men's jewelry, women's jewelry, cigarette cases, pocket cigar & cigarette lighters, compacts, powder & vanity cases):			
992030	Gold		100	25
992050	Platinum		None	None
	Of other metals (silver, gold-filled, rolled gold plate & base metal whether or not electro-plated):			
992100	Men's jewelry (include rings, collar & cuff buttons, studs, tieclips & holders, watch chains, watch bracelets & stick pins):			
992100	Containing diamonds or other precious stones.		100	25
992100	Of palladium		100	25
992300	Women's jewelry (include rings, bracelets, bar pins, brooches, necklaces & earrings):			
992300	Containing diamonds or other precious stones.		100	25
992300	Of palladium		100	25
992500	Other articles (include cigarette cases, pocket cigar & cigarette lighters, compacts, powder & vanity cases):			
992500	Containing diamonds or other precious stones.		100	25
992500	Of palladium		100	25
993503	Jewelry finds & parts (specify by name):			
993500	Of solid gold, palladium, or precious stones		100	25
993500	Of platinum		None	None
998003	Metal beverage crowns made of tinplate	Gross	100	25
984100	Mechanical household refrigerators (include gas, gasoline & kerosene)	Units	None	None
	All commodities exported for relief or charity by individuals & private agencies (the following classifications are not used for exports for relief or charity by U. S. Government agencies or by UNRRA, except for exports of used clothing, blankets & bedding by such agencies, which are reported under 999820 or 999830. All other exports by U. S. government agencies or by UNRRA, including new clothing, blankets, & bedding are reported under their specific Schedule B Numbers):			
999810	Food		None	None
999820	Clothing, new		25	25
999830	Blankets & bedding, new		25	25

*Where an asterisk precedes the GLV dollar value limit for any commodity, all forms, conversions, and derivatives of the commodity, even though not covered by the Schedule B number for the entry, are subject to the value limitations specified.

[1] Requires individual license for export to all areas except the other American Republics excluding Argentina.

[2] Requires individual license for export to Middle East destinations only of group K.

[3] Shipments of standard newsprint remain on individual license to all destinations except the other American Republics. Shipments of standard newsprint to the other American Republics are subject to the requirement of an approved Statement of Cargo Availability (Form FEA 138).

Shipments of any of the above commodities which were formerly exportable under the country group general license or whose former GLV dollar value limits have been reduced, which were on dock, on lighter, laden aboard an exporting carrier, or in transit, to a port of exit pursuant to an actual order for export prior to the effective date of this amendment, may be exported under the previous general license provisions. Shipments of such commodities moving to a vessel subsequent to the effective date of this amendment pursuant to Office of Defense Transportation permits issued prior to such date may also be exported under the previous general license provisions. Shipments of any of the above commodities which were mailed pursuant to the provisions of general license G-Post prior to the effective date of this amendment may also be exported under the G-Post general license provisions previously in effect.

(c) All commodities not contained on the list of commodities set forth in paragraph (b) of this section may be exported pursuant to the general license granted in § 802.7 of this subchapter.

(d) All commodities whether or not contained on the list of commodities set forth in paragraph (b) of this section may be exported pursuant to the general license granted in § 802.10 of this subchapter.

2. Section 802.2 *General License numbers* is hereby amended to read as follows:

§ 802.2 *General License numbers.* (a) A "General License number" is hereby assigned for each country to which any designated commodity may be shipped under a general license. This "General License number" shall consist of the letter "G" followed by the arabic number assigned to the particular country as follows:

Aden	25
Afghanistan	70
Albania	135
Aldabra Is. (Seychelles)	53
Algeria	87
Amirantes Is. (Seychelles)	53
Andaman Islands (India)	43
Andorra	136
Anglo-Egyptian Sudan	60
Angola (Portuguese West Africa)	83
Anguilla (Leeward Islands)	45
Annobon, Corisco and Elobey Islands	45
Antigua (Leeward Is.)	81
Arabia, Saudi	4
Argentina	4
Aruba (Netherlands West Indies)	10

Ascension Is. (St. Helena)	52
Ashanti (British West Africa)	84
Australia	26
Australian Solomon Islands (British New Guinea)	49
Austria	126
Azores Is. (Portuguese Atlantic Is.)	93
Bahamas	27
Bahrein Islands	67
Balearic Islands	82
Baluchistan (India)	43
Barbados	23
Barbuda (Leeward Is.)	45
Basutoland	137
Bay Is. (Honduras)	16
Bechuanaland	138
Belgian Congo	66
Belgium	103
Bermuda	29
Bhutan (India)	43
Bismarck Archipelago (New Guinea)	49
Bissau (Portuguese Guinea)	94
Bolivia	5
Bonaire (Netherlands West Indies)	10
Brazil	6
British Cameroons (British West Africa)	84
British East Africa (including Kenya, Uganda, Nyasaland, Zanzibar, and Tanganyika (mandated territory)	30
British Guiana	31
British Honduras	32
British Malaya	33
British North Borneo.	
Brunei.	
Christmas Islands.	
Cocos (Keeling) Islands.	
Malay States, Federated.	
Malay States, Unfederated.	
Straits Settlements.	
Sarawak.	
British Oceania (see Oceania, British)	54
British Somaliland	111
British South-West Africa	57
British Togoland (British West Africa)	84
British Virgin Islands (Leeward Is.)	45
British West Africa (including Nigeria, British Cameroons (mandated territory), Gambia, Sierra Leone, Gold Coast (including Ashanti and Northern Territory) and British Togoland (mandated territory))	34
Bulgaria	127
Burma	35
Calcos Islands (Jamaica)	44
Cameroon (French)	72
Cameroons (British)	34
Canary Islands (Spanish Atlantic Is.)	97
Cape Verde Islands (Portuguese Atlantic Is.)	93
Caroline Islands	128
Cayman Islands (Jamaica)	44
Ceylon	36
Chad (French Equatorial Africa)	73
Chagos Is. (Mauritius)	46
Chandernagor (French India)	104
Chile	7
China (Free)	65
Clipperton Is. (French Oceania)	71
Columbia	8
Congo (Belgian)	66
Congo (French)	73
Cook Islands (New Zealand)	48
Corsica	102
Costa Rica	9
Cozumel Is. (Mexico)	17
Cuba	3
Curacao (Netherlands West Indies)	10
Cyprus	37
Czechoslovakia	129
Dahomey (French West Africa)	86
Damao (Portuguese India)	83
Denmark (including Faroe Islands)	109
Desirade Is. (French West Indies)	69
Diego Garcia Is. (Mauritius)	46
Diu (Portuguese India)	83
Dominica	58
Dominican Republic	11
Dutch Guiana (Surinam)	22
Easter Is. (Chile)	7
Ecuador	12
Egypt	59
Eire	90
El Salvador	13
England	2
Eritrea	112
Estonia (U. S. S. R.)	76
Ethiopia	113
European neutrals (selected destinations):	
Eire	90
Portugal	83
Portuguese Atlantic Islands (i. e., Principe, Sao Thome, Azores, Madeira, and Cape Verde Islands)	93
Portuguese Guinea (Bissau)	94
Spanish Atlantic Islands (i. e., Santa Cruz, Grand Canary, and Canary Islands)	97
Spanish Morocco	93
Sweden	84
Switzerland	85
Tangier	121
Falkland Islands	39
Farquhar Is. (Seychelles)	53
Fernando Noronha Is. (Brazil)	6
Fernando Po	82
Fiji Islands (Oceania, British)	54
Finland	140
Formosa (China)	65
France	102
French Cameroon	72
French Congo (French Equatorial Africa)	73
French Equatorial Africa	73
French Guiana	68
French Guinea (French West Africa)	86
French India (Chandernagor, Karikal, Mahe, Pondichery, and Yanaon)	104
French Indo-China	105
Annam.	
Cambodia.	
Cochin-China.	
Laos.	
Tonkin.	
French Morocco	87
French North Africa (including French Morocco, Algeria, and Tunisia)	87
French Oceania (all French possessions in the Pacific)	71
French Somaliland	114
French Sudan (French West Africa)	86
French West Africa (including Mauritania, Senegal, French Guinea, Ivory Coast, Togoland, Dahomey, French Sudan, and Niger)	86
French West Indies (including Desirade, Guadeloupe, Les Saintes, Martinique, Marie Galante, St. Martin (northern part), and St. Bartholomew)	69
Friendly Islands (Oceania, British)	54
Gabon (French Equatorial Africa)	73
Galapagos Is. (Ecuador)	12
Gambia (British West Africa)	34
Gambier Is. (French Oceania)	71
Gibraltar	41
Gilbert and Ellice Islands (Oceania, British)	54
Goa (Portuguese India)	83
Gold Coast (British West Africa)	34
Gough Is. (St. Helena)	52
Gozo and Malte	115
Grand Canary (Spanish Atlantic Is.)	97
Great Britain and Northern Ireland	2
Greece	125
Greenland	61
Grenada (Windward Islands)	58
Grenadines (Windward Islands)	58
Guadeloupe (French West Indies)	69
Guatemala	14
Haiti	15
Honduras	16
Honduras, British	32
Hong Kong and Kowloon	42
Hungary	129
Iceland	62
Ifni	98
Inaccessible Is. (St. Helena)	52
India (including Baluchistan, Bhutan, and Nepal)	43
Iran	80
Iraq	74
Ireland (Eire)	90
Ireland, Northern	2
Italian Somaliland	116
Italy (including the Aegean Islands, Elba, Sardinia and Sicily)	120
Ivory Coast (French West Africa)	86
Jamaica	44
Juan Fernandes Is. (Chile)	7
Kamaran Is. (Aden)	25
Karikal (French India)	104
Katar (Qatar)	119
Kenya (British East Africa)	60
Khorya-Morya Is. (Aden)	25
Korea	141
Kuwait	40
Kwangchowen (China)	65
Labrador (that part under Newfoundland authority)	47
Latvia (U. S. S. R.)	76
Lebanon and Syria	78
Leeward Islands (including Antigua, Barbuda, Redonda, St. Christopher (St. Kitts) Island, Nevis Island, Anguilla Island, Montserrat, Sombrero and British Virgin Islands)	45
Les Saintes Is. (French West Indies)	69
Liberia	75
Libya	117
Liechtenstein	142
Lithuania (U. S. S. R.)	76
Loyalty Is. (French Oceania)	71
Luxembourg	107
Madagascar	92
Macao	143
Madeira Islands (Portuguese Atlantic Is.)	93
Mahe (French India)	104
Maldive Islands (Ceylon)	36
Malta and Gozo	113
Manchuria	151
Marie Galante Is. (French West Indies)	69
Marcus Islands	131
Marianas Islands	132
Marquesas Is. (French Oceania)	71
Marshall Islands	133
Martinique (French West Indies)	69
Mauritania (French West Africa)	86
Mauritius (including Rodriguez, Chagos and Diego Garcia Islands)	46
Mexico	17
Middle Congo (French Equatorial Africa)	73
Middle East Destinations:	
Aden and Aden Protectorate (including Kamaran Island, Perim Island, and Sokotra Island)	25
Anglo-Egyptian Sudan	60
British Somaliland	111
Cyprus	37
Egypt	59
Eritrea	112
Ethiopia	113
French Somaliland	114
Iran	80
Iraq	74
Italian Somaliland	116
Khorya-Morya Island	25
Libya (including Cyrenaica and Tripolitania)	117
Palestine	51
Saudi Arabia	81
Syria and the Lebanon	78
Trans-Jordan	51
Yemen	149
Miquelon and St. Pierre	70
Monaco	144
Mongolia, Inner (China)	65
Montserrat (Leeward Is.)	45
Morocco (French)	87
Morocco (Spanish)	93
Mozambique (Portuguese East Africa)	83
Nepal (India)	43
Netherlands, The	108
Netherlands Guiana (Surinam)	22
Netherlands Indies	64
Bali.	
Bangka.	
Billiton.	
Netherlands Borneo.	
Celebes.	
Flores.	
Halmahera.	
Java.	

Netherlands Indies—Continued.
Lombok.
Madoera.
Morotai.
Netherlands New Guinea.
Soemba.
Soembawa.
Sumatra.
Netherlands Timor.
Other Netherlands Islands in Malaysia.
Netherlands West Indies (Aruba, Bonaire, Curacao, Saba, St. Eustache, and St. Martin (southern part) 10
Nevis Island (Leeward Is.) 45
New Caledonia Is. (French Oceania) 71
Newfoundland (including that part of Labrador under Newfoundland authority) 47
New Guinea (British) (comprising Papua or British New Guinea, Territory of New Guinea (mandated territory), Bismarck Archipelago, and Australian Solomon Islands) 49
New Hebrides 122
New Zealand (including Cook Islands) 43
Nicobar Islands (India) 43
Nicaragua 18
Niger (French West Africa) 86
Nigeria (British West Africa) 34
Nightingale Is. (St. Helena) 52
Norfolk Island 49
Northern Ireland (United Kingdom) 2
Northern Rhodesia 50
Norway 110
Nyasaland (British East Africa) 30
Oceania, British (including British Solomon Islands, Fiji Islands, Gilbert and Ellice Islands, Pitcairn Island, Tonga or Friendly Islands, Santa Cruz Islands) 54
Oceania, French (all French possessions in the Pacific) 71
Oman (sultanate of) 146
Palestine and Trans-Jordan 51
Panama 19
Papua (British New Guinea) 49
Paraguay 20
Perim Is. (Aden) 25
Peru 21
Philippine Islands 63
Pitcairn Island (Oceania, British) 54
Poland 147
Pondichery (French India) 104
Portugal 83
Portuguese Atlantic Islands 93
Portuguese East Africa (Mozambique) 83
Portuguese Guinea 94
Portuguese India (Damao, Diu, and Goa) 83
Portuguese Timor 148
Portuguese West Africa (Angola) 83
Principe Is. (Portuguese Atlantic Islands) 93
Qatar (Katar) 118
Raiatea Is. (French Oceania) 71
Rapa Is. (French Oceania) 71
Redonda Is. (Leeward Is.) 45
Reunion 95
Revilla Is. (Mexico) 17
Rio de Oro 82
Rio Muni (Spanish Guinea) 82
Rodriguez Is. (Mauritius) 46
Rumania 134
Saba (Netherlands West Indies) 10
St. Bartholomew Is. (French West Indies) 69
St. Christopher (St. Kitts) Island (Leeward Is.) 45
St. Eustache (Netherlands West Indies) 10
St. Helena (including Ascension, Gough, Inaccessible, Nightingale, and Tristan da Cunha Islands) 52
St. Kitts (Leeward Is.) 45
St. Lucia (Windward Is.) 58
St. Martin (southern part) (Netherlands West Indies) 10
St. Martin (northern part) (French West Indies) 69
St. Paul Is. (Brazil) 6
St. Pierre and Miquelon 70
St. Vincent (Windward Is.) 58
Sala-y-Gomez Is. (Chile) 7
Samoa, Western (mandated territory) (New Zealand) 123
San Ambrosio Is. (Chile) 7
San Felix Is. (Chile) 7
San Marino 149
Sandwich Is. (Falkland Is.) 39
Santa Cruz Is. (Spanish Atlantic Is.) 97
Santa Cruz Is. (Oceania, British) 54
Sao Thome Is. (Portuguese Atlantic Is.) 93
Saudi Arabia 81
Scotland 2
Senegal (French West Africa) 86
Seychelles and Dependencies 53
Sierra Leone (British West Africa) 34
Sinkiang (Chinese Turkestan) 150
Society Is. (French Oceania) 71
Sokotra Is. (Aden) 25
Solomon Islands (British Oceania) 54
Solomon Islands, Australian (British New Guinea) 49
Sombrero Is. (Leeward Is.) 45
South Georgia (Falkland Is.) 39
South Orkney Is. (Falkland Is.) 39
South Shetland Is. (Falkland Is.) 39
Southern Rhodesia 55
South-West Africa (Union of South Africa) 57
Spain and possessions 82
Spanish Atlantic Islands 97
Spanish Guinea (Rio Muni) 82
Spanish Morocco 98
Sudan, Anglo-Egyptian 60
Sudan, French (French West Africa) 86
Surinam 22
Swaziland 151
Sweden and possessions 84
Switzerland 85
Syria and Lebanon 78
Tahiti (French Oceania) 71
Tanganyika (British East Africa) 30
Tangier 121
Tasmania (Australia) 26
Tobago and Trinidad 56
Thailand (Siam) 106
Tibet 152
Togoland (mandate) (British West Africa) 34
Togoland (mandate) (French West Africa) 86
Tonga Islands (Oceania, British) 54
Tortue Is. (Haiti) 15
Trans-Jordan and Palestine 51
Trinidad and Tobago 56
Trinidad Is. (in South Atlantic) (Brazil) 6
Tristan da Cunha Islands (St. Helena) 52
Trucial Oman (Trucial Coast) 119
Tuamotu (French Oceania) 71
Tubuai (French Oceania) 71
Tunisia (French North Africa) 87
Turkey 99
Turks Islands (Jamaica) 44
U. S. S. R. 76
Ubangi Shari (French Equatorial Africa) 73
Uganda (British East Africa) 30
Union of South Africa 57
Union of Soviet Socialist Republics 76
United Kingdom (Great Britain and Northern Ireland) 2
Uruguay 23
Vatican City 124
Venezuela 24
Wales 2
Wallis Archipelago (French Oceania) 71
Western Samoa (New Zealand mandated territory) 123
Windward Islands (including Grenada, Grenadines, Dominica, St. Lucia, and St. Vincent) 58
Yanaon (French India) 104
Yemen (Saudi Arabia) 120
Yugoslavia 153
Zanzibar (British E. Africa) 30

(b) No exportation may be made pursuant to any general license granted in this part unless prior to said exportation, whenever required by the Regulations for the Collection of Statistics of Foreign Commerce and Navigation of the United States, a Shipper's Export Declaration has been filed with the United States Collector of Customs at the port of exit or with the United States Postmaster at the place of mailing; or, unless, whenever the filing of such Shipper's Export Declaration is not required, an oral export declaration describing the commodity or commodities to be exported is made to the United States Collector of Customs at the port of exit, by the exporter when he carries the same out of the country.

(c) A person exporting any commodity pursuant to any general license granted in this part shall state on the Shipper's Export Declaration the name of the person to whom such commodity is ultimately consigned, and the designation or symbol of the general license authorizing said exportation. Whenever such exportations are forwarded by mail the designation or symbol of the general license authorizing the same shall be written in ink on the address side of the wrapper of the parcel.

3. Section 802.3 *General license country groups* is hereby amended to read as follows:

§ 802.3 *General license country groups.* (a) The following general license country groups are hereby designated:

GROUP K

	Country No.
Afghanistan	79
Albania	135
Aldabra Is. (Seychelles)	53
Amirantes Is. (Seychelles)	53
Andaman Islands (India)	43
Andorra	136
Anguilla (Leeward Islands)	45
Antigua (Leeward Islands)	45
Aruba (Netherlands West Indies)	10
Ascension Is. (St. Helena)	52
Ashanti (British West Africa)	34
Australia	26
Australian Solomon Islands (British New Guinea)	49
Bahama Islands (British West Indies)	27
Bahrein Islands	67
Baluchistan (India)	43
Barbados (British West Indies)	28
Barbuda (Leeward Is.)	45
Basutoland	137
Bay Is. (Honduras)	16
Bechuanaland	138
Belgian Congo	66
Belgium	103
Bermuda	29
Bhutan (India)	43
Bismarck Archipelago	49
Bolivia	5
Bonaire (Netherlands West Indies)	10
Brazil	6
British Cameroons (British West Africa)	34
British East Africa (including Kenya, Uganda, Nyssaland, Zanzibar, and Tanganyika (mandated territory)	30
British Guiana	31
British Honduras	32
British Malaya	33
British North Borneo.	
Brunei.	
Christmas Islands.	
Cocos (Kealing) Islands.	
Malay States, Federated.	
Malay States, Unfederated.	
Straits Settlements.	
Sarawak.	
British Ocean (See Oceania, British)	54
British Togoland (British West Africa)	34
British Virgin Islands (Leeward Islands)	45

British West Africa (including Nigeria, British Cameroons (mandated territory), Gambia, Sierra Leone, Gold Coast, (including Ashanti and Northern Territory, and British Togoland) (Mandated territory) 34
Burma 35
Caicos Islands (Jamaica) 44
Cayman Islands Jamaica) 44
Ceylon (including Maldive Islands) 36
Chagos Is. (Mauritius) 46
Chile 7
China (Free) 65
Clipperton Is. (French Oceania) 71
Colombia 8
Congo (Belgian) 66
Cook Islands (New Zealand) 48
Corsica 102
Costa Rica 9
Cozumel Is. (Mexico) 17
Cuba 3
Curacao (Netherlands West Indies) 10
Czechoslovakia 139
Desirade (French West Indies) 69
Diego Garcia Is. (Mauritius) 46
Denmark (including Faroe Islands) 109
Dominica (Windward Islands) 58
Dominican Republic 11
Dutch Guiana (Surinam) 22
Easter Is. (Chile) 7
Ecuador 12
El Salvador 13
England 2
Estonia (U. S. S. R.) 76
European Neutrals (selected destinations):
Eire 90
Portugal 83
Portuguese Atlantic Islands (i. e. Principe, Sao Thome, Azores, Madeira, and Cape Verde Islands) 93
Portuguese Guinea (Bissau) 94
Spanish Atlantic Islands (i. e., Santa Cruz, Grand Canary, and Canary Islands) 97
Spanish Morocco 98
Sweden 84
Switzerland 85
Tangier 121
Falkland Islands (including South Georgia, South Orkney, Sandwich, South Shetland Islands) 39
Farquhar Is. (Seychelles) 53
Fernando Noronha Is. (Brazil) 6
Fiji Islands (Oceania, British) 54
Finland 140
Formosa (China) 65
France 102
French Cameroons 72
French Equatorial Africa (including Chad, Gabon, Middle Congo, and Ubangi Shari) 73
French Guiana 68
French India (including Pondichery, Karikal, Chandernagor, Mahe and Yanaon) 104
French Indo China 105
Annam.
Cambodia.
Cochin-China.
Laos.
Tonkin.
French North Africa (including French Morocco, Algeria, and Tunisia) 87
French Oceania (all French possessions in the Pacific) 71
French West Africa (including Mauritania, Senegal, French Guinea, Ivory Coast, Togoland, Dahomey, French Sudan and Niger) 86
French West Indies (including Desirade, Les Saintes, Martinique, Marie Galante, St. Martin (northern part), St. Bartholomew and Guadeloupe) 69
Galapagos Is. (Ecuador) 12
Gambia (British West Africa) 34
Gibraltar Is. (French Oceania) 71
Gibraltar 41
Gilbert & Ellice Islands (Oceania, British) 54

Gold Coast, including Ashanti and Togoland under British Mandate (British West Africa) 34
Gouch Is. (St. Helena) 52
Gozo 115
Great Britain and Northern Ireland 2
Greece 125
Greenland 61
Grenadines (Windward Islands) 58
Grenada (Windward Islands) 58
Guadeloupe (French West Indies) 69
Guatemala 14
Haiti 15
Honduras 16
Hong Kong and Kowloon 42
Iceland 62
Inaccessible Is. (St. Helena) 52
India (including Baluchistan, Bhutan, and Nepal 43
Jamaica (including Caicos, Cayman and Turks Islands) 44
Juan Fernandez Is. (Chile) 7
Katar 118
Kenya (British East Africa) 30
Kuwait 40
Kwangchowan (China) 65
Labrador (that part under Newfoundland authority) 47
Latvia (U. S. S. R.) 76
Leeward Islands (including Antigua, Barbuda, Redonda, St. Christopher (St. Kitts) Island, Nevis Island, Anguilla Island, Montserrat, Sombrero, and British Virgin Islands) 45
Les Saintes (French West Indies) 69
Liberia 75
Liechtenstein 142
Lithuania (U. S. S. R.) 76
Loyalty Is. (French Oceania) 71
Luxembourg 107
Macao 143
Madagascar 92
Maldive Islands (Ceylon) 36
Malta and Gozo 115
Manchuria 154
Marie Galante (French West Indies) 69
Marquesas Is. (French Oceania) 71
Martinique (French West Indies) 69
Mauritius (including Chagos, Rodriguez Is., and Diego Garcia Is.) 46
Mexico 17
Middle East destinations:
Aden and Aden Protectorate (including Kamaran Island, Perim Island and Sokotra Island) 25
Anglo-Egyptian Sudan 60
British Somaliland 111
Cyprus 37
Egypt 59
Eritrea 112
Ethiopia 113
French Somaliland 114
Iran 80
Iraq 74
Italian Somaliland 116
Khorya-Morya Island (Aden) 25
Libya (including Cyrenaica and Tripolitania) 117
Palestine 51
Saudi Arabia 81
Syria and Lebanon 78
Trans-Jordan 51
Yemen 120
Miquelon and St. Pierre 70
Monaco 144
Mongolia, Inner (China) 65
Montserrat (Leeward Is.) 45
Nepal (India) 43
The Netherlands 108
Netherlands Guiana (Surinam) 22
Netherlands Indies 64
Bali.
Bangka.
Billiton.
Netherlands Borneo.
Celebes.
Flores.
Halmahera.
Java.
Lombok.
Madoera.
Morotai.
Netherlands New Guinea
Soemba.
Soembawa.
Sumatra.
Netherlands Timor.
Other Netherlands Islands in Malaysia.
Netherlands West Indies (Aruba, Bonaire, Curacao, Saba, St. Eustache, and St. Martin (southern part) 10
Nevis Island (Leeward Is.) 45
New Caledonia Is. (French Oceania) 71
Newfoundland (including that part of Laborador under New Foundland authority) 47
New Guinea (British) (comprising Papua, or British New Guinea, and Territory of New Guinea (mandated territory), Bismarck Archipelago, and Australian Solomon Islands) 49
New Hebrides (British and French Condominium) 122
New Zealand (including Cook Islands) 48
Nicaragua 18
Nicobar Islands (India) 43
Nigeria (British West Africa) 34
Nightingale Is. (St. Helena) 52
Norfolk Island 49
Northern Ireland (United Kingdom) 2
Northern Rhodesia 50
Norway 110
Nyasaland (British East Africa) 30
Oceania, British (including British Solomon Islands, Fiji Islands, Gilbert and Ellice Islands, Pitcairn Island, Tonga or Friendly Islands, Santa Cruz Islands) 54
Oman (sultanate of) 146
Panama 19
Papua (British New Guinea) 49
Paraguay 20
Peru 21
Philippine Islands 63
Pitcairn Island (Oceania, British) 54
Poland 147
Portuguese East Africa (Mozambique) 83
Portuguese India (Damao, Diu, Goa) 83
Portuguese Timor 148
Portuguese West Africa (Angola) 83
Qatar (Katar) 118
Raiatea Is. (French Oceania) 71
Rapa Is. (French Oceania) 71
Redonda Is. (Leeward Is.) 45
Reunion 95
Revilla Is. (Mexico) 17
Rio De Oro 82
Rio Muni (Spanish Guinea) 82
Rodriguez Is. (Mauritius) 46
Saba (Netherlands West Indies) 10
St. Bartholomew (French West Indies) 69
St. Christopher (St. Kitts) Is. (Leeward Is.) 45
St. Eustache (Netherlands West Indies) 10
St. Helena (including Ascension, Gough, Inaccessible, Nightingale, and Tristan da Cunha Islands) 52
St. Kitts (Leeward Is.) 45
St. Lucia (Windward Is.) 58
St. Martin (southern part) (Netherlands West Indies) 10
St. Martin (northern part) (French West Indies) 69
St. Paul Is. (Brazil) 6
St. Pierre and Miquelon 70
St. Vincent (Windward Is.) 58
Sala-y-Gomez Is. (Chile) 7
Samoa, Western (Mandated Territory, New Zealand) 123
San Ambrosio Is. (Chile) 7
San Felix Is. (Chile) 7
San Marino 149
Sandwich Is. (Falkland Is.) 39
Santa Cruz Is. (Oceania, British) 54
Scotland 2
Seychelles and dependencies 53
Sierra Leone (British West Africa) 34
Sinkiang (Chinese Turkestan) 150
Society Is. (French Oceania) 71

Solomon Islands (British Oceania)	54
Solomon Islands, Australia (British New Guinea)	49
Sombrero Is. (Leeward Is.)	43
South Georgia (Falkland Is.)	39
South Orkney Is. (Falkland Is.)	39
South Shetland Is. (Falkland Is.)	39
Southern Rhodesia	55
South-West Africa	57
Surinam	23
Swaziland	151
Tahiti (French Oceania)	71
Tanganyika (British East Africa)	30
Tasmania (Australia)	26
Thailand (Siam)	106
Tibet	152
Tobago and Trinidad (British West Indies)	56
Togoland under British mandate (British West Africa)	34
Tonga Islands (Oceania, British)	54
Tortue Is. (Haiti)	15
Trinidad and Tobago (British West Indies)	56
Trinidad Is. (in South Atlantic) (Brazil)	6
Tristan da Cunha Islands (St. Helena)	52
Trucial Oman	119
Tuamotu (French Oceania)	71
Tubuai (French Oceania)	71
Turkey	99
Turks Islands (Jamaica)	44
U. S. S. R.	76
Uganda (British East Africa)	30
Union of South Africa	57
United Kingdom (Great Britain and Northern Ireland)	2
Uruguay	23
Vatican City	124
Venezuela	24
Wales	2
Wallis Archipelago (French Oceania)	71
Western Samoa (mandated territory, New Zealand)	123
Windward Islands (including Grenada, Grenadines, Dominica, St. Lucia, and St. Vincent)	58
Yugoslavia	153
Zanzibar (British East Africa)	30

GROUP E

Argentina	4
Austria	126
Bulgaria	127
Caroline Islands	128
Hungary	129
Italy (includin the Aegean Islands, Elba, Sardinia and Sicily)	130
Korea	141
Marcus Islands	131
Marianas Islands	132
Marshall Islands	133
Rumania	134
Spain (including Fernando Po and Balearic Islands)	62

(b) When a commodity is exportable under general license to a particular "Country Group" it may, subject to the provisions of this subchapter, be exported to any country in that group.

4. Section 802.7 is amended to read as follows:

§ 802.7 *Country group general license.* (a) A general license is hereby granted, subject to the other provisions of this section, authorizing the exportation of all commodities, except those commodities listed in § 801.2 (b) of this subchapter to destinations in country group K as designated in § 802.3 (a).

(b) The general license designation for this general license shall consist of the letter "G" followed by the arabic number assigned to the particular destination in § 802.2.

(b) If reference is made to a footnote in the list of commodities set forth in § 801.2 (b) of this subchapter which modifies or alters the general license granted in this section the provisions specified in such footnote shall govern notwithstanding any other provision.

5. Section 802.10 *Shipments of limited value* is hereby amended to read as follows:

§ 802.10 *Shipments of limited value "GLV"*—(a) *Definitions.* When used in this section:

(1) "Net value" shall mean the actual selling price less shipping charges or the domestic market price at the time and place of shipment whichever is the larger.

(2) "Domestic market price" shall mean the Office of Price Administration ceiling price which may be charged to the same type of purchaser in the United States or, where no ceiling price has been established, the current market price.

(3) "Single shipment" shall mean all commodities classified under a single Department of Commerce Schedule B number which move at the same time from one exporter to one importer on the same exporting carrier.

(b) A general license designated "GLV" is hereby granted, subject to the special provisions for Mexico specified in paragraph (d) of this section, authorizing:

(1) The exportation of all commodities except those listed in § 801.2 (b) to destinations in country Group E as set forth in § 802.3 (a), where the net value of each commodity included in a single shipment does not exceed the value of $25.00.

(2) The exportation of commodities listed in § 801.2 (b) of this subchapter to destinations in country groups K and E, as set forth in § 802.3 (a), where the net value of each commodity included in a single shipment does not exceed the value limit for such commodity and destination established under the column headed "GLV Dollar Value Limits" in § 801.2 (b) of this subchapter. Where an asterisk (*) precedes a value limit for any commodity listed in § 801.2 (b), all forms, conversions and derivatives of such commodity even though not covered by the Schedule B number listed are subject to the value limit specified. If reference is made to a footnote, the limitations specified in such footnote shall govern notwithstanding any other provisions.

(c) *Use of other general licenses not restricted.* The provisions of this section shall not be construed as limiting the use of any other general license specifically authorized.

(d) *Special provisions for Mexico.* (1) Exportations to Mexico under the provisions of general license "GLV" are permitted only when such shipments are made in conformity with one of the following two conditions:

(i) The shipment is a "single shipment" as defined in paragraph (a) of this section, provided that such shipment is transported by a common carrier or is a mail shipment; or

(ii) If the shipment is not a mail shipment or is transported otherwise than by a common carrier not more than one such shipment may be made by or on behalf of the same exporter to or for the account of the same ultimate consignee during the same calendar week.

(2) Any person making an exportation to Mexico under this general license which is not a mail shipment and which is to be transported otherwise than by common carrier shall enter on his Shipper's Export Declaration covering such shipment a certification in the following form:

The undersigned certifies to the Foreign Economic Administration that the merchandise above described is the only shipment of the commodity(ies) classified under the Schedule B number(s) set forth herein to be exported under the provisions of general license "GLV" by the undersigned exporter to the consignee named herein during the current calendar week.

Signed

(3) Collectors of Customs are authorized to limit or prevent altogether the exportation of any commodity to Mexico under this general license whenever they shall have cause to suspect that such exportation is being made for the purpose or with the intent or evading any of the regulations of the Foreign Economic Administration.

(4) In any case where the Collector of Customs determines that the limitations in subdivision (ii) of subparagraph (1) of this paragraph would create an unnecessary hardship or that an emergency exists in a particular case, he is authorized to permit more than one such shipment in a calendar week under this general license: *Provided*, That the value of each such shipment does not exceed the value limitation provided for the commodities included in such shipment under this general license.

(5) Notwithstanding the value limits specified in the Schedule of Commodities set forth in § 801.2 (b) of this subchapter under the column headed "GLV Dollar Value Limits" the following textile commodities may be exported under general license "GLV" to Mexico where, in a single shipment, the net value of all articles or commodities classified under a single Schedule B number listed in Group I does not exceed $50.00: *Provided*, That such shipments are made in conformity with the special provisions for Mexico, set forth in this paragraph (d) and also that no exportation of such commodities may be made under this general license unless such commodities are intended for the direct use of the consignee or members of his immediate family and are not being exported for the purpose of resale.

LIST OF COMMODITIES

GROUP I: WOOL (DOLLAR VALUE LIMITATION—$50)

Schedule B Number	*Commodity description*
368005	Men's overcoats, suits and pants.
368098	Boys' overcoats, suits and pants.
368200	Women's and children's dresses and ensembles, except knit.
368300	Women's and children's apparel, except knit, n. e. s.
368950	Men's and boys' apparel, except knit, n. e. s.

6. Section 802.25 *General license "G Post"* is hereby revoked.

7. Section 804.1 *General provisions* is hereby amended in the following particulars:

Paragraph (a) is amended to read as follows:

(a) The commodities enumerated in § 801.2 (b) of this subchapter may not be exported to destinations other than Canada (including that part of Labrador under Canadian authority) except pursuant to individual licenses issued by the Foreign Economic Administration, unless exportation is authorized by general, unlimited, or other form of license issued by the Foreign Economic Administration. No exportation of any commodity may be made to any destination in Country Group E as set forth in § 802.3 (a) unless an individual license therefor has been granted by the Foreign Economic Administration except that (1) a commodity contained on the list of commodities in § 801.2 (b) may be exported to any destination in Country Group E where, in a single shipment, the net value thereof does not exceed the value limit specified for such commodity and destination in § 801.2 (b) of this subchapter under the column headed "GLV Dollar Value Limits" in the list of commodities for GLV shipments to E countries and (2) a commodity not contained in the list of commodities set forth in § 801.2 (b) may be exported to any destination in Country Group E where the net value of the commodity contained in a single shipment does not exceed $25.

8. Section 804.7 is hereby amended to read as follows:

§ 804.7 *Special provisions concerning applications to export certain commodities*—(a) *Chemicals and medicinals.* All applications for license to export chemicals, medicinals, and pharmaceuticals shall state such facts relating to grade, form, concentration, mixtures, or ingredients as may be necessary to identify the commodity accurately, and must state fully how the shipment will be packed. Applications covering the following commodities, in any form, conversion or derivative, or contained in any preparation, must state the net quantity of such commodity, or its equivalent in appropriate units, as follows:

Commodity:	*Units*
Quinine	Grams, ounces, or pounds equivalent of quinine sulphate.
Caffein, Emetine.	Grams, ounces, or pounds of each drug.

(b) *Containers.* (1) Containers, other than those made of metal, require no license when exported filled.

(2) With the exception of new gas cylinders, all metal containers, regardless of capacity, when filled with commodities the exportation of which has been authorized under a license issued by the Foreign Economic Administration or the Department of State, may be exported under the general license set forth in § 802.14 of this subchapter.

(3) All drums, gas cylinders and other metal containers, when exported empty, require an individual license for export unless such exportation is made pursuant to the provisions of paragraph (c) of § 802.26 of this subchapter.

(c) *Cotton remnants.* (1) The remnants and mill ends classified under Schedule B No. 308950 include only cotton remnants and mill ends sold by the pound and which (i) are less than ten (10) yards in length and (ii) have been unavoidably created in the normal course of manufacturing or processing.

(2) Cotton remnants or mill ends which have been sewn together into pieces longer than ten (10) yards may not be classified as remnants under Schedule B No. 308950 but should be classified under the appropriate Schedule B number for cotton piece goods or fabrics.

(3) The exportation of cotton remnants and mill ends classified under Schedule B No. 308950 in any export license heretofore or hereafter issued is hereby prohibited unless the merchandise presented for export conforms to the foregoing provisions of this paragraph.

(d) *Metals.* (1) All applications for licenses to export any ferrous or nonferrous commodities (except all ores, concentrates, smelter and refinery residues and unrefined products covered by paragraph (e) of this section) listed under iron, iron and steel, ferro-alloys and non-ferrous metals in the schedules set forth in § 801.2 (b) of this subchapter, except chemicals and refractories, if containing any of the elements listed below, must include a statement of weights in pounds, if amounting to ten or more pounds, of each such element:

Lead	Tin
Antimony	Uranium

(e) *Ores, concentrates, etc.* (1) All applications for licenses to export ores, concentrates, smelter and refinery residues or unrefined products (listed in the schedule set forth in § 801.2 (b) of this subchapter under the headings iron, iron and steel, ferro-alloys, and non-ferrous metals, except chemicals and refractories) containing any of the elements listed below, must include a statement of the weight in pounds, if amounting to ten or more pounds, of each such element:

Lead	Tin
Antimony	Uranium

(f) *Petroleum.* All applications for licenses to export crude oil must contain a statement of the A. P. I. gravity of all such oil.

(g) *Parts or sub-assemblies of machinery or vehicles.* All applications for licenses to export parts or sub-assemblies of machinery or vehicles shall contain a statement as to whether the tires, casings or tubes are new or used. Applications need not include a statement of the crude rubber content of such tires, casings, or tubes.

If any spare tire, casing, or tube is to be mounted on, or otherwise included as part of the shipment of, a vehicle when exported, the application must include a statement showing the urgent necessity for such spare tire, casing or tube.

(h) *Commodities bearing certain trademarks or trade names.* Each application for an individual license to export any commodity bearing the name of any person on the Proclaimed List or bearing a trademark, trade name, brand, label or other mark which indicates that such commodity was manufactured or processed in any country with which the United States is at war or by any person whose name appears on the Proclaimed List must be acompanied by the following additional data:

(1) A statement showing that rejection of the application would work an undue hardship.

(2) A description of the trademark, trade name, brand, label or other mark appearing on the commodity sought to be exported.

(3) A statement of the country of manufacture or processing, the name of the manufacturer or processor, and the approximate date of such manufacture or processing.

(4) A statement of the transaction by which the applicant acquired an interest in the commodity for which an export license is requested.

(i) *Penicillin.* All applications for licenses to export penicillin, Schedule B No. 813598, must state the total quantity for which application is made in terms of Oxford units. Applications filed by a person who is not a producer of penicillin must be accompanied by a copy of a definite commitment from a supplier in which such supplier agrees to furnish the penicillin covered by the application if an export license is granted. If such a commitment cannot be obtained, the application must be accompanied by a statement setting forth fully the efforts made to secure such a commitment from a supplier.

9. Section 804.8 *Additional information* is hereby amended to read as follows:

§ 804.8 *Additional information.* Every person applying for an individual license to export any of the commodities listed in § 801.2 (b) of this subchapter, shall, in addition to the information called for in this part or in the form on which the application is made, furnish such information with respect to such application as may be required by the Foreign Economic Administration, subject to the approval of the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

(Sec. 6, 54 Stat. 714; Pub. Law 75, 77th Cong.; Pub. Law 638, 47th Cong.; Pub. Law 397, 78th Cong.; Pub. Law 99, 79th Cong.; E.O. 8900, 6 F.R. 4795; E.O. 9361, 8 F.R. 9861; Order 1, 8 F.R. 9938; E.O. 9380, 8 F.R. 13081; Del. of Auth. No. 20, 8 F.R. 16325; Del. of Auth. No. 21, 8 F.R. 16320)

Dated: September 11, 1945.

WALTER FREEDMAN,
Director,
Requirements and Supply Branch,
Bureau of Supplies.

[F. R. Doc. 45-17001; Filed, Sept. 11, 1945; 5:09 p. m.]

Chapter IX—War Production Board

AUTHORITY: Regulations in this chapter unless otherwise noted at the end of documents affected, issued under sec. 2 (a), 54 Stat. 676, as amended by 55 Stat. 236, 56 Stat. 177, 58 Stat. 827; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; E.O. 9599, 10 F.R. 10155; W.P.B. Reg. 1 as amended Dec. 31, 1943, 9 F.R. 64.

PART 1010—SUSPENSION ORDERS

[Suspension Order S-831, Reinstatement and Amdt.]

RUBY LIGHTING CORP.

Ruby Lighting Corporation, 1216 South Olive Street, Los Angeles, California, was suspended on June 30, 1945 for unlawfully delivering new fluorescent lighting fixtures and using metal in the production of fluorescent lighting fixtures. It appealed from the provisions of the suspension order and, pending determination of the appeal, the suspension order was stayed by the Chief Compliance Commissioner on June 30, 1945. The appeal has been considered by Deputy Chief Compliance Commissioner Bok who has dismissed the appeal and directed that the stay be terminated and the suspension order reinstated.

In view of the foregoing, it is hereby ordered, that § 1010.831, *Suspension Order No. S-831*, issued June 23, 1945, be and hereby is reinstated effective September 16, 1945; the stay of execution directed by the Chief Compliance Commissioner on June 30, 1945 be and hereby is revoked effective September 15, 1945; and that the suspension order be amended by substituting for the present paragraph (a) the following paragraph (a):

(a) Ruby Lighting Corporation shall not, for a period of forty-five (45) days from the effective date of this order, apply or extend any preference ratings with respect to the receipt or use of materials entering into the manufacture and assembly of fluorescent lighting fixtures regardless of the delivery date named in any purchase order to which such ratings may be applied or extended.

Issued this 5th day of September 1945.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 45-17194; Filed, Sept. 14, 1945; 11:15 a. m.]

Chapter XI—Office of Price Administration

PART 1364—FRESH, CURED AND CANNED MEAT AND FISH PRODUCTS

[RMPR 169, Amdt. 58]

BEEF AND VEAL CARCASSES AND WHOLESALE CUTS

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.

Revised Maximum Price Regulation No. 169 is amended in the following respects:

1. Section 1364.405 (f) is hereby revoked, except that any order issued prior to September 13, 1945, pursuant to the provisions of said paragraph (f) shall remain in full force and effect until terminated by the date specified in the order, but in any event not later than October 15, 1945.

2. Paragraphs (g) and (h) of § 1364.405 are hereby redesignated paragraphs (f) and (g) respectively.

3. Redesignated paragraph (g) of § 1364.405 is amended by substituting the paragraph reference "(g)" for "(h)" wherever appearing therein.

4. Section 1364.415 (b) is amended to read as follows:

(b) Any selling establishment which has established a quota pursuant to paragraph (a) of this § 1364.415 may, subject to the conditions hereinafter set forth, redetermine its quota for sales to purveyors of meals for each three month quota period, on the basis of its sales to purveyors of meals during the corresponding three month quota period of 1942: *Provided*, That such selling establishment shall fix its quotas for each three month quota period thereafter, other than the period beginning December 1, by reference to sales made by it during the corresponding three month period of 1942. For the three month quota period beginning December 1, such selling establishment shall determine its quota on the basis of its sales to purveyors of meals during the three month period beginning December 1, 1941. Any selling establishment which elects to fix its quotas for sales to purveyors of meals pursuant to the alternative method stated herein, shall exercise such election by the filing of the reports required under § 1364.407 (d) (2) (iii) for each three month period beginning December 1, 1941, and ending November 30, 1942. Such reports shall be filed prior to the beginning of the three month quota period in which the alternative quota is to be used, except that after December 1, 1945, no selling establishment may elect the alternative quota and any selling establishment which has failed to file the alternative quota reports as required herein shall remain subject to the quota computed by reference to sales made from September 15, 1942, through December 15, 1942.

5. Section 1364.533, Appendix H, is hereby revoked.

This amendment shall become effective September 13, 1945.

NOTE: The reporting provisions of this amendment have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 13th day of September 1945.

CHESTER BOWLES,
Administrator.

Approved: September 10, 1945.

J. B. HUTSON,
Acting Secretary of Agriculture.

[F. R. Doc. 45-17173; Filed, Sept. 13, 1945; 3:59 p. m.]

PART 1305—ADMINISTRATION

[Supp. Order 122, Correction]

RESALES OF CERTAIN COMMODITIES SOLD BY GOVERNMENT AGENCIES

Supplementary order 122, is corrected in the following respects:

1. Appendix A (2. Building materials): Column headed Retailer, under Levels of sale, for Regulation No. 546, Used and reconditioned plumbing and heating equipment, is corrected by the addition of an X.

2. Appendix A. (2. Leather and fiber products): The short title for Regulation No. 9, Bull hides at retail, § 1341.11 (s) is corrected to read as follows:

Bull hides at retail, § 1314.11 (f)

This correction shall become effective as of September 10, 1945.

Issued this 14th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-17221; Filed, Sept. 14, 1945; 11:55 a. m.]

PART 1305—ADMINISTRATION

[Supp. Order 132, Amdt. 1]

EXEMPTION AND SUSPENSION FROM PRICE CONTROL OF CERTAIN FOODS, GRAINS AND CEREALS, FEEDS, TOBACCO AND TOBACCO PRODUCTS, AGRICULTURAL CHEMICALS, INSECTICIDES AND BEVERAGES

A statement of the considerations involved in the issuance of this amendment has been issued and filed with the Division of the Federal Register.

Supplementary Order No. 132 is amended in the following respect:

Section 2 is added to read as follows:

SEC. 2. *Commodities suspended from price control.* Notwithstanding the provisions of any regulation heretofore or hereafter issued by the Office of Price Administration, price control is suspended as to all purchases, sales and deliveries by any person of the following listed commodities for the period specified (where a termination date is named, price controls will automatically be reinstated under the applicable price regulation or regulations on the termination date; where no termination date is specified, suspension from price control is indefinite):

	From—	Termination date
(a) Foods listed under the following categories (unless otherwise stated, the list covers only domestic commodities):		
(1) Fruits and vegetables, fresh and processed category, as follows: White flesh table stock potatoes (domestic and imported), except certified and war approved seed potatoes as defined in Revised Maximum Price Regulation No. 402	Sept. 14, 1945	Oct. 29, 1945

This amendment shall become effective at 12:01 a. m., September 14, 1945.

Issued this 13th day of September 1945.

CHESTER BOWLES,
Administrator.

Approved: September 11, 1945.

J. B. HUTSON,
Acting Secretary of Agriculture.

[F. R. Doc. 45-17178; Filed, Sept. 13, 1945; 3:59 p. m.]

PART 1305—ADMINISTRATION

[Supp. Order 133, Correction]

INDIVIDUAL COMPANY ADJUSTMENT PROVISION FOR MANUFACTURERS OF CERTAIN PRODUCTS

The title of RMPR 287 in Appendix A is corrected to read, "Manufacturers' Prices for Women's, Girls', Children's and Toddlers' Outerwear Garments."

This correction shall become effective on the 15th day of September 1945.

Issued this 14th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-17222; Filed, Sept. 14, 1945; 11:55 a. m.]

PART 1351—FOOD AND FOOD PRODUCTS

[FPR 2, Amdt. 2 to Rev. Supp. 2]

OATS

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.

Revised Supplement No. 2 to Food Products Regulation No. 2 is amended in the following respects:

1. Section 5 (b) (2) is hereby deleted.

2. The first paragraph of section 12 is amended to read as follows:

SEC. 12. *Limitations on total markups and service charges of country shippers, merchandisers, commission merchants and brokers which may be included in a maximum price.* Except for the markups provided in section 10 (c) (4) and section 10 (e) and the elevation charges provided in section 13 (b) of this supplement, the total of all markups and service charges provided for country shippers, merchandisers, commission merchants or brokers under the provisions of this supplement or under the provisions of Food Products Regulation No. 2 are subject to the limitations set forth below.

3. The subparagraph entitled "Premiums for special oats" in paragraph (a) of Table I of Appendix A is amended to read as follows:

Premium for recleaned oats. Oats which have been processed by cleaning and separation and containing less than 1 per cent of foreign matter may be sold at a premium of 2 cents per bushel over the maximum price for the grade and quality of the oats to delivered as computed elsewhere in this supplement.

This amendment shall become effective September 19, 1945.

Issued this 14th day of September 1945.

CHESTER BOWLES,
Administrator.

Approved: September 6, 1945.

J. B. HUTSON,
Acting Secretary of Agriculture.

[F. R. Doc. 45-17214; Filed, Sept. 14, 1945; 11:56 a. m.]

PART 1351—FOOD AND FOOD PRODUCTS

[RMPR 289,[1] Amdt. 33]

DAIRY PRODUCTS

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.

Revised Maximum Price Regulation 289 is amended in the following respects:

1. Section 19 (1-1), (m), and (n) are redesignated (m), (n), and (o) respectively.

2. Section 19 (n) (now designated 19 (o)) is amended to read as follows:

(o) *Definitions*—(1) *Cheddar cheese.* "Cheddar cheese," frequently called "American cheese," means "Cheddar cheese" as defined in the "Standards of Identity for Cheddar cheese, Cheese, Washed Curd Cheese, Colby Cheese," promulgated by the Food and Drug Administration and published in the Federal Register of January 9, 1941, page 195. It shall contain not more than 39 percent of moisture and its solids shall contain not less than 50 percent of milk fat.

(2) *Processed cheddar cheese.* "Processed cheddar cheese" is cheddar cheese which has been graded, cleaned, blended, ground, pasteurized, and packaged. It shall contain not more than 40 percent of water, and in the water-free substance not less than 50 percent of milk fat. For the purposes of this section, references to "processed cheddar cheese" include "processed cheddar cheese flavored with pimento," as defined in subparagraph (3), below.

(3) *Processed cheddar cheese flavored with pimento.* "Processed cheddar cheese flavored with pimento" is "processed cheddar cheese," as defined above, to which pimento has been added during processing operations.

(4) *Transportation factor.* A "transportation factor" means the lowest published railroad carlot freight rate per pound gross weight from Plymouth, Wisconsin, to the place of delivery, multiplied by 1.15. In calculating transportation charges referred to in the foregoing paragraphs, the 3 percent transportation tax imposed by Section 620 of the Revenue Act of 1942 shall be included.

(5) *Cheese item.* "Cheese item" means any of the particular styles and sizes of cheddar cheese, and processed cheddar cheese, listed in Tables D, E, F, G, H, I, and J of this Section and also includes processed cheddar cheese flavored with pimento.

(6) *Delivered at any place.* The phrase, "delivered at any place" comprehends all sales whether made on the basis of actual delivery to the point of shipping destination or on the basis of f. o. b. shipping point or some other point. Any cheese item sold f. o. b. any point shall be considered "delivered" at any point.

(7) *Place.* "Place" means any city, town, village, or hamlet within the 48 States of the United States and the District of Columbia.

(8) *Retailer distributing warehouse.* A "retailer distributing warehouse" is a place where cheese is received and held for disposition to retail stores. Chain store warehouses and retailer-owned cooperative warehouses are included in the meaning of "retailer distributing warehouse."

This amendment shall become effective September 19, 1945.

(56 Stat. 23, 765; 57 Stat. 566; Pub. Law 383, 78th Cong.; Pub. Law 108, 79th Cong.; E.O. 9250, 7 F.R. 7871, E.O. 9328, 8 F.R. 4681)

Issued this 14th day of September 1945.

CHESTER BOWLES,
Administrator.

Approved: September 6, 1945.

J. B. HUTSON,
Acting Secretary of Agriculture.

[F. R. Doc. 45-17218; Filed, Sept. 14, 1945; 11:55 a. m.]

PART 1407—RATIONING OF FOOD AND FOOD PRODUCTS

[2d Rev. RO 3,[2] Amdt. 36]

SUGAR

A rationale for this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.

Second Revised Ration Order 3 is amended in the following respects:

1. Section 19.4 (b) (1) is amended to read as follows:

(1) A provisional allowance for cooked beans is granted for three month periods corresponding to the quarterly allotment periods for industrial users. An application for such a provisional allowance for any period may be made at any time from fifteen days before to the end of that period. On or before application for a provisional allowance for these purposes, however, the industrial user must file a written report with the Board or District Office with which he is registered. Such report must contain the following information separately stated for each type of bean used by him:

(i) The total quantity of that type of bean processed by him in 1941;

(ii) The total quantity of sugar used by him in processing that type of bean in 1941;

(iii) The average quantity of sugar which he used per 100 pounds of that type of dried bean processed in 1941.

[1] 10 F.R. 2352, 2658, 2928, 3551, 3948, 5950, 5772, 5792, 6232.

[2] 9 F.R. 13992, 14642, 15048; 10 F.R. 201, 412, 1143, 1537, 2141.

2. Section 19.4 (b) (2) (i) and (ii) are amended to read as follows:

(i) The number of 100 pound units of each type of dried bean which he expects to process from the date of application to the end of the quarterly period for which application is made:

(ii) The quantity, if any, of unused sugar remaining from his last provisional allowance of sugar for cooked beans.

NOTE: Types of beans covered by this section are: 1. White (excluding lima varieties); 2. Colored (excluding red kidneys); 3. Red kidneys; 4. Lima varieties.

3. Section 19.4 (c) (2) is amended to read as follows:

(2) The quantity of the provisional allowance of sugar for cooked beans shall be computed in the following way separately for each type of bean:

(i) The number of 100 pound units of that type of dried bean the applicant expects to use in producing that type of cooked bean from date of application to the end of the quarterly period for which application is made is multiplied by 80% of the average number of pounds of sugar which he used per 100 pounds of that type of dried bean so used in 1941.

4. Section 19.4 (e) is amended to read as follows:

(e) *Records and reports.* An industrial user who during a calendar month has sugar for cooked beans must before the sixteenth day of the following month file with his Board or District Office with which he is registered a written report of the number of pounds of sugar used by him during the preceding month for processing each type of bean. The report must state: (1) the number of 100 pound units of each type of dried bean processed by him; (2) the quantity of sugar used for each type of dried bean processed by him; (3) the quantity of sugar he has unused on hand at the end of the month.

He must keep a copy of this report at his principal business office for a period of two years.

This amendment shall become effective September 15, 1945.

NOTE: All reporting and record-keeping requirements of this amendment have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 15th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-17215; Filed, Sept. 14, 1945; 11:56 a.m.]

PART 1407—RATIONING OF FOOD AND FOOD PRODUCTS

[Rev. RO 16,[1] Amdt. 72]

MEAT, FATS, FISH AND CHEESES

A rationale accompanying this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.

[1] 9 F.R. 6731.

Section 7.6 (k) is amended to read as follows:

(k) *Allotments for industrial users of meat or fish having a point value.* An industrial user, who during the fourth quarter of his base period, used meat or canned fish which has a point value other than zero on September 2, 1945, may apply for an allotment covering such meat or canned fish. The application shall be made on OPA Form R-315 to the Board or District Office with which he is registered and must estimate the number of pounds of such meats (separately for each item as listed in Section A of the Official Table of Trade Point Values which is in effect on September 2, 1945) or the number of pounds of such fish (separately for each item as listed in the Official Table of Trade Point Values which is in effect on September 2, 1945) which he used during the fourth quarter of his base period. The Board or District Office may grant the application if it finds that the industrial user, during the fourth quarter of his base period, used meat or canned fish which has a point value other than zero on September 2, 1945. The amount of his allotment shall be computed in the following way:

(1) The number of pounds of each item of meat or canned fish which he used during the fourth quarter of his base period is multiplied by the point value in effect for that item on September 2, 1945 (as shown on the Official Table of Trade Point Values which is in effect on September 2, 1945);

(2) The resulting figures are added together and multiplied by 0.85.

This amendment shall become effective September 15, 1945.

NOTE: All reporting and record-keeping requirements of this amendment have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 15th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-17216; Filed, Sept. 14, 1945; 11:57 a.m.]

PART 1448—EATING AND DRINKING ESTABLISHMENTS

[Restaurant MPR 2, Amdt. 6]

FOOD AND DRINK SOLD FOR IMMEDIATE CONSUMPTION

A statement of the considerations involved in the issuance of this Amendment No. 6 to Restaurant Maximum Price Regulation No. 2 has been issued simultaneously herewith and filed with the Division of the Federal Register.

The last paragraph of section 1 (b) (2) is amended to read as follows:

OPA may, at any time, issue an order establishing or modifying prices in accordance with this paragraph or in line with the level of prices established by this regulation.

This amendment shall become effective September 13, 1945.

Issued this 13th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-17177; Filed, Sept. 13, 1945; 3:58 p.m.]

PART 1418—TERRITORIES AND POSSESSIONS

[RMPR 395[1] Corr. to Amdt. 7]

PICKLED FISH IN THE VIRGIN ISLANDS

Amendment 7 to Revised Maximum Regulation 395 is corrected as follows:

Section 26, Table XIV, is corrected by changing the maximum retail price of the last item "All other pickled fish (except those specified)" for the Islands of St. Croix, St. Thomas, and St. John from $0.11 to $0.12 per pound.

This correction shall be effective as of September 10, 1945.

Issued this 14th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-17219; Filed, Sept. 14, 1945; 11:56 a.m.]

PART 1418—TERRITORIES AND POSSESSIONS

[TCG Reg. 1, Amdt. 2 to Supp. 4]

CERTAIN CHINA, GLASSWARE, WALLETS, TOYS, AND MISCELLANEOUS PERSONAL AND HOUSEHOLD ACCESSORIES WHICH HAVE BEEN IMPORTED INTO HAWAII

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.

Supplement 4 to Territorial Consumer Goods Regulation 1 is amended in the following respects:

1. Section 8 is amended by deleting the fourth word "such" and substituting therefor the word "the", and by deleting the period at the end of the section, inserting a semicolon in lieu thereof and adding the following: "*Provided, however*, That, if permission to sell at the nationally advertised or manufacturer's established price has been granted under Section 2.3 and 2.4 of Territorial Consumer Goods Regulation 1 and the required retail price lists have been filed with the Office of Price Administration covering each such specific item the seller's invoice need not show the manufacturer's selling price or the landing cost, but in lieu thereof must state the nationally advertised or manufacturer's established retail prices as filed with and approved by the Office of Price Administration."

2. Section 10 (a) is amended by inserting between the words "Glassware," and "including" the words "plastic or lucito items" so that the line reads: "1. Glassware, plastic or lucito items, including:"

This amendment shall become effective as of August 20, 1945.

Issued this 14th day of September 1945.

CHESTER BOWLES,
Administrator.

[F.R. Doc. 45-17220; Filed, Sept. 14, 1945; 11:56 a. m.]

[1] 10 F.R. 5941, 6946, 7799, 8069, 8899, 9227, 9925.

PART 1418—TERRITORIES AND POSSESSIONS

[2d Rev. MPR 183,[1] Amdt. 7]

MISCELLANEOUS COMMODITIES IN PUERTO RICO

A statement of the considerations involved in the issuance of this Amendment, issued simultaneously herewith, has been filed with the division of the Federal Register.

Second Revised Maximum Price Regulation 183 is amended in the following respects:

1. Section 2.6, (Steel sheets) is amended by adding new sizes to read as follows:

Description of item	Size	U. S. S. G. or G. S. G. No.	Price at wholesale (per hundred lbs.)	Price at retail (per hundred lbs.)
Galvanized corrugated.	26 x 84	18	$5.45	$7.70
	26 x 120	20	5.55	7.80
	26 x 96	20	5.55	7.80
	27½ x 72	25	5.85	8.10
	27½ x 84	25	5.85	8.10
	27½ x 108	25	5.90	8.15
	27½ x 96	25	5.85	8.10
	26 x 120	25	5.95	8.20

2. Section 4.2, (Beverages) is amended by adding a new item to read as follows:

Items and brand names	Case of—	Price to wholesaler	Price at wholesale	Price at retail (per unit)
Brandies: Marques de la Puebla, Brandy Especial.	24/4.5 pts.		$43.00	$2.50

3. Section 4.3 is amended by adding new items to paragraph (a) to read as follows:

(a) BAKING POWDER

Item and brand names	Case of—	Price at wholesale	Retail price (per unit)
Davis	36/8 oz. can	$3.70	$0.13
Foodmaster	24/1# pkg.	1.55	.06
Gheliola	4/10# can	4.10	1.34
	6/5# can	3.25	.71
	24/2# can	5.10	.25
	24/25 oz. can	4.50	.24
	48/10 oz can	3.75	.10
	72/4¼ oz. can	2.95	.05

4. Section 4.4 is amended by adding new items to read as follows:

Item and brand names	Case of—	Price at wholesale	Price at retail (per unit)
Cereals: Breakfast Cereal, Wheatena.	24/22 oz. pkg.	$6.60	$0.36
Cracker Meal, Red-Breader.	24/8 oz. pkg.	2.75	.14

[1] 10 F.R. 7635, 8933, 9223, 9227, 10224, 10976.

Item and brand names	Case of—	Price at wholesale	Price at retail (per unit)
Flour:			
Cake Flour:			
Midland Flour Milling Co.:			
Gran Aguante	4/25# bag	$5.35	$1.74
Presto	12/44 oz. pkg.	4.00	.44
Trovador	4/25# bag	4.90	1.60
Town Crier	4/25# bag	5.05	1.66
Wheat Flour:			
Gran Poder	4/25# bag	5.35	1.74
	20/5# pkg.	6.00	.39
	10/10# pkg.	5.60	.72
Triunfador	4/25# bag	4.55	1.48
	20/5# pkg.	5.25	.34
	10/10# pkg.	4.85	.63
Yellow Corn Meal, Victor.	24/1½# pkg.	2.70	.15

5. Section 4.7 is amended by adding new items to paragraph (c) to read as follows:

(c) TEA

	Case of—	Price to wholesaler	Price at wholesale	Retail price (per pkg.)
Mission Garden (balls).	20/48 pieces pkg.		$9.45	$0.61
S & W (Black Ceylon).	24/4 oz. pkg.		5.70	.31

6. Section 4.8 (Crackers and bread) is amended by adding new items to paragraph (c) (2) to read as follows:

(2) IMPORTED

Items and brand names	Unit (container)	Price to wholesaler (per doz.)	Price at wholesale (per doz.)	Price at retail (per unit)
Battle Creek Food Co.: Whole Wheat Cookies.	12 oz. pkg.		$3.25	$0.33
Colonial Biscuits: Black Walnut Cookies. Chocolate Bit Cookies. Coconut Flavored Gems. Collegiate Tea. Dundee Shortbread. Ginger Snaps. Oatmeal Cookies.	5½ oz. pkg.		1.50	.16
Crackers: Pretzie Bits.	1# pkg.		4.00	.42
Loose Wiles: Cream Lunch.	9# pkg.		22.45	2.34
National Biscuits Co.: Nabisco Saltina.	8 oz. pkg.		1.85	.19
Superior Biscuit Co.: Superior, Vanilla Cream Cookies.	5 oz. pkg.		.96	.10
	1½ oz. pkg.		.96	.10
Superior, Butter Cookies.	1½ oz. pkg.		.48	.05
United States Cookies, Inc.: Better Made Cookies.	4# pkg. (150's)		13.50	1.40
Party Bits, Delicious Assorted Cookies.	14 oz. pkg.		6.50	.68
Tea Bits Assorted U. S. Cookies.	10 oz. pkg.		2.40	.25
Tea Bits DeLuxe Cookies.	10 oz. pkg.		3.20	.33

7. Section 4.9 is amended by adding new items to paragraphs (c) and (e) to read as follows:

(c) PREPARED MILK AND MIXES

Items and brand names	All sales except at retail (price per carton)				Retail price (per can)
	Case of—	1 to 4 cartons	5 to 19 cartons	20 or more cartons	
Denia	12/1# can	$7.70	$7.50	$7.40	$0.75
	6/2½# can	8.90	8.80	8.55	1.65
	6/5# can	16.60	16.50	16.00	3.00

(e) CHEESE

	Case of—	Price to wholesaler	Price at wholesale	Retail price (per unit)
June Dairy: Cream Cheese	10/3# loaves		$0.53	$0.72
Philadelphia Cream.	12/3 oz. pkg.		1.40	.16

8. Section 4.10 is amended by adding new items to paragraph (b) to read as follows:

(b) OILS (EDIBLE)

Items and brands	Case of—	Price to wholesaler	Price at wholesale	Retail price (per unit)
(2) Vegetable: Banquet	4/1 gal. glass		$7.60	$2.08
Prosperity	6/1 gal. can		16.75	3.25

9. Section 4.11, fish is amended by adding new items to paragraph (a) to read as follows:

(a) CANNED

Items and brand names	Case of—	Price to wholesaler	Price at wholesale	Price at retail (per unit)
Anchovies: Pimpinela (Filleti.	100/2 oz. can		$23.25	$0.35
Zizine (Portuguese).	100/2 oz. can		23.00	.20
Herrings Tid Bits, Apetite, Tid-bits in wine sauce, Mattson's Appetizer.	24/10 oz. glass		11.60	.60
	48/5 oz. glass		15.25	.40
Minced Sea Clams: 40 fathom.	24/10 oz. can		6.60	.30
Mussels: Billow (Maine).	24/10 oz. can		8.45	.35
Shrimps, natural: Myrsa.	48/7 oz. can		19.00	.50
Squids, Portuguese in ink with olive oil Pabellon.	100 4½ oz. can		36.00	.47

10. Section 4.12 (Food drinks) is amended by adding a new item to read as follows:

Item and brand	Case of—	Price to wholesaler	Price at wholesale	Retail price (per unit)
Vigorlone Berko	12/1# glass		$5.50	$0.57

11. Section 4.14 is amended by adding new items to paragraphs (a), (b) and (c) to read as follows:

(a) FRUITS

Items and brand names	Case of—	Price at wholesale	Retail price (per unit)
Apricots:			
Above Par, whole (peeled)	24/2½ can	$7.55	$0.39
S & W, Bak-A-Special	6/#10 can	7.10	1.83
Cherries:			
Paradise, Maraschino	24/8 oz. glass	7.55	.30
	24/1 oz. glass	12.50	.66
S & W, Maraschino	12/28 oz. glass	10.40	1.08
Raffetto, Black (brandied)	12/16 oz. glass	12.65	1.37
Figs:			
Aunt's Mary, Kadota	24/#2½ can	8.75	.45
Premier, Kadota	6/#10 can	7.25	1.54
Raffetto, Brandied	12/18 oz. glass	10.80	1.17
Sun-Blest, Kadota	24/#2½ can	8.45	.44
Fruit Cocktail: Above Par.	24/#2½ can	8.70	.45
Kumquats: Raffetto (in rum)	12/20 oz. glass	11.05	1.30
Nectarine: Raffetto (brandied)	12/16 oz. glass	12.65	1.37
Peaches:			
Raffetto (brandied)	12/16 oz. glass	11.70	1.27
Rose Bowl:			
Yellow Cling (halves)	24/#2½ can	6.60	.35
Yellow Cling (sliced)	24/#2½ can	6.60	.35
S & W Bak-A-Special, Yellow Cling (sliced)	6/#10 can	6.45	1.38
Worthmore, Yellow Cling (halves)	6/#10 can	5.25	1.10
Pears:			
Raffetto (brandied)	12/16 oz. glass	11.70	1.27
Roland (brandied)	24/18 oz. glass	20.50	1.10

Item and brand names	Case of—	Price to wholesaler (per doz.)	Price to wholesale (per doz.)	Price at retail (per can)
Pineapple Packed in Puerto Rico, Crushed, All Brands 35% sugar	6/#10 can	$11.70	$13.45	$1.45

Items and brand names	Case of—	Price at wholesale	Retail price (per unit)
Prunes:			
Premier, Purple	6/#10 can	$5.30	$1.10
Sun-Blest (prepared)	12/#2½ glass	3.60	.39
Prune Plums: Above Par.	24/#2½ can	5.50	.29

(b) DRIED OR DEHYDRATED FRUITS

Figs: Premier California	30 lbs.	$11.70	$0.50 lb.
Prune: Highland 40/50	25 lbs.	4.45	.23 lb.
Raisins:			
Cooperella, Thompson seedless (choice)	144/1½ oz. pkg	4.80	.05
Lion, Thompson Seedless (choice)	15/1½ oz. pkg	5.00	.05
Tru-Sweet, Thompson Seedless (fancy)	48/15 oz. pkg	7.25	.20

(b) FRUIT JUICES AND NECTARS

Items and brand names	Case of—	Price at wholesale	Retail price (per unit)
Apple Juice:			
Motts	24/#2 can	$4.35	$0.23
Premier	12/1 qt. glass	3.20	.35
Sweet Life	24/1 pt. glass	3.00	.16
White House	12/32 oz. glass	3.00	.32
Grapefruit and Orange Juice (blended): Florida Gold, Sweetened or unsweetened.	24/18 oz. can	4.45	.24
Grape Juice (imitation): Hostess	25/16 oz. glass	3.50	.18
	12/32 oz. glass	2.95	.31
Pear and Loganberry Juice: Golden Flow	24/16 oz. glass	4.80	.26
Pineapple Juice: Del Monte	24/#2 can	3.60	.20
	21/46 oz. can	4.30	.47
Prune Juice: Ensueño	12/1 qt. glass	3.35	.36
Orange Juice:			
Florida Finest	24/#2 can	5.55	.28
Florida Gold, sweetened or unsweetened.	24/18 oz. can	4.75	.25
Nifty Pack	24/#2 can	4.60	.24
Old South	24/#2 can	5.55	.28
Royal Scarlet	24/#2 can	5.40	.28

(c) FRUIT SAUCES

Apple:			
Musselmans	24/#2 can	$3.85	$0.21
Royal Scarlet	24/17 oz. glass	3.85	.21
Sanitarium	24/#2 can	5.15	.27
Sun-Blest	24/#2 can	4.80	.26

13. Section 4.18 (Meats, processed and frozen) is amended by adding new items to read as follows:

(d) HAM

Items and brand names	Case of—	Price at wholesale	Price at retail (per unit)
Batory: Cooked and boneless in natural juice	11 to 12 lbs. can	$0.63 lb.	$0.79 lb.
Mellow: Cooked and boneless in natural juice	11 to 12 lbs. can	$0.63 lb.	$0.79 lb.
Mie: Cooked and boneless in natural juice	11 to 12 lbs. can	$0.63 lb.	$0.79 lb.
Polo: Cooked and boneless in natural juice	11 to 12 lbs. can	$0.63 lb.	$0.79 lb.
Mansell: Deviled	24/3 oz. glass	$6.85	$0.36
Premium: Chopped	24/12 oz. can	$9.60	$0.50

(i) MEAT PRODUCTS

Agars: Orelwood Brand Luncheon Meat	24/12 oz. can	$9.25	$0.48
S. P. O.: Turkey Pate	24/3½ oz. glass	$7.20	$0.38

14. Section 4.19 is amended by adding new items to paragraphs (a) and (c) to read as follows:

(a) OLIVES

Items and brand names	Case of—	Price at wholesale	Retail price (per unit)
Chopped Ripe: Century	24/11½ oz. net	$3.60	$0.19
Manzanilla:			
Heinz 240/260, stuffed	6/1 gal	16.60	5.40
Lippincot stuffed (placed)	24/11½ oz. net	6.40	.34
Palmdale, stuffed	48/11½ oz.	15.50	.41
Premier, stuffed (placed)	24/21½ oz. net	7.20	.38
Ramella, stuffed	24/4½ oz. net	7.00	.37
	24/7½ oz. net	10.40	.54
	24/3 oz. net	5.10	.26
Señor, stuffed	24/16 oz. net	12.50	.66
Three Stars:			
Plain	24/3 oz. net	3.20	.18
	24/4 oz. net	4.25	.23
Pitted Cocktail	24/4 oz. net	6.80	.37
Vita, stuffed	24/11½ oz. net	7.00	.37

(a) OLIVES—Continued

Items and brand names	Case of—	Price at wholesale	Retail price (per unit)
Plain Queen Heinz 80/90	6/1 gal	$11.65	$3.77
Stuffed California, Onion flavored melon	24/3¼ oz. net	5.95	.32
	24/5 oz. net	7.75	.42
	24/10 ¾ oz. net	14.50	.75
Stuffed Queen:			
Heinz			
80/90	6/1 gal	15.95	5.18
90/100	6/1 gal	15.50	5.03
110/120	6/1 gal	13.25	4.95
130/140	6/1 gal	14.80	4.81

(c) OLIVES AND CAPERS

Better Taste	24/4¾ oz. fld. or 2¾ oz. net	$2.30	$0.12
Iberia	12/24¼ oz. net	4.85	.25
La Andaluza	24/4½ oz. net	4.50	.23

12. Section 4.16 (Marmalades) preserves, jams and jellies, is amended by adding new items to read as follows:

Items and brand names	Case of—	Price at wholesale	Retail price (per unit)
Jams: Plum, Greenwich	24/1 lb. glass	$5.75	$0.31
Jelly:			
Grape, Premier	24/12 oz. glass	4.55	.24
Strawberry, Fruiterest	24/16 oz. glass	5.35	.29
Preserves:			
Kumquats, Raffetto	12/20 oz. glass	9.80	.88
Naranja, Luxury	24/1 lb. glass	5.25	.28
Orange, Raffetto:			
Harlequin Stuffed	12/36 oz. glass	11.90	1.21
	24/12 oz. glass	7.70	.42
Harlequin Stuffed in grenadine	24/15 oz. glass	10.85	.70
Pineapple, Luxury	24/1 lb. glass	5.25	.28
Plantation Circles, Raffetto	12/16 oz. glass	6.25	.34

15. Section 4.20 is amended by adding new items to paragraphs (a) (2), (b) (2) (3) (5) (6), (c) and (d) to read as follows:

(a) SALT (IMPORTED)

(2) REFINED

Items and brand names	Case of—	Price at wholesale	Retail price (per unit)
Table salt:			
Hardy	36/1⅛# pkg	$1.45	$0.05
Hardy (granulated)	100/# cots	1.85	1.03
Sweet Life	24/#/pkg	1.80	.10
	15/5# bag	2.00	.16
Watkins	30/2# bag	1.85	.08

12 packets for 5¢.

(b) CONDIMENTS AND DRESSINGS

(2) SALAD DRESSINGS

Items and brand names	Case of—	Price at wholesale	Retail price (per unit)
Apple Butter:			
Lowden	12/28 oz. glass	$3.30	$0.35
Premier	24/19 oz. glass	3.75	.20
Dressing, Raffetto:			
Chutnut	24/10 oz. glass	8.15	.44
Nosedro	24/10 oz. glass	12.00	.65
Mayonnaise:			
Crown	24/8 oz. glass	4.55	.25
Royal Cook	24/8 oz. glass	4.55	.25
Olive Butter, Grandee	24/3 oz. can	8.50	.49

(3) SPAGHETTI SAUCES

Kurtz	48/8 oz. can	$6.40	$0.16
Magic Chef	24/6 oz. glass	4.30	.17
Venice Maid:			
With Meat	24/10½ oz. can	4.30	.24
Without Meat	24/10½ oz. can	4.30	.23

(5) OTHERS

Hot Sauce: Red Devil	3/6⅓ oz. glass	$2.85	$0.10
Tabasco Sauce:			
Mc LL	72/2 oz. glass	28.00	.50
Sunbeam (hot)	24/5 oz. glass	2.40	.13
Safe Owl:			
Imitation ground black pepper	72/4 oz. canister	7.60	.13
	12/5# pkg	21.00	2.27
Imitation Cinnamon	144/1½ oz. canister	13.75	.12
Pure Chili Powder	144/1¼ oz. canister	11.00	.10
Pure ground nutmeg	144/1¼ oz. canister	13.40	.12

(6) VINEGAR

S & W (cider)	24/1 pt. glass	$2.80	$0.15
	4/1 gal. glass	2.80	.80

(c) PICKLES

Celestial Sweet Mixed	24/8 oz. glass	$3.40	$0.18
Fairweather:			
Sour Cocktail Onions	24/8 oz. glass	10.50	.57
Sour Onions (regular)	24/8 oz. glass	5.80	.31
Sour Onions (special)	24/3¾ oz. glass	5.20	.28
Sour Mixed	24/8 oz. glass	3.40	.18
Sweet Midget Gherkins	24/8 oz. glass	6.10	.33
Heinz:			
Chow Chow	12/7½ oz. glass	2.85	.30
Sour Gherkins			
Sweet Gherkins			
Sour Mixed			
Sweet Mixed			
Lehe Sweet Mixed	24/8 oz. glass	3.40	.18
Premier, Dill Cross Cut	12/1 qt. glass	4.00	.43
Raffetto: Cucumber Rings	12/16 oz. glass	6.25	.68
Rosengarten:			
Sour Cocktail Onions	24/8 oz. glass	10.50	.57
Sour Onions (regular	24/8 oz. glass	5.80	.31
Sour Onions (special	24/3¾ oz. glass	5.20	.28

(d) RELISHES

Raffetto: Harlequin	24/10 oz. glass	$6.10	$0.33

16. Section 4.21 (Soups) is amended by adding new items to paragraph (c) to read as follows:

(c) CUBES

Items and brand names	Case of—	Price at wholesale	Retail price (per unit)
S & W:			
Bouillon Cubes	24/100 cubes glass-15 oz.	$35.55	$1.85 or 2¢ ea. cube.
Chicken Cubes	24/100 cubes glass-15 oz.	35.55	

17. Section 4.22 is amended by adding new items to paragraphs (a) and (b) to read as follows:

(a) TOMATO PRODUCTS

Items and brand names	Case of—	Price at wholesale	Retail price (per unit)
Tomato Catsup:			
Blue Label	24/14 oz. can	$5.00	$0.27
Sweet Life	24/14 oz. glass	5.00	.27
Tomato Juice:			
Jackson	24/#2 can	3.25	.18
Rica	24/#2 can	3.20	.17
Sanitarium	24/#2 can	2.85	.15
Tomato Paste:			
Dainty Pack	6/#10 can	8.00	1.66
Premier	6/#10 can	8.00	1.66
	100/6 oz. can	8.40	.10
Verona	6/#10 can	8.00	1.66
Tomato Puree:			
Cal-Rose	6/10#10 can	5.10	1.06
Llobera	100/4 oz. can	4.00	.05
	100/7 oz. can	5.60	.07
Red Rock	24/#2½ can	4.80	.25
Stokely	6/#10 can	4.10	.85
Tomato Sauce:			
Demand	72/7¼ oz. can	4.75	.08
Hunt	6/#10 can	4.55	.98
Moraga	72/8 oz. can	4.75	.08
Premier	72/8 oz. can	4.75	.08
Rialto	48/10½ oz. can	4.25	.10

(b) VEGETABLE JUICES

Sanitarium, Vegetable Cocktail	24/#2 can	$4.45	$0.24

18. Section 4.23 (Spaghetti, macaroni and other pastes) is amended by adding new items to read as follows:

Items and brand names	Case of—	Price to wholesaler	Price at wholesale	Retail price (per unit)
Macaroni:				
Kurtz	24/1# pkg		$2.90	$0.16
White Spray	36/8 oz. pkg		2.50	.09
White Spray (elbow)	36/8 oz. pkg		2.50	.09
Noodles:				
Kurtz (egg)	12/1# pkg		2.85	.30
Magic Chef (eggin spaghettisauce)	24/13½ oz. glass		4.70	.25
Raviolis: Roland (in sauce)	24/16 oz. glass		5.50	.30
Spaghetti:				
King (dinner)	12/1½# pkg		4.20	.45
Kurtz	24/1# pkg		2.90	.16
Premier (in tomato sauce)	24/13½ oz. glass		2.80	.15
Venice Maid (cooked)	24/15 oz. glass		4.30	.23
White Spray	36/8 oz. pkg		2.50	.09

19. Section 4.24 (Syrups) is amended by adding a new item to read as follows:

Items and brand name	Case of—	Price at wholesale	Retail price (per unit)
Chocolate Syrup: Dutchess	24/11 oz. glass	$5.00	$0.27

20. Section 4.25 is amended by adding new items to paragraph (a) to read as follows:

(a) CANNED VEGETABLES

Items and brand names	Case of	Price at wholesale	Retail price (per unit)
Beans:			
Gibbs, in tomato sauce	48/16 oz. can	$4.80	$0.13
Ribbon, French style	24/#2 can	2.85	.15
Beans (String):			
Georges, cut green	24/#2 can	3.20	.17
Jesso	24/#2 can	3.25	.17
Queen, cut green, standard	24/#2 can	3.40	.18
Rose Bowl, cut green, standard	24/#2 can	3.70	.19
Beans (Stringless):			
Family, French style	24/#2 can	4.80	.27
Lord Mott's, green chopped	24/#2 can	2.85	.15
Pine Cone, cut green	24/#2 can	3.20	.17
Premier:			
Whole	24/#2 can	5.75	.24
Whole Wax	24/#2 can	4.80	.25
Beets:			
Bell, cut	24/#2 can	3.15	.16
Family, cut	24/#2 can	3.35	.17
Hunt's Supreme:			
Diced	12/#2½ glass	2.75	.29
Large (whole)	12/#2½ glass	3.20	.37
Sliced	12/#2½ glass	3.15	.33
K Quality, sliced	24/#2 can	4.15	.22
Palmdale, medium (whole)	24/1# glass	4.60	.25
Premier, sliced	24/#2½ can	4.05	.21
Rose Bowls, sliced	24/#2 can	3.25	.17
Corn:			
Above Par:			
Golden Cream	24/#2 can	3.80	.20
Whole Kernel	24/#2 can	4.65	.24
Premier, Golden Cream	6/#10 can	5.05	1.04
Peas:			
Queen, substandard	24/#2 can	3.55	.18
Sunbeam, early June, standard	24/#2 can	3.30	.17
Sun-Blest, small #3½ sieve	24/#303 can	4.20	.22
Sun Rock, ungraded, standard	24/#2 can	3.60	.18
Pimientos: Llobens	48/14 oz. can	17.20	.46
Pumpkins: Premier, Silver Ribbon	24/#2½ can	4.30	.23
Sauerkraut:			
Cosmo	12/32 oz. glass	4.15	.43
Crown	12/32 oz. glass	4.15	.43
Field Best	12/32 oz. glass	3.75	.39
Spinach:			
Premier, Old Fashion	24/#2 can	4.80	.25
Sweet Life	24/#2 can	3.45	.18
	24/#2½ can	5.15	.27
Soya Beans: Sailorman, Shelled	24/#2 can	1.70	.09
Turnip Greens: Premier	24/#2 can	3.65	.19

21. Section 7.1 (Composition notebooks) is amended by adding a new size to read as follows:

Size	Price at wholesale (per gross)	Retail price (per notebook)
160 pages	$9.96	$0.09

22. Section 10.1, soaps, is amended by adding new items to paragraph (b) to read as follows:

(b) MAXIMUM PRICES

Items and brand names	Case of—	Price at wholesale	Retail price (per unit)
Chips:			
Mur-Dene (soapless suds)	100 lbs. drum	$0.35 lb.	$0.44 lb.
Quick Arrow (flakes)	24/21 oz. pkg.	5.45	.28.
Powdered:			
Fearless	50 lbs. bag	2.70	.07 lb.
Tish	24/1½ lb. pkg.	4.60	.25.
Laundry: Duz (granulated)	90/8½ oz. pkg.	9.50	.14.
Toilet: Palmolive	1,000/½ oz. cake	10.55	2 for 3c.

23. Section 10.2 (Cleansers) is amended by adding new items to read as follows:

Item and brand names	Case of—	Price at wholesale	Retail price (per unit)
Buddy	48/14 oz. pkg.	$2.30	$0.06
Spic & Span	24/14 pkg.	5.05	.26

24. Section 12.3 (Candles (imported)) is amended by adding new items to read as follows:

Items and brand names	Case of—	Price at wholesale	Price at retail
All Candles No. 28	1,120	$5.60	3 for 2c.
Except the following:			
Emery #8—15% stearin.	337	7.91	$0.04 each or 2 for 7c.
Plumber's (Trabuco)—30% stearin.	250	10.86	$0.06 each.

25. Section 12.7 is amended by adding new items to paragraph (a) to read as follows:

(a) KEROSENE STOVES

Items and brand names	Model No.	Description	Price at wholesale (each)	Price at retail (each)
Sun Flame	E560LB	4 burners[1]	$48.60	$65.40
	E561LB	5 burners[1]	55.15	74.25
Super-Chief	6725-0	5 burners[1]	42.20	56.80
Superflame	6725-0	5 burners[1]	42.20	56.80

[1] With legs.

This amendment shall become effective as of September 19, 1945.

Issued this 14th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-17217; Filed, Sept. 14, 1945; 11:55 a. m.]

Chapter XIX—Reconstruction Finance Corporation

[Rev. Reg. 1, Amdt. 9]

PART 7001—PETROLEUM COMPENSATORY ADJUSTMENTS

MISCELLANEOUS AMENDMENTS[1]

Section 7001.1 *Definitions*, as amended, is further amended by adding the following to paragraph (a) and (c), effective June 1, 1945:

Provided, however, That with respect to products transported to Port St. Joe, Florida for movements via the pipeline of the Southeastern Pipeline Company to Bainbridge, Georgia, and beyond, Port St. Joe and that portion of the said pipeline which lies west of the Apalachicola River shall be considered as a part of "District One".

Section 7001.2 *Persons eligible to apply for petroleum compensatory adjustments*, as amended, is further amended by adding the following new paragraph (e):

(e) Notwithstanding any other provision of this revised regulation, no application for petroleum compensatory adjustments may be filed with respect to:

(1) Any movement of crude or compensable products imported from Districts Two or Three which is commenced after August 31, 1945, or commenced prior to that date but completed after September 30, 1945, unless such movement is made pursuant to a shipping schedule approved by the Petroleum Administration for War or unless the movement has been otherwise approved by such agency; *Provided, however*, That in no event may any application for petroleum compensatory adjustments be filed with respect to any such movement commenced after September 30, 1945, or completed after October 31, 1945.

(2) Any compensable intra-district movement of crude or compensable products requiring prior written approval of the Petroleum Administration for War and Reconstruction Finance Corporation which is commenced after September 30, 1945, or completed after October 31, 1945.

(3) Any compensable intra-district movement of compensable products which does not require the prior written approval of the Petroleum Administration for War and Reconstruction Finance Corporation which is completed after September 30, 1945.

(4) Any movement of miscellaneous products which is commenced on or after September 16, 1945, or commenced prior to that date but completed after September 30, 1945.

Section 7001.5 *Extra transportation and compensable product costs*, paragraph (a), *Amount of compensatory adjustment*, as amended, is further amended by deleting subparagraphs (1) (iii) and (1) (iv); by substituting in lieu thereof, a newly designated subparagraph (1) (iii) to read as set forth below; and by changing the designations of subparagraphs (1) (v), (vi), (vii), (viii) and (ix) to (1) (iv), (v), (vi), (vii) and (viii), respectively, effective July 1, 1945:

(iii) In case asphalt is Imported, the amount of the Claim shall be computed in accordance with a formula set forth in a letter to applicant issued by Reconstruction Finance Corporation upon appropriate application filed by the applicant. Such application shall contain all facts relating to the methods of acquisition and importation of the asphalt Imported by the Substitute Method of Transportation together with a statement of the means employed under applicant's Normal Method of Transportation.

Section 7001.5 *Extra transportation and compensable product costs*, paragraph (a), *Amount of compensatory adjustment*, as amended, is further amended by adding a new subparagraph (7) as set forth below:

(7) Any person who was formerly an applicant under this regulation but who has not signed an agreement to account for Revenue pursuant to § 7001.2 (d) of this revised regulation may apply to Reconstruction Finance Corporation for a refund in respect of revenue price decreases effective September 1, 1945, applicable to inventory on hand in stationary storage or in transit thereto other than at a retail establishment. Such request for refund may be in an amount not exceeding the excess of (i) the quantity of such inventory as of the close of business on August 31, 1945, multiplied by the Revenue Price Decrease effective on September 1, 1945, over (ii) the sum of the quantity of all inventory on hand as of the close of business on the last day of the period for which applicant filed applications for petroleum compensatory adjustments multiplied by the revenue price increases effective on such date, plus the quantity of any petroleum products imported by the applicant subsequent to the period covered by its applications for petroleum compensatory adjustments heretofore filed multiplied by the revenue price increases effective on the date such quantity was imported and plus the quantity of product purchased, subsequent to the period covered by such applications, in District One on which revenue had not been accounted for under this revised regulation by prior sellers multiplied by the revenue price increases effective at the time of such purchases.

The request of each such former applicant for a refund shall be submitted in quadruplicate on or before October 31, 1945, to Price, Waterhouse & Co., 56 Pine Street, New York 5, New York, and shall be accompanied by detailed statements showing the computations outlined in the preceding paragraph. Such request shall be accompanied by an affidavit sworn to by an officer of such former applicant as to the correctness of the information furnished as well as an authorization that accountants of Reconstruction Finance Corporation may examine any books or records of such former applicant to confirm the accuracy of the information furnished. Reconstruction Finance Corporation reserves the right to alter or eliminate the amount of any requested refund.

The foregoing amendment shall become effective as of September 1, 1945; *Provided*, That where an earlier date is mentioned in a provision of this amendment, said provision shall be effective from such earlier date.

Issued this 30th day of August 1945.

RECONSTRUCTION FINANCE CORPORATION,
GEORGE STONER,
Associate Director,
Office of Defense Supplies.

[F. R. Doc. 45-17170; Filed, Sept. 12, 1945; 2:16 p. m.]

[1] Amendments to Schedules B, C and E filed as part of the original document.

TITLE 26—INTERNAL REVENUE

Chapter III—The Tax Court of the United States

PART 701—RULES OF PRACTICE

OFFICE HOURS[1]

Commencing September 2, 1945, the office hours of the Court will be from 8:45 a. m., to 5:15 p. m., Mondays through Fridays, inclusive.

Until further notice, the Court will not have a "business day" on any Saturdays, beginning with September 15, 1945.

Dated: September 13, 1945.

[SEAL] BOLON B. TURNER,
Presiding Judge.

[F. R. Doc. 45-17188; Filed, Sept. 14, 1945; 11:11 a. m.]

TITLE 49—TRANSPORTATION AND RAILROADS

Chapter II—Office of Defense Transportation

[Administrative Order ODT 17A, Amdt. 5]

PART 503—ADMINISTRATION

PROCEDURES AND DELEGATIONS OF AUTHORITY UNDER GENERAL ORDER ODT 16B

Pursuant to § 502.209 of General Order ODT 16B, Administrative Order ODT 17A, as amended (9 F.R. 11281, 12292, 13808, 10 F.R. 4721, 10128), is further amended by deleting Norfolk, Virginia, Newport News, Virginia, Portsmouth, Virginia, Wilmington, North Carolina, Charleston, South Carolina, Savannah, Georgia, Jacksonville, Florida, Tampa, Florida, Pensacola, Florida, Mobile, Alabama, New Orleans, Louisiana, Galveston, Texas, and Houston, Texas, as port areas and ports of arrival in Appendix B and Appendix C, and by substituting the name Frank H. Hocken, Room 1305 American Bank Building, Portland 5, Oregon, for the name of Daniel J. McGarity, Room 1202 American Bank Building, Portland 5, Oregon, in Appendix C.

This Amendment 5 to Administrative Order ODT 17A shall become effective September 15, 1945.

(E.O. 8989, as amended, 6 F.R. 6725, 8 F.R. 14183; General Order ODT 16B, 9 F.R. 11279)

Issued at Washington, D. C., this 13th day of September 1945.

E. E. MCCARTY,
Director,
Railway Transport Department,
Office of Defense Transportation.

[F. R. Doc. 45-17155; Filed, Sept. 13, 1945; 12:17 p. m.]

[1] Affects § 701.1.

[Gen. Permit ODT 17-31, Amdt. 1]

PART 521—CONSERVATION OF MOTOR EQUIPMENT—EXCEPTIONS, PERMITS, AND EXEMPTIONS

WHOLESALE DELIVERIES OF FRESH FRUITS AND FRESH VEGETABLES

Pursuant to § 501.71 of General Order ODT 17, as amended (7 F.R. 5678, 7694, 9623, 8 F.R. 12750, 14582, 9 F.R. 2795), *It is hereby ordered*, That § 521.2907 of General Permit ODT 17-31 (10 F.R. 6465), be, and it hereby is, amended by striking the word "and" preceding the word "September" in the first paragraph thereof and inserting the words "and October" after the word "September".

This amendment to General Permit ODT 17-31 shall become effective September 14, 1945.

Issued at Washington, D. C., this 14th day of September 1945.

J. M. JOHNSON,
Director,
Office of Defense Transportation.

[F. R. Doc. 45-17208; Filed, Sept. 14, 1945; 11:25 a. m.]

Notices

TREASURY DEPARTMENT.

Bureau of Customs.

[T. D. 51310]

BRAZILIAN CRUZEIROS

CONVERSION FOR ASSESSMENT OF DUTIES ON MERCHANDISE IMPORTED INTO UNITED STATES

Reference is made to T. D. 51283 of July 24, 1945 (10 F.R. 9339), containing instructions for the disposal of certain cases in which appraisement has been suspended or liquidation withheld pending the determination of a proper rate for the Brazilian cruzeiro for customs currency conversion purposes.

During the period beginning July 1, 1939, down to and including March 31, 1944, the rate for the Brazilian cruzeiro (milreis) estimated by the Director of the Mint and proclaimed by the Secretary of the Treasury was .0606. For that same period the official rate for the Brazilian currency as given in the daily certifications by the Federal Reserve Bank of New York and published in the weekly Treasury Decisions varied between .060575 and .060602; a variance between the proclaimed rate and the certified official rate of less than 5 per centum.

T. D. 51283 is therefore amended by changing the period at the end of paragraph 1 of the numbered requirements to a colon and adding the following:

Provided, however, That for any date of exportation between July 1, 1939, and March 31, 1944, both inclusive, for which the proclaimed rate varies by less than 5 per centum from the official rate certified by the Federal Reserve Bank of New York, the proclaimed rate shall be used instead of the official rate whenever the use of the official rate would otherwise be required under these instructions; and such cases need not be referred to the Commissioner of Customs.

[SEAL] W. R. JOHNSON,
Commissioner of Customs.

Approved: September 12, 1945.

HERBERT E. GASTON,
Acting Secretary of the Treasury.

[F. R. Doc. 45-17210; Filed, Sept. 14, 1945; 11:40 a. m.]

WAR DEPARTMENT.

[Public Proclamation 25]

RESTRICTED FLYING ZONE: WESTERN DEFENSE COMMAND, PACIFIC COASTAL AREA

RESCISSION OF REGULATIONS

SEPTEMBER 5, 1945.

To: The people within the States of Arizona, California, Oregon, and Washington, and the Public generally.

Whereas, the present military situation no longer requires, as a matter of military necessity, certain restrictions heretofore imposed within designated areas of the Western Defense Command; and

Whereas, the Secretary of War has designated the undersigned as the Military Commander to carry out the duties and responsibilities imposed by Executive Order No. 9066 (7 F.R. 1407), dated February 19, 1942, for that portion of the United States embraced in the Western Defense Command;

Now, therefore, I, H. C. Pratt, Major General, U. S. Army, by virtue of the authority vested in me by the President of the United States and by the Secretary of War and my powers and prerogatives as Commanding General, Western Defense Command, do hereby declare and proclaim that:

(a) Public Proclamation No. 22, Commanding General, Western Defense Command, dated February 3, 1945 (10 F.R. 1927), is rescinded.

(b) The effect of the rescission in paragraph (a) hereof is to remove all restrictions imposed by the Commanding General, Western Defense Command, by said Proclamation No. 22, and to abolish the Restricted Flying Zone therein established. The rescission does not in any way affect existing Civil Air regulations.

(c) This Proclamation does not affect any of the restrictions imposed by the act of January 12, 1938 (52 Stat. 3, 4; 50 USC 45, 45a–45d), including those upon the making of photographs and sketches of vital military and naval installations or equipment, as defined by the President in Executive Order 8381, March 22, 1940 (5 F.R. 1147), without first obtaining permission of the proper commanding officer or higher authority and thereafter promptly submitting the product obtained to such commanding officer or higher authority; nor does it affect the restrictions set out in section 2 of the above cited act (52 Stat. 3; 50 USC 45a), upon the use of, permission to use, or procurement of aircraft for the above purposes; nor does it affect the restrictions imposed by the act of June 25, 1942 (56 Stat. 390, 391; 50 USC App. Sup. 781–785) upon the making of photographs and sketches of military or naval reservations, naval vessels, and other naval, military, and national defense properties, or the regulations promulgated pursuant thereto by the Secretary of War and the Secretary of the Navy (7 F.R. 7307); nor does it affect restrictions set out in any other applicable Federal statute or regulation, presidential proclamation, or Executive order.

(d) This Proclamation shall not affect any offense heretofore committed, nor any conviction or penalty incurred because of violations of the provisions of Public Proclamation No. 22, of the Commanding General, Western Defense Command.

(e) This Proclamation shall become effective at midnight, 2400 p. w. t., 5 September 1945.

[SEAL] H. C. PRATT,
Major General, U. S. Army,
Commanding.

Confirmed:

EDWARD F. WITSELL,
Major General,
Acting The Adjutant General.

[F. R. Doc. 45–17184; Filed, Sept. 14, 1945; 10:28 a. m.]

DEPARTMENT OF THE INTERIOR.

General Land Office.

[Stock Driveway Withdrawal 44, Wyoming 8]

WYOMING

STOCK DRIVEWAY WITHDRAWAL ENLARGED

By virtue of the authority contained in section 10 of the act of December 29, 1916, 39 Stat. 865, as amended by the act of January 29, 1929, 45 Stat. 1144 (U.S.C., title 43, sec. 300), it is ordered as follows:

The following-described public lands in Wyoming, excepting any mineral deposits therein, are hereby withdrawn from all disposal under the public land laws and reserved, subject to valid existing rights, for the use of the general public as an addition to Stock Driveway Withdrawal No. 44, Wyoming No. 8:

SIXTH PRINCIPAL MERIDIAN

T. 52 N., R. 101 W.,
Sec. 28, W½W½;
Sec. 29, E½E½ and NW¼NE¼;
Sec. 32, E½NE¼ and NE¼SE¼;
Sec. 33, W½W½ and lot 3.

The areas described aggregate 674.75 acres.

The first form reclamation withdrawal made by the Assistant to the Secretary of the Interior on May 2, 1919, is hereby modified to permit the use of the lands described for stock driveway purposes. The reclamation withdrawal shall, however, remain in full force and effect pending final determination as to the needs of the Bureau of Reclamation in connection with the construction of the Oregon Basin Division of the Shoshone Project.

OSCAR L. CHAPMAN,
Assistant Secretary of the Interior.

AUGUST 30, 1945.

[F. R. Doc. 45–17181; Filed, Sept. 13, 1945; 4:27 p. m.]

[Misc. 2063364]

NEVADA

ORDER PROVIDING FOR OPENING OF PUBLIC LANDS

SEPTEMBER, 5, 1945.

In an exchange of lands made under the provisions of section 8 of the act of June 28, 1934 (48 Stat. 1269), as amended June 26, 1936 (49 Stat. 1976, 43 U.S.C. sec. 315g), the following described lands have been reconveyed to the United States:

MOUNT DIABLE MERIDIAN

T. 12 N., R. 67 E.,
Sec. 22, NW¼SW¼;
Sec. 24, S½SW¼.

The area described contains 120 acres.

At 10:00 a. m. on the 63d day from the date on which this order is signed, these lands, subject to valid existing rights and the provisions of existing withdrawals, shall become subject to application, petition, location, or selection as follows:

(a) For a period of 90 days, commencing on the day and at the hour named above, the public lands affected by this order shall be subject to (1) application under the homestead or the desert land laws, or the small tract act of June 1, 1938 (52 Stat. 609, 43 U.S.C. sec. 682a), by qualified veterans of World War II, for whose service recognition is granted by the act of September 27, 1944 (58 Stat. 747, 43 U.S.C. sec. 282), subject to the requirements of applicable law, and (2) application under any applicable public land law, based on prior existing valid settlement rights and preference rights conferred by existing laws or equitable claims subject to allowance and confirmation. Applications by such veterans shall be subject to claims of the classes described in subdivision (2).

(b) For a period of 20 days immediately prior to the beginning of such 90-day period, such veterans and persons claiming preference rights superior to those of such veterans, may present their applications, together with those presented at 10:00 a. m. on the first day of the 90-day period, shall be treated as simultaneously filed.

(c) Commencing at 10:00 a. m. on the 91st day after the lands become subject to application, as hereinabove provided, any of the lands remaining unappropriated shall become subject to such application, petition, location, or selection by the public generally as may be authorized by the public land laws.

(d) Application by the general public may be presented during the 20-day period immediately preceding such 91st day, and all such applications, together with those presented at 10:00 a. m. on that day, shall be treated as simultaneously filed.

Veterans shall accompany their applications with certified copies of their certificates of discharge, or other satisfactory evidence of their military or naval service. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their applications by duly corroborated affidavits in support thereof, setting forth in detail all facts relevant to their claims.

Applications for these lands, which shall be filed in the District Land Office at Carson City, Neveda, shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations (Circular 324, May 22, 1914, 43 L. D. 254), and Part 296 of that title, to the extent that such regulations are applicable. Applications under the homestead laws shall be governed by the regulations contained in Subchapter I of Title 43 of the Code of Federal Regulations and applications under the desert land laws and the small tract act of June 1, 1938 shall be governed by the regulations contained in Parts 232 and 257, respectively, of that title.

FRED W. JOHNSON,
Commissioner.

[F. R. Doc. 45–17183; Filed, Sept. 14, 1945; 9:45 a. m.]

National Park Service.

[Virginia Sign Order 1]

SIGNS IN VIRGINIA PARK AREAS

OFFICIAL ADOPTION AND DESIGNATION

SEPTEMBER 10, 1945.

Pursuant to the National Capital Parks Regulations (36 CFR 3.4 (f), 3.33) issued by the Secretary of the Interior, effective September 15, 1945, all signs in park areas in the State of Virginia posted before or on September 5, 1945, and bearing the legend "U. S. Park Police", including the traffic signs contained and described on the attached list,[1] are hereby adopted and designated as official signs.

This order shall become effective as of September 15, 1945.

IRVING C. ROOT,
Superintendent.

[F. R. Doc. 45–17172; Filed, Sept. 13, 1945; 3:14 p. m.]

[1] Filed as part of the original document.

[D. C. Sign Order 1]

SIGNS IN DISTRICT OF COLUMBIA PARK AREAS

OFFICIAL ADOPTION AND DESIGNATION

SEPTEMBER 10, 1945.

Pursuant to the National Capital Parks regulations (36 CFR 3.4 (f), 3.33) issued by the Secretary of the Interior, effective September 15, 1945, all signs in park areas in the District of Columbia posted before or on September 5, 1945, and bearing the legend "U. S. Park Police", including the traffic signs contained and described on the attached list,[1] are hereby adopted and designated as official signs.

This order shall become effective as of September 15, 1945.

IRVING C. ROOT,
Superintendent.

[F. R. Doc. 45–17173; Filed, Sept. 13, 1945; 3:14 p. m.]

Office of the Secretary.

CLAIMS OF NATIVES OF HYDABURG, KLAWOCK, AND KAKE, ALASKA

Petitions for rehearing in the above case having been filed by George W. Folta, Theodore H. Haas, Kenneth R. L. Simmons, counsel for petitioners, and W. C. Arnold, Kerr, McCord & Carey, Stephen V. Carey, Evan S. McCord, Bogle, Bogle & Gates, Frank L. Mechem, Allen, Hilen, Froude & DeGarmo, Edward W. Allen, R. E. Robertson, Lester O. Gore, H. Thomas Austern, Edward G. Jennings, Covington, Burling, Rublee, Acheson & Shorb, A. H. Ziegler, counsel for protestants, in accordance with section 15 of the rules of practice for hearings upon claims of natives of Alaska (9 F.R. 10928), and sufficient cause having been shown therefor, *It is hereby ordered*, That the decision of this Department in the above case, dated July 27, 1945 (10 F.R. 9545), be reconsidered in the light of such new evidence as may be presented. Copies of each petition for rehearing, together with all argument thereon, including any affidavits or other evidence, shall be served upon each adverse party within 15 days, and answer shall be filed within 20 days thereafter.

ABE FORTAS,
Acting Secretary of the Interior.

SEPTEMBER 11, 1945.

[F. R. Doc. 45–17182; Filed, Sept. 13, 1945; 4:27 p. m.]

[1] Filed as part of the original document.

FEDERAL COMMUNICATIONS COMMISSION.

[Docket No. 6777]

WESTERN CONNECTICUT BROADCASTING CO.

NOTICE OF HEARING

In re: Application of Stephen R. Rintoul (Assignor) (WSRR), The Western Connecticut Broadcasting Company (Assignee), Stamford, Conn.; date filed, February 14, 1945, for voluntary assignment of license of Radio Station WSRR; class of service, broadcast; class of station, broadcast; location, Stamford, Conn.; operating assignment specified: Frequency 1400 kc, power 250 w, hours of operation unlimited. File No. B1–AL–474.

You are hereby notified that the Commission has examined the application in the above-entitled case and has designated the matter for hearing to be held in the offices of the Commission, Washington, D. C., on Thursday, October 4, 1945, upon the following issues:

1. To determine whether WSRR would be operated separately and apart from the "Stamford Advocate" if the application is granted and what policies if any would be followed with respect thereto, including staff, programs and service.

2. To obtain full information as to the extent of circulation in Stamford of newspapers published at that place as well as of papers published elsewhere, particularly New York City.

3. To obtain full information as to the character and extent of service rendered in Stamford and to its environs by any broadcasting stations located at points other than in Stamford.

4. To determine whether a grant of the application would tend toward a concentration of control of the media for dissemination of news and information in said area.

The application involved herein will not be granted by the Commission unless the issues listed above are determined in favor of the applicant on the basis of a record duly and properly made by means of a formal hearing.

The applicant is hereby given the opportunity to obtain a hearing on such issues by filing a written appearance in accordance with the provisions of § 1.382 (b) of the Commission's rules of practice and procedure. Persons other than the applicant herein who desire to be heard must file a petition to intervene in accordance with the provisions of §§ 1.102, 1.141 and 1.142 of the Commission's rules of practice and procedure.

Dated at Washington, D. C., September 13, 1945.

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 45–17185; Filed, Sept. 14, 1945; 11:03 a. m.]

FEDERAL POWER COMMISSION.

[Docket Nos. G–594 and G–595]

REYNOSA PIPE LINE CO.

ORDER POSTPONING DATE OF HEARING

SEPTEMBER 12, 1945.

It appearing to the Commission that:

(a) By order of July 5, 1945, entered in Docket No. G–595, the Commission ordered a rehearing of its order of May 8, 1945, such rehearing to be held at a time and place to be thereafter fixed by the Commission.

(b) On July 10, 1945, the Commission entered an order consolidating the above docketed matters for purposes of hearing and ordered that a public hearing be held commencing October 3, 1945, at 10:00 a. m. (e. w. t.) in the hearing room of the Federal Power Commission, Hurley-Wright Building, 1800 Pennsylvania Avenue NW., Washington, D. C.

(c) Good cause exists for postponing the date of hearing as hereinafter provided.

The Commission orders that: The public hearing in the above-entitled proceedings is hereby postponed to December 12, 1945, at 10:00 a. m. in the hearing room of the Federal Power Commission, Hurley-Wright Building, 1800 Pennsylvania Avenue NW., Washington, D. C.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 45–17258; Filed, Sept. 14, 1945; 12:08 p. m.]

[Docket No. G–648]

GODFREY L. CABOT, INC., AND CABOT GAS CORP.

ORDER CANCELLING HEARING AND TERMINATING PROCEEDING

SEPTEMBER 12, 1945.

Upon consideration of Supplement No. 1 to Cabot Gas Corporation Rate Schedule FPC No. 4 filed by Cabot Gas Corporation on September 10, 1945, cancelling increased rates to The Pavilion Natural Gas Company provided in Cabot Gas Corporation Rate Schedule FPC No. 4, which was suspended by the Commission's order of July 10, 1945; and

It appearing to the Commission that: The cancellation of the proposed increased rates to The Pavilion Natural Gas Company eliminates all necessity for the hearing scheduled to begin in Rochester, New York, on September 25, 1945;

The Commission orders that: The hearing upon the issues and the matters presented in this docket scheduled to be heard commencing at 10 a. m. on September 25, 1945, in Room 23, Federal Building, Church and Fitzhugh Streets, Rochester, New York, be and the same is hereby cancelled, and all proceedings in this docket terminated.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 45–17259; Filed, Sept. 14, 1945; 12:08 p. m.]

FEDERAL SECURITY AGENCY.

Food and Drug Administration.

[Docket No. FDC-33 (b)]

ALIMENTARY PASTES

NOTICE OF HEARING TO AMEND DEFINITIONS AND STANDARDS OF IDENTITY FOR ALIMENTARY PASTES AND TO ESTABLISH A DEFINITION AND STANDARD OF IDENTITY FOR GLUTEN MACARONI PRODUCTS

In the matter of amending the definition and standard of identity for each of the following foods (9 F.R. 14881): Macaroni products, milk macaroni products, whole wheat macaroni products, wheat and soy macaroni products, vegetable macaroni products, noodle products, wheat and soy noodle products, vegetable noodle products, and fixing and establishing a definition and standard of identity for gluten macaroni products. Notice is hereby given that the Administrator of the Federal Security Agency, in accordance with the provisions of the Federal Food, Drug, and Cosmetic Act, sections 401 and 701, 21 U. S. C., 341 and 371, on his own initiative and upon the application of a substantial part of the interested industry showing reasonable grounds therefor, will hold a public hearing commencing at ten o'clock in the forenoon of October 16, 1945, in Room 3106, South Building United States Department of Agriculture, Independence Avenue between 12th and 14th Streets SW., Washington, D. C., upon proposals to issue regulations fixing and establishing a definition and standard of identity for gluten macaroni products, and to amend the definitions and standards of identity for macaroni products, milk macaroni products, whole wheat macaroni products, wheat and soy macaroni products, vegetable macaroni products, noodle products, wheat and soy noodle products, and vegetable noodle products, so as to permit use of gluten in such products as an optional ingredient.

The purpose of the hearing is to receive evidence of record upon which the Administrator is required to base his order.

Interested persons are hereby notified that the hearing is a fact-finding proceeding; that at the hearing any interested person may be heard in person or by his representative. At the hearing the evidence will be restricted to testimony and exhibits which are relevant and material to a proposed definition and standard of identity for gluten macaroni products and to proposed amendments of the definitions and standards of identity for macaroni products, milk macaroni products, whole wheat macaroni products, wheat and soy macaroni products, vegetable macaroni products, noodle products, wheat and soy noodle products, and vegetable noodle products. The proposals are subject to adoption, rejection, amendment or modification, in whole or in part, as the evidence of record adduced at the hearing may require.

Edward E. Turkel is hereby designated as Presiding Officer to conduct the hearing in the place of the Administrator, with full authority to administer oaths and affirmations and to do all other things appropriate to the conduct of the hearing.

The hearing will be conducted in accordance with the rules of practice provided for such hearings as published in 21 Code of Federal Regulations, Cum. Supp., 2.701–2.715.

In lieu of oral testimony, interested persons may submit affidavits to the Presiding Officer at Room 4148 South Building, United States Department of Agriculture Independence Avenue between 12th and 14th Streets, S. W., Washington, D. C., on or before the date of the opening day of the hearing. Such affidavits should be submitted in quintuplicate and, if relevant and material, will be received and made a part of the record of the hearing, but the Administrator will consider the lack of opportunity for cross-examination in determining the weight to be given to statements made in such affidavits. Interested persons will be permitted, in accordance with the above-mentioned rules of practice, to examine all affidavits submitted and to file counter affidavits with the Presiding Officer.

Dated: September 14, 1945.

[SEAL] WATSON B. MILLER,
Administrator.

[F. R. Doc. 45-17186; Filed, Sept. 14, 1945; 11:10 a. m.]

INTERSTATE COMMERCE COMMISSION.

[S. O. 70-A, Special Permit 1047]

RECONSIGNMENT OF LETTUCE AT PHILADELPHIA, PA.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph (§ 95.35, 8 F.R. 14624) of Service Order No. 70-A of October 22, 1943, permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard entirely the provisions of Service Order No. 70-A insofar as it applies to the reconsignment at Philadelphia, Pennsylvania, September 10, 1945, by Justman Frankenthal Company, of car PFE 35953, lettuce, now on the Pennsylvania Railroad, to H. Goldsant, New York, N. Y. (P. R. R.).

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 10th day of September 1945.

V. C. CLINGER,
Director,
Bureau of Service.

[F. R. Doc. 45-17195; Filed, Sept. 14, 1945; 11:17 a. m.]

[S. O. 70-A, Special Permit 1048]

RECONSIGNMENT OF POTATOES AT CHICAGO, ILL.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph (§ 95.35, 8 F.R. 14624) of Service Order No. 70-A of October 22, 1943, permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard entirely the provisions of Service Order No. 70-A insofar as it applies to the reconsignment at Chicago, Illinois, September 11, 1945, by National Produce Company, of car URT 5906, potatoes, now on the M. St. P. & S. S. M. Railroad Company, to Holbrook & Zink, Indianapolis, Ind. (Monon-B&O), account railroad delay in notification.

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 11th day of September 1945.

V. C. CLINGER,
Director,
Bureau of Service.

[F. R. Doc. 45-17196; Filed, Sept. 14, 1945; 11:17 a. m.]

[S. O. 70-A, Special Permit 1049]

RECONSIGNMENT OF POTATOES AT CHICAGO, ILL.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph (§ 95.35, 8 F.R. 14624) of Service Order No. 70-A of October 22, 1943, permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard entirely the provisions of Service Order No. 70-A insofar as it applies to the reconsignment at Chicago, Illinois, September 11, 1945, by M. W. Frizzel & Company, of car PFE 92247, potatoes, now on the Wood Street Terminal, to Atlantic Commission Company, Gary, Indiana.

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 11th day of September 1945.

V. C. CLINGER,
Director,
Bureau of Service.

[F. R. Doc. 45-17197; Filed, Sept. 14 1945; 11:17 a. m.]

[S. O. 70-A, Special Permit 1050]

RECONSIGNMENT OF POTATOES AT CHICAGO, ILL.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph (§ 95.35, 8 F.R. 14624) of Service Order No. 70-A of October 22, 1943, permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard entirely the provisions of Service Order No. 70-A insofar as it applies to the reconsignment at Chicago, Illinois, September 11, 1945, by Plowaty Bergart Company, of cars URT 8963 and SFRD 33227, potatoes, now on the Wood Street Terminal, to Fred Plowaty, Homestead, Florida (C&EI-L&N-NC&StL-AB&C-ACL-FEC).

The waybills shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 11th day of September 1945.

V. C. CLINGER,
Director,
Bureau of Service.

[F. R. Doc. 45-17198; Filed, Sept. 14, 1945; 11:17 a. m.]

[2d Rev. S. O. 300, Special Permit 49]

REFRIGERATION OF POTATOES FROM BRIDGEHAMPTON, LONG ISLAND, N. Y.

Pursuant to the authority vested in me by paragraph (e) of the first ordering paragraph of Second Revised Service Order No. 300 (10 F.R. 6802), permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard the provisions of Second Revised Service Order No. 300 insofar as it applies to the furnishing of standard refrigeration on cars of potatoes, shipped September 10, 1945, from Bridgehampton, L. I., N. Y., by F. H. Vahlsing, Inc. MDT 20089, CX 50196 and PFE 95487 consigned to N. Genaci, Tampa, Florida, (LI-PRR-RF&P-SAL), and MDT 20830 consigned to Margaret Ann Stores, Tampa, Florida, (LI-PRR-RF&P-ACL).

The waybills shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 10th day of September 1945.

V. C. CLINGER,
Director,
Bureau of Service.

[F. R. Doc. 45-17199; Filed, Sept. 14, 1945; 11:18 a. m.]

[2d Rev. S. O. 345, General Permit 1]

REICING OF POTATOES FROM IDAHO, UTAH, OR ARIZONA

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph of Second Revised Service Order No. 345, permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard the provisions of Second Revised Service Order No. 345 insofar as it applies to the furnishing of a second reicing in transit in the territory west of the Mississippi River on any refrigerator car loaded with potatoes originating at any point or points located in the States of Idaho, Utah, or Arizona, or west thereof, and destined to points located in Louisiana (west of the Mississippi River), or in Texas in or east of the counties of Hardeman, Foard, Knox, Haskell, Jones, Taylor, Runnels, Concho, Menard, Kimble, Kerr, Real, Uvalde, Zavalla, Dimmit or Webb in Texas.

This general permit shall become effective at 12:01 a. m., September 12, 1945 and shall apply only on cars billed on or after that time; and it shall expire at 12:01 a. m., September 30, 1945.

The waybills shall show reference to this general permit.

A copy of this general permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 11th day of September 1945.

V. C. CLINGER,
Director,
Bureau of Service.

[F. R. Doc. 45 17200; Filed, Sept. 14, 1945; 11:18 a. m.]

[Rev. S. O. 345 Special Permit 16]

REICING OF POTATOES AT EVANSVILLE, IND. AND AT ATLANTA, GA.

Pursuant to the authority vested in me by paragraph (g) of the first ordering paragraph of Revised Service Order No. 345 (10 F.R. 10034), permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard the provisions of Revised Service Order No. 345 insofar as it applies to the furnishings of two reicings in transit, one at Evansville, Indiana, (C&EI or L&N) and one at Atlanta, Georgia, (NC&StL or AB&C), on cars URT 8963 and SFRD 33227, potatoes; consigned from Chicago to Fred Plowaty, Homestead, Florida, (C&EI-L&N-NC&StL-AB&C-ACL-FEC), as ordered by Plowaty Bergart Company.

The waybills shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 11th day of September 1945.

V. C. CLINGER,
Director,
Bureau of Service.

[F. R. Doc. 45-17201; Filed, Sept. 14, 1945; 11:18 a. m.]

[2d Rev. S. O. 346, General Permit 1]

ICING OF VEGETABLES FROM CALIFORNIA

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph of Second Revised Service Order No. 346, permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard the provisions of Second Revised Service Order No. 346 insofar as it applies to the retop icing of refrigerator cars loaded with vegetables shipped by or for the U. S. Army or Navy from California to west coast ports for export.

Effective 12:01 a. m., September 12, 1945.

The waybills shall show reference to this general permit.

A copy of this general permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 11th day of September 1945.

V. C. CLINGER,
Director,
Bureau of Service.

[F. R. Doc. 45-17202; Filed, Sept. 14, 1945; 11:18 a. m.]

[2d Rev. S. O. 346, General Permit 2]

ICING OR REICING OF GREEN CORN OR PEAS AT ALAMOSA OR PUEBLO, COLO.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph of Second Revised Service Order No. 346, permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard the provisions of paragraph (b) of Second Revised Service Order No. 346

insofar as it applies to the initial bunker icing or reicing in transit in bunkers of cars loaded with green corn or peas; *Provided*, That on cars of peas originating on The Denver and Rio Grande Western Railroad Company (Wilson McCarthy and Henry Swan, Trustees) west of Walsenburg, Colorado, that carrier may accord the initial bunker icing at either Alamosa or Pueblo, Colorado.

This general permit shall become effective at 12:01 a. m., September 12, 1945, and shall apply to cars billed or in transit on or after that time. This general permit shall expire at 11:59 p. m., September 30, 1945.

The waybills shall show reference to this general permit.

A copy of this general permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 11th day of September 1945.

V. C. CLINGER,
Director,
Bureau of Service.

[F. R. Doc. 45-17203; Filed, Sept. 14, 1945; 11:18 a. m.]

[2d Rev. S. O. 346, General Permit 3]

ICING OF CELERY, BROCCOLI OR CAULIFLOWER IN CALIFORNIA

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph of Second Revised Service Order No. 346, permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard the provisions of Second Revised Service Order No. 346 insofar as it applies to initial bunker icing only on straight carloads of celery, broccoli, or cauliflower, also mixed carloads of broccoli with cauliflower, also any shipment of fresh or green vegetables when loaded in a refrigerator car having a height of less than seven (7) feet, inside measurement, originating at points in California.

This general permit will become effective at 12:01 a. m., September 12, 1945, and will apply on cars billed or in transit on or after that time.

The waybills shall show reference to this general permit.

A copy of this general permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D C., this 11th day of September 1945.

V. C. CLINGER,
Director,
Bureau of Service.

[F R Doc 45-17204; Filed, Sept. 14, 1945; 11:18 a. m.]

[2d Rev. S. O. 346, General Permit 4]

ICING OF CARROTS FROM CALIFORNIA, OREGON, WASHINGTON, IDAHO, UTAH, ARIZONA, NEW MEXICO AND NEVADA

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph of Second Revised Service Order No. 346, permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard the provisions of Second Revised Service Order No. 346 insofar as it applies to initial bunker icing only on straight carloads of carrots originating at points in California, Oregon, Washington, Idaho, Utah, Arizona, New Mexico or Nevada.

This general permit will become effective at 12:01 a. m., September 12, 1945, and will apply on cars billed or in transit on or after that time.

The waybills shall show reference to this general permit.

A copy of this general permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 11th day of September 1945.

V. C. CLINGER,
Director,
Bureau of Service.

[F. R. Doc. 45-17205; Filed, Sept. 14, 1945; 11:18 a. m.]

[Rev. S. O. 346, Special Permit 22]

ICING OF CELERY AT PUEBLO, COLO.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph of Revised Service Order No. 346 (10 F.R. 10035), permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard the provisions of paragraph (c) (1) of Revised Service Order No. 346, insofar as it applies to the quantity of retop ice furnished on refrigerator cars loaded with celery originating at Pueblo, Colorado.

This permit shall become effective at 12:01 a. m., September 11, 1945, and shall apply only on cars billed on and after that time.

The waybills shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 10th day of September 1945.

V. C. CLINGER,
Director.
Bureau of Service.

[F. R. Doc. 45-17206; Filed, Sept. 14 1945; 11:18 a. m.]

[Rev. S. O. 346, Special Permit 23]

ICING OF CAULIFLOWER AT FORT WORTH, TEX.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph of Revised Service Order No. 346 (10 F.R. 10035), permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard the provisions of Revised Service Order No. 346 insofar as it applies to the furnishing of not to exceed ten thousand (10,000) pounds of retop ice, one time only, on car MDT 18190, cauliflower, by the Fort Worth and Denver City Railway Company, not later than September 15, 1945, at Fort Worth, Texas, as requested by Hartner Produce Company.

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 11th day of September 1945.

V. C. CLINGER,
Director.
Bureau of Service

[F. R. Doc. 45-17207; Filed, Sept. 14 1945; 11:18 a. m.]

OFFICE OF DEFENSE TRANSPORTATION.

[Recommendation for Petroleum and Other Liquid Transport, Revocation]

TRANSPORTATION OF PETROLEUM AND OTHER LIQUID PRODUCTS IN TANK TRUCKS

Pursuant to Executive Orders 8989, as amended, and 9156, *It is hereby ordered*, That:

(1) Recommendation for Establishment of Petroleum and Other Liquid Transport Advisory Committees, dated January 8, 1944 (9 F.R. 708), be, and it is hereby, revoked.

(2) All approvals and directions issued by the Office of Defense Transportation in respect of joint action plans pursuant to the provisions of said recommendation be, and they are hereby, vacated and revoked.

(3) The National ODT Tank Truck Advisory Committee, all Regional and State ODT Tank Truck Advisory Committees, all Regional, State and District Committees on Local Delivery, all Regional or State Joint ODT Tank Truck Advisory Committees, and all Temporary Subcommittees appointed pursuant to the provisions of said recommendation be, and they are hereby, dissolved

This revocation order shall become effective September 20, 1945.

(E.O. 8989, as amended, 6 F.R. 6725, 8 F.R. 14183; E.O. 9156, 7 F.R. 3349)

Issued at Washington, D. C., this 14th day of September 1945.

J. M. JOHNSON,
Director,
Office of Defense Transportation.

[F. R. Doc. 45-17209; Filed, Sept. 14, 1945; 11:25 a. m.]

OFFICE OF PRICE ADMINISTRATION.

[MFR 120, Order 1455]

BARILAR COAL CO. ET AL.

ESTABLISHMENT OF MAXIMUM PRICES AND PRICE CLASSIFICATIONS

For the reasons set forth in an accompanying opinion, and in accordance with § 1340.210 (a) (6) of Maximum Price Regulation No. 120; *It is ordered:*

Producers identified herein operate named mines assigned the mine index numbers, the price classifications and the maximum prices in cents per net ton, for the indicated uses and shipments as set forth herein. All are in District No. 1. The mine index numbers and the price classifications assigned are permanent but the maximum prices may be changed by an amendment issued after the effective date of this order. Where such an amendment is issued for the district in which the mines involved herein are located and where the amendment makes no particular reference to a mine or mines involved herein, the prices shall be the prices set forth in such amendment for the price classifications of the respective size groups. The location of each mine is given by county and state. The maximum prices stated to be for truck shipment are in cents per net ton f. o. b. the mine or preparation plant and when stated to be for rail shipment or for railroad locomotive fuel are in cents per net ton f. o. b. rail shipping point. In cases where mines ship coals by river the prices for such shipments are those established for rail shipment and are in cents per net ton f. o. b. river shipping point. However, producer is subject to the provisions of § 1340.212 and all other provisions of Maximum Price Regulation No. 120.

BARILAR COAL CO., ANITA, PA., BARILAR #3 MINE, D SEAM, MINE INDEX NO. 5487, JEFFERSON COUNTY, PA., SUBDISTRICT 6, RAIL SHIPPING POINT, ANITA, PA., STRIP MINE

	Size group Nos.				
	1	2	3	4	5
Price classification	E	E	E	E	E
Rail shipment	355	335	335	315	315
Railroad locomotive fuel	320	320	305	295	295
Truck shipment	365	340	340	330	320

FRED BARILAR, ANITA, PA., BARILAR #4 MINE, D SEAM, MINE INDEX NO. 5488, JEFFERSON COUNTY, PA., SUBDISTRICT 6, RAIL SHIPPING POINT, ANITA, PA., STRIP MINE

Price classification	E	E	E	E	E
Rail shipment	355	335	335	315	315
Railroad locomotive fuel	320	320	305	295	295
Truck shipment	365	340	340	330	320

M. L. BARTHOLOMEW, RD #2 PUNXSUTAWNEY, PA., BARTHOLOMEW #5, E SEAM, MINE INDEX NO. 5481, INDIANA COUNTY, PA., SUNDISTRICT 6, RAIL SHIPPING POINT, ROSSITER, PA., DEEP MINE

Price classification	F	F	F	F	F
Rail shipment	363	363	363	333	333
Railroad locomotive fuel	348	348	333	323	323
Truck shipment	388	363	363	353	343

G. C. BLOSE, PUNXSUTAWNEY, PA., BERYL NO. 4 MINE, B SEAM, MINE INDEX NO. 5457, JEFFERSON COUNTY, PA., SUBDISTRICT 5, RAIL SHIPPING POINT, SUMMERVILLE, PA., STRIP MINE

Price classification	E	E	E	E	E
Rail shipment	355	335	335	315	315
Railroad locomotive fuel	320	320	305	295	295
Truck shipment	365	340	340	330	320

THE BONANZA COAL MINING CO., ST. BENEDICT, PA., BONANZA MINE, D SEAM, MINE INDEX NO. 5444, CAMBRIA COUNTY, PA., SUBDISTRICT 24, RAIL SHIPPING POINT, ST. BENEDICT, PA., DEEP MINE

Price classification	E	E	E	E	E
Rail shipment	363	363	363	343	343
Railroad locomotive fuel	348	348	333	323	323
Truck shipment	393	368	368	358	348

BROAD TOP MINING CO., RIDDLESBURG, PA., BROAD TOP NO. 10 MINE, KELLY SEAM, MINE INDEX NO. 5468, BEDFORD COUNTY, PA., SUBDISTRICT 39, RAIL SHIPPING POINT, KEARNEY, PA., DEEP MINE

Price classification	F	F	F	F	F
For all methods of shipment and for all uses	453	453	418	393	378

Smithing coal (any size): 503.

CAPIZZI COAL CO., CLYMER, PA., LEONARD NO. 1 MINE, D SEAM, MINE INDEX NO. 5455, INDIANA COUNTY, PA., SUBDISTRICT 15, RAIL SHIPPING POINT, CLYMER, PA., DEEP MINE

Price classification	F	F	F	F	F
Rail shipment	363	363	363	333	333
Railroad locomotive fuel	348	348	333	323	323
Truck shipment	388	363	363	353	343

CONRAD & SEGER, 200 NORTH 7TH ST., INDIANA, PA., CONRAD & SEGER MINE, PITTSBURGH, SEAM, MINE INDEX NO. 5453, INDIANA COUNTY, PA., SUBDISTRICT 22, RAIL SHIPPING POINT, ISELIN, PA., STRIP MINE

Price classification	E	E	E	E	E
Rail shipment	355	335	335	315	315
Railroad locomotive fuel	320	320	305	295	295
Truck shipment	355	335	335	330	320

The maximum prices listed in this order include the increase in maximum prices where authorized by Amendment No. 146 to MPR 120 which became effective August 3, 1945.

This order shall become effective this 14th day of September 1945.

(56 Stat. 23, 765, 57 Stat. 566; Pub. Law 383, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, F.R. 4681)

Issued this 13th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-17147; Filed, Sept. 13, 1945; 11:50 a. m.]

[MPR 120, Order 1456]

F. K. & G. MINING AND STRIPPING CO. ET AL.

ESTABLISHMENT OF MAXIMUM PRICES AND PRICE CLASSIFICATIONS

For the reasons set forth in an accompanying opinion, and in accordance with § 1340.210 (a) (6) of Maximum Price Regulation No. 120; *It is ordered:*

Producers identified herein operate named mines assigned the mine index numbers, the price classifications and the maximum prices in cents per net ton, for indicated uses and shipments as set forth herein. All are in District No. 1. The mine index numbers and the price classifications assigned are permanent but the maximum prices may be changed by an amendment issued after the effective date of this order. Where such an amendment is issued for the district in which the mines involved herein are located and where the amendment makes no particular reference to a mine or mines involved herein, the prices shall be the prices set forth in such amendment for the price classifications of the respective size groups. The location of each mine is given by county and state. The maximum prices stated to be for truck shipment are in cents per net ton f. o. b. the mine or preparation plant and when stated to be for rail shipment or for railroad locomotive fuel are in cents per net ton f. o. b. rail shipping point. In cases where mines ship coals by river the prices for such shipments are those established for rail shipment and are in cents per net ton f. o. b. river shipping point. However, producer is subject to the provisions of § 1340.212 and all other provisions of Maximum Price Regulation No. 120.

F. K. & G. MINING & STRIPPING CO., 209 HIGHLAND AVE., PUNXSUTAWNEY, PA., F. K. & G. NO. 2 MINE, E SEAM, MINE INDEX NO. 5174, INDIANA COUNTY, PA., SUBDISTRICT 15, RAIL SHIPPING POINT, IDAMAR, PA., STRIP MINE

	Size group Nos.				
	1	2	3	4	5
Price classification	G	G	G	G	G
Rail shipment	330	330	315	305	305
Railroad locomotive fuel	320	320	305	295	295
Truck shipment	355	330	330	320	310

JOHN A. GETCH, BOX 137, ANITA, PA., GETCH MINE, D SEAM, MINE INDEX NO. 5445, JEFFERSON COUNTY, PA., SUBDISTRICT 6, RAIL SHIPPING POINT, ANITA, PA., DEEP MINE

Price classification	E	E	E	E	E
Rail shipment	363	363	363	343	343
Railroad locomotive fuel	348	348	333	323	323
Truck shipment	393	368	368	358	348

MAYNARD L. GOSS, R. D. NO. 1, OLANTA, PA., M. L. GOSS MINE, D SEAM, MINE INDEX NO. 5483, CLEARFIELD COUNTY, PA., SUBDISTRICT 7, DEEP MINE

Truck shipment	388	363	363	353	343

GREEN VALLEY COAL CO., C/O JOHN HERNSHAW, SMITH MILLS, PA., ORCHARD NO. 1 MINE, D SEAM, MINE INDEX NO. 5480, CLINTON COUNTY, PA., SUBDISTRICT 3, RAIL SHIPPING POINT: SPRUCE, PA., DEEP MINE

Price classification	F	F	F	F	F
Rail shipment	363	363	363	333	333
Railroad locomotive fuel	348	348	333	323	323
Truck shipment	388	363	363	353	343

HAYS COAL CO., BELMONT, PA., HAYS STRIPPING MINE, E SEAM, MINE INDEX NO. 5045, INDIANA COUNTY, PA., SUBDISTRICT 15, RAIL SHIPPING POINT: IDAMAR, PA., STRIP MINE

Price classification	G	G	G	G	G
Rail shipment	330	330	315	305	305
Railroad locomotive fuel	320	320	305	295	295
Truck shipment	355	330	330	320	310

F. R. HOLLIS COAL CO., MANN'S CHOICE, PA., HOLLIS NO. 1-D MINE, D SEAM, MINE INDEX NO. 5477, CAMBRIA COUNTY, PA., SUBDISTRICT 18, RAIL SHIPPING POINT: COALPORT, PA., STRIP MINE

	Size group Nos.				
	1	2	3	4	5
Price classification	F	F	F	F	F
Rail shipment	335	335	335	305	305
Railroad locomotive fuel	320	320	305	295	295
Truck shipment	360	335	335	325	315

F. R. HOLLIS COAL CO., MANN'S CHOICE, PA., HOLLIS NO. 1-E MINE, E SEAM, MINE INDEX NO. 5478, CAMBRIA COUNTY, PA., SUBDISTRICT 18, RAIL SHIPPING POINT: COALPORT, PA., STRIP MINE

Price classification	F	F	F	F	F
Rail shipment	335	335	335	305	305
Railroad locomotive fuel	320	320	305	295	295
Truck shipment	360	335	335	325	315

JULIETTE COAL CO., GRANT BLDG., PITTSBURGH 19, PA., JULIETTE NO. 7 MINE, B SEAM, MINE INDEX NO. 5492, SOMERSET COUNTY, PA., SUBDISTRICT 38, RAIL SHIPPING POINT: CAIRNBROOK, PA., STRIP MINE

Price classification	C	C	C	C	C
Rail shipment	370	365	345	330	330
Railroad locomotive fuel	320	320	305	295	295
Truck shipment	375	350	350	340	330

The maximum prices listed in this order include the increase in maximum prices where authorized by Amendment No. 146 to MPR 120 which became effective August 3, 1945.

This order shall become effective September 14, 1945.

(56 Stat. 23, 765; 57 Stat. 566; Pub. Law 383, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 13th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-17148; Filed, Sept. 13, 1945; 11:50 a. m.]

[MPR 120, Order 1457]

W. P. CRAGO ET AL.

ESTABLISHMENT OF MAXIMUM PRICES AND PRICE CLASSIFICATIONS

For the reasons set forth in an accompanying opinion, and in accordance with § 1340.210 (a) (6) of Maximum Price Regulation No. 120; *It is ordered:*

Producers identified herein operate named mines assigned the mine index numbers, the price classifications and the maximum prices in cents per net ton, for the indicated uses and shipments as set forth herein. All are in District No. 1. The mine index numbers and the price classifications assigned are permanent but the maximum prices may be changed by an amendment issued after the effective date of this order. Where such an amendment is issued for the district in which the mines involved herein are located and where the amendment makes no particular reference to a mine or mines involved herein, the prices shall be the prices set forth in such amendment for the price classifications of the respective size groups. The location of each mine is given by county and state. The maximum prices stated to be for truck shipment are in cents per net ton f. o. b. the mine or preparation plant and when stated to be for rail shipment or for railroad locomotive fuel are in cents per net ton f. o. b. rail shipping point. In cases where mines ship coals by river the prices for such shipments are those established for rail shipment and are in cents per net ton f. o. b. river shipping point. However, producer is subject to the provisions of § 1340.212 and all other provisions of Maximum Price Regulation No. 120.

W. P. CRAGO, 300 N. FRONT ST., PHILLIPSBURG, PA., PARWORTH NO. 1 MINE, E SEAM, MINE INDEX NO. 5471, CLEARFIELD COUNTY, PA., SUBDISTRICT 14, RAIL SHIPPING POINT: HOUTZDALE, PA., DEEP AND STRIP MINE

	Size group Nos.				
	1	2	3	4	5
Price classification	F	F	F	F	F
Rail shipment	335	335	335	305	305
R. R. locomotive fuel	320	320	305	295	295
Truck shipment	360	335	345	325	315

The foregoing maximum prices are applicable to strip-mined coal. To determine the maximum prices applicable to deep-mined coal and 25¢ per ton to each of the foregoing maximum prices.

JOSEPH R. DAMBACHER, STAR ROUTE, RIDGEWAY, PA., DAMBACHER MINE, C SEAM, MINE INDEX NO. 5491, JEFFERSON COUNTY, PA., SUBDISTRICT 2, RAIL SHIPPING POINT: BROCKWAY, PA., STRIP MINE

Price classification	E	E	E	E	E
Rail shipment	355	335	345	315	315
R. R. locomotive fuel	320	320	305	295	295
Truck shipment	365	340	340	330	320

DE ROMO COAL CO., 22 S. MAIN ST., WILKES-BARRE, PA., DE ROMO NO. 2 MINE, B SEAM, MINE INDEX NO. 5446, CLEARFIELD COUNTY, PA., SUBDISTRICT 13, RAIL SHIPPING POINT: PINE RUN SIDING, PA., STRIP MINE

Price classification	D	D	D	D	D
Rail shipment	360	340	335	325	325
R. R. locomotive fuel	320	320	305	295	295
Truck shipment	370	345	345	335	325

I. W. DINGER, ROUTE NO. 4, PUNXSUTAWNEY, PA., WINDY WHIZZ MINE, E SEAM, MINE INDEX NO. 5448, JEFFERSON COUNTY, PA., SUBDISTRICT 6, RAIL SHIPPING POINT: RINGGOLD, PA., DEEP MINE

Price classification	F	F	F	F	F
Rail shipment	363	363	363	333	333
R. R. locomotive fuel	348	348	333	324	324
Truck shipment	388	363	363	353	344

EQUALITY COAL CO., C/O FORREST V. WATKINS, R. F. D. 1, HOOVERSVILLE, PA., EQUALITY COAL CO. MINE, E SEAM, MINE INDEX NO. 5476, SOMERSET COUNTY, PA., SUBDISTRICT 37, RAIL SHIPPING POINT: KANTNER, PA., DEEP MINE

Price classification	E	E	E	E	E
Rail shipment	383	363	363	344	344
R. R. locomotive fuel	348	348	333	324	324
Truck shipment	393	368	368	358	348

FAIRVIEW COAL CO., DORA, PA., FAIRVIEW MINE, E SEAM, MINE INDEX NO. 5462, JEFFERSON COUNTY, PA., SUBDISTRICT 6, RAIL SHIPPING POINT: RINGGOLD, PA., DEEP MINE

Price classification	F	F	F	F	F
Rail shipment	363	363	363	333	333
R. R. locomotive fuel	348	348	333	324	324
Truck shipment	388	363	363	353	344

FREEBROOK CORPORATION, KITTANNING, PA., DICKEY MINE, B SEAM, MINE INDEX NO. 5451, ARMSTRONG COUNTY, PA., SUBDISTRICT 10, RAIL SHIPPING POINT: CADOGAN, PA., STRIP MINE

Price classification	H	H	H	J	J
Rail shipment	330	330	310	285	285
R. R. locomotive fuel	320	320	305	295	295
Truck shipment	350	330	330	310	300

GASTON & SUNDERLINE, LAIRD GASTON, ROCHESTER MILLS, PA., G & S MINE, E SEAM, MINE INDEX NO. 5467, INDIANA COUNTY, PA., SUBDISTRICT 6, RAIL SHIPPING POINT: ROSSITER, PA., STRIP MINE

	Size group N				
	1	2	3	4	5
Price classification	F	F	F	F	F
Rail shipment	335	335	335	[illegible]	[illegible]
R. R. locomotive fuel	320	320	305	295	295
Truck shipment	360	335	335	325	315

The maximum prices listed in this order include the increase in maximum prices where authorized by amendment No. 146 to MPR 120 which became effective August 3, 1945.

This order shall become effective September 14, 1945.

(56 Stat. 23, 765; 57 Stat. 566; Pub. Law 383, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 13th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-17149; Filed, Sept. 13, 1945; 11:50 a. m.]

[RMPR 161, Amdt. 5 to Order 53]

WEST COAST LOGS

APPROVED GRADERS AND SCALERS

For the reasons set forth in the accompanying opinion and under the authority vested in the Administrator by § 1381.158 of Revised Maximum Price Regulation 161, *It is hereby ordered:*

Paragraph (b) is amended by the addition of the name of W. J. Bengtila, Box 538, Reedsport, Oregon, to the list of approved individual graders and scalers immediately preceding the name of Mac Calavan.

This amendment may be revoked or amended at any time.

This amendment shall become effective September 14, 1945.

Issued this 13th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-17142; Filed, Sept. 13, 1945; 11:48 a. m.]

[MPR 260, Amdt. 1 to Order 1339]

EVA CIGAR CO.

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion accompanying this amendment and pursuant to § 1358.102 (b) of Maximum Price Regulation 260; *It is ordered,* That:

The maximum prices for the "Anthony-Corona Chica" and "Anthony-Londre Especial" cigars set forth in Paragraph (a) of Order No. 1339 under Maximum Price Regulation No. 260, are amended to read as follows:

Brand	Size or frontmark	Packing	Maximum list price	Maximum retail price
Anthony	Corona Chica	50	*Per M* $72	*Cents* 9
	Londre Especial	50	75	10

This amendment shall become effective September 14, 1945.

Issued this 13th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-17150; Filed, Sept. 13, 1945; 11:51 a. m.]

[MPR 336, Order 6]

CALIFORNIA

DESIGNATION OF DEFICIENCY AREAS WITH RESPECT TO PORK CUTS AND CERTAIN SAUSAGE PRODUCTS

Pursuant to section 5 (d) (3) of Maximum Price Regulation No. 336, I find there exists in each of the areas hereinafter named, located in Zone 1 and having populations not in excess of 25,000 persons, quotas permitting sales of retail meat cuts which are insufficient to supply the meat requirements of other retail dealers meeting the criteria established for retail dealers authorized to purchase retail meat cuts for resale purposes under the provisions of subparagraph (1) of section 5 (d) of Maximum Price Regulation No. 336. I find further that this condition has occurred because of an increase in population in such areas.

The areas are:

1. The City of Marysville, California—the total area within the corporate limits of said city.

2. Yuba County, California—the entire county except the City of Marysville.

3. Yuba City, Sutter County, California—the total area within the corporate limits of said city.

4. Dunsmuir, California — the total area within the corporate limits of the City of Dunsmuir and the adjacent area within a radius of 25 miles of the corporate limits of said city.

5. Lake Tahoe, California—that portion of Eldorado and Placerville counties lying east of the crest of the Sierra Nevada Mountains and those communities on California State Highway No. 50 from Kyburz, California, to the crest of the Sierra Nevada Mountains.

The areas named hereby are designated as "deficiency areas" under the provisions of section 5 (d) (3) of Maximum Price Regulation No. 336, and the respective District Director of the appropriate District Office of the Office of Price Administration within whose jurisdiction any one of the named areas is located may, in writing, authorize named retail selling establishments customarily serving such area, and which are not hotel supply houses, and which do not own or control a packing or a slaughtering plant, to sell retail meat cuts to other retail dealers located in the specific deficiency area who are qualified to make such purchases under the provisions of subparagraph (1) of section 5 (d) of Maximum Price Regulation No. 336, in whatever volume and subject to whatever terms and conditions he may deem necessary: *Provided,* That in no event may any designated retail selling establishment be authorized to sell retail meat cuts to buyers who are not ultimate consumers in excess of 70 percent of its total current monthly dollar volume of meat sales: *And provided further,* That each seller authorized to sell retail meat cuts to other retail dealers for resale purposes under the provisions of this Order No. 6 under said section 5 (d) (3) of Maximum Price Regulation No. 336 shall be required to conform to the reporting provisions and all other requirements of said section 5 (d) (3).

This designation shall remain in effect to and including October 15, 1945, unless sooner terminated.

This order may be revoked or amended at any time.

This order shall become effective September 14, 1945.

Issued this 13th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-17151; Filed, Sept. 13, 1945; 11:51 a. m.]

[MPR 355, Order 6]

CALIFORNIA

DESIGNATION OF DEFICIENCY AREAS WITH RESPECT TO PORK CUTS AND CERTAIN SAUSAGE PRODUCTS

Pursuant to section 5 (d) (3) of Maximum Price Regulation No. 355, I find there exists in each of the areas hereinafter named, located in Zone 1 and having populations not in excess of 25,000 persons, quotas permitting sales of retail meat cuts which are insufficient to supply the meat requirements of other retail dealers meeting the criteria established for retail dealers authorized to purchase retail meat cuts for resale purposes under the provisions of subparagraph (1) of section 5 (d) of Maximum Price Regulation No. 355. I find further that this condition has occurred because of an increase in population in such areas.

The areas are:

1. The City of Marysville, California—the total area within the corporate limits of said city.

2. Yuba County, California—the entire county except the City of Marysville.

3. Yuba City, Sutter County, California—the total area within the corporate limits of said city.

4. Dunsmuir, California—the total area within the corporate limits of the City of Dunsmuir and the adjacent area within a radius of 25 miles of the corporate limits of said city.

5. Lake Tahoe, California—that portion of Eldorado and Placerville counties lying east of the crest of the Sierra Nevada Mountains and those communities on California State Highway No. 50 from Kyburz, California, to the crest of the Sierra Nevada Mountains.

The areas named hereby are designated as "deficiency areas" under the provisions of section 5 (d) (3) of Maximum Price Regulation No. 355, and the respective District Director of the appropriate District Office of the Office of Price Administration within whose jurisdiction any one of the named areas is located may, in writing, authorize named retail selling establishments customarily serving such area, and which are not hotel supply houses, and which do not own or control a packing or a slaughtering plant, to sell retail meat cuts to other retail dealers located in the specific deficiency area who are qualified to make such purchases under the provisions of subparagraph (1) of section 5 (d) of Maximum Price Regulation No. 355, in whatever volume and subject to whatever terms and conditions he may deem necessary: *Provided, That* in no event may any designated retail selling establishment be authorized to sell retail meat cuts to buyers who are not ultimate consumers in excess of 70 percent of its total current monthly dollar volume of meat sales: *And provided further,* That each seller authorized to sell retail meat cuts to other retail dealers for resale purposes under the provisions of this Order No. 6 under said section 5 (d) (3) of Maximum Price Regulation No. 355 shall be required to conform to the reporting provisions and all other requirements of said section 5 (d) (3).

This designation shall remain in effect to and including October 15, 1945, unless sooner terminated.

This order may be revoked or amended at any time.

This order shall become effective September 14, 1945.

Issued this 13th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-17152; Filed, Sept. 13, 1945; 11:51 a. m.]

[RMPR 136, Order 498]

FOUR WHEEL DRIVE AUTO CO.

AUTHORIZATION OF MAXIMUM PRICES

Order No. 498 under Revised Maximum Price Regulation 136. Machines, parts and industrial equipment. Four Wheel Drive Auto Co.; Docket No. 6083-136.21-418.

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to section 21 of Revised Maximum Price Regulation 136; *It is ordered:*

(a) The Four Wheel Drive Auto Co., Clintonville, Wisconsin, is authorized to sell its truck model listed in subparagraph (1) below, adjusted as provided in that subparagraph, plus the applicable allowances in subparagraph (2).

(1) *List price.* The following list price, f. o. b. factory, Clintonville, Wisconsin, to which shall be applied the seller's discount in effect on March 31, 1942, to the applicable class of purchaser:

Model No.	Description	List price
SU.....	Truck, chassis and cab, 150" wheelbase, 25,000 lbs. gross vehicle weight, 1942 standard specifications and equipment.	$5,881

(2) *Charges.* (i) A charge for extra, special and optional equipment which shall not exceed the list price, or established price in effect on March 31, 1942 (less the discount in effect on that date) for such equipment when sold as original equipment;

(ii) A charge to cover delivery and handling expense, computed in accordance with the method that the seller had in effect on March 31, 1942;

(iii) A charge to cover freight expense, based on current freight rates and computed in accordance with the method that the seller had in effect on March 31, 1942;

(iv) A charge to include the Federal excise tax on tires and tubes and other Federal excise taxes, and state and local taxes on the truck being sold, computed in accordance with the method the seller had in effect on March 31, 1942;

(v) The dollar amount of all other charges which the seller had in effect on March 31, 1942, to the applicable class of purchasers.

(b) A reseller of FWD motor trucks is authorized to sell, delivered at its place of business, the FWD motor truck listed in subparagraph (1) below, at a price not to exceed the total of the "list price" in subparagraph (1) below and the applicable charges in subparagraph (2) below (subject to the discounts in effect on March 31, 1942, to the applicable class of purchasers):

(1) *Model, description, and "list price", f. o. b. factory, Clintonville, Wisconsin.*

Model No.	Description	List price
SU.....	Truck, chassis and cab, 150" wheelbase, 25,000 lbs. gross vehicle weight, 1942 standard specifications and equipment.	$5,881

(2) *Charges.* (i) A charge for extra, special and optional equipment, not to exceed the charge the reseller had in effect on March 31, 1942 to the applicable class of purchasers for such equipment, when sold as original equipment;

(ii) A charge for transportation which shall not exceed the charge The Four Wheel Drive Auto Co. would make for the transportation of the trucks from the factory to the point of destination;

(iii) A charge to cover Federal, state, and local taxes on the purchase, sale or delivery of the truck, computed in accordance with the method that the reseller had in effect on March 31, 1942;

(iv) A charge for handling and delivery equal to the charge that the reseller had in effect on March 31, 1942;

(v) The dollar amount of all other charges which the reseller had in effect on March 31, 1942, to the applicable class of purchasers.

(c) A reseller that cannot establish a price under paragraph (b) because it was not in business on March 31, 1942, shall determine its maximum price by adding to the applicable "List price", f. o. b. factory, set forth in subparagraph (1) of paragraph (b), the following applicable charges:

(1) *Charges.* (i) A charge equal to the original equipment retail charge that The Four Wheel Drive Auto Co. suggested on March 31, 1942, be made by resellers for the extra, special, and optional equipment attached to the truck as original equipment;

(ii) A charge for transportation which shall not exceed the charge The Four Wheel Drive Auto Co. would make for the transportation of the trucks from the factory to the point of destination;

(iii) A charge equal to the charge made to the reseller by The Four Wheel Drive Auto Co., in accordance with the method The Four Wheel Drive Auto Co. had in effect on March 31, 1942, to cover the Federal excise tax on tires and tubes and other Federal excise taxes;

(iv) A charge equal to the reseller's expense for payment of state and local taxes on the purchase, sale or delivery of the truck;

(v) A charge equal to the reseller's actual expense for handling and delivery of the truck;

(d) A reseller of FWD motor trucks in any of the territories or possessions of the United States is authorized to sell the truck described in paragraph (b), at a price not to exceed the applicable price established in paragraph (b) or (c), to which it may add a sum equal to the expense incurred by or charged to it, for payment of territorial and insular taxes on the purchase, sale or introduction of the truck; export premiums, boxing and crating for export purposes; marine and war risk insurance; and landing, wharfage, and terminal operations.

(e) All requests not granted herein are denied.

(f) This order may be amended or revoked by the Administrator at any time.

NOTE: Where the manufacturer has an established price under Section 8 of Revised Maximum Price Regulation 136 which is different than a price permitted under paragraph (a) because of a substantial modification in design, specifications, or equipment in the truck, the reseller may add to its price under paragraph (b), (c) or (d) any increase in price to it over the price it would otherwise pay under paragraph (a) plus its customary markup on such a cost increase, but in the case of a decrease in the price under paragraph (a), the reseller must reduce its price under paragraph (b), (c), or (d) by the amount of the decrease and its customary markup on such an amount.

This order shall become effective September 12, 1945.

Issued this 12th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-17109; Filed, Sept. 12, 1945; 4:18 p. m.]

[MPR 61, Amdt. 4 to Order 2]

OUTSOLES, MIDSOLES AND INSOLES

ADJUSTMENT OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register and pursuant to section 4 of Maximum Price Regulation 61, *It is ordered:*

Order No. 2 under Maximum Price Regulation 61 is amended in the following respects:

1. The title of the order is amended to read "Outsoles, Midsoles and Insoles."

2. Paragraph (a) is amended by adding subparagraphs (3), (4) and (5) to read as follows:

(3) *Women's outsoles cut on men's military munson insole pattern put up in standard 7/11 casing.* Prices in cents per pair.

CUT FROM RENDS

Grade	Inches per 20 pair stock						
	8	7½	7	6½	6	5½	5
Fine	37	36	35	35	35	32	29
Semi Fine	35	34	34	34	34	31	28
Imperfect Fine	35	34	33	33	33	30	27
No. 1 Scratch	33	32	32	32	32	29	27
No. 1 Body	32	31	30	30	30	28	27

CUT FROM SHOULDERS

No. 1 Rib	30	29	29	29	29	28	28
No. 1 Shoulder	28	28	28	28	28	28	27
No. 2 Shoulder	27	27	27	27	27	26	27

(4) *Men's civilian grain insoles munson or equivalent pattern put up in standard 7/11 casing.* Prices in cents per pair.

CUT FROM BELLIES

Grade	Irons						
	8	7½	7	6½	6	5½	5
A	33	32	32	32	32	32	28
B	30	30	30	30	30	29	29
C	25	25	25	---	---	---	---

(5) *Differentials for women's outsoles and men's insoles.*

(i) *Solid sizes.* For each full size above size 9, add 2¢ per pair to price listed for standard 7/11 casing.

For each full size below size 9, deduct 1¢ per pair from price listed for standard 7/11 casing.

(ii) Maximum prices for standard 7/12 casing shall be the prices for standard 7/11 casing of the applicable grade and weight plus 1 cent per pair.

This amendment shall become effective September 15, 1945.

Issued this 14th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-17223; Filed, Sept. 14, 1945; 11:57 a. m.]

[MPR 188, Order 4418]

AUTOMOBILE SEAT COVERS

ADJUSTMENT OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith, and filed with the Division of the Federal Register; and pursuant to § 1499.159b of Maximum Price Regulation No. 188, It is ordered:

SECTION 1. *What this order does.* This order provides for the adjustment of maximum prices for sales of automobile seat covers.

SEC. 2. *When an adjustment may be granted.* A manufacturer's maximum price for sales of automobile seat covers may be adjusted under this order if his present maximum price is less than his current total unit cost to make and sell the article; and if his present maximum price is below the appropriate one of the following cut-off points:

Article	*Maximum price to retailers per set*
Universal seat covers (coupe)	$4.00
Universal seat covers (coach and sedan)	7.75
Tailor made seat covers (coupe)	7.00
Tailor made seat covers (coach and sedan)	13.20

"Total unit cost to make and sell" means the total cost of direct materials, direct labor and reasonable factory overhead, applicable to each unit of the article, and reasonable general administrative and selling expenses, applicable to the article, calculated in accordance with the manufacturer's customary method of computing unit cost. (Prices used in computing material cost may be no higher than the ceiling prices of the manufacturer's normal sources of supply. Labor rates used in computing labor cost may be no higher than the manufacturer's legal straight-time wage rates. A calculation of total unit cost may be disregarded if it is excessive, or if it is out of line with the total unit cost of competitive manufacturers of the same class.)

SEC. 3. *Amount of the adjustment.* (a) If a manufacturer qualifies for an adjustment under this order, his maximum price will be adjusted by an amount sufficient to cover his total unit cost to make and sell plus a margin over such current total unit cost which the Price Administrator determines will approximate the manufacturer's average margin on sales of automobile seat covers during a normal peace-time period. However, no adjustment will be granted which will result in an adjusted maximum price in excess of the appropriate cut-off point listed in section 2.

(b) Any order adjusting a manufacturer's maximum price under this order may make appropriate adjustments in the maximum prices of persons who purchase the article for resale.

SEC. 4. *How the adjustment shall be granted.* (a) A manufacturer of automobile seat covers may file an application for adjustment of his maximum prices for sales with the Office of Price Administration, Durable Goods Price Branch, Washington 25, D. C., pursuant to the provisions of Revised Procedural Regulation No. 1.

(b) At any time after the filing of such an application, the Office of Price Administration may issue an order, not to apply retroactively, adjusting the maximum prices of all persons selling the article described in the application.

SEC. 5. *Revocation or amendment.* This order may be revoked or amended by the Price Administrator at any time.

SEC. 6. *Effective date.* This order shall become effective on September 15, 1945.

Issued this 14th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-17233; Filed, Sept. 14, 1945; 12:00 m.]

[RMPR 499, Order 25]

CERTAIN CHRONOGRAPHS AND STOP WATCHES

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to section 14 of Revised Maximum Price Regulation 499, it is ordered:

(a) *Effect of this order.* This order establishes maximum prices for sales to the classes of purchasers named below of the chronographs and stop watches identified below. Wherever possible, the particular models covered by this order have been identified by the manufacturer's reference or style number. Chronographs and stop watches manufactured by G. Leon Breitling, S. A., La Chaux-de-Fonds, Switzerland, chronographs manufactured by Mulco, S. A., La Chaux-de-Fonds, Switzerland, and stop watches manufactured by Lemania Watch Co., Orient, Switzerland, are identified by the words Breitling, Mulco, and Lemania respectively. Chronographs and stop watches manufactured by these firms and meeting the descriptions given below are covered by this order, regardless of the name which may appear on the dial of the watches.

(b) *Maximum prices for chronographs.* The maximum prices for sales of the chronographs covered by this order to the specified classes of purchasers are as follows:

Number and description	Maximum prices for sales—			
	By importers to—		By wholesalers to retailers	At retail including tax
	Wholesalers	Retailers		
BREITLING CHRONOGRAPHS				
170 12½L chrome steel back	$18.30	$21.60	$23.70	$49.50
701 13L 20 micron Rolled Gold	34.60	40.80	44.98	100.00
734 14L csb, 12 hr. recorder	29.40	34.65	38.22	85.00
734 14L steel, 12 hr. recorder	32.55	38.40	42.32	92.50
747 13L csb, shkpf, wpf	35.10	41.40	45.63	100.00
737 14L csb, shkpf, wpf	31.00	36.55	40.30	90.00
754 10½ steel, square	45.10	53.15	58.63	125.00
760 14L steel	28.00	33.00	36.40	71.50
765 14L steel, shkpf, wpf, 12 hr. recorder	40.30	47.50	52.39	115.00
769 14L csb, Chronomat	31.10	36.65	40.43	90.00
777 14L steel, Chronomat	34.45	40.60	44.78	100.00
782 14L steel	27.80	32.75	36.14	71.50
760 14L 18K (approx 9 gr.) case	55.60	65.60	72.28	150.00
760 14L 18K (approx 11 gr.) case	65.40	77.10	85.02	185.00
760 14L 18K (approx 13 gr.) case	69.30	81.60	90.09	200.00
Other chronographs				
Mulco 14L steel, 30 min. register	25.75	30.35	33.48	67.50
Mulco 14L csb, 30 min. register	23.95	28.20	31.14	62.50
Mulco 14L steel, skpf, wpf	28.95	34.10	37.64	85.00
Mulco 14L steel, 12 hr. register	29.60	34.90	38.48	85.00
Buttes 12½L 18K case	51.15	59.80	66.50	145.00

All of the above chronographs have 17 jewels. The above maximum prices for sales to wholesalers and retailers are for chronographs with straps but do not include boxes. Sellers to purchasers for resale who supply an individual box with each chronograph at the request of the purchaser may add to the above maximum prices their maximum price for the box supplied provided that the boxes are invoiced separately.

The above maximum retail prices are inclusive of the federal excise tax of 10% (20% on watches retailing for more than $65.00).

(c) *Maximum prices for stop watches.* The maximum prices for sales of the stop watches covered by this order to the specified classes of purchasers are as follows:

Number and description	Importers to—		Maximum prices for sales by—		
			Wholesalers to retailers	Any seller to—	
	Wholesalers	Retailers		Industrial users	Individual consumers
Breitling stop watches					
501 7J 18L Nickel case, 1/5 sec	$10.45	$12.50	$13.60	$18.75	$21.95
505 Ditto, 1/10 sec	10.75	12.85	14.00	19.25	25.45
533 7J 18L 1/5 or 1/10 sec. stop from balance wheel	24.25	29.00	31.55	43.50	57.50
533 Ditto, 11jewel	28.75	35.00	37.40	52.50	70.00
Lemania stop watches					
1 & 1c 7J 18L 1/5 Sec	10.30	12.35	13.40	18.50	24.95
11J 18L 1/5 or 1/10 Sec	12.75	15.25	16.60	22.85	30.50

Maximum prices for sales of these watches to sporting goods manufacturers shall be 10% less than the prices in the column designated "Importers' prices to wholesalers".

Maximum prices in the column headed "Importers to retailers" apply also to sales made by sporting goods manufacturers to the class of purchaser they designate as "Distributors".

Maximum prices in the column headed "Industrial Users" apply also to sales to commercial or institutional users such as schools and athletic associations and to the class of purchaser which the sporting goods industry designates as "The Trade".

(d) *Terms of sale.* All maximum prices established by this order for sales to sporting goods manufacturers, wholesalers or retailers are f. o. b. the seller's city. Maximum prices established for sales by importers to either wholesalers or retailers are subject to terms of 2%, 10 days. Maximum prices for sales by wholesalers to retailers are subject to terms of 2%, 30 days.

No additional charge for the extension of credit may be added to the above maximum retail prices except under the conditions specified and to the extent permitted by section 12a of Revised Maximum Price Regulation 499. No other charges may be added to the above retail prices.

(e) *Notification.* Any person who sells the above watches to a purchaser for resale shall notify the purchaser of the prices established by this order for sales by wholesalers and retailers. This notice may be given in any convenient form. In addition, he shall include on every invoice covering a sale of these chronographs or stop watches the following statement:

OPA Order No. 25 under Revised Maximum Price Regulation 499 establishes the maximum prices at which you may sell these watches.

This notification requirement supersedes the notification requirement in section 12 of Revised Maximum Price Regulation 499 with respect to the watches covered by this order.

(f) *Tagging.* The importer shall include with every chronograph or stop watch covered by this order, delivered to a purchaser for resale more than thirty days after its effective date, a tag or label setting forth the maximum retail price of the particular watch. This tag or label may not be removed until the watch is sold to an ultimate consumer.

(g) This order may be revoked or amended by the Price Administrator at any time.

(h) Unless the context otherwise requires, the definitions set forth in section 2 of Revised Maximum Price Regulation 499 shall apply to the terms used herein.

This order shall become effective the 15th day of September 1945.

Issued this 14th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-17256; Filed, Sept. 14, 1945; 12:07 p. m.]

Regional and District Office Orders.

[Region VI Order G-16 Under RMPR 122, Amdt. 54]

SOLID FUELS IN OMAHA, NEBR., AREA

An opinion accompanying this amendment has been issued simultaneously herewith. Order No. G-16 under Revised Maximum Price Regulation No. 122 is amended in the following respects:

In Appendix No. 9, which covers the Omaha, Nebraska, area, paragraph (b), Price Schedule, is amended as follows:

1. The last paragraph of page 1 is amended to read,

The prices established by this schedule supersede those computed in accordance with the adjustment authorized by Regional Order Nos. G-19 and G-23 under Revised Maximum Price Regulation No. 122.

2. Subparagraphs I and II are amended to read:

PRICE SCHEDULE

Description	Domestic delivered per ton	Domestic delivered per ½ ton	Domestic at yard per ton	Commercial delivered per ton
I. *High volatile bituminous coal from District No. 9 (western Kentucky)*				
A. No. 9 seam:				
1. Washed nut and pea—size group Nos. 17-22 inc. including ¾" x ¾"	$9.26	$5.13	$8.26	$8.21
II. *High volatile bituminous coal from District No. 10 (Illinois)*				
A. Southern subdistrict (deep machine mines):				
1. Lump and egg—size group Nos. 1, 2 and 3; price groups 1, 2 and 8 (including 6" lump and 6" x 3" egg)	10.80	5.90	9.80	.....
2. Stove—size group No. 8 (inc. 2" x 1¼") price group Nos. 1, 2, and 8	10.15	5.60	9.15	8.85
3. Special Stoker—size group Nos 21, 22, and 28, price group Nos. 1, 2 and 8 (inc. 1" x 10 mesh and ⅜" x 10 mesh)	9.80	5.43	8.80	9.65
B. Duquoin subdistrict (deep machine mines):				
1. Washed screenings—size group Nos. 23 and 24; price group No. 8 (including 1" x 28 mesh) (sold under trade name S. P. Stoker)	9.10	5.08	8.10	.....
C. Belleville subdistrict.				
1. Lump and egg—size group Nos. 1, 2 and 3; price group Nos 10, and 16-22 inclusive. All lump and egg coals bottom size larger than 2", washed or raw.				
a. Strip mines	9.80	5.43	8.80	.....
b. Deep machine mines	9.85	5.45	8.85	.....
2. Stove—size group No. 8 (inc. 2" x 1¼") (price group Nos 10 and 16-22 inc.				
a. Strip mines	9.00	5.03	8.00	.....
b. Deep machine mines	9.05	5.05	8.05	.....

3. Subparagraph IV, A, 2, is amended to read:

2. Production group No. 1 (strip mines) mine index Nos. 593, 1014, 1021, 1030, 1032, 1040, 1050, and 1051:				
a. Size group Nos. 6, 7, and 8	$14.55	$7.75	$13.55	.....
b. Size group Nos. 9, 10, and 11	14.80	7.90	13.80	.....
c. Size group Nos. 12, and 13	14.30	7.65	13.30	.....

4. Subparagraph IV, B is amended to read:

B. Production group No. 3A (includes all mines in the "Paris field" of Logan County, Ark., and mines in Franklin County located in Paris Basin). Underground mines machine cut:				
1. Size group Nos. 4, 6, 7, and 8:				
a. Mine index Nos. 55, 76, 110, 116, and 132 only	$15.30	$8.15	$14.30	.....
b. Mine index Nos. 52 only	15.55	8.28	14.55	.....
2. Size Group No. 5:				
a. Mine index Nos. 40, 55, 53, 76, 110, 116, and 132 only	15.15	8.08	14.15	.....
b. Mine index Nos. 52 and 117	15.40	8.20	14.40	.....
3. Size Group No. 17:				
a. Mine index Nos. 40, 52, 53, 55, 76, 110, 116, and 132 only	10.30	5.65	9.30	$9.80
b. Mine index No. 117	10.55	5.78	9.55	10.05

5. Subparagraph IV, C is amended to read:

C. Production group Nos. 5, 5A, and 5B (includes all mines in Sebastian County, Ark.):				
1. Production group No. 5A (underground mines machine cut) mine index Nos. 2, 13, 34, 89, 106, 580, 608, and 627 only:				
a. Size group Nos. 4, 6, 7, and 8	$14.95	$7.98	$13.95	.....
b. Size group No. 5	14.80	7.90	13.80	.....
c. Size group No. 14	9.35	5.18	8.45	$8.90
2. Production group No. 5A (underground mines machine cut) mine index Nos. 13 and 121:				
a. Size group Nos. 4, 6, 7, and 8:				
Mine index No. 13	15.10	8.05	14.10	.....
Mine index No. 121	15.45	8.20	14.45	.....
b. Size group No. 5:				
Mine index No. 13	14.95	7.98	13.95	.....
Mine index No. 121	15.30	8.15	14.30	.....
c. Size group No. 14:				
Mine index No. 13	9.50	5.25	8.55	8.75
3. Production group No. 5B (underground mines solid shot), mine index Nos. 56, 79, 80, 170, 182, 168, 328, 336, 340, 342, 603, 607, 611, 1011, 1018, 1017, 1027, and 1043 only:				
a. Size group Nos. 3A, 6, 7, and 8	14.20	7.60	13.20	.....
b. Size group No. 3	14.05	7.53	12.65	.....
c. Size group No. 14	9.55	5.28	8.55	8.80
4. Production group No. 5 (strip mines) mine index Nos. 484, 511, 547, 548, 601, 1004, 1010, 1020, 1023, 1028, 1025, 1033 & 1019, 1043, 630 only:				
a. Size group Nos. 3A, 6, 7, and 8	13.65	7.33	12.65	.....
b. Size group No. 3	13.50	7.25	12.50	.....
c. Size group No. 14	8.50	4.75	7.50	7.75
5. Production group No. 5 (strip mines) mine index Nos. 1001 and 1005 only:				
a. Size group Nos. 3A, 6, 7, and 8	13.95	7.48	12.95	.....
b. Size group No. 3	13.80	7.40	12.80	.....
c. Size group No. 14	8.65	4.83	7.65	7.90

6. Subparagraph IV, D, 2, is amended to read:

2. Production group No. 6 (strip mines) mine index Nos. 1024, 1025, 1041, and 1049 only:				
a. Size group No. 3A	$13.75	$7.38	$12.75	.....
b. Size group No. 3	13.60	7.30	12.60	.....
c. Size group No. 6, 7 & 8	12.65	7.33	12.65	.....

7. Subparagraph V is amended to read:

V. *High volatile bituminous coal from district No. 15 (Kansas, Missouri, and part of Oklahoma)*				
A. Production group No. 1, (All mines located in Cherokee, Crawford, Bourbon, Neosho, Labette and Wilson Counties, Kansas; and Barton, Jasper, Dade Cedar and that portion of Vernon County lying south of an east and west line drawn through the town of Nevada, Mo.) (strip mines):				
1. Lump—Size groups Nos. 1 and 2. All lump coal with a bottom size 3" and smaller, and all double-screened coal with a top size larger than 10"	$9.52	$5.28	$8.52	.....
2. Fancy nut—Size group No. 5 (double-screened coals with a top size not larger than 3" but larger than 2" and a bottom size larger than 1¼")	9.47	5.23	8.47	.....
3. Standard nut—Size group No. 6 (washed); double-screened coals with a top size not larger than 3" but larger than 2" and a bottom size 1¼" and smaller	9.12	5.08	8.12	.....
4. No. 2 nut (washed)—Size group No. 7; double-screened coal with a top size not larger than 2" but larger than 1¼"	8.97	4.98	7.97	$7.47
5. Stoker—size group No. 11 double-screened coals with a top size not larger than 1¼" and smaller and a bottom size larger than ¾" but not larger than ⅜"	8.47	4.73	7.47	6.97
6. Washed screenings—size group No. 13. Washed coal passing through a screen with openings not over 1¼" from which no coal has been removed	7.57	4.28	6.57	6.27
7. Raw screenings—size group No 14. Raw coal passing through a screen with openings not over 1¼" from which no coal has been removed (commercial only)	.....	.....	.....	5.97
B. Production group No. 2 (All mines located in Linn County, Kans.; and Bates, Henry, St. Clair, Miller, Morgan, Pettis, and Johnson Counties; and that portion of Vernon County lying north of an east and west line drawn through the town of Nevada, Mo.) (strip mines):				
1. Furnace or egg—size group No. 3 (double-screened coals with a top size not larger than 10" but larger than 3" and a bottom size larger than 1¼")	8.87	4.93	7.87	.....
2. No. 2 nut—size group No. 7 (double-screened coal with a top size not larger than 2" but larger than 1¼")	8.37	4.68	7.37	.....
C. Production group No. 3 (all mines located in Bates, Callaway, Cole, Audrain, Randolph, Clark, Macon, Howard, Montgeau, Linn, Grundy, Harrison, Monroe, Adair, Charlton, Schuyler, Putnam, Warren, Lincoln, Sullivan, and Knox Counties in Missouri (strip mines):				
1. Furnace or egg—size group No. 3 (for dimensions see V B 1 above)	8.77	4.88	7.77	.....
2. Standard nut—size group No. 6 (for dimensions see V A 3 above)	8.22	4.63	7.22	.....
3. No. 2 nut—size group No. 7 (for dimensions see V B 2 above)	8.17	4.58	7.17	7.17
4. Stoker—size group No. 11 (for dimensions see V A 5 above)	8.07	4.53	7.07	6.42
5. Washed screenings—size group No. 13 (for dimensions see V A 6 above)	7.57	4.28	6.57	5.92
D. Production group No. 9 (all mines located in Coal County, Okla. (strip mines):				
1. Lump and egg—size group Nos. 1, 2, and 3 (all single screened lump coal with a bottom size 3" and smaller and all double screened coals with a top size larger than 3" but not exceeding 10" bottom size larger than 1¼").	$12.67	6.83	11.67	.....
2. Chestnut—size group No. 8 (all double screened coals with a top size 1¼" and smaller, bottom size larger than ⅜")	9.27	5.13	8.27	8.17
E. Production group No. 10 (All mines located in McIntosh and in Okmulgee Counties, Okla.) From deep shaft mines only.				
1. Lump—size group Nos. 1 and 2 (for dimensions see V A 1 above)	12.15	6.58	11.15	.....
2. Stoker—size group No. 11 (for dimensions see V A 5 above)	9.55	5.43	8.55	.....
F. Production group No. 11 (All mines located in Tulsa, Wagoner, Roger, Craig and Nowata Counties, Okla., and all of that part of Muskogee County, Okla., north of a line drawn straight east and west across Muskogee County along the southern limits of the town of Porum, Okla.) (Strip mines):				
1. Lump—size group 1 and 2, furnace or egg—size group No. 3 (all lump coal; also all double-screened coals with a top size not larger than 10" but larger than 3" and a bottom size larger than 1¼")	10.47	5.78	9.47	.....
2. Standard nut—size group No. 6 (for dimensions see V A 3 above)	10.17	5.58	9.17	8.82
3. Special stoker—size group No. 11 (for dimensions see V A 5 above)	9.12	5.08	8.12	8.02

8. Subparagraph IV, A, 2, is amended to read:

2. Slack and stoker screenings—size group Nos. 15 and 16 (inc. 1⅝" x 0 and 1" x 0)	$10.35	$5.70	$9.35	$8.95

9. A new paragraph to follow subparagraph VII, Briquettes, is added to read as follows:

The price of any commercial or steam coal not specifically listed in this order shall be that determined under the provisions of Revised Maximum Price Regulation No. 122 plus 50¢ per ton.

This Amendment No. 54 to Order No. G-16 shall become effective immediately.

Issued this 31st day of August 1945.

RAE E. WALTERS,
Regional Administrator.

[F. R. Doc. 45-17168; Filed, Sept. 13, 1945; 12:42 p. m.]

[Region VII Order G-12 Under Supp. Order 94]

SURPLUS WAR COMMODITIES IN DENVER REGION

Order No. G-12 under Supplementary Order 94; Maximum retail prices for certain specified surplus war commodities when sold in Region VII; Docket No. 7-SO 94-11-21.

Pursuant to the Emergency Price Control Act of 1942, as amended, the Stabilization Act of 1942, as amended, and sections 11 and 13 of Supplementary Order No. 94, as amended, and for the reasons set forth in the accompanying opinion, this Order No. G-12 is issued.

(a) *What this order does.* This Order No. G-12 establishes maximum retail prices for used fibre insulation board heretofore or hereafter acquired, directly or indirectly, from any government agency, as used surplus war commodities, when sold at any place in this Region VII to an ultimate consumer or industrial user.

(b) *Geographical applicability.* This Order No. G-12 covers sales of the surplus war commodities in question only when made in or made for delivery in Region VII, which includes all of the States of New Mexico, Colorado, Wyoming, Montana, and Utah, and all that part of the State of Idaho lying south of the southern boundary of Idaho County, the County of Malheur in the State of Oregon, and all that part of the Counties of Mohave and Coconino in the State of Arizona lying north of the Colorado River.

(c) *Maximum retail prices.* The maximum retail prices for ½-inch used fibre insulation board, in the widths and lengths specified below, shall be as stated:

Width	Length	Maximum price per 1,000 square feet
48" or less	8' or more	$30.00
	4' and less than 8'	25.00
	Less than 4'	20.00

NOTE: The above maximum prices are f. o. b. the seller's yard or place of business, or delivered in the seller's customary free delivery zone.

(d) *Discounts must be maintained.* The maximum prices specified in paragraph (c) above are subject to the seller's customary discounts, differentials, and allowances, if any.

(e) *Limitation on measurement.* If the used fibre insulation board is not in square or rectangular pieces free from broken ends or corners, the seller must compute his price therefor on the basis of the number of square feet remaining after such piece has been trimmed to such square or rectangular form.

(f) *Posting of prices.* Every seller of used fibre insulation board covered by this order must post in a conspicuous place at or near the place of sale the schedule of maximum prices as hereinabove set forth in paragraph (c).

(g) *Licensing.* The provisions of Licensing Order No. 1, licensing all persons who make sales under price control, are applicable to all sellers subject to this Order No. G-12. A seller's license may be suspended for violation of the license or of one or more applicable price schedules or regulations. A person whose license is suspended may not, during the period of suspension, make any sale for which his license has been suspended.

(h) *Right to revoke or amend.* This Order No. G-12 may be revoked, modified, or amended at any time by the Price Administrator or the Regional Administrator.

Effective date. This Order No. G–12 shall become effective retroactively as of August 1, 1945.

Issued this 28th day of August 1945.

RICHARD Y. BATTERTON,
Regional Administrator.

[F. R. Doc. 45–17166; Filed, Sept. 13, 1945; 12:41 p. m.]

[Region VII Order G–46 Under MPR 188, Amdt. 1]

ROME CREATIONS ET AL.

AUTHORIZATION OF MAXIMUM PRICES

Order No. G–46 under Maximum Price Regulation No. 188, Amendment No. 1; authorized maximum prices for specified stationery items manufactured by Rome Creations, Denver, Colorado, when sold by the manufacturer and specified resellers; Docket No. 7–188–158–87.

Pursuant to the Emergency Price Control Act of 1942, as amended, the Stabilization Act of 1942, as amended, and §§ 1499.158 and 1499.158a of Maximum Price Regulation No. 188, and for the reasons set forth in the accompanying opinion, this Amendment No. 1 is issued.

1. Paragraph (e) is amended to read as follows:

(e) *Geographical applicability.* The maximum prices authorized by this Order No. G–46 for resellers are applicable throughout the 48 States of the United States and the District of Columbia.

Effective date. This Amendment No. 1 shall become effective on the 4th day of September 1945.

Issued this 4th day of September 1945.

RICHARD Y. BATTERTON,
Regional Administrator.

[F. R. Doc. 45–17156; Filed, Sept. 13, 1945; 12:41 p. m.]

[Region VII Order G–48 Under MPR 188]

KUMMER LABORATORY ET AL.

AUTHORIZATION OF MAXIMUM PRICES

Order No. G–48 under Maximum Price Regulation No. 188; authorized maximum prices for a garment hanger manufactured by Ernest W. Kummer, doing business as Kummer Laboratory, Denver, Colorado, when sold by the manufacturer and specified resellers; Docket No. 7–188–158–107.

Pursuant to the Emergency Price Control Act of 1942, as amended, the Stabilization Act of 1942, as amended, and §§ 1499.158 and 1499.148a of Maximum Price Regulation No. 188, and for the reasons set forth in the accompanying opinion, this Order No. G–48 is issued.

(a) *What this order does.* This Order No. G–48 establishes maximum prices for a garment hanger manufactured by Ernest W. Kummer, doing business as Kummer Laboratory, Denver, Colorado, when sold at the specified levels.

(b) *Authorized maximum prices.* Upon and after the effective date of this Order No. G–48, the maximum prices for the garment hanger manufactured by Ernest W. Kummer, doing business as Kummer Laboratory, of 4481 Winona Court, Denver, Colorado, in accordance with the specifications set forth in the application of said manufacturer now on file in this Regional Office as a part of the record in this case, shall be as follows:

	Per dozen
(1) When sold by the manufacturer, f. o. b. shipping point, to a jobber or a wholesaler	$0.86
(2) When sold by the manufacturer, a jobber or a wholesaler, f. o. b. shipping point, to a retailer	1.08
	Each
(3) When sold by any seller to an ultimate consumer or user	$0.15

NOTE: (i) The maximum prices authorized by the above paragraphs (1) and (2) are subject to a discount of 2% for payment within 10 days from date of invoice.

(ii) The prices above specified for sales f. o. b. shipping point include all costs incident to wrapping, packing, boxing, and carting.

(c) *Notice to be given purchasers for resale.* When the manufacturer or any other seller makes a first sale under this Order No. G–48 to a person who purchases for resale, he must show upon the invoice or on a separate slip or rider attached thereto the applicable resale price or prices as set forth in paragraph (b) above.

(d) *Applicability of other regulations.* The pricing provisions of the General Maximum Price Regulation have no application to the prices established by this Order No. G–48 for sales by the manufacturer or any other seller.

(e) *Geographical applicability.* The maximum prices authorized by this Order No. G–48 for resellers are applicable only to sales made within this Region VII, which includes the States of New Mexico, Colorado, Wyoming Montana, and Utah, and all that part of the State of Idaho lying south of the southern boundary of Idaho County, the County of Malheur in the State of Oregon, and all that part of the Counties of Mohave and Coconino in the State of Arizona lying north of the Colorado River.

(f) *Licensing.* The provisions of Licensing Order No. 1, licensing all persons who make sales under price control, are applicable to all sellers subject to this regulation or order. A seller's license may be suspended for violation of the license or of one or more applicable price schedules or regulations. A person whose license is suspended may not, during the period of suspension, make any sale for which his license has been suspended.

(g) *Right to revoke or amend.* This order may be revoked, modified, or amended at any time by the Price Administrator or the Regional Administrator.

Effective date. This Order No. G–48 shall become effective on the 29th day of August 1945.

Issued this 29th day of August 1945.

RICHARD Y. BATTERTON,
Regional Administrator.

[F. R. Doc. 45–17157; Filed, Sept. 13, 1945; 12:41 p. m.]

[Region VII Order G–50 Under MPR 188]

ORVILLE R. HAGANS, ASSOCIATED ENTERPRISES, ET AL.

AUTHORIZATION OF MAXIMUM PRICES

Order No. G–50 under Maximum Price Regualtion No. 188; authorized maximum prices for a waterproof watch case wrench manufactured by Orville R. Hagans, doing business as Orville R. Hagans, Associated Enterprises, Denver, Colorado, when sold by the manufacturer and specified resellers; Docket No. 7–188–158–115.

Pursuant to the Emergency Price Control Act of 1942, as amended, the Stabilization Act of 1942, as amended, and §§ 1499.158 and 1499.158a of Maximum Price Regulation No. 188, and for the reasons set forth in the accompanying opinion, this Order No. G–50 is issued.

(a) *What this order does.* This Order No. G–50 establishes maximum prices for a waterproof watch case wrench manufactured by Orville R. Hagans, doing business as Orville R. Hagans, Associated Enterprises, Denver, Colorado, when sold at the specified levels.

(b) *Authorized maximum prices.* Upon and after the effective date of this Order No. G–50, the maximum prices for the waterproof watch case wrench designated "DeVries Water-Proof Watch Case Wrench", manufactured by Orville R. Hagans, doing business as Orville R. Hagans, Associated Enterprises, of 226–228 Sixteenth Street, Denver, Colorado, in accordance with the specifications set forth in the application of said manufacturer now on file in this Regional Office as a part of the record in this case, shall be as follows:

	Each
(1) When sold by the manufacturer, f. o. b. shipping point, to a jobber or a wholesaler	$3.00
(2) When sold by any seller to an industrial user	5.00

NOTE: (i) The maximum price authorized by the above paragraph (1) is subject to a discount of 2% for payment within 10 days from date of invoice.

(ii) The price above specified for sales f. o. b. shipping point includes all costs incident to wrapping, packing, boxing and carting.

(c) *Notice to be given purchasers for resale.* When the manufacturer or any other seller makes a first sale under this Order No. G–50 to a person who purchases for resale, he must show upon the invoice or on a separate slip or rider attached thereto the applicable resale price as set forth in paragraph (b) above.

(d) *Applicability of other regulations.* The pricing provisions of the General Maximum Price Regulation have no application to the prices established by this Order No. G–50 for sales by the manufacturer or any other seller.

(e) *Geographical applicability.* The maximum prices authorized by this Order No. G–50 for resellers are applicable only to sales made within this Region VII, which includes the States of New Mexico, Colorado, Wyoming, Montana, and Utah, and all that part of the State of Idaho lying south of the southern boundary of Idaho County, the County of Malheur in the State of Oregon, and all that part of the Counties of Mohave and Coconino in the State of Arizona lying north of the Colorado River.

(f) *Licensing.* The provisions of Licensing Order No. 1, licensing all persons who make sales under price control, are applicable to all sellers subject to this regulation or order. A seller's license may be suspended for violation of the license or of one or more applicable price schedules or regulations. A person whose license is suspended may not, during the period of suspension, make any sale for which his license has been suspended.

(g) *Right to revoke or amend.* This order may be revoked, modified, or amended at any time by the Price Administrator or the Regional Administrator.

Effective date. This Order No. G–50 shall become effective on the 31st day of August 1945.

Issued this 31st day of August 1945.

RICHARD Y. BATTERTON,
Regional Administrator.

[F. R. Doc. 45–17158; Filed, Sept. 13, 1945; 12:40 p. m.]

[Region VII Order G–51 Under MPR 188]

LUM WILLIS, ET AL.

AUTHORIZATION OF MAXIMUM PRICES

Order No. G–51 under Maximum Price Regulation No. 188 authorized maximum prices for a card game manufactured by Lum Willis, Emmett, Idaho, when sold by the manufacturer and specified resellers, Docket No. 7–188–158–57.

Pursuant to the Emergency Price Control Act of 1942 as amended, the Stabilization Act of 1942, as amended, and §§ 1499.158 and 1499.158a of Maximum Price Regulation No. 188, and for the reasons set forth in the accompanying opinion, this Order No. G–51 is issued.

(a) *What this order does.* This Order No. G–51 establishes maximum prices for a card game manufactured by Lum Willis, when sold at the specified levels.

(b) *Authorized maximum prices.* Upon and after the effective date of this Order No. G–51, the maximum prices for the card game designated "Religious Kiddie Playing Cards," manufactured by Lum Willis, of Rural Route #1, Emmett, Idaho, in accordance with the specifications set forth in the application of said manufacturer now on file in this Regional Office as a part of the record in this case, shall be as follows:

	Per dozen
(1) When sold by the manufacturer, f. o. b. shipping point, to a jobber or a wholesaler	$4.00
(2) When sold by the manufacturer, a jobber or a wholesaler, f. o. b. shipping point, to a retailer	5.00
	Each
(3) When sold by any seller to an ultimate consumer or user	$0.75

NOTE: (i) The maximum prices authorized by the above paragraphs (1) and (2) are subject to a discount of 2% for payment within 10 days from date of invoice.

(ii) The prices above specified for sales f. o. b. shipping point include all costs incident to wrapping, packing, boxing and carting.

(c) *Notice to be given purchasers for resale.* When the manufacturer or any other seller makes a first sale under this Order No. G–51 to a person who purchases for resale, he must show upon the invoice or on a separate slip or rider attached thereto the applicable resale price or prices as set forth in paragraph (b) above.

(d) *Applicability of other regulations.* The pricing provisions of the General Maximum Price Regulation have no application to the prices established by this Order No. G–51 for sales by the manufacturer or any other seller.

(e) *Geographical applicability.* The maximum prices authorized by this Order No. G–51 for resellers are applicable only to sales made within this Region VII, which includes the States of New Mexico, Colorado, Wyoming, Montana, and Utah, and all that part of the State of Idaho lying south of the southern boundary of Idaho County, the County of Malheur in the State of Oregon, and all that part of the Counties of Mohave and Coconino in the State of Arizona lying north of the Colorado River.

(f) *Licensing.* The provisions of Licensing Order No. 1, licensing all persons who make sales under price control, are applicable to all sellers subject to this regulation or order. A seller's license may be suspended for violation of the license or of one or more applicable price schedules or regulations. A person whose license is suspended may not, during the period of suspension, make any sale for which his license has been suspended.

(g) *Right to revoke or amend.* This order may be revoked, modified, or amended at any time by the Price Administrator or the Regional Administrator.

Effective date. This Order No. G–51 shall become effective on the 31st day of August 1945.

Issued this 31st day of August 1945.

RICHARD Y. BATTERTON,
Regional Administrator.

[F. R. Doc. 45–17159; Filed, Sept. 13, 1945; 12:40 p. m.]

[Region VII Order G–52 Under MPR 183]

FRANCIS A. LEBERT ET AL.

AUTHORIZATION OF MAXIMUM PRICES

Order No. G–52 under Maximum Price Regulation No. 188; authorized maximum prices for certain step stools manufactured by Francis A. LeBert, Missoula, Montana, when sold by the manufacturer and specified resellers; Docket No. 7–188–158–114.

Pursuant to the Emergency Price Control Act of 1942, as amended, and §§ 1499.158 and 1499.158a of Maximum Price Regulation No. 188, and for the reasons set forth in the accompanying opinion, this Order No. G–52 is issued.

(a) *What this order does.* This Order No. G–52 establishes maximum prices for certain step stools manufactured by Francis A. LeBert, when sold at the specified levels.

(b) *Authorized maximum prices.* Upon and after the effective date of this Order No. G–52, the maximum prices for the step stools designated "Folding Back Step Stool, Model No. 10", and "Folding Step Stool, Model No. 20", manufactured by Francis A. LeBert of 511 East Beckwith, Missoula, Montana, in accordance with the specifications set forth in the application of said manufacturer now on file in this Regional Office as a part of the record in this case, shall be as follows:

	Each
(1) When sold by the manufacturer, f. o. b. shipping point, to a jobber or a wholesaler:	
Folding back step stool, model No. 10	$1.52
Folding step stool, model No. 20	1.28
(2) When sold by the manufacturer, a jobber or a wholesaler, f. o. b. shipping point, to a retailer:	
Folding back step stool, model No. 10	2.00
Folding step stool, model No. 20	1.69

NOTE: (i) The maximum prices authorized by the above paragraphs (1) and (2) are subject to a discount of 2% for payment within 10 days from date of invoice.

(ii) The prices above specified for sales f. o. b. shipping point include all costs incident to wrapping, packing, boxing, and carting.

(iii) The dollars-and-cents maximum prices hereinabove set forth reflect the 5% increase authorized by Order 1052 under § 1499.159b of Maximum Price Regulation No. 188, and therefore Order 1052 is not applicable to such maximum prices.

(c) *Notice to be given purchasers for resale.* When the manufacturer or any other seller makes a first sale under this Order No. G–52 to a person who purchases for resale, he must show upon the invoice or on a separate slip or rider attached thereto the applicable resale price or prices as set forth in paragraph (b) above.

(d) *How prices at retail level are determined.* This Order No. G–52 does not establish maximum prices for the commodities in question when sold at retail, that is, when sold by any seller to an ultimate consumer or user. Any person making a sale of either or both of the step stools in question at the retail level must establish his maximum price therefor in accordance with the applicable price regulation.

(e) *Geographical applicability.* The maximum prices authorized by this Order No. G–52 for resellers are applicable only to sales made within this Region VII, which includes the States of New Mexico, Colorado, Wyoming, Montana, and Utah, and all that part of the State of Idaho lying south of the southern boundary of Idaho County, the County of Malheur in the State of Oregon, and all that part of the Counties of Mohave and Coconino in the State of Arizona lying north of the Colorado River.

(f) *Applicability of other regulations.* The pricing provisions of the General Maximum Price Regulation have no application to the prices established by this Order No. G–52 for sales by the manufacturer or any other seller; also Order 1052 under Section 1499.159b of Maximum Price Regulation No. 188 is inapplicable for the reasons stated in Note (iii) to paragraph (b) hereof.

(g) *Licensing.* The provisions of Licensing Order No. 1, licensing all persons who make sales under price control, are applicable to all sellers subject to this regulation or order. A seller's license may be suspended for violation of the license or of one or more applicable price schedules or regulations. A person whose license is suspended may not, during the period of suspension, make any sale for which his license has been suspended.

(h) *Right to revoke or amend.* This order may be revoked, modified, or amended at any time by the Price Administrator or the Regional Administrator.

Effective date. This Order No. G-52 shall become effective on the 31st day of August, 1945.

Issued this 31st day of August, 1945.

RICHARD Y. BATTERTON,
Regional Administrator.

[F. R. Doc. 45-17160; Filed, Sept. 13, 1945; 2:40 p. m.]

[Region VII Order G-53 Under MPR 188]

J. H. MONSON SHEET METAL WORKS

AUTHORIZATION OF MAXIMUM PRICES

Order No. G-53 under Maximum Price Regulation No. 188 authorized maximum prices for certain specified commodities manfactured by Joseph H. Monson, doing business as J. H. Monson Sheet Metal Works, Denver, Colorado, when sold by the manufacturer and specified resellers; Docket No. 7-188-158-81.

Pursuant to the Emergency Price Control Act of 1942, as amended, the Stabilization Act of 1942, as amended, and §§ 1499.158 and 1499.158a of Maximum Price Regulation No. 188, and for the reasons set forth in the accompanying opinion, this Order No. G-53 is issued.

(a) *What this order does.* This Order No. G-53 establishes maximum prices for a snow pusher, a fire retarding bond box, and a clothes closet pole bracket manufactured by Joseph H. Monson, doing business as J. H. Monson Sheet Metal Works, when sold at the specified levels.

(b) *Authorized maximum prices.* Upon and after the effective date of this Order No. G-53, the maximum prices for the snow pusher, fire retarding bond box, and the clothes closet pole bracket manufactured by Joseph H. Monson, doing business as J. H. Monson Sheet Metal Works, at 1820 East Sixteenth Avenue, Denver, Colorado, in accordance with the specifications set forth in the three applications of said manufacturer now on file in this Regional Office as a part of the record in this case, shall be as follows:

(1) When sold by the manufacturer, f. o. b. shipping point, to a jobber or a wholesaler:	*Per dozen*
Snow pusher	$7.20
Fire retarding bond box	16.20
Closet pole bracket	[1] .86
(2) When sold by the manufacturer, a jobber, or a wholesaler, f. o. b. shipping point, to a retailer:	
Snow pusher	9.60
Fire retarding bond box	21.60
Closet pole bracket	[1] 1.08

[1] Per dozen pair.

(3) When sold by any seller to an ultimate consumer or user:	*Each*
Snow pusher	$1.20
Fire retarding bond box	3.00
Closet pole bracket	[1] .15

[1] Per pair.

NOTE: (i) The maximum prices authorized by the above paragraphs (1) and (2) are subject to a discount of 2% for payment within 10 days from date of invoice.

(ii) The prices above specified for sales f. o. b. shipping point include all costs incident to wrapping, packing, boxing, and carting.

(c) *Notice to be given purchasers for resale.* When the manufacturer or any other seller makes a first sale under this Order No. G-53 to a person who purchases for resale, he must show upon the invoice or on a separate slip or rider attached thereto the applicable resale price or prices as set forth in paragraph (b) above.

(d) *Applicability of other regulations.* The pricing provisions of the General Maximum Price Regulation have no application to the prices established by this Order No. G-53 for sales by the manufacturer or any other seller.

(e) *Geographical applicability.* The maximum prices authorized by this Order No. G-53 for resellers are applicable only to sales made within this Region VII, which includes the States of New Mexico, Colorado, Wyoming, Montana, and Utah, and all that part of the State of Idaho lying south of the southern boundary of Idaho County, the County of Malheur in the State of Oregon, and all that part of the Counties of Mohave and Coconino in the State of Arizona lying north of the Colorado River.

(f) *Licensing.* The provisions of Licensing Order No. 1, licensing all persons who make sales under price control, are applicable to all sellers subject to this regulation or order. A seller's license may be suspended for violation of the license or of one or more applicable price schedules or regulations. A person whose license is suspended may not, during the period of suspension, make any sale for which his license has been suspended.

(g) *Right to revoke or amend.* This order may be revoked, modified, or amended at any time by the Price Administrator or the Regional Administrator.

Effective date. This Order No. G-53 shall become effective on the 31st day of August 1945.

Issued this 31st day of August 1945.

RICHARD Y. BATTERTON,
Regional Administrator.

[F. R. Doc. 45-17161; Filed, Sept. 13, 1945; 12:39 p. m.]

[Region VII Order G-54 Under MPR 188]

FRED C. LANG

AUTHORIZATION OF MAXIMUM PRICES

Order No. G-54 under Maximum Price Regulation No. 188; authorized maximum prices for a toy item manufactured by Fred C. Lang, Colorado Springs, Colorado, when sold by the manufacturer and specified resellers; Docket No. 7-188-158-96.

Pursuant to the Emergency Price Control Act of 1942, as amended, the Stabilization Act of 1942, as amended, and §§ 1499.158 and 1499.158a of Maximum Price Regulation No. 188, and for the reasons set forth in the accompanying opinion, this Order No. G-54 is issued.

(a) *What this order does.* This Order No. G-54 establishes maximum prices for a toy item manufactured by Fred C. Lang, when sold at the specified levels.

(b) *Authorized maximum prices.* Upon and after the effective date of this Order No. G-54, the maximum prices for the toy item designated "Tricky Track, Model No. 1", manufactured by Fred C. Lang of 431 North Custer Avenue, Colorado Springs, Colorado, in accordance with the specifications set forth in the application of said manufacturer now on file in this Regional Office as a part of the record in this case, shall be as follows:

(1) When sold by the manufacturer, f. o. b. shipping point, to a jobber or a wholesaler	*Per dozen* $8.64
(2) When sold by a drop shipment jobber, f. o. b. shipping point, to a retailer	9.18
(3) When sold by the manufacturer, any jobber, or a wholesaler, f. o. b. shipping point, to a retailer	10.80
	Each
(4) When sold by any seller to an ultimate consumer or user	$1.49

NOTE: (i) The maximum prices authorized by the above paragraphs (1), (2), and (3) are subject to a discount of 2% for payment within 10 days from date of invoice.

(ii) The prices above specified for sales f. o. b. shipping point include all costs incident to wrapping, packing, boxing, and carting.

(c) *Notice to be given purchasers for resale.* When the manufacturer or any other seller makes a first sale under this Order No. G-54 to a person who purchases for resale, he must show upon the invoice or on a separate slip or rider attached thereto the applicable resale price or prices as set forth in paragraph (b) above.

(d) *Applicability of other regulations.* The pricing provisions of the General Maximum Price Regulation have no application to the prices established by this Order No. G-54 for sales by the manufacturer or any other seller.

(e) *Geographical applicability.* The maximum prices authorized by this Order No. G-54 for resellers are applicable only to sales made within this Region VII, which includes the States of New Mexico, Colorado, Wyoming, Montana, and Utah, and all that part of the State of Idaho lying south of the southern boundary of Idaho County, the County of Malheur in the State of Oregon, and all that part of the Counties of Mohave and Coconino in the State of Arizona lying north of the Colorado River.

(f) *Licensing.* The provisions of Licensing Order No. 1, licensing all persons who make sales under price control, are applicable to all sellers subject to this regulation or order. A seller's license may be suspended for violation of the license or of one or more applicable price schedules or regulations. A person whose license is suspended may not, during the period of suspension, make any sale for which his license has been suspended.

(g) *Right to revoke or amend.* This order may be revoked, modified, or amended at any time by the Price Administrator or the Regional Administrator.

Effective date. This Order No. G-54 shall become effective on the 31st day of August 1945.

Issued this 31st day of August 1945.

RICHARD Y. BATTERTON,
Regional Administrator.

[F. R. Doc. 45-17162; Filed, Sept. 13, 1945; 12:39 p. m.]

[Region VII Order G-55 Under MPR 188]

HARRY E. LA CASSE

AUTHORIZATION OF MAXIMUM PRICES

Order No. G-55 under Maximum Price Regulation No. 188; authorized maximum prices for a toy item manufactured by Harry E. La Casse, Missoula, Montana, when sold by the manufacturer and specified resellers; Docket No. 7-188-158-158a-101.

Pursuant to the Emergency Price Control Act of 1942, as amended, the Stabilization Act of 1942, as amended, and §§ 1499.158 and 1499.158a of Maximum Price Regulation No. 188, and for the reasons set forth in the accompanying opinion, this Order No. G-55 is issued.

(a) *What this order does.* This Order No. G-55 establishes maximum prices for a toy item designated "doll bunk bed" when sold by the manufacturer and resellers as specified.

(b) *Authorized maximum prices.* Upon and after the effective date of this Order No. G-55, the maximum prices for the toy item designated "doll bunk bed" manufactured by Harry E. La Casse, 228 E. Spruce Street, Missoula, Montana, in accordance with the specifications set forth in the application of said manufacturer now on file in this Regional Office as a part of the record in this case, shall be as follows:

(1) When sold by the manufacturer, f. o. b. shipping point, to a jobber or a wholesaler	*Each unit* $2.25
(2) When sold by the manufacturer, a jobber or a wholesaler, f. o. b. shipping point, to a retailer	2.62
(3) When sold by any seller to an ultimate consumer or user	4.09

NOTE: (i) The maximum prices authorized by the above paragraphs (1) and (2) are subject to a discount of 2% for payment within 10 days from date of invoice.

(ii) The prices above specified for sales f. o. b. shipping point include all costs incident to wrapping, packing, boxing, and carting.

(c) *Notice to be given purchasers for resale.* When the manufacturer or any other seller makes a first sale under this Order No. G-55 to a person who purchases for resale, he must show upon the invoice or on a separate slip or rider attached thereto the applicable resale price or prices as set forth in paragraph (b) above.

(d) *Applicability of other regulations.* The pricing provisions of the General Maximum Price Regulation have no application to the prices established by this Order No. G-55 for sales by the manufacturer or any other seller.

(e) *Geographical applicability.* The maximum prices authorized by this Order No. G-55 for resellers are applicable only to sales made within this Region VII, which includes the States of New Mexico, Colorado, Wyoming, Montana, and Utah, and all that part of the State of Idaho lying south of the southern boundary of Idaho County, the County of Malheur in the State of Oregon, and all that part of the Counties of Mohave and Coconino in the State of Arizona lying north of the Colorado River.

(f) *Licensing.* The provisions of Licensing Order No. 1, licensing all persons who make sales under price control, are applicable to all sellers subject to this regulation or order. A seller's license may be suspended for violation of the license or of one or more applicable price schedules or regulations. A person whose license is suspended may not, during the period of suspension, make any sale for which his license has been suspended.

(g) *Right to revoke or amend.* This order may be revoked, modified, or amended at any time by the Price Administrator or the Regional Administrator.

Effective date. This Order No. G-55 shall become effective on the 31st day of August 1945.

Issued this 31st day of August 1945.

RICHARD Y. BATTERTON,
Regional Administrator.

[F. R. Doc. 45-17163; Filed, Sept. 13, 1945; 12:38 p. m.]

[Region VII Order G-56 Under MPR 188]

PACO TOY MFG. CO., ET AL.

AUTHORIZATION OF MAXIMUM PRICES

Order No. G-56 under Maximum Price Regulation No. 188; authorized maximum prices for a toy item manufactured by Paco Toy Manufacturing Company, Denver, Colorado, when sold by the manufacturer and specified resellers; Docket No. 7-188-158-158a-123.

Pursuant to the Emergency Price Control Act of 1942, as amended, the Stabilization Act of 1942, as amended, and §§ 1499.158 and 1499.158a of Maximum Price Regulation No. 188, and for the reasons set forth in the accompanying opinion, this Order No. G-56 is issued.

(a) *What this order does.* This Order No. G-56 establishes maximum prices for a toy item designated "silhouette toy model #100" when sold by the manufacturer and resellers as specified.

(b) *Authorized maximum prices.* Upon and after the effective date of this Order No. G-56, the maximum prices for the toy item designated "silhouette toy model #100" manufactured by Paco Toy Manufacturing Company, a partnership, of 4585 Wolff Street, Denver, Colorado, in accordance with the specifications set forth in the application of said manufacturer now on file in this Regional Office as part of the record in this case, shall be as follows:

(1) When sold by the manufacturer, f. o. b. shipping point, to a jobber or a wholesaler	*Per dozen* $4.80
(2) When sold by the manufacturer, a jobber or a wholesaler, f. o. b. shipping point, to a retailer	6.00
	Each
(3) When sold by any seller to an ultimate consumer or user	$0.79

NOTE: (i) The maximum prices authorized by the above paragraphs (1) and (2) are subject to a discount of 2% for payment within 10 days from date of invoice.

(ii) The prices above specified for sales f. o. b. shipping point include all costs incident to wrapping, packing, boxing, and carting.

(c) *Notice to be given purchasers for resale.* When the manufacturer or any other seller makes a first sale under this Order No. G-56 to a person who purchases for resale, he must show upon the invoice or on a separate slip or rider attached thereto the applicable resale price or prices as set forth in paragraph (b) above.

(d) *Applicability of other regulations.* The pricing provisions of the General Maximum Price Regulation have no application to the prices established by this Order No. G-56 for sales by the manufacturer or any other seller.

(e) *Geographical applicability.* The maximum prices authorized by this Order No. G-56 for resellers are applicable only to sales made within this Region VII, which includes the States of New Mexico, Colorado, Wyoming, Montana, and Utah, and all that part of the State of Idaho lying south of the southern boundary of Idaho County, the County of Malheur in the State of Oregon, and all that part of the Counties of Mohave and Coconino in the State of Arizona lying north of the Colorado River.

(f) *Licensing.* The provisions of Licensing Order No. 1, licensing all persons who make sales under price control, are applicable to all sellers subject to this regulation or order. A seller's license may be suspended for violation of the license or of one or more applicable price schedules or regulations. A person whose license is suspended may not, during the period of suspension, make any sale for which his license has been suspended.

(g) *Right to revoke or amend.* This order may be revoked, modified, or amended at any time by the Price Administrator or the Regional Administrator.

Effective date. This Order No. G-56 shall become effective on the 1st day of September 1945.

Issued this 1st day of September 1945.

RICHARD Y. BATTERTON,
Regional Administrator.

[F. R. Doc. 45-17164; Filed, Sept. 13, 1945; 12:38 p. m.]

[Region VII Order G-57 Under MPR 188]

PIKES PEAK TOY CO., ET AL.

AUTHORIZATION OF MAXIMUM PRICES

Order No. G-57 under Maximum Price Regulation No. 188; authorized maxi-

mum prices for a toy item manufacturned by Pikes Peak Toy Company, Colorado Springs, Colorado, when sold by the manufacturer and specified resellers; Docket No. 7-188-158-158a-100.

Pursuant to the Emergency Price Control Act of 1942, as amended, the Stabilization Act of 1942, as amended, and §§ 1499.158 and 1499.158a of Maximum Price Regulation No. 188, and for the reasons set forth in the accompanying opinion, this Order No. G-57 is issued.

(a) *What this order does.* This Order No. G-57 establishes maximum prices for a toy item designated "semi and tractor" when sold by the manufacturer and resellers as specified.

(b) Upon and after the effective date of this Order No. G-57, the maximum prices for the toy item designated "semi and tractor" manufactured by Pikes Peak Toy Company, a partnership, of 1322 East Platte Avenue, Colorado Springs, Colorado, in accordance with the specifications set forth in the application of said manufacturer now on file in this Regional Office as a part of the record in this case, shall be as follows:

	Each
(1) When sold by the manufacturer, f. o. b. shipping point, to a jobber or a wholesaler	$3.35
(2) When sold by the manufacturer, a jobber or a wholesaler, f. o. b. shipping point, to a retailer	4.20
(3) When sold by any seller to an ultimate consumer or user	6.95

NOTE: (i) The maximum prices authorized by the above paragraph (1) and (2) are subject to a discount of 2% for payment within 10 days from date of invoice.

(ii) The prices above specified for sales f. o. b. shipping point include all costs incident to wrapping, packing, boxing, and carting.

(c) *Notice to be given purchasers for resale.* When the manufacturer or any other seller makes a first sale under this Order No. G-57 to a person who purchases for resale, he must show upon the invoice or on a separate slip or rider attached thereto the applicable resale price or prices as set forth in paragraph (b) above.

(d) *Applicability of other regulations.* The pricing provisions of the General Maximum Price Regulation have no application to the prices established by this Order No. G-57 for sales by the manufacturer or any other seller.

(e) *Geographical applicability.* The maximum prices authorized by this Order No. G-57 for resellers are applicable only to sales made within this Region VII, which includes the States of New Mexico, Colorado, Wyoming, Montana, and Utah, and all that part of the State of Idaho lying south of the southern boundary of Idaho County, the County of Malheur in the State of Oregon, and all that part of the Counties of Mohave and Coconino in the State of Arizona lying north of the Colorado River.

(f) *Licensing.* The provisions of Licensing Order No. 1, licensing all persons who make sales under price control, are applicable to all sellers subject to this regulation or order. A seller's license may be suspended for violation of the license or of one or more applicable price schedules or regulations. A person whose license is suspended may not, during the period of suspension, make any sale for which his license has been suspended.

(g) *Right to revoke or amend.* This order may be revoked, modified, or amended at any time by the Price Administrator or the Regional Administrator.

Effective date. This Order No. G-57 shall become effective on the 4th day of September 1945.

Issued this 5th day of September 1945.

RICHARD Y. BATTERTON,
Regional Administrator.

[F. R. Doc. 45-17165; Filed, Sept. 13, 1945; 12:38 p. m.]

[Region VII Order G-23 Under 18 (c)]

SLABWOOD AND SAWDUST IN OREGON

For the reasons set forth in an opinion issued simultaneously herewith, and under the authority vested in the District Director of the Office of Price Administration by § 1499.18 (c), as amended, of the General Maximum Price Regulation, and by Order of Delegation No. 34 issued by the Regional Administrator of Region VIII under Revised General Order No. 32, *It is hereby ordered*, That:

(a) Any mill operator or fuel dealer making a sale at wholesale of slabwood cut in 12" or 16" lengths, or sawdust f. o. b. railroad cars in the State of Oregon except in Malheur County may add to his properly established local ceiling price for such sale, whether it is his March 1942 price or an adjusted price authorized by the Office of Price Administration, a maximum charge of not to exceed 50¢ per cord of slabwood or per unit of sawdust when such slabwood is shipped in railroad cars on which the racking facilities have been purchased or built after June 1, 1945, by the mill operator or fuel dealer, making such sale. Nothing in this Order shall be contrued to authorize any increase in the prices for sales and deliveries in the Portland-Vancouver area provided by Order No. G-19, under § 1499.18 (c), as amended, of the General Maximum Price Regulation.

(b) Any mill operater or fuel dealer making above addition to his maximum price in addition to existing invoice and record requirements, shall separately state such addition for racking on his invoice to each purchaser of above described slabwood and sawdust.

(c) *Definitions.* When used in this order the following terms shall have the meanings set forth below:

(1) "Sale at wholesale" means a sale by a mill operator or fuel dealer who produces or buys the specified types of fuel and resells such fuel to any person other than an ultimate consumer.

(2) "Slabwood" means mill run slabwood, mixed blocks, and slabwood, or mixed slabwood and edgings.

This order may be revoked, amended or corrected at any time.

This order shall become effective June 21, 1945.

(56 Stat. 566, Pub. Law 383, 78th Cong.; E.O. 9250, 7 F.R. 7871, E.O. 9328, 8 F.R. 4681.

Issued this 21st day of June 1945

MCDANNELL BROWN,
District Director.

[F. R. Doc. 45-17167; Filed, Sept. 13, 1945, 12:38 p. m.]

LIST OF COMMUNITY CEILING PRICE ORDERS

The following orders under Rev. General Order 51 were filed with the Division of the Federal Register September 11, 1945.

REGION II

Albany Order 10-F, Amendment 1, covering fresh fruits and vegetables in certain areas in New York. Filed 10:04 a. m.

Albany Order 10-F, Amendment 2, covering fresh fruits and vegetables in certain areas in New York. Filed 10:05 a. m.

Albany Order 10-F, Amendment 3, covering fresh fruits and vegetables in certain areas in New York. Filed 10:05 a. m.

Albany Order 10-F, Amendment 4, covering fresh fruits and vegetables in certain areas in New York. Filed 10:03 a. m.

Albany Order 10-F, Amendment 5, covering fresh fruits and vegetables in certain areas in New York. Filed 10:05 a. m.

Albany Order 10-F, Amendment 6, covering fresh fruits and vegetables in certain areas in New York. Filed 10:05 a. m.

Albany Order 10-F, Amendment 7, covering fresh fruits and vegetables in certain areas in New York. Filed 10:06 a. m.

Albany Order 10-F, Amendment 8, covering fresh fruits and vegetables in certain areas in New York. Filed 10:06 a. m.

Albany Order 10-F, Amendment 9, covering fresh fruits and vegetables in certain areas in New York. Filed 10:06 a. m.

Albany Order 10-F, Amendment 10, covering fresh fruits and vegetables in certain areas in New York. Filed 10:06 a. m.

Albany Order 10-F, Amendment 11, covering fresh fruits and vegetables in certain areas in New York. Filed 10:07 a. m.

Syracuse Order 3-F, Amendment 45, covering fresh fruits and vegetables in certain areas in New York. Filed 10:07 a. m.

Syracuse Order 4-F, Amendment 32, covering fresh fruits and vegetables in certain areas in New York. Filed 10:07 a. m.

REGION III

Detroit Order 5-F, Amendment 31, covering fresh fruits and vegetables in Wayne and Macomb Counties, Michigan. Filed 10:07 a. m.

Louisville Order 12-F, Amendment 34, covering fresh fruits and vegetables in Clark and Floyd, Indiana and Jefferson County, Kentucky. Filed 10:08 a. m.

Louisville Order 14-F, Amendment 34, covering fresh fruits and vegetables in the Daviess and Henderson Counties, Kentucky. Filed 10:08 a. m.

Louisville Order 15-F, Amendment 12, covering fresh fruits and vegetables in certain areas in Kentucky. Filed 10:08 a. m.

Louisville Order 17-F, covering fresh fruits and vegetables in certain counties in Kentucky. Filed 10:08 a. m.

Toledo Order 11, Amendment 2 covering dry groceries in the Toledo Area. Filed 10:08 a. m.

REGION V

Forth Worth Order 13-F, Amendment 6 covering fresh fruits and vegetables in Tarrant County, Texas. Filed 10:02 a. m.

Fort Worth Order 14-F, Amendment 6, covering fresh fruits and vegetables in Taylor County, Texas. Filed 10:03 a. m.

Fort Worth Order 15-F, Amendment 6, covering fresh fruits and vegetables in the Tom Green County, Texas. Filed 10:02 a. m.

Fort Worth Order 16-F, Amendment 6, covering fresh fruits and vegetables in the McLennan County, Texas Area. Filed 10:02 a. m.

Fort Worth Order 17-F, Amendment 6, covering fresh fruits and vegetables in the Wichita County, Texas Area. Filed 10:01 a. m.

Houston Order 4-F, Amendment 6, covering fresh fruits and vegetables in certain areas in Texas. Filed 10:01 a. m.

Houston Order 5-F, Amendment 6, covering fresh fruits and vegetables in certain areas of Jefferson and Orange Counties, Texas. Filed 10:02 a. m.

Little Rock District Order 4-F, Amendment 60, covering fresh fruits and vegetables in Miller County, Arkansas. Filed 10:01 a. m.

Little Rock Order 8-F, Amendment 7, covering fresh fruits and vegetables in the Pulaski County, Arkansas. Filed 10:00 a. m.

Little Rock Order 10-F, Amendment 7, covering fresh fruits and vegetables in the Garland County, Arkansas Area. Filed 10:00 a. m.

Little Rock Order 11-F, Amendment 8, covering fresh fruits and vegetables in the Sebastian and Crawford Counties, Arkansas. Filed 10:00 a. m.

Oklahoma City Order 4-F, Amendment 1, covering fresh fruits and vegetables in certain areas in Oklahoma. Filed 9:59 a. m.

REGION VI

North Platte Order 1-F, Amendment 9, covering fresh fruits and vegetables in certain areas in Nebraska. Filed 10:11 a. m.

North Platte Order 7, covering dry groceries in certain areas in Nebraska. Filed 10:03 a. m.

REGION VII

Wyoming Order 9-W, Amendment 8, covering dry groceries in the Rock Springs Area. Filed 10:11 a. m.

Wyoming Order 12-W, Amendment 4, covering dry groceries in the Laramie Area. Filed 10:11 a. m.

Wyoming Order 52, Amendment 4, covering dry groceries in the Laramie Area. Filed 10:09 a. m.

REGION VIII

Fresno Order 1-C, Amendment 9, covering poultry in Merced and Stanislaus Counties, California. Filed 10:04 a. m.

Fresno District Order 1-O, Amendment 9, covering eggs in certain counties in the State of California. Filed 10:04 a. m.

Copies of any of these orders may be obtained from the OPA Office in the designated city.

ERVIN H. POLLACK,
Secretary.

[F. R. Doc. 45-17174; Filed, Sept. 13, 1945; 3:58 p. m.]

LIST OF COMMUNITY CEILING PRICE ORDERS

The following orders under Rev. General Order 51 were filed with the Division of the Federal Register September 11, 1945.

REGION II

District of Columbia Order 5-F, Amendment 24, covering fresh fruits and vegetables in certain areas in Region II. Filed 9:43 a. m.

REGION IV

Charlotte Order 3-F, Amendment 31, covering fresh fruits and vegetables in certain areas in North Carolina. Filed 9:42 a. m.

Columbia Order 7-F, Amendment 15, covering fresh fruits and vegetables in certain areas in the State of South Carolina. Filed 9:43 a. m.

REGION V

Dallas Order 4-F, Amendment 5, covering fresh fruits and vegetables in Dallas County, Texas. Filed 9:44 a. m.

Lubbock District Order 6-F, Amendment 3, covering fresh fruits and vegetables in Lubbock County, Texas. Filed 9:44 a. m.

Lubbock District Order 6-F, Amendment 4, covering fresh fruits and vegetables in Lubbock County, Texas. Filed 9:59 a. m.

Lubbock District Order 6-F, Amendment 5, covering fresh fruits and vegetables in Lubbock County, Texas. Filed 9:44 a. m.

Lubbock District Order 7-F, Amendment 3, covering fresh fruits and vegetables in certain counties in Texas. Filed 9:45 a. m.

Lubbock District Order 7-F, Amendment 4, covering fresh fruits and vegetables in certain counties in Texas. Filed 9:59 a. m.

Lubbock District Order 7-F, Amendment 5, covering fresh fruits and vegetables in certain counties in Texas. Filed 9:45 a. m.

New Orleans Order 3-F, Amendment 5, covering fresh fruits and vegetables in certain areas in the state of Louisiana. Filed 9:46 a. m.

Oklahoma City Order 4-F, Amendment 2, covering fresh fruits and vegetables in certain areas in Oklahoma. Filed 9:58 a. m.

Oklahoma City Order 5-F, covering fresh fruits and vegetables in certain areas in Oklahoma. Filed 9:58 a. m.

Oklahoma City Order 6-F, covering fresh fruits and vegetables in certain areas in Oklahoma. Filed 9:57 a. m.

Oklahoma City Order 6-F, Amendment 1, covering fresh fruits and vegetables in certain areas in Oklahoma. Filed 9:57 a. m.

San Antonio Order 1-O, covering eggs in certain counties in the state of Texas. Filed 9:47 a. m.

San Antonio Order 2-O, covering eggs in certain counties in the state of Texas. Filed 9:48 a. m.

San Antonio Order 6-F, Amendment 5, covering fresh fruits and vegetables in Bexar County, Texas. Filed 9:46 a. m.

San Antonio Order 7-F, Amendment 5, covering fresh fruits and vegetables in Austin County, Texas. Filed 9:46 a. m.

San Antonio Order 8-F, Amendment 5, covering fresh fruits and vegetables in Corpus Christi County, Texas. Filed 9:47 a. m.

St. Louis Order 4-F, Amendment 6, covering fresh fruits and vegetables in the city and county of St. Louis, Missouri. Filed 9:58 a. m.

REGION VI

Des Moines Order 1-F, Amendment 79, covering fresh fruits and vegetables in Des Moines, Polk County, Iowa. Filed 9:53 a. m.

Des Moines Order 3-F, Amendment 27, covering fresh fruits and vegetables in certain counties in Iowa. Filed 9:57 a. m.

North Platte Order 1-F, Amendment 10, covering fresh fruits and vegetables in certain cities in Nebraska. Filed 9:57 a. m.

Omaha Order 10-F, Amendment 22, covering fresh fruits and vegetables in Omaha, Nebraska and Council Bluffs, Iowa. Filed 9:48 a. m.

Omaha Order 10-F, Amendment 25, covering fresh fruits and vegetables in Omaha, Nebraska and Council Bluffs, Iowa. Filed 9:48 a. m.

Omaha Order 11-F, Amendment 23, covering fresh fruits and vegetables in the city of Lincoln, Nebraska. Filed 9:48 a. m.

Omaha Order 11-F, Amendment 26, covering fresh fruits and vegetables in the city of Lincoln, Nebraska. Filed 9:49 a. m.

Omaha Order 12-F, Amendment 7, covering fresh fruits and vegetables in certain counties in Nebraska. Filed 9:49 a. m.

Quad-Cities Order 2-F, Amendment 53, covering fresh fruits and vegetables in certain areas in Illinois and Iowa. Filed 9:49 a. m.

REGION VII

Denver Order 4-F, Amendment 12, covering fresh fruits and vegetables in the Denver Area. Filed 9:49 a. m.

Denver Order 5-F, Amendment 12, covering fresh fruits and vegetables in the Pueblo Area. Filed 9:50 a. m.

Denver Order 6-F, Amendment 12, covering fresh fruits and vegetables in the Colorado Springs-Manitou Area. Filed 9:50 a. m.

Denver Order 7-F, Amendment 12, covering fresh fruits and vegetables in the Boulder-Fort Collins-Greeley Area. Filed 9:50 a. m.

Salt Lake City Order 5-W, Amendment 3, covering dry groceries in the Salt Lake City, Ogden and Provo Area. Filed 9:53 a. m.

Salt Lake City Order 11-F, Amendment 4, covering fresh fruits and vegetables in certain areas in Utah. Filed 9:51 a. m.

Salt Lake City Order 11-F, Amendment 12, covering fresh fruits and vegetables in certain areas in Utah. Filed 9:51 a. m.

Salt Lake City Order 12-F, Amendment 12, covering fresh fruits and vegetables in certain areas in Utah. Filed 9:50 a. m.

Salt Lake City Order 13-F, Amendment 12, covering fresh fruits and vegetables in certain areas in Utah. Filed 9:50 a. m.

Salt Lake City Order 20, Amendment 3, covering dry groceries in the Salt Lake City, Ogden and Provo Area. Filed 9:51 a. m.

Salt Lake City Order 21, Amendment 3, covering dry groceries in the Salt Lake City, Ogden and Provo Area. Filed 9:52 a. m.

Salt Lake City Order 22, Amendment 3, covering dry groceries in certain areas in Idaho and Wyoming. Filed 9:52 a. m.

Salt Lake City Order 23, Amendment 3, covering dry groceries in certain areas in Idaho and Wyoming. Filed 9:52 a. m.

Salt Lake City Order 24, Amendment 3, covering dry groceries in certain areas in the Grand and San Juan Counties. Filed 9:53 a. m.

Copies of any of these orders may be obtained from the OPA Office in the designated city.

ERVIN H. POLLACK,
Secretary.

[F. R. Doc. 45-17175; Filed, Sept. 13, 1945; 3:58 p. m.]

[Order G-2 Under MPR 426, Amdt. 1]

FRESH FRUITS AND VEGETABLES IN NEWARK, N. J., AREA

For the reasons stated in an opinion issued simultaneously herewith and pursuant to the authority vested in the Newark District Director of the Newark District Office, Region II, by section 2b of Maximum Price Regulation No. 426 and delegation of authority by the Regional Administrator for Region II, this amendment is hereby issued.

SECTION 1. *What this amendment does.* Order No. G-2 under Maximum Price Regulation No. 426 was issued February 9, 1945 pursuant to the authority aforesaid. Said order applied only to the following persons:

Name and Address

B. Finkel & Son, 225 Wright St., Newark, N. J.

Victory Hotel & Restaurant Supply Co., 20 Cornelia St., Newark, N. J.

The order did not cover the following commodities: Berries—strawberries, blackberries, dewberries, red and black raspberries; Melons—cantaloupe, honeyball, honeydew, persian, casaba, cran-

shaw; deciduous fruits—grapes, prunes, peaches, plums and cherries. This amendment establishes maximum markups or prices which the above named purveyors located in the Newark District may charge for the aforementioned fruits sold to commercial and institutional users. As in the original order, this amendment applies only to the sales by the purveyors named herein, and then only to the sale of fresh fruits and vegetables which are included in the original order as it was issued and as now amended. All sections and provisions of the original order are still in effect.

The table of maximum markups for sales by purveyors to commercial and institutional users as added to the table is attached and marked "Appendix A."

SECTION 2. *Effective date.* This amendment shall become effective at 12:01 a. m. August 29, 1945.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681; MPR 426, 8 F.R. 16409, 9 F.R. 790, 902)

Issued this 29th day of August 1945.

RICHARD J. TARRANT,
District Director.

Approved:

F. D. CRONIN,
Regional Director of Food Distribution.

APPENDIX A

Commodity	Standard container and minimum contents	Cost to purveyor	Full re-packed standard containers	Maximum markups per pound: More than one-half container	Maximum markups per pound: One-half container or less
Strawberries	Quart	$0.401	$0.072	.....	.....
Blackberries and dewberries	Quart	.369	.066	.....	.....
Raspberries, red	Pint	.289	.049	.....	.....
Raspberries, black	Pint	.269	.049	.....	.....
Peaches	Bushel	4.66	1.18	$0.025	$0.025
Apricots—Brentwood lug	24-26 lbs	3.24	.86	.034	.034
Apricots—Northwest lug	13-15 lbs	1.90	.51	.034	.034
Plums—4-bushel crates, size 3 x 4-3 x 4 x 4	Crate, 29-33 lbs	3.89	.99	.033	.033
Plums—size 4 x 4	Crate, 28-32 lbs	3.77	.96	.033	.033
Plums—size 3 x 4 x 5	Crate, 26-30 lbs	3.58	.93	.033	.033
Plums—size 4 x 5	Crate, 26-30 lbs	3.52	.92	.033	.033
Plums—size 5 x 5	Crate 24-28 lbs	3.31	.88	.033	.033
Plums—size 5 x 5 6 x 6	Crate, 23-27 lbs	3.22	.86	.033	.033
Sweet cherries—Campbell lug	14½-15½ lbs	4.30	1.12	.072	.072
Sweet cherries—Calex lug, 19-21 lbs. or fruit box	15½-20½ lbs	5.55	1.40	.072	.072
Sweet cherries—Campbell lug	16-18 lbs	4.75	1.22	.072	.072
Red sour cherries with stems	Pound	.178	.022	.022	.022
Red sour cherries without stems	Pound	.166	.022	.022	.022
Grapes, table—lug	28 lbs	3.21	.79	.027	.027
Prunes, Italian—½-bushel basket	28-32 lbs	2.85	.80	.027	.027
Pears, produced in California and in Josephine and Jackson Counties in Oregon—two standard half pear boxes.	46-50 lbs	5.48	1.39	.029	.029
Prunes, Italian—prune box	15-17 lbs	1.84	.45	.027	.027
Pears, all other producing areas—pear box	44-48 lbs	5.30	1.35	.029	.029
Melons, cantaloupes and honeyballs—jumbo crate	83 lbs	5.61	1.42	.018	.018
Melons, cantaloupes and honeyballs—standard crates	68 lbs	4.77	1.27	.018	.018
Melons, cantaloupes and honeyballs—pony crates	57 lbs	3.98	1.05	.018	.018
Honeydew melons—jumbo or standard honeydew crate	39 lbs	3.54	.90	.022	.022
Honeydew melons—jumbo cantaloupe crates	58 lbs	5.65	1.42	.022	.022
Persian melons—jumbo Persian crate	43 lbs	3.84	1.05	.022	.022
Persian melons—standard Persian crate	37 lbs	3.30	.90	.022	.022
Persian melons—pony Persian crate	35 lbs	3.09	.82	.022	.022
Casaba melons—jumbo or standard crate	42 lbs	3.13	.75	.018	.018
Cranshaw melons—jumbo or standard crate, 40 lbs	40 lbs	3.68	.90	.022	.022

[F. R. Doc. 45-17179; Filed Sept. 13, 1945; 3:59 p. m.]

[Region VI Order G-1 Under MPR 154]

ICE IN MILWAUKEE COUNTY, WIS.

For the various reasons set forth in an opinion issued simultaneously herewith, and under the authority vested in the District Director of the Milwaukee District Office of the Office of Price Administration by delegation from the Regional Administrator of the Chicago Regional Office of the Office of Price Administration, pursuant to the provisions of § 1393.8 of Maximum Price Regulation No. 154, as amended, *It is hereby ordered:*

(a) This order establishes maximum prices for sales of block, sized, crushed, and cubed ice. The order applies to all ice delivered to any consumer's or dealer's premises located within Milwaukee County, Wisconsin, and to any sales by any manufacturer whose premises are located within Milwaukee County, Wisconsin.

(b) The following are the maximum prices for ice of a type and size, and sold in the quantity and to the type of purchaser set forth below. The maximum price for sales of a type and size not covered by the schedule set forth below, shall be those established under Maximum Price Regulation No. 154, or any order heretofore issued by the Chicago Regional Office of the Office of Price Administration. The terms used in the schedule shall have the same meaning and connotation as is customarily employed in the ice trade in Milwaukee County, Wisconsin.

SCHEDULE OF PRICES FOR THE PURCHASE AND SALE OF ICE IN THE COUNTY OF MILWAUKEE, WISCONSIN

1. FOR SALES BY MANUFACTURERS OF ICE

	Maximum prices
(a) Retail delivered:	
Block ice:	
100 lbs	$0.54
75 lbs	.41
50 lbs	.27
25 lbs	.15
Cubes:	
Small tub (approx. 250) (per tub)	.65
Large tub (approx. 500) (per tub)	1.10
Paper bag (80 cubes) (per bag)	.30
Sized ice—all sizes:	
100 lbs	.55
50 lbs	.29
25 lbs	.15
(b) Commercial delivered block ice and crushed ice—snow and crusher run:	
Individual purchases:	
100-399 lbs. and weekly purchases totaling 1,200 lbs. (per ton)	8.60
400-999 lbs. and weekly purchases totaling 2,400 lbs. (per ton)	8.40
1,000-1,999 lbs. and weekly purchases totaling 6,000 lbs. (per ton)	8.00
Individual purchases 2,000 lbs. and over (per ton)	7.00
Sized ice—pea, chestnut and stove overrun (per ton)	11.00
Cubes—small tub (approx. 250) (per tub)	.50
Cubes—large tub (approx. 500) (per tub)	.80
(c) Retil at platform:	
Block ice:	
100 lbs	.40
75 lbs	.30
50 lbs	.20
25 lbs	.10
(d) Industrial delivered:	
(1) To breweries:	
Delivered at platform on cars:	
Annual volume:	
Less than 5,000 tons (per ton)	3.80
5,000 to less than 7,500 tons (per ton)	3.70
7,500 tons and over (per ton)	3.65
Delivered and placed in bunkers:	
Annual volume:	
Less than 5,000 tons (per ton)	4.10
5,000 to less than 7,500 tons (per ton)	4.00
7,500 tons and over (per ton)	3.90
(2) To railroads:	
Delivered and placed in bunkers (per ton)	4.35
Loading into cars (body icing) (per ton)	4.75

2. FOR SALES BY DEALERS

(a) Retail delivered:	
Block ice:	
100 lbs	.54
75 lbs	.41
50 lbs	.27
25 lbs	.15
Cubes:	
Small tub (approx. 250) (per tub)	.65
Large tub (approx. 500) (per tub)	1.10
Paper bag (80 cubes) (per bag)	.30
Sized ice—all sizes:	
100 lbs	.55
50 lbs	.28
25 lbs	.15
(b) Retail at cash station platform:	
Block ice:	
100 lbs	.45
75 lbs	.35
50 lbs	.25
25 lbs	.15

Except as otherwise provided herein or as the context may otherwise require, the definition set forth in Maximum Price Regulation No. 154, as amended, shall apply to the terms used herein. All provisions of Maximum Price Regulation No. 154, except as modified herein, shall be and remain in full force and effect and shall be applicable to all sales of ice provided for in this order.

This order supersedes Order No. G-3 and all Amendments thereto issued by the Chicago Regional Office of the Office of Price Administration, which Order, as amended, established maximum prices for sales and deliveries of ice in the County of Milwaukee, Wisconsin.

This order may be modified, revoked or amended at any time.

This order shall become effective as of August 1, 1945.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 7th day of August 1945.

H. T. SMITH,
District Director.

[F. R. Doc. 45-17180; Filed, Sept. 13, 1945; 3:59 p. m.]

[Region VII Order G-3 Under MPR 121, Amdt. 4]

SOLID FUELS IN DENVER REGION

Order No. G-3 under Maximum Price Regulation No. 121, Amendment No. 4. Miscellaneous solid fuels delivered from producing facilities; Docket No. 7-121-247a (b)-3.

Pursuant to the Emergency Price Control Act of 1942, as amended, the Stabilization Act of 1942, as amended, and § 1340.247a (b) of Maximum Price Regulation No. 121, as amended, and for the reasons set forth in the accompanying opinion, this Amendment No. 4 is issued.

1. Amendment No. 3, issued on May 8, 1945, is hereby revoked and superseded as of the effective date of this Amendment No. 4.

2. Paragraph (b), *"Sizes and prices"*, of Order No. G-3 is hereby revised and amended to read as follows:

(b) *Sizes and prices.*

	Per ton
No. 1 anthracite grate coal	$9.98
No. 2 anthracite egg coal	9.98
No. 3 anthracite stove coal	9.98
Baseburner anthracite coal	9.98
No. 7 anthracite pea coal	5.98
No. 8 anthracite buckwheat coal	4.48
No. 9 anthracite chestnut coal	7.98
No. 10 anthracite duff coal	4.48
Special anthracite size 2" x 3"	10.43

3. *Effective date.* This Amendment No. 4 shall become effective on the 24th day of August 1945.

Issued this 24th day of August 1945.

JOSEPH W. PENFOLD,
Acting Regional Administrator.

[F. R. Doc. 45-16969; Filed, Sept. 11, 1945; 4:44 p. m.]

RECONSTRUCTION FINANCE CORPORATION.

Office of Defense Supplies.

PETROLEUM COMPENSATORY ADJUSTMENTS

NOTICE TO APPLICANTS

AUGUST 30, 1945.

Supplementing our notice of August 18, 1945, the following additional information is furnished for the guidance of applicants in connection with the program for the elimination of Compensatory Adjustments under Petroleum Compensatory Adjustments Revised Regulation No. 1:

(1) The paragraph numbered (2) in the notice dated August 18, 1945 should be read as though the term "Miscellaneous Products" had not been included therein, except that all authorizations for Compensable Intra-District Movements of Miscellaneous Products are cancelled, effective as to movements commenced after August 31, 1945.

(2) Attached is a list of persons [1] which have filed one or more applications for Petroleum Compensatory Adjustments under Regulation No. 1, as amended, which applications have not been withdrawn. Under § 7001.5 (a) (4) (i) of Revised Regulation No. 1, applicants are not eligible to obtain reimbursement from this corporation for refunds due to revenue price decreases which are made to any person on such attached list. Such persons may apply to Reconstruction Finance Corporation for refunds in accordance with § 7001.5 (a) (4), (5) and (6) or (7) of the revised regulation.

(3) Several inquiries have been received as to whether applicants may be reimbursed pursuant to § 7001.5 (a) (4) of Revised Regulation No. 1 for refunds made to public utility, industrial or other consumers. Reimbursement under § 7001.5 (a) (4) is limited to refunds made by applicants to resellers.

(4) Applicants are advised that this Corporation does not presently intend to grant any extension of the time, prescribed by § 7001.3 (b) of the regulation, for the filing of claims for the month of October 1945.

RECONSTRUCTION FINANCE CORPORATION,
GEORGE STONER,
Associate Director,
Office of Defense Supplies.

[F. R. Doc. 45-17171; Filed, Sept. 12, 1945; 2:16 p. m.]

SECURITIES AND EXCHANGE COMMISSION.

[File No. 70-1120]

UNITED GAS IMPROVEMENT CO. AND LUZERNE COUNTY GAS AND ELECTRIC CORP.

ORDER GRANTING APPLICATION AND PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 12th day of September 1945.

The United Gas Improvement Company (UGI), a registered holding company and a subsidiary of The United Corporation, also a registered holding company, and UGI's utility subsidiary, Luzerne County Gas and Electric Corporation (Luzerne), have filed a joint application-declaration, pursuant to the Public Utility Holding Company Act of 1935, regarding: (i) the issue by Luzerne of 25,000 shares of new 4¼% preferred stock (New Preferred), par value $100, and the offer of exchange of such stock, on a pro rata basis, for all of Luzerne's presently outstanding 43,500 shares of 5¼% preferred stock, par value $100 (Old Preferred); (ii) the redemption at $110 per share, plus accrued dividends, of all unexchanged Old Preferred; (iii) an agreement by UGI to purchase at $110 per share all unexchanged shares of New Preferred; and (iv) a cash contribution to be made by UGI to Luzerne in the amount of approximately $2,140,000 to provide Luzerne with the funds necessary for the call of unexchanged shares of Old Preferred; and

Luzerne having requested an exemption from the competitive bidding provisions of Rule U-50 in connection with the issue and exchange of the New Preferred; and

The issue and exchange of New Preferred having been approved by the Public Utility Commission of Pennsylvania; and

A public hearing having been held after appropriate notice and the Commission having considered the record and filed its findings and opinion herein;

It is ordered, That said application-declaration be, and the same hereby is, granted and permitted to become effective.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 45-17187; Filed, Sept. 14, 1945; 11:11 a. m.]

WAR PRODUCTION BOARD.

[C-255, Revocation]

APONAUG MANUFACTURING CO.

CONSENT ORDER

Pursuant to an agreement between Aponaug Manufacturing Company, the Regional Compliance Manager and the Regional Attorney, Consent Order No. C-255 was issued January 31, 1945, in consequence of violations of General Conservation Order M-317 and Limitation Orders L-99 and L-99-a.

The parties to the agreement having now agreed that such order should be revoked; it is hereby ordered, that: *Consent Order No. C-255* be revoked.

Issued this 14th day of September 1945.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 45-17192; Filed, Sept. 14, 1945; 11:15 a. m.]

[1] Filed as part of the original document.

[C-373, Revocation]

JOHN F. MCKENNA, INC.

CONSENT ORDER

Pursuant to an agreement between John F. McKenna, Inc., the Regional Compliance Manager and the Regional Attorney, Consent Order No. C-373 was issued June 27, 1945, in consequence of violations of Limitation Order L-335 and Priorities Regulation No. 3.

The parties to the agreement having now agreed that such order should be revoked, it is hereby ordered that: *Consent Order No. C-373* be revoked.

Issued this 14th day of September 1945.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 45-17193; Filed, Sept. 14, 1945; 11:15 a. m.]

ENCE SEP 19 '45

FEDERAL REGISTER

VOLUME 10 NUMBER 183

Washington, Tuesday, September 18, 1945

The President

EXECUTIVE ORDER 9616

RELATING TO THE UNITED STATES HIGH COMMISSIONER TO THE PHILIPPINE ISLANDS

WHEREAS it is necessary to provide in the Philippine Islands in the interim before independence the most efficient administration of United States civil authority and to provide for the coordination of the activities of departments and other agencies of the United States Government operating in the Philippine Islands; and

WHEREAS the heavy damages to property and life, the disruption of trade, commerce and finance, and the political and social difficulties which surround the government of the Commonwealth of the Philippine Islands as a result of the war are matters of deep concern which require the attention and assistance of the United States Government for the reestablishment of orderly civil government, and for the relief and rehabilitation of the people; and

WHEREAS section 7 (4) of the Philippine Independence Act of March 24, 1934 (48 Stat. 461) as amended, provides that the United States High Commissioner to the Philippine Islands "shall be the representative of the President of the United States in the Philippine Islands, and shall be recognized as such by the government of the Commonwealth of the Philippine Islands, by the commanding officer of the military forces of the United States, and by all civil officials of the United States in the Philippine Islands," and further, that, "He shall perform such additional duties and functions as may be delegated to him from time to time by the President under the provisions of this Act;"

NOW THEREFORE, by virtue of and pursuant to the authority vested in me by the Constitution and statutes of the United States, and as President of the United States, it is ordered as follows:

1. Executive Order No. 9245 of September 16, 1942, is hereby repealed and the functions, powers, and duties of the United States High Commissioner to the Philippine Islands, together with the personnel, records, property, and funds of the office of the United States High Commissioner to the Philippine Islands are transferred from the Secretary of the Interior to the said United States High Commissioner to the Philippine Islands.

2. All powers and authority of the President in respect to the Philippine Islands and the government of the Commonwealth of the Philippine Islands, its branches, subdivisions, and instrumentalities which may be lawfully so delegated are hereby delegated to the United States High Commissioner to the Philippine Islands.

3. The United States High Commissioner to the Philippine Islands in the Philippine Islands and the Secretary of the Interior in the United States shall be responsible for the representation, administration and coordination of the authority and policies of the United States Government in respect to the Philippine Islands. They shall recommend to the President and to the chief officers of departments and agencies of the United States Government the procedures and policies which in their opinions may be desirable or necessary for the welfare of the people of the Philippine Islands, and for the protection and advancement of the national policies of the United States in the Philippine Islands.

4. The functions, powers and duties of the offices, missions and other agencies of civil departments and agencies of the United States Government represented or operating in the Philippine Islands shall be exercised under the supervision of the United States High Commissioner to the Philippine Islands and such offices, missions and other agencies shall be deemed to be attached to his office.

5. The chief officers of the United States Army and Navy in the Philippine Islands shall maintain close liaison with the United States High Commissioner to the Philippine Islands, make available to him such reports, records and information as he may require and afford him all possible aid and assistance.

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NOTICE

1944 Supplement

Book 1 of the 1944 Supplement to the Code of Federal Regulations, containing Titles 1–10, including Presidential documents in full text, is now available from the Superintendent of Documents, Government Printing Office, at $3.00 per copy.

A limited sales stock of the Cumulative Supplement and the 1943 Supplement is still available as previously announced.

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6. Except as the Secretary of the Interior may otherwise approve, all representations to the government of the Commonwealth of the Philippine Islands from any department or agency of the United States Government originating in the United States shall be made by or through the Secretary of the Interior, or a member of his staff designated by him, and the United States High Commissioner to the Philippine Islands. Except as the United States High Commissioner to the Philippine Islands may approve, all such representations originating in the Philippine Islands shall be made through the United States High Commissioner to the Philippine Islands, or a member of his staff designated by him, and the Secretary of the Interior shall be promptly informed of representations so made.

7. Except as the Secretary of the Interior may otherwise approve, all representations to the United States Government from officers of the government of the Commonwealth of the Philippine Islands in the United States shall be made to the Secretary of the Interior, or a member of his staff designated by him:

Provided, however, That this provision shall not interfere with the right of the Philippine Resident Commissioner to the United States to serve as a delegate to the United States Congress.

8. There is specifically delegated to the United States High Commissioner to the Philippine Islands the authority to employ such staff and assistants as he may require, and, funds being provided therefor, fix their rates of compensation, which rates shall conform in general with the rates fixed in the Classification Act and the Federal Employees Pay Act of 1945 or like acts which may come into effect:

Provided, That any person who now occupies, or who may in the future occupy, one of the positions on the staff of the United States High Commissioner to the Philippine Islands, upon nomination by the High Commissioner, may be transferred to a classified (competitive) civil service position in the Government of the United States.

9. The United States High Commissioner to the Philippine Islands and civilian employees of his office and staff serving in the Philippine Islands who are citizens of the United States shall be entitled to receive the maximum leave, salary differentials, and allowances authorized or permissible under the law for civilian employees of the United States Government serving outside the continental limits of the United States.

10. The United States High Commissioner to the Philippine Islands may, if in his judgment such action seems desirable, station employees of his office and staff in Washington, D. C., to assist him and the Secretary of the Interior in the performance of their duties in respect to the Philippine Islands.

11. An employee of the office or staff of the United States High Commissioner to the Philippine Islands having United States Civil Service status who is transferred from another agency of the United States Government to the office or staff of the United States High Commissioner to the Philippine Islands, and whose service is subsequently involuntarily terminated shall be entitled to return to his previous position or to one of equal seniority, status and pay: Provided, That he is still qualified to perform the duties of the position and he makes application for reinstatement within sixty days after termination of his service.

12. In respect to persons who have been or may become employees of the office or staff of the United States High Commissioner to the Philippine Islands the provision of section 5 of the Civil Service Retirement Act of May 29, 1930, as amended, which provides in addition to certain services of employees that may be credited for retirement benefits, "also periods of services performed overseas under authority of the United States" shall be interpreted to include all periods of service performed under the government of the Philippine Islands prior to the establishment of the government of the Commonwealth of the Philippine Islands on November 15, 1935.

13. The United States Army and Navy shall extend to the United States High Commissioner to the Philippine Islands, the employees of his office and staff and the employees of other departments and agencies of the United States Government stationed in the Philippine Islands and their families such commissary and post exchange privileges and recreational, medical, dental and hospital facilities as are extended to personnel of their services stationed in the Philippine Islands and their families.

14. Sections 4 and 6 of this order shall not be applicable to United States Judges, United States Attorneys, and United States Marshals.

HARRY S. TRUMAN

THE WHITE HOUSE,
September 14, 1945.

[F. R. Doc. 45-17261; Filed, Sept. 14, 1945; 2:27 p. m.]

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AUTHORITY: §§ 5.103–01 to 5.704–01, inclusive, issued under SPB Reg. 1, as amended (10 F.R. 3764, 4856), SPB Reg. 5, as amended (10 F.R. 6252, 7500), and Surplus Property Act of 1944 (58 Stat. 765; 50 U.S.C. App., Sup. 1611).

DEFINITIONS AND DELEGATIONS OF AUTHORITY

§ 5.103–01 *Definitions, Surplus Property Act of 1944.* The following definitions are contained in the act and are adopted for the purposes of this part:

(a) The term "Government agency" means any executive department, board, bureau, commission, or other agency in the executive branch of the Federal Government, or any corporation wholly owned (either directly or through one or more corporations) by the United States.

(b) The term "owning agency," in the case of any property, means the executive department, the independent agency in the executive branch of the Federal Government, or the corporation (if a Government agency), having control of such property otherwise than solely as a disposal agency.

(c) The term "disposal agency" means any Government agency designated under section 10 of the act to dispose of one or more classes of surplus property.

(d) The term "property" means any interest, owned by the United States or any Government agency, in real or personal property, of any kind, wherever located, but does not include (1) the public domain, or such lands withdrawn or reserved from the public domain as the Surplus Property Board (created by section 5 of the act) determines are suitable for return to the public domain for disposition under the general land laws, or (2) naval vessels of the following categories: Battleships, cruisers, aircraft carriers, destroyers, and submarines.

(e) The term "surplus property" means any property which has been determined to be surplus to the needs and responsibilities of the owning agency in accordance with section 11 of the act.

(f) The term "contractor inventory" means (1) any property related to a terminated contract of any type with a Government agency or to a subcontract thereunder; and (2) any property acquired under a contract pursuant to the terms of which title is vested in the Government, and in excess of the amounts needed to complete performance thereunder; and (3) any property which the Government is obligated to take over under any type of contract as a result of any change in the specifications or plans thereunder.

(g) The term "care and handling" includes completing, repairing, converting, rehabilitating, operating, maintaining, preserving, protecting, insuring, storing, packing, handling, and transporting, and, in the case of property which is dangerous to public health or safety, destroying, or rendering innocuous, such property.

(h) The term "person" means any individual, corporation, partnership, firm, association, trust, estate, or other entity.

(i) The term "State" includes the several States, Territories, and possessions of the United States, and the District of Columbia.

(j) The term "tax-supported institution" means any scientific, literary, educational, public-health, or public-welfare institution which is supported in whole or in part through the use of funds derived from taxation by the United States, or by any State or political subdivision thereof.

§ 5.103–02 *Definitions, regulations of Surplus Property Board.* The following definitions are contained in Part 8305[1] of Title 32 and are adopted for the purposes of this part:

(a) "Act" means the Surplus Property Act of 1944.

(b) "Board" means the Surplus Property Board.

(c) "Continental United States" means the 48 States and the District of Columbia.

(d) "Former owner" means the person from whom the real property was acquired by the Government.

(e) "Non-profit institution" means any scientific, literary, educational, public-health, public-welfare, charitable, or eleemosynary institution, any hospital or similar institution, and any volunteer fire company, (1) which is supported in whole or in part through the use of funds derived from taxation by the United States, its territories or possessions, or by any State or political subdivision thereof, or (2) which is exempt from taxation under section 101 (6) of the Internal Revenue Code.

(f) "Offer" means a written offer to purchase surplus real property or a written application by a Government agency or a State or local government requesting that such property be held for disposal to it.

(g) "Owner-operator" means a person who will personally operate and cultivate agricultural land to earn a livelihood rather than lease it to a tenant.

(h) "Priority" means the right of a person, subject to stated conditions and limitations, to purchase surplus real property to the exclusion of other persons.

(i) "Real property" means any interest, owned by the United States or any Government agency, in real property, of any kind, wherever located, but does not include the public domain, or such lands withdrawn or reserved from the public domain as the Surplus Property Board determines are suitable for return to the public domain for disposition under the general land laws. It is not limited to the definition thereof as contained in section 23 of the act.

(j) "Section 23 real property" means property consisting of land, together with any fixtures and improvements thereon, located outside of the District of Columbia, but does not include war housing, industrial plants, factories, or similar structures and facilities, or the sites thereof, or land which the Board determines is essential to the use of any of the foregoing.

(k) "State or local government" means any State, territory, or possession of the United States, the District of Columbia, and any political subdivision or instrumentality thereof.

(l) "Veteran" means any person who served in the active military or naval service of the United States during the present war, or any person who served in the active military or naval service of the United States on or after September 16, 1940, and prior to the termination of the present war, and who has been discharged or released therefrom under honorable conditions.

§ 5.103–03 *Definitions, regulations of Farm Credit Administration.* As used in this part:

(a) "FCA" or "Administration" means the Farm Credit Administration.

(b) "Central office" means the central office of the Farm Credit Administration.

(c) "FFMC" or "Corporation" means the Federal Farm Mortgage Corporation.

(d) "FLB" or "bank" means the Federal land bank serving the farm credit district in which a project of surplus agricultural and forest property concerned is located.

[1] Regulation 5 of the Surplus Property Board.

(e) "District office" means the office of the FFMC maintained in each of the twelve Federal land banks, including the regional director of surplus property disposal and district vice president.

(f) "Project" means the area included in a particular assignment which may or may not be composed of contiguous parts.

(g) "Project office" means an office established on the site of the project or at such other place as may be designated where business relating to the disposal of property in the project may be transacted.

(h) "Tract" means a separate parcel of land as acquired by the Government or any other unit established by the disposal agency in reblocking an area.

§ 5.105–02 *Delegations of authority.* (a) An order of the Secretary of Agriculture dated April 26, 1945 (10 F.R. 4647), delegates, subject to his general supervision and direction, authority and responsibility to the governor of the FCA, with authority to redelegate to any appropriate officer, agent, or employee of the FCA or of the USDA, including the FFMC, with a provision that the services and facilities of the Federal land banks and national farm loan associations may be used.

(b) An order of the governor of the FCA dated April 28, 1945 (10 F.R. 4694), redelegates, subject to his general supervision and direction, authority and responsibility to FFMC, with a provision that the services and facilities of the Federal land banks and national farm loan associations may be used.

(c) An order of the governor of the FCA dated August 3, 1945, redelegates to the land bank commissioner, subject to the governor's supervision and direction, his supervisory powers related to surplus property disposal, and permits redelegation thereof to any officer or employee in the Land Bank Division. An order of the land bank commissioner, dated August 9, 1943, makes a further redelegation, subject to the commissioner's supervision, to the director of surplus property disposal.

(d) A resolution of the board of directors of the FFMC adopted April 30, 1945, authorizes the president of the FFMC to act for the FFMC in executing the surplus property disposal program. An order of the president of the FFMC dated August 3, 1945, appoints the president of each Federal land bank ex officio an executive officer of the Corporation with the title of regional supervisor of surplus property disposal and makes the regional director of surplus property disposal responsible for the Corporation's surplus property disposal activities in the district, subject to the supervision of the president of the Corporation. A letter from the president of the Corporation to each district vice president dated August 3, 1945, outlines the powers and duties of the district vice president and subordinates his authority and responsibility to that of the regional director of surplus property disposal.

(e) A resolution of the board of directors of the FFMC adopted April 30, 1945, authorizes any vice president of the Corporation to sign deeds, leases, and other instruments in connection with the surplus property disposal program.

FUNCTIONAL ORGANIZATION

§ 5.201–01 *Services and facilities of existing Farm Credit Administration units.* The units of the FCA whose services and facilities are used in the disposal of surplus property will function under the general direction of the governor or officials designated by him. The experience of the Farm Credit Administration in connection with the servicing and selling of real estate acquired by the FFMC and the Federal land banks in the course of their regular business, the trained personnel in the various units concerned, the existing field organization, and the distribution of offices make it unnecessary to set up a special separate organization to dispose of surplus real property. Whatever services may be required should be rendered with as little disturbance to the regular organization as practicable. Such time records should be maintained as will facilitate reimbursement of all expenses.

§ 5.201–02 *Federal Farm Mortgage Corporation.* The responsibility for disposal of surplus agricultural and forest property is that of the FFMC by delegation of authority from the governor of the FCA. The board of directors of the Corporation has authorized the president of the Corporation to administer the program on behalf of the Corporation. Provision has been made for the use of the facilities of the FCA and the Federal land banks and, where desired, the national farm-loan associations, in the performance of the necessary operations. All official actions shall be taken in the name of the FFMC by duly authorized officials thereof.

§ 5.201–03 *Facilities of central office of Farm Credit Administration.* Services and facilities of the central office of the Farm Credit Administration will be used to the extent necessary or appropriate in administering the program.

§ 5.201–04 *Federal land banks.* It is expected that the services and facilities of the Federal land banks will be made available to the Corporation as needed in administering the program and in executing established policies, but the banks shall not exercise any authority or bear any responsibility of the disposal agency as such.

§ 5.201–05 *National farm loan associations.* While it is recognized that not many national farm loan association offices will be so located that their facilities can be used effectively, nevertheless in case such offices are located near project areas, it is possible that their services and facilities will be used if that is found convenient and practicable. The associations will not exercise any authority or bear any responsibility of the disposal agency as such.

§ 5.202–01 *Farm Credit Administration central office organization.* (a) The governor of the FCA exercises general supervision and direction of the program and as president of the FFMC exercises the Corporation's authority and is responsible for actions taken in its name.

(b) The land bank commissioner, subject to the supervision and direction of the governor, is responsible for the direction and supervision of the disposal program, using the facilities of the Land Bank Division and appropriate service divisions of the FCA, and supervises the Federal land banks (and national farm loan associations when used) in the discharge of their responsibilities in rendering services to the FFMC.

(c) The director of surplus property disposal, under supervision and direction of the land bank commissioner, exercises supervision and direction of disposal program; advises with representatives of Surplus Property Board and with USDA director of surplus property on operations; advises with USDA agencies and other Government agencies concerned; advises with FCA service units; is responsible for assembling of data and preparation of necessary reports, maintenance of necessary control records and files, correspondence, and the formulation, preparation, and issuance of appropriate regulations, makes recommendations on policies and procedures to land bank commissioner.

(d) *Service units.* (1) Legal services to the FCA and FFMC in connection with the disposal of surplus agricultural and forest property will be rendered by the Office of the Solicitor.

(2) *Appraisal.* The Appraisal Subdivision will render assistance in developing policies and operating procedures relating to appraisal; exercise general supervision over appraisers; cooperate with the banks in arranging for appraisal services as needed; make field reviews of appraisal work; and render such other services relating to appraisals as may be deemed advisable.

(3) *Real estate service and sales.* This section of the Land Bank Division will assist in developing policies and procedures relating to leasing, care and handling, and sale of real property; advise with the Federal land banks on operating problems; and render such other services as may be considered advisable.

(4) *Finance and accounts.* The Finance and Accounts Division will be responsible for developing a manual of accounts in cooperation with the field units responsible for accounting operations; for maintenance of necessary accounts in the central office; for assembling necessary data for the preparation of reports; for general supervision of accounting operations; and for such other assistance on fiscal problems as may be necessary.

(5) *Examination.* The operations of the FFMC and Federal land banks relating to surplus property disposal will be included within the scope of the examinations of these agencies conducted by the Examination Division.

(6) *Personnel.* Personnel actions will be processed in accordance with established procedure of the Farm Credit Administration.

(7) *Information and extension.* This division will render appropriate assistance with reference to publicity and advertising.

(8) *Files and clerical.* Such services as may be necessary to maintain ade-

quate files, conduct necessary correspondence and other clerical service will be rendered by the sections engaged in similar work for the FCA.

§ 5.203–01 *District organization.* (a) The president of the Federal land bank, as president of the Federal land bank, is responsible for the services rendered by the bank in executing the disposal program; and as regional director of surplus property disposal of the FFMC, exercises general supervision and direction of the program on behalf of the FFMC, under general direction of the president of the FFMC.

(b) The district supervisor of surplus property disposal, under the direction of the president of the FLB, exercises direction and supervision of the services and facilities of the bank and the NFLAs in connection with surplus property disposal in the district; advises with service units of the FLB; communicates with district U. S. engineer's office concerning available information on particular projects; advises with FCA central office on operations problems, including proposed communications and contacts with other Government agencies; makes recommendations on prices and offers to purchase to vice president of FFMC and on any other transactions requiring the approval of the FFMC.

(c) The project manager of surplus property disposal, under the direction of the district supervisor of surplus property disposal, is responsible for field operations, arranging for appraisals, recommending prices and sales offers; maintenance of field records and correspondence; and other activities as may be assigned.

(d) The district vice president of FFMC, under the general direction of the regional director of surplus property disposal of FFMC, takes such official action on behalf of the Corporation as may be assigned by the regional director, including approval of prices and signing of instruments and documents in accordance with established procedure.

(e) The district service units will render such service as may be necessary and advisable in discharging the responsibilities of the banks and associations to the FFMC. These service units include legal, personnel, appraisal, accounting, association service division, files, and clerical and records. It is expected that it will ordinarily not be necessary to assign personnel on a full-time basis or to create new sections for the purposes of the disposal program.

PREPARATORY STEPS

§ 5.301–01 *Receipt of declaration by disposal agency.* After real property is declared surplus by the owning agency, reported to the Surplus Property Board, and classified by it, two copies of the declaration (Form SPB 5) with accompanying schedules will be forwarded by the Board to the central office of the Farm Credit Administration. The central office will reproduce such information as it deems necessary for its use and forward both copies of the declaration to the district supervisor. Date of assignment will be the date the declaration is received in the central office from Surplus Property Board.

§ 5.302–01 *Obtaining information from owning agency.* Upon receipt of the copies of the declaration, the district supervisor will request from the owning agency originals or true copies of all available information and documents pertaining to the surplus real property, copies of which have not been filed with the declaration. This material ordinarily will include appraisal reports, maps, abstracts of title, tax receipts, affidavits of title, copies of judgment in condemnation proceedings, and other title papers relating to the property. In instances where the War Department is the owning agency, requests for abstracts of title or other title papers should be addressed to the Office of the Chief of Engineers, Attention: Director of Real Estate, Washington 25, D. C.

§ 5.302–02 *Return of documents to owning agency.* Any papers or documents which the owning agency requests be returned to it shall be returned promptly when there is no further need for them in connection with the disposal operations.

§ 5.303–01 *Assumption of custody and control of property.* Upon assignment of surplus real property to the disposal agency, the agency is charged with the responsibility for the care and handling of the property pending its disposition, except to the extent that such responsibility has been or may be postponed by the Board. The district supervisor will immediately contact the owning agency to work out by agreement mutually satisfactory arrangements for the disposal agency's assumption of the physical custody and control of and accountability for the property covered by the declaration or assignment. This acceptance of accountability should be signed by the district vice president of the FFMC. This may be done by letter describing the property. Such assumption shall be completed within sixty (60) days after the disposal agency received the declaration, unless additional time is allowed by order of the Board. The copy of the declaration will show the names and addresses of the representatives of the owning agency to be contacted. Where the property is owned by the War Department, the Real Estate office in the Division Engineers' office should be contacted.

§ 5.303–02 *Repairs and improvements.* The disposal agency shall make repairs necessary for the preservation and maintenance of the property, but it is not authorized to expend any funds for improvement of real property declared to it as surplus or for the erection of structures thereon, except as may be specially authorized by the Board. No disbursement may be made for these purposes without the approval of the district office.

§ 5.303–03 *Leasing.* The disposal agency when desirable may lease the property to place it in productive use pending ultimate disposition: *Provided*, That such leases shall be revocable at the election of the disposal agency.

§ 5.303–04 *Insurance.* In accordance with the general policy of the Government not to incur expense for the insurance of public property, insurance shall not be obtained or carried on improvements at Government expense.

§ 5.304–01 *Descriptions.* The disposal agency shall obtain the full and correct legal description of the property to be disposed of and take the steps necessary to determine its exact location and area.

§ 5.305–01 *Surveys.* Surveys shall be made when necessary and markers or monuments placed upon the ground in order to establish the boundaries of tracts as acquired by the Government. Ordinarily it will be advisable to make the survey prior to appraisal in order that appraisals may conform to the area of the original tracts.

§ 5.306–01 *Subdivisions; economic units.* For disposal to other than Government agencies, State or local governments, former owners or tenants, surplus real property shall be subdivided by the disposal agency into appropriate units for disposal. Section 23 real property classified as suitable for agricultural use shall be subdivided by the disposal agency into economic family-size units wherever practicable. The size of such units may vary according to the conditions and farming practices in the locality where the land is situated. Section 23 real property not classified as suitable for agricultural use shall be subdivided or regrouped into appropriate units considering the character of the property, the use or uses to which it may be put, and the possibility of giving veterans and those who will use the property personally a fair opportunity to acquire and utilize the property. Plans for repatterning should be developed as soon as practicable after the disposal agency receives the declaration of surplus and the actual work of repatterning should be completed at the earliest possible date after the expiration of the priority period. Repatterning may be delayed if it appears that the property will be absorbed by the priorities of Government agencies, State or local governments, former owners, or tenants.

§ 5.306–02 *Contacts with other agencies.* In repatterning real property into economic family-size units, consideration shall be given to any available information published by other agencies of the Department of Agriculture relating to economic size of farms in the area concerned. Ordinarily it will be desirable to confer on the site with representatives of the Bureau of Agricultural Economics, Soil Conservation Service, Agricultural Extension Service, and local representatives. In most instances agencies of the Department would be represented in such conferences by persons from regional offices of the agencies. Arrangements for such conferences and requests for information should be made by the district supervisor through the Central Office of the Farm Credit Administration except that any State and local contacts may be made direct.

§ 5.307–01 *Notice and advertisement; wide publicity.* The disposal agency shall avail itself of all suitable means to give wide publicity to the availability for disposal of surplus real property.

§ 5.307–02 *Publication of notice.* Within sixty (60) days after a disposal agency receives a declaration of surplus real property it shall publish notice that such property is available for disposal. Such notice shall contain the matters set forth in Exhibit A of Part 8305 [1] of Title 32 and shall be published at least three (3) times during the ninety (90) days following the date such notice is first published at approximate intervals of twenty-one (21) days in two or more newspapers, including one of general circulation in the State where the property is located, and one published and circulated in the county where the property is located or if there is none then in one of general circulation in such county. The priority chart (Exhibit C of Part 8305 [1] of Title 32) may be used as a guide in preparing the notice for publication. Ordinarily it will not be necessary to include all the information in the chart in any one notice. For example, if the declaration indicates that all tracts within the project area were acquired by the government after December 31, 1939, it will not be necessary in preparing the notice to call attention to the priorities applicable to property acquired before that date. Also, if the project area does not include property other than section 23 real property, it will be unnecessary to include priorities applicable to such property.

§ 5.307–03 *Notice of sale.* In the "notice of sale" the FFMC shall be indicated as the disposal agency. If an office is established on the site, the address of the office, and ordinarily name of the project manager, shall be shown in the notice for the benefit of persons seeking information about the project. If no project office is established on the site and a project manager will not be available there, such other address shall be indicated as will enable all persons to obtain information readily. The notice of sale shall be signed by the district vice president of the FFMC authorized by order of the Secretary of Agriculture to contract with the newspaper for advertising space.

Following is a suggested form of notice for publication covering surplus real property at the Sangamon Ordnance Works, Illiopolis, Illinois:

NOTICE OF SALE—SURPLUS GOVERNMENT FARM REAL PROPERTY

The Federal Farm Mortgage Corporation, 15th & Locust Sts., St. Louis, Missouri, hereby gives notice that it now has available for disposal under the Surplus Property Act of 1944 and Regulation No. 5 of the Surplus Property Board, the following farm real property which has been declared surplus by the Government: various tracts amounting to approximately 1690 acres in Secs. 21, 22, and 23, Twp. 16, and approximately 1850 acres in Secs. 21, 22, 27, 28, and 29, Twp. 17, all in Sangamon County, Illinois; together with any improvements thereon or easements not reserved, comprising a part of Sangamon Ordnance Plant, Illiopolis, Illinois. Terms and conditions of sale and all necessary information concerning property and the method of exercising priorities and submitting offers will be available on and after ----------, 1945, at the office of Mr. ----------, the project manager, located at ---------- ---------- Office hours are ---------- to ----------.

Priorities. The tracts will be sold subject to the following priorities in the order named: (1) Government Agencies, (2) State and Local Governments, (3) Former Owners, (4) Tenants of a Former Owner, (5) Veterans of World War II and the spouse or children of deceased servicemen, (6) Owner-operators, and (7) Non-profit Institutions.

Priority period. The time for exercising priorities shall be a period of ninety (90) days commencing (specify date on which notice is first published) and ending on ----------, 1945. Persons not having a priority may also make offers to purchase during this period.

----------Vice Pres., FFMC.

§ 5.307–04 *Advertising order.* The disposal agency shall arrange with the newspapers selected for the publication of the notice of sale on Government Advertising Order, Standard Form No. 1053.

§ 5.307–05 *Payment of public voucher for advertising.* The following forms set forth the requirements to be met as a condition to payment of the voucher:

Statement of Advertising Rates—Std. Form No. 1053.

Public Voucher for Advertising—Std. Form No. 1054 (white copy).

Public Voucher for Advertising—Std. Form No. 1054a (yellow memorandum copy).

Standard Form No. 1052 requires that the publisher file with the department or office a sworn statement of his advertising rates which must be the commercial rates charged to private individuals with the usual discounts. After this sworn statement is once filed with the district office and space is again purchased from the same newspaper, it will not be necessary for the publisher to again file his sworn statement of advertising rates unless there has been a change in the rates charged subsequent to the filing of the last statement. The district office should determine that Standard Form No. 1054 has been properly completed by the publisher and that a clipping from the publication is pasted thereon; if the voucher is to be supported by a Standard Form No. 1052 previously received from the publisher, appropriate indication that a Form 1052 is on file, and the date thereof, should be stated in the block provided for additional statements by the Corporation. The district vice president of the Federal Farm Mortgage Corporation should execute the certifications at the bottom of the voucher. The bank should retain in its files, as evidence of its payment as agent of the Corporation, a copy of the notice originally submitted to the publisher, a copy of the advertising order and the voucher, and a copy of the publication containing the published notice.

§ 5.307–06 *Authority for payment of public voucher.* Authority is furnished the vice president of the Federal Farm Mortgage Corporation to sign Standard Form No. 1053 in contracting for newspaper space under order of the Secretary of Agriculture dated September 7, 1945. Copies of this order may be used as required in furnishing the publisher with evidence of the authority of the officer in contracting for newspaper space. Ordinarily the information to be furnished on the advertising order showing the date of authority to advertise should be sufficient evidence to the publisher of the authority of the officer contracting for newspaper space. Ordinarily, in purchasing advertising space from a particular newspaper arrangements should be made for the four publications of the notice at the time of submitting the advertising order. This would obviate the necessity of furnishing the same newspaper with additional advertising orders and provide for the payment of one voucher covering the total cost of the four publications required.

§ 5.307–07 *Selection of newspapers.* In selecting the newspaper in which to publish the notice and advertisement, consideration should be given to the total circulation of newspapers and to the coverage of the general area in which the project is located. Within the discretion of the district office the notice may be in the form of a display ad or a legal notice depending upon the circumstances, with due regard for the need for economy.

§ 5.307–08 *Notice by mail.* At the time of the first publication of the notice required by the above paragraph the disposal agency shall also send a copy of the notice by mail to all Government agencies listed in Exhibit B, Part 8305 [1] of Title 32, to the State and the political subdivision in which the property is located, and to the former owner when he is entitled to priority. The notice to the former owner shall be sent by registered mail to his last known address with return receipt requested. Where the former owner is outside the Continental United States a copy of the notice to the former owner may be sent to the spouse at the last known address. The notices to former owners should be prepared on the basis of information furnished in the schedule of former owners submitted with the declaration or such additional information as may be furnished by the owning agency or otherwise obtained. Notices to the State governments shall be addressed to the Secretary of State, and those to political subdivisions of a State should be addressed to appropriate officers. If there is any question as to the political subdivisions within a State, information should be requested from the Secretary of State prior to sending out notices.

§ 5.307–09 *Form of notice by mail.* A copy of the notice published in newspapers will be sufficient to constitute appropriate notice by mail. In order that these notices may be mailed as of the date of publication in newspapers the district office should request preprints from the newspapers in sufficient quantity to cover its needs for all notices by mail. One preprint of each notice as first published shall be mailed to the central office for its records.

§ 5.308–01 *Information available to purchasers.* The regulations of the Sur-

[1] Regulation 5 of the Surplus Property Board

plus Property Board provide that within thirty (30) days after notice is first published as required by § 5.307–2 or as soon thereafter as possible, every effort shall be made to have available in the office of the project manager all necessary information concerning the property. This shall include the appraised value of the property, the unit sizes in which the property will be sold to various classes of purchasers, the priorities and the time and method of exercising them, the maximum prices which may be charged different priority buyers, and all other terms and conditions of sale. Any person shall be entitled, upon request, to receive such information or have access thereto at all reasonable times, as well as information concerning offers, exercises of priorities, and sales that have been made at the time of the inquiry.

APPRAISALS

§ 5.401–01 *Application of established policies and standards.* The policies, standards, definitions, and basic methods for determining values as established and used in the regular appraisal work of the FCA shall be followed in appraising surplus agricultural and forest property insofar as they are applicable to particular situations.

§ 5.401–02 *Scope of information.* Because of the numerous priority rights established by the act, it is important that appraisers develop complete information and data which may affect any of the values established for each property. Appraisal reports should reflect full information on all factors which have a bearing upon the appraiser's conclusions as to values established.

§ 5.401–03 *Developing information.* The act establishes rights to be accorded various groups of priority holders and the regulations provide that information regarding the appraised value of property, unit sizes in which the property will be sold to various classes of purchasers, and the maximum prices which may be charged different priority buyers shall be made available to anyone who requests it. Accordingly, in developing appraisal information the appraiser should refer to all available sources in order that the conclusions reached may be supported by valid evidence. It is particularly important that the damage or benefit to property as a result of action by the United States be fixed only after thorough consideration of the original appraisal data, the results of court action in case of condemnation proceedings, and of any available information furnished by the former owner, the former tenant, or others in the community.

§ 5.402–01 *Current market value.* This value is the highest price the property will bring in terms of money if offered for sale in the open market with reasonable time to find a purchaser, buying with knowledge of the uses and purposes to which it is adopted and for which it is capable of being used. The appraiser should approach the problem from the viewpoint of the average buyer or seller in the community. Emphasis should be placed upon those factors affecting the sale price of the particular property such as the productivity and earning power of the land, and proximity to towns and real estate developments. Consideration should be given to the highest and best use to which the property is reasonably adapted. Actual sales of similar properties in the community are the best evidence of market value. The appraiser should have intimate knowledge of recent sales and prices for which properties are offered for sale. When no recent transfers have been made, sales of more remote date may be used provided consideration is given to the trend of real estate values from the time of such sales to the date of appraisal. The sales information should be verified, the subject property inspected and the conditions determined under which the transfers were made. Comparative studies of such information should be helpful in estimating the value of the particular property and in substantiating the conclusions reached.

§ 5.402–02 *Adjusted value to be used as basis for price to former owners and tenants.* Former owners, or the spouse and children of deceased former owners, and tenants of former owners at the time of acquirement are entitled to purchase substantially the identical tract which the Government acquired from them, at the lower of (a) current market value or (b) the price for which the property acquired by the Government, adjusted to reflect any increase or decrease in the value of such property resulting from action by the United States. In order to establish this price it is necessary to make a determination as to the effect on the value of the property of any improvement or damage resulting from action by the United States.

The acquisition price shall be the basis for determining this value and unless the purchase price was determined by some other method, such as by condemnation, the land, building, and unit values in the original appraiser's report will be used as the basis for making such adjustments as are necessary. In any event the information in the appraiser's report will furnish evidence as to the inventory of buildings, general condition of the property, etc., at the time of acquirement.

The direct effect of action by the United States ordinarily will relate to such factors as the removal of buildings, fences, other types of improvements, the construction of ditches, or other changes that may affect the farm from the viewpoint of facility of farming operations. Also, it may be appropriate to consider the indirect effect of actions, such as the elimination of roads and the removal of schools or other community facilities. Ordinarily, information should be available prior to appraisal as to the intention of the State or local Government with reference to the replacement of public roads and perhaps other community facilities. Insofar as practicable, damages should be calculated upon those factors which lend themselves to objective measurement. The removal of a church or community center from a community is an example of an action the effect of which would be difficult to establish by any objective method in fixing the value of a particular tract of land. On the other hand, if it can be determined that in reestablishing any such facilities assessments against a tract of land will be made, appropriate weight should be given to this fact. Likewise, consideration should be given to any measurable benefits that have accrued or may accrue as a result of actions by the United States. For example, the improvement of drainage facilities or elimination of ditches may have resulted in measurable benefits to the tracts in the area affected; such benefits should be reflected in the value to be established.

In estimating this increase or decrease in the value of the property substantially the same general procedure will be followed as is used to determine in the case of land bank loans the effect of a partial release on the value of a property. This is also the procedure followed by the War Department in determining severance damage where only a portion of the farm is to be acquired. In applying this principle the acquisition price will be the value of the property before action by the United States and the adjusted value reflecting any changes will be the value after action by the United States. In effect the adjusted value will be an estimate of what the value of the property would have been as of the date of acquisition if the damage or improvement caused by action of the United States such as removal or construction of buildings, destruction or building of roads, or other changes had occurred at that time. This estimate should be made on the basis of the same level of value as that used at the time the property was acquired regardless of whether the acquisition price was based on the value in the appraisal report or was fixed by negotiation or by court action.

§ 5.402–03 *Value to be used in fixing price to veterans.* Veterans, or the spouse and children of deceased veterans, and the spouse and children of deceased servicemen, are given the right to purchase surplus real property in economic units at a price not to exceed that fixed by the disposal agency after taking into consideration, the character of the property, and if income-producing the estimated earning capacity thereof. This value in no event should be greater than the current market value and is defined as a price that is justified on the basis of expected normal prices and yields with appropriate consideration to present conditions and current commodity prices. It can be considered as a price which a purchaser is warranted in paying for the property for continued use or as a long-term investment.

§ 5.404–01 *Developing basic information.* It is likely that each project will present special problems and in order to plan the work effectively the appraisal supervisor and the appraisers should (a) study the appraisal data and all other information furnished by the owning agency on each tract acquired by the Government, and the instructions under which the appraiser operated when the original appraisals were made; (b) make a general survey of the project noting (1) the type of community, (2) the condition of the land, (3) the changes since acquirement, such as removal of buildings and destruction of roads, and whether any buildings constructed by the owning agency can be utilized for farming operations, (4) possible uses that may be made of the land, (5) wells or other sources of water supply, and (6) conveniences, such as telephone, electric power lines, schools, churches, and roads that are or will be available; (c) establish tentative levels of value for the different grades of land in the project; (d) assemble where practicable recent sales data for use in supporting the current market values established; and (e) develop information as to the demand for land of the type in the particular project. (Since it is important to have the standards used in establishing values consistent among projects, the chief reviewing appraiser should, if possible, assist in this preliminary survey.)

§ 5.404–02 *Appraising the individual tracts.* In making appraisals of the individual tracts, arrangements should be made for the former owner to accompany the appraiser during his inspection of the property, if practicable. This will give him an opportunity to present to the appraiser any information he may have as to the changes in the property and the effect on the price for which he is entitled to repurchase his farm. The appraisers will assign a current market value and also estimate the adjusted price at which each tract may be sold to the former owner or tenant. It will not be feasible to establish the price to veterans at this time unless (a) it is anticipated that only a relatively small part of the land will be sold to higher priority holders and (b) it is unnecessary to make changes in the original boundaries in order to block the land into economic units before offering it for sale to veterans. In other words, it would not be practicable to establish the price to veterans until it is determined definitely what land will be available to offer to them.

§ 5.404–03 *Appraisal report.* Since in many instances it will not be practicable to establish the price to the former owner and to veterans at the same time, two appraisal report forms are provided, FCA 1181 SPD and FCA 1181a SPD. Where the price for all priority holders is established at the same time, it will not be necessary to duplicate any information in the second report that is included in the first. In such cases the second form will be in the nature of a supplemental report.

In making appraisals, full information should be shown in the report to substantiate the conclusions reached. This will include any sales data used in establishing the current market value of the particular property and a clear statement of the consideration given to various factors relating to the estimate of the increase or decrease in value resulting from action by the United States. It is extremely important to maintain a high degree of consistency in the valuations of the various tracts of each project. In order to accomplish this, the appraisal supervisor shall not release the appraisal reports until the valuations on all the properties have been completed and adjustments made to correct any inconsistencies in values among the individual units. A representative of the chief reviewing appraiser's office should participate in this final review.

After the review is made the appraisal reports should be prepared in final form in duplicate in the project office. The original copies will be transmitted to the district office and the duplicate copies will be filed in the tract folders in the project office.

PRIORITIES AND PRICING

§ 5.503–02 *Multiple former owners.* No division of a tract as purchased by the Government from a single ownership may be made to accommodate a former owner. In the case of common or joint former owners, if all wish to exercise their priority rights, they may do so and the entire tract may be sold to them. If one or more of the former owners, but fewer than all, desire to purchase the tract, they may do so. The priority rights of those who do not exercise them within the 90-day period will expire. No tract will be partitioned for the benefit of a former owner and no undivided interest will be sold to a former owner or to former owners pursuant to the priority rights of former owners.

§ 5.505–01 *Disposal to others.* For disposal to others than Government agencies, State or local governments, former owners or tenants, surplus real property shall be divided by the disposal agency into appropriate units for disposal. Section 23 real property classified as suitable for agricultural use shall be divided by the disposal agency into economic family-size units wherever practicable. The size of such units may vary according to the conditions and farming practices in the locality where the land is situated. Section 23 real property not classified as suitable for agricultural use shall be subdivided into appropriate units in view of the character of the property, the use or uses to which it may be put, and the possibility of giving veterans and those who will use the property personally a fair opportunity to acquire and utilize the property. Plans for dividing shall be developed as soon as practicable after the disposal agency receives the declaration of surplus. The actual work of dividing shall be completed at the earliest possible date after the expiration of the priority period. Division may be delayed if it appears that the property will be absorbed by the priorities of Government agencies, State or local governments, former owners, or tenants.

§ 5.506–02 *Price to veterans.* The price to veterans shall be fixed after taking into consideration the current market value and the normal agricultural value based on normal prices and yields with appropriate consideration to present conditions and current commodity prices.

§ 5.511–01 *Certificate to be executed by disposal agency covering giving of notice and failure of priority holders to exercise priority rights.* After a sales contract is entered into between the disposal agency and a purchaser, the disposal agency shall certify that it has complied with the requirements of the act and of the regulations of the Board concerning the giving of notice and that no holder of a priority superior to that, if any, of the purchaser has exercised his priority rights within the time limits fixed by or pursuant to the act. The certificate shall be executed on Form FCA 1183 SPD and signed by the district vice president of the Corporation. A certified copy, certified by an assistant secretary of the Corporation, of such certificate shall be given to any purchaser of the property at the time of transfer.

OFFERS FROM VETERANS

§ 5.604–01 *Notice to veterans of remaining properties.* After all acceptable offers from the Government, state or local governments, former owners, and tenants of former owners have been accepted, and the appraisal and pricing of the remaining tracts and units have been completed, the project manager will make out a list of all tracts and units for sale. In compiling these lists of properties a place for list prices will be indicated, so that the prices may be inserted later, when desired, on the list to be mailed to veterans who have a priority.

In carrying out the policy and intent of the act and the regulations of the Board in affording an opportunity to veterans, the spouse, or the children of a deceased service man or service woman to acquire surplus property, the project manager will write or otherwise contact all those who have made offers or who have indicated their desire to acquire one or more units of property, and advise them of a date (15 days from the date of the notice) on or before which formal offers must be submitted. This notice should generally describe the tract or units remaining to be sold and the conditions upon which written offers will be received at the project office during the period indicated.

§ 5.604–02 *Obtaining formal offers from veterans.* During the period referred to above, offers should be received from all veterans who have retained their priority rights by filing a statement during the 90-day priority period. Offers should be made on the regular form for any or all tracts listed as available. Since a veteran can buy only one tract, only one satisfactory earnest money deposit shall be required from a veteran even though he may make an offer on more than one tract. The Property Record will be posted in the project office and a copy of the offer submitted to the district supervisor's office with the remittance and receipt. The same procedure will be followed in the district supervisor's office and in the district office upon receipt of these offers, as was described for offers from others. The Index of Request card in the project office will be posted to show the amount offered and date.

§ 5.604–03 *Selection of acceptable purchasers.* At the end of the designated period all offers from veterans shall be reviewed for the purpose of selecting

purchasers. If equal offers are received from two or more veterans on the same property, the offer to be accepted shall be selected by lot. This drawing should be made openly and in the presence of as many as practicable of the interested parties. A record shall be made at the time of the order in which the names are drawn with respect to each tract or unit sold in this manner. If a veteran is selected for more than one unit, he shall elect in writing which property he will take.

OFFERS FROM OWNER-OPERATORS

§ 5.605–02 *Selection of acceptable purchasers.* After all offers from veterans have been processed, a list of remaining salable tracts shall be prepared showing the current market value, and all offers whether formal or informal from owner-operators will be reviewed at this time. If acceptable offers have been received, they should be handled in accordance with the procedure for processing other types of offers. If only one offer has been received for any particular tract and it is acceptable, it may be submitted immediately to the district office for approval. If more than one offer has been received for a particular tract at the current market value, the purchaser shall be selected by lot as in the case of offers from veterans. The project manager should communicate with all owner-operators who have expressed a desire to purchase, even though they may not have submitted a formal offer, by written statement during the 90-day period, in order to make sure that each has an opportunity to complete a formal offer to purchase on any tract that may be available. The time limits may be fixed by the district office in accordance with circumstances.

OFFERS FROM NON-PROFIT INSTITUTIONS

§ 5.606–01 *Obtaining offers.* In order to retain their priority rights non-profit institutions must submit formal offers or written statements expressing a desire to purchase, during the 90-day priority period. All offers from non-profit institutions should be reviewed at the same time offers from owner-operators are reviewed except that no offer may be accepted until the offers from the owner-operators have been processed. The time limits should be fixed by the project manager in accordance with circumstances.

SALES TO NON-PRIORITY HOLDERS

§ 5.607–01 *Obtaining offers and acceptance of offers.* After all offers from priority holders have been processed, a list of remaining properties shall be prepared and sales negotiated by the project manager in the manner and upon the basis determined to be to the best interest of the Government. At the discretion of the district office additional notices may be published at this time in newspapers or such other publicity given to the availability of property as may be deemed advisable. Notice should be sent to individuals who have expressed a desire to purchase or who have submitted an offer at some period. Depending upon circumstances, sales may be made on the basis of sealed bids, auctions, or private negotiations. In any event offers must be accepted on the basis of the highest obtainable bid: *Provided*, That no sale shall be made at a price which is less than 75 percent of the current market value as established by appraisal until such offer has been reviewed and approved by the Board unless the price offered is the maximum price which may be charged the purchaser. At this time sales may be made to the general public, including any former priority holders. The offers to purchase will be processed and handled in the same manner as indicated in previous sections of this manual relating to offers from priority holders.

LEASING

§ 5.610–01 *When property may be leased.* When it is determined that a sale cannot be consummated before another crop season, it may, in the discretion of the district office, be leased. The lease covering agricultural land and any improvements thereon should be made on form "Agricultural Lease" supplied for that purpose, for a period of one crop year subject to revocation at any time by the disposal agency.

§ 5.610–02 *Selection of tenant.* Before selecting a tenant, the property to be leased should be advertised in order to insure the acceptance of the highest obtainable offer from a satisfactory tenant. The notice generally describing the property to be leased and inviting offers from parties interested should be approved by the vice president of the Federal Farm Mortgage Corporation and placed in the local newspaper which will afford the greatest publicity. Ordinarily one publication of the notice, to be contracted and paid for under the procedure established by these regulations, should furnish sufficient publicity and the date set in the notice should be far enough ahead to permit time for those interested to appear at the project office and submit a written offer. In the discretion of the district office, it will not be necessary to advertise a property for lease in those cases where a satisfactory tenant is already in possession of the property at a rental determined to be fair to the Government.

§ 5.610–03 *Preparing lease form.* Upon securing a favorable offer from a desirable tenant to lease a tract of land, the district supervisor or project manager will prepare the form of "Agricultural Lease" showing the description of the property, terms of leave, rental arrangement, acreage and crops to be seeded, and possession date. In instances where more than one tract is involved, separate forms will be prepared on each tract. The signature of the tenant, together with his post office address, will be required on all copies of the lease form, properly witnessed. The three copies of the lease and any rental monies collected will be forwarded to the district supervisor's office, together with a copy of a receipt and a transmittal letter, outlining the project manager's recommendations. The property record card in the project office will be tabbed to show "lease reading" and any necessary follow-up established.

Upon receipt in the district supervisor's office, the district supervisor will make a recommendation to the vice president of the Corporation. If the vice president approves, he will execute all three copies of the lease form. Then the original will be filed in the property folder, the second copy forwarded to the tenant, and the third copy mailed to the project office. The property record card in the district supervisor's office will be posted to show the name and address of the tenant, rental terms, procession date, expiration date, and amounts and dates of any future payments. Appropriate signals will be used to show any necessary follow-up for billing purposes.

Upon the receipt of the executed copy of the lease in the project office, the property record card will be posted, showing the name and address of the tenant, the rental terms, possession date, expiration date, amounts, and dates of future payments, if any, and the property record card will be tabbed to show "leased." A copy of the lease will be filed in the related property folder.

§ 5.610–04 *Revocation of lease.* The lease shall provide that the lessor shall have authority to revoke it at will. Form of "Notice of Revocation" will be prepared by the project manager or district supervisor of SPD, in three copies accompanied by a detailed statement of the facts supporting his recommendation. Upon approval by the district office, the vice president of the Corporation will execute three copies. Thereupon the necessary information will be posted upon the property record card, the original filed in the property folder, the second copy mailed to the tenant with necessary instructions, and the third copy mailed to the project office for posting purposes and filing in the related property folder, if the project office is still in operation.

DISPOSAL OF IMPROVEMENTS

§ 5.702–01 *Priority of Government agencies. State or local governments, and non-profit institutions.* Before arrangements are made for the sale of buildings and other improvements separate from the land upon which they are located, consideration shall be given to the possible sale of the entire property, including the improvements on the land, to Government agencies, State or local governments, or non-profit institutions. Due to the nature and extent of buildings and other improvements which may be assigned, it is not possible to indicate specifically in advance of actual assignment the method to be undertaken in the disposal of the improvements, or the time which may be required in completing the disposal. If buildings and other improvements are to be disposed of separately from the land upon which they are located, every effort shall be made to complete the disposal of the improvements before the land is advertised for sale. It may be necessary to request an extension of the time for advertising the land.

§ 5.703–01 *Grouping of buildings and other improvements for disposal.* Before any contracts are let for the sale or other disposition of improvements, the disposal agency shall determine the manner of disposal which will result in the greatest return to the Government, consistent with the requirements of the Board under the act, i. e., whether all the improvements shall be disposed of as a complete group, in blocks, or as individual units according to the nature and extent of the improvements, and sold in place or demolished for salvage sales to interested parties who will agree to remove them within a specified time and restore the land. In those cases where the extent of the buildings or other improvements to be disposed of separately from the land upon which they are located is found to exceed the local demand for their use, the Farm Credit Administration will submit to the Board a request for reassignment of such excess of materials to another disposal agency.

§ 5.703–02 *Disposal of improvements by competitive bids.* All contracts for the sale or other disposition of buildings and improvements separate from the land upon which they are located shall be made upon the basis of written competitive bids in accordance with predetermined and uniform specifications. Copies of all specifications, bids, abstracts of bids and awards used or issued in connection with such contracts shall be sent to the central office to be filed with the Board. In those cases where the extent and nature of the improvements for disposal require newspaper advertising for sealed bids, the method of advertising and payment for this service shall be the same as outlined in this part concerning the advertisement of real property.

§ 5.704–01 *Appraisal of improvements.* Appraisals of buildings and other improvements shall be made to determine the most appropriate method of disposal to assure the greatest return to the Government and best serve the interest of the public. In making such appraisals, recognized appraisal companies, qualified individual appraisers, or private contractors may be employed. The arrangements for such appraisal service should specifically set forth in writing the nature of the findings to be made by the appraiser and shown in his report. All appraisal reports shall contain the appraiser's certificate that he has no interest, direct or indirect, in the property or sale or disposition thereof.

The foregoing regulations have been approved by the Secretary of Agriculture.

[SEAL] I. W. DUGGAN,
Governor.

[F. R. Doc. 45-17262; Filed, Sept. 14, 1945; 3:11 p. m.]

TITLE 7—AGRICULTURE

Chapter VIII—Production and Marketing Administration (Sugar Branch)

PART 802—SUGAR DETERMINATIONS

FAIR AND REASONABLE PRICES FOR 1945 CROPS OF FLORIDA AND LOUISIANA SUGARCANE FOR SUGAR

Pursuant to section 301 (d) of the Sugar Act of 1937, as amended, the following determination is hereby issued:

§ 802.22o *Fair and reasonable prices for the 1945 crop of Florida sugarcane for sugar.* Fair and reasonable prices for the 1945 crop of Florida sugarcane for sugar shall not be less than those provided for in the determination of fair and reasonable prices for the 1944 crop of Florida sugarcane for sugar, issued October 11, 1944, and published in the FEDERAL REGISTER on October 13, 1944 (9 F.R. 12,405). (Sec. 301, 50 Stat. 909; 7 U.S.C. 1131).

§ 802.22p *Fair and reasonable prices for the 1945 crop of Louisiana sugarcane for sugar.* Fair and reasonable prices for the 1945 crop of Louisiana sugarcane for sugar shall not be less than those provided for in the determination of fair and reasonable prices for the 1944 crop of Louisiana sugarcane for sugar, issued October 11, 1944, and published in the FEDERAL REGISTER on October 13, 1944 (9 F.R. 12,406), except that for the purpose of determining season average prices for 96° raw sugar, duty paid basis at New Orleans, Louisiana, the period beginning with October 12, 1945 (or the Friday within the first marketing week of actual trading) and ending on January 31, 1946, shall be governing.

(Sec. 301, 50 Stat. 909; 7 U.S.C. 1131)

Issued this 13th day of September 1945.

[SEAL] CLINTON P. ANDERSON,
Secretary.

[F. R. Doc. 45-17263; Filed, Sept. 14, 1945; 3:11 p. m.]

Chapter XI—War Food Distribution Orders

[War Food Order No. 54, as Amended, Partial Suspension]

PART 1401—DAIRY PRODUCTS

DRIED SKIM MILK

The provisions of § 1401.25 (b) (2) of War Food Order No. 54, as amended (8 F.R. 7210; 9 F.R. 2875, 4321, 4319, 9584; 10 F.R. 103, 126, 10419), and the phrase reading "; and (2) in September, 60 percent." at the end of the last sentence of § 1401.179 (b) of War Food Order No. 54–4, as amended (9 F.R. 4675, 7040, 9526, 10239, 11927, 12579, 13703; 10 F.R. 126, 556, 2807, 5712, 9066, 10419), are suspended as of 12:00 p. m., e. w. t., August 31, 1945, and any dried skim milk produced in September 1945 which has been set aside, pursuant to the provisions of the said War Food Order No. 54, as amended, and of the said War Food Order No. 54.4, as amended, are hereby released from any and all set-aside restrictions contained in those said orders. However, each producer of dried skim milk and each authorized receiver of dried skim milk required, by the provisions of § 1401.30 (b) (2), (4), or (5) of War Food Order No. 54–3, as amended (8 F.R. 13699; 9 F.R. 4321, 4319; 10 F.R. 103, 126, 10419), to file monthly reports with respect to dried skim milk shall file such reports for September 1945 and subsequent months pursuant to the provisions of the said § 1401.30 (b) (2), (4), or (5) of the said War Food Order No. 54–3, as amended.

With respect to violations, rights accrued, liabilities incurred, or appeals taken under § 1401.25 (b) (2) of the said War Food Order No. 54, as amended, prior to the effective time of this suspension order, all provisions of the said § 1401.25 (b) (2) of the said War Food Order No. 54, as amended, in effect prior to the effective time of this suspension order shall be deemed to continue in full force and effect for the purpose of sustaining any proper suit, action, or other proceeding with regard to any such violation, right, liability, or appeal.

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423; E.O. 9392, 8 F.R. 14783; E.O. 9577, 10 F.R. 8087)

Issued this 13th day of September 1945.

[SEAL] CLINTON P. ANDERSON,
Secretary of Agriculture.

[F. R. Doc. 45-17265; Filed, Sept. 14, 1945; 3:11 p. m.]

TITLE 10—ARMY: WAR DEPARTMENT

Chapter VII—Personnel

PART 709—PRESCRIBED SERVICE UNIFORM

MISCELLANEOUS AMENDMENTS

The following amendments and additions to the regulations contained in Part 709 are hereby prescribed.

1. Amend § 709.28 as follows:

§ 709.28 *Insignia, shoulder sleeve.* Of cloth as per pattern approved by the War Department.

(a) *For airborne units.* An "airborne" tab in black with yellow letters 5/16 inch in height will be added above the organization shoulder sleeve insignia.

(b) *For Army Air Forces commands.* An arc tab 3¾ inches in width and ½ inch in height in ultramarine blue with golden orange letters 7/32 of an inch in height designating the command will be

added above the shoulder sleeve insignia for the Army Air Forces.

2. In § 709.30 paragraphs (l) and (m) are added as follows:

§ 709.30 *Brassards.* • • •

(l) *Army Air Forces radio reporter.* The designation "AAF Radio Reporter" in golden orange block letters 1¼ inches in height on an ultramarine blue background.

(m) *Chinese interpreter.* The words "Chinese Interpreter" in golden orange block letters 1¼ inches in height on an ultramarine blue background.

3. Amend § 709.55a as follows:

§ 709.55a *Badges, infantryman*—(a) *Combat infantryman.* A polished silver musket on a rectangular blue background in front of an oak wreath of oxidized silver.

(1) *Full size.* Rectangular 7/16 inch in width by 3 inches in length.

(2) *Miniature.* Rectagular 3/8 inch in width by 1¾ inches in length.

(b) *Expert infantryman.* A polished silver musket on a rectangular blue background.

(1) *Full size.* Rectangular 7/16 inch in width by 3 inches in length.

(2) *Miniature.* Rectangular 3/8 inch in width by 1¾ inches in length. (R.S. 1296; 10 U.S.C. 1391) [AR 600-35, 31 March 1944 as amended by C6, 28 July 1945]

[SEAL] EDWARD F. WITSELL,
Major General,
Acting The Adjutant General.

[F. R. Doc. 45-17268; Filed, Sept. 14, 1945; 4:07 p. m.]

Chapter X—Areas Restricted for National Defense Purposes

[Public Proclamation WD 3]

PART 1003—WAR RELOCATION PROJECTS

RESCISSION OF REGULATIONS AFFECTING ARKANSAS, COLORADO AND WYOMING

To: The people within the States of Arkansas, Colorado, and Wyoming, and the public generally.

Whereas, pursuant to Executive Order No. 9066, dated February 19, 1942, the Secretary of War issued Public Proclamations Nos. WD 1, dated August 13, 1942, and WD 2, dated January 20, 1945, which established certain areas in the States of Arkansas, Colorado, and Wyoming as military areas, designated such areas as war relocation project areas, and imposed certain restrictions upon the right of persons to enter or leave war relocation project areas, and

Whereas, the Imperial Japanese Government has proclaimed the surrender of its armed forces to the Allied Forces, and

Whereas, the present military situation no longer requires, as a matter of military necessity, the exclusion of persons from designated areas of the Western Defense Command by individual exclusion orders of the Commanding General, Western Defense Command, and

Whereas, the Commanding General, Western Defense Command, has rescinded all individual exclusion orders issued by him, and

Whereas, the rescission of all individual exclusion orders issued by the Commanding General, Western Defense Command, makes unnecessary the continuation of restrictions heretofore imposed regulating the right of persons to enter or leave war relocation project areas,

Now, therefore, I, Henry L. Stimson, Secretary of War, by virtue of the authority vested in me by the President of the United States, and my powers and prerogatives as Secretary of War, do hereby declare that:

1. Public Proclamations Nos. WD 1 and WD 2 are rescinded.

2. This proclamation shall not affect any offense heretofore committed, or any conviction or penalty incurred because of violations of the provisions of Public Proclamations Nos. WD 1 and WD 2. This proclamation shall become effective midnight, 2400 p. w. t., September 4, 1945.

HENRY L. STIMSON,
Secretary of War.

[F. R. Doc. 45-17273; Filed, Sept. 14, 1945; 4:41 p. m.]

TITLE 14—CIVIL AVIATION

Chapter II—Administrator of Civil Aeronautics

PART 534—REGULATIONS GOVERNING THE DISTRIBUTION AND USE OF AVIATION GASOLINE

ORDER OF REVOCATION

Part 534 of the Regulations of the Administrator of Civil Aeronautics, governing the distribution and use of aviation gasoline, comprising §§ 534.1 through 534.6, appearing at 9 F.R. 11732, is hereby revoked, effective immediately.

T. P. WRIGHT,
Administrator.

SEPTEMBER 6, 1945.

[F. R. Doc. 45-17269; Filed, Sept. 14, 1945; 4:23 p. m.]

TITLE 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration

[Docket No. FDC-23]

PART 27—REGULATIONS FIXING AND ESTABLISHING DEFINITIONS AND STANDARDS OF IDENTITY FOR CANNED APRICOTS, CANNED CHERRIES, CANNED PEACHES, AND CANNED PEARS

ORDER PROMULGATING AMENDED REGULATIONS

Correction

The date appearing in the tenth line of the middle column of page 1612 of the issue of Tuesday, March 3, 1942, should read "March 4, 1939" instead of "March 4, 1932". It so appears in the original document F.R. Doc. 42-1761.

TITLE 22—FOREIGN RELATIONS

Chapter III—Proclaimed List of Certain Blocked Nationals

[Revision IX of Feb. 28, 1945, Supp 6 Sept. 14, 1945]

ADMINISTRATIVE ORDER

By virtue of the authority vested in the Secretary of State, acting in conjunction with the Secretary of the Treasury, the Attorney General, the Secretary of Commerce, the Administrator of the Foreign Economic Administration, and the Director, Office of Inter-American Affairs, by Proclamation 2497 of the President of July 17, 1941 (6 F.R. 3555), Supplement 6 containing certain additions to, amendments to, and deletions from The Proclaimed List of Certain Blocked Nationals, Revision IX of February 28 1945 (10 F.R. 2648), is hereby promulgated.[1]

By direction of the President.

DEAN ACHESON,
Acting Secretary of State.
HERBERT E. GASTON,
Acting Secretary of the Treasury.
TOM C. CLARK,
Attorney General.
ALFRED SCHINDLER,
Acting Secretary of Commerce.
LEO T. CROWLEY,
Administrator, Foreign Economic Administration.
FRANCIS A. JAMIESON,
Acting Director, Office of Inter-American Affairs.

SEPTEMBER 14, 1945.

[F. R. Doc. 45-17274; Filed, Sept. 14 1945; 4:53 p. m.]

TITLE 29—LABOR

Chapter IX—Agriculture Department (Agricultural Labor)

[Supp. 81]

PART 1103—SALARIES AND WAGES OF AGRICULTURAL LABOR IN THE STATE OF TEXAS

WORKERS ENGAGED IN HARVESTING AMERICAN UPLAND COTTON IN CERTAIN TEXAS COUNTIES

§ 1103.2 *Workers engaged in harvesting American Upland cotton in Archer, Baylor, Callahan, Childress, Coke, Coleman, Collingsworth, Concho, Cottle, Dickens, Donley, Fisher, Foard, Gray, Hall, Hardeman, Haskell, Howard, Jones, King, Knox, Kent, Martin, Mitchell, Motley, Midland, McCullough, Nolan, Runnels, Shackleford, Scurry, Stonewall, Taylor, Tom Green, Throckmorton, Wichita, Wilbarger, Wheeler, and Young Counties, State of Texas.* Pursuant to § 4001.7 of the regulations of the Economic Stabilization Director relating to salaries and wages issued August 28, 1943, as amended (8 F.R. 11960, 12139, 16702; 9 F.R. 6035, 14547; 10 F.R. 9478, 9628)

[1] Filed with the Division of the Federal Register in the National Archives. Requests for printed copies should be addressed to the Federal Reserve banks or the Department of State.

and to the regulations of the War Food Administrator issued March 23, 1945 (10 F.R. 3177) entitled "Specific Wage Ceiling Regulations" and based upon a certification of the Texas USDA Wage Board that a majority of the producers of American Upland cotton in the area affected participating in hearings conducted for such purpose have requested the intervention of the Secretary of Agriculture, and based upon relevant facts submitted by the Texas USDA Wage Board and obtained from other sources, it is hereby determined that:

(a) *Areas, crops and classes of workers.* Persons engaged in harvesting American Upland cotton in Archer, Baylor, Callahan, Childress, Coke, Coleman, Collingsworth, Concho, Cottle, Dickens, Donley, Fisher, Foard, Gray, Hall, Hardeman, Haskell, Howard, Jones, King, Knox, Kent, Martin, Mitchell, Motley, Midland, McCullough, Nolan, Runnels, Shackleford, Scurry, Stonewall, Taylor, Tom Green, Throckmorton, Wichita, Wilbarger, Wheeler, and Young Counties, State of Texas, are agricultural labor as defined in § 4001.1 (1) of the regulations of the Economic Stabilization Director issued on August 28, 1943, as amended (8 F.R. 11960, 12139, 16702; 9 F.R. 6035, 14547, 10 F.R. 9478, 9628).

(b) *Maximum wage rates for harvesting American Upland cotton.* (1) For picking American Upland cotton—$2.25 per 100 pounds of well-picked clean seed cotton.

(2) For pulling or snapping American Upland cotton—$1.35 per 100 pounds of seed cotton.

(c) *Administration.* The Texas USDA Wage Board, located at College Station, Texas, will have charge of the administration of this section in accordance with the provisions of the specific wage ceiling regulations issued by the War Food Administrator on March 23, 1945 (10 F.R. 3177).

(d) *Applicability of specific wage ceiling regulations.* This section shall be deemed to be a part of the specific wage ceiling regulations issued by the War Food Administrator on March 23, 1945 (10 F.R. 3177) and the provisions of such regulations shall be applicable to this section and any violation of this section shall constitute a violation of such specific wage ceiling regulations.

Effective date. This Supplement No. 81 shall become effective at 12:01 a. m., Central war time, September 14, 1945.

(56 Stat. 765 (1942), 50 U.S.C. App. 961 et seq., (Supp. IV); 57 Stat. 63 (1943); 50 U.S.C. 964 (Supp. IV); 58 Stat. 632 (1944); Pub. Law 108, 79th Cong., E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681; E.O. 9577, 10 F.R. 8087; regulations of the Economic Stabilization Director, 8 F.R. 11960, 12139, 16702, 9 F.R. 6035, 14547, 10 F.R. 9478, 9628; regulations of the War Food Administrator, 9 F.R. 655, 12117, 12611, 10 F.R. 7609, 9581; 9 F.R. 831, 12807, 14206, 10 F.R. 3177)

Issued this 14th day of September 1945.

[SEAL] K. A. BUTLER,
Acting Director of Labor,
U. S. Department of Agriculture.

[F. R. Doc. 45-17269; Filed, Sept. 17, 1945; 11:07 a. m.]

[Supp. 28, Amdt. 1]

PART 1110—SALARIES AND WAGES OF AGRICULTURAL LABOR IN THE STATE OF OREGON

WORKERS ENGAGED IN HARVESTING POTATOES IN CROOK AND DESCHUTES COUNTIES, OREG.

Supplement No. 28 (9 F.R. 11603) is hereby amended by deleting all that part of paragraph (b) (2) beginning with the first word of the second sentence thereof and ending with the last word of the last sentence thereof; and by adding at the end of paragraph (b) and before paragraph (c) the following new paragraph:

No perquisites shall be furnished in addition to the maximum wage rates specified above.

Effective date. This Supplement 28, Amendment 1, shall become effective at 12:01 a. m., Pacific War Time, September 14, 1945.

(56 Stat. 765 (1942), 50 U.S.C. App. 961 et seq. (Supp. IV); 57 Stat. 63 (1943); 50 U.S.C. 964 (Supp. IV); 58 Stat. 632 (1944); Pub. Law 108, 79th Cong., E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681; E.O. 9577, 10 F.R. 8087; regulations of the Economic Stabilization Director, 8 F.R. 11960, 12139, 16702, 9 F.R. 6035, 14547, 10 F.R. 9478, 9628; regulations of the War Food Administrator, 9 F.R. 655, 12117, 12611, 10 F.R. 7609, 9581; 9 F.R. 831, 12807, 14206, 10 F.R. 3177)

Issued this 14th day of September 1945.

[SEAL] K. A. BUTLER,
Acting Director of Labor,
U. S. Department of Agriculture.

[F. R. Doc. 45-17288; Filed, Sept. 17, 1945; 11:06 a. m.]

TITLE 30—MINERAL RESOURCES

Chapter VI—Solid Fuels Administration for War

PART 602—GENERAL ORDERS AND DIRECTIVES

MOVEMENT OF COAL VIA GREAT LAKES AND EX-LAKE DOCK

It appears desirable to clarify the notice of direction to shippers and industrial consumers of coal moving via the Great Lakes and Ex-Lake Dock, issued August 30, 1945 (10 F.R. 11237).

As is indicated in paragraph (1) of that notice, the amount of coal moving via the Great Lakes or ex-lake dock which any shipper is committed to furnish to any industrial consumer under applicable SFAW regulations has been reduced five per cent. Thus, the reduction does not apply to commitments by producers to furnish coal to commercial lake dock operators. The reduction is applicable only to (a) commitments by lake dock operators to furnish coal to industrial consumers ex-lake dock and (b) to commitments by producers or forwarders to furnish coal via the Great Lakes to industrial consumers who receive such coal at a dock or other unloading facility.

Issued this 14th day of September 1945.

C. J. POTTER,
Deputy Solid Fuels Administrator for War.

[F. R. Doc. 45-17330; Filed, Sept. 17, 1945; 11:53 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter VI—Selective Service System

[No. 306]

WITHDRAWAL OF CERTIFICATION

ORDER PRESCRIBING FORMS

Pursuant to authority contained in the Selective Training and Service Act of 1940, as amended, I hereby prescribe the following change in DSS Forms:

Discontinuance of DSS Form 412, entitled "Withdrawal of Certification."

The foregoing discontinuance shall become a part of the Selective Service Regulations effective within the continental United States immediately upon the filing hereof with the Division of the Federal Register and effective outside the continental limits of the United States on the 30th day after the date of filing hereof with the Division of the Federal Register.

LEWIS B. HERSHEY,
Director.

SEPTEMBER 7, 1945.

[F. R. Doc. 45-17327; Filed, Sept. 17, 1945; 11:41 a. m.]

Chapter IX—War Production Board

AUTHORITY: Regulations in this chapter unless otherwise noted at the end of documents affected, issued under sec. 2 (a), 54 Stat. 676, as amended by 55 Stat. 236, 56 Stat. 177, 58 Stat. 827; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; E.O. 9599, 10 F.R. 10155; W.P.B. Reg. 1 as amended Dec. 31, 1943, 9 F.R. 64.

PART 1075—CONSTRUCTION

[Limited Preference Order P-55-c, Revocation of Schedule I]

WAR HOUSING CRITICAL LIST

Section 1075.16 *Schedule I to Limited Preference Order P-55-c* is revoked. This revocation does not affect any liabilities incurred for violation of the schedule or actions taken under the schedule.

Issued this 17th day of September 1945.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 45-17320; Filed, Sept. 17, 1945; 11:39 a. m.]

PART 1075—CONSTRUCTION

[Limited Preference Order P-55-c, Revocation of Schedule II]

WAR HOUSING CONSTRUCTION STANDARDS

Section 1075.19 *Schedule II to Limited Preference Order P-55-c* is revoked. This revocation does not affect any liabilities incurred for violation of the

schedule or actions taken under the schedule.

Issued this 17th day of September 1945.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 45-17321; Filed, Sept. 17, 1945; 11:39 a. m.]

PART 3175—REGULATIONS APPLICABLE TO THE CONTROLLED MATERIALS PLAN

[CMP Reg. 1, Revocation of Direction 55]

RESTRICTIONS ON USE OF CARDED COTTON YARNS IN MANUFACTURE OF COPPER WIRE AND CABLE

Direction 55 to CMP Regulation 1 is hereby revoked. This revocation does not affect any liabilities incurred under the direction.

Issued this 17th day of September 1945.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 45-17317; Filed, Sept. 17, 1945; 11:39 a. m.]

PART 3290—TEXTILE, CLOTHING AND LEATHER

[Conservation Order M-47 as Amended Sept. 17, 1945]

BURLAP AND BURLAP PRODUCTS

§ 3290.256 *Conservation Order M-47*—(a) *Definitions.* For the purpose of this order:

(1) "Authorized government agency" means the Foreign Economic Administration, the Defense Supplies Corporation, and any corporation organized under the authority of section 5d of the Reconstruction Finance Corporation Act, as amended.

(2) "Burlap" means jute cloth, plain woven of single yarns, other than brattice cloth and linoleum cloth, weighing more than six and not more than sixteen ounces per yard of cloth forty inches wide.

(3) "Frozen burlap" means intact bales of burlap held by any person not manufacturing bags as permitted by Order M-221.

(4) "Bag manufacturer" means any person who manufactures new bags from imported burlap.

(b) *Imports.* The importation of burlap shall be in accordance with the provisions of General Imports Order M-63. Burlap imported pursuant to General Imports Order M-63, unless otherwise specifically directed by the War Production Board, is not subject to the provisions of this Order M-47.

(c) *Allocation of stockpiled burlap.* No authorized government agency shall dispose of burlap except as authorized by the War Production Board or to fill orders for full and intact bales of burlap (to be used for purposes other than the manufacture of bags) to which a preference rating has been duly assigned, applied or extended in accordance with Conservation Order M-328. The War Production Board may from time to time allocate the supply of stockpiled burlap and specifically direct the quantities, time, and manner in which deliveries by any authorized government agency shall be made or withheld. It may also direct or prohibit particular uses of burlap. Any direction, prohibition, or allocation issued pursuant to this paragraph, to be valid, must be in writing in the name of the War Production Board.

(d) *Quotas and allocations of burlap for bag manufacturers.* (1) The War Production Board will assign to each bag manufacturer a burlap quota representing the percentage his average annual cut-up (i. e., the lineal yardage of burlap converted by him into bags) during the years 1939 and 1940, bears to the total average annual cut-up during the same years by all bag manufacturers who are assigned quotas.

(2) The War Production Board will, from time to time issue burlap allocation certificates to bag manufacturers based on their assigned burlap quotas. Certificates shall be used only in accordance with their terms. The total amount allocated in each calendar quarter to bag manufacturers on the basis of their assigned burlap quotas as explained in paragraph (d) (1) above will generally be the quarterly average amount of burlap allocated for the first three quarters of 1944. Burlap in excess of this amount may be allocated to bag manufacturers who have quotas and also to new manufacturers. Applications to participate in allotments of burlap from any excess above the average for the first three quarters of 1944, as explained above, may be filed by letter stating the amount of burlap requested. These letters should be filed on or before the first day of the calendar quarter for which the allotment is requested. Each application by a new manufacturer should include a statement of the facilities available to him for the manufacture of textile bags, the maximum yardage of textile bagging material which can be processed on his facilities on the basis of 48 hours operation per week, the minimum yardage of textile bagging material needed for economical operation and any other pertinent information.

(3) No bag manufacturer shall purchase burlap except as authorized in his burlap allocation certificate. No bag manufacturer shall purchase and no person shall sell burlap to a bag manufacturer unless he endorses on his purchase order the serial number and the sequence number of his burlap allocation certificate.

(4) No bag manufacturer shall use burlap received against his burlap allocation certificate except for the manufacture of bags for the purposes permitted by Order M-221. No bag manufacturer shall dispose of burlap received against his allocation certificate except to fill orders (for burlap for use other than in the manufacture of bags) bearing preference ratings which have been duly assigned, applied or extended in accordance with Conservation Order M-328, provided no bag manufacturer shall be required to fill rated orders for a total of more than five bales of burlap from any one person in any calendar month.

(5) Notwithstanding any allotment made available by a burlap allocation certificate, no bag manufacturer shall purchase any burlap in excess of a minimum practicable working inventory at his then current rate of operation, nor more than he will actually use on his own facilities, whichever is less.

(6) Burlap received against allocation certificates may only be manufactured into bags on facilities owned by the person to whom the allocation is made.

(e) *Burlap for purposes other than the manufacture of bags.* A person not having a quota, who needs burlap (for other than the purpose of manufacturing bags) to fill orders to which a preference rating has been duly assigned, applied or extended in accordance with Conservation Order M-328, may obtain such burlap from the Defense Supplies Corporation or its authorized representatives (unless his order is for less than a full bale), from bag manufacturers or from persons owning frozen burlap.

(f) *Frozen burlap.* No person having an inventory of frozen burlap shall dispose of all or any part of it except to fill orders to which a preference rating has been duly assigned, applied or extended in accordance with Conservation Order M-328, or to make sales to the Defense Supplies Corporation or to bag manufacturers against their burlap allocation certificates as described in paragraph (d). Any person disposing of frozen burlap to a bag manufacturer shall immediately notify by letter the War Production Board, Textile, Clothing and Leather Division, Washington 25, D. C., stating the name of the buyer, the quantity of bales, the serial number and sequence number of the burlap allocation certificate authorizing the buyer to accept delivery.

(g) *Damaged burlap.* Any person who has in his possession any bales of damaged burlap shall report to the War Production Board the extent of the damage and the percentage not suitable for the manufacture of bags as permitted by Order M-221. Such statement shall be made by letter setting forth all pertinent facts. If the War Production Board acknowledges receipt of his letter without stating any objection, he may then use or dispose of his damaged burlap free of the restrictions of this order.

(h) *Saving clause.* Quotas, certificates, directions, allocations and authorizations issued pursuant to this order previous to any amendment thereof shall remain in effect subsequent to such amendment unless specifically revoked.

(i) *Appeals.* Any appeal from the provisions of this order shall be made by filing a letter in triplicate, referring to the particular provisions appealed from and stating fully the grounds of the appeal.

(j) *Applicability of regulations.* This order and all transactions affected thereby are subject to all applicable regulations of the War Production Board including General Conservation Order M-328, as amended from time to time.

(k) *Reports and communications.* (1) Each bag manufacturer shall file with the War Production Board on Form WPB-2906 a report of his inventories, receipts and distribution of burlap as required by instructions issued on or with the form. The reporting requirements of this order have been approved by the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

(2) All reports required to be filed under, and all communications concerning this order shall be addressed to the War Production Board, Textile, Clothing and Leather Division, Washington 25, D. C. Reference M-47.

(l) *Violations.* Any person who wilfully violates any provisions of this order, or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

Issued this 17th day of September 1945.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 45-17318; Filed, Sept. 17, 1945; 11:39 a. m.]

PART 3290—TEXTILE, CLOTHING, AND LEATHER

[Conservation Order M-328, as Amended Sept. 14, 1945]

PROVISIONS APPLICABLE TO TEXTILES, CLOTHING AND RELATED PRODUCTS

The fulfillment of requirements for the defense of the United States has created shortages in the supplies of textiles, clothing, leather and related products for defense, for private account and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 3290.118 *Conservation Order M-328*—(a) *Restrictions on preference ratings for textiles, clothing, leather, etc.* (This paragraph states conditions which must be met to make ratings for items on Schedule A valid. However, even though a rating is not valid for the items, this does not prevent anyone from filling a purchase order if he can do so without disregarding valid ratings on other purchase orders or disregarding other orders or directions of the War Production Board.)

No person shall apply, extend or give any effect to any preference rating heretofore or hereafter assigned, applied, or extended to the delivery of any item on Schedule A unless:

(1) The rating has been assigned by a preference rating form or letter issued by or under the authority of the War Production Board to a named applicant and the form or letter specifically describes the item and specifies the quantity, description and type which may be obtained by the rating. No rating assigned by any L, M, P or other order, by any regulation (such as CMP-5 or CMP-5A), or on Form CMPL-150, CMPL-200 or CMPL-201 shall be valid for any item on Schedule A, except as permitted by paragraph (a) (2), (a) (3) or (a) (4). For example, the rating for any fabric to comply with this subparagraph must be assigned on a War Production Board form or letter naming the person to whom the rating is assigned and stating the yardage, type and construction of the fabric for which the rating is assigned.

(2) The rating has been assigned by or pursuant to a form, order or regulation of the War Production Board and is used to obtain the item for direct or ultimate delivery to, or for incorporation into any material for ultimate delivery to the Army or Navy of the United States (including U. S. Army and Marine Corps Post Exchanges, U. S. Navy and Coast Guard Ship's Service Departments, and War Shipping Administration Training Organization Ship's Service activities), the Maritime Commission or War Shipping Administration, (including marine distributors pursuant to authorization by the Maritime Commission on Form WPB-646). A delivery to an establishment or ship operated under contract with one of those agencies is not in itself a direct or ultimate delivery to the Army, Navy, Maritime Commission or War Shipping Administration.

(3) The rating has been assigned by or pursuant to any supplement to this order or the particular order specified after the item on Schedule A.

(4) The material to be delivered is actually required as, or is required for incorporation in, a functioning part of industrial machinery and is one of the following numbered items on Schedule A: 1, 3 (except Seine cord, hawser cord and other cabled cord), 4, 12.

SCHEDULE A—MATERIALS AND PRODUCTS COVERED BY CONSERVATION ORDER M-328

1. Animal bristles and hair.

2. Clothing, footwear (including safety shoes, hats, gloves, and all other outer or under garments or apparel, if made in whole or in part of leather or textile yarn, staple fiber or fabrics. However, this order does not apply to rubber footwear, professional rubber gloves, or to the following items when such items are specifically designed and used to furnish protection against occupational hazards (other than weather).

Asbestos clothing.

Gauntlet type welders' leather gloves and mittens, and electricians' leather protector or cover gloves.

Metal mesh gloves, aprons and sleeves.

Other safety leather gloves or mittens, but only if steel-stitched or steel-reinforced.

Plastic and fiber safety helmets.

Safety belts and harnesses.

Safety clothing impregnated or coated for the purposes of making the same resistant against fire, acids or other chemicals or abrasives.

Safety industrial leather clothing other than gloves or mittens.

Safety industrial rubber gloves and hoods, and linemen's rubber gloves and sleeves.

3. Cotton, wool and synthetic yarns and blends of the foregoing. L-282, M-317, M-317A, M-317B, M-385, M-388, M-388A, M-388B and M-388C.

4. Woven, felted, knitted and braided fabrics of cotton, wool or synthetic yarns and blends of the foregoing (M-166, M-317, M-317A, M-317B, M-385, M-388, M-388A, M-388B, M-388C and P-116), including but not limited to:

Bedsheets.
Pillow cases.
Blankets.
Towels.
Diapers.
Face cloths.
Table "linens."

5. Dyestuffs (defined in Conservation Order M-103).

6. The following metal shoe findings:

Arch supports.
Box toes and caps.
Heel rims and plates.
Heel washers.
Shoe shanks.
Toe rims and plates.
Steel wire shoe nails.

7. Hides, skins, furs and leather and products made primarily therefrom (subject to additional restrictions of M-310).

8. Manila, agave, istle, hemp (cannabis sativa), jute, coir yarn and other fibers, suitable for cordage (rope and twine), and cordage products made primarily therefrom. P-56, P-98-b, M-84.

9. Mops.

10. Slide fasteners.

11. Sponges, marine and loofa.

12. Textile fibers (animal, vegetable, or synthetic, including curled istle) and products made primarily from textile fibers or textiles. This order does not apply to fabrics after they have been coated, or impregnated, fire hose, fire hose jackets, sisal processors' mill waste or sisal bagasse. M-85, M-317, M-388c.

13. Steel tacks (except thumb tacks).

14. Synthetic rubber thread and products made therefrom.

(b) *How ratings must be applied and extended.* (1) Priorities Regulation 3 states rules and restrictions on the use of all preference ratings. When a rating is used, the standard certification described in Priorities Regulation 7 or the certification described in Priorities Regulation 3 must be put on a purchase order for a Schedule A item. In addition, the purchaser must use one of the following applicable certifications (with the blanks properly filled in):

(i) If the rating is assigned by an order listed on Schedule A, the special certification, if any, required by that order shall be added.

(ii) If the rating is assigned by an order listed on Schedule A, but the listed order does not require a special certification, the following shall be added:

This rating is assigned by Order _____.
[Insert number of order listed opposite the item on Schedule A.]

(iii) If the rating is assigned through the Foreign Economic Administration, the following shall be added:

This rating is assigned in connection with Export License No. _____ or Release Certificate No. _____.
[Insert license or release certificate number.]

(iv) In all other cases the following shall be added:

This rating can be used under M-328.

(2) No rating permitted by paragraph (a) (1), (a) (3) or (a) (4) above, which is applied to get a Schedule A item, shall be extended for any other Schedule A item. However, in the case of ratings permitted by paragraph (a) (1), the rating may be extended if the form or letter specifically permits the extension of the rating for and fully describes the other Schedule A item. (For example, a rating which is applied to get fabric may not be extended to get yarn, except that in a case where the rating is permitted by paragraph (a) (1), the rating may be extended if the form or letter states that it may and also states the specific quantity, count, etc. The rating may also be extended for yarn if the fabric is for an Army, Navy, Maritime Commission or War Shipping Administration (including marine distributors pursuant to authorization by the Maritime Commission on Form WPB-646) order, as permitted by paragraph (a) (2). A rating permitted by paragraph (a) (3) may also be extended if the particular order specified after the item on Schedule A specifically permits extension. (For example, Order M-388C specifically permits extension of the ratings assigned thereunder). This paragraph shall not prevent the extension of a rating for finished fabrics to get fabrics in the gray state.

(c) *Specific directives.* The war Production Board may issue specific directions to individual producers or processors of items listed in Schedule A, with respect to the production, fabrication, processing or delivery of items to meet particular military or civilian requirements, and no producer or processor shall produce, fabricate, process, deliver or accept delivery contrary to directions.

(d) *Equitable distribution.* (This paragraph does not apply to sales by retailers, inasmuch as the Fair Distribution Policy for retailers is defined in Declaration of Policy of July 15, 1943.) Preference ratings are given to certain orders to further the war program. It is the policy of the War Production Board that items listed in Schedule A not required to fill rated orders shall be distributed equitably. In making such distribution due regard should be given to essential civilian needs, and there should be no discrimination in the acceptance or filing of orders as between persons who meet the seller's regularly established prices and terms of sale or payment.

Under this policy every seller of the items, so far as practicable, should make available an equitable proportion of his merchandise to his customers periodically, without prejudice because of their size, location or relationship as affiliated outlets.

It is not the intention to interfere with established channels and methods of distribution unless necessary to meet war or essential civilian needs. If voluntary observance of the policy outlined is inadequate to achieve equitable distribution, the War Production Board may issue specific directions to named concerns. A failure to comply with a specific direction shall be deemed a violation.

(e) *Rejects, over-runs and seconds*—(1) *Definitions.* "Reject" means a Schedule A item which was obtained with priorities assistance or a Schedule A item into which material obtained with priorities assistance has been incorporated and which cannot be used for the purpose for which the priorities assistance was given. The term includes seconds and over-runs, but does not include waste, scrap or cuttings normally generated in a manufacturing process.

"Priorities assistance" means a preference rating, allocation, specific direction, CMP allotment, or any other action of the War Production Board used to obtain a material or product.

(2) *No one may purposely make a reject.* No manufacturer, processor or converter shall manufacture, process or order any product on Schedule A which he knows or should know will be a reject. This paragraph does not prohibit the production of seconds, over-runs or by-products to the extent that they are unavoidable in the manufacturer's operations.

(3) *Restrictions on the disposition and use of rejects.* The following rules govern the disposition and use of rejects, regardless of § 944.11 of Priorities Regulation 1:

(i) No manufacturer, processor or converter shall dispose of or use a reject listed on Schedule B, and no one shall accept delivery of such a reject, except as permitted by that schedule;

(ii) Subject to all restrictions contained in other orders of the War Production Board, any reject listed on Schedule A, but not listed on Schedule B, may be disposed of for use in the United States, or to fill a rated order, or, in the case of cotton duck, may be exported, or may be used for any purpose by the holder of the reject;

(iii) In any event, "special sales" (as defined in Priorities Regulation 13) of rejects may be made only in accordance with the provisions of Priorities Regulation 13."

(4) *How to get needed permission to dispose of a reject.* Any manufacturer who under the terms of this order needs specific permission to dispose of a reject may apply by letter to the War Production Board stating (where applicable) the number of the contract, the amount of material to be produced under it, the kinds of such material, a detailed statement of quantities and kinds of rejects, a copy of the rejection, and a statement of the efforts he has made to dispose of the rejects to the buyer. If the War Production Board decides he ought to be allowed to dispose of the reject, it will give him specific instructions.

(5) *Effect of specific instructions on disposition.* The War Production Board may issue specific instructions in writing to anyone respecting the use and disposition of rejects. These instructions may relate to rejects not yet manufactured on the date of their issuance. They must be obeyed even if they conflict with other provisions of this order.

(6) *Reports.* Manufacturers of textile, clothing and leather products shall report their rejects at such times and in such manner as the War Production Board may from time to time require, subject to the approval of the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

(7) *Records.* All persons affected by this order shall keep for at least two (2) years records showing the quantities and kinds of rejects produced by them and the disposition thereof.

SCHEDULE B—REJECTS WHICH MAY BE DELIVERED ONLY ON SPECIFIC AUTHORIZATION OF THE WAR PRODUCTION BOARD

The following types of rejects may be sold or used by the holder of the reject on an order bearing a preference rating; otherwise the holder must apply for specific authorization of the War Production Board to sell or use the reject:

Manila, agave and coir fibers, and products made primarily therefrom.
Materials obtained with priorities assistance assigned by or under Conservation Orders M-317, M-317A, M-328B, M-388, M-388A, M-388B or M-388C, or schedules, supplements or directions to any of such orders.

The following types of rejects may be sold or used by the holder of the reject only on specific authorization of the War Production Board:

Kapok.
Tanning materials, vegetable.

NOTE: Regarding the disposition of reject hides, skins, furs and leather and products made primarily therefrom, see paragraphs (b) (3), (b) (4), and (b) (5) of Conservation Order M-310.

[Schedule C deleted Jan. 4, 1945.]

(f) *Exceptions from restrictions on "cutbacks" or terminations.* The War Production Board in any case where it finds that, by reason of cut-backs or terminations of Government contracts or subcontracts, compliance with any restriction on the manufacture, use, sale or delivery of any item on Schedule A would cause a loss of production or interfere with the filling of civilian orders, may grant temporary exceptions from such restriction.

(g) *Miscellaneous provisions*—(1) *Applicability of regulations.* Except as otherwise provided herein, this order and all transactions affected thereby are subject to all applicable regulations of the War Production Board as amended from time to time.

(2) *Violations and false statements.* Any person who wilfully violates any provision of this order, or who in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

(3) *Communications.* All reports to be filed hereunder and communications concerning this order shall, unless otherwise directed, be addressed to the War Production Board, Textile, Clothing and Leather Bureau, Washington 25, D. C., Ref: M-328.

(4) *Appeals.* (i) Any appeal from the provision of paragraphs (c), (d) or (e) of this order shall be made by filing a letter in triplicate, referring to the particular provision appealed from, and stating fully the grounds of the appeal.

(ii) An appeal for suspension of a production direction dealing with an item on Schedule A may be made (whether or not such direction is issued under this order) on the ground that compliance with the action will result in production at a loss: *Provided*, That an application for price relief on that ground is first filed with the Secretary of the Office of Price Administration, Washington, D. C., and a copy is filed with the WPB appeal. If the WPB appeal is granted, requirements of a direction for increases above current production will be suspended until the decision of the Office of Price Administration upon the application for price relief. This paragraph does not indicate or limit the extent or kind of price relief, if any, which may be granted by the Office of Price Administration.

(iii) No direction or order relating to items on Schedule A (whether or not it refers to M-328) shall be deemed to require the furnishing of materials or facilities to the War Production Board. If a direction requires the furnishing of materials or facilities to a contracting agency or to a war contractor, or the production of a specified amount of a material or product, or restricts all or a part of a person's production or inventory to specified purposes, and if the person affected cannot get firm orders to cover the materials, facilities, production or inventory involved, he may appeal, and the War Production Board will grant appropriate relief.

(5) *Reports.* Every person shall execute and file with the War Production Board such reports and questionnaires as it shall from time to time request with respect to items listed on Schedule A, subject to the approval of the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

Issued this 14th day of September 1945.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

INTERPRETATION 1

RATINGS FOR TWINE AND WRAPPING MATERIALS

Ratings for twine and other materials on Schedule A of M-328 used for wrapping must conform to the conditions specified in paragraph (a) of the order to be valid.

Such materials used to wrap products are not incorporated into the product which is wrapped. Therefore, a rating which can be used to get material to be incorporated into a product cannot be used to get twine with which to wrap the product even though the product is going to be delivered to one of the Government agencies mentioned in paragraph (a) (2). (Issued March 23, 1944)

[F. R. Doc. 45-17270; Filed, Sept. 14, 1945; 4:33 p. m.]

PART 3290—TEXTILES, CLOTHING AND LEATHER

[Conservation Order M-328, Revocation of Direction 13]

PRIORITIES ASSISTANCE FOR PRODUCTION AND DISTRIBUTION OF SHOE GABARDINE

Direction 13 to Conservation Order M-328 is revoked. This revocation does not affect any liabilities incurred for violation of the direction or of actions taken by the War Production Board under the direction. The production, distribution, purchase and use of shoe gabardine remain subject to all other applicable regulations and orders of the War Production Board.

Issued this 17th day of September 1945.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 45-17319; Filed, Sept. 17, 1945; 11:39 a. m.]

Chapter XI—Office of Price Administration

PART 1315—RUBBER AND PRODUCTS AND MATERIALS OF WHICH RUBBER IS A COMPONENT

[Rev. RO 1B,[1] Amdt. 2]

MILEAGE RATIONING: TIRE REGULATIONS FOR PUERTO RICO

A rationale accompanying this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.

Revised Ration Order 1B is amended in the following respects:

1. Section 1.3 (a) (8) is amended to read as follows:

(8) Consumer means any person who holds or acquires a new passenger or new truck type tire for use and not for sale.

2. Section 1.6 (b) is amended by deleting the phrase "the application for a gasoline ration for the vehicle for which the tires are sought."

3. Section 1.6 (c) is amended to read as follows:

(c) No Board shall issue a certificate for a spare tire if there are pending unsatisfied eligible applications for tires for running wheels.

4. The text of section 2.1 (a) is amended to read as follows:

(a) No Board shall grant a certificate authorizing any consumer to acquire a new passenger or new truck type tire, and no consumer shall accept such a certificate unless applicant is eligible under either section 2.2 or 2.4 and in addition meets the following conditions:

5. Sections 2.1 (a) (3), 2.1 (a) (4), 2.1 (a) (7), 2.3 (a) (1), 2.4 (a) (9) (vii), 2.8 (d) and 2.34 (j) are hereby revoked.

6. Section 2.2 is amended to read as follows:

SEC. 2.2 *Eligibility of passenger automobile.* A Board may issue certificates for tires for passenger automobiles which are used for occupational purposes. Occupational purpose means driving in connection with a business, gainful work, pursuant of a course of study; and uncompensated work regularly performed under the authority or supervision of a bona fide non profit agency which contributes to the welfare of the community or under the direction of government or governmental agency which contributes to the civilian economy of the nation or the community, or under the direction of a non profit organization which contributes to the general welfare of the community.

7. Section 2.4 (a) (13) (iv) is amended to read as follows:

(iv) Such raw materials, semi-manufactured goods, and finished products, including foods and farm products, as are essential to the welfare of the community.

8. Section 2.5 is amended to read as follows:

SEC. 2.5. *Eligibility of animal-drawn vehicles.* A certificate for any type of new tires may be issued for an animal-drawn vehicle which if propelled or drawn by mechanical power would be eligible for tires.

9. Section 2.7 (b) is amended to read as follows:

(b) *Issuance of certificates by the Director.* Upon a letter of application from any dealer or distributor in Puerto Rico, accompanied by parts B of OPA R-2 (Revised), the Director may issue Exchange Certificates for tires to dealers and distributors in exchange for the Parts B surrendered. The Exchange Certificate shall be prepared on Form OPA R-2 A and shall authorize replenishment of the same number of units of passenger type tires and truck type tires as are included in the Parts B surrenderd for exchange. The types of tires on the Exchange Certificates shall be computed in accordance with table on section 2.30 (c). The Parts B surrendered by the dealers and distributors shall thereupon be destroyed.

10. Sections 2.8 (a), 2.8 (b), 2.9 (a), 2.15 (b) (2), 2.17 (b), 2.28 (b), 2.30 (b), 2.30 (e), 2.31 (b), 2.32 (k) and 2.32 (m) are amended by deleting the phrase "new tires" and inserting in lieu thereof in each instance the phrase "new passenger type tires or new truck type tires."

11. Section 2.15 (b) (3) is amended to read as follows:

(3) *By the Director.* When the Director issues OPA Form R-2 A for tires under section 2.6 he shall tear off part D. Parts A and B shall be marked "passenger type tires only", "small truck type tires part I only", "small truck type tires part II only", or "large truck type tires only", as the case may be.

12. Sections 2.27 (a) (1), 2.27 (a) (2), 2.27 (a) (3) and 2.31 (a) (4) are amended by deleting the phrase "new tire" and inserting in lieu thereof in each instance the phrase "new passenger type tire or new truck type tire".

13. Section 2.27 (a) (1) is amended to read as follows:

(1) Make or offer to make, accept or offer to accept, or solicit a transfer of

[1] 10 F.R. 6009, 9667, 10084.

any new passenger type tire or new truck type tires.

14. Section 2.27 (a) (2) is amended to read as follows:

(2) Use, alter or change the physical location of any new passenger type or new truck type tire.

15. Section 2.27 (a) (3) is amended to read as follows:

(3) Mount, any new passenger type or new truck type tire upon a wheel or rim.

16. Section 2.30 (a) is amended to read as follows:

(a) *Establishments under common ownership.* No dealer may transfer or move new passenger or new truck type tires to an establishment where the business of a dealer is performed, except upon certificate or authorization of the Office of Price Administration, unless such transfer is expressly permitted by Revised Ration Order No. 1B. If a dealer engages in the business of selling new passenger type tires or new truck type tires at two or more establishments, the transfer or movement of tires between such establishments shall be subject to all conditions that apply to transfers between separate dealers, unless expressly excepted by Revised Ration Order No. 1B.

17. The table on section 2.30 (c) (2) is amended to read as follows:

If part B calls for—	Dealer or manufacturer may replenish with—
Any size grade I tire.	Any size or grade passenger type tire.
Any size grade III tire.	Any size grade III tire.
Any size truck type tire.	Any size truck type tire.

18. Sections 2.9 (a), 2.33, 2.34 (f), 2.34 (g), 2.34 (h), 2.34 (i), 2.34 (k) are amended by deleting the word "tires" wherever it appears and inserting in lieu thereof in each instance the phrase "new passenger type tires or new truck type tires".

This amendment shall become effective September 7, 1945.

Issued this 6th day of September, 1945.

SAM GILSTRAP,
Territorial Director,
Puerto Rico.

Approved:

M. S. BURCHARD,
Acting Regional Administrator,
Region IX.

[F. R. Doc. 45-17275; Filed, Sept. 14, 1945; 4:52 p. m.]

PART 1407—RATIONING OF FOOD AND FOOD PRODUCTS

[Rev. RO 10,[1] Amdt. 4]

FOOD RATIONING REGULATIONS FOR THE VIRGIN ISLANDS

A rationale accompanying this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.

Revised Ration Order 10 is amended in the following respects:

Table I in § 1407.687 is amended by adding the following:

Ration period	Blue stamp valid during period (Book No. 2)	Weight value of stamps (pounds of lard or shortening)
		Pound
Sept. 9 to Oct. 6, 1945...	Stamp No.:	
	Y-1	¼
	Y-2	¼
	Y-5	¼
	Y-8	¼
Oct. 7, to Nov. 3, 1945..	Stamp No.:	
	Z-1	¼
	Z-2	¼
	Z-5	¼
	Z-8	¼

Stamps may be used separately or collectively, but not more than four at one time.

This amendment shall become effective September 9, 1945.

Issued this 6th day of September 1945.

JACOB R. ROBLES,
Territorial Director,
Virgin Islands.

Approved:

M. S. BURCHARD,
Acting Regional Administrator,
Region IX.

[F. R. Doc. 45-17276; Filed, Sept. 14, 1945; 4:52 p. m.]

PART 1340—FUEL

[MPR 120, Amdt. 140]

BITUMINOUS COAL DELIVERED FROM MINE OR PREPARATION PLANT

A statement of considerations involved in the issuance of this amendment issued simultaneously herewith, has been filed with the Division of the Federal Register.

Maximum Price Regulation No. 120 is amended in the following respect:

Section 1340.224 (b) (4) (ii) (*a*) is added to read as follows:

(*a*) The maximum price for Size Group Nos. 7, 8 and 9 for shipment for all uses via the Tennessee River and connecting waterways to f. a. s. customers in states other than Tennessee and Alabama shall be $4.60 per net ton f. o. b. river loading point.

This amendment shall become effective September 22, 1945.

Issued this 17th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-17294; Filed, Sept. 17, 1945; 11:30 a. m.]

PART 1364—FRESH, CURED AND CANNED MEAT AND FISH PRODUCTS

[RMPR 239,[1] Amdt. 19]

LAMB AND MUTTON CARCASSES AND WHOLESALE CUTS

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.

Revised Maximum Price Regulation No. 239 is amended in the following respects:

1. Paragraph (c) is added to § 1364.155 to read as follows:

(c) *F. o. b. shipments of fabricated lamb and mutton carcasses (War Shipping Administration specifications); licensed ship suppliers' transportation adjustments.* (1) Upon receipt of a written statement from the Director of Food Control Division of the War Shipping Administration certifying that (i) designated licensed ship suppliers (setting forth the name and address in each case) are unable to procure sufficient quantities of fabricated lamb and mutton carcasses (War Shipping Administration specifications) to meet the requirements of vessels operating under the direction of the War Shipping Administration, (ii) designated sellers (setting forth the name and address in each case) will supply such licensed ship suppliers with fabricated lamb and mutton carcasses (War Shipping Administration specifications) provided that the purchaser pays the shipping charges directly to the carrier and (iii) in order to assist the War Shipping Administration to operate more expeditiously in its function of assuring delivery of meats to ship operators, it is essential that (*a*) the designated sellers be authorized to sell fabricated lamb and mutton carcasses (War Shipping Administration specifications) to the designated licensed ship suppliers on an f. o. b. shipping point basis, the latter paying the shipping charges directly to the carrier and (*b*) the designated licensed ship suppliers be permitted to add the amount of such shipping charges to the applicable zone prices on resale of the meats upon which such shipping charges were paid, and

(2) Upon a finding that the established prices of fabricated lamb and mutton carcasses (War Shipping Administration specifications) do impede, in the specified cases, the ultimate procurement of meats by ship operators because of the charges incurred in the shipment of such meats from the point of origin to the delivery point required by the licensed ship supplier, the Price Administrator at Washington, D. C., may, by order, authorize the named seller or sellers to sell and the named licensed ship supplier or suppliers to buy fabricated lamb and mutton carcasses (War Shipping Administration specifications) where delivery of such meats is made by the seller to a carrier and shipped at the carload rate to the purchaser who pays the shipping charges directly to the carrier, and may, by order, further authorize the purchaser (licensed ship supplier) who resells the meats upon which such shipping charges were paid, to add to the applicable zone prices in § 1364.177 (d):

(i) The actual shipping charges paid by him provided that the charges paid covered a shipment of such meats to him from a pointed located in the same price zone, or

[1] 10 F.R. 6515.

(ii) The difference between the actual shipping charges paid by him and $1.50 per hundredweight if the shipping charges paid by him covered a shipment of fabricated lamb and mutton carcasses (War Shipping Administration specifications) from Zone 2, 3, or 4 to a point located in Zone 1.

2. The first paragraph of § 1364.159 (b) (2) is amended to read as follows:

(2) No selling establishment shall make sales to purveyors of meals pursuant to the provisions of paragraph (c) of §§ 1364.176 through 1364.183, inclusive, until such selling establishment shall have filed a statement in duplicate with the appropriate regional office of the Office of Price Administration showing:

3. A new paragraph (b) (5) is added to § 1364.159 to read as follows:

(5) In the event that the statements required under subparagraph (3) and/or (4) hereof are not filed within the period specified, no further sales of fabricated meat cuts shall be made to purveyors of meals until such time as these requirements are complied with.

4. Paragraphs (a) (3) and (a) (5) of § 1364.160 are amended to read as follows:

(3) "Sales at retail" mean sales to individuals for consumption by themselves or their families off the seller's premises and/or sales to retailers or purveyors of meals to the extent permitted under the provisions of Maximum Price Regulation No. 355, Maximum Price Regulation No. 394 or Maximum Price Regulation No. 336.

(5) "Hotel supply house" means any establishment:

(i) Which sold or delivered to purveyors of meals during the period of September 15, 1942, to December 15, 1942, not less than 70 percent of the total volume by weight of all meats, variety meats and edible by-products and/or sausage and similar products thereof, sold or delivered by it, excluding sales to war procurement agencies, and

(ii) Which does not own or control or is not owned or controlled by a packing or slaughtering plant, packer's branch house, wholesaler's or other selling establishment to which it is physically attached, and

(iii) Which on and after June 1, 1945, engages in the sale or delivery of meats and meat products to the following purchasers exclusively:

(*a*) Purveyors of meals, and/or

(*b*) Ultimate consumers pursuant to § 1364.168 a,

(*c*) War procurement agencies of the following items only: frozen boneless beef (Army specifications), ground beef and miscellaneous beef items, boneless and miscellaneous veal cuts and fabricated beef cuts (War Shipping Administration specifications) and lamb, mutton and veal carcasses (War Shipping Administration specifications), and

(*d*) Other hotel supply houses or wholesalers of beef, veal, lamb and mutton wholesale cuts for a period of not more than 90 days, beginning September 22, 1945.

"Own or control" within the meaning of this definition means to own or control directly or indirectly a partnership equity or in excess of 10 percent of any class of outstanding stock or to have made loans or advances in excess of 5 percent of the other person's monthly sales.

5. Paragraph (a) (10 (iv) of § 1364.160 is added to read as follows:

(iv) Any vessel plying rivers, lakes, coast line or ocean-going vessels serving meals or refreshments for a consideration other than "an operator of a lake vessel" as defined in paragraph (a) (12) of this § 1364.160, and ocean-going vessels operating under the supervision, direction or control of the War Shipping Administration.

6. Section 1364.167 (c) is amended to read as follows:

(c) (1) If the slaughterer is a farm slaughterer, he shall not be required to have lamb or mutton produced from animals slaughtered by him or custom slaughtered for him, graded by an official grader of the United States Department of Agriculture. Such lamb or mutton as is sold by the farm slaughterer shall be graded by him in accordance with the requirements of this section.

(2) Notwithstanding any other provision of this paragraph (c), if a farm slaughterer delivers lamb or mutton to a commercial freezer or locker plant, such lamb or mutton shall not be broken by the operator thereof, unless graded in accordance with the requirements of this section. Such lamb or mutton broken by such operator shall be graded either by the owner of the lamb or mutton or by the operator of the commercial freezer or locker plant with the consent of the owner.

(3) "Farm slaughterer" as used in this paragraph (c) means a person operating a Class 3 slaughtering establishment, as defined in section 1 of Control Order No. 1, "Livestock Slaughter and Meat Distribution", issued April 25, 1945. A "Class 3 slaughtering establishment" is defined therein to mean any place, other than a Class 1 slaughtering establishment, at which a person slaughters cattle, calves, sheep, lambs or swine and from which he sold or transferred during any consecutive 12 month period from January 1, 1944, to March 31, 1945, inclusive, not more than 6000 pounds of meat which he, as the resident operator of a farm, slaughtered on that farm (or had custom slaughtered for him).

7. Paragraphs (a) and (b) of § 1364.168 are amended to read as follows:

(a) (1) Notwithstanding the terms of any contract, agreement, or other obligation, no hotel supply house, packing or slaughtering plant, packer's branch house, wholesaler's or other seller's establishment shall sell or deliver to purveyors of meals other than contract schools, during any three month quota period beginning March 1, June 1, September 1 or December 1, a total volume by weight of hotel supply cuts (fabricated meat cuts) in excess of 80 percent of the total volume by weight of beef, veal, lamb and mutton, not including canned meats of any kind, variety meats and edible by-products of any kind, and/or sausage and similar products thereof, sold or delivered by such selling establishment from September 15 through December 15, 1942, to purveyors of meals, other than to contract schools (in no event shall a war procurement agency be deemed to be a purveyor of meals). The volume by weight so determined, shall hereinafter be referred to as the "quota": *Provided, however,* That any quota granted by a regional administrator pursuant to the provisions of paragraph (a) as they existed prior to June 1, 1945, and any quotas which have been determined on the basis of the provisions of paragraph (b) hereof shall remain in full force and effect except that they shall be reduced by one-ninth.

(2) Any selling establishment which has a quota but which has for two successive three month quota periods beginning June 1, 1945, sold less than 10 percent of such quota to purveyors of meals, other than contract schools, shall be deemed to have abandoned such quota and neither that selling establishment nor any other selling establishment shall thereafter make further sales pursuant to such quota. However, if during such two successive three month quota period, the major portion of sales or deliveries from such selling establishment consisted of sales to war procurement agencies, it shall not be deemed to have abandoned its quota although less than 10 percent of its quota was sold or delivered during such periods to purveyors of meals other than contract schools.

(3) Except as provided in paragraph (a) (4) hereof, any person may request the appropriate Regional Administrator for authorization to transfer an entire quota from one selling establishment to another. The request for such authorization shall be contained in a written application appropriately filed in duplicate which shall show that:

(i) The applicant is or was the owner or operator of a selling establishment which has a quota,

(ii) The applicant is engaged or has engaged, within six months prior to the filing of the application, in the business of selling meats to purveyors of meals pursuant to such quota, and

(iii) The applicant desires to transfer the quota to a new selling establishment (setting forth the old and new addresses and the reasons for the transfer) and

(iv) If the request for the transfer of the quota is granted, the applicant will not thereafter engage in the business of selling meats from the establishment from which the quota is transferred, or

(v) The owner or operator (other than the applicant) of a selling establishment which has a quota has been precluded from engaging further in sales pursuant to such quota because of a judicial or administrative suspension order against such owner or operator, and the suspension order was issued within six months of the date of the filing of the application.

(4) Notwithstanding any other provision of this paragraph (a), a quota shall not be transferred from a selling establishment (other than a hotel supply house) to a hotel supply house where both establishments are owned or controlled by the same person. For the purposes of this paragraph (a) (4), "own or control" means to own or control directly or indirectly, a partnership equity or in excess of 10 percent of any class of outstanding stock or to have made loans or advances in excess of 5 percent of either selling establishment's monthly sales.

(5) Upon receipt of an application filed pursuant to paragraph (a) (3) hereof, the Regional Administrator may, by order, upon proof of the matters contained in paragraphs (a) (3) (i), (ii), (iii), and (iv) or (v) authorize the transfer of the quota: *Provided*, That sales pursuant to the quota will be made to purveyors of meals located in the same municipal area or areas as those previously served by the selling establishment from which the quota is transferred and that such sales will be made subject to such further terms and conditions as he may deem necessary. However, if the transfer of the quota is predicated upon the issuance of a judicial or administrative suspension order, the quota shall be transferred for such period as the suspension order remains in full force and effect.

(6) Following the issuance of an order pursuant to paragraph (a) (3) hereof, the Regional Administrator shall forward to the Administrator in Washington, D. C., for review, a copy of the application together with a copy of the order and such other data as were considered in connection with the application. After review, the Regional Administrator shall modify or revoke the order if the Administrator deems such modification or revocation appropriate. However, the provisions of the Regional Administrator's orders shall remain in full force and effect until such time as they are modified or revoked.

(7) Notwithstanding any other restriction or limitation contained in this Revised Maximum Price Regulation No. 239, the Administrator at Washington, D. C., in the case of any emergency or because of unforeseen circumstances which impede or threaten to impede the war effort, may, upon his own motion, adjust quotas or grant quotas to named sellers for such period and subject to such terms and conditions as are deemed necessary.

(b) Any selling establishment which has established a quota pursuant to paragraph (a) of § 1364.168, may, subject to the conditions hereinafter set forth, redetermine its quota for sales to purveyors of meals for each three month quota period, on the basis of its sales to purveyors of meals during the corresponding three month quota period of 1942: *Provided*, That such selling establishment shall fix its quotas for each three month quota period thereafter, other than the period beginning December 1, by reference to sales made by it during the corresponding three month period of 1942. For the three month quota period beginning December 1, such selling establishment shall determine its quota on the basis of its sales to purveyors of meals during the three month period beginning December 1, 1941. Any selling establishment which elects to fix its quotas for sales to purveyors of meals pursuant to the alternative method stated herein, shall exercise such election by the filing of the reports required under § 1364.159 (b) (2) (iii) for each three month period beginning December 1, 1941, and ending November 30, 1942. Such reports shall be filed prior to the beginning of the three month quota period in which the alternative quota is to be used, except that after December 1, 1945, no selling establishment may elect the alternative quota and any selling establishment which has failed to file the alternative quota reports as required herein shall remain subject to the quota computed by reference to sales made from September 15, 1942, through December 15, 1942.

8. Section 1364.170 (j) is amended to read as follows:

(j) *Peddler truck selling addition.* On a peddler truck sale involving a delivery of not more than 250 pounds of meats and meat products in any one day from a peddler truck to any buyer's store door, a peddler may add to the applicable zone wholesale prices the sum of $1.25 per hundredweight.

If the sale involves a delivery of more than 250 pounds in any one day from such peddler truck to any buyer's store door, the peddler may add to the applicable zone wholesale prices an amount not in excess of $1.00 per hundredweight applicable to the total delivery of lamb or mutton in the one day from such peddler truck to the buyer's store door.

These additions shall be in lieu of any local delivery and/or transportation addition permitted under paragraph (i) of this section.

9. Paragraph (c) is added to § 1364.171 to read as follows:

(c) For any lamb or mutton carcass or wholesale cut sold to a peddler truck seller by a wholesaler, the seller shall deduct $0.50 per hundredweight from the applicable zone price. The amount to be deducted on sales of any fraction of a hundredweight shall be reduced accordingly.

10. Section 1364.172 (c) is added to read as follows:

(c) Any transaction, device or arrangement whereby a person who sells, transfers or delivers lamb or mutton to a retail establishment not wholly owned and operated by such person, receives for the lamb or mutton a greater realization than he would be entitled to receive under this regulation for the sale of such lamb or mutton to a retailer is a violation of this regulation and is prohibited.

For purposes of this paragraph (c), a person shall not be deemed to wholly own and operate a retail establishment unless such person (1) operates an entire and undivided selling establishment composed of all the food selling units or departments within the physical premises of the selling establishment, including but not limited to those units or departments from which meats, groceries, fruits and vegetables, fish, etc. are sold, and (2) wholly owns the assets of such entire and undivided selling establishment including those fixtures and equipment which are generally and customarily used in the business of selling meat in addition to other foods.

However, notwithstanding the provisions of paragraphs (c) (1) and (c) (2) hereof, a person shall be deemed to wholly own and operate a retail establishment if such person (1) operates an entire meat selling unit or department in a selling establishment in which there is located more than one retailer engaging in the sale of the same general class of food, and (2) wholly owns the assets of such unit or department, including those fixtures and equipment which are generally and customarily used in the business of selling meats. He shall also be deemed to wholly own and operate a retail establishment if he currently operates and prior to August 16, 1943, operated, as lessee or owner, the entire meat selling unit or department in such retail selling establishment.

10a. Section 1364.174 (a) (9) (xii) and (xiii) are amended to read as follows:

(xii) "Lean boneless lamb or mutton" means the boneless lamb or mutton meat deriyed from the boning of the entire carcass of Grade C lamb and Grade R mutton. In preparing this meat, the pluck and all cords, sinews, neck straps, kidneys and melts are to be removed as well as all excess fat. No trimmable fat in excess of 8% in weight is to be left on the meat.

(xiii) "Regular boneless mutton" means boneless mutton meat derived from the boning of the entire carcass of Grade R mutton. In preparing this meat the pluck and all cords, sinews, neck straps, kidneys and melts are to be removed. No trimmable fat in excess of 30% in weight is to be left on the meat.

11. Section 1364.174 (a) (12) is hereby deleted.

12. Paragraphs (a) (13) through (a) (16) of § 1364.174 are redesignated as paragraphs (a) (12) through (a) (15), inclusive.

13. Section 1364.177 (d) is amended to read as follows:

(d) (1) The maximum price for each grade of each fabricated lamb and mutton carcass (War Shipping Administration specifications) shall be the applicable zone price specified in paragraph (d) (2) hereof (the applicable Zone 2, 3 and 4 prices) for the zone in which is located the point of delivery as required in Column III of paragraph (d) (2), plus the zone differentials set forth below, or in the case of an f. o. b. shipment of such meats made pursuant to § 1364.155 (c), which shipment originates in Zone 2, 3 or 4, and is consigned at the carload rate to a licensed ship supplier located in Zone 1 who pays the shipping charges directly to the carrier, the maximum price shall be the applicable zone price for the zone in which is located the point of origin of such shipment, plus the following zone differentials:

Zone	
1	$1.50
5	.50
6	.75
7	1.00
8	1.25
9	1.50
10	1.75

(2) Subject to the additions and deductions hereinafter provided in Column IV, and subject further to the provisions of paragraph (c) and (d) of § 1364.155, the following table of prices shall be the applicable Zone 2, 3 and 4 prices on sales of fabricated lamb and mutton carcasses (War Shipping Administration specifications) made:

Column I By	Column II To	Column III Which sales require delivery to	Column IV Additions and deductions
(i) Any person (other than a slaughterer, packer, or packer's branch house).	The War Shipping Administration or to such person as may be authorized by the War Shipping Administration to purchase and "stockpile" fabricated lamb and mutton carcasses (War Shipping Administration specifications) for the purpose of ultimate sale to licensed ship suppliers.	"Stockpile"	None.
(ii) Any slaughterer, packer, packer's branch house.	do	do	Deduct $0.50 per cwt. from table price.
(iii) Any person (other than a slaughterer, packer or packer's branch house).	A licensed ship supplier	The buyer's place of business or to a commercial warehouse or storage place other than one designated by the War Shipping Administration.[1]	None.[2]
(iv) Any slaughterer, packer, or packer's branch house.	do	do	Deduct $0.50 per cwt. from table price.[3]
(v) The War Shipping Administration or a person who has a "stockpile" of fabricated lamb and mutton carcasses (War Shipping Administration specifications).	A licensed ship supplier	"Stockpile" loading platform.	Add accumulated interest, insurance charges in excess of first month, and taxes if any, to the table price.
(vi) A licensed ship supplier (slaughterer, packer, packer's branch house only).	Ship operator	Ship side	None.[4]
(vii) A licensed ship supplier (other than a slaughterer, packer or packer's branch house).	do	do	Add $1.25 per cwt. to table price.[5]

[1] For the purpose of subdivision (iii) or (iv) a delivery to a carrier for an f. o. b. shipment at the carload rate to a licensed ship supplier located in the same price zone or a delivery to a carrier in Zone 2, 3, or 4 for an f. o. b. shipment at the carload rate to a licensed ship supplier located in Zone 1, the buyer paying the shipping charges to the carrier shall be deemed a delivery "to the buyer's place of business" where such f. o. b. shipment is authorized by the Price Administrator, in writing, at Washington, D. C., pursuant to the provisions of § 1364.155 (c).

[2] If the fabricated lamb and mutton carcasses (War Shipping Administration specifications) are not frozen when delivered, the seller shall deduct $0.25 per cwt. from table price.

[3] If the fabricated lamb and mutton carcasses (War Shipping Administration specifications) are not frozen when delivered, the seller shall deduct $0.75 per cwt. from table price.

[4] If the fabricated lamb and mutton carcasses (War Shipping Administration specifications) were obtained from the "Stockpile", the seller may add $0.25 per cwt. to table price.

[5] If the fabricated lamb and mutton carcasses (War Shipping Administration specifications) were obtained from the "stockpile", the seller may add an additional $0.25 per cwt., making a total addition of $1.50 per cwt. to table price.

All prices are on a per hundredweight basis. The prices for any fraction of a hundredweight shall be reduced accordingly. The prices set forth herein include costs of freezing and one month's storage, wrapping, boxing, strapping, inspection and grading in accordance with War Shipping Administration specifications. (The additions and deductions specified in §§ 1364.170 and 1364.171 of this regulation are not applicable.) For fabricated lamb and mutton carcasses (War Shipping Administration specifications) not boxed but wrapped in kraft paper and cheese cloth, $0.25 per hundredweight shall be deducted from the table prices.

	Lamb				Mutton	
	Grade AA	Grade A	Grade B	Grade C	Grade S	Grade M
Fabricated carcasses[6]	$27.75	$26.25	$24.00	$21.75	$14.50	$13.25

[6] Where fabricated lamb or mutton carcasses (War Shipping Administration specifications) are prepared from lamb or mutton carcasses which have been set aside for war procurement purposes pursuant to WFO 75.5, the seller may add 25 cents per hundredweight to the table of prices listed above.

For any "fabricated lamb or mutton carcass (War Shipping Administration specifications)" which has been miscut or cut in a manner not authorized by this regulation, the applicable zone price shall be the applicable zone price of the lowest priced lamb or mutton wholesale cut. No person shall sell or deliver any fabricated lamb or mutton carcass which does not meet War Shipping Administration specifications to the War Shipping Administrator or to a licensed ship supplier for resale as ship stores or to any ship operator for ship stores.

For the purpose of this subparagraph (2), the sale of fabricated lamb or mutton carcasses (War Shipping Administration specifications) by any selling establishment which satisfies the definition of "hotel supply house" as defined in § 1364.160 (a) (5) shall be deemed to be a sale by a person other than a slaughterer, packer or packer's branch house.

(3) The War Shipping Administrator or any person authorized by the War Shipping Administration to make purchases under its direction and control, is authorized to purchase and sell fabricated lamb or mutton carcasses (War Shipping Administration specifications).

(4) "Fabricated lamb or mutton carcasses (War Shipping Administration specifications)" means carcasses satisfying the specifications and requirements contained in War Shipping Administration Food Control Regulation No. 2. Fabricated lamb or mutton carcasses (War Shipping Administration specifications) shall be graded in accordance with § 1374.167 of this regulation, and no fabricated lamb or mutton carcasses (War Shipping Administration specifications) so graded shall be packed for sale and or delivery to the War Shipping Administration, to a licensed ship supplier or to any person for resale as ship stores, authorized to make such purchase under the direction and control of the War Shipping Administration, or to a ship operator, except in the presence of an official United States inspector designated by the Food Distribution Administration, or other United States Government agency regularly performing grading and/or inspection service who shall certify that the cutting, boning, trimming, and other fabrication, the grade, the weight and the other specifications of the War Shipping Administration and/or Office of Price Administration, have been complied with and that the legends affixed to the package by the seller are correct. Certification by the official United States inspector shall be made by affixing a stamp or sticker to the container, which stamp or sticker shall attest the accuracy of all representations appearing upon the container.

(5) For purposes of subparagraphs (2), (3) and (4) hereof, (i) the term "stockpile" shall mean an inventory of fabricated lamb and mutton carcasses (War Shipping Administration specifications) which has been accumulated at a commercial freezer or storage place by the War Shipping Administration or at a commercial freezer or storage place designated by the War Shipping Administration by a person operating under the direction and control of that agency, which inventory is available for purchase by any licensed ship supplier for resale to "ship operators". "Stockpile" shall not include an inventory of fabricated lamb and mutton carcasses (War Shipping Administration specifications) which has been accumulated by a seller at his place of business, commercial warehouse or storage place, the disposition of which is not subject to the direction and control of the War Shipping Administration, (ii) a "licensed ship supplier" means any person who has been licensed by the War Food Administration under the provisions of Food Distribution Regulation No. 3, as amended (issued October 8, 1943) to sell and/or deliver meats

and other food products to ship operators and (iii) a "ship operator" means any person conducting the business of vessels who is designated as a ship operator by the War Shipping Administration.

This amendment shall become effective September 22, 1945.

NOTE: The record-keeping and reporting provisions of this amendment have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 17th day of September 1945.

CHESTER BOWLES,
Administrator.

Approved September 6, 1945.

J. B. HUTSON,
Acting Secretary of Agriculture.

[F. R. Doc. 45-17295; Filed, Sept. 17, 1945 11:31 a. m.]

PART 1381—SOFTWOOD LUMBER

[2d Rev. MPR 19,[1] Corr. to Amdt. 11]

SOUTHERN PINE LUMBER

Amendment 11 to Second Revised Maximum Price Regulation 19 is corrected as follows:

In Table 2, the price for 2 x 10–14′ No. 3 Common is corrected to read $29.00.

This correction shall become effective as of August 15, 1945.

Issued this 17th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-17292; Filed, Sept. 17, 1945; 11:30 a. m.]

PART 1382—HARDWOOD LUMBER

[RMPR 97,[2] Incl. Amdts. 1–19, Correction]

SOUTHERN HARDWOOD LUMBER

In Revised Maximum Price Regulation 97, including amendments 1 to 19, the following corrections are made:

1. In § 1382.106, paragraph (a) is corrected by deleting the group of words which follow the second sentence of paragraph (a). The words are: "The chaser or prospective purchaser to the most comparable standard item."

2. In § 1382.112 (b), subparagraph (36)—White oak or red oak—Freight car stock, common dimension, mine car lumber, the price contained in the price table for size 16″ x 22″ x 22′ is corrected to read "$124" and the price for size 16″ x 22″ x 24′ is corrected to read "$130."

This correction shall become effective September 17, 1945.

Issued this 17th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-17293; Filed, Sept. 17, 1945; 11:30 a. m.]

PART 1499—COMMODITIES AND SERVICES

[RMPR 165, Amdt. 4 to Supp. SR 60]

CERTAIN SERVICES IN HAWAII

A statement of the considerations involved with the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.

Supplementary Service Regulation No. 60, Certain Services in the Territory of Hawaii, is amended in the following respect:

Paragraph (d) (1) is amended by adding a new item to read as follows:

	Each
Shirt, military khaki	$0.25

This amendment shall become effective as of July 1, 1945.

Issued this 17th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-17296; Filed, Sept. 17, 1945; 11:30 a. m.]

PART 1499—COMMODITIES AND SERVICES

[RMPR 165, Amdt. 5 to Supp. SR 60]

CERTAIN SERVICES IN HAWAII

A statement of the considerations involved in the issuance of this Amendment 5, issued simultaneously herewith, has been filed with the Division of the Federal Register.

Supplementary Service Regulation No. 60, Certain Services in the Territory of Hawaii, is amended in the following respects:

Paragraph (b) (1) is amended by adding two new items and prices therefor to read as follows:

Direct positive photographs

Size of photograph:	Each
3½″ x 5″	$0.35
3½″ x 5″—with hula girl	.60

This amendment shall become effective as of June 15, 1945.

Issued this 17th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-17297; Filed, Sept. 17, 1945 11:31 a. m.]

PART 1499—COMMODITIES AND SERVICES

[SR 14J,[1] Amdt. 9]

INSECTICIDE SPRAYERS

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith; and it has been filed with the Division of the Federal Register.

Supplementary Regulation 14J is amended in the following respect:

Section 2.1 (b) is amended to read as follows:

(b) *Maximum prices for resale of insecticide sprayers manufactured by H. D. Hudson Manufacturing Company, Chicago, Illinois.* For sales by the Gulf Oil Corporation or Gulf Refining Company, herein called "Gulf," of the following insecticide sprayers manufactured by H. D. Hudson Manufacturing Company, Chicago, Illinois, either separately or as part of the sale of assorted specialties, and for sales by jobbers to retailers and by all persons selling at retail, the maximum prices are as follows:

	Master for #408 N.D	Capital #437	Cardinal #435	Handy #440	Misty #472	Mercury #462
	Dozen	*Each*	*Dozen*	*Dozen*	*Dozen*	*Dozen*
For sales by Gulf to retailers:						
In less than ¼ gross lots	$3.90	$2.10	$11.60	$2.85	$3.90	$7.30
In lots of ¼ gross to 1 gross	3.71	2.00	11.02	2.71	3.71	6.81
In lots of 1 gross and less than 2 gross	3.51	1.89	10.44	2.57	3.51	6.48
In lots of 2 gross and less than 3 gross	3.32	1.79	9.86	2.42	3.32	6.12
In lots of 3 gross and over	3.12	1.68	9.28	2.28	3.12	5.76
For sales by Gulf to jobbers: Minimum sale of 1 gross	3.12	1.68	9.28	2.28	3.12	5.76
For sales by jobbers to retailers	3.90	2.10	11.60	2.85	3.90	7.20
	Each		*Each*	*Each*	*Each*	*Each*
For sales at retail	0.45	2.85	1.30	0.35	0.45	0.80

This amendment shall become effective September 22, 1945.

Issued this 17th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-17291; Filed, Sept. 17, 1945; 11:31 a. m.]

[1] 9 F.R. 11486, 12843; 10 F.R. 458, 1146, 3467, 8936, 9084, 10023.

[2] 9 F.R. 5223; 10 F.R. 595, 1788, 1739, 2929, 4658, 15213.

[1] 10 F.R. 1216, 2975, 4102, 4108, 4350, 4983, 5520, 7500, 8937.

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—General Land Office

Appendix—Public Land Orders

[Public Land Order 288]

COLORADO

POWER SITE RESTORATION; PARTIAL REVOCATION OF EXECUTIVE ORDERS

Correction

In Federal Register Document 45–13278, appearing at page 9119 of the issue for Tuesday, July 24, 1945, the land description in paragraph 5 should read as follows:

T. 5 S., R. 81 W.,
Sec. 11, NE¼SE¼, and S½SE¼.

TITLE 46—SHIPPING

Chapter I—Coast Guard: Inspection and Navigation

AMENDMENTS TO REGULATIONS

By virtue of the authority vested in me by R. S. 4405, 4417a, 4426, 4488, 4491, as amended, 49 Stat. 1544 (46 U.S.C. 375, 391a, 404, 481, 489, 367), and Executive Order 9083, dated February 28, 1942 (3 CFR, Cum. Supp.), the following amendments to the regulations are prescribed:

Subchapter D—Tank Vessels

PART 37—SPECIFICATIONS FOR LIFESAVING APPLIANCES

LIFEBOATS, LIFE RAFTS, BUOYANT APPARATUS, AND DAVITS

Section 37.1–1 (c) is amended to read as follows:

§ 37.1–1 *Drawings, specifications, name plates—TB/ALL.* • • •

(c) Builders of lifeboats shall affix a plate of brass or the equivalent to each lifeboat, having thereon the builder's name, number of boat, date of construction of boat, cubical contents of boat, and number of persons said boat will carry, as determined by the rules of the Commandant.

Subchapter G—Ocean and Coastwise: General Rules and Regulations

PART 59—BOATS, RAFTS, BULKHEADS, AND LIFESAVING APPLIANCES (OCEAN)

Section 59.13 (c) is amended to read as follows:

§ 59.13 *Drawings, specifications, name plate.* • • •

(c) Builders of lifeboats shall affix a plate of brass or the equivalent to each lifeboat, having thereon the builder's name, number of boat, date of construction of boat, cubical contents of boat, and number of persons said boat will carry, as determined by the rules of the Commandant.

PART 60—BOATS, RAFTS, BULKHEADS, AND LIFESAVING APPLIANCES (COASTWISE)

Section 60.10 (c) is amended to read as follows:

§ 60.10 *Drawings, specifications, name plate.* (See § 59.13 of this chapter, as amended, which is identical with this section.)

Subchapter H—Great Lakes: General Rules and Regulations

PART 76—BOATS, RAFTS, BULKHEADS, AND LIFESAVING APPLIANCES

Section 76.16 (c) is amended to read as follows:

§ 76.16 *Drawings, specifications, name plate.* (See § 59.13 of this chapter, as amended, which is identical with this section.)

Subchapter I—Bays, Sounds, and Lakes Other Than the Great Lakes: General Rules and Regulations

PART 94—BOATS, RAFTS, BULKHEADS, AND LIFESAVING APPLIANCES

Section 94.15 (c) is amended to read as follows:

§ 94.15 *Drawings, specifications, name plate.* (See § 59.13 of this chapter, as amended, which is identical with this section.)

Subchapter J—Rivers: General Rules and Regulations

PART 113—BOATS, RAFTS, BULKHEADS, AND LIFESAVING APPLIANCES

Section 113.10 is amended by changing the third undesignated paragraph to read as follows:

§ 113.10 *Lifeboats: Drawings, specifications, name plate.* • • •

Builders of lifeboats shall affix a plate of brass or the equivalent to each lifeboat, having thereon the builder's name, number of boat, date of construction of boat, cubical contents of boat, and number of persons said boat will carry, as determined by the rules of the Commandant.

Dated: September 15, 1945.

R. R. WAESCHE,
Admiral, U. S. C. G.,
Commandant.

[F. R. Doc. 45-17290; Filed, Sept. 17, 1945; 11:08 a. m.]

Chapter III—War Shipping Administration

PART 306—GENERAL AGENTS AND AGENTS

[G. O. 45, Supp. 7]

FREIGHT BROKERAGE AND COMMISSIONS ON FARES

Section 306.123 Freight brokerage, paragraph (a) (3), as amended, is hereby revised to read:

(3) Sugar, metals, ores and bulk cargoes (including cargo owned by any department or agency of the Government, for the transportation of which a freight is paid) covered by bills of lading, charter-party, or contract of affreightment, in long voyage trades or in spheres outside of those covered by paragraph (a) (2): 1¼% of the base freight before all surcharges, war or otherwise: *Provided, however,* That:

(i) For services rendered during the period January 1, 1944, to and including January 31, 1945, brokerage shall not be paid on that portion of freight charges in excess of $8.00 per manifest ton;

(ii) For services rendered during the period February 1, 1945, to and including September 14, 1945, brokerage shall not be paid on that portion of the freight charges in excess of $4.00 per manifest ton on grain and bagged grain and $8.00 per manifest ton on sugar, metals, ores and other bulk cargoes except grain and bagged grain;

(iii) For services rendered on and after September 15, 1945, brokerage shall not be paid on that portion of the freight charges in excess of $4.00 per manifest ton (2240=) on bulk grain and bagged grain; no brokerage shall be paid in excess of $4.00 per manifest ton (2240=) on coal moving from United States ports to Mediterranean, Black Sea, European, United Kingdom, Scandinavian and Baltic ports; and no brokerage shall be paid in excess of $8.00 per manifest ton on sugar, metals, ores and other bulk cargoes, except bulk grain and bagged grain and except coal cargoes as indicated in this subparagraph.

This supplement supersedes General Order 45, Supp. 2, dated January 25, 1945.

(E.O. 9054, 3 C.F.R. Cum. Supp.)

E. S. LAND,
Administrator.

SEPTEMBER 17, 1945.

[F. R. Doc. 45-17323; Filed, Sept. 17, 1945; 11:35 a. m.]

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

PART 65—COMMUNICATIONS FELLOWSHIPS FOR STUDENTS FROM OTHER AMERICAN REPUBLICS

ALLOWANCES AND EXPENSES

The Commission, on September 4, 1945, effective immediately, amended paragraphs (a) and (c) of § 65.4 *Allowances and expenses* to read:

(a) *Monthly allowances.* Monthly allowances for quarters and subsistence during the entire period spent in the United States, or its territories or possessions, in pursuance of a fellowship, beginning on the date of arrival at his initial headquarters and ending on the date of departure for his home, at the rate of not to exceed $180 per month.

• • • • • •

(c) *Per diem.* Per diem in lieu of subsistence while in travel status proceeding from, and to, his home at the following rates: $6.00 over land and by air in and outside of the United States, and $4.00 aboard vessels outside of the United States. Per diem in accordance with standardized travel regulations may be allowed in addition to the monthly allowance where the trainee is on trips in the United States and maintenance of living quarters in one place is necessary or where unusual expenses would be incurred.

(R.S. 161, 5 U.S.C. 22; 52 Stat. 1290, 22 U.S.C. 501 and 502; 48 Stat. 1064; Public Law 365, 78th Cong., approved June 28, 1944)

[SEAL] FEDERAL COMMUNICATIONS COMMISSION.
T. J. SLOWIE,
Secretary.

[F. R. Doc. 45-17266; Filed, Sept. 14, 1945; 4:06 p. m.]

Notices

DEPARTMENT OF LABOR.

Wage and Hour Division.

MISCELLANEOUS INDUSTRIES IN PUERTO RICO

NOTICE OF HEARING ON MINIMUM WAGE RECOMMENDATIONS

Notice of hearing on the minimum wage recommendations of Special Industry Committee No. 4 for Puerto Rico for the wholesaling, warehousing, and other distribution industries; the foods, beverages, and related products industries; the chemical, petroleum, and related products industries; the stone, clay, glass, and related products industries; the construction, business service, motion picture, and miscellaneous industries; the metal, plastics, machinery, instrument, transportation equipment, and allied industries; the lumber and wood products industries; the communications, utilities, and miscellaneous transportation industries; the leather, textile, rubber, straw, and related products industries; the paper, paper products, printing, publishing, and related industries; and the woven and knitted fabric glove division and the leather glove division of the needlework industries.

Whereas, the Administrator of the Wage and Hour Division of the United States Department of Labor, acting pursuant to section 5 (c) of the Fair Labor Standards Act of 1938, as amended, on May 10, 1945 by Administrative Order No. 344, appointed Special Industry Committee No. 4 for Puerto Rico composed of residents of Puerto Rico and residents of the United States outside of Puerto Rico to investigate conditions in and to recommend minimum wage rates for employees engaged in commerce or in the production of goods for commerce in the wholesaling, warehousing, and other distribution industries, in the foods, beverages, and related products industries, in the chemical, petroleum, and related products industries, in the stone, clay, glass, and related products industries, in the construction, business service, motion picture, and miscellaneous industries, in the metal, plastics, machinery, instrument, transportation equipment, and allied industries, in the lumber and wood products industries, in the communication, utilities, and miscellaneous transportation industries, in the leather, textile, rubber, straw, and related products industries, in the paper, paper products, printing, publishing, and related industries,[1] and in the woven and knitted fabric glove division and the leather glove division of the needlework industries, all in Puerto Rico; which committee included disinterested persons representing the public, a like number of persons representing employees in these industries in Puerto Rico, and a like number representing employers in these industries in Puerto Rico; and

Whereas, Special Industry Committee No. 4 for Puerto Rico has made separate minimum wage recommendations and has duly filed with the Administrator reports containing such recommendations pursuant to section 8 (d) of the act and § 511.19 of the regulations issued under the act, for each of the following industries:

The wholesaling, warehousing, and other distribution industries.

The foods, beverages, and related products industries.

The chemical, petroleum, and related products industries.

The stone, clay, glass, and related products industries.

The construction, business service, motion picture, and miscellaneous industries.

The metal, plastics, machinery, instrument, transportation equipment, and allied industries.

The lumber and wood products industries.

The communications, utilities, and miscellaneous transportation industries.

The leather, textile, rubber, straw, and related products industries.

The paper, paper products, printing, publishing, and related industries.

The woven and knitted fabric glove division and the leather glove division of the needlework industries.

Whereas, the Administrator is required by section 8 (d) of the act, after due notice to interested persons and giving them an opportunity to be heard, to approve and carry into effect by order each of the recommendations of Special Industry Committee No. 4 for Puerto Rico if he finds that the recommendations are made in accordance with law, are supported by the evidence adduced at the hearing, and, taking into consideration the same factors as are required to be considered by the industry committee, will carry out the purposes of section 8 of the act; and, if he finds otherwise, to disapprove such recommendations;

Now, therefore, notice is hereby given that:

A. The separate minimum wage recommendations of Special Industry Committee No. 4 for employees engaged in commerce or in the production of goods for commerce in the enumerated industries in Puerto Rico are as follows:

Industry	Recommended minimum (cents an hour)
1. Wholesaling, warehousing, and other distribution industries	35
2. Foods, beverages, and related products industries:	
(1) Liquor and wine division	40
(2) Malt beverage, water, and soft drinks division	30
(3) Candy, confectionery, and related products division	30
(4) Candied fruits division	30
(5) Bakery products, cocoa, coffee, and jelly division	20
(6) Fruit and nut packing, fruit curing, and allied activities division	18
(7) Miscellaneous division	30
3. Chemical, petroleum, and related products industries:	
(1) General division	40
(2) Drugs, medicines and toilet preparations division	32
4. Stone, clay, glass, and related products industries:	
(1) Sand and gravel division	30
(2) Stone quarrying and crushing division	30
(3) Lime and lime products division	30
(4) Concrete construction products division	35
(5) Clay and clay products division	25
(6) Glass and glass products division	35
(7) Glass button and bead division	25
(8) Pearl button division	35
(9) Miscellaneous division	35
5. Construction, business service, motion picture, and miscellaneous industries:	
(1) Construction division	32
(2) Motion picture, business service, and miscellaneous industries division	40
6. Metal, plastics, machinery, instrument, transportation equipment, and allied industries:	
(1) Foundry and machine shop products division	35
(2) Gem stone division	40
(3) Industrial jewel division	30
(4) Button, bead, and costume novelty jewelry division	28
(5) Rosary and bead stringing division:	
(a) The assembling of rosaries and the stringing of beads other than by machine	20
(b) All other operations	28
(6) Miscellaneous division	35
7. Lumber and wood products industries:	
(1) Lumber, millwork, and furniture division	32
(2) Wooden ware division	28
(3) Match division	28
(4) Button division:	
(a) Hand-painting or similar decoration of wooden buttons	20
(b) All other operations in connection with the manufacture of wooden buttons, including, but not by way of limitation, cutting, machine-operating, stamping, sanding, buffing, polishing, varnishing, carding, examining, packing and shipping	28
(5) Basket and wovenware division:	
(a) Hand-weaving, hand-braiding, hand-decorating, and similar operations	15
(b) All other operations in connection with the manufacture of hand-woven baskets and similar hand-woven products, including, but without limitation, designing, cutting, examining, packing and shipping	20
(6) Miscellaneous division	25
8. Communications, utilities, and miscellaneous transportation industries	40
9. Leather, textile, rubber, straw, and related products industries:	
(1) Hide, skin, and leather division	20
(2) Leather and skin products division	30
(3) Decorated leather button division:	
(a) Hand-painting or similar decorating	20
(b) All operations in connection with the manufacture of decorated leather buttons other than hand-painting or similar decorating	28
(4) Cotton ginning and compressing division	25
(5) Textile and textile products division	25
9. Leather, textile, rubber, straw, and related products industries—Con.	
(6) Hand-loomed textile division:	
(a) Hand-sewing and hand-decorating operations	15
(b) Hand-looming and all other operations in connection with the manufacture of hand-loomed textiles and hand-loomed textile products except hand-sewing and hand-decorating operations	24
(7) Raffia, straw, and sisal handbag Division:	
(a) Hand-weaving, hand-braiding, hand-sewing, hand-decorating and similar hand operations	15
(b) All operations other than hand-weaving, hand-braiding, hand-sewing, hand-decorating, and similar hand operations	24
(8) Hand-woven basket and related products division:	
(a) Hand-weaving, hand-braiding, hand-sewing, hand-decorating and similar hand operations	15
(b) All operations other than hand-weaving, hand-braiding, hand-sewing, hand-decorating, and similar hand operations	20
(9) Rubber products division	40
(10) Miscellaneous division	25
10. Paper, paper products, printing, publishing, and related industries:	
(1) Paper board division	25
(2) Building board division	30
(3) Publishing, printing of newspapers and periodicals, and allied graphic arts division	35
(4) Commercial printing and converted paper products division	28
(5) Miscellaneous division	30
11. Woven and knitted fabric glove division of the needlework industries:	
(a) Hand-sewing operations, including, but not by way of limitation, hand-drawing, hand-rolling, and embroidering and embellishing by hand	18
(b) Machine operating and operations known to the industry by the terms "cutting," "laying-off," "sizing," "banding," and "boxing"	35
(c) All other operations	24
12. Leather glove division of the needlework industries:	
(a) Hand-sewing operations, including, but not by way of limitation, hand-drawing, hand-rolling, and embroidering and embellishing by hand	22
(b) Machine operating and operations known to the industry by the terms "cutting," "laying-off," sizing," "banding," and "boxing"	40
(c) All other operations	24

B The definitions of the industries in Puerto Rico (as set forth in Administrative Order No. 344, as amended by Administrative Order No. 346[2]), and of the separable divisions thereof, for which Special Industry Committee No. 4 for Puerto Rico has made the foregoing separate minimum wage recommendations are as follows:

1. *Wholesaling, warehousing, and other distribution industries.* The wholesaling, warehousing, and other distribution of commodities including, but without limitation, the wholesaling, warehousing, and other distribution activities of jobbers, importers and exporters, manufacturers' sales branches and offices engaged in distributing products manufactured outside of Puerto Rico, industrial distributors, mail order and retail selling establishments, brokers and agents, and public warehouses.

Provided, however, That the definition shall not include the activities of employees who are engaged in wholesaling, warehousing, or other distribution of products manufactured by their employer in Puerto Rico, or any activities covered by a wage order which has been issued for an industry in Puerto Rico or included in any other industry defined in Administrative Order 344 appointing Special Industry Committee No. 4 for Puerto Rico.

2. *Foods, beverages, and related products industries.* The manufacture or processing of foods, beverages, ice, tobacco, and related products; the packing of fruits, nuts, and similar products; the packaging of all food products when done in conjunction with their manufacture or processing; and the gathering or collecting of wild berries, plants, flowers, gums, saps, seeds and other forms of wild plant or animal life.

(a) It includes, but without limitation, meat, poultry, dairy and seafood products; fruit and vegetable products; grain mill products; bakery products; candy and other confectionery products; snuff, chewing tobacco and smoking tobacco; alcoholic and nonalcoholic beverages; natural, mineral and carbonated waters; animal feeds; malt, baking powder, yeast and other leavening compounds; refined edible fats and oils; starch; tea, coffee and cocoa; macaroni and other alimentary pastes; nuts; flavoring extracts; spices, and other miscellaneous food products and preparations.

(b) *Provided, however,* That the definition shall not include any product or activity included in the vegetable packing industry, the vegetable, fruit, and fruit juice canning industry, the sugar manufacturing industry, the rum and industrial alcohol industry, the cigar industry, the cigarette industry, the leaf tobacco industry, and the manufactured coconut industry (as defined in the wage orders for these industries in Puerto Rico), or in the chemical, petroleum, and related products industries (as defined in Administrative Order 344 appointing Special Industry Committee No. 4 for Puerto Rico).

The Committee recommended that the foods, beverages, and related products industries in Puerto Rico, as defined in Administrative Order No. 344 be divided into seven separable divisions for the purpose of fixing minimum wage rates and that these separable divisions be defined as follows:

(1) *Liquor and wine division.* This division consists of the manufacture or processing and bottling of whiskey, gin, brandy, cordials, liqueurs, alcoholic cocktails, and other distilled liquors (except rum), wines, and related products.

(2) *Malt beverage, water, and soft drinks division.* This division consists of the manufacture or processing and bottling of beer; ale, porter and stout; cola drinks, root beer and ginger ale; natural, mineral, and carbonated waters; and any other beverages not included in the definition herein of the liquor and wine division or in the definitions of the rum and industrial alcohol industry and the vegetable, fruit, and fruit juice canning industry, contained in the wage orders for these industries in Puerto Rico.

(3) *Candy, confectionery, and related products division.* This division consists of the manufacture or processing (and the packaging in conjunction therewith) of candy and other confectionery and related products, including, but without limitation, all kinds of candy, candy-covered and salted nuts, stuffed dates, and chewing gum. For purposes of this definition, the term "candy and other confectionery and related products" shall not be deemed to include any product listed in the definitions herein of the candied fruits division and the bakery products, cocoa, coffee, and jelly division.

(4) *Candied fruits division.* This division consists of the manufacture or processing (and the packaging in conjunction therewith) of candied, crystallized, or glaced fruits or fruit peels. For purposes of this definition, the manufacture or processing of candied, crystallized, or glaced fruits or fruit peels shall not be deemed to include any activity or operation included in the definition herein in the fruit and nut packing, fruit curing and allied activities division.

(5) *Bakery products, cocoa, coffee, and jelly division.* This division consists of the manufacture or processing (and the packaging in conjunction therewith) of bakery products of all kinds; macaroni and other alimentary pastes; cocoa and unsweetened chocolate; coffee (including such preparation of coffee beans as is normally done for market and the roasting of coffee); jams, preserves, marmalades, jellies, and fruit pastes; and similar products.

(6) *Fruit and nut packing, fruit curing, and allied activities division.* This division consists of the handling, grading, packing, and preparing in the raw or natural state of fresh fruits and nuts; the drying, salting, processing in brine, or other curing of fruits and fruit peels; and the drying and such other preparation of vanilla beans and cacao beans as is normally done for market.

(7) *Miscellaneous division.* This division consists of all products and activities included in the foods, beverages, and related products industries in Puerto Rico as defined in Administrative Order No. 344, except those included in the liquor and wine division, the malt beverage, water, and soft drinks division, the candy, confectionery, and related products division, the candied fruits division, the bakery products, cocoa, coffee, and jelly division, and the fruit and nut packing, fruit curing, and allied activities division, as defined herein.

3. *Chemical, petroleum, and related products industries.* The manufacture or packaging of chemicals, drugs, medicines (other than food), toilet preparations, cosmetics and related products; the mining (or other extraction) or processing of any minerals used in the production of the foregoing; and the mining or other extraction of petroleum, coal or natural gases and the manufacture of products therefrom.

It includes, but without limitation, heavy, industrial, and fine chemicals; basic plastic materials; salt; paints, varnishes, colors, dyes, and inks; vegetable and animal oils (except the refining into edible oils); drugs, medicines, toilet preparations; insecticides and fungicides; soap and glycerine; rayon and other synthetic filaments; wood distillation and naval stores; fertilizers; cleaning and polishing preparations; glue and gelatin; grease and tallow; fireworks and pyrotechnics; candles, gasoline, fuel and lubricating oils, and other petroleum products; coke-oven products; and fuel briquettes of any materials.

Provided, however, That the definition shall not include any product or activity included in the bay oil, bay rum and aromatic alcohol industry (as defined in the wage order for that industry in Puerto Rico), or any activity performed by a company in its capacity as a public utility distributing gas or water.

The committee recommended that the chemical, petroleum, and related products industries in Puerto Rico, as defined in Administrative Order No. 344 be divided into two separable divisions for the purpose of fixing minimum wage rates and that these separable divisions be defined as follows:

[1] By Administrative Order No. 346, dated June 14, 1945, the title of the "paper and related products industries" as contained in Administrative Order No. 344 was amended to read "paper, paper products, printing, publishing, and related industries."

[2] Amending the title and definition of the "paper and related products industries" so that the committee's investigation would cover the "paper, paper products, printing, publishing, and related industries" as defined in Administrative Order No. 346.

(1) *General division.* This division shall include all branches of the chemical, petroleum, and related products industries in Puerto Rico as defined in Administrative Order No. 344, *except* the drugs, medicines, and toilet preparations division, as defined below.

(2) *Drugs, medicines, and toilet preparations division.* This division shall include the manufacturing or packaging of drugs or medicinal preparations (other than food), cosmetics and other toilet preparations, but shall not include the manufacture or packaging of soap, glycerine, shaving cream, shampoo, essential oils, insecticides or fungicides, the milling or packaging without further processing of crude botanical drugs, or any activity or product included in the bay oil, bay rum, and aromatic alcohol industry (as defined in the wage order for that industry in Puerto Rico).

4. *Stone, clay, glass, and related products industries.* The mining, quarrying or other extraction and the further processing of all minerals (other than metal ores, coal, petroleum or natural gases) and the manufacture of products from such minerals, including, but without limitation, glass and glass products; structural clay products; china, pottery, tile and other ceramic products; refractories; dimension and cut stone; crushed stone, sand and gravel; abrasives; lime, concrete, gypsum, plaster, and asbestos products; and the manufacture of products from bone, horn ivory, shell and other similar natural materials

Provided, however, That the definition shall not include the manufacture of chemicals or the extraction of minerals used for such manufacture, or any product or activity included in the cement industry and the handicraft art novelty industry (as defined in the wage orders for these industries in Puerto Rico), or in the construction, business service, motion picture, and miscellaneous industries and the metal, plastics, machinery, instrument, transportation equipment, and allied industries (as defined in Administrative Order 344 appointing Special Industry Committee No. 4 for Puerto Rico).

The committee recommended that the stone, clay, glass, and related products industries in Puerto Rico, as defined in Administrative Order No. 344 be divided into nine separable divisions for the purpose of fixing minimum wage rates and that these separable divisions be defined as follows:

(1) *Sand and gravel division.* This division consists of the quarrying or other extraction of sand and gravel, including, but without limitation, common sand and gravel, glass sand, and foundry sand.

(2) *Stone quarrying and crushing division.* This division consists of the quarrying or other extraction, preparing, beneficiating, screening, crushing, grinding, pulverizing, washing and drying of limestone, granite, slate, marble, sandstone, and other types of stone.

(3) *Lime and lime products division.* This division consists of the manufacture of lime and lime products.

(4) *Concrete construction products division.* This division consists of the manufacture of concrete pipe, concrete blocks, and other fabricated concrete construction materials.

(5) *Clay and clay products division.* This division consists of the quarrying or other extraction of common clay, shale, kaolin, ball clay, fire clay, and other types of clay; and the manufacture of structural clay products, china, pottery, tile, and other ceramic products and refractories.

(6) *Glass and glass products division.* This division consists of the manufacture of glass and glass products. For purposes of this definition, the manufacture of glass and glass products does not include any activity included in the sand and gravel division or in the Glass button and bead division, as those divisions are defined herein.

(7) *Glass button and bead division.* This division consists of the hand-dipping or other decoration or finishing of glass buttons and beads.

(8) *Pearl button division.* This division consists of the manufacture of ocean pearl and other natural shell buttons.

(9) *Miscellaneous division.* This division consists of all products and activities included in the stone, clay, glass, and related products industries in Puerto Rico, as defined in Administrative Order No. 344, *except* those included in the sand and gravel division, the stone quarrying and crushing division, the lime and lime products divisions, the concrete construction products division, the clay and clay products division, the glass and glass products division, the glass button and bead division, and the pearl button division, as defined herein.

5. *Construction, business service, motion picture, and miscellaneous industries.* Construction of buildings, structures and other improvements (including designing; reconstruction; alteration; repair and maintenance; assembling and installation at the construction site of machinery and other facilities; and dismantling, wrecking or other demolition); the production and distribution of motion pictures; the production of photographs and blueprints; the activity carried on by any business or nonprofit enterprise performing real estate, professional, advertising, education or research activities, or engaged in the furnishing of other facilities or services to industrial or commercial establishments or the consumer.

Provided, however, That the definition shall not include construction carried on by persons, for their own use or occupancy, who are principally engaged in another industry, or any activity covered by the wage order applicable in Puerto Rico for the banking, insurance and finance industries.

The committee recommended that the construction, business service, motion picture, and miscellaneous industries in Puerto Rico, as defined in Administrative Order No. 344 be divided into two separable divisions for the purpose of fixing minimum wage rates and that these separable divisions be defined as follows:

(1) *Construction division.* This division consists of the construction (except when carried on by persons, for their own use or occupancy, who are principally engaged in another industry) of buildings, structures, and other improvements, including, but without limitation, designing, reconstruction, alteration, repair and maintenance, assembling and installation at the construction site of machinery and other facilities, and dismantling, wrecking or other demolition.

(2) *Motion picture, business service, and miscellaneous industries division.* This division consists of the production and distribution of motion pictures; the production of photographs and blueprints; the activity carried on by any business or nonprofit enterprise performing real estate, professional, advertising, education or research activities, or engaged in the furnishing of other facilities or services to industrial or commercial establishments or the consumer. *Provided, however,* That this division shall not include any activity covered by the wage order applicable in Puerto Rico for the banking, insurance and finance industries.

6. *Metal, plastics, machinery, instrument, transportation equipment, and allied industries.* The mining or other extraction of metal ore and the further processing of such ore into metal; the manufacture (including repair) of any product or part made of metal or plastics; the manufacture (including repair) from any material of machinery, jewelry and lapidary products (including industrial and gem diamonds), instruments, ophthalmic goods, tools, electrical goods, transportation equipment and ordnance.

Provided, however, That the definition shall not include (1) the production of any basic material other than metal, (2) the further processing of any basic material other than metal or plastics except when done by an establishment producing from such materials a product of this industry or subassembly of such product, or (3) any activity included in the construction, business service, motion picture, and miscellaneous industries (as defined in Administrative Order 344 appointing Special Industry Committee No. 4 for Puerto Rico).

The committee recommended that the metal, plastics, machinery, instrument, transportation equipment, and allied industries, as defined in Administrative Order No. 344 be divided into six separable divisions for the purpose of fixing minimum wage rates and that these separable divisions be defined as follows:

(1) *Foundry and machine shop products division.* This division consists of the manufacture, including repairing, of foundry and machine shop products.

(2) *Gem stone division.* This division consists of the cutting, grinding, polishing, and other processing of gem diamonds and other precious and semi-precious stones.

(3) *Industrial jewel division.* This division consists of the cutting, grinding, polishing, and other processing of natural or synthetic jewels for industrial use, including, but without limitation, jewel bearings and industrial diamonds.

(4) *Button, bead, and costume novelty jewelry division.* This division consists of the manufacture of buttons and beads from metal or plastics and of costume novelty jewelry (not including bead strands) from any material.

(5) *Rosary and bead stringing division.* This division consists of the manufacture of rosaries and of bead strands.

(6) *Miscellaneous division.* This division consists of all products and activities included in the metal, plastics, machinery, instrument, transportation equipment, and allied industries in Puerto Rico as defined in Administrative Order No. 344, *except* those included in the foundry and machine shop products division, the gem stone division, the industrial jewel division, the button, bead, and costume novelty jewelry division, and the rosary and bead stringing division, as defined herein.

7. *Lumber and wood products industries.* Logging and the manufacture of all products made from lumber, wood and related materials, including, but without limitation, sawmill and planing and plywood mill products; furniture and office and store fixtures; boxes and containers; cooperage; window and door screens and blinds; caskets and coffins; matches; wood preserving trays, bowls and other wooden ware; excelsior, cork, bamboo, rattan, and willowware articles such as hampers, baskets, coasters, and table pads, and charcoal.

Provided, however, That the definition shall not include any product or activity included in the Handicraft Art Novelty Industry (as defined in the wage order for that industry in Puerto Rico), the Paper and Related Products Industries,[1] the Construction, Business Service, Motion Picture, and Miscellaneous Industries, the Metal, Plastics, Machinery Instrument, Transportation Equipment, and Allied Industries, or the Leather, Textile Rubber, Straw, and Related Products Industries (as defined in Administrative Order 344 appointing Special Industry Committee No. 4 for Puerto Rico).

The committee recommended that the lumber and wood products industries in Puerto Rico, as defined in Administrative Order No. 344 be divided into six separable divisions for the purpose of fixing minimum wage rates and that these separable divisions be defined as follows:

(1) *Lumber, millwork, and furniture division.* This division consists of logging and the manufacture of sawmill and planing and plywood mill products; millwork including sash, doors, moldings, window frames, window and door screens and blinds, and similar building materials; and furniture and office and store fixtures.

(2) *Wooden ware division.* This division consists of the manufacture of wooden ware from mahogany and other hardwoods including, but without limitation, trays, bowls, tumblers, book ends, jewel and cigarette boxes, and hardwood novelties (except jewelry).

(3) *Match division.* This division consists of the manufacture of wooden matches.

(4) *Button division.* This division consists of the manufacture of wooden buttons.

(5) *Basket and wovenware division.* This division consists of the manufacture from wood or related materials of hand-woven baskets and similar hand-woven products, such as hampers, coasters, and table pads.

(6) *Miscellaneous division.* This division consists of all branches of the lumber and wood products industries in Puerto Rico as defined in Administrative Order No. 344, *except* the lumber, millwork and furniture division, the wooden ware division, the match division, the button division, and the basket division and wovenware division, as defined above.

8 *Communications, utilities, and miscellaneous transportation industries.* The industry carried on by any wire or radio system of communication or by messenger service, by any concern engaged in the production and distribution of gas, electricity or steam; the distribution of water or the operation of sanitation facilities; and by any concern engaged in transportation by rail, pipeline, motor vehicle, or other means, or in related activities including stevedoring, consolidating, forwarding, crating and boxing.

Provided, however, That the definition shall not include any activity included in any other industry defined in Administrative Order 344 appointing Special Industry Committee No. 4 for Puerto Rico, or included in the definitions of the wage orders applicable in Puerto Rico for the railroad and property carrier industry, the shipping industry, the sugar manufacturing industry, or any other industries in Puerto Rico for which wage orders have been issued.

9 *Leather, textile, rubber, straw, and related products industries.* The processing or manufacturing of hides, skins, leather and furs and all products made therefrom; the ginning or compressing of cotton; the manufacture of all textiles and textile products, including the manufacture of yarn, cordage, twine, and fabrics from cotton, jute, sisal, coir maguey, silk, rayon, wool or other vegetable, animal or synthetic fibers, or from mixtures of these fibers, and the fabrication of all products therefrom; the manufacture of all products made from rubber; and the manufacture of all products made from straw, raffia, palm leaves, rushes, grasses, hair bristles, feathers and similar materials, including but not by way of limitation, brushes, brooms, baskets, glass holders, coasters, bottle coverings, mats, rugs, dusters, shopping bags, handbags, and similar products.

Provided, however, That the definition shall not include any product or activity included in the leather goods industry, the needlework industries, the handicraft art novelty industry, the hairnet industry, the full fashioned hosiery industry, the straw hat industry, or the mattress, quilt and pillow industry (as defined in the wage orders for these industries in Puerto Rico.

The Committee recommended that the leather, textile, rubber, straw, and related products industries, as defined in Administrative Order No. 344 be divided into ten separable divisions for the purpose of fixing minimum wage rates and that these separable divisions be defined as follows:

(1) *Hide, skin, and leather division.* This division consists of the curing, tanning, or other processing of hides, skins, leather, or furs, *except* the processing of such materials in the course of the fabrication of products therefrom.

(2) *Leather and skin products division.* This division consists of the manufacture of products made from cured hides, skins, leather or furs, *except* activities or products included in the decorated leather button division, as herein defined, or in the leather goods industry or the needlework industries, as those industries in Puerto Rico are defined in the wage orders applicable thereto.

(3) *Decorated leather button division.* This division consists of the manufacture of decorated leather buttons. For purposes of this definition, the term "decorated leather buttons" does not include buttons made of strips of leather by a hand-braiding process.

(4) *Cotton ginning and compressing division.* This division consists of the ginning and compressing of cotton.

(5) *Textile and textile products division.* This division consists of the manufacture of all textiles and textile products, including the manufacture of yarn, cordage, twine, and fabrics from cotton, jute, sisal, coir, maguey, silk, rayon, wool or other vegetable, animal or synthetic fibers, or from mixtures of these fibers, and the fabrication of all products therefrom: *Provided,* That this division does not include activities or products included in the hand-loomed textile division, the hand-woven basket and related products division, or the raffia, straw, and sisal handbag division, as defined herein, or products or activities included in the hairnet industry, the full fashioned hosiery industry, the needlework industries, the mattress, quilt and pillow industry, the handicraft art novelty industry, and the straw hat industry, as those industries in Puerto Rico are defined in the wage orders applicable thereto.

(6) *Hand-loomed textile division.* This division consists of the manufacture of hand-loomed textiles and hand-loomed textile products. As used in this definition, the term "hand-loomed textile products" does not refer to products included in the needlework industries in Puerto Rico, as those industries are defined in the wage order applicable thereto.

(7) *Raffia, straw, and sisal handbag division.* This division consists of the manufacture of handbags, pocketbooks, and purses from raffia, straw, sisal, maguey, and similar materials.

(8) *Hand-woven basket and related products division.* This division consists of the manufacture of hand-woven baskets and other handmade products from straw, raffia, sisal, maguey, palm leaves, rushes, grasses, hair bristles, feathers, and similar materials. For purposes of this definition, the term "other hand-made products" does not refer to any product included in the raffia, straw, and sisal handbag division, as defined herein, or in the needlework industries, the straw hat industry, or the handicraft art novelty industry, as those industries in Puerto Rico are defined in the wage orders applicable thereto.

(9) *Rubber products division.* This division consists of the manufacture of all products made from rubber, including tire recapping.

(10) *Miscellaneous division.* This division consists of all products and activities included in the leather, textile, rubber, straw, and related products industries, as defined in Administrative Order No. 344, *except* those included in the hide, skin, and leather division, the leather and skin products division, the decorated leather button division, the cotton ginning and compressing division, the textile and textile products division, the hand-loomed textile division, the raffia, straw, and sisal handbag division, the hand-woven basket and related products division and the rubber products division, as those divisions are herein defined.

10. *Paper, paper products, printing, publishing and related industries.* The manufacture of pulp from wood, rags and other fibers; the conversion of such pulp into paper or paper board; the manufacture of building board from bagasse and similar materials; the manufacture of paper, paper board and pulp into bags, containers, tags, cards, envelopes, pressed and molded pulp goods and all other converted paper products, and the manufacture of all like products in which a synthetic material in sheet form, such as cellophane and pliofilm, is the basic component; the printing performed on any of the foregoing products; and the printing or publishing of newspapers, books, periodicals, maps, music and all other products or services of typesetters and advertising typographers, electrotypers and stereotypers, photo-engravers, steel and copper plate engravers, commercial printers, lithographers, gravure printers, private printing plants of concerns engaged in other business, binderies, and news syndicates.

Provided, however, That the definition shall not include any product or activity included in the paper box manufacturing industry (as defined in the wage order for that industry in Puerto Rico), or in the leather, textile, rubber, straw, and related products industries (as defined in Administrative Order 344 appointing Special Industry Committee No. 4 for Puerto Rico).

The committee recommended that the paper, paper products, printing, publishing, and related industries, as defined in Administrative Order No. 346 be divided into five separable divisions for the purpose of fixing minimum wage rates and that these separable divisions be defined as follows:

(1) *Paper board division.* This division consists of the manufacture of paper board, including, but without limitation, the manufacture of pulp therefor from wood, waste paper, rags and other fibers, the conversion of the pulp into paper board, and the collection and the sorting of waste paper to be used in the manufacture of the paper board; *Provided, however,* That the definition shall not include any product or activity included in the Paper Box Manufacturing Industry (as defined in the wage order for that industry in Puerto Rico).

(2) *Building board division.* This division consists of the manufacture of building board from bagasse and similar materials.

(3) *Publishing, printing of newspapers and periodicals, and allied graphic arts division.* This division consists of the publishing of newspapers, periodicals, books, music and similar products; the printing of newspaper and other periodicals; and the products or services of advertising typographers, electrotypers and stereotypers, photoengravers, gravure printers, and news syndicates.

(4) *Commercial printing and converted paper products division.* This division consists of the manufacture of paper, paper board and pulp into bags, containers, tags, cards, envelopes, pressed and molded pulp goods and all other converted paper products, and the manufacture of all like products in which a synthetic material in sheet form, such as cellophane or pliofilm, is the basic component; the printing performed on any of the foregoing products; the printing of books, music, maps, and similar products; and the products or services of commercial printers, lithographers, steel and copper plate en-

[1] Now included in the paper, paper products, printing, publishing, and related industries, as defined in Administrative Order No. 346

gravers, binderies, and private printing plants of concerns engaged in other business. *Provided, however,* That the definition shall not include any product or activity included in the paper box manufacturing industry (as defined in the wage order for that industry in Puerto Rico), or in the leather, textile, rubber, straw, and related products industries (as defined in Administrative Order 344 appointing Special Industry Committee No. 4 for Puerto Rico).

(5) *Miscellaneous division.* This division consists of all products and activities included in the paper, paper products, printing, publishing, and related industries in Puerto Rico as defined in Administrative Order No. 346, amending Administrative Order No. 344, *except* those included in the paper board division, the building board division, the publishing, printing of newspapers and periodicals, and allied graphic arts division, and the commercial printing and converted paper products division, as defined herein.

11. *Woven and knitted fabric glove division of the needlework industries.* The term woven and knitted fabric glove division shall mean the manufacture of all gloves or mittens from woven or knitted fabrics.

12. *Leather glove division of the needlework industries.* The term leather glove division shall mean the manufacture of all gloves and mittens from leather or from leather in combination with woven or knitted fabrics.

C. The full texts of the reports and recommendations of Special Industry Committee No. 4 for Puerto Rico, together with any dissenting statements filed by members will be available for inspection by any person between the hours of 9:00 a. m. and 4:30 p. m. at the following offices of the United States Department of Labor, Wage and Hour and Public Contracts Divisions:

Boston, Mass., Old South Building, 294 Washington Street.
Newark, N. J., Essex Building, 31 Clinton Street.
Philadelphia, Pa., 1216 Widener Building, Chestnut and Juniper Streets.
Richmond, Va., 215 Richmond Trust Building, 627 East Main Street.
Atlanta, Ga., 5th Floor, Carl Witt Building, 249 Peachtree Street NE.
Jacksonville, Fla., 456 New Post Office Building.
Birmingham, Ala., 1007 Comer Building, 2026 Second Avenue N.
New York, N. Y., Parcel Post Building, 341 Ninth Avenue.
Syracuse, N. Y., 304 State Tower Building.
Pittsburgh, Pa., Clark Building, Liberty Avenue and Seventh Street.
Baltimore, Md., 408 Old Town Bank Building, Gay and Fallsway Streets.
Columbia, S. C., Federal Land Bank Building, 1401 Hampton Street.
Raleigh, N. C., North Carolina Department of Labor, Salisbury and Edenton Streets.
New Orleans, La., 916 Richards Building, 837 Gravier Street.
Jackson, Miss., 405 Deposit Guaranty Bank Building, 102 North Lamar Street.
Cleveland, Ohio, 4237 Main Post Office, West Third and Prospect Avenue.
Chicago, Ill., 1200 Merchandise Mart, 222 West North Bank Drive.
Minneapolis, Minn., 406 Pence Building, 730 Hennepin Avenue.
St. Louis, Mo., 316 Old Customs House, 815 Olive Street.
Dallas, Tex., Rio Grande National Building, 1100 Main Street.
Los Angeles, Calif., 417 H. W. Hellman Building, Spring and Fourth Streets.
Portland, Oreg., 208 Old U. S. Court House.
Washington, D. C., 14th Street and Constitution Ave.
Nashville, Tenn., 509 Medical Arts Building, 119 Seventh Avenue N.
Detroit, Mich., 1216 Francis Palms Building, 2111 Woodward Avenue.
Cincinnati, Ohio, 1312 Traction Building, Fifth and Walnut Streets.
Kansas City, Mo., 911 Walnut Street.
Denver, Colo., 300 Chamber of Commerce Building, 1726 Champa Street.
San Francisco, Calif., 501 Humboldt Bank Building, 785 Market Street.
Seattle, Wash., 305 Post Office Building, Third Avenue and Union Street.
San Juan, P. R., El Banco Popular Building, Tetuan and San Justo Streets.
New York, N. Y., 165 West Forty-sixth Street.

Copies of the committee's reports and recommendations, together with dissenting statements filed by members, may be obtained by any person upon request addressed to the Administrator of the Wage and Hour Division, United States Department of Labor, 165 West 46th Street, New York 19, New York, or the Wage and Hour Division, United States Department of Labor, Post Office Box 112, San Juan, Puerto Rico.

D. A public hearing will be held before the Administrator of the Wage and Hour Division, or a representative designated to preside in his place, on October 8, 1945, at 10:00 a. m. in Room 300, Federal Building, San Juan, Puerto Rico, for the purpose of taking evidence on the question of whether the separate recommendations of Special Industry Committee No. 4 for Puerto Rico shall be approved or disapproved. Pursuant to the rules of hearing hereinafter set forth, the Administrator or the representative designated to preside in his place may continue the hearing from day to day, or adjourn the hearing to a later date or to a different place.

E. Any interested person supporting or opposing any of the recommendations of Special Industry Committee No. 4 for Puerto Rico may appear at the aforesaid hearing to offer evidence, either on his own behalf or on behalf of any other person: *Provided,* That not later than October 1, 1945 such person shall file with the Administrator of the Wage and Hour Division, United States Department of Labor, 165 West 46th Street, New York 19, New York, or at the office of the Wage and Hour Division, United States Department of Labor, El Banco Popular Building, San Juan, Puerto Rico, notice of his intention to appear which shall contain the following information:

1. The name and address of the person appearing;
2. If such person is appearing in a representative capacity, the name and address of the person or persons whom he is representing;
3. The recommendation or recommendations of Special Industry Committee No. 4 for Puerto Rico in which he is interested and whether he proposes to appear for or against such recommendation or recommendations;
4. The approximate length of time requested for his presentation.

Such notice may be mailed to the Administrator, Wage and Hour Division, United States Department of Labor, 165 West 46th Street, New York 19, New York, or to the Wage and Hour Division, United States Department of Labor, Post Office Box 112, San Juan, Puerto Rico, and shall be deemed filed upon receipt.

F. Any person interested in supporting or opposing any of the recommendations of Special Industry Committee No. 4 for Puerto Rico may secure further information concerning the aforesaid hearing by inquiry directed to the Administrator, Wage and Hour Division, United States Department of Labor, 165 West 46th Street, New York 19, New York, or to the Territorial Representative, Wage and Hour Division, United States Department of Labor, Post Office Box 112, San Juan, Puerto Rico, or by consulting with attorneys representing the Administrator who will be available at the Office of the Solicitor, United States Department of Labor, in Washington, D. C. and New York, New York.

G. The records made at the public hearing on conditions in the above-named industries in Puerto Rico held before Special Industry Committee No. 4 in San Juan, Puerto Rico on June 11–16, 18–21, and 25–30, and July 2, 3, and 5–7, 1945, inclusive, may be examined by any interested person at the offices of the Wage and Hour Division, United States Department of Labor, at 165 West 46th Street, New York, New York, and the El Banco Popular building, San Juan, Puerto Rico. The records of the public hearing before the Industry Committee with respect to each industry in Puerto Rico for which minimum wage rates were recommended by the Committee will be offered in evidence at the public hearing before the Administrator or his representative.

Copies of the following documents relating to the industries in Puerto Rico, which are included in the records of the public hearing held before Special Industry Committee No. 4 will be offered in evidence at the hearing before the Administrator or his representative, and will be made available, on request, for inspection by any interested person who intends to appear at such hearing:

Memorandum to Special Industry Committee No. 4 for Puerto Rico, June 1945, prepared by Wage and Hour and Public Contracts Divisions, U. S. Department of Labor.

Supplement to Table 24 of Memorandum to Special Industry Committee No. 4 for Puerto Rico. *Communications, Utilities, and Miscellaneous Transportation Industries in Puerto Rico; Frequency distribution of employees in the Telephone Branch according to average hourly earnings,* prepared by Wage and Hour and Public Contracts Divisions, U. S. Department of Labor.

A report entitled *The Gem Diamond Cutting Industry in Continental United States and Puerto Rico,* June 1945, (Supplement to Memorandum to Special Industry Committee No. 4 for Puerto Rico) prepared by Wage and Hour and Public Contracts Divisions, U. S. Department of Labor.

Supplement to Memorandum to Special Industry Committee No. 4 for Puerto Rico entitled *Definition of the Paper, Paper Products, Printing, Publishing, and Related Products Industries in Puerto Rico,* June 1945, prepared by Wage and Hour and Public Contracts Divisions, U. S. Department of Labor.

A publication of the U. S. Bureau of Labor Statistics, entitled *Hourly Earnings in Manufacturing and Non-Manufacturing Industries, Annual Averages, 1939 through 1944.*

A publication of the U. S. Bureau of Labor Statistics entitled *Weekly Earnings in Manufacturing and Non-Manufacturing Industries, Annual Averages, 1939 through 1944.*

A publication of the U. S. Bureau of Labor Statistics, entitled *Weekly Hours in Manufacturing and Non-Manufacturing Industries, Annual Averages, 1939 through 1944.*

A publication of the U. S. Bureau of Labor Statistics, entitled *Employment and Pay Rolls,* March 1945.

A publication of the U. S. Bureau of Labor Statistics, entitled *Hours and Earnings,* February 1945.

A publication of the U. S. Bureau of Labor Statistics, entitled *Cost of Living and Retail Cost of Food,* March 1945.

Table 1, *The Newspaper Publishing and Graphic Arts Industry in Puerto Rico, Distribution of employees according to average hourly earnings, April 1945,* prepared by San Juan Office of Wage and Hour and Public Contracts Divisions, U. S. Department of Labor.

Table 2, *The Newspaper Publishing and Graphic Arts Industry in Puerto Rico, Distribution of employees according to number of hours worked weekly, April 1945,* prepared by San Juan office of Wage and Hour and Public Contracts Divisions, U. S. Department of Labor.

Table entitled *Printing Industry, Number of Workers Surveyed, Total Number of Hours Worked and Total Wages Paid; Classified According to Average Hourly Earnings: July 1943,* prepared by Insular Department of Labor, Bureau of Labor Statistics, Office of Socio-Economic Studies.

Table entitled *Newspaper, Publishing and Graphic Arts Industry in Puerto Rico: Frequency Distribution of Employees in Printing Industry According to Average Hourly Earnings, July 1943,* prepared by Wage and Hour and Public Contracts Divisions, U. S. Department of Labor.

Statistics on the Puerto Rican Needlework Industry, July 1944, prepared by Wage and Hour and Public Contracts Divisions, U. S. Department of Labor.

H. The hearing will be conducted in accordance with the following rules, subject, however, to such subsequent modifications by the Administrator or Presiding Officer as are deemed appropriate:

1. The hearing shall be stenographically reported and a transcript made which will be available to any person at prescribed rates upon request addressed to the Administrator, Wage and Hour Division, United States Department of Labor, 165 West 46th Street, New York 19, New York.
2. In order to maintain orderly and expeditious procedure, each person filing a Notice to Appear shall be notified, if practicable, of the approximate day and the place at which he may offer evidence at the hearing. If such person does not appear at the time set in the notice, he will not be permitted to offer evidence at any time except by special permission of the Presiding Officer.
3. At the discretion of the Presiding Officer, the hearing may be continued from day to day or adjourned to a later date, or to a different place by announcement thereof at the hearing by the Presiding Officer or by other appropriate notice.
4. At any stage of the hearing, the Presiding Officer may call for further evidence upon any matter. After the hearing has been closed, no further evidence shall be taken, except at the request of the Administrator, unless provision has been made at the hearing for the later receipt of such evidence. In the event that the Administrator shall cause the hearing to be reopened for the purpose of receiving further evidence, due and reasonable notice of the time and place fixed for such taking of testimony shall be given to all persons who have filed a notice of intention to appear at the hearing.
5. All evidence must be presented under oath or affirmation.
6. Written documents or exhibits, except as otherwise permitted by the Presiding Officer, must be offered in evidence by a person who is prepared to testify as to the authenticity and trustworthiness thereof, and who shall, at the time of offering the documentary exhibit, make a brief statement as to the contents and manner of preparation thereof.
7. Written documents and exhibits shall be tendered in duplicate and the persons preparing the same shall be prepared to supply additional copies if such are ordered by the Presiding Officer. When evidence is embraced in a document containing matter not intended to be put in evidence, such a document will not be received, but the person offering the same may present to the Presiding Officer the original document together with two copies of those portions of the document intended to be put in evidence.
8. Subpoenas requiring the attendance of witnesses or the presentation of a document from any place in the United States at any designated place of hearing may be issued by the Administrator at his discretion, and any person appearing in the proceeding may apply in writing for the issuance by the Administrator of the subpoena. Such application shall be timely and shall identify exactly the witness or document and state fully the nature of the evidence proposed to be secured.
9. Witnesses summoned by the Administrator shall be paid the same fees and mileage as are paid witnesses in the courts of the United States. Witness fees and mileage shall be paid by the party at whose instance witnesses appear, and the Administrator before issuing subpoena may require a deposit of an amount adequate to cover the fees and mileage involved.
10. The rules of evidence prevailing in the courts of law or equity shall not be controlling.
11. The Presiding Officer may, at his discretion, permit any person appearing in the proceedings to cross-examine any witness offered by another person insofar as is practicable, and to object to the admission or exclusion of evidence by the Presiding Officer. Requests for permission to cross-examine a witness offered by another person and objections to the admission or exclusion of evidence shall be stated briefly with the reasons for such request or the ground of objection relied on. Such requests or objections shall become a part of the record, but this record shall not include argument thereon except as ordered by the Presiding Officer. Objections to the approval of the Committee's recommendation and to the promulgation of a wage order based upon such approval must be made at the hearing before the Presiding Officer.
12. Before the close of the hearing, written requests shall be received from persons appearing in the proceedings for permission to make oral arguments before the Administrator upon the matter in issue. If the Administrator, in his discretion, allows the request, he shall give such notice thereof as he deems suitable to all persons appearing in the proceedings and shall designate the time and place at which the oral arguments shall be heard. If such requests are allowed, all persons appearing at the hearing will be given opportunity to present oral argument.
13. Briefs (12 copies) may be submitted to the Administrator following the close of the hearing, by any persons appearing therein. Notice of the final dates for filing such briefs shall be given by the Administrator in such manner as shall be deemed suitable by him.
14. On the close of the hearing, a complete record of the proceedings shall be filed with the Administrator. No intermediate report shall be filed unless so directed by the Administrator. If a report is filed it shall be advisory only and have no binding effect upon the Administrator.
15. No order issued as a result of the hearing will take effect until after due notice is given of the issuance thereof by publication in the FEDERAL REGISTER.

Signed this 13th day of September 1945.

L. METCALFE WALLING,
Administrator.

[F. R. Doc. 45-17266; Filed, Sept. 14, 1945; 4:56 p. m.]

CIVIL AERONAUTICS BOARD.

[Docket No. 250 et al.]

OREGON AIRWAYS ET AL.; WEST COAST CASE

NOTICE OF POSTPONEMENT OF ORAL ARGUMENT

In the matter of the applications of Oregon Airways, et al., for certificates of public convenience and necessity and amendments of certificates under section 401 of the Civil Aeronautics Act of 1938, as amended.

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, particularly sections 401 and 1001 of said act, that oral argument in the above-entitled proceeding now assigned to be held on October 8, 1945, is postponed to October 22, 1945, at 10 a. m. in Room 5044, Commerce Building, 14th Street and Constitution Avenue, N. W., Washington, D. C., before the Board.

Dated Washington, D. C., September 14, 1945.

By the Civil Aeronautics Board.

FRED A. TOOMBS,
Secretary.

[F. R. Doc. 45-17324; Filed, Sept. 17, 1945; 11:41 a. m.]

[Docket No. 851 et al.]

THE HAWAIIAN CASE

NOTICE OF ORAL ARGUMENT

In the matter of the applications for certificates and amendments of certificates of public convenience and necessity under section 401 and approval of control under section 408 of the Civil Aeronautics Act of 1938, as amended.

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, particularly sections 401 and 1001 of said act, that oral argument in the above-entitled proceeding is assigned to be held on September 24, 1945, at 10:00 a. m. (Eastern war time) in Room 5042, Commerce Building, 14th Street and Constitution Avenue, N. W., Washington, D. C., before the Board.

Dated Washington, D. C., September 13, 1945.

FRED A. TOOMBS,
Secretary.

[F. R. Doc. 45-17325; Filed, Sept. 17, 1945; 11:41 a. m.]

[Docket No. 1835]

NORTHERN AIRWAYS; PICK-UP SERVICE IN ALASKA

NOTICE OF CANCELLATION OF HEARING

In the matter of the application of Northern Airways for permanent and/or temporary certificate or certificates of public convenience and necessity under section 401 of the Civil Aeronautics Act of 1938, as amended.

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, particularly sections 401 and 1001 of said act that hearing in the above-entitled proceeding assigned to be heard on September 29, 1945, at 10:00 a. m., in Fairbanks, Alaska, before Examiners Raymond W. Stough and Joseph L. Fitzmaurice, is hereby cancelled.

Dated: Anchorage, Alaska, September 5, 1945.

By the Civil Aeronautics Board.

RAYMOND W. STOUGH,
Director, Alaska Office.

[F. R. Doc. 45-17326; Filed, Sept. 17, 1945; 11:40 a. m.]

FEDERAL COMMUNICATIONS COMMISSION.

[Docket No. 6776]

WESTERN UNION TELEGRAPH CO. AND R. C. A. COMMUNICATIONS, INC.

ORDER INSTITUTING INVESTIGATION AND SETTING HEARING DATE

In the matter of increased charges for telegraph communications from the United States to France.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 4th day of September, 1945;

It appearing, that The Western Union Telegraph Company has filed with the Commission revised tariff schedules effective September 10 and 12, 1945, stating new increased charges for telegraph messages from the United States to France, said tariff schedules being designated as follows:

The Western Union Telegraph Company, Tariff F. C. C. No. 173, 15th Revised Page 20; Tariff F. C. C. No. 180, 26th Revised Page 27.

It further appearing, that said tariff schedules state increased charges for telegraph communications in interstate and foreign commerce; that the rights and interests of the public may be injuriously affected thereby; and it being the opinion of the Commission that the effective date of such schedules, insofar as they provide for increased charges for telegraph communications from the United States to France, should be postponed pending hearing and decision on the lawfulness of such increased charges;

It further appearing, that R. C. A. Communications, Inc. has also on file with the Commission effective tariff schedules stating rates for telegraph communications from the United States to France at the same levels as those stated in the above-cited tariff schedules of The Western Union Telegraph Company;

It is ordered, That the Commission, upon its own motion, without formal pleading, enter upon a hearing concerning the lawfulness of the charges contained in the above-cited tariff schedules, insofar as they relate to telegraph communications from the United States to France;

It is further ordered, That the operation of the above-cited tariff schedules, insofar as they provide for increased charges for and in connection with telegraph communications from the United States to France, be suspended; that the use of the charges therein stated be deferred until December 10, 1945, unless otherwise ordered by the Commission; and that during said period of suspension on changes shall be made in such charges, or in the charges sought to be altered, unless authorized by special permission of the Commission;

It is further ordered, That an investigation be, and the same is hereby instituted into the lawfulness of the rates, charges, classifications, regulations, practices, and services of The Western Union Telegraph Company and R. C. A. Communications, Inc. for and in connection with telegraph communication service between the United States and France;

It is further ordered, That in the event a decision as to the lawfulness of the charges herein suspended has not been made during the suspension period and said charges have gone into effect, The Western Union Telegraph Company and all other carriers subject to the Commission's jurisdiction participating in the service provided under the tariff provisions herein suspended shall, until further order of the Commission, each keep accurate account of all charges collected or received by reason of any increase in charges effected thereby; that each such carrier shall specify in such accounts by whom and in whose behalf such amounts are paid; and each such carrier shall file with this Commission a report, under oath, on or before the 10th day of each calendar month, commencing January 10, 1945, showing the amounts accounted for as aforesaid during the previous calendar month;

It is further ordered, That a copy of this order be filed in the offices of the Commission with said tariff schedules herein suspended; that The Western Union Telegraph Company, R. C. A. Communications, Inc. and all other carriers subject to the Commission's jurisdiction which are parties to such tariff schedules be and they are hereby each made a party respondent to this proceeding; and that copies hereof be served upon each such party respondent;

It is further ordered, That this proceeding be, and the same is hereby assigned for hearing on the 10th day of October 1945, beginning at 10:00 a. m. at the offices of the Federal Communications Commission in Washington, D. C.

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 45-17267; Filed, Sept. 14, 1945; 4:06 p. m.]

SECURITIES AND EXCHANGE COMMISSION.

[File Nos. 54-120, 59-34, 59-56]

NEW ENGLAND GAS AND ELECTRIC ASSN., ET AL.

ORDER POSTPONING HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 14th day of September 1945.

In the matters of New England Gas and Electric Association, File No. 54-120; New England Gas and Electric Association, et al., File No. 59-34; New England Gas and Electric Association, File No. 59-56.

New England Gas and Electric Association ("the Association"), a registered holding company, having filed an application under section 11 (e) of the Public Utility Holding Company Act of 1935, and other applicable sections of the act and the rules and regulations promulgated thereunder, for approval of a plan of recapitalization of the Association and of related and incidental transactions; and

The Commission having consolidated the proceeding in respect of said plan with proceedings heretofore instituted by the Commission under section 11 (b) (1) (File No. 59-56) and section 11 (b) (2) (File No. 59-34) of the act, with respect to the Association; and hearings having been held in such consolidated proceedings, and having been continued to September 17, 1945, at 10:30 a. m., e. w. t., at the offices of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia 3, Pennsylvania;

Certain interested persons having requested that such continued hearing be postponed from September 17, 1945 to October 16, 1945, and the Commission having been advised that the Association does not oppose such request; and

The Commission having considered such request and deeming it appropriate that it be granted:

It is ordered, That the hearing in this matter heretofore scheduled to reconvene on September 17, 1945, be, and hereby is, postponed to October 16, 1945, at the same time and place and before the same trial examiner as heretofore designated.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 45-17287; Filed, Sept. 17, 1945; 9:54 a. m.]

OFFICE OF PRICE ADMINISTRATION.

[SR 14D, Order 5]

LOUIS C. IHLENFELDT

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion accompanying this order, and pursuant to section 4 (a) (1) (ii) of Supplementary Regulation 14D to the General Maximum Price Regulation; *It is ordered*, That:

(a) Louis C. Ihlenfeldt, 201 West Calhoun Avenue, Springfield, Illinois (hereinafter caller "manufacturer"), and wholesalers and retailers may sell, offer to sell or deliver and any person may buy, offer to buy or receive the following item of scrap chewing tobacco at the appropriate maximum list price and maximum retail price set forth below:

Brand	Variety	Quantity of package contents	Maximum list price per dozen packages	Maximum retail price per package
[illegible] Clippings	Plain	*Ounces* 1¼	$0.90	*Cents* 10

(b) The manufacturer and wholesalers shall grant, with respect to their sales of the item of scrap chewing tobacco for which maximum prices are established by this order, the discounts and allowances they customarily granted during March 1942 on their sales of such item to purchasers of the same class, unless a change therein results in a lower price.

(c) Every retailer shall maintain, with respect to his sales of the item of scrap chewing tobacco for which maximum prices are established by this order, the customary price differentials below the manufacturer's stated retail price allowed by him during March 1942 with respect to such brand and variety of scrap chewing tobacco.

(d) The manufacturer and every other seller (except a retailer) of the item of scrap chewing tobacco for which maximum prices are established by this order, shall notify the purchaser of such maximum prices. The notice shall conform to and be given in the manner prescribed by section 4 (d) of Supplementary Regulation 14D to the General Maximum Price Regulation.

(e) Unless the context otherwise requires, the provisions of section 4 of Supplementary Regulation 14D to the General Maximum Price Regulation shall apply to sales for which maximum prices are established by this order.

(f) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective September 15, 1945.

Issued this 14th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-17252; Filed, Sept. 14, 1945; 12:06 p. m.]

[MPR 120, Order 1458]

PETE REBUCK ET AL.

ESTABLISHMENT OF MAXIMUM PRICES AND PRICE CLASSIFICATIONS

For the reasons set forth in an accompanying opinion, and in accordance with § 1340.210 (a) (6) of Maximum Price Regulation No. 120; *It is ordered:*

Producers identified herein operate named mines assigned the mine index numbers, the price classifications and the maximum prices in cents per net ton, for the indicated uses and shipments as set forth herein. All are in District No. 7. The mine index numbers and the price classifications assigned are permanent but the maximum prices may be changed by an amendment issued after the effective date of this order. Where such an amendment is issued for the district in which the mines involved herein are located and where the amendment makes no particular reference to a mine or mines involved herein, the prices shall be the prices set forth in such amendment for the price classifications of the respective size groups. The location of each mine is given by county and state. The maximum prices stated to be for truck shipment are in cents per net ton f. o. b. the mine or preparation plant and when stated to be for rail shipment or for railroad locomotive fuel are in cents per net ton f. o. b. rail shipping point. In cases where mines ship coals by river the prices for such shipments are those established for rail shipment and are in cents per net ton f. o. b. river shipping point. However, producer is subject to the provisions of § 1340.218 and all other provisions of Maximum Price Regulation No. 120.

PETE REBUCK, 2207 WYTHE AVE., BLUEFIELD, W. VA., REBUCK MINE, POCAHONTAS NO. 3 SEAM, MINE INDEX NO. 1580, MCDOWELL COUNTY, W. VA., SUBDISTRICT 3, RAIL SHIPPING POINT, O'TOOLE, W. VA., DEEP MINE

	Size group Nos.									
	1	2	3	4	5	6	7	8	9	10
Price classification	B	B	A	A	A	B	B	C	C	C
Rail shipment	425	435	440	385	375	410	380	345	340	335
Truck shipment [1]	495	415	445	380	365	360	----	----	----	----

[1] Previously established.

ROY L. SEELINGER, HICO, W. VA., HAWVER, NO. 1 MINE, GILBERT SEAM, MINE INDEX NO. 1557, FAYETTE COUNTY, W. VA., SUBDISTRICT 2, RAIL SHIPPING POINT, LOOKOUT, W. VA., DEEP MINE

	Size group Nos.													
	1	2	3	4	5	6	7	8	9	10	15, 16, 17	18	19	20, 21
Price classification	L	L	L	L	F	F	E	E	C	E	A	A	A	A
Rail shipment	385	385	380	380	360	375	345	340	335	405	340	340	340	335
Truck shipment [1]	455	390	420	330	305	360	----	----	----	----	----	----	----	----

[1] Previously established.

Railroad locomotive fuel, for the following mine index Nos.	380
Any single-screened lump or double-screened coals	395
Run of mine	380
Screenings, larger than 1¼" x 0:	
But not exceeding 2½" x 0	365
Screenings 1¼" x 0 and smaller	340
Railroad locomotive fuel for the following mine index Nos. (high volatile coal)	425
Any single-screened lump or double-screened coals	345
Run of mine	390
Screenings, larger than 1¼" x 0:	
But not exceeding 2½" x 0	310
Screenings 1¼" x 0 and smaller	305

The maximum prices listed in this order include the increase in maximum prices where authorized by Amendment No. 146 to MPR 120 which became effective August 3, 1945.

This order shall become effective September 15, 1945.

(56 Stat. 23, 765; 57 Stat. 566; Pub. Law 383, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 14th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-17224; Filed, Sept. 14, 1945; 11:57 a. m.]

[Order 77 Under 3 (e)]

ALTON LABORATORIES

ESTABLISHMENT OF MAXIMUM PRICES

For the reasons set forth in an opinion, issued simultaneously herewith, *It is ordered:*

(a) The maximum prices for sales by Alton Laboratories, 218 North Canal Street, Chicago, Illinois, a copartnership composed of George H. Slack and Harry A. Hirsch, of a protective coating to be marketed under the trade name "San Finish" shall be:

(1)

	In gallon containers delivered	In quart containers delivered
To jobbers	$1.80	$0.70
To retailers	2.10	.78
At retail	3.40	1.40

(2) For sales in other than galloh or quart containers, the seller's customary dollar-and-cent differentials shall be applied to the prices in (1) above.

(3) No extra charge may be made for containers.

(b) With or prior to the first delivery of San Finish on or after the effective date of this order to a jobber or retailer, Alton Laboratories or any other seller shall furnish such jobber or retailer with a written notice containing the schedule of maximum prices set out in paragraph (a) above of this order, a statement that they have been approved by the Office of Price Administration, and in the case of a delivery to a jobber, also a statement that with or prior to the jobber's first delivery to a retailer, such jobber is required by the Office of Price Administration to furnish such retailer with a written notice containing the schedule of maximum prices set out in paragraph (a) above of this order and a statement that they have been approved by the Office of Price Administration.

(c) Prior to making any delivery of San Finish on or after the effective date of this order, Alton Laboratories shall mark or cause to be marked on each container, whichever of the following legends is applicable:

Gallon container "Retail Ceiling Price $3.40."

Quart container "Retail Ceiling Price $1.40."

(d) This order may be revoked or amended by the Administrator at any time.

This order shall become effective September 15, 1945.

Issued this 14th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-17253; Filed, Sept. 14, 1945; 12:06 p. m.]

[MPR 120, Order 1459]

HATFIELD-DELANEY COAL & LUMBER CO. ET AL.

ESTABLISHMENT OF MAXIMUM PRICES AND PRICE CLASSIFICATIONS

For the reasons set forth in an accompanying opinion, and in accordance with § 1340.210 (a) (6) of Maximum Price Regulation No. 120; *It is ordered:*

Producers identified herein operate named mines assigned the mine index numbers, the price classifications and the maximum prices in cents per net ton, for the indicated uses and shipments as set forth herein. All are in District No. 3. The mine index numbers and the price classifications assigned are permanent but the maximum prices may be changed by an amendment issued after the effective date of this order. Where such an amendment is issued for the district in which the mines involved herein are located and where the amendment makes no particular reference to a mine or mines involved herein, the prices shall be the prices set forth in such amendment for the price classifications of the respective size groups. The location of each mine is given by county and state. The maximum prices stated to be for truck shipment are in cents per net ton f. o. b. the mine or preparation plant and when stated to be for rail shipment or for railroad fuel are in cents per net ton f. o. b. rail shipping point. In cases where mines ship coals by river the prices for such shipments are those established for rail shipment and are in cents per net ton f. o. b. river shipping point. However, producer is subject to the provisions of § 1340.214 and all other provisions of Maximum Price Regulation No. 120.

HATFIELD-DELANEY COAL & LUMBER CO., P. O. BOX 385, BUCKHANNON, W. VA., ZEOFFEL MINE, PEERLESS SEAM, MINE INDEX NO. 2160, RANDOLPH COUNTY, W. VA., RAIL SHIPPING POINT: PICKENS, W. VA., STRIP MINE, MAXIMUM TRUCK PRICE GROUP NO. 1

	Size group Nos.				
	1	2	3	4	5
Price classification	A	A	A	A	A
Rail shipment and railroad fuel	418	378	353	343	343
Truck shipment	388	383	353	348	328

W. L. PIPER CO., P. O. BOX 473, CHARLESTON 22, W. VA., GLEN CAMBRIA STRIP MINE, PITTSBURGH SEAM, MINE INDEX NO. 2162, BARBOUR COUNTY, W. VA., RAIL SHIPPING POINT: GLEN CAMBRIA, W. VA., STRIP MINE, MAXIMUM TRUCK PRICE GROUP NO. 3

Price classification	F	F	F	F	F
Rail shipment and railroad fuel	308	308	288	283	273
Truck shipment	343	343	313	308	298

POLINO COAL CO., BOX 905, FAIRMONT, W. VA., BINGAMON MINE, PITTSBURGH SEAM, MINE INDEX NO. 2159, MARION COUNTY, W. VA., RAIL SHIPPING POINT: BINGAMON JUNCTION, W. VA., STRIP MINE, MAXIMUM TRUCK PRICE GROUP NO. 3

Price classification	F	F	F	F	F
Rail shipment and railroad fuel	308	308	288	283	273
Truck shipment	343	343	313	308	298

SEABOARD EXCAVATORS, INC., P. O. BOX 666, FAIRMONT, W. VA., SMELL NO. 2 MINE, PITTSBURGH SEAM, MINE INDEX NO. 2156, MARION COUNTY, W. VA., RAIL SHIPPING POINT: COLFAX, W. VA., STRIP MINE, MAXIMUM TRUCK PRICE GROUP NO. 3

Price classification	F	F	F	F	F
Rail shipment and railroad fuel	308	308	288	283	273
Truck shipment	343	343	313	308	298

The maximum prices listed in this order include the increase where authorized by Amendment No. 146 to MPR/120 which became effective August 3, 1945.

This order shall become effective September 15, 1945.

(56 Stat. 23, 765; 57 Stat. 566; Pub. Law 383, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 14th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-17225; Filed, Sept. 14, 1945; 11:58 a. m.]

[MPR 120, Order 1460]

SHANHOLTZ & SONS COAL CO. ET AL.

ESTABLISHMENT OF MAXIMUM PRICES AND PRICE CLASSIFICATIONS

For the reasons set forth in an accompanying opinion, and in accordance with § 1340.210 (a) (6) of Maximum Price Regulation No. 120; *It is ordered:*

Producers identified herein operate named mines assigned the mine index numbers, the price classifications and the maximum prices in cents per net ton, for the indicated uses and shipments as set forth herein. All are in District No. 1. The mine index numbers and the price classifications assigned are permanent but the maximum prices may be changed by an amendment issued after the effective date of this order. Where such an amendment is issued for the district in which the mines involved herein are located and where the amendment makes no particular reference to a mine or mines involved herein, the prices shall be the prices set forth in such amendment for the price classifications of the respective size groups. The location of each mine is given by county and state. The maximum prices stated to be for truck shipment are in cents per net ton f. o. b. the mine or preparation plant and when stated to be for rail shipment or for railroad locomotive fuel are in cents per net ton f. o. b. rail shipping point. In cases where mines ship coals by river the prices for such shipments are those established for rail shipment and are in cents per net ton f. o. b. river shipping point. However, producer is subject to the provisions of § 1340.212 and all other provisions of Maximum Price Regulation No. 120.

SHANHOLTZ & SONS COAL CO., ELK GARDEN, W. VA., SHANHOLTZ MINE, BAKERSTOWN SEAM, MINE INDEX NO. 5469, MINERAL COUNTY, W. VA., SUBDISTRICT #41, RAIL SHIPPING POINT, SHAW, W. VA., DEEP MINE

	Size group Nos.				
	1	2	3	4	5
Price classification	H	H	H	H	H
Rail shipment	378	378	348	31[illegible]	[illegible]
Railroad locomotive fuel	348	348	333	[illegible]	[illegible]
Truck shipment	378	353	353	34[illegible]	[illegible]

SHERRY BROTHERS COAL CO., TIMBLIN, PA., [illegible] #2 MINE, D SEAM, MINE INDEX NO. 5461, [illegible] COUNTY, PA., SUBDISTRICT 6, RAIL SHIPPING [illegible] RINGGOLD, PA., DEEP MINE

Price classification	E	E	E	F	[illegible]
Rail shipment	383	363	363	34[illegible]	[illegible]
Railroad locomotive fuel	348	348	333	[illegible]	[illegible]
Truck shipment	393	368	368	358	[illegible]

J. B. SEMELSBERGER, HASTINGS, PA., SEMEL[illegible] MINE, E SEAM, MINE INDEX NO. 5482, [illegible] COUNTY, PA., SUBDISTRICT 17, RAIL SHIPPING [illegible] HASTINGS, PA., STRIP MINE

Price classification	E	E	E	[illegible]	[illegible]
Rail shipment	355	335	345	[illegible]	[illegible]
Railroad locomotive fuel	320	320	305	[illegible]	[illegible]
Truck shipment	365	340	340	[illegible]	[illegible]

FRANK STENTO & SON, BINGHAMTON, N. Y., [illegible] MINE, E SEAM, MINE INDEX NO. 5447, [illegible] COUNTY, PA., SUBDISTRICT #34, RAIL SHIPPING [illegible] LLOYDELL, PA., STRIP MINE

Price classification	E	E	E	[illegible]	[illegible]
Rail shipment	355	335	345	[illegible]	[illegible]
Railroad locomotive fuel	320	320	305	[illegible]	[illegible]
Truck shipment	365	340	340	[illegible]	[illegible]

SUMMIT COAL CORPORATION, PUNXSUTAWNEY, [illegible] SUMMIT #5 MINE, E SEAM, MINE INDEX NO. [illegible] ARMSTRONG COUNTY, PA., SUBDISTRICT 11, [illegible] SHIPPING POINT; DAYTON, PA., DEEP MINE

Price classification	G	G	G	[illegible]	[illegible]
Rail shipment	358	358	333	[illegible]	[illegible]
Railroad locomotive fuel	348	348	323	[illegible]	[illegible]
Truck shipment	383	358	358	[illegible]	[illegible]

TWIN ISLAND COAL CO., BOX 13, INDIANA, PA., TWIN ISLAND MINE, B SEAM, MINE INDEX NO. 5475, ARMSTRONG, PA., SUBDISTRICT #10, RAIL SHIPPING POINT; LUCKEY, PA., STRIP MINE

	Size group Nos.				
	1	2	3	4	5
Price classification	H	H	H	J	J
Rail shipment	330	330	310	285	285
Railroad locomotive fuel	320	320	305	295	295
Truck shipment	350	330	330	310	300

CHARLES VITELLO, ANITA, PA., VITELLO MINE, D SEAM, MINE INDEX NO. 5856, JEFFERSON COUNTY, PA., SUBDISTRICT 6, RAIL SHIPPING POINT, ANITA, PA., DEEP MINE

Price classification	E	E	E	E	E
Rail shipment	383	363	363	343	343
Railroad locomotive fuel	348	348	333	323	323
Truck shipment	393	368	368	358	348

JOEL WAYBRIGHT, SHAW, W. VA., WAYBRIGHT MINE, BAKERSTOWN SEAM, MINE INDEX NO. 5470, MINERAL COUNTY, W. VA., SUBDISTRICT #41, RAIL SHIPPING POINT, SHAW, W. VA., DEEP MINE

Price classification	H	H	H	H	H
Rail shipment	358	358	338	313	313
Railroad locomotive fuel	348	348	333	323	323
Truck shipment	378	353	353	343	333

JAMES A. WILKINSON, 229 E. Highland Ave., Ebensburg, Pa., WILKINSON #4 MINE, B SEAM, MINE INDEX NO. 5487, CAMBRIA COUNTY, PA., SUBDISTRICT #31, RAIL SHIPPING POINT, LILLY, PA., STRIP MINE

Price classification	A	A	A	A	C
Rail shipment	385	370	360	345	330
Railroad locomotive fuel	320	320	305	295	295
Truck shipment	385	360	360	350	330

WINDBER CONSTRUCTION CO., 1317 MIDWAY., WINDBER, PA., SHADE STRIP MINE #1, B SEAM, MINE INDEX NO. 5445, SOMERSET COUNTY, PA., SUBDISTRICT #8, RAIL SHIPPING POINT, MILLER RUN, PA., STRIP MINE

Price classification	D	D	D	D	D
Rail shipment	360	340	335	325	325
Railroad locomotive fuel	320	320	305	295	295
Truck shipment	370	345	345	335	325

YORKSHIRE COAL CO. INC., MADERA, PA., HOMESTEAD #2 MINE, D SEAM, MINE INDEX NO. 5460, CLEARFIELD COUNTY, PA., SUBDISTRICT #13, RAIL SHIPPING POINT, BERWINDALE, PA., STRIP MINE

Price classification	D	D	D	D	D
Rail shipment	360	340	335	325	325
Railroad locomotive fuel	320	320	305	295	295
Truck shipment	370	345	345	335	325

YORKSHIRE COAL CO. INC., MADERA, PA., HOMESTEAD #2 MINE, D SEAM, MINE INDEX NO. 5460, CLEARFIELD COUNTY, PA., SUBDISTRICT #13, RAIL SHIPPING POINT, BERWINDALE, PA., DEEP MINE

Price classification	D	D	D	D	D
Rail shipment	388	368	363	333	353
Railroad locomotive fuel	348	348	333	323	323
Truck shipment	398	373	373	363	353

The maximum prices in this order include the increase in maximum prices where authorized by Amendment No. 146 to MPR/120 which became effective August 3, 1945.

This order shall become effective this 15th day of September 1945.

(56 Stat. 23, 765, 57 Stat. 566; Pub. Law 383, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 14th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-17226; Filed, Sept. 14, 1945; 11:58 a. m.]

[MPR 120, Order 1461]

EDWARDS BROTHERS COAL CO. ET AL.

ESTABLISHMENT OF MAXIMUM PRICES AND PRICE CLASSIFICATIONS

For the reasons set forth in an accompanying opinion, and in accordance with § 1340.210 (a) (6) of Maximum Price Regulation No. 120; *It is ordered:*

Producers identified herein operate named mines assigned the mine index numbers, the price classifications and the maximum prices in cents per net ton, for the indicated uses and shipments as set forth herein. All are in District No. 12. The mine index numbers are the price classifications assigned are permanent but the maximum prices may be changed by an amendment issued after the effective date of this order. Where such an amendment is issued for the district in which the mines involved herein are located and where the amendment makes no particular reference to a mine or mines involved herein, the prices shall be the prices set forth in such amendment for the price classifications of the respective size groups. The location of each mine is given by county and state. The maximum prices stated to be for truck shipment are in cents per net ton f. o. b. the mine or preparation plant and when stated to be for rail shipment or for railroad locomotive fuel are in cents per net ton f. o. b. rail shipping point. However, producer is subject to the provisions of § 1340.223 and all other provisions of Maximum Price Regulation No. 120.

EDWARDS BROTHERS COAL CO., ROUTE 7, OSKALOOSA, IOWA, EDWARDS BROS. NO. 6 MINE, UNNAMED SEAM, MINE INDEX NO. 1008, MAHASKA COUNTY, IOWA, MAXIMUM PRICE GROUP NO. 23, FOR TRUCK SHIPMENT DEEP MINE

	Size group Nos.									
	1	2	3	4	5	6	7	7A	8	9	10
Truck shipment	467	457	447	437	402	422	422	457	297	357	227

FRUSH MINING CO., BOX 353, OSKALOOSA, IOWA, FRUSH NO. 1 MINE, TOP (DES MOINES) SEAM, MINE INDEX NO. 1012, MAHASKA COUNTY, IOWA, RAIL SHIPPING POINT, BEACON, IOWA, STRIP MINE, BEACON MINE ORIGIN GROUP FOR RAIL SHIPMENT. MAXIMUM PRICE GROUP NO. 22 FOR TRUCK SHIPMENT

Truck shipment	435	425	415	405	375	395	395	425	270	330	200
Railroad locomotive fuel	(1)	(1)	355							

HOMER HAINES, ELDON, IOWA, WAPELLO MINE, SALT CREEK SEAM, MINE INDEX NO. 1014, DAVIS COUNTY, IOWA, RAIL SHIPPING POINT, ELDON, IOWA, STRIP MINE, MELCHER MINE ORIGIN GROUP FOR RAIL SHIPMENT. MAXIMUM PRICE GROUP NO. 6 FOR TRUCK SHIPMENT

Truck shipment	415	405	395	385	370	390	390	405	280	340	200
Railroad locomotive	(1)	(1)	355							

TWIN CITY COAL CO. 2, DALLAS, IOWA, TWIN CITY, NO. 2 MINE, THIRD SEAM, MINE INDEX NO. 1013, MARION COUNTY, IOWA, RAIL SHIPPING POINT; MELCHER, IOWA, DEEP MINE, MELCHER MINE ORIGIN GROUP FOR RAIL SHIPMENT. MAXIMUM PRICE GROUP NO. 17 FOR TRUCK SHIPMENT

Truck shipment	457	447	437	427	397	417	417	447	292	352	227
Railroad locomotive fuel	(1)	(1)	382							

[1] All sizes.

The maximum prices listed in this order include the increase in maximum prices where authorized by Amendment No. 146 to MPR 120 which became effective August 3, 1945.

This order shall become effective this 15th day of September 1945.

(56 Stat. 23, 765, 57 Stat. 566; Pub. Law 383, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 14th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-17227; Filed, Sept. 14, 1945; 11:58 a. m.]

[MPR 120, Order 1462]

MAURER COAL CO., ET AL.

ESTABLISHMENT OF MAXIMUM PRICES AND PRICE CLASSIFICATIONS

For the reasons set forth in an accompanying opinion, and in accordance with § 1340.210 (a) (6) of Maximum Price Regulation No. 120; *It is ordered:*

Producers identified herein operate named mines assigned the mine index numbers, the price classifications and the maximum prices in cents per net ton, for the indicated uses and shipments as set forth herein. All are in District No. 1. The mine index numbers and the price classifications assigned are permanent but the maximum prices may be changed by an amendment issued after the effective date of this order. Where such an amendment is issued for the district in which the mines involved herein are located and where the amendment makes no particular reference to a mine or mines involved herein, the prices shall be the prices set forth in such amendment for the price classifications of the respective size groups. The location of each mine is given by county and state. The maximum prices stated to be for truck shipment are in cents per net ton f. o. b. the mine or preparation plant and when stated to be for rail ship-

ment or for railroad locomotive fuel are in cents per net ton f. o. b. rail shipping point. In cases where mines ship coals by river the prices for such shipments are those established for rail shipment and are in cents per net ton f. o. b. river shipping point. However, producer is subject to the provisions of § 1340.212 and all other provisions of Maximum Price Regulation No. 120.

MAYBEE COAL CO., SPRANGLE MILLS, PA., PHEASANT HOLLOW MINE, B SEAM, MINE INDEX NO. 5449, JEFFERSON COUNTY, PA., SUBDISTRICT 5, RAIL SHIPPING POINT, SPRANGLE MILLS, PA., DEEP MINE

	Size group Nos.				
	1	2	3	4	5
Price Classification	E	E	E	E	E
Rail shipment	383	363	363	343	343
Railroad Locomotive fuel	348	348	333	323	323
Truck shipment	393	368	368	358	348

C. F. MILLER, BOX 112, HAWTHORN, PA., NO. 6 MINE, E SEAM, MINE INDEX NO. 5473, ARMSTRONG COUNTY, PA., SUBDISTRICT 4, RAIL SHIPPING POINT, HAWTHORN, PA., STRIP MINE

Price classification	G	G	G	H	H
Rail shipment	330	330	315	285	285
Railroad locomotive fuel	320	320	305	295	295
Truck shipment	355	330	330	315	305

GEORGE MILLER, JR., ANITA, PA., GEORGE MILLER MINE, D SEAM, MINE INDEX NO. 5480, JEFFERSON COUNTY, PA., SUBDISTRICT 6, RAIL SHIPPING POINT, ANITA, PA., DEEP MINE

Price classification	E	E	E	E	E
Rail shipment	383	363	363	343	343
Railroad locomotive fuel	348	348	333	323	323
Truck shipment	393	368	368	358	348

P. & N. COAL CO., BOX 332, PENNSYLVANIA, PA., P. & N. #2 MINE, E SEAM, MINE INDEX NO. 5465, INDIANA COUNTY, PA., SUBDISTRICT 6, RAIL SHIPPING POINT, ROSSITER, PA., STRIP MINE

Price classification	F	F	F	F	F
Rail shipment	335	335	335	305	305
Railroad locomotive fuel	320	320	305	295	295
Truck shipment	360	335	335	325	315

P. & N. COAL CO., BOX 332 PENNSYLVANIA, PA., P. & N. NO. 3 MINE, E SEAM, MINE INDEX NO. 5466, INDIANA COUNTY, PA., SUBDISTRICT 6, RAIL SHIPPING POINT, ROSSITER, PA., STRIP MINE

Price classification	F	F	F	F	F
Rail shipment	335	335	335	305	305
Railroad locomotive fuel	320	320	305	295	295
Truck shipment	360	335	335	325	315

B. PERINI & SONS, INC., P. O. BOX 151, SOMERSET, PA., FLORENCE I-E MINE, E SEAM, MINE INDEX NO. 5450, SOMERSET COUNTY, PA., SUBDISTRICT 37, RAIL SHIPPING POINT, ADAMS, PA., STRIP MINE

Price classification	E	E	E	E	E
Rail shipment	355	335	335	315	315
Railroad locomotive fuel	320	320	305	295	295
Truck shipment	365	340	340	330	320

RED LANDS COAL CO., 1617 PENNSYLVANIA BLVD., PHILADELPHIA, PA., RED LANDS NO. 10 MINE, D SEAM, MINE INDEX NO. 5416, INDIANA COUNTY, PA., SUBDISTRICT 16, RAIL SHIPPING POINT, STILES, PA., STRIP MINE

Price classification	E	E	E	E	E
Rail shipment	355	335	335	315	315
Railroad locomotive fuel	320	320	305	295	295
Truck shipment	365	340	340	330	320

SCOTT BROTHERS COAL CO., BLAIRSBURG, PA., TROXELL NO. 2 MINE, B SEAM, MINE INDEX NO. *3298, CAMBRIA COUNTY, PA., SUBDISTRICT 18, RAIL SHIPPING POINT, GLASGOW, PA., DEEP MINE

	Size group Nos.				
	1	2	3	4	5
Price classification	F	F	F	F	F
Rail shipment	363	363	363	333	333
Railroad locomotive fuel	348	348	333	323	323
Truck shipment	388	363	*363	353	343

*Previously established.

SEITZ & BOWERS, 200 PINE ST., PUNXSUTAWNEY, PA., ADRIAN NO. 10 MINE, D SEAM, MINE INDEX NO. 5458, JEFFERSON COUNTY, PA., SUBDISTRICT 6, RAIL SHIPPING POINT, ADRIAN, PA., STRIP MINE

Price classification	F	F	F	F	F
Rail shipment	345	335	335	305	305
Railroad locomotive fuel	320	320	305	295	295
Truck shipment	360	335	335	325	315

SEITZ & BOWERS, 200 PINE ST., PUNXSUTAWNEY, PA., ADRIAN NO. 11 MINE, E SEAM, MINE INDEX NO. 5459, JEFFERSON COUNTY, PA., SUBDISTRICT 6, RAIL SHIPPING POINT, ADRIAN, PA., STRIP MINE

Price classification	F	F	F	F	F
Rail shipment	335	335	335	305	305
Railroad locomotive fuel	320	320	305	295	295
Truck shipment	360	335	335	325	315

The maximum prices listed in this order include the increase in maximum prices where authorized by Amendment No. 146 to MPR/120 which became effective August 3, 1945.

This order shall become effective this this 15th day of September 1945.

(56 Stat. 23, 765, 57 Stat. 566; Pub. Law 383, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 14th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-17228; Filed, Sept. 14, 1945; 11:59 a. m.]

[RMPR 136, Amdt. 1 to Order 455]

DUTCHESS TOOL CO.

APPROVAL OF MAXIMUM PRICES

Amendment 1 to Order No. 455 under Revised Maximum Price Regulation 136. Machines, parts and industrial equipment. Dutchess Tool Company. Docket No. 6083-136.25a-241.

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register and pursuant to section 21 of Revised Maximum Price Regulation 136; *It is ordered:*

Section (a) of Order No. 455 is amended in the following respect:

Under Bakery Machinery: "Automatic Divider and Rounder #8-2 Pocket" is amended to read as follows: "Automatic Divider and Rounder #9-2 Pocket".

This order shall become effective September 15, 1945.

Issued this 14th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-17229; Filed, Sept. 14, 1945; 11:59 a. m.]

[RMPR 136, Order 499]

YATES AMERICAN MACHINE CO.

DETERMINATION OF MAXIMUM PRICES

Order No. 499 under Revised Maximum Price Regulation 136. Machines, parts and industrial equipment. Yates American Machine Company, Docket No. 6083-136.21-431.

For the reasons set forth in the opinion issued simultaneously herewith and filed with the Division of the Federal Register and pursuant to section 21 of Revised Maximum Price Regulation 136; *It is ordered:*

(a) The maximum prices for sales by the Yates American Machine Company, Beloit, Wisconsin of the following woodworking machines, their applicable allowances and their extras when furnished with the machines shall be determined as follows: The manufacturer shall increase the list price he had in effect on October 1, 1941, by the following percentages, and shall deduct from the resultant list prices, all discounts, allowances and other deductions that he had in effect to a purchaser of the same class on October 1, 1941:

Woodworking machinery Model No.:	Percentage of increase
A-20 Matcher	4 0
A-62 Matcher	1 0
F-23 Feeder	12 5
F-24 Feeder	16 5
C-99 Moulder	14 5
B-5 Surfacer	20 5
B-44 Surfacer	1 0
J-18 Surfacer	4 0
J-31 Jointer	11 5
#1 Jointer	22 0
J-70 Woodworking Lathe	7 5
W-110 Shaper	52 5
H-240 Saw	26 0
GG-1 Saw	31 0
G-171 Saw	6 5
G-89 Saw	30 5
W-55 Saw	44 0
Y-20 Band Saw	12 0
W-16 Band Saw	104 0
283 Resaw	2 5
V-54 Resaw	6 0
V-60 Resaw	3 5
231 Band Ripsaw	5 5
312A Band Ripsaw	5 5
S-33 Sander	4 5
H-263 Sander	7 0
H-264 Sander	22 0
H 266 Sander	15 5
H-268 Sander	1 0
137 Grinder	17 5
M-7 Grinder	4 5
100-a Grinder	19 5

(b) The maximum prices for sales by resellers of the woodworking machinery listed in paragraph (a) shall be determined by adding to the maximum prices prevailing on October 1, 1941, the same percentage increase granted to their supplier, the Yates American Machine Company.

(c) Yates American Machine Company shall notify each person who buys the woodworking machinery listed in paragraph (a) for resale of the percentage increase which this order permits the reseller to increase his maximum net prices. A copy of each such notice shall be filed with the Machinery Branch, Office of Price Administration, Washington 25, D. C.

(d) All requests not granted herein are denied.

(e) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective September 15, 1945.

Issued this 14th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-17230; Filed, Sept. 14, 1945; 11:59 a. m.]

[RMPR 136, Order 500]

WEST VIRGINIA STEEL & MFG. CO.

DETERMINATION OF MAXIMUM PRICES

Order No. 500 under Revised Maximum Price Regulation 136; machines, parts and industrial equipment. West Virginia Steel and Manufacturing Company, Docket No. 6083-136.21-382.

For the reasons set forth in an opinion, issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to section 21 of Revised Maximum Price Regulation 136; *It is ordered:*

(a) The maximum prices of the West Virginia Steel and Manufacturing Company for the sale of the following manganese steel frogs to any class of purchasers shall be the following list prices, subject to all discounts, allowances, and terms of sale which the West Virginia Steel and Manufacturing Company had in effect to such class of purchasers on October 1, 1941:

Pattern No.	Rail size	List prices
Design 4 Manganese:		
W-64	20# No. 2	$15.98
W-87	25# No. 2	15.58
87	2½	17.45
W-58	30# No. 2	17.99
72	2½	21.72
68	3	23.14
60	3½	24.61
28	4	24.20
W-40	40# No. 1½	21.13
10	3	29.27
14	4	27.96
26	5	33.83
W-88	45# No. 2½	21.42
122	3	23.42
W-71	50# No. 2½	25.13
61	3	27.87
62	4	38.40
5	5	36.56
W-70	60# No. 2	34.18
45	2½	38.19
27	3	43.76
26	3½	40.98
74	4	48.61
73	5	52.71
84	6	60.47
W-124	56# No. 3	35.52
83	Alt. 5	40.06
Design 12, Manganese:		
W-106	20# No. 2	10.37
W-107	25# No. 1½	10.56
102	2	11.73
103	3	17.63
W-101	30# No. 1½	14.03
93	2	14.00
95	2½	16.32
94	3	17.31
108	3½	19.66
118	4	18.96
142	30# and 35# No. 6	26.56
W-119	35# No. 2	14.31
117	2½	19.07
W-114	40# No. 2	17.35
123	2½	19.01
126	3	19.14
104	3½	24.58
143	6	27.73
W-127	45# No. 5	29.15
W-97	50# No. 2½	24.41
106	6	32.57
116	60# No. 4	29.89
131	5	46.53
W-136	70# No. 3	36.02
131	4	43.51

(b) The maximum prices of any resellers of the foregoing manganese steel frogs to any class of purchaser shall be the list prices set forth in paragraph (a) subject to all discounts, allowances and terms of sale which such resellers had in effect on October 1, 1941.

(c) The West Virginia Steel and Manufacturing Company shall notify each person who buys manganese steel frogs for resale of the maximum prices which resellers are permitted to charge under this order. A copy of each such notice shall be filed with the Machinery Branch, Office of Price Administration, Washington 25, D. C.

(d) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective September 15, 1945.

Issued this 14th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-17231; Filed, Sept. 14, 1945; 12:00 m.]

[MPR 188, 2d Rev. Order 3242]

BURNETTE CASTINGS CO.

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.158 of Maximum Price Regulation No. 188; *It is ordered:*

(a) This revised order establishes maximum prices for sales and deliveries of certain articles manufactured by Burnette Castings Company of Hartford, Michigan.

(1) For all sales and deliveries to the following classes of purchasers by any person, the maximum prices are those set forth below:

Article	Model No.	Maximum prices for sales by any seller to—		
		Wholesalers (jobbers)	Department stores	Other retailers
		Each	*Each*	*Each*
Square griddle		$1.98	$2.37	$2.68
Sauce pan	1½ qt.	1.98	2.37	2.63
	2½ qt.	2.48	2.97	3.30
	3½ qt.	2.98	3.57	3.97
Fry pan with cover	8"	1.98	2.37	2.63
	11"	3.25	3.90	4.33
Round roaster		3.58	4.29	4.77
Oval roaster	15" x 10" x 7"	6.75	8.10	9.00
	16½" x 11½" x 6¾"	6.98	8.37	9.30

These maximum prices are for the articles described in the manufacturer's application dated October 14, 1944 and February 28, 1945.

(2) For sales by all persons, the maximum prices apply to all sales and deliveries of articles shipped by the manufacturer after the effective date of this order. The manufacturer's prices are f. o. b. factory and are subject to a cash discount of two percent for payment within ten days, net thirty days.

(3) Prices for sales by persons other than the manufacturer are subject to each seller's customary terms and conditions of sale on sales of similar articles.

(4) If the manufacturer wishes to make sales and deliveries to any other class of purchaser or on other terms and conditions of sale, he must apply to the Office of Price Administration, Washington, D. C., under the Fourth Pricing Method. § 1499.158 of Maximum Price Regulation No. 188, for the establishment of maximum prices for those sales, and no sales or deliveries may be made until maximum prices have been authorized by the Office of Price Administration.

(b) The prices established by this order for sales by the manufacturer and by persons other than the manufacturer are subject to further adjustment in accordance with provisions of Order No. 1 under § 1499.159e of Maximum Price Regulation No. 188. The manufacturer is required to calculate the retail ceiling prices and to tag all articles in accordance with the provisions of that order.

(c) At the time of, or prior to, the first invoice to each purchaser for resale, the manufacturer shall notify the purchaser in writing of the maximum prices and conditions established by this order for sales by the purchaser. This notice may be given in any convenient form.

(d) This order may be revoked or amended by the Price Administrator at any time.

(e) This order shall become effective on the 24th day of September 1945.

Issued this 14th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-17232; Filed, Sept. 14, 1945; 12:00 m.]

[MPR 188, Order 4419]

F. & L. LIGHTING CO.

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.158 of Maximum Price Regulation No. 188; *It is ordered:*

(a) This order establishes maximum prices for sales and deliveries of certain articles manufactured by F. & L. Lighting Company, 1810 86th Street, Brooklyn, New York.

(1) For all sales and deliveries to the following classes of purchasers by the sellers indicated below, the maximum prices are those set forth below:

Article	Mode No.	For sales by the manufacturer to— Jobbers	For sales by the manufacturer to— Retailers	For sales by any person to consumers
22" crystal table lamp and base with 15" rayon shade	801	*Each* $6.37	*Each* $6.32	*Each* $11.40
6½" metal pin-up lamp, lacquered — snap-on paper shade	303	1.40	1.65	3.00
Crystal pin-up lamp—8" snap-on paper shade	305	1.40	1.65	3.00
Metal bed-lite, sprayed finish—length 9"	200	1.02	1.20	2.15
9½" crystal boudoir lamp, cut-crystal base and column	600 / 700	1.43	1.68	3.00
6½" bed-lite with silk rayon pleated shade, brabl trim top and bottom	201	1.51	1.78	3.20
21" crystal table lamp and base with ruby hurricane chimney column—14" silk shade	705	5.53	6.57	11.70
21" crystal table lamp, cut crystal base, ruby chimney column with brass cap—14" silk shade	706	5.34	6.28	11.30
10¼" hurricane lamp—brass spun base and glass holder, crystal chimney cut design	404	2.23	2.62	4.70
20" crystal vanity lamp—fluted crystal column—10" rayon pleated shade	500	3.69	4.34	7.80
Crystal vanity lamp with six crystal prisms and base, 4" rayon pleated shade	100	1.63	1.92	3.45
Crystal table lamp—cut crystal base and breaks, 14" rayon pleated shade	400	4.93	5.80	10.45
17" crystal hurricane lamp—cut crystal base—column with ten crystal prisms. Crystal cut hurricane chimney	600	5.34	6.28	11.30
24" ruby table lamp—cut ruby base—two ruby hurricane chimneys—19" rayon pleated shade, braid trim top and bottom	800	8.14	9.58	17.25
Fluorescent bed lamp, metal sprayed body, length 13¼"	203	2.97	3.50	6.30

These maximum prices are for the articles described in the manufacturer's application dated April 21, 1945.

(2) For sales by the manufacturer, the maximum prices apply to all sales and deliveries since Maximum Price Regulation No. 188 became applicable to those sales and deliveries. For sales to persons other than consumers they are f. o. b. factory, 2% 10 days, net 30. The maximum price to consumers is net, delivered.

(3) For sales by persons other than the manufacturer, the maximum prices apply to all sales and deliveries after the effective date of this order. Those prices are subject to each seller's customary terms and conditions of sale on sales of similar articles.

(4) If the manufacturer wishes to make sales and deliveries to any other class of purchaser or on other terms and conditions of sale, he must apply to the Office of Price Administration, Washington, D. C., under the Fourth Pricing Method, § 1499.158 of Maximum Price Regulation No. 188, for the establishment of maximum prices for those sales, and no sales or deliveries may be made until maximum prices have been authorized by the Office of Price Administration.

(b) The manufacturer shall attach a tag or label to every article for which a maximum price for sales to consumers is established by this order. That tag or label shall contain the following statement, with the proper model number and the ceiling price inserted in the blank spaces:

Model No. ------
OPA Retail Ceiling Price—$------
Do Not Detach

(c) At the time of, or prior to, the first invoice to each purchaser for resale, the manufacturer shall notify the purchaser in writing of the maximum prices and conditions established by this order for sales by the purchaser. This notice may be given in any convenient form.

(d) Jobber's maximum prices for sales of the articles covered by this order shall be established under the provisions of section 4.5 of SR 14J.

(e) This order may be revoked or amended by the Price Administrator at any time.

(f) This order shall become effective on the 15th day of September 1945.

NOTE: We wish to call your attention to Order No. 4332 under MPR 188 (effective September 5, 1945), under which you may be eligible to calculate new ceiling prices for your articles which may be different from those established by this order. A copy of Order No. 4332 is enclosed herewith. If you are eligible to reprice under that order, and wish to do so, we suggest that you go to your nearest OPA District Office where you will be given every assistance in preparing the necessary application.

Issued this 14th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-17234; Filed, Sept. 14, 1945; 12:00 m.]

[MPR 188, Order 4420]

WINGFIELD MFG. CO.

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.158 of Maximum Price Regulaton No. 188, *It is ordered:*

(a) This order establishes maximum prices for sales and deliveries of certain articles manufactured by Wingfield Manufacturing Company, of 2408 Summer Avenue, Memphis, Tenn.

(1) For all sales and deliveries to the following classes of purchasers by the sellers indicated below, the maximum prices are those set forth below:

Article	Model No.	Maximum prices for sales by any seller to— Retailer	Consumer
Leaf rake	A	*Dozen* $4.00	*Each* $0.50

These maximum prices are for the articles described in the manufacturer's application dated August 14, 1945.

(2) For sales by the manufacturer, the maximum prices apply to all sales and deliveries since Maximum Price Regulation No. 188 became applicable to those sales and deliveries. These prices are f. o. b. factory and subject to a 2% cash discount for payment within 10 days, net 30 days.

(3) For sales by persons other than the manufacturer, the maximum prices apply to all sales and deliveries after the effective date of this order. Those prices are subject to each seller's customary terms and conditions of sale on sales of similar articles.

(4) If the manufacturer wishes to make sales and deliveries to any other class of purchaser or on other terms and conditions of sale, he must apply to the Office of Price Administration, Washington, D. C., under the Fourth Pricing Method, § 1499.158 of Maximum Price Regulation No. 188, for the establishment of maximum prices for those sales, and no sales or deliveries may be made until maximum prices have been authorized by the Office of Price Administration.

(b) The manufacturer shall attach a tag or label to every article for which a maximum price for sales to consumers is established by this order. That tag or label shall contain the following statement:

OPA Retail Ceiling Price—$0.50 Each
Do Not Remove or Obliterate

(c) At the time of, or prior to, the first invoice to each purchaser for resale, the seller shall notify the purchaser in writing of the maximum prices and conditions established by this order for sales by the purchaser. This notice may be given in any convenient form.

(d) This order may be revoked or amended by the Price Administrator at any time.

(e) This order shall become effective on the 15th day of September 1945.

Issued this 14th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-17235; Filed, Sept. 14, 1945; 12:01 p. m.]

[MPR 188, Order 4421]

OXFORD INDUSTRIES

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.159c of Maximum Price Regulation No. 188, and section 6.4 of SR 14; *It is ordered:*

(a) This order establishes maximum prices for sales and deliveries of certain articles manufactured by Oxford Industries, 2102-04 East Gillingham Street, Philadelphia 24, Pa.

(1) For all sales and deliveries to the following classes of purchasers by the sellers indicated below, the maximum prices are those set forth below:

Article	Model No.	For sales by the manufacturer to— Jobbers	Retailers	For sales by any person to consumer
Mushroom desk lamp	1201	*Each* $2.12	*Each* $2.50	*Each* $4.50

These maximum prices are for the articles described in the manufacturer's application dated November 14, 1944.

(2) For sales by the manufacturer, the maximum prices apply to all sales and deliveries since Maximum Price Regulation No. 188 became applicable to those sales and deliveries. For sales to persons other than consumers they are f. o. b. factory, 2% 10 days, net 30. The maximum price to consumers is net, delivered.

(3) For sales by persons other than the manufacturer, the maximum prices apply to all sales and deliveries after the effective date of this order. Those prices are subject to each seller's customary terms and conditions of sale on sales of similar articles.

(4) If the manufacturer wishes to make sales and deliveries to any other class of purchaser or on other terms and conditions of sale, he must apply to the Office of Price Administration, Washington, D. C., under the Fourth Pricing Method, § 1499.158 of Maximum Price Regulation No. 188, for the establishment of maximum prices for those sales, and no sales or deliveries may be made until maximum prices have been authorized by the Office of Price Administration.

(b) The manufacturer shall attach a tag or label to every article for which a maximum price for sales to consumers is established by this order. That tag or label shall contain the following statement, with the proper model number and the ceiling price inserted in the blank spaces:

Model No. ------
OPA Retail Ceiling Price—$------
Do Not Detach

(c) At the time of, or prior to, the first invoice to each purchaser for resale, the manufacturer shall notify the purchaser in writing of the maximum prices and conditions established by this order for sales by the purchaser. This notice may be given in any convenient form.

(d) Jobber's maximum prices for sales of the articles covered by this order shall be established under the provisions of section 4.5 of SR 14J.

(e) This order may be revoked or amended by the Price Administrator at any time.

(f) This order shall become effective on the 15th day of September 1945.

Issued this 14th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-17236; Filed, Sept. 14, 1945; 12:01 p. m.]

[MPR 260, Amdt. 1 to Order 161]

JOSE ARANGO & CO.

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion accompanying this amendment and pursuant to § 1358.102 (b) of Maximum Price Regulation 260, *It is ordered*, That:

The maximum prices for the "Cyrilla-Longfellows" and "La Venga-Longfellows" cigars set forth in paragraph (a) of Order No. 161 under Maximum Price Regulation No. 260, are amended to read as follows:

Brand	Size or frontmark	Packing	Maximum list price	Maximum retail price
Cyrilla	Longfellows	50	*Per M* $90	*Cents* 12
La Venga	do	50	90	12

This amendment shall become effective September 15, 1945.

Issued this 14th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-17237; Filed, Sept. 14, 1945; 12:04 p. m.]

[MPR 260, Amdt. 1 to Order 739]

DEMOCRATIC CIGAR FACTORY

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion accompanying this amendment and pursuant to § 1358.102 (b) of Maximum Price Regulation 260; *It is ordered*, That:

The brand names for the "Democratic-Queens", "Democratic-Londres" and "Democratic-Panetela" cigars set forth in paragraph (a) of Order No. 739 under Maximum Price Regulation No. 260, are amended to read as follows:

Brand	Size or frontmark	Packing	Maximum list price	Maximum retail price
Colchester	Queens	50	*Per M* $109.00	*Cents* 22
	Londres	50	146.00	19
	Panetela	50	93.75	2 for 25

This amendment shall become effective September 15, 1945.

Issued this 14th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-17238; Filed, Sept. 14, 1945; 12:04 p. m.]

[MPR 260, Amdt. 1 to Order 1090]

PARK ROSE CIGAR CO.

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion accompanying this amendment and pursuant to § 1358.102 (b) of Maximum Price Regulation 260; *It is ordered*, That:

The maximum prices for the "Tico-Perfecto" and "Tico-Londre" cigars set forth in paragraph (a) of Order No. 1090 under Maximum Price Regulation 260, are amended to read as follows:

Brand	Size or frontmark	Packing	Maximum list price	Maximum retail price
Tico	Perfecto	50	*Per M* $64	*Cents* 8
	Londre	50	64	8

This amendment shall become effective September 15, 1945.

Issued this 14th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-17239; Filed, Sept. 14, 1945; 12:03 p. m.]

[MPR 260, Amdt. 1 to Order 1313]

M. H. SMALTZ & SON, INC.

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion accompanying this amendment and pursuant to § 1358.102 (b) of Maximum Price Regulation 260; *It is ordered*, That:

The maximum prices for the "Bessie Kenton-Perfecto" cigars set forth in paragraph (a) of Order No. 1313 under Maximum Price Regulation No. 260, are amended to read as follows:

Brand	Size or frontmark	Packing	Maximum list price	Maximum retail price
Bessie Kenton	Perfecto	50	*Per M* $75	*Cents* 10

This amendment shall become effective September 15, 1945.

Issued this 14th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-17240; Filed, Sept. 14, 1945; 12:03 p. m.]

[MPR 260, Amdt. 1 to Order 1354]

VICTOR CIGAR CO.

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion accompanying this amendment and pursuant to § 1358.102 (b) of Maximum Price Regulation 260; *It is ordered*, That:

The maximum prices for the "Super-Hiway–4¾ inch" cigars set forth in paragraph (a) of Order No. 1354 under Maximum Price Regulation No. 260, are amended to read as follows:

Brand	Size or frontmark	Packing	Maximum list price	Maximum retail price
Super-Hiway	4¾" [1]	50	*Per M* $75	*Cents* 10

[1] Prices apply to this brand and frontmark of tobacco composition detailed in applicant's letter of 7-18-45, supplementary to application.

This amendment shall become effective September 15, 1945.

Issued this 14th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-17241; Filed, Sept. 14, 1945; 12:03 p. m.]

[MPR 260, Amdt. 1 to Order 1592]

W. W. LAND

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion accompanying this amendment and pursuant to § 1358.102 (b) of Maximum Price Regulation 260; *It is ordered*, That:

The maximum price and size for the "Southland—5¼ inch" cigar set forth in paragraph (a) of Order No. 1592 under Maximum Price Regulation 260, are amended to read as follows:

Brand	Size or frontmark	Packing	Maximum list price	Maximum retail price
Southland	5¾"	50	*Per M* $115	*Cents* 15

This amendment shall become effective September 15, 1945.

Issued this 14th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-17242; Filed, Sept. 14, 1945; 12:04 p. m.]

[MPR 260, Amdt. 1 to Order 1625]

DIAMOND CIGAR FACTORY

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion accompanying this amendment and pursuant to § 1358.102 (b) of Maximum Price Regulation 260, *It is ordered*, That:

The maximum prices for the "Red Thistle-Corona Extra", "Red Thistle-Americas", and "Red Thistle-Sargents" cigars set forth in paragraph (a) of Order No. 1625 under Maximum Price Regulation No. 260, are amended to read as follows:

Brand	Size or frontmark	Packing	Maximum list price	Maximum retail price
Red Thistle	Corona Extra	50	*Per M* $108.75	*Cents* 2 for 29
	Americas	50	93.75	2 for 25
	Sargents	50	101.25	2 for 27

This amendment shall become effective September 15, 1945.

Issued this 14th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-17243; Filed, Sept. 14, 1945; 12:04 p. m.]

[MPR 260, Order 1824]

A. O. NOLL CIGAR CO.

ADJUSTMENT OF MAXIMUM PRICES

For the reasons set forth in an opinion accompanying this order, and pursuant to § 1358.102 (b) of Maximum Price Regulation No. 260; *It is ordered*, That:

(a) A. O. Noll Cigar Co., 222 S. Harrison St., York, Pa. (hereinafter called "manufacturer") and wholesalers and retailers may sell, offer to sell or deliver and any person may buy, offer to buy or receive each brand and size or frontmark, and packing of the following domestic cigars at the appropriate maximum list price and maximum retail price set forth below:

Brand	Size or frontmark	Packing	Maximum list price	Maximum retail price
Walene Imperial	Queens	50	*Per M* $75	*Cents* 10

(b) The manufacturer and wholesalers shall grant, with respect to their sales of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the discounts they customarily granted in March 1942 on their sales of domestic cigars of the same price class to purchasers of the same class, unless a change therein results in a lower price. Packing differentials charged by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class may be charged on corresponding sales of each brand and size or frontmark of cigars priced by this order, but shall not be increased. Packing differentials allowed by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class shall be allowed on corresponding sales of each brand and size or frontmark of cigars priced by this order and shall not be reduced. If a brand and size or frontmark of domestic cigars for which maximum prices are established by this order is of a price class not sold by the manufacturer or the particular wholesaler in March 1942, he shall, with respect to his sales thereof, grant the discounts and may charge and shall allow the packing differentials customarily granted, charged or allowed (as the case may be) in March 1942 by his most closely competitive seller of the same class on sales of domestic cigars of the same March 1942 price class to purchasers of the same class.

(c) On or before the first delivery to any purchaser of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the manufacturer and every other seller (except a retailer) shall notify the purchaser of the maximum list price and the maximum retail price established by this order for such brand and size or frontmark of domestic cigars. The notice shall conform to and be given in the manner prescribed by § 1358.113 of Maximum Price Regulation No. 260.

(d) Unless the context otherwise requires, appropriate provisions of Maximum Price Regulation No. 260, shall apply to sales for which maximum prices are established by this order.

(e) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective September 15, 1945.

Issued this 14th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-17244; Filed, Sept. 14, 1945; 12:01 p. m.]

[MPR 260, Order 1825]

DORIS M. ALEJANDRO

ADJUSTMENT OF MAXIMUM PRICES

For the reasons set forth in an opinion accompanying this order, and pursuant to § 1358.102 (b) of Maximum Price Regulation No. 260; *It is ordered*, That:

(a) Doris M. Alejandro, Jose de Diego Street, Toa Alta, P. R. (hereinafter called "manufacturer") and wholesalers and retailers may sell, offer to sell or deliver and any person may buy, offer to buy or receive each brand and size or frontmark, and packing of the following domestic cigars at the appropriate maximum list price and maximum retail price set forth below:

Brand	Size or frontmark	Packing	Maximum list price	Maximum retail price
La Cubanita	Corona	50	*Per M* $40	*Cents* 5
	Breva	50	24	3

(b) The manufacturer and wholesalers shall grant, with respect to their sales of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the discounts they customarily granted in March 1942 on their sales of domestic cigars of the same price class to purchasers of the same class, unless a change therein results in a lower price. Packing differentials charged by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class may be charged on corresponding sales of each brand and size or frontmark of cigars priced by this order, but shall not be increased. Packing differentials allowed by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class shall be allowed on corresponding sales of each brand and size or frontmark of cigars priced by this order and shall not be reduced. If a brand and size or frontmark of domestic cigars for which maximum prices are established by this order is of a price class not sold by the manufacturer or the particular wholesaler in March 1942, he shall, with respect to his sales thereof, grant the discounts and may charge and shall allow the packing differentials customarily granted, charged or allowed (as the case may be) in March 1942 by his most closely competitive seller of the same class on sales of domestic cigars of the same March 1942 price class to purchasers of the same class.

(c) On or before the first delivery to any purchaser of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the manufacturer and every other seller (except a retailer) shall notify the purchaser of the maximum list price and the maximum retail price established by this order for such brand and size or frontmark of domestic cigars. The notice shall conform to and be given in the manner prescribed by § 1358.113 of Maximum Price Regulation No. 260.

(d) Unless the context otherwise requires, appropriate provisions of Maximum Price Regulation No. 260, shall apply to sales for which maximum prices are established by this order.

(e) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective September 15, 1945.

Issued this 14th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-17245; Filed, Sept. 14, 1945; 12:02 p. m.]

[MPR 260, Order 1826]

VILMA CIGAR FACTORY

ADJUSTMENT OF MAXIMUM PRICES

For the reasons set forth in an opinion accompanying this order, and pursuant to § 1358.102 (b) of Maximum Price Regulation No. 260; *It is ordered*, That:

(a) Vilma Cigar Factory, 1807 E. Columbus Dr., Tampa, Fla. (hereinafter called "manufacturer") and wholesalers and retailers may sell, offer to sell or deliver and any person may buy, offer to buy or receive each brand and size or frontmark, and packing of the following domestic cigars at the appropriate maximum list price and maximum retail price set forth below:

Brand	Size or frontmark	Packing	Maximum list price	Maximum retail price
Alhambra	Kings	50	*Per M* $101.25	*Cents* 2 for 27

(b) The manufacturer and wholesalers shall grant, with respect to their sales of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the discounts they customarily granted in March 1942 on their sales of domestic cigars of the same price class to purchasers of the same class, unless a change therein results in a lower price. Packing differentials charged by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class may be charged on corresponding sales of each brand and size or frontmark of cigars priced by this order, but shall not be increased. Packing differentials allowed by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class shall be allowed on corresponding sales of each brand and size or frontmark of cigars priced by this order and shall not be reduced. If a brand and size or frontmark of domestic cigars for which maximum prices are established by this order is of a price class not sold by the manufacturer or the particular wholesaler in March 1942, he shall, with respect to his sales thereof, grant the discounts and may charge and shall allow the packing differentials customarily granted, charged or allowed (as the case may be) in March 1942 by his most closely competitive seller of the same class on sales of domestic cigars of the same March 1942 price class to purchasers of the same class.

(c) On or before the first delivery to any purchaser of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the manufacturer and every other seller (except a retailer) shall notify the purchaser of the maximum list price and the maximum retail price established by this order for such brand and size or frontmark of domestic cigars. The notice shall conform to and be given in the manner prescribed by § 1358.113 of Maximum Price Regulation No. 260.

(d) Unless the context otherwise requires, appropriate provisions of Maximum Price Regulation No. 260, shall apply to sales for which maximum prices are established by this order.

(e) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective September 15, 1945.

Issued this 14th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-17246; Filed, Sept. 14, 1945; 12:02 p. m.]

[MPR 260, Order 1827]

MERCEDES CIGAR FACTORY

ADJUSTMENT OF MAXIMUM PRICES

For the reasons set forth in an opinion accompanying this order, and pursuant to § 1358.102 (b) of Maximum Price Regulation No. 260; *It is ordered*, That:

(a) Mercedes Cigar Factory, 1803 13th St., Tampa, Fla. (hereinafter called "manufacturer") and wholesalers and retailers may sell, offer to sell or deliver and any person may buy, offer to buy or receive each brand and size or frontmark, and packing of the following domestic cigars at the appropriate maximum list price and maximum retail price set forth below:

Brand	Size or frontmark	Packing	Maximum list price	Maximum retail price
Mercedes	Kings	50	*Per M* $105	*Cents* 14
	Juniors	50	90	12
	Reinas	50	105	14

(b) The manufacturer and wholesalers shall grant, with respect to their sales of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the discounts they customarily granted in March 1942 on their sales of domestic cigars of the same price class to purchasers of the same class, unless a change therein results in a lower price. Packing differentials charged by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class may be charged on corresponding sales of each brand and size or frontmark of cigars priced by this order, but shall not be increased. Packing differentials allowed by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class shall be allowed on corresponding sales of each brand and size or frontmark of cigars priced by this order and shall not be reduced. If a brand and size or frontmark of domestic cigars for which maximum prices are established by this order is of a price class not sold by the manufacturer or the particular wholesaler in March 1942, he shall, with respect to his sales thereof, grant the discounts and may charge and shall allow the packing differentials customarily granted, charged or allowed (as the case may be) in March 1942 by his most closely competitive seller of the same class on sales of domestic cigars of the same March 1942 price class to purchasers of the same class.

(c) On or before the first delivery to any purchaser of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the manufacturer and every other seller (except a retailer) shall notify the purchaser of the maximum list price and the maximum retail price established by this order for such brand and size or frontmark of domestic cigars. The notice shall conform to and be given in the manner prescribed by § 1358.113 of Maximum Price Regulation No. 260.

(d) Unless the context otherwise requires, appropriate provisions of Maximum Price Regulation No. 260, shall apply to sales for which maximum prices are established by this order.

(e) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective September 15, 1945.

Issued this 14th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-17247; Filed, Sept. 14, 1945; 12:02 p. m.]

[MPR 260, Order 1828]

TAMPA-VANA CIGAR CO.

ADJUSTMENT OF MAXIMUM PRICES

For the reasons set forth in an opinion accompanying this order, and pursuant to § 1358.102 (b) of Maximum Price Regulation No. 260; *It is ordered*, That:

(a) P. Lluis, DBA Tampa-Vana Cigar Company, 2007 11th Street, Tampa 5, Fla. (hereinafter called "manufacturer") and wholesalers and retailers may sell, offer to sell or deliver and any person may buy, offer to buy or receive each brand and size or frontmark, and packing of the following domestic cigars at the appropriate maximum list price and maximum retail price set forth below:

Brand	Size or frontmark	Packing	Maximum list price	Maximum retail price
Palm Tree	Special	50	*Per M* $ 87.75	*Cents* 2 for 25

(b) The manufacturer and wholesalers shall grant, with respect to their sales of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the discounts they customarily granted in March 1942 on their sales of domestic cigars of the same price class to purchasers of the same class, unless a change therein results in a lower price. Packing differentials charged by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class may be charged on corresponding sales of each brand and size or frontmark of cigars priced by this order, but shall not be increased. Packing differentials allowed by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class shall be allowed on corresponding sales of each brand and size or frontmark of cigars priced by this order and shall not be reduced. If a brand and size or frontmark of domestic cigars for which maximum prices are established by this order is of a price class not sold by the manufacturer or the particular wholesaler in March 1942, he shall, with respect to his sales thereof, grant the discounts and may charge and shall allow the packing differentials customarily granted, charged or allowed (as the case may be) in March 1942 by his most closely competitive seller of the same class on sales of domestic cigars of the same March 1942 price class to purchasers of the same class.

(c) On or before the first delivery to any purchaser of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the manufacturer and every other seller (except a retailer) shall notify the purchaser of the maximum list price and the maximum retail price established by this order for such brand and size or frontmark of domestic cigars. The notice shall conform to and be given in the manner prescribed by § 1358.113 of Maximum Price Regulation No. 260.

(d) Unless the context otherwise requires, appropriate provisions of Maximum Price Regulation No. 260, shall apply to sales for which maximum prices are established by this order.

(e) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective September 15, 1945.

Issued this 14th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-17246; Filed, Sept. 14, 1945; 12:02 p. m.]

[MPR 260, Order 1829]

RICHARD L. SHOFF

ADJUSTMENT OF MAXIMUM PRICES

For the reasons set forth in an opinion accompanying this order, and pursuant to § 1358.102 (b) of Maximum Price Regulation No. 260; *It is ordered*, That:

(a) Richard L. Shoff, Yoe, Pa. (hereinafter called "manufacturer") and wholesalers and retailers may sell, offer to sell or deliver and any person may buy, offer to buy or receive each brand and size or frontmark, and packing of the following domestic cigars at the appropriate maximum list price and maximum retail price set forth below:

Brand	Size or frontmark	Packing	Maximum list price	Maximum retail price
Open Letter	Perfectos	50	*Per M* $90.00	*Cents* 12

(b) The manufacturer and wholesalers shall grant, with respect to their sales of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the discounts they customarily granted in March 1942 on their sales of domestic cigars of the same price class to purchasers of the same class, unless a change therein results in a lower price. Packing differentials charged by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class may be charged on corresponding sales of each brand and size or frontmark of cigars priced by this order, but shall not be increased. Packing differentials allowed by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class shall be allowed on corresponding sales of each brand and size or frontmark of cigars priced by this order and shall not be reduced. If a brand and size or frontmark of domestic cigars for which maximum prices are established by this order is of a price class not sold by the manufacturer or the particular wholesaler in March 1942, he shall, with respect to his sales thereof, grant the discounts and may charge and shall allow the packing differentials customarily granted, charged or allowed (as the case may be) in March 1942 by his most closely competitive seller of the same class on sales of domestic cigars of the same March 1942 price class to purchasers of the same class.

(c) On or before the first delivery to any purchaser of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the manufacturer and every other seller (except a retailer) shall notify the purchaser of the maximum list price and the maximum retail price established by this order for such brand and size or frontmark of domestic cigars. The notice shall conform to and be given in the manner prescribed by § 1358.113 of Maximum Price Regulation No. 260.

(d) Unless the context otherwise requires, appropriate provisions of Maximum Price Regulation No. 260, shall apply to sales for which maximum prices are established by this order.

(e) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective September 15, 1945.

Issued this 14th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-17249; Filed, Sept. 14, 1945; 12:03 p. m.]

[MPR 367, Amdt. 1 to Rev. Order 4]

MEAT RATION CO. ET AL.

ESTABLISHMENT OF MAXIMUM PRICES

Amendment 1 to Revised Order 4 under section 10 of Maximum Price Regulation 367. Docket No. N6363-2367-4-7. Establishing maximum prices for sales of "Doggies' meat loaf meal" by Meat Ration Company and other sellers.

On August 21, 1945, Meat Ration Company, 459 Como Avenue, St. Paul, Minnesota, filed an application for the amendment of Revised Order No. 4 under section 10 of Maximum Price Regulation No. 367, establishing maximum prices for sales of the pet food product containing horsemeat known as "Doggies' Meat Loaf Meal" and manufactured by the applicant. That application requested that the maximum prices heretofore established for the said product be increased in view of the applicant's increased costs of production.

Due consideration has been given the application for amendment, and an opinion in support of this Amendment No. 1 to revised Order No. 4 under section 10 of Maximum Price Regulation No. 367 has been issued simultaneously herewith and filed with the Division of the Federal Register.

For the reasons set forth in that opinion, and under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Orders Nos. 9250, 9328, and 9599, and pursuant to the provisions of section 10 of Maximum Price Regulation No. 367; *It is ordered:*

1. That subparagraphs (1) and (2) of paragraph (b) of revised Order No. 4 under section 10 of Maximum Price Regulation No. 367 is amended to read as follows:

(1) For sales made by Meat Ration Company as follows:

(i) To peddler truck operators, wholesalers, or retailers:

	Cents
1 pound loaf	12
2 pound loaf	23

(ii) To wholesalers or retailers, delivered to their place of business:

	Cents
1 pound loaf	12½
2 pound loaf	24

(2) For sales made by a peddler truck operator shall be as follows:

(i) 1 pound loaf—14½ cents plus actual freight costs incurred by the peddler truck operator in acquiring the product, the total to be rounded to the nearest one-half cent.

(ii) 2 pound loaf—28 cents plus actual freight costs incurred by the peddler truck operator in acquiring the product, the total to be rounded to the nearest one-half cent.

2. Subparagraph (2) of revised Order No. 4 under section 10 of Maximum Price Regulation No. 367 is amended to read as follows:

(2) Meat Ration Company shall provide each peddler truck operator, wholesaler, or retailer with the first delivery of "Doggies' Meat Loaf Meal" after the effective date of Amendment No. 1 to this revised Order No. 4 with a notice in the following form:

(Insert date)

The Office of Price Administration has authorized Meat Ration Company to sell "Doggies' Meat Loaf Meal" at or below the following increased maximum prices:

To peddler-truck operators, wholesalers, or retailers, f. o. b. our plant:

	Cents
1 pound loaf	12
2 pound loaf	23

To wholesalers or retailers, delivered to their place of business:

	Cents
1 pound loaf	12½
2 pound loaf	24

If you are a peddler truck operator the maximum prices at which you may sell "Doggies' Meat Loaf Meal" are:

	Cents
1 pound loaf	[1] 14½
2 pound loaf	[1] 28

[1] Plus actual freight costs incurred by the peddler truck operator in acquiring the product, the total to be rounded to the nearest one-half cent.

If you are a wholesaler or retailer making his first purchase of "Doggies' Meat Loaf Meal", you must compute your maximum selling price for this product in accordance with the provisions of Maximum Price Regulation No. 421, No. 422, or No. 423, whichever is applicable.

If you are a wholesaler or retailer who has bought "Doggies' Meat Loaf Meal" before, you must recompute your maximum selling price for this product in accordance with the provisions of Maximum Price Regulation No. 421, No. 422, or No. 423, whichever is applicable. You must refigure your ceiling price on the first delivery of this product to you containing this notification.

All prayers of the application for amendment not herein granted are revoked.

This Amendment No. 1 to Revised Order No. 4 under section 10 of Maximum Price Regulation No. 367 may be revoked or amended by the Administrator at any time.

This Amendment No. 1 to Revised Order No. 4 under section 10 of Maximum Price Regulation No. 367 shall become effective immediately.

Issued this 14th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-17250; Filed, Sept. 14, 1945; 12:05 p. m.]

[MPR 367, Order 13]

BURKHARDT MEAT CO., ET AL.

ESTABLISHMENT OF MAXIMUM PRICES

On August 8, 1945, Burkhardt Meat Company, 1434 Blake Street, Denver, Colorado, filed an application for the establishment of maximum prices on sales of the pet food product containing horsemeat known as "Happy Dog Food", and made in accordance with the individual secret formula submitted by the applicant. That application was assigned Docket No. 6036.3-367-10-14.

Due consideration has been given to the application and an opinion in support of this order has been issued simultaneously herewith and filed with the Division of the Federal Register.

For the reasons set forth in that opinion, and under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Orders Nos. 9250, 9328 and 9599, and pursuant to the provisions of section 10 of Maximum Price Regulation No. 367, *It is ordered:*

(a) That Burkhardt Meat Company may sell and deliver, and agree, offer, solicit and attempt to sell and deliver, the pet food product containing horsemeat known as "Happy Dog Food" to peddler truck operators, wholesalers or retailers at prices not in excess of those stated in paragraph (b) of this order. Any person who is a peddler truck operator, a wholesaler or a retailer may buy and receive, and agree, offer, solicit and attempt to buy and receive the pet food product containing horsemeat known as "Happy Dog Food" at such prices from Burkhardt Meat Company.

(b) That the maximum price for "Happy Dog Food" shall be as follows:

(1) For sales made by Burkhardt Meat Company:

(i) To peddler truck operators or wholesalers, f. o. b. the seller's plant, $0.12½ per pound.

(ii) To retailers, f. o. b. the seller's plant, $0.14 per pound.

(iii) To retailers, delivered to their place of busfness, $0.14½ per pound.

(2) For sales made by a peddler truck operator shall be:

(i) $0.14½ per pound, plus actual freight costs incurred by the peddler truck operator in acquiring the product, the total to be rounded to the nearest one-half cent.

(3) For sales made by a wholesaler shall be determined pursuant to the provisions of Maximum Price Regulation No. 421.

(4) For sales made by a retailer in Group 3 or Group 4 shall be determined pursuant to the provisions of Maximum Price Regulation No. 422.

(5) For sales made by a retailer in Group 1 or Group 2 shall be determined pursuant to the provisions of Maximum Price Regulation No. 423.

(c) That the permission granted to Burkhardt Meat Company in this order is subject to the following conditions:

(1) The pet food product containing horsemeat known as "Happy Dog Food" must conform to the specifications set forth in the formula for that product filed with the Office of Price Administration, Washington, D. C., by Burkhardt Meat Company in conjunction with the filing of the application for this order.

(2) Burkhardt Meat Company shall provide each peddler truck operator, wholesaler, or retailer making his initial purchase of "Happy Dog Food" with a notice in the following form:

(Insert date)

The Office of Price Administration has authorized Burkhardt Meat Company to sell "Happy Dog Food" at or below the following maximum prices:

	Per pound
To peddler truck operators or wholesalers, f. o. b. our plant	$0.12½
To retailers, f. o. b. our plant	.14
To retailers, delivered to their place of business	.14½

If you are a peddler truck operator, the maximum price at which you may sell "Happy Dog Food" is $0.14½ per pound, plus actual freight costs incurred by you in acquiring the product, the total to be rounded to the nearest one-half cent.

If you are a wholesaler or retailer, you shall determine your maximum selling price for "Happy Dog Food" in accordance with the provisions of Maximum Price Regulation No. 421, 422 or 423, whichever is applicable.

(d) All sales made under this order shall be subject to all applicable provisions of Maximum Price Regulation No. 367.

All prayers of your application not herein granted are denied.

This Order No. 13 may be revoked or amended by the Administrator at any time.

This Order No. 13 shall become effective September 15, 1945.

Issued this 14th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-17251; Filed, Sept. 14, 1945; 12:05 p. m.]

[MPR 389, Order 27]

UNITED PACKING CO., ET AL.

ESTABLISHMENT OF MAXIMUM PRICES

On August 27, 1945, United Packing Company, South San Francisco, California, filed an application for the establishment of maximum prices on sales of the sausage product known as "French Head Cheese" and made in accordance with the individual secret formula submitted by the applicant. That application was assigned Docket No. 6036.3-389-2 (a)-33.

Due consideration has been given to the application and an opinion in support of this order has been issued simultaneously herewith and filed with the Division of the Federal Register.

For the reasons set forth in that opinion, and under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Orders Nos. 9250 and 9328, and pursuant to the provisions of section 2 (a) (6) of Maximum Price Regulation No. 389; *It is ordered:*

(a) That the maximum prices other than at retail for the sausage product known as "French Head Cheese" and made by United Packing Company, South San Francisco, California, in accordance with the individual formula submitted to the Office of Price Administration with the application for this order, shall be determined by the seller as follows:

(1) The base price for the product listed is established at the following amount per hundredweight:

French Head Cheese $16.75

(2) To the base price should be added the proper zone differential provided in section 12 (b) of Maximum Price Regulation No. 389 for sausage containing meat and meat by-products from swine only. In determining the proper zone differential to be added, the zone descriptions provided in section 14 of Maximum Price Regulation No. 389 shall be used.

(3) That to the sum of the base price plus the applicable zone differential the "Permitted additions to base prices" provided in section 12 (c) of Maximum Price Regulation No. 389 may be added when applicable.

(b) That with the first delivery of "French Head Cheese" to a wholesaler, peddler truck seller, or intermediate distributor United Packing Company shall supply each such seller with a written notice in the following form:

(Insert date)

Our OPA ceiling prices for "French Head Cheese" have been established by the Office of Price Administration at the base price of $16.75 per hundredweight, to which may be added the zone differentials provided in section 12 (b) of MPR 389 (See section 14 for zone boundaries) plus the permitted additions of section 12 (c). We are required to inform you that if you are a wholesaler, a peddler truck seller, or an intermediate distributor you must figure your ceiling prices for this product pursuant to the same sections of Maximum Price Regulation No. 389.

(c) That with the first delivery of "French Head Cheese" to a retailer the seller shall supply such retailer with a written notice in the following form:

(Insert date)

Our OPA ceiling prices for "French Head Cheese" have been established by the Office of Price Administration. We are required to inform you that if you are a retailer, you must figure your ceiling price for this item in accordance with the provisions of the General Maximum Price Regulation.

(d) That all pertinent provisions of Maximum Price Regulation No. 389, including the descriptive labelling and invoicing provisions of section 4, the recording and reporting provisions of section 6, and the definitions of section 13, in addition to the pricing provisions of paragraph (b) and (c) of section 12 shall be applicable to all sales made under this order.

(e) All prayers of the application not herein granted are denied.

(f) This Order No. 27 may be revoked or amended by the Price Administrator at any time.

This Order No. 27 shall become effective September 15, 1945.

NOTE: This action has the prior written approval of the Secretary of Agriculture (10 F.R. 8419).

Issued this 14th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-17255; Filed, Sept. 14, 1945; 12:06 p. m.]

[MPR 478, Order 153]

PATENT FABRIC CO.

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to section 10 of Maximum Price Regulation No. 478, it is ordered:

(a) *Applicability.* This order applies to all sales made prior to August 27, 1945, of the coated fabrics listed in paragraph (b), converted by the Patent Fabric Company, 195–201 South Street, Boston, Mass.

(b) The maximum prices for sales of the following coated fabrics converted by the Patent Fabric Company, 195–201 South Street, Boston, Mass., shall be as follows:

	White or pastel colors	Kolo metallic color
Hand Japanned shoe quality, patent finish applied on Du Pont quality number 4800 pyroxylin coated base fabric or its equivalent or better	*Per sq. ft.* $0.27	*Per sq. ft.* $0.29
Hand Japanned handbag quality, patent finish applied on Du Pont quality number 4800 pyroxylin coated base fabric or its equivalent or better	.30	.3

(c) With or prior to the first delivery to any person other than a manufacturer of the coated fabrics covered by this regulation the seller shall notify such person in writing of the specific maximum price applicable to his resale of these coated fabrics which is the maximum price set forth in (a) above.

(d) All provisions of Maximum Price Regulation No. 478 not inconsistent with this order shall apply to sales covered by this order.

(e) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective September 15, 1945.

Issued this 14th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-17254; Filed, Sept. 14, 1945; 12:06 p. m.]

[SR 15, Order 51]

SPALSBURY STEIS DEEVERS SHOE CO.

ESTABLISHMENT OF MAXIMUM PRICES

Correction

In the table in Federal Register Document 45-16545, appearing at page 11407 of the issue for Friday, September 7, 1945, a headnote should appear above the last four figures in the last column, reading: "Adjusted maximum prices (per pair, net), sales to retailers".

[Order 375 Under 3 (b), Order 90]

RICH PRODUCTS CORP.

ESTABLISHMENT OF MAXIMUM PRICES

Correction

In Federal Register Document 45-16110, appearing on page 11177 of the issue for Thursday, August 30, 1945, the last sales listing under paragraph 2 should read:

	Quart
Quarts, paper or glass container	$0.65

[S. O. 94, Rev. Order 60]

U. S. DEPARTMENT OF COMMERCE

SPECIAL MAXIMUM PRICES FOR OVERAGE PANCHROMATIC PHOTOGRAPHIC FILM

Order 60 under Supplementary Order 94 is redesignated Revised Order 60 and is revised and amended to read as follows:

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and in accordance with section 11 of Supplementary Order 94, It is ordered:

(a) *What this order does.* This order establishes maximum prices for resellers of respooled and sheet over-age panchromatic photographic film hereinafter described, which has been or may be purchased from the United States Department of Commerce.

(b) *Maximum prices.* (1) Maximum prices for all sales at retail of the hereinafter described over-age panchromatic respooled photographic films, having a fog density not exceeding 0.20, shall be as follows:

Size	5 exp.	6 exp.	7 exp.	8 exp.	18 exp.	36 exp.
1⅝" x 2½"	$0.22	$0.23	$0.26	$0.27	.....	.....
2¼" x 3¼"	.26	.28	.31	.33	.....	.....
2½" x 4½"	.30	.33	.36	.38	.....	.....
24 mm. x 36 mm.	.....	.....	.....	.....	$0.52	$0.87

(2) Maximum prices for all sales at retail of the hereinafter described over-age panchromatic sheet photographic films, having a fog density not exceeding 0.20, shall be as follows:

Size:	*36 sheets*
2¼" x 3¼"	$1.38
2½" x 3½"	1.38
3¼" x 4¼"	2.07
9 cm. x 12 cm.	2.48
4" x 5"	2.76
5" x 7"	4.41

(3) Every seller who has established discounts on sales of photographic film under any regulation or order of the Office of Price Administration shall continue to maintain such discounts from the established retail maximum prices (excluding Federal excise taxes) for photographic film.

(4) Sellers who have no such established discounts shall allow the following discounts:

(i) On sales to wholesalers, 29% and 12% off retail prices, f. o. b. shipping point.

(ii) On sales to retailers, 29% off retail prices, f. o. b. shipping point.

(5) Sales to wholesalers and retailers are subject to a discount of 2% for payment within ten days E. O. M.

(6) No additions may be made to these prices for Federal excise taxes.

(c) *Notification.* Any person who sells the photographic films described in paragraph (b) to a retailer shall furnish the retailer with an invoice of sale setting forth the maximum prices for sales at retail, and stating that the retailer is required by this order to conspicuously display at the place where the films are offered for sale a suitable sign which plainly states the retail ceiling prices.

(d) *Tagging.* Any person who sells the photographic films described in paragraph (b) at retail shall conspicuously display at the place where the films are offered for sale a suitable sign which plainly states the retail ceiling prices.

(e) Every reconverter of the photographic film described in paragraph (b) shall imprint on the outer container of each roll of re-spooled film and each box of sheet film the following:

1. Size of film.
2. Kind of film.
3. Number of exposures.
4. Name and address of reconverter.
5. Designation as War Surplus Film.

(f) *Relation to other regulations and orders.* This order with respect to the commodities it covers supersedes any other regulation or order previously issued by the Office of Price Administration.

(g) *Definitions.* (1) "Retailer" means any person who sells to a user or ultimate consumer.

(2) "Wholesaler" means any person other than a manufacturer who distributes or sells photographic film to resellers.

(h) *Revocation and amendment.* This order may be revoked or amended at any time.

This order shall become effective September 18, 1945.

Issued this 17th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-17298; Filed, Sept. 17, 1945; 11:31 a. m.]

Regional and District Office Orders.

LIST OF COMMUNITY CEILING PRICE ORDERS

The following orders under Rev. General Order 51 were filed with the Division of the Federal Register September 12, 1945.

REGION III

Escanaba Order 43, Amendment 2, covering dry groceries in certain areas in Michigan. Filed 9:51 a. m.

REGION IV

Atlanta Order 8-F, Amendment 16, covering fresh fruits and vegetables in certain areas in Georgia. Filed 9:51 a. m.

Charlotte Order 3-F, Amendment 32, covering fresh fruits and vegetables in certain areas in North Carolina. Filed 9:50 a. m.

REGION VI

Chicago Order 2-O, Amendment 3, covering eggs in the Chicago Area. Filed 9:45 a. m.

Des Moines Order 1-F, Amendment 77, covering fresh fruits and vegetables in Des Moines, Polk County, Iowa. Filed 9:51 a. m.

Des Moines Order 3-F, Amendment 25, covering fresh fruits and vegetables in certain areas in Iowa. Filed 9:51 a. m.

La Crosse Order 1-F, Amendment 85, covering fresh fruits and vegetables in Winona, Minnesota and La Crosse and Sparta, Wisconsin. Filed 9:25 a. m.

La Crosse Order 5-F, Amendment 79, covering fresh fruit and vegetables in the city of Rochester, Minnesota. Filed 9:52 a. m.

Peoria District Order 10-F, Amendment 20, covering fresh fruits and vegetables in certain areas in Illinois. Filed 9:50 a. m.

REGION VII

Albuquerque Order 45, covering dry groceries in certain areas in New Mexico. Filed 9:40 a. m.

REGION VIII

Fresno District Order 1-F, Amendment 83, covering fresh fruits and vegetables in Fresno, California. Filed 9:48 a. m.

Fresno District Order 1-F, Amendment 84, covering fresh fruits and vegetables in Fresno, California. Filed 9:48 a. m.

Fresno District Order 2-F, Amendment 71, covering fresh fruits and vegetables in Modesto, California. Filed 9:47 a. m.

Fresno District Order 2-F, Amendment 72, covering fresh fruits and vegetables in Modesto, California. Filed 9:46 a. m.

Fresno District Order 3-F, Amendment 68, covering fresh fruits and vegetables in certain areas in California. Filed 9:47 a. m.

Fresno Order (District) 3-F, Amendment 69, covering fresh fruits and vegetables in certain areas in California. Filed 9:46 a. m.

Fresno District Order 4-F, Amendment 43, covering fresh fruits and vegetables in certain areas in California. Filed 9:47 a. m.

Fresno District Order 4-F, Amendment 44, covering fresh fruits and vegetables in certain areas in California. Filed 9:46 a. m.

Fresno District Order 6-F, Amendment 54, covering fresh fruits and vegetables in certain areas in California. Filed 9:47 a. m.

Fresno District Order 6-F, Amendment 55, covering fresh fruits and vegetables in certain areas in California. Filed 9:46 a. m.

Fresno District Order 7-F, Amendment 38, covering fresh fruits and vegetables in certain areas in California. Filed 9:47 a. m.

Fresno District Order 7-F, Amendment 34, covering fresh fruits and vegetables in Merced, California. Filed 9:45 a. m.

San Diego Order 12, Amendment 4, covering dry groceries in the Imperial County. Filed 9:51 a. m.

Seattle Order 6-F, Amendment 50, covering fresh fruits and vegetables in the Seattle and Bremerton, Washington area. Filed 9:43 a. m.

Spokane Order 8-F, Amendment 30, covering fresh fruits and vegetables in Spokane County, Washington. Filed 9:49 a. m.

Spokane Order 8-F, Amendment 31, covering fresh fruits and vegetables in Spokane County, Washington. Filed 9:48 a. m.

Spokane Order 9-F, Amendment 31, covering fresh fruits and vegetables in the Kootenai County, Idaho Area. Filed 9:44 a. m.

Spokane Order 10-F, Amendment 30, covering fresh fruits and vegetables in the Shoshone and Kootenai Counties, Idaho. Filed 9:44 a. m.

Spokane Order 11-F, Amendment 29, covering fresh fruits and vegetables in the Whitman County, Washington and Latah County, Idaho. Filed 9:49 a. m.

Spokane Order 11-F, Amendment 30, covering fresh fruits and vegetables in the Latah County, Idaho and Whitman County, Washington. Filed 9:44 a. m.

Spokane Order 12-F, Amendment 30, covering fresh fruits and vegetables in the Asotin County, Washington and Nez Perce County, Idaho. Filed 9:49 a. m.

Spokane Order 12-F, Amendment 31, covering fresh fruits and vegetables in the Asotin County, Washington and Nez Perce County, Idaho. Filed 9:44 a. m.

Spokane Order 13-F, Amendment 32, covering fresh fruits and vegetables in the Columbia and Walla Walla Counties, Washington. Filed 9:49 a. m.

Spokane Order 13-F, Amendment 33, covering fresh fruits and vegetables in the Columbia and Walla Walla Counties, Washington. Filed 9:45 a. m.

Spokane Order 14-F, Amendment 31, covering fresh fruits and vegetables in the Benton and Franklin Counties, Washington. Filed 9:49 a. m.

Spokane Order 14-F, Amendment 32, covering fresh fruits and vegetables in the Benton and Franklin Counties, Washington. Filed 9:45 a. m.

Copies of any of these orders may be obtained from the OPA Office in the designated city.

ERVIN H. POLLACK,
Secretary.

[F. R. Doc. 45-17277; Filed, Sept. 14, 1945; 4:53 p. m.]

LIST OF COMMUNITY CEILING PRICE ORDERS

The following orders under Rev. General Order 51 were filed with the Division of the Federal Register September 13, 1945.

REGION I

Augusta Order 3-F, Amendment 12, covering fresh fruits and vegetables in South Portland, Portland and Westbrook, Maine. Filed 9:26 a. m.

Augusta Order 5-F, Amendment 12, covering fresh fruits and vegetables in the Bangor and Brewer Areas. Filed 9:26 a. m.

Boston Order 3-O, Amendment 1, covering eggs in the commonwealth of Massachusetts except Dukes and Nantucket Counties. Filed 9:43 a. m.

REGION II

New York Order 9-F, Amendment 27, covering fresh fruits and vegetables in the five boroughs of the city of New York. Filed 9:47 a. m.

New York Order 9-F, Amendment 28, covering fresh fruits and vegetables in the five boroughs of the city of New York. Filed 9:27 a. m.

New York Order 10-F, Amendment 27, covering fresh fruits and vegetables in the Nassau and Westchester Counties, New York. Filed 9:47 a. m.

New York Order 10-F, Amendment 28, covering fresh fruits and vegetables in the Nassau and Westchester Counties, New York. Filed 9:48 a. m.

New York Order 12-F, Amendment 20, covering fresh fruits and vegetables in certain counties in New York. Filed 9:48 a. m.

New York Order 13-F, covering fresh fruits and vegetables in certain counties in New York. Filed 9:48 a. m.

Williamsport Order 3-F, Amendment 1, covering fresh fruits and vegetables in certain counties in Pennsylvania. Filed 9:26 a. m.

REGION III

Detroit Order 2-C, Amendment 7, covering poultry in certain counties in Michigan. Filed 9:26 a. m.

Lexington Order 5-F, Amendment 23, covering fresh fruits and vegetables in the Fayette County, Kentucky Area. Filed 9:48 a. m.

Lexington Order 5-F, Amendment 24, covering fresh fruits and vegetables in the Fayette County, Kentucky Area. Filed 9:48 a. m.

Lexington Order 6-F, Amendment 23, covering fresh fruits and vegetables in the Campbell and Kenton Counties, Kentucky. Filed 9:48 a. m.

Lexington Order 6-F, Amendment 24, covering fresh fruits and vegetables in the Campbell and Kenton Counties, Kentucky. Filed 9:49 a. m.

Lexington Order 7-F, Amendment 23, covering fresh fruits and vegetables in Boyd County, Kentucky. Filed 9:49 a. m.

Lexington Order 7–F, Amendment 24, covering fresh fruits and vegetables in the Boyd County, Kentucky Area. Filed 9:49 a. m.

REGION IV

Birmingham Order 3–F, Amendment 34, covering fresh fruits and vegetables in Jefferson County, Alabama. Filed 9:43 a. m.

Charlotte Order 3–F, Amendment 33, covering fresh fruits and vegetables in certain areas in North Carolina. Filed 9:26 a. m.

Roanoke Order 11–F, Amendment 29, covering fresh fruits and vegetables in certain areas in Virginia. Filed 9:25 a. m.

REGION V

Dallas Order 4–F, Amendment 6, covering fresh fruits and vegetables in Dallas County, Texas. Filed 9:43 a. m.

Dallas Order 5–F, Amendment 1, covering fresh fruits and vegetables in certain areas in Texas. Filed 9:41 a. m.

Fort Worth Order 13–F, Amendment 7, covering fresh fruits and vegetables in the Tarrant County, Texas, Area. Filed 9:42 a. m.

Fort Worth Order 14–F, Amendment 7, covering fresh fruits and vegetables in the Taylor County, Texas, Area. Filed 9:42 a. m.

Fort Worth Order 15–F, Amendment 7, covering fresh fruits and vegetables in the Tom Green County, Texas, Area. Filed 9:42 a. m.

Fort Worth Order 16–F, Amendment 7, covering fresh fruits and vegetables in the McLennan County, Texas, Area. Filed 9:42 a. m.

Fort Worth Order 17–F, Amendment 7, covering fresh fruits and vegetables in the Wichita County, Texas, Area. Filed 9:42 a. m.

Fort Worth Order 18–F, Amendment 2, covering fresh fruits and vegetables in certain areas in Texas. Filed 9:43 a. m.

Houston Order 4–F, Amendment 7, covering fresh fruits and vegetables in certain areas in Texas. Filed 9:41 a. m.

Houston Order 5–F, Amendment 7, covering fresh fruits and vegetables in the Orange and Jefferson Counties, Texas, Area. Filed 9:41 a. m.

Houston Order 6–F, Amendment 2, covering fresh fruits and vegetables in certain areas in Texas. Filed 9:41 a. m.

Kansas City Order 3–F, Amendment 1, covering fresh fruits and vegetables in certain areas in Kansas. Filed 9:41 a. m.

Kansas City Order 3–O, covering eggs in certain counties in Missouri. Filed 9:25 a. m.

Kansas City Order 4–O, covering eggs in certain counties in Missouri. Filed 9:25 a. m.

Kansas City Order 5–O, covering eggs in certain counties in Missouri. Filed 9:25 a. m.

Kansas City Order 6–O, covering eggs in certain counties in Missouri. Filed 9:51 a. m.

Little Rock Order 2–C, Amendment 1, covering poultry in the state of Arkansas. Filed 9:49 a. m.

Little Rock Order 2–C, Amendment 2, covering poultry in the state of Arkansas. Filed 9:50 a. m.

Little Rock Order 2–O, Amendment 1, covering eggs in the state of Arkansas. Filed 9:27 a. m.

Little Rock Order 2–O, Amendment 2, covering eggs in the state of Arkansas. Filed 9:28 a. m.

Little Rock Order 3–C, Amendment 1, covering eggs in the state of Arkansas. Filed 9:49 a. m.

Little Rock Order 3–C, Amendment 2, covering poultry in the state of Arkansas. Filed 9:50 a. m.

Little Rock Order 3–O, Amendment 1, covering eggs in the state of Arkansas. Filed 9:27 a. m.

Little Rock Order 3–O, Amendment 2, covering eggs in the state of Arkansas. Filed 9:27 a. m.

Little Rock Order 9–F, covering fresh fruits and vegetables in certain counties in Arkansas. Filed 9:42 a. m.

Little Rock Order 9–F, Amendment 1, covering fresh fruits and vegetables in certain counties in Arkansas. Filed 9:38 a. m.

Little Rock Order 10–F, Amendment 8, covering fresh fruits and vegetables in Garland County, Arkansas. Filed 9:49 a. m.

Little Rock Order 12–F, covering fresh fruits and vegetables in certain counties in Arkansas. Filed 9:50 a. m.

Little Rock Order 13–F, covering fresh fruits and vegetables in certain counties in Arkansas. Filed 9:50 a. m.

Little Rock Order 14–F, covering fresh fruits and vegetables in certain counties in Arkansas. Filed 9:50 a. m.

Little Rock Order 15–F, covering fresh fruits and vegetables in certain counties in Arkansas. Filed 9:50 a. m.

Lubbock Order 6–F, Amendment 6, covering fresh fruits and vegetables in Lubbock County, Texas. Filed 9:43 a. m.

Lubbock Order 7–F, Amendment 6, covering fresh fruits and vegetables in certain counties in Texas. Filed 9:43 a. m.

New Orleans Order 1–M, covering certain malt beverages in certain areas in Louisiana. Filed 9:44 a. m.

New Orleans Order 4–F, Amendment 1, covering fresh fruits and vegetables in certain areas in Louisiana. Filed 9:28 a. m.

San Antonio Order 3–C, Amendment 2, covering poultry. Filed 9:44 a. m.

St. Louis Order 1–M, covering certain malt beverages in the city and county of St. Louis, Missouri. Filed 9:30 a. m.

Wichita Order 5–F, Amendment 7, covering fresh fruits and vegetables in certain areas in Kansas. Filed 9:51 a. m.

REGION VI

Duluth-Superior District Order 1–F, Amendment 86, covering fresh fruits and vegetables in certain areas in Minnesota. Filed 9:44 a. m.

Duluth-Superior District Order 2–F, Amendment 20, covering fresh fruits and vegetables in certain areas in Minnesota. Filed 9:28 a. m.

Green Bay Order 4–F, Amendment 30, covering fresh fruits and vegetables in certain areas in Wisconsin. Filed 9:28 a. m.

Green Bay Order 5–F, Amendment 29, covering fresh fruits and vegetables in certain areas in Wisconsin. Filed 9:28 a. m.

Green Bay Order 6–F, Amendment 29, covering fresh fruits and vegetables in Florence, Forest and Marinette. Filed 9:28 a. m.

Green Bay Order 6–F, Amendment 30, covering fresh fruits and vegetables in Florence, Forest and Marinette. Filed 9:29 a. m.

North Platte Order 6, Amendment 1, covering dry groceries in certain counties in Nebraska. Filed 9:30 a. m.

Sioux City Order 2–F, Amendment 86, covering fresh fruits and vegetables in the Sioux City, Iowa and South Sioux City, Nebraska. Filed 9:29 a. m.

Sioux City Order 3–F, Amendment 21, covering fresh fruits and vegetables in certain areas in Nebraska and Iowa, South Dakota. Filed 9:29 a. m.

Sioux City Order 4–F, Amendment 21, covering fresh fruits and vegetables in certain areas in Nebraska. Filed 9:29 a. m.

Sioux Falls Order 2–F, Amendment 9, covering fresh fruits and vegetables in certain areas in the city of Sioux Falls, South Dakota. Filed 9:44 a. m.

Sioux Falls Order 3–F, Amendment 8, covering fresh fruits and vegetables in certain areas in Iowa. Filed 9:45 a. m.

Sioux Falls Order 4–F, Amendment 8, covering fresh fruits and vegetables in certain areas in South Dakota. Filed 9:45 a. m.

Springfield Order 13–F, Amendment 26, covering fresh fruits and vegetables in Springfield, Sangamon County, Illinois. Filed 9:30 a. m.

Springfield Order 14–F, Amendment 27, covering fresh fruits and vegetables in certain areas in Illinois. Filed 9:30 a. m.

Springfield Order 15–F, Amendment 27, covering fresh fruits and vegetables in Decatur, Macon County, Illinois. Filed 9:30 a. m.

REGION VII

Boise Order 5–F, Amendment 10, covering fresh fruits and vegetables in certain areas in Idaho. Filed 9:39 a. m.

Boise Order 6–F, Amendment 2, covering fresh fruits and vegetables in certain areas in Idaho. Filed 9:39 a. m.

Denver Order 4–F, Amendment 12, covering fresh fruits and vegetables in the Denver Area. Filed 9:39 a. m.

Denver Order 5–F, Amendment 13, covering fresh fruits and vegetables in the Pueblo Area. Filed 9:39 a. m.

Denver Order 6–F, Amendment 13, covering fresh fruits and vegetables in the Colorado Springs-Manitou Area. Filed 9:40 a. m.

Denver Order 7–F, Amendment 13, covering fresh fruits and vegetables in the Boulder-Fort Collins-Greeley Area. Filed 9:40 a. m.

Salt Lake City Order 1–B, Amendment 3, covering certain food items. Filed 9:39 a. m.

REGION VIII

Fresno District Order 1–F, Amendment 82, covering fresh fruits and vegetables in the city of Fresno, California. Filed 9:45 a. m.

Fresno District Order 2–F, Amendment 70, covering fresh fruits and vegetables in the city of Modesto, California. Filed 9:45 a. m.

Fresno District Order 3–F, Amendment 67, covering fresh fruits and vegetables in certain areas in California. Filed 9:45 a. m.

Fresno District Order 4–F, Amendment 42, covering fresh fruits and vegetables in certain areas in California. Filed 9:46 a. m.

Fresno District Order 5–F, Amendment 17, covering fresh fruits and vegetables in certain areas in California. Filed 9:46 a. m.

Fresno District Order 6–F, Amendment 53, covering fresh fruits and vegetables in certain areas in California. Filed 9:46 a. m.

Fresno District Order 6–F, Amendment 53, covering fresh fruits and vegetables in certain areas in California. Filed 9:46 a. m.

Fresno District Order 7–F, Amendment 32, covering fresh fruits and vegetables in Merced, California. Filed 9:46 a. m.

Nevada Order 11–F, Amendment 4–A, covering fresh fruits and vegetables in the Reno and Sparks Area. Filed 9:46 a. m.

Phoenix Order 9–F, Amendment 3, covering fresh fruits and vegetables in the Phoenix Area. Filed 9:40 a. m.

Phoenix Order 10–F, Amendment 2, covering fresh fruits and vegetables in the Tucson Area. Filed 9:40 a. m.

Phoenix Order 11–F, Amendment 1, covering fresh fruits and vegetables in the Cochise Area. Filed 9:41 a. m.

San Francisco Order 13–F, Amendment 16, covering fresh fruits and vegetables in certain areas in California. Filed 9:47 a. m.

San Francisco Order 14–F, Amendment 16, covering fresh fruits and vegetables in certain areas in California. Filed 9:47 a. m.

San Francisco Order 15–F, Amendment 16, covering fresh fruits and vegetables in certain areas in California. Filed 9:47 a. m.

San Francisco Order 16–F, Amendment 16, covering fresh fruits and vegetables in Del Norte and Humboldt Counties Except Eureka. Filed 9:47 a. m.

Copies of any of these orders may be obtained from the OPA Office in the designated city.

ERVIN H. POLLACK,
Secretary.

[F. R. Doc. 45–17278; Filed, Sept. 14, 1945; 4:53 p. m.]

SEP 20 '45

FEDERAL REGISTER

VOLUME 10 NUMBER 184

Washington, Wednesday, September 19, 1945

The President

DESIGNATION OF WORLD WAR II

APPROVAL OF RECOMMENDATION OF WAR AND NAVY DEPARTMENTS

10 SEPTEMBER 1945.

The PRESIDENT
The White House

DEAR MR. PRESIDENT:

President Wilson, under date of July 31, 1919, addressed a letter to Secretary of War Baker which read, in part, as follows:

"It is hard to find a satisfactory 'official' name for the war, but the best, I think, that has been suggested is 'The World War', and I hope that your judgment will concur."

Subsequently, under date of October 7, 1919, War Department General Orders No. 115 directed:

"The war against the Central Powers of Europe, in which the United States has taken part, will hereafter be designated in all official communications and publications as 'The World War'."

As a matter of simplicity and to insure uniform terminology, it is recommended that "World War II" be the officially designated name for the present war covering all theaters and the entire period of hostilities.

The term "World War II" has been used in at least seven public laws to designate this period of hostilities. Analysis of publications and radio programs indicates that this term has been accepted by common usage.

If this recommendation is approved it is further recommended that the title "World War II" be published in the FEDERAL REGISTER as the official name of the present war.

Respectfully yours,

HENRY L. STIMSON,
Secretary of War.

JAMES FORRESTAL,
Secretary of the Navy.

Approved: September 11, 1945.

HARRY S. TRUMAN.

[F. R. Doc. 45–17352; Filed, Sept. 18, 1945; 10:21 a. m.]

Regulations

TITLE 7—AGRICULTURE

Chapter IV—Federal Crop Insurance Corporation

[Amdt. 1]

PART 415—FLAX CROP INSURANCE

CAUSES OF LOSS INSURED AGAINST

Section 415.58 of the 1946 Flax Crop Insurance regulations is hereby amended to read as follows:

§ 415.58 *Causes of loss insured against.* The insurance contract shall cover loss in yield of flax due to unavoidable causes, including drought, flood, hail, wind, frost, winter-kill, lightning, fire, excessive rain, snow, wildlife, hurricane, tornado, insect infestation, plant disease, and such other unavoidable causes as may be determined by the Board of Directors of the Corporation: *Provided, however,* That in Kings County, California, and in such other counties or areas as may be determined by the Board of Directors, the insurance contract shall not cover loss in yield of flax due to flood.

Adopted by the Board of Directors on September 5, 1945.

[SEAL] E. R. DUKE,
Chairman.

Approved: September 17, 1945.

CLINTON P. ANDERSON,
Secretary of Agriculture.

[F. R. Doc. 45–17335; Filed, Sept. 17, 1945; 3:19 p. m.]

[Amdt. 3]

PART 418—WHEAT CROP INSURANCE REGULATIONS FOR INSURANCE CONTRACTS COVERING THE 1946, 1947, AND 1948 CROP YEARS

CAUSES OF LOSS INSURED AGAINST

Section 418.10 of the Wheat Crop Insurance Regulations for Insurance Contracts Covering the 1946, 1947, and 1948

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FEDERAL REGISTER

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NOTICE

1944 Supplement

Book 1 of the 1944 Supplement to the Code of Federal Regulations, containing Titles 1–10, including Presidential documents in full text, is now available from the Superintendent of Documents, Government Printing Office, at $3.00 per copy.

A limited sales stock of the Cumulative Supplement and the 1943 Supplement is still available as previously announced.

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Crop Years is hereby amended to read as follows:

§ 418.10 *Causes of loss insured against.* The insurance contract shall cover loss in yield of wheat due to unavoidable causes, including drought, flood, hail, wind, frost, winter-kill, lightning, fire, excessive rain, snow, wildlife, hurricane, tornado, insect infestation, plant disease, and such other unavoidable causes as may be determined by the Board of Directors of the Corporation: *Provided, however,* That in Kings County, California, and in such other counties or areas as may be determined by the Board of Directors, the insurance contract shall not cover loss in yield of wheat due to flood.

Adopted by the Board of Directors on September 5, 1945.

[SEAL] E. R. DUKE, *Chairman.*

Approved: September 17, 1945.

CLINTON P. ANDERSON, *Secretary of Agriculture.*

[F. R. Doc. 45-17336; Filed, Sept. 17, 1945; 3:19 p. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

[Amdt. 43-3]

PART 43—GENERAL OPERATION RULES

SEARCH OF PASSENGERS' BAGGAGE

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 12th day of September 1945.

Effective September 12, 1945, § 43.82 of the Civil Air Regulations is repealed.

(52 Stat. 984, 1007; 49 U.S.C. 425, 551)

By the Civil Aeronautics Board.

FRED A. TOOMBS, *Secretary.*

[F. R. Doc. 45-17368; Filed, Sept. 18, 1945; 10:41 a. m.]

TITLE 29—LABOR

Chapter V—Wage and Hour Division

PART 526—INDUSTRIES OF A SEASONAL NATURE

RICE PROCESSING IN MINNESOTA

In the matter of the determination that the processing of wild rice in the State of Minnesota is an industry of a seasonal nature within the meaning of section 7 (b) (3) of the Fair Labor Standards Act of 1938 and Part 526, as amended, of the regulations issued thereunder.

Whereas, an application was received from the Wild Rice Producers' Association of Minnesota for a determination that the processing of wild rice constitutes an industry of a seasonal nature within the meaning of section 7 (b) (3) of the Fair Labor Standards Act of 1938 and Part 526, as amended, of the regulations issued thereunder; and

Whereas, it appeared from said application that:

(1) Wild rice matures and is harvested in Minnesota, during a regularly recurring season each year beginning about the middle of August and ending about the middle of October;

(2) Wild rice is perishable and must be processed as quickly as possible after harvesting to prevent deterioration and spoilage;

(3) Practically all of the establishments processing wild rice commercially are located in Minnesota. Wild rice is processed in these establishments during a regularly recurring season each year which begins at the same time as the harvesting season and lasts for about 90 days, after which the processing plants cease production for the remainder of the year except for such work as maintenance, repair, clerical and sales work because wild rice is no longer available for processing as a result of natural conditions; and

Whereas, on August 7, 1945, the Administrator of the Wage and Hour Division caused to be published in the FEDERAL REGISTER a notice which set forth the foregoing and which stated that (a) upon consideration of the facts presented by the application, the Administrator determined, pursuant to § 526.5 (b) (ii) of the regulations, that a prima facie case had been shown for the granting of an exemption as an industry of a seasonal nature pursuant to section 7 (b) (3) of the Fair Labor Standards Act of 1938 and Part 526, as amended, of the regulations issued thereunder, to the processing of wild rice in Minnesota, and that (b) if no objection or request for hearing was received within 15 days following the publication of that determination, the Administrator, pursuant to § 526.5 (b) (ii) of the regulations, would make a finding upon the prima facie case; and

Whereas, no objection or request for hearing was received by the Administrator within the said 15 days;

Now, therefore, pursuant to § 526.5 (b) (ii) of the regulations, as amended, the Administrator hereby finds upon the prima facie case shown in the said application that the processing of wild rice in Minnesota is an industry of a seasonal nature, within the meaning of section 7 (b) (3) of the Fair Labor Standards Act of 1938 and the regulations issued thereunder, and, therefore, is entitled to the exemption provided in section 7 (b) (3) of the said act.

As used in this determination, the term "processing of wild rice" means the curing, drying, parching, hulling and cleaning of wild rice; and the following operations when performed by employees of wild rice processors on or near the premises of wild rice processing plants during the wild rice processing season: the packaging and bagging of wild rice; the storing of wild rice and the removal of the wild rice from storage and placing it in transportation facilities; and any operations or services necessary or incident to the foregoing.

Signed at New York, New York this 13th day of September 1945.

L. METCALFE WALLING, *Administrator.*

[F. R. Doc. 45-17331; Filed, Sept. 17, 1945; 12:08 p. m.]

Chapter IX—Agriculture Department
(Agricultural Labor)

[Supp. 82]

PART 1118—SALARIES AND WAGES OF AGRICULTURAL LABOR IN THE STATE OF MISSISSIPPI

WORKERS ENGAGED IN PICKING AND PULLING COTTON IN THE DELTA AREA, STATE OF MISSISSIPPI

§ 1118.1 *Workers engaged in picking and pulling cotton in the Delta area, State of Mississippi.* Pursuant to § 4001.7 of the regulations of the Economic Stabilization Director relating to salaries and wages issued August 28, 1943, as amended (8 F.R. 11960, 12139, 16702; 9 F.R. 6035, 14547; 10 F.R. 9478, 9628) and to the regulations of the War Food Administrator issued March 23, 1945 (10 F.R. 3177) entitled "Specific Wage Ceiling Regulations" and based upon a certification of the Mississippi USDA Wage Board that a majority of the producers of cotton in the area affected participating in a referendum conducted for such purpose have requested the intervention of the Secretary of Agriculture, and based upon relevant facts submitted by the Mississippi USDA Wage Board and obtained from other sources, it is hereby determined that:

(a) *Areas, crops and classes of workers.* Persons engaged in picking and pulling cotton in the Delta area, State of Mississippi, are agricultural labor as defined in § 4001.1 (i) of the regulations of the Economic Stabilization Director issued on August 28, 1943, as amended (8 F.R. 11960, 12139, 16702; 9 F.R. 6035, 14547; 10 F.R. 9478, 9628).

(b) *Definitions.* When used in this section the term "Delta area" means the counties of Bolivar, Coahoma, Humphreys, Issaquena, Leflore, Quitman, Sharkey, Sunflower, Tunica, and Washington, State of Mississippi, and the counties of Carroll, De Soto, Grenada, Holmes, Panola, Tallahatchie, Tate, Warren, and Yazoo, State of Mississippi, except that wherever streams enter from the hills of the counties last above named, the "Delta area" shall terminate at a line drawn from the base of the first such hill (counting from the Mississippi River) on the south to the base of the same hill on the north of each such stream.

(c) *Maximum wage rates for picking, pulling, or snapping seed cotton.* (1) Maximum wage rate for picking cotton—$2.10 per hundred pounds of seed cotton.

(2) Maximum wage rate for pulling or snapping cotton—$1.15 per hundred pounds of seed cotton.

(d) *Administration.* The Mississippi USDA Wage Board, located at Jackson, Mississippi, will have charge of the administration of this section in accordance with the provisions of the specific wage ceiling regulations issued by the War Food Administrator on March 23, 1945 (10 F.R. 3177).

(e) *Applicability of specific wage ceiling regulations.* This section shall be deemed to be part of the specific wage ceiling regulations issued by the War Food Administrator on March 23, 1945 (10 F.R. 3177) and the provisions of such regulations shall be applicable to this section and any violation of this section shall constitute a violation of such specific wage ceiling regulations.

(f) *Termination date.* This section shall expire at 11:59 p. m., Central war time, June 30, 1946: *Provided, however,* That the provisions of this section, after that time, shall continue to remain in full force and effect for the purpose of allowing or sustaining any suit, action, prosecution, or administrative or other proceeding theretofore or thereafter commenced with respect to any violation committed or right or liability accruing under or pursuant to the terms of the provisions of this section.

Effective date. This Supplement No. 82 shall become effective at 12:01 a. m., Central war time, September 17, 1945.

(56 Stat. 765 (1942), 50 U.S.C. 961 et seq., (Supp. IV); 57 Stat. 63 (1945); 50 U.S.C. 964 (Supp. IV); 58 Stat. 632 (1944); Pub. Law 108, 79th Cong., E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681; E.O. 9577, 10 F.R. 8087; regulations of the Economic Stabilization Director, 8 F.R. 11960, 12139, 16702, 9 F.R. 6035, 14547, 10 F.R. 9478, 9628; regulations of the War Food Administrator, 9 F.R. 655, 12117, 12611, 10 F.R. 7609, 9581; 9 F.R. 831, 12807, 14206, 10 F.R. 3177)

Issued this 17th day of September 1945.

[SEAL] K. A. BUTLER,
Acting Director of Labor,
U. S. Department of Agriculture.

[F. R. Doc. 45-17374; Filed, Sept. 18, 1945, 11:02 a. m.]

TITLE 30—MINERAL RESOURCES

Chapter VI—Solid Fuels Administration for War

PART 602—GENERAL ORDERS AND DIRECTIVES

DIRECTION TO SHIPPERS OF COAL PRODUCED IN DISTRICTS 2, 7 OR 8 MOVING VIA THE GREAT LAKES

To accelerate shipments of coal moving via the Great Lakes so that required minimum shipments are made before the close of the season of navigation, it is necessary, pursuant to SFAW Regulation No. 1, as amended, to issue the following direction:

(1) Notwithstanding any provision of SFAW Regulation No. 27, shippers of coal produced in Districts 2, 7 or 8 shall immediately arrange their distribution schedules for the period September 17, 1945 to November 17, 1945 so that commitments for coal moving via the Great Lakes to a dock or other unloading facility located in the areas described in paragraph (2) below, are met in full. Such commitments include

(a) Those contracts entered into in accordance with SFAW Regulation No. 25, and

(b) Contracts for coal moving via the Great Lakes entered into in accordance with SFAW Regulation No. 24,

as modified by any SFAW directions, approvals or adjustments. In so far as practicable, distribution schedules shall be arranged so that not less than one-half of the coal necessary to fill such commitments will be shipped before October 17, 1945.

(2) This direction shall apply to coal produced in Districts 2, 7 or 8 moving via the Great Lakes to any dock or other unloading facility, except those located at the following points: All points on Lake Erie, Lake Ontario, the Welland Canal, and the St. Lawrence River; all points on Lake Michigan within the States of Illinois and Indiana.

(3) In the event that compliance with the provisions of this direction will cause substantial disruption of normal shipments to other markets, the shipper shall immediately notify the Area Distribution Manager for the district in which the coal is produced of all pertinent facts. Such notification shall be furnished to the Area Distribution Manager in duplicate. The filing of such notification shall not, however, in any way relieve a shipper from the obligation of arranging and proceeding without delay to comply with the provisions of this direction.

(4) This direction supersedes the preference provisions of SFAW Regulation No. 27 and the provisions of all directions and orders inconsistent herewith. It shall not affect, however, the provisions of the notice of direction to shippers and industrial consumers of coal moving via the Great Lakes and ex-lake dock, issued August 30, 1945.

This direction shall become effective immediately.

(E.O. 9332, 8 F.R. 5355; E.O. 9125, 7 F.R. 2719; sec. 2 (a), 54 Stat. 676, as amended by 55 Stat. 236, 56 Stat. 176 and 58 Stat. 827)

Issued this 14th day of September 1945

C. J. POTTER,
Deputy Solid Fuels
Administrator for War.

[F. R. Doc. 45-17375; Filed, Sept. 18, 1945, 11:23 a. m.]

PART 602—GENERAL ORDERS AND DIRECTIVES

DIRECTION TO ALL SHIPPERS AND INDUSTRIAL CONSUMERS OF COAL PRODUCED IN DISTRICT 10 AND 11

To effectuate a fair distribution of the available production of coal produced during the month of October 1945 in Districts 10 and 11, it is necessary, pursuant to SFAW Regulation No. 1, as amended, to issue the following direction:

(1) All shippers of coal produced in Districts 10 or 11 are prohibited from shipping during the month of October 1945 to any industrial consumer subject to the provisions of SFAW Regulation No. 27 more coal than such industrial consumer is permitted to receive under the provisions of paragraph (2) below.

(2) Notwithstanding the provisions of § 602.715 (d) of SFAW Regulation No. 27, as amended, an industrial consumer of coal whose days' supply exceeds 60 days is prohibited from receiving during the month of October 1945, coal produced in District 11 in an amount greater than 100 per cent of his consumption requirements for such month, without first obtaining permission from the SFAW Area Distribution Manager for that district; an industrial consumer whose days' supply exceeds 30 days is prohibited from receiving during the month of October 1945 coal produced in District 10 in an amount greater than 100 per cent of his consumption requirements for such month, without first obtaining permission from the SFAW Area Distribution Manager for that district. An industrial consumer receiving coal from Districts 10 and 11 is prohibited from receiving more coal in the aggregate during the month of October 1945, than he is permitted to receive from District 11 and he is further prohibited from receiving from District 10 more coal than he would be permitted to receive if he purchased coal only from that district.

(3) No person shall be held liable for damages or penalties under any contract for any default which shall result directly or indirectly from compliance with the provisions of this direction.

This direction shall become effective immediately.

(E.O. 9332, 8 F.R. 5355; E.O. 9125, 7 F.R. 2719; sec. 2 (a), 54 Stat. 676, as amended by 55 Stat. 236, 56 Stat. 176 and 58 Stat. 827)

Issued this 14th day of September 1945.

C. J. POTTER,
Deputy Solid Fuels
Administrator for War.

[F. R. Doc. 45-17376; Filed, Sept. 18, 1945; 11:23 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter VI—Selective Service System

[Amdt. 343]

PART 622—CLASSIFICATION

MISCELLANEOUS AMENDMENTS

Pursuant to authority contained in the Selective Training and Service Act of 1940, as amended, Selective Service Regulations, Second Edition, are hereby amended in the following respect:

1. Amend paragraph (a) of § 622.15 to read as follows:

§ 622.15 *Class I–C: Member of land or naval forces or registrant honorably separated therefrom.* (a) In Class I–C shall be placed or retained:

(1) Every registrant who is, or who by induction, enlistment, or appointment becomes, a commissioned officer, flight officer, warrant officer, field clerk, pay clerk, or enlisted man of the Regular Army, the Navy, the Marine Corps, the Coast Guard, the Public Health Service (Regular Corps and Reserve Corps), the federally recognized active National Guard, the Officers' Reserve Corps, the Army of the United States, the Regular Army Reserve, the Enlisted Reserve Corps, the Naval Reserve, the Marine Corps Reserve, the Coast Guard Reserve (other than temporary), or any other branch or component of the land or naval forces; or

(2) Every registrant who is a cadet of the United States Military Academy, a midshipman of the United States Naval Academy, or a cadet of the United States Coast Guard Academy; or

(3) Every registrant who has been separated from the land or naval forces of the United States by death at any time (each such registrant shall be identified with the abbreviation "Dec." in the manner provided in § 622.86); or

(4) Every registrant who has been separated from the land or naval forces of the United States on or after September 16, 1940, by Honorable Discharge or Discharge Under Honorable Conditions, or by an equivalent type of release from service if the registrant was an officer, a flight officer, or a warrant officer. (Every such registrant shall be identified with the abbreviation "Disc." in the manner provided in section 622.86–1.) A registrant placed in Class I–C under the provisions of this subparagraph shall be retained in Class I–C unless (A) his reclassification is specifically authorized by the Director of Selective Service, or (B) he volunteers for induction in the land or naval forces of the United States.

2. Amend § 622.61 to read as follows:

§ 622.61 *Class IV–F: Morally unfit.* In Class IV–F shall be placed or retained:

(1) Every registrant who has been separated from the land or naval forces by discharge other than an Honorable Discharge or a Discharge Under Honorable Conditions, or an equivalent type of release from service if the registrant was an officer, a flight officer, or a warrant officer, and for whom the local board has not received a statement from the land or naval forces that the registrant is morally acceptable notwithstanding such discharge or separation.

(2) Every registrant who under the precedures and standards prescribed by the land and naval forces is found to be morally unacceptable for training and service or under the procedures and standards prescribed by the Director of Selective Service is found to be morally unacceptable for assignment to work of national importance.

The foregoing amendments to the Selective Service Regulations shall be effective within the continental United States immediately upon the filing hereof with the Division of the Federal Register and shall be effective outside the continental limits of the United States on the 30th day after the date of filing hereof with the Division of the Federal Register.

LEWIS B. HERSHEY,
Director.

SEPTEMBER 14, 1945.

[F. R. Doc. 45-17369; Filed, Sept. 18, 1945; 10:51 a. m.]

[Amdt. 344]

PART 623—CLASSIFICATION PROCEDURE

SEPARATION FROM LAND OR NAVAL FORCES

Pursuant to authority contained in the Selective Training and Service Act of 1940, as amended, Selective Service Regulations, Second Edition, are hereby amended in the following respect:

Amend paragraph (b) of § 623.53 to read as follows:

§ 623.53 *Man separated from land or naval forces of the United States.* * * *

(b) If, upon such review, the local board places or retains a registrant in Class I–C, it shall immediately (1) mail a Notice of Classification (Form 57) to the registrant on which will be entered the notation "Class I–C—Disc.," and (2) file the registrant's Cover Sheet (Form 53) separately from those of other registrants.

The foregoing amendment to the Selective Service Regulations shall be effective within the continental United States immediately upon the filing hereof with the Division of the Federal Register and shall be effective outside the continental limits of the United States on the 30th day after the date of filing hereof with the Division of the Federal Register.

LEWIS B. HERSHEY,
Director.

SEPTEMBER 14, 1945.

[F. R. Doc. 45-17370; Filed, Sept. 18, 1945; 10:51 a. m.]

[Amdt. 345]

PART 633—DELIVERY AND INDUCTION

REPORT FOR INDUCTION; POSTPONEMENT

Pursuant to authority contained in the Selective Training and Service Act of 1940, as amended, Selective Service Regulations, Second Edition, are hereby amended in the following respect:

1. Amend § 633.2 to read as follows:

§ 633.2 *Order to Report for Induction (Form 150).* Immediately upon determining which men are to report for induction, the local board shall prepare for each man an Order to Report for Induction (Form 150) in duplicate. The date specified for reporting for induction shall be at least 10 days after the date on which the Order to Report for Induction (Form 150) is mailed. The local board shall mail the original of the Order to Report for Induction (Form 150) to the registrant and shall file the copy in his Cover Sheet (Form 53).

2. Amend the regulations by adding a new section to be known as § 633.2–1 to read as follows:

§ 633.2–1 *Postponement of induction; general.* (a) In case of death or extreme emergency to a person in the registrant's immediate family, serious illness of registrant, or other extreme emergency beyond the registrant's control, the local board may, after the Order to Report for Induction (Form 150) has been issued, postpone the time when such registrant shall so report for a period not to exceed 60 days from the date of such postponement, subject, however, in cases of imperative necessity, to one further postponement for a period not to exceed 60 days: *And provided also,* That the Director of Selective Service or any State Director of Selective Service (as to registrants registered within his State) may, for good cause, at any time prior to the issuance of an Order to Report for Induction (Form 150), order a local board to postpone the issuance of such order until such time as he may deem advisable, or the Director of Selective Service or any State Director of Selective Service (as to registrants registered within his State) may, for good cause, at any time after the issuance of an Order to Report for Induction (Form 150), order a local board to postpone the induction of a registrant until such time as he may deem advisable, and no registrant shall be inducted into the land or naval forces during the period of any of such postponements.

(b) The date of issuance and the date of expiration of any period of postponement authorized in paragraph (a) of this section shall be noted in the "Remarks" column of the Classification Record (Form 100).

(c) Any period of postponement authorized in paragraph (a) of this section may be terminated before the date of expiration when the issuing authority so directs.

3. Amend the regulations by adding a new section to be known as § 633.2–2 to read as follows:

§ 633.2–2 *Postponement of induction; high school students.* (a) Any person eighteen or nineteen years of age who, while pursuing a course of instruction at a high school or similar institution of learning, is ordered to report for induction during the last half of one of his academic years at such school or institution, shall, upon his request, have his induction postponed until the end of such academic year, without regard to the date during the calendar year on which such academic year ends, or until he ceases to pursue such course of instruction, whichever is the earlier.

(b) Any person who entered upon a course of instruction at a high school or similar institution of learning before he became eighteen years of age and who is ordered to report for induction during the time he is pursuing such course of instruction, shall, upon his request, have his induction postponed (1) until his graduation from a high school or similar institution of learning, or (2) until he ceases to pursue continuously and satisfactorily such course of instruction, or (3) until he arrives at the age of twenty years, whichever is the earlier.

(c) The date of issuance and the date of expiration of any period of postponement authorized in paragraphs (a) or (b) of this section shall be noted in the "Remarks" column of the Classification Record (Form 100).

The foregoing amendments to the Selective Service Regulations shall be effective within the continental United States immediately upon the filing hereof with the Division of the Federal Register and shall be effective outside the continental limits of the United States on the 30th day after the date of filing hereof with the Division of the Federal Register.

LEWIS B. HERSHEY,
Director.

SEPTEMBER 13, 1945.

[F. R. Doc. 45–17371; Filed, Sept. 18, 1945; 10:51 a. m.]

[Amdt. 347]

PART 633—DELIVERY AND INDUCTION

POSTPONEMENT OF INDUCTION

Pursuant to authority contained in the Selective Training and Service Act of 1940, as amended, Selective Service Regulations, Second Edition, are hereby amended in the following respect:

Amend the regulations by adding a new section to be known as § 633.2–3 to read as follows:

§ 633.2–3 *Postponement of induction; college students.* (a) Any person who entered upon a course of instruction at a college or university before he became eighteen years of age and who is ordered to report for induction during a quarter or semester of such course of instruction shall, upon his request, have his induction postponed (1) until the end of such quarter or semester, or (2) until he ceases to pursue continuously and satisfactorily such course of instruction, whichever is the earlier.

(b) The date of issuance and the date of expiration of any period of postponement authorized in paragraph (a) of this section shall be noted in the "Remarks" column of the Classification Record (Form 100).

The foregoing amendment to the Selective Service Regulations shall be effective within the continental United States immediately upon the filing hereof with the Division of the Federal Register and shall be effective outside the continental limits of the United States on the 30th day after the date of filing hereof with the Division of the Federal Register.

LEWIS B. HERSHEY,
Director.

SEPTEMBER 14, 1945.

[F. R. Doc. 45–17373; Filed, Sept. 18, 1945; 10:51 a. m.]

[Amdt. 346]

PART 652—ASSIGNMENT AND DELIVERY OF PERSONS TO WORK OF NATIONAL IMPORTANCE UNDER CIVILIAN DIRECTION

PREPARATION AND DISTRIBUTION OF ORDER TO REPORT

Pursuant to authority contained in the Selective Training and Service Act of 1940, as amended, Selective Service Regulations, Second Edition, are hereby amended in the following respect:

Amend paragraph (b) of § 652.11 to read as follows:

§ 652.11 *Preparation and distribution of order to report; delinquency of IV–E registrants.* • • •

(b) The issuance of an Order to Report for Work of National Importance (Form 50) may be delayed or delivery under such an order may be postponed to the same extent and in the same manner as provided in § 633.2–1, § 633.2–2, or § 633.2–3 with reference to an Order to Report for Induction (Form 150).

The foregoing amendment to the Selective Service Regulations shall be effective within the continental United States immediately upon the filing hereof with the Division of the Federal Register and shall be effective outside the continental limits of the United States on the 30th day after the date of filing hereof with the Division of the Federal Register.

LEWIS B. HERSHEY,
Director.

SEPTEMBER 13, 1945.

[F. R. Doc. 45–17372; Filed, Sept. 18, 1945; 10:51 a. m.]

Chapter IX—War Production Board

AUTHORITY: Regulations in this chapter unless otherwise noted at the end of documents affected, issued under sec. 2 (a), 54 Stat. 676, as amended by 55 Stat. 236, 56 Stat. 177, 58 Stat. 827; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; E.O. 9599, 10 F.R. 10155; W.P.B. Reg. 1 as amended Dec. 31, 1943, 9 F.R. 64.

PART 1010—SUSPENSION ORDERS

[Suspension Order S–831, Amdt. 1]

RUBY LIGHTING CORP.

Ruby Lighting Corporation, 1216 South Olive Street, Los Angeles, California, was suspended on June 30, 1945 for unlawfully delivering new fluorescent lighting fixtures and using metal in the production of fluorescent lighting fixtures. It appealed from the provisions of the suspension order and, pending determination of the appeal, the suspension order was stayed by the Chief Compliance Commissioner on June 30, 1945. Deputy Chief Compliance Commissioner Bok held a hearing on September 14, 1945, and directed that the order be amended.

In view of the foregoing, it is hereby ordered, that: § 1010.831, *Suspension Order No. S–831*, issued June 23, 1945 and reinstated effective September 16, 1945 be amended by substituting for the present paragraph (a) the following paragraph (a):

(a) Ruby Lighting Corporation shall not, from September 16, 1945 through September 30, 1945, apply or extend any preference ratings with respect to the receipt or use of materials entering into the manufacture and assembly of fluorescent lighting fixtures regardless of the delivery date named in any purchase order to which such ratings may be applied or extended.

Issued this 14th day of September 1945.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 45–17272; Filed, Sept. 14, 1945; 4:33 p. m.]

PART 3293—CHEMICALS

[Conservation Order M–384, Direction 1]

PRODUCTION OF WHITE LEAD DURING SEPTEMBER

The following direction is issued pursuant to Conservation Order M–384:

In addition to the amount of lead which a person may put into process in the third quarter of 1945 for the production of basic carbonate of white lead under paragraph (b) of Order M–384 he may also put into process for this purpose in September, 1945 an amount equal to ⅓ of 20% of the amount of lead he put into process for the same purpose during the first six months of 1944.

Issued this 14th day of September 1945.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 45–17271; Filed, Sept. 14, 1945; 4:33 p. m.]

PART 944—REGULATIONS APPLICABLE TO THE OPERATIONS OF THE PRIORITIES SYSTEM

[Priorities Reg. 1, Direction 11]

SPECIAL RULES FOR PLACING AND SCHEDULING RATED ORDERS FOR STEEL, COPPER AND ALUMINUM

The following direction is issued pursuant to Priorities Regulation 1:

(a) *What this direction does.* This direction explains some special rules for placing, accepting, and scheduling rated orders for steel, copper and aluminum. These rules supersede some of the provisions of Priorities Regulation 1 concerning the ordinary use of ratings, but only those rules of Priorities Regulation 1 which are contradictory to this direction are superseded, and all other rules in that regulation continue to apply.

(b) *Required delivery dates.* A rated order for steel, copper or aluminum in the forms listed below must specify delivery on a particular date or a particular month, which in no case may be earlier than required by the person placing the order. A producer of steel, copper and aluminum must schedule the order for delivery within the requested month as close to the requested delivery date as is practicable in view of the need for maximum production.

(c) *Rejection of rated orders.* A producer of steel, copper or aluminum in the forms listed below need not accept a rated order, except an order rated AAA, which is received less than 30 days prior to the first day of the month in which shipment is requested, unless specifically directed to accept the order by the War Production Board.

(d) *Forms of steel, copper and aluminum to which this direction applies.* This direction applies to the following forms of steel, copper and aluminum.

Carbon and alloy iron and steel (including stainless steel).
Bars, cold finished.
Bars, hot rolled or forged.
Ingot, billets, blooms, slabs, die blocks, tube rounds, sheet and tin bar, and skelp.
Pipe, including threaded couplings of the type normally supplied on threaded pipe by pipe mills.
Plates.
Rail and track accessories.
Sheet and strip.
Castings (rough as cast).
Structural shapes and piling.
Tin plate, terne plate and tin mill black plate.
Tubing.
Wheels, tires and axles.
Wire rods, wire and wire products.
Forgings (rough as forged).
Copper and copper base alloy products:
  Alloy sheet, strip and plate.
  Alloy rods, bars and wire.
  Alloy seamless tube and pipe.
  Plate, sheet and strip.
  Rods, bars and wire.
Copper and copper base alloy products—Con.
  Tube and pipe.
  Wire and cable.
  Castings (before machining).
Aluminum products:
  Rod and bar.
  Wire (under ⅜").
  Cable (electrical transmission only).
  Rivets.
  Forgings and pressings (before machining).
  Impact extrusions.
  Castings.
  Rolled structural shapes (angles, channels, zees, tees, etc.).
  Extruded shapes.
  Sheet, strip and plate.
  Slugs.
  Foil.
  Tubing.
  Tube blooms.
Aluminum products—Continued.
  Powder (including atomized, granular, flake, paste, and pigment).
  Ingot, pig, billets, slabs, etc.

NOTE: The above list of forms and shapes of steel, iron, copper and aluminum is identical with the controlled material shapes listed in Schedule I of GMP Regulation 1, except that forgings and malleable and grey iron castings have been added.

Issued this 18th day of September 1945.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 45–17380; Filed, Sept. 18, 1945; 11:31 a. m.]

PART 944—REGULATIONS APPLICABLE TO THE OPERATION OF THE PRIORITIES SYSTEM

[Priorities Reg. 31, Amdt. 3]

BLANKET REVOCATION OF CERTAIN WPB ORDERS

Section 944.52—Priorities Regulation 31 is amended by adding the following orders to the list of orders revoked:

LIST OF ORDERS REVOKED AND EFFECTIVE DATE OF REVOCATION

LUMBER AND LUMBER PRODUCTS

Section 3285.66, M–248, Rattan, September 30, 1945.

MISCELLANEOUS MINERALS

Section 1038.1, M–61, Graphite, September 18, 1945.

RADIO AND RADAR

Section 3037.2, L–183–a, Electronic Equipment, September 18, 1945.

TEXTILES, CLOTHING AND LEATHER

Section 3290.231, M–312, Coir Yarn and Products, September 18, 1945.

Issued this 18th day of September 1945.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 45–17379; Filed, Sept. 18, 1945; 11:31 a. m.]

PART 1010—SUSPENSION ORDERS

[Suspension Order S–894]

SYRACUSE LUMBER CO.

Syracuse Lumber Company is a corporation of the State of New York, having its principal place of business at 319 N. Clinton Street, Syracuse, New York, and is engaged in the business of retail distribution of lumber and in the construction of wooden packing boxes and crates. During the period from July 18, 1944 to and including March 31, 1945, it placed certified rated orders for 1,277,149 board feet of lumber in excess of certified rated orders it received, contrary to War Production Board Limitation Order L–335 and War Production Board Priorities Regulation No. 3. These acts were due to gross negligence of the corporation's responsible officers and have interfered with the control established by the War Production Board for the assignment of priorities. In view of the foregoing, it is hereby ordered, that:

§ 1010.894 *Suspension Order No. S–894.* (a) Syracuse Lumber Company shall not for three months from the effective date of this order apply or extend any preference ratings regardless of the delivery date named in any purchase order to which such preference ratings may be applied or extended.

(b) Nothing contained in this order shall be deemed to relieve the Syracuse Lumber Company from any restriction, prohibition, or provision contained in any order or regulation of the War Production Board, except insofar as the same may be inconsistent with the provisions hereof.

(c) The restrictions and prohibitions contained herein shall apply to the Syracuse Lumber Company, its successors, or assigns, or persons acting on its behalf. Prohibitions against the taking of any action include the taking indirectly as well as directly of any such action.

(d) This order shall take effect on September 18, 1945.

Issued this 11th day of September 1945.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 45–17383; Filed, Sept. 18, 1945; 11:31 a. m.]

PART 1042—IMPORTS OF STRATEGIC MATERIALS [1]

[General Imports Order M–63, as Amended Sept. 18, 1945]

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of certain imported materials for defense, for private account, and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 1042.1 *General Imports Order M–63*—(a) *Definitions.* For the purposes of this order:

(1) "Person" means any individual, partnership association, business trust, corporation, or any organized group of persons, whether or not incorporated.

(2) "Owner" of any material means any person who has any property interest in such material except a person whose interest is held solely as security for the payment of money.

(3) "Consignee" means the person to whom a material is consigned at the time of importation.

(4) "Import" means to transport in any manner into the continental United States from any foreign country or from any territory or possession of the United States (including the Philippine Islands). It includes shipments into a free port, free zone, or bonded custody of the United States Bureau of Customs (bonded warehouse) in the continental United States and shipments in bond into the continental United States for transshipment to Canada, Mexico, or any other foreign country.

(5) "Place of initial storage" means any warehouse, yard ground storage, or

[1] Certain food items formerly on Lists I, II, and III are now subject to import control in accordance with War Food Administration Order 63.

other place, to which the person making the entry or withdrawal from custody of the United States Bureau of Customs of material imported subject to this order directs or has directed that such material be transported from the port of entry to be held until disposed of pursuant to this order.

(6) Material shall be deemed "in transit" if it is afloat, if an on board ocean bill of lading has actually been issued with respect to it, or if it has actually been delivered to and accepted by a rail, truck, or air carrier, for transportation to a point within the continental United States.

(7) "Governing date" with respect to any material means the date when such material first became subject to General Imports Order M–63.

(b) *Restrictions on imports of materials*—(1) *General restriction.* No person, except as authorized in writing by the War Production Board, shall purchase for import, import, offer to purchase for import, receive, or offer to receive on consignment for import, or make any contract or other arrangement for the importing of, any material subject to this order after the governing date. The foregoing restrictions shall apply to the importation of any material subject to the order regardless of the existence on the governing date or thereafter of any contract or other arrangement for the importation of such material. The materials subject to this order are those listed from time to time upon Lists A and B attached hereto.

(2) *Authorization by War Production Board.* Any person desiring such authorization, whether owner, purchaser, seller, or consignee of the material to be imported, or agent of any of them, shall make application therefor in duplicate on Form WPB–1041 addressed to the War Production Board Ref: M–63, Washington 25, D. C. Unless otherwise expressly permitted, such authorization shall apply only to the particular material and shipment mentioned therein and to the persons and their agents concerned with such shipment; it shall not be assignable or transferable either in whole or in part.

(3) *Restrictions on financing of imports.* No bank or other person shall participate, by financing or otherwise, in any arrangement which such bank or person knows or has reason to know involves the importation after the governing date of any material subject to this order, unless such bank or person either has received a copy of the authorization issued by the War Production Board under the provisions of paragraph (b) (2) or is satisfied from known facts that the proposed transaction comes within the exceptions set forth in paragraph (b) (4).

(4) *Exceptions.* Unless otherwise directed by the War Production Board, the restrictions set forth in this paragraph (b) shall not apply:

(i) To the Foreign Economic Administration, U. S. Commercial Company, Commodity Credit Corporation, Metals Reserve Company, Defense Supplies Corporation, or any other United States governmental department, agency, or corporation, or any agent acting for any such department, agency or corporation; or

(ii) To any material of which any United States governmental department, agency, or corporation is the owner at the time of importation, or to any material which the owner at the time of importation had purchased or otherwise acquired from any United States governmental department, agency or corporation; or

(iii) To any material which on the governing date was in transit to a point within the continental United States.

(iv) [Deleted Mar. 30, 1944]

(v) To any material consigned as a gift or imported for personal use where the value of each consignment or shipment is less than $100.00; or to any material consigned or imported as a sample where the value of each consignment or shipment is less than $25.00; or to any used material in the category of household goods imported by the owner for his own personal use; or

(vi) To materials consigned as gifts for personal use by or to members of the Armed Services of the United States; or

(vii) [Deleted Nov. 13, 1944.]

(viii) To manufactured materials which are imported in bond solely for the purpose of having them repaired and then returned to the owner outside the continental United States; or

(ix) To materials which were grown, produced, or manufactured in the continental United States, and which were shipped outside the continental United States on consignment or pursuant to a contract of purchase, and which are now returned as rejected by the prospective purchaser; or

(x) To materials shipped into the United States in transit from one point in Mexico to another point in Mexico, or from one point in Canada to another point in Canada.

(xi) To materials on List B which are located in, and are the growth, production, or manufacture of, and are transported into the Continental United States overland, by air, or by inland waterway from Canada, Mexico, Guatemala or El Salvador.

(c) [Deleted June 4, 1945.]

(d) [Deleted June 4, 1945.]

(e) *Restrictions on distribution of List A and List B materials.* Unless otherwise provided by the terms of the authorization issued pursuant to paragraph (b) (2), any material on List A or List B which is imported in accordance with the provisions of this order after the governing date, may be sold, delivered, processed, consumed, purchased, or received without restriction under this order, but all such transactions shall be subject to all applicable provisions of the regulations of the War Production Board and to all orders and directions of the War Production Board which now or hereafter may be in effect with respect to such material.

(f) *Reports*—(1) *Reports on customs entry.* No material which is imported after the governing date, including materials imported by or for the account of the Foreign Economic Administration, U. S. Commercial Company, Commodity Credit Corporation, Metals Reserve Company, Defense Supplies Corporation or any other United States governmental department, agency, or corporation, shall be entered through the United States Bureau of Customs for any purpose, whether for consumption, for warehouse, in transit, in bond, for re-export, for appraisal, or otherwise, unless the person making the entry shall file with the entry Form WPB–1040 in duplicate except in the case of a material described in paragraph (b) (4) (xi) when the person making the entry need not file with the entry Form WPB–1040. The filing of such form a second time shall not be required upon any subsequent entry of such material through the United States Bureau of Customs for any purpose; nor shall the filing of such form be required upon the withdrawal of any material from bonded custody of the United States Bureau of Customs, regardless of the date when such material was first transported into the continental United States. Both copies of such form shall be transmitted by the Collector of Customs to the War Production Board, Division of Stockpiling and Transportation, Ref.: M–63, Washington 25, D. C.

(2) *Other reports.* All persons having any interest in, or taking any action with respect to, any material imported after the governing date, whether as owner, agent, consignee, or otherwise, shall file such other reports as may be required from time to time by the War Production Board.

(3) *Exceptions.* The provisions of this paragraph (f) shall not apply to materials imported and consigned as gifts for personal use by or to members of the Armed Services of the United States.

(g) *Routing of communications.* All communications concerning this order shall, unless otherwise herein directed, be addressed to: War Production Board, Washington 25, D. C. Ref.; M–63.

(h) *Violations.* Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact or who furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using material under priority assistance. In addition, the War Production Board may direct the disposition and use of any material which is imported without authorization as required by paragraph (b).

(i) *Applicability of priorities regulations.* This order and all transactions affected thereby are subject to all applicable provisions of the priorities regulations of the War Production Board as amended from time to time.

(j) *Effect on liability of removal of material from order.* The removal of any material from the order shall not be construed to affect in any way any liability for violation of the order which accrued or was incurred prior to the date of removal.

Issued this 18th day of September 1945.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

LIST A

NOTE: List A amended Sept. 18, 1945.

The numbers listed after the following materials are commodity numbers taken from Schedule A, Statistical Classification of Imports of the Department of Commerce (issue of January 1, 1943). Materials are included in the list to the extent that they are covered by the commodity numbers listed below. If no commodity number is listed, the description given shall control.

Material	Commerce Import Class No.	Governing date
Agave fibers, unmanufactured, not elsewhere specified on this order (except flume tow and barasse waste)	N. S. C.	8/5/43
Agave manufactures and semi-manufactures:		
Binder cordage, including cables, tarred or untarred, composed of 3 or more strands, each strand composed of 2 or more yarns	3417.010	1/18/43
	3417.110	1/18/43
Carpet yarns of agave, dyed or undyed	N. S. C.	7/21/42
Cordage of agave fibers, other than sisal	N. S. C.	1/18/43
Cords and twines of agave fibers	N. S. C.	1/18/43
Fabrics woven of agave fibers	N. S. C.	9/11/42
Other manufactures (including all products in whole or in part of agave fibers)	N. S. C.	1/18/43
Alpargatas	0309.500	6/28/43
Bristles, hog and pig	0917.000	3/14/42
	0979.100	3/14/42
Cattle, ox, and calf tail hair (including switches)	3666.100	7/2/42
Coir yarn and coir manufactures:		
Coir yarn	3420.000	11/23/42
Matting and articles of cocoa fiber (coir fiber) or rattan	3963.000	10/21/42
Pile mats and floor coverings of cocoa fiber (coir fiber)	3960.100	10/21/42
Coir manufactures (including all products of coir fiber), other than pile mats, floor coverings, matting, etc., elsewhere specified on this order	N. S. C.	11/23/42
Diamonds, industrial (rough or unset not advanced in condition or value by cleaving, splitting, cutting, boring, or other process):		
Carbonado and ballas	5952.100	9/16/41
Diamond dust	5952.600	9/16/41
Bort (drillers' and engravers' diamonds not set, and miners' diamonds, n. e. s., and other industrial diamonds)	5952.700	9/16/44
Fish liver oil, n. e. s. (include halibut liver oil)	2220.250	1/12/44
Hemp (Cannabis Sativa type only) unmanufactured:		
Hackled including "line of hemp"	3263.000	9/11/42
Not hackled	3263.200	9/11/42
Tow	3263.300	9/11/42
Hides and skins:		
Buffalo hides dry and wet	0203.000	1/13/42
	0203.100	1/13/42
Buffalo hides (India water buffalo, for use in rawhide articles) dry and wet	0209.000	9/16/41
	0209.100	9/16/44
Calf, dry and wet	0207.000	1/13/42
	0208.000	1/13/42
Cattle hides, dry and wet	0201.000	1/13/42
	0202.000	1/13/42
Goat and kid skins, dry and wet	0241.000	7/2/42
	0242.000	7/2/42
Kip, dry and wet	0205.000	1/13/42
	0206.000	1/13/42
Horse mane and tail hair, raw and drawn, including switches	3694.000	3/14/42
	3694.100	3/14/42
Jute and manufactures:		
Waste hessing and waste sugar sack cloth	3243.000	6/10/43
Jute yarns or roving, single	3244.000	6/10/43
	3244.100	6/10/43
	3244.200	6/10/43
Jute cordage, twine and twist (or 2 or more yarns twisted together), size of single yarn or roving:	3244.300	6/10/43
Not bleached, dyed or otherwise treated	3245.200	6/10/43
	3245.300	6/10/43
	3245.400	6/10/43
	3245.500	6/10/43

LIST A—Continued

Material	Commerce Import Class No.	Governing date
Jute and manufactures—Con.		
Jute cordage, etc.—Con.		
Bleached, dyed or otherwise treated	3245.220	6/10/43
	3245.320	6/10/43
	3245.420	6/10/43
	3245.520	6/10/43
Bagging for cotton, gunny cloth, etc., of single yarns, not bleached, colored, or printed, not exceeding 16 threads in warp and filling to the square inch, or jute or other vegetable fiber	3246.000	6/10/43
	3246.100	6/10/43
Burlaps and other woven fabrics wholly of jute, n. s. p. f.	3247.000	6/10/43
	3247.200	6/10/43
Plain woven fabrics of jute, weighing less than 4 ounces per square yard	3248.000	6/10/43
Woven fabrics of jute for paddings or interlinings exceeding 30 threads in warp and filling to the square inch weighing from 4½ to 12 ounces, inclusive, per square yard	3248.100	6/10/43
Woven fabrics, n. s. p. f. in chief value but not wholly of jute	3248.200	6/10/43
Jute sliver	3250.000	6/10/43
Jute webbing, not exceeding 12 inches in width	3250.700	6/10/43
Jute manufactures, n. s. p. f.	3250.900	6/10/43
Jute bags or sacks	3249.000	4/2/43
	3249.100	4/2/43
Jute butts, unmanufactured	3242.000	10/6/42
Jute, unmanufactured	3241.000	10/6/42
Lead manufactures:		
Collapsible tube discs or slugs and any other semi-fabricated form, manufactured in whole or in part of lead or lead alloy	N. S. C.	4/16/45
Collapsible tubes, manufactured in whole or in part of lead or lead alloy, filled or empty	N. S. C.	2/14/45
Foil, manufactured in whole or in part of lead or lead alloy	N. S. C.	2/14/45
Storage batteries (lead acid type)	N. S. C.	2/14/45
Leather, unmanufactured:		
Goatskin and kidskin leather (except vegetable-tanned)	(0333.000–0333.500 incl.	7/2/42
	0335.400	7/2/42
	0340.800	7/2/42
	0345.200	7/2/42
	0345.300	7/2/42
Leather made from hides or skins of cattle of the bovine species	(0300.100–0317.900 incl.	7/2/42
Rough tanned leather (incl. India-tanned):		
Vegetable-tanned goat and sheepskins	0339.000	7/2/42
	0339.100	7/2/42
Maguey or cantala, unmanufactured	3499.200	1/18/43
Manila or abaca cordage, including cables, tarred or untarred, composed of 3 or more strands, each strand composed of 2 or more yarns	3417.095	6/28/43
	3417.195	6/28/43
Manila or abaca fiber (except T grade tow)	3402.300	4/28/43
Manila or abaca tow (T grade only)	3402.500	4/28/43
Manila or abaca fiber manufactures (incl. all manila or abaca products)	N. S. C.	4/28/43
Meshta fiber	N. S. C.	10/6/42
Mica, bookform splittings	N. S. C.	3/14/42
Molasses and sugar sirup	1640.000	7/2/42
Punga fiber	N. S. C.	3/5/43
Rotenone bearing roots (cube root (timbo or barbasco), derris and tuba), crude and advanced	2210.280	5/4/42
	2210.300	5/4/42
	2220.360	5/4/42
	2220.370	5/4/42
Shark-liver oil, including oil produced from dogfish livers, n. s. p. f.	0868.730	1/12/44
Sisal and henequen, unmanufactured (except flume tow and barasse waste)	N. S. C.	1/18/43
Urena lobata fiber	N. S. C.	10/6/42

N. S. C.—No separate class or commodity number has been assigned for the material as described by the Department of Commerce, Statistical Classification of Imports.

LIST B

NOTE: List B amended Sept. 18, 1945.

The numbers listed after the following materials are commodity numbers taken from Schedule A Statistical Classification of Imports of the Department of Commerce (issue of January 1, 1943). Materials are included in the list to the extent that they are covered by the commodity numbers listed below. If no commodity number is listed, the description given shall control.

Material	Commerce Import Class No.	Governing date
Congo gum copal	N. S. C.	1/12/44
Paper, standard newsprint	4711.00	8/2/45

N. S. C.—No separate class or commodity number has been assigned for the material as described by the Department of Commerce, Statistical Classification of Imports.

INTERPRETATION 1: Revoked June 4, 1945.

INTERPRETATION 2

The following official interpretation is hereby issued by the War Production Board with respect to the meaning of the term "in transit" as defined in paragraph (a) (6) of General Imports Order M–63 (§ 1042.1) as amended.

By amendment dated December 17, 1942, the definition of material "in transit" was changed by adding the following clause, "or if it has actually been delivered to and accepted by a rail, truck, or air carrier for transportation to a point within the continental United States." The question has been raised as to the meaning of the term as applied to a case where the material on the governing date had been delivered to and accepted by a rail, truck, or air carrier on a through bill of lading for transportation to a specified port and from thence by boat to a point within the continental United States.

The material in the stated case is not deemed to be in transit within the meaning of the term as used in the order. If the material is to be carried to the port of arrival in the continental United States by ship the material must have been afloat, or an on board ocean bill of lading must have been issued with respect to it on the governing date in order for it to be considered as having been in transit on such date.

Material which has been delivered to and accepted by a rail, truck, or air carrier on the governing date for transportation to a point within the continental United States is deemed to be in transit within the meaning of the term as used in the order only when the transportation specified in the bill of lading issued by such carrier calls for delivery of the material at the port of arrival in the continental United States by rail, truck, or air carrier, not by ship. (Issued March 5, 1943.)

INTERPRETATION 3: Revoked June 4, 1945.

[F. R. Doc. 45–17377; Filed, Sept. 18, 1945; 11:31 a. m.]

PART 3286—MISCELLANEOUS MINERALS

[General Preference Order M–69 as Amended Sept. 18, 1945]

CORUNDUM

Whereas, national defense requirements have created a shortage of corundum (as hereafter defined) for the combined needs of defense and private

account, and the supply of corundum now is and will be insufficient for defense and essential civilian requirements, unless the supply of corundum is conserved and its use in certain products manufactured for civilian use is curtailed; and it is necessary in the public interest and to promote the defense of the United States, to conserve the supply and direct the distribution and use thereof. Now, therefore, it is hereby ordered that:

§ 3286.15 *General Preference Order M-89*—(a) *Definitions.* For the purposes of this order:

(1) "Corundum" means naturally occurring crystalline anhydrous aluminum oxide suitable for abrasive use and unbonded. "Corundum" includes ores of corundum and the primary abrasive grains made therefrom. Natural emery, sapphire, and ruby are not included. Also, the type of corundum material known in the trade as "Boulder Corundum DC Fines" is not included.

(2) "Supplier" means any person who imports corundum, who produces corundum grain, or who offers corundum for sale.

(3) "Consumer" means any person who uses or consumes corundum by incorporating it physically into a product or who uses or consumes corundum in the form of grain, in any grinding, polishing, or fabricating process other than grinding of spectacle lenses (ophthalmic).

(b) *Restrictions on delivery and use.* No supplier shall make delivery of corundum except as authorized by the War Production Board. The Board will from time to time allocate the supply of corundum and specifically direct the manner and quantities in which deliveries to or by particular persons or for particular uses shall be made or withheld. The War Production Board may also direct, limit, or prohibit deliveries, withdrawals from inventories, and particular uses of corundum in the hands of consumers. Such allocations and directions will be made to insure the satisfaction of defense requirements of the United States, both direct and indirect, and they may be made, in the discretion of the War Production Board without regard to any preference ratings assigned to particular contracts or purchase orders. The War Production Board may also take into consideration the possible dislocation of labor and the necessity of keeping a plant in operation so that it may be able to fulfill defense orders and essential civilian requirements.

(c) *Reports.* On or before the 5th day of each calendar month, each supplier of corundum ore or grain shall file with the War Production Board, in quadruplicate, Form WPB-2921 (formerly PD-293). On or before the 5th day of each calendar month, each consumer of corundum grain shall file with the War Production Board, in duplicate, Form WPB-2923 (formerly PD-294); provided, that any consumer of corundum grain who has neither received nor used any corundum grain for a period of three or more consecutive months, according to reports filed by such consumer with the War Production Board on Form WPB-2923, may discontinue filing such reports. However, if at any later time he uses or delivers from stock any corundum grain, he shall file with the War Production Board Form WPB-2923, in duplicate, on or before the 5th day of the month following the month in which the use or delivery occurred; and if he desires to obtain delivery of any corundum grain, he shall file application therefor with the War Production Board on Form WPB-2923, in duplicate. The reporting requirements of this order have received the approval of the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

NOTE: Paragraph (d), formerly paragraph (e), redesignated Sept. 18, 1945. Former paragraph (d) deleted Sept. 18, 1945.

(d) *Miscellaneous provisions*—(1) *Applicability of regulations.* This order and all transactions affected thereby are subject to all applicable provisions of the regulations of the War Production Board, as amended from time to time.

(2) *Communications to War Production Board.* All reports required to be filed hereunder, and all communications concerning this order, shall, unless otherwise directed, be addressed to: War Production Board, Miscellaneous Minerals Branch, Washington 25, D. C. Ref: M-89.

(3) *Violations.* Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

Issued this 18th day of September 1945.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 45-17378; Filed, Sept. 18, 1945; 11:31 a. m.]

Chapter XI—Office of Price Administration

PART 1305—ADMINISTRATION

[Gen. RO 11,[1] Amdt. 22]

REPLACEMENT OF RATIONED FOODS USED IN PRODUCTS ACQUIRED BY DESIGNATED AGENCIES

A rationale for this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.

General Ration Order 11 is amended in the following respects:

1. Section 3.5 is added to read as follows:

SEC. 3.5 *Termination of contracts.* (a) If the contract or order for which the advance was obtained is cancelled or terminated on or after September 17, 1945, the industrial user must return to the agency which made the advance ration evidences in an amount equal to that advanced for use in making those products which are not transferred to the agency under the contract or order.

(b) If an industrial user does not return to the agency ration evidences in the amount required, the Office of Price Administration, upon notification by the agency, will charge him with excess inventory in an amount equal to that he fails to return.

This amendment shall become effective September 17, 1945.

Issued this 17th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-17345; Filed, Sept. 17, 1945; 4:43 p. m.]

PART 1305—ADMINISTRATION

[SO 131,[1] Amdt. 1]

REVISED MAXIMUM PRICES FOR CERTAIN COTTON TEXTILES

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.

Supplementary Order No. 131 is amended in the following respects:

1. Section 4 is amended by adding thereto paragraphs (f) to (o), inclusive, to read as follows:

(f) *Sheeting yarn fabrics covered by Revised Price Schedule No. 35.* In Table III of § 1316.61 (b) (4) of Revised Price Schedule No. 35,[2] the maximum prices for sheeting yarn fabrics, excluding osnaburgs, are revised and amended by adding to the cents-per-pound figures there set forth, the following:

	Per lb.
(1) For the higher band	2⅝¢
(2) For the lower band	1⅜¢

(g) *Grey soft filled sheetings.* In Section 1400.118 (d) (3) of Maximum Price Regulation No. 118,[3] the base maximum prices for grey soft filled sheetings are revised and amended by adding to the cents-per-pound figures there set forth, the following:

	Per lb.
(1) For the higher band	2⅛¢
(2) For the lower band	1¢

(h) *Wide sheeting, wide broken twills, wide drills and four-leaf twills, and wide sateens.* In § 1400.118 (d) (13) of Maximum Price Regulation No. 118,[3] the maximum prices for wide drills and four-leaf twills and the base maximum prices for wide sheeting, wide broken twills, and wide sateens are revised and amended by adding to the cents-per-pound figures there set forth, the following:

	Per lb.
(1) For the higher band	2⅝¢
(2) For the lower band	1⅜¢

(i) *Warp sateens.* In § 1400.118 (d) (4) of Maximum Price Regulation No. 118,[3] the maximum prices for the constructions of warp sateens set forth below are revised and amended to read as follows:

Construction	Higher band	Lower band
	Cents per yard	*Cents per yard*
36½", 118 x 64, 2.35	22.50	21.75
34", 128 x 64, 2.60	25.25	24.50
36½", 118 x 64, 2.85	18.50	18.00
34", 108 x 56, 3.00	17.75	17.125
36", 104 x 68, 1.62	29.50	28.50

(j) *Grey carded gabardines.* In § 1400.118 (d) (6) of Maximum Price Regulation No. 118,[3] the maximum prices for the constructions of grey carded gabardines set forth below are revised and amended to read as follows:

Construction	Higher band	Lower band
	Cents per yard	*Cents per yard*
40", 110 x 76, 1.75	30.75	29.75
40", 110 x 64, 1.85	29.00	28.00
40", 110 x 76, 2.00	28.00	27.00
61", 100 x 68, 1.54	40.00	38.75

(k) *Birdseye nursery products.* In § 1400.118 (d) (14) (iii) (*a*) of Maximum Price Regulation No. 118,[3] the percentage discounts set forth for use in determining the base maximum prices for the types of birdseye nursery products set forth below are revised and amended to read as follows:

Type	Grey weight of 27-inch finished cloth	Higher band	Lower band
		Percent discount	*Percent discount*
1	4.54 yd	33	35
2	5.77 yd	46	48
3	5.25 yd	40	42

(l) *Grey birdseye diaper cloth.* The seller's maximum price for grey birdseye diaper cloth established by § 1400.101 (b) (2) of Maximum Price Regulation No. 118,[3] is revised and increased by the following applicable percentage:

	Percent
(1) For the higher band	11.8
(2) For the lower band	8.13

(m) *Denims.* Table IV (excepting the footnote) of Section 1316.61 (b) (4) of Revised Price Schedule No. 35,[2] is revised and amended to read as follows:

TABLE IV—DENIMS[1]

(Prices are for all shades and colors)

Type of cloth and yards per pound or ounces per yard	Higher band	Lower band
	Cents per yard	*Cents per yard*
Mill finish:		
3.50 yd	16.25	16.00
3.00 yd	18.25	17.75
2.60 yd	20.50	20.00
2.45 yd	21.25	21.00
2.40 yd	21.25	21.00
2.30 yd	22.50	22.00
2.20 yd	23.00	22.50
8 oz. (2.00)	25.25	24.75
9 oz. (1.78)	28.00	27.50
10 oz. (1.60)	31.00	30.25
Sanforized:		
3.15 yd	19.00	18.50
3.00 yd	19.00	18.50
2.70 yd	21.00	20.50
2.45 yd	23.50	23.00
2.20 yd	24.50	24.00
8 oz. (2.00)	26.50	25.75
9 oz. (1.78)	29.00	28.50
10 oz. (1.60)	32.25	31.50
11 oz. (1.45)	35.50	34.75

(n) *Pinchecks.* (1) Sections 1400.118 (d) (32) (ii) (*a*) and (*b*) of Maximum Price Regulation No. 118,[3] establishing maximum prices for the following constructions of pinchecks, are revised and amended to read as follows:

(*a*) ALABAMA MILLS

Reference number	Construction	Finish	Higher band	Lower band
			Cents per yard	*Cents per yard*
1	31½", 79 x 38, 3.11			
2	30½", 84 x 42, 2.85	Regular	19.25	18.75
3	38¼", 79 x 38, 2.65	Sanforized	22.50	22.00
4	36", 84 x 42, 2.40	Regular	21.00	20.50
		Sanforized	24.25	23.75

(*b*) TEPPERELL MANUFACTURING COMPANY

1	36", 76 x 44, 2.35	Sanforized	24.25	23.75

(2) The seller's maximum price for pinchecks established by § 1400.101 (b) (1) (ii) of Maximum Price Regulation No. 118,[3] is revised and increased by the following applicable percentage:

	Percent
(i) For the higher band	11.4
(ii) For the lower band	9.0

(o) *Pinstripes.* The seller's maximum price for pinstripes established by § 1400.101 (b) (2) of Maximum Price Regulation No. 118,[3] is revised and increased by the following applicable percentage:

	Percent
(1) For the higher band	11.4
(2) For the lower band	9.0

2. In § 4 (a) (1), the lower band figure for 38s plied base-grade carded cotton yarn is corrected to read 64.25.

This amendment shall become effective September 17, 1945, except that the correction in section 4 (a) (1) shall be effective as of August 31, 1945.

Issued this 17th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-17349; Filed, Sept. 17, 1945; 4:42 p. m.]

PART 1305—ADMINISTRATION

[Supp. Order 134]

ADDING PROVISIONS TO CERTAIN MAXIMUM PRICE REGULATIONS ON CANNED FISH AND SEAFOOD TO RESTRICT SALES BY CANNERS TO PRIMARY DISTRIBUTORS, AND TO STATE THE POSITION OF BROKERS

A statement of the considerations involved in the issuance of this supplementary order, issued simultaneously herewith, has been filed with the Division of the Federal Register.

SECTION 1. *Provision for restrictions on canners' sales to primary distributors.* (a) A new section is added to each maximum price regulation listed in paragraph (b) of this section, to read as follows:

Restrictions on canners' sales to primary distributors. With respect to sales made after September 24, 1945, no canner shall, during any calendar year, make to primary distributors (as defined in Maximum Price Regulation No. 542) a greater percentage of his total sales (by dollar volume) for that year of each kind of canned fish or seafood covered by this regulation, than he sold to primary distributors during the one-year period ending April 28, 1942.

(b) The numbers of the sections added and the maximum price regulations to which they are added are as follows:

Section:	Regulation
1364.105a	184
1364.205a	209
1364.259a	247
1364.555a	265
1364.605a	277
1364.655a	299
1364.755a	311
1364.907a	328
8a	396
5a	448
5a	537
1.7a	587

SEC. 2. *Provision stating the position of brokers.* (a) A new section is added to each maximum price regulation listed in paragraph (b) of this section, to read as follows:

Position of brokers. In accordance with trade custom, every broker taking part in a sale in which the seller is a canner shall be considered the agent of the seller and not the agent of the buyer. In each case, any amount paid by the buyer to the seller plus any amount paid by the buyer to the broker shall not exceed the seller's maximum price, plus allowable transportation actually paid by the seller or by the broker.

(b) The numbers of the sections added and the maximum price regulations to which they are added are as follows:

Section:	Regulation
1364.105b	184
1364.205b	209
1364.259b	247
1364.555b	265
1364.605b	277

[1] 10 F.R. 11296.

[2] 8 F.R. 1963, 5306, 15906, 16744; 9 F.R. 2020, 2477, 2237, 2790, 3339, 7700, 9278, 10088, 10921, 10 F.R. 3876, 8129, 9669, 10293.

[3] 8 F.R. 12186, 12934; 9 F.R. 401, 10088, 10925, 14211, 14383, 14676; 10 F.R. 705, 857, 1292, 2025, 3875, 8134, 8979, 10310.

[1] 8 F.R. 9008, 9625, 10419, 11671.

Section:	Regulation
1364.655b	299
1364.755b	311
1364.907b	328
8b	396
5b	448
5b	537

This Supplementary Order No. 134 shall become effective September 24, 1945.

Issued this 18th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-17396; Filed, Sept. 18, 1945; 11:41 a. m.]

PART 1351—FOOD AND FOOD PRODUCTS

[RMPR 417]

FEED SCREENINGS

Maximum Price Regulation 417 is redesignated Revised Maximum Price Regulation 417 and is revised and amended to read as set forth herein.

A statement of the considerations involved in the issuance of this revised regulation, issued simultaneously herewith, has been filed with the Division of the Federal Register.

SEC.

1. Applicability.
2. Sales at other than maximum prices.
3. Documents, records and reports.
4. Licensing.
5. Evasion.
6. Enforcement.
7. Protests, interpretations and petitions for amendment.
8. Definitions.
9. Maximum prices for sales by producers.
10. Additional markups on sales by producers.
11. Maximum prices for sales by trucker-merchants.
12. Maximum prices for sales by jobbers.
13. Maximum prices for sales by wholesalers.
14. Maximum prices for sales by retailers.
15. Maximum prices for sales by all other sellers.
16. Limitations on total markups to be included in a maximum price.
17. Rules relating to additions to maximum prices.

AUTHORITY: § 1351.359 issued under 56 Stat. 23, 765; 57 Stat. 566; Pub. Law 383, 78th Cong.; Pub. Law 108, 79th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681.

SECTION 1. *Applicability.* (a) Except for those sales exempted in paragraph (b) of this section, this revised regulation shall apply to all sales and deliveries within the United States of domestic and imported feed screenings, whether immediate or future.

(b) *Exempt sales*—(1) *Export sales.* The maximum price for export sales shall be determined in accordance with the provisions of the Second Revised Maximum Export Price Regulation, as amended.

(2) *Other sales.* This revised regulation shall not apply to sales of oleaginant screenings used for oil extraction purposes, or to cracked or broken grain byproducts containing 15 percent or less of foreign material or weed seed, or to screenings from beans, peas and lentils.

SEC. 2. *Sales at other than maximum prices.* (a) Regardless of any contract or obligation, no person shall sell or deliver, and no person shall in the course of trade or business, buy or receive, any feed screenings covered by this revised regulation at a price above the maximum price established by this revised regulation nor shall any person agree, solicit, offer or attempt to do any of the foregoing: *Provided, however,* That certain agreements to increase prices are permissible, as provided for in paragraph (b) of this section.

(b) *Adjustable pricing.* Any person may agree to sell at a price which can be increased up to the maximum price in effect at the time of delivery, but no person may, unless authorized by the Office of Price Administration, deliver or agree to deliver at prices to be adjusted upward in accordance with action taken by the Office of Price Administration after delivery. Such authorization may be given when a request for a change in the applicable maximum price is pending but only if the authorization is necessary to promote distribution or production and if it will not interfere with the purposes of the Emergency Price Control Act of 1942, as amended. The authorization may be given by an order of the Administrator or of any official of the Office of Price Administration having authority to act upon the pending request for a change in price or to give the authorization.

(c) *Prices lower than maximum prices.* Prices lower than the maximum prices established by this revised regulation may, of course, be charged or paid.

SEC. 3. *Documents, records and reports.* (a) Every seller, and every purchaser in the course of trade or business, shall keep for inspection by the Office of Price Administration for so long as the Emergency Price Control Act of 1942, as amended, remains in effect, records of all sales and purchases covered by this revised regulation, including the date thereof, the name of the seller and purchaser, the kind of commodity, the grade and quality upon which the maximum price was based, the price paid or received, buyer's receiving point, and the quantity sold; except, that if a retailer posts his maximum price conspicuously in his store, he need not keep a record of sales of 2,000 pounds or less made at or below such price unless required to do so under other provisions.

(b) Upon demand every such person shall submit such records to examination by a duly authorized representative of the Office of Price Administration.

SEC. 4. *Licensing.* The provisions of Licensing Order No. 1, licensing all persons who make sales under price control, are applicable to all sellers subject to this revised regulation. A seller's license may be suspended for violation of the license or of one or more applicable price schedules or regulations. A person whose license is suspended may not, during the period of suspension, make any sale for which his license has been suspended.

SEC. 5. *Evasion.* The price limitations set forth in this revised regulation shall not be evaded whether by direct or indirect methods, in connection with any offer, solicitation, agreement, sale, delivery, purchase, or receipt of, or relating to feed screenings alone, or in conjunction with any other commodity, or by way of commission, service transportation or other charge or discount, premium or other privilege or by tying agreement, or other trade understanding, or by any other means.

SEC. 6. *Enforcement.* Persons violating any provisions of this revised regulation are subject to the license revocation and suspension provisions, civil enforcement actions, suits for civil damages and criminal penalties as provided in the Emergency Price Control Act of 1942, as amended.

SEC. 7. *Protests, interpretations and petitions for amendment.* Any person desiring to file a protest against or seeking an interpretation or an amendment of any provision of this revised regulation may do so in accordance with Revised Procedural Regulation No. 1, as amended, issued by the Office of Price Administration.

SEC. 8. *Definitions.* (a) When used in this revised regulation, the following terms shall have the following meanings:

(1) "Person" means an individual, corporation, partnership, association, or any other organized group of persons and their legal successors or representatives. The term includes the United States, its agencies, other governments, their political subdivisions and their agencies.

(2) "United States," when it refers to an area, means the 48 states and the District of Columbia.

(3) "Producer" means a person producing ground or unground feed screenings.

(4) "Commission merchant" means, with respect to any lot of feed screenings, a person who receives a carload shipment on behalf of another person, who is the owner thereof, and negotiates or has negotiated a sale of such feed screenings in his own name, to a person other than himself, (except as provided in (i) below) on a legally constituted grain exchange in any of the following cities:

Amarillo, Tex.	Dallas, Tex.
Chicago, Ill.	Fort Worth, Tex
Peoria, Ill.	Sioux City, Iowa
Minneapolis, Minn.	Atchison, Kans.
Kansas City, Mo.	Hutchinson, Kans
Omaha, Nebr.	Salina, Kans.
St. Joseph, Mo.	Wichita, Kans.
St. Louis, Mo.	Buffalo, N. Y.
Indianapolis, Ind.	Baltimore, Md.
Duluth, Minn.	Philadelphia, Pa.
Toledo, Ohio	Milwaukee, Wis.
Enid, Okla.	Denver, Colo.

(i) The requirement that the sale must be to a person other than the commission merchant will be waived if at all times from January 1, 1943, to and including the time of sale such purchase has been permissible under the rules of the exchange or under the law of the state in which the exchange is located.

Regardless of any of the provisions of this regulation, division of commission charges may be made with and paid to exchange members in accordance with rules of the respective exchanges which were in effect January 1, 1943, and sellers of feed screenings who are members may receive such divisions.

(5) "Wholesaler" means, with respect to any lot of feed screenings, a person who buys such feed screenings, unloads it into a warehouse or other place of business, and resells it to any person other than a feeder.

(6) "Retailer" means a person who has a store or other established place of business for the storage and/or buying and selling of feed screenings and who sells feed screenings to a feeder from such store or other place of business.

(7) "Feeder" means, with respect to any lot of feed screenings, a person who feeds feed screenings to animals or poultry.

(8) "Trucker-merchant" means, with respect to any lot of feed screenings, a person who purchases such feed screenings for resale and without loading them into a barge or railroad or unloading them into an elevator or warehouse for his own account and use, transports and delivers the same to his customer in a truck or other vehicle owned or leased and operated by him.

(9) "Jobber" means, with respect to any lot of feed screenings, any person, other than the producer or retailer, who sells feed screenings without having previously unloaded it into a warehouse for his own account.

(10) "Feed screenings" consists of materials obtained in the process of cleaning grain or seed and for which no official grain or seed standards have been promulgated by the Secretary of Agriculture pursuant to the United States Grain Standards Act. It includes oleaginant screenings when used in the manufacture of a mixed feed.

(11) "Oleaginant screenings" include all oil bearing screenings obtained in the manner described in paragraph (10) above.

(12) "Your supplier's maximum price on the sale and delivery to you" means, with respect to any lot of feed screenings, the maximum price per ton your supplier could have charged on the sale of the particular lot delivered to you at your warehouse, store or other place of business.

(13) "Rail point" means any point having facilities for the loading of railroad freight cars and from which railroad freight rates are published as provided by law.

(14) "Non rail point" means any point other than a rail point.

(15) "Transportation charges" mean:

(i) The lowest common carrier rate, including the 3 percent transportation tax provided for in section 620 of the Revenue Act of 1942, as amended, for the billing or shipment in question, or

(ii) If there is no such rate, the reasonable value of the service, including the 3 percent tax, if any, not exceeding any maximum price established therefor.

(16) "Area A" includes the following states or portions of states:

Minnesota, except the cities of Minneapolis and Duluth[1]
Montana
North Dakota
South Dakota

[1] Minneapolis and Duluth when referred to as an area are specifically mentioned by name.

(17) "Area B" includes the following states:

Arizona	Oregon
California	Utah
Colorado	Washington
Idaho	Wyoming
New Mexico	

(18) "Area C" includes the following states:

Alabama	Nebraska
Arkansas	Nevada
Connecticut	New Hampshire
Delaware	New Jersey
Florida	New York
Georgia	North Carolina
Illinois	Ohio
Indiana	Oklahoma
Iowa	Pennsylvania
Kansas	Rhode Island
Kentucky	South Carolina
Louisiana	Tennessee
Maine	Texas
Maryland	Vermont
Massachusetts	Virginia
Michigan	West Virginia
Mississippi	Wisconsin
Missouri	

SEC. 9. *Maximum prices for sales by producers*—(a) *For unground feed screenings.* If you are a producer, your maximum price for the sale of unground feed screenings, bulk, shall be as follows:

(1) *At Minneapolis and Duluth, Minnesota.* (i) For feed screenings weighing up to and including 20 pounds per bushel, $17.50 per ton;

(ii) For feed screenings weighing over 20 pounds up to and including 35 pounds per bushel, $21.50 per ton;

(iii) For feed screenings weighing over 35 pounds per bushel, $24.50 per ton;

(iv) For the sale to any mixed feed manufacturer for use at his feed production plant located in Minneapolis or Duluth, the appropriate maximum price specified in subparagraphs (i), (ii) or (iii) above, except that if the feed screenings originate in either of said cities other than the one where the feed production plant is located, transportation charges at the lowest applicable domestic carload freight rate between the two cities may be added.

NOTE: The weights per bushel mentioned in subparagraphs (i), (ii) and (iii) above are to be determined in the manner prescribed in the Handbook of Official Grain Standards of the United States prepared by the Agricultural Marketing Service of the United States Department of Agriculture as the standard method of making test weight-per-bushel determinations.

(2) *In Area A*—(i) *For sales to a mixed feed manufacturer for use at his production plant located in Area A.* The maximum delivered price for the sale of unground feed screenings, bulk, to a mixed feed manufacturer for use at his production plant located in Area A shall be the appropriate maximum price at Minneapolis, Minnesota less the transit balance on a shipment of a carload quantity of feed screenings from such plant to Minneapolis or Duluth, whichever maximum price is lower.

(ii) *For sales other than to a mixed feed manufacturer for use at his production plant located in Area A—(a) At any rail point in Area A.* The maximum price for the sale of unground feed screenings, bulk, at any rail point in Area A to any person other than a mixed feed manufacturer for use at his production plant located in Area A shall be the appropriate maximum price at Minneapolis, Minnesota less the carload flat rail rate transportation charges from said point to Minneapolis or Duluth, whichever maximum price is lower.

(b) *At any non-rail point in Area A.* The maximum price for the sale of unground feed screenings, bulk, at any non-rail point in Area A to any person other than a mixed feed manufacturer for use at his production plant located in Area A shall be the appropriate maximum price at the nearest rail point.

(3) *In Area B.* The maximum price for the sale of unground feed screenings, bulk, at any point in Area B shall be the appropriate maximum price at Minneapolis, Minnesota plus transportation charges actually incurred for the distance the feed screenings are transported within Area B to the buyer's receiving point or to a rate point selected to secure favorable transit rates.

(4) *In Area C.* The maximum price for the sale of unground feed screenings, bulk, at any point in Area C shall be the appropriate maximum price at Minneapolis, Minnesota, plus the lowest domestic carload proportional all rail rate, or if none, the lowest carload flat all rail rate, from Minneapolis (or Duluth, if Duluth is the point of origin of the shipment) to the rail point nearest the buyer's receiving point or to a rate point selected to secure favorable transit rates: *Provided,* That when feed screenings have moved in whole or in part by water, the foregoing maximum price shall be reduced by an amount equal to the difference between the actual water rate and the rail rate for the distance the feed screenings are moved by water.

(b) *For ground feed screenings.* The maximum price for ground feed screenings, bulk, at any point shall be the maximum price for unground feed screenings at such point as specified in paragraph (a) above, plus $4.00 per ton.

SEC. 10. *Additional markups on sales by producers*—(a) *Markups.* As a producer you are not permitted to add a markup in figuring the maximum price for a sale of any lot of feed screenings except in the following cases:

	Per ton
(1) If you sell to a feeder from the production plant	$3.00
(2) If you sell to a feeder from a place of business not located at the production plant where the lot was produced	5.50
(3) If you sell to any person other than a feeder from a place of business not located at the production plant where the lot was produced	2.50

(b) *Production plant defined.* As used in this section, "production plant" means the facility operated as a unit at one location at which feed screenings are produced. It shall be deemed to be operated as a unit at one location if it is operated either:

(1) In one building, or

(2) In two or more adjoining buildings, or

(3) In two or more buildings, although not adjoining, if such buildings

are located on the same or on adjoining parcels of land owned, leased or otherwise controlled by the seller. Such parcels of land shall be deemed to be adjoining even if they are separated by an intervening street, alley, highway, lane or railroad right-of-way.

SEC. 11. *Maximum prices for sales by trucker-merchants.* The maximum price for sales of feed screenings by you as a trucker-merchant shall be your supplier's maximum price on the sale and delivery to you, plus the transportation charges actually incurred in moving the feed screenings to the buyer's receiving point, not exceeding 100 miles.

SEC. 12. *Maximum prices for sales by jobbers.* The maximum price for sales of feed screenings, bulk, by you as a jobber shall be your supplier's maximum price on the sale and delivery to you, plus the actual transportation charges, if any, incurred by you in moving the feed screenings to the buyer's receiving point, plus one of the following markups:

(a) For sales of ground feed screenings, 50 cents per ton.

(b) For sales of unground feed screenings, $1.00 per ton.

SEC. 13. *Maximum prices for sales by wholesalers.* The maximum price for sales of feed screenings, bulk, by you as a wholesaler shall be as follows:

(a) Your supplier's maximum price on the sale and delivery to you, plus

(b) Your actual transportation charges incurred in moving the feed screenings from your place of unloading to the buyer's receiving point, plus

(c) The sum of $2.50 per ton, provided that the markup under section 10 (a) (3) above has not been added.

SEC. 14. *Maximum prices for sales by retailers.* The maximum price for sales of feed screenings by you as a retailer shall be your supplier's maximum price on the sale and delivery to you, plus the transportation charges actually incurred in moving the feed screenings from your store to the buyer's receiving point, not exceeding 100 miles, plus $3.00 per ton.

SEC. 15. *Maximum prices for sales by all other sellers.* If you are a seller not specifically provided for under any preceding section of this regulation, your maximum price for the sale of feed screenings shall be your supplier's maximum price on the sale and delivery to you, plus the transportation charges actually incurred in moving the feed screenings from your store or place of business to your buyer's receiving point, not exceeding 100 miles.

SEC. 16. *Limitations on total markups of merchandisers to be included in a maximum price.* In order to prevent undue accumulation of markups for distributive services, the maximum price of any lot of feed screenings to any ultimate consumer shall never include more than one permitted markup of a commission merchant, jobber, wholesaler and retailer, irrespective of the number of said persons of each class who may have handled the lot in question.

SEC. 17. *Rules relating to additions to maximum prices—(a) Maximum charges for services of commission merchants.* Notwithstanding the provisions of any other regulation, the maximum service charge for all services of commission merchants with respect to a purchase and sale of any lot of feed screenings shall be 50 cents per ton.

(b) *Sacks and sacking.* (1) When feed screenings is sold in sacks furnished by the seller, there may be added to the appropriate maximum price an amount not exceeding the maximum price of the sacks, plus a sacking charge of 50 cents per ton.

(2) When feed screenings is sold in new or recleaned sacks furnished by the buyer and the seller does the sacking, a sacking charge of 50 cents per ton may be added to the appropriate maximum price.

(3) When feed screenings is sold in any other kind of sacks furnished by the buyer and the seller does the sacking, a sacking charge of $1.00 per ton may be added to the appropriate maximum price.

This revised regulation shall become effective September 24, 1945.

NOTE: The reporting and record keeping provisions of this revised regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 18th day of September 1945.

CHESTER BOWLES,
Administrator.

Approved: September 10, 1945.

J. B. HUTSON,
Acting Secretary of Agriculture.

[F. R. Doc. 45-17390; Filed, Sept. 18, 1945; 11:39 a. m.]

PART 1315—RUBBER AND PRODUCTS AND MATERIALS OF WHICH RUBBER IS A COMPONENT

[MPR 477, Amdt. 13]

SALES OF RUBBER HEELS AND SOLES IN SHOE FACTORY AND HOME REPLACEMENT TRADES

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.

1. Table II in Appendix A is amended in the following respects:

a. The headnote of the table is amended to read as follows: "Table II—Certain Non-Marking Heels and Soles Sold in the Shoe Factory Trade."

b. The following is added to the category *"Toplift Strips"* immediately following the table under the heading, "Brown".

RED	*Size and price*
Thickness:	*24" x 24"*
14	$2.53
12	2.20
10½	1.98
9	1.76
8	1.65
7	1.54
6	1.43
5	1.32

LIGHT COLORS—WHITE, IVORY, GREEN, BLUE, YELLOW

	Size and price
Thickness:	*24" x 24"*
14 iron	$3.30
12	2.85
10½	2.60
9	2.30
8	2.15
7	2.05
6	1.90
5	1.75

c. The following is added to the category *"Composition Soling Slabs"* immediately following the table under the heading "Brown".

RED

Thickness	Size and price		
	31" x 31"	24" x 36"	24" x 24"
14 iron	$3.31	$2.98	$1.66
12	3.06	2.75	1.54
10½	2.88	2.59	1.44
9	2.65	2.38	1.32
8	2.53	2.09	1.20
7	2.08	1.87	1.05
6	1.95	1.75	1.00
5	1.84	1.65	1.00

LIGHT COLORS—WHITE, IVORY, GREEN, BLUE, YELLOW

14 iron	$3.71	$3.34	$2.02
12	3.29	2.96	1.85
10½	2.96	2.66	1.77
9	2.69	2.42	1.61
8	2.49	2.24	1.49
7	2.26	2.05	1.37
6	2.08	1.83	1.22
5	1.95	1.75	1.17

d. The following is added to the category *"Fiber slabs"* immediately following the table under the heading, "Brown and Black".

RED

Thickness	Size and price		
	31" x 31"	24" x 36"	24" x 24"
18 iron	$4.55	$4.09	$2.73
15	3.96	3.56	2.37
14	3.77	3.39	2.26
12	3.51	2.98	1.98
10½	2.97	2.67	1.78
10	2.69	2.42	1.61
8	2.56	2.30	1.54
7	2.46	2.21	1.47
6	2.36	2.12	1.41

LIGHT COLORS—WHITE, IVORY, GREEN, BLUE, YELLOW

18	$4.76	$4.28	$2.85
15	4.17	3.75	2.50
14	3.98	3.58	2.39
12	3.72	3.16	2.11
10½	3.18	2.86	1.91
9	2.87	2.58	1.72
8	2.74	2.46	1.64
7	2.64	2.37	1.58
6	2.51	2.28	1.52

2. In Appendix A the following new table, designated Table III, is added immediately following the table under the heading "Standard Cord-on-End Full Soles" at the end of Table II:

TABLE III—MOLDED RED AND LIGHT COLORED (WHITE, IVORY, GREEN, BLUE AND YELLOW) RUBBER SOLES AND HEELS

(March 1942 discounts must be deducted from the maximum prices computed under this table.)[1]

The manufacturer's maximum price for a molded red or light colored (white, ivory, green, blue and yellow) rubber sole or heel shall be determined as follows:

(a) The manufacturer shall find a comparable item of the brown color listed in table II. If no comparable item is listed in table II, the manufacturer shall find the comparable item from his price list which has been approved by the Office of Price Administration. The comparable heel or sole chosen as a basis for pricing shall be that brown heel or sole of the same kind, type and grade, and which is of the same size and thickness as the heel or sole being priced. Thus, in pricing a red 14 iron composition men's full sole, the comparable item would be the brown 14 iron composition men's full sole set forth or determined under table II.

(b) The manufacturer shall determine the maximum price for the comparable brown item.

(c) The manufacturer's maximum price for the item being priced shall be determined by adding to the maximum price of the comparable brown item the appropriate differential listed below for the molded red or the light colored heel or sole being priced:

Molded red and light colored (white, ivory, green, blue, yellow) rubber soles and heels.

	Differentials Per pair (cents)
Red soles:	
Men's, women's, and boys'	1½
Child's, misses', youths' and L. G.	1
Red heels:	
All	½
White, ivory, green, blue, yellow soles:	
Men's, women's, and boys'	3
Child's, misses', youths' and L. G.	2
White, ivory, green, blue, yellow heels:	
Men's	3½
Women's and boys'	2
Child's, misses', youths' and L. G.	1½
Moccasin soles and spring heel tennis soles:	
Red	3
Green, blue, yellow, white, ivory	5

This amendment shall become effective September 24, 1945.

Issued this 18th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-17392; Filed, Sept. 18, 1945; 11:40 a. m.]

PART 1364—FRESH, CURED AND CANNED MEAT AND FRESH PRODUCTS

[MPR 336, Amdt. 25]

RETAIL CEILING PRICES FOR PORK CUTS AND CERTAIN SAUSAGE PRODUCTS

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.

Maximum Price Regulation No. 336 is amended in the following respects:

1. Subparagraph (6) of section 4 (a) is amended to read as follows:

(6) The sausage products listed in section 23 of this regulation, your ceiling prices for which must be determined under the provisions of said section 23 on and after October 2, 1945, if you buy such products for resale; or under the General Maximum Price Regulation if you manufacture such products yourself and sell them at retail.

2. The product name of Item 20I in the schedule of prices for Group 1 and 2 stores in section 19 is amended to read as follows:

20I Skins:

3. The product name of Item 20I in the schedule of prices for Group 3 and 4 stores in section 19 is amended to read as follows:

20I. Skins:

4. Section 20 is amended by changing the title thereof to read as follows:

SEC. 20. *OPA list of retail ceiling prices for certain sausage products.*

5. Items 14A, 14B, 14C, 14D, 14E and 15A in the schedule of prices for Group 1 and 2 stores in section 20 are amended by changing the product names of subitems 1, 2 and 3 of each of said items respectively to read as follows:

1. Type 1.
2. Type 2.
3. Type 3.

6. Item 15B in the schedule of prices for Group 1 and 2 stores in section 20 is amended by changing the product names of subitems 1 and 2 of said item respectively to read as follows:

1. Type 2.
2. Type 3.

7. Items 14A, 14B, 14C, 14D, 14E and 15A in the schedule of prices for Group 3 and 4 stores in section 20 are amended by changing the product names of subitems 1, 2 and 3 of each of said items respectively to read as follows:

1. Type 1.
2. Type 2.
3. Type 3.

8. Item 15B in the schedule of prices for Group 3 and 4 stores in section 20 is amended by changing the product names of subitems 1 and 2 of said item respectively to read as follows:

1. Type 2.
2. Type 3.

9. The product name of Item 20I in the schedule of prices in section 21 (a) is amended to read as follows:

20I. Skins.

10. Items 14A, 14B, 14C, 14D, 14E and 15A in the schedule of prices in section 21 (b) are amended by changing the product names of subitems 1, 2 and 3 of each of said items respectively to read as follows:

1. Type 1.
2. Type 2.
3. Type 3.

11. Item 15B in the schedule of prices in section 21 (b) is amended by changing the product names of subitems 1 and 2 of said item respectively to read as follows:

1. Type 2.
2. Type 3.

12. Section 23 is added to read as follows:

SEC. 23. *Sausage products not flat priced—(a) In General* (1) If you buy and resell the customary types of dry (hard) and semi-dry (soft) sausage other than those for which dollar-and-cents prices are established in sections 20 and 21 (b) of this regulation; scrapple; sulze or souse; pork roll made from skeletal pork only, which has a yield not in excess of 95 percent and a fat content not in excess of 15 percent; ham roll made from boneless ham only, which has a yield not in excess of 95 percent and a fat content not in excess of 15 percent; lunch roll or lunch roll sausage made from pork only, which has a yield not in excess of 98 percent and a fat content not in excess of 15 percent; pudding containing less than 30 percent livers; head cheese; blood sausage; blood and tongue sausage; tongue roll; tongue loaf; tongue salad; fresh thuringer containing pork, beef or veal; fresh Italian or fresh Polish sausage which is made of pork, which has a fat content not in excess of 30 percent, which has a yield not in excess of 100 percent and which contains no extenders; smoked mettwurst; chili con carne; roast or cooked beef loaf; corned beef loaf; jellied corned beef; goose liver style sausage containing tongues, sweetbreads, and pistachio nuts; or imitation or mock chicken loaf, you must figure your ceiling prices for each of such products as required by this section 23.

(2) In computing such ceiling prices similar products made by different producers shall be considered separate and distinct products; sausage having the same ingredient formula but stuffed in different casings shall be considered separate and distinct products, notwithstanding the fact that such products may be manufactured by the same producer; and if the sausage products are graded or typed, each grade or type shall be considered a different product, notwithstanding the fact that two or more of such graded or typed products may be known by the same general name.

(3) Once you have computed the ceiling price for any sausage product under the provisions of this section 23, and if you sold such sausage product before September 18, 1945, in your regular course of business, the price so computed shall remain your ceiling price thereafter, except that in the event your supplier's ceiling price for any sausage product subsequently is changed by the Office of Price Administration and that subsequent change is intended to affect your ceiling prices you will receive written notice either from the Office of Price Administration or from your supplier indicating that you must recompute your ceiling price for the particular sausage product involved. Upon receipt of such notice you must recompute your ceiling price for such product in accordance with the provisions of section 23 (b), 23 (c) or 23 (d), whichever is applicable, substituting the date of such notice wherever the date October 2, 1945, appears therein, and using your supplier's new ceiling price in determining your "total net delivered cost." Until such recomputation is made, you must not make any sales of the product. If, in your regular course of business you did not sell such sausage product before September 18, 1945, the price you compute first under the provisions of this section 23 shall be a temporary price, and may be used only during the three month period immediately following the date upon which you received your first delivery of the particular sausage commodity. Upon the expiration of the three month period you again are required to compute your ceiling

price. The price so computed shall remain your ceiling price thereafter, except that in the event your supplier's ceiling price for any sausage product subsequently is changed by the Office of Price Administration and that subsequent change is intended to affect your ceiling prices you will receive written notice either from the Office of Price Administration or from your supplier indicating that you must recompute your ceiling price for the particular sausage product involved. Upon receipt of such notice, you must recompute your ceiling price for such product as hereinbefore stated for sellers who sold the product before September 18, 1945.

(b) *Sales to ultimate consumers.* On and after October 2, 1945, if you sell any of the sausage products listed in this section 23 to ultimate consumers, you first must compute your ceiling price for each product in accordance with the following directions:

(1) If you are a Group 1 and 2 retailer, you must figure your ceiling price by multiplying your total net delivered cost per pound of such sausage product by 1.4. The result will be your ceiling price per pound on such sales. In determining your "total net delivered cost" follow the instructions given in paragraph (e) of this section 23.

(2) If you are a Group 3 and 4 retailer, you must figure your ceiling price by multiplying your total net delivered cost per pound of such sausage product by 1.35. The result will be your ceiling price per pound on such sales. In determining your "total net delivered cost" follow the instructions given in paragraph (e) of this section 23.

(c) *Sales to purveyors of meals.* On and after October 2, 1945, if you sell any of the sausage products listed in this section 23 to purveyors of meals, you first must compute your ceiling price for each product in accordance with the following directions:

(1) If you sell the sausage to purveyors of meals and such sales are made subject to the provisions of section 5 (b) (1) of this regulation, you may price such sales at or below the same prices you are authorized to charge ultimate consumers in accordance with the provisions of the foregoing paragraph (b) of this section 23 applicable to your store group.

(2) If you sell the sausage to purveyors of meals and such sales are made subject to the provisions of section 5 (b) (2), 5 (b) (4) or 5 (b) (6) of this regulation, you must figure your ceiling price by multiplying your total net delivered cost per pound of such sausage product by 1.17. The result will be your ceiling price per pound on such sales. In determining your "total net delivered cost" follow the instructions given in paragraph (e) of this section 23.

(3) If you sell sausage to purveyors of meals and such sales are made subject to the provisions of section 5 (b) (3) of this regulation, you must price such sales in accordance with the provisions of section 2 (a) of Maximum Price Regulation No. 389.

(d) *Sales to other retailers.* If you are authorized to sell sausage to other retailers under the provisions of section 5 (d) of this regulation, and on and after October 2, 1945, if you sell them any of the sausage products listed in this section 23, you must figure your ceiling price for such sales by multiplying your total net delivered cost per pound of such product by 1.17. The result will be your ceiling price per pound on such sales. In determining your "total net delivered cost" follow the instructions given in paragraph (e) of this section 23.

(e) *"Total net delivered cost".* For the purposes of this section 23 "total net delivered cost" must be determined by one of the following methods:

(1) If you made sales of the product prior to September 18, 1945, you must:

(i) Ascertain the amount per pound which you were charged by your customary type of supplier for the last customary quantity of the sausage product purchased by you before September 18, 1945. In no event may the amount so ascertained exceed your customary type of supplier's ceiling price for the particular sausage product.

(ii) From that amount subtract all discounts which you received on such purchase except the discount for prompt payment.

(iii) To the amount remaining add all customary transportation charges which you paid, if any, other than those paid for local trucking and local loading and unloading in case your supplier usually does not make delivery to your store door.

(iv) The amount thereby obtained is your "total net delivered cost."

(2) If you did not make sales of the product prior to September 18, 1945, but thereafter start to sell the product you must:

(i) Ascertain the amount per pound which you are charged for the first delivery of any quantity which you purchase. In no event may the amount so ascertained exceed your customary type of supplier's ceiling price for the particular sausage product.

(ii) From that amount subtract all discounts which you received on such purchase except the discount for prompt payment.

(iii) To the amount remaining add all transportation charges which you paid, if any, other than those paid for local trucking and local loading and unloading in case your supplier usually does not make delivery to your store door.

(iv) The amount thereby obtained is your "total net delivered cost."

This amendment shall become effective October 2, 1945.

Issued this 18th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-17388; Filed, Sept. 18, 1945, 11:38 a. m.]

PART 1400—TEXTILE FABRICS: COTTON, WOOL, SILK, SYNTHETIC AND ADMIXTURES

[MPR 127, Amdt. 35]

FINISHED PIECE GOODS

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.

Maximum Price Regulation No. 127 is amended in the following respect:

Section 1400.82 (b) (8) is added to read as follows:

(8) In the case of finished piece goods containing 75 per cent or more of cotton by weight, the basic grey goods cost shall be the established maximum price for the grey goods in effect on June 1, 1945, unless a previous provision of this section requires it to be lower.

This amendment shall become effective September 17, 1945.

Issued this 17th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-17347; Filed, Sept. 17, 1945, 4:42 p. m.]

PART 1407—RATIONING OF FOOD AND FOOD PRODUCTS

[Rev. RO 16,[1] Amdt. 74]

MEAT, FATS, FISH AND CHEESES

A rationale for this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.

Section 15.11a (b) (2) is amended to read as follows:

(2) If he has been granted an adjustment under section 15.11 of this order or for losses for indeterminable causes under section 15.2, the Board may grant an adjustment if it finds that his net point inventory, as defined in subparagraph (1) of this paragraph, has been reduced to less than 55% of his allowable inventory (or that it would be so reduced if he were required to give up points for his remaining excess inventory). The Board shall, in this case, issue a check to the applicant equal to the amount by which 55% of his allowable inventory exceeds his net point inventory, and shall also cancel his remaining excess inventory. If his net point inventory is greater than 55% of his allowable inventory, it shall cancel that part of his excess inventory which, if he were required to give up points therefor, would reduce his net point inventory below 55% of his allowable inventory.

This amendment shall become effective September 17, 1945.

Issued this 17th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-17346; Filed, Sept. 17, 1945; 4:42 p. m.]

[1] 9 F.R. 6731.

PART 1441—TANNING MATERIALS

[MPR 551, Amdt. 1]

CERTAIN SALES OF HEMLOCK AND CHESTNUT OAK BARKS

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.

Maximum Price Regulation No. 551 is amended by adding the following new section.

SEC. 12. *Adjustments.* If a purchaser of bark is unable to obtain quantities thereof necessary for his normal operations because his maximum prices established under section 11 are lower than the prices other buyers can pay a seller from whom supplies could otherwise be obtained, the Administrator may adjust such purchaser's maximum prices to place them in line with the level of maximum prices established under the regulation for purchases by such other buyers.

This amendment shall become effective September 23, 1945.

Issued this 18th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-17394; Filed, Sept. 18, 1945; 11:40 a. m.]

PART 1364—FRESH, CURED AND CANNED MEAT AND FISH PRODUCTS

[MPR 398,[1] Incl. Amdts. 1-10]

VARIETY MEATS AND EDIBLE BY-PRODUCTS AT WHOLESALE

This compilation of Maximum Price Regulation 398 includes Amendment 10, effective September 23, 1945. The text amended or added by Amendment 10 is underscored. Deletions and changes in tables are indicated by notes.

A statement of the considerations involved in the issuance of this Maximum Price Regulation No. 398 has been issued simultaneously herewith and filed with the Division of the Federal Register.[2]

So far as practicable, the Price Administrator has consulted and advised with representative members of the industry which will be affected by this regulation. In the judgment of the Price Administrator, the prices established herein are and will be generally fair and equitable and comply with the requirements of section 3 and the other requirements of the Emergency Price Control Act of 1942, as amended, and Executive Orders No. 9250 and 9328, and will effectuate the purposes of said act and Executive orders.

Insofar as this regulation uses specifications and standards which were not, prior to such use, in general use in the trade or industry affected, or insofar as their use was not lawfully required by another Government agency, the Administrator has determined, with respect to such standardization, that no practicable alternative exists for securing effective price control with respect to the commodities subject to this regulation.

[Preamble amended by Supplementary Order 63, 8 F.R. 12553, effective 9-11-43]

§ 1364.1157 *Maximum prices for variety meats and edible by-products at wholesale.* Under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Orders No. 9250 and 9328, Maximum Price Regulation No. 398 (Variety Meats and Edible By-Products at Wholesale), which is annexed hereto and made a part hereof, is hereby issued.

ARTICLE I—PURPOSE AND SCOPE OF REGULATION

Sec.
1. What this regulation does.
2. How maximum prices are fixed.
3. Quality and descriptive labeling requirements.
4. Where this regulation applies.
5. Sales to which this regulation does not apply.
6. Relation to other regulations.

ARTICLE II—RECORD KEEPING AND ENFORCEMENT

7. Records and reports.
8. Indirect price increases.
9. Licensing and registration.
10. Enforcement.

ARTICLE III—MISCELLANEOUS PROVISIONS

11. Petitions for amendment.
12. Adjustable pricing.

ARTICLE IV—ZONES, PRICES AND DEFINITIONS

13. Prices.
14. Permitted additions to base prices.
15. Required deductions from base prices.
16. Definitions.
17. Description of zones.

AUTHORITY: § 1364.1157 issued under 56 Stat. 23, 765; 57 Stat. 566; Pub. Law 383, 78th Cong.; Pub. Law 108, 79th Cong; E.O. 9250, 7 F.R. 7871, E.O. 9328, 8 F.R. 4681.

ARTICLE 1—PURPOSE AND SCOPE OF REGULATION

SECTION 1. *What this regulation does.* This regulation fixes dollar-and-cents ceiling prices on all sales other than at retail of fresh and processed variety meats and edible by-products derived from hog, cattle, calf, sheep and lamb slaughter. On and after April 1943, the date this regulation takes effect, no person may sell, or deliver, except at retail, and no person in the course of trade or business, may buy or receive any variety meat or edible by-product at prices higher than the prices permitted by this regulation. But lower prices may be charged or paid.

SEC. 2. *How maximum prices are fixed—(a) General instructions.* The ceiling prices for any sale are found by looking at paragraph (a) of section 13 which lists the base price per hundredweight in dollars, for each kind of variety meat and edible by-product. To this price should be added the amount specified in paragraph (b) of that section for the zone in which the point of delivery is located. Section 14 should then be examined to determine whether any additions may be made to these prices and section 15, to determine whether any deductions are required. The base price, plus the zone differential, plus the permitted additions, and minus the required deductions is the ceiling price.

(b) *Determining the zone in which the point of delivery is located—(1) Point of delivery.* The point of delivery is either the point at which local delivery begins, if local delivery is made, or the point at which the product is delivered to the buyer, if no local delivery is made.

(i) Local delivery means delivery by any vehicle made by the seller to the place of business of the buyer or made to a point designated by a war procurement or government agency. A truck is not a place of business.

[Subparagraph (1) amended by Am. 5, 9 F.R. 13759, effective 11-21-44]

(ii) If no local delivery is made, the point at which the product is delivered to the buyer is the point where actual physical possession is taken by the buyer or where the product consigned to the buyer—

(*a*) Is received by a rail carrier for shipment at the railroad carload rate, or for shipment to an agency of the United States government; or

(*b*) Is received by a common or contract carrier, other than a railroad; or

(*c*) Is received by an express company for shipment by express to a purveyor of meals, the charges of such carrier in all three instances being paid directly to such carrier by the buyer.

(2) *Determining the zone.* Having determined the point of delivery, the zone in which such point is located can be found by reference to section 17 of this regulation in which all the zones are described by counties.

SEC. 3. *Quality and descriptive labeling requirements.*—(a) After this regulation takes effect, the only variety meats and edible by-products which may be sold for ultimate consumption as food are those variety meats and edible by-products for which dollar-and-cents prices are fixed by this regulation and which satisfy the definitions made in section 16.

[Paragraph (a) amended by Am. 8, 10 F.R. 5375, effective 5-14-45]

(b) *Descriptive labeling requirements.* No variety meat or edible by-product may be offered for sale or sold, or bought in the course of trade or business, except in accordance with the provisions of this paragraph.

[1] 8 F.R. 6945.

[2] Statements of considerations are also issued simultaneously with amendments. Copies may be obtained from the Office of Price Administration.

(1) The carton or other immediate container shall have stamped or printed on it the word "kosher" whenever kosher products are packed therein, and, whenever sterilized products are, the words "sterilized."

(2) The name of the variety meat or edible by-products must appear on the seller's invoice. Kosher and sterilized meat shall be invoiced as such.

[Section heading and paragraph (b) amended by Am. 1, 8 F.R. 11082, effective 8-7-43]

SEC. 4. *Where this regulation applies.* The provisions of this regulation shall apply to the forty-eight states of the United States, and to the District of Columbia.

SEC. 5. *Sales to which this regulation does not apply.* (a) The provisions of this regulation shall not apply to sales of variety meats or edible by-products, if prior to June 1, 1943, such variety meats or edible by-products have been received by a carrier, other than a carrier owned or controlled by the seller, for shipment to the purchaser.

(b) The provisions of this regulation shall not apply to any sales at retail. Sales at retail mean sales to individuals for consumption by themselves or their families off the seller's premises and/or sales to retailers or purveyors of meals to the extent permitted under the provisions of Maximum Price Regulation No. 355, Maximum Price Regulation No. 336 and Maximum Price Regulation No. 394.

[Paragraph (b) amended by Am. 1, 8 F.R. 11082, effective 8-7-43 and Am. 10, effective 9-23-45]

(c) The provisions of this regulation with the exception of section 7 covering records and reports shall not apply to the following sales or deliveries of variety meats or edible by-products:

(1) Sales or deliveries made to industrial users who purchase such products for use in paints, chemicals or other similar manufactures, and who do not purchase such products for ultimate consumption as food; and

(2) Sales or deliveries made to pharmaceutical users who purchase such products for use in medicines or other similar pharmaceuticals, and who do not purchase such products for ultimate consumption as food.

[Paragraph (c) amended by Am. 8, 10 F.R. 5375, effective 5-14-45]

(d) The provisions of this regulation shall not apply to casings, non-kosher calf rennets, lamb or mutton kidneys.

(e) The provisions of this regulation shall not apply to deliveries of variety meats or edible by-products made to any political subdivision or agency of any state or of the United States, under contracts entered into prior to May 22, 1943: *Provided*, That this exemption shall not be construed to permit the upward revision of any prices fixed in such contracts.

SEC. 6. *Relation to other regulations.* (a) The provisions of this regulation supersede the provisions of the General Maximum Price Regulation[3] with respect to sales and deliveries made in the United States to other than industrial and pharmaceutical users of all variety meats and edible by-products for which maximum prices are established by this regulation. A maximum price is established for a variety meat or edible by-product by this regulation if a price is listed in section 13 for some form of that meat or by-product.

(b) The maximum price at which a person may export any variety meat or edible by-product shal be determined in accordance with the provisions of the Revised Maximum Export Price Regulation[4] issued by the Office of Price Administration.

ARTICLE II—RECORD KEEPING AND ENFORCEMENT

SEC. 7. *Records and reports.* (a) After June 1, 1943, every person making a sale other than at retail, and every person making a purchase in the course of trade or business of any variety meat or edible by-product subject to this regulation shall keep for inspection by the Office of Price Administration for so long as the Emergency Price Control Act of 1942, as amended, remains in effect, a complete and accurate record of each such purchase or sale, including sales to pharmaceutical or industrial users, showing the date thereof, the name and address of the buyer and of the seller, the price charged and the price received, and a description of the product including the grade, and the quantity sold; kosher products to be so indicated. Sales to pharmaceutical and industrial users are to be so identified.

(b) Such person shall, subject to the approval of the Bureau of the Budget in accordance with the Federal Reports Act of 1942, submit such reports to the Office of Price Administration and keep such other records in addition to or in place of the records required in paragraph (a) of this section, as the Office of Price Administration may from time to time require.

SEC. 8. *Indirect price increases.* No person shall evade any of the provisions of this regulation by any scheme or device and no person shall indirectly charge or receive for variety meats or edible by-products a price higher than the maximum prices permitted by this regulation. No person shall as a condition of selling any variety meats or edible by-products require a purchaser to buy any other meat or any other product: *Provided*, That the following payments shall not be construed as evasions of such price limitations under the following conditions:

(1) A payment by a buyer to a seller for icing services performed by the seller after June 1, 1943, and before delivery of variety meats and edible by-products to a railroad whose charges are paid directly to such railroad by the buyer, if the charge for such icing services is no higher than the costs actually incurred by the seller in performing such services and no higher than the charge which could lawfully have been made by the railroad if such services had been performed by the railroad.

(2) A payment by a war procurement agency to a seller for costs incurred in freezing and/or storing variety meats and by-products purchased by such agency, (i) if such freezing and or storage costs were actually incurred by the seller and are evidenced by an invoice and warehouse receipt duly issued to the seller by a commercial warehouse in which case the agency may also pay actual costs not to exceed $0.10 per hundredweight, incurred by the seller in transporting such meat to the commercial warehouse; or (ii) if such storage services were performed by the seller and not by a commercial warehouse and are evidenced by a warehouse receipt showing the length of the storage, issued by the seller to the war procurement agency, and if such charges do not exceed the second month's maximum storage rates (under the General Maximum Price Regulation) of commercial warehousemen in the vicinity of the place where the storage occurred.

(3) A payment by a buyer to a broker of not to exceed $0.125 per hundredweight in excess of the maximum prices fixed by this regulation for services rendered by the broker to the buyer in connection with a sale of variety meats and edible by-products shall not be construed as an evasion of such price limitations if the broker has no business affiliation with the seller and if the total compensation received by the broker from both buyer and seller in connection with the sale does not exceed $0.125 per hundredweight.

[Subparagraph (3) added by Am. 2, 8 F.R. 13297, effective 10-4-43]

[Sec. 8 amended by Am. 1, 8 F.R. 11082, effective 8-7-43]

SEC. 9. *Licensing and Registration.* The provisions of Supplementary Order No. 14 (§ 1305.18 *Licensing sellers of meat and meat products*)[5] are made applicable to every person making sales subject to this regulation. The effect of making this order applicable is to require a license of all persons selling products for which maximum prices are established by this regulation. A license is automatically granted. It is not necessary to apply for the license, but all sellers may later be required to register. The license may be suspended for violations in connection with the sale of any commodity for which maximum prices are established. No person whose license is suspended may sell any such commodity during the period of suspension.

SEC. 10 *Enforcement.* (a) On and after June 1, 1943, any person violating any provision of this regulation is subject to the criminal penalties, civil enforcement actions, suits for treble damages and proceedings for revocation of licenses provided by the Emergency Price Control Act of 1942, as amended.

ARTICLE III—MISCELLANEOUS PROVISIONS

SEC. 11 *Petitions for amendment.* Any person seeking an amendment of any provision of this regulation may file a petition for amendment in accordance with the provisions of Revised Procedural Regulation No. 1[6] issued by the Office of Price Administration.

[3] 9 F.R. 1385, 5169, 6103, 8150, 10193, 11274.

[4] Second revision: 8 F.R. 4132, 5987, 7662, 9998, 15193; 9 F.R. 1036, 5435, 5923, 7201, 9835, 11273, 12919, 14436; 10 F.R. 863, 923, 2432.

[5] 7 F.R. 7033, 11007, 8 F.R. 13243.

[6] 9 F.R. 10476, 13715.

SEC. 12 *Adjustable pricing and adjustment.* (a) Any person may agree to sell at a price which can be increased up to the maximum price in effect at the time of delivery; but no person may, unless authorized by the Office of Price Administration, deliver or agree to deliver at prices to be adjusted upward in accordance with action taken by the Office of Price Administration after delivery. Such authorization may be given when a request for a change in the applicable maximum price is pending, but only if the authorization is necessary to promote distribution or production and if it will not interfere with the purposes of the Emergency Price Control Act of 1942, as amended. The authorization may be given by the Administrator or by any official of the Office of Price Administration to whom the authority to grant such authorization has been delegated. The authorization will be given by order, except that it may be given by letter or telegram when the contemplated revision will be the granting of an individual application for adjustment.

[Section heading amended and above paragraph designated (a) by Am. 5, 9 F.R. 13759, effective 11-21-44]

(b) [Revoked.]

[Paragraph (b) added by Am. 5 and revoked by Am. 10, effective 9-23-45]

ARTICLE IV—ZONES, PRICES AND DEFINITIONS

SEC. 13. *Prices*—(a) *Table of base prices.* (Except where indicated otherwise, all prices are on a dollar per hundredweight loose basis and do not include boxing, transportation or delivery costs.)

(1) *Variety meats and edible by-products.*

[Subparagraph (1) headnote amended by Am. 10, effective 9-23-45]

Variety meats and edible by-products	Beef	Kosher beef	Veal	Kosher veal	Lamb and mutton	Kosher lamb and mutton	Pork
Blood (defibrinated)	6.00						
Brains	7.00	13.00	10.00	16.00	10.00	11.00	11.00
Caul fat	10.00		9.00	9.00		10.50	11.00
Chuck meat	13.00		13.00		10.00		18.00
Chuck meat, lip on		13.00		13.00			*
Chuck meat trimmings	8.00						
Chitterlings							8.00
Crown meat							8.00
Cutlets							25.00
Diaphragm meat	11.00		11.00		9.00		11.00
Ears							6.00
Feet, green		4.00		4.00			
Feet, scalded	10.00	11.00	10.00	10.00			
Fries	6.00		25.00		28.00		
Gullett weasand meat	11.00		11.00		9.00		11.00
Hearts							8.00
**Head	3.50		3.50	4.00			
**Head (skinned)	6.00		6.50		7.00		
**Head (scalded)			13.50				
Head meat	13.00	13.00	13.00	13.00	10.00		18.00
Head skins							9.00
Heart, cap off	15.00		15.00				
Heart	12.00	12.00	12.00	12.00	12.00		12.00
Heart and melt				9.00			
Heart trimmings	6.00		6.00				
Kidneys	11.00	11.00	17.00				10.00
Leaf lard, raw							12.75
Lips	6.00	6.00	6.00	6.00			5.00
Livers, calf, overweight			30.00				
Livers, unblemished	23.00	31.00	50.00	57.00	18.00	25.00	13.00
Livers, blemished	19.00	27.00	47.00	54.00			
Lungs	3.00	3.00	3.00		3.00		
Lungs and heart						7.00	
Lungs, heart and melt				5.50			
Melts	3.00	3.00	3.00	3.00	3.00	3.00	3.00
Melts, trimmed							5.00
Oxtail split joints	5.00						
Palates	3.00						
Plucks			27.00		12.50	12.50	12.75
Rennets		2.00	ea. 23½	ea. 23½		ea. 03	
Snouts, (lean meat out)							6.00
Snouts, (lean meat in)							7.50
Sweetbreads, heart	10.00	18.00	40.00	40.00			
Sweetbreads, neck	25.00	31.00	40.00	40.00	25.00	27.00	
Tails:							
Under 6 oz			40.00	40.00			
6-12 oz			45.00	45.00			
Over 12 oz			50.00	55.00			
Tails—under ¾ lb	8.00	10.00	8.00	10.00			
Tails—¾ lb. and up	11.00	13.00	11.00	13.00			
Tongues	22.00	25.00	18.00	21.00	[1]15.00	[2]16.00	15.00
Tongues, canner	16.00	19.00	13.00	16.00			
Tongues, canner, cured	20.50						
Tongues, cured	23.00	26.00	19.00	22.00			16.00
Tongues, smoked	29.50	32.50	25.50	28.50			22.50
**Tongues cooked	46.00	51.00					
**Tongues cooked and smoked	55.50	61.50					
Tripe, mait	11.00	11.00	11.00				10.00
Tripe scalded (bellies)	4.00	4.00	4.00		3.00	3.00	4.00
Tripe cooked	8.00		8.00		7.00		8.00
Tripe, honeycomb	13.00						
Udders	3.00						

[1] For lamb and mutton tongues which have not been scalded, skinned, and trimmed, the base price shall be $13.00 per hundredweight.

[2] For kosher lamb and mutton tongues which have not been scalded, skinned, and trimmed, the base price shall be $14.00 per hundredweight.

[Table amended by Am. 1, 8 F.R. 11082, effective 8-7-43; Am. 2, 8 F.R. 13297, effective 10-4-43; Am. 3, 8 F.R. 15461, effective 11-9-43; Am. 4, 9 F.R. 11073, effective 9-12-44 and Am. 8, 10 F.R. 5375, effective 5-14-45. Footnotes 1 and 2 added by Am. 5, 9 F.R. 13759, effective 11-21-44. *Six "Head" items deleted; **Items added by Am. 10, effective 9-23-45]

(2) *For sales by a hotel supply house to purveyors of meals.*

Variety meats and edible by-products	Beef	Veal	Lamb and mutton	Pork
Brains	10.25	13.75	13.75	15.00
Fries	8.00	20.50	33.00	
Hearts, cap off	18.00	18.00		
Hearts			18.00	18.00
Kidneys	13.50	20.50	12.00	12.25
Livers, unblemished	28.00	60.75	21.25	17.00
Livers, blemished	24.00	52.00		
Livers, calf overweight		35.00		
Plucks		31.75		
Sweetbreads (neck)	20.00	49.00	33.75	
Pairs:				
Under 6 oz		47.00		
6-12 oz		52.75		
Over 12 oz		58.25		
Tails:				
¾ lb and under	10.00	10.00		
¾ lb and over	13.25	13.25		
Tongues:				
Fresh	26.25			
Cured	27.00			
Smoked	35.00			
*Cooked	51.00			
*Cooked and smoked	60.50			
Tripe:				
Cooked	10.00			
Honeycomb	16.00			

[*Items added by Am. 10, effective 9-23-45]

[Subparagraph (2) added by Am. 1, 8 F.R. 11082, effective 8-7-43; amended by Am. 2, 8 F.R. 13297, effective 10-4-43; Am. 4, 9 F.R. 11073, effective 9-12-44; Am. 5, 9 F.R. 13759, effective 11-21-44 and Am. 8, 10 F.R. 5375, effective 5-14-45]

(3) *Cured pork items.*

	Snouts	Ears	Lips	Heads (split brains out)
¼ barrel (100 lbs.), each	12.70	9.70	8.40	15.50
Barrel (200 lbs.), each	22.50	16.50	14.00	28.00
Tierce (300 lbs.), each	32.00	22.80	19.00	40.00

[Subparagraph (3), formerly (2), redesignated by Am. 1, 8 F.R. 11082, effective 8-7-43]

(4) *Vinegar pickled and cooked tripe and lamb tongues.*

	Regular tripe	Honeycomb tripe	Lamb tongues
Kits (13#) each	2.00	2.35	4.15
¼ barrels (17#) each	2.60	3.00	6.10
½ barrels (35#) each	5.00	5.60	11.20
½ barrels (75#) each	10.00	11.75	23.00
Barrels (200#) each	26.00	30.00	60.00
Tierce (300#) each	39.00	45.00	88.80
Loose, per cwt	12.00	14.00	23.50

[Subparagraph (4), formerly (3) redesignated by Am. 1; amended by Am. 4, 9 F.R. 11073, effective 9-12-44 and Am. 10, effective 9-23-45]

(b) *Table of zone differentials.* Depending upon the location of the point of delivery add to the base price per hundredweight the applicable one of the following zone differentials:

	Beef	Veal	Lamb and mutton	Pork
Zone 1	1.75	2.50	1.50	2.50
Zone 2	1.00	1.50		1.50
Zone 3		.75		1.25
Zone 4				.75
Zone 4-A				
Zone 5	.50	.50	.50	.25
Zone 6	.75	.75	.75	.50
Zone 7	1.00	1.00	1.00	.75
Zone 8	1.25	1.25	1.25	1.00
Zone 9	1.50	1.50	1.50	1.25
Zone 10	1.75	1.75	1.75	1.50

SEC. 14. *Permitted additions to base prices*—(a) *For transportation and local delivery.* The following amounts may be added for transportation and local delivery so long as no more than $0.50 per cwt. is added in any zone with three exceptions. Up to $1.00 per cwt. may be added on product derived from calf slaughter in zones 4 and 4–A, on product derived from cattle slaughter in zones 3, 4 and 4–A, and on product derived from sheep and lamb slaughter in zones 2, 3, 4 and 4–A.

(1) *Transportation from the place of slaughter to the point of delivery.* If the point of delivery is neither the place where the livestock was slaughtered nor another slaughtering, packing or processing plant, owned or controlled by the slaughterer, the seller may make one of the following additions to the base prices for transporting the product to the point of delivery from the place of slaughter.

(i) Cost up to $0.75 per cwt., on product derived from lamb and sheep slaughter if the point of delivery and the place where the livestock was slaughtered are in price zones 2, 3, 4, or 4–A;

(ii) Cost up to $0.75 per cwt., on product derived from cattle slaughter if the point of delivery and the place where the livestock was slaughtered are in price zones 3, 4, and 4–A;

(iii) Cost up to $0.75 per cwt., on product derived from calf slaughter if the point of delivery and the place where the livestock was slaughtered are in price zones 4 and 4–A;

(iv) Cost up to $0.25 per cwt., if the point of delivery and the place of slaughter are in the same zone.

(2) *Local delivery from the point of sale to the buyer.* If local delivery is made by the seller to the place of business of a buyer other than the operator of a lake vessel, or to the designated delivery point of a war procurement agency or other government agency located within a radius of 25 miles of the point at which local delivery starts, $0.25 per hundredweight may be added to the base prices. If local delivery ends more than 25 miles from the point at which it started there may be added:

[Above paragraph amended by Am. 9, 10 F.R. 6246, effective 6–7–45]

(i) Cost up to $0.75 per cwt. on product derived from lamb or sheep slaughter for delivery from a point in price zones 2, 3, 4, or 4–A;

(ii) Cost up to $0.75 per cwt. on product derived from cattle slaughter for delivery from a point in price zones 3, 4, or 4–A;

(iii) Cost up to $0.75 per cwt. on product derived from calf slaughter for delivery from a point in price zones 4 or 4–A;

(iv) Cost up to $0.50 per cwt. for delivery in all other cases.

(3) *Intermediate distributors.* If a hotel supply house, peddler-truck seller, wholesaler or Great Lakes marine supplier has paid a charge under either of the two preceding subparagraphs for transportation or delivery, he may add the amount of such charge upon the resale of the meat, up to $0.25 per hundredweight, if the point of delivery is in price zones 1 or 5 to 10, inclusive, and up to $0.75 elsewhere.

[Subparagraph (3) amended and (4) added by Am. 9, 10 F.R. 6246, effective 6–7–45]

(4) *Launch delivery.* On a delivery of variety meats and edible by-products by a Great Lakes marine supplier to the operator of a lake vessel made in the seller's motor launch, such seller may add $0.75 per hundredweight for such delivery, but except as provided in subparagraph (3) of this section 14 (a) a Great Lakes marine supplier otherwise may not charge the operator of a lake vessel for local delivery.

[Paragraph (a) amended by Am. 2, 8 F.R. 13297, effective 10–4–43 and as otherwise noted]

(b) *Wrapping and packaging.* (1) For delivery in shipping containers on domestic sales: (No addition permitted where prices in section 13 (a) include shipping containers.)

	Per cwt.
(i) In 5 lb. container, including outside package, if used; sweetbreads, brains and cutlets, only	$2.00
(ii) In 10–15 lb. container, including outside package, if used; sweetbreads, brains, cutlets, lamb and veal livers and chitterlings, only	1.50
(iii) In 16–30 lb. wooden or fibre boxes	.75
(iv) In 31-pound and up wooden or fibre boxes	.50
(v) Slack barrels	.25

(vi) The following additions may be charged where cured tongues are packed as described below:

	Per cwt.
(a) 200 lb. net weight tight hardwood barrels, "pickle on"	$1.50
(b) 100 lb. net weight tight hardwood barrels, "pickle on"	1.75
(c) 50 lb. net weight tight hardwood kegs, "pickle on"	2.00
(d) 25 lb. net weight tight hardwood kits, "pickle on"	2.50
(vii) Packing in returnable shipping containers of solid wood or metal	.25

[Subparagraph (1) amended by Am. 1, 8 F.R. 11082, effective 8–7–43; Am. 2, 8 F.R. 13297, effective 10–4–43, and Am. 6, 9 F.R. 14987, effective 1–1–45]

(2) A wholesaler, packer's branch house, hotel supply house, Great Lakes marine supplier or peddler-truck seller may make the following charge in lieu of the additions permitted under subparagraph (1):

[Above paragraph amended by Am. 9, 10 F.R. 6246, effective 6–7–45]

(i) For breaking a box, or barrel, of variety meats and edible by-products and delivering less than 30 pounds of the kind of product contained in such container to a single buyer ---------- an amount equal to the addition permitted for the original container in subparagraph (1) but not more than $0.75 per cwt.

This subparagraph does not apply to sales from branch houses or packer affiliated hotel supply houses which are part of or physically attached to the seller's packing plant.

(3) For delivering product packed for export shipment and/or packed to United States Government specifications:

Type of container	Capacity of container	Addition per cwt
(i) Nailed solid wood boxes, CCC–CQD spec.	60 lbs. or less	$1.70
	61 lbs. to 125 lbs.	1.90
	Over 125 lbs.	1.15
(ii) V–1, V–2 fiber boxes (with sleeve).	All sizes	1.00
(iii) V–1, V–2 fiber boxes (sleeveless).	All sizes	.75
(iv) V–3 solid fiber, corrugated fiber or regular slotted, 4 straps each.	All sizes	.60
(v) Wirebound boxes	All sizes	.70
(vi) Wirebound crates	All sizes	.50

[Subparagraph (3) amended by Am. 8, 10 F.R. 5375, effective 5–14–45]

(4) For delivery to the armed forces of livers specially selected and individually wrapped in accordance with Army Specifications, $1.00 per hundredweight.

[Subparagraph (4) added by Am. 7, 10 F.R 1668, effective 2–8–45]

(c) *Hotel supply house's selling addition.* A hotel supply house may add $2.00 per hundredweight on sales to purveyors of meals of items listed in section 13 (a) (1). No such addition may be made on sales to purveyors of meals of items listed in section 13 (a) (2).

[Paragraph (c) amended by Am. 1, 8 F.R. 11082, effective 8–7–43]

(d) *Peddler truck selling addition.* On a peddler truck sale involving delivery of not more than 250 pounds of meat and or meat by-products in any one day from a peddler truck to any buyer's store door, a peddler may add to the prices specified in section 13 (a) (1), the sum of $1.50 per hundredweight. If such sale involves a delivery of more than 250 pounds of meat and or meat by-products, the peddler may add to the prices specified in section 13 (a) (1) an amount not in excess of $1.00 per hundredweight applicable to the total delivery of variety meats and edible by-products in one day from such peddler truck to the buyer's store door. These additions will be in lieu of any local delivery and or transportation charges.

[Paragraph (d) amended by Am. 4, 9 F.R. 11073, effective 9–12–44 and Am. 10 effective 9–23–45]

(e) *Freezing.* For freezing variety meats and edible by-products sold to war procurement agencies, in seller's plant and not in a commercial warehouse, $0.10 per hundredweight.

(f) *Slicing livers.* For slicing livers at the request of a purchaser, $2.00 per hundredweight.

[Paragraphs (e) and (f) added by Am. 1, 8 F.R. 11082, effective 8–7–43]

(g) *Wholesaler's selling addition* On the sale of variety meats and edible by-products not obtained through custom slaughtering, a person who at the time of the sale is a wholesaler may add $1.00 per hundredweight to the applicable zone price: *Provided, however,* That after December 6, 1944, no person shall charge the addition permitted by this section 14 (g) unless such person first shall have filed with the appropriate District Office of the Office of Price Administration a signed statement that the person is a wholesaler as defined in subdivision (i) or (ii) of the definition of wholesaler in section 16 (a) and gives the address of his selling establishment.

The statement herein required must be filed on or after November 21, 1944, and the filing of such statement shall not preclude investigation by the Office of Price Administration of the facts relating to the nature of the business carried on by the person filing the statement, or any action or proceeding arising from such investigation. The statements required by this section may be combined with statements prepared pursuant to § 1364.454 (d) of Revised Maximum Price Regulation No. 169, § 1364.35 (Schedule III) of Revised Maximum Price Regulation No. 148 and § 1364.170 (a) of Revised Maximum Price Regulation No. 239, for purposes of convenience.

[Paragraph (g) added by Am. 1, 8 F.R. 11082, effective 8–7–43; amended by Am. 4, 9 F.R. 11073, effective 9–12–44; and Am. 5, 9 F.R. 13759, effective 11–21–44]

(h) *Great Lakes marine supplier's selling addition.* A Great Lakes marine supplier may add $3.00 per hundredweight on sales of the items listed in section 13 (a) (1) to operators of lake vessels.

[Paragraph (h) added by Am. 9, 10 F.R. 6246, effective 6–7–45]

SEC. 15. *Required deductions from base prices*—(a) *Sterilized meat.* For all products sterilized in accordance with B. A. I. requirements deduct $2.00 per cwt.

(b) *Carload discount.* For all variety meats and edible by-products delivered in a straight or mixed carload shipment or sold as a part of a straight or mixed carload sale, the seller shall deduct 25 cents per hundredweight from the applicable zone price.

[Paragraph (b) amended by Am. 1, 8 F.R. 11082, effective 8–7–43]

SEC. 16. *Definitions.* (a) When used in this regulation the term:

"Container" means either (1) a substantial carton or box or bag made of crinkled Kraft paper lined with waxed or other moisture resistant paper which is used as an interior package for product shipped in wire-bound, solid fibre or corrugated shipping cases, or (2) an individual shipping container made of wood, wire-bound, solid fibre or corrugated board lined with waxed or other moisture resistant paper.

[Above definition added by Am. 1]

"Great Lakes marine supplier" means a person operating a selling establishment, other than a hotel supply house, from which he is engaged in the buying of variety meats and edible by-products for resale to an operator or operators of a lake vessel or vessels, and who during the calendar year of 1943 sold or delivered to such buyers for consumption aboard such lake vessel or vessels not less than 25 percent of the total volume of meats and meat products sold or delivered from such selling establishment.

[Above definition added by Am. 9, 10 F.R. 6246, effective 6–7–45]

"*Hotel supply house*" means any establishment

(i) Which sold or delivered to purveyors of meals during the period of September 15, 1942 to December 15, 1942, not less than 70 percent of the total volume by weight of all meats, variety meats and edible by-products and/or sausage and similar products thereof, sold or delivered by it, excluding sales to war procurement agencies, and

(ii) Which does not own or control or is not owned or controlled by a packing or slaughtering plant, packer's branch house, wholesaler's or other selling establishment to which it is physically attached, and

(iii) Which on and after June 1, 1945, engages in the sale or delivery of meats and meat products to the following purchasers exclusively:

(*a*) Purveyors of meals,

(*b*) Ultimate consumers pursuant to § 1364.416 of Revised Maximum Price Regulation No. 169 or § 1364.168a of Revised Maximum Price Regulation No. 239;

(*c*) War procurement agencies of the following items only: frozen boneless beef (Army specifications), ground beef and miscellaneous beef items, boneless and miscellaneous veal cuts and fabricated beef cuts and lamb, mutton and veal carcasses (War Shipping Administration specifications), and/or

(*d*) Other hotel supply houses or wholesalers of beef, veal, lamb and mutton wholesale cuts for a period of not more than 90 days beginning September 23, 1945.

"Own or control" within the meaning of this definition means to own or control directly or indirectly a partnership equity or in excess of 10 percent of any class of outstanding stock or to have made loans or advances in excess of 5 percent of the other person's monthly sales.

[Above definition amended by Am. 4, 9 F.R. 11073, effective 9–12–44, Am. 5, 9 F.R. 13759, effective 11–21–44 and Am. 10, effective 9–23–45]

"Kosher variety meat or edible by-product" means any variety meat or edible by-product which is derived from animals slaughtered, approved and stamped as kosher under rabbinical supervision, and which is marked as kosher and sold under rabbinical supervision either to a person who maintains a selling establishment at or through which he regularly and generally sells kosher meat as such, or to a person who is a purveyor of kosher meals.

"Operator of a lake vessel" means any person who owns or operates a lake vessel or vessels, other than a passenger boat, engaged in shipping upon the Great Lakes, and who in operating such vessel or vessels purchases or receives meats from a Great Lakes marine supplier for consumption aboard such vessel or vessels.

[Above definition added by Am. 9, 10 F.R. 6246, effective 6–7–45]

"Peddler truck sale" means a sale of variety meats and edible by-products from a truck by a person who purchases variety meats and edible by-products at or below the maximum price from a seller with whom he has no other financial affiliation or relationship, who takes delivery at the seller's place of business and who does not sell or deal in meat and/or variety meats and edible by-products in any manner other than sales out of stock carried in a truck driven by him and which he has owned continuously since October 1, 1944, or one which replaces such a truck.

[Above definition amended by Am. 5, 9 F.R. 13759, effective 11–21–44]

"Purveyor of meals" means:

(i) Any restaurant, hotel, cafe, cafeteria, lake vessel, or establishment which purchases meats and where meals, food portions or refreshments are served for a consideration.

[Subparagraph (i) amended by Am. 9, 10 F.R. 6246, effective 6–7–45]

(ii) Any hospital, asylum, orphanage, prison or other similar institution, which is operated by any federal, state, or local government or agency thereof.

[Subparagraph (ii), formerly (iv) redesignated by Am. 4, 9 F.R. 11073, effective 9–12–44. Former (ii) amended by Am. 1, 8 F.R. 11082, effective 8–7–43 and revoked by Am. 4]

(iii) "Contract school" (means and includes any person who is feeding, pursuant to a written contract with an agency of the United States, personnel of the armed services of the United States, fed under the command of a commissioned officer or other authorized representative of the armed services of the United States.)

[Subparagraph (iii), formerly (v), added by Am. 1, redesignated by Am. 4]

(iv) Any vessel plying rivers, lakes, coast line or ocean-going vessels serving meals or refreshments for a consideration other than "an operator of a lake vessel" as defined in section 16 (a) hereof and ocean-going vessels operating under the supervision, direction or control of the War Shipping Administration.

[Subparagraph (iv) added by Am. 5, 9 F.R. 13759, effective 11–21–44 and amended by Am. 10, effective 9–23–45]

"Slaughtering facilities" means any equipment designed and used for the commercial killing of calves, cattle, lambs, sheep or hogs, or which, if currently unused for that purpose, can be reconverted to such use without material alteration or delay.

"Slaughtering plant" means any place equipped and used for the commercial killing of calves, cattle, lambs, sheep or hogs or which, if currently unused for that purpose can be reconverted to such use without material alteration or delay.

[Above two definitions added by Am. 5]

"Wholesaler" means a person (other than a hotel supply house, or peddler truck seller or one who makes sales at retail, and who does not own or control, in whole or in substantial part, any slaughtering plant or facilities, and who is not owned or controlled, in whole or in substantial part, by another person who owns or controls, in whole or in substantial part, any slaughtering plant or facilities), who maintains and operates a separate selling establishment equipped with reasonable and adequate cooling and storage facilities in such a manner that the total monthly poundage of meats and meat by-products sold out of stock carried in his separate selling establishment constitutes not less than 90 percent of the total monthly poundage of all meats and meat by-products sold by him, who:

(i) Buys variety meats and edible by-products for resale, and who, during the thirty days immediately preceding November 8, 1944, maintained and operated a separate selling establishment equipped with reasonable and adequate cooling and storage facilities through which he consummated the major portion of such resales, or

(ii) Engaged in the business of buying variety meats and edible by-products for resale during any three consecutive months in 1942, but discontinued such business during or after 1942, and who, during the last thirty days of the operation of such business, maintained and operated a separate selling establishment equipped with reasonable and adequate cooling and storage facilities through which he consummated the major portion of such resales, who re-engages in the business of buying variety meats and edible by-products for resale.

[Above definition amended by Am. 5, 9 F.R. 13759, effective 11-21-44]

(b) When used in this regulation the term:

"Variety meats and edible by-products" means any by-product of hog, cattle, calf, sheep and lamb slaughter which is listed in any form in section 13 and is clean, sound, has at all times been handled in a sanitary manner, and is free from foreign material, mucus, hair, and wool. Referring to variety meats and edible by-products derived from livestock slaughter, the term:

[Above definition amended by Am. 4, 9 F.R. 11073, effective 9-12-44]

"Blood" means entirely defibrinated blood which may contain salt or other curing agents.

"Brains" means both brain lobes, the small knob at the base of the brain and a short piece of spinal cord approximately three quarters of an inch in length.

"Caul fat" means the fat surrounding the paunch (stomach). When taken from a hog it should have light lacy veins of fat, or fat streaking and when taken from cattle it should be reasonably white and of a minimum thickness of one-eighth inch.

"Cheek meat" of cattle, calves and hog means the lean muscle on the inside and outside of the lower jaw, trimmed free of the salivary glands, with no more than 20% trimmable fat when taken from hogs or cattle. In the case of sheep and lambs, cheek meat means all the meat from the head, including the lips and glands.

"Cheek meat, lips on" of cattle or calves means the lean muscle on the inside and outside of the lower jaw, with the lip attached.

[Above definition amended by Am. 4, 9 F.R. 11073, effective 9-12-44]

"Cheek meat trimmings" means the salivary glands, cheek fat and lean meat trimmed from the cheek meat of cattle, calves and hogs.

"Chitterlings" means the middle of the hog casing set, including the blind end, thoroughly cleaned and practically free from fat, split or unsplit.

"Crown meat" means the lean meat trimmed from the crown of hog bungs.

"Cutlets" means pork steaks made from the lean muscle trimmed from the tip of the jawbone (temple meat), or from the inside lean muscle of the cheek meat, free of fat and either frenched by hand pounding or processed through a steaking machine.

"Diaphragm meat" means the lean meat trimmed from the diaphragm muscle after the latter has been cut from the carcass in dressing.

"Ears or ear meat" means the lean meat from the ear, free of the eardrum.

"Feet, green" means cattle or calf feet with hair and hooves on.

"Feet, scalded" means clean scalded cattle or calf feet, hooves removed.

[Definition of "Feet" deleted and "Feet, green" and "Feet, scalded" added by Am. 4]

"Fries" means clean fries; free of cords when taken from cattle.

"Gullet and weasand meat" means the lean meat surrounding the esophagus and trachea (gullet and windpipe).

[Six "Head" definitions deleted by Am. 10, effective 9-23-45]

"Head, beef" means an untrimmed beef head with the tongue removed.

"Head, beef (skinned)" means an entire beef head thoroughly cleaned, with the entire skin, eyelids and ear drums removed. The tongue shall be left in.

"Head, calf (veal)" means the unskinned head with the horns left on and the tongue left in.

"Head, calf (veal) (skinned)" means a calf head thoroughly cleaned with the entire skin, eyelids and ear drums removed. The tongue shall be left in.

"Head, calf (veal) (scalded)" means a scalded calf head thoroughly cleaned, with the entire skin, eyelids and ear drums removed. The throat and nostrils shall be thoroughly flushed and the ragged edges of skin around the head and esophagus trimmed off. The tongue shall be left in.

"Head, lamb (skinned)" means the entire head including the tongue, trimmed free of wool and thoroughly cleaned.

[Above definitions added by Am. 10, effective 9-23-45]

"Head meat" means the lean meat, exclusive of cheek meat, trimmed from the head of cattle, calves and hogs.

"Head, pork" means the entire head, excluding the tongue, cut from the carcass in a circular cut, exposing the lean cheek meat in the head, leaving the greater part of the fat which covers the cheek on the carcass. The ear drums, eye lashes and all hair and scurf are removed and the nostrils are cleaned.

[Above definition added by Am. 10, effective 9-23-45]

"Head skin" means the skin from a hog head, excluding the ears, lips and snout.

"Hearts, cap off" means bright colored beef and veal hearts, free from blood clots, trimmed free of large gristly blood vessels and "heart cap", with trimmable fat not in excess of 20%.

[Above definition amended by Am. 1, 8 F.R. 11082, effective 8-7-43; and Am. 8, 10 F.R. 5375, effective 5-14-45]

"Hearts, beef," means all other beef hearts, with ossa cordis removed and with an aorta not over two inches in length.

[Above definition amended by Am. 1]

"Hearts, all others" means hearts with heart valve attached, free of blood clots and with an aorta not over one inch in length.

"Heart and melt" means a calf heart and melt meeting the requirements set out herein.

"Heart trimmings" means lean meat trimmed from the beef heart in the preparation of cap off hearts.

[Above definition amended by Am. 1]

"Kidneys" means kidneys free from spots and reasonably free from fat. When taken from cattle or calves they shall be removed by first loosening the suet from the outside surface of the kidney and then cutting off the vein, leaving sufficient fat in the vein so that the fat will be flush with the surface of the kidney.

"Leaf lard, raw" means the internal fat from the hog abdomen, removed in one piece.

"Lips" means the entire underlip when removed from hogs and the meat and tissue from the side of the jaw when removed from cattle.

"Livers, beef, blemished" means (i) all black, blemished, discolored or mutilated livers obtained from the slaughter of cattle other than calves, and (ii) all black, blemished, discolored or mutilated livers weighing more than 5½ pounds obtained from the slaughter of calves.

"Livers, veal or calf, blemished" means all black, blemished, discolored or mutilated livers weighing not more than 5½ pounds obtained from the slaughter of calves.

[Above two definitions added by Am. 4, 9 F.R. 11073, effective 9-12-44]

"Livers, veal or calf, unblemished" means all veal livers (obtained from the slaughter of calves) weighing not more than 5½ pounds, bright and uniform in color, from light to chocolate brown, moderately short and plump and which are free from all mutilations other than minor cuts or slight skin breaks caused by the removal of the gall bladder, by separating the liver from the carcass, by hooks, or caused during the examination of the portal glands by M I D inspectors, where such minor cuts or slight skin breaks do not impair the quality of the liver. The large blood vessel lying along the side of the liver shall be trimmed even with the surface of the liver.

[Above definition amended by Am. 1, 8 F.R. 11082, effective 8-7-43; Am. 4, 9 F.R. 11073, effective 9-12-44; and Am. 7, 10 F.R. 1668, effective 2-8-45]

"Livers, beef, unblemished" means all beef livers (obtained from the slaughter of cattle) of any weight, and all veal livers (obtained from the slaughter of calves) weighing more than 7½ pounds, bright and uniform in color, from light to chocolate brown, moderately short and plump and which are free from all mutilations other than minor cuts or slight skin breaks caused by the removal of the gall bladder, by separating the liver from the carcass, by hooks, or caused during the examination of the portal glands by MID inspectors, where such minor cuts or slight skin breaks do not impair the quality of the liver. The large blood vessel lying along the side of the liver should be trimmed even with the surface of the liver.

[Above definition amended by Ams. 1, 4, 5 and 7]

[Definition of "Livers, beef, calf, blemished" amended by Am. 1 and revoked by Am. 4]

"Livers, calf, overweight" means all veal livers (obtained from the slaughter of calves) weighing more than 5½ pounds, but not more than 7½ pounds, bright and uniform in color, from light to chocolate brown, moderately short and plump and which are free from all mutilations other than minor cuts or slight skin breaks caused by the removal of the gall bladder, by separating the liver from the carcass, by hooks, or caused during the examination of the portal glands by M I D inspectors, where such minor cuts or slight skin breaks do not impair the quality of the liver. The large blood vessel lying along the side of the liver shall be trimmed even with the surface of the liver.

[Above definition added by Am. 4, 9 F.R. 11073, effective 9-12-44 and amended by Am. 7, 10 F.R. 1668, effective 2-8-45]

"Livers, pork, lamb and sheep" means livers from which the gall bladder and connective tissue have been removed and which are free of white spots.

"Lungs" means the lungs from cattle, calves, lamb or sheep. The trachea (windpipe) is to be cut off close to the body of the lungs.

"Lungs and hearts, lamb, (haslets)" means a lamb heart and lung meeting the requirements of the preceding paragraphs, called "a set".

"Lung, heart, and melt" means a lamb heart, lung and melt, meeting the requirements of the preceding paragraphs, called "a set".

"Melts" means the spleens.

"Melts, trimmed" means the spleen with caul fat removed.

[Above definition added by Am. 2, 8 F.R. 13297, effective 10-4-43]

"Oxtail split joints" means the first two caudal vertebrae removed in making boneless beef for war procurement agencies.

"Palates" means the entire palate removed from the head of cattle.

"Plucks, pork" means the heart and liver naturally attached; the liver to be free of spots.

"Plucks, all others" means the heart, liver and lungs naturally attached; the liver to be free of spots; the trachea (windpipe) opened and cleaned free of blood clots; and the lungs cleaned.

"Rennets, (reeds)" means the fourth stomach uncleaned.

"Snouts (lean meat in)" means the snout from the hog head. It is to be long cut so as to include the part extending between and above the eyes. The lean meat is left in and the nasal cartilage removed.

[Above definition added by Am. 2, 8 F.R. 13297, effective 10-4-43]

"Snouts (lean meat out)" means the snout from the hog head. It is to be long cut so as to include the part extending between and above the eyes. The lean meat is trimmed out and the nasal cartilage removed.

[Above definition amended by Am. 2]

"Sweetbreads, beef, neck" means the thymus gland (neck sweetbreads) removed from the neck only of beef cattle, they are to be trimmed reasonably free from fat.

"Sweetbreads, beef, heart" means the thymus gland adjacent to the heart (heart sweetbreads). They are to be trimmed reasonably free from fat.

[Above two definitions amended by Am. 1, 8 F.R. 11082, effective 8-7-43]

"Sweetbreads, calf, pairs" means heart and neck sweetbreads (thymus gland) naturally attached in pairs, from calves. They are to be trimmed reasonably free of fat, and free from blood stains or bruises.

"Sweetbreads, calf" means the throat or heart sweetbreads (thymus gland) from calves, they are to be trimmed reasonably free from fat, and free from blood stains or bruises.

"Sweetbreads, lamb" means the thymus glands of the lamb, they are to be free from fat.

"Tails" means tails of cattle or calves. Ragged edges of tissue, loose fat and the last two joints of the tip end are to be removed.

"Tongues, beef" means tongues from cattle, cut off at a point that leaves the epiglottis on the tongue. The entire gullet including the soft palate shall be removed and the hinge bone shall not protrude over the end of the tongue. One-half inch of fat may be left on the underside of the tongue, which shall be trimmed smooth in removing the glands. This grade of tongue may have a single mutilation not over 2½ inches in diameter or 1½ inches in depth, or three mutilations not over the size of a half dollar in circumference or one inch in depth. The tip may be cut off up to a point where cross section thickness does not exceed one and one-half inches. "Tongues, beef", when cured, shall not exceed the green weight by more than 10%; when smoked, shall not exceed the green weight.

[Above definition amended by Am. 1, 8 F.R. 11082, effective 8-7-43 Am. 4, 9 F.R. 11073, effective 9-12-44 and Am. 7, 10 F.R. 1668, effective 2-8-45]

"Tongues, beef, canner trim" means tongues from cattle not qualifying for above. The hinge bones are not to protrude more than 1½ inches. The palate, gullet and fat from the base of the tongue are to be removed.

[Above definition amended by Am. 1]

"Tongue, calf" means calf tongues trimmed so as to leave the epiglottis on the tongue. The hinge bones are to be cut flush with the butt end of the tongue. The fat at the base of the tongue shall be trimmed smooth in removing the glands.

"Tongues, cooked" means a beef tongue which has been properly trimmed and has been thoroughly cooked in boiling water for not less than 2½ hours and which is ready to eat without further cooking or heating. The yield of the cooked tongue shall not be greater than 70 percent of the green weight. The moisture content shall not exceed 3.5 times the protein content. The tongues shall be wrapped in a moisture proof wrapper and shall either be branded "cooked" or shall have printed on the wrapper the words "cooked, ready-to-eat, beef tongue".

"Tongues, cooked and smoked" means a beef tongue which has been properly trimmed, which has been thoroughly cooked in boiling water for a period of not less than 2½ hours, which has been subjected to additional heat in a smoke house so as to impart a smoked flavor, and which is ready to eat without further cooking or heating. The yield

of the finished tongue shall not exceed 60 percent of the green weight. The moisture content shall not exceed 3.0 times the protein content. The tongues shall be wrapped in a moisture proof wrapper and shall either be branded "cooked and smoked" or shall have printed on the wrapper the words "cooked and smoked, ready-to-eat, beef tongue."

[Above definitions added by Am. 10, effective 9-23-45]

"Tongues, lamb" means lamb or sheep tongues, scalded, skinned and trimmed so as to leave the epiglottis on the tongue. The hinge bones are to be cut flush with the butt end of the tongue. All fat is to be trimmed from the base of the tongue.

[Above definition amended by Am. 4]

"Tongue, pork" means pork tongues with glands removed and trimmed reasonably free of fat. Tongues trimmed to remove tooth marks are included.

"Tongue meat" means the muscle meat trimmed from the tongue, with no more than 20% trimmable fat. It does not include glands.

"Tripe, scalded (bellies)" means paunches (stomachs) thoroughly cleaned by washing and scalding according to B. A. I. instructions or similar good commercial methods.

"Tripe, cooked" means tripe which has been thoroughly cooked by boiling in water, cooled and washed; any excess fat is to be removed from beef and calf tripe.

[Above definition amended by Am. 1]

"Tripe, honeycomb" means cooked beef tripe showing the characteristic honeycomb markings. If the pocket is split the apron around open end cannot be more than three inches wide.

"Udders" means the severed mammary glands from cows, and shall be carefully drained by slicing according to good commercial practice.

"Vinegar pickled cooked lamb tongues" means scalded and skinned lamb tongues cured in a vinegar pickle solution, and which have been cooked until the final yield does not exceed 72 percent of the green weight.

[Above definition added by Am. 10, effective 9-23-45]

SEC. 17. *Description of zones.*

ZONE 1

Washington, Oregon, California, and Nevada. All that portion of Idaho north of and including the counties of Idaho, Boundary, Bonner, Kootenai, Benewah, Shoshone, Latah, Clearwater, Nez Perce and Lewis.

ZONE 2

Montana, Wyoming, Utah, Arizona and all that portion of Idaho south of, but not including Idaho county.

[Zones 1 and 2 amended by Am. 2, 8 F.R. 13297, effective 10-4-43]

ZONE 3

Colorado and New Mexico.

ZONE 4

North Dakota, Oklahoma and Texas.

All that portion of Wisconsin north and west of and including the counties of Iron, Price, Taylor, Rusk, Barron and Polk.

All that portion of Minnesota north of and including the counties of Chisago, Anoka, Sherburne, Stearns, Meeker, Kandiyohi, Swift and Big Stone.

All that portion of South Dakota north and west of and including the counties of Roberts, Grant, Day, Brown, Edmunds, Walworth, Potter, Hyde, Buffalo, Brule, Lyman and Gregory.

All that portion of Nebraska west of and including the counties of Keyapaha, Rock, Loup, Custer, Dawson, Phelps and Harlan.

All that portion of Kansas west and south of and including the counties of Phillips, Rocks, Ellis, Rush, Barton, Ellsworth, Saline, Dickinson, Norris, Lyon, Osage, Franklin and Miami.

All that portion of Missouri south and west of and including the counties of Cass, Johnson, Pettis, Cooper, Moniteau, Cole, Callaway, Montgomery, Warren, Franklin, Washington, St. Francois, Madison, Wayne and Butler.

ZONE 4–A

All that portion of Wisconsin south and west of and including the counties of St. Croix, Dunn, Chippewa, Clark, Jackson, Monroe, Vernon and Crawford.

All that portion of Minnesota south of and including the counties of Washington, Ramsey, Hennepin, Wright, McLeod, Renville, Chippewa and Lac qui Parle.

All that portion of South Dakota south and east of and including the counties of Deuel, Codington, Clark, Spink, Faulk, Hand, Jerauld, Aurora and Charles Mix.

All that portion of Nebraska east of and including the counties of Boyd, Holt, Garfield, Valley, Sherman, Buffalo, Kearney and Franklin.

All that portion of Kansas east and north of and including the counties of Smith, Osborne, Russell, Lincoln, Ottawa, Clay, Geary, Wabaunsee, Shawnee, Douglas and Johnson.

All that portion of Missouri west and north of and including the counties of Scotland, Knox, Shelby, Monroe, Audrain, Boone, Howard, Saline, Lafayette and Jackson.

Iowa except the counties of Dubuque, Jackson, Clinton, Scott, Muscatine, Louisa, Des Moines and Lee.

ZONE 5

All that portion of Michigan west of and including the counties of Marquette and Menominee.

All that portion of Wisconsin east of and including the counties of Vilas, Oneida, Lincoln, Marathon, Wood, Juneau, Sauk, Richland and Grant.

The following counties of Iowa: Dubuque, Jackson, Clinton, Scott, Muscatine, Louisa, Des Moines and Lee.

All that portion of Illinois north and west of and including the counties of Vermilion, Champaign, Douglas, Coles, Shelby, Effingham, Fayette, Bond, Madison, St. Clair and Monroe.

The following counties of Missouri: Clark, Lewis, Marion, Ralls, Pike, Lincoln, St. Charles, St. Louis, City of St. Louis and Jefferson.

The following counties in Indiana: Lake, Newton, Benton and Warren.

ZONE 6

The following counties of Michigan: Alger, Delta, Schoolcraft, Luce, Mackinac, Chippewa, and Berrien.

Indiana except the counties of Lake, Newton, Benton and Warren.

All that portion of Illinois east and south of and including the counties of Edgar, Clark, Cumberland, Jasper, Clay, Marion, Clinton, Washington and Randolph.

The following counties of Missouri: Saint Genevieve, Perry, Bollinger, Cape Girardeau, Stoddard, Scott, New Madrid, Mississippi, Dunklin and Pemiscot.

All that portion of Kentucky west and north of and including the counties of Carroll, Henry, Shelby, Anderson, Washington, Marion, Larue, Hardin, Grayson, Ohio, Muhlenberg and Todd.

The following counties of Tennessee: Lake, Obion, Weakley, Henry, Stewart, Montgomery, Dyer, Gibson, Crockett, Carroll, Benton and Houston.

The State of Arkansas.

All that portion of Lousiana west of the Mississippi River from the northeast point of East Carroll Parish to the northeast point of Point Coupee Parish and west of and including the parishes of Avoyelles, Saint Landry, Saint Martin and Iberia.

ZONE 7

The Lower Peninsula of Michigan except Berrien County, but including the islands of Michigan lying in Lake Michigan and Lake Huron.

The State of Ohio.

The following counties of New York: Niagara, Erie, Chautauqua and Cattaraugus

All that portion of Pennsylvania west of and including the counties of Warren, Forest, Clarion, Armstrong, Westmoreland and Fayette.

All that portion of West Virginia west of and including the counties of Hancock, Brooke, Ohio, Marshall, Wetzel, Doddridge, Gilmer, Calhoun, Roane, Kanawha, Boone, Logan and Mingo.

All that portion of Kentucky east of and including the counties of Boone, Gallatin, Owen, Franklin, Woodford, Mercer, Boyle, Casey, Taylor, Green, Hart, Edmonson, Butler and Logan.

All that portion of Alabama north and west of and including the counties of Jackson, Madison, Morgan, Cullman, Walker, Fayette and Lamar.

All that portion of Tennessee west of and including the counties of Campbell, Scott, Fentress, Overton, Putnam, White, Warren, Grundy and Marion; but excluding the counties of Lake, Obion, Weakley, Henry, Stewart, Montgomery, Dyer, Gibson, Crockett, Carroll, Benton and Houston.

All that portion of Mississippi north of and including the counties of Lowndes, Oktibbeha, Choctaw, Attala, Madison, Yazoo and Issaquena.

ZONE 8

All that portion of New York west of and including the counties of Oswego, Oneida, Madison, Chenango and Broome; but excluding the counties of Niagara, Erie, Cattaraugus and Chautauqua.

The following counties of Pennsylvania: McKean, Potter, Elk, Cameron, Clinton, Jefferson, Clearfield, Center, Indiana, Cambria, Blair, Huntingdon, Somerset, Bedford and Fulton.

All that portion of West Virginia east of and including the counties of Monongalia, Marion, Harrison, Lewis, Braxton, Clay, Nicholas, Fayette, Raleigh, Wyoming and McDowell; but excluding the counties of Berkeley and Jefferson.

The following counties of Maryland: Garrett and Allegany.

All that portion of Virginia west of and including the counties of Highland, Bath, Alleghany, Craig, Montgomery, Floyd and Carroll.

All that portion of Tennessee east of and including the counties of Claiborne, Union, Anderson, Morgan, Cumberland, Bledsoe, Van Buren, Sequatchie and Hamilton.

All that portion of North Carolina west and southwest of and including the counties of Alleghany, Wilkes, Alexander, Caldwell, Burke, and Cleveland.

All that portion of South Carolina west and northwest of and including the counties of Cherokee, Union, Newberry, Saluda and Edgefield.

All that portion of Georgia west and northwest of and including the counties of Columbia, McDuffie, Warren, Glascock, Washington, Johnson, Laurens, Dodge, Wilcox, Ben Hill, Irwin, Tift, Colquitt and Thomas.

All that portion of Alabama south of and including the counties of De Kalb, Marshall, Blount, Jefferson, Tuscaloosa and Pickens.

All that portion of Mississippi south of and including the counties of Noxubee, Winston, Leake, Scott, Rankin, Hinds and Warren.

All that portion of Louisiana east of and including the parishes of West Feliciana, Point Coupee, Iberville, Assumption and Saint Mary.

All that portion of Florida west of and including the counties of Leon and Wakulla.

ZONE 9

Maine, New Hampshire, Vermont, Massachusetts, Connecticut, and Rhode Island.

All that portion of New York east of and including the counties of St. Lawrence, Jefferson, Lewis and Herkimer, and east and southeast of and including the counties of Otsego, Delaware, Sullivan, Orange, Rockland, Westchester, New York, Bronx, Kings, and Richmond.

All that portion of Pennsylvania east of and including the counties of Tioga, Lycoming, Union, Mifflin, Juniata, Perry and Franklin

New Jersey and Delaware.

All that portion of Maryland east and southeast of and including the counties of Washington, Frederick, Montgomery, Prince Georges, Charles and Saint Marys.

The District of Columbia.

The following counties in West Virginia: Berkeley and Jefferson.

All that portion of Virginia east of and including the counties of Frederick, Shenandoah, Rockingham, Augusta, Rockbridge, Botetourt, Roanoke, Franklin and Patrick.

All that portion of North Carolina east and southeast of and including the counties of Surry, Yadkin, Iredell, Catawba, Lincoln and Gaston.

All that portion of South Carolina east of and including the counties of York, Chester, Fairfield, Richland, Lexington, Aiken, Barnwell, Allendale, Hampton, Jasper and Beaufort.

All that portion of Georgia east of and including the counties of Richmond, Jefferson, Emanuel, Treutlen, Wheeler, Tolfair, Coffee, Berrien, Cook and Brooks.

The following counties of Florida: Jefferson, Madison, Taylor, Hamilton, Suwannee, Lafayette, Dixie, Columbia, Gilchrist, Levy, Baker, Nassau, Duval, Union, Bradford, Clay, St. Johns, Alachua, Putnam, Flagler, Marion, Volusia, Lake, Sumter, Citrus, Hernando and Pasco.

ZONE 10

All that portion of Florida south of and including the counties of Brevard, Seminole, Orange, Osceola, Polk, Hillsborough and Pinellas.

Effective Date

This regulation shall become effective June 1, 1943. [Maximum Price Regulation 388 originally issued May 22, 1943.]

[Effective dates of amendments are shown in notes following the parts affected]

[Amendment 10 approved by J. B. Hutson, Acting Secretary of Agriculture, on September 6, 1945]

NOTE: The reporting requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 18th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-17389; Filed, Sept. 18, 1945; 11:38 a. m.]

No. 184——4

PART 1364—FRESH, CURED AND CANNED MEAT AND FISH PRODUCTS

[MPR 542,[1] Amdt. 2]

CEILING PRICES FOR CERTAIN CANNED FISH AND SEAFOOD ITEMS SOLD BY PRIMARY DISTRIBUTORS AND OTHER DISTRIBUTORS

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.

Maximum Price Regulation No. 542 is amended in the following respects:

1. Section 2 (a) is amended to read as follows:

(a) *Who are "primary distributors."* You are a "primary distributor" if you are not a wholesaler or retailer, and if

(1) You purchase all you sell (for your own account) of the kind and brand of canned fish or seafood being priced without packing or processing any part of it, and

(2) You made, during the one-year period immediately preceding the time of sale, at least 50 percent (by dollar volume) of your purchases from canners or processors of that kind of canned fish or seafood in carload quantities, delivered, for storage, into a warehouse or other receiving point not owned or controlled by any of your customers or the supplier, and

(3) You resold, during the one-year period immediately preceding the time of sale, at least 50 percent of your purchases of that kind of canned fish or seafood in less than carload quantities, and

(4) You did business in this manner during at least one of the three successive one-year periods between April 28, 1939 and April 28, 1942: *Provided, however,* That the requirement that you make at least 50 percent of your purchases in carload quantities shall not apply with respect to domestic canned crabmeat.

2. In section 3, the following is added to the regulations listed: "Miscellaneous Canned Fish and Seafood (Maximum Price Regulation No. 587)."[2]

3. Section 4 is amended to read as follows:

SEC. 4. *How a primary distributor figures his ceiling price.* If you are a primary distributor who has been authorized in writing by the OPA pursuant to section 9 of this regulation to use section 4 for the kind of canned fish or seafood being priced, and if you are selling, in less than carload quantities, an item of canned fish or seafood which you purchase from a canner or processor and which you have actually warehoused, you find your ceiling price for that item by multiplying your "net cost" of the item by 1.06.

(a) However, you may not use this method of pricing in the following cases:

(1) For sales of a "kind" of canned fish or seafood if you did not sell that kind as a primary distributor during at least one of the three successive one-year periods ending April 28, 1942. ("Kind" means canned salmon as contrasted with canned tuna fish.)

(2) For sales of canned fish and seafood items which are not in less than carload quantities.

(3) For sales of canned fish and seafood items which you have not warehoused.

(4) For sales of canned fish and seafood items which you purchase from a "wholesaler" or "retailer."

In the above cases, you must figure your ceiling price as "other distributors" under section 5.

(b) If you purchase any canned fish or seafood items from a primary distributor or "other distributor," you must use as your ceiling price for each such item your supplier's ceiling price for that item, f. o. b. shipping point, plus incoming freight paid by you.

4. Section 9 (a) (3) is amended to read as follows:

(3) For each kind of canned fish and seafood, your total dollar purchases during each of the one-year periods ending April 28, 1940, 1941 and 1942; your total dollar purchases from canners or processors in carload quantities during each of those periods that were delivered, for storage, into a warehouse or other receiving point not owned or controlled by any of your customers or the suppliers; and the name and address of such warehouse.

5. Section 9 (a) (4) is amended to read as follows:

(4) For each kind of canned fish and seafood, your total dollar sales during each of the one-year periods ending April 28, 1940, 1941 and 1942; and your total dollar sales during each of those periods that were made in less-than-carload quantities.

6. Section 9 (a) (5) is amended to read as follows:

(5) The names and addresses of your principal suppliers of each kind of canned fish and seafood during the three-year period ending April 28, 1942.

This amendment shall become effective September 24, 1945.

NOTE: The record keeping and reporting requirements of this amendment have been approved by the Bureau of the Budget in accordance with Federal Reports Act of 1942.

Issued this 18th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-17393; Filed, Sept. 18, 1945; 11:40 a. m.]

PART 1420—BREWERY, DISTILLERY AND WINERY PRODUCTS

[RMPR 259,[1] Amdt. 8]

MALT BEVERAGES

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.

Revised Maximum Price Regulation 259 is amended in the following respects:

[1] 9 F.R. 882, 10 F.R. 7196.

[2] 10 F.R. 5905.

[1] 10 F. R. 10212.

1. Section 2.2 (e) is amended by substituting the reference section 1.2 (s) in place of section 1.2 (r) at the end thereof.

2. Section 2.2 (e) is amended by adding the following note at the end of Table II:

NOTE: The reference to "bottles" in Tables I and II above shall be extended to include "cans".

3. Table IV in section 2.7 is amended to read as follows:

	Export (per bottle)	Steinie (per bottle)	Packle (per bottle)	Cans	
				Flat top (per can)	Cone top (per can)
	Cents	*Cents*	*Cents*	*Cents*	*Cents*
7-ounce bottle	1.6	.....	.....	.....	.....
8-ounce bottle	1.6	.....	.....	.....	.....
11-ounce bottle	1.9	.....	.....	.....	.....
12-ounce bottle	2.0	1.8	1.8	.....	.....
16-ounce bottle	2.5	.....	.....	.....	.....
24-ounce bottle	3.8	.....	.....	.....	.....
32-ounce bottle	4.3	.....	.....	.....	.....
64-ounce bottle	6.4	.....	.....	.....	.....
12-ounce can	.....	.....	.....	2.1	2.4
32-ounce can	.....	.....	.....	4.4	4.8

4. The first sentence of the second paragraph of section 4.1 (c) is amended to read as follows: "For the purposes of this regulation any Regional Administrator of the Office of Price Administration may determine by order the center point or the geographical limits of a base delivery zone of any wholesaler, group of wholesalers, brewer, or group of brewers required to price as a wholesaler, and may increase or decrease the radii of base delivery zones."

This amendment shall become effective September 24, 1945.

Issued this 18th day of September 1945.

CHESTER BOWLES,
Administrator.

Approved: September 10, 1945.

J. B. HUTSON,
Acting Secretary of Agriculture.

[F. R. Doc. 45-17387; Filed, Sept. 18, 1945; 11:38 a. m.]

PART 1420—BREWERY, DISTILLERY AND WINERY PRODUCTS

[MPR 445,[1] Amdt. 31]

DISTILLED SPIRITS AND WINES

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.

Maximum Price Regulation 445 is amended in the following respect:

Paragraph (a) (1) of Appendix D is amended to read as follows:

(a) *Rules for establishing maximum prices under Appendix D.* (1) The conversions provided in this appendix are applicable to any item of domestic whiskey or domestic brandy, except the following for which no conversion under this appendix may be made:

(i) Domestic straight whiskey distilled prior to December 5, 1933.

(ii) Domestic straight whiskey over 8 years old distilled on or after December 5, 1933.

(iii) Blends of straight whiskey, all the whiskies in which were distilled prior to December 5, 1933.

(iv) Blends of straight whiskey which are composed entirely of whiskey distilled prior to December 5, 1933 and whiskey, over 8 years old, distilled on or after that date.

(v) Blends of straight whiskey composed entirely of whiskey over 8 years old, which was distilled on or after December 5, 1933.

For items of a classification other than whiskey or brandy and for items of whiskey containing malt whiskey, in which the formula (other than proof) differs from that for the items sold or offered for sale by the processor during March 1942, the processor must establish a special maximum price by authorization under Appendix F. Processors of: items of domestic straight whiskey or domestic brandy which is over 8 years of age and was distilled on or subsequent to December 5, 1933; items of blended straight whiskey composed entirely of whiskies over 8 years old which were distilled on or subsequent to December 5, 1933; items of blended straight whiskey the sole contents of which is whiskey distilled prior to December 5, 1933 and whiskey, over 8 years of age, distilled on or subsequent to that date; who desire to make a change of formula (other than proof) shall establish a maximum price therefor by authorization under Appendix F.

This amendment shall become effective September 24, 1945.

Issued this 18th day of September 1945.

CHESTER BOWLES,
Administrator.

Approved: September 10, 1945.

J. B. HUTSON,
Acting Secretary of Agriculture.

[F. R. Doc. 45-17391; Filed, Sept. 18, 1945; 11:39 a. m.]

PART 1448—EATING AND DRINKING ESTABLISHMENTS

[Restaurant MPR 2, Amdt. 5]

FOOD AND DRINK SOLD FOR IMMEDIATE CONSUMPTION

A statement of considerations involved in the issuance of this Amendment No. 5 to Restaurant Maximum Price Regulation No. 2 has been issued simultaneously herewith and filed with the Division of the Federal Register.

Section 18 is amended by adding two new paragraphs (i) and (j) to read as follows:

(i) Imported distilled spirits, except all types of imported whiskies, and imported wine, when sold by the bottle or in straight drinks. Sales of mixed drinks composed of the above ingredients remain subject to this regulation.

(j) Payments made by governmental instrumentalities, industrial or commercial firms, as compensation for the operation of eating and drinking establishments for the feeding of their employees. The prices charged the employees remain subject to this regulation.

This amendment shall become effective September 24, 1945.

Issued this 18th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-17395; Filed, Sept. 18, 1945; 11:40 a. m.]

PART 1499—COMMODITIES AND SERVICES

[SR 14C,[1] Amdt. 11]

CANNED FISH AND SEAFOOD

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.

Section 5.4 is added to read as follows:

SEC. 5.4 *Restriction on canners' sales of canned fish and seafood to primary distributors.* With respect to sales made after September 24, 1945, no canner shall, during any calendar year, make to primary distributors (as defined in Maximum Price Regulation No. 542, a greater percentage of his total sales (by dollar volume) for that year of each kind of canned fish or seafood covered by the General Maximum Price Regulation, than he made to primary distributors during the one-year period ending April 28, 1942.

This amendment shall become effective September 24, 1945.

Issued this 18th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-17385; Filed, Sept. 18, 1945; 11:41 a. m.]

PART 1499—COMMODITIES AND SERVICES

[SR 14J, Amdt. 10]

ELECTRIC IRONS

A statement of the considerations involving the issuance of this amendment to Supplementary Regulation 14J, issued simultaneously herewith, has been filed with the Division of the Federal Register.

Supplementary Regulation 14J is amended in the following respect:

The following is added to the list of company names, model numbers, descriptions and retail ceiling prices at the end of section 2.3(a)(1): Gilson Electric Manufacturing Company, Chicago, Illinois, No. 155 Non Automatic 560 Watts $4.61.

This amendment shall become effective on the 24th day of September 1945.

Issued this 18th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-17386; Filed, Sept. 18, 1945; 11:40 a. m.]

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

Chapter III—Coast Guard: Inspection and Navigation

PART 302—BOUNDARY LINES ON INLAND WATERS

PILOT RULES

By virtue of the authority vested in me by section 2, 28 Stat. 672, as amended, section 5 (a), 31 Stat. 141, as amended (33 U.S.C. 151; 48 U.S.C. 495), and Executive Order 9083, dated February 28, 1942 (3 CFR, Cum. Supp.), the following amendments to the regulations are prescribed:

Section 302.3 is amended to read as follows:

§ 302.3 *Modifications of general rule.* Lines of demarcation have been established for the following specific areas of inland waters on the Atlantic and Pacific coasts of the United States and Territory of Hawaii where the Inland Rules of the Road are to be followed; and inland waters of the United States bordering on the Gulf of Mexico where the Inland Rules of the Road or Pilot Rules for Western Rivers are to be followed.

Part 302 is amended by the addition of a new center heading and a new section 302.175 reading as follows:

TERRITORY OF HAWAII

§ 302.175 *Mamala Bay.* A line drawn from Barbers Point Lighthouse to Diamond Head Lighthouse.

Dated: September 17, 1945.

R. R. WAESCHE,
Admiral, U. S. C. G., Commandant.

[F. R. Doc. 45-17365; Filed, Sept. 18, 1945; 10:34 a. m.]

TITLE 49—TRANSPORTATION AND RAILROADS

Chapter I—Interstate Commerce Commission

[S. O. 183-A]

PART 95—CAR SERVICE

REDUCTION IN FREE TIME AT OR SHORT OF PORTS

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 17th day of September, A. D. 1945.

Upon further consideration of the provisions of Service Order No. 183 (9 F.R. 2095), as amended (9 F.R. 2421) and good cause appearing therefor: *It is ordered*, That:

(a) Service Order No. 183 (9 F.R. 2095), as amended (9 F.R. 2421), § 95.503 *Reduction in free time at or short of ports*, be and it is hereby vacated and set aside.

(b) *Announcement required.* Each of the railroads affected by this order shall within fifteen (15) days from the effective date of this order, publish, file, and post a supplement to each of its tariffs affected announcing the vacation by this order on the effective date hereof, of Service Order No. 183 and stating that the provisions in said tariffs which were suspended by such order will be restored on the effective date of this order. (40 Stat. 101, sec. 402, 418, 41 Stat. 476, sec. 4, 54 Stat. 901, 911; 49 U.S.C. 1 (10)-(17), 15 (2))

It is further ordered, That this order shall become effective at 7:00 a. m., September 18, 1945; that a copy of this order and direction shall be served upon the State railroad regulatory bodies of all States; and upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

By the Commission, Division 3.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 45-17362; Filed, Sept. 18, 1945; 10:34 a. m.]

[2d Rev. S. O. 243-A]

PART 95—CAR SERVICE

RESTRICTION OF LIGHT WEIGHING OF TANK CARS

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 17th day of September, A. D. 1945.

Upon further consideration of the provisions of Second Revised Service Order No. 243 (9 F.R. 14072), as amended (10 F.R. 9720), and good cause appearing therefor: *It is ordered*, That:

(a) Second Revised Order No. 243 (9 F.R. 14072), as amended (10 F.R. 9720), restricting the light weighing of tank cars, be, and it is hereby, vacated and set aside.

(b) *Announcement required.* Each of the railroads affected by this order shall within fifteen (15) days from the effective date of this order, publish, file, and post a supplement to each of its tariffs affected announcing the vacation by this order on the effective date hereof, of Second Revised Service Order No. 243 and stating that the provisions in said tariffs which were suspended by such order will be restored on the effective date of this order. (40 Stat. 101, sec. 402, 418, 41 Stat. 476, sec. 4, 54 Stat. 901, 911; 49 U.S.C. 1 (10)-(17), 15 (2))

It is further ordered, That this order shall become effective at 7:00 a. m. September 18, 1945; that a copy of this order and direction shall be served upon the State railroad regulatory bodies of all States; and upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

By the Commission, Division 3.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 45-17363; Filed, Sept. 18, 1945; 10:34 a. m.]

[S. O. 312-A]

PART 95—CAR SERVICE

REDUCTION IN FREE TIME AT GULF PORTS

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 17th day of September, A. D. 1945.

Upon further consideration of the provisions of Service Order No. 312 (10 F.R. 6315), and good cause appearing therefor: *It is ordered*, That:

(a) Service Order No. 312, *Reduction in free time at Gulf ports*, be, and it is hereby, vacated and set aside.

(b) *Announcement required.* Each of the railroads affected by this order shall within fifteen (15) days from the effective date of this order, publish, file, and post a supplement to each of its tariffs affected announcing the vacation by this order on the effective date hereof, of Service Order No. 312 and stating that the provisions in said tariffs which were suspended by such order will be restored on the effective date of this order. (40 Stat. 101, sec. 402, 418, 41 Stat. 476, sec. 4, 54 Stat. 901, 911; 49 U.S.C. 1 (10)-(17), 15 (2)).

It is further ordered, That this order shall become effective at 7:00 a. m., September 18, 1945; that a copy of this order and direction shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

By the Commission, Division 3.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 45-17364; Filed, Sept. 18, 1945; 10:34 a. m.]

Chapter II—Office of Defense Transportation

[Gen. Order ODT 3, Revised, as Amended, Revocation of Supplementary Orders]

PART 501—CONSERVATION OF MOTOR EQUIPMENT

COMMON CARRIERS OF PROPERTY

Pursuant to Executive Orders 8989, as amended, and 9156, it is hereby ordered, that the following described orders supplementary to General Order ODT 3, Revised, as amended (7 F.R. 5445, 6689, 7694; 8 F.R. 4660; 9 F.R. 947, 3264, 3357, 6778), be, and they are hereby revoked effective November 1, 1945:

Supplementary Orders ODT 3, Revised-1A (8 F.R. 15502), 3, Revised-2 (7 F.R. 8444, 8 F.R. 1766), 3, Revised-3, as amended (7 F.R. 9057, 8 F.R. 10788), 3, Revised-4 (7 F.R. 9497), 3 Revised-5 (7 F.R. 10738), 3, Revised-6 (7 F.R. 10738), 3, Revised-7 (7 F.R. 10739), 3,

[1] 10 F.R. 7444, 8211, 9095, 9626.

[1] 10 F.R. 1165, 1704, 2618, 5458, 6308, 9[illegible].

Revised–8 (7 F.R. 10739), 3, Revised–9 (7 F.R. 10740), 3, Revised–10 (8 F.R. 200), 3, Revised–11A (9 F.R. 4113), 3, Revised–12, as amended (8 F.R. 1046, 9 F.R. 9627), 3, Revised–13A (8 F.R. 11402), 3, Revised–16 (8 F.R. 2067), 3, Revised–17 (8 F.R. 3333), 3, Revised–18 (8 F.R. 4268), 3, Revised–19, as amended (8 F.R. 5280, 9 F.R. 10272), 3, Revised–21, as amended (8 F.R. 5322, 9 F.R. 5970), 3, Revised–22 (8 F.R. 6312), 3, Revised–23 (8 F.R. 7361), 3, Revised–24 (8 F.R. 7620), 3, Revised–25 (8 F.R. 7514), 3, Revised–26, as amended (8 F.R. 8516, 9 F.R. 10510), 3, Revised–27 (8 F.R. 8517), 3, Revised–28, as amended (8 F.R. 8518, 9 F.R. 10600), 3, Revised–29 (8 F.R. 8519), 3, Revised–30 (8 F.R. 8519), 3, Revised–32 (8 F.R. 8886), 3, Revised–33 (8 F.R. 9172), 3, Revised–34 (8 F.R. 9256), 3, Revised–36 (8 F.R. 9258), 3, Revised–37 (8 F.R. 9476), 3, Revised–38 (8 F.R. 9476), 3, Revised–39 (8 F.R. 9583), 3, Revised–40, as amended (8 F.R. 9584, 9 F.R. 4409, 6273), 3, Revised–41 (8 F.R. 9584), 3, Revised–42 (8 F.R. 9585), 3, Revised–43 (8 F.R. 9585), 3, Revised–44 (8 F.R. 10453), 3, Revised–45 (8 F.R. 10319), 3, Revised–46 (8 F.R. 10528), 3, Revised–47 (8 F.R. 10529), 3, Revised–48, as amended (8 F.R. 11093, 9 F.R. 10510), 3, Revised–49 (8 F.R. 11094), 3, Revised–50 (8 F.R. 11594), 3, Revised–51 (8 F.R. 11403), 3, Revised–52 (8 F.R. 11595), 3, Revised–53 (8 F.R. 11769), 3, Revised–54 (8 F.R. 11770), 3, Revised–56 (8 F.R. 11975), 3, Revised–57 (8 F.R. 12110), 3, Revised–58, as amended (8 F.R. 12109, 9 F.R. 4409), 3, Revised–59 (8 F.R. 12110), 3, Revised–60 (8 F.R. 12367), 3, Revised–62 (8 F.R. 12420), 3, Revised–63 (8 F.R. 12419), 3, Revised–64 (8 F.R. 12718), 3, Revised–65, (8 F.R. 12719), 3, Revised–66 (8 F.R. 12718), 3, Revised–67, as amended (8 F.R. 13527, 9 F.R. 3359), 3, Revised–68, as amended (8 F.R. 13528, 9 F.R. 5393), 3, Revised–69 (8 F.R. 13408), 3, Revised–70, as amended (8 F.R. 13408, 9 F.R. 9961), 3, Revised–71, as amended (8 F.R. 13409, 9 F.R. 4409), 3, Revised–72A (9 F.R. 6475), 3, Revised–73 (8 F.R. 13690), 3, Revised–74, as amended (8 F.R. 13691, 10 F.R. 5543), 3, Revised–75, as amended (8 F.R. 13691, 10 F.R. 5544), 3, Revised–76 (8 F.R. 13692), 3, Revised–77 (8 F.R. 13693), 3, Revised–78 (8 F.R. 15719), 3, Revised–80 (8 F.R. 13993), 3, Revised–81A (9 F.R. 1042), 3, Revised–82 (8 F.R. 14175), 3, Revised–83 (8 F.R. 14175), 3, Revised–84 (8 F.R. 14176), 3, Revised–85 (8 F.R. 14250), 3, Revised–86 (8 F.R. 15631, 9 F.R. 12982), 3, Revised–87 (8 F.R. 14583), 3, Revised–88 (8 F.R. 14584), 3, Revised–89 (8 F.R. 14584), 3, Revised–90 (8 F.R. 14585), 3, Revised–91 (8 F.R. 14585), 3, Revised–92 (8 F.R. 14993), 3, Revised–93 (8 F.R. 15280), 3, Revised–94 (8 F.R. 15281), 3, Revised–95, as amended (8 F.R. 15281, 10 F.R. 213), 3, Revised–96 (8 F.R. 15339), 3, Revised–97 (8 F.R. 15340), 3, Revised–98 (8 F.R. 15340), 3, Revised–99, as amended (8 F.R. 15410, 9 F.R. 4036), 3, Revised–100 (8 F.R. 15502), 3, Revised–101 (8 F.R. 15629), 3, Revised–103 (8 F.R. 15677), 3, Revised–104 (8 F.R. 15991), 3, Revised–105 (8 F.R. 15992), 3, Revised–106 (8 F.R. 15993), 3, Revised–107 (8 F.R. 15993), 3, Revised–108 (8 F.R. 15994), 3, Revised–109 (8 F.R. 15994), 3, Revised–112 (8 F.R. 15996), 3, Revised–113, as amended (8 F.R. 15996, 9 F.R. 11658), 3, Revised–115, as amended (8 F.R. 15997, 9 F.R. 3752), 3, Revised–116 (8 F.R. 15998), 3, Revised–117 (8 F.R. 16077), 3, Revised–119 (8 F.R. 16078), 3, Revised–120 (8 F.R. 16079), 3, Revised–121, as amended (8 F.R. 16754, 10 F.R. 1831), 3, Revised–122 (8 F.R. 16565), 3, Revised–124, as amended (8 F.R. 16567, 9 F.R. 9960), 3, Revised–125 (8 F.R. 16567), 3, Revised–126, as amended (8 F.R. 16568, 9 F.R. 10886), 3, Revised–127, as amended (8 F.R. 16568, 9 F.R. 10886), 3, Revised–128 (8 F.R. 16569), 3, Revised–129 (8 F.R. 16755), 3, Revised–130 (8 F.R. 16756), 3, Revised–131, as amended (8 F.R. 16756, 9 F.R. 13683), 3, Revised–132 (8 F.R. 17031), 3, Revised–133 (8 F.R. 17379), 3, Revised–134, as amended (8 F.R. 17441, 9 F.R. 10886), 3, Revised–135 (8 F.R. 17442), 3, Revised–136 (8 F.R. 17443), 3, Revised–138 (8 F.R. 17444), 3, Revised–139, as amended (8 F.R. 17444, 9 F.R. 3601), 3, Revised–140 (8 F.R. 17445), 3, Revised–141 (8 F.R. 17445), 3, Revised–142 (8 F.R. 17446), 3, Revised–143 (9 F.R. 315), 3, Revised–144 (9 F.R. 315, 3248), 3, Revised–145 (9 F.R. 316), 3, Revised–146 (9 F.R. 316, 3601), 3, Revised–147 (9 F.R. 706), 3, Revised–148 (9 F.R. 917), 3, Revised–149 (9 F.R. 917), 3, Revised–150 (9 F.R. 918), 3, Revised–151 (9 F.R. 918), 3, Revised–152, as amended (9 F.R. 919), 3, Revised–153 (9 F.R. 919), 3, Revised–154 (9 F.R. 920), 3, Revised–155, as amended (9 F.R. 920, 10 F.R. 1551), 3, Revised–156 (9 F.R. 1191), 3, Revised–157 (9 F.R. 921), 3, Revised–158 (9 F.R. 922), 3, Revised–159 (9 F.R. 922), 3, Revised–160 (9 F.R. 952), 3, Revised–161 (9 F.R. 923), 3, Revised–162 (9 F.R. 1042), 3, Revised–163 (9 F.R. 1043), 3, Revised–164 (9 F.R. 1043), 3, Revised–165 (9 F.R. 1470), 3, Revised–166 (9 F.R. 1548), 3, Revised–167 (9 F.R. 1549), 3, Revised–168 (9 F.R. 1549), 3, Revised–169 (9 F.R. 1550), 3, Revised–170 (9 F.R. 1550), 3, Revised–171 (9 F.R. 2107), 3, Revised–172 (9 F.R. 1889), 3, Revised–173 (9 F.R. 1889), 3, Revised–174, as amended (9 F.R. 2107, 10 F.R. 5544), 3, Revised–175 (9 F.R. 2108), 3, Revised–176 (9 F.R. 2109), 3, Revised–177 (9 F.R. 2140), 3, Revised–178 (9 F.R. 2141), 3, Revised–179 (9 F.R. 2425), 3, Revised–180 (9 F.R. 2572), 3, Revised–181 (9 F.R. 2809), 3, Revised–182 (9 F.R. 2573), 3, Revised–183 (9 F.R. 2426), 3, Revised–184 (9 F.R. 2573), 3, Revised–185 (9 F.R. 2574), 3, Revised–186 (9 F.R. 2576), 3, Revised–187 (9 F.R. 2577), 3, Revised–188 (9 F.R. 2578), 3, Revised–189 (9 F.R. 2575, 3820), 3, Revised–190, as amended (9 F.R. 2962, 3820, 13870), 3, Revised–191 (9 F.R. 3044), 3, Revised–192 (9 F.R. 2810), 3, Revised–193 (9 F.R. 3045), 3, Revised–194 (9 F.R. 3045), 3, Revised–195 (9 F.R. 3046), 3, Revised–196 (9 F.R. 2963), 3, Revised–197 (9 F.R. 2928), 3, Revised–198 (9 F.R. 2964), 3, Revised–199 (9 F.R. 2928), 3, Revised–200 (9 F.R. 2929), 3, Revised–201 (9 F.R. 3402), 3, Revised–202 (9 F.R. 3403), 3, Revised–203 (9 F.R. 3404), 3, Revised–204 (9 F.R. 3404), 3, Revised–205, as amended (9 F.R. 3405, 10 F.R. 269), 3, Revised–206 (9 F.R. 3405), 3, Revised–207 (9 F.R. 3406), 3, Revised–208 (9 F.R. 3748), 3, Revised–209 (9 F.R. 3528), 3, Revised–210, as amended (9 F.R. 3469, 5744), 3, Revised–211 (9 F.R. 3470), 3, Revised–212, as amended (9 F.R. 3470, 10 F.R. 1060), 3, Revised–213 (9 F.R. 3670), 3, Revised–214 (9 F.R. 3671), 3, Revised–215, as amended (9 F.R. 3672, 5394), 3, Revised–216 (9 F.R. 3749), 3, Revised–217 (9 F.R. 4036), 3, Revised–218 (9 F.R. 4036), 3, Revised–219 (9 F.R. 4037), 3, Revised–220 (9 F.R. 4114), 3, Revised–221 (9 F.R. 4114), 3, Revised–222 (9 F.R. 4115), 3, Revised–223, as amended (9 F.R. 4259, 10 F.R. 8708, 11720), 3, Revised–224 (9 F.R. 4358), 3, Revised–225 (9 F.R. 4446), 3, Revised–226 (9 F.R. 4409), 3, Revised–227, as amended (9 F.R. 4408, 13077), 3, Revised–228 (9 F.R. 4410), 3, Revised–229 (9 F.R. 4515), 3, Revised–230 (9 F.R. 4411), 3, Revised–231A (10 F.R. 1832), 3, Revised–232 (9 F.R. 4668), 3, Revised–233 (9 F.R. 4955), 3, Revised–234 (9 F.R. 4908), 3, Revised–235 (9 F.R. 4956), 3, Revised–236 (9 F.R. 4956), 3, Revised–237 (9 F.R. 4909), 3, Revised–238 (9 F.R. 5277), 3, Revised–239, as amended (9 F.R. 5277, 10893), 3, Revised–240 (9 F.R. 5971), 3, Revised–241 (9 F.R. 5971), 3, Revised–242 (9 F.R. 6200), 3, Revised–243 (9 F.R. 6273), 3, Revised–244 (9 F.R. 6927), 3, Revised–245 (9 F.R. 7727), 3, Revised–246 (9 F.R. 9302), 3, Revised–247 (9 F.R. 7727), 3, Revised–248 (9 F.R. 7728), 3, Revised–249 (9 F.R. 7728), 3, Revised–250 (9 F.R. 7729), 3, Revised–251 (9 F.R. 7730), 3, Revised–252 (9 F.R. 9302), 3, Revised–253 (9 F.R. 9303), 3, Revised–254 (9 F.R. 9304), 3, Revised–255 (9 F.R. 9304), 3, Revised–257 (9 F.R. 9305), 3, Revised–258 (9 F.R. 9306), 3, Revised–259 (9 F.R. 9307), 3, Revised–260 (9 F.R. 9307), 3, Revised–261 (9 F.R. 9308), 3, Revised–262 (9 F.R. 9797), 3, Revised–263, as amended (9 F.R. 9798, 10 F.R. 5544), 3, Revised–264 (9 F.R. 9798), 3, Revised–265 (9 F.R. 9799), 3, Revised–266, as amended (9 F.R. 9309, 10 F.R. 6603), 3, Revised–267 (9 F.R. 9799), 3, Revised–268 (9 F.R. 9800), 3, Revised–269 (9 F.R. 9801), 3, Revised–270 (9 F.R. 9845), 3, Revised–271 (9 F.R. 9802), 3, Revised–272 (9 F.R. 9802), 3, Revised–273 (9 F.R. 9803), 3, Revised–274 (9 F.R. 9803), 3, Revised–275 (9 F.R. 9845), 3, Revised–276 (9 F.R. 9804), 3, Revised–277 (9 F.R. 9805), 3, Revised–278 (9 F.R. 9846), 3, Revised–279 (9 F.R. 10369), 3, Revised–280 (9 F.R. 10601), 3, Revised–281 (9 F.R. 10432), 3, Revised–283 (9 F.R. 10509), 3, Revised–284 (9 F.R. 10432), 3, Revised–285 (9 F.R. 10433), 3, Revised–286 (9 F.R. 10434), 3, Revised–287 (9 F.R. 10434), 3, Revised–288 (9 F.R. 10435), 3, Revised–289 (9 F.R. 10436), 3, Revised–290 (9 F.R. 10436), 3, Revised–291 (9 F.R. 10437), 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12299), 3, Revised–356 (9 F.R. 12300), 3, Revised–357 (9 F.R. 12663), 3, Revised–358 (9 F.R. 12301), 3, Revised–359 (9 F.R. 12301), 3, Revised–360 (9 F.R. 12302), 3, Revised–361, as amended (9 F.R. 12303, 10 F.R. 1621), 3, Revised–362 (9 F.R. 12386), 3, Revised–363 (9 F.R. 12387), 3, Revised–364 (9 F.R. 12387), 3, Revised–365 (9 F.R. 12388), 3, Revised–366 (9 F.R. 12664), 3, Revised–367 (9 F.R. 12664), 3, Revised–368 (9 F.R. 12872), 3, Revised–369 (9 F.R. 12754), 3, Revised–370 (9 F.R. 12930), 3, Revised–371 (9 F.R. 12754), 3, Revised–372 (9 F.R. 12755), 3, Revised–373 (9 F.R. 12755), 3, Revised–374 (9 F.R. 12756), 3, Revised–375 (9 F.R. 12757), 3, Revised–376 (9 F.R. 12930), 3, Revised–377 (9 F.R. 12983), 3, Revised–378 (9 F.R. 12757), 3, Revised–379 (9 F.R. 12931), 3, Revised–380 (9 F.R. 12932), 3, Revised–381 (9 F.R. 12932), 3, Revised–382 (9 F.R. 12758), 3, Revised–383 (9 F.R. 12759), 3, Revised–384 (9 F.R. 12933), 3, Revised–385 (9 F.R. 12759), 3, Revised–386 (9 F.R. 13077), 3, Revised–387 (9 F.R. 13172), 3, Revised–388 (9 F.R. 13078), 3, Revised–389 (9 F.R. 13079), 3, Revised–390 (9 F.R. 13079), 3, Revised–391 (9 F.R. 13080), 3, Revised–392 (9 F.R. 13081), 3, Revised–393 (9 F.R. 13221), 3, Revised–394 (9 F.R. 13221), 3, Revised–395 (9 F.R. 13536), 3, Revised–396 (9 F.R. 13537), 3, Revised–397 (9 F.R. 13537), 3, Revised–398 (9 F.R. 13538), 3, Revised–399 (9 F.R. 13539), 3, Revised–400 (9 F.R. 13783), 3, Revised–401 (9 F.R. 13784), 3, Revised–402 (9 F.R. 13599), 3, Revised–403 (9 F.R. 13785), 3, Revised–404 (9 F.R. 13684), 3, Revised–405 (9 F.R. 13996), 3, Revised–406 (9 F.R. 13963), 3, Revised–407 (9 F.R. 13997), 3, Revised–408 (9 F.R. 13964), 3, Revised–409 (9 F.R. 13965), 3, Revised–410 (9 F.R. 14454), 3, Revised–411 (9 F.R. 14455), 3, Revised–412 (9 F.R. 14367), 3, Revised–413 (9 F.R. 14455), 3, Revised–414 (9 F.R. 14456), 3, Revised–415 (9 F.R. 14368), 3, Revised–416 (9 F.R. 14079), 3, Revised–417 (9 F.R. 14369), 3, Revised–418 (9 F.R. 14369), 3, Revised–419 (9 F.R. 14657), 3, Revised–420 (9 F.R. 14457), 3, Revised–421 (9 F.R. 14657), 3, Revised–422 (9 F.R. 14658), 3, Revised–423 (9 F.R. 14457), 3, Revised–425 (9 F.R. 14458), 3, Revised–426 (9 F.R. 14459), 3, Revised–427 (9 F.R. 14740), 3, Revised–428 (9 F.R. 14658), 3, Revised–429 (9 F.R. 14459), 3, Revised–430 (9 F.R. 14741), 3, Revised–431 (9 F.R. 14659), 3, Revised–432 (9 F.R. 14742), 3, Revised–433 (10 F.R. 100), 3, Revised–434 (9 F.R. 14660), 3, Revised–435 (9 F.R. 15065), 3, Revised–436 (9 F.R. 15065), 3, Revised–437 (9 F.R. 15066), 3, Revised–438 (9 F.R. 15067), 3, Revised–439 (9 F.R. 15067), 3, Revised–440 (10 F.R. 100), 3, Revised–441 (9 F.R. 14861), 3, Revised–442 (9 F.R. 14861), 3, Revised–443 (9 F.R. 15009), 3, Revised–444 (9 F.R. 14862), 3, Revised–445 (9 F.R. 14863), 3, Revised–446 (9 F.R. 15010), 3, Revised–447 (9 F.R. 15068), 3, Revised–448 (9 F.R. 15069), 3, Revised–449 (9 F.R. 15010), 3, Revised–450 (9 F.R. 15165), 3, Revised–451, as amended (9 F.R. 15069, 10 F.R. 3571), 3, Revised–452 (9 F.R. 15070), 3, Revised–453 (9 F.R. 15070), 3, Revised–454 (9 F.R. 15071), 3, Revised–455 (9 F.R. 15072), 3, Revised–456 (9 F.R. 15011), 3, Revised–457 (10 F.R. 214), 3, Revised–458 (9 F.R. 15072), 3, Revised–459 (9 F.R. 15073), 3, Revised–460 (9 F.R. 15074), 3, Revised–461 (9 F.R. 15012), 3, Revised–462, as amended (10 F.R. 1294, 4114, 6603), 3, Revised–463 (9 F.R. 15074), 3, Revised–464 (9 F.R. 15165), 3, Revised–465 (9 F.R. 15166), 3, Revised–466 (9 F.R. 15167), 3, Revised–467 (9 F.R. 15167), 3, Revised–468 (9 F.R. 15168), 3, Revised–469 (10 F.R. 213), 3, Revised–470 (10 F.R. 269), 3, Revised–471 (10 F.R. 347), 3, Revised–472 (10 F.R. 348), 3, Revised–473 (10 F.R. 672), 3, Revised–474, (10 F.R. 348), 3, Revised–475 (10 F.R. 487), 3, Revised–476 (10 F.R. 349), 3, Revised–477 (10 F.R. 350), 3, Revised–478 (10 F.R. 350), 3, Revised–479 (10 F.R. 351), 3, Revised–480 (10 F.R. 352), 3, Revised–481 (10 F.R. 488), 3, Revised–482 (10 F.R. 489), 3, Revised–483 (10 F.R. 352), 3, Revised–484 (10 F.R. 353), 3, Revised–485 (10 F.R. 672), 3, Revised–486 (10 F.R. 673), 3, Revised–487 (10 F.R. 674), 3, Revised–488 (10 F.R. 489), 3, Revised–489 (10 F.R. 674), 3, Revised–490 (10 F.R. 675), 3, Revised–491 (10 F.R. 675), 3, Revised–492 (10 F.R. 676), 3, Revised–493 (10 F.R. 677), 3, Revised–494 (10 F.R. 755), 3, Revised–495 (10 F.R. 756), 3, Revised–496 (10 F.R. 757), 3, Revised–497 (10 F.R. 757), 3, Revised–498 (10 F.R. 904), 3, Revised–499 (10 F.R. 1108), 3, Revised–500 (10 F.R. 905), 3, Revised–501 (10 F.R. 1060), 3, Revised–502 (10 F.R. 1061), 3, Revised–503 (10 F.R. 1061), 3, Revised–504 (10 F.R. 1062), 3, Revised–505 (10 F. R. 1063), 3, Revised–506 (10 F.R. 1063), 3, Revised–507 (10 F.R. 1294), 3, Revised–508 (10 F.R. 1064), 3, Revised–509 (10 F.R. 1295), 3, Revised–510 (10 F.R. 1296), 3, Revised–511 (10 F.R. 1552), 3, Revised–512 (10 F.R. 1555), 3, Revised–513 (10 F.R. 1552), 3, Revised–514 (10 F.R. 1296), 3, Revised–515 (10 F.R. 2050), 3, Revised–516 (10 F.R. 1553), 3, Revised–517 (10 F.R. 1554), 3, Revised–518 (10 F.R. 1554), 3, Revised–519 (10 F.R. 1555), 3, Revised–520 (10 F.R. 1556), 3, Revised–521 (10 F.R. 1557), 3, Revised–522 (10 F.R. 1557), 3, Revised–523 (10 F.R. 1558), 3, Revised–524 (10 F.R. 1615), 3, Revised–525 (10 F.R. 1616), 3, Revised–526 (10 F.R. 1617), 3, Revised–527 (10 F.R. 1798), 3, Revised–528 (10 F.R. 1617), 3, Revised–529 (10 F.R. 1618), 3, Revised–530 (10 F.R. 1619), 3, Revised–531 (10 F.R. 1798), 3, Revised–532 (10 F.R. 1799), 3, Revised–533 (10 F.R. 1619), 3, Revised–534 (10 F.R. 1832), 3, Revised–535 (10 F.R. 1799), 3, Revised–536 (10 F.R. 2541), 3, Revised–537 (10 F.R. 1620), 3, Revised–538 (10 F.R. 2542), 3, Revised–539 (10 F.R. 1800), 3, Revised–540 (10 F.R. 1916), 3, Revised–541 (10 F.R. 1917), 3, Revised–542 (10 F.R. 1917), 3, Revised–543 (10 F.R. 1918), 3, Revised–544 (10 F.R. 2196), 3, Revised–545 (10 F.R. 2260), 3, Revised–546 (10 F.R. 1919), 3, Revised–547 (10 F.R. 2261), 3, Revised–548 (10 F.R. 2197), 3, Revised–549 (10 F.R. 2261), 3, Revised–550 (10 F.R. 2262), 3, Revised–551 (10 F.R. 2262), 3, Revised–552 (10 F.R. 2537), 3, Revised–553 (10 F.R. 2263), 3, Revised–554 (10 F.R. 2664), 3, Revised–555 (10 F.R. 2542), 3, Revised–556 (10 F.R. 2264), 3, Revised–557 (10 F.R. 2543), 3, Revised–558 (10 F.R. 2538), 3, Revised–559 (10 F.R. 2538), 3, Revised–560 (10 F.R. 2539), 3, Revised–561 (10 F.R. 2540), 3, Revised–562 (10 F.R. 2540), 3, Revised–563 (10 F.R. 2664), 3, Revised–564 (10 F.R. 2665), 3, Revised–565 (10 F.R. 2666), 3, Revised–566 (10 F.R. 2666), 3, Revised–567 (10 F.R. 2667), 3, Revised–568 (10 F.R. 2768), 3, Revised–569 (10 F.R. 2769), 3, Revised–570 (10 F.R. 2769), 3, Revised–571 (10 F.R. 2770), 3, Revised–572 (10 F.R. 2982), 3, Revised–573 (10 F.R. 2771), 3, Revised–574 (10 F.R. 2983), 3, Revised–575 (10 F.R. 2983), 3, Revised–576 (10 F.R. 2771), 3, Revised–577 (10 F.R. 2984), 3, Revised–578 (10 F.R. 3367), 3, Revised–579 (10 F.R. 2985), 3, Revised–580 (10 F.R. 3368), 3, Revised–581 (10 F.R. 2772), 3, Revised–582 (10 F.R. 2985), 3, Revised–583 (10 F.R. 3571), 3, Revised–584 (10 F.R. 3065), 3, Revised–585 (10 F.R. 3065), 3, Revised–586 (10 F.R. 3066), 3, Revised–587 (10 F.R. 3066), 3, Revised–588 (10 F.R. 3067), 3, Revised–589 (10 F.R. 3068), 3, Revised–590 (10 F.R. 3068), 3, Revised–591 (10 F.R. 3069), 3, Revised–592 (10 F.R. 3070), 3, Revised–593 (10 F.R. 3070), 3, Revised–594 (10 F.R. 3071), 3, Revised–595 (10 F.R. 3368), 3, Revised–596 (10 F.R. 3572), 3, Revised–597 (10 F.R. 3369), 3, Revised–598 (10 F.R. 3571), 3, Revised–599 (10 F.R. 3370), 3, Revised–600 (10 F.R. 3574), 3, Revised–601 (10 F.R. 3575), 3, Revised–602 (10 F.R. 3370), 3, Revised–603 (10 F.R. 3371), 3, Revised–604 (10 F.R. 3372), 3, Revised–605 (10 F.R. 3575), 3, Revised–606 (10 F.R. 3372), 3, Revised–607 (10 F.R. 3576), 3, Revised–608 (10 F.R. 3373), 3, Revised–609 (10 F.R. 3576), 3, Revised–610 (10 F.R. 3577), 3, Revised–611 (10 F.R. 3578), 3, Revised–612 (10 F.R. 3578), 3, Revised–613 (10 F.R. 3579), 3, Revised–614 (10 F.R. 3882), 3, Revised–615 (10 F.R. 3700), 3, Revised–616 (10 F.R. 3700), 3, Revised–617 (10 F.R. 3701), 3, Revised–618 (10 F.R. 3701), 3, Revised–619 (10 F.R. 3702), 3, Revised–620 (10 F.R. 3883), 3, Revised–621 (10 F.R. 3703), 3, Revised–622 (10 F.R. 3703), 3, Revised–623 (10 F.R. 3374), 3, Revised–624 (10 F.R. 3704), 3, Revised–625 (10 F.R. 3580), 3, Revised–626 (10 F.R. 3883), 3, Revised–627 (10 F.R. 3988), 3, Revised–628 (10 F.R. 3989), 3, Revised–629 (10 F.R. 3580), 3, Revised–630 (10 F.R. 3989), 3, Revised–631 (10 F.R. 3705), 3, Revised–632 (10 F.R. 3990), 3, Revised–633 (10 F.R. 3884), 3,

Revised-634 (10 F.R. 4114), 3, Revised-635 (10 F.R. 4371), 3, Revised-636 (10 F.R. 4114), 3, Revised-637 (10 F.R. 4115), 3, Revised-638 (10 F.R. 4116), 3, Revised-639 (10 F.R. 4116), 3, Revised-640 (10 F.R. 4371), 3, Revised-641 (10 F.R. 4372), 3, Revised-642 (10 F.R. 4373), 3, Revised-643 (10 F.R. 4373), 3, Revised-644 (10 F.R. 5538), 3, Revised-645 (10 F.R. 4510), 3, Revised-646 (10 F.R. 4510), 3, Revised-647 (10 F.R. 4511), 3, Revised-648 (10 F.R. 4512), 3, Revised-649 (10 F.R. 4512), 3, Revised-650 (10 F.R. 4513), 3, Revised-651 (10 F.R. 4514), 3, Revised-652 (10 F.R. 4547), 3, Revised-653 (10 F.R. 4548), 3, Revised-654 (10 F.R. 4994), 3, Revised-655 (10 F.R. 5328), 3, Revised-656 (10 F.R. 4677), 3, Revised-657 (10 F.R. 4677), 3, Revised-658 (10 F.R. 4548), 3, Revised-659 (10 F.R. 4678), 3, Revised-660 (10 F.R. 4678), 3, Revised-661 (10 F.R. 4995), 3, Revised-662 (10 F.R. 4937), 3, Revised-663 (10 F.R. 4549), 3, Revised-664 (10 F.R. 4550), 3, Revised-665 (10 F.R. 4938), 3, Revised-666 (10 F.R. 4938), 3, Revised-667 (10 F.R. 4939), 3, Revised-668 (10 F.R. 5140), 3, Revised-669 (10 F.R. 5140), 3, Revised-670 (10 F.R. 5539), 3, Revised-671 (10 F.R. 5141), 3, Revised-672 (10 F.R. 5142), 3, Revised-673 (10 F.R. 5142), 3, Revised-674 (10 F.R. 5143), 3, Revised-675 (10 F.R. 5539), 3, Revised-676 (10 F.R. 5540), 3, Revised-677 (10 F.R. 4550), 3, Revised-678 (10 F.R. 4940), 3, Revised-679 (10 F.R. 4940), 3, Revised-680 (10 F.R. 5541), 3, Revised-681 (10 F.R. 5541), 3, Revised-682 (10 F.R. 5605), 3, Revised-683 (10 F.R. 5606), 3, Revised-684 (10 F.R. 5606), 3, Revised-685 (10 F.R. 5607), 3, Revised-686 (10 F.R. 4941), 3, Revised-687 (10 F.R. 5608), 3, Revised-688 (10 F.R. 5608), 3, Revised-689 (10 F.R. 5609), 3, Revised-690 (10 F.R. 5656), 3, Revised-691 (10 F.R. 4941), 3, Revised-692 (10 F.R. 5329), 3, Revised-693 (10 F.R. 5657), 3, Revised-694 (10 F.R. 5657), 3, Revised-695 (10 F.R. 5658), 3, Revised-696 (10 F.R. 5329), 3, Revised-697 (10 F.R. 5330), 3, Revised-698 (10 F.R. 5331), 3, Revised-699 (10 F.R. 5331), 3, Revised-700 (10 F.R. 5659), 3, Revised-701 (10 F.R. 5730), 3, Revised-702 (10 F.R. 5731), 3, Revised-703 (10 F.R. 5659), 3, Revised-704 (10 F.R. 5731), 3, Revised-705 (10 F.R. 5732), 3, Revised-706 (10 F.R. 5733), 3, Revised-707 (10 F.R. 5733), 3, Revised-708 (10 F.R. 5861), 3, Revised-709, as amended (10 F.R. 5861, 9811), 3, Revised-710 (10 F.R. 5734), 3, Revised-711 (10 F.R. 6788), 3, Revised-712 (10 F.R. 6788), 3, Revised-713 (10 F.R. 5862), 3, Revised-714 (10 F.R. 5863), 3, Revised-715 (10 F.R. 5863), 3, Revised-716 (10 F.R. 5660), 3, Revised-717 (10 F.R. 5661), 3, Revised-718 (10 F.R. 5661), 3, Revised-719 (10 F.R. 5864), 3, Revised-720 (10 F.R. 5968), 3, Revised-721 (10 F.R. 5968), 3, Revised-722 (10 F.R. 5969), 3, Revised-723 (10 F.R. 5970), 3, Revised-724 (10 F.R. 5970), 3, Revised-725 (10 F.R. 6326), 3, Revised-726 (10 F.R. 6326), 3, Revised-727 (10 F.R. 6327), 3, Revised-728 (10 F.R. 8916), 3, Revised-729 (10 F.R. 7349), 3, Revised-730 (10 F.R. 7350), 3, Revised-731 (10 F.R. 7350), 3, Revised-732 (10 F.R. 7351), 3, Revised-733 (10 F.R. 7548), 3, Revised-734 (10 F.R. 7549), 3, Revised-735 (10 F.R. 7549), 3, Revised-736 (10 F.R. 7550), 3, Revised-737 (10 F.R. 7551), 3, Revised-738 (10 F.R. 7551), 3, Revised-739 (10 F.R. 7735), 3, Revised-740 (10 F.R. 7735), 3, Revised-741 (10 F.R. 7736), 3, Revised-742 (10 F.R. 7737), 3, Revised-743 (10 F.R. 7737), 3, Revised-744 (10 F.R. 7738), 3, Revised-745 (10 F.R. 8708), 3, Revised-746 (10 F.R. 8146), 3, Revised-747 (10 F.R. 8147), 3, Revised-748 (10 F.R. 8148), 3, Revised-749 (10 F.R. 8148), 3, Revised-750 (10 F.R. 8487), 3, Revised-751 (10 F.R. 8708), 3, Revised-752 (10 F.R. 8149), 3, Revised-753 (10 F.R. 8244), 3, Revised-754 (10 F.R. 8709), 3, Revised-755 (10 F.R. 8245), 3, Revised-756 (10 F.R. 8245), 3, Revised-757 (10 F.R. 8246), 3, Revised-758 (10 F.R. 8486), 3 Revised-759 (10 F.R. 8486), 3, Revised-760 (10 F.R. 8247), 3, Revised-761 (10 F.R. 8710), 3, Revised-762, as amended (10 F.R. 8710, 11720), 3, Revised-763 (10 F.R. 8711), 3, Revised-764 (10 F.R. 8711), 3, Revised-765 (10 F.R. 9243), 3, Revised-766 (10 F.R. 9812), 3, Revised-767 (10 F.R. 9812), 3, Revised-768 (10 F.R. 9813), 3, Revised-769 (10 F.R. 10314), 3, Revised-770 (10 F.R. 10315), 3, Revised-771 (10 F.R. 10315), 3, Revised-772 (10 F.R. 10316), 3, Revised-773 (10 F.R. 10317), 3, Revised-774 (10 F.R. 10317), 3, Revised-775 (10 F.R. 10318), 3, Revised-776 (10 F.R. 10318), 3, Revised-777 (10 F.R. 10319), 3, Revised-778 (10 F.R. 10320), 3, Revised-779 (10 F.R. 10321), 3, Revised-780 (10 F.R. 10321), 3, Revised-781 (10 F.R. 11720), 3, Revised-782 (10 F.R. 11721), 3, Revised-783 (10 F.R. 11721), 3, Revised-784 (10 F.R. 11722), 3, Revised-785 (10 F.R. 11723), and 3, Revised-786 (10 F.R. 11723).

(E.O. 8989, as amended, 6 F.R. 6725, 8 F.R. 14183; E.O. 9156, 7 F.R. 3349)

Issued at Washington, D. C., this 17th day of September 1945.

J. M. JOHNSON,
Director,
Office of Defense Transportation.

[F. R. Doc. 45-17338; Filed, Sept. 17, 1945; 4:15 p. m.]

TITLE 50—WILDLIFE

Chapter IV—Office of the Coordinator of Fisheries

[Area Coordinator's Gen. Direction H-11B]

PART 401—PRODUCTION OF FISHERY COMMODITIES OR PRODUCTS

ALLOCATION OF HALIBUT

Pursuant to Order No. 1956 of the Secretary of the Interior, as amended June 11, 1945, commonly referred to as the "Halibut Order", 50 CFR 401.4 entitled "Allocation of Halibut", and in order to accomplish the purposes thereof, including, particularly, paragraph (d) (2) of that order, this General Direction No. H-11B is issued.

1. The Area Coordinator has determined that the following persons in British Columbia are participants in and conform to a voluntary program for the allocation of halibut which is in accord with the purposes and policy of the halibut order:

B. C. Packers, Ltd.
Bacon Fisheries
Royal Fish Co.
Rupert Fish Co.
San Juan Fishing & Packing Co.
Whiz Fish Products Co.

2. In accordance with the halibut order, particularly paragraph (d) (2) thereof, fishermen subject to the terms of that order may sell or deliver or arrange to sell or deliver halibut in British Columbia to the persons named above.

3. Notice is hereby given that any fisherman from a vessel of American registry who is acting for himself or through an agent, sells or delivers or arranges to sell or deliver halibut to any person in British Columbia other than a person named above, will be guilty of a violation of that order and subject to the penalties provided for violations of that order.

Issued this 8th day of September 1945.

V. J. SAMSON,
Area Coordinator, Area I.

[F. R. Doc. 45-17339; Filed, Sept. 17, 1945; 4:23 p. m.]

Notices

CIVIL AERONAUTICS BOARD.

[Docket No. 547 et al.]

NORTHWEST AIRLINES, INC., ET AL., PACIFIC CASE

NOTICE OF ORAL ARGUMENT

In the matter of the applications of Northwest Airlines, Inc., et al., for certificates and amendment of certificates of public convenience and necessity, under section 401 of the Civil Aeronautics Act of 1938, as amended.

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, particularly sections 401 and 1001 of said act, that oral argument in the above-entitled proceeding is assigned to be held on October 29, 1945, at 10:00 a. m., in Room 5042, Commerce Building, located at 14th Street and Constitution Avenue, NW., Washington, D. C., before the Board.

Dated: Washington, D. C., September 17, 1945.

By the Civil Aeronautics Board.

FRED A. TOOMBS,
Secretary.

[F. R. Doc. 45-17367; Filed, Sept. 18, 1945; 10:41 a. m.]

[Docket No. 1975]

BALTIMORE, MD.; CO-TERMINAL ON NORTH ATLANTIC ROUTES

NOTICE OF POSTPONEMENT OF HEARING

In the matter of the application of Baltimore, Md., for designation as co-terminal on the North Atlantic routes.

Notice is hereby given pursuant to the Civil Aeronautics Act of 1938, as amended, particularly sections 401 and 1001 of said act, that hearing in the above-entitled proceeding assigned to be held on September 21, 1945, is hereby postponed to September 27, 1945, at 10 a. m., in Conference Room C, Departmental Auditorium, Constitution Avenue, between 13th and 14th Streets NW., Washington, D. C., before an examiner of the Board.

Dated at Washington, D. C., September 17, 1945.

By the Civil Aeronautics Board.

FRED A. TOOMBS,
Secretary.

[F. R. Doc. 45-17366; Filed, Sept. 18, 1945; 10:41 a. m.]

FEDERAL POWER COMMISSION.

[File Nos. G-200, G-207]

PANHANDLE EASTERN PIPE LINE CO. ET AL.

ORDER FIXING DATE OF HEARING ON PROPOSED RATES

SEPTEMBER 14, 1945.

City of Detroit, Michigan, and County of Wayne, Michigan, v. Panhandle Eastern Pipe Line Company and Michigan Gas Transmission Corporation, Docket No. G-200. In the matter of Panhandle Eastern Pipe Line Company, Michigan Gas Transmission Corporation, and Illinois Natural Gas Company, Docket No. G-207.

It appearing to the Commission that:

(a) By order of May 22, 1941, the Commission, after complaint filed in Docket No. G-200, instituted an investigation in Docket No. G-207 of all the interstate wholesale natural-gas rates and charges of Panhandle Eastern Pipe Line Company (hereinafter called "Panhandle") and its subsidiaries Michigan Gas Transmission Corporation and Illinois Natural Gas Company. After extensive hearings, the Commission, on September 23, 1942, entered its Opinion No. 80 and accompanying interim order directing Panhandle and its said subsidiaries to reduce their rates and charges for or in connection with the transportation and sale of natural gas in interstate commerce for resale for ultimate public consumption so as to reflect, when applied to such 1941 transportation and sales, "a reduction of not less than $5,094,384 per annum below their 1941 consolidated gross operating revenues of $17,789,573." The Commission's order of September 23, 1942, further directed Panhandle and its subsidiaries to file on or before October 15, 1942, new schedules of rates and charges, effective as to all bills regularly rendered on or after November 1, 1942, reflecting such reduction in rates and charges, and on and after the effective date of said new rate schedules to cease and desist from making, demanding, or receiving any rates and charges which do not reflect the reduction ordered. Said interim order further provided that the Commission reserves the right to reject all or any part of such new schedules and in lieu thereof to prescribe any other schedules by further order, and that the record herein shall remain open for such further proceedings as the Commission may deem necessary or desirable.

(b) On November 18, 1942, Panhandle and its subsidiaries filed a petition for review of the Commission's order of September 23, 1942, in the United States Circuit Court of Appeals for the Eighth Circuit, in Case No. 12,466, and upon application of Panhandle, the Court, on December 7, 1942, entered an order staying the Commission's order of September 23, 1942, which stay provided, among other things, that:

> The monthly difference between payments to petitioners (Panhandle and its subsidiaries) under existing rates or arrangements and those required under the order of the Commission shall be promptly paid over to John G. Hughes of Kansas City, Missouri, as the custodian of this Court, not later than the twenty-fifth of the succeeding month, to be held by him for the benefit of the ultimate consumers or of petitioners as in this litigation may be determined entitled thereto.

(c) On June 6, 1944, the Circuit Court of Appeals entered its opinion and judgment affirming the Commission's order and retained jurisdiction over the funds impounded with the custodian of the Court pending final determination of the case. On July 28, 1944, Panhandle filed a petition for a writ of certiorari in the Supreme Court of the United States. On November 13, 1944, a limited writ of certiorari was granted, and by order entered January 3, 1945, the scope of the review was enlarged. Thereafter, on January 29, 1945, the cause was argued by counsel and submitted to the Supreme Court, and on April 2, 1945, the Supreme Court affirmed the decision of the Court of Appeals and the Commission's interim order. *Panhandle Eastern Pipe Line Company, et al.* v. *Federal Power Commission, et al.*, 65 St. Ct. 821. The stay order of the Court of Appeals has been continued in effect pending the adoption by the Commission of new schedules reflecting the reduction prescribed by its interim order of September 23, 1942.

(d) On May 26, 1945, Panhandle tendered certain proposed rate schedules for filing in purported compliance with the Commission's interim order of September 23, 1942. At the Commission's request, Panhandle forwarded copies of such proposed rate schedules to interested persons, including the regulatory commissions of the States of Texas, Kansas, Missouri, Illinois, Indiana, Michigan, and Ohio, and Panhandle's wholesale customers. By letter of June 7, 1945, the Commission requested all interested persons to make comments or suggestions concerning such proposed rate schedules, and thereafter numerous letters were received from State regulatory commissions, customers of Panhandle, and other interested persons, making comments, suggestions or objections with respect thereto. Such letters stated objections to a number of features of the proposed rate schedules, including the following:

(1) A proposed surcharge, effective June 1, 1945, based upon any increase in the number of house-heating consumers of Panhandle's wholesale customers;

(2) A proposed reclassification of gas resold to industrial customers;

(3) A proposed limitation on Panhandle's maximum daily delivery obligation to certain of its customers;

(4) The proposed commodity form of rate.

(e) By letter of July 31, 1945, the Commission advised Panhandle that the proposed rate schedules tendered for filing on May 26, 1945, were "not acceptable"; that it did not feel that the straight commodity form of rate is proper under the circumstances in this case; that it cannot approve the surcharge applicable to house-heating customers; that it reserves for further consideration and probably hearing the proposed limitation on customer loads, the proposed definition of interruptible sales, and other terms of service; and that it had directed its staff to confer with authorized representatives of Panhandle for the purpose of considering another type of rate schedule. Accordingly, the Commission requested Panhandle to confer with the Commission's staff with regard to these matters. Following such conferences, Panhandle tendered for filing on September 12, 1945, revised proposed schedules of rates and charges in purported compliance with the Commission's interim order of September 23, 1942, reducing rates. Such revised proposed rate schedules purport to eliminate the several objections enumerated in paragraph (d), above. Panhandle has sent a copy of the revised proposed rate schedules to each of the State commissions concerned, its distributors, and to counsel for each of the parties in the above-docketed matters.

The Commission finds that:

It is appropriate and desirable in the public interest that a hearing be held in these proceedings, as hereinafter ordered, with respect to whether:

(1) The revised proposed rate schedules tendered for filing by Panhandle on September 12, 1945, should be allowed to take effect in whole or in part;

(2) All or any part of such revised proposed rate schedules should be rejected and the Commission should in lieu thereof prescribe any other rate schedules.

The Commission orders that:

(A) A public hearing be held commencing on September 24, 1945, at 10 o'clock a. m. in the hearing room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C., with respect to whether:

(1) The revised proposed rate schedules tendered for filing by Panhandle on September 12, 1945, should be allowed to take effect in whole or in part;

(2) All or any part of such revised proposed rate schedules should be rejected and the Commission should in lieu thereof prescribe any other rate schedules.

Such hearing shall be limited to matters relating to proper rates which will comply with the Commission's interim order of September 23, 1942. The Commission reserves all other matters for later consideration.

(B) Interested State commissions may participate in these proceedings as provided in § 67.4 of the provisional rules of practice and regulations under the Natural Gas Act.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 45-17332; Filed, Sept. 17, 1945; 12:19 p. m.]

[Docket No. IT-5829]

ARKANSAS POWER & LIGHT CO.

ORDER POSTPONING DATE OF HEARING

SEPTEMBER 15, 1945.

It appearing to the Commission that:

(a) A public hearing respecting the matters involved and the issues arising out of the proceedings in this matter is now set for September 26, 1945, in the Commission's hearing room, 1800 Pennsylvania Avenue NW., Washington, D. C.;

(b) Good cause exists for the postponement of the public hearing in this matter as hereinafter provided;

The Commission orders that: The public hearing in the above-entitled proceeding, now set to commence on September 26, 1945, be and the same is hereby postponed to commence at 10 a. m. on December 4, 1945, in the Commission's hearing room, 1800 Pennsylvania Avenue NW., Washington, D. C.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 45-17384; Filed, Sept. 18, 1945; 11:33 a. m.]

INTERSTATE COMMERCE COMMISSION.

[2d Rev. S. O. 346, Amended Gen. Permit 3]

ICING OF FRESH OR GREEN VEGETABLES FROM ARIZONA AND CALIFORNIA

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph of Second Revised Service Order No. 346, permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard the provisions of paragraph (b) of Second Revised Service Order No. 346 insofar as it applies to initial bunker icing only with not to exceed a total of eight thousand (8,000) pounds of bunker ice per car, on any carload shipment of fresh or green vegetables originating at points in Arizona or California, except green corn or peas.

This general permit will become effective at 12:01 a. m., September 15, 1945, and will apply only on cars billed on or after that time.

The waybills shall show reference to this general permit.

A copy of this general permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 13th day of September 1945.

V. C. CLINGER,
Director,
Bureau of Service.

[F. R. Doc. 45-17383; Filed, Sept. 17, 1945; 2:38 p. m.]

[2d Rev. S. O. 346, Amended Gen. Permit 4]

ICING OF CARROTS IN OREGON, WASHINGTON, IDAHO, UTAH, NEW MEXICO, AND NEVADA

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph of Second Revised Service Order No. 346, permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard the provisions of Second Revised Service Order No. 346 insofar as it applies to initial bunker icing only on straight carloads of carrots originating at points in Oregon, Washington, Idaho, Utah, New Mexico or Nevada.

This general permit will become effective at 12:01 a. m., September 15, 1945, and will apply only on cars billed on or after that time.

The waybills shall show reference to this general permit.

A copy of this general permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 13th day of September 1945.

V. C. CLINGER,
Director,
Bureau of Service.

[F. R. Doc. 45-17334; Filed, Sept. 17, 1945; 2:38 p. m.]

OFFICE OF ALIEN PROPERTY CUSTODIAN.

[Vesting Order 5091]

PETER ALT ET AL.

In re: Real property, property insurance policies and a claim owned by Peter Alt and others.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

1. That the last known addresses of Peter Alt, Friederich Alt, Hettwich Alt, Maria Brandt and Elizabeth Schreitz are Germany and that they are residents of Germany and nationals of a designated enemy country (Germany);

2. That the persons named in subparagraph 1 hereof are the owners of the property described in subparagraph 3 hereof;

3. That the property described as follows:

a. Real property situated in the City of St. Louis, State of Missouri, particularly described in Exhibit A, attached hereto and by reference made a part hereof, together with all hereditaments, fixtures, improvements and appurtenances thereto, and any and all claims for rents, refunds, benefits or other payments arising from such property,

b. All right, title and interest of the persons named in subparagraph 1 hereof in and to the following insurance policies insuring the property described in subparagraph 3-a hereof:

(i) Fire Insurance Policy No. CC 2921 issued by the Northwestern National Insurance Co., Cor. N. Jackson Street and E. Wisconsin Ave., Milwaukee, Wisconsin, in the name of Richard C. Spackler, Agent for the heirs of the Estate of Henry A. Alt, deceased;

(ii) Public Liability Insurance Policy No. GL 110325 issued by the Massachusetts Bonding & Insurance Co., 10 Post Office Square, Boston, Massachusetts, in the name of Richard C. Spackler, Agent for the heirs of the Estate of Henry A. Alt, deceased, and

c. All right, title, interest and claim of the persons named in subparagraph 1 hereof in and to any obligations, contingent or otherwise and whether or not matured, owing to them by St. Louis Union Trust Company and/or Hemmelmann & Spackler Real Estate Company, arising by reason of income received from the real property described in subparagraph 3-a hereof, and any and all security rights in and to any and all collateral for any or all such obligations, and the right to enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, nationals of a designated enemy country (Germany);

And determining that to the extent that such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described in subparagraph 3-a hereof, subject to recorded liens, encumbrances and other rights of record held by or for persons who are not nationals of designated enemy countries, and hereby vests in the Alien Property Custodian the property described in subparagraphs 3-b and 3-c hereof.

All such property so vested to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall this order be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC-1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on July 16, 1945.

[SEAL] FRANCIS J. MCNAMARA,
Deputy Alien Property Custodian.

EXHIBIT A

Real property situated in the City of St. Louis, State of Missouri, particularly described as follows:

A Lot in Block Five Hundred Seven (507) of the City of St. Louis, having a front of Twenty-Five (25') Feet on the South line of Olive Street (One Hundred (100') Feet wide), by a depth Southwardly of Sixty-Nine (69') Feet, One (1") Inch to an alley, Fifteen (15') Feet wide.

Bounded on the North by Olive Street and West by a line parallel to and Eighty-Three (83') Feet East of the East line of Sixteenth Street; together with the improvements thereon, known as and numbered 1524 Olive Street.

[F. R. Doc. 45-17328; Filed, Sept. 17, 1945; 11:45 a. m.]

[Supp. Vesting Order 5225]

GRAEF & SCHMIDT, INC.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the Alien Property Custodian, after investigation:

1. Having found and determined in Vesting Order Number 770, dated January 27, 1943, that Graef & Schmidt, Inc., and J. A. Henckels Kommandit Gesellschaft are nationals of a designated enemy country (Germany) and that all of the capital stock of Graef & Schmidt, Inc., is beneficially owned by J. A. Henckels Kommandit Gesellschaft and having vested said stock;

2. Finding that Graef & Schmidt, Inc., and or J. A. Henckels Kommandit Gesellschaft are the owners of the property described in subparagraph 3 hereof;

3. Finding that the property described as follows: All right, title, interest and claim of any name or nature whatsoever of Graef & Schmidt, Inc., and J. A. Henckels Kommandit Gesellschaft, and each of them, in and to any and all obligations, contingent or otherwise and whether or not matured, which are due and owing to them by the Estate of Hermann Kind, administered by Hermann H. Kind, 617 Mountain Avenue, North Caldwell, New Jersey, and Johanna Kind, Stapleton, Staten Island, New York, New York, as trustees, including particularly but not limited to those sums arising by reason of dividends and liquidating dividends on the stock of Graef & Schmdt, Inc., which sums were collected by the Estate of Hermann Kind from April 1, 1940 to November 25, 1941, and any other money or property received by said estate from Graef & Schmidt, Inc., between the herein mentioned dates, and any and all security rights in and to any and all collateral for any and all such obligations, and the right to enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, nationals of a designated enemy country (Germany);

And determining that to the extent that such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described in subparagraph 3 hereof, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall this order be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC-1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on September 14, 1945.

[SEAL] JAMES E. MARKHAM,
Alien Property Custodian.

[F. R. Doc. 45-17329; Filed, Sept. 17, 1945; 11:45 a. m.]

OFFICE OF DEFENSE TRANSPORTATION.

[Recommendation for Industry Transportation Plans, Revocation]

TRANSPORTATION OF SOLID FUELS

Pursuant to Executive Orders 8989, as amended, and 9156, *It is hereby ordered,* That:

(1) Recommendation for Transportation of Solid Fuels, dated October 18, 1943 (8 F.R. 15433), be, and it is hereby, revoked.

(2) All approvals and directions issued by the Office of Defense Transportation in respect of joint action plans pursuant to the provisions of said recommendation be, and they are hereby, vacated and revoked.

(3) The National ODT Solid Fuel Industry Advisory Committee, all District ODT Solid Fuel Advisory Committees, and all Local ODT Solid Fuel Advisory Committees appointed pursuant to the provisions of said recommendation be, and they are hereby, dissolved.

(4) Any participant in a plan for joint action approved by and placed into effect upon the direction of the Office of Defense Transportation pursuant to the provisions of said recommendation may at any time withdraw from participation in such plan by serving written notice of such withdrawal upon the other parties to the plan: *Provided,* That, in any case where the plan designates a participant or other person as representative of the participants for the purpose of correspondence in respect of such plan, service of the written notice of such withdrawal may be made upon such participant or other person.

Paragraphs (1), (2), and (3) of this revocation order shall become effective November 1, 1945. Paragraph (4) of this revocation order shall become effective September 17, 1945.

(E.O. 8989, as amended, 6 F.R. 6725, 8 F.R. 14183; E.O. 9156, 7 F.R. 3349)

Issued at Washington, D. C., this 17th day of September 1945.

J. M. JOHNSON,
Director,
Office of Defense Transportation.

[F. R. Doc. 45-17337; Filed, Sept. 17, 1945; 4:15 p. m.]

OFFICE OF PRICE ADMINISTRATION.

[MPR 580, Amdt. 1 to Order 105]

GIRL SCOUTS

ESTABLISHMENT OF MAXIMUM PRICES

Maximum Price Regulation 580, Amdt. 1 to Order 105. Establishing ceiling prices at retail for branded articles. Docket No. 6063-580-13-235. Girl Scouts.

For the reasons set forth in an opinion issued simultaneously herewith, Order No. 105 under section 13 of Maximum Price Regulation 580 is amended by making the following changes in paragraph (a):

1. For "Tie Slide," the category no. is changed from "5-561" to "5-651".

2. For "Green worsted sweater," the selling price line at wholesale is changed from "2.16 ea." to "2.83 ea."

3. For "Cardigan, green," the selling price line at wholesale is changed from ".70 ea." to ".90 ea."

4. For "Brownie apron," the category no. is changed from "8-297" to "8-292".

5. For "Printed handkerchief", Category Nos. "8-916", "8-917" and "8-918", the selling price line at wholesale is changed from "1.20 dz." to "2.00 dz.", and the ceiling price at retail is changed from ".15 ea." to ".25 ea."

This amendment shall become effective September 18, 1945.

Issued this 17th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-17299; Filed, Sept. 17, 1945; 11:32 a. m.]

[MPR 580, Order 139]

STAR BEDDING CO.

ESTABLISHMENT OF MAXIMUM PRICES

Maximum Price Regulation No. 580, Order 139. Establishing ceiling prices at

retail for certain articles. Docket No. 6063–580–13–240.

For the reasons set forth in an opinion issued simultaneously herewith and pursuant to section 13 of Maximum Price Regulation No. 580, *It is ordered:*

(a) The following ceiling prices are established for sales by any seller at retail of the following articles manufactured by Star Bedding Company, 1208–1212 Forbes Street, Pittsburgh, Pa., and described in the manufacturer's application dated April 12, 1945:

Brand name	Article	Style name	Manufacturer's selling price	Retail ceiling price
Forbes	Mattress	Forbes Beauty	$21.00	$39.50

(b) The retail ceiling price of an article manufactured for the first time after the effective date of this order and which is sold by the manufacturer at the same price as another article of the same type with the same brand or company name and for which a retail ceiling price has been established by paragraph (a) shall be the retail ceiling price listed for that other article in paragraph (a).

(c) The retail ceiling prices contained in paragraph (a) shall apply in place of the ceiling prices which have been or would otherwise be established under this or any other regulation.

(d) On and after October 15, 1945, Star Bedding Company must mark each article listed in paragraph (a) with the retail ceiling price under this order, or attach to the article a label, tag or ticket stating the retail ceiling price. This mark or statement must be in the following form:

(Sec. 13, MPR 580)
OPA Price—$------

On and after November 15, 1945, no retailer may offer or sell the article unless it is marked or tagged in the form stated above. Prior to November 15, 1945, unless the article is marked or tagged in this form, the retailer shall comply with the marking, tagging and posting provisions of the applicable regulation.

(e) On or before the first delivery to any purchaser for resale of each article listed in paragraph (a), the seller shall send the purchaser a copy of this order.

(f) Unless the context otherwise requires, the provisions of the applicable regulation shall apply to sales for which retail ceiling prices are established by this order.

(g) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective September 18, 1945.

Issued this 17th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45–17300; Filed, Sept. 17, 1945; 11:32 a. m.]

[MPR 580, Order 140]

MONUMENT MILLS

ESTABLISHMENT OF MAXIMUM PRICES

Maximum Price Regulation No. 580, Order 140. Establishing ceiling prices at retail for certain articles. Docket No. 6063–580–13–263.

For the reasons set forth in an opinion issued simultaneously herewith and pursuant to section 13 of Maximum Price Regulation No. 580; *It is ordered:*

(a) The following ceiling prices are established for sales by any seller at retail of the following articles manufactured by Monument Mills, Housatonic, Mass., having the brand name "Monument" and described in the manufacturer's application dated July 3, 1945:

BEDSPREADS

Style name	Size	Manufacturer's selling price	Retail ceiling price
Lois	72 x 105	$3.25	$4.98
	86 x 105	3.25	4.98
Maureen	72 x 105	3.25	4.98
	86 x 105	3.25	4.98
Irene	72 x 105	4.135	5.98
	86 x 105	4.135	5.98
Anita	72 x 105	2.44	3.98
	86 x 105	2.75	4.98
Cecile	72 x 105	2.67	4.98
	86 x 105	3.00	4.98
Dimenal	72 x 105	4.00	6.98
	86 x 105	4.79	7.98

(b) The retail ceiling price of an article manufactured for the first time after the effective date of this order and which is sold by the manufacturer at the same price as another article of the same type with the same brand or company name and for which a retail ceiling price has been established by paragraph (a) shall be the retail ceiling price listed for that other article in paragraph (a).

(c) The retail ceiling prices contained in paragraph (a) shall apply in place of the ceiling prices which have been or would otherwise be established under this or any other regulation.

(d) On and after November 1, 1945, Monument Mills must mark each article listed in paragraph (a) with the retail ceiling price under this order, or attach to the article a label, tag or ticket stating the retail ceiling price. This mark or statement must be in the following form:

(Sec. 13, MPR 580)
OPA Price—$------

On and after December 1, 1945, no retailer may offer or sell the article unless it is marked or tagged in the form stated above. Prior to December 1, 1945, unless the article is marked or tagged in this form, the retailer shall comply with the marking, tagging and posting provisions of the applicable regulation.

(e) On or before the first delivery to any purchaser for resale of each article listed in paragraph (a), the seller shall send the purchaser a copy of this order.

(f) Unless the context otherwise requires, the provisions of the applicable regulation shall apply to sales for which retail ceiling prices are established by this order.

(g) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective September 18, 1945.

Issued this 17th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45–17301; Filed, Sept. 17, 1945; 11:32 a. m.]

[MPR 580, Order 141]

FLORIDA MATTRESS FACTORY, INC.

ESTABLISHMENT OF MAXIMUM PRICES

Maximum Price Regulation No. 580, Order 141. Establishing ceiling prices at retail for certain articles. Docket No. 6063–580–13–132.

For the reasons set forth in an opinion issued simultaneously herewith and pursuant to section 13 of Maximum Price Regulation No. 580; *It is ordered:*

(a) The following ceiling prices are established for sales by any seller at retail of the following articles manufactured by Florida Mattress Factory, Inc., P. O Box 286, Tampa 1, Fla., and described in the manufacturer's application:

Article	Style name	Retail ceiling price
Mattress	4–A	$39.50
Box Spring	4–A	39.50
Mattress	3–A	29.50
Box Spring	3–A	29.50
Mattress	2–A	24.50
Box Spring	2–A	24.50
Mattress	1–A	16.95
Box Spring	1–A	16.95
Mattress	Tiny 4–A	39.50
Mattress	Perfect sleeper	39.50
Box Spring	do	39.50
Mattress	Restal Knight	29.95
Box Spring	do	29.95
Mattress	Smooth Rest	29.95
Box Spring	do	29.95

(b) The retail ceiling price of an article manufactured for the first time after the effective date of this order and which is sold by the manufacturer at the same price as another article of the same type with the same brand or company name and for which a retail ceiling price has been established by paragraph (a) shall be the retail ceiling price listed for that other article in paragraph (a).

(c) The retail ceiling prices contained in paragraph (a) shall apply in place of the ceiling prices which have been or would otherwise be established under this or any other regulation.

(d) On and after October 1, 1945, Florida Mattress Factory, Inc., must mark each article listed in paragraph (a) with the retail ceiling price under this order, or attach to the article a label, tag or ticket stating the retail ceiling price. This mark or statement must be in the following form:

(Sec. 13, MPR 580)
OPA Price—$------

On and after November 1, 1945, no retailer may offer or sell the article unless it is marked or tagged in the form stated above. Prior to November 1, 1945, unless the article is marked or tagged in this form, the retailer shall comply with the marking, tagging and posting provisions of the applicable regulation.

(e) On or before the first delivery to any purchaser for resale of each article listed in paragraph (a), the seller shall send the purchaser a copy of this order.

(f) Unless the context otherwise requires, the provisions of the applicable regulation shall apply to sales for which retail ceiling prices are established by this order.

(g) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective September 18, 1945.

Issued this 17th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45–17302; Filed, Sept. 17, 1945; 11:32 a. m.]

[MPR 580, Order 142]

A. WEIGELL & SONS, INC.

ESTABLISHMENT OF MAXIMUM PRICES

Maximum Price Regulation No. 580, Order 142. Establishing ceiling prices at retail for certain articles. Docket No. 6063–580–13–34.

For the reasons set forth in an opinion issued simultaneously herewith and pursuant to section 13 of Maximum Price Regulation No. 580; *It is ordered:*

(a) The following ceiling prices are established for sales by any seller at retail of the following articles manufactured by A. Weigell & Sons, Inc., 836 East Bay Street, Milwaukee 7, Wis., and described in the manufacturer's application dated April 11, 1945:

Brand name	Article	Style No.	Manufacturer's selling price	Retail ceiling price
Sleep-Air	Mattress	400	$21.00	$39.50
	Box Spring	400	21.00	39.50
	Mattress	200	15.75	29.50
	Box Spring	200	15.75	29.50
Air Tuner	Mattress	.....	21.50	39.50
	Box Spring	.....	21.50	39.50
White Cloud	Mattress	.....	16.00	29.95
	Box Spring	.....	16.00	29.95

(b) The retail ceiling price of an article manufactured for the first time after the effective date of this order and which is sold by the manufacturer at the same price as another article of the same type with the same brand or company name and for which a retail ceiling price has been established by paragraph (a) shall be the retail ceiling price listed for that other article in paragraph (a).

(c) The retail ceiling prices contained in paragraph (a) shall apply in place of the ceiling prices which have been or would otherwise be established under this or any other regulation.

(d) On and after October 15, 1945, A. Weigell & Sons, Inc., must mark each article listed in paragraph (a) with the retail ceiling price under this order, or attach to the article a label, tag or ticket stating the retail ceiling price. This mark or statement must be in the following form:

(Sec. 13, MPR 580)
OPA Price—$------

On and after November 15, 1945, no retailer may offer or sell the article unless it is marked or tagged in the form stated above. Prior to November 15, 1945, unless the article is marked or tagged in this form, the retailer shall comply with the marking, tagging and posting provisions of the applicable regulation.

(e) On or before the first delivery to any purchaser for resale of each article listed in paragraph (a), the seller shall send the purchaser a copy of this order.

(f) Unless the context otherwise requires, the provisions of the applicable regulation shall apply to sales for which retail ceiling prices are established by this order.

(g) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective September 18, 1945.

Issued this 17th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45–17303; Filed, Sept. 17, 1945; 11:34 a. m.]

[MPR 580, Order 143]

FINEFORM BRASSIERE CO., INC.

ESTABLISHMENT OF MAXIMUM PRICES

Maximum Price Regulation No. 580, Order 143. Establishing ceiling prices at retail for certain articles. Docket No. 6063–580–13–212.

For the reasons set forth in an opinion issued simultaneously herewith and pursuant to section 13 of Maximum Price Regulation No. 580; *It is ordered:*

(a) The following ceiling prices are established for sales by any seller at retail of the following articles manufactured by Fineform Brassiere Co., Inc., 31–37 West 27th Street, New York 1, N. Y., having the brand name "Adola", and described in the manufacturer's application dated May 18, 1945:

Article	Manufacturer's selling price	Retail ceiling price
Brassiere	*Per doz.* $5.75	*Per unit* $0.70

(b) The retail ceiling price of an article manufactured for the first time after the effective date of this order and which is sold by the manufacturer at the same price as another article of the same type with the same brand or company name and for which a retail ceiling price has been established by paragraph (a) shall be the retail ceiling price listed for that other article in paragraph (a).

(c) The retail ceiling prices contained in paragraph (a) shall apply in place of the ceiling prices which have been or would otherwise be established under this or any other regulation.

(d) On and after October 1, 1945, Fineform Brassiere Co., Inc., must mark each article listed in paragraph (a) with the retail ceiling price under this order, or attach to the article a label, tag or ticket stating the retail ceiling price. This mark or statement must be in the following form:

(Sec. 13, MPR 580)
OPA Price—$------

On and after November 1, 1945, no retailer may offer or sell the article unless it is marked or tagged in the form stated above. Prior to November 1, 1945, unless the article is marked or tagged in this form, the retailer shall comply with the marking, tagging and posting provisions of the applicable regulation.

(e) On or before the first delivery to any purchaser for resale of each article listed in paragraph (a), the seller shall send the purchaser a copy of this order.

(f) Unless the context otherwise requires, the provisions of the applicable regulation shall apply to sales for which retail ceiling prices are established by this order.

(g) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective September 18, 1945.

Issued this 17th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45–17304; Filed, Sept. 17, 1945; 11:34 a. m.]

[MPR 580, Order 144]

AMERICAN MAID CO., INC.

ESTABLISHMENT OF MAXIMUM PRICES

Maximum Price Regulation No. 580, Order 144. Establishing ceiling prices at retail for certain articles. Docket No. 6063–580–13–239.

For the reasons set forth in an opinion issued simultaneously herewith and pursuant to section 13 of Maximum Price Regulation No. 580; *It is ordered:*

(a) The following ceiling prices are established for sales by any seller at retail of the following articles manufactured by American Maid Company, Inc., 847 West Jackson Boulevard, Chicago 7, Ill., having the brand name "American Maid" and described in the manufacturer's application dated June 12, 1945:

Lot No.	Description	Size	Manufacturer's ceiling price (per dozen)	Retail ceiling price (per unit)
1336	Knit gown	S., M., L.	$17.50	$2.50
1592	Knit junior panty	11–17	8.00	1.25
1593	Knit junior slip	11–17	15.75	2.25
B670	Knit slip	32–40	17.50	2.50
B671	Knit panty	5–8	9.00	1.25
B673	Knit petticoat	S., M., L.	14.00	2.00
B675	Knit gown	S., M., L.	24.00	3.50
B738	Knit brassiere	30–34	6.50	.85
B972	Knit gown	32–42	17.50	2.50
2346	Knit gown	34–40	14.00	2.00
		42–46		2.50

(b) The retail ceiling price of an article manufactured for the first time after the effective date of this order and which is sold by the manufacturer at the same price as another article of the same type

with the same brand or company name and for which a retail ceiling price has been established by paragraph (a) shall be the retail ceiling price listed for that other article in paragraph (a).

(c) The retail ceiling prices contained in paragraph (a) shall apply in place of the ceiling prices which have been or would otherwise be established under this or any other regulation.

(d) On and after October 1, 1945, American Maid Company, Inc., must mark each article listed in paragraph (a) with the retail ceiling price under this order, or attach to the article a label, tag or ticket stating the retail ceiling price. This mark or statement must be in the following form:

(Sec. 13, MPR 580)
OPA Price—$------

On and after November 1, 1945, no retailer may offer or sell the article unless it is marked or tagged in the form stated above. Prior to November 1, 1945, unless the article is marked or tagged in this form, the retailer shall comply with the marking, tagging and posting provisions of the applicable regulation.

(e) On or before the first delivery to any purchaser for resale of each article listed in paragraph (a), the seller shall send the purchaser a copy of this order.

(f) Unless the context otherwise requires, the provisions of the applicable regulation shall apply to sales for which retail ceiling prices are established by this order.

(g) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective September 18, 1945.

Issued this 17th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-17305; Filed, Sept. 17, 1945; 11:34 a. m.]

[MPR 580, Order 145]

JOHNSON & JOHNSON

ESTABLISHMENT OF MAXIMUM PRICES

Maximum Price Regulation No. 580, Order 145. Establishing ceiling prices at retail for certain articles. Docket No. 6063-580-13-116.

For the reasons set forth in an opinion issued simultaneously herewith and pursuant to section 13 of Maximum Price Regulation No. 580; *It is ordered:*

(a) The following ceiling prices are established for sales by any seller at retail of the following articles manufactured by Johnson & Johnson, New Brunswick, N. J., having the brand name "Johnson & Johnson" and described in the manufacturer's application dated April 18, 1945:

Article	Manufacturer's selling price (per dozen)	Ceiling price at retail (per unit)
Supporters:		
Rugby	$10	$1.25
Trump	8	1.00
Swimmer	4	.50
Ankle	4	.50

(b) The retail ceiling price of an article manufactured for the first time after the effective date of this order and which is sold by the manufacturer at the same price as another article of the same type with the same brand or company name and for which a retail ceiling price has been established by paragraph (a) shall be the retail ceiling price listed for that other article in paragraph (a).

(c) The retail ceiling prices contained in paragraph (a) shall apply in place of the ceiling prices which have been or would otherwise be established under this or any other regulation.

(d) On and after November 1, 1945, Johnson & Johnson, must mark each article listed in paragraph (a) with the retail ceiling price under this order, or attach to the article a label, tag or ticket stating the retail ceiling price. This mark or statement must be in the following form:

(Sec. 13, MPR 580)
OPA Price—$------

On and after December 1, 1945, no retailer may offer or sell the article unless it is marked or tagged in the form stated above. Prior to December 1, 1945, unless the article is marked or tagged in this form, the retailer shall comply with the marking, tagging and posting provisions of the applicable regulation.

(e) On or before the first delivery to any purchaser for resale of each article listed in paragraph (a), the seller shall send the purchaser a copy of this order.

(f) Unless the context otherwise requires, the provisions of the applicable regulation shall apply to sales for which retail ceiling prices are established by this order.

(g) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective September 18, 1945.

Issued this 17th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-17306; Filed, Sept. 17, 1945; 11:35 a. m.]

[MPR 580, Order 146]

NASHUA MFG. CO.

ESTABLISHMENT OF MAXIMUM PRICES

Maximum Price Regulation No. 580, Order 146. Establishing ceiling prices at retail for certain articles. Docket No. 6063-580-13-28.

For the reasons set forth in an opinion issued simultaneously herewith and pursuant to section 13 of Maximum Price Regulation No. 580, *It is ordered:*

(a) The following ceiling prices are established for sales by any seller at retail of the following articles manufactured by Nashua Manufacturing Company, 85 Factory Street, Nashua, N. H., having the brand name Welwyn, and described in the manufacturer's application dated April 5, 1945:

Article	Description	Size	Supplier's selling price (per unit)	Retail ceiling price (per unit)	
				East of Denver	West of Denver
Blanket	100% all wool	72 x 90	$8.37	$13.95	$14.95

(b) The retail ceiling price of an article manufactured for the first time after the effective date of this order and which is sold by the manufacturer at the same price as another article of the same type with the same brand or company name and for which a retail ceiling price has been established by paragraph (a) shall be the retail ceiling price listed for that other article in paragraph (a).

(c) The retail ceiling prices contained in paragraph (a) shall apply in place of the ceiling prices which have been or would otherwise be established under this or any other regulation.

(d) On and after October 15, 1945, Nashua Manufacturing Company, must mark each article listed in paragraph (a) with the retail ceiling price under this order, or attach to the article a label, tag or ticket stating the retail ceiling price. This mark or statement must be in the following form:

(Sec. 13, MPR 580)
OPA Price—$------

On and after November 15, 1945, no retailer may offer or sell the article unless it is marked or tagged in the form stated above. Prior to November 15, 1945, unless the article is marked or tagged in this form, the retailer shall comply with the marking, tagging and posting provisions of the applicable regulation.

(e) On or before the first delivery to any purchaser for resale of each article listed in paragraph (a), the seller shall send the purchaser a copy of this order.

(f) Unless the context otherwise requires, the provisions of the applicable regulation shall apply to sales for which retail ceiling prices are established by this order.

(g) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective September 18, 1945.

Issued this 17th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-17307; Filed, Sept. 17, 1945; 11:36 a. m.]

[MPR 580, Order 147]

ANNIS OF NEW YORK, INC.

ESTABLISHMENT OF MAXIMUM PRICES

Maximum Price Regulation No. 580, Order 147. Establishing ceiling prices at retail for certain articles. Docket No. 6063-580-13-102.

For the reasons set forth in an opinion issued simultaneously herewith and pursuant to section 13 of Maximum Price Regulation No. 580; *It is ordered:*

(a) The following ceiling prices are established for sales by any seller at retail of the following articles manufactured by Annis of New York, Inc., 358 Fifth Avenue, New York 1, N. Y., having the brand name "Sea Glamour," and described in the manufacturer's application dated April 19, 1945:

WOMEN'S SWIM SUITS

Style No.	Manufacturer's selling price	Retail ceiling price
[illegible]	$3.75	$5.95
[illegible]	3.75	5.95
[illegible]	3.75	5.95
[illegible]	3.75	5.95
[illegible]	3.75	5.95
[illegible]	4.75	7.95
[illegible]	4.75	7.95
[illegible]	4.75	7.95
[illegible]	4.75	7.95
[illegible]	4.75	7.95
[illegible]	5.75	9.95
[illegible]	5.75	9.95
[illegible]	6.75	10.95
[illegible]	6.75	10.95
[illegible]	6.75	10.95
[illegible]	6.75	10.95
[illegible]	8.75	14.95
[illegible]	8.75	14.95

(b) The retail ceiling price of an article manufactured for the first time after the effective date of this order and which is sold by the manufacturer at the same price as another article of the same type with the same brand or company name and for which a retail ceiling price has been established by paragraph (a) shall be the retail ceiling price listed for that other article in paragraph (a).

(c) The retail ceiling prices contained in paragraph (a) shall apply in place of the ceiling prices which have been or would otherwise be established under this or any other regulation.

(d) On and after October 15, 1945, Annis of New York, must mark each article listed in paragraph (a) with the retail ceiling price under this order, or attach to the article a label, tag or ticket stating the retail ceiling price. This mark or statement must be in the following form:

(Sec. 13, MPR 580)
OPA Price—$------

On and after November 15, 1945, no retailer may offer or sell the article unless it is marked or tagged in the form stated above. Prior to November 15, 1945, unless the article is marked or tagged in this form, the retailer shall comply with the marking, tagging and posting provisions of the applicable regulation.

(e) On or before the first delivery to any purchaser for resale of each article listed in paragraph (a), the seller shall send the purchaser a copy of this order.

(f) Unless the context otherwise requires, the provisions of the applicable regulation shall apply to sales for which retail ceiling prices are established by this order.

(g) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective September 18, 1945.

Issued this 17th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-17308; Filed, Sept. 17, 1945; 11:36 a. m.]

[MPR 580, 148]

OSTERMOOR & CO.

ESTABLISHMENT OF MAXIMUM PRICES

Maximum Price Regulation No. 580, Order 148. Establishing ceiling prices at retail for certain articles. Docket No. 6063-580-13-276.

For the reasons set forth in an opinion issued simultaneously herewith and pursuant to section 13 of Maximum Price Regulation No. 580; *It is ordered:*

(a) The following ceiling prices are established for sales by any seller at retail of the following articles manufactured by Ostermoor & Company, Bridgeport 4, Conn., having the brand name Ostermoor, and described in the manufacturer's application dated August 2, 1945:

Article	Style	Manufacturer's selling price	Retail ceiling price
Mattress	Original style	$24.75	$49.50
Box spring	do	24.75	49.50
Mattress	Rolled edge	21.00	39.50
Box spring	do	21.00	39.50
Mattress	Supreme	24.75	49.50
Box spring	do	24.75	49.50
Mattress	Sleep comfort	21.00	39.50
Box spring	do	21.00	39.50

(b) The retail ceiling price of an article manufactured for the first time after the effective date of this order and which is sold by the manufacturer at the same price as another article of the same type with the same brand or company name and for which a retail ceiling price has been established by paragraph (a) shall be the retail ceiling price listed for that other article in paragraph (a).

(c) The retail ceiling prices contained in paragraph (a) shall apply in place of the ceiling prices which have been or would otherwise be established under this or any other regulation.

(d) On and after October 15, 1945, Ostermoor & Company must mark each article listed in paragraph (a) with the retail ceiling price under this order, or attach to the article a label, tag or ticket stating the retail ceiling price. This mark or statement must be in the following form:

(Sec. 13, MPR 580)
OPA Price—$------

On and after November 15, 1945, no retailer may offer or sell the article unless it is marked or tagged in the form stated above. Prior to November 15, 1945, unless the article is marked or tagged in this form, the retailer shall comply with the marking, tagging and posting provisions of the applicable regulation.

(e) On or before the first delivery to any purchaser for resale of each article listed in paragraph (a), the seller shall send the purchaser a copy of this order.

(f) Unless the context otherwise requires, the provisions of the applicable regulation shall apply to sales for which retail ceiling prices are established by this order.

(g) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective September 18, 1945.

Issued this 17th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-17309; Filed, Sept. 17, 1945; 11:36 a. m.]

[MPR 580, Order 149]

LA MARQUISE FOOTWEAR

ESTABLISHMENT OF MAXIMUM PRICES

Maximum Price Regulation No. 580, Order 149. Establishing ceiling prices at retail for certain articles. Docket No. 6063-580-13-23.

For the reasons set forth in an opinion issued simultaneously herewith and pursuant to section 13 of Maximum Price Regulation No. 580, *It is ordered:*

(a) The following ceiling prices are established for sales by any seller at retail of the following articles manufactured by La Marquise Footwear, Inc., 137 Varick Street, New York 13, N. Y., and described in the manufacturer's application dated May 12, 1945:

Brand name	Style No.	Manufacturer's ceiling price (per unit)	Retail ceiling price	
			In States of Utah, Colorado, Arizona, New Mexico, Wyoming, Idaho, Nevada, Washington, Oregon, California, West Texas (El Paso)	All other States (including the District of Columbia)
"Oomphies"	167	$1.50	$2.50	$2.75
	1133	1.65	2.75	2.95
	1160	1.65	2.75	2.95
	1163	1.50	2.50	2.75
	233	2.40	4.00	4.25
	243	2.40	4.00	4.25
	238	3.25	5.50	5.75
	239	3.60	6.00	6.25
	240	2.15	3.50	3.75
	232	2.40	4.00	4.25
	241	2.40	4.00	4.25
"Oomphie Juniors"	1132	1.80	2.95	3.25
	1341	1.80	2.95	3.25
	1333	2.10	3.50	3.75

(b) The retail ceiling price of an article manufactured for the first time after the effective date of this order and which is sold by the manufacturer at the same price as another article of the same type with the same brand or company name and for which a retail ceiling price has been established by paragraph (a) shall be the retail ceiling price listed for that other article in paragraph (a).

(c) The retail ceiling prices contained in paragraph (a) shall apply in place of the ceiling prices which have been or would otherwise be established under this or any other regulation.

(d) On and after October 1, 1945, La Marquise Footwear, Inc., must mark each article listed in paragraph (a) with the retail ceiling price under this order, or attach to the article a label, tag or ticket stating the retail ceiling price. This mark or statement must be in the following form:

(Sec. 13, MPR 580)
OPA Price—$------

On and after November 1, 1945, no retailer may offer or sell the article unless it is marked or tagged in the form stated above. Prior to November 1, 1945, unless the article is marked or tagged in this form, the retailer shall comply with the marking, tagging and posting provisions of the applicable regulation.

(e) On or before the first delivery to any purchaser for resale of each article listed in paragraph (a), the seller shall send the purchaser a copy of this order.

(f) Unless the context otherwise requires, the provisions of the applicable regulation shall apply to sales for which retail ceiling prices are established by this order.

(g) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective September 18, 1945.

Issued this 17th day of September 1945.

CHESTER BOWLES,
Administrator.

[F.R. Doc. 45-17310; Filed, Sept. 17, 1945; 11:37 a. m.]

[MPR 580, Order 150]

SCHAFFER BELTS

ESTABLISHMENT OF MAXIMUM PRICES

Maximum Price Regulation No. 580, Order 150. Establishing ceiling prices at retail for certain articles. Docket No. 6063-580-13-257.

For the reasons set forth in an opinion issued simultaneously herewith and pursuant to section 13 of Maximum Price Regulation No. 580, *It is ordered:*

(a) The following ceiling prices are established for sales by any seller at retail of the following articles manufactured by Schaffer Belts, 330 Fifth Avenue, New York 1, N. Y., and described in the manufacturer's application dated July 19, 1945:

Article	Brand name	Manufacturer's selling price	Retail ceiling price
Belt	"Belt-of-the-Month"	*Dozen* $10.50	*Each* $1.50

(b) The retail ceiling price of an article manufactured for the first time after the effective date of this order and which is sold by the manufacturer at the same price as another article of the same type with the same brand or company name and for which a retail ceiling price has been established by paragraph (a) shall be the retail ceiling price listed for that other article in paragraph (a).

(c) The retail ceiling prices contained in paragraph (a) shall apply in place of the ceiling prices which have been or would otherwise be established under this or any other regulation.

(d) On and after October 15, 1945, Shaffer Belts must mark each article listed in paragraph (a) with the retail ceiling price under this order, or attach to the article a label, tag or ticket stating the retail ceiling price. This mark or statement must be in the following form:

(Sec. 13, MPR 580)
OPA PRICE—$------

On and after November 15, 1945, no retailer may offer or sell the article unless it is marked or tagged in the form stated above. Prior to November 15, 1945, unless the article is marked or tagged in this form, the retailer shall comply with the marking, tagging and posting provisions of the applicable regulation.

(e) On or before the first delivery to any purchaser for resale of each article listed in paragraph (a), the seller shall send the purchaser a copy of this order.

(f) Unless the context otherwise requires, the provisions of the applicable regulation shall apply to sales for which retail ceiling prices are established by this order.

(g) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective September 18, 1945.

Issued this 17th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-17311; Filed, Sept. 17, 1945; 11:37 a. m.]

[MPR 580, Order 151]

SOUTHERN SPRING BED CO.

ESTABLISHMENT OF MAXIMUM PRICES

Maximum Price Regulation No. 580, Order 151. Establishing ceiling prices at retail for certain articles. Docket No. 6063-580-13-180.

For the reasons set forth in an opinion issued simultaneously herewith and pursuant to section 13 of Maximum Price Regulation No. 580, *It is ordered:*

(a) The following ceiling prices are established for sales by any seller at retail of the following articles manufactured by Southern Spring Bed Company, Atlanta 1, Ga., and described in the manufacturer's application dated May 5, 1945:

Brand name	Style	Manufacturer's ceiling price	Retail ceiling price
Southern Cross quilted mattress.	Layer felt quilted pads.	$21.00	$39.50
Southern Cross Royalty Group (mattress and box spring complete).	Combination layer felt pad handtied box spring.	31.00	59.50
Red Cross Jubilee felt mattress.	100 percent all layer felt.	16.00	29.75
Blue Ribbon felt mattress.	100 percent all felt, tape-tied.	16.00	29.75
Red Cross hotel mattress.	All felt stitched boxing.	14.85	29.75
Southern Cross quilted box spring.	Hand-tied quilted box spring.	18.00	34.75
Red Cross Jubilee quilted box box spring.	Coil hand-tied box spring.	16.00	29.75
Blue Ribbon box spring.	Hand-tied box spring.	16.00	29.75
Red Cross hotel box spring.	Box spring	14.85	29.75

(b) The retail ceiling price of an article manufactured for the first time after the effective date of this order and which is sold by the manufacturer at the same price as another article of the same type with the same brand or company name and for which a retail ceiling price has been established by paragraph (a) shall be the retail ceiling price listed for that other articles in paragraph (a).

(c) The retail ceiling prices contained in paragraph (a) shall apply in place of the ceiling prices which have been or would otherwise be established under this or any other regulation.

(d) On and after October 15, 1945, Southern Spring Bed Company must mark each article listed in paragraph (a) with the retail ceiling price under this order, or attach to the article a label, tag or ticket stating the retail ceiling price. This mark or statement must be in the following form:

(Sec. 13, MPR 580)
OPA Price—$------

On and after November 15, 1945, no retailer may offer or sell the article unless it is marked or tagged in the form stated above. Prior to November 15, 1945, unless the article is marked or tagged in this form, the retailer shall comply with the marking, tagging and posting provisions of the applicable regulation.

(e) On or before the first delivery to any purchaser for resale of each article listed in paragraph (a), the seller shall send the purchaser a copy of this order.

(f) Unless the context otherwise requires, the provisions of the applicable regulation shall apply to sales for which retail ceiling prices are established by this order.

(g) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective September 18, 1945.

Issued this 17th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-17312; Filed, Sept. 17, 1945; 11:37 a. m.]

[MPR 580, Order 152]

HONOR BILT PRODUCTS, INC.

ESTABLISHMENT OF MAXIMUM PRICES

Maximum Price Regulation No. 580, Order 152. Establishing ceiling prices at retail for certain articles. Docket No. 6063-580-13-124.

For the reasons set forth in an opinion issued simultaneously herewith and pursuant to section 13 of Maximum Price Regulation No. 580; *It is ordered:*

(a) The following ceiling prices are established for sales by any seller at retail of the following articles manufactured by Honor Bilt Products, Inc., Trenton Avenue and Venango Street, Philadelphia, Pa., having the brand name of "Serta", and described in the manufacturer's application dated April 9, 1945:

Article	Style name	Retail ceiling price
Mattress	Four A	$39.50
Box spring	do	39.50
Mattress	Three A	29.95
Box spring	do	29.95
Mattress	Two A	24.95
Box spring	do	24.95
Mattress	One A	19.95
Box spring	do	19.95
Mattress	Perfect Sleeper	39.50
Box spring	do	39.50
Mattress	Royal Knight	34.75
Box spring	do	34.75
Mattress	Smooth Rest	29.75
Box spring	do	29.75

(b) The retail ceiling price of an article manufactured for the first time after the effective date of this order and which is sold by the manufacturer at the same price as another article of the same type with the same brand or company name and for which a retail ceiling price has been established by paragraph (a) shall be the retail ceiling price listed for that other article in paragraph (a).

(c) The retail ceiling prices contained in paragraph (a) shall apply in place of the ceiling prices which have been or would otherwise be established under this or any other regulation.

(d) On and after October 1, 1945, Honorbilt Products, Inc., must mark each article listed in paragraph (a) with the retail ceiling price under this order, or attach to the article a label, tag or ticket stating the retail ceiling price. This mark or statement must be in the following form:

(Sec. 13, MPR 580)
OPA Price—$------

On and after November 1, 1945, no retailer may offer or sell the article unless it is marked or tagged in the form stated above. Prior to November 1, 1945, unless the article is marked or tagged in this form, the retailer shall comply with the marking, tagging and posting provisions of the applicable regulation.

(e) On or before the first delivery to any purchaser for resale of each article listed in paragraph (a), the seller shall send the purchaser a copy of this order.

(f) Unless the context otherwise requires, the provisions of the applicable regulation shall apply to sales for which retail ceiling prices are established by this order.

(g) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective September 18, 1945.

Issued this 17th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-17313; Filed, Sept. 17, 1945; 11:38 a. m.]

[MPR 580, Order 153]

UNITED STATES BEDDING CO.

ESTABLISHMENT OF MAXIMUM PRICES

Maximum Price Regulation No. 580, Order 153. Establishing ceiling prices at retail for certain articles. Docket No. 6063-580-13-188.

For the reasons set forth in an opinion issued simultaneously herewith and pursuant to section 13 of Maximum Price Regulation No. 580, *It is ordered:*

(a) The following ceiling prices are established for sales by any seller at retail of the following articles manufactured by The United States Bedding Company, Saint Paul 4, Minn., and described in the manufacturer's application dated May 4, 1945:

INNERSPRING MATTRESSES

Brand name	Manufacturer's selling price	Retail ceiling price
Royal King Koil	$25.00	$49.50
Supreme King Koil	23.50	44.50
Master King Koil	21.00	39.50
Standard King Koil	18.00	34.50
Wonder King Koil	15.75	29.50
Dream King Koil	14.00	24.75

BOX SPRINGS

Royal King Koil	25.00	49.50
Supreme King Koil	23.50	44.50
Master King Koil	21.00	39.50
Standard King Koil	18.00	34.50
Wonder King Koil	15.75	29.50

COIL SPRINGS

Royal King Koil	11.75	22.75
King Koil	10.75	19.75
Silver King	10.00	17.75
Wonder Koil	8.00	15.75
Dream Koil	7.25	13.75
Sleep Koil	6.50	11.75

FELT MATTRESSES

Master King Cotton	21.18	39.50
Standard King Cotton	17.62	34.50
Wonder King Cotton	15.28	29.50
Dream King Cotton	12.65	24.75

(b) The retail ceiling price of an article manufactured for the first time after the effective date of this order and which is sold by the manufacturer at the same price as another article of the same type with the same brand or company name and for which a retail ceiling price has been established by paragraph (a) shall be the retail ceiling price listed for that other article in paragraph (a).

(c) The retail ceiling prices contained in paragraph (a) shall apply in place of the ceiling prices which have been or would otherwise be established under this or any other regulation.

(d) On and after October 15, 1945, The United States Bedding Company must mark each article listed in paragraph (a) with the retail ceiling price under this order, or attach to the article a label, tag or ticket stating the retail ceiling price. This mark or statement must be in the following form:

(Sec. 13, MPR 580)
OPA Price—$------

On and after November 15, 1945, no retailer may offer to sell the article unless it is marked or tagged in the form stated above. Prior to November 15, 1945, unless the article is marked or tagged in this form, the retailer shall comply with the marking, tagging and posting provisions of the applicable regulation.

(e) On or before the first delivery to any purchaser for resale of each article listed in paragraph (a), the seller shall send the purchaser a copy of this order.

(f) Unless the context otherwise requires, the provisions of the applicable regulation shall apply to sales for which retail ceiling prices are established by this order.

(g) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective September 18, 1945.

Issued this 17th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-17314; Filed, Sept. 17, 1945; 11:38 a. m.]

[MPR 580, Order 154]

WINDSOR OVERCOAT CO.

ESTABLISHMENT OF MAXIMUM PRICES

Maximum Price Regulation No. 580, Order 154. Establishing ceiling prices at retail for certain articles. Docket No. 6063-580-13-13.

For the reasons set forth in an opinion issued simultaneously herewith and pursuant to section 13 of Maximum Price Regulation No. 580, *It is ordered:*

(a) The following ceiling prices are established for sales by any seller at retail of the following articles manufactured by Windsor Overcoat Company, Juniper and Vine Streets, Philadelphia 7, Pa., and described in the manufacturer's application dated March 22, 1945:

Article	Range	Brand name	Manufacturer's selling price	Retail ceiling price
Topcoat	2400	Windsor Paca	$19.95	$32.50
Overcoat	7000	do	21.00	35.00
Topcoat	1100	Royal Paca	19.95	32.50
Overcoat	1500	do	21.00	35.00

(b) The retail ceiling price of an article manufactured for the first time after the effective date of this order and which is sold by the manufacturer at the same price as another article of the same type with the same brand or company name and for which a retail ceiling price has been established by paragraph (a) shall be the retail ceiling price listed for that other article in paragraph (a).

(c) The retail ceiling prices contained in paragraph (a) shall apply in place of the ceiling prices which have been or would otherwise be established under this or any other regulation.

(d) On and after October 1, 1945, Windsor Overcoat Company must mark each article listed in paragraph (a) with the retail ceiling price under this order, or attach to the article a label, tag or ticket stating the retail ceiling price. This mark or statement must be in the following form:

(Sec. 13, MPR 580)
OPA Price—$------

On and after November 1, 1945, no retailer may offer or sell the article unless it is marked or tagged in the form stated above. Prior to November 1, 1945, unless the article is marked or tagged in this form, the retailer shall comply with the marking, tagging and posting provisions of the applicable regulation.

(e) On or before the first delivery to any purchaser for resale of each article

listed in paragraph (a), the seller shall send the purchaser a copy of this order.

(f) Unless the context otherwise requires, the provisions of the applicable regulation shall apply to sales for which retail ceiling prices are established by this order.

(g) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective September 18, 1945.

Issued this 17th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-17315; Filed, Sept. 17, 1945; 11:38 a. m.]

[MPR 580, Order 155]

SAN HYGENE UPHOLSTERY CO.

ESTABLISHMENT OF MAXIMUM PRICES

Maximum Price Regulation No. 580, Order 155. Establishing ceiling prices at retail for certain articles. Docket No. 6063-580-13-157.

For the reasons set forth in an opinion issued simultaneously herewith and pursuant to section 13 of Maximum Price Regulation No. 580, *It is ordered:*

(a) The following ceiling prices are established for sales by any seller at retail of the following articles manufactured by The San Hygene Upholstery Co., 694 Miami Street, Akron 11, Ohio, having the brand name "Serta", and described in the manufacturer's application dated April 9, 1945:

Article	Style name	Retail ceiling price
Mattress	4A	$39.50
Box spring	4A	39.50
Mattress	3A	29.95
Box spring	3A	29.95
Mattress	2A	24.95
Box spring	2A	24.95
Mattress	1A	19.95
Box spring	1A	19.95
Mattress	Tiny 4A	9.95
Mattress	Perfect Sleeper	39.50
Box spring	do	39.50
Mattress	Restal Knight	34.75
Box spring	do	34.75
Mattress	Smooth Rest	29.75
Box spring	do	29.75
Mattress	Five A	44.50
Box spring	do	44.50

(b) The retail ceiling price of an article manufactured for the first time after the effective date of this order and which is sold by the manufacturer at the same price as another article of the same type with the same brand or company name and for which a retail ceiling price has been established by paragraph (a) shall be the retail ceiling price listed for that other article in paragraph (a).

(c) The retail ceiling prices contained in paragraph (a) shall apply in place of the ceiling prices which have been or would otherwise be established under this or any other regulation.

(d) On and after October 1, 1945, The San Hygene Upholstery Co. must mark each article listed in paragraph (a) with the retail ceiling price under this order, or attach to the article a label, tag or ticket stating the retail ceiling price. This mark or statement must be in the following form:

(Sec. 13, MPR 580)
OPA Price—$------

On and after November 1, 1945, no retailer may offer or sell the article unless it is marked or tagged in the form stated above. Prior to November 1, 1945, unless the article is marked or tagged in this form, the retailer shall comply with the marking, tagging and posting provisions of the applicable regulation.

(e) On or before the first delivery to any purchaser for resale of each article listed in paragraph (a), the seller shall send the purchaser a copy of this order.

(f) Unless the context otherwise requires, the provisions of the applicable regulation shall apply to sales for which retail ceiling prices are established by this order.

(g) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective September 18, 1945.

Issued this 17th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-17316; Filed, Sept. 17, 1945; 11:38 a. m.]

[RMPR 499, Order 26]

E. W. REYNOLDS CO.

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to section 14 of Revised Maximum Price Regulation 499, it is ordered:

(a) *Effect of this order.* This order establishes maximum prices at which certain imported watches identified below may be sold to retailers and at retail. These watches are imported by the E. W. Reynolds Company, 315 West Fifth Street, Los Angeles 13, California, hereinafter called the "importer".

(b) *Maximum prices for sales to retailers and at retail.* The maximum prices for sales by retailers and at retail of the REYCO watches identified below are as follows:

MAXIMUM PRICES

Description	Importer to retailer	Retail inclusive of Federal excise tax
RC601		
RC600 6¾ x 8 17J 10K G. F. cord	$15.75	$42.50
RC602		
RC603		
RC604 6¾ x 8 17J 10K G. F. cord	14.00	37.50
RC605		
RC606 6¾ x 8 7J 10K G. F. S. B.		
RC607 cord	11.20	24.75
RC608 6¾ x 8 7J 10K G. F. S. B.		
RC609 lapel	14.85	33.75
RC500		
RC501		
RC502 5 ligne 14J 14K cord	23.95	57.50
RC503		
RC505		
RC506		
RC504(B) 5 ligne 17J 14K cord, 10K		
RC503B expansion bracelet	33.50	71.50

The maximum retail prices listed above are inclusive of the Federal excise tax of 10% (20% in the case of watches whose retail price exceeds $65.00).

The importer's maximum prices set forth above are subject to its customary terms 2%—10½ E. O. M.

No charge may be added to the above maximum retail prices for the extension of credit except under the conditions specified and to the extent permitted by section 12a of Revised Maximum Price Regulation No. 499.

(c) *Notification.* Any person who sells these watches to a purchaser with a copy of this order or a price list incorporating the above prices and containing a certification that they are maximum prices established by the Office of Price Administration. In addition, he shall include on every invoice covering each sale of these watches the following statement:

OPA Order No. 26 under RMPR 499 establishes the maximum prices at which you may sell these watches.

This notification requirement supersedes the notification requirement in section 12 of Revised Maximum Price Regulation 499 with respect to the watches covered by this order.

(d) *Tagging.* The importer shall include with every watch covered by this order delivered to a purchaser for resale after its effective date, a tag or label setting forth the maximum retail price of the particular watch. This tag or label must not be removed until the watch is sold to an ultimate consumer.

(e) This order may be revoked or amended by the Price Administrator at any time.

(f) Unless the context otherwise requires, the definitions set forth in section 2 of Revised Maximum Price Regulation 499 shall apply to the terms used herein.

This order shall become effective September 18, 1945.

Issued this 17th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-17348; Filed, Sept. 17, 1945; 4:43 p. m.]

[Supp. Order 94, Order 78]

U. S. DEPARTMENT OF COMMERCE ET AL.

SPECIAL MAXIMUM PRICES FOR CERTAIN BUTCHER BLOCKS

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and in accordance with section 11 of Supplementary Order 94, it is ordered:

(a) *What this order does.* This order establishes maximum prices at which new hard rock maple butcher blocks hereinafter described may be sold and delivered by the United States Department of Commerce and by any subsequent reseller:

Description of butcher blocks: New hard rock maple varnished butcher blocks, sections tongued and grooved, each section

paraffined and glued and reinforced with metal bolts, tapered square or round legs of one piece of solid wood, and mortised and tenoned at the connecting joints.

(b) *Maximum prices.* Maximum prices (f. o. b. point of shipment) of the following sizes of new hard rock maple butcher blocks described in paragraph (a) manufactured by Michigan Maple Block Company, Petoskey, Michigan, and of articles of the same or similar specifications made by other manufacturers shall be:

Size of butcher block	Commerce's price to reseller	Price for all sales to users
24" x 24" x 10"	$17.15	$28.60
24" x 30" x 10"	21.23	35.40
30" x 30" x 10"	26.14	43.60
30" x 36" x 10"	30.49	50.80
36" x 36" x 10"	58.52	97.26

Freight charges actually paid by a reseller may be added to the aforesaid prices provided such charges are separately stated on the invoice of sale.

(c) *Discounts.* Every seller shall continue to maintain his customary discounts for cash.

(d) *Relation to other regulations and orders.* This order, with respect to the sales it covers, supersedes any other regulation or order previously issued by the Office of Price Administration.

(e) *Revocation and amendment.* This order may be revoked or amended at any time.

This order shall become effective September 19, 1945.

Issued this 18th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-17140; Filed, Sept. 18, 1945; 11:42 a. m.]

[2d Rev. MPR 195, Order 12]

INDUSTRIAL WOODEN BOXES

SALES OF ASSEMBLED RETURNABLE BEVERAGE CASES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register and pursuant to section 7a of 2d Revised Maximum Price Regulation 195, it is ordered:

SECTION 1. *What this order covers.* This order covers all sales of assembled returnable (multiple trip) beverage cases produced in those states east of and including the States of Minnesota, Iowa, Nebraska, Kansas, Oklahoma, and Texas.

SEC. 2. *Definition of "assembled returnable strapped beverage case"*—(a) *General.* For the purpose of this order assembled returnable (multiple trip) beverage cases refers to the standard number 1, 2, 3, 3-30R, 6, 8, 9, 9-S, 11, 11A, 11S, 11AS, 13, 13S, 16, 16A, 18A, 18AS, beverage cases; a definition of each of these boxes is given below. A strapped case refers either to a full strap or a "hand hole-to-hand hole" strap.

(b) *Description of beverage cases.* The cases are described below based on the number and size of bottle to be carried by the case as well as the minimum inside dimensions required for the case. It should be noted that these dimensions are minimum and that it is customary to build the cases larger than the minimum. However, due to the variations of dimension customary in the industry for the same style box and further due to the custom in the industry not to change the price for a minor variation in dimension, only the minimum dimensions are set forth. It should be clearly understood, however, that all the larger customary sizes are covered by this order. The important factor is the number and size of bottles to be carried.

Case number	No. of bottles	Bottle capacity (fluid oz.)	If partitioned, No. of pockets	Minimum inside dimensions (inches)
1 [1]	12	24 to 32	12	15⅝ x 11⅝ x 4¾.
2 [1]	12	24 to 32	12	15⅝ x 11⅝ x 6¾.
3 [1]	24	10 (12 when reamed)	24	16½ x 10⅝ x 3¾.
3-30R [1]	30	6 or less	30	13½ x 11¼ x 3 (reamed partitions, ends and sides).
6	24	10 (12 when reamed)	24	16½ x 10⅝ x 8.
8	24	10 or less		14½ x 9½ x 8.
9	24	11 to 16	24	18⅝ x 12⅛ x 9¾.
9-S [1]	24	11 to 16	24	18⅝ x 12⅛ x 4½.
9-S	24	11 to 16 (Steinie)	24	19½ x 12⅝ x 8¼.
11	24	11 to 16		16½ x 11 x 9¾.
11A	12	24 to 32		15⅛ x 11¾ x 12.
11-S	24	1 Pint (Steinie)		17⅛ x 11½ x 7¼.
11AS	12	1 Quart (Steinie)		15⅛ x 11¾ x 10.
13	12	24 to 32	12	15⅝ x 11⅝ x 12.
13-S	12	24 to 32 (Steinie)	12	16⅞ x 12½ x 10.
16 [1]	20	26 to 28 (regular t) (no syphon)	20	22⅛ x 8½ x 5⅞.
16A	10	26 to 28 (regular t) (no syphon)	10	22⅛ x 8½ x 12½.
18A	6	Half-gallon	6	13½ x 9⅞ x 14½.
18AS	6	Half-gallon (Steinie)	6	16⅛ x 10½ x 10¾.

[1] Half depth cases. All others are full depth.

If a manufacturer has any question whether the case which he is producing is covered by this order, he should write to the Building Materials and Construction Price Branch, Office of Price Administration, Washington 25, D. C., for official clarification giving a complete description of the box, including inside dimensions and whether partitioned as well as number of pockets if partitioned and the size of bottles.

SEC. 3. *Maximum prices by zones.* The maximum price for an assembled beverage case will be the price of the case for the zone in which it is produced and not the price for the zone into which it is delivered. For example, a case produced in Alabama shall always be sold based on the price for that case in Zone 7 (which includes Alabama).

(a) *Zones.* The zones outlined below are the same as those prescribed in Order No. 11 which establishes maximum prices on standard industrial boxes:

Zone 1: The States of Maine, New Hampshire, Vermont, Massachusets, Rhode Island, Connecticut, and the following counties in New York State: Franklin, Clinton, Essex, Hamilton, Warren, Fulton, Montgomery, Saratoga, Washington, Schenectady, Schoharie, Albany, Rensselaer, Greene and Columbia.

Zone 2: New York State except those counties included in Zone 1, New Jersey; Pennsylvania; Ohio.

Indiana—That portion of the State North of and including the counties of Vigo, Owen, Monroe, Brown, Bartholemy, Jennings, Ripley, Dearborn.

Illinois—That portion of the State North of and including the counties of Edgar, Douglas, Platt, DeWitt, McLean, Tazewell, Peoria, Knox, Warren, and Henderson.

Michigan—The lower peninsula only.

Wisconsin—The Counties of Sauk, Iowa, Lafayette, Columbia, Dane, Green, Rock, Dodge, Jefferson, Walworth, Washington, Waukesha, Osaukee, Milwaukee, Racine, and Kenosha.

Zone 3: Michigan—The upper peninsula.

Wisconsin—That portion of the State North of and including the counties of Polk, Barron, Chippewa, Taylor, Marathon, Shawano, Langlade and Oconto.

Iowa—The entire State.

Nebraska—The entire State.

Minnesota—That portion of the State south of but not including the Counties of Wilkin, Otter Tail, Todd, Morrison, Benton, Mille Lacs, Isanti, Chisago.

Kansas—The entire State exclusive of Kansas City, Kansas.

Zone 5: That portion of Minnesota not included in Zone 4.

Zone 6: The States of Delaware, Maryland, and West Virginia, and District of Columbia.

Zone 7: The States of Virginia, North Carolina, South Carolina, Georgia, Florida, Alabama, Mississippi, Arkansas, Louisiana, Oklahoma, Texas.

Zone 8: The State of Tennessee and that portion of Missouri South of and including the Counties of Barton, Dade, Polk, Dallas, Laclede, Pulaski, Phelps, Dent, Iron, Madison, Bollinger, Cape Girardeau, Scott, Mississippi.

Zone 9: In the State of Kansas, Kansas City only. That portion of the State of Missouri not included in Zone 8; the State of Kentucky; that portion of the States of Illinois and Indiana not included in Zone 2.

(b) *Maximum prices.* The maximum prices f. o. b. plant for 100 strapped beverage cases by zones are given below in Table 1.

TABLE I—MAXIMUM PRICES FOR 100 BEVERAGE CASES BY ZONES

Box number	Zones 1	2	3	4	5	6	7	8	9
1	$57.00	$63.00	$58.00	$59.00	$56.50	$58.50	$55.50	$57.50	$60.00
2	62.00	69.00	63.00	64.00	61.50	63.50	60.00	62.50	65.00
3	57.50	63.50	58.50	59.50	57.00	59.00	56.00	58.00	60.50
3-30R	56.00	61.50	57.00	57.50	55.50	57.50	55.00	56.50	58.50
6	74.50	84.50	77.00	78.00	74.50	77.50	73.50	76.50	79.50
8	47.50	54.00	49.00	50.00	47.50	49.50	47.00	48.50	50.50
9	87.00	100.00	90.00	92.50	87.00	90.50	85.00	89.00	93.50
9B	65.00	73.50	66.50	67.50	64.00	67.00	63.00	65.50	68.50
9–S	77.50	88.50	80.00	81.50	77.50	80.50	76.00	79.50	83.00
11	58.00	66.00	60.00	61.00	58.00	60.50	57.00	59.50	62.00
11–A	64.50	74.00	67.00	68.00	65.00	68.00	64.00	66.50	70.00
11–S	51.00	58.00	53.00	54.00	51.50	53.50	50.50	52.50	55.00
11–AS	59.00	67.00	61.00	62.50	59.00	61.50	58.00	60.50	63.50
13	81.00	93.50	84.00	85.50	81.00	84.50	79.50	83.00	87.00
13–S	78.50	90.50	81.00	82.50	78.50	82.00	77.00	80.50	84.50
16	56.00	63.50	57.50	58.50	55.50	58.00	54.50	57.00	59.50
16–A	79.50	92.00	82.00	83.50	79.50	83.00	78.00	81.50	85.50
18–A	74.50	85.60	77.00	78.00	74.50	77.50	73.00	76.00	80.00
18–AS	70.00	80.00	72.00	73.50	70.00	73.00	68.50	71.50	75.00

(i) *The above prices are for strapped beverage cases only.* If beverage cases are sold without strapping deduct as follows:

For cases Nos. 1, 2, 3, 3–30R, 9B, and 16—deduct $9.50 per C cases.

For cases Nos. 6, 8, 9–S, and 11–S—deduct $11.50 per C cases.

For cases Nos. 9, 11, 11A, 11AS, 13, 13S, 16A, 18A, and 18AS—deduct $14 per C cases.

(ii) *Other additions and deductions.* The above prices are for beverage cases of standard commercial construction with $\frac{3}{8}$" or $\frac{7}{16}$" sides, bottoms, and partitions and $\frac{3}{4}$", $\frac{25}{32}$" or $\frac{13}{16}$" ends; with at least 4 printed impressions, with top edge of sides, outside edges of bottoms, and top edges of partitions beveled (rounded).

Printing. If cases do not have at least 4 printed impressions deduct ¼¢ for each impression less than 4.

Beveling. If cases are not bevelled as required deduct as follows:

For boxes Nos. 8, 11, 11A, 11S and 11AS, $1.40 per C boxes.

For boxes Nos. 18A and 18AS, $2.45 per C boxes.

For boxes Nos. 1, 2, 13, 13S, 16 and 16A, $3.15 per C boxes.

For boxes Nos. 3, 6, 9, 9B, and 9S, $4.20 per C boxes.

For Box No. 3–30R, $5.45 per C boxes.

Thickness

For ½" sides and bottoms add, for half-depth boxes, $3.50 per C boxes; for full depth boxes, $4.50 per C boxes.

For ½" or $\frac{9}{16}$" bottoms only add $1.75 per C boxes.

One-piece widths

For one piece ends over 8" deep add $1 per C boxes.

For one piece ends over 11" deep add $2 per C boxes.

For one piece sides over 8" deep add $1 per C boxes.

For one piece sides over 11" deep add $2 per C boxes.

(The addition for one piece parts can be made only on orders specifying one piece parts and where tongue and groove joints will not be acceptable.)

Reaming

For reaming partitions add $2 per C boxes.

For reaming partitions, ends and sides add $3 per C boxes.

The price for Box 3–30R includes the reaming addition.

Painting

For painting half-depth cases add $4 per C boxes.

For painting full-depth cases add $7 per C boxes.

Quantity differentials. The prices in table 1 apply for cases produced in quantities of 1,250 or more. For lower quantities the following additions may be made per 100 cases.

	Quantities: 500 thru 1249	250 thru 499	100 thru 249	25 thru 99	25 and under
Styles 8, 11, 11A, 11S, 11AS	$1.00	$1.50	$2.50	$4.50	$14.00
Styles 1, 2, 3, 3-30R 9B, 16	1.00	2.00	3.00	5.00	15.00
Styles 6, 9, 9S, 13, 13S, 16A, 18A, 18AS	1.50	2.50	3.50	5.50	15.50

(iii) *Delivery.* The maximum prices established by this order are f. o. b. plant.

For delivery by common carrier, actual freight may be added. For delivery, (other than local delivery), by private truck owned by the manufacturer, actual cost may be added: *Provided,* That the cost is not in excess of 80 percent of the common carrier rate.

For local delivery (within 30 miles) box plants located in, or delivering into cities of populations in excess of 750,000 (1940 census) may add the charges listed below in Column 1; other plants may add the charges listed in Column 2.

MAXIMUM PERMISSIBLE LOCAL DELIVERY CHARGES PER 100 CASES

Type of box	Column 1: Cities of 750,000 or over	Column 2: Cities of under 750,000
Half depth partitioned cases	$1.50	$1.00
Full depth non-partitioned cases	1.50	1.00
Full depth partitioned cases	2.50	1.50

If the seller inserts non-wooden partitions in the full depth non-partioned cases and delivers them locally he may charge the trucking addition for the full depth partitioned case.

NOTE: According to the 1940 Census the following cities in the area covered by this order are the only ones having a population in excess of 750,000, Baltimore, Boston, Chicago, Cleveland, Detroit, New York, Philadelphia and St. Louis.

SEC. 4. *Discounts and allowances.* The maximum prices in this order include all commissions, discounts and allowances for resellers. The maximum prices must be reduced by all discounts or allowances customarily made by the seller. Wholesalers or jobbers cannot charge prices higher than the maximum computed by this order.

SEC. 5. *Other provisions.* The provisions of sections 10, 11, 12, 13 and 14 (b) of the regulation shall apply to sales made under this order.

SEC. 6. *Other items or additions not covered by this order.* Any assembled beverage case not specifically priced by this order shall remain subject to the provisions of 2d Revised Maximum Price Regulation 195. Any manufacturer desiring to make an extra charge for an operation not listed, including hand nailing, must apply to the Building Materials and Construction Price Branch, Office of Price Administration, Washington 25, D. C., for approval of such an extra or addition. The application must contain a complete description of the operation, the cost, the requested charge or addition, the October 1944 and March 1942 extra charges for this operation. The Building Materials and Construction Price Branch may approve or deny the application by letter. The Building Materials and Construction Price Branch, upon receipt of the application, may send to the manufacturer an acknowledgement of receipt; after the acknowledgment has been received the manufacturer may ship and sell using his requested mark-up and any reduction in his requested addition shall not be retroactive but shall apply from the date the addition is reduced.

SEC. 7. For a period of thirty days after the effective date of this order any person may elect to sell at prices no higher than those heretofore *properly* computed and established under the regulation.

This Order No. 12 shall become effective September 24, 1945.

NOTE: All record keeping and reporting requirements of this order have been approved by the Bureau of the Budget in accordance with Federal Reports Act of 1942.

Issued this 18th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-17409; Filed, Sept. 18, 1945; 11:42 a. m.]

Regional and District Office Orders.

[Region II Rev. Order G-19 Under RMPR 122, Amdt 5]

SOLID FUELS IN ATLANTIC COUNTY, NEW JERSEY

For the reasons set forth in an opinion issued simultaneously herewith, and under the authority vested in the Regional Administrator of the Office of Price Administration by §§ 1340.260 and 1340.259 (a) (1) of Revised Maximum Price Regulation No. 122 Revised Order No. G-19 is amended in the following respect:

1. Paragraphs (d) (1) and (d) (2) are amended by revising the prices for bituminous coal to read as follows:

(1) *Sales on a "direct delivery" basis.* For sales of solid fuel of the kinds and sizes, and in quantities specified.

Kind and size of fuel	Per net ton	Per net ½ ton	Per net ¼ ton
Bituminous (from underground mines):			
Low volatile from district 1 run-of-mine	$9.88	$5.19	$2.72
High volatile from districts 2, 3, and 7 stoker	9.75	5.13	2.70

(2) *"Yard sales".* For sales of solid fuel of the kinds and sizes, and in the quantities specified.

Kind and size of fuel	Per net ton	Per net ½ ton	Per net ¼ ton
Bituminous (from underground mines):			
Low volatile from district 1 run-of-mine	$8.88	$4.69	$2.47
High volatile from districts 2, 3, and 7 stoker	8.75	4.63	2.45

This Amendment No. 5 to Revised Order No. G-19 shall become effective August 3d, 1945.

(56 Stat. 23, 765; 57 Stat. 566; Pub. Law 383, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 3d day of August 1945.

LEO P. GENTNER,
Acting Regional Administrator.

[F. R. Doc. 45-17284; Filed, Sept. 14, 1945; 4:55 p. m.]

[Region II Order G-3 Under RMPR 251]

CONSTRUCTION WORK IN NEW YORK, N. Y., AREA

An opinion accompanying this order issued simultaneously herewith, has been filed with the Division of the Federal Register.

In the judgment of the Regional Administrator of Region II of the Office of Price Administration, the maximum prices established and the regulations prescribed by this order are generally fair and equitable, are necessary to effectuate the purposes of the Emergency Price Control Act of 1942, as amended, and Executive Orders Nos. 9250 and 9328, and do not exceed the general level of prices fixed by Revised Maximum Price Regulation No. 251.

Therefore, under the authority vested in the Regional Administrator of Region II of the Office of Price Administration by the Emergency Price Control Act of 1942, as amended, and by section 9 of Revised Maximum Price Regulation No. 251, this order is hereby issued.

SECTION 1. *Transactions covered by this order.* This order covers all sales of composition re-siding and re-roofing on an installed basis, together with accessories on residential structures in the area hereinafter described. It also includes related and incidental construction work when sold by installers of re-siding and re-roofing, whether such sale is made as a part of a general contract or not.

The term "composition re-siding" includes asphalt shingle re-siding, asbestos cement re-siding, insulated brick or stone re-siding and roll brick re-siding but shall not include wood shingles or wood re-siding.

The term "re-roofing" includes composition re-roofing such as asphalt shingles and mineral surface roll re-roofing and smooth surface roll re-roofing but does not include wood, metal or slate re-roofing.

The term "related" and "incidental" construction work means any installation of building materials or construction work other than installed re-roofing and re-siding, when sold by installers of re-roofing and re-siding.

SEC. 2. *Relationship of this order to Revised Maximum Price Regulation No. 251.* (a) The provisions of this order supersede sections 6, 7 and 8 of Revised Maximum Price Regulation No. 251 with respect to sales of re-roofing and composition re-siding on an installed basis on residential structures and with respect to related and incidental construction work sold by installers of composition re-siding and re-roofing on an installed basis. All other provisions of Revised Maximum Price Regulation No. 251 are applicable to transactions subject to this order unless otherwise provided in this order.

(b) On and after the effective date of this order, regardless of any contract or other obligation, no person shall sell, offer to sell or deliver composition re-siding and re-roofing on residential structures on an installed basis or related and incidental construction work as herein defined at prices higher than the maximum prices established by this order; *Provided,* That deliveries made not more than thirty days after the effective date of this order on bona fide contracts executed prior to the effective date of this order shall not be considered to be violations of this order.

(c) An employer paying or about to pay labor rates higher than those in effect for him on the effective date of this order by reason of the predetermination of wage rates by the Secretary of Labor under the Davis-Bacon Act or any order or authoization of the Wage Adjustment Board, National War Labor Board or Economic Stabilization Director, may file an application for an amendment of this order to reflect such increased labor rates. Such a petition for amendment shall conform in all respects to the provisions of Revised Procedural Regulation No. 1, except that it shall be filed with the New York Regional Office of the Office of Price Administration.

SEC. 3. *Applicability.* This order shall apply in the New York, N. Y. area which includes the counties of New York, Queens, Kings, Westchester, Nassau, Bronx, Suffolk and Richmond, all in the State of New York.

SEC. 4. *Maximum prices for sales of composition re-siding and re-roofing on an installed basis.* The maximum prices for sales of composition re-siding and re-roofing on an installed basis on residential structures shall be as shown in the following tables, known as Tables I and II, and shall be upon a price per square basis. Table I covers prices for composition re-siding and accessories, and Table II covers prices for re-roofing and accessories.

TABLE I—COMPOSITION RE-SIDING PRICES

Asbestos cement re-siding, standerd surface hardness 12 x 24" or 12 x 27": $26.00 per square.

Asbestos cement re-siding of extra hard surface 12 x 24" or 12 x 27": $30.00 per square.

Insulated brick or stone re-siding—14$\frac{3}{8}$ x 43$\frac{7}{8}$", 13$\frac{7}{8}$ x 43$\frac{1}{16}$" and 14 x 43": $32.00 per square.

Asphalt strip type re-siding—167 lbs.: $16.00 per square.

Individual shingle re-siding, laid wide space method 7½" exposure. (When this shingle is laid in wide space other than 7½" exposure, American method, Dutch lap method or other methods, the price varies from the above in proportion to the quantity of material used). $17.00 per square.

Roll brick re-siding: $16.00 per square.

The above prices include nails, caulking, joint strips and one bundle of lath.

RE-SIDING ACCESSORIES FOR WHICH EXTRA CHARGES MAY BE MADE AS STATED BELOW

Corner pieces for asphalt brick re-siding: 40¢ per ft.

Rolled corners on roll brick re-siding: 25¢ per ft.

Soldier course on insulated brick: 15¢ per ft.

Soldier course on roll brick: 10¢ per ft.

Zinc corner bead: 15¢ per ft.

Woven corners: 50¢ per ft.

Lath (400 ft. per bundle) after 1st bundle: $4.00 per bundle.

15 lb. felt: $1.50 per square.

30 lb. felt and smooth surface rolls: $2.50 per square.

35 lb. felt smooth surface rolls in 12" widths: $3.00 per square.

Building paper: $1.00 per square.

Moulding (quarter round to ¾" and band up to 1½"): 5¢ per ft.

Rabbitted moulding: 14¢ per ft.

Backer board: $5.00 per square.

Removing stucco: $5.00 per square.

All shingles above the second floor ceiling, extra charge: $3.00 per square.

Applying shingles to the second floor when the first floor is not covered, extra charge: $2.00 per square.

TABLE II—RE-ROOFING PRICES

12" (3 in line) strip shingle—210 lbs.: $17.50 per square.

11⅓ hexagon strip shingle—167 lbs.: $15.00 per square.

Re-roofer type shingle standard weight 135 to 140 lbs.: $15.00 per square.

Re-roofer type heavy weight—160 to 162 lbs.: $16.00 per square.

Giant individual Dutch lamp method 160 to 162 lbs. with clips. When this shingle is laid in American method or other methods, the price varies from above in proportion to the quantity of material used): $16.50 per square.

Slate surface roll re-roofing—90 lbs. (Apply to roofs having a pitch of 1–5"): $10.00 per square.

Slate surface roll re-roofing—90 lbs. (Apply to roofs having a pitch greater than 1–5"): $12.00 per square.

Smooth surface roll re-roofing—55 lbs.: $9.00 per square.

Smooth surface roll re-roofing—65 lbs.: $10.00 per square.

Smooth surface roll re-roofing in plastic slate—55 lbs.: $13.00 per square.

Smooth surface roll re-roofing in plastic slate—65 lbs.: $14.00 per square.

Double coverage smooth surface roll re-roofing in plastic slate or other cold adhesive—55 lbs.: $22.00 per square.

Double covering smooth surface roll re-roofing in plastic slate or other cold adhesive—65 lbs.: $23.00 per square.

Double coverage smooth surface roll re-roofing in plastic slate or other cold adhesive—45 lbs.: $21.00 per square.

Cap sheet double coverage smooth surface roll re-roofing in plastic slate or other cold adhesive—34 lbs.: $18.50 per square.

The above prices include nails, mastic and flashing around chimneys and vents.

RE-ROOFING ACCESSORIES FOR WHICH EXTRA CHARGES MAY BE MADE AS STATED BELOW

Hip and ridge shingles: 15¢ per ft.

Slate surface rolls—90 lbs. (Used on valleys, ridges or other sections of roofs): $10.00 per square.

15 lb. felt: $1.50 per square.

30 lb. felt: $2.50 per square.

35 lb. smooth surface rolls (when cut in 12" widths): $3.00 per square.

Lath (400 ft. per bundle) after first bundle: $4.00 per bundle.

Bevel boards (per 100 lineal ft.): $1.70.

Backer board: $5.00 per square.

Single drip course of wood shingles: 25¢ per ft.

Double drip course of wood shingles: 45¢ per ft.

Rake strip for drip course of wood 5/4 x 3". (Wider boards price proportionately): 25¢ per ft.

Yankee gutters relined: 25¢ per ft.

Box cutters relined: 35¢ per ft.

Replaced boards on Yankee gutters: 30¢ per ft.

Galvanized tubes without flange: $1.50 per tube.

Galvanized tubes with flange: $2.00 per tube.

Galvanized eave strip or rake strip: 15¢ per ft.

To remove wooden, asphalt, asbestos or slate shingles: $5.00 per square.

On all sales of composition re-siding and re-roofing on an installed basis covered by this order, where the maximum price of the entire job figured in accordance with Tables I and II of this order is less than $50.00, the seller may make a minimum charge of $50.00.

On all sales of composition re-siding and re-roofing on an installed basis covered by this order, an additional charge of 50% of the maximum price per square may be made for the actual areas only which consist of the following on re-siding jobs: bay windows, towers, eye brows, dormer gables and dormer checks, porch columns, bulkheads and arches; on re-roofing jobs—towers, eye brows, bay windows, overhangs and shelves.

SEC. 5. *Guaranteed price.* A seller may sell a composition re-siding or re-roofing job covered by this order on the basis of a guaranteed price, but such guaranteed price must not be higher than the maximum price figured in accordance with the pricing methods and requirements of this order.

SEC. 6. *Related and incidental construction work.* If on any job, any installed building materials are furnished or any construction service performed by the seller, other than composition re-siding and re-roofing, the cost of such work shall not be included in the cost of installed composition re-siding and re-roofing, but shall be separately priced and billed on all invoices. The maximum price of any such related and incidental work shall be determined under Revised Maximum Price Regulation No. 251.

SEC. 7. *Measurements.* It shall be the seller's responsibility to measure with reasonable accuracy the area or footage to be covered. A "measurement with reasonable accuracy" shall be considered to have been made if the price based on such estimate does not vary by more than 10% from the maximum price computed under the terms of this order.

SEC. 8. *Notification.* Every person making sales subject to this order shall, if requested by the purchaser, make available to the purchaser a copy of this order and a copy of Revised Maximum Price Regulation No. 251. Upon completion of any contract for installed re-siding and/or re-roofing, and/or related and incidental construction work, the seller, if requested by the purchaser, must furnish to him an itemized statement showing the number of squares, the maximum price per square of re-siding and re-roofing installed, a list of all extras and the quantities and price of each and a separate statement of any related and incidental construction work other than installed re-siding and re-roofing giving a description of such work and an itemized statement of the prices thereof. The seller shall also include in such statement the date on which the installation was completed, the names and addresses of the sellers and buyers and the terms of sale.

SEC. 9. *Evasion.* Any practice or device which results in a higher price to the purchaser of composition re-siding and re-roofing on an installed basis and/or related and incidental construction work than is permitted by this order is as much a violation as an outright over ceiling charge and subject the seller to all the penalties provided by Revised Maximum Price Regulation No. 251.

SEC. 10. *Records.* All sellers of installed composition re-siding and re-roofing and/or related and incidental construction work covered by the terms of this order must keep records concerning each sale subject to this order, including the name and address of the purchaser, the location of the job, the date of the transaction, a description of the materials and services involved, the number of squares and price per square of re-siding and re-roofing, a list of all extras permitted under Tables I and II of this order with the quantity and price of each, and a separate statement of any related and incidental construction work. All such records shall be made available for inspection by representatives of the Office of Price Administration so long as the Emergency Price Control Act of 1942, as amended, remains in effect.

SEC. 11. *Revocation or amendment.* This order may be revised, amended, revoked or modified at any time by the Office of Price Administration.

This order shall become effective September 21, 1945.

Issued this 11th day of September 1945.

LEO F. GENTNER,
Acting Regional Administrator.

Approved:

F. D. CRONIN,
Regional Director of Food Distribution.

[F. R. Doc. 45-17283; Filed, Sept. 14, 1945; 4:55 p. m.]

[Region VIII Order G-31 Under 18 (c), Amdt. 5]

FLUID MILK IN IDAHO

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of the Office of Price Administration by § 1499.75 (a) (9) of Supplementary Regulation No. 15, *It is hereby ordered*, That Order G-31 under §1499.18 (c), as amended, of the General Maximum Price Regulation be amended as set forth below:

1. Paragraph (a) is hereby amended by adding at the end thereof:

THE TOWN OF GRANGEVILLE

Quantity	Wholesale	Retail
Quart	$0.11	$0.13

This amendment shall become effective August 31, 1945.

Issued this 29th day of August 1945.

CHAS. R. BAIRD,
Regional Administrator.

Approved:

ALTON D. HURLEY,
Acting Officer in Charge, Dairy Branch, Western Region, Production & Marketing Administration, United States Department of Agriculture.

[F. R. Doc. 45-17285; Filed, Sept. 14, 1945; 4:55 p. m.]

[Region VIII Order G-107 Under 18 (c), Amdt. 1]

BREAD IN SAN FRANCISCO REGION

An opinion accompanying this amendment has been issued simultaneously herewith.

Order No. G-107 under § 1499.18 (c) of the General Maximum Price Regulation is amended in the following respects:

1. Paragraph (a) is amended to read as follows:

(a) The maximum price for sales at wholesale of a one pound loaf of French or wine bread, produced in Alameda County, California, shall be the seller's maximum price as determined under section 2 of the General Maximum Price Regulation, or nine cents, whichever is higher.

2. Paragraph (b) is amended to read as follows:

(b) The maximum price for sales at retail of such bread shall be the seller's maximum price as determined under section 2 of the General Maximum Price Regulation, or eleven cents, whichever is higher.

This amendment to Order No. G-107 shall become effective September 4, 1945.

Issued this 4th day of September 1945.

CHAS. R. BAIRD,
Regional Administrator.

Approved:

J. B. HUTSEN,
Acting Secretary of Agriculture.

[F. R. Doc. 45-17282; Filed, Sept. 14, 1945; 4:54 p. m.]

SECURITIES AND EXCHANGE COMMISSION.

[File No. 70-1133]

THE MEMPHIS STREET RAILWAY CO.

ORDER GRANTING APPLICATION

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia 3, Pennsylvania, on the 14th day of September, A. D., 1945.

The Memphis Street Railway Company ("Railway"), a nonutility subsidiary of Memphis Generating Company, a subsidiary of National Power & Light Company, which in turn is a registered holding company subsidiary of Electric Bond and Share Company, also a registered holding company, having filed an application and amendments thereto pursuant to section 6 (b) of the Public Utility Holding Company Act of 1935 for exemption from the provisions of section 6 (a) and 7 of the Act of the issue and sale in accordance with Rule U-50 promulgated under said act, of $3,500,000 aggregate principal amount of First Mortgage Serial Bonds to mature in equal annual amounts of $175,000 on October 1 of each year from 1946 to 1965 inclusive, the proceeds of the sale of said bonds to be applied together with treasury cash to pay at maturity on October 1, 1945 Railway's presently outstanding First Mortgage Series A 5% Bonds and its First Mortgage Series B 5% (Income) Bonds; and

A public hearing having been held on such application after appropriate notice and the Commission having considered the record and having made and filed its findings and opinion herein;

It is ordered, That said application, as amended, be, and the same hereby is, granted, except however, as to the prices to be paid for such bonds, their redemption prices, the interest rates thereon, the underwriters' spread and its allocation, and all legal fees to be paid in connection with the proposed transactions, as to which matters jurisdiction be, and the same hereby is, specifically reserved, and subject to the terms and conditions contained in Rule U-24.

It is further ordered, That the ten-day period for inviting bids as provided for in Rule U-50 be, and the same hereby is, shortened to a period of not less than seven days.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 45-17353; Filed, Sept. 18, 1945; 9:37 a. m.]

[File No. 70-1139]

PENNSYLVANIA POWER CO. AND OHIO EDISON CO.

NOTICE OF FILING AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 14th day of September, A. D., 1945.

Notice is hereby given that a joint application and declaration has been filed with this Commission by Ohio Edison Company ("Ohio Edison"), a registered holding company and a subsidiary of The Commonwealth & Southern Corporation, also a registered holding company, and Ohio Edison's subsidiary, Pennsylvania Power Company ("Pennsylvania Power").

All interested persons are referred to said document which is on file in the offices of the Commission for a statement of the transactions therein proposed which are summarized as follows:

Pennsylvania Power proposes to:

(a) Issue and sell to the public, through underwriters selected pursuant to the competitive bidding provisions of Rule U-50, $9,793,000 principal amount of new bonds maturing in not less than 30 years after date, of a series bearing interest at a rate not to exceed 2⅞% per annum at a price not less favorable to the company than a 2⅞% basis;

(b) Issue and sell at private sale to banks $800,000 principal amount of installment promissory notes bearing interest at the rate of 2¼% per annum payable in 16 equal semi-annual installments of which the first installment shall be payable six months after the date of said notes.

(c) Issue not more than 42,000 shares of new preferred stock with a par value of $100 per share and a dividend rate not to exceed 4.50% per annum which will be offered in exchange to the holders of its outstanding 42,000 shares of $5 preferred stock without par value on a share for share basis, plus a cash dividend adjustment which, together with the dividends receivable on the new preferred stock will give each stockholder who exchanges a dividend at the rate of $5 per share per annum up to the redemption date of the shares of $5 preferred stock which are not exchanged. Any shares not exchanged will be redeemed at the redemption price of $107.50. Pennsylvania Power reserves the right to reject all offers of exchange if less than 85% of the shares of $5 preferred stock are exchanged.

Ohio Edison proposes to make a $600,000 cash contribution to Pennsylvania Power.

The net proceeds from the sales of the above securities plus the capital contribution together with treasury funds and special deposits, all aggregating $11,817,253, are to be used by Pennsylvania Power to redeem $6,368,000 principal amount of 3½% Series and $1,825,000 principal amount of 4% Series of First Mortgage Bonds due 1961 at the redemption price of 105¼ and to provide funds for the construction of a new turbo-generator and boiler unit at an estimated cost of $3,200,000.

In addition to the above Pennsylvania Power proposes to increase the stated capital represented by the presently outstanding 110,000 shares of common stock without par value from $3,300,000 to $3,900,000 thereby reflecting the contribution of $600,000 by Ohio Edison and to transfer $600,000 from earned surplus to the common stock capital account thereby increasing the stated capital represented by the presently outstanding common stock without par value to $4,500,000 and to change and convert the 110,000 shares of such outstanding common stock into 150,000 shares of common stock with a par value of $30 per share.

The application further states that Pennsylvania Power agrees that the Commission's order herein may contain a condition to the effect that, so long as any of the new bonds or shares of new preferred stock are outstanding, it will not declare or pay any dividends on its common stock (other than dividends payable in common stock) or make any distribution of assets to holders of common stock by purchase of shares or otherwise, in an amount which, when added to the aggregate of all such dividends and distributions subsequent to the last day of the month in which the new bonds are issued (referred to below as "said date"), would exceed 75% of the net income of Pennsylvania Power earned subsequent to said date, if, after the payment of any such dividend or the making of any such distribution, the aggregate of the par value of, or stated capital represented by, the outstanding shares of common stock and surplus of Pennsylvania Power would be less than an amount equal to 25% of the total capitalization and surplus of Pennsylvania Power.

The applicants-declarants state that approval of the Pennsylvania Public Utility Commission will be obtained with respect to the issuance and sale of the new bonds and the installment notes, the issuance and exchange of the new preferred stock, and the issuance of the new common stock.

The applicants-declarants have designated sections 6 (b), 9 (a), 10, 12 (b), 12 (d) and 12 (f) of the act and Rules U-42, U-43, U-44, U-45 and U-50 thereunder as being applicable to the proposed transactions.

It appearing to the Commission that it is appropriate in the public interest and in the interest of investors and consumers that a hearing be held with respect to the application and declaration and that the application and declaration shall not be granted or permitted to become effective except pursuant to further order of the Commission:

It is ordered, That a hearing on the application and declaration under the applicable provisions of the act and the rules of the Commission thereunder be held on October 4, 1945, at 11:00 a. m., e. w. t., at the offices of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia 3, Pennsylvania. On such day the hearing room clerk in Room 318 will advise as to the room in which such hearing will be held. Any person desiring to be heard or otherwise wishing to participate in these proceedings shall file with the Secretary of

the Commission on or before October 1, 1945, his request or application therefor, as provided by Rule XVII of the rules of practice of the Commission,

It is further ordered, That Robert P. Reeder, or any other officer or officers of the Commission designated by it for that purpose shall preside at such hearing. The officer so designated to preside at such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said act and to a trial examiner under the Commission's rules of practice.

It is further ordered, That without limiting the scope of issues presented by the application and declaration, particular attention will be directed at the hearing to the following matters and questions:

(1) Whether the proposed issue and sale of the new mortgage bonds and the proposed issue and exchange of new preferred stock are solely for the purpose of financing the business of Pennsylvania Power and have been expressly authorized by the State Commission of the state in which it is organized and doing business.

(2) Whether the terms and conditions of the issue, sale and/or exchange of the securities are detrimental to the public interest or the interests of investors or consumers;

(3) Whether the proposed capital contribution by Ohio Edison to Pennsylvania Power complies with the applicable provisions of the act and the rules thereunder;

(4) Whether the fees, commissions, or other remuneration to be paid in connection with the proposed transactions are for necessary services and are reasonable in amount.

(5) What terms or conditions, if any, with respect to the proposed transactions should be prescribed in the public interest or for the protection of investors or consumers;

(6) Generally, whether the proposed transactions comply with the applicable provisions of the act and the rules, regulations and orders promulgated thereunder.

It is further ordered, That the Secretary of the Commission shall serve by registered mail, a copy of this order on the applicants and declarants herein and on the Public Utilities Commissions of Ohio and Pennsylvania and on the Federal Power Commission; and that notice of said hearing be given to all other persons by publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 45-17354; Filed, Sept. 18, 1945; 9:37 a. m.]

[File Nos. 70-1080, 70-736]

FEDERAL WATER AND GAS CORP. ET AL.

ORDER GRANTING APPLICATION AND PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular meeting of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 14th day of September, A. D. 1945.

In the matters of Federal Water and Gas Corporation, Mississippi Public Service Company, Peoples Water and Gas Company, File No. 70-1080; Federal Water and Gas Corporation, Alabama Water Service Company, File No. 70-736.

Federal Water and Gas Corporation ("Federal"), a registered holding company, and Mississippi Public Service Company ("Mississippi") and Peoples Water and Gas Company ("Peoples"), public utility companies and subsidiary companies of Federal, having filed a joint application and declaration and amendments thereto pursuant to the Public Utility Holding Company Act of 1935 and the rules and regulations promulgated thereunder (File No. 70-1080) proposing the following transactions:

1. The sale by Peoples, and the acquisition by Mississippi, of the gas distribution facilities of Peoples serving the cities of Columbus and Meridian and territory contiguous thereto in the State of Mississippi for a base cash consideration of approximtely $750,000 (equal to the companies' estimate of the depreciated original cost of such properties), Peoples proposing to apply the proceeds of such sale toward the redemption of $750,000 principal amount of its first mortgage bonds pursuant to their terms;

2. The issue and sale by Mississippi, and the acquisition by Federal, of 7,500 additional shares of Mississippi's no par value common stock for $750,000 in cash, Mississippi proposing to apply the money so received to finance its proposed acquisition of utility properties and other assets from Peoples;

3. The donation by Federal to Peoples, and the acquisition for retirement by Peoples, of 2,427 shares of Peoples' $6 Cumulative Preferred Stock presently owned by Federal, and the redemption by Peoples of all the remaining shares (4,570 shares) of its outstanding $6 Cumulative Preferred Stock at the call price thereof, $105 per share plus dividends accrued to the date of redemption;

4. The execution by Peoples of a supplemental indenture providing that unless and until the ratio of Peoples' funded debt to its net property shall be equal to or less than 50%, Peoples shall not pay or declare any dividends nor make any payment or distribution on its capital stock, by purchase or otherwise, in money or other property;

5. The elimination by Peoples of appraisal write-ups of certain of its property; and

A public hearing having been held after appropriate notice, and the Commission having considered the record and having made and filed its findings and opinion herein;

It is ordered, That said application and declaration, as amended, be, and the same hereby are, granted and permitted to become effective, subject to the terms and conditions prescribed in Rule U-24 and to the following further conditions:

1. That Mississippi shall charge to Plant Adjustments (Account 107) as of March 31, 1945, the amount of $250,059, and shall immediately eliminate the amount so charged to Account 107 by a charge to its earned surplus;

2. That jurisdiction be, and it is hereby, reserved with respect to the carrying value on the books of Federal of its investment in securities of Mississippi; and

3. That the definition of "net property" contained in the proposed supplemental indenture of Peoples be amended to provide for deduction of Peoples' reserve for loss on sale of water properties in computing such "net property".

Federal, Mississippi and Peoples having requested that our order herein with respect to the proposed transactions contain recitals and specifications conforming with the requirements of sections 371 and 1808 of the Internal Revenue Code, as amended, and the Commission having found that said request may appropriately be granted; and

The Commission, by order dated August 29, 1944, in the matter of Federal Water and Gas Corporation and Alabama Water Service Company (File No. 70-736) having reserved jurisdiction to determine by subsequent order the expenditure or investment of a $750,000 balance of the proceeds of the sale of certain electric properties referred to in said order, or an amount equivalent thereto; and

Federal having proposed to use said $750,000 balance, or an amount equivalent thereto, for the expenditure or investment in 7,500 additional shares of the common stock, no par value, of Mississippi;

It is further ordered and recited, That said transactions, including the issuance by Mississippi Public Service Company of 7,500 shares of common stock, no par value, and the expenditure or investment by Federal Water and Gas Corporation of the $750,000 balance, as aforesaid, of the proceeds of the sale by Federal Water and Gas Corporation of certain electric utility properties located in Alabama pursuant to an order of this Commission dated August 29, 1944 (File No. 70-736) in the purchase of said 7,500 shares of stock are necessary and appropriate in the integration or simplification of the holding company system of which Federal Water and Gas Corporation, Mississippi Public Service Company and Peoples Water and Gas Company are members and are necessary and appropriate to effectuate the provisions of section 11 (b) of the Public Utility Holding Company Act of 1935, and that such transactions be completed within sixty days after the date of this order.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 45-17355; Filed, Sept. 18, 1945; 9:38 p. m.]

[File No. 70-1097]

FEDERAL WATER AND GAS CORP

ORDER GRANTING APPLICATION AND PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 14th day of September, A. D., 1945.

Federal Water and Gas Corporation, a registered holding company, having filed a declaration and application pursuant to the Public Utility Holding Company Act of 1935 and the rules and regulations promulgated thereunder, respecting a proposed sale by it of all the outstanding shares (42,500 shares) of the common stock of Peoples Water and Gas Company, a public utility company and a subsidiary of Federal Water and Gas Corporation, for $1,111,835 cash, and requesting an exception under paragraph (a) (5) of Rule U-50 from the competitive bidding requirements of that Rule with respect to the proposed sale; and

A public hearing having been held after appropriate notice, argument having been heard, and the Commission having considered the record and argument, and having made and filed its findings and opinion herein;

It is ordered, That said declaration be, and the same hereby is, permitted to become effective subject to the terms and conditions prescribed in Rule U-24.

It is further ordered, That the application for exception from the competitive bidding requirements of Rule U-50 be, and it is hereby, granted.

Federal Water and Gas Corporation having requested that our order herein with respect to the proposed transactions contain recitals and specifications conforming with the requirements of sections 371 and 1808 of the Internal Revenue Code, as amended, and the Commission having found that said request may appropriately be granted;

It is further ordered and recited, That the sale for $1,111,835 cash by Federal Water and Gas Corporation of the 42,500 shares of common stock without par value of Peoples Water and Gas Company to R. M. Sherritt is necessary and appropriate to the integration or simplification of the holding company system of which Federal Water and Gas Corporation and Peoples Water and Gas Company are members and is necessary and appropriate to effectuate the provisions of section 11 (b) of the Public Utility Holding Company Act of 1935.

It is further ordered and recited, That the proposed sale by Federal Water and Gas Corporation of the 42,500 shares of common stock without par value of Peoples Water and Gas Company be completed within 60 days after the date of this order, the Commission reserving jurisdiction to determine by subsequent order herein the expenditure or investment that shall be made within twenty-four months of said sale of the proceeds of said sale or amounts equivalent thereto as may hereafter be proposed by Federal Water and Gas Corporation and as may be shown to be necessary or appropriate to the integration or simplification of the holding company system of which Federal Water and Gas Corporation is a member.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 45-17356; Filed, Sept. 18, 1945; 9:38 a. m.]

[File No. 811-59]

NATIONAL SHAREHOLDERS CORP.

NOTICE OF AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pennsylvania on the 17th day of September, A. D. 1945.

An application, and an amendment thereto, having been filed by National Shareholders Corporation, a registered closed-end investment company, for an order declaring that the registration of such company under the Investment Company Act of 1940 cease to be in effect:

It is ordered, That a hearing on the aforesaid application and amendment be held on October 1, 1945 at 10 o'clock Eastern war time in the forenoon of that day at the Securities and Exchange Commission Building, Room 318, 18th and Locust Streets, Philadelphia, Pa.

It is further ordered, That William W. Swift or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearing on such matter. The officer so designated to preside at such hearing is hereby authorized to exercise all the powers granted to the Commission under sections 41 and 42 (b) of the Investment Company Act of 1940 and to trial examiners under the Commission's rules of practice.

Notice is hereby given to the applicant and to any other persons whose participation in such proceeding may be in the public interest or for the protection of investors.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 45-17357; Filed, Sept. 18, 1945; 9:38 a. m.]

[File No. 70-1071]

THE NORTH AMERICAN CO.

ORDER GRANTING APPLICATION AND PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa., on the 17th day of September 1945.

The North American Company, a registered holding company, having filed on August 22, 1945 its fifth amendment to its application and declaration, and thereafter from time to time further amendments, pursuant to sections 6 (a), 7, 9, 10 and 12 of the Public Utility Holding Company Act of 1935, regarding (a) the reoffering for sale by The North American Company, in accordance with the provisions of Rule U-50 promulgated under the Act, of 700,000 shares of common stock of Pacific Gas and Electric Company, a subsidiary company of The North American Company, (b) the application by The North American Company of the net proceeds of the proposed sale of such stock, together with other treasury funds, to the redemption of its 606,359 outstanding shares of Serial Preferred Stock, 6% Series, of the par value of $50 per share, at the redemption price of $55 per share, or an aggregate expenditure of $33,349,745, plus accrued dividends, (c) the proposed modification of its Loan Agreement, dated August 3, 1943, with The Chase National Bank of the City of New York and certain other banks, and (d) the purchase upon the New York Stock Exchange, the San Francisco Stock Exchange and the Los Angeles Stock Exchange of such number of shares of the common stock of Pacific Gas and Electric Company as The North American Company may deem appropriate, in order to stabilize the price of such shares on the day fixed by it for the opening of proposals for the purchase of said stock; and, The North American Company having requested that our order contain the recitals specified by Supplement R of Chapter I and section 1808 (f) of Chapter II of the Internal Revenue Code, as amended, by reciting that the sale by The North American Company of the Pacific Gas and Electric Company common stock and the redemption by The North American Company of its Serial Preferred Stock, 6% Series, are necessary or appropriate to effectuate the provisions of section 11 (b) of the act; and

The Commission having by order entered herein under date of September 4, 1945, granted the application, as amended, and permitted the declaration, as amended, to become effective subject to the condition that the proposed sale of the 700,000 shares of common stock of Pacific Gas and Electric Company by The North American Company shall not be consummated until the results of competitive bidding pursuant to Rule U-50 shall have been made a matter of record in this proceeding and a further order shall have been entered herein by this Commission in the light of the record as so completed; and

The records herein having been completed in respect of the matters heretofore reserved and it appearing that The North American Company received two proposals from two groups of underwriters for the purchase of the 700,000 shares of common stock of Pacific Gas and Electric Company, as follows:

Bidder and Price to Company

Dillon, Read & Co., Inc.: $38.961.
Blyth & Co., Inc.: $38.85.

And it appearing further that The North American Company has accepted the proposal of Dillon, Read & Co., Inc. and that said stock will be offered for sale to the public at a price of $40.00 per share resulting in an underwriters' spread of $1.039 per share.

The Commission finding that the sale and transfer by The North American Company of the said 700,000 shares of common stock of Pacific Gas and Electric Company and the application of the net proceeds from such sale, together with other funds, by The North American Company for the redemption of its outstanding shares of Preferred Stock 6% series are necessary or appropriate to effectuate the provisions of section 11 (b) of the Public Utility Holding Company Act of 1935 and a step in compliance with our order of April 14, 1942;

It is ordered, That the application, as amended, be and it is hereby granted,

and the declaration, as amended, be and it is hereby permitted to become effective forthwith, subject to those terms and conditions prescribed by Rule U-24.

It is further ordered, That the following transactions authorized and permitted by this order are necessary and appropriate to the integration or simplification of the holding company system of The North American Company, and are necessary and appropriate to effectuate the provisions of section 11 (b) of the Public Utility Holding Company Act of 1935:

(1) The sale and transfer by The North American Company of 700,000 shares of common stock, $25 par value, of Pacific Gas and Electric Company represented by Certificates Nos. TC1 to 6,888, inclusive, and TF1 to 570, inclusive, to the purchasers thereof as hereinabove provided at $38,961 per share.

(2) The expenditures or investment by The North American Company of the proceeds of such sale, amounting to $27,272,700, together with other funds, as a distribution by The North American Company in redemption of the 606,359 outstanding shares of its Preferred Stock, 6% Series, $50 par value.

It is further ordered, That jurisdiction be and the same is hereby reserved over all legal fees to be incurred in connection with the proposed transactions.

An opinion will issue in due course.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 45-17358; Filed, Sept. 18, 1945; 9:38 a. m.]

[File No. 59-15]

NORTHERN NEW ENGLAND CO. AND NEW ENGLAND PUBLIC SERVICE CO.

ORDER POSTPONING HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 17th day of September, 1945.

The Commission having, by order dated August 28, 1945, designated September 7, 1945 as the date for reconvening the above entitled proceedings at the Philadelphia office of the Commission for the purpose of adducing any additional evidence with respect to an amendment filed on July 16, 1945 by New England Public Service Company to its amended plan of reorganization and with respect to an application filed on the same date for an order pursuant to the applicable provisions of the Internal Revenue Code, as amended, regarding the sale by New England Public Service Company of its interests in New England Industries, Inc., Keyes Fibre Company and Bucksport Water Company; and

New England Public Service Company having requested that the hearings in this matter be postponed to September 13, 1945 and subsequently to September 19, 1945 and the Commission having granted such requests; and

New England Public Service Company having now requested a further postponement to a time and place hereafter to be designated by the Trial Examiner or the Commission, and it appearing appropriate to the Commission that the request be granted.

It is ordered, That the hearings in this matter, previously scheduled to reconvene on September 19, 1945, at 10:00 a. m., e. w. t., at the offices of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia 3, Pennsylvania, be and hereby are postponed to a time and place hereafter to be designated by the trial examiner or the Commission.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 45-17359; Filed, Sept. 18, 1945; 9:39 a. m.]

WAR PRODUCTION BOARD.

[C-244, as Amended Sept. 17, 1945]

QUIN-SE-WILLA BAR AND CLUB

CONSENT ORDER

On January 12, 1945, Consent Order C-244 was issued against B. A. Kirkland, doing business as Quin-Se-Willa Bar and Club at 3847 W. Beaver Street, Jacksonville, Florida, for violations of Conservation Order L-41 in the construction of three buildings on said premises. Construction of two of these buildings would now be permitted without authorization under the terms of Order L-41, as amended, and respondent asks leave to be permitted to complete them.

Wherefore, upon the agreement and consent of B. A. Kirkland for himself, his agents, associates, successors and assigns, the Regional Compliance Manager, Regional Attorney and upon the approval of the Commissioner, it is hereby ordered, that *Consent Order C-244* be amended to read as follows:

(a) B. A. Kirkland, individually or doing business as Quin-Se-Willa Bar and Club, or under any other name, his agents, associates, successors or assigns, shall not perform, permit or authorize any further construction on the two unit five-room apartment building located in the rear and to the east of the Quin-Se-Willa Bar and Club at 3847 W. Beaver Street, Jacksonville, Florida, unless hereafter specifically authorized to do so in writing by the War Production Board.

(b) Nothing contained in this order shall be deemed to relieve B. A. Kirkland, individually or doing business as Quin-Se-Willa Bar and Club, his successors or assigns from any restrictions, prohibitions or provisions contained in any other order or regulation of the War Production Board except insofar as the same may be inconsistent with the provisions hereof.

(c) This order shall take effect on the date of issuance.

Issued this 17th day of September 1945.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 45-17350; Filed, Sept. 17, 1945; 4:45 p. m.]

[C-372, Revocation]

LAWRENCE BROTHERS, INC.

CONSENT ORDER

Pursuant to an agreement between the above-named party, the Regional Compliance Chief and the Regional Attorney, Consent Order No. C-372 was issued June 27, 1945, in consequence of violations of Limitation Order No. L-335 and Priorities Regulation No. 3. Lawrence Brothers, Incorporated has applied for revocation of the consent order with the approval of the Regional Attorney and the Regional Compliance Chief.

The parties to the agreement having now agreed that such order should be revoked, it is hereby ordered that: *Consent Order No. C-372* be revoked.

Issued this 17th day of September 1945.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 45-17351; Filed, Sept. 17, 1945; 4:45 p. m.]

[Certificate 68, Revocation]

TRANSPORTATION OF LIGHT PETROLEUM PRODUCTS BY PIPELINE

The ATTORNEY GENERAL.

Pursuant to section 12 of Public Law No. 603, 77th Congress (56 Stat. 357), I hereby withdraw the certificate and finding dated May 22, 1943, concerning two proposed agreements, the first between Defense Plant Corporation, a corporation created by Reconstruction Finance Corporation pursuant to section 5 (d) of the Reconstruction Finance Corporation Act, as amended, and Florida Emergency Pipe Line Company, a corporation organized under the laws of the State of Florida, and the second between Defense Supplies Corporation, a corporation similarly created by Reconstruction Finance Corporation, Florida Emergency Pipe Line Company aforesaid and Southeastern Pipe Line Company, a corporation organized under the laws of the State of Delaware, both of which agreements relate to a program for effecting the transportation of light petroleum products from the Gulf Coast area to the Eastern Seaboard.

Dated: September 11, 1945.

J. A. KRUG,
Chairman.

[F. R. Doc. 45-17360; Filed, Sept. 18, 1945; 10:01 a. m.]

[Certificate 209, Revocation]

PETROLEUM COMPENSATORY ADJUSTMENT PROGRAM

The ATTORNEY GENERAL.

Pursuant to section 12 of Public Law No. 603, 77th Congress (56 Stat. 357), I hereby withdraw the certificate and finding dated October 31, 1944, with respect to a form of agreement proposed by the Defense Supplies Corporation for use in connection with that Corporation's Petroleum Compensatory Adjustment Program.

Dated: September 11, 1945.

J. A. KRUG,
Chairman.

[F. R. Doc. 45-17361; Filed, Sept. 18, 1945; 10:01 a. m.]

FEDERAL REGISTER

VOLUME 10 NUMBER 185

Washington, Thursday, September 20, 1945

The President

EXECUTIVE ORDER 9617

TRANSFER OF CERTAIN AGENCIES AND FUNCTIONS TO THE DEPARTMENT OF LABOR

By virtue of the authority vested in me by the Constitution and the statutes, including Title I of the First War Powers Act, 1941, and as President of the United States, it is hereby ordered as follows:

1. (a) Except as otherwise provided herein, all functions, agencies, officers, employees, records, property, and funds of the War Manpower Commission, established by Executive Order 9139 of April 18, 1942, are hereby transferred to the Department of Labor and shall be administered under the supervision, direction, and control of the Secretary of Labor.

(b) All of the functions of the Chairman of the War Manpower Commission, exclusive of so much thereof as relates to the functions of the Procurement and Assignment Service transferred by paragraph 5 of this order, are transferred to the Secretary of Labor.

(c) The War Manpower Commission is hereby terminated.

(d) In order to maintain the essential coordination of public employment service and unemployment compensation functions and to avoid any necessity for establishing duplicate public employment office facilities, the Department of Labor is directed to provide for making available to agencies charged with the administration of unemployment compensation laws such services, information, and facilities by the United States Employment Service as the Secretary of Labor shall find not inconsistent with the purposes of this order. To the extent that Federal funds under the jurisdiction of the Social Security Board are involved in the effectuation of this section, services, information, and facilities shall be furnished only when, and to the extent that the Social Security Board shall approve.

2. (a) The National War Labor Board, established by Executive Order 9017 of January 12, 1942, and all of its functions, officers, employees, records, property, and funds are hereby transferred to the Department of Labor and shall, except as otherwise provided in this order, be administered under the supervision, direction, and control of the Secretary of Labor.

(b) The National War Labor Board in the Department of Labor shall be in all respects subject to and governed by such policies, consistent with law, as the Secretary of Labor shall prescribe; and so much of the functions of the Board as is required to effectuate this subsection is transferred to the Secretary of Labor. The provisions of this section notwithstanding, decisions made by the National War Labor Board in individual cases brought before it pursuant to law shall not be subject to modification by the Secretary of Labor but shall have the same degree of finality as existed prior to the issuance of this order.

3. (a) The Retraining and Reemployment Administration, established by section 301 of the War Mobilization and Reconversion Act of 1944, and all of its functions, officers, employees, records, property, and funds are hereby transferred to the Department of Labor and shall be administered under the supervision, direction, and control of the Secretary of Labor.

(b) The functions of the Director of War Mobilization and Reconversion relating to the Retraining and Reemployment Administration are hereby transferred to the Secretary of Labor.

4. (a) The Secretary of Labor may perform the functions transferred to him by this order through such officials, persons, or agencies and in such manner as he shall determine.

(b) The United States Employment Service and all functions in the Department of Labor relating to employment service, the National War Labor Board and its functions, and the Retraining and Reemployment Administration and its functions shall be administered as organizational entities within the Department of Labor. All other functions transferred to the Department of Labor by this order shall be administered, and the internal staff and service activities relating to the aforesaid agencies may be administered, by such agencies in the Department of Labor as the Secretary

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NOTICE

1944 Supplement

Book 1 of the 1944 Supplement to the Code of Federal Regulations, containing Titles 1–10, including Presidential documents in full text, is now available from the Superintendent of Documents, Government Printing Office, at $3.00 per copy.

A limited sales stock of the Cumulative Supplement and the 1943 Supplement is still available as previously announced.

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may designate or establish for the purpose.

5. The functions of the Procurement and Assignment Service of the War Manpower Commission and the functions of the Chairman of the War Manpower Commission with respect thereto are hereby transferred to the Federal Security Administrator. There shall be transferred to the Federal Security Agency, for use in connection with such functions, all of the personnel of the Procurement and Assignment Service, and so much of the other personnel of the War Manpower Commission and so much of the records, property, and funds of the War Manpower Commission as the Director of the Bureau of the Budget shall determine to relate primarily to the Procurement and Assignment Service.

6. All prior regulations, rulings, and other directives relating to any agency or function transferred by this order shall remain in effect except insofar as they are in conflict with this order or are hereafter amended under proper authority.

7. Such further measures and dispositions as may be determined by the Director of the Bureau of the Budget to be necessary to effectuate the transfer or redistribution of the functions provided for in this order shall be carried out in such manner as the Director may direct and by such agencies as he may designate.

8. All provisions of prior Executive orders which are in conflict with this order are amended accordingly: provided that no functions or duties of any agency or officer not expressly transferred hereunder shall be deemed to have been transferred or modified by this order.

HARRY S. TRUMAN

THE WHITE HOUSE,
September 19, 1945.

[F. R. Doc. 45-17525; Filed, Sept. 19, 1945; 12:14 p. m.]

EXECUTIVE ORDER 9618

APPOINTMENT OF EDWIN G. ARNOLD, DIRECTOR, DIVISION OF TERRITORIES AND ISLAND POSSESSIONS, DEPARTMENT OF THE INTERIOR, AS ADMINISTRATOR OF THE PUERTO RICO RECONSTRUCTION ADMINISTRATION

By virtue of the authority vested in me under the Emergency Relief Appropriation Act of 1935 (49 Stat. 115, 118) and the act entitled "An Act to provide that funds allocated to Puerto Rico under the Emergency Relief Appropriation Act of 1935 may be expended for permanent rehabilitation, and for other purposes", approved February 11, 1936 (49 Stat. 1135), I hereby appoint Edwin G. Arnold, Director, Division of Territories and Island Possessions, Department of the Interior, as Administrator of the Puerto Rico Reconstruction Administration, vice Benjamin W. Thoron, resigned, to serve without additional compensation, and to exercise and discharge the functions, duties, and authority conferred upon the Puerto Rico Reconstruction Administration and the Administrator by Executive Orders No. 7057 of May 28, 1935, No. 7180 of September 6, 1935, as amended by No. 7554 of February 17, 1937, and No. 7689 of August 12, 1937.

The said Executive orders are hereby amended accordingly.

HARRY S. TRUMAN

THE WHITE HOUSE,
September 19, 1945.

[F. R. Doc. 45-17527; Filed, Sept. 19, 1945; 12:14 p. m.]

EXECUTIVE ORDER 9619

AMENDING SUBDIVISION VII OF SCHEDULE A OF THE CIVIL SERVICE RULES

By virtue of the authority vested in me by section 2 of the Civil Service Act (22 Stat. 403), it is ordered that Subdivision VII, Schedule A of the Civil Service Rules be, and it is hereby, amended by the addition of the following paragraph:

"11. One private secretary to the Executive Assistant to the Postmaster General."

HARRY S. TRUMAN

THE WHITE HOUSE,
September 19, 1945.

[F. R. Doc. 45-17526; Filed, Sept. 19, 1945; 12:15 p. m.]

Regulations

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 18—WAR SERVICE REGULATIONS

WAR REEMPLOYMENT LIST

Section 18.14 *War Reemployment List*, and the procedures and policies governing the operation of this list (5 CFR 1944 Supp.) are repealed.

(E.O. 9063 as amended by E.O. 9378, 8 F.R. 13037)

By the United States Civil Service Commission.

[SEAL] LUCILLE FOSTER MCMILLIN,
Acting President.

SEPTEMBER 17, 1945.

[F. R. Doc. 45-17465; Filed, Sept. 19, 1945; 9:41 a. m.]

PART 50—SCHEDULE A: NONCLASSIFIED POSITIONS EXCEPTED FROM EXAMINATIONS UNDER § 2.3 (b)

PRIVATE SECRETARY TO EXECUTIVE ASSISTANT TO POSTMASTER GENERAL

CROSS REFERENCE: For addition of paragraph (k) to § 50.7 see Executive Order 9619, *supra*.

TITLE 7—AGRICULTURE

Chapter XI—War Food Distribution Orders

[WFO 79, Partial Termination of Director's Order 79-55]

PART 1401—DAIRY PRODUCTS

CONSERVATION AND DISTRIBUTION OF FLUID MILK AND CREAM

Those provisions of Director's Order No. 79–55, as amended, issued pursuant to the provisions of War Food Order No. 79, dated September 7, 1943, as amended (8 F.R. 12426, 13283, 9 F.R. 4321, 4319, 6982, 9549, 10035, 11990, 10 F.R. 103, 5347, 10275, 10419), which require the transmission of reports and the keeping and making available of records are terminated effective at 12:01 a. m., e. w. t., September 21, 1945.

With respect to violations of said War Food Order 79, as amended, or War Food Order No. 79–55, as amended, issued pursuant thereto, rights accrued, liabilities incurred, or appeals taken thereunder, prior to the effective time hereof, all pro-

visions of said order in effect prior to the effective time hereof shall continue in full force and effect for the purpose of sustaining any proper suit, action, or other proceeding with respect to any such violation, right, liability, or appeal.

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423; E.O. 9392, 8 F.R. 14783; E.O. 9577, 10 F.R. 8087; WFO 79, as amended and as partially suspended, 8 F.R. 12426, 13283; 9 F.R. 4321, 4319, 6982, 9459, 10035, 11990, 10 F.R. 103, 5347, 10275, 10419)

Issued this 18th day of September 1945.

[SEAL] C. W. KITCHEN,
Assistant Administrator,
Production and
Marketing Administration.

[F. R. Doc. 45-17442; Filed, Sept. 18, 1945; 3:50 p. m.]

TITLE 10—ARMY: WAR DEPARTMENT

Chapter IV—Military Education

PART 403—PROMOTION OF RIFLE PRACTICE

ISSUES OF RIFLES TO SCHOOLS AND CIVILIAN RIFLE CLUBS

The following amendments to the regulations contained in Part 403 are hereby prescribed.

1. In § 403.1 (b) (1) the tenth item in the table is amended to read as follows:

§ 403.1 *Issues of rifles, ammunition, etc., to schools.* * * *

(b) *Kinds of equipment to be issued.* (1) The arms to be issued and the accessories, appendages, and pertaining equipment are as follows:

Service	Articles	Remarks
*	* * *	*
NB....	Rifle, cal. .22[1]	2 per school.[2]
*	* * *	*

[1] Rifle, U. S. cal. .22 M11 and/or any rifle, cal. .22 available at time of issue.

[2] Where the number of members of any one school who participate in target practice in any one year does not exceed 10. If more than 10 members of school participate in target practice in any one year then 1 additional rifle for each additional 5 of such members, the total of such rifles issued not to exceed 10 to any school.

2. In § 403.2 (b) (3) (i) the first item in the table is amended to read as follows:

§ 403.2 *Issues of rifles, ammunition, etc., to civilian rifle clubs.* * * *

(b) *Issues.* * * *

(3) *Initial and annual issue.* To each junior rifle club, so far as appropriations will permit, not more than the following

(i) *Initial issue.*

Service	Articles	Remarks
NB..	Rifle, cal .22[1]	2 per club.[2]
*	* * *	*

[1] Rifle, U. S., cal. .22M1922M11 and/or any rifle, cal. .22 available at time of issue.

[2] Where the number of members of any junior rifle club who participate in target practice in any one year does not exceed 10. If more than 10 members of junior rifle club participate in target practice in any one year then 1 additional rifle for each additional 5 of such members, the total of such rifles issued not to exceed 10 to any junior club.

(43 Stat. 510; 32 U.S.C. 181) [AR 850-100 10 May 1940 as amended by C 1, 8 Sep 1945]

[SEAL] EDWARD F. WITSELL,
Major General,
Acting The Adjutant General.

[F. R. Doc. 45-17444; Filed, Sept. 18, 1945; 3:49 p. m.]

TITLE 30—MINERAL RESOURCES

Chapter VI—Solid Fuels Administration for War

[SFAW Reg. 27, Amdt. 3]

PART 602—GENERAL ORDERS AND DIRECTIVES

REPORTS BY PRODUCERS AND COMMERCIAL DOCK OPERATORS

Correction

In Federal Register Document 45-10314, which appears on page 7115 of the issue for Thursday, June 14, 1945, the second paragraph of amending text should contain a reference to § 602.709 instead of to § 602.708.

TITLE 32—NATIONAL DEFENSE

Chapter IX—War Production Board

AUTHORITY: Regulations in this chapter unless otherwise noted at the end of documents affected, issued under sec. 2 (a), 54 Stat. 676, as amended by 55 Stat. 236, 56 Stat. 177, 58 Stat. 827; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; E.O. 9599, 10 F.R. 10155; W.P.B. Reg. 1 as amended Dec. 31, 1943, 9 F.R. 64.

PART 1010—SUSPENSION ORDERS

[Suspension Order S-745, Revocation]

BELL LUMBER CO.

Suspension Order No. S-745 was issued against Bell Lumber Company, 5251 East Outer Drive, Detroit, Michigan, engaged as a distributor of lumber. It appealed for a rehearing on April 18, 1945 and pending final determination, a stay was granted on June 2, 1945 by Deputy Chief Compliance Commissioner Bok, who recommended that the case be remanded to Regional Compliance Commissioner Waite. Upon further consideration by Commissioner Waite, it was recommended that the case be closed.

In view of the foregoing, it is hereby ordered, that: § 1010.745 *Suspension Order No. S-745*, be revoked.

Issued this 18th day of September 1945.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 45-17463; Filed, Sept. 18, 1945; 4:30 p. m.]

PART 1010—SUSPENSION ORDERS

[Suspension Order S-845, Revocation]

BROWN WHOLESALE ELECTRIC CO.

Suspension Order No. S-845 was issued against Brown Wholesale Electric Company, 319 East Second Street, Los Angeles, California, a corporation engaged in the selling of electrical fixtures and supplies. An appeal was filed with the Chief Compliance Commissioner on July 23, 1945 and, pending final determination of the appeal, a stay was granted on July 24, 1945. The appeal has been considered by Deputy Chief Compliance Commissioner Curtis Bok, who has directed that the suspension order be revoked.

In view of the foregoing, it is hereby ordered, that: § 1010.845 *Suspension Order No. S-845* be revoked.

Issued this 18th day of September 1945.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 45-17381; Filed, Sept. 18, 1945 11:32 a. m.]

PART 1010—SUSPENSION ORDERS

[Suspension Order S-849; Revocation]

COURTESY WHOLESALE ELECTRIC CO.

Suspension Order No. S-849 was issued against Rubin Brown, trading as the Courtesy Wholesale Electric Company, Alhambra, California, engaged in wholesale electrical supplies. An appeal was filed with the Chief Compliance Commissioner on July 23, 1945 and, pending final determination of the appeal, a stay was granted on July 24, 1945. The appeal has been considered by Deputy Chief Compliance Commissioner Curtis Bok, who has directed that the suspension order be revoked.

In view of the foregoing, it is hereby ordered, that: § 1010.849 *Suspension Order No. S-849* be revoked.

Issued this 18th day of September 1945.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 45-17382; Filed, Sept. 18, 1945; 11:32 a. m.]

PART 1010—SUSPENSION ORDERS

[Suspension Order S-863, Amdt. 1]

ST. ANNE FREEZING AND PROCESSING CO.

Mary Lucido Harder, doing business as St. Anne Freezing and Processing Company, San Francisco, California, has appealed from the suspension order. The Chief Compliance Commissioner has reviewed the case, and has concluded that the effect of the suspension order will be to suspend the respondent for two years unless it is modified. He, therefore, on September 17, 1945, directed that the suspension order be amended to terminate on February 28, 1946.

In view of the foregoing, it is hereby ordered, that: § 1010.863, *Suspension Order No. S-863*, issued July 24, 1945 and effective August 3, 1945, be and hereby is amended by substituting the following paragraph (a) for the present paragraph (a):

(a) From August 3, 1945 to February 28, 1946, Mary Lucido Harder, doing business as St. Anne Freezing and Processing Company, or otherwise, her heirs, assigns, agents and employees, shall not use the facilities located at Pier 92, San Francisco, California, that is, the construction and equipment built and installed by Respondent in that location as a fish reduction plant, or use said facilities to reduce offal or whole fish; providing, however, that said facilities may be used to reduce offal produced from salting and fish freezing operations conducted on said premises.

Issued this 19th day of September 1945.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 45-17522; Filed, Sept. 19, 1945; 11:36 a. m.]

PART 1010—SUSPENSION ORDERS

[Suspension Order S-901]

CARL GUTMANN & CO.

Carl Gutmann & Company, a partnership consisting of Herman Rottenberg, Marcus Rottenberg, Rosalie Rottenberg, Charlotte Rottenberg, Samuel Bergman and Ruth Bergman, is engaged in the manufacture and jobbing of women's and children's clothing at 132 West 36th Street, New York City. During the months of January and February, 1945, the partners knowingly purported to apply a preference rating of AA-3 to purchase orders for 494,600 lbs. of cotton yarn, and 236,000 lbs. of wool yarn, although they were not entitled to do so, and upon such unauthorized use of the foregoing rating obtained 103,631 lbs. of cotton yarn and 59,779¼ lbs. of wool yarn, in violation of Priorities Regulation No. 3. The partners of the Carl Gutmann & Company were familiar with the provisions of Priorities Regulation No. 3 and their actions constituted willful violations thereof.

These violations have diverted critical materials to uses not authorized by the War Production Board. In view of the foregoing, it is hereby ordered, that:

§ 1010.901 *Suspension Order No. S-901.* (a) Herman Rottenberg, Marcus Rottenberg, Rosalie Rottenberg, Charlotte Rottenberg, Samuel Bergman and Ruth Bergman, their successors and assigns, shall not from the effective date of this order, to and including November 30, 1945, apply or extend any preference ratings regardless of the delivery date named in any purchase order to which such ratings may be assigned, applied or extended.

(b) Herman Rottenberg, Marcus Rottenberg, Rosalie Rottenberg, Charlotte Rottenberg, Samuel Bergman and Ruth Bergman shall cancel immediately all purchase orders which have not yet been filled, except that if they have extended a customer's rating to get an item for delivery, without change in form, to that customer (as distinct from replacing it in inventory) they need not cancel the rating provided the item when received is promptly delivered to the customer whose rating was extended.

(c) All preference ratings, allotments and allocations presently outstanding in connection with purchase orders or placed by Carl Gutmann & Company prior to the termination of this order, are void and shall not be given any effect by suppliers of said Carl Gutmann & Company, by any other person or persons.

(d) Nothing contained in this order shall be deemed to relieve Herman Rottenberg, Marcus Rottenberg, Rosalie Rottenberg, Charlotte Rottenberg, Samuel Bergman and Ruth Bergman from any restriction prohibition or provision contained in any other order or regulation of the War Production Board except insofar as the same may be inconsistent with the provisions hereof.

(e) The restrictions and prohibitions contained herein shall apply to Herman Rottenberg, Marcus Rottenberg, Rosalie Rottenberg, Charlotte Rottenberg, Samuel Bergman and Ruth Bergman, doing business as Carl Gutman and Company or otherwise, their successors and assigns, or persons acting on their behalf. Prohibitions against the taking of any action include the taking indirectly as well as directly of any such action.

(f) This order shall take effect on September 19, 1945.

Issued this 12th day of September 1945.

WAR PRODUCTION BOARD
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 45-17523; Filed, Sept. 19, 1945; 11:36 a. m.]

PART 1010—SUSPENSION ORDERS

[Suspension Order S-904]

OHIO VALLEY LUMBER CO.

Ohio Valley Lumber Company, a Pennsylvania corporation, with its principal office at 328 14th Street, Ambridge, Pennsylvania, is engaged in the retail sale of lumber and other building materials. Between August 1, 1944 and December 31, 1944, it placed rated orders or purported to apply or extend preference ratings to orders, although not entitled to do so, to the extent of 288,666 board feet, in violation of Priorities Regulation No. 3. The responsible officer of the corporation was aware of the provisions of Priorities Regulation No. 3 and its action constituted grossly negligent violations thereof.

This unauthorized use of preference ratings to get lumber has diverted scarce material to uses not authorized by the War Production Board. In view of the foregoing, it is hereby ordered, that:

§ 1010.904 *Suspension Order No. S-904.* (a) Ohio Valley Lumber Company, its successors or assigns, shall cancel immediately all preference ratings which it has applied or extended to orders for lumber and which have not yet been filled. This does not apply to material already delivered or in transit for delivery on the effective date of this order.

(b) Ohio Valley Lumber Company, its successors or assigns, shall not extend preference ratings unless such extensions are of ratings actually received from its customers on and after the effective date of this order.

(c) Nothing contained in this order shall be deemed to relieve Ohio Valley Lumber Company, its successors or assigns, from any restriction, prohibition or provision contained in any other Order or regulation of the War Production Board except insofar as the same may be inconsistent with the provisions hereof.

(d) This order shall take effect on September 19, 1945.

Issued this 12th day of September 1945.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 45-17524; Filed, Sept. 19, 1945; 11:36 a. m.]

Chapter XI—Office of Price Administration

PART 1315—RUBBER AND PRODUCTS AND MATERIALS OF WHICH RUBBER IS A COMPONENT

[MPR 132, Amdt. 11]

RUBBER FOOTWEAR

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.

Table I in § 1315.70 (a) (2) is amended to read as follows:

TABLE I—CERTAIN WATERPROOF RUBBER FOOTWEAR PRODUCED AFTER FEBRUARY 10, 1942

(Prices from which discounts must be deducted)

Type	*Price per pair*
Boots, other than severe occupational:	
Men's short, 14''	$2.85
Men's short, 15''	3.00
Boys' short	2.95
Youths' short	2.80
Women's short	2.45
Women's short, dress	2.90
Misses' short	1.05
Child's short	1.45
Men's Stormking	4.05
Boys' Stormking	3.80
Youths' Stormking	3.65
Men's hip	4.65
Men's legging, short	3.60
Men's fishing	6.00
Women's fishing	5.55
Men's short, snug ankle	3.75
Men's fishing, snug ankle	6.15
Men's duck hunter	6.15
Waders:	
Men's wading shoe, cleated sole, canvas top	3.00
Men's wading shoe, molded felt sole, canvas top	5.05
Men's rubber surface, stocking foot	9.25
Men's black body boot	12.00
Men's reversible, stocking foot	13.50
Men's rubber surface, boot foot	13.05
Men's jeans, covered pants and boots	18.80
Men's jeans, covered pants and rubber boot foot	13.50
Pacs and Lumbermen's Overs:	
Men's black 15'' lace mine pac	4.35
Men's black 15'' lace mine pac, steel toe	4.85
Men's black 10'' mine pac	3.55
Men's black 10'' mine pac, safety toe	3.85
Men's black 10'' mine pac, steel toe	4.05
Men's lace 15'' molded sole, plain toe	5.30
Men's over-the-shoe, laced	4.05
Men's toplace 16'', snug ankle	3.80
Men's toplace 12'', snug ankle	3.50
Men's toplace 12''	3.20

Type	Price per pair
Pacs and Lumbermen's Overs—Con.	
Men's toplace 16", molded sole	$4.25
Men's toplace 12", molded sole	3.95
Men's lumberman's over, half heel (rubber part only)	2.10
Boys' lumberman's over (rubber part only)	1.95
Youths' lumberman's over (rubber part only)	1.80
Men's black 2-buckle perfection	2.80
Men's 1-buckle perfection	2.80
Arctics:	
Men's 5-buckle rubber, heavy duty	3.95
Men's 4-buckle rubber, heavy duty	3.55
Men's 5-buckle rubber, net, farm-weight	3.70
Men's 4-buckle rubber, net, farm-weight	3.25
Men's 4-buckle rubber, fleece, farm-weight	3.40
Boys' 4-buckle rubber, net, farm-weight	2.95
Men's 4-buckle rubber, farmweight (blucher)	3.25
Men's 5-buckle rubber, midweight bal, net lined	3.40
Men's 5-buckle rubber, midweight bal, fleece lined	3.50
Men's 4-buckle rubber, midweight bal, net lined	3.00
Men's 4-buckle rubber, midweight bal, fleece lined	3.10
Men's 4-buckle cloth, heavy duty	3.55
Men's 4-buckle cloth, farmweight, blucher	3.00
Men's 2-buckle rubber, net, farm-weight	2.55
Men's 1-buckle rubber, snow excluder	2.35
Men's 1-buckle cloth, farmweight	2.10
Women's 1-buckle cloth	1.80
Men's 5-buckle rubber, medium weight	3.25
Men's 4-buckle rubber, medium weight	2.85
Men's 4-buckle rubber bal, lightweight	2.50
Men's 4-buckle rubber bal, lightweight, strap	2.45
Boys' 4-buckle rubber, lightweight	2.30
Youth's 4-buckle rubber, lightweight	2.10
Women's 4-buckle rubber bal, lightweight	2.20
Misses' 4-buckle rubber, lightweight	2.10
Child's 4-buckle rubber, lightweight	2.00
Boys' 3-buckle rubber bal, lightweight	2.25
Youths' 3-buckle rubber bal, lightweight	2.10
Misses' 3-buckle rubber, lightweight	2.00
Child's 3-buckle rubber, lightweight	1.90
Men's 4-buckle height rubber, lightweight, slide	2.65
Men's high slide rubber	2.90
Boys' high slide rubber	2.50
Men's low slide rubber	2.50
Men's 4-buckle cloth, lightweight, cashmerette	3.00
Men's high slide cloth, lightweight	3.70
Men's 4-buckle cloth bal, lightweight	2.75
Boys' 3-buckle cloth, cashmerette	2.20
Boys' 3-buckle cloth, jersey	2.00
Youths' 3-buckle cloth, cashmerette	2.00
Youths' 3-buckle cloth, jersey	1.85
Men's 1-buckle cloth, lightweight	1.90
Men's low slide cloth, lightweight	3.40
Galters:	
Men's over-the-shoe boot type	2.45
Women's over-the-shoe boot, 10½"	2.00
Misses' over-the-shoe boot 9"	1.90
Child's over-the-shoe boot 8"	1.80
Women's laced velveteen boot, fur trim	3.65
Women's warm lined (shearling)	3.30
Women's high slide rubber	2.55

Type	Price per pair
Galters—Continued.	
Misses' high slide rubber	$2.30
Child's high slide rubber	2.20
Women's high slide rubber overboot	2.45
Women's 2 snap height slide rubber	1.50
Women's low slide rubber	1.75
Misses' low slide rubber	1.75
Child's low slide rubber	1.75
Women's 2 snap rubber	1.25
Misses' 2 snap rubber	1.25
Child's 2 snap rubber	1.25
Growing girls' strap type rubber	1.65
Misses' strap type rubber	1.50
Child's strap type rubber	1.45
Women's rubber oxford, cloth lined	1.10
Women's rubber oxford unlined	1.20
Rubbers:	
Men's work, heavy duty	1.80
Men's 2 buckle work, farmweight	2.10
Men's work, farmweight	1.65
Boys' work, farmweight	1.50
Men's work, storm and/or semi-storms	1.40
Boys' work, storms and/or semi-storms	1.35
Men's 2 buckle work	1.85
Men's storm, cloth top, wool jersey	1.75
Men's storm, cloth top, cotton jersey	1.40
Men's rubber oxford	1.40
Men's unlined clog	1.30
Men's unlined over	1.30
Women's unlined over	1.10
Misses' unlined over	1.00
Child's unlined over	.95
Men's storms and/or S. A. overs and clogs, full lined	1.15
Boys' storms and overs, full lined	1.10
Youths' storms and overs, full lined	1.00
Women's overs, full lined	.95
Growing girls' storms, full lined	.95
Misses' storms, full lined	.88
Child's storms, full lined	.83
Women's footholds, calendered sole	.63
Rubbers, special construction:	
Men's sandal, molded	.63
Men's clog, molded	.55
Women's footholds, molded	.20
Women's footholds, latex, black, including pouch	.79
Women's footholds, latex, spotted, including pouch	.92
Severe Occupational Boots and Work Shoes:	
Men's black short boot	3.40
Men's black short boot, steel toe	3.90
Men's black stormking boot	4.70
Men's black stormking boot, steel toe	5.20
Men's stormking, irrigation	5.30
Men's black short fire fighter boot, duck	4.65
Men's short boot, fire fighter, felt lined	5.85
Men's black stormking fire fighter boot, duck lined	6.25
Men's black stormking fire fighter boot, felt lined	6.85
Men's black hip and thigh boot	5.30
Men's black hip and thigh boot, steel toe	5.80
Men's black work shoe	3.25
Men's black work shoe, steel toe	3.75
Men's black body boot	12.00
Neoprene Coated, Par-Grip Sole:	
Men's short boot, steel toe	4.65
Men's stormking boot, steel toe	6.20
Men's hip boot, steel toe	6.90
Men's rubber work shoe, steel toe	4.15

This amendment shall become effective September 24, 1945.

Issued this 19th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-17500; Filed, Sept. 19, 1945; 11:23 a. m.]

PART 1499—COMMODITIES AND SERVICES

[2d Rev. SR 14[1], Amdt. 13]

PANCREAS GLANDS AND ANIMAL BILE

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.

Second Revised Supplementary Regulation No. 14 is amended in the following respects:

1. The title of section 1.2 is amended to read as follows:

SEC. 1.2 *Maximum prices for sales and deliveries of pancreas glands and or animal bile (animal gall).*

2. Paragraph (a) of section 1.2 is amended to read as follows:

(a) *Applicability.* This section applies to any person who sells or delivers hog, calf and cattle pancreas glands, and to any person who sells or delivers liquid and/or concentrated animal bile (animal gall) from cattle, calves, hogs, sheep or lambs.

3. Paragraph (b) of section 1.2 is amended to read as follows:

(b) *Definitions*—(1) *Hog, calf and cattle pancreas glands.* As used in this section 1.2, hog, calf and cattle pancreas glands means pancreas glands obtained from the slaughter of hogs, calves (produced from dressed veal carcasses of a weight not in excess of 275 pounds, hides off), and cattle, and selected in accordance with standard commercial practices. The glands shall be trimmed, free from fat and tissue, and shall be individually frozen and packed in suitable shipping containers.

(2) *Animal bile (animal gall).* As used in this section 1.2, animal bile (animal gall) means the liquid secretion from the liver which remains stored in the gall bladder of calves, cattle, hogs, sheep or lambs following slaughter, which is collected and saved for sale either in the form of liquid bile (fresh or frozen) or concentrated bile. If sold as liquid bile, the secretion shall contain not less than 8 percent solids. If sold as concentrated bile, the secretion shall contain not less than 75 percent solids.

4. Paragraph (c) of section 1.2 is amended by designating the part thereof following the italicized words "*Maximum prices.*" as subparagraph (1).

5. Subparagraph (2) of section 1.2 (c) is added to read as follows:

(2) For sales and deliveries after September 24, 1945, of animal bile (animal gall), the applicable maximum selling prices, f. o. b. shipping point, shall be as follows:

Liquid bile (fresh or frozen), packed in tierces, $0.35 per gallon.

Concentrated bile, packaged, $0.35 per pound.

This amendment shall become effective September 24, 1945.

Issued this 19th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-17505; Filed, Sept. 19, 1945; 11:24 a. m.]

PART 1364—FRESH, CURED AND CANNED MEAT AND FISH PRODUCTS

[MPR 355, Amdt. 28]

RETAIL CEILING PRICES FOR BEEF, VEAL, LAMB AND MUTTON CUTS AND ALL VARIETY MEATS AND EDIBLE BY-PRODUCTS

A statement of the Considerations involved in the issuance of this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.

Maximum Price Regulation No. 355 is amended in the following respects:

1. Section 20 (a) (1) (xi) is added to read as follows:

(xi) "Peppered beef hams (insides, outsides, knuckles)" means corned (cured) beef hams (insides, outsides and knuckles) as defined in Section 1364.452 (p) (7) (ix) of Revised Maximum Price Regulation No. 169, except that the cured weight shall not exceed the green weight by more than 5 percent, and they shall be derived from rounds of commercial grade or better. The hams shall be cooked or smoked and peppered or spiced in accordance with standard commercial practice. The cooked and smoked weight shall not exceed 65 percent of the cured weight.

2. Section 20 (a) (6) (iii) is added to read as follows:

(iii) "Plate (corner piece) or Roumanian pastrami" means the corner piece (breast side) of the short plate of commercial, good or choice grade beef described in Section 1364.452 (p) (7) (xv) of Revised Maximum Price Regulation No. 169. It shall be cured in accordance with standard commercial practice. The cured weight shall not exceed the green weight by more than 5 percent. The smoked or cooked weight shall not exceed 67 percent of the cured weight. Peppers and/or spices shall be applied in accordance with standard commercial practice.

3. Section 20 (a) (7) (iii) is amended to read as follows:

(iii) "Cooked corned beef brisket (boneless) (deckle on)" means corned (cured) boneless brisket (deckle on) as defined in § 1364.452 (p) (7) (iv) of Revised Maximum Price Regulation No. 169 which has been cooked and is ready to serve without additional cooking. The cooked weight shall not exceed 65 percent of the cured weight of the boneless brisket (deckle on).

4. Section 20 (a) (8) (ix) and (x) are added to read as follows:

(ix) "Shoulder clod pastrami" means shoulder clod derived from commercial, good or choice grade regular chuck which has been cured and smoked according to standard commercial practice. The clod shall be separated from the chuck in the manner described in § 1364.452 (p) (7) (viii) of Revised Maximum Price Regulation No. 169. All outside fat shall be removed to within ½ inch of the lean.

The upper end of the clod shall be rounded in a smooth curve with all ragged pieces trimmed off. The cured weight shall not exceed the green weight by more than 5 percent. The smoked and cooked weight shall not exceed 65 percent of the cured weight. Peppers and/or spices shall be applied in accordance with standard commercial practice.

(x) "Chuck roll pastrami" means that portion of lean meat derived from commercial, good or choice grade regular chuck described in § 1364.452 (p) (7) (xiv) of Revised Maximum Price Regulation No. 169. The width of the chuck roll shall not exceed eight inches. It shall be prepared and cured according to standard commercial practice. No intercostal meat, loose or ragged pieces of meat shall be included in the chuck roll and it shall be tied with at least four loops of string. The cured weight shall not exceed the green weight by more than 5 percent. The cooked or smoked weight shall not exceed 65 percent of the cured weight. Peppers and/or spices shall be applied in accordance with standard commercial practice.

5. Section 20 (a) (10) is amended to read as follows:

(10) "Ground beef" (hamburger, hamburg steak, hamburger steak, chili meat) means ground, chopped or comminuted fresh beef only derived from the skeletal portion of the dressed carcass (but not including head meat) which contains no offal, added blood, cartilage, bone, cereal product, water or ice, or any adulterant or other foreign substance except seasoning, and which does not have a fat content in excess of 28 percent by chemical analysis. "Ground beef" shall be ground twice, the final grinding through a plate with holes not more than 3/16 of an inch in diameter, or 3/8 of an inch in the case of chili meat, or chopped in a rotary cutter or by other means giving equivalent results.

6. Section 20 (e) is added to read as follows:

(e) For any retail beef, veal, lamb or mutton cut which has been cut in a manner not authorized by this Maximum Price Regulation No. 355 or which does not satisfy the specifications required for such cut or for any such retail cut made from cuts or portions or grades of beef, veal, lamb or mutton not authorized by this Maximum Price Regulation No. 355, the ceiling price for such cut shall be a price no higher than the ceiling price established in this regulation for the lowest priced retail cut of beef, veal, lamb or mutton, as the case may be.

7. Part III of section 22 (a) is amended by the addition of a new item 16 to read as follows:

	Choice or AA	Good or A	Commercial or B	Utility or C	Cutter and Canner or D
16. Peppered beef or pastrami (shoulder clod, chuck roll, plate corner piece, Ham sets, insides, outsides or knuckles)	94	94	94	------	------

8. Part III of section 22 (b) is amended by the addition of a new item 16 to read as follows:

	Choice or AA	Good or A	Commercial or B	Utility or C	Cutter and Canner or D
16. Peppered beef or pastrami (shoulder clod, chuck roll, plate corner piece, Ham sets, insides, outsides or knuckles)	81	81	81	------	------

9. Part III of section 22 (b) (1) is amended by the addition of a new item to read as follows:

	Choice or AA	Good or A	Commercial or B	Utility or C	Cutter and Canner or D
Peppered beef or pastrami (shoulder clod, chuck roll, plate corner piece, Ham sets, insides, outsides or knuckles)	78	78	78	------	------

10. Part III of section 22 (c) is amended by the addition of a new item 16 to read as follows:

	Choice or AA	Good or A	Commercial or B	Utility or C	Cutter and Canner or D
16. Peppered beef or pastrami (shoulder clod, chuck roll, plate corner piece, Ham sets, insides, outsides or knuckles)	91	91	91	------	------

11. Part III of section 22 (d) is amended by the addition of a new item 16 to read as follows:

	Choice or AA	Good or A	Commercial or B	Utility or C	Cutter and Canner or D
16. Peppered beef or pastrami (shoulder clod, chuck roll, plate corner piece, Ham sets, insides, outsides or knuckles)	78	78	78	------	------

12. Part III of section 22 (d) (1) is amended by the addition of a new item to read as follows:

	Choice or AA	Good or A	Commercial or B	Utility or C	Cutter and Canner or D
Peppered beef or pastrami (shoulder clod, chuck roll, plate corner piece, Ham sets, insides, outsides or knuckles)	75	75	75	.....	.....

13. Part III of section 22 (e) is amended by the addition of a new item 16 to read as follows:

	Choice or AA	Good or A	Commercial or B	Utility or C	Cutter and Canner or D
16. Peppered beef or pastrami (shoulder clod, chuck roll, plate corner piece, Ham sets, insides, outsides or knuckles)	86	86	86	.....	.....

14. Part III of section 22 (f) is amended by the addition of a new item 16 to read as follows:

	Choice or AA	Good or A	Commercial or B	Utility or C	Cutter and Canner or D
16. Peppered beef or pastrami (shoulder clod, chuck roll, plate corner piece, Ham sets, insides, outsides or knuckles)	74	74	74	.....	.....

15. Part III of section 22 (f) (1) is amended by the addition of a new item to read as follows:

	Choice or AA	Good or A	Commercial or B	Utility or C	Cutter and Canner or D
Peppered beef or pastrami (shoulder clod, chuck roll, plate corner piece, Ham sets, insides, outsides or knuckles)	71	71	71	.....	.....

16. Part III of section 22 (g) is amended by the addition of a new item 16 to read as follows:

	Choice or AA	Good or A	Commercial or B	Utility or C	Cutter and Canner or D
16. Peppered beef or pastrami (shoulder clod, chuck roll, plate corner piece, Ham sets, insides, outsides or knuckles)	86	86	86	.....	.....

17. Part III of section 22 (h) is amended by the addition of a new item 16 to read as follows:

	Choice or AA	Good or A	Commercial or B	Utility or C	Cutter and Canner or D
16. Peppered beef or pastrami (shoulder clod, chuck roll, plate corner piece, Ham sets, insides, outsides or knuckles)	74	74	74	.....	.....

18. Part III of section 22 (h) (1) is amended by the addition of a new item to read as follows:

	Choice or AA	Good or A	Commercial or B	Utility or C	Cutter and Canner or D
Peppered beef or pastrami (shoulder clod, chuck roll, plate corner piece, Ham sets, insides, outsides or knuckles)	71	71	71	.....	.....

19. Part III of section 22 (i) is amended by the addition of a new item 16 to read as follows:

	Choice or AA	Good or A	Commercial or B	Utility or C	Cutter and Canner or D
16. Peppered beef or pastrami (shoulder clod, chuck roll, plate corner piece, Ham sets, insides, outsides or knuckles)	89	89	89	.....	.....

20. Part III of section 22 (j) is amended by the addition of a new item 16 to read as follows:

	Choice or AA	Good or A	Commercial or B	Utility or C	Cutter and Canner or D
16. Peppered beef or pastrami (shoulder clod, chuck roll, plate corner piece, Ham sets, insides, outsides or knuckles)	76	76	76	.....	.....

21. Part III of section 22 (j) (1) is amended by the addition of a new item to read as follows:

	Choice or AA	Good or A	Commercial or B	Utility or C	Cutter and Canner or D
Peppered beef or pastrami (shoulder clod, chuck roll, plate corner piece, Ham sets, insides, outsides or knuckles)	73	73	73	.....	.....

22. Part III of section 22 (k) is amended by the addition of a new item 16 to read as follows:

	Choice or AA	Good or A	Commercial or B	Utility or C	Cutter and Canner or D
16. Peppered beef or pastrami (shoulder clod, chuck roll, plate corner piece, Ham sets, insides, outsides or knuckles)	90	90	90	.....	.....

23. Part III of section 22 (l) is amended by the addition of a new item 16 to read as follows:

	Choice or AA	Good or A	Commercial or B	Utility or C	Cutter and Canner or D
16. Peppered beef or pastrami (shoulder clod, chuck roll, plate corner piece, Ham sets, insides, outsides or knuckles)	77	77	77	.....	.....

24. Part III of section 22 (l) (1) is amended by the addition of a new item to read as follows:

	Choice or AA	Good or A	Commercial or B	Utility or C	Cutter and Canner or D
Peppered beef or pastrami (shoulder clod, chuck roll, plate corner piece, Ham sets, insides, outsides or knuckles)	71	74	71	.....	.....

25. Part III of section 22 (m) is amended by the addition of a new item 16 to read as follows:

	Choice or AA	Good or A	Commercial or B	Utility or C	Cutter and Canner or D
16. Peppered beef or pastrami (shoulder clod, chuck roll, plate corner piece, Ham sets, insides, outsides or knuckles)	91	91	91	.....	.....

26. Part III of section 22 (n) is amended by the addition of a new item 16 to read as follows:

	Choice or AA	Good or A	Commercial or B	Utility or C	Cutter and Canner or D
16. Peppered beef or pastrami (shoulder clod, chuck roll, plate corner piece, Ham sets, insides, outsides or knuckles)	78	78	78	.....	.....

27. Part III of section 22 (n) (1) is amended by the addition of a new item to read as follows:

	Choice or AA	Good or A	Commercial or B	Utility or C	Cutter and Canner or D
Peppered beef or pastrami (shoulder clod, chuck roll, plate corner piece, Ham sets, insides, outsides or knuckles)	75	75	75	.....	.....

28. Part III of section 22 (o) is amended by the addition of a new item 16 to read as follows:

	Choice or AA	Good or A	Commercial or B	Utility or C	Cutter and Canner or D
16. Peppered beef or pastrami shoulder clod, chuck roll, plate corner piece, Ham sets, insides, outsides or knuckles	92	92	92	.....	.....

29. Part III of section 22 (p) is amended by the addition of a new item 16 to read as follows:

	Choice or AA	Good or A	Commercial or B	Utility or C	Cutter and Canner or D
16. Peppered beef or pastrami (shoulder clod, chuck roll, plate corner piece, Ham sets, insides, outsides or knuckles)	79	79	79	.....	.....

30. Part III of section 22 (p) (1) is amended by the addition of a new item to read as follows:

	Choice or AA	Good or A	Commercial or B	Utility or C	Cutter and Canner or D
Peppered beef or pastrami (shoulder clod, chuck roll, plate corner piece, Ham sets, insides, outsides or knuckles	76	76	76	.....	.....

31. Part III of section 22 (q) is amended by the addition of a new item 16 to read as follows:

	Choice or AA	Good or A	Commercial or B	Utility or C	Cutter and Canner or D
16. Peppered beef or pastrami (shoulder clod, chuck roll, plate corner piece, Ham sets, insides, outsides or knuckles)	92	92	92	.....	.....

32. Part III of section 22 (r) is amended by the addition of a new item 16 to read as follows:

	Choice or AA	Good or A	Commercial or B	Utility or C	Cutter and Canner or D
16. Peppered beef or pastrami (shoulder clod, chuck roll, plate corner piece, Ham sets, insides, outsides or knuckles)	79	79	79	.....	.....

33. Part III of section 22 (r) (1) is amended by the addition of a new item to read as follows:

	Choice or AA	Good or A	Commercial or B	Utility or C	Cutter and Canner or D
Peppered beef or pastrami (shoulder clod, chuck roll, plate corner piece, Ham sets, insides, outsides or knuckles)	76	76	76	.....	.....

34. Part III of section 22 (s) is amended by the addition of a new item 16 to read as follows:

	Choice or AA	Good or A	Commercial or B	Utility or C	Cutter and Canner or D
16. Peppered beef or pastrami (shoulder clod, chuck roll, plate corner piece, Ham sets, insides, outsides or knuckles)	94	94	94	.....	.....

35. Part III of section 22 (t) is amended by the addition of a new item 16 to read as follows:

	Choice or AA	Good or A	Commercial or B	Utility or C	Cutter and Canner or D
16. Peppered beef or pastrami (shoulder clod, chuck roll, plate corner piece, Ham sets, insides, outside or knuckles)	82	82	82	.....	.....

36. Part III of section 22 (t) (1) is amended by the addition of a new item to read as follows:

	Choice or AA	Good or A	Commercial or B	Utility or C	Cutter and Canner or D
Pepperel beef, or pastrami (shoulder clod, chuck roll, plate corner piece, Ham sets, insides, outsides or knuckles)	79	79	79	.....	.....

37. Part III of section 22 (u) is amended by the addition of a new item 16 to read as follows:

	Choice or AA	Good or A	Commercial or B	Utility or C	Cutter and Canner or D
16. Peppered beef or pastrami (shoulder clod, chuck roll, plate corner piece, Ham sets, insides, outsides or knuckles	93	93	93	.....	.....

38. Part III of section 22 (v) is amended by the addition of a new item 16 to read as follows:

	Choice or AA	Good or A	Commercial or B	Utility or C	Cutter and Canner or D
16. Peppered beef or pastrami (shoulder clod, chuck roll, plate corner piece, Ham sets, insides, outsides or knuckles)	80	80	80	.....	.....

39. Part III of section 22 (v) (1) is amended by the addition of a new item to read as follows:

	Choice or AA	Good or A	Commercial or B	Utility or C	Cutter and Canner or D
Peppered beef or pastrami (shoulder clod, chuck roll, plate corner piece, Ham sets, insides, outsides or knuckles)	77	77	77	.....	.....

40. Part III of section 22 (w) is amended by the addition of a new item 16 to read as follows:

	Choice or AA	Good or A	Commercial or B	Utility or C	Cutter and Canner or D
16. Peppered beef or pastrami (shoulder clod, chuck roll, plate corner piece, Ham sets, insides, outsides or knuckles)	94	94	94	.....	.....

41. Part III of section 22 (x) is amended by the addition of a new item 16 to read as follows:

	Choice or AA	Good or A	Commercial or B	Utility or C	Cutter and Canner or D
16. Peppered beef or pastrami (shoulder clod, chuck roll, plate corner piece, Ham sets, insides, outsides or knuckles)	81	81	81	.....	.....

42. Part III of section 22 (x) (1) is amended by the addition of a new item to read as follows:

	Choice or AA	Good or A	Commercial or B	Utility or C	Cutter and Canner or D
Peppered beef or pastrami (shoulder clod, chuck roll, plate corner piece. Ham sets, insides, outsides or knuckles)	78	78	78	.....	.....

43. The item "Tongues, canner cured" in the table of section 28 (a) is amended by changing the figure "30" appearing below Zone 10 to read "36."

44. The item "Tongues" in the table of section 28 (b) is amended by changing the figure "36" appearing below Zone 8 to read "35."

45. Section 29 is amended to read as follows:

SEC. 29 *OPA list of retail ceiling prices for miscellaneous beef items—(a) Retail ceiling prices for dried beef (sliced), Group 1 and 2 stores.*

[Price per pound in bulk. Price per package for ¼ pound cellophane or other moisture resistant packages]

	Group 1 and 2 stores									
	Zone 1	Zone 2	Zone 3	Zone 3A	Zone 4	Zone 5	Zone 6	Zone 7	Zone 8	Zone 9	Zone 10
Bulk, unpackaged	76	69	68	68	68	69	69	69	70	70	70
¼ lb. cellophane or moisture resistant package	19	19	18	18	18	19	19	19	19	19	19

(b) *Retail ceiling prices for dried beef (sliced), Group 3 and 4 stores and Group 3B and 4B stores.*

[Price per pound in bulk. Price per package for ¼ pound cellophane or other moisture resistant packages]

	Group 3 and 4 stores and Group 3B and 4B stores									
	Zone 1	Zone 2	Zone 3	Zone 3A	Zone 4	Zone 5	Zone 6	Zone 7	Zone 8	Zone 9	Zone 10
Bulk, unpackaged	67	66	65	65	65	66	66	66	67	67	67
¼ lb. cellophane or moisture resistant package	18	18	18	18	18	18	18	18	18	18	18

46. Items 12 and 13 of Part I, "chuck blade (Bone-in)" and "chuck arm (bone-in)" in the table of section 30 (a) are amended by changing the figure "21" appearing below "C or utility" in each case, to read "22."

47. Part III of section 30 (a) is amended by the addition of a new item 15 to read as follows:

	Choice or AA	Good or A	Commercial or B	Utility or C	Cutter and Canner or D
15. Peppered beef or pastrami (shoulder clod, chuck roll, plate corner piece. Ham sets, insides, outsides or knuckles)	73	73	73	.....	.....

48. Part III of section 30 (b) is amended by the addition of a new item 15 to read as follows:

	Choice or AA	Good or A	Commercial or B	Utility or C	Cutter and Canner or D
15. Peppered beef or pastrami (shoulder clod chuck roll, plate corner piece. Ham sets, insides, outside or knuckles)	70	70	70	.....	.....

49. Part III of section 30 (c) is amended by the addition of a new item 15 to read as follows:

	Choice or AA	Good or A	Commercial or B	Utility or C	Cutter and Canner or D
15. Peppered beef or pastrami (shoulder clod, chuck roll, plate corner piece. Ham sets, insides, outsides or knuckles)	67	67	67	.....	.....

50. Part III of section 30 (d) is amended by the addition of a new item 15 to read as follows:

	Choice or AA	Good or A	Commercial or B	Utility or C	Cutter and Canner or D
15. Peppered beef or pastrami (shoulder clod, chuck roll, plate corner piece. Ham sets, insides, outsides or knuckles)	67	67	67	.....	.....

51. Item 4 of Part II, "rump (bone-in)" in the table of section 30 (e) is amended by changing the figure "29" appearing below "AA or choice" to read "23".

52. Part III of section 30 (e) is amended by the addition of a new item 15 to read as follows:

	Choice or AA	Good or A	Commercial or B	Utility or C	Cutter and Canner or D
15. Peppered beef or pastrami (shoulder clod, chuck roll, plate corner piece. Ham sets, insides, outsides or knuckles)	69	69	69	.....	.....

53. Part III of section 30 (f) is amended by the addition of a new item 15 to read as follows:

	Choice or AA	Good or A	Commercial or B	Utility or C	Cutter and Canner or D
15. Peppered beef or pastrami (shoulder clod, chuck roll, plate corner piece. Ham sets, insides, outsides or knuckles)	70	70	70	.....	.....

54. Part III of section 30 (g) is amended by the addition of a new item 15 to read as follows:

	Choice or AA	Good or A	Commercial or B	Utility or C	Cutter and Canner or D
15. Peppered beef or pastrami (shoulder clod, chuck roll, plate corner piece. Ham sets, insides, outsides or knuckles)	70	70	70	.....	.....

55. Part III of section 30 (h) is amended by the addition of a new item 15 to read as follows:

	Choice or AA	Good or A	Commercial or B	Utility or C	Cutter and Canner or D
15. Peppered beef or pastrami (shoulder clod, chuck roll, plate corner piece. Ham sets, insides, outsides or knuckles)	71	71	71	.....	.....

56. Part III of section 30 (i) is amended by the addition of a new item 15 to read as follows:

	Choice or AA	Good or A	Commercial or B	Utility or C	Cutter and Canner or D
15. Peppered beef or pastrami (shoulder clod, chuck roll, plate corner piece. Ham sets, insides, outsides or knuckles)	71	71	71	.....	.....

57. Item 8 of Part V, "brisket—whole" in the table of section 30 (i) is amended by changing the figure "20" appearing below "D or cutter and canner" to read "10".

58. Item 12 of Part I, "chuck blade (bone-in)" in the table of section 30 (j) is amended by changing the figure "23" appearing below "C or utility" to read "22".

59. Item 4 of Part II, "rump (bone-in)" in the table of section 30 (j) is amended by changing the figure "26" appearing below "AA or choice" to read "25".

60. Item 5 of Part II, "rump (boneless)" in the table of section 30 (j) is amended by changing the figure "26" appearing below "C or utility" to read "28".

61. Item 7 of Part II, "chuck arm pot roast" in the table of section 30 (j) is amended by changing the figure "25" appearing below "A or good" to read "26".

62. Item 5 of Part III, "brisket (boneless) (cured) (deckle off)" in the table of section 30 (j) is amended by changing the figure "17" appearing below "D or cutter and canner" to read "27".

63. Part III of section 30 (k) is amended by the addition of a new item 15 to read as follows:

	Choice or AA	Good or A	Commercial or B	Utility or C	Cutter and Canner or D
15. Peppered beef or pastrami (shoulder clod, chuck roll, plate corner piece. Ham sets, insides, outside or knuckles)	73	73	73	.....	.....

64. Item 5 of Part I, "rib—7 inch cut" in the table of section 30 (k) is amended by changing the figure "23" appearing below "D or cutter and canner" to read "21".

65. Part III of section 30 (k) is amended by the addition of a new item 15 to read as follows:

	Choice or AA	Good or A	Commercial or B	Utility or C	Cutter and Canner or D
15. Peppered beef or pastrami (shoulder clod, chuck roll, plate corner piece. Ham sets, insides, outsides or knuckles)	72	72	72	.....	.....

66. Item 8 of Part V, "brisket—whole" in the table of section 30 (k) is amended by changing the figure "17" appearing below "D or cutter and canner" to read "12."

67. The headnote "Zone X" appearing above the table of prices for lamb and mutton in section 30 (k) is amended to read "Zone IX."

68. Items 12 and 13 of Part I, "chuck blade (bone-in)" and "chuck arm (bone-in)" respectively, in the table of section 30 (l) are amended by changing the figure "21" appearing below "C or utility" to read "22."

69. Part III of Section 30 (l) is amended by the addition of a new item 15 to read as follows:

	Choice or AA	Good or A	Commercial or B	Utility or C	Cutter and Canner or D
15. Peppered beef or pastrami (shoulder clod, chuck roll, plate corner piece. Ham sets, insides, outside or knuckles)	73	73	73	.....	.....

70. The item "cheek meat" in the table of section 30 (p) is amended by changing the figure "28" appearing below Zone 4 to read "26".

71. The item "diaphragm meat" in the table of section 30 (p) is amended by changing the figure "18" appearing below Zone 4a to read "16".

72. The subitem "ears" under the item "Cured pork items" in the table of section 30 (p) is amended by changing the figure "10" appearing below Zone 8 to read "16".

73. The item "gullet weasand meat" in the table of section 30 (p) is amended by changing the figure "16" appearing below Zone 3 to read "18".

74. Section 30 (q) is amended to read as follows:

(q) *Retail ceiling prices on specially authorized sales to eating places or other retailers.*

MISCELLANEOUS BEEF ITEMS

[Price per pound in bulk. Price per package for ¼ pound cellophane or other moisture resistant packages]

Dried Beef Sliced	Zone 1	Zone 2	Zone 3	Zone 3A	Zone 4	Zone 5	Zone 6	Zone 7	Zone 8	Zone 9	Zone 10
Bulk, unpacked	62	61	60	60	60	60	61	61	61	62	62
¼ lb. cellophane or moisture resistant package	17	17	16	16	16	16	17	17	17	17	17

This amendment shall become effective September 24, 1945.

Issued this 19th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-17501; Filed, Sept. 19, 1945; 11:23 a. m.]

PART 1364—FRESH, CURED AND CANNED MEAT AND FISH PRODUCTS

[MPR 394,[1] Amdt. 17]

RETAIL CEILING PRICES FOR KOSHER BEEF, VEAL, LAMB AND MUTTON CUTS AND ALL VARIETY MEATS AND EDIBLE BY-PRODUCTS

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.

Maximum Price Regulation No. 394 is amended in the following respects:

1. Section 16 (a) (2) (iii) is added to read as follows:

(iii) "Plate (corner piece) or Roumanian pastrami" means the corner piece (breast side) of the short plate of commercial, good or choice grade beef described in § 1364.452 (p) (7) (xv) of Revised Maximum Price Regulation No. 169. It shall be cured in accordance with standard commercial practice. The cured weight shall not exceed the green weight by more than 5 percent. The smoked or cooked weight shall not exceed 67 percent of the cured weight. Peppers and/or spices shall be applied in accordance with standard commercial practice.

2. Section 16 (a) (3) (iii) is amended to read as follows:

(iii) "Cooked corned beef brisket (boneless) (deckle off)" means corned (cured) boneless brisket (deckle off) as defined in § 1364.452 (p) (7) (v) of Revised Maximum Price Regulation No. 169, which has been cooked and is ready to serve without additional cooking. The cooked weight shall not exceed 65 percent of the cured weight of the boneless brisket (deckle off).

3. Section 16 (a) (4) (vii) and (viii) are added to read as follows:

(vii) "Shoulder clod pastrami" means shoulder clod derived from commercial, good or choice grade regular chuck which has been cured and smoked according to standard commercial practice. The clod shall be separated from the chuck in the manner described in § 1364.452 (p) (7) (viii) of Revised Maximum Price Regulation No. 169. All outside fat shall be removed to within ½ inch of the lean.

The upper end of the clod shall be rounded in a smooth curve with all ragged pieces trimmed off. The cured weight shall not exceed the green weight by more than 5 percent. The smoked and cooked weight shall not exceed 65 percent of the cured weight. Peppers and/or spices shall be applied in accordance with standard commercial practice.

(viii) "Chuck roll pastrami" means that portion of lean meat derived from commercial, good or choice grade regular chuck described in § 1364.452 (p) (7) (xiv) of Revised Maximum Price Regulation No. 169. The width of the chuck roll shall not exceed eight inches. It shall be prepared and cured according to standard commercial practice. No intercostal meat, loose or ragged pieces of meat shall be included in the chuck roll and it shall be tied with at least four loops of string. The cured weight shall not exceed the green weight by more than 5 percent. The cooked or smoked weight shall not exceed 65 percent of the cured weight. Peppers and/or spices shall be applied in accordance with standard commercial practice.

4. Section 16 (a) (6) is amended to read as follows:

(6) "Ground beef" (hamburger, hamburg steak, hamburger steak, chili meat) means ground, chopped or comminuted fresh lean muscle beef, including skirt, shank, neck, plate, brisket or lean beef trimmings (but not including head meat) which contains no offal, added blood, cartilage, bone, cereal product, water or ice, or any adulterant or other foreign substance except seasoning, and which does not have a fat content in excess of 28 percent by chemical analysis. "Ground beef" shall be ground twice, the final grinding through a plate with holes not more than $\frac{3}{16}$ of an inch in diameter, or $\frac{3}{8}$ of an inch in the case of chili meat, or chopped in a rotary cutter or by other means giving equivalent results.

5. Section 16 (e) is added to read as follows:

(e) For any kosher retail beef, veal, lamb or mutton cut which has been cut in a manner not authorized by this Maximum Price Regulation No. 394, or which does not satisfy the specifications required for such kosher cut or for any such kosher retail cut made from cuts or portions or grades of kosher beef, veal, lamb or mutton not authorized by this Maximum Price Regulation No. 394, the

ceiling price for such cut shall be a price no higher than the ceiling price established in this regulation for the lowest priced kosher retail cut of beef, veal, lamb or mutton, as the case may be.

6. Items 11 through 22 of Part I in section 19 (a) are redesignated items 12 through 23, inclusive.

7. A new item 11 is added to appear below the heading "chuck" in Part I of section 19 (a) to read as follows:

	AA or Choice	A or Good	B or Commercial	C or Utility	D
11. Pastrami (shoulder clod, chuck roll, plate corner piece)...	1.26	1.26	1.26	.....	.....

8. Items 11 through 22 of Part I in section 19 (b) are redesignated items 12 through 23, inclusive.

9. A new item 11 is added to appear below the heading "chuck" in Part I of section 19 (b) to read as follows:

	AA or Choice	A or Good	B or Commercial	C or Utility	D
11. Pastrami (shoulder clod, chuck roll, plate corner piece)...	1.20	1.20	1.20	.....	.....

10. Items 11 through 22 of Part I in section 19 (c) are redesignated items 12 through 23, inclusive.

11. A new item 11 is added to appear below the heading "chuck" in Part I of section 19 (c) to read as follows:

	AA or Choice	A or Good	B or Commercial	C or Utility	D
11. Pastrami (shoulder clod, chuck roll, plate corner piece)...	1.11	1.11	1.11	.....	.....

12. Items 11 through 22 of Part I in section 19 (d) are redesignated items 12 through 23, inclusive.

13. A new item 11 is added to appear below the heading "chuck" in Part I of section 19 (d) to read as follows:

	AA or Choice	A or Good	B or Commercial	C or Utility	D
11. Pastrami (shoulder clod, chuck roll, plate corner piece)...	1.11	1.11	1.11	.....	.....

14. Items 11 through 22 of Part I in section 19 (e) are redesignated items 12 through 23, inclusive.

15. A new item 11 is added to appear below the heading "chuck" in Part I of section 19 (e) to read as follows:

	AA or Choice	A or Good	B or Commercial	C or Utility	D
11. Pastrami (shoulder clod, chuck roll, plate corner piece)...	1.15	1.15	1.15	.....	.....

16. Items 11 through 22 of Part I in section 19 (f) are redesignated items 12 through 23, inclusive.

17. A new item 11 is added to appear below the heading "chuck" in Part I of section 19 (f) to read as follows:

	AA or Choice	A or Good	B or Commercial	C or Utility	D
11. Pastrami (shoulder clod, chuck roll, plate corner piece)...	1.18	1.18	1.18	.....	.....

18. Items 11 through 22 of Part I in section 19 (g) are redesignated items 12 through 23, inclusive.

19. A new item 11 is added to appear below the heading "chuck" in Part I of section 19 (g) to read as follows:

	AA or Choice	A or Good	B or Commercial	C or Utility	D
11. Pastrami (shoulder clod, chuck roll, plate corner piece)...	1.20	1.20	1.20	.....	.....

20. Items 11 through 22 of Part I in section 19 (h) are redesignated items 12 through 23, inclusive.

21. A new item 11 is added to appear below the heading "chuck" in Part I of section 19 (h) to read as follows:

	AA or Choice	A or Good	B or Commercial	C or Utility	D
11. Pastrami (shoulder clod, chuck roll, plate corner piece)...	1.22	1.22	1.22	.....	.....

22. Items 11 through 22 of Part I in section 19 (i) are redesignated items 12 through 23, inclusive.

23. A new item 11 is added to appear below the heading "chuck" in Part I of section 19 (i) to read as follows:

	AA or Choice	A or Good	B or Commercial	C or Utility	D
11. Pastrami (shoulder clod, chuck roll, plate corner piece)...	1.22	1.22	1.22	.....	.....

24. Items 11 through 22 of Part I in section 19 (j) are redesignated items 12 through 23, inclusive.

25. A new item 11 is added to appear below the heading "chuck" in Part I of section 19 (j) to read as follows:

	AA or Choice	A or Good	B or Commercial	C or Utility	D
11. Pastrami (shoulder clod, chuck roll, plate corner piece)...	1.29	1.29	1.29	.....	.....

26. Items 11 through 22 of Part I in section 19 (k) are redesignated items 12 through 23, inclusive.

27. A new item 11 is added to appear below the heading "chuck" in Part I of section 19 (k) to read as follows:

	AA or Choice	A or Good	B or Commercial	C or Utility	D
11. Pastrami (shoulder clod, chuck roll, plate corner piece)...	1.24	1.24	1.24	.....	.....

28. Items 11 through 22 of Part I of section 19 (l) are redesignated items 12 through 23, inclusive.

29. A new item 11 is added to appear below the heading "chuck" in Part I of section 19 (l) to read as follows:

	AA or Choice	A or Good	B or Commercial	C or Utility	D
11. Pastrami (shoulder clod, chuck roll, plate corner piece)...	1.26	1.26	1.26	.....	.....

30. Items 11 through 22 of Part I in section 24 (a) are redesignated items 12 through 23, inclusive.

31. A new item 11 is added to appear below the heading "chuck" in Part I of section 24 (a) to read as follows:

	AA or Choice	A or Good	B or Commercial	C or Utility	D
11. Pastrami (shoulder clod, chuck roll, plate corner piece)...	93	93	93	.....	.....

32. Items 11 through 22 of Part I in section 24 (b) are redesignated items 12 through 23, inclusive.

33. A new item 11 is added to appear below the heading "chuck" in Part I of section 24 (b) to read as follows:

	AA or Choice	A or Good	B or Commercial	C or Utility	D
11. Pastrami (shoulder clod, chuck roll, plate corner piece)...	88	88	88	.....	.....

34. Items 11 through 22 of Part I of section 24 (c) are redesignated items 12 through 23, inclusive.

35. A new item 11 is added to appear below the heading "chuck" in Part I of section 24 (c) to read as follows:

	AA or Choice	A or Good	B or Commercial	C or Utility	D
11. Pastrami (shoulder clod, chuck roll, plate corner piece)...	83	83	83	.....	.....

36. Items 11 through 22 of Part I of section 24 (d) are redesignated items 12 through 23, inclusive.

37. A new item 11 is added to appear below the heading "chuck" in Part I of section 24 (d) to read as follows:

	AA or Choice	A or Good	B or Commercial	C or Utility	D
11. Pastrami (shoulder clod, chuck roll, plate corner piece)...	83	83	83	.....	.....

38. Items 11 through 22 of Part I in section 24 (e) are redesignated items 12 through 23, inclusive.

39. A new item 11 is added to appear below the heading "chuck" in Part I of section 24 (e) to read as follows:

	AA or Choice	A or Good	B or Commercial	C or Utility	D
11. Pastrami (shoulder clod, chuck roll, plate corner piece)...	85	85	85	.....	.....

40. Newly redesignated item 20 of Part I, "chuck—whole" in the table of section 24 (e) is amended by changing the figure "20" appearing below "B" or commercial" to read "19".

41. Item 2 of Part I, "7 inch steaks and roast", in the table of section 24 (f) is amended by changing the figure "31" appearing below "AA or Choice" to read "33".

42. Item 11 through 22 of Part I in section 24 (f) are redesignated items 12 through 23, inclusive.

43. A new item 11 is added to appear below the heading "chuck" in Part I of section 24 (f) to read as follows:

	AA or Choice	A or Good	B or Commercial	C or Utility	D
11. Pastrami (shoulder clod, chuck roll, plate corner piece)...	87	87	87	.....	.....

44. Newly redesignated item 16 of Part I, "boneless plate", in the table of section 24 (f) is amended by changing the figure "17" appearing below "D" to read "16".

45. Newly redesignated item 20 of Part I, "chuck—whole", in the table of section 24 (f) is amended by changing the figure "15" appearing below "B or Commercial" to read "19".

46. Items 11 through 22 of Part I in section 24 (g) are redesignated items 12 through 23, inclusive.

47. A new item 11 is added to appear below the heading "chuck" in Part I of section 24 (g) to read as follows:

	AA or Choice	A or Good	B or Commercial	C or Utility	D
11. Pastrami (shoulder clod, chuck roll, plate corner piece)...	88	88	88	.....	.....

48. Item 1 of Part II, "breast (bone in)", in the table of section 24 (g) is amended by changing the figure "18" appearing below "A or good" to read "17".

49. Items 11 through 22 of Part I in section 24 (h) are redesignated items 12 through 23, inclusive.

50. A new item 11 is added to appear below the heading "chuck" in Part I of section 24 (h) to read as follows:

	AA or Choice	A or Good	B or Commercial	C or Utility	D
11. Pastrami (shoulder clod, chuck roll, plate corner piece)...	90	90	90	.....	.....

51. The undesignated item "ground beef (including skirt steak)" in Part I of the table in section 24 (h) is amended by inserting the figure "27" to appear below "D".

52. Newly redesignated item 20 of Part I, "chuck—whole" in the table of section 24 (h) is amended by changing the figure "26" appearing below "B or Commercial" to read "20".

53. Items 11 through 22 of Part I in section 24 (i) are redesignated items 12 through 23, inclusive.

54. A new item 11 is added to appear below the heading "chuck" in Part I of section 24 (i) to read as follows:

	AA or Choice	A or Good	B or Commercial	C or Utility	D
11. Pastrami (shoulder clod, chuck roll, plate corner piece)...	90	90	90	.....	.....

55. Item 6 of Part III, "neck (bone in)" in the table of section 24 (i) is amended by changing the figure "21" appearing below "AA or Choice" to read "20".

56. Items 11 through 22 of Part I in section 24 (j) are redesignated items 12 through 23, inclusive.

57. A new item 11 is added to appear below the heading "chuck" in Part I of section 24 (j) to read as follows:

	AA or Choice	A or Good	B or Commercial	C or Utility	D
11. Pastrami (shoulder clod, chuck roll, plate corner piece)...	96	96	96	.....	.....

58. Items 11 through 22 of Part I in section 24 (k) are redesignated items 12 through 23, inclusive.

59. A new item 11 is added to appear below the heading "chuck" in Part I of section 24 (k) to read as follows:

	AA or Choice	A or Good	B or Commercial	C or Utility	D
11. Pastrami (shoulder clod, chuck roll, plate corner piece)...	91	91	91	.....	.....

60. Newly redesignated item 13 of Part I, "brisket (bone in) (also breast flanken, bone in)" in the table of section 24 (k) is amended by changing the figure "18" appearing below "D" to read "17".

61. Items 11 through 22 of Part I in section 24 (l) are redesignated items 12 through 23, inclusive.

62. A new item 11 is added to appear below the heading "chuck" in Part I of section 24 (l) to read as follows:

	AA or Choice	A or Good	B or Commercial	C or Utility	D
11. Pastrami (shoulder clod, chuck roll, plate corner piece)...	93	93	93	.....	.....

This amendment shall become effective September 24, 1945.

Issued this 19th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-17502; Filed, Sept. 19, 1945; 11:24 a. m.]

PART 1395—NONFERROUS FOUNDRY PRODUCTS

[RMPR 125,[1] Amdt. 10]

NONFERROUS CASTINGS

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.

Revised Maximum Price Regulation No. 125 is amended in the following respects:

1. Section 1395.1 (b) is amended to read as follows:

(b) Nothing in this regulation or in the General Maximum Price Regulation shall apply to any sale, contract to sell, or delivery of nonferrous castings by any person whose total sales of nonferrous castings, other than nonferrous castings which are exempted from this regulation by § 1395.1 (c), were less than $12,500 for the preceding three months period ending on the last day of December, March, June or September, as the case may be (here called "calendar quarter").

In figuring total sales for a calendar quarter, a seller who supplies casting under a toll or conversion agreement shall include his toll charge and the current maximum price of the metal supplied by his customer.

2. Section 1395.1 (c) is amended by the addition of the following note at the end thereof:

NOTE: For the purposes of subparagraphs (4), (5) and (6), the cost of machining and the cost of the casting shall be figured on a current basis, i. e. by the seller's most recent cost determination of wage rates, burden rates and material costs.

3. Section 1395.15 (a) (4) is amended to read as follows:

(4) "Castings of the same class" means nonferrous castings which possess a cer-

[1] 8 F.R. 1271, 2579, 2721; 9 F.R. 576, 3856, 5990, 12266; 10 F.R. 1976, 5100, 5044, 8612.

tain similarity. Only castings of the same type are considered to possess this similarity. (The following are examples of what is meant by castings of the same type: Two bushings, two cylinder heads, two pistons, two elbows, two propellers or two valves.) However, any two castings of the same type shall be considered to be sufficiently similar to be castings of the same class unless:

(i) They are made from different base alloys or metal of different alloy groups within any one of the base alloys (for listing of alloys groups see § 1395.3 (c)); or

(ii) They differ by more than 20% (figured on the lighter casting) in shipping weight or estimated shipping weight, except that difference in weight due to differences in machining shall not be considered; or

(iii) They differ in design or specification, including quantity, because of the direction of the customer or the order of a governmental agency and such change in design or specification results in (*a*) differences in size, weight, intricacy, tolerances, inspection requirements, or process of production and (*b*) likewise involves a difference in total cost of manufacture of 5% or more per pound (figured on the basis provided in § 1395.4).

A group of castings sold at a flat price may be considered as of the same class as another group of castings. The tests to be applied in determining whether groups of castings are of the same class are the weight and cost tests used for individual castings, except that average weights and costs shall be used. In addition the distribution as to types of castings within the group being compared should be substantially the same.

NOTE: A maximum price for a "group of castings" should not be confused with frozen flat prices which have been set with reference to only one or two bases such as alloy, weight, customer, or the like.

If castings are identical except that they are made from different alloys within the same alloy group, they are considered as castings of the same class but the maximum price is to be adjusted as provided in § 1395.3 (c).

This amendment shall become effective September 24, 1945.

Issued this 19th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-17409; Filed, Sept. 19, 1945; 11:23 a. m.]

PART 1439—UNPROCESSED AGRICULTURAL COMMODITIES

[MPR 518, Amdt. 6]

ROUGH RICE

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.

Maximum Price Regulation 518 is amended in the following respects:

1. Section 3 (a) (4) is amended to read as follows:

(4) "Point of production" means the farm or field where the rough rice in question was grown or harvested or the roadside near such farm.

2. Section 3 (a) (8) is amended to read as follows:

(8) "Transportation charges" shall be the reasonable value of transporting the lot in question between the points involved by a usual route and method of transportation, not to exceed the lowest published common carrier rate, if any, where common carrier service is available; *Provided*, That the maximum rates for the transportation of rough rice to San Francisco from the points set forth in Appendix A shall be the rates set forth therein.

3. Section 3 (a) (9) is amended to read as follows:

(9) "Appraised rough rice" means rough rice grown in the State of California which has been appraised and certified by a State or Federal agency in the State of California on the basis of a representative sample drawn by an individual properly authorized to do so by such State or Federal agency. Such appraisal certificate shall promptly be made available to the public; on reappraisal, all previous certificates shall be cancelled.

4. Section 4 (d) is amended to read as follows:

(d) The maximum price for the sale and delivery of rough rice at any point other than the country shipping point or the point of production shall be the applicable maximum price specified in paragraph (c) of this section, plus transportation charges from the point of production to the buyer's receiving point.

5. Section 5 (a) (4) is amended to read as follows:

(4) At any point other than the basing point or country shipping point: The maximum price at the country shipping point nearest thereto less 2½ cents per hundred pounds.

6. Paragraphs (c) and (d) of section 5 are amended to read as follows:

(c) The foregoing maximum prices specified in (a) and (b) of this section shall be altered for all varieties, except Rexoro and Nira, as follows:

(1) Increased .162 cent per hundred pounds for each one-tenth of a pound of whole kernels and .5 cent per hundred pounds for each one-tenth pound of total milled rice (all classes) which any lot is appraised to yield above base quality.

(2) Decreased .162 cent per hundred pounds for each one-tenth of a pound of whole kernels and .5 cent per hundred pounds for each one-tenth of a pound of total milled rice (all classes) which any lot is appraised to yield less than base quality.

(d) The foregoing maximum prices specified in paragraphs (a) and (b) of this section shall be altered for Rexoro and Nira as follows:

(1) Increased .33 cent per hundred pounds for each one-tenth of a pound of whole kernels and .5 cent per hundred pounds for each one-tenth of a pound of total milled rice (all classes) which any lot is appraised to yield above base quality.

(2) Decreased .33 cent per hundred pounds for each one-tenth of a pound of whole kernels and .5 cent per hundred pounds for each one-tenth of a pound of total milled rice (all classes) which any lot is appraised to yield less than base quality.

7. Section 7 is amended to read as follows:

SEC. 7. *Charges for sacks.* When any person sells any rough rice, sacked, and has furnished the sacks, the maximum price therefor shall be the maximum price for a like sale of rough rice, bulk, plus an amount equal to 12 cents per hundred pounds of such rough rice: *Provided*, That in lieu of such additional charge, the seller may retain title to such sacks and require their return to him at his expense.

8. Section 8 is amended to read as follows:

SEC. 8. *Actual weight at time of delivery governs.* The actual net weight of the lot of rough rice at the time of the delivery thereof to each purchaser shall govern in determining the appropriate maximum price for each sale under section 4 or 5 hereof: *Provided*, That, in the case of rough rice in sacks holding approximately 100 pounds each, the actual net weight may be determined by deducting from the gross weight in California three-quarters of a pound and, from the gross weight elsewhere, one pound for each sack.

9. A new sentence is added at the end of section 9 (a) to read as follows: "Any charges for storage or warehousing incurred prior to the receipt by the storagemen or warehousemen of a written notice of the sale shall be conclusively presumed to have been incurred prior thereto."

10. A new paragraph (c) is added to section 9 to read as follows:

(c) Whenever a purchaser makes advance payments to the seller prior to the delivery of the rough rice, interest must be charged thereon or otherwise deducted from the purchase price at the going rates in the community in which the rough rice is grown from the time of such advance to the time of delivery.

11. The second paragraph of section 12 is amended to read as follows:

Every contract for the sale of rough rice, which is governed by this regulation, entered into after September 24, 1945, shall be in writing, shall set forth the information required by the previous paragraph of this section and shall be filed with the district office of the Office of Price Administration for the district in which the rough rice is grown within ten days of the execution.

12. A new Appendix A is added to read as follows:

APPENDIX A—RATES ON ROUGH RICE TO SAN FRANCISCO FROM POINTS SHOWN WHICH ARE LOCATED OFF RAIL OR WATER

Location, Warehouse and/or drier:	*Cents*
Biggs—Ashley & Askew	15
Biggs—Bayless Drier & Warehouse	15
Biggs—Bronner's Drier & Warehouse	15
Biggs—Davis Warehouse	15
Butte City—Fazal Mohammed Whse & Drier	16½
Butte City—McManus	16½
Catlett—Fred James Drier	14
Colusa—F. E. Buffum Drier	15½
Colusa—Granger Warehouse	15½
Colusa—Sartain Drier & Warehouse	15½
Colusa—Stegman's Warehouse	15½
Colusa—Zumwalt Drier & Warehouse	15½
Cortena—Bowen	15
Durham—Adams Drier	17
Durham—Gorills Drier	17
Delevan—Sites, H. C	15
Los Palos—Mill Farms	14
Durham—Parrott Inv. Co	17
Gridley—Jack Slusser	15
Gridley—Beeger's	15
Gridley—Dunning Drier & Warehouse	15
Gridley—Witt & McClung Drier	15
Gridley—Gaffney Warehouse	15
Gridley—Owens & Mallard Drier	15
Gridley—Ulion's Drier	15
Knights Landing—Dettling Drier Warehouse	13
Live Oak—DeWitt Drier—John Fenn Drier	15
Logandale—Spooner Barn & Drier	16
Maxwell—Jim Bell Drier	15
Maxwell—Frederickson Drier	15
Merced—Nordman	12½
Meridian—C. Beard Drier	15½
S. Meridian—Spangler	12½
Nelson—Sheppard	17
Nelson—Spurgeon	17
Nicolaus—Elmer Davis Drier	14
Norman—Larabee	16
Oswald—Montmas Drier	15
Patterson—Patterson Ranch	12
Princeton—Bettencourt Drier & Warehouse	16½
Richvale—Grell Bros.	16
Richvale—Lofgren	16
Richvale—Barmann	16
Richvale—C. W. Carlson	16
Richvale—Lindahl Bros. "Hanson"	16
Richvale—Lantz & Lundberg	16
Richvale—Thengvall	16
Richvale—Burnham & Lofgren	16
Richvale—McGowan Drier	16
Richvale—McIkle's Drier	16
Richvale—Stolp's Drier	16
Riego—Tom Sills Drier	13
Riz—Terkildsen Drier & Warehouse	16
Robbins—Hawn Drier	13½
Robbins—Guasti Warehouse & Drier	13½
Shippee—American Farms	16
Stockton—Cecil House	10½
Sutter City—Kellogg & Farrington	15½
Sutter—Fred Becker	15½
Sutter—Vanderford	15½
Sutter—Harold Moore Drier	15½
Trowbridge—Gollbach Drier	14
Trowbridge—Van Dyke Drier	14
Tyndall—Monckton Drier	13½
Tyndall—Tyndall Warehouse & Drier	13½
Williams—Nissen Drier	15
Willows—Montz Drier	16
Woodland—Ulrich	12
Woodland—Heidrick Bros	12

This amendment shall become effective September 24, 1945.

NOTE: The reporting and record keeping provisions of this amendment have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 19th day of September 1945.

CHESTER BOWLES,
Administrator.

Approved: September 11, 1945.

J. B. HUTSON,
Acting Secretary of Agriculture.

[F. R. Doc. 45-17503; Filed, Sept. 19, 1945; 11:24 a. m.]

PART 1499—COMMODITIES AND SERVICES

[Rev. SR 11, Amdt. 62]

WATER RATES; EXCEPTIONS FOR CERTAIN SERVICES

A statement of considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.

Subparagraph (99), of paragraph (b) of § 1499.46 is amended to read as follows:

(99) Water rates charged for supplying to urban areas, to the extent provided in paragraph (c) of this section, and rates charged by nonprofit mutual water companies for service to their members.

This amendment shall become effective September 24, 1945.

Issued this 19th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-17504; Filed, Sept. 19, 1945; 11:24 a. m.]

Chapter XIX—Reconstruction Finance Corporation

[Reg. 5, Amdt. 3 to Rev. Schedule A]

PART 7005—MID-CONTINENT CRUDE COMPENSATORY ADJUSTMENTS

NOTE: Amendment 3 to Revised Schedule A of Regulation 5 was filed with the Division of the Federal Register as Document No. 45-17477 on September 19, 1945, at 10:11 a. m.

[Reg. 5, Amdt. 4 to Schedule B]

PART 7005—MID-CONTINENT CRUDE COMPENSATORY ADJUSTMENTS

NOTE: Amendment 4 to Schedule B of Regulation 5 was filed with the Division of the Federal Register as Document No. 45-17478 on September 19, 1945, at 10:11 a. m.

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

Chapter I—Coast Guard, Department of the Navy

PART 6—REGULATIONS FOR THE SECURITY OF PORTS AND THE CONTROL OF VESSELS IN THE NAVIGABLE WATERS OF THE UNITED STATES

RESCISSION OF SECURITY REGULATIONS FOR VESSELS IN PORT

Pursuant to the authority contained in section 1, Title II of the Espionage Act, approved June 15, 1917, 40 Stat. 220, as amended by the act of November 15, 1941, 55 Stat. 763 (50 U.S.C. 191, 191a) and by virtue of the Proclamation and Executive order issued June 27, 1940 (5 F.R. 2419) and November 1, 1941 (6 F.R. 5581), respectively, the regulations relating to the control of vessels in the navigable waters of the United States are amended, effective upon publication in the FEDERAL REGISTER, as follows:

Subpart E, "Security Regulations for Vessels in Port", is hereby rescinded.

JAMES FORRESTAL,
Secretary of the Navy.

Approved: September 11, 1945.

HARRY TRUMAN,
The White House.

[F. R. Doc. 45-17475; Filed, Sept. 19, 1945; 10:06 a. m.]

PART 7—REGULATIONS FOR THE PROTECTION OF WATERFRONT FACILITIES

RESCISSION OF REGULATIONS

Pursuant to Executive Order 9074 (7 F.R. 1587) and the act of July 9, 1943 (Public Law No. 127, 78th Congress), the regulations for the protection of waterfront facilities, promulgated effective May 1, 1944 (9 F.R. 3461), are amended as follows, effective upon publication in the FEDERAL REGISTER:

Sections 7.1 to 7.8 inclusive, 7.15, 7.16, 7.20 to 7.23 inclusive, 7.25, 7.30 to 7.42 inclusive, 7.50, 7.51, 7.55, and 7.56, being Part 7, are hereby rescinded.

L. T. CHALKER,
Rear Admiral, U. S. Coast Guard,
Acting Commandant.

Approved: September 18, 1945.

JAMES FORRESTAL,
Secretary of the Navy.

[F. R. Doc. 45-17476; Filed, Sept. 19, 1945; 10:06 a. m.]

TITLE 46—SHIPPING

Chapter I—Coast Guard: Inspection and Navigation

Subchapter K—Seamen

PART 132—ALLOTMENTS OF SEAMEN

WAGES UPON WHICH ALLOTMENTS MAY BE BASED

Pursuant to the authority vested in me by the act of June 26, 1884, ch. 121, sec. 10 (23 Stat. 55) as amended (46 U.S.C. 599), and Executive Order 9083, dated February 28, 1942 (3 CFR Cum. Supp.) § 132.4 is amended, effective October 1, 1945, to read as follows:

§ 132.4 *Wages upon which allotments may be based.* Allotments may be made by seamen only upon the amount of the wages for which they are signed on.

Dated: September 18, 1945.

R. R. WAESCHE,
Admiral, U. S. Coast Guard,
Commandant.

[F. R. Doc. 45-17498; Filed, Sept. 19, 1945; 11:23 a. m.]

TITLE 49—TRANSPORTATION AND RAILROADS

Chapter I—Interstate Commerce Commission

[S. O. 97-A]

PART 97—ROUTING OF TRAFFIC

ROUTING BETWEEN MONROE AND ALEXANDRIA, LA.

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 18th day of September, A. D. 1945.

Upon further consideration of the provisions of Service Order No. 97 of November 21, 1942 (7 F.R. 9743) § 97.1 *Routing between Monroe and Alexandria, Louisiana*, and good cause appearing therefor:

It is ordered, That: Service Order No. 97 of November 21, 1942 (7 F.R. 9743), be, and it is hereby, vacated and set aside.

It is further ordered, That this order shall become effective at 12:01 a. m., September 22, 1945; that a copy of this order and direction shall be served upon the Missouri Pacific Railroad Company (Guy A. Thompson, Trustee), the Louisiana & Arkansas Railway Company; and upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement, and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

By the Commission, Division 3.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 45-17479; Filed, Sept. 19, 1945; 10:12 a. m.]

Notices

DEPARTMENT OF THE INTERIOR.

Geological Survey.

[Power Site Classification No. 376]

MARIAS RIVER, MONTANA

CLASSIFICATION AS POWER SITE

JULY 30, 1945.

THE SECRETARY OF THE INTERIOR.

SIR: Under authority vested in me by the act of March 3, 1879 (20 Stat. 394; 43 U.S.C. 31), the following described land is hereby classified as power sites and, in so far as title thereto remains in the United States and subject to valid existing rights, it is recommended that this classification be given full force and effect under the provisions of section 24 of the act of June 10, 1920, as amended by section 211 of the act of August 26, 1935 (41 Stat. 1075; 49 Stat. 846; 16 U.S.C. 818):

PRINCIPAL MERIDIAN

MONTANA

T. 30 N., R. 1 E.,
Sec. 7, lot 5;
Sec. 8, lots 1, and 4, SE¼NE¼, and NE¼NW¼;
Sec. 9, lot 6;
Sec. 10, NE¼SW¼;
Sec. 11, lot 1;
Sec. 14, SE¼SE¼;
Sec. 15, N½S½;
Sec. 17, lots 1, 2, 3, and 4, S½NE¼, W½NW¼, SE¼NW¼, and SE¼;
Sec. 18, SE¼NE¼;
Sec. 25, SE¼NE¼, NE¼SE¼, and S½SE¼.

T. 30 N., R. 2 E.,
Sec. 13, W½SW¼, and SE¼SW¼;
Sec. 18, lot 4, NE¼SW¼;
Sec. 19, lot 3;
Sec. 22, lots 8, and 9, SE¼SW¼;
Sec. 23, lot 9, SE¼SW¼, and SW¼SE¼;
Sec. 24, NW¼NW¼, S½SW¼, and SE¼;
Sec. 25, W½W½;
Sec. 26, N½, E½SW¼, and SE¼;
Sec. 27, N½, and SW¼;
Sec. 29, NW¼NE¼;
Sec. 30, lots 1, 2, 3, 4, and 6, S½NE¼, SE¼NW¼, E½SW¼, and SE¼.

T. 30 N., R. 3 E.,
Sec. 11, N½S½;
Sec. 12, S½;
Sec. 13, lot 1, SE¼;
Sec. 15, lot 3;
Sec. 19, lots 4, 11, and 13, SE¼SW¼, NE¼SE¼, and S½SE¼;
Sec. 20, lots 6, and 7, S½SW¼, NE¼SE¼, and SW¼SE¼;
Sec. 21, lot 13, NW¼SW¼;
Sec. 26, E½SW¼;
Sec. 27, SE¼SW¼;
Sec. 28, NE¼NW¼, and SW¼;
Sec. 29, E½SE¼;
Sec. 30, lots 1, 3, and 4, N½NE¼, NE¼NW¼, E½SW¼, and W½SE¼.

T. 31 N., R. 3 E.,
Sec. 13, W½SW¼;
Sec. 15, SW¼SE¼;
Sec. 22, SE¼NE¼.

T. 30 N., R. 4 E.,
Sec. 7, E½NW¼;
Sec. 11, N½NE¼, SE¼NE¼, and N½NW¼;
Sec. 13, NW¼NE¼, and SE¼NW¼;
Sec. 14, lot 1, W½NW¼, and SW¼SE¼;
Sec. 15, SE¼NE¼, SW¼, N½SE¼, and SW¼SE¼;
Sec. 17, S½S½;
Sec. 18, lots 3, and 4, SE¼SW¼, NE¼SE¼, and S½SE¼;
Sec. 19, lots 1, 2, 3, 10, and 11, NE¼NE¼, E½SW¼, and SW¼SE¼;
Sec. 20, lots 3, 10, and 11;
Sec. 21, lots 1, 2, 3, and 9, E½NE¼, NE¼NW¼, and S½SE¼;
Sec. 22, lots 6, 7, and 8, SE¼NE¼, NW¼NW¼, NE¼SW¼, and N½SE¼;
Sec. 23, lots 12, and 13, N½NE¼, and SW¼SW¼;
Sec. 24, lots 1, and 4, SE¼NW¼, N½SE¼, and SE¼SE¼;
Sec. 25, lots 1, 2, 6, 7, 8, and 11, SE¼NE¼;
Sec. 26, SE¼NE¼, and E½SE¼;
Sec. 28, N½NW¼;
Sec. 35, NE¼NE¼.

T. 31 N., R. 4 E.,
Sec. 29, E½NE¼, and NE¼SE¼;
Sec. 32, SE¼SE¼;
Sec. 34, NE¼SW¼;
Sec. 35, NE¼NW¼, and SW¼.

T. 29 N., R. 5 E.
Sec. 1, SW¼SW¼;
Sec. 2, lots 5, 6, 7, and 8, N½SW¼, and SE¼SE¼;
Sec. 3, lots 3, 4, 5, and 6, SE¼NW¼, and NE¼SW¼; SE¼;
Sec. 4, lots 1, 2, 4, 5, and 6, SE¼NW¼, NE¼SW¼, and W½SE¼;
Sec. 9, NE¼NE¼;
Sec. 10, lots 4, 5, and 6, W½NW¼, and SE¼;
Sec. 11, lots 2, 3, 4, 5, 6, 7, and 11, E½NE¼, W½SW¼, and NE¼SE¼;
Sec. 12, W½W½;
Sec. 13, lot 8, NE¼, W½NW¼, and SE¼NW¼;
Sec. 14, lot 2, NW¼, and SW¼SE¼;
Sec. 23, NE¼;
Sec. 24, lot 1, S½N½, and SE¼.

T. 30 N., R. 5 E.,
Sec. 19, W½SE¼, and SE¼SE¼;
Sec. 20, SE¼SW¼, and W½SE¼;
Sec. 28, lots 1, 2, and 3, SW¼NW¼, NE¼SW¼, and SW¼SE¼;
Sec. 29, lots 1, 2, 3, 5, 6, and 8, NE¼NE¼, and S½SE¼;
Sec. 30, lots 1, and 2, NE¼, E½NW¼, SE¼SW¼, and SE¼;
Sec. 31, lots 1, and 11, NE¼NE¼, SE¼SW¼, and S½SE¼;
Sec. 32, NE¼, SE¼NW¼, and SE¼;
Sec. 33, lots 1, 8, and 10, E½NE¼, SW¼NW¼, W½SW¼, and NE¼SE¼;
Sec. 34, lot 1, SW¼NW¼, NW¼SW¼, and SE¼SW¼.

JULIAN D. SEARS, *Acting Director.*

Approved: September 14, 1945.

OSCAR L. CHAPMAN, *Assistant Secretary.*

[F. R. Doc. 45-17464; Filed, Sept. 19, 1945; 9:37 a. m.]

DEPARTMENT OF AGRICULTURE.

Rural Electrification Administration.

[Administrative Order 956]

ALLOCATION OF FUNDS FOR LOANS

SEPTEMBER 8, 1945.

By virtue of the authority vested in me by the provisions of section 4 of the Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said Act, funds for a loan for the project and in the amount as set forth in the following schedule:

Project designation:	Amount
Minnesota 97D Roseau*---------	$340,000

[SEAL] CLAUDE R. WICKARD, *Administrator.*

[F. R. Doc. 45-17497; Filed, Sept. 19, 1945; 11:04 a. m.]

INTERSTATE COMMERCE COMMISSION.

[S. O. 70-A, Special Permit 1051]

RECONSIGNMENT OF ONIONS AT HOUSTON, TEX.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph (§ 95.35, 8 F.R. 14624) of Service Order No. 70-A of October 22, 1943, permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard entirely the provisions of Service Order No. 70-A insofar as it applies to the reconsignment at Houston, Texas, September 14 or 15, 1945, by Colorado Potato Growers Exchange of car MDT 17118, onions, now on the A. T. & S. F. Railway, to Colorado Potato Growers Exchange, San Antonio, Texas. (AT&SF-IGN).

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 14th day of September 1945.

V. C. CLINGER, *Director, Bureau of Service.*

[F. R. Doc. 45-17480; Filed, Sept. 19, 1945; 10:12 a. m.]

[S. O. 70-A, Special Permit 1052]

RECONSIGNMENT OF HONEY DEW MELONS AT PITTSBURGH, PA.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph (§ 95.35, 8 F.R. 14624) of Service Order No. 70-A of October 22, 1943, permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard entirely the provisions of Service Order No. 70-A insofar as it applies to the reconsignment at Pittsburgh, Pennsylvania, September 14, 1945, by O'Donnell Fruit Company, of car MDT 16741, honey dew melons, now on the Pennsylvania Railroad, to Philadelphia, Penna. (PRR).

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 14th day of September 1945.

V. C. CLINGER, *Director, Bureau of Service.*

[F. R. Doc. 45-17481; Filed, Sept. 19, 1945; 10:12 a. m.]

[2d Rev. S. O. 300, Special Permit 50]

REFRIGERATION OF POTATOES FROM CALVERTON LONG ISLAND, N. Y.

Pursuant to the authority vested in me by paragraph (e) of the first ordering paragraph of Second Revised Service Order No. 300 (10 F.R. 6802), permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard the provisions of Second Revised Service Order No. 300 insofar as it applies to the furnishing of standard refrigeration on cars PFE 33868 and PFE 97269, potatoes, shipped September 13 or 14, 1945, from Calverton, L. I., N. Y., by I. M. Young Company, destined Tampa, Florida (LI-PRR-RP&P-SAL), as requested by Atlantic Commission Company.

The waybills shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 13th day of September 1945.

V. C. CLINGER, *Director, Bureau of Service.*

[F. R. Doc. 45-17482; Filed, Sept. 19, 1945; 10:12 a. m.]

OFFICE OF ALIEN PROPERTY CUSTODIAN.

[Vesting Order 5212]

DORA ERNST ET AL.

In re: Dora Ernst vs. Bertha Buntemeyr, et vir, et als.; File No. D-28-9055; E. T. sec. 11375.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

That the property described as follows: All right, title, interest and claim of any kind or character whatsoever of Henrich Wippesahl, Doris Wippesahl, Bertha Buntemeyr, also known as Bertha Buntemeyer, Johann Buntemeyr, also known as Johann Buntemeyer, Anna Frese, Christian Frese and John Wippesahl and his heirs, devisees and personal representatives, and each of them, in and to the proceeds of the sale of certain real property held by the Clerk of the Court of Chancery of New Jersey, pursuant to an Order for Distribution of the Court of Chancery of New Jersey, dated August 31, 1942, and entered in the proceedings entitled "Dora Ernst, widow vs. Bertha Buntemeyr, et vir, et als," on August 31, 1942,

is property payable or deliverable to, or claimed by nationals of a designated enemy country, Germany, namely,

Nationals and Last Known Address

Henrich Wippesahl, Germany.
Doris Wippesahl, Germany.
Bertha Buntemeyr, also known as Bertha Buntemeyer, Germany.
Johann Buntemeyr, also known as Johann Buntemeyer, Germany.
Anna Frese, Germany.
Christian Frese, Germany.
John Wippesahl and his heirs, devisees and personal representatives, Germany.

That such property is in the process of administration by I. Grant Scott, as Clerk, acting under the judicial supervision of the Court of Chancery of New Jersey;

And determining that to the extent that such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, (Germany);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC-1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on September 13, 1945.

[SEAL] JAMES E. MARKHAM, *Alien Property Custodian.*

[F. R. Doc. 45-17483; Filed, Sept. 19, 1945; 10:30 a. m.]

[Vesting Order 5213]

WILLIAM H. FISCHER

In re: Estate of William H. Fischer, deceased; File D-28-8269; E. T. sec. 9415.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding;

That the property described as follows: All right, title, interest and claim of any kind or character whatsoever of Anny von Witberge, also known as Anny von Wtbergke in and to the Estate of William H. Fischer, deceased,

is property payable or deliverable to, or claimed by, a national of a designated enemy country, Germany, namely,

National and Last Known Address

Anny von Witberge, also known as Anny von Wtbergke, Germany.

That such property is in the process of administration by Victor M. Jones and Harold Stern, as Executors, acting under the judicial supervision of the Surrogate's Court, New York County, New York;

And determining that to the extent that such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country, (Germany);

And having made all determinations and taken all action required by law, including appropriate consultation and certification,

and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC–1, a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on September 13, 1945.

[SEAL] JAMES E. MARKHAM,
Alien Property Custodian.

[F. R. Doc. 45–17484; Filed, Sept. 19, 1945; 10:30 a. m.]

[Vesting Order 5214]

SARAH C. GETTY

In re: Estate of Sarah C. Getty, deceased; File D–39–18367; E. T. sec. 13483.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding;

That the property described as follows: All right, title, interest and claim of any kind or character whatsoever of Frank Komai in and to the estate of Sarah C. Getty, deceased,

is property payable or deliverable to, or claimed by, a national of a designated enemy country, Japan, namely,

National and Last Known Address

Frank Komai, Japan.

That such property is in the process of administration by Jean Paul Getty, as Executor, acting under the judicial supervision of the Superior Court of the State of California, in and for the County of Los Angeles;

And determining that to the extent that such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country, (Japan);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC–1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on September 13, 1945.

[SEAL] JAMES E. MARKHAM,
Alien Property Custodian.

[F. R. Doc. 45–17485; Filed, Sept. 19, 1945; 10:30 a. m.]

[Vesting Order 5216]

BERTHA HAUPTMAN

In re: Trust under the will of Bertha Hauptman, deceased; File D–28–2603; E. T. sec. 4716.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding;

That the property described as follows: All right, title, interest and claim of any kind or character whatsoever of Johanna Appel, Karl Schneider, Dora Schneider and Meta Wertheim, and each of them, in and to the Trust created under the Will of Bertha Hauptman, deceased,

is property payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

Nationals and Last Known Address

Johanna Appel, Germany.
Karl Schneider, Germany.
Dora Schneider, Germany.
Meta Wertheim, Germany.

That such property is in the process of administration by David Jacob, as Trustee, acting under the judicial supervision of the Surrogate's Court of Queens County, New York;

And determining that to the extent that such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC–1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on September 13, 1945.

[SEAL] JAMES E. MARKHAM,
Alien Property Custodian.

[F. R. Doc. 45–17486; Filed, Sept. 19, 1945; 10:30 a. m.]

[Vesting Order 5217]

RICHARD M. KIMBEL

In re: Estate of Richard M. Kimbel, deceased; File No. D–28–3643; E. T. sec. 5941.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding;

That the property described as follows: All right, title, interest and claim of any kind or character whatsoever of Marianna Pantle, also known as Marianna M. Pantle, Lucy Wirth, Elsa Wirth, Hans Helder, Thekla Helder, Rudolf Petuel, "Anna" Petuel (true first name being unknown) and Greta Kimbel, and each of them, in and to the estate of Richard M. Kimbel, deceased,

is property payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

Nationals and Last Known Address

Marianna Pantle, also known as Marianna M. Pantle, Germany.
Lucy Wirth, Germany.
Elsa Wirth, Germany.
Hans Helder, Germany.
Thekla Helder, Germany.
Rudolf Petuel, Germany.
Greta Kimbel, Germany.
"Anna" Petuel (true first name being unknown) Germany.

That such property is in the process of administration by the Chemical Bank & Trust Company and William Rohe, as Executors of the Estate of Richard Kimbel, acting under the judicial supervision of the Surrogate's Court of New York County, New York;

And determining that to the extent that such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC–1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on September 13, 1945.

[SEAL] JAMES E. MARKHAM,
Alien Property Custodian.

[F. R. Doc. 45–17487:; Filed, Sept. 19, 1945; 10:30 a. m.]

[Vesting Order 5218]

FERDINAND KURZMAN

In re: Trust under the will of Ferdinand Kurzman, deceased; File No. D–28–2563; E. T. Sec. 3886.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding;

That the property described as follows: All right, title, interest and claim of any kind or character whatsoever of Berta Kurzmann (Rosenstock) and Rosa Kurzmann, in and to the trusts created under the last will and testament of Ferdinand Kurzman, deceased,

is property payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

Nationals and Last Known Address

Berta Kurzmann (Rosenstock), Germany.
Rosa Kurzmann, Germany.

That such property is in the process of administration by Lawyers Trust Company, as Trustee of the Trusts created under the Will of Ferdinand Kurzman, deceased, acting under the judicial supervision of the Surrogate's Court of New York County, New York;

And determining that to the extent that such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, (Germany);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC–1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on September 13, 1945.

[SEAL] JAMES E. MARKHAM,
Alien Property Custodian.

[F. R. Doc. 45–17488; Filed, Sept. 19, 1945; 10:31 a. m.]

[Vesting Order 5219]

RICHARD LEEFERS

In re: Estate of Richard Leefers, also known as Dick Leefers, deceased; File D–28–9154; E. T. sec. 11842.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding;

That the property described as follows: All right, title, interest and claim of any kind or character whatsoever of Henry Leefers, Eunice Leefers ———, married name unknown, John Leefers and Annie Wichmann, and each of them, in and to the Estate of Richard Leefers, also known as Dick Leefers, deceased,

is property payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

Nationals and Last Known Address

Henry Leefers, Germany.
Eunice Leefers ———, (married name unknown) Germany.
John Leefers, Germany.
Annie Wichmann, Germany.

That such property is in the process of administration by Chester D. Gunn, as Administrator, acting under the judicial supervision of the Superior Court of the State of California, in and for the County of San Diego;

And determining that to the extent that such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, (Germany);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC–1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on September 13, 1945.

[SEAL] JAMES E. MARKHAM,
Alien Property Custodian.

[F. R. Doc. 45–17489; Filed, Sept. 19, 1945; 10:31 a. m.]

[Vesting Order 5220]

EDWARD J. LIEBETRUT

In re: Estate of Edward J. Liebetrut, deceased; File D–28–9759; E. T. sec. 13684.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

That the property described as follows: All right, title, interest and claim of any kind or character whatsoever of Emilia Bergener in and to the Estate of Edward J. Liebetrut, deceased,

is property payable or deliverable to, or claimed by, a national of a designated enemy country, Germany, namely,

National and Last Known Address

Emilia Bergener, Germany.

That such property is in the process of administration by Liberty Bank of Buffalo, as Executor and Trustee, acting under the judicial supervision of the Surrogate's Court of Erie County, New York:

And determining that to the extent that such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country, (Germany);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC–1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C. on September 13, 1945.

[SEAL] JAMES E. MARKHAM,
Alien Property Custodian.

[F. R. Doc. 45–17490; Filed, Sept. 19, 1945; 10:31 a. m.]

[Vesting Order 5221]

JACOB ROTHSCHILD

In re: Estate of Jacob Rothschild, also known as J. Rothschild, deceased; File D–28–9507; E. T. sec. 12878.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding; that the property described as follows:

All right, title, interest and claim of any kind or character whatsoever of Isidor Rothschild, or his heirs, Siegmund Rothschild, or his heirs, Mrs. Ella Kaufmann, and children, names unknown, of Flora Sonnheim, nee Rothschild, deceased, and each of them, in and to the Estate of Jacob Rothschild, also known as J. Rothschild, deceased, is property payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

Nationals and Last Known Address

Isidor Rothschild, or his heirs, Germany.
Siegmund Rothschild, or his heirs, Germany.
Mrs. Ella Kaufmann, Germany.
Children, names unknown, of Flora Sonnheim, nee Rothschild, deceased, Germany.

That such property is in the process of administration by Albert E. Hill, as Administrator with the will annexed, acting under the judicial supervision of the Superior Court of the State of California, in and for the County of Alameda;

And determining that to the extent that such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC–1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on September 13, 1945.

[SEAL] JAMES E. MARKHAM,
Alien Property Custodian.

[F. R. Doc. 45–17491; Filed, Sept. 19, 1945; 10:31 a. m.]

[Vesting Order 5222]

MANZABURO TADA

In re: Estate of Manzaburo Tada, deceased; File D–39–18316; E. T. sec. 11429.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding;

That the property described as follows: All right, title, interest and claim of any kind or character whatsoever of Mr. Sagako Tominago in and to the Estate of Manzaburo Tada, deceased,

is property payable or deliverable to, or claimed by, a national of a designated enemy country, Japan, namely,

National and Last Known Address

Mrs. Sagako Tominago, Japan.

That such property is in the process of administration by Phil C. Katz, as Administrator of the Estate of Manzaburo Tada, acting under the judicial supervision of the Superior Court of the State of California, in and for the City and County of San Francisco;

And determining that to the extent that such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC–1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C. on September 13, 1945.

[SEAL] JAMES E. MARKHAM,
Alien Property Custodian.

[F. R. Doc. 45–17492; Filed, Sept. 19, 1945; 10:31 a. m.]

[Vesting Order 5223]

SIDNEY WASHAUER

In re: Estate of Sidney Washauer, also known as S. Washauer, deceased; File No. D–28–9519; E. T. sec. 12921.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding;

That the property described as follows: All right, title, interest and claim of any kind or character whatsoever of Adolph Washauer in and to the Estate of Sidney Washauer, also known as S. Washauer, deceased,

is property payable or deliverable to, or claimed by, a national of a designated enemy country, Germany, namely,

National and Last Known Address

Adolph Washauer Germany.

That such property is in the process of administration by Wells Fargo Bank & Union Trust Company, Executor of the Estate of Sidney Washauer, also known as S. Washauer, acting under the judicial supervision of the Superior Court of the State of California, in and for the City and County of San Francisco;

And determining that to the extent that such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country, (Germany);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC–1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C. on September 13, 1945.

[SEAL] JAMES E. MARKHAM,
Alien Property Custodian.

[F. R. Doc. 45–17493; Filed, Sept. 19, 1945; 10:31 a. m.]

OFFICE OF PRICE ADMINISTRATION.

[MPR 64, Order 190]

KOL-GAS HEATER CO.

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith, and filed with the Division of the Federal Register, and pursuant to sections 7 and 11 of Maximum Price Regulation No. 64, *It is ordered:*

(a) This order establishes maximum prices for sales of the Model No. 325 magazine circulating coal heater manufactured by the Kol-Gas Heater Company, Cotton States Building, Nashville 3, Tennessee, as follows:

(1) For sales by the manufacturer to wholesale distributors the maximum price per heater is $49.75. This price is f. o. b. Anderson, Indiana, and is subject to the seller's customary terms, discounts, allowances and other price differentials in effect on sales of similar articles.

(2) For sales in each zone by wholesale distributors to retailers the maximum prices are those set forth below:

Zone 1	Zone 2	Zone 3	Zone 4
Each $62.19	*Each* $64.53	*Each* $66.84	*Each* $70.31

These prices are f. o. b. distributor's city and are subject to each seller's customary terms, discounts, allowances and other price differentials in effect on sales of similar articles.

(3) For sales in each zone by retailers to ultimate consumers the maximum prices are those set forth below:

Zone 1	Zone 2	Zone 3	Zone 4
Each $99.50	*Each* $103.25	*Each* $106.95	*Each* $112.50

These prices include delivery. In all other respects they are subject to each seller's customary terms, discounts, allowances and other price differentials in effect on sales of similar articles.

(b) At the time of, or prior to, the first invoice to each purchaser for resale after the effective date of this order, the Kol-Gas Heater Company shall notify the purchaser of the maximum price and conditions set by this order for resales by the purchaser. This notice may be given in any convenient form.

(c) The Kol-Gas Heater Company shall, before delivering any Model 325 magazine circulating coal heaters, attach securely to the front of each heater a tag or label which plainly states the maximum retail price in each zone together with a list of the states included in each zone, and that the prices shown include delivery. This tag or label may not be removed until after the heater has been sold to an ultimate consumer.

(d) For the purposes of this order Zones 1, 2, 3 and 4 comprise the following states:

Zone 1. Illinois, Indiana, Ohio and Kentucky.

Zone 2. Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, New York, Pennsylvania, New Jersey, Delaware, Maryland, Virginia, West Virginia, North Carolina, South Carolina, Tennessee, Georgia, Alabama, Mississippi, Michigan, Wisconsin, Minnesota, Iowa, Missouri, Arkansas, and the District of Columbia.

Zone 3. Florida, Louisiana, North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, Texas, Montana, Wyoming, Colorado and New Mexico.

Zone 4. Washington, Oregon, Idaho, California, Nevada, Utah and Arizona.

(e) This order may be revoked or amended by the Price Administrator at any time.

(f) This order shall become effective on the 19th day of September 1945.

Issued this 18th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45–17397; Filed, Sept. 18, 1945; 11:42 a. m.]

[MPR 188, Order 111 Under Order A–2]

JOHNSON MFG. CO.

ADJUSTMENT OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to paragraph (a) (16) of Order A–2 under § 1499.159b of Maximum Price Regulation No. 188; *it is ordered:*

(a) *Manufacturer's maximum prices.* Johnson Manufacturing Company, 6601 San Leandro Avenue, Oakland, California, may add the following additional adjustment charges to its maximum prices for sales and deliveries to retailers of the articles listed below which it manufactures, resulting in the following adjusted maximum prices:

Article	Model No.	Maximum price	Adjustment permitted by par. (d) of Order No. 1052	Additional adjustment permitted by this order	Total adjusted maximum prices
Chest..	0336	$3.85	$0.19	$0.16	$4.20
	0436	5.10	.26	.12	5.48
	0536	6.00	.30	.17	5.47

The adjustment charges listed above may be made and collected only if each is separately stated on each invoice. The adjusted maximum prices are subject to the manufacturer's customary terms, discounts, allowances and other price differentials in effect during March 1942.

(b) *Maximum prices of purchasers for resale.* A person who hereafter buys an article covered by this order and resells

it in substantially the same form, may collect from his customer, in addition to his properly established maximum price in effect immediately before this order was issued, an adjustment charge in the same amount as the additional adjustment charge herein authorized for and which he pays to his supplier. If he did not have a maximum price in effect for the article at the time this order was issued, he may add the same adjustment charge to the maximum price which he hereafter establishes for his sales under the applicable regulation. If the applicable regulation requires the maximum resale price to be computed on the basis of cost, the reseller must find his maximum resale price, (not including the permitted adjustment charge), by using as cost his invoice cost less any adjustment charge stated on the invoice as a separate amount.

On all sales other than sales to the ultimate consumer this additional adjustment charge may be made and collected only if it is separately stated on each invoice. The adjusted price is subject to each seller's customary terms, discounts, and allowances on sales of the same or similar articles. The adjustment charge authorized in this paragraph (b) is in addition to any adjustment charge permitted for wholesalers by Order No. 1052 under Maximum Price Regulation No. 188.

(c) *Notification.* At the time of or prior to the first invoice to a purchaser for resale on and after the effective date of this order, showing a price adjusted in accordance with this order, the seller shall notify the purchaser in writing of the method established by paragraph (b) of this order for determining maximum adjusted prices for resales of the article. This notice may be given in any convenient form.

(d) All requests not specifically granted by this order are hereby denied.

(e) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective on the 19th day of September 1945.

Issued this 18th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-17408; Filed, Sept. 18, 1945; 11:44 a. m.]

[MPR 188, Rev. Order 3565]

H. R. BASFORD CO.

APPROVAL OF MAXIMUM PRICES

Order No. 3565 under § 1499.158 of Maximum Price Regulation No. 188 is revised to read as follows:

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.158 of Maximum Price Regulation No. 188, *It is ordered:*

(a) This revised order establishes maximum prices for sales and deliveries of the 8" Model No. 10 Compound Lever-action Multi-duty Pliers manufactured by H. R. Basford Company, of 425 Second Street, San Francisco 7, California.

(1) For all sales and deliveries to the following classes of purchasers by any person, the maximum prices are those set forth below:

	Each
For sales to jobbers	$1.63
For sales to chain stores	1.95
For sales to retailers other than chain stores	2.17
For sales to consumers	3.25

These maximum prices are for the articles described in the manufacturer's application dated January 4, 1945.

(2) For sales by the manufacturer, the maximum prices apply to all sales and deliveries since Maximum Price Regulation No. 188 became applicable to those sales and deliveries. They are f. o. b. factory, and they are subject to a cash discount of one percent for payment within ten days, except that sales to consumers are net.

(3) For sales by persons other than the manufacturer, the maximum prices apply to all sales and deliveries after the effective date of this revised order. Those prices are subject to each seller's customary terms and conditions of sale on sales of similar articles.

(4) If the manufacturer wishes to make sales and deliveries to any other class of purchaser or on other terms and conditions of sale, he must apply to the Office of Price Administration, under the Fourth Pricing Method, § 1499.158 of Maximum Price Regulation No. 188, for the establishment of maximum prices for those sales, and no sales or deliveries may be made until maximum prices have been authorized by the Office of Price Administration.

(b) The manufacturer shall attach a tag or label to every article for which a maximum price for sales to consumers is established by this revised order. That tag or label shall contain the following statement:

OPA Retail Ceiling Price—$3.25
Do Not Detach

(c) At the time of, or prior to, the first invoice to each purchaser for resale, the manufacturer shall notify the purchaser in writing of the maximum prices and conditions established by this revised order for sales by the purchaser. This notice may be given in any convenient form.

(d) This revised order may be revoked or amended by the Price Administrator at any time.

(e) This revised order shall become effective on the 19th day of September 1945.

Issued this 18th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-17399; Filed, Sept. 18, 1945; 11:44 a. m.]

[MPR 188, Order 4422]

ELIOTT MFG. CO.

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.158 of Maximum Price Regulation No. 188; *It is ordered:*

(a) This order establishes maximum prices for sales and deliveries of certain articles manufactured by Eliott Manufacturing Company, 101 Gulf Street, Milford, Conn.

(1) For all sales and deliveries to the following classes of purchasers by the sellers indicated below, the maximum prices are those set forth below:

Article	Model No.	Maximum prices for sales by any seller to—				
		Wholesalers (jobbers)	Dropship jobbers	Chain and dept. stores	Other retailers	Consumers
Knife sharpener	None	*Per doz.* $1.50	*Per doz.* $1.53	*Per doz.* $1.80	*Per doz.* $2.10	*Each* $0.25

These maximum prices are for the articles described in the manufacturer's application dated June 28, 1945.

(2) For sales by the manufacturer, the maximum prices apply to all sales and deliveries since Maximum Price Regulation No. 188 became applicable to those sales and deliveries. These prices are f. o. b. factory and subject to a cash discount of 2% for payment within 10 days, net 30 days.

(3) For sales by persons other than the manufacturer, the maximum prices apply to all sales and deliveries after the effective date of this order. Those prices are subject to each seller's customary terms and conditions of sale on sales of similar articles.

(4) If the manufacturer wishes to make sales and deliveries to any other class of purchaser or on other terms and conditions of sale, he must apply to the Office of Price Administration, Washington, D. C., under the Fourth Pricing Method, § 1499.158 of Maximum Price Regulation No. 188, for the establishment of maximum prices for those sales, and no sales or deliveries may be made until maximum prices have been authorized by the Office of Price Administration.

(b) The manufacturer shall attach a tag or label to every article for which a maximum price for sale to consumers is established by this order. That tag or label shall contain the following statement:

OPA Retail Ceiling Price $0.25 Each
Do Not Detach or Obliterate

(c) At the time of, or prior to, the first invoice to each purchaser for resale at wholesale, the manufacturer shall notify the purchaser in writing of a maximum price and conditions established by this order for sales by the purchaser. This notice may be given in any convenient form.

(d) This order may be revoked or amended by the Price Administrator at any time.

(e) This order shall become effective on the 19th day of September 1945.

Issued this 18th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-17400; Filed, Sept. 18, 1945; 11:44 a. m.]

[MPR 188, Order 4423]

YODER MFG. CO.

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.158 of Maximum Price Regulation No. 188; *It is ordered:*

(a) This order establishes maximum prices for sales and deliveries of certain articles manufactured by Yoder Manufacturing Co., 1353 Firestone Boulevard, Los Angeles 1, Calif.

(1) For all sales and deliveries to the following classes of purchasers by the sellers indicated below, the maximum prices are those set forth below:

Article	Model No.	Maximum prices for sales by any seller to—		
		Wholesalers (jobbers)	Retailers (dealers)	Consumers
Lawn sprinkler	10	*Each* $0.22	*Each* $0.30	*Each* $0.41

These maximum prices are for the articles described in the manufacturer's application dated August 20, 1945.

(2) For sales by the manufacturer, the maximum prices apply to all sales and deliveries since Maximum Price Regulation No. 188 became applicable to those sales and deliveries. These prices are f. o. b. factory, with full freight allowed on shipments of 100 pounds or more to stocking jobbers, and subject to a cash discount of 2% for payment within 10 days, net 30 days.

(3) For sales by persons other than the manufacturer, the maximum prices apply to all sales and deliveries after the effective date of this order. Those prices are subject to each seller's customary terms and conditions of sale on sales of similar articles.

(4) If the manufacturer wishes to make sales and deliveries to any other class of purchaser or on other terms and conditions of sale, he must apply to the Office of Price Administration, Washington, D. C., under the Fourth Pricing Method, § 1499.158 of Maximum Price Regulation No. 188, for the establishment of maximum prices for those sales, and no sales or deliveries may be made until maximum prices have been authorized by the Office of Price Administration.

(b) The manufacturer shall attach a tag or label to every article for which a maximum price for sales to consumers is established by this order. That tag or label shall contain the following statement:

OPA Retail Ceiling Price, $0.44 each
Do Not Detach or Obliterate

(c) At the time of, or prior to, the first invoice to each purchaser for resale at wholesale, the manufacturer shall notify the purchaser in writing of the maximum prices and conditions established by this order for sales by the purchaser. This notice may be given in any convenient form.

(d) This order may be revoked or amended by the Price Administrator at any time.

(e) This order shall become effective on the 19th day of September 1945.

Issued this 18th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-17401; Filed, Sept. 18, 1945; 11:44 a. m.]

[MPR 188, Order 4424]

MORVAY, LTD.

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.158 of Maximum Price Regulation No. 188, *It is ordered:*

(a) This order establishes maximum prices for sales and deliveries of certain articles manufactured by Morvay, Limited, 2054-2056 North Cicero Avenue, Chicago 39, Ill.

(1) For all sales and deliveries to the following classes of purchasers by the sellers indicated below, the maximum prices are those set forth below:

Article	Model	Maximum prices for sales by any seller to—				
		Distributor	Wholesaler (jobber)	Retailer (units or more)	Retailer (less than units)	Consumer
Electric hot plate, single burner, enamel finish, with cord	S1	*Each* $1.61	*Each* $1.89	*Each* $2.23	*Each* $2.41	*Each* $3.60
Electric hot plate, single burner, chrome finish, with cord	S1C	1.98	2.20	2.60	2.80	4.20

These maximum prices are for the articles described in the manufacturer's applications dated August 1, 1945. They include the Federal Excise Tax.

(2) For sales by the manufacturer, the maximum prices apply to all sales and deliveries since Maximum Price Regulation No. 188 became applicable to those sales and deliveries. These prices are f. o. b. factory and are subject to a cash discount of 2% for payment within 10 days, net 30 days.

(3) For sales by persons other than the manufacturer, the maximum prices apply to all sales and deliveries after the effective date of this order. Those prices are subject to each seller's customary terms and conditions of sale on sales of similar articles.

(4) If the manufacturer wishes to make sales and deliveries to any other class of purchaser or on other terms and conditions of sale, he must apply to the Office of Price Administration, Washington, D. C., under the Fourth Pricing Method, § 1499.158 of Maximum Price Regulation No. 188, for the establishment of maximum prices for those sales, and no sales or deliveries may be made until maximum prices have been authorized by the Office of Price Administration.

(b) The manufacturer shall attach a tag or label to every article for which a maximum price for sales to consumers is established by this order. That tag or label shall contain either of the following statements with the correct order number, model number, and retail ceiling price filled in:

Order No. 4424
Model No. ------
OPA Retail Ceiling Price $------
Federal Excise Tax Included
Do Not Detach or Obliterate

or

Morvay, Limited
2054-2056 North Cicero Avenue
Chicago 29, Illinois
Model No. ------
OPA Retail Ceiling Price $------
Federal Excise Tax Included
Do Not Detach or Obliterate

(c) At the time of, or prior to, the first invoice to each purchaser for resale at wholesale, the manufacturer shall notify the purchaser in writing of the maximum prices and conditions established by this order for sales by the purchaser. This notice may be given in any convenient form.

(d) This order may be revoked or amended by the Price Administrator at any time.

(e) This order shall become effective on the 19th day of September 1945.

Issued this 18th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-17402; Filed, Sept. 18, 1945; 11:45 a. m.]

[MPR 188, Order 4425]

S. GLUCK & CO.

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.158 of Maximum Price Regulation No. 188; *It is ordered:*

(a) This order establishes maximum prices for sales and deliveries of certain articles manufactured by S. Gluck & Company, 44 North Third Street, Philadelphia 6, Pennsylvania.

(1) For all sales and deliveries to the following classes of purchasers by the sellers indicated below, the maximum prices are those set forth below:

Article	Model No.	For sales by the manufacturer to—		For sales by any person to consumers
		Jobbers	Retailers	
Lamp shade with knitted celanese top and rayon taffeta lining—braid trim top and bottom.	150-15"	*Each* $2.25	*Each* $2.65	*Each* $4.75
	150-16"	2.12	2.50	4.50
	150-14"	1.51	2.25	4.05
	150-12"	1.70	2.00	3.60
Lamp shade with acetate crepe or celanese top and rayon taffeta lining—braid trim top and self trimmed bottom.	100-15"	2.25	2.65	4.75
	100-16"	2.15	2.50	4.50
	100-14"	1.91	2.25	4.05
	100-12"	1.70	2.00	3.60

Article	Model No.	For sales by the manufacturer to— Jobbers	For sales by the manufacturer to— Retailers	For sales by any person to consumers
		Each	*Each*	*Each*
Lamp shade with acetate crepe or celanese top and rayon taffeta lining with velvet trim top and bottom.	104-11"	$1.27	$1.50	$2.70
Lamp shade with acetate crepe or celanese top and rayon taffeta lining—scalloped bottom—velvet trim top and bottom.	107-11" 107-9" 107-8"	1.25 1.06 .93	1.50 1.25 1.10	2.70 2.25 2.00
Lamp shade with acetate crepe or celanese top and rayon taffeta lining—two-tone ruching top and bottom.	118-11" 118-9" 118-8"	2.68 2.54 2.25	3.15 2.95 2.65	5.65 5.30 4.75
Lamp shade with acetate crepe or celanese top and rayon taffeta lining—two-tone ruching top and bottom.	400-16" 400-14" 400-12"	3.61 3.40 3.19 2.76	4.25 4.00 3.75 3.25	7.65 7.20 6.75 5.85
Lamp shade with acetate crepe or celanese top and rayon taffeta lining—deep drape top and piped fold bottom.	401-16 401-14 401-12	3.61 3.40 3.19 2.76	4.25 4.00 3.75 3.25	7.65 7.20 6.75 5.85
Lamp shade with acetate crepe or celanese top and rayon taffeta lining—fold top and large drape bottom.	402-16 402-14 402-12	3.61 3.40 3.19 2.76	4.25 4.00 3.75 3.25	7.65 7.20 6.75 5.85
Lamp shade with acetate or crepe top and rayon taffeta lining—two-tone ruching top fold bottom.	325-16 325-14 325-12	4.04 3.83 3.53 3.19	4.75 4.50 4.15 3.75	8.55 8.10 7.45 6.75
Lamp shade with acetate crepe or celanese top and rayon taffeta lining—two-tone ruching top & bottom.	425-16" 16" 14" 12"	7.22 5.52 5.10 4.89	8.50 6.50 6.00 5.75	15.30 11.70 10.80 10.35
Lamp shade with acetate crepe or celanese top and draped top—self-trimmed bottom.	300-16" 16" 14" 12"	2.85 2.42 2.25 2.12	3.35 2.85 2.65 2.50	6.05 5.15 4.75 4.50
Lamp shade with acetate crepe or celanese top and rayon taffeta lining with ruching top and bottom.	200-16" 16" 14" 12" 10" 9" 8"	2.68 2.25 2.00 1.91 1.59 1.27 1.15	3.15 2.65 2.35 2.25 1.75 1.50 1.35	5.65 4.75 4.25 4.05 3.15 2.70 2.45
Lamp shade with acetate crepe or celanese top and rayon taffeta lining with two-tone ruching top with hand tied ten-inch fringe self-trim bottom.	611-16"	6.37	7.50	13.50
Lamp shade with satin top, on body, rayon taffeta lining shirt-brocade or damask with two-tone ruching top and bottom.	18-16"	8.29	9.75	17.55

These maximum prices are for the articles described in the manufacturer's application dated May 15, 1945.

(2) For sales by the manufacturer, the maximum prices apply to all sales and deliveries since Maximum Price Regulation No. 188 became applicable to those sales and deliveries. For sales to persons other than consumers they are f. o. b. factory, 2% 10 days, net 30. The maximum price to consumers is net, delivered.

(3) For sales by persons other than the manufacturer, the maximum prices apply to all sales and deliveries after the effective date of this order. Those prices are subject to each seller's customary terms and conditions of sale on sales of similar articles.

(4) If the manufacturer wishes to make sales and deliveries to any other class of purchaser or on other terms and conditions of sale, he must apply to the Office of Price Administration, Washington, D. C., under the Fourth Pricing Method, § 1499.158 of Maximum Price Regulation No. 188, for the establishment of maximum prices for those sales, and no sales or deliveries may be made until maximum prices have been authorized by the Office of Price Administration.

(b) The manufacturer shall attach a tag or label to every article for which a maximum price for sales to consumers is established by this order. That tag or label shall contain the following statement, with the proper model number and the ceiling price inserted in the blank spaces:

Model No. ------
OPA Retail Ceiling Price—$------
Do Not Detach

(c) At the time of, or prior to, the first invoice to each purchaser for resale, the manufacturer shall notify the purchaser in writing of the maximum prices and conditions established by this order for sales by the purchaser. This notice may be given in any convenient form.

(d) Jobber's maximum prices for sales of the articles covered by this order shall be established under the provisions of section 4.5 of SR 14J.

(e) This order may be revoked or amended by the Price Administrator at any time.

(f) This order shall become effective on the 19th day of September 1945.

Issued this 18th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-17403; Filed, Sept. 18, 1945; 11:45 a. m.]

[MPR 188, Order 4426]

L. H. RUSSELL CO.

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.158 of Maximum Price Regulation No. 188; *It is ordered:*

(a) This order establishes maximum prices for sales and deliveries of certain articles manufactured by L. H. Russell Company, 5127 South Vermont Street, Los Angeles 37, Calif.

(1) For all sales and deliveries to the following classes of purchasers by the sellers indicated below, the maximum prices are those set forth below:

Article	Model No.	For sales by the manufacturer to— Jobbers	For sales by the manufacturer to— Retailers	For sales by any person to consumers
		Each	*Each*	*Each*
9¾" polished aluminum boudoir lamp (no shade)	1057	$2.68	$3.15	$5.70

These maximum prices are for the articles described in the manufacturer's application dated June 11, 1945.

(2) For sales by the manufacturer, the maximum prices apply to all sales and deliveries since Maximum Price Regulation No. 188 became applicable to those sales and deliveries. For sales to persons other than consumers they are f. o. b. factory, 2% 10 days, net 30. The maximum price to consumers is net, delivered.

(3) For sales by persons other than the manufacturer, the maximum prices apply to all sales and deliveries after the effective date of this order. Those prices are subject to each seller's customary terms and conditions of sale on sales of similar articles.

(4) If the manufacturer wishes to make sales and deliveries to any other class of purchaser or on other terms and conditions of sale, he must apply to the Office of Price Administration, Washington, D. C., under the Fourth Pricing Method, § 1499.158 of Maximum Price Regulation No. 188, for the establishment of maximum prices for those sales, and no sales or deliveries may be made until maximum prices have been authorized by the Office of Price Administration.

(b) The manufacturer shall attach a tag or label to every article for which a maximum price for sales to consumers is established by this order. That tag or label shall contain the following statement, with the proper model number and the ceiling price inserted in the blank spaces:

Model No. ------
OPA Retail Ceiling Price—$------
Do Not Detach

(c) At the time of, or prior to, the first invoice to each purchaser for resale, the manufacturer shall notify the purchaser in writing of the maximum prices and conditions established by this order for sales by the purchaser. This notice may be given in any convenient form.

(d) Jobber's maximum prices for sales of the articles covered by this order shall be established under the provisions of section 4.5 of SR 14J.

(e) This order may be revoked or amended by the Price Administrator at any time.

(f) This order shall become effective on the 19th day of September 1945.

Issued this 18th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-17404; Filed, Sept. 18, 1945; 11:45 a. m.]

[MPR 188, Order 4427]

CUPP & MULLINS FOUNDRY CO.

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.158 of Maximum Price Regulation No. 188; *It is ordered:*

(a) This order establishes maximum prices for sales and deliveries of certain articles manufactured by Cupp and Mullins Foundry Company, 926 Chevez Drive, Dallas, Tex.

(1) For all sales and deliveries to the following classes of purchasers by the sellers indicated below, the maximum prices are those set forth below:

Article	Model No.	Maximum prices for sales by any seller to— Jobbers	Chain and dept. stores	Other retailers	Consumers
		Ea.	*Ea.*	*Ea.*	*Ea.*
Aluminum roaster	12 x 8¾ x 5	$2.25	$3.30	$3.70	$5.50

These maximum prices are for the articles described in the manufacturer's application dated July 10, 1945.

(2) For sales by the manufacturer, the maximum prices apply to all sales and deliveries since Maximum Price Regulation No. 188 became applicable to those sales and deliveries. These prices are f. o. b. factory and are subject to a cash discount of 2% for payment within 10 days, net 30 days.

(3) For sales by persons other than the manufacturer, the maximum prices apply to all sales and deliveries after the effective date of this order. Those prices are subject to each seller's customary terms and conditions of sale on sales of similar articles.

(4) If the manufacturer wishes to make sales and deliveries to any other class of purchaser or on other terms and conditions of sale, he must apply to the Office of Price Administration, Washington, D. C., under the Fourth Pricing Method, § 1499.158 of Maximum Price Regulation No. 188, for the establishment of maximum prices for those sales, and no sales or deliveries may be made until maximum prices have been authorized by the Office of Price Administration.

(b) The manufacturer shall attach a tag or label to every article for which a maximum price for sales to consumers is established by this order. That tag or label shall contain the following statement:

Model No. 12 x 8¾ x 5
OPA Retail Ceiling Price—$5.50
Do Not Detach or Obliterate

(c) At the time of, or prior to, the first invoice to each purchaser for resale at wholesale, the manufacturer shall notify the purchaser in writing of the maximum prices and conditions established by this order for sales by the purchaser. This notice may be given in any convenient form.

(d) This order may be revoked or amended by the Price Administrator at any time.

(e) This order shall become effective on the 19th day of September 1945.

Issued this 18th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-17405; Filed, Sept. 18, 1945; 11:46 a. m.]

[MPR 188, Order 4428]

WOOSTER RUBBER CO.

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.157 of Maximum Price Regulation No. 188 and section 6.4 of Second Revised Supplementary Regulation No. 14; *It is ordered:*

(a) This order establishes maximum prices for sales and deliveries of dish drainer baskets manufactured by The Wooster Rubber Company, Wooster, Ohio.

(1) For all sales and deliveries to the following classes of purchasers by the sellers indicated below, the maximum prices are those set forth below:

Article	Model No.	Maximum prices for sales by any seller to— Wholesalers (jobbers)	Dept., chain or syndicate stores	Other retailers	Consumers
		Each	*Each*	*Each*	*Each*
Dish drainer 13" x 16"	6001	$0.90	$1.08	$1.20	$1.80
Dish drainer 13½" x 17½"	6006	.93	1.13	1.25	1.85
Dish drainer 13½" x 17½"	6066	.93	1.13	1.25	1.85
Dish drainer 12¼" x 14¾"	6005	.85	1.02	1.13	1.70

These maximum prices are for the articles described in the manufacturer's application dated September 8, 1945.

(2) For sales by the manufacturer, these maximum prices apply to all sales and deliveries after the effective date of this order. The manufacturer's prices are f. o. b. factory and are subject to a cash discount of 2% for payment within 10 days, net 30 days. The prices for sales by persons other than the manufacturer are subject to each seller's customary terms and conditions of sale of similar articles.

(b) The manufacturer shall attach a tag or label to every article for which a maximum price for sales to consumers is established by this order. That tag or label shall contain the following statement with the correct model number and retail prices properly filled in:

Model No. ------
OPA Retail Ceiling Price—$------
Do Not Detach or Obliterate

(c) At the time of, or prior to, the first invoice to each purchaser for resale at wholesale, the manufacturer shall notify the purchaser in writing of the maximum prices and conditions established by this order for sales by the purchaser. This notice may be given in any convenient form.

(d) This order may be revoked or amended by the Price Administrator at any time.

(e) This order shall become effective on the 19th day of September 1945.

Issued this 18th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-17406; Filed, Sept. 18, 1945; 11:46 a. m.]

[MPR 188, Order 4429]

TOADROY MFG. CO.

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.158 of Maximum Price Regulation No. 188; *It is ordered:*

(a) This order establishes maximum prices for sales and deliveries of certain articles manufactured by the Toadroy Manufacturing Company, Wellington, Kansas.

(1) For all sales and deliveries to the following classes of purchasers by the sellers indicated below, the maximum prices are those set forth below:

Article	Model No	Maximum prices for sales by any seller to— Retailers	Consumers
		Each	*Each*
Electric floor polisher	S	$42.25	$65

These maximum prices are for the articles described in the manufacturer's application dated June 5, 1945. They do not include the Federal Excise Tax.

(2) For sales by the manufacturer, the maximum prices apply to all sales and deliveries since Maximum Price Regulation No. 188 became applicable to those sales and deliveries. These prices are f. o. b. factory and are net 30 days.

(3) For sales by persons other than the manufacturer, the maximum prices apply to all sales and deliveries after the effective date of this order. Those prices are subject to each seller's customary terms and conditions of sale on sales of similar articles.

(4) If the manufacturer wishes to make sales and deliveries to any other class of purchaser or on other terms and conditions of sale, he must apply to the Office of Price Administration, Washington, D. C., under the Fourth Pricing Method, § 1499.158 of Maximum Price Regulation No. 188, for the establishment of maximum prices for those sales, and no sales or deliveries may be made until maximum prices have been authorized by the Office of Price Administration.

(b) The manufacturer shall attach a tag or label to every article for which a maximum price for sales to consumers is established by this order. That tag or label shall contain either of the following statements with the correct order number filled in:

Order No. 4429
Model No. S
OPA Retail Ceiling Price—$65.00
Do Not Detach or Obliterate

or

Toadroy Manufacturing Company
Wellington, Kans.
Model No. S
OPA Retail Ceiling Price—$65.00
Do Not Detach or Obliterate

(c) At the time of, or prior to, the first invoice to each purchaser for resale at wholesale, the manufacturer shall notify the purchaser in writing of the maximum prices and conditions established by this order for sales by the purchaser.

This notice may be given in any convenient form.

(d) This order may be revoked or amended by the Price Administrator at any time.

(e) This order shall become effective on the 19th day of September 1945.

Issued this 18th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-17407; Filed, Sept. 18, 1945; 11:46 a. m.]

[MPR 260, Amdt. 1 to Order 635]

ELIZABETH M. BRENEMAN

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion accompanying this amendment and pursuant to § 1358.102 (b) of Maximum Price Regulation 260; It is ordered, That:

The maximum prices for the "Radio-Corona" cigar set forth in paragraph (a) of Order No. 635 under Maximum Price Regulation 260, are amended to read as follows:

Brand	Size or frontmark	Packing	Maximum list price	Maximum retail price
Radio	Corona	50	*Per M* $56	*Cents* 7

This amendment shall become effective September 19, 1945.

Issued this 18th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-17410; Filed, Sept. 18, 1945; 11:47 a. m.]

[MPR 260, Amdt 1 to Order 1107]

ASTORIA CIGAR CO., INC.

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion accompanying this amendment and pursuant to § 1358.102 (b) of Maximum Price Regulation 260; *It is ordered*, That:

The maximum prices for the "Astoria Cigar—2 for 15 cents" and "Astoria Cigar—6 cents" cigars set forth in paragraph (a) of Order No. 1107 under Maximum Price Regulation No. 260, are amended to read as follows:

Brand	Size or frontmark	Packing	Maximum list price	Maximum retail price
Astoria Cigar	2 for 15¢	50	*Per M* $56	*Cents* 7
	6¢	50	48	6

This amendment shall become effective September 19, 1945.

Issued this 18th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-17411; Filed, Sept. 18, 1945; 11:47 a. m.]

[MPR 260, Order 1830]

CHARLES D. RIDER

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion accompanying this order, and pursuant to § 1358.102 (b) of Maximum Price Regulation No. 260; *It is ordered*, That:

(a) Charles D. Rider, 33 N. Main Street (Rear), Red Lion, Pa. (hereinafter called "manufacturer"), and wholesalers and retailers may sell, offer to sell or deliver and any person may buy, offer to buy or receive each brand and size or frontmark, and packing of the following domestic cigars at the appropriate maximum list price and maximum retail price set forth below:

Brand	Size or frontmark	Packing	Maximum list price	Maximum retail price
Hav-A-Taylor	Superior	50	*Per M* $56	*Cents* 7

(b) The manufacturer and wholesalers shall grant, with respect to their sales of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the discounts they customarily granted in March 1942 on their sales of domestic cigars of the same price class to purchasers of the same class, unless a change therein results in a lower price. Packing differentials charged by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class may be charged on corresponding sales of each brand and size or frontmark of cigars priced by this order, but shall not be increased. Packing differentials allowed by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class shall be allowed on corresponding sales of each brand and size or frontmark of cigars priced by this order and shall not be reduced. If a brand and size or frontmark of domestic cigars for which maximum prices are established by this order is of a price class not sold by the manufacturer or the particular wholesaler in March 1942, he shall, with respect to his sales thereof, grant the discounts and may charge and shall allow the packing differentials customarily granted, charged or allowed (as the case may be) in March 1942 by his most closely competitive seller of the same class on sales of domestic cigars of the same March 1942 price class to purchasers of the same class.

(c) On or before the first delivery to any purchaser of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the manufacturer and every other seller (except a retailer) shall notify the purchaser of the maximum list price and the maximum retail price established by this order for such brand and size or frontmark of domestic cigars. The notice shall conform to and be given in the manner prescribed by § 1358.113 of Maximum Price Regulation No. 260.

(d) Unless the context otherwise requires, appropriate provisions of Maximum Price Regulation No. 260, shall apply to sales for which maximum prices are established by this order.

(e) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective September 19, 1945.

Issued this 18th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-17412; Filed, Sept. 18, 1945; 11:47 a. m.]

[MPR 260, Order 1831]

LA CONGA CIGAR FACTORY

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion accompanying this order, and pursuant to § 1358.102 (b) of Maximum Price Regulation No. 260; *It is ordered*, That:

(a) La Conga Cigar Factory, 160 N. Wells Street, Chicago, Ill. (hereinafter called "manufacturer") and wholesalers and retailers may sell, offer to sell or deliver and any person may buy, offer to buy or receive each brand and size or frontmark, and packing of the following domestic cigars at the appropriate maximum list price and maximum retail price set forth below:

Brand	Size or frontmark	Packing	Maximum list price	Maximum retail price
La Conga	Cuban	50	*Per M* $75	*Cents* 10

(b) The manufacturer and wholesalers shall grant, with respect to their sales of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the discounts they customarily granted in March 1942 on their sales of domestic cigars of the same price class to purchasers of the same class, unless a change therein results in a lower price. Packing differentials charged by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class may be charged on corresponding sales of each brand and size or frontmark of cigars priced by this order, but shall not be increased. Packing differentials allowed by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class shall be allowed on corresponding sales of each brand and size or frontmark of cigars priced by this order and shall not be reduced. If a brand and size or frontmark of domestic cigars for which maximum prices are established by this order is of a price class not sold by the manufacturer or the particular wholesaler in March 1942, he shall, with respect to his sales thereof, grant the discounts and may charge and shall allow the packing differentials customarily granted, charged or allowed (as the case may be) in March 1942 by his most closely competitive seller of the same class on sales of domestic cigars of the same March 1942 price class to purchasers of the same class.

(c) On or before the first delivery to any purchaser of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the manufacturer and every other seller (except a retailer) shall notify the purchaser of the maximum list price and the maximum retail price established by this order for such brand and size or frontmark of domestic cigars. The notice shall conform to and be given in the manner prescribed by § 1358.113 of Maximum Price Regulation No. 260.

(d) Unless the context otherwise requires, appropriate provisions of Maximum Price Regulation No. 260, shall apply to sales for which maximum prices are established by this order.

(e) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective September 19, 1945.

Issued this 18th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-17413; Filed, Sept. 18, 1945; 11:47 a. m.]

[MPR 260, Order 1832]

GUITIAN Y PEREZ CIGAR CO.

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion accompanying this order, and pursuant to § 1358.102 (b) of Maximum Price Regulation No. 260; *It is ordered*, That:

(a) Guitian y Perez Cigar Company, 3017 Ivy Street, Tampa 7, Fla. (hereinafter called "manufacturer") and wholesalers and retailers may sell, offer to sell or deliver and any person may buy, offer to buy or receive each brand and size or frontmark, and packing of the following domestic cigars at the appropriate maximum list price and maximum retail price set forth below:

Brand	Size or frontmark	Packing	Maximum list price	Maximum retail price
Brevas	Brevas	50	*Per M* $115.00	*Cents* 15
Londres	Londres	50	101.25	2 for 27
Panetelas	Panetelas	50	72.00	9
Alpa	Alpa	50	90.00	12

(b) The manufacturer and wholesalers shall grant, with respect to their sales of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the discounts they customarily granted in March 1942 on their sales of domestic cigars of the same price class to purchasers of the same class, unless a change therein results in a lower price. Packing differentials charged by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class may be charged on corresponding sales of each brand and size or frontmark of cigars priced by this order, but shall not be increased. Packing differentials allowed by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class shall be allowed on corresponding sales of each brand and size or frontmark of cigars priced by this order and shall not be reduced. If a brand and size or frontmark of domestic cigars for which maximum prices are established by this order is of a price class not sold by the manufacturer or the particular wholesaler in March 1942, he shall, with respect to his sales thereof, grant the discounts and may charge and shall allow the packing differentials customarily granted, charged or allowed (as the case may be) in March 1942 by his most closely competitive seller of the same class on sales of domestic cigars of the same March 1942 price class to purchasers of the same class.

(c) On or before the first delivery to any purchaser of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the manufacturer and every other seller (except a retailer) shall notify the purchaser of the maximum list price and the maximum retail price established by this order for such brand and size or frontmark of domestic cigars. The notice shall conform to and be given in the manner prescribed by § 1358.113 of Maximum Price Regulation No. 260.

(d) Unless the context otherwise requires, appropriate provisions of Maximum Price Regulation No. 260 shall apply to sales for which maximum prices are established by this order.

(e) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective September 19, 1945.

Issued this 18th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-17414; Filed, Sept. 18, 1945; 11:47 a. m.]

[MPR 260, Order 1833]

DEL RIO AND FUENTE CIGAR FACTORY

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion accompanying this order, and pursuant to § 1358.102 (b) of Maximum Price Regulation No. 260; *It is ordered*, That:

(a) Del Rio and Fuente Cigar Factory, 930 11th Avenue, Tampa 5, Fla. (hereinafter called "manufacturer") and wholesalers and retailers may sell, offer to sell or deliver and any person may buy, offer to buy or receive each brand and size or frontmark, and packing of the following domestic cigars at the appropriate maximum list price and maximum retail price set forth below:

Brand	Size or frontmark	Packing	Maximum list price	Maximum retail price
Del Rio and Fuente.	Blunts	50	*Per M* $60.00	*Cents* 2 for 15
	Primeros	50	97.50	13
	Segundo	50	93.75	2 for 25

(b) The manufacturer and wholesalers shall grant, with respect to their sales of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the discounts they customarily granted in March 1942 on their sales of domestic cigars of the same price class to purchasers of the same class, unless a change therein results in a lower price. Packing differentials charged by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class may be charged on corresponding sales of each brand and size or frontmark of cigars priced by this order, but shall not be increased. Packing differentials allowed by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class shall be allowed on corresponding sales of each brand and size or frontmark of cigars priced by this order and shall not be reduced. If a brand and size or frontmark of domestic cigars for which maximum prices are established by this order is of a price class not sold by the manufacturer or the particular wholesaler in March 1942, he shall, with respect to his sales thereof, grant the discounts and may charge and shall allow the packing differentials customarily granted, charged or allowed (as the case may be) in March 1942 by his most closely competitive seller of the same class on sales of domestic cigars of the same March 1942 price class to purchasers of the same class.

(c) On or before the first delivery to any purchaser of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the manufacturer and every other seller (except a retailer) shall notify the purchaser of the maximum list price and the maximum retail price established by this order for such brand and size or frontmark of domestic cigars. The notice shall conform to and be given in the manner prescribed by § 1358.113 of Maximum Price Regulation No. 260.

(d) Unless the context otherwise requires, appropriate provisions of Maximum Price Regulation No. 260, shall apply to sales for which maximum prices are established by this order.

(e) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective September 19, 1945.

Issued this 18th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-17415; Filed, Sept. 18, 1945; 11:48 a. m.]

[MPR 260, Order 1834]

CORRAL, WODISKA Y CA.

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion accompanying this order, and pursuant to § 1358.102 (b) of Maximum Price Regulation No. 260; *It is ordered*, That:

(a) Corral, Wodiska y Ca., P. O. Box 376, Tampa 1, Fla. (hereinafter called

"manufacturer") and wholesalers and retailers may sell, offer to sell or deliver and any person may buy, offer to buy or receive each brand and size or frontmark, and packing of the following domestic cigars at the appropriate maximum list price and maximum retail price set forth below:

Brand	Size or frontmark	Packing	Maximum list price	Maximum retail price
			Per M	*Cents*
Bering	Selectos	50	$154	20

(b) The manufacturer and wholesalers shall grant, with respect to their sales of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the discounts they customarily granted in March 1942 on their sales of domestic cigars of the same price class to purchasers of the same class, unless a change therein results in a lower price. Packing differentials charged by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class may be charged on corresponding sales of each brand and size or frontmark of cigars priced by this order, but shall not be increased. Packing differentials allowed by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class shall be allowed on corresponding sales of each brand and size or frontmark of cigars priced by this order and shall not be reduced. If a brand and size or frontmark of domestic cigars for which maximum prices are established by this order is of a price class not sold by the manufacturer or the particular wholesaler in March 1942, he shall, with respect to his sales thereof, grant the discounts and may charge and shall allow the packing differentials customarily granted, charged or allowed (as the case may be) in March 1942 by his most closely competitive seller of the same class on sales of domestic cigars of the same March 1942 price class to purchasers of the same class.

(c) On or before the first delivery to any purchaser of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the manufacturer and every other seller (except a retailer) shall notify the purchaser of the maximum list price and the maximum retail price established by this order for such brand and size or frontmark of domestic cigars. The notice shall conform to and be given in the manner prescribed by § 1358.113 of Maximum Price Regulation No. 260.

(d) Unless the context otherwise requires, appropriate provisions of Maximum Price Regulation No. 260 shall apply to sales for which maximum prices are established by this order.

(e) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective September 19, 1945.

Issued this 18th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-17416; Filed, Sept. 18, 1945; 11:48 a. m.]

[MPR 260, Order 1835]

REYNAND CIGAR FACTORY

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion accompanying this order, and pursuant to § 1358.102 (b) of Maximum Price Regulation No. 260; *It is ordered*, That:

(a) Reynand Cigar Factory, 4803 Indiana Avenue, Chicago, Ill. (hereinafter called "manufacturer") and wholesalers and retailers may sell, offer to sell or deliver and any person may buy, offer to buy or receive each brand and size or frontmark, and packing of the following domestic cigars at the appropriate maximum list price and maximum retail price set forth below:

Brand	Size or frontmark	Packing	Maximum list price	Maximum retail price
			Per M	*Cents*
Reynand de Luxe	Brevas Shaped	50	$130	3 for 50
Reynand Special	Brevas	50	115	15

(b) The manufacturer and wholesalers shall grant, with respect to their sales of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the discounts they customarily granted in March 1942 on their sales of domestic cigars of the same price class to purchasers of the same class, unless a change therein results in a lower price. Packing differentials charged by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class may be charged on corresponding sales of each brand and size or frontmark of cigars priced by this order, but shall not be increased. Packing differentials allowed by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class shall be allowed on corresponding sales of each brand and size or frontmark of cigars priced by this order and shall not be reduced. If a brand and size or frontmark of domestic cigars for which maximum prices are established by this order is of a price class not sold by the manufacturer or the particular wholesaler in March 1942, he shall, with respect to his sales thereof, grant the discounts and may charge and shall allow the packing differentials customarily granted, charged or allowed (as the case may be) in March 1942 by his most closely competitive seller of the same class on sales of domestic cigars of the same March 1942 price class to purchasers of the same class.

(c) On or before the first delivery to any purchaser of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the manufacturer and every other seller (except a retailer) shall notify the purchaser of the maximum list price and the maximum retail price established by this order for such brand and size or frontmark of domestic cigars. The notice shall conform to and be given in the manner prescribed by § 1358.113 of Maximum Price Regulation No. 260.

(d) Unless the context otherwise requires, appropriate provisions of Maximum Price Regulation No. 260, shall apply to sales for which maximum prices are established by this order.

(e) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective September 19, 1945.

Issued this 18th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-17417; Filed, Sept. 18, 1945; 11:48 a. m.]

[MPR 260, Order 1836]

MENENDEZ BROS. CIGAR CO.

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion accompanying this order, and pursuant to § 1358.102 (b) of Maximum Price Regulation No. 260; *It is ordered*, That:

(a) Menendez Bros. Cigar Co., 405 So. Segrove, Daytona Beach, Fla. (hereinafter called "manufacturer") and wholesalers and retailers may sell, offer to sell or deliver and any person may buy, offer to buy or receive each brand and size or frontmark, and packing of the following domestic cigars at the appropriate maximum list price and maximum retail price set forth below:

Brand	Size or frontmark	Packing	Maximum list price	Maximum retail price
			Per M	*Cents*
Daytona Beach Club	Blunts	50	$56	7
	Queens	50	64	8
Angelo Smokers	Angelo Smokers	50	64	8
Florida Sunshine	Favoritas	50	56	7

(b) The manufacturer and wholesalers shall grant, with respect to their sales of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the discounts they customarily granted in March 1942 on their sales of domestic cigars of the same price class to purchasers of the same class, unless a change therein results in a lower price. Packing differentials charged by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class may be charged on corresponding sales of each brand and size or frontmark of cigars priced by this order, but shall not be increased. Packing differentials allowed by the manufacturer or a wholesaler in March 1942 on sales

of domestic cigars of the same price class to purchasers of the same class shall be allowed on corresponding sales of each brand and size or frontmark of cigars priced by this order and shall not be reduced. If a brand and size or frontmark of domestic cigars for which maximum prices are established by this order is of a price class not sold by the manufacturer or the particular wholesaler in March 1942, he shall, with respect to his sales thereof, grant the discounts and may charge and shall allow the packing differentials customarily granted, charged or allowed (as the case may be) in March 1942 by his most closely competitive seller of the same class on sales of domestic cigars of the same March 1942 price class to purchasers of the same class.

(c) On or before the first delivery to any purchaser of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the manufacturer and every other seller (except a retailer) shall notify the purchaser of the maximum list price and the maximum retail price established by this order for such brand and size or frontmark of domestic cigars. The notice shall conform to and be given in the manner prescribed by § 1358.113 of Maximum Price Regulation No. 260.

(d) Unless the context otherwise requires, appropriate provisions of Maximum Price Regulation No. 260, shall apply to sales for which maximum prices are established by this order.

(e) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective September 19, 1945.

Issued this 18th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-17418; Filed, Sept. 18, 1945; 11:49 a. m.]

[MPR 260, Order 1837]

ANITA CIGAR FACTORY

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion accompanying this order, and pursuant to § 1358.102 (b) of Maximum Price Regulation No. 260; *It is ordered*, That:

(a) Anita Cigar Factory, 2907 Ybor St., Tampa, Fla. (hereinafter called "manufacturer") and wholesalers and retailers may sell, offer to sell or deliver and any person may buy, offer to buy or receive each brand and size or frontmark, and packing of the following domestic cigars at the appropriate maximum list price and maximum retail price set forth below:

Brand	Size of frontmark	Packing	Maximum list price	Maximum retail price
			Per M	*Cents*
Senorita Anita	Tru-Men	50	$80.00	12
	Londres	50	101.25	2 for 27
	Londres Chicos	50	93.75	2 for 25

(b) The manufacturer and wholesalers shall grant, with respect to their sales of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the discounts they customarily granted in March 1942 on their sales of domestic cigars of the same price class to purchasers of the same class, unless a change therein results in a lower price. Packing differentials charged by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class may be charged on corresponding sales of each brand and size or frontmark of cigars priced by this order, but shall not be increased. Packing differentials allowed by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class shall be allowed on corresponding sales of each brand and size or frontmark of cigars priced by this order and shall not be reduced. If a brand and size or frontmark of domestic cigars for which maximum prices are established by this order is of a price class not sold by the manufacturer or the particular wholesaler in March 1942, he shall, with respect to his sales thereof, grant the discounts and may charge and shall allow the packing differentials customarily granted, charged or allowed (as the case may be) in March 1942 by his most closely competitive seller of the same class on sales of domestic cigars of the same March 1942 price class to purchasers of the same class.

(c) On or before the first delivery to any purchaser of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the manufacturer and every other seller (except a retailer) shall notify the purchaser of the maximum list price and the maximum retail price established by this order for such brand and size or frontmark of domestic cigars. The notice shall conform to and be given in the manner prescribed by § 1358.113 of Maximum Price Regulation No. 260.

(d) Unless the context otherwise requires, appropriate provisions of Maximum Price Regulation No. 260, shall apply to sales for which maximum prices are established by this order.

(e) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective September 19, 1945.

Issued this 18th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-17419; Filed, Sept. 18, 1945; 11:49 a. m.]

[MPR 260, Order 1838]

JOSE GONZALEZ & CO.

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion accompanying this order, and pursuant to § 1358.102 (b) of Maximum Price Regulation No. 260; *It is ordered*, That:

(a) Jose Gonzalez & Co., 3000 18 St., Tampa, Fla. (hereinafter called "manufacturer") and wholesalers and retailers may sell, offer to sell or deliver and any person may buy, offer to buy or receive each brand and size or frontmark, and packing of the following domestic cigars at the appropriate maximum list price and maximum retail price set forth below:

Brand	Size or frontmark	Packing	Maximum list price	Maximum retail price
			Per M	*Cents*
Condor	Bankers	50	$82.50	11

(b) The manufacturer and wholesalers shall grant, with respect to their sales of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the discounts they customarily granted in March 1942 on their sales of domestic cigars of the same price class to purchasers of the same class, unless a change therein results in a lower price. Packing differentials charged by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class may be charged on corresponding sales of each brand and size or frontmark of cigars priced by this order, but shall not be increased. Packing differentials allowed by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class shall be allowed on corresponding sales of each brand and size or frontmark of cigars priced by this order and shall not be reduced. If a brand and size or frontmark of domestic cigars for which maximum prices are established by this order is of a price class not sold by the manufacturer or the particular wholesaler in March 1942, he shall, with respect to his sales thereof, grant the discounts and may charge and shall allow the packing differentials customarily granted, charged or allowed (as the case may be) in March 1942 by his most closely competitive seller of the same class on sales of domestic cigars of the same March 1942 price class to purchasers of the same class.

(c) On or before the first delivery to any purchaser of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the manufacturer and every other seller (except a retailer) shall notify the purchaser of the maximum list price and the maximum retail price established by this order for such brand and size or frontmark of domestic cigars. The notice shall conform to and be given in the manner prescribed by § 1358.113 of Maximum Price Regulation No. 260.

(d) Unless the context otherwise requires, appropriate provisions of Maximum Price Regulation No. 260, shall apply to sales for which maximum prices are established by this order.

(e) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective September 19, 1945.

Issued this 18th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-17420; Filed, Sept. 18, 1945; 11:49 a. m.]

[MPR 260, Order 1839]

OTTO C. BRIETZKE

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion accompanying this order, and pursuant to § 1358.102 (b) of Maximum Price Regulation No. 260; *It is ordered*, That:

(a) Otto C. Brietzke, 607 N. 16 St., La Crosse, Wis. (hereinafter called "manufacturer") and wholesalers and retailers may sell, offer to sell or deliver and any person may buy, offer to buy or receive each brand and size or frontmark, and packing of the following domestic cigars at the appropriate maximum list price and maximum retail price set forth below:

Brand	Size or frontmark	Packing	Maximum list price	Maximum retail price
			Per M	*Cents*
La Prevalidad	Peerless Regalia Junior	50 50	$90 60	12 2 for 15

(b) The manufacturer and wholesalers shall grant, with respect to their sales of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the discounts they customarily granted in March 1942 on their sales of domestic cigars of the same price class to purchasers of the same class, unless a change therein results in a lower price. Packing differentials charged by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class may be charged on corresponding sales of each brand and size or frontmark of cigars priced by this order, but shall not be increased. Packing differentials allowed by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class shall be allowed on corresponding sales of each brand and size or frontmark of cigars priced by this order and shall not be reduced. If a brand and size or frontmark of domestic cigars for which maximum prices are established by this order is of a price class not sold by the manufacturer or the particular wholesaler in March 1942, he shall, with respect to his sales thereof, grant the discounts and may charge and shall allow the packing differentials customarily granted, charged or allowed (as the case may be) in March 1942 by his most closely competitive seller of the same class on sales of domestic cigars of the same March 1942 price class to purchasers of the same class.

(c) On or before the first delivery to any purchaser of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the manufacturer and every other seller (except a retailer) shall notify the purchaser of the maximum list price and the maximum retail price established by this order for such brand and size or frontmark of domestic cigars. The notice shall conform to and be given in the manner prescribed by § 1358.113 of Maximum Price Regulation No. 260.

(d) Unless the context otherwise requires, appropriate provisions of Maximum Price Regulation No. 260, shall apply to sales for which maximum prices are established by this order.

(e) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective September 19, 1945.

Issued this 18th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-17421; Filed, Sept. 18, 1945; 11:49 a. m.]

[MPR 260, Order 1840]

WEBER E. IVINS TOBACCO CO.

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion accompanying this order, and pursuant to § 1358.102 (b) of Maximum Price Regulation No. 260; *It is ordered*, That:

(a) Weber E. Ivins Tobacco Company, 77 Allen Street, P. O. Box 3842, San Juan 19, P. R. (hereinafter called "manufacturer") and wholesalers and retailers may sell, offer to sell or deliver and any person may buy, offer to buy or receive each brand and size or frontmark, and packing of the following domestic cigars at the appropriate maximum list price and maximum retail price set forth below:

Brand	Size or frontmark	Packing	Maximum list price	Maximum retail price
			Per M	*Cents*
Ivins Supremo	Selectos	50	$72	9

(b) The manufacturer and wholesalers shall grant, with respect to their sales of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the discounts they customarily granted in March 1942 on their sales of domestic cigars of the same price class to purchasers of the same class, unless a change therein results in a lower price. Packing differentials charged by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class may be charged on corresponding sales of each brand and size or frontmark of cigars priced by this order, but shall not be increased. Packing differentials allowed by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class shall be allowed on corresponding sales of each brand and size or frontmark of cigars priced by this order and shall not be reduced. If a brand and size or frontmark of domestic cigars for which maximum prices are established by this order is of a price class not sold by the manufacturer or the particular wholesaler in March 1942, he shall, with respect to his sales thereof, grant the discounts and may charge and shall allow the packing differentials customarily granted, charged or allowed (as the case may be) in March 1942 by his most closely competitive seller of the same class on sales of domestic cigars of the same March 1942 price class to purchasers of the same class.

(c) On or before the first delivery to any purchaser of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the manufacturer and every other seller (except a retailer) shall notify the purchaser of the maximum list price and the maximum retail price established by this order for such brand and size or frontmark of domestic cigars. The notice shall conform to and be given in the manner prescribed by § 1358.113 of Maximum Price Regulation No. 260.

(d) Unless the context otherwise requires, appropriate provisions of Maximum Price Regulation No. 260, shall apply to sales for which maximum prices are established by this order.

(e) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective September 19, 1945.

Issued this 18th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-17422; Filed, Sept. 18 1945 11:50 a. m.]

[MPR 260, Order 1841]

MENENDEZ & GARCIA CIGAR FACTORY

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion accompanying this order, and pursuant to § 1358.102 (b) of Maximum Price Regulation No. 260; *It is ordered*, That:

(a) Menendez & Garcia Cigar Factory, 1506 18th Avenue, Tampa 5, Fla. (hereinafter called "manufacturer") and wholesalers and retailers may sell, offer to sell or deliver and any person may buy, offer to buy or receive each brand and size or frontmark, and packing of the following domestic cigars at the appropriate maximum list price and maximum retail price set forth below:

Brand	Size or frontmark	Packing	Maximum list price	Maximum retail price
			Per M	*Cents*
Tobacco Seal	Kings Especiales	50 50	$100 120	2 for 25 15

(b) The manufacturer and wholesalers shall grant, with respect to their sales of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the discounts they customarily granted in March 1942 on their sales of domestic cigars of the same price class to purchasers of the same class, unless a change therein results in a lower price. Packing differentials charged by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class may be charged on corresponding sales of each brand and size or frontmark of cigars priced by this order, but shall not be increased. Packing differentials allowed by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class shall be allowed on corresponding sales of each brand and size or frontmark of cigars priced by this order and shall not be reduced. If a brand and size or frontmark of domestic cigars for which maximum prices are established by this order is of a price class not sold by the manufacturer or the particular wholesaler in March 1942, he shall, with respect to his sales thereof, grant the discounts and may charge and shall allow the packing differentials customarily granted, charged or allowed (as the case may be) in March 1942 by his most closely competitive seller of the same class on sales of domestic cigars of the same March 1942 price class to purchasers of the same class.

(c) On or before the first delivery to any purchaser of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the manufacturer and every other seller (except a retailer) shall notify the purchaser of the maximum list price and the maximum retail price established by this order for such brand and size or frontmark of domestic cigars. The notice shall conform to and be given in the manner prescribed by § 1358.113 of Maximum Price Regulation No. 260.

(d) Unless the context otherwise requires, appropriate provisions of Maximum Price Regulation No. 260, shall apply to sales for which maximum prices are established by this order.

(e) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective September 19, 1945.

Issued this 18th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-17423; Filed, Sept. 18, 1945; 11:50 a. m.]

[MPR 260, Order 1842]

TROY CIGAR FACTORY

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion accompanying this order, and pursuant to § 1358.102 (b) of Maximum Price Regulation No. 260; *It is ordered*, That:

(a) John Cordova, DBA Troy Cigar Factory, 2012 Davis St., (Rear), Tampa 5, Fla. (hereinafter called "manufacturer") and wholesalers and retailers may sell, offer to sell or deliver and any person may buy, offer to buy or receive each brand and size or frontmark, and packing of the following domestic cigars at the appropriate maximum list price and maximum retail price set forth below:

Brand	Size or frontmark	Packing	Maximum list price	Maximum retail price
			Per M	*Cents*
Troy Brand	Brevas	50	$169	22

(b) The manufacturer and wholesalers shall grant, with respect to their sales of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the discounts they customarily granted in March 1942 on their sales of domestic cigars of the same price class to purchasers of the same class, unless a change therein results in a lower price. Packing differentials charged by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class may be charged on corresponding sales of each brand and size or frontmark of cigars priced by this order, but shall not be increased. Packing differentials allowed by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class shall be allowed on corresponding sales of each brand and size or frontmark of cigars priced by this order and shall not be reduced. If a brand and size or frontmark of domestic cigars for which maximum prices are established by this order is of a price class not sold by the manufacturer or the particular wholesaler in March 1942, he shall, with respect to his sales thereof, grant the discounts and may charge and shall allow the packing differentials customarily granted, charged or allowed (as the case may be) in March 1942 by his most closely competitive seller of the same class on sales of domestic cigars of the same March 1942 price class to purchasers of the same class.

(c) On or before the first delivery to any purchaser of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the manufacturer and every other seller (except a retailer) shall notify the purchaser of the maximum list price and the maximum retail price established by this order for such brand and size or frontmark of domestic cigars. The notice shall conform to and be given in the manner prescribed by § 1358.113 of Maximum Price Regulation No. 260.

(d) Unless the context otherwise requires, appropriate provisions of Maximum Price Regulation No. 260, shall apply to sales for which maximum prices are established by this order.

(e) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective September 19, 1945.

Issued this 18th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-17424; Filed, Sept. 18, 1945; 11:50 a. m.]

[MPR 580, Order 156]

CONGRESS SHIRT CO.

ESTABLISHMENT OF MAXIMUM PRICES

Order 156 under Maximum Price Regulation 580, establishing ceiling prices at retail for certain articles, Docket No. 6063-580-13-265.

For the reasons set forth in an opinion issued simultaneously herewith and pursuant to section 13 of Maximum Price Regulation No. 580; *It is ordered:*

(a) The following ceiling prices are established for sales by any seller at retail of the following articles manufacby Congress Shirt Company, 141 Essex Street, Boston 11, Mass., and described in the manufacturer's application dated July 9, 1945:

MEN'S "MAINE GUIDE" REVERSIBLE SPORT COATS

Lot No.	Manufacturer's selling price	Retail ceiling price
3/9-4/9-8/9-9/9	$10.28	$16.95
113/9	9.53	15.95
133/9	10.57	17.50
143/9	9.68	15.95
153/9-163/9	9.54	15.95
173/9	9.00	14.95
550/9	9.93	16.95
118/9L-119/9L	11.94	19.95

BOYS' "MAINE GUIDE" REVERSIBLE SPORTS COAT

3/10-4/10-8/10-9/10	$8.13	$13.50
133/10	8.35	13.95
143/10	7.67	12.75
153/10-163/10	7.57	12.75
550/10	7.87	12.95
118/10L-119/10L	9.73	15.95

JUVENILE "MAINE GUIDE" REVERSIBLE SPORT COATS

3/10J-4/10J-8/10J-9/10J	$6.53	$10.95
133/10J	6.60	10.95
143/10J	6.20	10.25
153/10J-163/10J	6.13	10.25
550/10J	6.34	10.50
118/10LJ-119/10LJ	7.80	12.95

"FLY CASTER" JACKET

229-2	$5.33	$8.95

"CONGRESS" REVERSIBLE JACKETS

76G	$7.47	$12.50
77G	7.75	12.95

"CANADIAN NORTHWEST" PARKA

215/1J	$5.77	$9.50

MEN'S "AVIATOR" VEST

118S-119S	$5.98	$9.95

MEN'S "SIDELINE" PARKAS

45SLM	$6.61	$10.95
51SLM	6.55	10.95

Issued this 18th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-17425; Filed, Sept. 18, 1945; 11:50 a. m.]

BOYS' "SIDELINE" PARKAS

Lot No.	Manufacturer's selling price	Retail ceiling price
45/SLB	$5.76	$9.50
81/SLB	5.70	9.50

MEN'S "MACKINAWS"

29 Reefer	$11.32	$18.75
45/6	8.08	13.50
54/6	7.77	12.95
90/6-92/6-93/6	10.38	17.25
301/6-302/6	10.03	16.75
311/6-313/6	9.01	14.95
261/6-262/6	8.71	14.50
561/6-563/6	9.17	15.25

BOYS' "MAC-PARKAS"

42/13	$6.56	$10.95
91/13-92/13	8.49	13.95
301/13-302/13	8.23	13.75
311/13-313/13	7.45	12.50
351/13-353/13	6.75	11.25
391/13-393/13	6.44	10.75
411/13-413/13	7.51	12.50
421/13-423/13	6.57	10.95

JUVENILE "MAC-PARKAS"

39/13J	$5.68	$9.50
351/13J	5.38	8.95
371/13J-373/13J-374/13J	5.38	8.95
391/13J-393/13J	5.65	9.50
431 13J-433/13J	5.80	9.50

MEN'S SHIRTS

Lot No.	Brand name	Manufacturer's selling price	Retail ceiling price
		Dozen	*Each*
140	MacNicol	$52.50	$7.25
144	MacDuff	52.50	7.25
145	Prince of Wales	52.50	7.25
171	MacClere	52.50	7.25
175	Drummond	52.57	7.25
183	Buchanan	52.57	7.25
184	Dress Gordon	52.57	7.25
186	Princess Marg. Rose	52.57	7.25
315	MacKenzie	52.57	7.25
316	Cunningham	52.57	7.25
318	MacSmith	52.57	7.25
406	Hunting Plaid	49.91	6.95
407	Scotch Plaid	54.19	7.25
554	Woodsman	41.82	5.95
556	Buffalo	47.50	6.50
675	Ski Trail	50.80	6.95

BOYS' SHIRTS

		Doz.	*Each*
140B	MacNicol	$46.57	$6.50
144B	MacDuff	46.57	6.50
145B	Prince of Wales	46.57	6.50
171B	MacClere	46.57	6.50
184B	Dress Gordon	45.95	6.50
183B	Buchanan	45.95	6.50
186B	Princess Marg. Rose	45.95	6.50
315B	MacKenzie	45.95	6.50
316B	Cunningham	45.95	6.50
318B	MacSmith	45.95	6.50
407B	Scotch Plaid	46.93	6.25
556B	Buffalo	42.99	5.95
554B	Woodsman	37.95	5.25

(b) The retail ceiling price of an article manufactured for the first time after the effective date of this order and which is sold by the manufacturer at the same price as another article of the same type with the same brand or company name and for which a retail ceiling price has been established by paragraph (a) shall be the retail ceiling price listed for that other article in paragraph (a).

(c) The retail ceiling prices contained in paragraph (a) shall apply in place of the ceiling prices which have been or would otherwise be established under this or any other regulation.

(d) On and after November 1, 1945, Congress Shirt Company, must mark each article listed in paragraph (a) with the retail ceiling price under this order, or attach to the article a label, tag or ticket stating the retail ceiling price. This mark or statement must be in the following form:

(Section 13, MPR 580)
OPA Price—$------

On and after December 1, 1945, no retailer may offer or sell the article unless it is marked or tagged in the form stated above. Prior to December 1, 1945, unless the article is marked or tagged in this form, the retailer shall comply with the marking, tagging and posting provisions of the applicable regulation.

(e) On or before the first delivery to any purchaser for resale of each article listed in paragraph (a), the seller shall send the purchaser a copy of this order.

(f) Unless the context otherwise requires, the provisions of the applicable regulation shall apply to sales for which retail ceiling prices are established by this order.

(g) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective September 19, 1945.

Issued this 18th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45–17425; Filed, Sept. 18, 1945; 11:51 a. m.]

[MPR 580, Order 157]

JANTZEN KNITTING MILLS

ESTABLISHMENT OF MAXIMUM PRICES

Order 157 under Maximum Price Regulation 580. Establishing ceiling prices at retail for certain articles; Docket No. 6063–580–13–270.

For the reasons set forth in an opinion issued simultaneously herewith and pursuant to section 13 of Maximum Price Regulation No. 580; *It is ordered:*

(a) The following ceiling prices are established for sales by any seller at retail of the following articles manufactured by Jantzen Knitting Mills, Portland 14, Oregon, having the brand name "Jantzen" and described in the manufacturer's application dated July 17, 1945:

SWIM SUITS

Style No.	Manufacturer's selling price	Retail ceiling price
Infants:	*Per dozen*	*Per unit*
1–62	$9.72	$1.85
1–64	9.72	1.85
Boys:		
B–90	14.04	1.95

(b) The retail ceiling price of an article manufactured for the first time after the effective date of this order and which is sold by the manufacturer at the same price as another article of the same type with the same brand or company name and for which a retail ceiling price has been established by paragraph (a) shall be the retail ceiling price listed for that other article in paragraph (a).

(c) The retail ceiling prices contained in paragraph (a) shall apply in place of the ceiling prices which have been or would otherwise be established under this or any other regulation.

(d) On and after November 1, 1945, Jantzen Knitting Mills must mark each article listed in paragraph (a) with the retail ceiling price under this order, or attach to the article a label, tag or ticket stating the retail ceiling price. This mark or statement must be in the following form:

(Section 13, MPR 580)
OPA Price—$------

On and after December 1, 1945, no retailer may offer or sell the article unless it is marked or tagged in the form stated above. Prior to December 1, 1945, unless the article is marked or tagged in this form, the retailer shall comply with the marking, tagging and posting provisions of the applicable regulation.

(e) On or before the first delivery to any purchaser for resale of each article listed in paragraph (a), the seller shall send the purchaser a copy of this order.

(f) Unless the context otherwise requires, the provisions of the applicable regulation shall apply to sales for which retail ceiling prices are established by this order.

(g) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective September 19, 1945.

Issued this 18th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45–17426; Filed, Sept. 18, 1945; 11:51 a. m.]

[MPR 580, Order 158]

JOHN RISSMAN & SON

ESTABLISHMENT OF MAXIMUM PRICES

Order 158 under Maximum Price Regulation 580. Establishing ceiling prices at retail for certain articles; Docket No. 6063–580–13–248.

For the reasons set forth in an opinion issued simultaneously herewith and pursuant to section 13 of Maximum Price Regulation No. 580; *It is ordered:*

(a) The following ceiling prices are established for sales by any seller at retail of the following articles manufactured by John Rissman & Son, 305 West Adams Street, Chicago 6, Ill., having the brand name "Windbreaker" and described in the manufacturer's application dated June 15, 1945:

JACKETS

Style No.	Description	Retail ceiling price
313	Men's gabardine, rayon lined, zipper front	$8.95
403	Men's gabardine, fleece lined, zipper front	12.75
303	Men's fleece, quilted lined, zipper front	17.25
403	Men's wool, rayon lined, zipper front	12.25
409	Men's gabardine, fleece lined	13.50
1251	Men's fingertip, quilted lined	19.94
303	Men's gabardine, rayon lined, zipper front	7.25
421	Men's rayon twill, rayon lined, zipper front	9.75
406	Men's poplin, fleece lined, zipper front	13.25
183	Boys' gabardine, rayon lined, zipper front	5.80
583	Boys' twill, wool plaid lined, zipper front	.95
1263	Boys' gabardine, wool lined, zipper front	8.75
1295	Boys' poplin, wool lined, zipper front	8.95
1061	Boys' wool leisure coat, button front	9.75
158	Boys' corduroy, rayon lined, zipper front	6.95
1183	Boys' fleece fingertip	15.95
1201	Students' fleece fingertip, quilted lined	17.95
1176	Boys' fleece fingertip, quilted lined	18.95
64	Juvenile corduroy, cotton lined, zipper front	5.75
68	Juvenile corduroy, cotton lined, zipper front	5.75
75	Juvenile twill, cotton lined, zipper front	4.75
81	Juvenile corduroy, cotton lined, button front	5.75
88	Juvenile corduroy, cotton lined, button front	5.95
2263	Juvenile twill, wool plaid lined, button front	6.75
2081	Juvenile twill, wool plaid lined, button front	7.75
2703	Juvenile poplin, fleece lined, zipper front	9.25
3363	Juvenile twill trouserall suit	8.95
2681	Juvenile corduroy, wool lined, button front	6.75
2666	Juvenile corduroy, wool lined, zipper front	6.75
2671	Juvenile wool park suede, rayon lined front and sleeve, button front	7.50
2693	Juvenile gabardine, wool plaid lined, button fly front	7.25

(b) The retail ceiling price of an article manufactured for the first time after the effective date of this order and which is sold by the manufacturer at the same price as another article of the same type with the same brand or company name and for which a retail ceiling price has been established by paragraph (a) shall be the retail ceiling price listed for that other article in paragraph (a).

(c) The retail ceiling prices contained in paragraph (a) shall apply in place of the ceiling prices which have been or would otherwise be established under this or any other regulation.

(d) On and after October 1, 1945, John Rissman & Son must mark each article listed in paragraph (a) with the retail ceiling price under this order, or attach to the article a label, tag or ticket stating the retail ceiling price. This mark or statement must be in the following form:

(Section 13, MPR 580)
OPA Price—$------

On and after November 1, 1945, no retailer may offer or sell the article unless it is marked or tagged in the form stated above. Prior to November 1, 1945, unless the article is marked or tagged in this form, the retailer shall comply with the marking, tagging and posting provisions of the applicable regulation.

(e) On or before the first delivery to any purchaser for resale of each article listed in paragraph (a), the seller shall send the purchaser a copy of this order.

(f) Unless the context otherwise requires, the provisions of the applicable regulation shall apply to sales for which retail ceiling prices are established by this order.

(g) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective September 19, 1945.

Issued this 18th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45–17427; Filed, Sept. 18, 1945; 11:51 a. m.]

[MPR 580, Order 159]

EXTACEE, INC.

ESTABLISHMENT OF MAXIMUM PRICES

Order 159 under Maximum Price Regulation 580. Establishing ceiling prices at retail for certain articles; Docket No. 6063–580–13–200.

For the reasons set forth in an opinion issued simultaneously herewith and pursuant to section 13 of Maximum Price Regulation No. 580; *It is ordered:*

(a) The following ceiling prices are established for sales by any seller at retail of the following articles manufactured by Extacee, Inc., Reading, Pennsylvania, having the brand name "Extacee" and described in the manufacturer's application dated May 22, 1945:

Article	Style No.	Manufacturer's selling price	Retail ceiling price
		Per dozen	*Per unit*
Skintite	12–3–1	$8.00	$1.15
Brief	12–3–4	11.55	1.65
Short pantie	12–4–1	8.00	1.15
Pantie	12–4–2	14.00	2.00
Bandeau	12–7–1	8.00	1.15
	12–7–2	14.00	2.00
Slip	12–8–1	15.75	2.25
	12–8–2	21.00	2.95
	12–8–4	21.00	2.95
	12–8–3	42.00	5.95
Pettiskirt	12–15–2	21.00	2.95
Gown	12–9–1	21.00	2.95
	12–9–3	35.00	4.95
	12–9–4	42.50	5.95
Short pajama	12–21–1	24.50	3.50

(b) The retail ceiling price of an article manufactured for the first time after the effective date of this order and which is sold by the manufacturer at the same price as another article of the same type with the same brand or company name and for which a retail ceiling price has been established by paragraph (a) shall be the retail ceiling price listed for that other article in paragraph (a).

(c) The retail ceiling prices contained in paragraph (a) shall apply in place of the ceiling prices which have been or would otherwise be established under this or any other regulation.

(d) On and after November 1, 1945, Extacee, Inc., must mark each article listed in paragraph (a) with the retail ceiling price under this order, or attach to the article a label, tag or ticket stating the retail ceiling price. This mark or statement must be in the following form:

(Section 13, MPR 580)
OPA Price—$------

On and after December 1, 1945, no retailer may offer or sell the article unless it is marked or tagged in the form stated above. Prior to December 1, 1945, unless the article is marked or tagged in this form, the retailer shall comply with the marking, tagging and posting provisions of the applicable regulation.

(e) On or before the first delivery to any purchaser for resale of each article listed in paragraph (a), the seller shall send the purchaser a copy of this order.

(f) Unless the context otherwise requires, the provisions of the applicable regulation shall apply to sales for which retail ceiling prices are established by this order.

(g) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective September 19, 1945.

Issued this 18th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45–17428; Filed, Sept. 18, 1945; 11:52 a. m.]

[MPR 580, Order 160]

H. GOODMAN, INC.

ESTABLISHMENT OF MAXIMUM PRICES

Order 160 under Maximum Price Regulation 580. Establishing ceiling prices at retail for certain articles; Docket No. 6063–580–13–273.

For the reasons set forth in an opinion issued simultaneously herewith and pursuant to section 13 of Maximum Price Regulation No. 580; *It is ordered:*

(a) The following ceiling prices are established for sales by any seller at retail of the following articles manufactured by H. Goodman, Inc., 275 East 131st Street, Cleveland, Ohio, having the brand name "White Dove" and described in the manufacturer's application dated July 28, 1945:

Article	Style name	Manufacturer's selling price	Retail ceiling price
Mattress	Standard	$17.50	$33.75
Box spring	do	17.50	33.75
Mattress	De Luxe	21.00	39.50
Box spring	do	21.00	39.50
Mattress	Masterpiece	21.75	39.50
Box spring	do	21.00	39.50
Mattress	Luxury	24.75	49.50
Box spring	do	24.75	49.50
Mattress	Aristocrat	28.75	59.50
Box spring	do	28.75	59.50
Mattress	Crib	6.00	11.75

(b) The retail ceiling price of an article manufactured for the first time after the effective date of this order and which is sold by the manufacturer at the same price as another article of the same type with the same brand or company name and for which a retail ceiling price has been established by paragraph (a) shall be the retail ceiling price listed for that other article in paragraph (a).

(c) The retail ceiling prices contained in paragraph (a) shall apply in place of the ceiling prices which have been or would otherwise be established under this or any other regulation.

(d) On and after October 15, 1945, H. Goodman, Inc., must mark each article listed in paragraph (a) with the retail ceiling price under this order, or attach to the article a label, tag or ticket stating the retail ceiling price. This mark or statement must be in the following form:

(Section 13, MPR 580)
OPA Price—$------

On and after November 15, 1945, no retailer may offer or sell the article unless it is marked or tagged in the form stated above. Prior to November 15, 1945, unless the article is marked or tagged in this form, the retailer shall comply with the marking, tagging and posting provisions of the applicable regulation.

(e) On or before the first delivery to any purchaser for resale of each article listed in paragraph (a), the seller shall send the purchaser a copy of this order.

(f) Unless the context otherwise requires, the provisions of the applicable regulation shall apply to sales for which retail ceiling prices are established by this order.

(g) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective September 19, 1945.

Issued this 18th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-17429; Filed, Sept. 18, 1945; 11:52 a. m.]

[MPR 580, Order 161]

MIAMI MATTRESS MFG. CO.

ESTABLISHMENT OF MAXIMUM PRICES

Order 161 under MPR 580. Establishing ceiling prices at retail for certain articles; Docket No. 6063-580-13-162.

For the reasons set forth in an opinion issued simultaneously herewith and pursuant to section 13 of Maximum Price Regulation No. 580; *It is ordered:*

(a) The following ceiling prices are established for sales by any seller at retail of the following articles manufactured by Miami Mattress Mfg. Co., Miami 36, Fla., an described in the manufacturer's application dated April 19, 1945:

Brand name	Article	Style No.	Manufacturer's ceiling price	Retail ceiling price
Spring-Air	Mattress ...	200	$16	$29.50
	Box spring ...	200	16	29.50
	Mattress ...	400	21	39.50
	Box spring ...	400	21	39.50

(b) The retail ceiling price of an article manufactured for the first time after the effective date of this order and which is sold by the manufacturer at the same price as another article of the same type with the same brand or company name and for which a retail ceiling price has been established by paragraph (a) shall be the retail ceiling price listed for that other article in paragraph (a).

(c) The retail ceiling prices contained in paragraph (a) shall apply in place of the ceiling prices which have been or would otherwise be established under this or any other regulation.

(d) On and after November 1, 1945, Miami Mattress Mfg. Co., must mark each article listed in paragraph (a) with the retail ceiling price under this order, or attach to the article a label, tag or ticket stating the retail ceiling price. This mark or statement must be in the following form:

(Section 13, MPR 580)
OPA Price—$------

On and after December 1, 1945, no retailer may offer or sell the article unless it is marked or tagged in the form stated above. Prior to December 1, 1945, unless the article is marked or tagged in this form, the retailer shall comply with the marking, tagging and posting provisions of the applicable regulation.

(e) On or before the first delivery to any purchaser for resale of each article listed in paragraph (a), the seller shall send the purchaser a copy of this order.

(f) Unless the context otherwise requires, the provisions of the applicable regulation shall apply to sales for which retail ceiling prices are established by this order.

(g) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective September 19, 1945.

Issued this 18th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-17430; Filed, Sept. 18, 1945; 11:53 a. m.]

[MPR 580, Order 162]

RICHARD PAUL, INC.

ESTABLISHMENT OF MAXIMUM PRICES

Order 162 under MPR 580. Establishing ceiling prices at retail for certain articles. Docket No. 6063-580-13-264.

For the reasons set forth in an opinion issued simultaneously herewith and pursuant to section 13 of Maximum Price Regulation No. 580, *It is ordered:*

(a) The following ceiling prices are established for sales by any seller at retail of the following articles manufactured by Richard Paul, Inc., 832 Walnut St., Wilmington 8, Del., and described in the manufacturer's application dated July 17, 1945:

Brand name	Article	Manufacturer's selling price	Retail ceiling price
Peds...	Cotton knitted footcover.	*Per dozen pair* {$1.78—chain stores $1.80—department stores.	*Per pair* $0.25

(b) The retail ceiling price of an article manufactured for the first time after the effective date of this order and which is sold by the manufacturer at the same price as another article of the same type with the same brand or company name and for which a retail ceiling price has been established by paragraph (a) shall be the retail ceiling price listed for that other article in paragraph (a).

(c) The retail ceiling prices contained in paragraph (a) shall apply in place of the ceiling prices which have been or would otherwise be established under this or any other regulation.

(d) On and after October 15, 1945, Richard Paul, Inc., must mark each article listed in paragraph (a) with the retail ceiling price under this order, or attach to the article a label, tag or ticket stating the retail ceiling price. This mark or statement must be in the following form:

(Sec. 13, MPR 580)
OPA Price—$------

On and after November 15, 1945, no retailer may offer or sell the article unless it is marked or tagged in the form stated above. Prior to November 15, 1945, unless the article is marked or tagged in this form, the retailer shall comply with the marking, tagging and posting provisions of the applicable regulation.

(e) On or before the first delivery to any purchaser for resale of each article listed in paragraph (a), the seller shall send the purchaser a copy of this order.

(f) Unless the context otherwise requires, the provisions of the applicable regulation shall apply to sales for which retail ceiling prices are established by this order.

(g) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective September 19, 1945.

Issued this 18th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-17431; Filed, Sept. 18, 1945; 11:53 a. m.]

[MPR 591, Order 17]

BLAKE SPECIALTY CO.

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register and pursuant to section 16 (b) (1) of Maximum Price Regulation No. 591; It is ordered:

(a) *Adjustment of maximum prices for the Blake Specialty Company, Rock Island, Ill.* (1) This order permits the Blake Specialty Company of Rock Island, Illinois, to increase its presently established maximum net prices to each class of customer by 3 percent for its line of plumbing and drainage staples.

(2) The maximum net prices set forth in (a) (1) above are subject to cash discounts and transportation allowances at least as favorable as those granted as a deduction from net prices to each class of customer during March 1942 on comparable sales of similar commodities.

(b) *Maximum prices for resellers.* All resellers of the commodities for which adjustment is granted the Blake Specialty Company in (a) above may add the same percentage mark-up over their new cost, resulting from the increase granted the Blake Specialty Company by this order, that such sellers enjoyed on these items during March 1942.

(c) *Notification to all purchasers.* The Blake Specialty Company shall send the following notice to every purchaser of the commodities covered by this order at or before the time of the first billing after the adjustment is put into effect:

Order No. 17 under section 16 (b) (1) of Maximum Price Regulation No. 591 provides for a 3 percent increase in net prices for sales of plumbing drainage staples manufactured by the Blake Specialty Company. Resellers may add the same percentage mark-ups to their new cost that they had in effect on these items during March 1942.

(d) All prayers of the application of the Blake Specialty Company not granted in this order are denied.

(e) This order may be amended or revoked by the Price Administrator at any time.

This order shall become effective September 15, 1945.

Issued this 14th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-17432; Filed, Sept. 18, 1945; 11:42 a. m.]

[MPR 591, Order 18]

HENRY COLDER CO.

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register and pursuant to section 9 of Maximum Price Regulation No. 591, *It is ordered:*

(a) The maximum net prices, f. o. b. point of shipment, for sales by any person of the following farm freezers manufactured by the Henry Colder Company of Milwaukee, Wis., and as described in the application dated August 4, 1945, which is on file with the Building Materials Price Branch, Office of Price Administration, Washington 25, D. C., shall be:

Model		On sales to distributors	On sales to dealers	On sales to consumers
1200 ..	12 cu. ft. ¼ hp. compressor.	$178	$214	$356
1600 ..	16 cu. ft. ½ hp. compressor.	230	276	460

(b) The maximum net prices established in (a) above may be increased by the following amount to each class of purchaser to cover the cost of crating when crating is actually supplied: $6.00.

(c) The maximum net prices established by this order shall be subject to discounts and allowances and the rendition of services which are at least as favorable as those which each seller extended or rendered or would have extended or rendered to purchasers of the same class on comparable sales of similar commodities during March 1942.

(d) On sales by a distributor or dealer the following charges may be added to the maximum prices established in (a) above:

(1) The actual amount of freight paid to obtain delivery to his place of business. Such charges shall not exceed the lowest common carrier rates.

(2) Crating charges actually paid to his supplier but in no instance exceeding the amount specified in (b) above.

(e) Each seller covered by this order, except a dealer, shall notify each of his purchasers, in writing, at or before the issuance of the first invoice after the effective date of this order, of the maximum prices established by this order for each such seller as well as the maximum prices established for purchasers upon resale, including allowable transportation and crating charges.

(f) The Henry Colder Company shall stencil on the lid or cover of the farm freezers covered by this order, substantially the following:

OPA Maximum Retail Price—$------
Plus freight and crating as provided in Order No. 18 under Maximum Price Regulation No. 591.

(g) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective September 19, 1945.

Issued this 18th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-17433; Filed, Sept. 18, 1945; 11:54 a. m.]

[MPR 591, Order 19]

REVCO, INC.

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register and pursuant to section 9 of Maximum Price Regulation No. 591; *It is ordered:*

(a) The maximum net prices, f. o. b. point of shipment, for sales by any person of the following frozen food chest manufactured by the Revco, Incorporated of Deerfield, Mich., and as described in the application dated September 4, 1945, which is on file with the Building Materials Price Branch, Office of Price Administration, Washington 25, D. C., shall be:

Model	Industrial users	On sales to distributors	On sales to dealers	On sales to consumers
Z-20	$180	$118	$142	$236

(b) The maximum net prices established in (a) above may be increased by the following amount to each class of purchaser to cover the cost of crating when crating is actually supplied: $6.00.

(c) The maximum net prices established by this Order shall be subject to discounts and allowances and the rendition of services which are at least as favorable as those which each seller extended or rendered or would have extended or rendered to purchasers of the same class on comparable sales of similar commodities during March 1942.

(d) On sales by a distributor or dealer the following charges may be added to the maximum prices established in (a) above:

(1) The actual amount of freight paid to obtain delivery to his place of business. Such charges shall not exceed the lowest common carrier rates.

(2) Crating charges actually paid to his supplier but in no instance exceeding the amount specified in (b) above.

(e) Each seller covered by this order, except a dealer, shall notify each of his purchasers, in writing, at or before the issuance of the first invoice after the effective date of this order, of the maximum prices established by this Order for each such seller as well as the maximum prices established for purchasers upon resale, including allowable transportation and crating charges.

(f) Revco, Incorporated, shall stencil on the lid or cover of Model Z-20 frozen food chest, covered by this order, substantially the following:

OPA Maximum Retail Price $------
Plus freight and crating as provided in Order No. 19 under Maximum Price Regulation No. 591.

(g) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective September 19, 1945.

Issued this 18th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-17434; Filed, Sept. 18, 1945; 11:54 a. m.]

[MPR 591, Order 20]

REVCO, INC.

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register and pursuant to section 9 of Maximum Price Regulation No. 591; *It is ordered:*

(a) The maximum net prices, f. o. b. point of shipment, for sales by any person of the following frozen food chests manufactured by Revco, Incorporated, of Deerfield, Mich., and as described in the application dated September 4, 1945, which is on file with the Building Materials Price Branch, Office of Price Administration, Washington 25, D. C., shall be:

Model		On sales to distributors	On sales to dealers	On sales to consumers
FF-60 .	6.2 cu. ft. with 1/6 hp. condensing unit.	$135	$156	$260

(b) The maximum net prices established in (a) above may be increased by the following amount to each class of

purchaser to cover the cost of crating when crating is actually supplied: $6.00.

(c) The maximum net prices established by this order shall be subject to discounts and allowances and the rendition of services which are at least as favorable as those which each seller extended or rendered or would have extended or rendered to purchasers of the same class on comparable sales of similar commodities during March 1942.

(d) On sales by a distributor or dealer the following charges may be added to the maximum prices established in (a) above:

(1) The actual amount of freight paid to obtain delivery to his place of business. Such charges shall not exceed the lowest common carrier rates.

(2) Crating charges actually paid to his supplier but in no instance exceeding the amount specified in (b) above.

(e) Each seller covered by this order, except a dealer, shall notify each of his purchasers, in writing, at or before the issuance of the first invoice after the effective date of this order, of the maximum prices established by this order for each such seller as well as the maximum prices established for purchasers upon resale, including allowable transportation and crating charges.

(f) Revco, Incorporated, shall stencil on the lid or cover of Model FF–60 frozen food cabinets covered by this order, substantially the following:

OPA Maximum Retail Price—$------
Plus freight and crating as provided in Order No. 20 under Maximum Price Regulation No. 591.

(g) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective September 19, 1945.

Issued this 18th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45–17435; Filed Sept. 18, 1945; 11:54 a. m.]

[MPR 591, Order 21]

CHRYSLER CORP.

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register and pursuant to section 9 of Maximum Price Regulation No. 591, *It is ordered:*

(a) The maximum net price, f. o. b. point of shipment for sales by the Chrysler Corporation to "Four Star Dealers" of the refrigeration, and summer and winter air conditioning equipment as described in its application dated July 10, 1945, shall be the currently established maximum net prices for sales by the Chrysler Corporation of each such commodity covered by this order to its franchised dealers.

(b) The maximum net price, f. o. b. point of shipment, for sales by any person of the commodities covered by this order shall be:

(1) On sales to "Specialty Dealers." The maximum price for each commodity as determined under (a) above plus 20 percent.

(2) On sales to "Standard Dealers." The maximum net price of each commodity as determined in (a) above plus 33⅓ percent.

(3) On sales to consumers. The maximum net price of each commodity as determined in (a) above multiplied by the factor 1.7777 rounded off to the nearest dollar.

(c) The maximum net prices established by this order shall be subject to discounts and allowances and the rendition of services which are at least as favorable as those which each seller extended or rendered or would have extended or rendered to purchasers of the same class on comparable sales of similar commodities during March 1942.

(d) Each reseller may add to the prices set forth in (b) above the actual amount of freight paid to obtain delivery to his place of business. Such charges shall not exceed the lowest common carrier rates and shall be stated separately on the invoice.

(e) Each seller covered by this order shall notify each of his purchasers, in writing, at or before the issuance of the first invoice after the effective date of this order, of the maximum prices stated in dollars-and-cents established by this order for each such seller as well as the maximum prices stated in dollars-and-cents established for purchasers upon resale, including allowable transportation charges.

(f) Each seller shall post in a conspicuous place in his place of business, the maximum dollars-and-cents consumer price established for each commodity covered by this order.

(g) Within 30 days after the Chrysler Corporation places on the market any commodity covered by this order the company shall submit to the Building Materials and Construction Price Branch of the Office of Price Administration, Washington 25, D. C., the maximum price computed under this order for each class of reseller, also maximum price to consumers and the method of notification employed.

(h) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective September 19, 1945.

Issued this 18th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45–17436; Filed, Sept. 18, 1945; 11:54 a. m.]

[MPR 591, Order 22]

COOLERATOR CO.

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register and pursuant to section 9 of Maximum Price Regulation No. 591; *It is ordered:*

(a) The maximum net prices, f. o. b. point of shipment, for sales by any person of the following farm freezers manufactured by The Coolerator Company of Duluth, Minn., and as described in the application dated August 20, 1945, which is on file with the Building Materials Price Branch, Office of Price Administration, Washington 25, D. C., shall be:

Model		On sales to distributors	On sales to dealers	On sales to consumers
F-155	15 cu. ft. ½ h.p. compressor	$220	$264	$440

(b) The maximum net prices established in (a) above may be increased by the following amount to each class of purchaser to cover the cost of crating when crating is actually supplied: $6.00

(c) The maximum net prices established by this order shall be subject to discounts and allowances and the rendition of services which are at least as favorable as those which each seller extended or rendered or would have extended or rendered to purchasers of the same class on comparable sales of similar commodities during March 1942.

(d) On sales by a distributor or dealer the following charges may be added to the maximum prices established in (a) above:

(1) The actual amount of freight paid to obtain delivery to his place of business. Such charges shall not exceed the lowest common carrier rates.

(2) Crating charges actually paid to his supplier but in no instance exceeding the amount specified in (b) above.

(e) Each seller covered by this order, except a dealer, shall notify each of his purchasers, in writing, at or before the issuance of the first invoice after the effective date of this order, of the maximum prices established by this order for each such seller as well as the maximum prices established for purchasers upon resale, including allowable transportation and crating charges.

(f) The Coolerator Company shall stencil on the lid or cover of the farm freezers covered by this order, substantially the following:

OPA Maximum Retail Price—$------

Plus freight and crating as provided in Order No. 22 under Maximum Price Regulation No. 591.

(g) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective September 19, 1945.

Issued this 18th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45–17437; Filed, Sept. 18, 1945; 11:55 a. m.]

[MPR 591, Order 23]

COMPLETE REFRIGERATOR SALES CO

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register and pursuant to section 9 of Maximum Price Regulation No. 591, *It is ordered:*

(a) The maximum net prices, f. o. b. point of shipment, for sales by any person of the following food freezer cabinets manufactured by Complete Refrigerator Sales Company, 92 Seventh Avenue, New York, N. Y., and as described in the application dated August 25, 1945, which is on file with the Building Materials Price Branch, Office of Price Administration, Washington 25, D. C., shall be:

Model		On sales to distributors	On sales to dealers	On sales to consumers
ADAFF-10	¼ hp. compressor	$170	$204	$340
ODAFF-15	10.7 cu. ft. ½ hp. compressor	200	240	400
FBA-20	11.2 cu. ft. ⅓ hp. compressor	200	240	400
ODAFF-20	15.2 cu. ft. ½ hp. compressor	250	300	500
ODAFF-30	20.5 cu. ft. ½ hp. compressor	345	414	690
ODAFF-40	30.8 cu. ft. ¾ hp. compressor	415	498	830
FBA-30	20.1 cu. ft. ½ hp. compressor	322	375	621

(b) The maximum net prices established in (a) above may be increased by the following amount to each class of purchaser to cover the cost of crating when crating is actually supplied: $6.00.

(c) The maximum net prices established by this order shall be subject to discounts and allowances and the rendition of services which are at least as favorable as those which each seller extended or rendered or would have extended or rendered to purchasers of the same class on comparable sales of similar commodities during March 1942.

(d) On sales by a distributor or dealer the following charges may be added to the maximum prices established in (a) above:

(1) The actual amount of freight paid to obtain delivery to his place of business. Such charges shall not exceed the lowest common carrier rates.

(2) Crating charges actually paid to his supplier but in no instance exceeding the amount specified in (b) above.

(e) Each seller covered by this order, except a dealer, shall notify each of his purchasers, in writing, at or before the issuance of the first invoice after the effective date of this order, of the maximum prices established by this order for each such seller as well as the maximum prices established for purchasers upon resale, including allowable transportation and crating charges.

(f) The Complete Refrigerator Sales Company shall stencil on the lid or covers of food freezer cabinets covered by this order, substantially the following:

OPA Maximum Retail Price—$------
Plus freight and crating as provided in Order No. 23 under Maximum Price Regulation No. 591.

(g) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective September 19, 1945.

Issued this 18th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45–17438; Filed, Sept. 18, 1945; 11:55 a. m.]

[MPR 592, Order 2]

NASH BRICK CO.

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register and pursuant to section 10 of Maximum Price Regulation 592; *It is ordered:*

(a) The maximum prices for sales by the Nash Brick Company, Rocky Mount, North Carolina, of "A-Grade Common Hard Brick" to any person shall be:

F. o. b. plant	Car load delivered to destination	Truck delivered to job
Per M $18.00	*Per M* $18.00	*Per M* $20.00

(b) The maximum prices established in (a) above reflect the $2.00 per M brick increase permitted manufacturers under the provisions of 2.1 (h) of Order No. 1 of Maximum Price Regulation 592, and may not be further increased pursuant to 2.1 (h) of Order No. 1.

(c) "A-Grade Common Hard Brick" means a 50–50 combination of selected common brick and common hard brick, mixed by the manufacturer in the same shipment. These bricks shall not be packed in straw or other packing material.

(d) Any person purchasing A-Grade Common Hard Brick from the Nash Brick Company, Rocky Mount, North Carolina, for purposes of resale, may add to the prices established in paragraph (a) above, an amount not in excess of the average dollar mark-up received by such person during March 1942 in making sales of Selected Common Brick and Common Hard Brick, purchased from the manufacturer specified herein, to purchasers of the same class for like quantities under similar conditions of sale.

(e) The Nash Brick Company, Rocky Mount, North Carolina, shall send the following notation to every purchaser of "A-Grade Common Hard Brick" who buys for resale at the time of the first sale to such purchaser after the effective date of this order:

Order No. 2 under section 10 of Maximum Price Regulation 592 issued by the Office of Price Administration establishes the following prices for us for "A-Grade Common Hard Brick".

F. o. b. plant	C. L. delivered to destination	Truck delivered to job
Per M $18.00	*Per M* $18.00	*Per M* $20.00

Order No. 2 also provides that a reseller may add to these prices an amount not in excess of the average dollar mark-up received by such reseller during March 1942 in making sales of Selected Common Brick and Common Hard Brick, purchased from the Nash Brick Company, to purchasers of the same class for like quantities under similar conditions of sale.

(f) Any person subject to this order shall make such reports to the Office of Price Administration as it may from time to time require.

(g) This order may be amended or revoked by the Office of Price Administration at any time.

This Order No. 2 shall become effective September 19, 1945.

Issued this 18th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45–17429; Filed, Sept. 18, 1945; 11:55 a. m.]

[MPR 136, Amdt. 2 to Order 407]

FORD MOTOR CO.

ADJUSTMENT OF MAXIMUM PRICES

Amendment No. 2 to Order No. 407 under Revised Maximum Price Regulation 136. Machines, parts and industrial equipment. Ford Motor Company. Document No. 6083–136.25a–136.

For the reasons set forth in an opinion issued simultaneously herewith, and filed with the Division of the Federal Register, and pursuant to section 21 of Revised Maximum Price Regulation 136; *It is ordered:*

1. The narrative of paragraph (a) preceding subparagraph (1) is amended to read as follows:

(a) Ford Motor Company, Dearborn, Michigan, is authorized to sell f. o. b. factory its Model 51C, truck chassis and cab with pickup body, 8 cylinder, 90 horsepower, 144" wheelbase, ½ ton nominal rating at a price not to exceed a net wholesale price of $678.75 (subject to the discounts and deductions in effect to the applicable class of purchaser on March 31, 1942). It shall establish a retail list price for such model which shall consist of the net wholesale price actually charged plus an amount reflecting the percentage differential in effect on March 31, 1942, between the Ford Motor Company's net wholesale price and suggested retail list price for the applicable class of purchaser. This retail list price shall be subject to the same discounts and allowances as were in effect on March 31, 1942.

The manufacturer shall determine the maximum net wholesale prices for its sale of other models within the ½ ton commercial line of its manufacture by adjusting the maximum net wholesale price in effect on March 31, 1942, of each such model so that the same dollar differential shall exist between that adjusted price and the adjusted wholesale price of the Model 51C pickup as existed between the Ford Motor Company's March 31, 1942, net wholesale prices of such models. The Ford Motor Company shall determine a retail list price for each of these additional ½ ton

truck models which shall consist of the net wholesale price actually charged plus an amount reflecting the percentage differential in effect on March 31, 1942, between the Ford Motor Company's net wholesale price for such model and its suggested retail list price for such model, for the applicable class of purchaser.

The following applicable charges may be added to the adjusted net wholesale prices of the Ford Motor Company.

(b) All requests not granted herein are denied.

(c) This amendment may be revoked or amended by the Administrator at any time.

This amendment shall become effective September 18, 1945.

Issued this 18th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-17445; Filed, Sept. 18, 1945; 4:19 p. m.]

[SO 94, Order 79]

U. S. DEPARTMENT OF COMMERCE

SPECIAL MAXIMUM PRICES FOR CERTAIN NAVY RAINCOATS

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and in accordance with section 11 of Supplementary Order 94, it is ordered:

(a) *What this order does.* This order establishes maximum prices at which the new Navy raincoats hereinafter described may be sold and delivered by the United States Department of Commerce and by any subsequent reseller.

(b) *Maximum prices.* Maximum prices per new Navy raincoat described herein shall be:

Description of raincoat. Single breasted Navy raincoat, waterproofed black twill fabric, convertible collar, double texture material combined by layer of polymerized or copolymerized vinylresin suitably pigmented and plasticized.

Department of Commerce's price to wholesaler, f. o. b. shipping point	$7.20
Department of Commerce's price and wholesaler's price to retailer, f. o. b. shipping point	9.00
Price for all sales at retail	15.00

(c) *Discounts.* Every seller shall continue to maintain his customary discounts for cash.

(d) *Notification.* Any person who sells the raincoats described in paragraph (b) to a retailer shall furnish the retailer with an invoice of sale setting forth the retailer's maximum price, and stating that the retailer is required by this order to attach to each raincoat before sale a tag or label which plainly states a selling price not in excess of $15.00.

(e) *Tagging.* Any person who sells the raincoats described in paragraph (b) at retail shall attach to each raincoat before sale a tag or label which plainly states a selling price not in excess of $15.00, as follows:

OPA price $------

(f) *Relation to other regulations and orders.* This order with respect to the commodity it covers supersedes any other regulation or order previously issued by the Office of Price Administration.

(g) *Definitions.* (1) "Wholesaler" means any person who sells to purchasers for resale.

(2) "Sale at retail" means a sale to an ultimate consumer.

(h) *Revocation and amendment.* This order may be revoked or amended at any time.

This order shall become effective September 20, 1945.

Issued this 19th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-17506; Filed, Sept. 19, 1945; 11:25 a. m.]

[SO 94, Order 80]

U. S. DEPARTMENT OF COMMERCE

SPECIAL MAXIMUM PRICES FOR CERTAIN NAVY PEA JACKETS

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and in accordance with section 11 of Supplementary Order 94, it is ordered:

(a) *What this order does.* This order establishes maximum prices at which the new Navy pea jackets hereinafter described may be sold and delivered by the United States Department of Commerce and by any subsequent reseller.

(b) *Maximum prices.* Maximum prices per new Navy pea jacket described herein shall be:

Description of pea jacket. Double breasted Navy pea jacket, assorted sizes, made of 30 oz. Kersey cloth, 2 side slash pockets, corduroy lined, storm collar.

Department of Commerce's price to wholesaler, without buttons	$11.00
Department of Commerce's price and wholesaler's price to retailer, without buttons	13.50
Wholesaler's price to retailer, with buttons	14.00
Price for all sales at retail, with buttons	22.50

All of the aforesaid maximum prices are f. o. b. shipping point.

(c) *Discounts.* Every seller shall continue to maintain his customary discounts for cash.

(d) *Notification.* Any person who sells the pea jackets described in paragraph (b) to a retailer shall furnish the retailer with an invoice of sale setting forth the retailer's maximum price, and stating that the retailer is required by this order to attach to each pea jacket before sale a tag or label which plainly states a selling price not in excess of $22.50.

(e) *Tagging.* Any person who sells the pea jackets described in paragraph (b) at retail shall attach to each pea jacket before sale a tag or label which plainly states a selling price not in excess of $22.50, as follows:

OPA price—$------

(f) *Relation to other regulations and orders.* This order with respect to the commodities it covers supersedes any other regulation or order previously issued by the Office of Price Administration.

(g) *Definitions.* (1) "Wholesaler" means any person who sells to purchasers for resale.

(2) "Sale at retail" means a sale to an ultimate consumer.

(h) *Revocation and amendment.* This order may be revoked or amended at any time.

This order shall become effective September 20, 1945.

Issued this 19th day of September, 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-17507; Filed, Sept. 19, 1945; 11:25 a. m.]

[RMPR 136, Order 501]

RADIO AND RADIO PHONOGRAPH PARTS

ADJUSTABLE PRICING

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to section 23 of Revised Maximum Price Regulation 136, it is ordered:

(a) (1) *Definition.* For the purposes of this order the term "radio and radio phonograph parts" means all parts and appliances designed for incorporation in radio receivers, electric phonographs, and radio phonograph combinations (except radio tubes, radio, phonograph and radio phonograph cabinets, metal stampings and screw machine products), prices of which were filed with the Office of Price Administration in accordance with the requirements of Revised Price Schedule 84 or Maximum Price Regulation 136, as amended, or may hereafter be filed in accordance with section 25 (a) of Revised Maximum Price Regulation 136, and which were in actual use for the radio receiver, the electric phonograph, and radio phonograph combination purposes in March 1942 and modifications of such parts.

(2) *Authorization for adjustable pricing.* Any seller of a radio or radio phonograph part is authorized, subject to agreement with his buyer, to deliver (except for replacement purposes such radio or radio phonograph part at a price which may be adjusted upwards in accordance with the action to be taken by the Office of Price Administration upon the request of the radio and radio phonograph parts industry for a change in the maximum prices of these commodities.

This order may be amended or revoked at any time by the Price Administrator.

This order shall become effective September 18, 1945.

Issued this 18th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-17446; Filed, Sept. 18, 1945; 4:19 p. m.]

[RMPR 136, Order 503]

FOUR WHEEL DRIVE AUTO CO.

ADJUSTMENT OF MAXIMUM PRICES

Order No. 503 Under Revised Maximum Price Regulation 136. Machines, Parts and Industrial Equipment. Four Wheel Drive Auto Company. Docket Nos. 6083-136.21-456, and 6083-136.21-457.

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to section 21 of Revised Maximum Price Regulation 136; *It is ordered:*

(a) The Four Wheel Drive Auto Company, Clintonville, Wisconsin, is authorized to sell its truck models listed in subparagraph (1) below, adjusted as provided in that subparagraph, plus the applicable allowances in subparagraph (2).

(1) *List price.* The following list prices, f. o. b. factory, Clintonville, Wisconsin, to which shall be applied the seller's discount in effect on March 31, 1942, to the applicable class of purchaser:

Model No. and description:	*List price*
HA—Truck, chassis and cab, 132" wheelbase, 17,000 lbs. gross vehicle weight; 1942 standard specifications and equipment except to be equipped with FWD Model "H" transmission	$4.010
HR—Truck, chassis and cab, 144" wheelbase, 20,000 lbs. gross vehicle weight; 1942 standard specifications and equipment except to be equipped with FWD Model "H" transmission	4.165

(2) *Charges.* (i) A charge for extra, special and optional equipment which shall not exceed the list price, or established price, in effect on March 31, 1942 (less the discount in effect on that date) for such equipment when sold as original equipment;

(ii) A charge to cover delivery and handling expense, computed in accordance with the method that the seller had in effect on March 31, 1942;

(iii) A charge to cover freight expense, based on current freight rates and computed in accordance with the method that the seller had in effect on March 31, 1942;

(iv) A charge to include the Federal excise tax on tires and tubes and other Federal excise taxes, and state and local taxes on the truck being sold, computed in accordance with the method the seller had in effect on March 31, 1942;

(v) The dollar amount of all other charges which the seller had in effect on March 31, 1942, to the applicable class of purchasers.

(b) A reseller of FWD motor trucks is authorized to sell, delivered at its place of business, each FWD motor truck listed in subparagraph (1) below, at a price not to exceed the total of the "List Price" in subparagraph (1) below and the applicable charges in subparagraph (2) below (subject to the discounts in effect on March 31, 1942, to the applicable class of purchasers):

(1) *Model, description, and "List Price", f. o. b. factory, Clintonville, Wisconsin:*

Model No. and description:	*List price*
HA—Truck, chassis and cab, 132" wheelbase, 17,000 lbs. gross vehicle weight, 1942 standard specifications and equipment except to be equipped with FWD Model "H" transmission	$4.010
HR—Truck, chassis and cab, 144" wheelbase, 20,000 lbs. gross vehicle weight, 1942 standard specifications and equipment except to be equipped with FWD Model "H" transmission	4.165

(2) *Charges.* (i) A charge for extra, special and optional equipment, not to exceed the charge the reseller had in effect on March 31, 1942 to the applicable class of purchasers for such equipment, when sold as original equipment;

(ii) A charge for transportation which shall not exceed the charge The Four Wheel Drive Auto Company would make for the transportation of the truck from the factory to the point of destination;

(iii) A charge to cover Federal, state, and local taxes on the purchase, sale or delivery of the truck, computed in accordance with the method that the reseller had in effect on March 31, 1942;

(iv) A charge for handling and delivery equal to the charge that the reseller had in effect on March 31, 1942;

(v) The dollar amount of all other charges which the reseller had in effect on March 31, 1942, to the applicable class of purchasers.

(c) A reseller that cannot establish a price under paragraph (b) because it was not in business on March 31, 1942, shall determine its maximum price by adding to the applicable "List Price", f. o. b. factory, set forth in subparagraph (1) of paragraph (b), the following applicable charges:

(1) *Charges.* (i) A charge equal to the original equipment retail charge that The Four Wheel Drive Auto Company suggested on March 31, 1942, be made by resellers for the extra, special, and optional equipment attached to the truck as original equipment;

(ii) A charge for transportation which shall not exceed the charge The Four Wheel Drive Auto Company would make for the transportation of the truck from the factory to the point of destination;

(iii) A charge equal to the charge made to the reseller by The Four Wheel Drive Auto Company, in accordance with the method The Four Wheel Drive Auto Company had in effect on March 31, 1942, to cover the Federal excise tax on tires and tubes and other Federal excise taxes;

(iv) A charge equal to the reseller's expense for payment of state and local taxes on the purchase, sale or delivery of the truck;

(v) A charge equal to the reseller's actual expense for handling and delivery of the truck;

(d) A reseller of FWD motor trucks in any of the territories or possessions of the United States is authorized to sell each truck described in paragraph (b), at a price not to exceed the applicable price established in paragraph (b) or (c), to which it may add a sum equal to the expense incurred by or charged to it, for payment of territorial and insular taxes on the purchase, sale or introduction of the truck; export premiums; boxing and crating for export purposes; marine and war risk insurance; and landing, wharfage, and terminal operations.

(e) All requests not granted herein are denied.

(f) This order may be amended or revoked by the Administrator at any time.

NOTE: Where the manufacturer has an established price under section 8 of Revised Maximum Price Regulation 136 which is different than a price permitted under paragraph (a) because of a substantial modification in design, specifications, or equipment in the truck, the reseller may add to its price under paragraph (b), (c) or (d) any increase in price to it over the price it would otherwise pay under paragraph (a) plus its customar, markup on such a cost increase, but in the case of a decrease in the price under paragraph (a), the reseller must reduce its price under paragraph (b), (c) or (d) by the amount of the decrease and its customary markup on such an amount.

This order shall become effective September 18, 1945.

Issued this 18th day of September, 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-17447; Filed, Sept. 18, 1945; 4:20 p. m.]

[RMPR 528, Order 62]

TIRES AND TUBES, RECAPPING AND REPAIRING, AND CERTAIN REPAIR MATERIALS

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion, issued simultaneously herewith, and filed with the Division of the Federal Register, and pursuant to section 16 (d) of Revised Maximum Price Regulation 528; *It is ordered:*

(a) The maximum retail prices for the following sizes of new Combat and Run-Flat tires of cotton construction shall be:

Size	Ply	Maximum price, per tire
7.50-20	12	$77.95
9.00-16	10	80.15
11.00-24	16	274.00
14.00-24	20	331.00

(b) All provisions of Revised Maximum Price Regulation 528 not inconsistent with this order shall apply to sales covered by this order.

(c) This order may be revoked or amended by the Office of Price Administration at any time.

This order shall become effective September 20, 1945.

Issued this 19th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-17508; Filed, Sept. 19, 1945; 11:25 a. m.]

[MPR 592, Amdt. 9 to Order 1]

Specified Construction Materials and Refractories

Manufacturers' Maximum Prices

An opinion accompanying this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.

A new section 2.1 (k) is added to read as follows:

(k) *Manufacturers' maximum prices in Structural Clay Products Areas 1–12*—(1) *What this paragraph covers.* This paragraph covers the manufacturers' maximum prices for clay and shale building brick (common and face), structural clay hollow building tile, and clay drain tile (except as produced in Structural Clay Products Area 4), manufactured in Structural Clay Products Areas 1–12 inclusive. As used in this paragraph Structural Clay Products Area 4 means the States of Ohio, West Virginia, Michigan, except the Upper Peninsula and that part of Pennsylvania west of and including, the counties of Potter, Cameron, Clearfield, Blair, and Bedford. Also as used in this paragraph Structural Clay Products Areas 1–12 inclusive means the continental United States excluding the States of Montana, Idaho, Wyoming, Nevada, Utah, Arizona, New Mexico, California, Washington and Oregon.

(2) *Manufacturers' maximum prices.* The manufacturers' maximum f. o. b. plant or delivered prices for the items covered by this paragraph established pursuant to Maximum Price Regulation 592 as increased by the applicable area provisions of paragraphs (a) to (j) of section 2.1 of Order No. 1 under Maximum Price Regulation 592, may be further increased by an amount not in excess of $2.00 per thousand for standard size brick and $0.80 per ton for tile.

(3) *Manufacturers' individual price adjustments.* (i) Any individual price adjustments granted prior to September 18, 1945, by the Price Administrator or any Regional Administrator to any manufacturer of the products set forth in (1) above, in an amount equal to or less than the increase permitted by this paragraph are hereby revoked.

(ii) Any individual adjustments granted prior to September 18, 1945 by the Price Administrator or any Regional Administrator to any manufacturer of the products set forth in (1) above, in an amount greater than the increase permitted by this paragraph, are hereby continued in full force and effect; such individual adjustments shall not however, be further increased by the increase permitted in this paragraph.

This amendment shall become effective September 18, 1945.

Issued this 18th day of September 1945.

Chester Bowles,
Administrator.

[F. R. Doc. 45–17448; Filed, Sept. 18, 1945; 4:19 p. m.]

[MPR 64, Order 191]

Ohio Stove Co.

Approval of Maximum Prices

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to sections 7 and 11 of Maximum Price Regulation No. 64; *It is ordered:*

(a) This order establishes maximum prices for sales of the Model No. 104 coal heater manufactured by the Ohio Stove Company, Portsmouth, Ohio, as follows:

(1) For sales in each zone by wholesale distributors to retailers, the maximum prices are those set forth below:

Zone 1	Zone 2	Zone 3	Zone 4
Each $33.09	*Each* $34.97	*Each* $36.84	*Each* $39.06

These prices are f. o. b. seller's city and are subject to each seller's customary terms, discounts, allowances and other price differentials in effect on sales of similar articles.

(2) For sales in each zone by retailers to ultimate consumers the maximum prices are those set forth below:

Zone 1	Zone 2	Zone 3	Zone 4
Each $52.95	*Each* $55.95	*Each* $58.95	*Each* $62.50

These prices include delivery. In all other respects they are subject to each seller's customary terms, discounts, allowances, and other price differentials in effect on sales of similar articles.

(b) At the time of, or prior to, the first invoice to each purchaser for resale after the effective date of this order, the Ohio Stove Company shall notify the purchaser of the maximum prices and conditions set by this order for resales by the purchaser. This notice may be given in any convenient form.

(c) The Ohio Stove Company shall, before delivering any Model No. 104 coal heater, attach securely to the front of each stove a tag or label which plainly states the maximum retail price in each zone together with a list of the states in each zone, and that the prices shown include delivery. This tag or label may not be removed until after the stove has been sold to an ultimate consumer.

(d) For the purposes of this order Zones 1, 2, 3, and 4 comprise the following states:

Zone 1. Ohio, Indiana, West Virginia, and Kentucky.

Zone 2. Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, New York, Pennsylvania, New Jersey, Maryland, Delaware, Virginia, North Carolina, South Carolina, Tennessee, Georgia, Alabama, Mississippi, Florida, Michigan, Wisconsin, Minnesota, Iowa, Illinois, Missouri, Arkansas, Louisiana, Nebraska, Kansas, Oklahoma and the District of Columbia.

Zone 3. North Dakota, South Dakota, Montana, Wyoming, Utah, Colorado, New Mexico and Texas.

Zone 4. Washington, Oregon, Idaho, California, Nevada and Arizona.

(e) This order may be revoked or amended by the Price Administrator at any time.

(f) This order shall become effective on the 19th day of September 1945.

Issued this 18th day of September 1945.

Chester Bowles,
Administrator.

[F. R. Doc. 45–17398; Filed, Sept. 18, 1945; 11:43 a. m.]

Regional and District Office Orders.

[Trenton Order G–3 Under MPR 426]

Fresh Fruits and Vegetables in Trenton, N. J., District

For the reasons stated in an accompanying opinion, this order is issued.

Section I. *What this order does.* This order establishes the amount of freight from "basing point" to "wholesale receiving point" which may be added to the maximum f. o. b. shipping point price to determine the maximum selling prices for certain fresh fruits and vegetables at all wholesale receiving points in the area described in section II below.

Sec. II. *Area covered.* This order applies in the counties of Mercer, Hunterdon, Ocean, Middlesex, Monmouth, Somerset and Warren in the State of New Jersey.

Sec. III. *Amount of freight allowance.* (a) The freight allowance from "basing point" to any "wholesale receiving point" in these counties for any commodity listed in Appendix A, shall be the corresponding amount listed in the annexed Appendix A. Such amount includes all allowances, if any, for protective and other accessorial services and all taxes on transportation cost.

(b) For a carlot or trucklot sold direct to any "wholesale receiving point" in these counties, the freight allowance shall be the corresponding amount listed for the particular commodity in the annexed Appendix B. Such sum includes all allowances, if any, for protective and other accessorial services and transportation costs.

Sec. IV. *Revocation.* Trenton District Order No. G–2, as amended, issued August 16, 1944, under Maximum Price Regulation No. 426, section 8 (a) (7), is hereby revoked.

Sec. V. *Meaning of terms.* The terms "basing point" and "wholesale receiving point" are to be understood as defined in Maximum Price Regulation No. 426.

Sec. VI. *Effective date.* This order shall become effective on August 29, 1945.

Issued this 27th day of August 1945.

Ralph W. Hackett,
District Director.

Appendix B

Total freight and cartage allowances, including protective, accessorial services and tax from "Basing Point" to "Wholesale Receiving Point" in the entire Trenton, N. J., District (includes carlots from New York City or Philadelphia markets to wholesalers' premises).

Commodity	Standard container and minimum contents	Basing point	Date	Freight allowance
Apricots	Brentwood lug, 24–26 lbs	Sacramento, Calif. or Yakima, Wash.	All season	$0.96
Carrots, bunched	Northwest lug, 13–15 lbs		do	.99
	L. A. crate, 72 bunches, each bunch 1 lb.	El Centro, Calif	Jan. 16–Mar. 31	1.49
		do	April 1–May 31	1.99
		Salinas, Calif	June 1–Nov. 30	2.68
		do	Dec. 1–Jan. 15	1.98
Cucumbers (except hothouse)	Bushel, 48 lbs	Pembertonville, La	Oct. 13–May 31	1.15
		Winchester, Va	June 1–Oct. 12	1.15
		Ponchatoula, La	Oct. 1–31	.64
	Lug Box, 28 lbs		Nov. 1–May 31	.62
		Winchilla, Fla	June 1–30	.64
		Ponchatoula, La	June 1–July 15	1.72
		do	July 16–Sept. 30	.96
Eggplant	1½ bu. crate, 45 lbs	Los Angeles, Calif	Nov. 1–Apr. 30	1.99
	Bushel, 30 lbs		May 1–Oct. 31	1.67
Grapefruit, pink:				
California and Arizona	1¾ bushel	Homestead, Fla	All year	1.30
All other States	1¾ bushel	Bakersfield, Calif	Sept. 1–Mar. 31	.80
Grapefruit, white:				
California and Arizona	1¾ bushel	Los Angeles, Calif	Nov. 1–Apr. 30	1.01
All other States	1¾ bushel	Weslaco, Tex	May 1–Oct. 31	1.64
Grapefruit, white, including "Indian River"	Lug, 28 lbs	Bakersfield, Calif	Sept. 1–Mar. 31	.83
		Calipatria, Calif	Apr. 1–Aug. 31	1.58
		Santa Barbara, Calif	Nov. 1–Apr. 30	2.01
		Los Angeles, Calif	May 1–Oct. 31	1.56
Grapes, table	Bushel, 28 lbs	El Centro, Calif	Jan. 1–Feb. 28	2.09
		do	Mar. 1–Mar. 31	2.19
		Salinas, Calif	Apr. 1–Aug. 31	1.56
		do	Sept. 1–Dec. 31	2.09
Lemons: All States	1¾ bushel	El Centro, Calif	June 1–Oct. 15	1.98
		do	Oct. 16–Dec. 1	2.24
Lettuce, iceberg	L. A. or Salinas crate with 45 heads and weighing 60 lbs.	El Centro, Calif	Nov. 1–Apr. 30	2.32
		do	May 1–Oct. 31	1.98
Melons:				
Cantaloups and honeyball melons:	Jumbo crate, 83 lbs	Mendota, Calif	Beginning of season–July 25	1.34
			July 26–end of season	1.82
Persian melons	Jumbo Persian crate, 43 lbs	El Centro, Calif	Beginning of season–July 25	.73
	Standard Persian crate, 37 lbs		July 26–end of season	.97
	Pony Persian crate, 35 lbs	Mendota, Calif	All season	1.34
Oranges: California and Arizona	Jumbo or standard crate, 42 lbs	El Centro, Calif	Nov. 1–Apr. 30	1.98
	Jumbo or standard crate, 40 lbs		May 1–Oct. 31	1.67
All other States, including "Indian River"	Jumbo or standard honeydew crate, 39 lbs.	El Centro, Calif	Beg. of season–July 25	1.56
			July 26–end of season	1.79
	Jumbo cantaloup crate, 58 lbs.	Mendota, Calif	Beg. of season–July 25	1.56
			July 26–end of season	2.07
Persian melons	Jumbo Persian crate, 43 lbs	El Centro, Calif	All season	1.30
	Standard Persian crate, 37 lbs		do	1.21
	Pony Persian crate, 35 lbs		do	1.17
Oranges: California and Arizona	1½-bushel	Los Angeles, Calif	Nov. 1–Apr. 30	1.73
			May 1–Nov. 15	1.30
All other States, including "Indian River"	1¾-bushel	Homestead, Fla	All year	1.20
Pears	Western pear box, 44–48 lbs	Sacramento, Calif	All year	1.31
	Western pear box, 40 lbs	Yakima, Wash	do	1.31
Plums	4-basket crate, size 3 x 4 x 4, 29–33 lbs	Sacramento, Calif	All season	.80
	3 x 4 x 4, 25–32 lbs		do	.80
	4 x 4 x 4, 30 lbs		do	.80
	4 x 5 x 5, 30–36 lbs		do	.80
	5 x 5 x 4, 28 lbs		do	.80
	5 x 6 x 5, 35–37 lbs		do	.80
	6 x 6 x 5, 43–47 lbs		do	.80
	6 x 6 x 6, 52 lbs		do	.80
Prunes, fresh Italian	Basket, 28–32 lbs	Yakima, Wash	All year	.70
	Prune box, 15–17 lbs		do	.50

Commodity	Standard container and minimum contents	Basing point	Date	Freight allowance
Melons—Continued.				
Persian	Jumbo Persian crate, 43 lbs.	do	All year	$1.10
	Standard Persian crate, 37 lbs.	do	do	1.01
	Pony Persian crate, 35 lbs.	do	do	.89
Oranges:				
California and Arizona	1⅗ bushel	Los Angeles, Calif.	Nov. 16–Apr. 30	1.33
			May 1–Nov. 15	1.40
All other States, including "Indian River".	1⅗ bushel	Homestead, Fla.	All year	.90
Pears	Western pear box, 44–48 lbs.	Sacramento, Calif.	do	.91
	Western pear box, 46–50 lbs.	Yakima, Wash.	do	.91
Plums	4-basket crate, size 3 x 4, 29–33 lbs.	Sacramento, Cal.	All season	.69
	3 x 4 x 4, 29–33 lbs.	do	do	.69
	4 x 4, 28–32 lbs.	do	do	.66
	3 x 4 x 5, 26–30 lbs.	do	do	.60
	4 x 5, 26–30 lbs.	do	do	.58
	5 x 5, 24–28 lbs.	do	do	.58
	5 x 6, 23–27 lbs.	do	do	.58
	6 x 6, 23–27 lbs.	do	do	.58
Prunes, fresh, Italian	½ bushel, 28–32 lbs.	Yakima, Wash.	All year	.64
	Prune box, 15–17 lbs.	do	do	.39
Snap beans (green or wax)	Bushel, 28 lbs.	Pompano, Fla.	do	.51
Spinach	Bushel, 18 lbs.	Crystal City, Tex.	do	.42
Sweet peppers	1⅑-bushel crate, 37 lbs.	Pompano, Fla.	Jan. 1–July 15	.63
	Bushel, 25 lbs.	do	do	.42
Sweet potatoes:				
Green	50 lbs.	Sunset, La.	All year	.51
Cured	45 lbs.	do	do	.51
Tangerines; All States except California and Arizona.	1⅗ bushel	Homestead, Fla.	do	.90

[F. R. Doc. 45–17279; Filed, Sept. 14, 1945; 4:54 p. m.]

[Region VIII Order G–6 Under RMPR 136]

BALLEART PUNCH CO.

ADJUSTMENT OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and under authority vested in the Regional Administrator of the Office of Price Administration by sections 21 and 29 of Revised Maximum Price Regulation 136, *It is hereby ordered:*

(a) The adjusted maximum prices at which Balleart Punch Company, Oakland, California, may sell punch presses and punch press carts which it manufactures shall be at its properly established price list plus 9%.

(b) The adjusted maximum price for which any reseller may sell punch presses or punch press parts manufactured by Balleart Punch Company shall be the particular reseller's present maximum price plus any increased dollar and cents amount which the reseller has paid the supplier above-named pursuant to paragraph (a), above.

(c) All allowances, discounts or other price differentials in effect during March, 1942, shall be maintained.

(d) This order shall apply to the states of California, Washington, Nevada, Oregon, except Malheur County, and Arizona, except those portions of Coconino and Mohave Counties lying north of the Colorado River, and the following counties in the State of Idaho: Benewah, Bonner, Boundary, Clearwater, Kootenai, Latah, Lewis, Nez Perce, Shoshone and Idaho.

(e) This order may be corrected, amended or revoked at any time.

(f) This order shall become effective September 10, 1945.

Issued this 4th day of September 1945.

CHAS. R. BAIRD,
Regional Administrator.

[F. R. Doc. 45–17281; Filed, Sept. 14, 1945; 4:54 p. m.]

[Region VIII Order G–1 Under MPR 592]

LUNDBERG CONCRETE PIPE CO.

ADJUSTMENT OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and under authority vested in the Regional Administrator of the Office of Price Administration by section 16 of Maximum Price Regulation 592, *It is hereby ordered:*

(a) The adjusted maximum prices at which certain specified drain tile manufactured by Lundberg Concrete Pipe Company of Tacoma, Washington, may be sold shall be as follows:

Item and Maximum Price

3" drain tile: Base, 6¢ each.
4" drain tile: Base, 7¢ each.

(b) The above prices are f. o. b. manufacturer's plant.

(c) All sellers must maintain all allowances, discounts or other price differentials in effect during March, 1942.

(d) This order shall apply to sales in the States of California, Washington, Nevada, Oregon, except Malheur County, and Arizona, except those portions of Coconino and Mohave Counties lying north of the Colorado River; and the following counties in the State of Idaho; Benewah, Bonner, Boundary, Clearwater, Kootenai, Latah, Lewis, Nez Perce, Shoshone, and Idaho.

(e) This order may be corrected, amended or revoked at any time.

(f) This order shall become effective September 10, 1945.

Issued this 4th day of September 1945.

CHAS. R. BAIRD,
Regional Administrator.

[F. R. Doc. 45–17280; Filed, Sept. 14, 1945; 4:54 p. m.]

LIST OF COMMUNITY CEILING PRICE ORDERS

The following orders under Rev. General Order 51 were filed with the Division of the Federal Register September 14, 1945.

REGION I

Hartford Order 5–F, Amendment 17, covering fresh fruits and vegetables in the Waterbury and Watertown Areas. Filed 9:52 a. m.

Hartford Order 6–F, Amendment 18, covering fresh fruits and vegetables in the Hartford Area. Filed 9:52 a. m.

Hartford Order 7–F, Amendment 16, covering fresh fruits and vegetables in the New Haven Area. Filed 9:52 a. m.

Hartford Order 8–F, Amendment 17, covering fresh fruits and vegetables in the Bridgeport Area. Filed 9:49 a. m.

Providence Order 3–F, Amendment 17, covering fresh fruits and vegetables in certain areas in Rhode Island. Filed 9:49 a. m.

REGION II

Albany Order 7–F, Amendment 13, covering fresh fruits and vegetables in certain areas in New York. Filed 9:50 a. m.

Albany Order 7–F, Amendment 14, covering fresh fruits and vegetables in certain areas in New York. Filed 9:50 a. m.

Albany Order 7–F, Amendment 15, covering fresh fruits and vegetables in certain areas in New York. Filed 9:51 a. m.

Albany Order 8–F, Amendment 14, covering fresh fruits and vegetables in certain areas in New York. Filed 9:51 a. m.

Albany Order 8–F, Amendment 15, covering fresh fruits and vegetables in certain areas in New York. Filed 9:51 a. m.

Albany Order 9–F, Amendment 13, covering fresh fruits and vegetables in certain areas in New York. Filed 9:51 a. m.

Albany Order 9–F, Amendment 14, covering fresh fruits and vegetables in certain areas in New York. Filed 9:51 a. m.

Albany Order 9–F, Amendment 15, covering fresh fruits and vegetables in certain areas in New York. Filed 9:49 a. m.

Altoona Order 2–F, Amendment 34, covering fresh fruits and vegetables in the entire Altoona Area. Filed 9:50 a. m.

Erie Order 7–W, Amendment 4, covering fresh fruits and vegetables in certain areas in Pennsylvania. Filed 9:56 a. m.

Erie Order 22, Amendment 4, covering dry groceries in certain counties in the state of Pennsylvania. Filed 9:56 a. m.

Newark Order 7–F, Amendment 20, covering fresh fruits and vegetables in certain counties in New Jersey. Filed 9:50 a. m.

Philadelphia Order 6–F, Amendment 43, covering fresh fruits and vegetables in the city and county of Philadelphia and Pennsylvania. Filed 9:50 a. m.

Philadelphia Order 11–F, Amendment 18, covering fresh fruits and vegetables in certain counties in Pennsylvania. Filed 10:01 a. m.

Philadelphia Order 12–F, Amendment 18, covering fresh fruits and vegetables in certain counties in Pennsylvania. Filed 10:01 a. m.

Williamsport Order 3–F, covering fresh fruits and vegetables in certain counties in Pennsylvania. Filed 10:01 a. m.

REGION III

Cincinnati Order 8–F, Amendment 5, covering fresh fruits and vegetables in certain areas in Ohio. Filed 9:42 a. m.

Cleveland Order 3–F, Amendment 56, covering fresh fruits and vegetables in the Mahoning and Trumbull Counties, Ohio. Filed 9:49 a. m.

Cleveland Order 4–F, Amendment 56, covering fresh fruits and vegetables in Stark and Summit Counties, Ohio. Filed 9:57 a. m.

REGION IV

Atlanta Order 6–F, Amendment 50, covering fresh fruits and vegetables in the Atlanta-Decatur Area. Filed 9:57 a. m.

Atlanta Order 7–F, Amendment 18, covering fresh fruits and vegetables in certain areas in Georgia. Filed 9:57 a. m.

Atlanta Order 8–F, Amendment 18, covering fresh fruits and vegetables in certain areas in Georgia. Filed 9:58 a. m.

Atlanta Order 9–F, Amendment 21, covering fresh fruits and vegetables in Bibb and Muscogee Counties, Georgia, and Phenix City, Alabama. Filed 9:58 a. m.

Atlanta Order 10–F, Amendment 8, covering fresh fruits and vegetables in certain areas in Georgia. Filed 9:58 a. m.

Columbia Order 7–F, Amendment 14, covering fresh fruits and vegetables in the entire State of South Carolina. Filed 9:49 a. m.

Jackson Order 4–F, Amendment 46, covering fresh fruits and vegetables in certain areas in Mississippi. Filed 9:52 a. m.

Memphis Order 6–F, Amendment 46, covering fresh fruits and vegetables in Memphis and Shelby County, Tennessee. Filed 9:58 a. m.

Miami Order 1–F, Amendment 29, covering fresh fruits and vegetables in certain areas in Florida. Filed 9:48 a. m.

Miami Order 2–F, Amendment 27, covering fresh fruits and vegetables in the Tampa, Florida, Area. Filed 9:48 a. m.

Montgomery Order 20–F, Amendment 39, covering fresh fruits and vegetables in Mobile County, Alabama. Filed 9:48 a. m.

Montgomery Order 20–F, Amendment 40, covering fresh fruits and vegetables in Mobile County, Alabama. Filed 9:58 a. m.

Montgomery Order 21–F, Amendment 44, covering fresh fruits and vegetables in Montgomery County, Alabama. Filed 9:48 a. m.

Montgomery Order 21–F, Amendment 45, covering fresh fruits and vegetables in Montgomery County, Alabama. Filed 9:58 a. m.

Montgomery Order 22–F, Amendment 45, covering fresh fruits and vegetables in Houston County, Alabama. Filed 9:48 a. m.

Montgomery Order 22–F, Amendment 46, covering fresh fruits and vegetables in Houston County, Alabama. Filed 9:59 a. m.

Montgomery Order 23–F, Amendment 15, covering fresh fruits and vegetables in certain areas in Alabama. Filed 9:59 a. m.

Montgomery Order 24–F, Amendment 42, covering fresh fruits and vegetables in Dallas County, Alabama. Filed 9:47 a. m.

Montgomery Order 24–F, Amendment 43, covering fresh fruits and vegetables in Dallas County, Alabama. Filed 9:59 a. m.

Richmond Order 1–O, covering eggs in the Richmond Area. Filed 10:00 a. m.

Savannah Order (Adopt) 7–F, Amendment 46, covering fresh fruits and vegetables in certain areas in Georgia. Filed 10:00 a. m.

Savannah Adopting Order 12–F, Amendment 13, covering fresh fruits and vegetables in certain areas in Georgia. Filed 10:00 a. m.

REGION V

Dallas Order 1–M, covering malt beverages in Dallas County, Texas, Area. Filed 9:55 a. m.

Shreveport Order G–17, Amendment 8, covering eggs in certain areas in Louisiana. Filed 9:55 a. m.

Wichita Order 5–F, Amendment 6, covering fresh fruits and vegetables in certain areas in Kansas. Filed 10:00 a. m.

Wichita Order 6–F, Amendment 1, covering fresh fruits and vegetables in certain areas in Kansas. Filed 10:01 a. m.

REGION VI

La Crosse Order 3–F, Amendment 81, covering fresh fruits and vegetables in the Eau Claire and Chippewa Falls, Wisconsin Area. Filed 9:55 a. m.

La Crosse Order 5–F, Amendment 80, covering fresh fruits and vegetables in Rochester, Minnesota, Area. Filed 9:53 a. m.

Moline Order 2–F, Amendment 52, covering fresh fruits and vegetables in certain areas in Illinois and Iowa. Filed 9:53 a. m.

Omaha Order 10–F, Amendment 24, covering fresh fruits and vegetables in the Omaha, Nebraska and Council Bluffs, Iowa Area. Filed 9:53 a. m.

Omaha Order 11–F, Amendment 25, covering fresh fruits and vegetables in the Lincoln, Nebraska Area. Filed 9:52 a. m.

Peoria District Order 8–F, Amendment 20, covering fresh fruits and vegetables in certain areas in Illinois. Filed 9:53 a. m.

Peoria District Order 9–F, Amendment 20, covering fresh fruits and vegetables in certain areas in Illinois. Filed 9:53 a. m.

REGION VIII

San Diego Order 2–F, Amendment 20, covering fresh fruits and vegetables in certain areas in California. Filed 9:55 a. m.

San Diego Order 3–F, Amendment 18, covering fresh fruits and vegetables in certain areas in the Imperial County, California. Filed 9:56 a. m.

Seattle Order 3–P, Amendment 1, covering fresh fish in the Seattle and Bremerton, Washington Areas. Filed 9:56 a. m.

Seattle Order 6–F, Amendment 50, covering fresh fruits and vegetables in the Seattle and Bremerton, Washington Areas. Filed 9:43 a. m.

Seattle Order 6–F, Amendment 52, covering fresh fruits and vegetables in the Seattle and Bremerton, Washington Area. Filed 9:42 a. m.

Seattle Order 7–F, Amendment 47, covering fresh fruits and vegetables in the Tacoma, Washington Area. Filed 9:42 a. m.

Seattle Order 8–F, Amendment 44, covering fresh fruits and vegetables in the Everett, Washington Area. Filed 9:42 a. m.

Seattle Order 9–F, Amendment 52, covering fresh fruits and vegetables in the Seattle and Bremerton, Washington Area. Filed 9:42 a. m.

Seattle Order 10–F, Amendment 43, covering fresh fruits and vegetables in the Bellingham, Washington Area. Filed 9:43 a. m.

Seattle Order 11–F, Amendment 44, covering fresh fruits and vegetables in the Olympia, Washington Area. Filed 9:44 a. m.

Seattle Order 12–F, Amendment 43, covering fresh fruits and vegetables in the Aberdeen and Hoquiam, Washington Area. Filed 9:44 a. m.

Seattle Order 13–F, Amendment 44, covering fresh fruits and vegetables in the Centralia and Chehalis, Washington Area. Filed 9:47 a. m.

Seattle Order 14–F, Amendment 44, covering fresh fruits and vegetables in the Wenatchee and East Wenatchee, Washington Area. Filed 9:47 a. m.

Seattle Order 15–F, Amendment 42, covering fresh fruits and vegetables in the Yakima, Washington Area. Filed 9:47 a. m.

Spokane Order 9–F, Amendment 30, covering fresh fruits and vegetables in the Kootenai County, Idaho Area. Filed 9:56 a. m.

Spokane Order 10–F, Amendment 29, covering fresh fruits and vegetables in the Shoshone and Kootenai Counties, Idaho. Filed 9:57 a. m.

Copies of any of these orders may be obtained from the OPA Office in the designated city.

ERVIN H. POLLACK,
Secretary.

[F. R. Doc. 45–17340; Filed, Sept. 17, 1945; 4:34 p. m.]

[Region VII Order G–58 Under MPR 188]

BATTEN FURNITURE AND CABINET WORKS ET AL.

AUTHORIZATION OF MAXIMUM PRICES

Order No. G–58 under Maximum Price Regulation No. 188. Authorized maximum prices for specified items of unfinished furniture manufactured by T. J. Batten, doing business as Batten Furniture and Cabinet Works, Denver, Colorado, when sold by the manufacturer and specified resellers. Docket No. 7–188–158–126.

Pursuant to the Emergency Price Control Act of 1942, as amended, the Stabilization Act of 1942, as amended, and §§ 1499.158 and 1499.158a of Maximum Price Regulation No. 188, and for the reasons set forth in the accompanying opinion, this Order No. G–58 is issued.

(a) *What this order does.* This Order No. G–58 establishes maximum prices for specified items of unfinished furniture manufactured by T. J. Batten, doing business as Batten Furniture and Cabinet Works, when sold by the manufacturer and specified resellers.

(b) *Authorized maximum prices.* Upon and after the effective date of this Order No. G–58, the maximum prices for the specified items of unfinished furniture manufactured by T. J. Batten, doing business as Batten Furniture and Cabinet Works, of 463 South Broadway, Denver, Colorado, in accordance with the specifications set forth in the application of said manufacturer now on file in this Regional Office as a part of the record in this case, when sold by the manufacturer or any reseller at the levels specified, f. o. b. shipping point, shall be as follows:

CHESTS OF DRAWERS

Sale category	Wholesale	Retail	Wholesale	Retail	Wholesale	Retail
Model No.	1–A		1–B		1–C	
Maximum prices	$5.00	$8.30	$5.25	$8.75	$5.40	$9.00
Model No.	2–A		2–B		2–C	
Maximum prices	5.75	9.55	6.00	10.00	6.40	10.65
Model No.	3–A		3–B		3–C	
Maximum prices	6.50	10.85	6.95	11.60	7.20	12.00
Model No.	4–A		4–B		4–C	
Maximum prices	6.50	10.85	6.85	11.40	7.10	11.85
Model No.	5–A		5–B		5–C	
Maximum prices	7.25	12.10	7.75	12.90	8.15	13.60

CHESTS OF DRAWERS—continued

Sale category	Wholesale	Retail	Wholesale	Retail	Wholesale	Retail
Model No.	6–A		6–B		6–C	
Maximum prices	$8.00	$13.35	$8.60	$14.35	$9.00	$15.00
Model No.	7–A		7–B		7–C	
Maximum prices	8.75	14.60	9.50	15.85	10.00	16.65
Model No.	8–A		8–B		8–C	
Maximum Prices	7.25	12.10	7.70	12.85	8.00	13.35
Model No.	9–A		9–B		9–C	
Maximum Prices	8.00	13.35	8.60	14.35	9.00	15.00
Model No.	10–A		10–B		10–C	
Maximum prices	8.75	14.60	9.50	15.85	10.00	16.65

CHESTS OF DRAWERS—continued

Sale category	Wholesale	Retail	Wholesale	Retail	Wholesale	Retail
Model No.	11-A		11-B		11-C	
Maximum prices	$9.50	$15.85	$10.40	$17.35	$11.00	$18.35
Model No.	12-A		12-B		12-C	
Maximum prices	9.50	15.85	10.25	17.10	10.75	17.90
Model No.	13-A		13-B		13-C	
Maximum prices	10.25	17.10	11.15	18.60	11.75	19.60
Model No.	1-HA		1-HB		1-HC	
Maximum prices	7.50	12.50	7.75	12.90	7.90	13.15
Model No.	2-HA		2-HB		2-HC	
Maximum prices	8.25	13.75	8.50	14.15	8.90	14.85
Model No.	3-HA		3-HB		3-HC	
Maximum prices	9.50	15.85	9.95	16.60	10.20	17.00
Model No.	4-HA		4-HB		4-HC	
Maximum prices	9.50	15.85	9.85	16.40	10.10	16.85
Model No.	5-HA		5-HB		5-HC	
Maximum prices	10.25	17.10	10.75	17.90	11.15	18.60
Model No.	6-HA		6-HB		6-HC	
Maximum prices	11.00	18.35	11.60	19.35	12.00	20.00
Model No.	7-HA		7-HB		7-HC	
Maximum prices	11.75	19.60	12.50	20.85	13.00	21.65
Model No.	8-HA		8-HB		8-HC	
Maximum prices	10.50	17.50	10.95	18.25	11.25	18.75
Model No.	9-HA		9-HB		9-HC	
Maximum prices	11.75	19.60	12.30	20.50	12.75	21.25
Model No.	10-HA		10-HB		10-HC	
Maximum prices	12.50	20.85	13.25	22.10	13.75	22.90
Model No.	11-HA		11-HB		11-HC	
Maximum prices	13.25	22.10	14.10	23.50	14.75	24.60
Model No.	12-HA		12-HB		12-HC	
Maximum prices	14.75	24.60	15.50	25.85	16.00	26.65
Model No.	13-HA		13-HB		13-HC	
Maximum prices	15.50	25.85	16.40	27.35	17.00	28.35

DRESSING TABLES

Sale category	Wholesale	Retail	Wholesale	Retail	Wholesale	Retail
Model No.	14-A		14-B		14-C	
Maximum prices	$4.35	$7.25	$4.45	$7.40	$4.50	$7.50
Model No.	15-A		15-B		15-C	
Maximum prices	8.75	14.60	9.25	15.40	9.50	15.85
Model No.	16-A		16-B		16-C	
Maximum prices	10.75	17.90	11.25	18.75	11.75	19.60
Model No.	14-HA		14-HB		14-HC	
Maximum prices	6.00	10.00	6.10	10.15	6.15	10.25
Model No.	15-HA		15-HB		15-HC	
Maximum prices	11.25	18.75	11.75	19.60	12.00	20.00
Model No.	16-HA		16-HB		16-HC	
Maximum prices	13.75	22.90	14.25	23.75	14.75	26.65

UTILITY CABINETS

Sale category	Wholesale	Retail	Wholesale	Retail	Wholesale	Retail
Model No.	17-A		17-B		17-C	
Maximum prices	$9.75	$16.20	$10.25	$17.10	$10.50	$17.50
Model No.	18-A		18-B		18-C	
Maximum prices	7.75	12.90	8.25	13.75	8.50	14.15
Model No.	17-HA		17-HB		17-HC	
Maximum prices	13.75	22.90	14.35	23.80	14.75	24.60
Model No.	18-HA		18-HB		18-HC	
Maximum prices	11.00	18.35	11.60	19.35	12.00	20.00

KNEE HOLE DESKS

Sale category	Wholesale	Retail	Wholesale	Retail	Wholesale	Retail
Model No.	19-A		19-B		19-C	
Maximum prices	$12.25	$20.40	$12.75	$21.25	$13.60	$21.65
Model No.	20-A		20-B		20-C	
Maximum prices	8.75	14.60	9.00	15.00	9.25	15.40
Model No.	19-HA		19-HB		19-HC	
Maximum prices	16.00	26.65	16.50	27.50	16.75	27.90
Model No.	20-HA		20-HB		20-HC	
Maximum prices	11.25	18.75	11.50	19.15	11.75	19.60

KNEE HOLE DESKS WITH PANEL END BOOKCASE

Sale category	Wholesale	Retail	Wholesale	Retail	Wholesale	Retail
Model No.	21-A		21-B		21-C	
Maximum prices	$7.80	$13.00	$7.90	$13.15	$7.95	$13.25
Model No.	22-A		22-B		22-C	
Maximum prices	10.70	17.85	11.20	18.65	11.45	19.00
Model No.	21-HA		21-HB		21-HC	
Maximum prices	10.00	16.65	10.10	16.80	10.15	16.90
Model No.	22-HA		22-HB		22-HC	
Maximum prices	13.20	22.00	13.70	22.80	13.95	23.25

BABY WARDROBES

Sale category	Wholesale	Retail	Wholesale	Retail	Wholesale	Retail
Model No.	23-A		23-B		23-C	
Maximum prices	$15.50	$25.80	$16.40	$27.30	$17.00	$28.30
Model No.	23-HA		23-HB		23-HC	
Maximum prices	20.25	33.75	21.15	35.25	21.75	36.25

WARDROBES

Sale category	Wholesale	Retail	Wholesale	Retail	Wholesale	Retail
Model No.	24-A		24-B		24-C	
Maximum prices	$12.90	$21.50	$13.65	$22.75	$13.90	$23.15
Model No.	24-HA		24-HB		24-HC	
Maximum prices	17.90	29.80	18.65	31.00	18.90	31.50

BOOK SHELVES

Sale category	Wholesale	Retail	Wholesale	Retail	Wholesale	Retail
Model No.	25-A-2T		25-A-3T		25-A-4T	
Maximum prices	$3.00	$5.00	$3.25	$5.40	$3.50	$5.85
Model No.	26-A-2T		26-A-3T		26-A-4T	
Maximum prices	3.25	5.40	3.50	5.85	3.75	6.25
Model No.	27-A-2T		27-A-3T		27-A-4T	
Maximum prices	3.50	5.85	3.75	6.25	4.00	6.65
Model No.	28-A-2T		28-A-3T		28-A-4T	
Maximum prices	3.50	5.85	3.75	6.25	4.00	6.65
Model No.	29-A-2T		29-A-3T		29-A-4T	
Maximum prices	3.75	6.25	4.00	6.65	4.25	7.10
Model No.	30-A-2T		30-A-3T		30-A-4T	
Maximum prices	4.00	6.65	4.25	7.10	4.50	7.50
Model No.	25-HA-2T		25-HA-3T		25-HA-4T	
Maximum prices	3.75	6.25	4.00	6.65	4.25	7.10
Model No.	26-HA-2T		26-HA-3T		26-HA-4T	
Maximum prices	4.00	6.65	4.25	7.10	4.50	7.50
Model No.	27-HA-2T		27-HA-3T		27-HA-4T	
Maximum prices	4.25	7.10	4.50	7.50	4.75	7.90
Model No.	28-HA-2T		28-HA-3T		28-HA-4T	
Maximum prices	4.25	7.10	4.50	7.50	4.75	7.90
Model No.	29-HA-2T		29-HA-3T		29-HA-4T	
Maximum prices	4.50	7.50	4.75	7.90	5.00	8.30
Model No.	30-HA-2T		30-HA-3T		30-HA-4T	
Maximum prices	4.75	7.90	5.00	8.30	5.25	8.75

PANEL BEDS

Sale category	Wholesale	Retail	Wholesale	Retail
Model No.	31-A		31-HA	
Maximum prices	$9.00	$15.00	$12.00	$20.00

WOOD SCREENS

Sale category	Wholesale	Retail	Wholesale	Retail
Model No.	32-A		32-HA	
Maximum prices	$5.35	$8.95	$7.00	$11.65

CHILD'S CHAIRS

Sale category	Wholesale	Retail	Wholesale	Retail
Model No.	33-A		33-HA	
Maximum prices	$2.00	$3.35	$2.75	$4.60

CHILD'S SETS

Sale category	Wholesale	Retail	Wholesale	Retail
Model No.	34-A		34-HA	
Maximum prices	$6.30	$10.50	$8.00	$13.30

CORNER CABINETS

Sale category	Wholesale	Retail	Wholesale	Retail
Model No.	35-A		35-HA	
Maximum prices	$12.50	$20.85	$16.00	$26.65

GATE LEG TABLES

Sale category	Wholesale	Retail	Wholesale	Retail
Model No.	36-A		36-HA	
Maximum prices	$4.25	$7.10	$6.00	$10.00

NOTE: (i) The above authorized maximum prices for sales at wholesale are subject to a discount of 2% for payment within 10 days from date of invoice.
(ii) The prices above specified for sales f. o. b. shipping point include all costs incident to wrapping, packing, boxing, and carting.

(c) *Manufacturer must tag each article with its retail price.* The manufacturer must attach to each article of unfinished furniture covered by this Order No. G–58, by any suitable means, a tag plainly marked, "Maximum price when sold by any seller to an ultimate consumer, $------".

(d) *Applicability of other regulations.* The pricing provisions of the General Maximum Price Regulation have no application to the prices established by this Order No. G–58 for sales by the manufacturer or any other seller. Also, the price increases authorized by Order 1052 under Maximum Price Regulation No. 188 have been taken into consideration in arriving at the maximum prices established by this Order No. G–58, and such prices reflect the full amount of the increases authorized by said Order 1052. Therefore, neither the manufacturer nor any reseller is permitted to add anything to the maximum prices as above set forth in paragraph (b) by reason of said Order 1052. Letter Order No. 7–188–158–158a–12 and Amendments No. 1 and No. 2 thereto, heretofore issued by this Regional Office, are hereby revoked and superseded by this Order No. G–58 as of the effective date hereof.

(e) *Geographical applicability.* The maximum prices authorized by this Order No. G–58 for resellers are applicable only to sales made within this Region VII, which includes the States of New Mexico, Colorado, Wyoming, Montana, and Utah, and all that part of the State of Idaho lying south of the southern boundary of Idaho County, the County of Malheur in the State of Oregon, and all that part of the Counties of Mohave and Coconino in the State of Arizona lying north of the Colorado River.

(f) *Licensing.* The provisions of Licensing Order No. 1, licensing all persons who make sales under price control, are applicable to all sellers subject to this regulation or order. A seller's license may be suspended for violation of the license or of one or more applicable price schedules or regulations. A person whose license is suspended may not, during the period of suspension, make any sale for which his license has been suspended.

(g) *Right to revoke or amend.* This order may be revoked, modified, or amended at any time by the Price Administrator or the Regional Administrator.

Effective date. This Order No. G–58 shall become effective on the 4th day of September 1945.

Issued this 4th day of September 1945.

RICHARD Y. BATTERTON,
Regional Administrator.

[F. R. Doc. 45–17341; Filed, Sept. 17, 1945; 4:35 p. m.]

[Region VII Order G–59 Under MPR 188]

COLORADO FIXTURE AND FURNITURE MFG. CO. ET AL.

AUTHORIZATION OF MAXIMUM PRICES

Order No. G–59 Under Maximum Price Regulation No. 188. Authorized Maximum prices for specified items of unfinished furniture manufactured by Sylvan Moses, doing business as Colorado Fixture and Furniture Manufacturing Company, Denver, Colorado, when sold by the manufacturer and specified resellers. Docket No. 7–188–158–27.

Pursuant to the Emergency Price Control Act of 1942, as amended, the Stabilization Act of 1942, as amended, and §§ 1499.158 and 1499.158a of Maximum Price Regulation No. 188, and for the reasons set forth in the accompanying opinion, this Order No. G–59 is issued.

(a) *What this order does.* This Order No. G–59 establishes maximum prices for specified items of unfinished furniture manufactured by Sylvan Moses, doing business as Colorado Fixture and Furniture Manufacturing Company, when sold by the manufacturer and specified resellers.

(b) *Authorized maximum prices.* Upon and after the effective date of this Order No. G–59, the maximum prices for the specified items of unfinished furniture manufactured by Sylvan Moses, doing business as Colorado Fixture and Furniture Manufacturing Company, of 60 South Broadway, Denver, Colorado, in accordance with the specifications set forth in the application of said manufacturer now on file in this Regional Office as a part of the record in this case, when sold by the manufacturer or any reseller at the levels specified, f. o. b. shipping point, shall be as follows:

CHESTS OF DRAWERS

Sale category	Wholesale	Retail	Wholesale	Retail	Wholesale	Retail
Model No.	1-A		1-B		1-C	
Maximum prices	$5.00	$8.30	$5.25	$8.75	$5.40	$9.00
Model No.	2-A		2-B		2-C	
Maximum prices	5.75	9.75	6.00	10.00	6.40	10.65
Model No.	3-A		3-B		3-C	
Maximum prices	6.50	10.85	6.95	11.60	7.20	12.00
Model No.	4-A		4-B		4-C	
Maximum prices	6.50	10.85	6.85	11.40	7.10	11.85
Model No.	5-A		5-B		5-C	
Maximum prices	7.25	12.10	7.75	12.90	8.15	13.60
Model No.	6-A		6-B		6-C	
Maximum prices	8.00	13.35	8.60	14.35	9.00	15.00
Model No.	7-A		7-B		7-C	
Maximum prices	8.75	14.60	9.50	15.85	10.00	16.65
Model No.	8-A		8-B		8-C	
Maximum prices	7.25	12.10	7.70	12.85	8.00	13.35
Model No.	9-A		9-B		9-C	
Maximum prices	8.00	13.35	8.60	14.35	9.00	15.00
Model No.	10-A		10-B		10-C	
Maximum prices	8.75	14.60	9.50	15.85	10.00	16.65
Model No.	11-A		11-B		11-C	
Maximum prices	9.50	15.85	10.40	17.35	11.00	18.35
Model No.	12-A		12-B		12-C	
Maximum prices	9.50	15.85	10.25	17.10	10.75	17.90
Model No.	13-A		13-B		13-C	
Maximum prices	10.25	17.10	11.15	18.60	11.75	19.60
Model No.	1-HA		1-HB		1-HC	
Maximum prices	7.50	12.50	7.75	12.90	7.90	13.15
Model No.	2-HA		2-HB		2-HC	
Maximum prices	8.25	13.75	8.50	14.15	8.90	14.85
Model No.	3-HA		3-HB		3-HC	
Maximum prices	9.50	15.85	9.95	16.60	10.20	17.00
Model No.	4-HA		4-HB		4-HC	
Maximum prices	9.50	15.85	9.85	16.40	10.10	16.85
Model No.	5-HA		5-HB		5-HC	
Maximum prices	10.25	17.10	10.75	17.90	11.15	18.60
Model No.	6-HA		6-HB		6-HC	
Maximum prices	11.00	18.35	11.60	19.35	12.00	20.00
Model No.	7-HA		7-HB		7-HC	
Maximum prices	11.75	19.60	12.50	20.85	13.00	21.65
Model No.	8-HA		8-HB		8-HC	
Maximum prices	10.50	17.50	10.95	18.25	11.25	18.75
Model No.	9-HA		9-HB		9-HC	
Maximum prices	11.75	19.60	12.30	20.50	12.75	21.25
Model No.	10-HA		10-HB		10-HC	
Maximum prices	12.50	20.85	13.25	22.10	13.75	22.90
Model No.	11-HA		11-HB		11-HC	
Maximum prices	13.25	22.10	14.10	23.50	14.75	24.60
Model No.	12-HA		12-HB		12-HC	
Maximum prices	14.75	24.60	15.50	25.85	16.00	26.65
Model No.	13-HA		13-HB		13-HC	
Maximum prices	15.50	25.85	16.40	27.35	17.00	28.35

KNEE HOLE DESKS

Sale category	Wholesale	Retail	Wholesale	Retail	Wholesale	Retail
Model No.	14-A		14-B		14-C	
Maximum prices	$8.25	$13.75	$8.50	$14.15	$8.75	$14.60
Model No.	15-A		15-B		15-C	
Maximum prices	12.00	20.00	12.50	20.85	12.75	21.25
Model No.	14-HA		14-HB		14-HC	
Maximum prices	10.75	17.90	11.00	18.35	11.25	18.75
Model No.	15-HA		15-HB		15-HC	
Maximum prices	15.75	26.25	16.25	27.10	16.50	27.50

DRESSING TABLES

Sale category	Wholesale	Retail	Wholesale	Retail	Wholesale	Retail
Model No.	16-A		16-B		16-C	
Maximum prices	$8.75	$14.60	$9.25	$15.40	$9.50	$15.85
Model No.	17-A		17-B		17-C	
Maximum prices	12.75	21.25	13.25	22.10	13.50	22.50
Model No.	16-HA		16-HB		16-HC	
Maximum prices	11.25	18.75	11.75	19.60	12.00	20.00
Model No.	17-HA		17-HB		17-HC	
Maximum prices	16.00	26.65	16.50	27.50	16.75	27.90

WARDROBES

Sale category	Wholesale	Retail	Wholesale	Retail	Wholesale	Retail
Model No.	18-A		18-B		18-C	
Maximum prices	$11.75	$19.60	$12.50	$20.85	$12.75	$21.25
Model No.	19-A		19-B		19-C	
Maximum prices	15.00	25.00	15.75	26.25	16.25	27.10
Model No.	18-HA		18-HB		18-HC	
Maximum prices	17.00	28.35	17.75	29.60	18.00	30.00
Model No.	19-HA		19-HB		19-HC	
Maximum prices	20.00	33.35	20.75	34.60	21.25	35.40

BABY WARDROBES

Sale category	Wholesale	Retail	Wholesale	Retail	Wholesale	Retail
Model No.	20-A		20-B		20-C	
Maximum prices	$16.00	$26.65	$17.00	$28.35	$17.75	$29.60
Model No.	20-HA		20-HB		20-HC	
Maximum prices	20.75	34.60	21.75	36.25	22.50	37.50

BOOKCASES

Sale category	Wholesale	Retail	Wholesale	Retail	Wholesale	Retail
Model No.	21-A-2T		21-A-3T		21-A-4T	
Maximum prices	$3.50	$5.85	$3.75	$6.25	$4.00	$6.65
Model No.	22-A-2T		22-A-3T		22-A-4T	
Maximum prices	3.75	6.25	4.00	6.65	4.25	7.10
Model No.	23-A-2T		23-A-3T		23-A-4T	
Maximum prices	4.50	7.50	4.75	7.90	5.00	8.30
Model No.	24-A-2T		24-A-3T		24-A-4T	
Maximum prices	5.25	8.75	5.50	9.15	5.75	9.55
Model No.	21-HA-2T		21-HA-3T		21-HA-4T	
Maximum prices	4.25	7.10	4.50	7.50	4.75	7.90
Model No.	22-HA-2T		22-HA-3T		22-HA-4T	
Maximum prices	4.50	7.50	4.75	7.90	5.00	8.30
Model No.	23-HA-2T		23-HA-3T		23-HA-4T	
Maximum prices	5.25	8.75	5.50	9.15	5.75	9.55
Model No.	24-HA-2T		24-HA-3T		24-HA-4T	
Maximum prices	6.00	10.00	6.25	10.40	6.50	10.85

CORNER OR CHINA CABINETS

Sale category	Wholesale	Retail	Wholesale	Retail
Model No.	25-A		25-HA	
Maximum prices	$15.50	$25.85	$20.00	$33.35

PANEL BEDS

Sale category	Wholesale	Retail	Wholesale	Retail	Wholesale	Retail
Model No.		26–A		26–HA		
Maximum prices	$9.00	$15.00	$12.00	$20.00		

BUNK BEDS

Model No.		27–A		27–HA		
Maximum prices	$15.50	$25.85	$21.00	$35.00		

GATE LEG TABLES

Sale category	Wholesale	Retail	Wholesale	Retail	Wholesale	Retail
Model No.		28–A		28–HA		
Maximum prices	$4.25	$7.10	$6.00	$10.00		

NOTE: (i) The above authorized maximum prices for sales at wholesale are subject to a discount of 2% for payment within 10 days from date of invoice.
(ii) The prices above specified for sales f. o. b. shipping point include all costs incident to wrapping, packing, boxing, and carting.

(c) *Manufacturer must tag each article with its retail price.* The manufacturer must attach to each article of unfinished furniture covered by this Order No. G–59, by any suitable means, a tag plainly marked, "Maximum price when sold by any seller to an ultimate consumer, $------".

(d) *Applicability of other regulations.* The pricing provisions of the General Maximum Price Regulation have no application to the prices established by this Order No. G–59 for sales by the manufacturer or any other seller. Also, the price increases authorized by Order 1052 under Maximum Price Regulation No. 188 have been taken into consideration in arriving at the maximum prices established by this Order No. G–59, and such prices reflect the full amount of the increases authorized by said Order 1052. Therefore, neither the manufacturer nor any reseller is permitted to add anything to the maximum prices as above set forth in paragraph (b) by reason of said Order 1052. Letter Order No. 7–188–158–158a–14 and Amendments No. 1 and No. 2 thereto, heretofore issued by this Regional Office, are hereby revoked and superseded by this Order No. G–59 as of the effective date hereof.

(e) *Geographical applicability.* The maximum prices authorized by this Order No. G–59 for resellers are applicable only to sales made within this Region VII, which includes the States of New Mexico, Colorado, Wyoming, Montana, and Utah, and all that part of the State of Idaho lying south of the southern boundary of Idaho County, the County of Malheur in the State of Oregon, and all that part of the Counties of Mohave and Coconino in the State of Arizona lying north of the Colorado River.

(f) *Licensing.* The provisions of Licensing Order No. 1, licensing all persons who make sales under price control, are applicable to all sellers subject to this regulation or order. A seller's license may be suspended for violation of the license or of one or more applicable price schedules or regulations. A person whose license is suspended may not, during the period of suspension, make any sale for which his license has been suspended.

(g) *Right to revoke or amend.* This order may be revoked, modified, or amended at any time by the Price Administrator or the Regional Administrator.

Effective date. This Order No. G–59 shall become effective on the 4th day of September 1945.

Issued this 4th day of September 1945.

RICHARD Y. BATTERTON,
Regional Administrator.

[F. R. Doc. 45–17342; Filed, Sept. 17, 1945; 4:35 p. m.]

[Region VII Order G–60 Under MPR 188]

WHITTEMORE'S CABINETS AND FURNITURE ET AL.

AUTHORIZATION OF MAXIMUM PRICES

Order No. G–60 Under Maximum Price Regulation No. 188. Authorized maximum prices for specified items of unfinished furniture manufactured by Irvin Whittemore, doing business as Whittemore's Cabinets and Furniture, Denver, Colorado, when sold by the manufacturer and specified resellers. Docket No. 7–188–158–29.

Pursuant to the Emergency Price Control Act of 1942, as amended, the Stabilization Act of 1942, as amended, and §§ 1499.158 and 1499.158a of Maximum Price Regulation No. 188, and for the reasons set forth in the accompanying opinion, this Order No. G–60 is issued.

(a) *What this order does.* This Order No. G–60 establishes maximum prices for specified items of unfinished furniture manufactured by Irvin Whittemore, doing business as Whittemore's Cabinets and Furniture, when sold by the manufacturer and specified resellers.

(b) *Authorized maximum prices.* Upon and after the effective date of this Order No. G–60, the maximum prices for the specified items of unfinished furniture manufactured by Irvin Whittemore, doing business as Whittemore's Cabinets and Furniture, of 815 East Cedar Avenue, Denver, Colorado, in accordance with the specifications set forth in the application of said manufacturer now on file in this Regional Office as a part of the record in this case, when sold by the manufacturer or any reseller at the levels specified, f. o. b. shipping point, shall be as follows:

CHESTS OF DRAWERS

Sale category	Wholesale	Retail	Wholesale	Retail	Wholesale	Retail
Model No.		1–A		1–B		1–C
Maximum prices	$6.50	$10.85	$6.85	$11.40	$7.10	$11.85
Model No.		2–A		2–B		2–C
Maximum prices	7.25	12.10	7.75	12.90	8.15	13.60
Model No.		3–A		3–B		3–C
Maximum prices	8.00	13.35	8.60	14.35	9.00	15.00
Model No.		4–A		4–B		4–C
Maximum prices	8.75	14.60	9.50	15.85	10.00	16.65
Model No.		5–A		5–B		5–C
Maximum prices	6.80	11.35	7.30	12.15	7.50	12.50
Model No.		6–A		6–B		6–C
Maximum prices	5.00	8.30	5.25	8.75	5.40	9.00
Model No.		7–A		7–B		7–C
Maximum prices	5.75	9.55	6.00	10.00	6.40	10.65
Model No.		8–A		8–B		8–C
Maximum prices	6.50	10.85	6.95	11.60	7.20	12.00
Model No.		9–A		9–B		9–C
Maximum prices	7.25	12.10	7.70	12.85	8.00	13.35
Model No.		10–A		10–B		10–C
Maximum prices	8.00	13.35	8.60	14.35	9.00	15.00
Model No.		11–A		11–B		11–C
Maximum prices	8.75	14.60	9.50	15.85	10.00	16.65
Model No.		12–A		12–B		12–C
Maximum prices	9.50	15.85	10.40	17.35	11.00	18.35
Model No.		13–A		13–B		13–C
Maximum prices	9.50	15.85	10.40	17.35	11.00	18.35
Model No.		14–A		14–B		14–C
Maximum prices	9.50	15.85	10.25	17.10	10.75	17.90
Model No.		15–A		15–B		15–C
Maximum prices	10.25	17.10	11.15	18.60	11.75	19.60

CHESTS OF DRAWERS—continued

Sale category	Wholesale	Retail	Wholesale	Retail	Wholesale	Retail
Model No.		1–HA		1–HB		1–HC
Maximum prices	$9.50	$15.85	$9.85	$16.40	$10.10	$16.85
Model No.		2–HA		2–HB		2–HC
Maximum prices	10.25	17.10	10.75	17.90	11.15	18.60
Model No.		3–HA		3–HB		3–HC
Maximum prices	11.00	18.35	11.60	19.35	12.00	20.00
Model No.		4–HA		4–HB		4–HC
Maximum prices	11.75	19.60	12.50	20.85	13.00	21.60
Model No.		5–HA		5–HB		5–HC
Maximum prices	9.80	16.30	10.30	17.15	10.50	17.50
Model No.		6–HA		6–HB		6–HC
Maximum prices	7.50	12.50	7.75	12.90	7.90	13.15
Model No.		7–HA		7–HB		7–HC
Maximum prices	8.25	13.75	8.50	14.15	8.90	14.85
Model No.		8–HA		8–HB		8–HC
Maximum prices	9.50	15.85	9.95	16.60	10.20	17.00
Model No.		9–HA		9–HB		9–HC
Maximum prices	10.50	17.50	10.95	18.25	11.25	18.75
Model No.		10–HA		10–HB		10–HC
Maximum prices	11.75	19.60	12.30	20.50	12.75	21.25
Model No.		11–HA		11–HB		11–HC
Maximum prices	12.50	20.85	13.25	22.10	13.75	22.90
Model No.		12–HA		12–HB		12–HC
Maximum prices	13.25	22.10	14.10	23.50	14.75	24.60
Model No.		13–HA		13–HB		13–HC
Maximum prices	13.25	22.10	14.10	23.50	14.75	24.60
Model No.		14–HA		14–HB		14–HC
Maximum prices	14.75	24.60	15.50	25.85	16.00	26.65
Model No.		15–HA		15–HB		15–HC
Maximum prices	15.50	25.85	16.40	27.35	17.00	28.35

KNEE HOLE DESKS

Sale category	Wholesale	Retail	Wholesale	Retail	Wholesale	Retail
Model No.		16–A		16–B		16–C
Maximum prices	$9.00	$15.00	$9.25	$15.40	$9.50	$15.85
Model No.		17–A		17–B		17–C
Maximum prices	12.75	21.25	13.25	22.10	13.50	22.50
Model No.		16–HA		16–HB		16–HC
Maximum prices	11.25	18.75	11.50	19.15	11.75	19.60
Model No.		17–HA		17–HB		17–HC
Maximum prices	16.50	27.50	16.75	27.90	17.00	28.35

WARDROBES

Model No.		18–A		18–B		18–C
Maximum prices	$10.00	$16.65	$10.50	$17.50	$10.75	$17.90
Model No.		18–HA		18–HB		18–HC
Maximum prices	14.00	23.35	14.50	24.15	14.75	24.60

UTILITY CABINETS

Model No.		19–A		19–B		19–C
Maximum prices	$8.75	$14.60	$9.25	$15.40	$9.50	$15.85
Model No.		20–A		20–B		20–C
Maximum prices	7.00	11.65	7.50	12.50	7.75	12.90
Model No.		19–HA		19–HB		19–HC
Maximum prices	12.50	20.85	13.00	21.65	13.25	22.10
Model No.		20–HA		20–HB		20–HC
Maximum prices	10.75	17.90	11.25	18.75	11.50	19.15

WALL DISH CABINETS

Sale category	Wholesale	Retail	Wholesale	Retail	Wholesale	Retail
Model No.		21–A		21–B		21–C
Maximum prices	$6.50	$10.85	$7.00	$11.65	$7.25	$12.10
Model No.		21–HA		21–HB		21–HC
Maximum prices	9.50	15.85	10.00	16.65	10.25	17.10

GATE LEG TABLES

Model No.		22–A		22–HA		
Maximum prices	$4.25	$7.10	$6.00	$10.00		

END TABLES

Model No.		23–A		23–HA		
Maximum prices	$1.80	$3.00	$2.50	$4.15		

NOTE: (i) The above authorized maximum prices for sales at wholesale are subject to a discount of 2% for payment within 10 days from date of invoice.
(ii) The prices above specified for sales f. o. b. shipping point include all costs incident to wrapping, packing, boxing, and carting.

(c) *Manufacturer must tag each article with its retail price.* The manufacturer must attach to each article of unfinished furniture covered by this Order No. G–60, by any suitable means, a tag plainly marked, "Maximum price when sold by any seller to an ultimate consumer, $------".

(d) *Applicability of other regulations.* The pricing provisions of the General Maximum Price Regulation have no application to the prices established by this Order No. G–60 for sales by the manufacturer or any other seller. Also, the price increases authorized by Order 1052 under Maximum Price Regulation No. 188 have been taken into consideration in arriving at the maximum prices established by this Order No. G–60, and such prices reflect the full amount of the increases authorized by said Order 1052. Therefore, neither the manufacturer nor any reseller is permitted to add anything to the maximum prices as above set forth in paragraph (b) by reason of said Order 1052.

(e) *Geographical applicability.* The maximum prices authorized by this Order No. G–60 for resellers are applicable only to sales made within this Region VII, which includes the States of New Mexico, Colorado, Wyoming, Montana, and Utah, and all that part of the State of Idaho lying south of the southern boundary of Idaho County, the County of Malheur in the State of Oregon, and all that part of the Counties of Mohave and Coconino in the State of Arizona lying north of the Colorado River.

(f) *Licensing.* The provisions of Licensing Order No. 1, licensing all persons who make sales under price control, are applicable to all sellers subject to this regulation or order. A seller's license may be suspended for violation of the license or of one or more applicable price schedules or regulations. A person whose license is suspended may not, during the period of suspension, make any sale for which his license has been suspended.

(g) *Right to revoke or amend.* This order may be revoked, modified, or amended at any time by the Price Administrator or the Regional Administrator.

Effective date. This Order No. G–60 shall become effective on the 4th day of September 1945.

Issued this 4th day of September 1945.

RICHARD Y. BATTERTON,
Regional Administrator.

[F. R. Doc. 45–17343; Filed, Sept. 17, 1945; 4:34 p. m.]

[Region VII Order G–61 Under MPR 188]

ARROW PAINT AND WALL PAPER CO ET AL.

AUTHORIZATION OF MAXIMUM PRICES

Order No. G–61 Under Maximum Price Regulation No. 188 authorized maximum prices for specified items of unfinished furniture manufactured by Arrow Paint and Wall Paper Company, Denver, Colorado, when sold by the manufacturer and specified resellers. Docket No. 7–188–158–124.

Pursuant to the Emergency Price Control Act of 1942, as amended, the Stabilization Act of 1942, as amended, and § 1499.158 and 1499.158a of Maximum Price Regulation No. 188, and for the reasons set forth in the accompanying opinion, this Order No. G–61 is issued.

(a) *What this order does.* This Order No. G–61 establishes maximum prices for specified items of unfinished furniture manufactured by Arrow Paint and Wall Paper Company, when sold by the manufacturer and specified resellers.

(b) *Authorized maximum prices.* Upon and after the effective date of this Order No. G–61, the maximum prices for the specified items of unfinished furniture manufactured by Arrow Paint and Wall Paper Company, of 1520 Lawrence Street, Denver, Colorado, in accordance with the specifications set forth in the application of said manufacturer now on file in this Regional Office as a part of the record in this case, when sold by the manufacturer or any reseller at the levels specified, f. o. b. shipping point, shall be as follows:

CHESTS OF DRAWERS

Sale category	Wholesale	Retail	Wholesale	Retail	Wholesale	Retail
Model No.		1–A		1–B		1–C
Maximum prices	$5.00	$8.30	$5.25	$8.75	$5.40	$9.00
Model No.		2–A		2–B		2–C
Maximum prices	5.75	9.55	6.00	10.00	6.40	10.65
Model No.		3–A		3–B		3–C
Maximum prices	6.50	10.85	6.95	11.60	7.20	12.00
Model No.		4–A		4–B		4–C
Maximum prices	7.25	12.10	7.75	12.90	8.15	13.60
Model No.		5–A		5–B		5–C
Maximum prices	6.00	10.00	6.50	10.85	6.90	11.50
Model No.		6–A		6–B		6–C
Maximum prices	7.25	12.10	7.75	12.90	8.15	13.60
Model No.		7–A		7–B		7–C
Maximum Prices	8.00	13.35	8.60	14.35	9.00	15.00
Model No.		8–A		8–B		8–C
Maximum Prices	8.75	14.60	9.50	15.85	10.00	16.65

CHESTS OF DRAWERS—continued

Sale category	Wholesale	Retail	Wholesale	Retail	Wholesale	Retail
Model No.		9–A		9–B		9–C
Maximum Prices	$6.75	$11.25	$7.25	$12.10	$7.50	$12.50
Model No.		10–A		10–B		10–C
Maximum Prices	8.00	13.35	8.60	14.35	9.00	15.00
Model No.		11–A		11–B		11–C
Maximum Prices	8.75	14.60	9.50	15.85	10.00	16.65
Model No.		12–A		12–B		12–C
Maximum Prices	9.50	15.85	10.40	17.35	11.00	18.35
Model No.		13–A		13–B		13–C
Maximum Prices	9.50	15.85	10.25	17.10	10.75	17.90
Model No.		14–A		14–B		14–C
Maximum Prices	10.25	17.10	11.15	18.60	11.75	19.60
Model No.		1–HA		1–HB		1–HC
Maximum Prices	7.50	12.50	7.75	12.90	7.90	13.15
Model No.		2–HA		2–HB		2–HC
Maximum Prices	8.25	13.75	8.50	14.15	8.90	14.85

CHESTS OF DRAWERS—continued

Sale category	Wholesale	Retail	Wholesale	Retail	Wholesale	Retail
Model No.	3-HA		3-HB		3-HC	
Maximum Prices	$9.50	$15.85	$9.95	$16.60	$10.20	$17.00
Model No.	4-HA		4-HB		4-HC	
Maximum Prices	10.25	17.10	10.75	17.90	11.15	18.60
Model No.	5-HA		5-HB		5-HC	
Maximum Prices	8.50	14.15	9.00	15.00	9.40	15.65
Model No.	6-HA		6-HB		6-HC	
Maximum Prices	10.25	17.10	10.75	17.90	11.15	18.60
Model No.	7-HA		7-HB		7-HC	
Maximum Prices	11.10	18.50	11.60	19.35	12.00	20.00
Model No.	8-HA		8-HB		8-HC	
Maximum Prices	11.75	19.60	12.50	20.85	13.00	21.65
Model No.	9-HA		9-HB		9-HC	
Maximum Prices	9.75	16.20	10.25	17.10	10.50	17.50
Model No.	10-HA		10-HB		10-HC	
Maximum Prices	11.75	19.60	12.30	20.50	12.75	21.25
Model No.	11-HA		11-HB		11-HC	
Maximum Prices	12.50	20.85	13.25	22.10	13.75	22.90
Model No.	12-HA		12-HB		12-HC	
Maximum Prices	13.25	22.10	14.10	23.50	14.75	24.60
Model No.	13-HA		13-HB		13-HC	
Maximum prices	14.75	24.60	15.50	25.85	16.00	26.65
Model No.	14-HA		14-HB		14-HC	
Maximum prices	15.50	25.85	16.40	27.35	17.00	28.35

KNEEHOLE DESKS

Model No.	15-A		15-B		15-C	
Maximum prices	$12.00	$20.00	$12.50	$20.85	$12.75	$21.25
Model No.	15-HA		15-HB		15-HC	
Maximum prices	15.75	26.25	16.25	27.10	16.50	27.50

KIDNEY DRESSING TABLES

Model No.	16-A		16-B		16-C	
Maximum prices	$8.25	$13.75	$8.50	$14.15	$8.75	$14.60
Model No.	16-HA		16-HB		16-HC	
Maximum prices	10.75	17.90	11.00	18.35	11.25	18.75

CHEST ROBES

Sale category	Wholesale	Retail	Wholesale	Retail	Wholesale	Retail
Model No.	17-A		17-B		17-C	
Maximum prices	$15.00	$25.00	$15.75	$26.25	$16.25	$27.10
Model No.	17-HA		17-HB		17-HC	
Maximum Prices	20.00	33.35	20.75	34.60	21.25	35.40

GATE LEG TABLES

Model No.	18-A		18-HA	
Maximum Prices	$4.25	$7.10	$6.00	$10.00

NIGHT STANDS

Model No.	19-A		19-HA	
Maximum Prices	$2.60	$4.30	$3.60	$6.00

COFFEE TABLES

Model No.	20-A		20-HA	
Maximum Prices	$2.50	$4.15	$4.75	$7.90

CHILD'S SETS

Model No.	21-A		21-HA	
Maximum Prices	$5.00	$8.30	$7.00	$11.65

CORNER CUPBOARDS

Model No.	22-A		22-HA	
Maximum Prices	$7.50	$12.50	$10.50	$17.50

NOTE: (i) The above authorized maximum prices for sales at wholesale are subject to a discount of 2% for payment within 10 days from date of invoice.
(ii) The prices above specified for sales f. o. b. shipping point include all costs incident to wrapping, packing, boxing, and carting.

(c) *Manufacturer must tag each article with its retail price.* The manufacturer must attach to each article of unfinished furniture covered by this Order No. G-61, by any suitable means, a tag plainly marked, "Maximum price when sold by any seller to an ultimate consumer, $_____."

(d) *Applicability of other regulations.* The pricing provisions of the General Maximum Price Regulation have no application to the prices established by this Order No. G-61 for sales by the manufacturer or any other seller. Also, the price increases authorized by Order 1052 under Maximum Price Regulation No. 188 have been taken into consideration in arriving at the maximum prices established by this Order No. G-61, and such prices reflect the full amount of the increases authorized by said Order 1052. Therefore, neither the manufacturer nor any reseller is permitted to add anything to the maximum prices as above set forth in paragraph (b) by reason of said Order 1052. Letter Order No. 7-188-158-158a-11 and Amendment No. 1 thereto, heretofore issued by this Regional Office, are hereby revoked and superseded by this Order No. G-61 as of the effective date hereof.

(e) *Geographical applicability.* The maximum prices authorized by this Order No. G-61 for resellers are applicable only to sales made within this Region VII, which includes the States of New Mexico, Colorado, Wyoming, Montana, and Utah, and all that part of the State of Idaho lying south of the southern boundary of Idaho County, the County of Malheur in the State of Oregon, and all that part of the Counties of Mohave and Coconino in the State of Arizona lying north of the Colorado River.

(f) *Licensing.* The provisions of Licensing Order No. 1, licensing all persons who make sales under price control, are applicable to all sellers subject to this regulation or order. A seller's license may be suspended for violation of the license or of one or more applicable price schedules or regulations. A person whose license is suspended may not, during the period of suspension, make any sale for which his license has been suspended.

(g) *Right to revoke or amend.* This order may be revoked, modified, or amended at any time by the Price Administrator or the Regional Administrator.

Effective date. This Order No. G-61 shall become effective on the 4th day of September 1945.

Issued this 4th day of September 1945.

RICHARD Y. BATTERTON,
Regional Administrator.

[F. R. Doc. 45-17344; Filed, Sept. 17, 1945; 4:34 p.m.]

SECURITIES AND EXCHANGE COMMISSION.

[File No. 70-973]

MISSOURI GENERAL UTILITIES CO. AND ASSOCIATED ELECTRIC CO.

ORDER GRANTING EXTENSION OF TIME

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 17th day of September 1945.

Associated Electric Company ("Aelec"), a registered holding company, and its subsidiary, Missouri General Utilities Company ("Utilities"), having filed an application-declaration, pursuant to the applicable provisions of the Public Utility Holding Company Act of 1935, concerning the proposed sale by Aelec of its entire interest in Utilities, the proposed acquisition by Aelec of certain assets of Utilities, and related matters; and

The Commission having, on November 27, 1944, after notice and hearing, made and filed its findings and opinion and order (Holding Company Act Release No. 5449) granting the application and permitting the declaration to become effective; and

The Commission having, on January 25, March 27, May 29 and July 19, 1945, upon the request of applicants-declarants, extended the time for consummating said transactions to and including September 30, 1945; and

Applicants-declarants having, on September 11, 1945, advised the Commission that the parties have been unable to consummate the transactions proposed in said application-declaration within such time, and having requested that the time for such consummation be extended to and including November 30, 1945; and

It appearing to the Commission that it is appropriate in the public interest and the interest of investors to grant said request:

It is ordered, That the time for consummating said transactions be, and hereby is, extended to and including November 30, 1945.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 45-17466; Filed, Sept. 19, 1945; 9:38 a. m.]

[File No. 70-1124]

COLUMBIA GAS & ELECTRIC CORP. AND COLUMBIA CORP.

ORDER GRANTING APPLICATION AND PERMITTING DECLARATION TO BECOME EFFECTIVE

Columbia Gas & Electric Corporation ("Columbia Gas"), a registered holding company, and its wholly-owned subsidiary, Columbia Corporation, having filed a joint application and declaration pursuant to the Public Utility Holding Company Act of 1935, particularly sections 9, 10, 12 (c) and 12 (f) thereof, Rules U-42 and U-43 thereunder and Instruction 8 (c) of the Uniform System of Accounts promulgated by the Commission pursuant to said Act regarding the following transactions:

(1) The dissolution of Columbia Corporation and the distribution of its net assets as a liquidating dividend to Columbia Gas; such assets at May 31, 1945 being as follows:

	Principal amount or number of shares	Carrying value on books of Columbia Corp.
The Union Light, Heat and Power Co.:		
First mortgage 6% bonds, series A	$1,762,800.00	$1,689,801.69
Columbia Gas & Electric Corp.:		
Cumulative preferred stock:	*Shares*	
6% Series A	5,125	409,482.50
5% Series	1,646	147,535.92
5% cumulative preference stock	2,011	201,100.00
Common stock	74,408	2,548,429.06
The United Corp.:		
$3 preference stock	2,083⅓	115,616.43
Common stock	9,380	335,342.32

In addition to the above securities, Columbia Corporation, at May 31, 1945, had $1,079,681.83 in cash, $30,849.00 of receivables from affiliates and current liabilities aggregating $57,432.05.

(2) The recording by Columbia Gas of the net assets acquired from Columbia Corporation as follows:

The Union Light, Heat and Power Company Bonds at the amount recorded on the books of Columbia Corporation	$1,689,801.69
Columbia Gas & Electric Corporation Stocks at par or stated values	952,608.00
The United Corporation Stocks at market values	108,862.92
Cash and Receivables	1,110,530.83
Less: Current and Accrued Liabilities	(57,432.05)
	3,804,371.39

(3) The disposition by Columbia Gas of the difference ($1,945,628.61) between the present carrying value of its investment in Columbia Corporation ($5,750,000) and the proposed carrying value of the net assets to be acquired ($3,804,371.39), by charging Special Capital Surplus and by crediting Earned Surplus Since December 31, 1937 with the amounts of $2,468,816.84 and $523,188.23, respectively.

(4) The cancellation and the retirement by Columbia Gas of its shares of preferred, preference and common stocks received in the proposed liquidation of Columbia Corporation; and

Said application and declaration containing a request that the Commission enter an order to conform with the requirements of sections 371, 373 and 1808 (f) of the Internal Revenue Code, as amended, reciting that the proposed disposition of securities by Columbia Corporation is necessary or appropriate to effectuate the provisions of section 11 (b) of the Public Utility Holding Company Act of 1935; and

Said application and declaration having been filed on August 11, 1945 and notice of said filing having been duly given in the form and manner prescribed by Rule U-23 under said act, and the Commission not having received a request for a hearing with respect to said application and declaration within the period specified in said notice or otherwise, and not having ordered a hearing thereon; and

The Commission deeming the proposed dissolution of Columbia Corporation and the distribution of its assets to Columbia Gas to be necessary or appropriate to effectuate compliance with the Commission's Order of November 30, 1944, issued pursuant to section 11 (b) (1) of the act (Holding Company Act Release No. 5455) directing Columbia Gas, among other things, to sever its relationship with Columbia Corporation by disposing, or causing the disposition, of its direct or indirect ownership, control and holdings of securities issued, owned or controlled by Columbia Corporation, and by reason thereof, deeming it appropriate to grant the requested recitals;

It is hereby ordered, Pursuant to said Rule U-23 and the applicable provisions of said act and subject to the terms and conditions prescribed in Rule U-24, that the aforesaid application and declaration be, and the same hereby are, granted and permitted to become effective forthwith.

It is further ordered, That the dissolution of Columbia Corporation and the distribution of the following assets to Columbia Gas is necessary or appropriate to effectuate compliance with the provisions of section 11 (b) of the Public Utility Holding Company Act of 1935 and this Commission's order of November 30, 1944, issued thereunder:

$1,762,800.00 Principal Amount of First Mortgage 6% Bonds, Series A, of The Union Light, Heat and Power Company

5,125 Shs. 6% Series A Cumulative Preferred Stock, par value $100 per share, of Columbia Gas & Electric Corporation

1,646 Shs. 5% Series Cumulative Preferred Stock, par value $100 per share, of Columbia Gas & Electric Corporation.

2,011 Shs. 5% Cumulative Preference Stock, par value $100 per share, of Columbia Gas & Electric Corporation

74,408 Shs. Common Stock, no par value, of Columbia Gas & Electric Corporation

2,083⅓ Shs. $3 Preference Stock, no par value, of The United Corporation

9,380 Shs. Common Stock, no par value, of The United Corporation

All cash of Columbia Corporation remaining at the date of the distribution of its assets to Columbia Gas & Electric Corporation.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 45-17467; Filed, Sept. 19, 1945; 9:38 a. m.]

[File No. 1-518]

THE TORRINGTON CO.

ORDER DISMISSING APPLICATION

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 18th day of September, A. D. 1945.

The Torrington Company having filed an application, pursuant to section 12 (d) of the Securities Exchange Act of 1934 and Rule X-12D2-1 adopted thereunder, to withdraw its common stock from listing and registration on the Boston Stock Exchange; a hearing having been held after appropriate notice, and the Commission on May 1, 1945 having entered an order granting said application subject to ratification thereof by the Company's stockholders; and

The Commission now being advised by the Company that it has determined not to submit the matter to a vote of stockholders;

It is ordered, that this application be, and it hereby is, dismissed.

ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 45-17468; Filed, Sept. 19, 1945; 9:38 a. m.]

[File Nos. 54-75, 70-726]

THE COMMONWEALTH & SOUTHERN CORP. (DELAWARE)

ORDER PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 17th day of September, A. D. 1945.

The Commonwealth & Southern Corporation (Commonwealth), a registered holding company, having filed a declaration pursuant to the Public Utility Holding Company Act of 1935, particularly section 12 (c) thereof and Rule U-46 thereunder, regarding the proposed payment of a dividend of $1.25 per share (payable on the 28th day after approval by this Commission to stockholders of record at the close of business on the 14th day thereafter) on its 1,482,000 shares of preferred stock outstanding, the aggregate amount of such dividend payment being $1,852,500; and

Commonwealth having stated in the declaration that "The Board . . . recognizes that the restatement of the carrying value of Commonwealth's investments, which restatement it is proposed in the Amended Plan will be made upon consummation thereof, will result in a decrease in such carrying value in an amount not less than the sum of (a) the amount shown as 'Earned Surplus' in the balance sheet as at July 31, 1945 and (b) the amount of net income to be received subsequent to July 31, 1945 and prior to the date of such restatement, provided such restatement is completed within some reasonable period, say by March 31, 1946, and, accordingly, the 'Earned Surplus' account is so qualified that, under the rules and practice of the Commission, payment of said dividend is subject to the requirements of Commission authorization under the provi-

sions of section 12 (c) of the act and Rule U-46 in spite of the fact that, as authorized by Section 34 of the Delaware General Corporation Law, the source of payment of such dividend under such Law is Commonwealth's net profits for the current and preceding fiscal years"; and

Said declaration having been filed on August 28, 1945 and notice of said filing having been duly given in the form and manner prescribed by Rule U-23 promulgated pursuant to said act, and the Commission not having received a request for a hearing with respect to said declaration within the period specified in the said notice, or otherwise, and not having ordered a hearing thereon; and

The Commission regarding the proposed payment as similar in principle to those proposed by Commonwealth and permitted by the Commission's orders of June 24, September 13, November 26, 1943, March 8, June 3, September 5, December 21, 1944, March 12 and May 30, 1945 (Holding Company Act Releases Nos. 4383, 4560, 4709, 4933, 5084, 5268, 5508, 5659 and 5833) and, as in the case of said prior dividend payments, as being made out of capital; and

The Commission deeming it appropriate in the public interest and in the interest of investors and consumers to permit said declaration to become effective; and

Commonwealth having requested that the effective date of the declaration be accelerated to facilitate the prompt payment of the proposed dividend to the preferred stockholders and the Commission deeming it appropriate that such request for acceleration be granted;

It is hereby ordered, Pursuant to Rule U-23 and the applicable provisions of the act and subject to the terms and conditions prescribed in Rule U-24, that the aforesad declaration be, and the same hereby is, permitted to become effective forthwith, *Provided, however*, That this order shall not be construed as a determination that such dividend payment is or is not taxable to the recipient pursuant to the provisions of the Internal Revenue Code, and provided further that Commonwealth accompany the dividend checks with a statement to the effect (1) that the Commission regarded the dividend payment as being made out of capital for purposes of the Public Utility Holding Company Act of 1935 and (2) that the Commission's statement to this effect did not purport to be a determination that such dividend payment is or is not taxable to the recipient pursuant to the provisions of the Internal Revenue Code.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 45-17469; Filed, Sept. 19, 1945; 9:39 a. m.]

[File No. 812-388]

INSURANSHARES CORP. OF DELAWARE ET AL.

NOTICE OF AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa., on the 18th day of September, A. D. 1945.

In the matter of Insuranshares Corporation of Delaware, Philadelphia Life Insurance Company and William Elliott, File No. 812-388.

An application having been filed by Insuranshares Corporation of Delaware pursuant to section 17 (b) of the Investment Company Act of 1940 for an order exempting from the provisions of section 17 (a) (2) of said act a proposed transaction whereby the applicant proposes to sell its 16,000 shares of the capital stock of Philadelphia Life Insurance Company, amounting to approximately 22.86% of the voting securities of said company, to William Elliott, a director of Philadelphia Life Insurance Company at a price of $9 a share, or an aggregate consideration of $144,000. Applicant is a registered investment company, Philadelphia Life Insurance Company is an affiliated person of the applicant and William Elliott is an affiliated person of an affiliated person of the applicant.

It is ordered, Pursuant to section 40 (a) of said act, that a hearing on the aforesaid application be held on September 28, 1945, at 10:00 a. m., Eastern war time, in Room 318 of the Securities and Exchange Commission Building, 18th and Locust Streets, Philadelphia 3, Pennsylvania.

It is further ordered, That Willis E. Monty, or any other officer or officers of the Commission designated by it for that purpose, shall preside at such hearing. The officer so designated is hereby authorized to exercise all the powers granted to the Commission under sections 41 and 42 (b) of the Investment Company Act of 1940 and to trial examiners under the Commission's rules of practice.

Notice of such hearing is hereby given to Insuranshares Corporation of Delaware, Philadelphia Life Insurance Company, William Elliott and to any other persons whose participation in such proceeding may be in the public interest or for the protection of investors.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 45-17474; Filed, Sept. 19, 1945; 9:39 a. m.]

[File No. 70-1143]

PUBLIC SERVICE CO. OF OKLAHOMA

NOTICE OF FILING AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 17th day of September, A. D. 1945.

Notice is hereby given that applications and declarations have been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935, particularly sections 6, 7 and 12 thereof, by Public Service Company of Oklahoma ("Public Service"), a public utility subsidiary of Central and South West Utilities Company, a registered holding company, which is in turn a subsidiary of The Middle West Corporation, also a registered holding company.

All interested persons are referred to said documents which are on file in the office of this Commission for a statement of the transactions therein proposed, which are summarized as follows:

Public Service proposes to issue and sell at competitive bidding, pursuant to the requirements of Rule U-50, $22,500,000 principal amount of First Mortgage Bonds, Series A, to mature July 1, 1975, and 98,500 shares of Cumulative Preferred Stock of the par value of $100 per share. The interest rate on the bonds and the dividend rate on the preferred stock, as well as the prices to Public Service for these securities, are to be determined by competitive bidding.

Public Service proposes to use the proceeds from the sale of the bonds and preferred stock, together with other cash as required, for the redemption of outstanding securities as follows:

Security	Principal amount or shares	Redemption price
First mortgage bonds, series A, 3¼%, due 1971	$16,000,000	106.50%
First mortgage bonds, series A, 3¾%, due 1969 of Southwestern Light & Power Co.	6,581,000	104.75%
5% cumulative preferred stock	98,500	$110

The offering of preferred stock is subject to an exchange offer whereby the holders of the outstanding 5% preferred stock of Public Service may exchange the same for the new stock on a share for share basis with a cash adjustment for the difference between the redemption price of the 5% preferred stock and the public offering price of the new preferred stock.

Public Service proposes to call a special stockholders' meeting to be held on or about October 22, 1945 to consider and vote upon the proposed bond issue and related matters, and has requested immediate entry by the Commission of an order authorizing the solicitation of proxies in connection therewith pursuant to the requirements of Rule U-62.

It appearing to the Commission that it is appropriate in the public interest of investors and consumers that a hearing be held with respect to said matters, and that said declarations and applications shall not be permitted to become effective or granted except pursuant to further order of the Commission:

It is ordered, That a hearing on said matters under the applicable provisions of said Act and the rules of this Commission thereunder be held on October 1, 1945, at 10:00 a. m., e. w. t., at the offices of this Commission, 18th and Locust Streets, Philadelphia, Pa. On such date the hearing room clerk in Room 318 will advise as to the room in which said hearing will be held. At such hearing, cause shall be shown why such declarations shall be permitted to become effective and such applications granted.

It is further ordered, That Willis E. Monty or any other officer or officers of this Commission designated by it for that purpose shall preside at the hearings on such matters. The officer so designated to preside at such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of the act and to a trial examiner under the Commission's rules of practice.

It is further ordered, That the Secretary of the Commission shall serve notice of the aforesaid hearing by mailing a copy of this order to the Oklahoma Corporation Commission, the Federal Power Commission and to Public Service, and that notice of said hearing be given to all other persons by publication of this order in the FEDERAL REGISTER. Any person desiring to be heard in connection with these proceedings, or proposing to intervene herein, shall file with the Secretary of the Commission, on or before September 27, 1945, his request or application therefor, as provided by Rule XVII of the rules of practice of the Commission.

It is further ordered, That without limiting the scope of the issues otherwise to be considered in the proceedings, particular attention will be directed at the hearings to the following matters and questions:

(1) Whether the proposed issue and sale of bonds and preferred stock by Public Service comply with the applicable requirements of section 7 of the act.

(2) Whether the terms and conditions of the proposed exchange offer affecting the 5% preferred stock of Public Service are fair and reasonable and appropriate in the public interest and the interest of investors and consumers.

(3) Whether the accounting entries to be recorded in connection with the proposed transactions are proper and conform to sound principles of accounting and meet the standards of the act.

(4) Whether the terms and conditions of the issue of said securities are detrimental to the public interest or the interests of investors or consumers.

(5) Generally whether the proposed transactions comply with the applicable provisions of the act and the rules, regulations and orders promulgated thereunder.

(6) Whether, in the event the applications and declarations shall be granted or permitted to become effective, it is necessary to impose any terms or conditions to assure compliance with the standards of the act.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F R. Doc. 45-17470; Filed, Sept. 19, 1945; 9:39 a. m.]

[File No. 54-87]

FEDERAL LIGHT & TRACTION CO.

ORDER PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 17th day of September, A. D. 1945.

Federal Light & Traction Company, a subsidiary of Cities Service Power & Light Company, both registered holding companies, having filed a declaration and amendments thereto pursuant to section 12 (d) of the Public Utility Holding Company Act of 1935 and Rule U-44 promulgated thereunder with respect to the sale by it to Gerald L. Schlessman pursuant to an agreement dated June 13, 1945 of all the outstanding common stock consisting of 6,500 shares of $100 par value each of Sheridan County Electric Company, an electric utility operating company located in Sheridan, Wyoming, for a base consideration of $641,015 in cash, subject to closing adjustments; and

Federal Light & Traction Company having requested that the Commission enter an order in accordance with the requirements of sections 371 (b), 371 (f), 373 (a) and 1808 (f) of the Internal Revenue Code, as amended, to the effect that the sale of the common stock interest to Gerald L. Schlessman is a step in carrying out the previous divestment order of the Commission with respect to Federal Light & Traction Company and appropriately effectuates the provisions of section 11 (b) of the act; and

A public hearing having been held after appropriate notice and the Commission having considered the facts and made and filed its findings and opinion herein:

It is ordered, That the declaration and amendments thereto of Federal Light & Traction Company be and are hereby permitted to become effective forthwith subject, however, to terms and conditions prescribed by Rule U-24.

It is further ordered, That the sale by Federal Light & Traction Company to Gerald L. Schlessman, an individual of Denver, Colorado, of all of the outstanding capital common stock of Sheridan County Electric Company consisting of 6,500 shares of $100 par value each for a base consideration of $641,015 in cash, subject to closing adjustments, is a step in carrying out the divestment order of the Commission previously issued with respect to Federal Light & Traction Company and is necessary and appropriate to effectuate the provisions of section 11 (b) of the Public Utility Holding Company Act of 1935.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 45-17471; Filed, Sept. 19, 1945; 9:40 a. m.]

[File No. 70-1125]

MINNESOTA POWER & LIGHT CO.

RESERVING JURISDICTION

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia 3, Pennsylvania, on the 18th day of September, A. D. 1945.

The Commission having on September 6, 1945 issued its order herein under sections 6 (a) and 7 of the Public Utility Holding Company Act of 1935 permitting to become effective a declaration as amended, of Minnesota Power & Light Company, an electric utility company and a registered holding company subsidiary of American Power & Light Company, a registered holding company, which in turn is a subsidiary of Electric Bond and Share Company, also a registered holding company, with respect to the issue and public sale by Minnesota Power & Light Company of $26,000,000 principal amount of First Mortgage Bonds ____% Series due 1975 in accordance with Rule U-50 (b) promulgated under said act; and

The Commission in said order having reserved jurisdiction over the price to be paid for such bonds, their redemption prices, the interest rate thereon, the underwriters' spread and its allocation, and all legal fees to be paid in connection with the proposed transactions; and

Minnesota Power & Light Company having filed a further amendment to said declaration stating that in accordance with the permission granted by said order of the Commission dated September 6, 1945, it offered said bonds for sale pursuant to the competitive bidding requirements of Rule U-50 and has received the following bids:

Bidder	Percent of principal amount [1]	Interest rate	Cost to company
		Percent	*Percent*
Halsey Stuart & Co., Inc.	101.5199	3⅛	3.04734
The First Boston Corp	101.629	3⅛	3.04142
Mellon Securities Corp	101.711	3⅛	3.03768

[1] Exclusive of accrued interest.

Said amendment further stating that Minnesota Power & Light Company has accepted the bid of Mellon Securities Corporation for the bonds as set out above and that the bonds will be offered for sale to the public at a price of 102.46%, resulting in an underwriters' spread of .749%; and

The Commission having examined said amendment and having considered the record herein, and finding no reasons for imposing terms or conditions with respect to the price to be paid for said bonds, the redemption prices therefor, the interest rate thereon and the underwriters' spread and its allocation:

It is ordered, That jurisdiction heretofore reserved over the price to be paid for said bonds, the redemption prices therefor, the interest rate thereon and the underwriters' spread and its allocation be, and the same hereby is, released and that the said declaration as further amended, be, and the same hereby is, permitted to become effective forthwith subject, however, to the terms and conditions prescribed in Rule U-24; and

It is further ordered, That jurisdiction heretofore specifically reserved over all legal fees in connection with the said declaration be, and the same hereby is, continued.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 45-17472; Filed, Sept. 19, 1945; 9:40 a. m.]

[File Nos. 54-67, 59-64]

PEOPLES LIGHT AND POWER CO., ET AL.

ORDER APPROVING PLAN, GRANTING APPLICATIONS AND PERMITTING DECLARATIONS TO BECOME EFFECTIVE, SUBJECT TO CONDITION AND RESERVATIONS OF JURISDICTION

At a regular session of the Securities and Exchange Commission held at its

office in the City of Philadelphia, Pa., on the 14th day of September A. D. 1945.

In the matter of Peoples Light and Power Company and Subsidiary Companies, File No. 54-67; Peoples Light and Power Company, California Public Service Company, Texas Public Service Farm Company, Texas Public Service Company, and West Coast Power Company, File No. 59-64.

The Commission having instituted proceedings under sections 11 (b) (1) and 11 (b) (2) of the Public Utility Holding Company Act of 1935 with respect to Peoples Light and Power Company ("Peoples"), a registered holding company, and its subsidiaries; and said proceedings having been consolidated for the purpose of hearing with those relating to an application filed by Peoples pursuant to section 11 (e) of said act seeking approval of a plan for effecting compliance with sections 11 (b) (1) and 11 (b) (2);

Peoples having from time to time filed amendments to the said section 11 (e) application;

Hearings having been held in such consolidated proceedings and the Commission having approved various steps and action proposed in Peoples' original plan and amendments thereto;

Peoples having filed in the consolidated proceedings an amended plan (dated as of November 15, 1944) under section 11 (e) designed to comply with the provisions of section 11 (b) (2) of the act;

Public hearings having been held on the Amended Plan and other matters in the consolidated proceedings after appropriate notice, and the Commission having on August 22, 1945 issued its order directing Peoples to take the action described therein for the purpose of effectuating compliance with section 11 (b) (1) of the act, and having on such date filed its findings and opinion in which the Commission concluded, among other things, that the plan can be found to be fair and equitable if modified so as to eliminate the provision for the payment of a cash dividend of $1 per share on the new stock immediately after the effective date of the plan, and to increase the proposed cash distribution to holders of preferred stock from $13 to $16 per share;

Peoples having, on August 25, 1945, filed an amendment modifying the amended plan in the above respects, and the Commission having this day issued its supplemental findings and opinion thereon:

In accordance with the findings and opinion dated August 22, 1945 and the supplemental findings and opinion this day issued;

It is ordered, Pursuant to the applicable provisions of the act, and subject to the condition and further reservations of jurisdiction hereinafter set forth, that the amended plan (dated as of November 15, 1944), as modified, be and hereby is approved, and that the applications and declarations with respect to the issuance, transfer or acquisition of securities or of assets and the distribution of cash and assumption of bonds contemplated by said plan, be and hereby are granted and permitted to become effective, respectively:

Provided however, That this order shall not be operative to authorize any issuance of securities, transfer or acquisition of securities or of assets, or distribution of cash, or assumption of bonds, contemplated by said plan nor the consummation of such plan in any respect, until an appropriate District Court of the United States shall have entered an order enforcing said plan pursuant to an application duly made by the Commission for that purpose; *And provided further*, That this order is issued on the condition that jurisdiction of this Commission under Rule U-27 with respect to the original cost studies relating to the public-utility properties to be acquired by Peoples and the recording of the accounting entries to reflect the results thereof shall continue in full force and effect: *And provided further*, That jurisdiction is hereby reserved:

1. To revise or to pass upon any revision of the procedure set forth in the plan as amended for the nomination and election of a new board of directors.

2. To approve, disapprove, modify, allocate or award by further order or orders all fees or other compensation, and all reimbursement of expenses, now or hereafter claimed by any person in connection with the plan, the transactions incident thereto, and the consummation thereof.

3. To entertain such further proceedings, to make such supplemental findings, and to take such further action, as the Commission may deem appropriate in connection with the plan, the transactions incident thereto, and the consummation thereof.

4. To take such action as the Commission shall deem necessary or appropriate to effectuate the terms of the Commission's order with respect to Peoples issued on August 22, 1945, pursuant to section 11 (b) (1) of the act, and to secure compliance by Peoples with section 11 (b) (2) of the act in the event the Amended Plan, as modified, is not enforced as provided in such plan.

Peoples having requested that the Commission's order shall conform with sections 371 (a), 371 (d), 373 (a) and 1808 (f) of the Internal Revenue Code, as amended, and contain the recitals, specifications and itemizations described in sections 371 (f) and 1808 (f) thereof;

It ordered and recited, That the transactions proposed in the aforesaid plan to be effected by Peoples and Texas Public Service Company ("Texas Public"), including particularly those hereinafter described and recited, are hereby approved and found to be necessary or appropriate to effectuate the provisions of section 11 (b) of the Public Utility Holding Company Act of 1935:

(a) The transfer by Texas Public in complete liquidation to Peoples, its sole stockholder, against the surrender to Texas Public of all of its Capital Stock for cancellation, of all of the properties and assets of Texas Public, subject to its liabilities which are to be assumed by Peoples, and the acquisition by Peoples in the liquidation of Texas Public of all such company's properties and assets subject to its liabilities as foresaid, (certain of said properties and assets including realty of Texas Public so to be transferred by Texas Public to Peoples being more completely specified, itemized and described in the indenture of Texas Public to the Provident Trust Company of Philadelphia and Carl W. Fenninger, as trustees, dated as of January 1, 1936, as supplemented by indentures supplemental thereto dated November 22, 1943 and January 27, 1944, filed with the Securities and Exchange Commission in the proceedings as a portion of Exhibit A 14 and hereby incorporated by reference in this order and made a part hereof with the same force and effect as if set forth at length herein);

(b) The change by Peoples of its presently existing classes of stock consisting of Cumulative Convertible Preferred Stock having a par value of $25 per share and Class A Common Stock and Class B Common Stock each of the par value of $1 per share, into a new class of Capital Stock consisting of 278,748 shares of Common Stock of the par value of $8 each (hereinafter referred to as the "New Stock"); and

(c) The distribution and exchange by Peoples of cash and such New Stock against the surrender of the present Preferred Stock and Class A and Class B Common Stocks on the following basis and in the manner provided in the aforesaid plan:

To the holders of each share of Preferred Stock: $16 in cash and 3 shares of New Stock.

To the holders of each share of Class A Common Stock and each share of Class B Common Stock: 1 5 of a share of New Stock

which distribution of New Stock to the holders of present Preferred Stock and Class A and Class B Common Stock will be as follows:

Present stock	Shares	Basis of distribution	No. of shares
Preferred stock	83,201	3 shares for 1	249,603
Class A common stock	62,520	1/5 share for 1	12,504
Class B common stock	83,201	1/5 share for 1	16,640
	228,922		278,747

(d) The elimination by Peoples of its Purchase Warrants entitling holders to purchase Class B Common Stock at a price of $20 per share; and

(e) The conveyances of realty by Texas Public to Peoples (contemplated in (a) above) and the distribution, exchange, delivery, and surrender of securities as provided in the aforesaid plan (including, but not in limitation, the issuance, transfers or sales of New Stock, scrip certificates in respect of the New Stock, and certificates representing presently existing Preferred Stocks and Class A and Class B Common Stocks).

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 45-17473; Filed, Sept. 19, 1945; 9:40 a. m.]

SEP 24 '45

FEDERAL REGISTER

VOLUME 10 NUMBER 186

Washington, Friday, September 21, 1945

Regulations

TITLE 6—AGRICULTURAL CREDIT

Chapter II—Production and Marketing Administration

REDESIGNATION OF CHAPTERS

Pursuant to the authority vested in me as Secretary of Agriculture; *It is hereby ordered*, That:

The titles of Chapters II and III of Title 6, Agricultural Credit, Code of Federal Regulations, be, and the same hereby are, redesignated as "Production and Marketing Administration" and "Farm Security Administration" respectively.

The titles of Chapters I, IV, VI, VII, VIII, IX, X, XI, and XII of Title 7, Agriculture, Code of Federal Regulations, be, and the same hereby are, redesignated as "Production and Marketing Administration (Standards, Inspections, Marketing Practices)," "Production and Marketing Administration (Crop Insurance)," "Soil Conservation Service," "Production and Marketing Administration (Agricultural Adjustment)," "Production and Marketing Administration (Sugar Branch)," "Production and Marketing Administration (Marketing Agreements and Orders)," "Production and Marketing Administration (War Food Production Orders)," "Production and Marketing Administration (War Food Distribution Orders)," and "Production and Marketing Administration (Fats and Oils Branch)," respectively.

The titles of Chapters I and II of Title 9, Animals and Animal Products, Code of Federal Regulations, be, and the same hereby are, redesignated as "Bureau of Animal Industry" and "Production and Marketing Administration (Livestock Branch)," respectively.

The title of Chapter I of Title 17, Commodity and Securities Exchanges, Code of Federal Regulations, be, and the same hereby is, redesignated as "Commodity Exchange Authority (including Commodity Exchange Commission) Department of Agriculture".

The title of Chapter IX of Title 29, Labor, Code of Federal Regulations, be, and the same hereby is, redesignated as "Department of Agriculture (Agricultural Labor)".

(E.O. 9577, 10 F.R. 8087)

Done in Washington, D. C., this 19th day of September 1945.

[SEAL] CLINTON P. ANDERSON, *Secretary.*

[F. R. Doc. 45-17548; Filed, Sept. 19, 1945; 3:37 p. m.]

[1945 C. C. C. Soybean Bulletin 1]

PART 257—SOYBEAN LOANS AND PURCHASES

1945 SOYBEAN LOAN AND PURCHASE PROGRAM BULLETIN

The Commodity Credit Corporation (hereinafter called "Commodity") has authorized the making of loans on farm-stored soybeans and the purchase of soybeans stored in approved warehouses or delivered to designated delivery points, pursuant to these instructions. It is contemplated, however, that producers will dispose of most of their soybeans through regular trade channels rather than through this loan and purchase program. Where regular trade facilities are not available or adequate and it becomes necessary for Commodity to purchase soybeans, all such purchases for Commodity will be made by county agricultural conservation committees.

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FEDERAL REGISTER

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NOTICE

1944 Supplement

Book 1 of the 1944 Supplement to the Code of Federal Regulations, containing Titles 1–10, including Presidential documents in full text, is now available from the Superintendent of Documents, Government Printing Office, at $3.00 per copy.

A limited sales stock of the Cumulative Supplement and the 1943 Supplement is still available as previously announced.

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AUTHORITY: §§ 257.42 to 257.78, inclusive, issued under section 302 of the Agricultural Adjustment Act of 1938, as amended (52 Stat. 44; 7 U.S.C. 1302).

GENERAL INSTRUCTIONS

§ 257.42 *County agricultural conservation committees.* County committees will supervise the loan and purchase program. All purchase and loan documents must be signed by a member of the county committee—purchase documents by a committeeman of the county in which the soybeans were produced, and loan documents by a committeeman of the county in which the agricultural conservation program records are kept. State and county committees shall determine or cause to be determined the quantity and grade of the soybeans to be placed under loan or purchased by the committee, and the amount of the loan or purchase. All loan and purchase documents shall be completed and approved by the county committee, which shall retain copies of all documents, *Provided, however,* That the county committee may formally designate certain employees of the county association to execute such forms on behalf of the committee. County agricultural conservation associations shall collect a service fee of 1 cent per bushel for each loan to meet the expenses incurred in the operation of the program. No service fee shall be collected from the producer in the case of purchases.

§ 257.43 *Eligible producer.* An eligible producer shall be any person, partnership, association, or corporation, producing soybeans in 1945 as landowner, landlord, or tenant.

§ 257.44 *Liens.* The soybeans placed under loan or purchased must be free and clear of all liens, or if liens exist on the soybeans, proper waivers must be obtained for each lienholder. The names of the holders of all existing liens on the soybeans, such as landlords, laborers, threshers, or mortgagees, must be listed in the space provided therefor in the chattel mortgage (C. C. C. Grain Form AA, Revised, or C. C. C. Commodity Form AA) for loans, and in the Offer of Sale (C. C. C. Soybeans Purchase Form B) for purchases. The Waiver on the Offer of Sale, or the waiver and consent to mortgage the soybeans and the payment of the proceeds of the loan and the proceeds of the sale of the soybeans solely to the producer, as contained in the mortgage, must be signed personally by all lienholders listed or by their duly authorized agents; or, if a corporation, by an officer authorized to execute such instruments. Waivers of lienholders may be executed on separate instruments if complete identification of the commodity and producer is shown. The proceeds of the loan or purchase may be made payable to the producer and/or such other person or concern as the producer may direct in the space provided on the producer's note (C. C. C. Grain Form A, Revised, or C. C. C. Commodity Form A) for loans, and on the Offer of Sale for purchases. Producers should be sure to determine whether soybeans offered for sale or as collateral for loans are covered by previous mortgages or other liens.

§ 257.45 *Regional office of Commodity Credit Corporation.* The soybean loan and purchase program will be administered by the Regional Director, Commodity Credit Corporation, 208 South La Salle Street, Chicago 4, Illinois.

LOANS

§ 257.51 *Eligible soybeans for loans.* Soybeans eligible for loans must be stored on farms and shall be of any class grading No. 4 or better with respect to factors other than moisture and having a moisture content not in excess of 14 percent, which were produced in 1945, the beneficial interest in which is in the producer and has always been in him or in a former producer whom he succeeded before the soybeans were harvested. Soybeans grading weevily, or which are musty, sour, heating, or have any objectionable foreign odor shall not be eligible for loan. Loans will be made to eligible producers on soybeans stored on the farm in approved storage facilities, in the States of Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, South Dakota, and Wisconsin, and such other States, except those listed immediately below, as may be approved by Commodity.

Commodity will not make loans on soybeans in the following States: Alabama, Arkansas, Connecticut, Florida, Georgia, Louisiana, Maine, Massachusetts, Mississippi, New Hampshire, Oklahoma, Rhode Island, South Carolina, Texas, and Vermont.

§ 257.52 *Basic loan rates.* The basic loan rates per bushel for Class I (Yellow) and Class II (Green) soybeans containing 14 percent moisture and grading No. 2 or better, except for green damage, in accordance with U. S. Grain Standards, shall be $2.04 per bushel.

The basic loan rate per bushel for Class III (Brown), Class IV (Black), and Class V (Mixed) soybeans, containing 14 percent moisture and grading No. 2 or better, except for green damage, in accordance with such Standards, shall be $1.84 per bushel.

Mixtures of Classes I and II eligible soybeans which contain 5 percent (actual) or less of Classes III and IV soybeans and bicolored soybeans, either singly or in combination, shall take the applicable loan rate for Classes I and II soybeans. If more than 5 percent of Classes III and IV and bicolored soybeans, either singly or in combination, are contained in a mixture of eligible soybeans which otherwise would take the loan rate for Classes I and II soybeans, the mixture shall take the applicable loan rate for Classes III, IV, and V soybeans. Mixtures of green soybeans in Class I and yellow soybeans in Class II shall be disregarded for purposes of determining applicable loan values.

§ 257.53 *Premiums and discounts—*(a) *Premiums.* Premiums shall be added to the basic loan rates for eligible soybeans which have a moisture content of 13½ percent rounded or less. The premium schedule follows:

MOISTURE

Percent	*Premium per bushel*
13.3–13.7 both inclusive	$0.01
12.8–13.2 both inclusive	.02
12.3–12.7 both inclusive	.03
11.8–12.2 both inclusive	.04
11.3–11.7 both inclusive	.05
Below 11.0–11.2 both inclusive	.06

(b) *Discounts.* Discounts from the basic loan rates shall be assessed in accordance with the attached schedule.

(c) *Foreign material and dockage.* Dockage and foreign material other than dockage, which, singly or in combination, total 2 percent or less, shall not be deducted from the gross weight of the soybeans. If the total weight of foreign material and dockage combined is in excess of 2 percent, the excess shall be deducted from the total gross weight of soybeans in the determination of the net number of bushels of soybeans. For the

purpose of this determination, dockage shall be computed in whole percents. Less than 1.0 percent actual dockage shall be disregarded and fractional percentages in excess of 1 percent shall be rounded to the next lower whole percent. Foreign material percentages shall be stated in tenths.

§ 257.54 *Date of maturity and interest rate.* Loans on eligible soybeans shall be available through January 31, 1946, and shall mature on demand but not later than April 30, 1946. All loans shall bear interest at the rate of 3 percent per annum.

§ 257.55 *Storage allowance.* In addition to the amount of the loan disbursed to the borrower a storage allowance of 7 cents per bushel for each (net) bushel of soybeans (see § 257.53 (c) above) placed under loan shall be advanced to the borrower at the time the loan is made. This storage advance shall be earned by the producer for each net bushel of soybeans, and shall not be repayable to Commodity (1) if the soybeans are delivered to Commodity on or after April 30, 1946, or (2) if, pursuant to demand by Commodity for repayment of the loan, the soybeans are delivered to Commodity prior to April 30, 1946, provided such demand for repayment was not due to any fraudulent representation on the part of the producer or to the fact that the soybeans, or any part thereof, were converted, damaged, threatened with damage, abandoned, or otherwise impaired. If, pursuant to a demand by Commodity for the repayment of the loan, or with the consent and approval of Commodity, the soybeans are delivered to Commodity prior to April 30, 1946, and the producer has not earned the 7 cents per bushel storage allowance, a storage allowance computed at the following rates shall be earned, provided the producer has not made a fraudulent representation in the chattel mortgage or in connection with the loan:

6 cents per bushel if delivered during the month of April 1946.
5 cents per bushel if delivered during the month of March 1946.
4 cents per bushel if delivered during the month of February 1946.
3 cents per bushel if delivered during the month of January 1946.
2 cents per bushel if delivered during the month of December 1945.

No storage payment shall be earned if the soybeans are delivered prior to December 1945.

A storage payment cannot be earned on a greater number of bushels than is specified in the chattel mortgage. On delivery of the collateral, any deficiencies due Commodity shall be deducted from any credits which may be due the producer from Commodity. The producer shall pay to Commodity any deficiency due Commodity. If the soybeans are redeemed, the producer is required to repay the storage advance plus accrued interest.

§ 257.56 *Storage.* Eligible storage shall consist of farm bins and granaries which are of such substantial and permanent construction, as determined by the county agricultural conservation committee, as to afford safe storage for the soybeans for a period of 1 year and afford protection against insects, rodents, other animals, thieves, and weather. Soybeans must have been stored in the granary for a reasonable period, as determined by the county agricultural conservation committee, prior to inspection for measurement, sampling, and sealing. County agricultural conservation committees shall inspect and approve storage facilities and shall arrange for measuring, sampling, grading, and sealing the soybeans collateral in approved structures. Chattel mortgages covering soybeans stored on the farm under loan must be executed and filed in accordance with the applicable State law. Where the borrower is a tenant, the expiration date of the lease shall be given in section 1 (e) of the chattel mortgage. If the expiration date of the lease is prior to July 1, 1946, the borrower must obtain, from the owner and other interested parties, consent that the collateral may remain in the described storage structures until June 30, 1946, without any charge to Commodity other than that agreed to be paid to the borrower for storing the collateral. The consent agreement is set forth in the chattel mortgage. Each producer must designate in section 1 (b) of the chattel mortgage a shipping point reasonably convenient for the delivery of the soybeans, as determined by the county committee. A separate note and chattel mortgage must be submitted for soybeans stored on each quarter section of land.

Commodity shall accept delivery of all the producer's soybeans in the bin or bins in which all or a portion of the soybeans therein are under loan. Each delivery shall be limited to the number of bushels that was in the bin at the time the loan was made, less any amount that has been removed since the loan was made. The producer shall be given credit for the number of bushels delivered at the loan rate applicable to the grade and class of soybeans delivered. If the soybeans delivered are not of an eligible loan grade the actual market value shall be furnished by the regional director of Commodity.

§ 257.57 *Determination of quantity of soybeans.* Loans shall be made at values expressed in cents per bushel. A bushel shall be 60 pounds of soybeans free of dockage and foreign material in excess of 2 percent when determined by weight, or 1.25 cubic feet of soybeans testing 60 pounds per bushel when determined by measurement. In determining the quantity of soybeans by measurement the following adjustment shall be made, fractional pounds of the test weight being disregarded:

	Percent
For soybeans testing 60 pounds or over	100
For soybeans testing 59 pounds or over but less than 60	98
For soybeans testing 58 pounds or over but less than 59	97
For soybeans testing 57 pounds or over but less than 58	95
For soybeans testing 56 pounds or over but less than 57	93
For soybeans testing 55 pounds or over but less than 56	92
For soybeans testing 54 pounds or over but less than 55	90
For soybeans testing 53 pounds or over but less than 54	88
For soybeans testing 52 pounds or over but less than 53	87
For soybeans testing 51 pounds or over but less than 52	85
For soybeans testing 50 pounds or over but less than 51	83
For soybeans testing 49 pounds or over but less than 50	82

§ 257.58 *Lending agency and source of loans.* A lending agency shall be any bank, cooperative marketing association, corporation, partnership, or person making loans in accordance with this bulletin, which has executed the Contract to Purchase on 1940 C. C. C. Form E. Producers may obtain loans through approved lending agencies or direct from Commodity.

§ 257.59 *Purchase of loans.* Commodity will purchase, without recourse, eligible paper held by approved lending agencies with whom Commodity has entered into a Contract to Purchase. Notes held by lending agencies must be tendered to Commodity for immediate or deferred purchase within 10 days of written request, or at least 10 days prior to maturity in the absence of written demand. Notes must be dated prior to February 1, 1946, and must be executed in accordance with these instructions, with State documentary revenue stamps affixed thereto where required by law. Notes executed by an administrator, executor, or trustee shall be accepted only where legally valid. The purchase price to be paid by Commodity for notes accepted shall be the outstanding principal due on such notes, plus accrued interest at the rate of 1½ percent per annum from the date of disbursement by the lending agency to the date of payment. Under the terms of the Contract to Purchase lending agencies are required to report weekly, on C. C. C. Form F, all repayments or collections on producers' notes held by them and to remit with such report, to the office of the regional director of Commodity Credit Corporation at Chicago, Illinois, an amount equivalent to 1½ percent per annum on the principal amount collected from the date of the note to the date of repayment.

§ 257.60 *Release of collateral.* A producer may obtain release of the collateral by paying to the lending agency or Commodity, whichever holds the note, the principal amount due thereon (including the storage advance) plus accrued interest. If the note is held by an out-of-town agency or by Commodity, the producer may request that the note be forwarded to a local bank for collection. In such case, the local bank will be instructed to return the note to the sender if payment is not effected within 15 days. All charges in connection with the collection of the note shall be paid by the producer. Upon repayment of a loan, the county agricultural conservation committee shall be requested to release the mortgage by filing an instrument of release or by a marginal release on the county recorder's records.

§ 257.61 *Release of part of collateral.* A producer may obtain release of all or part of the collateral in a bin by paying to the holder of the note the loan value, plus storage advanced and accrued interest, for the soybeans released. Form Commodity Loan 29 must be prepared and distributed, in accordance with instructions issued by the Agricultural Adjustment Agency, for each partial redemption.

§ 257.62 *Insurance of farm-stored soybeans.* Commodity Credit Corporation will not require producers to insure their 1945 farm-stored soybeans placed under loan. In case of a total loss of the soybeans resulting from an external cause, the producer will not, except as stated below, be held personally liable on the note, and Commodity Credit Corporation will allow the producer to retain the full storage payment of 7 cents per bushel. In case of a partial loss of the soybeans, resulting from an external cause, the producer will not, except as stated below, be held personally liable for that part of the indebtedness secured by the soybeans lost, and the producer's loan will be credited with the full storage payment of 7 cents per bushel on the soybeans lost. No loss will be assumed by the Corporation, however, if it is determined that the loss was caused by conversion by the producer, or his negligence, or caused by vermin, or there has been a fraudulent representation on the part of the producer in connection with the loan.

PURCHASES

§ 257.68 *Soybeans eligible for purchase.* Soybeans eligible for purchase shall be soybeans of all classes and grades, which were produced in 1945, the beneficial interest in which is in the producer and has always been in him, or has been in him and a former producer whom he succeeded before the soybeans were harvested, except that soybeans which grade weevily, sour (other than because of green damage), musty, heating, or which have a "commercially objectionable foreign odor" shall not be eligible for purchase by Commodity, except as provided in § 257.73. Soybeans which grade sample or would grade sample because of having an odor due solely to green damage or being sour due solely to green damage shall be eligible for purchase by Commodity.

Purchases will be made in all States through June 30, 1946.

§ 257.69 *Basic purchase prices and specifications.* The basic purchase price per net bushel (see § 257.74 below) of eligible Class I (Yellow) and Class II (Green) soybeans, containing 14 percent moisture and grading No. 2 or better except for green damage, in accordance with U. S. Grain Standards, sold and delivered to normal delivery points, shall be $2.04 per bushel.

The basic purchase price of Class III (Brown), Class IV (Black) and Class V (Mixed) soybeans, containing 14 percent moisture and grading No. 2 or better, except for green damage, in accordance with such Standards, shall be $1.84 per bushel.

Mixtures of Classes I and II eligible soybeans which contain 5 percent (actual) or less of Classes III and IV and bicolored soybeans, either singly or in combination, shall take the applicable loan rate for Classes I and II soybeans. If more than 5 percent of Classes III and IV and bicolored soybeans, either singly or in combination, is contained in a mixture of eligible soybeans which otherwise would take the loan rate for Classes I and II soybeans, the mixture shall take the applicable loan rate for Classes III, IV, and V soybeans. Mixtures of green soybeans in Class I and yellow soybeans in Class II shall be disregarded for purposes of determining applicable loan values.

§ 257.70 *Premiums.* Premiums shall be paid above the basic purchase price for eligible soybeans which have a moisture content of 13½ percent rounded or less. The premium schedule follows:

MOISTURE

Percent	*Premium per bushel*
13.3–13.7 both inclusive	$0.01
12.8–13.2 both inclusive	.02
12.3–12.7 both inclusive	.03
11.8–12.2 both inclusive	.04
11.3–11.7 both inclusive	.05
Below 11.0–11.2 both inclusive	.06

§ 257.71 *Discounts.* Discounts for soybeans, from the basic purchase price, shall be assessed in accordance with the attached schedule.

§ 257.72 *Green damage odor.* Soybeans grading sample because of having an odor due to green damage or being sour due to green damage shall be purchased at rates for such soybeans had such odors not been present.

§ 257.73 *Out-of-condition soybeans.* Soybeans which are weevily, grade sour (other than because of green damage), musty, heating, or which have a "commercially objectionable foreign odor" shall be subject to such discounts as may be agreed upon at the time of purchase.

§ 257.74 *Foreign material and dockage.* Dockage and foreign material other than dockage, which, singly or in combination, total 2 percent or less, shall not be deducted from the gross weight of the soybeans. Therefore, a net bushel shall be considered to be 60 pounds of soybeans containing not in excess of 2 percent dockage and foreign material. If the total weight of foreign material and dockage combined is in excess of 2 percent, the excess shall be deducted from the total gross weight of soybeans in the determination of the net number of bushels of soybeans. For the purpose of this determination, dockage shall be computed in whole percents. Less than 1.0 percent actual dockage and fractional percentages shall be disregarded. Foreign material percentages shall be stated in tenths.

§257.75 *Method of receiving soybeans.* (a) Country warehousemen may receive soybeans for immediate shipment to processors, terminal warehousemen having contracts with Commodity, or for storage in the elevator or Commodity bins. In order to receive soybeans for Commodity, a country warehouseman must have executed Uniform Grain Storage Agreement (C. C. C. Form H) and supplements thereto. Approval by the county committee must be obtained before any soybeans are placed in Commodity bins.

(b) County agricultural conservation committees may receive soybeans for storage in bins owned by Commodity, storage in other facilities, or for shipment. No car shall be loaded without prior approval from the regional director.

§ 257.76 *Soybeans received by country warehouses approved under the Uniform Grain Storage Agreement.* The country warehouseman shall receive soybeans delivered by wagon or truck from the producer, grade the soybeans and store them in his warehouse, or in Commodity bins, upon prior approval of, and under supervision of, the county committee; or shall receive and grade the soybeans for sale to processors or to terminal warehousemen who have contracts with Commodity. Producers shall file an Offer of Sale memorandum (C. C. C. Purchase Form B) with the county committee listing all lienholders and containing lien waivers, and shall designate to whom the proceeds of the soybeans sold shall be paid in the case of soybeans sold to Commodity.

(a) *Storage in warehouse for Commodity.* The warehouseman shall issue separate warehouse receipts for each lot of soybeans stored for Commodity showing the weight, moisture, class and grade, and all other information necessary to determine the premiums and discounts specified in §§ 257.70, 257.71, and 257.74. The warehouseman shall deliver to the producer said warehouse receipt and inspection certificates or, upon request of the producer, the warehouseman shall deliver such warehouse receipt and inspection certificates to the county office of the Agricultural Adjustment Agency. The county committee of the Agricultural Adjustment Agency shall issue the producer a non-interest-bearing sight draft for each purchase. The information on the warehouse receipt or inspection certificate shall be transferred to the sight draft. The sight draft shall be prepared in triplicate, the original given to the producer, one copy retained by the county committee of the Agricultural Adjustment Agency, and one copy mailed, on the date of issuance, to the regional office of Commodity. The sight draft and attachments may be presented to a local bank or direct to Commodity for payment. Charges shall accrue against the warehouse receipts in accordance with the Uniform Grain Storage Agreement, except that the charge for handling the soybeans in and out of the warehouse shall be 5 cents per bushel. The warehouseman shall be responsible for weights and grades to Commodity.

(b) *Storage in bins owned by Commodity.* Eligible soybeans containing not more than 14 percent moisture, and eligible soybeans grading sample (due to green damage only) and containing not more than 14 percent moisture and reasonably free from dockage and foreign material, may be stored in bins owned by Commodity upon prior approval by the county committee. All soybeans stored in Commodity bins must be placed in the bins under the direct supervision of the committee. Soybeans to be stored in steel or wooden bins for Commodity should be segregated according to color, except that soybeans of Classes I and II

which contain a total of less than 5 percent of Classes III and IV may be considered as the same color. If necessary, soybeans of the same color but different grades may be mixed. The warehouseman shall issue scale tickets and inspection certificates showing moisture, class, and grade for soybeans grading other than sample (due to green damage only). For eligible soybeans grading sample, the warehouseman shall issue scale tickets or inspection certificates showing moisture, class, grade, and percent of damage, and deliver such tickets and inspection certificates to the producer or, upon request from the producer deliver such scale tickets and inspection certificates to the county office of the Agricultural Adjustment Agency. The county committee shall issue the producer a non-interest-bearing sight draft for each purchase in an amount due the producer for the quantity, quality, class, and grade of soybeans delivered. The information on the scale tickets or inspection certificates shall be transferred to the sight draft.

§ 257.77 *Soybeans received by county committees.* In areas where there are no approved warehousemen, country warehousemen, or warehousemen's agents available at usual shipping points, or, where warehousemen do not cooperate in the purchase program, the county committee, or an agent designated by the county committee, will receive soybeans and make immediate shipment or store in Commodity bins.

Soybeans containing in excess of 14 percent moisture shall not be stored in bins owned by Commodity. However, producers may, by filing C. C. C. Purchase Form B with the county committee, deliver their soybeans for purchase to a point designated by the county committee, without first obtaining a grade determination, provided the soybeans do not have a moisture content in excess of 14 percent in the opinion of the producer and the county committee.

In the event the producer is requested by the county committee to deliver his soybeans to a point more distant than his usual delivery point for the purpose of assembling in carload lots, Commodity will allow not more than 5 cents per ton per mile haul for the additional distance necessary to make such delivery. In no event shall the county committee approve payments for an additional haul in excess of 4 cents per bushel without prior approval of the regional director of Commodity. The approval of payment for additional mileage shall be submitted on C. C. C. Grain Form J (Revised) by the county committee, which shall be mailed to the Chicago office of Commodity for payment. The amount claimed for additional mileage shall not be included in the amount of the sight draft.

County committees will weigh and load soybeans into bins owned by Commodity and will obtain a representative sample which shall be forwarded to the State office of the Agricultural Adjustment Agency or to an inspector licensed to grade soybeans. Upon receipt of the grade analysis, which shall include an entry for all grade factors needed to determine purchase price, the county committee shall draw a non-interest-bearing sight draft on Commodity in favor of the producer, for the total purchase price of the beans delivered in the same manner, and follow the same instructions as when the soybeans are placed in bins by the warehouseman.

§ 257.78 *Grade analysis.* Where requested by the producer, the warehouseman shall furnish the producer a complete grade analysis which shall include class, grade, test weight, moisture, percentage of splits, percentage of total damage, percentage of green damage, percentage of foreign material other than dockage, percentage of brown and/or black soybeans in case green or yellow soybeans are being offered for sale, and percent of dockage.

If the warehouse is not equipped to furnish all grade factors, a representative sample of the soybeans delivered shall be taken by the warehouseman and producer and sent to the State Agricultural Conservation Office Laboratory, or to an inspector licensed to grade soybeans, for grade determination before any payment is made to the producer.

All settlements with the producer by the county committee of the Agricultural Adjustment Agency shall be based upon an agreement between the warehouseman and producer of grade factors determined.

The producer may call for another grade if, in his opinion, any grade factors furnished by the warehouseman are incorrect. In such cases, a representative sample taken by the warehouseman and producer shall be forwarded to a qualified licensed inspector for analysis, and settlement shall then be made on the basis of such analysis. The individual requesting the second grade shall pay the cost of obtaining grade determination.

Dated: August 9, 1945.

[SEAL] C. C. FARRINGTON,
Vice President.

SCHEDULE OF DISCOUNTS FROM BASIC LOAN AND PURCHASE PRICE FOR 1945 CROP SOYBEANS

Test weight[1]		Moisture[1]		Splits		Damage other than green (total damage minus green damage)				Green damage in excess of ... total damage[1]	
Pounds	Cents	Percent	Cents	Percent	Cents	Percent	Cents	Percent	Cents	Percent	Cents
53.0	½	Above 14.2% no loan		15.1–20.0 both incl.	½	4.0	½	35.0	21	0.6–1.5 both incl.	0.2
52.0	1			20.1–25.0 both incl.	½	5.0	1	36.0	22	1.6–2.5 both incl.	.4
51.0	1½	14.3–14.7 both incl.	1½	25.1–30.0 both incl.	½	6.0	1½	37.0	23	2.6–3.5 both incl.	.6
50.0	2	14.8–15.2 both incl.	3			7.0	2	38.0	24	3.6–4.5 both incl.	.8
49.0	2½	15.3–15.7 both incl.	4½	Above 30% no loan		8.0	2½	39.0	25	4.6–5.5 both incl.	1
		15.8–16.2 both incl.	6					40.0	26	5.6–6.5 both incl.	1.2
Below 49 lbs. no loan		16.3–16.7 both incl.	7½	30.1–35.0 both incl.	1	Above 8.5% no loan		41.0	27	6.6–7.5 both incl.	1.4
		16.8–17.2 both incl.	9	35.1–40.0 both incl.	1¼			42.0	28	7.6–8.5 both incl.	1.6
48.0	3	17.3–17.7 both incl.	10½	40.1–45.0 both incl.	1½	9.0	3	43.0	29	8.6–9.5 both incl.	1.8
47.0	3½	17.8–18.2 both incl.	12	45.1–50.0 both incl.	1¾	10.0	3½	44.0	30	9.6–10.5 both Incl.	2
46.0	4	18.3–18.7 both incl.	14	50.1–55.0 both incl.	2	11.0	4	45.0	31	10.6–11.5 both incl.	2.2
45.0	4½	18.8–19.2 both incl.	16	55.1–60.0 both incl.	2¼	12.0	4½	46.0	32	11.6–12.5 both incl.	2.4
44.0	5	19.3–19.7 both incl.	18	60.1–65.0 both incl.	2½	13.0	5	47.0	33	12.6–13.5 both incl.	2.6
43.0	5½	19.8–20.2 both incl.	20	65.1–70.0 both incl.	2¾	14.0	5½	48.0	34	13.6–14.5 both incl.	2.8
42.0	6	20.3–20.7 both incl.	22	70.1–75.0 both incl.	3	15.0	6	49.0	35	14.6–15.5 both incl.	3
41.0	6½	20.8–21.2 both incl.	24	75.1–80.0 both incl.	3¼	16.0	6½	50.0	36	15.6–16.5 both incl.	3.2
40.0	7	21.3–21.7 both incl.	26	80.1–85.0 both incl.	3½	17.0	7	51.0	37	16.6–17.5 both incl.	3.4
Continue ½c discount for each pound or fraction thereof.		21.8–22.2 both incl.	28	85.1–90.0 both incl.	3¾	18.0	7½	52.0	38	17.6–18.5 both incl.	3.6
		Continue 2c discount for each ½%.		90.1–95.0 both incl.	4	19.0	8	53.0	39	18.6–19.5 both incl.	3.8
				95.1–100.0 both incl.	4¼	20.0	8½	54.0	40	19.6–20.5 both incl.	4
						21.0	9	55.0	41	Continue 0.2c discount for each 1%.	
						22.0	9½	56.0	42		
						23.0	10	57.0	43		
						24.0	10½	58.0	44		
						25.0	11	59.0	45		
						26.0	12	60.0	46		
						27.0	13	61.0	47½		
						28.0	14	62.0	49		
						29.0	15	63.0	50½		
						30.0	16	64.0	52		
						31.0	17	65.0	53½		
						32.0	18	Continue 1½c discount for each 1½%.			
						33.0	19				
						34.0	20				

[1] Round down to nearest pound. (Drop fractions.) [2] Round to nearest ¼%. [3] Round to nearest 1%. (Drop fraction of 0.5.)

[F. R. Doc. 45-17547; Filed, Sept. 19, 1945, 3:36 p. m.]

Chapter III—Farm Security Administration

REDESIGNATION OF CHAPTER

CROSS REFERENCE: For redesignation of chapter headnote see Title 6, Chapter II, *supra.*

TITLE 7—AGRICULTURE

Chapter I—Production and Marketing Administration (Standards, Inspections, Marketing Practices)

REDESIGNATION OF CHAPTER

CROSS REFERENCE: For redesignation of chapter headnote see Title 6, Chapter II, *supra.*

Chapter IV—Production and Marketing Administration (Crop Insurance)

REDESIGNATION OF CHAPTER

CROSS REFERENCE: For redesignation of chapter headnote see Title 6, Chapter II, *supra.*

Chapter VI—Soil Conservation Service

REDESIGNATION OF CHAPTER

CROSS REFERENCE: For redesignation of chapter headnote see Title 6, Chapter II, *supra.*

Chapter VII—Production and Marketing Administration (Agricultural Adjustment)

REDESIGNATION OF CHAPTER

CROSS REFERENCE: For redesignation of chapter headnote see Title 6, Chapter II, *supra.*

Chapter VIII—Production and Marketing Administration (Sugar Branch)

REDESIGNATION OF CHAPTER

CROSS REFERENCE: For redesignation of chapter headnote see Title 6, Chapter II, *supra.*

Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders)

REDESIGNATION OF CHAPTER

CROSS REFERENCE: For redesignation of chapter headnote see Title 6, Chapter II, *supra.*

Chapter X—Production and Marketing Administration (War Food Production Orders)

REDESIGNATION OF CHAPTER

CROSS REFERENCE: For redesignation of chapter headnote see Title 6, Chapter II, *supra.*

Chapter XI—Production and Marketing Administration (War Food Distribution Orders)

REDESIGNATION OF CHAPTER

CROSS REFERENCE: For redesignation of chapter headnote see Title 6, Chapter II, *supra.*

[WFO 79, Partial Termination of Certain Director's Orders]

PART 1401—DAIRY PRODUCTS

CONSERVATION AND DISTRIBUTION OF FLUID MILK AND CREAM

Those provisions of the following orders, as amended, issued pursuant to the provisions of War Food Order No. 79, dated September 7, 1943, as amended (8 F.R. 12426, 13283, 9 F.R. 4321, 4319, 6982, 9459; 10035, 11990, 10 F.R. 103, 5347, 10275), which require the transmission of reports and the keeping and making available of records are terminated effective at 12:01 a. m., e. w. t., September 21, 1945: War Food Orders Nos. 79–25 through 79–33; 79–63 through 79–65; 79–67; and 79–101.

With respect to violations of said War Food Order 79, as amended, or any of the aforesaid orders issued pursuant thereto, rights accrued, liabilities incurred, or appeals taken thereunder, prior to the effective time hereof, all provisions of said orders in effect prior to the effective time hereof shall continue in full force and effect for the purpose of sustaining any proper suit, action, or other proceeding with respect to any such violation, right, liability, or appeal.

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423; E.O. 9392, 8 F.R. 14783; E.O. 9577, 10 F.R. 8087; WFO 79, as amended and as partially suspended (8 F.R. 12426, 13283; 9 F.R. 4321, 4319, 6982, 9459, 10035, 11990; 10 F.R. 103, 5347, 10275))

Issued this 13th day of September 1945.

[SEAL] C. W. KITCHEN,
Assistant Administrator, Production and Marketing Administration.

[F. R. Doc. 45-17260; Filed, Sept. 14, 1945; 12:51 p. m.]

[WFO 92, as Amended, Termination]

PART 1401—DAIRY PRODUCTS

CHEESE AND CHEESE FOODS

War Food Order No. 92, as amended (9 F.R. 1082, 4321, 4319, 9584; 10 F.R. 103, 126, 7155, 8803, 10419), together with War Food Order No. 92–2, as amended (10 F.R. 4649, 10419), issued pursuant to said War Food Order No. 92, as amended, are terminated as of 12:01 a. m., e. w. t., September 1, 1945, but War Food Order No. 92–1, as amended (9 F.R. 4065; 10 F.R. 103, 126, 10419), which was also issued pursuant to said War Food Order No. 92, as amended, shall continue to remain in full force and effect until it is suspended or terminated by the Assistant Administrator for Regulatory and Marketing Service matters, Production and Marketing Administration.

With respect to violations, rights accrued, liabilities incurred, or appeals taken under said War Food Order No. 92, as amended, or under said War Food Order No. 92–2, as amended, prior to the effective time of this termination order, all of the provisions of the said War Food Order No. 92, as amended, and of the said War Food Order No. 92–2, as amended, in effect prior to the effective time of this termination order shall be deemed to continue in full force and effect for the purpose of sustaining any proper suit, action, or other proceeding with respect to such violation, right, liability, or appeal.

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423; E.O. 9392, 8 F.R. 14783; E.O. 9577, 10 F.R. 8087)

Issued this 19th day of September 1945.

[SEAL] CLINTON P. ANDERSON,
Secretary of Agriculture.

[F. R. Doc. 45-17545; Filed, Sept. 19, 1945; 3:40 p. m.]

[WFO 4–10, Amdt. 2]

PART 1450—TOBACCO

1945 CROP FLUE-CURED TOBACCO

Pursuant to War Food Order No. 4 (8 F.R. 335) issued on January 7, 1943, as amended (8 F.R. 11331; 9 F.R. 4321, 4319, 9584; 10 F.R. 103, 126, 10419), and to effectuate the purposes of such order, as amended, War Food Order No. 4–10, as amended (10 F. R. 8952, 10277, 10419), relative to the 1945 crop of flue-cured tobacco, is hereby further amended as follows:

1. By deleting therefrom the term "101.5 percent" in § 1450.16 (b) (5) and inserting, in lieu thereof, the term "105.5 percent."

2. By deleting therefrom the term "115 percent" in § 1450.16 (b) (8) and inserting, in lieu thereof, the term "125 percent."

This order shall become effective at 12:01 a. m., e. w. t., September 19, 1945. With respect to violations, rights accrued, liabilities incurred, or appeals taken under said War Food Order No. 4–10, as amended, prior to the effective time hereof, all provisions of such order, as amended, in effect prior to the effective time hereof shall continue in full force and effect for the purpose of sustaining any action, suit, or other proceeding with respect to any such violation, right, liability, or appeal.

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9354, 8 F.R. 5423; E.O. 9392, 8 F.R. 14783; E.O. 9577, 10 F.R. 8087; WFO No. 4, as amended, 8 F.R. 335, 11331, 9 F.R. 4321, 4319, 9584, 10 F.R. 103, 126, 10419)

Issued this 17th day of September 1945.

[SEAL] C. W. KITCHEN,
Assistant Administrator, Production and Marketing Administration.

[F. R. Doc. 45-17443; Filed, Sept. 18, 1945; 3:52 p. m.]

[WFO 29, Partial Suspension]

PART 1460—FATS AND OILS

DELIVERY OF CRUDE COTTONSEED, PEANUT, SOYBEAN, AND CORN OIL TO REFINERIES

The provisions of paragraph (b) of War Food Order No. 29, as amended (8 F.R. 15551; 9 F.R. 651, 3252, 4319), are suspended with respect to the delivery of crude oil to and the receipt of crude oil by refiners. Unless otherwise ordered by the Assistant Administrator, this suspension shall remain in effect until March 31, 1946.

This order shall become effective at 12:01 a. m., e. w. t., September 18, 1945.

(E.O. 9280, 7 F.R. 10179; E.O. 9577, 10 F.R. 8087)

Issued this 17th day of September 1945.

[SEAL] CLINTON P. ANDERSON,
Secretary of Agriculture.

[F. R. Doc. 45-17441; Filed, Sept. 18, 1945; 12:15 p. m.]

[WFO 63-5]

PART 1596—FOOD IMPORTS

REVISION OF APPENDIX

Pursuant to the authority vested in me by the provisions of War Food Order 63, as amended (9 F.R. 13280, 14877, 10 F.R. 103, 8950, 10419) § 1596.1 (d), Appendix A to the order is hereby completely revised to read as follows:

Food	Commerce import class No.	Governing date
Alewives and other pickled or salted fish, n. s. p. f.[1]	(0073.300-0073.960, inc	Nov. 13, 1944
Apples, dried, desiccated, or evaporated[1]	1330.010	Do.
Apricots, dried, desiccated, or evaporated[1]	1330.120	Do.
Argols, tartar and wine lees and crude calcium tartrate	8829.000, 8830.000, 8850.015	Do.
Babassu nuts and kernels	2239.130, 2239.150	Do.
Babassu nut oil	2257.160	Do.
Barley	1020.000	Do.
Beans, dried, except fava and mung beans:	N. S. C.	Do.
Beef and veal, pickled or cured[2]	0029.000	Do.
Beef, canned, including corned beef[2]	0028.000	Do.
Beef, fresh, chilled or frozen[2]	0018.000	Do.
Blood, dried, n. s. p. f.	8505.000	Do.
Bones, ground, ash, dust, meal and flour (or feed and fertilizer use).	N. S. C.	Do.
Butter	0044.000	Do.
Cassia, cassia buds and cassia vera, ground and unground.	1533.000, 1533.100, 1550.070	Do.
Castor beans	2231.000	July 20, 1945
Castor oil	2260.020	Do
Cheese	0045.100-0045.960, inc	Nov. 13, 1944
Chickens and guineas:		
Dead, fresh, chilled or frozen, dressed or undressed.[1 2]	0025.400	Do.
Live	N. S. C.	Do.
Prepared or preserved[1 2]	N. S. C.	Do.
Chickpeas and garbanzos, dried[1]	1200.000	Do.
Cinnamon and chips of, ground and unground.	1526.000, 1550.030	Do.
Clams (except razor clams) and clams in combinations with other substances (except clam chowder) canned.[1 2]	0081.300	July 20, 1945
Clams, razor, canned[1 2]	0081.400	Do.
Cocoa beans or cacao beans	1501.000	Nov. 13, 1944
Cocoa butter (cacao butter)	1420.000	Do.
Cocoa, unsweetened and sweetened	1792.100, 1792.300, 1792.900	Do.
Coconuts, in the shell	1351.000	Do.
Coconut meat, shredded and desiccated or similarly prepared.	1379.000	Do.
Coconut oil	2242.500	Do.
Cod, haddock, hake, pollock and cusk, picked or salted (except in oil, etc.), and in airtight containers, weighing, with contents, not over 15 pounds each.[1 2]	0062.000, 0062.200, 0062.900	Do.
Coffee, raw or green, roasted or processed[1]	1511.000, 1511.100	Do.
Cohune nuts and kernels	N. S. C.	Do.
Cohune nut oil	N. S. C.	Nov. 13, 1944
Combinations and mixtures of animal, vegetable, or mineral oils, or any of them, with or without other substances, not specially provided for.	2240.120	Do.
Copra	2232.000	Do.
Corn, including cracked[1]	1031.000, 1050.180	Do.
Corn meal, flour, grits and similar products.	1060.100	Do.
Corned beef hash[1]	1250.230	Do.
Cottonseed oil, crude, refined	1429.100, 1429.200	Do.
Crabmeat, including crab sauce and crab paste, canned.[1]	0080.500	July 20, 1945
Currants, dried	N. S. C.	Nov. 13, 1944
Dates, dried	N. S. C.	Do.
Egg albumen, dried, frozen or otherwise prepared or preserved, n. s. p. f.	0064.000, 0093.000	Do.
Eggs (chicken) whole, in the shell	0088.100	Do.
Eggs, dried, frozen, or otherwise prepared or preserved, n. s. p. f.	0093.000, 0094.000	Do.
Eggs of poultry other than chicken, whole, in the shell.	0088.500	Do.
Egg yolks, dried, frozen or otherwise prepared or preserved, n. s. p. f.	0092.000, 0093.000	Do.
Fatty acids, not specially provided for, derived from vegetable oils, animal or fish oils, animal fats and greases, not elsewhere specified:		
Cottonseed oil	2260.220	Do.
Linseed oil	2260.210	Do.
Soybean oil	2260.230	Do.
Other, not elsewhere specified	2260.240	Do.
Figs, dried	N. S. C.	Nov. 13, 1944
Fish cakes, balls, and pudding, in oil, or in oil and other substances.[1]	0067.300	July 20, 1945
Fish, other, canned[1 2]	0066.000	Feb. 15, 1945
In oil or in oil and other substances	0067.700	Do.
Not in oil, or in oil and other substances.		
Fish paste and fish sauce[1 2]	0078.500	July 20, 1945
Fish scrap and fish meal	0076.000, 8509.700	Nov. 13, 1944
Flaxseed (linseed)[1]	2293.000	Do.
Greave cakes	N. S. C.	Do.
Guano	8501.000	Do.
Herring, canned, smoked or kippered or in tomato sauce.[1 2]	0067.400	Feb. 15, 1945
Herring (including sprats, pilchards, and anchovies), all types.[1]	0070.000-0070.980, inc	Nov. 13, 1944
Lamb, fresh, chilled or frozen[2]	0022.000	Do.
Lard, (including rendered pork fat)[1]	0036.000	Do.
Lard compounds and lard substitutes made from animal or vegetable oils and fats.[1]	0036.100	Do.
Lentils	1199.000	Do.
Linseed oil, and combinations and mixtures, in chief value of such oil.	2254.000	Do.
Livermeal	N. S. C.	Do.
Lobsters (including spiny lobsters and crawfish), canned.[1 2]	0081.000	July 20, 1945
Lobster paste and sauce[1 2]	0087.800	Do
Mace, including Bombay or wild, ground and unground.	1540.000, 1550.060, 1540.200, 1550.100	Nov. 13, 1944
Meats, canned, n. e. s., and prepared or preserved meats, n. s. p. f. (including liver paste).[1]	0032.000	Do.
Meat extracts, including fluid	0096.000	Do.
Milk, condensed, evaporated, skimmed dried and whole dried.	0040.000, 0040.100, 0040.700, 0041.100, 0041.600	Do.
Molasses and sugar syrups[1]	1630.480-1630.980, inc	Do.
Mutton, fresh, chilled or frozen[2]	0021.000	Do.
Neatsfoot oil and animal oils known as neatsfoot stock.	0808.950	Do.
Nutmegs, ground and unground	1539.000, 1550.110	Do.
Oil cake and oil cake meal:		
Coconut or copra[1]	1111.000	Do.
Soybean[1 2]	1112.000	Do.
Cottonseed[1]	1114.000	Do.
Linseed[1]	1115.000	Do.
Peanut[1 2]	1119.040	Do.
Hempseed[1]	1119.700	Do.
Other, n. s. p. f.[1]	1119.900	Do.
Oleo oil[1]	0036.200	Do.
Oleo stearin[1]	0036.300	Do.
Ouricury (uricury) nuts and kernels	2239.610, 2239.620	Do.
Ouricury (uricury) oil, inedible and edible.	2257.800, 2257.850	Do.
Oysters, canned[1 2]	0081.100	July 20, 1945
Palm kernel oil	2248.000	Nov. 13, 1944
Palm nut kernels	2236.500	Do.
Palm oil	2243.000	Do.
Peaches, dried, desiccated, or evaporated.	1330.620	Do.
Peanut (ground nut) oil[1]	1127.000	Do.
Peanuts, shelled or not shelled[1]	1367.000, 1368.000	Do.
Pears, dried, desiccated or evaporated	1330.670	Do.
Peas, dried, ripe and split, excluding maple peas.	1197.000, 1198.000	Do.
Pepper, black or white, unground	1541.000, 1542.000	Do.
Pork, fresh, chilled or frozen[1]	0020.100, 0020.500	Do.
Pork, hams, shoulders, bacon, sausage; prepared, cooked, boned, canned, etc.[1]	0030.040, 0031.900	Do.
Prunes, prunelles and plums:		
Dried, desiccated, or evaporated	1330.340	Do.
Otherwise prepared or preserved, n. s. p. f.	1330.350	Do.
Raisins, from seedless grapes and other.	1319.100, 1319.200	Do
Rapeseed[1]	2237.000	Do.
Rapeseed oil, denatured and not denatured.[1]	2246.000, 2253.000	Do.
Rice:		
Paddy	1051.000	Do.
Uncleaned or brown rice	1051.100	Do.
Cleaned or milled rice	1053.000	Do.
Patna rice, cleaned, for use in canned soups.	1054.000	Do.
Rice meal, flour, polish and bran	1059.100	Do.
Broken	1059.200	Do.
Salmon, canned, not in oil, or in oil and other substances.[1 2]	0067.000	Feb. 15, 1945
Sardines, in oil or in oil and other substances.[1 2]	0063.200, 0063.300	Nov. 13, 1944

See footnotes at end of table.

Food	Commerce import class No.	Governing date
Sardines, and other herring, canned (including snacks, tidbits, rollmops and sprats).[1 2]	(0067.700)	Feb. 15, 1945
Sesame oil, edible and inedible[1]	1428.200, 2249.000	Nov. 13, 1944
Sesame seed[1]	2231.000	Do.
Soap and soap powder[1]	8711.000, 8719.000, inc	Do.
Sugar cane	1510.750-1610.000 inc	Do.
Sugar-containing products, composed of 40 percent or more by weight of sugar.[1]	N. S. C.	Sept. 20, 1945
Sunflower oil, edible and denatured[1]	1421.000, 2247.000	Do.
Sunflower seed[1]	2240.000	Do.
Syrups, molasses, sugar-containing solutions, and sugar mixtures, edible, derived in whole or in part from sugar or sugar cane, irrespective of sugar, invert sugar, or non-sugar content, whether added to or derived from the product, n. e. s.[1]	N. S. C.	July 20, 1945
Tallow, beef and mutton, including oleo stock.[1]	0036.600	Nov. 13, 1944
Tallow, beef and mutton (inedible), including oleo stock.	0815.000	Do.
Tankage (incl. cracklings, meat meal, meat flour, meat scrap, etc.)	0975.000, 8509.600	Do.
Tartaric acid	8207.000	Do.
Tea, not specially provided for	1521.000	Do.
Tuna fish, in oil or oil and other substances.[1 2]	0065.200	July 20, 1945
Tung oil (China wood oil)	2241.000	Nov. 13, 1944
Turkeys:		
Dead, fresh, chilled or frozen, dressed or undressed.[1 2 3]	0024.000	Do.
Live	0014.000	Do.
Prepared or preserved[1 2]	N. S. C.	Do.
Veal, fresh, chilled or frozen[2]	0019.000	Do.

[1] See paragraph (b) (5) (ix).
[2] See paragraph (b) (6) (i).
[3] Governing date November 13, 1944, except as covered by (b) (5) (ix) for which governing dates are as follows:
Apples, dried, desiccated or evaporated, Dec. 28, 1944.
Chickens, guineas and turkeys, dead, fresh, chilled or frozen, dressed or undressed. June 15, 1945. Prepared or preserved, June 15, 1945.
N. S. C.—No separate class or commodity number has been assigned for the food as described by the Department of Commerce, Statistical Classification of Imports.

This revision shall be effective September 20, 1945.

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423; E.O. 9392, 8 F.R. 14783; E.O. 9577, 10 F.R. 8087; WFO 63, 8 F.R. 13280, 14877, 10 F.R. 103, 8950, 10419)

Issued this 19th day of September 1945.

[SEAL] C. W. KITCHEN,
Assistant Administrator, Production and Marketing Administration.

[F. R. Doc. 45-17546; Filed, Sept. 19, 1945; 3:40 p. m.]

Chapter XII—Production and Marketing Administration (Fats and Oils Branch)

REDESIGNATION OF CHAPTER

CROSS REFERENCE: For redesignation of chapter headnote see Title 6, Chapter II, *supra*.

TITLE 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Bureau of Animal Industry

REDESIGNATION OF CHAPTER

CROSS REFERENCE: For redesignation of chapter headnote see Title 6, Chapter II, *supra*.

Chapter II—Production and Marketing Administration (Livestock Branch)

REDESIGNATION OF CHAPTER

CROSS REFERENCE: For redesignation of chapter headnote see Title 6, Chapter II, *supra*.

TITLE 17—COMMODITY AND SECURITIES EXCHANGES

Chapter I—Commodity Exchange Authority (Including Commodity Exchange Commission) Department of Agriculture

REDESIGNATION OF CHAPTER

CROSS REFERENCE: For redesignation of chapter headnote see Title 6, Chapter II, *supra*.

TITLE 26—INTERNAL REVENUE

Chapter I—Bureau of Internal Revenue

[T. D. 5477]

PART 186—GAUGING MANUAL

WINE AND PROOF GALLON CONTENTS

Pursuant to the provisions of sections 2808 and 3176, Internal Revenue Code, the Gauging Manual, approved November 21, 1938, (26 CFR, Part 186), is hereby amended as follows:

Section 186.13 (a) is amended to read as follows:

§ 186.13 *Wine and proof gallon contents.* (a) The proof of alcohol in receiving cisterns of industrial alcohol plants and the proof of spirits in cisterns of distilleries shall be adjusted to a whole or complete degree of proof before being removed therefrom: *Provided*, That the proof of alcohol transferred by pipe line from receiving cisterns of industrial alcohol plants to industrial alcohol bonded warehouses or denaturing plants, and the proof of spirits transferred by pipe line from cistern rooms of fruit distilleries to fortifying rooms of bonded wineries need not be so adjusted. The proof of alcohol or other spirits at industrial alcohol bonded warehouses, bottling-in-bond departments of internal revenue bonded warehouses, rectifying plants, and tax-paid bottling houses shall be adjusted to a whole degree of proof preparatory to filling containers such as tank cars, barrels, drums, or bottles. Adjusting the proof to tenths of a degree, either above or below the whole or complete degree, will not be permitted: *Provided*, That when tax-paid spirits at rectifying plants and tax-paid bottling houses and untax-paid spirits for bottling in bond for export at bottling-in-bond departments of internal revenue bonded warehouses are being prepared for bottling and are to be bottled and labeled in tenths of a degree of proof, such as 86.6, the proof of the spirits shall be adjusted to such tenths of a degree of proof. The restoration to the original proof and volume of rectified spirits upon which the rectification tax has been paid, by the addition of water, preparatory to bottling, shall not be deemed to reduction in proof or an increase in volume within the meaning of section 2801 (b) of the Internal Revenue Code.

[SEAL] JOSEPH D. NUNAN, JR.,
Commissioner of Internal Revenue.

Approved: September 19, 1945.

JOSEPH J. O'CONNELL, JR.,
Acting Secretary of the Treasury.

[F. R. Doc. 45-17549; Filed, Sept. 19, 1945; 3:56 p. m.]

TITLE 29—LABOR

Chapter IX—Department of Agriculture (Agricultural Labor)

REDESIGNATION OF CHAPTER

CROSS REFERENCE: For redesignation of chapter headnote see Title 6, Chapter II, *supra*.

[Supp. 70, Amdt. 1]

PART 1105—SALARIES AND WAGES OF AGRICULTURAL LABOR IN THE STATE OF MAINE

WORKERS ENGAGED IN HARVESTING POTATOES IN CERTAIN COUNTIES OF MAINE

Section 1105.1 (10 F.R. 10349) is hereby amended as follows:

The last sentence in the last paragraph of § 1105.1 (b) shall read as follows:

Where an employer furnishes board, or board and room, a deduction of 3¢ per barrel or $10 per week must be made therefor except that these deductions shall not operate to reduce the earnings of pickers below 13¢ per barrel for the period charged.

This amendment 1 to Supplement 70 shall become effective at 12:01 a. m., eastern war time, September 19, 1945.

(56 Stat. 765 (1942), 50 U.S.C. App. 961 et seq., (Supp. IV); 57 Stat. 63 (1943); 50 U.S.C. 964 (Supp. IV); 58 Stat. 632 (1944); Public Law 108, 79th Cong., E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681; E.O. 9577, 10 F.R. 8087; regulations of the Economic Stabilization Director, 8 F.R. 11960, 12139, 16702, 9 F.R. 6035, 14547, 10 F.R. 9478, 9628; regulations of the War Food Administrator, 9 F.R. 655, 12117, 12611, 10 F.R. 7609, 9581; 9 F.R. 831, 12807, 14206, 10 F.R. 3177)

Issued this 19th day of September 1945.

[SEAL] K. A. BUTLER,
Acting Director of Labor,
U. S. Department of Agriculture.

[F. R. Doc. 45-17584; Filed, Sept. 20, 1945; 11:21 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter IX—War Production Board

AUTHORITY: Regulations in this chapter unless otherwise noted at the end of documents affected, issued under sec. 2 (a), 54 Stat. 676, as amended by 55 Stat. 236, 56 Stat. 177, 58 Stat. 827; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; E.O. 9599, 10 F.R. 10155; W.P.B. Reg. 1 as amended Dec. 31, 1943, 9 F.R. 64.

PART 944—REGULATIONS APPLICABLE TO THE OPERATION OF THE PRIORITIES SYSTEM

[Priorities Reg. 32, as Amended Sept. 17, 1945]

INVENTORIES

(a) What this regulation does.

General Restrictions

(b) Restriction on delivery.
(c) Restrictions on receipts.
(d) Restriction on ordering more than needed.
(e) Adjusting outstanding orders when requirements change.
(f) Restriction on processing.

Exceptions

(g) In general.
(h) Receipts permitted after contract cancellations or cut-backs.

Miscellaneous Provisions

(i) Previous inventory authorizations.
(j) Separate inventories.
(k) Redistribution of excess inventories.
(l) Violations.
(m) Revisions of tables.
(n) Appeals, letters and questions.

§ 944.53 *Priorities Regulation 32—(a) What this regulation does.* This regulation contains the inventory rules formerly in § 944.14 of Priorities Regulation 1 and in CMP Regulation 2. Its purpose is to prevent excessive inventories by restricting ordering, deliveries, receipts and processing of materials in short supply. All kinds of materials are covered including raw or semi-fabricated materials, commodities, equipment, accessories, parts, assemblies or products of any kind, whether or not acquired with priorities assistance.

The general rule on receipts is in paragraph (c) (1), and this is controlling unless a more specific limitation or exception is indicated in Table 1 or 2 or a direction to this regulation, or unless Table 3 (formerly Order M-161) exempts the material entirely. Other exceptions to the inventory limitations are stated in paragraphs (g) and (h) and in directions to this regulation.

General Restrictions

(b) *Restriction on delivery.* No person may deliver any material if he knows or has reason to believe that acceptance of the delivery would be in violation of this regulation.

NOTE: For rule on making or delivering material earlier than required by customers, see Interpretation 8.

(c) *Restrictions on receipts—(1) General rule.* A person may not accept delivery of any material if his inventory of that material is, or will be, more than a practicable minimum working inventory reasonably necessary to meet his own deliveries on the basis of his current or scheduled method and rate of operation.

NOTE: For rule on when material is considered to be in inventory, see Interpretation 4; for rule as to seasonal industries, see Interpretation 1.

(2) *Special rules in Tables 1 and 2.* If Table 1 at the end of this regulation shows a special inventory limit on a particular material or product (either specifically or by reference to another WPB order or regulation), that limitation governs and the restrictions of paragraph (c) (1) above may be disregarded unless the applicable order or regulation (or a note in Table 1) also states that a practicable minimum working inventory may not be exceeded. The same is true with respect to particular classes of persons shown on Table 2. Where a specific period of time is shown on Table 1 or 2, no person affected may accept delivery of any material specified if his inventory of it is, or will be, more than he needs during the immediate period specified on the basis of his current or scheduled method and rate of operation. Even if an order or regulation is not listed on Table 1 or 2, any specific inventory limits imposed by it must be complied with. If an order or regulation listed on Table 1 or 2 is revoked or a listing removed from the tables all provisions of this regulation, including paragraph (c) (1), are automatically applicable.

(3) *Special rules on steel and copper in controlled material form.* The former inventory rules in CMP Regulation 2 on steel and copper in controlled material form (as defined in CMP Regulation 1) are now in Table 1 of this regulation, and the following special rules are applicable to deliveries to users of such steel and copper: (i) Where steel and copper are involved, the provisions of this regulation apply separately to each "item" in any class listed in Table 1 which is different from all other items in that class by reason of one or more of its specifications, such as length, width, thickness, temper, alloy, finish, method of manufacture, etc. (ii) If any producer of steel or copper exercises his privilege under CMP Regulation 1 of making delivery before the delivery date specified by his customer, the delivery may be accepted and the limits of this paragraph (c) exceeded to the extent that the excess results from the early delivery. (iii) The limits in Table 1 on receipts of steel and copper in terms of specific days' requirements apply only within the 48 States and the District of Columbia. Other special rules on steel and copper are explained in Table 1.

(d) *Restriction on ordering more than needed.* (1) A person may not place any order, whether rated or unrated, for delivery of any material on earlier dates or in larger amounts than he would be permitted to receive under this regulation. Orders aggregating more than he is allowed to receive may not be placed with different suppliers even though he intends to cancel one or more of them before delivery. However, this restriction does not apply to materials listed on Table 3 of this regulation nor to purchases by ultimate consumers for personal or household use. The restriction does not forbid the placing of orders for delivery under the conditions explained in Interpretation 11 to Priorities Regulation 1, but such orders may not be scheduled for production as long as this restriction is effective.

(2) This restriction does not require adjustment of orders placed before August 28, 1945. However, in view of its policy to prevent hoarding and speculative buying of materials in short supply, the WPB may direct adjustments or cancellations in individual cases where orders are in excess of reasonably anticipated needs especially where failure to do so might result in unbalanced distribution and curtail total production.

(3) If the inventory limits applying to any material are made more restrictive, whether by a change in Table 1 or otherwise, any person affected must immediately cancel, reduce or defer any order for the material to the extent that the scheduled delivery would result in an inventory greater than permitted by the new restriction and other applicable provisions of this regulation.

(e) *Adjusting outstanding orders when requirements change.* If because of a change in operations, slowing or stoppage of production, delayed delivery by a supplier, or any other change in requirements, a person who has ordered material for future delivery would, if he accepted delivery on the date specified, exceed the limits prescribed by this regulation, he must promptly adjust his outstanding orders, and, if necessary, postpone or cancel them. Paragraph (h) below describes what further deliveries may be accepted.

(f) *Restriction on processing.* No person may process, fabricate, alloy or otherwise alter the shape or form of any material if his inventory of the material in its processed, fabricated, alloyed or otherwise altered shape or form is, or will be, more than a practicable minimum working inventory. However, this does not restrict a person from altering the form of surplus materials by scrapping or reprocessing them, unless a WPB order specifically says otherwise.

Exceptions

(g) *In general.* This paragraph, paragraph (h) below, and certain directions to this regulation state general exceptions to the restrictions on acceptance of delivery described in paragraph (c) above, and to all other inventory restrictions on delivery and acceptance of delivery in WPB orders and regulations unless they contain specific provisions to the contrary. None of these or any other exceptions to WPB inventory restrictions on receipts permit a supplier to disregard any applicable WPB order or regulation which restricts production or delivery.

(1) *Exemption of Table 3 materials.* Materials listed on Table 3 at the end of this regulation may be delivered and accepted without regard to WPB inventory restrictions.

(2) *Materials bought under PR-13.* Priorities Regulation 13 provides a limited exemption from inventory restrictions in the case of items bought on special sales.

(3) *Imported materials.* A person may import any material without regard to WPB inventory restrictions, but if his inventory of it thereby becomes in excess of the amount permitted by this regulation, he may not receive further deliveries of it from domestic sources until his inventory is reduced to permitted levels. The inventory restrictions of this regulation do apply to any deliveries of the imported material he makes, and to the amount of it that any person accepting delivery from him may receive.

(4) *Advance stockpiling for civilian production.* A person may receive in anticipation of starting or resuming civilian production the minimum amount of material he would need during the first 30 days of such production, provided no priorities assistance is used to get the material. Records of such receipts and the basis on which they were computed must be preserved as required by § 944.15 of Priorities Regulation 1. This 30-day amount is a ceiling as far as advance stockpiling is concerned, and may not be considered as a "bonus" to be added to the amount of any material which a producer expects to have available for making his civilian product. Changes in this 30-day amount may be indicated for a particular material by a note in Table 1.

(5) *Minimum sale quantities.* Minimum sale quantities and production runs may be accepted to the extent permitted by Interpretation 2 to this Regulation. However, where Column 3 of Table 1 shows a specific amount of a particular material, that is considered to be the minimum sale quantity of it. Thus, if a person would be permitted under paragraph (c) to accept less than the amount shown, he may accept delivery of the full amount. In any event, after receiving a minimum sale quantity of any material, a person may not accept delivery of any additional quantities until his inventory of it is within applicable limits.

(6) *Small inventory exemption for particular materials.* If a note in Table 1 or 2 shows a specific amount of a particular material as a small inventory exemption, a person may accept delivery of any quantities of it as long as his total inventory of it after acceptance is no more than the specified amount.

(h) *Receipts permitted after contract cancellations or cut backs.* Where a person has promptly cancelled or cut back a contract with his supplier as required by paragraph (e) and the supplier is not otherwise prohibited from producing or delivering any material involved, delivery of it may be accepted and the inventory restrictions of paragraph (c) exceeded to the following extent only:

(1) Delivery may be accepted if the supplier has shipped the material or loaded it for shipment before the receipt of the instruction to cancel or cut back; or

(2) Delivery may be accepted of any special item which the supplier actually has in stock or in production or special components or special materials which he has acquired for the purpose of filling that contract. A special item, as used above, means one that the supplier does not usually make, stock, or sell, and which cannot readily be disposed of to others; or

(3) Even if the material is not a special item, delivery may be accepted from a producer if it has already been produced or is in production before receipt of the instruction to cancel or cut back, and it cannot be used to fill other orders on the producer's books.

NOTE: For special rules on continuing receipts of special items after contract cut backs, see Direction 3 to this regulation; and as to transfers of idle materials after cancellations or cut backs, see Direction 1. For effect of reduction in consumption rate on permitted inventories, see Interpretation 5.

Miscellaneous Provisions

(i) *Previous inventory authorizations.* Any specific authorizations, exceptions, or grants of appeals issued under § 944.14 of Priorities Regulation 1 or CMP Regulation 2 remain in effect according to their terms unless individually modified or revoked.

(j) *Separate inventories.* (1) In figuring his inventory, a person must include all material in his possession and all material held for his account by another person, but not material held by him for the account of another person.

(2) In the case of a person who on August 28, 1945, has more than one operating unit and keeps separate inventory records for them, this regulation applies to each such operating unit or division independently. A person may not make any further separation or consolidation of such operating units without special written approval of the War Production Board, unless it is purely incidental to a separation or consolidation which is made primarily for other than inventory purposes.

(k) *Redistribution of excess inventories.* Excess inventories of materials and products, including inventories of materials which are in such form as to be unusable by the holder, are subject to redistribution to other persons by voluntary action pursuant to Priorities Regulation 13, or if necessary for national defense, through requisitioning by the War Production Board.

(l) *Violations.* Any person who wilfully violates any provision of this regulation, or who, in connection with this regulation, wilfully conceals a material fact, or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

(m) *Revisions of tables.* Tables 1, 2 and 3, attached to this regulation will be revised from time to time. As materials and products become in more ample supply, it is expected that they will be listed on Table 3. In special cases, particular materials or products may also be removed from Table 3 or added to Table 1. It is, therefore, important to be familiar with the latest revision of the tables.

(n) *Appeals, letters and questions.* Any appeal or other question regarding any provision of this regulation should be sent by letter in duplicate to the Office of Inventory Control and Surplus Utilization, War Production Board, Washington 25, D. C., Ref.: PR 32, unless Table 1 or 2 attached to this regulation indicates otherwise with respect to particular materials or classes of persons.

Issued this 17th day of September 1945.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

TABLE 1—MATERIALS AND PRODUCTS SUBJECT TO SPECIFIC INVENTORY PROVISIONS

NOTE: Table 1 amended Sept. 17, 1945.

Explanation. Materials or products listed in Column 1 are subject to the specific inventory provisions shown, as explained in paragraph (c) (2) of the regulation, except to the extent that different rules may apply as to certain classes of persons under Table 2.

Column 2 shows either the WPB order or regulation which controls inventories of the material, or if no order is specified, there is shown a period of time representing the maximum inventory permitted as explained in paragraph (c) (2). An asterisk (*) indicates that the practicable minimum working inventory limit of paragraph (c) (1) also applies, that is, if it would be less than the specific limit indicated.

A figure in Column 3 shows the minimum sale quantity, that is, the amount of the particular material which a person may receive under the conditions stated in paragraph (g) (5), even if it is more than allowed under Column 2. If no figure is shown, the rule in Interpretation 2 must be followed.

Column 4 tells the Division or Office in the War Production Board to which should be sent any appeals or questions regarding the limitations described. However, if the applicable order says appeals are to be filed somewhere else, such as the nearest WPB field office, that provision controls.

Column 5 (Remarks) gives explanations, exemptions or other special rules applicable to the particular material or limitation.

Material (1)	Order or limitation (2)	Minimum sale quantity (3)	WPB division or office administering the control (4)	Remarks (5)
Aluminum. (See Table 3.)				
Antimony	M-112		Tin, lead and zinc.	
Babbitt	M-43, Dir. 2		Tin, lead and zinc.	
Bristles	M-51		Textiles	
Castings, malleable iron	45 days*	****	Office of Inventory Control.	****Receipts of less than 2,000 pounds from any one pattern or mold, or of a minimum production run as explained in Interpretation 2 are permitted under the conditions explained in par. (g) (5).

TABLE 1—MATERIALS AND PRODUCTS SUBJECT TO SPECIFIC INVENTORY PROVISIONS—Continued

Material (1)	Order or limitation (2)	Minimum sale quantity (3)	WPB division or office administering the control (4)	Remarks (5)
Controlled materials (except aluminum). NOTE (1) Control is on each "item" of the following classes of controlled materials as explained in paragraph (e) (3) (ii). (2): The restrictions in this table 1 on receipts of controlled materials apply only to users of controlled materials, i. e., any person including a Government operating consuming establishment, who uses any item of controlled material for production, construction, operating supplies, or maintenance or repair. They do not apply to producers who acquire controlled materials for the purpose of converting them into another form of controlled material.	**	***	Office of Inventory Control.	**The limitations of column 2 of this table 1 on controlled materials do not apply to classes of persons subject to the following WPB orders as indicated on table 2: P-56, P-142, P-1, P-3, P-4. They also do not apply to inventories of controlled materials for the manufacture of jeweled watches. (See table 2.) ***A user who is purchasing an item of controlled material from a producer may accept delivery of the minimum mill quantity specified in Schedule IV of CMP Regulation 1 even if this is greater than the amount shown in column 3 of this table.
Copper: All controlled material forms of copper and copper base alloy.	60 days*	500 lbs		
Steel (except steel pit castings).	(**)			**Column 2 does not apply to persons who order structural steel, in controlled material form, for use in construction (including buildings, bridges and other structures of a like type) and who order it delivered cut to the specifications required for a specific project and who normally keep such steel segregated for the specific project. Instead, no such person may accept delivery of such steel more than 60 days before it is scheduled to be fabricated or, if it is not to be further fabricated, before it is scheduled to be assembled. Column 2 also does not apply to certain special kinds of steel used in file and rasp production, or piston production, as explained in table 2.
Carbon steel (including wrought iron): Ingots, billets, blooms, slabs, tube rounds, skelp and sheet and tin bars, rail and track accessories, structural shapes and piling, wheels, and axles.	60 days*	50,000 lbs		
Sheet and strip (carbon).	60 days*	10,000 lbs		
Steel—Continued. All other controlled material forms of carbon steel.	60 days*	10,000 lbs		
Alloy steel, including stainless: Steel castings	60 days*	2,000 lbs		
Alloy tubing: Airframes and engine tubing.	60 days*	5,000 lbs.**		**Or 10,000 ft., or a minimum mill production run, whichever is least.
Other alloy tubing up to 7½" O. D.	60 days*	10,000 lbs.***		***Or a minimum mill production run, whichever is the smaller.
Other alloy tubing over 7½" O. D.	60 days*	20,000 lbs.***		
Sheet and strip (alloy)	60 days*	10,000 lbs		
All other controlled material forms of alloy steel.	60 days*	10,000 lbs		
Copper: In controlled material forms. (See Controlled materials.)				
Copper raw materials (refinery shapes, alloy ingot, scrap, etc.).	60 days*		Copper	
Cotton textiles	M-317		Textiles	
Gloves, work	M-375		Textiles	
Kapok	M-85		Textiles	
Lead, pig	M-38		Tin, lead and zinc.	
Metal strapping	P-152		Containers	
Motors: Fractional horsepower motors, alternating current under 1/20 h. p. except universal.	45 days*	1,000	General Industrial Equipment.	
Fractional horsepower motors, alternating current 1/20 h. p. or larger but less than ½ h. p. except universal.	45 days*	500	General Industrial Equipment.	
Fractional horsepower motors, alternating current, ½ h. p. or larger but less than 1 h. p., except universal.	45 days*	250	General Industrial Equipment.	
Single phase alternating current motors 1 h. p. and over, except universal	45 days*	100	General Industrial Equipment.	
Paper or paperboard	M-241		Paper	
Rosin, gum or wood	M-387		Chemicals	
Rubber	R-1		Rubber	
Solder	M-43, Dir. 2		Tin, lead, and zinc.	
Steel. (See controlled materials.)				
Tapioca flour	M-333		Chemicals	
Textiles (finished material)	M-328 II		Textiles	
Tin: Pig tin	M-43		Tin, lead, and zinc.	
Alloys, other than copper base alloy.	M-43, Dir. 2		Tin, lead, and zinc.	
White lead	M-381		Chemicals	

*Or a practicable minimum working inventory whichever is less.

TABLE 2—CLASSES OF PERSONS SUBJECT TO SPECIFIC INVENTORY PROVISIONS

NOTE: Table 2 amended Sept. 17, 1945.

Explanation. The classes of persons listed in Column 1 are subject to the specific inventory provisions shown, as explained in paragraph (c) (2) of the regulation.

Column 2 shows either the WPB order or regulation which controls the inventories of the particular class of persons, or if no order is specified, there is shown a period of time representing the maximum inventory permitted as explained in paragraph (c) (2). An asterisk (*) indicates that the practicable minimum working inventory limit of paragraph (c) (1) also applies, that is, if it would be less than the specific limit indicated.

Column 3 tells the Division or Office in the War Production Board to which should be sent any appeals or questions regarding the limitations described. However, if the applicable order says appeals are to be filed somewhere else, such as the nearest WPB field office, that provision controls.

Column 4 (Remarks) gives explanations, exemptions or other special rules applicable to the particular class of persons or limitation. Where this column specifies certain materials, the limitation or exemption for the particular class of person applies only to the materials specified.

Classes of persons (1)	Order or limitation (2)	WPB division or office administering the control (3)	Remarks (4)
Bag makers (cotton textiles)	M-221	Containers	
Brush manufacturers	M-51	Textiles	Bristles.
File and rasp manufacturers	120 days*	Inventory control	Applicable only to special high carbon steel in special forms and shapes needed to make files and rasps.
Jeweled watch manufacturers	None	Inventory control	No inventory restrictions on receipt of controlled materials for making jeweled watches.
Merchants (cons mers' soft goods inventory).	L-219	Wholesale and retail trade.	
Mines	P-56	Mining	
Newspapers, publishers of	L-240	Printing and publishing.	Print paper.
Newsprint users, other than newspaper publishers.	L-240, Schedule 1.	Printing and publishing.	Newsprint.
Piston ring manufacturers	90 days*	Inventory control	Applicable only to special heat treated, tempered, polished, and colored high carbon steel (known as segment or expander steel) for use in the production of piston rings.
Repairmen (parts or materials for)	CMP 9A	Service equipment	
Rubber and rubber product manufacturers.	R-1	Rubber bureau	
Segregated structural steel for construction, persons using.	**	Inventory control	**See special rule under "Steel" in table 1.
Sewerage systems, operators of public sanitary and combined.	P-141	Government	
Suppliers	L-63	Wholesale and retail trade.	
Telegraph operators	P-4	War utilities	
Telephone operators	P-3	War utilities	
Textiles and leather producers (MRO supplies).	P-139	Textiles	
Transportation systems (MRO supplies).	P-142	Transportation equipment.	
Utility producers (electric power, gas, water and central steam heating)	U-1	War utilities	
Water well drillers	P-148	Service equipment	

*Or a practicable minimum working inventory, whichever is less.

TABLE 3—EXEMPTED MATERIALS AND PRODUCTS

NOTE: Table 3 amended Sept. 17, 1945.

Explanation. The following materials and products are exempt from the inventory restrictions on receipts of this regulation and of all other WPB orders or regulations unless they specifically state otherwise.

NOTE: Exemptions from MRO quotas for these materials, formerly in Order M-161, are explained in Direction 28 to CMP Regulation 5.

TABLE 3—EXEMPTED MATERIALS AND PRODUCTS—Continued

MATERIAL (1)	REMARKS (2)
Abrasive products—made from manufactured or natural abrasives, including all items under CMP code 720	
Aluminum in all forms	
Asbestos, unmanufactured, all grades and types	
Asbestos building materials	
Asbestos friction materials	
Asbestos Tape .010–.025 thickness	
Asbestos textiles	
Batteries, dry cell	
Bearings—ball and roller, including all items under CMP code 155	
Bending machines for pipe, plate, roll, or structural shapes, including all items under CMP code 356	
Borax	
Boric Acid	
Capital equipment other than that specifically listed	If acquired without priorities assistance.
Chains, except stud link anchor, cast steel, power transmission, but including all items under CMP code 712	
Cork, raw—corkwood, milling cork, grinding cork	
Cranes and Hoists, except Contractors Elevating, Contractors Towing, Crawler Tractor Motor Truck Mounted, Mine and Smelter Types, but including all items under CMP code 146	
Domestic andalusite	
Domestic dumortierite	
Fibrous glass products	
Files and Rasps, including all items under CMP code 644	
Forging Machines, including all items under CMP code 354	
Foundry Machinery, Equipment and Supplies, including all items under CMP code 363	
Furnaces, metal melting, including all items under CMP code 422	
Gages and Precision Measuring Tools, including all items under CMP code 658	
Heat Treating Equipment, metal, including all items under CMP code 364	
Ilmenite	
Istle fiber and products	
Jigs, dies and fixtures	Only if acquired pursuant to Direction 25 to CMP Regulation 5, or without priorities assistance.
Jute fiber and jute products except burlap	
Lamps, incandescent	
Machine Tools, non-portable power driven, including all items under CMP code 350	
Machine Tool and Metal Working Machine Attachments and Accessories, including all items under CMP code 361	
Mechanics Hand Service Tools, including all items under CMP code 647	
Metal Cutting Tools, including all items under CMP code 362	
Metal Working Machines and Tools, portable, power-driven, including all items under CMP code 365	

TABLE 3—EXEMPTED MATERIALS AND PRODUCTS—Continued

Metal Working Presses, hydraulic and mechanical, including all items under CMP code 355
Mineral aggregates:
Sand
Gravel
Crushstone
Slag
Packings, Gaskets and Oil Seals
Phosphate rock
Pipe fittings, steel and brass
Potter's flint
Pulpwood
Rolling Mill Stands and Attached Equipment, including all items under CMP code 357
Salt (sodium chloride) in bulk
Shears, Punches and Nibblers, power-driven, including all items under CMP code 358
Sodium sulfate (salt cake)
Sodium sulfite
Stoneware clay
Sulphur
Valves, steel and iron
Vermiculite
Waste paper
Wire Drawing Machinery, including all items under CMP code 359
Wood pulp
Wool: Raw wool

INTERPRETATION 1

INVENTORIES IN SEASONAL INDUSTRIES

Paragraph (c) (1) of Priorities Regulation 32 prohibits any person from accepting a delivery which will give him "more than a practicable minimum working inventory reasonably necessary to meet his own deliveries on the basis of his current or scheduled method and rate of operation". This does not prevent a person engaged in a seasonal industry who normally stocks up inventory in advance of the season from accepting delivery of his requirements of the inventory in question, provided (a) that he is not guilty of hoarding, and (b) that the deliveries accepted are no greater and no further in advance than those which he would normally accept in the ordinary course of his business to meet reasonably anticipated requirements. (Issued Aug. 28, 1945.)

INTERPRETATION 2

MINIMUM SALE QUANTITIES AND PRODUCTION RUNS

(a) *Applicable provisions of the regulations.* Priorities Regulation 32 forbids the making or acceptance of a delivery which will give the customer more than the "practicable minimum working inventory reasonably necessary" for him to make his own deliveries. A similar provision in paragraph (c) (2) of Priorities Regulation No. 3 says that a customer who is applying a rating for which no specific quantities have been authorized may use it only to get the "minimum amount needed."

(b) *Factors to be considered in determining how much can be ordered and delivered.* In determining a customer's minimum inventory "reasonably necessary" under Priorities Regulation 32 or his "minimum amount needed" under Priorities Regulation No. 3, it is proper in some cases to consider not only the immediate needs of the customer's plant but also whether the amount which he orders will be a minimum production run for his supplier. The customer may order and receive (and the supplier may deliver) the customer's requirements for a longer period in advance than he actually needs at the time of delivery if, but only if, it is not practicable for him to get the item from any supplier in the smaller quantities which he presently needs. The supplier may reject his customer's order if it is less than the minimum which he regularly sells or less than his minimum production run of a product which is mass produced under the conditions explained in Interpretation 3 of Priorities Regulation 1.

(c) *Relief in exceptional cases.* If the conditions stated in paragraph (b) above cannot be satisfied but the customer wants to order or accept delivery of more than his actual needs at the time of delivery, he should apply to the War Production Board for permission, stating the facts and why it is not practicable to satisfy the condition of paragraph (b).

(d) *Special provisions for controlled materials and Class A products.* This interpretation does not apply to deliveries of controlled materials under the Controlled Materials Plan. Rules regarding deliveries of controlled materials are given in Tables 1 and 3 of Priorities Regulation 32, and additional rules for Class A products are explained in Interpretation 9 to CMP Regulation No. 1.

(e) *Specific limits on ratings may not be exceeded.* This interpretation does not apply to the use of a rating where a specific quantity is stated in the instrument assigning the rating. If a person is assigned a rating for a specific amount of material, he may not use it to get more. If he finds that he can only get the material in larger quantities, he should apply for a modification of the rating.

(f) *No effect on contractual rights.* The times and amounts in which deliveries are to be made are to be determined by agreement between the supplier and the customer. Nothing in this interpretation relieves a supplier from fulfilling a contract to make deliveries at specified times in specified amounts. For example, if a customer has agreed to buy and a supplier has agreed to furnish 100 units a month for six months, this interpretation does not obligate the buyer to accept 600 units delivered during the first month, although it permits him to do so under the conditions described in paragraph (b). (Issued Aug. 28, 1945)

INTERPRETATION 3

MAKING OR DELIVERING MATERIAL EARLIER THAN REQUIRED BY CUSTOMERS

(a) Paragraph (b) of Priorities Regulation 32 prohibits a person from knowingly making a delivery which will give his customer more than the latter is permitted to receive under the regulation. Paragraph (f) of that regulation prohibits a person from processing or fabricating material if his inventory of the material in its processed or fabricated form will be more than a practicable minimum working inventory. These two restrictions should be borne in mind by any supplier who wants to make or deliver any material to his customer earlier or in greater quantities than required by the customer.

(b) For example: A supplier has accepted his customer's order of a product to be delivered at the rate of 100 a month for six months. The supplier would like to ship 200 a month for three months, or perhaps the entire 600 in the first month. Since the customer's requirements of 100 a month are presumably all he could accept within the inventory limitations of paragraph (c) of the regulation, the requirement that the supplier may not knowingly ship more than this would prevent him from delivering earlier than required by his customer, unless he received notice from his customer that the receipt of the larger amount would not cause him to have an excess inventory.

(c) Thus, before delivering a material or product substantially earlier or in greater quantities than is called for by his customer's order, a supplier is required to satisfy himself that the receipt by the customer of the changed quantities will be within the permissible inventory limitations applicable to the customer. The supplier may rely on any statement or notice to this effect from his customer, unless he knows or has reason to know that it is false.

(d) Similarly, assuming his customer would not be permitted to receive the larger quantities, the supplier should take this into account in his plans for processing the material or product so that he himself will not have an inventory greater than permitted by paragraph (f) of the regulation.

(e) This interpretation, of course, does not change the rule on delivery or acceptance of minimum sale quantities or production runs to the extent described in Interpretation 2 to this regulation, nor does it prevent earlier delivery of controlled materials under the conditions explained in paragraph (t) (4) of CMP Regulation 1 and Interpretation 33 to that regulation. Also, if any WPB order or regulation permits increased deliveries to the extent necessary to avoid shipping partly filled containers (such as paragraph (y) (4) of Order M-300), the rule in this interpretation does not prevent such deliveries. (Issued Aug. 28, 1945)

INTERPRETATION 4

INVENTORY MATERIAL

(a) Paragraph (c) of Priorities Regulation 32 prohibits a person from accepting delivery of material if his inventory of it is, or will be, greater than the maximum prescribed. For the purpose of this regulation, material is considered to be inventory until it is actually put into process or is actually installed or assembled. Putting into process does not include minor initial operations, such as painting, and does not include any shearing, cutting, trimming or other operation unless such initial operations are part of a continuous fabricating or assembling operation. Nor does it include operations such as inspection, testing and ageing nor segregation or earmarking for a specific job or operation.

(b) For example, if a manufacturer who uses wire or rod cuts a sufficient quantity of it to length at one time to maintain his operations for a considerable period of time, the cut pieces remain as inventory until processed into another form or until assembled or installed.

(c) If a manufacturer purchases and stores steel castings in the form purchased, the steel castings are not put into process when the castings are painted and stored. Consequently, the inventory of castings includes those painted and stored.

(d) If a manufacturer shears steel sheet and stocks in sheared form, such stock is still part of his inventory, if the material does not continue in production. (Issued Aug. 28, 1945)

INTERPRETATION 5

EFFECT OF REDUCTION IN CONSUMPTION RATE ON PERMITTED INVENTORIES

(a) Paragraph (c) of Priorities Regulation 32 prohibits the acceptance of delivery of material if a person's inventory of it is, or will be, more than the amount permitted by the regulation. If material is acquired within these restrictions, the regulation does not prohibit the mere possession of an inventory if a change in circumstances makes it greater than the amount permitted. For instance, if based upon current rate of production a manufacturer's permitted inventory of one item of steel is 100 tons and he has in inventory 60 tons, he may receive a further delivery of 40 tons. If after receiving the delivery of 40 tons his rate of consumption, because of contract cancellation or the like, is reduced drastically, the mere fact that he has an inventory of 100 tons, although his permitted inventory may be only 10 tons, is not a violation of the regulation. He may not, of course, accept any further deliveries of that item of steel until his inventory has been reduced below 10 tons (except as provided in paragraph (h) of Priorities Regulation 32 and Direction 3 to that regulation, relating to material already shipped, special items, etc.)

(b) Similarly, the regulation does not affect the liability of a customer for material in inventory when the customer cancels his contract. Such liability is controlled by the provisions of the contract between the customer and his supplier and by contract law. (Issued Aug. 28, 1945)

[F. R. Doc. 45-17322; Filed Sept. 17, 1945; 11:39 a. m.]

PART 1010—SUSPENSION ORDERS

[Suspension Order S-773, Reinstatement and Amdt.]

R. L. FAUBION CO.

R. L. Faubion, doing business as R. L. Faubion Company, at 2519 Southwest Boulevard, Kansas City, Missouri, engaged in the manufacture or repair of steel tanks, compressors, automotive lubricating equipment, gasoline pumps and similar items was suspended on May 10, 1945, by Suspension Order No. S-773. He appealed from the suspension order and, pending determination of the appeal, the suspension order was stayed by the Chief Compliance Commissioner on May 12, 1945. The appeal has been considered by Deputy Chief Compliance Commissioner Flood who has dismissed the appeal and directed that the stay be terminated and the suspension order reinstated.

In view of the foregoing, it is hereby ordered, that: § 1010.773 *Suspension Order No. S-773* issued April 30, 1945, and effective May 10, 1945, be and hereby is reinstated effective September 20, 1945, to expire January 18, 1946, the stay of execution directed by the Chief Compliance Commissioner on May 12, 1945, be and hereby is revoked effective September 19, 1945; and that the suspension order be modified by deleting paragraph (a) therefrom.

Issued this 10th day of September 1945.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 45-17591; Filed, Sept. 20, 1945; 11:36 a. m.]

PART 1010—SUSPENSION ORDERS

[Suspension Order S-902]

C. O. AUSTIN

C. O. Austin operates a saw mill at Gig Harbor, Washington. Between January 5, 1945 and June 23, 1945, he produced in his saw mill and sold 249,486 board feet of lumber, consisting principally of Douglas fir and of small quantities of Western hemlock, Western pine and cedar. All such lumber produced was graded No. 2, or better. 193,536 board feet of this lumber was sold by C. O. Austin on uncertified, unrated and unauthorized orders in violation of Limitation Order L-335. From August 1, 1944 to June 23, 1945, C. O. Austin failed to keep and preserve accurate and complete records of his production, inventory and sale of lumber, in violation of Priorities Regulation No. 1, C. O. Austin was familiar with Limitation Order L-335 and Priorities Regulation No. 1 and his actions consituted grossly negligent violations thereof.

These violations have diverted critical materials to uses not authorized by the War Production Board. In view of the foregoing, it is hereby ordered, that:

§ 1010.902 *Suspension Order No. S-902.* (a) C. O. Austin, his successors or assigns, shall not sell or deliver any lumber to customers unless and until he establishes and keeps his business records in conformity with § 944.15 of Priorities Regulation No. 1, as amended.

(b) Nothing contained in this order shall be deemed to relieve C. O. Austin, his successors or assigns, from any restriction, prohibition or provision contained in any other order or regulation of the War Production Board, except insofar as the same way be inconsistent with the provisions hereof.

(c) This order shall take effect on September 20, 1945, and shall expire December 1, 1945.

Issued this 10th day of September 1945.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 45-17592; Filed, Sept. 20, 1945; 11:36 a. m.]

PART 1010—SUSPENSION ORDERS

[Suspension Order S-903]

COPELAND LUMBER CO. AND I. C. BRAITHWAITE

The Copeland Lumber Company is a corporation engaged in the retail lumber business in the states of Washington, Oregon and California. It has seven branch lumber yards in the state of Washington, of which one is located at Olympia, and is managed by I. C. Braithwaite. During the period from April 4, to November 24, 1944 the Olympia yard of Copeland Lumber Company supplied new lumber and building materials of the value of $1603.54 for the construction of a residence which it knew or should have known was being carried on without authorization from the War Production Board and in violation of Conservation Order L-41. The furnishing of these building materials without ascertaining whether or not the construction was authorized by the War Production Board constituted a wilful violation of Conservation Order L-41.

Such violation has diverted critical materials to uses not authorized by the War Production Board. In view of the foregoing, it is hereby ordered, that:

§ 1010.903 *Suspension Order No. S-903.* (a) Neither the Olympia yard of the Copeland Lumber Company nor I. C. Braithwaite shall for four months from the effective date of this order apply or extend any preference ratings or use any CMP allotment symbols, regardless of the delivery date named in any purchase order to which such ratings may be applied or extended or on which CMP allotment symbols are used.

(b) Nothing contained in this order shall be deemed to relieve the Olympia yard of the Copeland Lumber Company and I. C. Braithwaite from any restriction, prohibition or provision contained in any other order or regulation of the War Production Board, except insofar as the same may be inconsistent with the provisions hereof.

(c) The restrictions and prohibitions contained herein shall apply to the Olympia yard of the Copeland Lumber Company and I. C. Braithwaite, their successors and assigns, or persons acting on their behalf. Prohibitions against the taking of any action include the taking directly as well as indirectly of any such action.

(d) This order shall take effect on September 20, 1945.

Issued this 10th day of September 1945.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 45-17593; Filed, Sept. 20, 1945; 11:36 a. m.]

PART 3290—TEXTILE, CLOTHING AND LEATHER

[Conservation Order M-217, as Amended Sept. 20, 1945]

FOOTWEAR

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of shoe manufacturing material for defense for private account and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 3290.191 *Conservation Order M-217.*—(a) *Applicability of priorities regulations.* This order and all transactions affected thereby are subject to all applicable regulations of the War Production Board and Conservation Order M-328, as amended from time to time, except as follows:

(1) Priorities Regulation 17 shall be inapplicable to footwear.

(2) Military footwear which has been rejected by Government inspectors and stamped to indicate its rejection may be sold without regard to Paragraph 944.11 of Priorities Regulation 1 or paragraph (c) (3) of Conservation Order M-328.

(b) *Definitions.* For the purposes of this order:

(1) "Footwear" includes house slippers, but does not include (i) rubber footwear or (ii) foot covering designed to be worn over shoes and utilizing no leather.

(2) "Work shoes" means any shoes or boots with unlined quarters which are designed to be worn at any form of work requiring specially heavy or substantially made footwear.

(3) "House slippers" means any footwear designed exclusively for indoor or house wear.

(4) "Line" means footwear of any one of the following types:

Men's dress
Men's work
Youths' and boys'
Women's and growing girls'
Misses' and children's
Infants'
House slippers

Athletic
Men's safety shoes, and
Women's safety shoes

to the extent that such type of footwear is manufactured for sale by the manufacturer in a price range where the highest list price does not exceed the lowest by more than 10% or 25¢ a pair (whichever is greater): *Provided*, That:

(i) Footwear of identical kind and quality sold at different prices to different types of purchasers may be included in one line if the highest price in the range is an actual price at which this footwear was sold during the base period, and the concession price for the same footwear is not more than 15% below the highest price in the range.

(ii) In case the sale by the manufacturer is at retail or to a purchaser which controls, is controlled by, or is subject to common control with, the manufacturer, then the applicable price range shall be the retail price range.

(iii) Up to and including the net wholesale price shown on the following schedule, each type of footwear listed may be deemed one line:

Type:	*Maximum net wholesale price per pair*
Misses' and children's	$1.75
Youths' and boys' (without leather)	1.90
Youths' and boys' (utilizing leather)	2.50
Women's and growing girls' (including safety) (without leather)	1.90
Women's and growing girls' (including safety) (utilizing leather)	2.50
Men's work, dress and safety (without leather)	1.90
Men's work, dress and safety (utilizing leather)	3.00
House slippers (with or without leather)	1.60
Infants', sizes 0–4 (utilizing leather)	.90
Infants', sizes 0–4 (made without leather)	.75
Infants', sizes 4½ to 8 (with or without leather)	1.35

NOTE: For the purposes of this schedule, footwear utilizing no leather except for heel top lifts shall be considered as having been made without leather.

(iv) Nothing in this order shall be deemed to permit overlapping price lines.

(5) "Military footwear" means military type footwear purchased by the Army or Navy of the United States (excluding post exchanges and ship's service stores, wherever situated), the United States Naval Academy at Annapolis, Maryland, the United States Military Academy at West Point, New York, the United States Maritime Commission, the Panama Canal, the Coast and Geodetic Survey, the Coast Guard, the Civil Aeronautics Authority, the National Advisory Committee for Aeronautics, the Office of Scientific Research and Development the War Shipping Administration, the Government of any of the following countries: Belgium, China, Czechoslovakia, Free France, Greece, Iceland, the Netherlands, Norway, Poland, Russia, Turkey, the United Kingdom (including its Dominions, Crown Colonies and Protectorates) and Yugoslavia; military type footwear purchased by any agency of the United States for delivery to or for the account of the Government of any country listed above, or any other country, including those in the Western Hemisphere, pursuant to the Act of March 11, 1941, entitled "An Act to Promote the Defense of the United States" (Lend-Lease Act); and custom-made footwear delivered for personnel of the Army or Navy of the United States.

(6) "Civilian footwear" as used in paragraph (f) includes all footwear except military footwear and rubber footwear.

(7) "Six months' base period" means any consecutive six calendar months within the period from July 1, 1942 through April 30, 1943 selected by a manufacturer as his base period for the purposes of this order.

(8) "Civilian line quota" means the number of pairs of civilian footwear within a single line manufactured by a person during his six months' base period, as set forth on his base period report.

(9) "Safety shoes" means protective occupational footwear incorporating or purporting to incorporate one or more of the following safety features: steel box toe; electrical conductivity; electrical resistance; non-sparking and moulders' (Congress type) protection (shoes which can be quickly removed, worn to protect against splashing metals).

(c) *Restrictions on attaching outsoles.* No person shall attach to any footwear (except infants' footwear, house slippers or women's gold or silver evening slippers) outsoles, other than wooden soles, not conforming to the specifications contained in Schedule I annexed to this order.

(d) *General exceptions.* None of the restrictions of this order shall apply to military footwear, or to footwear made as trials or pullovers but not sold.

(e) *Restrictions relating to sales and deliveries.* (1) No person shall sell or deliver any new footwear manufactured in the United States of America in violation of this order.

(2) No tanner or sole cutter shall deliver any leather to any shoe manufacturer if he knows or has reason to believe said leather is to be used in violation of the terms of this order.

(3) The prohibitions and restrictions of this paragraph shall not apply to:

(i) Deliveries of footwear or leather by or to any person having temporary custody thereof for the sole purpose of transportation or public warehousing.

(ii) Any bank, banker, or trust company affecting or participating in a sale or delivery of footwear or leather solely by reason of the presentation, collection, or redemption of an instrument, whether negotiable or otherwise.

(4) In making sales or delivery of any footwear, no person shall make discriminatory cuts in quantity or quality between customers who meet such person's regularly established prices, terms and credit requirements, or between customers and his own consumption of said footwear. Reduction in sales or deliveries proportionate with any curtailment in supply available for nonmilitary use shall not constitute a discriminatory cut.

(f) *Restrictions on production of lines of footwear.* (1) No person shall, during the four month period beginning September 1, 1945, or in any subsequent four month period, complete the manufacture of more civilian footwear within any line than the percentage of his civilian line quota for such line shown on the following schedule:

Each line of youths' and boys' shoes	100
Each line of men's safety shoes	100
Each line of men's work shoes	100
Each line of men's dress shoes	50
Each line of women's and growing girls' shoes	50
Each line of house slippers	50
Each line of athletic shoes	50
Each line of wome's safety shoes	50

With respect to (i) infants' footwear and (ii) misses' and children's footwear, no manufacturer may exceed 100% of his aggregate civilian line quotas for all lines of infants' footwear, and no manufacturer may exceed 100% of his aggregate civilian line quotas for all lines of misses' and children's footwear, but his production within each of these two types of footwear may be distributed among his established lines in any manner desired, except that the production in any line consisting of less than 50 pairs or 2% of the total production of that type of footwear (whichever is greater) during the base period may not be increased by more than 25%:

Provided, however, That to the extent that a manufacturer's production of military footwear shows a decrease below that during his six months' base period, his production within any line of civilian footwear may exceed the civilian line quota for such line by its proportionate part of such decrease; and to the extent that such manufacturer's production of military footwear shows an increase over that during the six months' base period, each civilian line quota of such manufacturer shall be diminished by its proportionate part of such increase.

(2) No person shall manufacture any line of footwear (except military footwear) not manufactured by him in his six months' base period.

(3) *Exceptions to paragraphs (f) (1) and (f) (2).* (i) A lower priced line of the same type of civilian footwear may be substituted in whole or in part for a higher priced line.

(ii) The unused quota of any higher priced line may be added to the quota of a lower priced line of the same type of civilian footwear.

Any person may add 100% of the unused portion of his civilian line quota or quotas of men's dress and women's and growing girls' shoes to his quotas of the types shown below:

Type:
Men's work shoes
Youths' and boys' shoes
Misses' and children's shoes
Infants' shoes

In no event shall any unused quota be added to a higher priced line.

(iii) A person may exceed his civilian line quota for any line of women's safety shoes if a pairage equal to such excess is deducted from some other line or lines of footwear.

(iv) During the four month period beginning September 1, 1945, or in any subsequent four month period a manufacturer whose total production for the period will be less than $200,000 (based on wholesale value) is not subject to paragraph (f) (1), provided that no new higher priced lines are added and provided the manufacturer does not exceed his aggregate production in pairs during his six months' base period by more than 40%. The exemption in this paragraph shall not apply to a manufacturer affiliated, as a subsidiary or otherwise with another or others. This paragraph shall not authorize any manufacturer to increase his production by more than 40% in any line consisting of less than 50 pairs or 2% of his total production of that type of footwear (whichever is greater) during the base period.

(v) Paragraphs (f) (1) and (f) (2) shall not apply to footwear for the physically maimed or deformed on a custom-made basis and not for stock, to wood sole clogs utilizing no leather, to shearling or fur house slippers utilizing no other leather (except for outsoles), or to footwear shown on the following schedule if manufactured for sale at or below the net wholesale prices shown opposite the respective types:

Type:	*Maximum net wholesale price per pair*
Misses' and children's	$1.75
Youths' and boys' (without leather)	1.90
Youths' and boys' (utilizing leather)	2.50
Women's and growing girls' (including safety) (without leather)	1.90
Women's and growing girls' (including safety) (utilizing leather)	2.50
Men's work, dress and safety (without leather)	1.90
Men's work, dress and safety (utilizing leather)	3.00
House slippers (with or without leather)	1.60
Infants', sizes 0–4 (utilizing leather)	.90
Infants', sizes 0–4 (made without leather)	.75
Infants', sizes 4½ to 8 (with or without leather)	1.35

NOTE: For the purposes of this schedule, footwear utilizing no leather except for heel top lifts shall be considered as having been made without leather.

However, any person who wishes to produce shoes under the foregoing exemption must so notify the War Production Board by letter, stating the types of shoes to be made, the materials to be used, the price ranges and his estimated four months' production. A person who has not previously produced shoes in such price ranges must obtain specific price approval from the Office of Price Administration. In no case, may a person commence the production of shoes under this exemption until he has received acknowledgment from the War Production Board of the receipt of the letter of intention to produce and, where pertinent, of evidence of price approval from the Office of Price Administration.

(vi) The War Production Board may authorize transfers of quotas of footwear from one line or type to any other line or type and new or additional production in each line or type. It will in general be the policy of the War Production Board to authorize new or additional production in lines which will not require materials, components, facilities or labor needed for war purposes, and will not otherwise adversely affect or interfere with production for war or essential civilian purposes. Authorization will not be dependent upon the applicant's having been engaged in the production of shoes during the base period.

Application for such authorization shall be made by letter, describing fully the footwear manufactured or proposed to be manufactured, listing in detail all the materials to be used, and stating the pairs desired to be made in each price range, the source of the manpower that will be required, whether production will be reduced in any other line or lines, and all other facts pertaining to the application. Authorization of production of new lines under this paragraph will be made only with the condition that production may not begin until evidence is furnished of conformity with applicable Office of Price Administration regulations.

The War Production Board will issue footwear manufacturers' quota numbers for quotas authorized by the War Production Board or established because of base period production.

Production in new price lines, or increased production in established lines, may be granted by the War Production Board to cover production of civilian footwear purchased by or on behalf of United Nations Relief and Rehabilitation Administration or any other agency for foreign relief purposes.

(vii) Manufacturers qualifying for an increase in price on footwear with non-marking synthetic rubber soles, or soles and heels, under Order No. 13 under § 1499.3 (e) (3) of General Maximum Price Regulations, issued by the Office of Price Administration, may disregard such increase for the purposes of this paragraph (f). However, where the increase results in production of shoes in a higher price line, the number of pairs so produced shall be reported separately on the manufacturer's production report at the actual price, as indicated in the revised directions to said form.

(viii) Where a manufacturer produced in his base period a line of misses' and children's footwear of less than 50 pair or 2% of his total production of that type, he may increase his production of this line in any four month period to not more than six times his lawful production of the line in January, 1945, *Provided*, That, he deducts the production in excess of 100% of his base period production in this line from his other lines of misses' and children's shoes.

(ix) Any person with an established quota or quotas for the production of women's and growing girls' shoes may produce up to 10% of his aggregate quota or quotas in women's all-over genuine reptile (including frog) shoes in any line or lines at a net wholesale price of $4.50 per pair or less, provided that the number of pairs of shoes produced under this paragraph (f) (3) (ix) is counted as production against the quota for that line or those lines, if any. In the event that there is no quota in a line in which such shoes are being produced, or that the number of pairs in the quota for that line does not equal the number of all-over genuine reptile (including frog) shoes produced, the number of such shoes produced must be counted as production against the quota for that line, if any, and for the next lower lines in descending order as to price as far as is necessary, and exhausting the quota of each line before proceeding to the next lower line. Records must be kept of the number of all-over genuine reptile shoes produced in each line.

(x) Subject to the rules stated in this paragraph (f) (3) (x), any person who has no quota for the production of footwear, may produce for the four month period beginning September 1, 1945, and for each subsequent four month period, 24,000 pairs in any line or lines; any person whose civilian line quotas total less than 24,000 may increase his quota to 24,000 pairs in any line or lines for the same four month period; and any person whose aggregate quotas total more than 24,000 pair may transfer up to 24,000 pairs to any line or lines.

A person who has no quota, and a person whose production under this paragraph (f) (3) (x) will result in the manufacture of a type for which he has no quota or in a price range higher than his highest established price range for the same type of footwear, must obtain evidence of specific approval of his prices from the Office of Price Administration and submit it by registered mail to the War Production Board, Textile, Clothing and Leather Bureau, Washington 25, D. C., Ref: M–217, together with a letter stating the number of pairs he intends to produce in each new price range and new type, and the kinds of materials he intends to use.

(4) The period selected by any person as his six months' base period shall apply to all lines and may not be subsequently changed. After July 11, 1944, lines manufactured by any person in his six months' base period as previously filed with the War Production Board may not be revised, except to bring them into conformity with this order.

(g) *Appeals.* Any appeal from the provisions of this order shall be made by filing a letter in triplicate referring to the particular provision appealed from and stating fully the grounds of the appeal.

(h) *Records.* All persons affected by this order shall keep and preserve records concerning their operations in accordance with § 944.15 of Priorities Regulation 1.

(i) *Reports.* All persons affected by this order shall file such reports and questionnaires as may be requested by the War Production Board subject to the approval of the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(j) *Communications.* All reports required to be filed hereunder, and all communications concerning this order, shall, unless otherwise directed, be addressed to: War Production Board, Textile, Clothing and Leather Bureau, Washington 25, D. C., Ref.: M–217.

(k) *Violations.* Any person who wilfully violates any provision of this order or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

Issued this 20th day of September 1945.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

SCHEDULE I—SPECIFICATIONS FOR SOLES

Abrasion. The material shall have a resistance to abrasion of not less than 4000 revolutions to abrade 50% of the thickness of the material; when tested on the type of machine used by and following the procedure of the National Bureau of Standards. The material may be tested on any other abrasive testing machine, using an appropriate number of abrasive strokes of revolutions to give abrasive action equivalent to the above.

Crackiness. The material shall not crack, after conditioning for 4 hours, at 32° F. and testing at that temperature, when bent 180° over a 3-inch mandrel. The material shall not crack, after aging for 48 hours at 120° F. ± 2° F. and reconditioning at 65 per cent ± 2 per cent relative humidity and 120° F. ± 2° F. when bent 180° over a 3-inch mandrel.

Tackiness. The material shall not become tacky or flow when subjected to a temperature of 120° F. ± 2° F. for 4 hours.

Stitch tear. Material which is used for stitched soles shall have a stitch tear strength of not less than 30 pounds when tested dry, and not less than 25 pounds when tested immediately after soaking in water for 4 hours. When the outsole is cemented securely to a backer or midsole, the test shall be made of the combined assembly.

Effect of water. After submerging in water at 75° F. ± 2° F. for 4 hours, the material shall not show visual evidence of delamination or separation and shall not show an increase in thickness of more than 20 per cent.

INTERPRETATION 1: Revoked August 27, 1945.
INTERPRETATION 2: Revoked August 7, 1945.
INTERPRETATION 3: Revoked August 26, 1944.
INTERPRETATION 4: Revoked May 1, 1945.
INTERPRETATION 5: Revoked June 14, 1945.
INTERPRETATION 6: Superseded Nov. 9, 1944.
INTERPRETATION 7: Superseded Nov. 9, 1944.

[F. R. Doc. 45–17583; Filed, Sept. 20, 1945; 11:37 a. m.]

PART 3292—AUTOMOTIVE VEHICLES, PARTS AND EQUIPMENT

[Limitation Order L–352]

EXPORT OF AUTOMOBILES AND TRUCKS

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of automobiles and trucks for defense, for private account and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense.

§ 3292.136 *General Limitation Order L–352*—(a) *Definitions.* For the purposes of this order:

(1) "Automobile" means any self-propelled vehicle designed for the purpose of carrying passengers, or the chassis therefor, with a seating capacity of not more than ten persons, including station wagons, taxicabs and coupes with or without pickup boxes, but not including ambulances, hearses or sedan deliveries.

(2) "Truck" means any light, medium or heavy motor truck, truck-tractor or the chassis therefor, or any chassis on which a bus body is to be mounted and which (i) was designed to be propelled or drawn by mechanical power; (ii) was designed for use on or off-the-highway, for transportation of property or persons. This definition includes vehicles of the following types: trucks, truck chassis, truck tractors, off-the-highway motor vehicles, bus chassis, carry-all suburbans, sedan deliveries and cab pickups, but does not include station wagons, coupes, fitted with pickup boxes, ambulances, hearses, taxicabs and integral type busses.

(b) *Limitations on production for export, and on export.* No producer of automobiles or trucks shall produce for export, or shall export, to any foreign country including Canada, any such vehicles in excess of the quantities authorized for such purposes by the War Production Board pursuant to this order. Exports of automobiles and trucks to any country other than Canada are subject to the export license requirements of the Foreign Economic Administration.

(c) *Export quotas for new exporters and adjustments of quotas.* Producers of automobiles and of trucks who have not previously exported such vehicles, and producers who desire adjustments in their export quotas may apply to the Automotive Division, War Production Board, Washington 25, D. C.

(d) *Reports.* Producers of automobiles and trucks shall report monthly to the War Production Board, the production of automobiles on Form WPB–4300 and the production of trucks on Form WPB–4341, in accordance with the instructions accompanying the forms.

(e) *Violations.* Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment.

(f) *Communications.* All communications concerning this order shall, unless otherwise directed, be addressed to: Automotive Division, War Production Board, Washington 25, D. C., Ref: Order L–352.

Issued this 19th day of September 1945.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 45–17521; Filed, Sept. 19, 1945; 11:36 a. m.]

Chapter XI—Office of Price Administration

PART 1390—MACHINERY AND TRANSPORTATION EQUIPMENT

[RMPR 136, Amdt. 11]

MACHINES, PARTS, AND INDUSTRIAL EQUIPMENT

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.

Revised Maximum Price Regulation 136 is amended in the following respects:

1. Section 19 is amended by adding the following paragraphs (f), (g) and (h):

(f) *Drop forgings, metal stampings and screw machine products.* The maximum prices for sales by a manufacturer to any purchaser of any new drop forgings, metal stampings or screw machine products for which the manufacturer had a published list price or an established price in effect on the base date shall be the prices established under section 7 or computed under section 8, increased by 8%. For the purposes of this section, the term "drop forgings" is confined to such of these forgings as are subject to Revised Maximum Price Regulation 136 as machines, or parts or subassemblies of machines, listed in Appendix A.

(g) *Radio tubes*—(1) *Definition.* For the purposes of this section the term "radio tubes" means radio receiving tubes, prices of which were filed with the Office of Price Administration in accordance with the requirements of Revised Price Schedule 84 or Maximum Price Regulation 136, as amended, or may hereafter be filed in accordance with section 25 (a) of this regulation, and which were in actual use for radio receiver purposes in March, 1942. The term does not mean special purpose and transmitting tubes or any tubes not made in March, 1942, or tubes for which list prices were not established on March 31, 1942.

(2) For the purposes of the increased prices provided by this paragraph, the phrase "base date prices" shall mean the maximum prices in effect on March 31, 1942, as established by Revised Price Schedule 84.

(3) The maximum prices for sales by manufacturers of new radio tubes, except sales of new radio tubes to resellers or sales for replacement purposes, shall be the higher of the following prices:

(i) For unmodified tubes, the maximum prices established by section 7 or the base date prices increased by 10.4%.

(ii) For modified tubes, the maximum prices computed under section 8 or the maximum prices computed under section 8 using the base date prices increased by 10.4% as the "established price in effect on the base date."

(h) *Radio parts*—(1) *Definition.* For the purposes of this section the term "radio parts" means all parts and appliances designed for incorporation in radio receivers, electrical phonographs, and radio phonograph combinations (except radio tubes, metal stampings and screw machine products) prices of which were filed with the Office of Price Administration in accordance with the requirements of Revised Price Schedule 84 or Maximum Price Regulation 136, as amended, or may hereafter be filed in accordance with section 25 (a) of this regulation, and which were in actual use for radio receiver, electric phonograph, and radio phonograph combination purposes in March, 1942.

(2) For the purposes of the increased prices provided by this paragraph, the phrase "base date prices" shall mean the maximum prices in effect on March 31, 1942, as established by Revised Price Schedule 84.

(3) The maximum prices for sales by manufacturers of any new radio parts for the purpose of installation in radio receivers, electric phonographs, or radio phonograph combinations, except sales of new radio parts to resellers or sales for replacement purposes, shall be the higher of the following:

(i) For unmodified radio parts, the prices established under section 7 or the base date prices increased by the following percentages:

	Percent
Coils for radio equipment, radio transformers and chokes	11
Variable capacitors, speakers and speaker parts	9
Fixed capacitors and parts for electric phonographs or electric phonographs combined with radios	7
All other radio parts	5

(ii) For modified radio parts, the prices computed under section 8 or the prices computed under section 8 using the base date prices increased by the percentages listed in the preceding subparagraph as the "established price in effect on the base date".

2. Appendix A: Products Covered by the Regulation, is amended by adding the following products and base date:

Electric phonographs and electric radio phonograph combination parts when sold by the manufacturer of the part or when sold to industrial, commercial or governmental users.	March 31, 1942.

This amendment shall become effective September 19, 1945.

Issued this 19th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45–17551; Filed, Sept. 19, 1945; 4:20 p. m.]

PART 1390—MACHINERY AND TRANSPORTATION EQUIPMENT

[MPR 351, Amdt. 6]

FERROUS FORGINGS

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.

Maximum Price Regulation 351 is amended in the following respects:

1. Section 1390.204 (b) is amended to read as follows:

(b) *Maximum prices.* For any ferrous forging for which the manufacturer had a list price in effect on October 1, 1941, the maximum price to any purchaser shall be such list price increased by 8% and adjusted for all extra charges, discounts, or allowances in use by the manufacturer on October 1, 1941, for a purchaser of the same class.

2. Section 1390.205 is amended to read as follows:

§ 1390.205 *Maximum prices; forgings without list prices*—(a) *General rule.* If the manufacturer had no list price in effect on October 1, 1941, the first applicable of the following prices shall be used:

(1) For any ferrous forgings which the manufacturer contracted to sell during the period April 1 to October 1, 1941, and at least once at any time prior to the last sale in that period, the maximum price shall be the net price at which the manufacturer last agreed to sell the forging during that period increased by 8%;

(2) For any forgings which the manufacturer contracted to sell at least twice prior to October 1, 1941, the maximum price shall be either (i) the net price at which the manufacturer last agreed to sell the forging increased by 8%, or (ii) the price computed under the provisions of § 1390.207.

There follows certain modifications of these rules.

(b) *Purchases of different classes.* If the price is established in any manner under paragraph (a) except by computation under § 1390.207 and the net price for the last sale prior to October 1, 1941 was applicable to purchasers of a particular class only, maximum prices to purchasers of other classes shall be determined by the use of the differentials in the price between different classes of purchasers which the manufacturer had in effect on October 1, 1941.

(c) *Quantity differentials.* If the price is established in any manner under paragraph (a) except by computations under § 1390.207 and the net price for the last sale prior to October 1, 1941 was applicable only to an order of a particular quantity, the maximum price applicable to an order of a smaller quantity may be adjusted, and for a larger quantity shall be adjusted, to reflect the difference in unit cost of producing the smaller or larger quantity: *Provided*, That the manufacturer customarily applied equivalent quantity differentials of the same nature, that is, based on differences in unit cost, on October 1, 1941. The difference in unit cost of producing the smaller or larger quantity shall be calculated on the basis of the price determining method and cost-estimating methods which the manufacturer used on October 1, 1941, in accordance with the applicable provisions of § 1390.207.

(d) *Comparable forgings.* For any ferrous forging for which the manufacturer had no list price in effect on October 1, 1941, and which is not priced under paragraph (a) except by computations under § 1390.207, but which is closely comparable to a forging the manufacturer agreed or offered to sell and which is priced under paragraph (a), except by computations under § 1390.207, the maximum price shall be the price for the most comparable forging established under paragraph (a) plus or minus the difference in total unit cost resulting from the change in specifications: However, this pricing method may be used only if it was the practice of the manufacturer on July 22, 1942, to calculate prices of forgings on the basis of prices previously charged for comparable forgings. For the purposes of this paragraph, total unit costs shall be calculated on the basis of the price-determining method and cost estimating methods which the manufacturer used on October 1, 1941, in accordance with the applicable provisions of § 1390.207. Changes in materials used, in tolerances, and in tests required may all be regarded as specification changes.

This amendment shall become effective September 19, 1945.

Issued this 19th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45–17552; Filed, Sept. 19, 1945; 4:20 p. m.]

PART 1373—PERSONAL AND HOUSEHOLD ACCESSORIES

[MPR 564, Amdt. 8]

FOUNTAIN PENS AND MECHANICAL PENCILS

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.

Maximum Price Regulation No. 564 is amended in the following respects:

1. Section 23 is amended by including the following manufacturers and adding retail ceiling prices for their fountain pens and mechanical pencils as set forth below:

Name	Brand	Article	Model	Retail ceiling price
Larter and Sons		Fountain pen	701C	$30.00
		do	701–1C	31.50
		do	703C	20.00
		do	703–1C	21.00
		Fountain pen and pencil	706C	30.00
		do	706–1C	32.00
		do	708C	28.00
		do	708–1C	30.00
		Mechanical pencils	2001C	20.00
		do	2001–1C	21.50
		do	2003C	16.00
		do	2003–1C	17.50
		do	2001C	18.00
		do	2001–1C(1)	19.50
		do	2870C	20.00
		do	2870–1C	21.50
		do	2950 pl	12.00
		do	2950–1	13.00

Name	Brand	Article	Model	Retail ceiling price
Larter and Sons—Continued		Mechanical pencils	2950R	$14.00
		do	2950-1R	15.00
		Fountain pen	801C	15.00
		do	801-1C	16.50
		do	801-3C	18.00
		do	802C	13.50
		do	802-1C	15.00
		do	802-3C	16.50
		do	803C	11.00
		do	803-1C	12.00
		do	809C	11.00
		do	809R	11.00
		do	809-1C	12.50
		do	809-1R	12.50
		do	809-3C	14.00
		do	809-3R	14.00
		do	813C	16.50
		do	813-1C	18.00
		do	813-3C	19.50
		do	814	10.50
		do	814-1	12.00
		do	814-3	13.00
		Fountain pen and pencil	806C	11.50
		do	806-1C	13.00
		do	806-3C	14.50
		do	808C	11.00
		do	808R	11.00
		do	808-1C	12.50
		do	808-1R	12.50
		do	808-3-C	14.00
		do	808-3R	14.00
		Pencil	3001C	9.50
		do	3001-1C	10.50
		do	3001-3C	12.00
		do	3004C	8.50
		do	3004-1C	9.50
		do	3005C	7.50
		do	3005R	7.50
		do	3005-1R	8.50
		do	3005-1C	8.50
		do	3005-3C	9.50
		do	3005-3R	9.50
		do	3001CD	8.00
		do	3001-1CD	9.00
		do	3001-3CD	10.50
		do	3421C	8.00
		do	3421-1C	9.00
		do	3421-3C	10.50
		do	3870C	8.50
		do	3870-1C	9.50
		do	3870-C3	11.00
		do	3917C	9.50
		do	3917-1C	10.50
		do	3917-3C	12.00
		do	3950 pl	6.50
		do	3950-1	7.00
		do	3950R	6.50
		do	3950-1R	7.50
		Fountain pen	901C	17.50
		do	901-1C	19.00
		do	901-3C	20.50
		do	902C	15.50
		do	902-1C	17.00
		do	902-3C	18.50
		do	903C	12.50
		do	903-1C	13.50
		do	909C	12.00
		do	909R	12.00
		do	909-1C	13.50
		do	909-1R	13.50
		do	909-3C	15.00
		do	909-3R	15.00
		do	913C	19.50
		do	913-1C	21.00
		do	913-3C	22.50
		Fountain pen and pencil	906C	13.00
		do	906-1C	14.50
		do	906-3C	16.00
		do	908SC	$12.50
		do	908R	12.50
		do	908-1C	14.00
		do	908-1R	14.00
		do	908-3C	15.50
		do	908-3R	15.50
		Pencil	4001C	11.00
		do	4001-1C	12.00
		do	4001-3C	13.50
		do	4004C	10.00
		do	4004-1C	11.00
		do	4005C	8.50
		do	4004R	8.50
		do	4005-1C	9.50
		do	4005-1R	9.50
		do	4005-3C	10.50
		do	4005-3R	10.50
		do	4870C	10.20
		do	4870-1C	11.20
		do	4870-3C	12.70
		do	4950	7.30
		do	4350R	7.80
		do	4950-1	8.00
		do	4950-1R	8.50
New Diamond Point Pen Co		Fountain pen	16A	2.98
Hudson Pen Co		do	N–PG 50	1.54
		do	N–PG 60	1.61
		do	N–PG 15	.80
		do	N–PG 10	.80
L. E. Waterman Co		do	1357	13.50
		do	F1357	5.75
Eberhard Faber Pencil Co	Elite	Mechanical pencil	3000	1.50
	Permapoint	do	1100	1.14
		do	1300	.95
		do	1850P	.45
		Fountain pen	2001	3.00
Alexander Mfg. Co		Mechanical pencil	100	1.00
Penmaster Co	Penmaster	Fountain pen		12.50

2. Section 23 is amended by changing the listing of the fountain pen #877 produced by L. E. Waterman Company to read as follows:

Name	Brand	Article	Model	Retail ceiling price
L. E. Waterman Co		Fountain pen	877	$8.75

This amendment shall become effective on the 24th day of September 1945.

Issued this 19th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-17550; Filed, Sept. 19, 1945; 4:20 p. m.]

PART 1305—ADMINISTRATION

[Rev. Supp. Order 123, Revocation]

A statement of the considerations involved in the issuance of this order has been issued simultaneously herewith and filed with the Division of the Federal Register.

Revised Supplementary Order 123, Suspension From Price Control of Certain Commodities, is hereby revoked, subject to the provisions of Supplementary Order 40.[1]

This order shall become effective September 25, 1945.

Issued this 20th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-17594; Filed, Sept. 20, 1945; 11:25 a. m.]

[1] 8 F. R. 4325.

PART 1388—DEFENSE-RENTAL AREAS

[Designation and Rent Declaration 31,[1] Incl. Amdts. 1-36]

DESIGNATION OF AREAS AND RENT DECLARATIONS RELATING TO SUCH AREAS

This compilation of Designation and Rent Declaration 31 includes Amendment 36, effective October 1, 1945. The items added or amended by Amendment 36 are indicated by notes.

In the judgment of the Price Administrator, defense activities have resulted or threatened to result in increases in the rents for housing accommodations in the areas designated in § 1388.1341 inconsistent with the purposes of the Emergency Price Control Act of 1942, and

In the judgment of the Price Administrator, it is necessary and proper in order to effectuate the purposes of the said act to issue this declaration, setting forth the necessity for, and recommendations with reference to, the stabilization or reduction of rents for defense-area housing accommodations within the defense-rental areas designated in § 1388.1341;

Therefore, under the authority vested in the Price Administrator by said act, this designation and rent declaration is issued.

Sec.
1388.1341 Designation.
1388.1342 Necessity.
1388.1343 Recommendations.
1388.1344 Maximum rent regulation.
1388.1345 Effective date.

AUTHORITY: §§ 1388.1341 to 1388.1345, inclusive, issued under 56 Stat. 23, 765.

§ 1388.1341 *Designation.* The following areas are hereby designated by the Price Administrator as areas where defense activities have resulted or threaten to result in an increase in rents for housing accommodations inconsistent with the purposes of the Emergency Price Control Act of 1942 and shall constitute defense-rental areas to be known by the names listed in the following table:

Name of defense-rental area	In State of—	Defense-rental area consists of—
(1) Alabama	Alabama	That portion of the State of Alabama not designated prior to October 5, 1942 by the Price Administrator as part of any defense-rental area, except the counties of Baldwin, Coffee, Dekalb, and Pike.
(2) Arizona	Arizona	That portion of the State of Arizona not designated prior to October 5, 1942 by the Price Administrator as part of any defense-rental area, except that portion of Mohave County which is south of the Colorado River and in Navajo County which is south of the Colorado River and in Navajo County and the Supervisorial Districts known as the Navajo Indian Reservation and the Supervisorial Districts within the Navajo Indian Reservation and the Supervisorial Districts of the Supervisors National Forest.
(3) Arkansas	Arkansas	That portion of the State of Arkansas not designated prior to October 5, 1942 by the Price Administrator as part of any defense-rental area, except the counties of Dallas, Johnson, Nevada, and Randolph.
(4) California	California	That portion of the State of California not designated prior to October 5, 1942 by the Price Administrator as part of any defense-rental area, and San Benito.
(5) Colorado	Colorado	That portion of the State of Colorado not designated prior to October 5, 1942 by the Price Administrator as part of any defense-rental area except the counties of Boulder, Chaffee, Garfield, Mesa, and Weld.
(6) Florida	Florida	That portion of the State of Florida not designated prior to October 5, 1942 by the Price Administrator as part of any defense-rental area except the Counties of Brevard, Charlotte, Columbia, Dade, Indian River, Lee, Manatee, Sarasota, Seminole, Taylor, Volusia, Wakulla, and Walton.
(7) Georgia	Georgia	That portion of the State of Georgia not designated prior to October 5, 1942 by the Price Administrator as part of any defense-rental area, except the Counties of Floyd, Hall, Laurens, Long, Sumter, Thomas, and Wilkinson.
(8) Idaho	Idaho	That portion of the State of Idaho not designated prior to October 5, 1942 by the Price Administrator as part of any defense-rental area, except the Counties of Ada, Canyon, Elmore, Minidoka and Twin Falls.
(9) Illinois	Illinois	That portion of the State of Illinois not designated prior to October 5, 1942 by the Price Administrator as part of any defense-rental area, except the Counties of Bond, Calhoun, Clinton, Jersey, Kankakee, Knox, La Salle, Madison, McHenry, Macoupin, Stephenson, and Mason.
(10) Indiana	Indiana	That portion of the State of Indiana not designated prior to October 5, 1942 by the Price Administrator as part of any defense-rental area, except the counties of Gibson,

Name of defense-rental area	In State of—	Defense-rental area consists of—
(11) Iowa	Iowa	Henry, Monroe, Porter, Posey, and Wayne. That portion of the State of Iowa not designated prior to October 5, 1942 by the Price Administrator as part of any defense-rental area, except the counties of Jasper, Jefferson, Johnson, Wapello, and Woodbury.
(12) Kansas	Kansas	That portion of the State of Kansas not designated prior to October 5, 1942 by the Price Administrator as part of any defense-rental area, except the counties of Barton, Cloud, Ellis, Finney, Ford, Gray, Morris, Russell, Pratt, Reno, and Stafford.
(13) Kentucky	Kentucky	That portion of the State of Kentucky not designated prior to October 5, 1942 by the Price Administrator as part of any defense-rental area, except the counties of Bullitt, Boyle, Clark, Daviess, Fayette, and Jefferson.
(14) Louisiana	Louisiana	That portion of the State of Louisiana not heretofore designated by the Price Administrator as part of any defense-rental area.
(15) Maine	Maine	That portion of the State of Maine not designated prior to October 5, 1942 by the Price Administrator as part of any defense-rental area, except the City of Eastport, and the Towns of Lubec, Perry, Pembroke, and Robbinston, in the County of Washington.
(16) Maryland	Maryland	That portion of the State of Maryland not designated prior to October 5, 1942, by the Price Administrator as part of any defense-rental area, except the counties of Calvert, Dorchester, Frederick, St. Marys, Wicomico, and Worcester.
(17) Dukes/Nantucket	Massachusetts	That portion of Dukes and Nantucket, not designated prior to October 5, 1942 by the Price Administrator as part of any defense-rental area, except the Counties of Grand Traverse, Hillsdale, and Shiawassee.
(18) Michigan	Michigan	
(19) Minnesota	Minnesota	That portion of the State of Minnesota not designated prior to October 5, 1942, by the Price Administrator as part of any defense-rental area, except the Counties of Clay and Otter Tail.
(20) Mississippi	Mississippi	That portion of the State of Mississippi not designated prior to October 5, 1942 by the Price Administrator as part of any defense-rental area, except the Counties of Jones, Lamar, and Warren.
(21) Missouri	Missouri	That portion of the State of Missouri not designated prior to October 5, 1942 by the Price Administrator as part of any defense-rental area, except the county of Buchanan.
(22) Montana	Montana	That portion of the State of Montana not designated prior to October 5, 1942 by the Price Administrator as part of any defense-rental area, except the county of Yellowstone.

[1] 9 F.R. 8823.
[1] Title amended by Am. 9.

Name of defense-rental area	In State of—	Defense-rental area consists of—
(23) Nebraska	Nebraska	That portion of the State of Nebraska, not designated prior to October 5, 1942, by the Price Administrator as part of any defense-rental area, except the Counties of Adams, Buffalo, Clay, Dakota, Dawes, Fillmore, Jefferson, Lincoln, Phelps, Redwillow, Thayer, and York.
(24) Nevada	Nevada	That portion of the State of Nevada not designated prior to October 5, 1942, by the Price Administrator as part of any defense-rental area, except that portion of Elko County situated within a radius of three miles from the center of United States Highway 40, where the said highway crosses the Nevada-Utah State line, and those portions of Esmeralda and Nye Counties consisting of Townships 1, 2, and 3 North and Townships 1, 2, and 3 South, Range 42 East, Mount Diablo Base and Meridian.
(25) New Hampshire	New Hampshire	That portion of the State of New Hampshire not heretofore designated by the Price Administrator as part of any defense-rental area.
(26) Ocean	New Jersey	County of Ocean.
(27) New Mexico	New Mexico	That portion of the State of New Mexico not designated prior to October 5, 1942 by the Price Administrator as part of any defense-rental area, except the Counties of Curry, De Baca, Quay, Roosevelt, San Miguel, Santa Fe, and the portion of Valencia County lying east of the Rio Puerco River.
(28) New York	New York	That portion of the State of New York not designated prior to October 5, 1942 by the Price Administrator as part of any defense-rental area, and the county of Rockland.
(29) North Carolina	North Carolina	That portion of the State of North Carolina not designated prior to October 5, 1942 by the Price Administrator as part of any defense-rental area, except the Counties of Alamance, Buncombe, Chowan, Edgecombe, Forsyth, Granville, Moore, Nash, Pender, Perquimans, Wake, and Washington.
(30) North Dakota	North Dakota	That portion of the State of North Dakota, not designated prior to October 5, 1942, by the Price Administrator as part of any defense-rental area, except the Counties of Cass and Ward.
(31) Ohio	Ohio	That portion of the State of Ohio, not designated prior to October 5, 1942, by the Price Administrator as part of any defense-rental area, except the counties of Clinton, Fayette, Guernsey and Licking.
(32) Oklahoma	Oklahoma	That portion of the State of Oklahoma not designated prior to October 5, 1942, by the Price Administrator as part of any defense-rental area, except the counties of Beckham, Canadian, Carter, Custer, Jackson, Pottawatomie, Stephens, Texas, Tillman and Washita.
(33) Oregon	Oregon	That portion of the State of Oregon not designated prior to October 5, 1942, by the Price Administrator as part of any defense-rental area, except the Counties of Douglas, Klamath, Lane, and Tillamook.
(34) Pennsylvania	Pennsylvania	That portion of the State of Pennsylvania not designated prior to October 5, 1942, by the Price Administrator as part of any defense-rental area, except the Counties of Bradford, Clinton and Elk.
(35) South Carolina	South Carolina	That portion of the State of South Carolina not designated prior to October 5, 1942, by the Price Administrator as part of any defense-rental area, except the counties of Colleton, Darlington, Florence, Georgetown, Marion, and Orangeburg and in the County of Horry, the townships of Conway, Dogwood Neck, and Socastee.
(36) South Dakota	South Dakota	That portion of the State of South Dakota not designated prior to October 5, 1942 by the Price Administrator as part of any defense-rental area, except the County of Codington.
(37) Tennessee	Tennessee	That portion of the State of Tennessee not designated prior to October 5, 1942 by the Price Administrator as part of any defense-rental area, except the counties of Anderson, Loudon, and Roane.
(38) Texas	Texas	That portion of the State of Texas not designated prior to October 5, 1942 by the Price Administrator as part of any defense-rental area except the Counties of Bee, Brazos, Brewster, Collin, Collingsworth, Cottle, Denton, Gregg, Hall, Hardeman, Kerr, Smith, Uvalde, Val Verde, Webb, Winkler, Wood, and that portion of the City of Winnsboro in Franklin County and Justices' Precincts 1, 6, and 7 in the County of Caldwell.
(39) Utah	Utah	That portion of the State of Utah not heretofore designated by the Price Administrator as part of any defense-rental area.
(40) Vermont	Vermont	That portion of the State of Vermont not heretofore designated by the Price Administrator as part of any defense-rental area.
(41) Virginia	Virginia	That portion of the State of Virginia not designated prior to October 5, 1942 by the Price Administrator as part of any defense-rental area, except the Counties of Accomac, Frederick, Northampton, Roanoke, Shenandoah, and Warren, and the Independent Cities of Danville, Roanoke, and Winchester, and in Pittsylvania County, the Magisterial Districts of Tunstall and Dan River and in Rockbridge County, the Magisterial District of Lexington.
(42) Washington	Washington	That portion of the State of Washington not designated prior to October 5, 1942, by the Price Administrator as part of any defense-rental area, except that portion of Grant County lying between the south line of Township 23 North and the north line of Township 16 North, and Mason County, and in the County of Benton the Precincts of Finley, South Kennewick, Kennewick Gardens, Kennewick Valley, Kennewick, Richland, Benton City, Garley, Columbia, East Prosser, Expanston, Hanford, Highlands-Horn Rapids, Hoover, Khona, North Prosser, Paterson, Prosser, Rattlesnake, Riversde, Thurston, Walnut Grove, Wellington, West Prosser, and White Bluffs.
(43) West Virginia	West Virginia	That portion of the State of West Virginia, not designated prior to October 5, 1942, by the Price Administrator as part of any defense-rental area, except the Counties of Berkeley, Harrison, and Logan, and the Magisterial District of Poca[illegible] in the County of Putnam.
(44) Wisconsin	Wisconsin	That portion of the State of Wisconsin, not designated prior to October 5, 1942, by the Price Administrator as part of any defense-rental area, except the Counties of Buffalo, La Crosse, and Pepin, that portion of the City of Waupaca in the County of Dodge, and that portion of the City of Kiel in the County of Calumet.
(45) Wyoming	Wyoming	That portion of the State of Wyoming not designated prior to October 5, 1942, by the Price Administrator as part of any defense-rental area, except the Counties of Converse and Hot Springs, and that portion of Big Horn County lying outside the Big Horn National Forest and that portion of Park County lying outside of the Shoshone National Forest.
(46) Cape Charles	Virginia	County of Northampton.
(47) Laredo	Texas	County of Webb.
(48) Lake City	Florida	County of Columbia.
(49) Boise	Idaho	Counties of Ada and Elmore.
(50) Kankakee	Illinois	County of Kankakee.
(51) La Salle County	do	County of La Salle.
(52) Hutchinson	Kansas	County of Reno.
(53) Dodge City	do	Counties of Finney, Ford, and Gray.
(54) Kearney	Nebraska	County of Buffalo.
(55) Southern Pines	North Carolina	County of Moore.
(56) Clinton-Elk City	Oklahoma	Counties of Beckham, Custer, and Washita.
(57) Florence	South Carolina	County of Florence.
(58) Bryan	Texas	County of Brazos.
(59) Del Rio	do	Counties of Kinney, Uvalde, and Val Verde.
(60) Hastings	Nebraska	Counties of Adams and Clay.
(61) Ottumwa	Iowa	County of Wapello.
(62) Miami	Florida	County of Dade and in the county of Broward, the City of Hollywood and the town of Hallandale.
(63) Americus	Georgia	County of Sumter.
(64) Macomb-Canton	Illinois	Counties of Fulton, McDonough, and Mason.
(65) Laurel	Mississippi	County of Jones.
(66) McCook	Nebraska	County of Redwillow.
(67) Burlington, N. C.	North Carolina	County of Alamance.
(68) Altus	Oklahoma	County of Jackson.
(69) Atlantic County	New Jersey	County of Atlantic.
(70) Brady	Texas	County of McCulloch.
(71) Ephrata	Washington	That portion of Grant County lying between the south land of Township 23 North and the north land of Township 16 North.
(72) Baldwin County	Alabama	County of Baldwin.
(73) Fort Pierce	Florida	County of St. Lucie.
(74) San Miguel County	New Mexico	County of San Miguel.
(75) La Crosse	Wisconsin	County of La Crosse.
(76) Great Bend	Kansas	Counties of Barton, Ellis, Pawnee, and Russell.
(77) Asheville	North Carolina	County of Buncombe.
(78) Rocky Mount	do	Counties of Edgecombe and Nash.
(79) Lockhart	Texas	Justices' Precincts 1, 6, and 7 in the County of Caldwell.
(80) Sweetwater	do	County of Nolan.
(81) Hillsdale	Michigan	County of Hillsdale.
(82) Martinsburg	West Virginia	County of Berkeley.
(83) Galesburg	Illinois	County of Knox.
(84) Pender County	North Carolina	County of Pender.
(85) Douglas	Wyoming	County of Converse.
(86) St. Augustine	Florida	County of St. Johns.
(87) Dublin	Georgia	County of Laurens.
(88) Thomasville	do	Thomas County and those portions of the towns of Pavo and Barwick in Brooks County and that portion of the town of Meigs in Mitchell County.
(89) Sioux City	Iowa	County of Woodbury.
	Nebraska	County of Dakota.
(90) Pratt	Kansas	County of Pratt.
(91) Owensboro	Kentucky	County of Daviess
(92) Frederick	Maryland	County of Frederick.
(93) Lenoir City	Tennessee	County of Loudon.
(94) Owosso	Michigan	County of Shiawassee.
(95) Myrtle Beach	South Carolina	In the county of Horry, the townships of Conway, Dogwood Neck, and Socastee.
(96) Grand Junction	Colorado	County of Mesa.
(97) Rochester	Minnesota	County of Olmsted.
(98) Clarksville	Arkansas	County of Johnson.
(99) Fairbury-York	Nebraska	Counties of Fillmore, Jefferson, Thayer, and York.
(100) Goldfield-Tonopah	Nevada	Those portions of Esmeralda and Nye Counties consisting of Townships 1, 2, and 3 North and Townships 1, 2, and 3 South, Range 42 East, Mount Diablo Base and Meridian.
(101) Shawnee	Oklahoma	County of Pottawatomie.
(102) McKinney	Texas	County of Collin.
(103) Front Royal	Virginia	County of Warren.
(104) Imperial	California	County of Imperial.
(105) Boulder	Colorado	County of Boulder.
(106) De Funiak Springs	Florida	County of Walton.
(107) Ardmore	Oklahoma	County of Carter.
(108) Orangeburg	South Carolina	County of Orangeburg.
(109) Longview	Texas	County of Gregg.
(110) Fort Lauderdale	Florida	Broward County except the City of Hollywood and the Town of Hallandale.
(111) Sarasota	Florida	County of Sarasota.
(112) Klamath Falls	Oregon	County of Klamath.
(113) Perry	Florida	County of Taylor.
(114) Woodstock	Illinois	County of McHenry.
(115) Fairfield	Iowa	County of Jefferson.
(116) Westchester County	New York	County of Westchester.
(117) Winslow	Arizona	Supervisorial Districts 1 and 2 in Navajo County, except those portions lying within the Navajo Indian Reservation and the Sitgreaves National Forest.
(118) San Benito	California	County of San Benito.
(119) Greeley	Colorado	County of Weld.
(120) Gainesville	Georgia	County of Hall.
(121) Ludowici	Georgia	County of Long.
(122) Iowa City	Iowa	County of Johnson.
(123) Danville	Kentucky	County of Boyle.
(124) Lexington	Kentucky	Counties of Clark, and Fayette.
(125) Eastport	Maine	The City of Eastport and the Towns of Lubec, Perry, Pembroke, and Robbinston in the County of Washington.
(126) Lamar County	Mississippi	County of Lamar.
(127) Belen	New Mexico	That portion of Valencia County lying east of the Rio Puerco River.
(128) Washington Court House	Ohio	County of Fayette.
(129) Cody-Lovell	Wyoming	That portion of Big Horn County lying outside of the Big Horn National Forest and that portion of Park County lying outside of the Shoshone National Forest.
(130) Bloomington, Ind.	Indiana	County of Monroe.
(131) Lane County	Oregon	County of Lane.
(132) Punta Gorda	Florida	County of Charlotte.
(133) Troy, Ala.	Alabama	County of Pike.
(134) Daytona Beach	Florida	County of Volusia.
(135) St. Joseph	Missouri	County of Buchanan.
(136) Holdrege	Nebraska	County of Phelps.
(137) Duncan	Oklahoma	County of Stephens.
(138) Guymon	Oklahoma	County of Texas.
(139) Kerrville	Texas	County of Kerr.
(140) Danville, Va.	Virginia	The Independent City of Danville, and in Pittsylvania County the Magisterial Districts of Tunstall and Dan River.
(141) Mt. Vernon, Ind.	Indiana	County of Posey.
(142) Princeton, Ind.	Indiana	County of Gibson.
(143) Valparaiso	Indiana	County of Porter.
(144) Concordia	Kansas	County of Cloud.
(145) Council Grove	Kansas	County of Morris.
(146) Stafford County	Kansas	County of Stafford.
(147) Bowling Green	Kentucky	County of Warren.
(148) Mayfield	Kentucky	County of Graves.
(149) Traverse City	Michigan	County of Grand Traverse.
(150) Vicksburg, Miss.	Mississippi	County of Warren.
(151) Billings	Montana	County of Yellowstone.
(152) Plymouth	North Carolina	County of Washington.
(153) Raleigh	North Carolina	County of Wake.
(154) Winston-Salem	North Carolina	County of Forsyth.
(155) Mineola	Texas	County of Wood and that portion of the City of Winnsboro in Franklin County.
(156) Logan	West Virginia	County of Logan.
(157) New Castle	Indiana	Henry.
(158) Cumberland	Maryland	Allegany.
(159) North Platte	Nebraska	Lincoln.
(160) Minot	North Dakota	Ward.
(161) Wilmington	Ohio	Clinton.
(162) Watertown	South Dakota	Codington.
(163) Memphis-Quanah	Texas	Collingsworth, Cottle, Hall, and Hardeman Counties, Texas.
(164) Nampa-Caldwell	Idaho	Canyon.
(165) [Revoked]		
(166) Palm Beach County	Florida	Palm Beach.
(167) Sanford	Florida	Seminole.
(168) Vero Beach	Florida	Indian River.
(169) Rome	Georgia	Floyd.
(170) Tucumcari	New Mexico	Quay.
(171) Oxford	North Carolina	Granville.
(172) Douglas	Oregon	Douglas.
(173) Bradford	Pennsylvania	Bradford.
(174) Roanoke	Virginia	Roanoke County and the Independent City of Roanoke.
(175) Olympia	Washington	Thurston.
(176) Shelton	Washington	Mason.
(177) Thermopolis	Wyoming	Hot Springs.
(178) Twin Falls	Idaho	Cassia, Minidoka, and Twin Falls.
(179) Freeport	Illinois	Stephenson.
(180) Eastern Shore	Maryland	Dorchester, Wicomico, and Worcester.
	Virginia	Accomac.
(181) Dawes County	Nebraska	Dawes.
(182) Fargo-Moorhead	North Dakota	Cass, Minnesota, Clay.
(183) Cambridge, Ohio	Ohio	Guernsey.
(184) Clarksburg	West Virginia	Harrison.
(185) Mondovi-Durand	Wisconsin	Buffalo and Pepin.
(186) Darlington	South Carolina	Darlington.
(187) Georgetown	South Carolina	Georgetown.
(188) Marion	South Carolina	Marion.
(189) Winkler County	Texas	Winkler.
(190) Lexington, Va.	Virginia	In the County of Rockbridge, the Magisterial District of Lexington.
(191) Winchester	Virginia	Independent City of Winchester, and the Counties of Frederick and Shenandoah.
(192) Frederick	Oklahoma	County of Tillman.
(193) Eagle Pass	Texas	County of Maverick.
**(194) Santa Fe	New Mexico	Santa Fe.

*Item revoked.

**Item added by Am. 36, effective 10-1-45.

[§ 1388.1341 amended by Am. 1, 8 F.R. 122, effective 1-1-43; Am. 2; Am. 3, 8 F.R. 1228, effective 2-1-43; Am. 4, 8 F.R. 1749, effective 2-6-43; Am. 5, 8 F.R. 4779, effective 4-15-43; Am. 6, 8 F.R. 5738, effective 5-1-43; Am. 7, 8 F.R. 5739, effective 5-1-43; Am. 8, 8 F.R. 10739, effective 8-1-43; Am. 9, 8 F.R. 12099, effective 9-1-43; Am. 10, 8 F.R. 12624, effective 9-15-43; Am. 11, 8 F.R. 13920, effective 11-1-43; Am. 12, 8 F.R. 14012, effective 10-15-43; Am. 13, 8 F.R. 14687, 15581, effective 11-1-43; Am. 14, 8 F.R. 16209, effective 12-1-43; Am. 15, 9 F.R. 972, effective 2-1-44; Am. 16, 9 F.R. 3232, effective 4-1-44; Am. 17, 9 F.R. 4541, effective 5-1-44; Am. 18, 9 F.R. 5823, effective 6-1-44; Am. 19, 9 F.R. 5915, effective 6-1-44; Am. 20, 9 F.R. 7329, effective 7-1-44; Am. 21, 9 F.R. 9265, effective 8-1-44; Am. 22, 9 F.R. 9513, effective 9-1-44; Am. 23, 9 F.R. 11540, effective 10-1-44; Am. 24, 9 F.R. 11798, effective 10-1-44; Am. 25, 9 F.R. 12866, effective 11-1-44; Am. 26, 9 F.R. 14061, effective 12-1-44; corrected 9 F.R. 15059, effective 12-27-44; Am. 27, 9 F.R. 15156, effective 1-1-45; Am. 28, 10 F.R. 1103, effective 2-1-45; Am. 29, 10 F.R. 2406, effective 3-1-45; Am. 30, 10 F.R. 3435, effective 4-1-45; Am. 31, 10 F.R. 3556, effective 4-1-45; Am. 32, 10 F.R. 4714, effective 5-1-45; corrected 10 F.R. 5576, effective 5-14-45; Am. 33, 10 F.R. 6401, effective 6-1-45; Am. 34, 10 F.R. 8016, effective 7-1-45; and Am. 35, 10 F.R. 11294, effective 8-31-45.

§ 1388.1342 *Necessity.* The necessity for stabilization or reduction of rents for defense-area housing accommodations in the defense-rental areas designated in § 1388.1341 is as follows:

The designations of defense-rental areas hereby and heretofore made, in-

clude the entire United States. The problem of inflation is nation-wide, and effective prevention of inflation requires nation-wide action affecting substantially all elements of the national economy. War conditions have caused widespread increases in rents, and threaten further general price and rent rises. Any increases in housing rentals, an important factor in the cost of living, have serious inflationary effects. Additional rental increases are threatened not only by increased migrations from one part of the country to another in connection with war production and new or expanding military establishments, but also by general factors affecting the economy including the greatly increased purchasing power of the people of the nation in relation to a relatively stable and limited supply of housing. In each of the designated defense-rental areas, defense activities have resulted or threaten to result in an increase in rents for housing accommodations inconsistent with the purposes of the Emergency Price Control Act of 1942.

§ 1388.1343 *Recommendations.* It is the judgment of the Price Administrator that by April 1, 1941, defense activities had not yet resulted in increases in rents for housing accommodations within any of the defense-rental areas designated in § 1388.1341 inconsistent with the purposes of the act. Accordingly, the Price Administrator has ascertained and given due consideration to the rents prevailing for housing accommodations within each of the designated areas on or about March 1, 1942. The Price Administrator has considered, so far as practicable, relevant factors deemed by him to be of general applicability, including fluctuations in property taxes and other costs. It is the judgment of the Price Administrator that the recommendations hereinafter set forth are generally fair and equitable and will effectuate the purposes of the act.

Recommendations with reference to the stabilization or reduction of rents for housing accommodations within each of the designated defense-rental areas are as follows:

(a) The maximum rent for housing accommodations rented on March 1, 1942 should be the rent for such accommodations on that date. Appropriate provision consistent with such maximum rent date should be made for the maximum rent for housing accommodations not rented on March 1, 1942. In appropriate cases, including those relating to new construction or substantial changes of housing accommodations, provision consistent with the Emergency Price Control Act of 1942 should be made for the determination, adjustment, and modification of maximum rents of housing accommodations, but in principle such rents should not be greater than the rents generally prevailing for comparable accommodations in the particular area on March 1, 1942.

(b) Appropriate provision should be made with respect to the restraint of evictions and other actions relating to the recovery of possession.

(c) Appropriate provision should be made to prevent the circumvention or evasion of maximum rents by any method whatever.

§ 1388.1344 *Maximum rent regulation.* If within sixty days after the issuance of this designation and rent declaration, rents for housing accommodations within any defense-rental area designated in § 1388.1341 have not in the judgment of the Price Administrator been stabilized or reduced by State or local regulation, or otherwise, in accordance with the foregoing recommendations, the Price Administrator may by regulation or order establish such maximum rent or maximum rents for such accommodations as in his judgment will be generally fair and equitable and will effectuate the purposes of the Emergency Price Control Act of 1942.

§ 1388.1345 *Effective date.* This designation and rent declaration (§§ 1388.1341 to 1388.1345, inclusive) shall become effective October 5, 1942. [Designation and Rent Declaration 31 originally issued October 5, 1942]

[Effective dates of amendments are shown in notes following the parts affected]

Issued this 20th day of September 1945.

CHESTER BOWLES,
Administrator.

[F R Doc 45-17595, Filed, Sept. 20, 1945 11:25 a. m.]

PART 1388—DEFENSE-RENTAL AREAS

[Hotels and Rooming Houses,[1] Amdt. 63]

HOTELS AND ROOMING HOUSES

Item 197b is added to Schedule A of the Rent Regulation for Hotels and Rooming Houses to read as follows:

Name of defense-rental area	State	County or counties in Defense-Rental Area under rent regulation for hotels and rooming houses	Maximum rent date	Effective date of regulation	Date by which registration statement to be filed (inclusive)
197b Santa Fe	New Mexico	Santa Fe	July 1, 1941	Oct. 1, 1945	Nov. 15, 1945

This amendment shall become effective October 1, 1945.

NOTE: All reporting and record-keeping requirements of this amendment have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 20th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-17596; Filed, Sept. 20, 1945; 11:25 a. m.]

PART 1388—DEFENSE-RENTAL AREAS

[Housing,[2] Amdt. 68]

HOUSING

Item 197b is added to Schedule A of the Rent Regulation for Housing to read as follows:

Name of defense-rental area	State	County or counties in Defense-Rental Areas under rent regulation for housing	Maximum rent date	Effective date of regulation	Date by which registration statement to be filed (inclusive)
(197b) Santa Fe	New Mexico	Santa Fe	July 1, 1941	Oct. 1, 1945	Nov. 15, 1945

This amendment shall become effective October 1, 1945.

NOTE: All reporting and record-keeping requirements of this amendment have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 20th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-17597; Filed, Sept. 20, 1945; 11:25 a. m.]

[1] 10 F.R. 3452, 3555, 3556, 3950, 4713, 5089, 5576, 5579, 6400, 7849, 7853, 8017.

[2] 10 F.R. 3436, 3555, 3951, 4714, 4713, 5089, 5577, 5603, 6074, 6400, 7853, 7849, 8017.

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, War Department

PART 203—BRIDGE REGULATIONS

ALLOWAY CREEK, QUINTON, N. J.

Pursuant to the provisions of section 5 of the River and Harbor Act of August 18, 1894 (28 Stat. 362; 33 U.S.C. 499), the following regulations are prescribed to govern the operation of the swing span of the New Jersey State Highway Department bridge across Alloway Creek on Route 49 at Quinton, New Jersey:

§ 203.224 *Alloway Creek, N. J.; New Jersey State Highway Department bridge at Quinton, N. J.* (a) The owner of or agency controlling the bridge will not be required to keep a draw tender in constant attendance.

(b) Whenever a vessel unable to pass under the closed bridge desires to pass through the draw, at least 24 hours' advance notice of the time the opening is required shall be given to the authorized representative of the owner or agency controlling the bridge.

(c) Upon receipt of such advance notice, the said authorized representative shall arrange for the prompt opening of the draw at the time specified in the notice for the passage of the vessel.

(d) The owner of or agency controlling the bridge shall keep conspicuously posted on both the upstream and downstream sides thereof, in such manner that it can be easily read at any time, a copy of these regulations, together with a notice stating exactly how the representative specified in paragraph (b) may be reached.

(e) The operating machinery of the draw shall be maintained in a serviceable condition, and the draw shall be opened and closed at intervals frequent enough to make certain that the machinery is in proper order for satisfactory operation. (28 Stat. 362; 33 U.S.C. 499) [Regs. 8 September 1945 (CE 823 (Alloway Creek—Quinton, N. J.)—SPEWR)]

[SEAL] EDWARD F. WITSELL,
Major General,
Acting The Adjutant General.

[F. R. Doc. 45-17528; Filed, Sept. 19, 1945; 2:49 p. m.]

TITLE 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans' Administration

PART 25—MEDICAL

HOSPITAL AND DOMICILIARY CARE

§ 25.6060 *Out-patient treatment.* (a) Out-patient treatment, medical or dental, including necessary medicines, prosthetic appliances and other supplies, may be rendered to the following applicants under the conditions stated:

(1) Veterans of wars as defined in § 25.6047 (a) (1) of this chapter and officers retired for disability under the provisions of the Emergency Officers Retirement Act (Public No. 506, 70th Congress, as amended) who are in need of treatment for a disease or injury adjudicated as incurred or aggravated in active Federal service.

(2) Persons included in § 35.011 (c) and § 35.012 (d) of this chapter (approved May 11, 1944), who are in need of treatment for an injury or disease incurred in line of duty and for which they are receiving disability compensation or pension.

(3) Persons retired under the provisions of Public No. 18, 76th Congress, or Public No. 262, 77th Congress, who are in need of treatment for a disease or injury determined as incurred or aggravated in line of duty in active service.

(4) Retired members of the Regular Establishment who have elected, under Public No. 314, 78th Congress, to receive pension for a service-connected condition and who are in need of treatment for such condition.

(5) Persons who were honorably discharged from the Army, Navy, Marine Corps or Coast Guard for disability incurred or aggravated in line of duty in active service or who are in receipt of pension for service-connected disability. A formal claim for disability compensation or pension will not be required of an applicant eligible for out-patient treatment by reason of discharge for disability incurred or aggravated in line of duty; and a denial of a claim for disability compensation or pension will not debar out-patient treatment for such disability. (See determination of line of duty, § 25.6047 (b) (4).)

(6) Persons pursuing a course of vocational training authorized under Public No. 16, 78th Congress, who are in need of treatment to avoid interruption of such training.

(7) Persons properly referred by authorized officials of other Federal agencies, for which the Administrator of Veterans Affairs may agree to render such service under conditions stipulated by him, and Canadian and British pensioners of World War I, upon request of the Department of Veterans Affairs, Ottawa, Canada. Charges for treatment of patients of the classes specified herein will be at prescribed rates.

(8) Employees of the Veterans Administration, their families and the general public in emergencies, subject to conditions stipulated by the Administrator of Veterans Affairs. Charges for treatment of patients specified herein will be at prescribed rates.

(b) While out-patient treatment is primarily authorized only for service-connected conditions, adjunct out-patient treatment for a nonservice-connected condition which is associated with and held to be aggravating disability from a disease or injury service connected may be also authorized in accordance with prescribed principles for persons defined in paragraph (a) (1) to (5) inclusive of this section. The opinion of the medical director may be requested in any individual case where advice as to the propriety of furnishing adjunct treatment is desired.

(c) Canceled. (September 24, 1945.) [53 Stat. 557, 10 U.S.C. 369a; 55 Stat. 733; 38 U.S.C. Supp. 12.]

§ 25.6065 *Statutory discharge of actively tuberculous patients.* (a) Beneficiaries with active tuberculosis, the disability from which has been adjudicated as attributable to service in World War I who have been hospitalized for a continuous period of one year under proper medical supervision; whose condition, it is adjudged, will not reach arrest by further hospitalization; and whose discharge from hospital treatment will not be prejudicial to themselves or their families, will be potentially eligible for the statutory hospital discharge authorized in section 202 (3), World War Veterans' Act, 1924, as provided by Public No. 141, 73d Congress. (September 24, 1945.)

No change in (b) or (c).

[SEAL] OMAR N. BRADLEY,
General, U. S. Army,
Administrator of
Veterans Affairs.

[F. R. Doc. 45-17587; Filed, Sept. 20, 1945; 11:22 a. m.]

PART 36—REGULATIONS UNDER SERVICEMEN'S READJUSTMENT ACT OF 1944

AWARDING OF SUBSISTENCE ALLOWANCES

(1) Determinations as to whether a discharge or release from active service was by reason of an actual service-incurred disease or injury, within the purview of Veterans Regulation No. 1 (a), Part VIII, Public No. 346, 78th Congress.

(2) Awarding of subsistence allowances under Veterans Regulation No. 1 (a), Part VIII, Public No. 346, 78th Congress.

Section 36.205 (c) and (d) of regulations under Servicemen's Readjustment Act of 1944 are amended as follows:

§ 36.205 *Awards of subsistence allowances and effective date.* • • •

(c) Reduction of an award of subsistence allowance payable on account of education or training shall be effective:

(1) In the event of death of a dependent, as of the date of death;

(2) In the event of divorce, the date preceding date of divorce;

(3) In case of a child, the date preceding the eighteenth anniversary of date of birth or if attending school after age of eighteen, the date of cessation of school attendance or date preceding the twenty-first anniversary of the date of birth, whichever is the earlier; the date preceding the date of marriage; in case of cessation of incapacity to support self by reason of mental or physical defect, last day of month in which reduction is approved;

(4) By reason of wages, compensation or other income received while performing productive labor as a part of his apprentice or other training-on-the job at institutions, business or other establishments, according to facts shown, unless such action will result in an overpayment, in which event the first of the following month;

(5) By reason of change from a full-time to a part-time course, according to the facts shown, unless such action will create an overpayment, in which event the first of the following month.

(d) Discontinuance of an award of subsistence allowance payable on account of education or training because of interruption or termination of course, or attainment of full-time employment not related to his course of education or training shall be effective:

(1) Interruption of course, according to the facts shown, unless such action results in an overpayment, in which event the first of the following month;

(2) Obtainment of full-time employment not related to his course of education or training, according to the facts

shown, unless such action results in an overpayment, in which event the first of the following month;

(3) Termination of course, the end of the month in which the course is completed.

(58 Stat. 284; 38 U. S. C. 693)

[SEAL] OMAR N. BRADLEY,
General, U. S. Army,
Administrator of
Veterans Affairs.

SEPTEMBER 12, 1945.

[F. R. Doc. 45-17586; Filed, Sept. 20, 1945; 11:22 a. m.]

PART 36—REGULATIONS UNDER SERVICEMEN'S READJUSTMENT ACT OF 1944

ALLOWANCES TO SELF-EMPLOYED; OPERATIONS OF STATE COOPERATING AGENCIES

Section 36.514 (f), (g) and (h) are amended as follows:

§ 36.514 *Allowances to the self-employed.* * * *

(f) Such claim shall be examined and a determination made in respect thereto by the State agency. This determination will include the eligibility of the claimant and the amount of the allowance. If the claim is allowed, the number of weeks of entitlement of the claimant will be decreased by five (5).

(g) Each claim that is allowed shall be properly endorsed, both as to eligibility and the amount of the allowance, by the State agency and the original thereof delivered to the agent. Payment of the allowance will be secured by appropriate certification to the nearest Treasury Disbursing Office.

(h) The determination of the State agency in respect to a self-employed claim shall be subject to the same procedures relating to appeals that now govern, or that shall be made to govern, appeals from a determination in respect to an unemployed claim.

Paragraph (i) of § 36.514 is revoked.

(58 Stat. 284; 38 U.S.C. 693)

[SEAL] OMAR N. BRADLEY,
General, U. S. Army,
Administrator of
Veterans Affairs.

SEPTEMBER 14, 1945.

[F. R. Doc. 45-17585; Filed, Sept. 20, 1945; 11:22 a. m.]

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

PART 3—RULES GOVERNING STANDARD AND HIGH-FREQUENCY BROADCAST STATIONS

SUBPART B—RULES GOVERNING FM BROADCAST STATIONS

Subpart C of Part 3 of the Commission's Rules and Regulations is amended to read "General Rules Applicable to Standard Broadcast Stations." Sections 3.201–3.213, 3.221–3.231, 3.241–3.248, 3.251–3.253, and 3.261 are repealed and the following rules are substituted therefor.

CLASSIFICATION OF FM STATIONS AND ALLOCATION OF FREQUENCIES

Sec.
3.201 Numerical designation of FM channels.
3.202 Areas of the United States.
3.203 Community stations.
3.204 Metropolitan stations.
3.205 Rural stations.

RULES GOVERNING ADMINISTRATIVE PROCEDURE

3.211 Application for FM stations.
3.212 Full disclosures.
3.213 Installation or removal of apparatus.
3.214 Period of construction.
3.215 Forfeiture of construction permits; extension of time.
3.216 Equipment tests.
3.217 Program tests.
3.218 Normal license period.
3.219 License, simultaneous modification and renewal.
3.220 Renewal of license.
3.221 Temporary extension of station licenses.
3.222 Repetitious applications.
3.223 Assignment or transfer of control.

RULES RELATING TO LICENSING POLICIES

3.231 Exclusive affiliation of station.
3.232 Territorial exclusivity.
3.233 Term of affiliation.
3.234 Option time.
3.235 Right to reject programs.
3.236 Network ownership of stations.
3.237 Dual network operation.
3.238 Control by networks of station rates.
3.239 Use of common antenna site.
3.240 Multiple ownership.

RULES RELATING TO EQUIPMENT

3.251 Transmitter power.
3.252 Frequency monitor.
3.253 Modulation monitor.
3.254 Required transmitter performance.
3.255 Auxiliary transmitter.
3.256 Alternate main transmitters.
3.257 Changes in equipment and antenna system.

RULES RELATING TO TECHNICAL OPERATION

3.261 Time of operation.
3.262 Experimental operation.
3.263 Station inspection.
3.264 Station license, posting of.
3.265 Operator requirements.
3.266 Facsimile broadcasting and multiplex transmission.
3.267 Operating power; how determined.
3.268 Modulation.
3.269 Frequency tolerance.
3.270 Inspection of tower lights and associated control equipment.

OTHER RULES RELATING TO OPERATION

3.281 Logs.
3.282 Logs, retention of.
3.283 Logs, by whom kept.
3.284 Log form.
3.285 Correction of logs.
3.286 Rough logs.
3.287 Station identification.
3.288 Mechanical records.
3.289 Sponsored programs, announcement of.
3.290 Broadcasts by candidates for public office.
3.291 Rebroadcast.

AUTHORITY: §§ 3.201 to 3.291, inclusive, issued under sec. 4 (i), 48 Stat. 1066; sec. 303 (a), 48 Stat. 1082; sec. 303 (b), 48 Stat. 1082; sec. 303 (c), 48 Stat. 1082; sec. 303 (d), 48 Stat. 1082; sec. 303 (e), 48 Stat. 1082; sec. 303 (f), 48 Stat. 1082; sec. 303 (g), 48 Stat. 1082; sec. 303 (h), 48 Stat. 1082; sec. 303 (i), 48 Stat. 1082; sec. 303 (j), 48 Stat. 1082; sec. 303 (l), 48 Stat. 1082; sec. 303 (m), 48 Stat. 1082; sec. 303 (o), 48 Stat. 1082; sec. 325 (a), 48 Stat. 1091; sec. 315, 48 Stat. 1088; 47 U.S.C. 154 (i), 303 (a), 303 (b), 303 (c), 303 (d), 303 (e), 303 (f), 303 (g), 303 (h), 303 (i), 303 (j), 303 (l), 303 (m), 303 (o), 325 (a), 315.

CLASSIFICATION OF FM STATIONS AND ALLOCATION OF FREQUENCIES

§ 3.201 *Numerical designation of FM channels.* For convenience, the frequencies available for FM broadcasting (including those assigned to non-commercial educational broadcasting) are given numerical designations which are shown in the table below:

Frequency (mc.)	*Channel No.*	*Frequency (mc.)*	*Channel No.*
88.1	1	98.1	51
88.3	2	98.3	52
88.5	3	98.5	53
88.7	4	98.7	54
88.9	5	98.9	55
89.1	6	99.1	56
89.3	7	99.3	57
89.5	8	99.5	58
89.7	9	99.7	59
89.9	10	99.9	60
90.1	11	100.1	61
90.3	12	100.3	62
90.5	13	100.5	63
90.7	14	100.7	64
90.9	15	100.9	65
91.1	16	101.1	66
91.3	17	101.3	67
91.5	18	101.5	68
91.7	19	101.7	69
91.9	20	101.9	70
92.1	21	102.1	71
92.3	22	102.3	72
92.5	23	102.5	73
92.7	24	102.7	74
92.9	25	102.9	75
93.1	26	103.1	76
93.3	27	103.3	77
93.5	28	103.5	78
93.7	29	103.7	79
93.9	30	103.9	80
94.1	31	104.1	81
94.3	32	104.3	82
94.5	33	104.5	83
94.7	34	104.7	84
94.9	35	104.9	85
95.1	36	105.1	86
95.3	37	105.3	87
95.5	38	105.5	88
95.7	39	105.7	89
95.9	40	105.9	90
96.1	41	106.1	91
96.3	42	106.3	92
96.5	43	106.5	93
96.7	44	106.7	94
96.9	45	106.9	95
97.1	46	107.1	96
97.3	47	107.3	97
97.5	48	107.5	98
97.7	49	107.7	99
97.9	50	107.9	100

§ 3.202 *Areas of the United States.* For the purpose of allocation the United States is divided into two areas. The first area, Area I, includes southern New Hampshire; all of Massachusetts, Rhode Island, and Connecticut; southeastern New York as far north as Albany-Troy-Schenectady; all of New Jersey, Delaware, and the District of Columbia; Maryland as far west as Hagerstown; and eastern Pennsylvania as far west as Harrisburg.[1] The second area, Area II, comprehends the remainder of the United States not included in Area I.

[1] In some of the territory contiguous to Area I, the demand for frequencies may in the future exceed the supply and when it does this region will be added to Area I. Until then, this region will not be included in Area I but applications from this region will be given careful study and consideration to insure an equitable distribution of facilities throughout the region. This region includes the remainder of Maryland, Pennsylvania and New York (except the northeastern corner) not included in Area I, the northern half of West Virginia; all of Ohio and Indiana; southern Michigan as far north as Saginaw; eastern Illinois as far west as Rockford-Decatur; and southeastern Wisconsin as far north as Sheboygan.

§ 3.203 *Community stations.* (a) Community stations are limited to a maximum effective radiated power of 250 watts and a maximum antenna height of 250 feet over the average height of the terrain 10 miles from the transmitter. Upon proper showing that an antenna height in excess of 250 feet is necessary, authorization will be issued for such higher antenna but the Commission may in such cases require a reduction in radiated power. A minimum separation of 50 miles will be provided in the case of Community stations on the same channel and a minimum of 35 miles on adjacent channels.

(b) In Area I, 20 channels beginning with 104.1 megacycles and ending with 107.9 megacycles (Channels 81 through 100) are allocated for Community stations. All of these 20 channels are available in any community which is not the principal city of a metropolitan district. Ten of these channels are also available for assignment in principal cities of metropolitan districts which have fewer than 6 Metropolitan stations.[2]

(c) In Area II, 10 channels beginning with 104.1 megacycles and ending with 105.9 megacycles (Channels 81 through 90) are available for Community stations and may be used in any community which is not the principal city of a metropolitan district.[3]

(d) The main studio of a Community station shall be located in the city served and the transmitter shall be located as near the center of the city as practicable.

§ 3.204 *Metropolitan stations.* (a) In Area I, Metropolitan stations are limited to a maximum of 20 kilowats effective radiated power with a non-directional antenna having a height of 500 feet, as determined by the methods prescribed in the Standards of Good Engineering Practice concerning FM broadcast stations. Where higher antenna heights are available, they should be used but in such cases the Commission will authorize less than 20 kilowatts effective radiated power so that the coverage (within the 1000 uv/m contour) shall be substantially similar to that which would be provided by 20 kilowatts effective radiated power and a 500 foot antenna. Where the only antenna height available is less than 500 feet, the Commission may authorize its use but will not permit an increase in radiated power in excess of 20 kilowatts. In Area I, the service area of Metropolitan stations will not be protected beyond the 1000 uv/m contour and such stations will be located in such a manner as to insure, insofar as possible, a maximum of FM service to all listeners, whether urban or rural.

(b) Metropolitan stations in Area II are designed primarily to render service to a single metropolitan district or a principal city, and to rural areas surrounding such metropolitan district or principal city. The Commission will designate service areas for Metropolitan stations in Area II and will authorize appropriate power and antenna height to cover the designated area in accordance with the Standards of Good Engineering Practice concerning FM broadcast stations; upon proper showing changes will be made in these service areas.[4] Metropolitan stations will not be required to serve the entire service area designated by the Commission but no application will be granted for a Metropolitan station unless it is proposed to serve an area substantially greater than could be served by a Community station.

(c) Sixty frequencies are available for Metropolitan stations in Areas I and II. These frequencies begin at 92.1 megacycles and end at 103.9 megacycles (Channels 21 through 80).

(d) The main studio of a Metropolitan station shall be located within its 5000 uv/m contour. However, upon a special showing of need, the Commission may authorize the main studio to be located beyond the 5000 uv/m contour but not beyond the 1000 uv/m contour. The transmitter shall be so located as to provide maximum service both to the city where the main studio is located and to the surrounding rural area.

§ 3.205 *Rural stations.* (a) Rural stations are designed primarily to furnish service to rural listeners. The service area of Rural stations may include the service areas designated by the Commission for Metropolitan stations upon a showing to the Commission that the additional area which the Rural station will serve is predominantly rural in character. As a guide, the Commission will consider that the additional area beyond the service area of a Metropolitan station which is proposed to be served, is predominantly rural in character if at least 50 percent of the population proposed to be added within the 50 uv/m contour live in rural areas or in communities smaller than 10,000.[5] Exceptions to this rule will be permitted where a showing is made to the Commission that due to conditions of terrain or local factors, more extended service to unserved rural areas is possible by licensing Rural stations to serve an area which does not meet the above requirements than would otherwise be possible.

(b) Rural stations will not be licensed in Area I as presently defined. If in the future it becomes necessary to extend Area I by including part or all of the region set forth in footnote 1 of section 3.202, consideration will be given at that time to the question whether Rural stations should be licensed in this region.

(c) The 60 channels available for Metropolitan stations are also available for Rural stations.

(d) The main studio of a Rural station shall be located within its 1000 uv/m contour. However, upon a special showing of need, the Commission may authorize the main studio to be located beyond the 1000 uv/m contour but not beyond the 50 uv/m contour.

RULES GOVERNING ADMINISTRATIVE PROCEDURE

§ 3.211 *Application for FM stations.* Each applicant for a construction permit for a new FM broadcast station, change in facilities of any existing FM broadcast station, or FM station license or modification of license shall file with the Commission in Washington, D. C., three copies of applications on the appropriate form designated by the Commission and a like number of exhibits and other papers incorporated therein and made a part thereof. Only the original copy need be sworn to. If the application is for a construction permit for a new FM station, Form FCC No. 319 should be filed; for an FM license, Form FCC No. 320 should be filed; and for modification of an FM license or for change in facilities of an existing FM station, Form FCC No. 322 should be filed.

§ 3.212 *Full disclosures.* Each application shall contain full and complete disclosures with regard to the real party or parties in interest, and their legal, technical, financial, and other qualifications, and as to all matters and things required to be disclosed by the application forms.

§ 3.213 *Installation or removal of apparatus.* Applications for construction permit or modification thereof, involving removal of existing transmitting apparatus and/or installation of new transmitting apparatus, shall be filed at least 60 days prior to the contemplated removal and/or installation.

§ 3.214 *Period of construction.* Each construction permit will specify a maximum of 60 days from the date of granting thereof as the time within which construction of the station shall begin, and a maximum of six months thereafter as the time within which construction shall be completed and the station ready for operation, unless otherwise determined by the Commission upon proper showing in any particular case.

§ 3.215 *Forfeiture of construction permits: extension of time.* (a) A construction permit shall be automatically

[2] For the time being, until more FM stations are authorized, the Commission will not authorize Community stations in principal cities of metropolitan districts in Area I having 4 or more AM stations.

[3] The 10 frequencies from 106.1 to 107.9 megacycles which are available for Community stations in Area I but not in Area II will be assigned in Area II in the future in accordance with the needs of the area as shown by future developments. In the meantime they will be available for facsimile.

[4] In determining service areas for particular communities, the Commission will give consideration to population distribution, terrain, trade areas, economics and other pertinent factors, and applicants for Metropolitan stations in Area II should include in their applications a showing as to the service area the Commission should designate for the city in question. There are several current and recognized authorities on retail trading areas or consumer trading areas from which the applicant may prepare its showing and to which the Commission will give consideration in making its determination. Among these recognized authorities are the following: J. Walter Thompson (Retail Shopping Areas), Hearst Magazines, Inc. (Consumer Trading Areas), Rand McNally Map Co. (Trading Areas), and Hagastrom Map Co.'s Four Color Retail Trading Area Map.

[5] In making this computation, cities with populations in excess of 10,000 should be excluded if the signal in such cities is less than 500 uv m.

forfeited if the station is not ready for operation within the time specified therein or within such further time as the Commission may have allowed for completion, and a notation of the forfeiture of any construction permit under this provision will be placed in the records of the Commission as of the expiration date.

(b) Any application[1] for extension of time within which to construct a station shall be filed at least thirty days prior to the expiration date of such permit if the facts supporting such application for extension are known to the applicant in time to permit such filing. In other cases such applications will be accepted upon a showing satisfactory to the Commission of sufficient reasons for filing within less than thirty days prior to the expiration date. Such applications will be granted upon a specific and detailed showing that the failure to complete was due to causes not under the control of the grantee, or upon a specific and detailed showing of other matters sufficient to justify the extension.

§ 3.216 *Equipment tests.* (a) Upon completion of construction of an FM station in exact accordance with the terms of the construction permit, the technical provisions of the application therefor and the rules and regulations and Standards of Good Engineering Practice governing FM stations and prior to filing of application for license, the permittee is authorized to test the equipment for a period not to exceed 90 days: *Provided*, That the inspector in charge of the district in which the station is located and the Commission are notified 2 days in advance of the beginning of tests.

(b) The Commission may notify the permittee to conduct no tests or may cancel, suspend, or change the date of beginning for the period of such tests as and when such action may appear to be in the public interest, convenience, and necessity.

(c) Within the 90-day period prescribed by this section for equipment tests, field intensity measurements in accordance with the methods prescribed in the Standards of Good Engineering Practice Concerning FM Broadcasting shall be submitted to the Commission. The Commission may grant extensions of time upon showing of reasonable need therefor.[2] The proof of performance specified in this subsection shall be made by Metropolitan and Rural stations only and need not be made by Community stations.

§ 3.217 *Program tests.* (a) When construction and equipment tests are completed in exact accordance with the terms of the construction permit, the technical provisions of the application therefor, and the rules and regulations and Standards of Good Engineering Practice governing FM stations, and after an application for station license has been filed with the Commission showing the transmitter to be in satisfactory operating condition, the permittee is authorized to conduct program tests in exact accordance with the terms of the construction permit for a period not to exceed 30 days: *Provided*, That the inspector in charge of the district in which the station is located and the Commission are notified 2 days in advance of the beginning of such tests.

(b) The Commission reserves the right to cancel such tests or suspend, or change the date of beginning for the period of such tests as and when such action may appear to be in the public interest, convenience, and necessity by notifying the permittee.

(c) The authorization for tests embodied in this section or § 3.216 shall not be construed as constituting a license to operate but as a necessary part of the construction.

§ 3.218 *Normal license period.* All FM broadcast station licenses will be issued so as to expire at the hour of 3 a. m., e. s. t. and will be issued for a normal license period of one year.

§ 3.219 *License, simultaneous modification and renewal.* When an application is granted by the Commission necessitating the issuance of a modified license less than 60 days prior to the expiration date of the license sought to be modified, and an application for renewal of said license is granted subsequent or prior thereto (but within 30 days of expiration of the present license) the modified license as well as the renewal license shall be issued to conform to the combined action of the Commission.

§ 3.220 *Renewal of license.* (a) Unless otherwise directed by the Commission, each application for renewal of an FM license shall be filed at least 60 days prior to the expiration date of the license sought to be renewed (Form FCC No. 311). No application for renewal of license of an FM broadcast station will be considered unless there is on file with the Commission, the information currently required by §§ 1.301–1.304, reference to which by date and file number shall be included in the application.

(b) Whenever the Commission regards an application for a renewal of an FM license as essential to the proper conduct of a hearing or investigation, and specifically directs that it be filed by a date certain, such application shall be filed within the time thus specified. If the licensee fails to file such application within the prescribed time, the hearing or investigation shall proceed as if such renewal application had been received.

§ 3.221 *Temporary extension of station licenses.* Where there is pending before the Commission any application, investigation, or proceeding which, after hearing, might lead to or make necessary the modification of, revocation of, or the refusal to renew an existing FM license, the Commission may, in its discretion, grant a temporary extension of such license: *Provided, however*, That no such temporary extension shall be construed as a finding by the Commission that the operation of any radio station thereunder will serve public interest, convenience, and necessity beyond the express terms of such temporary extension of license: *And provided further*, That such temporary extension of license will in no wise affect or limit the action of the Commission with respect to any pending application or proceeding.

§ 3.222 *Repetitious applications.* (a) Where an applicant has been afforded an opportunity to be heard with respect to a particular application for a new FM broadcast station, or for change of existing service or facilities, and the Commission has, after hearing or default, denied the application or dismissed it with prejudice, the Commission will not consider another application for a station of the same class to serve in whole or in part the same area, by the same applicant or by his successor or assignee, or on behalf of or for the benefit of the original parties in interest, until after the lapse of 12 months from the effective date of the Commission's order.

(b) Where an appeal has been taken from the action of the Commission in denying a particular application, another application for the same class of broadcast station and for the same area, in whole or in part, filed by the same applicant or by his successor or assignee, or on behalf or for the benefit of the original parties in interest, will not be considered until the final disposition of such appeal.

§ 3.223 *Assignment or transfer of control.* (a) *Voluntary.* Application for consent to voluntary assignment of an FM construction permit or license or for consent to voluntary transfer of control of a corporation holding an FM construction permit or license shall be filed with the Commission on Form FCC No. 314 (assignment of license) and Form FCC No. 315 (transfer of control) at least 60 days prior to the contemplated effective date of assignment or transfer of control.

(b) *Involuntary.* In the event of the death or legal disability of a permittee or licensee, or a member of a partnership, or a person directly or indirectly in control of a corporation, which is a permittee or licensee:

(1) The Commission shall be notified in writing promptly of the occurrence of such death or legal disability, and

(2) Within thirty days after the occurrence of such death or legal disability, application on Form FCC No. 314 or 315 shall be filed for consent to involuntary assignment of such FM permit or license or for involuntary transfer of control of such corporation to a person or entity legally qualified to succeed to the foregoing interests under the laws of the place having jurisdiction over the estate involved.

RULES RELATING TO LICENSING POLICIES

§ 3.231 *Exclusive affiliation of station.* No license shall be granted to an FM broadcast station having any contract, arrangement, or understanding, express or implied with a network organization[3] under which the station is prevented or hindered from, or penalized for, broadcasting the programs of any other network organization.

§ 3.232 *Territorial exclusivity.* No license shall be granted to an FM broadcast station having any contract, arrangement, or understanding, express or implied, with a network organization which prevents or hinders another broadcast station serving substantially the same area from broadcasting the network's programs not taken by the former station, or which prevents or hinders another broadcast station serving a substantially different area from broadcasting any program of the network organization. This subpart shall not be construed to prohibit any contract, arrangement, or understanding between a station and a network organization pursuant to which the station is granted the first call in its primary service area upon the programs of the network organization.

§ 3.233 *Term of affiliation.* No license shall be granted to an FM broadcast station having any contract, arrangement, or understanding, express or implied, with a network organization which provides, by original terms, provisions for renewal, or otherwise for the affiliation of the station with the network organization for a period longer than two years: *Provided*, That a contract, arrangement, or understanding for a period up to two years, may be entered into within six months prior to the commencement of such period.

§ 3.234 *Option time.* No license shall be granted to an FM broadcast station which options[4] for network programs any time subject to call on less than 56 days' notice, or more time than a total of three hours[5] within each of four segments of the broadcast day, as herein described. The broadcast day is divided into 4 segments, as follows: 8:00 a. m. to 1:00 p. m.; 1:00 p. m. to 6:00 p. m.; 6:00 p. m. to 11:00 p. m.; 11:00 p. m. to 8:00 a. m.[6] Such options may not be exclusive as against other network organizations and may not prevent or hinder the station from optioning or selling any or all of the time covered by the option, or other time, to other network organizations.

§ 3.235 *Right to reject programs.* No license shall be granted to an FM broadcast station having any contract, arrangement, or understanding, express or implied, with a network organization which (a), with respect to programs offered pursuant to an affiliation contract, prevents or hinders the station from rejecting or refusing network programs which the station reasonably believes to be unsatisfactory or unsuitable; or which (b), with respect to network programs so offered or already contracted for, prevents the station from rejecting or refusing any program which, in its opinion, is contrary to the public interest, or from substituting a program of outstanding local or national importance.

§ 3.236 *Network ownership of stations.* No license shall be granted to a network organization, or to any person directly or indirectly controlled by or under common control[7] of a network organization, for an FM broadcast station in any locality where the existing FM broadcast stations are so few or of such unequal desirability (in terms of coverage, power, frequency, or other related matters) that competition would be substantially restrained by such licensing.

§ 3.237 *Dual network operation.* No license shall be issued to an FM broadcast station affiliated with a network organization which maintains more than one network of FM broadcast stations: *Provided*, That this regulation shall not be applicable if such networks are not operated simultaneously, or if there is no substantial overlap in the territory served by the group of stations comprising each such network.

§ 3.238 *Control by networks of station rates.* No license shall be granted to an FM broadcast station having any contract, arrangement, or understanding, express or implied, with a network organization under which the station is prevented or hindered from, or penalized for, fixing or altering its rates for the sale of broadcast time for other than the network's programs.

§ 3.239 *Use of common antenna site.* No FM license or renewal of an FM license will be granted to any person who owns, leases, or controls a particular site which is peculiarly suitable for FM broadcasting in a particular area and (a) which is not available for use by other FM licensees; and (b) no other comparable site is available in the area; and (c) where the exclusive use of such site by the applicant or licensee would unduly limit the number of FM stations that can be authorized in a particular area or would unduly restrict competition among FM stations.

§ 3.240 *Multiple ownership.* (a) No person (including all persons under common control)[8] shall, directly or indirectly, own, operate or control more than one FM broadcast station that would serve substantially the same service area as another FM broadcast station owned, operated, or controlled by such person.

(b) No person (including all persons under common control) shall, directly or indirectly, own, operate, or control more than one FM broadcast station, except upon a showing (1) that such ownership, operation, or control would foster competition among FM broadcast stations or provide an FM broadcasting service distinct and separate from existing services, and (2) that such ownership, operation, or control would not result in the concentration of control of FM broadcasting facilities in a manner inconsistent with public interest, convenience, or necessity; *Provided, however*, That the Commission will consider the ownership, operation, or control of more than six FM broadcast stations to constitute the concentration of control of FM broadcasting facilities in a manner inconsistent with public interest, convenience, or necessity.

RULES RELATING TO EQUIPMENT

§ 3.251 *Transmitter power.* The rated power and operating power range of transmitters shall be in accordance with the Standards of Good Engineering Practice concerning FM Broadcast Stations.

§ 3.252 *Frequency monitor.* The licensee of each FM broadcast station shall have in operation at the transmitter an approved frequency monitor independent of the frequency control of the transmitter. For detailed requirements thereof see Standards of Good Engineering Practice concerning FM Broadcast Stations.

§ 3.253 *Modulation monitor.* The licensee of each FM broadcast station shall have in operation at the transmitter an approved modulation monitor. For detailed requirements thereof see Standards of Good Engineering Practice concerning FM Broadcast Stations.

§ 3.254 *Required transmitter performance.* The construction, installation, operation, and performance of the FM broadcast transmitter system shall be in accordance with the Standards of Good Engineering Practice concerning FM Broadcast Stations.

§ 3.255 *Auxiliary transmitter.* Upon showing that a need exists for the use of an auxiliary transmitter in addition to the regular transmitter of a broadcast station, a license therefor may be issued, *Provided*, That:

(a) An auxiliary transmitter may be installed either at the same location as

[1] Form FCC No. 701.

[2] Until further notice, the Commission will grant FM licenses before proof of performance is submitted. In such cases, proof of performance shall be submitted within one year after the license has been issued or within such extension of time as the Commission may for good cause grant.

[3] The term "network organization" as used herein includes national and regional network organizations. See Chapter VII, J, of Report on Chain Broadcasting.

[4] As used in this section, an option is any contract, arrangement, or understanding, express or implied, between a station and a network organization which prevents or hinders the station from scheduling programs before the network agrees to utilize the time during which such programs are scheduled, or which requires the station to clear time already scheduled when the network organization seeks to utilize the time.

[5] All time options permitted under this section must be specified clock hours, expressed in terms of any time system set forth in the contract agreed upon by the station and network organization. Shifts from daylight saving to standard time or vice versa may or may not shift the specified hours correspondingly as agreed by the station and network organization.

[6] These segments are to be determined for each station in terms of local time at the location of the station but may remain constant throughout the year regardless of shifts from standard to daylight saving time or vice versa.

[7] The word "control" as used herein, is not limited to full control but includes such a measure of control as would substantially affect the availability of the station to other networks.

[8] The word "control" as used herein is not limited to majority stock ownership, but includes actual working control in whatever manner exercised.

the main transmitter or at another location.

(b) A licensed operator shall be in control whenever an auxiliary transmitter is placed in operation.

(c) The auxiliary transmitter shall be maintained so that it may be put into immediate operation at any time for the following purposes:

(1) The transmission of the regular programs upon the failure of the main transmitter.

(2) The transmission of regular programs during maintenance or modification[1] work on the main transmitter, necessitating discontinuance of its operation for a period not to exceed five days.

(3) Upon request by a duly authorized representative of the Commission.

(d) The auxiliary transmitter shall be tested at least once each week to determine that it is in proper operating condition and that it is adjusted to the proper frequency, except that in case of operation in accordance with paragraph (c) of this section during any week, the test in that week may be omitted provided the operation under paragraph (c) is satisfactory. A record shall be kept of the time and result of each test operating under paragraph (c). Tests shall be conducted only between midnight and 6 a. m., local standard time.

(e) The auxiliary transmitter shall be equipped with satisfactory control equipment which will enable the maintenance of the frequency emitted by the station within the limits prescribed by these regulations.

(f) The operating power of an auxiliary transmitter may be less than the authorized power of the main transmitter, but in no event shall it be greater than such power.

§ 3.256 *Alternate main transmitters.* The licensee of an FM broadcast station may be licensed for alternate main transmitters provided that a technical need[2] for such alternate transmitters is shown and that the following conditions are met:

(a) Both transmitters are located at the same place.

(b) Both transmitters shall have the same power rating.

(c) Both transmitters shall meet the construction, installation, operation, and performance requirements of the Standards of Good Engineering Practice concerning FM Broadcast Stations.

§ 3.257 *Changes in equipment and antenna system.* Licensees of FM broadcast stations shall observe the following provisions with regard to changes in equipment and antenna system:

(a) No changes in equipment shall be made:

(1) That would result in the emission of signals outside of the authorized channel.

(2) That would result in the external performance of the transmitter being in disagreement with that prescribed in the Standards of Good Engineering Practice concerning FM Broadcast Stations.

(b) Specific authority, upon filing formal application (Form FCC No. 322) therefor, is required for a change in service area or for any of the following changes:

(1) Changes involving an increase or decrease in the power rating of the transmitter.

(2) A replacement of the transmitter as a whole.

(3) Change in the location of the transmitting antenna.

(4) Change in antenna system, including transmission line.

(5) Change in location of main studio, if it is proposed to move the main studio to a different city from that specified in the license.

(6) Change in the power delivered to the antenna.

(7) Change in frequency control and/or modulation system.

(c) Specific authority, upon filing informal request therefor, is required for a change in the indicating instruments installed to measure transmitter power output, except by instruments of the same maximum scale reading and accuracy.

(d) Other changes, except as above provided for in this section or in Standards of Good Engineering Practice concerning FM Broadcast Stations prescribed by the Commission may be made at any time without the authority of the Commission, *Provided*, That the Commission shall be promptly notified thereof and such changes shall be shown in the next application for renewal of license.

RULES RELATING TO TECHNICAL OPERATION

§ 3.261 *Time of operation.* All FM broadcast stations will be licensed for unlimited time operation. Until further notice a minimum of 6 hours per day of operation will be required, which shall consist of 3 hours during the period 6 a. m., to 6 p. m., local standard time, and 3 hours during the period 6 p. m. to midnight, local standard time. In an emergency, however, when due to causes beyond the control of a licensee, it becomes impossible to continue operation, the station may cease operation for a period not to exceed 10 days: *Provided*, That the Commission and the inspector in charge of the radio district in which the station is located shall be notified in writing immediately after the emergency develops.

§ 3.262 *Experimental operation.* The period between 12:00 midnight, and 6 a. m., local standard time, may be used for experimental purposes in testing and maintaining apparatus by the licensee of any FM broadcast station on its assigned frequency and not in excess of its authorized power, without specific authorization from the Commission.

§ 3.263 *Station inspection.* The licensee of any FM radio station shall make the station available for inspection by representatives of the Commission at any reasonable hour.

§ 3.264 *Station license, posting of.* The original of each station license shall be posted in the transmitter room.

§ 3.265 *Operator requirements.* One or more licensed radiotelephone first class operators shall be on duty at the place where the transmitting apparatus of each station is located and in actual charge thereof whenever it is being operated. The original license (Form FCC No. 759) of each station operator shall be posted at the place where he is on duty. The licensed operator on duty and in charge of an FM broadcast transmitter may, at the discretion of the licensee, be employed for other duties or for the operation of another station or stations in accordance with the class of operator's license which he holds and by the rules and regulations governing such stations. However, such duties shall in nowise interfere with the operation of the broadcast transmitter.

§ 3.266 *Facsimile broadcasting and Multiplex transmission.* Transmission of simplex facsimile on FM channels in accordance with the Commission's Standards of Good Engineering Practice on facsimile may be permitted, upon application to the Commission, during hours not required to be devoted to FM aural broadcasting. The Commission may grant experimental authority to an FM station for the multiplex transmission of facsimile or other signals and aural broadcast programs, provided that the transmission of facsimile or other signals is incidental to the aural broadcast, does not reduce the quality of the aural program, and that a filter or other additional equipment is not required for receivers not equipped to receive facsimile or other signals.

§ 3.267 *Operating power: how determined.* The operating power, and the requirements for maintenance thereof, of each FM broadcast station shall be determined by the methods prescribed in the Standards of Good Engineering Practice covering FM broadcast stations.

§ 3.268 *Modulation.* The percentage of modulation of all stations shall be maintained as high as possible consistent with good quality of transmission and good broadcast practice and in no case less than 85 percent nor more than 100 percent on peaks of frequent recurrence during any selection which normally is transmitted at the highest level of the program under consideration.

§ 3.269 *Frequency tolerance.* The center frequency of each FM broadcast station shall be maintained within 2,000 cycles of the assigned center of frequency.

§ 3.270 *Inspection of tower lights and associated control equipment.* The license of any FM station which has an antenna or antenna supporting structure(s) required to be illuminated pursuant to the provisions of section 303 (q) of the Communications Act of 1934, as amended:

(a) Shall make a visual observation of the tower lights at least once each 24 hours to insure that all such lights are functioning properly as required.

(b) Shall report immediately by telephone or telegraph to the nearest Airways Communication Station or office of the Civil Aeronautics Administration any observed failure of the tower lights, not corrected within 30 minutes, regardless of the cause of such failure. Further notification by telephone or telegraph shall be given immediately upon resumption of the required illumination.

(c) Shall inspect at intervals of at least once each 3 months all flashing or rotating beacons and automatic lighting control devices to insure that such apparatus is functioning properly as required.

OTHER RULES RELATING TO OPERATION

§ 3.281 *Logs.* The licensee of each FM station shall maintain program and operating logs and shall require entries to be made as follows:

(a) In the program log:

(1) An entry of the time each station identification announcement (call letters and location) is made.

(2) An entry briefly describing each program broadcast, such as "music," "drama," "speech," etc., together with the name or title thereof and the sponsor's name, with the time of the beginning and ending of the complete program. If a mechanical record is used, the entry shall show the exact nature thereof, such as "record," "transcription," etc., and the time it is announced as a mechanical reproduction. If a speech is made by a political candidate the name and political affiliations of such speaker shall be entered.

(3) An entry showing that each sponsored program broadcast has been announced as sponsored, paid for, or furnished by the sponsor.

(4) An entry showing, for each program of network origin, the name of the network originating the program.

(b) In the operating log:

(1) An entry of the time the station begins to supply power to the antenna, and the time it stops.

(2) An entry of the time the program begins and ends.

(3) An entry of each interruption to the carrier wave, its cause, and duration.

(4) An entry of the following each 30 minutes:

(i) Operating constants of last radio stage (total plate current and plate voltage).

(ii) Transmission line current or voltage.

(iii) Frequency monitor reading.

(5) Log of experimental operation during experimental period. (If regular operation is maintained during this period, the above logs shall be kept.)

(i) A log must be kept of all operation during the experimental period. If the entries required above are not applicable thereto, then the entries shall be made so as to fully describe the operation.

(c) Where an antenna or antenna supporting structure(s) is required to be illuminated, the licensee shall make entries in the radio station log appropriate to the requirements of section 3.240 as follows:

(1) The time the tower lights are turned on and off if manually controlled.

(2) The time the daily visual observation of the tower lights was made.

(3) In the event of any observed failure of a tower light.

(i) Nature of such failure.

(ii) Time the failure was observed.

(iii) Time and nature of the adjustments, repairs or replacements made.

(iv) Airways Communication Station (C. A. A.) notified of the failure of any tower light not corrected within thirty minutes and the time such notice was given.

(v) Time notice was given to the Airways Communication Station (C. A. A.) that the required illumination was resumed.

(4) Upon completion of the periodic inspection required at least once each three months.

(i) The date of the inspection and the condition of all tower lights and associated tower lighting control devices.

(ii) Any adjustments, replacements or repairs made to insure compliance with the lighting requirements.

§ 3.282 *Logs, retention of.* Logs of FM stations shall be retained by the licensee for a period of 2 years. However, logs incident to or involved in any claim or complaint of which the licensee has notice shall be retained by the licensee until such claim or complaint has been fully satisfied or until the same has been barred by statute limiting the time for the filing of suits upon such claims.

§ 3.283 *Logs, by whom kept.* Each log shall be kept by the person or persons competent to do so, having actual knowledge of the facts required, who shall sign the log when starting duty and again when going off duty. The logs shall be made available upon request by an authorized representative of the Commission.

§ 3.284 *Log form.* The log shall be kept in an orderly manner, in suitable form, and in such detail that the data required for the particular class of station concerned are readily available. Key letters or abbreviations may be used if proper meaning or explanation is contained elsewhere in the log.

§ 3.285 *Correction of logs.* No log or portion thereof shall be erased, obliterated, or willfully destroyed within the period of retention provided by the rules. Any necessary correction may be made only by the person originating the entry who shall strike out the erroneous portion, initial the correction made, and indicate the date of correction.

§ 3.286 *Rough logs.* Rough logs may be transcribed into condensed form, but in such case the original log or memoranda and all portions thereof shall be preserved and made a part of the complete log.

§ 3.287 *Station identification.* (a) A licensee of an FM broadcast station shall make station identification announcement (call letters and location) at the beginning and ending of each time of operation and during operation (1) on the hour and (2) either on the half hour or at the quarter hour following the hour and at the quarter hour preceding the next hour: *Provided:*

(b) Such identification announcement need not be made on the hour when to make such announcement would interrupt a single consecutive speech, play, religious service, symphony concert, or operatic production of longer duration than 30 minutes. In such cases the identification announcement shall be made at the beginning of the program, at the first interruption of the entertainment continuity, and at the conclusion of the program.

(c) Such identification announcement need not be made on the half hour or quarter hours when to make such announcement would interrupt a single consecutive speech, play, religious service, symphony concert, or operatic production. In such cases an identification announcement shall be made at the first interruption of the entertainment continuity and at the conclusion of the program, *Provided*, That an announcement within 5 minutes of the times specified in subparagraph (2) of paragraph (a) of this section will satisfy the requirements of identification announcements.

(d) In the case of variety show programs, baseball game programs, or similar programs of longer duration than 30 minutes, the identification announcement shall be made within 5 minutes of the hour and of the times specified in subparagraph (2) of paragraph (a) of this section.

(e) In the case of all other programs, the identification announcement shall be made within 2 minutes of the hour and of the times specified in subparagraph (2) of paragraph (a) of this section.

(f) In making the identification announcement, the call letters shall be given only on the channel of the station identified thereby.

§ 3.288 *Mechanical records.* Each program broadcast which consists in whole or in part of one or more mechanical reproductions shall be announced in the manner and to the extent set out below.

(a) Each such program of longer duration than 30 minutes, consisting in whole or in part of one or more mechanical reproductions, shall be identified by appropriate announcement at the beginning of the program, at each 30-minute interval and at the conclusion of the program; *Provided, however,* That the identifying announcement at each 30-minute interval is not required in case of a mechanical reproduction consisting of a continuous uninterrupted speech, play, religious service, symphony concert or operatic production of longer than 30 minutes.

(b) Each such program of a longer duration than 5 minutes and not in excess of 30 minutes, consisting in whole or in part of one or more mechanical reproductions, shall be identified by an appropriate announcement at the beginning and end of the program.

[1] Such as licenses maintatining 24-hour which may be made without authority as set forth elsewhere in the rules and regulations and the Standards of Good Engineering Practice or as authorized by the Commission by letter or by construction permit. Where such operation is required for periods in excess of 5 days, request therefor shall be in accordance with § 1.365.

[2] Such as licensees maintaining 24-hour schedule and needing alternate operation for maintenance, or where developmental work requires alternate operation.

(c) Each such program of five minutes or less, consisting in whole or in part of mechanical reproductions, shall be identified by appropriate announcement immediately preceding the use thereof.

(d) In case a mechanical reproduction is used for background music, sound effects, station identification, program identification (theme music of short duration) or identification of the sponsorship of the program proper, no announcement of the mechanical reproduction is required.

(e) The exact form of identifying announcement is not prescribed, but the language shall be clear and in terms commonly used and understood. A licensee shall not attempt affirmatively to create the impression that any program being broadcast by mechanical reproduction consists of live talent.

§ 3.289 *Sponsored programs, announcement of.* (a) In the case of each program for the broadcasting of which money, services, or other valuable consideration is either directly or indirectly paid or promised to, or charged or received by, any radio broadcast station, the station broadcasting such program shall make, or cause to be made, an appropriate announcement that the program is sponsored, paid for, or furnished either in whole or in part.

(b) In the case of any political program or any program involving the discussion of public controversial issues for which any records, transcriptions, talent, scripts, or other material or services of any kind are furnished, either directly or indirectly, to a station as an inducement to the broadcasting of such program, an announcement shall be made both at the beginning and conclusion of such program on which such material or services are used that such records, transcriptions, talent, scripts, or other material or services have been furnished to such station in connection with the broadcasting of such program: *Provided, however*, That only one such announcement need be made in the case of any such program of five minutes' duration or less, which announcement may be made either at the beginning or conclusion of the program.

(c) The announcement required by this section shall fully and fairly disclose the true identity of the person or persons by whom or in whose behalf such payment is made or promised, or from whom or in whose behalf such services or other valuable consideration is received, or by whom the material or services referred to in paragraph (b) hereof are furnished. Where an agent or other person contracts or otherwise makes arrangements with a station on behalf of another, and such fact is known to the station, the announcement shall disclose the identity of the person or persons in whose behalf such agent is acting instead of the name of such agent.

(d) In the case of any program, other than a program advertising commercial products or services, which is sponsored, paid for or furnished, either in whole or in part, or for which material or services referred to in paragraph (b) hereof are furnished, by a corporation, committee, association or other unincorporated group, the announcement required by this section, shall disclose the name of such corporation, committee, association or other unincorporated group. In each such case the station shall require that a list of the chief executive officers or members of the executive committee or of the board of directors of the corporation, committee, association or other unincorporated group shall be made available for public inspection at one of the radio stations carrying the program.

(e) In the case of programs advertising commercial products or services, an announcement stating the sponsor's corporate or trade name or the name of the sponsor's product, shall be deemed sufficient for the purposes of this section and only one such announcement need be made at any time during the course of the program.

§ 3.290 *Broadcasts by candidates for public office*—(a) *Definitions.* A "legally qualified candidate" means any person who has publicly announced that he is a candidate for nomination by a convention of a political party or for nomination or election in a primary, special, or general election, municipal, county, state or national, and who meets the qualifications prescribed by the applicable laws to hold the office for which he is a candidate, so that he may be voted for by the electorate directly or by means of delegates or electors, and who:

(1) Has qualified for a place on the ballot or

(2) Is eligible under the applicable law to be voted for by sticker, by writing in his name on the ballot, or other method, and (i) has been duly nominated by a political party which is commonly known and regarded as such, or (ii) makes a substantial showing that he is a bona fide candidate for nomination or office, as the case may be.

(b) *General requirements.* No station licensee is required to permit the use of its facilities by any legally qualified candidate for public office, but if any licensee shall permit any such candidate to use its facilities, it shall afford equal opportunities to all other such candidates for that office to use such facilities; *Provided*, That such licensee shall have no power of censorship over the material broadcast by any such candidate.

(c) *Rates and practices.* The rates, if any, charged all such candidates for the same office shall be uniform and shall not be rebated by any means, directly or indirectly; no licensee shall make any discrimination in charges, practices, regulations, facilities, or services for or in connection with the service rendered pursuant to these rules, or make or give any preference to any candidate for public office or subject any such candidate to any prejudice or disadvantage; nor shall any licensee make any contract or other agreement which shall have the effect of permitting any legally qualified candidate for any public office to broadcast to the exclusion of other legally qualified candidates for the same public office.

(d) *Inspection of records.* Every licensee shall keep and permit public inspection of a complete record of all requests for broadcast time made by or on behalf of candidates for public office, together with an appropriate notation showing the disposition made by the licensee of such requests, and the charges made, if any, if request is granted.

§ 3.291 *Rebroadcast.* (a) The term "rebroadcast" means reception by radio of the program [1] of a radio station, and the simultaneous or subsequent retransmission of such program by a broadcast station.[2]

(b) The licensee of an FM broadcast station may, without further authority of the Commission, rebroadcast the program of a United States standard, FM or noncommercial educational broadcast station, provided the Commission is notified of the call letters of each station rebroadcast and the licensee certifies that express authority has been received from the licensee of the station originating the program.[3]

(c) (1) The licensee of an FM broadcast station located within a state or the District of Columbia may, without further authority of the Commission, rebroadcast on a noncommercial basis a noncommercial program of a United States international broadcast station.

(2) The licensee of an FM broadcast station located in any territory or insular possession of the United States may, without further authority of the Commission, rebroadcast any program of a United States international broadcast station.

(3) In the case of any rebroadcast under the provisions of this paragraph (c), the Commission shall be notified of the call letters of each station whose program is rebroadcast and the licensee shall certify that express authority has been received from the licensee of the station originating the program.

(d) No licensee of an FM broadcast station shall rebroadcast the program of any United States radio station not designated in (b) or (c) above without written authority having first been obtained from the Commission upon application (informal) accompanied by written consent or certification of consent of the licensee of the station originating the program.[4]

NOTE: By Order No. 82, dated and effective June 24, 1941, until further order of the Commission, § 3.291 (d) is suspended only insofar as it requires prior written authority of the Commission for the rebroadcasting of programs originated for that express purpose by United States Government radio stations.

[1] As used in this section, program includes any complete program or part thereof.

[2] In case a program is transmitted from its point of origin to a broadcast station entirely by telephone facilities in which a section of such transmission is by radio, the broadcasting of this program is not considered a rebroadcast.

[3] The notice and certification of consent shall be given within three (3) days of any single rebroadcast, but in case of the regular practice of rebroadcasting certain programs of a standard or FM broadcast station several times during a license period, notice and certification of consent shall be given for the ensuing license period with the application for renewal of license, or at the beginning of such rebroadcast practice if begun during a license period.

[4] The broadcasting of a program relayed by a relay broadcast station or studio transmitter link is not considered a rebroadcast.

APPENDIX

TABLE SHOWING ORIGIN OF RULES AND REGULATIONS CONTAINED IN SUBPART B OF PART 3 OF COMMISSION'S RULES AND REGULATIONS

Rule No.	Origin (present rules and regulations)
3.201	New.
3.202	New.
3.203	New.
3.204	New.
3.205	New.
3.211	1.351 and 1.352.
3.212	1.353.
3.213	1.355.
3.214	2.41.
3.215	1.356.
3.216	2.42 and 3.229.
3.217	2.43 and 2.44.
3.218	3.231.
3.219	2.46.
3.220	1.360 and 1.362.
3.221	1.363.
3.222	1.369 and 1.370.
3.223	1.364.
3.231	3.101.
3.232	3.102.
3.233	3.103.
3.234	3.104.
3.235	3.105.
3.236	3.106.
3.237	3.107.
3.238	3.108.
3.239	New.
3.240	3.230.
3.251	3.241.
3.252	3.243.
3.253	3.244.
3.254	3.245.
3.255	3.63.
3.256	3.64.
3.257	3.248.
3.261	3.224 and 3.261.
3.262	3.212.
3.263	2.48.
3.264	2.51 and 3.401.
3.265	2.53, 3.402, 3.403.
3.266	3.228.
3.267	3.251.
3.268	3.252.
3.269	3.253.
3.270	2.82.
3.281	3.404.
3.282	2.54 and 3.405.
3.283	2.55.
3.284	2.56.
3.285	2.57.
3.286	2.58.
3.287	3.406.
3.288	3.407.
3.289	3.409.
3.290	3.421–3.424.
3.291	3.408.

Adopted by the Federal Communications Commission on September 12, 1945, effective immediately.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F.R. Doc. 45-17579; Filed, Sept. 20, 1945; 10:50 a. m.]

TITLE 49—TRANSPORTATION AND RAILROADS

Chapter I—Interstate Commerce Commission

Subchapter D—Freight Forwarders

PART 447—FILING OF CONTRACTS FOR JOINT LOADING AND TERMINAL SERVICES AND FACILITIES

At a session of the Interstate Commerce Commission, Division 1, held at its office in Washington, D. C., on the 12th day of September, A. D. 1945.

It appearing, that subsection 412 (a) of the Interstate Commerce Act provides, among other things, that the Commission may require any freight forwarder subject to part IV of the act to file with it a true copy of any contract or agreement between such forwarder and any other person in relation to transportation facilities, services, or traffic affected by the provisions of part IV;

It further appearing, that subsection 404 (d) of the act provides: "Nothing in this part shall be construed to prohibit any freight forwarder from entering into an agreement with another freight forwarder for the joint loading of traffic between points in transportation subject to this part, except that the Commission may cancel, suspend, or require the modification of any such agreement which it finds, after reasonable opportunity for hearing, to be inconsistent with the national transportation policy declared in this act."

And it further appearing, that it is necessary for the purpose of administration, execution, and enforcement of part IV of said act that all freight forwarders subject to the act should be required to file with the Commission copies of contracts and agreements, to which two or more of them are parties, for joint loading and for all terminal services and facilities, and the division so finding, therefore, it is ordered, that

§ 447.1 *Filing of contracts between freight forwarders for joint loading.* All contracts or agreements between freight forwarders for joint loading and for all terminal services and facilities shall be in writing; and each freight forwarder which is a party to such a contract or agreement on the date this order becomes effective or which shall thereafter enter into such a contract or agreement, immediately shall file with the Commission a verified copy of each such contract in the form in which the same was or may be executed. (56 Stat. 294; 49 U. S. C. 1012)

Effective date. This order shall take effect and be in force on and after November 19, 1945.

Notice. Notice of this order shall be given to all freight forwarders subject to part IV of the Interstate Commerce Act by mailing a copy thereof to each known freight forwarder subject to the act, by posting one copy in the office of the Secretary of this Commission in Washington, D. C., and by filing it with the Director, Division of Federal Register.

By the Commission, Division 1.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 45-17618; Filed, Sept. 20, 1945; 11:46 a. m.]

TITLE 50—WILDLIFE

Chapter IV—Office of the Coordinator of Fisheries

[Area Coordinator's Gen. Direction No. H-11C]

PART 401—PRODUCTION OF FISHERY COMMODITIES OR PRODUCTS

ALLOCATION OF HALIBUT

Pursuant to Order No. 1956 of the Secretary of the Interior, as amended June 11, 1945, commonly referred to as the "Halibut Order", 50 C.F.R. § 401.4 entitled "Allocation of Halibut" and in order to accomplish the purposes thereof, including, particularly, paragraph (d) (2) of that order, this General Direction No. H-11C is issued.

1. The Area Coordinator has determined that the following persons in British Columbia are participants in and conform to a voluntary program for the allocation of halibut which is in accord with the purposes and policy of the halibut order:

Bacon Fisheries
Royal Fish Company
Rupert Fish Company

2. In accordance with the halibut order, particularly paragraph (d) (2) thereof, fishermen subject to the terms of that order may sell or deliver or arrange to sell or deliver halibut in British Columbia to the persons named above.

3. Notice is hereby given that any fisherman from a vessel of American registry who, acting for himself or through an agent, sells or delivers or arranges to sell or deliver halibut to any person in British Columbia other than a person named above, will be guilty of a violation of that order and subject to the penalties provided for violations of that order.

Issued this 12th day of September 1945.

V. J. SAMSON,
Area Coordinator, Area I.

[F. R. Doc. 45-17578; Filed, Sept. 20, 1945; 9:54 a. m.]

Notices

DEPARTMENT OF AGRICULTURE.

Production and Marketing Administration.

MILK IN WASHINGTON, D. C., MARKETING AREA

NOTICE OF REPORT AND OPPORTUNITY TO FILE WRITTEN EXCEPTIONS

Notice of report and opportunity to file written exceptions with respect to a proposal which was not reported on in the report with respect to a proposed amended order, regulating the handling of milk in the Washington, D. C., marketing area filed June 30, 1945.

Pursuant to the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders (7 CFR Cum. Supp. 900.1 et seq.), notice is hereby given of the filing of this report of the Assistant Administrator, Production and Marketing Administration, with respect to a proposed amendment to the tentatively approved marketing agreement, as

amended, and order, as amended, regulating the handling of milk in the Washington, D. C., marketing area, to be made effective under the Agricultural Marketing Agreement Act of 1937 (7 U.S.C. 601 et seq.) which amendment would increase the price to be paid producers for milk disposed of for fluid consumption.

Interested parties may file exceptions to the report with the Hearing Clerk, Room 1331 South Building, United States Department of Agriculture, Washington 25, D. C., not later than the close of business on the 8th day after publication of this notice in the FEDERAL REGISTER. Exceptions should be filed in quadruplicate.

This proceeding was initiated by the Office of Marketing Services, War Food Administration now Production and Marketing Administration through the issuance and publication in the FEDERAL REGISTER, on March 31, 1945, of a notice of hearing. Pursuant to such notice the hearing was convened in Washington, D. C., on April 16, 1945.

A report filed June 30, 1945, and published in the FEDERAL REGISTER July 3, 1945, stated conclusions reached with respect to other issues developed at the hearing. A small increase in the price of milk for Class I milk was recommended in that report, to compensate producers for the decrease recommended in the price for milk used in cream and cottage cheese. A separate proposal to increase the price of Class I milk by 49 cents per hundredweight was also made at the hearing and testimony with respect to this proposal was presented.

With respect to the proposal to increase the Class I price 49 cents per hundredweight it is concluded that this additional increase in the Class I price should not be made at this time since:

1. Prices received by producers in this area for all milk, exclusive of dairy production payments, are greater in purchasing power without this additional increase than those received during the base period (August 1924–July 1929).

2. Prices received by producers in this area, without this additional increase but including the dairy production payments, are not unreasonable in view of prices of feeds, feed supplies, and other economic conditions affecting market supply and demand for milk and its products in the marketing area.

The weighted average prices received by Washington producers for all milk exceeded by 8 cents per hundredweight in February 1945 the level necessary to give milk a purchasing power equal to that in the base period. During each month of 1944 prices received exceeded this measure of parity, ranging from 5 to 16 cents higher. Including dairy production payments, returns to producers for all milk exceeded parity by 68 cents in the year 1944.

One of the most significant factors affecting the relationship between the supply of milk produced locally and the demand for milk in the marketing area has been the tremendous increase in population. The population of the metropolitan Washington area has increased approximately 50 percent since 1940. The rapid influx of persons into the area, together with their increased buying power, has given rise to a sharp increase in the demand for milk. Fluid milk sales apparently increased by about 71 percent between 1940 and 1944. The location of several camps of the armed services within a relatively short distance of the city of Washington contributed to a great extent to this higher demand for milk.

Market receipts of milk from regularly inspected local producers apparently increased by about 24 percent between 1940 and 1944.

While on an annual basis market receipts were in excess of fluid milk and milk drink sales in the market in 1944, seasonal variations in receipts made it necessary in 1944 to supplement local supplies with outside receipts during half the year to supply local sales of milk and milk drinks, alone. This has been true since 1942. The local health departments have approved, on temporary permits, the receipt in the area of milk and cream from plants designated as emergency milk plants. These plants are temporarily approved as sources of milk and cream without the health department regularly inspecting the farms supplying such plants and without requiring that such farms hold farm inspection permits. Purchases of milk from these emergency milk plants amounted to approximately 73 million pounds of milk in 1944 in addition to more than 1 million pounds of emergency approved cream.

The trend of milk production in the United States and in the states and areas adjacent to the Washington milkshed indicate that in the future more milk will be available at these emergency milk plants than has been true heretofore. Milk production trends are upward in most of these areas as well as in other nearby cities which have also been drawing upon these plants as sources of emergency milk.

It was maintained at the hearing by the proponents of the 49-cent price increase that such an increase is necessary in order to bring the local inspected supply of milk more nearly in line with the demand for milk in the area. Evidence was presented in the hearing to show that the price of feeds and the cost of farm labor have increased substantially since January 1941. There have also been during part of this intervening period local shortages of feed supplies, particularly hay. The record also shows, however, that since January 1941 the price received by Washington producers has advanced from $2.79 per hundredweight of 4 percent milk to $3.97 per hundredweight, exclusive of dairy production payments. Direct dairy production payments to farmers in the Washington milkshed have been made since October 1943 and during the year 1945 will average slightly more than 60 cents per hundredweight. In addition, most of the producers in the Washington milkshed were given special payments on hay during the winter of 1943–1944, and they received a supplemental payment of 10 cents per hundredweight to help offset the effects of short hay supplies during the winter of 1944–1945.

These payments have been made to all dairy farmers in this region on all milk sold by them. The payments are designed to compensate dairy farmers for increased costs of feed and labor not reflected in the prices they receive from milk. Evidence with respect to such increases in this region was considered in connection with the determination of the dairy production payment rates. The hearing record does not indicate that producers in the Washington market have experienced greater increases in costs of feed and labor than those encountered by other dairy farmers in this particular area.

With respect to production trends, receipts of milk from local inspected producers increased by approximately 21 percent between 1940 and 1944. This increase was achieved by an increase of 9 percent in the number of producers supplying the market and 12.3 percent in average deliveries per day per dairy. During the same period, total production of milk on farms in the United States increased 10.4 percent. During the 6 months ending with February 1945, receipts of milk from local inspected producers for the Washington market were 4.6 percent higher than during the same 6 months a year earlier. For the United States as a whole, the increase in milk production on farms for the same 6 months was 2.9 percent higher than during the same 6 months a year earlier. Monthly figures introduced into the hearing record show that market receipts from local inspected producers exceeded those during the same month a year earlier in 9 of the 10 months ending with Februray 1945. Sales of fluid milk and milk drinks in the marketing area also exceeded sales during the same month a year earlier in 8 of the 10 months ending with February 1945. The increases in market receipts from local inspected producers, however, were generally in excess of the increases in sales of fluid milk and milk drinks, in the marketing area. The result was that in 8 of the 10 months ending with February 1945, the excess of market receipts over sales of fluid milk and milk drinks in the area was greater, or the deficit was smaller, than in the corresponding month a year earlier. In the 12 months ending February 1945, the deficit of producers' milk was greater in relation to sales in the market of milk, milk drinks, cottage cheese, and cream in the winter months, and the deficit was less in the summer months than in the previous year.

These data and analyses indicate that under the present prices and with dairy production payments which are being made, there is being achieved a balance of receipts from local producers and the local sales of fluid milk and milk drinks in the area. Although the margin between demand for those products which usually are made from locally inspected milk and the local supply is still widening, the current deficit is principally due to sales of cream and cottage cheese. To advance the Class I price of milk at this time in an effort to hasten the achievement of a complete supply of locally inspected milk is not found to be in the public interest.

This report filed at Washington, D. C., this 19th day of September, 1945.

[SEAL] C. W. KITCHEN,
Assistant Administrator, Production and Marketing Administration.

[F. R. Doc. 45–17544; Filed, Sept. 19, 1945; 3:36 p. m.]

FEDERAL POWER COMMISSION.

[Docket No. G–659]

KENTUCKY NATURAL GAS CORP.

NOTICE OF APPLICATION

SEPTEMBER 17, 1945.

Notice is hereby given that on September 4, 1945, Kentucky Natural Gas Corporation (Applicant) a Delaware Corporation having its principal place of business at Owensboro, Kentucky, filed with the Federal Power Commission an application for a temporary certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, as amended authorizing it to (1) operate an existing connection between the transmission pipelines of Tennessee Gas and Transmission Company (Tennessee Company) and Applicant located in Barren County, Kentucky, from December 1, 1945, until April 1, 1946, and (2) install heavy weight gate valves in place of the present light weight gate valves on Applicant's 6-inch connecting pipeline.

The application recites that the estimated peak day requirement for the winter 1945–1946 will be 27,500 mcf compared with a peak day requirement on Applicant's system during the winter of 1944–1945 of 26,491 mcf.

On December 16, 1944, (in Docket No. G–558), this Commission granted Applicant temporary authorization to operate the pipeline connection referred to above until April 1, 1945. On the peak day of the winter of 1944–1945, Applicant obtained from Tennessee Company 2,470 mcf through such connection.

Applicant now seeks authorization to operate the connection with the Tennessee Company's pipeline in order to receive from the latter 5,250 mcf of natural gas, either by allocation or by contract, in order to meet the 1945–1946 winter peak day demand. It is asserted that the heavier valves must be installed because with the present fittings it is not practicable for Applicant to receive through its 6-inch line gas at the rate of 5,250 mcf per day.

According to the application, the additional gas is required by reason of the depletion of Applicant's wells which are expected to produce only 4,250 mcf on the peak day of the winter 1945–1946. This quantity of gas added to 15,000 mcf to be received from Panhandle Eastern Pipe Line Company and 3,000 mcf of storage gas leaves a deficit of 5,250 mcf needed in order to satisfy the peak demand of 27,500 mcf.

Any person desiring to be heard or to make any protest with reference to said application should, on or before the 2d day of October 1945, file with the Federal Power Commission, Washington 25, D. C., a petition or protest in accordance with the Commission's provisional rules of practice and regulations under the Natural Gas Act.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 45–17529; Filed, Sept. 19, 1945; 2:49 p. m.]

OFFICE OF ALIEN PROPERTY CUSTODIAN.

[Vesting Order CE 42]

COSTS AND EXPENSES INCURRED IN CERTAIN ACTIONS OR PROCEEDINGS IN CERTAIN CALIFORNIA COURTS

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the Alien Property Custodian:

Having found that each of the persons named in Column 1 of Exhibit A, attached hereto and by reference made a part hereof, was a person within the designated enemy country or enemy-occupied territory appearing opposite such person's respective name in Column 2 of said Exhibit A;

Having determined that it was in the interest of the United States to take measures in connection with representing each of said persons in the court or administrative action or proceeding identified in Column 3 of said Exhibit A, and having taken such measures;

Finding that as a result of such action or proceeding each of said persons obtained or was determined to have an interest in property, which interest is particularly described in Column 4 of said Exhibit A;

Finding that such property is in the possession, custody or control of the person described in Column 5 of said Exhibit A; and

Finding that the Alien Property Custodian has incurred, in each of such court or administrative actions or proceedings, costs and expenses in the amount stated in Column 6 of said Exhibit A,

hereby vests in the Alien Property Custodian, to be used or otherwise dealt with in the interest, and for the benefit, of the United States, from the property in the possession, custody, or control of the persons described in said Column 5 of said Exhibit A, the sums stated in said Column 6 of said Exhibit A, such sums being the amounts of such property equal to the costs and expenses incurred by the Alien Property Custodian in such actions or proceedings.

This order shall not be deemed to limit the powers of the Alien Property Custodian to return such property if and when it should be determined that such return should be made.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on September 14, 1945.

[SEAL] JAMES E. MARKHAM,
Alien Property Custodian.

EXHIBIT A

Column 1 Name	Column 2 Country or territory	Column 3 Action or proceeding	Column 4 Interest	Column 5 Depositary	Column 6 Sum vested
		Item 1			
Aurelio Gaceta	Philippine Islands	Estate of Emilio R. Gaceta, deceased, in the Superior Court of the State of California, in and for the County of Los Angeles, No. 210713.	$110.79	Security First National Bank of Los Angeles, Civic Center Branch, 110 South Spring Street, Los Angeles, Calif., Account No. 397679.	$13.18
		Item 2			
Aurelio Gaceta	Philippine Islands	Same	$110.80	Security-First National Bank of Los Angeles, Civic Center Branch, 110 South Spring Street, Los Angeles, Calif., Account No. 397671.	13.18
		Item 3			
Rosenda Torres Fernando	Philippine Islands	Estate of Filemon S. Fernando, also known as Filemon Fernando, deceased, in the Superior Court of the State of California, in and for the County of Los Angeles, No. 217473.	$286.66	Security-First National Bank of Los Angeles, Sixth and Spring Street, Los Angeles, Calif., Account No. 397614.	18.22
		Item 4			
Quon Fon Yin	China	Estate of Quon Chong, deceased, in the Superior Court of the State of California, in and for the County of Santa Clara, No. 26485.	$356.17	Dale Holland, County Treasurer, Santa Clara County, San Jose, Calif.	30.14

EXHIBIT A—Continued

Column 1 Name	Column 2 Country or territory	Column 3 Action or proceeding	Column 4 Interest	Column 5 Depositary	Column 6 Sum vested
		Item 5			
Terezie Vesely	Czechoslovakia	Estate of Charles R. Vesely, deceased, in the Superior Court of the State of California, in and for the County of Los Angeles, No. 250116.	$1,000.00	James F. Therry, Executor of the Estate of Charles R. Vesely, 522 North Grand Avenue, Covina, Calif.	$
		Item 6			
Clarence O. Bohanan	Philippine Islands	Estate of Lydia S. Getze, deceased, in the Superior Court of the State of California, in and for the County of Los Angeles, No. 214090.	$385.71	Farmers and Merchants National Bank of Los Angeles, Calif., Savings Account No. 3601.	
		Item 7			
Edward G. Bohanan	Philippine Islands	Same	$50.00	Farmers and Merchants National Bank of Los Angeles, Calif., Savings Account No. 5024.	
		Item 8			
Mary Lydia Bohanan	Philippine Islands	Same	$50.00	Farmers and Merchants National Bank of Los Angeles, Calif., Savings Account No. 6482.	
		Item 9			
Selne Hansen	Denmark	Estate of Andrew Larsen, also known as A. Larsen, deceased, in the Superior Court of the State of California, in and for the County of Sonoma.	$410.00	A. Sporon-Fiedler, Consul General of Denmark, Mills Building, San Francisco, Calif.	
		Item 10			
Marial nsen	Denmark	Same	$410.00	Same	
		Item 11			
Cezera Manani (true name Cezera Marani).	Italy	Estate of Guido Marcelli, deceased, in the Superior Court of the State of California, in and for the County of Alameda.	$1,500.00	Guido Marcelli, Executor of the Last Will and Testament of Guido Marcelli, deceased, 1142 Francisco Street, Berkeley, Calif.	
		Item 12			
Joseph Marcelli	Italy	Same	$1,500.00 $440.00	Same	
		Item 13			
Cotas Pappas	Greece	Estate of S. Stamoules, also known as Spero Stamoules, also known as Spero S. Stamoules, also known as Speros Stamoules, also known as S. S. Stamoules, deceased, in the Superior Court of the State of California, in and for the County of Fresno, No. 1826l.	$1,000.00	K. G. Murphis, Executor of the Last Will and Testament of S. Stamoules, deceased, Mendota, Fresno County, Calif.	
		Item 14			
Anastasio Pappas	Greece	Same	$1,000.00	Same	
		Item 15			
Marigo Sakellarlou	Greece	Same	$2,000.00	Same	
		Item 16			
Constantinus Kostakis.	Greece	Estate of Soterios Ione Kostakis, also known as Soterios John Kostakis, deceased, in the Superior Court of the State of California, in and for the County of San Diego, No. 32-288.	$582.37 & ½ interest in bank deposit in Greece totaling $8,187.77.	Bank of American National Trust and Savings Association, Chula Vista, Branch, Chula Vista, San Diego County, Calif., Commercial Account in the name of Constantinus Kostakis.	
		Item 17			
Katherine Kostakis Benekos.	Greece	Same	$582.37 & ½ interest in bank deposit in Greece totaling $8,187.77.	Bank of America National Trust and Savings Association, Chula Vista Branch, Chula Vista, San Diego County, Calif., Commercial Account in the name of Katherine Kostakis Benekos.	

[F. R. Doc. 45-17494; Filed, Sept. 19, 1945; 10:31 a. m.]

[Vesting Order CE 43]

COSTS AND EXPENSES INCURRED IN CERTAIN ACTIONS OR PROCEEDINGS IN CERTAIN NEW JERSEY COURTS

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the Alien Property Custodian:

Having found that each of the persons named in Column 1 of Exhibit A, attached hereto and by reference made a part hereof, was a person within the designated enemy country or enemy-occupied territory appearing opposite such person's respective name in Column 2 of said Exhibit A;

Having determined that it was in the interest of the United States to take measures in connection with representing each of said persons in the court or administrative action or proceeding identified in Column 3 of said Exhibit A, and having taken such measures;

Finding that as a result of such action or proceeding each of said persons obtained or was determined to have an interest in property, which interest is particularly described in Column 4 of said Exhibit A;

Finding that such property is in the possession, custody or control of the person described in Column 5 of said Exhibit A; and

Finding that the Alien Property Custodian has incurred, in each of such court or administrative actions or proceedings, costs and expenses in the amount stated in Column 6 of said Exhibit A,

hereby vests in the Alien Property Custodian, to be used or otherwise dealt with in the interest, and for the benefit, of the United States, from the property in the possession, custody, or control of the persons described in said Column 5 of said Exhibit A, the sums stated in said Column 6 of said Exhibit A, such sums being the amounts of such property equal to the costs and expenses incurred by the Alien Property Custodian in such actions or proceedings.

This order shall not be deemed to limit the powers of the Alien Property Custodian to return such property if and when it should be determined that such return should be made.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on September 14, 1945.

[SEAL] JAMES E. MARKHAM,
Alien Property Custodian.

EXHIBIT A

Column 1 Name	Column 2 Country or territory	Column 3 Action or proceeding	Column 4 Interest	Column 5 Depositary	Column 6 Sum vested
		Item 1			
Gianbattista Paolino	Italy	Estate of Raffaele Paolino, deceased, Passaic County Orphans' Court, Passaic County, N. J.	$91.84	Carmine O. Pellosie, Administrator of the Estate of Raffaele Paolino, deceased, c/o Andrew Mainardi, Esquire, 292 Main Street, Paterson, N. J.	$7.33
		Item 2			
Maria Paolino	Italy	Same	91.84	Same	7.33
		Item 3			
Filen Paolino	Italy	Same	91.85	Same	7.34
		Item 4			
Nina De Mattia De Luca	Italy	Estate of Joseph De Mattia, deceased, Passaic County Orphans' Court, Passaic County, N. J.	287.65	Eleanor De Mattia Martinelli, Administratrix of the Estate of Joseph De Mattia, deceased, c/o Louis Bertoni, 233 Dayton Avenue, Clifton, N. J.	27.46
		Item 5			
Carlo Acerbi	Italy	Estate of Attilio Acerbi, deceased, Passaic County Orphans' Court, Passaic County, N. J.	961.94	Caterina Ternavasio, Administratrix of the Estate of Attilio Acerbi, deceased, c/o Charles Gorgas, 135 Washington Street, Paterson, N. J.	45.67
		Item 6			
Lillian Bianchi	Italy	Same	961.95	Same	45.67
		Item 7			
Adelaisa Acerbi	Italy	Same	961.95	Same	45.68
		Item 8			
Cristofaro Vargaro	Italy	Estate of Rocco Vargaro, deceased, Passaic County Orphans' Court, Passaic County, N. J.	500.27	Anthony Ragucci, Administrator of the Estate of Rocco Vargaro, deceased, c/o Colombo Commarano, Esquire, Second National Bank Building, Paterson, N. J.	21.08
		Item 9			
Carmela Vargaro	Italy	Same	500.27	Same	21.08
		Item 10			
Leendert Arnold	Holland	Estate of Christoffer Bomert, deceased, Hudson County Orphans' Court, Hudson County, N. J.	1,000.52	Hudson County National Bank, Executor of the Estate of Christoffer Bomert, deceased, c/o Oscar Greenberg, 75 Montgomery St., Jersey City, N. J.	8.16
		Item 11			
Gerda Arnold	Holland	Same	1,000.52	Same	8.16
		Item 12			
Peter Christian Bomert	Holland	Same	1,000.52	Same	8.16
		Item 13			
Anna Bomert	Holland	Same	1,000.52	Same	8.16
		Item 14			
Gerda Schoenheit	Holland	Same	1,000.52	Same	8.16
		Item 15			
Bertha Schoenheit	Holland	Same	1,000.52	Same	8.16
		Item 16			
Bernard Schoenheit	Holland	Same	1,000.52	Same	8.15
		Item 17			
Marie Liechtenstein	Czechoslovakia	Estate of Bedrich Liechtenstein, deceased, Essex County Orphans' Court, Essex County, N. J.	181.67	Raymond Stiles, Administrator of the Estate of Bedrich Liechtenstein, deceased, c/o Leo Gold, 17 Clinton Place, Newark, N. J.	10.35
		Item 18			
Hannah Liechtenstein	Czechoslovakia	Same	181.67	Same	10.35
		Item 19			
Lani Liechtenstein	Czechoslovakia	Same	181.68	Same	10.36

[F. R. Doc. 45-17495; Filed, Sept. 19, 1945; 10:31 a. m.]

OFFICE OF PRICE ADMINISTRATION.

[MPR 260, Amdt. 1 to Order 610]

ROYAL CIGAR CO.

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion accompanying this amendment and pursuant to § 1358.102 (b) of Maximum Price Regulation 260, *It is ordered*, That:

The maximum prices for the "Postman-Postman" cigar set forth in paragraph (a) of Order No. 610 under Maximum Price Regulation No. 260, are amended to read as follows:

Brand	Size or frontmark	Packing	Maximum list price	Maximum retail price
Postman	Postman	50	*Per M* $60	*Cents* 2 for 15

This amendment shall become effective September 20, 1945.

Issued this 19th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-17509; Filed, Sept. 19, 1945; 11:25 a. m.]

[MPR 260, Order 1844]

JOSEPHINE G. FLEITAS CIGAR FACTORY

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion accompanying this order, and pursuant to § 1358.102 (b) of Maximum Price Regulation No. 260, *It is ordered*, That:

(a) Josephine G. Fleitas Cigar Factory, 1906 10th Avenue, Tampa 5, Fla. (hereinafter called "manufacturer") and wholesalers and retailers may sell, offer to sell or deliver and any person may buy, offer to buy or receive each brand and size or frontmark, and pack-

ing of the following domestic cigars at the appropriate maximum list price and maximum retail price set forth below:

Brand	Size or frontmark	Packing	Maximum list price	Maximum retail price
			Per M	*Cents*
Mahoma	Lords	50	$101.25	2 for 27

(b) The manufacturer and wholesalers shall grant, with respect to their sales of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the discounts they customarily granted in March 1942 on their sales of domestic cigars of the same price class to purchasers of the same class, unless a change therein results in a lower price. Packing differentials charged by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class may be charged on corresponding sales of each brand and size or frontmark of cigars priced by this order, but shall not be increased. Packing differentials allowed by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class shall be allowed on corresponding sales of each brand and size or frontmark of cigars priced by this order and shall not be reduced. If a brand and size or frontmark of domestic cigars for which maximum prices are established by this order is of a price class not sold by the manufacturer or the particular wholesaler in March 1942, he shall, with respect to his sales thereof, grant the discounts and may charge and shall allow the packing differentials customarily granted, charged or allowed (as the case may be) in March 1942 by his most closely competitive seller of the same class on sales of domestic cigars of the same March 1942 price class to purchasers of the same class.

(c) On or before the first delivery to any purchaser of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the manufacturer and every other seller (except a retailer) shall notify the purchaser of the maximum list price and the maximum retail price established by this order for such brand and size or frontmark of domestic cigars. The notice shall conform to and be given in the manner prescribed by § 1358.113 of Maximum Price Regulation No. 260.

(d) Unless the context otherwise requires, appropriate provisions of Maximum Price Regulation No. 260, shall apply to sales for which maximum prices are established by this order.

(e) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective September 20, 1945.

Issued this 19th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-17510; Filed, Sept. 19, 1945; 11:25 a. m.]

[MPR 260, Order 1846]

PEDRO BAERGA VALLES

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion accompanying this order, and pursuant to § 1358.102 (b) of Maximum Price Regulation No. 260; *It is ordered*, That:

(a) Pedro Baerga Valles, Patillas, P. R. (hereinafter called "manufacturer") and wholesalers and retailers may sell, offer to sell or deliver and any person may buy, offer to buy or receive each brand and size or frontmark, and packing of the following domestic cigars at the appropriate maximum list price and maximum retail price set forth below:

Brand	Size or frontmark	Packing	Maximum list price	Maximum retail price
			Per M	*Cents*
P. Baerga	Breva	50	$24	3

(b) The manufacturer and wholesalers shall grant, with respect to their sales of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the discounts they customarily granted in March 1942 on their sales of domestic cigars of the same price class to purchasers of the same class, unless a change therein results in a lower price. Packing differentials charged by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class may be charged on corresponding sales of each brand and size or frontmark of cigars priced by this order, but shall not be increased. Packing differentials allowed by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class shall be allowed on corresponding sales of each brand and size or frontmark of cigars priced by this order and shall not be reduced. If a brand and size or frontmark of domestic cigars for which maximum prices are established by this order is of a price class not sold by the manufacturer or the particular wholesaler in March 1942, he shall, with respect to his sales thereof, grant the discounts and may charge and shall allow the packing differentials customarily granted, charged or allowed (as the case may be) in March 1942 by his most closely competitive seller of the same class on sales of domestic cigars of the same March 1942 price class to purchasers of the same class.

(c) On or before the first delivery to any purchaser of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the manufacturer and every other seller (except a retailer) shall notify the purchaser of the maximum list price and the maximum retail price established by this order for such brand and size or frontmark of domestic cigars. The notice shall conform to and be given in the manner prescribed by § 1358.113 of Maximum Price Regulation No. 260.

(d) Unless the context otherwise requires, appropriate provisions of Maximum Price Regulation No. 260, shall apply to sales for which maximum prices are established by this order.

(e) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective September 20, 1945.

Issued this 19th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-17511; Filed, Sept. 19, 1945, 11:26 a. m.]

[MPR 260, Order 1847]

EVA CIGAR CO.

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion accompanying this order, and pursuant to § 1358.102 (b) of Maximum Price Regulation No. 260; *It is ordered*, That:

(a) Eva Cigar Company, Route 4, Box 1329, Tampa 7, Fla. (hereinafter called "manufacturer") and wholesalers and retailers may sell, offer to sell or deliver and any person may buy, offer to buy or receive each brand and size or frontmark, and packing of the following domestic cigars at the appropriate maximum list price and maximum retail price set forth below:

Brand	Size or frontmark	Packing	Maximum list price	Maximum retail price
			Per M	*Cents*
Anthony	Sargento[1]	50	$80.00	12
	Corona[1]	50	97.50	15
	Brevas[1]	50	101.25	2 for 27

[1] These prices apply to these brands and frontmarks only when made of all (Type 81) Havana tobacco.

(b) The manufacturer and wholesalers shall grant, with respect to their sales of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the discounts they customarily granted in March 1942 on their sales of domestic cigars of the same price class to purchasers of the same class, unless a change therein results in a lower price. Packing differentials charged by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class may be charged on corresponding sales of each brand and size or frontmark of cigars priced by this order, but shall not be increased. Packing differentials allowed by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class shall be allowed on corresponding sales of each brand and size or frontmark of cigars priced by this order and shall not be reduced. If a brand and size or frontmark of domestic cigars for which maximum prices are established by this order is of a price class not sold by the manufacturer or the particular wholesaler in March 1942, he shall, with respect to his sales thereof, grant the discounts and may charge and shall allow the packing differentials customarily granted, charged or allowed (as the case may be) in March 1942 by his most closely competitive seller of the same class on sales of domestic cigars of the same March 1942 price class to purchasers of the same class.

(c) On or before the first delivery to any purchaser of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the manufacturer and every other seller (except a retailer) shall notify the purchaser of the maximum list price and the maximum retail price established by this order for such brand and size or frontmark of domestic cigars. The notice shall conform to and be given in the manner prescribed by § 1358.113 of Maximum Price Regulation No. 260.

(d) Unless the context otherwise requires, appropriate provisions of Maximum Price Regulation No. 260, shall apply to sales for which maximum prices are established by this order.

(e) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective September 20, 1945.

Issued this 19th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-17512; Filed, Sept. 19, 1945; 11:26 a. m.]

[MPR 260, Order 1848]

VALENTIN VINA & CO.

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion accompanying this order, and pursuant to § 1358.102 (b) of Maximum Price Regulation No. 260; *It is ordered*, That:

(a) Valentin Vina and Company, 2011 8th Avenue, Tampa 5, Fla. (hereinafter called "manufacturer") and wholesalers and retailers may sell, offer to sell or deliver and any person may buy, offer to buy or receive each brand and size or frontmark, and packing of the following domestic cigars at the appropriate maximum list price and maximum retail price set forth below:

Brand	Size or frontmark	Packing	Maximum list price	Maximum retail price
			Per M	*Cents*
Valvina, Tampa Maid	Coronitas	50	$101.25	2 for 27
	Brevas	50	101.25	2 for 27

(b) The manufacturer and wholesalers shall grant, with respect to their sales of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the discounts they customarily granted in March 1942 on their sales of domestic cigars of the same price class to purchasers of the same class, unless a change therein results in a lower price. Packing differentials charged by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class may be charged on corresponding sales of each brand and size or frontmark of cigars priced by this order, but shall not be increased. Packing differentials allowed by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class shall be allowed on corresponding sales of each brand and size or frontmark of cigars priced by this order and shall not be reduced. If a brand and size or frontmark of domestic cigars for which maximum prices are established by this order is of a price class not sold by the manufacturer or the particular wholesaler in March 1942, he shall, with respect to his sales thereof, grant the discounts and may charge and shall allow the packing differentials customarily granted, charged or allowed (as the case may be) in March 1942 by his most closely competitive seller of the same class on sales of domestic cigars of the same March 1942 price class to purchasers of the same class.

(c) On or before the first delivery to any purchaser of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the manufacturer and every other seller (except a retailer) shall notify the purchaser of the maximum list price and the maximum retail price established by this order for such brand and size or frontmark of domestic cigars. The notice shall conform to and be given in the manner prescribed by § 1358.113 of Maximum Price Regulation No. 260.

(d) Unless the context otherwise requires, appropriate provisions of Maximum Price Regulation No. 260, shall apply to sales for which maximum prices are established by this order.

(e) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective September 20, 1945.

Issued this 19th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-17513; Filed, Sept. 19, 1945; 11:26 a. m.]

[RFS 40, Order 21]

CORBIN CABINET LOCK CO.

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register and pursuant to § 1346.1 (b) (3) of Revised Price Schedule No. 40 and section 9 of Maximum Price Regulation No. 591; *It is ordered:*

(a) The maximum list prices, f. o. b. New Britain, Connecticut, for sales by the Corbin Cabinet Lock Company of the following padlocks, shall be:

	Per dozen
Model P-75	$10.00
Model P-75 (h)	13.33

(b) The maximum list prices established in (a) above shall be subject to the following discounts:

	Percent
On sales to jobbers	50-10
On sales to retailers	40

(c) Jobbers shall determine their maximum prices in accordance with § 1346.1 (b) (4) of Revised Price Schedule No. 40.

(d) The maximum net prices for sales by retailers of the following padlocks manufactured by the Corbin Cabinet Lock Company, shall be:

	Each
Model P-75	$0.75
Model P-75 (h)	1.00

(e) The maximum prices established by this order shall be subject to discounts and allowances including transportation allowances, and the rendition of services which are at least as favorable as those which each seller extended or rendered or would have extended or rendered to purchasers of the same class on comparable sales of similar commodities during October 1-15, 1941, for the manufacturer and jobbers, and March 1942, for retailers.

(f) The Corbin Cabinet Lock Company shall notify, in writing, each of its purchasers, at or before the time of the issuance of the first invoice after the effective date of this order, of the maximum prices established thereunder for it on sale to each purchaser as well as the purchaser's maximum price for resale or the purchaser's method of determining a maximum price for resale.

(g) The Corbin Cabinet Lock Company shall print in a conspicuous place on the box containing the padlocks priced by this order or attach a tag to such padlocks indicating the following:

	Each
Maximum retail price for Model No. P-75	$0.75
Maximum retail price for Model No. P-75 (h)	1.00

(h) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective September 20, 1945.

Issued this 19th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-17555; Filed, Sept. 19, 1945; 4:21 p. m.]

[MPR 132, Amdt. 1 to Order 4]

RUBBER FOOTWEAR

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion, issued simultaneously herewith, and filed with the Division of the Federal Register, and pursuant to §§ 1315.70 (b) and 1315.73 (b) of Maximum Price Regulation 132, and section 6.4 of Second Revised Supplementary Regulation No. 14 to the General Maximum Price Regulation, paragraph (b) (1) of Order No. 4 under Maximum Price Regulation 132 is amended as follows:

1. The following items and prices are added to the list of rubber footwear and maximum prices under the heading "Waterproof Footwear":

Item	*Maximum price list (per pair)*
Men's 5-buckle rubber arctic, Special jumbo last	$4.20
Boot, knee wader, all rubber	6.35

2. The following item and price is added to the list of footwear and maximum prices under the heading "Canvas Footwear":

Item	*Maximum price list (per pair)*
Men's training shoe, calendered sole	$2.60

This amendment shall become effective September 20, 1945.

Issued this 19th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-17559; Filed, Sept. 19, 1945; 4:22 p. m.]

Regional and District Office Orders.

[Region I Order G-21 Under SR 15, MPR 280, and MPR 329, Amdt. 13]

FLUID MILK IN MAINE

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of Region I of the Office of Price Administration by § 1499.75 (a) (9) of Supplementary Regulation 15 to the General Maximum Price Regulation, as amended, by § 1351.807 of Maximum Price Regulation No. 280 and § 1351.408 of Maximum Price Regulation No. 329, Order G-21 is hereby amended in the following respects:

1. The subdivision designated Franklin County in paragraph (a) (2) is amended to read as follows:

Franklin County	*Zone*
Dallas Plantation, Farmington, Jay, New Vineyard, Phillips, Rangeley, Rangeley Plantation, Sandy River Plantation, Strong and Wilton	4
Remainder of Franklin County	9

2. A new subparagraph (13) is added to paragraph (h) to read as follows:

(13) Amendment No. 13 shall become effective on September 18, 1945 at 12:01 a. m.

Issued this 18th day of September 1945.

WILLIAM E. HALE,
Acting Regional Administrator.

Approved: September 14, 1945.

CLINTON P. ANDERSON,
Secretary of Agriculture.

[F. R. Doc. 45-17449; Filed, Sept. 18, 1945; 4:20 p. m.]

[Region IV Order G-17 Under SR 15, MPR 280 and MPR 329, Amdt. 5]

FLUID MILK IN GEORGIA

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator, Region IV of the Office of Price Administration by § 1499.75 (a) (9) of the General Maximum Price Regulation and § 1351.807 of Maximum Price Regulation 280 and section 8-A of Order G-17, it is hereby ordered that Order G-17 be amended in the following respects:

A second proviso is added to the end of section 14 (d) to read as follows:

Provided, further, The maximum price of fluid whole milk and buttermilk sold and delivered in Floyd County in paper containers shall be 1¢ per container higher than the price set forth in Table 4 above for the same quantity in a glass container of one quart or smaller container.

This amendment shall become effective September 18, 1945.

Issued: September 18, 1945.

ALEXANDER HARRIS,
Regional Administrator.

Approved: September 14, 1945.

CLINTON P. ANDERSON,
Secretary of Agriculture.

[F. R. Doc. 45-17450; Filed, Sept. 18, 1945; 4:20 p. m.]

[Region IV Orders G-18, G-19, G-20, G-21, Amdt. 3; Orders G-15, G-17, G-22, Amdt. 4; Order G-16, Amdt 5; Under SR 15, MPR 280 and MPR 329]

FLUID MILK IN ATLANTA REGION

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator, Region IV of the Office of Price Administration by § 1499.75 (a) (9) (ii) (c) of the General Maximum Price Regulation, § 1351.807 (b) (3) of Maximum Price Regulation 280, and § 1351.408 (g) of Maximum Price Regulation 329, it is hereby ordered that the above enumerated orders be amended in the following respects:

1. Section 1 is amended by adding a new paragraph (c), to read as follows:

On and after September 18, 1945 all quantity limitations on the sale of special fluid milk at a premium price set forth in any order issued under the General Maximum Price Regulation, Supplementary Regulation 14, Supplementary Regulation 14A, or any individual order issued pursuant to this order since April 15, 1945, are revoked.

2. Section 3 (g) is amended to read as follows:

"Special fluid whole milk" means a particular seller's Grade A fluid milk which in addition conforms to at least one of the following standards: (1) "Breed" milk which complies with the published production and distribution standards and requirements of any national dairy breed association such as the American Jersey Cattle Club and the American Guernsey Cattle Club; (2) "Certified" milk which complies with the published production and distribution standards and requirements of the American Medical Milk Commission or its duly authorized agents; (3) "High butterfat" milk which contains more than ¾% of butterfat in excess of the minimum butterfat standards established by any federal, state or local government agency for "approved fluid whole milk"; and (4) "Special processed" milk which has been subjected to additional processing other than by cooling, weighing, testing, reconstituting, bottling, standardizing or separating, for example, homogenization and/or "fortification" with Vitamin D.

3. Section 7 is amended to read as follows:

SEC. 7. (a) Each seller named in section 16 or in any special order issued between April 15, 1945, and September 18, 1945, pursuant to this section is authorized to sell special fluid whole milk of the type there specified at the maximum prices set forth opposite his name or in such special order. These maximum prices have been established by filings under Supplementary Regulation 14A, by orders issued by the Atlanta Regional Office pursuant to Supplementary Regulation 14A, and under this order. All quantity limitations contained in any special order issued pursuant to this section are deleted from such special order, effective September 18, 1945.

(b) Except as otherwise authorized in section 16 or by special order issued pursuant to this section, no person shall sell a "special fluid whole milk" at a premium price except in accordance with the following provisions:

(1) Any seller of a "breed" milk as defined in section 3 (g) may add 1¢ per quart and ½¢ per smaller container to the maximum price set forth in the applicable table in section 14 for the same quantity of "approved fluid whole milk";

(2) Any seller of a "certified" milk as defined in section 3 (g) may add 2¢ per quart and 1¢ per smaller container to the maximum price set forth in the applicable table in section 14 for the same quantity of "approved fluid whole milk";

(3) Any seller of a "high butterfat" milk may add a premium only in accordance with the following provisions:

(i) Any seller of a "high butterfat" milk named in section 16 or by special order pursuant to this section since April 15, 1945, may sell such milk at the premium price set forth opposite his name or in such special order.

(ii) Any seller unable to establish a maximum price under the foregoing provision may not sell a "high butterfat" milk at a premium price until he applies in writing to the Atlanta Regional Office, Candler Building, Atlanta 3, Georgia, for permission to sell such "high butterfat" milk at a premium price and is granted such permission by written order from that office.

The application shall be in duplicate and shall contain a statement setting forth the following:

(*a*) The maximum price charged by the applicant for such "high butterfat" milk during March, 1942;

(*b*) The prevailing price of standard approved milk in the same market area during March, 1942; and

(*c*) The name of all communities in which the applicant sold "high butterfat" milk at a premium price over standard whole milk during March, 1942, and April, 1945.

If the applicant did not sell a "high butterfat" milk in a particular market during March, 1942, and/or April, 1945, he must present evidence that another seller has on or before April 30, 1945, established a premium price for a "high butterfat" milk in such market.

(4) A seller of "special processed" milk may not sell such milk in excess of the maximum price for standard fluid whole milk unless he has applied to the Atlanta Regional Office and received permission to sell such special milk at a premium price and is granted such permission by a written order from that office. The applicant must show, unless otherwise provided below, that he had an established premium price during or prior to April, 1945, or that another seller in such market had established a premium price for the particular type of "special processed" milk in such market on or before April 30, 1945;

Except, that a seller of such "special processed" milk which has been subjected to a processing consisting of both homogenization and "fortification" may charge a premium of 1¢ per quart and ½¢ per smaller container over the maximum price for standard fluid whole milk provided by the applicable table in section 14.

(5) Any seller of a "breed" milk or "certified" milk who desires a higher maximum premium price than that provided by section 7 (b) (1) or (2) of this order may apply in writing to the Atlanta Regional Office for permission to sell such special milk at a premium price higher than that provided by such general provisions.

The application shall indicate specific reasons why the general provisions in section 7 (b) (1) or (2) are unsatisfactory.

The application must present evidence that the applicant or another seller in the particular market area had the same established premium price differential for the same type of milk prior to April 30, 1945, as that requested in the application.

(c) Except for the named special buttermilks authorized to the specific sellers named in section 16 or in a special order issued pursuant to this section subsequent to April 15, 1945, no person shall sell a "special" buttermilk at a premium price on or after September 18, 1945, unless he applies in writing to the Atlanta Regional Office, Candler Building, Atlanta, Georgia, for permission to sell such special buttermilk at a premium price and is granted such permission by written order from that office. The application shall show:

(1) Each type of special buttermilk sold at a premium price during the months of March, 1942 and April, 1945;

(2) The established price for each size and container type sold by the applicant during such time and the prevailing price of plain buttermilk during March, 1942, in the particular market; and

(3) The names of all communities where the applicant sold special buttermilk at a premium price over plain buttermilk in March, 1942 and April, 1945.

Unless the applicant is able to present evidence that he had an established premium price during March, 1942 or that another seller has established a premium price for a "special" buttermilk in the same particular market, the Atlanta Regional Office shall not grant the applicant permission to sell "special" buttermilk at a premium price.

(d) The Atlanta Regional Office may correct or revise any maximum prices established for any type of special milk, having due regard to the differentials prevailing in adjoining areas.

(e) No authorized seller may charge a premium price for a "special" whole milk or a "special" buttermilk unless each container is marked or otherwise designated in such a manner as to clearly differentiate it from the standard whole milk and/or plain buttermilk on which the seller has established a maximum price under the applicable table of section 14. Sales of any "special" milk in a container which is not so differentiated shall be at prices no higher than the maximum prices established for the particular container type of standard whole milk and the class of sale established by this order.

(f) No seller who on or before April 30, 1945, offered a standard and special whole fluid milk and/or a plain and special buttermilk shall discontinue offering standard fluid whole milk and/or plain buttermilk. If the purchaser from such a seller cannot obtain standard whole fluid milk or plain buttermilk when ordered and the seller elects to deliver special whole milk or special buttermilk, as the case may be, the maximum price for such special fluid milk may not exceed the maximum prices established by the applicable table of section 14 for standard fluid whole milk or plain fluid whole buttermilk, as the case may be. A seller who discontinues the sale of standard whole milk or plain buttermilk and continues to sell special whole milk and/or special buttermilk may not charge for such special milk a price in excess of the maximum prices established by the applicable table of section 14 for standard whole milk and/or plain buttermilk.

(g) A retail store which purchases special milk at wholesale from a seller entitled by this order or by a special order issued by the Atlanta Regional Office to charge a premium wholesale price on such special milk may add a markup not exceeding 2¢ per quart or 1¢ per smaller container to his supplier's wholesale selling price, but in no case to a cost higher than the supplier's wholesale ceiling price established pursuant to this order.

This amendment shall become effective September 18, 1945.

ALEXANDER HARRIS,
Regional Administrator.

Approved: September 14, 1945.

CLINTON P. ANDERSON,
Secretary of Agriculture.

[F. R. Doc. 45-17451; Filed, Sept. 18, 1945; 4:21 p. m.]

[Region IV Order G-21 Under SR 15, MPR 280 and MPR 329, Amdt. 4]

FLUID MILK IN ATLANTA REGION

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator, Region IV of the Office of Price Administration by § 1499.75 (a) (9) (ii) (c) of the General Maximum Price Regulation, § 1351.807 (b) (3) of Maximum Price Regulation 280, and § 1351.408 (g) of Maximum Price Regulation 329; *It is hereby ordered,* That Order G-21 be amended in the following respect:

Section 7 (b) (3) is amended by adding a new subparagraph (iii), to read as follows:

(iii) Any seller in the Memphis, Tennessee area, including all of Shelby County, may sell approved fluid whole milk with a minimum butterfat content of 5 per cent in glass and paper containers at the following maximum premium prices:

	Quarts	Pints	Half-pints
	Cents	*Cents*	*Cents*
Wholesale	13½	8	4½
Retail	17½	9	6

This amendment shall become effective September 18, 1945.

Issued: September 18, 1945.

ALEXANDER HARRIS,
Regional Administrator.

Approved: September 14, 1945.

CLINTON P. ANDERSON,
Secretary of Agriculture.

[F. R. Doc. 45-17452; Filed, Sept. 18, 1945; 4:21 p. m.]

[Region IV Order G-22 Under SR 15, MPR 280 and MPR 329, Amdt. 5]

FLUID MILK IN ATLANTA REGION

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator, Region IV of the Office of Price Administration by § 1499.75 (a) (9) (ii) (c) of the General Maximum Price Regulation § 1351.807 (b) (3) of Maximum Price Regulation 280, and § 1351.408 (g) of Maximum Price Regulation 329; *It is hereby ordered,* That Order G-22 be amended in the following respect:

Section 7 (b) (3) is amended by adding a new subparagraph (iii), to read as follows:

(iii) Any seller who sells and delivers a special milk with a butterfat content of not less than 4.5% within the following counties, together with all cities, towns and municipalities located within such geographical limits: Accomac, Elizabeth City, Gloucester, James City, Mathews, Norfolk, Northampton, Princess Anne, Warwick and York: may sell such "high butterfat" milk at the following maximum prices:

	Quarts	Pints	Half-pints
	Cents	*Cents*	*Cents*
Wholesale	18	10½	6½
Retail, home-delivered	20		

This amendment shall become effective September 18, 1945.

Issued: September 18, 1945.

ALEXANDER HARRIS,
Regional Administrator.

Approved: September 14, 1945.

CLINTON P. ANDERSON,
Secretary of Agriculture.

[F. R. Doc. 45-17454; Filed, Sept. 18, 1945; 4:22 p. m.]

[Region V Order G-8 Under SR 14A]

FLUID MILK IN MADISON AND ST. FRANCOIS COUNTIES, MO.

Pursuant to an application filed by Voss & Stroup, d/b/a Merchant's Dairy, Desloge, Missouri; F. M. Travis, d/b/a Bonne Terre Farm Cattle Co. Dairy, Inc., Bonne Terre, Missouri; Fred W.

Schramm, d/b/a Schramm Creamery & Bottling Co., Inc., Farmington, Missouri; and Health-Way Products, Inc., Fredericktown, Missouri; and for the reasons set forth in the opinion accompanying this order and under the authority vested in the Administrator of Region V, Office of Price Administration, by § 1499.73a (a) (1) (vii) (d) of Supplementary Regulation No. 14A and § 1499.75 (a) (9) of Supplementary Regulation No. 15 to the General Maximum Price Regulation, and by specific authority of the Price Administrator, *It is hereby ordered:*

(1) The maximum prices established by § 1499.73a (a) (1) (vii) of Supplementary Regulation No. 14A to the General Maximum Price Regulation for fluid milk in the counties of Madison and St. Francois, Missouri, are adjusted as follows:

(a) Sellers of milk in determining maximum prices for the sale of approved fluid milk in containers of 1 gallon or less shall determine such prices as though Madison and St. Francois Counties, Missouri, were classified in the appendix to § 1499.73a (a) (1) (vii) of Supplementary Regulation No. 14A to the General Maximum Price Regulation as being in Area 2a.

(2) This order may be revoked, amended or corrected at any time.

(3) Unless the context otherwise requires, the definitions set forth in § 1499.73a (a) (1) (vii) (d) of Supplementary Regulation No. 14A to the General Maximum Price Regulation shall apply to the terms used herein.

(4) The application is hereby denied in all respects except as above noted.

The applicants may within 60 days from the date on which this order is mailed to them, file an application with the Regional Administrator for review of the order by the Price Administrator in accordance with Revised Procedural Regulation No. 1, as amended.

This order shall become effective the 18th day of September 1945.

Issued at Dallas, Texas, this the 18th day of September 1945.

W. A. ORTH,
Regional Administrator.

Approved: September 14, 1945.

CLINTON P. ANDERSON,
Secretary of Agriculture.

[F. R. Doc. 45-17453; Filed, Sept. 18, 1945; 4:21 p. m.]

[Region VII Order G-11 Under Supp. Order 94]

SURPLUS WAR COMMODITIES IN DENVER REGION

Order No. G-11 under Supplementary Order 94. Maximum retail prices for certain specified surplus war commodities when sold in Region VII. Docket No. 7-SO 94-11-22.

Pursuant to the Emergency Price Control Act of 1942, as amended, the Stabilization Act of 1942, as amended, and sections 11 and 13 of Supplementary Order No. 94, as amended, and for the reasons set forth in the accompanying opinion, this Order No. G-11 is issued.

(a) *What this order does.* This Order No. G-11 establishes maximum retail prices for used window units and/or glazed sash, heretofore or hereafter sold by any government agency as used surplus war commodities, when sold at any place in this Region VII to an ultimate consumer or user.

(b) *Geographical applicability.* This Order No. G-11 covers sales of the surplus war commodities in question only when made in or made for delivery in Region VII, which includes all of the States of New Mexico, Colorado, Wyoming, Montana, and Utah, and all that part of the State of Idaho lying south of the southern boundary of Idaho County, the County of Malheur in the State of Oregon, and all that part of the Counties of Mohave and Coconino in the State of Arizona lying north of the Colorado River.

(c) *Maximum retail prices.* The maximum retail prices for the used window units and/or glazed sash described below shall be as stated:

DESCRIPTION OF WINDOW UNITS AND/OR GLAZED SASH	*Maximum retail price per window unit and/or glazed sash*
(1) Plain rail hinged with frame and screen, 9 panes, size 10" x 12" glazed, to fit opening 36" x 45". Painted any color	$3.30
(2) Plain rail hinged with frame and screen, 9 panes, size 9" x 12" to fit opening size 33" x 45"	2.60
(3) Plain rail hinged with frame and screen, 12 panes, size 8" x 10" to fit opening 29" x 35"	2.70
(4) Mullion or double window unit, consisting of frame, two sashes, plain rail, glazed, 12 panes size 9" x 14", hinged at bottom and two each screens. To fit openings 90" x 51". Painted any color	5.60
(5) Plain rail, glazed, SSB, complete with frame and without screen, 9 panes, size 9" x 12" to fit opening size 33" x 45". Painted any color	2.60
(6) Check rail, glazed, SSB, double hung, complete with frame and screen and spring bolt, 24 panes, size 9" x 12" to fit opening size 42" x 80"	6.00
(7) Mullion or double frame, complete with 2 each check rail windows, glazed, SSB, with 2 each screens and spring bolts, 12 panes, size 9" x 12" to fit opening size 71" x 57". Painted any color	4.00
(8) Plain rail, glazed, SSB, complete with frame and guard, 9 panes, size 9" x 12" to fit opening size 35" x 45". Painted any color	2.60
(9) Plain rail, glazed, SSB, complete with frame and guard, 9 panes, size 10" x 12" to fit opening 36" x 45" Painted any color	2.70
(10) Check rail, glazed, SSB, double hung, complete with frame and spring bolts, 16 panes, size 9" x 14" to fit opening size 42" x 62". Painted any color	4.00
(11) Check rail, glazed, SSB, double hung, complete with frame and screen and spring bolt, 16 panes, size 9" x 12" to fit opening size 42" x 57"	4.80
(12) Check rail, glazed, SSB, double hung, complete with frame and screen and spring bolt, 16 panes, size 9" x 14" to fit opening 42" x 65". Lights in lower sash non-transparent glass	5.50
(13) Check rail, glazed, SSB, double hung, complete with frame and screen and spring bolt, 16 panes, size 10" x 12" to fit opening size 46" x 57". Painted any color	5.10
(14) Check rail, glazed, SSB, double hung, complete with frame and screen and spring bolt, 12 panes, size 9" x 12" to fit opening size 33" x 57"	4.00
(15) Check rail, glazed, SSB, double hung, complete with frame and screen and spring bolts, 8 panes, size 8" x 12" to fit opening size 22" x 57"	3.40
(16) Check rail, glazed, SSB, double hung, complete with trans. guard and padlock and spring and bolts, 16 panes, size 9" x 12" to fit opening 42" x 57"	2.00
(17) Check rail, glazed, SSB, double hung and spring bolt without frame or screen, 16 panes, size 9" x 12" to fit over-all size 40" x 54"	2.00
(18) Single sash, glazed, SSB, without frame, 12 panes, size 9" x 12", over-all size 40" x 41", SCC	1.40
(19) Single sash, glazed, SSB, without frame, 2 panes, size 15" x 32", over-all size 36" x 36", SCC	1.60
(20) Single sash, glazed, SSB, without frame, 9 panes, size 10" x 12", over-all size 34" x 42", SCC	1.10
(21) Single sash, glazed, SSB, without frame, 4 panes, size 10" x 12", over-all size 24" x 29", SCC	.80
(22) Single sash, glazed, SSB, without frame, 6 panes, size 9" x 12", over-all size 30" x 28", SCC	1.30
(23) Single sash, glazed, SSB, without frame, 1 pane, size 33" x 41", over-all size 38" x 48", SCC	2.40
(24) Single sash, glazed, SSB, without frame, 9 panes, size 10" x 12", over-all size 34" x 41", SCC	1.80

(d) *Transportation allowance.* Any seller at retail of used war surplus commodities covered by this Order No. G-11 may add to the dollars-and-cents prices above set forth in paragraph (c) the amount of transportation costs necessarily incurred and actually paid by him.

(e) *Prices are f. o. b.* The maximum prices established by this Order No. G-11 are for sales made by a retail dealer f. o. b. his yard or place of business or for delivered sales within such seller's customary free delivery zone.

(f) *Discounts and allowances.* All sales at retail made under this Order No. G-11 are subject to the seller's customary discounts, allowances, and differentials, if any.

(g) *Pricing parts of a window unit.* If any window unit covered by this Order No. G-11, is dismantled and the parts thereof are sold separately, the seller must not charge, collect, or receive, either directly or indirectly, a greater sum for the parts of such window unit than the maximum price herein established for the complete unit.

(h) *Prices must be posted.* A person who offers for sale or sells any one or more of the used units covered by this Order No. G-11 must post in a conspicuous place at his place of sale a copy of the maximum price schedule hereinabove set forth.

(i) *Licensing.* The provisions of Licensing Order No. 1, licensing all persons who make sales under price control, are applicable to all sellers subject to this Order No. G-11. A seller's license may be suspended for violation of the license or of one or more applicable price schedules or regulations. A person whose license is suspended may not, during the period of suspension, make any sale for which his license has been suspended.

(j) *Right to revoke or amend.* This Order No. G-11 may be revoked, modified, or amended at any time by the Price Administrator or the Regional Administrator.

Effective date. This Order No. G-11 shall become effective on the 31st day of August 1945.

Issued this 31st day of August 1945.

RICHARD Y. BATTERTON,
Regional Administrator.

[F. R. Doc. 45-17456; Filed, Sept. 18, 1945; 4:22 p. m.]

[Region VII Order G-62 Under MPR 188]

FLAKE AND JOHNSTON, ET AL.

AUTHORIZATION OF MAXIMUM PRICES

Order No. G-62 Under Maximum Price Regulation No. 188. Authorized maximum prices for a flower shovel manufactured by Flake and Johnston, Boise, Idaho, when sold by the manufacturer and specified resellers. Docket No. 7-188-158-79.

Pursuant to the Emergency Price Control Act of 1942, as amended, the Stabilization Act of 1942, as amended, and §§ 1499.158 and 1499.158a of Maximum Price Regulation No. 188, and for the reasons set forth in the accompanying opinion, this Order No. G-62 is issued.

(a) *What this order does.* This Order No. G-62 establishes maximum prices for a flower shovel manufactured by Flake and Johnston, a partnership, when sold at the specified levels.

(b) *Authorized maximum prices.* Upon and after the effective date of this Order No. G-62, the maximum prices for the flower shovel manufactured by Flake and Johnston, a partnership, of 2908 North 26th, Boise, Idaho, in accordance with the specifications set forth in the application of said manufacturer now on file in this Regional Office as a part of the record in this case, shall be as follows:

(1) When sold by the manufacturer, f. o. b. shipping point, to a jobber or a wholesaler: $5.34 per dozen.

(2) When sold by the manufacturer, a jobber or a wholesaler, f. o. b. shipping point, to a retailer: $7.12 per dozen.

(3) When sold by any seller to an ultimate consumer or user: $0.89 each.

NOTE: (i) The maximum prices authorized by the above paragraphs (1) and (2) are subject to a discount of 2% for payment within 10 days from date of invoice.

(ii) The prices above specified for sales f. o. b. shipping point include all costs incident to wrapping, packing, boxing, and carting.

(c) *Notice to be given purchasers for resale.* When the manufacturer or any other seller makes a first sale under this Order No. G-62 to a person who purchases for resale, he must show upon the invoice or on a separate slip or rider attached thereto the applicable resale price or prices as set forth in paragraph (b) above.

(d) *Applicability of other regulations.* The pricing provisions of the General Maximum Price Regulation have no application to the prices established by this Order No. G-62 for sales by the manufacturer or any other seller.

(e) *Geographical applicability.* The maximum prices authorized by this Order No. G-62 for resellers are applicable only to sales made within this Region VII, which includes the States of New Mexico, Colorado, Wyoming, Montana, and Utah, and all that part of the State of Idaho lying south of the southern boundary of Idaho County, the County of Malheur in the State of Oregon, and all that part of the Counties of Mohave and Coconino in the State of Arizona lying north of the Colorado River.

(f) *Licensing.* The provisions of Licensing Order No. 1, licensing all persons who make sales under price control, are applicable to all sellers subject to this regulation or order. A seller's license may be suspended for violation of the license or of one or more applicable price schedules or regulations. A person whose license is suspended may not, during the period of suspension, make any sale for which his license has been suspended.

(g) *Right to revoke or amend.* This order may be revoked, modified, or amended at any time by the Price Administrator or the Regional Administrator.

Effective date. This Order No. G-62 shall become effective on the 4th day of September 1945.

Issued this 4th day of September 1945.

RICHARD Y. BATTERTON,
Regional Administrator.

[F. R. Doc. 45-17457; Filed, Sept. 18, 1945; 4:24 p. m.]

[Region VII Order G-63 Under MPR 188]

EARL A. HOWARD ET AL.

AUTHORIZATION OF MAXIMUM PRICES

Order No. G-63 under Maximum Price Regulation No. 188. Authorized maximum prices for match box holders manufactured by Earl A. Howard, Denver, Colorado, when sold by the manufacturer and specified resellers. Docket No. 7-188-158-118.

Pursuant to the Emergency Price Control Act of 1942, as amended, the Stabilization Act of 1942, as amended, and §§ 1499.158 and 1499.158a of Maximum Price Regulation No. 188, and for the reasons set forth in the accompanying opinion, this Order No. G-63 is issued.

(a) *What this order does.* This Order No. G-63 establishes maximum prices for match box holders manufactured by Earl A. Howard, when sold at the specified levels.

(b) *Authorized maximum prices.* Upon and after the effective date of this Order No. G-63, the maximum prices for the match box holders, designated Model #1-A and Model #1-B respectively, manufactured by Earl A. Howard of 1386 Birch Street, Denver, Colorado, in accordance with the specifications set forth in the application of said manufacturer now on file in this Regional Office as a part of the record in this case, shall be as follows:

	Model No. 1-A	Model No. 1-B
(1) When sold by the manufacturer, f. o. b. shipping point, to a jobber or a wholesaler	*Per doz.* $1.68	*Per doz.* $3.75
(2) When sold by the manufacturer, a jobber or a wholesaler, f. o. b. shipping point, to a retailer	2.10	4.68
(3) When sold by any seller to an ultimate consumer or user	.29 each	.65 each

NOTE: (i) The maximum prices authorized by the above paragraphs (1) and (2) are subject to a discount of 2% for payment within 10 days from date of invoice.

(ii) The prices above specified for sales f. o. b. shipping point include all costs incident to wrapping, packing, boxing, and carting.

(c) *Notice to be given purchasers for resale.* When the manufacturer or any other seller makes a first sale under this Order No. G-63 to a person who purchases for resale, he must show upon the invoice or on a separate slip or rider attached thereto the applicable resale price or prices as set forth in paragraph (b) above.

(d) *Applicability of other regulations.* The pricing provisions of the General Maximum Price Regulation have no application to the prices established by this Order No. G-63 for sales by the manufacturer or any other seller.

(e) *Geographical applicability.* The maximum prices authorized by this Order No. G-63 for resellers are applicable only to sales made within this Region VII, which includes the States of New Mexico, Colorado, Wyoming, Montana, and Utah, and all that part of the State of Idaho lying south of the southern boundary of Idaho County, the County of Malheur in the State of Oregon, and all that part of the Counties of Mohave and Coconino in the State of Arizona lying north of the Colorado River.

(f) *Licensing.* The provisions of Licensing Order No. 1, licensing all persons who makes sales under price control, are applicable to all sellers subject to this regulation or order. A seller's license may be suspended for violation of the license or of one or more applicable price schedules or regulations. A person whose license is suspended may not, during the period of suspension, make any sale for which his license has been suspended.

(g) *Right to revoke or amend.* This order may be revoked, modified, or amended at any time by the Price Administrator or the Regional Administrator.

Effective date. This Order No. G-63 shall become effective on the 4th day of September 1945.

Issued this 4th day of September 1945.

RICHARD Y. BATTERTON,
Regional Administrator.

[F. R. Doc. 45-17458; Filed, Sept. 18, 1945; 4:24 p. m.]

[Region VII Order G-64 Under MPR 188]

L. AND M. CARPENTER SHOP ET AL.

AUTHORIZATION OF MAXIMUM PRICES

Order No. G-64 under Maximum Price Regulation No. 188. Authorized maximum prices for a juvenile furniture set manufactured by L. and M. Carpenter Shop, Denver, Colorado, when sold by the manufacturer and specified resellers. Docket No. 7-188-158-158a-121.

Pursuant to the Emergency Price Control Act of 1942, as amended, the Stabilization Act of 1942, as amended, and §§ 1499.158 and 1499.158a of Maximum Price Regulation No. 188, and for the reasons set forth in the accompanying opinion, this Order No. G-64 is issued.

(a) *What this order does.* This Order No. G-64 establishes maximum prices for a juvenile furniture set manufactured by L. and M. Carpenter Shop, when sold at the specified levels.

(b) *Authorized maximum prices.* Upon and after the effective date of this Order No. G-64, the maximum prices for the juvenile furniture set consisting of a table and two chairs, designated "model No. 1," manufactured by L. and M. Carpenter Shop, a partnership, of 2004 East 28th Avenue, Denver, Colorado, in accordance with the specifications set forth in the application of said manufacturer now on file in this Regional Office as a part of the record in this case, shall be as follows:

	Per set
(1) When sold by the manufacturer, f. o. b. shipping point, to a jobber or a wholesaler	$7.89
(2) When sold by the manufacturer, a jobber or a wholesaler, f. o. b. shipping point, to a retailer	10.25
(3) When sold by any seller to an ultimate consumer or user	16.95

NOTE: (i) The maximum prices authorized by the above paragraphs (1) and (2) are subject to a discount of 2% for payment within 10 days from date of invoice.

(ii) The prices above specified for sales f. o. b. shipping point include all costs incident to wrapping, packing, boxing, and carting.

(c) *Notice to be given purchasers for resale.* When the manufacturer or any other seller makes a first sale under this Order No. G-64 to a person who purchases for resale, he must show upon the invoice or on a separate slip or rider attached thereto the applicable resale prices or prices as set forth in paragraph (b) above.

(d) *Applicability of other regulations.* The pricing provisions of the General Maximum Price Regulation have no application to the prices established by this Order No. G-64 for sales by the manufacturer or any other seller. The authorized prices hereinabove set forth reflect the increases authorized by Order No. 1052 under Maximum Price Regulation No. 188, and, therefore, neither the manufacturer nor any reseller is permitted to add anything to such dollars and cents authorized prices by reason of said Order No. 1052.

(e) *Geographical applicability.* The maximum prices authorized by this Order No. G-64 for resellers are applicable only to sales made within this Region VII, which includes the States of New Mexico, Colorado, Wyoming, Montana, and Utah, and all that part of the State of Idaho lying south of the southern boundary of Idaho County, the County of Malheur in the State of Oregon, and all that part of the Counties of Mohave and Coconino in the State of Arizona lying north of the Colorado River.

(f) *Licensing.* The provisions of Licensing Order No. 1, licensing all persons who make sales under price control, are applicable to all sellers subject to this regulation or order. A seller's license may be suspended for violation of the license or of one or more applicable price schedules or regulations. A person whose license is suspended may not, during the period of suspension, make any sale for which his license has been suspended.

(g) *Right to revoke or amend.* This order may be revoked, modified, or amended at any time by the Price Administrator or the Regional Administrator.

Effective date. This Order No. G-64 shall become effective on the 4th day of September 1945.

Issued this 4th day of September 1945.

RICHARD Y. BATTERTON,
Regional Administrator.

[F. R. Doc. 45-17459; Filed, Sept. 18, 1945; 4:24 p. m.]

[Region VII Order G-65 Under MPR 188]

MARMAX-DENVER CO. ET AL.

AUTHORIZATION OF MAXIMUM PRICES

Region VII, Order No. G-65 Under Maximum Price Regulation No. 188. Authorized maximum prices for certain furniture items manufactured by Marmax-Denver Company, Denver, Colorado, when sold by the manufacturer and specified resellers. Docket No. 7-188-158-158a-120.

Pursuant to the Emergency Price Control Act of 1942, as amended, the Stabilization Act of 1942, as amended, and §§ 1499.158 and 1499.158a of Maximum Price Regulation No. 188, and for the reasons set forth in the accompanying opinion, this Order No. G-65 is issued.

(a) *What this order does.* This Order No. G-65 established maximum prices for the specified items of furniture manufactured by Marmax-Denver Company, when sold at the specified levels.

(b) *Authorized maximum prices.* Upon and after the effective date of this Order No. G-65, the maximum prices for the several items of furniture designated by the model numbers set forth below, manufactured by Marmax-Denver Company, a partnership, of 935 West First Avenue, Denver, Colorado, in accordance with the specifications set forth in the several applications of said manufacturer now on file in this Regional Office as part of the record in this case, shall be as follows:

PLAY OR DOLL CHESTS

	Model No. C-1	Model No. C-2
(1) When sold by the manufacturer, f. o. b. shipping point, to a jobber or a wholesaler	*Each* $3.60	*Each* $3.[illegible]
(2) When sold by the manufacturer, a jobber or a wholesaler, f. o. b. shipping point, to a retailer	4.50	4.[illegible]
(3) When sold by any seller to an ultimate consumer or user	7.45	7.[illegible]

CHILD'S SET, TABLE AND 2 STOOLS

	Model No. T-2C-10[illegible]
(1) When sold by the manufacturer, f. o. b. shipping point, to a jobber or a wholesaler	*Per set* $1[illegible]
(2) When sold by the manufacturer, a jobber or a wholesaler, f. o. b. shipping point, to a retailer	5.[illegible]
(3) When sold by any seller to an ultimate consumer or user	9.7[illegible]

PLAIN WOODEN STOOLS

	Model S-295	Model S-260	Model S-240	Model S-130	Model S-[illegible]
(1) When sold by the manufacturer, f. o. b. shipping point, to a jobber or a wholesaler	*Each* $0.90	*Each* $0.86	*Each* $0.81	*Each* $0.57	*Each* $0.[illegible]
(2) When sold by the manufacturer, a jobber or a wholesaler, f. o. b. shipping point, to a retailer	1.13	1.07	1.01	.71	.[illegible]
(3) When sold by any seller to an ultimate consumer or user	1.89	1.79	1.69	1.19	1.[illegible]

WOOD STOOLS WITH MASONITE SEATS

	Model C-295	Model C-260	Model C-240	Model C-130	Model C-[illegible]
(1) When sold by the manufacturer, f. o. b. shipping point, to a jobber or a wholesaler	*Each* $1.20	*Each* $1.15	*Each* $1.10	*Each* $0.72	*Each* $0.[illegible]
(2) When sold by the manufacturer, a jobber or a wholesaler, f. o. b. shipping point, to a retailer	1.50	1.44	1.38	.90	.[illegible]
(3) When sold by any seller to an ultimate consumer or user	2.49	2.39	2.29	1.49	1.[illegible]

UPHOLSTERED PADDED STOOLS

	Model U-295	Model U-260	Model U-240	Model U-130	Model U-[illegible]
(1) When sold by the manufacturer, f. o. b. shipping point, to a jobber or a wholesaler	*Each* $1.27	*Each* $1.22	*Each* $1.18	*Each* $0.94	*Each* $0.[illegible]
(2) When sold by the manufacturer, a jobber or a wholesaler, f. o. b. shipping point, to a retailer	1.59	1.53	1.47	1.17	1.[illegible]
(3) When sold by any seller to an ultimate consumer or user	2.62	2.55	2.45	1.95	1.[illegible]

NOTE: (i) The maximum prices authorized by the above paragraphs (1) and (2) are subject to a discount of 2% for payment within 10 days from date of invoice.

(ii) The prices above specified for sales f. o. b. shipping point include all costs incident to wrapping, packing, boxing, and carting.

(c) *Notice to be given purchasers for resale.* When the manufacturer or any other seller makes a first sale under this Order No. G-65 to a person who purchases for resale, he must show upon the invoice or on a separate slip or rider attached thereto the applicable resale price or prices as set forth in paragraph (b) above.

(d) *Applicability of other regulations.* The pricing provisions of the General Maximum Price Regulation have no application to the prices established by this Order No. G-65 for sales by the manufacturer or any other seller. The authorized prices hereinabove set forth reflect the increases authorized by Order No. 1052 under Maximum Price Regulation No. 188, and, therefore, neither the manufacturer nor any reseller is permitted to add anything to such dollars and cents authorized prices by reason of said Order No. 1052.

(e) *Geographical applicability.* The maximum prices authorized by this Order No. G-65 for resellers are applicable only to sales made within this Region VII, which includes the States of New Mexico, Colorado, Wyoming, Montana, and Utah, and all that part of the State of Idaho lying south of the southern boundary of Idaho County, the County of Malheur in the State of Oregon, and all that part of the Counties of Mohave and Coconino in the State of Arizona lying north of the Colorado River.

(f) *Licensing.* The provisions of Licensing Order No. 1, licensing all persons who make sales under price control, are applicable to all sellers subject to this regulation or order. A seller's license may be suspended for violation of the license or of one or more applicable price schedules or regulations. A person whose license is suspended may not, during the period of suspension, make any sale for which his license has been suspended.

(g) *Right to revoke or amend.* This order may be revoked, modified, or amended at any time by the Price Administrator or the Regional Administrator.

Effective date. This Order No. G-65 shall become effective on the 4th day of September 1945.

Issued this 4th day of September 1945.

RICHARD Y. BATTERTON,
Regional Administrator.

[F. R. Doc. 45-17460; Filed, Sept. 18, 1945; 4:23 p. m.]

[Region VII Order G-66 Under MPR 188]

CHARLES H. JORDAN ET AL.

AUTHORIZATION OF MAXIMUM PRICES

Order No. G-66 Under Maximum Price Regulation No. 188. Authorized maximum prices for certain toy items manufactured by Charles H. Jordan, Torrington, Wyoming, when sold by the manufacturer and specified resellers. Docket No. 7-188-158-129.

Pursuant to the Emergency Price Control Act of 1942, as amended, the Stabilization Act of 1942, as amended, and §§ 1499.158 and 1499.158a of Maximum Price Regulation No. 188, and for the reasons set forth in the accompanying opinion, this Order No. G-66 is issued.

(a) *What this order does.* This Order No. G-66 establishes maximum prices for certain toy items manufactured by Charles H. Jordon when sold at the specified levels.

(b) *Authorized maximum prices.* Upon and after the effective date of this Order No. G-66, the maximum prices for the toy items designated semi-trailer truck Model Nos. 1021 and 1022 and truck model No. 1011, manufactured by Charles H. Jordon of Torrington, Wyoming, in accordance with the specifications set forth in the applications of said manufacturer now on file in this Regional Office as a part of the record in this case, shall be as follows:

	Semi-trailer truck, Model No. 1021 tractor, Model No. 1022 trailer	Truck, Model No. 1011
(1) When sold by the manufacturer, f. o. b. shipping point, to a jobber or a wholesaler	*Per dozen* $11.52	*Per dozen* $8.[illegible]
(2) When sold by the manufacturer, a jobber or a wholesaler, f. o. b. shipping point to a retailer	14.40	10.[illegible]
(3) When sold by any seller to an ultimate consumer or user	2.00	1.39

NOTE: (i) The maximum prices authorized by the above paragraphs (1) and (2) are subject to a discount of 2% for payment within 10 days from date of invoice.

(ii) The prices above specified for sales f. o. b. shipping point include all costs incident to wrapping, packing, boxing, and carting.

(c) *Notice to be given purchasers for resale.* When the manufacturer or any other seller makes a first sale under this Order No. G-66 to a person who purchases for resale, he must show upon the invoice or on a separate slip or rider attached thereto the applicable resale price or prices as set forth in paragraph (b) above.

(d) *Applicability of other regulations.* The pricing provisions of the General Maximum Price Regulation have no application to the prices established by this Order No. G-66 for sales by the manufacturer or any other seller.

(e) *Geographical applicability.* The maximum prices authorized by this Order No. G-66 for resellers are applicable only to sales made within this Region VII, which includes the States of New Mexico, Colorado, Wyoming, Montana, and Utah, and all that part of the State of Idaho lying south of the southern boundary of Idaho County, the County of Malheur in the State of Oregon, and all that part of the Counties of Mohave and Coconino in the State of Arizona lying north of the Colorado River.

(f) *Licensing.* The provisions of Licensing Order No. 1, licensing all persons who make sales under price control, are applicable to all sellers subject to this regulation or order. A seller's license may be suspended for violation of the license or of one or more applicable price schedules or regulations. A person whose license is suspended may not, during the period of suspension, make any sale for which his license has been suspended.

(g) *Right to revoke or amend.* This order may be revoked, modified, or amended at any time by the Price Administrator or the Regional Administrator.

Effective date. This Order No. G-66 shall become effective on the 4th day of September 1945.

Issued this 4th day of September 1945.

RICHARD Y. BATTERTON,
Regional Administrator.

[F. R. Doc. 45-17461; Filed, Sept. 18, 1945 4:23 p. m.]

[Region VII Order G-67 Under MPR 188]

COLORADO CRAFTWOOD CO. ET AL.

AUTHORIZATION OF MAXIMUM PRICES

Order No. G-67 Under Maximum Price Regulation No. 188. Authorized maximum prices for florists easels manufactured by Carl L. Grupe, doing business as Colorado Craftwood Company, Denver, Colorado, when sold by the manufacturer and specified resellers. Docket No. 7-188-158-129.

Pursuant to the Emergency Price Control Act of 1942, as amended, the Stabilization Act of 1942, as amended, and §§ 1499.158 and 1499.158a of Maximum Price Regulation No. 188, and for the reasons set forth in the accompanying opinion, this Order No. G-67 is issued.

(a) *What this order does.* This Order No. G-67 establishes maximum prices for certain florists easels manufactured by Carl L. Grupe, doing business as Colorado Craftwood Company, when sold at the specified levels.

(b) *Authorized maximum prices.* Upon and after the effective date of this Order No. G-67, the maximum prices for the florists easels designated Model Nos. 38, 44, 50, 56, 62, and 74, respectively, manufactured by Carl L. Grupe, doing business as Colorado Craftwood Company, of 4535 West Thirty-third Avenue, Denver, Colorado, in accordance with the specifications set forth in the applications of said manufacturer now on file in this Regional Office as a part of the record in this case, shall be as follows:

(1) When sold by the manufacturer, f. o. b. shipping point, to a jobber or a wholesaler:

Model No. 38: $5.52 per dozen.
Model No. 44: $6.72 per dozen.
Model No. 50: $7.44 per dozen.
Model No. 56: $8.52 per dozen.
Model No. 62: $9.84 per dozen.
Model No. 74: $11.28 per dozen.

(2) When sold by the manufacturer, a jobber, or a wholesaler, f. o. b. shipping point, to an industrial user:

Model No. 38: $6.63 per dozen; 65¢ each.
Model No. 44: $8.16 per dozen; 80¢ each.
Model No. 50: $9.08 per dozen; 89¢ each.

Model No. 56: $10.30 per dozen; $1.00 each.
Model No. 62: $11.93 per dozen; $1.15 each.
Model No. 74: $14.67 per dozen; $1.35 each.

NOTE: (i) The above authorized maximum prices are subject to a discount of 2% for payment within 10 days from date of invoice, when sold in lots of one dozen or more.

(ii) The prices above specified for sales f. o. b. shipping point include all costs incident to wrapping, packing, boxing, and carting.

(c) *Notice to be given purchasers for resale.* When the manufacturer or any other seller makes a first sale under this Order No. G–67 to a person who purchases for resale, he must show upon the invoice or on a separate slip or rider attached thereto the applicable resale price or prices as set forth in paragraph (b) above.

(d) *Applicability of other regulations.* The pricing provisions of the General Maximum Price Regulation have no application to the prices established by this Order No. G–67 for sales by the manufacturer or any other seller.

(e) *Geographical applicability.* The maximum prices authorized by this Order No. G–67 for resellers are applicable only to sales made within this Region VII, which includes the States of New Mexico, Colorado, Wyoming, Montana, and Utah, and all that part of the State of Idaho lying south of the southern boundary of Idaho County, the County of Malheur in the State of Oregon, and all that part of the Counties of Mohave and Coconino in the State of Arizona lying north of the Colorado River.

(f) *Licensing.* The provisions of Licensing Order No. 1, licensing all persons who make sales under price control, are applicable to all sellers subject to this regulation or order. A seller's license may be suspended for violation of the license or of one or more applicable price schedules or regulations. A person whose license is suspended may not, during the period of suspension, make any sale for which his license has been suspended.

(g) *Right to revoke or amend.* This order may be revoked, modified, or amended at any time by the Price Administrator or the Regional Administrator.

Effective date. This Order No. G–67 shall become effective on the 4th day of September 1945.

Issued this 4th day of September 1945.

RICHARD Y. BATTERTON,
Regional Administrator.

[F. R. Doc. 45–17462; Filed, Sept. 18, 1945; 4:23 p. m.]

[Region VIII Order G–8 Under RMPR 165]

DRYING PRUNES IN SAN FRANCISCO REGION

For the reasons set forth in an opinion issued simultaneously herewith, and under the authority vested in the Regional Administrator of the Office of Price Administration by § 1499.676 (a) of Supplementary Service Regulation No. 43 to Revised Maximum Price Regulation No. 165, as amended, *It is hereby ordered:*

(a) The maximum prices that independent contractors may charge for drying prunes are as follows:

French prunes: 2½¢ per pound dry weight.
Italian prunes: 2¾¢ per pound dry weight.

(b) The above rates cover all operations necessary for adequate dehydration of the prunes preparatory to further processing. The drying operation begins when the prunes are delivered to the dryer and is complete when the prunes are dehydrated and sacked ready for shipment to a processing plant.

(c) This order shall apply to Douglas County, Oregon.

(d) This order may be revoked or amended at any time.

(e) This order shall become effective September 1, 1945, and shall expire December 1, 1945.

Issued this 30th day of August 1945.

CHAS. R. BAIRD,
Regional Administrator.

[F. R. Doc. 45–17455; Filed, Sept. 18, 1945; 4:22 p. m.]

[Region II Order G–32 Under RMPR 122, Amdt. 2]

PENNSYLVANIA ANTHRACITE IN UNION COUNTY AND SOMERSET COUNTY, N. J.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of the Office of Price Administration by §§ 1340.260 and 1340.259 (a) (1) of Revised Maximum Price Regulation No. 122, Order No. G–32 is amended in the following respects:

1. Paragraph (d) (1), (d) (2), and (d) (3) are amended to read as follows:

(1) *Sales on a "direct delivery" basis.* For sales of anthracite of the sizes and in the quantities specified:

Size	Per net ton	Per net ½ ton	Per net ¼ ton	Per 100 lbs. for less than ¼ ton
Broken, egg, stove, nut	$15.10	$8.05	$4.15	$0.90
Pea	13.40	7.20	3.70	.80
Buckwheat	10.75	5.60	3.05	.....
Rice	8.60	5.45	2.85	.....
Barley	8.65	4.85	2.55	.....
Screenings	6.75	.....	.....	.....

(2) *"Yard sales".* For sales of anthracite of the sizes and in the quantities specified:

Size	Per net ton, for sales of ½ ton or more	Per 100 lbs. for sales of 100 lbs. or more but less than ½ ton
Broken, egg, stove, nut	$13.60	$0.80
Pea	11.90	.70
Buckwheat	9.25	.....
Rice	8.40	.....
Barley	7.15	.....
Screenings	4.75	.....

(3) *"Sales of bagged coal" (maximum price per bag).*

Size	Maximum prices per 50 pound paper bag			
	Delivered at dealer's yard	Delivered to retail stores	Sales to ultimate consumer in lots of ½ ton or more	Sales to ultimate consumer in quantities under ½ ton
Nut	$0.395	$0.445	$0.445	$0.45
Pea	.34	.39	.39	.44

Size	Maximum prices per 25 pound paper bag		
	Delivered at dealer's yard	Delivered to retail stores	Sales to ultimate consumer
Nut	$0.20	$0.22	$0.23

Size	Maximum prices per 12 pound paper bag		
	Delivered at dealer's yard	Delivered to retail stores	Sales to ultimate consumer
Nut	$0.10	$0.11	$0.11

This Amendment No. 2 to Order No G–32 shall become effective as of June 18, 1945.

(56 Stat. 23, 765; Pub. Law 383, 78th Cong.; E.O. 9250, 7 F.R. 7871 and E.O. 9328, 8 F.R. 4681)

Issued this 17th day of August 1945.

LEO F. GENTNER,
Acting Regional Administrator.

[F. R. Doc. 45–17543; Filed, Sept. 19, 1945; 2:53 p. m.]

[Region II Order G–35 Under MPR 122, Amdt. 2]

PENNSYLVANIA ANTHRACITE IN LACKAWANNA AND LUZERNE COUNTIES, PA.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of the Office of Price Administration by §§ 1340.259 (a) (1) and 1340.260 of Revised Maximum Price Regulation No. 122, Order No. G–35 is amended in the following respects:

1. Paragraph (a) is amended to read as follows:

(1) For delivered sales in Lackawanna County (by dealers):

Size:	*Maximum prices per net ton*
Broken, egg, stove, nut	$10.10
Pea	8.40
Buckwheat	6.40
Rice	5.50
Barley	4.25

(2) For delivered sales in Luzerne County (by dealers):

Size:	*Maximum prices per net ton*
Broken, egg, stove, nut	$9.85
Pea	8.15
Buckwheat	6.15
Rice	5.25
Barley	4.00

This Amendment No. 2 to Order No. G–35 shall become effective as of June 18, 1945.

(56 Stat. 23, 765; Pub. Law 383, 78th Cong.; E.O. 9250, 7 F.R. 7871 and E.O. 9328, 8 F.R. 4681)

Issued this 13th day of August 1945.

LEO F. GENTNER,
Acting Regional Administrator.

[F. R. Doc. 45–17542; Filed, Sept. 19, 1945; 2:53 p. m.]

[Region II Order G–38 Under RMPR 122, Amdt. 2]

PENNSYLVANIA ANTHRACITE IN BROOME COUNTY, N. Y.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of the Office of Price Administration by §§ 1340.260 and 1340.259 (a) (1) of Revised Maximum Price Regulation No. 122, Order No. G–38 is amended in the following respects:

1. Paragraph (d) (1) is amended to read as follows:

(1) *Sales on a "direct delivery" basis.* For sales of anthracite of the sizes and in the quantities specified:

Size	Per net ton	Per net ½ ton	Per net ¼ ton	Per 100 lbs. for sales of 100 lbs. or more but less than ¼ ton	Per 50 lb. paper bag
Broken, egg, stove, nut	$13.75	$7.10	$3.80	$0.90	$0.475
Pea	12.20	6.30	3.40	.80	.42
Buckwheat	9.70	5.05	2.80	.70	.....
Rice	8.70	4.55	2.55	.65	.....
Barley	7.45	3.95	2.25	.....	.....
Screenings	4.25	2.15	.....	.....	.....

2. Paragraph (d) (2) is amended to read as follows:

(2) *"Yard sales."* For sales of anthracite of the sizes and in the quantities specified to dealers and consumers:

Size	Per net ton for sales of ¼ ton or more to—		Per 100 lbs. for 100 lbs. or more but less than ¼ ton	Per 50 lb. paper bag
	Dealers	Consumers		
Broken, egg, stove, nut	$12.25	$13.15	$0.80	$0.425
Pea	10.70	11.60	.70	.37
Buckwheat	8.25	9.15	.60	.....
Rice	7.20	8.10	.55	.....
Barley	5.95	6.85	.....	.....
Screenings	3.25	3.25	.....	.....

This Amendment No. 2 to Order No. G–38 shall become effective as of June 16, 1945.

(56 Stat. 23, 765; Pub. Law 383, 78th Cong.; E.O. 9250, 7 F.R. 7871 and E.O. 9328, 8 F.R. 4681)

Issued this 14th day of August 1945.

LEO F. GENTNER,
Acting Regional Administrator.

[F. R. Doc. 45–17541; Filed, Sept. 19, 1945; 2:52 p. m.]

[Region II Order G–59 Under RMPR 122, Amdt. 1]

PENNSYLVANIA ANTHRACITE IN WASHINGTON, FREDERICK, AND MONTGOMERY COUNTIES, MD.

For the reasons set forth in an opinion issued simultaneously herewith, and under the authority vested in the Regional Administrator of the Office of Price Administration by §§ 1340.260 and 1340.259 (a) (1) of Revised Maximum Price Regulation No. 122, Order No. G–59 is amended in the following respects:

1. Paragraphs (d) (1) and (d) (2) are amended to read as follows:

Size	Per net ton	Per net ½ ton	Per 100 lbs. for sales of 100 lbs. or more, but less than ½ ton
Broken, egg, stove, nut	$11.65	$7.60	$0.90
Pea	12.85	6.70	.80
Buckwheat	10.05	5.75	.70
Rice	9.85	5.20	.....
Screenings	4.25	2.15	.....

(2) *"Yard sales".* For sales of anthracite of the sizes and in the quantities specified to dealers and to consumers:

Size	Per net ton for sales of ½ ton or more to—		Per 100 lbs. for sales of 100 lbs. or more, but less than ½ ton
	Dealers for resale	Consumers	
Broken, egg, stove, nut	$13.15	$13.65	$0.80
Pea	11.35	11.85	.70
Buckwheat	9.45	9.95	.60
Rice	8.35	8.85	.....
Screenings	3.25	3.25	.....

2. Paragraphs (e) (1) and (e) (2) are amended to read as follows:

(1) *Sales on a "direct delivery" basis.* For sales of anthracite of the sizes and in the quantities specified:

Size	Per net ton	Per net ½ ton	Per 100 lbs. for sales of 100 lbs. or more, but less than ¼ ton
Broken, egg, stove, nut	$14.32	$7.61	$0.90
Pea	12.52	6.76	.80
Buckwheat	10.33	5.67	.70
Rice	9.47	5.24	.....

(2) *"Yard sales".* For sales of anthracite of the sizes and in the quantities specified to dealers and to consumers:

Size	Per net ton for sales of ½ ton or more to—		Per 100 lbs. for sales of 100 lbs. or more, but less than ½ ton
	Dealers for resale	Consumers	
Broken, egg, stove, nut	$12.04	$13.43	$0.80
Pea	10.29	11.62	.70
Buckwheat	8.69	9.43	.60
Rice	7.28	8.58	.....

This Amendment No. 1 to Order No. G–59 shall become effective as of June 18, 1945.

(56 Stat. 23, 765; 57 Stat. 566; Pub. Law 383, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 22d day of August 1945.

LEO F. GENTNER,
Acting Regional Administrator.

[F. R. Doc. 45–17540; Filed, Sept. 19, 1945; 2:52 p. m.]

[Region II Order G–61 Under RMPR 122, Amdt. 1]

PENNSYLVANIA ANTHRACITE IN YONKERS, N. Y.

For the reasons set forth in an opinion issued simultaneously herewith, and under the authority vested in the Regional Administrator of the Office of Price Administration by §§ 1340.260 and 1340.259 (a) (1) of Revised Maximum Price Regulation No. 122, Order No. G–61 is amended in the following respects:

1. Paragraphs (d) (1) and (d) (2) are amended to read as follows:

(1) *Sales on a "direct delivery" basis.* For sales of anthracite of the sizes and in the quantities specified:

Size	Per net ton	Per net ½ ton	Per net ¼ ton	Per 100 lbs. (for sales of 100 lbs. or more but less than ¼ ton	Per 50lb. bag
Broken, egg, stove, nut	$15.25	$7.60	$4.05	$0.95	$0.525
Pea	13.55	7.05	3.65	.85	.47
Buckwheat	10.75	5.65	2.95	.75	.42
Rice	9.85	5.20	2.70	.70	.37
Barley	8.80	4.55	2.40	.....	.....
Screenings	4.75	2.40	.....	.....	.....

(2) *"Yard sales".* For sales of anthracite of the sizes and in the quantities specified:

Size	Per net ton for sales of ½ ton or more	Per 100 lbs. (for sales of 100 lbs. or more, but less than ½ ton)	Per 50 lb. bag
Broken, egg, stove, nut	$13.25	$0.85	$0.475
Pea	11.80	.75	.42
Buckwheat	9.60	.65	.37
Rice	8.60	.60	.32
Barley	7.35	.....	.....
Screenings	3.75	.....	.....

This Amendment No. 1 to Order No. G–61 shall become effective as of June 18, 1945.

(56 Stat. 23, 765; 57 Stat. 566; Pub. Law 383, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 22d day of August 1945.

LEO F. GENTNER,
Acting Regional Administrator.

[F. R. Doc. 45–17539; Filed, Sept. 19, 1945; 2:51 p. m.]

[Region II Order G-65 Under RMPR 122, Revocation]

PENNSYLVANIA ANTHRACITE IN NEW YORK REGION

For the reasons set forth in an opinion issued simultaneously herewith, and under the authority vested in the Regional Administrator of the Office of Price Administration by §§ 1340.260 and 1340.259 (a) (1) of Revised Maximum Price Regulation No. 122, Order No. G-65 is hereby revoked.

This order of revocation of Order No. G-65 shall become effective September 5, 1945.

(56 Stat. 23, 765; 57 Stat. 566; Pub. Law 383, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued September 6th, 1945.

LEO F. GENTNER,
Acting Regional Administrator.

[F. R. Doc. 45-17538; Filed, Sept. 19, 1945; 2:51 p. m.]

[Region V Order G-3 Under RMPR 122, Amdt. 6]

SOLID FUELS IN TOPEKA, KANS., AREA

Pursuant to the Emergency Price Control Act of 1942, as amended, and the authority vested in the Regional Administrator of Region V by § 1340.260 of Revised Maximum Price Regulation No. 122, and for the reasons set forth in the Opinion issued simultaneously herewith, *It is ordered:* That Order No. G-3 under Revised Maximum Price Regulation No. 122 be, and the same is hereby, amended as follows:

1. Paragraph (c), *Price schedule* (1), is amended to read as follows:

(c) *Price schedule.* (1) Below and a part of this section is the maximum price schedule which sets forth maximum prices for sales by direct delivery of specified sizes, kinds and quantities of solid fuels.

Description of fuel	Maximum price per ton Produced at—	
	Strip mines	Underground mines
I. *High volatile bituminous coal from district 10 (Illinois)*		
(A) Coals from machine loading mines in the Southern Subdistrict (Price Groups 1, 2 and 3):		
(1) Lump; egg (bottom size larger than 2"). Size groups 1, 2 and 3	$9.60	
(2) Egg or nut (top size 4" to larger than 2", bottom size 2" to larger than 1½")	9.30	
	Produced at—	
	Strip mines	Underground mines
III. *High volatile bituminous coal from district 15 (Missouri, Kansas and Oklahoma)*		
(A) Production group 1: From mines in Cherokee, Crawford, Bourbon, and Labette Counties, Kansas, and Barton, Jasper, Dade, Cedar and that portion of Vernon County lying south of an east and west line drawn through the town of Nevada, Missouri:		
(1) Lump; egg (top size larger than 3"; bottom size larger than 1¼")	$7.97	$8.85
(2) Fancy nut (top size 3" to larger than 2"; bottom size larger than 1¼")	7.67	8.25

Description of fuel	Maximum price per ton Produced at—	
	Strip mines	Underground mines
III. *High volatile bituminous coal from district 15*—Con.		
(A) Production group 1—Con.		
(3) Standard nut (top size 3" to larger than 2"; bottom size 1¼" and smaller)	$7.32	$8.60
(4) No. 2 nut (double screened coal top size 2" to larger than 1¼"):		
Washed	7.27	------
Raw	------	7.80
(5) Stoker (top size 1¼" and smaller; bottom size ¾" to larger than ¾")	6.32	6.95
(6) Screenings, washed (1¼" x 0)	5.77	------
(B) Production group 2: From mines in Linn County, Kansas; Bates, Henry, St. Clair, and that portion of Vernon County lying North of an east and west line drawn through the town of Nevada, Missouri:		
(1) Lump; egg, (top size larger than 3"; bottom size larger than 1¼")	7.42	------
(2) Fancy nut (top size 3" to larger than 2"; bottom size larger than 1¼")	7.37	------
(C) Production group 3: From mines in Macon and Randolph Counties, Missouri:		
(1) Stoker, (top size 1¼" and smaller; bottom size ¾" to larger than ¾")	6.17	------
(2) Screenings (1¼" x 0)	5.67	------
(D) Production group 6: From mines in Osage, Franklin, Lyon and Coffey Counties, Kansas:		
(1) Lump; Egg, (Top size larger than 3"; bottom size larger than 1¼")	6.92	8.45
(E) Production group 7: Genuine McAlester seam coal from mines in Latimer and Pittsburg Counties, Oklahoma:		
(1) Lump; egg (top size larger than 3"; bottom size larger than 1¼")	12.17	13.50
(2) Standard nut (top size 3" to larger than 2", bottom size 1¼" and smaller)	10.62	11.60
(F) Production group 9: From mines in Coal County, Oklahoma:		
(1) Lump; egg (top size larger than 3"; bottom size larger than 1¼")	11.42	12.70
(2) Standard nut (top size 3" to larger than 2", bottom size 1¼" and smaller)	9.52	10.50
(3) Chestnut (top size 1¼" and smaller; bottom size larger than ¾")	8.12	9.25
(G) Production group 10: From mines in McIntosh and Okmulgee Counties, Oklahoma:		
(1) Lump, egg (top size larger than 3"; bottom size larger than 1¼")	------	11.20
(2) Standard nut (top size 3" to larger than 2", bottom size 1¼" and smaller)	------	9.40
(3) Special stoker (top size 1¼" and smaller, bottom size ¾" to larger than ¾")	------	7.90
(H) Production group 11: From mines in Craig, Roger, Tulsa, and Wagoner Counties, Oklahoma, and that part of Muskogee County, Oklahoma, lying north of a line drawn straight east and west across Muskogee County along the Southern limits of the Town of Porum, Oklahoma:		
(1) Lump; egg (top size larger than 3"; bottom size larger than 1¼")	8.72	------
(2) Standard nut (top size 3" to larger than 2", bottom size 1¼" and smaller)	8.07	------
(3) Special stoker (top size 1¼" and smaller, bottom size ¾" to larger than ¾")	6.97	------
IV. *High volatile bituminous coal from district 17 (Colorado)*		
(A) Subdistrict No. 2:		
(1) Lump (bottom size 3" to larger than 1½")	------	14.55
(2) Nut (top size 3" to larger than 1½"; bottom size 1½" to larger than 1")	------	13.15

Supplementary Order No. 2 issued by the Regional Administrator August 14, 1945, insofar as said Supplementary Order No. 2 affects Order G-3, is hereby revoked.

(56 Stat. 23, 765; 57 Stat. 566; Pub. Law 151, 78th Cong., E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued at Dallas, Texas, this 13th day of September 1945.

W. A. ORTH,
Regional Administrator.

[F. R. Doc. 45-17537; Filed, Sept. 19, 1945, 2:51 p. m.]

[Region VIII Order G-1 Under RMPR 259]

BASE DELIVERY ZONES IN NORTHERN CALIFORNIA

For the reasons set forth in an accompanying opinion and pursuant to the authority conferred upon the Regional Administrator by section 4.1 (c) of Revised Maximum Price Regulation 259, *It is hereby ordered:*

(a) The "base delivery zone" with respect to any "wholesaler" within the following counties of California shall be the warehouse or customary receiving point of such wholesaler: Butte, Colusa, Del Norte, Eldorado, Glenn, Humboldt, Lake, Lassen, Mendocino, Modoc, Nevada, Placer, Plumas, Shasta, Sierra, Siskiyou, Tehama, Trinity, and Yolo.

(b) The terms "base delivery zone" and "wholesaler" shall have the meanings given such terms in Revised Maximum Price Regulation 259.

(c) This order shall become effective immediately.

(d) This order may be amended, corrected or revoked at any time.

Issued this 7th day of September 1945.

GUY R. KINSLEY,
Acting Regional Administrator.

[F. R. Doc. 45-17539; Filed, Sept. 19, 1945 2:50 p. m.]

[Region VIII Order G-3 Under MPR 329, Amdt. 13]

FLUID MILK IN SONOMA AND MARIN COUNTIES, CALIF.

For the reasons set forth in an opinion issued simultaneously herewith, and under the authority vested in the Regional Administrator by § 1351.408 (b) of Maximum Price Regulation No. 329 as amended, Order No. G-3 under Maximum Price Regulation No. 329 is hereby amended by adding a new paragraph (o) to read as follows:

(o) Notwithstanding any of the foregoing provisions of this order, any purchaser may pay to any producer whose dairy is located in Sonoma County or in Marin County (other than in that portion of Marin County lying east of State Highway No. 1 and south of the Point Reyes-Novato Highway or within ½ mile thereof) a permitted addition to the maximum prices specified in paragraphs (a) and (b) of this order, provided the following conditions are met:

(1) The permitted addition must be paid before November 1, 1945.

(2) The amount of the permitted addition, when added to any other sum paid by the purchaser to the producer, including certificates of indebtedness, with respect to milk delivered between July 1, 1944, and June 30, 1945, inclusive, shall not exceed $0.03 for each pound of milk fat purchased from that producer during such period.

This amendment shall become effective September 15, 1945.

Issued this 7th day of September 1945.

GUY R. KINSLEY,
Acting Regional Administrator.

Approved:

ALLEN D. HURLEY,
Acting Officer in Charge, Dairy Branch, Western Region, Production and Marketing Administration, United States Dept. of Agriculture.

[F. R. Doc. 45-17532; Filed, Sept. 19, 1945; 2:50 p. m.]

[Region VIII Order G-5 Under Supp. Service Reg. 43 to RMPR 165]

CUSTOM PROCESSING AND GRADING OF EGGS IN SAN FRANCISCO REGION

An opinion accompanying this amendment has been issued simultaneously herewith.

Order No. G-5 under Supplementary Service Regulation No. 43 to Revised Maximum Price Regulation No. 165 is amended in the following respects:

1. The paragraph establishing the effective date is hereby amended to read as follows:

This order shall become effective June 10, 1945, and shall remain effective until December 7, 1945.

This amendment to Order No. G-5 shall become effective September 8, 1945.

Issued this 6th day of September 1945.

GUY R. KINSLEY,
Acting Regional Administrator.

[F. R. Doc. 45-17535; Filed, Sept. 19, 1945; 2:50 p. m.]

[Region VIII Order G-9 Under Supp. Service Reg. 43 to RMPR 165]

PICKING AND GRADING POTATOES IN SAN FRANCISCO REGION

For the reasons set forth in an opinion issued simultaneously herewith, and under the authority vested in the Regional Administrator of the Office of Price Administration by § 1499.676 (a) of Supplementary Service Regulation No. 43 to Revised Maximum Price Regulation No. 165, as amended, *It is hereby ordered:*

(a) The maximum prices that independent contractors may charge for services in connection with picking and grading potatoes are as follows:

(i) Contract picking in the field, 5½¢ per 60 pound sack.

(ii) Grading and sorting.

(a) Grading of U. S. No. 1's and U. S. No. 2's, Dehydrated percentage grades and Blue Tag grades of Certified Seed potatoes, when sorted at cellar and loaded on trucks or when sorted at warehouse on railroad and loaded in car, potatoes delivered to warehouse by grower, 18¢ per cwt.

(b) Sorting all grades of Red Tag potato seed when sorted at cellar and loaded on trucks or when sorted at warehouse on railroad and loaded in car, potatoes delivered to warehouse by grower, 15¢ per cwt.

(b) The contractor shall recruit and supervise workers, and provide transportation and equipment normally supplied by contractors.

(c) This order shall apply in Klamath County, Oregon and to the Tule Lake Area of Modoc and Siskiyou Counties California.

(d) This order may be revoked or amended at any time.

(e) This order shall become effective September 15, 1945, and shall expire December 15, 1945.

Issued this 7th day of September 1945.

GUY R. KINSLEY,
Acting Regional Administrator.

[F. R. Doc. 45-17534; Filed, Sept. 19, 1945; 2:50 p. m.]

[Region VIII Order G-12 Under MPR 329, Amdt. 11]

FLUID MILK IN SAN FRANCISCO REGION

An opinion accompanying this amendment has been issued simultaneously herewith.

Order No. G-12 under Maximum Price Regulation No. 329 is amended in the following respects:

1. Paragraph (a) (1) is amended by striking therefrom the words "Douglas County" and the accompanying maximum prices, and substituting therefor the following:

Douglas County—except the city of Roseburg	$0.85
The city of Roseburg	.92

This amendment to Order No. G-12 shall become effective September 11, 1945.

Issued this 11th day of September 1945.

GUY R. KINSLEY,
Acting Regional Administrator.

Approved:

ALLEN D. HURLEY,
Acting Officer in Charge, Dairy Branch, Western Region, Production and Marketing Administration, United States Department of Agriculture.

[F. R. Doc. 45-17531; Filed, Sept. 19, 1945; 2:49 p. m.]

[Region VIII Order G-36 Under 3 (e)]

MERRILL ENGINEERING LABORATORIES

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith, and under the authority vested in the Regional Administrator of the Office of Price Administration by § 1499.3 (e) (2) of the General Maximum Price Regulation; *It is hereby ordered:*

(a) The maximum prices for sales to wholesalers, to retailers and at retail of certain gun thongs hereinafter more fully described, manufactured by the Merrill Engineering Laboratories of 1230–40 Lincoln Street, Denver, Colorado, by sellers subject to the General Maximum Price Regulation who cannot determine their maximum prices under § 1499.2 of the General Maximum Price Regulation, shall be as follows:

Item	Maximum prices to—		Retail
	Wholesalers	Retailers	
Gun thong, 32" line hemp tied to steel ends 7/32" diameter, 3" long	*Per doz.* $1.50	*Per doz.* $2.00	*Each* $0.25

(b) The above prices shall include discounts, allowances, and price differentials no less favorable than those customarily granted by the seller; the terms to dealers shall be 2%, 10 days, f. o. b. shipping point.

(c) This order shall apply to sales in the States of California, Washington, Nevada, Oregon, except Malheur County, and Arizona, except those portions of Coconino County and Mohave County lying north of the Colorado River, and the following counties in the State of Idaho: Benewah, Bonner, Boundary, Clearwater, Kootenai, Latah, Lewis, Nez Perce, Shoshone and Idaho.

(d) This order shall be subject to revocation or amendment at any time hereafter either by special order or by any price regulation issued hereafter or by any supplement or amendment hereafter issued as to any price regulation, the provisions of which may be contrary hereto.

This order shall become effective September 15, 1945.

Issued this 7th day of September 1945.

GUY R. KINSLEY,
Acting Regional Administrator.

[F. R. Doc. 45-17530; Filed, Sept. 19, 1945; 2:49 p. m.]

SECURITIES AND EXCHANGE COMMISSION.

[File No. 70-856]

UNITED UTILITIES, INC., AND CENTRAL GAS UTILITIES CO.

ORDER PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 12th day of September, A. D., 1945.

A declaration and amendments thereto having been filed by United Utilities, Incorporated, a registered holding company, and The Central Gas Utilities Company, its wholly-owned subsidiary, seeking approval of the sale to Reece E. McGee or to his nominee, Kansas-Colorado Utilities, Inc., of a portion of the utility assets of The Central Gas Utili-

ties Company pursuant to section 12 (d) of the Public Utility Holding Company Act of 1935 and of the use of the proceeds of said sale by The Central Gas Utilities Company to pay its indebtedness in the amount of $349,000 owing to United Utilities, Incorporated and to redeem a portion of its capital stock owned by United Utilities, Incorporated; and

An application and amendments thereto having been filed by United Utilities, Incorporated, a subsidiary of the Voting Trustees under Voting Trust Agreement of United Utilities, Incorporated, also a registered holding company, pursuant to section 3 (a) (1) of the Holding Company Act of 1935, requesting an order, upon consummation of the aforementioned sale, exempting United Utilities, Incorporated, and every subsidiary thereof as such from all of the provisions of the act; and

The acquisition by Kansas-Colorado Utilities, Inc. of the utility plant and related assets comprising the Western Division of The Central Gas Utilities Company having been authorized by the State Corporation Commission of Kansas, the Public Utilities Commission of Colorado and the Federal Power Commission; and

A public hearing having been held after appropriate notice, and the Commission having considered the record and having made and filed its findings and opinion herein;

It is ordered, That said declaration be, and hereby is, permitted to become effective with respect to said sale and the use of the proceeds therefrom, subject to the terms and conditions prescribed in Rule U-24; and

It is further ordered, That jurisdiction be and is hereby reserved with respect to the application of United Utilities, Incorporated pursuant to section 3 (a) (1) for an order exempting it and every subsidiary thereof as such from all of the provisions of the act.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 45-17583; Filed, Sept. 20, 1945; 11:20 a. m.]

[File No. 70-1142]

PUBLIC SERVICE CORP. OF N. J. AND PUBLIC SERVICE COORDINATED TRANSPORT

NOTICE REGARDING FILING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 18th day of September, 1945.

Notice is hereby given that a joint application or declaration has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by Public Service Corporation of New Jersey (Public Service), a holding company and a subsidiary of The United Corporation, a registered holding company, and by Public Service's non-utility subsidiary, Public Service Coordinated Transport (Transport).

Notice is further given that any interested person may, not later than October 1, 1945, at 5:30 p. m., e. w. t., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request and the nature of his interest, or may request that he be notified if the Commission should order a hearing thereon. At any time thereafter, said joint application or declaration, as filed or as amended, may be granted, as provided in Rule U-23 of the rules and regulations promulgated pursuant to said act, or the Commission may exempt such transaction as provided in Rules U-20 (a) and U-100 thereof. Any such request should be addressed: Secretary, Securities and Exchange Commission, 18th and Locust Streets, Philadelphia 3, Pennsylvania.

All interested persons are referred to said joint application or declaration, which is on file in the office of the said Commission, for a statement of the transactions therein proposed, which are summarized below:

Public Service proposes to sell $500,000 principal amount of Transport's 4% Series, First and Refunding Mortgage Bonds, due 1990, to the Trustee under Transport's mortgage, for a cash consideration of $500,000 plus accrued interest to the date of delivery. It is stated that the price of $500,000 represents cost to Public Service for such bonds. The Trustee proposes to purchase said bonds with $500,000 which, pursuant to the terms of the indenture securing the bonds, was the amount deposited with the Trustee on April 1, 1945 as and for a fund for the purchase and retirement of Transport's outstanding bonds. The Plan of Reorganization of Transport dated November 2, 1939 provides that Public Service will not tender to the Trustee any of the bonds of Transport held by it until at least five months after receipt of purchase fund money by the Trustee. According to the declarants, over five months have elapsed since the deposit of the purchase fund money by Transport with the Trustee and although the Trustee caused to be published notice requesting tenders, no tenders have been received from the public.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 45-17580; Filed, Sept. 20, 1945; 11:20 a. m.]

[File No. 70-1143]

PUBLIC SERVICE COMPANY OF OKLAHOMA

ORDER PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 18th day of September, A. D. 1945.

Public Service Company of Oklahoma (Public Service), a public utility subsidiary of Central and South West Utilities Company, a registered holding company, which is in turn a subsidiary of The Middle West Corporation, also a registered holding company, having filed applications and declarations pursuant to The Public Utility Holding Company Act of 1935, particularly sections 6, 7 and 12 thereof, with respect to the transactions which are summarized as follows:

1. Public Service proposes to issue and sell at competitive bidding, pursuant to the requirements of Rule U-50, $22,500,000 principal amount of First Mortgage Bonds, Series A, to mature July 1, 1975, and 98,500 shares of Cumulative Preferred Stock of the par value of $100 per share. The interest rate on the bonds and the dividend rate on the preferred stock, as well as the prices to Public Service for these securities, are to be determined by competitive bidding.

2. Public Service proposes to use the proceeds from the sale of the bonds and preferred stock, together with other cash as required, for the redemption of its outstanding bonds and preferred stock;

3. The offering of preferred stock is subject to an exchange offer whereby the holders of the outstanding 5% preferred stock of Public Service may exchange the same for the new stock on a share for share basis with a cash adjustment for the difference between the redemption price of the 5% preferred stock and the public offering price of the new preferred stock.

Public Service having proposed to solicit proxies in connection with a special meeting of the stockholders of the company to be held on or about October 22, 1945, to vote upon the proposed bond issue and matters related thereto; and having filed copies of the proxy, the proposed notice of the special meeting of the stockholders and proxy statement; and

Public Service having requested that the declaration with respect to the proxy solicitation material be considered and disposed of independently of the principal transactions and that the Commission enter its separate order permitting said declaration as to all such proxy solicitation material to become effective; and

It appearing that the solicitation of authorizations of stockholders, as proposed to be conducted, does not make it necessary or appropriate in the public interest or for the protection of investors or consumers or to prevent the circumvention of the provisions of the act or the rules and regulations thereunder that the Commission issue any order with respect thereto other than an order permitting the declaration as to such solicitation to become effective;

It is therefore ordered, That, without passing upon the merits of the applications or declarations filed pursuant to sections 6, 7 and 12, the declaration as to solicitation of authorizations be and it is hereby permitted to become effective forthwith.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 45-17581; Filed, Sept. 20, 1945; 11:20 a. m.]

[File No. 70-1148]

NORTHERN STATES POWER CO.

NOTICE OF FILING AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 18th day of September, 1945.

Notice is hereby given that an application or declaration has been filed with this Commission under the Public Utility Holding Company Act of 1935 and particularly sections 6 and 7 and Rule U-50 promulgated thereunder, by Northern States Power Company (Minnesota) (hereinafter referred to as Northern States), a public utility subsidiary of Northern States Power Company (Delaware), a registered holding company.

All interested persons are referred to said document which is on file in the offices of this Commission for a statement of the transactions therein proposed which are summarized as follows:

Northern States proposes to issue and sell, pursuant to the competitive bidding provisions of Rule U-50, $75,000,000 principal amount of First Mortgage Bonds, Series due October 1, 1975. Each proposal for the purchase of the bonds shall specify (a) the coupon rate which shall be a multiple of $\frac{1}{8}$ of 1% and (b) the price to be paid to Northern States for the bonds which shall be not less than the principal amount nor more than 102.75% of the principal amount. The proceeds of said sale together with the general funds of Northern States, to the extent required, are proposed to be applied by Northern States to redeem the $75,000,000 principal amount of its First and Refunding Mortgage Bonds, 3½% Series, due February 1, 1967, at the redemption price of $78,187,500 (104⅛% of the principal amount thereof) plus accrued interest.

The bonds will be issued under and secured by a Trust Indenture from Northern States to Harris Trust and Savings Bank as Trustee, dated February 1, 1937 as supplemented by Supplemental Trust Indenture, dated June 1, 1942, and February 1, 1944, and a Supplemental Trust Indenture, dated as of October 1, 1945, mortgaging as security for the payment of the bonds substantially all of the properties of Northern States.

It appearing to the Commission that it is appropriate in the public interest and in the interest of investors and consumers that a hearing be held with respect to said application or declaration and that said application or declaration shall not be granted or permitted to become effective except pursuant to further order of the Commission;

It is ordered, That a hearing on said application under the applicable provisions of the act and the rules of the Commission thereunder be held on October 2, 1945, at 10:00 a. m., e. s. t., in the offices of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia 3, Pennsylvania. On such day the hearing room clerk in Room 318 will advise as to the room in which such hearing will be held.

It is further ordered, That William W. Swift or any other officer or officers of the Commission designated by it for that purpose shall preside at such hearing. The officer so designated to preside at such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said act and to a trial examiner under the Commission's rules of practice.

It is further ordered, That the Secretary of the Commission shall serve by registered mail copies of this order on the Federal Power Commission, the Public Service Commission of North Dakota, the Railroad and Warehouse Commission of Minnesota, the Public Utilities Commission of South Dakota, and on the applicant-declarant herein; and that notice of said hearing be given to all other persons by publication of this order in the FEDERAL REGISTER. Any person desiring to be heard in connection with these proceedings, or otherwise wishing to participate herein, shall file with the Secretary of the Commission, on or before September 28, 1945, his request or application therefor, as provided by Rule XVII of the rules of practice of the Commission.

It is further ordered, That without limiting the scope of issues presented by said application, particular attention will be directed at said hearing to the following matters and questions:

(1) Whether the proposed issue of mortgage bonds is reasonably adapted to the earning power and the security structure of Northern States and is necessary and appropriate to the economical and efficient operation of the businesses in which Northern States is presently engaged.

(2) Whether the fees, commissions, or other remunerations to be paid in connection with the issue, sale or distribution of said securities are reasonable.

(3) Whether State laws regarding the proposed issue of mortgage bonds have been complied with.

(4) Whether the accounting entries to be recorded in connection with the proposed transactions are proper and conform to sound principles of accounting and meet the standards of the act.

(5) Whether the terms and conditions of the issue of said securities are detrimental to the public interest or the interests of investors or consumers.

(6) Generally whether the proposed transactions comply with the applicable provisions of the act and the rules, regulations and orders promulgated thereunder.

(7) Whether in the event the application or declaration shall be granted or permitted to become effective, it is necessary to impose any terms or conditions to assure compliance with the standards of the act.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 45-17582; Filed, Sept. 20, 1945; 11:29 a. m.]

UNITED STATES COAST GUARD.

APPROVAL OF EQUIPMENT

By virtue of the authority vested in me by R. S. 4405, 4417a, 4426, 4482, 4488, and 4491, as amended, 49 Stat. 1544 (46 U.S.C. 375, 391a, 404, 475, 481, 489, 367), and Executive Order 9083, dated February 28, 1942 (3 CFR, Cum. Supp.), the following approval of equipment is prescribed:

LIFE PRESERVER

Model No. 2, adult kapok life preserver, recovered by Sinclair and Valentine Company, 611 West 129th Street, New York 27, and 4491, as amended, 49 Stat. 1544 (46 New York.

Dated: September 19, 1945.

R. R. WAESCHE,
Admiral, U. S. C. G.,
Commandant.

[F. R. Doc. 45-17626; Filed, Sept. 20, 1945; 11:51 a. m.]

WAR PRODUCTION BOARD.

[Certificate 8, Revocation]

RECOMMENDATION OF PETROLEUM COORDINATOR FOR WAR

The ATTORNEY GENERAL.

Pursuant to section 12 of Public Law No. 603, 77th Congress (56 Stat. 357), I hereby withdraw the certificate and finding dated August 7, 1942, concerning Recommendation No. 48 of the Petroleum Coordinator for War.

Dated: September 15, 1945.

J. A. KRUG,
Chairman.

[F. R. Doc. 45-17514; Filed, Sept. 19, 1945; 11:35 a. m.]

[Certificate 9, Revocation]

RECOMMENDATION OF PETROLEUM COORDINATOR FOR WAR

The ATTORNEY GENERAL.

Pursuant to section 12 of Public Law No. 603, 77th Congress (56 Stat. 357), I hereby withdraw the certificate and finding dated August 7, 1942, concerning Recommendation No. 41 of the Petroleum Coordinator for War.

Dated: September 15, 1945.

J. A. KRUG,
Chairman.

[F. R. Doc. 45-17515; Filed, Sept. 19, 1945; 11:35 a. m.]

[Certificate 13, Revocation]

ORDNANCE DEPARTMENT INDUSTRY INTEGRATION COMMITTEES

The ATTORNEY GENERAL.

Pursuant to section 12 of Public Law No. 603, 77th Congress (56 Stat. 357), I hereby withdraw the certificate and finding dated September 7, 1942, concerning a program of the Ordnance Department for the formation and functioning of Ordnance Department Industry Integration Committees.

Dated: September 15, 1945.

J. A. KRUG,
Chairman.

[F. R. Doc. 45-17516; Filed, Sept. 19, 1945; 11:35 a. m.]

SEP 24 '45

[Certificate 21, Revocation]

RECOMMENDATION OF PETROLEUM COORDINATOR FOR WAR

The ATTORNEY GENERAL.

Pursuant to section 12 of Public Law No. 603, 77th Congress (56 Stat. 357), I hereby withdraw the certificate and finding dated November 2, 1942, concerning Recommendation No. 55 of the Petroleum Coordinator for War.

Dated: September 15, 1945.

J. A. KRUG,
Chairman.

[F. R. Doc. 45-17517; Filed, Sept. 19, 1945; 11:35 a. m.]

[Certificate 86, Revocation]

TAXI SERVICES

The ATTORNEY GENERAL.

Pursuant to section 12 of Public Law No. 603, 77th Congress (56 Stat. 357), I hereby withdraw the certificate and finding dated July 1, 1943, concerning General Order ODT 20A issued by the Director of the Office of Defense Transportation.

Dated: September 17, 1945.

J. A. KRUG,
Chairman.

[F. R. Doc. 45-17518; Filed, Sept. 19, 1945; 11:35 a. m.]

[Certificate 154, Revocation]

DIRECTIVE OF PETROLEUM COORDINATOR FOR WAR

The ATTORNEY GENERAL.

Pursuant to section 12 of Public Law No. 603, 77th Congress (56 Stat. 357), I hereby withdraw the certificate and finding dated October 29, 1943, concerning Petroleum Directive 76 of the Petroleum Administration for War.

Dated: September 15, 1945.

J. A. KRUG,
Chairman.

[F. R. Doc. 45-17519; Filed, Sept. 19, 1945; 11:35 a. m.]

[Certificate 201, Revocation]

SHELL DEVELOPMENT CO. ET AL.

PROPOSAL FOR CROSS LICENSE AND LICENSING AGREEMENT

The ATTORNEY GENERAL.

Pursuant to section 12 of Public Law No. 603, 77th Congress (56 Stat. 357), I hereby withdraw the certificate and finding dated April 14, 1944, concerning a proposal for a cross license and licensing agreement in connection with catalytic refining, between Shell Development Company, Standard Oil Development Company, Texaco Development Corporation, Standard Oil Company (Indiana), Universal Oil Products Company, and the M. W. Kellogg Company.

Dated: September 15, 1945.

J. A. KRUG,
Chairman.

[F. R. Doc. 45-17520; Filed, Sept. 19, 1945; 11:35 a. m.]

[C-419]

JOURNAL-NEWS CORPORATION

CONSENT ORDER

Journal-News Corporation is a newspaper publisher with offices at 77-79 Bowery, New York City, publishing Jewish Journal and Daily News and The Jewish American Family Magazine and Gazette in New York City and Philadelphia Jewish Morning Journal and Daily News in Philadelphia, Pennsylvania. During the years 1943 and 1944 and the first quarter of the year 1945, Journal-News Corporation used newsprint in excess of the quota which it was permitted to use during the said period, under the provisions of Limitation Order L-240, and in violation thereof. This excessive use of newsprint has diverted a scarce and critical material to a use not authorized by the War Production Board. Journal-News Corporation admits the violation as charged and has consented to the issuance of this order.

Wherefore, upon the agreement and consent of Journal-News Corporation, the Regional Compliance Manager and the Regional Attorney, and upon the approval of the Compliance Commissioner; *It is hereby ordered*, That:

(a) Journal-News Corporation, its successors or assigns, shall reduce its use of newsprint in the printing and publishing of newspapers under its quota as established pursuant to Limitation Order L-240, by 40 tons of newsprint during the third and fourth quarters of the year 1945.

(b) Nothing contained in this order shall be deemed to relieve Journal-News Corporation, its successors or assigns, from any restriction, prohibition or provision contained in any other order or regulation of the War Production Board except insofar as the same may be inconsistent with the provisions hereof.

Issued this 20th day of September 1945.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 45-17588; Filed, Sept. 20, 1945; 11:36 a. m.]

SEP 24 '45

FEDERAL REGISTER

VOLUME 10 NUMBER 187

Washington, Saturday, September 22, 1945

The President

EXECUTIVE ORDER 9616A

CREATION OF A SPECIAL TEMPORARY POSITION IN THE PUBLIC HEALTH SERVICE

By virtue of and pursuant to the authority vested in me by Section 207 (a) of the Act of July 1, 1944, 58 Stat. 685 (Public Health Service Act), I hereby establish in the Public Health Service the special temporary position of Chief Public Health Adviser on the Staff of the United States High Commissioner of the Philippine Islands and Chief Public Health Service Representative for the Far Eastern Area, including the Philippine Islands. The grade of Assistant Surgeon General shall be applicable to any commissioned officer of the Public Health Service during the period of his assignment to such position.

This order shall continue in effect, unless sooner rescinded, until the termination of the present war or emergency, whichever is later.

HARRY S. TRUMAN

THE WHITE HOUSE,
September 14, 1945.

[F. R. Doc. 45-17644; Filed, Sept. 21, 1945; 10:48 a. m.]

EXECUTIVE ORDER 9620

ABOLISHING THE OFFICE OF ECONOMIC STABILIZATION AND TRANSFERRING ITS FUNCTIONS TO THE OFFICE OF WAR MOBILIZATION AND RECONVERSION

By virtue of the authority vested in me by the Constitution and statutes, particularly by Title I of the First War Powers Act, 1941, and section 2 of the act of October 2, 1942, 56 Stat. 765, and as President of the United States, it is hereby ordered as follows:

The Office of Economic Stabilization, established by Executive Order No. 9250 of October 3, 1942, and the office of Economic Stabilization Director, are abolished. All functions, authority, records, property, personnel, and funds of the Office of Economic Stabilization are transferred to the Office of War Mobilization and Reconversion, and all functions of the Economic Stabilization Director are transferred to the Director of War Mobilization and Reconversion. The Economic Stabilization Board, established by Executive Order No. 9250, is transferred to the Office of War Mobilization and Reconversion for the purpose of advising and consulting with the Director of War Mobilization and Reconversion with respect to the functions transferred by this order. All prior regulations, rulings, and other directives relating to the Office of Economic Stabilization shall remain in effect except insofar as they are in conflict with this order or are hereafter amended by the Director of War Mobilization and Reconversion.

All prior Executive orders in conflict herewith are amended accordingly.

HARRY S. TRUMAN

THE WHITE HOUSE,
September 20, 1945.

[F. R. Doc. 45-17647; Filed, Sept. 21, 1945; 10:48 a. m.]

EXECUTIVE ORDER 9621

TERMINATION OF THE OFFICE OF STRATEGIC SERVICES AND DISPOSITION OF ITS FUNCTIONS

By virtue of the authority vested in me by the Constitution and Statutes, including Title I of the First War Powers Act, 1941, and as President of the United States and Commander in Chief of the Army and the Navy, it is hereby ordered as follows:

1. There are transferred to and consolidated in an Interim Research and Intelligence Service, which is hereby established in the Department of State, (a) the functions of the Research and Analysis Branch and of the Presentation Branch of the Office of Strategic Services (provided for by the Military Order of June 13, 1942), excluding such functions performed within the countries of Germany and Austria, and (b) those other functions of the Office of Strategic Services (hereinafter referred to as the Of-

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NOTICE

1944 Supplement

Book 1 of the 1944 Supplement to the Code of Federal Regulations, containing Titles 1-10, including Presidential documents in full text, is now available from the Superintendent of Documents, Government Printing Office, at $3.00 per copy.

A limited sales stock of the Cumulative Supplement and the 1943 Supplement is still available as previously announced.

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fice) which relate to the functions of the said Branches transferred by this paragraph. The functions of the Director of Strategic Services and of the United States Joint Chiefs of Staff, relating to the functions transferred to the Service by this paragraph, are transferred to the Secretary of State. The personnel, property, and records of the said Branches, except such thereof as is located in Germany and Austria, and so much of the other personnel, property, and records of the Office and of the funds of the Office as the Director of the Bureau of the Budget shall determine to relate primarily to the functions transferred by this paragraph, are transferred to the said Service. Military personnel now on duty in connection with the activities transferred by this paragraph may, subject to applicable law and to the extent mutually agreeable to the Secretary of State and to the Secretary of War or the Secretary of the Navy, as the case may be, continue on such duty in the Department of State.

2. The Interim Research and Intelligence Service shall be abolished as of the close of business December 31, 1945, and the Secretary of State shall provide for winding up its affairs. Pending such abolition, (a) the Secretary of State may transfer from the said Service to such agencies of the Department of State as he shall designate any function of the Service, (b) the Secretary may curtail the activities carried on by the Service, (c) the head of the Service, who shall be designated by the Secretary, shall be responsible to the Secretary or to such other officer of the Department of State as the Secretary shall direct, and (d) the Service shall, except as otherwise provided in this order, be administered as an organizational entity in the Department of State.

3. All functions of the Office not transferred by paragraph 1 of this order, together with all personnel, records, property, and funds of the Office not so transferred, are transferred to the Department of War; and the Office, including the office of the Director of Strategic Services, is terminated. The functions of the Director of Strategic Services and of the United States Joint Chiefs of Staff, relating to the functions transferred by this paragraph, are transferred to the Secretary of War. Naval personnel on duty with the Office in connection with the activities transferred by this paragraph may, subject to applicable law and to the extent mutually agreeable to the Secretary of War and the Secretary of the Navy, continue on such duty in the Department of War. The Secretary of War shall, whenever he deems it compatible with the national interest, discontinue any activity transferred by this paragraph and wind up all affairs relating thereto.

4. Such further measures and dispositions as may be determined by the Director of the Bureau of the Budget to be necessary to effectuate the transfer or redistribution of functions provided for in this order shall be carried out in such manner as the Director may direct and by such agencies as he may designate.

5. All provisions of prior orders of the President which are in conflict with this order are amended accordingly.

6. This order shall, except as otherwise specifically provided, be effective as of the opening of business October 1, 1945.

HARRY S. TRUMAN

THE WHITE HOUSE,
September 20, 1945.

[F. R. Doc. 45-17646; Filed, Sept. 21, 1945; 10:48 a. m.]

EXECUTIVE ORDER 9622

REVOCATION OF EXECUTIVE ORDER 9103 OF MARCH 18, 1942, PROVIDING UNIFORM CONTROL OVER THE PUBLICATION AND USE OF FEDERAL STATISTICAL INFORMATION WHICH WOULD GIVE AID AND COMFORT TO THE ENEMY

By virtue of the authority vested in me as President of the United States, it is ordered that Executive Order No. 9103 of March 18, 1942, providing for uniform control over the publication and use of Federal statistical information which would give aid and comfort to the enemy, be, and it is hereby, revoked.

HARRY S. TRUMAN

THE WHITE HOUSE,
September 20, 1945.

[F. R. Doc. 45-17645; Filed, Sept. 21, 1945; 10:48 a. m.]

EXECUTIVE ORDER 9623

REINSTATING LELAND B. MORRIS IN THE FOREIGN SERVICE OF THE UNITED STATES

NOTE: Executive Order 9623, dated September 20, 1945, was filed with the Division of the Federal Register as Federal Register Document No. 45-12768 (NP), on September 21, 1945, at 10:49 a. m.

EXECUTIVE ORDER 9624

REINSTATING WILLYS R. PECK IN THE FOREIGN SERVICE OF THE UNITED STATES

NOTE: Executive Order 9624, dated September 20, 1945, was filed with the Division of the Federal Register as Federal Register Document No. 45-12769 (NP), on September 21, 1945, at 10:49 a. m.

Regulations

TITLE 6—AGRICULTURAL CREDIT

Chapter I—Farm Credit Administration

PART 22—THE FEDERAL LAND BANK OF BALTIMORE

NEW LOAN FEES

Section 22.1 of Title 6, Code of Federal Regulations is amended by striking out the last paragraph and substituting in lieu thereof the following:

§ 22.1 *Application fees.* • • •
Provided, however, That no initial application or loan closing fees shall be charged by the Bank in connection with new or additional loans made through

any national farm loan association after the date on which such national farm loan association makes effective a policy eliminating all initial application fees in connection with new and additional loans and reducing the amount of the association loan closing fees to be collected from borrowers to ½ of 1% of the amount of each new Land Bank loan closed or, in the case of an additional Land Bank loan, to ½ of 1% of the new money loaned: *Provided, further,* That the application fees prescribed by (c), (d), and (e) hereof shall be charged in all cases. Each applicant shall be required to pay actual cash outlays for abstract expenses, title insurance fees, notarial fees, recording fees or other disbursements necessary for the completion of the transaction.

(Sec. 13 "Ninth", 39 Stat. 372; sec. 26, 48 Stat. 44; sec. 32, 48 Stat. 48, as amended; 12 U.S.C. 781 "Ninth", 723 (e), 1016 (e) and Sup.; 6 CFR 19.326 and 19.330) [Res. Bd. of Dir. April 21, 1943; July 19, 1944 and May 22, 1945]

[SEAL] THE FEDERAL LAND BANK OF BALTIMORE,
E. W. MCSPARRAN,
Treasurer.

[F. R. Doc. 45-17634; Filed, Sept. 20, 1945; 4:32 p. m.]

TITLE 10—ARMY: WAR DEPARTMENT

Chapter VII—Personnel

PART 703—APPOINTMENT OF COMMISSIONED OFFICERS, WARRANT OFFICERS AND CHAPLAINS

DISCONTINUANCE OF APPOINTMENTS FOR TEMPORARY WARRANT OFFICERS (JUNIOR GRADE)

Examinations for and appointments for temporary warrant officers (junior grade) under the provisions of §§ 703.371 to 703.374, inclusive, are discontinued effective immediately except appointment of individuals whose recommendations now exist in writing and have been approved. (55 Stat. 651; 10 U.S.C. Sup. 593a) [W.D. Cir. 270, 8 Sep. 1945]

[SEAL] EDWARD F. WITSELL,
Major General,
Acting The Adjutant General.

[F. R. Doc. 45-17633; Filed, Sept. 20, 1945; 4:09 p. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket No. 4869]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

LIBERTY CHEMICAL CO.

§ 3.6 (t) *Advertising falsely or misleadingly—Qualities or properties of product or service.* In connection with the offering for sale, sale, or distribution of "Liberty Nasal Cream," or any product of substantially similar composition or possessing substantially similar properties, whether sold under the same name or any other name, disseminating, etc., any advertisements by means of the United States mails, or in commerce, or by any means to induce, etc., directly or indirectly, purchase in commerce, etc., of said preparation, which advertisements represent, directly or by implication, (a) that the use of said product will prevent colds or influenza; or (b) that the use of said product will prevent the development in the nose and throat of organisms causing colds or influenza; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., sec. 45b) [Cease and desist order, Liberty Chemical Company, Docket 4869, August 20, 1945]

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 20th day of August, A. D. 1945.

In the Matter of Georgie A. Coleman, an Individual, Trading as Liberty Chemical Company

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission, the answer of respondent, testimony and other evidence taken before an examiner of the Commission theretofore duly designated by it, report of the trial examiner, and brief in support of the complaint (respondent not having filed brief and oral argument not having been requested), and the Commission having made its findings as to the facts and its conclusion that said respondent has violated the provisions of the Federal Trade Commission Act:

It is ordered, That the respondent, Georgie A. Coleman, her representatives, agents, or employees, directly or through any corporate or other device, in connection with the offering for sale, sale, or distribution of "Liberty Nasal Cream," or any product of substantially similar composition or possessing substantially similar properties, whether sold under the same name or any other name, do forthwith cease and desist from, directly or indirectly:

1. Disseminating or causing to be disseminated, by means of the United States mails or by any means in commerce, as "commerce" is defined in the Federal Trade Commission Act, any advertisement which represents, directly or through inference:

(a) That the use of said product will prevent colds or influenza.

(b) That the use of said product will prevent the development in the nose and throat of organisms causing colds or influenza.

2. Disseminating or causing to be disseminated, by any means, any advertisement for the purpose of inducing, or which is likely to induce, directly or indirectly, the purchase in commerce, as "commerce" is defined in the Federal Trade Commission Act, of her said preparation.

It is further ordered, That the respondent shall, within sixty (60) days after the service upon her of this order, file with the Commission a report in writing setting forth in detail the manner and form in which she has complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 45-17649; Filed, Sept. 21, 1945; 10:56 a. m.]

[Docket No. 5002]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

GENERAL DIARIES, INC., ET AL.

§ 3.69 (a) *Misrepresenting oneself and goods—Business status, advantages or connections—Competitor or another as respondent:* § 3.69 (a) *Misrepresenting oneself and goods—Business status, advantages or connections—Connections and arrangements with others:* § 3.69 (b) *Misrepresenting oneself and goods—Goods—Sample, offer, or order conformance:* § 3.72 (m10) *Offering deceptive inducements to purchase or deal—Sample, offer, or order conformance.* In connection with the offering for sale, sale and distribution of appointment books in commerce, (1) representing or implying that respondents are the publishers or distributors of the "Professional Diary", or that they are in any way affiliated or connected with the publishers of the "Professional Diary," or (2) representing that customers purchasing respondents' appointment books will receive the "Professional Diary", or any publication materially different from that actually delivered by respondents; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U. S. C., sec. 45b) [Cease and desist order, General Diaries, Inc., et al., Docket 5002, August 20, 1945]

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 20th day of August, A. D. 1945.

In the Matter of General Diaries, Inc., a Corporation; and Albert A. Friedman, and Mrs. Elizabeth Friedman, Individuals Trading in the Name of General Diaries, and as Officers of Said Corporation

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission, the answer of respondents, testimony and other evidence in support of and in opposition to the allegations of the complaint taken before an examiner of the Commission theretofore duly designated by it, report of the trial examiner and exceptions thereto, and briefs filed by counsel, and the Commission having made its findings as to the facts and its conclusion that said respondents have violated the provisions of the Federal Trade Commission Act:

It is ordered, That respondent, General Diaries, Inc., its officers, representatives, agents, and employees, and respondent Albert A. Friedman, his representatives, agents, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale, and distribution of appointment books in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Representing or implying that they are the publishers or distributors of the "Professional Diary" or that they are in any way affiliated or connected with the publishers of the "Professional Diary."

2. Representing that customers purchasing their appointment books will receive the "Professional Diary," or any publication materially different from that actually delivered by respondents.

It is further ordered, That, for the reasons appearing in the findings as to the facts, the complaint herein be, and the same hereby is, dismissed as to respondent Mrs. Elizabeth Friedman.

It is further ordered, That the respondents shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 45-17650; Filed, Sept. 21, 1945; 10:56 a. m.]

TITLE 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs

[T. D. 51316]

PART 3—DOCUMENTATION OF VESSELS

REGISTRATION OF HOUSE FLAG AND FUNNEL MARK OF AMERICAN MAIL LINE, LTD.

House flag and funnel mark of American Mail Line, Ltd., registered in accordance with section 3.81 (a), Customs Regulations of 1943.

The Commissioner of Customs, by virtue of the authority vested in him by section 7 of the act of May 28, 1908 (U. S. C. title 46, sec. 49), as modified by Executive Order No. 9083 (7 F.R. 1609), and in accordance with § 3.81 (a) of the Customs Regulations of 1943 (19 C. F. R. 3.81 (a)), has registered the house flag and funnel mark of American Mail Line, Ltd., described below.

(a) *House flag.* The house flag is rectangular in shape. The hoist is 5 feet; the fly is 8 feet. The field consists of five horizontal stripes, each 12 inches wide; the two outer stripes are dark blue; the next two are white; and the single center stripe is red. Superimposed upon the red stripe are 8-inch block initials "A M L" in dark blue equally spaced along the stripe.

(b) *Funnel mark.* The funnel mark is to appear on a funnel of a solid buff color with a five-foot black collar around the top. The mark is to be centered on the port and starboard sides of the funnel in a fore and aft direction 12½ feet below the top of the funnel. The device consists of a circle 11 feet in diameter, at the outer edge of which is a 1-inch black stripe followed by a 24-inch white band with the words "American Mail" in the upper portion of the band and "Line" in the lower portion. The words are composed of 14-inch black letters in block type spaced evenly in the center of the band. A 1-inch black stripe follows the inner edge of the white band and the remainder of the circle is white. Superimposed on the white circle and extending a short distance beyond is an American Mail Line house flag, similar in design to that described above but without the letters "A M L" on the red stripe, which is flown from a bluff-colored staff slanting forward at an angle of about 20 degrees with the vertical. The upper part of the staff is projected onto the inner black stripe and the white band and the lower portion of the staff crosses under the white band and inner and outer black stripes, extending 3 feet beyond the outer diameter of the circle.

Colored scale replica drawings of the house flag and of the funnel mark described above are on file with the Division of the Federal Register.

[SEAL] FRANK DOW,
Acting Commissioner of Customs.

[F. R. Doc. 45-17690; Filed, Sept. 21, 1945; 11:51 a. m.]

[T. D. 51314]

PART 6—AIR COMMERCE REGULATIONS

REDESIGNATION OF CHALKS FLYING SERVICE SEAPLANE BASE, AS AIRPORT OF ENTRY

The Chalks Flying Service Seaplane Base, Miami, Florida, formerly known as the Chalks Flying Service Airport, is hereby redesignated as an airport of entry for civil aircraft and merchandise carried thereon arriving from places outside the United States, as defined in section 9 (b) of the Air Commerce Act of 1926 (U.S.C. title 49, sec. 179 (b)), for a period of 1 year from September 17, 1945.

The list of temporary airports of entry in § 6.13, Customs Regulations of 1943 (19 CFR, Cum. Supp., 6.13), is hereby amended by changing the name "Chalks Flying Service Airport" to "Chalks Flying Service Seaplane Base," and by changing the date of designation opposite the name of this airport to "September 17, 1945."

(Sec. 7 (b), 44 Stat. 572; 49 U.S.C. 177 (b))

[SEAL] HERBERT E. GASTON,
Acting Secretary of the Treasury.

[F. R. Doc. 45-17688; Filed, Sept. 21, 1945; 11:50 a. m.]

[T. D. 51315]

PART 14—APPRAISEMENT

EXAMINATION OF MERCHANDISE

Examination of less than 1 package of every 10 packages of certain commodities authorized; section 14.1 (b), Customs Regulations of 1943, as amended by T.Ds. 50959, 51090, and 51269, further amended.

It is my opinion that the examination of less than 1 package of every 10 packages, but not less than 1 package of every invoice, of the merchandise hereinafter described, if such merchandise is (1) imported in packages the contents and values of which are uniform, or (2) imported in packages the contents of which are identical as to character although differing as to quality and value per package, will amply protect the revenue:

Chairs
Tables
Settees

Therefore, by virtue of the authority contained in sections 499 and 624 of the Tariff Act of 1930, as amended (19 U.S.C. secs. 1499 and 1624), I do by this special regulation permit and authorize a less number of packages than 1 package of every 10 packages, but not less than 1 package of every invoice, of the above-described merchandise to be examined.

This special regulation shall not be construed to preclude the examination of packages in addition to the minimum number hereby permitted to be examined if the collector or the appraiser shall deem it necessary that a greater number of packages be examined.

In view of the foregoing, § 14.1 (b), Customs Regulations of 1943 (19 CFR, Cum. Supp., 14.1 (b)), as amended by T. D. 50959 (8 F.R. 15361), T. D. 51090 (9 F.R. 7743), and T. D. 51269 (10 F.R. 3683), containing a list of merchandise as to which collectors are especially authorized to designate for examination less than 1 package of every 10 packages, is hereby amended by inserting in said list in proper alphabetical position the following:

Chairs
Tables
Settees

The number of this Treasury decision shall be added as a notation to § 14.1 (b).

(Sec. 499, 46 Stat. 728, secs. 15, 16 (a), 52 Stat. 1084, sec. 624; 46 Stat. 759; 19 U.S.C. 1499, 1624.

[SEAL] FRANK DOW,
Acting Commissioner of Customs.

Approved: September 19, 1945.

HERBERT E. GASTON,
Acting Secretary of the Treasury.

[F. R. Doc. 45-17689; Filed, Sept. 21, 1945; 11:51 a. m.]

TITLE 26—INTERNAL REVENUE

Chapter I—Bureau of Internal Revenue

Subchapter A—Income and Excess Profits Taxes

[T. D. 5478]

PART 29—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1941

PART 35—EXCESS PROFITS TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1941

INCREASE IN SPECIFIC EXEMPTION

In order to conform Regulations 111 (26 CFR, Cum. Supp., Part 29) and Regulations 112 (26 CFR, Cum. Supp., Part 35) to section 2 of the Tax Adjustment Act of 1945 (Public Law 172, 79th Congress), approved July 31, 1945, such regulations are amended as follows:

PARAGRAPH 1. There is inserted immediately preceding § 29.141–1 the following:

SEC. 2. INCREASE IN EXCESS-PROFITS TAX SPECIFIC EXEMPTION. (Tax Adjustment Act of 1945.)

* * * * *

(c) *Consolidated returns.* Section 141 (c) of the Internal Revenue Code is amended by striking out "of $10,000" and inserting in lieu thereof "as".

(d) *Taxable years to which applicable.* The amendments made by this section shall be applicable to taxable years beginning after December 31, 1945, and to taxable years beginning in 1945 and ending in 1946.

PAR. 2. There is inserted immediately preceding § 35.710–1 the following:

SEC. 2. INCREASE IN EXCESS-PROFITS TAX SPECIFIC EXEMPTION. (Tax Adjustment Act of 1945.)

(a) *In general.* Section 710 (b) (1) of the Internal Revenue Code is amended to read as follows:

(1) *Specific exemption.* A specific exemption of $25,000, except that in the case of a taxable year beginning in 1945 and ending in 1946, the specific exemption shall be an amount equal to the sum of (A) an amount which bears the same relation to $10,000 which the number of days in such taxable year prior to January 1, 1946, bears to the total number of days in such taxable year and (B) an amount which bears the same relation to $25,000 which the number of days in such taxable year after December 31, 1945, bears to the total number of days in such taxable year; and in the case of a mutual insurance company (other than life or marine) which is an interinsurer or reciprocal underwriter, a specific exemption of $50,000;

* * * * *

(d) *Taxable years to which applicable.* The amendments made by this section shall be applicable to taxable years beginning after December 31, 1945, and to taxable years beginning in 1945 and ending in 1946.

PAR. 3. Section 35.710–1, as amended by Treasury Decision 5386, approved July 1, 1944, is further amended:

(A) By striking out the third sentence and inserting in lieu thereof the following:

An excess profits tax return for a taxable year need not be filed by a corporation whose excess profits net income, computed as provided in section 711 (a) (2) and (3), is not greater than

(a) $5,000 if such taxable year is a taxable year beginning prior to January 1, 1944;

(b) $10,000 if such taxable year is a taxable year beginning after December 31, 1943, and ending prior to January 1, 1946;

(c) $25,000 if such taxable year is a taxable year beginning after December 31, 1945;

(d) In the case of a taxable year beginning in 1945 and ending in 1946, the amount of the specific exemption for such year, that is, an amount equal to the sum of (1) an amount which bears the same relation to $10,000 which the number of days in such taxable year prior to January 1, 1946, bears to the total number of days in such taxable year and (2) an amount which bears the same relation to $25,000 which the number of days in such taxable year after December 31, 1945, bears to the total number of days in such taxable year; or

(e) $50,000 in the case of a mutual insurance company (other than life or marine) which is an interinsurer or reciprocal underwriter.

The application of (d) above may be illustrated by the following example:

Example. Corporation A's taxable year begins on April 1, 1945, and ends on March 31, 1946. For such taxable year its specific exemption is $13,698.63, determined as follows:

$\frac{275}{365}$ x $10,000	$7,534.25
$\frac{90}{365}$ x $25,000	6,164.38
Specific exemption for year April 1, 1945–March 31, 1946	13,698.63

(B) By inserting immediately preceding the period in the fourth sentence thereof the following: "and section 2 (b) of the Tax Adjustment Act of 1945."

PAR. 4. Section 35.710–2 (a), as amended by Treasury Decision 5386, is further amended to read as follows:

(a) The specific exemption applicable to such taxable year, as provided in section 710 (b) (1). See § 35.710–1.

PAR. 5. Section 35.710–3 (b), as amended by Treasury Decision 5386, is further amended as follows:

(A) By striking out that portion of the fifth sentence which follows the colon and inserting in lieu thereof the following: "The adjusted excess profits net income is computed for each such taxable year without the specific exemption allowed by section 710 (b) (1) and without credit of any carry-over or carry-back from the taxable year in which such unused excess profits credit arose or from any taxable year subsequent thereto."

(B) By striking out in that part of the example designated as "(2) (iv)" the expression "$10,000" immediately preceding "specific exemption" and substituting in lieu thereof "$25,000".

(C) By striking out in that part of the example designated as "(3) (iv)" the expression "$10,000" immediately preceding "specific exemption" and substituting in lieu thereof "$25,000".

(D) By striking out "$5,000 or $10,000 specific exemption" in the last sentence and substituting in lieu thereof "$5,000, $10,000, or $25,000 specific exemption".

PAR. 6. There is inserted immediately preceding § 35.729–1 the following:

SEC. 2. INCREASE IN EXCESS-PROFITS TAX SPECIFIC EXEMPTION. (Tax adjustment Act of 1945.)

* * * * *

(b) *Return requirement.* Section 729 (b) (2) of the Internal Revenue Code is amended by striking out "$10,000 or, in the case of a mutual insurance company (other than life or marine) which is an interinsurer or reciprocal underwriter, is not greater than $50,000" and inserting in lieu thereof "the specific exemption provided in section 710 (b) (1)".

* * * * *

(d) *Taxable years to which applicable.* The amendments made by this section shall be applicable to taxable years beginning after December 31, 1945, and to taxable years beginning in 1945 and ending in 1946.

(Sec. 62 of the Internal Revenue Code as made applicable by section 729 (a) of the Internal Revenue Code (53 Stat. 32; 54 Stat. 989; 26 U. S. C., 62, 729 (a)) and section 2 of the Tax Adjustment Act of 1945 (Public Law 172, 79th Congress), approved July 31, 1945)

[SEAL] JOSEPH D. NUNAN, JR.,
Commissioner of Internal Revenue.

Approved: September 20, 1945.

JOSEPH J. O'CONNELL, JR.,
Acting Secretary of the Treasury

[F. R. Doc. 17632; Filed, Sept. 20, 1945, 3:42 p. m.]

TITLE 29—LABOR

Chapter IX—Department of Agriculture (Agricultural Labor)

[Supp. 30, Amdt. 1]

PART 1111—SALARIES AND WAGES OF AGRICULTURAL LABOR IN THE STATE OF WASHINGTON

WORKERS ENGAGED IN PICKING APPLES AND WINTER PEARS IN WHITE SALMON AREA OF KLICKITAT AND SKAMANIA COUNTIES, WASH.

Section 1111.8 (Supplement No. 30, formerly Specific Wage Ceiling Regulation 30, 9 F.R. 11838 and 10 F.R. 3518) is hereby amended as follows:

The word "picking" shall be deleted from the title, from the first paragraph and from paragraph (a) and in each case the word "harvesting" shall be substituted therefor.

A new subparagraph (4) shall be added at the end of paragraph (c) and before paragraph (d), which shall read:

(4) Maximum wages for truck drivers hauling apples and winter pears—$1 per hour.

Effective date. This Amendment 1 to Supplement 30 shall become effective at 12:01 a. m., Pacific war time, September 20, 1945.

(56 Stat. 765 (1942), 50 U. S. C. App. 961 et seq., (Supp. IV); 57 Stat. 63 (1943); 50 U.S.C. 964 (Supp. IV); 58 Stat. 632 (1944); Pub. Law 108, 79th Cong., E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681; E.O. 9577, 10 F.R. 8087; regulations of the Economic Stabilization Director, 8 F.R. 11960, 12139, 16702, 9 F.R. 6035, 14547, 10 F.R. 9478, 9628; regulations of the War Food Administrator, 9 F.R. 655, 12117, 12611, 10 F.R. 7609, 9581; 9 F.R. 831, 12807, 14206, 10 F.R. 3177)

Issued this 20th day of September 1945.

[SEAL] K. A. BUTLER,
Acting Director of Labor,
U. S. Department of Agriculture.

[F. R. Doc. 45–17658; Filed, Sept. 21, 1945, 11:10 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter VI—Selective Service System

[Amdt. 348]

PART 623—CLASSIFICATION PROCEDURE

CLASSIFICATION AND RECLASSIFICATION

Pursuant to authority contained in the Selective Training and Service Act of 1940, as amended, Selective Service Regulations, second edition, are hereby amended in the following respect:

Amend paragraph (b) of § 623.61 to read as follows:

§ 623.61 *Classification and reclassification.* * * *

(b) As soon as practicable after the local board has classified or reclassified a registrant into any class other than Class IV–A, it shall mail a notice thereof on a Classification Advice (Form 59) to every person who has on file an official form of the Selective Service System or other document requesting the current deferment of the registrant. When a registrant is classified in Class II–A or Class II–C until a specific date, the date of the termination of the deferment will be entered on the Classification Advice (Form 59); and when a registrant is classified in one of such classes for an indefinite period, the word "Indefinite" will be entered on the Classification Advice (Form 59).

The foregoing amendment to the Selective Service regulations shall be effective within the continental United States immediately upon the filing hereof with the Division of the Federal Register and shall be effective outside the continental limits of the United States on the 30th day after the date of filing hereof with the Division of the Federal Register.

LEWIS B. HERSHEY,
Director.

SEPTEMBER 19, 1945.

[F. R. Doc. 45–17627; Filed, Sept. 20, 1945; 2:20 p. m.]

Chapter IX—War Production Board

AUTHORITY: Regulations in this chapter unless otherwise noted at the end of documents affected, issued under sec. 2 (a), 54 Stat. 676, as amended by 55 Stat. 236, 56 Stat. 177, 58 Stat. 827; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; E.O. 9599, 10 F.R. 10155; W.P.B. Reg. 1 as amended Dec. 31, 1943, 9 F.R. 64.

PART 944—REGULATIONS APPLICABLE TO THE OPERATION OF THE PRIORITIES SYSTEM

[Priorities Reg. 31, Amdt. 4]

BLANKET REVOCATION OF CERTAIN WPB ORDERS

Section 944.52 *Priorities Regulation 31* is amended by adding the following orders to the list of orders revoked:

LIST OF ORDERS REVOKED AND EFFECTIVE DATE OF REVOCATION

PAPER

Section 3281.15, L–120, Paper, September 30, 1945.

Section 3281.17, Sch. I to L–120, Paper and Paperboard for use in Commercial Printing, September 30, 1945.

Section 3281.18, Sch. II to L–120, Paper and Paperboard for use in Book Publishing, September 30, 1945.

Section 3281.19, Sch. III to L–120, Fine Writing Papers Including Rag and Chemical Bonds, Writings, Ledgers, Weddings, Reproduction, and Duplicating Papers, Covers, Index and Bristols, September 30, 1945.

Section 3281.20, Sch. IV to L–120, Tablet Paper, September 30, 1945.

Section 3281.21, Sch. V to L–120, Envelope Papers, September 30, 1945.

Section 1223.7, Sch. VI to L–120, Roll Toilet Tissue, September 30, 1945.

Section 3281.23, Sch. VII to L–120, Commercial Envelopes, September 30, 1945.

Section 3281.24, Sch. VIII to L–120, Paper Stationery, September 30, 1945.

Section 3281.25, Sch. IX to L–120, Tablets, Notebooks, Pads, Looseleaf Fillers, and Sheets, September 30, 1945.

Section 3281.26, Sch. X to L–120, Household Wax Paper Rolls in Cutter Boxes, September 30, 1945.

Section 3281.27, Sch. XI to L–120, Facial Tissue, September 30, 1945.

Section 3281.28, Sch. XII to L–120, Paper Towels, September 30, 1945.

Section 3281.29, Sch. XIII to L–120, Paper Napkins, September 30, 1945.

Section 3281.30, Sch. XIV to L–120, Paper for use in Newspapers or Magazines, September 30, 1945.

Section 3281.31, Sch. XV to L–120, Groundwood Paper, September 30, 1945.

Section 3281.32, Sch. XVI to L–120, Specialty Paper and Board, September 30, 1945.

Issued this 20th day of September 1945.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 45–17590; Filed, Sept. 20, 1945; 11:36 a. m.]

PART 1010—SUSPENSION ORDERS

[Suspension Order S–905]

RALPH P. CORSON AND LUCIEN PARADIS

Ralph P. Corson of 87 Winter Street, Rochester, New Hampshire, began construction in November, 1944, of a small building to be used as a repair shop at 85 Winter Street, Rochester, New Hampshire without authorization from the War Production Board, at an approximate cost of $8,800 which exceeded the limit permitted by, and was in violation of Conservation Order L–41. Lucien Paradis, 19 Maple Street, Rochester, New Hampshire, acted as contractor for this construction. Ralph P. Corson and Lucien Paradis were aware of War Production Board restrictions on construction and their violations of Conservation Order L–41 were wilful.

These violations have diverted critical materials to uses not authorized by the War Production Board. In view of the foregoing, it is hereby ordered, that:

§ 1010.905 *Suspension Order No. S–905.* (a) Neither Ralph P. Corson, Lucien Paradis, their successors or assigns nor any other person, shall do any construction on the premises at 85 Winter Street, Rochester, New Hampshire, including putting up, altering, or finishing the structure, unless hereafter specifically authorized in writing by the War Production Board.

(b) Nothing contained in this order shall be deemed to relieve Ralph P. Corson, Lucien Paradis, their successors or assigns, from any restrictions, prohibition or provision contained in any other order or regulation of the War Production Board, except insofar as the same may be inconsistent with the provisions hereof.

Issued this 21st day of September 1945.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 45–17665; Filed, Sept. 21, 1945; 11:20 a. m.]

PART 3290—TEXTILE, CLOTHING AND LEATHER

[General Conservation Order M–317, Revocation of Direction 5]

PRIORITIES ASSISTANCE FOR CLASS A AND CLASS B SHEETINGS FOR LINEN RENTAL SERVICES, HOTELS, RESTAURANTS, HAIR CUTTING ESTABLISHMENTS, COMMERCIAL LAUNDRIES, DRY CLEANING ESTABLISHMENTS AND DIAPER SERVICE LAUNDRIES

Direction 5 to General Conservation Order M–317 is hereby revoked. This revocation does not affect any liabilities incurred for violation of the direction or of actions taken by the War Production Board under the direction.

Issued this 21st day of September 1945.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 45–17660; Filed, Sept. 21, 1945; 11:20 a. m.]

PART 944—REGULATIONS APPLICABLE TO THE OPERATION OF THE PRIORITIES SYSTEM

[Conservation Order M–328, Direction 26]

RATED ORDERS FOR COTTON OR SYNTHETIC FINISHED PIECE GOODS IN CONFLICT WITH MPR 127 OF OFFICE OF PRICE ADMINISTRATION

The following direction is issued pursuant to Conservation Order M–328:

Notwithstanding the provisions of § 944.2 of Priorities Regulation 1, a rated order for cotton or synthetic finished piece goods must be rejected by a person if the acceptance of the rated order would violate the provisions of MPR 127 of the Office of Price Administration, which restricts the quantity of finished piece goods which may be sold to others than cutters, manufacturers, retailers or war procurement agencies.

Issued this 21st day of September 1945.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 45–17661; Filed, Sept. 21, 1945; 11:20 a. m.]

PART 3290—TEXTILE, CLOTHING AND LEATHER

[Conservation Order M–328, Direction 27]

SEQUENCE OF FILLING RATED EXPORT ORDERS

The following direction is issued pursuant to Conservation Order M–328:

Any person who gets any textile product or related item listed on Schedule A of Order M–328 with a preference rating assigned for

export must, if possible, use the material so obtained for the purpose for which the rating was assigned in preference to the filling of other or higher rated orders. This rule is an exception to the provisions of § 944.7 of Priorities Regulation 1 which require the filling of higher rated orders in preference to lower rated orders.

Issued this 21st day of September 1945.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 45-17662; Filed, Sept. 21, 1945; 11:20 a. m.]

PART 3293—CHEMICALS

[Conservation Order M-384, Direction 2]

USE OF WHITE LEAD FOR PAINTS, ETC., DURING SEPTEMBER

The following direction is issued pursuant to Conservation Order M-384:

During the month of September, 1945 the restrictions in Order M-384 on the processing of white lead in the production of paints, varnishes, and lacquers (including paste white lead) or any other products for civilian uses shall not be applicable.

Issued this 21st day of September 1945.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 45-17663; Filed, Sept. 21, 1945; 11:20 a. m.]

PART 3900—SPECIAL ORDERS APPLICABLE TO THE TERRITORY OF HAWAII

TERRITORY OF HAWAII ORDER 3, REVOCATION

Territory of Hawaii Order No. 3 is hereby revoked. This revocation does not affect any liabilities incurred for violation of Territory of Hawaii Order No. 3 or actions taken by the War Production Board pursuant to that order.

Issued this 21st day of September 1945.

WAR PRODUCTION BOARD,
By JAMES F. MCINDOE,
Regional Priorities Manager.

Confirmed:

J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 45-17666; Filed, Sept. 21, 1945; 11:20 a. m.]

PART 3900—SPECIAL ORDERS APPLICABLE TO THE TERRITORY OF HAWAII

[Territory of Hawaii Order 4, Revocation]

Territory of Hawaii Order No. 4 is hereby revoked. This revocation does not affect any liabilities incurred for violation of Territory of Hawaii Order No. 4 or actions taken by the War Production Board pursuant to that order.

Issued this 21st day of September 1945.

WAR PRODUCTION BOARD,
By JAMES F. MCINDOE,
Regional Priorities Manager.

Confirmed:

J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 45-17667; Filed, Sept. 21, 1945; 11:20 a. m.]

PART 3900—SPECIAL ORDERS APPLICABLE TO THE TERRITORY OF HAWAII

[Territory of Hawaii Order 5, Revocation]

Territory of Hawaii Order No. 5 is hereby revoked. This revocation does not affect any liabilities incurred for violation of Territory of Hawaii Order No. 5 or actions taken by the War Production Board pursuant to that order.

Issued this 21st day of September 1945.

WAR PRODUCTION BOARD,
By JAMES F. MCINDOE,
Regional Priorities Manager.

Confirmed:

J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 45-17668; Filed, Sept. 21, 1945; 11:20 a. m.]

Chapter XI—Office of Price Administration

PART 1312—LUMBER AND LUMBER PRODUCTS

[MPR 525, Amdt. 8]

JOBBER SALES OF STOCK MILLWORK

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.

Maximum Price Regulation 525 is amended in the following respects:

1. In section 3 (c), subparagraph (2) is amended to read as follows:

(2) In computing maximum prices for stock millwork priced in Maximum Price Regulation 44 to the manufacturer's f. o. b. mill ceiling price, freight may be added as follows:

(i) For items that are priced on a list and discount basis at the manufacturers' level, the manufacturer's f. o. b. mill discount may be shortened by the number of points indicated in subdivision (iv) below for the appropriate freight zone as defined in subdivision (iii) below, in which delivery is made.

(ii) For items which have a dollars-and-cents price at the manufacturers' level, the manufacturer's f. o. b. mill price may be increased by the dollars-and-cents amount named in subdivision (iv) for the appropriate freight zone in which delivery is made.

(iii) The price zones referred to in subdivision (iv) below are described as follows: (The map[1] delineates these zones)

Zone 1. Illinois; Wisconsin; Upper Michigan; that portion of Minnesota not included in Zone 16; Iowa except Sioux City and Council Bluffs; that portion of Texas and Oklahoma not included in Zone 17; Arkansas except Fort Smith; Missouri except Kansas City, St. Joseph, and Joplin; Louisiana; also Memphis as the only point in Tennessee; also Paducah as the only point in Kentucky; also East Chicago, Indiana Harbor, Whiting, Hammond, and Gary as the only points in Indiana.

Zone 1½. That portion of Indiana bounded as follows: On the south by the Ohio River from the Illinois-Indiana line to a point directly north of Louisville, Kentucky; on the east by a straight line drawn from a point on the Ohio River directly north of Louisville, Kentucky, to and including Indianapolis, Indiana; on the north by a straight line drawn due west from Indianapolis, Indiana, to the Illinois-Indiana line; on the west by the Illinois-Indiana line; also Louisville as the only point in Kentucky.

Zone 2. Michigan, except Upper Michigan; Indiana, except five cities included in Zone 1 and that portion of the State included in Zone 1½; Ohio; Kentucky, except Paducah included in Zone 1 and Louisville included in Zone 1½; that portion of Tennessee west of the following counties: Fentress, Cumberland, Bledsoe, Sequia and Marion, except Memphis included in Zone 1; Mississippi; Alabama; and those parts of New York, Pennsylvania, and West Virginia on and west of a direct line from Buffalo, New York to the junction of the Virginia, Tennessee and Kentucky state lines, but including Buffalo, New York; Pittsburgh, Pennsylvania; Charleston, West Virginia, and Wheeling, West Virginia.

Zone 3. Virginia; Maryland; District of Columbia; Delaware; New Jersey; Connecticut; Massachusetts; Rhode Island; Vermont; New Hampshire; Maine; New York, east of the boundary line of Zone 2; Pennsylvania, east of the boundary line of Zone 2; West Virginia, east of the boundary line of Zone 2; and that portion of Tennessee, east of the western boundaries of the following counties: Fentress, Cumberland, Bledsoe, Sequia, and Marion.

Zone 3½. North Carolina; South Carolina; Georgia; and that part of northern Florida lying on and north of a direct line from Jacksonville, Florida to Pensacola, Florida, but including those points as well as Tallahassee.

Zone 4. All that part of Florida lying south of the southern boundary of Zone 3½.

Zone 5. That part of Colorado lying on and east of the line of the Colorado Southern Railroad from the Colorado-New Mexico line to the Colorado-Wyoming line thus including Branson, Trinidad, Pueblo, Colorado Springs, Denver, Boulder, and Fort Collins, Colorado; also Cheyenne, Wyoming as the only point in Wyoming.

Zone 6. Wyoming, except Cheyenne; Utah; and all of Colorado not included in Zone 5.

Zone 7. Montana.

Zone 8. Arizona.

Zone 9. Idaho; and those portions of Washington and Oregon not included in Zones 11 and 13.

Zone 10. That part of California lying south of a direct line drawn from Monterey, California through Fresno and Owenyo to the California-Nevada state line but not including points on that line.

Zone 11. That part of Washington south of the Canadian border and west of a line drawn directly south from the border to Wenatchee, Washington, then through Yakima to The Dalles, Oregon; that part of Oregon lying west of a direct north and south line drawn from The Dalles, Oregon to Redmond, Oregon and north of a direct westerly line drawn from Redmond, Oregon through Corvallis to Yaquina but not including points named on the line in either Washington or Oregon but including Albany, Oregon.

Zone 12. Nevada.

Zone 13. That part of Oregon on and south of the southern boundary of Zone 11 and east of a line drawn directly south from Redmond, Oregon to the California-Oregon state line but including Klamath Falls, Oregon and that part of California north of the northern boundary of Zone 10.

Zone 14. New Mexico.

Zone 15. All of North Dakota, except Fargo and Grand Forks; and all of South Dakota, except Sioux Falls.

Zone 16. All of Minnesota including St. Paul lying on and north of a direct line from St. Paul to the southwestern corner of the state; also Sioux Falls as the only point in South Dakota and Fargo and Grand Forks as the only points in North Dakota.

Zone 17. Includes Nebraska; Kansas; that portion of Texas north of a line drawn east and west through and including Amarillo and across Oklahoma through and including McAlester to the Arkansas state line, including Fort Smith as the only city in Arkansas; Kansas City, Joplin, St. Joseph as the only cities in Missouri; Council Bluffs and Sioux City in Iowa.

[1] Filed as part of the original document.

(iv)

Zone No.	House doors and flush type hollow-core doors shorten basic discount	Garage doors add to f. o. b. mill price sets or pairs		Factory fitted 1¾" entrance doors net addition per door		Factory fitted 1¾" solid flush doors net addition per door per square foot
		1¾"	1⅜"	3-0 x 6-8	3-0 x 7-0	
	Points					
1	4½	$1.50	$1.10	$0.67	$0.71	$0.045
1½	5½	1.75	1.35	.82	.87	.055
2	6	2.00	1.50	.90	.95	.06
2½	6½	2.25	1.60	.98	1.03	.065
3	7½	2.60	1.85	1.12	1.19	.075
3½	8½	3.00	2.10	1.27	1.35	.085
4	3½	1.25	.80	.52	.55	.035
5	3	1.00	.75	.45	.48	.03
6	3½	1.25	.90	.52	.55	.035
7	4½	1.50	1.10	.67	.71	.045
8	2½	.75	.60	.45	.48	.025
9	3	1.00	.75	.45	.48	.03
10	1	.50	.40	.20	.20	.01
11	3	1.00	.75	.45	.48	.03
12	2½	.75	.60	.45	.55	.025
13	4	1.35	1.00	.50	.63	.04
14	3½	1.25	.90	.52	.55	.035
15	4	1.35	1.00	.59	.63	.04
16	1	1.35	1.00	.59	.63	.04

2. In sections 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25 and 30, each paragraph (c) (2) is amended to read as follows:

(2) For stock millwork priced in Maximum Price Regulation 44, the maximum f. o. b. mill price established by Maximum Price Regulation 44 for persons who, during the first nine months of 1941, received the seller's prevailing maximum discount with the addition for freight in accordance with the methods set forth in section 3 (c) (2) of this regulation, plus the percentage mark-up in subparagraph (4) below:

This amendment shall become effective September 25, 1945.

Issued this 21st day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-17682; Filed, Sept. 21, 1945; 11:48 a. m.]

PART 1351—FOOD AND FOOD PRODUCTS

[FPR 2, Amdt. 3 to Rev. Supp. 2]

OATS

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.

Revised Supplement No. 2 to Food Products Regulation No. 2 is amended in the following respect:

A new sentence is added at the end of section 14 to read as follows: "The provision of this section as to the name and address of the person performing the service or taking the markup shall have no application to sales in mixed or pool cars, sales in less than carload quantities, sales where the maximum price is determined under the provisions of section 2.3 of Food Products Regulation No. 2, or sales where the seller's maximum price is based on his supplier's maximum price which has been determined under the provisions of section 2.3 of Food Products Regulation No. 2.

This amendment shall become effective September 21, 1945.

Issued this 21st day of September, 1945.

CHESTER BOWLES,
Administrator.

Approved: September 18, 1945.

CLINTON P. ANDERSON,
Secretary of Agriculture.

[F. R. Doc. 45-17673; Filed, Sept. 21, 1945; 11:47 a. m.]

PART 1351—FOOD AND FOOD PRODUCTS

[FPR 2, Amdt. 2 to Rev. Supp. 3]

BARLEY

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.

Revised Supplement No. 3 to Food Products Regulation No. 2 is amended in the following respect:

The first paragraph of section 12 is amended to read as follows:

SEC. 12. *Limitations on total markups and service charges of country shippers, merchandisers, commission merchants and brokers which may be included in a maximum price.* Except for the markups provided in the second paragraph of section 10, and in sections 10 (b) (2), 10 (c) (4) and 10 (e) and the elevation charges provided in section 13 (b) of this supplement, the total of all markups and service charges provided for country shippers, merchandisers, commission merchants or brokers under the provisions of this supplement or under the provisions of Food Products Regulation No. 2 are subject to the limitations set forth below.

This amendment shall become effective September 26, 1945.

Issued this 21st day of September 1945.

CHESTER BOWLES,
Administrator.

Approved: September 12, 1945.

CLINTON P. ANDERSON,
Secretary of Agriculture.

[F. R. Doc. 45-17674; Filed, Sept. 21, 1945; 11:49 a. m.]

PART 1351—FOOD AND FOOD PRODUCTS

[FPR 2, Amdt. 3 to Rev. Supp. 3]

BARLEY

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.

Revised Supplement No. 3 to Food Products Regulation No. 2 is amended in the following respect:

A new sentence is added at the end of section 14 to read as follows: "The provision of this section as to the name and address of the person performing the service or taking the markup shall have no application to sales in mixed or pool cars, sales in less than carload quantities, sales where the maximum price is determined under the provisions of section 2.3 of Food Products Regulation No. 2, or sales where the seller's maximum price is based on his supplier's maximum price which has been determined under the provisions of section 2.3 of Food Products Regulation No. 2.

This amendment shall become effective September 21, 1945.

Issued this 21st day of September, 1945.

CHESTER BOWLES,
Administrator.

Approved: September 18, 1945.

CLINTON P. ANDERSON,
Secretary of Agriculture.

[F. R. Doc. 45-17675; Filed, Sept. 21, 1945; 11:47 a. m.]

PART 1351—FOOD AND FOOD PRODUCTS

[FPR 2, Amdt. 4 to Supp. 4]

CORN

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.

Supplement No. 4 to Food Products Regulation No. 2 is amended in the following respect:

The first paragraph of section 12 is amended to read as follows:

SEC. 12. *Limitations on total markups and service charges of country shippers, merchandisers, commission merchants and brokers which may be included in a maximum price.* Except for the markups provided in section 10 (e) (4) and section 10 (e) and the elevation charges provided in section 13 (b) of this supplement, the total of all markups and service charges provided for country shippers, merchandisers, commission merchants or brokers under the provi-

sions of this supplement or under the provisions of Food Products Regulation No. 2 are subject to the limitations set forth below.

This amendment shall become effective September 26, 1945.

Issued this 21st day of September 1945.

CHESTER BOWLES,
Administrator.

Approved: September 12, 1945.

CLINTON B. ANDERSON,
Secretary of Agriculture.

[F. R. Doc. 45-17676; Filed, Sept. 21, 1945; 11:48 a. m.]

PART 1351—FOOD AND FOOD PRODUCTS

[FPR 2, Amdt. 5 to Supp. 4]

CORN

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.

Supplement No. 4 to Food Products Regulation No. 2 is amended in the following respect:

A new sentence is added at the end of section 14 to read as follows: "The provision of this section as to the name and address of the person performing the service or taking the markup shall have no application to sales in mixed or pool cars, sales in less than carload quantities, sales where the maximum price is determined under the provisions of section 2.3 of Food Products Regulation No. 2, or sales where the seller's maximum price is based on his supplier's maximum price which has been determined under the provisions of section 2.3 of Food Products Regulation No. 2."

This amendment shall become effective September 21, 1945.

Issued this 21st day of September 1945.

CHESTER BOWLES,
Administrator.

Approved: September 18, 1945.

CLINTON P. ANDERSON,
Secretary of Agriculture.

[F. R. Doc. 45-17677; Filed, Sept. 21, 1945; 11:47 a. m.]

PART 1351—FOOD AND FOOD PRODUCTS

[FPR 2, Rev. Supp. 5]

PROCESSED GRAINS FOR FEEDING AND MIXING

Supplement No. 5 to Food Products Regulation No. 2 is redesignated as Revised Supplement No. 5 and is revised and amended to read as set forth herein.

A statement of the considerations involved in the issuance of this supplement, issued simultaneously herewith, has been filed with the Division of the Federal Register.

See.

1. Explanation of the relation of this supplement to Food Products Regulation No. 2.
2. Applicability.
3. Sales at other than maximum prices.
4. Evasion.
5. Definitions.
6. Applicability of certain provisions of Food Products Regulation No. 2.
7. Documents, records and reports.
8. Base prices for processed grains.
9. Processing markups for processed grains.
10. Maximum prices for sales by processors.
11. Maximum prices for sales by persons other than processors.
12. Maximum prices for sales by importers.
13. Limitations on total markups of merchandisers to be included in a maximum price.
14. Increases for sacks or other containers.

AUTHORITY: § 1351.475 issued under 56 Stat. 23, 765, 57 Stat. 566; Pub Law 383, 78th Cong.; Pub Law 108, 79th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681.

SECTION 1. *Explanation of the relation of this supplement to Food Products Regulation No. 2.* Not all of the provisions affecting maximum prices for sales of processed grains are stated in this supplement. Those which are not specifically set forth here are stated in Food Products Regulation No. 2, and they are just as much a part of this supplement as if they were printed here.

The particular sections of Food Products Regulation No. 2 which are applicable to this supplement are listed at appropriate places in the provisions which follow. When any applicable section of the regulation is amended, the amendment is also applicable to this supplement.

SEC. 2. *Applicability.* (a) Except for those sales exempted by paragraph (b) of this section, this supplement shall apply to all sales and deliveries within the United States of "processed grains" as herein defined, whether immediate or future.

(b) *Exempt sales*—(1) *Export sales.* The maximum price for export sales shall be determined in accordance with the provisions of the Second Revised Maximum Export Price Regulation, as amended.

(2) *Emergency purchases.* Section 1.2 (a) of Food Products Regulation No. 2, dealing with the exemption of emergency purchases, is applicable to this supplement.

(3) *Retail packages.* This supplement shall not apply to sales of processed grains which have been packaged for sale at retail in containers holding five pounds or less.

(4) *Registered feeds.* This supplement shall not apply to the sale of any mixture of more than one grain, partially or wholly processed, for which a guaranteed analysis has been filed pursuant to the provisions of section 3.4 of Maximum Price Regulation 585 or which is registered as a branded feed in the state in which it is sold.

(5) *Processed grains for human consumption.* This supplement shall not apply to processed grains manufactured for human consumption or for any purpose other than for feeding to animals or poultry or for mixing for that purpose.

(6) *Products manufactured from other than whole grains or from grains previously processed.* This supplement shall not apply to products that have been manufactured from other than whole grains or from grains that have been previously processed: *Provided*, That cleaning and grading shall not be considered as processing.

SEC. 3. *Sales at other than maximum prices.* (a) Regardless of any contract or obligation, no person shall sell or deliver, and no person shall in the course of trade or business, buy or receive, any processed grain covered by this supplement at a price above the maximum price established by this supplement nor shall any person agree, solicit, offer or attempt to do any of the foregoing: *Provided, however*, That certain agreements to increase prices are permissible, as provided for in paragraph (b) of this section.

(b) *Adjustable pricing.* Section 1.2 (b) of Food Products Regulation No. 2, dealing with adjustable pricing, is applicable to this supplement.

(c) Prices lower than the maximum prices established by this supplement may, of course, be charged or paid.

SEC. 4. *Evasion.* The price limitations set forth in this supplement shall not be evaded whether by direct or indirect methods, in connection with any offer, solicitation, agreement, sale, delivery, purchase, or receipt of, or relating to processed grain, alone or in conjunction with any other commodity, or by way of commission, service, transportation or other charge, or discount, premium or other privilege or by tying agreement, or other trade understanding, or by any other means.

SEC. 5. *Definitions.* (a) When used in this supplement, the following terms shall have the following meanings:

(1) "Person" means an individual, corporation, partnership, association, or any other organized group of persons and their legal successors or representatives. The term includes the United States, its agencies, other governments, their political subdivisions and their agencies.

(2) "United States", when it refers to an area, means the 48 states and the District of Columbia.

(3) "Processor" means, with respect to any lot of processed grains, the person who processes such lot. When any grain is processed by a person who does not own it, the owner who caused it to be processed shall be deemed to be the processor when he sells the commodity which results.

(4) "Jobber" means, with respect to any lot of processed grains, any person, other than the processor or retailer, who sells in a carload quantity without having previously unloaded it into a warehouse for his own account.

(5) "Wholesaler" means, with respect to any lot of processed grains, a person other than the processor who sells such lot to any person other than a feeder, after having unloaded it into a warehouse or other place of business.

(6) "Retailer" means, with respect to any lot of processed grains, a person other than a processor who sells and delivers such lot to a feeder.

(7) "Supplier" means:

(i) As to any processor, the person from whom he received the lot of grain to be processed; and

(ii) As to any other seller of processed grains, the person from whom he purchased the lot being priced.

(8) "Feeder" means, with respect to any lot of processed grains, a person who uses such lot for feeding animals or poultry.

(9) "Importer" means, with respect to any lot of processed grains manufactured outside the United States, the first person who owns such lot after entry into the United States and who sells it in the United States or uses it as an ingredient in a mixed feed or for feeding to animals or poultry. He may be either a wholesaler, jobber or retailer.

(10) "Carload quantity" means any lot of processed grains of 60,000 pounds or more not delivered by or into a truck or any lot of processed grains of 30,000 pounds or more when shipped by rail in such a manner as to take a carload rate under tariff requirements, and includes mixed and pool cars.

(11) "Less than carload quantity" means a lot of processed grains other than a carload quantity. It includes any delivery by or into a truck.

(12) "Processed grains" means any one of the following products for use as an animal or poultry feed or for mixing for such purpose:

(i) The product resulting from the processing of the whole grains of wheat, corn, oats, barley, rye or grain sorghums.

(ii) The product resulting from the processing of a combination of any two or more of the whole grains named in subparagraph (i) above.

(iii) A combination of two or more of the products named in subparagraphs (i) and (ii) above.

(iv) A combination of one or more of the whole grains named in subparagraph (i) above with one or more of the kinds of processed grains named in subparagraph (i), (ii) or (iii) above.

As used in this paragraph, processing means crushing, cracking, chopping, rolling, grinding, flaking, pulverizing, cutting, crimping or pearling the whole grain of wheat, corn, oats, barley, rye and grain sorghums.

(13) "Coarse ground grain" means any processed grain and corn feed meal, except a processed grain for which the processor has filed a description and has received approval of a markup in excess of $2.50 per ton pursuant to the provisions of section 9.

(14) The terms "corn", "oats", "barley", "rye", "wheat" and "grain sorghums" mean such grains as defined in the Official Grain Standards of the United States. "Corn" shall include "ear corn" and "snapped corn", and "grain sorghums" shall include "grain sorghum heads", as defined herein.

(15) "Grains" includes the grains described in subparagraph (14) above.

(16) "Ear corn" means corn on the cob from which the shuck has been removed.

(17) "Snapped corn" means corn on the cob with all or part of the shuck attached.

(18) "Corn feed meal" means the fine siftings obtained in the manufacture of screened corn chop, screened ground corn or screened cracked corn with or without its aspiration products added.

(19) "Grain sorghum heads" means the entire head of grain sorghums before threshing.

(20) "Transportation cost" means:

(i) If you employ a common carrier, contract carrier or other carrier for hire or compensation, the charge which you actually incur for the transportation service; or

(ii) If you do your own hauling by truck or other conveyance, an amount not in excess of the maximum price you could lawfully charge for a like service if you performed it as a contract or common carrier.

(iii) When any movement involves a combination of the types of transportation included in (i) and (ii) above, the transportation cost shall be computed separately for each part of the movement and the results added.

SEC. 6. *Applicability of certain provisions of Food Products Regulation No. 2.* (a) Provisions relating to the following matters are set forth in Food Products Regulation No. 2 and the sections of that regulation listed below are applicable to and made a part of this supplement as though set forth herein in full.

(1) Enforcement: Section 1.2 (e).

(2) Licensing: Section 1.2 (d).

(3) Protests and petitions for amendment: Section 1.2 (f).

(b) In addition, various other provisions of Food Products Regulation No. 2 are applicable to and made a part of this supplement. References to such provisions are made at appropriate points throughout this supplement.

SEC. 7. *Documents, records and reports.* (1) Every seller and every purchaser in the course of trade or business, shall keep for inspection by the Office of Price Administration for so long as the Emergency Price Control Act of 1942, as amended, remains in effect, a record of his maximum prices and records of all sales and purchases of 2,000 pounds or more of processed grains covered by this supplement, including the date thereof, the name of the seller and purchaser, the kind of commodity, the grade and quality upon which the maximum price was based, the price paid or received at buyer's receiving point, and the quantity sold. Every seller shall post his current maximum prices for processed grains in his place of business so as to be readily accessible to his customers.

(2) Every seller shall for so long as the Emergency Price Control Act of 1942, as amended, remains in effect, keep a record of all processed grains manufactured by him showing (1) their names, (2) all base prices of the whole grains processed and the computations by which they were determined, and (3) all processing margins and the computations by which they were determined.

(3) Upon demand every such person shall submit such records to examination by a duly authorized representative of the Office of Price Administration.

SEC. 8. *Base prices for processed grains.* (a) Base prices are not maximum prices for sales under this supplement. They are the prices to which you may add the markups and other additions provided by this supplement in determining the appropriate maximum price for the sale of processed grains. You determine the appropriate base price for any sale under this supplement by ascertaining your base price for the kind of grain or grains being processed at the time of your receipt of the buyer's order for the processed grains, in accordance with the methods set out in paragraph (b) of this section. If the lot for which you are determining a maximum price is processed from more than one grain or is a combination of one or more whole grains and one or more processed grains, you determine your base price for such lot by (1) multiplying the weight of the different grains in the combination by their base prices, (2) adding the figures resulting, and (3) dividing the sum of them by the total weight of the lot.

(b) You determine your base price for any grain under the provisions of the supplement or regulation applicable to the particular kind of grain by one of the following methods:

(1) You may take as your base price the base ingredient price for such grain which you are permitted to use under the provisions of Maximum Price Regulation 585.

(2) You may take as your base price the withdrawal price for the whole grain determined in accordance with the provisions of section 2.3 of Food Products Regulation No. 2, relating to withdrawals from a place of business.

(3) You may take as your base price the maximum price your supplier could have lawfully charged you for the sale of the particular lot of grain delivered to the point at which you process it.

(4) You may calculate a base price for the different grains for which you use this method, once each week. You select a day for calculation and recalculate on that day each week thereafter (except that when that day falls on a legal holiday, you recalculate on the next business day). Your base price is a weighted average of the maximum prices you could have paid your suppliers for your more recent purchases of such grain. You compute that average as follows:

(i) Whenever you begin to use this method, you determine as to your last receipt of the grain and as to all of your receipts of the grain for the twenty-eight days preceding such last receipt, your supplier's maximum price on the sale to you delivered to your plant for each such sale.

(*a*) If all such receipts were delivered to you bulk, you then multiply each sum of the price by the number of tons purchased, add the results, and divide by the total number of tons in these receipts.

(*b*) If your receipts which you use in figuring a base price were delivered to you, some bulk and some sacked, before taking an average of the maximum prices, you must adjust your supplier's maximum price to you so that all such prices will reflect a bulk price. You do this by subtracting from the maximum price the amount included in such price

for the sacks, if you know the amount, or, if you do not, the reasonable market value of the sacks at the time of the sale. You then proceed as indicated in (a) above to determine your weighted average price.

(c) The weighted average per ton price thus determined is your base price, bulk, for the first week for all your sales of such grain.

(d) Upon the next and all succeeding calculation days, you refigure your base price for one week in the same manner, referring, however, only to your last receipt and all receipts of such grain during the fourteen day period preceding such last receipt.

(ii) If you wish to discontinue using this weekly price method, you may do so only if on the next recalculation day, you take an inventory of such grain. You may then treat the amount in inventory as a receipt on which your supplier's maximum price on the sale to you is the base price you would compute for the succeeding week.

(5) You may take as your base price the base price of the particular kind of grain at the point at which you process it.

(6) If the whole grain is not subject to price control, you may take as your base price the reasonable market value of such grain at the point at which you process it.

SEC. 9. *Processing markups for processed grains.* The markup per ton for processing which you may add to the appropriate base price to determine your maximum price on the sale of any commodity subject to this supplement is as follows:

(a) *For coarse ground processed grains.* (1) For coarse ground processed grains or a combination of coarse ground processed grains, $2.50 per ton.

(2) For a combination of whole grain and coarse ground processed grains, you determine your markup per ton by multiplying $2.50 by the percentage of coarse ground processed grain in the mixture.

(b) *For processed grains other than coarse ground processed grains.* For any other processed grain, you determine your markup per ton as follows:

(1) *If you made sales during the base period and have records of such sales.* If you made sales of the processed grain being priced during January 1943 and you have records of such sales, your markup per ton shall be $2.50, plus the amount of a differential determined as follows: For every day during January 1943 on which you made sales of the product being priced and you also made sales of your lowest priced processed grain produced from the kind of grain or grains used in the commodity being priced, determine the differential between your selling price for the product being priced and your selling price for your lowest priced processed grain as described above, to the same class of purchaser and in similar quantities. If you made no sales on any such day, you may use a bona fide offer which you made to sell such product on that day. You may take either the simple or the weighted average of such differentials as the differential that you shall use in determining your markup under this subparagraph.

If you made no sales or bona fide offers to sell during January 1943 you shall substitute for January 1943 the most recent month prior to January 1943 in which you made any sales or bona fide offers to sell.

If you determine a markup under this subparagraph you must within ten days of the time when you first use it report such markup to the district office of the Office of Price Administration for the district in which the processing plant is located. Such report shall give the following information:

(i) Your name.

(ii) The address to which communications are to be sent.

(iii) The location of the processing plant.

(iv) Your proposed markup and the method used in computing the same.

(v) A description of the processed grain or grains for which a markup is reported, and a description of the lowest priced processed grain or grains sold by you.

If you have determined your markup in good faith pursuant to the provisions of this subparagraph, you may after reporting it continue to use such markup subject to disapproval by the Office of Price Administration at any time.

(2) *If you did not make sales during base period or do not have appropriate records.* If you did not sell the product prior to or during January 1943 or if you do not have the appropriate records with respect to sales required by subparagraph (1) above, you must before making any sales file an application with the district office of the Office of Price Administration for the district in which your processing plant is located for the establishment of a markup on your sales of such products. Such application shall give the following information:

(i) Your name.

(ii) The address to which communications are to be sent.

(iii) The location of the processing plant.

(iv) Your proposed markup and the method used in computing the same.

(v) A description of the processed grain or grains for which a markup is requested and a description of the lowest priced processed grain or grains sold by you.

Pending the approval of a maximum markup, you may sell such processed grains at a maximum markup of $2.50 per ton.

(3) If your proposed markup under subparagraphs (1) or (2) is disapproved, you may by petition in writing request that this determination be reviewed in which case the file shall be transmitted to the appropriate regional office for review (if the petition was denied by a district office) and to the national office (if the petition was denied by a regional office) and the regional office or the national office, as the case may be, shall review and by order notify the processor of its determination.

(4) The administrator, any regional administrator or any district director, authorized by the appropriate regional administrator, may approve markups determined and filed in accordance with the provisions of this supplement, and may disapprove markups upon finding that they have not been correctly determined or that they a : in excess of the markups of other sellers for the same or similar products and may in such cases establish the markups that shall thereafter be used.

SEC. 10. *Maximum prices for sales by processors.* This section sets out the maximum prices that you may charge on all sales that you make as a processor. Before determining your maximum price for any sale you should first refer to the definitions in paragraph (f) of this section in order to determine whether such sale is being made from a processing plant, a warehouse or a store. For all sales by you as a processor your maximum price shall be the sum of the following:

(a) The appropriate base price per ton determined in accordance with the provisions of section 8; plus

(b) Your transportation cost, if you deliver the processed grain to your customer at a point other than the processing plant; plus

(c) The appropriate markup for sacks or containers determined in accordance with the provisions of section 15, if you furnish sacks or containers; plus

(d) The appropriate processing markup determined in accordance with the provisions of section 9; plus

(e) The applicable one of the following merchandising markups:

(i) For sales from the processing plant;

$3.00 per ton if sold to a feeder in carload quantities;
$4.00 per ton if sold to a feeder in less than a carload quantity;
$1.50 per ton if sold to any person other than a feeder in carload quantities.
$2.50 per ton if sold to any person other than a feeder in less than a carload quantity; or

(ii) For sales from a warehouse, not located at your processing plant, into which you have unloaded the lot after transporting it from your processing plant:

$3.00 per ton if sold to a feeder in carload quantities;
$5.50 per ton if sold to a feeder in less than a carload quantity;
$1.50 per ton if sold to any person other than a feeder in carload quantities.
$4.00 per ton if sold to any person other than a feeder in less than a carload quantity; or

(iii) For sales from a store into which you have unloaded the lot after transporting it from your warehouse not located at your processing plant:

$3.00 per ton if sold to a feeder in carload quantities;
$8.00 per ton if sold to a feeder in less than a carload quantity;
$1.50 per ton if sold to any person other than a feeder in carload quantities.
$4.00 per ton if sold to any person other than a feeder in less than a carload quantity.

(f) As used in this section the following terms shall have the following meanings:

(1) "Processing plant" means all the facilities operated as a unit at one location at which processed grains are produced.

(2) "Warehouse" means all the facilities operated as a unit at a location, other than the processing plant, at which processed grains are first stored after shipment from the processing plant and from which processed grains may or may not be sold.

(3) "Store" means a place of business not located at or operated as a unit with a processing plant or warehouse.

(4) For the purposes of this paragraph (f) a place shall be deemed to be operated as a unit at one location if it is operated either;

(i) In one building, or

(ii) In two or more adjoining buildings, or

(iii) In two or more buildings, although not adjoining, if such buildings are located on the same or adjoining parcels of land owned, leased or otherwise controlled by the seller. Such parcels of land shall be deemed to be adjoining even if they are separated by an intervening street, alley, highway, lane or railroad right-of-way.

SEC. 11. *Maximum prices for sales by persons other than processors.* The maximum price for any sales of processed grains by you as a jobber, wholesaler or retailer shall be your supplier's maximum price on the sale and delivery to you, plus your transportation costs, if any, and the appropriate one of the following merchandising markups:

(a) If you are a jobber, $0.75 per ton.

(b) If you are a wholesaler, $2.50 per ton, except that on a lot which you have transported from your warehouse and unloaded into a store not located at your warehouse, you are acting as a retailer and you may add $6.50 per ton on sales to feeders.

(c) If you are a retailer,

(i) $2.50 per ton for sales in a carload quantity;

(ii) $2.50 per ton for sales in less than a carload quantity when not unloaded into your warehouse or store prior to such sale; or

(iii) $4.00 per ton for sales in less than a carload quantity if unloaded into your warehouse or store prior to such sale.

SEC. 12. *Maximum prices for sales by importers.* When you sell processed grains as an importer, you will be either a wholesaler, jobber or retailer according to the manner in which you sell such processed grains.

(a) *Maximum prices for purchases by importers.* If you are an importer, the maximum price at which you can purchase any lot of imported processed grains shall be the sum of the base price of the standard grade of grain or grains which were processed, determined under the applicable supplement or regulation, at the point of entry at the time of the sale of the processed grain, plus the sum of $2.50 per ton.

(b) *Maximum prices for sales by importers.* If you are an importer, your maximum price for the sale of any lot of processed grains shall be determined under Section 11 or Section 13 of this supplement by substituting your maximum purchase price as computed in this section for "your supplier's maximum price".

SEC. 13. *Maximum prices for sales by all other sellers.* If you are a seller not specifically provided for under any preceding section of this regulation, your maximum price for the sale of processed grains shall be your supplier's maximum price on the sale and delivery to you, plus the transportation charges actually incurred in moving the processed grains from your store or place of business to your buyer's receiving point.

SEC. 14. *Limitations on total markups of merchandisers to be included in a maximum price.* In order to prevent undue accumulation of markups for distributive services, the maximum price of any lot of processed grain shall never include more than one permitted markup of a jobber, wholesaler and retailer, irrespective of the number of said persons of each class who may have handled the lot in question; *Provided, however,* That the markups taken by a processor under section 10 (e) (ii) or section 10 (e) (iii) shall be considered as a markup taken as a wholesaler or retailer, as the case may be.

SEC. 15. *Increases for sacks or other containers.* If you furnish the sacks or other containers in connection with the sale and delivery of any sacked quantity of processed grains you shall use one of the following methods of computing your maximum markup for such sacks:

(a) A markup of $3.25 per ton for textile sacks; or

(b) A markup for sacks or other containers not exceeding the lawful maximum price thereof at the time of sale; or

(c) If not subject to price control the reasonable value thereof at the time of sale.

This revised supplement shall become effective September 26, 1945.

NOTE: The reporting and record keeping provisions of this revised supplement have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 21st day of September 1945.

CHESTER BOWLES,
Administrator.

Approved: September 12, 1945.

CLINTON P. ANDERSON,
Secretary of Agriculture.

[F. R. Doc. 45-17678; Filed, Sept. 21, 1945; 11:48 a. m.]

PART 1351—FOOD AND FOOD PRODUCTS

[FPR 2, Amdt. 2 to Supp. 6]

GRAIN SORGHUMS

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.

Supplement No. 6 to Food Products Regulation No. 2 is amended in the following respect:

A new sentence is added at the end of section 14 to read as follows: "The provision of this section as to the name and address of the person performing the service or taking the markup shall have no application to sales in mixed or pool cars, sales in less than carload quantities, sales where the maximum price is determined under the provisions of section 2.3 of Food Products Regulation No. 2, or sales where the seller's maximum price is based on his supplier's maximum price which has been determined under the provisions of section 2.3 of Food Products Regulation No. 2."

This amendment shall become effective September 21, 1945.

Issued this 21st day of September 1945.

CHESTER BOWLES,
Administrator.

Approved: September 18, 1945.

CLINTON P. ANDERSON,
Secretary of Agriculture.

[F. R. Doc. 45-17679; Filed, Sept. 21, 1945; 11:47 a. m.]

PART 1351—FOOD AND FOOD PRODUCTS

[2d Rev. MPR 150, Amdt. 9]

FINISHED RICE AND RICE MILLING BY-PRODUCTS

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.

Second Revised Maximum Price Regulation 150 is amended in the following respects:

1. Section 8 (a) (2) is amended to read as follows:

(2) "Parboiled rice" is milled rice which, before it was milled, was processed by soaking, steaming and drying.

2. A new variety of rice is inserted in the table in section 9 (a) (1) immediately after the variety "Blue Rose" with the following name and prices:

Variety	Milled rice	Unpolished rice	Brown rice	Parboiled rice (when sold to the U. S. Government or any of its agencies)
Kamrose	$6.50	$6.10	$5.85	$8.15

This amendment shall become effective September 26, 1945.

Issued this 21st day of September 1945.

CHESTER BOWLES,
Administrator.

Approved: September 12, 1945.

CLINTON P. ANDERSON,
Secretary of Agriculture.

[F. R. Doc. 45-17681; Filed, Sept. 21, 1945; 11:48 a. m.]

PART 1407—RATIONING OF FOOD AND FOOD PRODUCTS

Accordingly, the Secretary of Agriculture is hereby authorized and directed to

than government procurement agencies and other than for shipment to des-

Chapter XXIII—Surplus Property Board

[SPB Rev. Reg. 8, Amdt. 1 to Order 2]

It is further ordered, That this order shall become effective at 7:00 a. m. Sep-

PART 1407—RATIONING OF FOOD AND FOOD PRODUCTS

[RO 12, Revocation]

COFFEE

Subject to section 5.1 of General Ration Order 8, Ration Order 12 (Coffee) is revoked.

This order of revocation shall become effective September 25, 1945.

Issued this 21st day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-17680; Filed, Sept. 21, 1945; 11:49 a. m.]

PART 1407—RATIONING OF FOOD AND FOOD PRODUCTS

[Rev. RO 16,[1] Amdt. 64 to 2d Rev. Supp. 1]

MEAT, FATS, FISH AND CHEESES

Section 1407.3027 (c) (8) is added to read as follows:

(8) For the allotment period from October 1, 1945 to December 31, 1945, inclusive:

Classes of foods	Factors for classes 1, 2 and 3	Factors for classes 14 and 15	Factors for all other classes
(ii) Cheeses and canned milk:			
All cheese and canned milk	0	0	0
(iii) Fats and oils:			
(a) Butter	8.4	10.8	7.2
(b) Margarine	8.4	10.8	7.2
(c) Shortening	8.4	10.8	7.2
(d) Cooking and salad oils	8.4	10.8	7.2
(e) Lard	8.4	10.8	7.2

This amendment shall become effective September 20, 1945.

Issued this 20th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-17635; Filed, Sept. 20, 1945; 4:43 p. m.]

Chapter XVIII—Office of Economic Stabilization

[Directive 81]

PART 4003—SUPPORT PRICES; SUBSIDIES

SURPLUS PEARS, 1945 SUBSIDY PAYMENTS

The Secretary of Agriculture having submitted certain information and recommendations to me on September 6, 1945, with reference to a program for the payment of subsidies on surplus pears produced in 1945, I hereby find and determine that the purposes of the hold-the-line order, specifically, the policy established by Executive Orders 9250, 9328 and 9599 (10 F.R. 10155) will be effectuated by the payment of a subsidy to equalize, to the extent necessary, the excess cost incurred by canners through the shipment of pears from areas of surplus production to areas in which unused canning facilities exist.

Accordingly, the Secretary of Agriculture is hereby authorized and directed to absorb, by the use of Commodity Credit Corporation funds, the aforesaid excess cost incurred by canners through the shipment of pears from areas of surplus production to areas in which unused canning facilities exist.

(E.O. 9250 and E.O. 9328, 3 CFR, Cum. Supp. pp. 1213, 1267; E.O. 9599, 10 F.R. 10155)

Issued and effective this 14th day of September 1945.

WILLIAM H. DAVIS,
Economic Stabilization Director.

[F. R. Doc. 45-17628; Filed, Sept. 20, 1945; 3:09 p. m.]

[Directive 82]

PART 4003—SUPPORT PRICES; SUBSIDIES

PRUNE PROGRAM, 1945-1946 MARKETING SEASON

The Secretary of Agriculture in a letter dated July 20, 1945, and the Price Administrator in a letter dated July 27, 1945, submitted certain information and their recommendations to me relative to grower prices for natural condition dried prunes, fresh prunes for canning, freezing, and preserving, and prunes for fresh use, to be used in constructing ceiling prices applicable to the 1945 packs of these commodities. In approving grower prices for fresh and dried prunes, I find it necessary to issue this directive to effectuate the purposes of the Emergency Price Control Act of 1942, as amended, the Stabilization Act of 1942, as amended, and Executive Orders 9250, 9328, and 9599.

A. I hereby find that:

(1) The following grower prices for prunes are above the legal minimum required to be reflected in maximum prices for fresh and processed agricultural commodities by section 3 of the Stabilization Act of 1942, as amended, and are necessary to insure the maximum necessary production of prunes in 1945 to meet essential requirements:

(a) Natural condition dried prunes at processors' customary receiving points:

(i) $0.095 per pound basis for California Three-District dried prunes;

(ii) $0.0925 per pound basis for California Outside-District dried prunes; and

(iii) For Washington and Oregon dried prunes, the same prices as those for California Outside-District dried prunes of comparable size.

(b) Fresh prunes for canning, freezing, and preserving at processors' customary receiving points; $55.00 per ton.

(c) Fresh prunes for fresh use: $76.43 per ton "mixed sales" basis.

(2) Maximum prices on sales of natural condition dried prunes are not now necessary to effectuate the purposes of the Stabilization Act of 1942, as amended, and Executive Orders 9250, 9328, and 9599.

(3) The maintenance, through use of funds of Commodity Credit Corporation, of approximately the present average level of maximum prices on sales of processed dried prunes to purchasers other than government procurement agencies and other than for shipment to destinations or ports outside of the Continental United States will effectuate the purposes of the hold-the-line policy; and

(4) The establishment of maximum prices on sales of processed dried prunes by processors for shipment to destinations or ports within the Territories and Possessions of the United States at the same level as that applicable to the sales specified in A (3) hereof, through use of funds of Commodity Credit Corporation, will remove gross inequities.

B. The Office of Price Administration is authorized and directed to:

(1) Revoke present maximum prices governing sales of natural condition dried prunes;

(2) Revise present maximum prices governing processors' sales of processed dried prunes to:

(a) Government procurement agencies and to purchasers for export to destinations or ports outside Territories and Possessions of the United States on the basis of the cost and profit study, which was made by the Office of Price Administration relative to processors' margins, so as to reflect the grower prices specified in paragraph A (1) hereof; and

(b) Purchasers other than government procurement agencies and other than for export to destinations or ports outside Territories and Possessions of the United States on the basis of appropriate compensation for any increase in the legal minimum grower prices for 1945 above the respective legal minimum prices for 1944 and subject to such adjustments which the aforesaid cost and study, made by the Office of Price Administration relative to processors' margins, may indicate.

(3) Furnish to the Secretary of Agriculture the maximum prices established pursuant to paragraph B (2) hereof for the use of the Secretary of Agriculture in determining the appropriate rate of subsidy payment.

C. The Secretary of Agriculture is authorized and directed, through use of funds of Commodity Credit Corporation, to subsidize processors' sales of processed dried prunes to purchasers other than government procurement agencies and other than for export to destinations or ports outside Territories and Possessions of the United States, so as to enable such processors to pay the grower prices specified in paragraph A (1) hereof and to sell such processed dried prunes at the applicable maximum prices to be established by the Office of Price Administration pursuant to paragraph B (2) hereof. The appropriate rate of subsidy shall be determined by the Secretary of Agriculture after such applicable maximum prices shall have been established by the Office of Price Administration.

(E.O. 9250, E.O. 9328, 3 CFR, Cum. Supp. pp. 1213, 1267; E.O. 9599 (10 F.R. 10155)

Issued and effective this 14th day of September, 1945.

WILLIAM H. DAVIS,
Economic Stabilization Director.

[F. R. Doc. 45-17629; Filed, Sept. 20, 1945; 3:09 p.m.]

[1] 10 F.R. 43, 521, 857, 293, 294.

Chapter XXIII—Surplus Property Board

[Special Order 21]

EXTENSION OF MACHINE TOOL PRICING POLICY GOVERNING SALES BY RECONSTRUCTION FINANCE CORPORATION

The purpose of this special order is to extend the scope of the machine tool price policy contained in Regulation No. 3 of the Surplus War Property Administration (9 F.R. 9870), which governs sales made by the Reconstruction Finance Corporation as a disposal agency. That regulation now applies only to sales of used standard general-purpose machine tools listed in the Standard Commodity Classification, Volume I, Major Group 34, Code No. 34 11000 to 34 19900 inclusive, except for a limited class of such machine tools expressly excepted by that regulation. In Surplus Property Board Regulation No. 6 (10 F.R. 6309, 6981, 8665, 10398) which governs certain sales by owning agencies of machine tools and machines in contractor inventory, the Board prescribed that the price policy set forth in SWPA Regulation No. 3 should be used to determine prices for the standard general-purpose machine tools described above and also for certain additional categories of standard machines. The Board has determined that these additional categories should also be brought within the SWPA price policy in the case of sales by Reconstruction Finance Corporation as a disposal agency.

Pursuant to the authority of the Surplus Property Act of 1944 (58 Stat. 765, 50 U. S. C. App. 1611); *It is hereby ordered*, That:

All sales by Reconstruction Finance Corporation, as a disposal agency, of used standard machines included in the following listed classifications in the Standard Commodity Classification (exclusive of special machines) shall be made at prices determined in accordance with Surplus War Property Administration Regulation No. 3 and Surplus Property Board Special Order No. 2 (9 F.R. 4191):

Major Group 34, Code 34:
40,000 to, but not including, 47,000.
49,000 to, but not including, 70,000.
74,000 to, but not including, 74,900.
Major Group 33, Code 33:
6300 through 6620, inclusive
6800
6910
6920
7210
7220
7260

This order shall become effective September 18, 1945.

SURPLUS PROPERTY BOARD,
By W. STUART SYMINGTON,
Chairman.

SEPTEMBER 18, 1945.

[F. R. Doc. 45-17672; Filed, Sept. 21, 1945; 11:26 a. m.]

[SPB Rev. Reg. 8, Amdt. 1 to Order 2]

PART 8308—FOREIGN DISPOSAL

FORMS FOR DECLARATION OF SURPLUS

Order 2, June 7, 1945 (10 F.R. 7119), entitled "Forms for Declaration of Surplus," under Surplus Property Board Revised Regulation 8, July 25, 1945 (10 F.R. 9540, 10031, 11198), is hereby amended by adding the following new paragraphs 4 and 5 after paragraph 3:

4. The War Department may declare property on Form SPB-3 using the following condition code in place of that specified in the instructions to Form SPB-3:

2 Good
3 Fair
4 Poor

5. The War Department may declare on Form SPB-3 as a single item lots of substantially similar items: *Provided*, That the cost of any individual item or sublot in the lot does not exceed $500.

This amendment shall become effective September 18, 1945.

NOTE: All reporting requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

SURPLUS PROPERTY BOARD,
By W. STUART SYMINGTON,
Chairman.

SEPTEMBER 18, 1945.

[F. R. Doc. 45-17671; Filed, Sept. 21, 1945; 11:26 a. m.]

TITLE 49—TRANSPORTATION AND RAILROADS

Chapter I—Interstate Commerce Commission

[S. O. 70-B]

PART 95—CAR SERVICE

RESTRICTIONS ON HOLDING OF FRUITS AND VEGETABLES

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 20th day of September, A. D. 1945.

Upon further consideration of the provisions of Service Order No. 70-A (8 F.R. 14624), and good cause appearing therefor: *It is ordered*, That:

(a) Service Order No. 70-A, 49 CFR § 95.35 restricting time perishables may be held for diversion or reconsignment, be, and it is hereby, vacated and set aside.

(b) *Announcement required.* Each of the railroads affected by this order shall within fifteen (15) days from the effective date of this order, publish, file, and post a supplement to each of its tariffs affected announcing the vacation by this order on the effective date hereof, of Service Order No. 70-A and stating that the provisions in said tariffs which were suspended by such order will be restored on the effective date of this order.

(40 Stat. 101, sec. 402, 418, 41 Stat. 476, sec. 4, 54 Stat. 901, 911; 49 U.S.C. 1 (10)-(17), 15 (2))

It is further ordered, That this order shall become effective at 7:00 a. m. September 24, 1945; that a copy of this order and direction shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

By the Commission, Division 3.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 45-17640; Filed, Sept. 21, 1945; 10:44 a. m.]

[S. O. 103-A]

PART 95—CAR SERVICE

GRAIN FROM FOREIGN COUNTRIES

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 20th day of September, A. D. 1945.

Upon further consideration of the provisions of Service Order No. 103 (8 F.R. 572), and good cause appearing therefor: *It is ordered*, That:

Service Order No. 103 (8 F.R. 572), § 95.4, *Grain from a foreign country*, be and it is hereby vacated and set aside.

It is further ordered, That this order shall become effective at 12:01 a. m., September 24, 1945; that a copy of this order and direction shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

By the Commission, Division 3.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 45-17641; Filed, Sept. 21, 1945; 10:44 a. m.]

[Rev. S. O. 151-A]

PART 95—CAR SERVICE

FREIGHT TRAIN SERVICE PROHIBITED

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 20th day of September, A. D. 1945.

Upon further consideration of the provisions of Revised Service Order No. 151 (10 F.R. 8665), and good cause appearing therefor: *It is ordered*, That:

(a) Revised Service Order No. 151 (10 F.R. 8665), *Special freight train service prohibited*, be, and it is hereby, vacated and set aside.

(b) *Announcement required.* Each of

CIVIL AERONAUTICS BOARD.

regulations (under the Federal Power

the terms of that agreement; and notice

Railroads, Car Service Division, as agent

(b) *Announcement required.* Each of the railroads affected by this order shall within fifteen (15) days from the effective date of this order, publish, file, and post a supplement to each of its tariffs affected announcing the vacation by this order on the effective date hereof, of Revised Service Order No. 151, as amended, and stating that the provisions in said tariffs which were suspended by such order will be restored on the effective date of this order. (40 Stat. 101, sec. 402, 418, 41 Stat. 476, sec. 4, 54 Stat. 901, 911; 49 U.S.C. 1 (10)–(17), 15 (2))

It is further ordered, That this order shall become effective at 12:01 a. m., October 6, 1945; that a copy of this order and direction shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

By the Commission, Division 3.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 45-17642; Filed, Sept. 21, 1945; 10:45 a. m.]

[S. O. 344-A]

PART 95—CAR SERVICE

ICING RESTRICTIONS ON GRAPES AND POTATOES

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 20th day of September, A. D. 1945.

Upon further consideration of the provisions of Service Order No. 344 (10 F.R. 9803), and good cause appearing therefor: *It is ordered,* That:

Service Order No. 344, *Icing restrictions on grapes and potatoes,* be, and it is hereby, vacated and set aside.

It is further ordered, That this order shall become effective at 12:01 a. m., September 22, 1945; that a copy of this order and direction shall be served upon the State railroad regulatory bodies of Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington and Wyoming; and upon the Association of American Railroads, Car Service Division, as agent of the railroads, subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

By the Commission, Division 3.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 45-17643; Filed, Sept. 21, 1945; 10:45 a. m.]

Notices

DEPARTMENT OF THE INTERIOR.

Office of the Secretary.

[Order SFA T-8]

BEVIER LAMB MINING CO. ET AL.

BITUMINOUS COAL MINES; TERMINATION OF POSSESSION

Correction

The first paragraph of Federal Register Document 45-11161, appearing on page 7730 of the issue for Tuesday, June 26, 1945, should read as set forth below:

On the basis of available information, and after consideration of all the circumstances, and in accordance with the provisions of Executive Order No. 9536 (10 F.R. 3939) and the War Labor Disputes Act (57 Stat. 163), I find that the possession by the Government of certain of the coal mines now in the possession of the Government pursuant to Order No. 2044 (10 F.R. 3983) and Order No. 2051 (10 F.R. 5380) should be terminated.

DEPARTMENT OF LABOR.

Office of the Secretary.

[WLD 101]

PHILLIPS PETROLEUM ET AL.

FINDINGS AS TO CONTRACTS IN PROSECUTION OF WAR

In the matter of Phillips Petroleum et al., Chicago, Illinois; Case No. S-2609.

Pursuant to section 2 (b) (3) of the War Labor Disputes Act (Pub. No. 89, 78th Cong., 1st sess.) and the Directive of the President dated August 10, 1943, published in the FEDERAL REGISTER August 14, 1943, and

Having been advised of the existence of a labor dispute involving Locals 705, 721, 742, 782, 801, 142, 362, 301 and 520 of the International Brotherhood of Teamsters, Chauffeurs, Warehousemen and Helpers of America, and certain concerns engaged in the transportation of petroleum products in and around Chicago, Illinois,

I find that the motor transportation of petroleum products by any of the concerns involved in the above dispute, pursuant to any contract, whether or not with the United States, to or from any industrial concern or any concern engaged in the manufacture, production or wholesale storage and distribution of such petroleum products, is contracted for in the prosecution of the war within the meaning of section 2 (b) (3) of the War Labor Disputes Act.

Signed at Washington, D. C. this 20th day of September 1945.

L. B. SCHWELLENBACH,
Secretary.

[F. R. Doc. 45-17648; Filed, Sept. 21, 1945; 10:54 a. m.]

CIVIL AERONAUTICS BOARD.

[Docket No. 2052]

THE AVIATION CORP.

NOTICE OF HEARING

In the matter of the investigation relating to control of American Airlines, Inc. by The Aviation Corporation.

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, particularly sections 205 (a), 408 and 1002 of said act, that the hearing in the above-entitled proceeding is assigned to be held on September 27, 1945, at 2 p. m. (eastern war time) in the Foyer, Commerce Auditorium, Commerce Building at 14th Street and Constitution Avenue, N. W., Washington, D. C., before examiner James S. Keith.

Dated: Washington, D. C., September 20, 1945.

By the Civil Aeronautics Board.

FRED A. TOOMES,
Secretary

[F. R. Doc. 45-17609; Filed, Sept. 21, 1945; 11:35 a. m.]

FEDERAL POWER COMMISSION.

[Docket No. IT-5966]

TRINIDAD ELECTRIC TRANSMISSION, RAILWAY AND GAS CO.

NOTICE OF APPLICATION

SEPTEMBER 20, 1945.

Notice is hereby given that on September 18, 1945, an application was filed with the Federal Power Commission, pursuant to section 203 of the Federal Power Act, by the Trinidad Electric Transmission, Railway and Gas Company (hereinafter referred to as "Applicant"), a corporation organized under the laws of the State of Colorado, and doing business in the States of Colorado and New Mexico, with its principal business office in Trinidad, Colorado, seeking an order authorizing the merger of the facilities of the Applicant with the facilities of the Dawson Division of New Mexico Power Company, a corporation organized under the laws of the State of New Jersey, and doing business in the State of New Mexico with its principal business office in Santa Fe, New Mexico. The Applicant proposes to effect the merger of these facilities by purchase of the Dawson Division, which is a separate division of the New Mexico Power Company engaged in generating, purchasing, transmitting, distributing and/or selling electric energy and serves territories in Mora and Colfax Counties, New Mexico. The purchase price for the Dawson Division, the application states is $526,101, subject to certain adjustments; all as more fully appears in the application on file with the Commission.

Any person desiring to be heard or to make any protest with reference to said application should, on or before the 8th day of October 1945, file with the Federal Power Commission, Washington 25, D. C., a petition on protest in accordance with the Commission's rules of practice and regulations (under the Federal Power Act).

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 45-17639; Filed, Sept. 21, 1945; 9:31 a. m.]

INTERSTATE COMMERCE COMMISSION.

[S. O. 70-A, Special Permit 1053]

RECONSIGNMENT OF CARROTS AT CHICAGO, ILL.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph (§ 95.35, 8 F.R. 14624) of Service Order No. 70-A of October 22, 1943, permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard entirely the provisions of Service Order No. 70-A insofar as it applies to the reconsignment at Chicago, Illinois, September 17, 1945, by Al Kelser & Bro., of car ART 21409 carrots, now on the Chicago Produce Terminal, to Detroit, Michigan (Wab. R. R.).

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 17th day of September 1945.

V. C. CLINGER,
Director,
Bureau of Service.

[F. R. Doc. 45-17619; Filed, Sept. 20, 1945; 11:46 a. m.]

[S. O. 70-A, Special Permit 1054]

RECONSIGNMENT OF ORANGES AT CHICAGO, ILL.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph (§ 95.35, 8 F.R. 14624) of Service Order No. 70-A of October 22, 1943, permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard entirely the provisions of Service Order No. 70-A insofar as it applies to the reconsignment at Chicago, Illinois, September 17 or 18, 1945, by Mutual Orange Distributors, of car PFE 91457, oranges, now on the Chicago Produce Terminal, to Toledo, Ohio (NYC).

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 17th day of September 1945.

V. C. CLINGER,
Director,
Bureau of Service.

[F. R. Doc. 45-17620; Filed, Sept. 20, 1945; 11:46 a. m.]

[S. O. 70-A, Special Permit 1055]

RECONSIGNMENT OF PRUNES AT CLEVELAND, OHIO

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph (§ 95.35, 8 F.R. 14624) of Service Order No. 70-A of October 22, 1943, permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard entirely the provisions of Service Order No. 70-A insofar as it applies to the reconsignment at Cleveland, Ohio, not later than September 18, 1945, by Basket fruits of car NWX 2288, prunes, now on The New York, Chicago, & St. Louis Railroad Company, to Buffalo, New York. (N. K. P.).

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 18th day of September 1945.

V. C. CLINGER,
Director,
Bureau of Service.

[F. R. Doc. 45-17621; Filed, Sept. 20, 1945; 11:46 a. m.]

[S. O. 70-A, Special Permit 1056]

RECONSIGNMENT OF PEAS AT CHICAGO, ILL.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph (§ 95.35, 8 F.R. 14624) of Service Order No. 70-A of October 22, 1943, permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard entirely the provisions of Service Order No. 70-A insofar as it applies to the reconsignment at Chicago, Illinois, September 18, 1945, by Justman Frankenthal Company, of car ART 16783, peas, now on the Chicago Produce Terminal to themselves at Philadelphia, Pennsylvania (P. R. R.).

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 18th day of September 1945.

V. C. CLINGER,
Director,
Bureau of Service.

[F. R. Doc. 45-17622; Filed, Sept. 20, 1945; 11:46 a. m.]

[2d Rev. S. O. 345, Gen. Permit 2]

ICING AND REICING OF POTATOES FROM COLORADO

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph of Second Revised Service Order No. 345 (10 F.R. 11713), permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard the provisions of paragraph (b) of Second Revised Service Order No. 345 insofar as it applies to the quantity of ice furnished for initial icing and one reicing in transit on any refrigerator car loaded with potatoes originating at any point or points located in the State of Colorado.

This general permit shall become effective at 12:01 a. m., September 20, 1945, and shall apply only on cars billed on or after that time.

The waybills shall show reference to this general permit.

A copy of this general permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 19th day of September 1945.

V. C. CLINGER,
Director,
Bureau of Service.

[F. R. Doc. 45-17623; Filed, Sept. 20, 1945; 11:46 a. m.]

[2d Rev. S. O. 345, Amended Gen Permit 2]

ICING AND REICING OF POTATOES IN TRANSIT

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph of Second Revised Service Order No. 345 (10 F.R. 11713), permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard the provisions of paragraph (b) of Second Revised Service Order No. 345

insofar as it applies to the quantity of ice furnished for initial icing and one reicing in transit on any refrigerator car loaded with potatoes.

This general permit shall become effective at 12:01 a. m., September 20, 1945, and shall apply only on cars billed on or after that time.

The waybills shall show reference to this general permit.

A copy of this general permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 19th day of September 1945.

V. C. CLINGER,
Director,
Bureau of Service.

[F. R. Doc. 45-17624; Filed, Sept. 20, 1945; 11:46 a. m.]

[2d Rev. S. O. 346, Amended Gen. Permit 2]

ICING AND REICING OF GREEN CORN OR PEAS FROM COLORADO

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph of Second Revised Service Order No. 346, permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard the provisions of paragraph (b) of Second Revised Service Order No. 346 insofar as it applies to the initial bunker icing or reicing in transit in bunkers of cars loaded with green corn or peas: *Provided,* That on cars of peas originating on The Denver and Rio Grande Western Railroad Company (Wilson McCarthy and Henry Swan, Trustees) west of Walsenburg, Colorado, that carrier may accord the initial bunker icing at either Alamosa or Pueblo, Colorado.

This general permit shall become effective at 12:01 a. m., September 24, 1945, and shall apply to cars billed or in transit on or after that time.

The waybills shall show reference to this general permit.

A copy of this general permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 18th day of September 1945.

V. C. CLINGER,
Director,
Bureau of Service.

[F. R. Doc. 45-17625; Filed, Sept. 20, 1945; 11:47 a. m.]

OFFICE OF DEFENSE TRANSPORTATION.

[Special Order ODT MF-1, Revocation, Amdt. 1]

THE ROCK ISLAND MOTOR TRANSIT CO.

SUBSTITUTED AND COORDINATED SERVICE FOR CHICAGO, ROCK ISLAND AND PACIFIC RAILWAY COMPANY

Pursuant to Executive Orders 8989, as amended, and 9156, *It is ordered,* That the order of August 23, 1945 (10 F.R. 10407) revoking Special Order ODT MF-1 (9 F.R. 3402), be, and it is hereby, amended by striking out "October 1, 1945" and inserting "November 1, 1945" in lieu thereof.

(E.O. 8989, as amended, 6 F.R. 6725, 8 F.R. 14183; E.O. 9156, 7 F.R. 3349)

Issued at Washington, D. C., this 21st day of September 1945.

J. M. JOHNSON,
Director,
Office of Defense Transportation.

[F. R. Doc. 45-17659; Filed, Sept. 21, 1945; 11:16 a. m.]

OFFICE OF PRICE ADMINISTRATION.

[MPR 120, Order 1463]

SALINA COAL MINING CO.

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and in accordance with § 1340.210 (a) (6) of Maximum Price Regulation No. 120, *It is ordered:*

(a) The Salina Mine of Salina Coal Mining Company is hereby assigned Mine Index No. 1000 and its coals are classified in Subdistrict No. 1 Rail Price Group and Truck Price Group No. 1.

(b) Coals produced by Salina Coal Mining Company at its Salina Mine, Mine Index No. 1000, located in Sevier County, Utah, in Subdistrict No. 1 of District No. 20 may be purchased and sold for the indicated uses and movements at per net ton prices in cents per net ton not exceeding the following:

	Size group Nos.								
	1, 2	3, 4, 5, 6	7	8, 9	10, 11	12	13	14	15
All methods of shipment (except truck or wagon) and for all uses	470	420	355	335	290	275	355	330	310
Truck or wagon shipments	510	470	380	345	325	305	395	365	335

(c) The prices established herein are f. o. b. the mine or preparation plant for truck or wagon shipments, f. o. b. the rail or river shipping point for rail or river shipments, and f. o. b. the rail shipping point for railroad fuel, all uses.

(d) This order may be revoked or amended by the Price Administrator at any time.

(e) Except as specifically provided in this order, the provisions of Maximum Price Regulation No. 120 governing the sale of bituminous coal shall remain in effect.

(f) The price classifications and mine index number assigned herein are permanent but the maximum prices may be changed by amendment issued after the effective date of this order.

This order shall become effective September 20, 1945.

Issued this 19th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-17556; Filed, Sept. 19, 1945; 4:22 p. m.]

[MPR 188, Order 4344]

R. C. VICTOR MFG. CO.

APPROVAL OF MAXIMUM PRICES

Correction

In the table in Federal Register Document 45-16138, appearing on page 11206 of the issue for Friday, August 31, 1945, the listed article should read "Coffee brewer stove".

[MPR 120, Order 1464]

L. W. OVERLY ET AL.

ESTABLISHMENT OF MAXIMUM PRICES AND PRICE CLASSIFICATIONS

For the reasons set forth in an accompanying opinion, and in accordance with § 1340.210 (a) (6) of Maximum Price Regulation No. 120, *It is ordered:*

Producers identified herein operate named mines assigned the mine index numbers, the price classifications and the maximum prices in cents per net ton, for the indicated uses and shipments as set forth herein. All are in District No. 2. The mine index numbers and the price classifications assigned are permanent but the maximum prices may be changed by an amendment issued after the effective date of this order. Where such an amendment is issued for the district in which the mines involved herein are located and where the amendment makes no particular reference to a mine or mines involved herein, the prices shall be the prices set forth in such amendment for the price classifications of the respective size groups. The location of each mine is given by county and State. The maximum prices stated to be for truck shipment are in cents per net ton f. o. b. the mine or preparation plant and when stated to be for rail shipment or for railroad fuel are in cents per net ton f. o. b. rail shipping point. In cases where mines ship coals by river the prices for such shipments are those established for rail shipment and are in cents per net ton f. o. b. river shipping point. However, producer is subject to the provisions of § 1340.213 and all other provisions of Maximum Price Regulation No. 120.

C. P. WHITING & SON, 200 GRANT ST., FRANKLIN, PA., OWNER NO. 2 MINE, PITTSBURGH SEAM, MINE INDEX NO. 4351, FRANKLIN (CORNPLANTER) TOWNSHIP, VENANGO COUNTY, PA., SUBDISTRICT 3, RAIL SHIPPING POINT, EMLENTON, PA., STRIP MINE, R. R. FUEL PRICE GROUP A, MAXIMUM TRUCK PRICE GROUP NO. 2

	Size group Nos.										
	1	2	3	4	5	6	7	8	9	10	11
Price classification	F	F	D	C	C	C	D	C	D	D	C
Rail shipment	319	319	319	319	319	319	279	284	254	254	----
Railroad fuel	319	319	319	319	319	319	279	284	254	254	----
Truck shipment	421	421	421	404	374	374	329	314	294	290	276

M. ZAMBANO & SONS, 99 BROWN AVE., GREENSBURG, PA., YOUNGWOOD NO. 5 MINE, RUFFSTOWN SEAM, MINE INDEX NO. 4369, EAST HUNTINGDON TOWNSHIP, WESTMORELAND COUNTY, PA., SUBDISTRICT 3, RAIL SHIPPING POINT, YOUNGWOOD, PA., STRIP MINE, R. R. FUEL GROUP H, MAXIMUM TRUCK PRICE GROUP NO. 8

	Size group Nos.										
	1	2	3	4	5	6	7	8	9	10	11
Price classification	G	G	G	G	G	G	G	G	G	----	----
Rail shipment	294	294	294	284	284	284	251	253	239	----	----
Railroad fuel	269	269	269	269	269	269	251	253	241	241	271
Truck shipment	421	421	421	404	374	374	351	314	294	290	264

FEE BROTHERS, BOX 101 ROUTE 4, UNIONTOWN, PA., FEE MINE, PITTSBURGH SEAM, MINE INDEX NO. 4379, FAYETTE COUNTY, PA., SUBDISTRICT 3, DEEP MINE, MAXIMUM TRUCK PRICE GROUP NO. 7

	Size group Nos.										
	1	2	3	4	5	6	7	8	9	10	11
Truck shipment	435	435	435	405	395	395	395	395	330	310	285

The maximum prices listed in this order include the increase in maximum prices where authorized by Amendment No. 16 to MPR 120 which became effective August 3, 1945.

This order shall become effective this 20th day of September 1945.

(56 Stat. 23, 765; 57 Stat. 566; Pub. Law 383, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, F.R. 4681)

Issued this 19th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-17557; Filed, Sept. 19, 1945; 4:22 p. m.]

[MPR 120, Order 1465]

BANKS & POLLY COAL CO., ET AL.

ESTABLISHMENT OF MAXIMUM PRICES AND PRICE CLASSIFICATIONS

For the reasons set forth in an accompanying opinion, and in accordance with § 1340.210 (a) (6) of Maximum Price Regulation No. 120, *It is ordered:*

Producers identified herein operate named mines assigned the mine index numbers, the price classifications and the maximum prices in cents per net ton, for the indicated uses and shipments as set forth herein. All are in District No. 8. The mine index numbers and the price classifications assigned are permanent but the maximum prices may be changed by an amendment issued after the effective date of this order. Where such an amendment is issued for the district in which the mines involved herein are located and where the amendment makes no particular reference to a mine or mines involved herein, the prices shall be the prices set forth in such amendment for the price classifications of the respective size groups. The location of each mine is given by county and state. The maximum prices stated to be for truck shipment are in cents per net ton f. o. b. the mine or preparation plant and when stated to be for rail shipment or for railroad fuel are in cents per net ton f. o. b. rail shipping point. In cases where mines ship coals by river the prices for such shipments are those established for rail shipment and are in cents per net ton f. o. b. river shipping point. However, producer is subject to the provisions of § 1340.219 and all other provisions of Maximum Price Regulation No. 120.

	Size group Nos.										
	1	2	3	4	5	6	7	8	9	10	11
Price classification	D	D	C	C	C	C	C	C	C	----	----
Rail shipment	319	319	319	319	319	319	284	284	264	----	----
Railroad fuel	319	319	319	319	319	319	284	284	264	264	276
Truck shipment	421	421	421	404	374	374	351	314	294	290	264

PENNSYLVANIA COAL CO., CRAY LAW BLDG., UNIONTOWN, PA., BETCHY-STEVENSON MINE NO. 1, PITTSBURGH SEAM, MINE INDEX NO. 4369, FAYETTE COUNTY, PA., SUBDISTRICT 3, RAIL SHIPPING POINT: MASONTOWN, PA., STRIP MINE, R. R. FUEL PRICE GROUP A, MAXIMUM TRUCK PRICE GROUP NO. 7

	Size group Nos.										
	1	2	3	4	5	6	7	8	9	10	11
Price classification	E	E	C	C	C	D	D	D	D	----	----
Rail shipment	319	319	319	319	319	279	279	279	254	----	----
Railroad fuel	319	319	319	319	319	279	279	279	254	254	271
Truck shipment	421	421	421	404	374	374	351	314	294	290	264

PENNSYLVANIA COAL CO., CRAY LAW BLDG., UNIONTOWN, PA., BETCHY-STEVENSON NO. 2 MINE, SEWICKLEY SEAM, MINE INDEX NO. 4369, FAYETTE COUNTY, PA., SUBDISTRICT 3, RAIL SHIPPING POINT: MASONTOWN, PA., STRIP MINE, R. R. FUEL PRICE GROUP G, MAXIMUM TRUCK PRICE GROUP NO. 7

	Size group Nos.										
	1	2	3	4	5	6	7	8	9	10	11
Price classification	J	J	H	H	H	H	H	H	H	----	----
Rail shipment	294	294	279	279	279	269	251	241	234	----	----
Railroad fuel	294	294	279	279	279	269	251	241	239	239	271
Truck shipment	421	421	421	404	374	374	351	314	294	290	264

PITTSBURGH COAL CO., PITTSBURGH (30), PA., HUSSEY MINE, PITTSBURGH SEAM, MINE INDEX NO. 4372, ALLEGHENY COUNTY, PA., SUBDISTRICT 3, RAIL SHIPPING POINT: RIDGEFIELD, PA., STRIP MINE, R. R. PRICE GROUP H, MAXIMUM TRUCK PRICE GROUP NO. 5

	Size group Nos.										
	1	2	3	4	5	6	7	8	9	10	11
Price classification	F	F	F	F	F	F	F	F	F	----	----
Rail shipment	319	319	319	319	319	279	259	244	244	----	----
Railroad fuel	319	319	319	319	319	279	259	244	241	241	279
Truck shipment	421	421	421	404	374	374	369	331	294	290	264

L. F. BUGH, R. D. NO. 4, BOX 107, GREENSBURG, PA., BUGH MINE, PITTSBURGH SEAM, MINE INDEX NO. 4373, ALLEGHENY TOWNSHIP, WESTMORELAND COUNTY, PA., SUBDISTRICT 3, RAIL SHIPPING POINT: STOCKDALE, PA., DEEP MINE, R. R. FUEL PRICE GROUP A, MAXIMUM TRUCK PRICE GROUP NO. 5

	Size group Nos.										
	1	2	3	4	5	6	7	8	9	10	11
Price classification	C	C	C	C	C	C	F	F	F	----	----
Rail shipment	334	334	319	319	319	319	274	259	244	----	----
Railroad fuel	334	334	319	319	319	319	274	259	244	241	279
Truck shipment	434	434	434	404	374	374	369	331	294	290	264

C. P. WHITING & SON, 200 GRANT ST., FRANKLIN, PA., OWNER NO. 2 MINE, PITTSBURGH SEAM, MINE INDEX NO. 4351, FRANKLIN (CORNPLANTER) TOWNSHIP, VENANGO COUNTY, PA., SUBDISTRICT 3, RAIL SHIPPING POINT, EMLENTON, PA., STRIP MINE, R. R. FUEL PRICE GROUP A, MAXIMUM TRUCK PRICE GROUP NO. 2

	Size group Nos.										
	1	2	3	4	5	6	7	8	9	10	11
Price classification	D	D	C	C	C	C	C	C	D	----	----
Rail shipment	319	319	319	319	319	319	284	284	254	----	----
Railroad fuel	319	319	319	319	319	319	284	284	254	254	271
Truck shipment	421	421	421	404	374	374	329	314	294	290	264

TAYLOR GARRARD COAL CO., C/O EDDIE L. TAYLOR, MASONTOWN, PA., FEE MINE, SEWICKLEY SEAM, MINE INDEX NO. 4381, FAYETTE COUNTY, PA., SUBDISTRICT 3, RAIL SHIPPING POINT, MASONTOWN, PA., DEEP MINE, R. R. FUEL PRICE GROUP G, MAXIMUM TRUCK PRICE GROUP NO. 7

	Size group Nos.										
	1	2	3	4	5	6	7	8	9	10	11
Price classification	J	J	H	H	H	H	H	H	H	----	----
Rail shipment	330	330	315	315	315	305	280	280	270	----	----
Railroad fuel	330	330	315	315	315	305	280	280	275	275	285
Truck shipment	445	445	435	405	395	395	395	395	330	310	285

JAMES VECCHIO, R. D. NO. 1, DILLINER, PA., JIMMIE'S MINE, PITTSBURGH SEAM, MINE INDEX NO. 4388, GREENE COUNTY, PA., SUBDISTRICT 3, RAIL SHIPPING POINT: FOLAND, PA., & DILLINER, PA., DEEP MINE, R. R. FUEL PRICE GROUP E, MAXIMUM TRUCK PRICE GROUP NO. 11

	Size group Nos.										
	1	2	3	4	5	6	7	8	9	10	11
Price classification	F	F	E	E	E	E	E	E	E	----	----
Rail and river shipments	330	330	325	325	325	315	295	295	280	----	----
Railroad fuel	330	330	325	325	325	315	295	295	285	285	296
Truck shipments	460	460	460	460	460	460	390	390	280	280	280

BANKS & POLLY COAL CO., WHITESBURG, KY., BANKS & POLLY MINE, ELKHORN SEAM, MINE INDEX NO. 7161, LETCHER COUNTY, KY., SUBDISTRICT 2, RAIL SHIPPING POINT: HELDRAFT, KY., F. O. G. 62, DEEP MINE, MAXIMUM TRUCK PRICE GROUP NO. 5

	Size group Nos.														
	1	2	3	4	5	6	7	8	9	10	15, 16, 17	18	19	20, 21
Price classification	K	K	K	K	K	K	J	G	E	G	D	J	J	J
Rail shipment and railroad fuel	380	375	365	365	360	350	300	295	325	360	315	310	340	295
Truck shipment	395	375	370	350	385	310	275	270	- -	- - - -	- - - -	- - - -	- - - -	-

BLACK CREEK COAL CO., C/O JOHN E. KELLY, BLACKWOOD, W. VA., BLACK CREEK MINE, IMBODEN & KELLY SEAM, MINE INDEX NO. 7184, WISE COUNTY, VA., SUBDISTRICT 7, RAIL SHIPPING POINT: BLACKWOOD, W. VA., F. O. G. 280, DEEP & STRIP MINE, MAXIMUM TRUCK PRICE GROUP NO. 5

Price classification	O	O	O	O	K	K	J	F	C	E	B	F	F	F
Rail shipment and railroad fuel	390	375	340	340	360	350	350	350	350	385	320	310	305	295
Truck shipment	395	375	350	350	335	310	275	270	- -	- - - -	- - - -	- - - -	- - - -	- -

BLAIR & STAMP COAL CO., BRACKEY, KY., BLAIR & STAMP MINE, HAZARD NO. 1 SEAM, MINE INDEX NO. 7161, LETCHER COUNTY, KY., SUBDISTRICT 3, RAIL SHIPPING POINT: BRACKEY, KY., F. O. G. 126, DEEP MINE, MAXIMUM TRUCK PRICE GROUP NO. 5

Price classification	M	M	M	M	K	K	J	G	E	G	D	K	K	K
Rail shipment and railroad fuel	365	365	360	360	360	350	300	295	325	360	315	300	295	295
Truck shipment	395	375	370	350	385	310	275	270	- -	- - - -	- - - -	- - - -	- - - -	- -

BUFFALO WINIFREDE COAL CO., BOX 1240 HUNTINGTON, W. VA., BUFFALO MINE, THACKER SEAM, MINE INDEX NO. 7185, MINGO COUNTY, W. VA., 20 MILES TO BELTRAMES, RAIL SHIPPING POINT CHATTAROY, W. VA., F. O. G. 126, DEEP MINE, MAXIMUM TRUCK PRICE GROUP NO. 5

Price classification	Q	Q	Q	Q	N	N	M	K	H	K	F	G	G	G
Rail shipment	345	340	335	335	360	335	310	295	325	355	310	290	290	285
Railroad fuel	345	340	295	335	335	310	275	295	325	355	310	310	300	295
Truck shipment	395	375	350	350	385	310	275	270	- -	- - - -	- - - -	- - - -	- - - -	-

WM. CASTLE COAL CO., LOVELOT, KY., WM. CASTLE MINE, ELKHORN NO. 2 SEAM, MINE INDEX NO. 7178, PIKE COUNTY, KY., SUBDISTRICT 1, RAIL SHIPPING POINT: GREASHOLT, KY., F. O. G. 61, DEEP MINE, MAXIMUM TRUCK PRICE GROUP NO. 5

Price classification	K	K	K	K	H	H	G	E	C	C	D	G	G	G
Rail shipment and railroad fuel	380	375	365	365	360	350	300	295	325	385	315	310	300	295
Truck shipment	395	375	370	350	385	310	275	270	- -	- - - -	- - - -	- - - -	- - - -	-

ESTILL HOLLOW COAL CO., C/O ESTILL CAUDILL, BLACKEY, KY., ESTILL HOLLOW MINE, HAZARD NO. 1 SEAM, MINE INDEX NO. 7165, LETCHER COUNTY, KY., SUBDISTRICT 3, RAIL SHIPPING POINT: BLACKEY, KY., F. O. G. 100, DEEP MINE, MAXIMUM TRUCK PRICE GROUP NO. 5

Price classification	M	M	M	M	K	K	J	G	E	G	D	K	K	K
Rail shipments and railroad fuel	345	365	360	360	360	350	300	295	325	360	315	300	295	295
Truck shipment	395	375	370	350	385	310	275	270	- -	- - - -	- - - -	- - - -	- - - -	- -

KENTUCKY ELKS COAL MINING CO., HAZARD, KY., NO. 9 MINE, HAZARD NO. 9 SEAM, MINE INDEX NO. 7177, PERRY COUNTY, KY., SUBDISTRICT 3, RAIL SHIPPING POINT: HAZARD, KY., F. O. G. 100, DEEP MINE, MAXIMUM TRUCK PRICE GROUP NO. 5

Price classification	M	M	M	M	M	H	L	J	G	J	D	M	M	M
Rail shipment	365	365	360	360	325	350	325	315	315	365	315	280	275	270
Railroad fuel	365	365	360	360	325	350	325	325	325	355	315	280	275	270
Truck shipment	395	375	370	350	385	310	275	270	- - -	- - - -	- - - -	- - - -	- - - -	- - - -

ROOSEVELT MIRACLE, BALRAN, KY., ROOSEVELT MIRACLE MINE, MASON SEAM, MINE INDEX NO. 7486, BELL COUNTY, KY., SUBDISTRICT 6, RAIL SHIPPING POINT: TEJAY, KY., F. O. G. 111, DEEP MINE, MAXIMUM TRUCK PRICE GROUP NO. 5

Price classification	R	R	R	R	M	M	L	K	J	E	G	O	O	O
Rail shipment	360	355	350	350	350	345	340	325	320	400	325	295	290	285
Railroad fuel	360	355	350	350	350	345	340	325	325	400	325	295	290	285
Trucks shipment	420	400	395	365	335	315	275	270	- - -	- - - -	- - - -	- - - -	- - - -	- - -

Subject to the provision of Revised Order No. 1132 under MPR 120 above rail prices plus 50 cents.

This order shall become effective September 20, 1945.

(56 Stat. 23, 765; 57 Stat. 566; Pub. Law 283, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 19th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-17558; Filed, Sept. 19, 1945; 4:23 p. m.]

[MPR 188, Order 4430]

MID-WEST DISTRIBUTING CO.

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.158 of Maximum Price Regulation No. 188; *It is ordered:*

(a) This order establishes maximum prices for sales and deliveries of certain articles manufactured by Mid-West Distributing Company, 338 North Water Street, Milwaukee 2, Wis.

(1) For all sales and deliveries to the following classes of purchasers by the sellers indicated below, the maximum prices are those set forth below:

Article	Model No.	For sales by the manufacturer to—		For sales by any person to consumers
		Jobbers	Retailers	
Crystal table lamp, marble base, 12crystal prisms and rayon shade, height 21"	109	*Each* $8.25	*Each* $10.95	*Each* $19.95
Crystal table lamp, marble base 12crystal prisms and rayon shade, height 21"	201	9.67	11.48	21.95

These maximum prices are for the articles described in the manufacturer's application dated April 11, 1945.

(2) For sales by the manufacturer, the maximum prices apply to all sales and deliveries since Maximum Price Regulation No. 188 became applicable to those sales and deliveries. For sales to persons other than consumers they are f. o. b. factory, net. The maximum price to consumers is net, delivered.

(3) For sales by persons other than the manufacturer, the maximum prices apply to all sales and deliveries after the effective date of this order. Those prices are subject to each seller's customary terms and conditions of sale on sales of similar articles.

(4) If the manufacturer wishes to make sales and deliveries to any other class of purchaser or on other terms and conditions of sale, he must apply to the Office of Price Administration, Washington, D. C., under the Fourth Pricing Method, § 1499.158 of Maximum Price Regulation No. 188, for the establishment of maximum prices for those sales, and no sales or deliveries may be made until maximum prices have been authorized by the Office of Price Administration.

(b) The manufacturer shall attach a tag or label to every article for which a maximum price for sales to consumers is established by this order. That tag or label shall contain the following statement, with the proper model number and the ceiling price inserted in the blank spaces:

Model No. ------
OPA Retail Ceiling Price—$------
Do Not Detach

(c) At the time of, or prior to, the first invoice to each purchaser for resale, the manufacturer shall notify the purchaser in writing of the maximum prices and conditions established by this order for sales by the purchaser. This notice may be given in any convenient form.

(d) Jobber's maximum prices for sales of the articles covered by this order shall be established under the provisions of section 4.5 of SR 14J.

(e) This order may be revoked or amended by the Price Administrator at any time.

(f) This order shall become effective on the 20th day of September 1945.

Issued this 19th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-17560; Filed, Sept. 19, 1945; 4:23 p. m.]

[MPR 188, Order 4431]

CHARLES CO.

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.158 of Maximum Price Regulation No. 188, *It is ordered:*

(a) This order establishes maximum prices for sales and deliveries of certain articles manufactured by The Charles Company, 534½ South Spring Street, Los Angeles 13, Calif.

(1) For all sales and deliveries to the following classes of purchasers by the sellers indicated below, the maximum prices are those set forth below:

Article	Model No.	For sales by the Manufacturer to—		For sales by any person to consumer
		Jobbers	Retailers	
7" metal torchere plated in old English finish	B 20	*Ea.* $7.72	*Ea.* $9.08	*Ea.* $16.45
Four-barred ladder wood stepchairs	B 20 and B 21	7.67	8.02	16.25
Turned ladder wood table lamps, heights approx. 27"	T 22, T-23, T-24	$4.88	$5.74	$10.75
3-coil end ladder wood desk lamp, height 23"	T-25	$5.31	$6.25	$11.25

These maximum prices are for the articles described in the manufacturer's application dated March 26, 1945.

(2) For sales by the manufacturer, the maximum prices apply to all sales and deliveries since Maximum Price Regulation No. 188 became applicable to those sales and deliveries. For sales to persons other than consumers they are f. o. b. factory, 2% 10 days, net 30. The maximum price to consumers is net, delivered.

(3) For sales by persons other than the manufacturer, the maximum prices apply to all sales and deliveries after the effective date of this order. Those prices are subject to each seller's customary terms and conditions of sale on sales of similar articles.

(4) If the manufacturer wishes to make sales and deliveries to any other class of purchaser or on other terms and conditions of sale, he must apply to the Office of Price Administration, Washington, D. C., under the Fourth Pricing Method, § 1499.158 of Maximum Price Regulation No. 188, for the establishment of maximum prices for those sales, and no sales or deliveries may be made until maximum prices have been authorized by the Office of Price Administration.

(b) The manufacturer shall attach a tag or label to every article for which a maximum price for sales to consumers is established by this order. That tag or label shall contain the following statement, with the proper model number and the ceiling price inserted in the blank spaces:

Model No. ------
OPA Retail Ceiling Price—$------
Do Not Detach

(c) At the time of, or prior to, the first invoice to each purchaser for resale, the manufacturer shall notify the purchaser in writing of the maximum prices and conditions established by this order for sales by the purchaser. This notice may be given in any convenient form.

(d) Jobber's maximum prices for sales of the articles covered by this order shall be established under the provisions of section 4.5 of SR 14J.

(e) This order may be revoked or amended by the Price Administrator at any time.

(f) This order shall become effective on the 20th day of September 1945.

Issued this 19th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-17561; Filed, Sept. 19, 1945; 4:23 p. m.]

[MPR 188, Order 4432]

WALDMAN MANUFACTURING CO.

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.158 of Maximum Price Regulation No. 188; *It is ordered:*

(a) This order establishes maximum prices for sales and deliveries of certain articles manufactured by Waldman Manufacturing Company, 420 Green Street, Philadelphia, Pa.

(1) For all sales and deliveries to the following classes of purchasers by the sellers indicated below, the maximum prices are those set forth below:

Article	Model No.	For sales by the manufacturer to—		For sales by any person to consumers
		Jobbers	Retailers	
56" maple floor lamp and shade, adjustable arm	8755	*Each* $4.04	*Each* $4.75	*Each* $8.55
56" maple floor lamp and shade, adjustable arm, and 14" tray	8756	5.66	5.95	10.70
56" maple floor lamp and shade with adjustable arm and 12" tray	8757	4.01	4.75	8.55

These maximum prices are for the articles described in the manufacturer's application dated December 23, 1944.

(2) For sales by the manufacturer, the maximum prices apply to all sales and deliveries since Maximum Price Regulation No. 188 became applicable to those sales and deliveries. For sales to persons other than consumers they are f. o. b. factory, 2% 10 days, net 30. The maximum price to consumers is net, delivered.

(3) For sales by persons other than the manufacturer, the maximum prices apply to all sales and deliveries after the effective date of this order. Those prices are subject to each seller's customary terms and conditions of sale on sales of similar articles.

(4) If the manufacturer wishes to make sales and deliveries to any other class of purchaser or on other terms and conditions of sale, he must apply to the Office of Price Administration, Washington, D. C., under the Fourth Pricing Method, § 1499.158 of Maximum Price Regulation No. 188, for the establishment of maximum prices for those sales, and no sales or deliveries may be made until maximum prices have been authorized by the Office of Price Administration.

(b) The manufacturer shall attach a tag or label to every article for which a maximum price for sales to consumers is established by this order. That tag or label shall contain the following statement, with the proper model number and the ceiling price inserted in the blank spaces:

Model No. ------
OPA Retail Ceiling Price—$------
Do Not Detach

(c) At the time of, or prior to, the first invoice to each purchaser for resale, the manufacturer shall notify the purchaser in writing of the maximum prices and conditions established by this order for sales by the purchaser. This notice may be given in any convenient form.

(d) Jobber's maximum prices for sales of the articles covered by this order shall be established under the provisions of section 4.5 of SR 14J.

(e) This order may be revoked or amended by the Price Administrator at any time.

(f) This order shall become effective on the 20th day of September 1945.

Issued this 19th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-17562; Filed, Sept. 19, 1945; 4:24 p. m.]

[MPR 188, Order 4433]

CRITERION LAMP & SHADE CO.

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.159c of Maximum Price Regulation No. 188, and section 6.4 of SR 14, *It is ordered:*

(a) This order establishes maximum prices for sales and deliveries of certain articles manufactured by Criterion Lamp & Shade Company, 829 Brook Avenue, Bronx, N. Y.

(1) For all sales and deliveries to the following classes of purchasers by the sellers indicated below, the maximum prices are those set forth below:

Article	Model No.	For sales by the manufacturer to—		For sales by any person to consumers
		Jobbers	Retailers	
Crystal boudoir lamp and shade with pressed glass base, 3 rose bowl breaks and 1 rosette break	50	*Each* $1.26	*Each* $1.60	*Each* $2.10
Crystal boudoir lamp and shade with pressed glass base, column and top rosette break	51	1.10	1.30	2.35
Crystal boudoir lamp and shade with pressed glass base, 4 rose bowl breaks and 1 rosette break	52	1.21	1.42	2.55
Crystal boudoir lamp and shade with pressed glass base, plastic column and 6 rosette breaks	53	1.27	1.50	2.70

These maximum prices are for the articles described in the manufacturer's application dated April 21, 1945.

(2) For sales by the manufacturer, the maximum prices apply to all sales and deliveries since Maximum Price Regulation No. 188 became applicable to those sales and deliveries. For sales to persons other than consumers they are f. o. b. factory, 2% 10 days, net 30. The maximum price to consumers is net, delivered.

(3) For sales by persons other than the manufacturer, the maximum prices apply to all sales and deliveries after the effective date of this order. Those prices are subject to each seller's customary terms and conditions of sale on sales of similar articles.

(4) If the manufacturer wishes to make sales and deliveries to any other class of purchaser or on other terms and conditions of sale, he must apply to the Office of Price Administration, Washington, D. C., under the Fourth Pricing Method, § 1499.158 of Maximum Price Regulation No. 188, for the establishment of maximum prices for those sales, and no sales or deliveries may be made until maximum prices have been authorized by the Office of Price Administration.

(b) The manufacturer shall attach a tag or label to every article for which a maximum price for sales to consumers is established by this order. That tag or label shall contain the following statement, with the proper model number and the ceiling price inserted in the blank spaces:

Model No. ------
OPA Retail Ceiling Price—$------
Do Not Detach

(c) At the time of, or prior to, the first invoice to each purchaser for resale, the manufacturer shall notify the purchaser in writing of the maximum prices and conditions established by this order for sales by the purchaser. This notice may be given in any convenient form.

(d) Jobber's maximum prices for sales of the articles covered by this order shall be established under the provisions of section 4.5 of SR 14J.

(e) This order may be revoked or amended by the Price Administrator at any time.

(f) This order shall become effective on the 20th day of September 1945.

Issued this 19th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-17563; Filed, Sept. 19, 1945; 4:24 p. m.]

[MPR 188, Order 4434]

JUDY GLASSWARE AND NOVELTIES

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.158 of Maximum Price Regulation No. 188; *It is ordered:*

(a) This order establishes maximum prices for sales and deliveries of certain articles manufactured by Judy Glassware and Novelties, 133 West 24th Street, New York 11, N. Y.

(1) For all sales and deliveries to the following classes of purchasers by the sellers indicated below, the maximum prices are those set forth below:

Article	Model No.	For sales by the manufacturer to—		For sales by any person to consumers
		Jobbers	Retailers	
Glass and brass pin-up lamp with parchment shade	195	*Each* $1.49	*Each* $1.75	*Each* $4.15
Metal pin-up lamp with parchment shade	131	1.40	1.65	2.95
Table lamp with glass base, polished brass column, glass fount and top break 12" shade	T-444	2.75	3.23	5.81
Wood table lamp with round base, ball break and shaped wood column, 12" parchment shade	T-133	3.19	3.75	6.75

These maximum prices are for the articles described in the manufacturer's application dated March 6, 1945.

(2) For sales by the manufacturer, the maximum prices apply to all sales and deliveries since Maximum Price Regulation No. 188 became applicable to those sales and deliveries. For sales to persons other than consumers they are f. o. b. factory, 2% 10 days, net 30. The maximum price to consumers is net, delivered.

(3) For sales by persons other than the manufacturer, the maximum prices apply to all sales and deliveries after the effective date of this order. Those prices are subject to each seller's customary terms and conditions of sale on sales of similar articles.

(4) If the manufacturer wishes to make sales and deliveries to any other class of purchaser or on other terms and conditions of sale, he must apply to the Office of Price Administration, Washington, D. C., under the Fourth Pricing Method, § 1499.158 of Maximum Price Regulation No. 188, for the establishment of maximum prices for those sales, and no sales or deliveries may be made until maximum prices have been authorized by the Office of Price Administration.

(b) The manufacturer shall attach a tag or label to every article for which a maximum price for sales to consumers is established by this order. That tag or label shall contain the following statement, with the proper model number and the ceiling price inserted in the blank spaces:

Model No. ------
OPA Retail Ceiling Price—$------
Do Not Detach

(c) At the time of, or prior to, the first invoice to each purchaser for resale, the manufacturer shall notify the purchaser in writing of the maximum prices and conditions established by this order for sales by the purchaser. This notice may be given in any convenient form.

(d) Jobber's maximum prices for sales of the articles covered by this order shall be established under the provisions of section 4.5 of SR 14J.

(e) This order may be revoked or amended by the Price Administrator at any time.

(f) This order shall become effective on the 20th day of September 1945.

Issued this 19th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-17564; Filed, Sept. 19, 1945; 4:24 p. m.]

[MPR 188, Order 4435]

DETROIT APPLIANCE MFG. CO.

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.158 of Maximum Price Regulation No. 188; *It is ordered:*

(a) This order establishes maximum prices for sales and deliveries of certain articles manufactured by the Detroit Appliance Manufacturing Company, Division of Buckland & Van Wald, 219 W. Larned Street, Detroit 26, Mich.

(1) For all sales and deliveries to the following classes of purchasers by the sellers indicated below, the maximum prices are those set forth below:

Article	Model No.	Maximum prices for sales by any seller to—			
		Wholesalers (jobbers)	Retailers (6 units or more)	Retailers (less than 6 units)	[illegible]
Glass iron nonautomatic	HT5	*Each* $2.88	*Each* $3.40	*Each* $3.60	[illegible]

These maximum prices are for the articles described in the manufacturer's application dated July 7, 1945.

(2) For sales by the manufacturer, the maximum prices apply to all sales and deliveries since Maximum Price Regulation No. 188 became applicable to those sales and deliveries. These prices include the Federal Excise Tax. They are f. o. b. factory and subject to a cash discount of 2% for payment within 10 days, net 30 days.

(3) For sales by persons other than the manufacturer, the maximum prices apply to all sales and deliveries after the effective date of this order. Those prices are subject to each seller's customary terms and conditions of sale on sales of similar articles.

(4) If the manufacturer wishes to make sales and deliveries to any other class of purchaser or on other terms and conditions of sale, he must apply to the Office of Price Administration, Washington, D. C., under the Fourth Pricing Method, § 1499.158 of Maximum Price Regulation No. 188, for the establishment of maximum prices for those sales, and no sales or deliveries may be made until maximum prices have been authorized by the Office of Price Administration.

(b) The manufacturer shall attach a tag or label to every article for which a maximum price for sales to consumers is established by this order. That tag or label shall contain either of the following statements with the correct order number, model number and retail prices properly filled in:

Order No. 4435
Model No. ------
OPA Retail Ceiling Price—$------
Federal Excise Tax Included
Do Not Detach or Obliterate

or

Detroit Appliance Manufacturing Co.
Division of Buckland & Van Wald
219 W. Larned Street
Detroit 26, Michigan
Model No. ------
OPA Retail Ceiling Price—$------
Federal Excise Tax Included
Do Not Detach or Obliterate

(c) At the time of, or prior to, the first invoice to each purchaser for resale at wholesale, the manufacturer shall notify the purchaser in writing of the maximum prices and conditions established by this order for sales by the purchaser. This notice may be given in any convenient form.

(d) This order may be revoked or amended by the Price Administrator at any time.

(e) This order shall become effective on the 20th day of September 1945.

Issued this 19th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-17565; Filed, Sept. 19, 1945; 4:24 p. m.]

[MPR 188, Order 4436]

SHER BROS.

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.158 of Maximum Price Regulation No. 188, *It is ordered:*

(a) This order establishes maximum prices for sales and deliveries of certain articles manufactured by Sher Brothers, 900 West Lake Street, Chicago, Ill.

(1) For all sales and deliveries to the following classes of purchasers by the sellers indicated below, the maximum prices are those set forth below:

Article	Model No.	For sales by the manufacturer to—		For sales by any person to consumers
		Jobbers	Retailers	
Metal floor lamp with onyx trim on base and junior size shade	900	$12.71	$14.95	$20.90

These maximum prices are for the articles described in the manufacturer's application dated July 2, 1945.

(2) For sales by the manufacturer, the maximum prices apply to all sales and deliveries since Maximum Price Regulation No. 188 became applicable to those sales and deliveries. For sales to persons other than consumers they are f. o. b. factory, 1% 10 days, net 30. The maximum price to consumers is net, delivered.

(3) For sales by persons other than the manufacturer, the maximum prices apply to all sales and deliveries after the effective date of this order. Those prices are subject to each seller's customary terms and conditions of sale on sales of similar articles.

(4) If the manufacturer wishes to make sales and deliveries to any other class of purchaser or on other terms and conditions of sale, he must apply to the Office of Price Administration, Washington, D. C., under the Fourth Pricing Method, § 1499.158 of Maximum Price Regulation No. 188, for the establishment of maximum prices for those sales, and no sales or deliveries may be made until maximum prices have been authorized by the Office of Price Administration.

(b) The manufacturer shall attach a tag or label to every article for which a maximum price for sales to consumers is established by this order. That tag or label shall contain the following statement, with the proper model number and the ceiling price inserted in the blank spaces:

Model No. ------
OPA Retail Ceiling Price—$------
Do Not Detach

(c) At the time of, or prior to, the first invoice to each purchaser for resale, the manufacturer shall notify the purchaser in writing of the maximum prices and conditions established by this order for sales by the purchaser. This notice may be given in any convenient form.

(d) Jobber's maximum prices for sales of the articles covered by this order shall be established under the provision of section 4.5 of SR 14J.

(e) This order may be revoked or amended by the Price Administrator at any time.

(f) This order shall become effective on the 20th day of September 1945.

Issued this 19th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-17566; Filed, Sept. 19, 1945; 4:24 p. m.]

[MPR 188, Order 4437]

ROL-JAQ INDUSTRIES, INC.

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.158 of Maximum Price Regulation No. 188, *It is ordered:*

(a) This order establishes maximum prices for sales and deliveries of certain articles manufactured by Rol-Jaq Industries, Inc., 727 West 7th Street, Los Angeles 14, Calif.

(1) For all sales and deliveries to the following classes of purchasers by the sellers indicated below, the maximum prices are those set forth below:

Article	Model No.	For sales by the manufacturer to—		For sales by any person to consumers
		Jobbers	Retailers	
Floor lamp	62	*Each* $3.83	*Each* $4.20	*Each* $8.10
Metal table lamp	63	2.29	2.70	4.85

These maximum prices are for the articles described in the manufacturer's application dated July 9, 1945.

(2) For sales by the manufacturer, the maximum prices apply to all sales and deliveries since Maximum Price Regulation No. 188 became applicable to those sales and deliveries. For sales to persons other than consumers they are f. o. b. factory, 1% 10 days, net 30. The maximum price to consumers is net, delivered.

(3) For sales by persons other than the manufacturer, the maximum prices apply to all sales and deliveries after the effective date of this order. Those prices are subject to each seller's customary terms and conditions of sale on sales of similar articles.

(4) If the manufacturer wishes to make sales and deliveries to any other class of purchaser or on other terms and conditions of sale, he must apply to the Office of Price Administration, Washington, D. C., under the Fourth Pricing Method, § 1499.158 of Maximum Price Regulation No. 188, for the establishment of maximum prices for those sales, and no sales or deliveries may be made until maximum prices have been authorized by the Office of Price Administration.

(b) The manufacturer shall attach a tag or label to every article for which a maximum price for sales to consumers is established by this order. That tag or label shall contain the following statement, with the proper model number and the ceiling price inserted in the blank spaces:

Model No. ------
OPA Retail Ceiling Price—$------
Do Not Detach

(c) At the time of, or prior to, the first invoice to each purchaser for resale, the manufacturer shall notify the purchaser in writing of the maximum prices and conditions established by this order for sales by the purchaser. This notice may be given in any convenient form.

(d) Jobber's maximum prices for sales of the articles covered by this order shall be established under the provisions of section 4.5 of SR 14J.

(e) This order may be revoked or amended by the Price Administrator at any time.

(f) This order shall become effective on the 20th day of September 1945.

Issued this 19th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-17567; Filed, Sept. 19, 1945; 4:25 p. m.]

[MPR 188, Order 4438]

TROMPETER LABORATORIES

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.158 of Maximum Price Regulation No. 188; *It is ordered:*

(a) This order establishes maximum prices for sales and deliveries of certain articles manufactured by Trompeter Laboratories, Stevenson Road, R. D. #1, Sandy Hook, Conn.

(1) For all sales and deliveries to the following classes of purchasers by the sellers indicated below, the maximum prices are those set forth below:

Article	Model No.	For sales by the manufacturer to—		For sales by any person to consumers
		Jobbers	Retailers	
Metal table lamp..	1, 2, and 3	*Each* $10.20	*Each* $12	*Each* $21.60

These maximum prices are for the articles described in the manufacturer's application dated July 23, 1945.

(2) For sales by the manufacturer, the maximum prices apply to all sales and deliveries since Maximum Price Regulation No. 188 became applicable to those sales and deliveries. For sales to persons other than consumers they are f. o. b. factory, 2% 10 days, net 30. The maximum price to consumers is net, delivered.

(3) For sales by persons other than the manufacturer, the maximum prices apply to all sales and deliveries after the effective date of this order. Those prices are subject to each seller's customary terms and conditions of sale on sales of similar articles.

(4) If the manufacturer wishes to make sales and deliveries to any other class of purchaser or on other terms and conditions of sale, he must apply to the Office of Price Administration, Washington, D. C., under the Fourth Pricing Method, § 1499.158 of Maximum Price Regulation No. 188, for the establishment of maximum prices for those sales, and no sales or deliveries may be made until maximum prices have been authorized by the Office of Price Administration.

(b) The manufacturer shall attach a tag or label to every article for which a maximum price for sales to consumers is established by this order. That tag or label shall contain the following statement, with the proper model number and the ceiling price inserted in the blank spaces:

Model No. ------
OPA Retail Ceiling Price—$------
Do Not Detach

(c) At the time of, or prior to, the first invoice to each purchaser for resale, the manufacturer shall notify the purchaser in writing of the maximum prices and conditions established by this order for sales by the purchaser. This notice may be given in any convenient form.

(d) Jobber's maximum prices for sales of the articles covered by this order shall be established under the provisions of section 4.5 of SR 14J.

(e) This order may be revoked or amended by the Price Administrator at any time.

(f) This order shall become effective on the 20th day of September 1945.

Issued this 19th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-17568; Filed, Sept. 19, 1945; 4:26 p. m.]

[MPR 188, Order 4440]

SUPERIOR BED LIGHT CO.

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.158 of Maximum Price Regulation No. 188; *It is ordered:*

(a) This order establishes maximum prices for sales and deliveries of certain articles manufactured by Superior Bed Light Company, 24 Avenue A, New York City.

(1) For all sales and deliveries to the following classes of purchasers by the sellers indicated below, the maximum prices are those set forth below:

Article	Model No.	For sales by the manufacturer to—		For sales by any person to consumers
		Jobbers	Retailers	
14" silk fabric stitched lamp shade trimmed with ruching	200	$3.83	$4.50	$8.10
15" silk fabric stitched lamp shade	300	2.55	3.00	5.40
16" silk fabric stitched lamp shade with colored ruching top and bottom	400	4.46	5.25	9.45

These maximum prices are for the articles described in the manufacturer's application dated August 10, 1945.

(2) For sales by the manufacturer, the maximum prices apply to all sales and deliveries since Maximum Price Regulation No. 188 became applicable to those sales and deliveries. For sales to persons other than consumers they are f. o. b. factory, 2% 10 days, net 30. The maximum price to consumers is net, delivered.

(3) For sales by persons other than the manufacturer, the maximum prices apply to all sales and deliveries after the effective date of this order. Those prices are subject to each seller's customary terms and conditions of sale on sales of similar articles.

(4) If the manufacturer wishes to make sales and deliveries to any other class of purchaser or on other terms and conditions of sale, he must apply to the Office of Price Administration, Washington, D. C., under the Fourth Pricing Method, § 1499.158 of Maximum Price Regulation No. 188, for the establishment of maximum prices for those sales, and no sales or deliveries may be made until maximum prices have been authorized by the Office of Price Administration.

(b) The manufacturer shall attach a tag or label to every article for which a maximum price for sales to consumers is established by this order. That tag or label shall contain the following statement, with the proper model number and the ceiling price inserted in the blank spaces:

Model No. ------
OPA Retail Ceiling Price—$------
Do Not Detach

(c) At the time of, or prior to, the first invoice to each purchaser for resale, the manufacturer shall notify the purchaser in writing of the maximum prices and conditions established by this order for sales by the purchaser. This notice may be given in any convenient form.

(d) Jobber's maximum prices for sales of the articles covered by this order shall be established under the provisions of section 4.5 of SR 14J.

(e) This order may be revoked or amended by the Price Administrator at any time.

(f) This order shall become effective on the 20th day of September 1945.

Issued this 19th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-17569; Filed, Sept. 19, 1945; 4:26 p. m.]

[MPR 188, Order 4441]

WILLIAM H. WEPPLER

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.158 of Maximum Price Regulation No. 188; *It is ordered:*

(a) This order establishes maximum prices for sales and deliveries of certain articles manufactured by William H. Weppler, Main Street, South Asburnham, Mass.

(1) For all sales and deliveries to the following classes of purchasers by the sellers indicated below, the maximum prices are those set forth below:

Article	Model No.	For sales by the manufacturer to—		For sales by any person to consumers
		Jobbers	Retailers	
Scotty dog lamp—pine Scotty dog figure with black finish and covered with plaid cloth..	15	$1.61	$1.50	$3.15

These maximum prices are for the articles described in the manufacturer's application dated June 22, 1945.

(2) For sales by the manufacturer, the maximum prices apply to all sales and deliveries since Maximum Price Regulation No. 188 became applicable to those sales and deliveries. For sales to persons other than consumers they are f. o. b. factory, 2% 10 days, net 30. The maximum price to consumers is net, delivered.

(3) For sales by persons other than the manufacturer, the maximum prices apply to all sales and deliveries after the effective date of this order. Those prices are subject to each seller's customary terms and conditions of sale on sales of similar articles.

(4) If the manufacturer wishes to make sales and deliveries to any other class of purchaser or on other terms and conditions of sale, he must apply to the Office of Price Administration, Washington, D. C., under the Fourth Pricing Method, § 1499.158 of Maximum Price Regulation No. 188, for the establishment of maximum prices for those sales, and no sales or deliveries may be made until maximum prices have been authorized by the Office of Price Administration.

(b) The manufacturer shall attach a tag or label to every article for which a maximum price for sales to consumers is established by this order. That tag or label shall contain the following statement, with the proper model number and the ceiling price inserted in the blank spaces:

Model No. ------
OPA Retail Ceiling Price—$------
Do Not Detach

(c) At the time of, or prior to, the first invoice to each purchaser for resale, the manufacturer shall notify the purchaser in writing of the maximum prices and conditions established by this order for sales by the purchaser. This notice may be given in any convenient form.

(d) Jobber's maximum prices for sales of the articles covered by this order shall be established under the provisions of section 4.5 of SR 14J.

(e) This order may be revoked or amended by the Price Administrator at any time.

(f) This order shall become effective on the 20th day of September 1945.

Issued this 19th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-17570; Filed, Sept. 19, 1945; 4:26 p. m.]

[MPR 188, Order 4442]

SETRA MANUFACTURING CO.

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.158 of Maximum Price Regulation No. 188, *It is ordered:*

(a) This order establishes maximum prices for sales and deliveries of certain articles manufactured by Setra Manufacturing Company, 41-02 Astoria Boulevard, Long Island City 3, N. Y.

(1) For all sales and deliveries to the following classes of purchasers by the sellers indicated below, the maximum prices are those set forth below:

Article	Model No.	For sales by the manufacturer to—		For sales by any person to consumers
		Jobbers	Retailers	
Decorated china table lamp and shade with top ruching	822	$7.80	$9.25	$16.65

These maximum prices are for the articles described in the manufacturer's application dated June 20, 1945.

(2) For sales by the manufacturer, the maximum prices apply to all sales and deliveries since Maximum Price Regulation No. 188 became applicable to those sales and deliveries. For sales to persons other than consumers they are f. o. b. factory, 2% 10 days, net 30. The maximum price to consumers is net, delivered.

(3) For sales by persons other than the manufacturer, the maximum prices apply to all sales and deliveries after the effective date of this order. Those prices are subject to each seller's customary terms and conditions of sale on sales of similar articles.

(4) If the manufacturer wishes to make sales and deliveries to any other class of purchaser or on other terms and conditions of sale, he must apply to the Office of Price Administration, Washington, D. C., under the Fourth Pricing Method, § 1499.158 of Maximum Price Regulation No. 188, for the establishment of maximum prices for those sales, and no sales or deliveries may be made until maximum prices have been authorized by the Office of Price Administration.

(b) The manufacturer shall attach a tag or label to every article for which a maximum price for sales to consumers is established by this order. That tag or label shall contain the following statement, with the proper model number and the ceiling price inserted in the blank spaces:

Model No. ------
OPA Retail Ceiling Price—$------
Do Not Detach

(c) At the time of, or prior to, the first invoice to each purchaser for resale, the manufacturer shall notify the purchaser in writing of the maximum prices and conditions established by this order for sales by the purchaser. This notice may be given in any convenient form.

(d) Jobber's maximum prices for sales of the articles covered by this order shall be established under the provisions of section 4.5 of SR 14J.

(e) This order may be revoked or amended by the Price Administrator at any time.

(f) This order shall become effective on the 20th day of September 1945.

Issued this 19th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-17571; Filed, Sept. 19, 1945; 4:26 p. m.]

[MPR 188, Order 4443]

FISHEL-VIERLING CO.

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.158 of Maximum Price Regulation No. 188; *It is ordered:*

(a) This order establishes maximum prices for sales and deliveries of certain articles manufactured by Fishel-Vierling Company, 6810 Euclid Avenue, Cleveland 3, Ohio.

(1) For all sales and deliveries to the following classes of purchasers by the sellers indicated below, the maximum prices are those set forth below:

Article	Model No.	For sales by the manufacturer to—		For sales by any person to consumers
		Jobbers	Retailers	
Polished lucite or Plexiglass pin-up lamp with parchment shade	1	$2.55	$3.00	*Each* $5.40

These maximum prices are for the articles described in the manufacturer's application dated July 5, 1945.

(2) For sales by the manufacturer, the maximum prices apply to all sales and deliveries since Maximum Price Regulation No. 188 became applicable to those sales and deliveries. For sales to persons other than consumers they are f. o. b. factory, 2% 10 days, net 30. The maximum price to consumers is net, delivered.

(3) For sales by persons other than the manufacturer, the maximum prices apply to all sales and deliveries after the effective date of this order. Those prices are subject to each seller's customary terms and conditions of sale on sales of similar articles.

(4) If the manufacturer wishes to make sales and deliveries to any other class of purchaser or on other terms and conditions of sale, he must apply to the Office of Price Administration, Washington, D. C., under the Fourth Pricing Method, § 1499.158 of Maximum Price Regulation No. 188, for the establishment of maximum prices for those sales, and no sales or deliveries may be made until maximum prices have been authorized by the Office of Price Administration.

(b) The manufacturer shall attach a tag or label to every article for which a maximum price for sales to consumers is established by this order. That tag or label shall contain the following statement, with the proper model number and the ceiling price inserted in the blank spaces:

Model No. ------
OPA Retail Ceiling Price—$------
Do Not Detach

(c) At the time of, or prior to, the first invoice to each purchaser for resale, the manufacturer shall notify the purchaser in writing of the maximum prices and conditions established by this order for sales by the purchaser. This notice may be given in any convenient form.

(d) Jobber's maximum prices for sales of the articles covered by this order shall be established under the provisions of section 4.5 of SR 14J.

(e) This order may be revoked or amended by the Price Administrator at any time.

(f) This order shall become effective on the 20th day of September 1945.

Issued this 19th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-17572; Filed, Sept. 19, 1945; 4:27 p. m.]

[MPR 188, Order 4444]

AARON KISS

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.158 of Maximum Price Regulation No. 188; *It is ordered:*

(a) This order establishes maximum prices for sales and deliveries of certain articles manufactured by Aaron Kiss, 427 Pratt Street, Meriden, Conn.

(1) For all sales and deliveries to the following classes of purchasers by the sellers indicated below, the maximum prices are those set forth below:

Article	Model No.	For sales by the manufacturer to—		For sales by any person to consumers
		Jobbers	Retailers	
11" polished brass and hand decorated glass boudoir lamp (no shade)	100	*Each* $2.51	*Each* $2.95	*Each* $5.30
18½" polished brass and hand decorated table lamp	117	4.89	5.75	10.35
21" polished brass and hand decorated table lamp	122	5.95	7.00	12.60

These maximum prices are for the articles described in the manufacturer's application dated June 14, 1945.

(2) For sales by the manufacturer, the maximum prices apply to all sales and deliveries since Maximum Price Regulation No. 188 became applicable to those sales and deliveries. For sales to persons other than consumers they are f. o. b. factory, 2% 10 days, net 30. The maximum price to consumers is net, delivered.

(3) For sales by persons other than the manufacturer, the maximum prices apply to all sales and deliveries after the effective date of this order. Those prices are subject to each seller's customary terms and conditions of sale on sales of similar articles.

(4) If the manufacturer wishes to make sales and deliveries to any other class of purchaser or on other terms and conditions of sale, he must apply to the Office of Price Administration, Washington, D. C., under the Fourth Pricing Method, § 1499.158 of Maximum Price Regulation No. 188, for the establishment of maximum prices for those sales, and no sales or deliveries may be made until maximum prices have been authorized by the Office of Price Administration.

(b) The manufacturer shall attach a tag or label to every article for which a maximum price for sales to consumers is established by this order. That tag or label shall contain the following statement, with the proper model number and the ceiling price inserted in the blank spaces:

Model No. ------
OPA Retail Ceiling Price—$------
Do Not Detach

(c) At the time of, or prior to, the first invoice to each purchaser for resale, the manufacturer shall notify the purchaser in writing of the maximum prices and conditions established by this order for sales by the purchaser. This notice may be given in any convenient form.

(d) Jobber's maximum prices for sales of the articles covered by this order shall be established under the provisions of section 4.5 of SR 14J.

(e) This order may be revoked or amended by the Price Administrator at any time.

(f) This order shall become effective on the 20th day of September 1945.

Issued this 19th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-17573; Filed, Sept. 19, 1945; 4:27 p. m.]

[MPR 260, Order 6]

WEBSTER RUBBER CO.

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1315.1405b of Maximum Price Regulation 200; It is ordered:

(a) *What this order does.* This order establishes maximum prices for the manufacturer's, wholesalers', and shoe repairmen's sales in the shoe repair trade of women's competitive grade brown $\frac{5}{8}$" wedge heels, style #600, which are manufactured by the Webster Rubber Company, Sabattus, Maine. The shoe repairman's maximum prices for sales of these heels attached are also established by this order.

(b) *Maximum prices.* The manufacturer's and wholesalers' maximum prices for sales in the shoe repair trade of the heels described in paragraph (a) of this order, and for shoe repairmen's sales of these heels attached and unattached, are as follows:

	Sales by shoe repairmen to consumers		Sales to shoe repairmen (per dozen pair)	Sales to wholesalers (per dozen pair)
	Attached (per pair)	Unattached (per pair)		
Women's competitive grade brown $\frac{5}{8}$" wedge heels, style No. 600, manufactured by Webster Rubber Co.	$0.50	$0.20	$1.60	$1.43

The above maximum prices for sales to shoe repairmen shall be reduced by any cash discounts given by the seller to shoe repairmen of the same class during March 1942.

The above maximum prices for sales to wholesalers shall be decreased by 5 percent if the purchaser pays cash within thirty days after delivery.

All other discounts, allowances, and trade practices of sellers which were in effect during March 1942, shall apply to sales covered by this order.

(c) *Notification of maximum prices.* With or prior to the first delivery to a wholesaler or a shoe repairman of any of the heels covered by this order, the seller shall notify the purchaser in writing of the maximum price for sales by the shoe repairman of the rubber heel attached and the maximum price for sales by the shoe repairman of the unattached heel as established by paragraph (b) of this order. If the purchaser is a wholesaler, the notification shall include the maximum price applicable to the wholesaler's resales to wholesalers and to shoe repairmen, and a statement that such purchaser is required by this order to notify any shoe repairman to whom he sells of the maximum prices for the sales of the heels by the shoe repairman, attached or unattached, as established by paragraph (b) of this order.

(d) All provisions of Maximum Price Regulation 200 not inconsistent with this order shall apply to sales covered by this order.

(e) This order may be revoked or amended by the Administrator at any time.

This order shall become effective September 20, 1945.

Issued this 19th day of September 1945

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-17574; Filed, Sept. 19, 1945; 4:27 p. m.]

[MPR 260, Order 1843]

A. E. MUNIZ CIGAR FACTORY

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion accompanying this order, and pursuant to § 1358.102 (b) of Maximum Price Regulation No. 260; *It is ordered,* That:

(a) A. E. Muniz Cigar Factory, 302 N. Westland Avenue, Tampa, Fla. (hereinafter called "manufacturer") and wholesalers and retailers may sell, offer to sell or deliver and any person may buy, offer to buy or receive each brand and size or frontmark, and packing of the following domestic cigars at the appropriate maximum list price and maximum retail price set forth below:

Brand	Size or frontmark	Packing	Maximum list price	Maximum retail price
			Per M	*Cents*
La Luz de Tampa	Coronas	50	$80.75	20
	Londres	50	93.75	24
	Londres Especial	50	123.00	16
	Blunts	50	56.00	7

(b) The manufacturer and wholesalers shall grant, with respect to their sales of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the discounts they customarily granted in March 1942 on their sales of domestic cigars of the same price class to purchasers of the same class, unless a change therein results in a lower price. Packing differentials charged by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class may be charged on corresponding sales of each brand and size or frontmark of cigars priced by this order, but shall not be increased. Packing differentials allowed by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class shall be allowed on corresponding sales of each brand and size or frontmark of cigars priced by this order and shall not be reduced. If a brand and size or frontmark of domestic cigars for which maximum prices are established by this order is of a price class not sold by the manufacturer or the particular wholesaler in March 1942, he shall, with respect to his sales thereof, grant the discounts and may charge and shall allow the packing differentials customarily granted, charged or allowed (as the case may be) in March 1942 by his most closely competitive seller of the same class on sales of domestic cigars of the same March 1942 price class to purchasers of the same class.

(c) On or before the first delivery to any purchaser of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the manufacturer and every other seller (except a retailer) shall notify the purchaser of the maximum list price and the maximum retail price established by this order for such brand and size or frontmark of domestic cigars. The notice shall conform to and be given in the manner prescribed by § 1358.113 of Maximum Price Regulation No. 260.

(d) Unless the context otherwise requires, appropriate provisions of Maximum Price Regulation No. 260, shall apply to sales for which maximum prices are established by this order.

(e) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective September 20, 1945.

Issued this 19th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-17575; Filed, Sept. 19, 1945; 4:28 p. m.]

[MPR 260, Order 1845]

C. PEREZ-M. MARQUEZ

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion accompanying this order, and pursuant to § 1358.102 (b) of Maximum Price Regulation No. 260; *It is ordered,* That:

(a) C. Perez-M. Marquez, 918 Freeman Street, New York, N. Y. (hereinafter called "manufacturer") and wholesalers and retailers may sell, offer to sell or deliver and any person may buy, offer to buy or receive each brand and size or frontmark, and packing of the following domestic cigars at the appropriate maximum list price and maximum retail price set forth below:

Brand	Size or frontmark	Packing	Maximum list price	Maximum retail price
			Per M	*Cents*
P. M.	Queen	50	$154	20
	Panetella	50	115	15
	Londres	50	105	14

(b) The manufacturer and wholesalers shall grant, with respect to their sales of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the discounts they customarily granted in March 1942 on their sales of domestic cigars of the same price class to purchasers of the same class, unless a change therein results in a lower price. Packing differentials charged by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class may be charged on corresponding sales of each brand and size or frontmark of cigars priced by this order, but shall not be increased. Packing differentials allowed by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class shall be allowed on corresponding sales of each brand and size or frontmark of cigars priced by this order and shall not be reduced. If a brand and size or frontmark of domestic cigars for which maximum prices are established by this order is of a price class not sold by the manufacturer or the particular wholesaler in March 1942, he shall, with respect to his sales thereof, grant the discounts and may charge and shall allow the packing differentials customarily granted, charged or allowed (as the case may be) in March 1942 by his most closely competitive seller of the same class on sales of domestic cigars of the same March 1942 price class to purchasers of the same class.

(c) On or before the first delivery to any purchaser of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the manufacturer and every other seller (except a retailer) shall notify the purchaser of the maximum list price and the maximum retail price established by this order for such brand and size or frontmark of domestic cigars. The notice shall conform to and be given in the manner prescribed by § 1358.113 of Maximum Price Regulation No. 260.

(d) Unless the context otherwise requires, appropriate provisions of Maximum Price Regulation No. 260, shall apply to sales for which maximum prices are established by this order.

(e) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective September 20, 1945.

Issued this 19th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-17576; Filed, Sept. 19, 1945; 4:28 p. m.]

[MPR 120, Amdt. 2 to Rev. Order 1432]

EVANS ELKHORN COAL CO. ET AL.

ESTABLISHMENT OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and in accordance with § 1340.207 (a) of Maximum Price Regulation No. 120; *It is ordered:*

Revised Order No. 1432 under Maximum Price Regulation No. 120 is amended in the following respect:

Paragraph (c) is amended to read as follows:

(c) In addition to the 50 cents per net ton increase authorized by paragraph (a) of this Revised Order No. 1432 under Maximum Price Regulation No. 120, an additional 25 cents per net ton may be added to the maximum prices for coals produced at the following mines:

Names:	*Index Nos.*
Cutshin Coal Co	3647
Smith Coal Co	5427, 5631
Wooten Coal Co	7221
Raider Coal Co	5130
Viper Coal Co	7255

This Amendment No. 2 to Revised Order No. 1432 under Maximum Price Regulation No. 120 shall become effective as of September 8, 1945.

Issued this 20th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-17598; Filed, Sept. 20, 1945; 11:27 a. m.]

[RMPR 136, Order 502]

MORIN SAW GAUGE MFG. CO.

DETERMINATION OF MAXIMUM PRICES

Order No. 502 under Revised Maximum Price Regulation 136; machines, parts and industrial equipment. Morin Saw Gauge Manufacturing Company, File No. VIII-136.25a-42.

For the reasons set forth in an opinion, issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 21 of Revised Maximum Price Regulation 136, and Procedural Regulation No. 1; *It is ordered:*

(a) The maximum prices for sales of the following saw-servicing tools by the Morin Saw Gauge Manufacturing Company to jobbers shall be as follows, subject to all discounts, allowances and terms of sale that were in effect to a purchaser of the same class on March 31, 1942:

	Per dozen
No. 2 Hammer and lever sets	$39.60
No. 2½ Hammer and lever sets	46.20
No. 7 Undercutters	13.92

(b) The maximum prices for sales of the #2 Hammer and Lever Set, #2½

five grade brown ⅝" wedge heels, style No. 660, manufactured by Webster Rubber Co.	$0.50	$0.20	$1.90	$1.43

La Luz de Tampa.

Coronas	50	$90.75	2 for 25
Londres	50	93.75	2 for 25
Londres Especial	50	123.00	1a
Blunts	50	56.00	7

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion accompanying this order, and pursuant to § 1358.102 (b) of Maximum Price Regulation No. 260; *It is ordered*, That:

ply to sales for which maximum prices are established by this order.

(c) This order may be revoked or amended by the Price Administrator at any time.

No. 2 Hammer and lever sets	$39.60
No. 2½ Hammer and lever sets	46.20
No. 7 Undercutters	13.92

(b) The maximum prices for sales of the #2 Hammer and Lever Set, #2½

Hammer and Lever Set, and #7 Undercutter by resellers shall be determined as follows: The reseller shall add to the maximum net price he had in effect to a purchaser of the same class, just prior to the issuance of this order, the amount, in dollars-and-cents, by which his net invoiced cost has been increased due to the adjustment granted the manufacturer by this order.

(c) The Morin Saw Gauge Manufacturing Company shall notify each person who buys #2 Hammer and Lever Sets, #2½ Hammer and Lever Sets, and #7 Undercutters for resale of the dollars-and-cents amounts by which this order permits the reseller to increase his maximum net prices. A copy of each such notice shall be filed with the Machinery Branch, Office of Price Administration, Washington 25, D. C.

(d) All requests not granted herein are denied.

(e) This order supersedes the order issued April 27, 1945 by the Regional Administrator of the Office of Price Administration at San Francisco, California.

(f) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective September 21, 1945.

Issued this 20th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-17599; Filed, Sept. 20, 1945; 11:27 a. m.]

[MPR 188, Order 43 Under Order 1052]

S. J. CAMPBELL CO.

ADJUSTMENT OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to paragraph (g) of Order No. 1052, under § 1499.159b of Maximum Price Regulation No. 188, it is ordered:

(a) *Manufacturer's maximum prices.* S. J. Campbell Co., 1335 Altgeld Street, Chicago 14, Illinois, may add an additional adjustment charge to its maximum prices for sales and deliveries to all classes of purchasers of the articles of wood household furniture which it manufactures and for which it had established maximum prices in effect prior to the effective date of this order. That additional adjustment charge shall be an amount equal to 3% of the previously established maximum prices as adjusted by paragraph (d) of Order 1052 under Maximum Price Regulation No. 188.

This additional adjustment charge may be made and collected on all sales and deliveries on and after August 13, 1945, but only if it is separately stated on each invoice. The adjusted maximum prices are subject to the manufacturer's customary terms, discounts, allowances and other price differentials in effect during March 1942 to each class of purchaser.

(b) *Maximum prices of purchasers for resale.* A person who buys an article covered by this order and resells it in substantially the same form, may collect from his customer, in addition to his properly established maximum price in effect prior to the issuance of this order, an adjustment charge in the same amount as the additional adjustment charge herein authorized for and which he pays to his supplier. If he did not establish a maximum price for the article before the issuance of this order, he may add the same adjustment charge to the maximum price which he hereafter establishes for his sales under the applicable regulation. If the applicable regulation requires the maximum price to be computed on the basis of cost, the reseller must find his maximum resale price (without the adjustment charge) by using as cost his net invoice cost not including any adjustment charge stated on the invoice as a separate amount.

On all sales other than sales to an ultimate consumer, this additional adjustment charge may be made and collected only if it is separately stated on each invoice. The adjusted prices are subject to each seller's terms, discounts, and allowances on sales of the same or similar articles. The adjustment charge authorized in this paragraph (b) is in addition to any adjustment charge permitted for wholesalers by Order No. 1052 under Maximum Price Regulation No. 188.

(c) *Notification.* At the time of or prior to the first invoice to a purchaser for resale on and after the effective date of this order, showing a price adjusted in accordance with the terms of this order, the seller shall notify the purchaser in writing of the method established by paragraph (b) of this order for determining adjusted maximum prices for resales of the article. This notification may be given in any convenient form.

(d) All requests not specifically granted by this order are hereby denied.

(e) This order may be revoked or amended by the Price Administrator at any time.

(f) This order shall become effective on the 19th day of September 1945.

Issued this 18th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-17600; Filed, Sept. 20, 1945; 11:27 a. m.]

[MPR 188, Order 4446]

TRAUTH ENGINEERING CO.

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.158 of Maximum Price Regulation No. 188, *It is ordered:*

(a) This order establishes maximum prices for sales and deliveries of certain articles manufactured by Trauth Engineering Company, 42–51 Hunter Street, Long Island City 1, N. Y.

(1) For all sales and deliveries to the following classes of purchasers by the sellers indicated below, the maximum prices are those set forth below:

Article	Model No.	Maximum prices for sales by any seller to— Wholesalers (Jobbers)	Retailers	Consumers
		Each	Each	Each
2 burner hot plate	H	$4.70	$4.70	$4.70
Single burner hot plate	A	1.20	1.45	1.75

These maximum prices are for the articles described in the manufacturer's application dated August 2, 1945.

(2) For sales by the manufacturer the maximum prices apply to all sales and deliveries since Maximum Price Regulation No. 188 became applicable to those sales and deliveries. These prices include the Federal Excise Tax. They are f. o. b. factory and subject to a cash discount of 2% for payment within 10 days, net 30 days.

(3) For sales by persons other than the manufacturer, the maximum prices apply to all sales and deliveries after the effective date of this order. Those prices are subject to each seller's customary terms and conditions of sale on sales of similar articles.

(4) If the manufacturer wishes to make sales and deliveries to any other class of purchaser or on other terms and conditions of sale, he must apply to the Office of Price Administration, Washington, D. C., under the Fourth Pricing Method, § 1499.158 of Maximum Price Regulation No. 188, for the establishment of maximum prices for those sales, and no sales or deliveries may be made until maximum prices have been authorized by the Office of Price Administration.

(b) The manufacturer shall attach a tag or label to every article for which a maximum price for sales to consumers is established by this order. That tag or label shall contain either of the following statements with the correct order number, model number and retail prices properly filled in:

Order No. 4446
Model No. ------
OPA Retail Ceiling Price $------
Federal Excise Tax Included
Do Not Detach or Obliterate

or

Trauth Engineering Company
42–51 Hunter Street
Long Island City 1, New York
Model No. ------
OPA Retail Ceiling Price $------
Federal Excise Tax Included
Do Not Detach or Obliterate

(c) At the time of, or prior to, the first invoice to each purchaser for resale, the manufacturer shall notify the purchaser in writing of the maximum prices and conditions established by this order for sales by the purchaser. This notice may be given in any convenient form.

(d) This order may be revoked or amended by the Price Administrator at any time.

(e) This order shall become effective on the 21st day of September 1945.

Issued this 20th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-17601; Filed, Sept. 20, 1945; 11:27 a. m.]

[MPR 188, Order 4447]

THE RIEGER MFG. CO.

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.158 of Maximum Price Regulation No. 188; *It is ordered:*

(a) This order establishes maximum prices for sales and deliveries of certain articles manufactured by The Rieger Manufacturing Company, Miamisburg, Ohio.

(1) For all sales and deliveries to the following classes of purchasers by the sellers indicated below, the maximum prices are those set forth below:

Article	Model No.	Maximum prices for sales by any seller to— Wholesalers (Jobbers)	Retailers	Consumers
		Each	Each	Each
Lawn sprinkler	Dunlap	$0.99	$1.32	$1.98

These maximum prices are for the articles described in the manufacturer's application dated August 22, 1945.

(2) For sales by the manufacturer, the maximum prices apply to all sales and deliveries since Maximum Price Regulation No. 188 became applicable to those sales and deliveries. These prices are f. o. b. factory with $0.50 per hundredweight allowed on shipments of 100 pounds or more and subject to a cash discount of 2% for payment within 10 days, net 30 days.

(3) For sales by persons other than the manufacturer, the maximum prices apply to all sales and deliveries after the effective date of this order. Those prices are subject to each seller's customary terms and conditions of sale on sales of similar articles.

(4) If the manufacturer wishes to make sales and deliveries to any other class of purchaser or on other terms and conditions of sale, he must apply to the Office of Price Administration, Washington, D. C., under the Fourth Pricing Method, § 1499.158 of Maximum Price Regulation No. 188, for the establishment of maximum prices for those sales, and no sales or deliveries may be made until maximum prices have been authorized by the Office of Price Administration.

(b) The manufacturer shall attach a tag or label to every article for which a maximum price for sales to consumers is established by this order. That tag or label shall contain the following statements:

Model No. Dunlap
OPA Retail Ceiling Price—$1.98 Each
Do Not Detach or Obliterate

(c) At the time of, or prior to, the first invoice to each purchaser for resale at wholesale, the manufacturer shall notify the purchaser in writing of the maximum prices and conditions established by this order for sales by the purchaser. This notice may be given in any convenient form.

(d) This order may be revoked or amended by the Price Administrator at any time.

(e) This order shall become effective on the 21st day of September 1945.

Issued this 20th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-17602; Filed, Sept. 20, 1945; 11:28 a. m.]

[MPR 188, Order 4448]

AERIAL CUTLERY MFG. CO.

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.158 of Maximum Price Regulation No. 188; *It is ordered:*

(a) This order establishes maximum prices for sales and deliveries of certain articles manufactured by the Aerial Cutlery Manufacturing Company, 108–116 Hosmer Street, Marinette, Wisc.

(1) For all sales and deliveries to the following classes of purchasers by the sellers indicated below, the maximum prices are those set forth below:

Article	Model No.	Maximum prices for sales by any seller to— Wholesalers (Jobbers)	Drop-ship Jobbers	Retailers	Consumers
		Each	Each	Each	Each
Hunting knife with leather sheath	Sticker	$1.32	$1.40	$1.65	$2.75
	Skinner	1.32	1.40	1.65	2.75
	Commando	1.92	2.01	2.40	4.00

These maximum prices are for the articles described in the manufacturer's application dated June 23, 1945.

(2) For sales by the manufacturer, the maximum prices apply to all sales and deliveries since Maximum Price Regulation No. 188 became applicable to those sales and deliveries. They are f. o. b. factory and subject to a cash discount of 2% for payment within 10 days, net 30 days.

(3) For sales by persons other than the manufacturer, the maximum prices apply to all sales and deliveries after the effective date of this order. Those prices are subject to each seller's customary terms and conditions of sale on sales of similar articles.

(4) If the manufacturer wishes to make sales and deliveries to any other class of purchaser or on other terms and conditions of sale, he must apply to the Office of Price Administration, Washington, D. C., under the Fourth Pricing Method, § 1499.158 of Maximum Price Regulation No. 188, for the establishment of maximum prices for those sales, and no sales or deliveries may be made until maximum prices have been authorized by the Office of Price Administration.

(b) The manufacturer shall attach a tag or label to every article for which a maximum price for sales to consumers is established by this order. That tag or label shall contain the following statement with the correct model number and retail prices properly filled in:

Model No. ------
OPA Retail Ceiling Price—$------
Do Not Detach or Obliterate

(c) At the time of, or prior to, the first invoice to each purchaser for resale at wholesale, the manufacturer shall notify the purchaser in writing of the maximum prices and conditions established by this order for sales by the purchaser. This notice may be given in any convenient form.

(d) This order may be revoked or amended by the Price Administrator at any time.

(e) This order shall become effective on the 21st day of September 1945.

Issued this 20th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-17603; Filed, Sept. 20, 1945; 11:28 a. m.]

[MPR 188, Order 4449]

METALLIC ARTS CO.

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.158 of Maximum Price Regulation No. 188; *It is ordered:*

(a) This order establishes maximum prices for sales and deliveries of certain articles manufactured by Metallic Arts Company, 2100 South Morgan Street, Chicago 8, Ill.

(1) For all sales and deliveries to the following classes of purchasers by the sellers indicated below, the maximum prices are those set forth below:

Article	Industrial Users	Model No.
	Each	
Unfinished cast metal table lamp base	$1.65	M 100
	2.15	M 102

These maximum prices are for the articles described in the manufacturer's application dated August 14, 1945.

(2) For sales by the manufacturer, the maximum prices apply to all sales and deliveries since Maximum Price Regulation No. 188 became applicable to those sales and deliveries. For sales to persons other than consumers they are f. o. b. factory, 1% 10 days, net 30. The maximum price to consumers is net, delivered.

(3) For sales by persons other than the manufacturer, the maximum prices apply to all sales and deliveries after the effective date of this order. Those prices are subject to each seller's customary terms and conditions of sale on sales of similar articles.

(4) If the manufacturer wishes to make sales and deliveries to any other class of purchaser or on other terms and conditions of sale, he must apply to the Office of Price Administration, Washington, D. C., under the Fourth Pricing Method, § 1499.158 of Maximum Price Regulation No. 188, for the establishment of maximum prices for those sales, and no sales or deliveries may be made until maximum prices have been authorized by the Office of Price Administration.

(b) The manufacturer shall attach a tag or label to every article for which a maximum price for sales to consumers is established by this order. That tag or label shall contain the following statement, with the proper model number and the ceiling price inserted in the blank spaces:

Model No. ------
OPA Retail Ceiling Price—$------
Do Not Detach

(c) At the time of, or prior to, the first invoice to each purchaser for resale, the manufacturer shall notify the purchaser in writing of the maximum prices and conditions established by this order for sales by the purchaser. This notice may be given in any convenient form.

(d) Jobber's maximum prices for sales of the articles covered by this order shall be established under the provisions of section 4.5 of SR 14J.

(e) This order may be revoked or amended by the Price Administrator at any time.

(f) This order shall become effective on the 21st day of September 1945.

Issued this 20th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-17604; Filed, Sept. 20, 1945; 11:28 a. m.]

[MPR 188, Order 4450]

WILMAR CO.

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.158 of Maximum Price Regulation No. 188; *It is ordered:*

(a) This order establishes maximum prices for sales and deliveries of certain articles manufactured by Wilmar Company, 50 Howard Street, New York 13, N. Y.

(1) For all sales and deliveries to the following classes of purchasers by the sellers indicated below, the maximum prices are those set forth below:

Article	Model No.	For sales by the manufacturer to—		For sales by any person to consumers
		Jobbers	Retailers	
China figurine table lamp.	500, 501, 502	$11.05	$13.00	$23.40

These maximum prices are for the articles described in the manufacturer's application dated June 11, 1945.

(2) For sales by the manufacturer, the maximum prices apply to all sales and deliveries since Maximum Price Regulation No. 188 became applicable to those sales and deliveries. For sales to persons other than consumers they are f. o. b. factory, 2% 10 days, net 30. The maximum price to consumers is net, delivered.

(3) For sales by persons other than the manufacturer, the maximum prices apply to all sales and deliveries after the effective date of this order. Those prices are subject to each seller's customary terms and conditions of sale on sales of similar articles.

(4) If the manufacturer wishes to make sales and deliveries to any other class of purchaser or on other terms and conditions of sale, he must apply to the Office of Price Administration, Washington, D. C., under the Fourth Pricing Method, § 1499.158 of Maximum Price Regulation No. 188, for the establishment of maximum prices for those sales, and no sales or deliveries may be made until maximum prices have been authorized by the Office of Price Administration.

(b) The manufacturer shall attach a tag or label to every article for which a maximum price for sales to consumers is established by this order. That tag or label shall contain the following statement, with the proper model number and the ceiling price inserted in the blank spaces:

Model No. ----
OPA Retail Ceiling Price—$------
Do Not Detach

(c) At the time of, or prior to, the first invoice to each purchaser for resale, the manufacturer shall notify the purchaser in writing of the maximum prices and conditions established by this order for sales by the purchaser. This notice may be given in any convenient form.

(d) Jobber's maximum prices for sales of the articles covered by this order shall be established under the provisions of section 4.5 of SR 14J.

(e) This order may be revoked or amended by the Price Administrator at any time.

(f) This order shall become effective on the 21st day of September 1945.

Issued this 20th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-17605; Filed, Sept. 20, 1945; 11:28 a. m.]

[MPR 188, Order 4451]

FORGIONE FAN CO.

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.158 of Maximum Price Regulation No. 188; *It is ordered:*

(a) This order establishes maximum prices for sales and deliveries of certain articles manufactured by Forgione Fan Company, 1585 Madison Avenue, Memphis, Tenn.

(1) For all sales and deliveries to the following classes of purchasers by the sellers indicated below, the maximum prices are those set forth below:

Article	Model No.	Maximum prices for sale by any seller to—			
		Wholesaler, mill, electric utility, restaurant, and hotel or store proprietary	Industrial, commercial, or institutional users, 3 units or more	Industrial, commercial, or institutional users, less than 3 units	Users other than commercial or institutional
Portable window fan 24"	124	$29.75	$41.65	$40.57	$50.[illegible]
Portable window fan 30"	130	33.88	50.80	57.40	67.[illegible]

These maximum prices are for the articles described in the manufacturer's application dated August 22, 1945.

(2) For sales by the manufacturer, the maximum prices apply to all sales and deliveries since Maximum Price Regulation No. 188, became applicable to those sales and deliveries. These prices are f. o. b. factory and are net 30 days. Only the exact amount of the tax may be added.

(3) For sales by persons other than the manufacturer, the maximum prices apply to all sales and deliveries after the effective date of this order. Those prices are subject to each seller's customary terms and conditions of sale on sales of similar articles.

(4) If the manufacturer wishes to make sales and deliveries to any other class of purchaser or on other terms and conditions of sale, he must apply to the Office of Price Administration, Washington, D. C., under the Fourth Pricing Method, § 1499.158 of Maximum Price Regulation No. 188, for the establishment of maximum prices for those sales, and no sales or deliveries may be made until maximum prices have been authorized by the Office of Price Administration.

(b) The manufacturer shall attach a tag or label to every article for which a maximum price for sales to consumers is established by this order. That tag or label shall contain either of the following statements with the correct order number, model number and ceiling prices properly filled in:

Order No. 4451
Model No. ------
OPA Ceiling Price To Users Other than Commercial or Institutional $------
Do Not Detach or Obliterate

or

Forgione Fan Company
1585 Madison Avenue
Memphis, Tennessee
Model No. ------
OPA Ceiling Price To Users Other than Commercial or Institutional $------
Do Not Detach or Obliterate

(c) At the time of, or prior to, the first invoice to each purchaser for resale at wholesale, the manufacturer shall notify the purchaser in writing of the maximum prices and conditions established by this order for sales by the purchaser. This notice may be given in any convenient form.

(d) This order may be revoked or amended by the Price Administrator at any time.

(e) This order shall become effective on the 21st day of September 1945.

Issued this 20th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-17606; Filed, Sept. 20, 1945; 11:29 a. m.]

[MPR 188, Order 4452]

H. BOKER & CO., INC.

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.159c of Maximum Price Regulation No. 188; *It is ordered:*

(a) This order establishes maximum prices for sales and deliveries of the Model No. 2016 Poultry Shears, manufactured by H. Boker & Co., Inc., of 101 Duane Street, New York City 7, New York.

(1) For all sales and deliveries to the following classes of purchasers by any person, the maximum prices are those set forth below:

	Each
For sales to jobbers	$4.00
For sales to retailers	5.34
For sales to consumers	8.00

These maximum prices are for the articles described in the manufacturer's report dated July 11, 1945.

(2) For sales by the manufacturer, the maximum prices apply to all sales and deliveries since Maximum Price Regulation No. 188 became applicable to those sales and deliveries. They are subject to the manufacturer's customary terms, discounts, and allowances on sales to each class of purchaser.

(3) For sales by persons other than the manufacturer, the maximum prices apply to all sales and deliveries after the effective date of this order. Those prices are subject to each seller's customary terms and conditions of sale on sales of similar articles.

(4) If the manufacturer wishes to make sales and deliveries to any other class of purchaser or on other terms and conditions of sale, he must apply to the Office of Price Administration, Washington, D. C., under the Fourth Pricing Method, § 1499.158 of Maximum Price Regulation No. 188, for the establishment of maximum prices for those sales, and no sales or deliveries may be made until maximum prices have been authorized by the Office of Price Administration.

(b) The manufacturer shall attach a tag or label to every article for which a maximum price for sales to consumers is established by this order. That tag or label shall contain the following statement:

OPA Retail Ceiling Price—$8.00
Do Not Detach

(c) At the time of, or prior to, the first invoice to each purchaser for resale, the manufacturer shall notify the purchaser in writing of the maximum prices and conditions established by this order for sales by the purchaser. This notice may be given in any convenient form.

(d) This order may be revoked or amended by the Price Administrator at any time.

(e) This order shall become effective on the 21st day of September 1945.

Issued this 20th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-17607; Filed, Sept. 20, 1945; 11:29 a. m.]

[MPR 188, Order 4453]

RICH TOOL CO.

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.159c of Maximum Price Regulation No. 188; *It is ordered:*

(a) This order establishes maximum prices for sales and deliveries of certain articles manufactured by Rich Tool Company, of 3370 So. Western Avenue, Los Angeles, California.

(1) For all sales and deliveries to the following classes of purchasers by any person, the maximum prices are those set forth below:

Article	Maximum prices for sales to—			
	Distributors	Stock and jobbers	Retailers	Consumers
Model 2 reversible socket wrench	Each $1.37	Each $1.81	Each $2.38	Each $3.07
Model 3 reversible socket wrench	1.79	2.41	3.11	4.79

These maximum prices are for the articles described in the manufacturer's report dated June 27, 1945.

(2) For sales by the manufacturer, the maximum prices apply to all sales and deliveries since Maximum Price Regulation No. 188 became applicable to those sales and deliveries. They are f. o. b. factory, and they are subject to a cash discount of two percent for payment within ten days, except that sales to consumers are net.

(3) For sales by persons other than the manufacturer, the maximum prices apply to all sales and deliveries after the effective date of this order. Those prices are subject to each seller's customary terms and conditions of sale on sales of similar articles.

(4) If the manufacturer wishes to make sales and deliveries to any other class of purchaser or on other terms and conditions of sale, he must apply to the Office of Price Administration, Washington, D. C., under the Fourth Pricing Method, § 1499.158 of Maximum Price Regulation No. 188, for the establishment of maximum prices for those sales, and no sales or deliveries may be made until maximum prices have been authorized by the Office of Price Administration.

(b) The manufacturer shall attach a tag or label to every article for which a maximum price for sales to consumers is established by this order. That tag or label shall contain the following statement, with the amount properly filled in:

OPA Retail Ceiling Price—$------
Do Not Detach

(c) At the time of, or prior to, the first invoice to each purchaser for resale, the manufacturer shall notify the purchaser in writing of the maximum prices and conditions established by this order for sales by the purchaser.

(d) This order may be revoked or amended by the Price Administrator at any time.

(e) This order shall become effective on the 21st day of September 1945.

Issued this 20th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-17608; Filed, Sept. 20, 1945; 11:29 a. m.]

[RMPR 229, Order 3]

BASKETBALL SHOES IMPORTED FROM CUBA

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to section 6a of Revised Maximum Price Regulation 229, it is ordered:

(a) *What this order does.* This order establishes maximum prices for sales at wholesale and at retail within the continental United States of canvas-topped, calendered rubber-soled basketball shoes of vulcanized construction imported from Cuba.

(b) *Maximum prices for sales at wholesale.* The maximum price for sales at wholesale of the canvas rubber footwear described in paragraph (a) shall be $2.40 per pair, less all discounts and allowances that the wholesaler had in effect to each class of purchaser between April 1 and October 25, 1941, for sales of rubber footwear.

The discounts, allowances, and other deductions off the above list price that shall apply to wholesalers who did not sell rubber footwear between April 1 and October 25, 1941, shall be established under section 6 (a) (2) or section 6a of Revised Maximum Price Regulation 229.

(c) *Maximum prices for sales at retail.* The maximum price for sales at retail of the canvas rubber footwear described in paragraph (a) of this order shall be $3.75 per pair, less customary discounts and allowances.

(d) *Notification of maximum prices.* With or prior to the first delivery by a wholesaler to a retailer of the footwear covered by this order, the wholesaler shall notify the retailer in writing of the maximum price for sales of this footwear at retail, as established by paragraph (c) of this order. If a wholesaler within the continental United States sells the footwear covered by this order to another wholesaler within the continental United States, the seller shall notify the purchaser in writing of the maximum price for sales of this footwear at wholesale as

established by paragraph (b) of this order, and shall state that the wholesaler is required to notify each retailer to whom he sells of the maximum price for sales at retail, as established by paragraph (c) of this order.

(e) All provisions of Revised Maximum Price Regulation 229 that are not inconsistent with this order shall apply to sales covered by this order.

(f) This order may be revoked or amended by the Administrator at any time.

This order shall become effective September 21, 1945.

Issued this 20th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-17609; Filed, Sept. 20, 1945; 11:29 a. m.]

[MPR 260, Order 1849]

CARLOS MELENDEZ

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion accompanying this order, and pursuant to § 1358.102 (b) of Maximum Price Regulation No. 260; *It is ordered*, That:

(a) Carlos Melendez, Celis Aguilera Street, Caguas, Puerto Rico (hereinafter called "manufacturer") and wholesalers and retailers may sell, offer to sell or deliver and any person may buy, offer to buy or receive each brand and size or frontmark, and packing of the following domestic cigars at the appropriate maximum list price and maximum retail price set forth below:

Brand	Size or frontmark	Packing	Maximum list price	Maximum retail price
			Per M	*Cents*
La Hermandad	Coronas Finas	50	$48.00	6
	Coronas Especial	50	115.00	15
	Perfectos	50	105.00	14
	Coronas	50	60.00	2 for 15
	Coronas	50	101.25	2 for 27

(b) The manufacturer and wholesalers shall grant, with respect to their sales of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the discounts they customarily granted in March 1942 on their sales of domestic cigars of the same price class to purchasers of the same class, unless a change therein results in a lower price. Packing differentials charged by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class may be charged on corresponding sales of each brand and size or frontmark of cigars priced by this order, but shall not be increased. Packing differentials allowed by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class shall be allowed on corresponding sales of each brand and size or frontmark of cigars priced by this order and shall not be reduced. If a brand and size or frontmark of domestic cigars for which maximum prices are established by this order is of a price class not sold by the manufacturer or the particular wholesaler in March 1942, he shall, with respect to his sales thereof, grant the discounts and may charge and shall allow the packing differentials customarily granted, charged or allowed (as the case may be) in March 1942 by his most closely competitive seller of the same class on sales of domestic cigar, of the same March 1942 price class to purchasers of the same class.

(c) On or before the first delivery to any purchaser of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the manufacturer and every other seller (except a retailer) shall notify the purchaser of the maximum list price and the maximum retail price established by this order for such brand and size or frontmark of domestic cigars. The notice shall conform to and be given in the manner prescribed by § 1358.113 of Maximum Price Regulation No. 260.

(d) Unless the context otherwise requires, appropriate provisions of Maximum Price Regulation No. 260, shall apply to sales for which maximum prices are established by this order.

(e) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective September 21, 1945.

Issued this 20th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-17610; Filed, Sept. 20, 1945; 11:30 a. m.]

[MPR 367, Order 14]

DR. B. W. BOYD ET AL.

ESTABLISHMENT OF MAXIMUM PRICES

On August 27, 1945, Dr B. W. Boyd, Laredo, Texas, filed an application for the establishment of maximum prices on sales of the pet food product containing horsemeat known as "Lnk-O-Met" and made in accordance with the individual secret formula submitted by the applicant. That application was assigned Docket No. 6063.3-367-10-12.

Due consideration has been given to the application and an opinion in support of this order has been issued simultaneously herewith and filed with the Division of the Federal Register.

For the reasons set forth in that opinion, and under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Orders Nos. 9250, 9328 and 9599, and pursuant to the provisions of section 10 of Maximum Price Regulation No. 36; *It is ordered:*

(a) That Dr. B. W. Boyd may sell and deliver, and agree, offer, solicit and attempt to sell and deliver, the pet food product containing horsemeat known as Lnk-O-Met" to peddler truck operators, wholesalers or retailers at prices not in excess of those stated in paragraph (b) of this order. Any person who is a peddler truck operator, a wholesaler or a retailer may buy and receive, and agree, offer, solicit and attempt to buy and receive the pet food product containing horsemeat known as "Lnk-O-Met" at such prices from Dr. B. W. Boyd.

(b) That the maximum price for "Lnk-O-Met" shall be:

(1) For sales made by Dr. B. W. Boyd as follows:

(i) To peddler truck operators, wholesaler's or retailers, f. o. b. the sellers plant $0.14½ per pound.

(ii) To wholesalers or retailers, delivered to their place of business $0.15 per pound.

(2) For sales made by a peddler truck operator shall be:

(i) $0.16½ per pound, plus actual freight costs incurred by the peddler truck operator in acquiring the product, the total to be rounded to the nearest one-half cent.

(3) For sales made by a wholesaler shall be determined pursuant to the provisions of Maximum Price Regulation No. 421.

(4) For sales made by a retailer in Group 3 or Group 4 shall be determined pursuant to the provisions of Maximum Price Regulation No. 422.

(5) For sales made by a retailer in Group 1 or Group 2 shall be determined pursuant to the provisions of Maximum Price Regulation No. 423.

(c) That the permission granted to Dr. B. W. Boyd in this order is subject to the following conditions:

(1) The pet food product containing horsemeat known as "Lnk-O-Met" must conform to the specifications set forth in the formula for that product filed with the Office of Price Administration, Washington, D. C., by, Dr. B. W. Boyd, in conjunction with the filing of the application for this order.

(2) Dr. B. W. Boyd shall provide each peddler truck operator, wholesaler, or retailer making his initial purchase of "Lnk-O-Met" with a notice in the following form:

(Insert date)

The Office of Price Administration has authorized Dr. B. W. Boyd to sell "Lnk-O-Met" at or below the following maximum prices:

To peddler-truck operators, wholesalers or retailers, f. o. b. our plant $0.14½ per pound.

To wholesalers or retailers, delivered to their place of business $0.15 per pound.

If you are a peddler-truck operator the maximum price at which you may sell "Lnk-O-Met" is $0.16½ per pound plus actual freight costs incurred by you in acquiring the product, the total to be rounded to the nearest one-half cent.

If you are a wholesaler or retailer, you shall determine your maximum selling price for "Lnk-O-Met" in accordance with the provisions of Maximum Price Regulations No. 421, No. 422, or No. 423, whichever is applicable.

(d) All sales made under this order shall be subject to all applicable provisions of Maximum Price Regulation No. 367.

All prayers of the application not granted herein are denied.

This Order No. 14 may be revoked or amended by the Administrator at any time.

This Order No. 14 shall become effective September 21, 1945.

Issued this 20th day of September 1945.

CHESTER BOWLES,
Administrator.

[F R Doc. 45-17611; Filed, Sept. 20, 1945; 11:30 a. m.]

[MPR 367, Order 15]

BLUE RIBBON PET FOODS CO. ET AL.

ESTABLISHMENT OF MAXIMUM PRICES

On August 23, 1945, Blue Ribbon Pet Foods Company, 2981 Twenty-fourth Street, San Francisco, California, filed an application for the establishment of maximum prices on sales of the pet food product containing horsemeat known as "Full-O-Pep" and made in accordance with the individual secret formula submitted by the applicant. That application was assigned Docket No. 6036.3-367-10-13.

Due consideration has been given to the application and an opinion in support of this order has been issued simultaneously herewith and filed with the Division of the Federal Register.

For the reasons set forth in that opinion, and under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Orders Nos. 9250, 9328 and 9599, and pursuant to the provisions of section 10 of Maximum Price Regulation No. 367; *It is ordered:*

(a) That Blue Ribbon Pet Foods Company may sell and deliver, and agree, offer, solicit and attempt to sell and deliver, the pet food product containing horsemeat known as "Full-O-Pep" to peddler truck operators, wholesalers or retailers at prices not in excess of those stated in paragraph (b) of this order. Any person who is a peddler truck operator, a wholesaler or a retailer may buy and receive, and agree, offer, solicit and attempt to buy and receive the pet food product containing horsemeat known as "Full-O-Pep" at such prices from Blue Ribbon Pet Foods Company.

(b) That the maximum price for "Full-O-Pep" shall be as follows:

(1) For sales made by Blue Ribbon Pet Foods Company:

(i) To peddler truck operators, wholesalers, or retailers, f. o. b. the seller's plant $0.11½ per pound.

(ii) To wholesalers or retailers, delivered to their place of business $0.12 per pound.

(2) For sales made by a peddler truck operator:

(i) $0.13½ per pound, plus actual freight costs incurred by the peddler truck operator in acquiring the product, the total to be rounded to the nearest one-half cent.

(3) For sales made by a wholesaler the maximum price shall be determined pursuant to the provisions of Maximum Price Regulation No. 421.

(4) For sales made by a retailer in Group 3 or Group 4 the maximum price shall be determined pursuant to the provisions of Maximum Price Regulation No. 422.

(5) For sales made by a retailer in Group 1 or Group 2 the maximum price shall be determined pursuant to the provisions of Maximum Price Regulation No. 423.

(c) That the permission granted to Blue Ribbon Pet Foods Company in this order is subject to the following conditions:

(1) The pet food product containing horsemeat known as "Full-O-Pep" must conform to the specifications set forth in the formula for that product filed with the Office of Price Administration, Washington, D. C., by Blue Ribbon Pet Foods Company, in conjunction with the filing of the application for this order.

(2) Blue Ribbon Pet Foods Company shall provide each peddler truck operator, wholesaler, or retailer making his initial purchase of "Full-O-Pep" with a notice in the following form:

(Insert date)

The Office of Price Administration has authorized Blue Ribbon Pet Foods Company to sell "Full-O-Pep" at or below the following maximum prices:

To peddler-truck operators, wholesalers, or retailers, f. o. b. our plant $0.11½ per pound.

To wholesalers or retailers, delivered to their place of business $0.12 per pound.

If you are a peddler-truck operator the maximum price at which you may sell "Full-O-Pep" is $0.13½ per pound, plus actual freight costs incurred by you in acquiring the product, the total to be rounded to the nearest one-half cent.

If you are a wholesaler or retailer, you shall determine your maximum selling price for "Full-O-Pep" in accordance with the provisions of Maximum Price Regulations Nos. 421, 422, or 423, whichever is applicable.

(d) All sales made under this order shall be subject to all applicable provisions of Maximum Price Regulation No. 367.

All prayers of the application not granted herein are denied.

This Order No. 15 may be revoked or amended by the Administrator at any time.

This Order No. 15 shall become effective September 21, 1945.

Issued this 20th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-17612; Filed, Sept. 20, 1945; 11:31 a. m.]

[MPR 580, Amdt. 2 to Order 105]

GIRL SCOUT NATIONAL EQUIPMENT SERVICE

ESTABLISHMENT OF MAXIMUM PRICES

Maximum Price Regulation 580, Amendment 2 to Order No. 105, establishing ceiling prices at retail for branded articles. Docket No. 6063-580-13-235. Girl Scout National Equipment Service.

For the reasons set forth in an opinion issued simultaneously herewith, paragraph (d) of Order No. 105 under section 13 of Maximum Price Regulation 580 is amended to read as follows:

(d) On and after October 15, 1945, Girl Scout National Equipment Service must mark each article listed in paragraph (a) with the retail ceiling price under this order, or attach to the article a label, tag or ticket stating the retail ceiling price. This mark or statement must be in the following form:

(Section 13, MPR 580)
OPA Price—$_____

On and after November 15, 1945, no retailer may offer or sell the article unless it is marked or tagged in the form stated above. Prior to November 15, 1945, unless the article is marked or tagged in this form, the retailer shall comply with the marking, tagging and posting provisions of the applicable regulation.

This amendment shall become effective September 21, 1945.

Issued this 20th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-17613; Filed, Sept. 20, 1945; 11:32 a. m.]

[MPR 580, Order 163]

TOMLINSON OF HIGH POINT

ESTABLISHMENT OF MAXIMUM PRICES

Order 163 to Maximum Price Regulation 580. Establishing ceiling prices at retail for certain articles. Docket No. 6063-580-13-201.

For the reasons set forth in an opinion issued simultaneously herewith and pursuant to section 13 of Maximum Price Regulation No. 580, *It is ordered:*

(a) The following ceiling prices are established for sales by any seller at retail of the following articles manufactured by Tomlinson of High Point, North Carolina, Tomlinson Exhibition Bldg., High Point, North Carolina, and described in the manufacturer's application dated May 17, 1945:

Brand name	Article	Style No.	Retail ceiling price
Gainsborough	Chair (tapered legs)	2893	$55.00 each, $99.00 pair.
	Chair (cabriole legs)	2894	$55.00 each, $99.00 pair.
Cinderella	Dressing table (without skirt)	1128	$139.00.
	Mirror	1128	$39.50.

(b) The retail ceiling price of an article manufactured for the first time after the effective date of this order and which is sold by the manufacturer at the same price as another article of the same type with the same brand or company name and for which a retail ceiling price has been established by paragraph (a) shall be the retail ceiling price listed for that other article in paragraph (a).

(c) The retail ceiling prices contained in paragraph (a) shall apply in place of the ceiling prices which have been or would otherwise be established under this or any other regulation.

(d) On and after October 15, 1945, Tomlinson of High Point, North Carolina, must mark each article listed in paragraph (a) with the retail ceiling price under this order, or attach to the article a label, tag or ticket stating the retail ceil-

ing price. This mark or statement must be in the following form:

(Sec. 13, MPR 580)
OPA Price—$------

On and after November 15, 1945, no retailer may offer or sell the article unless it is marked or tagged in the form stated above. Prior to November 15, 1945, unless the article is marked or tagged in this form, the retailer shall comply with the marking, tagging and posting provisions of the applicable regulation.

(e) On or before the first delivery to any purchaser for resale of each article listed in paragraph (a), the seller shall send the purchaser a copy of this order.

(f) Unless the context otherwise requires, the provisions of the applicable regulation shall apply to sales for which retail ceiling prices are established by this order.

(g) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective September 21, 1945.

Issued this 20th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-17614; Filed, Sept. 20, 1945; 11:31 a. m.]

[MPR 580, Order 164]

OMAHA BEDDING & COUCH MFG. CO.

ESTABLISHMENT OF MAXIMUM PRICES

Order 164 to MPR 580. Establishing ceiling prices at retail for certain articles. Docket No. 6063-580-13-216.

For the reasons set forth in an opinion issued simultaneously herewith and pursuant to section 13 of Maximum Price Regulation No. 580, *It is ordered:*

(a) The following ceiling prices are established for sales by any seller at retail of the following articles manufactured by Omaha Bedding & Couch Mfg. Company, Tenth & Dodge Streets, Omaha, Nebr., having the brand name "Royal" and described in the manufacturer's application dated May 25, 1945;

Article	Style name	Manufacturer's selling price	Retail ceiling price
Mattress	Royal Queen	$20.00	$30.50
	Royal Duchess	15.25	29.50
	Royal Rest	12.25	24.50

(b) The retail ceiling price of an article manufactured for the first time after the effective date of this order and which is sold by the manufacturer at the same price as another article of the same type with the same brand or company name and for which a retail ceiling price has been established by paragraph (a) shall be the retail ceiling price listed for that other article in paragraph (a).

(c) The retail ceiling prices contained in paragraph (a) shall apply in place of the ceiling prices which have been or would otherwise be established under this or any other regulation.

(d) On and after October 15, 1945, Omaha Bedding & Couch Mfg. Company must mark each article listed in paragraph (a) with the retail ceiling price under this order, or attach to the article a label, tag or ticket stating the retail ceiling price. This mark or statement must be in the following form:

(Sec. 13, MPR 580)
OPA Price—$------

On and after November 15, 1945, no retailer may offer or sell the article unless it is marked or tagged in the form stated above. Prior to November 15, 1945, unless the article is marked or tagged in this form, the retailer shall comply with the marking, tagging and posting provisions of the applicable regulation.

(e) On or before the first delivery to any purchaser for resale of each article listed in paragraph (a), the seller shall send the purchaser a copy of this order.

(f) Unless the context otherwise requires, the provisions of the applicable regulation shall apply to sales for which retail ceiling prices are established by this order.

(g) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective September 21, 1945.

Issued this 20th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-17615; Filed, Sept. 20, 1945; 11:31 a. m.]

[MPR 591, Order 24]

PARAGON UTILITIES

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register and pursuant to section 13 of Maximum Price Regulation No. 591, *It is ordered:*

(a) The maximum prices f. o. b. point of shipment for sales by any person of the following kitchen sink cabinet units complete with vitreous china sanitary ware fixtures, larger type faucet, and strainer, manufactured by the Paragon Utilities and as described in its application dated August 9, 1945, shall be:

(1) On sales to consumers:

Tudor 641	$99.75
Chief 642	116.55
Queen 654	133.50
Commander 660	149.90
King 666	166.60
Traymore 648	141.45
Dual 654	166.60
Regal 6665	183.20
Detrolter 6666	199.95

(2) On sales to dealers the maximum net prices, f. o. b. point of shipment shall be the list prices specified in (a) (1) above less a discount of 40 percent with additional discount of 5 percent granted on carload shipments.

(b) In addition to the discounts provided for in (a) above, the maximum prices established by this order are subject to discounts, allowances including transportation allowances, and the rendition of services which are at least as favorable as those which each seller extended or rendered or would have extended or rendered to purchasers of the same class on comparable sales of similar commodities during March 1942.

(c) The maximum prices on an installed basis of the commodities covered by this order shall be determined in accordance with Revised Maximum Price Regulation No. 251.

(d) Each seller of the commodities covered by this order except on sales to consumers shall notify each of his purchasers, in writing, at or before issuance of the first invoice of the effective date of this order and the maximum prices established for such purchasers upon resale.

(e) The Paragon Utilities shall stencil in a conspicuous place on each of its kitchen sink cabinet units covered by this order the following:

OPA Maximum Consumer Price $------

(f) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective September 21, 1945.

Issued this 20th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-17616; Filed, Sept. 20, 1945; 11:32 a. m.]

[MPR 592, Order 3]

GENERAL CLAY PRODUCTS CO.

ESTABLISHMENT OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and pursuant to section 16 of Maximum Price Regulation No. 592; *It is ordered:*

(a) The maximum f. o. b. plant and delivered prices for sales by the General Clay Products Company, Columbus, Ohio, of drain tile may be increased by amounts not in excess of the following:

Size	Weight per foot	Adjustment per M ft.
	Pounds	
3 inches	4	[illegible]
4 inches	6	[illegible]
5 inches	9	[illegible]
6 inches	12	[illegible]
8 inches	18	[illegible]
10 inches	28	[illegible]
12 inches	36	[illegible]
15 inches	56	[illegible]
18 inches	78	[illegible]
20 inches	85	[illegible]
22 inches	105	[illegible]
24 inches	120	[illegible]

(b) Any person purchasing clay or shale drain tile manufactured by the General Clay Products Company, Columbus, Ohio, for the purpose of resale may increase his present maximum prices established under the General Maximum Price Regulation by a dollar-and-cents amount not exceeding his actual dollars-and-cents increase in cost resulting from the increase permitted in paragraph (a) above.

(c) The General Clay Products Company shall furnish to each buyer purchasing its products for resale, on or before the date it makes the first delivery at the adjusted price, a written statement as follows:

The Office of Price Administration has granted an additional adjustment of 28¢ per ton in the maximum prices for drain tile manufactured by the General Clay Products Company making a total of 52¢ per ton granted to this Company on an individual basis. You are permitted to add the actual amount of your increased cost resulting from the increase permitted the General Clay Products Company to your existing maximum price for drain tile purchased from them.

(d) The maximum prices established herein shall be subject to cash, quantity, and other discounts, transportation allowances, services, and other terms and conditions of sale at least as favorable as the seller extended or rendered on comparable sales to purchasers of the same class during March 1942.

(f) This order may be amended or revoked by the Office of Price Administration at any time.

This order shall become effective September 21, 1945.

Issued this 20th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-17617; Filed, Sept. 20, 1945; 11:32 a. m.]

[MPR 188, Order 50 Under Order 1052]

BUILTRIGHT CHAIR CO.

ADJUSTMENT OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to paragraph (h) of Order No. 1052 under § 1499.159b of Maximum Price Regulation No. 188; it is ordered:

(a) *Manufacturer's maximum prices.* The Builtright Chair Company, Statesville, North Carolina, may add the following additional adjustment charges to its maximum prices for sales and deliveries to all classes of purchasers of the articles listed below which it manufactures, resulting in the following adjusted maximum prices:

Article	Model No.	Maximum price	Adjustment permitted by Sec. (a) of Order No. 1052	Additional adjustment permitted by this order	Total adjusted maximum price
		Per dozen			*Per dozen*
Chair	428 D. S. Var	$13.20	$0.66	$2.05	$15.25
	428 O. S. unf	10.60	.50	.57	11.67
	428 O. S. var	11.20	.56	.64	12.40
	528 O. S. var	13.80	.69	.52	15.01

The adjustment charges listed above may be made and collected only if each is separately stated on each invoice. The adjusted maximum prices are f. o. b. factory, subject to a cash discount of 3 percent for payment within thirty days, net sixty days, and are otherwise subject to the manufacturer's customary terms, discounts, allowances and other price differentials in effect during March 1942.

(b) *Maximum prices of purchasers for resale.* A person who hereafter buys an article covered by this order and resells it in substantially the same form, may collect from his customers, in addition to his properly established maximum price in effect immediately before this order was issued, an adjustment charge in the same amount as the additional adjustment charge herein authorized for and which he pays to his supplier. If he did not have a maximum price in effect for the article at the time this order was issued, he may add the same adjustment charge to the maximum price which he hereafter establishes for his sales under the applicable regulation. If the applicable regulation requires the maximum resale price to be computed on the basis of cost, the reseller must find his maximum resale price (not including the permitted adjustment charge) by using as cost his invoice cost less any adjustment charge stated on the invoice as a separate amount.

On all sales other than sales to the ultimate consumer this additional adjustment charge may be made and collected only if it is separately stated on each invoice. The adjusted price is subject to each seller's customary terms, discounts and allowances on sales of the same or similar articles. The adjustment charge authorized in this paragraph (b) is in addition to any adjustment charge permitted for wholesalers by Order No. 1052 under Maximum Price Regulation No. 188.

(c) *Notification.* At the time of or prior to the first invoice to a purchaser for resale on and after the effective date of this order, showing prices adjusted in accordance with this order, the seller shall notify the purchaser in writing of the method established by paragraph (b) of this order for determining adjusted maximum prices for resales of the article. This notice may be given in any convenient form.

(d) All requests not specifically granted by this order are hereby denied.

(e) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective on the 21st day of September 1945.

Issued this 20th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-17638; Filed, Sept. 20, 1945; 4:43 p. m.]

[Rev. SO 99, Order 14]

GRIFFIN KNITTING MILLS, INC.

ADJUSTMENT OF MAXIMUM PRICES

Correction

In Federal Register Document 45-16268, appearing at page 11264 of the issue for Saturday, September 1, 1945, the next to the last paragraph should read:

This order shall become effective August 31, 1945.

[SO 94, Order 81]

CERTAIN HAND WELDED STEEL TUBING

SPECIAL MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and in accordance with section 11 of Supplementary Order 94; It is ordered:

(a) *What this order does.* This order establishes maximum prices for sales by the Reconstruction Finance Corporation and subsequent resellers of a quantity of prime 6 inch, number 12 gauge, tubing produced by the Armco Drainage and Metal Products Company of New Orleans, Louisiana, with a nipple or sleeve welded on each end for use with a Victualic Coupling and which has been or may be purchased from the Reconstruction Finance Corporation. The term "prime 6 inch number 12 gauge hand welded steel tubing" as used herein, means tubing meeting the following specifications: The steel must be of good weldable quality and the tubing produced by the longitudinal handweld process and manufactured by the Armco Drainage and Metal Products Company of New Orleans, Louisiana; each end of the tubing shall be fitted with a five (5) inch long nipple or sleeve, grooved for use with standard six (6) inch diameter Victualic Couplings; each length shall have been hydraulically tested to a pressure not less than 900 pounds per square inch and shall have withstood such test; the overall length of each piece shall be 20 feet long, plus or minus ¼ inch and shall be reasonably straight and free from injurious defects such as laminations, rust and deep pits.

(b) *Maximum prices.* The maximum prices for sales and deliveries of "prime 6 inch, number 12 gauge, hand welded steel tubing" produced by the Armco Drainage and Metal Products Company and described in paragraph (a) shall be:

(1) For sales by the Reconstruction Finance Corporation to persons buying for use or for resale in substantially the same form as received; the aggregate of:

(i) $44.05 per 100 feet; plus

(ii) The product of the carload rate of freight, per 100 pounds from New Orleans, La. to "destination" times 7.8 extended to two decimal places only:

(2) For sales in carload quantities by persons (other than governmental agencies and exporters), who acquire the material for resale and not for use in substantially the same form as received the aggregate of:

(i) $44.05 per 100 feet; plus

(ii) The product of the carload rate of freight, per 100 pounds, from New Orleans, La. to "destination" times 7.8 extended to two decimal places only; plus

(iii) An amount not greater than 20 percent of the aggregate of (i) and (ii).

(3) For sales in less-than-carload quantities by persons who acquire the material for resale, and not for use, in substantially the same form as received, the aggregate of:

(i) $44.05 per 100 feet; plus

(ii) The product of the carload rate of freight, per 100 pounds (from New Orleans, La. to "destination" times 7.8 extended to two decimal places only; plus

(iii) An amount not greater than 25 percent of the aggregate of (i) and (ii).

(4) For sales by "exporters", the aggregate of:

(i) The applicable maximum permissible cost as set forth in (1) (2) or (3) above, depending on from whom purchased and the quantity purchased; plus

(ii) The permissible export premiums and expenses set forth in section 8.2 (ii) (iii) and (iv) of the Second Revised Maximum Export Price Regulation.

(c) *Definitions.* When used in this order the term:

(i) "Destination" means the railroad siding nearest the place at which the buyer requires the material for his operations and in the case of an "exporter" or "export sale" shall be the port of exit.

(ii) "Exporter" means any individual, partnership, association or corporation engaging or participating as the seller or his agent in any selling or invoicing in connection with an "export sale". For the purpose of this order "export sale" shall have the meaning given it in the Second Revised Maximum Export Price Regulation.

(d) *Relationship to other regulations.* This order supersedes, with respect to the commodity it covers, any other regulation or order previously issued by the Office of Price Administration. All provisions of the General Maximum Price Regulation and Supplementary Order 94 not inconsistent with the provisions of this order are applicable to the sale of the material for which maximum prices are established by the order.

(e) *Revocation and amendment.* This order may be revoked or amended at any time.

This order shall become effective September 22, 1945.

Issued this 21st day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-17687; Filed, Sept. 21, 1945; 11:49 a. m.]

[Order 78 Under 3 (e)]

S. C. JOHNSON & SON, INC.

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith, *It is ordered:*

(a) Maximum prices for sales in 7-oz. packages of "Johnson's Auto Wax", a polish for automobiles and other metal surfaces, manufactured by S. C. Johnson and Son, Inc., 1525 Howe St., Racine, Wis., are established as follows:

For sales by the manufacturer to—	Each	Per carton of 12
Wholesalers	$0.233	$2.79
Retailers, on orders of more than 100 lbs.	.26¼	3.15
Retailers, on orders of 100 lbs. or less	.29¼	3.30
For sales by wholesaler	.29¼	3.30
For sales by the retailer	.39	

The above prices are subject to the same discounts, allowances, and trade practices as prevailed on each seller's sales of said product in the 8-oz. size.

(b) No extra charge may be made for containers.

(c) With or prior to the first delivery of the aforesaid commodity to a wholesaler or retailer, the manufacturer shall furnish such wholesaler or retailer with a written notice containing the schedule of maximum prices set out in paragraph (a) above and a statement that they have been established by the Office of Price Administration.

(d) Prior to making any delivery of such commodity, after the effective date of this order, the manufacturer shall mark or cause to be marked thereon the following legend:

Maximum retail price—39 cents

This order shall become effective September 20, 1945.

Issued this 19th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-17554; Filed, Sept. 19, 1945; 4:21 p. m.]

[Order 57 Under 3 (e), Amdt. 1]

GOODYEAR TIRE & RUBBER CO.

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.3 (e) of the General Maximum Price Regulation, paragraph (b) of Order No. 57 under § 1499.3 (e) of the General Maximum Price Regulation is amended to read as follows:

(b) *The manufacturer's and wholesalers' maximum prices.* The manufacturer's and wholesalers' maximum prices for sales in the shoe repair trade of the soles and toplift strips described in paragraph (a) shall be as follows:

NEOLITE HALF SOLES (PER PAIR)

Type	Iron	Size	To shoe repairmen (list)	To wholesalers (net)
Women's	6½	Standard	$0.26	$0.195
	6½	Large	.315	.235
Men's	9½	6	.425	.32
	9½	8	.465	.35
	9½	10	.50	.375
	9½	12	.56	.42
Boys'	10½	2	.335	.25
	10½	4	.425	.32
	10½	6	.465	.35
Men's	10½	8	.565	.38
	10½	10	.545	.41
	10½	12	.615	.46

NEOLITE TOPLIFT STRIPS (PER EACH)

Iron	Size	To shoe repairmen (list)	To wholesalers (net)
9	12½" x 25"	$3.40	$2.55
10½	12½" x 25"	3.60	2.70
12	12½" x 25"	4.00	3.00

The above maximum prices for sales to shoe repairmen shall be reduced by any cash discounts given by the seller to shoe repairmen of the same class during March 1942.

The above maximum prices for sales to wholesalers shall be decreased by 5 percent if the purchaser pays cash within thirty day after delivery.

The discount, transportation allowance and other provisions of paragraphs (e), (f) and (h) of § 1315.1424 of Maximum Price Regulation 200 shall apply to sales of the soles and toplift strips covered by this order.

This amendment shall become effective September 19, 1945.

Issued this 19th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-17553; Filed, Sept. 19, 1945; 4:20 p. m.]

[RMPR 436, Amdt. 7 to Order 37]

CRUDE PETROLEUM AND NATURAL AND PETROLEUM GAS

ADJUSTMENT OF MAXIMUM PRICES

An opinion accompanying this amendment issued simultaneously herewith, has been filed with the Division of the Federal Register.

Paragraph (a) of Order No. 37 to Revised Maximum Price Regulation No. 436 is amended in the following respects:

1. The following pools with the designated increases are hereby added thereto:

Pool, County, and State	Amount of increase per 42-gallon barrel (cents)
Garland City: Miller, Ark	33
Torrance "34": Los Angeles, Calif	20
Boos North: Jasper, Ill	20
Clay City West (McClosky): Clay, Ill	20
Maple Grove East: Edwards, Ill	35
Beaumont North: Greenwood, Kans	35
Boxberger: Russel, Kans	35
Jobes: Greenwood, Kans	35
Kraus: Ellis, Kans	35
Lake Barre: Terrebonne, La	35
Barber: Eddy, N. Mex	27
P. C. A. Eddy, N. Mex	35
Salt Lake: Lea, N. Mex	26
Sand Flat (Paluxy): Smith, Tex	35

This amendment shall become effective as of September 1, 1945.

Issued this 21st day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-17685; Filed, Sept. 21, 1945; 11:48 a. m.]

[RMPR 499, Order 27]

BENRUS WATCH CO.

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to section 14 of Revised Maximum Price Regulation 499, It is ordered:

(a) *Effect of this order.* This order establishes maximum prices for sales of the Swiss watches specified below imported by the Benrus Watch Company, 200 Hudson Street, New York 13, New York, hereinafter called the "importer."

(b) *Maximum prices.* The maximum prices for sales by any person to retailers or at retail of the Benrus watches identified below are as follows:

MEN'S

Style	Description	Maximum prices to retailers	Maximum retail prices inclusive of the Federal excise tax
T37528B	17J 6 x SL r. g. p. top, steel back, link bracelet.	$16.15	$42.50
K37528B			
T37586B			
K37586B			
2K37599B	17J 6 x SL r. g. p. top, steel back expansion bracelet.	18.15	47.50
Y37104B	17J 6 x SL gold-filled top and back expansion bracelet.	18.95	49.50
Y37541B			
C37541B	17J 6 x SL gold-filled top and back link bracelet.	16.95	45.00
Y37501B			
C37531B			
G37202B			
S37501B	17J 6 x SL solid gold, link bracelet.	21.95	57.50
S37531B			
G37531B			
S37528C	17J 5¾L solid gold, cord	25.30	71.50
G37586C			
S37586C			
S37585C	....do	24.30	71.50
G37005	....do	23.75	69.50
G37006	....do	26.95	71.50
S37008	....do	25.75	71.50
S37007	....do	25.75	71.50
S37009	....do	26.50	71.50
S37010	....do	25.95	71.50
S37011	....do	25.95	71.50
K37501B			
T37501B			
K37506	15J 7¾L r. g. p. top steel back, cord.	13.25	33.75
T37506			
K37520C			
T37520C			
T37076B	17J 7¾L r. g. p. top, steel back link bracelet.	14.25	37.50
K37076B			
T37108B	17J 7¾L r. g. p. top, steel back expansion bracelet.	16.25	42.50
T37123B	17J 7¾L r. g. p. top, steel back, link bracelet.	15.95	42.50
T37546C	15J S ¾L r. g. p. top, steel back, cord.	11.70	24.75
K37546C			
T37547C	15J S ¾L r. g. p. top, steel back, cord.	12.25	29.75
K37547C			
T37406S	17J S ¾L center second, radium dial r. g. p. top, steel back, strap.	15.95	42.50
K37406S			
T37410C	17J S ¾L r. g. p. top steel back, cord.	13.25	33.75
K37410C			
T37480C			
K37480C			

LADIES'

Style	Description	Maximum prices to retailers	Maximum retail prices inclusive of the Federal excise tax
T37528B	17J 6 x SL r. g. p. top, steel back, link bracelet.	$16.15	$42.50
K37528B			
T37586B			
K37586B			
2K37599B	17J 6 x SL r. g. p. top, steel back expansion bracelet.	18.15	47.50
Y37104B	17J 6 x SL gold-filled top and back expansion bracelet.	18.95	49.50
Y37541B			
C37541B	17J 6 x SL gold-filled top and back link bracelet.	16.95	45.00
Y37501B			
C37531B			
G37202B			
S37501B	17J 6 x SL solid gold, link bracelet.	21.95	57.50
S37531B			
G37531B			
S37528C	17J 5¾L solid gold, cord	25.30	71.50
G37586C			
S37586C			
S37585C	....do	24.30	71.50
G37005	....do	23.75	69.50
G37006	....do	26.95	71.50
S37008	....do	25.75	71.50
S37007	....do	25.75	71.50
S37009	....do	26.50	71.50
S37010	....do	25.95	71.50
S37011	....do	25.95	71.50
K37501B			
T37501B			
K37506	15J 7¾L r. g. p. top steel back, cord.	13.25	33.75
T37506			
K37520C			
T37520C			
T37076B	17J 7¾L r. g. p. top, steel back link bracelet.	14.25	37.50
K37076B			
T37108B	17J 7¾L r. g. p. top, steel back expansion bracelet.	16.25	42.50
T37123B	17J 7¾L r. g. p. top, steel back, link bracelet.	15.95	42.50
T37546C	15J S ¾L r. g. p. top, steel back, cord.	11.70	24.75
K37546C			
T37547C	15J S ¾L r. g. p. top, steel back, cord.	12.25	29.75
K37547C			
T37406S	17J S ¾L center second, radium dial r. g. p. top, steel back, strap.	15.95	42.50
K37406S			
T37410C	17J S ¾L r. g. p. top steel back, cord.	13.25	33.75
K37410C			
T37480C			
K37480C			

LADIES'

[illegible]	17J 6 x SL r. g. p. top, steel back, cord	$11.95	$24.75
[illegible]			
[illegible]			
[illegible]			
[illegible]	17J 6 x SL r. g. p. top, steel back, link bracelet.	14.70	39.75
[illegible]			
[illegible]			
[illegible]			
[illegible]	17J 6 x SL r. g. p. top, steel back expansion bracelet.	16.70	45.00

The maximum prices to retailers set forth above are subject to the seller's customary March 1942 terms and allowances.

No charge may be added to the above maximum retail prices for extension of credit except under the conditions specified and to the extent permitted by section 12a of Revised Maximum Price Regulation 499. The above maximum retail prices are inclusive of the Federal excise tax, of 10% (20% in the case of watches retailing for over $65.00).

(c) *Notification.* Any person who sells the above watches to a purchaser for resale shall furnish the purchaser with a copy of this order or a price list incorporating the above prices and containing a certification that they are maximum prices established by the Office of Price Administration. In addition, he shall include on every invoice covering a sale of these watches the following statement:

OPA Order No. 27, under RMPR 499 establishes the maximum prices at which you may sell these watches.

This notification requirement supersedes the notification requirement in section 12 of Revised Maximum Price Regulation 499 with respect to the watches covered by this order.

(d) *Tagging.* The importer shall include with every watch covered by this order delivered to a purchaser for resale after its effective date, a tag or label setting forth the style number and the maximum retail price of the particular watch. This tag or label may not be removed until the watch is sold to an ultimate consumer.

(e) This order may be revoked or amended by the Price Administrator at any time.

(f) Unless the context otherwise requires the definitions set forth in section 2 of Revised Maximum Price Regulation 499 shall apply to the terms used herein.

This order shall become effective September 22, 1945.

Issued this 21st day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-17686; Filed, Sept. 21, 1945; 11:49 a. m.]

Regional and District Office Orders.

[Region III Order G-20 Under 18 (c), Amdt. 9]

FLUID MILK IN MICHIGAN

For the reasons set forth in the opinion attached hereto and pursuant to the authority vested in the Regional Administrator of Region III under the provisions of Supplementary Regulation No. 15 to the General Maximum Price Regulation and § 1351.807 of Maximum Price Regulation No. 280, and notwithstanding the provisions of § 1499.2 of the General Maximum Price Regulation and § 1351.803 of Maximum Price Regulation No. 280, *It is hereby ordered*, That:

(a) Paragraph 1 of Schedule A of Order No. G-20 under § 1499.18 (c) of General Maximum Price Regulation, as amended (order adjusting the maximum prices of fluid whole milk and special milk sold at retail and wholesale in the State of Michigan) be, and the same is, hereby amended to read as follows:

SCHEDULE A

1 (1) Adjusted maximum prices for the sale of fluid whole milk at retail or wholesale in the Counties of Alcona, Alger, Alpena, Arenac, Baraga, Cheboygan, Chippewa, Clare, Crawford, Delta, Dickinson, Gladwin, Gogebic, Gratiot, Houghton, Huron, Iosco, Iron, Isabella, Keweenaw, Luce, Mackinac (except as hereinafter set forth in subparagraphs (ii) and (iii) of this paragraph 1), Marquette, Menominee, Montmorency, Ogemaw, Ontonagon, Oscoda, Otsego, Presque Isle, Roscommon, Sanilac, Schoolcraft, and Tuscola in the State of Michigan.

Type of delivery	Container	Size	Adjusted maximum price
Retail	Glass or other	1 gallon or multiples thereof	49¢ per gallon.
	Glass or paper	½ gallon	28¢ per half-gallon.
	do	1 quart	13¢ per quart.
	do	1 pint	7½¢ per pint.
	do	½ pint	5¢ per half-pint.
Wholesale	Glass or other	1 gallon or multiples thereof	41¢ per gallon.
	Glass or paper	½ gallon	21¢ per half-gallon.
	do	1 quart	11¢ per quart.
	do	1 pint	6¢ per pint.
	do	½ pint	3½¢ per half-pint.

(ii) Adjusted maximum prices for the sale of fluid whole milk at wholesale in the City of St. Ignace, Mackinac County, Michigan, for delivery to Mackinac Island, Mackinac County, Mich.

Type of delivery	Container	Size	Adjusted maximum price
Wholesale	Glass or other	1 gallon or multiples thereof	43¢ per gallon.
	Glass or paper	½ gallon	22¢ per half-gallon.
	do	1 quart	11½¢ per quart.
	do	1 pint	6½¢ per pint.
	do	½ pint	3½¢ per half-pint.

(iii) Adjusted maximum prices for the sale of fluid whole milk at retail or wholesale on Mackinac Island, Mackinac County, Mich.

Type of delivery	Container	Size	Adjusted maximum price
Retail	Glass or other	1 gallon or multiples thereof	58¢ per gallon
	Glass or paper	½ gallon	31¢ per half-gallon.
	do	1 quart	16¢ per quart.
	do	1 pint	10½¢ per pint.
	do	½ pint	6¢ per half pint.
Wholesale	Glass or other	1 gallon or multiples thereof	50¢ per gallon
	Glass or paper	½ gallon	25¢ per one-half gallon.
	do	1 quart	14¢ per quart.
	do	1 pint	8¢ per pint.
	do	½ pint	4½¢ per half-pint.

This Amendment No. 9 shall become effective September 19, 1945.

Issued: September 19, 1945.

C. J. HOUSER,
Acting Regional Administrator.

Action recommended by:

A. H. ANDERSON,
Regional Price Executive.

Approved: September 18, 1945.

CLINTON P. ANDERSON,
Secretary of Agriculture.

[F. R. Doc. 45-17577; Filed, Sept. 19, 1945; 4:28 p. m.]

[Region VII Order G-26 Under RMPR 122, Amdt. 41]

SOLID FUELS IN DENVER REGION

Order No. G-26 under Revised Maximum Price Regulation No. 122, Amendment No. 41. Solid fuels sold and delivered by dealers. Maximum prices for solid fuels when sold by dealers within specified trade areas in Region VII. Docket No. 7-122-259 (a) (1), 260-21.

Pursuant to the Emergency Price Control Act of 1942, as amended, the Stabilization Act of 1942, as amended, §§ 1340.259 (a) and 1340.260 of Revised Maximum Price Regulation No. 122, and for the reasons set forth in the accompanying opinion, this Amendment No. 41 is issued.

1. Price lines (A), (B), (C), and (D) of the Table of Maximum Prices, as set forth in paragraph (3) of Appendix XI, Cheyenne Trade Area, are hereby amended and made to read as follows:

Kind and letter designation	Size	Part 1 Delivered prices: Per ton	Part 1 Delivered prices: Per ½-ton	Part 2 Yard prices: Per ton
Subdistrict 2, Rock Springs:				
(A)	No. 1—5" lump	$11.55	$6.10	$10.75
(B)	No. 7—5" x 1⅝" nut.	11.00	5.85	10.00
(C)	No. 8—3" x 1½" nut.	10.65	5.60	9.65
(D)	No. 15—1⅝" x 0" slack.	8.35	4.45	7.85

2. *Relation to other orders and amendments.* This Amendment No. 41 supersedes Amendments No. 15 and No. 30 as of the effective date hereof, and also supersedes and renders inapplicable Order No. G-24 under Revised Maximum Price Regulation No. 122 as to coals produced in District 19, Subdistrict 2, Rock Springs, when sold in the Cheyenne Trade Area. In other words, the dollars-and-cents maximum prices established by this Amendment No. 41 for coals produced in District 19, Subdistrict 2, Rock Springs, when sold in the Cheyenne Trade Area, are not subject to any further increase whatsoever under Order No. G-24.

3. *Effective date.* This Amendment No. 41 shall become effective on the 29th day of August, 1945.

Issued this 29th day of August 1945.

RICHARD Y. BATTERTON,
Regional Administrator.

[F. R. Doc. 45-17496; Filed, Sept. 19, 1945; 10:54 a. m.]

SURPLUS PROPERTY BOARD.

[SPB Reg. 5,[1] Order 1]

SURPLUS NONINDUSTRIAL REAL PROPERTY

EXTENSION OF TIME FOR PUBLICATION OF NOTICE OF AVAILABILITY OF AGRICULTURAL REAL PROPERTY

The Department of Agriculture has advised that on account of discrepancies in the description and acreage of the property consisting of more than 5,600 acres, the incomplete proceedings for condemnation of 28 parcels thereof, and the absence of information concerning existing easements for power lines, electric and telephone lines, water mains, sewers and similar rights, which information the owning agency has not been able to supply, it will not be practical to give notice of availability of the Lake Ontario Ordnance Works property located in Niagara County, New York, classified as agricultural, within the 60 days following its declaration as surplus as required by § 8305.12 (c) (2), and has requested that the time for such notice be extended for 60 days. *It is therefore ordered,* That:

The time within which the notice of availability for disposal of the Lake Ontario Ordnance Works agricultural property located in Niagara County, New York, may be published is hereby extended for 60 days additional to allow 120 days from the date on which the declaration was received by the disposal agency.

This order shall become effective September 18, 1945.

SURPLUS PROPERTY BOARD
By W. STUART SYMINGTON,
Chairman.

SEPTEMBER 18, 1945.

[F. R. Doc. 45-17670; Filed, Sept. 21, 1945; 11:27 a. m.]

WAR SHIPPING ADMINISTRATION.

"FLOHEMA II"

DETERMINATION OF VESSEL OWNERSHIP

Notice of determination by War Shipping Administrator pursuant to section 3 (b) of the act approved March 24, 1943, (Public Law 17—78th Congress).

Whereas on November 24, 1942 title to the vessel "Flohema II" (225610) (including all spare parts, appurtenances and equipment) was requisitioned pursuant to section 902 of the Merchant Marine Act, 1936, as amended; and

Whereas section 3 (b) of the act approved March 24, 1943 (Public Law 17, 78th Congress), provides in part as follows:

(b) The Administrator, War Shipping Administration, may determine at any time prior to the payment in full or deposit in full with the Treasurer of the United States or the payment or deposit of 75 per centum, or just compensation therefor, that the ownership of any vessel (the title to which has been requisitioned pursuant to section 902 of the Merchant Marine Act, 1936, as amended, or the act of June 6, 1941 (Public Law 101, Seventy-seventh Congress)), is not required by the United States, and after such determination has been made and notice thereof has been published in the FEDERAL REGISTER, the use rather than the title to such vessel shall be deemed to have been requisitioned for all purposes as of the date of the original taking: *Provided, however,* That no such determination shall be made with respect to any vessel after the date of delivery of such vessel pursuant to title requisition except with the consent of the owner. * * *

and

Whereas no portion of just compensation for the said vessel has been paid or deposited with the Treasurer of the United States; and

Whereas the ownership of the said vessel, spare parts, appurtenances and equipment is not required by the United States; and

Whereas the former owner of the vessel has consented to this determination and to the return of the vessel and the conversion of the requisition of title therein to a requisition of use thereof in accordance with the above-quoted provision of law;

Now, therefore, I, Emory S. Land, Administrator, War Shipping Administration, acting pursuant to the above-quoted provisions of law, do hereby determine that the ownership of said vessel, spare parts, appurtenances and equipment is not required by the United States, and that, from and after the date of publication hereof in the FEDERAL REGISTER, the use rather than title thereto shall be deemed to have been requisitioned, for all purposes, as of the date of the original taking.

Dated: September 19, 1945.

E. S. LAND,
Administrator.

[F. R. Doc. 45-17631; Filed, Sept. 20, 1945; 3:19 p. m.]

[1] 10 F.R. 6252, 7500, 9478.

amended, or the act of June 6, 1941 (Public Law 101, Seventy-seventh Congress)), is not required by the United States, and after such determination has been made and notice thereof has been published in the FEDERAL REGISTER, the use rather than the title to such vessel shall be deemed to have been requisitioned for all purposes as of the date of the original taking: *Provided, however,* That no such determination shall be made with respect to any vessel after the date of delivery of such vessel pursuant to title requisition except with the consent of the owner. * * *

and

Whereas no portion of just compensation for the said vessel has been paid or deposited with the Treasurer of the United States; and

Whereas the ownership of the said vessel, spare parts, appurtenances and equipment is not required by the United States; and

Whereas the former owner of the vessel has consented to this determination and to the return of the vessel and the conversion of the requisition of title therein to a requisition of use thereof in accordance with the above-quoted provision of law;

Now, therefore, I, Emory S. Land, Administrator, War Shipping Administration, acting pursuant to the above-quoted provisions of law, do hereby determine that the ownership of said vessel, spare parts, appurtenances and equipment is not required by the United States, and that, from and after the date of publication hereof in the FEDERAL REGISTER, the use rather than title thereto shall be deemed to have been requisitioned, for all purposes, as of the date of the original taking.

Dated: September 19, 1945.

E. S. LAND,
Administrator.

[F. R. Doc. 45-17630; Filed, Sept. 20, 1945; 3:19 p. m.]

"KOFUKU MARU"

DETERMINATION OF VESSEL OWNERSHIP

Notice of determination by War Shipping Administrator pursuant to section 3 (b) of the Act approved March 24, 1943, (Public Law 17—78th Congress).

Whereas on January 5, 1942 title to the vessel "Kofuku Maru" (228390) (including all spare parts, appurtenances and equipment) was requisitioned pursuant to section 902 of the Merchant Marine Act, 1936, as amended; and

Whereas section 3 (b) of the Act approved March 24, 1943, (Public Law 17—78th Congress), provides in part as follows:

(b) The Administrator, War Shipping Administration, may determine at any time prior to the payment in full or deposit in full with the Treasurer of the United States, or the payment or deposit of 75 per centum, or just compensation therefor, that the ownership of any vessel (the title to which has been requisitioned pursuant to section 902 of the Merchant Marine Act, 1936, as amended, or the act of June 6, 1941, (Public Law 101, Seventy-Seventh Congress)), is not required by the United States, and after such determination has been made and notice thereof has been published in the FEDERAL REGISTER, the use rather than the title to such vessel shall be deemed to have been requisitioned for all purposes as of the date of the original taking: *Provided, however,* That no such determination shall be made with respect to any vessel after the date of delivery of such vessel pursuant to title requisition except with the consent of the owner. * * *

and

Whereas no portion of just compensation for the said vessel has been paid or deposited with the Treasurer of the United States; and

Whereas the ownership of the said vessel, spare parts, appurtenances and equipment is not required by the United States; and

Whereas the former owner of the vessel has consented to this determination and to the return of the vessel and the conversion of the requisition of title therein to a requisition of use thereof in accordance with the above-quoted provision of law;

Now, therefore, I, Emory S. Land, Administrator, War Shipping Administration, acting pursuant to the above-quoted provisions of law, do hereby determine that the ownership of said vessel, spare parts, appurtenances and equipment is not required by the United States, and that, from and after the date of publication hereof in the FEDERAL REGISTER, the use rather than title thereto shall be deemed to have been requisitioned, for all purposes as of the date of the original taking.

E. S. LAND,
Administrator.

Dated: SEPTEMBER 19, 1945.

[F. R. Doc. 45-17630; Filed, Sept. 20, 1945; 3:19 p. m.]

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FEDERAL REGISTER

VOLUME 10 NUMBER 188

Washington, Tuesday, September 25, 1945

The President

EXECUTIVE ORDER 9625

REVOKING EXECUTIVE ORDER 9294 OF JANUARY 4, 1943, FURTHER DEFINING THE FUNCTIONS AND DUTIES OF THE OFFICE OF DEFENSE TRANSPORTATION

By virtue of the authority vested in me by the Constitution and statutes of the United States, as President of the United States and Commander in Chief of the Army and Navy, it is ordered that Executive Order 9294 of January 4, 1943, further defining the functions and duties of the Office of Defense Transportation, be, and it is hereby, revoked.

HARRY S. TRUMAN

THE WHITE HOUSE,
September 21, 1945.

[F. R. Doc. 45-17727; Filed, Sept. 24, 1945; 11:02 a. m.]

Regulations

TITLE 6—AGRICULTURAL CREDIT

Chapter II—Production and Marketing Administration

[1945 C. C. C. Cotton Form 1, Supp. 2]

PART 256—COTTON LOANS

INSTRUCTIONS FOR MAKING LOANS ON UPLAND COTTON COVERED BY A CERTIFICATE OF INDEMNITY (FORM FCI-574, ISSUED BY THE FEDERAL CROP INSURANCE CORPORATION)

Pursuant to the provisions of section 302 of the Agricultural Adjustment Act of 1938, as amended (52 Stat. 43; 7 U.S.C., 1302), Commodity Credit Corporation has authorized the making of loans to eligible producers on eligible upland cotton and American-Egyptian cotton in accordance with the regulations in this part (1945 C. C. C. Cotton Form 1, as amended; 10 F.R. 10113). Such regulations are hereby supplemented as follows:

Section 256.52 *Direct loans,* is supplemented by adding, at the end thereof, the following new section:

§ 256.52-1 *Instructions for making loans on upland cotton covered by a Certificate of Indemnity (Form FCI-574, issued by the Federal Crop Insurance Corporation).*—(a) *Eligible certificate.* An eligible certificate shall be a certificate representing 400 pounds or more of cotton against which no collateral assignment is outstanding.

(b) *Amount.* Direct loans on cotton covered by certificates will be made at the base loan rate shown in the "Schedule of Base Loan Rates by Cities and Counties for Cotton Entering the 1945 Loan", adjusted by the appropriate premiums or discount for grade and staple length as shown in the table attached to the 1945 Cotton Loan Instructions (1945 C. C. C. Cotton Form 1). In determining the loan rate the location and the grade and staple shown in the certificate shall be used.

(c) *Eligible producer.* Loans will be made only on certificates issued to "Eligible producers" as defined in the 1945 Cotton Loan Instructions.

(d) *Forms.* The following documents must be delivered in connection with every loan:

(1) 1945 Cotton Producer's Note and Loan Agreement (1945 C. C. C. Cotton Form A).

(2) Certificate of Indemnity (FCI-574, issued by the Federal Crop Insurance Corporation).

(3) Producer's Letter of Transmittal (C. C. C. Cotton Form B).

(e) *Manner of obtaining loans.* An eligible producer desiring to obtain a loan on cotton covered by a certificate should present the certificate to the county agricultural conservation committee. The county committee will prepare a 1945 Cotton Producer's Note and Loan Agreement and a Producer's Letter of Transmittal for the producer's signature, and mail the executed documents, together with the certificate, directly to the Regional Office of Commodity Credit Corporation, New Orleans 12, Louisiana. Upon approval of the documents, Commodity Credit Corporation will make payment of the amount of the loan in accordance with the directions of the producer contained in the note.

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NOTICE

1944 Supplement

Book 1 of the 1944 Supplement to the Code of Federal Regulations, containing Titles 1-10, including Presidential documents in full text, is now available from the Superintendent of Documents, Government Printing Office, at $3.00 per copy.

A limited sales stock of the Cumulative Supplement and the 1943 Supplement is still available as previously announced.

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(f) *Service fee.* To meet the cost of preparing loan documents in the county agricultural conservation office a service fee of twenty-five cents shall be collected from each producer obtaining a loan on a certificate.

(g) *Repayment.* If the producer desires to repay the loan from the cash equivalent of the certificate and obtain the balance of such cash equivalent, he should notify the appropriate branch office of the Federal Crop Insurance Corporation. The Federal Crop Insurance Corporation will establish the amount of the cash equivalent, make payment to Commodity Credit Corporation of the amount due on the loan, and remit any balance, after repayment of the loan, to the producer. Upon receipt of payment, Commodity Credit Corporation will stamp the note "paid" and return it to the producer. The certificate will be delivered to the Federal Crop Insurance Corporation.

Dated: August 27, 1945.

[SEAL] C. C. FARRINGTON,
Vice President,
Commodity Credit Corporation.

[F. R. Doc. 45-17742; Filed, Sept. 24, 1945; 11:10 a. m.]

[1945 C. C. C. Cotton Form 1, Supp. 3]

PART 256—COTTON LOANS

LOAN RATES FOR 1945 CROP AMERICAN-EGYPTIAN COTTON

Pursuant to the provisions of section 302 of the Agricultural Adjustment Act of 1938, as amended (52 Stat. 43; 7 U.S.C., 1302), Commodity Credit Corporation has authorized the making of loans to eligible producers on eligible upland cotton and American-Egyptian cotton in accordance with the regulations in this part (1945 C. C. C. Cotton Form 1; 10 F.R. 10113). Such regulations are hereby amended as follows:

Section 256.45 (b) is amended to read as follows:

(b) *American-Egyptian cotton.* Loans will be made to eligible producers on the net weight of eligible American-Egyptian cotton of the 1945 crop in accordance with the following schedule of prices:

[The rates are shown in cents per pound, net weight]

Grade	Staple length (inches)							
	1 3/16		1 1/16		1 1/8		1 3/16 and longer	
	California and Arizona	New Mexico and Texas	California and Arizona	New Mexico and Texas	California and Arizona	New Mexico and Texas	California and Arizona	New Mexico and Texas
1	38.95	39.20	42.30	42.55	45.15	45.40	45.40	45.65
1 1/2	37.95	38.20	41.25	41.50	44.30	44.55	44.55	44.80
2	36.45	36.70	39.45	39.70	42.65	42.90	42.95	43.20
2 1/2	34.60	34.85	36.90	37.15	39.95	40.20	40.25	40.50
3	31.95	32.20	33.55	33.80	35.80	36.05	36.10	36.35
3 1/2	26.30	26.55	28.55	28.80	31.50	31.75	31.60	31.85
4	21.45	21.70	24.75	25.00	28.00	28.25	28.05	28.30
4 1/2	16.85	17.10	20.20	20.45	23.85	24.10	23.85	24.10
5	14.40	14.65	17.40	17.65	20.75	21.00	20.75	21.00

Dated: August 27, 1945.

[SEAL] C. C. FARRINGTON,
Vice President,
Commodity Credit Corporation.

[F. R. Doc. 45-17739; Filed, Sept. 24, 1945; 11:10 a. m.]

TITLE 7—AGRICULTURE

Subtitle A—Office of the Secretary of Agriculture

SURPLUS REAL PROPERTY

DELEGATION OF AUTHORITY TO DESIGNATED OFFICERS OF FEDERAL FARM MORTGAGE CORPORATION TO ADVERTISE SALES [1]

The date of issue, August 7, 1945, appearing on page 11415 of the Federal Register for Saturday, September 8, 1945, should read September 7, 1945.

Issued this 21st day of September 1945.

[SEAL] CHARLES F. BRANNAN,
Assistant Secretary of Agriculture.

[F. R. Doc. 45-17695; Filed, Sept. 21, 1945; 3:10 p. m.]

[1] Affects tabulation in appendix to Part 1—Administrative Regulations.

Chapter III—Bureau of Entomology and Plant Quarantine

[B. E. P. Q. 542]

PART 319—FOREIGN QUARANTINE NOTICES

ENTRY OF ORANGES, GRAPEFRUIT, AND MANILA MANGOES FROM MEXICO AUTHORIZED AFTER TREATMENT

It has been determined that shipments of fresh fruits of oranges, grapefruit, and Manila mangoes may now be safely admitted from Mexico in accordance with the regulations of the Fruit and Vegetable Quarantine No. 56 after they have been given the vapor-heat treatment described below, which has been found to be effective in eliminating possible infestation by fruitflies known to occur in Mexico, the insect pests which have been responsible for the exclusion of these fruits. While the results of the experiments so far conducted have been successful, it should be emphasized that inexactness and carelessness in operation may result in injury to fruit. In authorizing the entry of fruit treated in accordance with this requirement, it is understood that the Department does not accept responsibility for fruit injury.

Authorization for the entry from Mexico of oranges, grapefruit, and Manila mangoes, subject to the prescribed treatment, is provided, therefore, in the following administrative instructions.

§ 319.56-2g *Administrative instructions; importation of oranges, grapefruit, and Manila mangoes authorized from Mexico subject to treatment.* Pursuant to the authority conferred upon the Chief of the Bureau of Entomology and Plant Quarantine by paragraph (a) of § 319.56-2 (Regulation 2 of Notice of Quarantine No. 56), on and after October 1, 1945, commercially sound fruit only of orange, grapefruit, and mango of the Manila variety may be imported in accordance with the permit and other requirements of said quarantine after each shipment has been subjected to the vapor-heat treatment described below, carried out at locations and in treatment rooms approved by the Chief of the Bureau of Entomology and Plant Quarantine and performed under the supervision of a plant quarantine inspector of that Bureau.

(a) *Vapor-heat treatment method.* The vapor-heat treatment method consists in the use of a mixture of air, live steam, and water spray, or a mixture of heated air and water spray, or a mixture devised in any other way so as to give saturation and condensation conditions at the temperature used, which conditions must be satisfactory to the supervising inspector of the Bureau of Entomology and Plant Quarantine. The mixture shall be circulated throughout the fruit in a manner and in a volume satisfactory to the supervising inspector. The fruit shall be treated for a period of not less than 14 hours, during which time the temperature at the approximate center of the fruit shall be raised to 110° F. and shall be maintained at or above 110° for the last 6 hours of such treatment.

In the case of treating plants located in the interior of Mexico, those in interest must make advance arrangements for supervision of the treatments and approval of the plant, and give acceptable assurance that they will provide transportation and per diem for the inspectors without cost to the United States Department of Agriculture.

(Sec. 5, 37 Stat. 316; 7 U.S.C. 159; 7 CFR, Cum. Sup., § 319.56-2)

Done at Washington, D. C., this 4th day of September 1945.

[SEAL] P. N. ANNAND,
Chief, Bureau of Entomology and Plant Quarantine.

[F. R. Doc. 45-17713; Filed, Sept. 24, 1945; 11:11 a. m.]

Chapter XI—Production and Marketing Administration (War Food Distribution Orders)

[WFO 106, as Amended, Termination]

PART 1414—POULTRY

TURKEYS

War Food Order No. 106, as amended (9 F.R. 7808, 12113, 13252; 10 F.R. 103, 126, 10419), and War Food Order No. 106–1 (9 F.R. 12114) issued thereunder are terminated as of 12:01 a. m., e. s. t., September 24, 1945, but all of the processed turkeys set aside or required to be set aside at the effective time of such termination pursuant to War Food Order No. 106, as amended, shall continue to be held and accounted for as set-aside processed turkeys and shall be disposed of only in accordance with the provisions of War Food Order No. 106, as amended.

Each authorized processor and each wholesale receiver shall correctly fill in and complete Form FDO 106–1 for the period from July 21, 1945, to September 24, 1945, and shall mail such completed form to the Deputy Order Administrator, Room 1414, Mallers Building, 5 South Wabash Avenue, Chicago, Illinois, not later than 10 calendar days after October 1, 1945.

With respect to violations, rights accrued, liabilities incurred, or appeals taken under said War Food Order No. 106, as amended, or War Food Order No. 106–1, prior to the effective time of this termination order, all provisions of said War Food Order No. 106, as amended, and War Food Order No. 106–1 in effect prior to the effective time of this termination order shall be deemed to continue to be in full force and effect for the purpose of sustaining any proper suit, action, or other proceeding with regard to any such violation, right, liability, or appeal.

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423; E.O. 9392, 8 F.R. 14783; E.O. 9577, 10 F.R. 8087)

Issued this 21st day of September 1945.

[SEAL] CLINTON P. ANDERSON,
Secretary of Agriculture.

[F. R. Doc. 45-17694; Filed, Sept. 21, 1945; 3:11 p. m.]

[WFO 16, Amdt. 5]

PART 1407—DRIED FRUIT

DRIED FRUIT, RAISINS, AND ZANTE CURRANTS

War Food Order No. 16, as amended (8 F.R. 1705, 11019; 9 F.R. 4321, 4319, 9584, 10033; 10 F.R. 103, 126, 10419), is hereby further amended to read as follows:

§ 1407.1 *Restrictions with respect to dried fruit, raisins, and Zante currants*—(a) *Definitions.* (1) "Dried fruit" means the whole or fleshy portions of apples, apricots, peaches, pears, and prunes preserved by the removal therefrom of part of the natural moisture and, unless otherwise indicated, shall include such fruit in its natural or processed condition.

(2) "Raisins" means the Thompson seedless, Muscat, or Sultana varieties of grapes preserved by the removal of part of the natural moisture, and includes, but is not limited to, such fruit in the processed or unprocessed condition, damaged raisins, substandard raisins, sweepings, stems, and blows.

(3) "Zante currants" means the Zante currant variety of grapes preserved by the removal of a part of the natural moisture, and includes, but is not limited to, such fruit in the processed or unprocessed condition, damaged Zante currants, substandard Zante currants, sweepings, stems, and blows.

(4) "Packer" means any person engaged in the business of processing and packaging dried fruit, raisins, or Zante currants, or having dried fruit, raisins, or Zante currants processed or packaged for his account.

(5) "Producer" means any person engaged in the production of dried fruit, raisins, or Zante currants, regardless of the method of drying; and such term includes, but is not limited to, any owner of the fresh fruit at the time such fruit is dried.

(6) "Dehydrator" means any person engaged in the business of drying the Thompson seedless, Muscat, Sultana, or the Zante currant varieties of grapes by the use of artificial heat or by sun-drying.

(7) "Processing" means the grading, sizing, stemming, seeding, or treating of dried fruit, raisins, or Zante currants by the use of water, steam, chemicals, or compressed or hot air.

(8) "Government agency" means (i) the Armed Services of the United States (excluding for the purpose of this order, United States Army post exchanges, sales commissaries, United States Navy ships' service departments, and United States Marine Corps post exchanges); (ii) the United States Department of Agriculture (including, but not limited to, any corporate agency thereof); (iii) the War Shipping Administration; (iv) the United States Veterans' Administration; and (v) any other instrumentality or agency of the United States designated by the Secretary of Agriculture. The term "Government agency" also includes any person who, pursuant to a war food order, is entitled to purchase dried fruit, raisins, or Zante currants subject to this order.

(9) "Armed Services of the United States" means the Army, the Navy, the Marine Corps, and the Coast Guard of the United States.

(10) "Assistant Administrator" means the Assistant Administrator for Regulatory and Marketing Service matters, Production and Marketing Administration, United States Department of Agriculture.

(11) "Person" means any individual, partnership, association, business trust, corporation, or any organized group of persons, whether incorporated or not.

(b) *Restrictions.* (1) Except as permitted pursuant to (2) or (3) hereof, no producer shall sell or deliver dried fruit, raisins, or Zante currants except to (i) the United States Department of Agriculture (including, but not limited to, any corporate agency thereof); (ii) any person or agency designated by the Assistant Administrator; or (iii) a packer.

(2) No person shall, unless specifically authorized by the Assistant Administrator, purchase, accept delivery of, or use any raisins or any Zante currants for conversion into alcohol, brandy, wine, any other beverage (whether alcoholic or not), any concentrate, any syrup, any paste, or any non-food product or non-food byproduct.

(3) No person shall sell any raisins or any Zante currants for conversion into alcohol, brandy, wine, any other beverage (whether alcoholic or not), any concentrate, any syrup, any paste, or any non-food product or non-food byproduct except to (i) the United States Department of Agriculture (including, but not limited to, any corporate agency thereof); or (ii) any person designated by the Assistant Administrator.

(4) Each packer shall, without regard to existing contracts, set aside and hold for sale and delivery to a Government agency the respective percentages specified below of (i) all of the specified dried fruit and raisins which are in his possession, under his control, or under contract with him on September 25, 1945; and (ii) all of the specified dried fruit and raisins thereafter produced or acquired by such packer:

Type of commodity	Set-aside percentages under, respectively	
	(i)	(ii)
Raisins:		
Thompson seedless, natural or sun-dried	35	35
Golden Bleached	20	20
Prunes:		
California, 3 district	35	35
California outside district	20	20
Peaches (Freestone)	50	50
Apricots	100	100
Apples	50	50

None of the said dried fruit or raisins set aside for sale and delivery to a Government agency as aforesaid shall be of substandard quality, and the respective portions of the dried fruit and raisins so set aside shall be a cross section of the sizes and standard qualities of such dried fruit and raisins, as the case may be, which are owned on September 25, 1945, or which are subsequently acquired by the particular packer, except that, in the case of dried prunes, the sizes set aside shall fall into the size groups 20/30 through 90/100 counts when packed, but such dried prunes shall otherwise be a cross section of all standard quality dried prunes owned on September 25, 1945, or subsequently acquired by such packer. Fruit so set aside shall not be processed or packed except in accordance with instructions furnished by the Assistant Administrator, or by a Government agency if such fruit is to be purchased by such Government agency. The Assistant Administrator, or any Government agency purchasing such fruit, may issue specifications at any time as to the processing, packing, labeling, boxing, and strapping of the fruit to be acquired by such Government agency. The Assistant Administrator may issue specifications at any time as to the processing and packing of dried fruit and raisins to be sold and delivered in United States civilian trade channels; and in the event the Assistant Administrator issues such specifications, no person shall process or pack dried fruit or raisins for sale or delivery in the United States civilian trade channels except in accordance with the specifications issued by the Assistant Administrator.

(5) No dehydrator shall convert any quantity of grapes of the Thompson seedless, Muscat, or Sultana varieties into raisins by any method other than sun-drying, unless conversion of such quantity into raisins by such other method is specifically authorized by the Assistant Administrator in writing. Any such authorizations heretofore granted pursuant to the provisions of § 1407.2 (b) (7) of War Food Order No. 17, as amended (8 F.R. 1706, 5793, 8795, 12042; 9 F.R. 2594, 4321, 4319, 8768, 9584; 10 F.R. 103, 1082, 10419), with respect to any of the aforesaid varieties of grapes which are produced in 1945 are hereby continued in full force and effect in accordance with their respective terms until and unless they are specifically amended, modified, or terminated by the Assistant Administrator.

(6) If the Assistant Administrator determines that any dried fruit or raisins set aside pursuant to this order is not required for a Government agency, the Assistant Administrator may release such dried fruit or raisins at any time by notice directed to the packer. So far as such action is consistent with the public interest and the promotion of the national defense, such releases shall be of such a character as to allow all packers substantially equal proportions of their packs of each fruit for sale to purchasers other than Government agencies.

(7) Any quantity of dried fruit or raisins allocated or released shall, unless otherwise specified, be withdrawn by the packer from the earliest reported stocks of such dried fruit or raisins.

(8) No person shall sell or deliver any quantity of dried fruit, raisins, or Zante currants with knowledge or reason to believe that such quantity, or any portion thereof, thus sold or delivered is to be used in violation of this order.

(c) *Audits and inspections.* The Assistant Administrator shall be entitled to make such audits and inspections of the books, records and other writings, premises or stocks of dried fruit, raisins, Zante currants, or the fresh fruit intended to be used in the manufacture of the aforementioned products, and to make such investigations as may be necessary or appropriate, in the Assistant Administrator's discretion, to the enforcement or administration of this order.

(d) *Records and reports.* (1) The Assistant Administrator shall be entitled to obtain such information from, and require such reports and the keeping of such records by, any person, as may be necessary or appropriate, in the Assistant Administrator's discretion, to the enforcement or administration of the provisions of this order, subject to the approval of the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(2) Every person subject to this order shall, for at least two years (or for such period of time as the Assistant Administrator may designate), maintain an accurate record of his transactions in dried fruit, raisins, Zante currants, and the fresh fruit intended to be used in the manufacture of the aforementioned products, respectively.

(3) Each packer shall mail the reports, completely and correctly filled-in, to the Assistant Administrator on forms numbered FDO 16–A to FDO 16–G, for the respective dried fruit, raisins, and Zante currants indicated thereon not later than three days after the close of the period, from the first day to the fifteenth day, and the close of the period from the sixteenth day to the last day of each month, inclusive.

(e) *Petition for relief from hardship.* Any person affected by this order who considers that compliance herewith would work an exceptional or unreasonable hardship on him may file a petition for relief with the Order Administrator. Such petition shall be addressed to Order Administrator, WFO 16, United States Department of Agriculture, Fruit and Vegetable Branch, Production and Marketing Administration, Washington 25, D. C. Petitions for such relief shall be in writing and shall set forth all pertinent facts and the nature of the relief sought. The Order Administrator may take any action with reference to such petition which is consistent with the authority delegated to him by the Assistant Administrator. If the petitioner is dissatisfied with the action taken by the Order Administrator on the petition, he shall obtain, by requesting the Order Administrator therefor, a review of such action by the Assistant Administrator. The Assistant Administrator may, after said review, take such action as he deems appropriate, and such action shall be final. The provisions of this paragraph (e) shall not be construed to deprive the Assistant Administrator of authority to consider originally any petition for relief from hardship submitted in accordance herewith. The Assistant Administrator may consider any such petition and take such action with reference thereto that he deems appropriate, and such action shall be final.

(f) *Violations.* Any person who violates any provision of this order may, in accordance with the applicable procedure, be prohibited from receiving, making any deliveries of, or using dried fruit, raisins, Zante currants, or the fresh fruit intended to be used in the manufacture of the aforementioned products. In addition, any person who wilfully violates any provision of this order is guilty of a crime and may be prosecuted under any and all applicable laws. Further, civil action may be instituted to enforce any liability or duty created by, or to enjoin any violation of, any provision of this order.

(g) *Delegation of authority.* The administration of this order and the powers vested in the Secretary of Agriculture, insofar as such powers relate to the administration of this order, are hereby delegated to the Assistant Administrator. The Assistant Administrator is authorized to redelegate to any employee of the United States Department of Agriculture any or all of the authority vested in him by this order.

(h) *Communications.* All reports required to be filed hereunder and all communications concerning this order shall, unless otherwise provided herein or in instructions issued by the Assistant Administrator, be addressed to the Order Administrator, WFO No. 16, Fruit and Vegetable Branch, Production and Marketing Administration, United States Department of Agriculture, Washington 25, D. C.

(i) *Effective date.* This order shall become effective at 12:01 a. m., e. w. t., September 25, 1945. With respect to violations, rights accrued, liabilities incurred, or appeals taken under said War Food Order No. 16, as amended, prior to the effective time of the provisions hereof, the provisions of the said War Food Order No. 16, as amended, in effect prior to the effective time hereof shall be deemed to continue in full force and effect for the purpose of sustaining any proper suit, action, or other proceeding in regard to any such violation, right, liability, or appeal.

NOTE: All reporting and record-keeping requirements of this order have been approved by, and subsequent reporting and record-keeping requirements will be subject to the approval of, Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423; E.O. 9392, 8 F.R. 14783; E.O. 9577, 10 F.R. 8087)

Issued this 21st day of September 1945.

[SEAL] CLINTON P. ANDERSON,
Secretary of Agriculture.

[F. R. Doc. 45-17741; Filed, Sept. 24, 1945; 11:10 a. m.]

[WFO 17, as Amended, Termination]

PART 1407—DRIED FRUIT

RAISIN VARIETY GRAPES, ZANTE CURRANT GRAPES, RAISINS, AND ZANTE CURRANTS

War Food Order No. 17, as amended (8 F.R. 1706, 5793, 8795, 12042; 9 F.R. 2594, 4321, 4319, 8768, 9584; 10 F.R. 103, 1082, 10419), is terminated as of 12:01 a. m., e. w. t., September 25, 1945.

With respect to violations, rights accrued, liabilities incurred, or appeals taken under said War Food Order No. 17, as amended, prior to the effective time

of the provisions hereof, the provisions of said War Food Order No. 17, as amended, in effect prior to the effective time hereof shall be deemed to continue in full force and effect for the purpose of sustaining any proper suit, action, or other proceeding with regard to any such violation, right, liability, or appeal.

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423; E.O. 9392, 8 F.R. 14783; E.O. 9577, 10 F.R. 8087)

Issued this 21st day of September 1945.

[SEAL] CLINTON P. ANDERSON,
Secretary of Agriculture.

[F. R. Doc. 45-17740; Filed, Sept. 24, 1945; 11:10 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket No. 5077]

PART 2—DIGEST OF CEASE AND DESIST ORDERS

TIGER YARN CO., ETC.

§ 3.6 (c) *Advertising falsely or misleadingly—Composition of goods:* § 3.6 (cc) *Advertising falsely or misleadingly—Source or origin—Place—Domestic product as imported:* § 3.66 (a7) *Misbranding or mislabeling—Composition:* § 3.66 (k) *Misbranding or mislabeling—Source or origin—Place—Domestic product as imported:* § 3.96 (a) *Using misleading name—Goods—Composition:* § 3.96 (a) *Using misleading name—Goods—Source or origin—Place—Domestic product as imported.* In connection with the offering for sale, sale and distribution of knitting yarns or other wool products in commerce, (1) using the word "Saxony", or any simulation thereof, either alone or in connection or conjunction with any other word or words, to designate, describe, or refer to any yarn or other wool product not made of the wool of sheep grown in the Province of Saxony; (2) using the word "Scotch" to designate or describe any yarn or other wool product not made from the wool of sheep grown in Scotland; or (3) representing through the use of the words "Saxony", "Scotch", or any other words or terms indicating foreign origin, that yarns or other wool products made or manufactured from domestic products are imported or made from imported products; prohibited, subject to the provisions, however, as respects said first two prohibitions, that in the case of a product composed in part of the wool concerned and in part of other fibers or materials, the word concerned may be used as descriptive respectively of the Saxony wool content or the Scotch wool content if there are used in immediate connection or conjunction therewith, in letters of at least equal size and conspicuousness, words truthfully describing such other constituent fibers or materials, and subject to the further qualification that no provision of the order shall be construed as relieving respondent in any respect of the necessity of complying with the requirements of the Wool Products Labeling Act of 1939 and the rules and regulations promulgated thereunder. (Sec. 5, 38 Stat. 719, as amended by Sec. 3, 52 Stat. 112; 15 U.S.C., sec. 45b) (Cease and desist order, Tiger Yarn Company, etc., Docket 5077, August 20, 1945)

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 20th day of August, A. D. 1945.

In the Matter of Benjamin Goldman, Individually and Trading as Tiger Yarn Company, Minnette Yard Company, Bengo Yarn Shop, and Goldman's Yarn Shop

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission and the answer of respondent, in which answer respondent admits all the material allegations of fact set forth in said complaint and states that he waives all intervening procedure and further hearings as to said facts, and the Commission having made its findings as to the facts and its conclusion that said respondent has violated the provisions of the Federal Trade Commission Act:

It is ordered, That respondent Benjamin Goldman, an individual, trading as Tiger Yarn Company, Minnette Yarn Company, Bengo Yarn Shop, Goldman's Yarn Shop, or under any other name, his representatives, agents, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution of knitting yarns or other wool products in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Using the word "Saxony," or any simulation thereof, either alone or in connection or conjunction with any other word or words, to designate, describe, or refer to any yarn or other wool product not made of the wool of sheep grown in the Province of Saxony: *Provided, however*, That in the case of a product composed in part of such wool and in part of other fibers or materials, such word may be used as descriptive of the Saxony wool content if there are used in immediate connection or conjunction therewith, in letters of at least equal size and conspicuousness, words truthfully describing such other constituent fibers or materials.

2. Using the word "Scotch" to designate or describe any yarn or other wool product not made from the wool of sheep grown in Scotland: *Provided, however*, That in the case of a product composed in part of such wool and in part of other fibers or materials, such word may be used as descriptive of the Scotch wool content if there are used in immediate connection or conjunction therewith, in letters of at least equal size and conspicuousness, words truthfully describing such other constituent fibers or materials.

3. Representing, through the use of the words "Saxony," "Scotch," or any other words or terms indicating foreign origin, that yarns or other wool products made or manufactured from domestic products are imported or made from imported products.

It is further ordered, That no provision of this order shall be construed as relieving respondent in any respect of the necessity of complying with the requirements of the Wool Products Labeling Act of 1939 and the rules and regulations promulgated thereunder.

It is further ordered, That respondent shall, within sixty (60) days after the service upon him or this order, file with the Commission a report in writing setting forth in detail the manner and form in which he has complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 45-17728; Filed, Sept. 24, 1945; 11:23 a. m.]

TITLE 31—MONEY AND FINANCE: TREASURY

Chapter I—Monetary Offices

PART 132—GENERAL LICENSES UNDER EXECUTIVE ORDER NO. 8389, APRIL 10, 1940, AS AMENDED AND REGULATIONS ISSUED PURSUANT THERETO, BY THE GOVERNOR OF HAWAII

NATIONALS OF JAPAN

JUNE 23, 1944.

General License No. H–20, under Executive Order No. 8389, as amended, Executive Order No. 9193, as amended, section 5 (b) of the Trading with the Enemy Act, as amended by the First War Powers Act, 1941, relating to foreign funds control

§ 132.22 *General License H–20.* (a) A general license is hereby granted licensing as a generally licensed national:

(1) Any individual who is a national of Japan and residing only in the Territory of Hawaii; and

(2) Any partnership, association, corporation, or other organization within the Territory of Hawaii which is a national of Japan solely by reason of the interest therein of a person or persons licensed herein as generally licensed nationals.

(b) This section shall not be deemed to license as a generally licensed national:

(1) Any individual who on or since the effective date of the order has acted or purported to act directly or indirectly for the benefit or on behalf of any blocked country, including the government thereof; or

(2) Any individual who is a national of Japan by reason of any fact other than that such individual has been domiciled in, or a subject, citizen or resident of Japan at any time on or since the effective date of the order.

(Sec. 5 (b), 40 Stat. 415 and 966; sec. 2, 48 Stat. 1; 54 Stat. 179; 55 Stat. 838; E.O. 8389, Apr. 10, 1940, as amended by E.O. 8785, June 14, 1941, E.O. 8832, July 26, 1941, E.O. 8963, Dec. 9, 1941, and E.O. 8998, Dec. 26, 1941: E.O. 9193, July 6, 1942, as amended by E.O. 9567, June 8, 1945; Regs. Apr. 10, 1940, as amended June 14, 1941, and July 26, 1941)

[SEAL] INGRAM M. STAINBACK,
Governor of Hawaii.

Confirmed:

MICHAEL L. HOFFMAN,
Acting Director,
Foreign Funds Control.

[F. R. Doc. 45-17692; Filed, Sept. 21, 1945; 11:51 a. m.]

PART 132—GENERAL LICENSES UNDER EXECUTIVE ORDER NO. 8389, APRIL 10, 1940, AS AMENDED, AND REGULATIONS ISSUED PURSUANT THERETO, BY THE GOVERNOR OF HAWAII

TRANSACTIONS WITH RESPECT TO BLOCKED NATIONALS

JUNE 23, 1944.

Public Circular No. H–9, under Executive Order No. 8389, as amended, Executive Order No. 9193, as amended, section 5 (b) of the Trading with the Enemy Act, as amended by the First War Powers Act, 1941, relating to foreign funds control.

In view of the issuance of § 132.22 (General License No. H–20) (supra), § 132.4 (General License No. H–2), § 132.11 (General License No. H–9), § 132.21 (General License No. H–19), Public Circular No. H–4 and Public Circular No. H–5 are hereby revoked.

(Sec. 3 (a), 40 Stat. 412; sec. 5 (b), 40 Stat. 415 and 966; sec. 2, 48 Stat. 1; 54 Stat. 179; 55 Stat. 838; E.O. 8389, Apr. 10, 1940, as amended by E.O. 8785, June 14, 1941, E.O. 8832, July 26, 1941, E.O. 8963, Dec. 9, 1941, and E.O. 8998, Dec. 26, 1941: E.O. 9193, July 6, 1942, as amended by E.O. 9567, June 8, 1945; Regs., Apr. 10, 1940, as amended June 14, 1941, and July 26, 1941)

[SEAL] INGRAM M. STAINBACK,
Governor of Hawaii.

Confirmed:

MICHAEL L. HOFFMAN,
Acting Director,
Foreign Funds Control.

[F. R. Doc. 45-17691; Filed, Sept. 21, 1945; 11:51 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter IX—War Production Board

AUTHORITY: Regulations in this chapter unless otherwise noted at the end of documents affected, issued under sec. 2 (a), 54 Stat. 676, as amended by 55 Stat. 236, 56 Stat. 177, 58 Stat. 827; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; E.O. 9599, 10 F.R. 10155; W.P.B. Reg. 1 as amended Dec. 31, 1943, 9 F.R. 64.

PART 944—REGULATIONS APPLICABLE TO THE OPERATIONS OF THE PRIORITIES SYSTEM

[Priorities Reg. 29, Interpretation 1]

EFFECT OF AA RATINGS AFTER SEPTEMBER 30

The following interpretation is issued with respect to Priorities Regulation 29:

(a) Paragraph (c) (1) of Priorities Regulation 29 provides that the AA rating system remains effective as to deliveries until the end of September 1945. After that time, AA ratings will be completely ineffective, and must be disregarded by suppliers. This includes AA ratings on orders which were originally accepted and scheduled for delivery by September 30, but which, due to circumstances beyond the supplier's control are delayed in delivery. These orders are to be treated as unrated.

(b) Similarly, where a supplier receives a purchase order calling for delivery before October 1, but is unable to schedule it for delivery at that time and schedules it for delivery after September 30, he must treat it as an unrated order under paragraph (c) (2) of Priorities Regulation 29.

(c) Suppliers, of course, must follow the requirements of Priorities Regulation 1 in accepting and scheduling AA rated orders for delivery before October 1.

(d) The same rules apply to treatment of authorized controlled material orders under paragraph (d) of Priorities Regulation 29.

(e) However, under paragraph (c) (2) of Priorities Regulation 29, a different rule applies to AA ratings on orders for textiles and related items covered by Schedule A of Order M–328. These AA ratings remain effective until September 30 both on orders for delivery before and after that date. Orders with AA ratings must, until September 30, be accepted and scheduled as in the past, even if they call for delivery after September 30. After that date, the AA ratings are ineffective and orders bearing them must be treated as unrated unless specifically re-rated AAA, MM, or CC.

Issued this 24th day of September 1945.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 45-17736; Filed, Sept. 24, 1945; 11:23 a. m.]

PART 1010—SUSPENSION ORDERS

[Suspension Order S–696, Amdt. 1]

ALPHA CLUB—ALPHA RESTAURANT

The Alpha Club, Philadelphia, Pennsylvania, did construction work at 1911 Chestnut Street, in violation of Conservation Order L–41, and on or about September 14, 1944, filed two applications for permission to obtain a new gas range, a broiler and a fryer costing $570.00 and one new Universal dishwasher at a cost of $595.00 for use in the building at 1911 Chestnut Street, Philadelphia. These applications were filed under the name of the non-existent Alpha Restaurant and contained false and misleading statements. Suspension Order No. S–696 was issued against the Alpha Club–Alpha Restaurant on January 22, 1945. In view of the fact that Conservation Order L–41, as amended, on September 7, 1945, raises the limitation on this type of construction to $5,000, the Chief Compliance Commissioner has directed that the suspension order be amended to allow additional construction up to but not exceeding $5,000.

In view of the foregoing, it is hereby ordered, that: § 1010.696 *Suspension Order No. S–696*, issued January 22, 1945, be amended by the substitution of the following paragraph (a) for the present paragraph (a):

(a) Neither the Alpha Club, its successors or assigns, nor any other person shall do any construction on the premises at 1911 Chestnut Street, Philadelphia, Pennsylvania, including putting up or altering the structure located on said premises, to exceed $5,000, unless hereafter specifically authorized in writing by the War Production Board.

Issued this 21st day of September 1945.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 45-17664; Filed, Sept. 21, 1945; 11:20 a. m.]

PART 1010—SUSPENSION ORDERS

[Suspension Order S–822]

VERNA'S TAVERN, MULLIN CONSTRUCTION CO., AND W. G. BRUST

Gaitano and Verna Marra, doing business as Verna's Tavern, Seattle, Washington, acting through W. G. Brust, Republic Building, Seattle, Washington, their architect, applied to the War Production Board in October, 1944, for permission to build a one story restaurant at 10340 E. Marginal Way, Seattle, at an estimated cost of $9400.00, and permission was granted. Thereupon the Marras entered into a contract with J. L. Mullin, doing business as Mullin Construction Company, of 2516 Juneau Street, Seattle, Washington, to construct a two story building to house a tavern at the same address for $17,559.00, exclusive of the heating system, which was to cost $1270.00. Gaitano and Verna Marra and W. G. Brust from the beginning intended to construct a tavern at a cost greatly in excess of $9400.00, and their representations respecting use and estimated cost in the application were wilfully false. J. L. Mullin had actual knowledge of the War Production Board authorization before he contracted to build the building, and knew that his contract was in excess of the authorization. During the course of construction the parties agreed to install two apartments on the second floor, for which no authorization was asked or issued. The foregoing construction was in wilful violation of Conservation Order L–41, and has diverted critical materials to uses not authorized by the War Production Board. In view of the foregoing, it is hereby ordered, that:

§ 1010.822 *Suspension Order No. S–822.* (a) Neither Gaitano Marra, Verna Marra, J. L. Mullin, W. G. Brust, their successors or assigns, nor any other person, shall do any construction on the premises at 10440 E. Marginal Way, Seattle, Washington, including putting up or altering the structure, unless hereafter specifically authorized in writing by the War Production Board.

(b) Nothing contained in this order shall be deemed to relieve Gaitano Marra, Verna Marra, J. L. Mullin, W. G. Brust, or any of them, their successors or assigns, from any restriction, prohibition or provision contained in any other order or regulation of the War Production

Board, except insofar as the same may be inconsistent with the provisions hereof.

Issued this 24th day of September 1945.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 45-17737; Filed, Sept. 24, 1945; 11:23 a. m.]

PART 1010—SUSPENSION ORDERS

[Suspension Order S-865, Revocation]

THE DAY PUBLISHING CO., INC.

Suspension Order No. S-865 was issued on July 27, 1945 against The Day Publishing Co., Inc., engaged in publishing a newspaper called "The Day." The case has been reviewed by the Chief Compliance Commissioner who has directed that the suspension order be revoked.

In view of the foregoing, it is hereby ordered, that: § 1010.865 *Suspension Order No. S-865*, be revoked.

Issued this 21st day of September 1945.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 45-17719; Filed, Sept. 21, 1945; 4:44 p. m.]

Chapter XI—Office of Price Administration

PART 1305—ADMINISTRATION

[SO 108,[1] Amdt. 5]

MANUFACTURERS' MAXIMUM AVERAGE PRICES FOR CERTAIN ITEMS OF APPAREL AND APPAREL ACCESSORIES

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.

Supplementary Order 108 is amended in the following respects:

1. Section 4 (a) is amended to read as follows:

(a) *When you must file a maximum average price chart*—(1) *General filing.* On or before June 20, 1945, if you have base periods under section 2, you must file with your OPA District Office[2] two copies (signed by an owner, officer or principal) of your chart of maximum average prices. (If you made no deliveries prior to December 31, 1944 you need not file a chart. The order issued to you upon application under section 9 will contain your chart.) On and after July 2, 1945 you may not deliver any item covered by this order until you have received acknowledgment from the OPA of the filing of your chart.

(2) *Special filing.* On or before October 20, 1945, if you have base periods under section 2 for any category created by this amendment you must file with your OPA District Office two copies (signed by an owner, officer or principal) of a statement containing for each such category the information required by paragraph (b) of this section.

However, if you cannot supply the information required by paragraph (b) (3) for all of your base periods by October 20, 1945, you must file a statement by October 20, 1945, containing the information required by paragraph (b) for your base periods for the 3rd and 4th quarters and you must file the remainder of the required information on or before November 20, 1945.

On and after October 30, 1945, you may not sell or deliver any items in any category created by this amendment until you have received an acknowledgment from the Office of Price Administration of the receipt of the statement required to be filed by October 20, 1945. On and after January 1, 1946, you may not sell or deliver any item in any category created by this amendment until you have received an acknowledgment from the Office of Price Administration of the receipt of all the information required by paragraph (b) of this section.

2. Section 9 (a) is amended by amending the first two paragraphs thereof to read as follows:

(a) *Persons who are unable to establish base periods under section 2.* Except in the cases of transfers of business as provided in section 10, if you made no deliveries at all in any particular category between January 1, 1943 and December 31, 1944, you may not deliver any items in that category after September 30, 1945 until you have received an order from the Office of Price Administration establishing a maximum average price for that category.

However, if you made your first delivery of any item in that category between December 31, 1944 and April 28, 1945 and if you file your application under this section and receive an acknowledgment from the Office of Price Administration dated on or before September 30, 1945, you may deliver items in that category at ceiling prices established under the appropriate regulation without regard to the requirements of this order, until an order has been issued to you under this section: Except that, until an order is issued, you must not deliver any item in that category at a price higher than the highest maximum price you have already established for any item in that category which you delivered before April 28, 1945. If you have not received an acknowledgment of the receipt of your application dated before October 1, 1945 you may not deliver any items in the category after September 30, 1945 until an order has been issued to you under this section.

3. Section 9 (b) is amended by amending the first two paragraphs thereof to read as follows:

(b) *Other persons who cannot establish maximum average prices for every category.* If you cannot prepare a maximum average price chart and determine your maximum average price for a particular category because you do not have sufficient records or for any other reason, you may not deliver any items in that category after September 30, 1945 until you have received an order from the Office of Price Administration establishing a maximum average price for the category.

However, if you delivered items in that category before April 28, 1945, and if you file your application under this section and receive an acknowledgment from the Office of Price Administration dated on or before September 30, 1945, you may deliver items in that category at ceiling prices established under the appropriate regulation without regard to the requirements of this order until an order has been issued to you under this section: Except that, until an order is issued, you must not deliver any item in that category at a price higher than the highest maximum price you have already established for any item in that category which you delivered before April 28, 1945. If you have not received an acknowledgment of the receipt of your application dated before October 1, 1945, you may not deliver any items in the category after September 30, 1945 until an order has been issued to you under this section.

4. Section 21 (b) (1) (ii) is amended by adding subdivisions (*a*) and (*b*) to read as follows:

(*a*) "Combed cotton" fabric means a cotton fabric in which all the cotton fibres have been combed.

(*b*) "Carded cotton" fabric means a cotton fabric containing any cotton fibres which have been carded but not combed.

5. Appendix A is amended by deleting the categories listed in column 1 and substituting therefor the categories listed and described in column 2:

Column 1	*Column 2*
A-86	A-86a Women's, Misses', and Juniors 100% wool, 6 lbs. and over per dozen.
	A-86b Women's, Misses' and Juniors' 100% wool, under 6 lbs. per dozen.
A-87	A-87a Women's, Misses' and Juniors'—Wool blends, 50% or more wool by weight, 6 lbs. and over per dozen.
	A-87b Women's, Misses' and Juniors'—Wool blends, 50% or more wool by weight, under 6 lbs. per dozen.
A-88	A-88a Women's, Misses' and Juniors'—Wool blends, less than 50% wool by weight, 6 lbs. and over per dozen.
	A-88b Women's, Misses' and Juniors'—Wool blends, less than 50% wool by weight, under 6 lbs. per dozen.
A-95	A-95a Women's, Misses' and Juniors'—Carded cotton.
	A-95b Women's, Misses' and Juniors'—Combed cotton.
	A-95c Women's, Misses' and Juniors'—All other fabrics.
A-97	A-97a Teen-Age and Girls'—Carded cotton.
	A-97b Teen-Age and Girls'—Combed cotton.
	A-97c Teen-Age and Girls'—All other fabrics.

6. Appendix B is amended by deleting the category listed in Column 1 and substituting therefor the categories listed and described in Column 2.

Column 1	*Column 2*
B-44	B-44-a Roll on girdles made from knitted elastic fabric (without closures and without rigid panels) or girdle blanks: All sizes—All fabrics.
	B-44-b All other girdles without closures: All sizes—All fabrics.

7. Appendix C is amended by deleting the categories listed in Column 1 and substituting therefor the categories listed and described in Column 2.

Column 1	*Column 2*
C-1	C-1-a Classic tailored dickies: All sizes—All fabrics.
	C-1-b All other dickies, halters, gulmpes and vestees: All sizes—All fabrics.
C-8	C-8-a Girls' and Children's—100% wool knit.
	C-8-b Girls' and children's—All other knit fabrics.
	C-8-c Girls' and Children's—All other materials.

8. Appendix E is amended by deleting the categories listed in Column 1 and substituting therefor the categories listed and described in Column 2.

Column 1	*Column 2*
E-12	E-12-a Men's and Young Men's—All-wool worsted.
	E-12-b Men's and Young Men's—All other fabrics.
E-18	E-18-a Men's and Young Men's—All-wool worsted.
	E-18-b Men's and Young Men's—Cotton.
	E-18-c Men's and Young Men's—All other fabrics.
E-37	E-37-a Men's, normally sold in sizes 36 and larger, or equivalent—Carded cotton.
	E-37-b Men's, normally sold in sizes 36 and larger, or equivalent—Combed cotton.
	E-37-c Men's, normally sold in sizes 36 and larger, or equivalent—All other fabrics.
E-39	E-39-a Boys', normally sold in sizes 4-12 and 8-20, or equivalent—Carded cotton.
	E-39-b Boys', normally sold in sizes 4-12 and 8-20, or equivalent—Combed cotton.
	E-39-c Boys', normally sold in sizes 4-12 and 8-20, or equivalent—All other fabrics.
E-41	E-41-a Men's, normally sold in sizes 36 and larger, or equivalent—Carded cotton.
	E-41-b Men's, normally sold in sizes 36 and larger, or equivalent—Combed cotton.
	E-41-c Men's, normally sold in sizes 36 and larger, or equivalent—All other fabrics.
E-43	E-43-a Boys', normally sold in sizes 4-12 and 8-20, or equivalent — Carded cotton.
	E-43-b Boys', normally sold in sizes 4-12 and 8-20, or equivalent—Combed cotton.
	E-43-c Boys', normally sold in sizes 4-12 and 8-20, or equivalent—All other fabrics.
E-45	E-45-a Men's, normally sold in sizes 36 and larger, or equivalent—Carded cotton.
	E-45-b Men's, normally sold in sizes 36 and larger, or equivalent—Combed cotton.
	E-45-c Men's, normally sold in sizes 36 and larger, or equivalent—All other fabrics.
E-47	E-47-a Boys', normally sold in sizes 4-12 and 8-20, or equivalent—Carded cotton.
	E-47-b Boys', normally sold in sizes 4-12 and 8-20, or equivalent—Combed cotton.
	E-47-c Boys', normally sold in sizes 4-12 and 8-20, or equivalent—All other fabrics.
E-48	E-48-a Men's—All-wool worsted.
	E-48-b Men's—All other fabrics.
E-53	E-53-a Men's—All-wool worsted.
	E-53-b Men's—All other fabrics.
E-69	E-69-a Men's—Carded cotton.
	E-69-b Men's—All other fabrics except wool.
E-70	E-70-a Junior (sizes 3-10)—All fabrics except wool.
	E-70-b Boys' (sizes 11-14½)—All fabrics except wool.
E-73	E-73-a Men's—Wool.
	E-73-b Men's—All other fabrics.
E-74	E-74-a Junior (sizes 3-10)—Cotton.
	E-74-b Boys' (sizes 11-14½—Cotton.
E-75	E-75-a Junior (sizes 3-10)—All other fabrics.
	E-75-b Boys' (sizes 11-14½)—All other fabrics.
E-77	E-77-a Woven union suits: Men's—All fabrics.
	E-77-b Woven union suits-Boys'—All fabrics.
E-80	E-80-a Woven pajamas, nightshirts, and sleepcoats: Men's—Carded cotton.
	E-80-b Woven pajamas, nightshirts, and sleepcoats: Men's—Combed cotton.
	E-80-c Woven pajamas, nightshirts, and sleepcoats: Men's—All other fabrics.
E-81	E-81-a Woven pajamas, nightshirts, and sleepcoats: Boys'—Carded cotton.
	E-81-b Woven pajamas, nightshirts, and sleepcoats: Boys'—All other fabrics.
E-126	E-126-a Coats and smocks: Men's and Women's: All sizes—All fabrics.
	E-126-b Aprons: Men's and Women's: All sizes—All fabrics.

9. Appendix F is amended by deleting the category listed in column 1 and substituting therefor the categories listed and described in column 2.

Column 1	*Column 2*
F-12	F-12a Men's—Wool felt.
	F-12b Boys'—Wool felt.

This amendment shall become effective September 25, 1945.

NOTE: All reporting and record-keeping requirements of this amendment have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 20th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-17636; Filed, Sept. 20, 1945; 4:42 p. m.]

[1] 10 F.R. 4336, 5904, 6402, 8369, 10200.

[2] "Your OPA District Office" means the district office having jurisdiction over the area in which is located your main office from which your billings are made.

PART 1387—SILVER

[RMPR 198,[1] Amdt. 1]

SILVER

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register..

Revised Maximum Price Regulation No. 198 is amended in the following respects:

1. Section 3 is revised to read as follows:

SEC. 3. *Maximum prices for standard commercial bars*—(a) *Definitions.* (1) "Seller's most favorable basing point" means the basing point to which the cost of transportation from the point of shipment is lowest.

(2) "Point of shipment" means the point at which the silver is first loaded on a conveyance for shipment directly to the buyer, except that, in the case of imports, it means the port of entry, or the station of the common carrier nearest to the point on the international boundary at which the shipment first enters the continental United States.

(b) *Base prices.* The maximum price for standard commercial bars, delivered, free of all charges, to the seller's most favorable basing point, shall be:

71.111 cents per fine troy ounce.

(c) *Basing points.* The following basing points, or free delivery points, are established for standard commercial bars:

New York, N. Y.; San Francisco, California; Philadelphia, Pa.; Denver, Colorado.

(d) *Delivered price.* If delivery is made to the buyer at any point other than the seller's most favorable basing point, the maximum delivered price shall be the applicable one of the prices set out in paragraph (b) of this section, plus the cost of transportation from the point of shipment to the destination, minus the cost of transportation from the point of shipment to the seller's most favorable basing point.

(e) *Price f. o. b. point of shipment.* Standard commercial bars may be sold f. o. b. point of shipment. The maximum price f. o. b. point of shipment is the maximum delivered price at the seller's most favorable basing point, minus the cost of transportation from the point of shipment to the seller's most favorable basing point.

(f) *Distributors' differentials.* A seller other than a refiner may sell or deliver standard commercial bars in lots of less than 200,000 ounces at the base price set out in paragraph (b), plus the differentials established by this paragraph. Moreover such sales or deliveries at the prices provided in this paragraph may be f. o. b. the seller's shipping point rather than on the basis of the seller's most favorable basing point, and if the seller makes delivery to the buyer's place of business, he may add an amount not in excess of express charges.

[1] 7 F.R. 6083, 6939, 8848; 9 F.R. 5990.

Quantity differentials for sellers other than refiners are as follows:

	Cents
100,000 ounces up to but not including 200,000 ounces	.25
25,000 ounces up to but not including 100,000 ounces	.375
10,000 ounces up to but not including 25,000 ounces	.50
5,000 ounces up to but not including 10,000 ounces	.75
2,000 ounces up to but not including 5,000 ounces	1.25
Under 2,000 ounces	2.00

(g) *Refiners' differentials.* A refiner may add the following quantity differentials to his maximum prices for delivery of standard commercial bars in lots of less than 25,000 ounces at his most favorable basing point:

	Cents
10,000 ounces up to but not including 25,000 ounces	.50
5,000 ounces up to but not including 10,000 ounces	.75
2,000 ounces up to but not including 5,000 ounces	1.25
Under 2,000 ounces	2.00

(h) *Credit charges.* A seller of standard commercial bars may add his customary charges for the extension of credit beyond 10 days from date of invoice. However, no charge may be added for credit of shorter duration.

2. Section 4 (a) is revised to read as follows:

(a) *Maximum prices.* Maximum prices for semifabricated articles shall be determined by taking as a base the highest price charged by the seller during March, 1942 for the same commodity containing foreign silver and adding to this base price 36.125 cents per fine troy ounce of silver contained in the article to be priced.

3. Section 4 (c) is revised to read as follows:

(c) *Additions to base price.* To find the maximum price, take the base price, figured according to the rules in paragraph (b) of this section, and add 36.125 cents per fine troy ounce of silver contained in the article sold.

4. Section 5 (a) (1) is amended by the deletion of the last sentence thereof.

5. Section 7 is revised to read as follows:

SEC. 7. *Maximum prices for silver scrap.* The maximum price for silver scrap shall be 70.875¢ per fine troy ounce of silver contained, delivered free of all charges to the buyer's receiving point.

6. Sections 9, 10 and 11 are revoked.

7. Section 13 is amended by the deletion of paragraphs (a) and (b) thereof.

8. Section 18 (a) is amended by the deletion of subparagraph (6) thereof.

This amendment shall become effective September 21, 1945.

Issued this 21st day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-17700; Filed, Sept. 21, 1945; 4:13 p. m.]

PART 1499—COMMODITIES AND SERVICES

[SR 14G,[1] Amdt. 2]

SOLDER AND BABBITT METAL CONTAINING SILVER

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.

SR 14G is amended in the following respects:

1. Section 1 is revised to read as follows:

SECTION 1. *Solder and babbitt metal containing silver*—(a) *Maximum prices.* The seller's maximum price for any tin base, lead base or tin-lead base solder or any babbitt metal containing silver shall be the maximum price for such commodity as determined in accordance with § 1499.2 of the General Maximum Price Regulation, plus 36.125 cents per fine troy ounce of silver contained.

(b) *Definitions.* (1) "Solder containing silver" means any tin base, lead base or tin-lead base solder containing silver in the amount of 6% or less.

This amendment shall become effective September 21, 1945.

Issued this 21st day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-17698; Filed, Sept. 21, 1945; 4:13 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 443 Under 3 (b), Amdt. 2]

MAXIMUM PRICES FOR CERTAIN MIXED METAL PRODUCTS

An opinion accompanying this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.

Order No. 443 under § 1499.3 (b) of the General Maximum Price Regulation is amended in the following respects:

1. Subparagraphs (5), (6) and (7) of § 1499.1681 (d) are deleted.

2. Section 1499.1681 (e) is deleted.

This amendment shall become effective September 21, 1945.

Issued this 21st day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-17703; Filed, Sept. 21, 1945; 4:13 p. m.]

PART 1340—FUEL

[MPR 88, Amdt. 33]

FUEL OIL, GASOLINE AND LIQUEFIED PETROLEUM GAS

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.

Maximum Price Regulation No. 88 is amended in the following respects:

1. Special section 3 to Article II is amended in the following respects:

a. The phrase immediately following the State designation "Massachusetts" is amended to read as follows: "Except Boston and Fall River and all points in any State supplied from these ports"

b. The phrase immediately following the State designation "Rhode Island" is amended to read as follows: "Except Providence and Tiverton and all points in any State supplied from these ports"

2. Section 3.5 is amended in the following respects:

a. The figure "13–159" in footnote 1 is amended to read "13–15.9."

b. Footnote 2 is amended by inserting the following in the table between Tiverton, Rhode Island and Providence, Rhode Island.

New Haven, Connecticut	10

3. Footnotes 5, 6 and 7 of section 4.35 (a) (1) (i) are revoked.

4. Footnotes 5, 6 and 7 of section 4.45 (a) (1) (i) are revoked.

5. Section 5.1 (e) (1) (ii) (*a*) is amended by deleting the figure "75" in the first line and inserting in lieu thereof "78."

6. Section 5.1 (j) is amended to read as follows:

(j) *Maximum prices for 75–76 Octane ASTM gasoline under certain conditions.* Where a seller's maximum price for automotive gasolines was established under the description of an octane rating rather than under trade terms such as "regular grade," "housebrands," or "second structure," his maximum price for 75–76 ASTM octane automotive gasoline shall be the same as his maximum price for 72–74 octane ASTM gasoline. Principally, this will be applicable to sellers whose maximum prices for gasolines are established under Article IV and in some cases under sections 5.1 (e), 5.2 and 8.3.

7. Section 6.3 (a) (1) (i) is amended in the following respects:

a. The phrase immediately below Massachusetts in the table in said section is amended to read as follows: "Except Boston and Fall River and all points in any State supplied from these ports"

b. The following figures are inserted in the table in each of the two columns following the State designation "Rhode Island" as follows: "Rhode Island ---------- .3 ---------- 0"

c. The phrase immediately following Rhode Island in the table is amended to read as follows: "Except Providence and Tiverton and all points in any State supplied from these ports"

8. Section 6.3 (a) (1) (ii) is amended in the following respects:

a. The figures "1.5" are inserted in each of the four columns in the table following the State designation "Massachusetts."

b. The phrase immediately following the State designation "Massachusetts" is amended to read as follows: "Except Boston and Fall River and all points in any State supplied from these ports"

c. The figures "1.5" are inserted in each of the four columns following the State designation "Rhode Island".

d. The phrase immediately following the State designation "Rhode Island" is amended to read as follows: "Except Providence and Tiverton and all points in any State supplied from these ports."

9. Section 6.4 (a) is amended to read as follows:

(a) *At certain shipping and delivery points in the Eastern Seaboard Area.* (1) *Increases to maximum prices determined under Article V.* (i) *No. 6 fuel oil.* See section 3.5.

(ii) *No 5 Commercial Standard Specification fuel oil, other heavy fuel oils of lower viscosities than No. 6 Commercial Standard Specification fuel oil and heavy fuel oil when sold for use as gas enrichment oil.* At a refinery or terminal located at one of the following points or areas and at any other shipping or delivery point supplied therefrom the following additions may be made:

Point or area:	AMOUNT OF INCREASE *Per barrel (cents)*
Albany, New York	8
New York Harbor	8
Philadelphia Harbor	8
Baltimore, Maryland	8
Portland, Maine	13
Portsmouth, New Hampshire	13
Boston, Massachusetts	12½
Fall River, Massachusetts	10
Tiverton, Rhode Island	10
New Haven, Connecticut	10
Providence, Rhode Island	10
Norfolk	4½
Wilmington, North Carolina	5
Charleston, South Carolina	3
Savannah, Georgia	2½
Jacksonville, Florida	1

(2) *Reductions to certain maximum prices established under Article VIII on or after September 1, 1944.* (i) A seller whose maximum prices for a No. 5 and a No. 6 residual fuel oil was established pursuant to section 8.3 on or after September 1, 1944 but prior to September 1, 1945 shall be reduced by 30 cents per barrel except in the Schedule D area in which case the reduction shall be 15 cents per barrel. After making the foregoing computation, add the amount set forth opposite the applicable supplying port listed in (ii) above: *Provided*, The shipping or delivery point for which the maximum price was established is supplied from such port.

10. Section 6.5 (b) is amended to read as follows:

(b) *In the Territory of Puerto Rico: at all selling levels.* In the Territory of Puerto Rico on deliveries to all purchasers other than the United States Government, its agencies or instrumentalities, when purchased for their exclusive use, the sum of 3¢ per gallon may be added to a maximum price determined under Article V for deliveries of gasoline.

11. Section 6.5 (e) is added to read as follows:

(e) *Throughout the United States*—(1) *Increases to maximum prices determined under Article VIII for automotive gasoline.* The sum of .125¢ per gallon shall be added to maximum prices except tank wagon maximum prices and except delivered-at-destination drum lots delivered maximum prices determined under Article VIII on or after August 15, 1944, for 70–74 octane ASTM gasoline, regular, housebrand, second structure or any automotive gasoline sold under any designation which is covered by the foregoing specifications and/or designations.

12. Section 7.4 (a) is amended to read as follows:

(a) *When use of reference seller's maximum tank wagon price is required.* Except as provided in (b) below a seller's maximum tank wagon price for a particular grade of automotive gasoline, stove and lamp naphtha, kerosene, range, stove or heater oil, distillate fuel or tractor fuel[1] at a particular point in any of the States of Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Mississippi, Nebraska, North Dakota, South Dakota or Wisconsin shall be either (1) the reference tank wagon seller's normal price as posted on October 1, 1941, for the same point, except that in the case of the tank wagon deliveries of kerosene and fuel oils the sum of .3¢ per gallon may be added until October 31, 1945, or (2) said reference seller's maximum tank wagon price for such product at the same point as determined under Articles V and VI plus .7 of a cent per gallon whichever results in the lower price.[2]

If the reference seller has no maximum price at a particular point for a particular grade of any of the products named above, then the tank wagon seller's maximum price shall be the maximum price as determined or established under other provisions of this regulation.

This amendment shall be effective as of September 1, 1945.

Issued this 21st day of September 1945.

JAMES G. ROGERS, JR.,
Acting Administrator.

[F. R. Doc. 45-17699; Filed, Sept. 21, 1945; 4:20 p. m.]

[1] 10 F.R. 1211, 4817.

[2] 9 F.R. 1385, 5109, 6106, 8150, 10193, 11274.

[1] For the purpose of section 7.4 (a) distillate type (non-volatile) tractor fuel of 40 octane ASTM and above and of 30-39 octane ASTM are to be considered the same grade of tractor fuel.

[2] For deliveries of 100 gallons and over of Stanolind High-Speed Diesel fuel or any Diesel fuel of the same grade, deduct 1¢ per gallon.

[3] 9 F.R. 6731.

PART 1407—RATIONING OF FOOD AND FOOD PRODUCTS

[Rev. RO 16,[3] Amdt. 75]

MEAT, FATS, FISH AND CHEESES

A rationale for this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.

Section 15.11A (a) is amended to read as follows:

(a) *How to apply.* A retailer or wholesaler may apply for an adjustment if:

He has not been granted an adjustment under section 15.11 of this order, and his net point inventory at the time of application, is less than 75% of his allowable inventory (or would be if he were required to give up points for his remaining excess inventory); or

He has been granted an adjustment under section 15.11 of this order or for losses for indeterminable causes under section 15.2, and his net point inventory is less than 55% of his allowable inventory (or would be if he were required to give up points for his remaining excess inventory). The application may be made at any time from September 17, 1945 through October 13, 1945, to the Board with which he is registered. The application shall be made in writing and shall give the following information:

(1) The point value of his inventory of foods covered by this order (other than butter or canned fish acquired with loans from the Washington Office) as of any date between September 17, 1945 and October 13, 1945.

(2) If the point value of butter or canned fish he has is included in his reported inventory (subparagraph (1)), a statement that that inventory does not include any butter or canned fish acquired with loans from the Washington Office.

In addition it must show, as of the date of the application:

(3) The number of points he has on hand;

(4) The number of points in his ration bank account, if any (less the amount of any outstanding checks);

(5) The number of points which he has already given up for foods not yet shipped to him;

(6) The number of points he has not yet received for foods he has already shipped;

(7) The number of points owed to the Office of Price Administration for outstanding loans (he must not include that portion of any loans to acquire butter or canned fish represented by butter or canned fish he has and which he is required to exclude from (1) above);

(8) The number of points he has received for foods which he has not yet shipped;

(9) The number of points he owed for foods already shipped to him; and

(10) Whether or not he has received an adjustment under section 15.11 of this order, or for losses for indeterminable causes under section 15.2.

This amendment shall become effective September 29, 1945.

NOTE: All reporting and record-keeping requirements of this amendment have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 21st day of September 1945.

JAMES G. ROGERS, JR.,
Acting Administrator.

[F. R. Doc. 45-17697; Filed, Sept. 21, 1945; 4:20 p. m.]

PART 1315—RUBBER AND PRODUCTS AND MATERIALS OF WHICH RUBBER IS A COMPONENT

[MPR 220, Amdt. 20]

CERTAIN RUBBER COMMODITIES

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.

Section 1315.1557b (c) (2) (i) of Maximum Price Regulation 220 is amended to read as follows:

(i) For synthetic rubber and for bare and covered rubber thread, the manufacturer shall use the net price, not to exceed the maximum price, for the material in effect to him on the date on which he calculates his maximum prices.

This amendment shall become effective September 29, 1945.

Issued this 24th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-17749; Filed, Sept. 24, 1945; 11:35 a. m.]

PART 1315—RUBBER AND PRODUCTS AND MATERIALS OF WHICH RUBBER IS A COMPONENT

[MPR 220, Amdt. 21]

CERTAIN RUBBER COMMODITIES

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.

Maximum Price Regulation 220 is amended in the following respects:

1. A new section designated § 1315.1557f is added to read as follows:

§ 1315.1557f *Maximum wholesalers' prices for industrial rubberized fabric gloves*—(a) *Applicability.* This section establishes maximum prices for all sales by wholesalers of industrial rubberized fabric gloves.

(b) *Maximum wholesalers' prices for sales of industrial rubberized fabric gloves*—(1) *How the wholesaler determines the maximum price for such gloves.* The maximum price for a sale by wholesalers of industrial rubberized fabric gloves shall be determined by multiplying the wholesaler's purchase price (computed in accordance with subparagraph (2) below) of the gloves being priced by the percentage the wholesaler used in computing his March 1942 selling price for a comparable rubberized fabric glove (chosen and computed in accordance with subparagraph (3) below).

(2) *How the wholesaler determines his purchase price.* The purchase price to him of the gloves being priced which the wholesaler must use in computing his maximum price shall be determined as follows:

(i) The wholesaler shall first determine the net invoice cost before cash discounts of the gloves being priced, if available, not to exceed his supplier's maximum price to the wholesaler; or

(ii) If actual cost is not available, the net invoice cost before cash discounts of the gloves being priced, as estimated by the wholesaler's supplier; Provided, that the wholesaler has no reason to believe that the price so estimated exceeds the supplier's maximum price to the wholesaler;

(iii) If the cost determined under subdivisions (i) or (ii) is not on a delivered basis, the wholesaler shall add the actual cost of transportation to his place of business.

(3) *How the wholesaler determines the percentage which must be used in computing his maximum price.* The percentage which the wholesaler must apply to his net purchase price of the gloves being priced to determine their maximum price shall be determined as follows:

(i) The wholesaler shall first determine what rubberized fabric glove he must use in determining the percentage. That glove shall be the first applicable of the following gloves which he delivered or offered for delivery during March 1942.

(*a*) The rubberized fabric glove which is the same as the glove being priced.

(*b*) The rubberized fabric glove which has the same use as the glove being priced. If there is more than one glove which has the same use as the glove being priced, the wholesaler shall use that one of those gloves whose purchase price is nearest to the purchase price of the glove being priced. The purchase price of both gloves shall be determined in accordance with paragraph (b) (2) of this section.

(*c*) The rubberized fabric glove whose purchase price is the nearest to the purchase price of the glove being priced. The purchase price of both gloves shall be determined in accordance with paragraph (b) (2) of this section.

(ii) The wholesaler shall then determine the highest price at which he, during March 1942, delivered, or if no delivery was made, at which he then offered to deliver, the gloves chosen in accordance with subdivision (i) above, to a purchaser of the same class.

(iii) The wholesaler shall then determine the percentage by dividing his March 1942 selling price of the glove chosen as a basis for pricing (under subparagraph (3) (i) above) by the purchase price of that glove that was in effect to him on the date on which he established its March 1942 selling price. The purchase price shall be determined in accordance with paragraph (b) (2) of this section.

(*c*) *Maximum prices for sales by wholesalers of rubberized fabric gloves that cannot be established under paragraph (b).* The maximum price for sales of rubberized fabric gloves by a wholesaler who cannot establish his maximum prices under paragraph (b) above shall be established under § 1315.1558.

2. In § 1315.1567 (a) items numbered (11) and (12) are respectively renumbered (12) and (13) and a new item (11) is added to read as follows:

(11) *Industrial rubberized fabric gloves.*

This amendment shall become effective September 29, 1945.

Issued this 24th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-17750; Filed, Sept. 24, 1945; 11:35 a. m.]

PART 1315—RUBBER AND PRODUCTS AND MATERIALS OF WHICH RUBBER IS A COMPONENT

[RMPR 300, Amdt. 2]

RUBBER DRUG SUNDRIES

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.

Paragraph (f) of Appendix A is amended by substituting the following for the item described as "industrial gloves and cots":

Industrial gloves and cots other than industrial rubberized fabric gloves.

This amendment shall become effective September 29, 1945.

Issued this 24th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-17751; Filed, Sept. 24, 1945; 11:35 a. m.]

PART 1315—RUBBER AND PRODUCTS AND MATERIALS OF WHICH RUBBER IS A COMPONENT

[RMPR 301, Amdt. 2]

RETAIL AND WHOLESALE PRICES FOR RUBBER DRUG SUNDRIES

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.

Paragraph (f) of Appendix A is amended by substituting the following for the item described as "industrial gloves and cots":

Industrial gloves and cots other than industrial rubberized fabric gloves.

This amendment shall become effective September 29, 1945.

Issued this 24th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-17752; Filed, Sept. 24, 1945; 11:35 a. m.]

PART 1439—UNPROCESSED AGRICULTURAL COMMODITIES

[MPR 426,[1] Amdt. 143]

FRESH FRUITS AND VEGETABLES FOR TABLE USE, SALES EXCEPT AT RETAIL

A statement of the considerations involved in the issuance of this amendment has been issued and filed with the Division of the Federal Register.

Appendix K is amended in the following respects:

[1] 10 F.R. 7403, 7500, 7539, 7578, 7668, 7683, 7799, 8021, 8069, 8229, 8338, 8467, 8611, 8657, 8805, 8936, 9023, 9118, 9119, 9277, 9447, 9623, 9928, 10025, 10229, 10311, 10303.

1. Table 4, Maximum Prices for Cranberries, is amended to read as follows:

TABLE 4—MAXIMUM PRICES FOR CRANBERRIES

Col. 1	2	3	4	5			6	7
				Maximum prices for fruit loaded on car or truck at shipping point				
Item No.	Type, variety, style of pack, etc	Unit	Season	5 (a) Cranberries produced in Massachusetts, Rhode Island, New York, and New Jersey	5 (b) Cranberries produced in Wisconsin	5 (c) Cranberries produced in Washington and Oregon	Maximum prices for sales delivered to any wholesale receiving point in any quantity [1]	Maximum prices for sales by certain persons in less-than-carlots or less-than-trucklots, delivered to the premises of any retail store, Government procurement agency or institutional buyer [2]
	Cranberries graded and packed in the following containers							
1	Standard ¼ barrel box (W. P. B. L. 232 30 or 31).	Per ¼ barrel box.	Beginning-Oct. 7-Oct. 8-Oct. 28	$4.70	$4.80	$4.95	Price in column 5 (a) plus freight from Wareham, Massachusetts, and plus protective service allowance through October 28 [3] [4]	Column 6 price plus $1.11.
2			Oct. 29-Nov. 18	4.85	4.95	5.10		
3			Nov. 19-end of season.	5.00	5.10	5.25		
4				5.15	5.25	5.40		
5	⅜ barrel box (inside dimensions 12" x 11 7/16").	Per ⅜ barrel box.	Beginning-Oct. 7-Oct. 8-Oct. 28	7.05	7.200	7.425	Price in column 5 (a), plus freight from Wareham, Massachusetts, and plus protective service allowance through October 28 [3] [4]	Column 6 price plus $1.66.
6			Oct. 29-Nov. 18	7.275	7.425	7.650		
7			Nov. 19-end of season.	7.500	7.650	7.875		
8				7.725	7.875	8.100		
9	7/16 barrel box (inside dimensions 9 13/16" x 14" x 1 5/8").	Per 7/16 barrel box.	Beginning-Oct. 7-Oct. 8-Oct. 28	8.2950	8.4000	8.6625	Price in column 5 (a), plus freight from Wareham, Massachusetts, and plus protective service allowance through October 28 [3] [4]	Column 6 price plus $1.94.
10			Oct. 29-Nov. 18	8.4875	8.6085	8.8250		
11			Nov. 19-end of season.	8.7500	8.9310	9.1875		
12				9.0125	9.1935	9.4500		
13	½ barrel container (inside dimensions 7" x 9 13/16" x 11 5/8" or 7 13/32" x 9 5/8" x 11 5/8").	Per ½ barrel container.	Beginning-Oct. 7-Oct. 8-Oct. 28	2.400	2.490	2.535	Price in column 5 (a), plus freight from Wareham, Massachusetts, and plus protective service allowance through October 28 [3] [4]	Column 6 price plus $0.56.
14			Oct. 29-Nov. 18	2.475	2.565	2.610		
15			Nov. 19-end of season.	2.550	2.640	2.685		
16				2.625	2.675	2.760		
17	Cartons, containing 24 1 lb cellophane bags.	Per carton	Beginning-Oct. 7-Oct. 8-Oct. 28	5.06	5.16	5.31	Price in column 5 (a), plus freight from Wareham, Massachusetts, and plus protective service allowance through October 28 [3] [4]	Column 6 price plus $1.11.
18			Oct. 29-Nov. 18	5.21	5.31	5.46		
19			Nov. 19-end of season.	5.36	5.46	5.61		
20				5.51	5.61	5.76		
21	Any of the above containers, the contents of which do not meet the requirements of pack specified. (See paragraph (b) (3) and cranberries graded and packed in any other container.) [3]	Per pound	Beginning-Oct. 7-Oct. 8-Oct. 28	.188	.192	.198	Maximum price above for applicable month (items 1-4) divided by 25. [3]	Column 6 price plus 4½ cents.
22			Oct. 29-Nov. 18	.194	.198	.204		
23			Nov. 19-end of season.	.200	.204	.210		
24				.206	.210	.216		

[1] The delivered price in any receiving point is the same as that determined for items 1-20 Column 5 (a) regardless of the f.o.b. price shown in columns 5 (b) and 5 (c). Prices in columns 5 (b) and 5 (c) apply only to sales made f.o.b. shipping point.

[2] The prices named in columns 6 and 7 are maximum prices for each individual lot or shipment of cranberries received and sold by the particular seller. For sellers covered by column 7, see general provisions of this appendix.

[3] The maximum price for cranberries sold in bulk (loose without containers or in containers furnished by the buyer) shall be 2 cents per pound less than the maximum prices per pound listed for items 17, 18, 19, 20 in columns 5 (a), 5 (b), 5 (c), 6 and 7.

[4] Protective service allowance shall be added through October 28, in accordance with the following schedule.

Wholesale receiving points	Allowance for protective services through October 28				
	¼ barrel box	24 1 pound cello bags	⅜ barrel box	7/16 barrel box	½ barrel box
In the following States: Arizona, Arkansas, California, Colorado, Kansas, Louisiana, Missouri, Nebraska, New Mexico, Oklahoma, Texas, Utah	$0.09	$0.09	$0.13	$0.16	$0.05

2. In Table A of paragraph (g), item 4 is amended by adding the following, to appear in the table immediately after the line beginning with "7/16 bbl. box":

TABLE A—MAXIMUM MARK-UPS FOR DISTRIBUTIVE SERVICES PERFORMED BY GROWER-PACKERS, SHIPPING POINT DISTRIBUTORS, AND THEIR AGENTS TO BE ADDED TO THE APPLICABLE MAXIMUM PRICE F. O. B. SHIPPING POINT OR THE MAXIMUM DELIVERED PRICE, AS THE CASE MAY BE

(See Column 5 or 6 of tables in paragraph (f)) [1]

Column 1	Column 2	Column 3	Column 4	Column 5	Column 6	Column 7	Column 8	Column 9	Column 10	Column 11	Column 12
			Sales by grower-packers				Sales by any person (including grower-packers) through a grower's sales agent and sales by shipping point distributors				
Item No.	Commodity	Unit	Through a broker in any quantity or through a commission merchant in carlots or trucklots [1]	Through a commission merchant in less-than-carlots or less-than-trucklots		Through an auction in less-than-carlots or less-than-trucklots [1]	Direct sales (without the use of broker or any other agent)	Through a broker [1] or salaried representative in any quantity or through a commission merchant [1] in carlots or truckslots	Through an auction in less-than-carlots or less-than-trucklots [1]	Through a commission merchant in less-than-carlots or less-than-trucklots	
				Ex-dock, car or truck or terminal sales platform [1]	Ex-store or warehouse [1]					Ex-dock, car, truck or terminal sales platform [1]	Ex-store or warehouse [1]
4	Cranberries	⅜ bbl. container	$0.02	$0.12	$0.25	$0.08	$0.09	$0.11	$0.17	$0.21	$0.31

3. In Table B of paragraph (g), item 4 is amended by adding the following, to appear in the table immediately after the line beginning with "7⅛ bbl. box":

TABLE B—MAXIMUM MARK-UPS FOR DISTRIBUTIVE SERVICES PERFORMED BY CERTAIN SELLERS OTHER THAN GROWER-PACKERS, SHIPPING POINT DISTRIBUTORS AND THEIR AGENTS TO BE ADDED TO THE APPLICABLE MAXIMUM DELIVERED PRICES

(See Column 6 of tables in paragraph (f))

Column 1	Column 2	Column 3	Column 4	Column 5	Column 6	Column 7	Column 8	Column 9
Item No.	Commodity	Unit	Sales by carlot distributor [2]	Sales by primary receivers in less-than-carlots or less-than-trucklots		Sales by secondary jobbers in any quantity delivered to premises of the purchaser	Sales by service wholesalers delivered to premises of any retail store, governmental procurement agency or institutional buyer within the free delivery zone	
				Through an auction [3] or cereal, dock, truck, or terminal sales platform	Ex-store or ex-warehouse		Original container and quantities in excess of half of original container	Half or original container or less
4	Cranberries.	18 bbl. container	$0.18	$0.22	$0.56	$0.56	$0.56	$0.56

This amendment shall become effective at 12:01 a. m., September 22, 1945.

Issued this 21st day of September 1945.

CHESTER BOWLES,
Administrator.

Approved:

CLINTON P. ANDERSON,
Secretary of Agriculture.

[F. R. Doc. 45-17701; Filed, Sept. 21, 1945; 4:14 p. m.]

PART 1391—BICYCLES AND BICYCLE EQUIPMENT

[MPR 158, Amdt. 5]

RESALE OF WAR BICYCLES; DISTRIBUTORS AND DEALERS

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.

Maximum Price Regulation No. 158 is amended in the following respect:

1. Section 1391.52 (b) is amended to read as follows:

(b) The basic maximum price for the sale of a balloon-tire conventional war bicycle shall be:

(1) For a sale at wholesale $25.40 f. o. b. point of shipment, plus $0.64 when equipped with synthetic rubber tires and tubes, subject to a discount of 2% for payment in 10 days.

(2) For a sale at retail (except by mail order houses) the lower of the following: (i) The net cost to the seller, excluding any additional amount charged him for the provision of synthetic rubber tires and tubes plus $10.70 or (ii) $34.75. To this retail price may be added $0.87 if the bicycle is equipped with synthetic rubber tires and tubes.

(3) For a sale by mail order house, the seller's published catalog price in March 1942 for the same or similar bicycle then offered for sale f. o. b. seller's usual price of shipment plus $0.79 per unit when equipped with synthetic rubber tires and tubes.

2. Section 1391.52 (d) is amended to read as follows:

(d) The basic maximum price for the sale of a balloon-tire folding war bicycle shall be:

(1) For a sale at wholesale $34.20 f. o. b. point of shipment plus $0.63 per unit when equipped with synthetic rubber tires and tubes, subject to a discount of 2% for cash within 10 days.

(2) For a sale at retail $44.50 delivered plus $0.32 when equipped with synthetic rubber tires and tubes.

This amendment may be revoked or amended by the Price Administrator at any time.

This amendment No. 5 of Maximum Price Regulation No. 158 shall become effective on the 29th day of September 1945.

Issued this 24th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-17748; Filed, Sept. 24, 1945; 11:34 a. m.]

PART 1370—ELECTRICAL APPLIANCES

[MPR 111, Amdt. 15]

NEW HOUSEHOLD VACUUM CLEANERS AND ATTACHMENTS

A statement of the considerations involved in the issuance of this amendment issued simultaneously herewith has been filed with the Division of the Federal Register.

Section 1370.12 Appendix A of Maximum Price Regulation No. 111 is amended in the following respects:

1. The following models of vacuum cleaners are deleted from paragraph (a):

Manufacturer	Model No.	Description	Retail price
Sears, Roebuck & Company.	0728	Cylinder type ... Included: 13 piece attachment set.	$39.95
	0726	Cylinder type ... Included: 6 piece attachment set.	29.95

2. The following models of vacuum cleaners are added to paragraph (a) to be inserted in alphabetical order:

Manufacturer	Model No.	Description	Retail [illegible]
		Retail stores	
Sears, Roebuck & Company.	710	Floortype—Motor Driven Brush.	$47.95
	711	Floortype—Motor Driven Brush.	55.95
	722	Cylinder type ... Included: 16 piece attachment set.	57.95
	724	Cylinder type ... Included: 10 piece attachment set.	47.95
	726	Cylinder type ... Included: 6 piece attachment set.	37.95
	728	Cylinder type ... Included: 13 piece attachment set.	47.95
		Mail order catalogue	
	710	Floortype—Motor Driven Brush.	42.95
	711	Floortype—Motor Driven Brush.	44.95
	722	Cylinder type ... Included: 16 piece attachment set.	51.95
	724	Cylinder type ... Included: 10 piece attachment set.	42.95
	726	Cylinder type ... Included: 6 piece attachment set.	32.95
	728	Cylinder type ... Included: 13 piece attachment set.	41.95

This amendment shall become effective on the 29th day of September 1945.

Issued this 24th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-17747; Filed, Sept. 24, 1945; 11:34 a. m.]

PART 1418—TERRITORIES AND POSSESSIONS

[RMPR 373,[1] Amdt. 28]

FRUITS AND VEGETABLES IN HAWAII

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.

Section 21 is amended as follows:

1. The table following paragraph (c) (1) is amended by deleting the item "Potatoes, white, size B, small".

2. The table following paragraph (d) (1) is amended as follows:

a. The item "Grapefruit, all sizes" is amended by changing the wholesale maximum price from $5.40 per box to $5.35 per box.

b. The item "Lemons, all sizes" is amended by changing the wholesale maximum price from $7.60 per box to $7.20 per box, and the retail maximum price from "$0.14½ per lb. to $0.13½ per lb.

c. Under the item "Oranges all sizes" delete the words "all sizes, and substitute the following:

	Wholesale maximum price	Retail maximum price
Oranges:	*Per box*	*Per lb.*
[illegible]	$6.15	$0.12
[illegible]	5.35	.10½
[illegible]	4.10	.08

Delete item "plums" as listed. Add item "plums, all types", $6.20 per crate at wholesale and $0.27 per pound at retail.

This amendment shall become effective as of August 20, 1945.

Issued this 24th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-17753; Filed, Sept. 24, 1945; 11:36 a. m.]

PART 1418—TERRITORIES AND POSSESSIONS

[RMPR 373,[1] Amdt. 29]

FRUITS IN HAWAII

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.

The table following section 21 (d) (1) is amended by changing the wholesale maximum price of "plums, all types" from $6.20 per crate to $5.60 per crate and the retail maximum price from $0.27 per pound to $0.29 per pound and by adding four new items as follows:

	Wholesale maximum price	Retail maximum price
		Per lb.
Grapes	$4.65 per lug	$0.23
Melons, Cantaloupe	$7.65 per crate	.14
Melons, Honeydew	$4.70 per crate	.16½
Pears	$7.10 per lug	.22

This amendment shall become effective as of August 24, 1945.

[1] 10 F.R. 6646, 7407, 7794, 7799, 8020, 8069, 8371, 8979, 9273, 9274, 9275, 9466, 9540, 9620, 9618, 9882, 9928, 10085, 10086, 10086, 10125, 10086, 10229, 10437.

Issued this 24th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-17754; Filed, Sept. 24, 1945; 11:36 a. m.]

PART 1418—TERRITORIES AND POSSESSIONS

[RMPR 373,[1] Amdt. 30]

FRUITS AND VEGETABLES IN HAWAII

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.

Section 21 is amended as follows:

1. The table under paragraph (c) (1) is amended by adding two new items and by changing the price of two items as follows:

	Wholesale maximum price	Retail maximum price
		Per lb.
Carrots	$5.60 per crate	$0.12½
Celery	$8.60 per crate	.24
Garlic	$0.32 per pound	.45
Potatoes, white, size A, large	$4.60 per 100 pound bag	.07

2. The table under paragraph (d) (1) is amended by changing the prices of four items as follows:

	Wholesale maximum price	Retail maximum price
		Per lb.
Grapes	$4.15 per lug	$0.21
Melons, Cantalupe	$7.75 per crate	.14
Melons, Honeydew	$4.85 per crate	.17
Pears	$7.60 per lug	.23

This amendment shall become effective as of August 31, 1945.

Issued this 24th day of September, 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-17755; Filed, Sept. 24, 1945; 11:36 a. m.]

PART 1436—PLASTIC AND SYNTHETIC RESINS

[MPR 406, Amdt. 9]

SYNTHETIC RESINS AND PLASTIC MATERIALS AND SUBSTITUTE RUBBER

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.

Maximum Price Regulation No. 406 is amended in the following respects:

1. The listing for section 20 in the table of contents is amended to read "Adjusted prices for synthetic resins containing 50 percent or more of rosin." and the listing for section 21 is deleted.

2. Section 21 is revoked.

3. Section 20 is amended to read as follows:

SEC. 20. *Adjusted prices for synthetic resins containing 50 percent or more of rosin.* (a) *Applicability.* This section applies to any synthetic resin, including ester gum, for which the manufacturer's maximum prices have been established prior to September 29, 1945 and whose composition is such that at least 50 percent by weight of its components is made up of rosin, gum, wood, or both. Where a synthetic resin is sold in solution, the weight of the solvent shall not be included in computing the weight of the components.

(b) *Manufacturer's maximum prices.* (1) The maximum price for a sale by the manufacturer of such a synthetic resin for which the maximum price has been established prior to September 29, 1945 shall be the maximum price established for such a sale on September 28, 1945 plus a dollar-and-cent amount per pound of synthetic resin computed as follows:

(i) For each synthetic resin list to the nearest one thousandth the number of pounds of each grade of each type (wood or gum) of rosin used to make one pound of the synthetic resin.

(ii) Multiply the number of pounds of each grade of each type by the adjustment factor for that grade from (2) below.

(iii) Add the products of step (ii) to find the dollar-and-cent amount of increase per pound of synthetic resin. Round to the nearest hundredth of a cent.

(2) *Adjustment factor.* In the case of wood rosin other than FF, the adjustment factor is the same regardless of the time the manufacturer's maximum price for the synthetic resin in effect on September 28, 1945 was first established. In the case of FF wood rosin and gum rosin, the adjustment factor depends on the time the manufacturer's maximum price in effect on September 28, 1945 for the synthetic resin was first established.

(i) This table of factors for gum rosin applies only to synthetic resins sold or offered for sale in March 1942 and whose maximum price in effect on September 28, 1945 is the same as the March 1942 price. The table for wood rosin (other than FF) applies irrespective of the date the manufacturer's maximum price for the synthetic resin in effect on September 28, 1945 was first established.

Grade	Gum, per pound in cents	Wood, per pound in cents
X	3.67	.75
WW	3.67	.75
WG	3.19	.50
N	3.70	1.65
M	3.79	1.80
K	3.82	1.80
I	3.80	1.77
H	3.80	1.77
G	3.78	1.77
F	3.74	.....
E	3.62	.....
D	3.17	.....
B	3.32	.70

(ii) This table of factors applies to FF wood rosin in synthetic resins:

Date manufacturer's maximum price for synthetic resin in effect on September 28, 1945, first established:	*Per pound FF wood rosin in cents*
Prior to November 20, 1944	1.32
After November 19, 1944, and prior to June 18, 1945	1.00
After June 17, 1945	0.00

(iii) This table is to be used to compute the adjustment factor for gum rosin in synthetic resins not sold or offered for sale in March 1942 or whose maximum price has been increased over the March 1942 price. The adjustment factor per pound of rosin is determined by subtracting from the price per pound of rosin shown in the table, the average market price per pound for the same grade of gum rosin on the Savannah, Georgia, Cotton and Naval Stores Exchange during the calendar month in which the maximum price for the synthetic resin in effect on September 28, 1945 was first established:

Grade:	*Price per pound in cents*
X	7.72
WW	7.72
WG	7.45
N	7.20
M	7.04
K	7.02
I	6.98
H	6.98
G	6.96
F	6.92
E	6.82
D	6.29
B	6.22

(3) *Examples.* (i) Manufacturer's maximum prices for a synthetic resin in effect on September 28, 1945 which uses .750 lbs. K gum rosin per pound resin were first established in July 1944. The average price per pound for K grade on the Savannah Exchange in July 1944 was 5.53¢, the price for K grade in the table in (2) (iii) is 7.02¢. The adjustment factor per pound K rosin is 7.02¢ minus 5.53¢ or 1.49¢ per pound rosin. The dollar-and-cent adjustment per pound resin is .750 x 1.49¢ or 1.12¢.

(ii) Manufacturer's maximum prices for a synthetic resin in effect on September 28, 1945, using .200 lbs. FF wood rosin and .500 lbs. K wood rosin were first established in August 1944. From (2) (ii) the adjustment factor for FF is 1.32¢ per pound, and the dollar-and-cent adjustment per pound resin is .200 x 1.32¢ or .264¢. From (2) (i) the adjustment factor for K wood rosin is 1.80¢, and the dollar-and-cent adjustment per pound resin is .500 x 1.80¢ or .900¢. The total adjustment per pound resin is .264¢ plus .900¢ or 1.16¢.

(iii) A resin sold in March 1942 whose maximum price in effect on September 28, 1945, is the March 1942 price uses .500 lbs. WW gum and .300 lbs. X wood rosin per pound resin. From (2) (i) the adjustment on account of WW gum is .500 x 3.07¢, on account of X wood is .300 x .75¢, or a total adjustment of 1.535¢ plus .225¢ or 1.76¢ per pound synthetic resin.

(c) *Manufacturers' reports.* Prior to the first delivery of a synthetic resin covered by this Sec. 20 at a price higher than the maximum price in effect on September 28, 1945, the manufacturer shall mail to the Rubber, Chemicals and Drugs Price Branch, Office of Price Administration, Washington 25, D. C., a report containing:

(1) A description of the synthetic resin together with the maximum prices in effect for his sales of the synethetic resin on September 28, 1945, and a statement as to how and when these were established.

(2) The adjusted maximum price under this Sec. 20, with an explanation of how the adjusted maximum price was calculated showing the number of pounds of each grade of each type of rosin used to make one pound of synthetic resin, the adjustment factor used for each grade, and the dollar-and-cent adjustment for each grade.

(3) Statement as to the total weight of the components used (excluding solvents where the synthetic resin is sold in solution) to make one pound of synthetic resin.

(d) *Resellers.* A reseller of synthetic resin priced by the manufacturer under this section 20 may add, on and after the effective date of this section 20, to his maximum price per unit as of September 28, 1945, his increased acquisition cost per unit under this section 20. His increased acquisition cost per unit is the increase (in dollars and cents) in the price to him per unit over his supplier's maximum price per unit on September 28, 1945, as determined from the invoice required to be furnished him under paragraph (e) below.

(e) *Invoices.* The manufacturer or reseller of a synthetic resin for which maximum prices are established under this section 20 shall show as separate items on all invoices therefor:

(1) The maximum price in effect for the sale of the synthetic resin on September 28, 1945.

(2) The adjusted selling price (not in excess of the maximum price under this section 20).

(3) A statement that under OPA regulations, a reseller may add to his maximum price as of September 28, 1945, the increase shown by the invoice.

An invoice containing the above required information shall be furnished the buyer prior to payment by him.

This amendment shall become effective September 29, 1945.

NOTE: The reporting requirements of this amendment have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 24th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-17756; Filed, Sept. 24, 1945; 11:36 a. m.]

PART 1499—COMMODITIES AND SERVICES

[SR 14F, Amdt. 8]

ROSIN PRODUCTS

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.

Supplementary Regulation No. 14F is amended in the following respects:

1. The table of contents is amended in the following respects:

The listing for section 25 is amended to read as follows: "25. Steam distilled turpentine, dipentene and limed rosin."

The listing for section 15 is amended to read as follows: "15. Rosin products."

2. Section 15 is amended to read as follows:

SEC. 15. *Rosin products*—(a) *Applicability.* This section applies to any product other than limed rosin subject to the General Maximum Price Regulation whose composition is such that at least 50 percent by weight of its components is made up of rosin, gum, wood or both. Such a product will be referred to as a rosin product. Where a rosin product is sold in solution the weight of the solvent shall not be included in computing the weight of the components.

(b) *Rosin products priced before September 29, 1945*—(1) *Manufacturer's maximum prices.* (i) The maximum price for a sale by the manufacturer of a rosin product for which the maximum price has been established prior to September 29, 1945 shall be the maximum price established for such a sale on September 28, 1945 plus a dollar-and-cent amount per pound of rosin product computed as follows:

(*a*) For each rosin product list to the nearest one thousandth the number of pounds of each grade of each type (wood or gum) of rosin used to make one pound of the rosin product.

(*b*) Multiply the number of pounds of each grade of each type by the adjustment factor for that grade from (ii) below.

(*c*) Add the products of step (*b*) to find the dollar-and-cent amount of increase per pound of rosin product. Round to the nearest hundredth of a cent.

(ii) *Adjustment factor.* In the case of wood rosin other than FF, the adjustment factor is the same regardless of the time the manufacturer's maximum price for the rosin product in effect on September 28, 1945, was first established. In the case of FF wood rosin and gum rosin, the adjustment factor depends on the time the manufacturer's maximum price for the rosin product in effect on September 28, 1945, was first established.

(*a*) This table of factors for gum rosin applies only to a rosin product sold or offered for sale in March 1942 and whose maximum price in effect on September 28, 1945, is the same as the March 1942 price. The table for wood rosin (other than FF) applies irrespective of the date the manufacturer's maximum price for the rosin product in effect on September 28, 1945, was first established.

Grade	Gum, per pound in cents	Wood, per pound in cents
X	3.07	.75
WW	3.07	.75
WG	3.19	.99
N	3.70	1.65
M	3.79	1.80
K	3.82	1.80
I	3.80	1.77
H	3.80	1.77
G	3.78	1.77
F	3.74	.....
E	3.62	.....
D	3.47	.....
B	3.32	.70

(*b*) This table of factors applies to FF wood rosin in rosin products:

Date manufacturer's maximum price for rosin product in effect on September 28, 1945, first established:	*Per pound FF wood rosin in cents*
Prior to November 20, 1944	1.32
After November 19, 1944 and prior to June 18, 1945	1.00
After June 17, 1945	0.00

(*c*) This table is to be used to compute the adjustment factor for gum rosin in a rosin product not sold or offered for sale in March 1942 or whose maximum price has been increased over the March 1942 price. The adjustment factor per pound of rosin is determined by subtracting from the price per pound of rosin shown in the table, the average market price per pound for the same grade of gum rosin on the Savannah, Georgia, Cotton and Naval Store Exchange during the calendar month in which the maximum price for the rosin product in effect on September 28, 1945, was first established.

Grade:	*Price per pound in cents*
X	7.72
WW	7.72
WG	7.45
N	7.20
M	7.04
K	7.02
I	6.98
H	6.98
G	6.96
F	6.92
E	6.82
D	6.29
B	6.22

(iii) *Examples.* (*a*) Manufacturer's maximum prices for a rosin product in effect on September 28, 1945, which uses .750 pounds K gum rosin per pound rosin product were first established in July 1944. The average price per pound for K grade on the Savannah Exchange in July 1944 was 5.53¢, the price for K grade in the table in (ii) (*c*) is 7.02¢. The adjustment factor per pound K rosin is 7.02¢ minus 5.53¢ or 1.49¢ per pound rosin. The dollar-and-cent adjustment per pound rosin product is .750 x 1.49¢ or 1.12¢.

(*b*) Manufacturer's maximum prices for a rosin product in effect on September 28, 1945, using .200 pounds FF wood rosin and .500 pounds K wood rosin were first established in August 1944. From (ii) (*b*) the adjustment factor for FF is 1.32¢ per pound, and the dollar-and-cent adjustment per pound rosin product is .200 x 1.32¢ or .264¢. From (ii) (*a*) the adjustment factor for K wood rosin is 1.80¢, and the dollar-and-cent adjustment per pound rosin product is .500 x 1.80¢ or .900¢. The total adjustment per pound rosin product is .264¢ plus .900¢ or 1.16¢.

(*c*) A rosin product sold in March 1942 whose maximum price in effect on September 28, 1945, is the March 1942 price uses .500 pounds WW gum and .300 pounds X wood rosin per pound rosin product. From (ii) (*a*) the adjustment account of WW gum is .500 x 3.07¢, on account of X wood is .300 x .75¢, or a total adjustment of 1.535¢ plus .225¢ or 1.76¢ per pound rosin product.

(iv) *Manufacturers' reports.* Prior to the first delivery of a rosin product covered by this subparagraph (1) at a price higher than the maximum price in effect on September 28, 1945, the manufacturer shall mail to the Rubber, Chemicals and Drugs Price Branch, Office of Price Administration, Washington 25, D. C., a report containing:

(*a*) A description of the rosin product together with the maximum prices in effect for his sales of the rosin product on September 28, 1945, and a statement as to how and when these were established.

(*b*) The adjusted maximum price under this subparagraph (1), with an explanation of how the adjusted maximum price was calculated showing the number of pounds of each grade of each type of rosin used to make one pound of rosin product, the adjustment factor used for each grade, and the dollar-and-cent adjustment for each grade.

(*c*) Statement as to the total weight of the components used (excluding solvents where the rosin product is sold in solution) to make one pound of rosin product.

(v) *Resellers.* A reseller of a rosin product priced by the manufacturer under this subparagraph (1) may add, on and after the effective date of this section 15, to his maximum price per unit as of September 28, 1945 his increased acquisition cost per unit under this section 15. His increased acquisition cost per unit is the increase (in dollars and cents) in the price to him per unit over his supplier's maximum price per unit on September 28, 1945 as determined from the invoice required to be furnished him under paragraph (d) below.

(*c*) *Rosin products priced after September 28, 1945.* In first determining a maximum price for a rosin product after September 28, 1945, by reference to the same or similar rosin product under § 1499.2 or by reference to a comparable rosin product under § 1499.3, the seller may use the adjusted maximum price determined under this section 15 or section 20 of Maximum Price Regulation No. 406 for the same, similar, or comparable rosin product.

(d) *Invoices.* The manufacturer or reseller of a rosin product for which maximum prices are established under this section 15 shall show as separate items on all invoices therefor:

(1) The maximum price in effect for the sale of the rosin product on September 28, 1945.

(2) The adjusted selling price (not in excess of the maximum price under this section 15).

(3) A statement that under OPA regulations a reseller may add to his maximum price as of September 28, 1945, the increase shown by the invoice.

An invoice containing the above required information shall be furnished the buyer prior to payment by him.

(e) The adjustment provision of § 1499.75 (a) (18) of Supplementary Regulation No. 15 to the General Maximum Price Regulation shall not be applicable to rosin products covered by this section 15.

3. Section 25 is amended to read as follows:

SEC. 25. *Steam distilled turpentine, dipentene and limed rosin*—(a) *Maximum prices.* The maximum prices for sales of steam distilled turpentine, dipentene and limed rosin shall be those established under any other provisions of the General Maximum Price Regulation, or those set forth below, whichever are higher:

(1) *Sales by producers*—(i) *Steam distilled turpentine and dipentene*—(*a*) *Base maximum prices.*

Steam distilled turpentine, $0.98 per gallon in tank cars f. o. b. plant.

Dipentene, $0.49 per gallon in tank cars f. o. b. plant.

(*b*) *Differentials.* Maximum prices for sales in other containers and quantities shall be established by applying to the base prices set forth in (*a*) above, the dollar and cent differentials, discounts and allowances established for such sales under any other provisions of the General Maximum Price Regulation.

(ii) *Limed rosin.* The maximum price per 100 pounds net for a producer's sales of limed rosin to any class of purchasers shall be the producer's maximum price per 100 pounds net for sales to that class of purchasers of the grade of rosin being limed plus an addition determined as follows:

Not more than 2 per cent lime content—20¢.

Lime content more than 2 per cent but less than 3 per cent—20¢ plus 1¢ for each .1 per cent lime content over 2 per cent.

Lime content of 3 per cent or more—30¢.

(2) *Sales by resellers.* A reseller of steam distilled turpentine, dipentene or limed rosin acquired under this section 25 at a cost higher than the supplier's maximum price established under any other provisions of the General Maximum Price Regulation, may add to his maximum price per unit established under any other provisions of the General Maximum Price Regulation for the higher cost product being priced, the increase (in dollars and cents) in the price to him per unit over his supplier's maximum price per unit established under any other provisions of the General Maximum Price Regulation as determined from the invoice required to be furnished him by paragraph (b) below. The resulting figure is the reseller's maximum

price per unit under this subparagraph (2).

(b) *Invoices.* The producer or reseller shall show as separate items on all invoices for steam distilled turpentine, dipentene or limed rosin for which maximum prices are established under paragraph (a) above:

(1) The maximum price established for a sale of such product under any other provisions of the General Maximum Price Regulation.

(2) The adjusted selling price (not in excess of the maximum price under this section 25).

An invoice containing the above required information shall be furnished the buyer prior to payment by him.

This amendment shall become effective September 29, 1945.

NOTE: The reporting requirements of this amendment have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 24th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-17746; Filed, Sept. 24, 1945; 11:34 a. m.]

Chapter XXIII—Surplus Property Board

[SPB Reg. 1,[1] Order 7]

PART 8301—DESIGNATION OF DISPOSAL AGENCIES AND PROCEDURES FOR REPORTING SURPLUS PROPERTY LOCATED WITHIN THE CONTINENTAL UNITED STATES, ITS TERRITORIES AND POSSESSIONS

APPROVAL OF DELEGATION OF AUTHORITY TO DISPOSE OF SURPLUS AIRCRAFT AND PROPERTY PECULIAR TO AIRCRAFT LOCATED AT EXPORT SALES CENTERS

By § 8391.3 (b) (1) and § 8301.6 (a) of this part Reconstruction Finance Corporation is designated as the disposal agency for surplus aircraft and property peculiar to aircraft located within the continental United States, its territories and possessions. By § 8308.3 of Surplus Property Board Revised Regulation 8 (10 F.R. 9540, 10031, 11198) the War and Navy Departments are designated as the disposal agencies for certain surplus property located outside of the continental United States, its territories and possessions, and by Surplus Property Board Regulation 8, Order 1 (10 F.R. 7119) redelegation of their authority as such disposal agencies to the Office of the Army-Navy Liquidation Commissioner was approved. In order to avoid competition between the Reconstruction Finance Corporation and the Army-Navy Liquidation Commissioner in the Latin American market and to make aircraft available to that market, the Reconstruction Finance Corporation desires to delegate through the War and Navy Departments to the Office of the Army-Navy Liquidation Commissioner its authority with respect to the disposal to Latin American governments, organizations or residents, of whatever surplus aircraft may be brought to such Export Sales Center or Centers as may be established for that purpose. Pursuant to section 8 of the Surplus Property Act of 1944 (58 Stat. 765, 50 U. S. C. App. Sup. 1611), *It is hereby ordered*, That:

1. The Surplus Property Board hereby approves of the delegation by Reconstruction Finance Corporation to the War Department and the Navy Department of authority to dispose of any surplus aircraft and property peculiar to aircraft, which is presently or may hereafter be located at any Export Sales Center or Centers established and maintained by the Departments or either of them in the continental United States, to any Latin American Government, organization, or resident for export to and use in Latin America. The Board also hereby approves of the redelegation by the War and Navy Departments of such authority to the Office of the Army-Navy Liquidation Commissioner, and of the redelegation by the Commissioner of such authority to a Government agency or to a person under the complete control either of the Commissioner or of a Government agency; but no redelegation of authority by the Commissioner to any other person shall become effective without prior approval of the Board. For the purposes of this order the term Latin America refers to and includes all of Mexico, the Caribbean area, Central America and South America except the United States territories and possessions.

2. The foregoing approval is granted upon the condition that notice is given to the Surplus Property Board on behalf of the War Department, the Navy Department and the Office of Army-Navy Liquidation Commissioner whenever any Export Sales Center is established, moved or discontinued.

3. Copies of all instruments delegating or redelegating the authority hereby approved shall be filed promptly with the Board.

This order shall become effective September 26, 1945.

SURPLUS PROPERTY BOARD,
By W. STUART SYMINGTON,
Chairman.

SEPTEMBER 18, 1945.

[F. R. Doc. 45-17734; Filed, Sept. 24, 1945; 11:21 a. m.]

[1] 10 F.R. 3764, 4356, 10298.

TITLE 49—TRANSPORTATION AND RAILROADS

Chapter I—Interstate Commerce Commission

[S. O. 68, Amdt. 10]

PART 95—CAR SERVICE

FREIGHT CHARGES

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 20th day of September, A. D. 1945.

Upon further consideration of the provisions of Service Order No. 68 (codified as § 95.15 of Title 49 CFR) as amended (8 F.R. 8513, 14224, 16265; 9 F.R. 7206, 14306; 10 F.R. 6040, 8142, 9720) and good cause appearing therefor: *It is ordered*, That:

Service Order No. 68, as amended, is hereby further amended by substituting for paragraph (c) thereof the following paragraph:

(c) *Exemptions.* (1) This order shall not apply to livestock. (2) This order shall not apply when a large flat car is furnished in lieu of a smaller flat car ordered by shipper.

Tariff provisions suspended. The operation of all tariff rules, regulations or charges insofar as they conflict with the provisions of this amendment is hereby suspended.

Announcement of suspension. Each railroad, or its agent, shall file and post a supplement to each of its tariffs affected hereby announcing the suspension and publishing the provisions required by this amendment. (40 Stat. 101, sec. 402, 41 Stat. 476, sec. 4, 54 Stat. 901; 49 U.S.C. 1 (10)-(17))

Effective date. This amendment shall become effective at 12:01 a. m. October 1, 1945.

It is further ordered. That a copy of this order and direction shall be served upon each State railroad regulatory body and upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of his order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

By the Commission, Division 3.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 45-17728; Filed, Sept. 24, 1945; 11:17 a. m.]

[S. O. 71-A]

PART 95—CAR SERVICE

RESTRICTING THE FURNISHING OF LIVESTOCK CARS

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 20th day of September, A. D. 1945.

Upon further consideration of the provisions of Service Order No. 71 (8 F.R. 8513), and good cause appearing therefor: *It is ordered*, That:

(a) Service Order No. 71, as amended, 49 CFR, § 95.16 *Restricting the furnishing of livestock cars*, be, and it is hereby, vacated and set aside.

(b) *Announcement required.* Each of the railroads affected by this order shall within fifteen (15) days from the effective date of this order, publish, file, and post a supplement to each of its tariffs affected announcing the vacation by this order on the effective date hereof, of Service Order No. 71 and stating that the provisions in said tariffs which were suspended by such order will be restored on the effective date of this order. (40 Stat. 101, sec. 402, 418, 41 Stat. 476, sec. 4, 54 Stat. 901, 911; 49 U.S.C. 1 (10)-(17), 15 (2))

It is further ordered, That this order shall become effective at 12:01 a. m. October 6, 1945; that a copy of this order and direction shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

By the Commission, Division 3.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 45-17729; Filed, Sept. 24, 1945; 11:17 a. m.]

[S. O. 330-A]

PART 95—CAR SERVICE

PREICING AND PRECOOLING POTATOES PROHIBITED

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 20th day of September, A. D. 1945.

Upon further consideration of the provisions of Revised Service Order No. 330 (10 F.R. 9802), and good cause appearing therefor: *It is ordered*, That:

(a) Revised Service Order No. 330, *Preicing and precooling potatoes prohibited*, be, and it is hereby, vacated and set aside.

(b) *Announcement required.* Each of the railroads affected by this order shall within fifteen (15) days from the effective date of this order, publish, file, and post a supplement to each of its tariffs affected announcing the vacation by this order on the effective date hereof, of Service Order No. 330 and stating that the provisions in said tariffs which were suspended by such order will be restored on the effective date of this order. (40 Stat. 101, sec. 402, 418, 41 Stat. 476, sec. 4, 54 Stat. 901, 911; 49 U. S. C. 1 (10)-(17), 15 (2))

It is further ordered, That this order shall become effective at 12:01 a. m., September 24, 1945; that a copy of this order and direction shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

By the Commission, Division 3.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 45-17732; Filed, Sept. 24, 1945; 11:17 a. m.]

[S. O. 345-A]

PART 95—CAR SERVICE

REFRIGERATION RESTRICTIONS ON POTATOES

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 20th day of September, A. D. 1945.

Upon further consideration of the provisions of Second Revised Service Order No. 345 (10 F.R. 11713), and good cause appearing therefor: *It is ordered*, That:

(a) Second Revised Service Order No. 345, *Refrigeration restrictions on potatoes*, be, and it is hereby, vacated and set aside.

(b) *Announcement required.* Each of the railroads affected by this order shall within fifteen (15) days from the effective date of this order, publish, file, and post a supplement to each of its tariffs affected announcing the vacation by this order on the effective date hereof, of Second Revised Service Order No. 345 and stating that the provisions in said tariffs which were suspended by such order will be restored on the effective date of this order. (40 Stat. 101, sec. 402, 418, 41 Stat. 476, sec. 4, 54 Stat. 901, 911; 49 U.S.C. 1 (10)-(17), 15 (2))

It is further ordered, That this order shall become effective at 12:01 a. m., September 24, 1945; that a copy of this order and direction shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

By the Commission, Division 3.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 45-17733; Filed, Sept. 24, 1945; 11:17 a. m.]

[S. O. 346-A]

PART 95—CAR SERVICE

RESTRICTION OF REFRIGERATION ON VEGETABLES

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 20th day of September, A. D. 1945.

Upon further consideration of the provisions of Second Revised Service Order No. 346 (10 F.R. 11713), and good cause appearing therefor: *It is ordered*, That:

(a) Second Revised Service Order No. 346, *Restriction on refrigeration of vegetables*, be, and it is hereby, vacated and set aside.

(b) *Announcement required.* Each of the railroads affected by this order shall within fifteen (15) days from the effective date of this order, publish, file, and post a supplement to each of its tariffs affected announcing the vacation by this order on the effective date hereof, of Second Revised Service Order No. 346 and stating that the provisions in said tariffs which were suspended by such order will be restored on the effective date of this order. (40 Stat. 101, sec. 402, 418, 41 Stat. 476, sec. 4, 54 Stat. 901, 911; 49 U.S.C. 1 (10)-(17), 15 (2))

It is further ordered, That this order shall become effective at 12:01 a. m., September 24, 1945; that a copy of this order and direction shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

By the Commission, Division 3.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 45-17731; Filed, Sept. 24, 1945; 11:17 a. m.]

TITLE 50—WILDLIFE

Chapter I—Fish and Wildlife Service

PART 24—WEST CENTRAL REGION NATIONAL WILDLIFE REFUGES

UPPER MISSISSIPPI RIVER WILDLIFE AND FISH REFUGE; HUNTING REGULATIONS

Under authority of the Upper Mississippi River Wildlife and Fish Refuge Act of June 7, 1924 (43 Stat. 650), as amended, § 24.919a of the regulations of the Secretary dated September 19, 1939 (50 CFR Cum. Supp., 24.919a), as amended is hereby amended as follows:

The paragraphs thereof designated as "Area Number 9" in Allamakee County, Iowa, "Area Number 10" in Crawford County, Wisconsin, and "Area Number 16" in Jackson County, Iowa, are deleted.

The paragraphs thereof designated as "Area Number 1," "Area Number 4," "Area Number 6," and "Area Number 8," in Buffalo, Lacrosse, Vernon and Crawford Counties, respectively, Wisconsin, are amended to read as follows:

WISCONSIN: BUFFALO COUNTY

Area Number 1. All the lands and waters lying and being in Sections 6, 7, 16, 17, 18, 19, 20, and 21, T. 22 N., R. 13 W., 4th P. M., Sections 1, 2, 3, 4, 10, 11, 12, and 13, T. 22 N., R. 14 W., 4th P. M., and Sections 33, 34, 35, and 36, T. 23 N., R. 14 W., 4th P. M., which are inclosed by the following definite boundaries: Beginning at the point of intersection of the old Wabasha-Nelson Ferry Road with the tracks of the Chicago, Burlington & Quincy Railroad in the NW¼, Section 6, T. 22 N., R. 13 W.; thence southwesterly along the said ferry road to the slough known as Beef Slough in the NW¼, Section 12, T. 22 N., R. 14 W.; thence southeasterly along the main channel of the said Beef Slough to the Mississippi River in Section 21, T. 22 N., R. 13 W.; thence northwesterly along the Mississippi River to the Chippewa River; thence northerly along the Chippewa River to the C. B. & Q. Railway tracks in the SE¼, Section 33, T. 23 N., R. 14 W.; thence southeasterly along the said railroad tracks to the point of beginning.

* * * * *

WISCONSIN: LA CROSSE COUNTY

Area Number 4. All the lands and waters lying and being in Section 12, T. 17 N., R. 9 W., 4th P. M., and Sections 7, 8, 9, 16, 17, and 18 in T. 17 N., R. 8 W., 4th P. M., which are inclosed by the following definite

[10 F.R. 3764, 4036, 10293.

boundaries: Beginning at the point where the north bank of Black River intersects the southerly boundary of the Chicago, Burlington and Quincy Railroad in Lot 7, Section 9; thence northwesterly to where the north line of the NW¼SW¼ of Section 9 intersects the westerly right-of-way of the Chicago, Burlington and Quincy Railroad; thence westerly along the center line of Section 9 to the east line of Section 8; thence northerly to where the east line of Section 8 intersects the westerly boundary of the Chicago, Burlington and Quincy Railroad; thence northwesterly to where the south bank of Shingle Creek intersects the westerly boundary of the Chicago, Burlington and Quincy Railroad; thence westerly along the south bank of Shingle Creek to where it intersects the south line of the NE¼NW¼ of Section 8; thence westerly through Sections 8, 7, and fractional Section 12 to the Mississippi River; thence southeasterly along the east bank of the said Mississippi River to the south line of the NE¼SE¼ of Section 18; thence east through Sections 18, 17, and 16 to Gibbs Chute; thence northeasterly along the south bank of Gibbs Chute to where it intersects the Black River in Lot 5, Section 16; thence along the westerly bank of the said Black River to the place of beginning.

* * * * *

WISCONSIN: VERNON COUNTY

Area Number 6. All the lands and waters lying and being in Sections 5, 6, 7, 8, 17, 18, 19, and 20, T. 14 N., R. 7 W., 4th P. M., which are inclosed by the following definite boundaries: Beginning at the point where the north line of Section 6 intersects the easterly bank of the Mississippi River; thence southerly along the easterly bank of the Mississippi River to Crosby Slough in Lot 3, Section 6; thence southerly along the east bank of Crosby Slough to a point opposite where the south line of Lot 6, Section 7, intersects the westerly bank of the Crosby Slough; thence westerly across Crosby Slough along the south line of said Lot 6 and Lot 9 to the Mississippi River; thence along the east bank of the Mississippi River to the point where the south line of Lot 3, Section 19 intersects the Mississippi River; thence east on the center line of Sections 19 and 20 to Crosby Slough; thence northerly along the west bank of Crosby Slough to the south line of Lot 6, Section 7; thence east to the southeast corner of the NW¼SW¼, Section 8; thence north approximately 60 chains to the north line of Section 8 at a point 20 chains east from the northwest corner of said Section 8; thence east 20 chains to the southeast corner of the SW¼ of Section 5; thence north to the north line of Section 5; thence west along the north line of Sections 5 and 6 to the place of beginning.

* * * * *

WISCONSIN: CRAWFORD COUNTY

Area Number 8. All the lands and waters lying and being in Section 35, T. 11 N., R. 7 W., 4th P. M., and Sections 1, 2, 3, 4, 9, 10, 11, 12, 14, and 15, T. 10 N., R. 7 W., 4th P. M., which are inclosed by the following definite boundaries: Beginning at the point where the south boundary of the Iowa-Wisconsin Bridge Company right-of-way intersects the Mississippi River in the SW¼. Section 4; thence southeasterly along the east bank of the Mississippi River where it forms the southwestern boundary of Sections 4, 9, 15, and 14 to the point where the east line of Lot 5, Section 14, intersects the Mississippi River; thence northeasterly through Sections 14, 11, 12, and 1 to the point where the east line of Lot 2, Section 1, T. 10 N., R. 7 W., intersects the southerly boundary of the Chicago, Burlington and Quincy Railroad right-of-way; thence northwesterly along the boundary of the Chicago, Burlington and Quincy Railroad right-of-way to the north line of Lot 2, Section 1; thence west along the north line of Lots 2 and 1, Section 1, to the west line of said Section 1; thence north along the said west line to the southern boundary of the Chicago, Burlington, and Quincy Railroad right-of-way; thence northwesterly along said right-of-way to the north line of Section 2; thence west along said line to and across Winneshiek Slough; thence northerly along the west bank of said slough to the north line of Lot 8, Section 35, T. 11 N., R. 7 W.; thence west along said line to the southern boundary of the Iowa-Wisconsin Bridge Company right-of-way; thence southwesterly along said right-of-way to the west line of Section 35; thence south along said line to the southwest corner of Section 35; thence west along the south line of Section 34 to the southern boundary of the Iowa-Wisconsin Bridge Company right-of-way; then southwesterly along said right-of-way to the place of beginning.

OSCAR L. CHAPMAN,
Assistant Secretary.

SEPTEMBER 6, 1945.

[F. R. Doc. 45-17721; Filed, Sept. 24, 1945; 9:42 a. m.]

Notices

TREASURY DEPARTMENT.

Fiscal Service: Bureau of the Public Debt.

[1945 Dept. Circ. 775]

7⅞ PERCENT TREASURY CERTIFICATES OF INDEBTEDNESS OF SERIES H-1946

OFFERING OF CERTIFICATES

SEPTEMBER 24, 1945.

I. *Offering of certificates.* 1. The Secretary of the Treasury, pursuant to the authority of the Second Liberty Bond Act, as amended, invites subscriptions, at par, from the people of the United States for certificates of indebtedness of the United States, designated 7⅞ percent Treasury Certificates of Indebtedness of Series H-1946, in exchange for Treasury Certificates of Indebtedness of Series G-1945, maturing October 1, 1945.

II. *Description of certificates.* 1. The certificates will be dated October 1, 1945, and will bear interest from that date at the rate of 7⅞ percent per annum, payable semiannually on April 1 and October 1, 1946. They will mature October 1, 1946, and will not be subject to call for redemption prior to maturity.

2. The income derived from the certificates shall be subject to all Federal taxes, now or hereafter imposed. The certificates shall be subject to estate, inheritance, gift or other excise taxes, whether Federal or State, but shall be exempt from all taxation now or hereafter imposed on the principal or interest thereof by any State, or any of the possessions of the United States, or by any local taxing authority.

3. The certificates will be acceptable to secure deposits of public moneys. They will not be acceptable in payment of taxes.

4. Bearer certificates with interest coupons attached will be issued in denominations of $1,000, $5,000, $10,000, $100,000 and $1,000,000. The certificates will not be issued in registered form.

5. The certificates will be subject to the general regulations of the Treasury Department, now or hereafter prescribed, governing United States certificates.

III. *Subscription and allotment.* 1. Subscriptions will be received at the Federal Reserve Banks and Branches and at the Treasury Department, Washington. Banking institutions generally may submit subscriptions for account of customers, but only the Federal Reserve Banks and the Treasury Department are authorized to act as official agencies.

2. The Secretary of the Treasury reserves the right to reject any subscription, in whole or in part, to allot less than the amount of certificates applied for, and to close the books as to any or all subscriptions at any time without notice; and any action he may take in these respects shall be final. Subject to these reservations, all subscriptions will be allotted in full. Allotment notices will be sent out promptly upon allotment.

IV. *Payment.* 1. Payment at par for certificates allotted hereunder must be made on or before October 1, 1945, or on later allotment, and may be made only in Treasury Certificates of Indebtedness of Series G-1945, maturing October 1, 1945, which will be accepted at par, and should accompany the subscription.

V. *General Provisions.* 1. As fiscal agents of the United States, Federal Reserve Banks are authorized and requested to receive subscriptions, to make allotments on the basis and up to the amounts indicated by the Secretary of the Treasury to the Federal Reserve Banks of the respective Districts, to issue allotment notices, to receive payment for certificates allotted, to make delivery of certificates on full-paid subscriptions allotted, and they may issue interim receipts pending delivery of the definitive certificates.

2. The Secretary of the Treasury may at any time, or from time to time, prescribe supplemental or amendatory rules and regulations governing the offering, which will be communicated promptly to the Federal Reserve Banks.

[SEAL] FRED M. VINSON,
Secretary of the Treasury

[F. R. Doc. 45-17744; Filed, Sept. 24, 1945; 11:11 a. m.]

DEPARTMENT OF LABOR.

Wage and Hour Division.

LEARNER EMPLOYMENT CERTIFICATES

ISSUANCE TO VARIOUS INDUSTRIES

Notice of issuance of special certificates for the employment of learners under the Fair Labor Standards Act of 1938.

Notice is hereby given that special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rate applicable under section 6 of the act have been issued to the firms hereinafter mentioned under section 14 of the act, Part 522 of the regulations issued thereunder (August 16, 1940, 5 F.R. 2862, and as amended June 25, 1942, 7 F.R. 4725), and the determinations, orders and/or regulations hereinafter mentioned. The names and addresses of the firms to which certificates were issued, industry, products, number of learners, and effective and expiration dates of the certificates are as follows:

Single Pants, Shirts and Allied Garments, Women's Apparel, Sportswear, Rainwear, Robes and Leather and Sheep-Lined Garments Divisions of the Apparel Industry, Learner Regulations, July 20, 1942 (7 F.R. 4724), as amended by Administrative Order March 13, 1943 (8 F.R. 3079), and Administrative Order, June 7, 1943 (8 F.R. 7890):

Alabama Textile Products Corporation, De Funiak Springs, Florida; men's dress shirts and shorts; 25 learners (E); effective September 15, 1945, expiring March 14, 1946.

Dale Sportswear Inc., Foley Building, Alto Pass, Illinois; women's apparel of wool, cotton, rayons and mixed contents; 10 learners (T); effective September 10, 1945, expiring September 9, 1946.

J. W. Jackson & Sons, Inc., 546 S. Meridian Street, Indianapolis, Indiana; coveralls, white overalls; 2 learners (T); effective September 11, 1945, expiring September 9, 1946.

Southland Manufacturing Company, Mobile and Grady Street, Montgomery, Alabama; Navy and civilian chambray shirts; 15 percent (AT); effective September 19, 1945, expiring March 18, 1946.

Textile Learner Regulations, May 16, 1941 (6 F.R. 2446) as amended by Administrative Order March 13, 1943 (8 F.R. 3079):

Pisgah Mills, Inc., Brevard, North Carolina; combed peeler and oak sewing thread and fine combed yarns; 5 percent (AT); effective September 10, 1945, expiring September 9, 1946.

Independent Telephone Learner Regulations, July 17, 1944 (9 F.R. 7125).

West Iowa Telephone Company, Anita, Iowa; (T); effective September 16, 1945, expiring September 15, 1946.

Regulations, Part 522—Regulations Applicable to the Employment of Learners (supra),

Central Riollano, Camuy, Puerto Rico; sugar cane; 1 learner; machinist operation for a learning period of 680 hours at 26¼ cents per hour; effective August 8, 1945, expiring July 10, 1946.

Sucers de Abarca, Inc., Stop 12½, Miramar, Puerto Rico; foundry and machine shop; 1 learner; shop mechanic operation for a learning period of 800 hours at 18 cents per hour for the first 10 weeks; 22 cents per hour for the second 10 weeks; 24 cents per hour for the third 10 weeks and 27 cents per hour for the last 10 weeks; effective August 6, 1945, expiring May 13, 1946.

Southern Missionary College, Collegedale, Tennessee; wood shop, printing press, broom shop; 30 learners, compositor, pressman, bindery worker and related operations for a learning period of 500 hours at 35 cents per hour, 50 learners, cabinet and furniture maker and related operations for a learning period of 400 hours at 35 cents per hour; 15 learners, broom maker and related operations for a learning period of 350 hours at 35 cents per hour; effective September 1, 1945, expiring August 31, 1946.

Goldfield State Bank & Trust Company, Goldfield, Iowa; banking; 1 learner; bookkeeper-teller operations for a learning period of 240 hours at 35 cents per hour; effective September 17, 1945, expiring November 5, 1945.

The employment of learners under these certificates is limited to the terms and conditions therein contained and is subject to the provisions of the applicable determinations, orders and/or regulations cited above. These certificates have been issued upon the employers' representations that experienced workers for the learner occupations are not available for employment and that they are actually in need of learners at subminimum rates in order to prevent curtailment of opportunities for employment. The certificates may be cancelled in the manner provided in the regulations and as indicated in the certificates. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of Regulations, Part 522.

Signed at New York, New York, this 18th day of September 1945.

PAULINE C. GILBERT,
Authorized Representative of the Administrator.

[F. R. Doc. 45-17720; Filed, Sept. 21, 1945; 4:46 p. m.]

LEARNER EMPLOYMENT CERTIFICATE

ISSUANCE TO VARIOUS INDUSTRIES

Notice of issuance of special certificates for the employment of learners under the Fair Labor Standards Act of 1938.

Notice is hereby given that special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rate applicable under section 6 of the act have been issued to the firms hereinafter mentioned under section 14 of the act, Part 522 of the regulations issued thereunder (August 16, 1940, 5 F.R. 2862, and as amended June 25, 1942, 7 F.R. 4725), and the determinations, orders and/or regulations hereinafter mentioned. The names and addresses of the firms to which certificates were issued, industry, products, number of learners, and effective and expiration dates of the certificates are as follows:

Single Pants, Shirts and Allied Garments, Women's Apparel, Sportswear, Rainwear, Robes and Leather and Sheep-Lined Garments Divisions of the Apparel Industry, Learner Regulations, July 20, 1942 (7 F.R. 4724), as amended by Administrative Order March 13, 1943 (8 F.R. 3079), and Administrative Order, June 7, 1943 (8 F.R. 7890).

The H. A. Austin Company, Incorporated, 15 Union Street, Worcester, Massachusetts; Men's comfolastic belts, garters, bandos, style assists, panties and sanitary belts; ten percent (T); effective September 25, 1945, expiring September 24, 1946.

The Theodore Kotzin Company, Ltd., 1242 Santee Street, Los Angeles, California; Pants, overalls, coveralls, work shirts, cord trousers, shirts, wool trousers, other 100% cotton, coats and jackets; ten percent (T); effective September 18, 1945, expiring September 17, 1946.

Hosiery Learner Regulations, September 4, 1940, (5 F.R. 3530), as amended by Administrative Order March 13, 1943, (8 F.R. 3079).

The Robbins Knitting Company, Spruce Pine, North Carolina; Seamless Hosiery; five percent (T); effective September 29, 1945, expiring September 28, 1946.

Textile Learner Regulations, May 16, 1941, (6 F.R. 2446) as amended by Administrative Order March 13, 1943, (8 F.R. 3079).

Pelzer Mills, Pelzer, South Carolina; Cotton, rayon, wool, casein wool; three percent (T); effective September 23, 1945, expiring September 22, 1946.

The employment of learners under these certificates is limited to the terms and conditions therein contained and is subject to the provisions of the applicable determinations, orders and/or regulations cited above. These certificates have been issued upon the employers' representations that experienced workers for the learner occupations are not available for employment and that they are actually in need of learners at subminimum rates in order to prevent curtailment of opportunities for employment. The certificates may be cancelled in the manner provided in the regulations and as indicated in the certificates. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of Regulations, Part 522.

Signed at New York, New York, this 20th day of September 1945.

PAULINE C. GILBERT,
Authorized Representative of the Administrator.

[F. R. Doc. 45-17745; Filed, Sept. 24, 1945; 11:12 a. m.]

FEDERAL DEPOSIT INSURANCE CORPORATION.

INSURED BANKS

ORDER FOR REPORT OF SUMMARY OF DEPOSITS

Pursuant to the provisions of subsections (j) and (k) of section 12 B of the Federal Reserve Act, as amended (sec. 101 (j) and (k), 49 Stat. 692, 693; 12 U.S.C., 264 (j) and (k)): *It is ordered,* That each insured bank shall submit to the Federal Deposit Insurance Corporation on or before October 20, 1945, a report of its deposits as of the close of business October 10, 1945, on Form 89—Call No. 4, entitled "Summary of Deposits"[1] and said report shall be prepared in accordance with the "Instructions for Preparation of Form 89—Call No. 4."[1]

[SEAL] FEDERAL DEPOSIT INSURANCE CORPORATION,
By E. F. DOWNEY,
Secretary.

[F. R. Doc. 45-17696; Filed, Sept. 21, 1945; 3:33 p. m.]

FEDERAL SECURITY AGENCY.

Food and Drug Administration.

[Docket No. FDC-33 (b)]

ALIMENTARY PASTES

NOTICE OF HEARING TO AMEND DEFINITIONS AND STANDARDS OF IDENTITY FOR ALIMENTARY PASTES AND TO ESTABLISH A DEFINITION AND STANDARD OF IDENTITY FOR GLUTEN MACARONI PRODUCTS

Correction

In Federal Register Document 45-17186, appearing on page 11818 of the issue for Saturday, September 15, 1945, the title of Watson B. Miller should read "*Acting Administrator.*"

[1] Filed with the Division of the Federal Register.

OFFICE OF ALIEN PROPERTY CUSTODIAN.

[Vesting Order 5192]

MARIA HEIST ET AL.

In re: Interests in real property, property insurance policies, claims and a bank account owned by Maria Heist, and others.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

1. That the persons whose names and last, known addresses appear below are residents of Germany and nationals of a designated enemy country (Germany):

Name and Last Known Address

Maria Heist, Wurmtal bei Pforzheim/Baden, Germany.

Rosa Zimmerman, also known as Rose Zimmerman, Ettlingen Baden Schollbronnerstrasse 77, Germany.

Christian Kalmbach, Weissenbach/Murgtal (Baden), Germany.

Karl Kalmbach, Ettlingen Baden Am Vasen, Germany.

Berta Roth, also known as Bertha Roth, Karlsruhe/Baden, Karl Hoffmannstrasse 2, Germany.

Anna Binkele, Ettlingen Baden, Drachenrebenweg 5, Germany.

Frieda Knoller, also known as Frieda Knoller, Ettlingen Baden, Waldstrasse 12, Germany.

Marie Finkbeiner, Schonegrund, Kreis Freudenstadt, Württemberg, Germany.

Friederike Gassler, also known as Friedericke Gaessler, and as Frederick Gassler, Frutenhof, Kreis Freudenstadt, Württemberg, Germany.

Franziska Haas, Frutenhof, Kreis Freudenstadt, Württemberg, Germany.

Rosine Mast, Klosterreichenbach/Württemberg, Germany.

Maria Mast, Klosterreichenbach/Württemberg, Germany.

Fritz Mast, Klosterreichenbach Württemberg, Germany.

Anna Ruoff, nee Mast, Metzingen Kreis Urbach Württemberg, Nurtingerstrasse 30, Germany.

Wilhelm Schoffel, also known as Wilhelm Schoeffel, Schwabisch Gmund/Württemberg, Lindacherstr. 41, Germany.

Otto Schoffel, also known as Otto Schoeffel, Schwabisch Gmund/Württemberg, Hindenburgplatz 4, Germany.

Albert Schoffel, also known as Albert Schoeffel, Schwabisch Gmund/Württemberg Lindacherstrasse 37, Germany.

Max Schoffel, also known as Max Schoeffel, Schwabisch Gmund/Württemberg, Mutlangerstrasse 18, Germany.

Sofie Kuhbach, also known as Sofie Kubach, Schwabisch Gmund Württemberg Lindacherstrasse 41, Germany.

Willie Harle, also known as Willi Haerle, Munster Westfalen, Melchersstrasse 80, Germany.

Karoline Buhrle, also known as Karoline Buehrle, Ludwigsburg/Württemberg, Hohenzollerstrasse 7/2, Germany.

Luise (Louise) Harle, also known as Luise (Louise) Haerle, Stuttgart 13 Hornbergstrasse 99, Germany.

Emma Harle, also known as Emma Haerle, Mittelschlecht b/Schorndorf Württemberg, Hauptstrasse 46, Germany.

Marie Nestle, Frankfurt a/Main Bergerstrasse Nr. 189, Germany.

Julie Leistner, Berlin-Friedenau, Gosslerstrasse 21/2, Germany.

2. That the persons named in subparagraph 1 are the owners of the property described in subparagraph 3 hereof;

3. That the property described as follows:

a. An undivided twenty-nine forty-seconds interest, identified as the interest which was inherited from William Molt, deceased, in and to the real property situated in the County of Camden, State of New Jersey, particularly described in Exhibits A to J, inclusive, attached hereto and by reference made a part hereof, together with all hereditaments, fixtures, improvements and appurtenances thereto, and any and all claims for rents, refunds, benefits or other payments arising from the ownership of such property,

b. All right, title and interest of the persons named in subparagraph 1, in and to certain insurance policies described in Exhibit K, attached hereto and by reference made a part hereof, insuring the property described in subparagraph 3-a hereof, and any and all renewals or extensions thereof,

c. All right, title, interest and claim of any name or nature whatsoever of the persons named in subparagraph 1, and each of them, in and to any and all obligations, contingent or otherwise and whether or not matured, which are due and owing to them by Lawrence M. Verga, including particularly but not limited to those sums arising by reason of rents collected from the real property described in subparagraph 3-a hereof, and deposited in the First Camden National Bank and Trust Company, Camden, New Jersey, in the name of "Lawrence M. Verga, Agency," and any and all security rights in and to any and all collateral for any and all such obligations, and the right to enforce and collect the same,

d. All right, title, interest and claim of any name or nature whatsoever of the persons named in subparagraph 1, in and to any and all obligations, contingent or otherwise and whether or not matured, owing to them by the Newark Fire Insurance Company, Newark, New Jersey, arising under Fire Insurance Policy No. 417966, covering the premises known as 118 North Fourth Street, Camden, New Jersey, including but not limited to all security rights in and to any and all collateral for any and all such obligations, and the right to enforce and collect such obligations, and

e. Twenty-nine forty-fifths (29/45) of that certain bank account maintained with the First Camden National Bank and Trust Company, Camden, New Jersey, identified as Account Number 28345 in the name of "Estate of William Molt, deceased," and any and all security rights in and to any and all collateral for such part of said account, and the right to enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, nationals of a designated enemy country (Germany);

And determining that to the extent that such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described in subparagraph 3-a hereof, subject to recorded liens, encumbrances and other rights of record held by or for persons who are not nationals of designated enemy countries, and hereby vests in the Alien Property Custodian the property described in subparagraphs 3-b to 3-e, inclusive, hereof,

All such property so vested to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall this order be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC-1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on August 25, 1945.

[SEAL] JAMES E. MARKHAM,
Alien Property Custodian.

EXHIBIT A

All that certain lot, tract or parcel of land with the improvements situate, lying and being in the Borough of Collingswood, County of Camden and State of New Jersey, bounded and described as follows:

Beginning in the northwest line of Bellevue Terrace and in the extended middle line of party wall between premises Nos. 49 and 51 Bellevue Terrace four hundred thirteen feet and forty five one hundredths feet (413.45) southwest from the west corner of Haddon Avenue and Bellevue Terrace thence southwest along northwest line of Bellevue Terrace fourteen and five one hundredths feet (14.05) to the north corner of Bellevue Terrace and a common driveway ten and nine one hundredths feet (10.09) wide at this point thence northwest at right angles to Bellevue Terrace and along the northeast line of said common driveway fifty five (55) feet to an angle therein said common driveway being eight and seventy nine one hundredths feet (8.79) wide at this point thence northwest still along said common driveway at an interior angle of one hundred seventy eight degrees (178) nineteen minutes (19) thirty nine seconds (39) a distance of twenty five and two one hundredths (25.02) feet to a point where said common driveway is eight (8) feet wide thence northeast at an interior angle of ninety one degrees (91) forty minutes (40) twenty one seconds (21) and parallel with and distant eighty feet (80) northwest at right angles from northwest line of Bellevue Terrace thirteen and thirty two one hundredths (13.32) to the extended middle line of aforesaid party wall thence southeast at right angles to Bellevue Terrace partly along the extended middle line of aforesaid party wall and partly along the middle line thereof eighty feet (80) to place of beginning; being premises No. 51 Bellevue Terrace, Collingswood, Camden County, New Jersey.

EXHIBIT B

All that certain lot, tract or parcel of land with the improvements thereon, situate, lying and being in the City of Camden, County of Camden and State of New Jersey, bounded and described as follows:

Beginning in the easterly line of Fourth Street one hundred fifty four feet southwardly from the southerly line of Cooper Street and corner to lot conveyed to William Vogt thence eastwardly at right angles to Fourth Street and along Vogt's lot eighty feet thence southwardly and parallel with Fourth Street eighteen feet more or less thence westwardly parallel with the first course and along a ten feet wide alley on the south eighty feet to the easterly line of Fourth Street thence northwardly along the same eighteen feet more or less to the place of beginning; being premises known as No. 118 North Fourth Street, Camden, New Jersey.

EXHIBIT C

All that certain lot, tract or parcel of land, with the improvements thereon, situate, lying and being in the Township of Pennsauken, County of Camden and State of New Jersey, bounded and described as follows:

Beginning at a point in the southwesterly line of 42nd Street distant four hundred sixty-two and six one hundredths feet Northwestwardly from point of intersection of the Northeasterly line of Maple Avenue with the Southwesterly line of 42nd Street thence Northwestwardly along the Southwesterly line of 42nd Street forty feet thence Southwestwardly between parallel lines of that width at right angles to 42nd Street one hundred twenty feet being Lots Nos. 259 and 260 on Plan of Lots Pennsauken Township New Jersey dated October 31, 1918 known as Tract No. 22. No. 2 beginning at a point in division line between Lot No. 260 (formerly property of Blanche D. Fowler widow) and Lot No. 261 (formerly property of John F. Shaw widower) as shown on said plan said point being distant eighty-four one hundredths of a foot from a point in the Westerly line of 42nd Street distant one hundred eighty-four and fourteen one hundredths feet Southeastwardly from the Southwesterly corner of 42nd Street and South Chestnut Street thence from said beginning point South fifty-seven degrees thirty eight minutes twenty seconds West along said division line between Lots No. 260 and 261 one hundred nineteen and fifteen one hundredths feet thence South thirty-two degrees twenty-one minutes forty seconds East and parallel with 42nd Street forty feet to lands now or formerly of Raymond W. and Caroline J. Alsop thence North fifty-seven degrees thirty-eight minutes twenty seconds East along said land thirty-seven and sixty-eight one hundredths feet to the Northwesterly line of State Highway Connecting Road thence along said Northwesterly line of said State Highway Connecting Road North thirty-one degrees twenty-nine minutes twenty seconds East ninety and seventy-six one hundredths feet to the place of beginning; being the westerly part of Lots Nos. 261 and 262 as shown on aforesaid plan, being premises known as 4125-27 Cresent Boulevard, Pennsauken Township, New Jersey.

EXHIBIT D

All that certain lot, tract or parcel of land, with the improvements thereon, situate, lying and being in the Borough of Woodlynne, County of Camden and State of New Jersey, bounded and described as follows:

Beginning at a point in the east line of Maple Avenue 150 feet south of Woodlynne Avenue and extending thence southward 52.75 feet thence eastward at right angles to said Maple avenue the distance of one hundred (100) feet between parallel lines of that width; being Lots Nos. 25 and 27 in Section 15 Plan of Woodlynne and known as Nos. 212 and 214 Maple avenue, Woodynne, New Jersey.

EXHIBIT E

All that certain lot, tract or parcel of land, with the improvements thereon, situate, lying and being in the City and County of Camden, State of New Jersey, bounded and described as follows:

Beginning at the westerly corner of Warren and Wright Avenues thence southwestwardly along the northwesterly side of Wright Avenue fifteen feet one quarter of an inch to a point in the extended middle line of party wall between premises Nos. 779 and 781 Wright Avenue thence northwestwardly in a line parallel with Warren Avenue passing through the middle line of the party wall between premises Nos. 779 and 781 Wright Avenue one hundred feet more or less to the southeasterly side of an alley thence northeastwardly along the said southeasterly side of said alley fifteen feet one quarter of an inch to the southwesterly side of Warren Avenue thence southeastwardly along the said southwesterly side of Warren Avenue one hundred feet more or less to place of beginning; being premises No. 781 Wright Avenue, Camden, New Jersey.

EXHIBIT F

All that certain lot, tract or parcel of land with the improvements, situate, lying and being in the City and County of Camden, State of New Jersey, bounded and described as follows:

Beginning at the northwest corner of Marlton Avenue and Cooper Street and running thence (1) northwesterly along the southwesterly side of Marlton Avenue sixty-three feet and one inch to a point thence (2) southwesterly along the line of lands now or late of C. Wolfinger and at right angles to said Marlton Avenue the distance of forty feet and four inches to a point thence (3) southwesterly fourteen feet and ten inches to a point in the north side of Cooper Street seventy-eight feet and six inches west of the northwest corner of Marlton Avenue and Cooper Street thence (4) easterly along the north line of Cooper Street seventy-eight feet and six inches to the place of beginning; being premises No. 105 East State Street, Camden, New Jersey.

EXHIBIT G

All that certain lot, tract or parcel of land with the improvements, situate, lying and being in the Borough of Collingswood, County of Camden, State of New Jersey, bounded and described as follows:

Beginning at a point in the northwesterly line of Merion Terrace two hundred feet southwestwardly from the most westerly corner of Haddonfield Turnpike and Merion Terrace thence southwestwardly along Merion Terrace a front or width of forty feet by a length or depth of that width northwest between parallel lines at right angles to Merion Terrace one hundred eight and thirty-three hundredths feet; being Lot 30 on plan of Collingswood Improvement Co., known as 7 Merion Terrace, Collingswood, New Jersey.

EXHIBIT H

All that certain lot, tract or parcel of land with the improvements, situate, lying and being in the City of Camden, County of Camden, State of New Jersey, bounded and described as follows:

Beginning on the south side of State Street distant one hundred thirteen feet six inches east from the southeasterly corner of Front and State Streets said point in centre of party wall between premises Nos. 110 and 112 State Street and extending thence (1) East along the south side of State Street the distance of fifteen feet six inches to middle line of another party wall between premises Nos. 112 and 114 State Street thence (2) southwardly at right angles to State Street and parallel with Front Street along the centre line of said party wall and line thereof extended the distance of eighty five feet to the north line of a four feet wide alley and extending thence (3) west parallel with State Street fifteen feet six inches thence (4) north parallel with second course above mentioned through the centre line of party wall as above mentioned and extended line thereof the distance of eighty five feet to the place of beginning; being premises No. 112 State Street, Camden, New Jersey.

EXHIBIT I

All that certain lot, tract or parcel of land with the improvements, situate, lying and being in the City of Camden, County of Camden, State of New Jersey, bounded and described as follows:

Beginning at the northeast corner of Chestnut and Diamond Streets and extending thence (1) North along the East line of Diamond Street sixty-one feet to a point in the south line of a certain four feet wide alley for the use of premises Nos. 1217 and 1219 Chestnut Street thence (2) east along the south side of said alley parallel with Chestnut Street fourteen feet nine and one-half inches more or less to a point which would be in the middle of the westerly wall of premises No. 1217 Chestnut Street if extended thence (3) south through the middle of said wall sixty-one feet to the north line of Chestnut Street seventeen feet nine and one-half inches more or less to the place of beginning; being premises No. 1215 Chestnut Street, Camden, New Jersey.

EXHIBIT J

All that certain lot, tract or parcel of land with the improvements, situate, lying and being in the City of Camden, County of Camden, State of New Jersey, bounded and described as follows:

FIRST PARCEL

Beginning at a point in the northerly line of Carman Street at the distance of one hundred one feet six inches westwardly from the northwesterly corner of Twenty-eight and Carmen Streets said point being in the extended middle line of party wall between premises Nos. 2759 and 2757 Carman Street extending thence (1) northwardly at right angles to Carman Street and along the centre line of said party wall and the extended lines thereof the distance of one hundred feet to a point thence (2) westwardly parallel with Carman Street the distance of eighteen feet six inches to a point thence (3) southwardly parallel with first course the distance of one hundred feet to a point in the Northerly line of Carman Street thence (4) eastwardly along the northerly line of said Carman Street the distance fo eighteen feet six inches to a point and place of beginning. Comprising premises known as No. 2757 Carman Street, Camden, New Jersey.

SECOND PARCEL

Beginning on the northerly side of Carman Street (formerly Dover Street) one hundred twenty feet westwardly from Twenty-eight Street (formerly Oxford Street) thence westwardly along the northerly side of Carman Street twenty feet thence northwardly between parallel lines of that width at right angles to Carman Street one hundred feet, being the same land and premises which George Bachmann et ux by deed dated October 13, 1920 and of record in the office of the Register of Deeds of Camden County in book 476 of deeds page 320 granted and conveyed unto Joseph A. Hopkins and Mary E. Hopkins his wife as tenants by the entiretles and the said Joseph A. Hopkins having departed this life on or about the ninth day of May 1930 the said Mary E. Hopkins became seized in fee of said premises by right of

survivorship. Known as 2755 Carman St., Camden, New Jersey.

EXHIBIT K

Fire Insurance Policy No. 212736 of the Camden Fire Insurance Association issued to the Estate of William Molt, deceased, covering the improvements to the property known as 105 East State Street, Camden, New Jersey, in the amount of $2,000 and expiring January 5, 1947.

Fire Insurance Policy No. 463322 of the Newark Fire Insurance Company, Newark, New Jersey, issued to "Estate of William Molt, deceased," covering the improvements to the property known as 7 Merion Terrace, Collingswood, New Jersey, in the amount of $3,000 and expiring March 22, 1950.

Fire Insurance Policy No. 417966 of the Newark Fire Insurance Company, Newark, New Jersey, issued to the Estate of William Molt, deceased, covering the improvements to the property known as 118 North Fourth Street, Camden, New Jersey, in the amount of $3,000 and expiring September 8, 1945.

Fire Insurance Policy No. 212879 of the Camden Fire Insurance Association, Camden, New Jersey, issued to the Estate of William Molt, deceased, covering the improvements to the property known as 51 Bellevue Terrace, Collingswood, New Jersey, in the amount of $3,000 and expiring September 24, 1948.

Fire Insurance Policy No. 397324 of the Newark Fire Insurance Company, Newark, New Jersey, issued to the Estate of William Molt, deceased, covering the improvements to the property known as 1215 Chestnut Street, Camden, New Jersey, in the amount of $3,000 and expiring September 1, 1945.

Fire Insurance Policy No. 780484 of the Camden Fire Insurance Association, Camden, New Jersey, issued to the Estate of William Molt, deceased, covering the improvements to the property known as 112 State Street, Camden, New Jersey, in the amount of $2,500 and expiring May 27, 1950.

Fire Insurance Policy No. 502808 of the Newark Fire Insurance Company, Newark, New Jersey, issued to the Estate of William Molt, deceased, covering improvements to the property known as 4125-27 Cresent Boulevard, Pennsauken Township, New Jersey, in the amount of $3,000 and expiring July 30, 1945.

Fire Insurance Policy No. 496729 of the Newark Fire Insurance Company, Newark, New Jersey, issued to the Estate of William Molt, deceased, covering improvements to the property known as 2757 Carman Street, Camden, New Jersey, in the amount of $2,500 and expiring June 27, 1949.

Fire Insurance Policy No. 454928 of the Newark Fire Insurance Company, Newark, New Jersey, issued to the Estate of William Molt, deceased, covering improvements to the property known as 212-214 Maple Avenue, Woodlynne, New Jersey, in the amount of $2,000 each and expiring May 11, 1947.

Fire Insurance Policy No. 463311 of the Newark Fire Insurance Company, Newark, New Jersey, issued to Estate of William Molt, deceased, covering the improvements to the property known as 781 Wright Avenue, Camden, New Jersey, in the amount of $3,000 and expiring February 3, 1950.

Public Liability Insurance Policy No. 4L 23867 of the Aetna Casualty and Surety Company of Hartford, Connecticut, issued to the Estate of William Molt, deceased, in the amount of $5,000/10,000, expiring November 9, 1945.

War Damage Insurance Policy No. 526-51-20017 of the War Damage Corporation of Washington, D. C., issued to the Estate of William Molt, deceased, automatically extended from July 1, 1945, and covering the premises listed below in the respective amounts indicated:

4125-27 Cresent Boulevard, Pennsauken Township, N. J.	$4,000
2757 Carman Street, Camden, N. J.	2,500
212 Maple Avenue, Woodlynne, N. J.	2,000
214 Maple Avenue, Woodlynne, N. J.	2,000
105 East State Street, Camden, N. J.	2,000
7 Merion Terrace, Collingswood, N. J.	3,000
118 North Fourth Street, Camden, N. J.	2,500
51 Bellevue Terrace, Collingswood, N. J.	3,000
1215 Chestnut Street, Camden, N. J.	2,200
112 State Street, Camden, N. J.	2,500
781 Wright Avenue, Camden, N. J.	2,500

[F. R. Doc. 45-17651; Filed, Sept. 21, 1945; 11:00 a. m.]

[Supp. Vesting Order 5193]

OLIVER HASSENCAMP

In re: Bank account owned by Oliver Hassencamp.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the Alien Property Custodian, after investigation:

1. Having found and determined in Vesting Order Number 2238, dated September 21, 1943, that Oliver Hassencamp is a national of a designated enemy country (Germany);

2. Finding that Oliver Hassencamp is the owner of the property described in subparagraph 3 hereof;

3. Finding that the property described as follows: That certain bank account with The Firestone Bank, Akron, Ohio, which is due and owing to and held for Oliver Hassencamp, in the name of Arthur S. Mottinger, Guardian of the Person and Property of Oliver Hassencamp, a minor, in Savings Account No. 107113, including but not limited to any and all security rights in and to any and all collateral for all or part of such account, and the right to enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, a national of a designated enemy country (Germany);

And determining that to the extent that such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC-1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on August 25, 1945.

[SEAL] JAMES E. MARKHAM,
Alien Property Custodian.

[F. R. Doc. 45-17652; Filed, Sept. 21, 1945; 11:00 a. m.]

[Vesting Order 5199]

J. D. RIEDEL-E. DE HAEN A. G.

In re: Trade-Marks of J. D. Riedel-E. de Haen A. G.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

1. That J. D. Riedel-E. de Haen A. G. is a corporation organized under the laws of, and maintaining its principal place of business in, Germany and is a national of a foreign country (Germany);

2. That the property described in subparagraph 3 hereof is property of J. D. Riedel-E. de Haen A. G.;

3. That the property described as follows: The trade-marks registered in the United States Patent Office identified as follows:

Reg. No., Date, Registration, and Character of Goods
220,366; 11-9-26; William A. Schlesinger (J. D. Riedel-E. de Haen A. G., record owner); Soporifics, Sedatives, etc.
266,216; 1-14-30; J. D. Riedel-E. de Haen A. G.; Soporifics, Sedatives, etc.

and the registrations thereof together with

(i) The respective good will of the business in the United States and all its possessions to which said trade-marks are appurtenant,

(ii) Any and all indicia of such good will (including but not limited to formulae whether secret or not, secret processes, methods of manufacture and procedure, customers lists, labels, machines and other equipment),

(iii) Any interests of any nature whatsoever in and any rights and claims of every character and description to said business, good will and trade-marks and registrations thereof,

(iv) All accrued royalties payable or held with respect to such trade-marks and all damages and profits recoverable at law or in equity from any person, firm, corporation or government for past infringement thereof,

is property of a national of a foreign country (Germany),

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described above, to

be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC-1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on August 27, 1945.

[SEAL] JAMES E. MARKHAM,
Alien Property Custodian.

[F. R. Doc. 45-17653; Filed, Sept. 21, 1945; 11:00 a. m.]

[Vesting Order 5226]

GUSTAVE HERTER

In re: Interest in real property, property insurance policies, claim and cash owned by Gustave Herter.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian, after investigation:

1. Having found and determined in Supervisory Order Number 130 dated January 23, 1943, that Gustave Herter is a national of a designated enemy country (Germany) and that he is the owner of interests in the real property situated at 902-910 Broadway, City, County and State of New York, more particularly described in Exhibit A, attached hereto and by reference made a part hereof, together with all hereditaments, fixtures, improvements and appurtenances thereto, and any and all claims for rents, refunds, benefits or other payments arising from the ownership of such property;

2. Finding that Gustave Herter is the owner of the property described in subparagraph 3 hereof;

3. Finding that the property described as follows:

a. All right, title and interest of Gustave Herter in and to certain insurance policies described in Exhibit B, attached hereto and by reference made a part hereof, insuring the property described in subparagraph 1 hereof, and any and all renewals and extensions thereof,

b. All right, title, interest and claim of any name or nature whatsoever of Gustave Herter in and to any and all obligations, contingent or otherwise and whether or not matured, which are due and owing to him by the Estate of Clarence S. Herter, deceased, including particularly but not limited to those sums arising by reason of rents collected from the real property described in subparagraph 1 hereof, and deposited in the Lawyers Trust Company, 350 Fifth Avenue, New York, New York, in the name of "Clarence S. Herter Mortgage Account" and any and all security rights in and to any and all collateral for any and all such obligations, and the right to enforce and collect the same, and

c. All right, title, interest and claim of Gustave Herter in and to that certain bank account maintained with the Lawyers Trust Company, 350 Fifth Avenue, New York, New York, which is due and owing to, and held for Gustave Herter in an account in the name of "Clarence S. Herter and Gustave Herter", and any and all security rights in and to any and all collateral for all or part of such account, and the right to enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, a national of a designated enemy country (Germany);

And determining that to the extent that such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described in subparagraph 1 hereof, subject to recorded liens, encumbrances and other rights of record held by or for persons who are not nationals of designated enemy countries, and hereby vests in the Alien Property Custodian the property described in subparagraph 3 hereof,

All such property so vested to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall this order be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC-1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on September 19, 1945.

[SEAL] JAMES E. MARKHAM,
Alien Property Custodian.

EXHIBIT A

All that certain lot of land, the building improvements thereon erected, situated in the Borough of Manhattan, County of New York, City and State of New York, bounded and described as follows:

Beginning at the corner formed by the intersection of the Northerly side of 20th Street with the Easterly side of Broadway; running thence Northerly along the said Easterly side of Broadway 96'1"; thence Easterly, parallel with the Northerly side of 20th Street, 45' 9" more or less to a point which is distant 92' Southerly at right angles from the Southerly side of 21st Street, measured from a point distant along said Southerly line of 21st Street, 73'5" Easterly from the Easterly side of Broadway; running thence Northerly at right angles to said Southerly side of 21st Street 92' to the said Southerly side of 21st Street. Thence Easterly along the same 50' to a point 500' Westerly of Fourth Avenue; thence Southerly and parallel with Fourth Avenue 92' to a point in projection Easterly of the second course herein; running thence Easterly parallel with 21st Street along the said second course herein as so projected to a point distant along the same, 120' 9" Easterly from the Easterly side of Broadway. Thence Southerly parallel with Fourth Avenue 18' more or less to a point distant 74' Northerly from the Northerly side of 20th Street; thence Easterly and parallel with said Northerly side of 20th Street 20' more or less to a point distant 455' Westerly from Fourth Avenue; thence Southerly parallel with Westerly side of Fourth Avenue and part of the distance through a party wall 74' to the Northerly side of 20th Street; thence Westerly along the Northerly side of 20th Street 113' 5" more or less to the point or place of beginning.

EXHIBIT B

Fire Insurance Policy No. FIC 22121 of the Federal Insurance Company issued to Clarence Herter and Gustave Herter and Green-Wood Cemetery as interest may appear, for a period expiring February 1, 1947, in the amount of $175,000.

Fire Insurance Policy No. 302644 of the Insurance Company of North America issued to Clarence Herter and Gustave Herter and Green-Wood Cemetery as interest may appear, for a period expiring February 1, 1937, in the amount of $100,000.

Fire Insurance Policy No. 3501453 of the Pearl Assurance Company, Limited issued to Clarence Herter and Gustave Herter and Green-Wood Cemetery as interest may appear, for a period expiring February 1, 1947, for the amount of $100,000.

Fire Insurance Policy No. 322884 of the Phoenix Assurance Company, Limited, issued to Clarence Herter and Gustave Herter and Green-Wood Cemetery as interest may appear, for a period expiring February 1, 1947, in the amount of $225,000.

Fire Insurance Policy No. 24205 P14 of the Pacific Fire Insurance Company issued to Clarence Herter and Gustave Herter and Green-Wood Cemetery as interest may appear, for a period expiring February 1, 1947, in the amount of $250,000.

Fire Insurance Policy No. 34-5703 of the Rhode Island Insurance Company issued to Clarence Herter and Gustave Herter and Green-Wood Cemetery as interest may ap-

pear, for a period expiring February 1, 1947, in the amount of $333,829.

Liability Insurance Policy No. 1L 20567 of the Aetna Casualty & Surety Company issued to The Estate of Clarence S. Herter, Louise K. Herter, Gustave Herter and Spear & Co., Inc. for a period expiring July 1, 1946, in the amount of $100/500,000.

Workmen's Compensation Insurance Policy No. 1L7691 of the Aetna Casualty & Surety Company issued to Clarence S. Herter, Gustave Herter and Spear & Co., Inc., for a period expiring October 20, 1945.

Plate Glass Insurance Policy No. 352401 of Employer's Liability Assurance Corporation issued to Clarence S. Herter and Gustave Herter for a period expiring March 20, 1946.

[F. R. Doc. 45-17654; Filed, Sept. 21, 1945; 11:00 a. m.]

[Vesting Order 5227]

MARTHA FRIEDA MINKOWSKI

In re: Estate of Martha Frieda Minkowski, also known as Martha Frieda Minkowsky, deceased; File D-28-8856; E. T. sec. 10946.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

That the property described as follows: All right, title, interest and claim of any kind or character whatsoever of Ericka Rossler and Erich Rossler, and each of them, in and to the Estate of Martha Frieda Minkowski, also known as Martha Frieda Minkowsky, deceased,

is property payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

Nationals and Last Known Address

Ericka Rossler, Germany.
Erich Rossler, Germany.

That such property is in the process of administration by The Chase National Bank of the City of New York, George Sklar and Bernhard Frank, as Executors, acting under the judicial supervision of the Surrogate's Court, New York County, New York;

And determining that to the extent that such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC-1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on September 19, 1945.

[SEAL] JAMES E. MARKHAM,
Alien Property Custodian.

[F. R. Doc. 45-17655; Filed, Sept. 21, 1945; 11:00 a. m.]

[Vesting Order 5228]

C. J. SCHNEIDER

In re: Estate of C. J. Schneider, deceased; File D-28-9464; E. T. sec. 12730.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

1. That the property described as follows: All right, title, interest and claim of any kind or character whatsoever of Otto Schneider, Luisa Herrmann, also known as Luise Herrmann and Minnie Weidel, and each of them, in and to the Estate of C. J. Schneider, deceased,

is property payable or deliverable to, or claimed by, nationals of a designated enemy county, Germany, namely,

Nationals and Last Known Address

Otto Schneider, Germany.
Luisa Herrmann, also known as Luise Herrmann, Germany.
Minnie Weidel, Germany.

That such property is in the process of administration by Clyde E. Shore, as Depositary, acting under the judicial supervision of the Superior Court of the State of Washington in and for Clallam County;

And determining that to the extent that such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC-1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on September 19, 1945.

[SEAL] JAMES E. MARKHAM,
Alien Property Custodian.

[F. R. Doc. 45-17656; Filed, Sept. 21, 1945; 11:00 a. m.]

[Vesting Order CE-35, Amdt.]

COSTS AND EXPENSES INCURRED IN CERTAIN ACTIONS OR PROCEEDINGS IN CERTAIN CALIFORNIA COURTS

Vesting Order Number CE-35, dated August 7, 1945, is hereby amended as follows and not otherwise:

By deleting the words "Thomas K. McCarthy, Treasurer of the City and County of San Francisco, City Hall, Civic Center, San Francisco, California", appearing in Column 5, of Item 1 in Exhibit A, and substituting therefor the words "Harry B. Riley, State Comptroller, Sacramento, California".

All other provisions of said Vesting Order Number CE-35 and all action taken on behalf of the Alien Property Custodian in reliance thereon, pursuant thereto and under authority thereof are hereby ratified and confirmed.

Executed at Washington, D. C. on September 19, 1945.

[SEAL] JAMES E. MARKHAM,
Alien Property Custodian.

[F. R. Doc. 45-17657; Filed, Sept. 21, 1945; 11:01 a. m.]

OFFICE OF PRICE ADMINISTRATION

[MPR 188, Order 4439]

MARYLAND LAMP AND SHADE CO.

ADJUSTMENT OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.158 of Maximum Price Regulation No. 188; *It is ordered:*

(a) This order establishes maximum prices for sales and deliveries of certain articles manufactured by Maryland Lamp and Shade Company, 1001 Court Square Building, Baltimore 2, Md.

(1) For all sales and deliveries to the following classes of purchasers by the sellers indicated below, the maximum prices are those set forth below:

Article	Model No.	For sales by the manufacturer to—		For sales by any person to consumers
		Jobbers	Retailers	
Metal table lamp made from ammunition shell with wood base and finials, height 24".....	100	$3.19	$3.75	$6.75

These maximum prices are for the articles described in the manufacturer's application dated June 16, 1945.

(2) For sales by the manufacturer, the maximum prices apply to all sales and deliveries since Maximum Price Regulation No. 188 became applicable to those sales and deliveries. For sales to persons other than consumers they are f. o. b. factory, 2% 10 days, net 30. The maximum price to consumers is net, delivered.

(3) For sales by persons other than the manufacturer, the maximum prices apply to all sales and deliveries after the effective date of this order. Those prices are subject to each seller's customary terms and conditions of sale on sales of similar articles.

(4) If the manufacturer wishes to make sales and deliveries to any other class of purchaser or on other terms and conditions of sale, he must apply to the Office of Price Administration, Washington, D. C., under the Fourth Pricing Method, § 1499.158 of Maximum Price Regulation No. 188, for the establishment of maximum prices for those sales, and no sales or deliveries may be made until maximum prices have been authorized by the Office of Price Administration.

(b) The manufacturer shall attach a tag or label to every article for which a maximum price for sales to consumers is established by this order. That tag or label shall contain the following statement, with the proper model number and the ceiling price inserted in the blank spaces:

Model No. ------
OPA Retail Ceiling Price—$------
Do Not Detach

(c) At the time of, or prior to, the first invoice to each purchaser for resale, the manufacturer shall notify the purchaser in writing of the maximum prices and conditions established by this order for sales by the purchaser. This notice may be given in any convenient form.

(d) Jobber's maximum prices for sales of the articles covered by this order shall be established under the provisions of section 4.5 of SR 14J.

(e) This order may be revoked or amended by the Price Administrator at any time.

(f) This order shall become effective on the 20th day of September 1945.

Issued this 19th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-17683; Filed, Sept. 21, 1945; 11:50 a. m.]

[MPR 188, Order 4445]

HOFFMAN MFG. CO.

ADJUSTMENT OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.158 of Maximum Price Regulation No. 188; *It is ordered:*

(a) This order establishes maximum prices for sales and deliveries of certain articles manufactured by Hoffman Manufacturing Company, 250 West Jefferson Avenue, Detroit 26, Mich.

(1) For all sales and deliveries to the following classes of purchasers by the sellers indicated below, the maximum prices are those set forth below:

Article	Model No.	For sales by the manufacturer to—		For sales by any person to consumers
		Jobbers	Retailers	
Fluorescent bed lamp in crackle enamel finish ivory or brown, but without any ballast.....	.....	$2.97	$3.50	$6.30

These maximum prices are for the articles described in the manufacturer's application dated July 24, 1945.

(2) For sales by the manufacturer, the maximum prices apply to all sales and deliveries since Maximum Price Regulation No. 188 became applicable to those sales and deliveries. For sales to persons other than consumers they are f. o. b. factory, 2% 10 days, net 30. The maximum price to consumers is net, delivered.

(3) For sales by persons other than the manufacturer, the maximum prices apply to all sales and deliveries after the effective date of this order. Those prices are subject to each seller's customary terms and conditions of sale on sales of similar articles.

(4) If the manufacturer wishes to make sales and deliveries to any other class of purchaser or on other terms and conditions of sale, he must apply to the Office of Price Administration, Washington, D. C., under the Fourth Pricing Method, § 1499.158 of Maximum Price Regulation No. 188, for the establishment of maximum prices for those sales, and no sales or deliveries may be made until maximum prices have been authorized by the Office of Price Administration.

(b) The manufacturer shall attach a tag or label to every article for which a maximum price for sales to consumers is established by this order. That tag or label shall contain the following statement, with the proper model number and the ceiling price inserted in the blank spaces:

Model No. ------
OPA Retail Ceiling Price—$------
Do Not Detach

(c) At the time of, or prior to, the first invoice to each purchaser for resale, the manufacturer shall notify the purchaser in writing of the maximum prices and conditions established by this order for sales by the purchaser. This notice may be given in any convenient form.

(d) Jobber's maximum prices for sales of the articles covered by this order shall be established under the provisions of section 4.5 of SR 14J.

(e) This order may be revoked or amended by the Price Administrator at any time.

(f) This order shall become effective on the 20th day of September 1945.

Issued this 19th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-17384; Filed, Sept. 21, 1945; 11:50 a. m.]

[Order 108 Under 18 (c)]

BUTTERNUT BREAD CO. AND AUNT BETTY BAKING CO.

ADJUSTMENT OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register and pursuant to the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, the Stabilization Act of 1942, as amended, and Executive Orders Nos. 9250 and 9328; *It is ordered:*

(1) That the maximum price for all sales of white pan bread baked in a one and one-half ($1\frac{1}{2}$) pound loaf in the City of Texarkana, in the States of Texas and Arkansas shall be the seller's maximum price determined pursuant to the provisions of the General Maximum Price Regulation or under any supplementary order issued under such regulation or the maximum price set forth below, whichever is highest:

Sales at wholesale	Sales at retail	Sales by chain stores
9 cents.....	11 cents.....	9 cents

(2) That when used in this order, the following terms shall have the following meanings:

(a) "Sales at wholesale" means sales to retailers, restaurants and institutional users.

(b) "Sales at retail" means sales to ultimate consumers other than restaurants or institutional users.

(c) "Sales by chain stores" means sales of a chain store private label bread as the same is defined in section 7 (b) (1) of Revised Supplementary Regulation No. 14B.

(3) That this order shall not apply to sales made to the Army or Navy of the United States;

(4) That this order may be amended or revoked by the Price Administrator at any time;

(5) That this order shall become effective September 22, 1945; and

(6) That insofar as this order does not grant the full relief requested by the applicants described in the opinion ac-

companying this order, their applications are denied.

Issued this 21st day of September 1945.

CHESTER BOWLES,
Administrator.

Approved: September 18, 1945.

CLINTON P. ANDERSON,
Secretary of Agriculture.

[F. R. Doc. 45-17702; Filed, Sept. 21, 1945; 4:15 p. m.]

[Supp. Order 108,[1] Amdt. 1 to Special Order 3[2]]

TEMPORARY ADJUSTMENT OF CERTAIN MAXIMUM AVERAGE PRICES

An opinion accompanying this Amendment 1 to Special Order No. 3, under section 17 of Supplementary Order 108 has been issued simultaneously herewith and filed with the Division of the Federal Register.

Special Order No. 3 is amended in the following respect:

1. Section 7 is amended to read as follows:

SEC. 7. *Exemption prices.*

(1) Category No.	(2) *Exemption price*
A-1	$10.81 each.
A-2	None.
A-3	$9.89 each.
A-4	$7.82 each.
A-5	None.
A-6	$7.13 each.
A-7	$4.37 each.
A-8	None.
A-9	$4.37 each.
A-10	$4.37 each.
A-11	None.
A-12	$1.72½ each.
A-13	$3.91 each.
A-14	None.
A-15	$1.72½ each.
A-16	$3.22 each.
A-17	$14.49 per dozen.
A-18	$2.30 each.
A-19	$12.42 per dozen.
A-20	$1.72½ each.
A-21	$1.61 each.
A-22	$11.04 per dozen.
A-23	$1.21 each.
A-24	$14.49 per dozen.
A-25	$11.04 per dozen.
A-26	$5.29 each.
A-27	$20.70 per dozen.
A-28	$3.22 each.
A-29	$3.77 each.
A-30	$14.49 per dozen.
A-31	$2.30 each.
A-32	$2.40 each.
A-33	$10.35 per dozen.
A-34	$17.60 per dozen.
A-35	$3.45 each.
A-36	$12.42 per dozen.
A-37	$20.70 per dozen.
A-38	$2.41½ each.
A-39	$8.97 per dozen.
A-40	$10.58 per dozen.
A-41	$1.61 each.
A-42	$7.82 per dozen.
A-43	$9.66 per dozen.
A-44	$7.13 each.
A-45	$6.21 each.
A-46	$5.29 each.
A-47	$4.37 each.
A-48	$5.29 each.
A-49	$3.22 each.
A-50	$3.22 each.
A-51	$2.30 each.
A-52	$2.30 each.
A-53	$4.83 each.
A-54	$2.30 each.
A-55	$3.45 each.
A-56	None.
A-57	$1.84 each.
A-58	$2.53 each.
A-59	$1.15 each.
A-60	$1.84 each.
A-61	$2.30 each.
A-62	$1.26½ each.
A-63	$1.84 each.
A-64	$1.68⅓ each.
A-65	$1.15 each.
A-66	$1.38 each.
A-67	$9.66 per dozen.
A-68	$1.15 each.
A-69	None.
A-70	$1.38 each.
A-71	None.
A-72	$1.15 each.
A-73	None.
A-74	$.92 each.
A-75	$1.15 each.
A-76	$1.61 each.
A-77	$.92 each.
A-78	$1.15 each.
A-79	$8.28 per dozen.
A-80	$23.28 per dozen.
A-81	$23.28 per dozen.
A-82	$19.40 per dozen.
A-83	$19.40 per dozen.
A-84	$14.55 per dozen.
A-85	$8.28 per dozen.
A-86a	$25.22 per dozen.
A-86b	$17.46 per dozen.
A-87a	$22.31 per dozen.
A-87b	$15.52 per dozen.
A-88a	$16.49 per dozen.
A-88b	$13.10 per dozen.
A-89	$9.70 per dozen.
A-90	$13.10 per dozen.
A-91	$11.64 per dozen.
A-92	$10.67 per dozen.
A-93	$6.79 per dozen.
A-94	None.
A-95a	None.
A-95b	None.
A-95c	None.
A-96	None.
A-97a	None.
A-97b	None.
A-97c	None.
A-98	None.
A-99	$4.14 per dozen.
B-1	$6.21 per dozen.
B-2	$11.50 per dozen.
B-3	$10.29 per dozen.
B-4	$5.52 per dozen.
B-5	$10.25 per dozen.
B-6	$20.70 per dozen.
B-7	$13.23 per dozen.
B-8	$7.36 per dozen.
B-9	$10.06 per dozen.
B-10	$7.35 per dozen.
B-11	$15.18 per dozen.
B-12	$22.08 per dozen.
B-13	$13.72 per dozen.
B-14	$8.28 per dozen.
B-15	$11.76 per dozen.
B-16	$14.49 per dozen.
B-17	$8.33 per dozen.
B-18	None.
B-19	None.
B-20	$4.41 per dozen.
B-21	$3.19 per dozen.
B-22	$7.82 per dozen.
B-23	$2.99 per dozen.
B-24	$3.43 per dozen.
B-25	$3.68 per dozen.
B-26	$2.45 per dozen.
B-27	$7.35 per dozen.
B-28	$5.15 per dozen.
B-29	$4.90 per dozen.
B-30	$6.37 per dozen.
B-31	$4.41 per dozen.
B-32	$4.17 per dozen.
B-33	None.
B-34	$9.05 each.
B-35	$2.53 each.
B-36	$3.22 each.
B-37	$2.53 each.
B-38	$16.56 per dozen.
B-39	$20.70 per dozen.
B-40	None.
B-41	$7.82 per dozen.
B-42	$5.29 per dozen.
B-43	$20.70 per dozen.
B-44a	None.
B-44b	$20.70 per dozen.
B-45	$5.29 per dozen.
B-46	None.
B-47	$30.36 per dozen.
C-1a	None.
C-1b	None.
C-2	$6.90 per dozen.
C-3	$9.66 per dozen.
C-4	$6.90 per dozen
C-5	$15.28 per dozen.
C-6	$2.67 per dozen.
C-7	$15.34 per dozen.
C-8a	$7.28 per dozen.
C-8b	$5.54 per dozen.
C-8c	$7.91 per dozen.
C-9	$7.91 per dozen.
C-10	$15.50 per dozen.
C-11	$5.00 per dozen.
C-12	None.
C-13	None.
C-14	None.
C-15	$15.00 per dozen.
C-16	$4.95 per dozen.
C-17	$6.25 per dozen.
C-18	$2.97 per dozen.
C-19	$.97 per dozen.
C-20	$.49 per dozen.
C-21	$.90 per dozen.
C-22	$.75 per dozen.
C-23	None.
C-24	None.
C-25	$7.09 per dozen.
C-26	$6.00 per dozen.
C-27	$4.50 per dozen.
C-28	$2.40 per dozen.
C-29	$2.25 per dozen.
C-30	$1.50 per dozen.
C-31	$1.50 per dozen.
C-32	$2.85 per dozen.
C-33	$1.60 per dozen.
C-34	$1.50 per dozen.
C-35	$1.85 per dozen.
C-36	$1.50 per dozen.
C-37	None.
C-38	None.
C-39	None.
C-40	None.
C-41	$4.00 per dozen.
C-42	$2.00 per dozen.
C-43	$1.91 per dozen.
C-44	$1.16 per dozen.
C-45	$1.16 per dozen.
C-46	$2.40 per dozen.
C-47	$1.20 per dozen.
C-48	$1.11 per dozen.
C-49	$1.45 per dozen.
C-50	$1.10 per dozen.
C-51	None.
C-52	None.
D-1	$1.81 per dozen.
D-2	$2.21 per dozen.
D-3	$1.67 per dozen.
D-4	$1.96 per dozen.
D-5	$2.67 per dozen.
D-6	$2.21 per dozen.
D-7	$2.70 per dozen.
D-8	$2.99 per dozen.
D-9	$2.99 per dozen.
D-10	$2.76 per dozen.
D-11	$4.41 per dozen.
D-12	$3.68 per dozen.
D-13	$2.76 per dozen.
D-14	$8.73 per dozen.
D-15	$6.44 per dozen.
D-16	$8.05 per dozen.
D-17	$6.44 per dozen.
D-18	$14.49 per dozen.
D-19	None.
D-20	None.
D-21	$2.76 each.
D-22	$3.68 each.

[1] 10 F.R. 4336, 5894, 6402, 8368, 10200.
[2] 10 F.R. 11200.

(1) Category No.	(2) *Exemption price*
D-23	$3.68 each.
D-24	None.
D-25	None.
D-26	None.
E-1	$19.00 each.
E-2	$12.00 each.
E-3	$9.00 each.
E-4	$6.75 each.
E-5	None.
E-6	None.
E-7	$16.00 each
E-8	$11.00 each.
E-9	$8.00 each.
E-10	$5.75 each.
E-11	None.
E-12a	$19.00 each.
E-12b	$16.00 each.
E-13	$11.75 each.
E-14	$8.50 each.
E-15	$7.00 each.
E-16	$6.00 each.
E-17	None.
E-18a	$17.75 each.
E-18b	None.
E-18c	$12.00 each.
E-19	None.
E-20	None.
E-21	None.
E-22	None.
E-23	None.
E-24	$9.75 each.
E-25	$7.75 each.
E-26	$6.00 each.
E-27	$5.00 each.
E-28	$4.50 each.
E-29	None.
E-30	None.
E-31	None.
E-32	None.
E-33	None.
E-34	None.
E-35	None.
E-36	None.
E-37a	None
E-37b	None
E-37c	None.
E-38	None.
E-39a	None.
E-39b	None.
E-39c	None.
E-40	None.
E-41a	None.
E-41b	None.
E-41c	None.
E-42	None.
E-43a	None.
E-43b	None.
E-43c	None.
E-44	None.
E-45a	None.
E-45b	None.
E-45c	None.
E-46	None.
E-47a	None.
E-47b	None.
E-47c	None.
E-48a	$5.50 each.
E-48b	$3.50 each.
E-49	$3.25 each.
E-50	$2.75 each.
E-51	$2.00 each.
E-52	None.
E-53a	$5.00 each.
E-53b	$2.75 each.
E-54	$2.25 each.
E-55	$1.75 each
E-56	$1.50 each.
E-57	None.
E-58	$1.25 each.
E-59	$1.50 each.
E-60	$1.40 each.
E-61	$1.25 each.
E-62	None.
E-63	None.
E-64	None.
E-65	None.
E-66	None.
E-67	None.
E-68	None.
E-69a	$13.58 per dozen.
E-69b	$17.46 per dozen.
E-70a	$8.25 per dozen.
E-70b	$10.18 per dozen.
E-71	None.
E-72	$13.58 per dozen.
E-73a	None.
E-73b	$21.83 per dozen.
E-74a	$8.25 per dozen.
E-74b	$10.18 per dozen.
E-75a	$14.55 per dozen.
E-75b	$17.46 per dozen.
E-76	None.
E-77a	None.
E-77b	None.
E-78	$4.00 per dozen.
E-79	$3.25 per dozen.
E-80a	$17.46 per dozen.
E-80b	$23.28 per dozen.
E-80c	$31.04 per dozen.
E-81a	$13.10 per dozen.
E-81b	None.
E-82	$0.80 per dozen.
E-83	$6.62 per dozen.
E-84	$16.17 per dozen.
E-85	$10.05 per dozen.
E-86	$9.07 per dozen.
E-87	$7.10 per dozen.
E-88	$5.55 per dozen.
E-89	$11.03 per dozen.
E-90	$7.52 per dozen.
E-91	$6.86 per dozen.
E-92	$2.60 per dozen.
E-93	$2.21 per dozen.
E-94	$4.07 per dozen.
E-95	$12.50 per dozen.
E-96	$7.10 per dozen.
E-97	$2.94 per dozen.
E-98	$13.23 per dozen.
E-99	$11.64 per dozen.
E-100	$18.00 per dozen.
E-101	$12.00 per dozen.
E-102	$15.00 per dozen.
E-103	$10.00 per dozen.
E-104	$36.38 per dozen.
E-105	$24.25 per dozen.
E-106	$16.49 per dozen.
E-107	$29.10 per dozen.
E-108	$21.83 per dozen.
E-109	$13.58 per dozen.
E-110	$17.95 per dozen.
E-111	$14.07 per dozen.
E-112	$10.67 per dozen.
E-113	$9.70 per dozen.
E-114	$3.88 per dozen.
E-115	$7.84 per dozen.
E-116	$4.37 per dozen.
E-117	$3.40 per dozen.
E-118	$6.31 per dozen.
E-119	$3.88 per dozen.
E-120	$3.28 each.
E-121	$8.46 each.
E-122	$4.00 each.
E-123	$3.06 each.
E-124	$7.52 each.
E-125	$3.53 each.
E-126a	None.
E-126b	None.
E-127	None.
E-128	None.
E-129	None.
E-130	None.
E-131	$23.46 per dozen.
E-132	None.
E-133	None.
E-134	None.
E-135	None.
F-1	$5.65 per dozen.
F-2	$8.50 per dozen.
F-3	$39.00 per dozen.
F-4	$9.40 per dozen.
F-5	None.
F-6	None.
F-7	None.
F-8	$8.93 per dozen.
F-9	None.
F-10	None.
F-11	$19.00 per dozen.
F-12a	None.
F-12b	None.
F-13	None.
F-14	None.
F-15	None.
F-16	None.
F-17	$1.21 per dozen.
F-18	$4.00 per dozen.
F-19	$3.50 per dozen.
F-20	$1.55 per dozen.
F-21	$3.00 per dozen.
F-22	$1.60 per dozen.
F-23	$2.50 per dozen.
F-24	$1.35 per dozen.
F-25	$9.00 per dozen.
F-26	$3.00 per dozen.
F-27	None.
F-28	None.
F-29	None.
F-30	None.
F-31	$3.00 per dozen.
F-32	$1.15 per dozen.
F-33	$2.50 per dozen.
F-34	$1.20 per dozen.
F-35	$2.10 per dozen.
F-36	$1.00 per dozen.

This amendment shall become effective September 25, 1945.

Issued this 20th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-17637; Filed, Sept. 20, 1945; 4:42 p. m.]

[MPR 64, Order 192]

RUTENDER ELECTRIC CO.

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to sections 3 and 11 of Maximum Price Regulation No. 64; it is ordered:

(a) *Maximum prices.* This order establishes maximum prices for sales of the Model No. 584 electric cooking range manufactured by the Rutenber Electric Company, Marion, Indiana, as follows:

(1) For sales in each zone by wholesale distributors to retail dealers, the maximum prices including Federal excise tax are those set forth below:

Model	Quantity	Maximum prices to retail dealers			
		Zone 1	Zone 2	Zone 3	Zone 4
		Each	*Each*	*Each*	*Each*
No. 548	1 to 4	$112.02	$114.33	$116.55	$118.74
	5 or more	107.87	110.09	112.22	114.29

These prices are f. o. b. the wholesale distributor's city and are subject to each seller's customary terms, discounts, allowances and other price differentials in effect on sales of similar articles.

(2) For sales in each zone by retail dealers to ultimate consumers the maximum prices including Federal excise tax are those set forth below:

Model	Maximum prices to ultimate consumers			
	Zone 1	Zone 2	Zone 3	Zone 4
	Each	*Each*	*Each*	*Each*
No. 548	$174.25	$177.95	$181.50	$184.95

These maximum prices include delivery, installation with connection to the electric facilities provided by the purchaser and a one year warranty. In all other respects, they are subject to each seller's customary terms, discounts, allowances and other price differentials in effect on sales of similar articles.

(b) *Notification.* At the time of, or prior to, the first invoice to each purchaser for resale the manufacturer shall notify the purchaser of the maximum prices and conditions set by this order for resales by the purchaser. This notice may be given in any convenient form.

(c) *Labelling.* The manufacturer prior to shipping any range covered by this order to a purchaser shall attach securely to the outside panel of the oven door of each range a label showing the name of the manufacturer, the model number of the range, its OPA retail ceiling price in each zone and a list of the states included in each zone. The label shall also contain a statement that the ceiling prices shown on the label include delivery, installation with connection to the electric facilities provided by the purchaser, a one year warranty, and the Federal excise tax. This label may not be removed until after the range has been sold to an ultimate consumer.

(d) *Zones.* For purposes of this order Zones 1, 2, 3 and 4 comprise the following states:

Zone 1. Indiana.

Zone 2. Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, West Virginia, Michigan, Ohio, Kentucky, Wisconsin, Illinois, Tennessee, North Carolina, South Carolina, Georgia, Alabama, Mississippi, Florida, Louisiana, Minnesota, Iowa, Missouri, Arkansas, North Dakota, South Dakota, Nebraska, Kansas, Oklahoma and the District of Columbia.

Zone 3. Montana, Wyoming, Colorado, New Mexico and Texas.

Zone 4. Washington, Oregon, Idaho, California, Nevada, Utah and Arizona.

(e) This order may be revoked or amended by the Price Administrator at any time.

(f) This order shall become effective on the 22d day of September 1945.

Issued this 21st day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-17704; Filed, Sept. 21, 1945, 4:21 p. m.]

[MPR 120, Order 1466]

OTTO BIRK ET AL.

ESTABLISHMENT OF MAXIMUM PRICES AND PRICE CLASSIFICATIONS

For the reasons set forth in an accompanying opinion, and in accordance with § 1340.210 (a) (6) of Maximum Price Regulation No. 120; *It is ordered:*

Producers identified herein operate named mines assigned the mine index numbers, the price classifications and the maximum prices in cents per net ton, for the indicated uses and shipments as set forth herein. All are in District No. 11. The mine index numbers and the price classifications assigned are permanent but the maximum prices may be changed by an amendment issued after the effective date of this order. Where such an amendment is issued for the district in which the mines involved herein are located and where the amendment makes no particular reference to a mine or mines involved herein, the prices shall be the prices set forth in such amendment for the price classifications of the respective size groups. The location of each mine is given by county and state. The maximum prices stated to be for truck shipment are in cents per net ton f. o. b. the mine or preparation plant and when stated to be for rail shipment or for railroad locomotive fuel are in cents per net ton f. o. b. rail shipping point. In cases where mines ship coals by river the prices for such shipments are those established for rail shipment and are in cents per net ton f. o. b. river shipping point. However, producer is subject to the provisions of § 1340.222 and all other provisions of Maximum Price Regulation No. 120.

OTTO BIRK, R. F. D. #1, JASPER, IND., BIRK MINE, 5TH VEIN SEAM, MINE INDEX #2021, DUBOIS COUNTY IND., DEEP MINE, MAXIMUM TRUCK PRICE GROUP #2

[The maximum prices listed below are applicable only to hand loaded mines]

	Size group Nos.							
	1, 2, 3	4, 5, 6, 8	7	9, 10, 11, 12	13, 14	15	16	17
Truck shipment	350	344	294	284	264	199	169	229

DETROY & BROCKMAN CO., R. R. #5, JASPER, IND., DETROY & BROCKMAN MINE, 5TH VEIN SEAM, MINE INDEX #2021, DUBOIS COUNTY, IND., DEEP MINE, MAXIMUM TRUCK PRICE GROUP #2

Truck shipment	350	344	294	284	264	199	169	229

NIXON COAL CORP., SPURGEON, IND., NIXON MINE, 5TH SEAM, MINE INDEX #2024, PIKE COUNTY, IND., STRIP MINE, MAXIMUM RAIL PRICE GROUP #10, MAXIMUM TRUCK PRICE GROUP #2

Rail shipment	253	253	213	228	193	153	123	171
Truck shipment	333	318	268	258	238	173	143	203

WOOLF BLOCK COAL CO., R. F. D. #5, BRAZIL, IND., WOOLF MINE, BRAZIL BLOCK VEIN SEAM, MINE INDEX #2022, CLAY COUNTY, IND., STRIP MINE, MAXIMUM RAIL PRICE GROUP #15, MAXIMUM TRUCK PRICE GROUP #1

Rail shipment	353	288	278	268	213	173	143	[illegible]
Truck shipment	398	338	303	273	243	168	138	[illegible]

Railroad locomotive fuel, Mine run, modified mine run and all lump and double-screened coals [illegible]
Screenings, top size not exceeding 2" [illegible]

The maximum prices listed in this order include the increase in maximum prices where authorized by Amendment No. 146 to MPR 120 which became effective August 3, 1945.

This order shall become effective September 22, 1945.

(56 Stat. 23, 765; 57 Stat. 566; Pub. Law 383, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 21st day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-17705, Filed, Sept. 21, 1945; 4:15 p. m.]

[MPR 120, Order 1467]

GUY FUGATE & SON ET AL.

ESTABLISHMENT OF MAXIMUM PRICES AND PRICE CLASSIFICATIONS

For the reasons set forth in an accompanying opinion, and in accordance with § 1340.210 (a) (6) of Maximum Price Regulation No. 120; *It is ordered:*

Producers identified herein operate named mines assigned the mine index numbers, the price classifications and the maximum prices in cents per net ton, for the indicated uses and shipments as set forth herein. All are in District No. 7. The mine index numbers and the price classifications assigned are permanent but the maximum prices may be changed by an amendment issued after the effective date of this order. Where such an amendment is issued for the district in which the mines involved herein are located and where the amendment makes no particular reference to a mine or mines involved herein, the prices shall be the prices set forth in such amendment for the price classifications of the respective size groups. The location of each mine is given by county and state. The maximum prices stated to be for truck shipment are in cents per net ton f. o. b. the mine or preparation plant and when stated to be for rail shipment or for railroad locomotive fuel are in cents per net ton f. o. b. rail shipping point. In cases where mines ship coals by river the prices for such shipments are those established for rail shipment and are in cents per net ton f. o. b. river shipping point. However, producer is subject to the provisions of § 1340.218 and all other provisions of Maximum Price Regulation No. 120.

GUY FUGATE & SON, HINES, W. VA., FUGATE NO. 1 MINE, SEWELL SEAM, MINE INDEX NO. 1070, GREENBRIER COUNTY, W. VA., SUBDISTRICT 1, RAIL SHIPPING POINT, MARFRANCE, W. VA., DEEP MINE

	Size group Nos.									
	1	2	3	4	5	6	7	8	9	10
Price classification	D	D	C	A	A	B	B	C	C	[illegible]
Rail shipment	410	420	430	385	375	410	380	345	340	[illegible]
Truck shipment	495	415	445	380	365	360	[illegible]	[illegible]	[illegible]	[illegible]

S. F. KESSLER COAL CO., HINES, W. VA., KESSLER NO. 1 MINE, SEWELL SEAM, MINE INDEX NO. 1071, GREENBRIER COUNTY, W. VA., SUBDISTRICT 1, RAIL SHIPPING POINT, MARFRANCE, W. VA., DEEP MINE

Price classification	D	D	C	A	A	B	B	C	C	[illegible]
Rail shipment	410	420	430	385	375	410	380	345	340	[illegible]
Truck shipment	495	415	445	380	365	360	[illegible]	[illegible]	[illegible]	[illegible]

A. [illegible] LEWIS, BOX 82, QUINWOOD, W. VA., VIRGIL LEWIS MINE, SEWELL SEAM, MINE INDEX NO. 1072, GREENBRIER COUNTY, W. VA., SUBDISTRICT 1, RAIL SHIPPING POINT, MARFRANCE, W. VA., DEEP MINE

Price classification	D	D	C	A	A	B	B	C	C	[illegible]
Rail shipment	410	420	430	385	375	410	380	345	340	[illegible]
Truck shipment	495	415	445	380	365	360	[illegible]	[illegible]	[illegible]	[illegible]

M[illegible] NO. BROTHERS, BOX 82, QUINWOOD, W. VA., MCCLUNG NO. 1 MINE, SEWELL SEAM, MINE INDEX NO. [illegible], GREENBRIER COUNTY, W. VA., SUBDISTRICT 1, RAIL SHIPPING POINT, MARFRANCE, W. VA., DEEP MINE

Price classification	D	D	C	A	A	B	B	C	C	[illegible]
Rail shipment	410	420	430	385	375	410	380	345	340	[illegible]
Truck shipment	495	415	445	380	365	360	[illegible]	[illegible]	[illegible]	[illegible]

G. L. ZOPP, HINES, W. VA., ZOPP NO. 2 MINE, SEWELL SEAM, MINE INDEX NO. 1073, GREENBRIER COUNTY, W. VA., SUBDISTRICT 1, RAIL SHIPPING POINT, MARFRANCE, W. VA., DEEP MINE

Price classification	D	D	C	A	A	B	B	C	C	[illegible]
Rail shipment	410	420	430	385	375	410	380	345	340	[illegible]
Truck shipment	495	415	445	380	365	360	[illegible]	[illegible]	[illegible]	[illegible]

LEWIS & SULLIVAN COAL CO., BOX 666, BECKLEY, W. VA., L. & S. NO. 1 MINE, SEWELL SEAM, MINE INDEX NO. 1076, RALEIGH COUNTY, W. VA., SUBDISTRICT 2, RAIL SHIPPING POINT, RALEIGH, W. VA., AND BEAVER, W. VA., STRIP MINE

Price classification	B	B	A	A	A	B	B	B	B	B
Rail shipment	425	435	440	385	375	410	380	370	345	340
Truck shipment	495	415	445	380	365	360	[illegible]	[illegible]	[illegible]	[illegible]

LEWIS & SULLIVAN COAL CO., BOX 666, BECKLEY, W. VA., L. & S. NO. 2 MINE, BECKLEY SEAM, MINE INDEX NO. [illegible], RALEIGH COUNTY, W. VA., SUBDISTRICT 2, RAIL SHIPPING POINT, RALEIGH, W. VA., AND BEAVER, W. VA., STRIP MINE

Price classification	B	B	A	A	A	B	B	B	B	B
Rail shipment	425	435	440	385	375	410	380	370	345	340
Truck shipment	495	415	445	380	365	360	[illegible]	[illegible]	[illegible]	[illegible]

Railroad locomotive fuel, for the following mine index Nos. [illegible] 1070, 1071, 1072, 1073, 1074, 1079, 1080
Any size screened lump or double-screened coals [illegible] 395
[illegible] mine [illegible] 380
Stoker size, larger than 1½" x 0 but not exceeding 2½" x 0 [illegible] 365
Screenings, 1¼" x 0 and smaller [illegible] 340

The maximum prices listed in this order include the increase in maximum prices where authorized by Amendment No. 146 to MPR 120 which became effective August 3, 1945.

This order shall become effective September 22, 1945.

(56 Stat. 23, 765; 57 Stat. 566; Pub. Law 383, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 21st day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-17706, Filed, Sept. 21, 1945; 4:15 p. m.]

[MPR 136, Corr. to Amdt. 2 to Order 407]

FORD MOTOR CO.

ADJUSTMENT OF MAXIMUM PRICES

Correction to Amendment No. 2 to Order No. 407 Under Revised Maximum Price Regulation 136. Machines, parts and industrial equipment. Ford Motor Company; Docket No. 6083-136.25a-136.

Amendment 2 to Order 407 under Revised Maximum Price Regulation 136 is corrected by changing the reference to a "144 inch wheelbase" made therein to read "114 inch wheelbase."

This correction shall become effective as of September 18, 1945.

Issued this 21st day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-17707; Filed, Sept. 21, 1945; 4:16 p. m.]

[MPR 188, Order 121 Under 2d Rev. Order A-3]

QUALITY MAPLE BLOCK CO.

ADJUSTMENT OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith, and filed with the Division of the Federal Register; and pursuant to Second Revised Order No. A-3 under § 1499.159b of Maximum Price Regulation No. 188, it is ordered:

(a) *Manufacturer's maximum prices.* Quality Maple Block Co., of 809 First Avenue, New York City, New York, may sell and deliver the butcher blocks and cutting tops which it manufactures, and which are described in the manufacturer's application dated May 1, 1945, at prices no higher than its maximum prices in effect immediately prior to the issuance of this order plus an adjustment charge of 8.6 percent of each such maximum price.

On all sales other than sales to ultimate consumers, the adjustment charges provided herein may be made and collected only if stated separately on each invoice.

The maximum prices of the manufacturer, as adjusted, are subject to its customary terms, discounts, allowances and other price differentials in effect during March, 1942 on sales to each class of purchaser.

(b) *Maximum prices of purchasers for resale.* A person who hereafter buys an article covered by this order and resells it in substantially the same form, may collect from his customer, in addition to his properly established maximum price in effect immediately before this order was issued, an adjustment charge in the same amount as the adjustment charge herein authorized and which he pays to his supplier. If he did not have a maximum price in effect for the article at the time this order was issued, he may add the same adjustment charge to the maximum price which he hereafter establishes for his sales under the applicable regulation. If the applicable regulation requires the maximum resale price to be computed on the basis of cost, the reseller must find his maximum resale price (not including the permitted adjustment charge) by using as cost his invoice cost less any adjustment charge stated on the invoice as a separate amount.

On all sales other than sales to the ultimate consumer this adjustment charge may be made and collected only if it is separately stated on each invoice. The adjusted price is subject to each seller's customary terms, discounts, and allowances on sales of the same or similar articles.

(c) *Notification.* At the time of, or prior to, the first invoice to a purchaser for resale, showing a price adjusted in accordance with the terms of this order, the manufacturer shall notify the purchaser in writing of the method established in paragraph (b) of this order for determining adjusted maximum prices for resale of the articles covered by this order. This notice may be given in any convenient form.

(d) This order may be revoked or amended by the Price Administrator at any time.

(e) This order shall become effective on the 22d day of September 1945.

Issued this 21st day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-17713; Filed, Sept. 21, 1945; 4:16 p. m.]

[MPR 188, Order 122, Under 2d Rev. Order A-3]

THE JASPER DESK CO.

ADJUSTMENT OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith, and filed with the Division of the Federal Register; and pursuant to Second Revised Order No. A-3 under § 1499.159b of Maximum Price Regulation No. 188; it is ordered:

(a) *Manufacturer's maximum prices.* The Jasper Desk Company, of Jasper, Indiana, may sell and deliver the commercial and institutional wood furniture, which it manufactures, and which is listed in the manufacturer's catalogue number 424 at prices no higher than its maximum prices in effect immediately prior to the issuance of this order plus an adjustment charge of 1½ percent of each such maximum price.

On all sales other than sales to ultimate consumers, the adjustment charge provided herein may be made and collected only if stated separately on each invoice.

The maximum prices of the manufacturer, as adjusted, are subject to its customary terms, discounts, allowances and other price differentials in effect during March 1942 on sales to each class of purchaser.

(b) *Maximum prices of purchasers for resale.* A person who hereafter buys an article covered by this order and resells it in substantially the same form, may collect from his customer, in addition to his properly established maximum price in effect immediately before this order was issued, an adjustment charge in the same amount as the adjustment charge herein authorized and which he pays to his supplier. If he did not have a maximum price in effect for the article at the time this order was issued, he may add the same adjustment charge to the maximum price which he hereafter establishes for his sales under the applicable regulation. If the applicable regulation requires the maximum resale price to be computed on the basis of cost, the reseller must find his maximum resale price (not including the permitted adjustment charge) by using as cost his invoice cost less any adjustment charge stated on the invoice as a separate amount.

On all sales other than sales to the ultimate consumer this adjustment charge may be made and collected only if it is separately stated on each invoice. The adjusted price is subject to each seller's customary terms, discounts, and allowances on sales of the same or similar articles.

(c) *Notification.* At the time of, or prior to, the first invoice to a purchaser for resale, showing a price adjusted in accordance with the terms of this order, the manufacturer shall notify the purchaser in writing of the method established in paragraph (b) of this order for determining adjusted maximum prices for resale of the articles covered by this order. This notice may be given in any convenient form.

(d) This order may be revoked or amended by the Price Administrator at any time.

(e) This order shall become effective September 22, 1945.

Issued this 21st day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-17714; Filed, Sept. 21, 1945; 4:16 p. m.]

[MPR 188, Order 4454]

NOBLITT-SPARKS INDUSTRIES

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.158 of Maximum Price Regulation No. 188; *It is ordered:*

(a) This order establishes maximum prices for sales and deliveries of certain articles manufactured by Noblitt-Sparks Industries, Columbus, Indiana.

(1) For all sales and deliveries to the following classes of purchasers by the sellers indicated below, the maximum prices are those set forth below:

Article	Model No.	Maximum prices for sales by any seller to— Wholesalers (jobbers)	Retailers (6 units or more)	Retailers (less than 6 units)	Consumers: East	Consumers: West
		Each	*Each*	*Each*	*Each*	*Each*
Heater 1,320 watts	82	$4.03	$5.25	$5.63	$8.40	$9.05
Heater 1,320 watts with stand	7187	4.29	5.59	6.02	9.00	9.60
Fan heater 1,320 watts 9¾ x 10"	102	4.28	5.57	6.01	9.00	9.55
Fan heater 1,320 watts 10⅝ x 11¾	202	5.32	6.94	7.47	11.25	11.80
Fan heater 1,320 watts 10⅝ x 11¾ two tone finish	202A	5.78	7.53	8.12	12.20	12.75

These maximum prices are for the articles described in the manufacturer's application dated August 9, 1945.

(2) For sales by the manufacturer, the maximum prices apply to all sales and deliveries since Maximum Price Regulation No. 188 became applicable to those sales and deliveries. These prices include the Federal Excise Tax. They are f. o. b. factory and subject to a cash discount of 2% for payment within 10 days, net 30 days.

(3) For sales by persons other than the manufacturer, the maximum prices apply to all sales and deliveries after the effective date of this order. Those prices are subject to each seller's customary terms and conditions of sale on sales of similar articles.

(4) If the manufacturer wishes to make sales and deliveries to any other class of purchaser or on other terms and conditions of sale, he must apply to the Office of Price Administration, Washington, D. C., under the Fourth Pricing Method, § 1499.158 of Maximum Price Regulation No. 188, for the establishment of maximum prices for those sales, and no sales or deliveries may be made until maximum prices have been authorized by the Office of Price Administration.

(b) The manufacturer shall attach a tag or label to every article for which a maximum price for sales to consumers is established by this order. That tag or label shall contain either of the following statements with the correct order number, model number and retail prices properly filled in:

Order No. 4454
Model No. ------
Eastern Zone OPA Retail Ceiling Price—$ ...
Western Zone OPA Retail Ceiling Price—$ ...
Federal Excise Tax Included
Do Not Detach or Obliterate

or

Noblitt-Sparks Industries, Columbus, Indiana
Model No. ------
Eastern Zone OPA Retail Ceiling Price—$ ...
Western Zone OPA Retail Ceiling Price—$ ...
Federal Excise Tax Included
Do Not Detach or Obliterate

(c) At the time of, or prior to, the first invoice to each purchaser for resale, the manufacturer shall notify the purchaser in writing of the maximum prices and conditions established by this order for sales by the purchaser. This notice may be given in any convenient form.

(d) This order may be revoked or amended by the Price Administrator at any time.

(e) This order shall become effective on the 22d day September 1945.

Issued this 21st day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-17708; Filed, Sept. 21, 1945; 4:17 p. m.]

[MPR 188, Order 4455]

NOBLITT-SPARKS INDUSTRIES, INC.

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.158 of Maximum Price Regulation No. 188; *It is ordered:*

(a) This order establishes maximum prices for sales and deliveries of certain articles manufactured by Noblitt-Sparks Industries, Incorporated, Columbus, Indiana.

(1) For all sales and deliveries to the following classes of purchasers by the sellers indicated below, the maximum prices are those set forth below:

Article	Model	Maximum prices for sales by any seller to— Wholesalers (jobbers)	Retailers (6 units or more)	Retailers (less than 6 units)	Consumers
		Each	*Each*	*Each*	*Each*
Electric iron, automatic, with cord and plug, 1,000 watt element	2200	$5.10	$6.03	$6.[illegible]	$[illegible]
Electric iron, automatic, with cord and plug, 1,600 watt element	6250	4.98	5.88	6.3[illegible]	9.90

These maximum prices are for the articles described in the manufacturer's application dated August 9, 1945. They include the Federal Excise Tax.

(2) For sales by the manufacturer, the maximum prices apply to all sales and deliveries since Maximum Price Regulation No. 188 became applicable to those sales and deliveries. These prices are f. o. b. factory and are subject to a cash discount of 2% for payment within 10 days, net 30 days.

(3) For sales by persons other than the manufacturer, the maximum prices apply to all sales and deliveries after the effective date of this order. Those prices are subject to each seller's customary terms and conditions of sale on sales of similar articles.

(4) If the manufacturer wishes to make sales and deliveries to any other class of purchaser or on other terms and conditions of sale, he must apply to the Office of Price Administration, Washington, D. C., under the Fourth Pricing Method, § 1499.158 of Maximum Price Regulation No. 188, for the establishment of maximum prices for those sales, and no sales or deliveries may be made until maximum prices have been authorized by the Office of Price Administration.

(b) The manufacturer shall attach a tag or label to every article for which a maximum price for sales to consumers is established by this order. That tag or label shall contain either of the following statements with the correct order number, model number, and retail ceiling price filled in:

Order No. 4455
Model No. ------
OPA Retail Ceiling Price $------
Federal Excise Tax Included
Do Not Detach or Obliterate

or

Noblitt-Sparks Industries, Incorporated
Columbus, Indiana
Model No. ------
OPA Retail Ceiling Price $------
Federal Excise Tax Included
Do Not Detach or Obliterate

(c) At the time of, or prior to, the first invoice to each purchaser for resale at wholesale, the manufacturer shall notify the purchaser in writing of the maximum prices and conditions established by this order for sales by the purchaser. This notice may be given in any convenient form.

(d) This order may be revoked or amended by the Price Administrator at any time.

(e) This order shall become effective on the 22d day of September 1945.

Issued this 21st day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-17709; Filed, Sept. 21, 1945; 4:17 p. m.]

[MPR 188, Order 4456]

J. A. ZELLER CO.

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.158 of Maximum Price Regulation No. 188; *It is ordered:*

(a) This order establishes maximum prices for sales and deliveries of certain articles manufactured by J. A. Zeller Company, 1404 Neck Road, Brooklyn, N. Y.

(1) For all sales and deliveries to the following classes of purchasers by the sellers indicated below, the maximum prices are those set forth below:

Article	Model No.	For sales by the manufacturer to— Jobbers	Retailers	For sales by any person to consumers
				Each
12" enameled pine nursery lamp with decalcamanias decoration	100	$1.91	$2.25	$4.05
12" enameled pine nursery lamp with decalcamanias decoration	200	$1.91	$2.25	$4.05

These maximum prices are for the articles described in the manufacturer's application dated July 18, 1945.

(2) For sales by the manufacturer, the maximum prices apply to all sales and deliveries since Maximum Price Regulation No. 188 became applicable to those sales and deliveries. For sales to persons other than consumers they are f. o. b. factory, 2% 10 days, net 30. The maximum prices to consumers is net, delivered.

(3) For sales by persons other than the manufacturer, the maximum prices apply to all sales and deliveries after the effective date of this order. Those prices are subject to each seller's customary terms and conditions of sale on sales of similar articles.

(4) If the manufacturer wishes to make sales and deliveries to any other class of purchaser or on other terms and conditions of sale, he must apply to the Office of Price Administration, Washington, D. C., under the Fourth Pricing Method, § 1499.158 of Maximum Price Regulation No. 188, for the establishment of maximum prices for those sales, and no sales or deliveries may be made until maximum prices have been authorized by the Office of Price Administration.

(b) The manufacturer shall attach a tag or label to every article for which a maximum price for sales to consumers is established by this order. That tag or label shall contain the following statement, with the proper model number and the ceiling price inserted in the blank spaces:

Model No. ------
OPA Retail Ceiling Price—$------
Do Not Detach

(c) At the time of, or prior to, the first invoice to each purchaser for resale, the manufacturer shall notify the purchaser in writing of the maximum prices and conditions established by this order for sales by the purchaser. This notice may be given in any convenient form.

(d) Jobber's maximum prices for sales of the articles covered by this order shall be established under the provisions of section 4.5 of SR 14J.

(e) This order may be revoked or amended by the Price Administrator at any time.

(f) This order shall become effective on the 22d day of September 1945.

Issued this 21st day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-17710; Filed, Sept. 21, 1945; 4:17 p. m.]

[MPR 188, Order 4457]

KOVAR PRODUCTS

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.158 of Maximum Price Regulation No. 188; *It is ordered:*

(a) This order establishes maximum prices for sales and deliveries of certain articles manufactured by Kovar Products, 2408 Thirty-second Street, Astoria, Long Island, N. Y.

(1) For all sales and deliveries to the following classes of purchasers by the sellers indicated below, the maximum prices are those set forth below:

Article	Model No.	For sales by the manufacturer to— Jobbers	Retailers	For sales by any person to consumers
				Each
Wood and plaque pin-up lamp	200P	$1.28	$1.50	$2.70
Wood base vanity lamp	200N	1.28	1.50	2.70

These maximum prices are for the articles described in the manufacturer's application dated June 8, 1945.

(2) For sales by the manufacturer, the maximum prices apply to all sales and deliveries since Maximum Price Regulation No. 188 became applicable to those sales and deliveries. For sales to persons other than consumers they are f. o. b. factory, 2% 10 days, net 30. The maximum price to consumers is net, delivered.

(3) For sales by persons other than the manufacturer, the maximum prices apply to all sales and deliveries after the effective date of this order. Those prices are subject to each seller's customary terms and conditions of sale on sales of similar articles.

(4) If the manufacturer wishes to make sales and deliveries to any other class of purchaser or on other terms and conditions of sale, he must apply to the Office of Price Administration, Washington, D. C., under the Fourth Pricing Method, § 1499.158 of Maximum Price Regulation No. 188, for the establishment of maximum prices for those sales, and no sales or deliveries may be made until maximum prices have been authorized by the Office of Price Administration.

(b) The manufacturer shall attach a tag or label to every article for which a maximum price for sales to consumers is established by this order.

That tag or label shall contain the following statement, with the proper model

voicing provisions of section 4, the recording and reporting provisions of sec-

mark or statement must be in the following form:

vorable as those which each seller extended or rendered or would have ex-

convenient form.

and no sales or deliveries may be made

That tag or label shall contain the following statement, with the proper model number and the ceiling price inserted in the blank spaces:

Model No. ------
OPA Retail Ceiling Price—$------
Do Not Detach

(c) At the time of, or prior to, the first invoice to each purchaser for resale, the manufacturer shall notify the purchaser in writing of the maximum prices and conditions established by this order for sales by the purchaser. This notice may be given in any convenient form.

(d) Jobber's maximum prices for sales of the articles covered by this order shall be established under the provisions of section 4.5 of SR 14J.

(e) This order may be revoked or amended by the Price Administrator at any time.

(f) This order shall become effective on the 22d day of September, 1945.

Issued this 21st day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-17711; Filed, Sept. 21, 1945; 4:17 p. m.]

[MPR 188, Order 4458]

HARRY WEISS

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.158 of Maximum Price Regulation No. 188; *It is ordered:*

(a) This order establishes maximum prices for sales and deliveries of certain articles manufactured by Harry Weiss, 7802 68th Avenue, Middle Village, Long Island, N. Y.

(1) For all sales and deliveries to the following classes of purchasers by the sellers indicated below, the maximum prices are those set forth below:

Article	Model No.	For sales by the manufacturer to—		For sales by any person to consumers
		Jobbers	Retailers	
Pin-up lamp, metal, lacquered, polished, assembled	------	$1.50	$1.75	*Each* $3.15
Table lamp, marble base, marble breaks, brass tube 4" base, 20" height	300	3.40	4.00	7.20

These maximum prices are for the articles described in the manufacturer's application dated June 4, 1945.

(2) For sales by the manufacturer, the maximum prices apply to all sales and deliveries since Maximum Price Regulation No. 188 became applicable to those sales and deliveries. For sales to persons other than consumers they are f. o. b. factory, 2% 10 days, net 30. The maximum price to consumers is net, delivered.

(3) For sales by persons other than the manufacturer, the maximum prices apply to all sales and deliveries after the effective date of this order. Those prices are subject to each seller's customary terms and conditions of sale on sales of similar articles.

(4) If the manufacturer wishes to make sales and deliveries to any other class of purchaser or on other terms and conditions of sale, he must apply to the Office of Price Administration, Washington, D. C., under the Fourth Pricing Method, § 1499.158 of Maximum Price Regulation No. 188, for the establishment of maximum prices for those sales, and no sales or deliveries may be made until maximum prices have been authorized by the Office of Price Administration.

(b) The manufacturer shall attach a tag or label to every article for which a maximum price for sales to consumers is established by this order. That tag or label shall contain the following statement, with the proper model number and the ceiling price inserted in the blank spaces:

Model No. ------
OPA Retail Ceiling Price—$------
Do Not Detach

(c) At the time of, or prior to, the first invoice to each purchaser for resale, the manufacturer shall notify the purchaser in writing of the maximum prices and conditions established by this order for sales by the purchaser. This notice may be given in any convenient form.

(d) Jobber's maximum prices for sales of the articles covered by this order shall be established under the provisions of section 4.5 of SR 14J.

(e) This order may be revoked or amended by the Price Administrator at any time.

(f) This order shall become effective on the 22d day of September 1945.

Issued this 21st day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-17712; Filed, Sept. 21, 1945; 4:18 p. m.]

[MPR 389, Order 28]

HILLEMAN'S PACKING PLANT ET AL.

ESTABLISHMENT OF MAXIMUM PRICES

On September 4, 1945, Hilleman's Packing Plant, Marshalltown, Iowa, filed an application for the establishment of maximum prices on sales of the sausage products known as Roast Beef Loaf and Cooked Salami, both in artificial casings, and made in accordance with the individual secret formulae submitted by the applicant. That application was assigned Docket No. 6036.3-389-2 (a)-34.

Due consideration has been given to the application and an opinion in support of this order has been issued simultaneously herewith and filed with the Division of the Federal Register.

For the reasons set forth in that opinion, and under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Orders Nos. 9250 and 9328, and pursuant to the provisions of section 2 (a) (6) of Maximum Price Regulation No. 389; *It is ordered:*

(a) That the maximum prices other than at retail for the sausage products known as Roast Beef Loaf and Cooked Salami and made by Hilleman's Packing Plant, Marshalltown, Iowa, in accordance with the individual formulae submitted to the office of Price Administration with the application for this order, shall be determined by the seller as follows:

(1) The base prices for these products are established at the following amounts per hundredweight:

Roast beef loaf, a. c.	$25.50
Cooked salami, a. c.	24.50

NOTE: If sold not boxed 50 cents per cwt. must be deducted from the above prices

(2) To the base price for Roast Beef Loaf, a. c., should be added the proper zone differential provided in section 12 (b) of Maximum Price Regulation No. 389 for all beef sausage, and to the base price for Cooked Salami, a. c., should be added the proper zone differential provided in section 12 (b) of Maximum Price Regulation No. 389 for sausage other than Kosher sausage, all beef sausage and sausage containing meat and meat by-products from swine only. In determining the proper zone differential to be added, the zone descriptions provided in section 14 of Maximum Price Regulation No. 389 shall be used.

(3) That to the sum of the base price plus the applicable zone differential the "permitted additions to base prices" provided in section 12 (c) of Maximum Price Regulation No. 389 may be added when applicable.

(b) That with the first delivery of Roast Beef Loaf, a. c., or Cooked Salami, a. c., to a wholesaler, peddler truck seller, or intermediate distributor Hilleman's Packing Plant shall supply each such seller with a written notice in the following form:

(Insert date)

Our OPA ceiling prices for Roast Beef Loaf, a. c., and Cooked Salami, a. c., have been established by the Office of Price Administration at the base prices of $25.50 per hundredweight and $24.50 per hundredweight, respectively, to which may be added the zone differentials provided in section 12 (b) of MPR 389 (see section 14 for zone boundaries) plus the permitted additions of section 12 (c). We are required to inform you that if you are a wholesaler, a peddler truck seller or an intermediate distributor you must figure your ceiling prices for this product pursuant to the same sections of Maximum Price Regulation No. 389.

(c) That with the first delivery of Roast Beef Loaf, a. c., or Cooked Salami, a. c., to a retailer the seller shall supply such retailer with a written notice in the following form:

(Insert date)

Our OPA ceiling prices for (insert name of product) have been established by the Office of Price Administration. We are required to inform you that if you are a retailer, you must figure your ceiling price for this item in accordance with the provisions of the General Maximum Price Regulation.

(d) That all pertinent provisions of Maximum Price Regulation No. 389, including the descriptive labelling and invoicing provisions of section 4, the recording and reporting provisions of section 6, and the definitions of section 13, in addition to the pricing provisions of paragraph (b) and (c) of section 12 shall be applicable to all sales made under this order.

(e) All prayers of the application not herein granted are denied.

(f) This Order No. 28 may be revoked or amended by the Price Administrator at any time.

This Order No. 28 shall become effective September 22, 1945.

NOTE: This action has the prior written approval of the Secretary of Agriculture (10 F.R. 8419).

Issued this 21st day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-17715; Filed, Sept. 21, 1945; 4:18 p. m.]

[MPR 580, Order 165]

A. SAGNER'S SON

ESTABLISHMENT OF MAXIMUM PRICES

Order 165 under Maximum Price Regulation 580. Establishing ceiling prices at retail for certain articles. Docket No. 6063-560-13-210.

For the reasons set forth in an opinion issued simultaneously herewith and pursuant to section 13 of Maximum Price Regulation No. 580; *It is ordered:*

(a) The following ceiling prices are established for sales by any seller at retail of the following articles manufactured by A. Sagner's Son, P. O. Box 460, Frederick, Md., and described in the manufacturer's application dated May 21, 1945:

Article	Brand name	Lot Nos.	Manufacturer's selling price	Retail ceiling price
Safe	Northcrest	14218-14360 inclusive and 700-705 inclusive.	$11.50	$25.00
	Ang-Le-Craft	16885-17182 inclusive.	22.51	35.00

(b) The retail ceiling price of an article manufactured for the first time after the effective date of this order and which is sold by the manufacturer at the same price as another article of the same type with the same brand or company name and for which a retail ceiling price has been established by paragraph (a) shall be the retail ceiling price listed for that other article in paragraph (a).

(c) The retail ceiling prices contained in paragraph (a) shall apply in place of the ceiling prices which have been or would otherwise be established under this or any other regulation.

(d) On and after November 1, 1945, A. Sagner's Son, must mark each article listed in paragraph (a) with the retail ceiling price under this order, or attach to the article a label, tag or ticket stating the retail ceiling price. This mark or statement must be in the following form:

(Section 13, MPR 580)
OPA Price—$------

On and after December 1, 1945, no retailer may offer or sell the article unless it is marked or tagged in the form stated above. Prior to December 1, 1945, unless the article is marked or tagged in this form, the retailer shall comply with the marking, tagging and posting provisions of the applicable regulation.

(e) On or before the first delivery to any purchaser for resale of each article listed in paragraph (a), the seller shall send the purchaser a copy of this order.

(f) Unless the context otherwise requires, the provisions of the applicable regulation shall apply to sales for which retail ceiling prices are established by this order.

(g) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective September 22, 1945.

Issued this 21st day of September, 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-17716; Filed, Sept. 21, 1945; 4:18 p. m.]

[MPR 591, Order 25]

HEMP AND CO., INC.

AUTHORIZATION OF MAXIMUM PRICES

Specified mechanical building equipment. Authorization of maximum prices for sales of zero freeze box manufactured by Hemp and Company, Incorporated, State and Ash Streets, Macomb, Illinois.

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register and pursuant to section 9 of Maximum Price Regulation No. 591, *It is ordered:*

(a) The maximum net prices, f. o. b. point of shipment, for sales by any person of the following zero freeze box manufactured by Hemp and Company, Incorporated, and as described in the application dated September 1, 1945, which is on file with the Building Materials Price Branch, Office of Price Administration, Washington 25, D. C., shall be:

	On sales to—		
	Distributors	Dealers	Consumers
Zero freeze box; 4.2 cu. ft., 1/6 hp. compressor	$145	$174	$200

(b) The maximum net prices established in (a) above may be increased by the following amount to each class of purchaser to cover the cost of crating when crating is actually supplied: $6.00.

(c) The maximum net prices established by this order shall be subject to discounts and allowances and the rendition of services which are at least as favorable as those which each seller extended or rendered or would have extended or rendered to purchasers of the same class on comparable sales of similar commodities during March 1942.

(d) On sales by a distributor or dealer the following charges may be added to the maximum prices established in (a) above:

(1) The actual amount of freight paid to obtain delivery to his place of business. Such charges shall not exceed the lowest common carrier rates.

(2) Crating charges actually paid to his supplier but in no instance exceeding the amount specified in (b) above.

(e) Each seller covered by this order, except a dealer, shall notify each of his purchasers, in writing, at or before the issuance of the first invoice after the effective date of this order, of the maximum prices established by this order for each such seller as well as the maximum prices established for purchasers upon resale, including allowable transportation and crating charges.

(f) Hemp and Company, Incorporated shall stencil on the inside of the lid or cover of the Zero freezer box, covered by this order, substantially the following:

OPA Maximum Retail Price—$------

Plus freight and crating as provided in order No. 25 under maximum price regulation No. 591.

(g) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective September 22d, 1945.

Issued this 21st day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-17717; Filed, Sept. 21, 1945; 4:19 p. m.]

[MPR 591, Order 26]

STAINLESS AND STEEL PRODUCTS CO.

AUTHORIZATION OF MAXIMUM PRICES

Specified mechanical building equipment. Authorization of maximum prices for sales of various sizes and types of steel warm air furnaces and accessories manufactured by the Stainless and Steel Products Company of 1000 Berry Avenue, St. Paul, Minnesota.

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register and pursuant to section 9 of Maximum Price Regulation No. 591; *It is ordered:*

(a) The maximum net prices for sales by the Stainless and Steel Products Company of St. Paul, Minnesota, to the Certified Furnace Company of St. Paul, Minnesota, of its line of furnaces and accessories shall be no higher than the lowest net prices currently in effect by Stainless and Steel Company for such items.

(b) The maximum net prices for sales by the Certified Furnace Company of the furnaces and accessories manufactured by the Stainless and Steel Products Company to the same classes of purchasers

to whom Stainless and Steel Products Company sold such commodities, shall be no higher than the lowest net prices currently in effect by the Stainless and Steel Company on sales to such purchasers.

(c) The maximum net prices established in (b) above shall be subject to discounts and allowances, including transportation allowances, and price differentials which are at least as favorable as those the Stainless and Steel Products Company extended or rendered during March 1942 on comparable sales of similar commodities.

(d) The Stainless and Steel Products Company shall notify the Certified Furnace Company of its maximum prices on sales to it and of the Certified Furnace Company's resale prices on sales to all the classes of purchasers of the Stainless and Steel Products Company.

(e) This order may be amended or revoked by the Price Administrator at any time.

This order shall become effective September 22, 1945.

Issued this 21st day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-17718; Filed, Sept. 21, 1945; 4:19 p. m.]

WAR BICYCLES

[MPR 188, Amdt. 2 to Order 3145]

ADJUSTMENT OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register and pursuant to the provisions of § 1499.159b of Maximum Price Regulation No. 188; *It is ordered:*

Order No. 3145 issued under § 1499.159b of Maximum Price Regulation No. 188 is amended in the following respects:

1. Paragraph (c) (1) (ii) is amended to read as follows:

(ii) Balloon-tire conventional war bicycles.

(a) $21.95 per unit for sales to distributors, plus $0.55 when equipped with synthetic rubber tires and tubes.

(b) $24.10 per unit for sales to dealers, plus $0.60 when equipped with synthetic rubber tires and tubes.

2. Paragraph (c) (1) (iv) is amended to read as follows:

(iv) Balloon-tire folding war bicycles.

(a) $27.23 per unit for sales to an exclusive distributor plus $0.50 when equipped with synthetic rubber tires and tubes.

(b) $29.75 per unit for sales to a distributor plus $0.55 when equipped with synthetic rubber tires and tubes.

(c) $33.00 per unit for sales to dealers plus $0.61 when equipped with synthetic rubber tires and tubes.

This amendment may be revoked or amended by the Price Administrator at any time.

This amendment shall become effective on the 25th day of September 1945.

Issued this 24th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-17757; Filed, Sept. 24, 1945; 11:34 a. m.]

INTERSTATE COMMERCE COMMISSION.

[S.O. 114-A]

REROUTING OF FREIGHT BETWEEN SEATTLE AND BELLINGHAM, WASH.

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 21st day of September, A. D. 1945.

Upon further consideration of the provisions of Service Order No. 114, as amended, and good cause appearing therefor: *It is ordered*, That:

Service Order No. 114, requiring rerouting of freight ordinarily moving by car ferry between Seattle and Bellingham, Washington, be, and it is hereby, vacated and set aside. (40 Stat. 101, sec. 402, 418, 41 Stat. 476, sec. 4, 54 Stat. 901, 911; 49 U.S.C. 1 (10)-(17), 15 (2).)

It is further ordered, That this order shall become effective at 12:01 a. m., September 24, 1945; that a copy of this order and direction shall be served upon the Chicago, Milwaukee, St. Paul and Pacific Railroad (Henry A. Scandrett, Walter J. Cummings and George I. Haight, Trustees), the Great Northern Railway Company; and upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

By the Commission, Division 3.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 45-17730; Filed, Sept. 24, 1945; 11:17 a. m.]

SECURITIES AND EXCHANGE COMMISSION.

[File Nos. 70-1101, 70-1102]

PUBLIC SERVICE CO. OF INDIANA, INC., AND INDIANA GAS & WATER CO., INC.

SUPPLEMENTAL ORDER GRANTING APPLICATION

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa., on the 19th day of September A. D. 1945.

Public Service Company of Indiana, Inc., and its subsidiary, Indiana Gas & Water Company, Inc., direct and indirect public utility subsidiaries, respectively, of The Middle West Corporation, a registered holding company, having filed applications and declarations pursuant to sections 6 (a), 6 (b), 7, 9, 10, 12 (c), 12 (e) and 12 (f) of the Public Utility Holding Company Act of 1935, and rules thereunder, with respect, among other proposals, to the issue and sale by Indiana Gas & Water Company, Inc., in accordance with the competitive bidding requirements of Rule U-50, of $6,000,000 principal amount of First Mortgage Bonds, due 1970, at not less than face value plus accrued interest, the interest rate to be determined by competitive bidding; and

The Commission having, by order dated September 5, 1945, granted said applications and permitted said declarations to become effective subject to the condition, among others, that said issue and sale of bonds should not be consummated until the results of competitive bidding pursuant to Rule U-50 had been made a matter of record in this proceeding and a further order entered in the light of the record so completed, jurisdiction having been reserved for this purpose; and

Indiana Gas & Water Company, Inc., having filed a further amendment to the applications and declarations, in which it is stated that, in accordance with the permission granted by the order of the Commission dated September 5, 1945, Indiana Gas & Water Company, Inc., has offered its first mortgage bonds for sale pursuant to the competitive bidding requirements of Rule U-50, and has received the following bids on said bonds from four underwriters, or groups of underwriters headed by the firms set forth below:

Underwriting group	Price to company[1]	Coupon rate	Cost to company
	Percent	*Percent*	*Percent*
The First Boston Corp.	101.489	3	3.000
Kidder, Peabody & Co.	101.47	3	3.000
Halsey, Stuart & Co., Inc.	101.13	3	2.951
Harriman Ripley Co., Inc., and Blyth & Co., Inc.	100.61	3	2.917

[1] Plus accrued interest.

The amendment having further stated that Indiana Gas & Water Company, Inc., has accepted the bid of The First Boston Corporation for said first mortgage bonds as set out above, and that said bonds will be offered for sale to the public at a price of 102.187% of the principal amount thereof, plus accrued interest, resulting in an underwriter's spread of 0.698% of the principal amount of said bonds; and

Indiana Gas & Water Company, Inc., having further amended its applications and declarations to provide that said first mortgage bonds, due 1970, will be redeemable at the scale of redemption prices set forth in the amendment; and

The Commission having examined said amendment and having considered the record herein, and finding no basis for imposing terms and conditions with respect to the price to be paid for said first mortgage bonds, the redemption prices therefor, the interest rate thereon, or the underwriter's spread:

It is ordered, That, subject to the other terms and conditions imposed in our order of September 5, 1945, and subject to the terms and conditions contained in Rule U-24, said application as amended, with respect to the issue and sale of the first mortgage bonds of Indiana Gas & Water Company, Inc., be and the same hereby is granted; and

It is further ordered, That, jurisdiction heretofore reserved with reference to Public Service Company of Indiana, Inc., regarding the transactions proposed by it and the conditions applicable to such company imposed in our order of September 5, 1945, be and the same are hereby continued.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 45-17693; Filed, Sept. 21, 1945; 2:39 p. m.]

[File No. 1-1931]

OILSTOCKS LTD.

ORDER GRANTING APPLICATION TO WITHDRAW FROM LISTING AND REGISTRATION

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 20th day of September, A. D. 1945.

Oilstocks Limited, pursuant to section 12 (d) of the Securities Exchange Act of 1934 and Rule X-12D2-1 (b) promulgated thereunder, having made application to withdraw its capital stock, $5.00 par value, from listing and registration on the New York Curb Exchange;

After appropriate notice, a hearing having been held in this matter; and

The Commission having considered said application together with the evidence introduced at said hearing, and having due regard for the public interest and the protection of investors;

It is ordered, That said application be and the same is hereby granted, effective at the close of the trading session on October 1, 1945.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 45-17722; Filed, Sept. 24, 1945; 10:33 a. m.]

[File No. 54-122]

SPOKANE GAS & FUEL CO.

ORDER APPROVING PLAN

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 20th day of September, A. D. 1945.

Spokane Gas & Fuel Company ("Spokane") having filed with the Commission an application for approval of a plan, as amended (hereinafter referred to as the "Plan"), pursuant to section 11 (e) of the Public Utility Holding Company Act of 1935 (the "act"), and Cities Service Power & Light Company ("Power & Light") having joined in said Plan with respect to all transactions affecting it provided for therein; and

Spokane having requested the Commission, pursuant to section 11 (e) of the act, if it approved the Plan, to apply to a Court, in accordance with the provisions of sub-section (f) of section 18 of the act, to enforce and carry out the terms and provisions of said Plan; and

The Commission having on April 17, 1945 issued its notice and order for hearing on said application and plan under section 11 (e), a copy of said notice and order for hearing having been mailed to all security holders of Spokane (insofar as the identity of such security holders was known or available), notice having been duly given to all interested persons, all persons having been given an opportunity to be heard with respect to all matters pertaining to said proceeding, public hearings having been held, the staff of the Public Utilities Division of the Commission having prepared and filed a draft of proposed findings and opinion and having recommended its adoption by the Commission, copies of the draft of the proposed findings and opinion having been made available to all parties and persons who appeared and participated in the proceeding, an opportunity having been afforded to each of them to file a written statement of objections to all, or any part thereof, no such objections having been filed, and the Commission having this day issued and filed its findings and opinion herein; and

Spokane having requested that the Commission's order conform to and set forth the recitals specified in sections 371 and 1808 (f) of the Internal Revenue Code, as amended;

It is ordered, That the Plan be, and the same hereby is, approved.

It is further ordered, That counsel for the Commission be, and they hereby are, authorized and directed to make application forthwith on behalf of the Commission to an appropriate United States District Court, pursuant to the provisions of sub-section (f) of section 18 of the act, to enforce and carry out the terms and provisions of the Plan.

It is further ordered, That this order shall not be operative to authorize the consummation of any transaction proposed in the Plan until an appropriate United States District Court shall, upon application of the Commission, enter an order enforcing the Plan herein approved.

It is further ordered, That the issues, distributions, transfers, and exchanges of securities and the transactions specified and itemized below, as provided by the Plan, are necessary and appropriate to the integration and simplification of the holding company system of which Spokane is a member and are necessary or appropriate to effectuate the provisions of sub-section (b) of section 11 of the Public Utility Holding Company Act of 1935:

(1) The surrender by Power & Light to Spokane and the cancellation by Spokane of $474,600 principal amount of Spokane's first mortgage bonds, 5%, due August 1, 1944, together with all accrued and unpaid interest thereon.

(2) The extension of the maturity date to August 1, 1974, and the reduction in the interest rate from 5% to 3% from and after August 1, 1943, of $524,100 principal amount of Spokane first mortgage bonds, 5%, due August 1, 1944.

(3) The surrender by Power & Light to Spokane of a 6% demand note in the principal amount of $349,000, a 6% income demand note in the principal amount of $93,615, an open account debt in the amount of $17,000 and all accrued and unpaid interest thereon and the cancellation of such notes and open account by Spokane.

(4) The surrender by Power & Light to Spokane and cancellation by Spokane of $1,000,000 par value of common stock of Spokane divided into 10,000 shares of $100 par value each.

(5) The cancellation by Spokane of $300,000 par value of its 6% preferred stock.

(6) The issue by Spokane to Power & Light of 10,000 shares of common stock without par value but having an aggregate stated value of $350,000.

It is further ordered, That jurisdiction be and it is hereby reserved to entertain such further proceedings, to make such further and supplemental findings and to take such additional action as may be found to be appropriate in connection with the proposed Plan.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 45-17723; Filed, Sept. 24, 1945; 10:33 a. m.]

[File Nos. 70-1101, 70-1102]

PUBLIC SERVICE CO. OF INDIANA, INC., AND INDIANA GAS & WATER CO., INC.

SUPPLEMENTAL ORDER RELEASING JURISDICTION

At a regular session of the Securities and Exchange Commission, held at its office in the city of Philadelphia, Pa., on the 20th day of September, A. D. 1945.

In the Matter of Public Service Company of Indiana, Inc., File No. 70-1101; Public Service Company of Indiana, Inc., and Indiana Gas & Water Company, Inc., File No. 70-1102.

Public Service Company of Indiana, Inc. and its subsidiary, Indiana Gas & Water Company, Inc., direct and indirect public utility subsidiaries, respectively, of The Middle West Corporation, a registered holding company, having filed applications and declarations pursuant to sections 6 (a), 6 (b), 7, 9, 10, 12 (c), 12 (e) and 12 (f) of the Public Utility Holding Company Act of 1935, and rules thereunder, with respect, among other proposals, to the issue and sale by Public Service Company of Indiana, Inc. in accordance with the competitive bidding requirements of Rule U-50, of (a) $48,000,000 principal amount of First Mortgage Bonds, Series F, due 1975, at not less than face value plus accrued interest, the interest rate to be determined by competitive bidding and (b) 150,000 shares of $100 par value Cumulative Preferred Stock, at not less than par value plus accrued dividends, the dividend rate to be determined by competitive bidding; and

The Commission having, by order dated September 5, 1945, granted said applications and permitted said declarations to become effective subject to the condition, among others, that said issues and sales of bonds and of preferred stock should not be consummated until the results of competitive bidding pursuant to Rule U-50 had been made a matter of record in this proceeding and a further order entered in the light of the record so completed, jurisdiction having been reserved for this purpose and subject also to the condition that jurisdiction be reserved with respect to the fees and expenses proposed to be paid to the firm of King & Squires for soliciting proxies from the shareholders of Public Service Company of Indiana, Inc., to obtain their consent with respect to certain proposals contained in the applications and declarations; and

Public Service Company of Indiana, Inc., having filed a further amendment to the applications and declarations, in which it is stated that, in accordance with the permission granted by the order of the Commission dated September 5, 1945, Public Service Company of Indiana, Inc., has offered its First Mortgage Bonds for sale pursuant to the competitive bidding requirements of Rule U-50 and has received the following bids on said bonds from two underwriters, or groups of underwriters, as follows:

Underwriting firm or groups	Price to company [1]	Coupon rate	Cost to company
	Percent	*Percent*	*Percent*
Halsey Stuart & Co., Inc. ...	101.99	3½	3.025
Harriman, Ripley Co., Inc., and Kuhn, Loeb & Co.....	101.81	3½	3.033

[1] Plus accrued interest.

The amendment having further stated that Public Service Company of Indiana, Inc., has accepted the bid of Halsey Stuart & Co., Inc., for said First Mortgage Bonds as set out above, and that said bonds will be offered for sale to the public at a price of 102.46% of the principal amount thereof, plus accrued interest, resulting in an underwriter's spread of 0.56% of the principal amount of said bonds; and

Public Service Company of Indiana, Inc. having further amended its applications and declarations to provide that said First Mortgage Bonds, due 1975, will be redeemable at the scale of redemption prices set forth in the amendment; and

Public Service Company of Indiana, Inc. having also included in its amendment a statement that, in accordance with the permission granted by the order of the Commission dated September 5, 1945, it has offered its Cumulative Preferred Stock for sale pursuant to the competitive bidding requirements of Rule U-50 and has received bids of 101.55% and 101.35% of par value, respectively, from Glore, Forgan & Co. and from Harriman, Ripley Co., Incorporated and The First Boston Corporation, both bids having been based on a dividend rate of 4.4%; and

The amendment having further stated that Public Service Company of Indiana, Inc. has rejected both bids for said preferred stock in accordance with the reservation of such right in the invitation for proposals to bid and that such stock will not be issued at this time; and

The Commission having examined said amendment and having considered the record herein, and finding no reason for imposing terms and conditions with respect to the price to be paid for said First Mortgage Bonds, due 1975, the redemption prices therefor, the interest rate thereon, and the underwriter's spread:

It is ordered, That the jurisdiction heretofore reserved over the price to be paid for said First Mortgage Bonds, the redemption prices therefor, the interest rate thereon, and the underwriter's spread, be, and the same hereby is released, and that said applications and declarations, as further amended, be, and the same hereby are, respectively granted and permitted to become effective, subject, however, to the terms and conditions prescribed in Rule U-24 and to the other conditions contained in our order of September 5, 1945; and

It is further ordered, That the jurisdiction heretofore reserved over all fees and expenses to be paid to the firm of King & Squires in connection with the solicitation of proxies be and the same hereby is continued.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 45-17724; Filed, Sept. 24, 1945; 10:33 a. m.]

[File No. 70-1121]

NORTH AMERICAN CO.

ORDER AMENDING PRIOR ORDER PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa., on the 21st day of September 1945.

The Commission having on the 21st day of August 1945 issued an order permitting the declaration of The North American Company to become effective with respect to the payment and distribution by it on October 1, 1945, to its holders of common stock of record on September 4, 1945, of a dividend payable in the common stock of Pacific Gas and Electric Company, having a par value of $25 per share, owned by declarant, at the rate of one share of such stock of Pacific Gas and Electric Company on each one hundred shares of the outstanding common stock of The North American Company, and to pay cash, in lieu of certificates for fractions of shares of stock of Pacific Gas and Electric Company, at the rate of 41 cents for each 1/100th of a share of such stock of Pacific Gas and Electric Company, such cash rate being based on the approximate market price of $41.00 per share as of August 2, 1945, the date the proposed dividend was declared;

The North American Company having represented to the Commission that the distribution and transfer of shares of common stock of Pacific Gas and Electric Company to the common stockholders of declarant will constitute partial compliance with the order of the Commission, dated April 14, 1942, directing declarant to dispose of its interest in Pacific Gas and Electric Company, and that the transactions will serve to effectuate the provisions of section 11 (b) of the Public Utility Holding Company Act of 1935; and

The North American Company having requested that the Order of the Commission permitting the declaration to become effective approve the distribution and transfer of such stock to its common stockholders as necessary or appropriate to effectuate the provisions of section 11 (b) of the act and specify and itemize the securities ordered to be so distributed and transferred;

The Commission finding that the proposed distribution and transfer by declarant to its common stockholders of shares of common stock of Pacific Gas and Electric Company, as payment of a dividend, is a step in compliance with our divestment order of April 14, 1942, and is necessary or appropriate to effectuate the provisions of section 11 (b) of the act; and

It appearing to the Commission that the request of The North American Company is, and was, one proper to be granted, but that inadvertently the requested specification and itemization was omitted from the said order of the Commission entered herein on August 21, 1945, and the Commission finding that said order should be corrected in that respect, as of the date thereof;

It is ordered, That the order of this Commission entered herein on August 21, 1945, be, and the same is hereby, amended, as of the date thereof, as follows:

The North American Company, a registered holding company, has filed a declaration pursuant to the applicable provisions of the Public Utility Holding Company Act of 1935 and the general rules and regulations promulgated thereunder, regarding a proposal to pay on October 1, 1945, a dividend to its holders of common stock of record on September 4, 1945, payable in the common stock of Pacific Gas and Electric Company having a par value of $25 per share, owned by The North American Company at a rate of one share of such stock of Pacific Gas and Electric Company on each one hundred shares of the outstanding common stock of The North American Company. In lieu of certificates for fractions of shares of stock of Pacific Gas and Electric Company, cash will be paid at the rate of 41 cents for each 1/100th of a share of such stock of Pacific Gas and Electric Company, this rate being based on the approximate market price of $41.00 per share as of August 2, 1945, the date the proposed dividend was declared.

Said declaration having been filed on the 3d day of August, 1945, and notice of filing having been duly given in the manner and form prescribed by Rule U-23 under said act and the Commission not having received a request for hearing with respect to said declaration within the period specified in said notice, or otherwise, and not having ordered a hearing thereon; and

The North American Company having requested that the Commission issue its order on or before August 25, 1945; and

The Commission finding that the requirements of section 12 (d) and Rules U-43 and U-44 are satisfied, that no adverse findings are necessary thereunder, and that action upon said declaration should be accelerated, and the Commission deeming it appropriate in the public interest and in the interest of investors and consumers to permit said declaration to become effective;

It is hereby ordered, Pursuant to said Rule U-23 and the applicable provisions of said act and subject to the terms and conditions prescribed in Rule U-24 that said declaration be and the same is hereby permitted to become effective forthwith.

It is further ordered, And the Commission finds, that the distribution and transfer by The North American Company on October 1, 1945, to its common stockholders of record on September 4, 1945, of shares of common stock of Pacific Gas and Electric Company having a par value of $25 per share, represented by Certificate No. NE-251755, in payment as a dividend to such stockholders, at the rate of one share of common stock of Pacific Gas and Electric Company on each one hundred shares of the outstanding common stock of The North American Company are necessary or appropriate to effectuate the provisions of section 11 (b) of the Public Utility Holding Company Act of 1935 and is a step in compliance with our order of April 14 1942.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 45-17725; Filed, Sept. 24, 1945; 10:33 a. m.]

[File No. 812-391]

NATIONAL AVIATION CORP.

NOTICE OF AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa., on the 21st day of September, A. D. 1945.

National Aviation Corporation, a registered investment company, having filed an application under the provisions of section 10 (f) of the Investment Company Act of 1940 for an order permitting it to purchase not to exceed $260,000 principal amount of Convertible Income Debentures proposed to be issued by Pennsylvania-Central Airlines Corporation, such offerings to be underwritten in part by Hornblower and Weeks, 40 Wall Street, New York, New York, and Paine, Webber, Jackson and Curtis, 25 Broad Street, New York, New York, of which firms certain directors of the applicant are affiliated persons;

It is ordered, pursuant to section 40 (a) of said act, that a hearing on the aforesaid application be held on September 26, 1945, at 10:00 o'clock in the forenoon of that day in Room 318 of the Securities and Exchange Commission Building, 18th and Locust Streets, Philadelphia 3, Pennsylvania; and

It is further ordered, That Allen MacCullen, Esq., or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearing on such application. The officer so designated is hereby authorized to exercise all the powers granted to the Commission under sections 41 and 42 (b) of the Investment Company Act of 1940 and to trial examiners under the Commission's rules of practice.

Notice of such hearing is hereby given to the applicant and to any other persons whose participation in such proceedings may be in the public interest or for the protection of investors.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 45-17726; Filed, Sept. 24, 1945; 10:33 a. m.]

WAR PRODUCTION BOARD.

[C-263, Revocation]

WILLIAM L. GALVIN AND LEROY LAWRENCE

CONSENT ORDER

Pursuant to an agreement between the above-named parties, the Regional Compliance Chief and the Regional Attorney, Consent Order C-263 was issued February 6, 1945, in consequence of a violation of Conservation Order L-41. William L. Galvin and Leroy Lawrence have applied for revocation of the consent order with the approval of the Regional Compliance Chief and the Regional Attorney.

The parties to the agreement having now agreed that such order should be revoked, it is hereby ordered that: *Consent Order No. C-263 be revoked.*

Issued this 24th day of September 1945.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 45-17735; Filed, Sept. 24, 1945; 11:23 a. m.]

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FEDERAL REGISTER

VOLUME 10 NUMBER 189

Washington, Wednesday, September 26, 1945

The President

EXECUTIVE ORDER 9626

APPOINTMENT OF THE MEMBER AND ALTERNATE MEMBER FOR THE UNITED STATES OF THE INTERNATIONAL MILITARY TRIBUNAL ESTABLISHED FOR THE TRIAL AND PUNISHMENT OF THE MAJOR WAR CRIMINALS OF THE EUROPEAN AXIS

By virtue of the authority vested in me by the Constitution and the statutes, and as President of the United States and Commander in Chief of the Army and Navy of the United States, it is ordered as follows:

1. In accordance with Article II of the Charter of the International Military Tribunal established by the Government of the United States of America, the Provisional Government of the French Republic, the Government of the United Kingdom of Great Britain and Northern Ireland, and the Government of the Union of Soviet Socialist Republics for the trial and punishment of the major war criminals of the European Axis, pursuant to their agreement of August 8, 1945, I hereby appoint Francis Biddle of Pennsylvania to be the Member for the United States of the International Military Tribunal and John J. Parker of North Carolina to be the Alternate Member for the United States of the International Military Tribunal.

2. The Member for the United States of the International Military Tribunal shall receive such compensation and allowance for expenses as may be determined by the Secretary of State. The Alternate Member shall serve without compensation but shall receive such allowance for expenses as may be authorized by the Secretary of State.

3. The Secretary of State, the Secretary of War, the Attorney General, and the Secretary of the Navy are authorized to provide appropriate assistance to the Member and the Alternate Member in the performance of their duties hereunder and may assign or detail such personnel, including members of the armed forces, as may be requested for the purpose.

HARRY S. TRUMAN

THE WHITE HOUSE,
September 24, 1945.

[F. R. Doc. 45-17820; Filed, Sept. 24, 1945; 3:05 p. m.]

EXECUTIVE ORDER 9627

AMENDING EXECUTIVE ORDER 9611[1] OF SEPTEMBER 10, 1945, REESTABLISHING THE ADVISORY BOARD ON JUST COMPENSATION

WHEREAS Judge John J. Parker is unable to serve as a member of the Advisory Board on Just Compensation as reestablished by Executive Order 9611 of September 10, 1945:

NOW, THEREFORE, by virtue of the authority vested in me by the Constitution and the statutes, and particularly by the First War Powers Act, 1941, as President of the United States and Commander in Chief of the Army and Navy, I hereby amend paragraph 2 of the said Executive Order 9611 to read as follows:

"The Board, as hereby re-established, shall consist of the following members: Judge Joseph C. Hutcheson, Jr., Judge Charles E. Clark, and Justice Irwin Untermyer."

The period of sixty days specified in paragraph 1 of the said Order, shall begin to run on the date of this Order.

HARRY S. TRUMAN

THE WHITE HOUSE,
September 24, 1945.

[F. R. Doc. 45-17819; Filed, Sept. 24, 1945; 3:05 p. m.]

[1] 10 F.R. 11637.

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NOTICE

1944 Supplement

Book 1 of the 1944 Supplement to the Code of Federal Regulations, containing Titles 1-10, including Presidential documents in full text, is now available from the Superintendent of Documents, Government Printing Office, at $3.00 per copy.

A limited sales stock of the Cumulative Supplement and the 1943 Supplement is still available as previously announced.

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[WFO 63-5]

PART 1596—FOOD IMPORTS

REVISION OF APPENDIX

Correction

In the table in Federal Register Document 45-17546, appearing at page 11988 of the issue for Friday, September 21, 1945, a footnote reference 3 should be added to the 58th item. The item as corrected should read as follows:

Herring (including sprats, pilchards, and anchovies), all types.[3]

TITLE 26—INTERNAL REVENUE

Chapter I—Bureau of Internal Revenue

Subchapter C—Miscellaneous Excise Taxes

[T. D. 5479]

PART 320—RETAILERS' EXCISE TAXES

MECHANICAL PENCILS

In order to conform Regulations 51 (26 CFR, 1941 Supp., Part 320), relating to retailers' excise taxes under Chapters 9A and 19 of the Internal Revenue Code, to Public Law 180 (79th Congress, 1st Session), approved August 11, 1945, such regulations are amended as follows:

PARAGRAPH 1. There is inserted immediately preceding § 320.30, the following:

PUBLIC LAW 180 (79TH CONGRESS, 1ST SESSION), APPROVED AUGUST 11, 1945

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 2400 of the Internal Revenue Code (relating to the retailers' excise tax on jewelry, etc.) is amended by striking out "to a fountain pen or smokers' pipe if the only parts of the pen or the pipe" and inserting in lieu thereof "to a fountain pen, mechanical pencil, or smokers' pipe if the only parts of the pen, the pencil, or the pipe".

SEC. 2. The amendment made by this Act shall take effect on the first day of the first month which begins more than ten days after the date of the enactment of this Act.

PAR. 2. Section 320.33, as amended by Treasury Decision 5353, approved March 31, 1944, is further amended by changing the second and third sentences of the last paragraph thereof to read as follows:

If, in the case of a fountain pen sold on or after October 1, 1941, a smokers' pipe sold on or after November 1, 1942, or a mechanical pencil sold on or after September 1, 1945, the only parts which consist of precious metals are essential parts not used for ornamental purposes, such fountain pen, smokers' pipe, or mechanical pencil, is not subject to the tax. Such essential parts of a fountain pen are the pen point, lever, clip, and the plain narrow band or bands placed on the cap for the purpose of preventing the cap from splitting or expanding. Such essential part of a smokers' pipe is the plain narrow band or bands placed on the shank of the pipe to prevent the shank from splitting. Such essential parts of a mechanical pencil are the tapered point holding the lead for writing, the clip, and the plain narrow band or bands placed on the barrel or cap, or both, for the purpose of preventing such part or parts from splitting or expanding. The tax will attach if the band or bands on a fountain pen, mechanical pencil, or smokers' pipe consist of precious metals or imitations thereof and have a combined width of more than $\frac{3}{8}$ of an inch, or if the fountain pen, mechanical pencil or smokers' pipe has any parts other than the essential parts enumerated above which are made of, or ornamented, mounted or fitted with, precious metals or imitations thereof.

PAR. 3. Section 320.37, as amended by Treasury Decision 5353, is further amended by changing the last sentence of the first paragraph thereof to read as follows: "For exemptions in the case of certain kinds of fountain pens, mechanical pencils, smokers' pipes, and watches, see §§ 320.33 and 320.34."

(Secs. 2410 and 3791 of the Internal Revenue Code (55 Stat. 720, 53 Stat. 467; 26 U.S.C., 1940 ed., and Sup. IV, 2410, 3791))

[SEAL] JOSEPH D. NUNAN, Jr.,
Commissioner of Internal Revenue.

Approved: September 24, 1945.

JOSEPH J. O'CONNELL, Jr.
Acting Secretary of the Treasury.

[F. R. Doc. 45-17818; Filed, Sept. 24, 1945; 2:18 p. m.]

TITLE 32—NATIONAL DEFENSE

Chapter VI—Selective Service System

[No. 307]

PRESIDENT'S FIVE YEAR CERTIFICATE

ORDER PRESCRIBING FORMS

Pursuant to authority contained in the Selective Training and Service Act of 1940, as amended, I hereby prescribe the following change in DSS Forms:

Addition of a new form designated as DSS Form 32-D, entitled "President's Five Year Certificate."

The foregoing addition shall become a part of the Selective Service Regulations effective within the continental United States immediately upon the filing hereof with the Division of the Federal Register and shall be effective outside the continental limits of the United States on the 30th day after the date of filing hereof with the Division of the Federal Register.

LEWIS B. HERSHEY,
Director.

AUGUST 1, 1945.

[F. R. Doc. 45-17821; Filed, Sept. 24, 1945; 4:01 p. m.]

[No. 308]

REPORT OF PHYSICAL EXAMINATION OF ASSIGNEES PRIOR TO DISCHARGE FROM WORK OF NATIONAL IMPORTANCE

ORDER PRESCRIBING FORMS

Pursuant to authority contained in the Selective Training and Service Act of 1940, as amended, I hereby prescribe the following change in DSS Forms:

Addition of a new form designated as DSS Form 222, entitled "Report of Physical Examination of Assignees Prior to Discharge from Work of National Importance."

The foregoing addition shall become a part of the Selective Service Regulations effective within the continental United States immediately upon the filing hereof with the Division of the Federal Register and shall be effective outside the continental limits of the United States on the 30th day after the date of filing hereof with the Division of the Federal Register.

LEWIS B. HERSHEY,
Director.

SEPTEMBER 19, 1945.

[F. R. Doc. 45-17822; Filed, Sept. 24, 1945; 4:01 p. m.]

Chapter IX—War Production Board

AUTHORITY: Regulations in this chapter unless otherwise noted at the end of documents affected, issued under sec. 2 (a), 54 Stat. 676, as amended by 55 Stat. 236, 56 Stat. 177, 58 Stat. 827; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; E.O. 9599, 10 F.R. 10155; W.P.B. Reg. 1 as amended Dec. 31, 1943, 9 F.R. 64.

PART 1010—SUSPENSION ORDERS

[Suspension Order S-786, Reinstatement and Amdt.]

HEARST PUBLICATIONS, INC.

Hearst Publications, Inc., a corporation which publishes the Los Angeles Examiner with its principal place of business located at 1111 South Broadway, Los Angeles, California, was suspended on May 18, 1945 by Suspension Order No. S-786. It appealed from the provisions of the suspension order and, pending determination of the appeal, the suspension order was stayed by the Chief Compliance Commissioner on June 20, 1945. The appeal has been considered by the Chief Compliance Commissioner who has directed that the appeal be dismissed, the stay be terminated, and that the suspension order be reinstated and amended.

In view of the foregoing, it is hereby ordered, that: § 1010.786 *Suspension Order No. S-786*, issued May 18, 1945, be and hereby is reinstated as of September 24, 1945; the stay of execution directed by the Chief Compliance Commissioner on June 20, 1945, be and hereby is revoked as of September 23, 1945; and the suspension order be and hereby is amended by substituting the following paragraph (b) for the present paragraph (b):

(b) During the fourth quarter of 1945 and the first quarter of 1946, Hearst Publications, Inc., unless otherwise specifi-

cally authorized in writing by the War Production Board, shall reduce its consumption of print paper for the printing of the Los Angeles Examiner by 437.24 tons under the consumption quota of print paper it otherwise would be entitled to use for these periods under the provisions of Limitation Order L–240: *Provided*, That it shall make a reduction of not less than 200 tons in the fourth quarter.

Issued this 14th day of September 1945.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 45-17833; Filed, Sept. 24, 1945; 4:34 p. m.]

PART 1010—SUSPENSION ORDERS

[Suspension Order S–832, Revocation]

OREGON CASKET CO.

Suspension Order No. S–832 was issued on July 9, 1945 against California Casket Company at 1633 N. W. 21st Avenue, Portland, Oregon, doing business under the name of Oregon Casket Company, engaged in the manufacture of casket shells and caskets. A stay was granted on July 13, 1945 by Deputy Chief Compliance Commissioner Flood, pending filing of an appeal. The appeal has been considered by Deputy Chief Compliance Commissioner Bok who has directed that the suspension order be revoked.

In view of the foregoing, it is hereby ordered, that: § 1010.832 *Suspension Order No. S–832*, issued July 9, 1945, be and hereby is revoked.

Issued this 24th day of September 1945.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 45-17834; Filed, Sept. 24, 1945; 4:34 p. m.]

Chapter XI—Office of Price Administration

PART 1305—ADMINISTRATION

[Supp. Order 131,[1] Amdt. 2]

REVISED MAXIMUM PRICES FOR CERTAIN COTTON TEXTILES

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.

Section 4 of Supplementary Order No. 131 is amended by adding thereto paragraphs (p) through (y), inclusive, to read as follows:

(p) *Print cloth yarn fabrics covered by Revised Price Schedule No. 35.* In Table II of § 1316.61 (b) (4) of Revised Price Schedule No. 35,[2] the maximum prices for print cloth yarn fabrics are revised and amended by adding to the cents-per-pound figures there set forth, the following:

	Per lb.
(1) For the higher band	3½¢
(2) For the lower band	2¢

In addition to any premium otherwise applicable, a premium of ½¢ per pound may be charged for Class A print cloth containing a total thread count per inch of 140 or more.

(q) *Wide print cloths.* In § 1400.118 (d) (23) (ii) of Maximum Price Regulation No. 118,[3] the maximum prices for print cloth 42" or more in width and for window shade or book cloth 42" or more in width (of the same constructions as print cloth of Class A or Class B) are revised and amended by adding to the cents-per-pound figures there set forth, the following:

	Per lb.
(1) For the higher band	3½¢
(2) For the lower band	2¢

(r) *Gauze diapers.* In § 1400.118 (d) (14) (ii) (a) of Maximum Price Regulation No. 118,[3] the maximum prices for standard gauze diapers and hospital gauze diapers (excluding pads and bibs) are revised and amended by increasing the dollar-and-cents-per-dozen figures there set forth as follows:

(1) For the higher band	11¢
(2) For the lower band	6¢

(s) *Bleached cheesecloth, bleached sanitary napkin gauze, and bunting.* (1) In § 1400.118 (d) (17) (ii) of Maximum Price Regulation No. 118,[3] the base maximum prices for the constructions of bleached cheesecloth and bunting there listed are revised and amended by increasing the cents-per-yard prices, by the following percentages:

	Percent
(i) For the higher band	7.19
(ii) For the lower band	4.06

(2) In lieu of the maximum prices fixed by § 1400.118 (d) (17) (iv) of Maximum Price Regulation No. 118,[3] the maximum prices for bleached cheesecloth put up on tenter rolls and for bleached sanitary napkin gauze shall be the prices fixed by § 1400.101 (b) (2) increased by 5 cents per pound for the higher band and by 3½ cents per pound for the lower band.

(t) *Osnaburgs.* In Table III of § 1316.61 (b) (4) of Revised Price Schedule No. 35,[2] the maximum prices for osnaburgs are revised and amended by adding to the cents-per-pound figures there set forth, the following:

	Per lb.
(1) For the higher band	3¢
(2) For the lower band	2¢

(u) *Cotton seamless bags.* In § 1400.118 (d) (31) of Maximum Price Regulation No. 118,[3] the maximum prices for cotton seamless bags, 20" x 45", weighing one pound, two-bushel capacity, are revised and amended by adding to the cents-per-bag figure (for carload lots) there set forth, the following:

	Per bag
(1) For the higher band	5¼¢
(2) For the lower band	4¼¢

(v) *Grey insulation tubing.* In § 1400.118 (d) (34) of Maximum Price Regulation No. 118,[3] the maximum prices for grey insulation tubing of the constructions there listed are revised and amended to read as follows:

Construction	Manufacturer	Higher band (per linear yard)	Lower band (per linear yard)
		Cents	Cents
27", 68 x 72-3.37	Union Buffalo Mills Co.	20.00	19
27", 68 x 72-3.37	Gainesville Cotton Mills	20.00	19
36½", 68 x 72-2.35	Pacific Mills	30.00	28.5
27", 72 x 68-4.15	Utica & Mohawk Cotton Mills	21.75	20.5

(w) *Flannels.* In lieu of the revised maximum prices fixed by § 1400.118 (d) (2) of Maximum Price Regulation No. 118,[3] the maximum prices for flannels shall be the prices set forth in or to be ascertained in accordance with subdivisions (i) through (vii) of that section, increased as follows:

	Per lb. higher band	Per lb. lower band
Prices set forth in subdivisions (i), (ii), (iii), (v) and (vii) of section 1400.118 (d) (2)	Percent 11.4	Percent 10.18
Prices set forth in subdivisions (iv) and (vi)	8.08	7.2

These maximum prices shall be subject to terms of 2% 10 days, 60 extra, with anticipation at the rate of 6% per annum where payment is made after 9 days.

(x) *Flannelette diapers.* In § 1400.118 (d) (14) (iv), the base maximum prices for flannelette diapers are increased as follows:

	Percent
(1) For the higher band	6.48
(2) For the lower band	3.46

(y) *Terry products; huck and crash towels and corded napkins.* The maximum prices for terry products in § 1400.118 (d) (26) (v), and for huck and crash towels and corded napkins in § 1400.118 (d) (29) (v) of Maximum Price Regulation No. 118,[3] and maximum prices for such products, towels, and napkins authorized, or in-lined and reported, under § 1400.101 (b) prior to November 30, 1944, are increased by 16.5% for the higher band and by 12.75% for the lower band. The maximum prices for such products, towels, and napkins authorized, or in-lined and reported, under § 1400.101 (b) between November 30, 1944 and September 25, 1945, are increased by 6.71% for the higher band and by 3.27% for the lower band.

This amendment shall become effective September 25, 1945.

Issued this 25th day of September 1945.

JAMES G. ROGERS, Jr.,
Acting Administrator.

[F. R. Doc. 45-17862; Filed, Sept. 25, 1945; 11:24 a. m.]

[1] 10 F.R. 11296.
[2] 8 F.R. 1963, 5306, 15906, 16744; 9 F.R. 2020, 2477, 2237, 2790, 3339, 7700, 9278, 10088, 10921; 10 F.R. 3878, 8129, 9669, 10293.
[3] 8 F.R. 12186, 12934; 9 F.R. 401, 10068, 10925, 14211, 14383, 14676; 10 F.R. 705, 857, 1292, 2025, 3875, 8134, 8979, 10310.

PART 1314—RAW MATERIALS FOR SHOES AND OTHER LEATHER PRODUCTS

[RPS 9,[1] Amdt. 13]

HIDES, KIPS AND CALFSKINS

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.

Revised Price Schedule 9 is amended in the following respects:

1. Section 1314.1 is amended by deleting therefrom the last two undesignated paragraphs.

2. Section 1314.2 is amended by deleting therefrom the last two undesignated paragraphs.

3. Section 1314.4 is amended by adding at the end thereof the following undesignated paragraph:

No person may charge, receive, pay or offer to pay any commission, fee, service or other charge in connection with a sale by or purchase from a tanner or his agent.

4. Section 1314.11 (a) (1) is amended by adding at the end of the undesignated paragraph commencing with the words "The maximum prices set forth in Table II" the following: "*Provided*, That the prices set forth in Table II shall apply only to hides delivered on or before December 24, 1945, pursuant to a firm contract entered into on or before September 25, 1945."

This amendment shall become effective September 25, 1945.

Issued this 25th day of September 1945.

JAMES G. ROGERS,
Acting Administrator.

[F. R. Doc. 45-17861; Filed, Sept. 25, 1945; 11:24 a. m.]

PART 1337—RAYON

[MPR 167,[1] Amdt. 9]

RAYON YARN AND STABLE FIBRE

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.

Maximum Price Regulation No. 167 is amended in the following respect:

1. Section 1337.42 (b) (3b) is amended to read as follows:

(3b) *1100 denier and 2200 denier viscose process high tenacity continuous filament yarns.* The prices set forth below are maximum prices for sales of 1100 denier and 2200 denier viscose process high tenacity continuous filament yarns with a twist of two turns per inch or less:

Denier:	Prices per pound on cones and beams
1100	43
2200	43

The maximum prices for 1100 denier and 2200 denier high tenacity denier yarns with a twist of more than two turns per inch shall be the maximum prices set forth above plus the following premiums:

Number of turns per inch:	Price per pound
3 to 4[2]	$0.03
4 to 5	.04
Over 5	.01

[2] For each additional turn per inch.

This amendment shall become effective September 25, 1945.

Issued this 25th day of September 1945.

JAMES G. ROGERS, Jr.,
Acting Administrator.

[F. R. Doc. 45-17856; Filed, Sept. 25, 1945; 11:24 a. m.]

PART 1340—FUEL

[RMPR 436, Amdt. 18]

CRUDE PETROLEUM, AND NATURAL AND PETROLEUM GAS

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.

Revised Maximum Price Regulation No. 436 is amended in the following respects:

1. Section 10 (a) is amended by adding subparagraph (7) to read as follows:

(7) *Lewisville.* On and after October 1, 1945, the maximum price at the receiving tank for crude petroleum of 40° API gravity and above produced in the Lewisville pool, Lafayette County, Arkansas, shall be $1.18 per barrel with a 2¢ per degree differential for lower gravities down to 86¢ for below 25°.

2. Section 10 (k) is amended by adding subparagraph (2) to read as follows:

(2) *Cow Run Sand.* On and after October 1, 1945, the maximum price at the receiving tank for crude petroleum produced from the Cow Run Sand, Athens County, Ohio, shall be $2.25 per barrel.

3. Section 10 (n) is amended by adding subparagraph 23 to read as follows:

(23) *Adami and Munson.* On and after October 1, 1945, the maximum price at the receiving tank for crude petroleum of 40° API gravity and above produced in the Adami field, Webb County, Texas and in the Munson field, McMullen County, Texas, shall be $1.35 per barrel with a 2¢ per degree differential down to 93¢ for below 20°.

4. Section 10 (o) is amended by adding subparagraph (6) to read as follows:

(6) *Horse Creek and Quealy Dome.* On and after October 1, 1945, the maximum price at the receiving tank for crude petroleum of 40° API gravity and above produced in the Horse Creek field, Laramie County, Wyoming, and in the Quealy Dome field, Albany County, Wyoming shall be $1.25 per barrel with a customary 2¢ differential for each degree for lower gravity crudes.

5. Section 13 is amended by adding thereto subparagraph (b) to read as follows:

(c) *Panhandle field, Texas.* (1) On and after October 1, 1945, the maximum price at the exit side of the natural gasoline plant for the sale of sour residue gas produced from the Panhandle oil and/or gas field of Texas to be used in the manufacture of channel carbon black shall be 2.12 cents per mc. f. for such gas containing 970 B. t. u. or less per cubic foot and shall be increased .105 cent per mc. f. for each additional 10 B. t. u. per cubic foot in excess of 970 contained therein. Such gas shall be measured at a pressure of 14.65 pounds per square inch absolute corrected to a temperature of 60° F. and the B. t. u. content shall be calculated on a monthly average basis.

(2) On and after October 1, 1945, the maximum price at the exit side of the natural gasoline plant for the sale of sweet residue gas produced from the Panhandle oil and/or gas field of Texas to be used in the manufacture of channel carbon black shall be 2.62 cents per mc. f. for such gas containing 970 B. t. u. or less per cubic foot and shall be increased .105 cent per mc. f. for each additional 10 B. t. u. in excess of 970 per cubic foot contained therein. Such gas shall be measured at a pressure of 14.65 pounds per square inch absolute corrected to a temperature of 60° F. and the B. t. u. content shall be calculated on a monthly average basis.

(3) "Sour gas" as used in this regulation shall mean any residue gas containing 1½ grains of hydrogen sulphide or more per 100 cubic feet or 30 grains of total sulphur or more per 100 cubic feet and "sweet gas" as used in this regulation shall mean residue gas containing less than 1½ grains of hydrogen sulphide per 100 cubic feet or less than 30 grains of total sulphur per 100 cubic feet.

6. Section 15 (c) is amended to read as follows:

(c) A maximum price for deliveries of dry gas established pursuant to paragraph (a) or (b) of this section which is below the level of prevailing prices between the same class of purchaser and seller in the same general producing area may be increased up to such level of prevailing prices by written agreement between the purchaser and seller subject to the following conditions:

(i) The seller or purchaser must submit a written copy of such agreement or contract to the Petroleum Branch of the Office of Price Administration within 10 days after execution thereof together with a statement containing the following information:

(ii) The name and address of the seller and purchaser.

(ii) The seller's present maximum price for such production as established under paragraph (a) or (b) of this section.

(iii) The maximum price agreed upon and a statement as to the points (such as well head, pipeline or pipeline terminal) at which delivery is to be made.

(iv) The maximum prices of other sellers and purchasers of the same class for dry gas produced in the same general producing area or if the seller is the only producer in the particular area in the nearest area in which similar conditions obtain. The estimated percentage of

[1] 7 F.R. 1227, 2000, 2132, 5706, 8948; 8 F.R. 2997, 11676, 12312, 13573, 15259, 16279; 9 F.R. 1325, 5997, 7431; 10 F.R. 457, 10022.
[2] 7 F.R. 4662, 6595, 7403, 8948, 10448; 8 F.R. 1612, 12314; 9 F.R. 11904.

total volume moving at each price should be stated and the nature of the facilities used in making delivery to each purchaser should be described.

(2) The Office of Price Administration may require a statement in writing

"Random Widths" are corrected to read "4 to 7" (D select & btr. only)" and "10" & wider (shop & btr.)," respectively.

8. In section 24, table 4, the price of 2 x 12", 26' to 32' length is corrected to read "$38.50" instead of "$8.50."

ESTIMATED WEIGHTS

	Weight per M BM (pounds)
Tongued and grooved flooring:	
⅜ x 1½"	1,069
⅜ x 2"	1,091
½ x 1½"	1,401

by common or contract carrier, the maximum delivered price of hardwood flooring under this regulation shall be an amount which is not greater than the permissible f. o. b. mill maximum price plus either (1) the actual transportation

PART 1395—NONFERROUS FOUNDRY PRODUCTS

[RMPR 125,[1] Amdt. 11]

NONFERROUS CASTINGS

(ii) October 16, 1941 to May 10, 1942, inclusive.

NOTE: This includes all copper and copper base castings sold or delivered between January 1, 1941 and May 11, 1942, other than castings which were sold and delivered (or

total volume moving at each price should be stated and the nature of the facilities used in making delivery to each purchaser should be described.

(2) The Office of Price Administration may require a statement in writing signed by the purchaser or purchasers that they will not institute any proceeding before any governmental agency for an increase in their resale price or prices using the increased cost as the basis of such "proceeding."

(3) If the resale price of the purchaser is controlled by a governmental agency other than the Office of Price Administration then the purchaser shall at the same time an application is made to said governmental agency for an increase in the purchaser's resale price or at the same time the purchaser is notified that an action has been instituted report such fact and submit copy of the petition to the Petroleum Branch, Office of Price Administration, Washington, D. C.

(4) The seller may not accept payment for deliveries of dry gas subject to a maximum price determined under this paragraph (c) until 15 days have elapsed after mailing of the report of such maximum price. Within the 15-day period the price so reported shall be subject to adjustment by the Office of Price Administration. Subsequent to this 15-day period such price shall be subject to adjustment at any time upon written order by the Office of Price Administration.

This amendment shall become effective October 1, 1945.

Issued this 25th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-17859; Filed, Sept. 25, 1945; 11:25 a. m.]

PART 1381—SOFTWOOD LUMBER

[RMPR 94, Incl. Amdts. 1-2, Correction]

WESTERN PINE AND ASSOCIATED SPECIES OF LUMBER

In Revised Maximum Price Regulation 94, including amendments 1 and 2, the following corrections are made:

1. In section 20, table 1, the first subheading in column 1 is corrected to read "1 and 2 clear (B and better):"

2. In section 20, table 2, the box heading of column 3 is corrected to read "5/4."

3. In section 21, footnote 5 to table 1 is corrected to read "Specified widths over 12"—for each inch over 12", add $2.00 to 12" price."

4. In section 21, table 7, the item in the third line is corrected to read "$^{3}/_{8}$" x $1^{1}/_{2}$"—32"."

5. In section 22, table 2, the first item in column 1 is corrected to read "No. 3 clear."

6. In section 22, table 3, the price of the last item under No. 4 and Better Short Common 6' and 8' S2S or S4S is corrected to read "$25.00."

7. In section 22, note 2 under the table "Differentials for Widths and Lengths (Sugar Pine)" the first two items under "Random Widths" are corrected to read "4 to 7" (D select & btr. only)" and "10" & wider (shop & btr.)," respectively.

8. In section 24, table 4, the price of 2 x 12", 26' to 32' length is corrected to read "$38.50" instead of "$8.50."

9. In section 28, note 22 is corrected by inserting the word "commons" in the first sentence between "7/4" and "may."

10. In article 6, "Schedule of Estimated Weights":

a. The dry weight of Ponderosa pine selects, commons and shop, standard surfacing 4/4", S2S, S4S or pattern is corrected to read "1,900" instead of "1,90."

b. In the second sub-heading "Dimension," the letter "n" is inserted.

c. The dry weight of Larch-Douglas fir, $1^{9}/_{16}$" dimension is corrected to read "2,000" instead of ".000."

d. The paragraph referring to hemlock 8" width, drop siding, etc., is corrected to read "8" width, drop siding, etc., add 100 lbs. to Larch-Douglas fir pattern weights."

This correction shall become effective as of September 11, 1945.

Issued this 25th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-17855; Filed, Sept. 25, 1945; 11:24 a. m.]

PART 1382—HARDWOOD LUMBER

[MPR 432,[1] Amdt. 7]

NORTHERN HARDWOOD FLOORING

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.

Maximum Price Regulation 432 is amended as follows:

1. Section 4 is amended to read as follows:

SEC. 4. *Delivered prices*—(a) *Common or contract carrier.* When shipment is by common or contract carrier, the maximum delivered price of hardwood flooring under this regulation shall be an amount which is not greater than the permissible f. o. b. mill maximum price plus either (1) the actual transportation charges paid or owed by the seller to a common or contract carrier for shipment from the seller's mill to the point of delivery required by the purchaser except as stated in paragraph (b) below, or (2) transportation charges based upon estimated weights contained in the table below for shipment from the seller's mill to the point of delivery required by the purchaser except as stated in paragraph (b) below. Transportation charges based upon estimated weights shall be figured by multiplying the rail rate by the estimated weights given in the following table, evened out to the nearest quarter-dollar per 1000 feet board measure:

ESTIMATED WEIGHTS

	Weight per M BM (pounds)
Tongued and grooved flooring:	
$^{3}/_{8}$ x $1^{1}/_{2}$"	1,000
$^{3}/_{8}$ x 2"	1,000
$^{1}/_{2}$ x $1^{1}/_{2}$"	1,400
$^{1}/_{2}$ x 2"	1,400
$^{1}/_{2}$ x $2^{1}/_{4}$"	1,400
$^{5}/_{8}$ x $1^{1}/_{2}$"	1,600
$^{5}/_{8}$ x 2"	1,600
$^{5}/_{8}$ x $2^{1}/_{4}$"	1,600
$^{25}/_{32}$ x $1^{1}/_{2}$"	2,000
$^{25}/_{32}$ x 2"	2,000
$^{25}/_{32}$ x $2^{1}/_{4}$"	2,000
$^{25}/_{32}$ x $3^{1}/_{4}$"	2,250
$^{33}/_{32}$ x 2"	2,200
$^{33}/_{32}$ x $2^{1}/_{4}$"	2,200
$^{33}/_{32}$ x $3^{1}/_{4}$"	2,400
$^{33}/_{32}$ x 4"	2,500
$^{41}/_{32}$ x $2^{1}/_{4}$"	2,560
$^{41}/_{32}$ x $3^{1}/_{4}$"	2,700
Jointed flooring:	
$^{25}/_{32}$ x $2^{1}/_{2}$"	2,250
$^{25}/_{32}$ x $3^{1}/_{2}$"	2,400
$^{33}/_{32}$ x $2^{1}/_{2}$"	2,500
$^{33}/_{32}$ x $3^{1}/_{2}$"	2,600

(b) *Trucking to rail head.* When a truck haul precedes rail shipment, as when a mill located away from the rail head hauls hardwood flooring by truck to the rail head, no addition may be made for the truck haul. However, in the following two cases a mill may apply for special permission to make an addition:

(1) When the mill was located away from rail connection because it specialized in water-borne hardwood flooring and where shortage of shipping has forced it to operate by rail.

(2) When a mill's rail connection has been abandoned since September 5, 1941. (Note: The word "abandoned," means total and permanent abandonment.)

The application should be made by letter to the Lumber Branch, Office of Price Administration, Washington 25, D. C. No additions may be made on quotations or sales for trucking to a rail head until the Office of Price Administration has given the seller permission to make such additions.

This amendment shall become effective October 1, 1945.

Issued this 25th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-17858; Filed, Sept. 25, 1945; 11:25 a. m.]

PART 1382—HARDWOOD LUMBER

[MPR 458,[1] Amdt. 3]

OAK FLOORING AND PECAN FLOORING

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.

Maximum Price Regulation 458 is amended as follows:

1. Section 4 is amended to read as follows:

SEC. 4. *Delivered prices*—(a) *Common or contract carrier.* When shipment is

[1] 8 F.R. 10079, 12180; 9 F.R. 171, 4476, 7201, 11274, 13946.

[1] 8 F.R. 11736, 15323; 9 F.R. 457.

by common or contract carrier, the maximum delivered price of hardwood flooring under this regulation shall be an amount which is not greater than the permissible f. o. b. mill maximum price plus either (1) the actual transportation charges paid or owed by the seller to a common or contract carrier for shipment from the seller's mill to the point of delivery required by the purchaser except as stated in paragraph (b) below, or (2) transportation charges based upon estimated weights contained in the table below for shipment from the seller's mill to the point of delivery required by the purchaser except as stated in paragraph (b) below. Transportation charges based upon estimated weights shall be figured by multiplying the rail rate by the estimated weights given in the following table, evened out to the nearest quarter-dollar per 1000 feet board measure:

ESTIMATED WEIGHTS FOR RED OAK, WHITE OAK, AND PECAN FLOORING

	Weight per M BM (pounds)
Standard grades and Victory grade flooring:	
$^{3}/_{4}$" x $1^{1}/_{2}$"	1,000
$^{3}/_{4}$" x 2"	1,000
$^{1}/_{2}$" x $1^{1}/_{2}$"	1,300
$^{1}/_{2}$" x 2"	1,300
$^{5}/_{16}$" x $1^{1}/_{2}$"	1,200
$^{5}/_{16}$" x 2"	1,200
$^{3}/_{4}$" x $1^{1}/_{2}$"	2,000
$^{3}/_{4}$" x 2"	2,000
$^{3}/_{4}$" x $2^{1}/_{4}$"	2,000
$^{3}/_{4}$" x $3^{1}/_{4}$"	2,250
Prefinished flooring:	
$^{3}/_{4}$" x $3^{1}/_{4}$"	2,250
$^{3}/_{4}$" x $2^{1}/_{4}$"	2,125
$^{3}/_{4}$" x $2^{1}/_{4}$"	2,000
$^{1}/_{2}$" x $2^{1}/_{2}$"	1,500
$^{1}/_{2}$" x 2"	1,300
$^{5}/_{8}$" x 2"	1,000

(b) *Trucking to railhead.* When a truck haul precedes rail shipment, as when a mill located away from the railhead hauls hardwood flooring by truck to the railhead, no addition may be made for the truck haul. However, in the following two cases a mill may apply for special permission to make an addition:

(1) When the mill was located away from rail connection because it specialized in water-borne hardwood flooring and where shortage of shipping has forced it to operate by rail.

(2) When a mill's rail connection has been abandoned since September 5, 1941. (Note: The word, "abandoned," means total and permanent abandonment.)

The application should be made by letter to the Lumber Branch, Office of Price Administration, Washington 25, D. C. No additions may be made on quotations or sales for trucking to a railhead until the Office of Price Administration has given the seller permission to make such additions.

This amendment shall become effective October 1, 1945.

Issued this 25th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-17860; Filed, Sept. 25, 1945; 11:26 a. m.]

PART 1395—NONFERROUS FOUNDRY PRODUCTS

[RMPR 125,[1] Amdt. 11]

NONFERROUS CASTINGS

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.

Revised Maximum Price Regulation No. 125 is amended in the following respects:

1. A new § 1395.3 (d) is added to read as follows:

(d) *Permitted increase in the maximum prices of base period castings*—(1) *Castings to which the increase may be applied.* The increase permitted by this pargaraph (d) is applicable to the following copper and copper base castings:

(i) Castings the same or of the same class as those sold or contracted to be sold during the period October 1 to October 15, 1941, and

(ii) Castings the same or of the same class as those sold, contracted to be sold or delivered during the period May 11, 1942 to January 31, 1943.

(2) *Amount of increase.* The permitted increases set out below may be added to the seller's prices as determined under paragraphs (a), (b) and (c) of this § 1395.3. (Note that the price to which the addition may be made is the price after the reductions required by Amendment 5, issued May 24, 1944.) The amount of the increase varies inversely with the price to which it is to be added.

Price before addition of increase (cents per pound):	Permitted increase (cents per pound)
Less than 25	4.00
25.01 to 30	3.50
30.01 to 35	3.00
35.01 to 40	2.50
More than 40	2.00

(3) *Applicability of increase to adjusted prices.* The increase authorized by this paragraph (d) may not be added to any price which has been increased by an adjustment order issued under § 1395.12 of this regulation. However, a seller may, if he wishes, charge his price as determined under paragraphs (a), (b) and (c) of this section, plus the addition permitted by this paragraph (d), instead of his maximum price established by his adjustment order.

2. A new § 1395.4 (d) is added to read as follows:

(d) *Alternative method of determining maximum prices*—(1) *Castings to which this alternative method is applicable.* This pricing method may, if the seller wishes, be used for any copper or copper base casting which would otherwise be priced under this § 1395.4 if such casting was sold or delivered during either of the following periods:

(i) January 1, 1941 to September 30, 1941, inclusive, or

(ii) October 16, 1941 to May 10, 1942, inclusive.

NOTE: This includes all copper and copper base castings sold or delivered between January 1, 1941 and May 11, 1942, other than castings which were sold and delivered in one of the two base periods set out in § 1395.3 or castings for which maximum prices are established in § 1395.2a

(2) *How maximum price is figured.* The seller may take the most recent net price at which he sold the identical casting to the same seller during the periods January 1, 1941 to September 30, 1941 and October 16, 1941 to May 10, 1942 and he may increase this net price as follows:

Net price before addition of increase (cents per pound):	Permitted increase (cents per pound)
Less than 25	4.00
25.01 to 30	3.50
30.01 to 35	3.00
35.01 to 40	2.50
More than 40	2.00

The price so figured shall then be reduced by the amount set out in § 1395.3 (b) for the particular alloy. These are the reductions set out in Amendment 5.)

If the seller did not sell the identical casting to the same buyer, he shall figure his price as above except that he shall use the most recent net price at which he sold the identical casting to any other buyer of the same class during the period set out above.

This amendment shall become effective October 1, 1945.

Issued this 25th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-17857; Filed, Sept. 25, 1945; 11:25 a. m.]

PART 1407—RATIONING OF FOOD AND FOOD PRODUCTS

[2d Rev. RO 3,[1] Amdt. 37]

SUGAR

A rationale for this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.

Section 17.19 is added to read as follows:

SEC. 17.19 *Manifest must accompany shipment of sugar.* (a) Every person shipping 100 pounds or more of sugar by railway, truck or other means of transport shall furnish the carrier a manifest showing the name and address of the person who delivered the shipment to the carrier, the name and address of the consignee, the name and address of the owner of the shipment (if neither the consignee nor the person who delivered the shipment to the carrier), the amount of sugar in the shipment, and the date of the shipment. No person shall transport such a shipment unless such a manifest accompanies such shipment in the

[1] 8 F.R. 1271, 2507, 2721; 9 F.R. 576, 3856, 5590, 12266; 10 F.R. 1976, 4100, 5044, 86112.

[1] 9 F.R. 13992, 14642, 15048; 10 F.R. 201, 412, 1143, 1537, 2144.

truck, train or other means of transportation. Such manifest shall be available for inspection by any investigatory or enforcement agent of the United States. A copy of the manifest shall be retained by the shipper at his principal business office for a period of two years from the date of the shipment.

This amendment shall become effective September 28, 1945.

NOTE: All reporting and record-keeping requirements of this amendment have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 25th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-17851; Filed, Sept. 25, 1945; 11:23 a. m.]

PART 1407—RATIONING OF FOOD AND FOOD PRODUCTS

[2d Rev. RO 3,[1] Amdt. 38]

SUGAR

A rationale for this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.

Second Revised Ration Order 3 is amended in the following respects:

1. The second sentence of the second paragraph of section 2.2 (c) is amended to read as follows: "The Board shall issue coupons (OPA Forms R-342 and R-330 (Revised)) for the amount of sugar granted."

2. Section 7.5 (b) (2) is amended to read as follows:

(2) A "ration coupon" (OPA Form R-330 (Revised)) may be used by a consumer at any time to get one pound of sugar. If received in accordance with this Order by a registering unit which is neither a depositor nor required to be one, it authorizes the registering unit to take delivery of one pound of sugar at any time. If it is surrendered to a depositor it is valid for deposit in his account at any time. (The one pound ration coupon may be issued only pursuant to General Ration Order 9 and sections 2.2 and 2.8 of this order.)

3. A new subparagraph (3) is added to section 7.5 (b) to read as follows:

(3) Ration coupons OPA Forms R-1209 and R-330 may be used by a consumer to get sugar up to and including October 5, 1945, after which date these two coupons are invalid for this purpose. A registering unit which is not a depositor nor required to be one may use these two coupons to get sugar up to and including October 15, 1945, after which they will be invalid for this purpose. These two coupons may be deposited in a ration bank account up to and including October 25, 1945, after which they will be invalid for this purpose. (The validity of ration coupon OPA Form R-330 (Revised) is not affected by this subparagraph.)

This amendment shall become effective September 28, 1945.

Issued this 25th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-17852; Filed, Sept. 25, 1945; 11:23 a. m.]

PART 1407—RATIONING OF FOOD AND FOOD PRODUCTS

[Rev. RO 16,[2] Amdt. 73]

MEAT, FATS, FISH AND CHEESES

A rationale for this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.

Section 7.20 (d) is amended by adding the following sentence at the end thereof: "In addition, application for the full increase in allotment for the third quarterly period of 1945 for deliveries made to Placer County, California, Houston County, Georgia, Yakima County, Washington and Staunton, Virginia may be made at any time before October 15, 1945."

This amendment shall become effective September 28, 1945.

Issued this 25th day of September, 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-17854; Filed, Sept. 25, 1945; 11:23 a. m.]

PART 1407—RATIONING OF FOOD AND FOOD PRODUCTS

[Rev. RO 16,[3] Amdt. 63 to 2d Rev. Supp. 1]

MEAT, FATS, FISH AND CHEESES

Section 1407.3027 (i) is amended in the following respects:

1. Escambia County, Alabama is deleted.

2. Placer County—10% is added to the list of counties under the State of California.

3. Houston County—20% is added to the list of counties under the State of Georgia.

4. Yakima County—20% is added to the list of counties under the State of Washington.

5. Staunton, Virginia—10% is added to the list under Independent Cities.

6. The percentage of Buena Vista, Virginia, under the list of Independent Cities, is changed from 20% to 15%.

This amendment shall become effective September 28, 1945.

Issued this 25th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-17853; Filed, Sept. 25, 1945; 11:23 a. m.]

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[1] 9 F.R. 13992, 14642, 15048; 10 F.R. 291, 412, 1143, 1537, 2144.

[2] 10 F.R. 48, 521, 857, 293, 294.

[3] 9 F.R. 6772.

Chapter XIII—Petroleum Administration for War

[Petroleum Directive 59, as Amended Dec. 1, 1943, Amdt. 4]

PART 1510—SUPPLY

MISCELLANEOUS AMENDMENTS

1. Section 1510.31 (d) (Petroleum Directive 59, as amended December 1, 1943, 8 F.R. 15792) is amended by deleting the word "rationed" wherever it appears in such section.

2. Petroleum Directive 59, as amended December 1, 1943, 8 F.R. 15792, is amended by adding § 1510.35 to read as follows:

§ 1510.35 *Termination provisions.* Unless otherwise provided herein, this directive shall terminate in whole or in part as directed by the Petroleum Administration for War upon not less than 10 calendar days' notice thereof to all original suppliers concerned. To effect an orderly conclusion of the Supply and Distribution Program in Petroleum Administration for War District One, the provisions set forth below shall apply, notwithstanding inconsistent provisions in any previous section of this directive.

(a) The provisions of §§ 1510.28, 1510.30, 1510.31 and 1510.34 (a) of this directive shall be inoperative as to any principal petroleum product received in District One (including principal petroleum products manufactured in District One) after September 30, 1945.

(b) Unassigned inventory shall not include any receipts of any principal petroleum product after September 30, 1945.

(c) Any quantity of product assigned to an original supplier which such supplier has failed to accept title to and remove or make other arrangements for by the close of business October 10, 1945, shall be forfeited, and all product which is forfeited by an assignee pursuant to the terms of this provision or of § 1510.31 (c) shall not be returned to Unassigned Inventory as is provided in § 1510.31 (c). If such forfeiture occurs after September 30, 1945, but shall be the absolute property of the original supplier against whom the assignment was issued, and the amount of any product so forfeited shall be deemed as having been received under an assignment by the original supplier in whose favor the assignment was issued.

(d) On and after October 1, 1945, the original suppliers operating in each zone shall make such adjustments among themselves as of September 30, 1945, as may be required by the schedules approved and issued by the Petroleum Administration for War as follows:

(1) The Committee shall as soon as practicable prepare a suggested schedule in collaboration with a staff representative of the Petroleum Administration for War designated for the purpose, showing as of September 30th for each principal petroleum product in each zone the amount by which the net adjusted receipts of such product chargeable to each original supplier under § 1510.31 (c) hereof exceeds or is less than such original supplier's net proportionate share of the total amount of such product available for distribution under § 1510.31 (c) hereof, after making all adjustments required from time to time under §§ 1510.31 (c) and 1510.33 hereof, or provided in any schedule, order, or directive of the Petroleum Administration for War.

(2) Upon approval and issuance of the schedule by the Petroleum Administration for War, the original suppliers within each zone affected thereby shall confer with one another and endeavor to adjust their over and under positions by any means acceptable to them, including a financial adjustment. Within 15 calendar days following the date on which such schedule is issued, each original supplier affected shall notify the Committee of the adjustments, if any, that have been made with other original suppliers. To the extent that the over and under position of any original supplier shall not have been adjusted within such time, the adjustment thereof as directed by the Petroleum Administration for War shall be made on a financial basis at the applicable sum or rate set forth in Method "A" of § 1510.31 (d) hereof, as amended, such direction to be subject to review upon written application to the Petroleum Administrator filed within 5 calendar days from the date of such direction.

(e) No application may be filed under § 1510.34 (h) (1) after September 30, 1945; and no appeals may be filed under § 1510.34 (h) (2) after October 10, 1945.

(E.O. 9276, 7 F.R. 10091; E.O. 9319, 8 F.R. 2087)

Issued September 18, 1945.

RALPH K. DAVIES,
Deputy Petroleum Administrator for War.

[F. R. Doc. 45-17867; Filed, Sept. 25, 1945; 10:50 a. m.]

Chapter XXIII—Surplus Property Board

[SPB Rev. Reg. 2]

PART 8302—DISPOSAL OF SURPLUS PERSONAL PROPERTY TO GOVERNMENT AGENCIES AND STATE AND LOCAL GOVERNMENTS

Surplus Property Board Regulation 2, April 24, 1945, entitled "Priorities of Government Agencies and State or Local Governments" (10 F.R. 5104, 8911, 9478, 9886) is hereby revised and amended as herein set forth. The title of the regulation is amended to read as follows: "Disposal of Surplus Personal Property To Government Agencies and State and Local Governments". Nothing in this revision shall impair or amend Order 2, September 7, 1945 (10 F.R. 11672) under Regulation 2, which order shall remain in full force and effect, but Order 1, August 31, 1945 (10 F.R. 11365), thereunder, is hereby rescinded. Surplus Property Board Special Order 6, May 1, 1945 (10 F.R. 5163), is hereby superseded and rescinded as of the effective date hereof.

Sec.
8302.1 Definitions.
8302.2 Scope.
8302.3 Applicability of regulations and directives of War Production Board, Office of Price Administration, and Secretary of Agriculture; and disposals which may be exempted from this part.
8302.4 Information about available property.
8302.5 Reservations of surplus property for Government agences and State and local governments.
8302.6 Transfers to Government agencies.
8302.7 Transfers of surplus standard administrative and maintenance property to the Treasury Department, and acquisition of such property by Government agencies.
8302.8 Disposals to State and local governments.
8302.9 Fair value.
8302.10 Right of Government agencies and State and local governments to acquire property in competition with others.
8302.11 Regulations by disposal agencies to be reported to the Surplus Property Board.
8302.12 Amendment or repeal.

AUTHORITY: §§ 8302.1 to 8302.12, inclusive, issued under Surplus Property Act of 1944, 58 Stat. 765; 50 U. S. C. App. Sup. 1611.

§ 8302.1 *Definitions*—(a) *Terms defined in act.* Terms not defined in paragraph (b) of this section which are defined in the Surplus Property Act of 1944 shall in this part have the meaning given to them in the act.

(b) *Other terms.* (1) "Government agency" means any executive department, independent establishment, board, bureau, commission, or other agency of the Federal Government, or any corporation wholly owned (either directly or through one or more corporations) by the United States.

(2) "Standard administrative and maintenance property" means all property from time to time listed in stock catalogues issued by the Procurement Division of the Treasury Department. These catalogues normally include, among other items, office supplies, furniture, and equipment, and maintenance operating supplies.

(3) "State and local governments" means any State, territory, or possession of the United States, the District of Columbia, and any political subdivision or instrumentality thereof.

§ 8302.2 *Scope.* This part shall apply only to disposals made by disposal agencies within the United States, its territories or possessions; *Provided*, That § 8302.7 shall apply only within the continental United States. This part shall not apply to any disposals of real property, industrial plants, shipyards and facilities, property designated in classes (1) to (3), inclusive, of section 19 of the Surplus Property Act of 1944, or surplus vessels which the Maritime Commission determines to be merchant vessels or capable of conversion to merchant use.

§ 8302.3 *Applicability of regulations and directives of War Production Board, Office of Price Administration, and Secretary of Agriculture; and disposals which may be exempted from this part.*—(a) *Applicability of regulations and directives of War Production Board, Office of Price Administration, and Secretary of Agriculture.* All disposals hereunder shall be subject to applicable regulations and directives of the War Production Board, the Office of Price Administration, and the Secretary of Agriculture.

(b) *Disposals which may be exempted from this part.* Subject to the provisions of paragraph (a) of this section, disposal agencies may dispose of surplus property without regard for any provisions of this part:

(1) To supply the needs of the armed forces;

(2) When the property is of such nature or in such situation that its immediate disposal is necessary to prevent its deterioration, spoilage, or serious loss or damage, or when its disposal is necessary to relieve critical storage requirements;

(3) When upon application to the Surplus Property Board by a disposal agency, the Board shall find that it is impracticable or uneconomical to require the disposal of designated property according to the provisions of this part;

(4) When the condition of a surplus agricultural commodity or food is such that it is not usable in its present form without reprocessing or reconditioning;

(5) When the cost (estimated if not known) of all substantially similar items of such property in the possession of the disposal agency at any one location at any one time does not exceed $300.

§ 8302.4 *Information about available property*—(a) *Availability of records of surplus property; liaison officers.* Disposal agencies shall establish procedures to insure that designated representatives or procurement officers of Government agencies and State and local governments shall have access to the information on the property records of the disposal agencies, and shall upon request from time to time inform such representatives or procurement officers about surplus property for which declarations have been received or are anticipated. In order to avoid the confusion which would result from making limited copies of records available to an unlimited number of persons, a disposal agency may in its discretion appoint members of its staff to serve as liaison officers at each disposal point who shall secure for Government agencies and State and local governments the information desired from such records. It shall be the responsibility of Government agencies, in order to avoid making purchases through commercial channels, continuously to consult such records and to determine whether their requirements for all items of property, except standard administrative and maintenance property subject to the provisions of § 8302.7, can be satisfied out of surplus property in the hands of the disposal agencies.

(b) *Notice of offering.* Disposal agencies shall adopt procedures which will allow Government agencies and State and local governments to receive notices of what surplus property is available or offered for sale within the area in which the offering is made. Government agencies and State and local governments shall have the right upon request to be put on mailing lists for notices in all cases where such lists are used to offer property for disposal, including mailing lists otherwise reserved to special classes of buyers, unless the disposal agency shall find that the giving of such notices

to Government agencies and State and local governments shall for any particular type of property become impracticable, unduly expensive to the Government, or unreasonably burdensome on the facilities of the disposal agency. When public advertising is used as the method of offering, no other notice need be given to Government agencies and State and local governments.

§ 8302.5 *Reservations of surplus property for Government agencies and State and local governments.* (a) Each disposal agency, based upon experience and demonstrated demand, shall estimate the quantity of each item of surplus property which it is necessary to hold in reserve in order to provide an adequate supply thereof to satisfy the probable needs for such item of Government agencies and State and local governments. Such quantities shall be reviewed and adjusted periodically by the disposal agency in the light of the changing requirements of Government agencies and State and local governments and the areas in which such requirements exist. There need be no earmarking of specific property, but the quantities of surplus property so estimated shall be reserved for exclusive disposal to Government agencies and State and local governments, and any property in excess of such reserved quantities may be promptly disposed of to others.

(b) In order to assist the disposal agencies to reserve quantities of surplus property adequate to satisfy the needs of Government agencies, including the needs of Smaller War Plants Corporation for small business or veterans in accordance with the Surplus Property Act of 1944 and applicable regulations of the Surplus Property Board, Smaller War Plants Corporation shall advise the disposal agencies from time to time of the quantities and kinds of surplus property which it needs or may need for such purposes, and the disposal agency shall thereupon take such steps as may be necessary to reserve an adequate supply with which to fill such needs. To the end of rapidly adjusting the reserve so established, prospective purchasers shall have the right to inspect the property they wish to buy.

§ 8302.6 *Transfers to Government agencies.* (a) Subject to the provisions of § 8302.7, disposal agencies shall transfer to a Government agency on its order surplus property in quantities not smaller than the smallest lots consistent with commercial practice and at the fair value of such property as provided in § 8302.9. Disposal agencies shall make such transfer of surplus property to a Government agency without reimbursement or transfer of funds whenever a transfer on such terms by the owning agency by which such property was declared surplus would be authorized by law to be made to the agency desiring such property. Government agencies may place orders with a disposal agency for surplus property at any time, and such orders shall be filled from property held in reserve as provided in § 8302.5, or, if not so held therein, from any other available surplus property. If no such property is available at the time of receipt of the order, the disposal agency shall promptly notify the Government agency, and thereupon such order shall be deemed to lapse. Property already advertised for public competitive bids or for sale at auction or for immediate purchase at a fixed time and property specifically selected by a prospective purchaser shall not be considered available.

(b) Disposals to Government agencies under this section shall be accorded priority over disposals to State and local governments under § 8302.8. Whenever two or more Government agencies shall claim the same item or items of surplus property, the disposal agency shall fill the orders in the sequence in which they have been received.

§ 8302.7 *Transfers of surplus standard administrative and maintenance property to the Treasury Department, and acquisition of such property by Government agencies.* (a) In order to facilitate the transfer of surplus property from one Government agency to other Government agencies for their use, the Treasury Department may acquire or order earmarked for its future acquisition from the disposal agencies such quantities of surplus standard administrative and maintenance property as the Treasury Department shall estimate may be needed to satisfy the needs and requirements for such property of all Government agencies within the continental United States, other than the War Department and the Navy Department. The periods for which such property may be earmarked shall be established by the disposal agency based upon the estimates of the Treasury Department and the requirements of such Government agencies pursuant to such estimates. Such Government agencies shall cooperate with the Treasury Department in compiling such estimates and shall provide the Treasury Department with such information concerning their requirements as it may need in order to promote the fullest utilization of surplus property.

(b) Disposal agencies shall transfer surplus standard administrative and maintenance property to the Treasury Department in accordance with the provisions of § 8302.6 and at the fair value of the property less an amount which reflects the estimated expenses to be incurred by the Treasury Department in making distribution to Government agencies, and the Treasury Department shall promptly upon such transfer take possession and assume responsibility for the care, handling, and disposition of such property.

(c) It shall be the responsibility of all such Government agencies, in order to avoid making purchases of such property through commercial channels when such property is available from surplus, continuously to consult the stock catalogues issued by the Procurement Division of the Treasury Department.

(d) Except in cases where transfers may be made without reimbursement or transfer of funds, no Government agency other than the War Department and the Navy Department shall within the continental United States acquire by direct transfer from a disposal agency any surplus standard administrative or maintenance property which is offered for disposal by the Treasury Department and immediately available for acquisition by such Government agency: *Provided*, That Smaller War Plants Corporation shall be entitled to acquire any such property from a disposal agency for resale in accordance with the Surplus Property Act of 1944 and applicable regulations of the Surplus Property Board.

§ 8302.8 *Disposals to State and local governments.* (a) Disposal agencies shall dispose of surplus property to State and local governments in quantities not smaller than the smallest lots consistent with commercial practice and at the fair value of such property as provided in § 8302.9. State and local governments may place orders with a disposal agency at any time, and such orders shall be filled from property held in reserve as provided in § 8302.5, or, if not so held therein, from other available surplus property. If no such property is available at the time of receipt of the order the disposal agency shall promptly notify the claimant, and thereupon such order shall be deemed to lapse. Property already advertised for public competitive bids or for sale at auction or for immediate purchase at a fixed time and property specifically selected by a prospective purchaser shall not be considered available.

(b) Disposals to State and local governments shall be subordinate to the priority of Government agencies under § 8302.6. Whenever two or more State and local governments shall claim the same item or items of surplus property, the disposal agency shall fill the orders in the sequence in which they have been received.

(c) At the request of a disposal agency, any State or local government shall submit a certificate made by a responsible officer setting forth that the property is sought for the use of a State or local government as defined in § 8302.1 (b) (3).

§ 8302.9 *Fair value.* Disposal agencies shall fix the fair value at which property disposed of under §§ 8302.5, 8302.6, and 8302.8 shall be acquired by Government agencies and State and local governments. Such fair value shall not be greater than the lowest price which is offered to any trade level at the time of acquisition by the Government agency or State or local government.

§ 8302.10 *Right of Government agencies and State and local governments to acquire property in competition with others.* In addition to acquiring property under §§ 8302.5, 8302.6, and 8302.8, Government agencies and State and local governments shall be entitled to submit offers whenever surplus property is otherwise offered for sale, without regard for the location of the property, but shall not be entitled to priority and shall acquire such property on the same terms and conditions as others.

§ 8302.11 *Regulations by disposal agencies to be reported to the Surplus Property Board.* Each disposal agency shall file with the Surplus Property Board copies of all regulations, orders, and instructions of general applicability which they may issue in furtherance of the provisions, or any of them, of this part.

§ 8302.12 *Amendment or repeal.* This part, and any order issued under it, shall be subject to amendment or repeal by the Board by any regulation, order, or other action of the Board duly published in the Federal Register.

This revision of this part shall become effective on September 21, 1945.

SURPLUS PROPERTY BOARD,
By W. STUART SYMINGTON,
Chairman.

SEPTEMBER 21, 1945.

[F. R. Doc. 45-17868; Filed, Sept. 25, 1945; 11:33 a. m.]

[SPB Reg. 11]

PART 8311—PROCEEDS AND EXPENSES

Sec.
8311.1 Definitions.
8311.2 Scope.
8311.3 Proceeds to be covered into Treasury.
8311.4 Net proceeds.
8311.5 Refunds to purchasers.
8311.6 Expenses; certain expenses excepted.
8311.7 Estimate of expenses.
8311.8 Statement of expenses.
8311.9 Submission prior to commitment.
8311.10 Allocations and reimbursement.
8311.11 Regulations by agencies to be reported to the Board.
8311.12 Records and reports.

AUTHORITY: §§ 8311.1 to 8311.12, inclusive, issued under Surplus Property Act of 1944, 58 Stat. 765; 50 U. S. C. App. Sup. 1611.

§ 8311.1 *Definitions*—(a) *Terms defined in act.* Terms not defined in paragraph (b) of this section which are defined in the Surplus Property Act of 1944 shall in this part have the meaning given to them in the act.

(b) *Other terms.* (1) "Disposition" means disposal to a person other than a Government agency.

(2) "Government agency" means any executive department, independent establishment, board, bureau, commission or other agency of the Federal Government, or any corporation wholly owned (either directly or through one or more corporations) by the United States.

(3) "Transfer" means disposal to a Government agency.

§ 8311.2 *Scope.* This part shall apply to transfers and dispositions within the continental United States, its territories and possessions unless otherwise expressly indicated. Revised Special Order 13, July 31, 1945, (10 F.R. 9697) and Special Order 16, July 31, 1945, (10 F.R. 9697) are hereby superseded and rescinded as of the effective date of this part.

§ 8311.3 *Proceeds to be covered into Treasury.* All proceeds from transfer or disposition of property under the act (including rents, interest, other proceeds) shall be covered into the Treasury as miscellaneous receipts, except as provided in subsections (b), (c) and (d) of section 30 of the act. Sums deducted from gross proceeds under section 30 (b) of the act, to determine net proceeds shall be covered into the Treasury as miscellaneous receipts. Under no circumstances may an agency retain all or any part of the proceeds from any transfer or disposition under the act as reimbursement for the cost or expense of care, handling, disposition or transfer of surplus property.

§ 8311.4 *Net proceeds.* Unless the Board directs otherwise, no disposal agency shall, pursuant to section 30 (b) of the act, credit to a reimbursable fund or appropriation of any owning agency, or pay to any owning agency, the net proceeds of disposition or transfer of property arising from transactions completed during any quarter except upon the basis of computation of net proceeds determined by the Board at the end of each respective quarter: *Provided, however*, That such credit or payment may be made with regard to transactions completed prior to July 1, 1945, if the basis for computing net proceeds had theretofore been approved by the Board. When net proceeds are to be credited or repaid to an interested agency but because the property is co-mingled with other property it is impracticable or impossible to determine the applicable gross proceeds, disposal agencies may make such payment or credit from the proceeds of the transfers or dispositions of similar property transferred or disposed of directly after the receipt of the surplus declaration.

§ 8311.5 *Refunds to purchasers.* No disposal agency shall withhold from miscellaneous receipts of the Treasury any amount from the proceeds of dispositions for the purpose of making appropriate refunds to purchasers pursuant to section 30 (c) of the act unless such amount is deposited in a special account with the Treasurer of the United States and no such deposit shall be made without authorization from the Board. To receive such authorizations, disposal agencies shall apply to the Board, recommending the amount which the agency deems necessary to deposit in such account in order to permit appropriate refunds to purchasers.

§ 8311.6 *Expenses; certain expenses excepted.* Government agencies shall apply to the Board as provided herein for allocation or reimbursement of funds to meet expenses necessary to enable disposal agencies to carry out the disposal functions vested in them by or pursuant to the act or necessary to render such special advisory services as the Board may designate: *Provided*, That, as long as any applicable appropriation act so requires, no such allocation or reimbursement will be made for expenses incident to the care, handling, transfer or other disposition of surplus property which a disposal agency had under its control as an owning agency when the property was declared surplus, and nothing in this part shall be deemed to refer to such expenses.

§ 8311.7 *Estimate of expenses.* On or before the 15th day of the last month of each quarter, Government agencies shall submit to the Board an estimate of their disposal and advisory expenses for the succeeding quarter, together with appropriate statements explaining the basis upon which the estimate was determined. Such expenses shall be presented by program and by objective class of expenditure and shall be directly related to the disposal or advisory services to be rendered. The Board will expect that in the preparation of estimates of expenses, all agencies will explore all available means to reduce expenditures to a minimum. Each agency in preparing estimates shall absorb indirect administrative or overhead expense to the fullest extent possible within the limits of existing appropriations or enabling statutes. Estimates of fiscal year expenses shall be submitted by Government agencies at such times as necessary to meet regular or special hearings before the Bureau of the Budget and the Congress.

§ 8311.8 *Statement of expenses.* On or before the 15th day of each month, Government agencies shall submit to the Board a statement of their expenditures and obligations for such disposal and advisory expenses made during the preceding month.

§ 8311.9 *Submission prior to commitment.* Wherever substantial expenses are involved, particularly contracts involving commitments in excess of $100,000, Government agencies may request the Board for determination of the propriety of such expenses prior to committing themselves to such expenses.

§ 8311.10 *Allocations and reimbursement.* Within the terms and limits of its appropriations, the Board will, at the beginning of each quarter, allocate funds or authorize expenditures subject to reimbursement, as the case may be, in such amounts determined to be necessary for proper disposal and advisory expenses to cover that quarter. Reimbursement will be made on the basis of vouchers submitted with such supporting detail as the Board may require. Government agencies shall make such reports as the Board may require and will cooperate with the Board in such studies as it may conduct to determine effective and economical use of the funds allocated or authorized for reimbursement.

§ 8311.11 *Regulations by agencies to be reported to the Board.* Each Government agency shall file with the Board copies of all regulations, orders, and instructions of general applicability which it may issue in furtherance of the provisions, or any of them, of this part.

§ 8311.12 *Records and reports.* Government agencies shall prepare and maintain such records as will show full compliance with the provisions of this part and with the applicable provisions of the act. Reports shall be prepared and filed with the Board in such manner as may be specified by order issued under this part, subject to the approval of the Bureau of the Budget pursuant to the Federal Reports Act of 1944. Such orders may require reports from disposal agencies acting as such outside the continental United States, its territories and possessions.

This regulation shall become effective September 28, 1945.

SURPLUS PROPERTY BOARD,
By W. STUART SYMINGTON,
Chairman.

SEPTEMBER 21, 1945.

[F. R. Doc. 45-17869; Filed, Sept. 25, 1945; 11:33 a. m.]

[SPB Reg. 11, Order 1[1]]

PART 8311—PROCEEDS AND EXPENSES

SPECIAL ACCOUNTS FOR REFUNDS TO PURCHASERS

Pursuant to the authority of section 30 (c) of the Surplus Property Act of 1944 (50 Stat. 765; 59 U. S. C. App. 1611), and § 8311.8 of this part, *It is hereby ordered*, That:

The following disposal agencies are hereby authorized, within such limitations as may be indicated below, to deposit in a special account with the Treasurer of the United States amounts from proceeds of dispositions of surplus property and to withdraw from such account the amounts necessary to make appropriate refunds to purchasers of such property when any disposition is rescinded or does not become final, or payments for breach of any warranty:

1. *Department of Commerce, Provided*, That the amounts on deposit in such account shall at no time exceed $750,000.

2. *Maritime Commission, Provided*, That the amounts on deposit in such account shall at no time exceed $500,000.

3. *Department of the Interior* as disposal agency designated to act in the territories and possessions of the United States, *Provided*, That the amounts on deposit in such account shall at no time exceed $75,000.

4. *Department of Agriculture*, as disposal agency for agricultural commodities and food, *Provided*, That the amounts on deposit in such account shall at no time exceed $100,000.

5. *Department of Agriculture*, as disposal agency for real property, *Provided*, That the amounts on deposit in such account shall at no time exceed $600,000.

This order shall become effective on September 28, 1945.

SURPLUS PROPERTY BOARD,
By W. STUART SYMINGTON,
Chairman.

SEPTEMBER 21, 1945.

[F. R. Doc. 45-17870; Filed, Sept. 25, 1945; 11:33 a. m.]

[SPB Reg. 11, Order 2[2]]

PART 8311—PROCEEDS AND EXPENSES

FINANCIAL REPORTS BY DISPOSAL AGENCIES

The reports required by this order will furnish essential information relating to the financial status of the surplus property disposal program. The forms and instructions contained in this order apply to the disposition of property declared surplus to any Government agency designated a disposal agency by the Surplus Property Board pursuant to the provisions of the Surplus Property Act of 1944, or by its predecessor agency, the Surplus War Property Administration, established pursuant to Executive Order No. 9425 dated February 19, 1944. Section 30 of the Surplus Property Act of 1944 (58 Stat. 765, 50 U.S.C. App. Sup. 1611) provides that "all proceeds from any transfer or disposition of property under this act shall be covered into the Treasury as miscellaneous receipts", except as specifically provided therein.

In furtherance of the foregoing provision of the act and pursuant to the authority thereof, and in accordance with § 8311.12 of this part, *It is hereby ordered*, That:

1. Each disposal agency designated by the Surplus Property Board or its predecessor, the Surplus War Property Administration, shall file with the Board the information called for on the following forms:[3]

(a) Quarterly reports on the receipt and disposition of proceeds on Form SPB–17, "Report of Receipt and Disposition of U. S. Dollar Proceeds from the Disposal of U. S. Government Surplus Property";

(b) Quarterly reports of accounts receivable on Form SPB–18, "Summary of Accounts and Other Receivables from the Disposal of U. S. Government Surplus Property";

(c) Quarterly reports covering the various currencies in which outstanding accounts are payable on Form SPB–19, "Analysis of Outstanding Accounts and Other Receivables Due from Other Than U. S. Government Agencies, from the Disposal of U. S. Government Surplus Property";

(d) Quarterly reports on proceeds from surplus property in foreign areas, stated in terms of United States dollars and in terms of foreign currencies, on Form SPB–20, "Report of Receipt and Disposition of Proceeds from U. S. Government Surplus Property in Foreign Areas."

2. Forms SPB–17, SPB–18, SPB–19, and SPB–20 may be reproduced by the disposal agencies: *Provided*, That the formats and sizes are identical with those of such forms on file with the Division of the Federal Register, sample copies of which may be obtained from the Board.

3. The first reports on Forms SPB–17 through SPB–20 shall be filed by each disposal agency with the Board not later than September 1, 1945, and shall cover cumulative data from inception of each disposal program to June 30, 1945. All subsequent reports shall be filed quarterly by each agency, as prescribed by the instructions on these forms, not later than twenty (20) days after the close of the period for which each report is being furnished.

This order shall become effective September 28, 1945.

NOTE: All reporting requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

SURPLUS PROPERTY BOARD,
By W. STUART SYMINGTON,
Chairman.

SEPTEMBER 21, 1945.

[F. R. Doc. 45-17871; Filed, Sept. 25, 1945; 11:34 a. m.]

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[1] Supersedes Special Order 13, 10 F.R. 9697.
[2] Supersedes Special Order 16, 10 F.R. 9697.
[3] Filed as part of the original document.

TITLE 45—PUBLIC WELFARE

Chapter VI—Office of Vocational Rehabilitation

PART 601—BUSINESS ENTERPRISES PROGRAM FOR THE BLIND

Regulations pursuant to Labor-Federal Security Appropriation Act, 1946, approved July 3, 1945, Title II, subheading "Office of Vocational Rehabilitation," governing Federal reimbursement for one-half necessary expenditures for acquisition of vending stands and other equipment to be controlled by the State Agency for the use of blind persons.

Pursuant to the authority conferred by the Labor-Federal Security Appropriation Act, 1946, Public Law 124, 79th Congress, 1st Session, approved July 3, 1945, the following regulations are prescribed with respect to the availability, under such act, of Federal reimbursement for one-half the necessary expenditures for the acquisition of vending stands and other equipment for the use of blind persons where such vending stands and other equipment are to be controlled by a State Agency.

Sec.
601.1 Terms.
601.2 Applicability of part.
601.3 Plan Materials.
601.4 Content of Plan Materials; form submission and amendment.
601.5 Content of Plan Materials; coverage.
601.6 Business Enterprises Advisory Committee.
601.7 In-service training.
601.8 Selection of locations.
601.9 Selection of types of business enterprises.
601.10 Selection of operators.
601.11 Vending stands in Federal buildings.
601.12 Supervision of operators.
601.13 Management, control and operation of program.
601.14 Use of program proceeds.
601.15 Utilization of services of public agencies or private non-profit corporations serving the blind.
601.16 Limitation on amount of Federal reimbursement.
601.17 Expenditures for which Federal reimbursement is unavailable.
601.18 State's interest in vending stands and other equipment.
601.19 Disposition of vending stands and other equipment.
601.20 Maintenance of accounts.
601.21 Maintenance of inventories.
601.22 Reports.
601.23 Payments to States.
601.24 Limitation on payments to States.
601.25 Suspension of reimbursement authorization.
601.26 District of Columbia.

AUTHORITY: §§ 601.1 to 601.26, inclusive, issued under the Labor-Federal Security Appropriation Act, 1946, Public Law 124, 79th Congress; 59 Stat. 361; approved July 3, 1945.

§ 601.1 *Terms.* Unless otherwise herein specifically indicated, the terms listed below are defined as follows:

(a) "Act" means Title II, subheading "Office of Vocational Rehabilitation," of Public Law 124, approved July 3, 1945, known officially as the "Labor-Federal Security Appropriation Act, 1946."

(b) "Vocational Rehabilitation Act" means Public Law 236, 66th Congress, approved June 2, 1920, as amended by Public Law 113, 78th Congress, 1st session, approved July 6, 1943.

(c) "State Plan" means a State Plan of Vocational Rehabilitation approved under the provisions of the Vocational Rehabilitation Act.

(d) The terms "Administrator," "Director," "State," "State Agency," "State Board" and "Agency for the Blind," as used herein, shall have the respective meanings assigned to them in subparagraphs (2), (3), (4), (5), and (6) of § 600.1 (b) of the regulations issued pursuant to the Vocational Rehabilitation Act.

(e) "Vending stands" includes such counters, shelving, display and wall cases, refrigerating apparatus, and other appropriate auxiliary equipment, as well as expenses required for the acquisition thereof, including the construction, delivery and installation costs, as are necessary in order to establish suitable retail business enterprises for the benefit of blind persons.

(f) "Other equipment" includes such implements, apparatus, fixtures and other equipment as the Director shall determine to be necessary for the establishment, for the benefit of blind persons, of appropriate business enterprises other than vending stands. The business enterprises established shall include only such manufacturing, servicing, selling, and agricultural activities as are best adapted to the most effective utilization of the skills and aptitudes of blind persons and shall be limited to such types of business enterprises as are set forth in the Plan Materials approved by the Director.

(g) "Controlled by the State Agency" means a system under which the vending stands and other equipment are owned, directly or indirectly, by the State Agency and the operations of the business enterprises, established by the State Agency through the use of vending stands and other equipment, are managed, regulated and supervised, directly or indirectly, by the State Agency.

(h) "Program" means the establishment, maintenance and operation for the benefit of blind persons of vending stands and other business enterprises controlled by the State Agency, where Federal reimbursement under the act is claimed for any portion of the expenditures for the acquisition of the vending stands or other equipment used or where funds are used which are derived in whole or in part from the operation of such vending stands or other business enterprises.

(i) "Private non-profit corporation serving the blind" means any corporation organized and operated exclusively for the promotion of the social and economic welfare of the blind, no part of the net earnings of which inures to the benefit of any shareholder or individual.

(j) "Operator" means the blind individual selected by the State Agency to conduct the daily operations of a particular vending stand or other business enterprise in the program.

(k) "Randolph-Sheppard Act" means Public Law 732, approved June 20, 1936, enacted by the 74th Congress.

(l) "Designated State Licensing Agency" means a State Commission for the Blind or other public agency designated by the Commissioner of Education under the provisions of the Randolph-Sheppard Act to issue licenses to blind persons for the operation of vending stands in Federal buildings in the State.

§ 601.2 *Applicability of part.* This part is applicable only to those State Agencies administering State Plans, or parts thereof, providing for the vocational rehabilitation of blind persons and desiring to claim Federal reimbursement, under this Act, for one-half the necessary expenditures for the acquisition of vending stands and other equipment for the program.

§ 601.3 *Plan materials.* Federal reimbursement, in accordance with the act and this part, shall be available only to the extent that such expenditures are made pursuant to the provisions of Plan Materials approved by the Director, who shall approve Plan Materials which are found by him to comply with the requirements set forth in the act and this part and which are determined by him to be feasible and to contain no provisions substantially increasing the costs or impairing the effectiveness of the program.

§ 601.4 *Content of Plan Materials; form, submission and amendment.* To facilitate review, Plan Materials should follow the main outlines as to form and content indicated in the "Guide for the Submission of Plan Materials Relating to Controlled Vending Stands and Business Enterprises for the Blind," which will be released to accompany this part. The Plan Materials shall be transmitted over the signature of the duly authorized officer of the State Board and also over the signature of the duly authorized officer of the Agency for the Blind, where the program is administered by such Agency for the Blind, and shall indicate the date of adoption, the effective date, and the fulfillment of any necessary conditions precedent. Amendments shall be similarly submitted as frequently as may be necessary to reflect actual or, where Federal requirements are involved, contemplated changes in any material phase of the program.

§ 601.5 *Content of Plan Materials; coverage.* The Plan Materials shall include comprehensive descriptions, together with supporting and explanatory documents, agreements and forms, of the material phases of the management, control and operation of the program, including the following:

(a) Pertinent legal provisions relating to the operations of the program and to the authority of the State Agency for its administration.

(b) The organizational structure, together with charts thereof, of the unit of the State Agency and of any public agency or private non-profit corporation serving the blind, utilized by the State Agency, and subject to its direct supervision and control, for providing necessary ministerial services in connection with the operating phases of the program, including descriptions of the functions of such unit and of such agency or corporation (together with copies of the charter and bylaws thereof), of the relationships of such unit to such agency or corporation and to other units of the State Agency, and of the composition and functions of the Business Enterprises Advisory Committee.

(c) The standards of personnel administration applicable to all personnel engaged in the management or control of the program, including detailed job classification and compensation schedules, examination, selection and appointment procedures, and all applicable rules and standards.

(d) The policies, procedures and standards employed in the selection of suitable locations for vending stands and other business enterprises for the program.

(e) The policies, procedures and standards governing the relationship of the State Agency to the operators, including selection, duties, supervision, transfer, financial participation, entitlement to health, retirement and other benefits, and training designed to improve their proficiency.

(f) The arrangements made or contemplated for the utilization, under the direct supervision and control of the State Agency, of the services of public agencies or private non-profit corporations serving the blind, the criteria employed in the selection of and the agreements with such agencies or corporations, the services to be rendered by them, the procedures for the supervision and control by the State Agency of the activities of such agencies or corporations, the remuneration to be paid for such services, the applicable fiscal and accounting procedures, and the methods used in evaluating the services rendered.

(g) The policies, procedures and standards for the management, control and operation of the program, including the scope and areas of assistance to and supervision of the operators, the design and purchase of vending stands and other equipment for the program and the purchase of the stock, merchandise, materials and supplies used, sold or manufactured in the program.

(h) The policies, procedures and standards with respect to the fiscal, statistical and reporting aspects of the program, including sources of funds and procedures and policies relating to the collection, custody, safeguarding and disbursement of the funds used in and derived from the operations of the program and the accounting, budgeting, auditing and statistical methods employed.

§ 601.6 *Business Enterprises Advisory Committee.* The Plan Materials shall provide for the appointment by the State Agency of a Business Enterprises Advisory Committee composed of persons qualified to advise with respect to the program. The membership of such Advisory Committee shall include recognized business and civic leaders and shall, in addition, contain equal representation from management and labor. It may be constituted as a technical subcommittee of the General Advisory Committee of the State Agency.

§ 601.7 *In-service training.* The Plan Materials shall provide for the establishment of such a system of in-service training for personnel engaged in the man-

agement and control of the program as the Director may determine to be necessary to provide such personnel with adequate working knowledge of subjects essential to the efficient fulfillment of their duties.

§ 601.8 *Selection of locations.* The Plan Materials shall provide that locations for vending stands and other business enterprises in the program shall be selected in accordance with such standards as the Director may find necessary to assure the most productive utilization of the Federal funds granted and the maximum development of economic opportunities for the blind.

§ 601.9 *Selection of types of business enterprises.* The plan Materials shall provide that the types of business enterprises selected for the program shall only be such as are determined to be suitable for the most effective utilization of the skills and aptitudes of blind persons in the program and as are set forth in the Plan Materials approved by the Director.

§ 601.10 *Selection of operators.* The Plan Materials shall provide that the State Agency will select the operators for the program in accordance with such standards and in such manner as the Director may find necessary to assure the operation of the program by blind persons who are in need of such economic opportunities and who are qualified therefor through vocational rehabilitation.

§ 601.11 *Vending stands in Federal buildings.* The Plan Materials shall provide that vending stands in Federal buildings shall be established under the program only where the operators thereof have been licensed by the Designated State Licensing Agency and shall be managed, controlled and operated by the State Agency only in accordance with the provisions of the Randolph-Sheppard Act, the regulations promulgated thereunder and this part.

§ 601.12 *Supervision of operators.* The Plan Materials shall set forth such policies and procedures as the Director shall determine to be necessary to assure the establishment and maintenance of working relations between the State Agency and the operators designed to protect and foster their economic and social welfare.

§ 601.13 *Management, control and operation of program.* The Plan Materials shall provide that the program shall be managed, operated and controlled by the State Agency in accordance with such sound business principles and practices as the Director may from time to time determine to be necessary in order that the economic opportunities established under the program shall be safeguarded and utilized to the greatest advantage of the economic and social welfare of blind persons.

§ 601.14 *Use of program proceeds.* The Plan Materials shall provide that any proceeds derived, directly or indirectly, by the State Agency from the operations of the program shall be retained by or for the benefit of the State Agency in a separate, continuing account, the funds of which shall be subject to disbursement, under the control and at the direction of the State Agency, for such purposes only and in such manner as the Director may approve, including such purposes as the payment of a pro rata share of the necessary managerial, supervisory and operating expenses, the establishment of a fair minimum return for all operators, the expansion of the program, the preservation and replacement of program assets, and the provision of insurance and other benefits to the operators.

§ 601.15 *Utilization of services of public agencies or private non-profit corporations serving the blind.* The Plan Materials shall provide that if, in the operation of any phase of the program, the State Agency utilizes the services of a public agency or private non-profit corporation serving the blind, the terms of the agreement between the State Agency and such agency or corporation shall comply with such standards and contain such provisions as the Director may determine to be necessary to insure the retention by the State Agency of full responsibility for the management, control and operation of all phases of the program and to preserve the economic opportunities established in the program for the benefit of blind persons. The Plan Materials shall also provide that the State Agency will not enter into any agreement or arrangement with any public or private agency or corporation which will in any way, either directly or indirectly, prejudice, impair or limit the authority of the State Agency to take any action deemed by it necessary for the proper and efficient management, control and operation of the program, including all actions with respect to the selection, placement and financial participation of the operators and the purchase, utilization and disposition of program assets.

§ 601.16 *Limitation on amount of Federal reimbursement.* Federal reimbursement under the act and this part shall not exceed one-half the necessary cost of acquisition of vending stands or other equipment for the program: *Provided*, That, such Federal reimbursement shall not exceed $450.00 for any one vending stand or for any one business enterprise irrespective of the number of operators placed in such vending stand or business enterprise.

§ 601.17 *Expenditures for which Federal reimbursement is unavailable.* Federal funds under the act are available only as set forth in § 601.16 hereof and are not available for reimbursement, directly or indirectly, for the following types of expenditures: The purchase, erection, rental or repair of any building or buildings; the purchase or rental of any land; the payment of any costs incurred in the management, control or operation of the program; the purchase of stock, livestock, materials, merchandise, supplies, heat, light or power; expenditures for the acquisition of vending stands or other equipment for the blind purchased with State funds prior to the submission of approvable Plan Materials under this part.

§ 601.18 *State's interest in vending stands and other equipment.* The Plan Materials shall provide that the right, title and interest in and to the vending stands and other equipment used in the program will be vested, in accordance with the laws of the State, in the State Agency for use and disposition for program purposes only: *Provided*, That, subject to the provisions of this part and under such conditions as the Director may establish, such right, title and interest may be vested, in accordance with the laws of the State, in a public agency or a private non-profit corporation serving the blind where such corporation or agency has been designated by the State Agency as its nominee to hold such right, title and interest only for program purposes subject to the paramount right of the State Agency to direct and control the use, transfer and disposition of such vending stands and other equipment.

§ 601.19 *Disposition of vending stands and other equipment.* The Plan Materials shall provide that the vending stands and other equipment used in the program will be disposed, by sale, exchange or otherwise, only in accordance with policies and procedures determined necessary by the Director and that upon the disposition or upon the use of such vending stands or other equipment for other than program purposes any proceeds of such disposition or the fair value of the vending stands or other equipment used for other than program purposes shall be credited to the Federal account in proportion to the Federal participation in the original expenditures for such vending stands and other equipment.

§ 601.20 *Maintenance of accounts.* The Plan Materials shall provide for the maintenance by the State Agency of such accounts and supporting documents as the Director may prescribe in order to permit an accurate and expeditious determination to be made at any time both of the status of the Federal funds granted for the purposes of the act and of the operations of the program.

§ 601.21 *Maintenance of inventories.* The Plan Materials shall provide that the State Agency shall maintain, in accordance with such standards as the Director may establish, complete inventories of all vending stands, other equipment, stock, materials and supplies acquired for or used in the program. The Plan Materials shall, in addition, provide that all vending stands and other equipment used in the program will be suitably marked so as to indicate clearly the nature and extent of the State Agency's interest therein and that such other action will be taken by the State Agency as may be necessary under the laws of the State to establish, protect and maintain such interest.

§ 601.22 *Reports.* The Plan Materials shall provide that fiscal, statistical and operating reports with respect to the program shall be furnished at such times and with such frequency as the Director shall determine to be necessary upon forms prescribed therefor by the Director.

§ 601.23 *Payments to States.* Payments to the States for the purposes of the act will be made in the manner set forth in and under the conditions prescribed by §§ 600.35, 600.36, 600.37 of the regulations issued pursuant to the Vocational Rehabilitation Act. The estimates submitted in accordance therewith shall contain such additional information with respect to the Federal funds requested for the purposes of the act as the Director may deem necessary.

§ 601.24 *Limitation on payments to States.* With respect to the Federal funds granted for reimbursement under the act for the acquisition of vending stands and other equipment for the program, the Director may limit, by particular periods, the total amount of Federal funds granted to a State for such purposes.

§ 601.25 *Suspension of reimbursement authorization.* The Director shall, if he finds that a State Agency has failed to comply substantially with the provisions of the Plan Materials approved hereunder, refuse to authorize any further reimbursement from Federal funds for the acquisition of vending stands and other equipment for the program until such time as there is no longer any such failure to comply.

§ 601.26 *District of Columbia.* All operations within the District of Columbia pursuant to the act will be administered by the District of Columbia Rehabilitation Service and all applicable provisions of this part, including the formulation and submission for approval of Plan Materials, will govern such operations.

[SEAL] WATSON B. MILLER,
Acting Federal Security Administrator.

SEPTEMBER 21, 1945.

[F. R. Doc. 45-17872; Filed, Sept. 25, 1945; 10:43 a. m.]

Notices

CIVIL AERONAUTICS BOARD.

[Docket No. 1941]

PAN AMERICAN AIRWAYS, INC., ET AL.

NOTICE OF POSTPONEMENT OF HEARING

In the matter of Government travel discount tariff provisions of Pan American Airways, Inc., Pan American-Grace Airways, Inc., Uraba, Medellin and Central Airways, Inc., and Cia Mexicana de Aviacion, S. A.

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, particularly sections 205 (a) and 1002 of said act, that the hearing in the above-entitled proceeding assigned to be held on September 28, 1945, is hereby postponed to October 4, 1945, at 10 a. m. (Eastern war time) in Conference Room "C", Departmental Auditorium, between 12th and 14th Streets on Constitution Avenue, NW., Washington, D. C. before Examiner Curtis C. Henderson.

Dated at Washington, D. C., September 24, 1945.

By the Civil Aeronautics Board.

FRED A. TOOMBS,
Secretary.

[F. R. Doc. 45-17837; Filed, Sept. 25, 1945; 10:37 a. m.]

FEDERAL POWER COMMISSION.

[Docket No. G-575]

TENNESSEE NATURAL GAS LINES, INC.

NOTICE OF AMENDED AND SUPPLEMENTAL APPLICATION

SEPTEMBER 24, 1945.

Notice is hereby given that on September 18, 1945, Tennessee Natural Gas Lines, Inc. (Applicant), a Delaware corporation, and its successor in interest, Tennessee Natural Gas Lines, Inc., a Tennessee corporation, having their principal place of business at Chattanooga, Tennessee, filed with the Federal Power Commission an amended and supplemental application for a certificate of public convenience and necessity pursuant to Section 7 of the Natural Gas Act, as amended, to authorize the construction and operation of approximately 14 miles of 8⅝-inch O. D. transmission pipeline extending from a point of interconnection with the main 24-inch transmission pipeline of Tennessee Gas and Transmission Company near the village of Westernia, Cheatham County, Tennessee, and thence extending in a southeasterly direction to a city gate interconnection with the facilities of Nashville Gas & Heating Company, near the village of Bordeaux, Davidson County, Tennessee.

On August 30, 1944, Tennessee Natural Gas Lines, Inc. (Delaware corporation), filed an application with the Commission (Docket No. G-575) for a certificate of public convenience and necessity to authorize the construction and operation of approximately 17 miles of 10¾-inch transmission pipeline beginning at a proposed point of connection with the pipeline of Tennessee Gas and Transmission Company near Ashland City, Tennessee, and extending in a southeasterly direction to Nashville, Tennessee. Subsequent to the filing of this latter application, which is amended by the instant application, Applicant has reincorporated under the laws of the State of Tennessee and the assets, rights and privileges transferred to the new corporation.

According to the application, the Nashville Gas & Heating Company (Nashville Company), Applicant's proposed city gate customer, is presently engaged in the production, distribution and sale of artificial or manufactured gas, having a 200 B. t. u. heat content which is enriched with oil to a heat content of about 530 B. t. u. The Nashville Company distributes such gas in Nashville, Tennessee, and proposes to convert its system to the distribution and sale of straight natural gas in Nashville in the spring or summer of 1946 and then use its facilities for the production of manufactured gas to augment the supply of natural gas during an emergency. It is the intention of Applicant to sell approximately 2,000 mcf of gas per day to the Nashville Company for enriching purposes in place of oil until the conversion to straight natural gas occurs. After such conversion, Applicant states that its natural gas consumption will increase and that its total annual sales the fifth year after such conversion will be about 1,605,000 mcf.

The total over-all capital cost of the proposed facilities is estimated at $454,250.00. It is proposed to finance the costs of such construction through the issuance of bonds and preferred and common stock.

The application also recites that the facilities of the Nashville Company are inadequate to render proper service during the coming winter, thus causing economic and physical handicap to persons, firms and industries situated within the area of Nashville, Tennessee.

Any person desiring to be heard or to make any protest with reference to said application should, on or before the 10th day of October, 1945, file with the Federal Power Commission, Washington 25, D. C., a petition or protest in accordance with the Commission's provisional rules of practice and regulations under the Natural Gas Act.

LEON M. FUQUAY,
Secretary.

[F. R. Doc. 45-17835; Filed, Sept. 25, 1945; 9:36 a. m.]

[Project No. 516]

SOUTH CAROLINA ELECTRIC & GAS CO.

NOTICE OF APPLICATION

SEPTEMBER 24, 1945.

Notice is hereby given, that South Carolina Electric & Gas Company of Columbia, South Carolina, seeks authority pursuant to the provisions of the Federal Power Act (16 U.S.C. 791-825r) to resume operating the Saluda reservoir on the Saluda River near the City of Columbia, South Carolina, Project No. 516, known as Lake Murray, at a maximum normal water surface elevation of 360 feet upon completion of alterations to the Saluda dam. The maximum water surface is presently restricted to elevation 355 feet.

Any protest against the approval of the proposed increase in the reservoir surface or request for hearing thereon, with reasons for such protest or request and the name and address of the party or parties so protesting or requesting, should be submitted before October 15, 1945, to the Federal Power Commission, at Washington 25, D. C.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 45-17836; Filed, Sept. 25, 1945; 9:38 a. m.]

OFFICE OF PRICE ADMINISTRATION.

[MPR 188, Rev. Order 43 Under 2d Rev. Order A-3]

COMMERCIAL FURNITURE CO.

ADJUSTMENT OF MAXIMUM PRICES

Order No. 43 under Second Revised Order No. A-3 under § 1499.159b of Maximum Price Regulation No. 188 is revised to read as follows:

For the reasons set forth in an opinion issued simultaneously herewith, and filed with the Division of the Federal Register; and pursuant to Second Revised Order No. A-3 under § 1499.159b of Maximum Price Regulation No. 188, it is ordered:

(a) *Manufacturer's maximum prices.* Commercial Furniture Company, of 2739 West Chicago Avenue, Chicago, Illinois, may sell and deliver the wood office furniture which it manufactures, and which is described in the manufacturer's application dated July 11, 1944, at prices no higher than its maximum prices in effect immediately prior to October 25, 1944 plus an adjustment charge of 17.4 percent of each such maximum price.

On all sales other than sales to ultimate consumers, the adjustment charge provided herein may be made and collected only if stated separately on each invoice.

The maximum prices of the manufacturer, as adjusted, are subject to its customary terms, discounts, allowances and other price differentials in effect during March, 1942 on sales to each class of purchaser.

(b) *Maximum prices of purchasers for resale.* A person who hereafter buys an article covered by this revised order and resells it in substantially the same form, may collect from his customer, in addition to his properly established maximum price in effect immediately before this revised order was issued, an adjustment charge in the same amount as the adjustment charge herein authorized and which he pays to his supplier. If he did not have a maximum price in effect for the article at the time this revised order was issued, he may add the same adjustment charge to the maximum price which he hereafter establishes for his sales under the applicable regulation. If the applicable regulation requires the maximum resale price to be computed on the basis of cost, the reseller must find his maximum resale price (not including the permitted adjustment charge) by using as cost his invoice cost less any adjustment charge stated on the invoice as a separate amount.

On all sales other than sales to the ultimate consumer this adjustment charge may be made and collected only if it is separately stated on each invoice. The adjusted price is subject to each seller's customary terms, discounts, and allowances on sales of the same or similar articles.

(c) *Notification.* At the time of, or prior to, the first invoice to a purchaser for resale, showing a price adjusted in accordance with the terms of this revised order, the manufacturer shall notify the purchaser in writing of the method established in paragraph (b) of this revised order for determining adjusted maximum prices for resale of the articles covered by this revised order. This notice may be given in any convenient form.

(d) *Statements to be submitted to the Office of Price Administration.* After the effective date of this revised order, Commercial Furniture Company shall submit to the Office of Price Administration, Washington, D. C., a detailed quarterly profit and loss statement, within thirty days after the close of each quarter.

(e) This revised order may be revoked or amended by the Price Administrator at any time.

(f) This revised order shall become effective on the 25th day of September, 1945.

Article	Model No.	For sales by the manufacturer to—		For sales by any person to consumers
		Jobbers	Retailers	
Lamp base made of heavy rolled crystal cylinder, hand etched, plated metal mounted on crystal base	C-320	$7.24	$8.50	$15.00
Lamp bases of pottery, decorated in gold and flushed in colors	P-300, P-400	3.81	4.50	8.00
Lamp bases of 14" rare crystal columns and fluted on 6 by 6 crystal base	C-903, C-904	4.46	5.25	9.45
Lamp bases of crystal, hand etched with crystal ball in crystal base	C-600, C-650, C-700	8.45	9.95	17.85
Lamp base of etched crystal in metal mount and crystal base	C-500	5.31	6.25	11.25

These maximum prices are for the articles described in the manufacturer's application dated August 9, 1945.

(2) For sales by the manufacturer, the maximum prices apply to all sales and deliveries since Maximum Price Regulation No. 188 became applicable to those sales and deliveries. For sales to persons other than consumers they are f. o. b. factory, 2% 10 days, net 30. The maximum price to consumers is net, delivered.

(3) For sales by persons other than the manufacturer, the maximum prices apply to all sales and deliveries after the effective date of this order. Those prices are subject to each seller's customary terms and conditions of sale on similar articles.

(4) If the manufacturer wishes to make sales and deliveries to any other class of purchaser or on other terms and conditions of sale, he must apply to the Office of Price Administration, Washington, D. C., under the Fourth Pricing Method, § 1499.158 of Maximum Price Regulation No. 188, for the establishment of maximum prices for those sales, and no sales or deliveries may be made until maximum prices have been authorized by the Office of Price Administration.

(b) The manufacturer shall attach a tag or label to every article for which a maximum price for sales to consumers is established by this order. That tag or label shall contain the following statement, with the proper model number and the ceiling price inserted in the blank spaces:

Model No. ------
OPA Retail Ceiling Price—$------
Do Not Detach

(c) At the time of, or prior to, the first invoice to each purchaser for resale, the manufacturer shall notify the purchaser in writing of the maximum prices and conditions established by this order for sales by the purchaser. This notice may be given in any convenient form.

(d) Jobber's maximum prices for sales of the articles covered by this order shall be established under the provisions of section 4.5 of SR 14J.

(e) This order may be revoked or amended by the Price Administrator at any time.

(f) This order shall become effective on the 25th day of September 1945.

Issued this 24th day of September 1945.

JAMES G. ROGERS, Jr.,
Acting Administrator.

[F. R. Doc. 45-17758; Filed, Sept. 24, 1945; 11:37 a. m.]

[MPR 188, Order 4460]

THE HANCOCK MFG. CO.

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.158 of Maximum Price Regulation No. 188, *It is ordered:*

(a) This order establishes maximum prices for sales and deliveries of certain articles manufactured by The Hancock Manufacturing Company, P. O. Box 98, New Cumberland, W. Va.

(1) For all sales and deliveries to the following classes of purchasers by the sellers indicated below, the maximum prices are those set forth below:

Article	Model No.	Maximum prices for sales by any seller to—		
		Wholesalers (jobbers)	Retailers	Consumers
Trowel	"A"	*Dozen* $0.72	*Dozen* $0.96	*Each* $0.12

These maximum prices are for the articles described in the manufacturer's application dated May 21, 1945.

(2) For sales by the manufacturer, the maximum prices apply to all sales and deliveries since Maximum Price Regulation No. 188 became applicable to those sales and deliveries. These prices are f. o. b., New Cumberland, West Virginia, with a freight allowance not to exceed 50¢ per 100 lbs., on shipments weighing 100 lbs., or more, no freight allowance on shipments under 100 lbs. Terms 2% cash discount for payment within 10 days, net 30 days.

(3) For sales by persons other than the manufacturer, the maximum prices apply to all sales and deliveries after the effective date of this order. Those prices are subject to each seller's customary terms and conditions of sale on sales of similar articles.

(4) If the manufacturer wishes to make sales and deliveries to any other class of purchaser or on other terms and conditions of sale, he must apply to the Office of Price Administration, Washington, D. C., under the Fourth Pricing Method, § 1499.158 of Maximum Price Regulation No. 188, for the establishment of maximum prices for those sales, and no sales or deliveries may be made until maximum prices have been authorized by the Office of Price Administration.

(b) The manufacturer shall attach a tag or label to every article for which a maximum price for sales to consumers is established by this order. That tag or label shall contain the following statement with the correct model number and retail price properly filled in:

Model No. ------
OPA Retail Ceiling Price—$------
Do Not Detach

(c) At the time of, or prior to, the first invoice to each purchaser for resale, the manufacturer shall notify the purchaser in writing of the maximum prices and conditions established by this order for sales by the purchaser. This notice may be given in any convenient form.

(d) This order may be revoked or amended by the Price Administrator at any time.

(e) This order shall become effective on the 25th day of September 1945.

Issued this 24th day of September 1945.

JAMES G. ROGERS, Jr.,
Acting Administrator.

[F. R. Doc. 45-17759; Filed, Sept. 24, 1945; 11:37 a. m.]

[MPR 188, Order 4461]

ALDER MFG. CO.

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.158 of Maximum Price Regulation No. 188, *It is ordered:*

(a) This order establishes maximum prices for sales and deliveries of certain articles manufactured by Alder Manufacturing Company, 2013 Fulton Street, Brooklyn, N. Y.

(1) For all sales and deliveries to the following classes of purchasers by the sellers indicated below, the maximum prices are those set forth below:

Article	Model No.	For sales by the manufacturer to—		For sales by any person to consumers
		Jobbers	Retailers	
Sprayed metal table lamp (no shade)	1-2A	*Each* $2.76	*Each* $3.25	*Each* $5.85
Sprayed metal pin-up lamp with shade	10	1.49	1.75	3.15

These maximum prices are for the articles described in the manufacturer's application dated July 23, 1945.

(2) For sales by the manufacturer, the maximum prices apply to all sales and deliveries since Maximum Price Regulation No. 188 became applicable to those sales and deliveries. For sales to persons other than consumers they are f. o. b. factory, 2% 10 days, net 30. The maximum price to consumers is net, delivered.

(3) For sales by persons other than the manufacturer, the maximum prices apply to all sales and deliveries after the effective date of this order. Those prices are subject to each seller's customary terms and conditions of sale on sales of similar articles.

(4) If the manufacturer wishes to make sales and deliveries to any other class of purchaser or on other terms and conditions of sale, he must apply to the Office of Price Administration, Washington, D. C., under the Fourth Pricing Method, § 1499.158 of Maximum Price Regulation No. 188, for the establishment of maximum prices for those sales, and no sales or deliveries may be made until maximum prices have been authorized by the Office of Price Administration.

(b) The manufacturer shall attach a tag or label to every article for which a maximum price for sales to consumers is established by this order. That tag or label shall contain the following statement, with the proper model number and the ceiling price inserted in the blank spaces:

Model No. ------
OPA Retail Ceiling Price—$------
Do Not Detach

(c) At the time of, or prior to, the first invoice to each purchaser for resale, the manufacturer shall notify the purchaser in writing of the maximum prices and conditions established by this order for sales by the purchaser. This notice may be given in any convenient form.

(d) Jobber's maximum prices for sales of the articles covered by this order shall be established under the provisions of section 4.5 of SR 14J.

(e) This order may be revoked or amended by the Price Administrator at any time.

(f) This order shall become effective on the 25th day of September 1945.

Issued this 24th day of September 1945.

JAMES G. ROGERS, Jr.,
Acting Administrator.

[F. R. Doc. 45-17760; Filed, Sept. 24, 1945; 11:38 a. m.]

[MPR 260, Amdt. 2 to Order 340]

CAMBRIDGE CIGAR CO., LTD.

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion accompanying this amendment and pursuant to § 1358.102 (b) of Maximum Price Regulation 260, *It is ordered*, That:

The maximum prices for the "Rondo-Rondo" cigar set forth in paragraph (a) of Order No. 340 under Maximum Price Regulation No. 260, are amended to read as follows:

Brand	Size or frontmark	Packing	Maximum list price	Maximum retail price
Rondo	Rondo	50	*Per M* $80	*Cents* 2 for 15

This amendment shall become effective September 25, 1945.

Issued this 24th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-17762; Filed, Sept. 24, 1945; 11:41 a. m.]

[MPR 260, Order 1850]

MRS. F. E. CLEMONS & CO.

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion accompanying this order, and pursuant to § 1358.102 (b) of Maximum Price Regulation No. 260; *It is ordered*, That:

(a) Mrs. F. E. Clemons & Co., 210 W. Platt St., Tampa 2, Fla. (hereinafter called "manufacturer") and wholesalers and retailers may sell, offer to sell or deliver and any person may buy, offer to buy or receive each brand and size or frontmark, and packing of the following domestic cigars at the appropriate maximum list price and maximum retail price set forth below:

Brand	Size or frontmark	Packing	Maximum list price	Maximum retail price
			Per M	*Cents*
Wann-A-Tampa	Cadetts	50	$101.25	2 for 27
Gasparilla	Panetelas	50	138.00	18
Wann-A-Tampa	Londres	50	90.00	12

(b) The manufacturer and wholesalers shall grant, with respect to their sales of each brand and size or frontmark of do-

mestic cigars for which maximum prices are established by this order, the discounts they customarily granted in March 1942 on their sales of domestic cigars of the same price class to purchasers of the same class, unless a change therein results in a lower price. Packing differentials charged by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class may be charged on corresponding sales of each brand and size or frontmark of cigars priced by this order, but shall not be increased. Packing differentials allowed by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class shall be allowed on corresponding sales of each brand and size or frontmark of cigars priced by this order and shall not be reduced. If a brand and size or frontmark of domestic cigars for which maximum prices are established by this order is of a price class not sold by the manufacturer or the particular wholesaler in March 1942, he shall, with respect to his sales thereof, grant the discounts and may charge and shall allow the packing differentials customarily granted, charged or allowed (as the case may be) in March 1942 by his most closely competitive seller of the same class on sales of domestic cigars of the same March 1942 price class to purchasers of the same class.

(c) On or before the first delivery to any purchaser of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the manufacturer and every other seller (except a retailer) shall notify the purchaser of the maximum list price and the maximum retail price established by this order for such brand and size or frontmark of domestic cigars. The notice shall conform to and be given in the manner prescribed by § 1358.113 of Maximum Price Regulation No. 260.

(d) Unless the context otherwise requires, appropriate provisions of Maximum Price Regulation No. 260, shall apply to sales for which maximum prices are established by this order.

(e) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective September 25, 1945.

Issued this 24th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-17763; Filed, Sept. 24, 1945; 11:42 a. m.]

[MPR 260, Order 1851]

RAMONA GALAN

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion accompanying this order, and pursuant to § 1358.102 (b) of Maximum Price Regulation No. 260; *It is ordered*, That:

(a) Ramona Galan, C. Davila #88, Manati, P. R. (hereinafter called "manufacturer") and wholesalers and retailers may sell, offer to sell or deliver and any person may buy, offer to buy or receive each brand and size or frontmark, and packing of the following domestic cigars at the appropriate maximum list price and maximum retail price set forth below:

Brand	Size or frontmark	Packing	Maximum list price	Maximum retail price
			Per M	*Cents*
Ramona Galan	Palma	50	840	6

(b) The manufacturer and wholesalers shall grant, with respect to their sales of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the discounts they customarily granted in March 1942 on their sales of domestic cigars of the same price class to purchasers of the same class, unless a change therein results in a lower price. Packing differentials charged by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class may be charged on corresponding sales of each brand and size or frontmark of cigars priced by this order, but shall not be increased. Packing differentials allowed by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class shall be allowed on corresponding sales of each brand and size or frontmark of cigars priced by this order and shall not be reduced. If a brand and size or frontmark of domestic cigars for which maximum prices are established by this order is of a price class not sold by the manufacturer or the particular wholesaler in March 1942, he shall, with respect to his sales thereof, grant the discounts and may charge and shall allow the packing differentials customarily granted, charged or allowed (as the case may be) in March 1942 by his most closely competitive seller of the same class on sales of domestic cigars of the same March 1942 price class to purchasers of the same class.

(c) On or before the first delivery to any purchaser of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the manufacturer and every other seller (except a retailer) shall notify the purchaser of the maximum list price and the maximum retail price established by this order for such brand and size or frontmark of domestic cigars. The notice shall conform to and be given in the manner prescribed by § 1358.113 of Maximum Price Regulation No. 260.

(d) Unless the context otherwise requires, appropriate provisions of Maximum Price Regulation No. 260, shall apply to sales for which maximum prices are established by this order.

(e) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective September 25, 1945.

Issued this 24th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-17764; Filed, Sept. 24, 1945; 11:42 a. m.]

[MPR 260, Order 1852]

E. GONZALES

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion accompanying this order, and pursuant to § 1358.102 (b) of Maximum Price Regulation No. 260; *It is ordered*, That:

(a) E. Gonzales, #53 Barbosa Street, Aguadilla, P. R. (hereinafter called "manufacturer") and wholesalers and retailers may sell, offer to sell or deliver and any person may buy, offer to buy or receive each brand and size or frontmark, and packing of the following domestic cigars at the appropriate maximum list price and maximum retail price set forth below:

Brand	Size or frontmark	Packing	Maximum list price	Maximum retail price
			Per M	*Cents*
E. Gonzales	Tubino	50	$52	5
	Perfecto	50	44	2 for 11
	Corona	50	44	2 for 11

(b) The manufacturer and wholesalers shall grant, with respect to their sales of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the discounts they customarily granted in March 1942 on their sales of domestic cigars of the same price class to purchasers of the same class, unless a change therein results in a lower price. Packing differentials charged by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class may be charged on corresponding sales of each brand and size or frontmark of cigars priced by this order, but shall not be increased. Packing differentials allowed by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class shall be allowed on corresponding sales of each brand and size or frontmark of cigars priced by this order and shall not be reduced. If a brand and size or frontmark of domestic cigars for which maximum prices are established by this order is of a price class not sold by the manufacturer or the particular wholesaler in March 1942, he shall, with respect to his sales thereof, grant the discounts and may charge and shall allow the packing differentials customarily granted, charged or allowed (as the case may be) in March 1942 by his most closely competitive seller of the same class on sales of domestic cigars of the same March 1942 price class to purchasers of the same class.

(c) On or before the first delivery to any purchaser of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the manufacturer and every other seller (except a retailer) shall notify the purchaser of the maximum list price and the maximum retail price established by this order for such brand and size or frontmark of domestic cigars. The notice shall conform to and be given in the manner prescribed by § 1358.113 of Maximum Price Regulation No. 260.

(d) Unless the context otherwise requires, appropriate provisions of Maximum Price Regulation No. 260, shall apply to sales for which maximum prices are established by this order.

(e) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective September 25, 1945.

Issued this 24th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-17765; Filed, Sept. 24, 1945; 11:42 a. m.]

[MPR 260, Order 1853]

SIXTO MORALES

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion accompanying this order, and pursuant to § 1358.102 (b) of Maximum Price Regulation No. 260; *It is ordered*, That:

(a) Sixto Morales, Berrefeago Street, Manati, P. R. (hereinafter called "manufacturer") and wholesalers and retailers may sell, offer to sell or deliver and any person may buy, offer to buy or receive each brand and size or frontmark, and packing of the following domestic cigars at the appropriate maximum list price and maximum retail price set forth below:

Brand	Size or frontmark	Packing	Maximum list price	Maximum retail price
			Per M	*Cents*
Sixto Morales	Corona 5¼	50	$75	10
	Corona 4¾	50	61	8

(b) The manufacturer and wholesalers shall grant, with respect to their sales of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the discounts they customarily granted in March 1942 on their sales of domestic cigars of the same price class to purchasers of the same class, unless a change therein results in a lower price. Packing differentials charged by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class may be charged on corresponding sales of each brand and size or frontmark of cigars priced by this order, but shall not be increased. Packing differentials allowed by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class shall be allowed on corresponding sales of each brand and size or frontmark of cigars priced by this order and shall not be reduced. If a brand and size or frontmark of domestic cigars for which maximum prices are established by this order is of a price class not sold by the manufacturer or the particular wholesaler in March 1942, he shall, with respect to his sales thereof, grant the discounts and may charge and shall allow the packing differentials customarily granted, charged or allowed (as the case may be) in March 1942 by his most closely competitive seller of the same class on sales of domestic cigars of the same March 1942 price class to purchasers of the same class.

(c) On or before the first delivery to any purchaser of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the manufacturer and every other seller (except a retailer) shall notify the purchaser of the maximum list price and the maximum retail price established by this order for such brand and size or frontmark of domestic cigars. The notice shall conform to and be given in the manner prescribed by § 1358.113 of Maximum Price Regulation No. 260.

(d) Unless the context otherwise requires, appropriate provisions of Maximum Price Regulation No. 260, shall apply to sales for which maximum prices are established by this order.

(e) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective September 25, 1945.

Issued this 24th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-17766; Filed, Sept. 24, 1945; 11:42 a. m.]

[MPR 260, Order 1854]

BASILIO GALAN

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion accompanying this order, and pursuant to § 1358.102 (b) of Maximum Price Regulation No. 260; *It is ordered*, That:

(a) Basilio Galan, P. O. Box 3383, San Juan 15, P. R. (hereinafter called "manufacturer") and wholesalers and retailers may sell, offer to sell or deliver and any person may buy, offer to buy or receive each brand and size or frontmark, and packing of the following domestic cigars at the appropriate maximum list price and maximum retail price set forth below:

Brand	Size or frontmark	Packing	Maximum list price	Maximum retail price
			Per M	*Cents*
Relinas Petit Coronas	4¾"	50	$56.00	7
Relinas Coronas	4¾"	50	78.75	2 for 21
Garcia Rico Coronas	5¾"	50	93.75	2 for 25

(b) The manufacturer and wholesalers shall grant, with respect to their sales of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order is of a price class not sold by the manufacturer or the particular wholesaler in March 1942, he shall, with respect to his sales thereof, grant the discounts and may charge and shall allow the packing differentials customarily granted, charged or allowed (as the case may be) in March 1942 by his most closely competitive seller of the same class on sales of domestic cigars of the same March 1942 price class to purchasers of the same class.

(c) On or before the first delivery to any purchaser of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the manufacturer and every other seller (except a retailer) shall notify the purchaser of the maximum list price and the maximum retail price established by this order for such brand and size or frontmark of domestic cigars. The notice shall conform to and be given in the manner prescribed by § 1358.113 of Maximum Price Regulation No. 260.

(d) Unless the context otherwise requires, appropriate provisions of Maximum Price Regulation No. 260, shall apply to sales for which maximum prices are established by this order.

(e) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective September 25, 1945.

Issued this 24th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-17767; Filed, Sept. 24, 1945; 11:43 a. m.]

[MPR 260, Order 1855]

LA BONITA CIGAR CO.

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion accompanying this order, and pursuant to § 1358.102 (b) of Maximum Price Regulation No. 260; *It is ordered*, That:

(a) La Bonita Cigar Co. 213 S. Broadway, Los Angeles 12, Calif. (hereinafter called "manufacturer") and wholesalers and retailers may sell, offer to sell or

deliver and any person may buy, offer to buy or receive each brand and size or frontmark, and packing of the following domestic cigars at the appropriate maximum list price and maximum retail price set forth below:

Brand	Size or frontmark	Packing	Maximum list price	Maximum retail price
			Per M	*Cents*
La Bonita	Corona	50	$123.00	16
	Victoria	50	129.00	16
	Club House	50	101.25	2 for 27

(b) The manufacturer and wholesalers shall grant, with respect to their sales of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the discounts they customarily granted in March 1942 on their sales of domestic cigars of the same price class to purchasers of the same class, unless a change therein results in a lower price. Packing differentials charged by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class may be charged on corresponding sales of each brand and size or frontmark of cigars priced by this order, but shall not be increased. Packing differentials allowed by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class shall be allowed on corresponding sales of each brand and size or frontmark of cigars priced by this order and shall not be reduced. If a brand and size or frontmark of domestic cigars for which maximum prices are established by this order is of a price class not sold by the manufacturer or the particular wholesaler in March 1942, he shall, with respect to his sales thereof, grant the discounts and may charge and shall allow the packing differentials customarily granted, charged or allowed (as the case may be) in March 1942 by his most closely competitive seller of the same class on sales of domestic cigars of the same March 1942 price class to purchasers of the same class.

(c) On or before the first delivery to any purchaser of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the manufacturer and every other seller (except a retailer) shall notify the purchaser of the maximum list price and the maximum retail price established by this order for such brand and size or frontmark of domestic cigars. The notice shall conform to and be given in the manner prescribed by § 1358.113 of Maximum Price Regulation No. 260.

(d) Unless the context otherwise requires, appropriate provisions of Maximum Price Regulation No. 260, shall apply to sales for which maximum prices are established by this order.

(e) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective September 25, 1945.

Issued this 24th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-17768; Filed, Sept. 24, 1945; 11:43 a. m.]

[MPR 260, Order 1856]

RAMON ARZUAGA

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion accompanying this order, and pursuant to § 1358.102 (b) of Maximum Price Regulation No. 260; *It is ordered*, That:

(a) Ramon Arzuaga, San Lorenzo, P. R. (hereinafter called "manufacturer") and wholesalers and retailers may sell, offer to sell or deliver and any person may buy, offer to buy or receive each brand and size or frontmark, and packing of the following domestic cigars at the appropriate maximum list price and maximum retail price set forth below:

Brand	Size or frontmark	Packing	Maximum list price	Maximum retail price
			Per M	*Cents*
Ramon Arzuaga	Coronas	50	$90	7

(b) The manufacturer and wholesalers shall grant, with respect to their sales of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the discounts they customarily granted in March 1942 on their sales of domestic cigars of the same price class to purchasers of the same class, unless a change therein results in a lower price. Packing differentials charged by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class may be charged on corresponding sales of each brand and size or frontmark of cigars priced by this order, but shall not be increased. Packing differentials allowed by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class shall be allowed on corresponding sales of each brand and size or frontmark of cigars priced by this order and shall not be reduced. If a brand and size or frontmark of domestic cigars for which maximum prices are established by this order is of a price class not sold by the manufacturer or the particular wholesaler in March 1942, he shall, with respect to his sales thereof, grant the discounts and may charge and shall allow the packing differentials customarily granted, charged or allowed (as the case may be) in March 1942 by his most closely competitive seller of the same class on sales of domestic cigars of the same March 1942 price class to purchasers of the same class.

(c) On or before the first delivery to any purchaser of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the manufacturer and every other seller (except a retailer) shall notify the purchaser of the maximum list price and the maximum retail price established by this order for such brand and size or frontmark of domestic cigars. The notice shall conform to and be given in the manner prescribed by § 1358.113 of Maximum Price Regulation No. 260.

(d) Unless the context otherwise requires, appropriate provisions of Maximum Price Regulation No. 260 shall apply to sales for which maximum prices are established by this order.

(e) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective September 25, 1945.

Issued this 24th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-17769; Filed, Sept. 24, 1945; 11:43 a. m.]

[MPR 260, Order 1857]

DAILY CIGAR FACTORY

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion accompanying this order, and pursuant to § 1358.102 (b) of Maximum Price Regulation No. 260; *It is ordered*, That:

(a) Daily Cigar Factory, 1017 13th Street, Tampa 5, Fla. (hereinafter called "manufacturer") and wholesalers and retailers may sell, offer to sell or deliver and any person may buy, offer to buy or receive each brand and size or frontmark, and packing of the following domestic cigars at the appropriate maximum list price and maximum retail price set forth below:

Brand	Size or frontmark	Packing	Maximum list price	Maximum retail price
			Per M	*Cents*
Milo Deyo	Brevas	50	$109.00	12
Marigold	Brevas	50	109.00	12
Milo Deyo	Epicures	50	138.00	15
Marigold	Epicures	50	138.00	15
Milo Deyo	Coronas	50	93.75	2 for 25
Marigold	Coronas	50	93.75	2 for 25
Milo Deyo	Panetela	50	75.00	10
Marigold	Panetela	50	75.00	10

(b) The manufacturer and wholesalers shall grant, with respect to their sales of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the discounts they customarily granted in March 1942 on their sales of domestic cigars of the same price class to purchasers of the same class, unless a change therein results in a lower price. Packing differentials charged by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class may be charged on corresponding sales of each brand and size or frontmark of cigars priced by this order, but shall not be increased. Packing differentials allowed by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class shall be allowed on corresponding sales of each brand and size or frontmark of cigars priced by this order and shall not be reduced. If a brand and size or frontmark of domestic cigars for which maximum prices are established by this order is of a price class not sold by the manufacturer or the particular wholesaler in March 1942, he shall, with respect to his sales thereof, grant the discounts and may charge and shall allow the packing differentials customarily granted, charged or allowed (as the case may be) in March 1942 by his most closely competitive seller of the same class on sales of domestic cigars of the same March 1942 price class to purchasers of the same class.

(c) On or before the first delivery to any purchaser of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the manufacturer and every other seller (except a retailer) shall notify the purchaser of the maximum list price and the maximum retail price established by this order for such brand and size or frontmark of domestic cigars. The notice shall conform to and be given in the manner prescribed by § 1358.113 of Maximum Price Regulation No. 260.

(d) Unless the context otherwise requires, appropriate provisions of Maximum Price Regulation No. 260, shall apply to sales for which maximum prices are established by this order.

(e) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective September 25, 1945.

Issued this 24th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-17770; Filed, Sept. 24, 1945; 11:43 a. m.]

[MPR 260, Order 1858]

PAUL ROSEMAN CIGAR CO.

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion accompanying this order, and pursuant to § 1358.102 (b) of Maximum Price Regulation No. 260; *It is ordered*, That:

(a) Paul Roseman Cigar Company, 520 Wallick Avenue, Red Lion, Pa. (hereinafter called "manufacturer") and wholesalers and retailers may sell, offer to sell or deliver and any person may buy, offer to buy or receive each brand and size or frontmark, and packing of the following domestic cigars at the appropriate maximum list price and maximum retail price set forth below:

Brand	Size or frontmark	Packing	Maximum list price	Maximum retail price
			Per M	*Cents*
White House	White House	50	$44	2 for 11

be increased. Packing differentials allowed by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class shall be allowed on corresponding sales of each brand and size or frontmark of cigars priced by this order and shall not be reduced. If a brand and size or frontmark of domestic cigars for which maximum prices are established by this order is of a price class not sold by the manufacturer or the particular wholesaler in March 1942, he shall, with respect to his sales thereof, grant the discounts and may charge and shall allow the packing differentials customarily granted, charged or allowed (as the case may be) in March 1942 by his most closely competitive seller of the same class on sales of domestic cigars of the same March 1942 price class to purchasers of the same class.

(c) On or before the first delivery to any purchaser of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the manufacturer and every other seller (except a retailer) shall notify the purchaser of the maximum list price and the maximum retail price established by this order for such brand and size or frontmark of domestic cigars. The notice shall conform to and be given in the manner prescribed by § 1358.113 of Maximum Price Regulation No. 260.

(d) Unless the context otherwise requires, appropriate provisions of Maximum Price Regulation No. 260, shall apply to sales for which maximum prices are established by this order.

(e) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective September 25, 1945.

Issued this 24th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-17771; Filed, Sept. 24, 1945; 11:44 a. m.]

[MPR 260, Order 1859]

LA VEGA CIGAR FACTORY

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion accompanying this order, and pursuant to § 1358.102 (b) of Maximum Price Regulation No. 260; *It is ordered*, That:

(a) La Vega Cigar Factory, 1221 7th Avenue, Tampa 5, Fla. (hereinafter called "manufacturer") and wholesalers and retailers may sell, offer to sell or deliver and any person may buy, offer to buy or receive each brand and size or frontmark, and packing of the following domestic cigars at the appropriate maximum list price and maximum retail price set forth below:

Brand	Size or frontmark	Packing	Maximum list price	Maximum retail price
			Per M	*Cents*
Barry Lyndon	Cadets	50	$93.75	2 for 25
	Commanders	50	101.25	2 for 27
	Commodores	50	105.60	14
	Cinchas	50	75.00	10
	Retinas	50	82.50	11
	Crowns	50	82.50	11

(b) The manufacturer and wholesalers shall grant, with respect to their sales of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the discounts they customarily granted in March 1942 on their sales of domestic cigars of the same price class to purchasers of the same class, unless a change therein results in a lower price. Packing differentials charged by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class may be charged on corresponding sales of each brand and size or frontmark of cigars priced by this order, but shall not be increased. Packing differentials allowed by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class shall be allowed on corresponding sales of each brand and size or frontmark of cigars priced by this order and shall not be reduced. If a brand and size or frontmark of domestic cigars for which maximum prices are established by this order is of a price class not sold by the manufacturer or the particular wholesaler in March 1942, he shall, with respect to his sales thereof, grant the discounts and may charge and shall allow the packing differentials customarily granted, charged or allowed (as the case may be) in March 1942 by his most closely competitive seller of the same class on sales of domestic cigars of the same March 1942 price class to purchasers of the same class.

(c) On or before the first delivery to any purchaser of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the manufacturer and every other seller (except a retailer) shall notify the purchaser of the maximum list price and the maximum retail price established by this order for such brand and size or frontmark of domestic cigars. The notice shall conform to and be given in the manner prescribed by § 1358.113 of Maximum Price Regulation No. 260.

(d) Unless the context otherwise requires, appropriate provisions of Maximum Price Regulation No. 260, shall apply to sales for which maximum prices are established by this order.

(e) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective September 25, 1945.

Issued this 24th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-17772; Filed, Sept. 24, 1945; 11:44 a. m.]

[MPR 260, Order 1860]

CARL E. OLSON

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion accompanying this order, and pursuant to § 1358.102 (b) of Maximum Price Regulation No. 260; *It is ordered*, That:

(a) Carl E. Olson, 308 Sanderson Street, Red Wing, Minn. (hereinafter called "manufacturer") and wholesalers and retailers may sell, offer to sell or deliver and any person may buy, offer to buy or receive each brand and size or frontmark, and packing of the following domestic cigars at the appropriate maximum list price and maximum retail price set forth below:

Brand	Size or frontmark	Packing	Maximum list price	Maximum retail price
Blue Mound	Straight	50	*Per M* $75	*Cents* 10

(b) The manufacturer and wholesalers shall grant, with respect to their sales of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the discounts they customarily granted in March 1942 on their sales of domestic cigars of the same price class to purchasers of the same class, unless a change therein results in a lower price. Packing differentials charged by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class may be charged on corresponding sales of each brand and size or frontmark of cigars priced by this order, but shall not be increased. Packing differentials allowed by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class shall be allowed on corresponding sales of each brand and size or frontmark of cigars priced by this order and shall not be reduced. If a brand and size or frontmark of domestic cigars for which maximum prices are established by this order is of a price class not sold by the manufacturer or the particular wholesaler in March 1942, he shall, with respect to his sales thereof, grant the discounts and may charge and shall allow the packing differentials customarily granted, charged or allowed (as the case may be) in March 1942 by his most closely competitive seller of the same class on sales of domestic cigars of the same March 1942 price class to purchasers of the same class.

(c) On or before the first delivery to any purchaser of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the manufacturer and every other seller (except a retailer) shall notify the purchaser of the maximum list price and the maximum retail price established by this order for such brand and size or frontmark of domestic cigars. The notice shall conform to and be given in the manner prescribed by § 1358.113 of Maximum Price Regulation No. 260.

(d) Unless the context otherwise requires, appropriate provisions of Maximum Price Regulation No. 260, shall apply to sales for which maximum prices are established by this order.

(e) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective September 25, 1945.

Issued this 24th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-17773; Filed, Sept. 24, 1945; 11:44 a. m.]

[MPR 260, Order 1861]

TAMPA KILO CIGAR CO.

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion accompanying this order, and pursuant to § 1358.102 (b) of Maximum Price Regulation No. 260; *It is ordered*, That:

(a) Tampa Kilo Cigar Co., 2404 E. Broadway, Tampa, Fla. (hereinafter called "manufacturer") and wholesalers and retailers may sell, offer to sell or deliver and any person may buy, offer to buy or receive each brand and size or frontmark, and packing of the following domestic cigars at the appropriate maximum list price and maximum retail price set forth below:

Brand	Size or frontmark	Packing	Maximum list price	Maximum retail price
Flores Negras	Lores	50	*Per M* $115	*Cents* 15

(b) The manufacturer and wholesalers shall grant, with respect to their sales of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the discounts they customarily granted in March 1942 on their sales of domestic cigars of the same price class to purchasers of the same class, unless a change therein results in a lower price. Packing differentials charged by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class may be charged on corresponding sales of each brand and size or frontmark of cigars priced by this order, but shall not be increased. Packing differentials allowed by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class shall be allowed on corresponding sales of each brand and size or frontmark of cigars priced by this order and shall not be reduced. If a brand and size or frontmark of domestic cigars for which maximum prices are established by this order is of a price class not sold by the manufacturer or the particular wholesaler in March 1942, he shall, with respect to his sales thereof, grant the discounts and may charge and shall allow the packing differentials customarily granted, charged or allowed (as the case may be) in March 1942 by his most closely competitive seller of the same class on sales of domestic cigars of the same March 1942 price class to purchasers of the same class.

(c) On or before the first delivery to any purchaser of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the manufacturer and every other seller (except a retailer) shall notify the purchaser of the maximum list price and the maximum retail price established by this order for such brand and size or frontmark of domestic cigars. The notice shall conform to and be given in the manner prescribed by § 1358.113 of Maximum Price Regulation No. 260.

(d) Unless the context otherwise requires, appropriate provisions of Maximum Price Regulation No. 260, shall apply to sales for which maximum prices are established by this order.

(e) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective September 25, 1945.

Issued this 24th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-17774; Filed, Sept. 24, 1945; 11:44 a. m.]

[MPR 260, Order 1862]

AMADEO SOLIS CINTRON

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion accompanying this order, and pursuant to § 1358.102 (b) of Maximum Price Regulation No. 260; *It is ordered*, That:

(a) Amadeo Solis Cintron, Bo Collores, Jayuya, P. R., Box 197 (hereinafter called "manufacturer") and wholesalers and retailers may sell, offer to sell or deliver and any person may buy, offer to buy or receive each brand and size or frontmark, and packing of the following domestic cigars at the appropriate maximum list price and maximum retail price set forth below:

Brand	Size or frontmark	Packing	Maximum list price	Maximum retail price
Amadeo Solis Cintron	Bronco	50	*Per M* $20	*Cents* 5

(b) The manufacturer and wholesalers shall grant, with respect to their sales of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the discounts they customarily granted in March 1942 on their sales of domestic cigars of the same price class to purchasers of the same class, unless a change therein results in a lower price. Packing differentials charged by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class may be charged on corresponding sales of each brand and size or frontmark of cigars priced by this order, but shall not be increased. Packing differentials allowed by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class shall be allowed on corresponding sales of each brand and size or frontmark of cigars priced by this order and shall not be reduced. If a brand and size or frontmark of domestic cigars for which maximum prices are established by this order is of a price class not sold by the manufacturer or the particular wholesaler in March 1942, he shall, with respect to his sales thereof, grant the discounts and may charge and shall allow the packing differentials customarily granted, charged or allowed (as the case may be) in March 1942 by his most closely competitive seller of the same class on sales of domestic cigars of the same March 1942 price class to purchasers of the same class.

(c) On or before the first delivery to any purchaser of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the manufacturer and every other seller (except a retailer) shall notify the purchaser of the maximum list price and the maximum retail price established by this order for such brand and size or frontmark of domestic cigars. The notice shall conform to and be given in the manner prescribed by § 1358.113 of Maximum Price Regulation No. 260.

(d) Unless the context otherwise requires, appropriate provisions of Maximum Price Regulation No. 260, shall apply to sales for which maximum prices are established by this order.

(e) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective September 25, 1945.

Issued this 24th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-17775; Filed, Sept. 24, 1945; 11:45 a. m.]

[MPR 260, Order 1863]

MODESTO MAISSONET

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion accompanying this order, and pursuant to § 1358.102 (b) of Maximum Price Regulation No. 260; *It is ordered*, That:

(a) Modesto Maissonet, San Lorenzo, P. R. (hereinafter called "manufacturer") and wholesalers and retailers may sell, offer to sell or deliver and any person may buy, offer to buy or receive each brand and size or frontmark, and packing of the following domestic cigars at the appropriate maximum list price and maximum retail price set forth below:

Brand	Size or frontmark	Packing	Maximum list price	Maximum retail price
Modesto Maissonet	Coronas	50	*Per M* $35	*Cents* 7

(b) The manufacturer and wholesalers shall grant, with respect to their sales of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the discounts they customarily granted in March 1942 on their sales of domestic cigars of the same price class to purchasers of the same class, unless a change therein results in a lower price. Packing differentials charged by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class may be charged on corresponding sales of each brand and size or frontmark of cigars priced by this order, but shall not be increased. Packing differentials allowed by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class shall be allowed on corresponding sales of each brand and size or frontmark of cigars priced by this order and shall not be reduced. If a brand and size or frontmark of domestic cigars for which maximum prices are established by this order is of a price class not sold by the manufacturer or the particular wholesaler in March 1942, he shall, with respect to his sales thereof, grant the discounts and may charge and shall allow the packing differentials customarily granted, charged or allowed (as the case may be) in March 1942 by his most closely competitive seller of the same class on sales of domestic cigars of the same March 1942 price class to purchasers of the same class.

(c) On or before the first delivery to any purchaser of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the manufacturer and every other seller (except a retailer) shall notify the purchaser of the maximum list price and the maximum retail price established by this order for such brand and size or frontmark of domestic cigars. The notice shall conform to and be given in the manner prescribed by § 1358.113 of Maximum Price Regulation No. 260.

(d) Unless the context otherwise requires, appropriate provisions of Maximum Price Regulation No. 260, shall apply to sales for which maximum prices are established by this order.

(e) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective September 25, 1945.

Issued this 24th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-17776; Filed, Sept. 24, 1945; 11:46 a. m.]

[MPR 260, Order 1864]

LUCAS SANCHEZ

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion accompanying this order, and pursuant to § 1358.102 (b) of Maximum Price Regulation No. 260; *It is ordered*, That:

(a) Lucas Sanchez, Baldorioty Street, Manati, P. R. (hereinafter called "manufacturer") and wholesalers and retailers may sell, offer to sell or deliver and any person may buy, offer to buy or receive each brand and size or frontmark, and packing of the following domestic cigars at the appropriate maximum list price and maximum retail price set forth below:

Brand	Size or frontmark	Packing	Maximum list price	Maximum retail price
Lucas Sanchez	Coronas	50	*Per M* $75	*Cents* 10

(b) The manufacturer and wholesalers shall grant, with respect to their sales of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the discounts they customarily granted in March 1942 on their sales of domestic cigars of the same price class to purchasers of the same class, unless a change therein results in a lower price. Packing differentials charged by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class may be charged on corresponding sales of each brand and size or frontmark of cigars priced by this order, but shall not be increased. Packing differentials allowed by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class shall be allowed on corresponding sales of each brand and size or frontmark of cigars priced by this order and shall not be reduced. If a brand and size or frontmark of domestic cigars for which maximum prices are established by this order is of a price class not sold by the manufacturer or the particular wholesaler in March 1942, he shall, with respect to his sales thereof, grant the discounts and may charge and shall allow the packing differentials customarily granted, charged or allowed (as the case may be) in March 1942 by his most closely competitive seller of the same class on sales of domestic cigars of the same March 1942 price class to purchasers of the same class.

(c) On or before the first delivery to any purchaser of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the manufacturer and every other seller (except a retailer)

shall notify the purchaser of the maximum list price and the maximum retail price established by this order for such brand and size or frontmark of domestic cigars. The notice shall conform to and be given in the manner prescribed by § 1358.113 of Maximum Price Regulation No. 260.

(d) Unless the context otherwise requires, appropriate provisions of Maximum Price Regulation No. 260, shall apply to sales for which maximum prices are established by this order.

(e) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective September 25, 1945.

Issued this 24th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-17777; Filed, Sept. 24, 1945; 11:46 a. m.]

[MPR 260, Order 1865]

JOSE CRUZ PEREZ

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion accompanying this order, and pursuant to § 1358.102 (b) of Maximum Price Regulation No. 260; *It is ordered*, That:

(a) Jose Cruz Perez, Agueybana St., Suncos, P. R. (hereinafter called "manufacturer") and wholesalers and retailers may sell, offer to sell or deliver and any person may buy, offer to buy or receive each brand and size or frontmark, and packing of the following domestic cigars at the appropriate maximum list price and maximum retail price set forth below:

Brand	Size or frontmark	Packing	Maximum list price	Maximum retail price
Jose Cruz Perez	Corona	50	*Per M* $50	*Cents* 4 for 25

(b) The manufacturer and wholesalers shall grant, with respect to their sales of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the discounts they customarily granted in March 1942 on their sales of domestic cigars of the same price class to purchasers of the same class, unless a change therein results in a lower price. Packing differentials charged by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class may be charged on corresponding sales of each brand and size or frontmark of cigars priced by this order, but shall not be increased. Packing differentials allowed by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class shall be allowed on corresponding sales of each brand and size or frontmark of cigars priced by this order and shall not be reduced. If a brand and size or frontmark of domestic cigars for which maximum prices are established by this order is of a price class not sold by the manufacturer or the particular wholesaler in March 1942, he shall, with respect to his sales thereof, grant the discounts and may charge and shall allow the packing differentials customarily granted, charged or allowed (as the case may be) in March 1942 by his most closely competitive seller of the same class on sales of domestic cigars of the same March 1942 price class to purchasers of the same class.

(c) On or before the first delivery to any purchaser of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the manufacturer and every other seller (except a retailer) shall notify the purchaser of the maximum list price and the maximum retail price established by this order for such brand and size or frontmark of domestic cigars. The notice shall conform to and be given in the manner prescribed by § 1358.113 of Maximum Price Regulation No. 260.

(d) Unless the context otherwise requires, appropriate provisions of Maximum Price Regulation No. 260, shall apply to sales for which maximum prices are established by this order.

(e) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective September 25, 1945.

Issued this 24th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-17778; Filed, Sept. 24, 1945; 11:46 a. m.]

[MPR 260, Order 1866]

CONCEPCION ALEJANDRO

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion accompanying this order, and pursuant to § 1358.102 (b) of Maximum Price Regulation No. 260; *It is ordered*, That:

(a) Concepcion Alejandro, Munoz Rivera, Juncos, P. R. (hereinafter called "manufacturer") and wholesalers and retailers may sell, offer to sell or deliver and any person may buy, offer to buy or receive each brand and size or frontmark, and packing of the following domestic cigars at the appropriate maximum list price and maximum retail price set forth below:

Brand	Size or frontmark	Packing	Maximum list price	Maximum retail price
Concepcion Alejandro	Corona	50	*Per M* $50	*Cents* 7

(b) The manufacturer and wholesalers shall grant, with respect to their sales of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the discounts they customarily granted in March 1942 on their sales of domestic cigars of the same price class to purchasers of the same class, unless a change therein results in a lower price. Packing differentials charged by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class may be charged on corresponding sales of each brand and size or frontmark of cigars priced by this order, but shall not be increased. Packing differentials allowed by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class shall be allowed on corresponding sales of each brand and size or frontmark of cigars priced by this order and shall not be reduced. If a brand and size or frontmark of domestic cigars for which maximum prices are established by this order is of a price class not sold by the manufacturer or the particular wholesaler in March 1942, he shall, with respect to his sales thereof, grant the discounts and may charge and shall allow the packing differentials customarily granted, charged or allowed (as the case may be) in March 1942 by his most closely competitive seller of the same class on sales of domestic cigars of the same March 1942 price class to purchasers of the same class.

(c) On or before the first delivery to any purchaser of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the manufacturer and every other seller (except a retailer) shall notify the purchaser of the maximum list price and the maximum retail price established by this order for such brand and size or frontmark of domestic cigars. The notice shall conform to and be given in the manner prescribed by § 1358.113 of Maximum Price Regulation No. 260.

(d) Unless the context otherwise requires, appropriate provisions of Maximum Price Regulation No. 260, shall apply to sales for which maximum prices are established by this order.

(e) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective September 25, 1945.

Issued this 24th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-17779; Filed, Sept. 24, 1945; 11:46 a. m.]

[MPR 389, Order 29]

SIELOFF PACKING CO. ET AL.

ESTABLISHMENT OF MAXIMUM PRICES

On August 29, 1945, Sieloff Packing Company, 4328-30 Sacramento Avenue, St. Louis, Missouri, filed an amended application for the establishment of maximum prices on sales of the sausage products known as Bockwurst S. C., Mock Chicken Loaf, and Cooked Salami and made in accordance with the corrected individual secret formula submitted by the applicant. That application was assigned Docket No. 6036.3-389-2 (a)-36.

Due consideration has been given to the application and an opinion in support of this order has been issued simultaneously herewith and filed with the Division of the Federal Register.

For the reasons set forth in that opinion, and under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Orders Nos. 9250 and 9328, and pursuant to the provisions of section 2 (a) (6) of Maximum Price Regulation No. 389; *It is ordered:*

(a) That the maximum prices other than at retail for the sausage products known as Bockwurst S. C., Mock Chicken Loaf and Cooked Salami and made by Sieloff Packing Company, 4328-30 Sacramento Avenue, St. Louis, Missouri, in accordance with the corrected individual formulae submitted to the Office of Price Administration with the amended application for this order, shall be determined by the seller as follows:

(1) The base price for each product listed is established at the following amounts per hundredweight:

Bockwurst, S. C.	$24.00
Mock Chicken Loaf	19.25
Cooked Salami	23.50

NOTE: The above prices contain allowances for packing in shipping containers. If sold not packed in shipping containers, $0.25 per cwt. shall be deducted from the above prices, and if the product Bockwurst S. C., is sold not packaged $0.75 per cwt, shall be deducted.

(2) To the base price should be added the proper zone differential provided in section 12 (b) of Maximum Price Regulation No. 389 for sausage other than Kosher Sausage, All Beef Sausage, and Sausage containing meat and meat by-products from swine only. In determining the proper zone differential to be added, the zone descriptions provided in section 14 of Maximum Price Regulation No. 389 shall be used.

(3) That to the sum of the base price plus the applicable zone differential the "Permitted additions to base prices" provided in section 12 (c) of Maximum Price Regulation No. 389 may be added when applicable.

(b) That with the first delivery of Bockwurst, S. C., Mock Chicken Loaf or Cooked Salami to a wholesaler, peddler truck seller, or intermediate distributor Sieloff Packing Company shall supply each such seller with a written notice in the following form:

(Insert date)

Our OPA ceiling prices for Bockwurst, S. C., Mock Chicken Loaf and Cooked Salami have been established by the Office of Price Administration at the base prices of $24.00 per hundredweight, $19.25 per hundredweight and $23.50 per hundredweight, respectively, to which may be added the zone differentials provided in section 12 (b) of MPR 389 (See section 14 for zone boundaries) plus the permitted additions of section 12 (c). We are required to inform you that if you are a wholesaler, a peddler truck seller, or an intermediate distributor you must figure your ceiling prices for this product pursuant to the same sections of Maximum Price Regulation No. 389.

(c) That with the first delivery of Bockwurst, S. C., Mock Chicken Loaf or Cooked Salami to a retailer the seller shall supply such retailer with a written notice in the following form:

(Insert date)

Our OPA ceiling prices for Bockwurst, S. C., (Mock Chicken or Cooked Salami) have been established by the Office of Price Administration. We are required to inform you that if you are a retailer, you must figure your ceiling price for this item in accordance with the provisions of the General Maximum Price Regulation.

(d) That all pertinent provisions of Maximum Price Regulation No. 389, including the descriptive labelling and invoicing provisions of section 4, the recording and reporting provisions of section 6, and the definitions of section 13, in addition to the pricing provisions of paragraph (b) and (c) of section 12 shall be applicable to all sales made under this order.

(e) All prayers of the application not herein granted are denied.

(f) This Order No. 29 may be revoked or amended by the Price Administrator at any time.

This Order No. 29 shall become effective September 25, 1945.

NOTE: This action has the prior written approval of the Secretary of Agriculture (10 F.R. 8419).

Issued this 24th day of September 1945.

CHESTER BOWLES.
Administrator.

[F. R. Doc. 45-17780; Filed, Sept. 24, 1945; 11:47 a. m.]

[MPR 580, Order 166]

BIENEN-DAVIS

ESTABLISHMENT OF MAXIMUM PRICES

MPR No. 580, Order 166. Establishing ceiling prices at retail for certain articles. Docket No. 6063-580-13-227.

For the reasons set forth in an opinion issued simultaneously herewith and pursuant to section 13 of Maximum Price Regulation No. 580; *It is ordered:*

(a) The following ceiling prices are established for sales by any seller at retail of the following articles manufactured by Bienen-Davis, 159 Madison Avenue, New York, New York, having the brand name "Bienen-Davis" and described in the manufacturer's application dated May 25, 1945:

LADIES HANDBAGS

Manufacturer's selling price:	*Retail ceiling price*
$6.25	$10.50
7.50	12.75
8.50	15.00
9.00	16.50
10.50	18.50
12.50	22.50
13.50	25.00
14.25	27.50
15.00	29.50
16.50	32.50
18.50	35.00
22.50	42.50
37.50	65.00

(b) The retail ceiling price of an article manufactured for the first time after the effective date of this order and which is sold by the manufacturer at the same price as another article of the same type with the same brand or company name and for which a retail ceiling price has been established by paragraph (a) shall be the retail ceiling price listed for that other article in paragraph (a).

(c) The retail ceiling prices contained in paragraph (a) shall apply in place of the ceiling prices which have been or would otherwise be established under this or any other regulation.

(d) On and after November 1, 1945, Bienen-Davis must mark each article listed in paragraph (a) with the retail ceiling price under this order, or attach to the article a label, tag or ticket stating the retail ceiling price. This mark or statement must be in the following form:

(Sec. 13, MPR 580)
OPA Price—$------

On and after December 1, 1945, no retailer may offer or sell the article unless it is marked or tagged in the form stated above. Prior to December 1, 1945, unless the article is marked or tagged in this form, the retailer shall comply with the marking, tagging and posting provisions of the applicable regulation.

(e) On or before the first delivery to any purchaser for resale of each article listed in paragraph (a), the seller shall send the purchaser a copy of this order.

(f) Unless the context otherwise requires, the provisions of the applicable regulation shall apply to sales for which retail ceiling prices are established by this order.

(g) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective September 25, 1945.

Issued this 24th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-17781; Filed, Sept. 24, 1945; 11:38 a. m.]

[MPR 580, Order 167]

SPRING-AIR CO.

ESTABLISHMENT OF MAXIMUM PRICES

MPR No. 580, Order 167. Establishing ceiling prices at retail for certain articles. Docket No. 6063-580-13-152.

For the reasons set forth in an opinion issued simultaneously herewith and pursuant to section 13 of Maximum Price Regulation No. 580, *It is ordered:*

(a) The following ceiling prices are established for sales by any seller at retail of the following articles manufactured by The Spring-Air Company, Holland, Mich., having the brand name "Spring-Air" and described in the manufacturer's application dated April 17, 1945:

Article	Style No.	Manufacturer's ceiling price	Retail ceiling price
Mattress	200	$16.00	$29.50
Box spring	200	16.00	29.50
Mattress	400	21.00	39.50
Box spring	400	21.00	39.50

(b) The retail ceiling price of an article manufactured for the first time after the effective date of this order and which is sold by the manufacturer at the same price as another article of the same type with the same brand or company name and for which a retail ceiling price has been established by paragraph (a) shall be the retail ceiling price listed for that other article in paragraph (a).

(c) The retail ceiling prices contained in paragraph (a) shall apply in place of the ceiling prices which have been or would otherwise be established under this or any other regulation.

(d) On and after November 1, 1945, The Spring-Air Company must mark each article listed in paragraph (a) with the retail ceiling price under this order, or attach to the article a label, tag or ticket stating the retail ceiling price. This mark or statement must be in the following form:

(Sec. 13, MPR 580)
OPA Price—$_____

On and after December 1, 1945, no retailer may offer or sell the article unless it is marked or tagged in the form stated above. Prior to December 1, 1945, unless the article is marked or tagged in this form, the retailer shall comply with the marking, tagging and posting provisions of the applicable regulation.

(e) On or before the first delivery to any purchaser for resale of each article listed in paragraph (a), the seller shall send the purchaser a copy of this order.

(f) Unless the context otherwise requires, the provisions of the applicable regulation shall apply to sales for which retail ceiling prices are established by this order.

(g) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective September 25, 1945.

Issued this 24th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-17782; Filed, Sept. 24, 1945; 11:38 a. m.]

[MPR 580, Order 168]

PAULINE GORDON CO.

ESTABLISHMENT OF MAXIMUM PRICES

MPR No. 580, Order 168. Establishing ceiling prices at retail for certain articles. Docket No. 6063-580-13-178.

For the reasons set forth in an opinion issued simultaneously herewith and pursuant to section 13 of Maximum Price Regulation No. 580, *It is ordered:*

(a) The following ceiling prices are established for sales by any seller at retail of the following articles manufactured by Pauline Gordon Company, 112 Madison Avenue, New York, N. Y., and described in the manufacturer's application dated May 8, 1945:

BRASSIERES

Style No.	Brand name	Manufacturer's selling price	Retail ceiling price
		Per dozen	*Per unit*
1166	Uplift	$24.00	$3.50
1561D	Uplift	13.50	1.95
1583	Uplift	15.00	1.95
1589	Jr. Uplift	10.50	1.50
1517	Futurbra	24.00	3.50
1343	Futurbra	30.00	3.95
3557U	Futurbra	24.00	3.50
1568B	Futurbra	24.00	3.50
1568C	Futurbra	24.00	3.50
1568A-B-C	Futurbra	12.00	1.50
1581	Hilline	15.00	1.95
1588	Hilline	13.50	1.95
1581	Divide-O	12.00	1.50
1590	Divide-O Jr.	12.00	1.50
1594	Divide-O Jr.	12.00	1.50
1171	Sweater-Bra	9.00	1.25
1592	Sports-Bra	15.00	1.95
1467	Roll Control	27.00	3.95

GIRDLES

4386	Pauline Gordon	48.00	7.50
4390	Pauline Gordon	54.00	8.50

BRA-SLIPS

32	Hilline	45.00	6.95

(b) The retail ceiling price of an article manufactured for the first time after the effective date of this order and which is sold by the manufacturer at the same price as another article of the same type with the same brand or company name and for which a retail ceiling price has been established by paragraph (a) shall be the retail ceiling price listed for that other article in paragraph (a).

(c) The retail ceiling prices contained in paragraph (a) shall apply in place of the ceiling prices which have been or would otherwise be established under this or any other regulation.

(d) On and after November 1, 1945, Pauline Gordon Company must mark each article listed in paragraph (a) with the retail ceiling price under this order, or attach to the article a label, tag or ticket stating the retail ceiling price. This mark or statement must be in the following form:

(Sec. 13, MPR 580)
OPA Price—$_____

On and after December 1, 1945, no retailer may offer or sell the article unless it is marked or tagged in the form stated above. Prior to December 1, 1945, unless the article is marked or tagged in this form, the retailer shall comply with the marking, tagging and posting provisions of the applicable regulation.

(e) On or before the first delivery to any purchaser for resale of each article listed in paragraph (a), the seller shall send the purchaser a copy of this order.

(f) Unless the context otherwise requires, the provisions of the applicable regulation shall apply to sales for which retail ceiling prices are established by this order.

(g) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective September 25, 1945.

Issued this 24th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-17783; Filed, Sept. 24, 1945; 11:47 a. m.]

[MPR 580, Order 169]

NAT LEWIS PURSES, INC.

ESTABLISHMENT OF MAXIMUM PRICES

MPR No. 580, Order 169. Establishing ceiling prices at retail for certain articles. Docket No. 6063-580-13-153.

For the reasons set forth in an opinion issued simultaneously herewith and pursuant to section 13 of Maximum Price Regulation No. 580; *It is ordered:*

(a) The following ceiling prices are established for sales by any seller at retail of the following articles manufactured by Nat Lewis Purses, Inc., 135 Madison Ave., New York, N. Y., and described in the manufacturer's application dated April 19, 1945:

LADIES' HANDBAGS

Brand name	Manufacturer's selling price	Retail ceiling price	
		East of Denver	Denver and west of Denver
Lewis	$3.50	$5.95	$5.95
	4.00	6.75	6.75
	4.75	7.95	8.95
	6.00	9.85	9.85
	6.25	10.50	11.50
	6.75	11.25	11.75
	8.50	15.00	14.75
	10.50	18.50	18.50
	13.50	25.00	25.00
	15.00	29.50	29.95
	18.50	35.00	35.00
	22.50	39.50	39.75
	25.00	45.00	45.00

(b) The retail ceiling price of an article manufactured for the first time after the effective date of this order and which is sold by the manufacturer at the same price as another article of the same type with the same brand or company name and for which a retail ceiling price has been established by paragraph (a) shall be the retail ceiling price listed for that other article in paragraph (a).

(c) The retail ceiling prices contained in paragraph (a) shall apply in place of the ceiling prices which have been or would otherwise be established under this or any other regulation.

(d) On and after November 1, 1945, Nat Lewis Purses, Inc., must mark each article listed in paragraph (a) with the retail ceiling price under this order, or attach to the article a label, tag or ticket stating the retail ceiling price. This mark or statement must be in the following form:

(Sec. 13, MPR 580)
OPA Price—$_____

On and after December 1, 1945, no retailer may offer or sell the article unless it is marked or tagged in the form stated above. Prior to December 1, 1945, unless the article is marked or tagged in this form, the retailer shall comply with the marking, tagging and posting provisions of the applicable regulation.

(e) On or before the first delivery to any purchaser for resale of each article listed in paragraph (a), the seller shall send the purchaser a copy of this order.

(f) Unless the context otherwise requires, the provisions of the applicable regulation shall apply to sales for which retail ceiling prices are established by this order.

(g) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective September 25, 1945.

Issued this 24th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-17784; Filed, Sept. 24, 1945; 11:47 a. m.]

[MPR 580, Order 170]

KAYLON, INC.

ESTABLISHMENT OF MAXIMUM PRICES

MPR No. 580, Order 170. Establishing ceiling prices at retail for certain articles. Docket No. 6063-580-13-313.

For the reasons set forth in an opinion issued simultaneously herewith and pursuant to section 13 of Maximum Price Regulation No. 580; *It is ordered:*

(a) The following ceiling prices are established for sales by any seller at retail of the following articles manufactured by Kaylon, Incorporated, 180 Madison Avenue, New York 16, New York, having the brand name "Tommies," and described in the manufacturer's application dated September 5, 1945:

WOMEN'S PAJAMAS

Style No.	Manufacturer's selling price (per dozen)	Retail ceiling price (per unit)
6[illegible]500	$42	$6

(b) The retail ceiling price of an article manufactured for the first time after the effective date of this order and which is sold by the manufacturer at the same price as another article of the same type with the same brand or company name and for which a retail ceiling price has been established by paragraph (a) shall be the retail ceiling price listed for that other article in paragraph (a).

(c) The retail ceiling prices contained in paragraph (a) shall apply in place of the ceiling prices which have been or would otherwise be established under this or any other regulation.

(d) On and after November 1, 1945, Kaylon, Inc., must mark each article listed in paragraph (a) with the retail ceiling price under this order, or attach to the article a label, tag or ticket stating the retail ceiling price. This mark or statement must be in the following form:

(Sec. 13, MPR 580)
OPA Price—$_____

On and after December 1, 1945, no retailer may offer or sell the article unless it is marked or tagged in the form stated above. Prior to December 1, 1945, unless the article is marked or tagged in this form, the retailer shall comply with the marking, tagging and posting provisions of the applicable regulation.

(e) On or before the first delivery to any purchaser for resale of each article listed in paragraph (a), the seller shall send the purchaser a copy of this order.

(f) Unless the context otherwise requires, the provisions of the applicable regulation shall apply to sales for which retail ceiling prices are established by this order.

(g) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective September 25, 1945.

Issued this 24th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-17785; Filed, Sept. 24, 1945; 11:48 a. m.]

[MPR 580, Order 171]

CAMERON BEDDING & MFG. CO.

ESTABLISHMENT OF MAXIMUM PRICES

MPR No. 580, Order 171. Establishing ceiling prices at retail for certain articles. Docket No. 6063-580-13-317.

For the reasons set forth in an opinion issued simultaneously herewith and pursuant to section 13 of Maximum Price Regulation No. 580, *It is ordered:*

(a) The following ceiling prices are established for sales by any seller at retail of the following articles manufactured by Cameron Bedding & Manufacturing Co., 401 Railroad Avenue, Cameron, S. C., having the brand name "Spring-Air", and described in the manufacturer's application dated April 20, 1945:

Article	Style No.	Retail ceiling price
Mattress	200	$29.50
Box spring	200	29.50
Mattress	400	39.50
Box spring	400	39.50

(b) The retail ceiling price of an article manufactured for the first time after the effective date of this order and which is sold by the manufacturer at the same price as another article of the same type with the same brand or company name and for which a retail ceiling price has been established by paragraph (a) shall be the retail ceiling price listed for that other article in paragraph (a).

(c) The retail ceiling prices contained in paragraph (a) shall apply in place of the ceiling prices which have been or would otherwise be established under this or any other regulation.

(d) On and after November 1, 1945, Cameron Bedding & Manufacturing Co. must mark each article listed in paragraph (a) with the retail ceiling price under this order, or attach to the article a label, tag or ticket stating the retail ceiling price. This mark or statement must be in the following form:

(Sec. 13, MPR 580)
OPA Price—$_____

On and after December 1, 1945, no retailer may offer or sell the article unless it is marked or tagged in the form stated above. Prior to December 1, 1945, unless the article is marked or tagged in this form, the retailer shall comply with the marking, tagging and posting provisions of the applicable regulation.

(e) On or before the first delivery to any purchaser for resale of each article listed in paragraph (a), the seller shall send the purchaser a copy of this order.

(f) Unless the context otherwise requires, the provisions of the applicable regulation shall apply to sales for which retail ceiling prices are established by this order.

(g) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective September 25, 1945.

Issued this 24th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-17786; Filed, Sept. 24, 1945; 11:48 a. m.]

[MPR 580, Order 172]

BLACKWELL MATTRESS CO.

ESTABLISHMENT OF MAXIMUM PRICES

MPR No. 580, Order 172. Establishing ceiling prices at retail for certain articles. Docket No. 6063-580-13-316.

For the reasons set forth in an opinion issued simultaneously herewith and pursuant to section 13 of Maximum Price Regulation No. 580; *It is ordered:*

(a) The following ceiling prices are established for sales by any seller at retail of the following articles manufactured by Blackwell Mattress Company, Lubbock, Texas, having the brand name "Spring-Air", and described in the manufacturer's application dated April 30, 1945:

Article	Style No.	Retail ceiling price
Box spring	400	$39.50

(b) The retail ceiling price of an article manufactured for the first time after the effective date of this order and which is sold by the manufacturer at the same price as another article of the same type with the same brand or company name and for which a retail ceiling price has been established by paragraph (a) shall be the retail ceiling price listed for that other article in paragraph (a).

(c) The retail ceiling prices contained in paragraph (a) shall apply in place of the ceiling prices which have been or would otherwise be established under this or any other regulation.

(d) On and after November 1, 1945, Blackwell Mattress Company, must mark each article listed in paragraph (a) with the retail ceiling price under this order, or attach to the article a label, tag or ticket stating the retail ceiling price.

(Sec. 13, MPR 580)
OPA Price—$_____

On and after December 1, 1945, no retailer may offer or sell the article unless it is marked or tagged in the form stated above. Prior to December 1, 1945, unless the article is marked or tagged in this form, the retailer shall comply with the marking, tagging and posting provisions of the applicable regulation.

(e) On or before the first delivery to any purchaser for resale of each article listed in paragraph (a), the seller shall send the purchaser a copy of this order.

(f) Unless the context otherwise requires, the provisions of the applicable regulation shall apply to sales for which retail ceiling prices are established by this order.

(g) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective September 25, 1945.

Issued this 24th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-17787; Filed, Sept. 24, 1945; 11:48 a. m.]

MEN'S HATS

(a) The following ceiling prices are established for sales by any seller at re-

For the reasons set forth in an opinion issued simultaneously herewith and pur-

This mark or statement must be in the following form:

(Sec. 13, MPR 580)
OPA Price—$------

On and after December 1, 1945, no retailer may offer or sell the article unless it is marked or tagged in the form stated above. Prior to December 1, 1945, unless the article is marked or tagged in this form, the retailer shall comply with the marking, tagging and posting provisions of the applicable regulation.

(e) On or before the first delivery to any purchaser for resale of each article listed in paragraph (a), the seller shall send the purchaser a copy of this order.

(f) Unless the context otherwise requires, the provisions of the applicable regulation shall apply to sales for which retail ceiling prices are established by this order.

(g) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective September 25, 1945.

Issued this 24th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-17787; Filed, Sept. 24, 1945; 11:49 a. m.]

[MPR 580, Order 173]

IMPERIAL BEDDING CO.

ESTABLISHMENT OF MAXIMUM PRICES

MPR No. 580, Order 173. Establishing ceiling prices at retail for certain articles. Docket No. 6063-530-13-325.

For the reasons set forth in an opinion issued simultaneously herewith and pursuant to section 13 of Maximum Price Regulation No. 580; *It is ordered:*

(a) The following ceiling prices are established for sales by any seller at retail of the following articles manufactured by Imperial Bedding Company, 135 Auburn Avenue, NE., Atlanta 3, Georgia, having the brand name "Spring-Air", and described in the manufacturer's application dated April 23, 1945:

Article	Style No.	Retail ceiling price
Mattress	200	$29.50
Box spring	200	29.50
Mattress	400	39.50
Box spring	400	39.50

(b) The retail ceiling price of an article manufactured for the first time after the effective date of this order and which is sold by the manufacturer at the same price as another article of the same type with the same brand or company name and for which a retail ceiling price has been established by paragraph (a) shall be the retail ceiling price listed for that other article in paragraph (a).

(c) The retail ceiling prices contained in paragraph (a) shall apply in place of the ceiling prices which have been or would otherwise be established under this or any other regulation.

(d) On and after November 1, 1945, Imperial Bedding Company must mark each article listed in paragraph (a) with the retail ceiling price under this order, or attach to the article a label, tag or ticket stating the retail ceiling price. This mark or statement must be in the following form:

(Sec. 13, MPR 580)
OPA Price—$------

On and after December 1, 1945, no retailer may offer or sell the article unless it is marked or tagged in the form stated above. Prior to December 1, 1945, unless the article is marked or tagged in this form, the retailer shall comply with the marking, tagging and posting provisions of the applicable regulation.

(e) On or before the first delivery to any purchaser for resale of each article listed in paragraph (a), the seller shall send the purchaser a copy of this order.

(f) Unless the context otherwise requires, the provisions of the applicable regulation shall apply to sales for which retail ceiling prices are established by this order.

(g) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective September 25, 1945.

Issued this 24th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-17788; Filed, Sept. 24, 1945; 11:49 a. m.]

[MPR 580, Order 174]

SLUMBER PRODUCTS CORP.

ESTABLISHMENT OF MAXIMUM PRICES

MPR No. 580, Order 174. Establishing ceiling prices at retail for certain articles. Docket No. 6063-580-13-41.

For the reasons set forth in an opinion issued simultaneously herewith and pursuant to section 13 of Maximum Price Regulation No. 580, *It is ordered:*

(a) The following ceiling prices are established for sales by any seller at retail of the following articles manufactured by Slumber Products Corporation, Memphis, Tennessee, and described in the manufacturer's application dated April 19, 1945:

Brand name	Article	Style name or No.	Retail ceiling price
Triple cushion	Mattress	American Beauty	$
Triple cushion	Box spring	American Beauty	
Triple cushion	Mattress	Gold Cross	
Triple cushion	Box spring	Gold Cross	
Triple cushion	Mattress	One Star	
Triple cushion	Box spring	One Star	
Spring air	Mattress	200	
Spring air	Box spring	200	
Spring air	Mattress	300	
Spring air	Box spring	300	

(b) The retail ceiling price of an article manufactured for the first time after the effective date of this order and which is sold by the manufacturer at the same price as another article of the same type with the same brand or company name and for which a retail ceiling price has been established by paragraph (a) shall be the retail ceiling price listed for that other article in paragraph (a).

(c) The retail ceiling prices contained in paragraph (a) shall apply in place of the ceiling prices which have been or would otherwise be established under this or any other regulation.

(d) On or before November 1, 1945, Slumber Products Corporation must mark each article listed in paragraph (a) with the retail ceiling price under this order, or attach to the article a label, tag or ticket stating the retail ceiling price. This mark or statement must be in the following form:

(Sec. 13, MPR 580)
OPA Price—$------

On and after December 1, 1945, no retailer may offer or sell the article unless it is marked or tagged in the form stated above. Prior to December 1, 1945, unless the article is marked or tagged in this form, the retailer shall comply with the marking, tagging and posting provisions of the applicable regulation.

(e) On or before the first delivery to any purchaser for resale of each article listed in paragraph (a), the seller shall send the purchaser a copy of this order.

(f) Unless the context otherwise requires, the provisions of the applicable regulation shall apply to sales for which retail ceiling prices are established by this order.

(g) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective September 25, 1945.

Issued this 24th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-17789; Filed, Sept. 24, 1945; 11:49 a. m.]

[MPR 580, Order 175]

SCHOBLE HATS, INC.

ESTABLISHMENT OF MAXIMUM PRICES

MPR No. 580, Order 175. Establishing ceiling prices at retail for certain articles. Docket No. 6063-580-13-282.

For the reasons set forth in an opinion issued simultaneously herewith and pursuant to section 13 of Maximum Price Regulation No. 580; *It is ordered:*

(a) The following ceiling prices are established for sales by any seller at retail of the following articles manufactured by Schoble Hats, Inc., 1726-34 North Fifth Street, Philadelphia, Pa., having the brand name "Schoble Hats" and described in the manufacturer's application dated August 9, 1945:

MEN'S HATS

Style name	Manufacturer's selling price	Retail ceiling price
XX Superior	$4.25 and $4.50	$7.50
XXX Select	5.00	8.50
XXXX Supreme	6.00	10.00
Beaver Blend	8.00	15.00
Genuine Beaver	12.00	20.00

(b) The retail ceiling price of an article manufactured for the first time after the effective date of this order and which is sold by the manufacturer at the same price as another article of the same type with the same brand or company name and for which a retail ceiling price has been established by paragraph (a) shall be the retail ceiling price listed for that other article in paragraph (a).

(c) The retail ceiling prices contained in paragraph (a) shall apply in place of the ceiling prices which have been or would otherwise be established under this or any other regulation.

(d) On and after November 1, 1945, Schoble Hats, Inc., must mark each article listed in paragraph (a) with the retail ceiling price under this order, or attach to the article a label, tag or ticket stating the retail ceiling price. This mark or statement must be in the following form:

(Sec. 13, MPR 580)
OPA Price—$------

On and after December 1, 1945, no retailer may offer or sell the article unless it is marked or tagged in the form stated above. Prior to December 1, 1945, unless the article is marked or tagged in this form, the retailer shall comply with the marking, tagging and posting provisions of the applicable regulation.

(e) On or before the first delivery to any purchaser for resale of each article listed in paragraph (a), the seller shall send the purchaser a copy of this order.

(f) Unless the context otherwise requires, the provisions of the applicable regulation shall apply to sales for which retail ceiling prices are established by this order.

(g) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective September 25, 1945.

Issued this 24th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-17790; Filed, Sept. 24, 1945; 11:49 a. m.]

[MPR 580, Order 176]

ROPEEZ, INC.

ESTABLISHMENT OF MAXIMUM PRICES

MPR No. 580, Order 176. Establishing ceiling prices at retail for certain articles. Docket No. 6063-580-13-177.

For the reasons set forth in an opinion issued simultaneously herewith and pursuant to section 13 of Maximum Price Regulation No. 580, *It is ordered:*

(a) The following ceiling prices are established for sales by any seller at retail of the following articles manufactured by Ropeez, Inc., 47 West 34th Street, New York 1, N. Y., having the brand name "Ropeez" and described in the manufacturer's application dated April 30, 1945:

WOMEN'S SHOES

Description	Manufacturer's selling price	Retail ceiling price
Plain fabric	$2.50	$3.95
Novelty fabric	2.85	4.95

(b) The retail ceiling price of an article manufactured for the first time after the effective date of this order and which is sold by the manufacturer at the same price as another article of the same type with the same brand or company name and for which a retail ceiling price has been established by paragraph (a) shall be the retail ceiling price listed for that other article in paragraph (a).

(c) The retail ceiling prices contained in paragraph (a) shall apply in place of the ceiling prices which have been or would otherwise be established under this or any other regulation.

(d) On and after November 1, 1945, Ropeez, Inc., must mark each article listed in paragraph (a) with the retail ceiling price under this order, or attach to the article a label, tag or ticket stating the retail ceiling price. This mark or statement must be in the following form:

(Sec. 13, MPR 580)
OPA PRICE—$------

On and after December 1, 1945, no retailer may offer or sell the article unless it is marked or tagged in the form stated above. Prior to December 1, 1945, unless the article is marked or tagged in this form, the retailer shall comply with the marking, tagging and posting provisions of the applicable regulation.

(e) On or before the first delivery to any purchaser for resale of each article listed in paragraph (a), the seller shall send the purchaser a copy of this order.

(f) Unless the context otherwise requires, the provisions of the applicable regulation shall apply to sales for which retail ceiling prices are established by this order.

(g) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective September 25, 1945.

Issued this 24th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-17791; Filed, Sept. 24, 1945; 11:50 a. m.]

[MPR 580, Order 177]

GRAND RAPIDS BEDDING CO.

ESTABLISHMENT OF MAXIMUM PRICES

MPR No. 580, Order 177. Establishing ceiling prices at retail for certain articles. Docket No. 6063-580-13-321.

For the reasons set forth in an opinion issued simultaneously herewith and pursuant to section 13 of Maximum Price Regulation No. 580, *It is ordered:*

(a) The following ceiling prices are established for sales by any seller at retail of the following articles manufactured by Grand Rapids Bedding Co., 52 Summer Avenue NW., Grand Rapids, Mich., having the brand name "Spring-Air", and described in the manufacturer's application dated April 18, 1945:

Article	Style No.	Retail ceiling price
Mattress	200	$29.50
Mattress	400	39.50
Box spring	400	39.50

(b) The retail ceiling price of an article manufactured for the first time after the effective date of this order and which is sold by the manufacturer at the same price as another article of the same type with the same brand or company name and for which a retail ceiling price has been established by paragraph (a) shall be the retail ceiling price listed for that other article in paragraph (a).

(c) The retail ceiling prices contained in paragraph (a) shall apply in place of the ceiling prices which have been or would otherwise be established under this or any other regulation.

(d) On and after November 1, 1945, Grand Rapids Bedding Co. must mark each article listed in paragraph (a) with the retail ceiling price under this order, or attach to the article a label, tag or ticket stating the retail ceiling price. This mark or statement must be in the following form:

(Sec. 13, MPR 580)
OPA Price—$------

On and after December 1, 1945, no retailer may offer or sell the article unless it is marked or tagged in the form stated above. Prior to December 1, 1945, unless the article is marked or tagged in this form, the retailer shall comply with the marking, tagging and posting provisions of the applicable regulation.

(e) On or before the first delivery to any purchaser for resale of each article listed in paragraph (a), the seller shall send the purchaser a copy of this order.

(f) Unless the context otherwise requires, the provisions of the applicable regulation shall apply to sales for which retail ceiling prices are established by this order.

(g) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective September 25, 1945.

Issued this 24th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-17792; Filed, Sept. 24, 1945; 11:33 a. m.]

[MPR 580, Order 178]

WILSON & JANSEN

ESTABLISHMENT OF MAXIMUM PRICES

MPR No. 580, Order 178. Establishing ceiling prices at retail for certain articles. Docket No. 6063-580-13-337.

For the reasons set forth in an opinion issued simultaneously herewith and pursuant to section 13 of Maximum Price Regulation No. 580; *It is ordered:*

(a) The following ceiling prices are established for sales by any seller at retail of the following articles manufactured by Wilson & Jansen, 224 Twelfth Street, San Francisco 3, Calif., having the brand name "Spring-Air" and described in the manufacturer's application dated April 23, 1945:

Article	Style No.	Retail ceiling price
Mattress	400	$39.50
Box spring	400	39.50

(b) The retail ceiling price of an article manufactured for the first time after the effective date of this order and which is sold by the manufacturer at the same price as another article of the same type with the same brand or company name and for which a retail ceiling price has been established by paragraph (a) shall be the retail ceiling price listed for that other article in paragraph (a).

(c) The retail ceiling prices contained in paragraph (a) shall apply in place of the ceiling prices which have been or would otherwise be established under this or any other regulation.

(d) On and after November 1, 1945, Wilson & Jansen must mark each article listed in paragraph (a) with the retail ceiling price under this order, or attach to the article a label, tag or ticket stating the retail ceiling price. This mark or statement must be in the following form:

(Sec. 13, MPR 580)
OPA Price—$------

On and after December 1, 1945, no retailer may offer or sell the article unless it is marked or tagged in the form stated above. Prior to December 1, 1945, unless the article is marked or tagged in this form, the retailer shall comply with the marking, tagging and posting provisions of the applicable regulation.

(e) On or before the first delivery to any purchaser for resale of each article listed in paragraph (a), the seller shall send the purchaser a copy of this order.

(f) Unless the context otherwise requires, the provisions of the applicable regulation shall apply to sales for which retail ceiling prices are established by this order.

(g) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective September 25, 1945.

Issued this 24th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-17793; Filed, Sept. 24, 1945; 11:50 a. m.]

[MPR 580, Order 179]

WHITE SWAN BEDDING CO.

ESTABLISHMENT OF MAXIMUM PRICES

MPR No. 580, Order 179. Establishing ceiling prices at retail for certain articles. Docket No. 6063-580-13-336.

For the reasons set forth in an opinion issued simultaneously herewith and pursuant to section 13 of Maximum Price Regulation No. 580; *It is ordered:*

(a) The following ceiling prices are established for sales by any seller at retail of the following articles manufactured by White Swan Bedding Company, 5000 Georgia Avenue, West Palm Beach, Fla., having the brand name "Spring-Air" and described in the manufacturer's application dated April 23, 1945.

Article	Style No.	Retail ceiling price
Mattress	200	$29.50
Box spring	200	29.50
Mattress	400	39.50
Box spring	400	39.50

(b) The retail ceiling price of an article manufactured for the first time after the effective date of this order and which is sold by the manufacturer at the same price as another article of the same type with the same brand or company name and for which a retail ceiling price has been established by paragraph (a) shall be the retail ceiling price listed for that other article in paragraph (a).

(c) The retail ceiling prices contained in paragraph (a) shall apply in place of the ceiling prices which have been or would otherwise be established under this or any other regulation.

(d) On and after November 1, 1945, White Swan Bedding Company must mark each article listed in paragraph (a) with the retail ceiling price under this order, or attach to the article a label, tag or ticket stating the retail ceiling price. This mark or statement must be in the following form:

(Sec. 13, MPR 580)
OPA Price—$------

On and after December 1, 1945, no retailer may offer or sell the article unless it is marked or tagged in the form stated above. Prior to December 1, 1945, unless the article is marked or tagged in this form, the retailer shall comply with the marking, tagging and posting provisions of the applicable regulation.

(e) On or before the first delivery to any purchaser for resale of each article listed in paragraph (a), the seller shall send the purchaser a copy of this order.

(f) Unless the context otherwise requires, the provisions of the applicable regulation shall apply to sales for which retail ceiling prices are established by this order.

(g) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective September 25, 1945.

Issued this 24th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-17794; Filed, Sept. 24, 1945; 11:50 a. m.]

[MPR 580, Order 180]

WARREN-WELLS CO.

ESTABLISHMENT OF MAXIMUM PRICES

MPR No. 580, Order 180. Establishing ceiling prices at retail for certain articles. Docket No. 6063-580-13-335.

For the reasons set forth in an opinion issued simultaneously herewith and pursuant to section 13 of Maximum Price Regulation No. 580; *It is ordered:*

(a) The following ceiling prices are established for sales by any seller at retail of the following articles manufactured by Warren-Wells Company, 1232 Orleans, Detroit 7, Mich., having the brand name "Spring-Air", and described in the manufacturer's application dated April 19, 1945.

Article	Style No.	Retail ceiling price
Mattress	400	$39.50
Box spring	400	39.50

(b) The retail ceiling price of an article manufactured for the first time after the effective date of this order and which is sold by the manufacturer at the same price as another article of the same type with the same brand or company name and for which a retail ceiling price has been established by paragraph (a) shall be the retail ceiling price listed for that other article in paragraph (a).

(c) The retail ceiling prices contained in paragraph (a) shall apply in place of the ceiling prices which have been or would otherwise be established under this or any other regulation.

(d) On and after November 1, 1945, Warren-Wells Company must mark each article listed in paragraph (a) with the retail ceiling price under this order, or attach to the article a label, tag or ticket stating the retail ceiling price. This mark or statement must be in the following form:

(Sec. 13, MPR 580)
OPA Price—$------

On and after December 1, 1945, no retailer may offer or sell the article unless it is marked or tagged in the form stated above. Prior to December 1, 1945, unless the article is marked or tagged in this form, the retailer shall comply with the marking, tagging and posting provisions of the applicable regulation.

(e) On or before the first delivery to any purchaser for resale of each article listed in paragraph (a), the seller shall send the purchaser a copy of this order.

(f) Unless the context otherwise requires, the provisions of the applicable regulation shall apply to sales for which retail ceiling prices are established by this order.

(g) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective September 25, 1945.

Issued this 24th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-17795; Filed, Sept. 24, 1945; 11:50 a. m.]

[MPR 580, Order 181]

UNITED STATES SPRING BED CO.

ESTABLISHMENT OF MAXIMUM PRICES

MPR No. 580, Order 181. Establishing ceiling prices at retail for certain articles. Docket No. 6063-580-13-334.

For the reasons set forth in an opinion issued simultaneously herewith and pursuant to section 13 of Maximum Price Regulation No. 580; *It is ordered:*

(a) The following ceiling prices are established for sales by any seller at retail of the following articles manufactured by United States Spring Bed Company, 228 Birnie Avenue, Springfield 1, Mass., having the brand name "Spring-Air", and described in the manufacturer's application dated April 19, 1945:

Article	Style No.	Retail ceiling price
Mattress	400	$39.50
Box spring	400	39.50

(b) The retail ceiling price of an article manufactured for the first time after the effective date of this order and which is sold by the manufacturer at the same price as another article of the same type with the same brand or company name and for which a retail ceiling price has been established by paragraph (a) shall be the retail ceiling price listed for that other article in paragraph (a).

(c) The retail ceiling prices contained in paragraph (a) shall apply in place of the ceiling prices which have been or would otherwise be established under this or any other regulation.

(d) On and after November 1, 1945, United States Spring Bed Company must mark each article listed in paragraph (a) with the retail ceiling price under this order, or attach to the article a label, tag or ticket stating the retail ceiling price. This mark or statement must be in the following form:

(Sec. 13, MPR 580)
OPA Price—$------

On and after December 1, 1945, no retailer may offer or sell the article unless it is marked or tagged in the form stated above. Prior to December 1, 1945, unless the article is marked or tagged in this form, the retailer shall comply with the marking, tagging and posting provisions of the applicable regulation.

(e) On or before the first delivery to any purchaser for resale of each article listed in paragraph (a), the seller shall send the purchaser a copy of this order.

(f) Unless the context otherwise requires, the provisions of the applicable regulation shall apply to sales for which retail ceiling prices are established by this order.

(g) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective September 25, 1945.

Issued this 24th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-17796; Filed, Sept. 24, 1945; 11:51 a. m.]

[MPR 580, Order 182]

STOVER BEDDING & MFG. CO.

ESTABLISHMENT OF MAXIMUM PRICES

MPR No. 580, Order 152. Establishing ceiling prices at retail for certain articles. Docket No. 6063-580-13-333.

For the reasons set forth in an opinion issued simultaneously herewith and pursuant to section 13 of Maximum Price Regulation No. 580, *It is ordered:*

(a) The following ceiling prices are established for sales by any seller at retail of the following articles manufactured by Stover Bedding & Mfg. Company, 565 N. 3d Street, West, Salt Lake City 3, Utah, having the brand name "Spring-Air", and described in the manufacturer's application dated April 20, 1945:

Article	Style No.	Retail ceiling price
Mattress	200	$29.50
Mattress	400	39.50

(b) The retail ceiling price of an article manufactured for the first time after the effective date of this order and which is sold by the manufacturer at the same price as another article of the same type with the same brand or company name and for which a retail ceiling price has been established by paragraph (a) shall be the retail ceiling price listed for that other article in paragraph (a).

(c) The retail ceiling prices contained in paragraph (a) shall apply in place of the ceiling prices which have been or would otherwise be established under this or any other regulation.

(d) On and after November 1, 1945, Stover Bedding & Mfg. Company must mark each article listed in paragraph (a) with the retail ceiling price under this order, or attach to the article a label, tag or ticket stating the retail ceiling price. This mark or statement must be in the following form:

(Sec. 13, MPR 580)
OPA Price—$------

On and after December 1, 1945, no retailer may offer or sell the article unless it is marked or tagged in the form stated above. Prior to December 1, 1945, unless the article is marked or tagged in this form, the retailer shall comply with the marking, tagging and posting provisions of the applicable regulation.

(e) On or before the first delivery to any purchaser for resale of each article listed in paragraph (a), the seller shall send the purchaser a copy of this order.

(f) Unless the context otherwise requires, the provisions of the applicable regulation shall apply to sales for which retail ceiling prices are established by this order.

(g) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective September 25, 1945.

Issued this 24th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-17797; Filed, Sept. 24, 1945; 11:51 a. m.]

[MPR 580, Order 183]

SPRINGFIELD MATTRESS CO.

ESTABLISHMENT OF MAXIMUM PRICES

MPR No. 580, order 183. Establishing ceiling prices at retail for certain articles. Docket No. 6063-580-13-332.

For the reasons set forth in an opinion issued simultaneously herewith and pursuant to section 13 of Maximum Price Regulation No. 580; *It is ordered:*

(a) The following ceiling prices are established for sales by any seller at retail of the following articles manufactured by The Springfield Mattress Co., Springfield, Ill., having the brand name "Spring-Air", and described in the manufacturer's application dated April 19, 1945:

Article	Style No.	Retail ceiling price
Mattress	200	$29.50
Box spring	200	29.50
Mattress	400	39.50
Box spring	400	39.50

(b) The retail ceiling price of an article manufactured for the first time after the effective date of this order and which is sold by the manufacturer at the same price as another article of the same type with the same brand or company name and for which a retail ceiling price has been established by paragraph (a) shall be the retail ceiling price listed for that other article in paragraph (a).

(c) The retail ceiling prices contained in paragraph (a) shall apply in place of the ceiling prices which have been or would otherwise be established under this or any other regulation.

(d) On and after November 1, 1945, The Springfield Mattress Co. must mark each article listed in paragraph (a) with the retail ceiling price under this order, or attach to the article a label, tag or ticket stating the retail ceiling price. This mark or statement must be in the following form:

(Sec. 13, MPR 580)
OPA Price—$------

On and after December 1, 1945, no retailer may offer or sell the article unless it is marked or tagged in the form stated above. Prior to December 1, 1945, unless the article is marked or tagged in this form, the retailer shall comply with the marking, tagging and posting provisions of the applicable regulation.

(e) On or before the first delivery to any purchaser for resale of each article listed in paragraph (a), the seller shall send the purchaser a copy of this order.

(f) Unless the context otherwise requires, the provisions of the applicable regulation shall apply to sales for which retail ceiling prices are established by this order.

(g) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective September 25, 1945.

Issued this 24th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-17798; Filed, Sept. 24, 1945; 11:51 a. m.]

[MPR 580, Order 184]

SALISBURY-SATTERLEE-WAY CO.

ESTABLISHMENT OF MAXIMUM PRICES

MPR No. 580, Order 184. Establishing ceiling prices at retail for certain articles. Docket No. 6063-580-13-331.

For the reasons set forth in an opinion issued simultaneously herewith and pursuant to section 13 of Maximum Price Regulation No. 580, *It is ordered:*

(a) The following ceiling prices are established for sales by any seller at retail of the following articles manufactured by Salisbury-Satterlee-Way Co., 201 Main Street, SE., Minneapolis, Minn., having the brand name "Spring-Air", and described in the manufacturer's application dated April 24, 1945:

Article	Style No.	Retail ceiling price
Mattress	200	$29.50
Mattress	400	39.50
Box spring	400	39.50

(b) The retail ceiling price of an article manufactured for the first time after the effective date of this order and which is sold by the manufacturer at the same price as another article of the same type with the same brand or company name and for which a retail ceiling price has been established by paragraph (a) shall be the retail ceiling price listed for that other article in paragraph (a).

(c) The retail ceiling prices contained in paragraph (a) shall apply in place of the ceiling prices which have been or would otherwise be established under this or any other regulation.

(d) On and after November 1, 1945, Salisbury-Satterlee-Way Co., must mark each article listed in paragraph (a) with the retail ceiling price under this order, or attach to the article a label, tag or ticket stating the retail ceiling price. This mark or statement must be in the following form:

(Sec. 13, MPR 580)
OPA Price—$_____

On and after December 1, 1945, no retailer may offer or sell the article unless it is marked or tagged in the form stated above. Prior to December 1, 1945, unless the article is marked or tagged in this form, the retailer shall comply with the marking, tagging and posting provisions of the applicable regulation.

(e) On or before the first delivery to any purchaser for resale of each article listed in paragraph (a), the seller shall send the purchaser a copy of this order.

(f) Unless the context otherwise requires, the provisions of the applicable regulation shall apply to sales for which retail ceiling prices are established by this order.

(g) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective September 25, 1945.

Issued this 24th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-17799; Filed, Sept. 24, 1945; 11:52 a. m.]

[MPR 580, Order 185]

QUALITY MATTRESS CO.

ESTABLISHMENT OF MAXIMUM PRICES

MPR No. 580, Order 185. Establishing ceiling prices at retail for certain articles. Docket No. 6063-580-13-330.

For the reasons set forth in an opinion issued simultaneously herewith and pursuant to section 13 of Maximum Price Regulation No. 580, *It is ordered:*

(a) The following ceiling prices are established for sales by any seller at retail of the following articles manufactured by Quality Mattress Company, 116-120 Mill Street, Rochester 4, N. Y., having the brand name "Spring-Air", and described in the manufacturer's application dated April 27, 1945:

Article	Style No.	Retail ceiling price
Mattress	200	$29.50
Box spring	200	29.50
Mattress	400	39.50
Box spring	400	39.50

(b) The retail ceiling price of an article manufactured for the first time after the effective date of this order and which is sold by the manufacturer at the same price as another article of the same type with the same brand or company name and for which a retail ceiling price has been established by paragraph (a) shall be the retail ceiling price listed for that other article in paragraph (a).

(c) The retail ceiling prices contained in paragraph (a) shall apply in place of the ceiling prices which have been or would otherwise be established under this or any other regulation.

(d) On and after November 1, 1945, Quality Mattress Company must mark each article listed in paragraph (a) with the retail ceiling price under this order, or attach to the article a label, tag or ticket stating the retail ceiling price. This mark or statement must be in the following form:

(Sec. 13, MPR 580)
OPA Price—$_____

On and after December 1, 1945, no retailer may offer or sell the article unless it is marked or tagged in the form stated above. Prior to December 1, 1945, unless the article is marked or tagged in this form, the retailer shall comply with the marking, tagging and posting provisions of the applicable regulation.

(e) On or before the first delivery to any purchaser for resale of each article listed in paragraph (a), the seller shall send the purchaser a copy of this order.

(f) Unless the context otherwise requires, the provisions of the applicable regulation shall apply to sales for which retail ceiling prices are established by this order.

(g) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective September 25, 1945.

Issued this 24th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-17800; Filed, Sept. 24, 1945; 11:52 a. m.]

[MPR 580, Order 186]

PARKER BEDDING CO.

ESTABLISHMENT OF MAXIMUM PRICES

MPR No. 580, Order 186. Establishing ceiling prices at retail for certain articles. Docket No. 6063-580-13-329.

For the reasons set forth in an opinion issued simultaneously herewith and pursuant to section 13 of Maximum Price Regulation No. 580, *It is ordered:*

(a) The following ceiling prices are established for sales by any seller at retail of the following articles manufactured by Parker Bedding Company, 310 N. Main Street, Houston, Tex., having the brand name "Spring-Air", and described in the manufacturer's application dated April 20, 1945:

Article	Style No.	Retail ceiling price
Mattress	200	$29.50
Box spring	200	29.50
Mattress	400	39.50
Box spring	400	39.50

(b) The retail ceiling price of an article manufactured for the first time after the effective date of this order and which is sold by the manufacturer at the same price as another article of the same type with the same brand or company name and for which a retail ceiling price has been established by paragraph (a) shall be the retail ceiling price listed for that other article in paragraph (a).

(c) The retail ceiling prices contained in paragraph (a) shall apply in place of the ceiling prices which have been or would otherwise be established under this or any other regulation.

(d) On and after November 1, 1945, Parker Bedding Company must mark each article listed in paragraph (a) with the retail ceiling price under this order, or attach to the article a label, tag or ticket stating the retail ceiling price. This mark or statement must be in the following form:

(Sec. 13, MPR 580)
OPA Price—$_____

On and after December 1, 1945, no retailer may offer or sell the article unless it is marked or tagged in the form stated above. Prior to December 1, 1945, unless the article is marked or tagged in this form, the retailer shall comply with the marking, tagging and posting provisions of the applicable regulation.

(e) On or before the first delivery to any purchaser for resale of each article listed in paragraph (a), the seller shall send the purchaser a copy of this order.

(f) Unless the context otherwise requires, the provisions of the applicable regulation shall apply to sales for which retail ceiling prices are established by this order.

(g) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective September 25, 1945.

Issued this 24th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-17801; Filed, Sept. 24, 1945; 11:53 a. m.]

[MPR 580, Order 187]

LOUISVILLE BEDDING CO., INC.

ESTABLISHMENT OF MAXIMUM PRICES

Maximum Price Regulation No. 580, Order 187. Establishing ceiling prices at retail for certain articles. Docket No. 6063-580-13-327.

For the reasons set forth in an opinion issued simultaneously herewith and pursuant to section 13 of Maximum Price Regulation No. 580; *It is ordered:*

(a) The following ceiling prices are established for sales by any seller at retail of the following articles manufactured by Louisville Bedding Company, Inc., 418 E. Main Street, Louisville 2, Ky., having the brand name "Spring-Air", and described in the manufacturer's application dated April 23, 1945:

Article	Style No.	Retail ceiling price
Mattress	200	$29.50
Box spring	200	29.50
Mattress	400	39.50
Box spring	400	39.50

(b) The retail ceiling price of an article manufactured for the first time after the effective date of this order and which is sold by the manufacturer at the same price as another article of the same type with the same brand or company name and for which a retail ceiling price has been established by paragraph (a) shall be the retail ceiling price listed for that other article in paragraph (a).

(c) The retail ceiling prices contained in paragraph (a) shall apply in place of the ceiling prices which have been or would otherwise be established under this or any other regulation.

(d) On and after November 1, 1945, Louisville Bedding Company, Inc. must mark each article listed in paragraph (a) with the retail ceiling price under this order, or attach to the article a label, tag or ticket stating the retail ceiling price. This mark or statement must be in the following form:

(Sec. 13, MPR 580)
OPA Price—$_____

On and after December 1, 1945, no retailer may offer or sell the article unless it is marked or tagged in the form stated above. Prior to December 1, 1945, unless the article is marked or tagged in this form, the retailer shall comply with the marking, tagging and posting provisions of the applicable regulation.

(e) On or before the first delivery to any purchaser for resale of each article listed in paragraph (a), the seller shall send the purchaser a copy of this order.

(f) Unless the context otherwise requires, the provisions of the applicable regulation shall apply to sales for which retail ceiling prices are established by this order.

(g) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective September 25, 1945.

Issued this 24th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-17802; Filed, Sept. 24, 1945; 11:53 a. m.]

[MPR 580, Order 188]

A. J. LOGAN CO.

ESTABLISHMENT OF MAXIMUM PRICES

MPR No. 580, Order 188. Establishing ceiling prices at retail for certain articles. Docket No. 6063-580-13-326.

For the reasons set forth in an opinion issued simultaneously herewith and pursuant to section 13 of Maximum Price Regulation No. 580, *It is ordered:*

(a) The following ceiling prices are established for sales by any seller at retail of the following articles manufactured by A. J. Logan Company, 2839 Liberty Avenue, Pittsburgh 22, Pa., having the brand name "Spring-Air" and described in the manufacturer's application dated April 20, 1945:

Article	Style No.	Retail ceiling price
Mattress	400	$39.50

(b) The retail ceiling price of an article manufactured for the first time after the effective date of this order and which is sold by the manufacturer at the same price as another article of the same type with the same brand or company name and for which a retail ceiling price has been established by paragraph (a) shall be the retail ceiling price listed for that other article in paragraph (a).

(c) The retail ceiling prices contained in paragraph (a) shall apply in place of the ceiling prices which have been or would otherwise be established under this or any other regulation.

(d) On and after November 1, 1945, A. J. Logan Company must mark each article listed in paragraph (a) with the retail ceiling price under this order, or attach to the article a label, tag or ticket stating the retail ceiling price. This mark or statement must be in the following form:

(Sec. 13, MPR 580)
OPA Price—$_____

On and after December 1, 1945, no retailer may offer or sell the article unless it is marked or tagged in the form stated above. Prior to December 1, 1945, unless the article is marked or tagged in this form, the retailer shall comply with the marking, tagging and posting provisions of the applicable regulation.

(e) On on before the first delivery to any purchaser for resale of each article listed in paragraph (a), the seller shall send the purchaser a copy of this order.

(f) Unless the context otherwise requires, the provisions of the applicable regulation shall apply to sales for which retail ceiling prices are established by this order.

(g) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective September 25, 1945.

Issued this 24th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-17803; Filed, Sept. 24, 1945; 11:53 a. m.]

[MPR 580, Order 189]

ANDERSON MATTRESS CO.

ESTABLISHMENT OF MAXIMUM PRICES

MPR No. 580, Order 189. Establishing ceiling prices at retail for certain articles. Docket No. 6063-580-13-315.

For the reasons set forth in an opinion issued simultaneously herewith and pursuant to section 13 of Maximum Price Regulation No. 580, *It is ordered:*

(a) The following ceiling prices are established for sales by any seller at retail of the following articles manufactured by Anderson Mattress Company, 1200 East 32nd Street, Anderson, Ind., having the brand name "Spring-Air" and described in the manufacturer's application dated April 23, 1945:

Article	Style No.	Retail ceiling price
Mattress	200	$29.50
Box spring	200	29.50
Mattress	400	39.50
Box spring	400	39.50

(b) The retail ceiling price of an article manufactured for the first time after the effective date of this order and which is sold by the manufacturer at the same price as another article of the same type with the same brand or company name and for which a retail ceiling price has been established by paragraph (a) shall be the retail ceiling price listed for that other article in paragraph (a).

(c) The retail ceiling prices contained in paragraph (a) shall apply in place of the ceiling prices which have been or would otherwise be established under this or any other regulation.

(d) On and after November 1, 1945, Anderson Mattress Company must mark each article listed in paragraph (a) with the retail ceiling price under this order, or attach to the article a label, tag or ticket stating the retail ceiling price. This mark or statement must be in the following form:

(Sec. 13, MPR 580)
OPA Price—$_____

On and after December 1, 1945, no retialer may offer or sell the article unless it is marked or tagged in the form stated above. Prior to December 1, 1945, unless the article is marked or tagged in this form, the retailer shall comply with the marking, tagging and posting provisions of the applicable regulation.

(e) On or before the first delivery to any purchaser for resale of each article listed in paragraph (a), the seller shall send the purchaser a copy of this order.

(f) Unless the context otherwise requires, the provisions of the applicable regulation shall apply to sales for which retail ceiling prices are established by this order.

(g) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective September 25, 1945.

Issued this 24th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-17804; Filed, Sept. 24, 1945; 11:53 a. m.]

[MPR 580, Order 190]

CARMAN MFG. CO.

ESTABLISHMENT OF MAXIMUM PRICES

Maximum Price Regulation No. 580, Order 190. Establishing ceiling prices at retail for certain articles. Docket No. 6063–580–13–319.

For the reasons set forth in an opinion issued simultaneously herewith and pursuant to section 13 of Maximum Price Regulation No. 580; *It is ordered:*

(a) The following ceiling prices are established for sales by any seller at retail of the following articles manufactured by Carman Manufacturing Company, 801 E. 25th Street, Tacoma 1, Wash., having the brand name "Spring-Air", and described in the manufacturer's application dated April 27, 1945:

Article	Style No.	Retail ceiling price
Mattress	200	$29.50
Box spring	200	29.50
Mattress	400	39.50
Box spring	400	39.50

(b) The retail ceiling price of an article manufactured for the first time after the effective date of this order and which is sold by the manufacturer at the same price as another article of the same type with the same brand or company name and for which a retail ceiling price has been established by paragraph (a) shall be the retail ceiling price listed for that other article in paragraph (a).

(c) The retail ceiling prices contained in paragraph (a) shall apply in place of the ceiling prices which have been or would otherwise be established under this or any other regulation.

(d) On and after November 1, 1945, Carman Manufacturing Company must mark each article listed in paragraph (a) with the retail ceiling price under this order, or attach to the article a label, tag or ticket stating the retail ceiling price. This mark or statement must be in the following form:

(Sec. 13, MPR 580)
OPA Price—$------

On and after December 1, 1945, no retailer may offer or sell the article unless it is marked or tagged in the form stated above. Prior to December 1, 1945, unless the article is marked or tagged in this form, the retailer shall comply with the marking, tagging and posting provisions of the applicable regulation.

(e) On or before the first delivery to any purchaser for resale of each article listed in paragraph (a), the seller shall send the purchaser a copy of this order.

(f) Unless the context otherwise requires, the provisions of the applicable regulation shall apply to sales for which retail ceiling prices are established by this order.

(g) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective September 25, 1945.

Issued this 24th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45–17805; Filed, Sept. 24, 1945; 11:39 a. m.]

[MPR 580, Order 191]

CARMAN MFG. CO.

ESTABLISHMENT OF MAXIMUM PRICES

MPR No. 580, Order 191. Establishing ceiling prices at retail for certain articles. Docket No. 6063–580–13–318.

For the reasons set forth in an opinion issued simultaneously herewith and pursuant to section 13 of Maximum Price Regulation No. 580, *It is ordered:*

(a) The following ceiling prices are established for sales by any seller at retail of the following articles manufactured by Carman Mfg. Co., South and Mass. Streets, Seattle 4, Wash., having the brand name "Spring-Air", and described in the manufacturer's application dated April 23, 1945:

Article	Style No.	Retail ceiling price
Mattress	200	$29.50
Box spring	200	29.50
Mattress	400	39.50
Box spring	400	39.50

(b) The retail ceiling price of an article manufactured for the first time after the effective date of this order and which is sold by the manufacturer at the same price as another article of the same type with the same brand or company name and for which a retail ceiling price has been established by paragraph (a) shall be the retail ceiling price listed for that other article in paragraph (a).

(c) The retail ceiling prices contained in paragraph (a) shall apply in place of the ceiling prices which have been or would otherwise be established under this or any other regulation.

(d) On and after November 1, 1945, Carman Mfg. Co., must mark each article listed in paragraph (a) with the retail ceiling price under this order, or attach to the article a label, tag or ticket stating the retail ceiling price. This mark or statement must be in the following form:

(Sec. 13, MPR 580)
OPA Price—$------

On and after December 1, 1945, no retailer may offer or sell the article unless it is marked or tagged in the form stated above. Prior to December 1, 1945, unless the article is marked or tagged in this form, the retailer shall comply with the marking, tagging and posting provisions of the applicable regulation.

(e) On or before the first delivery to any purchaser for resale of each article listed in paragraph (a), the seller shall send the purchaser a copy of this order.

(f) Unless the context otherwise requires, the provisions of the applicable regulation shall apply to sales for which retail ceiling prices are established by this order.

(g) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective September 25, 1945.

Issued this 24th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45–17806; Filed, Sept. 24, 1945; 11:39 a. m.]

[MPR 580, Order 192]

COLUMBIA BEDDING CO.

ESTABLISHMENT OF MAXIMUM PRICES

MPR No. 580, Order 192. Establishing ceiling prices at retail for certain articles. Docket No. 6063–580–13–320.

For the reasons set forth in an opinion issued simultaneously herewith and pursuant to section 13 of Maximum Price Regulation No. 580, *It is ordered:*

(a) The following ceiling prices are established for sales by any seller at retail of the following articles manufactured by Columbia Bedding Company, 1750 North Wolcott Avenue, Chicago 22, Ill., having the brand name "Spring-Air", and described in the manufacturer's application dated April 25, 1945:

Article	Style No.	Retail ceiling price
Mattress	400	$39.50
Box spring	400	39.50

(b) The retail ceiling price of an article manufactured for the first time after the effective date of this order and which is sold by the manufacturer at the same price as another article of the same type with the same brand or company name and for which a retail ceiling price has been established by paragraph (a) shall be the retail ceiling price listed for that other article in paragraph (a).

(c) The retail ceiling prices contained in paragraph (a) shall apply in place of the ceiling prices which have been or would otherwise be established under this or any other regulation.

(d) On and after November 1, 1945, Columbia Bedding Company, must mark each article listed in paragraph (a) with the retail ceiling price under this order, or attach to the article a label, tag or ticket stating the retail ceiling price. This mark or statement must be in the following form:

(Sec. 13, MPR 580)
OPA Price—$------

On and after December 1, 1945, no retailer may offer or sell the article unless it is marked or tagged in the form stated above. Prior to December 1, 1945, unless the article is marked or tagged in this form, the retailer shall comply with the marking, tagging and posting provisions of the applicable regulation.

(e) On or before the first delivery to any purchaser for resale of each article listed in paragraph (a), the seller shall send the purchaser a copy of this order.

(f) Unless the context otherwise requires, the provisions of the applicable regulation shall apply to sales for which retail ceiling prices are established by this order.

(g) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective September 25, 1945.

Issued this 24th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45–17807; Filed, Sept. 24, 1945; 11:39 a. m.]

[MPR 580, Order 193]

AMERICAN MATTRESS CO., INC.

ESTABLISHMENT OF MAXIMUM PRICES

MPR No. 580, Order 193. Establishing ceiling prices at retail for certain articles. Docket No. 6063–580–13–314.

For the reasons set forth in an opinion issued simultaneously herewith and pursuant to section 13 of Maximum Price Regulation No. 580; *It is ordered:*

(a) The following ceiling prices are established for sales by any seller at retail of the following articles manufactured by American Mattress Company, Inc., 400 N. Jefferson Davis Pkwy., New Orleans 19, La., having the brand name "Spring-Air", and described in the manufacturer's application dated May 12, 1945:

Article	Style No.	Retail ceiling price
Mattress	200	$29.50
Box spring	200	29.50
Mattress	400	39.50
Box spring	400	39.50

(b) The retail ceiling price of an article manufactured for the first time after the effective date of this order and which is sold by the manufacturer at the same price as another article of the same type with the same brand or company name and for which a retail ceiling price has been established by paragraph (a) shall be the retail ceiling price listed for that other article in paragraph (a).

(c) The retail ceiling prices contained in paragraph (a) shall apply in place of the ceiling prices which have been or would otherwise be established under this or any other regulation.

(d) On and after November 1, 1945, American Mattress Company, Inc., must mark each article listed in paragraph (a) with the retail ceiling price under this order, or attach to the article a label, tag or ticket stating the retail ceiling price. This mark or statement must be in the following form:

(Sec. 13, MPR 580)
OPA Price—$------

On and after December 1, 1945, no retailer may offer or sell the article unless it is marked or tagged in the form stated above. Prior to December 1, 1945, unless the article is marked or tagged in this form, the retailer shall comply with the marking, tagging and posting provisions of the applicable regulation.

(e) On or before the first delivery to any purchaser for resale of each article listed in paragraph (a), the seller shall send the purchaser a copy of this order.

(f) Unless the context otherwise requires, the provisions of the applicable regulation shall apply to sales for which retail ceiling prices are established by this order.

(g) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective September 25, 1945.

Issued this 24th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45–17808; Filed, Sept. 24, 1945; 11:40 a. m.]

[MPR 580, Order 194]

HYDE PARK BEDDING & MFG. CO.

ESTABLISHMENT OF MAXIMUM PRICES

MPR No. 580, Order 194. Establishing ceiling prices at retail for certain articles. Docket No. 6063–580–13–324.

For the reasons set forth in an opinion issued simultaneously herewith and pursuant to section 13 of Maximum Price Regulation No. 580, *It is ordered:*

(a) The following ceiling prices are established for sales by any seller at retail of the following articles manufactured by Hyde Park Bedding & Mfg. Co., Reading, Pa., having the brand name "Spring-Air", and described in the manufacturer's application dated April 19, 1945:

Article	Style No.	Retail ceiling price
Mattress	200	$29.50
Box spring	200	29.50
Mattress	400	39.50
Box spring	400	39.50

(b) The retail ceiling price of an article manufactured for the first time after the effective date of this order and which is sold by the manufacturer at the same price as another article of the same type with the same brand or company name and for which a retail ceiling price has been established by paragraph (a) shall be the retail ceiling price listed for that other article in paragraph (a).

(c) The retail ceiling prices contained in paragraph (a) shall apply in place of the ceiling prices which have been or would otherwise be established under this or any other regulation.

(d) On and after November 1, 1945, Hyde Park Bedding & Mfg. Co. must mark each article listed in paragraph (a) with the retail ceiling price under this order, or attach to the article a label, tag or ticket stating the retail ceiling price. This mark or statement must be in the following form:

(Sec. 13, MPR 580)
OPA Price—$ -----

On and after December 1, 1945, no retailer may offer or sell the article unless it is marked or tagged in the form stated above. Prior to December 1, 1945, unless the article is marked or tagged in this form, the retailer shall comply with the marking, tagging and posting provisions of the applicable regulation.

(e) On or before the first delivery to any purchaser for resale of each article listed in paragraph (a), the seller shall send the purchaser a copy of this order.

(f) Unless the context otherwise requires the provisions of the applicable regulation shall apply to sales for which retail ceiling prices are established by this order.

(g) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective September 25, 1945.

Issued this 24th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45–17809; Filed, Sept. 24, 1945; 11:40 a. m.]

[MPR 580, Order 195]

HETTWER BEDDING CO.

ESTABLISHMENT OF MAXIMUM PRICES

MPR No. 580, Order 195. Establishing ceiling prices at retail for certain articles. Docket No. 6063–580–13–323.

For the reasons set forth in an opinion issued simultaneously herewith and pursuant to section 13 of Maximum Price Regulation No. 580, *It is ordered:*

(a) The following ceiling prices are established for sales by any seller at retail of the following articles manufactured by Hettwer Bedding Company, 166 West Columbia Avenue, Philadelphia 22, Pa., having the brand name "Spring-Air", and described in the manufacturer's application dated April 30, 1945:

Article	Style No.	Retail ceiling price
Mattress	200	$29.50
Box spring	200	29.50
Mattress	400	39.50
Box spring	400	39.50

(b) The retail ceiling price of an article manufactured for the first time after the effective date of this order and which is sold by the manufacturer at the same price as another article of the same type with the same brand or company name and for which a retail ceiling price has been established by paragraph (a) shall be the retail ceiling price listed for that other article in paragraph (a).

(c) The retail ceiling prices contained in paragraph (a) shall apply in place of the ceiling prices which have been or would otherwise be established under this or any other regulation.

(d) On and after November 1, 1945, Hettwer Bedding Company must mark each article listed in paragraph (a) with the retail ceiling price under this order, or attach to the article a label, tag or

ticket stating the retail ceiling price. This mark or statement must be in the following form:

(Sec. 13, MPR 580)
OPA Price—$------

On and after December 1, 1945, no retailer may offer or sell the article unless it is marked or tagged in the form stated above. Prior to December 1, 1945, unless the article is marked or tagged in this form, the retailer shall comply with the marking, tagging and posting provisions of the applicable regulation.

(e) On or before the first delivery to any purchaser for resale of each article listed in paragraph (a), the seller shall send the purchaser a copy of this order.

(f) Unless the context otherwise requires, the provisions of the applicable regulation shall apply to sales for which retail ceiling prices are established by this order.

(g) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective September 25, 1945.

Issued this 24th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-17810; Filed, Sept. 24, 1945; 11:40 a. m.]

[MPR 580, Order 196]

C. O. HASSELBARTH, INC.

ESTABLISHMENT OF MAXIMUM PRICES

MPR No. 580, Order 196. Establishing ceiling prices at retail for certain articles. Docket No. 6063-580-13-322.

For the reasons set forth in an opinion issued simultaneously herewith and pursuant to section 13 of Maximum Price Regulation No. 580; *It is ordered:*

(a) The following ceiling prices are established for sales by any seller at retail of the following articles manufactured by C. O. Hasselbarth, Inc., 30 Hamilton Street, Albany 7, N. Y., having the brand name "Spring-Air", and described in the manufacturer's application dated April 24, 1945:

Article	Style No.	Retail ceiling price
Mattress	200	$29.50
Box spring	200	29.50
Mattress	400	39.50
Box spring	400	39.50

(b) The retail ceiling price of an article manufactured for the first time after the effective date of this order and which is sold by the manufacturer at the same price as another article of the same type with the same brand or company name and for which a retail ceiling price has been established by paragraph (a) shall be the retail ceiling price listed for that other article in paragraph (a).

(c) The retail ceiling prices contained in paragraph (a) shall apply in place of the ceiling prices which have been or would otherwise be established under this or any other regulation.

(d) On and after November 1, 1945, C. O. Hasselbarth, Inc., must mark each article listed in paragraph (a) with the retail ceiling price under this order, or attach to the article a label, tag or ticket stating the retail ceiling price. This mark or statement must be in the following form:

(Sec. 13, MPR 580)
OPA Price—$------

On and after December 1, 1945, no retailer may offer or sell the article unless it is marked or tagged in the form stated above. Prior to December 1, 1945, unless the article is marked or tagged in this form, the retailer shall comply with the marking, tagging and posting provisions of the applicable regulation.

(e) On or before the first delivery to any purchaser for resale of each article listed in paragraph (a), the seller shall send the purchaser a copy of this order.

(f) Unless the context otherwise requires, the provisions of the applicable regulation shall apply to sales for which retail ceiling prices are established by this order.

(g) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective September 25, 1945.

Issued this 24th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-17811; Filed, Sept. 24, 1945; 11:40 a. m.]

[MPR 580, Order 197]

SHWAYDER BROS., INC.

ESTABLISHMENT OF MAXIMUM PRICES

Maximum Price Regulation No. 580, Order 197. Establishing ceiling prices at retail for certain articles. Docket No. 6063-580-13-206.

For the reasons set forth in an opinion issued simultaneously herewith and pursuant to section 13 of Maximum Price Regulation No. 580; *It is ordered:*

(a) The following ceiling prices are established for sales by any seller at retail of the following articles manufactured by Shwayder Bros., Inc., 1050 So. Broadway, Denver, Colo., and described in the manufacturer's application dated April 2, 1945:

Brand name	Article	Style No.	Manufacturer's ceiling price	Retail ceiling price
"Samson"	Card table	600	$15.50	$2.50
"Samson"	Card table	700	22.80	3.50

(b) The retail ceiling price of an article manufactured for the first time after the effective date of this order and which is sold by the manufacturer at the same price as another article of the same type with the same brand or company name and for which a retail ceiling price has been established by paragraph (a) shall be the retail ceiling price listed for that other article in paragraph (a).

(c) The retail ceiling prices contained in paragraph (a) shall apply in place of the ceiling prices which have been or would otherwise be established under this or any other regulation.

(d) On and after November 1, 1945, Shwayder Bros., Inc., must mark each article listed in paragraph (a) with the retail ceiling price under this order, or attach to the article a label, tag or ticket stating the retail ceiling price. This mark or statement must be in the following form:

(Sec. 13, MPR 580)
OPA Price—$------

On and after December 1, 1945, no retailer may offer or sell the article unless it is marked or tagged in the form stated above. Prior to December 1, 1945, unless the article is marked or tagged in this form, the retailer shall comply with the marking, tagging and posting provisions of the applicable regulation.

(e) On or before the first delivery to any purchaser for resale of each article listed in paragraph (a), the seller shall send the purchaser a copy of this order.

(f) Unless the context otherwise requires, the provisions of the applicable regulation shall apply to sales for which retail ceiling prices are established by this order.

(g) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective September 25, 1945.

Issued this 24th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-17812; Filed, Sept. 24, 1945; 11:41 a. m.]

[MPR 580, Order 198]

CAPE COD SHIRT CO.

ESTABLISHMENT OF MAXIMUM PRICES

MPR No. 580, Order 198. Establishing ceiling prices at retail for certain articles. Docket No. 6063-580-13-243.

For the reasons set forth in an opinion issued simultaneously herewith and pursuant to section 13 of Maximum Price Regulation No. 580; *It is ordered:*

(a) The following ceiling prices are established for sales by any seller at retail of the following articles manufactured by Cape Cod Shirt Company, 60 Alden Street, Fall River, Mass., having the brand name "Cape Cod" and described in the manufacturer's application dated June 14, 1945:

MEN'S SHIRTS

Style Nos.	Manufacturer's selling price	Retail ceiling price
	Per dozen	*Per*
1050	$18.00	$
1150	21.50	
2050	25.50	
4050	28.50	
6050	36.00	

(b) The retail ceiling price of an article manufactured for the first time after the effective date of this order and which is sold by the manufacturer at the same price as another article of the same type with the same brand or company name and for which a retail ceiling price has been established by paragraph (a) shall be the retail ceiling price listed for that other article in paragraph (a).

(c) The retail ceiling prices contained in paragraph (a) shall apply in place of the ceiling prices which have been or would otherwise be established under this or any other regulation.

(d) On and after November 1, 1945, Cape Cod Shirt Company, must mark each article listed in paragraph (a) with the retail ceiling price under this order, or attach to the article a label, tag or ticket stating the retail ceiling price. This mark or statement must be in the following form:

(Sec. 13, MPR 580)
OPA Price—$------

On and after December 1, 1945, no retailer may offer or sell the article unless it is marked or tagged in the form stated above. Prior to December 1, 1945, unless the article is marked or tagged in this form, the retailer shall comply with the marking, tagging and posting provisions of the applicable regulation.

(e) On or before the first delivery to any purchaser for resale of each article listed in paragraph (a), the seller shall send the purchaser a copy of this order.

(f) Unless the context otherwise requires, the provisions of the applicable regulation shall apply to sales for which retail ceiling prices are established by this order.

(g) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective September 25, 1945.

Issued this 24th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-17813; Filed, Sept. 24, 1945; 11:54 a. m.]

which is sold by the manufacturer at the same price as another article of the same type with the same brand or company name and for which a retail ceiling price has been established by paragraph (a) shall be the retail ceiling price listed for that other article in paragraph (a).

(c) The retail ceiling prices contained in paragraph (a) shall apply in place of the ceiling prices which have been or would otherwise be established under this or any other regulation.

(d) On and after November 1, 1945, Cape Cod Shirt Company, must mark each article listed in paragraph (a) with the retail ceiling price under this order, or attach to the article a label, tag or ticket stating the retail ceiling price. This mark or statement must be in the following form:

(Sec. 13, MPR 580)
OPA Price—$------

On and after December 1, 1945, no retailer may offer or sell the article unless it is marked or tagged in the form stated above. Prior to December 1, 1945, unless the article is marked or tagged in this form, the retailer shall comply with the marking, tagging and posting provisions of the applicable regulation.

(e) On or before the first delivery to any purchaser for resale of each article listed in paragraph (a), the seller shall send the purchaser a copy of this order.

(f) Unless the context otherwise requires, the provisions of the applicable regulation shall apply to sales for which retail ceiling prices are established by this order.

(g) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective September 25, 1945.

Issued this 24th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-17814; Filed, Sept. 24, 1945; 11:54 a. m.]

[MPR 580, Order 199]

FELIX TAUSEND & SONS

ESTABLISHMENT OF MAXIMUM PRICES

MPR No. 580, Order 199. Establishing ceiling prices at retail for certain articles. Docket No. 6063-580-13-289.

For the reasons set forth in an opinion issued simultaneously herewith and pursuant to section 13 of Maximum Price Regulation No. 580; *It is ordered:*

(a) The following ceiling prices are established for sales by any seller at retail of the following articles manufactured by Felix Tausend & Sons, 114 Franklin Street, New York 13, N. Y., having the brand name "Cel-o-sheen," and described in the manufacturer's application dated September 5, 1945:

Size	Article	Manufacturer's selling price	Retail ceiling price
70 x 84	Tablecloth with 6 15" napkins	$5.85 per set	$10.00 per set.
54 x 70	Tablecloth with 6 15" napkins	$7.00 per set	$12.00 per set.
65 x 85	Tablecloth	$6.00 each	$10.95 each.
65 x 108	Tablecloth	$7.50 each	$13.95 each.
65 x 126	Tablecloth	$6.00 each	$10.95 each.
70 x 108	Tablecloth	$7.50 each	$13.95 each.
70 x 126	Tablecloth	$6.00 each	$10.95 each.
20 x 20	Napkins	$3.00 per dozen	$10.95 per dozen.

(b) The retail ceiling price of an article manufactured for the first time after the effective date of this order and which is sold by the manufacturer at the same price as another article of the same type with the same brand or company name and for which a retail ceiling price has been established by paragraph (a) shall be the retail ceiling price listed for that other article in paragraph (a).

(c) The retail ceiling prices contained in paragraph (a) shall apply in place of the ceiling prices which have been or would otherwise be established under this or any other regulation.

(d) On and after November 1, 1945, Felix Tausend & Sons, must mark each article listed in paragraph (a) with the retail ceiling price under this order, or attach to the article a label, tag or ticket stating the retail ceiling price. This mark or statement must be in the following form:

(Sec. 13, MPR 580)
OPA Price—$------

On and after December 1, 1945, no retailer may offer or sell the article unless it is marked or tagged in the form stated above. Prior to December 1, 1945, unless the article is marked or tagged in this form, the retailer shall comply with the marking, tagging and posting provisions of the applicable regulation.

(e) On or before the first delivery to any purchaser for resale of each article listed in paragraph (a), the seller shall send the purchaser a copy of this order.

(f) Unless the context otherwise requires, the provisions of the applicable regulation shall apply to sales for which retail ceiling prices are established by this order.

(g) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective September 25, 1945.

Issued this 24th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-17815; Filed, Sept. 24, 1945; 11:54 a. m.]

[RMPR 136, Rev. Order 444]

GENERAL MOTORS CORP.

AUTHORIZATION OF MAXIMUM PRICES

Revised Order No. 444 Under Revised Maximum Price Regulation 136. Machines, parts and industrial equipment. General Motors Corporation; Docket No. 6083-136.25a-277.

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to section 21 of Revised Maximum Price Regulation 136, *It is ordered:*

Order No. 444 under Revised Maximum Price Regulation 136, is redesignated Revised Order No. 444, and is revised and amended to read as follows:

(a) *Chevrolet Motor Division.* General Motors Corporation, General Motors Building, Detroit 2, Michigan, is authorized to sell to resellers its Model 3104 CCBX, ½ ton commercial chassis with cab, pickup box, 115" wheelbase, 1942 standard equipment and specifications, and synthetic tires of base tire size instead of natural rubber tires, at a price not to exceed a net wholesale price of $587, (subject to the discounts and allowances in effect on March 31, 1942, to the applicable class of resellers). The manufacturer is authorized to determine maximum prices for sales to resellers of the other truck models within its ½ ton commercial truck line, and of the truck models within its ¾ ton commercial truck line, by adjusting the maximum price in effect on March 31, 1942, of each such model so that the same dollar differential shall exist between that adjusted price and the adjusted price of the Model 3104 commercial chassis as existed between March 31, 1942 prices of such models. The following applicable charges may be added to these adjusted prices.

(1) *Charges.* (i) A charge for extra, special and optional equipment which shall not exceed the list or established price in effect on March 31, 1942 (less the discount in effect on that date) for such equipment when sold as original equipment.

(ii) A charge to include Federal tires-weight and other Federal excise taxes computed in accordance with the seller's method in effect on March 31, 1942.

(iii) A charge for freight based on freight rates from Flint, Michigan, to place of delivery.

(iv) A charge to cover seller's expense for unloading, handling and delivery, gas and oil, not to exceed $5.00, where the model is shipped to a company-owned zone sales location.

(v) A charge to cover seller's expense during March, April and May 1945 for storage in non-company owned storage locations, not to exceed $7.50 for the first month's storage and $5.00 for each other month's storage during this three months' period.

(b) *Chevrolet Motor Division.* General Motors Corporation, is authorized to sell to the United States its Model 3104 CCBX, ½ ton commercial chassis with cab, pickup box, 115" wheelbase, 1942 standard equipment and specifications, and synthetic tires of base tire size instead of natural rubber tires, at a price not to exceed the net wholesale price of $575 (subject to the discounts and allowances in effect on March 31, 1942). The Chevrolet Motor Division is

authorized to determine maximum prices for sales to the United States of all other truck models in its ½ ton commercial truck line and of the models in its ¾ ton commercial truck line, by adjusting the maximum price in effect on March 31, 1942, to the United States of each such model so that the same dollar differential shall exist between that adjusted price and the adjusted price of the Model 3104 commercial chassis as existed between the March 31, 1942 prices of such models for sales to the United States. The applicable charges in subparagraph (1) of paragraph (a) may be added to these adjusted prices.

(c) A reseller of Chevrolet motor trucks may sell, delivered at place of business, the Model 3104 Chevrolet commercial truck chassis described in paragraph (a) at a price not to exceed the retail list price of $772 (subject to the discounts and allowances in effect on March 31, 1942, to the applicable class of purchaser). The maximum prices for all other truck chassis models in the Chevrolet ½ ton commercial truck line and truck models in the Chevrolet ¾ ton commercial truck line shall be the respective retail list prices which shall be determined by the Chevrolet Division, General Motors Corporation, in accordance with paragraph (d) below (subject to the discounts and allowances in effect on March 31, 1942, to the applicable class of purchaser). To the retail list prices authorized by this paragraph the following applicable charges may be added:

(1) *Charges.* (i) A charge for extra, special and optional equipment which shall not exceed the list or established price in effect on March 31, 1942, (less the discount in effect on that date) for such equipment when sold as original equipment.

(ii) A charge for transportation which shall not exceed the charge the General Motors Corporation would make for the transportation of the truck to the place of business of the reseller.

(iii) The reseller's charge for handling and delivery in effect on March 31, 1942, and in addition, the storage charges he has to pay under item (v) of paragraph (a) (1).

(iv) A charge to include Federal, State and local taxes on his purchase, and sale, or delivery, of the applicable truck model, computed in accordance with the reseller's method in effect on March 31, 1942.

(v) The dollar amount of all other charges which the reseller had in effect on March 31, 1942, to the applicable class of purchasers.

(d) The *Chevrolet Motor Division*, General Motors Corporation, shall determine retail list prices for all truck models for which it has maximum prices under paragraph (a). The retail list prices established by the Chevrolet Motor Division shall reflect the same differential between the net wholesale prices authorized in paragraph (a) and the respective retail list prices as existed on March 31, 1942, between the net wholesale prices and the respective suggested retail list prices of the truck models.

(e) The *Chevrolet Motor Division*, General Motors Corporation, shall furnish the Office of Price Administration with a report of each of the retail list prices it determines in accordance with paragraph (d) of this revised order, not later than five days from the date of the first sale of each model.

(f) A reseller that cannot establish a price under paragraph (c) because it was not in business on March 31, 1942, shall determine its maximum price by adding to the retail list price which a reseller is permitted to charge in accordance with paragraph (c) and (d) the following applicable charges:

(1) *Charges.* (i) The original equipment retail charge that Chevrolet Motor Division, General Motors Corporation, suggested on March 31, 1942, be made by resellers for extra, special or optional equipment attached to the truck as original equipment.

(ii) A charge to cover transportation which shall not exceed the charge the General Motors Corporation would make for the transportation of the truck to the place of business of the reseller;

(iii) A charge equal to the charge made to the reseller by the Chevrolet Motor Division, General Motors Corporation, in accordance with its March 31, 1942, method, to cover Federal tires-weight and other Federal excise taxes:

(iv) A charge equal to the reseller's expense for payment of State and local taxes on the purchase, sale or delivery of the truck;

(v) A charge equal to reseller's actual expense for handling and delivery, and in addition, the storage charges he has to pay under item (v) of paragraph (a) (1).

(g) A reseller of Chevrolet trucks in any of the territories or possessions of the United States is authorized to sell each of the trucks referred to in paragraph (c) at a price not to exceed the maximum price established in paragraph (c) or (f), whichever is applicable, to which it may add a sum equal to the expense incurred by or charged to it, for payment of territorial and insular taxes on the purchase, sale or introduction of the truck; export premiums; boxing and crating for export purposes; marine and war risk insurance; and landing, wharfage, and terminal operations.

(h) All requests not granted in this revised order are denied.

(j) This revised order may be amended or revoked by the Administrator at any time.

NOTE: Where the manufacturer has an established price in accordance with section 8 of Revised Maximum Price Regulation 136, which is different than a price permitted under paragraph (a) because of a substantial change in design, specifications or equipment of the truck, the reseller may add to its price under paragraphs (c), (f) or (g) any increase in price to it over the price it would otherwise pay under paragaph (a), plus its customary markup on such a cost increase, but in the case of a decrease in the price under paragraph (a) the reseller must reduce its price under paragaphs (c), (f) or (g) by the amount of the decrease and its customary markup on such an amount.

This revised order shall be effective September 24, 1945.

Issued this 24th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-17823; Filed, Sept. 24, 1945; 4:26 p. m.]

INTERSTATE COMMERCE COMMISSION.

[S. O. 70-A, Special Permit 1057]

RECONSIGNMENT OF CARROTS AT MINNEAPOLIS, MINN., AND PHILADELPHIA, PA.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph (§ 95.35, 8 F.R. 14624) of Service Order No. 70-A of October 22, 1943, permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard entirely the provisions of Service Order No. 70-A insofar as it applies to the reconsignment at Minneapolis, Minnesota, September 19, 1945, by H. Rothstein & Sons of car WFE 65451, carrots, now on the C. M. St. P. & P. Railroad, to La Mantia Bros. Arrigo, Chicago, Illinois, (CMStP&P), and the reconsignment at Philadelphia, Penna., September 19, 1945, by H. Rothstein & Sons, of car SFRD 35698, carrots, now on the Pennsylvania Railroad, to I. G. Okum, New York, N. Y. (P. R. R.).

The waybills shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 19th day of September 1945.

V. C. CLINGER,
Director,
Bureau of Service.

[F. R. Doc. 45-17839; Filed, Sept. 25, 1945; 10:51 a. m.]

[S. O. 70-A, Special Permit 1058]

RECONSIGNMENT OF POTATOES AT KANSAS CITY, MO.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph (§ 95.35, 8 F.R. 14624) of Service Order No. 70-A of October 22, 1943, permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard entirely the provisions of Service Order No. 70-A insofar as it applies to the reconsignment at Kansas City, Missouri, September 19, 1945, by E. E. Fadler Company, of car MDT 16725, potatoes, now on the Missouri Pacific Railroad, to O. & S. Produce Company, Texarkana, Ark. (K. C. S.).

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 19th day of September 1945.

V. C. CLINGER,
Director,
Bureau of Service.

[F. R. Doc. 45-17840; Filed, Sept. 25, 1945; 10:51 a. m.]

[S. O. 70-A, Special Permit 1059]

RECONSIGNMENT OF CARROTS AT CHICAGO, ILL.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph (§ 95.35, 8 F.R. 14624) of Service Order No. 70-A of October 22, 1943, permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard entirely the provisions of Service Order No. 70-A insofar as it applies to the reconsignment at Chicago, Illinois, September 19, 1945, by M. Lapidus & Sons, of car IC 50272, carrots, now on the Wabash Railroad, to Frank Fruit Company, Madison, Wisconsin (Milw.).

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 19th day of September 1945.

V. C. CLINGER,
Director,
Bureau of Service.

[F. R. Doc. 45-17841; Filed, Sept. 25, 1945; 10:52 a. m.]

[S. O. 70-A, Special Permit 1060]

RECONSIGNMENT OF HONEY DEW MELONS AT KANSAS CITY, MO.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph (§ 95.35, 8 F.R. 14624) of Service Order No. 70-A of October 22, 1943, permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard entirely the provisions of Service Order No. 70-A insofar as it applies to the reconsignment at Kansas City, Missouri, September 19, 1945, by Plowaty Bergart Company, of car SFRD 19932, honey dew melons, now on the A. T. & S. F. Railroad, to Nester Winkler Co., St. Louis, Missouri (Mo. Pac.).

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 19th day of September 1945.

V. C. CLINGER,
Director,
Bureau of Service.

[F. R. Doc. 45-17842; Filed, Sept. 25, 1945; 10:52 a. m.]

[S. O. 70-A, Special Permit 1061]

RECONSIGNMENT OF POTATOES AT CHICAGO, ILL.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph (§ 95.35, 8 F.R. 14624) of Service Order No. 70-A of October 22, 1943, permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard entirely the provisions of Service Order No. 70-A insofar as it applies to the reconsignment at Chicago, Illinois, September 19, 1945, by National Produce Company, of car URT 5965, potatoes, now on the Wood Street Terminal (C&NW), to Holbrook & Zink, Indianapolis, Indiana (Monon-B&O).

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 19th day of September 1945.

V. C. CLINGER,
Director,
Bureau of Service.

[F. R. Doc. 45-17843; Filed, Sept. 25, 1945; 10:52 a. m.]

[S. O. 70-A, Special Permit 1062]

RECONSIGNMENT OF ONIONS AT HOUSTON, TEX.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph (§ 95.35, 8 F.R. 14624) of Service Order No. 70-A of October 22, 1943, permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard entirely the provisions of Service Order No. 70-A insofar as it applies to the reconsignment at Houston, Texas, September 20, 1945, by Simon Siegal of car SFRD 35813, onions, now on the MKT to Boston, Mass.

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 20th day of September 1945.

V. C. CLINGER,
Director,
Bureau of Service.

[F. R. Doc. 45-17844; Filed, Sept. 25, 1945; 10:52 a. m.]

[S. O. 70-A, Special Permit 1063]

RECONSIGNMENT OF PEACHES AT KANSAS CITY, MO.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph (§ 95.35, 8 F.R. 14624) of Service Order No. 70-A of October 22, 1943, permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard entirely the provisions of Service Order No. 70-A insofar as it applies to the reconsignment at Kansas City, Missouri, September 20, 1945, by V. Hall of car MDT 3055, peaches, now on the Union Pacific RR to Monett, Missouri, stop to partial unload at Joplin (Frisco).

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 20th day of September 1945.

V. C. CLINGER,
Director,
Bureau of Service.

[F. R. Doc. 45-17845; Filed, Sept. 25, 1945; 10:52 a. m.]

[2d Rev. S. O. 300, Special Permit 17]

REFRIGERATION OF POTATOES FROM ALLIANCE, NEBR.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph of Second Revised Service Order No. 300 (10 F.R. 11713), permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard the provisions of Second Revised Service Order No. 300 insofar as it applies to the furnishing of standard refrigeration on car PFE 63390, potatoes, from

Alliance, Nebraska, to destination at Miami, Florida, (via C. B. & Q. and connections), as requested by National Produce Company. Car shipped from Thrall, Washington, September 14, 1945.

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 19th day of September 1945.

V. C. CLINGER,
Director,
Bureau of Service.

[F. R. Doc. 45-17846; Filed, Sept. 25, 1945; 10:52 a. m.]

OFFICE OF DEFENSE TRANSPORTATION.

[Special Order ODT R-1, Revocation]

DISCONTINUANCE OF PASSENGER SERVICE BETWEEN EDGEMONT, S. DAK., AND BILLINGS, MONT.

Pursuant to Executive Order 8989, as amended, Special Order ODT R-1 (7 F.R. 10120), is hereby revoked effective October 15, 1945.

(E.O. 8989, as amended, 6 F.R. 6725, 8 F.R. 14183)

Issued at Washington, D. C., this 24th day of September 1945.

J. M. JOHNSON,
Director,
Office of Defense Transportation.

[F. R. Doc. 45-17815; Filed, Sept. 24, 1945; 1:03 p. m.]

[Special Order ODT W 1]

COORDINATED OPERATION OF CARRIERS BY WATER ON THE ILLINOIS RIVER BETWEEN HAVANA AND CHICAGO, ILL.

Pursuant to Executive Order 8989, as amended, Special Order ODT W-1 (7 F.R. 9099), is hereby revoked effective September 29, 1945.

(E.O. 8989, as amended, 6 F.R. 6725, 8 F.R. 14183)

Issued at Washington, D. C., this 24th day of September 1945.

J. M. JOHNSON,
Director,
Office of Defense Transportation.

[F. R. Doc. 45-17816; Filed, Sept. 24, 1945; 1:03 p. m.]

[Special Order ODT W-2, Revocation]

COORDINATED TOWAGE OPERATIONS OF CARRIERS BY WATER ON INLAND WATERWAYS IN THE UNITED STATES

Pursuant to Executive Order 8989, as amended, Special Order ODT W-2 (8 F.R. 2066), is hereby revoked effective September 29, 1945.

(E.O. 8989, as amended, 6 F.R. 6725, 8 F.R. 14183)

Issued at Washington, D. C., this 24th day of September 1945.

J. M. JOHNSON,
Director,
Office of Defense Transportation.

[F. R. Doc. 45-17817; Filed, Sept. 24, 1945; 1:03 p. m.]

SECURITIES AND EXCHANGE COMMISSION.

[File Nos. 54-101, 59-75]

MINNESOTA POWER & LIGHT CO. AND AMERICAN POWER & LIGHT CO.

SUPPLEMENTAL ORDER RELEASING JURISDICTION

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 21st day of September A.D. 1945.

In the matter of Minnesota Power & Light Co., American Power & Light Co., File No. 54-101; Minnesota Power & Light Company, American Power & Light Company, File No. 59-75.

Minnesota Power & Light Company ("Minnesota"), a public utility subsidiary of American Power & Light Company ("American"), a registered holding company, having filed a plan under section 11 (e) of the Public Utility Holding Company Act of 1935 for the purpose of complying with the provisions of section 11 (b) of said act and American having joined in the plan to the extent of proposing to transfer certain securities to Minnesota; and

The Commission having instituted proceedings under section 11 (b) (2) directed to Minnesota and American (File No. 59-75) and having consolidated such proceedings with the proceedings on the plan; and

The Commission having by order dated June 6, 1945 approved said plan as necessary to effectuate the provisions of section 11 (b) of the act, and fair and equitable to the persons affected thereby, and having reserved, however, jurisdiction over all legal fees and expenses to be paid in connection with the plan; and having continued the proceedings under section 11 (b) (2) until the consummation of the plan; and

The record having been completed in respect of such legal fees and expenses and in respect of the consummation of the plan pursuant to an order of the United States District Court for the District of Minnesota enforcing said plan; and

The Commission having considered the record herein and finding that said legal fees and expenses are not unreasonable and that said plan has been consummated;

It is ordered, That the jurisdiction heretofore reserved over the legal fees and expenses incurred in connection with the plan be, and the same hereby is, released and that the proceedings under section 11 (b) (2) directed to Minnesota and American (File No. 59-75) be and the same hereby are dismissed.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 45-17848; Filed, Sept. 25, 1945; 11:21 a. m.]

[File Nos. 59-17, 59-11, 54-25]

UNITED LIGHT AND POWER CO. ET AL.

NOTICE OF FILING AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 20th day of September A. D. 1945.

In the matter of The United Light and Power Company, The United Light and Railways Company, American Light & Traction Company, Continental Gas & Electric Corporation, United American Company, and Iowa-Nebraska Light and Power Company, Respondents, File No. 59-17; The United Light and Power Company and its subsidiary companies, respondents, File No. 59-11; The United Light and Power Company, Applicant, File No. 54-25; Application No. 25.

The Commission having previously, by order dated August 5, 1941, under section 11 (b) (1) of the Public Utility Holding Company Act of 1935, ordered, among other things, that The United Light and Railways Company ("Railways"), a registered holding company, shall eliminate from its holding company system all its interest (whether direct or indirect) in the subsidiaries of American Light & Traction Company ("American Light"), also a registered holding company, and a subsidiary of Railways, and that Railways and its subsidiary, Continental Gas & Electric Corporation ("Continental"), also a registered holding company, shall dispose of their direct or indirect interest in Columbus and Southern Ohio Electric Company ("Columbus");

Railways and American Light having heretofore filed a plan, in connection with the liquidation and dissolution of American Light, providing, among other things, for the distribution to its common stockholders of the portfolio securities of American Light remaining after the discharge of the claims of its preferred stock; the Commission having in its Memorandum Opinion issued on June 2, 1945 concluded that the most appropriate plan for accomplishing compliance with its order of August 5, 1941 would require, among other things, that Railways promptly dispose of its proportionate interest in the securities of the subsidiaries of American Light, attended by the application of such securities or the proceeds from the sale thereof to reduce senior securities of the companies in the Railways' system; and the Commission having in said Memorandum Opinion indicated that Railways and Continental should act promptly to dispose of their interest in Columbus as required by the Commission's order of August 5, 1941 and that the proceeds of such disposition must be applied to decrease Continental's outstanding senior securities;

Notice is hereby given that Railways and Continental have filed with this Commission applications and declarations, designated as "Application No. 25," pursuant to sections 11 (b) (1), 11 (b) (2) and 11 (e) of the act and any other applicable sections of the act or rules thereunder with respect to certain transactions the purpose of which, it is stated, is to accomplish (1) the disposition by Railways of the securities it will receive upon the liquidation of American Light, (2) the disposition by Continental of its investment in Columbus and (3) the improvement and simplification of the capital structures of Railways and Continental by means of the discharge of the claims of the outstanding debentures and preferred stock of Railways and the outstanding preferred stock and a portion or all of the outstanding debentures of Continental by the payment to the holders thereof of an amount of cash equivalent to the principal amount or par value of such securities plus accrued interest or dividends but without the payment of any premium.

All interested persons are referred to said document which is on file at the offices of this Commission for a statement of the transactions therein proposed which are summarized as follows:

I. *Introductory.* a. The capitalization of Railways consists of the following securities held by the general public:

Security:	*Amount outstanding*
5½ percent Debentures due 1952	$23,837,000
Prior preferred stock, cumulative, par value $100 per share:	*Shares*
7 per cent series	37,993
6.36 percent series	52,329
6 percent series	99,516
Common stock ($7 par value)	3,173,838

b. Railways' debentures are subject to redemption, in whole or in part, at the option of Railways at any time after 90 days' published notice, at 102% of the principal amount thereof, plus accrued interest to the date of redemption.

c. Railways' prior preferred stock is subject to redemption, in whole or in part, at the option of Railways on 60 days' notice at the par value thereof plus accumulated dividends to the date of redemption, plus a premium of 5% of the par value for the 7% and 6.36% series and a premium of 1% of the par value for the 6% series. The application states that upon any liquidation, whether through insolvency or the termination of corporate existence or otherwise, the prior preferred stockholders are entitled to receive the par value of their stock, plus accumulated dividends, in preference to the common stock.

d. In addition to its outstanding common stock, 99.75% of which is held by Railways, the capitalization of Continental consists of the following securities held by the general public and by Railways:

Security	Amount outstanding	Held by public	Held by railways
5 percent debentures due 1958	$19,199,500	$19,199,500	.....
7 percent cumulative prior preference stock ($100 par value) shares	188,579	111,242	77,317

e. Continental's debentures are subject to redemption, in whole or in part, at the option of Continental on any interest payment date after 60 days' published notice, at 101½% of the principal amount thereof plus accrued interest to the date of redemption.

f. Continental's prior preference stock is subject to redemption on any quarterly dividend payment date, in whole or in part, after 90 days' published notice, at $110 per share, plus accrued dividends to the date of redemption. Continental's Certificate of Incorporation provides that upon any liquidation, dissolution or winding-up of the corporation, the holders of prior preference stock shall be entitled to receive $110 per share, plus accrued dividends and that all remaining assets shall be distributed to the common stockholders.

g. Railways and Continental state that the simplification of the capital structures thereof is necessary to meet the requirements of section 11 (b) (2) of the act and that the payment or other elimination of all or of a very substantial portion of the senior securities of those companies is necessary to effect this simplification.

II. *The plan.* 1. Railways proposes to discharge the claims of its outstanding debentures by the payment in cash of the full principal amount thereof, plus interest accrued and unpaid thereon on the 90th day following the date of published notice of such payment, but without premium, and to discharge the claims of its outstanding preferred stock by the payment in cash of an amount equal to the par value of such preferred stock, namely $100 per share, plus accrued and unpaid dividends thereon on the 60th day following the date the notice of payment is first published. Interest shall cease to accrue on the debentures from and after the 90th day following the date that notice of payment pursuant to the plan is first published and dividends on Railways' prior preferred stock shall cease to accrue on the 60th day following the publication of notice of payment.

2. In order to effect the discharge of the claims of its outstanding debentures and preferred stock, Railways shall deposit in trust with a depositary cash in an amount equal to the principal amount of all outstanding debentures plus accrued and unpaid interest and to the par value of Railways' outstanding prior preferred stock, plus accrued and unpaid dividends. Railways shall also deposit with the depositary in escrow cash in an amount equal to 2% of the principal amount of all Railways' outstanding debentures and shall also deposit in escrow an amount of cash equal to 5% of the par value of all shares of 6.36% and 7% prior preferred stock of Railways and to 1% of all outstanding shares of 6% prior preferred stock of Railways. The cash so deposited in escrow shall be held as a separate trust fund pending determination by the Commission and by the courts as to whether the holders of debentures and of preferred stock of railways are entitled to any amount additional to that proposed to be paid under the plan.

3. Railways, upon the receipt of the shares of common stock of The Detroit Edison Company, Michigan Consolidated Gas Company, Milwaukee Gas Light Company and Madison Gas and Electric Company in connection with the liquidation of American Light, shall sell the common stock of The Detroit Edison Company through the facilities of the New York Stock Exchange and shall sell the remainder of the securities so received to the public through underwriters to be selected by competitive bidding. The net proceeds from the above sale of securities are to be used to pay off Railways' outstanding debentures and prior preferred stock as hereinabove described. (Application No. 25 indicates that the sale of common stock of the above-mentioned companies will be the subject matter of supplemental applications.)

4. Pending receipt by Railways of the common stock of the subsidiaries of American Light and the sale of such securities, Railways proposes to borrow $25,000,000 from commercial banks, the loans to be evidenced by unsecured promissory notes maturing five years after date, bearing interest on the unpaid principal at the rate of 2% per annum and payable in whole or in part at any time without premium out of the proceeds from the sale of securities to be received by Railways from American Light. Railways proposes to use $24,313,740 of funds borrowed to make the deposits of cash required to pay and protect the interests of debenture holders, as described in paragraphs 1 and 2 hereinabove.

5. Continental proposes to discharge the claims of its outstanding preferred stock held by the public by the payment of cash in an amount equal to the par value, $100 per share, plus an amount equal to the dividends which will be accrued and unpaid thereon on the 90th day following the date of the first publication of notice of payment at which time dividends shall cease to accrue on the preferred stock. In addition to the cash which it will deposit with a depositary for the aforesaid payment, Continental will deposit in escrow cash in an amount equal to 10% of the par value of all prior preference stock of Continental outstanding in the hands of the public to be held as a separate trust fund pending determination by the Commis-

sion and by the courts as to whether any amount additional to that proposed to be paid under the plan should be paid to preferred stockholders.

6. In connection with the elimination of Continental's outstanding preferred stock, Continental will issue to Railways approximately 192,328 shares of its authorized but unissued common stock in exchange for 77,317 shares of Continental's prior preference stock held by Railways which, upon transfer to Continental will be cancelled and Continental will also issue to Railways approximately 225,643 shares of additional common stock for $9,025,714 in cash.

7. Continental shall sell its investment in the common stock of Columbus for cash, such sale to be made either to another holding company system or to the public through underwriters to be selected by competitive bidding. (Such sale, it is stated, will be the subject matter of a supplemental application.)

8. Continental shall apply the net proceeds received from the sale of the common stock of Columbus to the pro rata partial payment of its outstanding debentures and, in addition, Continental may request (by amendment or supplemental application) approval to borrow funds in order to provide for the full payment of its outstanding debentures. Each debenture holder will be entitled to receive cash equal to the same percentage of the principal amount of his debenture as the deposit made bears to the total outstanding debentures, plus accrued interest, and a new debenture having a principal amount equal to the difference, if any, between the principal amount of his surrendered debenture and the cash payment received on the principal. The new debentures would have the same interest rate, maturity date, and other terms and conditions as are applicable to the presently outstanding debentures. In addition to the deposit of the net proceeds from the sale of Columbus together with other cash, if any, for the foregoing purpose, there shall be deposited in escrow an amount equal to 1½% of that portion of the debentures which is to be paid in cash. The cash so deposited in escrow shall be held as a separate trust fund pending determination by the Commission and by the courts as to whether the holders of Continental's debentures are entitled to any amount additional to the principal amount of the debentures plus accrued interest as proposed to be paid under the plan.

Railways and Continental request the Commission to enter an order or orders under section 11 (e) of the act, and such other sections as may be applicable, (a) finding the plan necessary to effectuate the provisions of section 11 (b) and fair and equitable to the persons affected by the plan; (b) determining the amounts which the debenture holders and preferred stockholders of Railways and Continental are entitled to receive upon payment of their securities as provided in the plan; (c) approving the plan and authorizing and directing Continental and Railways to consummate the plan and to carry out the various transactions provided for therein or contemplated thereby; (d) exempting the sale by Railways of the shares of common stock of The Detroit Edison Company to be received by it upon the liquidation of American Light from the competitive bidding requirements of Rule U-50 and authorizing the sale of such shares by Railways on or through the facilities of the New York Stock Exchange; and (e) authorizing Railways to borrow $25,000,000 from commercial banks and to issue promissory notes to evidence the funds so borrowed;

Railways and Continental request that the Commission's order or orders conform to the requirements of sections 371 and 1808 of the Internal Revenue Code;

Railways and Continental request the Commission pursuant to section 11 (e) of the act to apply to an appropriate Federal District Court to enforce and carry out the terms and provisions of the plan. If the court shall approve the plan as fair and equitable and as appropriate to effectuate the provisions of section 11 and shall enter an order or decree of enforcement, the day upon which such order or decree is entered shall be the effective date of the plan.

It appearing to the Commission that it is appropriate in the public interest and in the interest of investors and consumers that a hearing be held with respect to said plan and that said plan should not be approved except pursuant to further order of the Commission:

It is ordered, That a hearing on Application No. 25 under the applicable provisions of said act and rules of the Commission thereunder be held on October 16, 1945 at 10:30 a. m., e. w. t., at the offices of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia 3, Pennsylvania, in such room as the hearing room clerk in Room 318 will at that time advise. All persons desiring to be heard or otherwise wishing to participate in the proceedings shall notify the Commission in the manner prescribed by its Rules of Practice, Rule XVII, on or before October 15, 1945.

It is further ordered, That Henry C. Lank, or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearing in such matter. The officer so designated to preside at any such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of the act and to a trial examiner under the Commission's Rules of Practice.

It is further ordered, That without limiting the scope of the issues presented in the proceedings, particular attention will be directed at the hearings to the following matters and questions:

1. Whether the plan, as submitted or as hereafter modified, is necessary to effectuate the provisions of section 11 (b) of the act and is fair and equitable to the persons to be affected thereby;

2. Whether the proposed retirement of publicly held debentures and preferred stock of Railways without payment of premium is fair and equitable to the holders of such debentures and preferred stocks and, if not, what amounts the holders of the debentures and preferred stocks of Railways and Continental are fairly and equitably entitled to receive;

3. Whether the proposed payment of the debentures of Continental partly in cash and partly in new debentures having the same interest rate and maturity date, without the payment of premium, is fair and equitable to the holders of such debentures and to the stockholders of Continental, and if not what the holders of said debentures are fairly and equitably entitled to receive.

4. Whether the notes proposed to be issued and sold by Railways to banks are reasonably adapted to the security structure of Railways and other companies in its holding company system and to the earning power of Railways, and whether the terms and conditions of the issue and sale thereof are detrimental to the public interest or to the interest of investors or consumers.

5. Whether the proposed sale of the common stock of The Detroit Edison Company by Railways through the facilities of the New York Stock Exchange is appropriate and whether an exemption from the competitive bidding requirements of Rule U-50 should be granted.

6. Whether the fees and expenses to be paid in connection with the consummation of the proposed plan and all transactions incidental thereto are for necessary services and are reasonable in amount.

7. Whether the proposed transactions comply with all the requirements of the applicable provisions of the act and the rules promulgated thereunder, and whether any terms and conditions with respect to the transactions should be prescribed in the public interest or for the protection of investors or consumers.

8. Whether, in the event that the Commission shall approve such plan as filed or as modified, the Commission shall approve such plan for purposes of section 11 (d) of the act (as well as section 11 (e)) so as to permit the Commission of its own motion and irrespective of any request therefor on the part of Railways or Continental to apply to a court for the enforcement of such plan pursuant to section 11 (d).

9. Whether in the event that the Commission shall not approve such plan as filed or as modified, a plan proposed by the Commission or by any person having a bona fide interest in the reorganization should be approved by the Commission for purposes of section 11 (d) and, if proposed by the Commission, what the terms and provisions of such plan should be.

10. Generally, whether the proposed transactions are in all respects in the public interest and in the interest of investors and consumers and consistent with all applicable requirements of the Act and Rules promulgated thereunder, and if not, what modification should be required to be made therein and what terms and conditions should be imposed to satisfy the statutory standards.

It is further ordered, That notice of this hearing be given to Railways and Continental and to all other persons; said notice to be given to Railways, Continental and The Cleveland Trust Company by registered mail and to all other persons by general release of this Commission which shall be distributed to the press and mailed to the mailing list for releases issued under the Public Utility Holding Company Act of 1935 and by publication in the FEDERAL REGISTER.

It is further ordered, That at least 20 days prior to the date of said hearing Railways and Continental shall give additional notice thereof by mailing a copy of this notice and order to each record holder of any of their stock and to each known owner of any of their outstanding debentures, addressed to them at their respective addresses shown in the stock and registry books of said companies.

It is further ordered, That jurisdiction be and hereby is reserved to separate, either for hearing, in whole or in part, or for disposition, in whole or in part, any of the issues or questions which may arise in these proceedings, and to take such other action as may appear necessary to the orderly and economical disposition of the issues involved.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 45-17850; Filed, Sept. 25, 1945; 11:21 a. m.]

[File No. 54-133]

ASSOCIATED GAS AND ELECTRIC CO. ET AL.

NOTICE OF FILING AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 24th day of September, 1945.

In the matter of Stanley Clarke, Trustee of Associated Gas and Electric Company, Denis J. Driscoll and Willard L. Thorp, trustees of Associated Gas and Electric Corporation, NY PA NJ Utilities Company, General Gas & Electric Corporation, General Public Utilities Corporation, Associated General Utilities Company, Metropolitan Edison Company, and Gas & Electric Associates, File No. 54-133.

Notice is hereby given that an application for approval of a plan has been filed with this Commission pursuant to section 11 (e) of the Public Utility Holding Company Act of 1935 ("the Act"), by Stanley Clarke, Trustee of Associated Gas and Electric Company, ("Ageco"), which is a registered holding company, Denis J. Driscoll and Willard L. Thorp, Trustees of Associated Gas and Electric Corporation ("Agecorp"), a registered holding company, and the following direct or indirect subsidiaries of Agecorp: NY PA NJ Utilities Company ("NY PA NJ"), General Gas & Electric Corporation ("Gengas"), General Public Utilities Corporation, formerly Associated Utilities Corporation ("AUCorp"), and Gas & Electric Associates ("G & E Associates"), each of which is a registered holding company and Metropolitan Edison Company ("Metropolitan") and Associated General Utilities Company ("Associated General").

All interested persons are referred to said plan, which is on file at the offices of this Commission for a full statement of the transactions and terms proposed therein, which may be summarized as follows:

The parties filing the plan claim to be, severally, the beneficial owners of certain securities registered in the names of a number of so-called "nominee partnerships", namely, Day & Co., Dean & Co., Drake & Co., and Holland & Co. The certificates evidencing such securities are deposited in various safe deposit boxes, to which only the beneficial owners have access. The certificates were in many instances endorsed in blank by the nominee partnerships, or stock powers were delivered with respect thereto.

It is proposed that all the securities now registered in the names of the nominee partnerships be registered in the names of the respective applicants herein, and that thereupon the nominee partnerships be dissolved.

According to the filing, there are registered in the names of the nominee partnerships securities beneficially owned by the proponents of the plan, as follows:

(a) Registered in the name of Day & Co.

BENEFICIAL OWNER: AGECO

671,000 shs.	Agecorp Common Stock, no par value.
$3,000 p. a.	Ageco 5½% Sinking Fund Income Debentures, due 1983, Series A.
$10,000 p. a.	Ageco 4% Sinking Fund Debentures, due 1983, Series D, Registered.
289,496 shs.	Ageco Common Stock—par value $1.
1,671 shs.	Ageco $4 Cumulative Preference Stock.
36,374 warrants	Ageco Optional Stock Purchase Warrants for Class A or common stock (Expired January 2, 1941).
3,531.4 shs.	Ageco $5 Dividend Series Preferred Stock Scrip Certificates.
172 shs.	Ageco $5 Dividend Series Preferred Stock.
33,374 shs.	Gengas Common Stock Class A (New).
3 shs.	Ageco $6.50 Cumulative Preference Stock.
42 shs.	Ageco $5.50 Cumulative Preference Stock.
109 shs.	Ageco $4 Cumulative Preference Stock.
28,185 shs.	Ageco Class A Stock—par value $1.
117 shs.	Certificates held for consolidation of Scrip Certificates into full shares—Ageco Class A Stock—par value $1.

BENEFICIAL OWNER: AGECORP

$53,490 p. a.	Agecorp Income Debentures, 4½'s due 1978.
$602,235 p.a.	Agecorp Income Debentures, 4's due 1978.
$850 p. a.	Agecorp Income Debentures, 3¾'s due 1978.
$21,740 p. a.	Agecorp Income Debentures, 3½'s due 1978.
$50 p. a.	Agecorp Sinking Fund Debentures due 1986.
1,200 shs.	AUCorp Common Stock.
11,917½ shs.	Gengas $8 Cumulative Preferred Stock, no par.
19,554½ shs.	Gengas $7 Cumulative Preferred Stock, no par.
274,404 shs.	Gengas $6 Cumulative Preferred Stock "B", no par.
321,588 shs.	Gengas $6 Cumulative Preferred Stock "A", no par.
40,100 shs.	Gengas $5 Prior Preferred Scrip.

BENEFICIAL OWNER, AGECORP—Continued

27,888 shs.	Gengas $5 Prior Preferred Stock, no par.
1,899,583 shs.	Gengas Common Stock Class "A".
3,036,531 shs.	Gengas Common Stock Class "B"—par vlue $.25.
718,795.0430 shs.	Gengas Common Stock Class "A" Due Bills.
.5250 shs.	Gengas Common Stock Class "B" Scrip.
170.4117 shs.	Gengas Common Stock "A" Scrip.
458,000 shs.	NY PA NJ Common Stock—par value $1.
650,000 shs.	Associated Electric Company Common Stock—par value $1.

BENEFICIAL OWNER: NY PA NJ

360,780 shs.	Metropolitan Common Stock, no par value.
16,670 shs.	New England Gas and Electric Association $5.50 Dividend Series Preferred Stock, no par value.
22,124 shs.	Northern Pennsylvania Power Company, Common Stock, no par value.
166,592 shs.	Pennsylvania Edison Company (formerly Penn Central Light and Power Company) Common Stock, $1 par value.
520 shs.	York Railways Company 5% Cumulative Preferred Stock $50 par value.

It is also stated that NY PA NJ is the beneficial owner of 260,000 shares of Staten Island Edison Corporation Common Stock, no par value, registered in the name of Day & Co., concerning which a suosequent application will be filed with tnis Commission for the approval of the reclassification of that stock and the registration of the new stock in the name of NY PA NJ.

BENEFICIAL OWNER: GENGAS

102,583 shs.	Ageco $5 Dividend Series Preferred Stock, no par value.
713,014 shs.	Ageco $4 Cumulative Preference Stock, no par value.
367,799 shs.	Ageco $6 Cumulative Preference Stock, no par value.

BENEFICIAL OWNER: AUCORP

130 shs.	Associated Real Properties, Inc. Common Stock.
10,000 shs.	G & E Associates First Preferred shares.
10,000 shs.	G & E Associates Second Preferred shares.
$245,000 p. a.	Keuka Lake Power Corporation Twenty-five Year 6% Income Debentures due July 1, 1960.
2,450 shs.	Keuka Lake Power Corporation Capital Stock.
6,000 shs.	New England Gas and Electric Association $5.50 Dividend Series Preferred Shares.

BENEFICIAL OWNER: ASSOCIATED GENERAL

$20,190 p. a.	Ageco Sinking Fund Income Debentures, Series A, 5½'s due 1986.
$173,860 p. a.	Ageco Sinking Fund Income Debentures, Series B, 5's due 1986.
$267,100 p. a.	Ageco Sinking Fund Income Debentures, Series C, 4½'s due 1986.
$18,500 p. a.	Ageco Sinking Fund Income Debentures, Series D, 4's due 1986.

BENEFICIAL OWNER: ASSOCIATED GENERAL—Continued

$759,300 p. a.---- Agecorp Income Debentures, 3¾'s due 1978.
$1,391,920 p. a.--- Agecorp Income Debentures, 4's 1978.
$843,000 p. a.---- Agecorp Income Debentures, 4½'s due 1978.

BENEFICIAL OWNER: METROPOLITAN

1,267 shs------- York Railways Company 5% Cumulative Preferred Stock, $50 par value.

BENEFICIAL OWNER: G & E ASSOCIATES

70,000 shs------ G & E Associates First Preferred Shares.
50,000 shs------ G & E Associates Second Preferred Shares.

(b) Registered in the name of Dean & Co.

BENEFICIAL OWNER: AGECORP

1,160 shs------- Gengas Common Stock Class A, no par value.

BENEFICIAL OWNER: NY PA NJ

21,284 shs------ York Railways Company 5% Cumulative Preferred Stock, $50 par value.

BENEFICIAL OWNER: METROPOLITAN

4,497 shs------- York Railways Company 5% Cumulative Preferred Stock, $50 par value.

(c) Registered in the name of Drake & Co.

BENEFICIAL OWNER: AGECORP

$30,000 p. a----- Agecorp 4½'s due 1978.
$94,800 p. a----- Agecorp 4's due 1978.
$102,700 p. a---- Agecorp 3¾'s due 1978.

(d) Registered in the name of Holland & Co.

BENEFICIAL OWNER: NY PA NJ

1,074 shs------- New England Gas and Electric Association $5.50 Dividend Series Preferred, no par value.

The Commission is requested to find that the proposed transactions are necessary or appropriate to the integration or simplification of the Ageco-Agecorp holding company system and necessary or appropriate to effectuate the provisions of section 11 (b) of the act, and to set forth in its order the specifications and itemizations required by section 1808 (f) and Supplement R of the Internal Revenue Code.

It appearing to the Commission that it is appropriate in the public interest and in the interest of investors and consumers that a hearing be held with respect to said plan filed pursuant to section 11 (e) and with respect to the transactions proposed therein:

It is hereby ordered, That a hearing on such matters under the applicable provisions of the act and the rules of the Commission, be held on October 4, 1945, at 10:00 a. m., e. w. t., at the offices of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia 3, Pennsylvania. On such day the hearing room clerk in Room 318 will advise as to the room in which such hearing will be held.

It is further ordered, That Allen McCullen or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearings in such matter. The officer so designated to preside at any such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of the said act and to a trial examiner under the Commission's rules of practice.

It is further ordered, That notice of the hearing aforesaid shall be given further to all interested persons by a general release of the Commission, distributed to the press and mailed to the mailing list for releases issued under the Public Utility Holding Company Act of 1935, and by publication of this order in the FEDERAL REGISTER not less than seven (7) days prior to the date fixed herein as the date of hearing.

It is further ordered, That, without limiting the scope of the issues to be considered in these proceedings, particular attention will be directed at said hearing to the following matters and questions:

(1) Whether the proposed plan is fair and equitable to all persons affected by it.

(2) Whether each of the proposed transactions is necessary or appropriate to effectuate the provisions of section 11 (b) of the act.

(3) Whether in all respects the proposed transactions comply with all the applicable provisions and requirements of the Public Utility Holding Company Act of 1935 and the rules and regulations and orders promulgated thereunder.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 45-17849; Filed, Sept. 25, 1945; 11:21 a. m.]

[File No. 70-1151]

AMERICAN POWER & LIGHT CO.

NOTICE OF FILING

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pennsylvania, on the 21st day of September, A. D., 1945.

Notice hereby given that a declaration and amendment thereto have been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by American Power & Light Company ("American"), a subsidiary of Electric Bond and Share Company, both registered holding companies.

Notice is hereby given that any interested person may, not later than October 1, 1945 at 5:30 p. m., e. w. t., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request and the nature of his interest, or may request that he be notified if the Commission should order a hearing thereon. At any time thereafter such declaration, as filed or as amended, may become effective, as provided in Rule U-23 of the rules and regulations promulgated pursuant to said act, or the Commission may exempt such transaction as provided in Rule U-20 (a) and Rule U-100 thereof. Any such request should be addressed: Secretary, Securities and Exchange Commission, Philadelphia 3, Pennsylvania.

All interested persons are referred to said declaration and amendment thereto, which are on file in the office of said Commission, for a statement of the transaction therein proposed, which is summarized below:

American owns $10,589,900 principal amount of 5% Thirty Year Debentures due 1966 of The Montana Power Company, a subsidiary of American. American proposes to sell, at private sale, said debentures at a price of not less than 100% of principal amount.

American proposes to employ The First Boston Corporation to find a purchaser or purchasers for said debentures and to pay such Corporation a commission not to exceed ¼ of 1% of principal amount of said debentures.

American requests an exemption from the competitive bidding requirements prescribed by Rule U-50 for the reasons stated in the application.

American requests that the order to be entered conform to the requirements of sections 371 and 1808 of the Internal Revenue Code, as amended, and recite that the proposed sale of the said debentures is necessary or appropriate to the integration or simplification of the holding company system of which American is a member and necessary or appropriate to effectuate the provisions of section 11 (b) of the Public Utility Holding Company Act of 1935.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 45-17847; Filed, Sept. 25, 1945; 11:21 a. m.]

WAR PRODUCTION BOARD.

[Certificate 158, Amdt. 4]

PRINCIPAL PETROLEUM PRODUCTS IN DISTRICT ONE

APPROVAL OF PAW DIRECTIVE

The ATTORNEY GENERAL:

Referring to Certificate No. 158, issued pursuant to section 12 of Public Law No. 603, 77th Congress (56 Statute 357) on November 11, 1943, and to Amendment No. 1 thereto, issued January 29, 1944, and to Amendment No. 2 thereto, issued May 1, 1944, and to Amendment No. 3 thereto, issued October 2, 1944, I submit herewith Amendment No. 4 to Petroleum Directive 59, as amended December 1, 1943, of the Petroleum Administration for War.

For the purposes of the statute cited, and after consultation with you, and in view of the fact that the amendment only provides for an orderly method of terminating a course of conduct certified heretofore as being requisite for the prosecution of the war, I approve the amendment to Petroleum Directive 59, which shall terminate as therein provided and in any event shall wholly terminate not later than December 31, 1945.

Dated: September 18, 1945.

J. A. KRUG, *Chairman.*

[F. R. Doc. 45-17838. Filed, Sept. 25, 1945; 10:50 a. m.]

OCT 2 '45

FEDERAL REGISTER

VOLUME 10 NUMBER 190

Washington, Thursday, September 27, 1945

The President

PROCLAMATION 2664

NATIONAL EMPLOY THE PHYSICALLY HANDICAPPED WEEK, 1945

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS the people of this Nation are determined to foster an environment in which those of their fellow citizens who have become physically handicapped can continue to make their rightful contribution to the work of the world and can continue to enjoy the opportunities and rewards of that work; and

WHEREAS Public Resolution No. 176, 79th Congress, approved August 11, 1945, provides in part:

"That hereafter the first week in October of each year shall be designated as National Employ the Physically Handicapped Week. During said week, appropriate ceremonies are to be held throughout the Nation, the purpose of which will be to enlist public support for and interest in the employment of otherwise qualified but physically handicapped workers";

NOW, THEREFORE, I, HARRY S. TRUMAN, President of the United States of America, do hereby call upon the people of the United States to observe the week of October 7-13, 1945 as National Employ the Physically Handicapped Week. I ask the governors of States, mayors of cities, heads of the various agencies of the Government, and other public officials, as well as leaders in industry, education, religion, and every other aspect of our common life, during this week and at all other suitable times, to exercise every appropriate effort to enlist public support of a sustained program for the employment and development of the abilities and capacities of those who are physically handicapped.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the United States of America to be affixed.

DONE at the City of Washington this 21st day of September, in the year of our Lord nineteen hundred and [SEAL] forty-five and of the Independence of the United States of America the one hundred and seventieth.

HARRY S. TRUMAN

By the President:

DEAN ACHESON,
Acting Secretary of State.

[F. R. Doc. 45-17915; Filed, Sept. 26, 1945; 11:50 a. m.]

EXECUTIVE ORDER 9628

AUTHORIZING THE APPOINTMENT TO POSITIONS OF CONTACT REPRESENTATIVE, VETERANS ADMINISTRATION, WITHOUT REGARD TO THE REQUIREMENTS OF THE CIVIL SERVICE RULES

By virtue of and pursuant to the authority vested in me by the provisions of paragraph Eighth, subdivision Second, section 2 of the Civil Service Act (22 Stat. 403, 404), it is hereby ordered that upon recommendation to the Civil Service Commission of the Administrator of Veterans Affairs, any person entitled to veteran's preference who has been awarded the Congressional Medal of Honor may be appointed to the classified position of Contact Representative in the Veterans Administration without compliance with the requirements of the Civil Service Rules.

HARRY S. TRUMAN

THE WHITE HOUSE,
September 25, 1945.

[F. R. Doc. 45-17883; Filed, Sept. 25, 1945; 2:16 p. m.]

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NOTICE

1944 Supplement

Book 1 of the 1944 Supplement to the Code of Federal Regulations, containing Titles 1-10, including Presidential documents in full text, is now available from the Superintendent of Documents, Government Printing Office, at $3.00 per copy.

A limited sales stock of the Cumulative Supplement and the 1943 Supplement is still available as previously announced.

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PART 91—EXECUTIVE ORDERS AFFECTING THE CIVIL SERVICE NOT OTHERWISE COVERED IN THIS CHAPTER

CROSS REFERENCE: For the authorization of appointment of contact representative, Veterans' Administration, without regard to the requirements of Civil Service rules, see Executive Order 9628, *supra*.

TITLE 29—LABOR

Chapter IX—Department of Agriculture (Agricultural Labor)

[Supp. 78, Amdt. 1]

PART 1104—SALARIES AND WAGES OF AGRICULTURAL LABOR IN THE STATE OF SOUTH DAKOTA

WORKERS ENGAGED IN HARVESTING POTATOES IN CERTAIN SOUTH DAKOTA COUNTIES

Section 1104.2 (Supplement No. 78), issued September 8, 1945 (10 F.R. 11644) is amended as follows:

1. Paragraph (c) (1) (ii) is amended to read as follows:

(ii) For loading and unloading potatoes—3¢ per bushel of 60 lbs.

2. Paragraph (c) (2) (ii) is amended to read as follows:

(ii) For loading and unloading potatoes—3¢ per bushel of 60 lbs.

3. This amendment shall become effective at 12:01 a. m., Central war time, September 25, 1945.

(56 Stat. 765 (1942), 50 U. S. C. 961 et seq. (Supp. IV); 57 Stat. 63 (1945); 50 U. S. C. 964 (Supp. IV); 58 Stat. 632 (1944); Pub. Law 108, 79th Cong., E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681; E.O. 9577, 10 F.R. 8087, E.O. 9620, 10 F.R. 12033; regulations of the Economic Stabilization Director, 8 F.R. 11960, 12139, 16702, 9 F.R. 6035, 14547, 10 F.R. 9478, 9628; regulations of the War Food Administrator, 9 F.R. 655, 12117, 12611, 10 F.R. 7609, 9581; 9 F.R. 831, 12807, 14206, 10 F.R. 3177)

Issued this 25th day of September 1945.

[SEAL] WILSON R. BUIE,
Director of Labor
U. S. Department of Agriculture.

[F. R. Doc. 45-17912; Filed, Sept. 26, 1945; 11:06 a. m.]

[Supp. 84]

PART 1111—SALARIES AND WAGES OF AGRICULTURAL LABOR IN THE STATE OF WASHINGTON

WORKERS ENGAGED IN HARVESTING APPLES IN YAKIMA COUNTY, STATE OF WASHINGTON

§ 1111.17 *Workers engaged in harvesting apples in Yakima County, State of Washington.* Pursuant to 4001.7 of the regulations of the Economic Stabilization Director relating to salaries and wages issued August 28, 1943, as amended (8 F.R. 11960, 12139, 16702; 9 F.R. 6035, 14547; 10 F.R. 9478, 9628) and to the regulations of the War Food Administrator issued March 23, 1945 (10 F.R. 3177) entitled "Specific Wage Ceiling Regulations" and based upon a certification of the Washington USDA Wage Board that a majority of the producers of apples in the area affected participating in hearings conducted for such purpose have requested the intervention of the Secretary of Agriculture, and based upon relevant facts submitted by the Washington USDA Wage Board and obtained from other sources, it is hereby determined that:

(a) *Areas, crops and classes of workers.* Persons engaged in harvesting apples in Yakima County, State of Washington, are agricultural labor as defined in § 4001.1 (i) of the regulations of the Economic Stabilization Director issued on August 28, 1943, as amended (8 F.R. 11960, 12139, 16702; 9 F.R. 6035, 14547; 10 F.R. 9478, 9628).

(b) *Maximum wage rates for harvesting apples.* (1) Maximum wage rates for picking apples of the Delicious variety or other varieties ripening in the same season as the Delicious variety—10¢ per apple-box.

(2) Maximum wage rates for picking apples of the Winesap variety or other varieties ripening in the same season as the Winesap variety—12¢ per apple-box.

(c) *Administration.* The Washington USDA Wage Board, the address of which is 235 Liberty Building, Yakima, Washington, will have charge of the administration of this section in accordance with the provisions of the specific wage ceiling regulations issued by the War Food Administrator on March 23, 1945 (10 F.R. 3177).

(d) *Applicability of specific wage ceiling regulations.* This section shall be deemed to be a part of the specific wage ceiling regulations issued by the War Food Administrator on March 23, 1945 (10 F.R. 3177) and the provisions of such regulations shall be applicable to this section and any violation of this section shall constitute a violation of such specific wage ceiling regulations.

Effective date. This Supplement No. 84 shall become effective at 12:01 a. m., Pacific war time, September 25, 1945.

(56 Stat. 765 (1942), 50 U.S.C. App. 961 et seq., (Supp. IV); 57 Stat. 63 (1943); 50 U.S.C. 964 (Supp. IV); 58 Stat. 632 (1944); Pub. Law 108, 79th Cong., E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681; E.O. 9577, 10 F.R. 8087; regulations of the Economic Stabilization Director, 8 F.R. 11960, 12139, 16702, 9 F.R. 6035, 14547, 10 F.R. 9478, 9628; regulations of the War Food Administrator, 9 F.R. 655, 12117, 12611, 10 F.R. 7609, 9581; 9 F.R. 831, 12807, 14206, 10 F.R. 3177)

Issued this 25th day of September 1945.

[SEAL] WILSON R. BUIE,
Director of Labor,
U. S. Department of Agriculture.

[F. R. Doc. 45-17913; Filed, Sept. 26, 1945; 11:06 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter IX—War Production Board

AUTHORITY: Regulations in this chapter unless otherwise noted at the end of documents affected, issued under sec. 2 (a), 54 Stat. 676, as amended by 55 Stat. 236, 56 Stat. 177, 58 Stat. 827; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; E.O. 9599, 10 F.R. 10155; W.P.B. Reg. 1 as amended Dec. 31, 1943, 9 F.R. 64.

PART 3290—TEXTILE, CLOTHING AND LEATHER

[Conservation Order M-47 as Amended Sept. 25, 1945]

BURLAP AND BURLAP PRODUCTS

§ 3290.256 *Conservation Order M-47*—(a) *Definitions.* For the purpose of this order:

(1) "Authorized government agency" means the Foreign Economic Administration, the Defense Supplies Corporation, and any corporation organized under the authority of section 5d of the Reconstruction Finance Corporation Act, as amended.

(2) "Burlap" means jute cloth, plain woven of single yarns, other than bratice cloth and linoleum cloth, weighing more than six and not more than sixteen ounces per yard of cloth forty inches wide.

(3) "Frozen burlap" means intact bales of burlap held by any person not manufacturing bags as permitted by Order M-221.

(4) "Bag manufacturer" means any person who manufactures new bags from imported burlap.

(b) *Imports.* The importation of burlap shall be in accordance with the provisions of General Imports Order M-63. Burlap imported, pursuant to General Imports Order M-63, unless otherwise specifically directed by the War Production Board, is not subject to the provisions of this Order M-47.

(c) *Allocation of stockpiled burlap.* No authorized government agency shall dispose of burlap except as authorized by the War Production Board or to fill orders for full and intact bales of burlap (to be used for purposes other than the manufacture of bags) to which a preference rating has been duly assigned, applied or extended in accordance with Conservation Order M-328. The War Production Board may from time to time allocate the supply of stockpiled burlap and specifically direct the quantities, time, and manner in which deliveries by any authorized government agency shall be made or withheld. It may also direct or prohibit particular uses of burlap. Any direction, prohibition, or allocation issued pursuant to this paragraph, to be valid, must be in writing in the name of the War Production Board.

(d) *Quotas and allocations of burlap for bag manufacturers.* (1) The War Production Board will assign to each bag manufacturer a burlap quota representing the percentage his average annual cut-up (i. e., the lineal yardage of burlap converted by him into bags) during the years 1939 and 1940, bears to the total average annual cut-up during the same years by all bag manufacturers who are assigned quotas.

(2) The War Production Board will, from time to time issue burlap allocation certificates to bag manufacturers based on their assigned burlap quotas. Certificates shall be used only in accordance with their terms. The total amount allocated in each calendar quarter to bag manufacturers on the basis of their assigned burlap quotas as explained in paragraph (d) (1) above will generally be the quarterly average amount of burlap allocated for the first three quarters of 1944. Burlap in excess of this amount may be allocated to bag manufacturers who have quotas and also to new manufacturers. Applications to participate in allotments of burlap from any excess above the average for the first three quarters of 1944, as explained above, may be filed by letter stating the amount of burlap requested. These letters should be filed on or before the first day of the calendar quarter for which the allotment is requested. Each application by a new manufacturer should include a statement of the facilities available to him for the manufacture of textile bags, the maximum yardage of textile bagging material which can be processed on his facilities on the basis of 48 hours operation per week, the minimum yardage of textile bagging material needed for economical operation and any other pertinent information.

(3) No bag manufacturer shall purchase burlap except as authorized in his burlap allocation certificate. No bag manufacturer shall purchase and no person shall sell burlap to a bag manufacturer unless he endorses on his purchase order the serial number and the sequence number of his burlap allocation certificate.

(4) No bag manufacturer shall use burlap received against his burlap allocation certificate except for the manufacture of bags for the purposes permitted by Order M-221. No bag manufacturer shall dispose of burlap received against his allocation certificate except to fill orders (for burlap for use other than in the manufacture of bags) bearing preference ratings which have been duly assigned, applied or extended in accordance with Conservation Order M-328, provided no bag manufacturer shall be required to fill rated orders for a total of more than five bales of burlap from any one person in any calendar month.

(5) Notwithstanding any allotment made available by a burlap allocation certificate, no bag manufacturer shall purchase any burlap in excess of a minimum practicable working inventory at his then current rate of operation, nor more than he will actually use on his own facilities, whichever is less.

(6) Burlap received against allocation certificates issued for the purchase of burlap in the fourth quarter of 1945 and in future quarters may only be manufactured into bags on facilities owned by the person to whom the allocation is made.

(e) *Burlap for purposes other than the manufacture of bags.* A person not having a quota, who needs burlap (for other than the purpose of manufacturing bags) to fill orders to which a preference rating has been duly assigned, applied or extended in accordance with Conservation Order M-328, may obtain such burlap from the Defense Supplies Corporation or its authorized representatives (unless his order is for less than a full bale), from bag manufacturers or from persons owning frozen burlap.

(f) *Frozen burlap.* No person having an inventory of frozen burlap shall dispose of all or any part of it except to fill orders to which a preference rating has been duly assigned, applied or extended in accordance with Conservation Order M-328, or to make sales to the Defense Supplies Corporation or to bag manufacturers against their burlap allocation certificates as described in paragraph (d). Any person disposing of frozen burlap to a bag manufacturer shall immediately notify by letter the War Production Board, Textile, Clothing and Leather Division, Washington 25, D. C., stating the name of the buyer, the quantity of bales, the serial number and sequence number of the burlap allocation certificate authorizing the buyer to accept delivery.

(g) *Damaged burlap.* Any person who has in his possession any bales of damaged burlap shall report to the War Production Board the extent of the damage and the percentage not suitable for the manufacture of bags as permitted by Order M-221. Such statement shall be made by letter setting forth all pertinent facts. If the War Production Board acknowledges receipt of his letter without stating any objection, he may then use or dispose of his damaged burlap free of the restrictions of this order.

(h) *Saving clause.* Quotas, certificates, directions, allocations and authorizations issued pursuant to this order previous to any amendment thereof shall remain in effect subsequent to such amendment unless specifically revoked.

(i) *Appeals.* Any appeal from the provisions of this order shall be made by filing a letter in triplicate, referring to the particular provisions appealed from and stating fully the grounds of the appeal.

(j) *Applicability of regulations.* This order and all transactions affected thereby are subject to all applicable regulations of the War Production Board including General Conservation Order M-328, as amended from time to time.

(k) *Reports and communications.* (1) Each bag manufacturer shall file with the War Production Board on Form WPB-2906 a report of his inventories, receipts and distribution of burlap as required by instructions issued on or with the form. The reporting requirements of this order have been approved by the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

(2) All reports required to be filed under, and all communications concerning this order shall be addressed to the War Production Board, Textile, Clothing and Leather Division, Washington 25, D. C. Reference M-47.

(l) Violations. Any person who willfully violates any provisions of this order, or who, in connection with this order, willfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

Issued this 25th day of September 1945

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 45-17896; Filed, Sept. 25, 1945; 4:36 p. m.]

Chapter XI—Office of Price Administration

PART 1315—RUBBER AND PRODUCTS AND MATERIALS OF WHICH RUBBER IS A COMPONENT

[MPR 220, Amdt. 22]

CERTAIN RUBBER COMMODITIES

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.

Maximum Price Regulation 220 is amended in the following respects:

1. A new section designated § 1315.1557e is added to read as follows:

§ 1315.1557e *Maximum prices for manufacturers' and wholesalers' sales of sandblast stencil*—(a) *Applicability.* This section and not §§ 1315.1553 to 1315.1557, inclusive, establishes maximum prices for sales by manufacturers and wholesalers of sandblast stencil made in whole or in part of rubber.

(b) *Maximum prices.* The maximum prices for sales by manufacturers and wholesalers of the following sandblast stencil shall be as follows:

Item	Size	Maximum list price per roll
Sandblast stencil, Holland sheeting backed.	12½" x 10 yd.	$8.75
Sandblast stencil, Holland sheeting backed.	24½" x 10 yd.	17.45

For manufacturers' sales to wholesalers, the above maximum prices are subject to a 25 percent trade discount and to cash discount of 2 percent, ten days net thirty days. The freight charge is to be paid by seller.

For sales by wholesalers, the above list prices are subject to all discounts and allowances and freight terms that the wholesaler had in effect to each class of purchaser of sandblast stencil during March 1942. If the seller did not sell or offer for sale sandblast stencil during March 1942, or if he proposes to sell sandblast stencil to a different class of purchaser than he sold during March 1942, such wholesaler shall not sell or offer for sale sandblast stencil until the discounts, allowances and freight terms applicable to his sales have been established by order of the Office of Price Administration which shall be issued after application therefor by the wholesaler in accordance with paragraph (c) below.

(c) *Maximum prices for sandblast stencil not covered by paragraph (b).* The maximum prices for sales by manufacturers and wholesalers of sandblast stencil which cannot be priced under paragraph (b) above shall be established pursuant to § 1315.1558.

2. Section 1315.1558 is amended to read as follows:

§ 1315.1558 *Fourth pricing method; specific authorization by the Office of Price Administration*—(a) *Maximum prices.* The maximum prices for sales of any commodity at any level covered by the regulation which cannot be priced under any other section shall be a price in line with the level of maximum prices established by the regulation specifically authorized by the Office of Price Administration.

(b) *Reports of maximum prices.* Prior to first offering the commodity for sale, the applicant shall submit to the Office of Price Administration, Washington, D. C., a report applying for a specific authorization of a maximum price. The report shall contain: (1) a description in detail of the commodity (including the manufacturing process if the applicant is a manufacturer); (2) a statement of facts which make it necessary to price the commodity under this section; (3) a proposed pricing method and the price for the commodity determined in accordance with this method, and the cash discount, freight and quantity allowances and other allowances and discounts applicable to each class of purchaser; (4) a statement of the reasons why the applicant believes that the use of this method results in prices which are in line with the level of maximum prices established by this regulation. The applicant may not sell or offer for sale the commodity to be priced under this section until an order establishing its maximum price has been issued by the Office of Price Administration.

This amendment shall become effective October 1, 1945.

NOTE: All reporting provisions of this amendment have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 26th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-17918; Filed, Sept. 26, 1945; 11:53 a. m.]

PART 1364—FRESH, CURED, AND CANNED MEAT AND FISH PRODUCTS

[MPR 419,[1] Amdt. 2]

SUN-DRIED SHRIMP

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.

Maximum Price Regulation No. 419 is amended in the following respects:

[1] 8 F.R. 9286; 9 F.R. 14600.

1. Section 1 (a) is amended to read as follows:

(a) The prices set forth below are the maximum prices f. o. b. platform for sales by processors of sun-dried shrimp and f. o. b. the shipping point nearest packer's warehouse for sales by packers of sun-dried shrimp. These prices apply only to sales of sun-dried shrimp in containers packed to a net weight of five pounds or more.

	Cents
Processors' sales of sun-dried shrimp, per pound	35
Packers' sales of sun-dried shrimp, per pound	42

2. In section 1 paragraphs (b) and (c) are redesignated (c) and (d), respectively, and a new paragraph (b) is inserted to read as follows:

(b) The price set forth below is the packer's maximum price for sun-dried shrimp delivered to the purchaser's place of business in glassine or similar transparent bags packed to a net weight of 1¾ ounces per bag.

Price per 24 bags	$1.40

NOTE: You must notify wholesalers and retailers of this maximum price in accordance with the provisions of section 1 (d), (formerly 1 (c)).

(1) For container types and sizes not listed in paragraph (a) or (b) and packed to a net weight of less than five pounds the packer's maximum price shall be the price determined by the Office of Price Administration to be in line with the prices established in paragraphs (a) and (b) of this section. Such determination shall be made upon written request addressed to the Office of Price Administration, Washington, D. C., and accompanied by statements showing costs and usual differentials between the pack for which a maximum price is sought and the packs for which maximum prices are listed in this regulation.

This amendment shall become effective October 1, 1945.

NOTE: The reporting provisions of this amendment have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 26th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-17919; Filed, Sept. 26, 1945; 11:53 a. m.]

PART 1388—DEFENSE-RENTAL AREAS

[Housing,[1] Amdt. 69]

HOUSING

Item 33b is added to Schedule A of the Rent Regulation for Housing to read as follows:

Name of Defense-Rental Area	State	County or counties in Defense-Rental Areas under rent regulation for housing	Maximum rent date	Effective date of regulation	Date by which registration statement to be filed (inclusive)
(33b) Placer-Nevada...	California	In Nevada County, the Townships of Bloomfield, Bridgeport, Grass Valley, Little York, Nevada, and Rough and Ready, and in Placer County, Townships 1, 3, 9, 10, 13, and 14	Jan. 1, 1944	Oct. 1, 1945	Nov. 15, 1945

This amendment shall become effective October 1, 1945.

Issued this 26th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-17922; Filed, Sept. 26, 1945; 11:54 a. m.]

PART 1388—DEFENSE-RENTAL AREAS

[Hotels and Rooming Houses,[2] Amdt. 64]

HOTELS AND ROOMING HOUSES

Item 33b is added to Schedule A of the Rent Regulation for Hotels and Rooming Houses to read as follows:

Name of Defense-Rental Area	State	County or counties in Defense-Rental Areas under rent regulation for hotels and rooming houses	Maximum rent date	Effective date of regulation	Date by which registration statement to be filed (inclusive)
(33b) Placer-Nevada...	California	In Nevada County, the Townships of Bloomfield, Bridgeport, Grass Valley, Little York, Nevada, and Rough and Ready, and in Placer County, Townships 1, 3, 9, 10, 13, and 14	Jan. 1, 1944	Oct. 1, 1945	Nov. 15, 1945

[1] 10 F.R. 3436, 3555, 3951, 4714, 4713, 5089, 5577, 5603, 6074, 6400, 7853, 7649, 8017.
[2] 10 F.R. 3462, 3555, 3656, 3950, 4713, 5089, 5576, 5579, 6400, 7849, 7853, 8017.

This amendment shall become effective October 1, 1945.

Issued this 26th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-17921; Filed, Sept. 26, 1945; 11:54 a. m.]

(1) California	California	That portion of the State of California not designated prior to October 5, 1942, by the Price Administrator as part of any defense-rental area, except the Counties of Imperial, San Benito, and in Nevada County, the Townships of Bloomfield, Bridgeport, Grass Valley, Little York, Nevada, and Rough and Ready, and in Placer County, the Townships 1, 3, 9, 10, 13, and 14.
(95) Placer-Nevada	California	In Nevada County, the Townships of Bloomfield, Bridgeport, Grass Valley, Little York, Nevada, and Rough and Ready, and in Placer County, the Townships 1, 3, 9, 10, 13, and 14.

This amendment shall become effective October 1, 1945.

Issued this 26th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-17920; Filed, Sept. 26, 1945; 11:54 a. m.]

PART 1407—RATIONING OF FOOD AND FOOD PRODUCTS

[Gen. RO 12,[1] Amdt. 10]

WAR RATION BOOK NO. 3

A rationale accompanying this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.

Section 8 (e) of General Ration Order 12 is amended by adding at the end thereof the following sentence: "Application under this paragraph may be made at the War Price and Rationing Board for the place where the applicant lives, or at any other Board."

This amendment shall become effective September 28, 1945.

Issued this 26th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-17916; Filed, Sept. 26, 1945; 11:53 a. m.]

PART 1412—SOLVENTS

[MPR 170, Corr. to Amdt. 9]

The phrase "$1.89 per gallon ($0.48 per quart)" in the example in § 1412.13 (1) (3) (i), Appendix A, is corrected to read as follows: "$2.09 per gallon ($0.53 per quart)."

This correction shall be effective as of February 15, 1945.

Issued this 26th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-17917; Filed, Sept. 26, 1945; 11:52 a. m.]

[1] 9 F.R. 5823, 5915, 7329, 7431, 9265, 9513, 11540, 11796, 12866, 14061, 15059, 15156; 10 F.R. 1103, 2406.

[2] 8 F.R. 7453, 11514, 17183; 9 F.R. 6504, 9355, 10706.

PART 1388—DEFENSE-RENTAL AREAS

[Designation and Rent Declaration 31,[2] Amdt. 37]

DESIGNATION OF CERTAIN AREAS AND RENT DECLARATIONS RELATING TO SUCH AREAS

In § 1388.1341 of Designation and Rent Declaration 31, Item 4 is amended and Item 195 is added to read as follows:

TITLE 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans' Administration

PART 2—ADJUDICATION: VETERANS' CLAIMS

PROOF OF RELATIONSHIP AND DEPENDENCY

§ 2.1048 *Secondary evidence of birth or marriage.* The classes of evidence to be requested for the purpose of establishing age or relationship or marriage are indicated in §§ 2.1046 and 2.1050 in the order of preference. Failure to furnish the higher class, however, does not preclude the acceptance of a lower class if the evidence furnished is sufficient to prove the point involved. Photostats of original documents or of certified copies of records may be accepted if the original would be acceptable.

(48 Stat. 9; 38 U.S.C. 707)

[SEAL] OMAR N. BRADLEY,
General, U. S. Army,
Administrator of Veterans' Affairs.

SEPTEMBER 25, 1945.

[F. R. Doc. 45-17887; Filed, Sept. 25, 1945; 4:09 p. m.]

PART 10—INSURANCE

NATIONAL SERVICE LIFE INSURANCE; PREMIUMS

§ 10.3408 *Deduction of insurance premiums from compensation, retirement pay or pension.* The insured under a National Service Life Insurance policy may authorize the monthly deduction of premiums from disability compensation, death compensation, retirement pay, disability pension, or death pension, that may be due and payable to him under any laws administered by the Veterans' Administration in accordance with the following provisions:

No change in (a).

(b) The monthly disability compensation, death compensation, retirement pay, disability pension or death pension so due and payable must be equal to, or in excess of, the amount of the insurance premium figured on a monthly basis.

No change in (c), (d) or (e).

§ 10.3409 *Effective date of authorization for deduction of insurance premiums from compensation, retirement pay, or pension.* When premium deductions are authorized by the insured under National Service Life Insurance in accordance with the provisions of Veterans' Administration regulations, the Veterans' Administration will make monthly deductions from the disability compensation, death compensation, retirement pay, disability pension, or death pension, due and payable to the insured, of an amount sufficient to pay the monthly premium on the insurance. Such deductions shall begin with the month in which the authorization is effective and continue so long as the disability compensation, death compensation, retirement pay, disability pension, or death pension, due and payable to the insured is sufficient to pay the monthly insurance premium, unless the authorization is sooner canceled or otherwise terminated.

§ 10.3410 *Premiums to be deducted from compensation, retirement pay, or pension, treated as paid, for purpose of preventing lapse.* When premium deductions are authorized by the insured under National Service Life Insurance, in accordance with the provisions of Veterans' Administration regulations, the insurance premium will be treated as paid for the purpose of preventing lapse of the insurance, although such deduction is not in fact made, if upon the due date of the premium there is due and payable to the insured an amount of disability compensation, death compensation, retirement pay, disability pension, or death pension sufficient to provide the payment. Any premium authorized to be deducted from disability compensation, death compensation, retirement pay, disability pension, or death pension, due and payable to the insured and not actually paid, shall be deducted from any amount of current disability compensation, death compensation, retirement pay, disability pension, or death pension that may become due and payable to the insured. The amounts so deducted for premiums shall be deposited and covered into the Treasury to the credit of the National Service Life Insurance Fund.

§ 10.3411 *Termination of the authorization to deduct insurance premiums from compensation, retirement pay, or pension.* Deduction of insurance premiums on National Service Life Insurance shall cease and the authorization shall terminate if the disability compensation, death compensation, retirement pay, disability pension, or death pension, becomes insufficient to provide the premium, or if disability compensation, death compensation, retirement pay, disability pension, or death pension, is no longer due and payable to the insured. If authorization was executed by the manager of a Veterans' Administration facility or chief officer of a State hospital or other institution to make deductions from an institutional award, the authorization will cease and terminate at the termination of the institutional award, and if subsequent premiums are to be paid by deduction from monthly benefit payments, another authorization must be executed by the insured or his legal representative or his wife. (See

§ 10.3408 (a).) The insurance shall lapse after the termination or cancelation of the authorization to deduct premiums from disability compensation, death compensation, retirement pay, disability pension, or death pension, unless the premium be otherwise paid within the grace period. The insured will be notified, by letter directed to his last address of record, of the termination of the authorization to deduct premiums; but the failure to give such notice or the failure to receive such notice, shall not prevent lapse of the insurance.

[SEAL] OMAR N. BRADLEY,
General, U. S. Army,
Administrator of Veterans' Affairs.

SEPTEMBER 29, 1945.

[F. R. Doc. 45-17888; Filed, Sept. 25, 1945; 4:09 p. m.]

PART 25—MEDICAL

DENTAL SERVICES

§ 25.6129 *Extent of dental treatment.* The type and extent of dental treatment in any individual case will be determined by a dental officer of the Veterans' Administration in accordance with the following principles:

(a) In Class I (see § 25.6123), any dental treatment indicated as reasonably necessary to retain masticatory function may be authorized.

(b) (1) In Class II, any treatment indicated as necessary for the correction of wartime service-connected dental disabilities may be authorized as well as for peacetime service-connected dental disabilities, provided the applicant was discharged under conditions other than dishonorable on account of a disability incurred in line of duty, or is in receipt of pension for a service-incurred disability. When diseased teeth (the disability from which is service-connected) are to be replaced by means of artificial dentures, all other diseased teeth in the same maxilla may be extracted, if necessary, and the dentures may be constructed accordingly. This principle will also apply when extraction is indicated for mechanical reasons. But in constructing bridges for missing teeth, the loss of which has not been attributed to military or naval service, only mechanical necessity will permit consideration of such missing teeth in designing the bridge.

(2) When service connection has been established only for teeth missing from one maxilla, and artificial dentures for both jaws are determined necessary to meet proper treatment indications, extractions of teeth in the opposing maxilla may be made.

(3) Missing third molar teeth, loss of which has been attributed to military or naval service, will not be replaced; nor will such circumstances be held to call for replacement of other missing teeth whose loss is not service-connected.

(c) In Class III, treatment will be rendered, as adjunct or auxiliary measures, only for those dental conditions which, in sound professional judgment, are having a direct and material detrimental effect upon an associated basic disease.

(d) In Class IV, sufficient treatment will be rendered domiciliary members to keep their mouths in hygienic and comfortable condition, with sufficient masticatory surface to maintain health.

(e) In Class V, treatment other than emergency, will consist only of such measures as may be reasonably necessary to prevent the interruption of an authorized course of vocational training.

§ 25.6135 *Replacement of dental prosthesis.* (a) Dental prosthesis (i. e., fillings, bridges and dentures), furnished for treatment of service-connected dental disease or injury, which have been broken or become unserviceable through legitimate wear and deterioration, may be replaced, provided the condition is still shown to be service connected by the final dental rating promulgated under current rating instructions. Usually prosthesis, especially fillings and fixed bridges, should give at least two years' service, and this should be considered in these cases. In average cases in which fillings and fixed bridges inserted by designated dentists fail within two years, due to faulty technique or engineering, the claimant, if practicable, will be referred back to the designated dentist who rendered the treatment, who will be required to adjust the defective prosthesis; if this cannot be done, or if the designated dentist declines to make good the defect, determination will be made by the chief, dental service, as to the advisability of requesting a refund. In considering such cases due consideration will be given to the veteran's physical condition, and any unusual or extenuating conditions which obtain in his mouth.

When the chief, dental service, is of the opinion that a refund is in order he will prepare a brief of the facts in the case, attaching thereto copies of pertinent documents, and submit it to the finance officer with a recommendation that refund in a specified amount be effected, if possible.

(b) Dental prosthesis, such as bridges and dentures, furnished for treatment of a service-connected dental disease or injury, when lost, destroyed, or otherwise disposed of by a veteran, may be replaced upon the authority of the chief medical officer or his designate. The field station concerned will obtain affidavits of the veteran and, if possible, of other persons familiar with the circumstances of the loss, destruction, etc. The chief medical officer or his designate may require any other additional evidence considered necessary to show good faith and lack of carelessness on the part of the veteran, and may deny replacement if circumstances warrant.

(c) Dental prosthesis such as bridges and dentures furnished as adjunct or auxiliary relief, when requiring replacement through legitimate wear or deterioration, will be replaced upon determination as to the present necessity of replacement as adjunct or auxiliary relief.

(1) If the veteran applies for replacement, on an out-patient basis of prosthesis previously furnished as adjunct treatment and cannot produce such prosthesis, the procedure as prescribed in paragraph (b) of this section will govern in determining eligibility thereto.

(2) If the prosthesis is indicated as adjunct or auxiliary treatment on an in-patient basis the chief, dental service, will satisfy himself that the prosthesis previously furnished was not destroyed, lost or otherwise disposed of due to the carelessness or neglect of the beneficiary. If he is of the opinion that the loss was occasioned by the carelessness or neglect of the beneficiary, the decision as to replacement will be made by the chief medical officer or clinical director, as required in paragraph (b) of this section.

(d) Dental prosthesis such as bridges and dentures furnished veterans receiving domiciliary care in a Veterans' Administration facility as Class IV (domiciliary) treatment may be replaced when unserviceable through fair wear and deterioration. If veteran requests replacement of prosthesis previously furnished him by the Veterans' Administration and is unable to produce the prosthesis or presents same in a mutilated condition, the chief, dental service, will secure all evidence available and present it to the chief medical officer or clinical director for a determination as to whether the prosthesis was lost through the carelessness and neglect of the veteran or wilfully mutilated by him. If such determination is made, replacement will be made only upon payment of the cost of the prosthesis by the veteran either in cash, or by labor at the facility for which he will be credited at the rate of fifty cents per day. The cost of the appliance will be computed at twenty-five percent of the fee basis value shown in Veterans' Administration regulations.

(e) Dental prosthesis such as bridges and dentures furnished vocational trainees will be replaced in accordance with the same procedure as prescribed in paragraph (c) of this section and subject to the provisions of § 25.6129 (e).

[SEAL] OMAR N. BRADLEY,
General, U. S. Army,
Administrator of Veterans' Affairs.

OCTOBER 2, 1945.

[F. R. Doc. 45-17889; Filed, Sept. 25, 1945; 4:09 p. m.]

TITLE 46—SHIPPING

Chapter I—Coast Guard: Inspection and Navigation

Subchapter E—Load Lines

PART 47—TEMPORARY VARIANCE FOR COASTWISE VOYAGES BY SEA AND GREAT LAKES VOYAGES

RESCISSION OF REGULATIONS

By virtue of the authority vested in me by the Coastwise Load Line Act of 1935, as amended (49 Stat. 888, 1543; 55 Stat. 578; 46 U.S.C. 88-88i), Executive

Order No. 9083 (7 F.R. 1609) and the order of the Acting Secretary of the Navy dated October 1, 1942, as amended (7 F.R. 7979; 10 F.R. 6848), Part 47 of Subchapter E is rescinded effective three months after publication in the FEDERAL REGISTER. All load line certificates issued to vessels under Part 47 are cancelled effective three months after the publication of this regulation in the FEDERAL REGISTER.

Dated: September 24, 1945.

R. R. WAESCHE,
Admiral, U. S. C. G.,
Commandant.

[F. R. Doc. 45-17873; Filed, Sept. 25, 1945; 11:48 a. m.]

Appendix A—Waiver of Navigation and Vessel Inspection Laws and Regulations

WAIVER OF LOAD LINES FOR TANKERS LOADING AT PORTS IN EASTERN SEASONAL TROPICAL ZONE AND ON CALIFORNIA COAST [1]

The Acting Secretary of the Navy having by order dated October 1, 1942 (7 F.R. 7979), waived compliance with the navigation and vessel inspection laws administered by the United States Coast Guard, in the case of any vessel engaged in business connected with the conduct of the war, to the extent and in the manner that the Commandant, United States Coast Guard, shall find to be necessary in the conduct of the war; and

The War Shipping Administration having indicated that the waiver of load lines, relating to certain vessels engaged in business in the conduct of the war, dated August 26, 1944, has been found to be insufficient to take full advantage of tanker capacity in the movement of the petroleum products to the combat areas in the Pacific;

Now, therefore, upon the request of the War Shipping Administration, I hereby find it to be necessary in the conduct of the war that there be waived compliance with § 43.019 of the load line regulations administered by the United States Coast Guard, to the extent that vessels in the foreign trade which are engaged in the war effort shall be accorded the following relaxations:

Tankers loading at ports situated in the eastern seasonal tropical zone, west of Longitude 55° W. bound for Panama Canal ports, or to ports in the Pacific located in tropical or summer zone, and also tankers loading on the California coast east of Longitude 120° W., and bound for ports in the Pacific between Latitude 25° N. and Latitude 11° S., be permitted to load on departure from their loading port to their tropical fresh water load line during the entire year.

Dated: October 10, 1944.

L. T. CHALKER,
Rear Admiral, U. S. C. G.,
Acting Commandant.

[F. R. Doc. 45-17874; Filed, Sept. 25, 1945; 11:48 a. m.]

[1] Delay in publication in the FEDERAL REGISTER has been due to the fact that this order was classified for security reasons. Such classification has now been removed.

LOAD LINES FOR TANKERS LOADING AT CARIBBEAN PORTS OF SOUTH AMERICA [1]

The Acting Secretary of the Navy having by order dated October 1, 1942 (7 F.R. 7979), waived compliance with the Navigation and Vessel Inspection laws administered by the United States Coast Guard, in the case of any vessel engaged in business connected with the conduct of the war, to the extent and in the manner that the Commandant, United States Coast Guard, deems it necessary in the conduct of the war; and

The War Shipping Administration having indicated that the efficient prosecution of the war is impeded by the application to ocean-going vessels in the foreign trade of certain load line regulations;

Now, therefore, upon the request of the War Shipping Administration, I hereby find it to be necessary in the conduct of the war that there be waived compliance with § 43.019 of the Load Line Regulations administered by the United States Coast Guard, to the extent that vessels in the foreign trade which are engaged in the war effort shall be accorded the following relaxations:

Tankers loading at Caribbean ports of South America with cargo for Pacific combat areas may disregard the summer seasonal character of the Caribbean zone as specified in § 43.103 (e) (1) and load as if it were a tropical zone during the entire year.

Dated: August 26, 1944.

L. T. CHALKER,
Rear Admiral, U. S. C. G.,
Acting Commandant.

[F. R. Doc. 45-17875; Filed, Sept. 25, 1945; 11:48 a. m.]

LOAD LINES FOR CERTAIN VESSELS LOADING AT TRINIDAD [1]

The Acting Secretary of the Navy having by order dated October 1, 1942 (7 F.R. 7979), waived compliance with the Navigation and Vessel Inspection laws administered by the United States Coast Guard, in the case of any vessel engaged in business connected with the conduct of the war, to the extent and in the manner that the Commandant, United States Coast Guard, shall find to be necessary in the conduct of the war; and

The War Shipping Administration having indicated that the efficient prosecution of the war is impeded by the application to ocean-going vessels in the foreign trade of certain load line regulations;

Now, therefore, upon the request of the War Shipping Administration, I hereby find it to be necessary in the conduct of the war that there be waived compliance with § 43.019 of the Load Line Regulations administered by the United States Coast Guard, to the extent that vessels in the foreign trade which are engaged in the war effort shall be accorded the following relaxations:

Trinidad shall be considered on the boundary of the seasonal tropical and tropical zones.

The waiver of June 1, 1944, stating: "When undertaking a voyage from Trinidad bound for the East or South Coast of Africa they may load and proceed from Trinidad during the period from the 16th of July to the 31st of October submerged to their tropical marks or, if certified for deeper loading, to their tropical fresh water marks" is hereby canceled.

R. R. WAESCHE,
Vice Admiral, U. S. C. G.,
Commandant.

JULY 14, 1944.

[F. R. Doc. 45-17876; Filed, Sept. 25, 1945; 11:48 a. m.]

LOAD LINES FOR VESSELS IN FOREIGN TRADE FROM TRINIDAD BOUND FOR EAST OR SOUTH COAST OF AFRICA [1]

The Acting Secretary of the Navy having by order dated October 1, 1942 (7 F.R. 7979), waived compliance with the navigation and vessel inspection laws administered by the United States Coast Guard, in the case of any vessel engaged in business connected with the conduct of the war, to the extent and in the manner that the Commandant, United States Coast Guard, shall find to be necessary in the conduct of the war; and

The War Shipping Administration having indicated that the efficient prosecution of the war is impeded by the application to ocean-going vessels in the foreign trade of certain load line regulations;

Now, therefore, upon the request of the War Shipping Administration, I hereby find it to be necessary in the conduct of the war that there be waived compliance with § 43.019 of the load line regulations administered by the United States Coast Guard, to the extent that vessels in the foreign trade which are under the control or direction of the War Shipping Administration be accorded the following relaxations:

When undertaking a voyage from Trinidad bound for the East or South Coast of Africa they may load and proceed from Trinidad during the period from the 16th of July to the 31st of October submerged to their tropical marks or, if certified for deeper loading, to their tropical fresh water marks.

Dated: June 1, 1944.

R. R. WAESCHE,
Vice Admiral, U. S. C. G.,
Commandant.

[F. R. Doc. 45-17877; Filed, Sept. 25, 1945; 11:48 a. m.]

LOAD LINES FOR TANKERS BOUND FOR CERTAIN EUROPEAN PORTS [1]

The Acting Secretary of the Navy having by order dated October 1, 1942 (7 F.R. 7979), waived compliance with the navigation and vessel inspection laws administered by the United States Coast Guard, in the case of any vessel engaged in business connected with the conduct of the war, to the extent and in the manner that the Commandant, United States Coast Guard, deems it necessary in the conduct of the war; and

The War Shipping Administration having indicated that the efficient prosecution of the war is impeded by the application to ocean-going vessels in the foreign trade of certain load line regulations;

Now, therefore, upon the request of the War Shipping Administration, I hereby find it to be necessary in the conduct of the war that there be waived compliance with § 43.105 of the load line regulations administered by the United States Coast Guard, to the extent that vessels in the foreign trade which are engaged in the war effort shall be accorded the following relaxations:

Section 43.105 of the load line regulations is hereby waived for those tankers engaged in the war effort which have been certified for deeper loading and are bound for European ports north of latitude 36° N. to the extent that such tankers may be loaded so that while in a winter zone they shall not submerge their winter load lines.

Dated: October 12, 1944.

R. R. WAESCHE,
Vice Admiral, U. S. C. G.,
Commandant.

[F. R. Doc. 45-17878; Filed, Sept. 25, 1945; 11:49 a. m.]

ESCAPE PANELS ON VESSELS TRANSPORTING TROOPS FOR THE UNITED STATES ARMY [1]

The Acting Secretary of the Navy having by order, dated October 1, 1942 (7 F.R. 7979), waived compliance with the navigation and vessel inspection laws administered by the United States Coast Guard, in the case of any vessel engaged in business connected with the conduct of the war to the extent and in the manner that the Commandant, United States Coast Guard, shall find to be necessary in the conduct of the war; and

The Army Service Forces, Office of the Chief of Transportation, having indicated that the efficient prosecution of the war would be impeded by the application to certain ocean and coastwise vessels of certain inspection regulations requiring escape panels;

Now, therefore, upon request of the Army Service Forces, Office of the Chief of Transportation, I hereby find it to be necessary in the conduct of the war that there be waived compliance with the vessel inspection regulations administered by the United States Coast Guard, 46 CFR 153.21 (9 F.R. 5696), to the extent that, on vessels engaged in the transportation of troops for the United States Army, no escape hatches and no escape, crash, or kick-out panels need be fitted in spaces used as transient quarters or in rooms occupied by officers of the armed services: *Provided*, That hooks of a suitable "ajar" type are placed on doors to such spaces to hold them in a partially opened position.

Dated: October 30, 1944.

R. R. WAESCHE,
Vice Admiral, U. S. C. G.,
Commandant.

[F. R. Doc. 45-17879; Filed, Sept. 25, 1945; 11:49 a. m.]

LOAD LINES FOR VESSELS LOADING ON ATLANTIC SEABOARD AND BOUND TO OR VIA MEDITERRANEAN SEA [1]

The Acting Secretary of the Navy having by order dated October 1, 1942 (7 F.R. 7979), waived compliance with the navigation and vessel inspection laws administered by the United States Coast Guard, in the case of any vessel engaged in business connected with the conduct of the war, to the extent and in the manner that the Commandant, United States Coast Guard, shall find to be necessary in the conduct of the war; and

The War Shipping Administration having indicated in their letter of December 8, 1944, that the efficient prosecution of the war is impeded by the application to ocean-going vessels in the foreign trade of certain load line regulations (46 CFR 43.019);

Now, therefore, upon the request of the War Shipping Administration, I hereby find it to be necessary in the conduct of the war that there be waived compliance with 46 CFR 43.019 (load line regulations) administered by the United States Coast Guard to the extent that vessels in the foreign trade which are engaged in the war effort shall be accorded the following relaxations:

Vessels loading on the Atlantic Seaboard north of Latitude 36° North and bound to or via the Mediterranean Sea shall be allowed to load to their tropical load line marks when operating as part of a convoy or singly under competent naval control and routed to proceed south so as to reach Latitude 36° North as soon after departure as practicable considering the exigencies of war.

Dated: December 9, 1944.

R. R. WAESCHE,
Vice Admiral, U. S. C. G.,
Commandant.

[F. R. Doc. 45-17880; Filed, Sept. 25, 1945; 11:49 a. m.]

LOAD LINES FOR TANKERS LOADING FROM WEST COAST PORTS DURING APRIL, MAY, AND JUNE 1945 [1]

The Acting Secretary of the Navy having by order dated October 1, 1942 (7 F.R. 7979), waived compliance with the navigation and vessel inspection laws administered by the United States Coast Guard, in the case of any vessel engaged in business connected with the conduct of the war, to the extent and in the manner that the Commandant, United States Coast Guard, shall find to be necessary in the conduct of the war.

Now, therefore, I find it necessary in the conduct of the war that there shall be waived compliance with the act of March 2, 1929, c. 508, 45 Stat. 1492, as amended (46 U.S.C. 85-85g), relating to load lines for vessels making a foreign voyage by sea, to the following extent and subject to the following conditions.

During the months of April, May, and June 1945, tankers engaged in the conduct of the war and certified for deeper loading according to Part 48 of the United States Load Line Regulations, when loading from the West Coast harbor areas of San Francisco, Los Angeles, and Long Beach, and routed via the Central Pacific south of Latitude 40° N. to ports in the Pacific theater of war, may load on departure so as not to submerge their tropical fresh water load lines when at sea.

Dated: April 5, 1945.

L. T. CHALKER,
Rear Admiral, U. S. C. G.,
Acting Commandant.

[F. R. Doc. 45-17881; Filed, Sept. 25, 1945; 11:49 a. m.]

Chapter III—War Shipping Administration

[G. O. 16, Amdt. 2 to Supp. 7]

PART 303—CONTRACTS FOR CARRIAGE ON VESSELS OWNED OR CHARTERED BY THE WAR SHIPPING ADMINISTRATION

UNIFORM OCEAN BILL OF LADING

1. The first sentence of the form on bill of lading prescribed by § 303.32 *Uniform ocean bill of lading, short form "Warshipshortblading"* (General Order 16, Supplement 7) is hereby amended by striking out the words "on board" so that said sentence shall read:

Received from the shipper hereinafter named the goods, or packages said to contain the goods, hereinafter mentioned in apparent good order and condition unless otherwise indicated in this bill of lading, to be transported to the port of discharge and there to be delivered or transshipped on the terms hereinafter stated.

2. Paragraph (b) of § 303.33 *Uniform ocean bill of lading for government cargo, "Warshipshortblading (U. S. Gov. Form)"* (General Order 16, Supplement 7, Amendment 1) is amended to read:

(b) Said bill of lading shall be identical with the form prescribed by §§ 303.32 and 303.32a (General Order 16, Supp. 7 and Supp. 9) except that, in the government form, (1) the designation "Warshipshortblading (U. S. Gov. Form) 9/1/44" shall be substituted for the designation "Warshipshortblading 12 15 42" wherever the latter appears, (2) the name of the steamship company at the top of the face and in the signature shall be left blank, the name of the proper steamship company to be inserted by the government agency shipper upon presentation of the bill of lading, and (3) the first sentence shall read:

Received on board from the shipper hereinafter named the goods, or packages said to contain goods, hereinafter mentioned in apparent good order and condition unless otherwise indicated in this bill of lading, to

[1] Delay in publication in the FEDERAL REGISTER has been due to the fact that this order was classified for security reasons. Such classification has now been removed.

be transferred to the port of discharge and there to be delivered or transshipped on the terms hereinafter stated.

(E.O. 9054, 3 CFR Cum. Supp.)

[SEAL] E. S. LAND,
Administrator.

SEPTEMBER 25, 1945.

[F. R. Doc. 45-17899; Filed, Sept. 26, 1945; 9:59 a. m.]

[G. O. 16, Supp. 11]

PART 303—CONTRACTS FOR CARRIAGE ON VESSELS OWNED OR CHARTERED BY THE WAR SHIPPING ADMINISTRATION

UNIFORM BILL OF LADING

§ 303.11b *Uniform bill of lading "Warshiplading" 7/1/42, optional modification.* Whenever customary in a particular trade, the following paragraph may be used in the place and stead of the second paragraph of Clause 17 prescribed in § 303.11 *Uniform bill of lading "Warshiplading"* (originally designated paragraph 1 of General Order 16):

Whenever the value of the goods is less than $500 per package or other freight unit, their value in the calculation and adjustment of claims for which the Carrier may be liable shall for the purpose of avoiding uncertainties and difficulties in fixing value be deemed to be the invoice value, plus freight, insurance and duties, if paid, and not recovered or recoverable, irrespective of whether any other value is greater or less.

(E.O. 9054, 3 CFR Cum. Supp.)

[SEAL] E. S. LAND,
Administrator.

SEPTEMBER 25, 1945.

[F. R. Doc. 45-17898; Filed, Sept. 26, 1945; 9:58 a. m.]

[G. O. 24, Rev. Supp. 1]

PART 310—MERCHANT MARINE TRAINING

APPOINTMENT AND TRAINING OF CADET-MIDSHIPMEN IN UNITED STATES MERCHANT MARINE CADET CORPS

Section 310.53 *Schools and courses* is amended, effective as of September 17, 1945, by striking out paragraph (d) thereof and inserting in lieu thereof the following:

(d) The course shall be, in general, one year at a Cadet School followed by a year aboard merchant or training vessels and twenty-four months at the Academy inclusive of cruises in a training vessel while at the Academy: *Provided*, That:

(1) Cadet-midshipmen who reported to the Academy as upper classmen before May 1, 1945, shall be eligible for graduation by May 1, 1946.

(2) Cadet-midshipmen who reported to the Academy as upper classmen after May 1, 1945, shall be eligible for graduation during the first week of May 1947.

(3) Cadet-midshipmen third class presently attached to ships and those to be assigned to ships before November 1, 1945, shall remain aboard ships until May 1946 when they will report to the Academy as second classmen and be eligible for graduation during the first week of May 1948.

(4) Cadet-midshipmen fourth class who reported to Cadet Schools from July 1, 1945, to November 1, 1945, will be detached during May 1946 and assigned to ships as third classmen. This group will report to the Academy in May 1947 as second classmen and be eligible for graduation during the first week of May 1949.

(5) No cadet-midshipmen will be appointed during the period November 1, 1945, to May 1, 1946. Effective May 1, 1946, classes shall enter the Cadet Schools during May and June each year.

(E.O. 9054, 9198; 3 CFR Cum. Supp.)

[SEAL] E. S. LAND,
Administrator.

SEPTEMBER 17, 1945.

[F. R. Doc. 45-17900; Filed, Sept. 26, 1945; 9:58 a. m.]

TITLE 50—WILDLIFE

Chapter IV—Office of the Coordinator of Fisheries

[Order 1838, Amdt. 2 to Area Coordinator's Gen. Direction P 20]

PART 401—PRODUCTION OF FISHERY COMMODITIES OR PRODUCTS

COORDINATED PILCHARD PRODUCTION PLAN

Pursuant to Order 1838 of the Secretary of the Interior, as amended June 6 and August 13, 1945, § 401.2 entitled "Coordinated Pilchard Production Plan" (10 F.R. 6984, 10239), commonly referred to as the Pilchard Order, and in order to accomplish the purposes thereof, paragraph numbered 6 of General Direction P-20 (10 F.R. 9964, 11237) is amended by striking the words "U. S. Coast Guard War Emergency Bulletin Board on Fishermen's Wharf", following the word "Monterey", and inserting in lieu thereof, the words "Door of the office of the Monterey Sardine Industries, Inc., City Wharf".

Issued this 19th day of September 1945.

H. W. TERHUNE,
Area Coordinator, Area II.

[F. R. Doc. 45-17886; Filed, Sept. 25, 1945; 3:49 p. m.]

Notices

DEPARTMENT OF THE INTERIOR.

Bureau of Reclamation.

HASSAYAMPA PROJECT, ARIZONA

FIRST FORM RECLAMATION WITHDRAWAL

JULY 20, 1945.

The SECRETARY OF THE INTERIOR.

SIR: In accordance with the authority vested in you by the act of June 26, 1936 (49 Stat. 1976), it is recommended that the following described lands be withdrawn from public entry under the first form of withdrawal as provided by section 3 of the act of June 17, 1902 (32 Stat. 388).

HASSAYAMPA PROJECT

GILA AND SALT RIVER MERIDIAN, ARIZONA

T. 9 N., R. 3 W.,
sec. 1, Lots 3, 4, $S\frac{1}{2}NW\frac{1}{4}$, $SW\frac{1}{4}$;
sec. 2, Lots 1, 2, $S\frac{1}{2}NE\frac{1}{4}$, $SE\frac{1}{4}$;
sec. 11, $E\frac{1}{2}$;
sec. 12, $W\frac{1}{2}$;
sec. 14, all;
sec. 15, $S\frac{1}{2}$;
sec. 16, $S\frac{1}{2}SW\frac{1}{4}$;
sec. 17, $S\frac{1}{2}S\frac{1}{2}$;
sec. 19, $S\frac{1}{2}NE\frac{1}{4}$, $SE\frac{1}{4}$;
sec. 20, $N\frac{1}{2}$, $SW\frac{1}{4}$;
sec. 21, Lots 1, 2, $N\frac{1}{2}NE\frac{1}{4}$, $SW\frac{1}{4}NE\frac{1}{4}$, $NW\frac{1}{4}$, $E\frac{1}{2}SW\frac{1}{4}$, $SE\frac{1}{4}SE\frac{1}{4}$;
sec. 22, $NW\frac{1}{4}$, $N\frac{1}{2}SW\frac{1}{4}$;
sec. 30, all;
sec. 31, Lots 2, 3, 4, 8, 9, 10, $NE\frac{1}{4}NW\frac{1}{4}$, $SE\frac{1}{4}SW\frac{1}{4}$.
T. 10 N., R. 3 W.,
sec. 23, Lots 5, 6, 7, 9, 10, 11;
sec. 25, Lots 3, 4, $S\frac{1}{2}NW\frac{1}{4}$, $SW\frac{1}{4}$;
sec. 26, Lots 1, 2, $S\frac{1}{2}NE\frac{1}{4}$, $SE\frac{1}{4}$.
T. 9 N., R. 4 W.,
sec. 25, $E\frac{1}{2}$.

Respectfully,

H. W. BASHORE,
Commissioner.

I concur: September 12, 1945.

FRED W. JOHNSON,
Commissioner of the General Land Office.

The foregoing recommendation is hereby approved, as recommended, and the Commissioner of the General Land Office will cause the records of his office and the district land office to be noted accordingly.

OSCAR L. CHAPMAN,
Assistant Secretary.

SEPTEMBER 14, 1945.

[F. R. Doc. 45-17902; Filed, Sept. 26, 1945; 10:01 a. m.]

MINIDOKA PROJECT, IDAHO

FIRST FORM RECLAMATION WITHDRAWAL

JULY 23, 1945.

The SECRETARY OF THE INTERIOR.

SIR: In accordance with the authority vested in you by the act of June 28, 1934 (48 Stat. 1269), as amended, it is recommended that the following described land be withdrawn from public entry under the first form of withdrawal, as provided by section 3 of the act of June 17, 1902 (32 Stat. 388), and that Departmental Order of December 4, 1940 establishing Idaho Grazing District No. 5 be modified and made subject to the withdrawal effected by this order.

MINIDOKA PROJECT, IDAHO

BOISE MERIDIAN

T. 9 S., R. 24 E.,
sec. 24, Lot 1.

Respectfully,

H. W. BASHORE,
Commissioner.

I concur: September 17, 1945.

ARCHIE D. RYAN,
Acting Director of the Grazing Service.

I concur: September 18, 1945.

FRED W. JOHNSON,
Commissioner of the General Land Office.

The foregoing recommendation is hereby approved, as recommended, and the Commissioner of the General Land Office will cause the records of his office and the district land office to be noted accordingly.

MICHAEL W. STRAUS,
Assistant Secretary.

SEPTEMBER 19, 1945.

[F. R. Doc. 45-17901; Filed, Sept. 26, 1945; 10:01 a. m.]

FEDERAL POWER COMMISSION.

[Docket No. G-663]

CINCINNATI GAS TRANSPORTATION CO.

ORDER SUSPENDING SUPPLEMENTAL RATE SCHEDULES

SEPTEMBER 15, 1945.

It appears to the Commission that:

(a) By order of November 2, 1944, the Commission, in Docket No. G-591, suspended Cincinnati Gas Transportation Company [1] Rate Schedule FPC No. 7 providing for changes in its rate schedules then in force, as listed below, for the sale of natural gas to the following companies: [2]

Schedule then in force:	*Vendee*
FPC No. 1	The Cincinnati Gas & Electric Co.
FPC No. 3	The Union Light, Heat & Power Co.
FPC No. 4	Bracken County Gas Co.

Such order required that the rate schedules then in force be continued in effect. On March 13, 1945, prior to the expiration of the period for which Rate Schedule FPC No. 7 was suspended, the Transportation Company filed a waiver of any right it may have under section 4 (e) of the Natural Gas Act to make such proposed rate schedule effective until the Commission enters an order permitting such action.[3]

(b) On August 18, 1945, the Transportation Company filed agreements with The Cincinnati Gas and Electric Company and The Union Light, Heat and Power Company designated as Supplements No. 3 to its aforesaid Rate Schedules FPC Nos. 1 and 3, respectively.[4] Such supplemental rate schedules propose to put into effect, with respect to service to the aforesaid two companies, the provisions of the suspended Rate Schedule FPC No. 7, except as to provisions providing for increased rates. The rates provided in the aforesaid Rate Schedules FPC Nos. 1 and 3 would be continued in effect. The principal changes proposed relate to the periods for which service would be rendered. Twenty-year terms would be provided in lieu of the provisions permitting cancellation upon 6 months' notice by either party to the other. The supplemental rate schedules further provide that the vendees may not terminate the agreements on less than 5 years' notice to the Transportation Company.

(c) By letters of August 9 and August 15, 1945, transmitting the supplemental rate schedules, the Transportation Company explained that the purpose of such schedules was to afford an arrangement with its aforesaid customers for the sale of natural gas on a long-time basis. With respect to the necessity for such an arrangement, it was stated that Columbia Gas & Electric Corporation has agreed with the Securities and Exchange Commission to dispose of its stock ownership in The Cincinnati Gas and Electric Company, and that in order to do the financing necessary to effect such disposition, the latter must be assured a long-term supply of gas.[5] No reasons were assigned for the necessity of having a long-term agreement with The Union Light, Heat and Power Company, nor for the necessity of imposing upon the vendees the restriction preventing them from terminating the agreements in less than 5 years from the date of notice to the Transportation Company of their intention so to do. No effort has been made by the Transportation Company since the suspension of its Rate Schedule FPC No. 7 to put into effect similar provisions covering the sale of natural gas to its single unaffiliated customer, Kentucky Utilities Company.

(d) The provisions of the aforesaid supplemental rate schedules may be inconsistent with the public interest and place an undue burden upon the ultimate consumers of natural gas.[6]

(e) Unless suspended by order of the Commission, Supplements No. 3 to the Transportation Company's Rate Schedules FPC Nos. 1 and 3 will become effective as of September 18, 1945, pursuant to the provisions of the Natural Gas Act and the amended Provisional Rules of Practice and Regulations thereunder.

The Commission finds that: It is necessary, desirable and in the public interest that a public hearing be held concerning the lawfulness of the changes in the Transportation Company's Rate Schedule FPC Nos. 1 and 3 proposed to be made effective by its Supplement No. 3 to each of such rate schedules, and that such supplemental rate schedules be suspended pending the hearing and decision thereon.

The Commission orders that:

(A) A public hearing be held on a date and at a place to be fixed by further order of the Commission concerning the lawfulness of the proposed changes in conditions of service set forth in Supplements No. 3 to the Transportation Company's Rate Schedules FPC Nos. 1 and 3.

(B) Pending such hearing and decision thereon, Supplement No. 3 to the Transportation Company's Rate Schedules FPC Nos. 1 and 3, insofar as such supplemental schedules provide for the sale of natural gas other than for resale for industrial use only, be and they are hereby suspended until February 18, 1946, or until such time thereafter as such supplemental rate schedules shall be made effective in the manner prescribed by the Natural Gas Act.

(C) During the period of such suspension the Transportation Company's Rate Schedules FPC Nos. 1, 3 and 4, and presently effective supplements thereto, shall remain and continue in full force and effect, except insofar as such rate schedules may be for the sale of natural gas for resale for industrial use only.

(D) Interested State commissions may participate in said hearing as provided in § 67.4 of the provisional rules of practice and regulations under the Natural Gas Act.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 45-17885; Filed, Sept. 25, 1945; 3:50 p. m.]

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[1] Hereinafter referred to as the "Transportation Company."

[2] Service to Kentucky Utilities Company was also covered by the Transportation Company's Rate Schedule FPC No. 7, and rate schedules of the Transportation Company's affiliates, United Fuel Gas Company and Warfield Natural Gas Company, were suspended by the order of November 2, 1944; however, such matters are not directly involved here.

[3] A hearing was held on the suspended Rate Schedule FPC No. 7 concurrently with the hearing involving the general investigation of the rates of the Transportation Company and its affiliates in Docket No. G-440. Oral argument before the Commission en banc was heard in such matters on September 14, 1945.

[4] Apparently Supplement No. 3 to the Transportation Company's Rate Schedule FPC No. 3 is designed to cover service rendered under its aforesaid Rate Schedule FPC No. 4 to Bracken County Gas Company. Such supplement provides that The Union Light, Heat and Power Company shall take over the service to certain customers now served by Bracken.

[5] The Transportation Company and its aforesaid vendees are all controlled by Columbia Gas & Electric Corporation. See *In the Matter of Columbia Gas & Electric Corp., et al.*, S. E. C. Holding Company Act Release No. 5455, December 1, 1944, and Release No. 6028, September 5, 1945.

[6] See application *In the Matter of Metropolitan Eastern Corporation*, Docket No. G-625, requesting a certificate of public convenience and necessity for authority to construct and operate a natural gas pipeline from the Carthage gas field, Panola County, Texas, to the vicinity of Cincinnati, Ohio. A hearing on this application has been ordered to commence October 15, 1945.

INTERSTATE COMMERCE COMMISSION.

[S. O. 70-A, Corrected Special Permit 1062]

RECONSIGNMENT OF ONIONS AT HOUSTON, TEX.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph (§ 95.35, 8 F.R. 14624) of Service Order No. 70-A of October 22, 1943, permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard entirely the provisions of Service Order No. 70-A insofar as it applies to the reconsignment at Houston, Texas, September 22, 1945, by Simon Siegal of car SFRD 35813 onions, now on the MKT to St. Louis, Missouri.

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission

at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 24th day of September 1945.

V. C. CLINGER,
Director,
Bureau of Service.

[F. R. Doc. 45-17905; Filed, Sept. 26, 1945; 11:01 a. m.]

[S. O. 70-A, Special Permit 1064]

RECONSIGNMENT OF POTATOES AT GALLUP, N. MEX.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph (§ 95.35, 8 F.R. 14624) of Service Order No. 70-A of October 22, 1943, permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard entirely the provisions of Service Order No. 70-A insofar as it applies to the reconsignment at Gallup, New Mexico, September 21 or 22, 1945, by Colorado Potato Growers Exchange of car NWX 1072 potatoes, now on the Santa Fe to Phoenix, Arizona (Santa Fe).

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 21st day of September 1945.

V. C. CLINGER,
Director,
Bureau of Service.

[F. R. Doc. 45-17906; Filed, Sept. 26, 1945; 11:01 a. m.]

[S. O. 70-A, Special Permit 1065]

RECONSIGNMENT OF ORANGES AT WASHINGTON, D. C.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph (§ 95.35, 8 F.R. 14624) of Service Order No. 70-A of October 22, 1943, permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard entirely the provisions of Service Order No. 70-A insofar as it applies to the reconsignment at Washington, D. C. September 21 or 22, 1945, by Mutual Orange Distributors of car PFE 91654 Oranges, now on the PRR to Baltimore, Maryland. (PRR)

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 21st day of September 1945.

V. C. CLINGER,
Director,
Bureau of Service.

[F. R. Doc. 45-17907; Filed, Sept. 26, 1945; 11:01 a. m.]

[S. O. 70-A, Special Permit 1066]

RECONSIGNMENT OF POTATOES AT WICHITA, KANS.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph (§ 95.35, 8 F.R. 14624) of Service Order No. 70-A of October 22, 1943, permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard entirely the provisions of Service Order No. 70-A insofar as it applies to the reconsignment at Wichita, Kansas, September 21 or 22, 1945, by Colorado Potato Growers Exchange of cars RD 34083, LRX 7035 potatoes, now on the Santa Fe to Chicago, Ill.

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 21st day of September 1945.

V. C. CLINGER,
Director,
Bureau of Service.

[F. R. Doc. 45-17908; Filed, Sept. 26, 1945; 11:01 a. m.]

[S. O. 70-A, Special Permit 1067]

RECONSIGNMENT OF APPLES AT KANSAS CITY, MO.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph (§ 95.35, 8 F.R. 14624) of Service Order No. 70-A of October 22, 1943, permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard entirely the provisions of Service Order No. 70-A insofar as it applies to the reconsignment at Kansas City, Missouri, September 23, 1945, by Brown and Loe, of car FGE 51247, apples, now on the Mo. Pac. Railroad, to Anderson Bros., Salina, Kansas. (MoPac).

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 24th day of September 1945.

V. C. CLINGER,
Director,
Bureau of Service.

[F. R. Doc. 45-17909; Filed, Sept. 26, 1945; 11:01 a. m.]

PERMIT AGENT

APPOINTMENT WITH RESPECT TO GRAIN

Pursuant to the authority vested in me by paragraph (d) of Service Order No. 249:

116. Clyde S. Hester, Kosciusko, Miss.

is hereby appointed effective September 24, 1945, to issue permits pursuant to paragraph (c) of said order.

A copy of this notice has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this appointment shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 24th day of September 1945.

V. C. CLINGER,
Director,
Bureau of Service.

[F. R. Doc. 45-17909; Filed, Sept. 26, 1945; 11:01 a. m.]

PERMIT AGENTS

APPOINTMENT WITH RESPECT TO GRAIN

Pursuant to the authority vested in me by paragraph (d) of Service Order 249 the appointments of the following permit agents to issue permits pursuant to paragraph (c) of said order are hereby revoked:

29. Tom Graves, Yazoo City, Miss.
37. J. T. Ray, Shaw, Miss.
44. C. V. Kimbro, Portland, Ark.

The following permit agents are hereby appointed to issue permits pursuant to paragraph (c) of said order:

29. J. T. Ray, Yazoo City, Miss.
37. C. P. Ozment, Shaw, Miss.
44. S. D. Moss, Portland, Ark.

A copy of this notice has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of these appointments shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 25th day of September 1945.

V. C. CLINGER,
Director,
Bureau of Service.

[F. R. Doc. 45-17911; Filed, Sept. 26, 1945; 11:02 a. m.]

[No. 13528]

INVESTIGATION OF POWER BRAKES AND APPLIANCES FOR OPERATING POWER BRAKE SYSTEMS

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 21st day of September, A. D. 1945.

It appearing, that on July 18, 1924, the Commission made and filed its report in the above-entitled proceeding; and that on May 30, 1945, division 3 made and filed its report on further hearing and entered its order herein, prescribing specifications and requirements for power brakes and appliances for operating power-brake systems for freight service; requiring respondents to install brakes and appliances in conformity with said specifications and requirements on all of their cars used in freight service, except those equipped with passenger-car brakes; and holding the proceeding open for the prescription of the date or dates on or before which the required installation should be completed, pending the receipt of certain specified additional information, which has now been received;

And it further appearing, that a full investigation of the matters and things involved has been made and that said division, on the date hereof, has made and filed a report on further consideration containing its findings of fact and conclusions thereon, which said report, and the aforesaid reports of July 18, 1924, and May 30, 1945, are hereby referred to and made parts hereof:

It is ordered, That respondents be, and they are hereby, notified and required to install power brakes and appliances on all of their cars used in freight service, except those equipped with passenger-car brakes, in accordance with the terms of said report on further hearing and the order of May 30, 1945, issued pursuant thereto, on or before January 1, 1949.

By the Commission, Division 3.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 45-17904; Filed, Sept. 26, 1945; 11:01 a. m.]

OFFICE OF PRICE ADMINISTRATION.

[MPR 188, Order 51 Under Order 1052]

THE SWEAT-COMINGS CO., INC.

ADJUSTMENT OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to paragraph (g) of Order No. 1052 under § 1499.159b of Maximum Price Regulation No. 188, it is ordered:

(a) *Manufacturer's maximum prices.* The Sweat-Comings Company, Inc. Richford, Vermont, may add an additional adjustment charge to its maximum prices for sales and deliveries to all classes of purchasers of the articles of wood household furniture which it manufactures, and for which maximum prices were established prior to the effective date of this order, equal to 3% of its previously established maximum prices as adjusted by paragraph (d) of Order No. 1052 under Maximum Price Regulation No. 188.

This additional adjustment charge may be made and collected only if it is separately stated on each invoice. The adjusted maximum prices are subject to the manufacturer's customary terms, discounts, allowances, and other price differentials in effect during March 1942 on sales to each class of purchasers.

(b) *Maximum prices of purchasers for resale.* A person who hereafter buys an article covered by this order and resells it in substantially the same form, may collect from his customers, in addition to his properly established maximum price in effect immediately before this order was issued, an adjustment charge in the same amount as the additional adjustment charge herein authorized for and which he pays to his supplier. If he did not have a maximum price in effect for the article at the time this order was issued, he may add the same adjustment charge to the maximum price which he hereafter establishes for his sales under the applicable regulation. If the applicable regulation requires the maximum resale price to be computed on the basis of cost, the reseller must find his maximum resale price (not including the permitted adjustment charge) by using as cost his invoice cost less any adjustment charge stated on the invoice as a separate amount.

On all sales other than sales to the ultimate consumer this additional adjustment charge may be made and collected only if it is separately stated on each invoice. The adjusted price is subject to each seller's customary terms, discounts, and allowance on sales of the same or similar articles. The adjustment charge authorized in this paragraph (b) is in addition to any adjustment charge permitted for wholesalers by Order No. 1052 under Maximum Price Regulation No. 188.

(c) *Notification.* At the time of or prior to the first invoice to a purchaser for resale on and after the effective date of this order, showing prices adjusted in accordance with this order, the seller shall notify the purchaser in writing of the method established by paragraph (b) of this order for determining adjusted maximum prices for resales of the article. This notice may be given in any convenient form, and is in addition to any notice required by paragraph (d) of Order No. 1052 under Maximum Price Regulation No. 188.

(d) All requests not specifically granted by this order are hereby denied.

(e) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective on the 26th day of September 1945.

Issued this 25th day of September 1945.

JAMES G. ROGERS, Jr.,
Acting Administrator.

[F. R. Doc. 45-17363; Filed, Sept. 25, 1945; 11:26 a. m.]

[2d Rev. MPR 213, Order 24]

THE ENGLANDER CO., INC.

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith, and filed with the Division of the Federal Register; and pursuant to § 9 (b) (1) of Second Revised Maximum Price Regulation No. 213, it is ordered:

(a) *Maximum prices.* The maximum prices for all sales and deliveries of the articles, listed below, which are manufactured by The Englander Company, Inc., of 2447 Roosevelt Road, Chicago 8, Ill., to the classes of purchasers named, are as follows:

Article	Model No.	Maximum price to retailers	Maximum price to consumers
Flat bedsprings	452	*Each* $5.80	*Each* $13.00
	71	6.90	14.25
	480	7.05	14.50
	414	6.05	11.50

These prices are for the articles described in the manufacturer's applications dated August 2, 1944 and July 27, 1945. They are f. o. b. factory; and they are subject to each seller's customary terms, discounts, allowances and other price differentials to each class of purchaser.

(b) *Notification.* The Englander Company, Inc., shall notify, in writing, all retailers who purchase any articles covered by this order of the maximum prices established by this order for sales at retail. This notice may be given in any convenient form; and it shall be given at the time of or prior to the first invoice to each retailer covering a sale of the bedsprings listed in paragraph (a).

(c) *Tagging.* Before delivering any article listed in paragraph (a), The Englander Company, Inc., must attach securely to each bedspring a durable tag containing the following in easily readable lettering, with the amount properly filled in:

OPA has established a retail ceiling price of $_____ for this bedspring. Lower prices may be charged. This tag may not be removed until after delivery to the consumer.

(d) *Definitions.* Unless the context otherwise requires, the definitions set forth in Second Revised Maximum Price Regulation No. 213 shall apply to the terms used in this order.

(e) *Revocation or amendment.* This order may be revoked or amended by the Price Administrator at any time.

(f) *Effective date.* This order shall become effective on September 26, 1945.

Issued this 25th day of September 1945.

JAMES G. ROGERS, Jr.,
Acting Administrator.

[F. R. Doc. 45-17864; Filed, Sept. 25, 1945; 11:26 a. m.]

[MPR 580, Order 200]

PICHEL, INC.

ESTABLISHMENT OF MAXIMUM PRICES

MPR No. 580, Order 200. Establishing ceiling prices at retail for certain articles. Docket No. 6063-580-13-222.

For the reasons set forth in an opinion issued simultaneously herewith and pursuant to Section 13 of Maximum Price Regulation No. 580, *It is ordered:*

(a) The following ceiling prices are established for sales by any seller at retail of the following articles manufactured by Pichel, Inc., 14 East 33rd Street, New York, N. Y., and described in the manufacturer's application dated May 28, 1945:

Article	Brand name	Manufacturer's selling price	Retail ceiling price: East of Denver	Retail ceiling price: Denver and west of Denver
Handbags	Pichel	$4.75	$7.75	$8.50
	do	6.25	10.75	11.95
	do	7.50	12.75	13.50
	do	8.50	15.00	16.50
	do	9.50	16.75	17.95
	do	10.50	18.75	20.00
	do	12.50	22.75	22.95
	do	13.50	25.00	25.00
	do	15.00	29.75	29.95
	do	16.50	32.75	32.95
	do	18.50	35.00	35.00
	do	20.00	39.75	39.95
	do	22.50	45.00	45.00
	do	25.00	49.75	49.75
	do	27.50	55.00	55.00
	do	28.50	57.75	57.75
	do	30.00	55.00	55.00
	do	32.50	65.00	65.00
	do	35.00	69.75	69.75
	do	40.00	75.00	75.00
	do	45.00	89.75	89.75
	do	50.00	95.00	95.00
	do	55.00	110.00	110.00
	do	57.50	115.00	115.00

(b) The retail ceiling price of an article manufactured for the first time after the effective date of this order and which is sold by the manufacturer at the same price as another article of the same type with the same brand or company name and for which a retail ceiling price has been established by paragraph (a) shall be the retail ceiling price listed for that other article in paragraph (a).

(c) The retail ceiling prices contained in paragraph (a) shall apply in place of the ceiling prices which have been or would otherwise be established under this or any other regulation.

(d) On and after November 1, 1945, Pichel, Inc., must mark each article listed in paragraph (a) with the retail ceiling price under this order, or attach to the article a label, tag or ticket stating the retail ceiling price. This mark or statement must be in the following form:

(Sec. 13, MPR 580)
OPA Price—$_____

On and after December 1, 1945, no retailer may offer or sell the article unless it is marked or tagged in the form stated above. Prior to December 1, 1945, unless the article is marked or tagged in this form, the retailer shall comply with the marking, tagging and posting provisions of the applicable regulation.

(e) On or before the first delivery to any purchaser for resale of each article listed in paragraph (a), the seller shall send the purchaser a copy of this order.

(f) Unless the context otherwise requires, the provisions of the applicable regulation shall apply to sales for which retail ceiling prices are established by this order.

(g) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective September 26, 1945.

Issued this 25th day of September 1945.

JAMES G. ROGERS, Jr.,
Acting Administrator.

[F. R. Doc. 45-17865; Filed Sept. 25, 1945; 11:27 a. m.]

[MPR 580, Order 201]

PABST BEDDING CO., INC.

ESTABLISHMENT OF MAXIMUM PRICES

MPR No. 580, Order 201. Establishing ceiling prices at retail for certain articles. Docket No. 6063-580-13-328.

For the reasons set forth in an opinion issued simultaneously herewith and pursuant to section 13 of Maximum Price Regulation No. 580, *It is ordered:*

(a) The following ceiling prices are established for sales by any seller at retail of the following articles manufactured by Pabst Bedding Co., Inc., 1201 Walnut Street, Cincinnati 10, Ohio, having the brand name "Spring Air", and described in the manufacturer's application dated April 19, 1945:

Article	Style No.	Retail ceiling price
Mattress	200	$29.50
Box spring	200	29.50
Mattress	400	39.50
Box spring	400	39.50

(b) The retail ceiling price of an article manufactured for the first time after the effective date of this order and which is sold by the manufacturer at the same price as another article of the same type with the same brand or company name and for which a retail ceiling price has been established by paragraph (a) shall be the retail ceiling price listed for that other article in paragraph (a).

(c) The retail ceiling prices contained in paragraph (a) shall apply in place of the ceiling prices which have been or would otherwise be established under this or any other regulation.

(d) On and after November 1, 1945, Pabst Bedding Co., Inc., must mark each article listed in paragraph (a) with the retail ceiling price under this order, or attach to the article a label, tag or ticket stating the retail ceiling price. This mark or statement must be in the following form:

(Sec. 13, MPR 580)
OPA Price—$_____

On and after December 1, 1945, no retailer may offer or sell the article unless it is marked or tagged in the form stated above. Prior to December 1, 1945, unless the article is marked or tagged in this form, the retailer shall comply with the marking, tagging and posting provisions of the applicable regulation.

(e) On or before the first delivery to any purchaser for resale of each article listed in paragraph (a), the seller shall send the purchaser a copy of this order.

(f) Unless the context otherwise requires, the provisions of the applicable regulation shall apply to sales for which retail ceiling prices are established by this order.

(g) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective September 26, 1945.

Issued this 25th day of September 1945.

JAMES G. ROGERS, Jr.,
Acting Administrator.

[F. R. Doc. 45-17866; Filed, Sept. 25, 1945; 11:27 a. m.]

[MPR 580, Rev. Order 149]

LA MARQUISE FOOTWEAR, INC.

ESTABLISHMENT OF MAXIMUM PRICES

MPR No. 580, Revised Order 149. Establishing ceiling prices at retail for certain articles. Docket No. 6063-580-13-23.

For the reasons set forth in an opinion issued simultaneously herewith and pursuant to section 13 of Maximum Price Regulation No. 580, Order No. 112 is redesignated Revised Order 149 and is revised to read as follows:

(a) The following ceiling prices are established for sales by any seller at retail of the following articles manufactured by La Marquise Footwear, Inc., 137 Varick Street, New York 13, N. Y., and described in the manufacturer's application dated May 12, 1945:

Brand name	Style No.	Manufacturer's selling price	Retail ceiling price: In States of Utah, Colorado, Arizona, New Mexico, Wyoming, Idaho, Nevada, Washington, Oregon, California, west Texas (El Paso)	Retail ceiling price: All other States (including the Counties of Lincoln and Hudspeth in Texas)
		Per pair		
"Oomphies"	167	$1.50	$2.75	$2.95
	1133	1.85	2.95	2.95
	1160	1.85	2.95	2.95
	1163	1.50	2.75	2.95
	233	2.40	4.25	4.00
	243	2.40	4.25	4.00
	236	3.25	5.75	4.00
	230	3.60	6.25	4.00
	210	2.15	3.75	3.50
	232	2.40	4.25	4.00
	241	2.40	4.25	4.00
"Oomphie Juniors"	1132	1.85	3.25	2.95
	1341	1.85	3.25	2.95
	1333	2.10	3.75	3.50

(b) The retail ceiling price of an article manufactured for the first time after the effective date of this order and which is sold by the manufacturer at the same price as another article of the same type with the same brand or company name and for which a retail ceiling price has been established by paragraph (a) shall be the retail ceiling price listed for that other article in paragraph (a).

(c) The retail ceiling prices contained in paragraph (a) shall apply in place of the ceiling prices which have been or would otherwise be established under this or any other regulation.

(d) On and after November 1, 1945, La Marquise Footwear, Inc., must mark each article listed in paragraph (a) with the retail ceiling price under this order, or attach to the article a label, tag or ticket stating the retail ceiling price. This mark or statement must be in the following form:

(Sec. 13, MPR 580)
OPA Price—$_____

On and after December 1, 1945, no retailer may offer or sell the article unless it is marked or tagged in the form stated above. Prior to December 1, 1945, unless the article is marked or tagged in this form, the retailer shall comply with the marking, tagging and posting provisions of the applicable regulation.

(e) On or before the first delivery to any purchaser for resale of each article listed in paragraph (a), the seller shall send the purchaser a copy of this order.

(f) Unless the context otherwise requires, the provisions of the applicable regulation shall apply to sales for which retail ceiling prices are established by this order.

(g) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective September 25, 1945.

Issued this 25th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-17892; Filed, Sept. 25, 1945; 4:26 p. m.]

[MPR 188, Amdt. 1 to 2d Rev. Order 3242]

BURNETTE CASTINGS CO.

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.158 of the Maximum Price Regulation No. 188, *It is ordered:*

Second Revised Order No. 3242 is amended in the following respect:

Paragraph (e) is amended to read as follows:

(e) This order shall become effective on the 24th day of October 1945.

This amendment shall become effective as of September 24, 1945.

Issued this 25th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-17891; Filed, Sept. 25, 1945; 4:26 p. m.]

[Supp. Order 108, Special Order 5]

TOLERANCES OVER 1943 AVERAGE PRICES

An opinion accompanying this Special Order No. 5, under section 17 of Supplementary Order 108 has been issued simultaneously herewith and filed with the Division of the Federal Register.

SECTION 1. *Purpose of this order.* This order provides percentage tolerances for certain categories which may be used during the 3d and 4th quarters of 1945 by those manufacturers whose base periods for those categories were 1943 periods. Section 3 of this order contains a list of categories together with the tolerance specified for each category.

SEC. 2. *Use of the tolerance*—(a) *Who may use the tolerance.* You may use the tolerance provided in this order for any category in the 3d and the 4th quarters of 1945: *Provided*, That your maximum average price for that category in that quarter is based on a 1943 base period.

(b) *How to use the tolerance.* In computing your surcharge for any category, under section 6 of SO 108, you may, during the 3d and 4th quarters of 1945, substitute for your original maximum average price the higher of the following amounts:

(1) Your adjusted maximum average price (found under section 3 of Special Order 3 to SO 108[1]), or

(2) Your original maximum average price increased by the percentage listed for that category in section 3 of this order.

NOTE: In computing your credit for any category under section 6 of SO 108, you may not use the tolerance provided in this order; that is, your credit in any category is found by subtracting your weighted average price from your original maximum average price (or your adjusted maximum average price, whichever is higher) and multiplying that amount by the number of units delivered in that category.

For example: Suppose that your original maximum average price in Category A-10 is $4.10 for the 3rd quarter. Under Special Order 3 you adjusted your maximum average price to $4.37. The tolerance in that category is 10% of your original maximum average price. Your original maximum average price plus your tolerance is $4.51 ($4.10 plus 10% = $4.51). If your weighted average price for the 3rd quarter is more than $4.51 (the higher of the two), you must compute your surcharge for that category. To do this, you subtract $4.51 from your weighted average price and multiply the difference by the number of units delivered in the category.

However, in order to have a credit in that category, your weighted average price must be less than $4.37 (your adjusted maximum average price). To figure the amount of your credit, you subtract your weighted average price from $4.37 and multiply the difference by the number of units delivered in the category.

SEC. 3. *Percentage tolerances.*

Category	Percent	Category	Percent
A-1	10	A-10	10
A-2	10	A-11	10
A-3	5	A-12	5
A-4	10	A-13	10
A-5	10	A-14	10
A-6	5	A-15	5
A-7	10	A-16	10
A-8	10	A-17	10
A-9	5	A-18	10

[1] 10 F.R. 4336, 5995, 6402, 8368, 10200.

Category	Percent	Category	Percent
A-19	10	B-4	5
A-20	10	B-5	10
A-21	10	B-6	10
A-22	10	B-7	5
A-23	10	B-8	5
A-24	10	B-9	5
A-25	10	B-10	5
A-26	10	B-11	10
A-27	10	B-12	10
A-28	10	B-13	5
A-29	10	B-14	10
A-30	10	B-15	5
A-31	10	B-16	10
A-32	10	B-17	5
A-33	10	B-18	5
A-34	5	B-19	5
A-35	10	B-20	5
A-36	10	B-21	5
A-37	5	B-22	5
A-38	10	B-23	5
A-39	10	B-24	5
A-40	5	B-25	5
A-41	10	B-26	5
A-42	10	B-27	5
A-43	5	B-28	5
A-44	10	B-29	5
A-45	10	B-30	5
A-46	10	B-31	5
A-47	10	B-32	5
A-48	10	B-33	5
A-49	10	B-34	10
A-50	10	B-35	10
A-51	10	B-36	10
A-52	10	B-37	10
A-53	10	B-38	10
A-54	10	B-39	10
A-55	10	B-40	0
A-56	10	B-41	10
A-57	10	B-42	10
A-58	10	B-43	10
A-59	5	B-44a	5
A-60	5	B-44b	10
A-61	10	B-45	10
A-62	5	B-46	0
A-63	5	B-47	10
A-64	10	C-1a	0
A-65	5	C-1b	0
A-66	5	C-2	5
A-67	10	C-3	5
A-68	0	C-4	5
A-69	0	C-5	15
A-70	10	C-6	10
A-71	0	C-7	10
A-72	10	C-8a	10
A-73	0	C-8b	10
A-74	10	C-8c	10
A-75	10	C-9	10
A-76	5	C-10	20
A-77	10	C-11	5
A-78	5	C-12	5
A-79	10	C-13	0
A-80	10	C-14	0
A-81	10	C-15	20
A-82	10	C-16	10
A-83	10	C-17	10
A-84	10	C-18	10
A-85	5	C-19	10
A-86a	5	C-20	10
A-86b	5	C-21	10
A-87a	5	C-22	10
A-87b	5	C-23	0
A-88a	5	C-24	0
A-88b	5	C-25	5
A-89	5	C-26	5
A-90	5	C-27	5
A-91	5	C-28	10
A-92	5	C-29	5
A-93	5	C-30	10
A-94	0	C-31	10
A-95a	0	C-32	10
A-95b	0	C-33	10
A-95c	0	C-34	10
A-96	0	C-35	5
A-97a	0	C-36	10
A-97b	0	C-37	5
A-97c	0	C-38	5
A-98	5	C-39	5
A-99	0	C-40	5
B-1	10	C-41	5
B-2	10	C-42	10
B-3	5	C-43	5

Category	Percent	Category	Percent	Category	Percent	Category	Percent
C-34	10	E 45a	0	E 121	10	F 11	20
C-4	10	E 45b	0	E 121	10	F-12a	0
C-46	10	E 45c	0	E 122	10	F 12b	10
C-47	10	E 46	0	E 123	10	F 13	5
C-48	10	E 47	0	E 124	10	F 14	5
C-50	5	E 47a	0	E 125	10	F 15	5
C-	10	E 47b	0	E 126	5	F 16	5
C-52	5	F 48	0	E 127	5	F 17	10
C-53	5	E 48a	0	E 127	5	F 18	5
C-	5	E 48b	0	E 128	5	F 19	5
D 1	5	E 50	10	E 129	5	F 20	10
D 2	5	E 51	10	E 130	5	F 21	5
D 3	5	E 51	10	E 131	5	F 22	10
D 4	5	E 52	10	E 132	5	F 23	5
D 5	5	E 53	10	E 133	5	F 24	10
D 6	10	E 53b	10	E 134	5	F 25	10
D 7	5	E 54	10	E 135	5	F 26	10
D 8	10	E 55	10	F 1	10	F 27	10
D 9	10	E 56	10	F 2	10	F 28	10
D 10	10	E 57	10	F 3	10	F 29	10
D 11	5	E 58	10	F 4	10	F 30	10
D 12	10	F 59	10	F 5	10	F 31	10
D 13	10	E 60	10	F 6	20	F 32	10
D 14	5	E 61	10	F 7	20	F 33	10
D 15	10	E 62	10	F 8	10	F 34	10
D 16	10	E 63	10	F 9	10	F 35	10
D 17	10	E 64	10	F 10	10	F 36	10
D 18	10	E 65	10	F 11	10	F 37a	10
D 19	10	E 66	10	F 12	10	F 37b	10
D 20	10	E 67	10	F 13	10	F 37c	10
D 21	10	F 68	10	F 14	10	F 38	10
D 22	10	E 69	10	F 15	10	F 39a	10
D 23	5	E 69b	10	F 16	10	F 39b	10
D 24	0	E 70a	10	F 17	10	F 39c	10
D 25	10	E 70b	10	F 18	10	F 40	10
D 26	10	E 71	0	F 19	10	F 41	10
D 29	10	E 72	10	F 20	10	F 41b	10
E 1	10	E 73	10	F 21	10	F 41c	10
F 2	10	E 73b	10	F 22	10	F 42	10
F 3	10	E 74	10	F 23	10	F 43	10
F 4	10	E 75	10	F 24	10	F 43b	10
F 5	0	E 75b	10	F 25	10	F 43c	10
F 6	10	E 75b	10	F 26	10	F 44	10
F 7	10	E 76	0	F 27	10		
F 8	10	E 77	10	F 28	10		
F 9	5	E 77b	10	F 29	10		
F 10	5	E 77b	10	F 30	10		
F 11	0	E 78	10	F 31	10		
F 12	5	E 79	10	F 32	10		
F 12a	5	E 80a	10	F 33	10		
F 12b	10	E 80b	10	F 34	10		
F 13	10	E 80c	10	F 35	10		
F 14	10	E 81a	10	F 36	10		
F 15	10	E 81b	10	F 37	10		
F 16	10	E 82	10	F 38	10		
F 17	0	E 83	10	F 39	10		
F 18a	10	E 84	10	F 40	10		
F 18b	0	E 85	10	F 41	10		
E 18c	5	E 86	10	F 42	10		
F 19	5	E 87	10	F 43	10		
F 20	5	E 87a	10	F 44	10		
F 21	0	E 88	10	F 45	10		
F 22	0	E 89	10	F 46	10		
F 23	0	E 90	10	F 47	10		
F 24	10	F 91	5	F 48	10		
F 25	10	E 92	10	F 49	10		
E 26	10	E 93	10	F 50	10		
E 27	10	E 94	10	F 51	10		
E 28	10	F 95	10	F 52	10		
E 29	0	E 96	10	F 53	10		
E 30	5	F 97	5	F 54	10		
F 31	5	E 98	10	F 55	10		
E 32	5	F 99	10	F 56	10		
F 33	0	E 100	10	F 57	10		
E 34	0	F 101	10	F 58	10		
E 35	0	F 102	10	F 59	10		
E 36	0	F 103	10	F 60	10		
F 37a	0	E 104	5	F 61	10		
F 37b	0	E 105	5	F 62	10		
E 37c	0	E 106	5	F 63	10		
E 38	0	E 107	5	F 64	10		
F 38a	0	F 108	5	F 65	10		
E 39b	0	F 109	5	F 66	10		
F 39c	0	F 110	5	F 67	10		
E 40	0	F 111	5	F 68	10		
F 41	0	E 112	5	F 69	10		
F 41b	0	E 113	5	F 70	10		
F 41c	0	E 114	5	F 71	10		
F 42	0	E 115	5	F 72	10		
E 43	0	E 116	5	F 73	10		
E 43b	0	E 117	5	F 74	10		
E 43c	0	E 118	5	F 75	10		
E 44	0	E 119	5	F 76	10		

This order shall become effective September 25, 1945.

Issued this 25th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-17570; Filed, Sept. 25, 1945; 4:26 p. m.]

Regional and District Office Orders.

[Region II Order G-4 Under MPR 136]

DOSSERT MFG. CORP.

DETERMINATION OF MAXIMUM PRICES

For the reasons set forth in the accompanying opinion and under the authority vested in the Regional Administrator, Region II, of the Office of Price Administration by section 21 of Revised Maximum Price Regulation No. 136, as amended, *It is hereby ordered*, That:

(a) Maximum prices of Dossert Mfg. Corp. of 249-255 Huron Street, Brooklyn 22, New York for solderless electrical connecters sold by it, and listed in its catalog No. 43 of 1941, shall be determined by adding 100% to the list prices set forth in said catalog 43, and applying the following discounts:

Trade Discount	
Special Quantity	
Special Quantity and	

(b) The maximum prices of resellers (jobbers) who purchase any of the commodities listed in said catalog No. 43 from any person shall be the list price thereof plus 100%, less the discounts set forth in paragraph (a) hereof, applicable to sales by Dossert Mfg. Corp. to users. At or before the first sale after date hereof to any reseller Dossert Mfg. Corp. shall notify such reseller in writing of the provisions of this paragraph.

(c) Customary discounts, allowances, and other price differentials shall be maintained on sales at the level specified herein.

(d) This order may be revoked, amended or corrected at any time.

(e) A copy of this order is on file with the Division of the Federal Register where it is open to public inspection.

(f) On or before January 31, 1946 Dossert Mfg. Corp. shall file with Office of Price Administration, Region II, balance sheets and profit and loss statements reflecting the results of operations for the calendar year 1945.

(56 Stat. 23, 765; Pub. Law 383, 79th Cong.; E.O. 9250, 7 F.R. 9681; E.O. 9328, 8 F.R. 4681)

This order shall become effective September 25, 1945.

Issued this 25th day of September 1945.

LEO F. GENTNER,
Acting Regional Administrator.

[F. R. Doc. 45-17569; Filed, Sept. 25, 1945; 4:26 p. m.]

Pennsylvania and Virginia Anthracite in New York Region

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of the Office of Price Administration by § 1340.260 (b) of Revised Maximum Price Regulation No. 122, Order No. G-4 is amended in the following respects:

1. Paragraph (a) is amended by changing the schedule of prices for Pennsylvania and Virginia anthracite to read as follows:

turing Co., when sold at the specified levels.

(b) *Authorized maximum prices.* Upon and after the effective date of this Order No. G–70, the maximum prices for the vise cutter, designated as "Model No. 100", manufactured by George M. Ernst, d/b/a B. Gothard Manufacturing Co., of 11500 W. 32nd Avenue, Denver, Colorado, in accordance with the specifications set forth in the application of said manufacturer now on file in this Regional Office, as a part of the record in this case, shall be as follows:

	Per pair
(1) When sold by the manufacturer, f. o. b. shipping point, to a jobber or a wholesaler	$0.90
(2) When sold by the manufacturer, a jobber or a wholesaler, f. o. b. shipping point, to a retailer	1 12
(3) When sold by the manufacturer, jobber, or wholesaler, f. o. b. shipping point, to an industrial user	1 50
(4) When sold by any seller to an ultimate consumer or user	1 65

NOTE: (i) The maximum prices authorized by the above paragraphs (1) and (2) are subject to a discount of 2% for payment within 10 days from date of invoice.

(ii) The prices above specified for sales f. o. b. shipping point include all costs incident to wrapping, packing, boxing, and carting.

(c) *Notice to be given purchasers for resale.* When the manufacturer or any other seller makes a first sale under this Order No. G–70 to a person who purchases for resale, he must show upon the invoice or on a separate slip or rider attached thereto the applicable resale price or prices as set forth in paragraph (b) above.

(d) *Applicability of other regulations.* The pricing provisions of the General Maximum Price Regulation have no application to the prices established by this Order No. G–70 for sales by the manufacturer or any other seller.

(e) *Geographical applicability.* The maximum prices authorized by this Order No. G–70 for resellers are applicable only to sales made within this Region VII, which includes the States of New Mexico, Colorado, Wyoming, Montana, and Utah, all that part of the State of Idaho lying south of the southern boundary of Idaho County, the County of Malheur in the State of Oregon, and all that part of the Counties of Mohave and Coconino in the State of Arizona lying north of the Colorado River.

(f) *Licensing.* The provisions of Licensing Order No. 1, Licensing all persons who make sales under price control, are applicable to all sellers subject to this regulation or order. A seller's license may be suspended for violation of the license or of one or more applicable price schedules or regulations. A person whose license is suspended may not, during the period of suspension, make any sale for which his license has been suspended.

(g) *Right to revoke or amend.* This order may be revoked, modified, or amended at any time by the Price Administrator or the Regional Administrator.

Effective date. This Order No. G–70 shall become effective on the 4th day of September 1945.

Issued this 4th day of September 1945.

RICHARD Y. BATTERTON,
Regional Administrator.

[F. R. Doc. 45 17828, Filed, Sept. 24 1945, 4:27 p. m.]

[Region VIII Order G–1 Under SR 15, Amdt. 10]

FLUID MILK IN OREGON AND CERTAIN PORTIONS OF WASHINGTON

An opinion accompanying this amendment has been issued simultaneously herewith. Order No. G–1 under § 1499.75 (a) (9) of Supplementary Regulation No. 15 to the General Maximum Price Regulation is amended in the following respects:

1. Paragraph (a) is amended by changing the heading, "The counties of Clatsop, Columbia, Tillamook, Benton, Polk, Yamhill, Washington, Multnomah (except the city of Portland), Clackamas, Marion, Linn, Lane (east of Coast Range), Wasco (except the city of The Dalles), Hood River, Douglas (east of Coast Range), Jackson, Josephine, in the State of Oregon and the cities of Vancouver, Camas, and Washougal in the State of Washington," to read: "The counties of Clatsop, Columbia, Tillamook, Benton, Polk, Yamhill, Washington, Multnomah (except the city of Portland), Clackamas, Marion, Linn, Lane (east of Coast Range), Wasco (except the city of The Dalles), Hood River, Douglas (east of Coast Range except the town of Elkton and the city of Roseburg), Jackson, Josephine, in the State of Oregon and the cities of Vancouver, Camas, and Washougal in the State of Washington."

2. Paragraph (a) is amended by adding at the end thereof the following:

THE CITY OF ROSEBURG IN THE STATE OF OREGON

Quantity	Wholesale price	Retail price
Quart	$0.1225	$0.14
Pint	.06	.08
Half-pint	.0375	.05

This amendment to Order No. G–1 shall become effective September 24, 1945.

Issued this 24th day of September, 1945.

CHAS R. BAIRD,
Regional Administrator.

Approved: September 21, 1945.

CLINTON P. ANDERSON,
U. S. Department of Agriculture.

[F. R. Doc. 45–17824; Filed, Sept. 24, 1945; 4:26 p. m.]

[Region VIII Order G–17 Under SO 94]

USED HOSPITAL CORPS BELTS IN SAN FRANCISCO REGION

For the reasons set forth in an accompanying opinion and pursuant to the authority conferred upon the Regional Administrator by sections 11 and 13 of Supplementary Order No. 94, it is ordered as follows:

(a) Notwithstanding the provisions of any regulation or order issued prior to the effective date of this order by the Regional Administrator of the Office of Price Administration, sales by the United States Department of Commerce or by any other Government agency or any subsequent seller of the following commodities are hereby exempt from price control:

(1) Used belts, enlisted men's, OD Cotton Webbing, hospital corps, length overall 54", width 4", fitted with double hook, male and female fasteners for adjusting, containing 10 pockets.

(2) Used belts, medical officers' OD Cotton Webbing, empty consisting of one adjusting belt 2½" x 24" double hook, ends right section with male fastener and adjusting buckle, containing 4 pockets.

(b) This order shall apply to sales in the States of California, Washington, Nevada, Oregon, except Malheur County, and Arizona, except those portions of Coconino and Mohave Counties lying north of the Colorado River, and the following counties in the State of Idaho: Benewah, Bonner, Boundary, Clearwater, Kootenai, Latah, Lewis, Nez Perce, Shoshone, and Idaho.

This order shall become effective September 18, 1945, and shall continue in effect until made subject to an order issued by the National Office of the Office of Price Administration.

This order may be amended, corrected or revoked at any time.

Issued this 13th day of September 1945.

GUY R KINSLEY,
Acting Regional Administrator.

[F. R. Doc. 45–17827, Filed, Sept. 24, 1945, 4:27 p. m.]

[Region VIII Rev. Order G–4 Under RMPR 251]

INSTALLED INSULATION IN WASHINGTON, OREGON AND IDAHO

For the reasons set forth in an opinion issued simultaneously herewith, and under the authority vested in the Regional Administrator of the Office of Price Administration by section 9 of Revised Maximum Price Regulation No. 251 Order No. G–4 under Revised Maximum Price Regulation No. 251 is revised in its entirety to read as follows:

(a) *Geographical applicability.* This order applies to the State of Washington, the State of Oregon (except Malheur County), and the following counties in the State of Idaho; Benewah, Bonner, Boundary, Clearwater, Kootenai, Latah, Lewis, Nez Perce, Shoshone, and Idaho.

(b) *Maximum prices.* The maximum price in the above area for the sale or delivery on an installed basis of any of the insulating materials herein specified is the price set forth below. These insulating materials are mineral wool (both nodulated and loose), and other loose material including redwood bark, ground newsprint, expanded mica, etc., all types of batts and blanket insulation such as those containing mineral wool, cotton, spun glass, balsam wool, redwood bark, and chemically impregnated wood fiber when installed in an existing structure. The item numbers below refer to the numbers in the accompanying sketch[1] to assist identification of the place of installation:

Item No.	Description	Maximum price per square foot of area: Mineral wool 6 to 14 inch depth	Cotton batt, mineral wool batt, or redwood bark batt, 4 inch depth	Batt or Blanket thickness: 1 inch	2 inches	3 inches
		Cents	Cents	Cents	Cents	Cents
1	Exposed to [illegible]	7	9	10	12	14
2	Ceilings under [illegible] and closing floor	13	16	14	16	18
3	Ceilings under [illegible] and closing floor	12	20	18	20	22
4	Floors where underside is insulated [illegible]	12	15	13	16	18
5	Floors over unheated areas where the floor [illegible] than 3 feet above ground level	14	17	16	18	20
6	Over 3 feet above ground level	13	15	13	16	18
7	Least underside can be made accessible	11	13	12	14	16
8	Exterior walls (joist [illegible] and furnishing backing material if necessary)	23	13	12	14	16
9	Exterior walls (studded)					
	Wood or asphalt shingle siding	21	16	14	15	17
	Brick, stone, stucco or cement siding	23	--	14	15	17
	Other [illegible]					

[1] Maximum additions for opening and closing when necessary:

Wood or [illegible]	85 each
[illegible]	$2 each
[illegible]	$0.50 per lineal foot
[illegible]	Actual cost of labor and material

[1] Closing of openings includes restoring all original finish but not decorating.
Plus cost of labor and material necessary if retaining material is removed.

NOTES: For loose material installed in cavities other than 4" the above prices may be increased by 1½¢ (or 2½¢ in the case of mineral wool) for each inch over 4" and shall be decreased by 1½¢ (2½¢ in the case of mineral wool) for each inch under 4".

In regard to depth of loose material, a fill 1" less than nominal will be recognized as full. In regard to thickness of batts, a 1" (standard) batt shall include all thicknesses of 1" and over but less than 2"; the 2" (semi-thick) batt shall include all batts 2" and over but less than 3"; the 3" (full-thick) batt shall include all batts 3" or more in thickness.

Batt or blanket insulation material shall be properly secured in place with laths or strips and stapled or nailed when installed in other than horizontal places.

(c) The maximum prices provided in paragraph (b) shall apply to all installations made within 25 miles of the seller's nearest place of business. For installations at more distant points the following additions may be made. Mileage shall be calculated to the nearest mile.

(i) For installations from 26 to 75 miles distant: 1 cent per square foot.

(ii) For installations from 76 to 150 miles distant: 2 cents per square foot.

(iii) For installations distant 151 miles or more: 3 cents per square foot.

(d) *Measurements.* It shall be the seller's responsibility to ascertain that all square foot measurements are accurate. Measurements for exterior walls are to be taken overall, with no allowance for openings, except that for walls where window and door areas occupy 40% or more of the total surface, such window and door areas must be deducted. The area of elevator shafts, ventilators, skylights, monitors, and penthouses on flat roofs shall not be included where they are more than 16 square feet in area and extend through the areas to be insulated. Where the exterior walls are of brick and or stone veneer or solid brick, the area of floors or ceilings to be insulated shall be determined by taking gross interior dimensions. For stairwell walls, measurements may be taken as a rectangle from floor to ceilings instead of as a triangle. In determining the total square foot area for each type of insulation ordered by the buyer, a tolerance of five percent will be permitted.

(e) Where a sale for which a maximum price is provided above includes either the special insulation work enumerated in paragraph (i) below, or incidental construction work of the types enumerated in paragraphs (ii) and (iii) below, the maximum price so provided may be increased by the amount of the seller's maximum price for the special insulation work or incidental construction work established in accordance with Revised Maximum Price Regulation No. 251.

(i) Insulating doors and scuttle covers.

(ii) The following accessories; slant roof louvres, gable louvres, roof ventilators, and knee wall ventilators.

(iii) Other incidental construction work not included with the maximum prices established in paragraph (b).

(f) The maximum price which may be charged for sales in the area in which this order is applicable for any installation for which no specific price is provided by this order shall be the price provided either by special order or by amendment to this order issued by the Regional Administrator either on his own motion or on application filed by the seller with the District Office of the Office of Price Administration having jurisdiction over the seller's place of business.

(g) *Quoting a "guaranteed price".* The seller may offer to sell an insulation job covered by this Revised Order No. G–4 on the basis of a "guaranteed price" wherein the seller agrees to charge a fixed amount; *Provided, however,* That the "guaranteed price" must not be higher than the maximum price figured in accordance with the pricing methods and requirements of this order. Upon completion of the contract, and before final payment, if required by the purchaser, the seller is required to furnish the purchaser with an itemized statement showing the number of square feet and the thickness and unit price for each category of insulation used which is specified in paragraph (b), and an explanation of the amount for incidental work.

(h) *Notification.* Every person making sales subject to this Revised Order No. G–4 shall state on his sales tag or invoice that the price charged does not exceed the price permitted by this Revised Order No. G–4 under Revised Maximum Price Regulation No. 251.

(i) *Erasion.* Any practice or device which results in a higher price to the purchaser than is permitted by this Revised Order No. G–4 is as much a violation as an outright over-ceiling charge and subjects the seller to the penalties provided by Section 16 of Revised Maximum Price Regulation No. 251.

(j) This order may be revised, amended, or revoked by the Office of Price Administration at any time.

This order shall become effective September 19, 1945.

Issued this 4th day of September 1945.

CHAS. R. BAIRD,
Regional Administrator.

[F. R. Doc. 45–17826; Filed, Sept. 24, 1945; 4:27 p. m.]

[Seattle Order G–26 Under 18 (c), Amdt. 1]

CERTAIN MILLWOOD IN WHATCOM COUNTY, WASH.

For the reasons set forth in the opinion issued simultaneously herewith and under the authority vested in the Seattle District Director of the Office of Price Administration by § 1499.18 (c) of the General Maximum Price Regulation, Order of Delegation No. 75 issued by the Regional Administrator of Region VIII and under the authority to amend reserved in Order No. G–26, Order No. G–26 is hereby amended as follows:

(a) Paragraph (b) (3) is amended to read as follows:

(3) "Imported firewood" means all wood fuel of the types and kinds described in Order No. G–26, produced by mills located outside Whatcom County, Washington, including that produced by mills located outside the United States.

(b) This amendment shall become effective immediately.

Issued this 6th day of September 1945.

IRVIN A. HOFF,
District Director.

[F. R. Doc. 45–17825; Filed, Sept. 24, 1945; 4:26 p. m.]

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[1] Filed with the Division of the Federal Register.

LIST OF COMMUNITY CEILING PRICE ORDERS

The following orders under Rev. General Order 51 were filed with the Division of the Federal Register September 18, 1945.

REGION I

Boston Order 7–F, Amendment 17, covering fresh fruits and vegetables in the Boston Area. Filed 3:14 p. m.

Boston Order 8–F, Amendment 14, covering fresh fruits and vegetables in certain areas in Massachusetts. Filed 3:14 p. m.

Boston Order 9–F, Amendment 15, covering fresh fruits and vegetables in certain areas in Massachusetts. Filed 3:14 p. m.

Boston Order 10–F, Amendment 14, covering fresh fruits and vegetables in certain areas in Massachusetts. Filed 3:14 p. m.

Boston Order 11–F, Amendment 14, covering fresh fruits and vegetables in certain areas in Massachusetts. Filed 3:13 p. m.

REGION II

Philadelphia Order 6–F, Amendment 44, covering fresh fruits and vegetables in the city and county of Philadelphia, Pennsylvania. Filed 3:01 p. m.

Philadelphia Order 11–F, Amendment 19, covering fresh fruits and vegetables in certain counties in Pennsylvania. Filed 3:01 p. m.

Philadelphia Order 12–F, Amendment 19, covering fresh fruits and vegetables in certain counties in Pennsylvania. Filed 3:01 p. m.

Wilmington Order 4–F, Amendment 50, covering fresh fruits and vegetables in the entire state of Delaware. Filed 3:15 p. m.

REGION III

Cincinnati Order 1–C, Amendment 9, covering poultry in certain areas in Ohio. Filed 3:21 p. m.

Grand Rapids Order 14–F, Amendment 24, covering fresh fruits and vegetables in certain counties in Michigan. Filed 3:11 p. m.

Grand Rapids Order 14–F, Amendment 63, covering fresh fruits and vegetables in certain counties in Michigan. Filed 3:12 p. m.

Grand Rapids Order 14–F, Amendment 64, covering fresh fruits and vegetables in certain counties in Michigan. Filed 3:11 p. m.

Grand Rapids Order 14–F, Amendment 65, covering fresh fruits and vegetables in certain counties in Michigan. Filed 3:11 p. m.

Grand Rapids Order 14–F, Amendment 89, covering fresh fruits and vegetables in certain areas in the city of Grand Rapids, Michigan. Filed 3:13 p. m.

Grand Rapids Order 14–F, Amendment 89, covering fresh fruits and vegetables in certain cities in Michigan. Filed 3:13 p. m.

Grand Rapids Order 14–F, Amendment 90, covering fresh fruits and vegetables in Grand Rapids, Michigan Area. Filed 3:13 p. m.

Grand Rapids Order 14–F, Amendment 90 (appendix E), covering fresh fruits and vegetables in certain cities in Michigan. Filed 3:12 p. m.

Grand Rapids Order 14–F, Amendment 91, covering fresh fruits and vegetables in Grand Rapids, Michigan Area. Filed 3:13 p. m.

Grand Rapids Order 14–F (Appendix B), Amendment 91, covering fresh fruits and vegetables in certain cities in Michigan. Filed 3:12 p. m.

Indianapolis Order 3–C, Amendment 1, covering poultry in certain counties in Indiana. Filed 3:10 p. m.

REGION IV

Atlanta Order 7–F, Amendment 19, covering fresh fruits and vegetables in certain areas in Georgia. Filed 3:17 p. m.

Atlanta Order 8–F, Amendment 19, covering fresh fruits and vegetables in certain areas in Georgia. Filed 3:17 p. m.

Columbia Order 7–F, Amendment 16, covering fresh fruits and vegetables in the entire state of South Carolina. Filed 3:04 p. m.

Montgomery Order 20–F, Amendment 41, covering fresh fruits and vegetables in Mobile County, Alabama. Filed 3:02 p. m.

Montgomery Order 21–F, Amendment 46, covering fresh fruits and vegetables in Montgomery County, Alabama. Filed 3:02 p. m.

Montgomery Order 22–F, Amendment 47, covering fresh fruits and vegetables in Houston County, Alabama. Filed 3:02 p. m.

Montgomery Order 24–F, Amendment 44, covering fresh fruits and vegetables in Dallas County, Alabama. Filed 3:02 p. m.

Nashville Order 27–O, covering certain food items in Carter, Unicoi and Johnson, in the state of Tennessee. Filed 3:02 p. m.

Nashville Order 29–O, covering certain food items in certain counties in Tennessee and Bristol, Virginia. Filed 3:03 p. m.

Nashville Order 31–O, covering certain food items in certain counties in the state of Tennessee. Filed 3:03 p. m.

Nashville Order 33–O, covering certain food items in certain counties in the state of Tennessee. Filed 3:03 p. m.

Nashville Order 35–O, covering certain food items in certain counties in the state of Tennessee. Filed 3:03 p. m.

Roanoke Order 1–C, Amendment 8, covering poultry in certain areas in Virginia. Filed 3:18 p. m.

Roanoke Order 2–C, Amendment 8, covering poultry in certain areas in Virginia. Filed 3:18 p. m.

Roanoke Order 11–F, Amendment 30, covering fresh fruits and vegetables in certain areas in Virginia. Filed 3:18 p. m.

Roanoke Order 12–F, Amendment 18, covering fresh fruits and vegetables in certain areas in Virginia. Filed 3:18 p. m.

Savannah Adopting Order 7–F, Amendment 47, covering fresh fruits and vegetables in certain areas in Georgia. Filed 3:04 p. m.

REGION V

New Orleans Order 3–F, Amendment 6, covering fresh fruits and vegetables in certain areas in Louisiana. Filed 3:18 p. m.

San Antonio Order 2–C, Amendment 1, covering poultry. Filed 3:20 p. m.

San Antonio Order 3–C, Amendment 1, covering poultry. Filed 3:20 p. m.

San Antonio Order 5–F, Amendment 1, covering fresh fruits and vegetables in certain areas in Texas. Filed 3:19 p. m.

St. Louis Order C–1, covering poultry. Filed 3:19 p. m. (Amendment 4).

St. Louis Order C–2, Amendment 4, covering poultry. Filed 3:19 p. m.

St. Louis Order 4–F, Amendment 7, covering fresh fruits and vegetables in the city and county of St. Louis, Missouri. Filed 3:19 p. m.

St. Louis Order 5–F, Amendment 1, covering fresh fruits and vegetables in certain areas in Missouri. Filed 3:19 p. m.

REGION VI

Des Moines Order 1–F, Amendment 80, covering fresh fruits and vegetables in the Des Moines, Polk County, Iowa, Area. Filed 3:10 p. m.

Des Moines Order 2–F, Amendment 29, covering fresh fruits and vegetables in certain areas in Iowa. Filed 3:10 p. m.

Des Moines Order 3–F, Amendment 28, covering fresh fruits and vegetables in certain areas in Iowa. Filed 3:09 p. m.

Fargo-Moorhead Order 1–F, Amendment 16, covering fresh fruits and vegetables in certain counties in North Dakota. Filed 3:09 p. m.

Fargo-Moorhead Order 2–F, Amendment 16, covering fresh fruits and vegetables in certain counties in North Dakota. Filed 3:09 p. m.

Fargo-Moorhead Order 3–F, Amendment 16, covering fresh fruits and vegetables in certain counties in North Dakota. Filed 3:09 p. m.

La Crosse Order 1–F, Amendment 88, covering fresh fruits and vegetables in Winona, Minnesota, and La Crosse and Sparta, Wisconsin. Filed 3:08 p. m.

La Crosse Order 2–F, Amendment 25 covering fresh fruits and vegetables in certain areas in Wisconsin and Minnesota. Filed 3:08 p. m.

La Crosse Order 3–F, Amendment 83, covering fresh fruits and vegetables in Eau Claire and Chippewa Falls, Wisconsin. Filed 3:08 p. m.

La Crosse Order 5–F, Amendment 62 covering fresh fruits and vegetables in the city of Rochester, Minnesota. Filed 3:08 p. m.

Peoria Order 6–F, Amendment 5, covering fresh fruits and vegetables in certain areas in Illinois. Filed 3:20 p. m.

Sioux City Order 2–F, Amendment 87, covering fresh fruits and vegetables in certain areas in Sioux City, Iowa, and South Sioux City, Nebraska. Filed 3:20 p. m.

REGION VII

Denver Order 79, Amendment 3, covering dry groceries in certain counties in the state of Kansas. Filed 3:15 p. m.

Denver Order 80, Amendment 3, covering dry groceries in certain areas in Colorado. Filed 3:15 p. m.

REGION VIII

Portland Order 5–F, Amendment 38, covering fresh fruits and vegetables in certain areas in Oregon. Filed 3:16 p. m.

Portland Order 6–F, Amendment 38 covering fresh fruits and vegetables in certain areas in Oregon. Filed 3:16 p. m.

Portland Order 7–F, Amendment 38 covering fresh fruits and vegetables in certain areas in Oregon. Filed 3:16 p. m.

Portland Order 8–F, Amendment 38, covering fresh fruits and vegetables in certain areas in the Medford, Oregon Area. Filed 3:16 p. m.

Portland Order 9–F, Amendment 38 covering fresh fruits and vegetables in certain areas in Oregon. Filed 3:16 p. m.

Portland Order 10–F, Amendment 37 covering fresh fruits and vegetables in the Kelso, West Kelso, and Longview, Washington Areas. Filed 3:16 p. m.

Portland Order 12–F, Amendment 34 covering fresh fruits and vegetables in certain areas in Salem and West Salem, Oregon. Filed 3:17 p. m.

Portland Order 13–F, Amendment 34 covering fresh fruits and vegetables in certain areas in Oregon. Filed 3:17 p. m.

Portland Order 14–F, Amendment 33, covering fresh fruits and vegetables in certain areas in Oregon. Filed 3:17 p. m.

Seattle Order 1–OC, Amendment 21 and 22 covering eggs in certain counties in Washington. Filed 3:06 p. m.

Seattle Order 2–O, Amendment 7 and 8, covering eggs in certain counties in Washington. Filed 3:04 p. m.

Seattle Order 3–C, Amendment 1, covering poultry in certain counties in Washington. Filed 3:05 p. m.

Seattle Order 3–P, Amendment 3, covering fish and seafood in Seattle, Bremerton, and Renton, Washington Areas. Filed 3:05 p. m.

Seattle Order 3–P, Amendment 4 and 5 covering fresh fish in Seattle, Benton Bremerton, Washington. Filed 3:05 p. m.

Seattle Order 4–C, Amendment 1, covering poultry in certain counties in Washington. Filed 3:05 p. m.

Seattle Order 14–F, Amendment 45, covering fresh fruits and vegetables in the Wenatchee and East Wenatchee, Washington Areas. Filed 3:07 p. m.

Seattle Order 15–F, Amendment 43, covering fresh fruits and vegetables in the Yakima Washington Areas. Filed 3:07 p. m.

Spokane Order 8–F, Amendment 32 covering fresh fruits and vegetables in the Spokane County, Washington Area. Filed 3:04 p. m.

Spokane Order 9–F, Amendment 32 covering fresh fruits and vegetables in the Kootenai County, Idaho. Filed 3:04 p. m.

Spokane Order 10–F, Amendment 31, covering fresh fruits and vegetables in the Shoshone and Kootenai Counties, Idaho. Filed 3:11 p. m.

Spokane Order 11–F, Amendment 31, covering fresh fruits and vegetables in Latah County, Idaho and Whitman County, Washington. Filed 3:11 p. m.

Spokane Order 12–F, Amendment 32, covering fresh fruits and vegetables in the Asotin County, Washington and Nez Perce County, Idaho. Filed 3:11 p. m.

Spokane Order 13–F, Amendment 34, covering fresh fruits and vegetables in the Columbia and Walla Walla Counties, Washington Areas. Filed 3:10 p. m.

Spokane Order 14–F, Amendment 33, covering fresh fruits and vegetables in the Benton and Franklin Counties, Washington Areas. Filed 3:10 p. m.

Copies of any of these orders may be obtained from the OPA Office in the designated city.

ERVIN H. POLLACK,
Secretary.

[F. R. Doc. 45-17899; Filed, Sept. 25, 1945; 4:26 p. m.]

[Region V Order G-2 Under Supp. Service Reg. 47 to RMPR 165]

SHOE REPAIR SERVICES IN DALLAS REGION

For the reasons set forth in the opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of Region V of the Office of Price Administration by § 1499.680 (a) of Supplementary Service Regulation 47 to Revised Maximum Price Regulation No. 165, it is hereby ordered:

SECTION 1. *Retail shoe repair services in the Region V area*—(a) *Maximum prices.* On and after October 1, 1945, and notwithstanding the pricing provisions of Revised Maximum Price Regulation No. 165 and regardless of any previous regulation, order (including an order authorizing a price adjustment), or approval, no seller in the Region V area may sell or offer to sell the shoe repair services for which prices are established in this order at prices higher than those listed in Table I below.

TABLE I—MAXIMUM PRICES FOR RETAIL SHOE REPAIR SERVICES IN THE REGION V AREA

	Men's shoes and boys' shoes larger than size 3½	Boys' shoes, sizes 1 to 3½ through 3½	Women's, misses' and girls' shoes larger than size 13	Children's shoes smaller than size 13½
LEATHER HALF-SOLE SERVICES	*Per pair*	*Per pair*	*Per pair*	*Per pair*
Men's and boys' 4 inch or heavier leather or equal	$1.25	$1.00	..	....
Men's and boys' with 1½ inch or heavier leather or equal	1.50	1.25	..	....
Women's, girls', and children's nailed, in all weights of leather	....	....	$1.00	$0.95
Women's, girls', and children's sewed, in all weights of leather	....	....	1.25	1.00
Women's, girls', and children's cemented, in all weights of leather	....	....	1.35	1.10

TABLE I—MAXIMUM PRICES FOR RETAIL SHOE REPAIR SERVICES IN THE REGION V AREA

	Men's shoes and boys' shoes larger than size 3½	Boys' shoes, sizes 1 to 3½ through 3½	Women's, misses' and girls' shoes larger than size 13	Children's shoes smaller than size 13½
Additional charges in the following amounts may be added for				
Premium leather—which must be stamped with one of the following terms: Prime, Fine-S.B. Prime, X-Fine, Extra-Fine, X-Prime, Y-Fine, Prime-F, Fine-F, Prime-X, Fine-E, Government Selection, Military Selection, or Army Selection. (When an additional charge is made for premium leather, the seller must give a sales slip, or otherwise identify it as a special marker, denoting that a premium grade leather has been used in a half-soling service)	*Per pair* $0.25	*Per pair* $0.25	*Per pair* $0.15	*Per pair* $0.15
Men's and large boys' finished leather half-soles wider than 4 linear inches, measured any place on the sole at right angles to the length; or longer than 6 linear inches, measured from the center of the shank to the center of the toe; or both	.25			
Women's and girls' finished leather half-soles wider than 3¾ linear inches, measured any place on the sole at right angles to the length, or longer than 6 linear inches, measured from the center of the shank to the center of the toe; or both	....	....	.15	....
COMPOSITION, RUBBER, OR FIBER HALF-SOLE SERVICES				
Competitive grade, 1 ply iron	1.15	.90	.90	.75
Standard grade, 1½ iron	1.25	1.05	1.00	.85
Super grade, 1½ iron	1.35	1.10	1.10	.95
Flat cord grade, 1½ iron	1.47	1.20	1.20	1.05
Cord-cemented and cord insert grades, 1½ iron	1.55	1.30	1.30	1.10
Note: Deductions in the following amounts must be made for 9 iron	.10	.10	None	.10
Additional charges in the following amounts may be made for:				
Heavy (12 iron) in above grades	.10	.10	.10	.10
Extra heavy (14 iron) in above grades	.20	....	....	....
Size 12 top, or larger, in above grades	.15	.15	.15	.15
Brown in above grades	.15	.15	.15	.15
Full soles in above grades	.62	.55	.50	.40
COMPO-PRESS HALF-SOLE SERVICES—GRADE "A" GRADE				
Men's and boys' half-soles	1.75	1.50	....	....
Women's, girls', and children's				
Nailed	....	....	1.15	1.10
Sewed	....	....	1.40	1.15
Cemented	....	....	1.50	1.25
LEATHER HEEL SERVICES				
Large—Broad, low type, one full lift, with or without block, wedge, or skiving, equal to one lift	.65	.50	.50	.40
Medium—Cuban type, one full lift	....	....	.40	.35
Small—spike type, one full lift	....	....	.30	....
Additional charges in the following amounts may be added for: Leveling women's covered heels	....	....	.10	.10

Prices for leather heels services not listed above are the maximum prices charged by the seller in March 1942.

TABLE I—MAXIMUM PRICES FOR RETAIL SHOE REPAIR SERVICES IN THE REGION V AREA

	Men's shoes and boys' shoes larger than size 3½	Boys' shoes, sizes 1 to 3½ through 3½	Women's, misses' and girls' shoes larger than size 13	Children's shoes smaller than size 13½
LEATHER SOLE SERVICES	*Per pair*	*Per pair*	*Per pair*	*Per pair*
Nailed	$0.70	$0.70	$0.65	$0.45
Sewed	.55	.45	.40	.35
Cemented	.60	.50	.45	.45

Relasting with fitted wooden lasts. When shoes are relasted with fitted wooden lasts in conjunction with a soling service listed in Table I above, such soling service shall be subject to the provisions of RMPR 165.

SEC. 2. *Definitions.* (a) The term "Region V Area" means that area which includes the states of Arkansas, Louisiana, Texas, Oklahoma, Missouri and Kansas.

(b) "Half-sole service" means the attachment of all half-soles regardless of the method used. The term includes all operations, materials and preparatory services for a half-sole job including the following for which no additional charges may be made; replacing and renewing all filler material and friction strips; repairing or replacing only a part of an innersole; repositioning loosened covered arch support; reseating or tightening shank piece; attaching a loose welt by tacking; re-attaching an upper pulled loose from a non-welt shoe; patching upper at the sole line, when not in the toe box area; re-attaching any loose portion of a sole in the shank area; picking stitches; any bottom finish; invisible shank; re-attaching loose heel breasting; resetting old sock lining; treating of leather.

The following shall not be considered parts of a half-sole service; repairing or replacing Goodyear Welt; or attaching a pulled loose welt by sewing; inserting a new full innersole; repairing a broken shank piece, or inserting a new shank piece; repairing or replacing toe box. These services, when performed in connection with the repair of shoes, shall be priced according to the provisions of RMPR 165.

(c) "Shoe repair services" means the repair of footwear designed for general street or outdoor use, heavy work shoes, and any other types of footwear specified in this area order. The term does not include the special repair services required for occupational footwear, such as, cowboys' boots, loggers' shoes, safety shoes, etc., unless specified in this order.

(d) "Group 'A' Half-soles" means Neolite Brand manufactured by the Goodyear Tire and Rubber Company.

(e) The Definitions of "Fine grade leather" and "Prime grade leather" as used in SSR 47 shall not apply to the shoe repair services subject to this order.

SEC. 3. *Applicability of other regulations.* Except as provided to the contrary, all other provisions, including the definitions of Supplementary Service

Regulation 47 and Revised Maximum Price Regulation 165 shall apply to the shoe repair service suppliers subject to this order. Other shoe repair services not listed in this order shall remain subject to the provisions of RMPR 165 (Services) and MPR 200 (Rubber Heels and Soles in the Shoe Repair Trade), whichever is applicable.

SEC. 4. *Posting.* Every seller in the Region V Area subject to this area order shall within 15 days after the issuance of this area order, post on his premises in such a place and manner as to be plainly visible to the purchasing public, a poster to be supplied by the Office of Price Administration, setting forth the maximum prices established by this area order.

SEC. 5. *Revocation.* On and after the effective date of this area order, Order No. G-1 issued by the Regional Administrator on April 13, 1945, which established maximum prices for certain shoe repair services in Ft. Worth, Texas, is hereby revoked and superseded by this Order No. G-2.

This order may be revised, amended, or revoked, either by the Regional Administrator or the Price Administration at any time.

This order shall become effective October 1st, 1945.

(56 Stat. 23, 765; 57 Stat. 566; Pub. Law 383, 78th Cong.; E.O. 9250, 7 F.R. 7871; and E.O. 9328, 8 F.R. 4681)

Issued at Dallas, Texas, this 13th day of September 1945.

W. A. ORTH,
Regional Administrator.

[F. R. Doc. 45-17536; Filed, Sept. 19, 1945; 2:51 p. m.]

[Region V Order G-7 Under RMPR 122, Amdt. 6]

SOLID FUELS IN SPRINGFIELD, MO.

Pursuant to the Emergency Price Control Act of 1942, as amended, and the authority vested in the Regional Administrator of Region V by § 1340.260 of Revised Maximum Price Regulation No. 122 and for the reasons set forth in the opinion issued simultaneously herewith; *It is ordered:* That Order No. G-7 under Revised Maximum Price Regulation No. 122, maximum prices for solid fuels sold in the City of Springfield, Missouri, be, and the same is hereby amended as follows:

1. Section (c), Price Schedule (1), is amended to read as follows:

(c) *Price schedule.* (1) Below and a part of this section is the maximum price schedule which sets forth maximum prices for sales by direct delivery of specified sizes, kinds and quantities of solid fuels.

SPRINGFIELD, MISSOURI, MAXIMUM PRICE SCHEDULE

Description of fuel	Maximum price per ton		
I. *High volatile bituminous coal from District 10 (Illinois)*			
(A) Production groups 1, 2 and 3: Coals from machine loading mines in the Southern and Du Quoin subdistricts:	Produced at underground mines		
	Machine cut	Solid shot	
(1) Lump; egg (bottom size larger than 2")	$8 80		
(2) Small egg (bottom size 2" and smaller)	8 30		
Stove (bottom size larger than 3/4", top size larger than 1 1/2" but not exceeding 2")	8 30		
(3) Household stoker (bottom size larger than 1 millimeter, top size 2" or less)	7 65		
II. *Low volatile bituminous coal from District 14 (Arkansas and Oklahoma)*			
(A) Production groups 2 and 3: From mines in the Denning-Coal Hill, Altus and Philpott Fields and the Paris Basin of Franklin, Logan and Johnson Counties, Ark.:			
(1) Lump (bottom size 2 1/2" or larger)	$12 85	$11 50	
(2) Household stoker, washed (top size 1 1/2", bottom size 3/8" or smaller)	9 60		
	Produced at—		
	Strip mines	Underground mines	
III. *High Volatile Bituminous Coal from District 15 (Missouri, Kansas and Oklahoma)*			
(A) Production group 1: From mines in Cherokee, Crawford, Bourbon and Labette Counties, Kansas, and Barton, Jasper, Dade, Cedar, and that portion of Vernon County lying South of an east and west line drawn through the town of Nevada, Mo.:			
(1) Lump; egg, (top size larger than 3", bottom size larger than 1 1/4")	$6 92	$7 80	
(2) Nut, (top size 3" to larger than 2", bottom size 1 1/4")	6 92	7 75	
(3) Household stoker (top size 1 1/4", bottom size 3/4")	6 92		
(4) Mill (1 1/4" x 0)	5 22		
(B) Production group 2: From mines in Linn County, Kansas, Bates, Henry, St. Clair, and that portion of Vernon County lying north of an east and west line drawn through the town of Nevada in Missouri:			
(1) Lump; egg, (top size larger than 3", bottom size larger than 1 1/4")	6 57		
(2) Nut (top size 3" to larger than 2", bottom size 1 1/4")	6 57		
(C) Production group 10: From mines in Okmulgee County, Okla.:			
(1) Lump; egg, (top size larger than 3", bottom size larger than 1 1/4")		10 40	
(2) Household stoker (top size 1 1/4", bottom size 1/4")		7 10	
(D) Production group 11: From mines in Craig, Roger, Tulsa and Wagoner Counties, and that part of Muskogee County lying north of a line drawn straight east and west across Muskogee County along the southern limits of the town of Porum, all in Oklahoma:			
(1) Lump; egg, (top size larger than 3", bottom size larger than 1 1/4")	8 22		
(2) Nut, (top size 3" to larger than 2", bottom size 1 1/4")	7 07		

Supplementary Order No. 2 issued by the Regional Administrator August 14, 1945, retroactively effective August 3, 1945, insofar as said Supplementary Order No. 2 affects Order No. G-7, is hereby revoked.

(56 Stat. 23, 765; 57 Stat. 566; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7371; E.O. 9328, 8 F.R. 4681)

Issued at Dallas, Texas, this 13th day of August, 1945.

W. A. ORTH,
Regional Administrator.

[F. R. Doc. 45-17894; Filed, Sept. 25, 1945; 4:27 p. m.]

[Region III Rev. Order G-57 Under 188 (c)]

FIREWOOD IN UPPER PENINSULA OF MICHIGAN

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of Region III of the Office of Price Administration by § 1499.18 (c) of the General Maximum Price Regulation, it is hereby ordered:

(a) *What this order does.* This order establishes ceiling prices for various types of sellers of firewood. Section (b) (1) and (b) (2) establish dollars-and-cents ceiling prices. Provision is made for specific deductions and additions determined by the basis of delivery used. Paragraph (b) (2), Schedule B, establishes ceiling prices for sales by producers and wholesalers to retailers, and paragraph (b) (1), Schedule A, maximum prices which may be charged consumers by all persons including producers and retail dealers; such maximum prices, in the main, are based upon current costs plus March 1942 margins. Paragraph (c) provides special methods for pricing specialty woods, including kindling. No person may sell firewood at prices higher than the ceiling prices provided in this Order.

(b) *Ceiling prices for sales by producers of firewood.* The ceiling prices for sales of firewood loaded in freight cars at producer's plant, or delivered within producer's free delivery zone, shall be the prices set forth in paragraphs (b) (1) and (b) (2) of this section. From these amounts shall be deducted, or to these amounts may be added, the deductions or additions applicable to the type of delivery described in sub-paragraph 3.

(1) Ceiling prices for sales by all persons including producers or retailers, to consumers, shall be the prices set forth in Schedule A, attached hereto and made a part hereof as though fully written herein.

(2) Ceiling prices for sales by producers and wholesalers to retail dealers shall be, subject to the delivery allowances and deductions provided in section (b) (3), the prices set forth in Schedule B, attached hereto and made a part hereof as though fully written herein.

(3) *Delivery allowances and deductions.* Where wood is sold on some basis other than loaded on freight cars at the producer's plant, or delivered within the producer's free delivery zone (as that term is defined in section (d) (15) of this order), the following additions may, and the following deductions must, be made:

(i) Where firewood is picked up by the buyer at the producer's place of business, the following deductions from the ceiling prices above established must be made:

Standard cord of 48" or 8' lengths	$1.00
Single cord of 24" lengths	.55
Single cord of 16" lengths	.40
Single cord of 12" lengths	.30

(ii) For deliveries of a minimum load of 128 cubic feet of firewood (measured in pile) beyond the seller's free delivery zone, if delivery is made by seller's own truck, the following delivery charges may be added:

Distance beyond free delivery zone	*Allowance per minimum load of 128 cubic feet*
Not over 5 miles	$0.50
Over 5 miles, but not over 10 miles	1.00
Over 10 miles, but not over 15 miles	1.50
Over 15 miles	1.75

(iii) If deliveries of firewood are made in amounts less than 128 cubic feet (piled) the maximum delivery allowance set forth in the table of sub-paragraph (ii) above shall be reduced in the proportion which the actual load bears to 128 cubic feet.

(iv) If delivery is made by common or contract carrier a seller may add the actual amount paid to such a carrier but in no event an amount exceeding lawful maximum rate for such delivery.

(4) *Test loads.* When a producer sells firewood all of the same size and type by the rail carload, he shall, unless he actually measures the exact number of cords in the carload, weigh one cord of the wood sold and determine the total number of such cords in the carload by dividing the net weight of the carload by the weight of such "test" cord.

(c) *Maximum prices for retail dealers who cannot price under subparagraphs (b) (1) and (b) (2).* Retail dealers who cannot establish a maximum price for any kind, size, or type of firewood under the paragraphs (b) (1) or (b) (2) because they saw or otherwise process firewood in sizes or kinds substantially different from those shown in Schedules A and B of paragraph (b) or for any other reason, shall apply to the Escanaba District Office of the Office of Price Administration for ceiling prices or for a pricing method whereby such ceiling prices may be determined. Such applications shall be filed by any dealer now selling firewood on or prior to December 31, 1945, and by any other retail dealer prior to making any sales. Such applications shall state:

(i) The kind, size and type of firewood to be sold.

(ii) The names and addresses of the two retail dealers located closest to applicant's place of business.

(iii) An analysis of transportation, sawing, handling, loading, unloading and other costs, if any, incidental to the sale of each kind, size and type of firewood.

(iv) The method of pricing and the proposed prices which the applicant desires to use.

(v) Such other information as the Office of Price Administration may request.

Upon such application, the Office of Price Administration will establish ceiling prices or a method for establishing ceiling prices which will be in line with the general level of ceiling prices established under this order. The proposed prices shall be considered approved twenty days after mailing the application (or all additional information which may have been requested), unless, within that time, the Office of Price Administration advises you that your prices have been disapproved.

(d) *Deductions.* As used in this order, (1) "Firewood" means any wood sold for ultimate use in stove or furnaces as fuel, but does not include wood sold for chemical distillation purposes.

(2) "Body or block wood" means those types of firewood cut from trees, logs, or parts of trees and logs, with a diameter before splitting of at least 2 inches.

(3) "Slab wood" means wood cut from the sides of a log or bolt.

(4) "Bundled edgings" means wood cut from the side of a piece of lumber and tied into bundles in accordance with accepted trade practices.

(5) "Hardwood" means firewood at least 95% of which is produced from the commercial species of the genera ash (Fraxinus), beech (Fagus), birch (betula), elm (Ulmus), maple (Acer), oak (Querous), and all other hardwood species except popple, poplar, or aspen (Populus), basswood (Tilia), and soft elm (Ulmus fulva or Americana).

(6) "Mixed wood" means firewood at least 50% of which is produced from the commercial species of the genera of ash (Fraxinus), beech (Fagus), birch (betula), elm (Ulmus), maple (Acer), oak (Querous), and all other hardwood species except aspen, popple, or poplar (Populus), basswood (Tilia), and soft elm (Ulmus fulva or Americana).

(7) "Softwood" means any firewood which does not qualify as hardwood of mixed wood, but which can be used as fuelwood.

(8) A "producer" means a person who produces firewood:

(a) By manufacturing forest products into fuelwood as defined above,

(b) As a result of the operation of a sawmill, veneer mill, or any other type of woodworking plant.

(9) A "retail dealer" means a seller of firewood who produces no firewood but acquires firewood from producers or from other dealers. Cutting firewood into smaller lengths than the lengths in which it was acquired or purchased shall not be considered to be producing firewood.

(10) A "standard cord of 4 foot or 8 foot lengths" means a pile of firewood of 4 foot lengths piled 4 feet high and 8 feet wide, or a pile of firewood of approximately 8 foot lengths piled 4 feet high and 4 feet wide.

(11) A "single tier of 24 inch lengths" means a pile of firewood of 20 inch to 28 inch lengths piled 4 feet high and 8 feet wide.

(12) A "single tier of 16 inch lengths" means a pile of firewood of 14 inch to 20 inch lengths piled 4 feet high and 8 feet wide.

(13) A "single tier of 12 inch lengths" means a pile of firewood of 11 inch to 14 inch lengths piled 4 feet high and 8 feet wide.

(14) "Piled" means piled as tightly as the type of wood will permit and in accordance with established trade practices.

(15) A seller's "Free delivery zone" is the corporate limits of the city or village, if any, within which the seller is located but in no event an area smaller than the area within a radius of five miles of the sellers' place of business.

(16) "Specialty firewood" means kindling, or wood which is produced as a byproduct at a sawmill, veneer mill, flooring mill or other wood-working plant, either in random lengths or uneven shapes and sizes so that it cannot practicably be piled, measured, and sold in cords. Examples of "specialty firewood" are such woods as but not limited to, flooring clippings, defective bowling pin blanks, plywood clippings, short edgings, log ends, etc.

(e) *Invoices and records.* Every person making a sale of firewood for which a maximum price is set by this order shall give the purchaser or his agent at the time of the sale an invoice or other memorandum of sale, which shall show:

(1) The date of sale;

(2) The name and address of the buyer and seller;

(3) The quantity of firewood sold, expressed in terms of standard cords, single tiers, or weight, whichever is the unit of measurement used as the basis of maximum prices established by this Order;

(4) Description of firewood sold in the same manner as it is described in this Order. (This shall include the kind of wood, i. e., hard, soft or mixed, and average length of pieces of wood.)

(5) Place of Sale. (If the price is dependent on place of delivery, then the place of delivery shall be stated in such a manner to indicate the exact amount of delivery charges added.

(6) The price per unit and the total price of the wood. On the invoice or memorandum, a separate statement shall be made of any discounts, and of each service rendered such as delivery, carrying and stacking, and the charge made for each such service.

The seller shall keep an exact copy of such invoice or memorandum for as long as the Emergency Price Control Act of 1942, as amended, remains in effect, and such copy shall be made available for inspection by the Office of Price Administration.

(f) *Geographical applicability.* This order shall apply to all sales by any persons whose places of business are located within the following counties, all within the upper Peninsula of Michigan: Alger, Baraga, Chippewa, Delta, Dickenson, Gogebic, Houghton, Iron, Keweenaw, Luce, Marquette, Marinette, Menominee, Ontonagon, and Schoolcraft.

(g) *Effect on other orders.* This order supersedes and revokes any and all former orders issued under § 1499.18 (c) of the General Maximum Price Regulation insofar as the latter apply to sellers located in the counties covered by this order.

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(h) *Revocability.* This order may be modified, amended or revoked at any time by the Office of Price Administration.

(i) *Effective date.* This Revised Order No. G–57 under § 1499.18 (c) of the General Maximum Price Regulation shall become effective August 25, 1945.

Issued August 25, 1945.

CLIFFORD J. HOUSER,
Acting Regional Administrator.

SCHEDULE A—FUEL WOOD—ALL SALES TO CONSUMERS DELIVERED WITHIN FIVE MILE RADIUS OF POINT OF PRODUCTION

	Hardwood			Mixed wood (50 percent hardwood)			Softwood			Veneer cores—hard wood
	Body or block wood	Slab wood	Loose edgings	Body or block wood	Slab wood	Loose edgings	Body or block wood	Slab wood	Loose edgings	
Standard cord, 128 cubic feet, 4′ or 8′ length	$12.00	$7.50	$7.50	$9.75	$6.25	$6.25	$7.50	$5.00	$5.00	$9.50
Single tier, 4′ or 8′ x 24″	6.25	4.00	4.00	5.13	3.38	3.38	4.00	2.75	2.75	5.01
Single tier, 4′ x 8′ x 16″	4.50	2.84	2.84	3.78	2.42	2.42	2.84	2.00	2.00	3.50
Single tier, 4′ x 8′ x 12″	3.40	2.25	2.25	2.84	1.94	1.94	2.25	1.63	1.63	2.75

	Per ton
Specialty wood (see (d) (16):	
Hardwood dry	$8.50
Hardwood green	3.40
Softwood dry	2.45
Softwood green	2.15

SCHEDULE B—PRODUCER AND WHOLESALER TO RETAIL DEALERS DELIVERED WITHIN FIVE MILE RADIUS OF POINT OF PRODUCTION

	Hardwood			Mixed wood (50 percent hardwood)			Softwood			Veneer cores—hard wood
	Body or block wood	Slab wood	Loose edgings	Body or block wood	Slab wood	Loose edgings	Body or block wood	Slab wood	Loose edgings	
Standard cord, 128 cubic feet, 4′ or 8′ length	$10.20	$6.35	$6.35	$8.30	$5.30	$5.30	$6.35	$4.25	$4.25	$8.05
Single tier 4′ x 8′ x 24″	5.30	3.40	3.40	4.35	2.90	2.90	3.40	2.35	2.35	4.25
Single tier 4′ x 8′ x 16″	3.65	2.40	2.40	3.05	2.05	2.05	2.40	1.70	1.70	3.00
Single tier 4′ x 8′ x 12″	2.90	1.85	1.85	2.40	1.65	1.65	1.90	1.40	1.40	2.35

	Per ton
Specialty Wood (see (d) (16):	
Hardwood dry	$8.30
Hardwood green	2.90
Softwood dry	2.08
Softwood green	1.80

[F. R. Doc. 45-17895; Filed, Sept. 25, 1945; 4:28 p. m.]

UNITED STATES COAST GUARD.

APPROVAL OF EQUIPMENT

By virtue of the authority vested in me by R. S. 4405, 4417a, 4426, 4481, 4488, and 4491, as amended, 49 Stat. 1544 (46 U.S.C. 375, 391a, 404, 474, 481, 489, 367), and Executive Order 9083, dated February 28, 1942 (3 CFR, Cum. Supp.), the following approval of equipment is prescribed:

LIFEBOATS

24′ x 8′ x 3.73′ metallic motor-propelled lifeboat, Design K–106 (35-person capacity) (General Arrangement Dwg. No. K–106–2 Alt. 5, dated 4 August, 1945), submitted by Kiggard Boat and Engine Co., Marinette, Wisconsin. (Supersedes approval 15 May, 1945, 10 F.R. 5569. Any lifeboats approved thereunder may be continued in service so long as in good and serviceable condition.)

24′ x 8′ x 3.73′ metallic oar-propelled lifeboat, Design K–107 (40-person capacity) (General Arrangement Dwg. No. K–107–2 Alt 3, dated 4 August, 1945), submitted by Kiggard Boat and Engine Co., Marinette, Wisconsin.

14′ x 4.8′ x 2′ metallic oar-propelled lifeboat (8-person capacity) (General Arrangement Dwg. No. G–369, dated 19 March, 1945), submitted by C. C. Galbraith & Son, Inc., 99 Park Place, New York, N. Y.

Dated: September 25, 1945.

L. T. CHALKER,
Rear Admiral, U. S. C. G.,
Acting Commandant.

[F. R. Doc. 45-17897; Filed, Sept. 26, 1945; 9:45 a. m.]

WAR PRODUCTION BOARD.

[C–364, Revocation]

LEROY L. HEPLER

CONSENT ORDER

Pursuant to an agreement between Leroy L. Hepler, the Regional Compliance Chief and the Regional Attorney, Consent Order No. C–364 was issued June 11, 1945, in consequence of a violation of Conservation Order L–41. Leroy L. Hepler has applied for revocation of the Consent Order with the approval of the Regional Compliance Chief and the Regional Attorney.

The parties to the agreement having now agreed that such order should be revoked, it is hereby ordered that: *Consent Order No. C–364* be revoked.

Issued this 26th day of September 1945.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 45-17914; Filed, Sept. 26, 1945; 11:23 a. m.]

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FEDERAL REGISTER

VOLUME 10 NUMBER 191

Washington, Friday, September 28, 1945

The President

DIRECTIVE

DIRECTIVE FOR THE DIRECTOR OF CENSORSHIP

In accordance with the recommendation submitted by him on June 27, 1945, the Director of Censorship shall on Aug. 15, 1945:

1. Declare voluntary censorship of the domestic press and radio at an end.

2. Direct that the Office of Censorship cease at once the censorship of all international communications.

3. Give 30 days' notice to all employees of the Office of Censorship, except for a small group needed for liquidating the Agency.

HARRY S. TRUMAN

AUGUST 15, 1945.

[F. R. Doc. 45-18058; Filed Sept. 27, 1945; 11:47 a. m.]

Regulations

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 12—REMOVALS AND REDUCTION

RETENTION PREFERENCE REGULATIONS FOR USE IN REDUCTIONS IN FORCE

By virtue of the authority vested in the Commission by the Veterans' Preference Act of June 27, 1944, the following regulations are promulgated and the regulation approved November 3, 1944 governing reductions in force (9 F.R. 13699) are hereby revised:

Sec.
12.301 Extent of regulations.
12.302 Definitions.
12.303 Retention preference; classification.
12.304 Completion of employee records.
12.305 Determination of competitive area.
12.306 Special rule relating to consolidations and mergers.
12.307 Compilation of retention register.
12.308 Sequence of selection.
12.309 Actions.
12.310 Notice to employees.
12.311 Reports to the Commission.
12.312 Special rules on liquidation.
12.313 Appeals.
12.314 Actions disapproved by the Commission.

AUTHORITY: §§ 12.301 to 12.314 inclusive, issued under section 12 of Veterans' Preference Act of June 27, 1944, Pub. 359, 78th Cong., 2nd Sess. (58 Stat. 387; 5 U.S.C. 861).

§ 12.301 *Extent of regulations.* Sections 12.301 to 12.314, inclusive, establish degrees of retention preference and uniform rules for reductions in force. They apply to all civilian employees in the executive branch of the Federal Government, and in the municipal government of the District of Columbia, except those whose appointments are required to be approved by the Senate, and those who are appointed by the President of the United States.

§ 12.302 *Definitions.* For the purpose of §§ 12.301 to 12.314, inclusive, definitions are given for words, terms, and phrases as follows:

(a) "Reduction in force" means the involuntary separation from the rolls of a department, or furlough in excess of thirty days, of one or more employees in order to reduce personnel. Reduction of personnel may have to be made because of lack of funds, personnel ceilings, reorganization, decrease of work, to make a position available for a former employee with established reemployment or restoration rights, or for other reasons. However, the term does not apply to (1) termination of temporary appointments limited to one year or less, (2) retirement of employees, or (3) separations for unsatisfactory service.

(b) "Retention groups" and "subgroups" means classes of employees entitled to the same degree of retention preference on the basis of tenure of employment and veteran preference.

(c) "Retention credits" are credits for length of service and efficiency ratings in determining retention order in each retention subgroup. They are computed by allowing one point for each full year of Federal Government service plus 5 points for an "Excellent" efficiency rating.

(d) "Federal Government service" means the total of all periods of service eligible for consideration for civil service

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NOTICE

1944 Supplement

Book 1 of the 1944 Supplement to the Code of Federal Regulations, containing Titles 1–10, including Presidential documents in full text, is now available from the Superintendent of Documents, Government Printing Office, at $3.00 per copy.

A limited sales stock of the Cumulative Supplement and the 1943 Supplement is still available as previously announced.

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retirement purposes, without regard to whether the employee is eligible or will be eligible actualy to receive retirement benefits. All active military service is counted whether or not veteran preference is given therefor or whether it is eligible to be considered for civil service retirement purposes. Total service shall consist only of full years of creditable service, but fractions of a year shall be considered in arriving at the total.

(e) "Efficiency rating" means (1) for employees paid under the compensation schedules of the Classification Act of 1923 as amended or of Executive Order No. 6746, the current official efficiency rating under the Uniform Efficiency Rating System; and (2) for other employees the current efficiency rating under an efficiency rating system which is in general compliance with the uniform system.

Administratively adopted efficiency rating systems not in general compliance with the uniform system may be used for determining retention credits with the prior approval of the Commission.

(f) "Veteran preference employee" means an employee entitled to veteran preference under the Veterans' Preference Act of 1944.

(g) "Department" means an entire executive department, parent organization with constituent agencies, independent establishment, government-owned or government-controlled corporation of the Federal Government, the municipal government of the District of Columbia, or any other such organization or separate governmental agency of the executive branch of the Federal Government created by Act of Congress or Executive order.

(h) "Governmental entity" means a department, bureau of a department, parent organization, constituent agency, independent establishment, entire field installation, regional office, or field station, an operating department of the municipal government of the District of Columbia, or any other such organization or separate governmental agency of the Federal Government created by Act of Congress or Executive order.

(i) "Competitive area" means a governmental entity, a combination of governmental entities, or that part of a governmental entity for which approval has been secured from the Commission, within which employees of a competitive level are considered to be in competition.

(j) "Competitive level" means all positions in the same grade of the same service, trade, or profession (although they may have different titles or different pay rates), in which interchange of personnel is feasible.

§ 12.303 *Retention preference; classification.* For the purpose of determining relative retention preference in reductions in force, employees shall be classified according to tenure of employment in competitive retention groups and subgroups, as follows:

Group A: All employees who have met all requirements for indefinite retention in their present positions. With respect to positions subject to the Civil Service Act and rules, this includes all employees currently serving under absolute or probational civil service appointments or who were appointed, reappointed, transferred or promoted from absolute or probational civil service appointments to war service indefinite or trial period appointments without a break in service of thirty days or more. With respect to positions excepted from the Civil Service Act and rules, this includes all employees currently serving under appointments without time limitation.

A–1 Plus during one-year period after return to duty, as required by law.

A–1 With veteran preference unless efficiency rating is less than "Good".

A–2 Without veteran preference unless efficiency rating is less than "Good".

A–3 With veteran preference where efficiency rating is less than "Good".

A–4 Without veteran preference where efficiency rating is less than "Good".

Group B: All employees serving under appointments limited to the duration of the present war or for the duration of the war and not to exceed six months thereafter, or otherwise limited in time to a period in excess of one year, except those specifically covered in Groups A and C.

B–1 With veteran preference unless efficiency rating is less than "Good".

B–2 Without veteran preference unless efficiency rating is less than "Good".

B–3 With veteran preference where efficiency rating is less than "Good".

B–4 Without veteran preference where efficiency rating is less than "Good".

Group C: All employees serving under appointments specifically limited to one year or less, all non-citizen employees serving within the continental limits of the United States, all employees continued beyond the automatic retirement age, and all annuitants appointed under section 2 (b) of the Civil Service Retirement Act, as amended.

C–1 With veteran preference unless efficiency rating is less than "Good".

C–2 Without veteran preference unless efficiency rating is less than "Good".

C–3 With veteran preference where efficiency rating is less than "Good".

C–4 Without veteran preference where efficiency rating is less than "Good".

§ 12.304 *Completion of employee records.* (a) Departments and governmental entities are responsible for maintaining current records of information necessary for determining retention preference of employees.

If these records are incomplete, they shall be supplemented by written statements from employees, supported by a signed certificate substantially as follows:

I certify that the information submitted herewith is true, correct, and complete to the best of my knowledge and belief.

(b) Employees who have served continuously without a break in service of thirty days or more in positions subject to the Civil Service Act and rules since before March 16, 1942 (October 23, 1943, in the field service of the Post Office Department):

(1) Are in Group A unless appointed under authority of Executive Order Nos. 8257, 8564, or 8458, or Civil Service Rule VIII and have not acquired a civil service status.

(2) Are in Group B if appointed under authority of Executive Order Nos. 8257, 8564, or 8458, or Civil Service Rule VIII unless they acquired a civil service status under Executive Order Nos. 8833 or 8952, or the Commission's Departmental Circular 457 or 517,[1] in which case they are in Group A.

(c) Employees appointed after March 16, 1942 (October 23, 1943, in the field service of the Post Office Department), initially or reappointed after a break in service of thirty days or more are in Group B unless:

(1) They are currently holding appointments definitely limited to one year or less—in which case they are in Group C.

(2) They are occupying positions excepted from the Civil Service Act and rules and not limited in duration—in which case they are in Group A.

(d) Whenever a department is unable to obtain from its records or from an employee information as to his classified (competitive) civil service status or length of service necessary to establish his retention preference standing, under the above rules, the Commission, upon the receipt of a request on Standard

[1] Filed as part of the original document.

Form No. 66, will supply the information, if available, from its records.

§ 12.305 *Determination of competitive area.* The area in which a reduction in force is made should be a governmental entity as defined in § 12.303 (b).

No reduction in force affecting employees in retention groups A or B shall be made in any smaller competitive area in Washington, D. C., or vicinity, without obtaining prior approval from the Central Office of the Commission, or elsewhere without securing prior approval from the appropriate regional or branch office of the Commission. Approval will be given if the proposed competitive area is large enough to prevent the loss of highly efficient employees, to allow true competition to exist, and to protect the high retention preference of group A employees. Consideration will be given to the extent of the competitive level or levels to be affected, whether the proposed competitive area has independence of operation, work functions, and personnel administration (although policies may be established in higher department levels), whether the staff of the proposed competitive area is separately organized and clearly distinguishable from other units of the governmental entity, and whether it is within local commuting distance of other units of the governmental entity.

If there is doubt as to the size and scope of competitive areas, or if it is desired to establish competitive areas smaller than governmental entities as a standard practice for reductions in force, departments shall submit proposed plans of such competitive areas to the Central Office of the Commission. When approved, subsequent clearance with the Commission will not be necessary unless (a) a proposed competitive area does not conform to the plan, (b) reorganization has affected the plan, or (c) there has been a change in the facts upon which the plan was originally based.

§ 12.306 *Special rule relating to consolidations and mergers.* Before any reduction in force is made as the result of the transfer of any or all of the functions of one department to another continuing department, all veteran preference employees and all retention group A employees assigned to any such function shall be transferred to such continuing department.

§ 12.307 *Compilation of retention register.* Whenever there is to be a reduction in force there shall first be determined the competitive level or levels to be affected. Each employee whose official position is in such a competitive level shall be considered in competition in his retention group in any reduction in force, whether he is in a duty or leave status, pay or nonpay status, or actually engaged on work in another department, another competitive area, or in another competitive level; excluding only those in the active military service of the United States or in the Merchant Marine.

A retention register shall be compiled for each competitive level in which a reduction in force is to be made, showing the names of all employees in competition by retention groups and subgroups. It shall be arranged in sequence showing subgroup A–1 plus with highest retention preference, followed in order by subgroups A–1, A–2, A–3, A–4, B–1, B–2, B–3, B–4, C–1, C–2, C–3, and C–4. Within each subgroup in retention groups A and B where some but not all employees may be affected by the reduction in force, names shall be arranged in sequence according to retention credits, with higher retention preference accorded to those with a greater number of retention credits. No computations of retention credits are necessary for employees in any retention subgroup which will not be affected by the reduction in force, in any subgroup where all of the employees are to be separated, or in retention group C. For this purpose, the employee records shall be reviewed and brought up to date with respect to length of service, efficiency ratings, and other particulars regarding which changes have occurred since the records were last made current.

This register shall be maintained in the order specified for inspection by employees, and shall at all times be available for inspection by representatives of the Commission.

§ 12.308 *Sequence of selection.* Within each competitive level, action must be taken to eliminate all employees in lower subgroups before a higher subgroup is reached, and within each subgroup of retention groups A and B, action must be taken concerning all employees with a lower number of retention credits before an employee with a higher number of retention credits is reached, except as provided below. Action may be taken at administrative discretion within any subgroup of retention group C. Whenever two or more employees are tied for position in retention group A or B, the ties shall be broken first by considering half-years of service in excess of total years for which retention credits were granted, and then by giving consideration to such matters as official conduct, or established administrative policy.

In unusual situations, an employee performing necessary duties which cannot be taken over by any other available employee with higher retention preference without undue interruption to the activity involved, may be retained, although employees with higher retention preference may be affected. A written statement of the reasons for such exceptions shall be made for inspection by employees adversely affected and for review by representatives of the Commission.

When a reduction in force is necessary only because of a curtailment in funds from which excepted employees are paid, only employees in excepted positions shall be considered in competition for the reduction in force.

Seasonal employees shall be considered in competition only with other seasonal employees in reductions in force.

Employees serving on a when-actually-employed (WAE) basis shall be considered in competition only with other when-actually-employed employees in reductions in force.

No discrimination shall be exercised, threatened or promised in any reduction in force against or in favor of any employee because of race, sex or marital status, or his political or religious opinions or affiliations.

§ 12.309 *Actions.* Employees who cannot be retained in their positions because of a reduction in force shall be separated, except as provided below. Such actions may be effective at different times within 90-day periods, each 90-day period being considered as a separate reduction-in-force program, and may be made effective without the prior approval of the Commission.

(a) *Exceptions; furloughs.* Where the reduction in force is the result of a temporary condition which is not expected to continue for more than one year, employees reached for action may be furloughed. Furloughs may also be used in lieu of separations except that in any reduction in force where any employee is furloughed in lieu of separation, all employees with higher retention preference who have been reached for action shall also be offered furloughs in lieu of separation. The furlough period shall not exceed the unexpired portion of the period of appointment and in no case shall it exceed one year. In the event the vacancies are to be filled in positions of the competitive level and competitive area from which employees have been furloughed, the furloughed employees shall be given opportunity to return to duty before any original appointments are made to such positions. Offers of recall to duty shall be made in the order of retention preference of furloughed employees.

(b) *Exceptions; statutory retention.* Whenever an employee in Subgroup A–1 plus is reached for action in a reduction in force, he shall be placed in some other position of like seniority, status, and pay elsewhere in the department, and, wherever possible, at the same geographical location.

(c) *Exceptions; status employees.* No retention group A employee may be separated or furloughed in a reduction in force from a position subject to the Civil Service Act, if there is another position subject to the Civil Service Act in the department at the same geographical location in any other competitive area or competitive level, which may reasonably be expected to continue for one year or more, not filled by a retention group A employee which he could fill without undue interruption to the activity involved, unless (1) he refuses a reasonable offer of transfer to a position meeting these requirements, including reduction in pay if necessary, or (2) he has reemployment rights to a position in another department.

(d) *Exceptions; veteran preference employees.* No employee in subgroup A–1 may be separated or furloughed in a reduction in force from a position subject to the Civil Service Act if there is another position subject to the Civil Service Act in the department at the same geographical location in any other competitive area or competitive level which may reasonably be expected to continue for one year or more not filled by an employee in subgroup A–1 which he could fill without undue interruption to the activity involved, unless (1) he refuses a reasonable offer of transfer to a position meeting these requirements, including reduction in pay if necessary, or (2) he has reemployment rights in another department.

(e) *Exceptions; war service employees with veteran preference.* No employee in subgroup B–1 may be separated or furloughed in a reduction in force from a position subject to the Civil Service Act if there is another position subject to the Civil Service Act in the department at the same geographical location in any other competitive area or competitive level which may reasonably be expected to continue for one year or more not filled by an employee in retention group A or subgroup B–1 which he could fill without undue interruption to the activity involved, unless (1) he refuses a reasonable offer of transfer to a position meeting these requirements, including reduction in pay if necessary, or (2) he has reemployment rights in another department.

(f) *Actions concerning displaced employees.* Additional actions necessary in connection with employees displaced, as a result of transfers or reassignments under paragraphs (b), (c), (d) and (e) of this section shall be determined on the basis of their retention preference in their respective competitive areas and competitive levels.

§ 12.310 *Notice to employees.* Each employee affected by a reduction in force shall be given an individual notice in writing at least thirty days before the action becomes effective. Where it is not possible to continue the employee in an active-duty status for the period specified in the notice, he shall have the greatest possible notice before he is relieved from active duty and shall thereafter be carried on the rolls for the remainder of the period. If the period of active duty after the notice is given and the period of accrued leave total less than thirty days, the employee shall be carried in a nonpay status for the remainder of the 30-day period. Such notice shall inform the employee of:

(a) The nature and effective date of the action,

(b) The proper office of the organization where he may examine a copy of these regulations and inspect the retention register and records,

(c) His right to appeal the proposed action to the Commission (departmental employees in the Washington area to the Central Office and others to the appropriate regional or branch office) within ten days from the receipt of notice, and

(d) The procedure for exercising any restoration or reemployment rights he may have, and the channels (departmental and field) through which he may apply for other government employment.

§ 12.311 *Reports to the Commission.* As soon as employees are notified of the proposed action, and within the 10-day period allowed for the filing of appeals, a report shall be submitted to the appropriate office of the Commission of each reduction in force program. Such report shall include:

(a) The competitive area and competitive level in which the reduction in force is to be made,

(b) The retention subgroup and credit point above which employees will be retained in each competitive level, the names of any employees below such point who are retained, and the reasons for their retention,

(c) The period in which the reduction in force is to be completed,

(d) The total number of employees separated or furloughed, and

(e) A certification of compliance with the regulations.

§ 12.312 *Special rules on liquidation.* Whenever it has been determined that all functions and all positions in an entire department, an entire governmental entity, or an entire competitive area are to be abolished within a specified time period, actions may be taken in regard to individual employees at different dates at administrative discretion; except that no employee with veteran preference shall be separated before an employee without veteran preference where their positions are immediately interchangeable.

NOTE: A mere limitation of authority to a specified date in the law which establishes, authorizes, or extends an agency is not a sufficient basis for the application of the provisions of this section.

In such cases, the employees of the particular department, entity, or competitive area shall be given individual notices in writing containing a statement of the law, Executive order, or authority which requires the liquidation of the department, governmental entity, or competitive area, and the time period in which the liquidation is to be accomplished, and informing them of their rights to appeal to the Commission if they feel that there has not been compliance with the provisions of §§ 12.301 to 12.314, inclusive. The notices shall also inform employees of their rights to retention on the rolls for at least thirty days, of the procedures necessary to exercise any reemployment rights they may have to positions in other departments, governmental entities, or competitive areas, and of the procedures necessary to secure other employment.

A report of all liquidation programs shall be made to the Commission which shall include (a) a copy of the law, Executive order, or other authority for the liquidation of the department, governmental entity, or competitive area; (b) a certificate that no employee with veteran preference is being separated in advance of any employee without veteran preference where their positions are immediately interchangeable; and (c) a list of all retention group A employees with classified (competitive) civil service status who have not been transferred or assigned to other positions. This report shall be submitted within ten days after the first individual notices of separation are given to the employees affected.

Where it is necessary to liquidate a major activity which is not an entire competitive area, or which is a part of two or more competitive areas, the Commission will consider a request to establish such activity as a competitive area for the purpose of such liquidation.

§ 12.313 *Appeals.* Any employee who feels that there has been a violation of his rights under §§ 12.301 to 12.314, inclusive, may appeal to the appropriate office of the Commission within ten days from the date he received his notice of the action to be taken. This time limit may be extended only upon a showing by the employee that circumstances beyond his control prevented him from filing his appeal within the prescribed ten days. In order that employees may be informed of the facts on which action is based they shall have the right to examine a copy of §§ 12.301 to 12.314, inclusive, and to inspect the retention register and records on which their names appear, including statements of reasons for passing over employees with lower standing on the retention list. Such appeal should set forth whether the protest against action is based on an error in the records, violation of the rules of selection, restriction of competitive area or competitive level, or denial of right to examine regulations, retention register and records.

§ 12.314 *Actions disapproved by the Commission.* Whenever the Commission, as the result of a decision on the appeal of an employee, disapproves the action taken under §§ 12.301 to 12.314, inclusive, the head of the department or governmental entity shall restore the employee to active duty.

With respect to reductions in force outside the Washington, D. C., area, the decision of the Commission's regional director is the decision of the Commission on appeals.

Effective date. This revision is effective with respect to all reductions in force in which notices to employees are issued on and after November 1, 1945.

NOTE: *Miscellaneous information; Commission points of contact.* Inquiries and correspondence concerning these regulations or standard plans of competitive areas, and reports and appeals concerning reduction-in-force and liquidation programs in the departmental service in the vicinity of Washington, D. C., shall be addressed to the Civil Service Commission, Washington 25, D. C. for the attention of the Efficiency Ratings Administration Section, Personnel Classification Division, Room 801, Victor Building, 724 9th Street, N. W. (telephone extension 3166).

Inquiries, correspondence, reports and appeals concerning reduction-in-force and liquidation programs in the field service or in the departmental service outside the Washington, D. C., area except matters involving an established plan of competitive areas for the department or governmental entity, shall be addressed to the appropriate regional or branch office of the Commission.

By the United States Civil Service Commission.

[SEAL] LUCILLE FOSTER MCMILLIN,
Acting President.

September 25, 1945.

[F. R. Doc. 45-18068; Filed, Sept. 27, 1945; 11:10 a. m.]

TITLE 7—AGRICULTURE

Chapter XI—Production and Marketing Administration (War Food Distribution Orders)

[WFO 53, Termination]

PART 1460—FATS AND OILS

TERMINATION OF RESTRICTIONS ON USE AND DISTRIBUTION OF ANIMAL OIL, NEAT'S-FOOT OIL, AND RED OIL

War Food Order No. 53, as amended (10 F.R. 5493), is hereby terminated.

This order shall become effective at 12:01 a. m., e. w. t., October 1, 1945. With respect to violations, rights accrued, liabilities incurred, or appeals taken, prior to said date, under War Food Order No. 53, as amended, all provisions of said order shall be deemed to remain in full force for the purpose of sustaining any proper suit, action, or other proceeding with respect to any such violation, right, liability, or appeal.

(E.O. 9280, 7 F.R. 10179; E.O. 9577, 10 F.R. 8087)

Issued this 25th day of September 1945.

[SEAL] CLINTON P. ANDERSON,
Secretary of Agriculture.

[F. R. Doc. 45-17965; Filed, Sept. 26, 1945; 3:36 p. m.]

[WFO 87, Termination]

PART 1460—FATS AND OILS

FATTY ACID INVENTORIES

War Food Order No. 87, as amended (10 F.R. 3667, 10419), is hereby terminated.

This order shall become effective at 12:01 a. m., e. w. t., October 1, 1945. With respect to violations, rights accrued, liabilities incurred, or appeals taken, prior to said date, under War Food Order No. 87, as amended, all provisions of said order shall be deemed to remain in full force for the purpose of sustaining any proper suit, action, or other proceeding with respect to any such violation, right, liability, or appeal.

(E.O. 9280, 7 F.R. 10179; E.O. 9577, 10 F.R. 8087)

Issued this 25th day of September 1945.

[SEAL] CLINTON P. ANDERSON,
Secretary of Agriculture.

[F. R. Doc. 45-17964; Filed, Sept. 26, 1945; 3:36 p. m.]

[WFO 129, Termination]

PART 1460—FATS AND OILS

STEARIC ACID

War Food Order No. 129, as amended (10 F.R. 3603, 5713), is hereby terminated.

This order shall become effective at 12:01 a. m., e. w. t., October 1, 1945. With respect to violations, rights accrued, liabilities incurred, or appeals taken, prior to said date, under War Food Order No. 129, as amended, all provisions of said order shall be deemed to remain in full force for the purpose of sustaining any proper suit, action, or other proceeding with respect to any such violation, right, liability, or appeal.

(E.O. 9280, 7 F.R. 10179; E.O. 9577, 10 F.R. 8087)

Issued this 25th day of September 1945.

[SEAL] CLINTON P. ANDERSON,
Secretary of Agriculture.

[F. R. Doc. 45-17962; Filed, Sept. 26, 1945; 3:36 p. m.]

[WFO 136, Termination]

PART 1460—FATS AND OILS

TALL OIL

War Food Order No. 136 (10 F.R. 7961) is hereby terminated.

This order shall become effective at 12:01 a. m., e. w. t., October 1, 1945. With respect to violations, rights accrued, liabilities incurred, or appeals taken, prior to said date, under War Food Order No. 136, as amended, all provisions of said order shall be deemed to remain in full force for the purpose of sustaining any proper suit, action, or other proceeding with respect to any such violation, right, liability, or appeal.

(E.O. 9280, 7 F.R. 10179; E.O. 9577, 10 F.R. 8087)

Issued this 25th day of September 1945.

[SEAL] CLINTON P. ANDERSON,
Secretary of Agriculture.

[F. R. Doc. 45-17963; Filed, Sept. 26, 1945; 3:36 p. m.]

[WFO 137, Termination]

PART 1460—FATS AND OILS

CASTOR OIL

War Food Order No. 137, as amended (10 F.R. 7963, 10419), is hereby terminated.

This order shall become effective at 12:01 a. m., e. w. t., October 1, 1945. With respect to violations, rights accrued, liabilities incurred, or appeals taken, prior to said date, under War Food Order No. 137, as amended, all provisions of said order shall be deemed to remain in full force for the purpose of sustaining any proper suit, action, or other proceeding with respect to any such violation, right, liability, or appeal.

(E.O. 9280, 7 F.R. 10179; E.O. 9577, 10 F.R. 8087)

Issued this 25th day of September 1945.

[SEAL] CLINTON P. ANDERSON,
Secretary of Agriculture.

[F. R. Doc. 45-17961; Filed, Sept. 26, 1945; 3:36 p. m.]

TITLE 8—ALIENS AND NATIONALITY

Chapter II—Office of Alien Property Custodian

[G. O. 11, Reg. 7]

PART 503—GENERAL ORDERS

LICENSING CERTAIN TRANSACTIONS INVOLVING PATENTS AND TRADEMARKS

§ 503.11-7 *Licensing certain transactions involving patents and trademarks.* (a) A general license is hereby granted authorizing the following transactions:

(1) The filing in the United States Patent Office of applications for Letters Patent and for Trademark Registration, and the prosecution in the United States Patent Office of applications for Letters Patent and for Trademark Registration, and the receipt of Letters Patent or Trademark Registration certificates granted pursuant to any such application, for and on behalf of individuals resident in, or firms or corporations having their principal place of business in, Italy. *Provided:*

(i) That if the person filing or prosecuting any such application or acting as attorney or agent in connection therewith has any knowledge, information or belief concerning any instrument, agreement or understanding affecting title to, or granting any interest in, including licenses under, any such application, he may record under the provisions of paragraph (a) (2) hereof, the instrument, agreement or unerstanding, if it is in his possession or control and recordable, or, if he has such knowledge, information or belief and does not record the instrument, agreement or understanding, he shall, at the time of filing the application or the first paper filed therein in the United States Patent Office after the date of this amended section (unless a report on Form APC-13P or APC-13T has previously been filed with respect to such application), file directly with the Alien Property Custodian a report on Form APC-13P for patents or Form APC-13T for trademarks, setting forth under oath the information called for therein, except that such report need not be executed under oath in cases where the person reporting is an attorney or agent registered in the United States Patent Office, if such attorney or agent certifies that the statements made therein are true and complete to the best of his knowledge and belief;

(ii) That the person filing or prosecuting any such application shall notify the Patent Office in writing that the application is being filed and prosecuted pursuant to this section;

(iii) That any such application, or the blueprints, drawings, sketches or other information upon which any such application is based, was received in the United States after the date upon which this section is published in the FEDERAL REGISTER; and

(iv) That such filing, prosecution or receipt involves no communication, direct or indirect, with enemy nationals not residents of Italy: *And provided, further,*

(v) That nothing contained herein shall relieve any person executing any instrument under the authorization of paragraph (a) (2) of this section from the requirement of recording such instrument set forth in paragraph (a) (2) (i).

(2) The execution of any instrument recordable in the United States Patent Office, and the recording of such instrument in the United States Patent Office, if such instrument affects title to or grants any interest in, including licenses under, (a) any United States Letters Patent or Trademark Registration issued as a result of applications filed pursuant to (a) (1) above or; (b) under any applications filed pursuant to (a) (1) above; *Provided:*

(i) That such instrument be recorded in the United States Patent Office within ninety days of the date of execution thereof or within such further time as may be allowed by the Alien Property Custodian;

(ii) That the person presenting such instrument for recording shall attach thereto and record in the United States Patent Office therewith a copy of Form APC-15, and shall file therewith in the United States Patent Office a report on Form APC-14P for patents or APC-14T for trademarks, setting forth under oath the information called for therein;

(iii) That the transaction involves neither trade or communication with an enemy national other than residents of Italy, nor is carried out as the result of such trade or communication; and

(iv) That such instrument may be set aside by the Alien Property Custodian upon notice mailed to the person recording the instrument at the address given on the form filed with the instrument, and the patents, trade-marks, applications, or rights thereunder so transferred may be vested by the Alien Property Custodian at any time within a period of three years from the date of recording, except that the Alien Property Custodian may in his discretion reduce such period of time with respect to any such instrument after the recording thereof.

(b) Applications, Letters Patent and Trademark Registrations, filed or prosecuted under paragraph (a) (1) of this section will be subject to the power of the Alien Property Custodian to take such action as he deems necessary in the national interest, including, but not limited to, the power to direct, manage, supervise, control or vest, with respect thereto.

(c) This section does not authorize:

(1) Any transactions not specifically enumerated herein, such transactions being permitted only upon specific authorization from the Alien Property Custodian; or

(2) The receipt of any funds or credits with respect to the transactions licensed herein except as such receipt may be permitted by the Treasury Department; or

(3) The payment of any funds or credits to any party to an instrument executed or recorded hereunder with respect to the property affected by such instrument, except nominal consideration not exceeding One Dollar, as long as such instrument is subject to being set aside in accordance with the conditions of paragraph (a) (2) (iv) hereof, except into a special account from which withdrawals can be made only upon the approval of the Alien Property Custodian.

(d) Attention is directed to Treasury General License No. 72, as amended.

(e) Nothing contained in this section shall be deemed to limit the authority of the Office of Censorship to cause to be censored in its absolute discretion, any communications by mail, cable, radio, or other means of transmission, passing between the United States and any foreign country.

(f) No extension of time granted under this section will affect in any respect the provisions of R. S. 4898 (U.S.C., title 35, sec. 47) relating to the recording of assignments of patents in the United States Patent Office; or of Sec. 10 of the Act of February 20, 1905, as amended (U.S.C., title 15, sec. 90) relating to the recording of assignments of trademarks.

(g) The terms "enemy national" and "trade or communication with an enemy national" shall have the meanings defined in Treasury General Ruling No. 11 under Executive Order No. 8389, as amended.

Executed at Washington, D. C., on September 24, 1945.

[SEAL] JAMES E. MARKHAM,
Alien Property Custodian.

[F. R. Doc. 45-18055; Filed, Sept. 27, 1945; 11:38 a. m.]

[G. O. 12, Reg. 1]

PART 503—GENERAL ORDERS

EXEMPTION OF PATENT APPLICATIONS OF CERTAIN CONSIGNORS OR INVENTORS FROM REQUIREMENTS

§ 503.12-1 *Exempting patent applications of certain consignors or inventors from requirements of § 503.12.* Any application for United States Letters Patent or Trade-mark Registration or any model, blueprint, drawing, sketch, correspondence, memorandum of invention, report or other written information for the purpose of preparing an application for United States Letters Patent, if received by a person within the United States from an invention and consignor within Italy, is hereby exempted from the requirement of paragraph (b) of § 503.12 provided such application is filed in the United States Patent Office pursuant to § 503.11-7.

Executed at Washington, D. C., on September 24, 1945.

[SEAL] JAMES E. MARKHAM,
Alien Property Custodian.

[F. R. Doc. 45-18056; Filed, Sept. 27, 1945; 11:38 a. m.]

TITLE 10—ARMY: WAR DEPARTMENT

Chapter III—Claims and Accounts

PART 306—CLAIMS AGAINST THE UNITED STATES

MISCELLANEOUS AMENDMENTS

The following amendments and additions to the regulations contained in Part 306 are hereby prescribed:

1. Sections 306.1 and 306.2 are rescinded and the following substituted in lieu thereof:

§ 306.1 *Definition.* The word "claims" as used in these regulations refers to those demands for payment submitted by individuals, partnerships, associations, or corporations, including countries, and states, territories, and other political subdivisions of such countries, but excluding the Federal Government of the United States and its instrumentalities, other than such demands for payment as arise under ordinary obligations incurred by the War Department or the Army in the procurement of services or supplies. As to claims in favor of the United States, see §§ 307.3 to 307.5 inclusive.

§ 306.2 *Government immunity.* Congress has adhered generally to the principle that except as the claim arises under a contract, or not being under a contract is within the classes of cases hereinafter enumerated, no person may have a legally enforceable claim against the United States for property damage or personal injury arising out of activities of the War Department or of the Army. Accordingly, in other cases it is necessary for a claimant who seeks relief to ask Congress to grant him compensation as an act of grace.

2. Section 306.4 is amended by changing the first portion of paragraph (a) and adding a new paragraph designated (d). The section amended reads as follows:

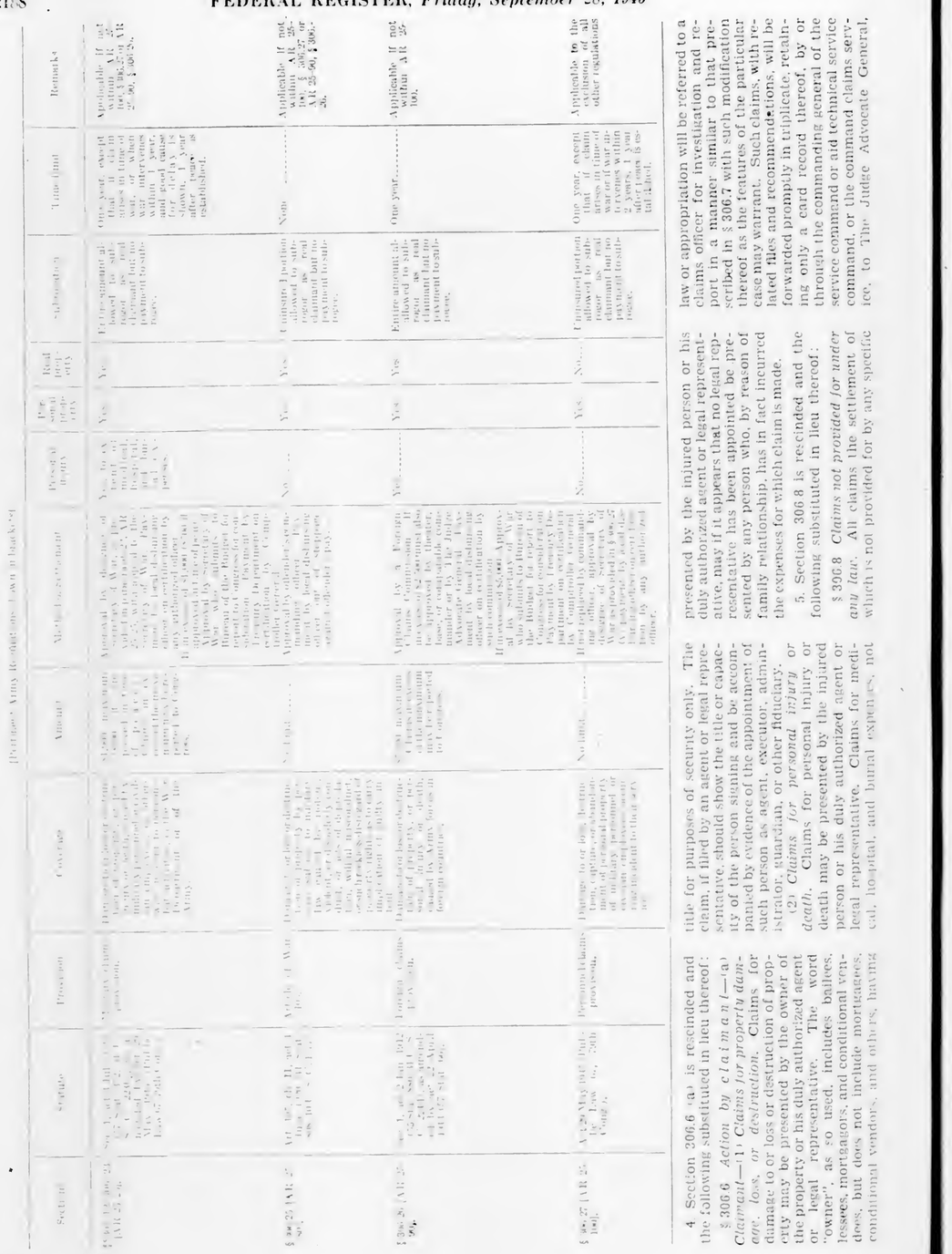
§ 306.4 *Statutory authority of the War Department and the Army.* * * *

(a) *Claims for damage to or loss or destruction of property, or for personal injury or death, caused by military personnel or civilian employees, or otherwise incident to noncombat activities, of the War Department or of the Army.* The act of July 3, 1943 (57 Stat. 372; 31 U.S.C. 223b), as amended by the act of May 29, 1945 (Public Law 67-79th Cong.) * * *

(d) *Claims of military personnel and civilian employees for property damaged, lost, destroyed, captured, or abandoned in the service.* The act of May 29, 1945 (Public Law 67-79th Cong.; sec. III, WD Bul. 9, 1945) provides for the payment of claims, arising on or after December 7, 1939, of military personnel and of civilian employees of the War Department or of the Army for damage to or loss, destruction, capture, or abandonment of personal property occurring incident to their service.

3. Section 306.5 is rescinded and the following substituted in lieu thereof:

§ 306.5 *Application of regulations.* The following chart will govern in determining which sections in this part have application to any claim:



Section	Subject matter	Statute	Procedure	Coverage	Amount	Time limit	Subrogation	Real property	Personal property	Remarks
§ 306.25 (AR 25-60)	Medical, hospital, and burial expenses of active service personnel.	Act May 13, 1943, Pub. Law 78, 78th Cong.	Payment on certification by commanding officer, approval by Secretary of War or his designee, and settlement by Treasury Department.	Expenses for medical, hospital, and burial services furnished by civilian agencies or persons.	Not to exceed $250 for any one person.	One year, except that if claim arises in time of war, or when war intervenes within 1 year, for 1 year after peace established.	None	No	Yes	Applicable if not within § 306.27 or AR 25-60, § 306.26.
§ 306.26 (AR 25-60)	Optional life insurance of Public Health Service officers.	Act July 1, 1944, 58 Stat. 690, 42 U.S.C. 213.	Payment on certification by Surgeon General of Public Health Service.	Insurance for officers of Public Health Service.	Not to exceed $10,000.	One year.	Entire amount allowed to claimant less any payment to subrogee.	Yes	Yes	Applicable if not within AR 25-60.
§ 306.27 (AR 25-60)	Damage to or loss, destruction, theft, or abandonment of personal property of military personnel or civilian employees of executive departments incident to their service.	Act May 1943, Pub. Law 78, 78th Cong.	Payment on certification by commanding officer, approval by Secretary of War or his designee, and settlement by Treasury Department.	Damage to or loss, destruction, theft, or abandonment of personal property.	Not to exceed $1,000 provisional.	One year, except that if claim arises in time of war, or when war intervenes within 1 year, for 1 year after peace established.	Insured portion allowed to subrogee and remainder to claimant less any payment to subrogee.	No	Yes	Applicable to the exclusion of all other regulations.

4. Section 306.6 (a) is rescinded and the following substituted in lieu thereof:

§ 306.6 *Action by claimant.*—(a) *Claimant.*—(1) *Claims for property damage, loss, or destruction.* Claims for damage to or loss or destruction of property may be presented by the owner of the property or his duly authorized agent or legal representative. The word "owner", as so used, includes bailees, lessees, mortgagors, and conditional vendees, but does not include mortgagees, conditional vendors, and others, having title for purposes of security only. The claim, if filed by an agent or legal representative, should show the title or capacity of the person signing and be accompanied by evidence of the appointment of such person as agent, executor, administrator, guardian, or other fiduciary.

(2) *Claims for personal injury or death.* Claims for personal injury or death may be presented by the injured person or his duly authorized agent or legal representative. If it appears that no legal representative has been appointed be presented by any person who, by reason of family relationship, has in fact incurred the expenses for which claim is made.

5. Section 306.8 is rescinded and the following substituted in lieu thereof:

§ 306.8 *Claims not provided for under any law.* All claims the settlement of which is not provided for by any specific law or appropriation will be referred to a claims officer for investigation and report in a manner similar to that prescribed in § 306.7 with such modification thereof as the features of the particular case may warrant. Such claims, with related files and recommendations, will be forwarded promptly in triplicate, retaining only a card record thereof, by or through the commanding general of the service command or aid technical service command, or the command claims service, to The Judge Advocate General, Washington 25, D. C., for appropriate administrative action. (R.S. 161; 5 U.S.C. 22 [AR 25-20, May 29, 1945].)

[SEAL] EDWARD F. WITSELL,
Major General,
Acting The Adjutant General.

[F. R. Doc. 45-17957; Filed, Sept. 26, 1945; 2:31 p. m.]

TITLE 26—INTERNAL REVENUE

Chapter I—Bureau of Internal Revenue

Subchapter A—Income and Excess Profits Taxes

[T. D. 5480]

PART 29—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1941

RETURN OF INFORMATION AS TO PAYMENTS TO EMPLOYEES

Section 29.147-2 of Regulations 111 (26 CFR, Cum. Supp., Part 29), as amended by Treasury Decision 5313, approved December 21, 1943, is further amended to read as follows:

§ 29.147-2 *Return of information as to payments to employees.* The names of all employees to whom payments of $500 or more are made in any calendar year, whether such total sum is made up of wages, salaries, annuities, commissions, or compensation in any other form, must be reported. In the case of any such payments of $500 or more made during the calendar year 1945 or a subsequent calendar year, if a portion thereof constitutes wages subject to withholding under section 1622 and such portion is reported on Form W-2, the remainder of such payments must be reported on Form 1099. For example, if such payments made to an employee by his employer in 1945 amount to $600 and $400 thereof represent wages subject to withholding under section 1622, and the remaining $200 represent compensation not subject to withholding, for instance, advances or reimbursements for traveling or other expenses, or insurance premiums which in accordance with § 29.165-6 are income to the employee for the year in which the insurance is purchased, the $400 must be reported on Form W-2 and the $200 must be reported on Form 1099. Heads of branch offices and subcontractors employing labor, who keep the only complete record of payments therefor, should file returns of information in regard to such payments with the Commissioner of Internal Revenue, Processing Division, 260 East 161st Street, New York 51, N. Y. When both main office and branch office have adequate records, the return should be filed by the main office.

For years prior to 1945, amounts distributed or made available under an employees' trust governed by the provisions of section 165 to any beneficiary, in excess of the sum of his personal exemption and the amounts paid into the fund by him, must be reported by the trustee. For the calendar year 1945 and subsequent calendar years amounts distributed or made available under an employees' trust governed by the provisions of section 165, or under an annuity plan to which § 29.22 (b) (2)-5 relates, to a beneficiary shall be reported to the extent such amounts are includible in the gross income of such beneficiary where the amounts so includible are $500 or more.

In the case of payments made by the United States to persons in its service (civil, military, or naval) of wages, salaries, or compensation in any other form, the returns of information shall be made by the heads of the executive departments and other United States Government establishments.

For cases where no returns of information are required, see § 29.147-3. (See also § 29.22 (a)-3.)

(Secs. 62 and 147, Internal Revenue Code (53 Stat. 32, 64; 56 Stat. 828; 26 U.S.C. 62, 147))

[SEAL] W. T. SHERWOOD,
Acting Commissioner of Internal Revenue.

Approved: September 26, 1945.

JOSEPH J. O'CONNELL, JR.,
Acting Secretary of the Treasury.

[F. R. Doc. 45-17972; Filed, Sept. 26, 1945; 4:35 p. m.]

TITLE 28—JUDICIAL ADMINISTRATION

Chapter I—Department of Justice

PART 30—TRAVEL AND OTHER CONDUCT OF ALIENS OF ENEMY NATIONALITIES

REMOVAL OF ALIEN ENEMIES FROM U. S.

Sec.
30.71 Removal from the United States of alien enemies.
30.72 Order of the Attorney General.
30.73 Service of removal order on alien enemy.
30.74 Thirty-day period for voluntary departure.
30.75 Involuntary removal from the United States.

AUTHORITY: §§ 30.71 to 30.75, inclusive, issued under R. S. 4067; 50 U.S.C. 21.

§ 30.71 *Removal from the United States of alien enemies.* The Proclamation of the President of the United States, No. 2655 (10 F.R. 8947), dated July 14, 1945, provides in part:

All alien enemies • • • interned within • • • the United States • • • who shall be deemed by the Attorney General to be dangerous to the public peace and safety of the United States because they have adhered to the aforesaid enemy governments or to the principles of government thereof shall be subject upon the order of the Attorney General to removal from the United States and may be required to depart therefrom in accordance with such regulations as the Attorney General may prescribe.

§ 30.72 *Order of the Attorney General.* When a determination has been made by the Attorney General that an interned alien enemy is deemed to be dangerous to the public peace and safety of the United States because he has adhered to an enemy government or to the principles of government thereof, an order will be signed by the Attorney General directing that the said alien enemy depart from the United States within thirty (30) days after notification of the order and that, if he fails or neglects so to depart, the Commissioner of Immigration and Naturalization is to provide for the alien enemy's removal to the territory of the country of which he is a native, citizen, denizen or subject.

§ 30.73 *Service of removal order on alien enemy.* A copy of the Attorney General's order of removal will be delivered to the alien enemy at the place where he is interned.

§ 30.74 *Thirty-day period for voluntary departure.* An alien enemy who is the subject of a removal order shall have thirty (30) days after receiving notification of the removal order to depart from the United States. Unless the public safety otherwise requires, the Commissioner of Immigration and Naturalization is authorized to release such alien enemy from internment under appropriate parole safeguards in order that the alien enemy may settle his personal and business affairs, provide for the recovery, disposal, and removal of his goods and effects, and make arrangements to depart from the United States.

§ 30.75 *Involuntary removal from the United States.* In the event that an alien enemy, who is the subject of a removal order, fails or neglects to depart from the United States within the above-mentioned thirty-day period, the Commissioner of Immigration and Naturalization will take the alien enemy into custody and will provide for his removal to the territory of the country of which he is a native, citizen, denizen or subject, as soon as transportation is available.

Approved: September 26, 1945.

TOM C. CLARK,
Attorney General.

[F. R. Doc. 45-18005; Filed, Sept. 27, 1945; 10:11 a. m.]

TITLE 29—LABOR

Chapter IX—Department of Agriculture (Agricultural Labor)

[Supp. 83]

PART 1119—SALARIES AND WAGES OF AGRICULTURAL LABOR IN THE STATE OF ARKANSAS

WORKERS ENGAGED IN HARVESTING COTTON IN CERTAIN ARKANSAS COUNTIES

§ 1119.1 *Workers engaged in harvesting American Upland cotton in Clay, Greene, Craighead, Mississippi, Poinsett, Cross, Crittenden, St. Francis, Lee, Phillips, Monroe, Prairie, Lonoke, Pulaski, Jefferson, Arkansas, Lincoln, Desha, Drew, Ashley, and Chicot Counties, State of Arkansas.* Pursuant to § 4001.7 of the regulations of the Economic Stabilization Director relating to salaries and wages issued August 28, 1943, as amended (8 F.R. 11960, 12139, 16702; 9 F.R. 6035, 14547; 10 F.R. 9478, 9628) and to the regulations of the War Food Administrator issued March 23, 1945 (10 F.R. 3177) entitled "Specific Wage Ceiling Regulations" and based upon a certification of the Arkansas USDA Wage Board that a majority of the producers of American Upland cotton in the area affected participating in hearings conducted for such purpose have requested the intervention

of the Secretary of Agriculture, and based upon relevant facts submitted by the Arkansas USDA Wage Board and obtained from other sources, it is hereby determined that:

(a) *Areas, crops and classes of workers.* Persons engaged in harvesting American Upland cotton in Clay, Greene, Craighead, Mississippi, Poinsett, Cross, Crittenden, St. Francis, Lee, Phillips, Monroe, Prairie, Lonoke, Pulaski, Jefferson, Arkansas, Lincoln, Desha, Drew, Ashley, and Chicot Counties, State of Arkansas, are agricultural labor as defined in § 4001.1 (i) of the regulations of the Economic Stabilization Director issued on August 28, 1943, as amended (8 F.R. 11660, 12139, 16702; 9 F.R. 6035, 14547; 10 F.R. 9478, 9628).

(b) *Maximum wage rates for harvesting American Upland cotton.* (1) Maximum wages for picking American Upland cotton—$2.05 per 100 pounds of well picked clean seed cotton.

(2) Maximum wages for pulling or snapping American Upland cotton—$1.15 per 100 pounds of seed cotton.

(c) *Administration.* The Arkansas USDA Wage Board, the address of which is Post Office Box 2781, Little Rock, Arkansas, will have charge of the administration of this section in accordance with the provisions of the specific wage ceiling regulations issued by the War Food Administrator on March 23, 1945 (10 F.R. 3177).

(d) *Applicability of specific wage ceiling regulations.* This section shall be deemed to be a part of the specific wage ceiling regulations issued by the War Food Administrator on March 23, 1945 (10 F.R. 3177) and the provisions of such regulations shall be applicable to this section and any violation of this section shall constitute a violation of such specific wage ceiling regulations.

(e) *Termination date.* This section shall expire at 11:59 p. m., Central war time June 30, 1946: *Provided, however,* That the provisions of this section, after that time, shall continue to remain in full force and effect for the purpose of allowing or sustaining any suit, action, prosecution, or administrative or other proceeding theretofore or thereafter commenced with respect to any violation committed or right or liability accruing under or pursuant to the terms of the provisions of this section.

Effective date. This section shall become effective at 12:01 a. m., Central war time, September 26, 1945.

(56 Stat. 765 (1942), 50 U.S.C. App. 961 et seq., (Supp. IV); 57 Stat. 63 (1943); 50 U.S.C. 964 (Supp. IV); 58 Stat. 632 (1944); Pub. Law 108, 79th Cong., E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681; E.O. 9577, 10 F.R. 8087; regulations of the Economic Stabilization Director, 8 F.R. 11960, 12139, 16702, 9 F.R. 6035, 14547, 10 F.R. 9478, 9628; regulations of the War Food Administrator, 9 F.R. 655, 12117, 12611, 10 F.R. 7609, 9581; 9 F.R. 831, 12807, 14206, 10 F.R. 3177)

Issued this 26th day of September 1945.

[SEAL] WILSON R. BUIE,
Director of Labor,
U. S. Department of Agriculture.

[F. R. Doc. 45-18009; Filed, Sept. 27, 1945; 11:10 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter IX—War Production Board

AUTHORITY: Regulations in this chapter unless otherwise noted at the end of documents affected, issued under sec. 2 (a), 54 Stat. 676, as amended by 55 Stat. 236, 56 Stat. 177, 58 Stat. 827; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; E.O. 9599, 10 F.R. 10155; W.P.B. Reg. 1 as amended Dec. 31, 1943, 9 F.R. 64.

PART 903—DELEGATIONS OF AUTHORITY

[Directive 24, as Amended Sept. 26, 1945]

AUTHORITY OF NATIONAL HOUSING AGENCY FOR HOUSING CONSTRUCTION

§ 903.36 *Directive 24.* The National Housing Agency is hereby authorized for housing projects, except housing projects of the types listed on Schedule A, to take the following types of action, subject to conditions and limits established by the War Production Board through the issuance of program determinations or otherwise:

(a) Approve under Limited Preference Order P-55-c applications on Form WPB-2896 for housing construction of the types described in Schedule B. This approval constitutes War Production Board authorization under Conservation Order L-41.

(b) Approve construction of the types described in Schedule B by any Federal Agency under the jurisdiction of the National Housing Agency without requiring the filing of Form WPB-2896. This approval constitutes War Production Board authorization under Conservation Order L-41.

(c) [Deleted Sept. 26, 1945.]

(d) [Deleted Sept. 26, 1945.]

(e) [Deleted Sept. 26, 1945.]

(f) [Deleted Sept. 26, 1945.]

(g) Grant requests to amend the provisions of applications approved under paragraph (a) above and requests to amend orders in the P-55 series and the related provisions of applications for war housing covered by them in the following respects in the form and subject to criteria approved by the Construction Bureau of the War Production Board:

(1) The number of dwelling units covered by the application;

(2) The location of the housing project;

(3) The time for beginning or completing construction of the project.

(4) Permission to a successor builder or owner who has applied for permission to complete construction and to avail himself of the authorization previously issued to the original builder or owner;

(5) Changes in the promises, certifications, and agreements, made by the builder or owner on Form WPB-2896 (PD-105) or other application forms used instead, in cases where the changes are covered by Preference Rating Order P-55-a. If the requested change involves rental or sale when such disposition or use of the dwelling unit was not authorized under the project application (for example, if the request is to rent the unit rather than sell or occupy it, as originally authorized, a rental or sales price may be initially established by the National Housing Agency as though the rental or sales price were included in the project application). However, this does not apply to cases where the unit is to be transferred to another person who will sell or rent it in accordance with the original authorization.

If the requested change relates to an increase of rental or sales price, the National Housing Agency may grant the request only under the following conditions:

(i) No increase in rental may be approved after initial tenant occupancy with respect to any dwelling unit located in an area subject to the rent regulations of the Office of Price Administration unless the increase is requested because of increased costs of construction and the written request for increase is filed before initial tenant occupancy of the unit; however, a request for increase of rental may be granted before initial tenant occupancy subject to the provisions of sub-paragraph (ii) below.

(ii) No increase in rental before initial tenant occupancy or sales price shall be approved except on an appropriately supported statement of the applicant for the project or his legal successor that he will provide tenant services in addition to those included in the original application, or that he has incurred, or will incur, costs in the construction over which he had or has no control or in the operation of such housing in excess of the costs estimated originally in connection with such housing, and the increase must not exceed the following:

(*a*) If an increase in rental is requested because of increased construction cost, the ratio of the increase in shelter rental to the cost increase shall not exceed the ratio of the previously approved shelter rental to the original estimated cost of construction.

(*b*) If an increase in rental is requested because of increased operating cost or additional services, the increased rental shall not exceed the increase in estimated operating cost or in tenant services.

(*c*) If an increase in sales price is requested because of increased construction cost, the increase in sales price shall not exceed the increase in estimated construction cost."

Issued this 26th day of September 1945

WAR PRODUCTION BOARD,
By LINCOLN GORDON,
Program Vice Chairman.

SCHEDULE A

The following types of residential construction are not covered by Directive 24:

a. Farm housing and mobile farm labor camps.

b. Housing being built directly by or under the direct management of the Military Services.

c. Hotels and similar establishments of more than 10 rooms providing housing primarily for transients.

d. Institutional Housing—Dormitories and other housing owned and operated by and as an integral part of an institution such as a school, college, university, hospital or welfare establishment, primarily for occupancy by the personnel of the institution (whether or not rented to the personnel).

e. Mobile housing units (trailers).

f. Residential construction built on or near a "lease" (land where petroleum resources are being explored, developed or depleted) or on an oil pipe line in a remote area, either by an oil company or pipe line company for its employees or by the employees for their own occupancy.

g. Housing built and owned by a person or organization supplying electric power, gas or water (other than water exclusively for irrigation) for general use by the public, when the housing consists of not more than 10 dwelling units and is accessory to and an integral part of a project undertaken primarily for the construction of an isolated plant addition such as a gas compressor station or a hydroelectric plant.

h. The alteration, betterment, repair or replacement (but not the initial construction and equipping, which is provided for under paragraph a (3) of Schedule B below) of structure, facilities, equipment or fixtures which is intended primarily for a commercial establishment located in a dwelling structure.

SCHEDULE B

The following construction and remodeling are covered by Directive 24 (note that paragraph (e) (2) of L-41 as amended September 7, 1945, exempts certain alterations from the restrictions of that order):

a. Dwelling structures (including partially or completely prefabricated structures):

(1) Single family and multi-family residential structures including apartment hotels, except hotels as defined in Schedule A.

(2) Dormitories, rooming houses and similar dwelling accommodations.

(3) Structures which include commercial establishments such as stores, restaurants, offices, where more than 50 per cent of the floor area of each structure provides dwelling accommodations, not including alterations, betterments, repairs or replacements described in paragraph (h) of Schedule A above.

(4) Remodeling or conversion of any building for the sole purpose of providing living accommodations.

b. Dwelling Facilities: All separate buildings and structures which are appurtenant and accessory to dwellings such as private garages, sheds, management offices, project maintenance and repair shops, private recreation facilities, garden structures. This does not include separate buildings which are required for business purposes other than the maintenance or operation of the residential project.

c. [Deleted Sept. 26, 1945.]

d. Utility Facilities—Sanitation facilities and facilities supplying electric power, gas, water and central steam heating which are an integral part of the housing project and are not owned by a person or organization supplying the services to the general public.

e. Roads and Other Land Improvements: All improvements which are accessory to and an integral part of a housing project, such as roads, driveways, walks, parking areas, terraces, retaining walls, fences, and private outdoor recreation facilities. Off-site access roads are not included.

f. Trailer Sites and Facilities, but not the construction of trailers (See Paragraph (c) of Schedule A).

g. Commercial Establishments: Land improvements, structures, facilities or fixed equipment for commercial establishments such as stores, restaurants, offices, theaters, and for public community buildings, only to the extent that such establishments are:

(1) An integral part of a project which is undertaken primarily for the purpose of construction, alteration or betterment of dwelling accommodations, and

(2) Specified in the application form WPB-2896, and

(3) Necessary for the utilization of the dwelling accommodations upon completion of the construction project.

This paragraph does not include alterations, betterments, repairs or replacements described in paragraph (h) of Schedule A above.

[F. R. Doc. 45 18001; Filed, Sept. 26, 1945; 4:51 p. m.]

PART 903—DELEGATIONS OF AUTHORITY

[Directive 24 Interpretation 1 as Amended Sept. 26, 1945]

HOUSING CONSTRUCTION COVERED BY THE SCHEDULES TO DIRECTIVE 24

The following amended interpretation is issued with respect to Directive 24:

Directive 24 describes the kind of action which the National Housing Agency and its constituent operating agencies (Federal Housing Administration, Federal Public Housing Authority, and Home Owners' Loan Corporation) can take with respect to housing construction. Schedules A and B to Directive 24 set forth what is meant by housing construction for this purpose. If the construction is covered by Directive 24, persons (other than government units) who want permission to build should make application to the Federal Housing Administration on Form WPB-2896. Local public housing authorities apply on Form WPB-2896 to the FPHA. If the construction is not covered by Directive 24, Order L-41 will explain how to get permission to do the building. Schedules A and B of Directive 24 merely tell what kind of construction is reviewed by the National Housing Agency. They do not define residential construction for any other purpose.

(a) *Room count and floor area.* Jurisdiction over hotel construction is determined by the number of rooms as provided in paragraph (c) of Schedule A. In cases of remodeling or additions, this room count should be applied to the completed structure and not to the structure before the addition is made. Jurisdiction over new construction of structures which are partly commercial and partly residential depends on the percentage of floor area devoted to each use under paragraph (a) (3) of Schedule B. In cases of additions, a change in the percentage of floor area devoted to living accommodations is sometimes involved. In such cases the determination of jurisdiction should be made on the basis of the floor area being added, and should not be made on the basis of the floor area of the whole structure as it will be after completion of the additions (see also paragraph (e) (2) (ii) of this Interpretation). Furthermore, if the addition is wholly commercial, paragraph (h) of Schedule A applies; and if it is wholly residential, paragraph (a) (4) of Schedule B applies.

(b) *Farm housing.* As provided in paragraph (a) of Schedule A, farm housing is not covered by Directive 24. Whether a project is farm housing or other residential construction is ordinarily determined by its location. A farm house is a structure built on the farm and used primarily for housing agricultural workers required in the operation of that farm. A farm is a place primarily used for raising crops, livestock, dairy products, poultry, etc., for the market. A suburban house with a victory garden is not a farm. Except in unusual cases a place of less than five acres will not be considered a farm. Housing built off a farm for the purpose of housing farm laborers would not be farm housing. Housing constructed on a farm for the purpose of housing nonfarm workers would likewise not be farm housing, since running the rooming house or apartment house would be a separate nonfarming enterprise.

(c) [Deleted Sept. 26, 1945]

(d) [Deleted Sept. 26, 1945]

(e) *Commercial establishments.* In many cases commercial establishments and dwelling units are either part of the same structure or are separate buildings which are part of the same project. The general rule is that for a single project only one application need be filed. Paragraph (h) of Schedule A and paragraphs (a), (b) and (g) of Schedule B tell how to determine whether or not a project containing commercial establishments is essentially a housing project for which a WPB-2896 should be filed.

(1) *New project.* New construction in which more than 50% of the floor area of each structure provides dwelling accommodations is a housing project under paragraph (a) (3) of Schedule B. In addition separate commercial establishments to serve the housing project may be constructed under the housing authorization if they meet the conditions of paragraph (g) of Schedule B. One of the conditions set forth in subparagraph (1) states that the commercial establishments must be "an integral part of" the housing project. This means that the commercial establishments must be located at or adjacent to the site of the dwelling accommodations, must be owned by the owner of the dwelling accommodations and must be part of the project as approved or as amended, providing the amendment is made before the dwelling accommodations have been completed. The building of separate structures for commercial purposes as an addition to a completed residential project is not housing construction. (See paragraph (b) of Schedule B.)

(2) *Existing structures.* If an existing structure is being altered by making additions so that the building will when complete, include dwelling accommodations and commercial establishments, the remodeling or addition is a housing project under the following conditions:

(i) When the proposed construction involves the creation of additional dwelling units only. It is a housing project whether or not most of the floor area of the structure after remodeling is for commercial use. (See paragraph (a) (4) of Schedule B.) However, if the proposed construction involves only space to be used for commercial purposes the construction is not a housing project. (See paragraph (h) of Schedule A.)

(ii) If the addition is partly for residential purposes and partly for commercial purposes the construction is a housing project only if more than 50 % of the floor area of the addition is to be used for dwelling accommodations. (See paragraph (h) of Schedule A and paragraph (a) (3) of Schedule B.)

(f) *Accommodations for transient workers.* Bunk houses and similar accommodations built by employers for transient workers such as train and engine crews who need living accommodations at division points and terminals during a lay-over period or for maintenance of way workers are housing construction covered by paragraph (a) (2) of Schedule B and not by paragraph (c) or (d) of Schedule A if the accommodations are intended for a fixed location. Trailers and other mobile housing units for transient workers are not housing construction and are covered by paragraph (e) of Schedule A.

(g) *Preference ratings.* Preference ratings for residential construction approved under Directive 24 will be assigned only by the War Production Board under the provisions of Priorities Regulation 28.

Issued this 26th day of September 1945.

LINCOLN GORDON,
Program Vice Chairman.

[F. R. Doc. 45-19002; Filed, Sept. 26, 1945, 4:51 p. m.]

PART 3290—TEXTILE, CLOTHING AND LEATHER

[General Conservation Order M-84, as Amended Sept. 27, 1945]

CORDAGE FIBER, CORDAGE YARN, CORDAGE, AND HEMP FIBER

§ 3290.221 *General Conservation Order M-84—*(a) *Restrictions on processing of fiber or yarn into rope and assignment of preference ratings for istle and jute yarns.* (1) No processor may put into process manila or agave, or yarns made from those fibers, to manufacture rope except:

(i) For an end use allowed in Schedule A for rope manufactured from that fiber or yarn; or

(ii) To fill orders placed by or for the account of any United States Government agency having in effect a plan, approved by the War Production Board, to screen its orders and requisitions for rope and to eliminate unnecessary end uses of rope manufactured from critical fibers. Only the Army, Navy, and Maritime Commission now have such approved plans in effect. The Army and Navy approved plans require that orders for their account for rope made in whole or in part from Manila or agave, shall be approved by the War Production Board, and therefore no processor shall accept any such order unless the acceptance is approved by the War Production Board on application from or on behalf of the processor. Application may be made by the processor or on his behalf by letter or telegram addressed to the War Production Board, Cordage Branch, Washington 25, D. C., stating government contract and item number, quantity and kind of fiber required, and the size of the rope to be made. The War Production Board will consult with the Service or agency involved and approve applications if the proposed end use of the rope, in view of current supplies, justifies the use of the fiber.

(2) No processor may in any calendar quarter put into process for the manufacture of rope more manila and agave fiber than the following percentages of his basic monthly poundages:

(i) Manila	83 25%
(ii) Agave	614%

Use of "extenders" shall not be charged against the permitted quantity of agave. Specific directions may be issued to exceed the above percentages of either fiber, to permit increased deliveries to particular claimant agencies. If a processor is permitted to exceed his quota of either fiber, he may be required to accept a corresponding decrease in his quota of the other fiber.

(3) Processors are assigned a preference rating of AA-1 to get istle and jute yarns for processing into rope. This rating may not be applied after September 30, 1945.

(b) *Restrictions on processing of fiber or yarn into other products.* (1) No processor may put into process any manila or agave, or yarns made from those fibers, to manufacture any product except rope as permitted in paragraph (a), twine as permitted in Schedule B, or as specifically authorized or directed in writing by the War Production Board. The use of agave, other than cantala or sisalana from Java and Haiti, may be authorized from time to time by the War Production Board for binder or baler twine.

(2) Manufacturers of wire rope are assigned a preference rating of AA-1 to obtain jute wire rope centers for the production of wire ropes. This rating may not be applied after September 30, 1945.

(c) *Further restrictions on processing.* (1) The War Production Board may issue specific directions to processors who have received manila or agave, hemp as defined in paragraph (l) (15) or yarn by allocation under this order or any other War Production Board order or by delivery from any United States Government agency, as to the purpose and kind of product for which the fiber or yarn may be processed and as to the extension of more critical fibers by mixture with less critical ones (i. e. use of "extenders") in the manufacture of any product.

The War Production Board may from time to time issue specific instructions regarding the percentage of extender to be used in the manufacture of agave sisalana rope.

(2) Beginning July 1, 1944 no processor shall make agave sisalana rope which does not contain American hemp line as an extender with the following exceptions:

(i) Rope in sizes under ¾" in diameter.

(ii) Wire rope centers.

(iii) Drilling cables.

(iv) Purse lines.

(v) Power transmission rope (1½" diameter and larger).

Any processor may, however, elect at his own option to include American hemp line fiber as an extender in the manufacture of any of the rope products listed in paragraph (c), (2) (i), (ii), (iii), (iv), (v), above.

(d) *Restrictions on delivery of rope and twine.* (1) No processor or dealer may sell, deliver, or accept delivery of new rope or new twine, produced in the United States in whole or in part from manila or agave fiber or yarn, except for the end uses for which the product may, under this order, be manufactured.

(2) No person may sell or deliver new binder or new baler twine if he knows or has reason to believe that:

(i) The binder twine will not be used with mechanical harvesting equipment or in the growing, harvesting or delivering of agricultural crops, or that the binder twine will be converted into rope or any other product.

(ii) The baler twine will not be used in a self-tying machine for baling hay, straw or other fodder crops.

(3) No person may use new binder or new baler twine to manufacture rope for sale.

(4) No processor or dealer may sell or deliver to an owner, operator or agent of a vessel any manila or agave rope processed from fiber which he knows or has reason to believe was allocated to the War Shipping Administration, except to fill purchase orders or emergency stock withdrawal certificates approved in writing by the War Shipping Administration.

(e) *Allocation of non-military cordage.* (1) The War Production Board may, in accordance with Program Determinations, state the quantity of manila and agave which each processor must, out of his production during stated periods, process into cordage, as allowed by Schedules A and B, to be delivered or set aside for delivery only to fill non-military orders and only to the extent specified for particular non-military uses. From that quantity, the processor may not fill any other orders, except orders rated AAA. When that cordage is sold by the processor, he must inform the buyer of the particular non-military use for which it must be used. The buyer may use or sell that cordage only for the specified non-military use or an AAA order.

(2) The War Production Board may issue directions to processors and dealers for the establishment of emergency stocks of rope for maritime use, and for withdrawals from and replenishment of such emergency stocks, and for production for that purpose.

(f) *Allocation of fiber and yarn.* No processor shall make or accept delivery of any manila or agave fiber or yarn or hemp as defined in paragraph (l) (11) contrary to directions which from time to time the War Production Board may issue. The War Production Board may from time to time allocate to processors the available supplies of manila and agave fiber and yarn, and hemp as defined in paragraph (l) (11) and specifically direct the time, manner, and quantities in which deliveries to processors shall be made or withheld.

(g) *End use information.* No person may sell or deliver any product controlled by this order to any person who he knows or has reason to believe will use the product in a manner which this order does not permit. He should satisfy himself as to this in some reasonable manner before delivering. He may, but need not, require a statement in writing showing the specific purpose or use for which the item is ordered.

(h) *Restrictions on the use of damaged material.* Any processor or dealer who has in his possession damaged or defective manila or agave fiber, yarn or cordage, or hemp as defined in paragraph (l) (11) may report by letter the extent of the damage and state to the War Production Board the percentage not suitable for the manufacture of products or for use permitted by this order. He may then upon receipt of acknowledgment, without objection from the War Production Board, use or dispose of any portion unsuitable for the manufacture of products permitted by this order, free from its restrictions.[1]

(i) [Deleted Sept. 27, 1945.]

(j) *Reports.* Processors of manila and agave fiber shall report monthly on Form WPB-2901, Parts 1, 2 and 3. Processors of jute and istle rope shall report their shipments monthly on Form WPB-2901, Part 3. Processors of hemp as defined in paragraph (l) (11) shall report monthly on Form WPB-914.

(k) *Imports.* The importation of manila and agave fibers, yarns and cordage shall be made in conformity with the provisions of General Imports Order M-63, as amended from time to time.

(l) *Definitions.* In this order:

NOTE: Subparagraphs (1), (2), (3), (4), (5), (6), (7), (8), (9), (10), and (11); formerly (2), (3), (7), (8), (9), (10), (11), (12), (13), (14), and (15), redesignated, Sept. 27, 1945. Former subparagraphs (1), (4), (5) and (6) deleted Sept. 27, 1945.

(1) "Manila" means fiber, spinnable over machinery which is commonly known in the trade by this term and also known as abaca or Manila hemp, wherever grown (either stripped or decorticated), but does not mean the fiber grades of T2 and T3, O or Y, or equivalent, as established by the Insular Government of the Philippine Islands, processor's mill waste or bagasse.

(2) "Agave" means fiber, spinnable over machinery of the species of agave sisalana, agave fourcroydes, and agave cantala, of all grades and qualities including tow and fiber under 20" in length, commonly known in the trade as sisal, henequen, cantala, and maguey, and sometimes preceded by an adjective designating the country or district of origin, but does not include processor's mill waste or bagasse.

[1] These reporting requirements have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(3) "Rope" means any rope or cable, treated or untreated, composed of three or more strands each strand composed of two or more yarns, but does not include strings and twines of whatever construction which are commonly used for tying, sewing, baling or other commercial packaging use.

(4) "Twine" means any single or plied yarn or roving, including marlin, for use as a tying material, for sewing or for any similar purpose, but does not include any product falling within the definitions of "rope", "binder twine" or "baler twine."

(5) "Binder twine" means a single yarn twine usually containing agave, but sometimes containing manila, istle, jute, coir, hemp, cotton or paper, suitable for use in a harvesting machine and of the type customarily heretofore manufactured. It is put up in balls of approximately five to eight pounds, packed six to ten to the bale. It measures five hundred feet to the pound with a plus or minus tolerance of five per cent, and contains a lubricant of at least ten per cent of the weight of the twine and an insect repellant. It is also known as binding twine.

(6) "Baler twine" means a single yarn usually made of agave fiber and used in a self-tying machine for baling hay, straw or other fodder crops.

(7) "Basic monthly poundage" of manila fiber with respect to any processor shall be the average number of pounds per month of manila cordage sold by such processor during the period January 1 through December 31, 1939. Where this order specifies a percentage of the basic monthly poundage to be processed, sold or delivered during any period, any processor keeping his books on a weekly basis shall apply the said percentage to the weekly periods most nearly approximating the period specified.

(8) "Basic monthly poundage" of agave fiber with respect to any processor for any month shall be the average number of pounds per month of both manila and agave cordage sold by such processor during the period from January 1, 1939, to December 31, 1941, minus 37 per cent of such person's manila fiber basic monthly poundage calculated as prescribed in paragraph (l) (11); *Provided*, That any processor keeping his books on a weekly basis may calculate his basic monthly poundage from the fifty-two week period of the 1939 calendar year and adjust any other calculations or quota under this order.

(9) "Processor" means any person (other than a United States Government agency) who spins, twists or otherwise uses any fiber or yarn in the manufacture of rope or twine, or who uses manila or agave fiber, or hemp as defined in paragraph (l) (11), in the manufacture of any other product.

(10) "Non-military" means general industrial, farm, oil-field and fishing uses. It also includes cores and centers for wire rope, regardless of their ultimate use. The term does not include purchases for direct or ultimate delivery to, or for incorporation into any material for direct or ultimate delivery to the United States Army, Navy, Maritime Commission or War Shipping Administration, or orders for commercial marine uses (including harbor or river tugs, ferries or barges, or stevedoring or inland waterway operation).

(11) "Hemp" means true hemp fiber, line or tow, of the species cannabis sativa, owned by or acquired from the stockpile held by the Commodity Credit Corporation.

(m) *Appeals.* Any appeal from the provisions of this order should be made by filing a letter in triplicate, referring to the particular provision appealed from and stating fully the grounds of the appeal.

(n) *Applicability of regulations.* Except as specifically otherwise provided this order and all transactions affected thereby are subject to all applicable provisions of the regulations of the War Production Board as amended from time to time.

(o) *Violations.* Any person who wilfully violates any provision of this order, or who in connection with this order wilfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using material under priority control and may be deprived of priorities assistance by the War Production Board.

(p) *Communications.* All reports required to be filed hereunder, and all communications concerning this order, shall, unless otherwise directed, be addressed to the Textile, Clothing & Leather Bureau, War Production Board, Washington 25, D. C., Ref.: M-84.

Issued this 27th day of September 1945.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

Schedules A and B—Cordage and Twine End Use

These lists specify the permitted end uses for which rope (Schedule A) and twine (Schedule B) may be manufactured from manila and agave. However, it does not restrict manufacture for and delivery to the Army, Navy, and Maritime Commission.

The left hand column lists the permitted end uses. Rope and twine for end uses not listed in the respective schedules may not be manufactured. The second column explains more fully the character of the end uses which are permitted. The word "yes" in the third column indicates that rope and twine for that use may be made of manila, and the word "yes" in the fourth column indicates that it may be made of agave. If, for any end-use, the word "yes" does not appear in a column, the use of the fiber to which that column applies is prohibited.

Fibers other than manila and agave may be used in the manufacture of rope and twine for any end use, whether included in Schedules A and B or not, subject to applicable provisions of any War Production Board order dealing specifically with such fibers.

SCHEDULE A—CORDAGE END USE

NOTE: Item "Purse line" amended Sept. 27, 1945.

End use	Definition	Manila	Agave
Anchor buoy spar rope	A rope used to steady a spar projecting from the side of a vessel		
Anchor lines—submerged Fishing gear	A line used to fix the position of stationary gear such as pounds or trap nets, fykes, and anchored gill nets.		Yes
Anchor lines—sea plane	The anchor rode of a sea plane		Yes
Anchor poles	See anchor lines		Yes
Anchor lines—vessel	A line used to connect the anchor chain and the vessel		Yes
Anchor lines—small ships	The lines carried on small ships for anchoring		Yes
Anchor lines—sea anchor	A rope attached to a canvas sea anchor used to retard the progress of a small boat or life raft		
Antenna rope	A rope used for raising or lowering radio antennae for maintaining tension on antenna		
Auxiliary line—Lyle gun	A 3/4" circ. hawser drawn to or from a vessel by means of a whip line and which is used to support a breeches buoy	Yes	Yes
Awning rope	Rope for reinforcing and securing awning in place		
Awning rope	A small sized rope used to hoist or lower an awning		
Backbone	The rope to haul back a hoisting tackle when it is not heavy enough to return by gravity		
Backstay rope	A rope used for hauling in the sounding boom aboard vessels		
Bucket rope—Loom	A special type of sling used only to hoist fuel drums aboard ship where rope is passed through eyes at each end of drum; hoists 4 drums at a time.		Yes
Barrel chimes	See Guard rope		
Barrel line	A rope eye or grommet used for the block of a block		
Bucket	A small piece of rope with an eye spliced in each end to hold the end of a spar to the mast		
Bucket—spar band	See Handles		
Bucket—Handle	A rowlock formed of a rope grommet secured over a throle pin in a sailing launch		
Bucket rowlock	Used for hauling the wheel of a trawler when running on a fixed course		Yes
Buckeye—Steering wheel	A short loop inserted at regular intervals in the ground line to provide fastening for the sand or gangion		
Buckeye—Trawl lines	A small hand rope suspended or attached to a bell and used for the purpose of ringing the bell		
Bell rope	Ropes running from the head or foot line to the cod end and seized to the seams joining the top side and bottom sections of the net. Their purpose is to reinforce the net		
Belly lines—Otter trawl	Frequently used on machinery as a medium of shifting belt drive from idler pulley to driving pulley and vice versa		
Belt—hitter rope	A network of rope fashioned inside a frame which constitutes the bottom of the berth		
Berth bottoms	A line used to support a heavy line at the bight		
Berth lines	A line used to tend boats when coming alongside		
Bight line	A rope or chain preventing the bowsprit from jumping and leading from the end of the bowsprit to the vessel's stem		
Boat line	A line lashed to the foot rope on which the bottom section of the otter trawl is hung		
Bobstay line	A rope to which a seal is sewed to reinforce the sail and maintain its shape. The strength of a seal depends on the strength and stretching characteristics of the rope both when it is wet and dry		Yes
Bolt rope—Sail	A line rove through tackle blocks attached to the mast and boom. It is used to adjust the angle at which the boom is inclined from the mast and must support the load applied to the fall lines		Yes
Boom fall—Fishing vessels	A line used to hold the boom away from the shrouds when men are working and as a stop to prevent sudden gusts of wind from unsuspected directions, causing the boom to fly over and strike men in the boat		
Boom gantline rope	A rope used to clean inside of large caliber gun barrels after being bored or lined		
Boring machine rope	The rope to which is suspended a piece of board on which a man working aloft is swung and used to raise or lower or support man.		Yes
Boom guy rope	See Hanging Rope—Fishing Industry		
Bottle rope	*See mooring lines.* A line used in mooring or docking to check the vessel from going astern. Line is led forward through bow chock making an angle of less than 45° to the keel		
Boat lines	The ropes to control the horizontal movement of the yards		
Brace	Rope used for hurling fore and aft sails such as spanker to the mast. Can be fore throat or peak halls.		
Braid	A line rove, singly, through a block attached near the outer end of the boom, or suspended from a pendant between two masts, or a mast and a suitable point on the vessel. Used for various hoisting purposes		Yes
Breast fall	*See mooring lines.* A line used in mooring or docking vessels and runs at right angle to keel and dock		
Breast line	A guy or guy used to prevent swinging of boom when lifting heavy load		Yes
Breast line—Scow & tug boats	These lines lead from the sides of pile drivers to anchors and control the position of a pile driver with reference to a definite area in which piling must be spotted for a fish trap		Yes
Breast line—Pile drive (fishing)	Control surface of seaplane when moored or anchored		Yes
Breast line—Sea Plane and Flying Boat	Usually the breast line is formed by continuing the lead and cork lines vertically at the ends of the net and splicing them near the bottom. Its purpose is to prevent the weight of the lead line from forcing the netting and to take the towing strain on the net		Yes
Breast lines—Scows & Trawls	A line passed through rings attached to the breast line of a purse seine and fastened near the lead line. Power is applied to this line to purse the end of the net and lift it clear of the purse line		
Breast purse line	A length of line connected to the float and bottom lines of seines and submerged traps and gill nets, the approximate midpoint being attached to an anchor line.		Yes
Bridles—Seines submerged traps and gill nets	A rope attached to a bucket and used to raise or lower the bucket		
Bucket ropes	A rope working through a bull's eye, especially one used in securing a light yard of mat		
Bull rope	Oil well and gas drilling—A rope 2¼ to 3" diam. in lengths 80' to 120' long with eye splices in each end, used to transmit power in grooved pulleys from engine to bull wheel. (A bull wheel is a large reel, with grooved pulleys attached on which are wound cables for drilling or cleaning out wells.)		Yes
Bull ropes	A rope secured to the outside of the gunwale of a small boat and used as a permanent bumper		
Bumper rope	Bumpers are usually made of old rope, the poorer sections used as filling and the covering made by lacing a strand over the filling. New strand is sometimes required for this purpose		
Bumpers	The lines used to haul the foot of a sail above an iforward of the yard for convenience in furling		
Bunt leaves	See Tow line—Towing spur		
Buoy lines for towing	A line connecting a surface buoy and the trawl line and the anchor on the bottom		Yes
Buoy line—deep water fishery	Same as above		Yes
Buoy line—halibut fishery	Same as above		
Buoy line—shallow water fishery			
Burton rope (below 3" circ.)	A type or part of a cargo fall—a cargo fall is a rope used in unloading and loading vessels		Yes
Burton rope (3" circ & larger	Same as above		
Buoy lines	See buoy lines		
Cable-laid ropes	*See hoisting ropes*—Cable laid ropes used for hoisting		
Calfrope	*See bull rope*—A small size bull rope		Yes
Car puller rope	A rope, either plain or cable laid used for moving railway cars along an industrial siding		
Carrier rope	See mill carriage rope		
Casing lines	Rope used in pulling "casing" out of oil wells		Yes
Cathead lines	Oil well and gas drilling—a rope not smaller than 1½" diam. used around a drilling rig in oil and gas drilling for hoisting tools, pipe, etc., by means of power driven capstan.		
Catlines	Same as Cathead lines		
Chinese shrimp bag—Net lines	The lines used by the Chinese shrimp bagnet fishing industry generally confined to San Francisco Bay		
Clew—Hammock	The ropes running angularly from the hammock surface to the ring or other fitting whereby the hammock is supported.		
Clew line—Sail	A rope approximately ¼" diam. used as a drying line		
Clewline	This line is passed through the last meshes or rings attached to the fish bag opening and serves to close and open the fish bag or cod end.		
Coal rope			

SCHEDULE A—CORDAGE END USE—Continued

End use	Definition	Manila	Agave
Cod line	See cod end rope		
Cod lines	Small sized lines, generally lightly tarred, used for ground fishing		
Come ups	Ropes used in the mining industry for emergency stretching of wire ropes		Yes
Compressor pull back	See chain compressor fall		
Concluding line	A small rope rove through the middle of the steps of a Jacob's ladder		
Construction Rigging Rope (below 1" diam.)	Used in construction of new machinery and repairs to existing machinery or equipment. Also for the maintenance of existing and construction of new structures, including power lines and communications systems. In shipyards, for uses in building of yards, construction of new hulls and the repair of existing vessels.		
Construction Rigging Rope (1" diam. and over)	Same as above		Yes
Cork line	See Float line		
Crab line	Usually a 3/16" to ¼" soft laid rope used as the bait line by inserting bait between strands in the crab fishing industry.		
Cracker	A short length of fiber drilling cable used in conjunction with a wire drilling cable affording spring or elasticity to the wire line. Generally 2½" diam. and larger.	Yes	Yes
Cringle	A piece of rope spliced into an eye over a thimble in the bolt of a sail		
Davit rope	See Falls		
Decorticator rope	The endless rope used in certain types of fiber decorticating machines for holding the leaves for stripping.		Yes
Derrick lines	See hoisting rope		
Dogsled—Gang line	Main line to which dog harnesses are fastened when pulling a sled		Yes
Dip rope	Usually 7" circ. rope used in connection with clearing a foul chain aboard ship		Yes
Dock lines	See Mooring lines		
Dory lift	See Falls—Lifeboat		
Down hauls—Pounds and traps	A line passing around a windlass and trap or pound, and through an eye fastened to a pile, or suspended to a weight chain, for the purpose of raising or lowering the trap spillers, for brailing or fishing. The bottom of the spiller is attached to the down haul.		Yes
Down haul	See Hoisting Rope—Sail		
Drag ropes—Shrimp	Ropes used to drag a trawl on shrimp fishing boats		Yes
Drag ropes—Trawls	Ropes used in small fishing boats not equipped with drums for wire cables		Yes
Dragging rope	A rope generally attached to a hook of one variety or another and used to locate and recover objects lying on the bottom of a body of water.		
Draw line	See Cod end rope		
Dressing lines	The lines used in the display of national colors (flags) at all mastheads and the flagstaff aboard ships.		
Drift line—Gill net fishing	A line by which the net is secured to the boat while drifting		
Drilling cables—gas wells (2" diam. and larger)	Used for operating the tools in "cable tool" drilling	Yes	Yes
Drilling cables—oil wells (2" diam. and above)	Used for operating the tools in "cable tool" drilling	Yes	Yes
Drilling cables—water wells	Used on portable machines for drilling water wells. Usually made in size 1¼" diam. to 1⅞" diam. inc.		Yes
Drilling cables—quarry and mining	Used on drilling machines for drilling blast holes. Usual sizes 1¾" diam. to 2" diam. incl		Yes
Drop hammer rope	In aircraft and auto industry used to raise the drop hammer for forming metal parts		Yes
Dumbwaiter hand rope	The rope used for operating a dumbwaiter		
Earing	A short piece of rope secured to a cringle for hauling out the cringle		
Easing out line	A line used in clearing hawse and in mooring for easing out a chain which has been unshackled		
Eel pot rope	See Buoy line		
Electric coil filler	A rope filler in double deck coils for securing insulation, used principally in electric traction motors		
Electric Linemen's Rope	Used by linemen on high voltage work as a general utility line		Yes
Elevator Rope	A hoisting rope which supports an elevator		Yes
Elevator Pull Rope	A rope used to stop and start power of a power driven elevator, also a hand rope to raise or lower a hand powered elevator		
Elevator Gate Rope	A rope attached to a gate or door and attached to a counterbalance to facilitate operation on gate		
Emergency Line—Bristol Bay Gill Net Boats	An emergency all-purpose line used by Bristol Bay Fishermen		Yes
Execution rope	A rope used to carry out the death sentence of a court		Yes
Falls—Accommodation ladder	A rope used to lower, hoist or support a ship's ladder or pilot's ladder over to side of a vessel		Yes
Falls—Ammunition	The hoisting rope used to transmit lower ammunition	Yes	Yes
Falls—Anchor	The tackle used for hoisting an anchor to the deck, usually used in connection with davits		Yes
Falls—Awning tackle	See awning rope		
Falls—Boat	A rope used, generally in conjunction with a pair of davits to raise or lower small boats, other than lifeboats.		Yes
Falls—Boom tackle (fishing vessels)	A tackle attached near the outer end of the boom or suspended from a pendant attached to one or two masts or a pendant between the mast and a suitable point on the vessel.		Yes
Falls—Cargo (below 3" circ)	A 3 or 4 strand rope used in loading or discharging cargoes		
Falls—Cargo (3" circ. and larger	Same as above		Yes
Falls—Chain compressor	A rope used to check the speed and direction of the anchor chain		Yes
Falls—Coal	A 3 or 4 strand hard laid rope used in discharging coal cargoes		Yes
Falls—Flagstaff	See Halyard—flag and signal		
Falls—Fishing dory	See Falls—lifeboat		
Falls—F. O. Hose Davit	Rope used to raise, lower or otherwise handle fuel oil hose for refueling vessels		Yes
Falls—Kingpost	See topping lift fall		
Falls—Lifeboat, oceangoing ships	A rope used generally in conjunction with a pair of davits, used to raise or lower lifeboats which contain people.	Yes	Yes
Falls—Lifeboat, coastwise and Great Lakes ships	Same as above		Yes
Falls—Purse boat	A pair of tackles suspended from davits used to raise and lower the purse boats and seine which weigh about 5 tons.	Yes	Yes
Falls—Powder tank	Used in handling powder tanks (lowering and hoisting)	Yes	Yes
Falls—Topping lift (below ⅞" diameter)	The falls used for raising and lowering the boom		
Falls—Topping lift (⅞" dia. or larger)	Same as above		Yes
Falls—Ventilation	Rope for adjusting windsails (ventilators) in position		
Fenders	See bumpers		
Fire escape rope	Rope used for fire escape in hotel rooms, etc., not connected with outside stairways		
Fisherman's cable	*See anchor lines.* Cable laid rope, sometimes tarred, for use off the fishing banks for anchor line		
Fish bag release line	See cod end rope		
Float line—Fyke nets	The floatline is used to support the leader netting of fyke nets		
Float line—Gill nets	A line to which the corks or floats are attached and supports the netting		
Float line—Haul seine	The line which contains the floats and is used to float a haul seine		Yes
Float line—Otter trawls	The main line to which the top netting of an otter trawl is attached		Yes
Float line—Purse seines and ring nets	The buoyed line to which the top of the netting is hung		Yes
Float line—Submerged gill net	A buoyed line which supports the webbing		Yes
Foot rope—Otter trawl	The main bottom line of a trawl to which the foot rope hanging line is secured. "Bolsch" weight and roble line may also be attached.		Yes
Foot rope—Auxiliary	See "Bolsch" line		
Foot rope—Hanging line	See "Bolsch" line		
Foot rope—Serving	Rope wrapped around the steel cable foot rope to protect the trawl hangings and bolsch line selzings.		
Forepaws	A line 4¼" to 4½" circ. attached to an explosive harpoon fired from a gun		Yes
Frapping lines	A line passed around a boat fall, one end being made fast on deck and other end being hauled taut and belayed to prevent boat from swinging		
Furling line	A small line secured to the mast and used for furling fore and aft sails		
Furnace charging bucket rope	A rope used in conjunction with the charging of steel furnaces with scrap metal		

SCHEDULE A—CORDAGE END USE—Continued

End use	Definition	Manila	Agave
Gangings	Short lines varying from 1 foot to 6 feet in length having a hook at one end which are attached at regular intervals to the trawl or ground line.		
Gantline	See Falls		
Girtline	See Falls		Yes
Governor rope for use on elevators	A rope, usually ⅜" to ½" dia. used as part of the safety equipment to prevent overspeeds on elevators		
Grab rope	A line secured waist-high above a boat-boom or gangplank used for steadying oneself		
Grab line—Life boats and life rafts	A line fastened to outside of life boat to right a capsized boat or as a grab rail		Yes
Grapnel cables—For cable ships	A combination of wire and fiber—the fiber is used to either fill in the interstices or to actually seize the wire to increase the friction grips of the cable on the hoisting drum.		
Grapnel line	See dragging rope		
Ground line	See foot rope		
Ground lines—Trawls (otter)	See spreaders		
Ground line	See trawl lines		
Guard rope	A rope used to bound a permitted area—A safety rope used for instance, as a railing		Yes
Guess warp (3" circ. an I larger	A line by which a bight is secured to the swing boom. It may be shackled off from the deck. A line rove through a thimble at the outer end of a boat boom, used for securing the boat to the boom. In general a hauling line laid out by a boat, a portion of the line coiled down in the boat.		
Guess warp (below 3" circ)	Same as above		
Guide line	See tag line		
Guy lines	A rope used to hold or steady some object such as a pole or mast		Yes
Guy lines—Fish trap	Lines from stake traps to anchors to steady the trap and counteract the influence of weather and currents.		
Guy—Lazy	Running rigging to steady a boom in a seaway		
Guy—Lazy jack	Lines often forked reach from above on each side of a fore-and-aft sail to about the middle of the boom to confine the sail when it is lowered.		
Guy line—Preventer	Preventers are generally made up with an eye splice at one end which is shackled to the topping lift bands at the bottom head or looped over the boom head. Used generally when handling heavier types of cargo as a safety measure. A rope used as an additional support for added security.		Yes
Guy lines—Vessel	Lines usually rove as tackles made fast to the ships bulwarks and to wire rope pennants from the outer end of the boom. They are used to regulate the lateral position of the boom.		Yes
Halibut line	See Trawl line		
Halter	A rope about ½" diam. soft lay, used for tying horses and cattle, and making halters		
Halliards	See Halyard		
Halyards—Flag and signal	Ropes used for hoisting flags and signals		
Halyards—Spar and sail	See Hoisting Rope—Sails		Yes
Hammer fall rope	A rope used on pile-driving equipment in hoisting the hammer to the derrick head. The rope is then released dropping the hammer onto the pile head.		
Hand lines	A small rope used to raise or lower small objects by hand. For instance between ground and scaffolding, etc.		
Hand lines	Small-sized lines generally lightly tarred used for bottom fishing		
Hand rail—Life rafts	See grab line—life boats and life rafts		
Hand rope	See Grab Rope		
Handles—ammunition boxes	A short rope fastened to each end of an ammunition box for a handle		Yes
Hanging ropes—Pounds and traps	Lines to which various sections of netting such as pots, spiller hearts and leads are hung. These lines support the netting. Also the lines used to reinforce the wire netting used in salmon traps.		
Handles—Buckets	Rope handles for wooden, canvas or other type buckets		Yes
Harpoon line—Swordfish	A line attached to the harpoon and a buoy keg which is used to tire the fish		Yes
Harpoon line—Whale	A line 5" to 6" circ connecting foregoers to whale rope (used on old-type killer boats)		Yes
Hauling line (Otter trawl	The line is fastened to the splitting strap and runs to the head rope to be readily accessible. Power is applied to this line to assist in raising the net, splitting the catch and raising the splitting strap in order to engage the fish tackle.		
Hauling line (seine)	A line attached to the end of the seine to increase the circumference of the circle which may be made around a school of fish.		Yes
Hay rope	A rope used generally in conjunction with a hay fork to load hay into farmers storage		
Hay-loader rope	The rope used in the operation of hay loaders		
Head line	See Towing Rope. The line from the bow but of a tug to the tow		
Head rope	See Float line		
Head & stem Line (fishing industry	Ropes that lead from head and stern of pile drivers and rig ing scows to anchors in order to control their off-shore positions.		Yes
Heart Ropes—Wire ropes	See wire rope centers		
Heaving line	A length of light line, weighted at one end, which is thrown to a wharf, etc., in order to assist in getting the mooring line to the wharf.		
Hush Chute rope	A rope having a wire core used in timbering as safety device and also a method of climbing tall trees for the purpose of cutting off the tops. The wire center is to add strength and also lose serves a guard against the rope being severed by a slip of the axe.		Yes
Hitch (electrical rope	See Electric linemen's rope		
Hitch rope	The rope attached to the hitch weight for temporarily securing a horse or team		
Hobble rope	See Leg Rope		
Hoisting rope—Hot dip galvanizing	Rope used in processing of hot dip galvanizing by lowering the metal objects into steel bath of hot metal.		Yes
Hoisting rope—Sail	A rope used to hoist and lower the sail and sails of small boats		Yes
Hoisting line—Fishing industry	A line rove single through a block and used to unload fish		Yes
Hoisting rope (3" circ & larger)	A special rope for heavy hoisting		
Hoisting rope (below 3" circ)	Same as above		Yes
Hook rope (3" circ & larger	Used for mooring a ship to a buoy or in winching anchor		
Hook rope (below 3" circ)	Same as above		
Hush chute line	See chute line		
Industrial Rope (below 1" dia	Rope used in the operation of an industrial plant, not production material		Yes
Industrial Rope (1" dia. and over	Same as above		
Jack rope	The hoisting securing the end of a sail to the boom		
Jackstay—Hatches	The reinforcing rope in the bed of a bumpock		Yes
Jackstay—Lifeboat	Rope used to lash netting to wooden ring of life float		
Jacob's ladder	See Ladder—Jacob's		Yes
Jack rope	A span of rope leading from the jaws of a cat around the mast, strung with bar I wooden beads		
Jumper	A rope used to prevent vessel from bumping up, specifically, the rope from the forecastle of the whalers to the martingale.		Yes
Jumper stay	An extra stay from the masthead to the rail and set up by a tackle		
Kelly	See Bridle Lifting Rope		Yes
Kicker—Net	Holds the mid section of the foot rope in place before the main lisere is hooked up		Yes
Kicker line—Pile driver	A heavy untarry line used aboard a pile driver for seating trap braids [illegible] other heavy work.		
Ladder—Extension	The rope used for extending and contracting an extension ladder.		
Ladder—Jacob's	A rope ladder, usually with wooden steps, hung over the side of a ship for the pilot's use		
Ladder—Rope	A ladder formed by spacing cross ropes between two longer ropes for steps. These ladders take several forms, some with wooden rung or flat steps held between 4 upright ropes, some with oval end pieces of wood supporting round steps, the oval held by 2 ropes bolted at the points of the ovals.		
Lacing rope	See Back Rope		
Lanyard	A line attached to an artiele to make it fast		
Lanyards	Rope used for tackening the shrouds and stays on board ship		
Lanyards—Fenders	Generally 3" to 4½" circ. Rec. Lay. Used for lashing fenders to rail (tug boats		
Lanyard—Hammocks	The rope attached to the hammock clews by which the hammock is suspended		
Lanyard—Trips	See trip rope or tripping line		
Lanyard—Whistle	The rope or cord used for blowing a whistle		

SCHEDULE A—CORDAGE END USE—Continued

End use	Definition	Manila	Agave
Lariat rope	A very hard laid rope used for lassoing cattle		Yes
Lashing rope	A general rope used for tying down or securing any object but not for shipping purposes		
Lashing ropes	Ropes for securing cargo in transit		
Lashing rope—Aircraft	Lashing rope used for securing equipment, etc. in transport planes		Yes
Lashing rope—Dory	Used to lash stacked or nested dories on a trawler		
Lashing rope—Grape	A lashing spliced to the lip of the grapes, and secured to either the davit head or strong back, for purpose of securing life boat on deck of vessel.		Yes
Lashing rope—Life rafts	A rope used to tie or otherwise secure life rafts aboard deck of a vessel		
Launching rope	A rope used in connection with the launching of a vessel		Yes
Launching rope—Trigger	Rope used in shipyards to trip devices allowing vessels to slide down ways		Yes
Lead line—Sounding	A plain or cable laid rope used for determining the depth of water		
Lead line—Fyke nets	A leaded line attached to the bottom of the fyke leader		
Lead line—Gill nets	A leaded line attached to the bottom of the gill net		
Lead line—Haul seines	A leaded line attached to the bottom of the haul seine netting		Yes
Lead line—Otter trawls	A leaded line attached to the foot rope		
Lead line—Purse seines and ring nets	A leaded line attached to the bottom of a purse seine or ring net		Yes
Lead line—Submerged gill nets	A weighted line attached to the bottom of a gill net		Yes
Leader hanging rope	Ropes used to hang a lead used in connection with seines		
Leader rope—Reef nets	A rope used to hand a lead used in connection with reef nets		Yes
Leech lines	The rope used to haul the leech of courses and sometimes Top Sails along the yard		
Lag rope	A small size rope used to hobble horses and other animals		
Life line	See auxiliary line-lyle gun	Yes	Yes
Life line	A line secured along the deck to lay hold of in heavy weather		
Life line	A knotted line secured to the span of lifeboat davits for use of the crew when hoisting and lowering.		
Life line—Divers	A line used to raise and lower a deep sea diver		Yes
Life line—Fire & Police Departments	A rope used in conjunction with the saving of life or valuable property		Yes
Life line—Lifeboat or life raft	A line festooned in bights, along each side of a lifeboat or raft, lie raft or float. Each bight is equipped with seine floats.		
Life preserver rope	The hand rope around the outer side of a circular life preserver		
Life preserving rope	Used from a reel set upon on a beach with cork ring or torpedo life preserver attached. Life preserver carried out to victim by life guard. Rope used to pull beth ashore.		
Lifts	Yards are supported at the yardarm by lifts, leading through blocks or lail leaders at the masthead and thence to the deck.		Yes
Lift—Trolling pole	A pole or tackle suspended from the mast and connected to the trolling poles for the purpose of raising or lowering the latter.		
Lifting lines—Divers outfits	Lines used to lift products harvested from the bottom, such as sponges, precious corals, abalone, etc. by divers		Yes
Lizzard	A rope fitted with a thimble and used as a leader for running rigging		
Lobster Pot Warps	See Pot Warps		
Lock Lines	See Tow lines—Canal		
Lock gate operating lines	Used for operation of canal lock gates		
Log line	A line used to transmit the rotation of the log propeller to the recording instrument aboard the vessel.		
Long line	See Trawl lines		
Luz ropes	Short, heavy ropes for tieing canal barges together		Yes
Main fish tackle	See Falls—Boom tackle		
Man ropes	See grab ropes		
Man ropes	Ropes hung over a ship's side and used for assistance in ascending or descending		Yes
Mats—Blasting	Solid woven mats, 6 to 12 ft. sq. used to cover blasting areas to prevent flying fragments		
Messenger	A line used to lead the heavy tow line around the capstan in ocean tow boats		
Messenger	A light rope used for hauling over a heavier rope or cable, or fuel line		
Messenger—Side set trawlers	A line used to haul the towing warps to the towing block		Yes
Mill carriage rope	Used for moving a carriage, such as a log carriage back and forth		
Millwright rope	See construction rigging		
Mooring lines (below 3" circ.)	Ropes used in mooring or docking vessels		
Mooring lines (3" circ. and larger)	Same as above		Yes
Mooring lines	A rope attached permanently to a submerged anchor or weight used as a harbor mooring for small boats, yachts, etc.		Yes
Motion picture screen arrangement	Lowering and hoisting screen		
Net—Brails	A diphet used to remove fish from a trap		
Net—Cargo	A net constructed of rope and used for loading or discharging cargo from a ship		
Net cargo—Stays	A rope, sometimes referred to as a jackstay which serves as an outer frame for a cargo net and to which the net is lashed.		Yes
Nets—Circus safety	The nets suspended below trapeze and other circus performers		
Nets—Construction safety	The net used for the protection of workmen on construction jobs		
Nets—Debarkation and life floats—net rope	The inner netting rope which is attached to jackstays of nets hung over the side of ships for emergency debarkation and life saving.		
Net—Jackstays—Cargo and debarkation nets	The supporting ropes to which the net ropes of cargo and debarkation nets are attached		Yes
Net—Lashing rope	Lines used to lash net on deck to rail when net is stored away		
Net—Life float—Jackstay	A net used to support the platform of a life float		
Net—Life net rope	The rope used for making life nets used in Fire Department		
Nets—Save all	Nets hung from the sides of a ship to the dock to prevent cargo from falling into water in case of accident when discharging.		
Net—Save all—stays	A rope, sometimes referred to as a jackstay which serves as an outer frame for a save-all net and to which the net is lashed.		Yes
Nigger lines	See Hauling Lines		
Ocean Bathing Safety Rope	A rope supported by poles or buoys which serves as protection to bathers		
Outboard gripe (lifeboat)	See lashing rope—gripe		
Outhauls	The ropes by which sails are hauled out on the boom. These ropes are named for the part of the sail they control, i.e. Jib-boom outhaul—foot outhaul.		
Outhaul line—Boom	A line used to rig the boom out from amidships position to override for sailing or to remove it from the area when men are working.		
Oyster Tong Hoisting Rope	A rope to raise or lower tongs used in oyster fishing		Yes
Pack Rope	A light lashing line for tying packs, generally on animals		
Painter—Small Boat or Skiff	A rope in the bow of a small boat used in making fast, and for towing a small boat		
Painter—Lifeboat and Life Raft	Same as above		Yes
Painter—Sea	A rope, one end of which is attached to a small boat the other end to the bow of a ship. This rope is of sufficient length to allow the small boat to maneuver alongside the landing stage of the ship. Is used particularly during rough weather		Yes
Painter—Seine	A line attached to the fish—bag end of a purse seine for the purpose of pulling the seine to the side of the vessel and completing the circle of netting about the fish.		Yes
Painter—Shank	The rope securing the fluke of an anchor on the billboard to a toe of the tumbler arm		
Parbuckle rope	Two ropes for handling a spar or cask over the side in the bight of the rope		
Paying-out lines	See Easing out line		
Pendant rope (below 1" diam.)	The vertical rope support of a cargo fall		
Pendant rope (1" diam and larger)	Same as above		Yes
Pendant—Heavy weather	A line used to control boom hook in heavy weather		
Pendant—Kingpost	See topping lift		
Physical development	Rope used for physical development, recreation, and amusement activities		
Picket lines	Lines to which the halters of horses or mules are attached		
Pile driver rope	See Hammer fall rope		
Pipe Bending rope	Performed on flat table with steel pegs. Pipe preheated—Rope Hooked on to protect end of pipe and by means of a winch, pipe is pulled to form the correct or required angle of bend.		
Ploughlines	Small rope used for reins when plowing		
Polishing machine rope—textile equipment	Rope wound and fastened to scrubbing and polishing rollers on textile polishing machine		

SCHEDULE A—CORDAGE END USE—Continued

End use	Definition	Manila	Agave
Lobsterpot	Thread rope connecting a buoy with a lobster or crab pot on the ocean floor, used also to hoist the pots.		Yes
Power transmission rope (¾" and larger)	Power transmission rope is an endless rope used in transmitting continuous mechanical power between driver and driven sheaved pulleys.		Yes
Power transmission rope (below ¾" diam.)	Same as above		
Preventer guy	A line fastened between the mast and boom to add an additional safety factor for heavy lifts on the boom.		Yes
Propeller line	See shot line		
Pull rope	Attached to cart, wagon or other vehicle used to pull or move apparatus by hand, such as hand drawn fire hose apparatus		
Punt Line Hauling rope	Lowering and hoisting punts		
Purse bridles	See purse-seine bridles		
Purse lines	Lengths of line with the ends seized to the head line of a seine so as to form bridles. To the center of each bridle is secured a purse-ring.		
Purse rings	A line fove through rings attached to the bottom of a seine. By hauling on this line the bottom of the net is closed or pursed.	Yes	Yes
Purse seine bow line	A short length of line fastened to the cork line on a purse seine in such a position as to keep opposite the bow when the ends of the seine are above to the side of the vessel. This line is made fast to the bow in order to prevent the cork line from going under the bow while pursing the net.		
Purse seine stern line	See purse seine bow line		
Purse weight line	A line used to raise and lower the "stem" weight on East Coast purse seines		
Quarter rope	A pair of lines used on side-set otter trawls that are fastened to the foot rope at the junction of the wing and the bottom. Each line is passed thru an eye in a similar position on the head rope and made fast to the outer end of the wing. They are taken to the capsey heads and power applied in order to draw the head and foot rope together and bring the wide part of the trawl aboard at the conclusion of a drag.		Yes
Raft rope	A three strand rope used in binding logs together while being floated to a sawmill		
Rat lines	A short length of tarred hemp rope, usually ¼" to ½" diam. running horizontally across the shrouds for a step.		
Reef points	Short lengths of rope secured to a sail used for reefing		
Release wire	See Cod end rope		
Retrieving line	See Easing-out line		
Rib lines—Otter trawls	See Belly Lines—otter trawls		
Rib lines—Pounds and traps	See hanging rope—fishing industry		
Ridge rope	The backbone of an awning. The backbone of any heavy tent		Yes
Ring rope	The rope used to bend the chain to the anchor ring		
Rip cord—sailing ships	Rope used to break out sails put up in stops		
Rinaring line	*See Messenger.* A line coiled in a boat and run from the ship to a dock or another ship		
Running line—Pile driver	See hoisting rope		
Safety rope—Antenna	Check swing of antenna aboard vessels		Yes
Safety belt rope	A rope used either in the construction of a belt or attached to a belt used to suspend or support a person while engaged in hazardous work.		
Sail horn rope	See bolt rope—sail		
Sand lines	A small size cable laid rope, usually ⅝" diam. to 1¼" diam. incl. Sand lines are used to hoist the bailer in well drilling.		
Sash cord	Used for support of sash weights in window casements		
Scaffold rope	See staging		
Sealing rope	Generally similar in construction to a High Climber rope—i.e. with a steel core. Used to lower a person over the side of a cliff in a mine or quarry for the purpose, for instance, of drilling.		Yes
Scenery Hoisting rope	Ropes used for lowering and hoisting scenery		
Set line	See trawl lines		
Sheepskin carrier rope	A small transmission rope usually ½" to ⅝" diam. used for carrying the wet sheet around the drying rolls in a paper mill.		
Sheet rope—(below 1" diam.)	A rope, often roved as a tackle—which regulates the angle at which a sail is set in relation to the wind.		
Sheet rope—1" diam. and larger	same as above		Yes
Shore line—gill nets and seines	A length of line used to fasten the inside end of a net to the shore while towing the other end. The purpose of this operation is to hold the net in position and increase the catch.		Yes
Shot lines—Lyle guns	Soft laid rope used in connection with Lyle guns for rescue work on disabled ships	Yes	Yes
Shovel lines	A line used in operation of shovels in unloading of grain		Yes
Shrouds	Side stays from the mast head to the rail and set up by deadeyes		Yes
Shrouds—Lifeboats	Same as above		Yes
Signal ropes	Any rope used to convey signals by means of "jerks", etc		Yes
Signal rope—Deep Sea Diving	A rope used to convey signals from a diver working below the surface of the water to a boat above.		Yes
Skates—Vertical lifeboats	Ropes used to steady lifeboats and prevent them from capsizing while being lowered from davits		Yes
Slings (below 3" circ.)	Ropes either spliced endless, knotted or used in conjunction with rigid platforms and used for the transference of cargo or equipment by means of hooks, derricks or hoists, etc., the sling is secured around the object to be moved.		Yes
Slings—(3" circ. and larger)	Same as above		
Sling shots—Halibut fishery	A line inserted between the ground or trawl line and the anchor or to serve as a point of attachment of the buoy line.		
Slip line	See Cod end rope		Yes
Slip rope	A rope bent to the anchor cable outboard of the bowsprit and secured on the vessel's quarter, used in slipping the cable.		
Slip shots	See Sling shots		
Smiting line	See Rip cord—sailing ships		
Snells	See gauging		
Snorter	A hand line used around the deck of a trawler to move heavy objects		Yes
Snubbing rope (⅝" dia. and larger)	A rope used to hold or retard the progress of a load or object		
Snubbing rope (under ⅝" dia.)	Same as above		
Sounding line	See lead line		Yes
Spinning lines	A rope used in conjunction with oil well drilling to couple or uncouple lengths of pipe		
Spray hood hem rope	See bolt rope—sail		Yes
Spreaders—Otter trawls—Stern set	Consists of 1 or 2 lines between each otter door and its corresponding wing. The purpose of these lines is to increase the distance between the doors and thus increase the efficiency of the gear.		
Spreaders—Otter trawls—Side set	Consists of 1 or 2 lines between each otter door and its corresponding wing. The purpose of these lines is to increase the distance between the doors and thus increase the efficiency of the gear.		Yes
Spring lines	*See Mooring lines.* A line used in mooring or docking to check the vessel from going forward or astern heading at an angle of 15° to the keel. Includes bow spring, quarter spring, waist spring, stern spring, etc.		
Sprit horn rope	Bolt rope—sail		
Sprit line	Line used to raise sprit sail on Bristol Bay gill netters		
Sprit tackle	Tacks used to adjust sprit sail		
Stage painter line	See Bos'n's chair rope		
Staging rope (⅝" dia. and larger)	A rope run through blocks to raise and lower a temporary platform supporting workmen		Yes
Staging rope (below ⅝" dia.)	Same as above		
Staging rope—Deep sea diving	See Life Line—diver		
Stake lines	Lines used to maintain stationary gear in position such as the lines leading from fyke nets, pound nets, or trap nets to stakes or piling.		
Stationary tackle	A triple purchase to hold up the boom of a trawler		Yes
Stay	A rope used for supporting a mast		Yes
Stay running backstay	Used in a small sailing vessel to stay the mast, the weather one being set up and the lee one loose		Yes
Steadying lines	See guy lines		

SCHEDULE A—CORDAGE END USE—Continued

End use	Definition	Manila	Agave
Steering gear—Emergency rope	Emergency steering gear apparatus for operating steering device of disabled vessels by hand		
Steeple jack rope	See Bos'n's chair rope		Yes
Stem line	See mooring line		
Stern lines	Used by purseseiner purse boats while they are being towed behind the large boat and as they approach a school of fish		Yes
Stern line	*See Mooring lines.* A line used for mooring or docking to check the vessel from going forward and is laid off thru stern chock making an angle of less than 45° to the keel.		
Stevedoring rope	See Falls Cargo. A special rope for high speed hoisting, used over wheels of a 3-fall		
Stop	See Reef points		
Stopper	A line used to steady or stop the working end of a vessel's cargo boom		
Stopper-tackle-halyard	A line used to stop the working end of the purse boat lifting tackle		Yes
Stowage rope	See halyard rope		
Strap	A rope spliced endless, usually with a short splice used in such molding or making fast. A small sling is sometimes called a strap		
Strap—Anchor	A short line with an eye spliced in each end, one of which is attached to the anchor		
Strap—Belly	A rope passed around a boat for lowering a keeper anchor in carrying out the anchor		Yes
Strap—Bow (Small Boat)	A line passed through a hole in the stem of a skiff or small boat and spliced to form a loop. The skiff painter is attached to this loop.		
Strap-block	A strap used to suspend a block (but)		Yes
Strap—Buoy line	Consists of two lines twisted, spread around the spliced eye and fitted to prevent their working over the ears. The two loops are provided with two bridles for fastening the buoy line and the tackle.		
Strap—Dragnet	Consists of a bridle attached to the dragnet and a line for attaching to the buoy keg		
Strap-lifting (fishery)	A strap used to wrap around net, fish or objects in order to hook them to the lifting tackle		Yes
Strap—Skate bottom	Consists of 4 short lines spliced one to each corner of a small square of canvas. Two adjacent lines are provided with a grommet and the complete "skate bottom" is used to hold a skate of gear in proper manner and prevent tangling.		
Strap—Splitting	Consists of a loop passed through straps located at suitable points around the fish bag so as to divide the catch into convenient portions while unloading the net. The splitting strap and cod end are hove to the surface by the haulup line and lifted aboard by the fishing tackle.		Yes
Strap—Tow	A heavy rope, spliced endless and used for side hooking by harbor tugs		
Sweep Lines	Used to support heavy sweep hat over sheaves under barges in sounding for high spots		Yes
Tack	The rope by which the forward lower corner of a fore and aft sail is held down and secured		Yes
Tackline	The rope that hauls down the tack of a gaff topsail		
Tack line	A short length of line used to separate flags in a hoist		
Tag line	A rope used to guide loads when these are being hoisted and moved off the ground		
Tarpaulin rope	A rope usually attached to, and for securing or making fast a tarpaulin		
Telegraph line	A small transmission rope used by the oil field for controlling the speed of the engine from the derrick floor.		
Tent rope—Guy line	Rope used in tying down, or securing tents		
Tent rope—Stake	The rope used on the halves of shelter tents		
Tie ropes—Cover	small lines not attached to covers or tarpaulins but which are used to secure or lash a cover to or around an object.		
Tie rope	A small rope usually ¼" diam. used for staking out grazing animals		
Tie down rope—Aircraft	A rope used to tie down or otherwise secure aircraft to the ground as a protection against being damaged by wind, etc		Yes
Tiller ropes (vessels—5 net tons and over)	A line running from the steering wheel thru blocks to the tiller		Yes
Tiller rope (vessels—under 5 net tons)	Same as above		
Toplift	See Boom hitch		
Topping lift (below ⅝" diam.)	A tackle or rope leading from the head of a mast of a vessel or derrick or the like to the end of a boom		
Topping lift (⅝" diam. and larger)	Same as above		Yes
Torpedo lines—Oil well	Approximately ½" diam. rope used to lower explosives into oil or gas well preparatory to "shooting" the well	Yes	Yes
Tow line—Automobile, trucks and mechanized equipment	A short length of rope or twine, a vehicle. Usually has an eye spliced in one or both ends		
Tow line—Canal barges and cargo vessels (below 7" circ.)	A rope used in towing canal barges or boats		
Tow line—Canal barges and cargo vessels (7" circ. and larger)	Same as above		Yes
Towline—Life boat	Used to tow a life boat behind a larger vessel or behind another life boat		Yes
Tow line—Scow and purse boat	The line used for towing the scow or purse boat behind the fishing boat		Yes
Tow line—Skiff (fishery)	See Painter—seine		Yes
Tow lines—Stern (tug boat) (smaller than 3" circ.)	The line used by tug boats to lead the stern of the fish to the tow		
Tow line—Stern (tug boat (3" circ. and larger)	Same as above		Yes
Tow line—Trailer (fishery)	Used to tow heavy scows laden with fish		
Tow line—Towing spar	Used to tow spar which keeps ships in position		Yes
Tow line—Mines	The ropes used for towing heavy machinery in mines		Yes
Tow lines—Seaplanes and Airplanes	Rope used in towing seaplanes, flying boats and land planes at bases and airports		Yes
Tow lines—Tug boat (smaller than 3" circ.)	The lines used by tug boats for towing ships, barges, scows, etc. It is the line between the tug and the tow, or when the tow consists of more than one unit, the line between the units.		
Tow lines—Tug boat (not smaller than 3" circ.)	Same as above		Yes
Towing line—Purse seine	See hauling line (purse seine)		
Traces	Rope traces used as a substitute for leather traces in some types of harness usually farm or artillery harness.		
Trip lanyard lines	See net rope		
Trawler line	Line secured to sounding boom and to lower and hoist		
Trawl lines	A long line consisting of 1 or more "skates", "tubs", or coils of gear set in a continuous and substantially straight line. With the exception of crab trot lines, the trawl lines have snells or gangings attached at regular intervals.		
Tree surgery rope	A utility rope used as the name implies		
Trip line	The line used for holding a dory or tender off shore		
Trip ropes	A utility rope used to trip unloading devices		
Tripping line	A line used for capsizing a sea anchor. A line used for releasing a pelican hook, etc		
Trolley car rope	A rope used to pull down and secure a trolley pole		
Trot line	Used as the main or ground line for crab fishing and flag lines		
Truck rope	A rope used in making loads fast on a truck or to serve as a lacing to prevent loads from being lost out of the rear of a truck.		
Tunnel lines	See net rope		
Turntable lines	A line used by West Coast purse seiners to swing the turntable. One end is attached to a corner of the table, the other is brought to the gypsy.		
Tye	The pendant of the purchase for hoisting the yards		
Up and down line	See breast line		Yes
Utility rope	Rope used for making small straps, seizing, etc		
Vang rope	A rope running from end of gaff to the deck		
Vang rope (⅝" diam. and larger)	Used for swinging the cargo boom in loading or discharging cargo		
Vang rope (below ⅝" diam.)	Same as above		Yes
Venetian blind rope	Small twisted or braided ropes used for the operation of Venetian blinds		
Warps	A light hawser used to draw a vessel to a pier or some other fixed object		Yes
Water bag	Rope handle or sling attached to fabric water bag for desert use		
Weather cloth—Sheet lines	A rope used to support canvas rigged as shelter in life boats		
Well ropes	Ropes used for raising and lowering the bucket in water wells		
Whaler rope	A three strand rope 6½" to 7" circ. which connects the foregoers to the ship		Yes

SCHEDULE A—CORDAGE END USE—Continued

End use	Definition	Manila	Agave
Wheel rope (vessels over 10 net tons)	A line from the steering windlass through blocks to the metal linkage which connects with the tiller.	.....	Yes.
Wheel rope (vessels under 10 net tons)	Same as above	.....	Yes.
Winch rope	A rope used to draw or drag or pull an object by means of a power or hand driven winch, capstan or gypsy head, etc.	.....	.....
Window cleaning rope	A safety rope, ⅝" diam. and larger used through a window cleaner's belt to attach him to the building.	.....	Yes.
Wing control line (otter trawls)	Line used to steady wing of a trawl	.....	Yes.
Wiping rope	Rope used in the manufacture of wire and cable to remove excessive lubrication and to polish surface of the wire or cable.	.....	.....
Wire rope centers—(larger than 1/16" diam.)	The fiber rope core serving as a base or cushion around which wire strands are twisted in the manufacture of wire rope.	.....	Yes.
Wire rope centers—1/16" diam. and smaller	Same as above	.....	.....
Wire rope surface yarns	Yarn twisted alternately with strands of wire in manufacture of spring lay type cables	.....	Yes.
Wrecking cable	A cable laid rope usually 10" circ. and larger used in floating stranded ships	.....	Yes.
Whip rope—Ammunition	See Falls—ammunition	.....	Yes.
Whip line—Lyle gun	An intermediate line between the shot line and the auxiliary line used initially to haul out the auxiliary line and also to draw the breeches buoy back and forth along the auxiliary line.	.....	.....
Yacht rope	Rope used for the running rigging of yachts	.....	.....

SCHEDULE B—TWINE END USE

NOTE: Heading amended Sept. 27, 1945.

The use of agave fiber for the manufacture of binder and baler twine will be authorized as stated in paragraph (d) (2). Agave is now permitted only where indicated.

End use	Definition	Manila	Agave
Bale rope	A heavy wrapping twine for securing large bales or bundles	.....	.....
Christmas tree twine	A single ply twine, usually tarred or dyed for binding Christmas trees in bundles for shipping	.....	.....
Fodder yarn	Single yarn generally tarred, put up in stranded or many end form, used in tying up fodder. This yarn is comparable to, in certain parts of the country where a mechanical harvester is used for harvesting, a binder twine. In other parts where the binding of sheaves is done by hand, fodder yarn is used	.....	.....
Hambroline	See seizing stuff	.....	Yes.
Hanging twine—Hard fiber nets	Twine used to hang hard fiber nets to lines	.....	Yes.
Hanging twine—Soft fiber nets	Twine used to hang soft fiber nets to lines	.....	.....
Herring twine	See Marline—lobster	.....	.....
Hide rope	Twine—twisted into strand form usually 2 ends. 2 or 3 ply	.....	.....
Horse line	See seizing stuff	.....	.....
Lathyarn	A single yarn put up in stranded or many end form either tarred or untarred	.....	.....
Marline	See seizing stuff	.....	.....
Marline—Lobster	A twine required in the manufacture of the inside funnel of lobster pots	.....	Yes.
Netting—Otter trawls	A hard laid twine, usually 2, 3, or 4 ply in sizes from 9/0 to 6/0 used for the manufacture of hard fiber fishing nets. Also for mending nets.	.....	.....
Piping cord	The cord used in a roll edge trim for furniture, etc	.....	.....
Ring yarns	See wrapping twine. A single yarn usually put up in tracks for many end formation used generally for purposes	.....	.....
Roundline	See seizing stuff	.....	.....
Seizing stuff	A general term covering line sizes of rope and twine used for seizing bales, tops and cables	.....	.....
Sewing twine	Twine used for bag closing and for netting purposes	.....	.....
Single yarn	A yarn put up in single end form, used for tying up four lots of samples. Tarred or untarred	.....	.....
Small stuff	See seizing stuff	.....	.....
Spun yarn	See seizing stuff	.....	.....
Tube rope	A heavy wrapping twine of soft two strand for securing large bales and bundles	.....	.....
Wormline	See seizing stuff	.....	.....
Wrapping and tying twine	Single yarn used as twine, or 2 ply twine, twisted or laid, used for tying, packaging, baling or handling	.....	(*)

* Varies low only, with or without admixture of other fibers.

NOTE: "Partial List of Prohibited Items" including "End Use—Definition" and items listed thereunder deleted July 26, 1945.

[F. R. Doc. 45-18050; Filed, Sept. 27, 1945; 11:36 a. m.]

PART 1010—SUSPENSION ORDERS

[Suspension Order S-738, Reinstatement and Amdt.]

TRIBUNE PUBLISHING CO.

The Tribune Publishing Company, a corporation located in Tacoma, Washington and engaged in publishing the Tacoma News Tribune and the Sunday Ledger-News Tribune, was suspended on May 19, 1945 by Suspension Order No. S-788. It appealed from the provisions of the suspension order and, pending determination of the appeal, the suspension order was stayed by the Chief Compliance Commissioner on June 20, 1945.

The appeal has been considered by the Chief Compliance Commissioner who has directed that the appeal be dismissed, the stay be terminated, and that the suspension order be reinstated and amended.

In view of the foregoing, it is hereby ordered, that: § 1010.788 *Suspension Order No. S-788*, issued May 19, 1945, be and hereby is reinstated as of September 27, 1945; the stay of execution directed by the Chief Compliance Commissioner on June 20, 1945, be and hereby is revoked as of September 26, 1945; and the suspension order be and hereby is amended by substituting the following paragraphs (a) and (c) for the present paragraphs (a) and (c):

(a) The Tribune Publishing Company, its successors or assigns, shall reduce its consumption of print paper for the fourth quarter of 1945 and the first and second quarters of 1946 by 27.4 tons per quarter under the quota it would otherwise be entitled to use pursuant to the provisions of Limitation Order L-240, unless specifically authorized to the contrary by the War Production Board.

(c) Issued this 17th day of September 1945.

WAR PRODUCTION BOARD
By J. JOSEPH WHELAN,
Recording Secretary

[F. R. Doc. 45-18053; Filed, Sept. 27, 1945; 11:37 a. m.]

PART 4600—RUBBER, SYNTHETIC RUBBER AND PRODUCTS THEREOF

[Rubber Order R-1, as Amended Sept. 27, 1945]

Rubber Order R-1 as amended May 30, 1945, is hereby amended to read as follows:

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of natural rubber and other materials entering into the production of rubber products for defense, for private account and for export, and the following order is deemed necessary and appropriate in the public interest and to promote the national defense.

Sec.

4600.01 Definitions of certain terms.

GENERAL RESTRICTIONS ON CONSUMPTION OF RAW MATERIALS

4600.02 Authorized consumption.
4600.03 Permitted uses.

PURCHASE PROCEDURE

4600.04 Purchase requests for natural rubber, natural rubber latex, butyl or chlorinated natural rubber.

DELIVERIES, INVENTORIES, AND IMPORTATION

4600.05 Restrictions on delivery of materials.
4600.06 Restrictions on inventories of materials.
4600.07 Restrictions on importation of materials.
4600.08 Acquisition of tires and tubes for original equipment.
4600.09 Acquisition of tires and tubes for replacement purposes.
4600.10 Directions of the War Production Board.
4600.11 Natural rubber and natural rubber latex gloves.

MISCELLANEOUS

4600.12 Reports.
4600.13 Applicability of regulations.
4600.14 Appeals.
4600.15 Violations.
4600.16 Communications.

Appendix I—General permitted uses of raw materials and permitted products. (No longer printed separately but printed at the end of this order).
Appendix II—Manufacturing regulations. (Printed separately).
Appendix III—Revoked May 30, 1945.
Appendix IV—Tire Allotment Plan. Revoked September 7, 1945.
Appendix V—Sorting and packing of scrap tire parts. (Printed separately).

Purpose of this order. Rubber Order R-1 embraces the War Production Board's regulations covering the acquisition and consumption of raw materials, purchase procedure, delivery and importation, and special regulations covering the production of certain end products.

Appendix I, which is printed at the foot of Order R-1, establishes general permitted uses for raw materials and special restrictions or provisions for the use of raw materials in the manufacture of specified products.

Appendix II, which is printed separately, establishes manufacturing regulations for various end products set out in it as applicable to the particular product.

Appendix V, which is printed separately, provides regulations for the sorting and packing of scrap tire parts.

DEFINITIONS

§ 4600.01 *Definition of certain terms.* As used in this order:

(a) "Natural rubber" means all forms and types of tree, vine, or shrub rubber including guayule and natural rubber latex. It does not mean or include reclaimed rubber, scrap rubber, balata, chilte, gutta-percha, gutta siak, gutta jelutong or pontianac.

(b) "Natural rubber latex" means the dry latex solids contained in liquid latex.

(c) "Reclaimed rubber" means any vulcanizable material derived from the processing or treatment of scrap rubber, but excluding reclaimed residue or "mud". Reclaimed residue or "mud" means dried and recovered sludge consisting of a mixture of partially hydrolyzed cellulose, finely divided rubber and other waste products of the digester process of reclaiming rubber.

(d) "Scrap rubber" means any material which results from or is incident to the processing of rubber or synthetic rubber in the manufacture or repair of any product including any unvulcanized scrap rubber containing fabric and any defectively processed materials or products which are not usable for a purpose for which they are designed. The term also means any finished product or part thereof made in whole or in part from rubber or synthetic rubber which through wear, deterioration or obsolescence has served its purpose in its present state.

The term does not include (1) a pneumatic tire or tire casing which can be made serviceable under present limited operating conditions for a use for which it was designed, by means of a temporary or permanent repair or by retreading or recapping in accordance with recognized commercial practice, provided, that pneumatic tires designated by the United States Army as "C-2" tires or designated by the United States Navy as "A" tires, and sold under the warranty that they will be used only as scrap, are designated for the purpose of this Rubber Order as scrap and may only be used as such; (2) any other product which is still usable for a primary purpose for which it was designed; (3) any residual piece of uncured tire cord friction (cord end) which is of sufficient size to be usable as new material in the manufacture of tire patches or in the repair of tires.

(e) "Synthetic rubber" includes Neoprene (all types), Thiokol (all types), except GR-P; all Isobutylene polymer and copolymer types, including Butyl (GR-I) and Polyisobutylene (also known as Polybutene, Vistanex, Vistac, Synthetic 100 and GR-I-X; all Butadiene polymer and copolymer types, including but not limited to GR-S types, such as Hycar OS and Styraloy, and all Butadiene-Acrylonitrile types, such as Hycar, Perbunan, Chemigum, Butaprene and GR-A; and all Isoprene polymer and copolymer types.

(f) "Tube butyl" means specification GR-I and GR-I-50 P.

(g) "Chlorinated natural rubber" means the reaction product of chlorine and natural rubber.

(h) "Consume" means to fabricate, process, stamp, cut or in any manner make any substantial change in the form, shape or chemical composition of natural rubber or synthetic rubber and includes both the consumption of scrap rubber for the production of reclaimed rubber, and the separating, tearing, splitting or pulling apart of scrap rubber for any purpose.

(i) "Person" means any individual, partnership, association, business trust, corporation, governmental corporation or agency, or any organized group of persons, whether incorporated or not.

GENERAL RESTRICTIONS ON CONSUMPTION OF RAW MATERIALS

§ 4600.02 *Authorized consumption.* No person shall consume any of the following materials for permitted uses without first obtaining authorization to do so from the War Production Board on Form WPB-3662.

Natural rubber.
Natural rubber latex.
Butyl.
Chlorinated natural rubber.

No person shall consume in any one calendar month any materials listed above, except in the amounts and for the purposes authorized on Form WPB-3662, and in accordance with applicable manufacturing regulations specified in Appendix II. In addition, material may be consumed for experimental use without authorization to the extent permitted in Appendix I.

Applications for authority to consume any of the materials listed above must be made by filing Form WPB-3662 for each calendar month, with the Rubber Bureau, War Production Board, Washington 25, D. C. Applications on Form WPB-3662 to use these materials in any one month must be filed not later than the 10th day of the preceding month.

Butyl plant clean-up material. Any person may consume Butyl plant clean-up material in the manufacture of any product listed in Appendix I to Rubber Order R-1 as amended, without specific authorization from the War Production Board.

§ 4600.03 *Permitted uses.* No person shall use natural rubber, natural rubber latex, butyl or chlorinated natural rubber, except as provided for in Tables A and B of Appendix I, subject to the applicable manufacturing regulations of this order.

PURCHASE PROCEDURE

§ 4600.04 *Purchase requests for natural rubber, natural rubber latex, butyl or chlorinated natural rubber.* (a) Purchase requests for natural rubber, natural rubber latex and butyl must be made on Form WPB-3682 in accordance with instructions accompanying the form. Purchase requests for all types of Government-manufactured synthetic rubber, except butyl, should be made to the

Sales Division, Office of Rubber Reserve, Reconstruction Finance Corporation, Washington 25, D. C., in accordance with the regulations of the Office of Rubber Reserve.

Authorized consumers of chlorinated natural rubber and any consumer of synthetic rubber which is privately produced may purchase directly from the producer subject to the inventory restrictions of § 4600.06.

Material purchased, the consumption of which is subject to authorization on Form WPB–3662, may be consumed only to the extent authorized on Form WPB–3662 in any one calendar month and in accordance with applicable manufacturing regulations.

For purchases of material for experimental use, see Appendix I, below.

Purchase requests for Butyl plant clean-up material shall be made on Form WPB–3682 in accordance with instructions accompanying the form. Butyl plant clean-up material must be specified on the form.

(b) *Preference ratings.* Natural rubber, natural rubber latex, butyl and chlorinated natural rubber may be sold and delivered without regard to any preference ratings. Any preference rating purporting to be applied or extended to orders for such materials shall be void and of no effect and must be disregarded.

DELIVERIES, INVENTORIES AND IMPORTATION

§ 4600.05 *Restrictions on deliveries of materials.* No person shall deliver any natural rubber, natural rubber latex, butyl or chlorinated natural rubber except as specifically authorized by the War Production Board or as permitted by regulations of the Office of Rubber Reserve. Delivery of these raw materials will be authorized only for uses permitted by Table A and for products specified in Table B both of Appendix I below; delivery of all other raw rubber materials shall be subject only to the inventory restrictions contained in § 4600.06, below; the poundage authorized will take into account the consumption capacity of the applicant and his reports of actual consumption received monthly on Form WPB–3410; in no event will the amounts authorized exceed the inventory restrictions specified in § 4600.06, below. Nothing contained in this section shall be deemed to prohibit:

(a) Delivery of natural rubber, natural rubber latex, butyl or chlorinated natural rubber from one location to another location controlled by the same person where no change of ownership takes place, or by any corporation to another corporation which is its subsidiary or of which it is a subsidiary.

(b) Delivery of reclaimed rubber or any type of synthetic rubber, except butyl. Transfers of these materials must, however, be reported as shipments or receipts on Form WPB–3410 for the calendar month in which the transactions occur.

(c) Any person from accepting delivery from another of natural rubber, natural rubber latex, butyl or chlorinated natural rubber, for the purpose of milling, washing, deresinating, drying, compounding, or conditioning the same, or for processing or manufacturing products therefrom, and thereafter returning the same or the products thereof to such other person.

§ 4600.06 *Restrictions on inventories of materials.* No person, other than the Office of Rubber Reserve, shall accept delivery of any of the following materials, if his inventory is or will by virtue of such acceptance become in excess of an amount reasonably necessary to meet his requirements for the period designated below:

	Days
Natural rubber, natural rubber latex or any type of synthetic rubber, including chlorinated synthetic rubber	60
Reclaimed rubber	45
Chlorinated natural rubber	30

Excess inventories shall be subject to redistribution by voluntary action, or if necessary, through requisitioning by the War Production Board. If a holder has an excess inventory, he may ask for the assistance of the Rubber Bureau, War Production Board, in its disposal.

A person engaged in the business of reclaiming rubber or manufacturing aqueous dispersions of reclaimed rubber may, however, maintain such inventories of scrap, and of reclaimed rubber of his own manufactured grades, as he deems advisable. A person other than the Office of Rubber Reserve engaged in the manufacture of chlorinated rubbers and synthetic rubbers may maintain such inventories of synthetic rubber of his own manufactured types as he may deem advisable. These exceptions may be made notwithstanding the provisions of this § 4600.06 or of Priorities Regulation No. 32, as amended.

§ 4600.07 *Restrictions on importation of materials.* No person shall import any natural rubber, natural rubber latex, or any finished or semi-finished product of which 10% or more by weight is composed of natural rubber or natural rubber latex, except as permitted under this section.

For the purposes of this section, "import" means to transport in any manner into the continental United States from any foreign country or from any territory or possession of the United States (including the Philippine Islands). It includes shipments into a free port, free zone, or bonded custody of the United States Bureau of Customs (bonded warehouse) in the continental United States and shipments in bond into the continental United States for trans-shipment to Canada, Mexico, or any other foreign country.

The restrictions of this section shall not apply to any of the following:

(a) Any importation by the Office of Rubber Reserve or Rubber Development Corporation, or any agent acting for either of them.

(b) The importation by any person during any calendar month of products or materials (except tires, tire casings and tire tubes) which contain an aggregate of not more than twenty-five pounds of natural rubber or natural rubber latex provided such products or materials are not imported for the purpose of manufacturing, processing, sale or resale.

(c) The importation by any person of tires and tubes for the personal use of such person, provided such importation (except of bicycle tires and tubes) is expressly authorized by the Office of Price Administration.

(d) The importation for testing purposes of camelback, or of tires or tubes or sections thereof by any manufacturer of camelback, tires or tubes.

(e) The importation of bicycle tires and tubes originally manufactured in the continental United States, Canada or the British Isles.

(f) The importation of tires for recapping, retreading or repair, provided the tires are thereafter exported to the owners in the foreign country from which the products were imported.

(g) The importation of any scrap rubber.

(h) The importation of any finished products made of natural rubber or natural rubber latex by diplomatic representatives of any foreign government for their personal use or the use of members of their staffs.

(i) The importation of any finished product made of natural rubber or natural rubber latex by commercial representatives of any foreign government for use in their official business.

(j) The importation from the Dominion of Canada by any person of natural rubber, natural rubber latex, butyl or chlorinated natural rubber or any products thereof manufactured in the continental United States, Canada or the British Isles.

(k) The importation by the United States Army or Navy of any finished product made of natural rubber, natural rubber latex, butyl or chlorinated natural rubber.

§ 4600.08 *Acquisition of tires and tubes for original equipment.* In order to obtain tires and tubes for original equipment, a vehicle manufacturer must certify his purchase order in substantially the following form signed by an authorized official:

The undersigned hereby certifies, subject to the criminal penalties for misrepresentation contained in Section 35 A of the United States Criminal Code, that the tires and tubes listed on the attached purchase order are required by him for mounting on original equipment and that the deliveries specified will not result at any time in an inventory greater than required for his scheduled production in the ensuing 15 days.

Use of the above certification constitutes a representation that the deliveries scheduled will not result in the acquisition of more tires and tubes (including inventory) than are required for the particular manufacturer's production of vehicles or equipment during the 15-day period following each scheduled delivery. In the event of a decrease in the number of products actually required, the manufacturer shall notify his supplier of the reduction, and the scheduled deliveries shall be revised accordingly.

§ 4600.09 *Acquisition of tires and tubes for replacement purposes.* (a) No person shall deliver or accept delivery of any passenger, motorcycle, truck or bus pneumatic tires for replacement on any passenger automobile, motorcycle, truck or bus except in accordance with Office of Price Administration Ration Order 1–A or any subsequent ration order of the Office of Price Administration; however,

(1) Any type of tire or tube may be produced and delivered for replacement purposes to, or for the account of, the War Department, Navy Department, Maritime Commission, Aircraft Resources Control Office, Treasury Department (Procurement Division) for export, and for other export, subject to export licenses issued by the Foreign Economic Administration.

(2) Industrial-pneumatic and solid tires, farm tractor implement tires, bicycle tires, and all types of tubes may be produced and delivered for replacement purposes to any person.

(b) MM ratings will be assigned to the delivery of military replacement tires or tubes or both, only upon concurrence of the War Production Board, according to the regulations governing the assignment of MM ratings specified in WPB Directive 41, as amended.

§ 4600.10 *Directions of the War Production Board.* With respect to the production or shipment of tires and tubes, the War Production Board may, notwithstanding any other order, preference rating, directive, rule or regulation of the War Production Board or other Government agency, direct changes in the production or shipments schedule of a producer.

§ 4600.11 *Natural rubber and natural rubber latex gloves.* No person shall sell any first quality light weight gloves manufactured from natural rubber or natural rubber latex except in accordance with the following:

(a) *Sales to institutions.* Sales may be made to an institution without a rating, upon certification by the institution to its supplier in substantially the following form:

The undersigned hereby certifies, subject to the criminal penalties for misrepresentation contained in Section 35 A of the United States Criminal Code, that the light weight rubber gloves specified in the attached purchase order are required by (if an institution, insert name of institution and if a practicing physician, insert name) for use in the practice of medicine.

Date

Signature and title of authorized official; or in the case of a physician, his signature.

(b) *Sales to physicians.* Sales may be made to a practicing physician for professional use, but only upon certification by the physician to his supplier in substantially the form set forth above.

(c) *Exempt orders.* United States Army and Navy orders and orders of The American Red Cross may be filled without regard to the restrictions of this Section.

(d) *Resale.* A person may sell natural rubber or natural rubber latex gloves to another person for resale under this section, but only upon certification by the purchaser to his supplier in substantially the following form:

The undersigned hereby certifies, subject to the criminal penalties for misrepresentation contained in section 35A of the United States Criminal Code, that the light weight natural rubber gloves specified in the attached purchase order and in future orders will be sold only under the restrictions contained in § 4600.11 of Rubber Order R–1.

Date

Signature and title of authorized official

Any person who has filed the above certification with his supplier need not certify subsequent purchases from the same supplier.

§ 4600.12 *Reports.* (a) The following persons shall file with the War Production Board a report on stocks, receipts, consumption, and shipments on Form WPB–3410 in accordance with the instructions accompanying the form:

(1) Each person who during the next preceding month consumed or owned any natural rubber, natural rubber latex, butyl or chlorinated natural rubber.

(2) Each person who during the next preceding month consumed or owned the rubbers listed below, in excess of the following minimums:

	Consumption	Stocks
	Pounds	*Pounds*
Reclaimed rubber	10,000	15,000
GR–S	15,000	30,000
Neoprene	5,000	10,000
Butadiene-Acrylonitrile types	5,000	10,000

This paragraph shall not apply to persons who perform the operations listed in § 4600.05 (c) of this order except that producers of reclaimed rubber shall report their entire production regardless of the ownership of the material consumed.

(b) Each manufacturer of tires and tubes or camelback, and any mass distributor who sells tires and tubes manufactured for him under his own brands or trade marks and whose sales volume of tires and tubes in 1941 exceeded 50,000 tires or 100,000 tubes, shall file a report on his production, shipments and inventory for each calendar month on Form WPB–3438 with the War Production Board, in accordance with the instructions accompanying the form, unless otherwise directed.

(c) Form WPB–3575 shall be filed monthly by each tire splitter as defined in Appendix V (sub-paragraph (a) (2)).

(d) Form WPB–4231, Tires; Manufacturer's Weekly Cured Production Report, shall be filed weekly in accordance with instructions accompanying the form.

(e) Such other reports as may be required, subject to approval by the Bureau of the Budget in accordance with Federal Reports Act of 1942, which are to be filed in accordance with instructions accompanying the forms.

§ 4600.13 *Applicability of regulations.* Except as otherwise provided, this order and all transactions affected thereby are subject to all applicable provisions of War Production Board Regulations as amended from time to time.

§ 4600.14 *Appeals.* Appeals from any provision of this order shall be made by filing Form WPB–2242 in accordance with the instructions appearing on the form.

§ 4600.15 *Violations.* Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

§ 4600.16 *Communications.* All reports required to be filed under this order, and all communications concerning this order, shall, unless otherwise directed, be addressed to: War Production Board, Washington 25, D. C., Ref.: Order R–1.

NOTE: The reporting provisions of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(Sec. 2 (a), 54 Stat. 676, as amended by 55 Stat. 236 and 56 Stat. 177; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; E.O. 9246, 7 F.R. 7379, as amended by E.O. 9475, 9 F.R. 10817; WPB Reg. 1 as amended Dec. 31, 1943, 9 F.R. 64)

Issued this 27th day of September 1945.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

APPENDIX I—GENERAL PERMITTED USES OF RAW MATERIALS AND PERMITTED PRODUCTS

Appendix I to Rubber Order R–1 establishes general permitted uses for natural rubber, natural rubber latex, chlorinated natural rubber and butyl, and also lists the products which are permitted to be made from these raw materials.

Table A below lists the general permitted uses for each of these materials and the monthly consumption, if any, permitted for experimental use without prior authorization.

Table B below deals with specific products in which the use of these raw materials is permitted under the general provisions of Table A. It refers, for certain products, to the applicable manufacturing regulations set out in Appendix II to the Rubber Order (printed separately), specifies the percentage of natural rubber, if any, which may be used in the product, as well as the product for which "Tube Butyl" or "Non-Tube Butyl" may be used, and finally, for many of the products on the table special regulations or provisions are provided.

TABLE A—GENERAL PERMITTED USES OF MATERIALS

Type of material	General permitted uses subject to applicable end product restrictions	Monthly consumption for experimental use without specific authorization [1]
Natural rubber or natural rubber latex.	In the manufacture of products listed in Table B below for which natural rubber or natural rubber latex is specifically permitted, subject to any applicable manufacturing regulations or restrictions, but only as authorized on Form WPB-3662.	25 lbs.
Butyl (GR I, dispersions).	In the manufacture of products listed in Table B below for which butyl is specifically permitted, subject to any applicable manufacturing regulations or restrictions, but only as authorized on Form WPB-3662.	200 lbs., dispersions 250 lbs.
Chlorinated natural rubber.	As specifically authorized on Form WPB-3662.	None.

[1] Experimentation need not be confined to permitted uses, but none of the products produced or resulting from experimentation may be sold. Materials in the amounts indicated may be diverted from inventory or from purchase for manufacturing operations. If manufacturer does not have inventory of natural rubber or natural rubber latex, application for permission to purchase should be made on Form WPB-3682. To purchase butyl rubbers, make applications to Sales Division, Office of Rubber Reserve, Reconstruction Finance Corp., Washington 25, D. C.

For permission to consume materials for experimental use, in excess of the amounts authorized, file Form WPB-2242, in accordance with § 4600.14 of this order.

TABLE B—PERMITTED PRODUCTS

For general permitted uses of material in the manufacture of products, see Table A above. In applying on Form WPB-3662 for those types of material which are subject to prior authorization, use this appendix in accordance with the instructions accompanying the form. The applicant's natural rubber, natural rubber latex, or butyl requirements for each code number listed below, must show the specific quantity of material requested for each subdivision of the code.

Form WPB-3662 should not be used in applying for permission to consume any material for a purpose which is not permitted by Appendix I.

Monthly consumption of natural rubber, natural rubber latex or butyl, will be permitted on the basis of uses shown in this appendix, but only to the extent that material and manufacturing facilities are available after requirements for Army, Navy, Maritime Commission and other essential orders have been fulfilled.

Explanation of Table B Columns and Symbols—

The column headed "Appendix II" refers to applicable regulations in Appendix II to R-1, (printed separately) by the list number under which it will be found. The second column shows to what extent natural rubber and/or natural rubber latex authorized on Form WPB-3662 may be used in the manufacture of particular products. The third column shows to what extent Tube Butyl or Non-Tube Butyl authorized on Form WPB-3662 may be used in the manufacture of particular products.

The natural rubber and butyl columns are blank when applicable regulations in Appendix II or special restrictions in the last column limit the use of these materials.

"O" indicates that the use of the material is prohibited, subject to any special restrictions or provisions applicable to the particular product.

"X" indicates that the material may be consumed in the minimum quantities required by a manufacturer who has received authorization to consume on Form WPB-3662, subject to any special restrictions or provisions applicable to the particular product.

Percentage figures indicate maximum percent of total volume of compound, unless otherwise specified.

TABLE B—PERMITTED PRODUCTS

Code No.	Product	Appendix II	Percent natural rubber	Butyl	Special restrictions or provisions
1	Pneumatic tires:				
	Airplane tires	12		O	
	Bicycle tires	17		O	
	All other	8		O	
2	Solid tires:	↓			
	Airplane tires	→ 12		O	
	Bogie, idler and support rollers	8		O	
	Pressed on	8		O	
	Cured on, 4 x 1½ and up	8		O	
	Lug base industrial (unbonded)	8		O	
3	Tire tubes:				
	Airplane	9		X	
	Bicycle (including valves)	17		O	
	All other	9		O	
4	Tire tube valves and curing bags:				
	Tire tube valves (including repair valves)	16		X	
	Tire tube valve inside washers		X	X	
	Curing bags	2		X	
5	Tire flaps	10		O	
6	Tire retreading materials:				
	Air bags, full circle, for retreading	13		X	
	Other	13		O	
7	Tire and tube repair materials:				
7A	Cements for use in reconditioning of tires and tubes	7		O	
7B	Air bags, sectional	7		X	
7C	Bulk tire repair materials	7		O	
7D	Tire patches and reliners	7		X	
7E	Tube patches	7		O	
8	Tank blocks, treads and hand tracks	14		O	
9	Belting				Belting must be manufactured in accordance with the following regulations: Rubber belting utilizing a solid woven canvas is permitted, provided such construction uses no more natural rubber than is permitted in laminated belting of equivalent size and thickness. Constructions using combinations of fabric and other reinforcing materials, such as cord or wire, are permitted provided total natural rubber does not exceed that which is used in an equivalent grade, fabric ply construction belt. When making open-end belts, endless, natural rubber may be used provided that it does not exceed 0.025 lbs. per ply per inch of width. Color: Black (except where unpackaged food comes in contact with belt).
9A	Conveyor and elevator belting:				
	Conveyor and elevator belting and pulley lagging therefor		5	O	
9B	Miscellaneous belting and related products:				
	Belt splicing and repair material		5	O	
	Hog-hunter belts		5	O	
	Screen diaphragms for papermaking equipment		5	O	
	Street sweeper belts		5	O	
9C	Transmission belting:				
	Flat transmission belting			O	Natural rubber or natural rubber latex 0.07 lbs. maximum per 1,200 square inches per ply permitted. Color of seaming stripe is optional.
	Round transmission belting		5	O	
9D	V-belts			O	Natural rubber and natural rubber latex (5% maximum of total volume of belts) permitted.
10	Hose and tubing:				
10A	Automotive and aircraft hose:				
	Radiator hose			O	Natural rubber permitted in cements only.
10B	Cement hose:				
	Cement and material hose, dry and ice slinger		5	O	
	Cement gun hose		5	O	
	Cement handling, including grouting		5	O	
	Concrete placing		5	O	
10C	Divers' hose		3	O	
10D	Hose and tubing not elsewhere listed		0	O	

TABLE B—PERMITTED PRODUCTS—continued

Code No.	Product	Appendix II	Percent natural rubber	Butyl	Special restrictions or provisions
10E	Hose and tubing—Continued.				
	Miscellaneous hose and tubing:				
	Acid conducting and acid suction hose		3	X	Butyl permitted, except tube butyl.
	Air and air tool hose, industrial		1.5	O	
	Air line hose for paint spray equipment		1.5	O	
	Alcohol, brewer's and beverage hose, tubing and suction hose		3	X	Butyl permitted, except tube butyl.
	Arbor pipe forming hose		9	O	
	Chemical engine hose			O	Natural rubber permitted in cements only.
	CO_2 Fire extinguisher hose		0	X	Butyl permitted, except tube butyl.
	Creamery (sanitary) hose		1.5	O	
	Fire hose cotton rubber lined			O	Maximum natural rubber permitted per 100 feet of hose: Nominal size (inches) / Natural rubber (lbs.): 1 / 1.0; 1¼ / 1.3; 1½ / 1.6; 2 / 2.2; 2½ / 2.8; 3 / 3.0; 3½ / 4.0. If guayule alone is consumed 20% may be added to the above figures.
	Fire hose, wrapped duck		1.5	O	
	Hydraulic control and industrial grease hose		5	O	
	Industrial mandrel made hose for hose masks as required by Bureau of Mines		5	O	
	Jetting and hydraulic		3	O	
	Milk conveying and food handling hose		5	O	
	Oxygen (not welding) hose		X	O	Aeronautical only.
	Phosphate flexible hose		5	O	
	Rockwool insulation hose			O	Natural rubber permitted in cements only.
	Rotary drilling hose		9	O	
	Sand blast hose		9	O	
	Spray hose, agricultural; High pressure		1.5	O	
	Spray hose, paint		1.5	O	
	Tender tank hose		3	O	
	Tubing		0	X	Butyl permitted, except tube butyl.
	Water hose, all sizes			O	Natural rubber permitted in cements only.
	Welding hose		1.5	O	
10F	Miscellaneous related products:				
	Expansion joints (normally used in rigid lines to absorb thrust on excessive motion or to isolate vibration and/or noise)		25	O	Tube: ⅛" maximum on sizes 8" I. D. and under; 3/16" maximum on sizes over 8" I. D., Cover: 3/16" maximum on all sizes.
	Flanged flexible pipe		5	O	
	Pinch valve		9	O	
	Shaft covering, flexible			O	Natural rubber permitted in cements only.
	Tapered rubber nozzle (when built on end of hose)		5	O	
10G	Railroad hose:				
	Air brake and train air signal hose		1.5	O	
	Air, gas and oxygen hose		1.5	O	
	Steam and hot water hose		3	O	
	Tender tank hose		3	O	
	Water hose, all sizes			O	Natural rubber permitted in cements only.
10H	Steam hose:				
	Pile drive hose		5	X	Butyl permitted, except tube butyl.
	Other		3	X	Do.
10I	Suction hose:				
	Dredging sleeves		5	O	
	Fire engine suction hose, bar l		3	O	
	Fire engine suction hose, soft			O	3½" and over—4 lbs. natural rubber per 100 feet.
	Hard rubber suction hose			O	Natural rubber permitted in cements only.
	Oil suction and discharge hose		3	O	

TABLE B—PERMITTED PRODUCTS—continued

Code No.	Product	Appendix II	Percent natural rubber	Butyl	Special restrictions or provisions
10J	Hose and tubing—Continued.				
	Suction hose—Continued				
	Rotary slush pump suction hose		3	O	
	Sand suction hose		9	O	
	Water suction hose		3	O	
10J	Vacuum hose:				
	Blower or exhaust hose		9	O	
	Dust collector hose		5	O	
	Industrial vacuum hose		3	O	
11	Packing and gaskets:				
11A	Packing without fabric or high percentage of fiber:				
	Sheet packing, including cut, extruded, or molded strips, gaskets, packing rings or non-fabric diaphragms			O	5% natural rubber by volume permitted in Thiokol A compounds. Natural rubber permitted for packings to Spec. 3JR1 for the following submarine uses: 1. T-shaped gaskets installed in access hatches. 2. External watertight doors. 3. Safety and negative tank flood valves. 4. Torpedo tube muzzle doors. 5. Parts for sound and vibration isolation.
11B	Packings with high fiber content:				
	Gaskets, including sheet (generally known as compressed asbestos sheet) from which gaskets may be cut		5	X	Natural rubber by weight. Butyl permitted, except tube butyl.
	Rod packing (generally known as rubber bonded plastic packing)		5	O	Natural rubber by weight excluding cotton or wire.
11C	Packing with fabric insertion-flat:				
	Rod or piston packing			O	Natural rubber 50% by volume permitted only for piston packing for superheated water service.
	Diaphragm sheet, including cut diaphragms made from same		0	X	Butyl permitted, except tube butyl.
11D	Packing with fabric insertion made by folding or rolling:				
	Cotton fabric:				
	Frictioned		5	O	Natural rubber by volume.
	Spread		1	O	Natural rubber percent of weight of fabric.
	Asbestos fabric		3	O	Natural rubber by volume.
11E	Miscellaneous packing:		0	O	
11F	Valve and valve parts:			O	5% natural rubber permitted in Thiokol "A" compound.
11G	Sealing compounds:				
	Sealing compounds for seaming lacs and bagging		0	X	Butyl permitted, except tube butyl.
	Compounds designed for sealing cans made of tin-plate, blackplate, or terneplate		0	X	Do.
	Gaskets and compounds for sealing jars, tumblers, cans, drums and pails		0	X	Do.
	Rings and compounds for sealing glass containers		0	X	Do.
12	Mechanicals listed in this Code 12:				
12A	Aircraft Equipment:				
	Airplane de-icer parts (except propeller hose)		X	O	
	Brake expander tubing		X	O	
	Engine and instrument mountings	4		O	
12B	Automotive and railroad equipment and suspension parts for track laying vehicles:				
	Engine transmission and propeller center bearing mountings	4		O	
	Gudgeon bushings for tractor, 18 ton, M4, Part No. 6283699		X	O	
	Gudgeon bushings for tractor, 38 ton, M6, Part No. C130699		X	O	
	Gudgeon bushings for medium tanks with Horizontal Volute Suspension, Part No. C133817		X	O	
	Hydraulic brake cups		X	O	
	Recoil pad for tractor, 13 ton, M5, Part No. B389454		X	O	

TABLE B—PERMITTED PRODUCTS—continued

Code No.	Product	Appendix H	Percent natural rubber	Butyl	Special restrictions or provisions
12H Con.	Mechanicals listed in this Code 12—Continued.				
	Automotive and railroad equipment and suspension parts for track laying vehicles—Continued				
	Sealed beam gaskets		0	X	Butyl permitted, except tube butyl
	Shock and instrument mounts	4		X	Do.
	Shock absorber bushings for light tanks, T24, Part No. B327569.		8	O	
	Shock absorber bushings for medium tanks with Horizontal Volute Suspension, Part No. A795625.		X	O	
	Spring seat bushings for tractor, 18 ton, M4, Part No. A328558.		X	O	
	Spring seat bushings for tractor, 38 ton, M6, Part No. A328528.		X	O	
	Torsional vibration dampers	4		O	
	Vibration insulators and absorbers	4		O	
12C	Electrical products equipment:				
	Lineman's protective devices including only:				
	Blankets		21	O	
	Cable bandage		X	O	
	Cable and test caps and separators		48	O	
	Insulator hoods		21	O	
	Line hose		21	O	
	Lineman's sleeves		X	O	
12D	Hard rubber products:				
	Baskets (etching), beakers, buckets, dippers, frames, funnels, measure pails, racks and trays.			O	For handling explosives and corrosive chemicals. Natural rubber, 10% maximum by volume of compound permitted in handmade products only.
	Component hard rubber parts of machinery for manufacture and handling of rayon, explosives and corrosive chemicals.			O	Natural rubber, 10% maximum by volume of compound permitted in handmade products only.
	Storage battery parts, including only:				
	Microporous separators			O	Natural rubber and natural rubber latex permitted for submarine storage batteries only.
	Submarine battery jars		43	O	
	Tubular retainers		60	O	
	X-Ray and photographic tanks (handmade only):				
	¼" wall and over			O	Natural rubber—10% maximum by volume of compound permitted.
	Under ¼" wall			O	Natural rubber—30% maximum by volume of compound permitted.
12E	Industrial equipment:				
	Press die pads				For the manufacture of forming pads to shape metals.
	Pads 4" or more in thickness:				
	Under 40 shore hardness		53	O	
	40 and over shore hardness		33	O	
12F	Miscellaneous mechanical goods:		9	O	
	Dam and lock gate seals		0	X	Butyl permitted, except tube butyl
	Gas main bags				Do.
	Molded diaphragms		5	X	
	Molding or forming bags and pads		0	X	For plywood, safety glass and plastics forming. Butyl permitted, except tube butyl.
	Streetcar wheel sandwich rings			O	Natural rubber not exceeding ½" in thickness permitted in bonding cements or tie cures only.
12G	Oil well supplies including only:				
	Packer-fabric reinforced		9	O	
	Slush pump pistons and liners for fluid packed pumps.		X	O	
	Strippers		X	O	
	Testing and cementing		9	O	
	Valves and ports		X	O	
	Valve cups		X	O	
12H	Plumbing supplies		0	O	

TABLE B—PERMITTED PRODUCTS—continued

Code No.	Product	Appendix H	Percent natural rubber	Butyl	Special restrictions or provisions
12I	Mechanicals listed in this Code 12—Continued.				
	Printing rubber products				Natural rubber or natural rubber latex permitted in any printing rubber product as cements only, for mounting purposes and for adhesion to metal
	Adhesive fabric friction		75	O	
	Elastomine rubber friction		9	O	
	Printing rolls				2 5% natural rubber by volume permitted for high speed newspaper printing rolls.
	Roll to be coated with composition having shore hardness less than 20		20	O	
	Rubber solution for wetplate negative		X	O	
12J	Rolls and rollers:				
	Rubber covered industrial rolls and roll coverings except suction press		8	O	
	Suction press		80	O	¾" maximum thickness.
12K	Rubber protected or lined equipment.				
	Rubber lining (bar-Let soft) for—				Natural rubber or natural rubber latex in the percentages indicated but not both. Individual applications of the following types may exceed the maximum specified. (1) repair of existing natural rubber or natural rubber latex linings; (2) where sharp corners or angles require; (3) for tie pins where vacuum is present; (4) for not more than 1/16" coating or ply over GR-S lining to arrest hydrochloric, hydrofluoric and phosphoric acids; provided total natural rubber or natural rubber latex consumption by any consumer in any calendar quarter does not exceed the maximum specified.
	Drums and tanks		10	X	Butyl permitted, except tube butyl.
	Pipe and fittings		10	X	Do.
	Tank cars and large tanks (Spec. ICC 103BW, 104B, and AAR-203).		X	X	
	Rubber protected industrial equipment for handling corrosive material and explosives.		10	X	Natural rubber or natural rubber latex but not both. Butyl permitted, except tube butyl.
	Rubber coverings for: Agitators, blowers, exhausters, pumps, pump lining valves and valve parts (except tire tube valves) only.		10	X	Do.
	Rubber lining for centrifugal pumps designed to handle: Ore concentrates. Sand and other highly abrasive materials in suspension. Slurry.		10	X	Do.
12L	Textile machinery parts:				
	Card clothing		9	O	
13	Wire and cable				
13A	Insulation and jacket compounds: Compound for insulating or jacketing wire and cable.		11	O	
13B	Insulation material		0	O	
13C	Tape:				
	Cable tape	11		O	
	Compounds for rubber insulating tape	11		O	
	DPIC tape		0	X	Butyl permitted, except tube butyl.
14	Rubber footwear	5		O	
15	Hose and belts		0	O	

TABLE B—PERMITTED PRODUCTS—continued

Code No.	Product	Appendix H	Percent natural rubber	Butyl	Special restrictions or provisions
16	Cement for:				
16A	Shoes		0	X	Butyl permitted, except tube butyl.
16B	Other purposes limited to U. S. Army, Navy and Maritime Commission orders only		0	X	Do.
17	Proofing, combining or coating of fabric and other materials:				
17A	Compounds for the following:				
	Diving equipment		X	X	Do
	Flotation equipment:				
	Life saving belts, vests and jackets		0	X	Do.
	Airborne life rafts		X	X	Do.
17B	Compounds for cements and tapes		0	X	Do.
17C	Compounds for proofing, combining or coating, for any purpose not elsewhere listed.		0	X	Do.
18	Drug sundries, medical, surgical, dental				Where natural rubber is permitted for a product natural rubber latex may be substituted, unless otherwise indicated.
18A	Adhesive products		0	O	
18B	Bulbs		0	O	
18C	Dental products:				
	Dental dam		X	O	
	Dental polishing tips		X	O	Professional use only.
	Denture rubber:				
	Pink color		65	O	
	All other colors		50	O	
	Orthodontia bands		X	O	
18D	Plot goods:				
	Fountain syringe bags			O	Natural rubber or natural rubber latex permitted for seaming and closing.
	Ice bags			O	Do.
	Invalid cushions			O	Do.
	Operating cushions			O	Do.
	Water bottles and combination syringes.			O	Do.
18E	Gloves and cots:				
	Finger cots (medical, surgical, dental, veterinary, mortuary and laboratory types only).		X	O	
	Gloves:				
	Electricians'		X	O	
	Surgeons'		X	O	Government Fed. Spec. 22-G-421 A. Limited to Medical use (see § 4600.11).
	All other including all-rubber, net-lined, rubberized fabric, etc., for any use.			O	Natural rubber or natural rubber latex permitted only for seaming net-lined gloves.
18F	Infant goods:				
	Breast shields, nursing		X	O	
	Feeding nipples (including annulls).			O	Total weight in pounds of natural rubber and/or natural rubber latex in each finished nipple shall not exceed: Molded and animal .0105 All other .007
18G	Miscellaneous sundries:				
	Blood pressure bags		75	O	
	Catheters			O	Natural rubber latex (68% maximum by volume) permitted.
	Colostomy outfits, hand made		X	O	
	Diabators		X	O	
	Inhalation bags and face pieces not including oxygen tents and tubing (medical, dental, surgical and veterinary types only).		X	O	
	Parts for medical, surgical, dental, veterinary and mortuary instruments, excluding tubing except permitted in Code 18J.		X	O	
	Prostate bags		X	O	

TABLE B—PERMITTED PRODUCTS—continued

Code No.	Product	Appendix H	Percent natural rubber	Butyl	Special restrictions or provisions
	Drug sundries, medical, surgical, dental—Continued.				
	Miscellaneous sundries—Continued.				
	Prosthetic devices		X	O	
	Rubber bands and cushions designed for artificial limbs.		X	O	
	Stoppers			O	Medical, surgical, dental, veterinary and mortuary type only, for stoppers under ¾" bottom diameter and stoppers required for containers and apparatus used for the administration of parenteral solutions, including blood plasma and whole blood, natural rubber and natural rubber latex permitted.
	Tourniquets		X	O	
	Urinals		X	O	
	Vaccine caps		X	O	
	Veterinary sleeves		X	O	
18H	Pessaries and prophylactics		X	O	
18I	Sheet goods:				
	Bandage gum (surgical and medical only)		75	O	
18J	Tubing: Tubes and tubing for surgical purposes only limited to multiple lumen tubes, plasma and surgical tubing.		X	O	
21	Bullet sealing fuel and oil cells:				
	Sealant for fuel cells			O	Natural rubber not exceeding 20 parts Guayule.
	Sealant for oil cells		X	O	Natural rubber permitted for inside fabric skim coat nylon hammocks and hammock type fuel cells, natural rubber not exceeding 20 parts Guayule elsewhere.
	Fabric skim coat			O	
	Cord dip			O	Natural rubber latex not exceeding 3% of dry weight of cord.
	Building cement		X	O	
22	Miscellaneous:				
22A	Athletic equipment		0	O	
22B	Balloons		0	O	
22C	Cushioning and pads:				
	Instrument mounts	4		X	Butyl permitted, except tube butyl.
22D	Masks and respirators:				
	Breathing bags for submarine lung and oxygen breathing apparatus		X	X	Do.
	Component parts for gas masks, not listed below.			X	Natural rubber latex permitted for adhesive for gas mask filters. Butyl permitted, except tube butyl.
	Component parts for mine and industrial safety masks, not listed below.		0	X	Butyl permitted, except tube butyl.
	Dust respirators		0	X	Do.
	Face pieces for shallow water diving equipment.		0	X	Do.
	Flutter valves and diaphragms		X	X	Do.
	Inhalators		0	X	Do.
	Parts for oxygen masks and breathing apparatus for high altitude service.		X	X	Do.
22E	Miscellaneous products:				
	Parts other than cushioning for flight radio, radar and fire control instruments.	4		X	Do
	Parachute bands and ventilating rings		X	O	Natural rubber latex permitted in place of natural rubber.
22F	Pressure sensitive tape		0	0	
22G	Stationers supplies		0	0	
22H	Rubber thread		0	0	
22I	Rubber tape for clothing		0	0	
22J	Webbing, elastic (combined knitted fabric cut to desired width).		0	0	

[F. R. Doc. 45-18052; Filed, Sept. 27, 1945; 11:37 a. m.]

Chapter XI—Office of Price Administration

PART 1340—FUEL

[RMPR 122, Amdt. 35]

SOLID FUELS SOLD AND DELIVERED BY DEALERS

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.

Revised Maximum Price Regulation No. 122 is hereby amended in the following respect:

Section 1340.262 (d) (2) is amended by adding thereto the following: "or if an area ceiling price has been established for the fuel being used as a basis for the Rule 3 maximum selling price, he shall specify:

(1) The designation applied to that fuel in the area ceiling order

(2) The district in which it is produced

(3) Name of producer or distributor

(4) Mine index number

(5) Size

(6) Supplier's current maximum price

(7) Present freight rate per net ton

(8) Area ceiling price, and

(9) Dealer's margin over delivered cost."

This amendment shall become effective October 2, 1945.

Issued this 27th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-18018; Filed, Sept. 27, 1945; 11:25 a. m.]

PART 1351—FOOD AND FOOD PRODUCTS

[FPR 3, Amdt. 3 to Supp. 1]

COTTONSEED PRODUCTS

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.

Supplement 1 to Food Products Regulation 3 is amended in the following respect:

The table in section 6 (a) (1) (i) is amended by substituting the figures "39.75" for the figures "39.35" opposite North Carolina for whole pressed cottonseed oil cake.

This amendment shall become effective October 2, 1945.

Issued this 27th day of September 1945.

CHESTER BOWLES,
Administrator.

Approved: September 19, 1945.

CLINTON P. ANDERSON,
Secretary of Agriculture.

[F. R. Doc. 45-18014; Filed, Sept. 27, 1945; 11:25 a. m.]

PART 1364—FRESH, CURED AND CANNED MEAT AND FISH PRODUCTS

[MPR 184, Amdt. 7]

SALES BY CANNERS OF MAINE SARDINES

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.

In § 1364.112 of Maximum Price Regulation No. 184, in the Table of Prices, under the heading, "Standard key can packs (cans scored for convenience in opening and with keys)[1]," the following item is added:

¼'s Mustard or tomato sauce, wrapped or in cartons, $5.05.

This amendment shall become effective October 2, 1945.

Issued this 27th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-18021; Filed, Sept. 27, 1945; 11:25 a. m.]

PART 1364—FRESH, CURED AND CANNED MEAT AND FISH PRODUCTS

[RMPR 597,[1] Amdt. 6]

CEILING PRICES OF CERTAIN FRESH AND FROZEN FISH AND SEAFOOD SOLD AT RETAIL

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.

Revised Maximum Price Regulation No. 507 is amended in the following respects:

1. Section 20 (a) is amended to read as follows:

(a) *Stores in which more than one retailer operates.* If you sell fresh or frozen fish and seafood in a retail store in which there are other food retailers, none of whom sells fish and seafood, you must find your group by taking the combined "annual gross sales" of all the food retailers in that store. If you are unable to get the "annual gross sales" from the other food retailers in that store, you shall apply, in writing, to your nearest OPA District Office, for a determination of your group, stating your own "annual gross sales" figure for the applicable year. Each District Director is authorized to act on requests covering stores located within his district, and action taken shall be by order.

2. In section 26, the heading of Table A–I and Table A–II is amended to read as follows: "Cents-per-pound mark-ups over 'net cost' allowed to retailers for fish and seafood covered by this regulation, by species, for the months of April, May, June, July, August, September and October."

This amendment shall become effective September 30, 1945.

Issued this 27th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-18027; Filed, Sept. 27, 1945; 11:26 a. m.]

[1] 9 F.R. 14601; 10 F.R. 2299, 3691, 3979, 7310, 10311.

PART 1389—APPAREL

[MPR 172, Amdt. 5]

CHARGES OF CONTRACTORS IN APPAREL INDUSTRY

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.

Maximum Price Regulation 172 is amended in the following respects:

1. Section 1389.53 is amended by amending the first undesignated paragraph thereof to read as follows:

Wage increases paid pursuant to orders issued by the National War Labor Board and approved by the Office of Economic Stabilization may be added to the above amount.

2. Section 1389.53 (b) is amended by amending the last paragraph thereof to read as follows:

Wage increases paid pursuant to orders issued by the National War Labor Board and approved by the Office of Economic Stabilization may be added to the above amount.

3. Section 1389.53 (c) is amended by amending the last paragraph thereof to read as follows:

Wage increases paid pursuant to orders issued by the National War Labor Board and approved by the Office of Economic Stabilization may be added to the above amount.

4. Section 1389.62 is revoked.

This amendment shall become effective October 2, 1945.

Issued this 27th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-18020; Filed, Sept. 27, 1945; 11:25 a. m.]

PART 1390—MACHINERY AND TRANSPORTATION EQUIPMENT

[RMPR 136, Amdt. 12]

MACHINES, PARTS, AND INDUSTRIAL EQUIPMENT

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.

Revised Maximum Price Regulation 136 is amended by adding to section 19 a new paragraph (j) to read as follows:

(j) *Textile loom shuttles made of dogwood and persimmon wood—(1) Increase in maximum prices.* Notwithstanding any other provisions of this regulation, the maximum price calculated under this regulation, apart from this subparagraph, for any textile loom shuttles made of dogwood and persimmon wood, shall be increased by the amount provided in whichever of the following subdivisions (i) to (iii) is applicable:

(i) *Manufacturers of finished shuttles who buy shuttle blocks.* The amount to be added by any manufacturer who buys the dogwood and persimmon wood shuttle blocks from which he manufactures finished shuttles shall be the combined dollar-and-cents amount of the increase in the maximum price for the shuttle blocks going into the production of finished shuttles made of dogwood and persimmon wood being priced, which became effective August 11, 1945, in accordance with the provisions of Amendment 12 to the Second Revised Supplementary Regulation 14 (sec. 3.2) to the General Maximum Price Regulation. The increases shall be the amounts by which Amendment 12 to Second Revised Supplementary Regulation 14 (sec. 3.2) to the General Maximum Price Regulation increased the maximum price of dogwood and persimmon wood shuttle blocks sold or delivered by the manufacturer's supplier to the manufacturer, including any increase due to delivery charges that the supplier is permitted to make.

(ii) *Manufacturers who make their own shuttle blocks.* The amount to be added by any manufacturer who makes the dogwood or persimmon wood shuttle blocks from which he manufactures finished shuttles, shall be the amount in line with the amounts to be added under (i) by comparable manufacturers who buy dogwood and persimmon wood shuttle blocks, specifically authorized in writing by the Office of Price Administration. The manufacturer shall write to the Office of Price Administration, Washington 25, D. C., for such authorization.

(iii) *Resellers.* The amount to be added by a reseller shall be the dollar-and-cents amount by which the maximum price of his supplier has been increased by this subparagraph on sales and deliveries to the reseller. If the reseller's supplier has notified him of the amount of that increase in accordance with the next subparagraph (2), and if the reseller has no reason to doubt the validity of the notification, the amount of which the seller has been so notified shall be deemed to be the proper amount to be added under this subdivision (iii).

(2) *Notification by sellers who sell to purchasers for resale.* Every seller of finished shuttles made of dogwood and persimmon wood shuttle blocks which are covered by this subparagraph, who sells such items to purchasers for the purpose of resale, shall notify every such purchaser in writing of the amount by which the seller's maximum price to the purchaser has been increased on each such item calculated according to the appropriate provision in subdivision (1).

(3) *Reports; price lists and discount sheets.* Within sixty days after September 26, 1945, every manufacturer or seller of finished shuttles made of dogwood or persimmon wood, who is affected by this amendment, as provided in subdivisions (i) to (iii) above, shall file with the Machinery Branch, Office of Price Administration, Washington 25, D. C., his maximum prices and discounts for all sizes of shuttles manufactured or sold by him that were in effect just prior to September 26, 1945. Such manufacturer or seller shall, after recomputing his maximum prices and discounts for finished shuttles by applying the dollar-and-cents amount of the increases in shuttle blocks, file his new maximum prices and discounts for finished shuttles with the Machinery Branch, Office of Price Administration, Washington 25, D. C.

This amendment shall become effective September 26, 1945.

Issued this 26th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-17976; Filed, Sept. 26, 1945; 4:41 p. m.]

PART 1407—RATIONING OF FOOD AND FOOD PRODUCTS

[Rev. RO 16,[1] Amdt. 65 to 2d Rev. Supp. 1]

MEAT, FATS, FISH AND CHEESES

Section 1407.3027 (e) (24) is added to read as follows:

(24) R1, S1, T1, U1, V1, from October 1, 1945, to January 31, 1946, inclusive.

This amendment shall become effective September 28, 1945.

Issued this 27th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-18015; Filed, Sept. 27, 1945; 11:24 a. m.]

PART 1418—TERRITORIES AND POSSESSIONS

[RMPR 373,[2] Amdt. 31]

BEER IN HAWAII

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.

Revised Maximum Price Regulation 373 is amended in the following respects:

1. Section 24 (d) (5) (i) is amended by changing the price figure at the end of the first sentence therein to read $2.33 per case instead of $2.31 per case.

2. Section 24 (a) (5) (ii) is amended by changing the price figure at the end of the first sentence therein to read $2.78.

This amendment shall become effective as of September 4, 1945.

Issued this 27th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-18023; Filed, Sept. 27, 1945; 11:26 a. m.]

PART 1418—TERRITORIES AND POSSESSIONS

[RMPR 873,[1] Amdt. 32]

GARMENTS IN HAWAII

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.

Revised Maximum Price Regulation 373 is amended in the following respects:

1. A new section is added to read as follows:

SEC. 71. *Maximum prices for certain garments produced with War Production Board priorities assistance, either imported from the mainland or manufactured in the Territory of Hawaii*—(a) *Scope of the section*—(1) *What garments are covered.* This section applies only to the specified garments listed in the following War Production Board Orders, and made from fabrics obtained under those orders:

(i) Order M–385, Supplement II (Schedule I), issued July 27, 1944.

(ii) Order M–328B, Supplement VIII (Schedule A), as amended, issued October 31, 1944.

(iii) Order M–385, Supplement II (Schedule I), as amended, issued February 9, 1945.

(iv) Order M–385, Supplement III (Schedule II), issued February 9, 1945.

(v) Order M–328B, Supplement XI (Schedule A), issued April 10, 1945.

(vi) Order M–388A (Preference Rating Schedules I and II), as amended, issued April 14, 1945, (except girdles and corsets, foundation garments, men's summer seersucker and woven cord suits, religious vestments and clothing, burial clothing and shrouds).

(vii) Order M–328B (Schedule C), issued July 3, 1945.

(viii) Order M–328B (Schedule D), issued July 6, 1945.

As used in the regulation, the word "garment" means any commodity (except those specified in (vi) above) made from fabrics obtained under any of the War Production Board Orders listed above.

(2) *Types of sales covered.* This section applies to all sales including sales at retail, sales at wholesale, sales by manufacturers and sales by manufacturing-retailers.

(b) *Maximum prices for sales by a local manufacturer or manufacturing-retailer*—(1) Local manufacturers or manufacturing-retailers shall calculate their maximum prices in the following manner. Choose the lower of the following prices:

(i) The over-riding ceiling allowed by the applicable War Production Board Order under which the garment is being made, or

(ii) The ceiling price which you have under Section 48 of this regulation or the General Maximum Price Regulation for Hawaii.

(2) Add the following amounts to the price calculated under subparagraph (1) or (ii) above.

(i) *Export premiums.* If an export premium is charged on the yardage used in making the garment, which has been purchased from a mainland manufacturer or converter, the seller may add the amount of such premium not to exceed 7% of the cost of the yardage provided that such export premium is shown separately on the supplier's invoice.

[1] 10 F.R. 48, 521, 857, 293, 294.

[2] 10 F.R. 6646, 7407, 7794, 7799, 8020, 8069, 8371, 8979, 9273, 9274, 9275, 9466, 9540, 9620, 9618, 9882, 9928, 10085, 10086, 10086, 10125 10086, 10125, 10086, 10229, 10437.

(ii) *Pre-tagging charge.* Two cents per garment may be added to cover the cost of pre-tagging the garment with the maximum retail price. If a garment consists of more than one item, such as a two-piece dress, the pre-tagging charge of two cents for the complete garment may not be exceeded, as only one tag per garment is required.

The resulting price will be the maximum price for sales by a local manufacturer. A manufacturing-retailer will compute his manufacturer's price in the same manner and, inasmuch as he sells to the ultimate consumer, he may add the retail mark-up allowed in paragraph (d) below.

(3) *Pre-tagging of Garments produced under WPB Order M–388A and M–385.* Each manufacturer and manufacturing-retailer must pre-tag each cotton garment produced under War Production Board Orders M–388A and M–385 with the maximum retail price which is determined in the following manner:

(i) Find the net ceiling price per dozen (after deduction all available discounts) in table II or table III, Column 1 of Revised Maximum Price Regulation 578 headed "Supplier's Price Per Dozen" (a mainland regulation), which tables are hereby adopted by reference as an integral part of this section.

(ii) Find the corresponding "retail ceiling price per garment" appearing in Table II or Table III, Column 2 of that regulation.

(iii) Set forth the appropriate retail ceiling price on a tag which must be affixed to each garment.

Example: You are manufacturing boys' shorts of carded broadcloth. You turn to War Production Board Order M–388A or M–385 and find the ceiling price on these garments is $10.50 a dozen.

You use 10 yards for a dozen shorts, at $0.20 per yard, or a total yardage cost of $2.00. Your supplier's invoice shows that a 7% export premium has been taken. You take 7% of $2.00 or $0.14 and add it to $10.50, resulting in a total yardage cost of $10.64.

You turn to subparagraph (b) (2) (ii) and find that the allowable cost of pre-tagging with the retail price is 2¢. You add 24¢ to $10.64, resulting in a maximum manufacturer's price of $10.88.

You then turn to Table II, Column 1 of Revised Maximum Price Regulation 578 and find that your price of $10.88 a dozen shows a corresponding retail price of $1.35 each. You, therefore, pre-tag the garment with a retail price of $1.35, as follows:

WPB—M–388A
Style or Lot No. 903
OPA Retail Ceiling Price—$1.35

(4) *Pre-tagging of garments produced under other WPB orders.* (i) Determine the manufacturer's ceiling price under paragraph (b) above.

(ii) Find the net manufacturer's ceiling price (after deducting all available discounts).

(iii) To obtain the retail ceiling price multiply the net manufacturer's ceiling price by 1.68.

(iv) Set forth the resultant retail ceiling price on a tag which must be affixed to each garment.

(c) *Maximum prices for sales at wholesale.* (1) Maximum prices for sales at wholesale of mainland manufactured articles produced under War Production Board orders pre-tagged with retail ceilings shall be computed in the following manner. First find the manufacturer's ceiling price as shown in the invoice in Table I Column 1. Then find the applicable wholesale ceiling price in Column 2. Then add the applicable import allowance set forth in Table II of this section. The resulting price will be the maximum wholesale price.

Example: If the manufacturer's ceiling price as shown in the invoice is $16.73 per dozen the wholesale ceiling in Table I is $20.62½. In Table II on a manufacturer's ceiling price of $16.73 the import allowance is $0.60 per dozen at wholesale or $0.05 per garment at retail.

(2) For garments which are produced under War Production Board orders which are not required to be pre-tagged, the wholesaler uses the markups permitted in the applicable section of Revised Maximum Price Regulation 373 to the manufacturer's ceiling price as shown in the invoice.

(d) *Maximum prices for sales at retail—*(1) *Garments imported from the mainland.* (i) For garments produced under War Production Board Orders M–388A and M–385 the maximum price for sales at retail shall be the pre-tagged price affixed to the garment by the manufacturer, plus the applicable import allowance set forth in Table II of this section.

Example: (1) A cotton dress comes to the retailer direct from the mainland manufacturer. It has a tag attached showing the ceiling price of $2.10. The invoice shows that the manufacturer's ceiling price per dozen was $15.87½ per dozen. Turning to Table II we find in Column 1 that $15.87½ falls in the fourth group. The import allowance for this group is $0.04 per garment. Make this addition to your tagged price in the following manner or in some similar manner.

Tag OPA Retail Ceiling Price	$2.10
Import Allowance	.04
	$2.14

(2) The same cotton dress comes to the retailer through a local wholesaler. It has a tag attached showing the retail ceiling price of $2.10. The wholesaler's ceiling is shown to be $15.87½ per dozen plus $0.48 per dozen for import allowance. $0.48 a dozen is equal to $0.04 per garment. Therefore, $0.04 can be added to the tagged price exactly as shown in the previous example.

(ii) For garments under other War Production Board orders the maximum price for sales at retail shall be the price arrived at by the use of the applicable section of Revised Maximum Price Regulation 373.

Example: (1) The retailer purchases rayon budget dresses produced under War Production Board orders direct from the manufacturer. Under the provisions of Section 48 of Revised Maximum Price Regulation 373 (Apparel) his maximum price is the manufacturer's selling price less all discounts and allowances except discounts for prompt payment up to 8% multiplied by 1.75.

(2) The retailer purchases the same garment from a local wholesaler who has purchased from a mainland manufacturer. Under Section 48 of Revised Maximum Price Regulation 373, his maximum price is the local wholesaler's selling price, less all discounts and allowances except discounts for prompt payment up to 8% multiplied by 1.50.

(iii) For all garments manufactured in the Territory of Hawaii under War Production Board orders, the maximum price shall be the pre-tagged price affixed by the manufacturer to the garment.

(e) *Pre-tagging of garments—*(1) *What pre-tagging is required.* On and after the effective date of this section, no seller may sell, offer for sale or delivery, any garment covered by this section unless there is affixed thereto, a label or tag containing the following information:

(i) The War Production Board Order under which the fabric was obtained. For instance, if the fabric was obtained under War Production Board Order No. M–388A, the letters "WPB–M388A" must be placed on the label ticket or tag.

(ii) The manufacturer's lot number or brand name for the garment. This must be a different name or number for each group of garments having a different manufacturer's ceiling price. "Style number" may be substituted for lot number if each group of garments having a different manufacturer's ceiling price carries a different style number.

(iii) The maximum retail price and the import allowance when applicable.

(2) *Manner of pre-tagging.* The required pre-tagging must be attached to each garment by stitching, adhesive, pins or staples, or by some other method which attaches the ticket or label securely to the garment. The required markings may be in one or more parts, and may be accompanied by other information, but all portions must be clearly visible to the purchaser.

Example of marking:

WPB–M388A
Style or Lot No. 903
OPA Retail Ceiling Price—$1.15

(3) *Manner of showing allowable additions.* On all garments covered by this section imported into the Territory of Hawaii, the allowable addition under Table III must be shown separately on the retail tag as follows:

WPB–M388A
Style or Lot No. 903

OPA Retail Ceiling Price	$1.15
Import Allowance	.03
	$1.18

(f) *Records and reports.* For the purposes of this section, this paragraph supersedes the provisions of section 10 of this regulation.

(1) *Purchase Records.* Every person making sales of any garment covered by this section must keep and make available for examination by the Office of Price Administration, for so long as the Emergency Price Control Act of 1942, as amended, remains in effect, complete and accurate records of each purchase of each such garment showing:

(i) The date of purchase and the date of receipt.

(ii) The name and address of the seller.

(iii) A description of the garment purchased, including the manufacturer's style, lot or stock number and the fabric name and construction, in the detail indicated in the War Production Board conservation order under which the garment was produced.

(iv) The number of the War Production Board conservation order under which the garment was produced.

(v) The quantity purchased.

(vi) The supplier's selling price.

(vii) The price paid or charged.

(viii) The allowable import allowance, if any.

(2) *Sales records—*(i) *Required of persons making sales other than at retail.* Every person making sales other than at retail of any garment covered by this section, must invoice each sale of each such article, and must keep a copy of each invoice for examination by the Office of Price Administration for so long as the Emergency Price Control Act of 1942, as amended, remains in effect. The original invoice must be delivered to the buyer and must set forth the following information:

(*a*) The date of sale.

(*b*) The name and address of the seller and purchaser.

(*c*) The War Production Board conservation order under which the garment was produced.

(*d*) The types of garments sold.

(*e*) The fabric name and construction in the detail indicated in the War Production Board conservation order under which the garment was produced.

(*f*) The style, lot or stock number or brand name of each garment sold.

(*g*) The quantity of each lot number or brand sold.

(*h*) The allowable import allowance, if any.

(*i*) The price charged or paid.

(ii) *Required of persons making sales at retail.* Every person making sales to ultimate consumers, who has customarily given to the ultimate consumer a sales slip, receipt or similar evidence of purchase, shall continue to do so. Upon request from an ultimate consumer, such seller, regardless of previous custom, shall give the purchaser a receipt showing the date, name and address of the seller, the description of each garment sold, and the price received for it.

(3) Additional records required of manufacturers and manufacturing-retailers in addition to the records and reports required by subparagraphs (1) and (2), above.

Every manufacturer and manufacturing-retailer, making a sale of any garment covered by this section, must keep and make available for examination by the Office of Price Administration for so long as the Emergency Price Control Act of 1942, as amended, remains in effect, complete and accurate records of each garment made showing:

(i) The method used in computing his maximum price, (i. e., whether under specific War Production Board order or applicable Office of Price Administration regulation).

(ii) The number of the applicable War Production Board conservation order, records of the quantities of textiles obtained under such order, the quantities put into process, and the quantities of each item manufactured from textiles obtained under such order.

(iii) All lot numbers, brand names or style numbers of garments produced under this section. (If the manufacturer uses these lot numbers, brand names or style numbers for garments produced from fabrics obtained under War Production Board orders, he must identify on this list by use of number, symbol, or other means of identification the records which cover the garments produced from fabrics obtained under War Production Board orders. All entries on this list must be made at or before the time the manufacturer begins producing the particular garment).

(iv) A record of the export premium charges incurred on the yardage used, if any.

(g) *Prohibited practices.* In addition to the practices prohibited by section 6 of this regulation, on and after the effective date of this section, regardless of any contract or obligation, no person shall:

(1) Sell or deliver any garment at a price higher than the ceiling price permitted by this section (sales and deliveries may, of course, be made at prices lower than ceiling prices); or

(2) Buy or receive, in the course of trade or business, any garment at a price higher than the ceiling price permitted by this section; or

(3) Sell, deliver, buy, or receive any garment not marked as required under subparagraph (e), or detach or remove from any garment any label or ticket containing the marking required by subparagraph (e), except that this provision does not apply to ultimate consumers.

(4) Require a purchaser to buy or agree to buy any article, service, package, or wrapper in connection with the sale or delivery of any garment covered by this section; or

(5) Offer, attempt or agree to do any of the acts prohibited by this section.

(h) *Definitions.* (1) "Manufacturer" means any person in the United States including the Territory of Hawaii engaged in the business of manufacturing or having manufactured in the United States for his account and selling any item listed in an order of the War Production Board listed in this section.

(2) "User" means any person other than a producer, intermediate processor or processor who purchases textiles for his own use in the United States or in the Territory of Hawaii in any business, industry, profession or occupation.

(3) "Manufacturing-retailer" means any person in the United States including the Territory of Hawaii who, selling to ultimate consumers, fabricates the garment being sold, or who furnishes the principal materials from which the garment is fabricated, if such person customarily sells to ultimate consumers most of the garments so fabricated.

TABLE I—MAXIMUM PRICES FOR SALES AT WHOLESALE

This table sets forth, under Column 2, the mainland dollars and cents maximum prices for sales at wholesale of mainland manufactured garments. This table shows the net ceiling price per dozen for a mainland sale at wholesale, which corresponds to the manufacturer's net ceiling price (after deduction of all available discounts) for the garments free on board manufacturer's place of business. When the local wholesaler has found the mainland manufacturer's net ceiling price (after deduction of all available discounts) set forth under Column 1, the corresponding figure set forth under Column 2, plus the allowable additions found in Table II, Column 2, is the maximum price for sales at wholesale.

Column 1 If the mainland manufacturer's net ceiling price per dozen is—	*Column 2 The maximum net price per dozen for sale at wholesale is—*
$0.31–$0.33	$0.40
$0.34–$0.37	.45
$0.38–$0.41	.50
$0.42–$0.45	.55
$0.46–$0.49	.60
$0.50–$0.53	.65
$0.54–$0.57	.70
$0.58–$0.61	.75
$0.62–$0.65	.80
$0.66–$0.69	.85
$0.70–$0.73	.90
$0.74–$0.77	.95
$0.78–$0.83	1.00
$0.84–$0.91	1.10
$0.92–$0.99	1.20
$1.00–$1.07	1.30
$1.08–$1.16	1.40
$1.17–$1.24	1.50
$1.25–$1.33	1.60
$1.34–$1.39	1.70
$1.40–$1.47	1.80
$1.48–$1.55	1.90
$1.56–$1.63	2.00
$1.64–$1.74	2.10
$1.75–$1.83	2.25
$1.84–$1.95	2.35
$1.96–$2.07	2.50
$2.08–$2.17	2.62½
$2.18–$2.27	2.75
$2.28–$2.37	2.87½
$2.38–$2.48	3.00
$2.49–$2.58	3.12½
$2.59–$2.68	3.25
$2.69–$2.78	3.37½
$2.79–$2.88	3.50
$2.89–$2.98	3.62½
$2.99–$3.08	3.75
$3.09–$3.18	3.87½
$3.19–$3.29	4.00
$3.30–$3.39	4.12½
$3.40–$3.49	4.25
$3.50–$3.59	4.37½
$3.60–$3.69	4.50
$3.70–$3.79	4.62½
$3.80–$3.89	4.75
$3.90–$3.99	4.87½
$4.00–$4.10	5.00
$4.11–$4.20	5.12½
$4.21–$4.30	5.25
$4.31–$4.40	5.37½
$4.41–$4.50	5.50
$4.51–$4.60	5.62½
$4.61–$4.70	5.75
$4.71–$4.80	5.87½
$4.81–$4.91	6.00
$4.92–$5.01	6.12½
$5.02–$5.11	6.25
$5.12–$5.21	6.37½
$5.22–$5.31	6.50
$5.32–$5.41	6.62½
$5.42–$5.51	6.75
$5.52–$5.61	6.87½
$5.62–$5.72	7.00
$5.73–$5.82	7.12½
$5.83–$5.92	7.25
$5.93–$6.02	7.37½
$6.03–$6.12	7.50
$6.13–$6.22	7.62½
$6.23–$6.32	7.75
$6.33–$6.42	7.87½
$6.43–$6.53	8.00
$6.54–$6.63	8.12½
$6.64–$6.73	8.25
$6.74–$6.83	8.37½
$6.84–$6.93	8.50
$6.94–$7.03	8.62½
$7.04–$7.13	8.75
$7.14–$7.23	8.87½
$7.24–$7.34	9.00
$7.35–$7.44	9.12½
$7.45–$7.54	9.25
$7.55–$7.64	9.37½
$7.65–$7.74	9.50
$7.75–$7.84	9.62½
$7.85–$7.94	9.75
$7.95–$8.04	9.87½
$8.05–$8.15	10.00

Column 1 *If the mainland manufacturer's net ceiling price per dozen is—*	*Column 2* *The maximum net price per dozen for sale at wholesale is—*
$8.16–$8.25	$10.12½
$8.26–$8.35	10.25
$8.36–$8.45	10.37½
$8.46–$8.55	10.50
$8.56–$8.65	10.62½
$8.66–$8.75	10.75
$8.76–$8.85	10.87½
$8.86–$8.96	11.00
$8.97–$9.06	11.12½
$9.07–$9.16	11.25
$9.17–$9.26	11.37½
$9.27–$9.36	11.50
$9.37–$9.46	11.62½
$9.47–$9.56	11.75
$9.57–$9.66	11.87½
$9.67–$9.77	12.00
$9.78–$9.87	12.12½
$9.88–$9.97	12.25
$9.98–$10.07	12.37½
$10.08–$10.17	12.50
$10.18–$10.27	12.62½
$10.28–$10.37	12.75
$10.38–$10.47	12.87½
$10.48–$10.58	13.00
$10.59–$10.68	13.12½
$10.69–$10.78	13.25
$10.79–$10.88	13.37½
$10.89–$10.98	13.50
$10.99–$11.08	13.62½
$11.09–$11.18	13.75
$11.19–$11.23	13.87½
$11.29–$11.39	14.00
$11.40–$11.49	14.12½
$11.50–$11.59	14.25
$11.60–$11.69	14.37½
$11.70–$11.79	14.50
$11.80–$11.89	14.62½
$11.90–$11.99	14.75
$12.00–$12.09	14.87½
$12.10–$12.20	15.00
$12.21–$12.30	15.12½
$12.31–$12.40	15.25
$12.41–$12.50	15.37½
$12.51–$12.60	15.50
$12.61–$12.70	15.62½
$12.71–$12.80	15.75
$12.81–$12.90	15.87½
$12.91–$13.01	16.00
$13.02–$13.11	16.12½
$13.12–$13.21	16.25
$13.22–$13.31	16.37½
$13.32–$13.41	16.50
$13.42–$13.51	16.62½
$13.52–$13.61	16.75
$13.62–$13.71	16.87½
$13.72–$13.82	17.00
$13.83–$13.92	17.12½
$13.93–$14.02	17.25
$14.03–$14.12	17.37½
$14.13–$14.22	17.50
$14.23–$14.32	17.62½
$14.33–$14.42	17.75
$14.43–$14.53	17.87½
$14.54–$14.63	18.00
$14.64–$14.73	18.12½
$14.74–$14.83	18.25
$14.84–$14.93	18.37½
$14.94–$15.03	18.50
$15.04–$15.13	18.62½
$15.14–$15.23	18.75
$15.24–$15.33	18.87½
$15.34–$15.43	19.00
$15.44–$15.54	19.12½
$15.55–$15.64	19.25
$15.65–$15.74	19.37½
$15.75–$15.84	19.50
$15.85–$15.94	19.62½
$15.95–$16.04	19.75
$16.05–$16.14	19.87½
$16.15–$16.24	20.00
$16.25–$16.34	20.12½
$16.35–$16.45	20.25
$16.46–$16.55	20.37½
$16.56–$16.65	20.50
$16.66–$16.75	20.62½
$16.76–$16.84	$20.75
$16.86–$16.94	20.87½
$16.95–$17.06	21.00
$17.07–$17.16	21.12½
$17.17–$17.26	21.25
$17.27–$17.36	21.37½
$17.37–$17.46	21.50
$17.47–$17.56	21.62½
$17.57–$17.66	21.75
$17.67–$17.76	21.87½
$17.77–$17.87	22.00
$17.88–$17.97	22.12½
$17.98–$18.07	22.25
$18.08–$18.18	22.37½
$18.19–$18.27	22.50
$18.28–$18.37	22.62½
$18.38–$18.47	22.75
$18.48–$18.57	22.87½
$18.58–$18.68	23.00
$18.69–$18.78	23.12½
$18.79–$18.88	23.25
$18.89–$18.98	23.37½
$18.99–$19.08	23.50
$19.09–$19.18	23.62½
$19.19–$19.28	23.75
$19.29–$19.38	23.87½
$19.39–$19.49	24.00
$19.50–$19.59	24.12½
$19.60–$19.69	24.25
$19.70–$19.79	24.37½
$19.80–$19.89	24.50
$19.90–$19.99	24.62½
$20.00–$20.09	24.75
$20.10–$20.19	24.87½
$20.20–$20.30	25.00
$20.31–$20.40	25.12½
$20.41–$20.50	25.25
$20.51–$20.60	25.37½
$20.61–$20.70	25.50
$20.71–$20.80	25.62½
$20.81–$20.90	25.75
$20.91–$21.00	25.87½
$21.01–$21.11	26.00
$21.12–$21.21	26.12½
$21.22–$21.31	26.25
$21.32–$21.41	26.37½
$21.42–$21.51	26.50
$21.52–$21.61	26.62½
$21.62–$21.71	26.75
$21.72–$21.81	26.87½
$21.82–$21.92	27.00
$21.93–$22.02	27.12½
$22.03–$22.12	27.25
$22.13–$22.22	27.37½
$22.23–$22.32	27.50
$22.33–$22.42	27.62½
$22.43–$22.52	27.75
$22.53–$22.71	28.00
$22.72–$23.11	28.50
$23.12–$23.51	29.00
$23.52–$23.91	29.50
$23.92–$24.31	30.00
$24.32–$24.71	30.50
$24.72–$25.11	31.00
$25.12–$25.51	31.50
$25.52–$25.91	32.00
$25.92–$26.31	32.50
$26.32–$26.71	33.00
$26.72–$27.11	33.50
$27.12–$27.51	34.00
$27.52–$27.91	34.50
$27.92–$28.31	35.00
$28.32–$28.71	35.50
$28.72–$29.11	36.00
$29.12–$29.51	36.50
$29.52–$29.91	37.00
$29.92–$30.31	37.50
$30.32–$30.71	38.00
$30.72–$31.11	38.50
$31.12–$31.51	39.00
$31.52–$31.91	39.50
$31.92–$32.31	40.00
$32.32–$32.71	40.50
$32.72–$33.11	41.00
$33.12–$33.51	41.50
$33.52–$33.91	42.00
$33.92–$34.31	$42.50
$34.32–$34.71	43.00
$34.72–$35.11	43.50
$35.12–$35.51	44.00
$35.52–$35.91	44.50
$35.92–$36.31	45.00
$36.32–$36.71	45.50
$36.72–$37.11	46.00
$37.12–$37.51	46.50
$37.52–$37.91	47.00
$37.92–$38.31	47.50
$38.32–$38.71	48.00
$38.72–$39.11	48.50
$39.12–$39.51	49.00
$39.52–$39.91	49.50
$39.92–$40.31	50.00
$40.32–$40.71	50.50
$40.72–$41.11	51.00
$41.12–$41.51	51.50
$41.52–$41.91	52.00
$41.92–$42.31	52.50
$42.32–$42.71	53.00
$42.72–$43.11	53.50
$43.12–$43.51	54.00
$43.52–$43.91	54.50
$43.92–$44.31	55.00
$44.32–$44.71	55.50
$44.72–$45.11	56.00
$45.12–$45.51	56.50
$45.52–$45.91	57.00
$45.92–$46.31	57.50
$46.32–$46.71	58.00
$46.72–$47.11	58.50
$47.12–$47.51	59.00
$47.52–$47.91	59.50
$47.92–$48.31	60.00
$48.32–$48.71	60.50
$48.72–$49.11	61.00
$49.12–$49.51	61.50
$49.52–$49.91	62.00
$49.92–$50.31	62.50
$50.32–$50.71	63.00
$50.72–$51.11	63.50
$51.12–$51.51	64.00
$51.52–$51.91	64.50
$51.92–$52.31	65.00
$52.32–$52.71	65.50
$52.72–$53.11	66.00
$53.12–$53.51	66.50
$53.52–$53.91	67.00
$53.92–$54.31	67.50
$54.32–$54.71	68.00
$54.72–$55.11	68.50
$55.12–$55.51	69.00
$55.52–$55.91	69.50
$55.92–$56.31	70.00
$56.32–$56.71	70.50
$56.72–$57.11	71.00
$57.12–$57.51	71.50
$57.52–$57.91	72.00
$57.92–$58.31	72.50
$58.32–$58.71	73.00
$58.72–$59.11	73.50
$59.12–$59.51	74.00
$59.52–$59.91	74.50
$59.92–$60.31	75.00
$60.32–$60.71	75.50
$60.72–$61.11	76.00
$61.12–$61.51	76.50
$61.52–$61.91	77.00
$61.92–$62.31	77.50

TABLE II—IMPORT ALLOWANCES

This table establishes certain import allowances which may be added to the maximum wholesale and retail prices established by this section for garments which have been imported from the mainland. These allowances are established in order to defray the costs incurred in transporting such garments from the mainland to the Territory of Hawaii. No other charges incurred for packing and shipping may be added to the maximum prices established by this section.

Column 1	Column 2	Column 3
If the supplier's net ceiling price per dozen is—	The import allowance for sales at wholesale is—	The import allowance for sales at retail is—
	Dozen	*Each*
$0.01–$3.99	$0.12	$0.01
$4.00–$7.99	.24	.02
$8.00–$11.99	.36	.03
$12.00–$15.99	.48	.04
$16.00–$24.99	.60	.05
$25.00 and over	.72	.06

The above import allowances (if used) must be set forth separately on the retail price tag affixed to each garment.

This amendment shall become effective as of September 1, 1945.

NOTE: The reporting and record-keeping requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 27th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-18024; Filed, Sept. 27, 1945; 11:26 a. m.]

PART 1418—TERRITORIES AND POSSESSIONS

[RMPR 373,[1] Amdt. 33]

USED CARS IN HAWAII

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.

Revised Maximum Price Regulation 373 is amended in the following respects:

1. Section 57 (k) is amended to read as follows:

(k) *Report of transfer which must be completed for a sale of a used car.* Every person who sells a used car shall at the time of sale complete a report of transfer which may be obtained from dealers, local War Price and Rationing Boards, or Office of Price Administration District Offices of the Territory of Hawaii. In the case of used cars subject to Ration Order 2C—Used Passenger Automobiles (that is, all 1938 and later year model used cars), such report of transfer shall be OPA Form THR 33—Certificate to Purchase A Rationed Passenger Car For Use. In the case of all 1937 and earlier year model used cars, such report of transfer shall be OPA Form THP–3 Report of Transfer of Used Passenger Automobile.

The seller shall insert the details of the sale on the applicable report form, and shall sign such report and certify as to the truth and accuracy of the same before the Executive Secretary or an authorized clerk of any War Price and Rationing Board or Office of Price Administration District office. However, where the seller is a dealer, he may sign the appropriate form without appearing before the Board or District office representative. The completed form must then be filed by the seller with the Board or District office.

This amendment shall become effective as of September 10, 1945.

NOTE: All record keeping and reporting requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 27th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-18025; Filed, Sept. 27, 1945; 11:28 a. m.]

PART 1499—COMMODITIES AND SERVICES

[Rev. SR 11,[1] Amdt. 63]

STORAGE AND RELATED SERVICES ON SURPLUS PROPERTY FOR R. F. C. UNDER DISPOSAL CENTER OR PLANT SITE STORAGE AGREEMENT

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.

In § 1499.46 (b) a new subparagraph (151) is added to read as follows:

(151) Storage and handling of surplus property, and services incidental or related thereto, including management services, when performed for Reconstruction Finance Corporation pursuant to a Storage Facility Operation Contract or Plant Site Storage Agreement. ("Surplus Property" here means property which has been declared to be surplus in accordance with the Surplus Property Act of 1944.)

This amendment shall become effective October 2, 1945.

Issued this 27th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-18016; Filed, Sept. 27, 1945; 11:24 a. m.]

PART 1499—COMMODITIES AND SERVICES

[RMPR 165, Amdt. 3 to Rev. Supp. Service Reg. 50]

AUTOMOBILE PARKING IN DOWNTOWN LOS ANGELES, CALIF.

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.

Revised Supplementary Service Regulation 50 is amended in the following respect:

Section 1499.648 (c) (3) is amended to read as follows:

(3) The Regional Administrator for Region VIII, and any District Director authorized to act by the Regional Administrator having jurisdiction over his district, may issue general area orders establishing maximum prices for the following services:

(i) Daytime automobile parking in downtown Los Angeles.

(ii) Civilian tailoring or alteration services in the State of Nevada.

This amendment shall become effective October 2, 1945.

Issued this 27th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-18019; Filed, Sept. 27, 1945; 11:25 a. m.]

PART 1439—UNPROCESSED AGRICULTURAL COMMODITIES

[MPR 426, Amdt. 142]

FRESH FRUITS AND VEGETABLES FOR TABLE USE, SALES EXCEPT AT RETAIL

A statement of the considerations involved in the issuance of this amendment has been issued and filed with the Division of the Federal Register.

Appendix J is amended in the following respects:

1. In paragraph (b), subparagraph (1) is amended to read as follows:

(1) "Standard containers" means (i) a western pear box (WPB L–232 No. 54) with flexible top and bottom, tier-packed fairly tight or tighter with graded and individually wrapped pears, (ii) two half pear boxes (WPB L–232 No. 55), tier-packed fairly tight or tighter with graded pears, (iii) a one-way pear lug (WPB L–232 No. 56), tier-packed fairly tight or tighter with graded pears and (iv) any other container listed in Column 2 of a table in paragraph (d) that is closed with a net weight within the weight range specified for that container.

2. In paragraph (b), subparagraph (5) is added to read as follows:

(5) "Fairly tight", in the case of a western pear box, means that the pears are packed tight enough to prevent injury from movement within the package under ordinary handling conditions and that the container shows at least 1½ inch bulge at top and bottom combined. In the case of a half pear-box or a one-way lug "fairly tight" means that the package is sufficiently filled to prevent any appreciable movement of the pears and that the pears are in contact with the lid or cover. Also, a container is considered "fairly tight" if a government inspection certificate so describes it.

3. Paragraph (c) is amended to read as follows:

(c) *Marking requirements and price calculations*—(1) *Standard pear boxes, half pear-boxes and one-way lugs.* A person who packs pears in a standard container for which no weight range is specified and a person who ships such a container of pears that have been in storage shall mark the container before shipment to show his name and address.

(2) *Other containers.* This subparagraph applies to all standard containers (including Washington pear lugs) for which a weight range is specified in Column 2 of the applicable table in paragraph (d) and to all non-standard containers. A person who sells such a standard container upon which the minimum net weight has not been marked must mark on it as its "minimum net weight" a weight that may be lower but in no case higher than its actual net weight at the time of shipment from shipping point. A person who sells a closed, nonstandard container upon which the actual net weight has not been marked must mark on the container its actual net weight at the time of shipment from shipping point. Subsequent sellers may rely on the container markings in figuring their maximum prices. A person who sells an open container must determine its actual net weight at the time of his sale in order to figure his maximum price.

(3) *General weighing and marking requirements.* All weighing and marking shall be done according to the weighing and marking requirements of the applicable State agricultural code. Section 14a (a) does not apply to this appendix.

[1] 10 F.R. 6646, 7407, 7734, 7759, 8020, 8069, 8371, 8979, 9273, 9274, 9275, 9466, 9540, 9620, 9818, 9882, 9928, 10085, 10086, 10086, 10125, 10186, 10229, 10437.

4. In paragraph (d), Table 5 is amended to read as follows:

TABLE 5—MAXIMUM PRICES FOR PEARS

Col. 1	2	3	4	5		6		7
				Maximum prices for fruit loaded on car or truck at shipping point		Maximum prices for sales delivered to any wholesale receiving point in any quantity		Maximum prices for sales by certain persons in less-than-carlots or less-than-truckloads delivered to the premises of any retail store, government procurement agency or institutional buyer [1]
Item No.	Type, variety, style of pack etc.	Unit	Season	5 (a) In zone I [1]	5 (b) In zone II [1]	6 (a) For pears produced in zone I [1]	6 (b) For pears produced in zone II or III [1]	
	Pears graded and packed in the following containers			*Dollars*	*Dollars*			
1	Standard Washington pear bugs (WPB L-282 No. 56) with a net weight of not less than 19 pounds nor more than 21 pounds	Per bug	Beginning Sept. 10	1.50	1.50			Column 6 price plus 15 cents.
2			Sept. 11–Oct. 10	1.57	1.57			
3			Oct. 11–end of season	1.64	1.64			
4	Standard western pear boxes (WPB L-282 No. 54), standard one-way pear bugs (WPB L-282 No. 55) two standard half pear boxes (WPB L-282 No. 58)	Per box, one-way bug, or two half-boxes	Beginning Sept. 10	3.01	3.52			Column 6 price plus 1 cent.
5			Sept. 11–Oct. 10	3.54	3.67			
6			Oct. 11–Nov. 10	3.92	3.84			
7			Nov. 11–Dec. 10	4.08	3.98			
8			Dec. 11–Jan. 10	4.16	4.06			
9			Jan. 11–Feb. 10	4.24	4.13			
10			Feb. 11–Mar. 10	4.36	4.25			
11			Mar. 11–Apr. 10	4.48	4.36	Col. 5 (a) price plus freight (including a transportation tax) from Sacramento, California, for all wholesale receiving points except those in zones I and II, plus protective service allowances [2]	Col. 5 (b) price plus freight (including 3% transportation tax) from Yakima, Washington, for all wholesale receiving points except those in zones I and II, plus protective service allowances [2]	
12			Apr. 11–end of season	4.60	4.48			
	Pear bug (WPB L-282 No. 56) with a net weight of less than 19 pounds or more than 21 pounds			*Cents*	*Cents*			
13		Per pound	Beginning Sept. 10	7.50	7.50			Column 6 price plus 2 cents.
14			Sept. 11–Oct. 10	7.84	7.84			
15			Oct. 11–end of season	8.17	8.17			
	Pear box (WPB L-282 No. 54), pear bug (WPB L-282 No. 55), and half pear box (WPB L-282 No. 58), the contents of which do not meet the requirements of pack specified for standard containers (see paragraph (b)), and pears graded and packed in any other container, except pear bug (WPB L-282 No. 55)							
16		Per pound	Beginning Sept. 10	7.50	7.50			Column 6 price plus 2 cents.
17			Sept. 11–Oct. 10	7.84	7.84			
18			Oct. 11–Nov. 10	8.17	8.17			
19			Nov. 11–Dec. 10	8.50	8.50			
20			Dec. 11–Jan. 10	8.67	8.67			
21			Jan. 11–Feb. 10	8.84	8.84			
22			Feb. 11–Mar. 10	9.08	9.08			
23			Mar. 11–Apr. 10	9.33	9.33			
24			Apr. 11–end of season	9.58	9.58			
25	Pears ungraded or packed in any container	Per pound	All season	6.00	6.00	(Col. 5 (a) price plus freight including 3% transportation tax) from Sacramento, California. (No amount may be added for protective service allowance.)	Col. 5 (b) price plus freight (including 3% transportation tax) from Yakima, Washington. (No amount may be added for protective service allowance.)	Column 6 price plus 2½ cents.
26	Pears sold in bulk (loose without container, or in containers furnished by the buyer)	Per pound	All season	5.00	5.00			Column 6 price plus 2½ cents.

[1] Zone I—State of California. Zone II—States of Oregon and Washington. Zone III—All other areas.

[2] Protective service allowances (including 3% transportation tax) shall be added in accordance with the following schedule:

Wholesale receiving points	Items 1-3 Per bug	Items 4-12 Per box, one-way bug or two half-boxes	Items 13-24 Per pound
1. In all states wholly east of the Mississippi River, except in Wisconsin and Illinois	$0.09	$0.18	$0.01
2. In all other states except California, Oregon, and Washington	.07	.14	.01

[3] Maximum prices for sales delivered to wholesale receiving points in California, Oregon, or Washington in any quantity shall be the applicable producing area (Col. 5 or 6) plus trucker (including 3% transportation tax) from the shipping point, and plus actual costs of protective services furnished, not to exceed the lowest common carrier charge for the same services (including 3% transportation tax).

[4] For the sellers covered by Column 7 see general provisions of this appendix.

5. In paragraph (e), Table A, item 5 is amended to read as follows:

TABLE A—MAXIMUM PRICES FOR DISTRIBUTIVE SERVICES PERFORMED BY CERTAIN PRIMARY SELLERS AND THEIR AGENTS TO BE ADDED TO THE APPLICABLE MAXIMUM PRICE F. O. B. SHIPPING POINT OR THE MAXIMUM DELIVERED PRICE AS THE CASE MAY BE

[See Column 5 or 6 of tables in Paragraph (d)]

Col. 1	2	3	4	5	6	7	8	9	10	11	12
			Sales by growers				Sales by a grower-distributor, broker, agent, or other person in respect to a grower's sale or purchase				
Item No.	Commodity	Unit	Through a broker in any quantity or in less-than-carlots or less-than-truckloads [1]	Through a commission merchant in less-than-carlots or less-than-truckloads [1]	Through an auction in less-than-carlots or less-than-truckloads [1]	Through an auction in less-than-carlots or less-than-truckloads [1]	Direct to, without use or representation of, broker or commission merchant, agent [2]	Through a broker or commission merchant in less-than-carlots or less-than-truckloads [2]	Through an auction in less-than-carlots or less-than-truckloads	Through a commission merchant in less-than-carlots or less-than-truckloads	
				Ex-dock, car, truck or terminal sales platform	Ex-store or warehouse					Ex-dock, car, truck or terminal sales platform	Ex-store or warehouse
5	Pears	Items 1-3, Table 5: Standard Washington pear bug (WPB L-282 No. 56)	$0.02	$0.01	$0.29	$0.16	$0.07	$0.06	$0.13	$0.04	$0.27
		Items 4-12, Table 5: Standard western pear box, standard one-way pear bug, two standard half pear boxes	.03	.01	.47	.24	.11	.09	.20	.06	.41
		Items 13-24, Table 5: Standard Washington pear bug with a net weight of less than 19 pounds or more than 21 pounds, standard western pear boxes, standard one-way pear bugs, standard half pear-boxes, the contents of which do not meet the requirements of pack specified for standard containers (see paragraph (b)); all other containers or bulk (one without containers), per pound	1 cent	½ cent	1 cent	½ cent	½ cent	½ cent	½ cent	½ cent	1 cent

[1] Maximum markups listed above in columns 4, 8, and 9 may be added to the maximum prices for fruit loaded on car or truck at shipping point (column 5 (a) applicable to pears produced in zone I, or 5 (b) applicable to pears produced in zone II) or to maximum prices for sales delivered to any wholesale receiving point in any quantity (column 6 (a) applicable to pears produced in zone I, or 6 (b) applicable to pears produced in zone II or III) plus trucker (including 3% transportation tax) from the shipping point, plus actual costs of protective services furnished, not to exceed the lowest common carrier charge for the same services (including 3% transportation tax). For purposes of computing the maximum price, the amounts set forth in columns 1, 5, and 9 will be used, but the maximum charge that may be made by any selling agent shall be determined under MPR 136 as amended, as between such selling agent and his principal.

[2] The actual charges of to exceed the maximum allowable charge under MPR 136 shall be used instead of the markup listed in column 4, 8, 9, 10, 11, and 12 if the amount of such actual charge is lower than the amount shown.

6. In paragraph (e), Table B, item 5 is amended to read as follows:

TABLE B—MAXIMUM CHARGES FOR DISTRIBUTIVE SERVICES PERFORMED BY CERTAIN SELLERS OTHER THAN PRIMARY SELLERS AND THEIR AGENTS TO BE ADDED TO MAXIMUM DELIVERED PRICES

[See Column 7 of tables in Paragraph (d)]

Col. 1	2	3	4	5	6	7	8	9
			Sales by any person other than a grower or grower-distributor who has purchased a carlot or truckload and resells such carlot or truckload unbroken	Sales by persons receiving in less-than-carlots or less-than-truckloads		Sales by secondary jobbers in any quantity delivered to premises of the purchaser	Sales by service wholesalers delivered to premises of any retail store, government procurement agency or institutional buyer within the free delivery zone	
Item No.	Commodity	Unit		Through an auction or ex-car, dock, truck, or terminal sales platform	Ex-store or warehouse		Original container and quantities in excess of half of original container	Half of original container or less
5	Pears	Items 1-3, Table 5: Standard Washington pear bug (WPB L-282 No. 56)	$0.14	$0.38	$0.20	$0.47	$0.45	
		Items 4-12, Table 5: Standard western pear box, standard one-way pear bug, two standard half pear-boxes	$0.23	$0.59	$0.66	$1.04	$1.01	
		Items 13-24, Table 5: Standard Washington pear bug with a net weight of less than 19 pounds or more than 21 pounds, standard western pear boxes, standard one-way pear bugs, standard half pear-boxes, the contents of which do not meet the requirements of pack specified for standard containers (see paragraph (b)); all other containers or bulk (those without containers), per pound	1 cent	2 cents	1½ cents	2 cents	2 cents	2 cents

[1] This markup applies not only to sales by primary receivers through auction but also to sales by all persons, other than primary sellers, through terminal auctions as set forth therein.

This amendment shall become effective September 28, 1945, except as to pears shipped from shipping point and sold before that date.

Issued this 27th day of September 1945.

CHESTER BOWLES,
Administrator.

Approved: September 14, 1945.

CLINTON P. ANDERSON,
Secretary of Agriculture.

For the reasons set forth in the statement of considerations accompanying the foregoing amendment, I find that the ceiling prices it establishes are necessary to aid in the effective prosecution of the war.

WILLIAM H. DAVIS,
Economic Stabilization Director.

[F. R. Doc. 45-18026; Filed, Sept. 27, 1945; 11:26 a. m.]

TITLE 31—MONEY AND FINANCE: TREASURY

Chapter II—Fiscal Service, Department of the Treasury

[1945 Dept. Circ. 655, Supp. 3]

PART 211—DELIVERY OF CHECKS AND WARRANTS TO ADDRESSES OUTSIDE THE UNITED STATES, ITS TERRITORIES AND POSSESSIONS

WITHHOLDING OF DELIVERY IN BULGARIA, GERMANY, HUNGARY, JAPAN AND RUMANIA

SEPTEMBER 25, 1945.

Section 211.3 (a) of Department Circular No. 655, dated March 19, 1941, (31 CFR Cum. Supp. 211.3 (a)), as amended, is hereby further amended to read as follows:

§ 211.3 *Withholding of delivery of checks or warrants.* (a) The Secretary of the Treasury hereby determines that postal, transportation, or banking facilities in general or local conditions in Bulgaria, Germany, Hungary, Japan, and Rumania are such that there is not a reasonable assurance that a payee in any of those countries will actually receive checks or warrants drawn against funds of the United States, or agencies or instrumentalities thereof, and be able to negotiate the same for full value.

In connection with the above amendment to Department Circular 655, attention is invited to the fact that by Foreign Funds Control Licenses Numbers W-2170, as amended, and W-2576, the War Department and the Treasury Department, respectively, have been authorized, insofar as Foreign Funds Control regulations are concerned, to transmit United States Treasury dollar checks to payees residing in any country other than the following countries and their territories and possessions:

Spain	Rumania
Portugal	Bulgaria
Switzerland	Italy (except as authorized below)
Sweden	Austria
Japan	China
Germany,	
Hungary	

The War and Treasury Departments have been authorized, insofar as Foreign Funds Control regulations are concerned, to make payments in local currency (either cash or local currency check) to payees who are not enemy nationals, as defined in General Ruling No. 11, in any blocked country except the following:

Germany	Bulgaria
Hungary	Rumania
Japan	

The Treasury Department is also authorized to pay American civilian personnel of the United States Government in Italy by dollar instruments. Dollar checks or drafts issued in Italy will be cashed by the Bank of Italy in accordance with agreement between the American Embassy, Rome, Italy, and the Bank of Italy.

Except to the extent they have been authorized by the licenses referred to herein or by other unrevoked licenses which have been issued to United States Government agencies by Foreign Funds Control, remittances by United States Government agencies to blocked countries will continue to be restricted by Executive Order 8389, as amended, and rules and regulations issued pursuant thereto.

Foreign Funds Control will give consideration to granting licenses similar to W-2170 and W-2576 to any agency, disbursements for which are not covered thereby.

[SEAL] D. W. BELL,
Acting Secretary of the Treasury.

[F. R. Doc. 45-17971; Filed, Sept. 26, 1945; 4:35 p. m.]

TITLE 46—SHIPPING

Chapter I—Coast Guard: Inspection and Navigation

AMENDMENTS TO REGULATIONS

By virtue of the authority vested in me by R. S. 4405, 4417a, 4426, 4488, 4491, as amended, 49 Stat. 1544 (46 U.S.C. 375, 391a, 404, 481, 489, 367), and Executive Order 9083, dated February 28, 1942 (3 CFR, Cum. Supp.), the following amendments to the regulations are prescribed:

Subchapter D—Tank Vessels

PART 33—LIFESAVING APPLIANCES

REQUIREMENTS FOR LIFEBOATS, LIFE RAFTS AND BUOYANT APPARATUS

Section 33.2-5 *Tank vessels; Great Lakes—TB L* is amended by changing the phrase "self-ignlting water light" to "electric water light."

PART 37—SPECIFICATIONS FOR LIFESAVING APPLIANCES

LIFEBOATS, LIFE RAFTS, BUOYANT APPARATUS, AND DAVITS

The headnote for § 37.1-7 is amended to read as follows:

§ 37.1-7 *Disengaging apparatus—TB/ALL.*

Subchapter G—Ocean and Coastwise: General Rules and Regulations

PART 59—BOATS, RAFTS, BULKHEADS, AND LIFESAVING APPLIANCES (OCEAN)

Section 59.52 (g) is amended to read as follows:

§ 59.52 *Equipment for life rafts.* * * *

(g) *Provisions.* Two pounds of provisions for each person consisting of hard bread or its equivalent in any approved emergency ration of cereal or vegetable compound packaged in hermetically sealed containers of an approved type and stowed in provision lockers or other compartments providing suitable protection. No meat or other ration requiring a saline preservative shall be allowed.

PART 60—BOATS, RAFTS, BULKHEADS, AND LIFESAVING APPLIANCES (COASTWISE)

Section 60.45 is amended by changing paragraphs (g) and (l) and by the addition of two new paragraphs (n) and (o) reading as follows:

§ 60.45 *Equipment for life rafts.* (See § 59.52 of this chapter, as amended, which is identical with this section.) (The amendments to § 59.52 (l), (n) and (o), were published in the FEDERAL REGISTER dated September 5, 1945, 10 F.R. 11310.)

Section 60.61 is amended to read as follows:

§ 60.61 *Disengaging apparatus.* (See § 59.68 of this chapter, which is identical with this section.) (The amendment to § 59.68 was published in the FEDERAL REGISTER dated September 5, 1945, 10 F.R. 11310.)

Dated: September 26, 1945.

L. T. CHALKER,
Rear Admiral, U. S. C. G.,
Acting Commandant.

[F. R. Doc. 45-18007; Filed, Sept. 27, 1945; 10:30 a. m.]

Appendix A—Waivers of Navigation and Vessel Inspection Laws and Regulations

LOAD LINES FOR VESSELS ENGAGED IN FOREIGN, COASTWISE, OR GREAT LAKES TRADE; CANCELLATION AND MODIFICATION OF WAIVERS

The Commandant, United States Coast Guard, having by various orders issued pursuant to the authority of the order of the Acting Secretary of the Navy, dated October 1, 1942 (7 F.R. 7979), as amended by an order of the Secretary of the Navy, dated June 5, 1945 (10 F.R. 6848), found it necessary in the conduct of the war to invoke waivers of compliance with the navigation and vessel inspection laws and regulations governing load lines administered by the Coast Guard to the extent and in the manner and upon the terms and conditions set forth in the various orders, and finding that the necessity for such waivers has lapsed:

It is ordered, That all the general or specific waivers regarding load lines (whether classified or unclassified for security reasons) issued by the Commandant or Acting Commandant, United States Coast Guard, and specific waivers (whether classified or unclassified for security reasons) issued by District Coast Guard Officers, or their designated representatives, or by designated representatives of the Commandant, as the case may be, are hereby revoked or modified upon the conditions and terms set forth in the following numbered paragraphs, to be effective upon the date of publication of this order in the FEDERAL REGISTER:

1. All vessels operating under valid waivers shall be permitted to complete the particular voyage on which they have already entered and vessels operating under specific waivers for a definite period of time or for a time which may be definitely computed may operate until such expiration date. It shall be the responsibility of the vessels to be in compliance with the applicable laws and regulations on or before the expiration date of their respective waivers. Vessels meeting the conditions above outlined will not incur any penalties.

2. The order of the Commandant, dated July 1, 1943 (8 F.R. 9164), as amended by the orders dated January 12, 1945, and July 3, 1945 (10 F.R. 582, 8243), is hereby modified to the extent that no waiver regarding load lines shall be granted.

Dated: September 26, 1945.

L. T. CHALKER,
Rear Admiral, U. S. C. G.,
Acting Commandant.

[F. R. Doc. 45-18006; Filed, Sept. 27, 1945; 10:30 a. m.]

Chapter III—War Shipping Administration

[G. O. 53]

PART 304—LABOR

QUALIFICATIONS FOR STEWARD'S DEPARTMENT

The War Shipping Administration now owns or charters substantially all oceangoing vessels of the United States, and operates such vessels through Agents or General Agents appointed by the Administrator.

The War Manpower Commission, by Directive No. XVIII, dated February 10, 1943, has authorized and directed the War Shipping Administration to cooperate with the War Manpower Commission in the recruitment of men most qualified by experience and training for service at sea and to promote the most effective mobilization and utilization of sea manpower resources in the prosecution of the war.

Proper feeding of crews and of military and naval personnel aboard ship is essential to the prosecution of the war including orderly transition to peacetime economy. This requires skill in the care and preparation of the foods furnished to the vessels. The extraordinary wartime expansion of the steward's department makes necessary the following regulations to assure such skill and to achieve the objectives of Executive Order 9054, as amended, and Directive XVIII of the War Manpower Commission.

Sec.

304.101	Persons included.
304.102	Examinations.
304.103	Training.
304.104	Competence Cards.
304.105	Issuance of manuals.
304.106	Application for training before end of shipping out time.

AUTHORITY: §§ 304.101 to 304.106, inclusive, issued under E.O. 9054, as amended by E.O. 9244, 3 CFR Cum. Supp. and Directive XVIII of the War Manpower Commission.

§ 304.101 *Persons included.* Sections 304.101 to 304.106, inclusive, cover all steward's department personnel who will be employed on vessels owned by or bareboat chartered to the War Shipping Administration, and who hold certificates of service in the rating of second cook and baker or higher, which certificates have been issued by the U. S. Dept. of Commerce, Bureau of Marine Inspection and Navigation, the United States Coast Guard, or any agencies exercising the functions thereof.

§ 304.102 *Examinations.* All persons referred to in § 304.101 will be given an opportunity to take examinations to prove that they are competent to meet the standards set forth in § 304.104 (a), and to indicate what training, if any, they need to meet such standards, and whether they are qualified to receive such training.

Appropriate notice will be given as to the location of examination centers and the starting date for examinations at each center.

§ 304.103 *Training.* Whenever an examination, as prescribed in § 304.102, indicates that specialized training is necessary and that the person examined is qualified to benefit by it he will be given an opportunity to secure such training at the expense of the War Shipping Administration as soon as manning requirements permit. Training courses will be established so that a person failing an examination in one phase of the standards set forth in § 304.104 (a) but passing the examination for all other duties described in such standards, will be able to take training only for those duties in which such person is not competent.

§ 304.104 *Competence Cards*—(a) *Standards of competence.* For the purpose of the issuance of Competence Cards as outlined in paragraph (b) of this section, and as standards of competence to be proved by examinations as outlined in § 304.102, the following standards shall apply:

A second cook and baker shall be able to cook dishes of major importance and must have a knowledge of meat cutting. He must have a thorough knowledge of baking and must be able to produce bread, rolls, biscuits, cookies, puddings, pies, and other pastry items. He must also have a thorough knowledge of preparing other desserts besides baked items.

A chief baker must have a thorough knowledge of all types of baking, including the production of bread, rolls, biscuits, cookies, puddings, pies, crullers, and other pastry items.

A chief butcher must have a thorough knowledge of all types of meat cutting, including the cutting of beef, veal, lamb, pork, poultry, and fish.

A chief cook shall be able to cook and bake and cut meat. He must have a thorough knowledge of cooking and baking and be able to prepare all types of dishes. He must also be able to show skill in the cutting of beef, veal, lamb, pork, poultry, and fish.

A storekeeper must be familiar with the proper stowage and keeping of food, refrigeration of food, and control and issuing of food from the storerooms.

A chief steward must be familiar with all the duties of the rest of the steward's department personnel, and must have a thorough and detailed knowledge of the grades of food, procedures for the receiving of food, the stowage of food, refrigeration, planning of menus, issue of food, keeping of food control records, and management of the mess. He must also have a thorough knowledge of cooking, baking and meat cutting, and safety rules in the galley, as well as sanitation requirements for all phases of steward's department work.

(b) *Issuance.* To those who successfully complete training and those whose examination indicates that training is unnecessary, the War Shipping Administration will issue a Competence Card which will indicate the place of examination, the place of training, if any, and which will state that the holder of such card has demonstrated ability to meet the standard for his rating as outlined in paragraph (a) of this section.

(c) *Prerequisite for employment.* On and after January 1, 1946, or at such earlier date, to be announced by appropriate notice, as the development of the examination and training program may permit, no person referred to in § 304.101 will be employed on any vessel owned by or bareboat chartered to the War Shipping Administration unless such person holds a Competence Card, or unless such person has taken an examination and is qualified to receive training but has not been given an opportunity to receive such training because of manning conditions. Persons who take an examination and are qualified to receive training but are not given an opportunity to receive such training because of manning conditions, will be given a statement from the War Shipping Administration representative in charge of the examination center, to the effect that the examination has been completed, and that although training is required, it is not possible for the person to take training at the time of completion of the examination or shortly thereafter. This statement will be surrendered by the person receiving same when he signs on a vessel.

(d) *Waivers.* In emergency cases when it may not be possible for a person to be examined, waivers may be issued in accordance with the usual procedures.

(e) *Revocation of Competence Cards.* The Administrator of the War Shipping Administration shall designate persons within the War Shipping Administration to form informal hearing boards in ma-

jor ports. Any person holding a Competence Card issued under paragraph (b) of this section, and who does not perform his duties satisfactorily and in accordance with the standards set forth in paragraph (a) of this section, may have his Competence Card revoked or suspended by said hearing boards. The jurisdiction of said hearing boards shall be limited to those cases where it is alleged that a person does not perform his duties in accordance with the standards set forth in paragraph (a) of this section. Before any informal hearing board takes any action in revoking or suspending a person's Competence Card, due written notice shall be given to such person and such person may appear before the board and may be represented by counsel or otherwise if he so desires.

Any person affected by a decision of the informal hearing board may appeal such decision to an appeals board. The appeals board shall be designated by the Administrator of the War Shipping Administration and shall be composed of a chairman from the commercial food industry, a representative from the steamship industry, and a representative from the maritime labor union with which the person against whom charges have been brought is affiliated, and if said person has no union affiliation, he may designate the third member of the appeals board.

§ 304.105 *Issuance of manuals*—(a) *Applicable manuals to be furnished without charge.* To supplement the examination and training program, applicable manuals covering the following subjects will be furnished without charge to all persons referred to in § 304.101:

(1) How to stow and take care of food on shipboard.

(2) How to keep food records on shipboard.

(3) Cooking, baking and meat cutting on shipboard.

(4) Such other manuals as are found to be necessary.

All persons receiving these manuals will be required to sign a receipt for delivery.

(b) *Purchase of manuals after initial issuance.* Any person referred to in § 304.101 who has received any manual without charge pursuant to paragraph (a) of this section can purchase additional copies at cost from the War Shipping Administration.

§ 304.106 *Application for training before end of shipping out time.* If any person referred to in § 304.101 has more than two weeks shore time accumulated because of time spent at sea, such person will not be permitted to take any training required after examination after two weeks of said shore time has elapsed, unless permission is received from the War Shipping Administration representative attached to the examination center where such person takes the examination described in § 304.102.

[SEAL] E. S. LAND,
Administrator.

SEPTEMBER 25, 1945.

[F. R. Doc. 45-18048; Filed, Sept. 27, 1945; 11:29 a. m.]

TITLE 49—TRANSPORTATION AND RAILROADS

Chapter II—Office of Defense Transportation

[Gen. Order ODT 35, Revocation]

PART 501—CONSERVATION OF MOTOR EQUIPMENT

LOCAL PASSENGER TRANSPORTATION EQUIPMENT

Pursuant to Executive Orders 8989, as amended, 9156, and 9625, *It is hereby ordered*, That General Order ODT 35, §§ 501.300 to 501.311, inclusive (8 F.R. 3451), and General Permits 35-1 (8 F.R. 3452), 35-2 (9 F.R. 1328), 35-3 (9 F.R. 3714), 35-4 (9 F.R. 14308), and 35-5 (10 F.R. 9034) be, and they are hereby, revoked effective September 24, 1945.

(E.O. 8989, as amended, 6 F.R. 6725, 8 F.R. 14183; E.O. 9156, 7 F.R. 3349; E.O. 9625, 10 F.R. 12073)

Issued at Washington, D. C., this 24th day of September 1945.

J. M. JOHNSON,
Director,
Office of Defense Transportation.

[F. R. Doc. 45-17884; Filed, Sept. 25, 1945; 2:45 p. m.]

Notices

DEPARTMENT OF AGRICULTURE.

Office of the Secretary.

COLUMBIA LIVESTOCK MARKET, COLUMBIA, TENN.

NOTICE AS TO POSTED STOCKYARD

It has been ascertained that the Columbia Livestock Market, Inc., Columbia, Tennessee, posted on August 31, 1936, as coming within the jurisdiction of the Packers and Stockyards Act, 1921, as amended, is now owned and operated by Norman A. Parks, B. H. Burt, and R. L. Hunter, a partnership doing business as Columbia Livestock Market, and that the name of the yard is now the Columbia Livestock Market. Therefore, the posted name of the stockyard is changed to Columbia Livestock Market and notice of such fact is given to its owners, and to the public by filing notice with the Division of the Federal Register.

(7 U.S.C. 181 et seq.; E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423; E.O. 9392, 8 F.R. 14783; E.O. 9577, 10 F.R. 8087)

Done at Washington, D. C., this 27th day of September 1945.

[SEAL] THOMAS J. FLAVIN,
Assistant to the Secretary of Agriculture.

[F. R. Doc. 45-18010; Filed, Sept. 27, 1945; 11:10 a. m.]

DEPARTMENT OF LABOR.

Division of Public Contracts.

TEXTILE INDUSTRY

NOTICE OF HEARING WITH RESPECT TO DETERMINATION OF PREVAILING MINIMUM WAGE

Whereas, the Acting Secretary of Labor, in the amended prevailing minimum wage determination for the textile industry now in effect, issued on May 25, 1942 pursuant to the provisions of section 1 (b) of the Walsh-Healey Public Contracts Act (49 Stat. 2036, 41 U.S.C. Supp. III, sec. 35), determined that the prevailing minimum wage for persons employed in the performance of contracts with agencies of the United States Government subject to the provisions of that act for the manufacture or furnishing of the products of the textile industry is 40 cents an hour or $16 for a week of 40 hours, arrived at on a time or piece work basis; and

Whereas, the textile industry is defined in the aforesaid determination as follows:

(a) The manufacturing or processing of yarn or thread and all processes preparatory thereto, and the manufacturing, bleaching, dyeing, printing and other finishing of woven fabrics (other than carpets and rugs containing any wool) from cotton, flax, jute, other vegetable fiber, silk, grass, or any synthetic fiber, or from mixtures of these fibers or from such mixtures of these fibers with wool or animal fiber (other than silk) as are specified in clauses (g) and (h); except the chemical manufacturing of synthetic fiber and such related processing of yarn as is conducted in establishments manufacturing synthetic fiber;

(b) The manufacturing of batting, wadding, or filling and the processing of waste from the fibers enumerated in clause (a);

(c) The manufacturing, bleaching, dyeing, or other finishing of pile fabrics or cords (except carpets and rugs containing any wool) from any fiber or yarn;

(d) The processing of any textile fabric included in this definition of this industry into any of the following products: bags; bandages and surgical gauze; bath mats and related articles; bedspreads; blankets; diapers; dish-clothes; scrubbing cloths and wash-cloths; sheets and pillow cases; tablecloths, lunch-cloths and napkins; towels; window curtains; shoe laces and similar laces;

(e) The manufacturing or finishing of braid, net or lace from any fiber or yarn;

(f) The manufacturing of cordage, rope or twine from any fiber or yarn including the manufacturing of paper yarn and twine;

(g) The manufacturing, or processing of yarn (except carpet yarn containing any carpet wool) or thread by systems other than the woolen system from mixtures of wool or animal fiber (other than silk) with any of the fibers designated in clause (a), containing not more than 45 percent by weight of wool or animal fiber (other than silk);

(h) The manufacturing, bleaching, dyeing, printing or other finishing of woven fabrics (other than carpets and rugs) from mixtures of wool or animal fiber (other than silk) containing not more than 25 percent by weight of wool or animal fiber (other than silk), with any of the fibers designated in clause (a), with a margin of tolerance of 2 percent to meet the exigencies of manufacture;

(i) The manufacturing, dyeing, finishing or processing of rugs or carpets from grass, paper, or from any yarn or fiber except yarn containing any wool but not including the manufacturing by hand of such products; and

Whereas, there has been presented to the Department of Labor evidence tending to show that the prevailing minimum wage for persons now employed in the industry has ceased to be 40 cents an hour, as heretofore found by the Secretary, and is now at least 55 cents an hour or $22 for a week of 40 hours, arrived at on a time or piece work basis; and

Whereas, the aforesaid determination provided that learners, handicapped workers and apprentices may be employed and deductions from the wages of employees may be made in accordance with the applicable regulations issued under the Fair Labor Standards Act; and

Whereas, the learner regulations issued under the Fair Labor Standards Act applicable to the employment of learners in the Textile Industry (Code of Federal Regulations, Part 522—§§ 522.-140 to 522.159, published in the FEDERAL REGISTER May 16, 1941, 6 F.R. 2446), as amended on March 22, 1943 by Administrative Order No. 181 (published in the FEDERAL REGISTER on March 13, 1943, 8 F.R. 3079), permit the issuance, to employers who make application therefor, of special certificates authorizing the employment of learners at subminimum rates in the occupations of machine operator, machine tender, or machine fixer, and jobs immediatel; incidental thereto, upon certain terms and conditions affecting the number of learners, the length of the learning period, and the duration of such special certificates, provided that it is satisfactorily shown that:

(a) Experienced labor is not available in the locality from which the employer customarily draws his labor supply;

(b) Learners are available for employment at the established subminimum learner wage rate;

(c) The issuance of a certificate will not tend to impair working or wage standards established for experienced workers in the industry;

(d) The issuance of such certificates will not create unfair competitive labor cost advantages;

(e) The number of learners applied for will not tend to impair the statutory minimum wage rate in such plant;

(f) The applicant's piece work or hourly wage rates yield average earnings to experienced workers substantially above the minimum wage rate; and

Whereas, the said learner regulations, as amended, further provide that the subminimum wage rate which may be provided in special learner certificates shall be not less than 35 cents an hour; and

Whereas, there has been presented to the Department of Labor evidence tending to show that learners in the industry are now, in general, employed at rates not less than 50 cents an hour.

Now, therefore, notice is hereby given that a public hearing will be held on October 17, 1945, at 10:00 a. m. in Room 1410, 165 West 46th Street, New York, New York, before the Administrator of the Wage and Hour and Public Contracts Divisions or a representative designated to preside in his place, at which hearing all interested persons may appear and show cause, if any they have, why the Secretary of Labor should not amend the wage determination for the textile industry, pursuant to the provisions of section 1 (b) of the Walsh-Healey Public Contracts Act, in any or all of the following respects: (1) By finding that the prevailing minimum wage for persons employed in the Industry is now 55 cents an hour or $22 for a week of 40 hours, arrived at on a time or piece work basis; (2) by replacing the present provision for employment of learners with a provision permitting bona fide learners to be employed for a learning period of not to exceed 240 hours at subminimum rates not less than 50 cents an hour; and (3) by providing further that the employment of any such learners shall be, in all other respects, in accordance with the applicable regulations issued under the Fair Labor Standards Act and subject to the issuance of learner certificates as provided in such regulations.

Any interested person may appear at the hearing to offer evidence relevant to the proposed amendment, provided that not later than October 10, 1945, such person shall file with the Administrator of the Wage and Hour and Public Contracts Divisions, United States Department of Labor, 165 West 46th Street, New York 19, N. Y., a notice of intention to appear containing the following information:

1. The name and address of the person appearing.

2. If he is appearing in a representative capacity, the names and addresses of the persons or organizations which he is representing.

3. The purpose for which he is appearing.

Such notice may be mailed to the Administrator and shall be considered filed upon receipt.

Written statements in lieu of personal appearance may be mailed to the Administrator at any time prior to the date of hearing or may be filed with the presiding officer at the hearing. An original and four copies of any such statements should be filed.

A summary report containing wage and other statistical data on the textile industry will be available for distribution on or before the date of the hearing. Copies of this report may be obtained by any person upon request addressed to the Administrator.

Signed at New York, New York, this 21st day of September 1945.

L. METCALFE WALLING,
Administrator.

[F. R. Doc. 45-17[illegible]; Filed, Sept. 26, 1945; 1:28 p. m.]

FEDERAL POWER COMMISSION.

[Docket No. G-662]

SAM L. MILLER

NOTICE OF APPLICATION

SEPTEMBER 24, 1945.

Notice is hereby given that on September 12, 1945, Sam L. Miller (Applicant) residing in the city of McAllen, Hidalgo County, Texas, filed with the Federal Power Commission an application pursuant to section 3 of the Natural Gas Act, to authorize the exportation of natural gas from the State of Texas to the Republic of Mexico, where such gas will be delivered to Cia. Petroleos Mexicanos, a public agency of Mexico, and transported and sold by the latter in Monterrey, Mexico.

The volume of natural gas proposed to be exported is not to exceed 20,000 mcf per day, the contract covering such sale to be for a period of ten years.

Applicant proposes to obtain its supply of natural gas from the San Domingo gas field, Wood gas field, and Penitas gas field, Texas.

According to the application, the respective structures or gas reservoirs from which the gas is to be produced are common to both the United States and Mexico. It is asserted that the portion of such reservoir located in either country is subject to drainage by wells in the other country and that the number of wells and rate of production from any one of such gas reservoirs in one country would determine the period of time within which all recoverable gas in storage located in the other country would be exhausted. Applicant, therefore, contends that some method of pooling to protect the interests of the owners of gas in both countries should be formulated. Applicant believes that Cia. Petroleos Mexicanos will cooperate in effectuating such a pooling arrangement.

It is asserted that all negotiations with the owners of gas wells in this country for the purchase of gas are dependent upon the securing of all necessary authorizations to export natural gas to Mexico.

This notice pertains only to the application filed under section 3 of the Natural Gas Act, the Applicant not as yet having filed an application for a Presidential Permit to operate facilities at the international boundary for the purpose of exporting natural gas, or an application under section 7 (c) of the Natural Gas Act for a certificate of public convenience and necessity to construct and operate the facilities that will be used to transport natural gas to Mexico.

Any person desiring to be heard or to make any protest with reference to said application should, on or before the 10th day of October, 1945, file with the Federal Power Commission, Washington 25, D. C., a petition or protest in accordance with the Commission's provisional rules of practice and regulations under the Natural Gas Act.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 45-18004; Filed, Sept. 27, 1945; 9:30 a. m.]

OFFICE OF PRICE ADMINISTRATION.

[MPR 64, Order 193]

A. J. LINDEMANN AND HOVERSON CO.

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to sections 7 and 11 of Maximum Price Regulation No. 64, it is ordered:

(a) *Maximum prices.* This order establishes maximum prices for sales of the Models Nos. 8808B, 8810B and 8811B Electric Cooking Ranges manufactured by the A. J. Lindemann and Hoverson Company, Milwaukee 7, Wisconsin as follows:

(1) For sales in each zone by wholesale distributors to retail dealers, the maximum prices including Federal excise tax are those set forth below:

MAXIMUM PRICES FOR SALES TO RETAIL DEALERS

Model	Quantity	Zone 1	Zone 2	Zone 3	Zone 4
		Each	*Each*	*Each*	*Each*
8808B	1 to 4	$148.44	$150.50	$152.19	$154.06
	5 or more	142.98	144.90	146.53	148.33
8810B	1 to 4	97.00	98.75	100.25	102.19
	5 or more	93.41	95.09	96.50	98.39
8811B	1 to 4	107.94	109.81	111.40	113.28
	5 or more	103.90	105.73	107.25	109.06

These prices are f. o. b. the wholesale distributor's city and are subject to each seller's customary terms, discounts, allowances and other price differentials in effect on sales of similar articles.

(2) For sales in each zone by retail dealers to ultimate consumers the maximum prices including the Federal excise tax but not including any local sales taxes are those set forth below:

MAXIMUM PRICES FOR SALES TO ULTIMATE CONSUMERS

Model	Zone 1	Zone 2	Zone 3	Zone 4
	Each	*Each*	*Each*	*Each*
8808B	$230.95	$234.26	$236.95	$239.95
8810B	150.95	153.75	156.25	159.25
8811B	167.95	170.95	173.50	176.50

These maximum prices include delivery, installation with connection to the electric facilities provided by the purchaser and a one year warranty. They are subject to each seller's customary terms, discounts, allowances and other price differentials in effect on sales of similar articles.

(b) *Notification.* At the time of or prior to the first invoice to each purchaser for resale the manufacturer shall notify the purchaser of the maximum prices and conditions established by this order for resales by the purchaser. This notice may be given in any convenient form.

(c) *Labelling.* The manufacturer prior to shipping any range covered by this order to a purchaser for resale shall attach securely to the outside panel of the oven door of each range a label showing the name of the manufacturer, the model number of the range, its OPA retail ceiling price in each zone and a list of the states included in each zone. The label shall also contain a statement that the ceiling price shown on the label includes delivery, installation with connection to the electric facilities provided by the purchaser, a one year warranty, and the Federal excise tax. This label may not be removed until after the range has been sold to an ultimate consumer.

(d) For purposes of this order Zones 1, 2, 3 and 4 comprise the following states:

Zone 1: Wisconsin, Illinois, Indiana, and Michigan.

Zone 2: North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, Minnesota, Iowa, Missouri, Arkansas, Louisiana, Mississippi, Tennessee, Alabama, Georgia, North Carolina, South Carolina, Kentucky, Ohio, Virginia, West Virginia, Maryland, Delaware, Pennsylvania, New Jersey, New York, Vermont, Massachusetts, Connecticut, Rhode Island, New Hampshire, and the District of Columbia.

Zone 3: Maine, Florida, Texas, New Mexico, Colorado, Wyoming, and Montana.

Zone 4: Washington, Oregon, Idaho, California, Nevada, Utah, and Arizona.

(e) This order may be revoked or amended by the Price Administrator at any time.

(f) This order shall become effective on the 27th day of September 1945.

Issued this 26th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-17923; Filed, Sept. 26, 1945; 11:54 a. m.]

[MPR 188, Rev. Order 4033]

D. L. TRUEHEART

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.158 of Maximum Price Regulation No. 188, it is ordered: Order No. 4033 under Maximum Price Regulation No. 188 is revised and amended to read as set forth herein.

(a) This revised order establishes maximum prices for sales and deliveries of certain articles manufactured by D. L. Trueheart, 1276 Shakespeare Avenue, Bronx 52, New York.

(1) For all sales and deliveries to the following classes of purchasers by the sellers indicated below, the maximum prices are those set forth below:

Article	Model No.	For sales by the manufacturer to—		For sales by any person to consumers
		Jobbers	Retailers	
		Each	*Each*	*Each*
Bronze plated pin-up lamp (no shade)	100	$1.06	$1.25	$2.25
20½" bronze plated table lamp with paper parchment shade	200	4.12	4.85	8.73
Brass plated pin-up lamp with glass rosette trim (no shade)	300	1.61	1.90	3.42
21" glazed china table lamp base (no shade)	400	2.97	3.50	6.30

These maximum prices are for the articles described in the manufacturer's application dated July 6, 1945.

(2) For sales by all persons the maximum prices apply to all sales and deliveries after the effective date of this order. Those prices are subject to each seller's customary terms and conditions of sale on sales of similar articles.

(3) If the manufacturer wishes to make sales and deliveries to any other class of purchaser or on other terms and conditions of sale, he must apply to the Office of Price Administration, Washington, D. C., under the fourth pricing method, § 1499.158 of Maximum Price Regulation No. 188, for the establishment of maximum prices for those sales, and no sales or deliveries may be made until maximum prices have been authorized by the Office of Price Administration.

(b) The manufacturer shall attach a tag or label to every article for which a maximum price for sales to consumers is established by this revised order. That tag or label shall contain the following statement, with the proper model number and the ceiling price inserted in the blank spaces:

Model Number ------
OPA Retail Ceiling Price—$------
Do Not Detach

(c) At the time of, or prior to, the first invoice to each purchaser for resale, the manufacturer shall notify the purchaser in writing of the maximum prices and conditions established by this revised order for sales by the purchaser. This notice may be given in any convenient form.

(d) Jobber's maximum prices for sales of the articles covered by this revised order shall be established under the provisions of section 4.5 of SR 14J.

(e) This revised order may be revoked or amended by the Price Administrator at any time.

(f) This revised order shall become effective on the 27th day of September 1945.

Issued this 26th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-17924; Filed, Sept. 26, 1945; 11:55 a. m.]

[MPR 188, Rev. Order 4047]

B. & L. LAMP CO.

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.158 of Maximum Price Regulation No. 188, *It is ordered:* Order No. 4047 under Maximum Price Regulation No. 188 is revised and amended to read as set forth herein.

(a) This revised order establishes maximum prices for sales and deliveries of certain articles manufactured by B. & L. Lamp Company, 358 Broome Street, New York, N. Y.

(1) For all sales and deliveries to the following classes of purchasers by the sellers indicated below, the maximum prices are those set forth below:

Article	Model No.	For sales by the manufacturer to—		For sales by any person to consumers
		Jobbers	Retailers	
		Each	*Each*	*Each*
Opal glass lamp	600	$5.74	$6.75	$12.15
Opal glass lamp	500	5.74	6.75	12.15
Hurricane lamp	262	5.95	7.00	12.60
Crystal and ruby table lamp	237	5.10	6.00	10.80
Crystal and ruby table lamp	37	6.38	7.50	13.50
Crystal table lamp	230	4.25	5.00	9.00
Crystal and ruby table lamp	233	4.68	5.50	9.90
Hurricane lamp	237	5.95	6.00	10.80
Vanity lamp	240	2.46	2.89	5.20
Crystal and ruby table lamp	22	4.78	5.62	10.10

These maximum prices are for the articles described in the manufacturer's application dated April 4, 1945.

(2) For sales by all persons the maximum prices apply to all sales and deliveries after the effective date of this order. Those prices are subject to each seller's customary terms and conditions of sale on sales of similar articles.

(3) If the manufacturer wishes to make sales and deliveries to any other class of purchaser or on other terms and conditions of sale, he must apply to the Office of Price Administration, Washington, D. C., under the fourth pricing method, § 1499.158, of Maximum Price Regulation No. 188, for the establishment of maximum prices for those sales, and no sales or deliveries may be made until maximum prices have been authorized by the Office of Price Administration.

(b) The manufacturer shall attach a tag or label to every article for which a maximum price for sales to consumers is established by this revised order. That tag or label shall contain the following statement, with the proper model number and the ceiling price inserted in the blank spaces:

Model Number ------
OPA Retail Ceiling Price—$------
Do Not Detach

(c) At the time of, or prior to, the first invoice to each purchaser for resale, the manufacturer shall notify the purchaser in writing of the maximum prices and conditions established by this revised order for sales by the purchaser. This notice may be given in any convenient form.

(d) Jobber's maximum prices for sales of the articles covered by this revised order shall be established under the provisions of section 4.5 of SR 14J.

(e) This revised order may be revoked or amended by the Price Administrator at any time.

(f) This revised order shall become effective on the 27th day of September 1945.

Issued this 26th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-17925; Filed, Sept. 26, 1945; 11:55 a. m.]

[MPR 188, Order 4462]

MICHAEL WOLFE CO.

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.158 of Maximum Price Regulation No. 188; *It is ordered:*

(a) This order establishes maximum prices for sales and deliveries of certain articles manufactured by Michael Wolfe Company, 139 East 13th Street, New York 3, N. Y.

(1) For all sales and deliveries to the following classes of purchasers by the sellers indicated below, the maximum prices are those set forth below:

Article	Model No.	For sales by the manufacturer to		For sales by any person to consumers
		Jobbers	Retailers	
		Each	*Each*	*Each*
Victorian hand decorated opal glass, hurricane lamp on marble base	200	$10.41	$12.25	$22.05
Small Victorian hand decorated opal glass lamp with metal trimmed on marble base	300	4.61	5.42	9.75

These maximum prices are for the articles described in the manufacturer's application dated April 13, 1945.

(2) For sales by the manufacturer, the maximum prices apply to all sales and deliveries since Maximum Price Regulation No. 188 became applicable to those sales and deliveries. For sales to persons other than consumers they are f. o. b. factory, 2% 10 days, net 30. The maximum price to consumers is net, delivered.

(3) For sales by persons other than the manufacturer, the maximum prices apply to all sales and deliveries after the effective date of this order. Those prices are subject to each seller's customary terms and conditions of sale on sales of similar articles.

(4) If the manufacturer wishes to make sales and deliveries to any other class of purchaser or on other terms and conditions of sale, he must apply to the Office of Price Administration, Washington, D. C., under the Fourth Pricing Method, § 1499.158 of Maximum Price Regulation No. 188, for the establishment of maximum prices for those sales, and no sales or deliveries may be made until maximum prices have been authorized by the Office of Price Administration.

(b) The manufacturer shall attach a tag or label to every article for which a maximum price for sales to consumers is established by this order. That tag or label shall contain the following statement, with the proper model number and the ceiling price inserted in the blank spaces:

Model No. ------
OPA Retail Ceiling Price—$------
Do Not Detach

(c) At the time of, or prior to, the first invoice to each purchaser for resale, the manufacturer shall notify the purchaser in writing of the maximum prices and conditions established by this order for sales by the purchaser. This notice may be given in any convenient form.

(d) Jobber's maximum price for sales of the articles covered by this order shall be established under the provisions of section 4.5 of SR 14J.

(e) This order may be revoked or amended by the Price Administrator at any time.

(f) This order shall become effective on the 27th day of September 1945.

Issued this 26th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-17926; Filed, Sept. 26, 1945; 11:55 a. m.]

[MPR 188, Order 4463]

LEVINE SILVERSMITH CO.

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.158 of Maximum Price Regulation No. 188; *It is ordered:*

(a) This order establishes maximum prices for sales and deliveries of certain articles manufactured by Levine Silversmith Company, 59 West 170th Street, New York, N. Y.

(1) For all sales and deliveries to the following classes of purchasers by the sellers indicated below, the maximum prices are those set forth below:

Article	Model No.	For sales by the manufacturer to		For sales by any person to consumers
		Jobbers	Retailers	
		Each	*Each*	*Each*
Table lamp made up of ornamental hand painted glass founts and brasks	1000	$5.10	$6.00	$10.80
Table lamp of highly decorated, large china lamp mounted on filigreed brass base	1200	12.67	14.90	26.87

These maximum prices are for the articles described in the manufacturer's application dated May 22, 1945.

(2) For sales by the manufacturer, the maximum prices apply to all sales and deliveries since Maximum Price Regulation No. 188 became applicable to those sales and deliveries. For sales to persons other than consumers they are f. o. b. factory, 2% 10 days, net 30. The maximum price to consumers is net, delivered.

(3) For sales by persons other than the manufacturer, the maximum prices apply to all sales and deliveries after the effective date of this order. Those prices are subject to each seller's customary terms and conditions of sale on sales of similar articles.

(4) If the manufacturer wishes to make sales and deliveries to any other class of purchaser or on other terms and conditions of sale, he must apply to the Office of Price Administration, Washing-

ton, D. C., under the Fourth Pricing Method, § 1499.158 of Maximum Price Regulation No. 188, for the establishment of maximum prices for those sales, and no sales or deliveries may be made until maximum prices have been authorized by the Office of Price Administration.

(b) The manufacturer shall attach a tag or label to every article for which a maximum price for sales to consumers is established by this order. That tag or label shall contain the following statement, with the proper model number and the ceiling price inserted in the blank spaces:

Model No. ------
OPA Retail Ceiling Price—$------
Do Not Detach

(c) At the time of, or prior to, the first invoice to each purchaser for resale, the manufacturer shall notify the purchaser in writing of the maximum prices and conditions established by this order for sales by the purchaser. This notice may be given in any convenient form.

(d) Jobber's maximum prices for sales of the articles covered by this order shall be established under the provisions of section 4.5 of SR 14J.

(e) This order may be revoked or amended by the Price Administrator at any time.

(f) This order shall become effective on the 27th day of September, 1945.

Issued this 26th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-17927; Filed, Sept. 26, 1945; 11:55 a. m.]

[MPR 188, Order 4464]

BARTEX NOVELTY CO., INC.

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.158 of Maximum Price Regulation No. 188; *It is ordered:*

(a) This order establishes maximum prices for sales and deliveries of certain articles manufactured by Bartex Novelty Company, Inc., 347 East Fifty-Fourth Street, New York, N. Y.

(1) For all sales and deliveries to the following classes of purchasers by the sellers indicated below, the maximum prices are those set forth below:

Article	Model No.	For sales by the manufacturer to—		For sales by any person to consumers
		Jobbers	Retailers	
Chrome mirror paper handle corner bracket with open frame	41	*Each* $0.21	*Each* $0.25	*Each* $0.45

These maximum prices are for the articles described in the manufacturer's application dated April 25, 1945.

(2) For sales by the manufacturer, the maximum prices apply to all sales and deliveries since Maximum Price Regulation No. 188 became applicable to those sales and deliveries. For sales to persons other than consumers they are f. o. b. factory, 2% 10 days, net 30. The maximum price to consumers is net, delivered.

(3) For sales by persons other than the manufacturer, the maximum prices apply to all sales and deliveries after the effective date of this order. Those prices are subject to each seller's customary terms and conditions of sale on sales of similar articles.

(4) If the manufacturer wishes to make sales and deliveries to any other class of purchaser or on other terms and conditions of sale, he must apply to the Office of Price Administration, Washington, D. C., under the Fourth Pricing Method, § 1499.158 of Maximum Price Regulation No. 188, for the establishment of maximum prices for those sales, and no sales or deliveries may be made until maximum prices have been authorized by the Office of Price Administration.

(b) The manufacturer shall attach a tag or label to every article for which a maximum price for sales to consumers is established by this order. That tag or label shall contain the following statement, with the proper model number and the ceiling price inserted in the blank spaces:

Model No. ------
OPA Retail Ceiling Price—$------
Do Not Detach

(c) At the time of, or prior to, the first invoice to each purchaser for resale, the manufacturer shall notify the purchaser in writing of the maximum prices and conditions established by this order for sales by the purchaser. This notice may be given in any convenient form.

(d) Jobber's maximum prices for sales of the articles covered by this order shall be established under the provisions of section 4.5 of SR 14J.

(e) This order may be revoked or amended by the Price Administrator at any time.

(f) This order shall become effective on the 27th day of September 1945.

Issued this 26th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-17928; Filed, Sept. 26, 1945; 11:56 a. m.]

[MPR 188, Order 4465]

UTICA CUTLERY CO.

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.158 of Maximum Price Regulation No. 188; *It is ordered:*

(a) This order establishes maximum prices for sales and deliveries of certain articles manufactured by the Utica Cutlery Company, 820 Noyes Street, Utica 4, N. Y.

(1) For all sales and deliveries to the following classes of purchasers by the sellers indicated below, the maximum prices are those set forth below:

Article	Model No.	Maximum prices for sales by any seller to—			
		Wholesalers (jobbers)	Chain stores	Retailers	Consumers
Slip joint plier	P26	*Each* $0.275	*Each* $0.27	*Each* $0.37	*Each* $0.55

These maximum prices are for the articles described in the manufacturer's application dated August 25, 1945.

(2) For sales by the manufacturer, the maximum prices apply to all sales and deliveries since Maximum Price Regulation No. 188 became applicable to those sales and deliveries. These prices are f. o. b. factory with full freight allowed on shipments of 100 lbs. or more and subject to a cash discount of 2% for payment within 10 days, net 30 days.

(3) For sales by persons other than the manufacturer, the maximum prices apply to all sales and deliveries after the effective date of this order. Those prices are subject to each seller's customary terms and conditions of sale on sales of similar articles.

(4) If the manufacturer wishes to make sales and deliveries to any other class of purchaser or on other terms and conditions of sale, he must apply to the Office of Price Administration, Washington, D. C., under the Fourth Pricing Method, § 1499.158 of Maximum Price Regulation No. 188, for the establishment of maximum prices for those sales, and no sales or deliveries may be made until maximum prices have been authorized by the Office of Price Administration.

(b) The manufacturer shall attach a tag or label to every article for which a maximum price for sales to consumers is established by this order. That tag or label shall contain the following statement with the correct model number and retail price properly filled in:

Model No. P26
OPA Retail Ceiling Price—$0.55 each
Do Not Detach

(c) At the time of, or prior to, the first invoice to each purchaser for resale, the manufacturer shall notify the purchaser in writing of the maximum prices and conditions established by this order for sales by the purchaser. This notice may be given in any convenient form.

(d) This order may be revoked or amended by the Price Administrator at any time.

(e) This order shall become effective on the 27th day of September 1945.

Issued this 26th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-17929; Filed Sept. 26, 1945; 11:57 a. m.]

[MPR 188, Order 4466]

FRANK W. DENEHY

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.158 of Maximum Price Regulation No. 188; *It is ordered:*

(a) This order establishes maximum prices for sales and deliveries of certain articles manufactured by Frank W. Denehy, 35, Longfellow Avenue, Baldwin, Long Island, N. Y.

(1) For all sales and deliveries to the following classes of purchasers by the sellers indicated below, the maximum prices are those set forth below:

Article	Model No.	For sales by the manufacturer to—		For sales by any person to consumers
		Jobbers	Retailers	
Locks, United Steel Tool Co. type wood bracket, complete with cord and plug	2SS	*Each* $1.90	*Each* $2.25	*Each* $4.05

These maximum prices are for the articles described in the manufacturer's application dated June 15, 1945.

(2) For sales by the manufacturer, the maximum prices apply to all sales and deliveries since Maximum Price Regulation No. 188 became applicable to those sales and deliveries. For sales to persons other than consumers they are f. o. b. factory, 2% 10 days, net 30. The maximum price to consumers is net, delivered.

(3) For sales by persons other than the manufacturer, the maximum prices apply to all sales and deliveries after the effective date of this order. Those prices are subject to each seller's customary terms and conditions of sale on sales of similar articles.

(4) If the manufacturer wishes to make sales and deliveries to any other class of purchaser or on other terms and conditions of sale, he must apply to the Office of Price Administration, Washington, D. C., under the Fourth Pricing Method, § 1499.158 of Maximum Price Regulation No. 188, for the establishment of maximum prices for those sales, and no sales or deliveries may be made until maximum prices have been authorized by the Office of Price Administration.

(b) The manufacturer shall attach a tag or label to every article for which a maximum price for sales to consumers is established by this order. That tag or label shall contain the following statement, with the proper model number and the ceiling price inserted in the blank spaces:

Model No. ------
OPA Retail Ceiling Price—$------
Do Not Detach

(c) At the time of, or prior to, the first invoice to each purchaser for resale, the manufacturer shall notify the purchaser in writing of the maximum prices and conditions established by this order for sales by the purchaser. This notice may be given in any convenient form.

(d) Jobber's maximum prices for sales of the articles covered by this order shall be established under the provisions of section 4.5 of SR 14J.

(e) This order may be revoked or amended by the Price Administrator at any time.

(f) This order shall become effective on the 27th day of September 1945.

Issued this 26th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-17930; Filed, Sept. 26, 1945; 11:57 a. m.]

[MPR 188, Order 4467]

SANTOS RODRIGUEZ

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.158 of MPR 188; *It is ordered:*

(a) This order establishes maximum prices for sales and deliveries of certain articles of furniture manufactured by Santos Rodriguez, 152 South Mission Road, Los Angeles, California.

(1) For all sales and deliveries to the following classes of purchasers by the sellers indicated below, the maximum prices are those set forth below:

Article	Model No.	Manufacturer's maximum price to persons, other than retailers, who sell from their own stock	Manufacturer's maximum price to persons, other than retailers, who sell from the manufacturer's stock	Maximum price for sales to retailers, by the manufacturer and by persons, other than retailers, who sell from the manufacturer's stock
Mirror corner bracket	12	*Each* $1.00	*Each* $1.08	*Each* $1.25
	14	.76	.81	.95
	16	1.16	1.23	1.45
Magazine rack	601	1.68	1.78	2.10
Wall shelf	762	2.92	3.10	3.65
Vanity	40	5.59	5.94	6.99
Wall bracket	3 V	1.57	1.67	1.96
	326	1.31	1.39	1.64
	329	.95	1.01	1.19
Mirror corner bracket	38	1.18	1.26	1.48
	24	.86	.91	1.07
	20	1.58	1.68	1.98
	18	1.32	1.40	1.65

These prices are f. o. b. factory, and are subject to a cash discount of two percent for payment within ten days, net thirty days, and are for the articles described in the manufacturer's application.

(2) For sales by the manufacturer the maximum prices apply to all sales and deliveries since the effective date of MPR 188. For sales by persons, other than retailers, who sell from the manufacturer's stock, the maximum prices apply to all sales and deliveries after the effective date of this order.

(3) If the manufacturer wishes to make sales and deliveries to any other class of purchaser or on other terms and conditions of sale, he must apply to the Office of Price Administration, Washington, D. C., under the Fourth Pricing Method, § 1499.158, of MPR 188, for the establishment of maximum prices for those sales, and no sales or deliveries may be made until maximum prices have been authorized by the Office of Price Administration.

(b) At the time of, or prior to, the first invoice to each purchaser, other than a retailer, who sells from the manufacturer's stock, the manufacturer shall notify the purchaser of the maximum prices and conditions established by this order for sales by the purchaser. This notice may be given in any convenient form.

(c) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective on the 27th day of September 1945.

Issued this 26th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-17931; Filed, Sept. 26, 1945; 11:57 a. m.]

[MPR 188, Order 4468]

STAHLY, INC.

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.156 of Maximum Price Regulation No. 188 and section 6.4 of Second Revised Supplementary Regulation No. 14, *It is ordered:*

(a) This order establishes maximum prices for sales and deliveries of mechanical safety razors manufactured by Stahly, Incorporated, 406 Columbia Street, South Bend 4, Indiana.

(1) For all sales and deliveries to the following classes of purchasers by the sellers indicated below, the maximum prices are those set forth below:

Article	Maximum prices for sales by any seller to—			
	Wholesaler jobber	Retailer (12 units or more)	Retailer (less than 12 units	Consumer
Stahly Live Razor Blade, aluminum, zamac and chrome, in walnut case	*Each* $10.41	*Each* $12.50	*Each* $13.00	*Each* $20.85

These maximum prices are for the article described in the manufacturer's application dated August 28, 1945.

(2) For sales by the manufacturer, these maximum prices apply to all sales and deliveries after the effective date of this order. The manufacturer's prices are f. o. b. factory and are subject to a cash discount of 2% for payment within 10 days, net 30 days. The prices for sales by persons other than the manufacturer are subject to each seller's customary terms and conditions of sale on sales of similar articles.

(b) The manufacturer shall attach a tag or label to every article for which a maximum price for sales to consumers is established by this order. That tag or label shall contain the following statement:

OPA Retail Ceiling Price $20.85
Do Not Detach or Obliterate

(c) At the time of, or prior to, the first invoice to each purchaser for resale at

wholesale, the manufacturer shall notify the purchaser in writing of the maximum prices and conditions established by this order for sales by the manufacturer. This notice may be given in any convenient form.

(d) This order may be revoked or amended by the Price Administrator at any time.

(e) This order shall become effective on the 27th day of September 1945.

Issued this 26th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-17932; Filed, Sept. 26, 1945; 11:57 a. m.]

[MPR 188, Order 4469]

FEATHERLINE CORP.

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.158 of Maximum Price Regulation No. 188; *It is ordered:*

(a) This order establishes maximum prices for sales and deliveries of certain articles manufactured by Featherline Corporation, 299 Madison Avenue, New York 17, N. Y.

(1) For all sales and deliveries to the following classes of purchasers by the sellers indicated below, the maximum prices are those set forth below:

Article	Model No.	Maximum prices for sales by any seller to—			
		Wholesalers (jobbers)	Retailers (12 units or more)	Retailers (less than 12 units)	Consumers
Automatic electric iron, plastic handle, 1,000 watts w cord and plug	103	*Each* $7.20	*Each* $6.15	*Each* $6.12	*Each* $8.95
Nonautomatic electric iron plastic handle 550 watts w cord and plug	101	3.43	4.29	4.62	6.95

These maximum prices are for the articles described in the manufacturer's application dated July 26, 1945.

(2) For sales by the manufacturer, the maximum prices apply to all sales and deliveries since Maximum Price Regulation No. 188 became applicable to those sales and deliveries. These prices include the Federal Excise Tax. They are f. o. b. factory with full freight allowed on 100 pounds or more. These prices are subject to a cash discount of 2% for payment within 10 days, net 30 days.

(3) For sales by persons other than the manufacturer, the maximum prices apply to all sales and deliveries after the effective date of this order. Those prices are subject to each seller's customary terms and conditions of sale on sales of similar articles.

(4) If the manufacturer wishes to make sales and deliveries to any other class of purchaser or on other terms and conditions of sale, he must apply to the Office of Price Administration, Washington, D. C., under the Fourth Pricing Method, § 1499.158 of Maximum Price Regulation No. 188, for the establishment of maximum prices for those sales, and no sales or deliveries may be made until maximum prices have been authorized by the Office of Price Administration.

(b) The manufacturer shall attach a tag or label to every article for which a maximum price for sales to consumers is established by this order. That tag or label shall contain either of the following statements with the correct order number, model number and retail prices properly filled in:

Order No. 4469
Model No. ----
OPA Retail Ceiling Price—$ ----
Federal Excise Tax Included
Do Not Detach or Obliterate

or

Featherline Corporation
299 Madison Avenue
New York 17, N. Y.
Model No. ----
OPA Retail Ceiling Price—$ ----
Federal Excise Tax Included
Do Not Detach or Obliterate

(c) At the time of, or prior to, the first invoice to each purchaser for resale at wholesale, the manufacturer shall notify the purchaser in writing of the maximum prices and conditions established by this order for sales by the purchaser. This notice may be given in any convenient form.

(d) This order may be revoked or amended by the Price Administrator at any time.

(e) This order shall become effective on the 27th day of September 1945.

Issued this 26th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-17933; Filed, Sept. 26, 1945; 11:58 a. m.]

[MPR 188, Order 4470]

JOHN MECK INDUSTRIES, INC.

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.158 of Maximum Price Regulation No. 188; *It is ordered:*

(a) This order establishes maximum prices for sales and deliveries of certain articles manufactured by John Meck Industries, Inc., Liberty and Pennsylvania Streets, Plymouth, Indiana. The article for which prices are hereby established is a five tube, single band, AC DC, ivory painted plastic cabinet, table model radio receiver, Model #C5PW.

(1) For all sales and deliveries to the following classes of purchasers by the sellers indicated below, the maximum prices are those set forth below:

MAXIMUM PRICES TO—

Jobbers (each)	Retailers	Consumers
$8.50	*Each* $10.63	*Each* $15.95

The above maximum prices are exclusive of Federal Excise tax and f. o. b. manufacturer's plant. Prices at wholesale are subject to a discount of 2% ten days and net thirty days.

These maximum prices are for the articles described in the manufacturer's application dated September 11, 1945 and completed September 11, 1945.

(2) For sales by the manufacturer, the maximum prices apply to all sales and deliveries since Maximum Price Regulation No. 188 became applicable to those sales and deliveries.

(3) For sales by persons other than the manufacturer, the maximum prices apply to all sales and deliveries after the effective date of this order. Those prices are subject to each seller's customary terms and conditions of sale on sales of similar articles.

(4) If the manufacturer wishes to make sales and deliveries to any other class of purchaser or on other terms and conditions of sale, he must apply to the Office of Price Administration, Washington, D. C., under the Fourth Pricing Method, § 1499.158 of Maximum Price Regulation No. 188, for the establishment of maximum prices for those sales, and no sales or deliveries may be made until maximum prices have been authorized by the Office of Price Administration.

(b) The manufacturer shall attach a tag or label to every article for which a maximum price for sales to consumers is established by this order. That tag or label shall contain the following statement:

Model No. C5PW
OPA Retail Ceiling Price—$15.95 each
Federal Excise Tax—$0.85
Order 4470
Do Not Detach
Manufactured by John Meck Industries Inc
Plymouth, Ind.

(c) At the time of, or prior to, the first invoice to each purchaser for resale, the manufacturer shall notify the purchaser in writing of the maximum prices and conditions established by this order for sales by the purchaser. This notice may be given in any convenient form.

(d) This order may be revoked or amended by the Price Administrator at any time.

(e) This order shall become effective on the 27th day of September 1945.

Issued this 26th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-17934; Filed, Sept. 26, 1945; 11:58 a. m.]

[MPR 188, Order 4471]

WALTER LAMP PRODUCTS

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register and pursuant to § 1499.158 of Maximum Price Regulation No. 188; *It is ordered:*

(a) This order establishes maximum prices for sales and deliveries of certain articles manufactured by Walter Lamp Products, 81 Hope Street, Brooklyn, 11, N. Y.

(1) For all sales and deliveries to the following classes of purchasers by the sellers indicated below, the maximum prices are those set forth below:

Article	Model No.	For sales by the manufacturer to—		For sales by any person to consumers
		Jobbers	Retailers	
Lighted crystal vanity lamp with rayon shade	1A	*Each* $4.61	*Each* $4.90	*Each* $5.40

These maximum prices are for the articles described in the manufacturer's application dated July 19, 1945.

(2) For sales by the manufacturer, the maximum prices apply to all sales and deliveries since Maximum Price Regulation No. 188 became applicable to those sales and deliveries. For sales to persons other than consumers they are f. o. b. factory, 2% 10 days, net 30. The maximum price to consumers is net, delivered.

(3) For sales by persons other than the manufacturer, the maximum prices apply to all sales and deliveries after the effective date of this order. Those prices are subject to each seller's customary terms and conditions of sale on sales of similar articles.

(4) If the manufacturer wishes to make sales and deliveries to any other class of purchaser or on other terms and conditions of sale, he must apply to the Office of Price Administration, Washington, D. C., under the Fourth Pricing Method, § 1499.158 of Maximum Price Regulation No. 188, for the establishment of maximum prices for those sales, and no sales or deliveries may be made until maximum prices have been authorized by the Office of Price Administration.

(b) The manufacturer shall attach a tag or label to every article for which a maximum price for sales to consumers is established by this order. That tag or label shall contain the following statement, with the proper model number and the ceiling price inserted in the blank spaces:

Model No. ------
OPA Retail Ceiling Price—$------
Do Not Detach

(c) At the time of, or prior to, the first invoice to each purchaser for resale, the manufacturer shall notify the purchaser in writing of the maximum prices and conditions established by this order for sales by the purchaser. This notice may be given in any convenient form.

(d) Jobber's maximum prices for sales of the articles covered by this order shall be established under the provisions of section 4.5 of SR 14J.

(e) This order may be revoked or amended by the Price Administrator at any time.

(f) This order shall become effective on the 27th day of September 1945.

Issued this 26th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-17935; Filed, Sept. 26, 1945; 11:58 a. m.]

[MPR 188, Order 4472]

METALLIC ARTS CO.

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.158 of Maximum Price Regulation No. 188; *It is ordered:*

(a) This order establishes maximum prices for sales and deliveries of certain articles manufactured by Metallic Arts Company, 2100 South Morgan Street, Chicago, Ill.

(1) For all sales and deliveries to the following classes of purchasers by the sellers indicated below, the maximum prices are those set forth below:

Article	Model No.	For sales by the manufacturer to—		For sales by any person to consumers
		Jobbers	Retailers	
Illustrated plastic lamp shades	275	*Each* $1.65	*Each* $1.95	*Each* $3.74

These maximum prices are for the articles described in the manufacturer's application dated July 15, 1945.

(2) For sales by the manufacturer, the maximum prices apply to all sales and deliveries since Maximum Price Regulation No. 188 became applicable to those sales and deliveries. For sales to persons other than consumers they are f. o. b. factory 1% 10 days, net 30. The maximum price to consumers is net, delivered.

(3) For sales by persons other than the manufacturer, the maximum prices apply to all sales and deliveries after the effective date of this order. Those prices are subject to each seller's customary terms and conditions of sale on sales of similar articles.

(4) If the manufacturer wishes to make sales and deliveries to any other class of purchaser or on other terms and conditions of sale, he must apply to the Office of Price Administration, Washington, D. C., under the Fourth Pricing Method, § 1499.158 of Maximum Price Regulation No. 188, for the establishment of maximum prices for those sales, and no sales or deliveries may be made until maximum prices have been authorized by the Office of Price Administration.

(b) The manufacturer shall attach a tag or label to every article for which a maximum price for sales to consumers is established by this order. That tag or label shall contain the following statement, with the proper model number and the ceiling price inserted in the blank spaces:

Model No. ------
OPA Retail Ceiling Price—$------
Do Not Detach

(c) At the time of, or prior to, the first invoice to each purchaser for resale, the manufacturer shall notify the purchaser in writing of the maximum prices and conditions established by this order for sales by the purchaser. This notice may be given in any convenient form.

(d) Jobber's maximum prices for sales of the articles covered by this order shall be established under the provisions of section 4.5 of SR 14J.

(e) This order may be revoked or amended by the Price Administrator at any time.

(f) This order shall become effective on the 27th day of September 1945.

Issued this 26th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-17936; Filed, Sept. 26, 1945; 11:58 a. m.]

[MPR 188, Order 4473]

JAY RIVIKIN

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.158 of Maximum Price Regulation No. 188; *It is ordered:*

(a) This order establishes maximum prices for sales and deliveries of certain articles manufactured by Jay Rivikin, 1547 Elevado Street, Los Angeles 26, Calif.

(1) For all sales and deliveries to the following classes of purchasers by the sellers indicated below, the maximum prices are those set forth below:

Article	Model No.	For sales by the manufacturer to—		For sales by any person to consumers
		Jobbers	Retailers	
Mahogany table lamp with bobbi pattern ceramic trim insert	100A, and 100B.	*Each* $11.65	*Each* $17.25	*Each* $41.00

These maximum prices are for the articles described in the manufacturer's application dated July 17, 1945.

(2) For sales by the manufacturer, the maximum prices apply to all sales and deliveries since Maximum Price Regulation No. 188 became applicable to those sales and deliveries. For sales to persons other than consumers they are f. o. b. factory, 2% 10 days, net 30. The maximum price to consumers is net, delivered.

(3) For sales by persons other than the manufacturer, the maximum prices apply to all sales and deliveries after the effective date of this order. Those prices are subject to each seller's customary terms and conditions of sale on sales of similar articles.

(4) If the manufacturer wishes to make sales and deliveries to any other class of purchaser or on other terms and conditions of sale, he must apply to the Office of Price Administration, Washington, D. C., under the Fourth Pricing Method, § 1499.158 of Maximum Price Regulation No. 188, for the establishment of maximum prices for those sales, and no sales or deliveries may be made until maximum prices have been authorized by the Office of Price Administration.

(b) The manufacturer shall attach a tag or label to every article for which a maximum price for sales to consumers is established by this order. That tag or label shall contain the following statement, with the proper model number and

the ceiling price inserted in the blank spaces:

Model No. ------
OPA Retail Ceiling Price—$------
Do Not Detach

(c) At the time of, or prior to, the first invoice to each purchaser for resale, the manufacturer shall notify the purchaser in writing of the maximum prices and conditions established by this order for sales by the purchaser. This notice may be given in any convenient form.

(d) Jobber's maximum prices for sales of the articles covered by this order shall be established under the provisions of section 4.5 of SR 14J.

(e) This order may be revoked or amended by the Price Administrator at any time.

(f) This order shall become effective on the 27th day of September 1945.

Issued this 26th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-17937; Filed, Sept. 26, 1945; 11:59 a. m.]

[MPR 188, Order 4474]

FRANK S. BENSON

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.158 of Maximum Price Regulation No. 188; *It is ordered:*

(a) This order establishes maximum prices for sales and deliveries of certain articles manufactured by Franklin S. Benson 734 South Hobart, Los Angeles 5, Calif.

(1) For all sales and deliveries to the following classes of purchasers by the sellers indicated below, the maximum prices are those set forth below:

Article	Model No.	For sales by the manufacturer to—		For sales by any person to consumers
		Jobbers	Retailers	
Novelty "Planter" lamp base complete with greens	L-1	*Each* $8.12	*Each* $9.55	*Each* $17.20

These maximum prices are for the articles described in the manufacturer's application dated June 21, 1945.

(2) For sales by the manufacturer, the maximum prices apply to all sales and deliveries since Maximum Price Regulation No. 188 became applicable to those sales and deliveries. For sales to persons other than consumers they are f. o. b. factory, 2% 10 days, net 30. The maximum price to consumers is net, delivered.

(3) For sales by persons other than the manufacturer, the maximum prices apply to all sales and deliveries after the effective date of this order. Those prices are subject to each seller's customary terms and conditions of sale on sales of similar articles.

(4) If the manufacturer wishes to make sales and deliveries to any other class of purchaser or on other terms and conditions of sale, he must apply to the Office of Price Administration, Washington, D. C., under the Fourth Pricing Method, § 1499.158 of Maximum Price Regulation No. 188, for the establishment of maximum prices for those sales, and no sales or deliveries may be made until maximum prices have been authorized by the Office of Price Administration.

(b) The manufacturer shall attach a tag or label to every article for which a maximum price for sales to consumers is established by this order. That tag or label shall contain the following statement, with the proper model number and the ceiling price inserted in the blank spaces:

Model No. ------
OPA Retail Ceiling Price—$------
Do Not Detach

(c) At the time of, or prior to, the first invoice to each purchaser for resale, the manufacturer shall notify the purchaser in writing of the maximum prices and conditions established by this order for sales by the purchaser. This notice may be given in any convenient form.

(d) Jobber's maximum prices for sales of the articles covered by this order shall be established under the provisions of section 4.5 of SR 14J.

(e) This order may be revoked or amended by the Price Administrator at any time.

(f) This order shall become effective on the 27th day of September 1945.

Issued this 26th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-17938; Filed, Sept. 26, 1945; 11:59 a. m.]

[MPR 188, Order 4475]

DOMINION ELECTRICAL MFG., INC.

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.156 of Maximum Price Regulation No. 188 and section 6.4 of Second Revised Supplementary Regulation No. 14, *It is ordered:*

(a) This order establishes maximum prices for sales and deliveries of electrical appliances manufactured by the Dominion Electrical Manufacturing, Incorporated, 120 Elm Street, Mansfield, Ohio.

(1) For all sales and deliveries to the following classes of purchasers by the sellers indicated below, the maximum prices are those set forth below:

Article	Model No.	Maximum prices for sales by any seller to—			
		Wholesalers (jobbers)	Retailers of units of more	Retailers (less than 5 units)	Consumers
Oven-type toaster (550-watt, single-burner hot plate with cord	1186	*Each* $3.59	*Each* $4.24	*Each* $4.58	*Each* $6.85
1,000-watt, 2-burner hot plate with cord	1401	1.62	2.09	2.26	3.39
1,660-watt, 2-burner hot plate, 2-heat and single-heat terminals, twin cord set	1413	3.59	4.24	4.58	6.85

These maximum prices are for the articles described in the manufacturer's application dated September 4, 1945.

(2) For sales by the manufacturer, those maximum prices apply to all sales and deliveries after the effective date of this order. These prices include the Federal Excise Tax. The manufacturer's prices are f. o. b. factory and subject to a cash discount of 2% for payment within 10 days, net 30 days. The prices for sales by persons other than the manufacturer are subject to each seller's customary terms and conditions of sale on sales of similar articles.

(b) The manufacturer shall attach a tag or label to every article for which a maximum price for sales to consumers is established by this order. That tag or label shall contain either of the following statements with the correct order number, model number and retail prices properly filled in:

Order No. 4475
Model No. ------
OPA Retail Ceiling Price $------
Federal Excise Tax Included
Do Not Detach or Obliterate

or

Dominion Electrical Mfg., Inc.
120 Elm Street
Mansfield, Ohio
Model No. ------
OPA Retail Ceiling Price $------
Federal Excise Tax Included
Do Not Detach or Obliterate

(c) At the time of, or prior to, the first invoice to each purchaser for resale, the manufacturer shall notify the purchaser in writing of the maximum price and conditions established by this order for sales by the purchaser. This notice may be given in any convenient form.

(d) This order may be revoked or amended by the Price Administrator at any time.

(e) This order shall become effective on the 27th day of September 1945.

Issued this 26th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-17939; Filed, Sept. 26, 1945; 11:59 a. m.]

[MPR 188, Order 4476]

ELMONT LAMP SHADE

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.158 of Maximum Price Regulation No. 188; *It is ordered:*

(a) This order establishes maximum prices for sales and deliveries of certain articles manufactured by Elmont Lamp Shade, 1822 Westchester Avenue, Bronx, N. Y.

(1) For all sales and deliveries to the following classes of purchasers by the sellers indicated below, the maximum prices are those set forth below:

Article	Model No.	Size	For sales by the manufacturer to—		For sales by any person to consumers
			Jobbers	Retailers	
Hand-made cut-glass or tie lamp shades with molding and braid trim	1000	14	*Each* $2.75	*Each* $3.25	*Each* $5.85
	1200	15	2.75	3.09	5.30
	1900	19	4.97	5.85	10.50
	1100	19	3.70	4.35	7.85

These maximum prices are for the articles described in the manufacturer's application dated April 20, 1945.

(2) For sales by the manufacturer, the maximum prices apply to all sales and deliveries since Maximum Price Regulation No. 188 became applicable to those sales and deliveries. For sales to persons other than consumers they are f. o. b. factory, 2% 10 days, net 30. The maximum price to consumers is net, delivered.

(3) For sales by persons other than the manufacturer, the maximum prices apply to all sales and deliveries after the effective date of this order. Those prices are subject to each seller's customary terms and conditions of sale on sales of similar articles.

(4) If the manufacturer wishes to make sales and deliveries to any other class of purchaser or on other terms and conditions of sale, he must apply to the Office of Price Administration, Washington, D. C., under the Fourth Pricing Method, § 1499.158 of Maximum Price Regulation No. 188, for the establishment of maximum prices for those sales, and no sales or deliveries may be made until maximum prices have been authorized by the Office of Price Administration.

(b) The manufacturer shall attach a tag or label to every article for which a maximum price for sales to consumers is established by this order. That tag or label shall contain the following statement, with the proper model number and the ceiling price inserted in the blank spaces:

Model No. ------
OPA Retail Ceiling Price—$------
Do Not Detach

(c) At the time of, or prior to, the first invoice to each purchaser for resale, the manufacturer shall notify the purchaser in writing of the maximum prices and conditions established by this order for sales by the purchaser. This notice may be given in any convenient form.

(d) Jobber's maximum prices for sales of the articles covered by this order shall be established under the provisions of section 4.5 of SR 14J.

(e) This order may be revoked or amended by the Price Administrator at any time.

(f) This order shall become effective on the 27th day of September 1945.

Issued this 26th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-17940; Filed, Sept. 26, 1945; 12:00 m.]

[MPR 188, Order 4477]

UTICA DROP FORGE AND TOOL CORP.

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.158 of Maximum Price Regulation No. 188; *It is ordered:*

(a) Order No. L-444 under § 1499.153 of Maximum Price Regulation No. 188 be and the same hereby is revoked.

(b) This order establishes maximum prices for sales and deliveries of certain articles manufactured by Utica Drop Forge and Tool Corporation, of Utica, New York.

(1) For all sales and deliveries to the following classes of purchasers by the sellers indicated below, the maximum prices are those set forth below:

Article	Model	Maximum prices for sales by the manufacturer to consumers (other than Western Electric Company or commercial users)
		Each
Diagonal cutting plier	240 S	$2.35
Diagonal cutting plier with wire stripper	242 SW	2.50
Diagonal cutting plier with wire stripper and sleeve grooves	242 SWS	2.50
Diagonal cutting plier with wire stripper, sleeve grooves and hole and notch	242 SWSW	2.70
Long nose plier	226 SW	2.35
Long nose plier with sleeve grooves	226 SWS	2.35
Lineman's side cutting plier	270 SP	3.50
Lineman's side cutting plier with sleeve grooves	270 SS	3.50

For sales by the manufacturer to hardware distributors, mill supply distributors, electrical distributors, and to Western Electric Company, deduct fifty percent from the above prices.

For sales by any person to retailers, and to commercial users, deduct thirty-three and one-third percent from the above prices.

For sales by persons other than the manufacturer to consumers other than commercial users, the prices listed above.

These maximum prices are for the articles described in the manufacturer's application dated February 17, 1945.

(2) For sales by the manufacturer, the maximum prices apply to all sales and deliveries since Maximum Price Regulation No. 188 became applicable to those sales and deliveries. They are f. o. b. factory with freight allowed on shipments of 100 pounds or more; and they are subject to a cash discount of two percent for payment within ten days, net thirty days.

(3) For sales by persons other than the manufacturer, the maximum prices apply to all sales and deliveries after the effective date of this order. These prices are subject to each seller's customary terms and conditions of sale on sales of similar articles.

(4) If the manufacturer wishes to make sales and deliveries to any other class of purchaser or on other terms and conditions of sale, he must apply to the Office of Price Administration, under the Fourth Pricing Method, § 1499.158 of Maximum Price Regulation No. 188, for the establishment of maximum prices for those sales, and no sales or deliveries may be made until maximum prices have been authorized by the Office of Price Administration.

(c) The manufacturer shall attach a tag or label to every article for which a maximum price for sales to consumers is established by this order. That tag or label shall contain the following statement, with the amount properly filled in:

OPA Retail Ceiling Price—$ ----
Do Not Detach

(d) At the time of, or prior to, the first invoice to each purchaser for resale, the manufacturer shall notify the purchaser in writing of the maximum prices and conditions established by this order for sales by the purchaser. This notice may be given in any convenient form.

(e) This order may be revoked or amended by the Price Administrator at any time.

(f) This order shall become effective September 27, 1945.

Issued this 26th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-17941; Filed, Sept. 26, 1945; 12:00 m.]

[MPR 188, Order 4478]

ROCKWOOD FORGE, INC.

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.158 of Maximum Price Regulation No. 188, *It is ordered:*

(a) This order establishes maximum prices for sales and deliveries of certain articles manufactured by Rockwood Forge, Incorporated, 8816 S. E. Seventeenth Avenue, Portland 2, Oregon.

(1) For all sales and deliveries to the following classes of purchasers by the sellers indicated below, the maximum prices are those set forth below:

Article	Size	Maximum prices for sales by any seller to—		
		Wholesalers (jobbers)	Retailers	Consumers
Wrenches single end	5/8"	*Each* $0.20	*Each* $0.27	*Each* $0.40
	3/4"	.25	.33	.50
	13/16"	.29	.39	.58
Double end	7/8" x 15/16" long	.29	.39	.58
	7/8" x 1 1/16" long	.35	.47	.70
	15/16" 9/16"	.23	.31	.46
	1" x 7/8"	.39	.52	.78
	1" x 1 1/16"	.39	.52	.78
	1" x 1 1/16"	.39	.52	.78
	1" x 1 1/16"	.39	.52	.78
	1 3/16 x 1 1/4"	1.14	1.52	2.28
	1 3/16 x 1 1/4"	1.14	1.52	2.28

These maximum prices are for the articles described in the manufacturer's application dated May 24, 1945.

(2) For sales by the manufacturer, the maximum prices apply to all sales and deliveries since Maximum Price Regulation No. 188 became applicable to those sales and deliveries. These prices are f. o. b. factory with freight allowed or prepaid on shipments of 100 pounds or more, and are subject to 2% cash discount for payment on or before 10th. Prox.

(3) For sales by persons other than the manufacturer, the maximum prices apply to all sales and deliveries after the effective date of this order. Those prices are subject to each seller's customary terms and conditions of sale on sales of similar articles.

(4) If the manufacturer wishes to make sales and deliveries to any other class of purchaser or on other terms and conditions of sale, he must apply to the Office of Price Administration, Washington, D. C., under the Fourth Pricing Method, § 1499.158 of Maximum Price Regulation No. 188, for the establishment of maximum prices for those sales, and no sales or deliveries may be made until maximum prices have been authorized by the Office of Price Administration.

(b) The manufacturer shall attach a tag or label to every article for which a maximum price for sales to consumers is established by this order. That tag or label shall contain the following statement with the correct size and retail price properly filled in:

Size ------
OPA Retail Ceiling Price $------
Do Not Detach or Obliterate

(c) At the time of, or prior to, the first invoice to each purchaser for resale, the manufacturer shall notify the purchaser in writing of the maximum prices and conditions established by this order for sales by the purchaser. This notice may be given in any convenient form.

(d) This order may be revoked or amended by the Price Administrator at any time.

(e) This order shall become effective on the 27th day of September 1945.

Issued this 26th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-17942; Filed, Sept. 26, 1945; 12:00 m.]

[MPR 188, Order 4479]

HAMPSHIRE CHINA CO.

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.158 of Maximum Price Regulation No. 188; *It is ordered:*

(a) This order establishes maximum prices for sales and deliveries of certain articles manufactured by Hampshire China Company, 126 West 22d Street, New York, N. Y.

(1) For all sales and deliveries to the following classes of purchasers by the sellers indicated below, the maximum prices are those set forth below:

Article	Model No.	For sales by the manufacturer to—		For sales by any person to consumers.
		Jobbers	Retailers	
		Each	*Each*	*Each*
Embossed white china table lamp	1760	$4.89	$5.75	$10.35
Embossed white china table lamp	1761	4.46	5.25	9.45
Embossed white china table lamp	1763	5.31	6.25	11.25

These maximum prices are for the articles described in the manufacturer's application dated August 1, 1945.

(2) For sales by the manufacturer, the maximum prices apply to all sales and deliveries since Maximum Price Regulation No. 188 became applicable to those sales and deliveries. For sales to persons other than consumers they are f. o. b. factory, 2% 10 days, net 30. The maximum price to consumers is net, delivered.

(3) For sales by persons other than the manufacturer, the maximum prices apply to all sales and deliveries after the effective date of this order. Those prices are subject to each seller's customary terms and conditions of sale on sales of similar articles.

(4) If the manufacturer wishes to make sales and deliveries to any other class of purchaser or on other terms and conditions of sale, he must apply to the Office of Price Administration, Washington, D. C., under the Fourth Pricing Method, § 1499.158 of Maximum Price Regulation No. 188, for the establishment of maximum prices for those sales, and no sales or deliveries may be made until maximum prices have been authorized by the Office of Price Administration.

(b) The manufacturer shall attach a tag or label to every article for which a maximum price for sales to consumers is established by this order. That tag or label shall contain the following statement, with the proper model number and the ceiling price inserted in the blank spaces:

Model No. ------
OPA Retail Ceiling Price—$------
Do Not Detach

(c) At the time of, or prior to, the first invoice to each purchaser for resale, the manufacturer shall notify the purchaser in writing of the maximum prices and conditions established by this order for sales by the purchaser. This notice may be given in any convenient form.

(d) Jobber's maximum prices for sales of the articles covered by this order shall be established under the provisions of section 4.5 of SR 14J.

(e) This order may be revoked or amended by the Price Administrator at any time.

(f) This order shall become effective on the 27th day of September 1945.

Issued this 26th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-17943; Filed, Sept. 26, 1945; 12:00 m.]

[MPR 188, Order 4480]

CROWN LAMPS INC.

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.158 of Maximum Price Regulation No. 188; *It is ordered:*

(a) This order establishes maximum prices for sales and deliveries of certain articles manufactured by Crown Lamps Inc. 151 West 18th Street, New York City.

(1) For all sales and deliveries to the following classes of purchasers by the sellers indicated below, the maximum prices are those set forth below:

Article	Model No.	For sales by the manufacturer to—		For sales by any person to consumers.
		Jobbers	Retailers	
		Each	*Each*	*Each*
Crystal table lamp, fluted crystal column, metal bases	21	$4.68	$5.70	$9.00
Crystal table lamp, metal base, fluted crystal half, metal trunk, fluted column	8	5.75	6.75	12.15
Crystal table lamp, metal base, hexagonal fluted column, glass trunk, etched louvre	14	8.10	9.00	16.20
Crystal table lamp, metal base, glass fluted trunk, fluted column, glass trunk	1	6.25	7.50	13.50

These maximum prices are for the articles described in the manufacturer's application dated July 4, 1945.

(2) For sales by the manufacturer, the maximum prices apply to all sales and deliveries since Maximum Price Regulation No. 188 became applicable to those sales and deliveries. For sales to persons other than consumers they are f. o. b. factory, 2% 10 days, net 30. The maximum prices to consumers is net, delivered.

(3) For sales by persons other than the manufacturer, the maximum prices apply to all sales and deliveries after the effective date of this order. Those prices are subject to each seller's customary terms and conditions of sale on sales of similar articles.

(4) If the manufacturer wishes to make sales and deliveries to any other class of purchaser or on other terms and conditions of sale, he must apply to the Office of Price Administration, Washington, D. C., under the Fourth Pricing Method, § 1499.158 of Maximum Price Regulation No. 188, for the establishment of maximum prices for those sales, and no sales or deliveries may be made until maximum prices have been authorized by the Office of Price Administration.

(b) The manufacturer shall attach a tag or label to every article for which a maximum price for sales to consumers is established by this order. That tag or label shall contain the following statement, with the proper model number and the ceiling price inserted in the blank spaces:

Model No. ------
OPA Retail Ceiling Price—$------
Do Not Detach

(c) At the time of, or prior to, the first invoice to each purchaser for resale, the manufacturer shall notify the purchaser in writing of the maximum prices and conditions established by this order for sales by the purchaser. This notice may be given in any convenient form.

(d) Jobber's maximum prices for sales of the articles covered by this order shall be established under the provisions of section 4.5 of SR 14J.

(e) This order may be revoked or amended by the Price Administrator at any time.

(f) This order shall become effective on the 27th day of September 1945.

Issued this 26th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-17944; Filed, Sept. 26, 1945; 12:01 p. m.]

[MPR 188, Order 4481]

LAWRIN CO.

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.158 of Maximum Price Regulation No. 188; *It is ordered:*

(a) This order establishes maximum prices for sales and deliveries of certain articles manufactured by The Lawrin Co., 234 Franklin Street, Chicago 6, Ill.

(1) For all sales and deliveries to the following classes of purchasers by the sellers indicated below, the maximum prices are those set forth below:

Article	Model No.	For sales by the manufacturer to—		For sales by any person to consumers.
		Jobbers	Retailers	
		Each	*Each*	*Each*
[illegible]	[illegible]	$7.20	$8.50	$15.30

These maximum prices are for the articles described in the manufacturer's application dated August 20, 1945.

(2) For sales by the manufacturer, the maximum prices apply to all sales and deliveries since Maximum Price Regulation No. 188 became applicable to those sales and deliveries. For sales to persons other than consumers they are f. o. b. factory, 2% 10 days, net 30. The maximum price to consumers is net, delivered.

(3) For sales by persons other than the manufacturer, the maximum prices apply to all sales and deliveries after the effective date of this order. Those prices are subject to each seller's customary terms and conditions of sale on sales of similar articles.

(4) If the manufacturer wishes to make sales and deliveries to any other class of purchaser or on other terms and conditions of sale, he must apply to the Office of Price Administration, Washington, D. C., under the Fourth Pricing Method, § 1499.158 of Maximum Price Regulation No. 188, for the establishment of maximum prices for those sales, and no sales or deliveries may be made until maximum prices have been authorized by the Office of Price Administration.

(b) The manufacturer shall attach a tag or label to every article for which a maximum price for sales to consumers is established by this order. That tag or label shall contain the following statement, with the proper model number and the ceiling price inserted in the blank spaces:

Model No. ------
OPA Retail Ceiling Price—$------
Do Not Detach

(c) At the time of, or prior to, the first invoice to each purchaser for resale, the manufacturer shall notify the purchaser in writing of the maximum prices and conditions established by this order for sales by the purchaser. This notice may be given in any convenient form.

(d) Jobber's maximum prices for sales of the articles covered by this order shall be established under the provisions of section 4.5 of SR 14J.

(e) This order may be revoked or amended by the Price Administrator at any time.

(f) This order shall become effective on the 27th day of September 1945.

Issued this 26th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-17945; Filed, Sept. 26, 1945; 12:01 p. m.]

[MPR 188, Order 4482]

MAJESTIC LAMP SHADE CO.

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.158 of Maximum Price Regulation No. 188; *It is ordered:*

(a) This order establishes maximum prices for sales and deliveries of certain articles manufactured by Majestic Lamp Shade Company, 2705 Church Avenue, Brooklyn 26, N. Y.

(1) For all sales and deliveries to the following classes of purchasers by the sellers indicated below, the maximum prices are those set forth below:

Article	Style	Model No.	For sales by the manufacturer to—		For sales by any person to consumers.
			Jobbers	Retailers	
			Each	*Each*	*Each*
Hand sewn taffeta lamp shades with [illegible]	8	112	$2.55	$3.00	$5.40
[illegible]	10	150	2.55	3.00	5.40
[illegible]	10	165	2.97	3.50	6.30
[illegible]	10	175	3.82	4.50	8.10

These maximum prices are for the articles described in the manufacturer's application dated April 24, 1945.

(2) For sales by the manufacturer, the maximum prices apply to all sales and deliveries since Maximum Price Regulation No. 188 became applicable to those sales and deliveries. For sales to persons other than consumers they are f. o. b. factory, 2% 10 days, net 30. The maximum price to consumers is net, delivered.

(3) For sales by persons other than the manufacturer, the maximum prices apply to all sales and deliveries after the effective date of this order. Those prices are subject to each seller's customary terms and conditions of sale on sales of similar articles.

(4) If the manufacturer wishes to make sales and deliveries to any other class of purchaser or on other terms and conditions of sale, he must apply to the Office of Price Administration, Washington, D. C., under the Fourth Pricing Method, § 1499.158 of Maximum Price Regulation No. 188, for the establishment of maximum prices for those sales, and no sales or deliveries may be made until maximum prices have been authorized by the Office of Price Administration.

(b) The manufacturer shall attach a tag or label to every article for which a maximum price for sales to consumers is established by this order. That tag or label shall contain the following statement, with the proper model number and the ceiling price inserted in the blank spaces:

Model No. ------
OPA Retail Ceiling Price—$------
Do Not Detach

(c) At the time of, or prior to, the first invoice to each purchaser for resale, the manufacturer shall notify the purchaser in writing of the maximum prices and conditions established by this order for sales by the purchaser. This notice may be given in any convenient form.

(d) Jobber's maximum prices for sales of the articles covered by this order shall be established under the provisions of section 4.5 of SR 14J.

(e) This order may be revoked or amended by the Price Administrator at any time.

(f) This order shall become effective on the 27th day of September 1945.

Issued this 26th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-17946; Filed, Sept. 26, 1945; 12:01 p. m.]

[MPR 188, Order 4483]

UNITED SPECIALTY CO.

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.158 of Maximum Price Regulation No. 188; *It is ordered:*

(a) This order establishes maximum prices for sales and deliveries of certain articles manufactured by United Specialty Company, 5445 N. Clark Street, Chicago 40, Ill.

(1) For all sales and deliveries to the following classes of purchasers by the sellers indicated below, the maximum prices are those set forth below:

Article	Model No.	For sales by the manufacturer to—		For sales by any person to consumers
		Jobbers	Retailers	
Table lamp with wooden base and 4" onyx base, with wooden column. Rayon silk shade with braid trim top	606A	$5.31	$8.25	$11.25
Table lamp with metal base and 4" onyx base, with metal column. Rayon silk shade braid trim top	605B	5.05	5.91	10.70
Crystal table lamp with 2" ball and crystal vase. Rayon silk shade with drape trim top	605C	4.75	5.59	10.05
Crystal table lamp with 2" ball and crystal vase. Silk rayon shade braid trim top	605D	3.94	4.64	8.35

These maximum prices are for the articles described in the manufacturer's application dated August 22, 1945.

(2) For sales by the manufacturer, the maximum prices apply to all sales and deliveries since Maximum Price Regulation No. 188 became applicable to those sales and deliveries. For sales to persons other than consumers they are f. o. b. factory, 2% 10 days, net 30. The maximum price to consumers is net, delivered.

(3) For sales by persons other than the manufacturer, the maximum prices apply to all sales and deliveries after the effective date of this order. Those prices are subject to each seller's customary terms and conditions of sale on sales of similar articles.

(4) If the manufacturer wishes to make sales and deliveries to any other class of purchaser or on other terms and conditions of sale, he must apply to the Office of Price Administration, Washington, D. C., under the Fourth Pricing Method, § 1499.158 of Maximum Price Regulation No. 188, for the establishment of maximum prices for those sales, and no sales or deliveries may be made until maximum prices have been authorized by the Office of Price Administration.

(b) The manufacturer shall attach a tag or label to every article for which a maximum price for sales to consumers is established by this order. That tag or label shall contain the following statement:

OPA Retail Ceiling Price—$------
Do Not Detach

(c) At the time of, or prior to, the first invoice to each purchaser for resale, the manufacturer shall notify the purchaser in writing of the maximum prices and conditions established by this order for sales by the purchaser. This notice may be given in any convenient form.

(d) This order may be revoked or amended by the Price Administrator at any time.

(e) This order shall become effective on the 27th day of September 1945.

Issued this 26th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-17947; Filed, Sept. 26, 1945; 12:02 p. m.]

[MPR 188, Order 4484]

LOGAN LAMP CO.

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.158 of Maximum Price Regulation No. 188; *It is ordered:*

(a) This order establishes maximum prices for sales and deliveries of certain articles manufactured by Logan Lamp Company, 1365 West Grand, Chicago, Ill.

(1) For all sales and deliveries to the following classes of purchasers by the sellers indicated below, the maximum prices are those set forth below:

Article	Model No.	For sales by the manufacturer to—		For sales by any person to consumers
		Jobbers	Retailers	
Steel pin up lamp with ivory lacquer finish	2	$1.49	$1.75	$3.15

These maximum prices are for the articles described in the manufacturer's application dated July 23, 1945.

(2) For sales by the manufacturer, the maximum prices apply to all sales and deliveries since Maximum Price Regulation No. 188 became applicable to those sales and deliveries. For sales to persons other than consumers they are f. o. b. factory, 2% 10 days, net 30. The maximum price to consumers is net, delivered.

(3) For sales by persons other than the manufacturer, the maximum prices apply to all sales and deliveries after the effective date of this order. Those prices are subject to each seller's customary terms and conditions of sale on sales of similar articles.

(4) If the manufacturer wishes to make sales and deliveries to any other class of purchaser or on other terms and conditions of sale, he must apply to the Office of Price Administration, Washington, D. C., under the Fourth Pricing Method, § 1499.158 of Maximum Price Regulation No. 188, for the establishment of maximum prices for those sales, and no sales or deliveries may be made until maximum prices have been authorized by the Office of Price Administration.

(b) The manufacturer shall attach a tag or label to every article for which a maximum price for sales to consumers is established by this order. That tag or label shall contain the following statement, with the proper model number and the ceiling price inserted in the blank spaces:

Model No. ------
OPA Retail Ceiling Price—$------
Do Not Detach

(c) At the time of, or prior to, the first invoice to each purchaser for resale, the manufacturer shall notify the purchaser in writing of the maximum prices and conditions established by this order for sales by the purchaser. This notice may be given in any convenient form.

(d) Jobber's maximum prices for sales of the articles covered by this order shall be established under the provisions of section 4.5 of SR 14J.

(e) This order may be revoked or amended by the Price Administrator at any time.

(f) This order shall become effective on the 27th day of September 1945.

Issued this 26th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-17948; Filed, Sept. 26, 1945; 12:02 p. m.]

[MPR 188, Order 4485]

MAX ROTBLATT

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.158 of Maximum Price Regulation No. 188; *It is ordered:*

(a) This order establishes maximum prices for sales and deliveries of certain articles manufactured by Max Rotblatt, 3015 Ainslie Street, Chicago, Ill.

(1) For all sales and deliveries to the following classes of purchasers by the sellers indicated below, the maximum prices are those set forth below:

Article	Model No.	For sales by the manufacturer to—		For sales by any person to consumers
		Jobbers	Retailers	
14-inch stretch table shade with top and bottom trim	------	$1.49	$1.75	$3.15
16-inch table shade with roueling type material on top and bottom	------	2.76	3.25	5.85
19-inch junior size pleated shade with top trim and self-foil bottom	------	2.34	2.75	4.95

These maximum prices are for the articles described in the manufacturer's application dated May 5, 1945.

(2) For sales by the manufacturer, the maximum prices apply to all sales and deliveries since Maximum Price Regulation No. 188 became applicable to those sales and deliveries. For sales to persons other than consumers they are f. o. b. factory, 2% 10 days, net 30. The maximum price to consumers is net, delivered.

(3) For sales by persons other than the manufacturer, the maximum prices apply to all sales and deliveries after the effective date of this order. Those prices are subject to each seller's customary terms and conditions of sale on similar articles.

(4) If the manufacturer wishes to make sales and deliveries to any other class of purchaser or on other terms and conditions of sale, he must apply to the Office of Price Administration, Washington, D. C., under the Fourth Pricing Method, § 1499.158 of Maximum Price Regulation No. 188, for the establishment of maximum prices for those sales, and no sales or deliveries may be made until maximum prices have been authorized by the Office of Price Administration.

(b) The manufacturer shall attach a tag or label to every article for which a maximum price for sales to consumers is established by this order. That tag or label shall contain the following statement, with the proper model number and the ceiling price inserted in the blank spaces:

Model No. ------
OPA Retail Ceiling Price—$------
Do Not Detach

(c) At the time of, or prior to, the first invoice to each purchaser for resale, the manufacturer shall notify the purchaser in writing of the maximum prices and conditions established by this order for sales by the purchaser. This notice may be given in any convenient form.

(d) Jobber's maximum prices for sales of the articles covered by this order shall be established under the provisions of section 4.5 of SR 14J.

(e) This order may be revoked or amended by the Price Administrator at any time.

(f) This order shall become effective on the 27th day of September 1945.

Issued this 26th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-17949; Filed, Sept. 26, 1945; 12:02 p. m.]

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(3) For sales by persons other than the manufacturer, the maximum prices apply to all sales and deliveries after the effective date of this order. Those prices are subject to each seller's customary terms and conditions of sale on similar articles.

(4) If the manufacturer wishes to make sales and deliveries to any other class of purchaser or on other terms and conditions of sale, he must apply to the Office of Price Administration, Washington, D. C., under the Fourth Pricing Method, § 1499.158 of Maximum Price Regulation No. 188, for the establishment of maximum prices for those sales, and no sales or deliveries may be made until maximum prices have been authorized by the Office of Price Administration.

(b) The manufacturer shall attach a tag or label to every article for which a maximum price for sales to consumers is established by this order. That tag or label shall contain the following statement, with the proper model number and the ceiling price inserted in the blank spaces:

Model No. ------
OPA Retail Ceiling Price—$------
Do Not Detach

(c) At the time of, or prior to, the first invoice to each purchaser for resale, the manufacturer shall notify the purchaser in writing of the maximum prices and conditions established by this order for sales by the purchaser. This notice may be given in any convenient form.

(d) Jobber's maximum prices for sales of the articles covered by this order shall be established under the provisions of section 4.5 of SR 14J.

(e) This order may be revoked or amended by the Price Administrator at any time.

(f) This order shall become effective on the 27th day of September 1945.

Issued this 26th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-17945; Filed, Sept. 26, 1945; 12:02 p. m.]

[MPR 580, Order 202]

AUGUSTA KNITTING CORP.

ESTABLISHMENT OF MAXIMUM PRICES

Maximum Price Regulation No. 580, Order 202. Establishing ceiling prices at retail for certain articles. Docket No. 6063-580-13-266.

For the reasons set forth in an opinion issued simultaneously herewith and pursuant to section 13 of Maximum Price Regulation No. 580; *It is ordered:*

(a) The following ceiling prices are established for sales by any seller at retail of the following articles manufactured by Augusta Knitting Corporation, 180 Madison Avenue, New York City, and described in the manufacturer's application dated July 26, 1945:

MEN'S UNDERWEAR

Trademark	Description	Manufacturer's selling price (per dozen)	Retail ceiling price (per unit)
Jones Quality Health Underwear	S A U	$11.25	$2.00
	S S U	18.00	2.50
	1 A U	20.50	3.00
	1 S U	21.50	3.50
	6 A U	30.50	4.50
	6 S U	31.50	7.00
	N S		
Page No. 1	41-46	9.00	1.25
	48-54	10.75	1.50
	56-64	14.75	2.00
	66-68	16.75	2.50
Page No. 2	36-46	13.50	2.00
	48-50	16.00	2.50

(b) The retail ceiling price of an article manufactured for the first time after the effective date of this order and which is sold by the manufacturer at the same price as another article of the same type with the same brand or company name and for which a retail ceiling price has been established by paragraph (a) shall be the retail ceiling price listed for that other article in paragraph (a).

(c) The retail ceiling prices contained in paragraph (a) shall apply in place of the ceiling prices which have been or would otherwise be established under this or any other regulation.

(d) On and after November 1, 1945, Augusta Knitting Corporation must mark each article listed in paragraph (a) with the retail ceiling price under this order, or attach to the article a label, tag or ticket stating the retail ceiling price. This mark or statement must be in the following form:

(Sec. 13, MPR 580)
OPA Price—$------

On and after December 1, 1945, no retailer may offer or sell the article unless it is marked or tagged in the form stated above. Prior to December 1, 1945, unless the article is marked or tagged in this form, the retailer shall comply with the marking, tagging and posting provisions of the applicable regulation.

(e) On or before the first delivery to any purchaser for resale of each article listed in paragraph (a), the seller shall send the purchaser a copy of this order.

(f) Unless the context otherwise requires, the provisions of the applicable regulation shall apply to sales for which retail ceiling prices are established by this order.

(g) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective September 27, 1945.

Issued this 26th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-17950; Filed, Sept. 26, 1945; 12:02 p. m.]

[MPR 580, Order 203]

LUBIN-WEEKER CO., INC.

ESTABLISHMENT OF MAXIMUM PRICES

Maximum Price Regulation No. 580, Order 203. Establishing ceiling prices at retail for certain articles. Docket No. 6063-580-13-261.

For the reasons set forth in an opinion issued simultaneously herewith and pursuant to section 13 of Maximum Price Regulation No. 580, *It is ordered:*

(a) The following ceiling prices are established for sales by any seller at retail of the following articles manufactured by Lubin-Weeker Co., Inc., 1270 Broadway, New York 1, N. Y., having the brand name "Pajamas by Weldon", and described in the manufacturer's application dated July 12, 1945:

MEN'S PAJAMAS

Style name	Manufacturer's selling price	Retail ceiling price
Ball Tuck	$18.36	$2.75
Ski Mo	19.50	2.75
First of Loom	25.12	2.95
First Nighter	27.50	3.95

MEN'S NIGHTSHIRT

First of Loom	$11.50	$2.00

(b) The retail ceiling price of an article manufactured for the first time after the effective date of this order and which is sold by the manufacturer at the same price as another article of the same type with the same brand or company name and for which a retail ceiling price has been established by paragraph (a) shall be the retail ceiling price listed for that other article in paragraph (a).

(c) The retail ceiling prices contained in paragraph (a) shall apply in place of the ceiling prices which have been or would otherwise be established under this or any other regulation.

(d) On and after November 1, 1945, Lubin-Weeker Co., Inc. must mark each article listed in paragraph (a) with the retail ceiling price under this order, or attach to the article a label, tag or ticket stating the retail ceiling price. This mark or statement must be in the following form:

(Sec. 13, MPR 580)
OPA Price—$------

On and after December 1, 1945, no retailer may offer or sell the article unless it is marked or tagged in the form stated above. Prior to December 1, 1945, unless the article is marked or tagged in this form, the retailer shall comply with the marking, tagging and posting provisions of the applicable regulation.

(e) On or before the first delivery to any purchaser for resale of each article listed in paragraph (a), the seller shall send the purchaser a copy of this order.

(f) Unless the context otherwise requires, the provisions of the applicable regulation shall apply to sales for which retail ceiling prices are established by this order.

(g) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective September 27, 1945.

Issued this 26th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-17951; Filed, Sept. 26, 1945; 12:03 p. m.]

[MPR 580, Order 204]

SPRINGFIELD WOOLEN MILLS CO.

ESTABLISHMENT OF MAXIMUM PRICES

Maximum Price Regulation No. 580, Order 204. Establishing ceiling prices at retail for certain articles. Docket No. 6063-580-13-292.

For the reasons set forth in an opinion issued simultaneously herewith and pursuant to section 13 of Maximum Price Regulation No. 580; *It is ordered:*

(a) The following ceiling prices are established for sales by any seller at retail of the following articles manufactured by Springfield Woolen Mills Company, Springfield, Tennessee, having the brand name "Springfield," and described in the manufacturer's application dated August 28, 1945:

BLANKETS

Style	Size	Manufacturer's selling price	Retail ceiling price	
			Except in California, Oregon, and Washington	In California, Oregon, and Washington
Annette Crib	36 x 54	$2.75	$4.95	$4.95
Corliell	72 x 84	7.00	11.95	12.95
Princess Crib	48 x 66	6.45	9.95	9.95
Princess	72 x 84	12.83	19.95	20.95
Radiant	72 x 90	13.75	22.50	22.50
	72 x 84	12.83	22.50	22.50
	72 x 90	13.75	23.95	23.95
Regina	72 x 84	8.97	14.95	15.95
	72 x 90	9.57	15.95	16.95
Riviera	72 x 84	10.15	16.95	17.95
	72 x 90	10.77	17.95	18.95
Trousseau	72 x 84	21.00	39.95	39.95
	72 x 90	22.50	45.00	45.00
Victoria	72 x 84	8.82	14.95	14.95
	72 x 90	8.67	14.95	15.95

(b) The retail ceiling price of an article manufactured for the first time after the effective date of this order and which is sold by the manufacturer at the same price as another article of the same type with the same brand or company name and for which a retail ceiling price has been established by paragraph (a) shall be the retail ceiling price listed for that other article in paragraph (a).

(c) The retail ceiling prices contained in paragraph (a) shall apply in place of the ceiling prices which have been or would otherwise be established under this or any other regulation.

(d) On and after November 1, 1945, Springfield Woolen Mills Company must mark each article listed in paragraph (a) with the retail ceiling price under this order, or attach to the article a label, tag or ticket stating the retail ceiling price. This mark or statement must be in the following form:

(Sec. 13, MPR 580)
OPA Price—$------

On and after December 1, 1945, no retailer may offer or sell the article unless it is marked or tagged in the form stated above. Prior to December 1, 1945, unless the article is marked or tagged in this form, the retailer shall comply with the marking, tagging and posting provisions of the applicable regulation.

(e) On or before the first delivery to any purchaser for resale of each article listed in paragraph (a), the seller shall send the purchaser a copy of this order.

(f) Unless the context otherwise requires, the provisions of the applicable regulation shall apply to sales for which retail ceiling prices are established by this order.

(g) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective September 27, 1945.

Issued this 26th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-17952; Filed, Sept. 26, 1945; 12:30 p. m.]

[MPR 591, Order 27]

CENTRAL SUPPLY CO.

AUTHORIZATION OF MAXIMUM PRICES

Order No. 27 under section 9 of Maximum Price Regulation No. 591. Specified mechanical building equipment. Authorization of maximum prices for sales of Frozen Food Coolers, manufactured by the Central Supply Company, 210 South Capitol Avenue, Indianapolis, Indiana.

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register and pursuant to section 9 of Maximum Price Regulation No. 591, *It is ordered:*

(a) The maximum net prices, f. o. b. point of shipment, for sales by any person of the following Frozen Food Coolers, manufactured by the Central Supply Company, of Indianapolis, Ind., and as described in the application dated August 7, 1945, which is on file with the Building Materials Price Branch, Office of Price Administration, Washington 25, D. C., shall be:

	On sales to distributors	On sales to dealers	On sales to consumers
20 cu. ft. ½ HP compressor	$540	$408	$680

(b) The maximum net prices established in (a) above may be increased by the following amount to each class of purchaser to cover the cost of crating when crating is actually supplied: $6.

(c) The maximum net prices established by this order shall be subject to discounts and allowances and the rendition of services which are at least as favorable as those which each seller extended or rendered or would have extended or rendered to purchasers of the same class on comparable sales of similar commodities during March 1942.

(d) On sales by a distributor or dealer the following charges may be added to the maximum prices established in (a) above:

(1) The actual amount of freight paid to obtain delivery to his place of business. Such charges shall not exceed the lowest common carrier rates.

(2) Crating charges actually paid to his supplier but in no instance exceeding the amount specified in (b) above.

(e) Each seller covered by this order, except a dealer, shall notify each of his purchasers, in writing, at or before the issuance of the first invoice after the effective date of this order, of the maximum prices established by this order for each such seller as well as the maximum prices established for purchasers upon resale, including allowable transportation and crating charges.

(f) The Central Supply Company of Indianapolis, Indiana, shall stencil on the inside of the lid or cover of the frozen food coolers covered by this order, substantially the following:

"OPA Maximum Retail Price—$------ Plus freight and crating as provided in Order No. 27 under Maximum Price Regulation No. 591."

(g) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective September 27, 1945.

Issued this 26th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-17953; Filed, Sept. 26, 1945; 12:03 p. m.]

[MPR 591, Order 29]

THOMAS H. BENTLEY CO.

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register and pursuant to section 9 of Maximum Price Regulation No. 591, *It is ordered:*

(a) The maximum net prices, f. o. b. point of shipment, for sales by any person of the following food freezers manufactured by the Thomas H. Bentley Company and as described in its application dated July 23, 1945 which is on file with the Building Materials Price Branch, Office of Price Administration, Washington 25, D. C., shall be:

	On sales to distributors	On sales to dealers	On sales to consumers
Model FH14 food freezer 14.2 cu. ft. complete	$230.00	$276	$[illegible]
Model FH11 food freezer 14.2 cu. ft. less controls, coils, etc.	147.50	177	[illegible]

(b) On sales by the Thomas H. Bentley Company, the maximum net prices established in (a) above may be increased by the following amount to each class of purchaser as a charge to cover the cost of crating, when crating is actually supplied: $6.00

(c) The maximum net prices established by this Order shall be subject to discounts and allowances and the rendition of services which are at least as favorable as those which each seller extended or rendered to purchasers of the same class on comparable sales of similar commodities during March 1942.

(d) On sales by a distributor or dealer the following charges may be added to the maximum prices established in (a) above:

(1) The actual amount of freight paid to obtain delivery to his place of business. Such charges shall not exceed the lowest common carrier rates.

(2) Crating charges actually paid to his supplier but in no instance exceeding the amount noted above.

(e) Each seller of the commodity covered by this order, except a dealer, shall notify each of his purchasers, in writing, at or before the issuance of the first invoice after the effective date of this order, of the maximum prices established by this order for each such seller as well as the maximum price established for purchasers upon resale, including allowable transportation and crating charges.

(f) The Thomas H. Bentley Company shall stencil on the inside of the lid or cover of the Model FH14 Food Freezers covered by this order. The stencil shall contain substantially the following:

OPA Maximum Retail Price—$------
Plus Freight and Crating as Provided in Order No. 29 under Maximum Price Regulation No. 591.

(g) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective September 27, 1945.

Issued this 26th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-17954; Filed, Sept. 26, 1945; 12:04 p. m.]

[MPR 591, Order 30]

AMANA SOCIETY

AUTHORIZATION OF MAXIMUM PRICES

For the reason set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register and pursuant to section 9 of Maximum Price Regulation No. 591, *It is ordered:*

(a) The maximum net prices, f. o. b. point of shipment, for sales by any person of the following farm freezer manufactured by the Amana Society, Refrigeration Division of Amana, Iowa, and as described in the application dated March 20, 1945, which is on file with the Building Materials Price Branch, Office of Price Administration, Washington 25, D. C., shall be:

Model	On sales to distributors	On sales to dealers	On sales to consumers
[illegible] Walk-in Cold- [illegible]	$[illegible]	$[illegible]	$695.00

(b) On sales by the Amana Society, Refrigeration Division, the maximum net prices established in (a) above may be increased by the following amount to each class of purchaser to cover the cost of crating, when crating is actually supplied: $6.00.

(c) The maximum net prices established by this Order shall be subject to discounts and allowances and the rendition of services which are at least as favorable as those which each seller extended or rendered to purchasers of the same class on comparable sales of similar commodities during March 1942.

(d) On sales by a distributor or dealer the following charges may be added to the maximum prices established in (a) above:

(1) The actual amount of freight paid to obtain delivery to his place of business. Such charges shall not exceed the lowest common carrier rates.

(2) Crating charges actually paid to his supplier but in no instance exceeding the amount noted above.

(3) The actual cost of cartage from his local freight terminal to the proposed site of installation.

(4) Actual cost of erection at the proposed site of installation.

(e) Each seller of the commodity covered by this order, except a dealer, shall notify each of his purchasers, in writing, at or before the issuance of the first invoice after the effective date of this order, of the maximum prices established by this order for each such seller as well as the maximum prices established for purchasers upon resale, including allowance transportation and crating charges.

(f) The Amana Society Refrigeration Division, shall stencil on the inside of the lid or cover of the Model 200 farm freezer unit, covered by this order, the maximum net price to consumers established by this order. The stencil shall contain substantially the following:

OPA Maximum Retail Price—$------
Plus freight, crating; cartage and erection as provided in Order No. 30 under Maximum Price Regulation No. 591.

(g) Order No. 4182 under § 1499.158 of Maximum Price Regulation No. 188 is revoked.

(h) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective September 27, 1945.

Issued this 26th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-17955; Filed, Sept. 26, 1945; 12:04 p. m.]

[MPR 136, Amdt. 2 to Order 259]

GENERAL MOTORS CORP.

APPROVAL OF MAXIMUM PRICES

Amendment No. 2 to Order No. 259 under Revised Maximum Price Regulation 136. Machines, parts and industrial equipment. GMC Truck and Coach Division, General Motors Corporation. Docket No. 3136-468.

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to section 21 of Revised Maximum Price Regulation 136, *It is ordered:*

1. Paragraph (a) (1) of Order No. 259 under Revised Maximum Price Regulation 136 is amended by adding the following three models and their respective list prices f. o. b. factory to that subparagraph:

Model No. and description	List price f. o. b. factory
CC-304; chassis of 178¾" wheelbase, and gross weight range from 9,000 to 14,000 lbs., and 1942 standard equipment	$895.00
CCS-304; chassis of 178¾" wheelbase and gross weight range from 9,000 to 14,000 lbs. and 1942 standard equipment	965.00
CC-305; chassis of 195¼" wheelbase and gross weight range from 9,000 to 14,000 lbs. and 1942 standard equipment	975.00

This amendment shall become effective September 26, 1945.

Issued this 26th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-17978; Filed, Sept. 26, 1945; 4:43 p. m.]

[RMPR 136, Rev. Order 460]

GENERAL MOTORS CORP.

AUTHORIZATION OF MAXIMUM PRICES

Revised Order No. 460 under Revised Maximum Price Regulation 136. Machines, parts and industrial equipment. GMC Truck and Coach Division, General Motors Corporation; Docket No. 6083-136.21-324.

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to section 21 of Revised Maximum Price Regulation 136, *It is ordered:*

Order No. 460 under Revised Maximum Price Regulation 136 is redesignated Revised Order No. 460, and is amended and revised to read as follows:

(a) GMC Truck and Coach Division, General Motors Corporation, 660 South Boulevard, East Pontiac, Michigan, is authorized to sell the truck models listed in subparagraph (1) at a price not to exceed the list price in subparagraph (1), adjusted as provided in that subparagraph, plus the applicable charges in subparagraph (2):

(1) *List price.* The following list price, f. o. b. factory, to which shall be applied the seller's discount in effect on March 31, 1942, to the applicable class of purchaser:

Model No.	Description	List price f. o. b. factory
CC 102	Chassis, truck, [illegible] 125½" wheelbase, equipped with type 1534 driver's cab, same type 1500 pickup body, 1942 standard specifications and equipment except that it is equipped with four speeds [illegible]	[illegible]
CC 101	Chassis, truck, [illegible] 113" wheelbase, 1942 standard specifications and equipment	[illegible]

(2) *Charges.* (i) A charge for extra, special and optional equipment which shall not exceed the list price, or established price, in effect on March 31, 1942, less the discount in effect on that date applicable to the class of purchasers for such equipment when sold as original equipment (except that for Model #1595 Pickup Body, the charge shall not exceed the list price of $43.50, less the discount in effect on March 31, 1942).

(ii) A charge to cover handling and delivery expense computed in accordance with seller's method in effect on March 31, 1942;

(iii) A charge to cover freight expense based on current freight rates and computed in accordance with the seller's method in effect on March 31, 1942;

(iv) A charge to cover the Federal excise tax on tires and tubes and other Federal excise taxes, and State and local taxes, on the vehicle being sold computed in accordance with seller's method in effect on March 31, 1942.

(b) A reseller of GMC motor trucks, may sell, delivered at reseller's place of business, the truck models listed in subparagraph (1) of paragraph (a) at a price not to exceed the total of the list price in subparagraph (1) of paragraph (a) and the applicable charges in subparagraph (1) below, less the discounts the reseller had in effect on March 31, 1942, to the applicable class of purchaser.

(1) *Charges.* (i) A charge for extra, special and optional equipment which shall not exceed the charge the reseller had in effect for this equipment, on March 31, 1942, to the applicable class of purchaser, when sold as original equipment (except that for Model #1595 Pickup Body, the charge shall not exceed the list price of $43.50, less the discount in effect on March 31, 1942).

(ii) A charge for transportation which shall not exceed the charge GMC Truck and Coach Division would make for the transportation of the truck to the place of business of the reseller.

(iii) A charge to cover Federal, State and local taxes on his purchase, sale, or delivery of the truck, computed in accordance with the reseller's method in effect on March 31, 1942.

(iv) The reseller's charge in effect on March 31, 1942, for handling and delivery.

(v) The dollar amount of all other charges or allowances which the reseller had in effect on March 31, 1942 to the applicable class of purchaser.

(c) In the case of a reseller who cannot establish a price under paragraph (b) because he was not in business on March 31, 1942, his maximum price shall be a total of the following:

(1) The list price, f. o. b. factory, in subparagraph (1) of paragraph (a);

(2) The original equipment retail charge that GMC Truck and Coach Division, General Motors Corporation, suggested on March 31, 1942, to resellers as a charge to be made by resellers, to the applicable class of purchasers, for extra, special and optional equipment attached to the truck as original equipment (except that for Model #1595 Pick-up Body, the charge shall not exceed the list price of $43.50, less the discount in effect on March 31, 1942).

(3) A charge for transportation which shall not exceed the charge that GMC Truck and Coach Division would make for transportation of the truck to the place of business of the reseller.

(4) The amount GMC Truck and Coach Division, in accordance with its March 31, 1942, method, charges the reseller as an allowance to cover the Federal excise tax on tires and tubes and other Federal excise taxes, and the amount of the reseller's expense for State and local taxes assessed on the vehicle.

(5) A charge to cover the reseller's handling and delivery expense not to exceed the amount of this expense to the reseller.

(d) A reseller of GMC motor trucks in any of the territories or possessions of the United States is authorized to sell the trucks described in paragraph (a), at a price not to exceed the applicable maximum price established in paragraph (b) or (c), to which it may add the sum equal to the expenses incurred by or charged to it for payment of territorial and insular taxes on the purchase, sale, or introduction of the truck; export premium; boxing and crating for export purposes; marine and war risk insurance; and landing, wharfage and terminal operations.

(e) All requests in the application not granted in this order are denied.

(f) This revised order may be revoked or amended by the Price Administrator at any time.

NOTE: Where the manufacturer has an established price in accordance with section 8 of Revised Maximum Price Regulation 136 which is different than a price permitted under paragraph (a) because of substantial changes in design, specifications or equipment of the truck, the reseller may add to its price under paragraph (b), (c), or (d) any increase in price to it over the price it would otherwise pay under paragraph (a), plus its customary markup on such a cost increase, but in the case of a decrease in the price under paragraph (a) the reseller must reduce its price under paragraph (b), (c) or (d) by the amount of the decrease and its customary markup on such an amount.

This revised order shall become effective September 26, 1945.

Issued this 26th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-17979; Filed, Sept. 26, 1945; 4:42 p. m.]

[2d Rev. Max. Export Price Reg., Order 71]

PIT PROPS

PURCHASE BY BELGIAN ECONOMIC MISSION

For the reasons stated in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to section 12 of the Second Revised Maximum Export Price Regulation, *It is hereby ordered:*

(a) Notwithstanding the provisions of the Second Revised Maximum Export Price Regulation, any person is hereby authorized to sell and deliver to the Belgian Economic Mission, and the Belgian Economic Mission is hereby authorized to buy and receive, Southern pine pit props at prices f. o. b. port not exceeding by more than 20% the maximum prices f. o. b. port established therefor by Maximum Price Regulation No. 558: *Provided, however:*

(1) That the total quantity of pit props so sold and purchased shall not exceed 150,000 long tons, and

(2) That the above authorization shall extend only to pit props produced in an area consisting of the states of South Carolina and Georgia and those portions of the states of Florida, Alabama, Mississippi, Louisiana and Texas lying south of the thirty-third North Latitude.

(b) This order may be amended or revoked at any time.

This order shall become effective October 10, 1945.

Issued this 26th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-17977, Filed, Sept. 26, 1945; 4:42 p. m.]

[MPR 188, Correction to Order 1 Under 1499.159e]

HOUSEHOLD ALUMINUM COOKING UTENSILS

ADJUSTMENT OF CEILING PRICES

Order No. 1 under § 1499.159e of Maximum Price Regulation No. 188 is corrected by changing the second sentence in the first part of paragraph A-3 under section 4 to read as follows: "In addition, a mail order house may collect retail delivery charges in accordance with its customary practices."

This correction shall become effective on the 28th day of September 1945.

Issued this 27th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-18022; Filed, Sept. 27, 1945; 11:28 a. m.]

[RMPR 136, Rev. Order 468]

INTERNATIONAL HARVESTER CO.

AUTHORIZATION OF MAXIMUM PRICES

Revised Order No. 468, under Revised Maximum Price Regulation 136, Machines, parts and industrial equipment, International Harvester Company; Docket No. 6083-136.21-349.

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register and pursuant to section 21 of Revised Maximum Price Regulation 136, *It is ordered:*

Order No. 468 under Revised Maximum Price Regulation 136 is redesignated Revised Order No. 468, and is amended and revised to read as follows:

(a) The International Harvester Company, 180 Michigan Avenue, Chicago, Illinois, is authorized to sell each International motor truck, containing a chassis described in subparagraph (1) at a price not to exceed the applicable list price in subparagraph (1), adjusted as provided in that subparagraph, plus the applicable allowances in subparagraph (2):

(1) *List price.* The following applicable list price, f. o. b. factory, to which shall be applied the seller's discount in effect on March 31, 1942, to the applicable class of purchaser:

Chassis model number	Wheelbase (inches)	List price f. o. b. factory
K-[illegible]	134	$1,315
	146	1,335
	158	1,355
	176	1,375
	191	1,410
	212	1,450

(2) *Allowances.* (i) A charge for extra, special and optional equipment which shall not exceed the list price, or established price in effect on March 31, 1942 (less the discount in effect on that date) for such equipment when sold as original equipment.

(ii) Allowance to cover handling and delivery expense computed in accordance with the seller's method in effect on March 31, 1942.

(iii) Allowance to cover freight expense based on current freight rates and computed in accordance with the seller's method in effect on March 31, 1942.

(iv) Allowance to cover Federal excise taxes on tires and tubes and other Federal excise taxes, and State or local taxes on the truck being sold, computed in accordance with the method the seller had in effect on March 31, 1942.

(b) A reseller of International motor trucks may sell, delivered at place of business, each International truck containing a chassis described in subparagraph (1) at a price not to exceed the list price in that subparagraph and applicable allowances in subparagraph (2) below, less the discounts the reseller had in effect on March 31, 1942:

(1) *List price.*

Chassis model number	Wheelbase (inches)	List price f. o. b. factory
K-[illegible]	134	$1,315
	146	1,335
	158	1,355
	176	1,375
	191	1,410
	212	1,450

(2) *Allowances.* (i) An allowance for extra, special and optional equipment which shall not exceed the allowance the reseller had in effect on March 31, 1942 for such equipment less the discount in effect on March 31, 1942.

(ii) A charge for transportation which shall not exceed the charge the International Harvester Company would make for the transportation of the truck to the place of business of the reseller.

(iii) Allowance to include Federal, State and local taxes on his purchase, and sale or delivery of the applicable truck model, computed in accordance with the reseller's method in effect on March 31, 1942.

(iv) The reseller's charge in effect on March 31, 1942, for handling and delivery.

(v) The dollar amount of all other charges or allowances which the reseller had in effect on March 31, 1942.

(c) A reseller of International motor trucks that cannot establish a price under paragraph (b) because it was not in business on March 31, 1942, shall determine its maximum price by adding to the list price in subparagraph (1) of paragraph (b) the following applicable charges:

(1) *Charges.* (i) The original equipment retail charge that the International Harvester Company suggested on March 31, 1942, be made by resellers for the extra, special or optional equipment attached to the truck as original equipment, less the discount in effect on March 31, 1942.

(ii) A charge for transportation which shall not exceed the charge the International Harvester Company would make for the transportation of the truck from the factory to the place of business of the reseller.

(iii) A charge equal to the charge made by the International Harvester Company, in accordance with the method that manufacturer had in effect on March 31, 1942, to cover Federal excise taxes on tires and tubes and other Federal excise taxes.

(iv) A charge equal to the reseller's expense for payment of state and local taxes on the purchase, sale or delivery of the truck.

(v) A charge equal to the reseller's actual expense for handling and delivery of the truck.

(d) A reseller of International trucks in any of the territories or possessions of the United States is authorized to sell each of the trucks described in paragraph (b) at a price not to exceed the maximum price established in paragraph (b) or (c), whichever is applicable, to which it may add a sum equal to the expense incurred by or charged to it, for payment of territorial and insular taxes on the purchase, sale or introduction of the truck; export premiums; boxing and crating for export purposes; marine and war risk insurance and landing, wharfage and terminal operations.

(e) All requests not granted herein are denied.

(f) This revised order may be amended or revoked by the Administrator at any time.

NOTE: Where the manufacturer has an established price in accordance with section 8 of Revised Maximum Price Regulation 136, which is different than a price permitted under paragraph (a) because of substantial changes in design, specifications or equipment of the truck, the reseller may add to its price under paragraph (b), (c) or (d) any increase in price to it over the price it would otherwise pay under paragraph (a) plus its customary markup on such a cost increase, but in the case of a decrease in the price under paragraph (a) the reseller must reduce its price under paragraph (b), (c) or (d) by the amount of the decrease and its customary markup on such an amount.

This revised order shall become effective September 28, 1945.

Issued this 27th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-18031; Filed, Sept. 27, 1945; 11:31 a. m.]

Regional and District Office Orders.

LIST OF COMMUNITY CEILING PRICE ORDERS

The following orders under Rev. General Order 51 were filed with the Division of the Federal Register September 21, 1945.

REGION I

Boston Order 7-F, Amendment 18, covering fresh fruits and vegetables in certain areas in Massachusetts. Filed 3:37 p. m.

Boston Order 8-F, Amendment 15, covering fresh fruits and vegetables in certain areas in Massachusetts. Filed 3:37 p. m.

Boston Order 9-F, Amendment 16, covering fresh fruits and vegetables in certain areas in Massachusetts. Filed 3:37 p. m.

Boston Order 10-F, Amendment 15, covering fresh fruits and vegetables in certain areas in Massachusetts. Filed 3:37 p. m.

Boston Order 11-F, Amendment 15, covering fresh fruits and vegetables in certain areas in Massachusetts. Filed 3:38 p. m.

Hartford Order 5-F, Amendment 18, covering fresh fruits and vegetables in the Waterbury and Watertown Areas. Filed 3:12 p. m.

Hartford Order 6-F, Amendment 19, covering fresh fruits and vegetables in the Hartford Area. Filed 3:12 p. m.

Hartford Order 7-F, Amendment 17, covering fresh fruits and vegetables in the New Haven Area. Filed 3:13 p. m.

Hartford Order 8-F, Amendment 18, covering fresh fruits and vegetables in the Bridgeport Area. Filed 3:13 p. m.

REGION II

Altoona Order 2-F, Amendment 35, covering fresh fruits and vegetables in the entire Altoona Area. Filed 3:13 p. m.

Baltimore Order 4-F, Amendment 53, covering fresh fruits and vegetables in certain areas in Region II. Filed 3:10 p. m.

Baltimore Order 10-F, Amendment 9, covering fresh fruits and vegetables in certain areas in Region II. Filed 3:07 p. m.

Binghamton Order 2-F, Amendment 48, covering fresh fruits and vegetables in certain areas in New York. Filed 3:13 p. m.

Buffalo Order 3-F, Amendment 25, covering fresh fruits and vegetables in certain areas in New York. Filed 3:13 p. m.

Buffalo Order 4-F, Amendment 25, covering fresh fruits and vegetables in certain areas in New York. Filed 3:14 p. m.

Camden Order 3-F, Amendment 47, covering fresh fruits and vegetables in certain counties in New Jersey. Filed 3:09 p. m.

Camden Order 3-F, Amendment 48, covering fresh fruits and vegetables in certain counties in New Jersey. Filed 3:09 p. m.

Camden Order 4-F, Amendment 47, covering fresh fruits and vegetables in the Atlantic and Cape May Counties, New Jersey. Filed 3:09 p. m.

Camden Order 4-F, Amendment 48, covering fresh fruits and vegetables in the Atlantic and Cape May Counties, New Jersey. Filed 3:09 p. m.

District of Columbia Order 5-F, Amendment 25, covering fresh fruits and vegetables in certain areas in Region II. Filed 3:01 p. m.

Scranton Order 4-F, Amendment 39, covering fresh fruits and vegetables in certain areas in Pennsylvania. Filed 3:07 p. m.

Syracuse Order 3-F, Amendment 46, covering fresh fruits and vegetables in certain areas in New York. Filed 3:07 p. m.

Syracuse Order 4-F, Amendment 33, covering fresh fruits and vegetables in certain counties in New York. Filed 3:08 p. m.

Trenton Order 12-F, Amendment 24, covering fresh fruits and vegetables in certain areas in New Jersey. Filed 3:09 p. m.

REGION III

Charleston Order 1-O, Amendment 2, covering eggs in certain areas in Ohio and West Virginia. Filed 3:05 p. m.

Charleston Order 2-O, Amendment 2, covering eggs in certain areas in West Virginia. Filed 3:05 p. m.

Charleston Order 3–O, Amendment 2, covering eggs in certain areas in West Virginia. Filed 3:05 p. m.

Charleston Order 7–F, Amendment 29, covering fresh fruits and vegetables in certain areas in West Virginia. Filed 3:08 p. m.

Charleston Order 9–F, Amendment 29, covering fresh fruits and vegetables in certain areas in West Virginia. Filed 3:08 p. m.

Charleston Order 10–F, Amendment 29, covering fresh fruits and vegetables in certain areas in West Virginia. Filed 3:08 p. m.

Charleston Order 11–F, Amendment 29, covering fresh fruits and vegetables in certain counties in West Virginia. Filed 3:06 p. m.

Charleston Order 14–F, Amendment 9, covering fresh fruits and vegetables in certain areas in West Virginia. Filed 3:06 p. m.

Charleston Order 15–F, Amendment 26, covering fresh fruits and vegetables in certain areas in West Virginia. Filed 3:06 p. m.

Charleston Order 16–F, Amendment 25, covering fresh fruits and vegetables in certain areas in West Virginia. Filed 3:07 p. m.

Charleston Order 17–F, Amendment 25, covering fresh fruits and vegetables in certain areas in West Virginia. Filed 3:07 p. m.

Cincinnati Order 1–C, Amendment 8, covering poultry in certain areas in Ohio. Filed 3:05 p. m.

Cincinnati Order 1–O, Amendment 2, covering eggs in certain counties in Ohio. Filed 4:07 p. m.

Cincinnati Order 2–C, Amendment 1, covering poultry in certain counties in Ohio. Filed 3:06 p. m.

Cincinnati Order 2–C, Amendment 2, covering poultry in certain counties in Ohio. Filed 3:03 p. m.

Cincinnati Order 4–F, Amendment 36, covering fresh fruits and vegetables in Hamilton County, Ohio. Filed 4:07 p. m.

Cincinnati Order 4–F, Amendment 37, covering fresh fruits and vegetables in Hamilton County, Ohio. Filed 3:38 p. m.

Cincinnati Order 8–F, Amendment 6, covering fresh fruits and vegetables in certain areas in Cincinnati Area. Filed 4:07 p. m.

Cincinnati Order 8–F, Amendment 7, covering fresh fruits and vegetables in certain areas in Ohio. Filed 3:39 p. m.

Cleveland Order F–1, Amendment 56, covering fresh fruits and vegetables in the Cuyahoga County, Ohio. Filed 4:07 p. m.

Cleveland Order 5–F, Amendment 16, covering fresh fruits and vegetables in the certain areas in Ohio. Filed 3:03 p. m.

Columbus Order 1–C, Amendment 1, covering poultry in certain counties in Ohio. Filed 3:04 p. m.

Columbus Order 10–F, Amendment 9, covering fresh fruits and vegetables in Franklin, Logan and Muskingum. Filed 3:04 p. m.

Columbus Order 11–F, Amendment 9, covering fresh fruits and vegetables in certain counties in Ohio. Filed 3:04 p. m.

Detroit Order 5–F, Amendment 32, covering fresh fruits and vegetables in Wayne and Macomb Counties, Michigan. Filed 3:04 p. m.

Grand Rapids Order 14–F, Amendment 66, covering fresh fruits and vegetables in certain counties in Michigan. Filed 3:47 p. m.

Grand Rapids Order 14–F (Appendix A), Amendment 92, covering fresh fruits and vegetables in the city of Grand Rapids, Michigan. Filed 3:39 p. m.

Grand Rapids Order 14–F (Appendix B), Amendment 92, covering fresh fruits and vegetables in certain cities in Michigan. Filed 3:39 p. m.

Indianapolis Order 14–F, Amendment 33, covering fresh fruits and vegetables in Marion, Vigo and Tippecanoe. Filed 3:30 p. m.

Indianapolis Order 15–F, Amendment 33, covering fresh fruits and vegetables in Wayne, Allen and Tippecanoe. Filed 3:30 p. m.

Indianapolis Order 16–F, Amendment 33, covering fresh fruits and vegetables in St. Joseph. Filed 3:30 p. m.

Indianapolis Order 17–F, Amendment 33, covering fresh fruits and vegetables in Vanderburgh. Filed 3:30 p. m.

Lexington Order 1–O, Amendment 1, covering eggs in the Lexington, Kentucky Area. Filed 3:31 p. m.

Louisville Order 10–F, Amendment 10, covering fresh fruits and vegetables in certain areas in Kentucky. Filed 3:30 p. m.

Louisville Order 12–F, Amendment 35, covering prices for fresh fruits and vegetables in certain areas in Indiana and Jefferson County, Ky. Filed 3:30 p. m.

Louisville Order 14–F, Amendment 35, covering fresh fruits and vegetables in Daviess and Henderson Counties, Kentucky. Filed 3:29 p. m.

Louisville Order 15–F, Amendment 13, covering fresh fruits and vegetables in certain counties in Kentucky. Filed 3:28 p. m.

Louisville Order 16–F, Amendment 3, covering fresh fruits and vegetables in certain areas in Kentucky. Filed 3:28 p. m.

Louisville Order 17–F, Amendment 1, covering fresh fruits and vegetables in certain areas in Kentucky. Filed 3:28 p. m.

Toledo Order 12, Amendment 2, covering dry groceries in certain areas in Ohio. Filed 3:56 p. m.

REGION IV

Birmingham Order 1–C, Amendment 9, covering poultry in the Birmingham Area. Filed 3:26 p. m.

Birmingham Order 2–C, Amendment 10, covering poultry in the Birmingham Area. Filed 3:26 p. m.

Birmingham Order 3–F, Amendment 33, covering fresh fruits and vegetables in Jefferson County, Alabama. Filed 3:28 p. m.

Birmingham Order 4–F, Amendment 17, covering fresh fruits and vegetables in certain counties in Alabama. Filed 3:25 p. m.

Jackson Order 4–F, Amendment 47, covering fresh fruits and vegetables in certain areas in Mississippi. Filed 3:24 p. m.

Jacksonville Order 9–F, Amendment 39, covering fresh fruits and vegetables in Jacksonville, Florida. Filed 3:24 p. m.

Jacksonville Order 9–C, covering poultry in the Jacksonville, Florida Area. Filed 3:25 p. m.

Jacksonville Order 11–C, covering poultry in the Jacksonville, Florida Area. Filed 3:27 p. m.

Jacksonville Order 12–C, covering poultry in the Jacksonville, Florida Area. Filed 3:31 p. m.

Memphis Order 6–F, Amendment 47, covering fresh fruits and vegetables in the city of Memphis and county of Shelby, Tennessee. Filed 3:31 p. m.

Miami Order 1–F, Amendment 31, covering fresh fruits and vegetables in certain areas in Florida. Filed 3:28 p. m.

Miami Order 2–F, Amendment 29, covering fresh fruits and vegetables in the Tampa, Florida Area. Filed 3:31 p. m.

REGION V

New Orleans Order 3–F, Amendment 7, covering fresh fruits and vegetables in certain areas in Louisiana. Filed 4:00 p. m.

REGION VI

Duluth-Superior Order 1–F, Amendment 87, covering fresh fruits and vegetables in certain areas in Minnesota. Filed 4:00 p. m.

Peoria Order 6–F, Amendment 6, covering fresh fruits and vegetables in certain areas in Illinois. Filed 4:00 p. m.

Peoria Order 7–F, Amendment 22, covering fresh fruits and vegetables in certain areas in Illinois. Filed 4:01 p. m.

Peoria Order 8–F, Amendment 23, covering fresh fruits and vegetables in certain areas in Illinois. Filed 4:01 p. m.

Peoria Order 9–F, Amendment 23, covering fresh fruits and vegetables in certain areas in Illinois. Filed 4:01 p. m.

Peoria Order 10–F, Amendment 23, covering fresh fruits and vegetables in certain areas in Illinois. Filed 4:01 p. m.

Quad-Cities Order 2–F, Amendment 55, covering fresh fruits and vegetables in certain areas in Illinois and Iowa. Filed 4:01 p. m.

Twin Cities Revised Order 1–F, Amendment 33, covering fresh fruits and vegetables in St. Paul and Minneapolis. Filed 4:03 p. m.

REGION VIII

Los Angeles Order 3–C, Amendment 1, covering poultry in the San Luis Obispo, Santa Barbara, Ventura and certain areas of Kern Counties. Filed 4:06 p. m.

Los Angeles Order 3–F, Amendment 13, covering fresh fruits and vegetables in the Los Angeles Area. Filed 4:03 p. m.

Los Angeles Order 4–F, Amendment 13, covering fresh fruits and vegetables in the Long Beach-San Bernardino Area. Filed 4:03 p. m.

Los Angeles Order 5–F, Amendment 13, covering fresh fruits and vegetables in the Santa Barbara-Ventura and San Luis Obispo Areas. Filed 4:03 p. m.

Los Angeles Order 6–F, Amendment 13, covering fresh fruits and vegetables in the Santa Barbara-Ventura and San Luis Obispo Areas. Filed 4:03 p. m.

San Diego Order 1–F, Amendment 45, covering fresh fruits and vegetables in the San Diego Area. Filed 3:48 p. m.

San Diego Order 1–F, Amendment 46, covering fresh fruits and vegetables in the San Diego Area. Filed 3:51 p. m.

San Diego Order 1–F, Amendment 47, covering fresh fruits and vegetables in the San Diego Area. Filed 3:51 p. m.

San Diego Order 2–F, Amendment 23, covering fresh fruits and vegetables in certain areas in California. Filed 3:51 p. m.

San Diego Order 2–O, covering eggs in San Diego and Imperial Counties, California. Filed 3:55 p. m.

San Diego Order 3–C, covering poultry in all area within San Diego County. Filed 3:52 p. m.

San Diego Order 3–F, Amendment 20, covering fresh fruits and vegetables in the Imperial County, California. Filed 3:52 p. m.

San Diego Order 4–C, covering poultry in all areas within the San Diego County. Filed 3:54 p. m.

San Diego Order 11, Amendment 7, covering dry groceries in the San Diego Area. Filed 3:52 p. m.

Spokane Order 45, covering dry groceries in certain counties in Washington. Filed 4:06 p. m.

Spokane Order 46, covering dry groceries in certain counties in Washington. Filed 4:07 p. m.

Copies of any of these orders may be obtained from the OPA Office in the designated city.

ERVIN H. POLLACK,
Secretary.

[F. R. Doc. 45-17974; Filed, Sept. 26, 1945; 4:40 p. m.]

LIST OF COMMUNITY CEILING PRICE ORDERS

The following orders under Rev. General Order 51 were filed with the Division of the Federal Register September 19, 1945.

REGION I

Augusta Order 3–F, Amendment 13, covering fresh fruits and vegetables in South Portland, Portland and Westbrook, Maine. Filed 3:59 p. m.

Augusta Order 4–F, Amendment 3, covering fresh fruits and vegetables in certain areas in Maine. Filed 3:59 p. m.

Augusta Order 5–F, Amendment 13, covering fresh fruits and vegetables in the Bangor and Brewer Areas. Filed 3:59 p. m.

Boston Order 4–O, covering eggs in certain areas in New Hampshire, Vermont and Rhode Island except in certain areas in Rhode Island. Filed 3:42 p. m.

Boston Order 5–O, covering eggs in certain areas in New Hampshire, Vermont and Rhode Island and certain areas in Massachusetts. Filed 3:42 p. m.

Concord Order 9–F, Amendment 18, covering fresh fruits and vegetables in certain areas in New Hampshire. Filed 3:54 p.

Providence Order 3–F, Amendment [illegible] covering fresh fruits and vegetables in [illegible] areas in Rhode Island. Filed 3:54 p.

REGION II

Syracuse Order 4–F, Amendment 34, covering fresh fruits and vegetables in certain areas in New York. Filed 3:48 p. m.

REGION III

Cincinnati Order 9–W, covering dry groceries in the sixteen counties of the Cincinnati District. Filed 3:30 p. m.

Cleveland Order F–1, Amendment 57, covering fresh fruits and vegetables in Cuyahoga, Ohio. Filed 3:50 p. m.

Cleveland Order 3–F, Amendment 57, covering fresh fruits and vegetables in the Mahoning and Trumbull Counties, Ohio. Filed 3:50 p. m.

Cleveland Order 4–F, Amendment 57, covering fresh fruits and vegetables in Stark and Summit Counties, Ohio. Filed 3:50 p. m.

Detroit Order 2–W, Amendment 4, covering dry groceries in the Detroit Area. Filed 3:31 p. m.

Detroit Order 12, Amendment 4, covering dry groceries in the Detroit Area. Filed 3:49 p. m.

Detroit Order 13, Amendment 4, covering dry groceries in the Detroit Area. Filed 3:30 p. m.

Detroit Order 14, Amendment 5, covering dry groceries in the Detroit Area. Filed 3:49 p. m.

Toledo Order 11, Amendment 3, covering dry groceries in the Toledo Area. Filed 3:31 p. m.

Toledo Order 13, Amendment 2, covering dry groceries in the Toledo Area. Filed 3:31 p. m.

REGION IV

Atlanta Order 9–F, Amendment 22, covering fresh fruits and vegetables in the Bibb and Muscogee Counties, Georgia and Phenix City, Alabama. Filed 3:54 p. m.

Atlanta Order 16, Amendment 8, covering eggs in certain counties in Georgia. Filed 3:50 p. m.

Atlanta Order 17, Amendment 8, covering eggs in certain counties in Georgia. Filed 3:50 p. m.

Atlanta Order 19, Amendment 8, covering eggs in certain counties in Georgia. Filed 3:50 p. m.

Atlanta Order 21, Amendment 8, covering eggs in certain counties in Georgia. Filed 3:51 p. m.

Atlanta Order 35–C, Amendment 2, covering poultry in certain counties in Georgia. Filed 3:55 p. m.

Columbia Order 7–F, Amendment 17, covering fresh fruits and vegetables in the entire state of South Carolina. Filed 3:51 p. m.

Columbia Order 19–C, Amendment 2, covering poultry in the South Carolina Area. Filed 3:51 p. m.

Columbia Order 19–O, Amendment 7, covering eggs in the South Carolina Area. Filed 3:52 p. m.

Columbia Order 19–O, Amendment 8, covering eggs in the South Carolina Area. Filed 3:53 p. m.

Columbia Order 20–C, Amendment 2, covering eggs in the South Carolina Area. Filed 3:51 p. m.

Columbia Order 20–O, Amendment 7, covering eggs in the South Carolina Area. Filed 3:53 p. m.

Columbia Order 20–O, Amendment 6, covering eggs in the South Carolina Area. Filed 3:53 p. m.

Columbia Order 21–C, Amendment 2, covering poultry in the South Carolina Area. Filed 3:51 p. m.

Columbia Order 21–O, Amendment 7, covering eggs in the South Carolina Area. Filed 3:53 p. m.

Columbia Order 21–O, Amendment 8, covering eggs in the South Carolina Area. Filed 3:53 p. m.

Columbia Order 22–O, Amendment 7, covering eggs in the South Carolina Area. Filed 3:53 p. m.

Columbia Order 22–C, Amendment 2, covering poultry in the South Carolina Area. Filed 3:52 p. m.

Columbia Order 22–O, Amendment 8, covering eggs in the South Carolina Area. Filed 3:54 p. m.

Jacksonville Order 10–C, covering poultry in the Jacksonville, Florida Area. Filed 3:31 p. m.

Jacksonville Order 13–C, covering poultry in the Jacksonville, Florida Area. Filed 3:32 p. m.

Jacksonville Order 14–C, covering poultry in the Jacksonville, Florida Area. Filed 3:32 p. m.

Jacksonville Order 15–C, covering poultry in the Jacksonville, Florida Area. Filed 3:32 p. m.

Jacksonville Order 16–C, covering poultry in the Jacksonville, Florida Area. Filed 3:32 p. m.

REGION V

Fort Worth Order 13–F, Amendment 8, covering fresh fruits and vegetables in the Tarrant County, Texas Area. Filed 3:54 p. m.

Fort Worth Order 14–F, Amendment 8, covering fresh fruits and vegetables in the Taylor County, Texas Area. Filed 3:54 p. m.

Fort Worth Order 15–F, Amendment 8, covering fresh fruits and vegetables in the Tom Green County, Texas. Filed 3:47 p. m.

Fort Worth Order 16–F, Amendment 8, covering fresh fruits and vegetables in the McLennan County, Texas Area. Filed 3:47 p. m.

Forth Worth Order 17–F, Amendment 8, covering fresh fruits and vegetables in the Wichita County, Texas Area. Filed 3:47 p. m.

Little Rock Order 10–F, Amendment 9, covering fresh fruits and vegetables in the Garland County, Arkansas Area. Filed 3:47 p. m.

Little Rock Order 12–F, Amendment 1, covering fresh fruits and vegetables in certain areas in Arkansas. Filed 3:48 p. m.

Little Rock Order 13–F, Amendment 1, covering fresh fruits and vegetables in certain areas in Arkansas. Filed 3:48 p. m.

Little Rock Order 14–F, Amendment 1, covering fresh fruits and vegetables in certain areas in Arkansas. Filed 3:48 p. m.

Little Rock Order 15–F, Amendment 1, covering fresh fruits and vegetables in certain counties in Arkansas. Filed 3:46 p. m.

Lubbock Order 6–F, Amendment 7, covering fresh fruits and vegetables in Lubbock County, Texas. Filed 3:46 p. m.

Lubbock Order 7–F, Amendment 7, covering fresh fruits and vegetables in certain counties in Texas. Filed 3:46 p. m.

Oklahoma City Order 6–F, Amendment 3, covering fresh fruits and vegetables in certain areas in Oklahoma. Filed 3:29 p. m.

Oklahoma City Order 7–F, covering fresh fruits and vegetables in certain areas in Oklahoma. Filed 3:29 p. m.

St. Louis Order 4–F, Amendment 8, covering fresh fruits and vegetables in the city and county of St. Louis, Missouri. Filed 3:47 p. m.

Wichita Order 5–F, Amendment 8, covering fresh fruits and vegetables in certain areas in Kansas. Filed 3:45 p. m.

REGION VI

Chicago Order 2–F, Amendment 77, covering fresh fruits and vegetables in certain areas in Illinois. Filed 3:41 p. m.

Chicago Order 2–F, Amendment 78, covering fresh fruits and vegetables in certain areas in Illinois. Filed 3:42 p. m.

La Crosse Order 1–F, Amendment 87, covering fresh fruits and vegetables in La Crosse and Sparta, Wisconsin and Winona, Minnesota. Filed 3:41 p. m.

La Crosse Order 3–F, Amendment 82, covering fresh fruits and vegetables in Eau Claire and Chippewa Falls, Wisconsin. Filed 3:41 p. m.

La Crosse Order 5–F, Amendment 81, covering fresh fruits and vegetables in the city of Rochester, Minnesota. Filed 3:41 p. m.

Milwaukee Order 8–F, Amendment 24, covering fresh fruits and vegetables in Dane County, Wisconsin. Filed 3:39 p. m.

Milwaukee Order 9–F, Amendment 24, covering fresh fruits and vegetables in the Fond Du Lac and Sheboygan Counties, Wisconsin. Filed 3:34 p. m.

Milwaukee Order 11–F, Amendment 15, covering fresh fruits and vegetables in Milwaukee County and the cities of Racine and Kenosha, Wisconsin. Filed 3:33 p. m.

Milwaukee Order 11–F, Amendment 16, covering fresh fruits and vegetables in Milwaukee County and the cities of Racine and Kenosha, Wisconsin. Filed 3:33 p. m.

Omaha Order 10–F, Amendment 26, covering fresh fruits and vegetables in the Omaha, Nebraska, and Council Bluffs, Iowa, Areas. Filed 3:29 p. m.

Omaha Order 11–F, Amendment 27, covering fresh fruits and vegetables in the Lincoln, Nebraska, Area. Filed 3:29 p. m.

Peoria Order 7–F, Amendment 21, covering fresh fruits and vegetables in certain areas in Illinois. Filed 3:55 p. m.

Peoria Order 8–F, Amendment 22, covering fresh fruits and vegetables in certain areas in Illinois. Filed 3:55 p. m.

Peoria Order 9–F, Amendment 22, covering fresh fruits and vegetables in certain areas in Illinois. Filed 3:55 p. m.

Peoria Order 10–F, Amendment 22, covering fresh fruits and vegetables in certain areas in Illinois. Filed 3:58 p. m.

Sioux Falls Order 2–F, Amendment 10, covering fresh fruits and vegetables in the city of Sioux Falls, South Dakota. Filed 3:33 p. m.

Sioux Falls Order 3–F, Amendment 9, covering fresh fruits and vegetables in certain areas in Iowa, South Dakota, Nebraska and Minnesota. Filed 3:33 p. m.

Sioux Falls Order 4–F, Amendment 9, covering fresh fruits and vegetables in certain areas in South Dakota. Filed 3:33 p. m.

REGION VII

Albuquerque Order 8–F, Amendment 32, covering fresh fruits and vegetables in the Albuquerque Area. Filed 3:44 p. m.

Albuquerque Order 9–F, Amendment 12, covering fresh fruits and vegetables. Filed 3:44 p. m.

Albuquerque Order 10–F, Amendment 13, covering fresh fruits and vegetables. Filed 3:44 p. m.

Albuquerque Order 11–F, Amendment 14, covering fresh fruits and vegetables. Filed 3:44 p. m.

Albuquerque Order 12–F, Amendment 13, covering fresh fruits and vegetables. Filed 3:47 p. m.

Albuquerque Order 44, Amendment 1, covering fresh fruits and vegetables in the Southern and Eastern New Mexico Area. Filed 3:45 p. m.

Salt Lake City Order 11–F, Amendment 13, covering fresh fruits and vegetables in certain areas in Utah. Filed 3:39 p. m.

Salt Lake City Order 12–F, Amendment 13, covering fresh fruits and vegetables in certain areas in Utah. Filed 3:30 p. m.

Salt Lake City Order 13–F, Amendment 13, covering fresh fruits and vegetables in certain areas in Utah. Filed, 3:30 p. m.

REGION VIII

Seattle Order 6–F, Amendment 53, covering fresh fruits and vegetables in the Seattle and Bremerton, Washington Areas. Filed 3:44 p. m.

Seattle Order 7–F, Amendment 48, covering fresh fruits and vegetables in the Tacoma, Washington Area. Filed 3:43 p. m.

Seattle Order 8–F, Amendment 45, covering fresh fruits and vegetables in the Everett, Washington Area. Filed 3:43 p. m.

Seattle Order 9–F, Amendment 53, covering fresh fruits and vegetables in the Seattle and Bremerton, Washington Area. Filed 3:43 p. m.

Seattle Order 10–F, Amendment 44, covering fresh fruits and vegetables in the Bellingham, Washington Area. Filed 3:42 p. m.

Seattle Order 11–F, Amendment 43, covering fresh fruits and vegetables in the Olympia, Washington Area. Filed 3:42 p. m.

Seattle Order 12–F, Amendment 44, covering fresh fruits and vegetables in the Aberdeen and Hoquiam, Washington Area. Filed 3:42 p. m.

Seattle Order 13–F, Amendment 45, covering fresh fruits and vegetables in the Centralia and Chehalis, Washington Areas. Filed 3:42 p. m.

Copies of any of these orders may be obtained from the OPA Office in the designated city.

ERVIN H. POLLACK,
Secretary.

[F. R. Doc. 45–17973; Filed, Sept. 26, 1945; 4:40 p. m.]

LIST OF COMMUNITY CEILING PRICE ORDERS

The following orders under Revised General Order 51 were filed with the Division of the Federal Register September 21, 1945.

REGION II

Baltimore Order 14–W, covering dry groceries in certain areas in Region II. Filed 9:51 a. m.

Baltimore Order 15–W, covering dry groceries in certain areas in Region II. Filed 9:51 a. m.

Baltimore Order 16–W, covering dry groceries in certain areas in Region II. Filed 9:50 a. m.

Baltimore Order 17–W, covering dry groceries in certain areas in Region II. Filed 9:50 a. m.

Baltimore Order 46, covering dry groceries in the Baltimore, Maryland Area. Filed 9:49 a. m.

Baltimore Order 47, covering dry groceries in certain areas in Region II. Filed 9:49 a. m.

Baltimore Order 48, covering dry groceries in Allegany, Garrett and Washington, Maryland. Filed 9:49 a. m.

Baltimore Order 49, covering dry groceries in certain areas in Region II. Filed 9:49 a. m.

Williamsport Order 4–F, covering fresh fruits and vegetables in certain counties in Pennsylvania. Filed 9:38 a. m.

REGION III

Charleston Order 7–F, Amendment 30, covering fresh fruits and vegetables in certain areas in West Virginia. Filed 9:46 a. m.

Charleston Order 9–F, Amendment 30, covering fresh fruits and vegetables in certain areas in West Virginia. Filed 9:46 a. m.

Charleston Order 10–F, Amendment 30, covering fresh fruits and vegetables in certain areas in West Virginia. Filed 9:46 a. m.

Charleston Order 11–F, Amendment 30, covering fresh fruits and vegetables in certain counties in West Virginia. Filed 9:47 a. m.

Charleston Order 15–F, Amendment 27, covering fresh fruits and vegetables in certain counties in West Virginia. Filed 9:47 a. m.

Charleston Order 16–F, Amendment 26, covering fresh fruits and vegetables in certain counties in West Virginia. Filed 9:47 a. m.

Charleston Order 17–F, Amendment 26, covering fresh fruits and vegetables in certain areas in West Virginia. Filed 9:48 a. m.

Columbus Order 10–F, Amendment 10, covering fresh fruits and vegetables in certain counties in Ohio. Filed 9:48 a. m.

Columbus Order 11–F, Amendment 10, covering fresh fruits and vegetables in certain areas in Ohio. Filed 9:48 a. m.

Columbus Order 15, Amendment 15, covering dry groceries in the Columbus Area. Filed 9:36 a. m.

Columbus Order 16, Amendment 15, covering dry groceries in the Columbus Area. Filed 9:37 a. m.

Lexington Order 5–F, Amendment 25, covering fresh fruits and vegetables in Fayette County, Kentucky Area. Filed 9:40 a. m.

Lexington Order 6–F, Amendment 25, covering fresh fruits and vegetables in Campbell and Kenton Counties, Kentucky. Filed 9:41 a. m.

Lexington Order 7–F, Amendment 25, covering fresh fruits and vegetables in Boyd County, Kentucky. Filed 9:41 a. m.

Lexington Order 8–F, Amendment 5, covering fresh fruits and vegetables in certain counties in Kentucky. Filed 9:38 a. m.

Louisville Order 12–F, Amendment 36, covering fresh fruits and vegetables in Jefferson County, Kentucky and Clark and Floyd, Indiana. Filed 9:38 a. m.

Louisville Order 14–F, Amendment 36, covering fresh fruits and vegetables in Daviess and Henderson Counties, Kentucky. Filed 9:40 a. m.

Louisville Order 15–F, Amendment 14, covering fresh fruits and vegetables in certain counties in Kentucky. Filed 9:40 a. m.

Louisville Order 17–F, Amendment 2, covering fresh fruits and vegetables in certain counties in Kentucky. Filed 9:40 a. m.

REGION V

San Antonio Order 6–F, Amendment 7, covering fresh fruits and vegetables in Bexar County, Texas. Filed 9:42 a. m.

San Antonio Order 7–F, Amendment 7, covering fresh fruits and vegetables in Austin, Texas. Filed 9:42 a. m.

San Antonio Order 8–F, Amendment 7, covering fresh fruits and vegetables in Corpus Christi, Texas. Filed 9:42 a. m.

REGION VI

Green Bay Order 4–F, Amendment 32, covering fresh fruits and vegetables in certain areas in Wisconsin. Filed 9:43 a. m.

Green Bay Order 5–F, Amendment 31, covering fresh fruits and vegetables in certain areas in Wisconsin. Filed 9:43 a. m.

Green Bay Order 6–F, Amendment 32, covering fresh fruits and vegetables in certain areas in Wisconsin. Filed 9:43 a. m.

Omaha Order 10–F, Amendment 27, covering fresh fruits and vegetables in Omaha, Nebraska and Council Bluffs, Iowa. Filed 9:52 a. m.

Omaha Order 11–F, Amendment 28 covering fresh fruits and vegetables in the Lincoln, Nebraska Area. Filed 9:52 a. m.

Omaha Order 12–F, Amendment 8, covering fresh fruits and vegetables in certain areas in Nebraska. Filed 9:52 a. m.

REGION VII

Helena Order 51–F, covering fresh fruits and vegetables in the Missoula and Kalispell Area. Filed 9:53 a. m.

Helena Order 52–F, covering fresh fruits and vegetables in certain areas in Montana. Filed 9:53 a. m.

Helena Order 53–F, covering fresh fruits and vegetables in Billings, Butte and Great Falls Area. Filed 9:53 a. m.

Helena Order 54–F, covering fresh fruits and vegetables in certain areas in Montana. Filed 9:54 a. m.

Helena Order 55–F, covering fresh fruits and vegetables in certain areas in Montana. Filed 9:54 a. m.

Helena Order 56–F, covering fresh fruits and vegetables in certain areas in Montana. Filed 9:54 a. m.

Helena Order 57–F, covering fresh fruits and vegetables in certain areas in Montana. Filed 9:55 a. m.

Helena Order 58–F, covering fresh fruits and vegetables in certain areas in Montana. Filed 9:55 a. m.

Helena Order 103, covering dry groceries in certain areas in Montana. Filed 9:55 a. m.

Helena Order 103, Amendment 1, covering dry groceries in certain areas in Montana. Filed 9:56 a. m.

Helena Order 105, Amendment 1, covering dry groceries in certain areas in Montana. Filed 9:56 a. m.

Albuquerque Order 8–W, Amendment 7 covering dry groceries in certain areas in New Mexico. Filed 9:58 a. m.

Albuquerque Order 9–W, Amendment 7 covering dry groceries in certain areas in New Mexico. Filed 9:58 a. m.

Albuquerque Order 42, covering dry groceries in the Northwestern, Central and Extreme Southwestern New Mexico Area. Filed 9:56 a. m.

Albuquerque Order 43, covering dry groceries in certain areas in New Mexico. Filed 9:57 a. m.

Albuquerque Order 44, covering dry groceries in certain areas in New Mexico. Filed 9:57 a. m.

Albuquerque Order 45, covering dry groceries in certain areas in New Mexico. Filed 9:58 a. m.

REGION VIII

Nevada Order 11–F, Amendment 5, covering fresh fruits and vegetables in Reno and Sparks. Filed 9:58 a. m.

Nevada Order 12–F, Amendment 5, covering fresh fruits and vegetables in certain areas in Nevada. Filed 9:59 a. m.

Nevada Order 13–F, Amendment 5, covering fresh fruits and vegetables in certain areas in Nevada. Filed 9:59 a. m.

Nevada Order 14–F, Amendment 5, covering fresh fruits and vegetables in certain areas in Nevada. Filed 9:37 a. m.

Nevada Order 15–F, Amendment 5, covering fresh fruits and vegetables in certain areas in Nevada. Filed 9:36 a. m.

Phoenix Order 9–F, Amendment 4, covering fresh fruits and vegetables in certain areas in the Phoenix Area. Filed 9:44 a. m.

San Francisco Order 13–F, Amendment 17 covering fresh fruits and vegetables in certain areas in California. Filed 9:44 a. m.

San Francisco Order 14–F, Amendment 17 covering fresh fruits and vegetables in certain areas in California. Filed 9:45 a. m.

San Francisco Order 15–F, Amendment 17 covering fresh fruits and vegetables in certain counties in California. Filed 9:45 a. m.

San Francisco Order 16–F, Amendment 17 covering fresh fruits and vegetables in Norte and Humboldt except Eureka. Filed 9:45 a. m.

Copies of any of these orders may be obtained from the OPA Office in the designated city.

ERVIN H. POLLACK,
Secretary.

[F. R. Doc. 45–18012; Filed, Sept. 27, 1945; 11:24 a. m.]

SECURITIES AND EXCHANGE COMMISSION.

[File No. 7–809]

UNITED LIGHT AND RAILWAYS CO.

ORDER GRANTING APPLICATION TO INTERVENE AND SETTING HEARING ON APPLICATION TO EXTEND UNLISTED TRADING PRIVILEGES

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 24th day of September, A. D. 1945.

In the matter of application by the New York Curb Exchange to extend unlisted trading privileges to The United Light and Railways Company, Common Stock, $7.00 Par Value; File No. 7–809.

The New York Curb Exchange, pursuant to section 12 (f) (3) of the Securities Exchange Act of 1934, and Rule X-12F-1 promulgated thereunder, having made application to the Commission to extend unlisted trading privileges to the above-mentioned security;

The Commission having ordered a hearing in the matter on September 4, 1945, and said hearing having been continued generally;

The National Association of Securities Dealers, Inc. having filed an application to intervene in the above-entitled proceeding; and

The Commission having considered the matter and being duly informed in the premises;

It is ordered, That said application of the National Association of Securities Dealers, Inc. to be made a party to the said proceeding be, and it hereby is, granted.

It is further ordered, That the matter be set down for hearing at 11:00 a. m. on Tuesday, October 9, 1945, at the office of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia, Pennsylvania, and continue thereafter at such times and places as the Commission or its officer herein designated shall determine, and that general notice thereof be given; and

It is further ordered, That William W. Swift, or any other officer or officers of the Commission named by it for that purpose, shall preside at the hearing on such matter. The officer so designated to preside at such hearing is hereby empowered to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 45–17958; Filed, Sept. 26, 1945; 2:31 p. m.]

[File Nos. 7–820, 7–821, 7–822, 7–823]

HOUSTON OIL CO., ET AL.

ORDER SETTING HEARING ON APPLICATIONS TO EXTEND UNLISTED TRADING PRIVILEGES

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 25th day of September, A. D. 1945.

In the matter of applications by the St. Louis Stock Exchange to extend unlisted trading privileges to Houston Oil Company of Texas, VTCs for $25 Par Common Stock, File No. 7–820; General Electric Company, Common Stock, No Par Value, File No. 7–821; General Motors Corporation, Common Stock, $10 Par Value, File No. 7–822; The North American Company, Common Stock, $10 Par Value, File No. 7–823.

The St. Louis Stock Exchange, pursuant to section 12 (f) (2) of the Securities Exchange Act of 1934, and Rule X-12F-1 promulgated thereunder, having made application to the Commission to extend unlisted trading privileges to the above-mentioned securities;

The Commission deeming it necessary for the protection of investors that a hearing be held in this matter at which all interested persons be given an opportunity to be heard;

It is ordered, That the matter be set down for hearing at 10:00 a. m. on Thursday, October 11, 1945, at the office of the Securities and Exchange Commission, 1114 Market Street, St. Louis, Missouri, and continue thereafter at such times and places as the Commission or its officer herein designated shall determine, and that general notice thereof be given; and

It is further ordered, That George T. Crossland, or any other officer or officers of the Commission named by it for that purpose, shall preside at the hearing on such matter. The officer so designated to preside at such hearing is hereby empowered to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 45–17969; Filed, Sept. 26, 1945; 2:31 p. m.]

[File No. 70–1154]

UNION ELECTRIC CO. OF MISSOURI

NOTICE OF FILING AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 24th day of September 1945.

Notice is hereby given that an application and declaration has been filed with this Commission under the Public Utility Holding Company Act of 1935 (Act) by Union Electric Company of Missouri (Union Electric), a registered holding company.

All interested persons are referred to said document which is on file in the offices of this Commission for a statement of the transactions therein proposed which are summarized as follows:

Union Electric proposes to:

(a) Issue and sell pursuant to the competitive bidding provisions of Rule U-50 $13,000,000 principal amount of First Mortgage and Collateral Trust Bonds, Series due 1975. Each bid for the bonds shall specify the coupon rate which shall be a multiple of $\frac{1}{8}$ of 1% and the price to be paid to Union Electric for the bonds which shall be not less than the principal amount nor more than 102.75% of the principal amount.

(b) Issue and sell pursuant to the competitive bidding provisions of Rule U-50, 40,000 shares of a new series of preferred stock without par value. Each bid for the stock shall specify the dividend rate which shall be a multiple of 10¢ and the price to be paid to Union Electric for the stock which shall be not less than $100 per share and not more than $102.75.

The proceeds of said sales together with general funds of Union Electric to the extent required are proposed to be applied by Union Electric to retire $9,000,000 of $1\frac{1}{2}$% promissory notes maturing December 28, 1945, and to finance on a permanent basis the recent purchase by Union Electric, for a net purchase price of $8,439,909, the properties and business of Laclede Power & Light Company.

The bonds will be issued under and secured by a Supplemental Indenture of Mortgage from Union Electric to St. Louis Union Trust Company as Trustee, dated as of October 1, 1945, mortgaging as security for the payment of the bonds substantially all of the properties of Union Electric.

It appearing to the Commission that it is appropriate in the public interest and in the interest of investors and consumers that a hearing be held with respect to said application and declaration and that said application or declaration shall not be granted or permitted to become effective except pursuant to further order of the Commission:

It is ordered, That a hearing on said application under the applicable provisions of the Act and the Rules of the Commission thereunder be held on October 4, 1945, at 10:00 a. m., e. s. t., in the offices of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia 3, Pennsylvania. On such day the hearing room clerk in Room 318 will advise as to the room in which such hearing will be held.

It is further ordered, That Henry C. Lank or any other officer or officers of the Commission designated by it for that purpose shall preside at such hearing. The officer so designated to preside at such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said act and to a trial examiner under the Commission's rules of practice.

It is further ordered, That the Secretary of the Commission shall serve by registered mail copies of this order on the Federal Power Commission, the Public Service Commission of Missouri and on the applicant-declarant herein; and that notice of said hearing be given to all other persons by publication of this order in the FEDERAL REGISTER. Any person desiring to be heard in connection with these proceedings, or otherwise to

participate herein, shall file with the Secretary of the Commission, on or before October 2, 1945, his request or application therefor, as provided by Rule XVII of the rules of practice of the Commission.

It is further ordered, That without limiting the scope of issues presented by said application, particular attention will be directed at said hearing to the following matters and questions:

(1) Whether the proposed issue and sale of new bonds and the proposed issue of new preferred stock are solely for the purpose of financing the business of Union Electric and have been expressly authorized by the State Commission of the state in which it is organized and doing business.

(2) Whether the terms and conditions of the sales of securities are detrimental to the public interest or the interests of investors or consumers.

(3) Whether the fees, commissions, or other remuneration to be paid in connection with the proposed transactions are for necessary services and are reasonable in amount.

(4) What terms or conditions, if any, with respect to the proposed transactions should be prescribed in the public interest or for the protection of investors or consumers.

(5) Generally, whether the proposed transactions comply with the applicable provisions of the act and the rules, regulations and orders promulgated thereunder.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 45-17959; Filed, Sept. 26, 1945; 2:31 p. m.]

[File No. 70-1155]

MONTANA POWER CO.

NOTICE OF FILING AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 24th day of September, A. D. 1945.

Notice is hereby given that a declaration has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by The Montana Power Company ("Montana"), an electric and gas utility subsidiary of American Power & Light Company, which is itself a subsidiary of Electric Bond and Share Company, both registered holding companies.

All interested persons are referred to said declaration which is on file in the office of the Commission for a statement of the transactions therein proposed, which are summarized as follows:

Montana proposes to retire all of its outstanding funded debt aggregating $56,539,900 consisting of $44,202,000 principal amount of First and Refunding Mortgage Bonds, 3¾% Series due 1966, $1,748,000 principal amount of assumed Butte Electric and Power Company noncallable Five Percent First Mortgage Gold Bonds, due 1951, and $10,589,900 principal amount of 5% Thirty Year Debentures, due 1966. The company's First and Refunding Mortgage Bonds and its Debentures will be retired at their respective redemption prices of 105% and 100% of principal amounts, plus accrued interest to date of redemption. The Butte Electric and Power Company bonds are to be retired by the payment of principal and interest to maturity.

The proposed retirement of funded debt will be effected through the use of general funds of Montana and the proceeds of the issuance and sale, pursuant to the competitive bidding requirements of Rule U-50, of $40,000,000 principal amount of new First Mortgage Bonds, ----% Series due 1975.

Montana has designated sections 6 (a), 7, and 12 (c) of the act and Rules U-42 and U-50 promulgated thereunder as being applicable to the proposed transactions.

It appearing to the Commission that it is appropriate in the public interest and the interests of investors and consumers that a hearing be held with respect to said matters and that said declaration should not become effective, except pursuant to further order of the Commission:

It is hereby ordered, That a hearing be held upon said matters on October 8, 1945, at 10:30 a. m., e. w. t., at the offices of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia 3, Pennsylvania. On such date the hearing room clerk in Room 318 will advise as to the room where such hearing will be held.

It is further ordered, That Allen MacCullen or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearings on such matters. The officer so designated to preside at such hearings is hereby authorized to exercise all of the powers granted to the Commission under section 18 (c) of said act and to a trial examiner under the Commission's rules of practice.

It is further ordered, That the Secretary of the Commission shall serve by registered mail a copy of this order on the Public Service Commission of Montana, the Public Utilities Commission of Idaho, and the declarant herein, and that notice of said hearing be given to all other persons by publication of this order in the FEDERAL REGISTER. Any person desiring to be heard in connection with these proceedings or proposing to intervene herein shall file with the Secretary of the Commission on or before October 4, 1945, his request or application therefor, as provided by Rule XVII of the rules of practice of the Commission.

It is further ordered, That, without limiting the scope of the issues presented by said declaration, particular attention will be directed at said hearing to the following matters and questions:

(1) Whether the mortgage bonds proposed to be issued and sold by Montana will be reasonably adapted to the security structure and earning power of Montana and necessary and appropriate to the economical and efficient operation of the businesses in which Montana is presently engaged and, in particular, whether the proposed sinking fund and replacement fund provisions in the indenture securing such bonds are adequate.

(2) Whether the fees, commissions or other remunerations proposed to be paid in connection with the issue and sale of said bonds are reasonable.

(3) Whether the terms and conditions of the issue and sale of said bonds are detrimental to the public interest or the interests of investors or consumers.

(4) Whether the accounting entries to be recorded in connection with the proposed transactions are appropriate and whether any other accounting adjustments should be made in connection with the proposed transactions.

(5) Generally, whether the proposed transactions comply with the applicable provisions of the Public Utility Holding Company Act of 1935 and all rules and regulations promulgated thereunder.

(6) What terms and conditions, if any, are necessary or appropriate in the public interest or the interests of investors or consumers to ensure compliance with the requirements of the Public Utility Holding Company Act of 1935, or any rules, regulations or orders promulgated thereunder.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 45-17961; Filed, Sept. 26, 1945; 2:31 p. m.]

[File Nos. 54-97, 59-73, 59-38, 70-1110]

UNITED PUBLIC UTILITIES CORP., ET AL.

NOTICE OF FILING AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa., on the 25th day of September, A. D. 1945.

In the matter of United Public Utilities Corporation, Applicant, File No. 54-97; United Public Utilities Corporation and its subsidiary companies, Respondents, File No. 59-73; United Public Utilities Corporation and its subsidiary companies, Respondents, File No. 59-38; United Public Utilities Corporation, File No. 70-1110.

Notice is hereby given that an application or declaration has been filed with this Commission by United Public Utilities Corporation ("UPU"), a registered holding company, pursuant to the applicable provisions of the Public Utility Holding Company Act of 1935 and the General Rules and Regulations of the Commission thereunder.

All interested parties are referred to said document, which is on file at the offices of this Commission, for a statement of the transactions therein which are summarized as follows:

1. UPU proposes to sell to Montana-Dakota Utilities Co. ("Montana-Dakota") its investment in Dakota Public Service Company ("Dakota Public") and Knife River Coal Mining Company ("Knife River") subsidiaries of UPU consisting of the following securities at the prices stated:

(a) All of the outstanding securities of Dakota Public consisting of $1,000,000 principal amount of 6% First and Refunding Mortgage Bonds, due October 1, 1946, a 6% note in the principal amount of $2,500,000 due July 1, 1949, a 6% Income note in the principal amount of $1,335,794, due July 1, 1949 and 8,370 shares of common stock without par value for the sum of $6,521,060.74 plus an amount equal to the net income of Dakota Public for the period from April 30, 1945 to and including the date of closing.

(b) All of the outstanding securities of Knife River consisting of a 6% note in the principal amount of $205,740.17 due January 1, 1945, and 673 shares of common stock of $100 par value per share for the sum of $547,461.57 plus an amount equal to the net income of Knife River for the period from April 30, 1945 to and including the date of closing.

2. UPU proposes to use $3,750,000 of the proceeds from the foregoing transactions to prepay its 2% note in the principal amount of $3,750,000, due June 30, 1950, which note was issued on June 30, 1945 under a loan agreement with Bankers Trust Company (New York). UPU states that the use of the balance of the proceeds from the foregoing sales will be the subject of a separate application in connection with the section 11 (b) (2) proceedings now pending before this Commission with respect to UPU.

The applicant-declarant states that the purpose of the proposed sale of its investment in Dakota Public and Knife River is to effectuate compliance with section 11 (b) (1) of the act.

The applicant-declarant has designated sections 11 (b) (1), 12 (c) and 12 (d) and Rules U-42 and U-50 as being applicable to the proposed transactions.

UPU requests that the Commission issue an order exempting the proposed sales of the securities of Knife River and Dakota Public from the competitive bidding requirements of Rule U-50 pursuant to paragraph (a) (5) thereof.

The Commission is also requested to issue an order containing the appropriate recitals and specifications described in sections 371 (b), 371 (c), 371 (f), and 1808 (f) of the Internal Revenue Code, as amended.

It appearing to the Commission that it is appropriate in the public interest and in the interest of investors and consumers that a hearing be held in respect of such matters; and that said declaration shall not become effective nor said application be granted except pursuant to further order of the Commission:

It further appearing that proceedings have heretofore been instituted with respect to UPU and its subsidiaries under sections 11 (b) (1) (File No. 59-38) and 11 (b) (2), 15 (f) and 20 (a) (File No. 59-73) and with respect to a certain Plan filed by UPU pursuant to section 11 (e) of the act (File No. 54-97), which proceedings have heretofore been consolidated, and that public hearings have been held in such consolidated proceedings and have been adjourned subject to the call of the Trial Examiner;

It further appearing that it is appropriate that the hearings in the consolidated proceedings be reconvened, and that the issues presented by said consolidated proceedings and by the present declaration or application with respect to the sale by UPU of its interest in Dakota Public and Knife River involve common questions of law and fact and should be heard together:

It is hereby ordered, That the proceedings on the application or declaration of UPU be consolidated with the proceedings under sections 11 (b) (1), 11 (b) (2), 15 (f), 20 (a) and 11 (e) of the act, and that a hearing be held on such matters on October 9, 1945 at 10:30 a. m., e. w. t. at the offices of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia, Pennsylvania. On such date the hearing room clerk in Room 318 will advise as to the room in which such hearing will be held. All persons desiring to be heard or otherwise wishing to participate in the proceedings should notify the Commission in the manner provided by Rule XVII of the rules of practice on or before October 6, 1945.

It is further ordered, That Willis E. Monty, or any other officer or officers of the Commission designated by it for that purpose shall preside at such hearing. The officer so designated to preside at such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said act and to a trial examiner under the Commission's rules of practice.

It is further ordered, That without limiting the scope of the issues involved in these proceedings, particular attention will be directed at the hearing to a consideration of the following matters and questions:

1. Whether competitive conditions have been maintained in the negotiation of the proposed sale of the securities of Dakota Public and Knife River and whether the proposed consideration to be received for such securities is reasonable.

2. Whether the fees, commissions or other remuneration to be paid in connection with the proposed sales of securities are for necessary services and are reasonable in amount.

3. Whether the proposed sale of the securities of Dakota Public and Knife River should be exempt from the competitive bidding requirements of Rule U-50.

4. Whether the proposed accounting entries on the books of UPU are appropriate and in conformity with the requirements of the Act.

5. What terms and conditions, if any, with respect to the proposed transactions should be prescribed in the public interest or for the protection of investors or consumers.

6. Generally, whether in any respect, the proposed transactions are detrimental to the public interest or the interest of investors or consumers or will tend to contravene or circumvent any provisions of the act or the rules, regulations or orders promulgated thereunder.

7. What order or orders, if any, should be entered in the proceedings heretofore instituted pursuant to sections 11 (b) (1), 11 (b) (2), 15 (f) and 20 (a) of the act to require UPU and its subsidiaries to take such steps as the Commission shall find necessary to comply with the provisions of said sections.

At the outset of said hearing, consideration will be given to the issues with respect to the sale by UPU of its investment in Dakota Public and Knife River.

It is further ordered, That the Secretary of the Commission shall serve notice of said hearing by mailing a copy of this order by registered mail to UPU and its various subsidiaries, to Montana-Dakota, the prospective buyer, the Public Service Commissions of North Dakota, Indiana and Wyoming, the Public Utilities Commissions of the States of Ohio and South Dakota, the Railroad & Warehouse Commission of Minnesota, the Board of Railroad Commissioners of Montana, and to the Federal Power Commission; that notice shall be given to all other persons by general release of this Commission, which shall be distributed to the press and mailed to the mailing list for releases under the Act; and that further notice be given to all persons by publication of this order in the FEDERAL REGISTER.

It is further ordered, That UPU shall mail a copy of this notice and order at least ten days prior to October 9, 1945 to each of its stockholders of record as of a date not earlier than August 1, 1945 at his recorded address.

It is further ordered, That jurisdiction be and hereby is reserved to separate, either for hearing, in whole or in part, or for disposition, in whole or in part, any of the issues which may arise in the proceedings instituted by this order and the proceedings heretofore instituted under sections 11 (b) (1), 11 (b) (2), 15 (f), 20 (a) and 11 (e) of the act.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 45-18059; Filed, Sept. 27, 1945; 11:50 a. m.]

[File No. 7-827]

UNITED LIGHT AND RAILWAYS CO.

ORDER SETTING HEARING ON APPLICATION TO EXTEND UNLISTED TRADING PRIVILEGES AND DIRECTING CONSOLIDATION

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 26th day of September, A. D., 1945.

In the matter of application by the Chicago Stock Exchange to extend unlisted trading privileges to the United Light and Railways Company, Common Stock, $7.00 par value; File No. 7-827.

The Chicago Stock Exchange, pursuant to section 12 (f) (3) of the Securities Exchange Act of 1934, and Rule X-12F-1 promulgated thereunder, having made application to the Commission to extend unlisted trading privileges to the above-mentioned security;

The Commission deeming it necessary for the protection of investors that a hearing be held in this matter at which all interested persons be given an opportunity to be heard;

It is ordered, That the matter be set down for hearing at 11:00 a. m., on Tues-

day, October 9, 1945, at the office of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia, Pennsylvania; and

It is further ordered, That this proceeding be consolidated with the proceeding entitled In the Matter of Application by the New York Curb Exchange to Extend Unlisted Trading Privileges to The United Light and Railways Company Common Stock, $7.00 Par Value, File No. 7-809, heretofore scheduled to be heard at the same time and place, before William W. Swift, an officer of the Commission, designated by it to preside at such hearing.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 45-18060, Filed, Sept. 27, 1945; 11:50 a. m.]

[File Nos. 70-986, 70-1128]

NEW ENGLAND PUBLIC SERVICE CO. ET AL.

ORDER PERMITTING DECLARATION TO BECOME EFFECTIVE AND GRANTING APPLICATION

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa., on the 25th day of September 1945.

In the matter of New England Public Service Company, File No. 70-986; and Charles R. Prichard, Jr., Alexander Macomber, John West, File No. 70-1128.

New England Public Service Company, a registered holding company, having filed a declaration pursuant to section 12 (d) of the Public Utility Holding Company Act of 1935, proposing that Public Service Company of New Hampshire, its subsidiary, sell to Charles R. Prichard, Jr., and others, or their nominee, such subsidiary's entire gas business, including all of its franchises, works and system used in the manufacture, transmission and distribution of artificial gas, real estate and personal properties used by it in said gas business, and certain current assets, for the proposed consideration of $200,000 in cash plus certain adjustments to the closing date; and

Charles R. Prichard, Jr., Alexander Macomber and John West having filed an application pursuant to sections 9 (a) (2) and 10 of said act with respect to the proposed acquisition of 2,000 shares (out of a total of 4,000 shares to be issued) at the par value of $25 per share of the capital stock of Gas Service, Inc. formed by the applicants for the purpose of acquiring the said gas properties and business proposed to be sold by Public Service Company of New Hampshire; and

The proceedings relating to the above-described transaction having been ordered consolidated; and

A public hearing having been held on such matters after appropriate notice, the Commission having considered the record, and having filed its findings and opinion:

It is ordered, That the aforesaid declaration of New England Public Service Company, pursuant to the provisions of section 12 (d), be, and hereby is, permitted to become effective, subject, however, to the terms and conditions in Rule U-24.

It is further ordered, That the aforesaid application filed by Charles R. Prichard, Jr., Alexander Macomber and John West, pursuant to the provisions of sections 9 (a) (2) and 10, be, and hereby is, granted, subject to the terms and conditions in Rule U-24.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 45-18062; Filed, Sept. 27, 1945; 11:51 a. m.]

[File No. 70-1133]

MEMPHIS STREET RAILWAY CO.

SUPPLEMENTAL ORDER RELEASING JURISDICTION AND GRANTING APPLICATION

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 25th day of September, A. D., 1945.

The Memphis Street Railway Company ("Railway"), a non-utility subsidiary of Memphis Generating Company, a subsidiary of National Power & Light Company, which in turn is a registered holding company subsidiary of Electric Bond and Share Company, also a registered holding company, having filed an application and amendments thereto pursuant to section 6 (b) of the Public Utility Holding Company Act of 1935 for exemption from the provisions of sections 6 (a) and 7 of the act of the issue and sale, in accordance with Rule U-50 promulgated under said act, of $3,500,000 aggregate principal amount of First Mortgage Serial Bonds to mature in equal annual amounts of $175,000 on October 1 of each year from 1946 to 1965, inclusive; and

The Commission having, by order dated September 14, 1945, granted said application as amended, except as to the prices to be paid for such bonds, their redemption prices, the interest rates thereon, the underwriters' spread and its allocation, and all legal fees to be paid in connection with the proposed transactions, as to which matters jurisdiction was reserved; and

Railway having filed a further amendment to the application stating that in accordance with the permission granted by the said order of the Commission dated September 14, 1945, it offered said bonds for sale pursuant to the competitive bidding requirements of Rule U-50 and received certain bids described below, and it being stated that the overall price and the percentage of principal amount offered to be paid to Railway by each of the bidders and the average annual cost of money to the company computed on the basis of such overall prices and the interest rates specified for each of the 20 series are as follows:

Bidder	Price to the company [1]	Percent of principal amount	Average annual cost of money to the company
			Percent
Equitable Securities Corp.	$3,521,000	100.60	3.920
Fidder, Peabody & Co.	3,500,720	100.006	4.1707

[1] Exclusive of accrued interest.

It being further stated that The Memphis Street Railway Company has accepted the bid of Equitable Securities Corporation as representative of and on behalf of a group of underwriters, that the interest rate specified by Equitable Securities Corporation, for each of the 20 series is 4% and that the proposed offering prices to the public and the approximate yield to maturity to the public are as follows:

Series	Offering Price [1] of par	Approx. yield to maturity
	Percent	*Percent*
1946	101.97	
1947	102.51	
1948	103.28	
1949	104.14	
1950	105.0	
1951	104.84	
1952	104.44	
1953	104.17	
1954	104.85	
1955	104.91	
1956	104.60	
1957	102.46	
1958	102.04	
1959	101.61	
1960	101.18	
1961	100.76	
1962	100.33	
1963	100.00	
1964	100.00	
1965	100.00	

It being further stated that the aggregate of the various offering prices to the public amounts to $3,581,917.50, resulting in a difference between the overall price to the company and the offering price to the public of $60,917.50 which represents an average spread of 1.73%; and

The Commission having examined said amendment and having considered the record herein and finding no basis for imposing terms or conditions with respect to the prices to be paid for said bonds, their redemption prices, the interest rates thereon, the underwriters' spread and its allocation or any of the legal fees to be paid in connection with the proposed transactions;

It is ordered, That jurisdiction heretofore reserved over the prices to be paid for said bonds, their redemption prices, the interest rates thereon, the underwriters' spread and its allocation and all legal fees to be paid in connection with the proposed transactions be, and the same hereby is, released and that the said application as further amended be, and the same hereby is, granted, subject, however, to the terms and conditions prescribed in Rule U-24.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 45-18061; Filed, Sept. 27, 1945; 11:51 a. m.]

[File No. 70-1144]

UNITED GAS CORP. AND UNITED GAS PIPE LINE CO.

NOTICE OF FILING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 25th day of September, A. D., 1945.

Notice is hereby given that a joint application and declaration has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by United Gas Pipe Line Company ("Pipe Line"), and its parent, United Gas Corporation ("United"), a subsidiary of Electric Power and Light Corporation, a registered holding company which in turn is a subsidiary of Electric Bond and Share Company, also a registered holding company.

Notice is further given that any interested person may, not later than the first day of October, 1945, at 5:30 p. m., e. w. t., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request and the nature of his interest, or may request that he be notified if the Commission should order a hearing thereon. At any time thereafter, such joint application and declaration, as filed or as amended, may be approved or may be permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under said act, or the Commission may exempt such transactions as provided in Rule U-20 (a) and Rule U-100 thereof. Any such request should be addressed: Secretary, Securities and Exchange Commission, 18th and Locust Streets, Philadelphia 3, Pennsylvania.

All interested persons are referred to said joint application and declaration, which is on file in the office of this Commission, for a statement of the transactions therein proposed, which are summarized as follows:

Pipe Line, a wholly-owned subsidiary of United, and United have entered into a sale and purchase agreement which provides, among other things, that Pipe Line sell to United all its natural gas transmission facilities located within the corporate limits of the City of Houston, Texas, except a small part of one of Pipe Line's 16" main transmission lines, for a cash purchase price of $251,746 plus the cost of all capital expenditures made by Pipe Line from July 31, 1945 to date of transfer in connection with the facilities to be sold. The filing states that the purchase price is based upon the construction cost of the properties proposed to be sold minus the proportion of Pipe Line's retirement reserve allocated thereto.

Among the reasons given for the desirability of effecting the proposed transactions are that Pipe Line at the present time owns and operates gas lines and facilities within the City of Houston for which it does not have a franchise; that Pipe Line has been advised that with respect to such lines and facilities it must either obtain such franchise from the city or discontinue its operations within the city; and that United and Pipe Line believe it is more properly the responsibility of United, which presently has a franchise to operate in Houston and is engaged in the retail distribution of gas in that city, to own and operate the facilities proposed to be sold to it.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 45-18063, Filed, Sept. 27, 1945; 11:51 a. m.]

[File No. 70-1136]

SPOKANE UNITED RAILWAYS

ORDER GRANTING APPLICATION AND PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 25th day of September A. D. 1945.

Spokane United Railways ("Spokane"), a wholly-owned subsidiary of The Washington Water Power Company ("Washington"), having filed an application and declaration pursuant to the Public Utility Holding Company Act of 1935 and the rules and regulations promulgated thereunder, relating to a proposal by Spokane to pay to Washington, as an initial step in the liquidation of Spokane, the sum of $900,000 on account of Spokane's First and General Mortgage Ten-Year Gold Bonds outstanding in the principal amount of $1,942,000 and thereafter to take further steps to complete Spokane's liquidation; and

Said application and declaration having been filed on the 28th day of August, 1945, and a notice of said filing having been issued on the 10th day of September, 1945, and notice of said filing having been duly given in the form and manner prescribed by Rule U-23 promulgated pursuant to said act, and the Commission not having received a request for a hearing with respect to said joint application and declaration within the period specified in said notice or otherwise, and not having ordered a hearing thereon; and

The Commission finding that the proposed transactions are not in contravention of the act or any rules or regulations promulgated thereunder, that the proposed transactions satisfy the requirements of section 12 (c) of the act and of the rules thereunder in so far as they are applicable, and that it is appropriate in the public interest and in the interest of investors and consumers that said application be granted and said declaration be permitted to become effective:

It is hereby ordered, Pursuant to said Rule U-23 and the applicable provisions of said act and subject to the terms and conditions prescribed in Rule U-24 that the aforesaid application be, and the same hereby is, granted, and that the aforesaid declaration be, and the same hereby is, permitted to become effective forthwith.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 45-18064; Filed, Sept. 27, 1945; 11:52 a. m.]

WAR PRODUCTION BOARD

[Certificate 191, Revocation]

FORMULATION OF JOINT ACTION PLAN BY TRANSPORTERS OF PETROLEUM OR OTHER LIQUID PRODUCTS

The ATTORNEY GENERAL.

Pursuant to section 12 of Public Law No. 603, 77th Congress (56 Stat. 357), I hereby withdraw the certificate and finding dated January 10, 1944, with respect to a recommendation of the Director of the Office of Defense Transportation concerning the formulation of certain joint action plans by persons who transport petroleum or other liquid products to wholesale or retail distributors, to private and commercial consumers, or to the armed forces of the United States.

Dated: September 20, 1945.

J. A. KRUG, *Chairman.*

[F. R. Doc. 45-18011; Filed, Sept. 27, 1945; 11:28 a. m.]

FEDERAL REGISTER

VOLUME 10 NUMBER 192

Washington, Saturday, September 29, 1945

The President

EXECUTIVE ORDER 9630

REDISTRIBUTION OF FOREIGN ECONOMIC FUNCTIONS AND FUNCTIONS WITH RESPECT TO SURPLUS PROPERTY IN FOREIGN AREAS

By virtue of the authority vested in me by the Constitution and Statutes, including Title I of the First War Powers Act, 1941, and as President of the United States, and Commander in Chief of the Army and the Navy, it is hereby ordered as follows:

PART I

1. The Foreign Economic Administration established by Executive Order No. 9380 of September 25, 1943, hereinafter referred to as the Administration, and its agencies except as otherwise provided in this order, and the office of the Administrator of the Foreign Economic Administration, are terminated and disposition shall be made of the affairs thereof according to the provisions of this Part.

2. There are transferred to the Department of State all functions of the Administration and of its agencies with respect to:

(a) The administration of the Act of March 11, 1941, as amended, entitled "An Act further to promote the defense of the United States and for other purposes."

(b) The participation by the United States in the United Nations Relief and Rehabilitation Administration, as defined in Executive Order No. 9453 of July 6 1944.

(c) Activities in liberated areas with respect to supplying the requirements of and procuring materials in such areas under paragraph 4 of the said Executive Order No. 9380.

(d) The gathering, analysis, and reporting of economic and commercial information, insofar as such functions are performed abroad.

(e) The planning of measures for the control of occupied territories.

(f) The administration of Allocation No. 42.3-98 of February 1, 1943 from the appropriation, "Emergency Fund for the President, National Defense, 1942 and 1943."

3. There are transferred to the Reconstruction Finance Corporation:

(a) The Rubber Development Corporation, the Petroleum Reserves Corporation, and the U. S. Commercial Company and their functions, capital stock, assets, and liabilities. The board of directors of the Reconstruction Finance Corporation may reconstitute the boards of directors of the said transferred corporations.

(b) The functions of the Administration (including those of the U. S. Commercial Company) with respect to the procurement of commodities abroad, excluding such functions transferred to the Department of Agriculture under paragraph 5 of this Part.

4. There are transferred to the Department of Commerce all functions of the Administration and its agencies with respect to:

(a) Export control, including all functions of the Administration under section 6 of the Act of July 2, 1940 (54 Stat. 714), as amended and extended.

(b) The Technical Industrial Intelligence Committee (under existing directive of the United States Joint Chiefs of Staff).

(c) The facilitation of trade, including functions affecting foreign trade and domestic commerce and the functions of the Clearing Office for Foreign Transactions and Reports, except as any of the aforesaid functions are otherwise transferred by this Part.

(d) Any other matter not transferred by this Part, including the final liquidation of the Administration and winding up of such of its affairs as are not otherwise transferred by this order.

5. There are transferred to the Department of Agriculture the functions of the Office of Foreign Food Programs and all other functions of the Administration with respect to food (as defined in paragraph 10 of Executive Order No. 9280 of December 5, 1942), food machinery, and other food facilities.

6. There are transferred to the heads of the agencies to which functions are transferred by this Part the respective functions of the Administrator of the Foreign Economic Administration, hereafter referred to as the Administrator,

(Continued on p. 12247)

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NOTICE

1944 Supplement

Book 1 of the 1944 Supplement to the Code of Federal Regulations, containing Titles 1–10, including Presidential documents in full text, is now available from the Superintendent of Documents, Government Printing Office, at $3.00 per copy.

A limited sales stock of the Cumulative Supplement and the 1943 Supplement is still available as previously announced.

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[1] Appears under Treasury Department in Notices section.

which relate to the functions so transferred to the aforesaid agencies.

PART II

7. For the purpose of unifying the disposition of foreign property owned by the United States in foreign areas under a single agency acting in conformity with the foreign policy of the United States and with the Surplus Property Act of 1944, and consonant with the transfer of such disposition function under paragraph 2 (a) hereof and the designation of the Department of State, pursuant to the provisions of the Surplus Property Act of 1944, as a disposal agency for all surplus property in foreign areas, excepting certain vessels, there are transferred to the Department of State all functions of the Army-Navy Liquidation Commissioner (under whatever authority, including War Department Memorandum No. 850–45, dated January 27, 1945 and letter of the Secretary of the Navy dated February 1, 1945) and all functions of the War Department and the Navy Department relating to the disposition abroad of property captured from the enemy. So much of the functions of the Secretary of War and the Secretary of the Navy as relates thereto is transferred to the Secretary of State. The office of Army-Navy Liquidation Commissioner is abolished.

8. The War Department and the Navy Department shall each store, care for, handle, deliver and keep the fiscal and other accounts for all property declared to be surplus in foreign areas, including property captured from the enemy, and shall also furnish such personnel, transportation and administrative services or facilities as may be required for foreign disposal. The provisions of this paragraph shall be carried out without reimbursement from the Department of State for the services rendered. As used in this order, the words "foreign areas" mean areas outside the continental United States, its territories and possessions.

9. The Secretary of War and the Secretary of the Navy are authorized to detail officers and enlisted persons of the military and naval establishments, respectively, to the Department of State to assist it in the discharge of its duties under this Part or of any duties delegated to it under the Surplus Property Act of 1944, and any such officer or enlisted person shall, while so detailed, retain and be entitled to the rights, benefits, promotions and status of an officer or enlisted person of the establishment from which he was detailed.

PART III

10. There are transferred to the respective agencies to which functions are transferred by this order, for use in connection with the functions so transferred, so much as the Director of the Bureau of the Budget shall determine to relate to such functions, respectively, of the records, property, civilian personnel, and funds of the Administration and its agencies (including funds appropriated to the President for carrying out functions administered by the Administration) and of the War Department and of the Navy Department. Such further measures and dispositions as may be determined by the Director of the Bureau of the Budget to be necessary to effectuate the transfers and abolitions provided for in this order shall be carried out in such manner as the Director may direct and by such agencies as he may designate.

11. The head of each agency to which functions are transferred by this order may, in the interest of efficient administration, assign such of the functions transferred to such head or to his agency by this order as he shall determine to such officers and agencies under his jurisdiction as he shall designate.

12. All prior regulations, rulings, and other directives relating to any function transferred by this order shall remain in effect except as they are in conflict with this order or are hereafter amended or revoked under proper authority.

13. All provisions of prior Executive orders and of prior instruments of any Federal agency in conflict with this order are amended accordingly. Each transfer of functions provided for in this order shall be effective on such date, not later than December 31, 1945, as shall be designated jointly by the Director of the Bureau of the Budget and the head of the agency to which the function is transferred. Pending such designations the officers and agencies from whom functions are transferred under this order shall continue to administer their respective functions.

HARRY S. TRUMAN

THE WHITE HOUSE,
September 29, 1945.

[F. R. Doc. 45-18082; Filed, Sept. 27, 1945; 3:45 p. m.]

Regulations

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 18—WAR SERVICE REGULATIONS

APPOINTMENT, REAPPOINTMENT, AND TRANSFER

1. In § 18.5 (9 F.R. 7238, 7351; 10 F.R. 2155, 2491, 7153), the last sentence of paragraph (c) is amended as follows:

§ 18.5 *Appointment.* * * *

(c) *Trial period.* * * * In the case of substitutes and charmen and charwomen in the Postal Service, the trial period will be 2,024 hours of active duty.

2. The title of § 18.8 (9 F.R. 7239) is designated as *Reappointment* and paragraph (a) is headed *Reappointment of persons granted preference.* Paragraph (c) is amended to read as follows:

§ 18.8 *Reappointment.* * * *

(c) *Trial period.* Persons reappointed under this section will be required to serve a trial period of one year in accordance with § 18.5 (c). In the case of substitutes and charmen and charwomen in the Postal Service, the trial period will be 2,024 hours of active duty.

3. In § 18.9 (9 F.R. 7239, 7351, 15135; 10 F.R. 2155, 7519, 9295) paragraph (j) is amended as follows:

§ 18.9 *Transfer.* * * *

(j) *Trial period.* Persons transferred under authority of the regulations of this part from one Federal agency to another, will be required to serve a trial period of one year in accordance with § 18.5 (c). In the case of substitutes and charmen and charwomen in the Postal Service, the trial period will be 2,024 hours of active duty.

(Pub. Law 134, 79th Cong., E.O. 9063, as amended by E.O. 9378, 8 F.R. 13037)

By the United States Civil Service Commission.

[SEAL] LUCILLE FOSTER MCMILLIN,
Acting President.

SEPTEMBER 27, 1945.

[F. R. Doc. 45-18092; Filed, Sept. 27, 1945; 10:12 a. m.]

PART 19—CLASSIFICATION OF POSITIONS

By virtue of the rescision of War Manpower Directive XII, (10 F.R. 11417) entitled "Classification of Field Positions in Federal Service", issued September 24, 1942 (7 F.R. 7650), the regulations previously prescribed under this part by the Commission (5 CFR, Cum. Supp. and 1944 Supp.) pursuant to the authority contained in this directive, are hereby revoked.

By the United States Civil Service Commission.

[SEAL] LUCILLE FOSTER MCMILLIN,
Acting President.

SEPTEMBER 27, 1945.

[F. R. Doc. 45-18093; Filed, Sept. 28, 1945; 10:12 a. m.]

TITLE 6—AGRICULTURAL CREDIT

Chapter II—Production and Marketing Administration

[1945 C. C. C. Cotton Form U-1]

PART 256—COTTON LOANS

1945 COTTON PURCHASE INSTRUCTIONS

Pursuant to the 1945 Cotton Purchase Program, Commodity Credit Corporation will purchase from producers upland cotton produced in 1945. These instructions state the requirements with reference to such purchases.

Sec.
256.66 Definitions.
256.67 Forms.
256.68 Amount.
256.69 Classification of cotton.
256.70 Preparation of documents.
256.71 Approved warehouses.
256.72 Warehouse receipts.
256.73 Warehouse charges.
256.74 Insurance.
256.75 Liens.
256.76 Manner of payment to producers.
256.77 Purchasing agency.

AUTHORITY: §§ 256.66 to 256.77, inclusive, are issued under the authority contained in section 3 of the Stabilization Act of 1942, as amended (50 U. S. C. App. 963 (Supp. IV)).

§ 256.66 *Definitions.* As used in §§ 256.66 to 256.77, inclusive, unless the context otherwise requires, the following terms will be construed respectively to mean:

(a) *Eligible producer.* An eligible producer shall be any person (individual, partnership, firm, corporation, association, joint-stock company, trust, estate, or other legal entity, or a State or a political subdivision thereof, or an agency of such State or political subdivision) producing cotton in 1945 in the capacity of landowner, landlord, tenant, or sharecropper. Except as provided below, two or more producers may not sell their cotton jointly. If the eligible cotton produced on a farm has been divided among the producers entitled to share in such cotton, each landlord, tenant, and sharecropper may sell his separate share. If the cotton has not been divided, the landlord and one or more of the share tenants or sharecroppers may sell their shares of cotton jointly. In no case shall a share tenant or sharecropper sell individually cotton in which a landlord has an interest. In any case where a landlord sells cotton in which a share tenant or sharecropper has an interest he must have the legal right to do so, and the share tenant or sharecropper must be paid his pro rata share of the proceeds.

The executor or administrator of the estate of a deceased eligible producer, or the guardian of or trustee for an eligible producer, may sell eligible cotton produced by such producer to Commodity Credit Corporation, if he has the legal right to do so.

The heirs who under State law, in the absence of a will, succeed to the property of a deceased eligible producer and, if there is a will, the beneficiaries under the will who are to receive the cotton or any part of the proceeds therefrom, may sell eligible cotton produced by such producer to Commodity Credit Corporation, if no administrator or executor has qualified. All such persons and beneficiaries must join in executing the sales documents. Each such person and beneficiary must also execute an agreement to indemnify Commodity Credit Corporation, and also the Purchasing Agency if it makes the purchase for Commodity Credit Corporation, against any loss resulting from the establishment by any other person of a superior right to the cotton. The indemnity agreement must be submitted with the sales documents. Copies of this agreement may be obtained from the Regional Office of Commodity Credit Corporation, New Orleans 12, Louisiana.

Sales documents tendered pursuant to the last two paragraphs above must bear a written certificate of approval executed by the appropriate county agricultural conservation committee. Such sales documents may be submitted to the Regional Office of Commodity Credit Corporation, New Orleans 12, Louisiana, or to a Purchasing Agency, and Commodity Credit Corporation will accept such documents from Purchasing Agents under its 1945 Cotton Purchasing Agency Agreements.

(b) *Eligible cotton.* Eligible cotton shall be upland cotton produced in the United States in 1945 by an eligible producer, as defined above: *Provided*, Such cotton meets the following requirements:

(1) Such cotton must be of a grade and staple specified in the table appearing at the end of the 1945 Cotton Loan Instructions (1945 C. C. C. Cotton Form 1).

(2) Such cotton must be represented by warehouse receipts complying with the provisions of § 256.72 hereof.

(3) Such cotton must not be compressed to high density.

(4) Such cotton must be free and clear of all liens and encumbrances.

(5) Such cotton must be offered for sale by a person who has the legal right to sell it.

(6) If the person producing such cotton for sale is a landlord or landowner, the cotton must not have been acquired by him directly or indirectly from a share tenant or a sharecropper, and must not have been received in payment of fixed or standing rent; if it was produced by him in the capacity of landlord, share tenant, or sharecropper, it must be his separate share of the crop unless he is a landlord and is tendering cotton in which both he and the share tenant or sharecropper have an interest; and he must not have sold and repurchased the cotton prior to the execution of the 1945 Cotton Producer's Sales Agreement (1945 C. C. C. Cotton Form UA).

(7) Such cotton must be in bales weighing not less than 300 pounds, gross weight.

(8) Such cotton must be undamaged at time of purchase.

(c) *Purchasing agency.* Any agency approved by Commodity Credit Corporation for the purpose of acting as its agent in purchasing cotton pursuant to the 1945 Cotton Purchase Program in accordance with these instructions and the Cotton Purchasing Agency Agreement (1945 C. C. C. Cotton Form UD) entered into between such agency and Commodity Credit Corporation.

§ 256.67 *Forms.* The following documents must be delivered in connection with every sale:

(a) (1) A 1945 Cotton Producer's Sales Agreement (1945 C. C. C. Cotton Form UA), duly executed prior to July 1, 1946.

(2) Warehouse receipts complying with the provisions of § 256.72 hereof.

(3) A Cotton Purchasing Agency's Letter of Transmittal (1945 C. C. C. Cotton Form UC), except in case of direct purchases.

(b) If the cotton being tendered is under a 1945 Cotton Producer's Note and Loan Agreement, the following forms may be delivered in lieu of the forms specified in (a) above:

(1) A 1945 Cotton Producer's Transfer Agreement (1945 C. C. C. Cotton Form UR) duly executed prior to July 1, 1946.

(2) The producer's duplicate copy of 1945 Cotton Producer's Note and Loan Agreement.

§ 256.68 *Amount.* The purchase price per pound which will be paid for the gross weight of middling $^{15}/_{16}$ inch eligible cotton stored in approved warehouses is shown in the Schedule of Purchase Prices for 1945 Crop Cotton in the Instructions to Warehousemen issued by Commodity Credit Corporation for each warehouse location. Grade and staple premiums and discounts for qualities other than middling $^{15}/_{16}$ inch cotton shall be those in effect under the 1945 Cotton Loan Program. These premiums and discounts are shown in the table appearing at the end of the 1945 Cotton Loan Instructions. Purchases will not be made of grades and staple lengths of cotton not shown in the schedule.

An allowance of 20 cents per 100 pounds in Arizona and California and 15 cents per 100 pounds in all other States will be made for cotton outside the zoned area when compressed to standard density. No cotton will be purchased which has been compressed to high density. An allowance of 7 pounds will also be made on bales covered with cotton bagging. Bales weighing between 300 and 400 pounds will be purchased at the regular purchase price less $1.25 for each such bale.

§ 256.69 *Classification of cotton.* All cotton must be classified by a Board of Cotton Examiners of the United States Department of Agriculture. Instructions will be issued to approved warehouses concerning sampling and forwarding of samples and recording the class of the cotton in the schedule of warehouse receipts in the 1945 Cotton Producer's Sales Agreement and in the 1945 Cotton Producer's Transfer Agreement. The classification of any cotton previously classed by a Board of Cotton Examiners for the loan program may be used by transcribing such classification from the loan to purchase forms. A charge of 15 cents per bale will be made for cotton classed under the program. The warehouseman should collect this charge from the producer. The Board of Cotton Examiners will make collections for classing charges from the warehouseman at the end of each month. Form 1 Classification Memorandum of the United States Department of Agriculture will also be accepted as evidence of the class of cotton provided the sample is a representative cut sample drawn by an approved warehouseman, United States Department of Agriculture employee, or a bonded sampler.

§ 256.70 *Preparation of documents.* A producer desiring to sell his cotton to Commodity Credit Corporation may obtain the necessary forms from an approved cotton warehouse, a purchasing agency, or the county office of the Agricultural Adjustment Agency. The warehouseman who has issued the warehouse receipts representing the cotton will fill in all except the last two columns of the Schedule of Warehouse Receipts in the 1945 Cotton Producer's Sales Agreement. He will also execute the Warehouseman's Certificate and Storage Agreement. In the case of purchases through a purchasing agency, the purchasing agency will then determine the amount due the producer on the basis of the Schedule of Purchase Prices for 1945 Crop Cotton and will complete the Schedule of Warehouse Receipts. It will also assist the producer in completing the remainder of the sales agreement. In the case of direct purchases under the 1945 Cotton Producer's Sales Agreement by Commodity Credit Corporation, after the warehouseman has executed the Warehouseman's Certificate and Storage Agreement the county agricultural conservation committee will complete the Schedule of Warehouse Receipts and assist the producer in completing the remainder of the sales agreement.

If the cotton being tendered for purchase is held under Form A loan (1945 Cotton Producer's Note and Loan Agreement), the producer may, in lieu of redeeming the cotton and tendering it under the forms prescribed in § 256.67 (a) hereof, execute a 1945 Cotton Producer's Transfer Agreement, attach his duplicate copy of the Form A or, if such duplicate copy of the Form A is not available, a Form AA (Cotton Producer's Equity Transfer Agreement) executed by the Federal Reserve bank covering such cotton, and present these documents to the warehouseman in whose warehouse the cotton is stored. The warehouseman will execute the Warehouseman's Certificate and Storage Agreement, in the 1945 Cotton Producer's Transfer Agreement, and the documents should be transmitted to the Federal Reserve bank serving the district in which the cotton is stored. Producers will not be permitted to tender under a transfer agreement cotton held under a Form A loan if any bale of such cotton is damaged and has to be reconditioned. After such cotton has been reconditioned by the warehouseman, it may be tendered on the reconditioned weights to the Corporation under a 1945 Cotton Producer's Sales Agreement. All farm-stored loan cotton must be redeemed from the loan and tendered under a 1945 Cotton Producer's Sales Agreement.

§ 256.71 *Approved warehouses.* Cotton to be eligible for purchase must be stored in warehouses approved by Commodity Credit Corporation. When warehouses are approved, notification will be given to the approved purchasing agencies. Complete instructions will be issued to warehousemen, at the time of approval, for their guidance in completing the Schedule of Warehouse Receipts in the 1945 Cotton Producers' Sales Agreement.

§ 256.72 *Warehouse receipts.* Only negotiable warehouse receipts issued by an approved warehouse, dated on or prior to the date of the 1945 Cotton Producer's Sales Agreement, and properly assigned by an endorsement in blank so as to vest title in the holders, or issued to bearer, will be acceptable. They must set out in their written or printed terms a description by tag number and gross weight of the bale represented thereby and all other facts and statements required to be stated in the written or printed terms of a warehouse receipt under the provisions of section 2 of the Uniform Warehouse Receipts Act. Block warehouse receipts will not be accepted.

§ 256.73 *Warehouse charges.* All warehouse charges must be paid by the producer to the close of the month during which the Warehouseman's Certificate and Storage Agreement in the 1945 Cotton Producer's Sales Agreement or the 1945 Cotton Producer's Transfer Agreement is executed. Warehouse charges thereafter will be in accordance with the Warehouseman's Certificate and Storage Agreement.

§ 256.74 *Insurance.* Under the terms of the Warehouseman's Certificate and Storage Agreement, the warehouseman is not required to insure the cotton against loss from fire after the date of execution of the certificate and storage agreement. Consequently, if the producer does not sell the cotton to Commodity Credit Corporation within 10 days after the certificate and storage agreement has been executed, the producer, if he desires to have the cotton insured against fire, will have to arrange for such insurance.

§ 256.75 *Liens.* Eligible cotton must be free and clear of all liens. The names of the holders of all existing liens on cotton tendered for sale, such as landlords, laborers, and mortgagees, must be listed in the List of Lienholders in the 1945 Cotton Producer's Sales Agreement, and the lienholders so listed must execute the Lienholder's Waiver in such form. If the producer is a tenant or sharecropper, the landlord must be listed and must sign the lien waiver whether or not he claims a lien, unless the 1945 Cotton Producer's Sales Agreement is signed jointly by the landlord and the tenant or sharecropper. A misrepresentation as to prior liens, or otherwise, will render the producer personally liable for any damage suffered by Commodity Credit Corporation and subject him to criminal prosecution under the provisions of section 35 (a) of the Criminal Code of the United States (18 U. S. C. 80 (1940)). The Lienholders' Waiver in the 1945 Cotton Producer's Sales Agreement must be signed personally by all lienholders listed, by their agents (in which case duly executed powers of attorney must be attached), or, if corporations, by the designated officers thereof customarily authorized to execute such instruments (in which case no authority need be attached).

§ 256.76 *Manner of payment to producer.* Purchases of cotton under the 1945 Cotton Producer's Sales Agreement will ordinarily be made by purchasing agencies, acting as agents for Commodity Credit Corporation. In such a case, the producer must tender a sales agreement and warehouse receipts representing the cotton offered for sale to the purchasing agency within 10 days after the date of the Warehouseman's Certificate and Storage Agreement in section II of the sales agreement, but in no event later than June 30, 1946. After completion of the sales agreement, the purchasing agency will pay the purchase price on behalf of the Corporation in the manner directed in section III of such sales agreement.

A producer may also obtain payments direct from Commodity Credit Corporation by tendering a properly executed 1945 Cotton Producer's Sales Agreement and warehouse receipts representing the cotton offered for sale to the Regional Office of Commodity Credit Corporation, New Orleans 12, Louisiana, within 10 days after the date of the Warehouseman's Certificate and Storage Agreement, but in no event later than June 30, 1946. If the tender is made by mail, the envelope must be postmarked within 10 days after the date of the Warehouseman's Certificate and Storage Agreement, but in no event later than June 30, 1946.

If the cotton is being tendered under a 1945 Cotton Producer's Transfer Agreement, the producer's duplicate copy of the 1945 Cotton Producer's Note and Loan Agreement or a Cotton Producer's Equity Transfer Agreement executed by the Federal Reserve bank, and the transfer agreement, must be mailed to the Federal Reserve bank serving the district in which the warehouse is located within 10 days after the date of the warehouseman's Certificate and Storage Agreement in the 1945 Cotton Producer's Transfer Agreement, but in no event later than June 30, 1946. The Federal Reserve bank, as agent of Commodity Credit Corporation, will calculate the amount due the producer and mail him a check for such amount, together with a copy of the transfer agreement on which the payment calculations are shown.

As between Commodity Credit Corporation and the producer, the Corporation will bear all risks of loss or damage to the cotton on and after the date of Warehouseman's Certificate and Storage Agreement in the sales or transfer agreement if it is tendered to the Corporation, with the required documents attached, within 10 days of the date of the certificate and storage agreement, but in no event later than June 30, 1946.

§ 256.77 *Purchasing agencies.* Agencies desiring to cooperate in the purchase program should apply to the Regional Office of Commodity Credit Corporation, New Orleans 12, Louisiana, for approval. A Cotton Purchasing Agency's Agreement (1945 C. C. C. Cotton Form

UD) will be entered into with each approved agency. Under this agreement, a purchasing agency is required to tender, on a Cotton Purchasing Agency's Letter of Transmittal (1945 C. C. C. Cotton Form UC), all warehouse receipts representing cotton purchased by the purchasing agency under such agreement, together with the 1945 Cotton Producer's Sales Agreements covering such cotton, to the Regional Office of Commodity Credit Corporation, New Orleans 12, Louisiana, within 15 days after the dates of execution of the Warehousemen's Certificate and Storage Agreement in such sales agreements. Upon receipt by Commodity Credit Corporation, the instruments will be examined, and, if the documents are in order, disbursements will be made or notes guaranteed by the United States will be issued to the purchasing agency, all in accordance with the terms of the Cotton Purchasing Agency's Agreement. Care should be exercised by the purchasing agency to determine that the warehouse receipts are genuine.

NOTE: The foregoing document covers 1945 C. C. C. Cotton Form U-1, issued by Commodity Credit Corporation on August 27, 1945, and Amendment No. 1 to said Form U-1.

Dated: AUGUST 27, 1945.

[SEAL] C. C. FARRINGTON,
Vice President,
Commodity Credit Corporation.

[F. R. Doc. 45-18096; Filed, Sept. 28, 1945; 11:07 a. m.]

TITLE 7—AGRICULTURE

Chapter XI—Production and Marketing Administration (War Food Distribution Orders)

[WFO 15-18, Amdt. 2]

PART 1401—DAIRY PRODUCTS

CHEDDAR CHEESE

War Food Order No. 15-18, as amended (10 F.R. 9066, 10419, 11282), is hereby further amended as follows:

1. By adding the words "and in subsequent calendar months" at the end of the title of § 1401.200 thereof.

2. By amending § 1401.200 (b) thereof to read as follows:

(b) *Percentages.* Each person who is required by War Food Order No. 15, as amended, to set aside Cheddar cheese during August or September 1945, or in any subsequent month until further order, shall set aside in each of said months in which he is required to set aside Cheddar cheese, a quantity of Cheddar cheese equal at least to the following percentages of all Cheddar cheese produced by him in the respective month: (1) in August 1945, 60 percent; and (2) in September 1945, and in subsequent calendar months until further order, zero percent.

This amendment shall be effective as of 12:01 a. m., e. w. t., September 1, 1945. With respect to violations, rights accrued, liabilities incurred, or appeals taken under said War Food Order No. 15-18, as amended, prior to the effective time of the provisions hereof, the provisions of the said War Food Order No. 15-18, as amended, in effect prior to the effective time hereof shall be deemed to continue in full force and effect for the purpose of sustaining any proper suit, action, or other proceeding with regard to any such violation, right, liability, or appeal.

(E.O. 9280, 7 F.R. 10179; E.O. 9322; 8 F.R. 3807; E.O. 9334; 8 F.R. 5423; E.O. 9392, 8 F.R. 14783; E.O. 9577, 10 F.R. 8087; WFO 15, as amended, 8 F.R. 1704, 5698; 9 F.R. 2072, 4321, 4319, 9584; 10 F.R. 103, 126, 10419)

Issued this 27th day of September 1945.

[SEAL] C. W. KITCHEN,
Assistant Administrator,
Production and Marketing Administration.

[F. R. Doc. 45-18077; Filed, Sept. 27, 1945; 3:37 p. m.]

[WFO 124, Amdt. 2]

PART 1460—FATS AND OILS

LINSEED OIL INVENTORIES

War Food Order No. 124, as amended (10 F.R. 4287), is further amended as follows:

1. By adding immediately after paragraph (a) (9) the following new paragraph:

(10) "Current rate of consumption", as determined on any particular date, means (i) the amount of linseed oil of a specific type or grade used during the 90-day period immediately prior to such date, or (ii) the amount thereof used during the 90-day period immediately following such date.

2. By deleting paragraph (b) and substituting in lieu thereof the following:

(b) *Limitation on inventories.* No user shall accept delivery of any type or grade of linseed oil in any quantity which will cause his inventory of such type or grade of linseed oil to exceed a 60-day supply based up on his current rate of consumption, except that (1) any user may accept delivery of not more than five drums of linseed oil in the aggregate in any calendar month, and (2) subject to the provisions of paragraph (d) of this order, any user whose inventory of any type or grade of linseed oil is below the maximum permitted under this order may accept delivery of one shipping unit of linseed oil.

3. By deleting paragraph (c) and substituting in lieu thereof the following:

(c) *Limitation on purchases and contracts to purchase.* No user shall purchase or contract to purchase linseed oil in any quantity which, when added to his total inventory of linseed oil and to all quantities thereof contracted for future delivery, will exceed a 12-months' supply, based on quota stated in War Food Order No. 42a for persons whose use of fats and oils is controlled by that order, or based on the total amount of linseed oil used during the first 6 months of 1945 for uses not subject to War Food Order No. 42a.

This order shall become effective at 12:01 a. m., e. w. t., September 27, 1945. With respect to violations, rights accrued, liabilities incurred, or appeals taken, prior to said date, under War Food Order No. 124, all provisions of said order shall be deemed to remain in full force for the purpose of sustaining any proper suit, action, or other proceeding with respect to any such violation, right, liability, or appeal.

(E.O. 9280, 7 F.R. 10179; E.O. 9577, 10 F.R. 8087)

Issued this 25th day of September 1945.

[SEAL] CLINTON P. ANDERSON,
Secretary of Agriculture.

[F. R. Doc. 45-17969; Filed, Sept. 26, 1945; 3:38 p. m.]

[WFO 42, Amdt. 19]

PART 1460—FATS AND OILS

INCREASED QUOTAS

War Food Order No. 42, as amended (9 F.R. 12075; 10 F.R. 2679, 3315, 5060, 7961, 8685, 10419), is further amended by deleting the table at the end of paragraph (b) (1) and substituting in lieu thereof the following:

Class of edible fat or oil product:	*Permitted percentage*
Margarine	55
Edible fat or oil products other than margarine	88

This amendment shall become effective at 12:01 a. m., e. w. t., October 1, 1945. With respect to violations, rights accrued, liabilities incurred, or appeals taken, prior to said date, under War Food Order No. 42, as amended, all provisions of said order shall be deemed to remain in full force for the purpose of sustaining any proper suit, action, or other proceeding with respect to any such violation, right, liability, or appeal.

(E.O. 9280, 7 F.R. 10179; E.O. 9577, 10 F.R. 8087)

Issued this 25th day of September 1945.

[SEAL] CLINTON P. ANDERSON,
Secretary of Agriculture.

[F. R. Doc. 45-17970; Filed, Sept. 26, 1945; 3:38 p. m.]

[WFO 42b, Amdt. 7]

PART 1460—FATS AND OILS

INCREASED QUOTAS; EXEMPTIONS

War Food Order No. 42b, as amended (9 F.R. 12080, 13619; 10 F.R. 1315, 3127, 5060, 9313), is further amended as follows:

1. By deleting the table at the end of paragraph (b) (1) and substituting in lieu thereof the following:

Class of soap:	*Permitted percentage*
Package and bar soap	78
Bulk package soap	84

2. By deleting paragraph (c) (3) and substituting in lieu thereof the following:

(3) use in soap for shipment to the territories of the United States, for export to the Dominion of Canada under a license granted by the Dominion for such importation, or to any other country pursuant to an export license issued by the Foreign Economic Administration;

This amendment shall become effective at 12:01 a. m., e. w. t., October 1, 1945. With respect to violations, rights accrued, liabilities incurred, or appeals taken, prior to said date, under War Food Order No. 42b, as amended, all provisions of said order shall be deemed to remain in full force for the purpose of sustaining any proper suit, action, or other proceeding with respect to any such violation, right, liability, or appeal.

(E.O. 9280, 7 F.R. 10179; E.O. 9577, 10 F.R. 8087)

Issued this 25th day of September 1945.

[SEAL] CLINTON P. ANDERSON,
Secretary of Agriculture.

[F. R. Doc. 45-17967; Filed, Sept. 26, 1945; 3:38 p. m.]

[WFO 42a, Amdt. 6]

PART 1460—FATS AND OILS

INCREASED QUOTAS; QUOTA EXEMPTIONS

War Food Order No. 42a, as amended (9 F.R. 12078, 14926; 10 F.R. 943, 3315, 10346), is further amended as follows:

1. By deleting the table at the end of paragraph (b) (1) and substituting in lieu thereof the following:

Class of product:	*Permitted percentage*
Paints, varnishes, lacquers, and other protective coatings	75
Linoleum, oilcloth (for floor coverings), and felt base floor coverings	75
Oilcloth (except for floor coverings) and all other coated fabrics	75
Paint containing not more than 2 pounds of fats and oils per gallon (by a manufacturer of paste water, dry casein or dry protein paint, during the base period)	75

2. By deleting paragraph (c) and substituting in lieu thereof the following:

(c) *Quota exemptions.* Nothing in (b) (1) hereof shall restrict the following uses of fats and oils:

(1) Use by any manufacturer who used fats and oils in protective coatings, coated fabrics, or floor coverings prior to July 1, 1943, and whose total use in any calendar quarter is not over 15,000 pounds; or the use by any manufacturer whose use of fats and oils did not begin until on or after July 1, 1943, and whose total use in any calendar quarter is not more than 1,000 pounds. The permitted usage under this section (c) (1) shall not constitute a quota under any provision of this order;

(2) The use of tung oil.

3. By deleting paragraph (d) (2).

This amendment shall become effective at 12:01 a. m., e. w. t., October 1, 1945. With respect to violations, rights accrued, liabilities incurred, or appeals taken, prior to said date, under War Food Order No. 42a, as amended, all provisions of said order shall be deemed to remain in full force for the purpose of sustaining any proper suit, action, or other proceeding with respect to any such violation, right, liability, or appeal.

(E.O. 9280, 7 F.R. 10179; E.O. 9577, 10 F.R. 8087)

Issued this 25th day of September 1945.

[SEAL] CLINTON P. ANDERSON,
Secretary of Agriculture.

[F. R. Doc. 45-17968; Filed, Sept. 26, 1945; 3:38 p. m.]

TITLE 32—NATIONAL DEFENSE

Chapter VIII—Foreign Economic Administration

Subchapter B—Export Control

[Amdt. 86]

PART 801—GENERAL REGULATIONS

REFUNDS OF SUBSIDY PAYMENTS

Section 801.16 *Refunds of subsidy payments* is hereby amended to read as follows:

§ 801.16 *Refunds of subsidy payments.* (a) No person may export any of the types or varieties of dry edible beans, processed prunes or processed raisins described in paragraph (c) of this section to any destination other than Canada unless:

(1) There has been refunded any subsidy payment made by the Department of Agriculture on such commodities in the amount with respect to each variety, grade and size specified in paragraph (c) of this section, and

(2) There is presented to the Collector of Customs at the port of exit, with the individual export license or release certificate authorizing the exportation of such commodities, a Certificate of Subsidy Clearance issued by the Department of Agriculture which shall indicate the fact that the exporter has met the requirement specified in subparagraph (1) in regard to refunds of subsidy payments with respect to the commodities authorized for export under such license or release certificate, or that such refund is not required for the particular shipment.

(b) Application for Certificate of Subsidy Clearance relating to the commodities set forth in paragraph (c) of this section shall be submitted to the Department of Agriculture on such form or forms and in such manner as may be prescribed by the Department of Agriculture. If a refund of subsidy payment is required, the application to the Department of Agriculture shall be accompanied by a certified check for the refund, payable to the Treasurer of the United States.

(c) Schedule of refunds to be made by exporters of dry edible beans, processed prunes, and processed raisins.

SCHEDULE A

PROCESSED RAISINS—1943 CROP (EXCEPT SODA DIPPED THOMPSON SEEDLESS AND LONDON (LAYER MUSCATS))

Type and variety:	*Refund per ton (2,000 pounds)*
Natural Thompson Seedless	$53.95
Seeded Muscat	75.13
Loose Muscat	65.93
Sultana	55.79
Golden Bleached Thompson Seedless	54.03

PROCESSED PRUNES [1]—1943 CROP

California Three District

Grade size group and packed point:	*Refund per ton (2,000 pounds)*
15/20; 20	$49.54
18/24; 24	49.55
20/30; 29	49.57
30/40; 39	49.14
40/50; 49	49.16
50/60; 59	49.18
60/70; 69	49.20
70/80; 79	49.22
80/90; 89	49.24
90/100; 99	49.26
100/120; 119	49.30

California Outside District and Northwest French

15/20; 20	$49.54
18/24; 24	49.56
20/30; 29	49.57
30/40; 39	49.15
40/50; 49	49.17
50/60; 59	49.20
60/70; 69	49.21
70/80; 79	49.23
80/90; 89	49.25
90/100; 99	49.26
100/120; 119	49.30

Northwest Italian

15/20; 20	$54.85
18/24; 24	54.89
20/30; 29	54.72
30/40; 39	57.07
40/50; 49	56.77
50/60; 59	56.46
60/70; 69	56.17
70/80; 79	55.87
80/90; 89	55.57
90/100; 99	55.29
100/120; 119	54.75

SCHEDULE A-1

DRY EDIBLE BEANS—1943, 1944 AND 1945 CROPS

Class:	*Subsidy payment and refund required per cwt. (U. S. No. 2 or better grade)*
Pea and Medium White	$0.70
Great Northern	.70
Small White	.70
Flat Small White	.70
Pink	.50
Small Red	.70
Cranberry—other than Western	.25
Cranberry—Western	.15
Baby Lima	.80
Light Red Kidney	1.85
Dark Red Kidney	1.85
Western Red Kidney	1.85

SCHEDULE A-2

PROCESSED RAISINS, 1944 CROP

Type and variety of standard quality raisins:	*Refund per ton (2,000 pounds)*
Natural Thompson Seedless	$76.16
Seeded Muscat	107.26
Loose Muscat	95.47
Sultana	82.93
Golden Bleached, Choice Color Thompson Seedless	78.39
Golden Bleached, Ex. Choice Color Thompson Seedless	79.48
Golden Bleached, Fancy Color Thompson Seedless	78.18
Sulfur Bleached Thompson Seedless	78.99
Soda Dipped Thompson Seedless	78.06

[1] The refund for prunes having a packed point falling between any two packed points shown in this schedule will be shown for higher of such packed points. Example: The refund for California Three District prunes, with a packed point of 37 will be the refund for prunes with a packed point of 39, or $49.14 per ton.

PROCESSED PRUNES,[1] 1944 CROP

California Three District

Grade size group and packed point:	*Refund per ton (2,000 pounds)*
15 20; 20	$75.10
18 24; 24	75.12
20 30; 29	75.13
30 40; 39	74.23
40 50; 49	74.26
50 60; 59	74.28
60 70; 69	74.32
70 80; 79	74.34
80 90; 89	74.38
90 100; 99	74.39
100 120; 119	74.45

California Outside District and Northwest French

15 20; 20	$75.11
18 24; 24	75.12
20 30; 29	75.13
30 40; 39	74.24
40 50; 49	74.27
50 60; 59	74.30
60 70; 69	74.33
70 80; 79	74.37
80 90; 89	74.39
90 100; 99	74.41
100 120; 119	74.47

Northwest Italian

15 20; 20	$78.68
18 24; 24	78.83
20 30; 29	78.75
30 40; 39	81.08
35 45; 44	80.94
40 50; 49	80.79
50 60; 59	80.50
60 70; 69	80.21
70 80; 79	79.93
80 90; 89	79.63
90 100; 99	79.36
100 120; 119	78.84

[1] The refund for prunes having a packed point falling between any two packed points shown in this schedule will be that shown for higher of such packed points. Example: The refund for California Three District prunes with a packed point of 37 will be the refund for prunes with a packed point of 39, or $74.23 per ton.

This amendment shall become effective on November 1, 1945, except that any Certificate of Subsidy Clearance issued prior to November 1, 1945 on the basis of the rates then in effect shall continue to be valid after the date of this amendment.

(Sec. 6, 54 Stat. 714; Pub. Law 75, 77th Cong.; Pub. Law 638, 77th Cong.; Pub. Law 397, 78th Cong.; Pub. Law 99, 79th Cong.; E.O. 8909, 6 F.R. 4795; E.O. 9361, 8 F.R. 9861; Order No. 1, 3 F.R. 9933; E.O. 9380, 8 F.R. 13081; Delegation of Authority No. 20, 8 F.R. 16235; Delegation of Authority No. 21, 8 F.R. 16320)

Dated: September 7, 1945.

WALTER FREEDMAN,
Director,
Requirements and Supply Branch,
Bureau of Supplies.

[F. R. Doc. 45-18076; Filed, Sept. 27, 1945; 3:26 p. m.]

Chapter IX—War Production Board

AUTHORITY: Regulations in this chapter unless otherwise noted at the end of documents affected, issued under sec. 2 (a), 54 Stat. 676, as amended by 55 Stat. 236, 56 Stat. 177, 58 Stat. 827; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; E.O. 9599, 10 F.R. 10155; W.P.B. Reg. 1 as amended Dec. 31, 1943, 9 F.R. 64.

PART 1010—SUSPENSION ORDERS

[Suspension Order S-895, Reinstatement and Amdt.]

GILBERTON CO., ET AL.

Gilberton Company, Philip Sparacino, Island Publishing Co., Inc., Eugene Blumenthal, and Howard Cummings, all of New York, were suspended on August 29, 1945, by Suspension Order No. S-895. They appealed from the provisions of the suspension order and, pending determination of the appeal, the suspension order was stayed by Deputy Chief Compliance Commissioner Bok on August 29, 1945. The appeal has been considered by Deputy Chief Compliance Commissioner Bok who has dismissed the appeal, directed that the stay be terminated, and the suspension order reinstated and modified.

In view of the foregoing, it is hereby ordered, that: § 1010.895 *Suspension Order No. S-895*, issued August 22, 1945, and effective August 29, 1945, be and hereby is reinstated effective September 29, 1945; the stay of execution directed by the Deputy Chief Compliance Commissioner on August 29, 1945, be and hereby is revoked effective September 28, 1945; and that the suspension order be modified by substituting the following paragraph (a) for the present paragraph (a):

(a) Albert L. Kanter, Rose E. Kanter, Raymond N. Haas, and Myer Levy, partners doing business as Gilberton Company, their respective publications, their successors, assigns, and persons or corporations acting for or on behalf of any of them, shall not use or cause to be used any newsprint for the printing or publishing of magazines, newspapers, periodicals or books from the effective date of this order until October 1, 1945. Philip Sparacino, Island Publishing Company, Inc., Eugene Blumenthal; and Howard Cummings, their respective publications, their successors, assigns, persons or corporations acting for or on behalf of any of them, shall reduce their consumption of print paper during the fourth quarter of 1945 to 10 percent under the consumption quota they would otherwise be entitled to use in said quarter under the provisions of Limitation Order L-240, unless otherwise specifically authorized in writing by the War Production Board.

Issued this 19th day of September 1945.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 45-18128; Filed, Sept. 28, 1945; 11:38 a. m.]

PART 1042—IMPORTS OF STRATEGIC MATERIALS

[General Imports Order M-63, as Amended Sept. 18, 1945, Amdt. 1]

Section 1042.1 *General Imports Order M-63* as amended is hereby amended by making the following change in List A:

Change	Material	Commerce import class number	Country import limitation
Remove from List A	Coir yarn and coir manufactures:		
	Coir yarn	3329 (60)	Unrestricted.
	Mattings and articles of coarse fiber (coir fiber) or rattan	3961 (00)	Items 2.
	Pile mats and floor coverings of coarse fiber (coir fiber)	3969 (10)	Items 2.
	Coir manufactures (including all products of coir fiber, other than pile mats, floor coverings, matting, etc., elsewhere specified on this order)	N. S. C.	Items 2.

Issued this 27th day of September 1945.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 45-18049; Filed, Sept. 27, 1945; 11:37 a. m.]

PART 3290—TEXTILE, CLOTHING AND LEATHER

[Conservation Order M-328B, Schedule J, as Amended Aug. 18, 1945, Amdt. 1]

SPECIAL PROGRAM FOR RAYON CIVILIAN ITEMS

Section 3290.129j, *Schedule J to Order M-328B*, is amended in the following respects:

1. By changing the words "an AA-3 preference rating" in paragraph (a) to read "preference ratings."

2. By deleting "AA-3" in the heading of the preference rating schedule at the end of Schedule J.

3. By adding the following new paragraphs to Schedule J:

(e) *Delivery and use of rayon fabric to fill rated or certified orders.* (1) Every producer of rayon fabric in the gray state, whether he sells it in the gray or finished state or uses it to manufacture civilian items, shall deliver or use, during the fourth quarter of 1945, a yardage of rayon fabric at least equal to 40% of his production during that period to fill either orders bearing CC ratings assigned under Order M-328B or orders bearing the following certification (the term "orders" includes orders between branches or divisions of a company as well as orders from other companies):

"The undersigned certifies, subject to the criminal penalties of Section 35 (a) of the U. S. Criminal Code, that he will deliver during the fourth quarter of 1945, to fill orders rated CC under Order M-328B, a yardage of finished rayon goods equal to at least all unfinished rayon gray goods to which he takes title during that period on orders bearing this certificate, or 40% of all unfinished rayon gray goods to which he takes title during the same period, whichever is greater."

(2) A producer of rayon fabric shall not be required to deliver or use, in the fourth quarter of 1945, to fill such rated or certified orders, more than a yardage of rayon fabric equal to 40% of his fourth quarter production. After a producer has accepted orders bearing the certification described above, he may schedule them for delivery as if they bore CC ratings.

(f) *Deliveries by finished goods suppliers.* (1) Every supplier of finished fabrics making the certification described in paragraph (e) above must deliver finished rayon fabric during the fourth quarter of 1945, in accordance with its terms. In calculating the 40%, the supplier of finished goods may take into consideration actual processing loss on material delivered in the fourth quarter. For example, a finished goods supplier has an actual processing shrinkage of 5% on rayon fabric delivered by him in the fourth quarter of 1945. If he takes title to 100,000 yards of rayon gray goods in the fourth quarter, his 40% is based on 95,000 yards, which is 38,000 yards of finished goods.

(2) No supplier of finished rayon fabric shall be required to accept orders rated CC under M-328B for a greater yardage of finished rayon fabric for delivery in the fourth quarter of 1945 than a yardage equal to 40% of the unfinished rayon gray goods to which he takes title in that period, or a yardage equal to all unfinished rayon gray goods to which he takes title during that period on orders bearing the certificate in paragraph (e) above, whichever is greater.

(3) After a supplier of finished fabrics uses the certificate set forth in paragraph (e) on any of his purchase orders to his suppliers, he must not extend on orders for rayon fabric any CC ratings which he knows or has reason to believe were assigned under Order M-328B.

(g) *Acceptance of rated orders.* (1) If a supplier of gray or finished rayon fabric receives orders bearing CC ratings (assigned under M-328B) before October 3, 1945, he may hold them until that date before determining whether he is required to accept them. However, he must not actually reject any such CC orders before that date. If, on October 3, 1945, he has received such rated orders and orders certified under paragraph (e) for more than the yardage which he is required by paragraph (e) or paragraph (f) to deliver on such rated or certified orders, he may then reject any CC rated orders previously served on him to the extent of the excess. This subparagraph (1) does not affect AA-3 purchase orders which have been accepted and which may be re-rated CC before October 1, 1945, in accordance with Direction 18 to Order M-328.

(2) Any purchaser who is unable to get his rated orders accepted should notify the War Production Board.

(h) *Exceptions from requirements.* This paragraph explains how a finished goods supplier who is unable to get CC rated orders to meet the requirements of paragraph (f) above may obtain relief from that requirement.

(1) He must send two copies of Form WPB-4351 by registered mail to the War Production Board, Textile, Clothing and Leather Bureau, Washington 25, D. C., within the time stated below. This form must be completely filled out in accordance with its instructions. Copies of the form may be obtained from any War Production Board Field Office.

(2) Form WPB-4351 may not be filed before November 1, 1945.

(3) Seven days after the mailing of Form WPB-4351 in accordance with the rules above, if the War Production Board does not otherwise direct in writing, the finished goods supplier seeking relief may, to the extent that he is unable to obtain orders rated CC under M-328B, disregard the requirements that he deliver during the fourth quarter the yardage of finished fabric specified in paragraph (f).

(i) The special rules of this Schedule J for the handling of ratings apply only to CC ratings assigned under Order M-328B. Nothing in this Schedule affects CC ratings assigned on Form WPB-541-A under PR 28, or MM ratings.

Issued this 26th day of September 1945.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 45-18003; Filed, Sept. 26, 1945; 4:51 p. m.]

PART 3290—TEXTILE, CLOTHING AND LEATHER

[Conservation Order M-328B, Schedule K, as Amended August 18, 1945, Amdt. 1]

SPECIAL PROGRAM FOR WOOL CIVILIAN ITEMS

Section 3290.120K, Schedule K to Order M-328B, is amended in the following respects:

1. By changing the words "an AA-3 preference rating" in paragraph (a), to read "preference ratings".

2. By adding to paragraph (d) (7) the following sentence: "However, CC ratings assigned on an individual certificate or form for deliveries in the fourth quarter of 1945 may be extended only in accordance with Priorities Regulation 3."

3. By deleting the "AA-3" in the heading of the preference rating schedule at the end of Schedule K.

4. By adding the following new paragraphs to Schedule K:

(e) *Quantity of wool fabric production subject to ratings.* A producer of wool fabric shall not be required to deliver or use, in the fourth quarter of 1945, to fill orders bearing CC ratings assigned under Order M-328B, more than a yardage of wool fabric equal to 45 percent of his fourth quarter production.

(f) *Acceptance of rated orders.*

(1) If a supplier of wool fabric receives orders bearing CC ratings (assigned under Order M-328B) before October 3, 1945, he may hold them until that date before determining whether he is required to accept them. However, he must not actually reject any such CC orders before that date. If, on October 3, 1945, he has received such rated orders for more than the yardage subject to M-328B ratings under paragraph (e), he may then reject any such CC rated orders previously served on him to the extent of the excess. This subparagraph (1) does not affect AA-3 rated purchase orders which have been accepted and which may be rerated CC before October 1, 1945, in accordance with Direction 18 to Order M-328.

(2) Any purchaser who is unable to get his rated orders accepted, should notify the War Production Board.

(g) The special rules of this Schedule K for the handling of ratings apply only to CC ratings assigned under Order M-328B. Nothing in this Schedule affects CC ratings assigned on Form WPB-541A under Priorities Regulation 28, or MM ratings.

Issued this 27th day of September 1945.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 45-18051; Filed, Sept. 27, 1945; 11:37 a. m.]

PART 4501—COMMUNICATIONS

[Utilities Order U-2, as Amended Sept. 27, 1945]

TELEPHONE SERVICE

Utilities Order U-2 is given an amended index as follows:

(a) Definitions.
(b) Preference in obtaining telephone service.
(c) Reports.
(d) Appeals and applications.
(e) Violations.
(f) Communications.
Schedule A 1
Schedule A 2
Schedule B
Schedule C

Section 4501.1 *Utilities Order U-2* is amended to read as follows:

§ 4501.1 *Utilities Order U-2*—(a) *Definitions.* (1) "Operator" means any individual, partnership, association, business trust, corporation, receiver, or any form of enterprise whatsoever, whether incorporated or not, the United States, the District of Columbia, any state or territory of the United States, any political, corporate, administrative or other division or agency thereof, to the extent engaged in rendering telephone communication service within, to, or from the United States, its territories or possessions.

(2) "Merchant Marine" has the same meaning as in Section 1 of Public Law numbered 87, Seventy-Eighth Congress, approved June 23, 1943.

(b) *Preference in obtaining telephone service.* Exchange line plant, exchange central office equipment, or telephone sets made available through normal disconnection or by new acquisition shall be used to take care of applications for service for which the foregoing facilities can be respectively employed, in the following order:

(1) Business service and residence main service to the extent required for the proper discharge of duties essential to the activities in the categories listed on Schedule A1 attached; public

pay station service; temporary installation of residence main service when the operator finds that immediate installation of service is essential to the protection of life; temporary installation of one residence extension telephone when the operator finds it essential in cases of serious illness; one residence extension telephone and/or connection with an answering bureau for practicing physicians and surgeons; and service specifically authorized by the War Production Board because of essentiality or unreasonable hardship.

(2) Changes of address of business service within the same exchange or to another exchange of the same operator within the same metropolitan area or within such other area as is defined by the operator's established practices.

(3) New business service for an enterprise which the operator finds is substantially owned and principally operated or managed by a veteran who applies for service within twenty-four months after being honorably separated or placed on terminal leave from the armed forces of the United States or the merchant marine provided such enterprise is expected to be the veteran's principal means of livelihood. The applicant for service must certify to these facts in substantially the form set forth in the Certification Form (WPBI–2545).

(4) Business service other than that included in the above categories.

(5) Residence main service set forth in Schedule B.

(6) Changes of address of residence main service within the same exchange or to another exchange of the same operator within the same metropolitan area or within such other area as is defined by the operator's established practices.

(7) New residence main service to the extent required for the proper discharge of duties essential to the activities in the categories listed on Schedule A2 attached.

(8) New residence main service set forth in Schedule C.

(9) New residence main service other than that included in the above categories.

(10) Residence extension telephones other than those specifically set forth in category (1) above.

(c) *Reports.* All operators affected by this order shall execute and file such reports as the War Production Board shall from time to time require; subject to the approval of the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

(d) *Appeals and applications.* Applications for relief under this order or appeals should be filed on Form WPB–2117.

(e) *Violations.* Any person who wilfully violates any provision of the order or who, in connection with this order wilfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority assistance.

(f) *Communications.* All reports required to be filed hereunder, and all communications concerning this order, shall, unless otherwise directed, be addressed to: War Production Board, Washington 25, D. C., Ref.: U-2.

Issued this 27th day of September 1945.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

SCHEDULE A1—GOVERNMENTAL AND PUBLIC HEALTH AND WELFARE

1. *Governmental.*—(a) Official Army, Navy, Marine Corps and Coast Guard Units and the Veterans' Administration.

(b) Official Federal, State, county and municipal government services.

(c) Official agencies of foreign governments.

2. *Public Health and Welfare.*—(a) Public or private organizations directly serving the public safety, health or welfare, such as: hospitals, clinics, sanitoria; physicians, surgeons, dentists, nurses, nurses' registries, veterinarians, ambulance services, manufacturers or distributors (wholesale and retail) of drugs, surgical, medical, hospital or dental supplies or equipment; mortuaries, burial service organizations; the American Red Cross and similar agencies.

(b) Philanthropic and eleemosynary organizations recognized as such by the Bureau of Internal Revenue, including their fund-raising offices; United Service Organizations and other similar organizations; religious establishments and their officiating clergy; Christian Science Practitioners; public and private schools.

(c) Press associations, newspapers, radio broadcasting stations.

(d) Public transportation, pipe line companies, all types of public utilities.

(e) Labor unions having bona fide collective bargaining agreements with business concerns identified in Schedule A1.

SCHEDULE A2—MILITARY PRODUCTION, RECONVERSION AND EMPLOYMENT

(a) The hiring of substantial numbers of people.

(b) The furnishing of material, equipment or facilities under prime or subcontracts to the armed forces of the United States and by suppliers to such prime or subcontractors; the converting of war plants to peacetime operations; and the re-establishing under the same ownership of businesses which were obliged to close during the war because of lack of materials or manpower or because of wartime regulations; persons (such as engineers, architects, contractors, chemists, lawyers and accountants) who perform special services for these activities or for public works projects.

(c) The production and wholesale distribution of fuel and lumber and other construction materials and construction equipment and mining equipment; mining operations and mining engineers.

(d) The maintaining or servicing of equipment essential to the following: the armed forces, production for the armed forces or conversion from such production, public works projects, public transportation, public utilities, pipe line companies, mining operations, and producers of fuel, lumber, and other construction materials and construction equipment and mining equipment.

(e) Food processing, food distribution (wholesale and retail) and food storage and production of substantial quantities of food.

(f) Labor unions having bona fide collective bargaining agreements with business concerns identified in Schedule A2.

SCHEDULE B—SERIOUS ILLNESS OR PHYSICAL DISABILITY

1. Residence main service where the attending physician or surgeon certifies in substantially the form set forth in the Schedule B Certification Form (WPBI–2101) that there exists a condition of serious illness or pregnancy involving serious complications, that he must be called repeatedly at unpredictable intervals for emergency treatment and that in view of all the circumstances telephone service is essential. Such service shall be terminated within 30 days of the termination of the conditions specified above.

2. Residence main service where a person lives alone and the attending physician certifies in substantially the form set forth in the Schedule B Certification Form (WPBI–2101) that such person is confined to residence quarters for a protracted period by reason of serious illness or physical disability and that in view of all the circumstances telephone service is essential; residence main service where a blind person lives alone. The phrase "lives alone" includes a person who is alone all day or during the day or night working hours, except for one or more children aged fifteen years or younger or another person either blind or similarly certified to be confined to residence quarters by reason of serious illness or physical disability. Such service shall be terminated within 30 days after the termination of the conditions specified above.

3. Residence main service for a seriously disabled veteran of the armed forces of the United States who applies for service within twenty-four months after being honorably separated from the armed forces. For the purpose of this paragraph a veteran will be considered seriously disabled if he is receiving disability payments of fifty dollars a month or more from the Veterans Administration. The applicant for service must certify to these facts in substantially the form set forth in the Certification Form (WPBI–2545).

SCHEDULE C—VETERANS AND SERVICEMEN'S FAMILIES

1. Residence main service for the wife of a member of the armed forces of the United States or the merchant marine who is on active duty away from home, where she is pregnant and there is no one else in her household, or where her household consists only of herself and one or more children aged fifteen years or younger; and under the same circumstances for a widow whose husband died since January 1, 1940 while a member of the armed forces of the United States or the merchant marine. For the purpose of this paragraph the presence of one or more persons who are blind or confined to residence quarters by reason of serious illness or physical disability shall be disregarded. The applicant for service must certify to these facts in substantially the form set forth in the Schedule C Certification Form (WPBI–2102).

2. Residence main service for those who discontinued residence service upon entering the armed forces of the United States or the merchant marine and who apply for service within twenty-four months after being honorably separated or placed on terminal leave from the armed forces or the merchant marine. The applicant for service must certify to these facts in substantially the form set forth in the Schedule C Certification Form (WPBI–2102).

3. Residence main service for a veteran who is head of a family (that is, who maintains in one household one or more individuals other than himself who are connected with him by blood relationship, relationship by marriage, or by adoption) and who applies for service within twenty-four months after being honorably separated or placed on terminal leave from the armed forces of the United States or the merchant marine. The applicant for service must certify to these facts in substantially the form set forth in the Schedule C Certification Form (WPBI–2102).

[F. R. Doc. 45–18054; Filed, Sept. 27, 1945; 11:36 a. m.]

Chapter XI—Office of Price Administration

PART 1360—MOTOR VEHICLES AND MOTOR VEHICLE EQUIPMENT

[RMPR 341,[1] Amdt. 11]

MAXIMUM PRICES FOR USED COMMERCIAL MOTOR VEHICLES

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.

Revised Maximum Price Regulation 341 is amended in the following respects:

1. Section 1 (a) (1) is amended to read as follows:

(1) *Definition of used commercial motor vehicle ("used vehicle").* Used commercial motor vehicle (called used vehicle in this regulation) means

(i) Any self-propelled vehicle, or a vehicle drawn by it, which may be used commercially on and off the highway for the transportation of property or of more than ten persons; or

(ii) Any self-propelled vehicle or a vehicle drawn by it, except a civilian type of passenger automobile, sold to the War Department, Department of the Navy, United States Marine Corps, or the United States Coast Guard; or

(iii) Any chassis or body of a vehicle named in (i) or (ii); which irrespective of mileage has been used other than for the purpose of sale.

This definition covers vehicles of the following types:

(iv) Vehicles primarily designed for civilian use, such as: ambulances, cab pickups, carryall suburbans, combinations consisting of truck bodies and passenger automobile chassis, coupes fitted with pickup boxes, fire trucks, hearses, omnibuses, sedan deliveries, trucks, truck tractors, truck trailers (full and semi) and utility sedans; and

(v) Army general and special purpose vehicles and army special equipment vehicles defined in section 18.

This definition does not cover the following vehicles:

(vi) Civilian passenger automobiles, civilian station wagons having a seating capacity of less than eleven persons, vehicles operated on rails, self-trackl[illegible] vehicles, motorcycles, or farm and garden tractors designed and used for agricultural purposes.

2. Section 6 (a) (1) is amended to read as follows:

(1) The "value when new" of the vehicle determined in accordance with paragraph (b) or (c) of this section, whichever is applicable;

3. The headnote of paragraph (b), section 6, and the narrative in that paragraph immediately preceding subparagraph (1) are amended to read as follows:

(b) *Determining "value when new" for vehicles other than Army, Navy, Marine Corps and Coast Guard vehicles.* The "value when new" of a vehicle, or a vehicle chassis or body when sold or priced separately, shall be determined under this paragraph (b) except when the vehicle, including a chassis or body, was sold when new to the War Department, Department of the Navy, Marine Corps or United States Coast Guard. In this latter case the "value when new" shall be determined under paragraph (c). (The "value when new" determined under subparagraph (1) is for a vehicle complete with the customary functional, and non-functional parts and other standard equipment. When a functional or non-functional part or a piece of standard equipment is missing from the vehicle at the time of sale, the "value when new" under subparagraph (1) shall be reduced by the amount of the retail list price for each removed part or piece of equipment when new. If the list price is not ascertainable deduct from the "value when new" of the vehicle an amount which is a reasonable estimate of the retail price of such a part or equipment when new).

4. Paragraphs (c) and (d) of section 6 are redesignated (d) and (e) respectively and a new paragraph (c) is added to section 6 to read as follows:

(c) *Determining "value when new" of Army, Navy, Marine Corps and Coast Guard vehicles*—(1) *General.* The "value when new" of vehicles sold when new to the War Department, Department of the Navy, Marine Corps or the Coast Guard shall be determined under this paragraph (c). (The term vehicle includes a vehicle consisting of a chassis and body or a chassis or body of a vehicle sold separately).

(2) *Method for determining "value when new."* The "value when new" shall be the dollar amount listed in Appendix G for a vehicle having the same specifications as the vehicle being priced with respect to model year, tonnage rating drive (i. e. 4 x 2, 4 x 4, etc.) body type (i. e. cargo, pickup, etc.) and wheelbase.

If a vehicle having these same specifications as the vehicle being priced does not have a price listed in Appendix G use the price in that Appendix for a vehicle most comparable to the vehicle being priced with respect to these specifications.

In the case of a body sold separately, the "value when new" shall be the original retail price new, f. o. b. factory, (exclusive of transportation costs and taxes) or, if that price is not ascertainable, the retail price when new, f. o. b. factory, (exclusive of transportation costs and taxes) for the most comparable body of the closest model year.

(3) *What "value when new covers."* "Value when new" covers all parts and other equipment present on the vehicle at the time it is sold to the War Department, Department of the Navy, Marine Corps or Coast Guard. When either the Procurement Division, United States Treasury, or the United States Department of Commerce sells a vehicle less a part or other equipment that was on the vehicle when sold new to the War Department, Department of the Navy, Marine Corps or Coast Guard, it shall deduct from the "value when new" of the vehicle, the retail list price for each missing part or piece of removed equipment when new. If the retail list price of a missing part or piece of equipment when new is not ascertainable, deduct from the "value when new" of the vehicle an amount which is a reasonable estimate of the retail price of such part or equipment when new. A reseller of a vehicle from which a part or piece of equipment is missing must make the same deductions in determining the maximum price for such a vehicle.

5. A new subparagraph (3) is added to section 6 (d) to read as follows:

(3) *Transportation allowances for vehicles which have "values when new" under section 6 (c).* For the purpose of determining transportation allowances under this paragraph (d) for vehicles which have "values when new" determined under section 6 (c), Detroit, Michigan, shall be considered as the principal place of manufacture in all cases regardless where the principal places of manufacture actually are.

6. Section 6 (e) (1) is amended to read as follows:

(1) *When allowances may be included in base price.* This paragraph (e) establishes allowances for extras (defined in section 18 (c)) that may be included in the "base price" permitted by paragraph (a) of section 6. The only extras for which a seller other than a consumer may include allowances in the "base price" are those with which the vehicle was equipped at the time of purchase and which are present on the vehicle at the time it is sold. A consumer may include allowances for extras present on the vehicle at the time he sells it. The amount of the allowances for these extras shall be determined in accordance with subparagraph (2) below.

NOTE: When extras are added by a dealer at the request of a purchaser, or are added in connection with alterations, additions may be added to the maximum price. The amount of the allowances and the circumstances under which they may be added to the maximum price are covered by paragraph (a) of section 9.

7. Section 9 (a) (1) (ii) is amended to read as follows:

(ii) Prices for extras (as defined in section 18 (c)) not to exceed maximum prices under applicable maximum price regulations, except that where an extra replaces standard equipment only the difference between the price of the standard equipment removed and the price of the extra may be added; and

[1] 7 F R 11175, 11736, 11414, 9 F R 3847, 4[illegible] 7069, 10641.

8. Section 18 (c) is amended to read as follows:

(c) "Extra" means any accessory or equipment designed for attachment to the used vehicle when new which is not provided for in the price of such vehicle when new. The term "extra" includes such items as oversized or special tires, special springs, special transmissions, special brakes, optional wheelbase or body frames, heaters, radios, power-take-off winches and other power-take-off equipment. The term "extra" does not include such equipment or any other equipment if it should be present on a vehicle (sold when new to the War Department, Department of the Navy, Marine Corps or Coast Guard) at the time it is sold used by the Procurement Division or Department of Commerce. Neither does the term "extra" include special equipment such as mixers, cranes, scoops, shovels, welding machines, compressors, and winches with independent power, or other equipment having a use not dependent on its attachment to the vehicle.

9. Paragraph (y) of Appendix C is revoked.

10. A new Appendix G is added to read as follows:

APPENDIX G—TABLES OF "VALUE WHEN NEW" PRICES FOR VEHICLES SOLD NEW TO THE WAR DEPARTMENT, DEPARTMENT OF THE NAVY, MARINE CORPS, OR COAST GUARD

(A) TRUCKS AND OTHER SELF-PROPELLED VEHICLES

[Various Manufacturers—Detroit, Mich.]

Vehicle	Wheel base	Tire size	Number of tires	Weight	1936 or previous	1937	1938	1939	1940	1941	1942	1943	1944
(1) ½-ton, 4 x 4:													
Reconnaissance (jeep)	80	600 x 16	5	2,453	---					$965	$965	$965	---
Amphibian	84	640 x 16	5	3,600	---					2,140	---		
(2) ¼-ton, 4 x 2:													
Cargo	115	750 x 15	5	3,760	$1,190				$775	$895	$925		
Carryall	115	750 x 15	5	3,625					685	695	710		
Canopy express	115	750 x 15	5	3,395					685	700	640		
Pickup	115	750 x 15	5	3,385	630	$870	$930	635	690	775	660		
Panel delivery	115	600 x 16	5	3,220	725	690	675	650	775	---	---		
Reconnaissance	112	650 x 17	5	3,590	1,080	765	820	---	---	845	900		
Telephone maintenance	112	650 x 17	5	3,280	820	---	795	---	900	---	---		
Pigeon loft	112	650 x 17	5	3,185	857	---	---	---	---	---	---		
Sedan delivery	116	670 x 17	5	3,340	995	---	---	645	695	715	---		
Dump	108	700 x 20	5	6,480	1,095	---	---	---	---	---	---		
(3) ½-ton 4 x 4													
Carryall	116	750 x 16	5	3,705	---	---	---	---	910	975	995	---	---
Command reconnaissance w/o w.	116	750 x 16	5	4,000	---	---	---	---	975	960	980	---	---
Command reconnaissance w/ w.	116	750 x 16	5	4,500	---	---	---	---	1,060	1,110	1,100	---	---
Emergency repair	123	750 x 16	5	5,870	---	---	---	---	---	980	950	---	---
Panel delivery	116	750 x 16	5	4,510	---	---	---	---	820	945	975	---	---
Pick-up	116	750 x 16	5	4,646	---	1,100	---	1,185	815	895	---	---	---
Radio car	116	750 x 16	5	5,070	---	---	---	---	1,230	1,280	1,275	---	---
Weapons carrier W/o W	116	750 x 16	5	4,240	---	---	---	---	940	870	850	---	---
Weapons carrier W/W	116	750 x 16	5	4,700	---	---	---	---	---	960	995	---	---
Express	116	750 x 16	5	4,780	---	---	---	---	---	770	---	---	---
Ambulance	123	750 x 16	5	5,640	---	---	---	---	1,165	1,240	1,300	---	---
Light maintenance	116	750 x 16	5	4,980	---	---	---	---	---	---	1,315	---	---
Chassis	116	750 x 16	5	3,960	---	---	---	---	---	---	875	---	---
(4) ¼-ton, 4 x 2													
Panel delivery	125	750 x 15	5	3,660	---	---	---	745	760	685	760	---	---
Pickup	125	750 x 15	5	3,475	---	---	---	---	630	1,770	1,745	1,950	---
Ambulance	150	750 x 16	5	5,147	---	---	---	---	---	---	---	1,665	---
Telephone maintenance and installation	125	750 x 15	5	3,870	---	---	---	---	---	---	---	---	---
(5) ¾-ton, 4 x 4													
Carryall	114	900 x 16	7	5,750	---	---	---	---	---	---	1,450	1,100	---
Command car W/o W	98	900 x 16	5	5,475	---	---	---	---	---	---	1,425	1,300	1,300
Command car W/W	98	900 x 16	5	5,675	---	---	---	---	---	---	1,475	1,500	---
Emergency repair	121	900 x 16	5	5,350	---	---	---	---	---	---	1,425	1,485	---
Light maintenance	121	900 x 16	5	5,250	---	---	---	---	---	---	1,400	1,400	---
Weapons carrier W/o W	98	900 x 16	5	5,250	---	---	---	---	---	---	1,415	1,275	1,275
Weapons carrier W/W	98	900 x 16	5	5,500	---	---	---	---	---	---	1,525	1,115	1,115
Ambulance	114	900 x 16	5	5,250	---	---	---	---	---	---	1,050	1,500	---
Chassis	121	900 x 16	5	4,800	---	---	---	---	---	---	---	1,145	---
(6) 1 ton, 4 x 2													
Canopy express	134	750 x 20	5	4,780	---	---	---	---	880	---	---	---	---
Bomb service M1	115	750 x 20	5	4,780	---	---	---	1,710	---	---	---	---	---
Pickup	134	650 x 20	5	4,845	---	---	---	---	---	840	---	---	---
(7) ¾-ton, 4 x 2													
Stake and Platform	160	700 x 20	7	4,585	840	830	---	---	865	945	975	855	---
Stake and Platform C. O. E	156	700 x 20	7	6,500	---	---	---	---	---	---	1,100	---	---
Cargo	158	750 x 20	7	6,514	995	995	855	985	1,210	1,190	1,280	1,205	---
Cargo C. O. E	156	650 x 20	7	6,951	---	---	---	1,340	---	---	---	---	---
Canopy Express	134	650 x 20	5	4,825	915	---	---	---	840	1,005	---	---	---
Dump	134	650 x 20	5	5,075	1,015	---	---	1,085	970	1,015	1,185	---	---
Fire	158	650 x 20	7	10,670	1,990	---	---	---	---	---	---	---	---
Panel Delivery	134	650 x 20	5	4,255	1,120	---	960	875	840	975	1,000	---	---
Panel Delivery C. O. E	134	650 x 20	5	5,800	---	---	---	---	1,655	---	---	---	---
Pickup	134	650 x 20	5	4,965	1,085	---	---	---	935	925	950	---	---
Tractor	110	750 x 20	5	5,225	---	---	---	---	820	810	935	---	---
Tractor C. O. E.	110	750 x 20	5	5,300	---	---	---	880	---	---	1,105	---	---
Tractor	131	700 x 20	5	4,325	---	---	---	---	---	---	1,740	1,780	---
Ambulance	134	650 x 20	5	5,185	---	---	---	---	1,165	1,150	1,680	---	---
Bus 20 Passenger	195	750 x 20	7	8,250	---	---	---	---	---	3,820	---	---	---
Van C. O. F	158	700 x 20	7	6,395	---	---	---	---	---	2,525	2,525	---	---
Light Repair	158	700 x 15	5	4,325	1,145	---	---	---	---	---	---	---	---
Chassis	158	650 x 20	5	3,590	925	1,175	---	1,085	---	805	925	---	---
Chassis C. O. E.	108	700 x 20	5	6,335	---	---	2,165	---	1,740	---	---	---	---
Radio C. O. E	109	700 x 20	5	6,650	---	---	---	---	2,110	2,060	2,160	---	---
Reconnaissance	162	700 x 20	5	6,500	---	2,055	---	---	---	---	---	---	---
Station Wagon	146	650 x 20	5	4,690	1,315	---	---	---	---	---	---	---	---
(8) 1½-ton, 4 x 4:													
Bomb service M6	126	750 x 20	7	6,325	---	---	---	---	1,100	1,100	1,575	1,675	1,695
Cargo W/o W	145	750 x 20	7	7,045	1,270	1,535	1,440	1,455	1,400	1,425	1,600	1,585	1,720
Cargo W/W	145	750 x 20	7	8,215	---	2,110	---	---	1,620	1,765	1,950	1,825	1,945
Stake & Platform (15 ft.)	175	750 x 20	7	8,965	---	---	---	---	---	1,755	1,985	1,985	---
Stake & Platform C. O. E.	175	750 x 20	7	8,800	---	---	---	---	---	1,430	---	---	---
Radio Car	148	825 x 20	7	11,000	3,825	---	---	---	---	---	---	---	---
Dump W/o W	145	750 x 20	7	8,300	---	---	---	1,285	1,100	1,545	1,725	1,725	---
Dump W/W	145	750 x 20	7	9,130	---	---	---	---	---	1,695	1,965	---	---
Panel delivery	145	750 x 20	7	6,760	---	---	---	---	1,150	1,700	1,705	1,780	1,765
Earth auger and pole setter	145	750 x 20	7	7,200	---	---	6,195	---	5,400	5,300	5,740	5,790	---
Ordnance maintenance	141	750 x 20	7	9,710	---	---	---	---	---	5,927	---	---	---
Telephone construction and maintenance W/o W.	145	750 x 20	7	10,215	---	---	5,095	---	2,985	2,985	3,080	3,285	3,230

APPENDIX G—TABLES OF "VALUE WHEN NEW" PRICES FOR VEHICLES SOLD NEW TO THE WAR DEPARTMENT, DEPARTMENT OF THE NAVY, MARINE CORPS, OR COAST GUARD—Continued

(A) TRUCKS AND OTHER SELF-PROPELLED VEHICLES—continued

Vehicle	Wheel base	Tire size	Number of tires	Weight	1936 or previous	1937	1938	1939	1940	1941	1942	1943	1944
(9) 1½-ton, 6 x 6:													
Telephone construction and maintenance W/W.	145	750 x 20	7	10,525	---	---	---	---	---	$3,775	$3,775	$3,310	---
Tractor	145	750 x 20	7	6,140	---	---	---	---	---	---	1,240	1,560	$1,440
Chassis	145	750 x 20	7	4,890	$1,695	---	---	---	$2,395	---	1,200	1,310	$1,310
Balloon tender	185	825 x 20	7	7,320	---	---	---	---	3,130	---	---	---	---
Ambulance	143	700 x 20	7	6,715	---	---	---	---	---	2,010	---	---	---
(9) 1½-ton, 6 x 6:													
Cargo W/o W	125	900 x 16	7	6,925	---	---	---	---	---	---	---	1,725	---
Cargo W/W	125	900 x 16	7	7,375	---	---	---	---	---	---	---	2,010	---
(10) 2½ Ton, 4 x 2:													
Cargo	159	825 x 20	7	7,318	1,545	$1,435	---	1,460	1,685	1,800	1,665	---	---
Stake and platform	158	825 x 20	7	8,521	1,300	---	---	---	1,675	1,615	1,860	---	---
Dump	146	825 x 20	7	11,000	1,530	1,020	$2,010	1,565	1,695	1,685	1,691	1,785	1,790
Tractor	142	825 x 20	7	6,800	---	---	---	1,105	---	---	2,115	---	---
Tractor C. O. E.	133	760 x 20	7	4,635	---	---	---	---	2,330	---	---	---	---
Bus—40 passenger	263	900 x 20	7	13,260	---	---	---	---	---	---	4,575	---	---
Canopy express	135	760 x 20	6	4,715	---	---	---	---	---	---	---	---	---
Telephone construction	172	825 x 20	7	9,240	---	---	---	---	3,020	3,375	---	---	4,170
Tank—500 gallon	159	750 x 20	7	8,800	2,240	---	---	---	---	---	---	---	---
Searchlight & power plant	154	750 x 20	7	7,600	---	1,960	---	1,995	---	---	---	---	---
Earth & stone w/hoist bucket	156	825 x 20	7	6,350	---	---	---	---	2,870	---	---	---	---
Chassis for 1000 gallon tanks	134	700 x 20	5	4,695	---	---	---	---	---	1,105	---	---	---
(11) 2½ Ton, 4 x 4:													
Tractor C. O. E.	131	900 x 20	7	10,000	---	---	---	---	3,885	3,285	---	---	---
Chassis C. O. E.	128	900 x 20	7	8,770	---	---	---	---	3,010	3,190	---	---	---
Scout car M3A1	131	825 x 20	5	8,980	2,760	---	---	---	---	2,760	---	---	---
Scout car chassis only M3A1	131	825 x 20	5	4,980	2,000	---	---	---	---	2,000	---	---	---
Oil service	131	900 x 20	7	9,565	---	---	---	---	---	2,810	---	---	---
Cargo	172	825 x 20	7	9,585	2,595	2,580	3,050	---	---	---	---	---	---
Balloon tender	188	825 x 20	7	8,090	---	3,135	---	---	---	---	---	---	---
(12) 2½-ton, 6 x 2:													
Chassis C. O. E.	172	700 x 20	7	10,340	---	---	---	---	2,160	---	---	---	---
(13) 2½-ton 6 x 4:													
Cargo W/o W	162	750 x 20	7	9,635	---	---	2,170	---	---	---	1,950	2,095	1,960
Cargo W/W	162	750 x 20	7	10,245	---	---	---	---	---	---	2,220	2,375	2,220
Tractor	148	750 x 20	7	8,150	---	---	---	---	---	---	---	2,255	2,255
Chassis	172	700 x 20	7	9,360	---	---	---	---	---	---	2,050	---	---
Searchlight C. O. E.	167	700 x 20	11	9,580	---	---	---	---	---	---	2,165	---	---
Fire apparatus	186	---	---	11,000	7,500	---	---	---	---	---	---	---	---
(14) 2½-ton, 6 x 6:													
Cargo L. W. B. W/o W	164	750 x 20	11	10,070	---	---	---	---	---	---	2,850	2,985	2,970
Cargo L. W. B. W/W	164	750 x 20	11	11,000	---	---	---	---	---	---	3,005	2,560	2,475
Cargo S. W. B. W/o W	145	750 x 20	11	10,100	---	---	---	---	---	---	2,745	2,780	2,725
Cargo S. W. B. W/W	145	750 x 20	11	11,000	---	---	---	---	---	---	3,005	3,015	2,905
Cargo C. O. E. (15 ft.) W/W	164	750 x 20	11	10,810	---	---	---	---	---	---	---	---	2,705
Dump L. W. B. W/o W	164	750 x 20	11	11,850	---	---	---	---	---	---	---	2,470	2,470
Dump L. W. B. W/W	164	750 x 20	11	12,750	---	---	---	---	---	---	---	2,655	2,655
Stock rack	164	750 x 20	11	13,850	---	---	---	---	---	---	2,110	2,410	---
Gas tank 750 gallon	164	750 x 20	11	10,310	---	---	---	---	---	---	---	2,685	2,875
Water tank 700 gallon	164	750 x 20	11	10,185	---	---	---	---	---	---	---	3,160	3,440
Chassis W/o W	164	750 x 20	11	7,835	---	---	---	---	---	---	---	2,065	2,040
Chassis W/W	164	750 x 20	11	8,760	---	---	---	---	---	---	---	---	2,385
Artillery repair M9 or M9A1	131	750 x 20	11	11,930	---	---	---	---	---	---	---	4,265	---
Automotive repair M8 or M8A1	164	750 x 20	11	11,130	---	---	---	---	---	---	---	9,195	---
Electrical repair M18 or M18A1	131	750 x 20	11	11,930	---	---	---	---	---	---	---	8,820	---
Instrument repair M10 or M10A1	131	750 x 20	11	11,950	---	---	---	---	---	---	---	8,495	---
Small arms repair M7 or M7A1	131	750 x 20	11	11,930	---	---	---	---	---	---	---	5,395	---
Machine Shop M16 or M16A1	131	750 x 20	11	11,960	---	---	---	---	---	---	---	7,030	---
Welding M2	131	750 x 20	11	11,950	---	---	---	---	---	---	---	7,865	---
Service Van	162	750 x 20	11	11,070	---	---	---	---	---	---	---	---	---
Amphibian DUKW	164	1100 x 18	11	14,500	---	---	---	---	---	---	2,810	3,287	---
(15) Ton 4 x 2:											6,250	6,250	4,705
Pickup	170	900 x 20	7	9,200	1,915	---	---	---	---	---	---	---	---
Stake and platform	170	900 x 20	7	8,800	1,835	---	---	---	---	---	---	---	---
Van and platform W/W	170	900 x 20	7	9,200	2,220	---	---	---	---	---	---	---	---
Tractor	170	900 x 20	7	7,500	1,920	---	---	---	---	---	---	---	---
Panel delivery	170	900 x 20	7	7,500	1,925	---	---	---	---	---	---	---	---
Cargo	170	900 x 20	7	7,550	---	---	---	---	---	---	1,130	1,170	---
(16) Ton 6 x 6:													
Cargo	156	700 x 20	7	7,900	---	---	2,355	---	---	---	---	---	---
(17) Ton 4 x 2													
Cargo	172	900 x 20	7	10,060	2,440	---	---	---	---	---	---	---	---
Cargo	179	900 x 20	7	9,960	---	---	---	---	---	---	1,940	---	---
Cargo	161	900 x 20	7	7,300	---	---	---	---	---	---	1,020	---	---
Tractor	137	900 x 20	7	6,500	---	---	---	---	---	---	1,025	---	---
(18) Ton 6 x 4													
Cargo	172	750 x 20	7	16,120	---	---	---	2,145	---	---	---	---	---
(19) Ton, 4 x 4													
Cargo C. O. E.	172	900 x 20	7	11,300	---	---	---	---	5,025	5,750	5,770	---	---
Tractor C. O. E.	166	900 x 20	7	11,650	---	---	---	---	4,810	4,810	---	---	---
Tractor	156	900 x 20	7	11,425	---	---	---	---	---	---	---	---	4,175
Cargo W/W	158	975 x 20	7	12,700	---	---	---	6,110	---	---	---	---	---
Tractor C. O. E.	165	900 x 20	7	12,200	---	---	---	---	---	5,470	4,685	4,725	4,705
(20) Ton, 6 x 6:													
Cargo L. W. B.	172	900 x 20	11	18,500	3,705	6,280	---	---	---	---	5,400	---	---
Cargo L. W. B. W/W	172	900 x 20	11	19,520	4,305	---	---	---	---	---	5,930	6,115	5,770
Cargo W. H.	151	900 x 20	11	18,400	---	---	---	---	---	---	4,960	---	5,875
Cargo W. B. W/W	151	900 x 20	11	19,400	---	6,750	---	6,140	6,140	5,275	5,500	5,440	---
Tractor	151	900 x 20	11	17,500	---	---	---	---	---	---	5,820	---	5,485
Tractor	151	900 x 20	11	21,700	---	---	---	---	---	---	---	6,770	---
Tractor W/W	151	900 x 20	11	21,700	---	---	---	---	---	6,005	6,890	6,765	6,975
Tractor W/W	151	900 x 20	11	18,000	---	---	---	---	---	---	5,880	6,135	---
Tractor L. W. B. W/W	172	900 x 20	11	17,000	---	---	---	---	---	---	---	---	6,940
Tractor S. W. B. W/W	151	900 x 20	11	16,000	---	---	---	---	---	---	---	---	5,315
Tractor, Field Service	252	975 x 20	11	16,000	5,930	6,445	---	---	---	---	---	---	---

APPENDIX G—TABLES OF "VALUE WHEN NEW" PRICES FOR VEHICLES SOLD NEW TO THE WAR DEPARTMENT, DEPARTMENT OF THE NAVY, MARINE CORPS, OR COAST GUARD—Continued

(A) TRUCKS AND OTHER SELF-PROPELLED VEHICLES—continued

Vehicle	Wheel base	Tire size	Number of tires	Weight	1936 or previous	1937	1938	1939	1940	1941	1942	1943	1944
(21) 5-ton, 4 x 2:													
Stake & Platform W W	184	1000 x 20	7	10,450					$3,185	$3,735			
Stake & Platform	184	1000 x 20	7	9,300					2,915	2,980			
Dump	161	1000 x 20	7	12,970	$2,965				3,400	3,395	$3,595	$3,695	$4,[illegible]
Cargo	184	1000 x 20	7	10,100	3,700				2,960	3,165	4,005	3,495	3,[illegible]
Chassis C. O. E.	184	1000 x 20	7	8,000							2,940	2,720	
Chassis Conv. C. O. P.	161	1000 x 20	7	8,500							3,740		3,[illegible]
Tractor	148	1000 x 20	7	16,490	2,745					4,755	2,545	3,060	
Tractor C. O. E.	120	1000 x 20	7	14,000									5,[illegible]
Express	172	1050 x 20	7	21,200	3,000								
(22) 5-6-ton, 4 x 4													
Pontoon tractor	164	1200 x 20	7	16,600						6,500	6,710		
Tractor w w	164	1200 x 20	7	7,250						7,475	7,475	6,200	6,[illegible]
Tractor C. O. E.	164	1200 x 20	7	7,450					3,910				
Van	164	900 x 20	7	9,600							6,600	6,600	7,[illegible]
Timber haul tractor	164	1200 x 20	7	9,500							7,475		
Cargo C. O. E.	150	1200 x 20	11	10,150							6,740		6,[illegible]
Dump	146	1000 x 20	11	23,725	4,970								
(20) 6-ton, 6 x 6													
Prime mover w w	185	975 x 22	11	22,070				$7,665	7,470	7,310	8,570	8,950	8,[illegible]
Van	185	975 x 22	11	23,000							8,870	8,870	
Gasoline tank 2000 gal	185	975 x 22	11	24,000							12,965	12,965	11,[illegible]
Chassis w w (Bridge const.)	194	1200 x 20	11	16,500							10,690	10,685	10,[illegible]
Chassis w w (Quickway const.)	194	1200 x 20	11	16,500								9,865	9,[illegible]
Chassis w w (Signal Corps)	194	1200 x 20	11	16,500							8,280	7,395	7,[illegible]
(21) 7½-ton, 6 x 6													
Prime mover w w	156	1200 x 24	11	20,620					8,250			11,030	11,[illegible]
Bridge construction w w	191	1200 x 20	11	26,500							11,435		
Tractor	179	1000 x 20	11	18,960							7,905	7,905	
Tractor, wrecking	189	1100 x 20	11	27,500							12,740		
Cargo	212	1050 x 20	11	19,860	6,000	$6,965							
Cargo w w	212	1050 x 20	11	20,940	7,250	7,460		8,400					
(25) 8-ton, 6 x 4													
Tractor	181	900 x 20	11	14,500					4,905	6,015	8,865		
(26) 10-ton, 4 x 2													
Dump	NA	NA	NA	NA							6,295		
(27) 10-ton, 6 x 4													
Cargo and prime mover	301	1400 x 20	11	20,970						8,205	8,715	8,195	8,[illegible]
Platform	301	1400 x 20	11	19,800							8,845		
Carrier	301	1400 x 20	11	21,000					7,510	7,115			7,[illegible]
Tractor	155	975 x 24	11	18,520							8,240		
Tank—1,000 gallon	301	1100 x 20	11	15,000									
(28) 10-ton, 6 x 6													
Heavy wrecker	182	1100 x 20	11	27,330						11,600	12,995	13,145	11,[illegible]
Chassis	182	1100 x 20	11	21,100								6,995	
(29) 12-ton, 6 x 4:													
Tractor	179	1200 x 20	11	26,000						10,880	10,735	9,880	
(30) 13-ton, 6 x 6											10,665		
Tractor	179	1200 x 20	11	27,800							11,110		
Tractor w w	179	1200 x 20	11	27,600						8,340	8,340		
Tank transport	179	1200 x 20	11	27,900								7,700	7,[illegible]
(31) 20-ton, 6 x 4													9,[illegible]
Tank transport	179	1200 x 20	11	27,900									
(32) 40-ton, 6 x 4													
Tank transport	179	1200 x 20	11	27,900									

(B) TRAILERS

(1) *Explanation of Abbreviations*

H. . . . Height
L. . . . Length
W. . . . Weight
NA . . . Not available

Nomenclature	L	H	W	Tire size	Tire No.	Weight	Price when new: 1937 (or previous)	1938	1939	1940	1941	1942	1943	1944
(2) ¼-ton trailer—various mfgrs.—all Detroit, Mich.														
Telephone cable splicer	78	42	20	600 x 16	2	410					$100	$100	$100	
Cargo	78	42	20	600 x 16	2	550						175	175	$175
Flat Bed	NA	NA	NA	NA	NA	NA						350		
(3) ¼-ton semi and full trailer—various mfgrs.														
Airdrome utility	88	44	57	600 x 8	2	300								
Van, public address	148	93	88	750 x 20	2	2,150					475	765	825	
(4) ¾-ton semi and full trailers—various mfgrs.														
Communications	255	103	84	700 x 20	2	NA				$1,575	1,940	1,985		
Cargo	108	53	83	NA		1,400				165	155	235		
(5) 1-ton semi and full trailer various mfgrs.														
Command post	255	103	84	700 x 20	2	5,385						1,385		
Command post	120	114	84	650 x 16	2	1,200	$510						810	
Van, 2-horse	180	108	84	750 x 16	2	2,300					595	560		
Pigeon loft	201	82	96	750 x 20	2	2,400					1,160			
Water tank—250 gal	146	71	58	750 x 20	2	1,400					380	335	355	
Chassis	NA	NA	NA	NA	2	900						250		
Bomb T33	NA	NA	NA	NA	4	NA								
Cargo	145	73	71	750 x 20	2	1,600	415			220	245	240	325	
Board service (4-wheel)	NA	NA	NA	600 x 9	4	450					130	130		
(6) 1½-ton semi and full trailers various mfgrs.														
Van K75	295	115	93	750 x 20	4	8,200						2,760		

APPENDIX G—TABLES OF "VALUE WHEN NEW" PRICES FOR VEHICLES SOLD NEW TO THE WAR DEPARTMENT, DEPARTMENT OF THE NAVY, MARINE CORPS, OR COAST GUARD—Continued

(B) TRAILERS—continued

Nomenclature	L	H	W	Tire size	Tire No.	Weight	Price when new: 1937 (or previous)	1938	1939	1940	1941	1942	1943	1944
(7) 2-ton semi and full trailers—various mfgrs.:														
Radio equipped transport K76-K77	244					5,600							$2,10[illegible]	
Smoke generating equipped transport —M7	193	98	93	750 x 20	4	5,750							$1,210	
Telephone construction and pole hauling K36	122	68	72	750 x 20	2	1,815							620	620
(8) 2½-ton semi and full trailers—various mfgrs.:														
Airdrome utility F2	123	50	51	600 x 9	4	1,000								330
Utility pole	225	42	84	600 x 20	2	2,460							647	
Map reproduction equipment (transport, 10-ton gross)	254	134	96	NA	4	NA					$10,000			
Surgical	NA	NA	NA	NA	4	NA							3,650	
Van, 7-ton gross (K-7)	233	124	93	750 x 20	8	7,500							3,650	3,650
(9) 3-ton semi and full trailers—various mfgrs.:														
Van, cargo	220	132	86	750 x 20	5	5,800							$1,110	1,360
Semi-trailer (6-ton gross)	248	51	93	750 x 20	4	6,500							1,170	
Van (Signal Corps)	NA	NA	NA	NA	2	NA						1,150	1,002	1,150
(10) 3½-ton semi and full trailers—various mfgrs.:														
Stake and platform (6-ton gross)	201	89	84	750 x 20	5	4,982							880	1,050
(11) 4-ton semi and full trailers—various mfgrs.:														
Chemical service or handling (M1-M2)	240	91	88	750 x 18	4	2,755								1,335
Antenna mount K22 and K64	366	123	92	700 x 20	4	15,760							1,335	9,575
Antenna mount K28	184	134	94	750 x 20	9	6,000								2,100
Van	192	84	132	NA	4	6,000	$825						2,160	2,100
Van	220	95	113	NA	2	7,100							1,280	2,095
Ammunition M21	NA	NA	NA	NA	4	NA							1,385	
Cargo	192	84	110	750 x 20	2	6,150	780							
Stake and platform	192	84	85	750 x 20	NA	6,000	625							
Dump	132	72	77	750 x 20	NA	5,725	1,600							
Semi-trailer (for use with Chevrolet)	210	80	90	750 x 20	NA	7,100	1,440							
Instrument shop aircraft (5-ton gross	356	132	96	900 x 20	8	12,070								7,[illegible]
(12) 5-ton semi and full trailers—various mfgrs.:														
Telephone construction haulers and cable K37.	146	69	68	900 x 20	2	2,900							805	
Van—K34	211	122	93	750 x 20	5	8,000							2,205	
Cargo (signal Corps) 15-ton gross	193	85	90	900 x 20	4	9,500								1,[illegible]
Refrigerator	242	129	96	900 x 20	4	12,150							3,475	1,270
Stake and platform	NA	NA	NA	NA	2	NA							875	1,410
(13) 6-ton semi and full trailers—various mfgrs.:														
Field shop repair (10-ton gross)	263	134	96	900 x 20	4	9,000								1,770
Van	289	133	96	900 x 20	5	7,450							1,770	1,775
Van	295	84	125	750 x 20	4	6,650			$825		1,140			
Clothing repair	269	132	94	900 x 20	4	8,000							1,265	2,175
Electrical supply (aircraft) (10-ton gross)	263	134	96	900 x 20	4	9,000								1,415
Laundry	269	132	96	900 x 20	4	8,000							1,740	1,730
Van	194	84	113	750 x 20	4	4,700			735					
Medical records	270	139	95	900 x 20	4	9,000							2,980	3,360
Photographic laboratory—N1, 2, 3	393	134	96	900 x 20	4	10,730							8,200	
Shop repair	270	131	96	900 x 20	2	8,400							1,740	1,905
Shower and bath	270	139	93	900 x 20	4	9,500								1,785
Vehicle repair	269	132	96	900 x 20	4	8,500								1,860
Medical cargo	289	126	96	900 x 20	4	8,850							1,300	
Van, platform	420	96	NA	NA	NA	16,700							2,840	
Van, administration	NA	NA	NA	NA	2	NA								2,550
Stake and platform	202	81	86	NA	NA	5,680			620				825	850
Van, aerial camera and map reprod.	345	132	96	1,200 x 20	4	5,600							2,195	2,470
Tanks, 2,000 gallon	306	102	96	900 x 20	2	8,600								2,730
(14) 7-ton semi and full trailers—various mfgrs.:														
Cargo (10-ton gross)	192	96	93	750 x 20	4	5,100								1,140
Stake and platform	192	85	90	750 x 20	4	5,200								1,320
(15) 8-ton semi and full trailers—various mfgrs.:														
Generator, low (12-ton gross)	288	57	96	900 x 15	4	7,000								1,350
(16) 9-ton semi and full trailers—various mfgrs.:														
Van bed	300	56	102	900 x 20	4	9,990								1,505
Van, stake and platform	NA	NA	NA	NA	2	NA							4,635	
Carrier crane	NA	NA	NA	NA	4	NA							2,750	2,880
Generator	NA	NA	NA	NA	4	NA								
(17) 10-ton semi and full trailers—various mfgrs.:														
Antenna mount K75	252	128	95	900 x 20	NA	26,000								
Van	386	83	96	1200 x 20	5	7,200							1,770	1,750
(18) 10-ton gross)	345	96	134	900 x 15	4	8,100							1,290	1,970
Stake and platform (10-ton gross)	NA	NA	NA	NA	4	NA								
(19) 12-ton semi and full trailers—various mfgrs.:														
Van, 28-foot	NA	NA	NA	NA	4	N								
(20) 15-ton semi and full trailers—various mfgrs.:														
Van bed, 12-ton gross	287	88	96	900 x 15	4	7,000							815	1,380
(21) 20-ton semi and full trailers—various mfgrs.:														
Van, 40-foot	509	109	96	1000 x 15	8	13,790							2,650	2,640
Wreck mg, 25-foot	419	109	96	1000 x 15	8	10,850								
(22) 25-ton semi and full trailers—various mfgrs.:														
Carry-all	308	62	96	750 x 15	8	9,210								2,380
(23) 30-ton semi and full trailers:														
Van bed	345	60	102	F. 900 x 20 H. 825 x 15	10	15,330							2,285	2,285
Van	360	NA	NA	750 x 20	4	8,100							2,480	2,105

APPENDIX G—TABLES OF "VALUE WHEN NEW" PRICES FOR VEHICLES SOLD NEW TO THE WAR DEPARTMENT, DEPARTMENT OF THE NAVY, MARINE CORPS, OR COAST GUARD—Continued

(B) TRAILERS—continued

Nomenclature	L	H	W	Tire Size	Tire No.	Weight	Price when new 1937 (or previous)	1938	1939	1940	1941	1942	1943	1944
(24) 2-ton semi and full trailers—various infers														
Flat bed	424	61	114	1200 x 20	21							($2,400	$2,520	
Flat bed w dolly	468	68	102	560 x 20 1200 x 20 900 x 20 750 x 20										
High bed	NA	NA	NA	NA	2	NA							2,300	
Tank trailer	NA	NA	NA	NA	NA	NA								
(27) 2½-ton semi and full trailers—various infers														
Low bed	NA	NA	NA	NA	4	NA						2,945	2,945	
Low bed M15	NA	NA	NA	NA	4	NA								
(26) 25-ton semi and full trailers—various infers														
Pontoon	380	71	96	1240 x 20	5	7,600				$2,650	$2,140	2,000	2,000	
(27) 40-ton semi and full trailers—various infers														
Tank recovery M25	462	NA	124	1300 x 24	8	NA								
(28) 45-ton semi and full trailers—various infers														
Flat bed	NA	NA	NA	NA	12	NA						4,870	4,960	5,170
Tank recovery M19	350	87	114	827 x 17	20	NA								4,860
(29) Miscellaneous Trailer:														
Bomb M5	247	44	94	650 x 10 750 x 18	1 2	2,200						685	870	870
Fire pumper—500 G P M	146	66	71	650 x 16	2	2,000								
Fire Crash—High Pressure	112	65	69	750 x 20	2	2,855								
Armored transport—M8	118	52	84	600 x 20		2,610								
Bus front-wverted—45 pass	390	115	90	700 x 20 to 825 x 20		12,000						840		
Fuel servicing—600 gal	200	75	92	750 x 20		3,700						1,655	1,655	1,655
Fuel servicing—200 gal	NA	NA	NA	600 x 6		400						675	675	675
Water tank—1,500 gal	223	90	96	900 x 20		1,500				2,150	2,150	2,150	2,150	
Fuel servicing—1,000 (type E1-E1A)	360	112	96	1000 x 22	4	9,000							3,915	

This amendment shall become effective this 28th day of October 1945.

Issued this 28th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-18107; Filed, Sept. 28, 1945; 11:32 a. m.]

PART 1400—TEXTILE FABRICS: COTTON, WOOL, SILK, SYNTHETIC AND ADMIXTURES

[MPR 127,[1] Amdt. 36]

FINISHED PIECE GOODS

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.

Maximum Price Regulation No. 127 is amended in the following respects:

1. Section 1400.82 (a) (3) is added to read as follows:

(3) *Method for refinished contractor inventory[2] finished piece goods.* Notwithstanding any other provision of this section the maximum net selling price f. o. b. point of shipment[3] for finished piece goods made from contractor inventory finished piece goods shall be determined by the following three steps:

Step A. Determine the sum of Items 1, 2, 3, and 4 listed below and divide that sum by .915 if the sale is to a Class I purchaser or by .885 if the sale is to a Class II purchaser.

Step B. Divide item 5 listed below by .95.

Step C. Add together the results arrived at in Step A and Step B.

(1) Basic contractor inventory[2] finished piece goods cost, which is the actual sum paid for the goods and shall not exceed the maximum price determined in accordance with Order No. 1 under Supplementary Order No. 130. A producer refinishing his own contractor inventory finished piece goods shall use the maximum price determined pursuant to Order No. 1 under Supplementary Order No. 130.

(2) Contractor inventory finished piece goods freight, which is the actual transportation cost paid in transporting the finished piece goods to the plant where the refinishing process is begun.

(3) Working allowance, determined in accordance with paragraph (d) of this section.

(4) Put-up charges, determined in accordance with paragraph (f) of this section.

(5) Finishing cost, determined in accordance with paragraph (e) of this section.

2. In § 1400.82 (g) (3) Table IIa and Table IIb are amended to read as follows:

TABLE IIa—DIVISION FACTORS FOR CERTAIN BETTER RAYON FABRICS

	White and dyed—Sales to all classes of purchasers	Printed—Sales to all classes of purchasers
To be applied in accordance with step A to the sum of items 1, 2, 3, and 4 (basic grey goods cost, grey freight, working allowance and put up charges[1] as explained in paragraph (a)	0.82	0.77
To be applied in accordance with step B to finishing cost[2] as explained in paragraph (a)	.82	.77

[1] Determined in accordance with paragraphs (c), (d), and (f), respectively, of this section.
[2] Determined in accordance with paragraph (e) of this section.

TABLE IIb—DIVISION FACTORS FOR CERTAIN CONVERTERS OF CERTAIN BETTER RAYON FABRICS

	White and dyed—Sales to all classes of purchasers	Printed—Sales to all classes of purchasers
To be applied in accordance with step A to the sum of items 1, 2, 3, and 4 (basic grey goods cost, grey freight, working allowance and put up charges[1] as explained in paragraph (a)	0.70	0.67
To be applied in accordance with step B to finishing cost[2] as explained in paragraph (a)	.70	.67

[1] Determined in accordance with paragraphs (c), (d), and (f), respectively, of this section.
[2] Determined in accordance with paragraph (e) of this section.

[1] 9 F.R. 2464, 3031, 4029, 4879, 10088, 12020, 12636, 13067, 14014; 10 F.R. 412, 2014, 3093, 4816, 6308, 8857, 8979, 11143.

[2] The term "contractor inventory" is defined in Supplementary Order No. 130.

[3] Where a converter or a subsidiary or affiliate of a converter, sells converted goods from a point of shipment which is located outside of the Atlantic Seaboard States, and the finishing operations with respect to such goods are performed in any of such Atlantic Seaboard States, the seller may add to the otherwise applicable maximum price the actual transportation charges incurred in bringing the finished piece goods to such point of shipment. If the goods are transported to such point of shipment in a conveyance other than a common carrier, the charge shall not exceed the charge which would be applicable in an identical shipment at the lowest available commercial transportation rate.

3. Section 1400.82 (r) is revoked.

4. In § 1400.82 (u) the headnote is amended to read as follows:

(u) *Specific prices for moleskins.*

5. Section 1400.82 (u) (2) is revoked.

6. In § 1400.82 (u) subparagraphs (3), (4), and (5) are amended to read as follows:

(3) The maximum prices established by subparagraph (1) shall apply to all contracts of sale entered into on or after March 16, 1943.

(4) For any moleskins which are not specifically set forth in subparagraph (1) of this paragraph, the maximum price shall be a price in line with[3a] the maximum price established in the subparagraph for the most nearly related type, construction, finish, color and dye. The seller shall make no sale or delivery based upon such price until he has submitted to the Office of Price Administration, Washington, D. C., the proposed price, a complete description of the specifications as set forth in Tables XI or XII, whichever is applicable, and the way in which the price was calculated, and until the proposed price has been approved.

(5) The maximum prices for moleskins included in this paragraph shall be subject to terms of three percent 10 days, f. o. b. mill.

This amendment shall become effective September 26, 1945.

Issued this 26th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-17975; Filed, Sept. 26, 1945; 4:41 p. m.]

PART 1410—WOOL

[MPR 163,[1] Amdt. 16]

WOOLEN AND WORSTED CIVILIAN APPAREL FABRICS

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.

Maximum Price Regulation No. 163 is amended in the following respects:

1. The table of contents is amended by inserting § 1410.103a between §§ 1410.103 and 1410.104 to read as follows:

§ 1410.103a Maximum prices for resellers of "government contract goods".

2. The table of contents is amended by adding § 1410.121 after § 1410.120 to read as follows:

§ 1410.121 Maximum price for the service of dyeing or refinishing government contract goods.

3. Section 1410.103a is added to read as follows:

§ 1410.103a *Maximum prices for resellers of "government contract goods"*—(a) *What this section does.* This section applies to resales of "government contract goods" by a jobber,[2] secondary jobber or apparel manufacturer. "Government contract goods" means woven woolen or worsted apparel fabrics which in the hands of a previous seller constituted either surplus goods subject to Supplementary Order 94,[3] rejects or overruns subject to Supplementary Order 96,[4] or contractor inventory subject to Order No. 2 under Supplementary Order 130.[5,6] That previous seller will be referred to as the "original seller".

(b) *Resales of finished government contract goods which are not in military finish but are in same form as sold by original seller.* Resales of finished government contract goods which are not in a military color and finish but are in the same form as sold by the original seller shall be subject to all the provisions of § 1410.103, except that (1) in the application of that section to such resales the original seller's price shall be used in place of the manufacturer's price, and (2) in paragraph (b) (1) of § 1410.103 the words "Maximum Price Regulation 163" shall be deemed to refer to Supplementary Order 94, if the original seller is a government agency or a contractor or subcontractor acting as the agent of that agency.

(c) *Resales of other government contract goods, except mill ends, etc.*—(1) *Primary jobbers*—(i) *Goods purchased and resold in military finish.* The maximum price for sales and deliveries of government contract goods in a military color and finish by a primary jobber and resold without redyeing or refinishing shall be the quotient of the sum of (*a*) the original seller's net invoice price, whether or not the purchaser has taken advantage of any term discount offered, but in no case higher than the original seller's maximum price and (*b*) the freight charges actually paid by the purchaser for transportation of the goods from the original seller's shipping point to his place of business, divided by (*c*) a factor of 0.90.

(ii) *Goods finished or refinished by primary jobber.* The maximum price of a primary jobber for government contract goods finished or refinished by him shall be the sum of items (*a*) and (*b*) below divided by a factor of 0.82, plus items (*c*), (*d*), and (*e*):

(*a*) The original seller's net invoice price, whether or not the purchaser has taken advantage of any term discount offered, but in no case higher than the original seller's maximum price;

(*b*) The freight charges actually paid by the purchaser for transportation of the goods from the original seller's shipping point to his place of business;

(*c*) The freight charge actually paid by the purchaser for transportation of the goods to the finishing plant and from the finishing plant to the purchaser's place of business;

(*d*) The shrinkage cost;

(*e*) The cost of dyeing and or finishing or redyeing and or refinishing.

(2) *Secondary jobbers.* The maximum price of a secondary jobber for government contract goods shall be the quotient of the sum of (i) the primary jobber's maximum price and (ii) the freight charges actually paid by the secondary jobber for the transportation of the fabric from his supplier's shipping point to his place of business, divided by a division factor of 0.85.

(3) *Apparel manufacturers.* Resales of finished government contract goods by manufacturers of apparel shall be subject to the provisions of §§ 1410.103 (e) (1) and (e) (3), except that in pursuance of paragraph (e) (3) (i) (*b*), where the original seller is a government agency or a contractor or subcontractor acting as the agent of that agency, they shall supply the original seller's net invoice price for the fabric instead of the manufacturer's net invoice price.

(e) *Mill ends, etc.* (1) The maximum price for sales and deliveries of mill ends, close outs, seconds and irregular pieces by primary jobbers shall be the original seller's maximum price.

(2) The maximum price for sales and deliveries of mill ends, close outs, seconds and irregular pieces by secondary jobbers shall be the quotient of the sum of (i) his supplier's net invoice price, whether or not the secondary jobber has taken advantage of any term discounts offered and (ii) the freight charges actually paid by the secondary jobber for the transportation of the fabric from his supplier's shipping point to his place of business, divided by a factor of 0.85.

(d) *Customary discounts, trade practices and transportation costs.* The provisions of § 1400.103 (f), which pertains to discounts, trade practices, and transportation costs, shall apply to sales subject to this section.

(e) *Invoices.* (1) Every person, except a manufacturer of apparel, who makes a sale subject to this section must give the purchaser an invoice, which shall include, in addition to his own and the purchaser's name and address, the original seller's ceiling price, a brief description of the fabric, and the date, price, terms and quantity of sale, the following:

(i) The primary jobber's total net invoice price where it has not already been furnished pursuant to subparagraph (1) above;

[3a] As used herein, the term "in line with" means (1) based upon and having a justifiable relationship to, and (2) appropriately increased or decreased to take account of differences in construction, finish, dye, color and such other material factors as, in sound trade determination, are considered to have a direct bearing on the cost of production of the respective fabrics.

[1] 6 F.R. 3972, 4396.

[2] The term "jobber", as used in this section, includes a person who purchases government contract goods and resells them after finishing or refinishing them or after having them finished or refinished for his account.

[3] 9 F.R. 9415, 10636, 13287; 10 F.R. 116, 3552, 9089, 10121.

[4] 9 F.R. 10492.

[5] 10 F.R. 11687.

[6] The term "surplus goods", "rejects", "overruns", and "contractor inventory" are explained in the Orders referred to above. Generally speaking, "surplus goods" means goods sold by the government or by a war contractor as agent for the government; "rejects" means rejected and "overruns" means excess goods produced under a war contract; and "contractor inventory" means goods which a contractor is permitted and elects to keep when his contract is terminated.

(ii) The number of the war procurement contract pursuant to which the goods were manufactured, processed or procured and in the case of a subcontract, the name of the other contracting party;

(iii) The division factor he used;

(2) The primary jobber shall include in the invoice to a purchaser, in addition to the above, the following:

(i) The freight charges actually paid by the primary jobber for transportation of the goods (a) from the original seller's shipping point to the primary jobber's place of business and (b) whenever incurred, to the finishing plant and from the finishing plant to the primary jobber's place of business;

(ii) The shrinkage cost, if any, incurred by the primary jobber; and

(iii) The cost of redyeing and or refinishing, if any, incurred by the primary jobber.

4. Section 1410.121 is added to read as follows:

§ 1410.121 *Maximum price for the service of redyeing or refinishing government contract goods.* The maximum price for redyeing or refinishing government contract goods is the maximum price established for redyeing or refinishing woolen or worsted apparel fabrics under section 4 (a) or 4 (c) of Revised Maximum Price Regulation No. 165, whichever is applicable. If no maximum price can be established under either of those provisions, the maximum price for the service shall be determined by dividing the factory cost of the service by a division factor of 0.95.

This amendment shall become effective September 27, 1945.

Issued this 27th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-18030; Filed, Sept. 27, 1945; 4:05 p. m.]

PART 1347—PAPER, PAPER PRODUCTS, RAW MATERIALS FOR PAPER AND PAPER PRODUCTS, PRINTING AND PUBLISHING

[RPS 32,[1] Amdt. 23]

PAPERBOARD SOLD EAST OF THE ROCKY MOUNTAINS

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.

Revised Price Schedule No. 32, § 1347.62, Appendix B—paragraphs (a), (b), (c), (d), and (e) are amended to read as follows:

Fourdrinier Kraft:	*Price per M square feet*
(a) *.016 Liners.*	
0.016—42 lb. weight, 100 lb. test	$1.39
0.016—47 lb. weight, 105 lb. test	1.55
0.016—50 lb. weight, 110 lb. test	1.65
0.016—52 lb. weight, 110 lb. test	1.72
0.016—56 lb. weight, 115 lb. test	1.99
(a) *.016 Liners.*	*Price per M square feet*
Cylinder Kraft:	
0.016—52–58 lb. weight, 100 lb. test	$1.82
Test Jute:	
0.016—56–68 lb. weight, 100 lb. test and over	2.21
0.016—56–68 lb. weight, 85 lb. test to less than 100 lb. test	2.11
0.016—56–68 lb. weight, 70 lb. test to less than 85 lb. test	1.90
Nontest Jute:	*Price per ton*
0.016—56–68 lb. weight	$59.50
(b) *Liners heavier than .016*	*Price per M square feet*
Fourdrinier Kraft:	
0.023—72 lb. weight, 135 lb. test	$2.38
0.030—93 lb. weight, 140 lb. test	2.97
Cylinder Kraft:	
0.030—90–104 lb. weight, 135 lb. test	2.68
0.030—90–106 lb. weight, 150 lb. test	3.00
0.030—90–106 lb. weight, 170 lb. test	3.12
Test Jute:	
0.030—95–110 lb. weight, 135 lb. test	3.46
Nontest Jute:	*Price per ton*
0.030—95–110 lb. weight, less than 135 lb. test	$59.50
(c) *Liners lighter than .016.*	*Price per M square feet*
Fourdrinier Kraft:	
0.009—32 lb. weight, 75 lb. test	$1.14
0.012—33 lb. weight, 75 lb. test	1.09
0.014—38 lb. weight, 85 lb. test	1.25
0.014—43 lb. weight, 100 lb. test	1.42
Jute:	
0.012—49–52 lb. weight	1.68
(d) *Corrugating grades.*	
Fourdrinier Kraft:	
0.009—26 lb. weight	.86
Chestnut:	
0.009—26 lb. weight	.78
	Price per M square feet
Canadian sulphite and groundwood:	
0.009—26 lb. weight	$0.78
Bogus:	
0.009—25–30 lb. weight	.93
Strawboard:	
0.009—30–34 lb. weight	1.00
(e) *Chip for use in innerpacking, single face rolls or containers.*	
	Price per ton
0.007 to 0.016	$52.50
Heavier than 0.016	50.00

This amendment shall become effective October 3, 1945.

Issued this 28th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-18101, Filed, Sept. 28, 1945; 11:30 a. m.]

PART 1420—BREWERY, DISTILLERY AND WINERY PRODUCTS

[MPR 445,[2] Amdt. 32]

DISTILLED SPIRITS AND WINES

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.

Maximum Price Regulation 445 is amended in the following respects:

1. The table appearing in section 2.3 (c) (1) is amended to read as follows:

Age (months)		Column 1	Column 2	Column 3	Column 4
More than—	Not more than—	Maximum prices per original proof gallon; distilled any time prior to Aug. 1, 1944 and stored in either new or used cooperage, distilled during August 1944 and January 1945 and stored in used cooperage	Maximum prices per original proof gallon; distilled during Aug. 1, 1944 and January 1945 and stored in new cooperage	Maximum prices per original proof gallon; distilled on or after July 1, 1945 and stored in used cooperage	Maximum prices per original proof gallon; distilled on or after July 1, 1945 and stored in new cooperage
0	2	$6.69	$6.87	$6.74	$6.91
2	4	.73	.88	.77	.94
4	6	.77	.91	.81	.98
6	8	.81	.94	.85	1.02
8	10	.85	.97	.89	1.06
10	12	.89	1.00	.93	1.09
12	14	.93	1.03	.97	1.13
14	16	.97	1.07	1.01	1.17
16	18	1.01	1.10	1.05	1.20
18	21	1.07	1.14	1.11	1.24
21	24	1.14	1.19	1.18	1.29
24	27	1.19	1.25	1.24	1.35
27	30	1.25	1.31	1.30	1.41
30	33	1.31	1.36	1.36	1.46
33	36	1.36	1.41	1.41	1.51
36	39	1.41	1.46	1.46	1.56
39	42	1.46	1.51	1.51	1.61
42	45	1.51	1.56	1.56	1.66
45	48	1.56	1.61	1.61	1.71
48	51	1.61	1.65	1.65	1.75
51	54	1.65	1.69	1.69	1.79
54	57	1.69	1.72	1.72	1.82
57	60	1.72	1.75	1.75	1.85
60	63	1.75	1.78	1.78	1.88
63	66	1.78	1.81	1.81	1.91
66	69	1.81	1.84	1.84	1.94
69	72	1.84	1.87	1.87	1.97
72	75	1.87	1.90	1.90	2.00
75	78	1.90	1.93	1.93	2.03
78	81	1.93	1.96	1.96	2.06
81	84	1.96	1.98	1.98	2.08
84	90	1.98	2.00	2.00	2.10

NOTE: Maximum prices set forth above include all excise and processing taxes of any state or subdivision thereof at rates in effect on November 2, 1942 and storage and all other charges applicable to the quantity being priced and accrued to date of sale together with brokerage commissions, if any, paid by the seller incident to the particular sale.

[2] 10 F.R. 7444, 8241, 9395, 9626, 10224.

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2. The table appearing in section 2.3 (c) (2) is amended to read as follows:

Age (Months)		Maximum prices per regauged proof gallon: distilled at any time prior to Aug. 1, 1944 and stored in either new or used cooperage; distilled during August 1944 or January 1945 and stored in used cooperage		Maximum prices per regauged proof gallon: distilled during August 1944 or January 1945 and stored in new cooperage		Maximum prices per regauged proof gallon: distilled on or after July 1, 1945 and stored in used cooperage		Maximum prices per regauged proof gallon: distilled on or after July 1, 1945 and stored in new cooperage	
More than—	Not more than—	Col. 1	Col. 2	Col. 3	Col. 4	Col. 5	Col. 6	Col. 7	Col. 8
		In bond	Tax paid	In bond	Tax paid	In bond	Tax paid	In bond	Tax paid
0	2	$6.712	$6.712	$6.877	$6.877	$6.754	$6.754	$6.960	$6.960
2	4	.770	6.770	.928	6.928	.812	6.812	.962	6.962
4	6	.821	6.821	.970	6.970	.864	6.864	1.023	7.023
6	8	.874	6.874	1.003	7.003	.917	6.917	1.046	7.046
8	10	.927	6.927	1.036	7.036	.972	6.972	1.081	7.081
10	12	.982	6.982	1.070	7.070	1.015	7.015	1.103	7.103
12	14	1.038	7.038	1.105	7.105	1.072	7.072	1.139	7.139
14	16	1.096	7.096	1.141	7.141	1.122	7.122	1.174	7.174
16	18	1.154	7.154	1.177	7.177	1.177	7.177	1.120	7.120
18	21	1.238	7.238	1.238	7.238	1.238	7.238	1.238	7.238
21	24	1.323	7.323	1.323	7.323	1.323	7.323	1.323	7.323
24	27	1.410	7.410	1.410	7.410	1.410	7.410	1.410	7.410
27	30	1.500	7.500	1.500	7.500	1.500	7.500	1.500	7.500
30	33	1.592	7.592	1.592	7.592	1.592	7.592	1.592	7.592
33	36	1.674	7.674	1.674	7.674	1.674	7.674	1.674	7.674
36	39	1.758	7.758	1.758	7.758	1.758	7.758	1.758	7.758
39	42	1.844	7.844	1.841	7.841	1.844	7.844	1.844	7.844
42	45	1.933	7.933	1.934	7.933	1.933	7.933	1.933	7.933
45	48	2.024	8.024	2.024	8.024	2.024	8.024	2.024	8.024
48	51	2.117	8.117	2.117	8.117	2.117	8.117	2.117	8.117
51	54	2.200	8.200	2.200	8.200	2.200	8.200	2.200	8.200
54	57	2.285	8.285	2.285	8.285	2.285	8.285	2.285	8.285
57	60	2.359	8.359	2.359	8.359	2.359	8.359	2.359	8.359
60	63	2.435	8.435	2.435	8.435	2.435	8.435	2.435	8.435
63	66	2.513	8.513	2.513	8.513	2.513	8.513	2.513	8.513
66	69	2.593	8.593	2.593	8.593	2.593	8.593	2.593	8.593
69	72	2.676	8.676	2.676	8.676	2.676	8.676	2.676	8.676
72	75	2.762	8.762	2.762	8.762	2.762	8.762	2.762	8.762
75	78	2.850	8.850	2.850	8.850	2.850	8.850	2.850	8.850
78	81	2.941	8.941	2.941	8.941	2.941	8.941	2.941	8.941
81	84	3.035	9.035	3.035	9.035	3.035	9.035	3.035	9.035
84	90	3.116	9.116	3.116	9.116	3.116	9.116	3.116	9.116
90	----	3.200	9.200	3.200	9.200	3.200	9.200	3.200	9.200

NOTE: Maximum prices in all columns include all excise and processing taxes of any state or subdivision thereof at rates in effect on November 2, 1942; and storage and all other charges applicable to the quantity being priced and accrued to date of sale, together with brokerage commissions, if any, paid by the seller incident to the particular sale. Maximum prices set forth in columns 2, 4, 6, and 8 also include the amount of United States excise taxes at rates in effect on November 2, 1942.

This amendment shall become effective October 3, 1945.

Issued this 28th day of September 1945.

CHESTER BOWLES,
Administrator.

Approved: September 19, 1945.

CLINTON P. ANDERSON,
Secretary of Agriculture.

[F. R. Doc. 45-18108; Filed Sept. 28, 1945; 11:33 a. m.]

PART 1420—BREWERY, DISTILLERY AND WINERY PRODUCTS

[MPR 445,[1] Amdt. 33]

DISTILLED SPIRITS AND WINES

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.

Maximum Price Regulation 445 is amended in the following respects:

1. Section 1.8 (c) (5) (iii) is added to read as follows:

(iii) The item is the same as an item for which another importer had an exclusive agency to which the applicant-importer has succeeded. If the answer is in the affirmative, the importer shall submit the name and the address of the importer who had the exclusive agency, the area to which the exclusive agency applied, and the maximum prices which such importer had established for the item, including a statement of the sections of the regulation under which the maximum prices were figured and a statement of the figures used in the computation of such maximum prices.

2. Section 1.8 (d) (1) (iv) is added to read as follows:

(iv) If the item for which a price is sought is the same as the item for which another importer had an exclusive agency in a particular area and for which a maximum price has been established by him under this regulation, and the importer seeking a price has succeeded to that importer's exclusive agency for sale of the item in that area, the maximum price authorized for the importer who has succeeded to the exclusive agency shall be the same as the maximum price of the importer who first had the agency.

This amendment shall become effective October 3, 1945.

Issued this 28th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-18109; Filed, Sept. 28, 1945; 11:33 a. m.]

[1] 10 F.R. 7444, 8241, 9395, 9626, 11515.

PART 1426—PRIMARY FOREST PRODUCTS

[MPR 556,[1] Amdt. 1]

WESTERN RAILROAD TIES AND WOODEN MINE MATERIALS

A statement of the considerations involved in the issuance of this amendment issued simultaneously herewith, has been filed with the Division of the Federal Register.

Maximum Price Regulation 556 is amended in the following respects:

1. In section 16, Table 5 is amended to read as follows:

TABLE 5—WESTERN PINE, ETC., RAILROAD TIES

[Area: This table applies in the entire area covered by the regulation except for the species and qualifications set forth below.]

[Species: Lodgepole pine, tamarack, Ponderosa pine, larch, Douglas fir, Engelmann spruce and related species, or any combination of these species, except Douglas fir, hemlock and true fir produced in Oregon and Washington west of the crest of the Cascade Mountains, and California and Canada. Specifications: The maximum prices specified below apply to untreated cross ties manufactured in accordance with the specifications of the American Railway Engineering Association]

Area	Cross ties per M'BM	Switch ties per M'BM.	Estimated weights per M'BM	
			Green	Dry
North and west area (see section 7 (a))	$28.50	$31.50	3,800	3,200
Fringe area (see section 7 (b))	30.00	35.50	3,800	3,200

1. For 8'6" and 9'0" cross ties, add $2.00 per M'BM.

2. In the Fringe area, but not in the north and west area, a tie contractor may add $2.00 per M'BM. of Western Railroad cross ties. No tie contractor addition is allowed on switch ties. See section 6 for definition of tie contractor.

3. For railroad ties of Western pine and associated species, produced in Arizona, New Mexico, or Colorado and sold f. o. b. rail or point of production, the maximum price shall be $24.00 per M'BM. On delivered sales, additions for transportation may be made in accordance with sections 4 (a) and (b), the charges to be computed for the entire haul from mill to destination, but in no case to exceed $10.00 per M'BM.

2. In section 16, Table 6 is amended by the addition of footnote No. 6 to read as follows:

6. Any producer of Douglas fir ties whose mill is located on the East slope of the Cascade Mountains near the crest, and who has customarily graded and sold his ties in accordance with the grading rules established in the West Coast Lumber Association Rules No. 12, may apply to the Office of Price Administration for permission to sell his ties under this table. The application shall be directed to the Lumber Branch, Office of Price Administration, Washington 25, D. C., and shall contain all of the information necessary for the Lumber Branch to determine whether it has been the customary practice of this mill to sell under West Coast Lumber Association rules.

3. A new table is added to section 16 to read as follows:

TABLE 6—PORT ORFORD RAILROAD CROSS AND SWITCH TIES

[Area: This table applies in Washington, Oregon and California, west of the crest of the Cascade Mountains]

[Grades as provided in Port Orford Cedar Lumber and Log Association Export and Domestic Grading Rules No. 1]

	Cross ties	Switch ties
No. 1, 6" x 8" & 7" x 9"	$50.00 per M'BM.	$53.00 per M'BM
No. 2, 6" x 8" & 7" x 9"	$40.00 per M'BM.	$43.00 per M'BM.
Estimated weight lbs. per M'BM.	3,300	3,300.

[1] 9 F.R. 10996.

This regulation shall become effective October 3, 1945.

Issued this 28th day of September 1945.

JAMES G. ROGERS, Jr.,
Acting Administrator.

[F. R. Doc. 45-18102; Filed, Sept. 28, 1945; 11:31 a. m.]

PART 1305—ADMINISTRATION

[SO 118, Amdt. 4]

SMALL VOLUME MANUFACTURERS RECONVERSION PRICING

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.

Appendix A of Supplementary Order 118 is amended as follows:

1. The product list is amended by adding the following products in alphabetical order under the following headings:

Building Materials Branch

Prefabricated garages, predominantly of metal.
Prefabricated commercial and industrial buildings, predominantly of metal.
Prefabricated farm buildings, predominantly of metal.

Machinery Branch

Confectionery machinery and equipment.
Sugar processing machinery and equipment.

2. Appendix B is amended by adding the following products in alphabetical order to the product list under the following headings:

Machinery Branch

Condensation pumps, designed for use in heating and process return systems, powered by electric motors of less than 1 hp. capacity.
Sump pumps powered by electric motors of less than 1 hp. capacity.
Butane and propane gas tanks covered by RMPR 136.

Metals Branch

Steel sheet pipe culverts.

This amendment shall become effective October 3, 1945.

Issued this 28th day of September 1945.

CHESTER BOWLES,

[F. R. Doc. 45-18112; Filed, Sept. 28, 1945; 11:30 a. m.]

PART 1305—ADMINISTRATION

[SO 118, Amdt. 5]

SMALL VOLUME MANUFACTURERS' RECONVERSION PRICING

A statement of the considerations accompanying this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.

Supplementary Order No. 118 is amended in the following respects:

1. The paragraph headed "Note" in Appendix D is amended by adding the following paragraph at the end thereof:

Attention is also directed to the fact that the inclusion of a profit factor for an industry or an industry group does not necessarily mean that the products made by those industries are eligible for adjustment. A product is eligible for adjustment only if it is listed in Appendix A or B, or covered by one of the regulations listed in section 2.

2. In Appendix D the following products and profit factors are added to List 1:

	Factor (percent)
Automatic Electrical Control Equipment	11.2
Commercial and Domestic Stokers having a capacity of less than 1200 lbs. per hour	5.5
Elevators and Escalators	6.1
Hand Operated Petroleum Dispensing Pumps	2.2
Leather Luggage	3.5
Plated, Solid and Hollow Silverware	3.4
Stock Millwork covered by RMPR 293	2.2

3. In Appendix D the following products and profit factors are added to List 2:

	Factor (percent)
Commercial and Mechanical Refrigerators and Air Conditioning Units and Equipment	4.9
Food Products Machinery	4.5

This amendment shall become effective October 3, 1945.

Issued this 28th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-18113; Filed, Sept. 28, 1945; 11:30 a. m.]

PART 1305—ADMINISTRATION

[SO 119, Amdt. 4]

INDIVIDUAL ADJUSTMENTS FOR RECONVERTING MANUFACTURERS

A statement of the considerations accompanying this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.

Supplementary Order No. 119 is amended in the following respects:

1. The paragraph headed "Note" in Appendix C is amended by adding the following paragraph at the end thereof:

Attention is also directed to the fact that the inclusion of a profit factor for an industry or an industry group does not necessarily mean that the products made by this industry are eligible for adjustment. A product is eligible for adjustment only if it is listed in Appendix A or B, or covered by one of the regulations listed in section 2.

2. In Appendix C the following products and profit factors are added to List 1:

	Factor (percent)
Automatic Electrical Control Equipment	11.2
Commercial and Domestic Stokers having a capacity of less than 1200 lbs. per hour	5.5
Elevators and Escalators	6.1
Hand Operated Petroleum Dispensing Pumps	2.2
Leather Luggage	3.5
Plated, Solid and Hollow Silverware	3.4
Stock Millwork covered by RMPR 293	2.2

3. In Appendix C the following products and profit factors are added to List 2:

	Factor (percent)
Commercial Mechanical Refrigerators and Air Conditioning Units and Equipment	4.9
Food Products Machinery	4.5

This amendment shall become effective October 3, 1945.

Issued this 28th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-18114; Filed, Sept. 28, 1945; 11:30 a. m.]

PART 1305—ADMINISTRATION

[SO 19, Amdt. 5]

INDIVIDUAL ADJUSTMENTS FOR RECONVERTING MANUFACTURERS

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.

Appendix A of Supplementary Order 119 is amended as follows:

1. The product list is amended by adding the following products in alphabetical order under the following headings:

Building Materials Branch

Prefabricated garages, predominantly of metal.
Prefabricated commercial and industrial buildings, predominantly of metal.
Prefabricated farm buildings, predominantly of metal.

Machinery Branch

Confectionary machinery and equipment.
Sugar processing machinery and equipment.

2. Appendix B is amended by adding the following products in alphabetical order to the product list under the following headings:

Machinery Branch

Condensation pumps, designed for use in heating and process return systems, powered by electric motors of less than 1 hp. capacity.
Sump pumps powered by electric motors of less than 1 hp. capacity.
Butane and propane gas tanks covered by RMPR 136.

Metals Branch

Steel sheet pipe culverts.

This amendment shall become effective October 3, 1945.

Issued this 28th day of September 1945.

CHESTER BOWLES.
Administrator.

[F. R. Doc. 45-18115; Filed, Sept. 28, 1945; 11:30 a. m.]

PART 1351—FOOD AND FOOD PRODUCTS

[MPR 422,[1] Amdt. 54]

CEILING PRICES OF CERTAIN FOODS SOLD AT RETAIL IN GROUP 3 AND GROUP 4 STORES

A statement of the considerations involved in the issuance of this amend-

[1] 10 F.R. 1505, 2024, 2297, 3814.

ment, issued simultaneously herewith, has been filed with the Division of the Federal Register.

Maximum Price Regulation No. 422 is amended as follows:

In section 39 (a), the item "Cranberries" in list (2) of Table B-II is amended to read as follows:

TABLE B—MARK-UPS OVER "NET COST" ALLOWED TO GROUP 3 AND GROUP 4 RETAILERS FOR PERISHABLES COVERED BY THIS REGULATION BY COMMODITIES

	Allowed dollars-and-cents mark-ups per "selling unit"		"Selling unit" in which ceiling price must be calculated
	Group 3, Retailer other than independent with annual volume under $250,000	Group 4, Any retailer with annual volume of $250,000 or more	
(2) Fresh fruits: Cranberries	Cents [2]	Cents [3]	1 pound

This amendment shall become effective October 4, 1945.

Issued this 28th day of September 1945.

CHESTER BOWLES,
Administrator.

Approved: September 19, 1945.

CLINTON P. ANDERSON,
Secretary of Agriculture.

[F. R. Doc. 45-18103; Filed, Sept. 28, 1945; 11:31 a. m.]

PART 1351—FOOD AND FOOD PRODUCTS

[MPR 422,[1] Amdt. 55]

CEILING PRICES OF CERTAIN FOODS SOLD AT RETAIL IN GROUP 3 AND GROUP 4 STORES

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.

I. In section 20 (a), a new undesignated paragraph is added to read as follows:

If you import green bananas, all of the provisions in section 3 of Revised Maximum Price Regulation 235[2] with respect to the amount an importer may pay for green bananas, including payment for purchasing services, shall be applicable to you as if you were an importer under that regulation.

2. Section 31 (b) (1) is amended to read as follows:

(1) If you sell food in a retail food store in which there are other food retailers, none of whom sells a complete line of the same general class of food, you must find your group by taking the combined "annual gross sales" of all the food retailers in that store. If you are unable to get the "annual gross sales" from the other food retailers in that store, you shall apply, in writing, to your nearest OPA District Office, for a determination of your group, stating your own "annual gross sales" figure for the applicable year. Each District Director is authorized to act on requests covering stores located within his district, and action taken shall be by order.

This amendment shall become effective October 4, 1945.

Issued this 28th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-18104; Filed, Sept. 28, 1945; 11:31 a. m.]

PART 1351—FOOD AND FOOD PRODUCTS

[MPR 423,[1] Amdt. 52]

CEILING PRICES OF CERTAIN FOODS SOLD AT RETAIL IN INDEPENDENT STORES DOING AN ANNUAL BUSINESS OF LESS THAN $250,000 (GROUP 1 AND GROUP 2 STORES)

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.

Maximum Price Regulation No. 423 is amended as follows:

In section 28 (a), the item "Cranberries" in list (2) of Table B-II is amended to read as follows:

TABLE B—MARK-UPS OVER "NET COST" ALLOWED TO GROUP 1 AND GROUP 2 RETAILERS FOR PERISHABLES COVERED BY THIS REGULATION BY COMMODITIES

	Allowed dollars-and-cents mark-ups per "selling unit"		"Selling unit" in which ceiling price must be calculated
	Independent retailers with annual volumes		
	Group 1, Under $50,000	Group 2, $50,000 but less than $250,000	
(2) Fresh fruits: Cranberries	Cents [4]	Cents [5]	1 pound

This amendment shall become effective October 4, 1945.

Issued this 28th day of September 1945.

CHESTER BOWLES,
Administrator.

Approved: September 19, 1945.

CLINTON P. ANDERSON,
Secretary of Agriculture.

[F. R. Doc. 45-18105; Filed, Sept. 28, 1945; 11:32 a. m.]

PART 1351—FOOD AND FOOD PRODUCTS

[MPR 423,[1] Amdt. 53]

CEILING PRICES OF CERTAIN FOODS SOLD AT RETAIL IN INDEPENDENT STORES DOING AN ANNUAL BUSINESS OF LESS THAN $250,000 (GROUP 1 AND GROUP 2 STORES)

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.

Section 21 (b) (1) is amended to read as follows:

(1) If you sell food in a retail food store in which there are other food retailers, none of whom sells a complete line of the same general class of food, you must find your group by taking the combined "annual gross sales" of all the food retailers in that store. If you are unable to get the "annual gross sales" from the other food retailers in that store, you shall apply, in writing, to your nearest OPA District Office, for a determination of your group, stating your own "annual gross sales" figure for the applicable year. Each District Director is authorized to act on requests covering stores located within his district, and action taken shall be by order.

This amendment shall become effective October 4, 1945.

Issued this 28th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-18106; Filed, Sept. 28, 1945; 11:32 a. m.]

PART 1499—COMMODITIES AND SERVICES

[SR 14F, Amdt. 9]

CINCHONA ALKALOIDS AND THEIR SALTS

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.

Supplementary Regulation 14F is amended in the following respects:

1. Section 27 (b) is amended by adding at the end thereof the following:

American Quinine Co.
R. W. Greeff and Co., Inc.

2. A new section 27 (c) is added to read as follows:

(c) In addition to the persons listed in section 27 (b), the Price Administrator may from time to time designate other persons as primary distributors. Such action shall be taken by order in response to an application showing the following facts with respect to the applicant: That he was a primary distributor of cinchona alkaloids and their salts before the war; that he was inactive in that capacity during the war; and that he now desires to resume his function as a primary distributor.

This amendment shall become effective September 27, 1945.

NOTE: The reporting requirements of this amendment have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 27th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-18081; Filed, Sept. 27, 1945; 4:04 p. m.]

[2] 10 F.R. 1523, 2025, 2298, 3814, 5370, 5578, 6235, 6514, 8015, 8656, 9272, 9263, 9431, 11303.

[2] 10 F.R. 7532, 8746, 8934.

Chapter XIII—Petroleum Administration for War

PART 1523—MATERIAL CONSERVATION; MARKETING

[PAO 12, as Amended July 14, 1945, Revocation]

Section 1528.1 (Petroleum Administrative Order No. 12, as amended July 14, 1945) is hereby revoked, effective October 15, 1945.

(E.O. 9276, 7 F.R. 10091; E.O. 9125, 7 F.R. 2719; E.O. 9319, 8 F.R. 3687; WPB Directive No. 30, 8 F.R. 11559; sec. 2 (a), Pub. Law 671, 76th Cong.; Pub. Laws 89 and 507, 77th Cong.; Pub. Law 509, 78th Cong.)

Issued: September 28, 1945.

RALPH K. DAVIES,
Deputy Petroleum Administrator for War.

[F. R. Doc. 45-18087; Filed, Sept. 28, 1945; 9:43 a. m.]

Chapter XXIII—Surplus Property Board

[SPB Reg. 3, Amdt. 1]

PART 8303—DISPOSITION OF SURPLUS PROPERTY IN RURAL AREAS AND TO FARMERS

Surplus Property Board Regulation 3, April 25, 1945, entitled "Disposition of Surplus Property in Rural Areas and to Farmers" (10 F.R. 5325) is hereby amended as follows:

1. Section 8303.3 (b) is amended by deleting the second sentence.

2. Section 8303.6 is amended to read as follows:

§ 8303.6 *Regulations and reports to be filed with the Board.* Copies of all regulations, orders, agreements and instructions of general applicability issued by any agency in furtherance of this regulation shall be filed by such agency with the Board.

This amendment shall become effective September 25, 1945.

SURPLUS PROPERTY BOARD,
By W. STUART SYMINGTON,
Chairman.

SEPTEMBER 25, 1945.

[F. R. Doc. 45-18095; Filed, Sept. 28, 1945; 11:05 a. m.]

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Order 110-A]

PART 4—RULES GOVERNING BROADCAST SERVICES OTHER THAN STANDARD BROADCAST

EXTENSION OF LICENSES OF INTERNATIONAL BROADCAST STATIONS

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 11th day of September 1945.

The Commission having under consideration Order No. 110 adopted December 30, 1942, providing for the extension of the licenses of international broadcast stations:

It is hereby ordered, That the license term for every international broadcast station presently licensed shall end at the earlier of the following dates: (a) April 1, 1946, or (b) the first day on which its operations are not controlled, by agreement or otherwise, by the Office of War Information, the Coordinator of Inter-American Affairs, or other governmental agency supervising the operation of international broadcasting.

It is further ordered, That the portion of § 4.3 of the rules and regulations which established for international broadcast stations a normal license term of one year is hereby suspended until further order of the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 45-18091; Filed, Sept. 29, 1945; 10:10 a. m.]

TITLE 49—TRANSPORTATION AND RAILROADS

Chapter I—Interstate Commerce Commission

[S. O. 100-A]

PART 96—JOINT USE OF TERMINALS

PORTIONS OF TERMINALS AT BIRMINGHAM, ALA.

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 26th day of September, A. D. 1945.

Upon further consideration of the provisions of Service Order 100 (8 F.R. 1757), and good cause appearing therefor: *It is ordered*, That:

Service Order 100 (8 F.R. 1757) of February 5, 1943, 49 CFR § 96.2, requiring various carriers to make joint and common use of certain facilities and tracks at Birmingham, Alabama, be, and it is hereby, vacated and set aside.

It is further ordered, That this order shall become effective at 12:01 a. m., October 1, 1945; that a copy of this order and direction shall be served upon the carriers named in the original order, and upon the Association of American Railroads, Car Service Division, as agent of the railroad subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

By the Commission, Division 3.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 45-18094; Filed, Sept. 28, 1945; 10:16 a. m.]

Notices

TREASURY DEPARTMENT.

Bureau of Customs.

[T. D. 51319]

AUTOMOBILES

TEMPORARY FREE IMPORTATIONS FROM BAHAMA ISLANDS

Admission for 6 months under permit without bond authorized for automobiles from the Bahama Islands.

Pursuant to section 308 (5), Tariff Act of 1930, as amended by section 4 of the Customs Administrative Act of 1938 (U.S.C. title 19, sec. 308 (5)), collectors of customs are hereby authorized to defer for a period of not to exceed 6 months the requirement of a bond to secure the exportation of automobiles imported from the Bahama Islands under the provisions of section 308 (5), for the transportation of the nonresident importer, his family or guests, and such incidental carriage of articles as may be necessary and appropriate to the purposes of the journey, but not to be used for the transportation of persons or articles for hire, nor in any case primarily for the carriage of articles.

The number of this Treasury decision shall be inserted as a marginal reference opposite § 10.41 (a), Customs Regulations of 1943.

[SEAL] FRANK DOW,
Acting Commissioner of Customs.

Approved: September 25, 1945.

HERBERT E. GASTON,
Acting Secretary of the Treasury.

[F. R. Doc. 45-18103; Filed, Sept. 29, 1945; 11:34 a. m.]

FEDERAL COMMUNICATIONS COMMISSION.

[Docket No. 6778]

R. C. A. COMMUNICATIONS, INC. ET AL.

ORDER INSTITUTING INVESTIGATION AND SETTING HEARING DATE

In the matter of increased charges for telegraph communications between the United States and Samoa and the Fiji Islands.

At a session of the Federal Communications Commission held at its offices in Washington, D. C. on the 18th day of September 1945;

It appearing, That R. C. A. Communications, Inc., Mackay Radio and Telegraph Company, and The Western Union Telegraph Company have filed with the Commission revised tariff schedules effective October 1, 1945, stating new increased charges for telegraph messages from the United States and Puerto Rico to Samoa and the Fiji Islands, said tariff schedules being designated as follows:

R. C. A. Communications, Inc.
Tariff F. C. C. No. 15
9th Revised Page 86
Mackay Radio and Telegraph Company
Tariff F. C. C. No. 2
22nd Revised Page 94
The Western Union Telegraph Company
Tariff F. C. C. No. 173
19th Revised Page 30
2nd Revised Page 37C

It further appearing, That said tariff schedules state increased charges for telegraph communications in interstate and foreign commerce; that the rights and interests of the public may be injuriously affected thereby; and it being the opinion of the Commission that the effective date of such schedules, insofar as they provide for increased charges for telegraph communications from the United States and Puerto Rico to Samoa and the Fiji Islands, should be postponed pending hearing and decision on the lawfulness of such increased charges;

It is ordered, That the Commission, upon its own motion, without formal pleading, enter upon a hearing concerning the lawfulness of the charges contained in the above-cited tariff schedules, insofar as they relate to telegraph communications from the United States and Puerto Rico to Samoa and the Fiji Islands.

It is further ordered, That the operation of the above-cited tariff schedules, insofar as they provide for increased charges for and in connection with telegraph communications from the United States and Puerto Rico to Samoa and the Fiji Islands, be suspended; that the use of the charges therein stated be deferred until January 1, 1946, unless otherwise ordered by the Commission; and that during said period of suspension no changes shall be made in such charges or in the charges sought to be altered, unless authorized by special permission of the Commission;

It is further ordered, That an investigation be, and the same is hereby instituted, into the lawfulness of the rates, charges, classifications, regulations, practices, and services of R. C. A. Communications, Inc., Mackay Radio and Telegraph Company, and The Western Union Telegraph Company, for and in connection with telegraph communication service between the United States and Puerto Rico, on the one hand, and Samoa and the Fiji Islands, on the other.

It is further ordered, That in the event a decision as to the lawfulness of the charges herein suspended has not been made during the suspension period and said charges have gone into effect, all of the carriers subject to the Commission's jurisdiction participating in the service provided under the tariff provisions herein suspended, shall, until further order of the Commission, each keep accurate account of all amounts charged, collected or received by reason of any increase in charges effected thereby; that each such carrier shall specify in such accounts by whom and in whose behalf such amounts are paid; and each such carrier shall file with this Commission a report, under oath, on or before the 10th day of each calendar month, commencing February 10, 1946, showing the amounts accounted for as aforesaid during the previous calendar month;

It is further ordered, That a copy of this order be filed in the offices of the Commission with said tariff schedules herein suspended; that all carriers subject to the Commission's jurisdiction which are parties to such tariff schedules be, and they are hereby each made a party respondent to this proceeding; and that copies hereof be served upon each such party respondent;

It is further ordered, That this proceeding be, and the same is hereby assigned for hearing on the 24th day of October 1945, beginning at 10:00 a. m. at the offices of the Federal Communications Commission in Washington, D. C.

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 45-18090; Filed, Sept. 28, 1945; 10:10 a. m.]

[Docket No. 6780]

COMMERCIAL TELEVISION BROADCAST STATION

ORDER SETTING FOR HEARING SUGGESTED REGULATIONS

In the matter of promulgation of rules and regulations and standards of good engineering practice for commercial television broadcast stations.

Whereas, The Commission on June 27, 1945, issued its final report allocating frequencies for television broadcasting;

Whereas, it is desirable that rules and regulations and standards of good engineering practice concerning television broadcasting should be promulgated as soon as possible; and

Whereas the Commission has heretofore called an informal engineering conference for the purpose of discussing technical matters involved in standards of good engineering practice for television broadcasting.

Now, therefore, it is ordered, This 20th day of September 1945, that a hearing be held before the Commission en banc beginning at 10:30 a. m., October 4, 1945, for the purpose of considering the promulgation of rules and regulations and standards of good engineering practice concerning television broadcasting. Persons desiring to appear at that hearing should file an appearance with the Commission on or before October 1, indicating the name of the person who will appear, the subject matter concerning which he will testify, and the length of time desired. Persons desiring to file briefs should file 25 copies with the Commission on or before October 1, 1945.

In order to give scope and direction to the hearing, there is set forth in the attached appendix the substance of suggested rules and regulations concerning the principal subjects to be considered by the Commission. Persons appearing at the hearing should address themselves to these suggested regulations and should indicate with particularity any objection they have to the regulations and any specific suggestions they have for any change in, or alternative to, the suggested regulations.

[SEAL] T. J. SLOWIE,
Secretary.

APPENDIX

(1) *Minimum operating schedule.* The licensee of each television broadcast station shall maintain a regular program operating schedule transmitting a standard television signal for a total of 6 hours per day. In addition, comment is requested as to whether the minimum operating schedule should be more or less than 6 hours per day and as to whether the Commission should provide for the sharing of some or all television channels by two or more licensees. If such sharing is provided for, the Commission will prescribe the hours each licensee is to operate.

(2) *Multiple ownership.* No person (including all persons under common control)[1] shall, directly or indirectly, own, operate, or control more than one television broadcast station, except upon a showing (1) that such ownership, operation, or control would foster competition among television broadcast stations or provide a television broadcast service distinct and separate from existing services, and (2) that such ownership, operation or control would not result in the concentration of control of television broadcasting facilities in a manner inconsistent with public interest, convenience, or necessity: *Provided, however*, That no person (including all persons under common control), shall directly or indirectly own, operate, or control more than one television broadcast station that would serve substantially the same service area: *And provided, further*, That the Commission will regard the ownership, operation, or control of more than five television broadcast stations as constituting a concentration of control of television broadcasting facilities in a manner inconsistent with public interest, convenience, or necessity.

(3) *Network regulations.* The chain broadcasting regulations shall be applicable to television stations.

(4) *Use of common antenna site.* No television license or renewal of a television license will be granted to any person who owns, leases, or controls a particular site which is peculiarly suitable for television broadcasting in a particular area; and (1) which is not available for use by other television licensees; and (2) no other comparable site is available in the area; and (3) where the exclusive use of such site by the applicant or licensee would unduly limit the number of television stations that can be authorized in a particular area or would unduly restrict competition among television stations.

(5) *Announcement of mechanical reproductions.* Comment is invited concerning the desirability of requiring an appropriate announcement to be made when motion pictures or other mechanical reproductions are used in television broadcasting.

(6) *Station identification.* Comment is requested as to whether station identification should be by aural means, by video means, or by both and how frequently such announcements should be made.

(7) *Allocation plan.* The 13 channels available for television broadcasting shall be divided as follows:

(a) *Community stations.* A community station is designed to render service to those cities or communities which have fewer than two metropolitan stations as shown in the

[1] The word "control" as used herein is not limited to majority stock ownership, but includes actual working control in whatever manner exercised.

table below. However, community stations may be assigned to cities with two or more metropolitan stations upon a showing that this would not make impossible the assignment of a station to another city which has a reasonable probability of a station being located there. The power of a community station may not exceed an effective radiated peak power of 1 kilowatt with a maximum antenna height of 500 feet above the average terrain ten miles from the transmitter. Upon a proper showing that an antenna height in excess of 500 feet is available, authorization will be issued for such higher antenna but the Commission may in such cases require a reduction in radiated power.

A minimum separation of 90 miles normally will be provided in the case of community stations on the same channel and a minimum of 45 miles on adjacent channels. However, upon a showing that public interest would be served thereby, community stations may be located at closer distances. The main studio shall be located in the city or town served and the transmitter shall be located as near the center of the city as practicable.

Three television channels will be assigned to community stations. They are television channels 1, 12 and 13.

(b) *Metropolitan stations.* Metropolitan stations may be assigned to television channels 2 through 6 and 7 through 11, both inclusive. They are designed primarily to render service to a single metropolitan district or a principal city and to the rural area surrounding such metropolitan district or principal city. The Commission will determine the approximate service area [2] for metropolitan stations.

[2] In determining service areas for particular communities, the Commission will give consideration to population distribution, terrain, trade areas, economics and other pertinent factors. There are several current and recognized authorities on retail trading areas or consumer trading areas from which the applicant may prepare its showing and to which the Commission will give consideration in making its determination. Among these recognized authorities are the following: J. Walter Thompson (Retail Shopping Areas), Hearst Magazines, Inc., (Consumer Trading Areas), Rand McNally Map Co. (Trading Areas), and Hagstrom Map Co.'s Four Color Retail Trading Area Map.

The table below sets forth the channels which are available at this time for the areas indicated. Attention should be called to the fact that as is pointed out in the Commission's Report of May 25, 1945, the 13 television channels which are available for television below 300 mc are insufficient to make possible a truly nation-wide and competitive television system. Hence, the Commission has made available the space between 480 and 920 mc for experimental television where more space exists and where color pictures and superior monochrome pictures can be developed through the use of wider channels. Applications may be filed for experimental stations between 480 and 920 mc.

The table below will be revised from time to time depending upon the demand for television stations which may exist in the various cities. Where it is desired to use a different channel in any such area, or to use one of the channels in another area conflicting therewith, it must be shown that public interest, convenience, or necessity will be better served thereby than by the allocation set forth in the table.

Stations in metropolitan or city areas not listed in the table will not be assigned closer than 150 miles on the same channel or 75 miles on adjacent channels, except upon an adequate showing that public interest, convenience, or necessity would be better served thereby or that by using lower power or by other means equivalent protection is provided.

Metropolitan stations will not be authorized to operate with an effective radiated peak power in excess of 50 kilowatts. No restriction is propsed at this time with respect to the maximum antenna height; however, a minimum height of 500 feet above the average terrain will be required, except upon a showing that it is not practical to obtain such height. In all cases the main studio shall be located in the city or metropolitan district with which the station is associated and the transmitter should be located so as to provide the maximum service to the city or metropolitan district and the surrounding rural area. A signal of at least 500 uv/m over the entire metropolitan district and at least 5000 uv m over the business district of the principal city should be obtained (for a reasonable period reduced power will be permitted).

(c) *Rural stations.* Licensees of metropolitan stations or applicants who desire to qualify as licensees of rural stations must make a special showing to the Commission that they propose to serve an area more extensive than that served by a metropolitan station and that the additional area proposed to be served is predominantly rural [3] in character. In addition, a showing must be made that such use of the channel will not cause objectionable interference to other television stations or prevent the assignment of other television stations where there is reasonable evidence of the probability of such station being located in the future.

[3] As a guide, the Commission will consider that the additional area beyond the service area of a metropolitan station which is proposed to be served is predominantly rural in character if at lease 50 per cent of the population proposed to be added within the 500 uv m contour live in rural areas or in cities smaller than 10,000. In making this computation, cities with population in excess of 10,000 shall be excluded if the signal in such cities is less than 2000 uv m. Exceptions to this rule will be made where a showing is made to the Commission that due to conditions of terrain or local factors, more extended service to unserved rural areas is possible by licensing rural stations to serve an area which does not meet the above requirements than would otherwise be possible.

TABLE SHOWING ALLOCATION OF TELEVISION CHANNELS TO METROPOLITAN DISTRICTS IN THE UNITED STATES

[NOTE: This table applies only to the 13 television channels available for commercial television. In addition, applications may be filed for experimental television stations between 480 and 920 megacycles]

Metropolitan district (U. S. Census 1940)	Sales rank	Population	Channel Nos. (metropolitan)	Total stations: Metropolitan	Total stations: Community
Akron	35	349,705	2	1	1
Albany-Schenectady-Troy	23	431,575	2, 4, 7, 9, 11	5	(1)
Allentown-Bethlehem-Easton	43	325,142		0	1
Altoona	111	114,094	9	1	1
Amarillo	136	53,463	2, 4, 7	3	1
Asheville	142	76,324	5, 7	2	(1)
Atlanta	25	442,264	2, 8, 11	3	(1)
Atlantic City	83	100,096		0	1
Augusta, Ga	135	87,809	5	1	1
Austin	106	106,193	5, 8, 10	3	(1)
Baltimore	13	1,046,692	6, 7, 11	3	0
Beaumont-Port Arthur	90	138,608	3, 8, 10	3	(1)
Binghamton	75	145,150	2	1	1
Birmingham	42	407,851	4, 6, 9	3	(1)
Boston	5	2,380,514	2, 4, 7, 9, 11	5	0
Bridgeport, Conn	53	216,621		0	1
Buffalo-Niagara	14	857,719	4, 6, 7, 9	4	(1)
Canton, Ohio	63	260,352	11	1	1
Cedar Rapids	115	73,219	7, 11	2	(1)
Charleston, S. C	127	98,711	6, 7, 10	3	(1)
Charleston, W. Va	58	136,332	2, 6, 7, 11	4	(1)
Charlotte	99	112,088		0	1
Chattanooga	76	163,215	3, 5, 10	3	(1)
Chicago	2	4,199,126	2, 4, 7, 9, 11	5	0
Cincinnati	16	789,309	2, 4, 7, 11	4	(1)
Cleveland	9	1,214,943	4, 7, 9	3	(2)
Columbia	117	89,535	2, 4, 8	3	(1)
Columbus, Ga	131	92,178	3, 5	2	(1)
Columbus, Ohio	29	365,706	3, 8, 10	3	(1)
Corpus Christi	121	70,977	3, 8, 10	3	(1)
Dallas	27	375,548	4, 5, 8	3	(1)
Davenport-Rock Island-Moline	67	174,995	2, 4, 9	3	(1)
Dayton	44	271,513	6	1	1
Decatur	122	65,764	2	1	1
Denver	26	384,372	2, 4, 7, 9	4	(1)
Des Moines	59	188,973	2, 4, 9	3	(1)
Detroit	6	2,295,867	3, 5, 10	3	(2)
Duluth-Superior	72	157,098	3, 8, 10	3	(1)
Durham	139	60,683	3, 8, 10	3	(1)
El Paso	105	115,801	2, 4, 7	3	(1)
Erie	95	134,029	6	1	1
Evansville, Ind	93	141,614	2, 11	2	(1)
Fall River-New Bedford	65	272,648		0	1
Flint	64	188,554		0	1
Fort Wayne	81	144,385	2, 4, 7, 9	4	(1)
Fort Worth	51	207,077	2, 10	2	(1)
Fresno	79	97,760	2, 4, 7	3	(1)
Galveston	131	71,677	6, 9, 11	3	(1)
Grand Rapids	37	209,873	7	1	1
Greensboro	130	77,055	2, 10	2	(1)
Hamilton-Middletown	110	112,686		0	1
Harrisburg	70	173,307	5	1	1
Hartford-New Britain	20	502,193	8, 10	2	(1)
Houston	21	510,307	2, 4, 7	3	(1)
Huntington, W. Va-Ashland, Ky	92	170,979	9	1	1
Indianapolis	24	455,357	3, 5, 8, 10	4	(1)
Jackson	128	88,003	2, 4, 7	3	(1)
Jacksonville	66	195,049	2, 4, 8	3	(1)
Johnstown, Pa	100	134,781		0	1
Kalamazoo	112	77,213	3	1	1
Kansas City, Mo-Kansas City, Kans	17	634,393	2, 4, 9	3	(1)

Footnotes at end of table.

TABLE SHOWING ALLOCATION OF TELEVISION CHANNELS TO METROPOLITAN DISTRICTS IN THE UNITED STATES—Continued

[NOTE: This table applies only to the 13 television channels available for commercial television. In addition, applications may be filed for experimental television stations between 480 and 920 megacycles]

Metropolitan district (U. S. Census 1940)	Sales rank	Population	Channel Nos. (metropolitan)	Total stations: Metropolitan	Total stations: Community
Knoxville	87	151,829	2, 4, 8, 11	4	(1)
Lancaster	91	142,027		0	[1] 0
Lansing	94	119,456	6	1	1
Lowell-Lawrence-Haverhill	109	88,191	5, 10	2	(1)
Little Rock	98	120,724	3, 8, 10	3	(1)
Los Angeles	3	2,900,506	2, 4, 6, 7, 9, 11	6	(1)
Louisville	33	434,408	6, 9	2	(1)
Lowell-Lawrence-Haverhill	45	331,969		0	1
Macon	137	74,850	4, 7, 10	3	(1)
Madison	101	78,349	3	1	1
Manchester	118	80,932		0	1
Memphis	57	332,477	2, 4, 7, 9	4	(1)
Miami	98	250,537	2, 4, 7	3	(1)
Milwaukee	15	780,356	3, 5, 8, 10	4	(1)
Minneapolis-St. Paul	11	911,077	2, 4, 7, 9	4	(1)
Mobile	119	144,906	3, 9, 11	3	(1)
Montgomery	126	66,697	10	1	1
Nashville	56	241,769	4, 7, 9	3	(1)
New Haven	39	308,228	6	1	[1] 0
New Orleans	31	540,630	2, 4, 7, 10	4	(1)
New York-Northeastern New Jersey	1	11,690,220	2, 4, 7, 9	4	[1] 0
Norfolk-Portsmouth	47	330,506	4, 6, 7, 11	4	(1)
Newport News	52	221,229	2, 4, 9	3	(1)
Oklahoma City	40	287,269	3, 7	2	(1)
Omaha-Council Bluffs	69	162,566	3, 5	2	(1)
Peoria	4	2,598,644	3, 8, 10	3	[1] 0
Philadelphia	84	121,828	2, 4, 7	3	(1)
Phoenix	8	1,264,060	3, 8, 10	3	(1)
Pittsburgh	89	196,566	3, 8	2	(1)
Portland, Maine	22	406,406	3, 5, 8, 10	4	(1)
Providence, R. I	18	741,660	9	1	1
Pueblo	140	62,639	3, 8, 10	3	(1)
Racine-Kenosha	67	135,075		0	1
Reading	73	175,355		0	[1] 1
Richmond	48	215,674	3, 8, 10	3	(1)
Roanoke	104	110,563	5, 9	2	(1)
Rochester	28	411,970	2, 11	2	(1)
Rockford	102	105,259	7	1	1
Sacramento	54	158,569	3, 8, 10	3	(1)
Saginaw-Bay City	77	153,368	2, 9, 11	3	(1)
St. Joseph	129	86,991	7	1	1
St. Louis	10	1,397,977	4, 6, 7, 9	4	(1)
Salt Lake City	58	204,488	2, 4, 7, 9	4	(1)
San Antonio	60	309,010	2, 4, 7, 9	4	(1)
San Diego	49	289,348	3, 8, 10	3	(1)
San Francisco-Oakland	7	1,428,525	2, 4, 7, 9, 11	5	(1)
San Jose	78	120,567	6	1	1
Savannah	114	117,970	3, 9, 11	3	(1)
Scranton-Wilkes-Barre	30	620,581	11	1	1
Seattle	19	452,639	2, 7, 11	3	(1)
Shreveport	96	112,225	2, 4, 8	3	(1)
Sioux City	107	87,791	4, 6, 9, 11	4	(1)
South Bend	80	147,022	8	1	1
Spokane	71	141,570	2, 4, 7, 9	4	(1)
Springfield, Ill	103	89,484	5, 10	2	(1)
Springfield, Mass-Holyoke	32	364,623	3	1	0
Springfield, Mo	124	70,514	2, 4, 9	3	(1)
Springfield, Ohio	125	77,466		0	1
Stockton	108	79,337		0	1
Syracuse	40	278,372	8, 10	2	(1)
Tacoma	74	156,018	4, 6, 9	3	(1)
Tampa-St. Petersburg	61	289,663	2, 4, 7	3	(1)
Terre Haute	116	83,370		0	1
Toledo	34	341,663	5	1	1
Topeka	123	77,749	7, 11	2	1
Trenton	60	266,128	6	1	0
Tulsa	65	188,562	3, 8, 10	3	(1)
Utica-Rome	68	197,128	6	1	1
Waco	138	71,114	3, 9, 11	3	(1)
Washington	12	967,816	2, 4, 9	3	(1)
Waterbury	85	140,822		0	1
Waterloo	120	67,050	3, 6	2	(1)
Wheeling	82	196,340	6	1	1
Wichita	86	127,308	2, 4, 9	3	(1)
Wilmington	62	188,954		0	[1] 1
Winston-Salem	124	109,853	8	1	1
Worcester	41	306,194	6	1	0
York	113	92,627		0	[1] 1
Youngstown	36	372,428	6	1	1

[1] A community station may also be available in this city if a showing is made that such assignment would not make impossible the assignment of a station to another city which has a reasonable probability of a station being located there.

[2] Assigning a station to Lancaster would require deletion of a station from either Reading, York, Easton, Pa., or Wilmington, Del. Moreover, such a station in Lancaster would be severely limited by interference.

[F. R. Doc. 45-18089; Filed, Sept. 28, 1945; 10:10 a. m.]

[Docket No. 6779]

LOUIS WASMER

NOTICE OF HEARING

In re application of Louis Wasmer (Transferor) (KHQ) KHQ, Inc. (Transferee), Spokane, Washington; date filed, April 11, 1945; for Voluntary Transfer of Control of licensee corporation; class of service, Broadcast; class of station, broadcast; location, Spokane, Washington; operating assignment specified; frequency, 590 kc; power, 5 kw; hours of operation unlimited time. File No. B5-TC-443.

You are hereby notified that the Commission has examined the application in the above-entitled case and has designated the matter for hearing upon the following issues:

1. To obtain full information with reference to the qualifications of the proposed transferee.

2. To obtain full information with reference to the identity, citizenship, interests and qualifications of the officers and directors of the proposed transferee.

3. To determine whether the proposed transferee's stock will be issued in accordance with section 310 of the Communications Act, with respect to the citizenship of its proposed officers, directors and stockholders.

4. To obtain full information with respect to the proposed transferee's plans to finance its acquisition of Station KHQ.

5. To determine whether any of the proposed transactions involved in the proposed transfer and particularly the sale of stock in the proposed transferee to brokerage houses for immediate resale at a profit, constitute a trafficking in licenses.

6. To determine whether the price to be paid for the acquisition of Station KHQ will have an adverse effect on the proposed transferee's financial qualifications.

7. To determine whether the consideration to be paid for Station KHQ will result in an overcommercialization of the station at the expense of rendering a public service.

8. To determine the proposed transferee's proposals with respect to the operation of Station KHQ and its program policy.

The application involved herein will not be granted by the Commission unless the issues listed above are determined in favor of the applicant on the basis of a record duly and properly made by means of a formal hearing.

The applicant is hereby given the opportunity to obtain a hearing on such issues by filing a written appearance in accordance with the provisions of § 1.382 (b) of the Commission's rules of practice and procedure. Persons other than the applicant herein who desire to be heard must file a petition to intervene in accordance with the provisions of §§ 1.102, 1.141 and 1.142 of the Commission's rules of practice and procedure.

The applicants' addresses are as follows:

Louis Wasmer, Radio Station KHQ, Radio Central Building, Spokane 8, Washington.

KHQ, Inc., Radio Central Building, Sprague Avenue and Post Street, Spokane, Washington.

Dated at Washington, D. C., September 20, 1945.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 45-18088; Filed, Sept. 28, 1945; 10:10 a. m.]

NATIONAL HOUSING AGENCY.

Federal Housing Administration.

2¾ PERCENT HOUSING INSURANCE FUND DEBENTURES, SERIES D

NOTICE OF THIRD CALL FOR PARTIAL REDEMPTION, BEFORE MATURITY

SEPTEMBER 20, 1945.

Pursuant to the authority conferred by the National Housing Act (48 Stat. 1246; U.S.C., title 12, sec. 1701 et seq.) as amended, public notice is hereby given that 2¾ percent Housing Insurance Fund Debentures, Series D, of the denominations and serial numbers designated below, are hereby called for redemption, at par and accrued interest, on January 1, 1946, on which date interest on such debentures shall cease:

2¼ PERCENT HOUSING INSURANCE FUND DEBENTURES, SERIES D

Denomination:	*Serial numbers (all numbers inclusive)*
$50	2 to 5
$100	8 to 25
$500	2 to 5
$1,000	7 to 27
$5,000	3 to 5
$10,000	509 to 754

The debentures first issued as determined by the serial numbers were selected for redemption by the Commissioner, Federal Housing Administration, with the approval of the Secretary of the Treasury.

No transfers or denominational exchanges in debentures covered by the foregoing call will be made on the books maintained by the Treasury Department on or after October 1, 1945. This does not affect the right of the holder of a debenture to sell and assign the debenture on or after October 1, 1945, and provision will be made for the payment of final interest due on January 1, 1946, with the principal thereof to the actual owner, as shown by the assignments thereon.

The Commissioner of the Federal Housing Administration hereby offers to purchase any debentures included in this call at any time from October 1, 1945 to December 31, 1945, inclusive, at par and accrued interest, to date of purchase.

Instructions for the presentation and surrender of debentures for redemption on or after January 1, 1946, or for purchase prior to that date will be given by the Secretary of the Treasury.

RAYMOND M. FOLEY,
Commissioner.

Approved: September 24, 1945.

D. W. BELL,
Acting Secretary of the Treasury.

[F. R. Doc. 45-17903; Filed, Sept. 26, 1945; 10:32 a. m.]

OFFICE OF ALIEN PROPERTY CUSTODIAN.

[Vesting Order CE-44]

COSTS AND EXPENSES INCURRED IN CERTAIN ACTIONS OR PROCEEDINGS IN CERTAIN NEW YORK COURTS

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the Alien Property Custodian:

Having found that each of the persons named in Column 1 of Exhibit A, attached hereto and by reference made a part hereof, was a person within the designated enemy country or enemy-occupied territory appearing opposite such person's respective name in Column 2 of said Exhibit A;

Having determined that it was in the interest of the United States to take measures in connection with representing each of said persons in the court or administrative action or proceeding identified in Column 3 of said Exhibit A, and having taken such measures;

Finding that as a result of such action or proceeding each of said persons obtained or was determined to have an interest in property, which interest is particularly described in Column 4 of said Exhibit A;

Finding that such property is in the possession, custody or control of the person described in Column 5 of said Exhibit A; and

Finding that the Alien Property Custodian has incurred, in each of such court or administrative actions or proceedings, costs and expenses in the amount stated in Column 6 of said Exhibit A,

hereby vests in the Alien Property Custodian, to be used or otherwise dealt with in the interest, and for the benefit, of the United States, from the property in the possession, custody, or control of the person described in said Column 5 of said Exhibit A, the sums stated in said Column 6 of said Exhibit A, such sums being the amounts of such property equal to the costs and expenses incurred by the Alien Property Custodian in such actions or proceedings.

This order shall not be deemed to limit the powers of the Alien Property Custodian to return such property if and when it should be determined that such return should be made.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on September 24, 1945.

[SEAL] JAMES E. MARKHAM,
Alien Property Custodian.

EXHIBIT A

Column 1 Name	Column 2 Country or territory	Column 3 Action or proceeding	Column 4 Interest	Column 5 Depositary	Column 6 Sum vested
		Item 1			
Malke Cramm	Poland	Estate of Lena Novick, deceased, in the Surrogate's Court, Kings County, N. Y., File No. 3563/1942.	$44.70	Treasurer of the city of New York, Municipal Building, New York, N. Y.	
		Item 2			
Sanya Lazerofski	Poland	Same	$44.70	Same	
		Item 3			
Erga Rykner	Poland	Estate of Jacob Rickner, also known as Jack Rickner, deceased, in the Surrogate's Court, New York County, N. Y., File No. A-158/1943.	$47.27	Same	
		Item 4			
Freida Ruckla Haviel	Poland	Same	$47.27	Same	
		Item 5			
John Palamar	Poland	Estate of Simeon Palamar, also known as Simon Palamar, also known as Semeon Palamser, deceased, in the Surrogate's Court, New York County, New York, File No. A-409/41.	$79.23	Same	
		Item 6			
Catherin Palamar	Poland	Same	$388.86	Same	
		Item 7			
Stefanie Kinez	Poland	Same	$79.23	Same	

EXHIBIT A—Continued

Column 1 Name	Column 2 Country or territory	Column 3 Action or proceeding	Column 4 Interest	Column 5 Depositary	Column 6 Sum vested
		Item 8			
Nissen Ziegler	Poland	Estate of Saul Ziegler, also known as Saul Siegler, deceased, in the Surrogate's Court, New York County, N. Y., File No. P-2923/1941.	$800.00	Treasurer of the City of New York, Municipal Building, New York, N. Y.	$87.99
		Item 9			
Vera Rigger	Poland	Same	$200.00	Same	23.19
		Item 10			
Hannah Larber	Poland	Same	$200.00	Same	23.19
		Item 11			
Lusie G. Enersen	Norway	Estate of Ragnhild T. Blum, deceased, in the Surrogate's Court, Richmond County, N. Y., File No. 80/1943.	$2,211.55	Same	49.58
		Item 12			
Nina Johansen	Norway	Same	$1,755.86	Same	39.19
		Item 13			
Nina Lindenberg	Latvia	Estate of Andrew Lindenberg, also known as August Lindenberg, deceased, in the Surrogate's Court, New York County, N. Y., File No. P-802/43.	$9,602.75	Same	212.26
		Item 14			
Lesel Shane	Poland	Estate of Joseph Shane, deceased, in the Surrogates' Court, Kings County, N. Y., Index No. 8026/1943.	$5,615.45	Same	22.14
		Item 15			
Nechamel Svirsky	Poland	Same	$5,615.45	Same	22.14
		Item 16			
Lusel Dicker	Poland	Same	$5,615.44	Same	22.13
		Item 17			
Mesho Mesmet	Albania	Estate of Vehbi Mehmet, also known as Vebi Mehmet, also known as Sen Mane, also known as Vehbi Tepelimey, deceased, in the Surrogate's Court, New York County, N. Y.	$1,078.69 and interest	Treasurer of the city of New York, Municipal Building, New York, N. Y.	174.49
		Item 18			
Indaget Mehmet	Albania	Same	$1,537.59 and interest	Same	220.18

[F. R. Doc. 45-18057; Filed, Sept. 27, 1945; 11:38 a. m.]

OFFICE OF DEFENSE TRANSPORTATION.

[Notice and Order of Termination 37]

BUCKINGHAM TRANSPORTATION CO.

POSSESSION, CONTROL AND OPERATION OF MOTOR CARRIERS

Pursuant to Executive Order 9462 (9 F.R. 10071), I hereby determine that possession and control of the motor carrier transportation system of Buckingham Transportation Company by the United States is no longer necessary for the successful prosecution of the war, and it is hereby ordered, that:

1. *Termination of possession and control.* Possession and control by the United States of the motor carrier transportation system of Earl F. Buckingham, Glen O. Buckingham, Harold D. Buckingham, and Oliver L. Buckingham, a partnership, doing business as Buckingham Transportation Company, Rapid City, South Dakota, including all real and personal property and other assets of said motor carrier, taken and assumed pursuant to Executive Order 9462 and the notice and order of the Director of the Office of Defense Transportation issued August 11, 1944, is hereby terminated and relinquished as of 12:01 o'clock a. m. September 28, 1945. No further action shall be required to effect the termination of Government control and relinquishment of possession hereby ordered.

2. *Communications.* Communications concerning this order should be addressed to the Office of Defense Transportation, Washington 25, D. C., and should refer to "Notice and Order of Termination No. 37."

Issued at Washington, D. C., this 27th day of September 1945.

J. M. JOHNSON,
Director,
Office of Defense Transportation.

[F. R. Doc. 45-18065; Filed, Sept. 27, 1945; 11:54 a. m.]

[Notice and Order of Termination 38]

RED BALL TRANSFER CO.

POSSESSION, CONTROL AND OPERATION OF MOTOR CARRIERS

Pursuant to Executive Order 9462 (9 F.R. 10071), I hereby determine that possession and control of the motor carrier transportation system of Red Ball Transfer Company by the United States is no longer necessary for the successful prosecution of the war, and it is hereby ordered, that:

1. *Termination of possession and control.* Possession and control by the United States of the motor carrier transportation system of Matthew Leo McKeone, doing business as Red Ball Transfer Company, 213 North 10th Street, Omaha, Nebraska, including all real and personal property and other assets of said motor carrier, taken and assumed pursuant to Executive Order 9462 and the notice and order of the Director of the Office of Defense Transportation issued August 11, 1944, is hereby terminated and relinquished as of 12:01 o'clock a. m., September 28, 1945. No further action shall be required to effect the termination of Government control and relinquishment of possession hereby ordered.

2. *Communications.* Communications concerning this order should be addressed to the Office of Defense Transportation, Washington 25, D. C., and should refer to "Notice and Order of Termination No. 38."

Issued at Washington, D. C., this 27th day of September, 1945.

J. M. JOHNSON,
Director,
Office of Defense Transportation.

[F. R. Doc. 45-18066; Filed, Sept. 27, 1945; 11:54 a. m.]

[Notice and Order of Termination 39]

BRASHEAR FREIGHT LINES, INC.

POSSESSION, CONTROL AND OPERATION OF MOTOR CARRIERS

Pursuant to Executive Order 9462 (9 F.R. 10071), I hereby determine that possession and control of the motor carrier transportation system of Brashear Freight Lines, Inc. by the United States is no longer necessary for the successful prosecution of the war, and it is hereby ordered, that:

1. *Termination of possession and control.* Possession and control by the United States of the motor carrier transportation system of Brashear Freight Lines, Inc., 527 S. Theresa Avenue, St. Louis, Missouri, including all real and personal property and other assets of said motor carirer, taken and assumed pursuant to Executive Order 9462 and the notice and order of the Director of the Office of Defense Transportation issued August 11, 1944, is hereby terminated and relinquished as of 12:01 o'clock a. m., September 28, 1945. No further action shall be required to effect the termination of Government control and relinquishment of possession hereby ordered.

2. *Communications.* Communications concerning this order should be addressed to the Office of Defense Transportation, Washington 25, D. C., and should refer to "Notice and Order of Termination No. 39."

Issued at Washington, D. C., this 27th day of September, 1945.

J. M. JOHNSON,
Director,
Office of Defense Transportation.

[F. R. Doc. 45-18067; Filed, Sept. 27, 1945; 11:54 a. m.]

[Notice and Order of Termination 40]

UNITED SHIPPING CO.

POSSESSION, CONTROL AND OPERATION OF MOTOR CARRIERS

Pursuant to Executive Order 9462 (9 F.R. 10071), I hereby determine that possession and control of the motor carrier transportation system of United Shipping Company by the United States is no longer necessary for the successful prosecution of the war, and it is hereby ordered, that:

1. *Termination of possession and control.* Possession and control by the United States of the motor carrier transportation system of Fred B. Wines, doing business as United Shipping Company, 129 Plymouth Avenue, North, Minneapolis, Minnesota, including all real and personal property and other assets of said motor carrier, taken and assumed pursuant to Executive Order 9462 and the notice and order of the Director of the Office of Defense Transportation issued August 11, 1944, is hereby terminated and relinquished as of 12:01 o'clock a. m., September 28, 1945. No further action shall be required to effect the termination of Government control and relinquishment of possession hereby ordered.

2. *Communications.* Communications concerning this order should be addressed to the Office of Defense Transportation, Washington 25, D. C., and should refer to "Notice and Order of Termination No. 40."

Issued at Washington, D. C., this 27th day of September, 1945.

J. M. JOHNSON,
Director,
Office of Defense Transportation.

[F. R. Doc. 45-18068; Filed, Sept. 27, 1945; 11:54 a. m.]

[Notice and Order of Termination 41]

A. G. HENNEMAN TRANSFER

POSSESSION, CONTROL AND OPERATION OF MOTOR CARRIERS

Pursuant to Executive Order 9462 (9 F.R. 10071), I hereby determine that possession and control of the motor carrier transportation system of A. G. Henneman Transfer by the United States is no longer necessary for the successful prosecution of the war, and it is hereby ordered, that:

1. *Termination of possession and control.* Possession and control by the United States of the motor carrier transportation system of A. G. Henneman, doing business as A. G. Henneman Transfer, Bloomer, Wisconsin, including all real and personal property and other assets of said motor carrier, taken and assumed pursuant to Executive Order 9462 and the notice and order of the Director of the Office of Defense Transportation issued August 11, 1944, is hereby terminated and relinquished as of 12:01 o'clock a. m., September 28, 1945. No further action shall be required to effect the termination of Government control and relinquishment of possession hereby ordered.

2. *Communications.* Communications concerning this order should be addressed to the Office of Defense Transportation, Washington 25, D. C., and should refer to "Notice and Order of Termination No. 41."

Issued at Washington, D. C., this 27th day of September 1945.

J. M. JOHNSON,
Director,
Office of Defense Transportation.

[F. R. Doc. 45-18069; Filed, Sept. 27, 1945; 11:54 a. m.]

[Notice and Order of Termination 42]

McCOY TRUCK LINES, INC.

POSSESSION, CONTROL AND OPERATION OF MOTOR CARRIERS

Pursuant to Executive Order 9462 (9 F.R. 10071), I hereby determine that possession and control of the motor carrier transportation system of McCoy Truck Lines, Inc., by the United States is no longer necessary for the successful prosecution of the war, and it is hereby ordered, that:

1. *Termination of possession and control.* Possession and control by the United States of the motor carrier transportation system of McCoy Truck Lines, Inc., 911 Sycamore Street, Waterloo, Iowa, including all real and personal property and other assets of said motor carrier, taken and assumed pursuant to Executive Order 9462 and the notice and order of the Director of the Office of Defense Transportation issued August 11, 1944, is hereby terminated and relinquished as of 12:01 o'clock a. m., September 28, 1945. No further action shall be required to effect the termination of Government control and relinquishment of possession hereby ordered.

2. *Communications.* Communications concerning this order should be addressed to the Office of Defense Transportation, Washington 25, D. C., and should refer to "Notice and Order of Termination No. 42."

Issued at Washington, D. C., this 27th day of September 1945.

J. M. JOHNSON,
Director,
Office of Defense Transportation.

[F. R. Doc. 45-18070; Filed, Sept. 27, 1945; 11:54 a. m.]

[Notice and Order of Termination 43]

TRI-STATE TRANSFER CO., INC.

POSSESSION, CONTROL AND OPERATION OF MOTOR CARRIERS

Pursuant to Executive Order 9462 (9 F.R. 10071), I hereby determine that possession and control of the motor carrier transportation system of Tri-State Transfer Co., Inc., by the United States is no longer necessary for the successful prosecution of the war, and it is hereby ordered, that:

1. *Termination of possession and control.* Possession and control by the United States of the motor carrier transportation system of Tri-State Transfer Co., Inc., 525 Sixth Avenue North, Minneapolis, Minnesota, including all real and personal property and other assets of said motor carrier, taken and assumed pursuant to Executive Order 9462 and the notice and order of the Director of the Office of Defense Transportation issued August 11, 1944, is hereby terminated and relinquished as of 12:01 o'clock a. m., September 28, 1945. No further action shall be required to effect the termination of Government control and relinquishment of possession hereby ordered.

2. *Communications.* Communications concerning this order should be addressed to the Office of Defense Transportation, Washington 25, D. C., and should refer to "Notice and Order of Termination No. 43."

Issued at Washington, D. C., this 27th day of September 1945.

J. M. JOHNSON,
Director,
Office of Defense Transportation.

[F. R. Doc. 45-18071; Filed, Sept 27 1945; 11:55 a. m.]

[Notice and Order of Termination 44]

FRANK H. PRUCKA TRANSPORTATION CO.

POSSESSION, CONTROL AND OPERATION OF MOTOR CARRIERS

Pursuant to Executive Order 9462 (9 F.R. 10071), I hereby determine that possession and control of the motor carrier transportation system of Frank H. Prucka Transportation Company by the United States is no longer necessary for the successful prosecution of the war, and it is hereby ordered, that:

1. *Termination of possession and control.* Possession and control by the United States of the motor carrier transportation system of Frank H. Prucka, doing business as Frank H. Prucka Transportation Company, 4610 S. 26th Street, Omaha, Nebraska, including all real and personal property and other assets of said motor carrier, taken and assumed pursuant to Executive Order 9462 and the notice and order of the Director of the Office of Defense Transportation issued August 11, 1944, is hereby terminated and relinquished as of 12:01 o'clock a. m., September 28, 1945. No further action shall be required to effect the termination of Government control and relinquishment of possession hereby ordered.

2. *Communications.* Communications concerning this order should be addressed to the Office of Defense Transportation, Washington 25, D. C., and should refer to "Notice and Order of Termination No. 44."

Issued at Washington, D. C., this 27th day of September 1945.

J. M. JOHNSON,
Director,
Office of Defense Transportation.

[F. R. Doc. 45-18072; Filed, Sept. 27, 1945; 11:55 a. m.]

[Notice and Order of Termination 45]

MIDWEST MOTOR EXPRESS, INC.

POSSESSION, CONTROL AND OPERATION OF MOTOR CARRIERS

Pursuant to Executive Order 9462 (9 F.R. 10071), I hereby determine that possession and control of the motor carrier transportation system of Midwest Motor Express, Inc., by the United States is no longer necessary for the successful prosecution of the war, and it is hereby ordered, that:

1. *Termination of possession and control.* Possession and control by the United States of the motor carrier transportation system of Midwest Motor Express, Inc., 813 Main Street, Bismarck, North Dakota, including all real and personal property and other assets of said motor carrier, taken and assumed pursuant to Executive Order 9462 and the notice and order of the Director of the Office of Defense Transportation issued August 11, 1944, is hereby terminated and relinquished as of 12:01 o'clock a. m., September 28, 1945. No further action shall be required to effect the termination of Government control and relinquishment of possession hereby ordered.

2. *Communications.* Communications concerning this order should be addressed to the Office of Defense Transportation, Washington 25, D. C., and should refer to "Notice and Order of Termination No. 45."

Issued at Washington, D. C., this 27th day of September 1945.

J. M. JOHNSON,
Director,
Office of Defense Transportation.

[F. R. Doc. 45-18073; Filed, Sept. 27, 1945; 11:55 a. m.]

[Notice and Order of Termination 46]

LEE CARTAGE CO.

POSSESSION, CONTROL AND OPERATION OF MOTOR CARRIERS

Pursuant to Executive Order 9462 (9 F.R. 10071), I hereby determine that possession and control of the motor carrier transportation system of Lee Cartage Company by the United States is no longer necessary for the successful prosecution of the war, and it is hereby ordered, that:

1. *Termination of possession and control.* Possession and control by the United States of the motor carrier transportation system of Lee Cartage Company, 1429 Marshall Avenue, St. Paul, Minnesota, including all real and personal property and other assets of said motor carrier, taken and assumed pursuant to Executive Order 9462 and the notice and order of the Director of the Office of Defense Transportation issued August 11, 1944, is hereby terminated and relinquished as of 12:01 o'clock a. m., September 28, 1945. No further action shall be required to effect the termination of Government control and relinquishment of possession hereby ordered.

2. *Communications.* Communications concerning this order should be addressed to the Office of Defense Transportation, Washington 25, D. C., and should refer to "Notice and Order of Termination No. 46."

Issued at Washington, D. C., this 27th day of September, 1945.

J. M. JOHNSON,
Director,
Office of Defense Transportation.

[F. R. Doc. 45-18074; Filed, Sept. 27, 1945; 11:56 a. m.]

[Notice and Order of Termination 47]

DAIRY DESPATCH CO.

POSSESSION, CONTROL AND OPERATION OF MOTOR CARRIERS

Pursuant to Executive Order 9462 (9 F.R. 10071), I hereby determine that possession and control of the motor carrier transportation system of Dairy Despatch Company by the United States is no longer necessary for the successful prosecution of the war, and it is hereby ordered, that:

1. *Termination of possession and control.* Possession and control by the United States of the motor carrier transportation system of Merrill M. Pregler and Louise J. Fosse, doing business as Dairy Despatch Company, 6th and Jackson Streets, Dubuque, Iowa, including all real and personal property and other assets of said motor carrier, taken and assumed pursuant to Executive Order 9462 and the notice and order of the Director of the Office of Defense Transportation issued August 11, 1944, is hereby terminated and relinquished as of 12:01 o'clock a. m., September 28, 1945. No further action shall be required to effect the termination of Government control and relinquishment of possession hereby ordered.

2. *Communications.* Communications concerning this order should be addressed to the Office of Defense Transportation, Washington 25, D. C., and should refer to "Notice and Order of Termination No. 47."

Issued at Washington, D. C., this 27th day of September 1945.

J. M. JOHNSON,
Director,
Office of Defense Transportation.

[F. R. Doc. 45-18075; Filed, Sept. 27, 1945; 11:56 a. m.]

OFFICE OF PRICE ADMINISTRATION.

[SO 119, Order 2]

DORMEYER CORP.

ADJUSTMENT OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to section 13 of Supplementary Order 119; *It is ordered:*

(a) This order establishes adjusted maximum prices for sales and deliveries of certain articles manufactured by Dormeyer Corporation, 4300 North Kilpatrick Avenue, Chicago 41, Ill.

(1) For all sales and deliveries to the following classes of purchasers by all sellers, the adjusted maximum prices are those set forth below:

Article	Model	Distributors	Wholesalers (jobbers)	Retailers (6 units or more)	Retailers (less than 6 units)	Consumers
						Each
Vertical food mixer	3000-A	*Each* $10.05	*Each* $11.05	*Each* $13.05	*Each* $13.72	(Eastern zone) $21.05 (Western zone) 22.05

These maximum prices are for the articles described in the manufacturer's application dated August 27, 1945. They include the Federal Excise Tax.

(2) For sales by all persons, the adjusted maximum prices apply to all sales and deliveries after the effective date of this order. Those prices are subject to each seller's customary terms and conditions of sale on sales of similar articles.

(b) The manufacturer shall attach a tag or label to every article for which adjusted maximum prices for sales to consumers are established by this order. That tag or label shall contain either of the following statements with the correct order number filled in:

Order No. 2
Model No. 3000-A
OPA Retail Ceiling Price
Eastern Zone—$21.06
Western Zone—$22.06
Federal Excise Tax Included
Do Not Detach or Obliterate

or

Dormeyer Corporation
4300 North Kilpatrick Avenue
Chicago 41, Illinois
Model No. 3000-A
OPA Retail Ceiling Price
Eastern Zone—$21.06
Western Zone—$22.06
Federal Excise Tax Included
Do Not Detach or Obliterate

(c) At the time of, or prior to, the first invoice to each purchaser for resale at wholesale, the manufacturer shall notify the purchaser in writing of the maximum prices and conditions established by this order for sales by the purchaser. This notice may be given in any convenient form.

(d) The prices established by this order supersede those established by Order No. 3067 under Maximum Price Regulation No. 188.

(e) For purposes of this order, the Western Zone means the city of Denver, Colorado and all parts of the United States west of that city. The Eastern Zone includes the rest of the United States.

(f) This order may be revoked or amended by the Price Administrator at any time.

(g) This order shall become effective on the 28th day of September 1945.

Issued this 27th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-18047; Filed, Sept. 27, 1945; 11:35 a. m.]

[SR 15, Order 2]

BEAGLE HAME WORKS

ADJUSTMENT OF MAXIMUM PRICES

Order No. 2 Under § 1499.75 (a) (21) of Supplementary Regulation 15 to the General Maximum Price Regulation. The Beagle Hame Works, Docket No. 6064-SR 15.75 (a) (21)-2.

For the reasons set forth in an opinion issued simultaneously herewith and pursuant to § 1499.75 (a) (21) of Supplementary Regulation 15 to the General Maximum Price Regulation, it is ordered:

(a) *Maximum prices for sales of hames by The Beagle Hame Works*—(1) *Maximum prices.* On and after September 28, 1945, the maximum prices at which The Beagle Hame Works, Freeland, Pa., may sell and deliver the hames and extras described below shall be as follows:

No.	Description	"OPA adjustment charge" (per dozen pairs)	Maximum price per dozen pairs (net)
	MINE HAMES		
1	Low top, lead, without breast rings, line rings or lantern hooks	$7.75	$31.85
1A	Low top, with breast rings	7.50	32.50
1H	Low top, with breast rings, line rings and lantern hooks	7.05	33.15
6	Low top, with hip strap loops, complete	7.80	33.80
4	Low top, with chain fastener at top	8.25	30.75
2	Low top, adjustable draft	7.98	34.45
5	Low top, loops top and bottom without lantern hooks or line rings	6.75	29.25
5A	Low top	7.05	30.55
1	High top, with single top staples for hame straps	7.80	33.80
	LUMBERING AND LOGGING HAMES		
3	With double strap staples, regular sizes	$8.25	$35.75
3A	With mortise loops	8.40	36.40
3S	21-28"	9.45	40.95
3	Jumbo style, reinforced with iron inside and outside, regular sizes	10.35	44.85
3	Jumbo style, reinforced with iron inside and outside, 24-28"	10.95	47.45
	CART OR FARMING HAMES		
8	Regular sizes	7.05	30.55
	24"-28"	7.95	34.45
	SOUTHERN STYLE—LUMBERING OR FARMING HAMES		
15	16"-24"	5.70	24.25
17	16"-24"	5.75	24.25
19	16"-24"	5.78	24.25
	Extras		
	Lumbering and team hames furnished with extra ring	.75	1.50
	Mine hames furnished with hip strap loops	.75	1.50
	Mine hames furnished with top hame chain fasteners	.75	3.00

(2) *Terms.* The maximum prices established under subparagraph (1), above, are 30 days net, 2% cash discount for payment within 10 days from date of invoice.

(b) *Maximum prices for sales at wholesale.* The maximum price for a sale at wholesale of any hame listed in paragraph (a), above, shall be the wholesaler's maximum price previously established under the General Maximum Price Regulation to which may be added the amount of the "OPA adjustment charge" specified in that paragraph. A wholesaler who has not previously established a maximum price therefor under the General Maximum Price Regulation may not, in determining his maximum price, consider the "OPA adjustment charge" specified in paragraph (a) as part of his net unit replacement cost for the same. To his maximum price otherwise determined may be added the amount of the "OPA adjustment charge" specified in that paragraph.

(c) *Notification.* At the time of (or prior to) the first delivery of each hame to a wholesaler on and after the date of this order at a price adjusted in accordance with the terms of this order, The Beagle Hame Works shall notify the wholesaler in writing of the provisions of paragraph (b), above, including the amount of the adjustment charge. This notice may be given in any convenient form.

(d) All requests not specifically granted by this order are hereby denied.

(e) This order may be amended, modified, revised or revoked by the Administrator at any time.

This order shall become effective September 28, 1945.

Issued this 27th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-18017; Filed, Sept. 27, 1945; 11:35 a. m.]

[Order 758 Under 3 (b)]

CEDARBERG MFG. CO.

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.3 (b) (2) of the General Maximum Price Regulation, and section 6.4 of Second Revised Supplementary Regulation No. 14; *It is ordered:*

(a) This order establishes maximum prices for sales and deliveries of certain articles manufactured by Cedarberg Manufacturing Company, of 529 South Fourth Street, Minneapolis 15, Minnesota.

(1) For all sales and deliveries to the following classes of purchasers by any person, the maximum prices are those set forth below:

Cedarberg Parts List No.	Name of Part	Maximum Price to Jobbers	Maximum Price to Retailers	Maximum Price to Consumers
		Each	*Each*	*Each*
F-1	Fuel tank	$4.00	$5.33	$8.00
F-2	Filler cap	.40	.53	.80
F-3	Check valve	.20	.27	.40
F-4	Check valve stem	.16	.21	.32
F-6	Fuel line bracket	.10	.14	.20
F-7	Burner control valve (complete)	1.06	1.47	2.12
F-7a	Burner control valve packing nut	.18	.24	.36
F-7c	Burner control valve body	.60	.80	1.20
F-7f	Burner control valve clean out plug	.06	.08	.12
F-8	Generator pan	.15	.20	.30
F-9	Burner orifice stem	.15	.20	.30
F-10	Burner gas chamber	.70	.94	1.40
F-11	Burner housing	.25	.33	.50
F-12	Burner nozzle	.90	1.20	1.80
F-13	Grate support and door	1.25	1.66	2.50
F-14	Pot grate	.80	1.07	1.60
F-15	Shield, 6-inch	.55	.74	1.10
F-16	Handle bail (complete)	.80	1.06	1.60
F-17	Air pump	.48	.63	.96
F-18	Shield, 9-inch	2.60	3.47	5.20
F-7c	Burner control valve stem	.16	.21	.32

These maximum prices are for the articles described in the manufacturer's application dated July 24, 1945.

(2) For sales by the manufacturer, the maximum prices apply to all sales and deliveries since the General Maximum Price Regulation became applicable to those sales and deliveries. They are f. o. b. factory, and they are subject to the manufacturer's customary terms and conditions of sale.

(3) For sales by persons other than the manufacturer, the maximum prices apply to all sales and deliveries after the effective date of this order. These prices are subject to each seller's customary terms and conditions of sale.

(4) If the manufacturer wishes to make sales and deliveries to any other class of purchaser or on other terms and conditions of sale, and if it is unable to determine its maximum prices for such sales pursuant to § 1499.2 or § 1499.3 (b) (1) of the General Maximum Price Regulation, it must apply to the Office of Price Administration, Washington, D. C., under § 1499.3 (b) (2) of the General Maximum Price Regulation, for the establishment of maximum prices for those sales, and no sales or deliveries may be made until maximum prices have been authorized by the Office of Price Administration.

(b) The manufacturer shall attach a tag or label to every article for which a maximum price for sales to consumers is established by this order. That tag or label shall contain the following statement with the amount properly filled in:

OPA Retail Ceiling Price—$_____
Do Not Detach

(c) At the time of, or prior to, the first invoice to each purchaser for resale, the manufacturer shall notify the purchaser in writing of the maximum prices and conditions established by this order for sales by the purchaser. This notice may be given in any convenient form.

(d) This order may be revoked or amended by the Price Administrator at any time.

(e) This order shall become effective September 28, 1945.

Issued this 27th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-18013; Filed, Sept. 27, 1945; 11:35 a. m.]

[MPR 120, Order 1469]

KEIFFER FORD ET AL.

ESTABLISHMENT OF MAXIMUM PRICES AND PRICE CLASSIFICATIONS

For the reasons set forth in an accompanying opinion, and in accordance with § 1340.210 (a) (6) of Maximum Price Regulation No. 120; *It is ordered:*

Producers identified herein operate named mines assigned the mine index numbers, the price classifications and the maximum prices in cents per net ton, for the indicated uses and shipments as set forth herein. All are in District No. 3. The mine index numbers and the price classifications assigned are permanent but the maximum prices may be changed by an amendment issued after the effective date of this order. Where such an amendment is issued for the district in which the mines involved herein are located and where the amendment makes no particular reference to a mine or mines involved herein, the prices shall be the prices set forth in such amendment for the price classifications of the respective size groups. The location of each mine is given by county and state. The maximum prices stated to be for truck shipment are in cents per net ton f. o. b. the mine or preparation plant and when stated to be for rail shipment or for railroad locomotive fuel are in cents per net ton f. o. b. rail shipping point. In cases where mines ship coals by river the prices for such shipments are those established for rail shipment and are in cents per net ton f. o. b. river shipping point. However, producer is subject to the provisions of § 1340.214 and all other provisions of Maximum Price Regulation No. 120.

KEIFFER FORD, R. F. D. #2, INDEPENDENCE, W. VA., MIRIAM MINE, H. V. KITTANNING SEAM, MINE INDEX NO. 2167, TAYLOR COUNTY, W. VA., DEEP MINE MAXIMUM TRUCK PRICE GROUP #1

	Size group Nos.				
	1	2	3	4	5
Truck shipment	318	313	283	278	268

PRESTON BY-PRODUCT COAL CO., REEDSVILLE, W. VA., REED MINE, M. V. FREE ORT SEAM, MINE INDEX NO. 2163, PRESTON COUNTY, W. VA., RAIL SHIPPING POINT, REEDSVILLE, W. VA., DEEP MINE, MAXIMUM TRUCK PRICE GROUP #3

Price Classification	J	J	J	J	J
Rail shipment and railroad fuel	333	333	318	318	318
Truck shipment	313	313	313	308	298

CLARENCE SUMMERS, P. O. BOX 1307, FAIRMONT, W. VA., WHITEHALL #2 MINE, PITTSBURGH SEAM, MINE INDEX NO. 638, MARION COUNTY, W. VA., RAIL SHIPPING POINT; KINGMONT, W. VA., DEEP MINE

Price classification	F	F	F	F	F
Rail and river shipment and railroad fuel	308	308	288	283	273
Truck shipment [1]	313	313	313	308	298

THREE FORK COAL CO., ELLAMORE, W. VA., CASSITY #5 MINE, SEWELL "E" SEAM, MINE INDEX NO. 2088, RANDOLPH COUNTY, W. VA., RAIL SHIPPING POINT: CASSITY, W. VA., STRIP MINE, MAXIMUM TRUCK PRICE GROUP NO. 4

Price classification	J	J	J	H	H
Rail shipment and railroad fuel	293	293	278	283	273
Truck shipment	318	313	283	278	268

WOOLRIDGE COAL CO., TRUST BLDG. CLEARFIELD, PA., SEWELL CHIEF MINE, SEWELL SEAM, MINE INDEX NO. 2010, NICHOLAS COUNTY, W. VA., RAIL SHIPPING POINT: RICHMOND, W. VA., DEEP MINE, MAXIMUM TRUCK PRICE GROUP #1

Price classification	A	A	A	A	A
Rail shipment and railroad fuel	418	378	353	343	343
Truck shipment	388	383	353	348	328

[1] Previously established.

This order shall become effective September 28, 1945.

(56 Stat. 23, 765; 57 Stat. 566; Pub. Law 383, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 27th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-18029; Filed, Sept. 27, 1945; 11:29 a. m.]

[MPR 120, Order 1468]

HONEYBAR AND BRAESEKER ET AL.

ESTABLISHMENT OF MAXIMUM PRICES AND PRICE CLASSIFICATIONS

For the reasons set forth in an accompanying opinion, and in accordance with § 1340.210 (a) (6) of Maximum Price Regulation No. 120; *It is ordered:*

Producers identified herein operate named mines assigned the mine index numbers, the price classifications and the maximum prices in cents per net ton, for the indicated uses and shipments as set forth herein. All are in District No. 1. The mine index numbers and the price classifications assigned are permanent but the maximum prices may be changed by an amendment issued after the effective date of this order. Where such an amendment is issued for the district in which the mines involved herein are located and where the amendment makes no particular reference to a mine or mines involved herein, the prices shall be the prices set forth in such amendment for the price classifications of the respective size groups. The location of each mine is given by county and state. The maximum prices stated to be for truck shipment are in cents per net ton f. o. b. the mine or preparation plant and when stated to be for rail shipment or for railroad locomotive fuel are in cents per net ton f. o. b. rail shipping point. In cases where mines ship coals by river the prices for such shipments are those established for rail shipment and are in cents per net ton f. o. b. river shipping point. However, producer is subject to the provisions of § 1340.212 and all other provisions of Maximum Price Regulation No. 120.

HONEYBAR & BRAESEKER, R. F. D. NO. 5, BERLIN, PA., HONEYBAR & BRAESEKER NO. 1 MINE, B SEAM, MINE INDEX NO. 5472, SOMERSET COUNTY, PA., SUBDISTRICT NO. 41, DEEP MINE

	Size group Nos.				
	1	2	3	4	5
Truck shipment	383	358	358	348	338

HONEYBAR & BRAESEKER, R. F. D. NO. 5, BERLIN, PA., HONEYBAR & BRAESEKER NO. 2 MINE, C SEAM, MINE INDEX 5507, SOMERSET COUNTY, PA., SUBDISTRICT NO. 41, DEEP MINE

Truck shipment	388	363	363	353	343

C. J. KELLY, BOX 35; ST. BONIFACIUS, PA., KELLY'S NO. 1 MINE, D SEAM, MINE INDEX NO. 181, CAMBRIA COUNTY, PA., SUBDISTRICT 17, RAIL SHIPPING POINT: HASTINGS, PA., DEEP MINE

Price classification	F	E	E	E	E
Rail shipment	383	363	363	343	323
Railroad locomotive fuel	348	308	333	323	32
Truck shipment	393	368	368	358	348

WILLIAM ALOE COAL CO., 2307 CALLOWHILL ST., PITTSBURGH, PA., BERTRAM MINE, LOWER KITTANNING SEAM, MINE INDEX NO. 1052, BUTLER COUNTY, PA., SUBDISTRICT 1, RAIL SHIPPING POINT ANNANDALE, PA., REPP, PA., STRIP MINE, RAILROAD FUEL PRICE GROUP A, MAXIMUM TRUCK PRICE GROUP NO. 2

	Size group Nos.										
	1	2	3	4	5	6	7	8	9	10	11
Price classification	E	E	D	D	C	C	D	D	D	.....	.....
Rail shipment	319	319	309	309	319	309	299	299	299	.....	.....
Railroad fuel	319	319	309	309	319	309	299	299	299	274	279
Truck shipment	444	444	434	434	444	434	424	424	424	399	404

BROWN COAL CO., C/O ALBERT E. BROWN, 302 SECOND ST., ELIZABETH, PA., LYNCH MINE, PITTSBURGH SEAM, MINE INDEX NO. 4380, ALLEGHENY COUNTY, PA., SUBDISTRICT 3, RAIL SHIPPING POINT WILKINSBURG, PA., STRIP MINE RAILROAD FUEL PRICE GROUP A, MAXIMUM TRUCK PRICE GROUP NO. 3

	Size group Nos.										
	1	2	3	4	5	6	7	8	9	10	11
Price classification	D	D	C	C	C	C	C	C	C	.....	.....
Rail shipment	319	319	319	319	319	319	319	319	319	.....	.....
Railroad fuel	319	319	319	319	319	319	319	319	319	294	279
Truck shipment	444	444	444	444	444	444	444	444	444	419	404

DELLOS, C. W., CALUMET, PA., MARGARET STRIP MINE, PITTSBURGH SEAM, MINE INDEX NO. 4372, WESTMORELAND COUNTY, PA., SUBDISTRICT 9, RAIL SHIPPING POINT, CALUMET, PA., STRIP MINE, RAILROAD FUEL PRICE GROUP A, MAXIMUM TRUCK PRICE GROUP NO. 8

	Size group Nos.										
	1	2	3	4	5	6	7	8	9	10	11
Price classification	F	E	F	F	E	E	E	E	E	.....	.....
Rail shipment	319	319	319	319	319	319	319	319	319	.....	.....
Railroad fuel	319	319	319	319	319	319	319	319	319	294	279
Truck shipment	444	444	444	444	444	444	444	444	444	419	404

R. E. DONATELLI, 716 EAST DRIVE, CANTON, OHIO, SCOTIA MINE, PITTSBURGH SEAM, MINE INDEX NO. 4376, MINERAL COUNTY, W. VA., SUBDISTRICT 5, RAIL SHIPPING POINT, WEST ELIZABETH, PA., DEEP MINE, RAILROAD FUEL PRICE GROUP A, MAXIMUM TRUCK PRICE GROUP NO. 5

	Size group Nos.										
	1	2	3	4	5	6	7	8	9	10	11
Price classification	D	D	C	C	C	C	C	C	C	.....	.....
Rail shipment	355	355	355	355	355	345	320	320	300	.....	.....
Railroad fuel	355	355	355	355	355	345	320	320	300	280	.....
Truck shipment	435	435	435	415	385	385	365	325	305	305	290

FORBES COAL CO., H. R. HERTZOG, SUPERVISOR, FORBES NO. 2 MINE, E. GROUP, PA., MIDDLE KITTANNING SEAM, MINE INDEX NO. 1071, BUTLER COUNTY, PA., SUBDISTRICT 1, RAIL SHIPPING POINT, HAILSTON, PA., STRIP MINE, RAILROAD FUEL PRICE GROUP A, MAXIMUM TRUCK PRICE GROUP NO. 2

	Size group Nos.										
	1	2	3	4	5	6	7	8	9	10	11
Price classification	E	E	D	D	C	C	D	D	D	.....	.....
Rail shipment	319	319	309	309	319	309	299	299	299	.....	.....
Railroad fuel	319	319	309	309	319	309	299	299	299	274	279
Truck shipment	444	444	434	434	444	434	424	424	424	399	404

HITCH & SON COAL CO., C/O MATTHEW HITCH, GRIFFENSBURG, PA., ROSA NO. 7 MINE, SEWICKLEY SEAM, MINE INDEX NO. 1071, BUTLER COUNTY, PA., SUBDISTRICT 1, RAIL SHIPPING POINT, PORTO NO. 11, PA., DEEP MINE, RAILROAD FUEL PRICE GROUP D, MAXIMUM TRUCK PRICE GROUP NO. 11

	Size group Nos.										
	1	2	3	4	5	6	7	8	9	10	11
Price classification	J	H	H	H	H	H	J	J	J	.....	.....
Rail shipment	319	319	319	319	319	319	319	319	319	.....	.....
Railroad fuel	319	319	319	319	319	319	319	319	319	294	279
Truck shipment	444	444	444	444	444	444	444	444	444	419	404

LONG & MCALPINE, BOX 257 HEEMINE, PA., L. & A. MINE, PITTSBURGH SEAM, MINE INDEX NO. 4785, GREENE COUNTY, PA., SUBDISTRICT 2, RAIL SHIPPING POINT, LONG HARRISON CITY, PA., DEEP MINE, RAILROAD FUEL PRICE GROUP A, MAXIMUM TRUCK PRICE GROUP NO. 8

	Size group Nos.										
	1	2	3	4	5	6	7	8	9	10	11
Price classification	D	D	C	C	C	C	C	C	C	.....	.....
Rail shipment	355	355	355	355	355	345	320	320	300	.....	.....
Railroad fuel	355	355	355	355	355	345	320	320	300	280	.....
Truck shipment	435	435	435	415	385	385	365	325	305	305	290

KRAMER COAL CO., C/O JOHN P. KELLY, SHANKVILLE, PA., KRAMER NO. 1 MINE, C SEAM, MINE INDEX NO. 566, CLEARFIELD COUNTY, PA., SUBDISTRICT NO. 8, RAIL SHIPPING POINT, SHAWVILLE, PA., DEEP MINE

	Size group Nos.				
	1	2	3	4	5
Price classification	F	F	F	F	F
Rail shipment	363	363	363	353	353
Railroad locomotive fuel	348	348	348	338	338
Truck shipment	388	393	363	353	353

ARNIE E. LANSBERRY & SON, WOODLAND, PA., HANSEN NO. 1 MINE, B SEAM, MINE INDEX NO. 1054, CLEARFIELD COUNTY, PA., SUBDISTRICT NO. 8, RAIL SHIPPING POINT, GRAY, PA., STRIP MINE

	Size group Nos.				
	1	2	3	4	5
Price classification	E	E	E	E	E
Rail shipment	355	355	345	320	320
Railroad locomotive fuel	339	339	329	304	304
Truck shipment	363	349	349	324	324

CHESLEY A. MILLER, CRESAPTOWN, MD., HAMPSHIRE NO. 1 MINE, BIG VEIN SEAM, MINE INDEX NO. 4376, MINERAL COUNTY, W. VA., SUBDISTRICT NO. 11, RAIL SHIPPING POINT, HAMPSHIRE, W. VA., STRIP MINE

	Size group Nos.				
	1	2	3	4	5
Price classification	D	D	D	D	D
Rail shipment or all uses	405	385	385	370	370

WILLIAM D. MCGREGOR, DUNNSTAWNEY, PA., MCGREGOR NO. 5 MINE, B SEAM, MINE INDEX NO. 5952, ARMSTRONG COUNTY, PA., SUBDISTRICT 11, RAIL SHIPPING POINT, MARBLE, PA., STRIP MINE

	Size group Nos.				
	1	2	3	4	5
Price classification	H	H	H	J	J
Rail shipment	339	339	310	282	282
Railroad locomotive fuel	329	329	305	295	295
Truck shipment	354	335	325	310	300

WILLIAM D. MCGREGOR, DUNNSTAWNEY, PA., MCGREGOR NO. 7 MINE, E SEAM, MINE INDEX NO. 5952, ARMSTRONG COUNTY, PA., SUBDISTRICT 11, RAIL SHIPPING POINT, MARBLE, PA., DEEP MINE

	Size group Nos.				
	1	2	3	4	5
Price classification	G	G	G	G	H
Rail shipment	358	358	314	343	313
Railroad locomotive fuel	348	348	314	325	325
Truck shipment	383	358	358	346	353

The maximum prices listed in this order include the increase in maximum prices where authorized by Amendment No. 146 to MPR 120 which became effective August 3, 1945.

This order shall become effective September 28, 1945.

(56 Stat. 23, 765; 57 Stat. 566; Pub. Law 383, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 27th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-18936; Filed, Sept. 27, 1945; 11:26 a. m.]

[MPR 120, Order 1470]

WILLIAM ALOE COAL CO. ET AL.

ESTABLISHMENT OF MAXIMUM PRICES AND PRICE CLASSIFICATIONS

For the reasons set forth in an accompanying opinion, and in accordance with § 1340.210 (a) (6) of Maximum Price Regulation No. 120, *It is ordered:*

Producers identified herein operate named mines assigned the mine index numbers, the price classifications and the maximum prices in cents per net ton, for the indicated uses and shipments as set forth herein. All are in District No. 2. The mine index numbers and the price classifications assigned are permanent but the maximum prices may be changed by an amendment issued after the effective date of this order. Where such an amendment is issued for the district in which the mines involved herein are located and where the amendment makes no particular reference to a mine or mines involved herein, the prices shall be the prices set forth in such amendment for the price classifications of the respective size groups. The location of each mine is given by county and State. The maximum prices stated to be for truck shipment are in cents per net ton f. o. b. the mine or preparation plant and when stated to be for rail shipment or for railroad fuel are in cents per net ton f. o. b. rail shipping point. In cases where mines ship coals by river the prices for such shipments are those established for rail shipment and are in cents per net ton f. o. b. river shipping point. However, producer is subject to the provisions of § 1340.213 and all other provisions of Maximum Price Regulation No. 120.

This order shall become effective September 28, 1945.

LONG & MCALPINE, BOX 257 HEEMINE, PA., WALNUT HILL NO. 2 MINE, PITTSBURGH SEAM, MINE INDEX NO. 4785, GREENE COUNTY, PA., SUBDISTRICT 3, RAIL SHIPPING POINT: POINT MARION, PA., DEEP MINE, RAILROAD FUEL PRICE GROUP E, MAXIMUM TRUCK PRICE GROUP NO. 11

	Size group Nos.										
	1	2	3	4	5	6	7	8	9	10	11
Price classification	F	F	E	E	E	E	E	E	E	.....	.....
Rail shipment	330	330	325	325	325	315	295	295	290	.....	.....
Railroad fuel	330	330	325	325	325	315	295	295	285	285	.....
Truck shipment	400	400	400	380	360	360	360	300	280	280	270

LYNN & SHUPE, R. D. BELLE VERNON, PA., LYNN & SHUPE MINE, PITTSBURGH SEAM, MINE INDEX 4383, WESTMORELAND COUNTY, PA., SUBDISTRICT 9, RAIL SHIPPING POINT; SMITHTON, PA., DEEP MINE, RAILROAD FUEL PRICE GROUP A, MAXIMUM TRUCK PRICE GROUP NO. 8

	Size group Nos.										
	1	2	3	4	5	6	7	8	9	10	11
Price classification	D	D	C	C	C	C	C	C	C	.....	.....
Rail shipment	355	355	355	355	355	345	320	320	300	.....	.....
Railroad fuel	355	355	355	355	355	345	320	320	300	280	.....
Truck shipment	435	435	435	415	385	385	365	325	305	305	275

JAMES NASTASI COAL CO., HERMAN RUN RD., R. D. BUTLER, PA., HANEY NO. 2 MINE, FREEPORT SEAM, MINE INDEX NO. 1071, BUTLER COUNTY, PA., SUBDISTRICT 1, RAIL SHIPPING POINT, BUTLER, PA., STRIP MINE RAILROAD FUEL PRICE GROUP A, MAXIMUM TRUCK PRICE GROUP NO. 2.

	Size group Nos.										
	1	2	3	4	5	6	7	8	9	10	11
Price classification	E	E	D	D	C	C	F	F	F	.....	.....
Rail shipment	319	319	309	309	319	309	299	299	284	284	.....
Railroad fuel	319	319	309	309	319	309	299	299	284	284	.....
Truck shipment	444	444	444	434	414	414	414	329	299	299	279

The maximum prices listed in this order include the increase in maximum prices where authorized by Amendment No. 146 to MPR 120 which became effective August 3, 1945.

This order shall become effective September 28, 1945.

(56 Stat. 23, 765; 57 Stat. 566; Pub. Law 383, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 27th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-18930; Filed, Sept. 27, 1945; 11:29 a. m.]

[MPR 188, Order 4487]

DALLAS ENGINEERING CO.

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.158 of Maximum Price Regulation No. 188; *It is ordered:*

(a) This order establishes maximum prices for sales and deliveries of certain articles manufactured by Dallas Engineering Company, 2000 South Akard Street, Dallas, Tex.

(1) For all sales and deliveries to the following classes of purchasers by the sellers indicated below, the maximum prices are those set forth below:

Article	Model No.	For sales by the manufacturer to—		For sales by any person to consumers
		Jobbers	Retailers	
20" wood and steel table lamp made of fermentation bomb casing with olive green finish (no shade).	Standard	$3.19	$3.75	$6.75
20" wood and steel table lamp made of fermentation bomb casing with bronze plate finish (no shade).	De Luxe	4.04	4.75	8.55

These maximum prices are for the articles described in the manufacturer's application dated August 7, 1945.

(2) For sales by the manufacturer, the maximum prices apply to all sales and deliveries since Maximum Price Regulation No. 188 became applicable to those sales and deliveries. For sales to persons other than consumers they are f. o. b. factory, 2% 10 days, net 30. The maximum price to consumers is net, delivered.

(3) For sales by persons other than the manufacturer, the maximum prices apply to all sales and deliveries after the effective date of this order. Those prices are subject to each seller's customary terms and conditions of sale on sales of similar articles.

(4) If the manufacturer wishes to make sales and deliveries to any other class of purchaser or on other terms and conditions of sale, he must apply to the Office of Price Administration, Washington, D. C., under the Fourth Pricing Method, § 1499.158 of Maximum Price Regulation No. 188, for the establishment of maximum prices for those sales, and no sales or deliveries may be made until maximum prices have been authorized by the Office of Price Administration.

(b) The manufacturer shall attach a tag or label to every article for which a maximum price for sales to consumers is established by this order. That tag or label shall contain the following statement:

OPA Retail Ceiling Price—$_____
Do Not Detach

(c) At the time of, or prior to, the first invoice to each purchaser for resale, the manufacturer shall notify the purchaser in writing of the maximum prices and conditions established by this order for sales by the purchaser. This notice may be given in any convenient form.

(d) This order may be revoked or amended by the Price Administrator at any time.

(e) This order shall become effective on the 28th day of September 1945.

Issued this 27th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-18935; Filed, Sept. 27, 1945; 11:32 a. m.]

[MPR 188, Rev. Order 4165]

ANSOL MFG. CO.

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.158 of Maximum Price Regulation No. 188; *It is ordered:* Order No. 4165 under Maximum Price Regulation No. 188 is revised and amended to read as set forth herein.

(a) This revised order establishes maximum prices for sales and deliveries of certain articles manufactured by Ansol Manufacturing Company, 709 Chestnut Street, Philadelphia, Pa.

(1) For all sales and deliveries to the following classes of purchasers by the sellers indicated below, the maximum prices are those set forth below:

Article	Model No.	For sales by the manufacturer to—		For sales by any person to consumers
		Jobbers	Retailers	
		Each	*Each*	*Each*
12" hand-sewn celanese satin or crepe lamp shade with braid trim top and bottom	B-185	$1.74	$2.09	$3.70
15" hand-sewn celanese satin or crepe lamp shade with braid trim top and bottom	D-195	1.91	2.27	4.05
19" hand-sewn celanese satin or crepe lamp shade with braid trim top and bottom	F-275	2.31	2.73	4.95
16" hand-sewn multifilament lamp shade with ruching top trim	SA-123	3.60	3.55	6.40
16" hand-sewn multifilament lamp shade with ruching top trim	SA-424	3.60	3.55	6.40
18" hand-sewn multifilament & crepe lamp shade with braid trim and bottom	39A56	3.25	3.85	6.90
18" hand-sewn multifilament & crepe lamp shade with braid trim and bottom	39A57	3.25	3.85	6.90
18" hand-sewn multifilament & crepe lamp shade with braid trim and bottom	39A58	3.25	3.85	6.90

These prices are for the articles described in the manufacturer's application dated August 8, 1945.

(2) For sales by all persons the maximum prices apply to all sales and deliveries after the effective date of this order. These prices are subject to each seller's customary terms and conditions of sale on sales of similar articles.

(3) If the manufacturer wishes to make sales and deliveries to any other class of purchaser or on other terms and conditions of sale, he must apply to the Office of Price Administration, Washington, D. C., under the fourth pricing method, § 1499.158 of Maximum Price Regulation No. 188, for the establishment

(3) If the manufacturer wishes to make sales and deliveries to any other class of purchaser or on other terms and conditions of sale, he must apply to the Office of Price Administration, Washington, D. C., under the fourth pricing method, § 1499.158 of Maximum Price Regulation No. 188, for the establishment of maximum prices for those sales, and no sales or deliveries may be made until maximum prices have been authorized by the Office of Price Administration.

(b) The manufacturer shall attach a tag or label to every article for which a maximum price for sales to consumers is established by this revised order. That tag or label shall contain the following statement, with the proper model number and the ceiling price inserted in the blank spaces:

Model No. ——
OPA Retail Ceiling Price—$——
Do Not Detach

(c) At the time of, or prior to, the first invoice to each purchaser for resale, the manufacturer shall notify the purchaser in writing of the maximum prices and conditions established by this revised order for sales by the purchaser. This notice may be given in any convenient form.

(d) Jobber's maximum prices for sales of the articles covered by this revised order shall be established under the provisions of section 4.5 of SR 14J.

(e) This revised order may be revoked or amended by the Price Administrator at any time.

(f) This revised order shall become effective on the 28th day of September 1945.

Issued this 27th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-18032; Filed, Sept. 27, 1945; 11:31 a. m.]

[MPR 188, Rev. Order 4167]

ELNOR TRADING CO

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.158 of Maximum Price Regulation No. 188; *It is ordered:*

(a) This revised order establishes maximum prices for sales and deliveries of certain articles manufactured by Elnor Trading Company, 1165 Broadway, New York, New York.

(b) For all sales and deliveries to the following classes of purchasers by the sellers indicated below, the maximum prices are those set forth below:

Article	Model No.	For sales by the manufacturer to—		For sales by any person to consumers
		Jobbers	Retailers	
		Each	*Each*	*Each*
Crystal lamps	121, 116, 112, 110, 110, 112, 100, 106, 107, 108, [illegible]	$6.00	$7.50	$15.00
	1001, 201, 1003, 101, 107, 108, [illegible]	4.50	5.63	11.25
	1005, 112, 1005, 1100, 1104, 1106, 1203, 1206, 1208, 1209, 1210, 1211, 1212, 1213, 1214, 1215, 1216, 1217, 1218, 1219, 1220, 1221, 1222, 1223, 1224, 1225, 1226, 1227, 1228, 1229, 1230, 1231, 1232, 1233, 1234, 1235, 1236, 1237, 1238, 1239, 1240, 1241, 1242, 1243, 1244, 1245, 1246, 1247,

"manufacturer") and wholesalers and retailers may sell, offer to sell or deliver and any person may buy, offer to buy or receive each brand and size or frontmark, and packing of the following domestic cigars at the appropriate maximum list price and maximum retail price set forth below:

Brand	Size or frontmark	Packing	Maximum list price	Maximum retail price
			Per M	*Cents*
Milo Deco	Conchas	50	$105	14
Marigold	do	50	105	14
	Smokers	50	75	10

(b) The manufacturer and wholesalers shall grant, with respect to their sales of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the discounts they customarily granted in March 1942 on their sales of domestic cigars of the same price class to purchasers of the same class, unless a change therein results in a lower price. Packing differentials charged by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class may be charged on corresponding sales of each brand and size or frontmark of cigars priced by this order, but shall not be increased. Packing differentials allowed by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class shall be allowed on corresponding sales of each brand and size or frontmark of cigars priced by this order and shall not be reduced. If a brand and size or frontmark of domestic cigars for which maximum prices are established by this order is of a price class not sold by the manufacturer or the particular wholesaler in March 1942, he shall, with respect to his sales thereof, grant the discounts and may charge and shall allow the packing differentials customarily granted, charged or allowed (as the case may be) in March 1942 by his most closely competitive seller of the same class on sales of domestic cigars of the same March 1942 price class to purchasers of the same class.

(c) On or before the first delivery to any purchaser of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the manufacturer and every other seller (except a retailer) shall notify the purchaser of the maximum list price and the maximum retail price established by this order for such brand and size or frontmark of domestic cigars. The notice shall conform to and be given in the manner prescribed by § 1358.113 of Maximum Price Regulation No. 260.

(d) Unless the context otherwise requires, appropriate provisions of Maximum Price Regulation No. 260, shall apply to sales for which maximum prices are established by this order.

(e) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective September 28, 1945.

Issued this 27th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-18038; Filed, Sept. 27, 1945; 11:33 a. m.]

[MPR 260, Order 1869]

GOVERNOR CIGAR FACTORY

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion accompanying this order, and pursuant to § 1358.102 (b) of Maximum Price Regulation No. 260; *It is ordered*, That:

(a) Governor Cigar Factory, 525 Walsh St., Joliet, Ill. (hereinafter called "manufacturer") and wholesalers and retailers may sell, offer to sell or deliver and any person may buy, offer to buy or receive each brand and size or frontmark, and packing of the following domestic cigars at the appropriate maximum list price and maximum retail price set forth below:

Brand	Size or frontmark	Packing	Maximum list price	Maximum retail price
			Per M	*Cents*
Governor	Victoria	50	$134	20

(b) The manufacturer and wholesalers shall grant, with respect to their sales of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the discounts they customarily granted in March 1942 on their sales of domestic cigars of the same price class to purchasers of the same class, unless a change therein results in a lower price. Packing differentials charged by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class may be charged on corresponding sales of each brand and size or frontmark of cigars priced by this order, but shall not be increased. Packing differentials allowed by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class shall be allowed on corresponding sales of each brand and size or frontmark of cigars priced by this order and shall not be reduced. If a brand and size or frontmark of domestic cigars for which maximum prices are established by this order is of a price class not sold by the manufacturer or the particular wholesaler in March 1942, he shall, with respect to his sales thereof, grant the discounts and may charge and shall allow the packing differentials customarily granted, charged or allowed (as the case may be) in March 1942 by his most closely competitive seller of the same class on sales of domestic cigars of the same March 1942 price class to purchasers of the same class.

(c) On or before the first delivery to any purchaser of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the manufacturer and every other seller (except a retailer) shall notify the purchaser of the maximum list price and the maximum retail price established by this order for such brand and size or frontmark of domestic cigars. The notice shall conform to and be given in the manner prescribed by § 1358.113 of Maximum Price Regulation No. 260.

(d) Unless the context otherwise requires, appropriate provisions of Maximum Price Regulation No. 260, shall apply to sales for which maximum prices are established by this order.

(e) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective September 28, 1945.

Issued this 27th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-18039; Filed, Sept. 27, 1945; 11:33 a. m.]

[MPR 260, Order 1870]

METROPOLITAN CIGAR CO.

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion accompanying this order, and pursuant to § 1358.102 (b) of Maximum Price Regulation No. 260; *It is ordered*, That:

(a) Metropolitan Cigar Co., Yoe, Pa. (hereinafter called "manufacturer") and wholesalers and retailers may sell, offer to sell or deliver and any person may buy, offer to buy or receive each brand and size or frontmark, and packing of the following domestic cigars at the appropriate maximum list price and maximum retail price set forth below:

Brand	Size or frontmark	Packing	Maximum list price	Maximum retail price
Marito Banquet Claremore	Invincible do		*Per M* $	*Cents*

(b) The manufacturer and wholesalers shall grant, with respect to their sales of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the discounts they customarily granted in March 1942 on their sales of domestic cigars of the same price class to purchasers of the same class, unless a change therein results in a lower price. Packing differentials charged by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class may be charged on corresponding sales of each brand and size or frontmark of cigars priced by this order, but shall not be increased. Packing differentials allowed by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class shall be allowed on corresponding sales of each brand and size or frontmark of cigars priced by this

order and shall not be reduced. If a brand and size or frontmark of domestic cigars for which maximum prices are established by this order is of a price class not sold by the manufacturer or the particular wholesaler in March 1942, he shall, with respect to his sales thereof, grant the discounts and may charge and shall allow the packing differentials customarily granted, charged or allowed (as the case may be) in March 1942 by his most closely competitive seller of the same class on sales of domestic cigars of the same March 1942 price class to purchasers of the same class.

(c) On or before the first delivery to any purchaser of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the manufacturer and every other seller (except a retailer) shall notify the purchaser of the maximum list price and the maximum retail price established by this order for such brand and size or frontmark of domestic cigars. The notice shall conform to and be given in the manner prescribed by § 1358.113 of Maximum Price Regulation No. 260.

(d) Unless the context otherwise requires, appropriate provisions of Maximum Price Regulation No. 260, shall apply to sales for which maximum prices are established by this order.

(e) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective September 28, 1945.

Issued this 27th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-18040; Filed, Sept. 27, 1945; 11:33 a. m.]

[MPR 260, Order 1871]

AUGUST FREEMAN

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion accompanying this order, and pursuant to § 1358.102 (b) of Maximum Price Regulation No. 260; *It is ordered*, That:

(a) August Freeman, 123 West Main Street, Danville, Illinois (hereinafter called "manufacturer") and wholesalers and retailers may sell, offer to sell or deliver and any person may buy, offer to buy or receive each brand and size or frontmark, and packing of the following domestic cigars at the appropriate maximum list price and maximum retail price set forth below:

Brand	Size or frontmark	Packing	Maximum list price	Maximum retail price
			Per M	*Cents*
[illegible]	Solitas	50	$90	7

(b) The manufacturer and wholesalers shall grant, with respect to their sales of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the discounts they customarily granted in March 1942 on their sales of domestic cigars of the same price class to purchasers of the same class, unless a change therein results in a lower price. Packing differentials charged by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class may be charged on corresponding sales of each brand and size or frontmark of cigars priced by this order, but shall not be increased. Packing differentials allowed by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class shall be allowed on corresponding sales of each brand and size or frontmark of cigars priced by this order and shall not be reduced. If a brand and size or frontmark of domestic cigars for which maximum prices are established by this order is of a price class not sold by the manufacturer or the particular wholesaler in March 1942, he shall, with respect to his sales thereof, grant the discounts and may charge and shall allow the packing differentials customarily granted, charged or allowed (as the case may be) in March 1942 by his most closely competitive seller of the same class on sales of domestic cigars of the same March 1942 price class to purchasers of the same class.

(c) On or before the first delivery to any purchaser of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the manufacturer and every other seller (except a retailer) shall notify the purchaser of the maximum list price and the maximum retail price established by this order for such brand and size or frontmark of domestic cigars. The notice shall conform to and be given in the manner prescribed by § 1358.113 of Maximum Price Regulation No. 260.

(d) Unless the context otherwise requires, appropriate provisions of Maximum Price Regulation No. 260, shall apply to sales for which maximum prices are established by this order.

(e) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective September 28, 1945.

Issued this 27th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-18041; Filed, Sept. 27, 1945; 11:33 a. m.]

[MPR 260, Order 1872]

ARKA CIGAR CO.

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion accompanying this order, and pursuant to § 1358.102 (b) of Maximum Price Regulation No. 260; *It is ordered*, That:

(a) Arka Cigar Company, Iglesias No. 9, Mayaguez, P. R. (hereinafter called "manufacturer") and wholesalers and retailers may sell, offer to sell or deliver and any person may buy, offer to buy or receive each brand and size or frontmark, and packing of the following domestic cigars of the same price class to purchasers of the same class, unless a change therein results in a lower price. Packing differentials charged by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class may be charged on corresponding sales of each brand and size or frontmark of cigars priced by this order, but shall not be increased. Packing differentials allowed by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class shall be allowed on corresponding sales of each brand and size or frontmark of cigars priced by this order and shall not be reduced. If a brand and size or frontmark of domestic cigars for which maximum prices are established by this order is of a price class not sold by the manufacturer or the particular wholesaler in March 1942, he shall, with respect to his sales thereof, grant the discounts and may charge and shall allow the packing differentials customarily granted, charged or allowed (as the case may be) in March 1942 by his most closely competitive seller of the same class on sales of domestic cigars of the same March 1942 price class to purchasers of the same class.

(c) On or before the first delivery to any purchaser of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the manufacturer and every other seller (except a retailer) shall notify the purchaser of the maximum list price and the maximum retail price established by this order for such brand and size or frontmark of domestic cigars. The notice shall conform to and be given in the manner prescribed by § 1358.113 of Maximum Price Regulation No. 260.

(d) Unless the context otherwise requires, appropriate provisions of Maximum Price Regulation No. 260, shall apply to sales for which maximum prices are established by this order.

(e) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective September 28, 1945.

Issued this 27th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-18042; Filed, Sept. 27, 1945; 11:34 a. m.]

Brand	Size or frontmark	Packing	Maximum list price	Maximum retail price
			Per M	*Cents*
Cortados	Corona	50	$48	6

(b) The manufacturer and wholesalers shall grant, with respect to their sales of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the discounts they customarily granted in March 1942 on their sales of domestic cigars of the same price class to purchasers of the same class, unless a change therein results in a lower price. Packing differentials charged by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class may be charged on corresponding sales of each brand and size or frontmark of cigars priced by this order, but shall not be increased. Packing differentials allowed by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class shall be allowed on corresponding sales of each brand and size or frontmark of cigars priced by this order and shall not be reduced. If a brand and size or frontmark of domestic cigars for which maximum prices are established by this order is of a price class not sold by the manufacturer or the particular wholesaler in March 1942, he shall, with respect to his sales thereof, grant the discounts and may charge and shall allow the packing differentials customarily granted, charged or allowed (as the case may be) in March 1942 by his most closely competitive seller of the same class on sales of domestic cigars of the same March 1942 price class to purchasers of the same class.

(c) On or before the first delivery to any purchaser of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the manufacturer and every other seller (except a retailer) shall notify the purchaser of the maximum list price and the maximum retail price established by this order for such brand and size or frontmark of domestic cigars. The notice shall conform to and be given in the manner prescribed by § 1358.113 of Maximum Price Regulation No. 260.

(d) Unless the context otherwise requires, appropriate provisions of Maximum Price Regulation No. 260, shall apply to sales for which maximum prices are established by this order.

(e) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective September 28, 1945.

Issued this 27th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-18042; Filed, Sept. 27, 1945; 11:34 a. m.]

[MPR 260, Order 1873]

D. VALENTI CIGAR FACTORY

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion accompanying this order, and pursuant to § 1358.102 (b) of Maximum Price Regulation No. 260; *It is ordered*, That:

(a) D. Valenti Cigar Factory, 2922 22d Street, Tampa 5, Fla. (hereinafter called "manufacturer") and wholesalers and retailers may sell, offer to sell or deliver and any person may buy, offer to buy or receive each brand and size or frontmark, and packing of the following domestic cigars at the appropriate maximum list price and maximum retail price set forth below:

Brand	Size or frontmark	Packing	Maximum list price	Maximum retail price
			Per M	*Cents*
La Torre	Coronitas	5s	$75 00	10
	Bills	20	161 25	2 for 27

(b) The manufacturer and wholesalers shall grant, with respect to their sales of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the discounts they customarily granted in March 1942 on their sales of domestic cigars of the same price class to purchasers of the same class, unless a change therein results in a lower price. Packing differentials charged by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class may be charged on corresponding sales of each brand and size or frontmark of cigars priced by this order, but shall not be increased. Packing differentials allowed by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class shall be allowed on corresponding sales of each brand and size or frontmark of cigars priced by this order and shall not be reduced. If a brand and size or frontmark of domestic cigars for which maximum prices are established by this order is of a price class not sold by the manufacturer or the particular wholesaler in March 1942, he shall, with respect to his sales thereof, grant the discounts and may charge and shall allow the packing differentials customarily granted, charged or allowed (as the case may be) in March 1942 by his most closely competitive seller of the same class on sales of domestic cigars of the same March 1942 price class to purchasers of the same class.

(c) On or before the first delivery to any purchaser of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the manufacturer and every other seller (except a retailer) shall notify the purchaser of the maximum list price and the maximum retail price established by this order for such brand and size or frontmark of domestic cigars. The notice shall conform to and be given in the manner prescribed by § 1358.113 of Maximum Price Regulation No. 260.

(d) Unless the context otherwise requires, appropriate provisions of Maximum Price Regulation No. 260, shall apply to sales for which maximum prices are established by this order.

(e) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective September 28, 1945.

Issued this 27th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-18043; Filed, Sept. 27, 1945, 11:34 a. m.]

[MPR 260, Order 1874]

UTUADO LEAF TOBACCO CO.

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion accompanying this order, and pursuant to § 1358.102 (b) of Maximum Price Regulation No. 260; *It is ordered*, That:

(a) Utuado Leaf Tobacco Co., Subida Hospital, Utuado, P. R. (hereinafter called "manufacturer") and wholesalers and retailers may sell, offer to sell or deliver and any person may buy, offer to buy or receive each brand and size or frontmark, and packing of the following domestic cigars at the appropriate maximum list price and maximum retail price set forth below:

Brand	Size or frontmark (inches)	Packing	Maximum list price	Maximum retail price
			Per M	*Cents*
Sublimes	5½	50	$82 50	11
Perfectos	5½	50	93 75	2 for 25

(b) The manufacturer and wholesalers shall grant, with respect to their sales of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the discounts they customarily granted in March 1942 on their sales of domestic cigars of the same price class to purchasers of the same class, unless a change therein results in a lower price. Packing differentials charged by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class may be charged on corresponding sales of each brand and size or frontmark of cigars priced by this order, but shall not be increased. Packing differentials allowed by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class shall be allowed on corresponding sales of each brand and size or frontmark of cigars priced by this order and shall not be reduced. If a brand and size or frontmark of domestic cigars for which maximum prices are established by this order is of a price class not sold by the manufacturer or the particular wholesaler in March 1942, he shall, with respect to his sales thereof, grant the discounts and may charge and shall allow the packing differentials customarily granted, charged or allowed (as the case may be) in March 1942 by his most closely competitive seller of the same class on sales of domestic cigars of the same March 1942 price class to purchasers of the same class.

(c) On or before the first delivery to any purchaser of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the manufacturer and every other seller (except a retailer) shall notify the purchaser of the maximum list price and the maximum retail price established by this order for such brand and size or frontmark of domestic cigars. The notice shall conform to and be given in the manner prescribed by § 1358.113 of Maximum Price Regulation No. 260.

(d) Unless the context otherwise requires, appropriate provisions of Maximum Price Regulation No. 260, shall apply to sales for which maximum prices are established by this order.

(e) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective September 28, 1945.

Issued this 27th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-18044; Filed, Sept. 27, 1945, 11:34 a. m.]

[MPR 260, Order 1875]

WEBER E. IVINS TOBACCO CO.

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion accompanying this order, and pursuant to § 1358.102 (b) of Maximum Price Regulation No. 260; *It is ordered*, That:

(a) Weber E. Ivins Tobacco Co., 77 Allen St., P. O. Box 3842, San Juan 19, P. R. (hereinafter called "manufacturer") and wholesalers and retailers may sell, offer to sell or deliver and any person may buy, offer to buy or receive each brand and size or frontmark, and packing of the following domestic cigars at the appropriate maximum list price and maximum retail price set forth below:

Brand	Size or frontmark	Packing	Maximum list price	Maximum retail price
			Per M	*Cents*
Heredia Kings	Kings	50	$82 50	11
Heredia Perfectos	Perfectos	50	93 75	2 for 25
Supremo	Brevitas	50	48 00	10

(b) The manufacturer and wholesalers shall grant, with respect to their sales of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the discounts they customarily granted in March 1942 on their sales of domestic cigars of the same price class to purchasers of the same class, unless a change therein results in a lower price. Packing differentials charged by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class may be charged on corresponding sales of each brand and size or frontmark of cigars priced by this order, but shall not be increased. Packing differentials allowed by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class shall be allowed on corresponding sales of each brand and size or frontmark of cigars priced by this order and shall not be reduced. If a brand and size or frontmark of domestic cigars for which maximum prices are established by this order is of a price class not sold by the manufacturer or the particular wholesaler in March 1942, he shall, with respect to his sales thereof, grant the discounts and may charge and shall allow the packing differentials customarily granted, charged or allowed (as the case may be) in March 1942 by his most closely competitive seller of the same class on sales of domestic cigars of the same March 1942 price class to purchasers of the same class.

(c) On or before the first delivery to any purchaser of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the manufacturer and every other seller (except a retailer) shall notify the purchaser of the maximum list price and the maximum retail price established by this order for such brand and size or frontmark of domestic cigars. The notice shall conform to and be given in the manner prescribed by § 1358.113 of Maximum Price Regulation No. 260.

(d) Unless the context otherwise requires, appropriate provisions of Maximum Price Regulation No. 260, shall apply to sales for which maximum prices are established by this order.

(e) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective September 28, 1945.

Issued this 27th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-18045; Filed, Sept. 27, 1945; 11:34 a. m.]

[MPR 591, Order 28]

HOLVERSON SALES CO.

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith, and filed with the Division of the Federal Register and pursuant to section 9 of Maximum Price Regulation No. 591; *It is ordered:*

(a) The maximum net prices, f. o. b. point of shipment, for sales by any person of the following home freezer manufactured by the Holverson Sales Company of Minneapolis, Minnesota, and as described in its application dated July 20, 1945, which is on file with the Building Materials Price Branch, Office of Price Administration, Washington 25, D. C., shall be:

Model	On sales to distributors	On sales to dealers	On sales to consumers
Holverson 12 cu. ft. freezer	$205	$240	$300

(b) On sales by the Holverson Sales Company, the maximum net prices established in (a) above may be increased by the following amount to each class of purchaser as a charge to cover the cost of crating when crating is actually supplied: $5.00.

(c) The maximum net prices established by this order shall be subject to discounts and allowances and the rendition of services which are at least as favorable as those which each seller extended or rendered to purchasers of the same class on comparable sales of similar commodities during March 1942.

(d) On sales by a distributor or dealer the following charges may be added to the maximum prices established in (a) above:

(1) The actual amount of freight paid to obtain delivery to his place of business. Such charges shall not exceed the lowest common carrier rates.

(2) Crating charges actually paid to his supplier but in no instance exceeding the amount noted above.

(e) Each seller of the commodity covered by this order, except a dealer, shall notify each of his purchasers, in writing, at or before the issuance of the first invoice after the effective date of this order, of the maximum prices established by this order for each such seller as well as the maximum prices established for purchasers upon resale, including allowable transportation and crating charges.

(f) The Holverson Sales Company shall stencil on the inside of the lid or cover of the farm freezer covered by this order, the maximum net price to consumers established by this order. The stencil shall contain substantially the following:

OPA Maximum Retail Price—$_____
Plus freight and crating as provided in Order No. 28 under Maximum Price Regulation No. 591.

(g) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective September 27, 1945.

Issued this 26th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-18046; Filed, Sept. 27, 1945; 11:24 a. m.]

[RMPR 136, 3d Rev. Order 158]

GENERAL MOTORS CORP.

AUTHORIZATION OF MAXIMUM PRICES

Third Revised Order No. 158, under Revised Maximum Price Regulation No. 136, as amended. Machines, parts and industrial equipment. Chevrolet Motor Division, General Motors Corporation; Docket No. 3136-389.

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to section 21 of Revised Maximum Price Regulation 136, *It is ordered*:

Second Revised Order 158 under Revised Maximum Price Regulation 136 is redesignated Third Revised Order No. 158 under Revised Maximum Price Regulation 136 and is amended and revised to read as follows:

(a) Chevrolet Motor Division, General Motors Corporation, General Motors Building, Detroit 2, Michigan, is authorized to sell to resellers each of the truck models listed in subparagraph (1) below at a price not to exceed the "Net wholesale price" listed in that subparagraph, subject to the discounts in effect on March 31, 1942, to the applicable class of resellers, plus the applicable charges in subparagraph (2) below:

(1)

Model	Description	Net wholesale price
4103	Ucab—134½" utility chassis and cab	$680 20
4103	Ucab—160" utility chassis and cab	695 40
4109	U-14K—160" utility chassis, cab and stake body	817 00
4112	UCHW—134½" utility chassis with cowl and windshield	619 40
4412	UCHW—160" utility chassis with cowl and windshield	658 40
4702	LSHCH—195" long school bus chassis	820 80

(2) *Charges.* (i) A charge for extra, special and optional equipment, not to exceed Chevrolet Motor Division's list or established price in effect on March 31, 1942 (subject to the discounts in effect on March 31, 1942, to the applicable class of purchasers), when sold as original equipment;

(ii) A charge to include federal excise and tires weight tax computed in accordance with the seller's method in effect on March 31, 1942;

(iii) A charge for freight based on freight rates from Flint, Michigan, to place of delivery;

(iv) A charge to cover seller's expense for unloading, handling, delivery, gas and oil, not to exceed $5.00, where the model is shipped to a company owned zone sales location;

(v) A charge to cover seller's expense during January, February and March 1944, for storage in non-company owned storage locations, not to exceed $7.50 for the first month's storage or $5.00 for each other month's storage during the three months' period.

(b) Chevrolet Motor Division, General Motors Corporation, is authorized to sell to resellers each of the $1\frac{1}{2}$ ton truck models covered by the listing in subparagraph (1) below and not specifically listed in paragraph (a) (1) at a price not to exceed a net wholesale price which reflects the same percentage differential between that price and the net wholesale price of $817 authorized in paragraph (a) for Model No. 4409 as existed between the March 31, 1942, prices for the sales of such models to resellers. These adjusted prices shall be subject to the discounts and allowances in effect on March 31, 1942. The applicable charges in paragraph (a) (2) may be added to these adjusted prices.

(1) *Series and description*
4100—$134\frac{1}{2}$" Conventional units.
4400—160" Conventional units.
5100—109" Cab over engine units.
5400—$132\frac{1}{2}$" Cab over engine units.
5700—155" Cab over engine units.

(c) Chevrolet Motor Division, General Motors Corporation, is authorized to sell to the United States each of the vehicles listed in subparagraph (1) below at a price not to exceed the total of the applicable net wholesale price listed in that subparagraph, and the applicable charges in subparagraph (2) of paragraph (a).

(1) Model and description:	*Net wholesale price*
4103—Ucab—$134\frac{1}{2}$" utility chassis and cab	$658.20
4403—Ulcab—160" utility chassis and cab	683.40
4409—Ulstk—160" utility chassis, cab and stake body	805.00
4112—U C H W—$134\frac{1}{2}$" utility chassis with cowl and windshield	607.40
4412—U L C H W—160" utility chassis with cowl and windshield	626.40
4702—L S B C H—195" long school bus chassis	608.80

(d) Chevrolet Motor Division, General Motors Corporation, is authorized to sell to the United States each of the truck models described in paragraph (b) (1) and not specifically listed in paragraph (c) (1) at a price not to exceed a net wholesale price which shall reflect the same differential between that price and the net wholesale price of $805.00 authorized in paragraph (c) for Model No. 4409 as existed between the March 31, 1942, prices of such models for sales to the United States. The applicable charges in paragraph (a) 2 may be added to these adjusted prices.

(e) A reseller of Chevrolet motor trucks may sell, delivered at place of business, each Chevrolet motor truck of a model described in subparagraph (1) below, at a price not to exceed the applicable "Retail list price" in that subparagraph plus the applicable charges in subparagraph (2) below, subject to the discounts in effect on March 31, 1942, for the applicable class of purchaser.

(1) Model and Description:	*Retail list price*
4103—Ucab—$134\frac{1}{2}$" utility chassis and cab	$895.00
4403—Ulcab—160" utility chassis and cab	915.00
4409—Ulstk—160" utility chassis, cab and stake body	1,075.00
4112—U C H W—$134\frac{1}{2}$" utility chassis with cowl and windshield	815.00
4412—U L C H W—160" utility chassis with cowl and windshield	840.00
4702—L S B C H—195" long school bus chassis	1,080.00

(2) *Charges.* (i) A charge for extra, special and optional equipment, not to exceed the charge the reseller had in effect on March 31, 1942, for such equipment when sold as original equipment;

(ii) A charge for actual freight-in expense;

(iii) The reseller's charge for handling and delivery in effect on March 31, 1942, and in addition, the storage charges he has to pay under item (v) of paragraph (a) (2).

(iv) A charge to include federal, state, territorial, insular and local taxes and the purchase, sale or delivery of the applicable truck model, computed in accordance with the reseller's method in effect on March 31, 1942;

(v) The dollar amount of all other charges which the reseller had in effect on March 31, 1942, to the applicable class of purchasers.

(f) A reseller of Chevrolet motor trucks is authorized to sell each of the truck models described in paragraph (b) at a price not to exceed the respective retail list price which shall be determined by the Chevrolet Motor Division, General Motors Corporation, in accordance with paragraph (g) below (subject to the discounts and allowances in effect on March 31, 1942, to the applicable class of purchaser). To this retail list price the reseller may add the applicable charges in paragraph (e) (2).

(g) The Chevrolet Motor Division, General Motors Corporation, shall determine a retail list price for each of the truck models for which it is authorized in paragraph (b) to charge a maximum net wholesale price. The retail list price for each of the truck models shall reflect a percentage differential between such price and the applicable net wholesale price determined under paragraph (b) as existed between the Chevrolet Motor Division's March 31, 1942, net wholesale price for the particular model and the retail list price for such model suggested by the Chevrolet Motor Division to resellers on March 31, 1942. These retail list prices shall be subject to the discounts and allowances the particular reseller had in effect on March 31, 1942.

(h) The Chevrolet Motor Division shall report to the Automotive Branch, OPA National Office, each retail list price it determines in accordance with paragraph (g) not later than five days from the date it sells the truck model to which the retail list price applies.

(j) A reseller that cannot establish a price under paragraph (e) or (f) because it was not in business on March 31, 1942 shall determine its maximum price by adding to the applicable list price stated in paragraph (e) or (f), the following applicable charges:

(1) *Charges.* (i) The original equipment retail charge that Chevrolet Motor Division, General Motors Corporation suggested on March 31, 1942, be made by resellers for extra, special or optional equipment attached to the truck as original equipment;

(ii) A charge to cover actual freight-in expense;

(iii) A charge equal to the charge made to the reseller by the Chevrolet Motor Division, General Motors Corporation, in accordance with its March 31, 1942 method to cover federal excise and tires-weight taxes;

(iv) A charge equal to reseller's expense for payment of state, territorial, insular and local taxes on the purchase, sale or delivery of the applicable truck model;

(v) A charge equal to reseller's actual expense for handling and delivery.

(k) A reseller of Chevrolet trucks in any of the territories or possessions of the United States, is authorized to sell each of the trucks described in paragraph (a) or (b), at a price not to exceed the applicable maximum price established in paragraph (e), (f) or (j), to which he may add a sum equal to the expense incurred by or charged to it, for export premiums; boxing and crating for export purposes; marine and war risk insurance; and landing, wharfage and terminal operations.

(l) All requests not granted in the third revised order are denied.

(m) This third revised order may be amended or revoked by the Administrator at any time.

NOTE: The manufacturer's price under paragraph (a) or (b) is for a truck equipped with natural rubber tires, or synthetic rubber tires delivered to it prior to April 11, 1944. Where the manufacturer has an established price in accordance with section 6, Revised Maximum Price Regulation 13, which is higher than a price permitted under paragraph (a) or (b) because the truck is equipped with synthetic tires delivered to the manufacturer on and after April 11, 1944, or because of any other substantial specification change or material substitution in the truck, the reseller may add to the price under paragraphs (e), (f), (j) or (k) the increase in cost to it over the price it would otherwise pay under paragraph (a) or (b) plus its customary markup on such increase, but in the case of a decrease in price under paragraph (a) or (b) the reseller must reduce its price under paragraphs (e), (f), (j) or (k), by the amount of the decrease and the customary markup on such an amount.

This third revised order shall be effective September 27, 1945.

Issued this 27th day of September 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-18079; Filed, Sept. 27, 1945; 4:05 p. m.]

Regional and District Office Orders.

[Region II Order G-8 Under SO 94]

LEATHER CHIN STRAPS IN NEW YORK REGION

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and in accordance with Section 11 of Supplementary Order 94, and Emergency Price Control Act of 1942, as amended, it is ordered:

(a) *What this order does.* This order establishes maximum prices for sales and deliveries to wholesalers, to industrial and commercial users, to retailers, and to consumers within Region II which includes the following States: New York, New Jersey, Pennsylvania, Delaware, Maryland and the District of Columbia, of certain leather chin hat straps hereinafter described which have been purchased from the U. S. Department of Commerce.

(b) *Maximum prices.* Maximum prices for the sales and deliveries of the leather chin hat straps described as follows, new leather chin strap, length 20", width $\frac{3}{8}$", color brown, small perforated hole at either end with a small black buckle, shall be as follows:

Maximum prices for sales to wholesalers:
0.0375 each, f. o. b. shipping point.
Maximum prices for sales to industrial and commercial users:
0.045 each, f. o. b. shipping point.
Maximum prices for sales to retailers:
0.0525 each, f. o. b. shipping point.
Maximum prices for sales to consumers:
0.10 each.

(c) *Discounts.* Every seller shall continue to maintain his customary allowances, discounts and other price differentials.

(d) *Relation to other regulations and orders.* This order, with respect to the commodity it covers, supersedes any maximum price regulation otherwise applicable.

This order, may be revoked or amended at any time.

This order shall become effective immediately.

Issued this 24th day of Sept. 1945.

LEO F. GENTNER,
Acting Regional Administrator.

[F. R. Doc. 45-17987; Filed, Sept. 26, 1945; 4:50 p. m.]

[Region II Order G-4 Under RMPR 251]

INSTALLED RE-SIDING AND RE-ROOFING AND RELATED AND INCIDENTAL CONSTRUCTION WORK IN TRENTON, N. J., AREA

An opinion accompanying this order issued simultaneously herewith, has been filed with the Division of Federal Register.

In the judgment of the Regional Administrator of Region II of the Office of Price Administration, the maximum prices established and the Regulations prescribed by this order are generally fair and equitable, are necessary to effectuate the purposes of the Emergency Price Control Act of 1942, as amended, and Executive Orders Nos. 9250 and 9599, and do not exceed the general level of prices fixed by Revised Maximum Price Regulation No. 251.

Therefore, under the authority vested in the Regional Administrator of Region II of the Office of Price Administration by the Emergency Price Control Act of 1942, as amended, and by section 9 of Revised Maximum Price Regulation No. 251, this order is hereby issued.

SECTION 1. *Transactions covered by this order.* This order covers all sales of composition re-siding and re-roofing on an installed basis, together with accessories on residential structures in the area hereinafter described. It also includes related and incidental construction work when sold by installers of re-siding and re-roofing, whether such sale is made as a part of a general contract or not.

The term "composition residing" includes asphalt shingle re-siding, asbestos cement re-siding, insulated brick or stone re-siding and roll brick re-siding but shall not include wood shingles or wood re-siding.

The term "re-roofing" includes composition re-roofing such as asphalt shingles and mineral surface roll re-roofing and smooth surface roll re-roofing but does not include wood, metal or slate re-roofing.

The term "related" and "incidental" construction work means any installation of building materials or construction work other than installed re-roofing and re-siding when sold by installers of re-roofing and re-siding.

SEC. 2. *Relationship of this order to Revised Maximum Price Regulation No. 251.* (a) The provisions of this order supersede sections 6, 7 and 8 of Revised Maximum Price Regulation No. 251 with respect to sales of re-roofing and composition re-siding on an installed basis on residential structures and with respect to related and incidental construction work sold by installers of composition re-siding and re-roofing on an installed basis. All other provisions of Revised Maximum Price Regulation No. 251 are applicable to transactions subject to this order unless otherwise provided in this order.

(b) On and after the effective date of this order, regardless of any contract or other obligation, no person shall sell, offer to sell or deliver composition re-siding and re-roofing on residential structures on an installed basis or related and incidental construction work as herein defined at prices higher than the maximum prices established by this order: *Provided*, That deliveries made not more than thirty days after the effective date of this order on bona fide contracts executed prior to the effective date of this order shall not be considered to be violations of this order.

(c) An employer paying or about to pay labor rates higher than those in effect for him on the effective date of this order by reason of the predetermination of wage rates by the Secretary of Labor under the Davis-Bacon Act or any order or authorization of the Wage Adjustment Board, National War Labor Board or Economic Stabilization Director, may file an application for an amendment of this order to reflect such increased labor rates. Such a petition for amendment shall conform in all respects to the provisions of Revised Procedural Regulation No. 1, except that it shall be filed with the New York Regional Office of the Office of Price Administration.

SEC. 3. *Applicability.* This order shall apply in the Trenton, New Jersey area which includes the counties of Hunterdon, Mercer, Middlesex, Monmouth, Ocean, Somerset and Warren, all in the State of New Jersey.

SEC. 4. *Maximum prices for sales of composition re-siding and re-roofing on an installed basis.* The maximum prices for sales of composition re-siding and re-roofing on an installed basis on residential structures shall be as shown in the following tables, known as Tables I and II, and shall be upon a price per square basis. Table I covers prices for composition re-siding and accessories, and Table II covers prices for re-roofing and accessories.

TABLE I—COMPOSITION RE-SIDING PRICES

	Per square
Asbestos cement, re-siding, standard surface hardness 12 x 24" or 12 x 27"	$24.00
Asbestos cement re-siding of extra hard surface 12 x 24" or 12 x 27"	27.00
Insulated brick or stone re-siding—$14\frac{3}{8}$ x $43\frac{7}{8}$", $13\frac{7}{8}$ x $43\frac{1}{6}$" and 14 x 43"	30.00
Asphalt strip type re-siding—167 lbs.	15.00
Giant individual shingle re-siding, laid wide space method $7\frac{1}{2}$" exposure. When this shingle is laid in wide space other than $7\frac{1}{2}$" exposure, American method, Dutch lap method or other methods, the price varies from the above in proportion to the quantity of material used	16.00
Roll brick re-siding	16.00

The above prices include nails, caulking, joint strips and one bundle of lath.

Re-Siding Accessories for Which Extra Charges May Be Made As Stated Below	*Per ft.*
Corner pieces for asphalt brick re-siding	$0.40
Rolled corners on roll brick re-siding	.25
Soldier course on insulated brick	.15
Soldier course on roll brick	.10
Zinc corner bead	.15
	Per bundle
Lath (400 ft. per bundle) after 1st bundle	$4.00
	Per square
15 lb. felt	$1.50
30 lb. felt and smooth surface rolls	2.50
35 lb. felt smooth surface rolls in 12" widths	3.00
Building paper	1.00
	Per ft.
Moulding (quarter round to $\frac{3}{4}$" and band up to $1\frac{1}{2}$")	$0.05
Rabbitted moulding	.14
	Per square
Backer board	$4.00
Removing stucco	5.00
All shingles above the second floor ceiling, extra charge	3.00
Applying shingles to the second floor when the first floor is not covered, extra charge	2.00

TABLE II—REROOFING PRICES

	Per square
12" (3 in line) strip shingle—210 lbs.	$16.00
11½" hexagon strip shingle—167 lbs.	14.00
Reroofer type shingle standard weight 135 to 140 lbs.	14.00
Reroofer type heavy weight—160 to 162 lbs.	15.00
Giant individual Dutch Lap Method 160 to 162 lbs. with Clips (When this shingle is laid in American method or other methods, the price varies from above in proportion to the quantity of material used)	15.00
Diamond point roll reroofing 18" width (apply to roofs having a pitch of 1–5")	11.00
Diamond point roll reroofing 18" width (apply to roofs having a pitch greater than 1–5")	13.00
Slate surface roll reroofing—90 lbs. (apply to roofs having a pitch of 1–5")	8.00
Slate surface roll reroofing—90 lbs. (apply to roofs having a pitch greater than 1–5")	10.00
Smooth surface reroofing, 55 lbs.	7.00
Smooth surface roll reroofing, 65 lbs.	8.00
Smooth surface roll reroofing in plastic slate, 55 lbs.	11.00
Smooth surface roll reroofing in plastic slate, 65 lbs.	12.00
Double coverage smooth surface roll reroofing in plastic slate or other cold adhesive, 55 lbs.	20.00
Double coverage smooth surface roll reroofing in plastic slate or other cold adhesive, 65 lbs.	21.00
Double coverage smooth surface roll reroofing in plastic slate or other cold adhesive, 45 lbs.	19.00
Cap sheet double coverage smooth surface roll reroofing in plastic slate or other cold adhesive, 34 lbs.	16.50

The above prices include nails, mastic and flashing around chimneys and vents.

Reroofing Accessories for Which Extra Charges May Be Made As Stated Below	
	Per ft.
Hip and ridge shingles	$0.15
	Per square
Slate surface rolls—90 lbs. (used on valleys, ridges or other sections of roofs)	$8.00
15 lb. felt	1.50
30 lb. felt	2.50
35 lb smooth surface rolls (when cut in 12" widths)	3.00
	Per bundle
Lath (400 ft. per bundle) after 1st bundle	$4.00
Bevel boards (per 100 lineal ft)	1.70
	Per square
Backer board	$4.00
	Per ft.
Single drip course of wood shingles	$0.25
Double drip course of wood shingles	.45
Rake strip for drip course of wood 5/4 x 3" (wider boards price proportionately)	.25
Yankee gutters relined	.25
Box gutters relined	.35
Replaced boards on Yankee gutters	.30
	Per tube
Galvanized tubes without flange	$1.50
Galvanized tubes with flange	2.00
	Per ft.
Galvanized eave strip or rake strip	$0.15
	Per square
To remove wooden, asphalt, asbestos or slate shingles	$5.00

On all sales of composition re-siding and re-roofing on an installed basis covered by this order, where the maximum price of the entire job figured in accordance with Tables I and II of this order is less than $50.00, the seller may make a minimum charge of $50.00.

On all sales of composition re-siding and re-roofing on an installed basis covered by this order, an additional charge of 50% of the maximum price per square may be made for the actual areas only which consist of the following on re-siding jobs: bay windows, towers, eye brows, dormer gables and dormer cheeks, porch columns, bulkheads and arches; on reroofing jobs—towers, eye brows, bay windows, overhangs and shelves.

SEC. 5. *Guaranteed price.* A seller may sell a composition re-siding or re-roofing job covered by this Order on the basis of a guaranteed price, but such guaranteed price must not be higher than the maximum price figured in accordance with the pricing methods and requirements of this order.

SEC. 6. *Related and incidental construction work.* If on any job, any installed building materials are furnished or any construction service performed by the seller, other than composition re-siding and re-roofing, the cost of such work shall not be included in the cost of installed composition re-siding and re-roofing, but shall be separately priced and billed on all invoices. The maximum price of any such related and incidental work shall be determined under Revised Maximum Price Regulation No. 251.

SEC. 7. *Measurements.* It shall be the seller's responsibility to measure with reasonable accuracy the area or footage to be covered. A "measurement with reasonable accuracy" shall be considered to have been made if the price based on such estimate does not vary by more than 10% from the maximum price computed under the terms of this order.

SEC. 8. *Notification.* Every person making sales subject to this order shall, if requested by the purchaser, make available to the purchaser a copy of this order and a copy of Revised Maximum Price Regulation No. 251. Upon completion of any contract for installed re-siding and/or re-roofing, and/or related and incidental construction work, the seller, if requested by the purchaser, must furnish to him an itemized statement showing the number of squares, the maximum price per square of re-siding and re-roofing installed, a list of all extras and the quantities and price of each and a separate statement of any related and incidental construction work other than installed re-siding and re-roofing giving a description of such work and an itemized statement of the prices thereof. The seller shall also include in such statement the date on which the installation was completed, the names and addresses of the sellers and buyers and the terms of sale.

SEC. 9. *Evasion.* Any practice or device which results in a higher price to the purchaser of composition re-siding and re-roofing on an installed basis and/or related and incidental construction work than is permitted by this order is as much a violation as an outright over ceiling charge and subject the seller to all the penalties provided by Revised Maximum Price Regulation No. 251.

SEC. 10. *Records.* All sellers of installed composition re-siding and re-roofing and/or related and incidental construction work covered by the terms of this order must keep records concerning each sale subject to this order, including the name and address of the purchaser, the location of the job, the date of the transaction, a description of the materials and services involved, the number of squares and price per square of re-siding and re-roofing, a list of all extras permitted under Table I and II of this order with the quantity and price of each, and a separate statement of any related and incidental construction work. All such records shall be made available for inspection by representatives of the Office of Price Administration so long as the Emergency Price Control Act of 1942, as amended, remains in effect.

SEC. 11. *Revocation or amendment.* This order may be revised, amended, revoked or modified at any time by the Office of Price Administration.

This order shall become effective Sept. 29th, 1945.

Issued this 29th day of September 1945

LEO F. GENTNER,
Acting Regional Administrator.

[F. R. Doc. 45-17981; Filed, Sept. 26, 1945; 4:46 p. m.]

[Region II Order G-3 Under 2d Rev. MPR 269 Revocation]

TRANSPORTATION OF LIVE CHICKENS IN NEW YORK REGION

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of the Office of Price Administration for Region II by Second Revised Maximum Price Regulation No. 269, Revised Order No. G-3 under Second Revised Maximum Price Regulation No. 269 is hereby revoked.

This order shall become effective at 12:01 on September 14, 1945.

Issued September 12, 1945.

LEO F. GENTNER,
Acting Regional Administrator.

[F. R. Doc. 45-17982; Filed, Sept. 26, 1945; 4:46 p. m.]

[Region II Order G-7 Under MPR 426]

FRESH FRUITS AND VEGETABLES IN NEW YORK REGION

For the reasons stated in an accompanying opinion, this order is issued.

SECTION 1. *What this order does.* This order adjusts upwards the maximum markup named in Column 5, of Table B, of Appendix K, of section 15, of Maximum Price Regulation No. 426 for lcl or ltl sales of juice grapes by "primary receivers" ex-car, ex-truck, ex-dock, ex-"terminal sales platform" or through a "terminal auction" in carlots or truck-lots to that named in Column 6, of Table B, of Appendix K, of section 15, of Maximum Price Regulation No. 426 for lcl or ltl sales of juice grapes by "primary receivers" ex-store or ex-warehouse.

SEC. 2. *To whom this order applies.* This order applies to all "primary receivers" whose establishments are located in New York, New York, or Jersey City, New Jersey.

SEC. 3. *Adjustment.* The maximum markup named in Column 5, of Table B, of Appendix K, of section 15, of Maximum Price Regulation No. 426 for lcl or ltl sales of juice grapes by "primary receivers" ex-car, ex-truck, ex-dock, ex-"terminal sales platform" or through a "terminal auction" in carlots or truck-lots is adjusted upwards to that named in Column 6, of Table B, of Appendix K, of section 15, of Maximum Price Regulation No. 426 for lcl or ltl sales of juice grapes by "primary receivers" ex-store or ex-warehouse.

SEC. 4. *Meaning of terms.* The terms "primary receiver," "terminal auction" and "terminal sales platform" are to be understood as defined in Maximum Price Regulation No. 426.

SEC. 5. *Effective date.* This order shall become effective on September 20, 1945.

(56 Stat. 23, 765; 57 Stat. 566; Pub. Law 383, 78th Cong.; Pub. Law 108, 79th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681; E.O. 9599, 10 F.R. 10155, MPR 426, 8 F.R. 16409, 9 F.R. 902)

Issued September 18, 1945.

LEO F. GENTNER,
Acting Regional Administrator.

Approved:

F. D. CRONIN,
Regional Director of Food Distribution.

[F. R. Doc. 45-17936; Filed, Sept. 26, 1945; 4:47 p. m.]

[Region IV 2d Rev. Order G-8 Under RMPR 122]

SOLID FUELS IN COLUMBIA, S. C. AREA

For the reasons set forth in an opinion issued simultaneously herewith, and under the authority vested in the Regional Administrator, Region IV, Office of Price Administration, by § 1340.260 of Revised Maximum Price Regulation No. 122, paragraph (e) of Second Revised Order No. G-8 under Revised Maximum Price Regulation No. 122, issued by this office on June 2, 1945 is hereby amended to read as follows:

(e) *Maximum prices.* Maximum prices established by this order are as follows for sales on a "direct delivery or domestic" basis:

(1) *High volatile bituminous coal from District No. 8.*

Size	Per ton, 2,000 lbs.	Per ½ ton, 1,000 lbs.	Per ¼ ton, 500 lbs.
Lump, chunk, block, and egg (prep. sizes groups Nos. 1 through 5)	$10.55	$5.53	$2.84
Stove (prep. group No. 10)	9.65	5.08	2.64
Nut and chunk (prep. group No. 20)	7.60	4.05	2.10

Effective date. This amendment shall become effective as of June 7, 1945.

Issued: September 7, 1945.

ALEXANDER HARRIS,
Regional Administrator.

[F. R. Doc. 45-17688; Filed, Sept. 26, 1945; 4:49 p. m.]

[Region IV Rev. Order G-26 Under RMPR 122, Amdt. 1]

SOLID FUELS IN BIRMINGHAM, TARRANT CITY, FAIRFIELD, HOMEWOOD, MOUNTAIN BROOK, BESSEMER, LEEDS, IRONDALE, LIPSCOMB, AND BRIGHTON, ALA.

For the reasons set forth in an opinion issued simultaneously herewith, and under the authority vested in the Regional Administrator, Region IV, Office of Price Administration, by § 1340.260 of Revised Maximum Price Regulation No. 122, paragraph (e) and subparagraph (f) (1) of Revised Order No. G-26 under Revised Maximum Price Regulation No. 122, issued by this office May 31, 1945 are amended to read as follows:

(e) *Maximum prices.* Maximum prices established by this order are as follows for sales on a "direct delivery or domestic" basis:

(1) *Bituminous coal from District No. 13.*

Size	Per ton, 2,000 lbs.	Per ½ ton, 1,000 lbs.	Per ¼ ton, 500 lbs.
(i) *All lump and double screened egg coals (size groups 1 thru 4, 19)*			
From (exceptions) mine index No. 6, subdistrict No. 1	$11.00	$5.75	$3.00
From mines in price group 8, subdistrict No. 1	10.05	5.28	2.80
From (exceptions) mine index Nos. 22, 1306, and 2011, subdistrict No. 1	9.70	5.10	2.68
From mines in price groups 6 and 7, and from (exceptions) mine index Nos. 11, 13, 212, and 1733, all in subdistrict No. 1, and trucked from mines in price groups 1 and 2, and from (exceptions) all mine index numbers excepted, all in subdistrict No. 2	9.35	4.93	2.74
From (exceptions) mine index No. 56 in subdistrict No. 1 and mine index Nos. 2012, 2026, and 2027 in subdistrict Nos. 1 and 2	8.70	4.60	2.43
From mines in price group 9, and from (exceptions) mine index No. 69, in subdistrict No. 1, and trucked from mines in price groups 3 and 5, all in subdistrict No. 2	8.60	4.55	2.40
From mines in price groups 3 and 4 and from (exceptions) mine index Nos. 35, 53, and 68, all in subdistrict No. 1, and trucked from mines in price groups 1, 6, and 7, in subdistrict No. 2	7.95	4.23	2.21
From mines in price group 1, in subdistrict No. 1	7.45	3.98	2.11
(ii) *Nut and chestnut coals (size groups 6, 8, and 10, washed)*			
From (exceptions) mine index No. 6, in subdistrict No. 1	10.10	5.30	2.78
From mines in price group 8, in subdistrict No. 1	9.25	4.88	2.56
From (exceptions) mine index Nos. 22, 1306, and 2011, subdistrict No. 1	9.20	4.85	2.55
From mines in price groups 6 and 7, and from (exceptions) mine index Nos. 11, 13, 21, 212, and 1733, all in subdistrict No. 1, and trucked from mines in price groups 1, 2, and 3, and from (exceptions) all mine index numbers excepted, all in subdistrict No. 2	8.85	4.68	2.46
From (exceptions) mine index No. 56 in subdistrict No. 1, and mine index Nos. 2012, 2026, and 2027 in subdistrict Nos. 1 and 2	8.60	4.55	2.40
From mines in price group 9, and from (exceptions) mine index No. 69, all in subdistrict No. 1, and trucked from mines in price groups 4 and 5, all in subdistrict No. 2	$8.40	$4.45	$2.35
From mines in price groups 3 and 4, and from (exceptions) mine index Nos. 35, 53, and 68, all in subdistrict No. 1, and trucked from mines in price groups 6 and 7, in subdistrict No. 2	7.85	4.18	2.21
From mines in price group 1, in subdistrict No. 1	7.47	3.98	2.11
(iii) *Nut and chestnut coals (size groups 7, 9, and 11, washed)*			
From mines in price group 8, in subdistrict No. 1	9.15	4.83	2.54
From (exceptions) mine index Nos. 22, 1306, and 2011, subdistrict No. 1	9.10	4.80	2.53
From mines in price groups 6 and 7, and from (exceptions) mine index Nos. 11, 13, 21, 212, and 1733, all in subdistrict No. 1, and trucked from mines in price groups 1, 2, and 3 and from (exceptions) all mine index numbers excepted, all in subdistrict No. 2	8.75	4.63	2.41
From (exceptions) mine index No. 56 in subdistrict No. 1 and mine index Nos. 2012, 2026, and 2027 in subdistrict Nos. 1 and 2	8.70	4.70	2.58
From mines in price group 9, and from (exceptions) mine index No. 69, all in subdistrict No. 1, and trucked from mines in price groups 4 and 5, all in subdistrict No. 2	8.50	4.40	2.33
From mines in price groups 3 and 4 and from (exceptions) mine index Nos. 35, 53, and 68, all in subdistrict No. 1, and trucked from mines in price groups 6 and 7, in subdistrict No. 2	7.80	4.15	2.20
From mines in price group 1, in subdistrict No. 1	7.45	3.93	2.09
(iv) *Mine run and run-of-mine and other coals (size groups 12, 14, 15, and 16, washed)*			
From mines in price groups 3, 4, 6, 7, 8, and 9, and from (exceptions) mine index Nos. 11, 56, 212, 13, 21, 69, 1402, 1733, 2012, 2026, and 2027, all in subdistrict No. 1, and trucked from mines in price groups 1 through 7, and from (exceptions) all mine index numbers excepted, and mine index Nos. 2012, 2026, and 2027, all in subdistrict No. 2	8.20	4.38	2.31
From (exceptions) mine index Nos. 35, 68, and 53, in subdistrict No. 1	7.75	4.13	2.19
From mines in price group 1, in subdistrict No. 1	7.40	3.96	2.10
(v) *Mine run and run-of-mine and other coals (size groups 17, 18, 20, and 21, raw)*			
From (exceptions) mine index Nos. 22, 1306, and 2011, all in subdistrict No. 1	8.35	4.48	2.34
From mines in price groups 8, and from (exceptions) mine index No. 1733, all in subdistrict No. 1, and trucked from (exceptions) mine index Nos. 3 and 4, in subdistrict No. 2	8.25	4.78	2.31
Trucked from (exceptions) mine index Nos. 22, 1306 and 2011, all in subdistrict No. 2	8.10	4.30	2.25
From mines in price groups 3, 4, 6, 7, and 9, and from (exceptions) mine index Nos. 11, 56, 212, 13, 21, 69, 1402, 2012, 2026, and 2027, all in subdistrict No. 1, and trucked from mines in price groups 1 through 7, and from (exceptions) mine index Nos. 6, 7, 8, 9, 11, 12, 17, 18, 21, 23, 510, 1420, 1543, 1672, 2012, 2026, and 2027, all in subdistrict No. 2	8.00	4.25	2.20

Size	Per ton, 2,000 lbs.	Per ½ ton, 1,000 lbs.	Per ¼ ton, 500 lbs.
(v) *Mine run and resultants over 3 inches, etc.*—Continued.			
From (exceptions) mine index Nos. 35 and 53, in subdistrict No. 1	$7.60	$4.05	$2.15
From mines in price group 1, in subdistrict No. 1	7.30	3.90	2.08
(vi) *Resultants and screenings 3 inches and under (size groups 17 and 18, washed)*			
From (exceptions) mine index Nos. 22, 1306, and 2011, all in subdistrict No. 1	8.60	4.55	2.40
Trucked from (exceptions) mine index Nos. 22, 1306, and 2011, all in subdistrict No. 2	8.35	4.43	2.34
From mines in price group 7, and from (exceptions) mine index Nos. 21, 1733, 2012, 2026, and 2027, all in subdistrict No. 1, and trucked from mines in price groups 1 through 7, and from (exceptions) mine index Nos. 18, 21, 23, 1672, in subdistrict No. 2	8.25	4.38	2.31
From mines in price groups 3, 4, 6, 8, and 9, and from (exceptions) mine index Nos. 11, 56, 68, 212, 13, and 69, all in subdistrict No. 1, and trucked from mines in price groups 1 through 7, and from (exceptions) mine index Nos. 3, 4, 6, 7, 8, 9, 11, 12, 17, 510, 1420, 1543, 2012, 2026, and 2027, all in subdistrict No. 2	7.95	4.23	2.24
From (exceptions) mine index Nos. 35 and 53, in subdistrict No. 1	7.60	4.05	2.15
From mines in price group 1, in subdistrict No. 1	7.35	3.93	2.09
(vii) *Resultants and screenings 8 inches and under (size groups 22 and 23, raw)*			
From (exceptions) mine index Nos. 22, 1306, and 2011, all in subdistrict No. 1	8.35	4.43	2.34
From mines in price group 7, and from (exceptions) mine index Nos. 21, 1733, 2012, 2026, and 2027, all in subdistrict No. 1	8.00	4.25	2.25
Trucked from (exceptions) mine index Nos. 22, 1306, and 2011, all in subdistrict No. 2	7.95	4.23	2.24
From mines in price groups 3, 4, 6, 8, 9, and from (exceptions) mine index Nos. 11, 56, 212, 13, 68, 35, and 69, all in subdistrict No. 1, and trucked from mines in price groups 1 through 7, and from (exceptions) all mine index numbers excepted, and mine index Nos. 2012, 2026, and 2027, all in subdistrict No. 2	7.85	4.18	2.21
From mines in price group 1, in subdistrict No. 1	7.30	3.90	2.08

(2) *Coke.*

Size	Per ton, 2,000 lbs.	Per ½ ton, 1,000 lbs.	Per ¼ ton, 500 lbs.
Stove and stove-nut	$9.30	$4.90	$2.58
Nut	8.95	4.73	2.49
Nut-chestnut	8.45	4.45	2.36
Chestnut	7.95	4.23	2.24

(f) *Maximum authorized service charges and required deductions*—(1) *Yard sales.* When a consumer picks up a specified solid fuel at the dealer's yard, the domestic price must be reduced at least $1.00 per ton. When another dealer picks up such fuel at the dealer's yard, the domestic price must be reduced at least $1.50 per ton, except that when another dealer picks up coal at Empire Coal Yards, the domestic price on egg and nut coals must be reduced at least $2.10 per ton and on resultants must be reduced at least $2.40 per ton, and except that when another dealer picks up coke at the Sloss-Sheffield Steel & Iron Company yard, the domestic price thereof must be reduced at least $2.20 per ton.

Effective date. This amendment shall become effective as of August 10, 1945.

Issued: September 10, 1945.

ALEXANDER HARRIS,
Regional Administrator.

[F. R. Doc. 45-17990; Filed, Sept. 26, 1945; 4:45 p. m.]

[Region IV Order G-42 Under RMPR 122, Amdt. 2]

SOLID FUELS IN COLUMBUS, GA., AND PHENIX CITY, ALA.

For the reasons set forth in an opinion issued simultaneously herewith, and under the authority vested in the Regional Administrator, Region IV, Office of Price Administration, by § 1340.260 of Revised Maximum Price Regulation No. 122, issued by this office on May 8, 1945 is amended to read as follows:

(e) *Maximum prices.* Maximum prices established by this order are as follows for sales on a "direct delivery or domestic" basis.

(1) *High volatile bituminous coals from District No. 8.*

Size	Per ton, 2,000 lbs.	Per ½ ton, 1,000 lbs.	Per ¼ ton, 500 lbs.
Lump and block from mine index 317, Black Diamond Coal Co.	$11.30	$5.90	$3.08
Lump or block	11.05	5.78	3.01
Egg from mine index 304, Frances Rex Coal Co.	10.50	5.50	2.88
Egg	10.00	5.25	2.75
Blue Gem egg	10.25	5.43	2.81
Stoker	9.85	5.18	2.71
Slack	7.15	3.83	2.04
Blue Gem, Red Clover, and Hi-Clover lump, and Regal lump from mine index No. 149	11.45	5.98	3.11

(2) *High volatile bituminous coal from District No. 13.*

Size	Per ton, 2,000 lbs.	Per ½ ton, 1,000 lbs.	Per ¼ ton, 500 lbs.
Lump	$11.30	$5.90	$3.08
Piper lump, and Empire lump from mine index No. 22 (De Bardeleben Coal Corp.)	12.60	6.55	3.40
Montevallo lump from mine index 6, Little Gem Coal Co., size groups 1 through 5, inclusive	12.95	6.73	3.49
Montevallo nut from mine index 6, Little Gem Coal Co., size groups 6, 8, and 10	12.05	6.28	3.26
Washed nut, from mine index No. 18, Brilliant Coal Co., size group 10	10.20	5.35	2.80
Stoker	9.55	5.03	2.64

Effective date. This amendment shall become effective as of August 28, 1945.

Issued: September 14, 1945.

ALEXANDER HARRIS,
Regional Administrator.

[F. R. Doc. 45-17991; Filed, Sept. 26, 1945; 4:44 p. m.]

[Region IV Order G-55 Under RMPR 122]

SOLID FUELS IN CLIFTON FORGE, VA., AREA

For the reasons set forth in an opinion issued simultaneously herewith, and under the authority vested in the Regional Administrator, Region IV, Office of Price Administration, by §§ 1340.259 (a) (1) and 1340.260 of Revised Maximum Price Regulation No. 122, it is hereby ordered:

(a) *What this order does.* This adopting order establishes dollars-and-cents ceiling prices for specified solid fuels when sold and delivered by dealers in the area set out herein. These fuels are described and the maximum prices are set forth in paragraph (d) hereof.

(b) *Area covered.* This order covers all sales of specified solid fuels when sold and delivered within the corporate limits of Clifton Forge, Virginia and within the area lying within three miles of said corporate limits, measured by the actual mileage by the most direct highway route. It also covers all sales thereof by dealers whose yards are located within that area, regardless of where delivery is made. Extra charges for deliveries outside such area are provided.

(c) *Applicability of Basic Order No. G-37.* All the provisions of Order No. G-37 under Revised Maximum Price Regulation No. 122—basic order for area pricing of coal in Region IV, issued April 4, 1945 by the Atlanta Regional Office, Region IV, Office of Price Administration are adopted in this order and are just as much a part of this order as if printed herein. If said Order No. G-37 is amended in any respect, all the provisions of such order, as amended, shall likewise, without other action, be a part of this order. All persons subject to this adopting order are also subject to and should read and be familiar with the provisions of said Order No. G-37.

(d) *Maximum prices.* Maximum prices established by this order are as follows for sales on a "direct delivery or domestic" basis:

LOW VOLATILE BITUMINOUS COAL FROM DISTRICT NO. 7

Size	Per ton, 2,000 lbs.	Per ½ ton, 1,000 lbs.
Egg	$8.40	$4.63
Stove	8.80	4.85
Run-of-mine	8.55	4.71
Stoker pea	7.70	4.18

(e) *Maximum authorized service charges and required deductions*—(1) *Carrying.* If buyer requests such service, dealer may charge not more than 75¢ per ton therefor.

(2) *Yard sales.* When buyer picks up coal at the yard, dealer must reduce the Domestic price at least 75¢ per ton.

(3) *Treated coals.* If the dealer's supplier has subjected the coal to oil or calcium chloride treatment to allay dust or to prevent freezing and makes a charge therefor, the dealer selling such coal may add to the applicable maximum price set by this order, except as noted hereinafter, the amount of such charge, not to exceed 10¢ per net ton. This addition may not be made to the prices named for stoker pea, since the price already includes this 10¢ increase. When the increase permitted hereby is added, the invoice, sales slip or receipt shall clearly show that the coal has been so treated, but it is not necessary that this charge be separately stated thereon.

(4) *Delivery zone.* No charge may be made for delivery within the corporate limits of Clifton Forge, Virginia, or the area lying within three miles of said corporate limits, measured by the actual mileage by the most direct highway route. Dealers whose yards are located within that area may, however, make a charge for deliveries beyond the free delivery zone thus described, of not more than 10¢ per ton per mile beyond such zone, measured by the actual mileage by the most direct highway route, and may impose a minimum charge of not more than 50¢ for each such delivery.

(5) *Credit.* No additional charge may be made for extension of credit.

Effective date. This order shall become effective September 15, 1945.

Issued: September 10, 1945.

ALEXANDER HARRIS,
Regional Administrator.

[F. R. Doc. 45-17994; Filed, Sept. 26, 1945; 4:44 p. m.]

[Region IV Order G-56 Under RMPR 122]

SOLID FUELS IN COVINGTON, VA.

For the reasons set forth in an opinion issued simultaneously herewith, and under the authority vested in the Regional Administrator, Region IV, Office of Price Administration, by §§ 1340.259 (a) (1) and 1340.260 of Revised Maximum Price Regulation No. 122, it is hereby ordered:

(a) *What this order does.* This adopting order establishes dollars-and-cents ceiling prices for specified solid fuels when sold and delivered by dealers in the area set out herein. These fuels are described and the maximum prices are set forth in paragraph (d) hereof.

(b) *Area covered.* This order covers all sales of specified solid fuels when sold and delivered within the corporate limits of Covington, Virginia. It also covers all sales thereof by dealers whose yards are located therein regardless of where delivery is made. Extra charges for deliveries beyond such corporate limits of not more than 10¢ per ton per mile beyond such corporate limits, measured by the actual mileage by the most direct highway route, and may impose a minimum charge of not more than 50¢ for each such delivery.

(c) *Applicability of Basic Order No. G-37.* All the provisions of Order No. G-37 under Revised Maximum Price Regulation No. 122—basic order for area pricing of coal in Region IV, issued April 4, 1945 by the Atlanta Regional Office, Region IV, Office of Price Administration are adopted in this order and are just as much a part of this order as if printed herein. If said Order No. G-37 is amended in any respect, all the provisions of such order, as amended, shall likewise, without other action, be a part of this order. All persons subject to this adopting order are also subject to and should read and be familiar with the provisions of said Order No. G-37.

(d) *Maximum prices.* Maximum prices established by this order are as follows for sales on a "direct delivery or domestic" basis:

(1) *Low volatile bituminous coal from District No. 7.*

Size	Per ton 2,000 lbs.	Per ½ ton 1,000 lbs.
Egg and lump	$9.40	$5.05
Stove	9.05	4.88
Mine run	8.05	4.38
Stoker pea	7.75	4.23
Yard slack	6.40	3.70

(e) *Maximum authorized service charges and required deductions*—(1) *Carrying.* If buyer requests such service, dealer may charge not more than 50¢ per ton therefor.

(2) *Sacked coal.* When the buyer furnishes the sack, dealer may charge not more than 50¢ per 100 lbs., 35¢ per 60 lbs., and 25¢ per 40 lbs., on yard sales. For delivery, dealer may charge 5¢ per sack, regardless of the size of the sack.

(3) *Discounts.* On deliveries of two or more tons, dealer must reduce the domestic price at least 25¢ per ton.

(4) *Yard sales.* When buyer picks up coal at the yard, dealer must reduce the domestic price at least 75¢ per ton.

(5) *Treated coals.* If the dealer's supplier has subjected the coal to oil or calcium chloride treatment to allay dust or to prevent freezing, and makes a charge therefor, the dealer selling such coal may add to the applicable maximum price set by this order, except as noted hereinafter, the amount of such charge, not to exceed 10¢ per net ton. This addition may not be made to the prices named for stoker pea, since the price already includes this 10¢ increase. When the increase permitted hereby is added, the invoice, sales slip, or receipt shall clearly show that the coal has been so treated, but it is not necessary that this charge be separately stated thereon.

(6) *Delivery zone.* No charge may be made for delivery within the corporate limits of Covington, Virginia. Dealers whose yards are located therein may, however, make a charge for deliveries beyond such corporate limits of not more than 10¢ per ton per mile beyond such corporate limits, measured by the actual mileage by the most direct highway route, and may impose a minimum charge of not more than 50¢ for each such delivery.

(7) *Credit.* No additional charge may be made for extension of credit.

Effective date. This order shall become effective September 15, 1945.

Issued: September 10, 1945.

ALEXANDER HARRIS,
Regional Administrator.

[F. R. Doc. 45-17995; Filed, Sept. 26, 1945; 4:50 p. m.]

[Region IV Order G-57 Under RMPR 122]

SOLID FUELS IN FRONT ROYAL, VA., AREA

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator, Region IV, Office of Price Administration, by §§ 1340.259 (a) (1) and 1340.260 of Revised Maximum Price Regulation No. 122, it is hereby ordered:

(a) *What this order does.* This adopting order establishes dollars-and-cents ceiling prices for specified solid fuels when sold and delivered by dealers in the area set out herein. These fuels are described and the maximum prices are set forth in paragraph (d) hereof.

(b) *Area covered.* This order covers all sales of specified solid fuels when sold and delivered within the corporate limits of Front Royal, Virginia, and within the area lying within two miles of said corporate limits, measured by the actual mileage by the most direct highway route. It also covers all sales thereof made by dealers whose yards are located within that area, regardless of where delivery is made. Extra charges for deliveries outside such area are provided.

(c) *Applicability of Basic Order No. G-37.* All the provisions of Order No. G-37 under Revised Maximum Price Regulation No. 122—basic order for area pricing of coal in Region IV, issued April 4, 1945 by the Atlanta Regional Office, Region IV, Office of Price Administration are adopted in this order and are just as much a part of this order as if printed herein. If said Order No. G-37 is amended in any respect, all the provisions of such order, as amended, shall likewise, without other action, be a part of this order. All persons subject to this adopting order are also subject to and should read and be familiar with the provisions of said Order No. G-37.

(d) *Maximum prices.* Maximum prices established by this order are as follows for sales on a "direct delivery or domestic" basis:

Size	Per ton 2,000 lbs.	Per ½ ton 1,000 lbs.
Lump and egg	$8.85	$4.68
Stove	8.85	4.68
Nut	8.15	4.33
Run-of-mine	8.15	4.33
Stoker pea	8.15	4.33

(e) *Maximum authorized service charges and required deductions*—(1) *Carrying and wheeling.* If buyer requests such service, dealer may charge not more than 75¢ per ton therefor.

(2) *Sacked coal.* For coal sold in sacks, dealer may charge not more than 50¢ per 100 pounds.

(3) *Treated coal.* If the dealer's supplier has subjected the coal to oil or calcium chloride treatment to allay dust or to prevent freezing, and makes a charge therefor, the dealer selling such coal may add to the applicable maximum price set by this order, except as noted hereinafter, the amount of such charge, not to exceed 10¢ per net ton. This addition may not be made to the prices named for stoker pea, since the price already includes this 10¢ increase. When the increase permitted hereby is added, the invoice, sales slip, or receipt shall clearly show that the coal has been so treated, but it is not necessary that this charge be separately stated thereon.

(4) *Delivery zone.* No charge may be made for delivery within the corporate limits of Front Royal, Virginia, or the area lying within two miles of said corporate limits, measured by the actual mileage by the most direct highway route. Dealers whose yards are located within

that area may, however, make a charge for deliveries beyond the free delivery zone thus described, of not more than 10¢ per ton per mile beyond such zone, measured by the actual mileage by the most direct route, and may impose a minimum charge of not more than 50¢ for each such delivery.

(5) *Credit.* No additional charge may be made for extension of credit.

Effective date. This order shall become effective September 15, 1945.

Issued: September 12, 1945.

ALEXANDER HARRIS,
Regional Administrator.

[F. R. Doc. 45-17996; Filed, Sept. 26, 1945; 4:50 p. m.]

[Region IV Order G-58 Under RMPR 122]

SOLID FUELS IN LEXINGTON, VA., AREA

For the reasons set forth in an opinion issued simultaneously herewith, and under the authority vested in the Regional Administrator, Region IV, Office of Price Administration, by § 1340.260 of Revised Maximum Price Regulation No. 122, it is hereby ordered:

(a) *What this order does.* This adopting order establishes dollars-and-cents ceiling prices for specified solid fuels when sold and delivered by dealers in the area set out herein. These fuels are described and the maximum prices are set forth in paragraph (d) hereof.

(b) *Area covered.* This order covers all sales of specified solid fuels when sold and delivered within the corporate limits of Lexington, Virginia, and within the area lying within two miles of said corporate limits, measured by the actual mileage by the most direct highway route. It also covers all sales thereof by dealers whose yards are located within that area, regardless of where delivery is made. Extra charges for deliveries outside such area are provided.

(c) *Applicability of Basic Order No. G-37.* All the provisions of Order No. G-37 under Revised Maximum Price Regulation No. 122—basic order for area pricing of coal in Region IV, issued April 4, 1945 by the Atlanta Regional Office, Region IV, Office of Price Administration are adopted in this order and are just as much a part of this order as if printed herein. If said Order No. G-37 is amended in any respect, all the provisions of such order, as amended, shall likewise, without other action, be a part of this order. All persons subject to this adopting order are also subject to and should read and be familiar with the provisions of said Order No. G-37.

(d) *Maximum prices.* Maximum prices established by this order are as follows for sales on a "direct delivery or domestic" basis:

(1) *Low volatile bituminous coal from District No. 7.*

Size	Per ton, 2,000 lbs.	Per ½ ton, 1,000 lbs.
Egg and lump	$9.80	$5.15
Stove	9.15	4.81
Nut	8.55	4.53
Stoker pea	8.20	4.35
Run-of-mine	8.00	4.25

(e) *Maximum authorized service charges and required deductions*—(1) *Carrying and wheeling.* If buyer requests such service, dealer may charge not more than 50¢ per ton therefor.

(2) *Yard sales.* When buyer picks up coal at the yard, dealer must reduce the domestic price at least 30¢ per ton.

(3) *Sacked coal.* For coal sold in sacks, dealer may charge not more than 35¢ per 50 lbs., delivered, and not more than 30¢ per 50 lbs. at the yard.

(4) *Treated coal.* If the dealer's supplier has subjected the coal to oil or calcium chloride treatment to allay dust or to prevent freezing, and makes a charge therefor, the dealer selling such coal may add to the applicable maximum price set by this order, except as noted hereinafter, the amount of such charge, not to exceed 10¢ per net ton. This addition may not be made to the prices named for stoker pea, since the price already includes this 10¢ increase. When the increase permitted hereby is added, the invoice, sales slip, or receipt shall clearly show that the coal has been so treated, but it is not necessary that this charge be separately stated thereon.

(5) *Delivery zone.* No charge may be made for delivery within the corporate limits of Lexington, Virginia, or the area within two miles of said corporate limits, measured by the actual mileage by the most direct highway route. Dealers whose yards are located within that area may, however, make a charge for deliveries beyond the free delivery zone thus established, of not more than 10¢ per ton per mile beyond such zone, measured by the actual mileage by the most direct highway route, and may impose a minimum charge of not more than 50¢ for each such delivery.

(6) *Credit.* No additional charge may be made for extension of credit.

(7) *Discounts.* When buyer makes payment on or before the 10th day of the first month following the month in which delivery was made, dealer must reduce the domestic price at least 50¢ per ton.

Effective date. This order shall become effective September 15, 1945.

Issued: September 12, 1945.

ALEXANDER HARRIS,
Regional Administrator.

[F. R. Doc. 45-17997; Filed, Sept. 26, 1945, 4:49 p. m.]

[Region IV Order G-59 Under RMPR 122]

SOLID FUELS IN WINCHESTER, VA.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator, Region IV, Office of Price Administration, by § 1340.260 of Revised Maximum Price Regulation No. 122, it is ordered:

(a) *What this order does.* This adopting order establishes dollars-and-cents ceiling prices for specified solid fuels when sold and delivered by dealers in the area set out herein. These fuels are described and the maximum prices are set forth in paragraph (d) hereof.

(b) *Area covered.* This order covers all sales of specified solid fuels when sold and delivered within the corporate limits of Winchester, Virginia. It also covers all sales thereof by dealers whose yards are located therein regardless of where delivery is made. Extra charges for deliveries beyond such corporate limits are provided.

(c) *Applicability of Basic Order No. G-37.* All the provisions of Order No. G-37, under Revised Maximum Price Regulation No. 122—basic order for area pricing of coal in Region IV, issued April 4, 1945 by the Atlanta Regional Office, Region IV, Office of Price Administration are adopted in this order and are just as much a part of this order as if printed herein. If said Order No. G-37 is amended, in any respect, all the provisions of such order, as amended, shall likewise, without other action, be a part of this order. All persons subject to this adopting order are also subject to and should read and be familiar with the provisions of said Order No. G-37.

(d) *Maximum prices.* Maximum prices established by this order are as follows for sales on a "direct delivery or domestic" basis:

(1) *Low volatile bituminous coal from District No. 7.*

Size	Per ton 2,000 lbs.	Per ½ ton 1,000 lbs.
Lump and egg	$9.15	$4.83
Stove	9.46	4.99
Nut	8.90	4.70
Pea stoker	8.25	4.35

(e) *Maximum authorized service charges and required deductions*—(1) *Carrying and wheeling.* If buyer requests such service, dealer may charge not more than 75¢ per ton therefor.

(2) *Yard sales.* When buyer picks up coal at the yard, dealer must reduce the domestic price at least 50¢ per ton.

(3) *Sacked coal.* For coal delivered in sacks, or bags, dealer may add to the domestic price a charge of not more than 75¢ per ton.

(4) *Treated coal.* If the dealer's supplier has subjected the coal to oil or calcium chloride treatment to allay dust or to prevent freezing, and makes a charge therefor, the dealer selling such coal may add to the applicable maximum price set by this order, except as noted hereinafter, the amount of such charge, not to exceed 10¢ per net ton. This addition may not be made to the prices named for stoker pea, since the price already includes this 10¢ increase. When the increase permitted hereby is added, the invoice, sales slip, or receipt shall clearly show that the coal has been so treated, but it is not necessary that this charge be separately stated thereon.

(5) *Delivery zone.* No charge may be made for delivery within the corporate limits of Winchester, Virginia. Dealers whose yards are located therein may, however, make a charge for deliveries beyond such corporate limits of not more than 10¢ per ton per mile beyond such corporate limits, measured by the actual mileage by the most direct highway route, and may impose a minimum charge of not more than 25¢ for each such delivery.

(6) *Credit.* No additional charge may be made for extension of credit.

Effective date. This order shall become effective September 15, 1945.

Issued: September 12, 1945.

ALEXANDER HARRIS,
Regional Administrator.

[F. R. Doc. 45-17998; Filed, Sept. 26, 1945; 4:49 p. m.]

Region V Order G-2 Under RMPR 122, Amdt. 8]

SOLID FUELS IN KANSAS CITY, KANS.-MO., AREA

Pursuant to the Emergency Price Control Act of 1942, as amended, and the authority vested in the Regional Administrator of Region V by § 1340.260 of Revised Maximum Price Regulation No. 122, and for the reasons set forth in the opinion issued simultaneously herewith, *It is ordered*, That Order No. G-2 under Revised Maximum Price Regulation No. 122 be, and the same is hereby, amended in the following respects:

1. Section (d), Price Schedule (1), is amended as follows:

(d) *Price schedule.* (1) Below and a part of this section is the maximum price schedule which sets forth maximum prices for sales by direct delivery of specified sizes, kinds, and quantities of solid fuels.

MAXIMUM PRICE SCHEDULE

Description of fuel	Maximum price per ton	
	Produced at—	
	Strip mines	Underground mines, machine cut
I. *High volatile bituminous coal from machine loading mines in district 10 (Illinois)*		
(A) Southern subdistrict price groups 1 and 2)		
(1) Lump and egg (bottom size larger than 2")	$9.75	
(B) Central subdistrict (price groups 12 and 20)		
(1) Lump and egg (bottom size larger than 2")	8.10	
(2) Nut (top size larger than 2", bottom size 1¼" or less)	7.75	
II. *Low volatile bituminous coal from District 11 (Arkansas and Oklahoma)*		
(B) Production Groups 2 and 3: From mines in the Denning-Coal Hill and Altus fields and the Paris Basin of Logan, Franklin, and Johnson Counties, all in the area of Arkansas		
(1) Lump (bottom size 2½" or larger)	$11.25	$13.15
(2) Chestnut, washed (top size 2", bottom size 1¼" or less)		10.25
(3) Screenings, washed, (3"x 0)		8.25

MAXIMUM PRICE SCHEDULE—Continued

Description of fuel	Maximum price per ton produced at—	
	Strip mines	Underground mines, machine cut
III. *High volatile bituminous coal from district 13 (Missouri, Kansas and Oklahoma)*		
(A) Production Group 1: From mines in Cherokee, Crawford, Bourbon, and Labette Counties, Kansas; and Barton, Jasper, Dade, Cedar and that portion of Vernon County lying south of an east and west line drawn through the town of Nevada, Missouri		
(1) Lump; egg (top size larger than 3", bottom size larger than 1¼")	$7.82	$8.85
(2) Nut (top size 3" to larger than 2", bottom size 1¼" or larger)	7.32	8.10
(3) Household stoker (top size 1¼"; bottom size 5/16")	6.37	6.75
(4) Mill (1¼"x 0)	5.72	6.70
(B) Production Groups 2 and 3: From mines in Linn County, Kansas, Bates, Henry, and St. Clair Counties, and that portion of Vernon County lying north of an east and west line drawn through the town of Nevada in Missouri, and mines in Randolph, Macon, and Adair Counties, Missouri, with the exception of those in the Novinger field in Adair County, set forth below under (5) and (6):		
(1) Lump; egg (top size larger than 3"; bottom size larger than 1¼")	7.17	
(2) Nut (top size 3" to larger than 2", bottom size 1¼" or larger)	6.72	
(3) Household stoker (top size 1¼"; bottom size 5/16")	6.17	
(4) Mill (1¼"x 0)	5.47	
From mines in the Novinger field of Adair County, Missouri:		
(5) Lump; egg (top size larger than 3"; bottom size larger than 1¼")		8.20
(6) Nut (top size 3" to larger than 2", bottom size 1¼" or larger)		7.75
(C) Production Groups 4 and 5: From mines in Ray, Clay, and Lafayette Counties, Missouri, excepting those set forth under (2) and (3) below:		
(1) Lump; egg (top size larger than 3"; bottom size larger than 1¼"		7.45
Produced in Lafayette County by the Western Coal and Mining Co., Index No. 140:		
(2) Lump; egg (top size larger than 3"; bottom size larger than 1¼")		8.45
Produced in Ray County by the Elmira Coal Co., Index No. 48:		
(3) Lump; egg (top size larger than 3"; bottom size larger than 1¼")		9.05
(D) Production Group 9: From mines in Coal County, Oklahoma:		
(1) Lump; egg (top size larger than 3"; bottom size larger than 1¼")	10.85	
(E) Production Group 10: From mines in Okmulgee County, Oklahoma:		
(1) Lump, egg (top size larger than 3", bottom size larger than 1¼")		10.60
(2) Household Stoker (top size 1¼"; bottom size 5/16")		7.95
(F) Production Group 11: From mines in Craig, Roger, Tulsa, and Wagoner Counties, and that part of Muskogee County lying north of a line drawn straight east and west across Muskogee County, along the southern limits of the town of Fotum, except that produced by Leavell Coal Co., Index No. 1595, all in Oklahoma:		
(1) Lump Egg (top size larger than 3"; bottom size larger than 1¼")	8.82	
(2) Household Stoker (top size 1¼"; bottom size 5/16")	7.27	
Produced by Leavell Coal Co., Index No. 1595:		
(3) Lump (bottom size 2½" or larger)	9.17	

Supplementary Order No. 2 issued by the Regional Administrator August 14, 1945, insofar as said Supplementary Order No. 2 affects Order G-2 under Revised Maximum Price Regulation 122, is hereby revoked.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued at Dallas, Texas, and effective this 20th day of September 1945.

W. A. ORTH,
Regional Administrator.

[F. R. Doc. 45-17989; Filed, Sept. 26, 1945; 4:48 p. m.]

[Region V Order G-5 Under RMPR 122, Amdt. 9]

SOLID FUEL IN ST. JOSEPH, MO.

Pursuant to the Emergency Price Control Act of 1942, as amended, and the authority vested in the Regional Administrator of Region V by § 1340.260 of Revised Maximum Price Regulation No. 122, and for the reasons set forth in the opinion issued simultaneously herewith; *It is ordered*, That Order No. G-5 under Revised Maximum Price Regulation No. 122 be, and the same is hereby, amended in the following respects:

1. Section (c), Price Schedule (1), is amended to read as follows:

(c) *Price schedule.* (1) Below and a part of this section is the maximum price schedule which sets forth maximum prices for sales by direct delivery of specified sizes, kinds, and quantities of solid fuels.

MAXIMUM PRICE SCHEDULE

Description of fuel	Maximum price per ton	
	Produced at—	
	Strip mines	Underground mines
I. *High volatile bituminous coal from District 10 (Illinois*		
(A) From machine loading mines in the Southern subdistrict (price groups 1 and 2):		
(1) Lump, egg (bottom size larger than 2")		$9.45
(2) Household stoker (top size 2" or less; bottom size larger than 1 millimeter)		7.85
(B) Central subdistrict (price groups 12 and 20):		
(1) Lump, egg (bottom size larger than 2")		8.45
(2) Household stoker (top size 2" or less, bottom size larger than 1 millimeter)		7.60
(C) Belleville subdistrict (price group 19):		
(1) Lump, egg (bottom size larger than 2")	$8.00	
II. *Low volatile bituminous coal from District 11 (Arkansas and Oklahoma*		
(B) Production Groups 2 and 3: From mines in the Denning-Coal Hill and Altus fields and the Paris Basin of Logan, Franklin, and Johnson Counties, Arkansas:		
(1) Lump (bottom size 2½" or larger)	$11.50	$14.00

MAXIMUM PRICE SCHEDULE—Continued

Description of fuel	Maximum price per ton produced after	
	Strip mines	Underground mines
III *High volatile bituminous coal from district 15 (Missouri, Kansas, and Oklahoma)*		
(A) Production group 1. From mines in Cherokee, Crawford, Bourbon and Lafette Counties, Kansas; and Barton, Jasper, Dade, Cedar and that portion of Vernon County lying south of an east and west line drawn through the town of Nevada, Missouri		
(1) Lump, egg (top size larger than 3"; bottom size larger than 1¼")	$8.32	.....
(2) No. 2 nut, double-screened coal (top size 2" to larger than 1¼")	7.82	.....
(3) Household stoker (top size 1¼" and smaller; bottom size ⅜" to larger than ¼")	6.77	.....
(B) Production group 2. From mines in Linn County, Kansas; Bates, Henry and St. Clair Counties, and that portion of Vernon County lying north of an east and west line drawn through the town of Nevada in Missouri		
(1) Lump; egg (top size larger than 3"; bottom size larger than 1¼")	7.87	.....
(2) Standard nut (top size 3" to larger than 2"; bottom size 1¼" and smaller)	7.47	.....
(C) Production group 3. From mines in Randolph, Macon, Linn and Adair Counties, Missouri, excepting those in the Novinger Field set forth below under (4) and (5), and the Bucklin Mine, Index No. 24, set forth below under (6), (7), and (8):		
(1) Lump, Egg, (top size larger than 3"; bottom size larger than 1¼")	7.22	.....
(2) Nut, (top size 3", bottom size 1¼" and smaller)	6.97	.....
(3) Household stoker, (top size 1¼" and smaller; bottom size ⅜" to larger than ¼")	6.02	.....
From mines in the Novinger Field of Adair County:		
(4) Lump, egg, (top size larger than 3"; bottom size larger than 1¼")	.....	8.55
(5) Nut, (Top size 3"; bottom size 1¼")	.....	8.10
From the Bucklin mine, index No. 24:		
(6) Lump, egg, (top size larger than 3"; bottom size larger than 1¼")	.....	9.80
(7) Nut, (top size 3"; bottom size 1¼")	.....	9.10
(8) Household Stoker, (top size 1¼" and smaller; bottom size ⅜" to larger than ¼")	.....	6.85
(D) *Production group 4.* From mines in Caldwell, Carroll, Clay, Clinton, Daviess, and Ray Counties, Missouri, except that produced by the Elmira Coal Mining Company, index No. 48		
(1) Lump; egg (top size larger than 3"; bottom size larger than 1¼")	.....	8.45
From the Elmira Coal Mining Company, index No. 48:		
(2) Lump, egg (top size larger than 3"; bottom size larger than 1¼")	.....	9.05
(E) *Production group 11.* From mines in Craig, Rogers, Tulsa, and Wagoner Counties, and that part of Muskogee County lying north of a line drawn straight east and west across it along the southern limits of the town of Porum, Allum, Oklahoma:		
(1) Lump, egg (top size larger than 3", bottom size larger than 1¼")	8.77	.....
(2) Household stoker (top size 1¼" and smaller; bottom size ⅜" to larger than ¼")	7.27	.....

Supplementary Order No. 2 issued by the Regional Administrator August 14, 1945, insofar as said Supplementary Order No. 2 affects Order G–5, is hereby revoked.

(56 Stat. 23, 765, Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued at Dallas, Texas, and effective this 19th day of September 1945.

W. A. ORTH,
Regional Administrator.

[F. R. Doc. 45-17985; Filed, Sept. 26, 1945; 4:48 p. m.]

[Region V Order G-2 Under MPR 592]

COMMERCIAL LIMESTONE IN CAPE GIRARDEAU, MO., AREA

For the reasons set forth in the opinion issued simultaneously herewith and pursuant to the authority vested in the Regional Administrator by section 17 of Maximum Price Regulation 592, it is ordered:

(a) *What this order does.* This order grants an adjustment in the maximum price of commercial limestone for producers and sellers in the Cape Girardeau, Missouri, Area. The Cape Girardeau, Missouri, Area is defined as being the town of Cape Girardeau, Missouri, and an area lying within a twenty-five mile radius thereof.

(b) *Adjustment.* Any and all producers and sellers within the Cape Girardeau, Missouri, Area, are hereby authorized to increase their maximum prices for commercial limestone produced and sold by them to the adjusted maximum price of $1.24 per ton, f. o. b. plant.

(c) *Notification.* Any person who sells the commodity subject to this order shall furnish to the purchaser a statement advising such purchaser of the maximum price established in this order.

(d) *Relation to other regulations and orders.* This order with respect to the commodity it covers supersedes any other regulation or order previously issued by the Office of Price Administration only to the extent that it is inconsistent therewith. All other provisions of such regulations or orders shall remain in full force and effect.

(e) *Revocation or amendment.* This order may be revoked or amended at any time.

This order shall become effective September 20, 1945.

(56 Stat. 23, 765; 57 Stat. 566; Pub. Law 383, 78th Cong.; E.O. 9250, 7 F.R. 7871; and E.O. 9328, 8 F.R. 4681)

Issued at Dallas, Texas, this 20th day of September 1945.

W. A. ORTH.
Regional Administrator.

[F. R. Doc. 45-17981; Filed, Sept. 26, 1945; 4:48 p. m.]

[Region VI Order G-1 Under RMPR 333]

SHELL EGGS IN HANCOCK COUNTY, IOWA

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of the Office of Price Administration by section 3.3 (d) of Revised Maximum Price Regulation No. 533; *It is hereby ordered:*

(1) The maximum prices for all sales of shell eggs in Hancock County, Iowa, shall be determined by the application of Zone 3 prices, in lieu of Zone 2 prices, as provided by Revised Maximum Price Regulation No. 333.

(2) Except as herein specifically provided, all provisions of Revised Maximum Price Regulation 333 shall apply to such sales, without change.

This order has been approved by the Secretary of Agriculture.

This order may be revoked, amended or corrected at any time.

This order shall be effective September 25, 1945.

Issued this 25th day of September 1945.

EARL W. CLARK,
Acting Regional Administrator.

Approved: September 21, 1945.

CLINTON P. ANDERSON,
Secretary of Agriculture.

[F. R. Doc. 45-17980; Filed, Sept. 26, 1945; 4:46 p. m.]

[Region VII Order G-4 Under 3 (c)]

PERMUTIT WATER SOFTENERS IN DENVER REGION

Order No. G-4 under Section 1499.3 (c) (2) of the General Maximum Price Regulation. Maximum prices at wholesale and retail for Permutit Water Softeners, when sold in Region VII. Docket No. 7-3 (c) (2)-7.

Pursuant to the Emergency Price Control Act of 1942, as amended, the Stabilization Act of 1942, as amended, and § 1499.3 (c) (2) of the General Maximum Price Regulation, and for the reasons set forth in the accompanying opinion, this Order No. G-4 is issued.

(a) *What this order does.* This Order No. G-4 establishes maximum prices for Model OS 11 and Model OS 15 Permutit Water Softeners manufactured by The Permutit Company of New York City, New York, when sold by a distributor located within the corporate limits of Salt Lake City, Utah, to any reseller, and when sold by any reseller in Region VII to an ultimate consumer or user.

(b) *Authorized maximum prices.* Upon and after the effective date of this Order No. G-4, the maximum prices for Model OS 11 and Model OS 15 Permutit Water Softeners, manufactured by The Permutit Company of New York City, New York, when sold within the geographical areas specified, shall be as follows:

(1) When sold by a distributor to a reseller:

	Each
Model OS 11	$1[illegible]49
Model OS 15	[illegible]65

(2) When sold by any reseller to an ultimate consumer or user:

	Each
Model OS 11	$2[illegible]70
Model OS 15	[illegible]65

NOTE: The above prices are subject to the seller's customary discounts and delivery practices, which he must continue to allow and maintain.

(c) *Notice to be given resellers.* When a distributor makes a first sale under this Order No. G-4 to a reseller, he must show upon his invoice or on a separate slip or rider attached thereto the applicable resale price or prices as set forth in paragraph (b) above.

(d) *Applicability of other regulations.* The maximum prices established by this Order No. G-4 for sales made to resellers or to ultimate consumers or users supersede maximum prices fixed by any other price regulation or order for such sales.

(e) *Geographical applicability.* The prices authorized by this Order No. G-4 for resales under the category specified in paragraph (b) hereof are applicable only when made within or made for delivery within Region VII, which includes the States of New Mexico, Colorado, Wyoming, Montana, and Utah, and all that part of the State of Idaho lying south of the southern boundary of Idaho County, the County of Malheur in the State of Oregon, and all that part of the Counties of Mohave and Coconino in the State of Arizona lying north of the Colorado River.

(f) *Licensing.* The provisions of Licensing Order No. 1, licensing all persons who make sales under price control, are applicable to all sellers subject to this regulation or order. A seller's license may be suspended for violation of the license or of one or more applicable price schedules or regulations. A person whose license is suspended may not, during the period of suspension, make any sale for which his license has been suspended.

(g) *Right to revoke or amend.* This order may be revoked, modified, or amended at any time by the Price Administrator or the Regional Administrator.

Effective date. This Order No. G-4 shall become effective on the 13th day of September 1945.

Issued this 13th day of September 1945.

RICHARD Y. BATTERTON,
Regional Administrator.

[F. R. Doc. 45-17983; Filed, Sept. 26, 1945; 4:47 p. m.]

[Region VII Rev. Order G-46 Under 18 (c), Amdt. 1]

FIREWOOD IN COLORADO

Revised Order No. G-46 Under Section 1499.18 (c) of the General Maximum Price Regulation, Amendment No. 1. Adjustment of maximum prices for firewood sold anywhere within the State of Colorado. Docket No. 7-18 (c)-30.

Pursuant to the Emergency Price Control Act of 1942, as amended, the Stabilization Act of 1942, as amended, and § 1499.18 (c) of the General Maximum Price Regulation, and for the reasons set forth in the accompanying opinion, this Amendment No. 1 is issued.

1. Paragraph (b) is hereby amended by adding thereto a second proviso to read as follows:

Provided further, That in the Denver Metropolitan Trade Area, which means all that area contained within the corporate boundaries of the City and County of Denver, the Towns of Englewood and Aurora, and the suburban areas of Lakewood, Edgewater, Wheatridge, and Mountain View, the specific maximum price for slabwood 8 inches in length shall be $3.75 per face cord of 4' x 8'. *Provided, however*, That if any seller now has a higher duly established maximum price for such 8" slabwood, he may continue to sell at such higher maximum price.

2. *Effective date.* This Amendment No. 1 shall become effective on the 14th day of September 1945.

Issued this 14th day of September 1945.

RICHARD Y. BATTERTON,
Regional Administrator.

[F. R. Doc. 45-17992; Filed, Sept. 26, 1945; 4:47 p. m.]

[Region VII Order G-71 Under MPR 188]

GLOBE FURNITURE MFG. CO. ET AL.

AUTHORIZATION OF MAXIMUM PRICES

Order No. G-71 under Maximum Price Regulation No. 188. Authorized maximum prices for specified items of unfinished furniture manufactured by Robert Hayutin, doing business as Globe Furniture Manufacturing Company, Denver, Colorado, when sold by the manufacturer and specified resellers. Docket No. 7-188-158-28.

Pursuant to the Emergency Price Control Act of 1942, as amended, the Stabilization Act of 1942, as amended, and §§ 1499.158 and 1499.158a of Maximum Price Regulation No. 188, and for the reasons set forth in the accompanying opinion, this Order No. G-71 is issued.

(a) *What this order does.* This Order No. G-71 establishes maximum prices for specified items of unfinished furniture manufactured by Robert Hayutin, doing business as Globe Furniture Manufacturing Company, when sold by the manufacturer and specified resellers.

(b) *Authorized maximum prices.* Upon and after the effective date of this Order No. G-71, the maximum prices for the specified items of unfinished furniture manufactured by Robert Hayutin, doing business as Globe Furniture Manufacturing Company, of 1448-52 Larimer Street, Denver, Colorado, in accordance with the specifications set forth in the application of said manufacturer now on file in this Regional Office as a part of the record in this case, when sold by the manufacturer or any reseller at the levels specified, f. o. b. shipping point, shall be as follows:

Sale category	Wholesale-Retail	Wholesale-Retail	Wholesale-Retail	Sale category	Wholesale-Retail	Wholesale-Retail	Wholesale-Retail
CHESTS OF DRAWERS				CHESTS OF DRAWERS—Continued			
Model No	1-A	1-B	1-C	Model No	9-HA	9-HB	9-HC
Maximum prices	$6.00 $8.30	$8.25 $8.75	$8.40 $9.00	Maximum prices	$10.50 $17.50	$10.95 $18.25	$11.25 $18.75
Model No	2-A	2-B	2-C	Model No	10-HA	10-HB	10-HC
Maximum prices	5.75 9.55	6.00 10.00	6.40 10.65	Maximum prices	11.75 19.60	12.30 20.50	12.75 21.25
Model No	3-A	3-B	3-C	Model No	11-HA	11-HB	11-HC
Maximum prices	6.50 10.85	6.95 11.60	7.20 12.00	Maximum prices	12.50 20.85	13.25 22.10	13.75 22.90
Model No	4-A	4-B	4-C	Model No	12-HA	12-HB	12-HC
Maximum prices	6.50 10.85	6.85 11.40	7.10 11.85	Maximum prices	13.25 22.10	14.10 23.50	14.75 24.60
Model No	5-A	5-B	5-C	Model No	13-HA	13-HB	13-HC
Maximum prices	7.25 12.10	7.75 12.90	8.15 13.60	Maximum prices	14.75 24.60	15.50 25.85	16.00 26.65
Model No	6-A	6-B	6-C	Model No	14-HA	14-HB	14-HC
Maximum prices	8.00 13.35	8.60 14.35	9.00 15.00	Maximum prices	16.50 27.85	16.40 27.35	17.00 28.35
Model No	7-A	7-B	7-C				
Maximum prices	8.75 14.60	9.50 15.85	10.00 16.65	CHILD'S CHIFFOROBES			
Model No			8-C				
Maximum prices			12.50 20.85	Model No	15-A	15-B	15-C
Model No	9-A	9-B	9-C	Maximum prices	14.60 23.75	14.60 24.80	15.50 25.80
Maximum prices	7.25 12.10	7.70 12.85	8.00 13.35	Model No	15-HA	15-HB	15-HC
Model No	10-A	10-B	10-C	Maximum prices	18.75 31.25	19.65 32.75	20.25 33.75
Maximum prices	8.60 13.35	8.60 14.35	9.00 15.00				
Model No	11-A	11-B	11-C	KNEE HOLE DESKS			
Maximum prices	8.75 14.60	9.50 15.85	10.00 16.65				
Model No	12-A	12-B	12-C	Model No	16-A	16-B	16-C
Maximum prices	9.50 15.85	10.40 17.35	11.00 18.35	Maximum prices	8.75 14.60	9.00 15.00	9.25 15.40
Model No	13-A	13-B	13-C	Model No	17-A	17-B	17-C
Maximum prices	9.50 15.85	10.25 17.10	10.75 17.90	Maximum prices	12.25 20.40	12.75 21.25	13.00 21.65
Model No	14-A	14-B	14-C	Model No	16-HA	16-HB	16-HC
Maximum prices	10.25 17.10	11.15 18.60	11.75 19.60	Maximum prices	11.25 18.75	11.50 19.15	11.75 19.60
Model No	1-HA	1-HB	1-HC	Model No	17-HA	17-HB	17-HC
Maximum prices	7.50 12.50	7.75 12.90	7.90 13.15	Maximum prices	16.00 26.65	16.50 27.50	1[illegible].75 27.90
Model No	2-HA	2-HB	2-HC				
Maximum prices	8.25 13.75	8.50 14.15	8.90 14.85	KIDNEY VANITIES			
Model No	3-HA	3-HB	3-HC				
Maximum prices	9.50 15.85	9.95 16.60	10.20 17.00	Model No	18-A	18-B	18-C
Model No	4-HA	4-HB	4-HC	Maximum prices	9.25 15.40	9.75 16.20	10.00 16.65
Maximum prices	9.50 15.85	9.85 16.40	10.10 16.85	Model No	19-A	19-B	19-C
Model No	5-HA	5-HB	5-HC	Maximum prices	12.75 21.25	13.25 22.10	13.50 22.50
Maximum prices	10.25 17.10	10.75 17.90	11.15 18.60	Model No	20-A	20-B	20-C
Model No	6-HA	6-HB	6-HC	Maximum prices	10.00 16.65	10.50 17.50	10.75 17.90
Maximum prices	11.00 18.35	11.60 19.35	12.00 20.00	Model No	18-HA	18-HB	18-HC
Model No	7-HA	7-HB	7-HC	Maximum prices	11.75 19.60	12.25 20.40	12.50 20.85
Maximum prices	11.75 19.60	12.50 20.85	13.00 21.65	Model No	19-HA	19-HB	19-HC
Model No			8-HC	Maximum prices	16.00 26.65	16.50 27.50	16.75 27.90
Maximum prices			16.50 27.50				

Sale category	Wholesale-Retail	Wholesale-Retail	Wholesale-Retail
KITCHEN CABINETS—Continued			
	20-HA	20-HB	20-HC
Model No.			
Maximum prices	$12.50 $20.85	$13.00 $21.65	$13.25 $22.10
BOOKCASES			
Model No.	21-A-2T	21-A-3T	21-A-4T
Maximum prices	3.50 5.85	3.75 6.25	4.00 6.65
Model No.	22-A-2T	22-A-3T	22-A-4T
Maximum prices	3.75 6.25	4.00 6.65	4.25 7.10
Model No.	23-A-2T	23-A-3T	23-A-4T
Maximum prices	4.50 7.50	4.75 7.90	5.00 8.30
Model No.	24-A-2T	24-A-3T	24-A-4T
Maximum prices	5.25 8.75	5.50 9.15	5.75 9.55
Model No.	21-HA-2T	21-HA-3T	21-HA-4T
Maximum prices	4.25 7.10	4.50 7.50	4.75 7.90
Model No.	22-HA-2T	22-HA-3T	22-HA-4T
Maximum prices	4.50 7.50	4.75 7.90	5.00 8.30
Model No.	23-HA-2T	23-HA-3T	23-HA-4T
Maximum prices	5.25 8.75	5.50 9.15	5.75 9.55
Model No.	24-HA-2T	24-HA-3T	24-HA-4T
Maximum prices	6.00 10.00	6.25 10.40	6.50 10.85
GATE LEG TABLES			
	25	25-H	
Model No.			
Maximum prices	4.25 7.10	6.00 10.00	
KITCHEN TABLES			
	26	26-H	
Model No.			
Maximum prices	5.00 8.30	6.75 11.25	
EXTENSION OR DROP-LEAF TABLES			
	27	27-H	
Model No.			
Maximum price	5.00 8.30	6.75 11.25	
PANEL BEDS			
	28	28-H	
Model No.			
Maximum prices	9.00 15.00	12.00 20.00	
BUNK BEDS WITH LADDER AND RAIL			
	29	29-H	
Model No.			
Maximum prices	15.70 25.85	21.00 35.00	
LAWN CHAIRS			
	30	30-H	
Model No.			
Maximum prices	4.50 7.50	6.00 10.05	

Sale category	Wholesale-Retail	Wholesale-Retail	Wholesale-Retail
LAWN SETTEES			
	31		31-H
Model No.			
Maximum prices	$6.25 $10.40		$8.00 $13.35
PING PONG TABLES			
	32		32-H
Model No.			
Maximum prices	15.00 25.00		19.00 31.70
KITCHEN STOOLS			
	33		33-H
Model No.			
Maximum prices	2.00 3.35		2.75 4.60
CORNER CABINETS (4-shelves)			
	34		34-H
Model No.			
Maximum prices	9.95 16.60		12.95 21.60
CHILD'S SET (2 chairs and 1 table)			
	35		35-H
Model No.			
Maximum prices	6.65 11.10		8.25 13.75
CHILD'S ROCKER			
	36		36-H
Model No.			
Maximum prices	2.50 3.85		3.00 5.00
CHILD'S CHAIR			
	37		37-H
Model No.			
Maximum prices	2.15 3.60		2.95 4.90
STRAIGHT FRONT BOOKCASE			
	38		38-H
Model No.			
Maximum prices	7.85 13.10		10.85 18.10
CORNER BOOKCASES			
	39		39-H
Model No.			
Maximum prices	10.95 18.25		11.95 24.70

Note: (i) The above-mentioned maximum prices for sales at wholesale are subject to a discount of 2 percent for payment within 10 days from date of invoice.

(ii) The price above specified for sales f. o. b. shipping point include all costs incident to wrapping, packing, boxing and carting.

(c) *Manufacturer must tag each article with its retail price.* The manufacturer must attach to each article of unfinished furniture covered by this Order No. G–71, by any suitable means, a tag plainly marked, "Maximum price when sold by any seller to an ultimate consumer, $_____."

(d) *Applicability of other regulations.* The pricing provisions of the General Maximum Price Regulation have no application to the prices established by this Order No. G–71 for sales by the manufacturer or any other seller. Also, the price increases authorized by Order 1052 under Maximum Price Regulation No. 188 have been taken into consideration in arriving at the maximum prices established by this Order No. G–71, and such prices reflect the full amount of the increases authorized by said Order 1052. Therefore, neither the manufacturer nor any reseller is permitted to add anything to the maximum prices as above set forth in paragraph (b) by reason of said Order 1052. Letter Order No. 7–188–158–158a–13 and Amendments No. 1 and No. 2 thereto, heretofore issued by this Regional Office, are hereby revoked and superseded by this Order No. G–71 as of the effective date hereof.

(e) *Geographical applicability.* The maximum prices authorized by this Order No. G–71 for resellers are applicable only to sales made within this Region VII, which includes the States of New Mexico, Colorado, Wyoming, Montana, and Utah, and all that part of the State of Idaho lying south of the southern boundary of Idaho County, the County of Malheur in the State of Oregon, and all that part of the Counties of Mohave and Coconino in the State of Arizona lying north of the Colorado River.

(f) *Licensing.* The provisions of Licensing Order No. 1, licensing all persons who make sales under price control, are applicable to all sellers subject to this regulation or order. A seller's license may be suspended for violation of the license or of one or more applicable price schedules or regulations. A person whose license is suspended may not, during the period of suspension, make any sale for which his license has been suspended.

(g) *Right to revoke or amend.* This order may be revoked, modified, or amended at any time by the Price Administrator or the Regional Administrator.

Effective date. This Order No. G–71 shall become effective on the 11th day of September 1945.

Issued this 11th day of September 1945.

RICHARD Y. BATTERTON,
Regional Administrator.

[F. R. Doc. 45-17999; Filed, Sept. 26, 1945; 4:45 p. m.]

[Region VII Order G–72 Under MPR 188]

WILLIS MFG. CO. ET AL.

AUTHORIZATION OF MAXIMUM PRICES

Order No. G–72 under Maximum Price Regulation No. 188. Authorized maximum prices for a toy item manufactured by Lum Willis d. b. a. Willis Manufacturing Company, Emmett, Idaho, when sold by the manufacturer and specified resellers. Docket No. 7–188–158–122.

Pursuant to the Emergency Price Control Act of 1942, as amended, the Stabilization Act of 1942, as amended, and sections 1499.158 and 1499.158a of Maximum Price Regulation No. 188, and for the reasons set forth in the accompanying opinion, this Order No. G–72 is issued.

(a) *What this order does.* This Order No. G–72 establishes maximum prices for the specified toy item manufactured by Lum Willis, d. b. a. Willis Manufacturing Company, when sold at the specified levels.

(b) *Authorized maximum prices.* Upon and after the effective date of this Order No. G–72, the maximum prices for the toy block item, designated Model No. 1, manufactured by Lum Willis, d. b. a. Willis Manufacturing Company, Emmett, Idaho, in accordance with the specifications set forth in the application of said manufacturer now on file in this Regional Office as a part of the record in this case, shall be as follows:

(1) When sold by the manufacturer, f. o. b. shipping point, to a jobber or a wholesaler, $5.76 per dozen.

(2) When sold by the manufacturer, a jobber or a wholesaler, f. o. b. shipping point, to a retailer, $7.20 per dozen.

(3) When sold by any seller to an ultimate consumer or user, $1.00 each.

Note: (i) The maximum prices authorized by the above paragraphs (1) and (2) are subject to a discount of 2% for payment within 10 days from date of invoice.

(ii) The prices above specified for sales f. o. b. shipping point include all costs incident to wrapping, packing, boxing, and carting.

(c) *Notice to be given purchasers for resale.* When the manufacturer or any other seller makes a first sale under this Order No. G–72 to a person who purchases for resale, he must show upon the invoice or on a separate slip or rider attached thereto the applicable resale price or prices as set forth in paragraph (b) above. The manufacturer must attach to the package containing each set of toy blocks, covered by this Order No. G–72, by any suitable means, a tag plainly marked: "Maximum price when sold by any seller to the ultimate consumer $_____."

(d) *Applicability of other regulations.* The pricing provisions of the General Maximum Price Regulation have no application to the prices established by this Order No. G–72 for sales by the manufacturer or to any other seller.

(e) *Geographical applicability.* The maximum prices authorized by this Order No. G–72 for resellers are applicable only to sales made within this Region VII, which includes the States of New Mexico, Colorado, Wyoming, Montana, and Utah, and all that part of the State of Idaho lying south of the southern boundary of Idaho County, the County of Malheur in the State of Oregon, and all that part of the Counties of Mohave and Coconino in the State of Arizona lying north of the Colorado River.

(f) *Licensing.* The provisions of Licensing Order No. 1, licensing all persons who made sales under price control, are applicable to all sellers subject to this regulation or order. A seller's license may be suspended for violation of the license or of one or more applicable price schedules or regulations. A person whose license is suspended may not, during the period of suspension, make any sale for which his license has been suspended.

(g) *Right to revoke or amend.* This order may be revoked, modified, or amended at any time by the Price Administrator or the Regional Administrator.

Effective date. This Order No. G–72 shall become effective on the 4th day of September 1945.

Issued this 4th day of September 1945.

RICHARD Y. BATTERTON,
Regional Administrator.

[F. R. Doc. 45-18000; Filed, Sept. 26, 1945; 4:47 p. m.]

[Region IV Order G–49 Under RMPR 122, Amdt. 1]

SOLID FUELS IN ROCKY MOUNT, N. C.

For the reasons set forth in an opinion issued simultaneously herewith, and under the authority vested in the Regional Administrator, Region IV, Office of Price Administration, by § 1340.260 of Revised Maximum Price Regulation No. 122, subparagraph (e) (1) of Order No. G–49 under Revised Maximum Price Regulation No. 122 issued by this office on June 7, 1945 is amended to read as follows:

(1) *Low volatile bituminous coal from Districts No. 7 and 8.*

Size	Per ton, 2,000 lbs.	Per 1,500 lbs.	Per ton, 1,000, 200 lbs.
Egg, lump (over 2½" but not more than 3½" in diameter), and larger sizes of lump coal, all from the Red Ash Seam	$11.70	$8.10	$5.18
Egg, low price, Lump size under 2½", the No. 2 size of the Raven Red Ash Coal Co.	11.40	5.95	3.10
Lump (bottom size larger than that designated for screened mine-run preparation through D mesh screen)	11.80	6.15	3.20
Stove (topsize larger than 1¼" but not exceeding 2½", bottom size smaller than 2½" but not smaller than 1¼" in price classification No. 300, the No. 2 size of the Raven Red Ash Coal Co.	11.15	5.83	3.04
Nut (topsize larger than 1" but not exceeding 1½", bottom size smaller than 1¼", in price classification A, and size group No. 1 and 1a, mine index No. 37, the Caretta Mine of the Carter Coal Co.	9.45	5.08	2.66
Run-of-mine, domestic, or screened or size group No. 6, price classification A	9.55	5.03	2.64
Stoker (topsize not exceeding 2½", bottom size smaller than 1¼" in price classification A	8.90	4.70	2.48
Slack	8.20	4.45	2.30
Briquettes	12.26	6.38	3.31

Effective date. This amendment shall become effective as of August 3, 1945.

Issued August 20, 1945.

ALEXANDER HARRIS,
Regional Administrator.

[F. R. Doc. 45-17993; Filed, Sept. 26, 1945; 4:49 p. m.]

LIST OF COMMUNITY CEILING PRICE ORDERS

The following orders under Rev. General Order 51 were filed with the Division of the Federal Register September 24, 1945.

REGION I

Concord Order 10–F, Amendment 5, covering fresh fruits and vegetables in certain areas in New Hampshire. Filed 10:03 a. m.

Concord Order 11–F, Amendment 5, covering fresh fruits and vegetables in certain areas in New Hampshire. Filed 10:05 a. m.

Concord Order 12–F, Amendment 5, covering fresh fruits and vegetables in certain areas in New Hampshire. Filed 10:05 a. m.

Hartford Order 5–F, Amendment 19, covering fresh fruits and vegetables in Waterbury and Watertown. Filed 10:22 a. m.

Hartford Order 6–F, Amendment 20, covering fresh fruits and vegetables in the Hartford Area. Filed 10:22 a. m.

Montpelier Order 2–F, Amendment 18, covering fresh fruits and vegetables in certain areas in Vermont. Filed 10:05 a. m.

Montpelier Order 2–F, Amendment 19, covering fresh fruits and vegetables in certain areas in Vermont. Filed 10:05 a. m.

Montpelier Order 3–F, Amendment 6, covering fresh fruits and vegetables in certain areas in Vermont. Filed 9:59 a. m.

REGION II

Baltimore Order 4–F, Amendment 54, covering fresh fruits and vegetables in certain areas in Region II. Filed 10:07 a. m.

Baltimore Order 4–F, Amendment 56, covering fresh fruits and vegetables in certain areas in Region II. Filed 10:14 a. m.

Baltimore Order 10–F, Amendment 10, covering fresh fruits and vegetables in certain areas in Region II. Filed 10:07 a. m.

Baltimore Order 10–F, Amendment 12, covering fresh fruits and vegetables in certain areas in Region II. Filed 10:14 a. m.

Harrisburg Order 2–F, Amendment 38, covering fresh fruits and vegetables in certain areas in Pennsylvania. Filed 10:06 a. m.

Harrisburg Order 2–F, Amendment 39, covering fresh fruits and vegetables in certain areas in Pennsylvania. Filed 10:06 a. m.

Newark Order 7–F, Amendment 22, covering fresh fruits and vegetables in certain areas in New Jersey. Filed 9:58 a. m.

REGION III

Louisville Order 3–C, Amendment 1, covering poultry in Jefferson County, Ky., and Clark and Floyd Counties, Indiana. Filed 10:07 a. m.

Louisville Order 4–C, Amendment 1, covering poultry in certain counties in Kentucky. Filed 10:07 a. m.

REGION IV

Jacksonville Order 9–F, Amendment 40, covering fresh fruits and vegetables in the Jacksonville, Florida Area. Filed 10:11 a. m.

Jacksonville Order 11–F, Amendment 19, covering fresh fruits and vegetables in certain areas in Florida. Filed 10:11 a. m.

Miami Order 1–C, Amendment 1, covering poultry in Hernando County, Florida. Filed 10:18 a. m.

Miami Order 1–O, Amendment 2, covering eggs in certain counties in Florida. Filed 10:19 a. m.

Miami Order 1–F, Amendment 32, covering fresh fruits and vegetables in certain areas in Florida. Filed 10:08 a. m.

Miami Order 2–C, Amendment 1, covering fresh fruits and vegetables in certain areas in Florida. Filed 10:18 a. m.

Miami Order 2–F, Amendment 30, covering fresh fruits and vegetables in the Tampa, Florida Area. Filed 10:08 a. m.

Miami Order 2–O, Amendment 2, covering fresh fruits and vegetables in certain areas in Florida. Filed 10:20 a. m.

Miami Order 3–C, Amendment 1, covering poultry in certain counties in Florida. Filed 10:18 a. m.

Miami Order 3–F, Amendment 14, covering fresh fruits and vegetables in certain areas in Florida. Filed 10:08 a. m.

Miami Order 3–O, Amendment 2, covering eggs in Collier and Dade Counties, Florida. Filed 10:20 a. m.

Miami Order 4–C, Amendment 1, covering poultry in the Hernando County, Florida. Filed 10:18 a. m.

Miami Order 4–F, Amendment 14, covering fresh fruits and vegetables in Monroe County, Florida. Filed 10:09 a. m.

Miami Order 4–O, Amendment 2, covering eggs in certain areas in Monroe County, Florida. Filed 10:20 a. m.

Miami Order 5–C, Amendment 1, covering poultry in certain counties in Florida. Filed 10:19 a. m.

Miami Order 5–O, Amendment 2, covering eggs in certain counties in Florida. Filed 10:20 a. m.

Miami Order 6–O, Amendment 1, covering poultry in certain counties in Florida. Filed 10:19 a. m.

Miami Order 6–O, Amendment 2, covering eggs in certain counties in Florida. Filed 10:21 a. m.

Miami Order 7–O, Amendment 2, covering eggs in the Broward, Collier and Dade Counties, Florida. Filed 10:21 a. m.

Montgomery Order 20–F, Amendment 42, covering fresh fruits and vegetables in Mobile County, Alabama. Filed 10:11 a. m.

Montgomery Order 21–F, Amendment 47, covering fresh fruits and vegetables in Montgomery County. Filed 10:12 a. m.

Montgomery Order 22–F, Amendment 48, covering fresh fruits and vegetables in Houston County. Filed 10:12 a. m.

Montgomery Order 23–F, Amendment 16, covering fresh fruits and vegetables in certain areas in Alabama. Filed 10:12 a. m.

Montgomery Order 24–F, Amendment 45, covering fresh fruits and vegetables in Dallas County, Alabama. Filed 10:13 a. m.

Memphis Order 6–F, Amendment 48, covering fresh fruits and vegetables in Memphis and Shelby Counties, Tennessee. Filed 10:11 a. m.

Memphis Order 7–F, Amendment 18, covering fresh fruits and vegetables in all of the counties in the Memphis Area, except Shelby. Filed 10:11 a. m.

Nashville Order 28–O, covering eggs in the Nashville Area. Filed 10:14 a. m.

Nashville Order 30–O, covering eggs in the Nashville Area. Filed 10:14 a. m.

Nashville Order 32–O, covering eggs in the Nashville Area. Filed 10:15 a. m.

Nashville Order 34–O, covering eggs in the Nashville Area. Filed 10:15 a. m.

Nashville Order 36–O, covering eggs in the Nashville Area. Filed 10:15 a. m.

Roanoke Order 5–W, Amendment 2, covering dry groceries. Filed 10:21 a. m.

Roanoke Order 11–F, Amendment 31, covering fresh fruits and vegetables. Filed 10:09 a. m.

Roanoke Order 12–F, Amendment 19, covering fresh fruits and vegetables. Filed 10:09 a. m.

Roanoke Order 16, Amendment 2, covering dry groceries in the Roanoke Area. Filed 10:09 a. m.

Roanoke Order 17, Amendment 2, covering dry groceries in the Roanoke Area. Filed 10:21 a. m.

Savannah Order (Adopting) 7–F, Amendment 48, covering fresh fruits and vegetables in certain areas in Georgia. Filed 9:58 a. m.

Savannah Adopting Order 12–F, Amendment 14, covering fresh fruits and vegetables in certain areas in Georgia. Filed 9:58 a. m.

REGION V

Dallas Order 4–F, Amendment 7, covering fresh fruits and vegetables in Dallas County, Texas. Filed 10:21 a. m.

Houston Order 4–F, Amendment 8, covering fresh fruits and vegetables in certain areas in Texas. Filed 10:21 a. m.

Houston Order 5–F, Amendment 8, covering fresh fruits and vegetables in Jefferson and Orange Counties, Texas. Filed 10:22 a. m.

Kansas City Order 4–F, Amendment 6, covering fresh fruits and vegetables in certain areas in Kansas and Missouri. Filed 10:10 a. m.

Kansas City Order 4–F, Amendment 7, covering fresh fruits and vegetables in certain areas in Kansas and Missouri. Filed 10:10 a. m.

Kansas City Order 4–F, Amendment 8, covering fresh fruits and vegetables in certain areas in Kansas and Missouri. Filed 10:10 a. m.

San Antonio Order 6–F, Amendment 6, covering fresh fruits and vegetables in Bexar County, Texas. Filed 10:15 a. m.

San Antonio Order 7–F, Amendment 6, covering fresh fruits and vegetables in Austin, Texas. Filed 10:15 a. m.

San Antonio Order 8–F, Amendment 6, covering fresh fruits and vegetables in Corpus Christi, Texas. Filed 10:16 a. m.

Chicago Order 2–F, Amendment 79, covering fresh fruits and vegetables in certain areas in Illinois and Indiana. Filed 9:58 a. m.

Springfield Order 13–F, Amendment 27, covering fresh fruits and vegetables in field, Sangamon County, Illinois. Filed 10:13 a. m.

Springfield Order 14–F, Amendment 28, covering fresh fruits and vegetables in certain areas in Illinois. Filed 10:13 a. m.

Springfield Order 15–F, Amendment 28, covering fresh fruits and vegetables in Decatur, Macon County, Illinois. Filed 10:13 a. m.

REGION VII

Salt Lake City Order 11–F, Amendment 14, covering fresh fruits and vegetables in certain areas in Utah. Filed 10:16 a. m.

Salt Lake City Order 12–F, Amendment 14, covering fresh fruits and vegetables in certain areas in Utah. Filed 10:17 a. m.

Salt Lake City Order 13–F, Amendment 14, covering fresh fruits and vegetables in certain areas in Utah. Filed 10:17 a. m.

REGION VIII

Fresno Order 1–F, Amendment 85, covering fresh fruits and vegetables in Fresno, California. Filed 9:59 a. m.

Fresno Order 1–F, Amendment 87, covering fresh fruits and vegetables in Fresno, California. Filed 9:59 a. m.

Fresno Order 2–F, Amendment 73, covering fresh fruits and vegetables in Modesto, California. Filed 9:59 a. m.

Fresno Order 2–F, Amendment 75, covering fresh fruits and vegetables in Modesto, California. Filed 10:00 a. m.

Fresno Order 3–F, Amendment 70, covering fresh fruits and vegetables in certain areas in California. Filed 10:00 a. m.

Fresno Order 3–F, Amendment 72, covering fresh fruits and vegetables in certain areas in California. Filed 10:00 a. m.

Fresno Order 4–F, Amendment 45, covering fresh fruits and vegetables in certain areas in California. Filed 10:01 a. m.

Fresno Order 4–F, Amendment 47, covering fresh fruits and vegetables in certain areas in California. Filed 10:01 a. m.

Fresno Order 6–F, Amendment 56, covering fresh fruits and vegetables in certain areas in California. Filed 10:01 a. m.

Fresno Order 6–F, Amendment 58, covering fresh fruits and vegetables in certain areas in California. Filed 10:01 a. m.

Fresno Order 7–F, Amendment 35, covering fresh fruits and vegetables in certain areas in California. Filed 10:01 a. m.

Fresno Order 7–F, Amendment 37, covering fresh fruits and vegetables in certain areas in California. Filed 10:02 a. m.

Portland Order 12–C, Amendment 1, covering fresh fruits and vegetables in certain counties in Washington and Oregon. Filed 10:17 a. m.

Portland Order 13–C, Amendment 1, covering poultry in certain counties in Oregon. Filed 10:17 a. m.

Sacramento Order O–1, Amendment 8, covering eggs in certain areas in California. Filed 10:04 a. m.

Sacramento Order O–2, Amendment 8, covering eggs in certain counties in California. Filed 10:04 a. m.

Sacramento Order 1–F, Amendment 5, covering fresh fish in certain counties in California. Filed 10:03 a. m.

Sacramento Rev. Order 2–P, Amendment 5, covering fresh fish in certain counties in California. Filed 10:04 a. m.

Sacramento Rev. Order 3–P, Amendment 5, covering fresh fish in certain counties in California. Filed 10:04 a. m.

Sacramento Order 4–P, Amendment 5, covering fresh fish in certain counties in California. Filed 10:04 a. m.

Sacramento Adopting Order 29–F, Amendment 31, covering fresh fruits and vegetables in certain areas in California. Filed 10:02 a. m.

Sacramento Adopting Order 29–F, Amendment 32, covering fresh fruits and vegetables in certain areas in California. Filed 10:02 a. m.

Sacramento Adopting Order 30–F, Amendment 7, covering fresh fruits and vegetables in certain areas in California. Filed 10:02 a. m.

Sacramento Adopting Order 30–F under Basic Order 3–B, Amendment 8, covering fresh fruits and vegetables in certain areas in California. Filed 10:03 a. m.

Sacramento Adopting Order 31–F under Basic Order 3–B, Amendment 7, covering fresh fruits and vegetables in certain areas in California. Filed 10:03 a. m.

Copies of any of these orders may be obtained from the OPA Office in the designated city.

ERVIN H. POLLACK,
Secretary.

[F. R. Doc. 45–18078; Filed, Sept. 27, 1945, 4:04 p. m.]

SECURITIES AND EXCHANGE COMMISSION.

[File Nos. 59–29, 54–128, 59–12, 54–51]

PENNSYLVANIA POWER & LIGHT CO. ET AL.

ORDER APPROVING APPLICATION AND PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa. on the 26th day of September, A. D. 1945.

In the matter of Pennsylvania Power & Light Company, National Power & Light Company and Electric Bond and Share Company, File No. 59–29; in the matter of Pennsylvania Power & Light Company, National Power & Light Company and Electric Bond and Share Company, File No. 54–128; in the matter of Electric Bond and Share Company, National Power & Light Company, et al., File No. 59–12; in the matter of Electric Bond and Share Company, National Power & Light Company, Pennsylvania Power & Light Company, et al., File No. 54–51, Application 10.

The Commission having, on July 25, 1941, entered an order instituting proceedings pursuant to section 11 (b) (2), 12 (c), and 15 (f) of the Public Utility Holding Company Act of 1935 directed to Pennsylvania Power & Light Company ("Pennsylvania"), National Power & Light Company ("National"), and Electric Bond and Share Company ("Bond and Share"), and Pennsylvania and National having jointly requested a continuance of such proceeding pending completion of a plan for the recapitalization of Pennsylvania as a part of a program for the dissolution of National ordered by this Commission pursuant to section 11 (b) (2) of the act on August 23, 1941; and

Pennsylvania, National, and Bond and Share having on August 17, 1945, jointly filed a plan of recapitalization for Pennsylvania, such plan proposing: (1) the making of certain capital contributions by National, the corporate parent of Pennsylvania, resulting in the creation of capital surplus, (2) the making of certain accounting adjustments by Pennsylvania to comply with orders of the Federal Power Commission and the Pennsylvania Public Utilities Commission and for other purposes, (3) the issuance of new common stock by Pennsylvania, (4) the exchange of 440,000 shares of new cumulative preferred stock for a like number of shares of $7, $6, and $5 cumulative preferred stock presently outstanding and the redemption of the remaining shares of such $7, $6, and $5 preferred stock not so exchanged, and (5) the amending of the corporate charter to give the new cumulative preferred stock special voting rights in the event of dividend defaults and in the event of certain corporate actions and to place certain limitations on the payment of common stock dividends, and (6) the refunding of $93,820,000 principal amount of First Mortgage Bonds, 3½% Series due 1969, $28,500,000 principal amount of Debentures, 4½% Series, due 1974, and $3,400,000 principal amount of 2⅝% Serial Notes, final maturity 1949; and

Pennsylvania having filed an application under the above plan of recapitalization and a declaration pursuant to section 7 of the act with respect to consummating the proposed refunding through the use of treasury cash and through the issue and sale, pursuant to the competitive bidding requirements of Rule U–50, of $93,000,000 principal amount of new First Mortgage Bonds, 1975 Series and $27,000,000 principal amount of new Twenty-Year Sinking Fund Debentures, and $5,720,000 principal amount of new 1½%, Five-Year, Serial Notes to be sold privately to six banks; and

Pennsylvania having requested the Commission to take action with respect to the refunding application as soon as feasible and in advance of its consideration and disposition of the remaining transactions proposed in the plan, all of the details of which have not been completed; and

Pennsylvania having requested that the Commission enter an order finding that the proposed issue and sale of new bonds, debentures, and notes are necessary or appropriate to effectuate the provisions of section 11 (b) of the act, and that such order conform to the pertinent requirements of sections 371 and 1808 of the Internal Revenue Code, as amended, and contain the recitals, specifications, and itemizations therein required; and

The Commission having consolidated proceedings with respect to Pennsylvania, National, and Bond and Share under sections 11 (b) (2) and 11 (e) and a public hearing having been held, after appropriate notice, at which hearing security holders of Pennsylvania, National and Bond and Share and other interested persons were afforded an opportunity to be heard and at which hearing requests for specific findings, briefs, and oral argument were waived with respect to the issue and sale af said bonds, debentures, and notes; and

The Commission having considered the record and having entered its findings and opinion herein and deeming it appropriate in the public interest and in the interest of investors and consumers to approve the refunding application under Pennsylvania's plan of recapitalization and the declaration pursuant to section 7, subject to certain conditions and reservations of jurisdiction hereinafter ordered:

It is ordered, That, pursuant to the applicable provisions of the Act and the Rules and Regulations promulgated thereunder, the aforesaid refunding application under Pennsylvania's plan of recapitalization and the declaration, pursuant to section 7 of the act, are approved and permitted to become effective, subject to the terms and conditions contained in Rule U–24 and to the following additional conditions:

(1) That the proposed issue and sale of bonds and debentures shall not be consummated until the results of competitive bidding pursuant to Rule U–50 have been made a matter of record in these proceedings and a further order shall have been entered by the Commission, in the light of the record so completed, which order may contain such further terms and conditions as may then be deemed appropriate:

(2) That jurisdiction be, and hereby is, reserved over all legal fees and expenses proposed to be paid in connection with the issuance and sale of the new bonds, debentures, and serial notes, including fees of counsel for the prospective underwriters.

It is further ordered, That jurisdiction be, and hereby is, reserved over all of the transactions not herein approved, as proposed in the plan of recapitalization, and over all questions presented by such plan under sections 11 (b) (2), 11 (e), and other applicable sections of the act.

It is further ordered, That the issue and sale of said bonds, debentures, and serial notes by Pennsylvania are necessary or appropriate to effectuate the provisions of section 11 (b) of the Public Utility Holding Company Act of 1935.

It is further ordered, That the bidding period pursuant to Rule U–50 with respect to the First Mortgage Bonds is hereby shortened from ten days to six days so as to permit opening the bids thereon on October 2, 1945.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 45–18083; Filed, Sept. 28, 1945; 9:42 a. m.]

[File No. 70–1158]

COLUMBUS AND SOUTHERN OHIO ELECTRIC CO. AND CONTINENTAL GAS & ELECTRIC CORP.

NOTICE OF FILING AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission held at its offices in the City of Philadelphia, Pa., on the 26th day of September, A. D. 1945.

Notice is hereby given that a joint application and declaration has been filed with this Commission under the Public Utility Holding Company Act of 1935 by Columbus and Southern Ohio Electric Company ("Columbus") and its parent, Continental Gas & Electric Corporation ("Continental"), a registered holding company subsidiary of United Light and Railways Company ("Railways"), also a registered holding company.

All interested persons are referred to said document which is on file in the offices of the Commission for a statement of the transactions therein proposed, which is summarized as follows:

As a preliminary step to the sale or other disposition by Continental of its holdings of the Common Shares of Columbus, in compliance with an order of this Commission, entered August 5, 1941, in proceedings pursuant to section 11 (b) (1) of the act, requiring Railways and Continental to dispose of their direct or indirect interest in Columbus, Columbus proposes to:

(1) Refinance its outstanding 83,601 shares of First Preferred 6% Cumulative, $100 par value Stock and 50,144 shares of Series B, 6½% Cumulative, $100 par value, Preferred Stock (Hereinafter collectively referred to as "Old Preferred Shares") by affording holders of such shares the opportunity of exchanging them, on a share for share basis, for Cumulative Preferred Shares, $100 par value, 4¼% Series (which will be the first series of a new class of 250,000 Cumulative Preferred Shares presently proposed to be authorized and hereinafter referred to as the "New Preferred Shares"), plus a cash dividend adjustment which, together with the dividends receivable on the New Preferred Shares, will give each stockholder who exchanges a dividend at the rate of 6% per annum on the First Preferred Shares and 6½% per annum on Series B Preferred Shares, respectively, up to the respective redemption dates of the Old Preferred Shares which are not exchanged. Any shares not exchanged will be redeemed by Columbus at the redemption price of $110 through the use of treasury funds.

A complete statement of the terms and provisions of the New Preferred Shares will be contained in an amendment to be filed to the application and declaration herein.

It is contemplated that the period within which deposit must be made of Old Preferred Shares for exchange will extend for approximately three weeks prior to November 15, 1945 and that the earliest practicable redemption dates for such Shares will be January 1, 1946 for

the 6% Shares and February 1, 1946 for the 6½% Shares.

The exchange plan will become effective if 100,000 (approximately 75%) or more Old Preferred Shares are deposited within the above-mentioned exchange period, but Columbus reserves the right either to abandon the exchange plan and reject all offers of exchange or to declare the exchange plan effective if less than 100,000 Old Preferred Shares are deposited for exchange within such period. Columbus also reserves the right to limit invitations for exchange and to reject deposits, to the extent deemed advisable by reason of applicable State securities laws.

Upon completion of the redemption of the unexchanged Old Preferred Shares, the New Preferred Shares issued in exchange for Old will be the only preferred shares of Columbus outstanding. No New Preferred Shares will be issued initially, except as required in connection with the exchange plan.

If more than 100,000 Old Preferred Shares are exchanged, Columbus will use additional treasury funds in an amount equal to the redemption price (110% percent of par) of as many Old Preferred Shares in excess of 100,000 shares as are exchanged under the plan, to redeem a portion of its First Mortgage Bonds, 3¼% Series due 1970. Of such sum, not in excess of $212,500 may be deposited with the Indenture Trustee for redemption of bonds on September 1, 1945 through operation of the sinking fund at the then applicable sinking fund redemption price of 106¼% of the principal amount of the bonds. Any balance of such sum will be currently applied by Columbus to the redemption of such bonds at the current redemption price of 103¾%, to satisfy future sinking fund requirements.

(2) Enter into an agreement with Merrill Lynch, Pierce, Fenner & Beane, of New York City, to act as Dealer-Manager in forming and managing a group of securities dealers to obtain deposits of Old Preferred Shares for exchange pursuant to the exchange plan. Details of the terms and provisions of such agreement and of the agreements between the Dealer-Manager and the several dealers, and concerning their respective compensation will be supplied by amendment to the application and declaration filed herein.

(3) Amend its Articles of Incorporation with respect to its Common Shares so that (a) its presently authorized 300,000 Common Shares of no par value will become 1,500,000 Common Shares having a par value of $10 per share, (b) its presently outstanding 150,136 Common Shares without par value (of which 148,891 or 99.17%, are owned by Continental) will become 750,680 of the newly authorized Common Shares having a par value of $10 per share (of which 744,455 will then be held by Continental), and (c) holders of Common Shares shall have no preemptive rights. Such changes in the Common Shares will not effect any change in the stated capital applicable to such shares.

The applicants and declarants have designated sections 6 (a), 6 (b), 7, 12 (c), 12 (d) and 12 (f) of the act and Rules U-42 and U-50 as being applicable to the proposed transactions.

Columbus states that the issuance and exchange of the New Preferred Shares will be expressly authorized by the Public Utilities Commission of Ohio, the State in which Columbus is organized and doing business.

Columbus requests exemption from the competitive bidding requirements of Rule U-50 in connection with the issuance and exchange of the New Preferred Shares.

It appearing to the Commission that it is appropriate in the public interest and in the interest of investors and consumers that a hearing be held with respect to the application and declaration and that the application and declaration shall not be granted or permitted to become effective except pursuant to further order of the Commission:

It is ordered, That a hearing on the application and declaration under the applicable provisions of the act and the rules of the Commission thereunder be held on October 12, 1945 at 10:00 a. m., e. w. t., at the offices of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia 3, Pennsylvania. On such day the hearing room clerk in Room 318 will advise as to the room in which such hearing will be held. Any person desiring to be heard or otherwise wishing to participate in these proceedings shall file with the Secretary of the Commission on or before October 10, 1945 his request or application therefor, as provided by Rule XVII of the rules of practice of the Commission.

It is further ordered, That Charles S. Lobingier or any other officer or officers of the Commission designated by it for that purpose shall preside at such hearing. The officer so designated to preside at such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said act and to a trial examiner under the Commission's rules of practice.

It is further ordered, That without limiting the scope of issues presented by the application and declaration, particular attention will be directed at the hearing to the following matters and questions:

(1) Whether the issue and exchange of the proposed New Preferred Shares are solely for the purpose of financing the business of Columbus and have been expressly authorized by the Public Utilities Commission of Ohio;

(2) Whether the provisions of the exchange offer are detrimental to the public interest or the interest of investors or consumers;

(3) Whether the proposed redemption of a portion of the Old Preferred Shares outstanding requires adverse findings under section 12 (c) of the act;

(4) Whether the fees, commission, or any other remuneration to be paid directly or indirectly in connection with the proposed issue and exchange and other transactions are reasonable;

(5) Whether Columbus is entitled to an exemption from the competitive bidding requirements of Rule U-50 in connection with the proposed exchange offer;

(6) Whether the proposed amendments to the Articles of Incorporation of Columbus with respect to its Common and Preferred Shares will result in an unfair or inequitable distribution of voting power among holders of its securities or be otherwise detrimental to the public interest or the interest of investors or consumers.

(7) Whether any of the proposed transactions will be detrimental to the carrying out of the provisions of section 11 of the act.

(8) Whether the accounting entries recorded on the books of Columbus or Continental, or proposed to be so recorded, as evidenced by the application and declaration herein and any amendments thereto, are consistent with sound accounting principles and conform to the standards of the Act.

(9) Whether it is necessary or appropriate in the public interest or for the protection of investors and consumers to impose terms and conditions in connection with the proposed transactions; and

(10) Whether the proposed transactions comply with all of the applicable provisions and requirements of the Public Utility Holding Company Act of 1935 and the rules and regulations promulgated thereunder.

It is further ordered, That the Secretary of the Commission shall serve by registered mail, a copy of this order on the applicants and declarants herein and on the Public Utilities Commission of Ohio and on the Federal Power Commission; and that notice of said hearing be given to all other persons by publication of this order in the FEDERAL REGISTER.

It is further ordered, That Columbus shall mail to each of its common stockholders of record, at his last known address, a copy of this notice and order on or before October 1, 1945.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 45-18084; Filed, Sept. 28, 1945; 9:43 a. m.]

[File No. 70-1159]

NORTHERN NATURAL GAS CO.

NOTICE OF FILING AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 26th day of September 1945.

Notice is hereby given that Northern Natural Gas Company (Northern Natural), a registered holding company and a subsidiary of The North American Company, also a registered holding company, has filed an application or declaration (or both) pursuant to sections 6 (a) and 7 of the Public Utility Holding Company Act of 1935 and Rule U-50 promulgated thereunder. All interested persons are referred to said document which is on file in the offices of the Commission for a statement of the transactions therein proposed, which are summarized as follows:

Northern Natural proposes to issue and sell at public sale, pursuant to the competitive bidding provisions of Rule U-50, $25,000,000 principal amount of Serial debentures to mature serially, $1,500,000 principal amount on May 1 in each of the years 1950 to 1955, inclusive, and $1,600,000 principal amount on May 1 in each of the years 1956 to 1965, inclusive. The debentures are to be issued under the Company's Indenture with Harris Trust and Savings Bank, as Trustee, dated as of November 1, 1945. Northern Natural proposes to apply the net proceeds from the sale of the debentures to the redemption of its outstanding First Mortgage and First Lien Bonds, Series A, 3¼%, due 1961, in the principal amount of $16,000,000, exclusive of accrued interest and the redemption premium (such premium amounting to 3% of the principal amount of such bonds), and to apply the remaining proceeds plus general funds of the company to the construction of additional property and facilities estimated to be $10,179,000.

It appearing to the Commission that it is appropriate in the public interest and in the interest of investors and consumers that a hearing be held with respect to said application or declaration and that said application or declaration shall not be granted or permitted to become effective except pursuant to further order of the Commission:

It is ordered, That a hearing on said application and declaration under the applicable provisions of the act and the rules of the Commission thereunder be held on October 9, 1945, at 10:00 a. m., e. s. t., in the offices of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia 3, Pennsylvania. On such day, the hearing room clerk in Room 318 will advise as to the room in which such hearing will be held.

It is further ordered, That Richard Townsend or any other officer or officers of the Commission designated by it for that purpose shall preside at such hearing. The officer so designated to preside at such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said act and to a trial examiner under the Commission's rules of practice.

It is further ordered, That the Secretary of the Commission shall serve, by registered mail, a copy of this order on Northern Natural Gas Company and The North American Company; and that notice of said hearing be given to all other persons by publication of this order in the FEDERAL REGISTER. Any person desiring to be heard in connection with these proceedings, or proposing to intervene herein, shall file with the Secretary of the Commission on or before October 7, 1945, his request or application therefor, as provided by Rule XVII of the rules of practice of the Commission.

It is further ordered, That, without limiting the scope of issues presented by said application or declaration, particular attention will be directed at said hearing to the following matters and questions:

(1) Whether the proposed issue of debentures is reasonably adapted to the earning power and the security structure of Northern Natural Gas Company and is necessary and appropriate to the economical and efficient operation of the business or businesses in which the Company is presently engaged.

(2) Whether the fees, commissions, or other remunerations to be paid in connection with the issue, sale or distribution of said securities are reasonable.

(3) Whether State laws regarding the proposed issue of debentures have been complied with.

(4) Whether the accounting entries to be recorded in connection with the proposed transactions are proper and conform to sound principles of accounting and meet the standards of the act.

(5) Whether the terms and conditions of the issue of said securities are detrimental to the public interest or the interests of investors or consumers.

(6) Generally whether the proposed transactions comply with the applicable provisions of the Act and the rules, regulations and orders promulgated thereunder.

(7) Whether in the event the application or declaration shall be granted or permitted to become effective, it is necessary to impose any terms or conditions to assure compliance with the standards of the act.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 45-18085; Filed, Sept. 28, 1945; 9:43 a. m.]

[File No. 70-1161]

FLORIDA POWER CORP. AND GENERAL GAS & ELECTRIC CORP.

NOTICE OF FILING AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 27th day of September 1945.

Notice is hereby given that declarations or applications (or both) have been filed with this Commission, pursuant to the Public Utility Holding Company Act of 1935, by General Gas & Electric Corportion ("Gengas"), a registered holding company and a subsidiary of Denis J. Driscoll and Willard L. Thorp, Trustees of Associated Gas and Electric Corporation ("Agecorp"), also a registered holding company, and by Florida Power Corporation ("Florida Power"), a subsidiary of Gengas. All interested persons are referred to said declarations or applications which are on file in the offices of the Commission for a statement of the transactions therein proposed which may be summarized as follows:

The Plan of Divestment of Assets, Simplification of Corporate Structure and Equitable Distribution of Voting Power ("Plan") of Gengas which was approved by orders of the Commission dated July 25, 1945 and August 23, 1945 (Holding Company Act Release Nos. 5950 and 6001) and now pending before the United States District Court for the Southern District of New York for enforcement, provides, among other things, that (1) the presently outstanding 3,000,000 shares of no par value common stock of Florida Power be reclassified into 1,000,000 shares of $7.50 par value common stock, and (2) 460,759.2 shares of such reclassified shares of Florida Power common stock be distributed to the public holders of Gengas common stocks, Class A and B, and 396,383.8 shares of such stock be distributed to or upon the order of the Agecorp Trustees, leaving a balance of 142,857 shares of such reclassified common stock to be issued and sold by Florida Power for financing.

Subject to the acquiescence of the Agecorp Trustees pursuant to order of the United States District Court for the Southern District of New York, Gengas proposes to sell at competitive bidding the 396,383.8 shares of Florida Power common stock, $7.50 par value, distributable to the Agecorp Trustees under the Plan, and Florida Power proposes to sell the 142,857 remaining shares of its reclassified common stock. The proceeds to be received by Florida Power from the sale of its remaining reclassified common stock will be used to repay temporary bank loans outstanding in the amount of $500,000, to raise additional capital for construction purposes and other corporate purposes.

As part of the proposed transaction Gengas will offer to its security holders who, under the Plan, are entitled to receive Florida Power common stock, a prior right to subscribe to a proportionate part of the 142,857 shares of reclassified Florida Power common stock proposed to be issued, on the basis of approximately one share of Florida Power common stock for each 6 shares of Florida Power common stock distributable under the Plan, at the same price as that paid by the underwriters to Gengas and Florida Power for the stock to be sold by them. It is contemplated that the Agecorp Trustees will not exercise any such rights to which they may be entitled.

By its said order dated July 25, 1945, the Commission, pursuant to section 11 (b) (1) of the act, ordered the Agecorp Trustees to divest themselves of all direct and indirect interest in and control over any and all properties and businesses of Florida Power and its subsidiary Georgia Power and Light Company. The filing states that the sale by Gengas of its holdings in Florida Power is a step in bringing the Agecorp system into compliance with section 11 (b) (1) of the act. In this connection Gengas has requested that the order of this Commission permitting said declarations to become effective or granting said applications, contain the recitals and other provisions necessary to meet the requirements of Supplement R of the Internal Revenue Code, as amended.

Florida Power has also applied to the Commission for the removal of a dividend restriction imposed by order of the Commission dated April 10, 1941 (9 S. E. C. 29 (1941); Holding Company Act Release No. 2691) whereby payment of dividends on common stock in any calendar year beginning January 1, 1941 is and has been restricted to such earnings as may be in excess of the sum of annual preferred stock dividend requirements plus $300,000. In this con-

nection, Florida Power proposes to amend its Certificate of Reincorporation, to provide for a partial restriction on the payment of dividends on its common stock, so long as any shares of its preferred stock of any series are outstanding, while the common stock equity is less than 25% of total capitalization and surplus.

It appearing to the Commission that it is appropriate in the public interest and in the interest of investors and consumers that a hearing be held with respect to said matters, and that said declarations shall not become effective, nor said applications granted, except pursuant to further order of this Commission:

It is ordered, That a hearing on such matters under the applicable provisions of said Act and Rules of the Commission thereunder be held on October 8, 1945, at 10:30 a. m., e. s. t., at the offices of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia 3, Pennsylvania, at which time the hearing room clerk in Room 318 will advise as to the room in which such hearing will be held. At such hearing cause shall be shown why such declarations or applications (or both) shall become effective or shall be granted. Any person desiring to be heard in such proceeding shall file with the Commission on or before October 3, 1945, his request therefor as provided by Rule XVII of the rules of practice of the Commission.

It is further ordered, That Willis E. Monty or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearing in such matter. The officer so designated to preside at such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said act and to a trial examiner under the Commission's rules of practice.

It is further ordered, That, without limiting the scope of the issues presented by said declarations-applications, particular attention be directed at such hearing to the following matters and questions:

1. Whether the common stock proposed to be issued by Florida Power satisfies the applicable standards of section 7 of the act.

2. Whether the requested termination of the existing dividend restriction in respect of Florida Power contained in the order of the Commission dated April 10, 1941 is appropriate under the applicable standards of the act and in the public interest and in the interest of investors and consumers; and whether the proposed dividend restriction to be provided for by amendment to the Certificate of Reincorporation of Florida Power is in all respects appropriate.

3. Whether the sale by Gengas of its interest in the common stock of Florida Power complies with the divestment order of the Commission and satisfies the standards of section 12 (d) of the act and Rule U-44 promulgated thereunder.

4. Whether the terms of the rights to be offered by Gengas to its security holders who are entitled to receive Florida Power common stock under the Gengas Plan are, in all respects, appropriate.

5. The propriety of the proposed accounting treatment of the several transactions on the books of the declarants-applicants.

6. Whether the fees, commissions and other expenses to be incurred are for necessary services and reasonable in amount.

7. Generally, whether the proposed transactions comply with all applicable provisions and requirements of the Public Utility Holding Company Act of 1935 and the rules and regulations promulgated thereunder, and, if not, whether and what modifications or terms and conditions should be required to be imposed to satisfy the statutory standards.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 45-18086; Filed, Sept. 28, 1945; 9:43 a. m.]

UNITED STATES COAST GUARD.

CONVERSION OF MERCHANT MARINE FROM WARTIME TO PEACETIME OPERATION

NOTICE OF PUBLIC HEARING

Pursuant to the authority vested in me as Acting Commandant of the U. S. Coast Guard by Executive Order No. 9083, dated February 28, 1942 (3 CFR Cum. Supp.), notice is hereby given that on Thursday, October 4, 1945, two public hearings will be held, one beginning at 10:00 a. m., e. s. t. in the Reception Room, 14th floor, U. S. District Coast Guard Office, 42 Broadway, New York, N. Y., and the other beginning at 10:00 a. m., p. s. t. in Room 1018 the Appraisers Building, 630 Sansome Street, San Francisco, California, to discuss the general subject of discontinuance of wartime standards and waivers, and the conversion of the Merchant Marine from wartime to peacetime operations.

Dated: September 27, 1945.

L. T. CHALKER,
Rear Admiral, U. S. C. G.,
Acting Commandant.

[F. R. Doc. 45-18099; Filed, Sept. 28, 1945; 11:23 a. m.]

WAR PRODUCTION BOARD.

[Certificate 124, Revocation]

USE OF INLAND WATERWAY EQUIPMENT IN GREAT LAKES-NEW YORK AREA

APPROVAL OF DIRECTIVE OF PETROLEUM COORDINATOR

The ATTORNEY GENERAL.

Pursuant to section 12 of Public Law No. 603, 77th Congress (56 Stat. 357), I hereby withdraw the certificate and finding dated September 7, 1943, concerning Petroleum Directive No. 69 of the Petroleum Administration for War; and also Amendment 1 thereto dated May 30, 1944.

Dated: September 25, 1945.

J. A. KRUG,
Chairman.

[F. R. Doc. 45-18097; Filed, Sept. 28, 1945; 11:16 a. m.]

[Certificate 208, Revocation]

SUPPLY PROGRAM IN DISTRICT 3

APPROVAL OF PAW DIRECTIVE

The ATTORNEY GENERAL.

Pursuant to section 12 of Public Law No. 603, 77th Congress (56 Stat. 357), I hereby withdraw the certificate and finding dated October 14, 1944, concerning Petroleum Directive 78 of the Petroleum Administration for War.

Dated: September 25, 1945.

J. A. KRUG,
Chairman.

[F. R. Doc. 45-18098; Filed, Sept. 28, 1945; 11:16 a. m.]